(I) TABLE OF CONTENTS

SECTION A : BACKGROUND ............................................................................................................. 1
1. BACKGROUND ............................................................................................................................. 1
2. THE AMENDED APPLICATION .................................................................................................... 2
3. PROPERTY DESCRIPTION SIZE AND OWNERSHIP ................................................................. 2

SECTION B : AMENDED DEVELOPMENT PROPOSAL ................................................................. 4
4.1. Proposed Development .................................................................................................................. 4
5.1. Rezoning to 'General Residential Zone' ................................................................................ 5
5.2. Permanent Departures .................................................................................................................. 6
5.3. Comparison of Original Application vs Amended application .............................................. 8
5.4. Services Infrastructure ................................................................................................................... 9

SECTION C : CONTEXTUAL INFORMANTS ................................................................................. 10
6. LOCALITY ...................................................................................................................................... 10
7. CURRENT LAND USE & ZONING ................................................................................................ 10
7.1. Land Use ................................................................................................................................... 10
7.2. Zoning ....................................................................................................................................... 11
8. CHARACTER OF THE AREA ........................................................................................................... 11
9. EXISTING POLICY FRAMEWORKS ............................................................................................ 13
9.1. Western Cape Provincial SDF (2014) ...................................................................................... 13

SECTION D : MOTIVATION ............................................................................................................. 15
10. CONSISTENCY WITH SPATIAL PLANNING POLICIES ........................................................... 17
11. CONSISTENCY WITH THE CHARACTER OF THE SURROUNDING AREA .......................... 17
12. ACCESSIBILITY OF THE AREA ................................................................................................... 18
13. HOUSING DEMAND ...................................................................................................................... 18
14. NO IMPACT ON EXISTING RIGHTS .......................................................................................... 18
15. NO IMPACT ON EXISTING SERVICES CAPACITY ................................................................. 19
16. PARKING REQUIREMENTS .......................................................................................................... 19
17. RELEVANT CONSIDERATIONS, WESTERN CAPE - ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING ...................................................................................... 20
18. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) .......................... 21
18.1. Spatial Justice ........................................................................................................... 22
18.2. Spatial Sustainability ............................................................................................... 22
18.3. Spatial Efficiency ..................................................................................................... 23
18.4. Spatial Resilience ..................................................................................................... 24
18.5. Good Administration ............................................................................................... 24
19. CONCLUSION ............................................................................................................. 25

(II) ANNEXURES

ANNEXURE A. Power of Attorney
ANNEXURE B. Application Form
ANNEXURE C. Copy of Title Deed & Windeed Copy
ANNEXURE D. S.G. Diagram (No. 242/1899)
ANNEXURE E. Pre-Application Agenda (10 July 2019)
ANNEXURE F. Civil Services Report
ANNEXURE G. Bond Holders Consent
ANNEXURE H. Meeting Agenda & Attendance Register (DTS Meeting) (22 July 2019)
ANNEXURE I. Previous Subdivision Approval (March 1996)

(III) PLANS

PLAN 1. Locality Plan
PLAN 2. Land Use Plan
PLAN 3. Site Development Plan (Architectural Drawing)
PLAN 4. Site Survey

(IV) TABLE OF FIGURES

FIGURE 1. Locality of Objectors ......................................................................................... 1
FIGURE 2. Proposed Development - Faure Street Elevation ............................................. 4
FIGURE 3. Proposed Flats .................................................................................................. 5
FIGURE 4. Locality ............................................................................................................. 10
FIGURE 5. Current Land Use on Knysna Erf 303 ......................................................... 11
FIGURE 6. Land Uses ....................................................................................................... 12
FIGURE 7. Character of the Area ..................................................................................... 12
FIGURE 8. Knysna Erf 3535 ............................................................................................ 13
FIGURE 9. Knysna Erf 3502 ............................................................................................ 13
FIGURE 10. Knysna Erf 4292 ................................................................. 13
FIGURE 11. Knysna Erf 16059 ............................................................. 13
FIGURE 12. Extract from the Knysna SDF ........................................ 14
FIGURE 13. Sign on Knysna Erf 4292 ............................................... 17
FIGURE 14. On Site Parking Provision ............................................... 19
1. BACKGROUND

During August 2019, an application for the rezoning of Knysna Erf 303 was submitted to Knysna Municipality. The development proposal was for the development of a block of flats, containing 3-floors, with (6) units in total.

