



Collab. Ref.: 1218688

File Ref.: 4015 & 20295 Kny

JH Smit

Tel: 044-302 6318

Knysna

Municipality Munisipaliteit uMasipala
inclusive • innovative • inspired

Via Electronic Mail

2022-08-23

Axon Investment Services & Hudson Guesthouse Entabeni Knysna
c/o Marike Vreken Town Planners
PO Box 2180
KNYSNA
6570
Email: marike@vreken.co.za

Dear Sir/Madam,

**DECISION: PROPOSED REZONING, AMENDMENT OF SUBDIVISION,
CONSENT USE & PERMANENT DEPARTURE: ERF 4015 & 20295, KNYSNA**

Your application in the above regard, dated 16 August 2021, 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 Municipal Land Use Planning (2016) for the Rezoning of Erf 20295 Knysna from “Single Residential Zone I” to “Agriculture Zone II”.
2. That, **Approval Be Granted** in terms of Section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) for the Rezoning of Re/4015 Knysna to “Subdivisional Area” to allow for private open space, nature conservation areas, group housing, single residential, private roads and small holding properties.
3. That, **Approval Be Granted** in terms of Section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) for the amendment of the approved subdivision plan on unregistered Erf 20999, for the following:
 - (a) 1 Single Residential Zone I portion;
 - (b) 1 General Residential Zone portion;
 - (c) 1 Agriculture Zone II portion;

- (d) 7 Open Space Zone II portions; and
 - (e) Private roads
4. That, **Approval Be Granted** in terms of Section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) for the amendment of the approved subdivision plan on unregistered Erf 21001, Knysna, for the following:
- (a) 28 Single Residential Zone I portions;
 - (b) 6 Open Space Zone II portions; and
 - (c) Private roads
5. That, **Approval Be Granted** in terms of Section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) for the amendment of the approved subdivision plan on unregistered Erf 21001, Knysna, for the following:
- (a) 1 General Residential zone I portion; and
 - (b) 1 Agriculture Zone II portion
6. That, **Approval Be Granted** in terms of Section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) for the Consent Uses to allow:
- 6.1) A “guest lodge” on Erf 20295, Knysna
 - 6.2) A “restaurant” and “tourist facility” (art exhibition centre) on portion 43
7. That, **Approval Be Granted** in terms of Section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) for Permanent Departures to allow the existing buildings on Erf 20295, Knysna in the new zoning category:
- 7.1) Relaxation of the 20m building line to 0m to allow the existing goat shed farm worker’s accommodation on Portion 1.
 - 7.2) Relaxation of the 10m building line to 0m to allow the existing approved dwelling house and outbuildings on Erf 20295.
8. That, **Approval Be Granted** in terms of Section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) for the Deletion of conditions of approval as specified in the approval dated 10 April 2019, being Conditions 3.4, 4.1, 4.4 & 5.3.

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

- (i) 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.
- (ii) The subdivisional plan shall be generally in accordance with the subdivisional plan numbered *Pr16-33KNY4015Sub10* dated 15 August 2022.
- (iii) The developer/landowner shall prepare and submit site development plans of erven zoned “General Residential Zone I” and those sites accommodating the guest lodge, restaurant, amphitheatre, and tourist facilities.
- (iv) The number of storeys of dwelling houses on portions 14 and 19 to 22 shall be limited to a single-storey.
- (v) No buildings and/or structures are permitted on the portions zoned “Open Space Zone III”.
- (vi) The butterfly reserve shall remain open and shall not be fenced.
- (vii) Site Development Plans must be submitted for erven which contain group housing and any of the consent use sites accommodating the guesthouse, restaurant, amphitheatre, and other tourist facilities, prior to the submission of building plans.
- (viii) The site development plan shall be submitted to address storm-water management, access, landscaping, aesthetic design and general adherence to the conditions of approval, prior to the submission of building plans. Any deviations thereto shall require the amendment to approved site development plan to the satisfaction of the Municipality.
- (ix) A Homeowners Association (HOA) must be establishment in terms of Section 29 of the of the Planning By-law for the development as a whole.
- (x) An Architectural Design Manual and a Landscaping Plan must be prepared and submitted to the satisfaction of the Municipality, prior to certification in terms of Section 20(6) of the Planning By-law.
- (xi) The developer/landowner shall enter into a services agreement with the Municipality to the satisfaction of the Director: Infrastructure Services, or apply for the amendment of the current agreement, whichever is applicable.

- (xii) The developer/landowner shall make a contribution to the upgrade of Welbedacht Lane/N2 intersection which shall be calculated relative to the traffic volume between the previous zoning and the zoning in this application.
- (xiii) The developer/landowner shall prepare and submit an integrated waste management plan to the satisfaction of the Director: Community Services (Waste) prior to the submission of building plans.
- (xiv) The developer/landowner shall register a right of way servitude across unregistered Erf 20999, Knysna and unregistered Erf 21000, Knysna, in favour of the existing dwelling house on Erf 20295, Knysna (Phase II) prior to certification in terms of Section 20(6) of the Planning By-law.
- (xv) The developer/landowner shall adhere to further conditions as specified in the letters of approval dated 13 January 2015 and 10 April 2019, whichever is deemed applicable and/or relevant in order to realise the development.

10. The reasons for above recommendation are as follows:

- (i) The proposals and application are an amendment to a previously approved residential development, however the reconfiguration as proposed not only allows for the same amount of residential development, but also creates a far greater diversity in housing typologies, which is desirable.
- (ii) The proposed development adds further diversity of land uses by the addition of economic activities related to tourist facilities and the concept of an “Agri-hood”, which will cater for a range of employment opportunities into this area.
- (iii) There are adequate services available for the proposed development.
- (iv) No objections or adverse findings have been expressed regarding the proposals.
- (v) The application as applied for, and as assessed, complies with the guiding principles contained in relevant policy documents and notably The Spatial Land Use Management Act (SPLUMA), which is a key component of land use applications.
- (vi) The application is therefore in compliance with all relevant considerations and administrative procedure, to justify the approval of the applications as recommended.

- (vii) The application provides for a balance between conservation and development, thereby promoting sustainable development.
- (viii) The application will increase the rates base of Knysna Municipality, thereby serving the public interest.
- (ix) The application supports the strategies and objectives of the Provincial, District and Knysna Spatial Development Frameworks respectively.
- (x) The applicant has addressed the concerns raised during the public participation sufficiently.

11. Additional information relating to approval:

- (i) 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;
- (ii) All development parameters and other regulations in terms of the Knysna Municipality Zoning Scheme By-Law (2020) shall be complied with including parking.
- (iii) A Notice of Intent to Develop (NID) shall be submitted to Heritage Western Cape for a site that is greater in extent than 5000m².
- (iv) Any requirements and stipulations which areas in terms of The National Environmental Management Act (NEMA) must be complied with.
- (v) The developer will obtain the necessary water use licence from the Breede Gouritz Catchment Management Agency (BGCMA) for water and sanitation to construct and operate the sewer treatment unit.
- (vi) Any conditions previously included by virtue of the Appeal Authority decision of 13 January 2020 are retained in this application, where relevant and applicable.

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 Lloyd Druce on telephone number: 044-302 6318 or via e-mail address: ldruce@knysna.gov.za.

Yours faithfully,



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