ERF 1236 KNYSNA

REZONING APPLICATION

VPM PLANNING

www.vpmsa.co.

7/7/2016
TABLE OF CONTENTS

1. INTRODUCTION .................................................................................................................. 1

2. BACKGROUND ..................................................................................................................... 1

3. PROPERTY INFORMATION ........................................................................................................ 2
   3.1 LOCALITY ......................................................................................................................... 2
   3.2 SITE DESCRIPTION ......................................................................................................... 2
       3.2.1 Topography ................................................................................................................. 2
       3.2.2 Vegetation .................................................................................................................. 2
       3.2.3 Improvements and land use ......................................................................................... 2
   3.3 PROPERTY DETAIL ......................................................................................................... 3

4. PROPOSAL .................................................................................................................................. 3

5. FACTORS TO CONSIDER .................................................................................................... 3
   5.1 DESIRABILITY OF THE PROPOSED UTILISATION OF LAND ................................................. 3
       5.1.1 Locational Factors ....................................................................................................... 3
       5.1.2 Physical Site Characteristics .................................................................................... 3
   5.2 ROAD WIDENING REQUIREMENTS .................................................................................. 4
   5.3 PRINCIPLE OF USE ......................................................................................................... 6
   5.4 APPLICABLE PROVISIONS OF THE ZONING SCHEME & MUNICIPAL BYLAW ..................... 6
       5.4.1 Proposed New Zoning .................................................................................................. 7
       5.4.2 Compliance with zoning parameters ............................................................................. 7
   5.5 ANTICIPATED IMPACTS OF THE PROPOSAL ..................................................................... 9
       5.5.1 Impact on the character of the area ............................................................................ 9
       5.5.2 Impact on municipal services .................................................................................. 9
       5.5.3 Impact existing rights of surrounding property owners ............................................... 9
   5.6 APPLICABLE POLICIES OF THE MUNICIPALITY THAT GUIDE DECISION MAKING; ............... 10
       5.6.1 Lower Central Enhancement Study ............................................................................ 10
       5.6.2 Compliance with Urban Conservation Area Guidelines ............................................... 10
   5.7 CONSIDERATION OF APPLICABLE FORWARD PLANNING DOCUMENTS .................... 11
       5.7.1 Knysna Municipal Spatial Development Framework .................................................. 11
       5.7.2 Eden District Municipality Spatial Development Framework 2009 ............................. 11
       5.7.3 Western Cape Provincial Spatial Development Framework 2015 ......................... 12
   5.8 POLICIES, PRINCIPLES AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY
       THE NATIONAL AND PROVINCIAL GOVERNMENT; ................................................................ 12
       5.8.1 Spatial Planning and Land Use Management Act, 2013 Act No. 16 Of 2013 .................. 12

6. CONCLUSION .......................................................................................................................... 14

LIST OF PLANS

Diagram 1: Locality Plan
Diagram 2: Aerial Photo
Diagram 3: Land Use Plan
Diagram 4: Zoning Plan
Diagram 5: Site Development Plan

LIST OF ANNEXURE:

Annexure A: Power of Attorney and Company Resolutions
Annexure B: Certified Copy of the Title Deed
Annexure C: Bond Holder’s Consent
Annexure D: Surveyor General Diagram
Annexure E: Minutes of Pre-Application Meeting
Annexure F: Previous Approvals of Temporary Use Departure
Annexure G: Council’s decision to rescind the previous decision to buy the property
Annexure H: Knysna Roads and Transport upgrade: improvement of traffic flow through Knysna April 2012
## INFORMATION REQUIRED IN TERMS OF SECTION 38. OF THE BY-LAW

### COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED

<table>
<thead>
<tr>
<th>Information</th>
<th>Rezoning</th>
<th>Annexure Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed &amp; signed application form</td>
<td>✓</td>
<td>Application Form</td>
</tr>
<tr>
<td>Power of Attorney / Owner’s consent (1)</td>
<td>✓</td>
<td>Annexure A</td>
</tr>
<tr>
<td>Resolution (2)</td>
<td>✓</td>
<td>Annexure A</td>
</tr>
<tr>
<td>Proof of registered ownership (3)</td>
<td>✓</td>
<td>Annexure B</td>
</tr>
<tr>
<td>Bondholder’s consent (if any)</td>
<td>✓</td>
<td>Annexure C</td>
</tr>
<tr>
<td>Written motivation (4)</td>
<td>✓</td>
<td>Main document</td>
</tr>
<tr>
<td>S.G. diagram / Extract of general plan</td>
<td>✓</td>
<td>Annexure D</td>
</tr>
<tr>
<td>Locality plan</td>
<td>✓</td>
<td>Diagram 1</td>
</tr>
<tr>
<td>SDP / conceptual layout plan</td>
<td>✓</td>
<td>Diagram 5</td>
</tr>
<tr>
<td>Subdivision plan [incl. street name(s) &amp; nr]</td>
<td>–</td>
<td>not required</td>
</tr>
<tr>
<td>Proof of payment of application fees</td>
<td>✓</td>
<td>Attached</td>
</tr>
<tr>
<td>Copy of title deed</td>
<td>✓</td>
<td>Annexure B</td>
</tr>
<tr>
<td>Conveyancer certificate (7)</td>
<td>✓</td>
<td>Not required</td>
</tr>
<tr>
<td>Minutes of pre-application meeting (8)</td>
<td>✓</td>
<td>Annexure E</td>
</tr>
</tbody>
</table>

### SUPPORTING INFORMATION AND DOCUMENTATION REQUIRED

<table>
<thead>
<tr>
<th>Information</th>
<th>Rezoning</th>
<th>Annexure Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning plan</td>
<td>✓</td>
<td>Diagram 4</td>
</tr>
<tr>
<td>Phasing plan</td>
<td>–</td>
<td></td>
</tr>
<tr>
<td>Consolidation plan</td>
<td>–</td>
<td></td>
</tr>
<tr>
<td>Proof of lawful use right</td>
<td>–</td>
<td></td>
</tr>
<tr>
<td>Proof of failure of HOA (9)</td>
<td>–</td>
<td></td>
</tr>
<tr>
<td>Copy of original approval letter (s)</td>
<td>–</td>
<td>Annexure J</td>
</tr>
</tbody>
</table>

### ADDITIONAL INFORMATION REQUESTED AT PRE-APPLICATION MEETING

<table>
<thead>
<tr>
<th>Information</th>
<th>Rezoning</th>
<th>Annexure Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Plan</td>
<td>–</td>
<td>Diagram 3</td>
</tr>
<tr>
<td>Aerial Map</td>
<td>–</td>
<td>Diagram 2</td>
</tr>
<tr>
<td>Knysna Roads and Transport upgrade: improvement of traffic flow through Knysna April 2012</td>
<td>–</td>
<td>Annexure H</td>
</tr>
</tbody>
</table>
1. **INTRODUCTION**

VPM Planning has been appointed by Zala-Manzi Investments (no 8) CC, the owner of Erf 1236 Knysna, to prepare and submit a rezoning application applications in terms of Section 15(2) and Chapter IV of the Knysna Municipality: Standard Municipal Land Use Planning By-Law, to the Knysna Municipality (See Power of Attorney and Company Resolution attached as **Annexure A**).

Application is hereby made for the Rezoning of Erf 1236 Knysna from “Single Residential” to “Business”.

2. **BACKGROUND**

In 2005 application was made for the Rezoning of Erf 1236 Knysna from “Single Residential” to “Business Zone” and consent use for a service station to allow the use of the erf for the trade of motor vehicles. In December 2008 this application was refused because the land was required for road purposes (See **Annexure F**).

A Temporary Use Departure was granted instead to allow the use of Erf 1236 for the purpose of trade in motor vehicles, for a period of two years and thereafter for a further period until such time as the property has been required by Council for road purposes.

One of the conditions of approval was that the Director Financial Services prepare a valuation of the property and include the cost of expropriation in the 2009/2010 budget, and that the Director Corporate Services commence with the expropriation process. This did not happen and in September 2010, based on a report submitted by the Director Corporate Services and Technical Services, Council rescinded the resolution taken in December 2008. A decision was made not to buy the portion of land for road purposes and not to proceed with the expropriation (See **Annexure G**: Council decision of 2010).

