KNYSNA MUNICIPALITY

Notice is hereby given of a

PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

which will be held on

Wednesday, 21 September 2016

at

09:00

in the Council Chamber

to consider the following items.

MUNICIPAL OFFICES

KNYSNA

C MATTHEUS

ACTING MUNICIPAL MANAGER

Chairperson: Cllr V Waxa
Members: Cllr SI Kwinana
          Cllr DMC Pofadder
          Cllr MV Molosi
          Cllr MD Skosana
          Cllr S Arends
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2. SILENT PRAYER

3. ATTENDENCE OF MEMBERS
   
   3.1 COUNCILLORS PRESENT
   3.2 COUNCILLORS WITH LEAVE
   3.3 COUNCILLORS WITHOUT LEAVE

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

5. DISCLOSURE OF INTERESTS BY COUNCILLORS

6. PRESENTATION: GEYSER INDUSTRIES: INSTALLATION OF SOLAR GEYSERS
7. NEW ITEMS

7.1 REPORT FROM THE ACTING DIRECTOR: PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

The purpose of this report is to inform the Council of the background to proposed development of certain Hornlee infill sites in terms of the LAND AVAILABILITY AND GRANTING OF DEVELOPMENT RIGHTS AGREEMENT. To further inform Council about a discussion document received from ABSA/DEVCO to facilitate a meeting with all related parties to resolve challenges pertaining to the implementation of this project. To obtain a mandate from Council to proceed with the process of the cession of ABSA/DEVCO’s rights to Knysna Municipality & Western Cape Human Settlements Department.

BACKGROUND

In November 2007 Council resolved (Resolution 8.11.12) that a number of sites, including the Heidevallei site be placed on a proposal call in terms of Clause 14 of the Municipal Finance Management Act, Act 56 of 2003. An RFP was published in December 2007, and in December 2008, Council appointed ABSA as their development partner.

DISCUSSION

During the preparation of the ABSA Bid in response to the RFP, the following guidelines contained in the Knysna Municipality Spatial Development Framework (KM SDF), as well as in a study commissioned to ascertain the suitability of various land parcels specific to Hornlee, were taken into consideration:

1. The protection of forest on steep slopes and in river canyons;
2. No development permitted on slopes with gradient of 1:4 or greater;
3. Soil stability must be investigated;
4. Development must be confined to behind the 1:50 year floodline.

There were preliminary investigations for the purpose of preparing a Bid Proposal undertaken by the ABSA technical team prior to submission. However, these studies were pre-feasibility studies for the purpose of Bid submission. Upon the awarding of the Bid ABSA undertook further in-depth specialist studies in preparation of a Feasibility Report and Business Plan for submission to Council and ABSA. Specialist studies/planning exercises were completed between January and July 2009 as part of the process of developing a viable Business Plan. Consultative meetings were also held with province, and the affected communities. Province
approved R 16 765 703.62 for 312 service sites. These funds could not be spent due to additional outstanding financial commitments from Province and ABSA/DEVCO.

**FINANCIAL IMPLICATIONS**

N/A

**RELEVANT LEGISLATION**

Housing Act 1997  
Housing Consumers Protection Measures Act, 1998  
Home Loan and Mortgage Disclosure Act, 2000  
Spatial Planning and Land Use Management Act, 2013  
National Environmental Management Act, as amended by Act 2004

**RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER**

[a] That the report and the background to the propose ABSA/DEVCO Knysna affordable housing project be noted;

[b] That the discussion document from ABSA/DEVCO regarding their position towards the proposed development be noted;

[c] That the development of the project by Knysna Municipality and Western Cape Department of Human Settlements, independently, be approved;

[d] That the Acting Director: Planning and Development be mandated to present Council's position in an urgent meeting with Provincial Department of Human Settlements and ABSA/DEVCO;

[e] That a follow up report be submitted regarding the outcome of the proposed meeting as mentioned in [d] above.

**APPENDIX / ADDENDUM**

Knysna Affordable Housing Project

File Reference 9/1/2/13

Execution: Acting Director: Planning and Development  
Manager: Integrated Human Settlements
Knysna Affordable Housing Project

Disclaimer: This document is intended as a discussion paper to facilitate a meeting with all related parties to the Knysna Affordable Housing Project, the assumptions and views expressed herein are restricted to high-level calculations and no detailed cashflow projections or analysis are provided.

All statements contained herein are made without prejudice and is not intended to hold any party liable whatsoever in respect of the Land Availability and Granting of Developments Rights Agreement concluded with Knysna Municipality. Abua DevCo reserves its rights in full.
Background - Scope

Absa Bank responded to a request for proposal for this project in April 2008. Kryana Municipality’s (“Kryana”) goal at the time of the request for tender was to benefit the middle income earners. In its proposal, it lay out its plan, strategy and expectation for the project.

- It was proposed that the development project would span 9 sites and 23 erven:
  - Heideville (3 erven); and
  - Hornlee (20 erven)

Which would be split to deliver 2,530 housing opportunities for sale to individuals for residential development.

- The project was to have a mix residential densities, with focus on high density units (100 – 120 m² erven).
  The residential mix that was proposed entailed:
  - 15% of Heideville having low density housing (sites of 250 to 350m²).
  - 75% (balance) high density units (100 – 120 m² erven) which were more economically viable in that market sector.

- The tender requested:
  - 30% of opportunities be targeted at low income earning group between R3,500 to R10,000 per month;
  - 30% for the R10,000 to R18,000 per month income group; and
  - 30% for the those earning above R18,000 per month, free market.

- In the request for tender, BNG housing was not included in the project requirement and neither was cross subsidisation. However, since the spatial development framework for Kryana referred to a need for BNG housing especially in the Heideville area, Absa Bank proposed the inclusion of BNG housing in the project. It proposed that the project consist of 90% bonded houses and 10% BNG houses.

<table>
<thead>
<tr>
<th></th>
<th>Timing</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conclusion of Land Availability Agreement</td>
<td>5 mths</td>
<td>September 2008</td>
</tr>
<tr>
<td>Town planning and environmental process</td>
<td>12 to 18 mths</td>
<td>September 2009</td>
</tr>
<tr>
<td>Design</td>
<td>Concurrent to townplanning</td>
<td>December 2009</td>
</tr>
<tr>
<td>Infrastructure development</td>
<td>7 mths</td>
<td>July 2010</td>
</tr>
<tr>
<td>House construction</td>
<td>3 years</td>
<td>June 2013</td>
</tr>
</tbody>
</table>
Background - Feasibility

It was anticipated that the project would be highly marketable since at the time of tender there was housing shortage of approximately 5000 houses in the middle income segment of the market and the need for EHG housing was also high. The demand and supply analysis at the time suggested:

<table>
<thead>
<tr>
<th>Category</th>
<th>Annual Income</th>
<th>Monthly Income</th>
<th>% Knysna Pop.</th>
<th>Market Gap 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower middle income</td>
<td>R38,401 – R76,800</td>
<td>R3,200 – R6,400</td>
<td>34.6%</td>
<td>2,186</td>
</tr>
<tr>
<td>Middle income</td>
<td>R76,801 – R153,600</td>
<td>R6,400 – R12,600</td>
<td>11.5%</td>
<td>1,729</td>
</tr>
<tr>
<td>High middle income</td>
<td>R153,601 – R307,200</td>
<td>R12,800 – R25,600</td>
<td>9.8%</td>
<td>1,064</td>
</tr>
</tbody>
</table>

It was assumed that individuals in the above income brackets would fund the purchase of residential units via a combination of subsidies (Financial Linked Individual Subsidy Program and Social Housing Program) and loans from the banks which at the time were offering 100% mortgage bonds to qualifying individuals.

The table below illustrates the house price range that different income bands are able to afford assuming they qualify for finance:

<table>
<thead>
<tr>
<th>Original assumptions</th>
<th>Current market</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ave monthly income</td>
<td>Max monthly</td>
</tr>
<tr>
<td></td>
<td>Subsidy</td>
</tr>
<tr>
<td></td>
<td>Bond 15%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td>repayment</td>
</tr>
<tr>
<td></td>
<td>Subsidy</td>
</tr>
<tr>
<td></td>
<td>Bond 10.5%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ave monthly income</th>
<th>Max monthly repayment</th>
<th>Subsidy</th>
<th>Bond 15%</th>
<th>Total</th>
<th>Max monthly repayment</th>
<th>Subsidy</th>
<th>Bond 10.5%</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>R5,500</td>
<td>R1,600</td>
<td>R15,260</td>
<td>R125,000</td>
<td>R140,260</td>
<td>R1,650</td>
<td>R75,200</td>
<td>R165,267</td>
<td>R240,500</td>
</tr>
<tr>
<td>R10,000</td>
<td>R3,572</td>
<td>-</td>
<td>R227,000</td>
<td>R227,000</td>
<td>R3,000</td>
<td>R48,255</td>
<td>R300,486</td>
<td>R350,000</td>
</tr>
<tr>
<td>R18,000</td>
<td>R7,144</td>
<td>-</td>
<td>R410,000</td>
<td>R410,000</td>
<td>-</td>
<td>R20,000</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
Background – Scope and subsequent creep

The aim of this project was to be socially, economically sustainable and mutually beneficial to all stakeholders. This was highlighted in both the request for tender and the tender proposal that Absa presented to the Knysna. The goal was to improve the livelihood of the Knysna community and to provide them with quality affordable housing.

The scope, program, funding structure and agreed Land Availability Agreement committed parties to the following:

- Knysna agree to inclusion of BNG housing in the project and undertaking to contribute top-up funding of R 5,000 per BNG house. In addition to the provincial housing subsidy for BNG housing.
- Knysna would make the land available
- Absa Bank undertook to install the internal services for the project while Knysna undertook to develop the external services for the project.
- Absa Bank would sell and transfer the erven to the end users and would not be expected to compensate Knysna for the land costs.
- That the funding structure would be set up in a development agreement. The development agreement would also set out the details of the phasing of the project (which is yet to be concluded).
- The agreement expressly states that Absa Bank will not be obliged to cross subsidise the project by utilising the profits from the bonded stands to pay for the BNG housing.
- At the time of tender it was envisaged that the Western Cape Department of Human Settlements (“WCDS”) would fund the BNG portion of the project entirely.

- At the time of tender it was assumed that the project would realise a profit before tax.

Subsequently

- As a result of various unforeseen issues, daunting certain land portions unviable for development. The scope of the project has been reduced significantly.
- The Project has morphed from being a high density development to a low density development. This has resulted in a significant reduction in the economics of scale of the project.
- The target market has also changed. Initially it was supposed to be 90% bonded stands and 10% BNG uses but the current proposal is 28% BNG houses and 72% bonded houses at Herdees.
Status Quo – Feasibility and Funding

- As a result of the change in scope, the Project costs associated with Hornlee have increased and the existing funding quantum and structure do not provide the funding required to deliver the BNG component.

- The WCDDHS undertook to fund the BNG component of the Project in total, however the WCDDHS is no longer able to provide top-up funding for the BNG component.

- Co-oss subsidisation of the BNG component by bonded stands was never envisaged. As it stands the reduced quantum of bonded stands and market conditions don’t enable bonded stands to generate sufficient income to cross subsidise the BNG component.

- Pre-planning costs and professional fees across the entire project of c.64m have been incurred to date.

- The town planning, design and tender adjudication phases of the Hornlee project have been completed.

- Certain costs incurred relate to the total project including Heidevlei land.

- Absa DevCo believes that gives the planning and design work completed to date that certain of those fees are now recoverable.

- The lack of funding from WCDDHS, pre-planning and professional fees and elevated site establishment costs against income recoverable across fewer stands means the project is no longer financially viable.

<table>
<thead>
<tr>
<th>High-level Cost breakdown – cost of servicing stands</th>
<th>Hornlee</th>
<th>Current</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # units</td>
<td>688</td>
<td>312</td>
</tr>
<tr>
<td>Bonded units</td>
<td>646</td>
<td>226</td>
</tr>
<tr>
<td>BNG units</td>
<td>42</td>
<td>86</td>
</tr>
<tr>
<td>Total service costs</td>
<td>R54m</td>
<td>R39m</td>
</tr>
<tr>
<td>Service cost/stand</td>
<td>R7200</td>
<td>R92400</td>
</tr>
<tr>
<td>Prof fees</td>
<td>R7.9m</td>
<td>R5.2m</td>
</tr>
<tr>
<td>Prof fees/stand</td>
<td>R11500</td>
<td>R16600</td>
</tr>
<tr>
<td>Total Income</td>
<td>R91.3m</td>
<td>R28.7m</td>
</tr>
<tr>
<td>BNG Income</td>
<td>R2.5m</td>
<td>R3m</td>
</tr>
<tr>
<td>BNG Subsidy/unit</td>
<td>R29093</td>
<td>R58520</td>
</tr>
<tr>
<td>Bonded Income</td>
<td>R88.8m</td>
<td>R23.7m</td>
</tr>
<tr>
<td>Ave Bonded stand price</td>
<td>R137000</td>
<td>R350000</td>
</tr>
<tr>
<td>Profit/Loss before escalation &amp; contingency</td>
<td>R41m</td>
<td>(R300000)</td>
</tr>
<tr>
<td>Profit/ Loss after 10% escalation &amp; 5% contingency</td>
<td>R24m</td>
<td>(R44m)</td>
</tr>
</tbody>
</table>

Note: The above cost estimates are for illustrative purposes and:
- Exclude top structure costs and associated professional fees, marketing costs and sales commissions;
- Do not account for any interest charges and holding costs;
- Assumes all subsidy income and sales income is recovered immediately.
Status Quo - Affordability

- Developers focusing in the affordable housing market in and around Kenya have indicated that, in order to deliver building packages that can be afforded by the market serviced land would need to be delivered at c.R105,000 Ex Vat.

- Average Affordable House Price is currently R417,000

<table>
<thead>
<tr>
<th>Year</th>
<th>Average House Price (40m² to 79m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000 - 2009</td>
<td>R182,395</td>
</tr>
<tr>
<td>2012</td>
<td>R337,000</td>
</tr>
<tr>
<td>Current</td>
<td>R417,000</td>
</tr>
</tbody>
</table>

- The original tender forecast average achievable stand price was R337,000 Ex Vat, with the most expensive stand fetching R530,000 Ex Vat. Those prices are not achievable in current market.

- Developers have further expressed that they are not in a position to debt fund developments and buy stands outright. They favour entering into allocation agreements whereby they pay for stands upon transfer of completed houses this could delay recovery of capital outlays by up to 60 months and result in further losses being incurred on the Project.

- As a result of weakening macro-economic conditions and factors such as National Credit Act, major banks' risk appetites and lending criteria have shifted dramatically.

- Poor economic growth partnered with interest rate uncertainties, has lead to mortgage repayments growing faster than house prices and disposable income. As such, domestic banks are offering far lower loan to value mortgage bonds with many showing little or no appetite for 100% building loans.

Estimated breakdown of costs:

<table>
<thead>
<tr>
<th>45m² House</th>
<th>Cost (Vat Inc)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serviced stand</td>
<td>120,000</td>
</tr>
<tr>
<td>Construction (4,000/m)</td>
<td>180,000</td>
</tr>
<tr>
<td>Connection fee</td>
<td>12,000</td>
</tr>
<tr>
<td>Eng/Architect</td>
<td>12,000</td>
</tr>
<tr>
<td>Profit @ 20%</td>
<td>64,800</td>
</tr>
<tr>
<td>NHBRC</td>
<td>5,200</td>
</tr>
<tr>
<td>Transfer/Bond</td>
<td>12,000</td>
</tr>
<tr>
<td>Agent Comm</td>
<td>11,000</td>
</tr>
<tr>
<td>Price</td>
<td>417,000</td>
</tr>
</tbody>
</table>
Path Forward

Outstanding issues

• The funding available to the Project remains unclear and no clear commitments have been provided to date. The lack of clarity in regards:

  1) Funding to be provided by WCDHS in respect of the BNG component

  2) How Krynsia intend to fund/repay the deficit in respect of bulk services costs. A funding agreement was presented to Krynsia in this regard however no agreement has been reached in that regard as Krynsia have advised they are unable to enter into a interest bearing loan agreement.

Matters to be resolved

• In the absence of funding commitments highlighted above final decisions on the make-up and financial viability of the Project can not be crystallised.

• Absa Bank has spent R 6.4 million to date on professional fees, and is not in a position to commit further funding to the project in the absence of firm funding commitments from all parties.

• Absa DevCo is of the view that the Project is not financially viable as the access to funding and affordability in current market does not lend itself to bonded stands fetching returns forecast in original tender. Nor is Absa DevCo mandated to commit any funding on risk to the BNG component of the project beyond the realms of the original approved tender.

• Krynsia in February 2016 published a open IEP in respect of the Heidelberg land on which Absa was granted development rights in terms of the Land Availability and Granting of Developments Rights Agreement ("LAA") concluded with Absa Bank Ltd. In the absence of any signed Addendums to the LAA amending or excluding the portion of land in question Absa DevCo is of the view that Krynsia is in breach of such LAA. It remains unclear whether Krynsia intended to cancel the existing LAA by pursuing this course of action.

• In respect of the above breach, Absa DevCo reserves its rights to cancel the LAA without prejudice to any other rights that we would have in law and reserve the right to claim specific performance as per terms Clause 11 of the LAA.

Next steps

• Absa DevCo is of the opinion that the project is not financially feasible and given the change in scope and uncertainty surrounding funding wishes to step back and allow Krynsia and WCDHS to develop the project independently.

• In this respect Absa DevCo is prepared to cede the project to another party, failing which it believes it would be in best interests of all parties to terminate the existing LAA.
### Appendix – Professional Fees incurred by Absa DevCo to date

<table>
<thead>
<tr>
<th>Professional Fees</th>
<th>Ex Vat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aecom</td>
<td>461,737.61</td>
</tr>
<tr>
<td>SSI</td>
<td>1,336,380.40</td>
</tr>
<tr>
<td>Chauke QS</td>
<td>286,492.80</td>
</tr>
<tr>
<td><strong>Total Project Management</strong></td>
<td><strong>2,084,610.81</strong></td>
</tr>
<tr>
<td>Western Cape Survey</td>
<td>283,533.85</td>
</tr>
<tr>
<td>VPM Surveys</td>
<td>107,350.00</td>
</tr>
<tr>
<td><strong>Total Land Surveyor</strong></td>
<td><strong>390,883.85</strong></td>
</tr>
<tr>
<td>Macroplan</td>
<td>1,238,133.24</td>
</tr>
<tr>
<td>Urban Econ</td>
<td>73,500.00</td>
</tr>
<tr>
<td><strong>Total Townplanner</strong></td>
<td><strong>1,311,633.24</strong></td>
</tr>
<tr>
<td>Bluepebble</td>
<td>677,892.06</td>
</tr>
<tr>
<td>Ecoroute</td>
<td>12,159.10</td>
</tr>
<tr>
<td>JM Kingwacl</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Environmental Consultant</strong></td>
<td><strong>690,051.16</strong></td>
</tr>
<tr>
<td>Adam &amp; Fraser</td>
<td>165,075.00</td>
</tr>
<tr>
<td>Bran-U Construction</td>
<td>180,119.36</td>
</tr>
<tr>
<td>Outenique Geotechnical</td>
<td>167,724.00</td>
</tr>
<tr>
<td>Sntec</td>
<td>904,794.48</td>
</tr>
<tr>
<td><strong>Total Civil Engineering</strong></td>
<td><strong>1,417,712.84</strong></td>
</tr>
<tr>
<td>Clinkscales Maughan Brown</td>
<td>510,095.10</td>
</tr>
<tr>
<td><strong>Total Electrical Engineering</strong></td>
<td><strong>510,095.10</strong></td>
</tr>
<tr>
<td>Other</td>
<td>17,975.56</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,422,962.56</strong></td>
</tr>
</tbody>
</table>

In respect of the professional fees incurred, Absa DevCo would look to recover fees applicable to planning, approval and design if coded or handed over upon the termination or cancellation of the LAA.
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 Mr Deon Kapp, the property owner, for the following:

(i) Application in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of a ±395m² portion of Remainder Erf 1692 Sedgefield (a section of Tinktinkie Street) from “Street Zone” to “Business Zone” to allow said portion to be consolidated with Erf 429, Sedgefield;

(ii) Application in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of a ±51m² portion of Erf 429 Sedgefield from “Business Zone” to “Street Zone” to allow said portion to be consolidated with Erf 1692, Sedgefield (a section of Tinktinkie Street);

(iii) Application in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of a ±395m² portion of Remainder Erf 1692, Sedgefield (a section of Tinktinkie Street), in order to allow said portion to be consolidated to with Erf 429, Sedgefield;

(iv) Application in terms of Section 137 of the Cape Municipal Ordinance, 1974 (Ordinance 20 of 1974) for the closure of a ±395m² portion of Remainder Erf 1692, a portion of Tinktinkie Street, in order to consolidate said portion with Erf 429, Sedgefield. The application is recommended for approval.

