Notice is hereby given of a

**PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING**

which will be held on

Wednesday, 8 February 2017

at

**09:00**

in the Council Chamber

to consider the following items.

MUNICIPAL OFFICES  
**KNYSNA**

J DOUGLAS  
**ACTING MUNICIPAL MANAGER**

Chairperson:  Cllr S Arends
Members:  Cllr SI Kwinana  
Cllr DMC Pofadder  
Cllr MV Molosi  
Cllr MD Skosana  
Cllr V Waxa
### TABLE OF CONTENTS

<p>| 1. | OPENING AND WELCOME | 3 |
| 2. | SILENT PRAYER | 3 |
| 3. | ATTENDANCE OF MEMBERS | 3 |
| 3.1 | COUNCILLORS: PRESENT | 3 |
| 3.2 | COUNCILLORS: ABSENT WITH LEAVE | 3 |
| 3.3 | COUNCILLORS ABSENT WITHOUT LEAVE | 3 |
| 3.4 | OTHER COUNCILLORS PRESENT | 3 |
| 3.5 | OFFICIALS PRESENT | 3 |
| 3.6 | MEMBERS OF THE AUDIT COMMITTEE PRESENT | 3 |
| 3.7 | MEMBERS OF THE PUBLIC PRESENT | 3 |
| 4. | NOTING OF THE PROVISIONS OF CODE OF CONDUCT FOR COUNCILLORS | 3 |
| 5. | DISCLOSURE OF INTEREST | 3 |
| 6. | MINUTES OF PREVIOUS MEETING | 4 |
| 7. | MATTERS ARISING FROM THE MINUTES |  |
| 8. | MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER |  |
| 8.1 | KNYSNA, ERF 100049000, 1226 | 14 |
| 8.2 | ERF 3018, 4 GRUNTER CRESENT, SEDGEFIELD: PROPOSED DEVIATION FROM THE FENCING AND FENCES BY-LAW (APP NO.1275) | 26 |
| 8.3 | THE CURRENT CONDITION OF THE ASHMEAD CHANNEL AND THE PREVENTION OF THE HIGH E. COLI COUNT | 33 |
| 8.4 | PROCEDURE AND DETERMINATION OF CONTRAVENTION PENALTIES OF THE KNYSNA MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING | 36 |
| 8.5 | MONTHLY REPORTS FOR DEPARTMENTS: ENVIRONMENTAL MANAGEMENT, TOWN PLANNING AND INTEGRATED HUMAN SETTLEMENTS | 38 |
| 8.6 | ERF 5084, ESTFORD, KNYSNA: APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURE (COLLAB. APPLICATION NUMBER 1302) | 43 |
| 8.7 | DETAILED CAPITAL BUDGET REPORT FOR THE 2016/2017 FINANCIAL YEAR AS AT 25 JANUARY 2017 | 61 |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.8</strong></td>
<td>ERF 424, NO. 424 STEENBRAS STREET, BRENTON ON SEA, BRENTON: APPLICATION FOR CONSENT USE, DEPARTURES AND RELAXATION</td>
<td>65</td>
</tr>
<tr>
<td><strong>8.9</strong></td>
<td>PORTION 52 (A PORTION OF PORTION 45) OF THE FARM WESTFORD NO. 191 KNYSNA: PROPOSED REJOINING</td>
<td>108</td>
</tr>
<tr>
<td><strong>9.</strong></td>
<td>CLOSURE</td>
<td>116</td>
</tr>
</tbody>
</table>
AGENDA

1. OPENING AND WELCOMING
2. SILENT PRAYER
3. ATTENDANCE OF MEMBERS
   3.1 COUNCILLORS PRESENT
   3.2 COUNCILLORS WITH LEAVE
   3.3 COUNCILLORS WITHOUT LEAVE
   3.4 OTHER COUNCILLORS PRESENT
   3.5 OFFICIALS PRESENT
   3.6 MEMBERS OF THE AUDIT COMMITTEE PRESENT
   3.7 MEMBERS OF THE PUBLIC PRESENT
5. DISCLOSURE OF INTERESTS BY COUNCILLORS
6. **MINUTES OF THE PREVIOUS MEETING**

6.1 **PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING: 2 NOVEMBER 2016**

That the minutes of the Planning and Integrated Human Settlements Committee meeting held on 2 November 2016, be approved.
of a meeting of the

PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

held in the Council Chamber on

Wednesday, 2 November 2016

at

09:00
1. Opening and Welcoming

At 09:00 the Chairperson welcomed Councillors, officials, and the members of the public to the meeting. Cllr D Pofadder opened the meeting with a prayer.

2. Silent Prayer

3. Attendance of Members:

3.1 Councillors Present

Cllr V Waxa: Chairperson
Cllr SI Kwinana,
Cllr DMC Pofadder
Cllr MV Molosi
Cllr MD Skosana
Cllr S Arends

3.2 Councillors Absent with leave
None

3.3 Councillors Absent without leave
None

3.4. Other Councillors Present

Cllr L Davis
Cllr G Wolmarans
Cllr E Bouw-Spies
Cllr M Gombo
Cllr P Myers
Cllr W Salaze
Cllr L Tyokolo
Cllr M Young
Cllr A Tesengwa
Cllr M Naki
Cllr E Van Aswegen

3.5 Officials Present

Mr B Ellman Acting Municipal Manager
Mr M Penxa Manager : Integrated Human Settlements
Mr C Mattheus Manager : Administration
Ms M Botha Legal Advisor
Mr E Phillips Manager : IDP
Mr D Adonis Director : Community Services
Mr T Mabula Manager : Environmental Management
Ms M Boyce Acting Director: Planning and Development
Mr H Smit Manager: Town Planning & Building Control
Ms C Prinsloo Administrative Assistant
Ms J Lakay Head: Council Committees and Cllr Support
3.6. Members of the Audit Committee Present:

3.7. Members of the Public Present

As per attendance register

4. **NOTING THE PROVISIONS OF SCHEDULE 1 (CODE OF CONDUCT FOR COUNCILORS) OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEM ACT, 2000**

5. **DISCLOSURE OF INTERESTS BY COUNCILLORS AND OFFICIALS.**

5A **PRESENTATION : WAYNE PETERSEN : GOLDEN REWARDS HOMES : LOW COST HOUSING**

Mr W Petersen made a presentation on Low cost Housing.

6. **MINUTES OF THE PREVIOUS MEETING**

The Committee agreed that the “MINUTES OF THE PREVIOUS MEETING” be withdrawn as an item on the agenda and that the minutes not be included in future Agendas of the Planning and Integrated Human Settlements Committee meetings.

7. **MATTERS ARISING FROM THE MINUTES**

The Committee agreed that the “MATTERS ARISING FROM THE MINUTES” be withdrawn as items on the agenda and that the minutes not be included in future Agendas of the Planning and Integrated Human Settlements Committee meetings.

8. **MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER**

P01/11/2016  **ERF 7537 KNYSNA: PROPOSED REZONING AND DEPARTURE**

UNANIMOUSLY RECOMMENDED TO THE MAYORAL COMMITTEE

[a] That the following correspondence be noted:
   (i) Locality Plan;
   (ii) Copy of Application;
   (iii) Documents relating to public participation;
   (iv) Objection from Mrs E.I. Chinnery;
   (v) Response from Applicant;
   (vi) Letter for withdrawing the objection from Mrs E.I. Chinnery.

[b] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Erf 7537 Knysna Division from “Institutional” to “Educational” in order to allow for a High School;

[c] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure from the Knysna Zoning Scheme Regulations (1992) under the “Educational Zone” in order to allow the relaxation of the allowable
height provision; from 8.0m to 9.0m in order to allow the existing structure be Noted.

[d] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure from the Knysna Zoning Scheme Regulations (1992) under the “Educational Zone” in order to allow the relaxation of the allowable street building lines from 8.0m to 0.7m.

[e] That the reasons for Recommending for Approval, be noted:
   i. No title deed restriction/s;
   ii. No negative comment or objections received;
   iii. No foreseeable negative impacts on traffic;
   iv. Have the positive impact on the role of the town as identified in the 2008 Knysna Spatial Development Framework;
   v. No negative impacts on listed Heritage building as there are proposed additions to the existing building;

[f] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985):

   [i] This approval refers to the proposals as outlined above and may not be construed as authority to deviate from any other legal prescriptions or requirements;
   [ii] Capital contributions / augmentation fees towards services are to be calculated by the Director: Technical Services and be payable by the applicant;
   [iii] Parking to be clearly marked on property as indicated on Site Development Plan,
   [iv] All costs pertaining to the implementation of these conditions will be for the account of the developer be noted.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Integrated Human Settlements

P02/10/16 ERF 3664, 8 TASMANSTREET COLA BEACH, SEDGEFIELD: PROPOSED DEVIATION FROM THE FENCING AND FENCES BY-LAW (APP NO. 1227)

UNANIMOUSLY RECOMMENDED TO THE MAYORAL COMMITTEE

[a] That the following correspondence be noted:

   [i] Copy of the applicant’s motivation dated 03 March 2016 and 17 June 2016;
   [ii] Objection letter from Koos Olivier dated 20 May 2016;
   [iii] Applicant’s response to comments dated 24 May 2016;
   [iv] Comments from internal departments dated 24 May 2016;

[b] That, approval be granted in terms of Section 4(2) of the Knysna Municipality Fencing and Fences By-law (2008) for the consent of Council to erect a 1.8m high street boundary fence in lieu of 1.2m as
indicated on Drawing No. 398/044 drawn by Thomson Van Blerk dated February 2016;

[c] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):

[i] This approval applies to the application as outlined above and may not be construed as authority to depart from any other legal prescriptions or requirement;
[ii] Building plans of the proposed fence must be submitted for scrutiny and approval prior to any construction work being undertaken;
[iii] The height of the boundary fence shall be limited to 1.8m above natural ground level;
[iv] The gate must be set back to at least 4.5m from the edge of the road;
[v] The property owner shall take responsibility for ensuring compliance with all conditions of approval; and
[vi] This approval does not exempt the applicant from the provisions of any act be Noted.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Integrated Human Settlements

P03/10/16 ERF 3550, 77 MAIN STREET, KNYSNA CENTRAL: PROPOSED DEPARTURE AND REZONING FOR PURPOSES OF NURSERY AND COUNTRY STORE

UNANIMOUSLY RECOMMENDED TO THE MAYORAL COMMITTEE

[a] That the following correspondence be noted:

[i] Copy of the applicant’s motivation dated February 2014;
[ii] Public participation;
[iii] Copy of the objection dated 13 March 2014;
[iv] Departure Approval dated 08 August 2014;

[b] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Erf 3550 Knysna Division from “General Residential” to “Business” in order to allow the retention of the existing use of buildings on the property for purposes of Nursery and Country Store,

[c] That the Applicant be refunded the Departure Fee as they had erroneously applied for it;

[d] That the decision to be forwarded to Western Cape Government: Department of Transport and Public Works (Road Network Management), subject to:

i. The lateral building line minimum is maintained for unrestricted access in case of an emergency;
ii. Parking bays are to be clearly marked as per the site plan submitted with the application;

iii. No additional structure to be built on this erf for the purpose of the proposal;

iv. All vehicular access to this property to be obtained from Trotter Street.

v. Vehicular access off Proclaimed Main Road 2 is permanently closed with material similar to the existing fence.

vi. Any electrical services encountered will be relocated at the cost of the applicant. The applicant is to ensure that there is access to property for meter reading purposes;

vii. The Erf will be limited to one electrical service connection which may not be split into two 30 amp electrical supplies and will be metered by only one meter (no shared supply);

viii. The electricity meter will be of the split prepayment meter type;

ix. The Erf is also limited to the existing electrical supply;

x. Capital Contribution fees as well as costs to upgrade the MV and LV electrical network will be payable by the applicant should an increase in electrical capacity be required for the Erf;

xi. Solar assisted or gas assisted water heating devices or heat pumps shall be installed by the applicant;

xii. Load Switch Accommodation is required and it will be wired in accordance to the Electrical Department’ specification and the switch will be purchased by the applicant;

xiii. Low energy lamps are to be used in all fittings.

xiv. The second dwelling must also have a Council Load Relay fitted irrespective of the water heating device. This relay is to be purchased from Council by the applicant. CFL lamps are to be used in all fittings if advantageous be noted.

File Number: 9/1/2/13
Execution: Acting Director : Planning and Development

**P04/11/16 KNYSNA CENTRAL CBD REGENERATION PROGRAMME**

**UNANIMOUSLY RESOLVED**

That the matter with regard to the Knysna Central CBD Regeneration Programme, be withdrawn and be submitted to the Finance Governance and Economic Development Committee for consideration.

File Number: 9/1/2/13
Execution: Acting Director : Planning and Development

**P05/11/16 MONTHLY REPORTS: ENVIRONMENTAL MANAGEMENT DEPARTMENT, INTEGRATED HUMAN SETTLEMENTS AND TOWN PLANNING AND BUILDING CONTROL: SEPTEMBER 2016**

**UNANIMOUSLY RESOLVED**

That the monthly reports for Environmental Management, Integrated Human Settlements and Town Planning and Building Control, for September 2016, received from the Acting Director : Planning and Development, be noted.
P06/11/16  KNYSNA, ERF 101498000, 1251

UNANIMOUSLY RESOLVED

That a the Director : Planning and Development arrange a site visit and thereafter the matter be submitted to the next Planning and Integrated Human Settlements Committee meeting, for consideration.

P07/11/16  BRIKKELBOS STREAM CANALIZATION PROJECT

UNANIMOUSLY RECOMMENDED TO THE MAYORAL COMMITTEE

[a] That the report with regard to the Brikkelbos Stream Canalization Project, be noted;

[b] That in the future the Department advise on whether the property belongs to the Municipal prior to work being commenced.

P08/11/16  REPORT ON THE MYOLI BEACH PROJECT STOPPAGE

UNANIMOUSLY RESOLVED

That the contents of the report on the Myoli Beach Project Stoppage, be noted.

9. Closure

The Chairperson thanked everybody present for their contribution and the meeting concluded at 12:12

Approved

Chairperson: Cllr V Waxa
Date

-ooO-
7. **MATTERS ARISING FROM THE MINUTES**
8. MATTERS SUBMITTED BY THE ACTING MUNICIPAL MANAGER

8.1

REPORT FROM THE ACTING MUNICIPAL MANAGER

PURPOSE OF THE REPORT

To consider an application from H & W TOWN PLANNERS, on behalf of the GRAINVEST GROUP PROPRIETARY LIMITED Registration Number (2009/016573/07), the property owner, for the following: a) Application in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a Rezoning of Erf 49 from “Single Residential” to “Local Business”, for purposes of the offices. b) Application for Removal of Restrictions in terms of Removal of Restrictions Act (No. 84 of 1967) for the purpose of utilizing the property for offices. c) Application in terms of Section 15 (1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the relaxation of the parking provision applicable to Local Business Zone. The application is recommended for Approval.

BACKGROUND

The subject property is located at No. 134 Old Cape Road, Knysna, overlooking the Knysna Lagoon. The property is easily accessible from N2, where Old Cape Road joins with N2 National Road. The extent of the Erf is approximately 866m² and is zoned “Single Residential” in terms of the Knysna Zoning Scheme Regulations (1992). A locality map is attached as Annexure A. Erf 49, Knysna is currently under the title deed number T34330/2015, registered in the name of Grainvest Group (PTY) LTD (Registration number: 2009/016573/07). The owners intend to utilise the property for offices, hence this application for rezoning from “Single Residential” to “Local Business”; and for removal of restrictive conditions as stipulated in Condition 2.1 on page 3 of the title deed and Departure to Town Planning Scheme parking requirements. This application, a copy of which is attached as “Annexure B”, was submitted on March 2016. Public Participation Public participation was undertaken by means of registered mail and press notices. In that regard notices were sent by registered mail to eight (8) interested and affected parties, the ratepayers association and to all relevant internal and external departments (SANRAL and Western Cape Department of Transport and Public Works) and statutory bodies for comments.

The notices were sent on the 02nd June 2016. Public notices appeared in the Action Ads and in the provincial gazette on the 09th June 2016 and 10th June 2016 respectively with the closing date for public participation being the 11th July 2016. All documents relating to public participation are attached as “Annexure C”. The application was further circulated to all relevant internal departments for comments and input. The comments received are discussed below. Results of public participation The comments and objection as received from internal department and response (attached as Annexure D) thereof were as follows: ROADS & STORMWATER: • The applicant does not contain enough details to evaluate the parking and a detail parking layout plan must be submitted. On face value there seem not to be enough space as indicated in terms of space not in terms of numbers required. The
existing ramp is also not wide enough to allow 2-way traffic. The slope may also be too steep. The applicant must submit a complete S.D.P. The applicant’s response was as follows: The SDP was submitted together with the motivation letter. The property can only accommodate three (3) parking spaces as indicated on the SDP. The building will only accommodate 3 office spaces. The kind of offices is the “Trading” firm that works over internet and via phone; it is not walk type of business. The entrance ramp and driveway is single lane, although it is steep it is an easy access to level parking area. There is an ample space for a car to reverse and turn back. Should the owner decides to change the type of office to traffic generating office, the application will be made to the Municipality for Encroachment Agreement as there is ample space in front of the property by Old Cape Road.

ENVIRONMENTAL SERVICES:
• No objection. Note: Pruning or removal of protected tree species requires a permit in terms of the National Forest Act (Act No. 84 of 1998) as issued by the Department of Agriculture, Forestry and Fisheries. The comments were noted and accepted.

AESTHETIC COMMITTEE:
• No objection. Any alterations to the property, building plans need to be submitted. The comments were noted and accepted. The application is effectively for a rezoning in order to permit the proposed usage of the property as an office space. The property seeks to remove the restrictive conditions as contained in the title deed which restrict the usage of the property to offices. Also the application seeks to relax the parking provision applicable to Local Business Zone as stipulated in terms of Knysna Town Planning Scheme (1992).

DISCUSSION

Initially, the application was motivated for rezoning from “Single Residential” to “Business” zone as you can see from the motivation report and application pack; Attached as “Annexure B”. The application has been advertised as rezoning from “Single Residential” to “Business”. No comments were received from the neighbouring property, public and government departments. Comments were received from Technical Services only. An applicant had made comparisons of the “Local Business zone” and “Business Zone”, the applicant requested and motivated for rezoning from “Single Residential” to “Local Business”. The “Business Zone” is for complex business land uses whereas the “Local Business Zone” is for less intense and is for specifically for office use with a mix of residential.

The zoning parameters (Refer to the table below) of the “Business Zone” permits larger building footprint; which should it be permitted, the property could out of character with the surrounding area.

Table 1: Zoning Parameters

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<th>Parameters</th>
<th>Single Residential</th>
<th>Local Business</th>
<th>Business</th>
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<tr>
<td>Floor factor</td>
<td>At most 1.0</td>
<td>At most 1.5</td>
<td>of which not more than 1.0 may be used for business purposes. Coverage 30% for plots larger than 1500m2 35% for plots between than 500m2 &amp; 1500m2. 50% for plots smaller than 500m2. At Most 80% At most 100% Height above natural ground level at most 12m above natural ground level Building Lines Street 4.5m 5m At street boundary or at 4.5m depends on the building usage. sides 2.0m 2m Rear 2.0m 2m Parking 1 parking bay of every 25m2 of the total business floor area 1 parking bay of every 25m2 of the total business floor area Getting to the merits of the application, the surrounding properties are used for mixed range of uses especially along Old Cape Road. The mixed uses comprises of residential component, Guest House, Lodge, Bed and Breakfast, Flats, Restaurant and Offices.</td>
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Therefore zoning the property to Local Business will not be setting a president however the proposed rezoning will fit with the character of the place. It is worthy to note that the structure, as it is, conforms to the Urban Conservation Area Guidelines, which aims to promote sensitive and appropriate architecture in historic areas in and around Knysna, and to discourage intentional neglect or destruction of the town’s built heritage. The structure on Erf 49 Knysna is older than 60 years of age. The building is included in the inventory of listed buildings. The property is in the scenic route and in forms part of the “face of the town” when you driving to Knysna from George.

