

Collab. Ref.: 1011294
File Ref.: 1746 Sed
S Madumbo
Tel: 044-302 6268



Via Electronic Mail

2021-11-10

Michael Hofhuis and Gary Atkinson
c/o VPM Planning CC
PO Box 173
KNYSNA
6570
Email: planning@vpmsa.co.za

Dear Sir/Madam,

DECISION: PROPOSED REMOVAL OF RESTRICTIVE CONDITION(S) & REZONING: ERF 1746, SEDGEFIELD

Your application in the above regard dated 22 February 2021, refers.

Please be advised that Knysna Municipality Planning Tribunal, on 28 September 2021, unanimously resolved the following:

1. That, **Approval be Granted** in terms of the Section 60 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016) for the Removal of the Restrictive Title Condition b.5 as contained in the title deed in respect of Erf 1746, Sedgefield.
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 Erf 1746, Sedgefield from "Single Residential Zone 1" to "Business Zone 1" in order to allow a restaurant only.
3. **The above approvals is subject to the following conditions imposed in terms of Section 66 of the Knysna Municipality By-Law on Municipal Land Use Planning (2016):**
 - (i) The applicant shall, after the publication of a notice as contemplated in Section 33(7) of the Knysna Municipality By-law on Municipal Land Use Planning (2016), apply to the Registrar of Deeds to make the appropriate entries in, and

endorsements on the relevant title deed to reflect the removal of the applicable restrictive title condition;

- (ii) The use of the property shall be limited to a restaurant only. The restaurant use is limited to the existing approved dwelling;
- (iii) On-site parking on the premises shall be provided in accordance with the Knysna Zoning Scheme By-Law and shall be visibly demarcated. No off-site parking shall be permitted;
- (iv) The development shall generally be in accordance with site development plan numbered 1746-rev01 dated 24 January 2021, as drawn by Nicholas Beech. Any significant deviations thereto shall require the submission of an application to the satisfaction of the Planning and Economic Development Directorate;
- (v) The operating hours of the restaurant are limited to 11am to 10pm;
- (vi) The business will not operate as a bar or bottle store;
- (vii) The restaurant shall be limited to 40 guests;
- (viii) The restaurant will be limited to the existing house and deck/stoep;
- (ix) The perimeter fence will be locked on the lagoon side, with access to the property via Flamingo street only.
- (x) The seating arrangements of the restaurant will be limited to the existing house and deck/stoep as per the original floorplan but that, in the interest of the public and to increase social distancing during any such time in which this is legally required, e.g. during the Covid-19 epidemic, tables may be moved to and placed on the grass adjoining the main building as indicated in the VPM document dated 10 September 2021, under the following conditions:
 - (a) The restriction of the total number of patrons to 40 is retained;
 - (b) The use of the garden for tables is restricted to only that area as indicated, and being limited by the retaining structure; and
 - (c) The number of outside tables is limited to 5 (five), as suggested, at any given time;
- (xi) The developer/applicant shall pay augmentation fees in accordance with Council's policy. The fees are subject to annual escalation up to date of payment. The final amount payable will therefore be the amount as calculated at the time the payment is made;
- (xii) The developer/landowner shall prepare and submit a storm-water management

plan to the satisfaction of the Director: Technical Services, prior to the submission of building plans. Storm-water run-off must be the same as pre-development conditions;

- (xiii) The developer/landowner shall prepare and submit a signage plan to the satisfaction of the Building Control Officer and the Knysna Municipality Aesthetic Committee in accordance with Council's applicable By-law;
- (xiv) The developer/landowner shall obtain the necessary permission in terms of the National Forest Act 101 of 1998 prior to the removing, cutting, pruning or disturbing of any protected tree species on the subject property;
- (xv) The restaurant use shall not cause or constitute a source of public nuisance;
- (xvi) This approval shall lapse within the prescribed period if the stipulation in the By-law is not met.