In the meantime the temporary departure has been extended twice. According to available council records, the last time the temporary use departure was extended for another two years was in November 2012, and it has thus lapsed in November 2014.

The Knysna Waterfront Motors has been legally operating from the site since 2008, but they have never been able to construct permanent structures, due to the temporary nature of the planning permission granted. The owner would like to apply for permanent rights that will allow him to upgrade his premises. The circumstances prevailing at the time when the original rezoning application was refused have materially changed since council made a decision not to allow the business zone;
3. PROPERTY INFORMATION

3.1 LOCALITY

The property is situated in the lower central along the Waterfront Drive between Green Street and Cove Street as indicated on the attached Locality Plan (Diagram 1: Locality Plan). The area is mixed use in character and mainly commercial along Waterfront Drive.

3.2 SITE DESCRIPTION

3.2.1 Topography

The site has an even gradient and is not subject to flooding.

3.2.2 Vegetation

There is no vegetation on site. The property is not situated in Critical Biodiversity Areas, Ecological Support Areas, or Protected Areas and does not contain any protected plant species. The development of the site will not trigger any listed activities in terms of the NEMA regulations.

3.2.3 Improvements and land use

The owner has been trading motor vehicles from the site since 2006. A site development plan has been submitted showing the existing temporary structures, shade ports and access points. Since all the structures are temporary in nature (shade cloth and containers), no building plans have ever been submitted. The reason for this is the temporary nature of the planning permission, which will only allow a dwelling house. The owner wishes to continue the trade in motor vehicles but wish to upgrade the site by the construction of permanent structures.
3.3 PROPERTY DETAIL

<table>
<thead>
<tr>
<th>Title Deed Description:</th>
<th>Erf 1236, in the Municipality and Division of Knysna, Western Cape.</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 Digit code</td>
<td>C03900050000123600000</td>
</tr>
<tr>
<td>Title Deed Number:</td>
<td>TD 117169/2003 (Attached as Annexure B)</td>
</tr>
<tr>
<td>S.G. Diagram Nr:</td>
<td>S.G. 1382/1905 (attached as Annexure D)</td>
</tr>
<tr>
<td>Title Deed Restrictions:</td>
<td>None</td>
</tr>
<tr>
<td>Property Size:</td>
<td>992 (nine hundred and ninety two) m²</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>Zala-manzi Investments N08 CC</td>
</tr>
<tr>
<td>Bonds:</td>
<td>Yes, bond holders consent attached as Annexure C</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Single Residential</td>
</tr>
</tbody>
</table>

4. PROPOSAL

The owner wish to obtain permanent business rights so that he can improve and upgrades the existing facility with permanent structures. The enterprise is run from a container and the owner would like to replace these with permanent buildings. There are approximately 150m² office space required. The cars are exhibited in the open air under shade cloth that comprises ±350m². This will remain to be the case for the foreseeable future. Access will be from both Green and Cove Street, as is currently the case. 5 Parking bays for client and 2 bays for staff are proposed. The proposed site development plan is attached as Diagram 5. Should the rezoning be successful, the owner will submit building plans and a final site development plan that will comply with the business zone parameters.

5. FACTORS TO CONSIDER

5.1 DESIRABILITY OF THE PROPOSED UTILISATION OF LAND

Desirability refers to the place, i.e. is the land suitable for the type of land-use/activity being proposed and how will it fit in and impact on the surrounding environment.

5.1.1 Locational Factors

Location is very important when choosing where to establish a business. The premises need to be favourably situated with regard to the target market. Situated along Waterfront drive, the site is highly accessible and also highly visible which will result in a high exposure to customers; this is especially relevant in the motor car sales industry.
5.1.2 Physical Site Characteristics

There are no physical constraints such as steep slopes, sensitive environmental features, historical buildings or servitudes on the site. The site is already supplied with the required infrastructure and will not place an unreasonable demand on the available supply.