BACKGROUND

The object of the current application is to conclude a land swap involving a portion of Tinktinkie Street located adjacent to and on the south eastern boundary of Erf 429, Sedgefield. The subject portion is to be swapped with a smaller portion (51m²) of Erf 429 Sedgefield which is to be used for road widening purposes. Erf 429, Sedgefield is situated on the corner of Tinktinkie Street, Hoepoe Street and Parakiet Road with its street address being No. 6 Tinktinkie Street. A locality plan is attached as Annexure A. Erf 429 Knysna is currently being used as a car wash and equipment hire shop whilst the portion of Erf 1692 in question is currently vacant. On 24 March 2016 Council took the following resolution in respect of the proposal under discussion (Annexure B):
[a] That the report and annexure regarding the alienation of a portion Erf 1692, Sedgefield submitted to the Governance & Economic Development Committee meeting dated 19 April 2016 be noted;

[b] That in terms of Section 14(2)(a) of the Local Government: Municipal Finance Management Act, 2003, and on reasonable grounds, the Municipal Council hereby confirms that the portion of Erf 1692, Sedgefield to be alienated, are deemed not needed to provide the minimum level of basic Municipal Services;

[c] That in terms of Section 14(2)(b) of the Local Government: Municipal Finance Management Act, 2003, the fair market value, being R70 000 plus VAT, of the portion of Erf 1692, Sedgefield and the economic and community value to be received in exchange for the portion of the portion of Erf 1692, Sedgefield be approved;

[d] That in terms of Section 5(b)(ii) of the Local Government: Municipal Finance Management Act (56/2003): Municipal Asset Transfer Regulations the Municipal Council hereby, in principle, approve that the portion of Erf 1692, Sedgefield may be disposed of;

[e] That the swapping of 51 square meters of Erf 429 with 51 square meters of Erf 1692 be approved;

[f] That in terms of the Knysna Municipality’s Management of Immovable Property Policy the Municipal Council hereby approve that the portion of Erf 1692 (being 344 square meters), Sedgefield must be disposed of by means of a Private Treaty Agreement with the owner of Erf 429, Sedgefield at the market value price of R 43 000 plus VAT as determined by the Municipal Valuer (DDP Valuers);

[g] That all costs relating to this alienation and swapping be for the account of the owner of Erf 429, Sedgefield; and

[h] That the Municipal Manager be requested to conclude the Private Treaty Agreement mentioned in [f] above.

[i] That it be noted that the Director: Technical Services verbally indicated that there are no objections to the land swapping and alienation because no services are affected.

The subject application, which was received on 23 March 2015, and a subsequent letter of amendment, is attached as Annexure C. Public Participation Registered letters were sent to all interested persons (5-08-2015) while notices also appeared in the Provincial Gazette (7-08-2015), the Edge (12-08-2015) and the Action Ads (6-08-2015). The application was further circulated to all internal and external departments and to all other relevant statutory bodies for comment. The closing date was 4 September 2015 prior to which no objections were received. One e-mail was however received from Mike Young (Annexure D) offering full support for the current proposal. All proof of public participation is attached as Annexure E. The applicant’s response to all comments received is attached as Annexure F.
DISCUSSION

The application as indicated, object of the application is to allow the applicant to obtain a piece of land that forms part of an unmade road so as to consolidate such with his own erf. In return, besides making a financial contribution toward the purchase of the land in question, the application proposes to offer a portion of his property to the municipality so that such portion can be used to create better access onto the municipal site.

Planning Assessment There are no title deed restrictions that have a bearing on the subject application.

The following considerations, which are considered relevant, have been taken into account in assessing this application:

CONSIDERATION COMMENT lawfulness, reasonableness and procedural fairness

All reasonable steps are deemed to have been taken during the assessment of the subject application to ensure that the outcome reflects this particular consideration.

Over and above the fact that Council has already decided on the land swap, the required test to measure the degree to which the proposal is deemed desirable has been taken and the recommendation made to Council is a direct consequence of test as undertaken. public participation as stated under the paragraph “public participation above”, proper procedure was followed and all proof thereof is attached as Annexure E for ease of reference. status of the decision maker and legislative provisions Council is authorized to take a decision on this matter in terms of Council’s delegations register approved on the 31st May 2016. This is also the case in respect of the Cape General Structure Plan, 1988, the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and the Cape Municipal Ordinance, 1974 (Ordinance 20 of 1974).

relevant considerations no irrelevant considerations are deemed to have influenced the outcome of this assessment, consistency with the SDF. The proposal involves erven which fall within the urban edge.

The utilization of the vacant portion of unused road reserve as part of business operations on Erf 429, Sedgefield is seen as an appropriate mechanism to enhance economic growth within Sedgefield. This proposal is therefore deemed to be in line with the spirit of Spatial Development Framework site specific circumstances.

There are no site specific circumstances which have been found not to be in favour with the proposal under consideration.

Public Interest
The members of the public concerned were consulted and have demonstrated a degree of satisfaction in as far as the current proposal is concerned.

Risk
Any potential risk has been mitigated through strict compliance with relevant legislation, norms and standards. Through strict adherence to procedure, the risk of potential loss from the point of view of Council, the applicant and the general public has effectively been mitigated.

Impact

Given the lack of negative comments from both the public and internal department, it can be concluded that the general perception is that no negative impacts are envisaged.

Long Term Benefits

The use of the currently under-utilised land portion of road reserve for business purposes will minimize the burden on the municipality for its maintenance and the utilization thereof will generate income for the new owner and create potential for employment opportunities and thus economic growth.

Engineering and Environmental Considerations

The Director: Technical Services has confirmed that no engineering services will be affected.

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) The above weightings are deemed to have been applied correctly and the recommendation is a direct consequence of the application of the above. Furthermore, the conclusion arrived at by Council is that the portion to be alienated is as follows:
  a) The land portion is deemed not needed to provide the minimum level of basic Municipal Services,
  b) Council approves that the portion of Erf 1692, Sedgefield may be disposed of, and
  c) The Director: Technical Services verbally indicated that there are no objections to the land swapping and alienation because no services are affected. Existing forward planning documents do not offer direct guidelines given the scale of the proposed subdivision. However, given the incremental nature which characterizes the
morphology of urban landscapes, it can be argued that the proposed development falls within the development type enunciated in the Knysna Spatial Development Framework (2008).
This is so since the extension of the current business through the acquisition of the Council land will lead to the revitalization and strengthening of urban space economy as an engine of economic growth.

The original comments from the Director: Technical Services will no longer be discussed given the Council resolution in terms of which the Director offered no objection. However, conditions deemed to be relevant i.e. the prohibition of paving will form part of the conditions of approval. Given that the application supports the strengthening of and enhancement of the central business district, both in terms of its relationship to passing traffic as well as providing a service to immediate residents, it can be supported.

**Departmental Comments**

Comments: Technical Services ROADS & STORMWATER:

- The alienated road reserve should be offered for purchase to the owners of erf 444 and 443 and not only to the benefit of erf 429.
- What were the rezoning conditions approved for erf 429? Does this application not shift that responsibility and cost now to Council?
- Does this new consolidated erf not trigger augmentation fees?
- Augmentation will be due on the newly created erf.
- Extension charges will be for the applicant cost.

WATER & SEWER: - Water augmentation will be due on 2 units (ec).

- Owner should extend water network at own cost. - No water borne sewer services available.
- Sanitation system must be approved by Director Technical Services.

ELECTRICITY:

- Electricity Augmentation fees payable on creation of new erven.
- Electrical service connection cables to erf 444 & 443 runs parallel in the road reserve roughly 1 meter from their western fence. No paving ought to be allowed there. Comments: Environmental Services
- No objection. Comments: Building Control - Supported.
FINANCIAL IMPLICATIONS

To be determined.

RELEVANT LEGISLATION


The following delegation is listed in the delegations register as approved by Council on 31 May 2016:

<table>
<thead>
<tr>
<th>O.1.33 Land Use applications</th>
<th>Specific delegations in terms of land use applications, as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Manager: TP&amp;BC</td>
</tr>
<tr>
<td></td>
<td>Senior Town Planner: Minor land use applications where there are no objections</td>
</tr>
</tbody>
</table>

RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

[a] That the following correspondence be noted:

(i) Copy of the application from Marike Vreken Town Planners CC dated August 2015;
(ii) E-mail from Mike Young dated 7 August 2015;
(iii) Copy of internal comments dated 6 April 2016;
(iv) Applicant’s response to comments dated 6 October 2015 and 2016;

[b] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of a ±395m² portion of Remainder Erf 1692 Sedgefield (a section of Tinktinkie Street) from “Street Zone” to “Business Zone” to allow said portion to be consolidated with Erf 429 Sedgefield;

[c] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of a ±51m² portion of Erf 429 Sedgefield from “Business Zone” to “Street Zone” to allow said portion to be consolidated with Erf 1692, Sedgefield (a section of Tinktinkie Street);

[d] That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of a 395m² portion of Remainder Erf 1692 Sedgefield (a section of Tinktinkie Street) in order to allow said portion to be consolidated to with Erf 429, Sedgefield;
[e] That approval be granted in terms of Section 23 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of a ±51m² portion of Erf 429, Sedgefield (a section of Tinktinkie Street) in order to allow said portion to be consolidated to with Erf 1692, Sedgefield (a section of Tinktinkie Street);

[f] That approval be granted in terms of Section 137 of the Cape Municipal Ordinance, 1974 (Ordinance 20 of 1974) for the closure of a ±395m² portion of Remainder Erf 1692, a portion of Tinktinkie Street in order to consolidate said portion with Erf 429, Sedgefield;

[g] 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 proposals as set out above only and may not be construed as authority to depart from any other legal prescriptions or requirements;

   (ii) The approval is subject to the consolidation of the subdivided portion of Erf 1692 with Erf 429, Sedgefield and vice versa;

   (iii) The applicant shall provide the municipality with copies of the approved survey diagrams as soon as they get approved by the surveyor-general's office for record purposes;

   (iv) This approval shall lapse if the registration of the consolidated erven is not effected within the period of five years;

   (v) Paving shall not be allowed over the section of the Erf under which electrical cables servicing 443 and 444 are laid out;

   (vi) The applicant shall submit five copies of the approved subdivision plan for endorsement prior to submission to the surveyor-general's office; and

   (vii) Any services that are to be relocated shall be relocated at the expense of the property owner.

**APPENDIX / ADDENDUM**

**SUPPORTING DOCUMENTATION**

.
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

AGENDA

21 SEPTEMBER 2016
File No.: 7/2/1/2
Collab No.: 567096
Link Collab No.: 342447

27 July 2016

Marike Vreken Town Planners CC
P.O. Box 218
KNYSNA
6570

Dear Madam,

LAND ALIENATION: PORTION OF ROAD RESERVE ABUTTING ERF 429 SEDGEFIELD

We refer to our letter dated 20 March 2016 and Councils Resolution dated 31 May 2016 with regard to the alienation of a portion of Erf 1692, Sedgefield.

Council at its meeting dated 31 May 2016 resolved the following:

*G09/04/16 APPLICATION FOR LAND SWAPPING AND ALIENATION: PORTION OF ROAD RESERVE ABUTTING SEDGEFIELD ERF 429

UNANIMOUSLY RESOLVED

[a] That the report and annexure regarding the alienation of a portion Erf 1692, Sedgefield submitted to the Governance and Economic Development Committee meeting dated 19 April 2016 be noted;

[b] That in terms of Section 14(2)(a) of the Local Government: Municipal Finance Management Act, 2003, and on reasonable grounds, the Municipal Council hereby confirms that the portion of Erf 1692, Sedgefield to be alienated, is deemed not needed to provide the minimum level of basic Municipal Services;

Please address all correspondence to the Municipal Manager and quote the above reference.
PO Box 21, Knysna, 6570 | Tel: 044 302 6300 | Fax: 044 302 6333 | Email: knysna@knysna.gov.za | www.knysna.gov.za
[c] That in terms of Section 14(2)(b) of the Local Government: Municipal Finance Management Act, 2003, the fair market value, being R70 000 plus VAT, of the portion of Erf 1692, Sedgefield and the economic and community value to be received in exchange for the portion of the portion of Erf 1692, Sedgefield be approved;

[d] That in terms of Section 5(b)(ii) of the Local Government: Municipal Finance Management Act (56/2003): Municipal Asset Transfer Regulations the Municipal Council hereby, in principle, approve that the portion of Erf 1692, Sedgefield may be disposed of;

[e] That the swapping of 51 square metres of Erf 429 with 51 square metres of Erf 1692 be approved;

[f] That in terms of the Knysna Municipality’s Management of Immovable Property Policy the Municipal Council hereby approve that the portion of Erf 1692 (being 344 square metres only - that portion to be alienated only, thus excluding the portion to be swapped), Sedgefield must be disposed of by means of a Private Treaty Agreement with the owner of Erf 429, Sedgefield at the market value price of R 43 000 plus VAT as determined by the Municipal Valuer (DDP Valuers);

[g] That all costs relating to this alienation and swapping be for the account of the owner of Erf 429, Sedgefield; and

[h] That the Municipal Manager be requested to conclude the Private Treaty Agreement mentioned in [e] and [f] above;

[i] That it be noted that the Director: Technical Services verbally indicated that there are no objections to the land swapping and alienation because no services are affected.”

Attached hereto please find the Agreement of Sale for the property involved.

If you need any further information then please contact Mr. Renwill Hardnick at 044 302 6459 or at rhardnick@knysna.gov.za.

Yours faithfully

[Signature]

GRANT EASTON
MUNICIPAL MANAGER
FOR ATTENTION: MR. HENNIE SMIT

Dear Sir,

PROPOSED REZONING, SUBDIVISION, ROAD CLOSURE; LAND ALIENATION & CONSOLIDATION: SEDGEFIELD ERF 1692 ABUTTING ERF 429 – APPLICATION FOR AMENDMENT OF SUBDIVISION PROPOSAL

Our application of 3 August 2015 and our response to comments submitted on 6 October 2015 refer.

1. During a site visit that was during early April 2016 on the site with Councillor to discuss the land alienation proposal, our client pointed out that he wanted to amend the boundary of the proposed alienation (smaller portion to be acquired from Council) and that he would want to “swap” a portion of his land to Council for road purposes, to ensure a better road access for Erf 444.

2. The owners of Erf 444 and other members of the public, already uses this land. We attach a copy of this amended subdivision plan.

3. It is the considered opinion that the portion of Erf 429 that is proposed for road widening purposes, does not have to be formally subdivided, as the portion will be merely for road widening and not to create an additional alienable cadastral unit.

4. Kindly note that this application will still be submitted and processed under LUPO and that the municipality may also subdivide the land in terms of Section 23 of LUPO (hence no official subdivision application required). Alternatively, the municipality can impose the subdivision of the portion of Erf 429 for road widening as a condition of approval.
5. We also note that in terms of Section 24(1)(e) of the new Knysna Municipality Land Use Planning Bylaw, "...the construction or alteration of a public or proclaimed street..." is exempted from a formal subdivision application.

We trust that this minor amendment of the subdivision proposal will not impact on the processing of this land use application.

Please do not hesitate to contact the writer, should you require any additional information in this regard.

Kind regards,

MARIKE VREKEN
Pr. Pin 1101 M SAPI 10233
SECTION D | DEVELOPMENT PROPOSAL

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SECTION D | MOTIVATION

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(ii) ANNEXURES

ANNEXURE A: Company Resolution & Power of Attorney
ANNEXURE B: Application Forms
ANNEXURE C: Title Deed
ANNEXURE D: General Plan

(iii) LIST OF PLANS

PLAN 1: Locality Plan
PLAN 2: Land Use Plan
PLAN 3: Zoning Plan
PLAN 4: Site Development Plan

(iii) LIST OF FIGURES

FIGURE 1: Sedgefield Primary School Sports Fields on Enven 472 - 480
FIGURE 2: Sedgefield NG Church on Erf 1561
SECTION A: BACKGROUND

1. BACKGROUND

The current owner of Sedgefield Erf 429 acquired the property during 2003. At the time, the property was leased to business operators on a long term and it was assumed that the property had business rights. When the lease expired, the owner continued to use the property for business purposes. The owner was only recently informed by Knysna Municipality that the property is actually zoned for single residential purposes and that the property has to be rezoned, if the current owner wishes to continue to use it for business purposes.

The owner erected an unauthorised boundary wall on the property boundary and the owner was then informed by Knysna municipality that (i) the unauthorised boundary wall must be removed and (ii) that the existing buildings on Erf 429 do not correlate with the approved building plans on municipal records. However, these alterations were done before the current owner took transfer. In order to address this problem, an Architectural Technician was appointed to prepare “as-built” building plans for the unauthorised boundary wall as well as all the existing structures on Erf 429.

Since the owner wishes to use the property for business purposes, an application for rezoning must first be approved, before Knysna Municipality will accept the “as built” building plans for the business building.

2. THE APPLICATION

Markie Veenen Town & Regional Planners CC has been appointed by Wanda Van Dyk ID No 640410011202688 to apply to the local authority (refer Annexure A: Power of Attorney) for:

- The rezoning of Sedgefield Erf 429 from “Single Residential Zone” to “Business Zone” in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

The completed application forms are attached as Annexure B to this report.

At this point it should be noted that the proposal does not constitute a “listed activity” in terms of Regulation R 549; R 549.5 or R 549.6, as promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) as the proposed development does not trigger any of the listed activities.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A Copy of the Title Deed for Sedgefield Erf 429 Sedgefield containing the details outlined below is contained in Annexure C.
These conditions were all imposed in favour of Sedgefield Holdings (Pty) Ltd and can therefore be waived with the written permission of Sedgefield Holdings (Pty) Ltd. Sedgefield Holdings (Pty) Ltd has been consulted, and has agreed in principle. Sedgefield Holdings (Pty) Ltd requires the written comments from Kiryana Municipality and the relevant ratepayers association before it will exercise its rights to waive these conditions.

Bond:
A bond is registered against this property. An application for the bond holder's written permission was lodged and the financial institution's written consent will be provided in due course.

Property Size:
534m² (FIVE HUNDRED AND THIRTY FOUR) square meters

Property Owner:
WANDA VAN DYK, ID NO 6404100124008

Servitudes:
No servitudes prevent the proposed land use. A Copy of the General Plan of the property is attached as Annexure D.

SECTION B CONTEXTUAL INFORMANTS

4. LOCALITY (refer Plan 1)

The application area is located at 6 Tintinkle Street on the corner of Tintinkle Street, Hoepee Street and Parallel Road (also known as Main Service Road), Sedgefield. The application area is located on the southern boundary of the N2 National road that runs through Sedgefield.

The site is located on the eastern boundary of the Sedgefield CBD, within an area that is in transition between the Sedgefield Central Business District and the eastern residential areas of Sedgefield.

5. CURRENT LAND USE & ZONING

5.1. Land Use (refer Plan 2)

The application area is currently used for business purposes.

5.2. Zoning (refer Plan 3)

The subject property is currently zoned as “Single Residential” zone in terms of the Sedgefield Zoning Scheme Regulations.

6. CHARACTER OF THE AREA

The surrounding area is characterised by a mix of land uses, namely, business, residential, place of worship and institutional land-use activities. The application area can be described as a transition area between the residential area and the business district of Sedgefield. Take note that the majority of the businesses in Sedgefield are located along the Main Services Roads situated north and south of the N2 National Road leading through Sedgefield. These roads run parallel with the N2.

The areas to the east and south of the application area are characterised by residential and tourist accommodation activities, whereas the west of the application area, along Main Service Road is characterised by business activities, such as the Plumbtree commercial building. A place of worship and the Sedgefield Primary school are located to the south and southwest of Sedgefield Erf 429.

