

MOTIVATION REPORT

ERF 4992 KNYSNA



Client – L. G. Mato

PROPOSED TEMPORARY DEPARTURE FOR THE ACCOMMODATION OF OVERNIGHT GUESTS (GUEST HOUSE)

APRIL 2022 REV 02

Report prepared by Think Urban Property Development Solutions (Pty) LTD

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2. INTRODUCTION & BACKGROUND

Think Urban Property Development Solutions has been appointed by Mr Luvuyo Gradwell Mato, the owner of Erf 4992 Knysna, (herein referred to as the “subject property”, “property” or “the site”) to prepare and submit an application for Temporary Departure in order to permit the utilisation of the existing dwelling unit for purposes of a guest house (See **Annexure A – Power of Attorney**). The property is located in Knysna Heights in a group housing complex known as Schoonezicht Estate. The street address is No. 4 McClelland Circle and can be accessed from an internal road off lower McClelland Circle. The dwelling unit on the property is part of five-unit series of units whereby each unit is designed to look like a single harmonious architectural entity in line with the design philosophy and parameters of a Group Housing scheme. However, whilst the units may look like a simple apartment type block, it is not the case as each individual unit sits on its erf and has its yard.

The units only share the access road and portions of structural and boundary walls. Each unit within the block functions independently from the rest i.e. there are no passageways or common property in between that must be shared in order that each individual owner can the beneficial use of their respective spaces. Whilst the units located in said block are attached on both lateral sides, the outdoor space provided for behind and on the eastern portion of each section creates and reinforces a feeling of a single detached residential unit. The south-facing living room situated atop the double garage offers exceptional views of the Knysna Lagoon and The Heads which are arguably the most prominent features enhancing the potential and attractiveness of the dwelling unit for both living and holidaying purposes.

Knysna Heights is a medium to high income residential suburb situated on the north-western section of the Knysna town centre, approximately 1,1km from the Knysna town centre (as the crow flies). The neighbourhood has a tranquil layout with unparalleled views of the Knysna Lagoon. The estate has 13 units nested within well-maintained houses that exhibit a typical relaxed seaside suburban ambience.

As with all the units in the block the subject unit has two storeys comprising a double garage and store on the ground floor with the rest of the habitable spaces on the upper floor. The upper floor consists of three bedrooms, a family room, a living room and a kitchen.

The initial intent of the property owner has always been to settle permanently and enjoy the beneficial use of the property and its attributes. In the meantime, there are periodical financial contributions that property owners must keep up with in order to ensure the maintenance of the aesthetic quality

of units and the rest of the estate. The most prudent and viable option given the circumstances is to let out the unit to transient guests or tourists. In this way the property owner can satisfy the financial obligations imposed by the municipality and the estate management whilst ensuring proper and sustained maintenance of the unit.

With the exception of a few notable complaints from some concerned surrounding property owners it is the applicant and owner's shared sentiment that the use of the property for the accommodation of transient guest is not discordant with the intent and purport of the scheme in as far as it allows limited use of dwelling houses for the accommodation of people other than family members of each owner. The view is that, with proper management and oversight, any issues that may have arisen in the past resulting from the use of the property can effectively be averted.

The purpose of this application is thus to present an explanatory motivation towards obtaining temporary rights for the partial utilisation of the existing dwelling unit on Erf 4992 Knysna for purposes of a three-bedroom guest house. The motivation will indicate that the existing dwelling unit and its location is suitable for the intended purpose and that, with proper management, it can continue to be used for the next five years with minimal or no disturbance to the surrounding property owners' peaceful use and enjoyment of their respective properties.

The Knysna By-law for the Prevention of Public Nuisances and the Keeping of Animals, Poultry, Pigeons and Bees (2014) prohibits engaging in or permitting any activities that creates undue nuisance thus interfering with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties. According to the by-law the local authority has the jurisdiction to intervene in instances where some offence has occurred and has, also, the discretion to act in whichever way necessary to prevent the nuisance from re-occurring. The by-law further provides that property owners who have been found to have taken no steps to address the cause of nuisance after having been duly served a notice shall be guilty of an offence and punitive measures can be instigated against such persons including but not limited to the termination of the offence-causing activity.

