CONCORDIA
SOUTH
SITUATED ON A PORTION
OF THE REMAINDER OF
ERF 243 AND PORTION OF
ERF 2241 KNYSNA

REZONING AND SUBDIVISION

VPM PLANNING
www.vpmsa.co.za
12/7/2016
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Concordia South November 2016
1. INTRODUCTION

VPM Planning has been appointed by The Knysna Municipality, the owners of the Remainder of Erf 243 Knysna and Erf 2241 Knysna, to prepare and submit the following 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 attached as Annexure A):

a) Section 15 (2) (d): Application for the Subdivision of the Remainder of Erf 243 Knysna into Portion A ±7.5 ha and a Remainder;
b) Section 15 (2) (d): Application for the Subdivision of the Remainder of Erf 2241 Knysna into Portion B ±0.93ha and a Remainder;
c) Section 15 (2) (e): Application for a Consolidation of Portion A and Portion B as described above;
d) Section 15 (2) (a): Application for the rezoning of the consolidated portions of erven 243 and 2241 from “Undetermined” to “Sub-divisional Area”.
e) Section 15 (2) (d): Application for the Subdivision of the portions of erven 243 and 2241 into 275 “Informal Residential” Erven, one “Authority Zone” Erf, one “Educational Zone” Erf and one “Institutional Zone” Erf and a Remainder Road.

2. BACKGROUND

- Concordia South is an existing community situated to the North of Knysna, to the south of Concordia and to the west of Kanonkop.
- The township was planned and constructed during 2007/8, as an extension of the Vision 2002 project.
- The Vision 2002 project was approved in 2004. At the time, this areas was not part of the project, but was later included as the housing demand grew.
- Today the township consists of formal government houses and service infrastructure, but the development was never formally approved.
• Subsequently the General Plans were never compiled and the houses cannot be transferred to the beneficiaries. The main reason for this was that the township was partly constructed on a portion of Erf 2241 which did not belong to the Knysna Municipality.

• In March 2015 this property was finally transferred to the Municipality.

• The purpose of this application is to obtain formal approval in terms of Knysna Municipality: Standard Municipal Land Use Planning By-Law that will allow the approval of the General plan and the eventual transfer of the units to the beneficiaries.

3. PROPERTY INFORMATION

3.1 LOCALITY

The property is situated in the less formal township area to the north east of the Knysna CBD. The development area is known as Concordia South.

Figure 1: Locality of Concordia South in relation to the rest of the Informal settlements
3.2 PROPERTY DETAIL

<table>
<thead>
<tr>
<th>Title Deed Description:</th>
<th>Portion of the Remainder of Erf 243 and Portion of the Remainder of Erf 2241 in the Municipality and Division of Knysna, Western Cape.</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 Digit code</td>
<td>C03900050000024300000</td>
</tr>
<tr>
<td></td>
<td>C03900050000224100000</td>
</tr>
<tr>
<td>Title Deed Number:</td>
<td>T 6653/92 (attached as Annexure B1)</td>
</tr>
<tr>
<td></td>
<td>T 1060/1974 ((attached as Annexure B2)</td>
</tr>
<tr>
<td>SG Diagram Nr:</td>
<td>SG 4565/1943 (attached as Annexure C1)</td>
</tr>
<tr>
<td></td>
<td>SG 7785/1948 (attached as Annexure C2)</td>
</tr>
<tr>
<td>Title Deed Restrictions:</td>
<td>None</td>
</tr>
<tr>
<td>Property Size:</td>
<td>Erf 243 is approximately 385ha in extent, but the development portion comprises a portion of ±7.5ha</td>
</tr>
<tr>
<td></td>
<td>Erf 2241 is approximately 4.2 ha in extent, but the development portion comprises a portion of 0.93ha</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>Knysna Municipality</td>
</tr>
<tr>
<td>Bonds:</td>
<td>None</td>
</tr>
<tr>
<td>Zoning:</td>
<td>According to the Knysna Zoning Scheme the property is zoned as “Undetermined”.</td>
</tr>
<tr>
<td>Current Land use:</td>
<td>Subsidy Housing Scheme</td>
</tr>
</tbody>
</table>

4. BIO – PHYSICAL SITE ANALYSIS

4.1 TOPOGRAPHY

The area has a steep and undulating topography characterised by two north-south valleys, sloping in a south direction. The high lying ridges between the valleys and the lower lying slopes along the valley floors have less steep slopes suitable for development. The natural slope of the land has been altered by the construction of development plat forms.
4.2 THE SETTLEMENT

The site consists of approximately 208 subsidised houses that was constructed by the Knysna Municipality as part of the Vision 2002 Housing program, as well as a number of informal shelters as indicated on the 2016 high resolution aerial photo. The area was formally upgraded as part of the Vision 2002 Housing project during 2008 by the provision of services as well as the construction of top structures.