5.2 ROAD WIDENING REQUIREMENTS

The reason for Council originally refusing the rezoning was that the land in question was required for road purposes.

In 2007, during the time when the original rezoning application was considered, Ninam Shand Engineers prepared a Traffic Plan for the widening of Waterfront Drive. At the time, a one way system relating to Clyde Street (one way east bound) and Green Street (one way west bound) was proposed as a medium to long term plan. The proposal included the removal some of the intersections with Waterfront Drive to reduce the number of conflicts along this connector road. To facilitate traffic flow an additional link road, parallel to the waterfront was proposed to connection of Green St., Cove St. and Market St., through erven 1236 and 2260.

Since then, this plan has not been implemented and it has not reflected in the 2008 SDF, neither in the Lower Central enhancement study nor in the new 2016 Draft ISDF.

In 2010, the Provincial Roads Engineer appointed Traffic Engineers to conduct a new investigation into upgrading the mobility route through Knysna. From the findings of the traffic assessment report, and discussions between Knysna Municipality and the PGWC, a preferred project alternative was identified (taken into account all previous studies conducted, including the 2007 study).

During this time, based on a report submitted by the Director Corporate Services and Technical Services, Council rescinded the resolution taken in December 2008 with regard to the road requirements. A decision was made not to buy the portion of land for road purposes and not to proceed with the expropriation.

A technical report, submitted to the Knysna Municipality in April 2012, outlined the detail of the preferred proposal, its scope, the expected project scheduling, the projected project costs and recommendations for future action on the project. The Summary Technical Report highlights the key findings of the Technical Report and is attached hereto as Annexure H.

This upgrade plan includes widening the existing cross section of Waterfront Drive to a four lane dual carriageway road with two lanes in each direction. The proposed upgrade also entails the re-design of the
eastern and western intersections of Main Road and Waterfront Drive to promote Waterfront Drive as the main route through Knysna.

In the Draft 2016 SDF, Waterfront Drive has been identified as a priority area for upgrade. It is proposed to upgrade the road so as to accommodate two lanes of traffic in either direction thus encouraging through traffic to use this route and decreasing pressure on the Main Street. These proposals are similar to the 2012 Traffic Plan.

According to the 2012 traffic plan, the proposed upgrade of the Waterfront Drive will include two 3.4m wide lanes in either direction, separated by a 2m wide kerbed median. The entire route will be flanked by 1.5m wide shoulders and 1.5m wide sidewalks on both sides of the road. The proposed cross-section is shown in the Figure below and would require a 22m road reserve.

According to the report, a certain amount of expropriation of land alongside Waterfront Drive and in the vicinity of the hospital will be required to accommodate the improvements proposed. The list of properties that will be affected is indicated in table 8.3 of the report. The map below highlights the properties that will be affected. Erf 1236 is not affected by the latest proposal. In the vicinity of Erf 1236, the properties to the east of the Waterfront Drive have already been expropriated by SANRAL for road widening purposes and there is more than enough space to accommodate a 22m road reserve.

In the pre-application meeting of 12 April 2016 (minutes attached as Annexure E), there seem to be general uncertainty about the future upgrade of the Waterfront Drive; it was recommended that the matter be discussed on strategic level with the Municipal Manager. A discussion with the Municipal Manager on 25 May 2016 revealed that at this moment there are not any final plans or financing for the road upgrade. Further enquiries to both Provincial Roads and SANRAL revealed no further detail.

According to the 2016/2017 DIP, a Feasibility study and Traffic Impact Assessment for the re-routing of Main Road through Waterfront Drive is currently underway in respect of this project.
If this study becomes available and if Erf 1236 is required for road purposes in the long term future, the Municipality will still at that time, have the option of expropriating the site, regardless of the zoning or land use present.

Presently the 2012 study is the only document on the table. According to this plan the property will not be affected by road widening plans.

5.3 PRINCIPLE OF USE

It is considered that the principle of business use has already been established on this site subsequent to the allocation of temporary business rights in 2008. At the time, the business rights was granted on a temporary basis due to future road requirements. The council decision of September 2010 has however confirmed that the property is no longer required for road purposes. In essence, if the land is not required for road purposes, there should be no further objection to the use of the site for business purposes.