The proposed rezoning will discourage the urban decay, it will ensure that the property remains economically effective and properly maintained, and will also contribute to the development of compact towns. The proposed rezoning for offices does not have a negative impact on the municipal infrastructural services as this is an existing use within the urban fabric, and there is no additional proposed development other than to change the residency to offices on the property; hence no objection were received from water and sewer services. The applicant had tested the desirability of the proposed rezoning against the three (3) elements which are:

• Visual /Physical impact The proposed development will add to the improvement of the aesthetic character of the area and contribute to the renewal of the town area.
• Vehicular movement / Accessibility The suitable and convenient access will be from the existing access. No new access that will be formed. The site is steep to provide for the ingress and egress vehicular access.
• Impact on surrounding development The applicant is of the view that a proposed development does not pose any negative influence on the surrounding area, but it will actually improve its visual character and the value of adjacent properties through upgrading and redevelopment of the area. The applicant identifies the need for the rezoning of the property to the Local Business being the following:
  • The proposed rezoning is required in order to contribute to the Knysna Tax Base.
  • The optimal usage of resources will prevent the urban decay by discouraging the urban sprawl and thus encourages the realization of “work, play, live” in order to create lively and sustainable urban neighborhood.
  • No negative visual impact that would be created since there won’t be any new structural development on property other than to maintain the existing structure. The proposed rezoning is consistent with the SPLUMA principles refer to the table below: Principle Motivation Spatial Sustainability: Development complies with Western Cape Provincial Spatial development framework (2013) as a spatial tool to guide future development on a provincial Level. Development complies with Knysna Spatial Development Framework (2008) as a spatial tool to guide future development on a Local Municipal Level. Spatial Justice The development aims to promote land development within the urban fabric of Knysna. The proposed Development does not trigger any environmental listed activities according to the National Environmental Management Act (1998). The proposed development is located in close proximity to a major movement corridor with a mixture of single residential, accommodation and tourist related facilities.

The proposed development will contribute to the functional land pattern in the surrounding area. Proposed development will contribute towards a more integrated urban environment. The proposed development will contribute to the character of the surrounding area. Spatial Efficiency Development will make use of existing local resources and contribute to specialised skills development within the local municipality. The proposed development will contribute to urban renewal and an aesthetical appearance which will contribute to the character of the surrounding area promoting sustainable development and to minimise the
negative impact on the surrounding area. Spatial Resilience The development complies with the following spatial development frameworks.

Western Cape Provincial Development Framework Good Administration This principle has no direct bearing on the application, however, the Knysna municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw. The Municipal Spatial Development Framework (2008) recognises the importance of the portion of N2 designated as a scenic route. Therefore it should be subject to a number of policy guidelines for the long-term maintenance of its amenity value. They include:

• Businesses are to be located in existing urban areas and not be permitted to intrude into the rural landscape;

• The visual impact of developments along the N2, even if they do not access the N2 directly, must be taken into account; • This is especially applicable for the N2 leading from Keyters Nek (Rheenendal turn-off) down to White Bridge, where a narrow visual corridor provides a dramatic approach to the Knysna estuary and the town of Knysna;
• The policy relating to ridgelines (Section 7.7.1.d) must be strictly adhered to when assessing applications along this corridor. The proposed rezoning is in line with the above policy guidelines of the Municipal Spatial Development Framework (2008) as the applicant intends only to utilise the existing house to office space without making any structural changes to the building which might have negative impact to the scenic route.

This application includes the departure application on the parking provision as per Knysna Town Planning Scheme (1992) requirements. The Scheme requires that for Local Business Zone there, parking should be provided based on “1 parking bay of every 25m² of the total business floor area”. Property Erf 49 has the existing dwelling which measures approximately 148m² exclusive of 12,5m² of stoep area.

The proposed zoning requires to comply with 5, 92 which is actually six (6) parking spaces. Currently there are three (3) parking spaces on site. Due to site characteristics i.e. steep slopes, it is impossible for the applicant to provide more parking on site, hence their application for departure. Also for the proposed office use is said to be internet based. No traffic will be generated; therefore departing from the Scheme requirement will not pose negative impact on the property and the surrounding properties. Applicant had indicated the available space on Old Cape Road which is abutting the property Erf 49; should there be a need for an additional parking, the applicant will apply for Encroachment Agreement. There are title deed restrictions / condition that have a bearing on this application. The condition as contained in page 3 title deed number T34330/2015 is:

1. The land shall be used for residential purposes only. Neither the land nor any structures erected thereon shall be used or occupied in whole part, for trading or business purposes or for the purpose of the conduct of any avocations or occupations other than the used occupations associated with the use and conduct of a usual private residence. The transferees and their successors in title shall be bound also both in the design, plan and structure of any erections contemplated, to observe such conditions. The application has been advertised and gazetted together with rezoning as mentioned above; and no objections received that pertains to the proposed use of property “Local Business Zone”.

FINANCIAL IMPLICATIONS

N/A
Departmental

Comments: Technical Services WATER & SEWER: - No objection in terms of water and sewer. ROADS & STORMWATER: - As discussed above.
Comments: Electrotechnical Services - No objection Comments: SANRAL - No comment.

RELEVANT LEGISLATION


RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

[a] That the following correspondence be noted:
   (i) Locality Map;
   (ii) Copy of the applicant’s motivation dated March 2016;
   (iii) Public Participation;
   (iv) Comments and response.

[b] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Erf 49 Knysna from “Single Residential” to “Local Business” to permit the offices use; (b) That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure on Erf 49 Knysna for provision of 3 additional parking spaces. (c) That the Director: Land Management (Region 3) be advised that the Council has no objection to the Removal of Condition 2.1 on page 3 of the title deed T34330/2015 in order to allow the property owner to convert a dwelling house to offices on Erf 49 Knysna.

[c] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985):

   i) This approval applies to the applications as outlined above and may not be construed as authority to deviate from any other legal prescriptions or requirements;
   ii) The property owner shall be responsible for the cost of complying with the conditions outlined hereunder;
   iii) The three (3) parking bays available on site shall be marked accordingly and such marking shall be done within 30 days of notification of approval;
   iii) No parking of vehicles should be allowed in front of the neighbouring property owners’ driveways and such action may result in the approval being reconsidered by Council;
   iv) Any signage relating to the office shall comply with the By-Law on the Control of Outdoor Advertising, Heritage & Building Aesthetics;
Development shall be restricted to the area as shown on the site development plan as per the total business area of 148m² excluding the 12,5m² for stoep as per approved site plan dated 19 October 2015, drawn by R & R Drawing Studio;

Should an applicant make an application for further development, the Encroachment Agreement should be applied for prior plans submission to the municipality for approval.

APPENDIX / ADDENDUM
Attached

File Number: 9/1/2/13
Execution: Acting Director: Planning and Development
(14) The reasons for the application are as follows:

(14) Die redes vir die aansoek is as volg:

Ensure that the following are attached:

(a) The title deeds to the land (original and copy for Director: Integrated Environmental Management (Region A1) and a copy for the local authority).
(b) Twelve (12) copies of a locality plan (10 for the Director: Integrated Environmental Management (Region A1) and 2 for the local authority) showing:
   (i) The property involved in relation to the surrounding erven and streets, with the erf numbers;
   (ii) The nature of the existing development surrounding the property.
(c) Twelve copies (12) of a sketch plan (10 for the Director: Integrated Environmental Management (Region A1) and 2 for the local authority) showing the proposed subdivision if application is being made to subdivide the property.
(d) Zoning Certificate for the Director: Integrated Environmental Management (Region A1).

Signature of Applicant .......................................................... Handtekening van Aanveeër
Name in block letters ................................................................. Naam in blokletters
Date .......................................................... Datum

NOTE
On receipt of the application by the Director: Integrated Environmental Management (Region A1), the local authority will be advised of the properties in the vicinity on whose owners notice of this application must be served and the form of notice which it will be required to give to such owners. The local authority will attend to any notice to be published in the press and Provincial Gazette and shall claim the cost in respect thereof from the applicant.

NOTA
By ontvangs van die aansoek deur die Direkteur: Integrated Environmental Management (Region A1) sal die plaaslike overheid in kennis gestel word van die eiendomme in die omgewing aan die eienaars waarvan kennis van hierdie aansoek beteken moet word en die vorm van die kennisgewing wat hy aan sociaal eienaars sal moet beteken. Die plaaslike overheid sal enige kennisgewing wat in die pers en die Provinciale Koerant gepubliseer word, behartig en sal die kostes daarvan van die apliant kan vorder.
Dear Directors
Greenwest Group (Pty) Ltd
PO Box 384
Potchefstroom
2520

25 February 2016

Dear Directors

Consent to Proposed Reconciliation to Business
Bond by: Greenwest Group (Pty) Ltd
Bond over: Erf 49 Kryana
Account number: 368991539

We refer to the above and advise that Standard Bank has no objection subject to our rights being protected and the following conditions:
- Local authority approval required
- The Bank is not committing to finance the development
- A risk of additional 1.50% must be loaded if already converted / the bank reserve the right to load an additional 1.50% once the property has been converted
- The correct insurance must be applied
- No further lending will be considered (NOFTA & NOFTA loaded) and client to seek guidance on registering bond on correct platform
- Client to ensure that once registering is fully complete to conduct a physical assessment and value not to be below registered facilitates R903,750.00, guarantees will be called for if so.

Yours faithfully

[Signature]

Consultant – Account Maintenance
Integrated Processing Centre JHB
Standard Bank
Customer Contact Centre: +27 0800 123 001
CSAadmin@JHB@standardbank.co.za
APPLICATION NUMBER: 1228, En 45, 134 Old Ca P
Read, KNYSNA
Notice is hereby given in terms of Sections 15(1)(UPO) and 30(1)(ROA) of the above acts that the under-
mentioned application has been received and is open for
inspection at the Municipal Town Planning Office. Old Main Building, 3 Church Street, Knysna. The
application is also open for inspection at the office of the
Director of Land Management, Region 3, Provicial
Government of the Western Cape, 4th Floor, York Park
Building, 93 York Street, George, from 08:00 – 12:00,
and 13:00 – 15:00 (Monday to Friday). Telephone
enquiries in this regard may be made at (064) 805 8600.

Notice
to
32 of 2
Street
who w

H & W Town Planners
Nature of Applicant

Remo

Fife re

Fife ref: 100349000
Grant Easton
Municipal Bestuurs

Remo

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Fife ref: 100349000
Grant Easton
Municipal Bestuurs
2016-08-01
Knysna Municipality

Re: Application Number: 1226

PROPOSED REMOVAL OF RESTRICTIONS AND REZONING FROM SPECIAL RESIDENTIAL TO BUSINESS: ERF 49 KNYSNA

Dear Z Thwala

We refer to the letter dated 2016-07-19, Application Number:1226, where there were concerns mentioned about a Site Development Plan that lacked some details and about the number of parking spaces needed for the existing building. Please find a more detailed S.D.P. attached.

Re: Parking - The existing building will only accommodate 2-3 office spaces therefore three parking spaces will be more that efficient. The business is a “Trading Firm” that works over the internet and via the phone; it is not a “walk-in” type of business at all. (See letter attached)

The entrance ramp and driveway is a single lane, although it is steep it is still an easy access to a level parking area. There’s ample space to reverse and turn to go back down. We also know that the local authority likes to think ahead and if this property changes owners/and or changes the type of business, there is more than enough space in front of the property, to apply for/make provision for “Alternative parking”, as per the Business Zone Scheme Regulations.

We hope you find this satisfactory,

Yours sincerely

Russelstone International

(Grainvest Group)

+27(0)12 433 9000

+27(0)83 410 1498

Ramona Jansen - agent

(R&R Drawing Studio)
REPORT FROM THE ACTING DIRECTOR: PLANNING

PURPOSE OF THE REPORT

To consider an application from N. Genade on behalf of SC and E Flynn in terms of Section 4(2) of the Knysna Municipality Fencing and Fences By-law (2008) for the consent of Council to erect a 1.8m high street boundary fence in lieu of 1.2m as indicated on Drawing No. N001/07/2015 drawn by N. Genade dated 03-May 2015. This application is recommended for approval.

BACKGROUND

Erf 3018, Sedgefield (hereinafter referred to as “the property”) is situated on 4 Grunter Crescent, Groen Vallei, Sedgefield and is accessed via grunter crescent. A locality map is attached as “Annexure A”. The property is zoned “Single residential” in term of the Sedgefield Zoning Scheme Regulations (1980) and is currently utilised for residential purposes and located in a residential area. The current application, a copy of which was submitted on 05 May 2015, is attached as “Annexure B”. The property measures 600m² in extent and is currently owned by SC and E Flynn under the Title Deed number T9087/2015. There are no restrictive conditions contained in the title deed that can hinder this application.

Public Participation Registered letters were sent by the Town Planning Department to possible affected neighbours (Erven 2960, 2961, 2962, 3019, Sedgefield); a Mailing list to this regard is attached as Annexure C. The application was simultaneously circulated to all relevant internal departments for their comments and input. In response to the public participation, process one letter of objection was received.

This objection letter was signed by five of the surrounding property owners, which includes the owners of Erf 2960, Erf 3012, Erf 3015, Erf 3016, and Erf 3017, Sedgefield. As per the letter, dated 07th of June 2016, attached as Annexure D. The applicant responded to this objection. The applicant's response, dated 09 August 2016, is attached as Annexure E. The objection letter signed by the five surrounding property owners highlights the fact that the Erven from 2960 to 3061 are under a Home Owners Association. According to them, it was developed for that purpose by the developer Peter Inglis-who have supplied them with water-borne sewage and other facilities which is not shared by the other residents in Sedgefield. The letter further states that the developer Mr. Inglis also set out ideas and colours amongst other 'wishes' for maintaining a pleasant continuity.

Mr. Rogers states that the owners of the property initially proposed a 1.2m high boundary fence, which the surrounding property owners supported. However, the owners now want to erect a 1.8m fence instead of 1.2m, which was not what they initially agreed upon. The surrounding property owners therefore object to this application and add that they don't want to create a precedent for the other members living in the development area. In response to the objection the applicant stated that he went to the Groevallei extension 2 in order to do a summary of the properties that have palisade fences or a combination of brick columns with...
palisade in-between, and must be more than 1.2m in height. He discovered that the fences in this neighborhood vary in height between 1.2m and 1.7m. The applicant mentions the fact that even some of the individuals that signed the objection letters also had fences, which were more than 1.2m in height. The applicant listed a few properties whose boundary fences are also higher than 1.2m. Therewith qualifying that precedents for a fence higher than 1.2m already exist in this development. These properties include No’s 76, 90, 92, 94, 104 on Frazer street and street No’s 4, 23, 31, 33 on Galjoen Street. The applicant concluded by stating that the Home Owners Design Manual for the Groenvlei extension 2 does not have anything restricting the height of boundary fences. In summary, this application is submitted in order to allow a higher than permitted boundary fence along the street boundary.

The Knysna Municipality’s Fencing and Fences By-law (2008) govern the height of street boundary walls or fences within the Knysna municipal area at 1.2m above natural ground level. It is for this specific reason that an application is required if property owners are desirous of erecting higher than permitted walls or fences.

DISCUSSION

Judging from the increasing number of applications that the administration receives from property owners requesting approval for higher walls or fences, it is clear that there is growing number of property owners who associate higher boundary walls and fences with improved security. It therefore comes as no surprise that applicant has submitted an application to relax applicable regulations in order to achieve a similar objective.

Whilst the municipality has taken a position that higher street boundary walls or fences should not be permitted and that this position has found expression in the Knysna Municipality’s Fencing and Fences By-law (2008) the municipality has also acknowledged that a room for compromise can be made that accommodates the perceptions of the general public regarding safety whilst upholding the municipality’s responsibility to maintain the aesthetic integrity of the town’s streetscapes. To this end the municipality has on many occasions taken a position to allow street boundary walls or fences with a maximum of 1.8m in height provided that the fences in question, from a height of 1.2m above natural ground level consist of a least open or decorative materials which allow visual connectivity between the public and the private space along movement corridors.

This is not only visually gratifying to the general public, it also improves surveillance and could potentially discourage and avert criminal behavior. It is important to point out that even though the objectors state that there is a design manual that governs all the properties that is located within the Sedgefield Groenvlei Extension 2 area, this design manual does not specify the height which is allowed for properties located within the said area. Therefore, the applicant cannot be held to a rule that does not exist. While an open atmosphere is better than an environment surrounded by boundary walls or fences, there is no reason for this department to believe that the proposed fence will constitute a visual offense on surrounding property owners, this being due the subjective nature of what is considered aesthetically acceptable, and what is considered to be so.

In all fairness this department, being mindful of the need for the residents of Leisure Gardens to enjoy the benefits of a sense of improved security as well as being mindful of the surrounding property owner’s view in respect of whether the proposed fence should be allowed or not, is not of the opinion that the proposed fence lacks desirability in any manner. On the contrary this department is of the opinion that the fence in question will contribute positively and may have the effect of encouraging property owners in general to adopt a more relaxed outlook toward the provision of security without completely blocking the visual
connectivity and street level surveillance in their immediate environs. DEPARTMENTAL COMMENTS Building Control: In order

FINANCIAL IMPLICATIONS

This approval will have no financial implications

RELEVANT LEGISLATION


RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

[a] That the following correspondence be noted:
   i) Copy of the applicant’s motivation dated 03 May 2016;
   ii) Objection letter from J Rogers, et. al dated 07 June 2016;
   iii) Applicant’s response to comments dated 09 August 2016;
   iv) Comments from internal departments dated 01 June 2016: and

[b] That, approval be granted in terms of Section 4(2) of the Knysna Municipality Fencing and Fences By-law (2008) for the consent of Council to erect a 1,8m high street boundary fence in lieu of 1,2m on Erf 3018, Sedgefield as indicated on Drawing No. N001/07/2015 by N. Genade dated 03 May 2016. c) That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):

   i) This approval applies to the application as outlined above and may not be construed as authority to depart from any other legal prescriptions or requirement;

   ii) Building plans of the proposed fence must be submitted for scrutiny and approval prior to any construction work being undertaken in terms of the requirements of the National Building Regulations and Standards Act (No. 103 of 1977)

   iii) The height of the boundary fence shall be limited to 1,8m above natural ground level;

   iv) The property owner shall take responsibility for ensuring compliance with all conditions of approval; and v) This approval does not exempt the applicant from the provisions of any other legislation.

[c] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):

APPENDIX / ADDENDUM

Annexure A- Locality map Annexure B - Application Annexure C- Mailing List Annexure D- Objection Annexure E- Response

File Number: 9/1/2/13
Execution: Acting Director: Planning and Development
Hi Steward,

I went to Groenvlei Extension 2 today to do summery of properties that have palisade fences or a combination of brick columns with palisade & picket fences between of more than 1,2m high and cannot understand how these property owners had theirs approved if the HOA is against any fences higher than 1,2m high.

The owner of 2017 that signed the objection, also have a solid brick wall on Grantor Crescent that varies between heights of 1.2 to 1.7m high.

The neighbour of erf 3019 have a picket fence to the height of 1.5m, but did not object.

The neighbour directly across the street did not object.

The following Fraser street homes have fences higher than 1,2m: Nos 94, 104, 92, 90 & 76.

The following Gijjoen street homes have fences higher than 1,2m: Nos 4, 23, 31 & 33.

I hope that the town planning department will take this in consideration when they decide to approve the requested street boundary height, as there is clearly no consistency in fence/wall heights in Groenvlei Extension 2 and there is also no wall height restrictions written into the design manual for the HOA and therefor cannot enforce such a regulation.

My clients are applying for a similar column with palisade fencing in between that was also built by other homeowners in Groenvlei Extension 2.

Regards

N. Genade

On Thu, Aug 4, 2016 at 2:58 PM, Steward Mqhele <smqhele@kynsana.gov.za> wrote:

Hi Sir

Your application dated 05 May 2016 in respect of the above mentioned property, has reference. Attached please find copies of comments/objections received in response to your application:

Please submit your further comment, motivation or information with regard to matters raised in the above comments. Should you have no comment regarding the above, please advise us accordingly to enable this office to proceed with your application.

Kindly ensure that your response reaches this office on or before Monday 5 September 2016.

Regards

STEWARD MQHELE TOWN PLANNER
P.O.Box 21, Knysna 6570, Western Cape, South Africa
Tel: +27 6344 302 6301 (switchboard) or 302 6339 (direct)
Fax: +27 6344 302 6350 e-mail: smqhele@kynsana.gov.za

file://C:/Users/Smqhele/AppData/Local/Temp/XPgrpwise/58009B7Ckmdm02kmnop0...  25-Jan-17
8.

**P0/02/17 PROPOSED AMENDMENTS TO THE STREET NAMING AND NUMBERING POLICY**

**REPORT FROM THE ACTING DIRECTOR PLANNING AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

To consider proposed amendments to the Street Naming and Numbering Policy.

**BACKGROUND**

At a meeting held by Council on 8 December 2014 it was resolved in accordance with Resolution P05/10/14 that:

[a] That the proposed policy in respect of street naming and numbering attached to item P05/10/14 in the Agenda of the Planning, Development & Infrastructure Committee meeting of 15 October 2014, be adopted;

[b] That once the policy has been adopted, the Municipal Manager be mandated to implement the process of allocating street names and numbers for those areas that do not have them as quickly as possible. Since the adoption of the policy, the former Manager: Communications in his capacity as Chairperson of the Street Naming and Numbering Committee convened meetings to consider proposals when required (a copy of the Policy is attached as Annexure A).