The area to the north along the northern Main Services Road is characterised by predominantly business type land use activities, such as the “Houtskop Centrum” which is a retail facility accommodating a variety of businesses. Properties further north behind the first row of even along the Main Service Road are all residential even.

FIGURE 1: SEDGEFIELD PRIMARY SCHOOL FOR KIDS ON EVEN 429 - 440

FIGURE 2: SEDGEFIELD NG CHURCH ON ODD 1661
As Erf 429 is located along the southern Main Service Road the property is ideally located for the proposed land use.

It is considered opinion that the proposed rezoning to business zone for small business purposes will be consistent with the established character of this area.

7. SITE CHARACTERISTICS

The topography of Erf 429 is characterised by level ground with no sensitive vegetation on the property. Some large unidentified trees are located around the boundary of Erf 429. These trees will not be affected by the proposed rezoning as the current building will not be changed.

The application area is surrounded by Paraklet Street, Main Service Road to the north, Tinktinkkie Street to the east and Hoepoe Street to the west. Access and egress to the property is currently obtained via Hoepoe Street. One building currently exists on the property as shown in Plan 4. This building is currently used for business purposes.
SECTION C

FORWARD PLANNING

8. SPATIAL PLANNING GUIDELINES

Even though Sedgefield does not currently have a Spatial Development Framework, there are nevertheless a number of "planning policies" that need to be taken into account when the possible development of Erf 429 Sedgefield is considered.

8.1 Western Cape Provincial Spatial Development Framework (April 2009)

The Provincial Government of the Western Cape has recently approved the Western Cape Spatial Development Framework as a statutory structure plan in terms of the Land Use Planning Ordinance. The WCPSDF in general lays down broad policy, except on matters of provincial or regional interest which may be addressed in more detail.

Where necessary and attainable, relevant policies contained in the PSDF will be mandatory in terms of legislation.

Mandatory measures refer to policies that are regarded as being of sufficient social, economic or environmental importance as to demand that every effort possible should be made to effectively implement them as policies – and of which the implementation is directly-attainable.

Guidelines refer to policies that are intended as general developmental goals, and of which the detailed implementation may vary due to place specific conditions and would therefore require a certain amount of flexibility and/or administrative organisation in their application.

The policy proposals in the Provincial Spatial Development Framework (PSDF) relate mainly to:

- Human Resource (HR): Socio-economic Development
- Urban Restructuring (UR): Urban Restructuring and Regional Linkages
- Natural Environment (NC): Protect biodiversity and agricultural resources & Minimise the consumption of scarce environmental resources

Some of the proposals in this policy document that will inform any development proposal on the subject property include:

HR 24: Urban design and architectural guidelines should be prepared to control the function and appearance of the main street or streets and squares in all of the urban settlements of the Province. These should control, among other things, building styles and heights, materials and colours, advertising, roadways and

paved areas, encourage colonnades and other devices to shelter pedestrians and landscaping and tree planting, and respect historic buildings and precincts. (M)

Spatial Implication: The application area adheres to the principles set in the CBD Enhancement Project Sedgefield Main Road, Urban Design Guidelines, June 2007

UR 5: The complete range of socio-economic groupings within an urban settlement should be located within walking distance radius according to the Principle of a Socio-Economic Gradient.

Spatial Implication: Take note that the application property is located between the business area of Sedgefield and the eastern residential area.

UR 11: 50% of the five major urban activities (public transport access points, residence, recreation, shopping and employment) should be accessible within walking distance (1000m) of residential dwellings –

Spatial Implication: The proposed commercial property is within walking distance of the residential property located east of the application area.

RC 7: The urban edge must restrict the outward growth of urban settlements until such time as average gross densities of 25 dwellings per hectare are achieved. This may take 5 to 10 years in settlements that are growing rapidly.

Spatial Implication: The site is located within the Sedgefield Urban edge.

RC 12: Only land within an Interim or Medium Term Urban Edge may be used for Urban Development purposes.

Spatial Implication: The site is located within the Sedgefield Urban edge.

From the above, it is clear that the proposal is consistent with the WCPSDF.

8.2 Knysna Spatial Development Framework (November 2008) (refer Figure 7)

The Knysna SDF was adopted by the Knysna Council as the applicable spatial planning document for Knysna during November 2008; but it has not yet been formally endorsed by the Provincial Government.

This SDF is based on the Bioregional Planning Principles and the application area is included into the draft "urban edge" and therefore appropriate for urban infill or township development purposes. The Knysna SDF 2008 also indicates that Erf 429 is located within Sedgefield's primary business area.
area, at the eastern edge. As seen below the Knysna SDF 2008 also shows that Erf 429 is located at an activity street.

This policy states that:

- This area could be considered for re-development.
- A "Business Zone" would be more appropriate for areas in the CBD which retain or are intended to retain a more residential component, such that non-residential uses do not create a nuisance for town centre residents.
- Town centres need to retain a residential component for promotion of safety and easy of access for the less mobile to the facilities offered.

Given the fact that the application area is located in an area that is considered to be suitable for business uses and the fact that the proposal will integrate business uses, the proposal could be regarded as being consistent with this Knysna SDF.

8.3 CBD Enhancement Project Sedgefield Main Road, Urban Design Guidelines, June 2007

A CBD Enhancement Project was done of the Sedgefield Main Road by CNV Afrika Planning & Design CC. According to the study, "...The main streets and other roads and villages that enjoy exposure to high levels of passing trade should be used to maximise opportunities in the formal as well as the informal sector, particularly for retailing...".

CNV Planning & Design CC identified the application area as being within the eastern edge of the Sedgefield Central Business District. The study states that this area business land use should occur along the Main Service Road due to its high level of exposure, however mixed-use/residential land use should not extend further than the Makou Street and Parallel Street intersection. It is proposed to signify the edge of the CBD by locating a traffic circle at the Hoepe Street and N2 intersection.

This study clearly identifies Erf 429 as being ideally located for business purposes and should function as a buffer area between the eastern and southern residential properties and the western business properties.

8.4 Garden Route Biodiversity Sector Plan for George, Knysna and Plettenberg Bay

A Biodiversity Sector Plan provides a synthesis of prioritised information to planners and land-use managers, enabling the integration of biodiversity into land-use planning and decision making (LUPDM). It identifies those sites that are critical for conserving biodiversity and in this way, facilitates the integration of biodiversity into decision making (i.e. mainstreaming biodiversity). Mainstreaming is crucial to overcoming the "conservation versus development" mindset, and for ensuring sustainable development (National Biodiversity Framework, 2007).

SANParks, together with Cape Nature prepared these guidelines to accompany and further explain the Garden Route Critical Biodiversity Areas (CBA) Map for the George, Knysna and Bitou...
**SECTION D**

**DEVELOPMENT PROPOSAL**

10. REZONING

As mentioned in Para 1 of the report, the business use already exists on the application area. The applicant is proposing to retain the existing building and use it for business purposes. The existing building is located within the Special Nature Area and any rezoning of the area would require the approval of the Special Nature Area Authority. The applicant is therefore proposing to retain the existing building and use it for business purposes.

According to the Sedgefield Scheme Regulations, the business building is defined as the following: a building used or intended to be used as shops, or offices and includes banks, professional offices, service stations and stalls, or any other building in which goods are sold. The building does not require public parking, and no additional parking is required.

The total area of the existing building on Erf 449 is 1,150 m². The applicant intends to utilise the existing building for small business purposes. The business use includes a small coffee shop and an arts & crafts shop as well as a small business “that”. There are all small businesses which will serve both the local residents and tourists. The arts & crafts shop will stimulate the tourism industry in Sedgefield.

The position of 4 parking bays is shown on the Site Development Plan (Plan 4). It is therefore clear that more than ample parking exists on the site.

---

**SECTION E**

**MOTIVATION FOR THE PROPOSAL**

11. MOTIVATION FOR THE PROPOSAL

The Land Use Planning Ordinance of 1995 (Ordinance 15 of 1995) states in Section 52(i) that the new application may only be considered on the basis of the need for an ‘additional use’ of the existing building and the increment of the demand on the site.

The site is zoned for business purposes, and the applicant proposes to utilise the existing building for business purposes. The existing building does not require public parking, and no additional parking is required. The applicant intends to utilise the existing building for small business purposes, including a small coffee shop and an arts & crafts shop.

The site is zoned for business purposes, and the applicant proposes to utilise the existing building for business purposes. The existing building does not require public parking, and no additional parking is required. The site is zoned for business purposes, and the applicant intends to utilise the existing building for business purposes. The existing building does not require public parking, and no additional parking is required.

---

**NEW SERVICES INFRASTRUCTURE**

9.1 Civil Services

Given the fact that the application area is located within the existing urban fabric, and the fact that the existing building will not be extended, the existing building on Erf 449 does not have any additional services capacity. The existing building does not require any additional services capacity to accommodate the business use on the property.

9.2 Electrical Services

No additional electricity is required for the business premises. It is therefore considered that the proposed installation will not result in any additional requirements.
11.1 Consistency with Spatial Policy Directives

According to the Komnas Spatial Development Framework 2008, the application area is situated within a designated primary business node. Rezoning of the Erf 429 from "Single Residential" to "Business" would thus be appropriate as it would comply with the surrounding functions.

This development application is therefore consistent with the spatial policy framework applicable to the area.

11.2 Consistency of the Proposal with the Character of the Surrounding Area

The surrounding area is characterised by mixed land uses, being: residential, business and institutional type land-use activities.

The properties along the Main Service Road are predominantly used for service trades and for commercial purposes. The business premise on Erf 429 does not have any negative impact on the character of the surrounding area.

11.3 Accessibility of the Site

The application area is located on the intersection between the southern Main Service Road, Paraklet Street and Hoepoe Street. There is currently access onto the property from Hoepoe Street to the west of the property and access from Paraklet Street from the north of the property.

It is therefore clear that sufficient access exists, and that sufficient access can be provided to the proposed uses, whilst the proposal will have no impact on the traffic flow in Main Service Road, as Business land use on Erf 429 is existent.

11.4 Accessibility of the Area

The application area obtains driveway access and egress directly from Paraklet Street that connects to the Southern Main Service Road which is one of the main transport corridors that directs traffic in an east-west direction through town.

It is clear that sufficient access exists, and that sufficient access is provided to the business premise.

According to the Sedgefield Zoning Scheme Regulations: parking has to be provided at a ratio of 1 parking bay per 60m² of business floor area. The total floor area of the existing structures on Erf 429 is 164.90m². Therefore a total of 2.7 parking bays have to be provided on the site. A total of 7 parking bays can easily be accommodated on the site and is shown on the site development plan.

11.5 No Impacts on Existing Land Use Rights

The proposed land use will not prevent any surrounding land owner to exercise their legal land use right and therefore the proposal will not impact on any of the surrounding land use rights.

11.6 Potential of the Property

Erf 429 has a unique triangular shape which is bordered by three streets, namely Paraklet Street in the north, Hoepoe Street in the west and Tintinbile Street in the east. This triangular shape immensely limits the development potential of the property as building lines limit the developable area allowed on the property. Therefore the current building cannot change dramatically in the future and therefore the proposed land use is ideal for such a limited property.

11.7 Sedgefield Zoning Scheme Regulations

The following table shows the prescribed development parameters for a "Business"-zoned property according to the Sedgefield Zoning Scheme Regulations and also compare these parameters with the proposed offices.

<table>
<thead>
<tr>
<th>DEVELOPMENT PARAMETERS</th>
<th>BUSINESS ZONE: SEDGEFIELD ZONING SCHEME REGULATIONS</th>
<th>PROPOSED DEVELOPMENT ON ERF 429</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary use</td>
<td>shops and/or offices and includes banks, professional chambers, doctors' surgeries, stock or produce exchanges, restaurants and buildings designed for similar uses</td>
<td>Small Coffee Shop and Arts &amp; Craft Shop</td>
</tr>
<tr>
<td>Floor Factor</td>
<td>at most 1.0</td>
<td>COMPIL: 0.38 (164.90m²)</td>
</tr>
<tr>
<td>Coverage</td>
<td>at most 100%</td>
<td>COMPIL: 38.38% (164.90m²)</td>
</tr>
</tbody>
</table>
PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

AGENDA
21 SEPTEMBER 2016

REZONING: SEDGEFIELD ERF 429

<table>
<thead>
<tr>
<th>DEVELOPMENT PARAMETERS</th>
<th>BUSINESS ZONE: SEDGEFIELD ZONING SCHEME REGULATIONS</th>
<th>PROPOSED DEVELOPMENT ON ERF 429</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>Not applicable</td>
<td><strong>COMPLY</strong>: one storey (2.8m)</td>
</tr>
<tr>
<td>Building line</td>
<td>Street building line: 0 m</td>
<td><strong>COMPLY</strong>: 4.5m</td>
</tr>
<tr>
<td>Lateral and Rear</td>
<td>Lateral and Rear boundaries: 0 m</td>
<td><strong>COMPLY</strong>: 4.5 m</td>
</tr>
<tr>
<td>boundaries:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>1 parking bay for every 60m² of business floor</td>
<td><strong>COMPLY</strong>: 7 bays</td>
</tr>
<tr>
<td></td>
<td>space (i.e. 2.7 bays).</td>
<td></td>
</tr>
</tbody>
</table>

From the above table it is clear that the proposed business premises on Erf 429 complies with the development parameters of a "Business" zoned property.

12 CONCLUSION

In light of this motivation, it is clear from the foregoing report that the application for rezoning to "Business" zone is desirable. It is therefore recommended that the application for the proposed consent use be supported by the relevant departments and expeditiously approved by Council.

MARKE VREKEN TOWN PLANNERS CC
APRIL 2012

APRIL 2012 PAGE 15 OF 15
Marike Vreken

From: youmike@mweb.co.za
Sent: 07 August 2015 10:35 AM
To: marioke@vreken.co.za
Subject: Erf 532 Sedgefield & Erf 1629 Sedgefield

Just to note that I would support both of these applications. They are part of a necessary process of rationalising land use along the service roads.

Mike Young
P O Box 498, Sedgefield, 6573, S Africa Street address: 69 Flamingo Avenue
Tel: 044 343 2025  Fax: 086 671 1927
Cellphone: 082 491 8123  Skype Id: youmike

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2015.0.6125 / Virus Database: 4392/10389 - Release Date: 08/07/15
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<tr>
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<tr>
<td>SEDGEFIELD</td>
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<td>SEDGEFIELD</td>
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<tr>
<td>SEDGEFIELD</td>
<td></td>
</tr>
<tr>
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<table>
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<tr>
<th>SEDGEFIELD ERF 407</th>
<th>JOHNSON BW</th>
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<tbody>
<tr>
<td>POSTBUS 156</td>
<td></td>
</tr>
<tr>
<td>SEDGEFIELD</td>
<td></td>
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<tr>
<td>SEDGEFIELD</td>
<td></td>
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<tr>
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<table>
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<tr>
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<th>G ROBERTSON</th>
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<tbody>
<tr>
<td>POSTBUS 1</td>
<td>KARATARA</td>
</tr>
<tr>
<td>KNYSNA</td>
<td>6580</td>
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<table>
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<tr>
<th>SEDGEFIELD ERF 409</th>
<th>HM FOURIE</th>
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<tbody>
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<td>POSTBUS 468</td>
<td>SEDGEFIELD</td>
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<tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SEDGEFIELD ERF 410</th>
<th>MS EMB FIELD</th>
</tr>
</thead>
<tbody>
<tr>
<td>21A OGDEN ROAD</td>
<td>BEDFORDVIEW</td>
</tr>
<tr>
<td>JOHANNESBURG</td>
<td>2007</td>
</tr>
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<thead>
<tr>
<th>SEDGEFIELD ERF 445</th>
<th>PJ ROOS</th>
</tr>
</thead>
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<tbody>
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<th>ROUMANOFF MV</th>
</tr>
</thead>
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<td>SEDGEFIELD</td>
</tr>
<tr>
<td>SEDGEFIELD</td>
<td>6573</td>
</tr>
</tbody>
</table>

| SEDGEFIELD ERF     | The Chairperson |
|--------------------| Sedgefield Ratepayer's |
|                    | Association       |
|                    | SEDGEFIELD        |
|                    | SEDGEFIELD        |
|                    | 6573              |

| SEDGEFIELD ERF 443 | OLD APOSTOLIC CHURCH OF AFRICA |
|--------------------| PRIVATE BAG X9 |
|                    | DURBANVILLE    |
| Received Consent   | Letter         |
SEDGE SPARKLES - NUMBERS CAN BE FUN!!

It is no secret that literacy and numeracy are foundational to a child’s educational prospects. It is also no secret that many local children are facing huge difficulties mastering these skills. Various research reveals their weaknesses.

**MULTICILATION CHART**

It helps them in learning. In this fashion something may just click for them. These children which may help them overcome their fear and subsequent dislike of the subject of Maths in a similar way that the SedgeSparkle literacy project has assisted many children overcome their inability to read fluently.

LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985)
CAPE MUNICIPAL ORDINANCE, 1974 (ORDINANCE 20 OF 1974)
LOCAL GOVERNMENT - MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003)
LOCAL GOVERNMENT - MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)
PROPOSED REZONING, SUBDIVISION, ROAD CLOSURE & LAND ALIENATION
SEDFIELD ERF R2/1692 (TINKTINKIE STR, SEDGEFIELD)

SECOND NOTICE

Notice is hereby given in terms of Sections 17 and 24 of the Land Use Planning Ordinance 1985 (Ordinance 15 of 1985) that the following proposed rezoning, subdivision, road closure and land alienation has been proposals.

Any objections, with full reasons therefore, should be lodged in writing with the Municipal Office, St. Kilda, 18 St. George’s St., Newlands, Cape Town 8001, on or before 3rd August 2016 at 10:00 on Friday 5th August 2016 quoting the above Ordinance and the objector’s property description if number.

Any objections, with full reasons therefore, should be lodged in writing with the Municipal Office, St. Kilda, 18 St. George’s St., Newlands, Cape Town 8001, on or before 3rd August 2016 at 10:00 on Friday 5th August 2016 quoting the above Ordinance and the objector’s property description if number.

NOTE: A first notice appeared in the Action Ads on 8th August 2015

Nature of the application:

1. The omissions of a portion of the remainder of Erf 1692, known as Tinktinkie Street, St. Kilda, in terms of the Cape Municipal Ordinance, 1974 (Ordinance 20 of 1974).
2. The subdivision of a portion of Erf 1692, known as Tinktinkie Street, in terms of Sections 24 and 34 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
3. The alienation of a portion of Erf 1692, known as Tinktinkie Street, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

Applicant:
Marie Vreken Town Planners CC on behalf of Deon Kapp
P.O. Box 2180
KIVENDA
6750
Tel: (044) 382 0420 Fax: (044) 382 0438
E-mail: marie@vreken.co.za
Ph: 082 1692 SEDGE
G EASTON
ACTING MUNICIPAL MANAGER

ISSUE 499 12 August 2015

ORDONNANSE OP GRONDGEBUIKSBERPANNING, 1985
(ORDONNANSE 15 VAN 1985)
KAAP MUNISPRALE ORDONNANSE, 1974
(ORDONNANSE 20 VAN 1974)
WET OP PLAASLIKE Regering: MUNISPRALE STELSELS, 2000(WET 32 VAN 2000)
VOORGEDELDE HERSORGING, ONDERVEREDELING, STRAALSTIJING EN VERWERMING, RESTANT SEDGEFIELD ERF 1692 (TINKTINKIE STRAAT, SEDGEFIELD)

TWEEDE KENNISGEGEY

Ken is hierdie gebied gegrifte Artikel 17 en 24 van die Ordonnanse op Grondgebiedsbepaling (Ordonnanse 15 van 1985), asook die Kapubliekse Municiple Ordonnanse (Ordonnanse 20 van 1974), dat die onderskeie aanplank en daarom die Municiple Behouders moet uit te voer en dit die Kapubliekse Municiple Behouders aan die vrye kantoere, 2e vloer, Kerkstraat 3, Kleinmond en die Municiple Municiple kantoere, te Plaaslike Stadsverrigting, Swart. Die aanplank kan ook afgelei word van www.vreken.co.za.

Enige advertasie met volledige redes daarvan: moet skriflike mail deur die Municiple Behouders, Pho: 082 1692, ingedien word oor die e-pos @vreken.co.za om te konsiderer en om te bepaal wanneer en waar die advertasie moet aangepaste word.