The rezoning application was duly advertised, and several objections were received from the surrounding landowners. The objectors were:

- Erf 4291 Dr H Bruwer (Forest Joy Self-Catering Accommodation)
- Erf 4292 S Bruwer (Forest Joy Self-Catering Accommodation)
- Erf 3535, represented by Adv. J Bruwer (Chateau Du Blois Flats)
- Erf 3460, Greg Speed Family Trust (non-resident, owner)

The locality of the objectors, in relation of the application area, is shown in the figure below:

![Locality of Objectors](image)

**Figure 1: Locality of Objectors**

The nature of the objections relates to:

- The impact on the character of the area;
- Perceived negative impacts during the construction phase,
- Perceived traffic and parking constraints, and
The height of the proposed development.

The applicant decided to **amend the development proposal** in terms of Section 52(1) of the Knysna Municipality’s Land Use Planning By-Law, 2016 to accommodate the objectors and to address their concerns.

This report serves as an “addendum” to the original application that was submitted during August 2019.

2. **THE AMENDED APPLICATION**

The amended application is for the rezoning of the application area to “General Residential Zone”, for the development of only (4) flats, limited to (2) storeys. The land development applications that will be required is as follow:

(i) The rezoning of Knysna Erf 303 from ‘Single Residential Zone’ to ‘General Residential Zone’, in terms of Section 15(2)(a) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, to allow four (4) ‘Flats’;

(ii) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, for the following building line relaxations (as per the Site Development Plan):

   [a] Relaxation of the street building line (along Faure Street) from 8m to 2.8m to allow the proposed refuse room (as per the SDP) on Knysna Erf 303;

   [b] Relaxation of the western lateral building line from 4.5m to 2.5m to allow the proposed refuse room (as per the SDP) on Knysna Erf 303;

   [c] Relaxation of the western lateral building line from 4.5m to 1.5m to allow the proposed stairs (as per the SDP) on Knysna Erf 303.

3. **PROPERTY DESCRIPTION SIZE AND OWNERSHIP**

A copy of the Title Deed & Windeed Copy that includes the information outlined below is contained in **ANNEXURE C**. Surveyor General Diagram (SG No. 242/1899) for the application area is contained in **ANNEXURE D**.

- **Erf Number**: 303
- **Title Deed Number**: T033667/2001
- **Property Owners**: David Dalton
  - ID – 6005255030002
- **Property Description**: Remainder Erf 303 Knysna, in the municipality and division of Knysna, Province of Western Cape
- **Property Size**: 912m² (Nine Hundred and Twelve Square Metres)
- **Title Deed Restrictions**: There is no title deed restriction that could prevent the application for rezoning to allow flats.
- **Servitudes**: There are no servitudes registered over the property. Refer to the attached Surveyor General Diagram for the property in **ANNEXURE D**.
Bonds: There is a bond register over the property. Please see attached bond holders’ consent, attached as ANNEXURE G.
4. DEVELOPMENT SPECIFICATIONS

4.1. Proposed Development
(Refer to Plan 3: Site Development Plan (Architectural Drawing))

Knysna Erf 303 is currently vacant, as the existing dwelling house was destroyed in the Knysna Fires (June 2017). The applicant wishes to construct (4) flats / units on the application area.

A total of (4) flats / units is proposed on the subject property. The property will receive direct access from the existing access via Faure Street with a controlled security gate. There is a total of (8) parking bays provided on the northern side of the property. On the southern side of the property is (4) flats proposed, (2) flats on the ground floor and (2) flats on the 1st floor.

The amended site development plan is shown in the figure below:

![Figure 2: Proposed Development - Faure Street Elevation](image-url)
4.1.1. Proposed Flats

The ground floor consists of (2) flats / units (Unit 3 & Unit 4) while the 1st floor will also consist out of (2) flats (Unit 1 & Unit 2).

<table>
<thead>
<tr>
<th>UNITS</th>
<th>COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor</td>
<td></td>
</tr>
<tr>
<td>Unit 1</td>
<td>121.16m²</td>
</tr>
<tr>
<td>Unit 2</td>
<td>121.8m²</td>
</tr>
<tr>
<td>Ground Floor</td>
<td></td>
</tr>
<tr>
<td>Unit 3</td>
<td>130.16m²</td>
</tr>
<tr>
<td>Unit 4</td>
<td>130.8m²</td>
</tr>
</tbody>
</table>

Figure 3: Proposed Flats

5. STATUTORY SPECIFICATIONS

The following land development applications are lodged in terms of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, to achieve the desired outcome:

5.1. Rezoning to ‘General Residential Zone’

Knysna Erf 303 is currently zoned ‘Single Residential Zone’ in terms of the Knysna Zoning Scheme Regulations. The applicant wishes to rezone to ‘General Residential Zone’ to lawfully construct flats on the property.
In order to allow the proposed use of ‘flats’ it is necessary to rezone the subject property from ‘Single Residential Zone’ to ‘General Residential Zone’; in terms of Section 15(2)(a) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning.