**DISCUSSION**

The policy states in general that wherever possible all streets in the Municipal Area will have street names and all properties that have erf numbers (as opposed to farm numbers or farm portion numbers) will have street numbers. For all new developments street names and numbers will be allocated during the planning phase and when an application for subdivision is submitted for public consultation the proposed street names and street numbers must be included in the application. The decision on street names and numbers will be made at the same time and by the same decision maker, following the same process as the decision on the approval of the subdivision in accordance with the Knysna Municipality By-law on Municipal Land Use Planning (2016).

Due to organisational changes the former Manager: Communications, Mr Christopher Bezuidenhoudt is now the incumbent to the position of Manager: Office of the Executive Mayor and the policy therefore needs to be amended to accommodate new institutional arrangements for its implementation. Items (2)(d) and (e) of the policy needs to be amended as follows: a) If the Council is the developer the names of the streets will be selected by a Committee, to be known as the “Street Names Committee” comprising: The Manager Communications (since the issue is one that affects customer relations); the Manager: Museums and Libraries (to ensure that names are appropriate and correct); the Manager Integrated Human Settlements (only in respect of new developments developed by his department); the Manager: Town Planning and Building Control (because of the link to the Advertising, Heritage and Aesthetics Committee), a representative of the Director: finance, the Ward Councillor for the ward in which the relevant street is situated and the Executive Mayor or her nominee. b) The Street Names Committee will
be chaired and convened by the Manager: Communication, whose department will provide any necessary administrative service.

**FINANCIAL IMPLICATIONS**

N/A

**RELEVANT LEGISLATION**

Relevant Legislation • Knysna Street Naming and Numbering Policy

**RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER**

That the amendments to the Street Naming and Numbering Policy be approved.

**APPENDIX / ADDENDUM**

ANNEXURE “A”: AMENDED KNYSNA STREET NAMING AND NUMBERING POLICY
Steward Mqhele - ERF 424 Brenton - Brenton Ratepayers Association Comments

From: "Nicci Diederichs Mander" <nicci@futureworks.co.za>
To: <smqhele@knysna.gov.za>, "Seretse Mthembu" <smthembu@knysna.gov.za>, "...
Date: 20-May-16 5:41 PM
Subject: ERF 424 Brenton - Brenton Ratepayers Association Comments
CC: "Marike Vreken" <marike@vreken.co.za>, "Judy Harrison and Steve Krumm" <...

ATT: The Municipal Manager: Grant Easton
CC: Hennie Smit, Seretse Mthembu, Marike Vreken
DATE: 20 May 2016

PLEASE ACKNOWLEDGE SAFE RECEIPT

RE: Collab Ref 547850 - ERF424 Steenbras Ave, Brenton on Sea

The Brenton Ratepayers Association (BRA) has been requested by a number of residents of Brenton on Sea to represent them in raising concerns regarding the proposed Application for Consent Use, Departures and Relaxation of Title Deed Conditions for the above property, as set out by Marike Vreken Urban and Environmental Planners in the Application dated February 2016. In addition, the BRA Committee has been very active in promoting and facilitating the protection and management of important coastal access routes in the area, including Fishermans Walk, and as such also hereby submits comments on the Application which it believes to be in the best interests of the Brenton and Knysna communities.

Comments on proposed Consent / Deviations / Relaxations are as follows:

1. The proposed Consent for construction of a single dwelling unit on the property is **generally supported**. We believe this proposed use to present improved amenity and reduced visual impact in the landscape, compared with the previously approved alternative of group housing.

2. The proposed relaxation of prescribed title deed building lines is **generally supported**.

3. The proposed Departure for building line relaxation along the eastern lateral boundary from 3m to 0m is **generally supported**. However, we wish to point out that slope stability is a primary concern given its steepness and the fact that the soils are sandy and unconsolidated. It is highly recommended that as part of the construction of the boundary / retaining walls in this area, that the dense stands of invasive Rookrrans plants are removed from the slope and that the slope be properly stabilized, and planted with indigenous vegetation.

4. The proposed Departure for building line relaxation along the western boundary of the site from 3m to 1.037m to permit the construction of a retaining wall is **generally supported**, as it is understood that this retaining wall will form part of the boundary fence which is proposed along the edge of the pedestrian / stormwater servitude.

5. The proposed Deviation from the Knysna Fencing By-law to permit lateral boundary fencing along the western boundary of greater than 1.8m is **not supported**. Our reasons are as follows:

   a. A boundary wall of more than 1.8m along the edge of the coastal pedestrian access servitude will significantly reduce both the amenity value and the safety of this coastal access route – particularly if the owner of Rem of ERF855 were to also erect a high wall along the other edge of this servitude at some point in the future. The creation of a narrow walled-in coastal access “corridor” with no visual surveillance from surrounding properties /

file:///C:/Users/Smqhele/AppData/Local/Temp/XPgrpwise/573F4C46kmdom02km... 23-May-16
8.3

P03/02/17 THE CURRENT CONDITION OF THE ASHMEAD CHANNEL AND THE PREVENTION OF THE HIGH E. COLI COUNT

REPORT FROM THE ACTING DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

To inform Council of the current condition of the Ashmead Channel and the prevention of the high E. Coli count

BACKGROUND/ DISCUSSION

Reports from Eden Health Department for the months of November and December 2016 show an improvement in water quality of the Ashmead channel in December following the incident in October 2016 of a high E. coli count. The main flow contributions into the Ashmead channel are the Knysna Sewer Works and the Bongani Stream. The results for those streams and the Ashmead Channel for both November and December were cited as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Result (cfu/100ml) Organisms in 100ml</th>
<th>Date of Sample</th>
<th>Standard that must be conformed to (cfu/100ml)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Ashmead Channel</td>
<td>30 000</td>
<td>05/11/16</td>
<td>500</td>
</tr>
<tr>
<td>2 Knysna Waste Water Treatment Works</td>
<td>2419</td>
<td>22/11/16</td>
<td>100</td>
</tr>
<tr>
<td>3 Bongani Stream</td>
<td>30 000</td>
<td>05/11/16</td>
<td>400</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Description</th>
<th>Result (cfu/100ml) Organisms in 100ml</th>
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</tr>
</thead>
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<td>1 Ashmead Channel</td>
<td>&gt;500 (Compliant)</td>
<td>08/12/16</td>
<td>500</td>
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<tr>
<td>2 Knysna Waste Water Treatment Works</td>
<td>&gt;1 (Compliant)</td>
<td>13/12/16</td>
<td>100</td>
</tr>
<tr>
<td>3 Bongani Stream</td>
<td>700</td>
<td>08/12/16</td>
<td>400</td>
</tr>
</tbody>
</table>

Knysna Waste Water Treatment Works (WWTW)

Mitigation measures are required to deal with storm water ingress into the sewer system, which causes sludge to land up outside the Sewer Works. This will continue to occur unless storm water is diverted into the storm water system and prevented from entering the sewer system. It should be noted that a common cause of high E.coli counts is the ingress of storm water into the sewer system, which cause damage to the sewer system and interrupts the chemical process of the WWTW.
A proposal was undertaken to increase the hydraulic flow from the WWTW across the George Rex drive in October 2016. The works was stopped by SANPARKS as they did not support the new pipeline discharging effluent into the estuary without improved effluent quality and a coastal discharge license as per the ICMA Section 69 of Act No. 24, 2008. This pipeline must be completed as the effluent is running parallel to George Rex drive and may cause the road to flood in the event of heavy rain. An application will be made by the Environmental Management Department to the National Department of Environmental Affairs Oceans and Coasts for a coastal water discharge permit for the discharge of effluent into an estuary. With sufficient data and environmental monitoring information that is available, the pre-application stage of the process, inclusive of public participation, is estimated to take 3 to 4 months. The minimum decision-making period of 18 to 24 months is required as the WWTW will be prioritised as a large volume and high organic load discharger.

An order has been placed for another screw sludge press, which should be installed by June, to get the final effluent within the special standards as required by DWS. Reaching this special standard is important for improvement of water quality in the Ashmead channel.

**The Bongani Stream**

The Bongani Stream meanders from the ridge in Dam se Bos, all the way down to the Ashmead Channel. There are also three outfall sewers, running in parallel with the Bongani Stream, which also gets flooded with storm water in severe rainfall events and regular blockages occurs due to foreign matter in the system. The periods of high *E.coli* spike in the Bongani can be attributed to blockages which resulted in overflow of manholes into the stream. December 2016 shows an improvement in water quality for both Ashmead channel and Bongani stream. This may be a result of the chlorination efforts during the holiday season. The Pollution Task Team took the decision to regularly chlorinate the stream before it enters the estuary as a mitigating measure, whilst sustainable solutions are being investigated.

A more comprehensive report will be submitted at the next Section 80 meeting with alternatives towards a solution.

**FINANCIAL IMPLICATIONS**

The full permit application and professional fees of the firm facilitating the application for a coastal discharge permit is estimated to be about **R45 000.00 to R55 000.00**

**RELEVANT LEGISLATION**

The following Acts are relevant during such incidents;
- National Environmental Management Act, Act No. 107 of 1998
- Integrated Coastal Management Act, Act No. 24 of 2008

**RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER**

That the report on the current condition of the Ashmead Channel and the prevention of the high *E. Coli* count, be noted.
APPENDIX / ADDENDUM

N/A

File Number: 9/1/2/13
Execution: Acting Director: Planning and Development
REPORT FROM THE ACTING DIRECTOR PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

The purpose of this report is to obtain approval for the adoption of the procedure and determination of Contravention Penalties of the Knysna Municipality By-law on Municipal Land Use Planning (2016).

BACKGROUND

Under the Western Cape Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), Contravention Penalties were implemented in terms of the Knysna Municipality Policy on the Enforcement of the Land Use Planning Ordinance (2010). With the inception of SPLUMA and the Knysna Municipality By-law on Municipal Land Use Planning during 2016, a procedure and manner are required to implement Contravention Penalties. Section 85 of the Knysna Municipality By-law on Municipal Land Use Planning (2016) states the following:

“(1) The Municipality must comply and enforce compliance with— a) the provisions of this By-law; b) the provisions of a zoning scheme; c) conditions imposed in terms of this By-law or previous planning legislation; and d) title deed conditions. (2) The Municipality may not do anything that is in conflict with subsection (1).” Furthermore, Section 86(4) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) requires that the Knysna Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this By-law. A need therefore exist to establish a procedure and a methodology how to determine a Contravention Penalty as required by Section 86(4) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) in order to provide more certainty.

DISCUSSION

In order to adhere to the requirements of the Knysna Municipality By-law on Municipal Land Use Planning (2016) and the Promotion of Administrative Justice Act (Act No. 3 of 2000), it is proposed that the following procedure be followed: In the event that an instruction is given to apply for a contravention levy the owner should be made aware that the issuing of such a levy is not a foregone conclusion and that a rectification order will be issued if the application is unsuccessful or if no application is received within 30 days of the notice. The following procedure should be applied:

1. The procedure for processing the application should be followed exactly as if an application for Departure (as contemplated in Section 15(2)(c) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) were being processed, and an application fee (as determined by Council in the annual Tariff Policy) should be levied.
2. The procedure should include the requirements for public notification in terms of the Knysna Municipality By-law on Municipal Land Use Planning (2016).

3. In the event that objections are raised the matter must be referred to Knysna Municipality Planning Tribunal as in the case of an application for Departure in accordance with Council’s adopted Categorisation of applications.

4. In the event that the application may be refused, the owner must be notified of this decision and an order for rectification issued in the same notification. The following manner to determine the amount of a Contravention Penalty is proposed:

1. The contravention levy will be calculated as follows: 20% of the market value of the portion of the building that contravenes.

2. The market value will be determined on a case-by-case basis on the open market.

**FINANCIAL IMPLICATIONS**

N/A

**RELEVANT LEGISLATION**

Relevant Legislation
- Knysna Municipality By-law on Municipal Land Use Planning (2016);
- Knysna Zoning Scheme Regulations (1992);
- Sedgefield Zoning Scheme Regulations (1980);
- Noetzie Zoning Scheme (2000);
- Section 8 Scheme Regulations (1988).

Departmental Comments Comments:

Manager Legal Services No comments received.

**RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER**

[a] That the contents of the report with regard to the procedure and manner on the Determination of a Contravention Penalties in terms of the Knysna Municipality By-law on Municipal Land Use Planning (2016), be noted;

[b] That the procedure and manner of the Determination of Contravention Penalties in terms of the Knysna Municipality By-law on Municipal Land Use Planning (2016), be approved.

[c] That the Manager: Legal Services finalise the adoption of fines and contravention penalties to be imposed in the enforcement of the said By-law with the Chief Magistrate of Knysna.

**APPENDIX / ADDENDUM**

N/A

File Number: 9/1/2/13
Execution: Acting Director: Planning and Development
Manager: Legal Services
8.5

**P05/02/17 MONTHLY REPORTS FOR DEPARTMENTS: ENVIRONMENTAL MANAGEMENT, TOWN PLANNING AND INTEGRATED HUMAN SETTLEMENTS**

**REPORT FROM THE ACTING DIRECTOR: PLANNING AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

To inform the Committee of the operational activities of the Planning and Development Directorate as indicated herein.

**RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER**

That the monthly reports for the sections of the Directorate: Planning and Development, Environmental Management, Town Planning and Integrated Human Settlements for November and December 2016, be noted.

**APPENDIX / ADDENDUM**

EMD Monthly Report
TP Monthly Report
IHS Monthly Report;

File Reference: 9/1/2/9
Execution: Acting Director: Planning and Development
Managers: EMD, TP & BC and IHS
PLANNING AND DEVELOPMENT PORTFOLIO COMMITTEE REPORT
DIRECTORATE: PLANNING AND DEVELOPMENT

DEPARTMENT: ENVIRONMENTAL MANAGEMENT
MONTHLY REPORT: DECEMBER 2016

1. SDBIP INDICATORS

<table>
<thead>
<tr>
<th>Ref</th>
<th>KPI</th>
<th>Unit of Measurement</th>
<th>Comments/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>D166</td>
<td>Implement Environmental Education</td>
<td>6 per annum</td>
<td>None planned for the month</td>
</tr>
<tr>
<td>D167</td>
<td>Implement River Health Programme</td>
<td>Maintain 30 job opportunities per month</td>
<td>34 opportunities were retained.</td>
</tr>
</tbody>
</table>

2. ADDITIONAL COMMENTS/ ACTIVITIES

3. PERMITS ISSUED

<table>
<thead>
<tr>
<th>Area</th>
<th>Erf Number</th>
<th>TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knysna</td>
<td>216 portion 71 &amp; 72</td>
<td>OSCAE</td>
</tr>
<tr>
<td>Sedgefield</td>
<td>3666</td>
<td>OSCAE</td>
</tr>
<tr>
<td>Sedgefield</td>
<td>4762</td>
<td>OSCAE</td>
</tr>
</tbody>
</table>

4. WATER SAMPLING
<table>
<thead>
<tr>
<th>Site</th>
<th>Date</th>
<th>Coliform Count Per 100ML</th>
<th>E.Coli Count Per 100ML</th>
<th>Intestinal Enterococci Per 100ML</th>
<th>Sample Specifications</th>
<th>Recreational Water Use Standards</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queen Street</td>
<td>8/12/2016</td>
<td>136</td>
<td>26</td>
<td>Sea Water</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brenton-On-Sea</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bigai Stream</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bollard Bay*</td>
<td>8/12/2016</td>
<td>5500</td>
<td>3100</td>
<td>Sea Water</td>
<td>Full recreational</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bongani River</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crabs Creek</td>
<td>8/12/2016</td>
<td>No Growth</td>
<td>5</td>
<td>Sea Water</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Green Hole Culvert*</td>
<td>8/12/2016</td>
<td>7</td>
<td>10</td>
<td>Sea Water</td>
<td>Full recreational</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lands' End</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KADA Culvert/Oyster Catcher Stormwater</td>
<td>8/12/2016</td>
<td>20</td>
<td>4200</td>
<td>Sea Water</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Long Street</td>
<td>8/12/2016</td>
<td>&gt;30 000</td>
<td>&gt;30 000</td>
<td>Sea Water</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salt River</td>
<td>8/12/2016</td>
<td>No Growth</td>
<td>2</td>
<td>Sea Water</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffalo Bay</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Point</td>
<td>8/12/2016</td>
<td>1</td>
<td>No Growth</td>
<td>Sea Water</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Heads*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Train Station</td>
<td>8/12/2016</td>
<td>35</td>
<td>1800</td>
<td>Sea Water</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belvidere</td>
<td>8/12/2016</td>
<td>30</td>
<td>12</td>
<td>Sea Water</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ashmead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>STANDARDS FOR RECREATIONAL WATER (COASTAL)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. SDBIP INDICATORS

<table>
<thead>
<tr>
<th>KPI [R]</th>
<th>Performance Standard</th>
<th>Comment/Progress/ Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services to sites in areas earmarked for projects: Dam Se Bos Oupad; Hlalani; Happy Valley and Ethembeni</td>
<td>Erven serviced with bulk services</td>
<td>880 erven out of 1100 already serviced</td>
</tr>
<tr>
<td>Construction of subsidized housing units in Nekkies; Dam Se Bos; Oupad and Concordia</td>
<td>Housing units constructed</td>
<td>214 slabs already casted out of a target of 195 for 2015/16</td>
</tr>
<tr>
<td>Monthly reporting on EPWP targets to the EPWP Administrator</td>
<td>EPWP Jobs reported to the EPWP Administrator</td>
<td>80 workers have been appointed</td>
</tr>
<tr>
<td>Human Settlement Plan</td>
<td>Number of opportunities provided</td>
<td>In progress</td>
</tr>
<tr>
<td>Homlee Toilets</td>
<td>Provide access to proper sanitation through constructing toilets attached to houses in Homlee.</td>
<td>Phase 1 &amp; 2 are 100% complete.</td>
</tr>
<tr>
<td>Services to sites in areas earmarked for projects: Homlee</td>
<td>Erven serviced with bulk services</td>
<td>Project will start in February/March 2017</td>
</tr>
</tbody>
</table>

2. CURRENT HUMAN SETTLEMENTS PROJECTS

2.1 Provision of Infrastructure for 880 erven in Ethembeni, Hlalani, Happy Valley, Oupad, Dam Se Bos, Homlee will be implemented in the 2016/2017 financial year.

2.2 Provision of 165 Top Structures in Oupad, Dam Se Bos, Nekkies, Concordia,

2.3 Provision of 200 serviced sites in Oupad, Dam Se Bos, Nekkies, Concordia,

2.4 Homlee Toilets (150)

2.5 Rectification of 19 houses

2.6 Electrification of Lapland

2.7 Electrification of Gaaitjie
### 3. PROGRESS ON HUMAN SETTLEMENTS PIPELINE PROJECTS

<table>
<thead>
<tr>
<th>AREA</th>
<th>SITES/TOP STRUCTURES</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloemfontein</td>
<td>158 sites</td>
<td>116 sites serviced, project is 80% complete</td>
</tr>
<tr>
<td>Xolweni</td>
<td>220 sites</td>
<td>84 sites serviced, project is 65% complete</td>
</tr>
<tr>
<td>Ethembeni</td>
<td>200 sites</td>
<td>200 sites serviced, project is 100% complete</td>
</tr>
<tr>
<td>Hlalani</td>
<td>165 sites</td>
<td>87 sites serviced, project is 65% complete</td>
</tr>
<tr>
<td>Happy Valley</td>
<td>120 sites</td>
<td>120 sites serviced, project is 100% complete</td>
</tr>
<tr>
<td>Vision Services 15/16</td>
<td>200 sites</td>
<td>200 sites serviced, project is 100% complete</td>
</tr>
<tr>
<td>Vision Top Structure (15/16)</td>
<td>194</td>
<td>Completed 214 top structures</td>
</tr>
<tr>
<td>Homilee sewer</td>
<td>150 toilets</td>
<td>100% complete</td>
</tr>
<tr>
<td>Rectification Pre 1994</td>
<td>19</td>
<td>100% complete</td>
</tr>
<tr>
<td>Vision Top Structure (16/17)</td>
<td>150</td>
<td>Tender will be advertised shortly</td>
</tr>
<tr>
<td>Vision Services (16/17)</td>
<td>200</td>
<td>60 houses complete, project is 36% percent complete.</td>
</tr>
<tr>
<td>Lapland</td>
<td>30</td>
<td>30 wendy houses were provided and electricity was switched on 07/09/2016</td>
</tr>
<tr>
<td>Rleenendal</td>
<td>322 sites</td>
<td>Trench payment 1.1(planning fees) has been approved for 2017/18, planning of project to start 01/04/2017</td>
</tr>
<tr>
<td>Gaaitjie/Smutsville</td>
<td>Electrification of 70 sites</td>
<td>Project is 100% complete</td>
</tr>
<tr>
<td>Homilee Development</td>
<td>312 sites</td>
<td>Contractor to start in February/March 2017</td>
</tr>
</tbody>
</table>

### 4. STATUS ON 275 SLABS/TOP STRUCTURES 2016/17

<table>
<thead>
<tr>
<th>AREA</th>
<th>SERVICES</th>
<th>PLATFORMS, SLABS &amp; TOP STRUCTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hlalani</td>
<td>165</td>
<td>40 slabs/top structures</td>
</tr>
<tr>
<td>Happy Rest</td>
<td>120</td>
<td>40 slabs/top structures</td>
</tr>
<tr>
<td>Ethembeni</td>
<td>200</td>
<td>70 slabs/top structures</td>
</tr>
<tr>
<td>Bloemfontein</td>
<td>158</td>
<td>Still awaiting for approval of slab/top structure application</td>
</tr>
<tr>
<td>Xolweni</td>
<td>220</td>
<td>50 slabs/top structures</td>
</tr>
<tr>
<td>Vision Slabs</td>
<td>75</td>
<td>40 slabs/top structures</td>
</tr>
<tr>
<td>Vision Top Structures</td>
<td>150</td>
<td>Tender will be advertised shortly</td>
</tr>
<tr>
<td>Vision Services (17/18)</td>
<td>200</td>
<td>Tender will be advertised shortly</td>
</tr>
</tbody>
</table>

MAWETHU PENXA
INTEGRATED HUMAN SETTLEMENTS
REPORT FROM THE ACTING DIRECTOR: PLANNING & DEVELOPMENT

PURPOSE OF THE REPORT:
The purpose of this report is to consider an application from Marike Vreken Town and Regional Planners on behalf of Trackstar Trading 7 (Pty) Ltd, the property owner, for the following proposals:

1. Application in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Knysna Erf 5084 from “Agriculture Zone I” to “Subdivisional Area” for the purposes of residential erven, group housing erven, general residential erven, a local business erf, a resort, private open space and private roads.