5.4 APPLICABLE PROVISIONS OF THE ZONING SCHEME

The property is zoned “Single Residential” in terms of the Knysna Zoning Scheme. According to the regulations of the Zoning Scheme, Council authorise the utilisation of land for a motor trade purposes on a temporary basis. Such an approval shall be granted for a maximum period of five years. The approval for the extension of the temporary used departure exceeded 6 years and has now lapsed and cannot be extended.
To confirm the above, the new Knysna Municipality: Standard Municipal Land Use Planning By-Law also states that a temporary departure contemplated in subsection (1)(b) may not be approved more than once in respect of a particular use on a specific land unit. Furthermore, a temporary departure contemplated in subsection (1)(b) may include an improvement of land only if the improvement is temporary in nature; and can, without further construction or demolition, revert to its previous lawful use upon the expiry of the use right.

A temporary use Departure is thus no longer an option for this property. The property has to be rezoned to Business zone, or alternatively the rezoning should be refused and the municipality must force a well-established business owner to close down his business. Should for some reason Council still require the property for road purposes, it is proposed that council expropriate the property and so allow to the owner the financial ability to seek another property from where he can conduct his business.

5.4.1 Proposed New Zoning

It is proposed that Erf 1236 be rezoned to “Business Zone”. This zone allows business buildings, licensed hotels, flats (above ground floor only), residential buildings (above ground floor only) and warehouses (excluding transport undertakings).

The Knysna Zoning defines “business building” as a site and/or building which is used or intended to be used for shops and/or offices and includes liquor stores, financial institutions, professional offices, consultation rooms for doctors, share-markets or stock-exchanges, restaurants and buildings for similar purposes, but does not include places of assembly or entertainment, institutions, public garages, service stations, service trades, repair or related replacement functions, industries or noxious trades;

The Knysna Zoning scheme does not specifically allow for open air motor vehicle sales facilities, but the land use does comply with the definition of “shop” which means a “site and or building an or structure used for offices or for the purpose of carrying on a retail concern”.

Furthermore, the proposed Standards Provincial Zoning Scheme By-law which is likely to be adopted by the Knysna Municipality does make provision for open air motor vehicle sales facilities as consent use under the “Business I” and “Business II” zones.

5.4.2 Compliance with zoning parameters

The total floor area of the proposed building calculates to approximately 150m². The area under shade cloth calculates to 350m² and the erf size is 992m². The proposed Site Development Plan complies with the zoning scheme parameters applicable to the Business Zone.
The Knysna Zoning Scheme defines “Floor space” in relation to any building or structure means the area covered by a roof, slab or projection, excluding a projection not exceeding 1m over an exterior wall, provided that the area which is covered by a canopy or projection on the street side of a business building in the business zone and the local business zone shall not be regarded as floor space. Floor space shall be measured from the outside surface of the exterior walls of the building, and where a building or structure consists of one or more than one storey, the total floor space for the purposes of the definition of “maximum floor space” shall be the sum of the floor space of all the storeys, including that of a basement.

Based on the above definition the shade cloth area of the open car lot is not regarded as “floor area” for the calculations relating maximum floor space or parking.

The Zoning Scheme stipulate that at least one parking bay for every 25m² total floor area of that portion of the building which is devoted to business use. There will only be one building of approximately 150m² on site and, but an additional 350m² of open area will also be devoted to business use.

The table below set out the building parameters applicable to the Business Zone and how the proposal compares with these parameters:

<table>
<thead>
<tr>
<th>Business Zone</th>
<th>Parameters</th>
<th>Compliance on property size 584m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum coverage</td>
<td>100%</td>
<td>±150m² office space  ±350m² shade cloth  = 450 covered area 45% coverage</td>
</tr>
<tr>
<td>Floor factor</td>
<td>at most 1.5 of which not more than 1.0 may be used for business purposes</td>
<td>±150m² total floor area of building. = 0.15 ±450m² Incl. shade cloth exhibition area = not part of floor area</td>
</tr>
<tr>
<td>Height</td>
<td>At most 12m above the natural ground level, with 10m height restrictions applicable in the Conservation Area.</td>
<td>Less than 8m</td>
</tr>
<tr>
<td>Parking bays</td>
<td>1 bays per 25m² for office =6</td>
<td>7 bays provided</td>
</tr>
<tr>
<td>Building Line</td>
<td>0m on all boundaries</td>
<td>0m</td>
</tr>
</tbody>
</table>