Figure 2: Topography of the land
Today the houses are occupied by the beneficiaries, but the properties have still not been transferred to the occupants of the homes. Since the construction of the houses, there has been a notable increase of back yard dwellers as well as informal housing on the fringe of the development.
4.3 ENVIRONMENTAL CONSIDERATIONS

Being an established neighbourhood, there is no sensitive vegetation evident on the site. The area is however in close proximity to natural vegetation and drainage lines and it is recommended that these areas be protected from further development by discouraging the community from encroaching further into these areas. One way of doing this is not to accommodate informal dwellings that has sprout up outside the boundaries of the original footprint as this will only encourage more informal settlement to occur.

The application will not result in any listed activities being triggers as there will not be any construction taking place as a result of the application. An environmental Assessment of the Site was done in 2007 when application was made for the designation of an Act 113 area. The Report is attached as “Annexure E”.

4.4 INFRASTRUCTURE

The formal houses have all been services with water, electricity and sewer that connect to the municipal infrastructure. Originally the area was planned for 252 residential erven. The latest layout makes provision for 275 residential erven as well as a small crèche and a clinic. The density increase is to accommodate exiting structures

5. PROPOSAL

Diagram 5 attached hereto shows the proposed Subdivision Plan.

5.1 LAYOUT

The plan provides for 275 housing opportunities and only one standard housing typology. The design of the layout was mainly determined by topography of the land. The access road follows the contours of the valleys.

The bio-physical site characteristics are not ideal for development; as slopes are generally steep which make construction very expensive, but justifiable at the time, considering the land availability
constraints in Knysna within close proximity to municipal bulk services, schools and public transport. The steep slopes and soil conditions have been studied and the platforms were carefully engineered to ensure a safe built environment.

The amended layout makes provision for some community facilities on Erf 2241 along the Concordia Road. There is an existing Telkom exchange that is accommodated on the Authority zone stand. This Road is a feeder road and provides various formal and informal commercial opportunities and communal facilities.

5.2 ACCESS

The development will gain vehicular access from the internal road network of the adjacent Concordia east and West Township. There are two access points from the Concordia Road that creates a loop road through the neighbourhood. The development of a secondary road network does not only give access, but also create an alternative transport route when the primary Concordia Road is unavailable for whatever reason.

5.3 STREET NAMES

Street names need to be indicated on the Subdivision Plan. We have requested the Housing Department to provide us with possible street names, but none has been forthcoming. It is requested that Council provide us with suitable street names prior to final endorsement of the Subdivision Plan.

5.4 CONSOLIDATION, ZONING AND SUBDIVISION

Application is made for the Subdivision of the Remainder Erf 243 Knysna into two portions (Portion A ±7.5ha and a remainder) and for the Subdivision of Erf 2241 into two portions (Portion B ±0.93ha and a remainder). Portion A and B comprises the development area measuring approximately 8.43ha. Application is simultaneously made for consolidation of Portion A and Portion B and for the rezoning of the consolidated site from “Undetermined” to “Subdivisional Areal” to allow for the subdivision of an existing formalised settlement.

Application is further made for the subdivision of the consolidated stand into 275 Informal Residential Erven as well as one Authority zone property (to accommodate the exiting Telkom exchange), as well as...
a crèche and a church site, as indicated on the Subdivision Plan CON/SOUTHrev.15.3 dated November 2016;

6. COMPLIANCE WITH KNYSNA ZONING SCHEME

6.1 PROPOSED NEW ZONING

An “Informal Residential zone” is proposed for all residential units. Primary uses in this include Shelters and Dwelling houses;

“Shelter” means a unit of accommodation, situated within an informal town or settlement, of any material whatsoever, which does not comply with the standards of durability intended by the National Building Regulations, as applicable to the area of jurisdiction of the council.