3. PROPERTY INFORMATION

3.1 LOCALITY

The subject property is situated in Knysna Heights at No. 4 McClelland Circle approximately 1,1km (as the crow flies) from Knysna's central commercial hub. Knysna Heights is a residential neighbourhood that is located to the north-western section of the Knysna centre (see **Annexure B – Locality Map**).

3.2 PROPERTY DETAILS

PROPERTY DESCRIPTION	ERF 4992 KNYSNA, in the Municipality and Division of Knysna, Western Cape Province.
SG NUMBER	7235-85
ERF NO.	4992
PROPERTY EXTENT	301 m ²
REGISTERED PROPERTY OWNER	Luvuyo Gladwell Mato
TITLE DEED NO.	T3603/2019
RESTRICTIVE CONDITIONS	None that have a bearing on the current proposal
MORTGAGES	Yes (FNB) – Bondholder consent attached
SERVITUDES	None
PHYSICAL ADDRESS	No. 4 McClelland Circle
LAND USE	Residential
ZONING	General Residential Zone I
ANY SENSITIVE VEGETATION	None
TOPOGRAPHY	The property has a gentle to a relatively steeper gradient sloping towards the southerly, westerly and northerly directions.

4. THE APPLICATION DETAILS

4.1 THE EXISTING DEVELOPMENT

The property comprises a double garage and store on the ground floor with habitable rooms being on the upper floor. The living rooms consist of a kitchen, a living room, a family room and three bedrooms (see **Annexure C – Approved building plan**). There is ample outdoor living space on the northern and western portions of the erf.

4.2 THE APPLICATION

In order to acquire the requisite land use rights for the establishment of the proposed guest house an application for temporary use departure rights is necessary. This is due to the limitations imposed by the Knysna Municipality Zoning Scheme By-law (2020) inherent in said scheme in the sense that it makes no provision for the consideration of similar proposals as consent uses under the General Residential Zone I category. The proposed temporary departure also warrants a departure from the parking provisions applicable to accommodation establishments.

4.2.1 Zoning Scheme table

The table below denotes a snapshot or summary of scheme requirements as it applies to General Residential I zoning.

SUMMARY KNYSNA ZONING SCHEME BY-LAW (2020) REQUIREMENTS		
ZONING CATEGORY: GENERAL RESIDENTIAL ZONE I		
Zoning parameters		Compliance
Land Use	Group Housing	Complies
Consent Use	Flats Home occupation Retirement resort	Not applicable

	Sports and recreation center Wellness Centre Sports and recreation center Wellness center	
Building lines	Not applicable	Not applicable

4.2.2 Legislative requirements

In order to obtain approval for the establishment of a temporary guest house the following applications are necessary as per the provisions of the Knysna Municipality’s Spatial Planning and Land Use Management By-law 2021):

- I. A Temporary departure in terms of Section 15(2)(c) of the Knysna Municipality’s Spatial Planning & Land Use Management By-Law (2021), to permit the utilisation of the existing dwelling unit as a Guest House;
- II. A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality’s Spatial Planning & Land Use Management By-Law (2021), in order to condone the provision of only two parking bays in lieu of four in relation to the proposed guest house use;
- III. A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality’s Spatial Planning & Land Use Management By-Law (2021) to deviate from the provisions of Section 46(1)(c) in order to condone the provision of two tandem parking bays along the internal road in front of the garage. The section reads as follows:

“a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this zoning scheme, except for single residential zones, where a tandem bay is regarded as two bays.”

It is our general understanding that the permanent departures are merely triggered by the need for temporary rights and will fall away once the validity period for the temporary rights have lapsed.