### 5.2. Permanent Departures

The development proposal is to allow the development of (4) ‘flats’ on the property. The Knysna Zoning Scheme Regulations prescribe certain parameters for ‘flats’ on properties zoned as ‘General Residential Zone’. The proposal does not comply to all the development parameters as set out in the Zoning Scheme; thus, certain permanent departures are required. The table below illustrate the development parameters of ‘General Residential Zone’ applicable to ‘flats’; and the compliance of the proposed development:
<table>
<thead>
<tr>
<th><strong>GENERAL RESIDENTIAL ZONE</strong> (FLATS)</th>
<th><strong>PROPOSED DEVELOPMENT</strong></th>
<th><strong>COMPLIANCE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary Use</strong></td>
<td>flats, licensed hotels without off-sales facilities and residential buildings which do not conduct off-sales establishments</td>
<td>(4) x Flats</td>
</tr>
<tr>
<td><strong>Floor Factor</strong></td>
<td>1</td>
<td>To be determined</td>
</tr>
<tr>
<td><strong>Coverage</strong></td>
<td>50%</td>
<td>To be determined</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>at most 12m above the natural ground level directly below a given point or portion of the building</td>
<td>2 storeys (8m)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(at no point does the proposed building encroach the 12m height restriction)</td>
</tr>
<tr>
<td><strong>Street Building Line</strong></td>
<td>8m</td>
<td>2.8m = Refuse Room</td>
</tr>
<tr>
<td><strong>Lateral/Rear Building Line</strong></td>
<td>building lines in respect of the lateral and rear boundaries shall be 4.5m or equal to half of the height of the building, whichever is the greater</td>
<td>Western (4.5m): 2.5m = proposed refuse room 1.5m = proposed stairs</td>
</tr>
<tr>
<td>Building Height:</td>
<td>Eastern side = 8m</td>
<td>Western (4.5m): 2.5m = proposed refuse room</td>
</tr>
<tr>
<td></td>
<td>Western side = 8m</td>
<td>1.5m = proposed stairs</td>
</tr>
<tr>
<td></td>
<td>Rear = 8m</td>
<td></td>
</tr>
<tr>
<td>Prescribed building lines:</td>
<td>Eastern lateral building line = 4.5m</td>
<td>Western lateral building line = 4.5m</td>
</tr>
<tr>
<td></td>
<td>- Rear building line = 4.5m</td>
<td></td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>1 parking bay for every dwelling unit plus 1 bay for every 2 units provided for guests</td>
<td>Required: 4 units – 4 bays Visitors – 2 bays Required = 6 bays Provided = 8 bays</td>
</tr>
</tbody>
</table>

The required departures include:

- A permanent departure for the relaxation of the street building line (along Faure Street) from 8m to 2.8m to allow the proposed refuse room on Erf 303;
- A permanent departure for the relaxation of the western lateral building line from 4.5m to 2.5m to allow the proposed refuse room on Knysna Erf 303;
- A permanent departure for the relaxation of the western lateral building line from 4.5m to 1.5m to allow the proposed stairs on Knysna Erf 303.

The actual building is well within the building lines of Knysna Erf 303. The only structures within the building lines is the refuse room on the northern side of the property and the staircase on the western side of the boundary. No part of the actual building encroaches the building lines.
### 5.3. Comparison of Original Application vs Amended application

The table below is a summary of the original application as submitted, versus the amended application, after the SDP was amended. From this table it is clear that the amended development proposal requires significantly less departures, than the original application:

<table>
<thead>
<tr>
<th>August 2019 Application</th>
<th>March 2020 Amended Application</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rezoning:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The rezoning of Knysna Erf 303 from 'Single Residential Zone' to 'General Residential Zone'; in terms of Section 15(2)(a) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, <strong>to allow (6) 'Flats'</strong></td>
<td>The rezoning of Knysna Erf 303 from 'Single Residential Zone' to 'General Residential Zone'; in terms of Section 15(2)(a) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, <strong>to allow four (4) 'Flats'</strong></td>
<td>Rezoning application still applicable, the amended application proposes (2) flats less than the initial application.</td>
</tr>
<tr>
<td><strong>Permanent Departures:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>[a]</strong> Relaxation of the street building line (along Faure Street) from 8m to 0m to allow the proposed <strong>covered pedestrian entrance and stairs</strong> (as per the SDP) on Knysna Erf 303;</td>
<td>(i) <strong>Relaxation of the street building line</strong> (along Faure Street) from 8m to <strong>2.8m</strong> to allow the proposed <strong>refuse room</strong> (as per the SDP) on Knysna Erf 303;</td>
<td>No longer to 0m, but only to 2.8m for a refuse collection area</td>
</tr>
<tr>
<td><strong>[b]</strong> Relaxation of the street building line (along Faure Street) from 8m to 4.95m to allow the proposed basement (as per the SDP) on Knysna Erf 303;</td>
<td>Amendment renders this application redundant - no longer applicable</td>
<td>Withdrawn</td>
</tr>
<tr>
<td><strong>[c]</strong> Relaxation of the eastern lateral building line from 5.15m to 2.45m to allow the proposed escape stairs (as per the SDP) on Knysna Erf 303;</td>
<td>Amendment renders this application redundant - no longer applicable</td>
<td>Withdrawn</td>
</tr>
<tr>
<td><strong>[d]</strong> Relaxation of the eastern lateral building line from 5.15m to 4.5m to allow the proposed building (as per the SDP) on Knysna Erf 303;</td>
<td>Amendment renders this application redundant - no longer applicable</td>
<td>Withdrawn</td>
</tr>
<tr>
<td><strong>[e]</strong> <strong>Relaxation of the western lateral building line from 6m to 2.65m</strong> to allow the proposed refuse room (as per the SDP) on Knysna Erf 303;</td>
<td>(ii) <strong>Relaxation of the western lateral building line from 4.5m to 2.5m</strong> to allow the proposed refuse room (as per the SDP) on Knysna Erf 303;</td>
<td>No longer to 2.65m, but to 2.5m for a refuse collection area</td>
</tr>
<tr>
<td><strong>[f]</strong> Relaxation of the western lateral building line from 6m to 5.6m to allow the proposed building (as per the SDP) on Knysna Erf 303;</td>
<td>(iii) <strong>Relaxation of the western lateral building line from 4.5m to 1.5m</strong> to allow the proposed stairs (as per the SDP) on Knysna Erf 303</td>
<td>Because of lower building height, building line is only 4.5m and not 5.6m. Actual building does not encroach – only the staircase.</td>
</tr>
<tr>
<td><strong>[g]</strong> Relaxation of the rear building from 6m to 4.5m to allow the proposed basement, building and refuse room (as per the SDP) on Knysna Erf 303.</td>
<td>Amendment renders this application redundant - no longer applicable</td>
<td>Withdrawn</td>
</tr>
</tbody>
</table>
5.4. Services Infrastructure

Fraser Engineers were appointed to investigate the provision of engineering services. The study concluded that there is ample services capacity available to accommodate the proposed development.

The Knysna Municipality’s Technical Services Directorate had no objection to the development proposal but indicated that augmentation will be due on the proposed development.
SECTION C : CONTEXTUAL INFORMANTS

6. LOCALITY
   (Plan 1: Locality Plan)

Knysna Erf 303 is located at 5 Faure Street, Knysna. The property is located north of the N2 in the Westhill area. The coordinates for the centre of the property is located at 34° 2’2.47”S and 23° 2’30.44”E.

![Figure 4: Locality](image)

7. CURRENT LAND USE & ZONING

7.1. Land Use
   (Plan 2: Land Use Plan)

The application area is currently vacant, as the existing structures were destroyed during the Knysna fires (2017).
7.2. Zoning

Knysna Erf 303 is currently zoned “Single Residential Zone” in terms of the Knysna Zoning Scheme Regulations (1992).

8. CHARACTER OF THE AREA

Given the objections received, that questioned the character of the area, another land use survey was conducted of the land uses in the area surrounding the application area.

The area surrounding the application area is predominantly characterised by single residential, town houses; flats; tourist accommodation, community uses (Oakhill School) which is all within walking distance of the Knysna CBD.

Oakhill Private School is situated just north of the property, which is also within walking distance of the site.

The figure below shows the surrounding land uses within a 200m radius of the application area:
REZONING & DEPARTURES: KNYSNA ERF 303

**Figure 6: Land Uses**

**Figure 7: Character of the Area**
Several higher density residential uses exist within the surrounding area. Erf 3535 (Chateau de Blois), Erf 4292 (Forest Joy s/c Units), Erf 3502 (Guinea Fowl Lodge) and Erf 16059 (Group Housing) are all examples of properties used for higher density residential purposes.

![Figure 8: Knysna Erf 3535](image)
![Figure 9: Knysna Erf 3502](image)
![Figure 10: Knysna Erf 4292](image)
![Figure 11: Knysna Erf 16059](image)

The proposed general residential development will contribute to the medium density residential character of the area.

The application area is situated within walking distance of the Knysna CBD area and therefore are an ideal location for densification.

9. **EXISTING POLICY FRAMEWORKS**

9.1. **Western Cape Provincial SDF (2014)**

As discussed in the August 2019 application document, it is the considered opinion that the proposal is consistent with the Western Cape Provincial SDF, as the proposal is sensible densification, abutting an existing town housing development, and walking distance from the Oakhill School, and walking distance from the Knysna CBD.