Table 2: Zoning Parameters
5.5 ANTICIPATED IMPACTS OF THE PROPOSAL

5.5.1 Impact on the character of the area

The property is situated in the eastern section of the lower central CBD, as can be expected from land use patterns within a CBD, the surrounding area is characterised by a mix of land uses which include, office buildings, a fitness centre, a beauty clinic, equipment hire, second hand shops, a hairdresser, shops, local shopping centre, larger retail outlet, a church, a child welfare centre and dwelling houses (see the Land Use Plan attached as Diagram 3). The properties along Waterfront Drive are predominantly business orientated, for obvious reasons, as can be seen on the Zoning Map attached as Diagram 4.

It is considered that any potential impact would be nominal due to long history of the land use on the site.

The proposed zoning will legalise the exiting land use that has been operating from the site on a temporary basis for the last 10 years. The anticipated impact of granting having permanent rights will be positive for the land owner as well as the surrounding environment as the owner would be allowed to invest in the property with confidence and thereby improve the overall quality of the area.

5.5.2 Impact on municipal services

Water and Sewer
The property is currently connected to the municipal sewer and water network. The land use takes up a lot of space due to the nature of the product on display, but requires less water and sewer than a normal household.

Solid Waste
Solid waste will be collected from the same point as is currently the situation.

Electricity
The current Municipal electrical supply is sufficient for the need of the land use and no additional supply will be required.

5.5.3 Impact existing rights of surrounding property owners

The property is surrounded by business uses. The property only borders one other property namely Erf 1235 that is owned by the same owners as Erf 1236. This property obtained business rights and is currently used as a beauty clinic.
5.6 APPLICABLE POLICIES OF THE MUNICIPALITY THAT GUIDE DECISION MAKING;

5.6.1 Lower Central Enhancement Study

A Transect Plan is proposed in this document, as a guideline for the municipality, highlighting areas with the potential for re-zoning under the Land Use Planning Zoning Scheme.

The document provides guidelines to prospective developers and members of the public on appropriate frontages, building disposition and public planting in order to create vibrant, liveable streets.

According to the lower central enhancement study the property is situated in the urban centre zone 1 (T5.1).

The Urban Centre Zone is the equivalent of a main street, including building types that accommodate retail, offices, row houses and apartments. The planned land use is thus not in conflict with this guideline policy.

Design guidelines for this zone recommend that the principal buildings be along the frontage line with pedestrian access on this frontage. Although the study does not specifically prohibit car dealerships, it also does not make specific provision for it in terms of building guidelines. The exhibition area (which will have a similar function as a shop front), will be parallel to Waterfront drive and there will be no vehicular access directly of Waterfront Drive.

5.6.2 Compliance with Urban Conservation Area Guidelines

The Urban Conservation Area Guidelines does not prescribe a specific architectural style, but rather aim to retain and also enhance the cultural heritage and aesthetic qualities of the conservation area. The proposed Site Development Plan complies with the UCA Guidelines as far as placement of building, parking area and access is concerned. The finer detail of the architecture will be considered by the aesthetic committee and building control office at a later stage when formal building plans are submitted.
5.7 CONSIDERATION OF APPLICABLE FORWARD PLANNING DOCUMENTS

One of the tests of desirability of a project is to measure it against the broader strategic context described in all relevant Spatial Development Frameworks on Local, Municipal, District, Regional, Provincial and National level. In this regard the application can be evaluated against the Knysna Spatial Development Framework (KSDF2008), the Eden Spatial Development Framework 2009 and the Western Cape Provincial Spatial Development Framework 2015.

