



KNYSNA

Municipality Munisipaliteit uMasipala

Collab Number: 624923

Application Number: 1222

Responsible Official: S Mqhele

Via E-Mail

20 April 2017

VPM Planning
Po Box 173
Knysna
6570

Dear Sir/Madam,

PROPOSED DEPARTURE: ERF 222 BUFFALO BAY

The application dated 26 February 2016 in respect of the abovementioned property, has reference.

The Manager: Town Planning and Building Control took the following resolution under delegated authority:

- (i). That the departure application be **APPROVED** in terms of Section 15 of the Land Use Planning Ordinance (No. 15 of 1985) to relax the south eastern lateral building line from 2m to 0.56m and the street building line from 4m to 0m and the permissible coverage factor from 50% to 51.6% on Erf 222, Buffalo Bay, as depicted on Drawings No.: Roos Rev13 dated 03 November 2016, drawn by Cecilia Botha, subject to the following conditions:
 - (a) This approval applies to the departure as outlined above and may not be construed as authority to depart from any other legal prescriptions or requirements;
 - (b) This Erf falls within the Outeniqua Sensitive Coastal Area Extension (OSCAE). A permit is required in terms of the OSCAE Regulations for works that require excavation and/or removal of vegetation, a OSCAE Permit shall be obtained prior to construction taking place;
 - (c) Electricity provision and any other requirements for such shall be resolved with the Town Electro-Technical Engineer which resolution shall form the basis on which the subject Erf will be provided with electricity;
 - (d) Normal Building plan approval in terms of the National Building Regulations and Standards Act (Act No 103 of 1977) shall be applicable;
 - (e) The applicant is to ensure that permanent vehicular access is obtained in the form of a transfer of land or registered servitude over the abutting property.


- (f) Any electrical services encountered will be relocated at the cost of the applicant; and
- (g) The municipality will not be held liable for damages/losses incurred by storm surges, coastal erosion or other climate related risks as a result of relaxation of the seaward building line.

Please be advised as from the 4th April 2014 that you, the applicant no longer have the right to appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape on this decision. The right to appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance (No. 15 of 1985) has been declared unconstitutional as stipulated in Circular EAD 0011/2014, dated 05-05-2014.

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 the case of Departures and Rezoning, and 5 years in the case of subdivision).