9.2. **Knysna SDF (2017)**

The current approved Municipal SDF for Knysna Municipality is very vague when it comes to spatial development proposals. Some general statements were made that include:
• Equitable and inclusive access to spatial justice (improving access to opportunities, services and amenities) improving economic opportunities.

• The establishment of a network of “complete towns and villages” is proposed.

The application area is located within the urban edge and is considered suitable for urban development. The following spatial planning policies are encouraged for the area:

i. Knysna Town CBD Mixed Use and Densification Zone

New development should be prioritised, supported through infrastructure upgrades and incentivised within these nodes in favour of peripheral green field development.

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

**Planning Implication:**
The proposed Spatial Development Framework approved 7 June 2017 does not set any detailed guidelines or project proposal to support the spatial planning policies to guide Knysna to the desired spatial vision it wishes to achieve. Nonetheless, the property is in the area demarcated as the “Knysna CBD” and can be considered for urban development and densification.
This augmented motivation strives to motivate why the amended development proposal address the objections and concerns raised during the public participation process.

The main objections related to:

- **Character of the area**
  Knysna Erf 303 is located north of the N2 in Westhill area. The land use plan (Plan 2) illustrates all the land uses within a 200m radius of the application area. It is a mixture of businesses, institutional, vacant, single residential and general residential (town housing, group housing and B&B’s).

- **Quantum of the early morning sun**
  The main issue regarding this objection is that a 12m high building would affect his early morning sun over his deck and the entertainment area. The applicant had reduced the number of units from 6 to 4 and the height from 12m to 8m.

- **Driveway traffic**
  The driveway to the basement at first was proposed directly next to the boundary of the objector’s property. The new proposed access is situated further from the boundary line more to the middle of Knysna Erf 303. There also is a refuse room situated between the driveway and the boundary line.

- **Amount of windows**
  The objector was concerned of the 12 windows on the western side of the property that overlooked onto his property. The new proposal will have fewer windows and one less storey regarding the height and angle on which the residents could have looked down on the objector’s property.

Furthermore, the applicant is willing to address other concerns of the objector relating to:

- building hours that will be implemented once the construction phase begins,
- a traffic mirror on the corner of Westhill Drive will be placed at the cost of the applicant for safety purposes,
- also, the applicant agree that no objections would be raised if the objector would like to enclose his entertainment area in the future.

- **Construction phase**
  The objector is concerned that the area is not adequate to accommodate heavy industrial vehicles. The new proposal of (4) flats will have less impact on the streets than the construction of (6) flats. It is however important to note, that any construction (even the reconstruction of the burnt down house on Erf 303), will have some form of temporary inconvenience during the construction phase.
- **Municipal Services**

  The main concern regarding this topic is that water pressure is inadequate, and infrastructure is old and rusted. Although a professional engineer (Alister Fraser - Fraser Consulting Civil Engineering CC) concluded that (6) flats would be adequate given the current infrastructure, (4) flats would have even less impact on the municipal services.

  It should further be noted that the Municipal Engineers have not objected to services capacity to accommodate the proposed 6 (and now only 4) residential units in this area.

  - **Six Families**

    The objectors concern is that 6 new flats could potentially attract 12 people on Knysna Erf 303 with noise and traffic levels to increase. The new proposal of 4 flats will number it down to 8 people. The applicant is also willing to implement noise hours for the ease of the neighbours.

- **Site too small for 6 units**

  The objector states that Knysna Erf 303 is too small for 6 units to be constructed on the property. The amended plans only allow 4 units on the property reducing the number of units by 33%.

- **Peace and quietness**

  By reducing the total units from 6 to 4 will lead to less noise pollution and less traffic. The 4 proposed units will be more fitted and consistent with the objectors 4 town houses on the neighbouring property.

- **Fault finding in the motivation report as submitted**

  The main objection that was made throughout the report is the allegation that the application area is not within the CBD as stated in the original motivation report. Whether the subject property is within the CBD or not is not the point, the Knysna SDF illustrates a map as shown in the original motivation report with a blue circle of the Knysna CBD. Therefore, according to the municipality’s spatial planning policy, the application area is earmarked to be included in the Knysna CBD area.

  Suppose the applicant property is not within the CBD, it is surely within walking distance of the CBD. The attached land use plan illustrates all the land uses that is within 200m radius of the subject property. Figure 6 in this amendment report, clearly shows the land uses in the area surrounding the application area.