2. Application in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of Knysna Erf 5084 into 19 single residential erven, 75 Group Housing erven; 6 General residential erven; 1 Local Business erf, 1 Resort erf and 4 private open space erven and private roads;

3. Application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure from the Knysna Zoning Scheme to allow single residential stands that are smaller than 4000 m² in the Eastford area and to allow group housing sites larger than 2 ha;

4. Application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure from the Knysna Zoning Scheme Regulations to allow a group housing site of larger than 2 ha.

BACKGROUND

5. The subject property is located in the Eastford area, approximately 2.5km north of the Knysna Central Business District (CBD) and is surrounded by residential development. The expropriated N2 Bypass route abuts the southern boundary of the application area. The subject property is located directly south of the existing Green Pastures Residential development and north of the Knysna Heights Township. A locality map is attached as Annexure A.

6. Vehicular access to the property is currently obtained from either Rio Street in Knysna Heights or directly off Grey Street.

7. The application area is currently zoned “Agriculture” in terms of the Knysna Zoning Scheme Regulations and is currently vacant.

8. The property measures 39,1100 ha which also consists of a 36m wide pipeline and powerline servitude. This servitude traverses the site in an east-west direction.

9. The original application, which served before Council on 23 September 2009, was submitted on 11 September 2008. A Council resolution taken at that meeting is attached as Annexure B.

10. That application, as was expected, was circulated to all internal and external departments and other organs of state and also underwent an extensive public participation process prior to the decision that was taken on 23 September 2009,
11. Subsequent to the public participation process, the applicant responded to all comments and objections prior to the application serving before Council (in a letter dated 20 February 2009 – Annexure C),

12. With regard to the application for the amendment of the Guide Plan, Council granted its full support. However with regard to the rezoning, departures and subdivision aspects, Council took these notable resolutions:
   a. That the infrastructure of Knysna Municipality cannot at the time support a development of the specific nature and that the applicant be informed that no application for rezoning or subdivision will be entertained until the Director: Technical Services and the Town Electrotechnical Engineer have certified that the infrastructure can support the development,
   b. That should the amendment (of the Guide Plan) be approved by province, the rezoning, departures and subdivision must be resubmitted to Council for reconsideration.

13. As per a notice in the provincial gazette of 20 August 2010, the provincial authority approved the amendment of the Guide Plan in order to accommodate the proposed mixed use development. On the same day the gazette also published a notice confirming the decision of the provincial authority for the removal of a restrictive conditions which prohibited the development of certain aspects of the proposal under consideration. However it is noted the deeds office later noted that the conditions in question did not have to be removed citing that they did not place restrictions on the subject Erf in relation to the uses being proposed.

Public Participation
14. The application first appeared in the Action Ads and the Provincial Gazette on 20 November 2008 and 21 November 2008 whilst notices were simultaneously served to interested and affected parties including all relevant internal and external departments and state bodies. All proof of public participation is attached as Annexure D.

15. As is clear from the Council resolution, the project could not continue as no guarantee could be granted by the Directorate: Technical Services that there was sufficient service capacity to accommodate the proposed development. As a result the proposal went dormant until during 2015 when the applicant requested the application to be resubmitted to Council.

16. Due to the substantial amount of time which had elapsed subsequent to the submission of the first application, it was deemed necessary for the application to undergo a second round of public participation. As a result, on 15 October 2015, the application appeared, again, in the Action Ads with the closing date being 16 November. Registered notices were simultaneously sent to all potential interested and affected parties, internal and external departments and other organs of state. Documents detailing the extent of public participation, comments received and the applicant’s response are all attached as Annexure E.

Response to public participation
The following public comments were received from various interested and affected parties.

2009
17. Uschi Schultz – 13 January 2009: general comment with queries and suggestions,
18. P. E. Morkel – 19 December 2009: objection,
19. The South Cape Trust – 10 December 2008: General comment and no objection,
20. Glynn William Van Straten – undated: objection,
Copies of the objection submitted in 2009 are attached as Annexeure F.

**2015**

22. Warren Stott – 16 November 2015: objection,
23. G J Ott – 23 November 2016,
24. Vanessa van der Merwe – 16 November 2015: Objection,
25. David Wright c/o Rodfair Investors – 16 November 2015: Objection
26. Gopichand Family Trust – 14 November 2015: objection,
27. Noel and Val Crossley – 15 November 2015: objection,
28. K E Horn – 15 November 2015: objection,
29. Anita Batistic 16 November 2015: objection,
30. Andre Roodt – 16 November 2015: objection,
31. Andre van Rooyen – 15 November 2015: objection,
32. W P & C Stott – 16 November 2015: objection,
33. Johan and Petro Kruger – 16 November 2015: objection,
34. Edmund and Carol Schoeman – 16 November 2015: objection,
35. Sean Sim and Niel du Plessis – 15 November 2015: objection,
36. Pieter Reynecke – 16 November 2015: objection,
37. Dr R M Becker – 16 November 2015: objection,
38. Daleen Meyer – 16 November 2015: objection,
39. Schalk Meyer – 16 November 2015: objection,
40. Brian Eksteen – 16 November 2015: objection,
41. Ursula & Du Toit Maree – 16 November 2015: objection,
42. Eugene Julyan / Hein Stander – 16 November 2015: objection,
43. Vincot Trust – 16 November 2015: objection,
45. P O de Kock – 16 November 2015: objection,
46. Gay Booysen – 15 November 2015: objection,
47. Eastford Glen Homeowners Association – 16 November 2015: objection,
48. Green Pastures Homeowners' Association - November 2015: objection,
49. Copies of the objections submitted in 2015 are attached as Annexeure G. With the exception of the objection from Mr B J Henderson and the one from Green Pastures HOA, all other objections are the same as Johan and Petro Kruger’s. As a result only one copy has been attached under Annexeure G.
Discussion

The application

A copy of the applicant’s explanatory motivation is attached as Annexure H.

The objective of the application is to develop the property in the following manner:

50. “To create a living environment with a sense of place, that will cater for a wide range of inhabitants as far as age groups and income levels are concerned, that takes cognisance of the great beauty of the surrounding natural environment and provide more than just living space, to fulfil in the needs and aspirations of the modern urbanite, whilst preserving the natural heritage and providing tourist facilities.”

In order to put this philosophy in practice, the following range of housing stock is introduced:

Single Residential development

51. The proposed development will consist of the range of housing stock. This includes the following:
   a. A total 19 single residential stands are proposed. These erven will be more upmarket housing opportunities.
   b. The average size of the erven are between 700m² – 900m²
   c. These stands abuts the 1:100 year flood line and maximise open space and privacy;

Group Housing Units

52. The following is applicable:
   a. (i) A total of 75 smaller group housing units are proposed.
   b. (ii) These erven vary between 300m² to 500m². It is envisaged that these erven would be a “plot and plan” development, with ample private open space provided on every open erf. It is foreseen that these units would be linked group housing units.

General Residential erven

53. The following is applicable:
   a. Six general residential stands are proposed. It is foreseen that a total of 78 units will be provided on the 6 general residential erven.
b. Site Development Plans for the proposed general residential properties are attached as Plan 12 to this report.

c. These six stands abut the expropriated bypass route south of the application area.

d. It is foreseen that these stands will provide housing in the much needed middle income housing market.

e. Simultaneously, these apartments will serve as a buffer between the N2 bypass and the development. These units will be carefully designed to minimise any potential visual impacts.

f. By incorporating higher densities this development caters for a wider range of inhabitants and therefore ensuring not just a development for the privileged few.

g. Despite the introduction of group housing and general residential uses, the overall density is still very low where less than 20% of the application area will be utilized for residential erven and the gross density of all dwellings are less than 4 units per hectare.

**Tourist facilities**

54. The following is applicable:

a. The new Knysna SDF emphasises the importance of the tourist economy for the Knysna Municipal area. The portion of indigenous forest is one of the last portions of forest that are so close to the Knysna CBD (a mere 3 km). It is the intention of the developer to provide a resort containing 15 log cabins, tucked away in the forest. These log cabins will be rented out on a short term basis. An example of similar tree top chalets exists in the Diepwalle area.

b. A “heritage village” to replicate the “Old Knysna” and the timber and former gold mining culture of old Knysna, is proposed in the disturbed open space between the forest patches. The developer envisions creating a historical village containing restaurants and arts & craft shops, with residential units on top. This village will be typical example of the historical Knysna, thereby contributing to the unique sense of place of the Knysna forests. This proposed local business site is 3591m² in extent.

c. No vehicular traffic will be allowed in the forest area. A central parking area is proposed to the west of the Salt River. Motor vehicles will be parked at this point and visitors will be transported with golf carts or with a similar, low impact tourist
shuttle service. A derelict existing, narrow track, will provide access to the proposed village. This track will be upgraded to accommodate golf carts.

e. Currently, the application area is privately owned, with no access to the general public. By providing the resort facilities as envisaged, the general public could have access to the site and share in the unique forest culture of Knysna.

Open Space and Connectivity with surrounding Environment

55. The following is applicable:
   a. The majority of the residential erven are buffered from surrounding properties by open space. The entire site is well connected with open space corridors to allow for storm water and species movement. The ecological corridors on the site are designed to connect with the corridors on neighbouring properties.
   b. More than 60% of the site is to be zoned for “Private Open Space”. The Private Open Space will be rehabilitated, cleared of aliens and possibly included in a conservancy.

Proposed Land Uses and Appropriate Zonings

56. The following is applicable:
   a. The application area was carefully assessed in order to maximize the development potential of the site whilst retaining the existing land use activities. Emphasis has been placed on the creation of a development that is sensitive towards any ecological sensitive attributes. The proposed layout plan, as reflected on the Subdivision Plan (Plan 11) entails the following uses:

   b. The intention is to rezone the entire resort site as a nature area (Private Open Space III in Section 8 Scheme Regulations), but the Knysna Zoning Scheme Regulations does not have a nature zone. The property will therefore be zoned as a resort zone, but the indigenous forest will be managed as a private nature area.

Objections, applicant’s response and departmental comment

57. A document in the above regard is attached as Annexure I.

Planning Assessment

There are no title deed restrictions that have a bearing on the application under consideration.

REZONING, SUBDIVISION AND DEPARTURES
The Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) states in Section 36 that the reasons for refusing an application may only be considered on the basis of the “lack of desirability” of the proposed land use.

The following points must be taken into account when evaluating the desirability of this application:

**Consistency with Spatial Policy Directives**

59. The proposed development is consistent with current spatial planning guidelines applicable to this area, such as the Knysna SDF and the Provincial Spatial Development Framework. Also, the proposed development is included in the urban edge for Knysna Municipality.

60. It should be noted that the new Provincial Spatial Development Framework promotes mixed used settlements where economic and employment opportunities are situated within walking distance from the residential areas. Therefore the proposed establishment of economic opportunities (tourism opportunities) within the proposed development could be regarded as being desirable for this area.

61. It should also be noted that the site is in close proximity to the area of major employment for Knysna, namely the Knysna CBD.

**Consistency of the Development with the Character of the Surrounding Area**

62. The surrounding area is characterised by predominantly medium to low density single residential and resort type land uses. The proposed development could be regarded as “infill” development as this is the application area is located between the existing low income areas of Knysna to the east (Wit Lokasie) and the higher income areas to the west of the application area (Knysna Heights). Higher income residential developments such as Green Pastures; Eastford Vale and Glen and the Simola Country Estate is located north of the application area. It is therefore the considered opinion that the proposed development is consistent with the character of the surrounding area.

**Locality and accessibility of the area**

63. The application area is located between the lower income and higher income areas of Knysna.

64. Currently the site receives access from Grey Street that is also the main linkage and public transport route between the lower income areas and the Knysna CBD.

65. A new safer access is proposed off Rio Street. Rio Street connects the Knysna Heights neighbourhood with Grey Street and the Knysna CBD.

66. The proposed new access has been approved by the Knysna Municipality as well as SANRAL. Therefore, sufficient access could be provided.

**Potential of the property**

67. The application area has no agricultural potential and is also predominantly covered with invasive alien vegetation. The environmental integrity of the portion of indigenous forest to the north east of the application area is under threat as various snares etc. has been founded on this portion. A resort on this portion will protect the fauna and flora of this portion, whilst utilizing eco-tourism opportunities in close proximity to the Knysna CBD.

68. The property has a unique opportunity to provide a range of housing stock that should result in an integrated development. It is therefore the considered opinion that the proposed development will optimise the potential of the property whilst maintaining the environmental integrity of the sensitive eco-systems.

**Layout Design in relation to the Physical Characteristics of the Site**

69. The proposed layout was sensitively planned, taking into account sensitive natural areas, riverine areas; steep slopes and the continuity of open space corridors. Wide buffer areas
are proposed on both sides of the water course, and no development is proposed below the 1:100 year flood line.

70. The design of the proposed development has therefore carefully used the on-site informants to dictate, ensuring that the unique character of the site is retained.

**Impacts on existing land use rights**

71. The proposed development is surrounded with medium; low and high density residential development and given the consistency of the proposed development with the existing residential development, and given the abundant provision of functional open space, it is the considered opinion that the proposed development will not impact on any existing land use rights. The proposed development will rather strive to conserve the natural environment and therefore ensure that the proposed development will not impact on any existing land use rights in the area.

**Safety and welfare of the community**

72. There are currently no improvements on the property and it is covered mostly by exotic species. The property, in its existing state, is not properly fenced. Vagrants and other negative social elements are known to thrive on large portions of unused and unattended vacant land. This is evident of the site as various snare have been found in the indigenous forest areas where locals hunt on the few remaining bushbuck and also on the portion to the south of the Salt River where the existing residential dwelling was stripped of its roof; windows; doors etc.

73. The proposed development will potentially add value to the surrounding area, providing a high quality, aesthetically controlled development. The proposed development will also secure the common boundaries with surrounding properties.

74. During the Public Participation process conducted as part of the Environmental Impact Assessment, Interested & Affected Parties expressed concern relating to, amongst other, increased crime, squatters and tourism opportunities.

**Increased Crime and squatters**

- Residents of Knysna Heights have expressed their concern about rising level of crime that is experienced on the neighbourhood. Vagrants can easily hide on large portions of vacant land.
- The proposed development will serve as a buffer between the lower income areas of Wit Lokasie and the higher income areas of Knysna Heights.

**Tourism Opportunities**

75. Knysna is known for its timber history. The proposed heritage village within the development will ensure the conservation of the unique Knysna Heritage whilst simultaneously creating employment opportunities.

**Conservation of the environment**

76. A detailed site-specific environmental sensitivity analysis was conducted by HilLand Associates and the development concept was informed by this sensitivity analysis, thereby ensuring that the development proposal will have a minimal negative environmental impact.

77. The existing riverine and indigenous forest areas will be retained and rehabilitated in order to ensure the functioning of these ecological corridors. The fact that the proposed nature areas will have statutory conservation status (by amending the statutory guide plan designation to nature area); will ensure the integrity of these areas. Storm water will be distributed in an appropriate way to ensure that the functioning of the riverine area will not be impacted upon.
78. 21.9. Urban Sprawl – ripple effect given the unique character of the proposed development, the integration of a private nature area and medium density residential component on transformed areas, the proposed development will ideally fit in with the urban fringe area of Knysna town. It is the considered opinion that given the fact that the application area is surrounded by other existing residential developments and the fact that the application area is located within the urban edge of Knysna; the proposed development is rather an "infill".

79. Given the fact that the proposed development is regarded as "infill development", the proposed development will have a minimal ripple effect on the Knysna surroundings.

**Limited visual impact**

80. Although the property is located on a northern facing slope, the property is not located on any ridgeline of sensitive skylines. The expropriated N2 National Road is located on the ridgeline of the Knysna Heights neighbourhood and to the south of the application area.

81. The visual impact of the site should also be regarded within the context of residential development within an existing residential area.

82. It is foreseen that strict architectural design guidelines and appropriate landscaping will mitigate the visual impact, if any.

**Impact on the Agricultural Potential / Viability of the property**

83. The Agricultural Potential investigation has indicated that, by virtue of its soil potential, size and location has limited agricultural potential. Therefore, the proposed development will not contribute to the loss of high potential agricultural land.

84. The development proposal will also not leapfrog any high potential agricultural land.

**Availability of Link Services, Infrastructure and Capacity**

85. Sufficient connections and infrastructure capacities are available for the provision of services to the proposed development. Refer to Annexures M - N of this report for comprehensive Services reports. It should be noted that the developer will be responsible for the provision of services to the satisfaction of the local authority.

**Heritage Impact**

86. The fact that Heritage Western Cape issued a positive Record of Decision (ROD) is a clear indication that the proposed development will have no heritage impact whatsoever.

87. In the interest of thoroughness, the following considerations have been taken into account when undertaking the assessment of this application:

- **Lawfulness, reasonableness and procedural fairness** – the procedure followed during the processing of this application is deemed to comply with this consideration,
- **public participation** – all public participation was undertaken in the legally prescribed manner and all interested and affected parties as fair opportunity to comment on the proposal,
- **status of the decision maker and legislative provisions** – Council is authorized to take a decision on this matter and the decision is provided for in terms of the Land Use Planning Ordinance and the General Structure Plan,
- **Relevant considerations** – no irrelevant considerations are deemed to have influence on the decision maker with regard to this assessment,
- **Consistency with the SDF** – the proposal is consistent with the Knysna Municipality SDF 2008 and with principles enunciated in that document,
- **Site specific circumstances** – circumstance are deemed to be in favour of the proposal. An EIA was also undertaken as part of this development and was granted by the relevant environmental authority,
- **Public interest** – the members of the public concerned were consulted and this assessment has taken into account all individual viewpoints of all interested and affected parties,
- Risk – any potential risk has been mitigated through strict compliance with relevant legislation, norms and standards,
- Impact – no negative impact is envisaged in the realistic sense, however it must be mentioned that some of the members of the public do not share the same sentiment,
- Long term benefits – the transformation of the subject property from being a vacant underutilized land parcel in an area where developable land is a scarcity will obviously lead to all sorts of benefits in the medium to long term. These benefits are too many to mention which is why it is important to mention but one benefit – the provision of affordable housing which is both a primary need and constitutional right of the citizens of Knysna and beyond.
- Engineering and environmental considerations – it is currently unclear if there is sufficient capacity for the proposed development. However such details can always be ironed out at the service level agreement stage. A letter from the Directorate: Technical Services confirming the availability of water is attached as Annexure J.
- Weightings – the following weightings have been taken into account:
  - Guidelines set out in the spatial development framework in so far as it relates to desirability,
  - Effect on existing rights (except any alleged right to protection against trade competition).
  - The safety and welfare of the members of the community,
  - The preservation of the natural and developed environment, and
  - The effect of the application on existing rights concerned (with the exception of any alleged right to protection against trade competition).