**Land use restrictions for Shelters**

- **Floor factor**: no restriction
- **Coverage**: no restriction
- **Height**: at most 3 storeys
- **Street building line**: at least 1 m, if required by council.
- **Side building line**: at least 1 m on one boundary; provided that where a building is erected less than 1 m from side boundary, no doors or windows shall be permitted in the wall concerned; provided further that if a midblock sewerage system is provided, a rear building line of up to 2 m can be required by council.
- **Setback**: no restriction
- **Parking**: no restriction

**Land use restrictions for Dwelling house**

- **Floor factor**: no restriction
- **Coverage**: at most 80%
- **Height**: at most 3 storeys
- **Street building line**: at least 1 m; provided that there shall be no restriction in respect of a garage with a roll-up door.
Side building line: at least 1 m on one boundary; provided that where a building is erected less than 1 m from a side boundary, no doors or windows shall be permitted in the wall concerned; provided further that if a midblock sewerage system is provided, a rear building line of up to 2 m can be required by council.

Setback: no restriction

Parking: at least 1 parking bay per land unit, on the land unit, if so required by council.

**Additional rights pertaining to Informal Residential zone**

The Zoning Scheme makes provision for any occupier of any unit of accommodation may utilise such unit for any social, educational, religious, occupational or business purposes subject to the following conditions:

(i) The dominant use of the property shall remain residential;
(ii) The use concerned shall not be disturbing to neighbours, and
(iii) The use concerned shall not interfere with the amenity of the direct neighborhood

Land zoned for street purposes may be utilized for business purposes without erection of any permanent structures; provided that the council may terminate such utilization if in its opinion interference with pedestrian or vehicular movement, or with the amenity of the neighborhood, is caused.

### 7. LEGAL REQUIREMENTS

#### 7.1 LESS FORMAL TOWNSHIP ESTABLISHMENT ACT 113 OF 1991

In an effort to alleviate the shortage of land, to eliminate squatting and in order to create sustainable orderly development, the Less Formal Township Establishment Act, 1991 was adopted and promulgated in 1991.

This Act was utilized throughout the Province for the establishment of a township **where an urgent need for housing has been identified**. It created a "shortcut" to enable land to be declared and thereby ensure that development can proceed.
Once the Minister has designated the area as “land for less formal settlement”, an erf may be allocated for settlement and settlement may take place after a land surveyor has surveyed the erf. Settlement may occur before the opening of a township register (in other words ownership is not a prerequisite for settlement). Ownership is however a required end results.

Most of the Vision 2002 township area has been developed and approved in terms of the above mentioned Act. The study area did not initially formed part of the Vision 2002 area, but in 2007 Council decided to extent the housing project with the development of Concordia South. It is our understanding that the Knysna Municipality submitted the necessary applications for the designation to the Minister (See Application form and Legal Notice attached as “Annexure D”). At the time it was only required to submit an Environmental assessment/ Environmental Management plan, which were duly prepared and submitted by Bruce Bryden in October 2007 (the Report is attached as “Annexure E”). The settlement was developed in 2008 but was never formally approved in terms of Act 113 or in terms of LUPO.

The Less Formal Township Establishment Act, 1991 and the Lands Use Planning Ordinance have since been repeal by SPLUMA and the provisions of this Act no longer apply.

7.2 KNYSNA MUNICIPALITY: STANDARD MUNICIPAL LAND USE PLANNING BYLAW:

The Knysna Municipality: Standard Municipal Land Use Planning Bylaw has recently replaced the Land Use Planning Ordinance as mechanism to apply for all planning applications. The Property is zoned “Undetermined” and will have to be rezoned to “Subdivisional Area” to allow the establishment of a township. The approval of the detailed subdivision plan will follow the approval of the rezoning and will confirm the new cadastral units and new zonings.

7.3 NATIONAL ENVIRONMENTAL MANAGEMENT ACT (ACT 107 OF 1998):

The National Environmental Management Act (NEMA) is the principal legislative framework applicable throughout the Republic. NEMA provides for environmental related approvals for development. Activities that have a potential to impact on the environment, socio-economic conditions, and cultural heritage require authorisation, which is granted only upon evaluation of the said impact (commonly referred to as an Environmental Impact Assessment (EIA)). The procedures and processes for EIA
evaluations are provided by regulations of 2014. The township was established and constructed prior to the current environmental legislation.