Vergelykings Articles 17 en 24 van die Wet op Vlakte Regering: Municiple Stelsels, 2000 (Wet 32 van 2000) word hiermee verhoew en die Municiple Municiple kantoere vind nede reeds nommere nare kantoere waar die Secretaris-Generaal en aangesig te van die betrokke advertasie vir inligting om te bepaal wanneer en waar die advertasie moet aangepaste word.

Laat Wet: Die eerste kennisgereg van die advertasie het verskyn in die Action Ads op 6 Augustus 2015.

Aansoekers:
1) Die stellings- en verwerving van ‘n gedeelte van Restant Sedgefield Erf 1692, bekend as Tinktinkie Street (542m²) in omgewing van die Kapubliekse Municiple Ordonnanse, 1974 (Ordonnanse 20 van 1974);
2) Die ondersluiting van ‘n gedeelte van Restant Sedgefield Erf 1692, bekend as Tinktinkie Street, in twee (2) gedeeltes (Gedeelde A = 542m² en ‘n Restant, Ingelyne Artikel 24 van die Grondgebiedsbepaling 1985, (Ordonnanse 15 van 1985);
3) Die verwerving van ‘n gedeelte van die gedeelte van die gedeelte van die gedeelte van die gedeelte van die gedeelte grond (542m²) in terme van die Wet op Vlakte Regering: Municiple Stelsels, 2000 (Wet 32 van 2000);

Aantrekkings:
Marie Vreken Town Planners CC namens Deon Kapp
Pho: 082 1692 SEDGE
G EASTON
MUNISPRALE BESTUURDER

VERGELYKING: 1692 SEDGE
G EASTON
MUNISPRALE BESTUURDER

PLANING AND INTEGRALE HUMAN SETTLEMENTS COMMITTEE MEETING
AGENDA
21 SEPTEMBER 2016
KNYSNA MUNICIPALITY


PROPOSED REZONING, SUBDIVISION, ROAD CLOSURE & LAND ALIENATION: SEDGEFIELD ERF RE/1692 (TINKTINKIE STREET, SEDGEFIELD)

FIRST NOTICE

Notice is hereby given in terms of Sections 17 and 24 of the Land Use Planning Ordinance (15 of 1985) as well as the Cape Municipal Ordinance (20 of 1974) and the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) that the under-mentioned application has been received by the Municipal Manager and is open for inspection during office hours at the Municipal Town Planning Offices, 2nd floor, 3 Church Street, Knysna; the Sedgefield municipal offices at Flamingo Street Sedgefield. The application can also be downloaded at www.vnken.co.za

Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, P.O. Box 21, Knysna, 6570 on or before 15:00 on Friday 4 September 2015 quoting the above Ordinance and the objector’s property description/erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that people who cannot write can approach the Town Planning section during normal office hours at the Municipal Offices where one will be referred to the responsible official who can offer assistance in putting comments or objections in writing.

NOTE: a second notice will appear in the Sedgefield Edge on 12 August 2015.

Nature of the application:
1. The closure of a portion of the remainder of Erf 1692, known as Tinktinkie Street, (542m²) in terms of the Cape Municipal Ordinance, 1974 (Ordinance 20 of 1974);
2. The subdivision of a portion of the remainder of Erf 1692, known as Tinktinkie Street into 2 portions, Portion A measuring 342m² and a remainder, in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
3. The alienation of a portion of municipal land (542m²) in terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);
4. The rezoning of Portion A of remainder of Erf 1692, known as Tinktinkie Street to Business zone in order to consolidate the subdivided portion with Sedgefield Erf 429 in terms of Section 17 of the Land Use Planning Ordinance 1985, (Ordinance 15 of 1985).

Applicant:
Marie Van Heerden Town Planners CC on behalf of Deon Kapp, P.O. Box 2180, KNYSNA, 6570, Tel: 044 382-0420, Fax: 044 382-0438, e-mail: marie@vhen.co.za
Reference: 1692 SEDGE

G EASTON, ACTING MUNICIPAL MANAGER
7 August 2015 58305
Our Ref: Pr15/04b18
Your Ref:

COLLAB Ref: 39094-3

BY HAND

The Manager: Planning & Development
Knysna Municipality
P.O. Box 21
Knysna
6570

FOR ATTENTION: MR. H SMIT

Dear Sir,

PROPOSED REZONING, SUBDIVISION, ROAD CLOSURE & LAND ALIENATION:
SEDGEFIELD ERF 1692 ABUTTING ERF 429

Our application of 3 August 2015 refers.

1. Internal Comment from Electro Technical

1.1. Comment: Electrical service connection cables to Erf 444 & 443 runs parallel in the road reserve roughly 1 meter from their western fence. No paving ought to be allowed there.

Response: Noted and accepted.

2. E-mail correspondence from M Young, dated 7 August 2015 (copy attached)

2.1. Comment: No objection

Response: Noted

3. Conclusion

Since there were no objections to the proposal, we trust that you will be in a position to expeditiously assess this application and to table your recommendation to the next Section 80 Committee meeting of Council.
We trust the above is in order. Please do not hesitate to contact the writer, should you require any additional information in this regard.

Kind regards,

MARIKE VREKEN
Pr. Pln 1101 M SAPI 10233

CC: Mr D KAP mprental12@gmail.com

REPORT FROM THE ACTING DIRECTOR PLANNING AND DEVELOPMENT

PURPOSE OF THE REPORT

The purpose of the report is to provide the Municipal Council with background information on the establishment and composition of the Knysna Municipal Planning Tribunal (KMPT) for the Greater Knysna Municipal Area as per Section 71(1), (a) & (b) of Knysna Municipality Municipal Land Use Planning By-Law (2016).

BACKGROUND

The following steps were taken as required by the Spatial Planning Land Use Management Act (SPLUMA) and the Knysna Municipality Municipal Land Use Planning By-Law (2016):

Step 1: The municipal officials held a discussion internally between the Municipal Manager, officials and councillors responsible for land use planning to discuss and agree on the items that need to be achieved in order to establish a Municipal Planning Tribunal.

Step 2: A council item was drafted, based on the pro-forma council item provided jointly by DEA&DP and DRD&LR, which allowed the council to decide on several matters as they relate to the Municipal Planning Tribunal and related planning law reform process (see Sections 2 of 3 of the SPLUMA regulations for details regarding the matters that had to be decided upon).

Step 3: A council decision was taken on all of the matters as contained within the council in accordance with Resolution P09/05/15 on 29 May 2015 (see attached copy of the Resolution as Annexure “A”).

Step 4: A call for nominees was made for the Municipal Planning Tribunal, as well as invites to relevant organs of state, if a municipality wishes to have other officials sit as external members on their municipal planning tribunal.

Step 5: Applications and/or nominations for municipal planning tribunal membership were received.

Step 6: MPT applications / nominations were evaluated by the evaluation panel.
Step 7: A draft Report was submitted to Council on who the recommended Municipal Planning Tribunal members should be, based on the evaluation process.

Step 8: A council decision was taken on who the Municipal Planning Tribunal members should be in accordance with Resolution SC07/06/16.
Step 9: The successful Municipal Planning Tribunal members were informed in writing on 21 July 2016.

Step 10: A notice confirming when the Municipal Planning Tribunal is ready to commence operations & who the MPT members are, was published in Provincial Gazette 7654 on 22 July 2016.

DISCUSSION

In terms of timeframes, an advertisement calling for prospective members was published on 3 February 2016 with a closing date of 26 February 2016. No applicants of colour applied and as such a second advertisement was placed on 24 March 2016 which closed on 7 April 2016. In total, the Municipality received 14 applications and on 15 April 2016, the above-mentioned Evaluation Panel appointed by the Municipal Manager, met to discuss the criteria for appointment to the Knysna Municipal Planning Tribunal.

The Evaluation Panel consisted of the following Officials:

- The Municipal Manager, G Easton;
- The Director: Community Services, D Adonis;
- The Director: Corporate Services, B Ellman;
- The Former Director: Financial Services, P Gobrie;
- The Former Director: Planning & Development, M Maughan-Brown;
- The Director: Technical Services, M Rhode;
- The Manager: Legal Services, M Paulsen. The Director: Financial Services could not attend the meeting on 15 April 2016. The Manager: Town Planning & Building Control, Mr. H Smit attended as an Observer.

On 30 June 2016 the former Municipal Council resolved per Resolution SC07/06/16 that the tribunal be established as follows:

- That, in terms of Section 71(1)(b) of the Knysna Municipality's Land Use Planning By-Law (2016) the following external members to the Knysna Municipal Planning Tribunal, were appointed:
  - Ms Susan Campbell;
  - Mr G Benjamin;
  - Mr L Gericke;
  - Mr D Lambrechts.

- In terms of Section 71(1)(a) of the Knysna Municipality's Land Use Planning By-Law (2016) the following internal members to the Knysna Municipal Planning Tribunal, were appointed:
  - Carl Mattheus, The Manager: Administration;
  - Marlene Boyce, The Acting Director: Planning and Development;
  - Zinhle Twala, The Town Planner
In terms of Section 72(10) of the Knysna Municipality’s Land Use Planning By-Law (2016), the following were designated from among the members of the Knysna Municipality Tribunal:

- Chairperson: Mr Carl Mattheus; as well as
- Deputy Chairperson: Mr D Lambrechts

To act as Chairperson of the Tribunal when the Chairperson is absent or unable to perform his duties. Subsequently, on 22nd of July 2016 the appointment of the members of the Knysna Municipal Planning Tribunal was gazetted in the Provincial Gazette as required by Section 72(11)(c) of the Knysna Municipality Municipal Land Use Planning By-law (2016).

It must be noted that the appointment should be for a three-year period. A copy of the Gazette Notice is attached as Annexure B.

FINANCIAL IMPLICATIONS
N/A

RELEVANT LEGISLATION

- Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013); and
- Knysna Municipality Municipal Land Use Planning By-Law (2016):

For information of the Municipal Council.

RECOMMENDATION FROM THE ACTING MUNICIPAL MANAGER

[a] That the establishment and composition of the Knysna Municipal Planning Tribunal, be noted;

[b] That it be noted that the training of Councillors and members of the Knysna Municipal Planning Tribunal by the Western Cape Department of Environmental Affairs and Development Planning will be scheduled in due course.

APPENDIX / ADDENDUM

Annexures

File Reference : 9/1/2/13

Execution : Acting Director : Planning and Development
KEY ACTIONS REQUIRED BEFORE THE IMPLEMENTATION OF SPLUMA, LUPA AND THE KNYSNA MUNICIPAL LAND USE PLANNING BY-LAW ON 1 JULY 2015

RESOLVED

[a] That Council takes note of the anticipated implementation date of SPLUMA, being 1 July 2015;

[b] That the establishment of a Joint Municipal Planning Tribunal be supported in principle;

[c] That authority be delegated to the Municipal Manager to negotiate and conclude on behalf of Council with other participating Local Municipalities an agreement regarding the establishment of the Joint Municipal Tribunal;

[d] That a report be submitted to Council by the Municipal Manager on the outcome of the negotiations with participating Local Municipalities in establishing a Joint Municipal Planning Tribunal in terms of the Spatial Planning Land Use Management Act (Act No. 16 of 2013);

[e] That authority be delegated to the Municipal Manager to carry out all required procedures, in conjunction with the Municipal Managers of the other participating municipalities to identify members for appointment to the Joint Municipal tribunal and to agree terms of appointment with them; and that the Municipal Manager be instructed to bring an item to Council at its meeting in July 2015 for the appointment of the Tribunal members;

[f] That authority is delegated to the Municipal Manager to determine the categorisation of land development applications, in line with the principles set out in this report;

[g] That authority to delegated to the Municipal Manager to appoint an Authorised Official or more than one Authorised Official from among the staff currently in the full time employment of the municipality, and to designate full time members of staff of the municipality to carry out any other functions prescribed by the Act or the relevant Regulations

[h] That the Legal Services section submit a clarification report, on the delegations to the Executive Mayor regarding the appeals and also on the role of the Section 80 Committee as Advisory Body to the Executive Mayor, to the next Planning, Development and Infrastructure Committee meeting to be held in June 2015.
PLANNING AND INTEGRATED HUMAN SETTLEMENT

COMMITTEE MEETING

AGENDA

21 SEPTEMBER 2016

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(Continued on page 1076)
NOTICE is hereby given in terms of Section 17 and 18 of the Land Use Planning Ordinance 15 of 1985 (No. 15 of 1985) and in terms of Regulation 4.7 of the Scheme Regulations promulgated by PN 1048/1988 that the aforementioned application has been received and is open to inspection at the office of the Director: Planning & Economic Development, Kleine Street, Stellenbosch (Tel 021 808 8606). Enquiries may be directed to Zampa PO Box 17, Stellenbosch, 7599, telephone number 021 808-8606 and fax number 021 886-6899, week days during the hours of 08:30 to 13:30. Any objections, with full reasons therefor, may be lodged in writing to the Director: Planning & Economic Development, PO Box 17, Stellenbosch, 7599, or faxed to 021-886-6899, or hand delivered to the Land Use Management Branch, Kleine Street, municipal offices, Plein Street, Stellenbosch, on or before 22 AUGUST 2016. Any objection received after the aforesaid date may be considered invalid. It is important that no objection will be accepted via email.

This advertisement is also available on the Municipal website http://www.stellenbosch.gov.za, on the Planning and Economic Development page.

Applicant: Jan Hanekom Partnership
Application number: LU4177
Eff/Ever number(s): Portion 16 of Farm No. 104, Stellenbosch Division
Locality/Address: R44
Nature of application:
1. Proposed rezoning of a portion (±700m²) in extent of Farm 104/16, Stellenbosch Division in order to accommodate a maturation cellar, a tasting room and sales facility.
2. Proposed consent use in order to utilise an area (±200m²) in extent as a tourist facility for wine tasting and sales.
3. Proposed development to relax the side building line from 30m to 5m on Farm 104/16, Stellenbosch Division.

MUNICIPAL MANAGER
(Notice No. P17/16)
22 July 2016

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MUNICIPAL MANAGER
(Notice No. P17/16)
22 July 2016
7.4


REPORT FROM THE DIRECTOR: CORPORATE SERVICES

PURPOSE OF THE REPORT

To report to the Municipal Council on the review process relating to the by-law for the Control of the Seashore and Sea situated within or adjoining the area of jurisdiction of the Municipality of Knysna.

BACKGROUND

Our by-laws are reviewed annually and the consultation process identified the necessity to amend above-mentioned by-law. The proposed additions and/or deletions are contained in Annexure “A” hereto and the amendments are reflected in grey on the by-law.

RELEVANT LEGISLATION

SECTION 14 OF THE MUNICIPAL SYSTEMS ACT 32 OF 2000
Rules of Order for Internal Arrangements By-Law, 2015

RECOMMENDATION OF THE ACTING MUNICIPAL MANAGER

[a] That the report on the review of the by-law for the Control of the Seashore and the Sea situated within or Adjoining the area of jurisdiction of the Municipality of Knysna, as contained in Annexure “A”, be noted;

[b] That the current by-law with the proposed amendments, as contained in Annexure “B”, be noted;

[c] That the by-law with proposed amendments as contained in Annexure “B”, be advertised for public comment in terms of Rule 47 of the Rules of Order for Internal Arrangements By-law, 2015.

APPENDIX / ADDENDUM

Annexure “A” - Report on the Review of By-law for Control of the Seashore and the sea situated within or adjoining the area of jurisdiction of the Municipality of Knysna

Annexure “B” - By-law for Control of the Seashore and the sea situated within or adjoining the area of jurisdiction of the Municipality of Knysna, with proposed amendments

File Reference: 9/1/2/9
Execution: Director: Corporate Services
Manager: Legal Services
KNYSNA MUNICIPALITY

BY-LAW FOR THE CONTROL OF THE SEASHORE AND THE SEA SITUATED WITHIN OR ADJOINING THE AREA OF JURISDICTION OF THE MUNICIPALITY OF KNYSNA

Preamble

WHEREAS to provide measures to manage, control and regulate public access and behaviour at beached and beach area; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

WHEREAS there is a need to develop legislation to govern the access to and use of beaches and coastal within the jurisdiction of the municipality;

NOW THEREFORE the Knysna Municipality in terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Knysna Municipality enacts as follows: -

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   Surf-riding or surfing
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   Control of fires
10. Dogs and Animals
11. Fishing
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   Prohibition of entertainment and trade
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   Prohibition of bathing within areas considered unsafe
17. Searching, seizure and disposal
18. Application
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22. Repeal
23. Short title and commencement

1. Definitions

In this by-law, except as otherwise expressly provided or unless the context otherwise requires-

“Act” means the Seashore Act, 1935 (Act 21 of 1935);

“bathing area” means that portion of a beach area habitually used by members of the public for bathing purposes and includes an area declared to be a bathing area in terms of section 15;

“beach area” means the sea, seashore and any land owned by the municipality above the high water mark and adjoining or abutting the seashore and used or capable of being used by the public for recreational purposes, including any facility, promenade, walkway, sand dune, car park or lawn;

“boat” means any water-navigable craft of whatsoever nature, whether self-propelled or not;

“camp” includes the use of a vessel, vehicle, caravan or temporary structure for habitation or sleeping purposes, whether or not is intended, designed or adapted for such purpose;

“facility” includes a bathing enclosure, boat shed, bathing box, change room, pool, pavilion, playground, cubicle, shower or toilet;

“fishing” includes the laying or casting of nets and the setting of traps or other devices with the object of catching fish and “to fish” has a corresponding meaning;

“litter” means any object or matter discarded or left behind by a person in whose possession or control it was;

“liquor” shall bear the meaning as assigned thereto in paragraphs (a), (b), (c) and (d) of the definition of “liquor” contained in section 2 of the Liquor Act, 1989 (Act No. 27 of 1989);

“motorised craft” means any boat driven or propelled or capable of being driven or propelled directly or indirectly on or in water by mechanical or electrical power;

“municipality” means the Municipality of Knysna established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

“nuisance” means any act, omission or condition which is offensive, that constitutes or may constitute a source of danger, inconvenience or annoyance to or a material interference with the ordinary comfort or convenience, peace or quiet of other persons;

“official lifeguard” means a lifeguard in the employ of the Council and also includes any member of a voluntary lifesaving association or club, as authorised by the Municipality, whilst performing the duties and functions of a lifeguard on the Council’s beaches;

“pool” means a bathing or swimming pool that is provided by, belongs to or is under the control of the Municipality;

“publish in the press” shall have the meaning assigned thereto in section 21 of the Local Government: Municipal Systems Act, 32 of 2000;
"sign" means a written notice erected by the Municipality and includes a pictogram as approved by the Municipality;

"surf" means riding waves on a board or similar contrivance capable, when in motion, of sustaining a person and includes riding a sailboard propelled or driven by wind power or operating on a sail.

"surf-craft" means a device used for riding the surf which is designed for use by not more than two persons and which is propelled either by the movement of the surf or the actions of the surf-rider, without mechanical aid, or a combination of both, and includes a belly board, a body board and a paddle ski but excludes a device –

a) of an inflatable character, or
b) wholly constructed of a soft, pliable material, which does not exceed two metres in length.

"surf-riding" means the recreational activity involving the use of a surf-craft;

(1) Subject to the provisions of subsection (1), any word or expression to which a meaning has been assigned in the Act shall bear that meaning in this by-law, unless the context otherwise requires.

(2) In this by-law words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates.

2. Purpose of By-law

The purpose of this by-law is –

(a) to promote the achievement of a safe and healthy environment for the benefit of visitors and the residents in the area of jurisdiction of the Municipality; and
(b) to provide for procedures, methods and practices to regulate the use and management of bathing and beach areas situated within the area of jurisdiction of the Municipality.

3. Entry to, use and closing of facilities and beach areas

(1) The Municipality may –

(a) from time to time determine and indicate by means of a sign the times when and the hours during which a facility may be used or during which a facility shall be closed;
(b) regulate the number of persons using a beach area;
(c) require payment of a fee, fixed from time to time by the Municipality, for the use of any beach area or facility or property owned by or under the control of the Municipality and issue a permit or ticket to the user thereof;
(d) notwithstanding anything to the contrary contained in this by-law, upon application to it, upon such terms and conditions as the Municipality deems fit, grant the exclusive use of a portion of the seashore and the sea and any other area to which this by-law applies, to any organisation, body, person or class of persons and invites thereof for the purpose of any event or contest;
(e) any person who has been granted exclusive use in terms of subsection (d) and any agent, representative or person under the control of such person who knowingly breaches, causes or permits the breach of a term or condition imposed under subsection (d) shall be guilty of an offence.
(f) refuse any person causing a nuisance admission to any beach area or facility or order
any person causing a nuisance to leave any beach area or facility without delay;
(g) remove from any beach area facility any person who fails to obey an order given in
terms of subsection (1) (d).