**Financial Implications**
To be quantified at service level agreement stage.

**Relevant Legislation**
Land Use Planning Ordinance no. 15 of 1985.

**Comments from departments and other statutory agencies (Annexure K)**

**Comments: Western Cape Department of Agriculture**
88. No objection
89. All newly created units (including the remainder) approved for township development must be zoned to any non-agricultural zoning according to the Local Government’s zoning scheme and regulations,
90. All the newly created units approved for township development must be incorporated into the town area and linked up to the municipality's bulk services,

**Comments: Technical Services (15 October 2007)**
91. The access from the development to Rio Street must be a 20m road reserve.
92. The access road from the development and intersection with Rio Street shall be constructed with the dual lanes as proposed by the traffic impact study by the developer.
93. Hospital Hill Road and Main Road intersection shall be improved by the developer in terms of the traffic impact study with road widening and traffic signals. The developer shall submit detailed construction details of the improvements to the municipality and the Roads Authority for approval. Council may consider 50% of the cost of the improvements to the intersection being offset from other Capital Charges, the balance to be funded by the development.
94. This department supports the application, however, it is proposed that the bulk water must be supplied from Green Pastures Development. Should Council approve the Water
Master Plan no bulk water shortfall are foreseen. The sewer connection proposal is acceptable (as per letter from the Director dated 24 October 2006).

95. The proposed access to Erf 5084 is approved subject to the new bell mouth being bitumen surfaced to avoid gravel spilling onto Rio Road and storm water being controlled, details of storm water to be submitted for approval.

96. The development should not be supported until ESKOM has indicated that they are in the position to allow Knysna Municipality to increase the Notified Demand (electro technical). Should Council be willing to consider the application the following conditions shall apply (Director: DTS as per letter dated 23 September 2008):

97. The development shall be subject to a services agreement being entered into with the Municipality which would contain requirements for:
   - The payment of augmentation levies and extension charges for water and sewer services,
   - The upgrading of the local water and sewer infrastructure including the provision of a reservoir to the approval of the municipality by the developer,
   - The compliance with the approval of the Traffic Impact Study for the development.

98. The provision of internal services to the satisfaction of the municipality,

99. The approval of the subdivision plan and layout by the Municipality,

100. The registration of servitudes for all existing and required Municipal Services for and on the Erf,

101. No development to be below the 1:100 year floodline,

102. Any requirements of SANRAL to be complied with,

Comments: Technical Services (11 August 2016)

103. See section 19.1.1 Roads, page 28 of 36. This is crucial, as the development is required, i.e. to upgrade the intersection of Main St and Hospital Hill Road. See annexure M, letter from Knysna Municipality, paragraph 3, dated 15 October 2007

104. Further to Section 19.1.1 (iv), gradients steeper that 12% should be limited to 70m in length and the main access road as defined under 19.1.1 (iii) shall not exceed a grade of 10% at any point,

105. The development consists of 172 living units and would entail significant construction activities. The question arises as to how the site will be accessed during the construction phase of the access road has not been built and the main St and Hospital Hill Road intersection has not been upgraded.

106. Notwithstanding the requirement for Hospital Hill, it is more likely that the development’s traffic will use Grey Street to town and perhaps a shift from Hospital Hill to Gray may be better suited to our needs.

107. The TIA must also be included as an entity of its own in the Vreken report. It may also have to be updated due to age.

Comments: Technical Services (3 November 2016)

108. Service level agreement to be finalised before approval to the satisfaction of DTS,

109. Applicant did not respond to access.

110. The developer agrees that higher contributions and higher capital contributions can be imposed in the Service Level Agreement, regarding traffic and transport.

Comments: SANRAL

Comments: Department of Environmental Affairs and Development Planning

111. A Copy of the Environmental Authorisation dated 22 June 2016 is attached as Annexure L.

Comments: Eskom

112. No objection,
113. Should it be necessary to move or support any of Eskom’s services, at least three months' notice in writing is required and costs will be entirely for the account of the developer / applicant,

114. Eskom’s rights on the property shall not be affected.

**Comments: Environmental Management**

115. Subdivision for 1 resort zone is not supported for the Tourism facility in the forest area north of the property. No development is supported in the forest area. The environmental Authorisation issued by DEA on 05 July 2015 is noted –

116. You are reminded of your obligation under the Conservation of Agricultural Resources Act (Act no 43 of 1983) to eradicate and control the spread of numerous declared weeds and invader plants. All category 1 species must be controlled or eradicated in accordance to Regulation 15 of the Act.

117. Tourism facilities proposed in the forest area are not approved.

**Comments: Heritage Western Cape**

118. No further study is required and the development may proceed with no conditions.

**Comments: Department of Transport and Public Works**

119. The department offered no objection.

**Comments: CapeNature**

120. Comments from CapeNature are attached as Annexure K.

**Comments: Water Affairs and Forestry**

The department supported the Guide Plan amendment but would not support the rezoning and subdivision before the following aspects were taken into account:

121. The submission of a letter from the Municipality acknowledging the support for the proposed development to connect to the municipal services (water and sewage). If the connection to Municipal Services is supported by the Municipality, the Municipality must inform this office that the extra water is still within the municipality’s water allocation and that the extra effluent to be treated is still within the design capacity of the relevant sewage treatment works.

**Comments: Chief Town Planner**

122. No objection to the amendment of the Regional Structure Plan,

123. Access and density must be to the satisfaction of Council as per services plans,

124. No objection to the removal of restrictions,

125. Rezoning to General Residential not supported, this would not be in line with any known policy.

126. Detailed subdivision will be considered once more detail is provided i.e. once rezoning has been established.

**Comments: SANPARKS**

127. No objection subject to the conditions below:

128. An alien clearing strategy and rehabilitation plan shall be implemented. The clearing of alien vegetation should start at the site development phase, prior to construction of units taking place,

129. Zero loss of indigenous trees,

130. An erosion management and erosion prevention plan is implemented,

131. Rehabilitation of the Salt River running through the property takes place,

132. A storm water management plan is implemented to prevent siltation of the river system,

133. No development shall take place on slopes steeper than 1:4,

134. Environmental Management Plans should be implemented during the construction and operational phase of the development,
135. SANParks requires proof that there is sufficient capacity in the existing municipal system to accommodate water supply and waste water treatment.

136. At least 70% of the site shall be private open space,

137. Business shall be limited to low impact tourism activities,

138. When the placement of the proposed platforms for tents is determined no loss of indigenous trees shall occur. Only the area surrounding the platforms is zoned as resort and the remainder of the forest area remains private open space. A maximum of 12 platforms is built.

139. Units 56, 57, 58 as per plan 10 are not developed and remain private open space.

140. Architectural Guidelines are developed and implemented to reduce the visual impact,

141. The proposed General Residential Node 2 (21 Units) as per Plan 10 is reduced in size and moved 2 meters down the slope or as relevant to ensure no development on slopes steeper than 1:4.

142. SANParks has no objection to the departure from the Knysna Zoning Scheme Regulations under Group Housing to an area of 3,2 ha.

Comments: Department of Economic Development and Tourism

143. No objection as long as the municipality has followed due process.

Comments: National Department of Agriculture

144. The proposed application is not acceptable from an agricultural point of view because the proposed development represents leap frog development and the creation of a new node.

RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

[a] That the following correspondence be noted:

(vii) Application from Marike Vreken Town and Regional Planners dated September 2010 and the supplementary letter dated 5 November 2010;

(viii) Comments: Western Cape Department of Agriculture

(ix) Comments: Technical Services (15 October 2007)

(x) Comments: Technical Services (11 August 2016)

(xi) Comments: Technical Services (3 November 2016)

(xii) Comments: SANRAL

(xiii) Comments: Department of Environmental Affairs and Development Planning

(xiv) A Copy of the Environmental Authorisation dated 22 June 2016

(xv) Comments: Eskom

(xvi) Comments: Environmental Management

(xvii) Comments: Heritage Western Cape

(xviii) Comments: Department of Transport and Public Works

(xix) Comments: CapeNature

(xx) Comments: Water Affairs and Forestry

(xi) Comments: Chief Town Planner

(xii) Comments: SANPARKS

(xiii) Comments: Department of Economic Development and Tourism

(xxiv) Comments: National Department of Agriculture

(xxv) Uschi Schultz – 13 January 2009: general comment with queries and suggestions,

(xxvi) P. E. Morkel – 19 December 2009: objection,

(xxvii) The South Cape Trust – 10 December 2008: General comment and no objection,

(xxviii) Glynn William Van Straten – undated: objection,

(xxix) Alastair M Davidson – 19 January 2009 – objection,

(xxx) Warren Stott – 16 November 2015: objection,
That, approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Knysna Erf 5084 from "Agriculture Zone I" to "Subdivisional Area" for the purposes of residential erven, group housing erven, general residential erven, a local business erf, a resort, private open space and private roads.

That, approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of Knysna Erf 5084 into 19 single residential erven, 75 Group Housing erven; 6 General residential erven; 1 Local Business erf, 1 Resort erf and 4 private open space erven and private roads;

That, approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure from the Knysna Zoning Scheme Regulations to allow a group housing site of larger than 2 ha.

That, approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure from the Knysna Zoning Scheme to allow single residential stands that are smaller than 4000 m² in the Eastford area and to allow group housing sites larger than 2 ha;

That, approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure from the Knysna Zoning Scheme Regulations to allow a group housing site of larger than 2 ha.

The approval is subject to the following conditions imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985, that:
Conditions: Knysna Municipality

(i) This approval applies only to the rezoning, subdivision and departures outlined above and shall not be used as authority to depart from any legal prescriptions or requirements;

(ii) A revised layout plan incorporating the conditions of the Environmental Assessment shall be submitted for approval prior to the finalization of the services level agreement;

(iii) The access from the development to Rio Street must be a 20m road reserve;

(iv) The access road from the development and intersection with Rio Street shall be constructed with the dual lanes as proposed by the traffic impact study by the development;

(v) Hospital Hill Road and Main Road intersection shall be improved by the developer in terms of the traffic impact study with road widening and traffic signals;

(vi) The developer shall submit detailed construction details of the improvements to the municipality and the Roads Authority for approval. Council may consider 50% of the cost of the improvements to the intersection being offset from other Capital Charges, the balance to be funded by the development;

(vii) The bulk water must be supplied from Green Pastures Development;

(viii) The new bell mouth to be constructed on the access point form Rio Street shall be surfaced with bitumen to avoid gravel spilling onto Rio Road and storm water being controlled, details of storm water to be submitted for approval;

(ix) The development shall be subject to a services agreement being entered into with the Municipality which would contain requirements for:

a. The payment of augmentation levies and extension charges for water and sewer services,

b. The upgrading of the local water and sewer infrastructure including the provision of a reservoir to the approval of the municipality by the developer,

c. The compliance with the approval of the Traffic Impact Study for the development.

d. The provision of internal services to the satisfaction of the municipality,

e. The approval of the subdivision plan and layout by the Municipality,

f. The registration of servitudes for all existing and required Municipal Services for and on the Erf,

g. No development to be below the 1:100 year floodline,

h. Any requirements of SANRAL to be complied with.

(x) Gradients steeper that 12% should be limited to 70m in length and the main access road as defined under 19.1.1 (iii) shall not exceed a grade of 10% at any point;

(xi) An updated Traffic Impact Assessment shall be submitted to the municipality before a service level agreement can be finalized;

(xii) The developer shall agree that higher contributions and higher capital contributions can be imposed in the Service Level Agreement, regarding traffic and transport;

(xiii) Subdivision for 1 resort zone shall not be permitted for the Tourism facility in the forest area north of the property;

(xiv) No development is supported in the forest area;
(xv) Any deviations from the Environmental Authorisation issued by the Department of Environmental Affairs on 05 July 2015 shall not be entertained without authorization from the department;

(xvi) The developer shall eradicate and control the spread of numerous declared weeds and invader plants;

(xvii) All category 1 species must be controlled or eradicated in accordance to Regulation 15 of the Conservation of Agricultural Resources Act (Act no 43 of 1983);

(xviii) Tourism facilities proposed in the forest area shall not be permitted;

Comments: Water Affairs and Forestry

(xix) The Municipality shall submit a letter to the Department of Water Affairs and Forestry to confirm that the proposed development will be connected to the municipal services (water and sewage).

(xx) The Municipality shall inform the department that extra water is still within the municipality’s water allocation and that the extra effluent to be treated is still within the design capacity of the relevant sewage treatment works.

Conditions: SANPARKS

(xxii) An alien clearing strategy and rehabilitation plan shall be implemented;

(xxiii) The clearing of alien vegetation should start at the site development phase, prior to construction of units taking place and there shall be zero loss of indigenous trees;

(xxiv) An erosion management and erosion prevention plan shall be implemented;

(xxv) Rehabilitation of the Salt River running through the property shall take place and a storm water management plan shall also be implemented to prevent siltation of the river system;

(xxvi) No development shall take place on slopes steeper than 1:4;

(xxvii) The municipality shall provide proof to SANParks that there is sufficient capacity in the existing municipal system to accommodate water supply and waste water treatment;

(xxviii) Architectural Guidelines shall be developed, approved and implemented to reduce the visual impact of the proposed development;

(xxix) Local labour and contractors from within the Knysna Municipal area shall be utilised wherever possible, and, in this regard, contracts regarding BEE and local labour content, (including those relating to transportation of employees) to the satisfaction of Council, shall be submitted to the Director: Corporate Services for approval prior to commencement of construction, and a monthly report on labour and contractors shall be submitted to the Director: Planning and Development for information of Council. The municipal database on local labour shall be used as far as possible;

(xxix) Capital contribution with regard to the provision of electricity shall be determined as part of the service level agreement.

File Number: 9/1/2/13
Execution: Acting Director: Planning and Development
JANUARY 2017

ERF 3018, 4 GRUNTER CRESENT, SEDGEFIELD: PROPOSED
DEVIATION FROM THE FENCING AND FENCES BY-LAW (APP NO.
1275).

Report from the Director: Planning and Development

Purpose of the report:

To consider an application from N. Genade on behalf of SC and E Flynn
in terms of Section 4(2) of the Knysna Municipality Fencing and Fences By-law
(2008) for the consent of Council to erect an 1,8m high street boundary fence in lieu
of 1,2m as indicated on Drawing No. N001/07/2015 drawn by N. Genade dated 03-
May 2015.

This application is recommended for approval.

Background

Erf 3018, Sedgefield (hereinafter referred to as “the property”) is situated on 4
Grunter Crescent, Groen Vallei, Sedgefield and is accessed via grunter crescent. A
locality map is attached as “Annexure A”. The property is zoned “Single residential”
in term of the Sedgefield Zoning Scheme Regulations (1980) and is currently utilised
for residential purposes and located in a residential area. The current application, a
copy of which was submitted on 05 May 2015, is attached as “Annexure B”.

The property measures 600m² in extent and is currently owned by SC and E Flynn
under the Title Deed number T9087/2015. There are no restrictive conditions
contained in the title deed that can hinder this application.
REPORT FROM THE ACTING DIRECTOR: FINANCIAL SERVICES

PURPOSE OF THE REPORT

For comments to the Executive Mayor in order to provide political guidance as is envisaged in Section 52(a) of the Local Government: Municipal Finance Management Act 56 of 2003.

BACKGROUND

As requested by the Executive Mayoral committee this report will be submitted monthly to each portfolio committee in order to facilitate discussions on any issues that may arise with the responsible directors.

*See annexure A for full details of all Capital Projects*

Capital budget YTD progress per directorate as at 25 January 2017

<table>
<thead>
<tr>
<th>DIRECTORATE</th>
<th>Original Approved Budget</th>
<th>Revised Budget</th>
<th>YTD Actual</th>
<th>YTD Budget Commitments</th>
<th>Annual Variance incl Commitments</th>
<th>% Annual Budget Utilized</th>
</tr>
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<tbody>
<tr>
<td>Executive &amp; Council</td>
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<td>4 420 000.00</td>
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FINANCIAL SUMMARY
Any over expenditure of the approved budget will be classified as unauthorized expenditure.

RELEVANT LEGISLATION / RELEVANTE WETGEWING
MFMA Section 32 Unauthorized, irregular or fruitless and wasteful expenditure; Section 52(a) The Mayor of the municipality must provide general political guidance over the fiscal and financial affairs of the municipality

RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER
That the Detailed Capital Budget Report: 2016/2017 as submitted in terms of Section 52(a) of the Local Government: Municipal Finance Management Act 56 of 2003, be noted.

APPENDIX / ADDENDUM
Detailed Capital Budget Report.

File Number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget
## CAPITAL LINE ITEM BUDGET REPORT: 2016/2017 as at 25 JANUARY 2017

### 1. Executive & Council

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<th>Variance</th>
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### CAPITOL LINE ITEM BUDGET REPORT: 2016/2017 as at 25 January 2017

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#### PLANNING AND INTEGRATED HUMAN SETTLEMENT COMMITTEE MEETING AGENDA

- 8 February 2017

#### WORKSHOP & EMERGENCY EMERGENCY SUPPORT SERVICES

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#### WORKSHOP & EMERGENCY SUPPORT SERVICES Total

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#### ROLX/WATERTANKER/200,000L Total:

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<td>Upgrade 940L Stewar</td>
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<td>K/ Water Tanker (200,000L)</td>
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#### WATER CATCHMENT MEASURES

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REPORT FROM THE ACTING DIRECTOR: PLANNING AND DEVELOPMENT
PURPOSE OF THE REPORT:
To consider an application from Marike Vreken Town Planners CC on behalf of the property owner, ALIKWOT (PTY) LTD, for the following.

(i) Application in terms of Clause 4.6 of the Section 8 Scheme Regulations (1988) to allow a single detached dwelling unit on a property zoned for “Group Housing” purposes,

(ii) Application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure to relax the eastern lateral building line from 3m to 0m to allow for retaining walls;

(iii) Application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure to relax the western lateral building line from 3m to 1,037m to allow, also, for retaining walls;

(iv) Application for the consent of the Administrator in terms of authority granted as per Condition D.6 of Deed of Transfer No. 39040/2014 to relax the 4,72m building lines applicable to both eastern and western boundaries of the property in order to erect retaining walls, and

(v) Application for the consent of the Administrator in terms of authority granted as per Condition D.6 of Deed of Transfer No. 39040/2014 to obtain consent to deviate from Condition D.6.(b) in order to develop the property with a single detached dwelling instead of flats, a hotel, a motel or for group housing purposes.

BACKGROUND
Erf 424 Brenton (hereinafter referred to as “The Property”) is located at No. 424 Steenbras Street, Brenton-on-Sea. The property measures 2122m² in extent, zoned Residential Zone II in terms of the Section 8 Zoning Scheme Regulations (1988) and is currently vacant. A locality map is attached as Annexure A. Fisherman’s Walk, a public right of way servitude traverses the subject property in a north-to-south direction.

At one stage, during 2009, the property owner obtained development rights to develop the property with eight (8) residential apartments. The property owner could not exercise these rights within the two year which was set aside for such and as a result the development rights lapsed. The lapsing of the rights indirectly gave rise to the current proposal as it meant that the property could neither be developed with eight general residential units nor one single detached dwelling unit.

A copy of the subject application, as submitted to the municipal offices on 23 February 2016, is attached as Annexure B.
Public Participation
An extensive public participation process was undertaken as part of the application process. For example, registered letters were sent to all interested and affected parties with the closing date being the 31st March 2016. The application attracted comments and objections from the following parties:
- Mrs Nicci Diederichs Mander, on behalf of the Brenton Ratepayers Association as per e-mail dated 20 May 2016,
- Mosdell, Pama and Cox Attorneys, Conveyancers and Notaries on behalf of Ms Helen Buchanan as per letter dated 23 May 2016 and a further letter dated 19 August 2016 where they re-iterated the original objection,
- Mr Willem Le Roux as per a phone conversation with Mr S Mthembu on 20 May 2016,
- Dreyer and Dreyer Attorneys, Notaries and Conveyances on behalf of Mr Willem Le Roux as per letter dated 23 May 2016.
Copies of all objections are attached as Annexure C.
Furthermore, a meeting was held between the Knysna Municipality, The Brenton Ratepayers Association, the applicant (including the engineer and architect), Mosdell, Pama and Cox (and their client) on 21 June 2016 to discuss the matter. A communication regarding the meeting was forwarded to Mr Le Roux and his lawyer and no further objections were received. A copy of the minutes of the meeting held on 21 June 2016 including the attendance register are attached as Annexure D.
Summary of objections
- The proposal for a single dwelling as opposed to a group housing unit is supported from a visual point of view.
- The relaxation of building lines for retaining walls is generally supported.
- The removal of invasive plants as part of construction activities is proposed.
- The erection of a boundary wall that exceed 1.8m in height along Fisherman’s Walk is not supported as it may lead to safety problems which may in turn lead to the ultimate closure of said access servitude.
- The proposed 2.85m wall will also have a visual impact which is not the norm within the Brenton-on-Sea area.
- A higher than permitted wall will set a precedent and may result in the transformation of the character of the suburb. Such is undesirable.
- The proposed sewage pump station currently located along and outside the western boundary wall should be located within the erf boundary fence.
- A boundary fence should not be permitted within 15m along the cliff edge on the southern boundary of the property as this might destabilize the coastal dune and may lead to significant ecological impacts along the coast. Furthermore no other property owner has done that in the past.
- The section of Fisherman’s Walk currently blocked off must rather be reallocated and ratepayers association will avail itself in case its assistance is required to obtain the necessary permissions for realignment.
- The stormwater overflow pipe must not discharge directly onto the pedestrian servitude. This may lead to erosion with may affect the usability of Fisherman’s Walk and may also negatively affect coastal ecosystems and the current municipal pipeline.
- The height of the boundary fence will have negative impact on the safety of the members of the public making use of Fisherman’s Walk and may end up being an ambush site for criminal elements.
- The proposed deviation from the height of the boundary wall will not guarantee that the subject property is screened off as anybody willing to have a view of the inside can easily do...
so from other angles of the property irrespective of whether the deviation is granted or not.

