Collab No. 048635

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2009-12-07

REGISTERED MAIL

Mr S C Blackstock
c/o 10 Something Investments CC
P O Box 2452
KNYSNA
6570

Sir/Madam

PROPOSED REZONING FROM SINGLE RESIDENTIAL (WITH TEMPORARY DEPARTURE FOR BUSINESS USE) TO BUSINESS ZONE: ERF 564 KNYSNA

Your application dated 14 April 2009 refers.

Please be advised that my Council, at its Council meeting of 26 November 2009, resolved as follows:

"(a) That the following correspondence be noted:

(i) Application from Stuart Cunningham Blackstock on behalf of 10 Something Investments CC, dated 14 April 09.
(ii) Letter from Director: Technical Services dated 2009-04-30.
(iii) Memorandum from Town Electrotechnical Engineer, dated 28 April 2009.
(iv) Letter from Department of Transport and Public Works, dated 11 June 2009
(v) Letter from Hedges Garden Centre dated 29 July 2009.
(vi) Memorandum from the Director: Technical Services, dated 17 August 2009

(b) That the application for rezoning of Erf 564 from Single residential to Business Zone be REFUSED for the following reason:

(i) That the possible future development of the site to the full extend provided for by the Business Zone would be inappropriate and lead to too radical a change in the nature of the area.

c) That Council REZONE Erf 564 from Single Residential to Local Business subject to the following conditions:

(i) Augmentation fees on 6.3 units will be payable 30 days after confirmation of approval;

(ii) A splay is required to be registered by the owner for road purposes in terms of Council's policy on the corner of Hedge Street and Trotter Street and no compensation will be payable in this regard;

(iii) Electricity Augmentation on 4.56 EE will be payable 30 days after confirmation of approval;

(iv) The erf shall be limited to a 60 amp single phase supply;

(v) The applicant must acknowledge that the current parking provision is not compliant with Council's policy and that the Director: Technical Services will be entitled, should it become necessary, in his sole discretion, at any time to require the submission of a site development plan indicating a parking layout that complies with Council's policy, and the implementation of the plan on its approval;

(vi) Should any further development or any redevelopment of the site take place the following conditions must be complied with:

a) A residential component amounting to at least 25% of the floorspace must be provided for;

b) A detailed site development plan must be submitted for approval;

c) Parking will be required to comply with Council's policy;

d) Services shall be provided to the satisfaction of Council at the owner's cost;

e) All floor levels to be above 3m MSL;

f) Any upgrading of electrical infrastructure in case of future increased need for capacity will be at the cost of the applicant;

g) Solar water heating devices shall be installed.

h) Dual flush toilet cisterns and low volume taps and shower heads shall be installed.

i) A 5-kl rain water tank with a practical method of utilizing rain water collected from the roofs of buildings for at least garden and swimming pool use, or alternative system to the satisfaction of the Director: Technical Services shall be installed in respect of each residential unit. The water tanks are to be architecturally treated, to be aesthetically compatible with the style of the development;

j) Separate skips or suitable containers shall be utilized for the following waste materials: building materials, recyclable material, green waste and non-recyclables;

k) The disposal of all waste shall be undertaken by the developer to the relevant and appropriate waste sites and recycling centre.

l) All costs pertaining to the application shall be for the account of the applicant, unless otherwise indicated;

m) Approval from the Knysna Municipality Aesthetics Committee will be required before building plans will be considered by the Building Control Officer.

n) Normal building plan approval shall be required and aesthetics approval is not implied in this approval.

o) The provisions of the Knysna Zoning Scheme relating to the Urban Conservation Area shall be complied with in respect of the external appearance of the building and site;

(d) That the applicant be requested to support a social inititive undertaken by the Director: Community Services."

Your attention is drawn to the provisions of Section 44 of the Land Use Planning Ordinance, 1985 (Ord. No. 15 of 1985), in terms of which you have a right to appeal to the Premier of the Western Cape against the decision of Council. Should you wish to exercise this right of appeal, you must lodge such motivated appeal in writing to be received by the relevant authorities within **twenty one (21) days** of date of registration of this letter. The appeal should be addressed to:

The Director: Integrated Environmental Management (Region A)
Department of Environmental Affairs and Development Planning
Chief Directorate: Development Planning

Private Bag X9086
CAPE TOWN
8000

A copy of the appeal must be served on Council simultaneously.

In addition, your attention is drawn to the provisions of Section 16 and/or Section 27 of Ordinance No. 15 of 1985, regarding the lapsing of unutilized land use approvals (2 years in terms of Departures and Rezonings, 5 years in respect of subdivision).

Yours faithfully

J B DOUGLAS
MUNICIPAL MANAGER

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cc: Director: Corporate Services
Director: Finance
Director: Technical Services
Director: Planning & Development
Director: Community Services
TEE
BCO