(2) The holder of a permit or ticket as contemplated in subsection (1) (c) shall retain such
permit or ticket and produce it if required to do so by an employee of the Municipality.

(3) No person shall—
(a) while waiting for admission to any facility, remain in any part other than that part of
any premises set aside as a waiting area;
(b) enter or attempt to enter any beach area after having been advised by an employee
of the Municipality that it is occupied by the maximum number of persons
authorised to be there;
(c) wilfully enter or make use of any facility other than that indicated on his/her permit
or ticket of admission:
(d) enter or seek access to any cubicle or other accommodation occupied or in use by
any other person without the consent of such other person, or open or attempt to
open any cupboard or container unless authorised to do so by the Municipality or
the person using it;
(e) after leaving any facility, loiter or remain in any passage leading to or from it; or,
(f) enter or remain in or use any facility outside the times when and the hours during
which such facility may be used.

4. Segregation of sexes

No male or female over the age of seven (7) years shall enter any facility reserved by a sign for
the exclusive use of the opposite sex.

Life-saving devices

(a) Any person, other than a lifesaver or a member, employee or designated person of the
Council who, save in time of emergency, touches, handles or in any way makes use of or
damages any life-line, lifebuoy, or any other lifesaving appliance, installed or maintained
upon the sea-shore or in the sea, shall be guilty of an offence.
(b) Any person who impairs or impedes the operation of any life-saving appliance or device
while it is in use on the sea-shore or in the sea shall be guilty of an offence.

5. Clothing

No person shall bathe or appear in any facility unless wearing a bathing costume or clothing
complying with the requirements of decency.

Environmental Conservation

(1) The municipality has the right to indicate by means of notices erected at designated points
or other suitable sites, those areas where certain or any activities shall be limited, allowed,
controlled or prohibited.
(2) No person shall break, damage, destroy or disturb any egg or nest or remove any egg from
a nest, or disturb or attempt to disturb any bird or the nestling site of such bird on a dune
or within the beach area, or allow such behaviour or action.
(3) No person shall injure, disturb or feed or attempt to injure, disturb or feed any wild animal
or bird on a dune or within the beach area, or allow such behaviour or action.
(4) No person, except the Municipality or an authorised person, shall any time artificially open
the mouth of a river where a sandbank has developed between the mouth of the river and
the sea and is blocking tidal interchange.
(5) No unauthorised person shall at any time pick, uproot, fell or damage or attempt to prick, uproot, fell or damage in any ways, any plant growing on a dune or the beach area.
(6) No person may wilfully or negligently pollutes a dune, the beach area, coastal wetlands, salt marshes or surrounding grounds with any fuels, oils, garbage, offal, bilge, sewerage, refuse or rubble of any kind whatsoever.
(7) No person may remove or deposit any vegetation, sand, shingle, rock or stone from or on the beach area.

6. Safety appliances

No person shall handle, interfere with, disturb or remove any safety rope or other appliance provided for the assistance of distressed bathers, except for the purpose of rendering assistance to any such bather.

7. Dangerous articles

No person shall-

(a) bring onto or into any bathing area or into any pool or have in his possession in or on such bathing area or in such pool—

(i) any glass bottle or other container made of glass; or
(ii) any object or matter likely to be dangerous to health or likely to disturb the convenience or comfort of or likely to be a source of danger or injury to any person.

(b) throw or deposit into any pool or into or onto a beach area—

(i) any glass bottle or other container made of glass; or
(ii) any object or matter likely to be dangerous to health or likely to disturb the convenience or comfort of or likely to be a source of danger or injury to any person.

Surf-riding or surfing

(a) No person may without the authorisation of the municipality engage in surf-riding or surfing within any part of the beach which is designated as a swimming area, unless it is an inboard rescue boat.

(b) An authorised official may permanently or temporarily prohibit surf-riding or surfing on the grounds that it is unsafe or is likely to cause discomfort or injury to other users of the beach.

8. Littering

No person shall in or on any beach area discard, dump or leave or cause to be discarded, dumped or left any litter except in a container or at a place provided for that purpose.

Motor vehicles

(a) No person may enter onto the beach using a motor-vehicle or bring or drive a motor vehicle on any part thereof in convention of any legislation or regulations made in terms of any applicable legislation.

(b) The provisions in (a) above do not apply to any—

(i) motor vehicle used by an authorised official in the course of his or her duties;
(ii) authorised emergency or rescue motor vehicle;
(iii) motor vehicle driven by a person authorise to implement the provisions of any legislation;
(iv) ordinary motor vehicle involved in a bona fide emergency situation;
(v) off-road vehicles used in terms of relevant legislation; or
(vi) motor vehicle authorised by the municipality or any other sphere of government in terms of this by-law.

(c) No person may in any part of the beach area—

(i) drive a motor vehicle recklessly or dangerously or in such a manner as to endanger the safety of any person;
(ii) race a motor vehicle, or drive a motor vehicle at a speed in exceed of the limit imposed by the municipality in any part of the beach except during a bona fide emergency situation or if authorised to do so in terms of any law; or
(iii) drive a motor vehicle whilst under the influence of alcohol, drugs or any dependence producing substance;

9. Undesirable conduct

No person shall—

(a) behave in a disorderly or improper manner;
(b) commit a nuisance;
(c) hinder, interfere with, obstruct or use insulting or obscene language towards any employee of the Municipality in the execution of his duty;
(d) refuse or fail to obey his lawful order given by an employee of the Municipality in the execution of his duty; or
(e) introduce into, possess or consume on or in any bathing area any liquor after the Municipality has defined such bathing area as an area into which the introduction of liquor or in which the possession or consumption of liquor is prohibited and a notice has been published in the press of such prohibition and a sign erected on or at such bathing area indicating that the introduction into or the possession or consumption on or in such bathing area of liquor is prohibited.

Control of fires

No person may make a fire on the sea-shore within the area of jurisdiction of the Council unless in a designated area or with prior written permission by Council, which permission shall be subjected to such terms and conditions as prescribed by Council.

10. Dogs and Animals

(1) No person shall cause or permit any dog belonging to him or in his charge—

(a) while in an area in which dogs are not prohibited in terms of this by-law, to constitute a source of danger or to inconvenience, annoy or materially interfere with the ordinary comfort or convenience of other persons;
(b) to enter or remain in any facility;
(c) to be in or on any beach area after the Municipality has defined such beach area as an area in or on which no dogs are permitted and a notice has been published in the press of such prohibition, and a sign erected at such beach area specifying that dogs are prohibited; or
(d) to be in or on any beach area except on a leash after the Municipality has defined such beach area as an area in or on which dogs must be kept on a leash and a notice has been published in the press of such prohibition, and a sign erected at such beach area specifying that dogs must be on a leash therein or thereon.

(2) Any sign contemplated by sub section 1(c) and (d) may specify the hours during which such prohibitions shall apply.

(3) The Municipality may, if a dog is found under circumstances which constitute a contravention of sub section (1), seize such dog or cause it to be seized and deal with it in the manner prescribed by the by-law relating to the Keeping of dogs of the Municipality, whether or not such dog is in the charge of or accompanying its owner or any other person.

(4) No person shall cause or allow any horse, pony or other beast belonging to him or in his charge to enter or remain in or on the bathing area after the Municipality has defined such beach area as an area in which no horses, ponies or other beasts are permitted and a notice has been published in the press of such prohibition and a sign erected at such beach area specifying that horses, ponies or other beasts are prohibited.

(5) Any sign contemplated by subsection (4) may specify the hours during which such prohibition shall apply.

(6) No person shall cause or permit an animal (other than a dog) belonging to him or in his charge or custody or under his control to enter or remain upon the seashore or in the sea or in any other place to which this by-law applies except with the permission of the Municipality;

Above-mentioned section 10 provisions are applicable except where otherwise provided for in the Keeping of Dogs By-law.

11. Fishing

(1) No person shall—

(a) fish from or throw or cast any net or fishing line in or into any bathing enclosure, pool or bathing area unless such person has, prior to the promulgation of this by-law and any of its predecessors, seashore which is a bathing area; or

(b) fish from or throw or cast any net or fishing line in or into any bathing enclosure, pool or bathing area where such fishing, throwing or casting is prohibited by a sign;

(c) launch any boat where launching is prohibited by a sign;

(d) place fishing bait, fish, fishing equipment or tackle on or immediately adjacent to any seat provided for the use of the public and every person shall clear away all bait and refuse before leaving the place where he/she had been for the purpose of fishing and he/she shall remove all such bait and refuse from the seashore or place it in a refuse receptacle.

12. Aquatic sports and games

No person shall—

(a) in or on any beach area organise or compete in any swimming race or aquatic sport, or organise training in respect of such water or any other sport, except with the consent of the Municipality and at such time and place as the Municipality may have determined;

(b) dive into the water in any bathing enclosure or pool except from the side thereof or from a diving platform provided for that purpose;

(c) play any game or indulge in any pastime which is likely to cause nuisance, injury or discomfort to bathers, spectators or any persons in any area to which this by-law applies
after he/she have been warned by an sail guard or an authorised employee not to play such games or indulge in such pastime.

(d) bathe, surf, paddle ski, jet ski, kite ski or engage in any similar activity where bathing, surfing, paddle skiing, kite skiing or any similar activity has been prohibited by a sign; or

(e) in or on any beach area play any game where the playing of games has been prohibited by a sign.

13. General prohibitions

No person shall—

(a) enter or use any facility while knowingly suffering from any skin or communicable disease;

(b) use as a bathing cubicle any property of the Municipality not intended to be so used.

(c) camp, light a fire, or cook any food other than in places set aside for that purpose; provided that the preparation and cooking of food in such a place shall be done in a clean and hygienic manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health; provided further that no live animals, poultry or fish may be killed or skinned on, in or at a such a place;

(d) without prior written consent of the Municipality, camp on the seashore or in any other area to which this by-law applies or use any part thereof for the purpose of sleeping or habitation;

(e) disturb any vegetation or sand on foredunes where it is not an area designated for use or no formal path or walkway exists;

(f) without the prior written consent of and subject to the conditions imposed by the Municipality in or on any beach area—

(i) erect any construction designed for amusement;

(ii) give any performance or provide any entertainment;

(iii) hawk or exhibit any goods or carry on any other business;

(iv) use any loudspeaker, amplifier or similar equipment; or

(v) construct, erect or fix any building or structure of whatsoever nature, or pitch any tent of the like;

(g) remove any vegetation, sand, shingle, rock or stone unless he is an employee of the Municipality in the course of his duties;

(h) use any facility set aside by the Municipality for the exclusive use of children under a particular age if such person is older than such age;

(i) without the consent of the Municipality in any bathing enclosure or pool use any flippers, goggles or other underwater swimming or spear-fishing equipment;

(j) wilfully or negligently damage, deface or defile in any way whatsoever any tree, shrub, building or structure including any bench, door, furniture or equipment, or any cubicle, water closet, shower, toilet or urinal;

(k) cause any motorised craft to approach within 100 metres of any bather or within 100 metres from the low-water mark in any bathing area save for the purpose of rendering assistance in an emergency, in the lawful exercise of existing fishing rights, in the course of law enforcement or if written permission has been obtained from the Municipality;

(l) sit, lie or cause any obstruction whatsoever on or at any walkway;

(m) drive or ride any vehicle or animal in or on any beach area unless he is an employee of the Municipality acting in the course of his employment, a person authorised by the Municipality to do so or a law enforcement officer in the course of his duties;

(n) park any vehicle or trailer on any ramp used for launching of boats;

(o) cycle, roller-skate, skate or use any similar contrivance where such conduct is prohibited by a sign;

(p) smoke in disregard of any sign prohibiting smoking; or
(q) discharge any fireworks or fire arm except in or from an area defined in a notice published in the press as an area in which or from where fireworks or fire arms may be discharged.

14. Fees
The Municipality may from time to time and for the purposes of this by-law fix fees or tariffs of fees for the use of any facility or property owned by the Municipality.

15. Declaration of bathing areas
The Municipality may by notice published in the press and the erection of a sign at or on at beach area, declare such beach area to be a bathing area.

16. Signs

(1) Except where expressly provided, any prohibition or instruction in terms of this by-law may be indicated by means of a sign.

(2) The Municipality may in prohibiting any activity in terms of this by-law, specify on a sign referred to in subsection (1) the times and or hours during which such activity shall be prohibited.

(3) The Municipality may display any such sign in such a position and manner as will indicate the restrictions or prohibitions and or the location or boundaries of the area concerned.

(4) The signs erected in terms of this by-law or any other law shall serve as sufficient notice of the prohibitions or restrictions applicable in the area concerned.

(5) The signs may be amended from time to time and displayed by the Municipality for the purpose of this by-law.

(6) No person other than a person authorised thereto by the Municipality, shall move any sign or notice displayed or erected for the purpose of this by-law and no person shall deface, obscure or wilfully or negligently damage or otherwise interfere with any such sign or notice.

Prohibition of entertainment and trade
Any person who for reward or gain, conducts an entertainment, business or trade of any sort on the sea-shore or in the sea without the written permission given and on such terms and condition as in each case may be deemed fit by the Municipal Council, shall be guilty of an offence, except as otherwise provided for in another by-law.

Reservation of beaches

(1) Notwithstanding any provision to the contrary contained in this by-law, the Municipality may, at the request of any Government department reserve—

(a) a beach within the area of jurisdiction of the Municipality; or
(b) any portion of such beach.

for the exclusive use of any such Government department and shall notify all interested parties in any manner or by any means it may deem most expedient accordingly.

(2) No person other than the Government department concerned shall make use of or enter upon the beach or any part thereof reserved in terms of subsection (1) for the exclusive use of any such Government department.

Prohibition of bathing within areas considered unsafe
17. Searching, seizure and disposal

An employee of the Municipality in the execution of his duties may in accordance with the provisions of the Criminal Procedure Act (Act No. 51 of 1977) search any person for and seize and dispose of anything -

(1) which is concerned in or is on reasonable grounds believed to be concerned in a contravention of or failure to comply with any provision of this by-law;
(2) which may afford evidence of such contravention or failure; or
(3) which is intended to be used or is on reasonable grounds believed to be intended to be used in such contravention or failure.

18. Application

This by-law shall apply to the beach areas situated within or adjoining the area of jurisdiction the Municipality.

19. Penalties

(1) Any person who continues to commit an offence after notice has been served on him or her to cease committing such offence or after he or she has been convicted of such offence is guilty of a continuing offence.

(2) Any person who contravenes or fails to comply with any provision of this by-law, shall be guilty of an offence and liable upon conviction to a fine or imprisonment, or to such imprisonment without the option of a fine or to both such fine and such imprisonment, and in the case of a continuing offence, to an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued and a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

20. Offences relating to officials

(1) No person may-

(a) assault, resist, obstruct, hinder, delay or interfere with any official or police officer in the exercise of his or her powers or the performance of his or her duties or functions or in any other way attempt to prevent the exercise of such powers or the performance of such duties or functions;
(b) offer any inducement to any such official or police officer or make any threat, whether of violence or otherwise, in relation to such member or a member of his or her family or a person dependent on him or her or to his or her property in order to persuade or prevent such member from exercising any of his or her powers or performing any of his or her duties or functions;
(c) not being an official, by words, conduct or demeanour pretend that he or she is such a member; or
(d) not being an official, wears a uniform or part of a uniform or an insignia designed and intended for use by an official of the Knysna Municipality, or an imitation of such uniform or insignia.

(2) A person who contravenes subsection (1) commits an offence.

21. Application of other By-laws

The provisions of this by-law are in addition to and not in substitution for any provision in any by-laws in which particular public amenities are regulated, and if a provision in this by-law is inconsistent with any provision of such other by-laws, the relevant provision of those other by-laws applies.

22. Repeal

By-laws on the Control of the seashore and the sea situated within or adjoining the area of the Knysna Municipality, previously made by the Council or its constituent predecessors in respect of any portion of the area of the Knysna Municipality are hereby repealed in so far as they are inconsistent with the provisions of this by-law.

23. Short title and commencement

This by-law shall be known as the By-law for the Control of the Seashore and the Sea situated within or adjoining the area of jurisdiction of the Municipality of Knysna and shall come into operation on the date of publication thereof in the Provincial Gazette.
ANNEXURE “A”

Report on the review process of the by-law for the Control of the Seashore and the Sea situated within or Adjoining Area of Jurisdiction of the Municipality of Knysna

During the review process, our current by-law for the Control of the Seashore and the Sea situated within or adjoining Area of Jurisdiction of the Municipality of Knysna was compared with by-laws from other coastal municipalities. These by-laws contain provisions, which are not included in our by-law, some, of which we can incorporate as to enhance service delivery.

The recommended deletions, additions and/or inclusion of certain provisions into our existing by-law are discussed below.

1. Preamble

It was recommended that a preamble be included in the by-law. The recommended preamble reads as follows:

"WHEREAS to provide measures to manage, control and regulate public access and behaviour at beaches and beach areas and to provide for matters incidental thereto.

WHEREAS there is a need to develop legislation to govern the access to and use of beaches and coastal areas within the jurisdiction of the municipality.

NOW THEREFORE the Knysna Municipality in terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, Knysna Municipality enact as follows:"

2. Definitions

During the consultation process, it was recommended that the following words and its meanings be added to the definition clause of the existing by-law:

“camp” includes the use of a vessel, vehicle, caravan or temporary structure for habitation or sleeping purposes, whether or not is intended, designed or adapted for such purpose;

“fishing” includes the laying or casting of nets and the setting of traps or other devices with the object of catching fish and “to fish” has a corresponding meaning;

“official lifeguard” means a lifeguard in the employ of the Council and also includes any member of a voluntary lifesaving association or club, as authorised by the Municipality, whilst performing the duties and functions of a lifeguard on the Council’s beaches;
“surf-craft” means a device used for riding the surf which is designed for use by not more than two persons and which is propelled either by the movement of the surf or the actions of the surf-rider, without mechanical aid, or a combination of both, and includes a belly board, a body board and a paddle ski but excludes a device –

a) of an inflatable character, or
b) wholly constructed of a soft, pliable material, which does not exceed two metres in length.

“surf-riding” means the recreational activity involving the use of a surf-craft;

3. Section 2 of the current by-law dealing with the ‘Purpose of By-law’

It was recommended that the following words “situated within the jurisdiction of the municipality” be added to subsection (b). The amended subsection will read as follows:

(b) to provide for procedures, methods and practises to regulate the use and management of bathing and beach areas situated within the area of jurisdiction of the municipality.

4. Section 3 of the current by-law dealing with ‘Entry to, use and closing of facilities and beach areas’

It was recommended that subsections be added after subsection (c) of section 3. The recommended subsections will read as follows:

(d) notwithstanding anything to the contrary contained in this by-law, upon application to it, upon such terms and conditions as the Municipality deems fit, grant the exclusive use of a portion of the seashore and the sea and any other area to which this by-law applies, to any organisation, body or person or class of persons and invitees thereof for the purpose of any event or contest;

(e) any person who has been granted exclusive use in terms of subsection (d) and any agent, representative or any other person under control of such person who knowingly breaches, cause, or permits the breach of a term or condition imposed under subsection (d) shall be guilty of an offence.

5. It was recommended that a section dealing with ‘Life-saving devices’ be added after section 4 of the by-law. The recommended section will read as follows:

Life-saving devices

(a) Any person, other than a lifesaver or a member, employee or designated person of the Council who, save in time of emergency, touches, handles or in any way makes use of or damages any life-line, lifebuoy, or any other lifesaving appliance, installed or maintained upon the seashore or in the sea, shall be guilty of an offence.

(b) Any person who impairs or impedes the operation of any life-saving appliance or device while it is in use on the seashore or in the sea shall be guilty of an offence.
6. It was recommended that a section dealing with ‘Environmental Conservation’ be added after section 5 of the by-law. The recommended section will read as follows:

   **Environmental Conservation**

   (1) The municipality has the right to indicate by means of notices erected at designated points or other suitable sites, those areas where certain or any activities shall be limited, allowed, controlled or prohibited.