- Uniformity in relation to the proposed wall can always be achieved even if the wall complies with the height of 1,8m² as prescribed in the by-law.
- The proposed walls will affect the look and feel of the proposed development on site to such an extent that the resulting product will more than likely resemble a military style compound with imposing walls that are out of character with the surrounding area.

The applicant’s response to comments is attached as Annexure E.

Further to the meeting held with the applicant and the objectors, the Brenton Ratepayers Association withdrew their initial objection in a letter dated 11 October 2016 (Annexure F). This withdrawal however came with a number of conditions and were forwarded to the applicant for response. Upon going through the conditions with the property owner, the applicant accepted all the conditions. The other objections were no formally withdrawn.

**The applicant’s response to comments and objections**

The applicant adopted a number of approaches in responding to comments and objections and these included meetings with the affected parties, a written response and amendments to the original proposed building plan. For instance:

1. A meeting was held, on the 21st July 2016 with the objectors (with the exception of Mr Willem Le Roux),
2. A written response to all comments and objections is attached as Annexure E.
3. A copy of the amended plan is attached as Annexure G.

**Application summary**

The object of the subject application is to obtain development rights for a single detached dwelling unit on a site that is otherwise zoned for group housing development. A single dwelling house can only be developed on land zoned for group housing purposes with the consent of a local authority, hence the subject application.

During 2009 and later on in the succeeding years the applicant attempted to develop the subject property with eight duplex units. However this proved impossible and the development rights eventually lapsed giving way to the current proposal. Due to the irregular topography of the subject Erf a number of excavations will become necessary and will warrant retaining walls. In order to accommodate retaining walls an application is also made for the relaxation of the 2m and 1,57m lateral building lines. An application for the relaxation of the applicable height restrictions has been withdrawn to accommodate objectors’ viewpoints.

**Discussion**

As indicated under the background, the subject property was once earmarked for an eight-unit residential development that never happened. The current zoning of the property allows for the development of a multi-unit type which can be understood to have more impact than the current one unit proposal. Effectively this means that there will be less impact on the rights and amenity of surrounding property owners, on the welfare of any affected public members and on municipal services.

There are no policies in place that addresses the de-densification of existing land stock. Whilst this may be seen as gross underutilization of a land resource, it would be important to view this within context i.e. that a project to develop the same site with multiple units never took off. In the meantime the land parcel has been lying vacant for more than eight years. The subject property also has a public access servitude running in the middle which diminishes the development potential of the erf for a multi-unit development. The Brenton Ratepayers Association became extremely vociferous when it was becoming clear that the proposed fence around the proposed dwelling house will have an impact on the public right of way servitude.
All comments and objections against various aspects of the proposal have been addressed by the applicant resulting in a conditional withdrawal of the objections by the Brenton Ratepayers Association. The other parties would not withdraw their objections due to a communication breakdown between themselves and the applicant. In all likelihood, had communication channels remained open throughout the process this department has no doubt that all objections would eventually have been withdrawn. Reference is made to the objection from Mosdell Pama and Cox and from Dreyer & Dreyer Attorneys.

An extract from the Knysna Spatial Development Framework reads as follows:

*Brenton and Belvidere do not represent self-sustaining towns in themselves, nor is it intended that they should grow significantly, as urban development is intended to be focused on the eastern side of the river and north of the lagoon. In addition, the two settlements have differing characters, Brenton consisting largely of holiday homes and Belvidere having a more permanent retirement village component.*

No other specific proposals or land use management guidelines are outlined in the spatial development framework regarding the area of Brenton-on-Sea.

To the extent that all objections have been addressed by the applicant and to the effect that the development will have no negative impact on the rights of the surrounding property owners, the health and welfare of the public, the natural and built environment, the proposal is considered desirably and should this be supported.

**Financial Implications**

None.

**Relevant Legislation**

Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
Section 8 Zoning Scheme Regulations (1988)

**Departmental Comments (Annexure E)**

Comments: Technical Services

**ROADS & STORMWATER:**
- No objection to lateral building line relaxation.
- No other departure were indicated on the application form and were therefore not considered or evaluated.
- No objection to consent use - the application form was incomplete and in contrast with the written report. i.e to the written report: (I) no objection to consent use. (ii) no objection to lateral building line 3m to one (iii) no objection to lateral building line 3m to 1,057m. (vi) No objection to lateral boundary fence heights higher that 1,8m within the street building line area where it may not be closer than 4,5m from the edge of the street.
- Street fence not to be higher than 1,2m if closer than 4,5m from the street edge.

**WATER & SEWER:**
- No objection

**ELECTRICITY:**
- No objection.

Comments: Environmental Services
- No objection. OSCAER has already been granted.
RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

[a] That the following correspondence be noted:
   [i] Copy of the application from Marike Vreken Town Planners CC submitted on 23 February 2016;
   [ii] Comments internal departments printed on 25 January 2017;
   [iii] Applicant’s response to comments dated 7 September 2016;
   [iv] Objection from Mrs Nicci Diederichs Mander, on behalf of the Brenton Ratepayers Association as per e-mail dated 20 May 2016,
   [v] Objection from Mosdell, Pama and Cox Attorneys, Conveyancers and Notaries on behalf of Ms Helen Buchanan as per letter dated 23 May 2016 and a further letter dated 19 August 2016 where they re-iterated the original objection,
   [vi] Mr Willem Le Roux as per a phone conversation with Mr S Mthembu on 20 May 2016,
   [vii] Objection from Dreyer and Dreyer Attorneys, Notaries and Conveyances on behalf of Mr Willem Le Roux as per letter dated 23 May 2016 and a subsequent letter dated 10 October 2016,
   [viii] Withdrawal of objection from Mrs Nicci Diederichs Mander, on behalf of the Brenton Ratepayers Association as per e-mail dated 11 October 2016;

[b] That approval be granted in terms of Clause 4.6 of the Section 8 Scheme Regulations (1988) to allow a single detached dwelling unit on a property zoned for “Group Housing” purposes;

[c] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure to relax the eastern lateral building line from 3m to 0m to allow for retaining walls;

[d] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure to relax the western lateral building line from 3m to 1,037m to allow, also, for retaining walls;

[e] That consent be granted by Council as Administrator in terms of authority granted as per Condition D.6 of Deed of Transfer No. 39040/2014 to relax the 4,72m building lines applicable to both eastern and western boundaries of the property in order to erect retaining walls, and

[f] That consent be granted by Council as Administrator in terms of authority granted as per Condition D.6 of Deed of Transfer No. 39040/2014 to obtain consent to deviate from Condition D.6.(b) in order to development the property with a single detached dwelling instead of flats, a hotel, a motel or for group housing purposes.
   i) This approval applies to the applications as mentioned above only and may not be construed as authority to depart from any other legal prescriptions or requirements;
   ii) The height of all boundary walls around the perimeter of the property shall be kept within the 1,8m height restriction as per the Knysna Municipality Fences and
Fencing By-law (2008);

iii) The sewerage pump and its housing must be kept within the boundary and measure be put in place to ensure that no spills are discharged onto the public walkway running along the western boundary of the property;

iv) The southern boundary fence shall be set back from the cliff by not less than 15m in order to prevent possible disturbance of the coastal dune;

v) That property owner shall take full responsibility for the relocation of the affected section of Fisherman’s walk during the construction phase and furthermore the property owner shall furnish proof for the relocation on completion of construction;

vi) Any electrical services to the relocated will be relocated at the cost of the owner;

vii) The applicant is to ensure that there is access to the property for meter reading purposes;

viii) The erf is limited to 60Amps Single Phase. No further electrical upgrades will be permitted until Eskom has completed the upgrading of the 132kV supply line to Knysna and has allowed Knysna Municipality to increase the Notified Demand;

ix) In addition, no upgrades will be permitted until the completion of the new 10MVA transformer for Sedgefield project;

x) Solar assisted or gas assisted water heating devices or heat pumps shall be installed by the applicant;

xi) Load Switch Accommodation is required and will be wired in accordance with the Electrical Department’s specifications and the switch will be purchased by the applicant;

xii) CFL lamps are to be used in all fittings if advantageous.

File Number: 9/1/2/13
Execution: Acting Director: Planning and Development
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>SECTION</th>
<th>CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>BACKGROUND</td>
</tr>
<tr>
<td>1.</td>
<td>BACKGROUND</td>
</tr>
<tr>
<td>2.</td>
<td>THE APPLICATION</td>
</tr>
<tr>
<td>3.</td>
<td>PROPERTY DESCRIPTION SIZE AND OWNERSHIP</td>
</tr>
<tr>
<td>B</td>
<td>CONTEXTUAL INFORMANTS</td>
</tr>
<tr>
<td>4.</td>
<td>THE APPLICATION</td>
</tr>
<tr>
<td>4.1</td>
<td>Development Proposal</td>
</tr>
<tr>
<td>4.2</td>
<td>Consent Use</td>
</tr>
<tr>
<td>4.3</td>
<td>Building Line Departures</td>
</tr>
<tr>
<td>4.4</td>
<td>Height of Boundary Wall Departure</td>
</tr>
<tr>
<td>5.</td>
<td>RELAXATION OF TITLE DEED CONDITIONS</td>
</tr>
<tr>
<td>6.</td>
<td>SERVICES PROVISION</td>
</tr>
<tr>
<td>C</td>
<td>CONTEXTUAL INFORMANTS</td>
</tr>
<tr>
<td>7.</td>
<td>LOCALITY</td>
</tr>
<tr>
<td>8.</td>
<td>CURRENT LAND USE AND ZONING</td>
</tr>
<tr>
<td>8.1</td>
<td>Land Use</td>
</tr>
<tr>
<td>8.2</td>
<td>Zoning</td>
</tr>
<tr>
<td>9.</td>
<td>CHARACTER OF THE AREA</td>
</tr>
<tr>
<td>10.</td>
<td>SITE CHARACTERISTICS</td>
</tr>
<tr>
<td>11.</td>
<td>EXISTING POLICY FRAMEWORKS</td>
</tr>
<tr>
<td>11.1</td>
<td>Western Cape Provincial SDF (2014)</td>
</tr>
<tr>
<td>11.2</td>
<td>Knysna SDF (2008)</td>
</tr>
<tr>
<td>D</td>
<td>MOTIVATION</td>
</tr>
<tr>
<td>12.</td>
<td>CONSISTENCY WITH SPATIAL PLANNING POLICIES</td>
</tr>
<tr>
<td>13.</td>
<td>NO IMPACT ON EXISTING RIGHTS</td>
</tr>
<tr>
<td>14.</td>
<td>NO IMPACT ON THE NATURAL ENVIRONMENT</td>
</tr>
<tr>
<td>15.</td>
<td>CONSISTENCY WITH THE CHARACTER OF THE AREA</td>
</tr>
<tr>
<td>16.</td>
<td>ACCESS AND ACCESSIBILITY</td>
</tr>
<tr>
<td>17.</td>
<td>NO IMPACT ON SERVICES</td>
</tr>
</tbody>
</table>
18. **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)** 17
19. **Conclusion** ................................. 20

(II) **ANNEXURES**

ANNEXURE A. 2009 Approval Letter
ANNEXURE B. Zoning Certificate Brenton Erf 424
ANNEXURE C. Power of Attorney & Company Resolution
ANNEXURE D. Application Form
ANNEXURE E. Title Deed
ANNEXURE F. SG Diagram

(III) **PLANS**

PLAN 1. Locality Plan
PLAN 2. Zoning Plan
PLAN 3. Land Use Plan
PLAN 4. Site Development Plan
PLAN 5. Architectural Designs

(IV) **TABLE OF FIGURES**

Figure 1. Dwelling Unit Proposal .............................................................. 5
Figure 2. Highest Part of Boundary wall on the Northwestern Boundary ............... 7
Figure 3. Street Boundary wall exceeding 1.2m in Height .................................. 8
Figure 4. Locality .................................................................................. 9
Figure 5. Land Use ............................................................................. 10
Figure 6. Extract From Knysna Zoning Maps 2008 ........................................ 10
Figure 7. Grouping Housing Sites in Close Proximity To Application Area ........... 11
Figure 8. Single Residential Properties Within 200m Radius .............................. 12
Figure 9. Site Topography ..................................................................... 12
Figure 10. Views Towards the Site .............................................................. 13
Figure 11. Policies applicable to proposed Land use application ......................... 14
Figure 12. Extract from the Knysna SDF 2008 ............................................. 15
Figure 13. Access to Property .................................................................. 17
1. BACKGROUND

Brenton Erf 424 originated from the subdivision of Brenton Erf 278 during 1985. Erf 278 was originally zoned “Residential Zone II” in terms of the Section 8 Zoning Scheme Regulations.

During 2009 the Western Cape Department of Environmental Affairs and Development Planning approved the rezoning of Brenton Erf 424 from “Residential Zone II” to “Residential Zone IV” with rights to build 8 residential apartments. A copy of this letter of approval is attached as ANNEXURE A.

In terms of Section 16(2) (a) of the Land Use planning Ordinance, a rezoning in respect of which the application has been granted by either the Administrator, structure plan or council if authorised thereto shall lapse “...if the land concerned is not, within a period of two years after the date on which the application for rezoning was granted, utilised as permitted in terms of the zoning granted by the said rezoning...”

The fact that Brenton Erf 424 did not exercise the rezoning within the prescribed two year period, resulted that the zoning reverted back to the original zoning, being “Residential Zone II” in terms of the Section 8 Zoning Scheme Regulations. A copy of the zoning certificate for Brenton Erf 424 is attached as ANNEXURE B.

During 2013 Brenton Erf 424 was subdivided into two portions resulting in a smaller Erf with more restrictive zoning parameters.

Currently, the primary use for “Residential zone II” zoned properties, in terms of the Section 8 Zoning Scheme Regulations, only allows for group housing. It is impractical to develop group housing units on such a limited Erf size and the owner envisions to construct a single residential dwelling house on the subject property. Therefore, a consent use application needs to be applied for to allow for the construction of a single dwelling unit on the application area.

It should also be noted that the building line departures applied for is to allow retaining walls within the prescribed building lines and not the actual proposed dwelling on Erf 424.

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners has been appointed by ALIKWOT (PTY) LTD to prepare and submit the required application documentation (refer to ANNEXURE C: Power of Attorney and & Company Resolutions and ANNEXURE D: Application Form) for:

(i) A Consent use in terms of Clause 4.6 of the Section 8 Scheme Regulations as promulgated in P.N. 1048/1988, to allow a “Dwelling house” on Erf 424.
(ii) A departure for a building line relaxation of the lateral building line (from 3m to 0m) in terms of section 15 (1)(a)(i) of the Land Use Planning Ordinance of 1985(15 of 1985), to allow for retaining walls.

(iii) A departure for a building line relaxation of the western lateral building line (from 3m to 1,037m) in terms of section 15 (1)(a)(i) of the Land Use Planning Ordinance of 1985(15 of 1985), to allow for retaining walls.

(iv) A deviation from the Knysna fences and fencing bylaw (2008) to allow a boundary fence height of 2.865m

(v) Application to relax the prescribed title deed building lines.

(vi) Application to relax the prescribed title deed restrictions to allow for a dwelling unit to be constructed

3. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

A copy of the Title Deed for Brenton Erf 424, which includes all the information outlined below, is contained in ANNEXURE E.

Erf Number: 424
Title Deed Number: 39048 /2014
Title Deed Description: Remainder Erf 424 Brenton, In The Municipality And Division Of Knysna, Province Of The Western Cape.
Property Owner: ALIKWOT (PTY) LTD
Registration Number: 201 4107 1283107
Title Deed Restrictions: The subject property contains the following restrictive conditions that will influence the proposed application

Condition D(6)(b)

it may only be used for the purpose of a building for use as apartments, hotels or motels, or group housing together with the outbuildings usually necessary in connection therewith used to be, to establish it.

Condition 6(e)

No building or structure or any part thereof except boundary walls and fences may be closer than 4.72 meters from any boundary of the property is not built.

Bonds: There is no bond registered over the property

Property Size: 2128 (Two Thousand One Hundred And Twenty Eight)
Square meters

Servitudes: The property contains an access servitude 1,04 metres wide as indicated by the figure JK representing the north western boundary of such servitude as shown on diagram SG number 742/2014 in favour of general public.

The property contains an A storm water servitude 1,04 metres wide as indicated by the figure JK representing the north western boundary of such servitude as shown diagram SG number 742/2014 See ANNEXURE F.

SECTION B : CONTEXTUAL INFORMANTS

4. THE APPLICATION

4.1. Development Proposal
(Refer to Plan 5: Architectural Designs)

The applicant’s intention is to develop a single residential building on the “Residential Zone II” zoned property. The proposed dwelling is shown in Figure 1 below.
The ground floor of the dwelling will cover approximately 324m². The first floor will cover approximately 62.38m² the total floor area will be 392m² which conforms to the approximate sizes of residential dwellings in the surrounding areas. In total, the dwelling will cover approximately 324m² (15.21%) of the property.

The residential unit will be set back by 15m from the southern boundary as per the municipal policy on the setback of properties from the Brenton Coastal Cliffs.

4.2. Consent Use
(Refer to Plan 4: Site Development Plan)

The property is currently zoned as "Residential zone II" in terms of the Section 8 Zoning Scheme Regulations as promulgated in P.N. 1048/1988. The primary use for residential zone II properties is Group housing which is defined as "one or more land units on which a group housing scheme has been or is to be erected".

The owner envisions on constructing a single dwelling unit on the property which is defined as a detached building containing only one dwelling unit. Dwelling unit is a self-contained group of rooms with not more than one kitchen, used only for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith.

Therefore, in order to develop a single dwelling unit on the Residential Zone II zoned property, the special consent if the Knysna Municipality is required in terms of Clause4.6 of the Section 8 Zoning scheme Regulations.

4.3. Building Line Departures

The owners of Erf 424 envision constructing retaining walls exceeding1m in height to stabilise the force of the proposed structures on the Erf. The proposed retaining walls will encroach the prescribed lateral building lines.

The Section 8 Zoning Scheme Regulations define a ‘building line’ as "the line delimiting the area measured from the boundary of a land unit, or from a setback, if any, within which no building or other structure except a boundary fence may be erected".

In order to allow the proposed retaining walls along the lateral sections of the property, the following building line relaxations are required:

(a) Application to depart from the east lateral building line from 3m to 0m to allow for retaining walls;
(b) Application to depart from the west lateral building line from 3m to 1.037m to allow for retaining walls;

In order to obtain approval for these building line relaxations, an application is departure lodged in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
4.4. Height of Boundary Wall Departure

The Knysna fences and fencing bylaw (2008) regulate fencing with the aim of safeguarding residents and visitors to the area.

The Knysna Municipality Fences and fencing bylaw (2008) prescribe the following height restrictions with regard to boundary walls.

<table>
<thead>
<tr>
<th>Section</th>
<th>Parameter applicable to fencing</th>
</tr>
</thead>
<tbody>
<tr>
<td>section 4(1)(a)</td>
<td>Erect a fence on a lateral or rear boundaries of premises which is more than 1.8m in height from the ground level</td>
</tr>
<tr>
<td>Section 4.1 (b)</td>
<td>Erect a fence within 4.5metres of the street boundary which is more than 1.2m in height from the ground level.</td>
</tr>
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</table>

Given the undulating topography of the application area, a boundary wall of 1.8m high will not provide any visual screen. The public that makes use of the public access servitude will be able to view into the property as they make their way towards the ocean impacting on the safety and security of the application area. The deviation from the fences and fencing bylaw from 1.8m to 2.865m will allow the boundary wall to appear more uniform as it stretches from the North western corner downwards to the South western corner of the property.

An application is therefore made to deviate from the Knysna municipality’s fences and fencing bylaw to allow for a boundary wall of 2.865m high.

![Figure 2: Highest part of boundary wall on the North-western Boundary](image)

The boundary wall is 1.36m high and is within 4.5m of the street boundary. It should be noted that the boundary wall is lower than 1.2m it is only the pillars which are higher than the prescribed boundary height of 1.2m.