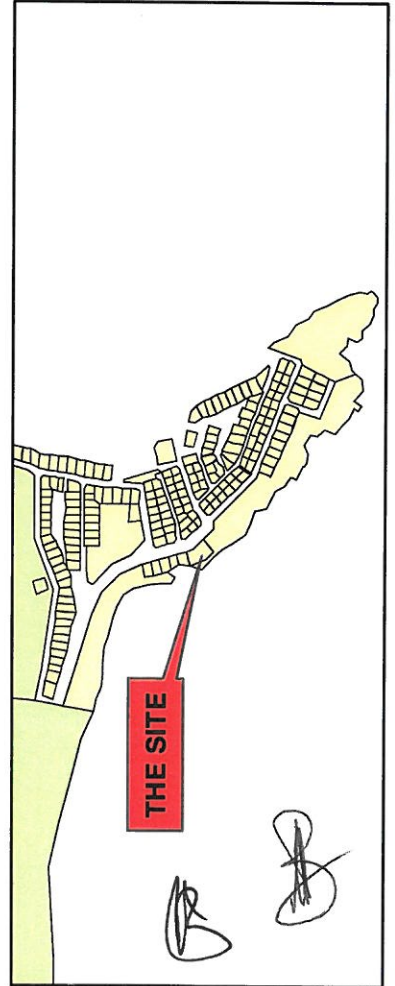
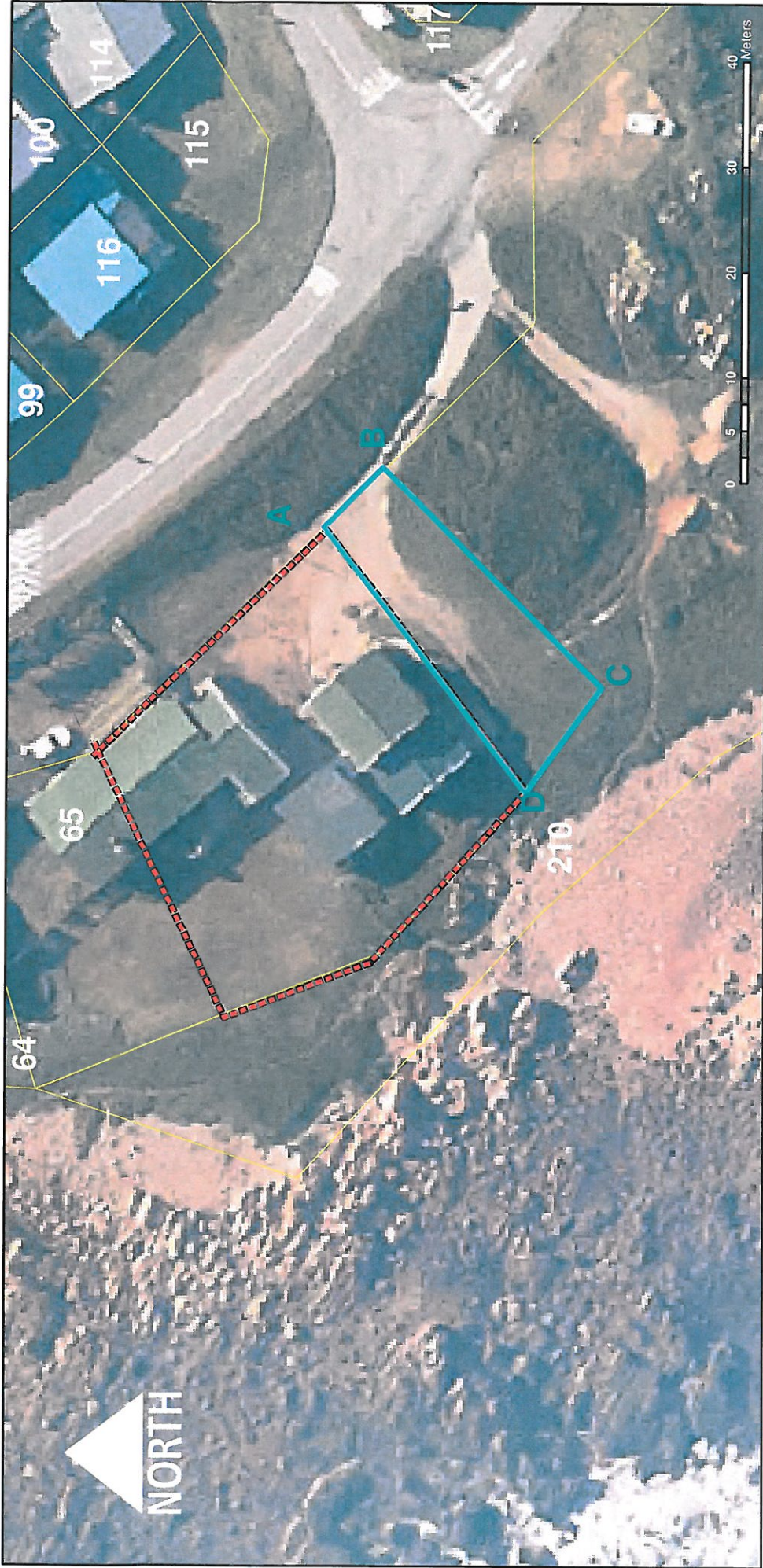
Should you have further queries in this regard, kindly contact the Town Planner S Mqhele at Tel: 044 302 6339 during office hours.

Yours faithfully



JOHNNY DOUGLAS
ACTING MUNICIPAL MANAGER

/smq



PROPOSED ENCROACHMENT AREA OVER ERF 210 BUFFALO BAY

Figure ABCD presents an encroachment area $\pm 300\text{m}^2$ in extend for the purpose of a driveway, gate and fenced garden for access and usage in favour of Erf 222 .

TOWN & REGIONAL PLANNERS & LAND SURVEYORS



Drawn By: LIZEMARIE BOTHA
 Cadastral Data : Surveyor General November 2015
 Date: November 2015

INTENTIONS AND MOTIVATIONS FOR THE PORTION OF LAND, LABELLED ABCD ON THE PLAN

Erf 222 has been used by the municipality for various purposes (removal of rubble etc) before it was decided to sell the land. Portion ABCD was fenced in with erf 221 and 65 (now erf 222). The area right next to erf 222 is partly covered with grass. There are a couple of reasons why we asked permission to rent this property from the municipality.

1. The building line for erf 222 is approximately 12-14m from the street on the north-eastern boundary. If we could get permission to move the building line to the boundary line of the stand, the erf is still 8-10m from the street. To complicate the entrance further, there is also a steep drop from the street level to the boundary line of approximately 2m. Therefore, for us to get from the street to the boundary line we would have to construct a ramp of at least 8m.
2. There is currently an entrance road from the north eastern corner that has always been used as entrance road to the property. It makes sense to use this entrance rather than to construct a new ramp that would also be over municipal land.
3. There is a braai area just east from the entrance road, with another entrance road which gives the public access to the braai area and the sea.
4. The piece of land labelled ABCD lies between the sea and our proposed driveway. If this area would be open to the public, our driveway would be used by the public in general and this would cause a risk to our security and severely compromise our privacy.
5. The intentional use of the land would be for gardening. We intend to plant an indigenous garden which would compliment the area in general.

Magdalena Roos

Landowner of Erf 222, Buffalo Bay

11 November 2016