The current application is for the rezoning and subdivision within an urban area and it is understood that this does not trigger any listed activities in terms of the new regulations.

7.4 ADVERTISING ON ROADS AND RIBBON DEVELOPMENT ACT (ACT NO. 21 OF 1940):

The development is not adjacent to and does not gain access from a Divisional Road and the provisions of the above act do therefore not apply.

7.5 THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT NO.7 OF 1998):

In terms of this act any development with in 95m from a national road reserve need to obtain formal approval from the South African National Roads Agency Limited. The development is not adjacent or in the vicinity of the existing N2 or the future bypass road, and access will not be required from these roads; the provisions of the above act does therefore not apply.

7. NEED & DESIRABILITY

In terms of the NEMA principles, when considering an application, the decision making authority must have regard to a number of specific considerations including specifically having to consider “the need for and desirability of the activity”. In this instance, need refers to the demand for the particular land use while 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?

7.1 HOUSING NEED

The existence of the settlement is a clear indication of the housing need that exists in the area. There is also a need to promote ownership of land. The purpose of this application is to comply with all legal requirements to facilitate the transfer of houses to the beneficiaries that been residing in them for almost 8 years.
7.2 LOCALITY

The central location of the land within the existing urban area was one of the main considerations when the land was identified for housing purposes. It is within walking distance from the school and the main taxi routes (Concordia Road). Knysna’s topography and limited development land leave no other option but to upgrade the existing settlement and to dandify existing townships. Being integrated within an existing urban area, municipal services and other urban amenities are in close proximity.

7.3 URBAN CONTEXT

Urban context concerns the broader setting of a development – including its existing physical surroundings, its social and economic environment, and a strategic view of the area in which it is located and its role over time. The formal establishment of this settlement will make a positive contribution to an area's character by ensuring ownership and commitment to the area.

8. COMPATIBILITY WITH PLANNING POLICIES AND SPATIAL DEVELOPMENT FRAMEWORK

8.1 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (2014)

The policy framework covers Provincial Spatial planning’s three interrelated themes, namely:

- Sustainable use of the Western Cape’s spatial assets;
- Opening-up opportunities in the Provincial space-economy, and
- Developing integrated and sustainable settlements.

Sustainable use of provincial assets

The Western Cape’s natural capital such as the biological diversity and varied scenic and cultural resources are the attractions that make the Western Cape the country’s premier tourism destination. The PSDF’s policies ensure that these assets are used sustainably. On a spatial level this is mainly achieved by delineating urban edges in municipal SDF’s to divert urban growth pressures away from Concordia South - November 2016
the sensitive natural assets. In this regard the proposal is situated within the delineated urban area of Knysna and will not impact on the identified scenic or natural assets of the area. In this regard, a decision was also made not to extend the development to include illegal encroachments toward the forest areas.

**Opening-up opportunities in the space-economy**

A space-economy that opens-up livelihood and income earning opportunities, attracts private investment, and promotes inclusive growth is high on the Provincial agenda. Government can facilitate private investment and individual enterprise by making it easier to do business (e.g. by removing red-tape). The formalization of this neighbourhood will result in property ownership that will open up opportunities for the new home owners. They will be more likely to invest in the land if they have security of tenure. Many beneficiaries have already done some renovations or additions to their government home, and thereby increasing its value. A space-economy conducive to private investment is one where there is certainty over the availability of essential infrastructure and property rights. By approving this application, the Municipality will assist in creating certainty of ownership and thereby creating opportunities for private investments and economic growth.

**Developing integrated and sustainable settlements**

A strong sense of place and quality environments within settlements at all scales is increasingly recognized as an essential dimension of sustainable settlement. Being in existence for almost 8 years, the settlement is regarded as sustainable. Since the settlement was upgraded with the provision of services and top structures, the residents has planted gardens and improving their homes by erecting fences and additional rooms.