An application is therefore made to deviate from the Knysna municipality fences and fencing bylaw to allow for a boundary wall with a height of 1.36m within 4.2m of the street boundary.
5. RELAXATION OF TITLE DEED CONDITIONS

During the previous planning regime that preceded zoning schemes, development control was conducted via Title Deeds.

The title deed conditions of this particular property’s deed were imposed by the Administrator and can be relaxed with the written permission of the Administrator.

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) came into effect on 1 July 2015. Section 45(6) of this Act “replaced” the “Administrator” with the local municipality. Therefore consent may be granted by the local municipality and such reference to the administrator.

Condition D (6)(b) states “it may only be used for the purpose of a building for use as apartments, hotels or motels, or group housing together with the outbuildings usually necessary in connection therewith used to be, to establish it”

The property will be used for single residential purposes which is the dominant land use of properties in the surrounding area. Therefore an application is made to relax the title deed condition to allow the property to be used for single residential purposes.

Condition D (6) (e) states “no building or structure or any part thereof except boundary walls no fences may be closer than 4.72 meters from any boundary of the property is not built”.

The proposed retaining walls are higher than 1m and encroach over the prescribed title deed building lines. An application is therefore made for a relaxation of the title deed conditions from 4.72m to 0m on the eastern lateral boundary and 1.037m on the western lateral boundary to allow for retaining walls to be constructed on the property.
6. SERVICES PROVISION

Since the proposal is to construct a single residential dwelling (a decrease of the existing development rights) and not to increase of the existing development rights of the property, the proposal will have no impact whatsoever on the bulk services capacity of Brenton.

SECTION C: CONTEXTUAL INFORMANTS

7. LOCALITY

(Plan 1: Locality Plan)

Brenton Erf 424 is located in Steenbras Street the Brenton on Sea suburb of the Town of Knysna. The application area is located on the southern boundary of Steenbras Street between Disa Road and CR Swart Drive.

![Figure 4: Locality](image)

8. CURRENT LAND USE AND ZONING

8.1. Land Use

The site is currently vacant, although evidence of building material of a previous development remains on the site.
8.2. Zoning

Brenton Erf 424 is zoned ‘Residential II’ in terms of the Section 8 Zoning Scheme Regulations. See attached ANNEXURE B: Zoning Certificate).

9. CHARACTER OF THE AREA

The suburb of Brenton on Sea is characterised by, low density, high income residential properties, some of which are occupied permanently while others are only used at certain times of the year as holiday accommodation. Generally the houses are large, dominating the landscape. The prevailing use in the area is single residential dwellings, although a relatively small number of flats also exist. Buildings in the suburb do not exceed three storeys in height, with most being single or double-storey.
The area surrounding the application area, displays a medium density character with various town house developments. Examples of these town houses include:

- Granada Sleepy Shore on Erf 251
- On the Rocks @ Brenton on Erven 595 – 599
- Brenton Breakers on Erf 278

Figure 7: Grouping Housing Sites in Close Proximity to Application Area
10. SITE CHARACTERISTICS

The application area displays a moderate south-western sloping topography from the north-eastern corner of the application area. The Brenton coastal cliffs are located to the south of the property boundary. The topography of the site displays a natural bowl where building material is present. The steepest section of the property is located in the south-eastern corner and is within the prescribed 15m setback line, no residential structures are proposed on this section. The North eastern boundary is characterised by dense dune thicket a common feature throughout Brenton on Sea.

Vegetation on the site is a mixture of coastal thicket and some alien vegetation.

An existing storm water channel that was installed when the approved development rights were implemented bisects the application area.
11. EXISTING POLICY FRAMEWORKS

11.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning. However it is important to note some of the key policies laid down by the PSDF have a bearing on the application.

The proposed development compliments the SDF spatial goals that aim to take the Western Cape on a path towards:

(i) Greater productivity, competitiveness and opportunities within the spatial economy;
(ii) More inclusive development in the urban areas;
(iii) Strengthening resilience and sustainable development.

However it is important to note some of the key policies laid down by the draft PSDF have a bearing on the application.
POLICY R1: PROTECT BIODIVERSITY AND ECOSYSTEM SERVICES

1. Continue to use CBA mapping to inform spatial planning and land use management decisions in the Province.

S3: PROMOTE COMPACT, MIXED USE AND INTEGRATED SETTLEMENTS

2. Promote functional integration and mixed use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.

Planning Implication:

The Western Cape Spatial Development framework has a strong emphasis creating an urban functional living environment which is more convenient, efficient and aesthetically pleasing to residents. The single residential land use will contribute to the functional use of urban land creating a living environment which is strategically aligned with the surrounding land uses Brenton on Sea. Therefore, the proposal complies with strategic objectives as set out by the Western Cape Spatial Development Framework.

The Knysna SDF has been adopted by Knysna Municipality. The Knysna SDF indicates that the property is within the Brenton urban edge, meaning that it is suitable for urban development.

No further detailed proposals that could have a bearing on this application are made for Brenton. It is therefore the considered opinion that this proposal is consistent with the Knysna SDF.

**Figure 12: Extract from the Knysna SDF 2008**

**SECTION D : MOTIVATION**

The Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) states in Section 36 that the reasons for refusing an application may only be considered on the basis of the “lack of desirability” of the proposed land use. The following points must be taken into account when evaluating the desirability of the departure application:

- Consistency with spatial planning policies
- Character of the area
- Locality and accessibility
- Impact on Existing Rights
- Availability of Services

Clause 4.6 of the Section 8 Zoning Scheme Regulations clearly states that when an authority considers a consent use application, “...regard shall be had to the question whether the use for
which the building is intended or designed, or the proposed building, is likely to mar the amenity of the neighbourhood, including marring owing to the emission of smoke, fumes, dust, noise or smells...”

12. **CONSISTENCY WITH SPATIAL PLANNING POLICIES**

The proposal is consistent with the both the Provincial Spatial Development Framework and the Knysna Spatial Development Framework.

13. **NO IMPACT ON EXISTING RIGHTS**

The application area is zoned ‘Residential II’ in terms of the Section 8 Zoning Scheme Regulations. The applicant does not wish to increase the existing rights on the property and merely wants to establish a single residential dwelling unit on a group housing site (a decrease in rights).

The height of the boundary wall will not influence the views of residential properties north of Steenbras Street as the topography is characterised by a downward slope towards the edge of the cliff. The site’s topography drops down from 52m Above MSL. to 46m Above MSL in less than 50m. The residential dwellings north of Steenbras street is situated at approximately 56MSL and higher, meaning that it is physically impossible that the height of the boundary walls will impede the surrounding property owner’s visual viewshe the whatsoever.

It is clear that the proposal will not impact on any established land use rights.

14. **NO IMPACT OF THE NATURAL ENVIRONMENT**

Given the fact that the applicant wishes to construct one dwelling on the application area as opposed to the four units that there are rights for, the proposal will have a smaller footprint and a lesser impact on the cliff as opposed to the existing rights for a group housing development.

The position of the proposed house was carefully chosen by avoiding the thicket vegetation on the site.

It is therefore clear that the proposal will have a lesser impact on the natural environment than what it will have is the owner exercises his full development rights on the property.

15. **CONSISTENCY WITH THE CHARACTER OF THE AREA**

The area surrounding the application area is dominated by single residential dwellings and group housing sites on favourable locations especially on the cliff to maximise the views towards the Indian Ocean. The proposed consent use will not increase the existing development rights on the property, hence the proposal will have no impact whatsoever on the character of the area. In fact, the proposal to decrease the development rights on the property, will strengthen the single
residential and low density character of the area and it will not mar the amenity of the neighbourhood in any way.

16. ACCESS AND ACCESSIBILITY

Since the application is to accommodate only a single residential dwelling unit it will have no impact whatsoever on the existing road network. The property is easily accessible off President CR Swart Drive, which is the main mobility route through Brenton on Sea. Steenbras Street is a small feeder route. Therefore, the application area has good accessibility and the proposed decreased development rights will have a lesser impact on traffic and transport in the area.

17. NO IMPACT ON SERVICES

Since the proposal will not increase the existing approved development rights on the property, the proposal will have no impact whatsoever on the bulk services capacity.

18. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)

The Spatial Planning and Land Use Management Act (SPLUMA) came into effect on 1 July 2015. For SPLUMA to be implemented on a municipal level, The Western Cape Provincial Government needs to formally repeal the Land Use Planning Ordinance (LUPO).

In order for the Western Cape Provincial government to repeal LUPO, Knysna Municipality must advertise and Gazette the Knysna Municipal Planning Bylaw, an action that is currently in process. Secondly, a municipal planning tribunal needs to be established by the Knysna municipality which will assist in the delegations and planning related matters on a local municipal scale.
Knysna Municipality has indicated that it aims to implement SPLUMA by 1 April 2016 in the Knysna Municipal area. It must be noted that during the transitional period from LUPO to SPLUMA, the application must be completed in terms of the legislation under which it was submitted. Meaning this application will be completed in terms of the LUPO requirements.

One of the main objectives of SPLUMA is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. This section illustrates how the application is consistent with Section 42 of SPLUMA which has to be taken into consideration when deciding on an application. These are:

- development principles set out in Chapter 2 of SPLUMA
- protect and promote the sustainable use of agricultural land
- national and provincial government policies
- the municipal spatial development framework; and
- take into account—
  (i) the public interest;
  (ii) the constitutional transformation imperatives and the related duties of the State;
  (iii) the facts and circumstances relevant to the application;
  (iv) the respective rights and obligations of all those affected;
  (v) the state and impact of engineering services, social infrastructure and open space requirements; and
  (vi) any factors that may be prescribed, including timeframes for making decisions.

SPLUMA sets out the following 5 main development principles applicable to spatial planning, land use management and land development:

1. **Spatial sustainability:**
   - past spatial and other development imbalances must be redressed through improved access to and use of land;
   - spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded;
   - spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land;

2. **Spatial justice:**
   - promote land development that is within the fiscal, institutional and administrative means of the Republic
   - ensure that special consideration is given to the protection of prime and unique agricultural land
   - uphold consistency of land use measures in accordance with environmental management instruments
promote and stimulate the effective and equitable functioning of land markets
consider all current and future costs to all parties for the provision of infrastructure and social services in land developments
promote land development in locations that are sustainable and limit urban sprawl; and
result in communities that are viable

3. **Efficiency (optimising the use of existing resources and infrastructure)**
   - land development optimises the use of existing resources and infrastructure
   - decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and
   - development application procedures are efficient and streamlined and timeframes are adhered to by all parties.

4. **Spatial resilience (allow for flexibility in spatial plans)**
   - 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.

5. **Good administration:**
   - 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
   - all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks
   - the requirements of any law relating to land development and land use are met timeously;
   - the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them
   - policies, legislation and procedures must be clearly set in order to inform and empower members of the public

The table below indicates how the proposed development will be consistent with the SPLUMA principles.

<table>
<thead>
<tr>
<th>Principle</th>
<th>Motivation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spatial Sustainability:</td>
<td>Development complies with Western Cape Provincial Spatial Development Framework (2014) as a spatial tool to guide future development on a provincial Level</td>
</tr>
<tr>
<td></td>
<td>Development complies with Knysna Spatial Development</td>
</tr>
</tbody>
</table>

February 2016
### Principle | Motivation
--- | ---
- The development aims to promote land development within the urban fabric of Knysna.  
- The proposed Development does not trigger any environmental listed activities according to the National Environmental Management Act (1998).  
- The proposed development is located in close proximity to a major movement corridor with a mixture of single residential, accommodation and tourist related facilities.  
- The proposed development will contribute to the functional land pattern in the surrounding area.  
- The proposed development will contribute to the character of the surrounding area.
Spatial Efficiency: | Development will make use of existing local resources and contribute to specialised skills development within the local municipality.  
- The proposed development will contribute to prevent urban sprawl, as the "brownfields" site will address the need for land for single residential housing within the existing urban fabric, rather than developing new greenfield areas outside the urban edge to address the need for land for single residential housing.
Spatial Resilience: | The development complies with the following spatial development frameworks.  
- Western Cape Provincial Development Framework  
Good Administration: | This principle has no direct bearing on the application, however, the Knysna municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.

### 19. CONCLUSION

In light of the information contained within this report, it is submitted that the application for:

(i) A Consent use in terms of Clause 4.6 of the Section 8 Scheme Regulations as promulgated in P.N. 1048/1988, to allow a " Dwelling house" on Erf 424.
(ii) A departure for a building line relaxation of the lateral building line (from 3m to 0m) in terms of section 15 (1)(a)(i) of the Land Use Planning Ordinance of 1985 (15 of 1985), to allow for retaining walls.

(iii) A departure for a building line relaxation of the western lateral building line (from 3m to 1,037m) in terms of section 15 (1)(a)(i) of the Land Use Planning Ordinance of 1985 (15 of 1985), to allow for retaining walls.

(iv) A deviation from the Knysna fences and fencing bylaw (2008) to allow a boundary fence height of 2.865m

(v) Application to relax the prescribed title deed building lines.

(vi) Application to relax the prescribed title deed restrictions to allow for a dwelling unit to be constructed

It is therefore recommended that the application be supported by the relevant authorities and approved by Council.

Marike Vreken Urban and Environmental Planners
February 2016
ANNEXURE A.

2009 Approval Letter
ANNEXURE B.

Zoning Certificate Brenton Erf 424
ZONING CERTIFICATE

TO WHOM IT MAY CONCERN

REMAINDER ERF 424 BRENTON

It is hereby confirmed that the above property is zoned "RESIDENTIAL ZONE II" in terms of the Section 8 Zoning Scheme Regulations (1988), and is subject to the conditions applicable to it.

DATE OF ISSUE: 26 June 2015

G EASTON
MUNICIPAL MANAGER

Please address all correspondence to the Municipal Manager and quote the above reference.

P.O. Box 21 • Knysna • 6570 • Tel: 044 302 6300 • Fax: 044 302 6333 • E-mail: knysna@knysna.gov.za
ANNEXURE C.

Power of Attorney & Company Resolution
ATTENTION: MR SERETSE MTHEMBU

SENIOR PLANNER
THE KNYSNA MUNICIPALITY
E-MAIL: knysna@knysna.gov.za
FAXNO: 044-302 6333

Sir

re: NOTICE OF OBJECTION TO PROPOSED CONSENT USE, DEPARTURE & RELAXATION OF RESTRICTIONS TITLE DEED CONDITIONS: ERF 424 BRENTON

Above refers.

We confirm that we act on behalf of our client, WPS Trust in this matter.

We confirm that our client’s representative, Mr Willem le Roux called your Mr Seretse Mthembu on Friday, the 20th of May 2016 and informed him of the following:

That your letter sent to our client was allegedly dated 22 April 2016. The stamp on the registered letter indicates that the letter was only mailed the 4th of May 2016 and received by our client on Friday, 20 May 2016.

We confirm that your Mr Seretse Mthembu indicated that he would not entertain the matter any further and that he is of the opinion that the matter has been finalized.

Gerhardus H Dreyer B.Proc LLB (UP) Dip Insolvency AIFSA
Wilhelmina J. Dreyer B.Proc (UP) Dip Insolvency AIFSA
By guest/Assisted by:
Francis D Dreyer BLC LLB (UP)
Ook/ Also: Insolvency Practitioners/Insolvency Practitioners
We confirm that our client hereby strongly objects to your Mr Seretse Mthembu’s conduct firstly in that our client has not had the opportunity to study the matter or to revert to you.

Secondly the copies supplied to our client are of a very bad condition and our client is not able to make out any detail in the matter.

From our client’s initial assessment, it seems like our client’s view will be totally obstructed by the proposed development and the relaxation of restrictions and secondly that the access to our client’s property will be obscured by a gate that is not well thought through.

We further confirm that should you proceed to rail road this matter, our client will have no option but to approach the Supreme Court for an interdict to stay the proceedings until you have complied to all the relevant regulations and secondly have given our client proper opportunity to assess the matter and to revert to you regarding his comments.

Can we hear from you as a matter of extreme urgency, failing which our client will have to take the necessary steps to protect his rights herein.

Yours faithfully

G H Dreyer
Dreyer & Dreyer
23 May 2016

Mr Grant Easton  
The Municipal Manager  
Knysna Municipality

HAND DELIVERY  
PER EMAIL : geaston@knysna.gov.za

Copy to:  
Mr Hennie Smit  
Manager; Town Planning and Building Control  
Knysna Municipality

HAND DELIVERY  
PER EMAIL : hsmnt@knysna.gov.za

Dear Sirs,

RE  LAND USE PLANNING ORDINANCE (ORDINANCE 15 OF 1985) (“LUPO”)

OBJECTION TO APPLICATION IN RESPECT OF ERF 424 BRENTON, 424 STEENBRAS STREET, BRENTON (“the Application”)

1. The above matter refers.

2. We act on behalf of Ms Hellen Buchanan (“our client”).
3. Our client has instructed us to lodge an objection against the aforementioned application on her behalf.

4. Our client is the registered owner of 267 Brenton. A copy of the relevant SearchWorks Deeds Office Property Ownership report evidencing this fact is attached marked “A”.

5. Our client’s property is directly opposite to the Applicant’s property (Erf 424 Brenton) to the North, across Steenbras Road.

6. Accordingly we submit that our client is an interested and affected party in the Application.

7. **Our client’s objection is to that part of the Application seeking a deviation from the Knysna Fences and Fencing By-Law (2008) to allow for the boundary fence height of 2.865 meters** (Paragraph 2.[iv], on page 4 of the Application) (hereinafter referred to as the “deviation”)

8. Although the deviation is governed by the provisions of the aforementioned By-Law same must be considered in the context of the entire Application and the related consent uses, departures and relaxations.

9. Accordingly it is submitted that the relevant consideration in evaluating the granting or refusal of the deviation, in the context of the Application, is Section 36 of LUPO, which provides:

   **“Basis of refusal of applications and particulars applicable at granting thereof:** Any application under Chapter II or III shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of land concerned, including the guidelines proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on existing rights concerned (except any right to protection against trade competition)

   **(own emphasis)**

10. Our client is firmly of the opinion that the deviation should be refused as same is both undesirable and because of the extensive negative impact on our client’s (and other neighbouring property owners) existing rights.
11. The reasons in support of the aforesaid are set forth in more detail under the relevant headings below.

12. Section 4.4, on page 7 of the Application, correctly sets out the applicable provisions of the By-Law [ss4(1)(a) and (b)] and provides a “motivation” in respect of same.

“Given the undulating topography of the application area, a boundary wall of 1.8m high will not provide any visual screen. The public that makes use of the public access servitude will be able to view into the property as they make their way towards the ocean impacting on the safety and security of the application area. The deviation... will allow the boundary wall to appear more uniform as it stretches from the North Western corner downwards to the South Western corner of the property”

(own emphasis added)

13. Accordingly the deviation is motivated on two grounds:

13.1. A deviation is required to provide screening from the public to secure the property; and

13.2. A deviation is required so that the boundary wall appears uniform.

Public

14. It is common cause that the applicant’s property is adjoined by a public access servitude and thus the applicant was at all material times aware of the fact that the public would have access travelling past the property.

15. The height of the proposed deviation will have the opposite effect on the safety of the members of the public in that they will now traverse a narrowed pathway potentially abutted (in future) on both sides by screening walls, a perfect ambush site for criminal elements.

16. The applicant’s property will never be completed screened from all sides and any person so wishing to could quite easily view in to the applicant’s property, whether or not the deviation is granted.
Uniformity

17. The motivation that the deviation is required to promote a “uniform” look is wholly disingenuous.

18. The exact same uniform look could be achieved by building the wall to the maximum height prescribed by the by-law.

Desirability

19. The applicant fails to reference any reasons why a wall of such height could ever be considered desirable (in the context of the Application as a whole).

20. It should be noted this is not a minor deviation but one in which the height is more than one meter higher than that prescribed in the by-law.

21. If this is considered in proper context vis-à-vis the relaxation of the building lines to accommodate major retaining wall works, which thus will dramatically alter the natural building level of the property, the proposed boundary and rear walls can only be described as massive.

22. The only appropriate words that can be found to describe the overall look and feel of the proposed development with the deviation, if granted, is one of a military style compound with imposing walls that are completely out of character with the properties in the surrounding neighbourhood.

23. In fact if one travels down Steenbras Street in Brenton the majority of homes are not even walled which creates an open ambience and feel for the neighbourhood, harmonious with the green spaces and magnificent ocean views. This is even evidenced by the photographs of nearby properties included in the Application.

24. The deviation, if granted, will “stick out like a sore thumb” and can only be likened to the fortress type homes prevalent in the upper class suburbs of South Africa’s big cities – most definitely not that of a quiet and popular holiday beach front destination.

Conclusion

25. We accordingly respectfully submit that the deviation sought in the
Application should be refused and the relevant walls limited to the prescribed 1.8m in height.

26. We further request that all further correspondence and/or new advertisements and/or any new application in respect this matter be addressed to our client care of our offices.