5. THE DEVELOPMENT PROPOSAL

5.1. DEVELOPMENT DETAILS

The property is part of a five-unit set of three-bedroom residential units. These units form part of a 13-unit Group Housing complex known as Schoonezicht Estate. The units are “planned, designed and built as a harmonious architectural entity” and are in line with the definition of Group Housing set out in the Zoning Scheme.

The objective of the proposal is to obtain approval for the establishment of a four-bedroom guest house. The intention is to let the whole house to a single family or group so as to minimise the number of vehicles coming to and from the property. However, in order to stay competitive in the accommodation industry it is always important to diversify the service so as to accommodate as many potential visitors as possible and to avoid adopting a discriminatory approach towards non-preferred visitors. In the circumstance the property is mindful of the factor that there be a situation whereby the individual rooms may be used separately by non-related patrons. In such instances it is proposed that the excess vehicles be allowed to park in tandem as in permitted under the Single Residential Zone.

5.2. ACCESS AND ROADS

Vehicular access is obtained via a 5,5m wide internal road. The internal road links the property with McClelland Circle. In turn McClelland Circle connects with Pickard Street that intersects with Ridge Drive. Ridge Drive, a local collector road, morphs into Kloof Street and provide direct access onto the N2 and finally into the town centre.

The road system is in a fairly good condition and with the exception of the peak hour periods, traffic is usually fairly mild. Traffic generally peaks up along the Kloof Section of the local collector system especially the section leading to Oakhill School.

If this proposal were approved no more than three additional vehicles at varying intervals of the day are envisaged as the proposal provides only for the use three rooms in a single dwelling unit. The check-in and check-out times (14h00 in and 11h00 out) are such that it is less likely that any of the envisaged visitors' arrival will coincide with the peak hour traffic.

5.3. CIVIL SERVICES

The subject property, being one of a total of 13 units, derives its sewerage, water and electricity services from the internal reticulation system that is fed from single connection points that is located on the south-western corner of the estate. There is a functioning on site stormwater management system to which the subject property is connected. All the services were approved circa 1983 when the Group Housing Estate was established. None of these services are to be affected by the proposed development.

There are no proposed additions to the existing residential dwelling. As such no increase in the consumption of services will be necessitated. It is therefore not inaccurate to expect that the existing services are sufficient for the proposed guest house.

6. SITE SWOT ANALYSIS

6.1. LOCALITY OF THE SITE & ACCESS

The subject property is located in Knysna Heights, an attractive medium to high income residential suburb, within a secure residential estate. The dwelling houses in the neighbouring properties, as well as the streets and pavements are generally well maintained all providing a pleasant environment for residents and visitors at large. The units have direct views of the Knysna Lagoon, a major tourism asset and a centripetal force to the greater Knysna Town. Being less than four km from the town centre (by car), the location of the property enhances its land use potential as a haven for residents and visitors. The proposed utilisation of the property by visitors will provide a barrier free access to the advantages provided by the site's physical attributes. Tourism and transport are also identified as one of the five key priorities for Ward 10 which is home to the subject proposal (Knysna IDP, 2021-2022).

Access to the property may prove challenging during peak hour periods especially along Kloof Road. However given the alternative access available via Ridge Drive, there is no exclusive need to utilise Kloof Road as a sole channel for obtaining access to the site.

6.2. ZONING AND LAND USE

The Zoning

The Knysna Zoning Scheme By-law (2020) delineates the zoning of the property as General Residential Zone I. To the extent that the zoning in question permits the development of a Group Housing complex, the property is developed and is largely being used in accordance with the zoning in

question. The occasional use of the property for purposes of a Guest House is however not permitted hence the submission of this explanatory motivation and application.



Figure 2: Extract from the zoning map

Fig.6.2.1 zoning scheme extract

Land use

The de facto use on site is residential as per the zoning allocated therewith. The property is also occasionally used for the accommodation of transient visitors. Overall the occupancy rate amounts to not more than 26% per annum on average.