5.7.1 Knysna Municipal Spatial Development Framework

The site is situated on the outer edge of an area that has been identified as the Core Business District for the municipal area. The SDF aims to retain and enhance the CBD as the core of the town and warns against bowing to pressure for out-of-town shopping centres and malls, which undermine the vitality and functionality of the CBD.

The document states that in order to maintain the vitality of the CBD. It should focus on:

- **Keeping** existing businesses in the CBD;
- **Attracting** new investment to the CBD;

The successful application will allow an existing business in Knysna to continue to operate from the premises within the CBD. The permanent rights will allow the owner to upgrade the facilities and thereby enhancing the quality of the CBD.

The objective of the “business zone” is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth. By granting this zoning the health of the CBD of Knysna will be maintained.

5.7.2 Eden District Municipality Spatial Development Framework 2009

The Knysna Municipality falls within the Eden. District level planning is regarded as a guide to decision-making and focus on facilitating and co-ordinating district wide development and conservation processes. The document is strategic in nature and does not have any particular bearing on the local planning matters.
A particularly important aspect of this SDF is town centre revitalisation. The “Sequential Retail Policy” aims to encourage business development inside town centres rather than outside of town centres. This property is situated within the Knysna CBD and it should be encourage to stay in the CBD.

5.7.3 Western Cape Provincial Spatial Development Framework 2015

The Western Cape PSDF provides a coherent framework for the Province’s urban and rural areas by providing spatial planning principles.

The sustainable use of the provincial assets is at the core of this framework document. The protection of biodiversity and ecosystems, coastal water resources, agricultural and mineral resources and cultural and scenic assets is facilitated through municipal and district spatial development frameworks. Being situated within an urban area and within a central business district, this application will not impact negatively on the provincial assets as mentioned above.

The WCSDF also promote compact, mixed use and integrated settlements and the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements. The document regards town centres as economic assets that should be targeted to lever the regeneration and revitalisation of urban economies.

The proposal is in line with this document as it will result in creating an environment where a business owner has confidence to invest in the CBD of Knysna.

5.8 POLICIES, PRINCIPLES AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT;

In considering the application, the decision maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of Spatial Planning and land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

5.8.1 Spatial Planning and Land Use Management Act, 2013 Act No. 16 Of 2013

The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) is a national Act that was passed by Parliament in 2013. SPLUMA aims to develop a new framework to govern planning permissions and approvals, sets parameters for new developments and provides for different lawful land uses in South Africa. SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning.
Section 7 of the Act describes a set of development principles that need to be considered when evaluating any development application. These principles include the following:

**Spatial Justice:**

The principle of spatial justice requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The location of the land and the type of land use envisaged cannot directly contribute to spatial reform. These matters are best addressed through spatial development frameworks and zoning schemes and other management systems.

**Spatial Sustainability:**

The proposal supports this principle of spatial sustainability in the sense that it facilitates development within the CBD and thereby limiting urban sprawl and encouraging the optimal use of exiting urban land and services. Another way proposed to achieve spatial sustainability is to promote and stimulate the effective and equitable functioning of land markets. For many years the question whether the land is required for road purposes or not has in a sense sterilised the property and negatively impacted on the market value.

**Spatial Efficiency:**

The proposal supports the efficient use of existing resources and infrastructure where decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts. The positive consideration of the application will contribute to the efficient use of central urban land with minimal negative impact.

**Spatial Resilience and Good Administration:**

These principles mostly relate to spatial plans, policies, land use schemes and procedures, which, although important on a wider scale, does not have direct relevance on a proposal of this nature.
6. CONCLUSION

Application is made for planning permission to allow the owners of Erf 1236 to run a car dealership from the property. The land use has been present on the site since 2006 and used to operate under a temporary use departure that has been extended several times. The main reason for previous refusal of the business zoning was that Council required the land for road purposes. This decision was later rescinded and Council confirmed that they do not require the land for road purposes any longer. In the meantime the temporary use departure has expired and cannot be extended again. Council is respectfully requested to consider the application for rezoning of the property that will allow permanent business rights to the owner of the land. Being present on the site for 10 years, the business is part of the urban landscape and has no detrimental impacts on the surrounding area or existing rights concerned.