  Furthermore, the objector accuses the applicant several times of lying and using inappropriate and unprofessional language to strengthen her argument. In the original report is was mentioned that the objector’s property is ‘General Residential’ and the response from the objector is as follow: *The statement that my property, Erf 4292 is a "general residential" property is simply false. It is "single residential"*. The reason why this was mentioned in the original report is because there is a sign on the
objector’s property advertising self-catering units. How can the objector lawfully operate 4x self-catering units on a Single Residential property?

Figure 13: Sign on Knysna Erf 4292

10. CONSISTENCY WITH SPATIAL PLANNING POLICIES

The amended proposal is consistent with the relevant spatial planning policies for the following reasons:

(i) The application area is located within the urban edge of the Knysna Municipality and is suitable for urban development.

(ii) The proposed land use is on a brownfield site and operation of the residential component, will attract new economic activities within the established neighbourhood contributing to a functional and urban integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood and other economic activities throughout the town of Knysna.

(iii) The proposed development complies with the guidelines as set out for development within the CBD of Knysna. The proposal will allow for housing opportunities, improve densification and contribute to integrated land uses.

(iv) The proposal complies by encouraging densification and land-use integration, as encouraged by the structure plan.

(v) Further, the proposal is in line with the policies of the municipality, various spatial development frame works and local structure plans.

11. CONSISTENCY WITH THE CHARACTER OF THE SURROUNDING AREA

The area surrounding the application area is predominantly characterised by a mixture of residential, tourist accommodation; educational and local business uses. The application area is within the upper CBD area, which is encouraged to integrate land uses, with a predominant residential character.
The proposal is to allow (4x) ‘flats’, the proposal fits within the existing and recommended character of area. The amended proposal will therefore not impact negatively the character of the area. The primary dwelling house has burned down, as were some other surrounding properties like Knysna Erf 3536 which is across the street of Knysna Erf 303. Within the neighbourhood there is are examples of other properties that had undergone the same process redevelopment into higher density residential uses.

Knysna Erf 303 propose 4x flats with a maximum height of just over 8m from Natural Ground Level on the western side end well below 8m on the eastern side as well as in the middle of the property. The allowed height for ‘General Residential’ according to the Knysna Zoning Scheme is 12m. The owner proposes to limit the height to 8m (just above 8m on the western side) to fit in the character of the area. The maximum height for a dwelling house zoned ‘Single Residential Zone’ is 8m. The proposed rezoning won’t take away any more views of which a dwelling house could have done with its primary rights of 8m high.

The north eastern neighbouring property (Erf 3535) is zoned for town housing purposes, consisting of four, double storey town houses, with garages that encroach over the prescribed street building line.

12. ACCESSIBILITY OF THE AREA

Vehicular access and egress to the application area is obtained either via Westhill Drive that meets up with Faure Street or Agnar Street that meets up with Faure Street from the eastern side. Both these roads obtain access from the N2 which makes it highly accessible and preferable for high density destinations. The existing access to the property will be used, no new accesses are proposed. Vehicles will have enough and safe access and egress to the property.

13. HOUSING DEMAND

As a result of the Knysna Fires, many people have lost their homes. Knysna currently has a huge demand for higher density, more affordable residential opportunities. The proposal aims to contribute to the supply of residential opportunities. The proposal will present (4) families the opportunity to rent or buy a centrally located flat in Knysna.

14. NO IMPACT ON EXISTING RIGHTS

The amended proposal to accommodate 4 units will not impact any existing land use right currently enjoyed by neighbouring properties. No noise pollution will be allowed on the site. Tenants will be expected to respect the neighbouring properties’ sense of place.

The main purpose for the development will still be for residential purposes. Although this will result in a higher densification and be rezoned to ‘General Residential’, the land use will still be for people to reside in. The actual building will still be within its 4,5m and the average height of the building will be under 8m. The maximum height for single residential is also 8m.
15. NO IMPACT ON EXISTING SERVICES CAPACITY

The service report from Frazer Consulting Civil Engineers CC have concluded that there is enough service infrastructure capacity to accommodate the proposed development of (4) flats.

16. PARKING REQUIREMENTS

Given the fact that the property will operate ‘flats’ on the property, the proposed development will adhere to the parking requirements for ‘General Residential Zone’ as per the Knysna Zoning Scheme Regulations as set out for the certain land uses. The image below illustrates the locality of the proposed parking bays on the property. All parking bays will adhere to the specifications of the Technical Services Directorate of Knysna Municipality which is a 5.5m x 2.5m parking bay. According to the scheme regulations a total of (6) parking bays are required. The SDP indicate that a total of (8) x off-street parking bays will be provided.