   (2) No person shall break, damage, destroy or disturb any egg or nest or remove any egg from a nest, or disturb or attempt to disturb any bird or the nestling site of such bird on a dune or within the beach area, or allow such behaviour or action.

   (3) No person shall injure, disturb or feed or attempt to injure, disturb or feed any wild animal or bird on a dune or within the beach area, or allow such behaviour or action.

   (4) No person, except the Municipality or an authorised person, shall any time artificially open the mouth of a river where a sandbank has developed between the mouth of the river and the sea and is blocking tidal interchange.

   (5) No unauthorised person shall at any time pick, uproot, fell or damage or attempt to prick, uproot, fell or damage in any ways, any plant growing on a dune or the beach area.

   (6) No person may wilfully or negligently pollutes a dune, the beach area, coastal wetlands, salt marshes or surrounding grounds with any fuels, oils, garbage, offal, bilge, sewerage, refuse or rubble of any kind whatsoever.

   (7) No person may remove or deposit any vegetation, sand, shingle, rock or stone from or on the beach area.

7. It was recommended that a section dealing with ‘Surf-riding or surfing’ be added after section 7 of the by-law. The recommended section will read as follows:

   **Surf-riding or surfing**

   (a) No person may without the authorisation of the municipality engage in surf-riding or surfing within any part of the beach which is designated as a swimming area, unless it is an inboard rescue boat.

   (b) An authorised official may permanently or temporarily prohibit surf-riding or surfing on the grounds that it is unsafe or is likely to cause discomfort or injury to other users of the beach.

8. It was recommended that a section dealing with ‘Motor vehicles’ be added after section 8 of the by-law. The recommended section will read as follows:

   **Motor vehicles**

   (a) No person may enter onto the beach using a motor-vehicle or bring or drive a motor vehicle on any part thereof in convention of any legislation or regulations made in terms of any applicable legislation.

   (b) The provisions in (a) above do not apply to any –
(i) motor vehicle used by an authorised official in the course of his or her duties;
(ii) authorised emergency or rescue motor vehicle;
(iii) motor vehicle driven by a person authorise to implement the provisions of any legislation;
(iv) ordinary motor vehicle involved in a bona fide emergency situation;
(v) off-road vehicles used in terms of relevant legislation; or
(vi) motor vehicle authorised by the municipality or any other sphere of government in terms of this by-law.

(c) No person may in any part of the beach area –

(i) drive a motor vehicle recklessly or dangerously or in such a manner as to endanger the safety of any person;
(ii) race a motor vehicle, or drive a motor vehicle at a speed in exceed of the limit imposed by the municipality in any part of the beach except during a bona fide emergency situation or if authorised to do so in terms of any law; or
(iii) drive a motor vehicle whilst under the influence of alcohol, drugs or any dependence producing substance;

9. It was recommended that a section dealing with ‘Control of Fires’ be added after section 9 of the by-law. The recommended section will read as follows:

Control of fires

No person may make a fire on the sea-shore within the area of jurisdiction of the Council unless in a designated area or with prior written permission by Council, which permission shall be subjected to such terms and conditions as prescribed by Council.

10. It was recommended that a subsection be added after subsection (5) of section 10 of the existing by-law. The recommended subsection would read as follows:

(6) No person shall cause or permit an animal (other than a dog) belonging to him or in his charge or custody or under his control, to enter or remain upon the seashore or in the sea or in any other place to which this by-law applies except with the permission of the municipality.

11. Section 11 of the current by-law dealing with ‘Fishing’

It was recommended that a subsection be added after subsection (c). The recommended subsection would read as follows:

(d) place fishing bait, fish, fishing equipment or tackle on or immediately adjacent to any seat provided for the use of the public and every person shall clear away all bait and refuse before leaving the place where he/she had been for the purpose of fishing and he/she shall remove all such bait and refuse from the seashore or place it in a refuse receptacle.

12. Section 12 dealing with ‘Aquatic sports and games’
It was recommended that a subsection be added after subsection (b) of the current by-law. The recommended subsection would read as follows:

No person shall –

(c) play any game or indulge in any pastime which is likely to cause nuisance, injury or discomfort to bathers, spectators or any persons in any area to which this by-law applies after he/she have been warned by an official lifeguard or an authorised employee not to play such games or indulge in such pastime.

13. Section 13 dealing with ‘General prohibitions’

It was recommended that two subsections should be added after subsection (c) of the current section. The recommended subsections would read as follow:

No person shall –

(d) Without prior written consent of the municipality, camp on the seashore or in any other area to which this by-law applies or use any part thereof for the purpose of sleeping or habitation.
(e) Disturb any vegetation or sand on foredunes where it is not an area designated for use or no formal path or walkway exists.

14. Section 16 dealing with ‘Signs’

It was recommended that a subsection should be added to section 16. The recommended subsection would read as follows:

(6) No person other than a person authorised thereto by the municipality shall move any sign or notice displayed or erected for the purpose of this by-law and no person shall deface, obscure or wilfully or negligently damage or otherwise interfere with any such sign or notice.

15. It was recommended that a section dealing with ‘Prohibition of entertainment and trade’ be included in the by-law. The recommended section will read as follows:

Any person who for reward or gain, conducts an entertainment, business or trade of any sort on the sea-shore or in the sea without the written permission given and on such terms and condition as in each case may be deemed fit by the Municipal Council, shall be guilty of an offence, except as otherwise provided for in another by-law.

16. It was recommended that a section dealing with ‘Reservation of beaches’ be included in the by-law. The recommended section will read as follows:

(1) Notwithstanding any provision to the contrary contained in this by-law, the municipality may, at the request of any Government department reserve –

(a) a beach within the area of jurisdiction of the municipality; or
(b) any portion of such beach.
for the exclusive use of any such Government department and shall notify all interested parties in any manner or by any means it may deem most expedient accordingly.

(2) No person other than the Government department concerned, shall make use of or enter upon the beach or any part thereof reserved in terms of subsection (1) for the exclusive use of any such Government department.

17. It was recommended that a section dealing with ‘Prohibition of bathing within areas considered unsafe’ be included in the by-law. The recommended section will read as follows:

(1) Bathing within any part of the sea may be prohibited by the municipality or its duly authorised representative, for so long as the municipality may consider the condition of the sea unsafe.
(2) Any permanent prohibition under this section shall be indicated by notice on the spot and any temporary prohibition by any other recognisable and intelligible marker at both ends of the prohibited area.”
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, be noted.

APPENDIX / ADDENDUM

EMD Monthly Report July and August 2016;
TP Monthly Report for July - Aug’16;
IHS Monthly Report for July - Aug’16;
Annexure/Project Funding; Annexure A/Resolution

File Reference : 9/1/2/9

Execution : Acting Director : Planning and Development
Managers : EMD, TP & BC and IHS
1. SDBIP INDICATORS

<table>
<thead>
<tr>
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<th>Unit of Measurement</th>
<th>Comments/Status</th>
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<td>D165</td>
<td>Environmental Protection and Infrastructure Programme: Propose and Implement</td>
<td>4 applications per 3 year cycle</td>
<td>1 major project has been approved: George Rex Boardwalk is about to commence.</td>
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<td>D166</td>
<td>Implement Environmental Awareness/Education</td>
<td>6 per annum</td>
<td>Non for this month</td>
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<tr>
<td>D167</td>
<td>Implement River Health Programme</td>
<td>30 temporary jobs in the EPWP</td>
<td>30 retained for the month</td>
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2. ADDITIONAL COMMENTS/ ACTIVITIES

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## 4. WATER SAMPLING

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<th>Intestinal Enterococci 100ML</th>
<th>Sample Specifications</th>
<th>Recreational Water Use Standards</th>
<th>Comments</th>
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PLANNING AND DEVELOPMENT PORTFOLIO COMMITTEE REPORT
DIRECTORATE: PLANNING AND DEVELOPMENT

DEPARTMENT: ENVIRONMENTAL MANAGEMENT
MONTHLY REPORT: August 2016

1. SDBIP INDICATORS

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<td>D165</td>
<td>Environmental Protection and Infrastructure Programme: Apply and Monitor</td>
<td>4 applications per cycle</td>
<td>1 approved: George Rex Boardwalk about to commence</td>
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<td>D166</td>
<td>Implement Environmental Awareness/Education</td>
<td>6 events per annum</td>
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<td>D167</td>
<td>Implement River Health Programme</td>
<td>30 temporary jobs per month</td>
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2. ADDITIONAL COMMENTS/ACTIVITIES

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<th>Coliform Count Per 100ML</th>
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<th>Intestinal Enterococci Per 100ML</th>
<th>Sample Specifications</th>
<th>Recreational Water Use Standards Comments</th>
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<td>sample complies with standards 500 p/ml</td>
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<td>16 400</td>
<td>4 900</td>
<td>Sea Water</td>
<td>High risk levels if humans come into contact with source. Diarrhea, skin rash etc</td>
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Page | 78
| STANDARDS FOR RECREATIONAL WATER (COASTAL) |   |   |   |   |
1. **SDBIP**

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<th>KPI [R]</th>
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<th>Target</th>
<th>Progress/Comments/Status</th>
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<td>Allocate Building Plan Applications</td>
<td>Ensure that all building plan applications are allocated within 5 working days</td>
<td>100%</td>
<td>100%</td>
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<tr>
<td>Allocate Land Use Applications</td>
<td>Ensure that all land use applications are allocated within 10 working days</td>
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<tr>
<td>Approval of Building Plans within 30 days for plans &lt; 500 m² and within 60 days for plans &gt; 500m²</td>
<td>% of building plan applications processed within prescribed time frames</td>
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<tr>
<td>Ensure an effective and efficient building control service by addressing illegal building activity within 5 working days</td>
<td>% of site inspections and action taken within 5 workings days after identification and/or reporting</td>
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<tr>
<td>Occupational certification finalized within 30 days after all building and land use requirements are met to satisfaction</td>
<td>% of certification completed within 30 days</td>
<td>100%</td>
<td>100%</td>
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<tr>
<td>Zoning certificate issued within 10 days</td>
<td>% of zoning certificates issued within 10 days</td>
<td>90%</td>
<td>100%</td>
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<tr>
<td>Processing of Land Use Applications within 90 days after receipt of all outstanding information</td>
<td>% of applications processed within prescribed time frames</td>
<td>80%</td>
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2. **LAND USE APPLICATIONS**

2.1 Applications in the system between 1-07-2016 and 31-07-2016

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2.2 Town Planning applications finalized between 1-07-2016 to 31-07-2016.

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<td>Departure;Contravention Levy</td>
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2.3 Zoning certificate register for between 1-03-2016 to 31-03-2016

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<td>26/07/2016</td>
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</tr>
<tr>
<td>Erf 55, Knysna</td>
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3. PROGRESS FOR BUILDING PLANS

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### 4.3 Processing period from plan acceptance to finalization

01 July 2016  
Date To: 31 July 2016

**Total**: 94

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**01 July 2016**

**Date To:** 31 July 2016

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### PLANNING AND INTEGRATED HUMAN SETTLEMENTS COMMITTEE MEETING

#### AGENDA

**21 SEPTEMBER 2016**

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Processing Period from Plan Acceptance to Building Inspector Allocation

01 July 2016  To: 31 July
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4.5 PROCESSING PERIOD OF COMPLAINT INSPECTION

01 July 2016 31 July 2016

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4.6 Statistics of Plans Received

From: 01 July 2016  To: 31 July 2016

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4.7 Statistics of Plans Finalised
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Number of building plans received

- New Plan: 57
- Plans with Area <= 500 m²: 54
- Plans with Area > 500 m²: 3
- Resubmission of Rejected Plan: 2
- Plans with Area <= 500 m²: 2
- Total: 59
7. LAND USE PERIOD FROM RECEIPT TO ALLOCATION

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8. LAND USE PROCESSING PERIOD

a. Municipal Planning Tribunal Decisions

No Municipal Planning Tribunal decisions were made during this period.

b. Authorised Employee Decisions
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<td>3</td>
<td>14</td>
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<tr>
<td>TOTAL S.</td>
<td>7</td>
<td>0</td>
<td>32</td>
<td>64</td>
<td>6</td>
<td>0</td>
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<td>547500</td>
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<tr>
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<td>1</td>
<td>8</td>
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<tr>
<td>TOTAL S.</td>
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<tr>
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<td>7</td>
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<tr>
<td>TOTAL S.</td>
<td>7</td>
<td>0</td>
<td>32</td>
<td>38</td>
<td>4</td>
<td>-7</td>
<td>0</td>
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<td>26</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>554301</td>
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<td>10</td>
<td>10</td>
<td>10</td>
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<td>10</td>
</tr>
<tr>
<td>TOTAL S.</td>
<td></td>
<td>0</td>
<td>32</td>
<td>38</td>
<td>4</td>
<td>-7</td>
<td>0</td>
<td>1</td>
<td>26</td>
<td>26</td>
<td>26</td>
<td>26</td>
<td>26</td>
</tr>
</tbody>
</table>
PLANNING AND INTEGRATED HUMAN SETTLEMENTS PORTFOLIO COMMITTEE
REPORT
DIRECTORATE: PLANNING AND DEVELOPMENT
DEPARTMENT: INTEGRATED HUMAN SETTLEMENTS
MONTHLY REPORT: JULY TO AUGUST 2016

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>300 out of 1100 erven already serviced in 2015/16 remaining 880 services will be done in 2016/17</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>Human Settlement Plan</td>
<td>Number of opportunities provided</td>
<td>In progress</td>
</tr>
<tr>
<td>Hornlee Toilets</td>
<td>Provide access to proper sanitation through constructing toilets attached to houses in Hornlee.</td>
<td>Phase 1 (65 toilets are 100% complete phase 2 of 150 toilets is in progress.</td>
</tr>
<tr>
<td>Services to sites in areas earmarked for projects: Hornlee</td>
<td>Erven serviced with bulk services</td>
<td>Tender closed and ABSA requested the preferred tenderer to extend the validity of the tender to end March 2016 because we are waiting for a decision from Province regarding land rehabilitation (See item on this)</td>
</tr>
</tbody>
</table>
2. CURRENT HUMAN SETTLEMENTS PROJECTS

2.1 Provision of Infrastructure for 880 erven in Ethembeni, Hlalani, Happy Valley, Bloemfontein, Qolweni, will be implemented in the 2016/2017 financial year.

2.2 Provision of infrastructure for 200 erven in Oupad, Dam Se Bos, will be implemented, in the 2016/2017 financial year.

2.3 Provision of 165 Top structures in Oupad, Dam se Bos, Nekkies, Concordia

2.4 Provision of 200 Service sites in Oupad, Dam se Bos, Nekkies, Concordia

2.5 Hornlee Toilets (150)

2.6 Rectification of 19 houses

2.7 Electrification of Lapland

2.8 Electrification of Gaaitjie

3. STATUS 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>150 sites</td>
<td>Project to be completed by 30 November 2016</td>
</tr>
<tr>
<td>Xolweni</td>
<td>220 sites</td>
<td>Project to be completed by 30 November 2016</td>
</tr>
<tr>
<td>Ethembeni</td>
<td>200 sites</td>
<td>Project to be completed by 30 November 2016</td>
</tr>
<tr>
<td>Hlalani</td>
<td>165 sites</td>
<td>Project to be completed by 30 November 2016</td>
</tr>
<tr>
<td>Happy Valley</td>
<td>120 Sites</td>
<td>Project to be completed by 30 November 2016</td>
</tr>
<tr>
<td>Vision Services(15/16)</td>
<td>200</td>
<td>All services are complete</td>
</tr>
<tr>
<td>Vision Top structures(15/16)</td>
<td>194</td>
<td>Completed 214 Top structures</td>
</tr>
<tr>
<td>Hornlee toilets</td>
<td>150 toilets</td>
<td>In progress 38%</td>
</tr>
<tr>
<td>Rectification</td>
<td>19</td>
<td>In progress 55%</td>
</tr>
<tr>
<td>Vision Top structures(16/17)</td>
<td>165</td>
<td>30 houses are on roof top, 20 houses are on Wet works</td>
</tr>
<tr>
<td>Vision services(16/17)</td>
<td>150</td>
<td>Tender will be advertised shortly.</td>
</tr>
<tr>
<td>Lapland</td>
<td>30</td>
<td>30 Wendy houses were provided and electricity to 30 Wendy houses will be switched on 07/09/16</td>
</tr>
<tr>
<td>Rheenendal</td>
<td>322 sites</td>
<td>Tranche payment 1.1 (planning fees) has been approved for 2017/18</td>
</tr>
<tr>
<td>Gaaitjie/Smutsville</td>
<td>Electrification of 70 houses</td>
<td>Project is complete</td>
</tr>
</tbody>
</table>
4. ADDITIONAL ALLOCATION FOR 2016/18 HUMAN SETTLEMENTS PROJECTS

The Provincial Department of Human Settlements allocated R76 640 000 for 2015/16 human settlements projects, of which R33 384 770 03 has been spent as from April 2016 till 26th August 2016.

The provincial department of human settlements further allocated for 2016/18 an additional grant allocation of R 85 711 360.75 for 705 slabs and top structures for the following areas:

Hlalani: 165
Happy Valley: 120
Ethembeni: 200
Xolweni: 220

150 slabs and top structures for Bloemfontein projects will be approved soon.