RATIONALE:

- The rezoning of the subject property to business purposes to permit a restaurant, is largely consistent with the principles of SPLUMA.
- The proposed restaurant would support the objectives of planning policy in that it would contribute to the character of and reinforce the status of the Sedgefield CBD.
- The restaurant use is largely compliant with the parameters of "Business Zone 1" of the Knysna Zoning Scheme By-Law (2020) and no departures are required to realise the proposal.
- The proposed land use is considered desirable as the subject property is located on the edge of the Sedgefield CBD that comprise business and civic uses in an area of transition that is compatible with the proposed use.
- It is foreseen that the rezoning will not cause any negative impact on capacity or availability of municipal services.
- Despite the objections to the application, measures to mitigate the associated impacts of the restaurant use can be imposed as conditions. The applicant and the objectors have reached an amicable agreement that is addressing the concerns of the objectors and to mitigate any possible impact of the restaurant use.
- The removal of the applicable restrictive title condition will not cause the unnecessary deprivation of rights. The character of the area has changed from

a purely residential area to one with a mixed land use character and the removal of the restrictive title condition to permit a restaurant would be consistent with the character of the area.

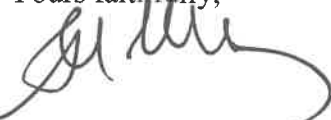
You are hereby informed of your right to appeal to the Appeal Authority in terms of Section 79(2) of the said legislation.

- 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 Linda Mniki on telephone number: 044-302 6383 or via e-mail address: lmniki@knysna.gov.za.

Yours faithfully,



S MADUMBO

ACTING MANAGER: LAND USE MANAGEMENT

Delegations: P.78

/lb

OFFICE COPY

SIDES	Metres	ANGLES OF DIRECTION	CO-ORDINATES System	Y	X	S.G. No.
AB	23,61	90,00,00				8043/76
BC	39,36	90,00,00				Approved
CD	9,45	90,00,00				
DE	39,36	270,00,00				
EF	25,19	90,00,00				
FG	39,36	90,00,00				Surveyor-General
GH	11,02	90,00,00				28-10-1976
HA	39,36	270,00,00				

Description of Beacons.
B.C : : : 500 mm. x 12 mm. iron peg.

1. Figure A B C D E n m H representing ERF 769 SEDGEFIELD, vide diagram No. 9575/48 annexed to D/T No. 1949.370.18499.
2. Figure G m n F representing ERF 777 SEDGEFIELD, vide diagram No. 9576/48 annexed to D/T No. 1949.370.18499.

Scale 1: 1500

The figure A B C D E F G H represents 1920 square metres of land, being ERF 1746 SEDGEFIELD and comprises the properties specified above situate in the Municipality of Sedgefield Administrative District of Knysna Province of Cape of Good Hope. Compiled Surveyed in October 1976 by me, J. P. Rawson Land Surveyor