Yours faithfully

MOSDELL PAMA & COX

per: DONALD CURTIS
Steward Mghele - ERF 424 Brenton - Brenton Ratepayers Association Comments

From:  "Nicci Diederichs Mander" <nicci@futureworks.co.za>
To:    <smqhele@knysna.gov.za>, "Seretse Mthembu" <smthembu@knysna.gov.za>, "...
Date:  20-May-16 5:41 PM
Subject: ERF 424 Brenton - Brenton Ratepayers Association Comments
CC:    "Marike Vreken" <marike@vreken.co.za>, "Judy Harrison and Steve Krumm" <...

ATT: The Municipal Manager: Grant Easton
CC: Hennie Smit, Seretse Mthembu, Marike Vreken
DATE: 20 May 2016

PLEASE ACKNOWLEDGE SAFE RECEIPT

RE: Collab Ref 547850 - ERF424 Steenbras Ave, Brenton on Sea

The Brenton Ratepayers Association (BRA) has been requested by a number of residents of Brenton on Sea to represent them in raising concerns regarding the proposed Application for Consent Use, Departures and Relaxation of Title Deed Conditions for the above property, as set out by Marike Vreken Urban and Environmental Planners in the Application dated February 2016. In addition, the BRA Committee has been very active in promoting and facilitating the protection and management of important coastal access routes in the area, including Fishermans Walk, and as such also hereby submits comments on the Application which it believes to be in the best interests of the Brenton and Knysna communities.

Comments on proposed Consent / Deviations / Relaxations are as follows:

1. The proposed Consent for construction of a single dwelling unit on the property is {
   generally supported}. We believe this proposed use to present improved amenity and reduced visual impact in the landscape, compared with the previously approved alternative of group housing.

2. The proposed relaxation of prescribed title deed building lines is {
   generally supported}.

3. The proposed Departure for building line relaxation along the eastern lateral boundary from 3m to 0m is {
   generally supported}. However, we wish to point out that slope stability is a primary concern given its steepness and the fact that the soils are sandy and unconsolidated. It is highly recommended that as part of the construction of the boundary / retaining walls in this area, that the dense stands of invasive Rooikrans plants are removed from the slope and that the slope be properly stabilized, and planted with indigenous vegetation.

4. The proposed Departure for building line relaxation along the western boundary of the site from 3m to 1.037m to permit the construction of a retaining wall is {
   generally supported}, as it is understood that this retaining wall will form part of the boundary fence which is proposed along the edge of the pedestrian / stormwater servitude.

5. The proposed Deviation from the Knysna Fencing By-law to permit lateral boundary fencing along the western boundary of greater than 1.8m is not supported. Our reasons are as follows:
   a. A boundary wall of more than 1.8m along the edge of the coastal pedestrian access servitude will significantly reduce both the amenity value and the safety of this coastal access route – particularly if the owner of Rem of ERF855 were to also erect a high wall along the other edge of this servitude at some point in the future. The creation of a narrow walled-in coastal access “corridor” with no visual surveillance from surrounding properties /
REPORT FROM THE ACTING DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT:
To consider an application from Graham Alan Dennis of Graham Dennis Land Surveyor’s on behalf of the property owners, namely Eskom Holdings SOC Limited registration number 2002/015527/06 for the following:

a) Application in terms of Section 17 (1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Portion 52 (a portion of portion 45 of the farm Westford no. 191, Knysna, from “Subdivisional Area” to “Authority Zone” to allow for the (Eskom) electricity substation.

The application is **recommended for approval**.

BACKGROUND
The application property is located in the main road from Knysna to Rheenendal. The locality map is attached as “Annexure A”.

The subject property measures approximately 4221 m² in extent. The property is currently owned by Eskom Holdings SOC Limited registration number 2002/015527/06 under the Title Deed number T55769/2012. The property is currently zoned “Subdivisional Area” in terms of Section 8 Scheme Regulations (1988). The property is currently vacant. The proposed project is otherwise known as “Phantom Substation”.

A copy of the application which was submitted on February 2016, is attached as “Annexure B.”

Together with the application, extensive studies had been conducted. The Basic Assessment Report (BAR) was approved in terms of the Environmental Impact Assessment Regulations, 2010, promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and the Environmental Authorisation was obtained in 2009; however it came to Eskom’s attention that some certain matters were overlooked as indicated in the basic assessment. The new application was to be submitted. The Environmental Authorisation was granted in 2015, the basic assessment report is attached as “Annexure C”.

Accompanied the basic assessment report was the Visual Impact Assessment (a) Dated July 2014 – First Draft; (b) Visual Impact Assessment Dated 11 February 2015, attached as “Annexure D”; the Environmental Management Plan attached as “Annexure E” and the comments and responses of this process is contained and attached in “Annexure F”.

Public Participation
Notices were sent by registered mail to 5 (Portion 44 of Farm 191, Portion 45 of Farm 191, Portion 11 of Farm 191, Remainder of Farm 488 and Farm 8976) surrounding property owners. The notice was sent to the following: Knysna Rate Payers Association, Department of Agriculture: National, Department of Agriculture: Provincial, Heritage Western Cape, SA National Parks, Eden Municipal Health, District Roads Engineer, Eskom, Cape Nature, and the closing date was 24 May 2016. Public notices appeared in the Action Ads and in the Provincial Gazette on the 05th May 2016 and 06th May 2016 respectively with the closing date for public participation being the 06th June 2016. The process is attached as “Annexure G”.

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**8.9**

**P09/02/2017 PORTION 52 (A PORTION OF PORTION 45) OF THE FARM WESTFORD NO. 191 KNYSNA: PROPOSED REZOINING**
Results of public participation
The application has been met with strong resistance from a number of ratepayers some of which reside in the vicinity of the subject property. The objections were received from the following ratepayers / community/ies member/s; and the summary of their comments.

a) South African National Parks.
The indicate that the Environmental Authorisation was issues on 09 December 2015; they did not appeal Environmental Authorisation but did not support the preferred alternative Site 1(S1) during the Basic Assessment Process; hence they object to rezoning of the property. The proposed substation will have an irreversibly negative effect on critically endangered Knysna Sand Fynbos. Mitigation measures proposed are not adequate to screen a substation from the Knysna basin or Rheenendal Tourism Route.

b) Phantom-Homtini Nature Conservancy (PHNC) and petition.
- Lack of Transparency in terms of PAJA reference being made to EIA process.
- Press notice refers to the application as being “Subdivision” to “Authority Zone” whereas the application document requests a rezoning to utility.
- Eskom had Illegal built Leeuwenbosch substation.
- Selected site - has a highly environmental importance i.e. Knysna Sand Fynbos, within scenic tourism, visually and topographic prominent / sensitivity.
- Role of active citizenship decision making at a local government must be supported and promoted.
- PHNC is not against improving the efficiency of electricity distribution in an area, however the objection is focused on the appropriateness of sitting a second new substation immediately beside the Rheenendal Road Reserve.
- Request the Knysna Municipality to recognise the area’s tourism importance.

c) Knysna Ratepayers Association; Ms Campbell, Dr. Chris Gouw, Dr. DA Edge.
- Registered owner of the property is “Eskom Holdings SOC Limited”; the applicant - Graham Alan Dennis is not the registered owner of the property; only owner of the land may lodge an application. The power of attorney needs to accompany the application if the owner has appointed a representative. The power of attorney attached in the application is found to be vague and does not meet the standards of lawfull binding power of attorney, referred to as failed to prove that Graham Alan Dennis has LOCUS STANDI.
- Proposed zoning not catered for in Knysna Zoning Scheme Regulations (1992).
- Claims that Eskom has constructed a substation in Leeuwenbosch in Rheenendal, without any planning and contrary to the Agricultural zoning of the property.
- The site is elevated site located along ridgeline and highly visible from the N2 Scenic Route. The site is vegetated with critically endangered Knysna Sand Fynbos. No reasonable measures to mitigate the unacceptable visual impact associated with the substation.
- The applicant to full details of which suburbs are included in the “macro area” as well as details of the anticipated future demand. The need of the additional electricity capacity in the future.
- No information presented on the alternative sites.
- Objector is in a view that the application lacks the desirability.

d) Werksmans Attorneys – Duly represents Ms Madi Butler, the owner of Portion 38 of the Farm Westford Bridge, Farm 191 (191 Nirvana, Knysna Luxury Forest and Fynbos Self-catering Accomodation).
The proposed substation will be directly and adversely be affected by the proposed development – deleterious impact and sense of place which forms the backbone of her business and Knysna Tourism in general.

The application is undesirable in terms of LUPO. Lack of Tourism and Heritage studies will make the decision maker to be unable to decisively be able to make an informed decision.

Not enough time was afforded to the owner in order to formulate an objection letter due to voluminous specialist studies.

Failure by applicant to notify all affected parties directly and to conduct adequate public participation.

Proposed development is in contrary to relevant land use and spatial planning laws i.e. IDP and SDF.

Proposed development is in contrary to Principles contained in Section 2 of NEMA.

No impact addressed by the applicant on their report for the impact on the heritage, knysna tourism industry, business interest and property values. Reference was made on Booth NNO v Minister of Local Government. The basis of flawed process leaves room open to challenge in terms of PAJA, 2000.

Lack of full compliance with the Western Cape Spatial Development Framework 2005 and 2009

Lack of full compliance with the Knysna Spatial Development Framework 2008 and IDP.

The documents relating to comments and objections are attached as “Annexure H”.

INTERNAL COMMENTS WERE AS FOLLOWS:

ENVIRONMENTAL SERVICES:
No objection. EA granted in December 2015 for construction of the substation.

TECHNICAL SERVICES:
No objection.
Normal BCO processes will apply.
The Municipality is not the road authority.

WATER AND SEWER:
No services in the area.
Water and Sewer services must conform to standards.
Systems must be approved by the departments.

AESTHETIC COMMITTEE: Application was discussed in the Architectural Re-View Subcommittee meeting on the 29 April 2016. The Committee assessed the application and it was referred back for more information. It was discussed again on the on the 08th July 2016, the Committee resolved to recommend to the Acting Building Control Officer that:

- The Committee supported the new development of the Substation.
- The Committee suggests that the actual retaining wall, visible from the East, be designed in a natural curved shape in plan.

Some issues that objectors had raised has a bearing on the planning process whereas some issues were environmental issues which were supposedly to have been dealt with during the Basic Environmental Report. The most important key objections are as follows:

- Site selection process – (Site characteristics),
- Compliance with the policies, guidelines, acts etc; i.e SDF, Provincial SDF, NEMA, etc,
- Impact – Neighbouring properties, environment, visual impact,
- Lack of Need / Desirability for the substation,
- Illegal built substation,
• Notice process – rezoning from “Subdivisional Area” to “Authority zone” initial documents referred to “Utility Zone),
• Power of attorney.
Satisfactory response was received or an acceptable mitigation measure suggested from the applicant’s part to address raised issues. The applicant’s response (both from Eskom and the Dennis Graham) addressing comment and objection, dated 20 June 2016 and 25 July 2016, is attached as “Annexure I”.

The application
This application is for rezoning of the said property from “Sub-divisional Area” to “Authority Zone” for the purposes of the Eskom electricity substation for power transmission and not for power generation. The proposed substation, with a powerline connecting the substation to the 66kV Leewubosch-Eastford powerlines (Leeuwbosch-Eastford line is the section of the Blanco-Knysna powerlines between Leeuwbosch and Eastford substations). The purpose of the proposed substation is to upgrade the existing electrical infrastructure in order to supply the existing and future electrical demand of the macro area surrounding the position of the proposed site. Generation of electricity is not required, but that electricity will be distributed between points. The plan or proposal from Eskom is that the electricity 66kV from the existing Blanco-Knysna 132kV/66kV double circuit powerline will feed into Phantom Substation, from where it will feed into 22kV and 11kV powerlines. The Phantom substations will therefore supply a more secure load to these powerlines.
The applicant has made an application for the “Authority Zone". In terms of the Section 8 Scheme Regulations (1988) the;
“Authority usage” means a use which is practiced by a public authority and of which the locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practiced by –
(a) the State, such as military training centers and installations, telecommunication facilities, police stations and jails;
(b) the Province, such as road stations and road camps, and
(c) a local authority, such as fire services, sewage farms, dumping grounds, reservoirs, composting installations and water purification works.
The parameters for this zone are very limited. It does not provide much specification of how these properties to be controlled. The parameters are as follows:
• Primary use: Authority Usage
• Consent uses: None
The land use restrictions and additional provisions applicable to this zone shall apply as for every site or use or type of building approved by the Administrator or, if authorized thereto by the administrator, the council.

Discussion
There are no title deed conditions that have a bearing on the application under consideration.
The Phantom Substation is part of 132kV Blanco-Knysna Power line. It forms part of the total network strengthening between Blanco (George) and Plettenberg Bay. The proposed development is the complex integrated solution to address network capacity, refurbishment of plant and quality of supply. The substation will specifically supply Rheenendal, Brenton-on-sea and Buffels Bay (Macro areas). The substation is required to accommodate the current load and future demand. The existing infrastructure is said to be ageing (established in 1983) and will soon no longer be able to carry the load; hence the need to replace the infrastructure.
The test for desirability is whether the site is physical suitable for the type of proposed development. The site location for the proposed development is further discussed below; the compatibility with the existing land uses. Since this is the environmental sensitive project the
Basic Assessment Report was conducted where four (4) site analysis and alternatives were evaluated, refer to “Annexure C”. These sites being:

1. **Site alternative 1 – Portion 45 of the Farm 191**
   East of Rheenendal Road and in close proximity of the Blanco-Knysna power line. The property is already subdivided and in ownership of Eskom.

2. **Site alternative 2 – Portion 45 of the Farm 191**
   East of Rheenendal Road and in close proximity of the Blanco-Knysna powerline.

3. **Site alternative 3 – the Remainder of Farm 488**
   Approximately 1.5km sou'west of sites 1 and 2, on the western side of the Rheenendal Road. An additional 1.4km of overhead powerline, with new access roads will be required; however earthworks could be problematic due to sandy soils.

4. **Site alternative 4 - the Remainder of Farm 488**
   Position of the property was proposed by Sanparks in September 2014. High risk of storm water run offs and landslides. The waterway / watercourse cuts the footprint required for the substation in half. The site requires a huge amount of cut and fill and engineering to make the site feasible and stable with significant cost implications. Import soil will be required with significant cost implications. Access to the site was also identified as a problem. Basic Assessment report; attached as “Annexure C”, provides with the thoroughly report for each of the property, the problems, mitigation measures and no-go site. It was in this environmental process and thereafter the approval by the Department of Environmental Affairs where the site Portion 45 of the Farm 191, Knysna was the preferred site for the proposed electricity substation.

The site, Portion 45 of the Farm 191, Knysna is situated on the ridgeline. It poses the visual impact; however the specialists studies was conducted for the mitigation measure, refer to the attached report “Annexure D”. Page 34 of the report and figure 13 of the Eskom response to objections and comments, refer to attached report (Annexure I) provides with the illustration of the Concept site: tree planting mitigation plan, contour lines, retaining walls, and fire break in between. The other sites were also evaluated for the visual impact, however were found not to be suitable for the proposed development. The results for the proposed site for the visual significance of successful mitigation is rated negative medium to high due to the higher fir risk and expense of the mitigation.

Another test for the desirability of a project is to measure it against the broader strategic context. In this regard the application can be evaluated against the Knysna Spatial Development Framework (KSDF2008), which is presently, the most relevant strategic document.

In terms of the 2008 Knysna Spatial Development Framework, the development on the ridgelines and view lines along scenic routes: The Municipality must identify key ridgelines and view-lines that will have a visual impact on scenic routes.

- Development along such lines should be avoided;
- Where development is inevitable, the Municipality reserves the right to limit buildings within 5 contour metres of such a line to a single storey building not exceeding 6,0m above natural ground level at any point below the building;
- The design of the building must comply with accepted principles for reducing visual impact;
- There is a provincial policy on ridgeline development that needs to be consulted.

The need for the proposed substation is undoubtedly required and the development is inevitable hence Eskom must adhere to strict design as recommended in the visual impact assessment report, referred to “Annexure D” in order to reduce the visual impact. The proposed development is not in conflict with the guideline of the ridgelines and view lines along scenic routes within the SDF. The proposed development is in inevitable. Electricity is
part of the basic right (water, shelter and electricity) for every citizen. The sufficient and stability of electricity supply is vital.

The application process has been followed as in terms of Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985), however on the applications pack (forms and motivation) it was noted that the applicant had referred to the “Utility Zone” instead of the “Authority Zone” as per the Section 8 Scheme Regulations (1988). The applicant was informed of the error and the applicant amended the application. The correct advertisement was publicized and notices made reference to “Authority Zone” and not the “Utility Zone”; however the initial application was kept on the file, hence some objectors had picked up the “Utility Zone” from the withdrawn Municipal file. The process was not flawed and it was procedural fair.

The proposed rezoning is consistent with the SPLUMA principles, however the application has been submitted under LUPO but the current law has been observe and taken into consideration; refer to the table below:

<table>
<thead>
<tr>
<th>Principle</th>
<th>Motivation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spatial Justice</td>
<td>The proposed Development trigger environmental listed activities according to the National Environmental Management Act (1998).</td>
</tr>
<tr>
<td>Spatial Efficiency</td>
<td>Development will make use of existing local resources and contribute to specialised skills development within the local municipality. Aesthetical appearance (as proposed mitigation measures) which will contribute to the character of the surrounding area promoting sustainable development and to minimise the negative impact on the surrounding area.</td>
</tr>
<tr>
<td>Spatial Resilience</td>
<td>The development complies with the following spatial development frameworks.</td>
</tr>
<tr>
<td>Good Administration</td>
<td>This principle has no direct bearing on the application, however, the Knysna municipality is obligated to consider the application fairly and within the timeframes provided.</td>
</tr>
</tbody>
</table>
In order to make sure that proper criterion is put in place for arriving at a recommendation it is important to highlight important factors as they have been taken into consideration to making a decision; i.e. impact, safety and welfare of the community concerned, preservation of the natural and developed environment. The “desirability” test as provided for under Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985), Section 36 reads as follows:

**36 Basis of refusal of applications and particulars applicable at granting thereof**

1. Any application under Chapter II or III shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on existing rights concerned (except any alleged right to protection against trade competition).

2. Where an application under Chapter II or III is not refused by virtue of the matters referred to in subsection (1) of this section, regard shall be had, in considering relevant particulars, to only the safety and welfare of the members of the community concerned, the preservation of the natural and developed environment concerned or the effect of the application on existing rights concerned (with the exception of any alleged right to protection against trade competition).

As can be deduced for the above section, Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) very clearly states that any application under Chapter II or III shall be refused solely on the basis of a lack of desirability… Relevant considerations have been deliberated on; issues such as the environmental issues were thoroughly evaluated, dated back to 2009 when the first Environmental Authorisation was first obtained. Also the proposed development does not have any negative impact or pose danger to safety and welfare of the community members concerned; the visual impact has proposed mitigation proposals. In the light of above, it can be concluded that the application is desirable.

**Financial Implications**
N/A.

**Relevant Legislation**
Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1988).
Section 8 Scheme Regulations (1988).

**RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER**

[a] That the following correspondence be noted:
   (lx) Locality Plan;
   (lx) Copy of Application;
   (lxii) Basic Assessment Report
   (lxiii) Visual Impact Assessment Report
   (lxiv) Environmental Management Plan
   (lxv) Comments and Responses for Basic Assessment Report
   (lxvi) Process of Advertisement
   (lxvii) Objections
   (lxviii) Applicants Response

[b] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Portion 52 (a portion
of portion 45 of the farm Westford no. 191, Knysna Division from “Subdivisional Area” to “Authority Zone” in order to allow Eskom electricity substation;

[c] That reasons for **Recommending for Approval**
   [i] No title deed restriction/s;
   [ii] Will support the future development and the implementation of the SDF;
   [iii] Will provide stability in network.
   [iv] Mitigation measures for visual impact will be put into place, thus enhancing balance between the environment and development (substation);

[d] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985):
   i. This approval refers to the proposals as outlined above and may not be construed as authority to deviate from any other legal prescriptions or requirements;
   ii. Building plans for the proposed substation shall be submitted in terms of National Building Regulations and Building Standard Act 1977 (Act 103 of 1977) to the municipality for approval prior to any building work being undertaken;
   iii. The actual retaining wall, visible from the East, should be of a natural curved shape in plan as per Aesthetic Committee’s recommendation;
   iv. All conditions of the Environmental Authorisation shall be adhered to;
   v. The recommendations of a Visual Impact Assessment undertaken by Visual Resource Management Africa cc (VRM Africa) dated 11 February 2015 shall be adhered to
   vi. Storm Water management must be addressed in terms of surface runoff and flooding;
   vii. All costs pertaining to the implementation of these conditions will be for the account of the developer.

File Number: 9/1/2/13
Execution: Acting Director: Planning and Development

**ANNEXURES**

Annexures on CD
9. Closure