<table>
<thead>
<tr>
<th>Parking</th>
<th>1 parking bay for every living unit plus 1 bay for every 2 units provided for and clearly marked for visitors to the satisfaction of the Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required:</td>
<td>4 units – 4 bays</td>
</tr>
<tr>
<td>Visitors – 2 bays</td>
<td></td>
</tr>
<tr>
<td>Total = 6 bays</td>
<td></td>
</tr>
<tr>
<td>Provided:</td>
<td>8 bays</td>
</tr>
</tbody>
</table>

The image below clearly indicates that there is more than sufficient space available on the property to accommodate the required (8) parking bays. A corner mirror is proposed in the south-western corner of the property, as per recommendation of Technical Services Directorate.

Figure 14: On Site Parking Provision
## 17. RELEVANT CONSIDERATIONS, WESTERN CAPE - ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

The following key considerations are considered to determine the desirability of the proposed land use:

<table>
<thead>
<tr>
<th>ELEMENTS FOR CONSIDERATION</th>
<th>KEY QUESTIONS TO ASK</th>
<th>AMENDED PROPOSAL’S DESIRABILITY</th>
</tr>
</thead>
</table>
| Economic impact            | Positive or Negative impact on neighbourhood / settlement? | ▪ Positive economic impact  
▪ Additional expenditure in area  
▪ Contribute to housing in the CBD  
▪ Additional employment opportunities |
| Social impact              | Greater social justice, equity of access to opportunity | ▪ More accommodation opportunities  
▪ Wider variety of housing  
▪ Housing within the CBD |
| Scale of capital investment | > capital investment - > positive impact | ▪ New development will attract new property owners and investment opportunities.  
▪ The proposed development will expand the municipality’s rates base, and thereby result in a larger annual income for the municipality. |
| Compatibility with surrounding land uses | | ▪ Contribute to the existing character of the area  
▪ Appropriate densification  
▪ Additional tourist accommodation / or for local residents  
▪ Contribute to a medium density neighbourhood.  
▪ Higher density residential uses within walking distance from the school is desirable. |
| Impact on external engineering services | How much must the developer contribute to municipal costs incurred? | ▪ No major impact on existing service infrastructure.  
▪ No additional services needed.  
▪ Make use of existing services connections. |
| Impact on safety, health & wellbeing of the surrounding community | | ▪ Infill development will increase safety in the area  
▪ Urban renewal will allow for a more aesthetic pleasing environment  
▪ New buildings attract people |
### ELEMENTS FOR CONSIDERATION

<table>
<thead>
<tr>
<th>ELEMENTS FOR CONSIDERATION</th>
<th>KEY QUESTIONS TO ASK</th>
<th>AMENDED PROPOSAL’S DESIRABILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact on heritage</td>
<td></td>
<td>• More security cameras</td>
</tr>
</tbody>
</table>
| Impact on the biophysical environment | *Are there negative impacts? Are they adequately mitigated?* | • No heritage impacts  
• No heritage value  
• Within urban edge.  
• Application area constitutes an existing disturbed residential site.  
• No NEMA listed activities triggered  
• No harvesting of trees and plants |
| Traffic impacts, parking access, other transport considerations | *Support for densification & functional public transport system?* | • Few additional cars  
• Insignificant impact on traffic flow and traffic volume.  
• Access from existing road network |
| Impact on quality of life (incl. views, sunlight, privacy, visual impact, character) | | • No views will be obscured  
• Fits within character of the area |
| Timing – need to densify or protect urban edges | *Best option for site at this point in time?* | • Infill development and urban renewal  
• Densification within walking distance of the CBD  
• Additional housing opportunities  
• Within urban edge  
• Acceptable scale of densification |
| Cumulative impacts | *Unacceptable cumulative impacts?* | • Only positive impacts |
| Opportunity costs | *Any unacceptable opportunity costs?* | • Private investment  
• No municipal funding required |
| Alignment with SDF’s | | • Proposal consistent with SDF’s  
Refer to Par. 10 |

**Note:** LUPA (Land Use Planning Act) does not refer to a lack of desirability, nor does it require there to be a positive advantage (i.e. the absence of a positive advantage should not automatically lead to a decision to refuse)

From the table above, it is clear that the proposed development is desirable on the subject properties.

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

One of the main objectives of SPLUMA is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. This section illustrates how the
application is consistent with the 5 main development principles applicable to spatial planning, land use management as set out in Section 42 of SPLUMA.