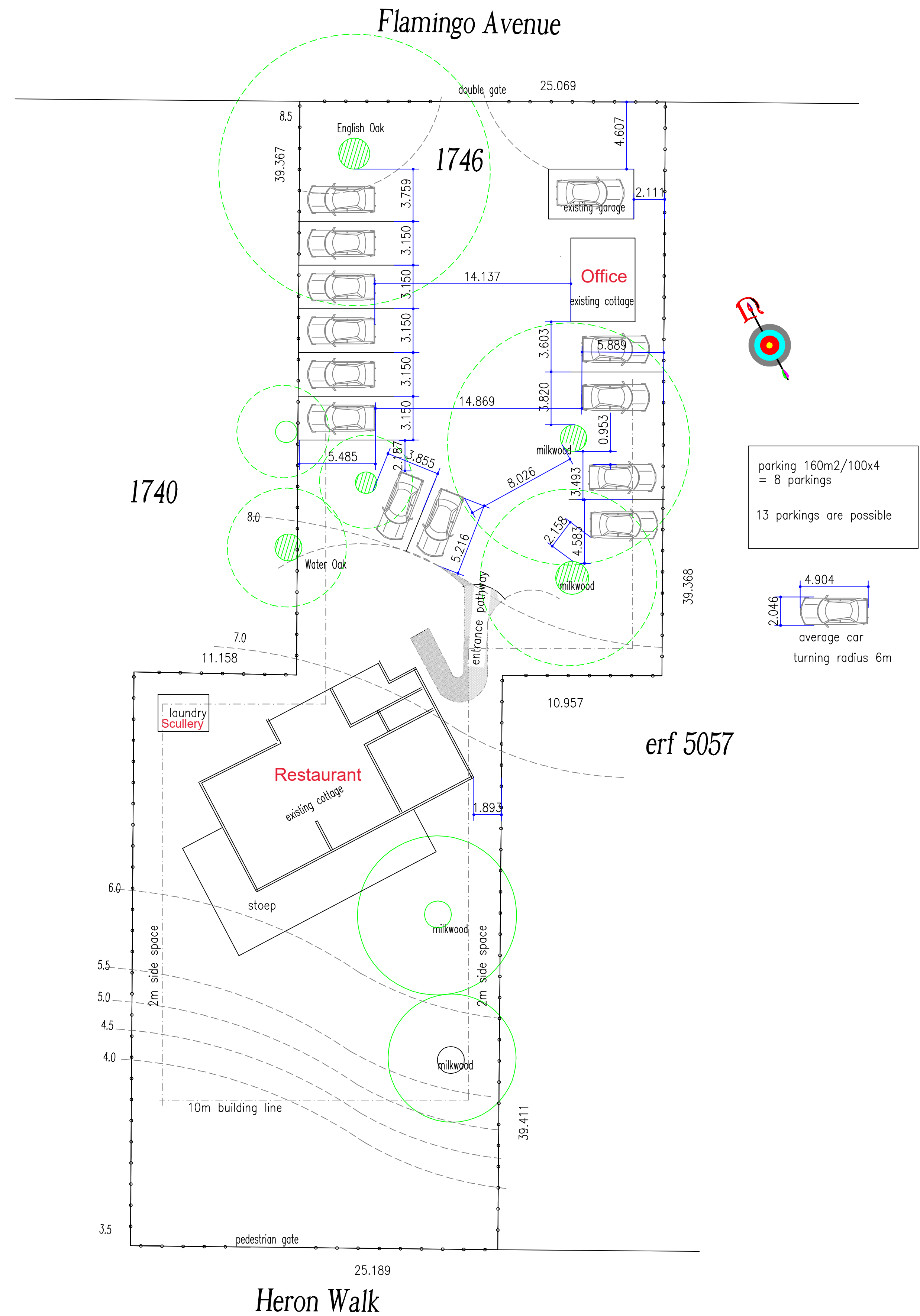
This diagram is annexed to No. C.C.T. 14989/77. dated 1.1.0. Registrar of Deeds

The original diagrams are as quoted above. No. annexed to Transfer/Grant. No.

File No. 3/6853/1. S.R. No. Compiled Comp. A.I.-2BA/W22 (686)

1746

Lat: -34.014414 | Lon: 22.798446
SG Erf Info
Select | Focus | Add Graphic
Feature
Erf Nr: 1746
Area (SQM): 1944.8
SG Code: C03900100000174600000
SG Region: KNYSNA
Legal Status: Registered
Working Status: Current
SG Diagrams: Click to download



Site developement plan
scale 1:200

revised parking layout

Collab. Ref.: 1020546
File Ref.: 1746 Sed
S Madumbo
Tel: 044-302 6268



Via Electronic Mail

2021-12-02

Michael Hofhuis and Gary Atkinson
c/o VPM Planning CC
PO Box 173
KNYSNA
6570
Email: planning@vpmsa.co.za

Dear Sir/Madam,

**PROPOSED REMOVAL OF RESTRICTIVE CONDITION(S) & REZONING: ERF
1746, SEDGEFIELD**

1. This Municipality's letter dated 10 November 2021, refers.
2. I wish to advise that no appeal has been lodged with the Municipality as contemplated in Section 79(2) of the Knysna Municipality Planning By-law on Municipal Land Use Planning (2016) (the "Planning By-Law").
3. The matter has been finalized and the file is closed.

Yours faithfully,

S MADUMBO
ACTING MANAGER: LAND USE MANAGEMENT
Delegations: P.78
/lb