**8.2 KNYSNA SPATIAL DEVELOPMENT FRAMEWORK NOVEMBER 2008 (KSDF)**

Knysna Spatial Development Framework November 2008 (KSDF) promotes the further upgrading of the informal and formal settlements. Residential developments that retain or increase the unit densities in an improved built environment is also supported and encouraged. A closer look at the map that support the written document, the area that contain the developments is however earmarked as a “Core Conservation Area” within the urban area. This designation must have been in error as in 2008 this settlement was already in the process of being established. In the draft ISDF of 2016 this error has been corrected, showing the existing development as conventional urban area.
At the time of writing the report, the 2008 SDP is however still the only approved SDF and have to be adhered to. The role of core conservation areas is providing a “range of ecological and bio-physical functions essential for sustainable life, and as such they should be retained in their natural state”. This can obviously not be achieved on this portion of land.

In terms of Section 22 of SPLUMA, a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework. In Section 22(2) of SPLUMA it is however stated that a decision making authority, may depart from the provisions of a Municipal Spatial Development Framework only if site-specific circumstances justify a departure from the provisions of such municipal spatial development framework.

In this instance the presence of the existing formalised township on the land is regarded as site specific circumstances.

8.3 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. At the time of submitting this application, the Knysna Municipality Planning by law has not yet been promulgated and the application procedure is still in terms of LUPO. The principles of the act do however apply.

Section 7 of the Act describes a set of development principles that need to be considered when evaluating any development application. These can be summarised as follow:

<table>
<thead>
<tr>
<th>SECTION 7 DEVELOPMENT PRINCIPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) The principle of spatial justice, whereby—</td>
</tr>
<tr>
<td>(i) past spatial and other development imbalances must be redressed through improved access to and use of land;</td>
</tr>
<tr>
<td>(ii) spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;</td>
</tr>
<tr>
<td>(iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;</td>
</tr>
<tr>
<td>(iv) land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;</td>
</tr>
<tr>
<td>(v) land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and</td>
</tr>
</tbody>
</table>
(vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application; Noted

<table>
<thead>
<tr>
<th>b) the principle of spatial sustainability, whereby spatial planning and land use management systems must—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) promote land development that is within the fiscal, institutional and administrative means of the Republic; The site is situated within the Knysna Municipality. The local authority has the institutional and administrative capacity to consider the development. Since the land is already developed with provincial government funding, the availability of the supply of Infrastructure and housing is not a consideration.</td>
</tr>
<tr>
<td>(ii) ensure that special consideration is given to the protection of prime and unique agricultural land; The land under consideration is not prime or unique agricultural land and has been used for residential purposes for many years.</td>
</tr>
<tr>
<td>(iii) uphold consistency of land use measures in accordance with environmental management instruments; The construction phase was informed by the recommendations contained in an Environmental Sensitiviy Report.</td>
</tr>
<tr>
<td>(iv) promote and stimulate the effective and equitable functioning of land markets; Private ownership is the first step in creating a functional land market.</td>
</tr>
<tr>
<td>(v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments; No additional infrastructure will be required</td>
</tr>
<tr>
<td>(vi) promote land development in locations that are sustainable and limit urban sprawl; and The proposal is adjacent to the existing urban area and within the Urban edge</td>
</tr>
<tr>
<td>(vii) result in communities that are viable; The community has been living on the premises for more than 8 years.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(c) the principle of efficiency, whereby—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance</td>
</tr>
</tbody>
</table>

Compliance
(i) land development optimises the use of existing resources and infrastructure; | yes

(ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and | There will not be any negative impact by approving the final layout and allowing the registration of cadastral units that has been long overdue.

(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties; | Applicable to application procedures

**d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and**

Land ownership is an important part of forming sustainable communities where land owners become responsible for their own properties.

**(e) the principle of good administration, whereby—**

(i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act; | Applicable to Government

(ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks; | Applicable to Spatial Development Frameworks

(iii) the requirements of any law relating to land development and land use are met timeously; | Applicable to Government

(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures | The application procedure will comply with the provisions of Spluma, LUPA and the
for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and Standard Municipal By-law, and will follow duly advertised as prescribe.

| (v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public. | Applicable to Government |

## 9. CONCLUSION

Application is made for the rezoning of a two Portion of municipal land that currently consist of a formalised township consisting of 275 informal residential even and some community facilities. The rezoning from “Undetermined” to “Sub-divisional Area” and the subdivision thereof in accordance with the Subdivision plan nr CON/SOUTH/Rev15.3, dated November 2016, will facilitate the formalisation of the informal settlement on the property. The successful application will result in the establishment of registered township with cadastral units that can be transferred to the beneficiaries that has been living on the land for almost 8 years.