Mawethu Penxa
Manager: Integrated Human Settlements
# PROJECT FUNDING/EXPENDITURE

## GRANT ALLOCATION FOR 2016/17
R76 640 000

**EXPENDITURE (43.5%)**
R33 384 770 03

---

## AREA | APPROVED SUBSIDY | SUBSIDY CLAIMED | PROJECT BALANCE | NO OF SITES IN PROJECT | % OF PROJECT PROGRESS | % ON SUBSIDY EXPENDITURE
--- | --- | --- | --- | --- | --- | ---
HLALANI | R 13 995 543.60 | R 11 433 527.48 | R 2 562 016.12 | 155 | 80% | 81%
HAPPY VALLEY | R 10 485 000.00 | R 9 807 220.08 | R 677 779.92 | 120 | 90% | 93%
ETHEMBENI | R 18 098 708.00 | R 15 635 304.90 | R 2 463 403.10 | 200 | 85% | 86%
XOLWENI | R 22 387 460.00 | R 13 522 471.40 | R 8 864 988.60 | 220 | 55% | 60%
BLOEMFONTEIN | R 10 488 574.00 | R 7 350 420.09 | R 3 138 153.91 | 150 | 70% | 70%
VISION 2002 [1393 SITES] | R 90 759 032.00 | R 79 228 921.15 | R 11 530 110.85 | 873 | 68.38% | 68.38%
VISION 2002 [459 UNITS/TOPS] | R 53 147 769.00 | R 13 989 914.00 | R 39 157 855.00 | 459 UNITS | 138 foundations done | 63 UNITS & 33 FOUNDATIONS
HORNLEE ABSA | R 16 765 703.62 | R 1 356 542.53 | R 15 409 161.09 | 312 | 0% | COUNCIL FUNDED PROJECTS

---

## AREA | BUDGET | EXPENDITURE
--- | --- | ---
ELECTRIFICATION OF 70 HOUSES IN GAATJIE | R 1 000 000.00 | R 1 000 000.00 | 100%
HORNLEE TOILETS | R 7 058 337.00 | R 3 895 849.38 | R 3 162 487.62 | 150 TOILETS | 38%
RECTIFICATION | R 1 000 000.00 | R 535 495.30 | R 464 504.70 | 19 HOUSES | 55%
WARD BASED ROADS | R 4 000 000.00 | R 4 000 000.00 | R 1 252 909.88 | 4 Roads | 34%
The Municipal Manager  
Knysna Municipality  
P O Box 21  
KNYSNA  
6570

Attention: Mr M Penxa

KNYSNA MUNICIPALITY: HLALANI HOUSING PROJECT: 165 HOUSES: APPLICATION FOR THE CONDITIONAL APPROVAL FOR THE (I) CONSTRUCTION OF 165 HOUSES; (II) ALLOCATION OF A DISABILITY ALLOWANCE TO 8 UNITS IN TERMS OF THE PEOPLES HOUSING EMPOWERMENT PROCESS (PHEP)

I have the pleasure to inform you that your application has been approved per resolution number 16/80 dated 07 September 2016 and it reads as follows:

(a) The project as a **Second Contract Agreement** in terms of the People's Housing Empowerment, in the subsidy amount of **R20 061 757.75**; (based on the 2014/2015 subsidy quantum); comprised as follows:-

<table>
<thead>
<tr>
<th>Phase</th>
<th>Units</th>
<th>Category</th>
<th>Quantum</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houses</td>
<td>165</td>
<td>Top Structures</td>
<td>2015/2016</td>
<td>R 19 591 365.75</td>
</tr>
<tr>
<td>Disability Allowance</td>
<td>8</td>
<td>Disability Allowance</td>
<td>2015/2016</td>
<td>R 425 512.00</td>
</tr>
<tr>
<td>Facilitation Funding</td>
<td>165</td>
<td></td>
<td></td>
<td>R 44 880.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>165</td>
<td></td>
<td></td>
<td><strong>R 20 061 757.75</strong></td>
</tr>
</tbody>
</table>

(b) Financial details for the construction of 165 houses, in the subsidy amount of **R19 591 365.75** (based on the 2014/2015 subsidy quantum); comprised as follows:-

<table>
<thead>
<tr>
<th>Category</th>
<th>Units</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsidy</td>
<td>165</td>
<td>R 106 956.00</td>
<td>R 17 647 740.00</td>
</tr>
<tr>
<td>Geo-technical variance</td>
<td>165</td>
<td>R 7 796.55</td>
<td>R 1 286 430.75</td>
</tr>
<tr>
<td>External Plaster</td>
<td>165</td>
<td>R 5 283.00</td>
<td>R 871 695.00</td>
</tr>
<tr>
<td><strong>Sub -Total</strong></td>
<td>165</td>
<td>R 120 035.55</td>
<td>R 19 805 885.75</td>
</tr>
<tr>
<td><em>Less Transfer + Beneficiary administration fees allocated to the services contract to be retained as a separate Tranche</em></td>
<td>165</td>
<td>R 1 300.00</td>
<td>R 214 500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>165</td>
<td>R 118 735.55</td>
<td>R 19 591 365.75</td>
</tr>
</tbody>
</table>

27 Wale Street, Cape Town, 8001  
tel: +27 21 483 8407  
fax: +27 21 483 5433  
HUMAN SETTLEMENT PROJECT ADMINISTRATION  
Private Bag X9083, Cape Town, 8000  
Hlaliswa.Bobeje@powc.gov.za  
www.westerncape.gov.za
NOTE:

The top structure subsidy quantum makes provision for an amount of R1000.00 for "Transfer Costs". The administration of transferring the property into the name of the beneficiary remains the responsibility of the Local Authority. An amount of R1000.00 per beneficiary will therefore be made available to the Local Authority, from the total amount of the top structure subsidy, in order to affect transfer of the properties into the beneficiaries names. This amount will be released to the Local Authority on proof that the relevant properties in the Hlanani Peoples Housing Project have been transferred into the names of the relevant beneficiaries.

NOTE:

Directorate: Human Settlement Regional Support - Eden recommended an allowance of 7.0% (R 7 795.55), for geo-tech variance on top structures in line with the variance calculator:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description of site conditions</th>
<th>Top Structures: Additional cost per unit</th>
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</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Groundwater;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sub-surface Drainage</td>
<td>R 382.93</td>
</tr>
<tr>
<td></td>
<td>Improved damp proofing</td>
<td>R 306.88</td>
</tr>
<tr>
<td></td>
<td>Dewatering of service trenches</td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Erodibility of Soil:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Retaining Walls</td>
<td>R 476.66</td>
</tr>
<tr>
<td></td>
<td>Earthworks to reduce slopes</td>
<td>R 138.93</td>
</tr>
<tr>
<td></td>
<td>Surface Drainage</td>
<td></td>
</tr>
<tr>
<td>6.1</td>
<td>Collapsing Sands:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category 2, Class C2</td>
<td>R 3 319.77</td>
</tr>
<tr>
<td></td>
<td>Heavy raft</td>
<td></td>
</tr>
<tr>
<td>10.4</td>
<td>Topography of the site:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Terracing for houses</td>
<td>R 341.34 x 1</td>
</tr>
<tr>
<td></td>
<td>Additional earthworks to roads,</td>
<td>R 454.64 x 7</td>
</tr>
<tr>
<td></td>
<td>Stormwater control measures</td>
<td>R 545.14 x 2</td>
</tr>
<tr>
<td>12</td>
<td>Location Adjustment:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mayor Centre: George (Distance: 68 km)</td>
<td>R 2 000.86</td>
</tr>
<tr>
<td></td>
<td>% allowance on material cost: 2%</td>
<td></td>
</tr>
<tr>
<td>Sub – Total</td>
<td></td>
<td>R 7 087.78</td>
</tr>
<tr>
<td>Add 10% Professional Fees</td>
<td>R 708.78</td>
<td></td>
</tr>
<tr>
<td>Total Geo – Technical Variance</td>
<td>R 7 795.55</td>
<td></td>
</tr>
</tbody>
</table>

(c) Financial details for the allocation of Disability Funding to 8 units in the subsidy amount of R 425 512.00 calculated as follows: R 164 136.00 – R110 947 = R 53 189.00; 5% of 165 units = 8 x R 53 189 = R 425 512.00

(d) Approval for Facilitation Funding in the subsidy amount of R 44 880.00; comprised as follows:-

<table>
<thead>
<tr>
<th>Category</th>
<th>Units</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilitation Funding</td>
<td>165</td>
<td>R272.00</td>
<td>R 44 880.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>165</td>
<td>R272.00</td>
<td>R 44 880.00</td>
</tr>
</tbody>
</table>
Reporting System (IRS). Progress must be recorded quarterly and within 22 calendar days after the end of each quarter;

(u) The Developer to implement and manage the project within the Indicative allocation; and

(v) The Developer to ensure that the pre-emptive right referred to in Section 10A (1) of the Housing Amendment Act, 2001 (Act 4 of 2001) is written into the Sale Agreement and Title Deed of every Beneficiary i.e.:

"... It is hereby recorded that the Purchaser, on the strength of his/her personal information as provided by him/her, will be granted a housing subsidy, as defined in the National Housing Code, for this property. As result, this sale shall be subject to the statutory condition, imposed by Section 10(A) of the Housing Amendment Act, Act 4 of 2001 in favour of the Western Cape Provincial Government, which condition inter-alia prescribes that the Owner shall not sell or otherwise alienate the property within a period of eight years from the date of sale, unless it has first been offered to the housing department of the Western Cape Provincial Government at no cost to the said Provincial Government."

(w) The Developer to ensure that the contractor is registered with the NHBRC and provide the NHBRC registration documents prior to the signing of the Agreement;

(x) The construction of top structures and payment thereof is subject to NHBRC Home Enrolment. The Developer to submit the required documentation to the Department in regards to this;

WITH FURTHER CONDITIONS:

(y) The Developer to note that funding will only be released on proof and inspection by the Department’s Works Inspector confirming completion of the additional precautionary measures to the respective units for beneficiaries with disabilities;

(z) The Developer to note that additional funding in terms of the Disability variance is only available to persons with special needs, whose existing subsidy approvals will have to be revised through submitting a completed “Appendix I” of the subsidy application form. Disabled persons/beneficiaries therefore need to be identified at an early stage of the construction to accommodate their particular requirement;

(aa) Your Council to confirm that they are in the process of transferring the properties to the potential beneficiaries before submitting the subsidy applications.

Yours sincerely

[Signature]

HEAD OF DEPARTMENT: HUMAN SETTLEMENTS
DATE: 30/08/2016
NOTE:
No Establishment Grant Funding has been included – A separate application for this funding must be submitted

TOTAL PROJECT VALUE = [b] + [c] + [d]:

\[ \begin{align*}
R & \quad 19\,591\,365.75 \\
R & \quad 425\,512.00 \\
R & \quad 44\,880.00 \\
R & \quad 20\,061\,757.75
\end{align*} \]

(e) Appointment of your Council as Accounts Administrator (AA); and

(f) 42.7m² and 45m² house plans

The approval is subject to the following conditions:

(g) Beneficiaries falling in the R0 – R3 500.00 per month income category being provided with fully enclosed top structure of minimum size 40m², consisting of:

2 x bedrooms;
1 x separate bathroom with a shower;
1 x hand basin and a toilet
1 x combined kitchen living area; and
A Pre-paid ready board electrical installation, comprising a distribution board with lights and plugs to all living areas of the house.

The Developer to comply with the conditions and standards;

(h) NOTWITHSTANDING WHAT MAY BE INDICATED ON THE PLANS AND ACCOMPANYING SPECIFICATION SUBMITTED WITH THE APPLICATION FOR PROJECT APPROVAL, ALL BUILDING WORK AND MATERIALS SHALL COMPLY WITH THE FOLLOWING MINIMUM STANDARDS.

(i) All building work and materials shall comply with the regulations of the SANS 10400 XA and the Department’s Minimum building and materials specification, as set out in the Housing Standards March 2014 of Circular C1 of 2014;

(ii) Approved in-principle drawings for each house type must be approved by the Municipality and attached to the Agreement prior to any work on the top-structures commencing; and

(iii) The responsible representative of your Council’s building department must carry out an inspection to approve the foundations of the structures.

(i) The Developer to submit a construction and cash flow programme as soon as the project has received approval by the Department but prior to the contract agreement is signed;

(j) The Developer shall institute claims for progress payments upon the achievement of milestones as specified in the Project Programme;

(k) The Contract Agreement between the Developer and the Department shall not be signed until such time as the Department confirms in writing and provides evidence that they will use their Building
Inspectorate to monitor and control the project to ensure the erection of top structures is of an acceptable standard;

(l) A competent professional Engineer to provide the foundation design and foundation construction. Your Council to submit proof that the foundation design has been approved by a competent professional engineer in line with the prevailing geo-technical conditions before payment of the variance amount;

(m) A copy of working drawings approved by your Council must be submitted to the Departmental Inspectorate Services before construction of top structures commences. All deviations must be brought to the attention of the Department via the Project Approval Route and will be referred to the technical team for consideration and subsequent approval;

(n) The Developer to ensure that the top structures be positioned in such a way to permit expansion at a later stage and that the beneficiary has input as to the placing of the unit;

(o) Facilitation Grant will be paid in stages, i.e. 50% on project approval and signing of Contract Agreement, 30% on beneficiary approval and 20% on completion of top structures in line with the Service Level Agreement;

(p) No payments other than Facilitation and Establishment grant funding, shall be made until:

[i] The Developer: Your Council to confirm, in writing, that none of the 165 beneficiaries are members of the South African Homeless People’s Federation (S.A.H.P.F.) who have agreed to provide the Department, for checking purposes, with a full list of all their members in the Western Cape Area by not later than thirty days after the approval of the project; and

[ili] In the event of any Beneficiary being a member of the S.A.H.P.F. then the Developer must obtain a certified statement from the office of the S.A.H.P.F. confirming that they have no objection to such Beneficiary opting to go the people driven process route and that the Federation will take all the necessary steps to ensure that such Beneficiary has no access to monies from the uTshani Fund;

(q) The Developer appoints a Certifier who should be a suitably qualified and experienced person e.g. an architect, civil engineer or similar profession, or should be a competent person identified by the Support Organisation and should have the ability to provide construction related technical support to the project. The Certifier cannot be in the employ or have any links with the material supplier. The appointment of the Certifier must be approved by the Department;

(r) The Developer must register the project and report progress of this project on either the Expanded Public Works Programme (EPWP) Management Information System (MIS) or the Integrated Reporting System (IRS). Progress must be recorded quarterly and within 22 calendar days after the end of each quarter;

(s) Your Council to implement and manage the project within the Indicative allocation;

(t) The Developer to ensure that the pre-emptive right referred to in Section 10A (1) of the Housing Amendment Act, 2001 (Act 4 of 2001) is written into the Sale Agreement and Title Deed of every Beneficiary i.e.:
... It is hereby recorded that the Purchaser, on the strength of his/her personal information as provided by him/her, will be granted a housing subsidy, as defined in the National Housing Code, for this property. As result, this sale shall be subject to the statutory condition, imposed by Section 10(A) of the Housing Amendment Act, Act 4 of 2001 in favour of the Western Cape Provincial Government, which condition inter-alia prescribes that the Owner shall not sell or otherwise alienate the property within a period of eight years from the date of sale, unless it has first been offered to the housing department of the Western Cape Provincial Government at no cost to the said Provincial Government.

(u) The Developer to ensure that the contractor is registered with the NHBRC and provide the NHBRC registration documents prior to the signing of the Agreement;

(v) The construction of top structures and payment thereof is subject to NHBRC Home Enrolment. The Developer to submit the required documentation to the Department in regards to this;

WITH FURTHER CONDITIONS:

(w) The Developer to note that funding will only be released on proof and inspection by the Department's Works Inspector confirming completion of the additional precautionary measures to the respective units for beneficiaries with disabilities;

(x) The Developer to note that additional funding in terms of the Disability variance is only available to persons with special needs, whose existing subsidy approvals will have to be revised through submitting a completed “Appendix I” of the subsidy application form. Disabled persons/beneficiaries therefore need to be identified at an early stage of the construction to accommodate their particular requirement;

(y) Your Council to confirm that they are in the process of transferring the properties to the potential beneficiaries before submitting the subsidy applications.

(z) The commencement of the construction of houses is subject to beneficiaries, selected in terms of Circular C10 of 2015, being approved as per the Housing Subsidy System (HSS).

Yours sincerely

[Signature]

HEAD OF DEPARTMENT: HUMAN SETTLEMENTS
DATE: 21/09/2016
WITH THE FOLLOWING CONDITIONS:

(f) The constructions of houses only commence in respect of those beneficiaries whose subsidy applications reflect as approved as per the HSS.

(g) Beneficiaries falling in the R0 – R3 500.00 per month income category being provided with fully enclosed top structure of minimum size 40m², consisting of:

2 x bedrooms;
1 x separate bathroom with a shower;
1 x hand basin and a toilet
1 x combined kitchen living area; and
A Pre-paid ready board electrical installation, comprising a distribution board with lights and plugs to all living areas of the house.

The Developer to comply with the conditions and standards;

(h) NOTWITHSTANDING WHAT MAY BE INDICATED ON THE PLANS AND ACCOMPANYING SPECIFICATION SUBMITTED WITH THE APPLICATION FOR PROJECT APPROVAL, ALL BUILDING WORK AND MATERIALS SHALL COMPLY WITH THE FOLLOWING MINIMUM STANDARDS.

(i) All building work and materials shall comply with the regulations of the SANS 10400 XA and the Department’s minimum building and materials specification, as set out in the Housing Standards March 2014 of Circular C1 of 2014;

(ii) Approved in-principle drawings for each house type must be approved by your Council and attached to the Agreement prior to any work on the top-structures commencing; and

(iii) The responsible representative of the Local Authority’s building department must carry out an inspection to approve the foundations of the structures.

(i) The Developer to submit a construction and cash flow programme as soon as the project has received approval by the Department but prior to the contract agreement is signed;

(j) The Developer shall institute claims for progress payments upon the achievement of milestones as specified in the Project Programme;

(k) The Contract Agreement between the Developer and the Department shall not be signed until such time as the Department confirms in writing and provides evidence that they will use their Building Inspectorate to monitor and control the project to ensure the erection of top structures is of an acceptable standard;

(l) A competent professional Engineer to provide the foundation design and foundation construction. Your Council to submit proof that the foundation design has been approved by a competent professional engineer in line with the prevailing geo-technical conditions before payment of the variance amount;

(m) A copy of working drawings approved by the Local Authority must be submitted to the Departmental Inspectorate Services before construction of top structures commences. All deviations must be brought to the attention of the Department via the Project Approval Route and will be referred to the technical team for consideration and subsequent approval;
(n) The Developer to ensure that the top structures be positioned in such a way to permit expansion at a later stage and that the beneficiary has input as to the placing of the unit;

(o) Facilitation Grant will be paid in stages, i.e. 50% on project approval and signing of Contract Agreement, 30% on beneficiary approval and 20% on completion of top structures in line with the Service Level Agreement;

(p) Payment of grant funding is subject to the Department’s Directorate: People’s Housing and Empowerment Process providing a Social Compact assessment report supporting the allocation of such funding;

(q) No payments other than Facilitation and Establishment grant funding, shall be made until:

[i] The Developer: Knysna Municipality confirms, in writing, that none of the 120 beneficiaries are members of the South African Homeless People’s Federation (S.A.H.P.F.) who have agreed to provide the Department, for checking purposes, with a full list of all their members in the Western Cape Area by not later than thirty days after the approval of the project; and

[ii] In the event of any Beneficiary being a member of the S.A.H.P.F. then the Developer must obtain a certified statement from the office of the S.A.H.P.F. confirming that they have no objection to such Beneficiary opting to go the people driven process route and that the Federation will take all the necessary steps to ensure that such Beneficiary has no access to monies from the uTshani Fund;

(r) Your Council appoints a Certifier who should be a suitably qualified and experienced person e.g. an architect, civil engineer or similar profession, or should be a competent person identified by the Support Organisation and should have the ability to provide construction related technical support to the project. The Certifier cannot be in the employ or have any links with the material supplier. The appointment of the Certifier must be approved by the Department;

(s) The Developer must register the project and report progress of this project on either the Expanded Public Works Programme (EPWP) Management Information System (MIS) or the Integrated Reporting System (IRS). Progress must be recorded quarterly and within 22 calendar days after the end of each quarter;

(t) The Developer to implement and manage the project within the Indicative allocation; and

(u) The Developer to ensure that the pre-emptive right referred to in Section 10A (1) of the Housing Amendment Act, 2001 (Act 4 of 2001) is written into the Sale Agreement and Title Deed of every Beneficiary i.e.:

"... It is hereby recorded that the Purchaser, on the strength of his/her personal information as provided by him/her, will be granted a housing subsidy, as defined in the National Housing Code, for this property. As result, this sale shall be subject to the statutory condition, imposed by Section 10(A) of the Housing Amendment Act, Act 4 of 2001 in favour of the Western Cape Provincial Government, which condition inter-alia prescribes that the Owner shall not sell or otherwise alienate the property within a period of eight years from the date of sale, unless it has first been offered to the housing department of the Western Cape Provincial Government at no cost to the said Provincial Government."
(n) The Developer to ensure that the top structures be positioned in such a way to permit expansion at a later stage and that the beneficiary has input as to the placing of the unit;

(o) Facilitation Grant will be paid in stages, i.e. 50% on project approval and signing of Contract Agreement, 30% on beneficiary approval and 20% on completion of top structures in line with the Service Level Agreement;

(p) Payment of grant funding is subject to the Department’s Directorate: People’s Housing and Empowerment Process providing a Social Compact assessment report supporting the allocation of such funding;

(q) No payments other than Facilitation and Establishment grant funding, shall be made until:

[i] The Developer: Knysna Municipality confirms, in writing, that none of the 120 beneficiaries are members of the South African Homeless People’s Federation (S.A.H.P.F.) who have agreed to provide the Department, for checking purposes, with a full list of all their members in the Western Cape Area by not later than thirty days after the approval of the project; and

[ii] In the event of any Beneficiary being a member of the S.A.H.P.F. then the Developer must obtain a certified statement from the office of the S.A.H.P.F. confirming that they have no objection to such Beneficiary opting to go the people driven process route and that the Federation will take all the necessary steps to ensure that such Beneficiary has no access to monies from the uTshani Fund;

(r) Your Council appoints a Certifier who should be a suitably qualified and experienced person e.g. an architect, civil engineer or similar profession, or should be a competent person identified by the Support Organisation and should have the ability to provide construction related technical support to the project. The Certifier cannot be in the employ or have any links with the material supplier. The appointment of the Certifier must be approved by the Department;

(s) The Developer must register the project and report progress of this project on either the Expanded Public Works Programme (EPWP) Management Information System (MIS) or the Integrated Reporting System (IRS). Progress must be recorded quarterly and within 22 calendar days after the end of each quarter;

(t) The Developer to implement and manage the project within the Indicative allocation; and

(u) The Developer to ensure that the pre-emptive right referred to in Section 10A (1) of the Housing Amendment Act, 2001 (Act 4 of 2001) is written into the Sale Agreement and Title Deed of every Beneficiary i.e.:

"... It is hereby recorded that the Purchaser, on the strength of his/her personal information as provided by him/her, will be granted a housing subsidy, as defined in the National Housing Code, for this property. As result, this sale shall be subject to the statutory condition, imposed by Section 10(A) of the Housing Amendment Act, Act 4 of 2001 in favour of the Western Cape Provincial Government, which condition inter-alia prescribes that the Owner shall not sell or otherwise alienate the property within a period of eight years from the date of sale, unless it has first been offered to the housing department of the Western Cape Provincial Government at no cost to the said Provincial Government."
KNYSNA MUNICIPALITY: ETHEMBENI HOUSING PROJECT: 200 HOUSES: STAGE 4: APPLICATION FOR CONDITIONAL APPROVAL FOR THE (I) CONSTRUCTION OF 200 HOUSES; (II) ALLOCATION OF A DISABILITY ALLOWANCE TO 10 UNITS AND (III) HOUSE PLANS IN TERMS OF THE PEOPLE’S HOUSING EMPOWERMENT PROCESS (PHEP)

I have pleasure to inform you that your application has been approved per resolution number 16/79 dated 02 September 2016 and it reads as follows:

(a) The project as a **Second Contract Agreement** in terms of the People’s Housing Empowerment, in the subsidy amount of **R24 436 290.00**; (based on the 2014/2015 subsidy quantum); comprised as follows:

<table>
<thead>
<tr>
<th>Phase</th>
<th>Units</th>
<th>Category</th>
<th>Quantum</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houses</td>
<td>200</td>
<td>Top Structures</td>
<td>2014/2015</td>
<td>R 23 850 000.00</td>
</tr>
<tr>
<td>Disability Allowance</td>
<td>10</td>
<td>Disability Allowance</td>
<td>2014/2015</td>
<td>R 531 890.00</td>
</tr>
<tr>
<td>Facilitation Funding</td>
<td>200</td>
<td></td>
<td></td>
<td>R 54 400.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>200</strong></td>
<td></td>
<td></td>
<td><strong>R 24 436 290.00</strong></td>
</tr>
</tbody>
</table>

(b) The financial details for the construction of 200 houses, in the subsidy amount of **R23 850 000.00**; (based on the 2014/2015 subsidy quantum); comprised as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Units</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsidy</td>
<td>200</td>
<td>R 106 956.00</td>
<td>R 21 391 200.00</td>
</tr>
<tr>
<td>Geo-technical variance</td>
<td>200</td>
<td>R 7 011.00</td>
<td>R 1 402 200.00</td>
</tr>
<tr>
<td>External Plaster</td>
<td>200</td>
<td>R 5 283.00</td>
<td>R 1 056 600.00</td>
</tr>
<tr>
<td><strong>Sub -Total</strong></td>
<td><strong>200</strong></td>
<td><strong>R 119 250.00</strong></td>
<td><strong>R 23 850 000.00</strong></td>
</tr>
<tr>
<td><em>Less retention costs to be retained as a separate tranche</em></td>
<td>200</td>
<td>R 2 000.00</td>
<td>R 400 000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>200</strong></td>
<td><strong>R 117 250.00</strong></td>
<td><strong>R 23 450 000.00</strong></td>
</tr>
</tbody>
</table>
NOTE:

The transfer of the property into the name of an approved beneficiary remains the responsibility of the Municipality. The retention amount of R2 000.00 consisting of R1 000.00 in respect of transfer fees and an additional amount R1 000.00 will only be released on receipt of a claim accompanied by proof that the property in question has been transferred into the name/s of an approved beneficiary/ies.

NOTE:

Directorate: Human Settlement Regional Support - Eden recommended an amount of 6.3% (R 7 011.00), for geo-tech variance on top structures in line with the variance calculator:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description of site conditions</th>
<th>Top Structures: Additional cost per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2</td>
<td>Erodibility of Soil: Medium risk</td>
<td>R 615.59</td>
</tr>
<tr>
<td>6.1</td>
<td>Collapsing Sands: Category 1, Class C1 Compaction below footings</td>
<td>R 3 211.20</td>
</tr>
<tr>
<td>10.5</td>
<td>Topography of the site: Terracing for houses Additional earthworks to roads Stormwater control measures</td>
<td>R 546.14</td>
</tr>
<tr>
<td>12</td>
<td>Location Adjustment: Mayor Centre: George (Distance: 68 km) % allowance on material cost: 2%</td>
<td>R 2 000.86</td>
</tr>
<tr>
<td>Sub – Total</td>
<td>Add 10% Professional Fees</td>
<td>R 6 373.79</td>
</tr>
<tr>
<td></td>
<td>Total Geo – Technical Variance</td>
<td>R 7 011.17</td>
</tr>
<tr>
<td></td>
<td>Total (rounded)</td>
<td>R 7 011.00</td>
</tr>
</tbody>
</table>

(c) The financial details for the allocation of Disability Funding to 10 units in the subsidy amount of R 531 890.00 calculated as follows: R 164 136.00 – R110 947 = R 53 189.00: 5% of 200 units = 10 x R 53 189 = R 531 890.00

(d) Approval for Facilitation Funding in the subsidy amount of R 54 400.00: comprised as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Units</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilitation Funding</td>
<td>200</td>
<td>R272.00</td>
<td>R 54 400.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>200</td>
<td>R272.00</td>
<td>R 54 400.00</td>
</tr>
</tbody>
</table>

NOTE:

No Establishment Grant Funding has been included – A separate application for this funding must be submitted

TOTAL PROJECT VALUE = [b] + [c] + [d]:

Page 2 of 5
(e) Approval of Knysna Municipality as Accounts Administrator (AA); and

(f) Approval of house plans

The approval is subject to the following conditions:

(g) Beneficiaries falling in the R0 – R3 500.00 per month income category being provided with fully enclosed top structure of minimum size 40m², consisting of:
   - 2 x bedrooms;
   - 1 x separate bathroom with a shower;
   - 1 x hand basin and a toilet
   - 1 x combined kitchen living area; and
   A Pre-paid ready board electrical installation, comprising a distribution board with lights and plugs to all living areas of the house.

The Developer to comply with the conditions and standards;

(h) NOTWITHSTANDING WHAT MAY BE INDICATED ON THE PLANS AND ACCOMPANYING SPECIFICATION SUBMITTED WITH THE APPLICATION FOR PROJECT APPROVAL, ALL BUILDING WORK AND MATERIALS SHALL COMPLY WITH THE FOLLOWING MINIMUM STANDARDS.

(i) All building work and materials shall comply with the regulations of the SANS 10400 XA and the Department’s Minimum building and materials specification, as set out in the Housing Standards March 2014 of Circular C1 of 2014;

(ii) Approved in-principle drawings for each house type must be approved by the Municipality and attached to the Agreement prior to any work on the top-structures commencing; and

(iii) The responsible representative of the Local Authority’s building department must carry out an inspection to approve the foundations of the structures.

(i) The Developer to submit a construction and cash flow programme as soon as the project has received approval by the Department but prior to the contract agreement is signed;

(j) The Developer shall institute claims for progress payments upon the achievement of milestones as specified in the Project Programme;

(k) The Contract Agreement between the Developer and the Department shall not be signed until such time as the Department confirms in writing and provides evidence that they will use their Building Inspectorate to monitor and control the project to ensure the erection of top structures is of an acceptable standard;

(l) A competent professional Engineer to provide the foundation design and foundation construction. The Municipality to submit proof that the foundation design has been approved by a competent
professional engineer in line with the prevailing geo-technical conditions before payment of the variance amount;

(m) A copy of working drawings approved by the Local Authority must be submitted to the Departmental Inspectorate Services before construction of top structures commences. All deviations must be brought to the attention of the Department via the Project Approval Route and will be referred to the technical team for consideration and subsequent approval;

(n) The Developer to ensure that the top structures be positioned in such a way to permit expansion at a later stage and that the beneficiary has input as to the placing of the unit;

(o) Facilitation Grant will be paid in stages, i.e. 50% on project approval and signing of Contract Agreement, 30% on beneficiary approval and 20% on completion of top structures in line with the Service Level Agreement;

(p) No payments other than Facilitation and Establishment grant funding, shall be made until:

[i] The Developer: Knysna Municipality confirms, in writing, that none of the 200 beneficiaries are members of the South African Homeless People’s Federation (S.A.H.P.F.) who have agreed to provide the Department, for checking purposes, with a full list of all their members in the Western Cape Area by not later than thirty days after the approval of the project; and

[ii] In the event of any Beneficiary being a member of the S.A.H.P.F. then the Developer must obtain a certified statement from the office of the S.A.H.P.F. confirming that they have no objection to such Beneficiary opting to go the people driven process route and that the Federation will take all the necessary steps to ensure that such Beneficiary has no access to monies from the uTshani Fund;

(q) The Developer must register the project and report progress of this project on either the Expanded Public Works Programme (EPWP) Management Information System (MIS) or the Integrated Reporting System (IRS). Progress must be recorded quarterly and within 22 calendar days after the end of each quarter;

(r) The Department to implement and manage the project within the Indicative allocation; and

(s) The Developer to ensure that the pre-emptive right referred to in Section 10A (1) of the Housing Amendment Act, 2001 (Act 4 of 2001) is written into the Sale Agreement and Title Deed of every Beneficiary i.e.:

“... it is hereby recorded that the Purchaser, on the strength of his/her personal information as provided by him/her, will be granted a housing subsidy, as defined in the National Housing Code, for this property. As result, this sale shall be subject to the statutory condition, imposed by Section 10(A) of the Housing Amendment Act, Act 4 of 2001 in favour of the Western Cape Provincial Government, which condition inter-alia prescribes that the Owner shall not sell or otherwise alienate the property within a period of eight years from the date of sale, unless it has first been offered to the housing department of the Western Cape Provincial Government at no cost to the said Provincial Government.”

(t) The Developer to ensure that the contractor is registered with the NHBRC and provide the NHBRC registration documents prior to the signing of the Agreement;
The construction of top structures and payment thereof is subject to NHBRC Home Enrolment. The Developer to submit the required documentation to the Department in regards to this;

WITH FURTHER CONDITIONS:

The Developer to note that funding will only be released on proof and inspection by the Department’s Works Inspector confirming completion of the additional precautionary measures to the respective units for beneficiaries with disabilities;

The Developer to note that additional funding in terms of the Disability variance is only available to persons with special needs, whose existing subsidy approvals will have to be revised through submitting a completed “Appendix I” of the subsidy application form. Disabled persons/beneficiaries therefore need to be identified at an early stage of the construction to accommodate their particular requirement;

The Municipality to confirm that they are in the process of transferring the properties to the potential beneficiaries before submitting the subsidy applications.

The commencement of the construction of houses is subject to beneficiaries, selected in terms of Circular C10 of 2015, being approved as per the Housing Subsidy System (HSS).

Yours sincerely,

HEAD OF DEPARTMENT: HUMAN SETTLEMENTS
DATE: 05/09/2016
The Municipal Manager  
Knysna Municipality  
P O Box 21  
KNYSNA  
6570  

Attention: Mr M Penxa  


I have the pleasure to inform you that your application has been approved per resolution number 16/28 dated 29 August 2016 and it reads as follows:  

(a) The financial details of the project as a Second Contract Agreement, in terms of the People's Housing Empowerment Process (PHEP) in the subsidy amount of **R 26 455 539.00**; (based on the 2015/2016 subsidy quantum);  

<table>
<thead>
<tr>
<th>Phase</th>
<th>Units</th>
<th>Category</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Houses</td>
<td>220</td>
<td>2015/2016 subsidy quantum</td>
<td>R 25 810 620.00</td>
</tr>
<tr>
<td>Disability allowance</td>
<td>11</td>
<td>2015/2016 subsidy quantum</td>
<td>R 585 079.00</td>
</tr>
<tr>
<td>Grant Funding</td>
<td>220</td>
<td></td>
<td>R 59 840.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>220</strong></td>
<td></td>
<td><strong>R 26 455 539.00</strong></td>
</tr>
</tbody>
</table>

(b) The financial details for the construction of 220 houses in the subsidy amount of **R 25 810 620.00**; (based on the 2015/2016 subsidy quantum); comprised as follows  

<table>
<thead>
<tr>
<th>Category</th>
<th>Units</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsidy</td>
<td>220</td>
<td>R 106 956.00</td>
<td>R 23 530 320.00</td>
</tr>
<tr>
<td>*Geo-tech Variance (rounded)</td>
<td>220</td>
<td>R 5 082.00</td>
<td>R 1 118 040.00</td>
</tr>
<tr>
<td>External plaster</td>
<td>220</td>
<td>R 5 283.00</td>
<td>R 1 162 260.00</td>
</tr>
<tr>
<td><strong>Sub Total</strong></td>
<td><strong>220</strong></td>
<td><strong>R 117 321.00</strong></td>
<td><strong>R 25 810 620.00</strong></td>
</tr>
<tr>
<td>*Less Transfer to be retained as a separate Tranche</td>
<td>220</td>
<td>R 2 000.00</td>
<td>R 440 000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>220</strong></td>
<td><strong>R 115 321.00</strong></td>
<td><strong>R 25 370 620.00</strong></td>
</tr>
</tbody>
</table>
NOTE:
The top structure subsidy quantum makes provision for an amount of R1000.00 for "Transfer Costs" and an additional R1000.00 for retention fees. The administration of transferring the property into the name of the beneficiary remains the responsibility of the Local Authority. An amount of R2000.00 per beneficiary will therefore be made available to the Local Authority, from the total amount of the top structure subsidy, in order to affect transfer of the properties into the beneficiaries names. This amount will be released to the Local Authority on proof that the relevant properties in the Xolweni Peoples Housing Project have been transferred into the names of the relevant beneficiaries.

Note:
Human Settlement Regional Support - Eden recommended a maximum allowance of 4.6% (R 5 082.27), for geo-technical variance on top structures in line with the variance calculator:

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description of site conditions</th>
<th>Services</th>
<th>Top Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Water table less than 1m: Sub-Surface drainage Improved damp proofing to houses Dewatering of services trenching during construction</td>
<td>R 724.13</td>
<td>R 382.93 R 306.88</td>
</tr>
<tr>
<td>2.1</td>
<td>Erodibility of soil: Category 1, High Risk, Retaining walls Earthworks to reduce slopes Surface drainage</td>
<td>R 1 183.11</td>
<td>R 476.66 R 138.93</td>
</tr>
<tr>
<td>5.1</td>
<td>Expansive Clays: Category 1, Class H, Modified normal foundation</td>
<td></td>
<td>R 767.85</td>
</tr>
<tr>
<td>10.5</td>
<td>Topography of the site: Category 5, Slope between more than 1:5 Terracing for houses Additional earthworks to roads Stormwater control measures</td>
<td>R 331.02 R 1 622.80</td>
<td>R 546.14</td>
</tr>
<tr>
<td>12</td>
<td>Location adjustment: Major centre: George (distance: 68 km) % allowance on material cost: 2%</td>
<td></td>
<td>R 1 183.88 R 816.98</td>
</tr>
<tr>
<td></td>
<td>Sub - Total</td>
<td>R 3 861.06 R 4 620.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Add 10% Professional Fees</td>
<td>R 386.11 R 462.02</td>
<td></td>
</tr>
<tr>
<td>Geo-technical Variance</td>
<td></td>
<td>R 4 247.17 R 5 082.27</td>
<td></td>
</tr>
</tbody>
</table>

(c) The financial details for the allocation of the Disability allowance for 11 houses in the amount of R 585 079.00; (based on the 2014/2015 subsidy quantum); calculated as follows:
R 164 136.00 – R 110 947 = R 53 199.00: 5% of 220 units = 11 x R 53 189

(d) Approval for Grant Funding in the amount of R 59 840.00; comprised as follows: -

<table>
<thead>
<tr>
<th>Category</th>
<th>Units</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilitation Grant</td>
<td>220</td>
<td>R 272.00</td>
<td>R 59 840.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>220</td>
<td>R 272.00</td>
<td>R 59 840.00</td>
</tr>
</tbody>
</table>
No establishment Grant Funding has been included- A separate application for this funding must be submitted.

\[
\text{The Total Project Value} = [b] + [c] + [d]
\]

\[
i.e. \quad \begin{array}{l}
R 25810620.00 \\
R 585079.00 \\
R 59640.00 \\
R 26455539.00 \\
\end{array}
\]

(e) Approval of House Plans

(f) Approval of your Council as Account Administrator (AA)

**WITH THE FOLLOWING CONDITIONS:**

(g) The construction of top structures is subject to it being constructed for approved beneficiaries per the HSS (Housing Subsidy System) who have been prioritised in terms of Circular C10 of 2015, as amended on 19/08/2016.

(h) Beneficiaries falling in the R0 – R3 500.00 per month income category being provided with fully enclosed top structure of minimum size 40m², consisting of:

- 2 x bedrooms;
- 1 x separate bathroom with a shower;
- 1 x hand basin and a toilet
- 1 x combined kitchen living area; and
- A Pre-paid ready board electrical installation, comprising a distribution board with lights and plugs to all living areas of the house.

The Developer to comply with the conditions and standards;

(i) NOTWITHSTANDING WHAT MAY BE INDICATED ON THE PLANS AND ACCOMPANYING SPECIFICATION SUBMITTED WITH THE APPLICATION FOR PROJECT APPROVAL, ALL BUILDING WORK AND MATERIALS SHALL COMPLY WITH THE FOLLOWING MINIMUM STANDARDS.

(ii) All building work and materials shall comply with the regulations of the SANS 10400 XA and the Department’s minimum building and materials specification, as set out in the Housing Standards March 2014 of Circular C1 of 2014;

(iii) Approved in-principle drawings for each house type must be approved by your Council and attached to the Agreement prior to any work on the top-structures commencing; and

(iv) The responsible representative of your Council’s building department must carry out an inspection to approve the foundations of the structures.

(j) The Developer to submit a construction and cash flow programme as soon as the project has received approval by the Department but prior to the contract agreement is signed;
(k) The Developer shall institute claims for progress payments upon the achievement of milestones as specified in the Project Programme;

(l) The Contract Agreement between the Developer and the Department shall not be signed until such time as the Department confirms in writing and provides evidence that they will use their Building Inspectorate to monitor and control the project to ensure the erection of top structures is of an acceptable standard;

(m) A competent professional Engineer to provide the foundation design and foundation construction. Your Council to submit proof that the foundation design has been approved by a competent professional engineer in line with the prevailing geo-technical conditions before payment of the variance amount;

(n) A copy of working drawings approved by your Council must be submitted to the Departmental Inspectorate Services before construction of top structures commences. All deviations must be brought to the attention of the Department via the Project Approval Route and will be referred to the technical team for consideration and subsequent approval;

(o) The Developer to ensure that the top structures be positioned in such a way to permit expansion at a later stage and that the beneficiary has input as to the placing of the unit;

(p) Facilitation Grant will be paid in stages, i.e. 50% on project approval and signing of Contract Agreement, 30% on beneficiary approval and 20% on completion of top structures in line with the Service Level Agreement;

(q) Payment of Establishment grant funding is subject to the Department’s Directorate: People’s Housing and Empowerment Process providing a Social Compact assessment report supporting the allocation of such funding;

(r) No payments other than Facilitation and Establishment grant funding, shall be made until:

[i] The Developer: confirms, in writing, that none of the 220 beneficiaries are members of the South African Homeless People’s Federation (S.A.H.P.F.) who have agreed to provide the Department, for checking purposes, with a full list of all their members in the Western Cape Area by not later than thirty days after the approval of the project; and

[ii] In the event of any Beneficiary being a member of the S.A.H.P.F. then the Developer must obtain a certified statement from the office of the S.A.H.P.F. confirming that they have no objection to such Beneficiary opting to go the people driven process route and that the Federation will take all the necessary steps to ensure that such Beneficiary has no access to monies from the uTshani Fund;

(s) The Developer appoints a Certifier who should be a suitably qualified and experienced person e.g. an architect, civil engineer or similar profession, or should be a competent person identified by the Support Organisation and should have the ability to provide construction related technical support to the project. The Certifier cannot be in the employ or have any links with the material supplier. The appointment of the Certifier must be approved by the Department;

(t) The Developer must register the project and report progress of this project on either the Expanded Public Works Programme (EPWP) Management Information System (MIS) or the Integrated
8. Closure

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