18.1. Spatial Justice

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Planning Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Past spatial and other development imbalances must be redressed through improved access to and use of land.</td>
<td>Comply</td>
<td>The proposal will result in very centrally located, medium density, residential accommodation aimed at the middle-income market. Residents in this income group did not have access to centrally located affordable accommodation. This proposal redresses this situation.</td>
</tr>
</tbody>
</table>

Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation. | Not applicable | This policy is not applicable to the application area. |

Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons. | Not applicable | This policy is not applicable to the application area. |

18.2. Spatial Sustainability

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Planning Implication</th>
</tr>
</thead>
</table>
| Promote land development that is within the fiscal, institutional and administrative means of the Republic. | Comply | ▪ The proposed development is within the urban edge of Knysna and within an established urban environment.  
 ▪ This rezoning application will have minimum impact on existing services infrastructure capacity of Knysna Municipality.  
 ▪ No additional spending or costs for the local authority is necessary to accommodate the proposal.  
 ▪ The rezoning will enable the Municipality to collect higher rates and taxes. |

Ensure that special consideration is given to the | Not applicable | This policy is not applicable to the application area. |
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Planning Implication</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>protection of prime and unique agricultural land.</td>
<td></td>
<td>The application area is located within the urban edge of Knysna and does not trigger any environmental listed activities according to the National Environmental Management Act (1998).</td>
<td></td>
</tr>
<tr>
<td>Uphold consistency of land use measures in accordance with environmental management instruments.</td>
<td>Comply</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Promote and stimulate the effective and equitable functioning of land markets.</td>
<td>Comply</td>
<td>▪ The proposed development is consistent with the character of the surrounding area.</td>
<td></td>
</tr>
<tr>
<td>▪ The proposed land development encourages densification close to the CBD, while keeping a strong residential character (street frontage).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ The flats allow for a variety of housing opportunities in the area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.</td>
<td>Comply</td>
<td>The proposed land use will have no impact on the existing municipal services of Knysna Municipality, hence no additional cost for any parties.</td>
<td></td>
</tr>
<tr>
<td>Promote land development in locations that are sustainable and limit urban sprawl; and result in communities that are viable.</td>
<td>Comply</td>
<td>▪ The proposed development is within an existing residential CBD area. The proposed development will be located within an existing mixed-use area.</td>
<td></td>
</tr>
<tr>
<td>▪ No urban sprawl will be created because of the rezoning and departure application.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

18.3. Spatial Efficiency

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Planning Implication</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land development optimises the use of existing resources and infrastructure.</td>
<td>Comply</td>
<td>▪ The rezoning application will allow additional housing opportunities and contribute to the densification of areas within walking distance of the CBD. The flats allow for a strong residential character.</td>
<td></td>
</tr>
<tr>
<td>▪ The existing service infrastructure will be used, no need for additional construction and development, thus no additional costs for infrastructure upgrades.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ The property will be used more efficient to allow additional residential opportunities and contribute to densification of the area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.</td>
<td>Comply</td>
<td>The proposal will allow positive financial, social, economic impacts by; higher rates and taxes for the municipality, the owner can rent out the flats, no environmental impacts, strengthening the CBD, maintaining a strong residential character and contributing to the exiting character of the area.</td>
<td></td>
</tr>
</tbody>
</table>
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties. | Not Applicable | The municipality should process this application within the prescribed time frames of the Knysna Municipality Standard by Law on Municipal Land Use Planning.

### 18.4. Spatial Resilience

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Planning Implication</th>
</tr>
</thead>
</table>
| Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks | Comply | - The proposal is in line with the various spatial plans and policies, as motivated in the report.  
- Need for accommodation in Knysna since the fire resulted of a significant loss in residential opportunities in the town of Knysna.  
- The proposal aims to contribute to the supply of housing in the CBD. The proposal also allows for appropriate scale of development, allowing sufficient space between buildings. |

### 18.5. Good Administration

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Planning Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.</td>
<td>Applicable to Knysna Municipality</td>
<td>This principle has no direct bearing on the application; however, the Knysna Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw. What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</td>
</tr>
<tr>
<td>All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The requirements of any law relating to land development and land use are met timeously.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
afford all parties the opportunity to provide inputs on matters affecting them.

Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

19. CONCLUSION

In light of this motivation, and the information contained in the foregoing report, it is clear that the application for:

(i) The rezoning of Knysna Erf 303 from 'Single Residential Zone' to 'General Residential Zone'; in terms of Section 15(2)(a) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, to allow four (4) 'Flats';

(ii) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality Standard By-Law on Municipal Land Use Planning, for the following building line relaxations (as per the Site Development Plan):

[a] Relaxation of the street building line (along Faure Street) from 8m to 2.8m to allow the proposed refuse room (as per the SDP) on Knysna Erf 303;

[b] Relaxation of the western lateral building line from 4.5m to 2.5m to allow the proposed refuse room (as per the SDP) on Knysna Erf 303;

[c] Relaxation of the western lateral building line from 4.5m to 1.5m to allow the proposed stairs (as per the SDP) on Knysna Erf 303.

meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Knysna Land Use Planning Bylaw; is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Knysna Municipality.

Marike Vreken Urban and Environmental Planners
March 2020