6.3. EXISTING DEVELOPMENT ON SITE

The property is developed with a double storey building which comprises a double-garage and store on the ground floor and the habitable spaces on the upper floor. The habitable spaces comprise three bedrooms, a living room, a family room and a kitchen. The upper floor is designed in such a way that the living room opens up to a covered stoep and courtyard. The courtyard extends right up to the entire rear end of the dwelling unit where a pedestrian access gate provides access into and onto McClelland Circle. The provision of outdoor living space can be seen to be a characteristic that is shared with single dwelling houses falling within the Single Residential I zoning.

6.4. CHARACTER OF THE SURROUNDING AREA

Knysna Heights is a medium to high income residential suburb of Knysna situated approximately 1,1km on the north-western side of the Knysna Commercial Centre. The neighbourhood has a serene disposition with green open spaces between the road residential properties. The Schoonezicht Estate is situated within this suburb and consists of 13 units. The subject property is located within a block of five identical linked residential units. The design is compact and its medium density layout reflects the design philosophy of a normal Group Housing development. Outside the boundaries of the estate the densities can be described as medium to low and the varying design and extent of housing typologies adds to the richness of and diversity of the surrounding landscape indicative of the people living in these homes. All the houses are designed in order to give effect to the unevenness of the

slope which requires such creativity as would be required if designers were to take advantage of the natural feature - the Knysna Lagoon.

It is the applicant’s considered position that the unique character of the landscape coupled by the resultant design preferences adds to the attractiveness of the area and thus enhances its use potential for tourist accommodation purposes. Visitors to the Knysna Town deserve to experience these spaces if the local tourism industry is to be accentuated.



6.5. ENVIRONMENTAL CONSIDERATIONS

1. The proposed three-bedroom guest house will have no additional impact on existing fauna and flora as no construction activities are to be undertaken to accommodate the proposed use.
2. There are no known buildings, plant or animal species on the property that are of heritage or conservation value that could invariably be affected, as such;
3. None of the activities to be undertaken (the occasional occupation of the existing dwelling unit by up to ±3 couples or a single family (excluding the caretakers) trigger any listed activities in terms of National Environmental Management Act, 1998 (Act 107 of 1998) – NEMA Regulations.
4. The subject property is not subject to regulations of the Outeniqua Sensitive Coastal Area Extension Regulations (OSCAER).
5. The site is located outside the listed Critical Biodiversity Area and is located outside the 1:50yr flood line.

6.6 PARKING

The Knysna Municipality Zoning Scheme By-law (2020) requires that parking is to be provided at a standard of one parking bay per each guest room. An additional single parking is to be set aside for use by a permanent member of the family or, as the case may be, an agent (impliedly) of such member e.g a manager/caretaker. The table below has been extracted from the zoning scheme:

Land Use	Minimum Requirements
Boarding house/ Guest House/ Guest Lodge/ Bed and Breakfast Establishment	1 bay per bedroom plus 1 bay per owner’s home / manager’s flat

The subject property has a double garage with sufficient distance between the garage door and the kerb for an additional two tandem parking bays. Four parking bays can therefore effectively be accommodated within the property boundaries. The number of bays is sufficient for the proposed land use and the number is in line with the requirements of the zoning scheme. The section of road running along the property is wide enough for cars to be manoeuvred onto and out of the property

boundaries without causing much disturbance to the flow of traffic due to the section of road serving only three properties. It is furthermore important to view roads as not mere spines for the channelling of traffic from one point to another but as multifunctional spaces which serve a variety of uses including, parking, cycling, walking, driving, and occasional three-point-turn, etc.

With regard to the issue of whether or not tandem parking is to be allowed on the subject property reference is made to Section 46(1)(c) of the zoning scheme by law. The section reads:- "*a tandem bay accommodating two motor vehicles is regarded as one bay for the purposes of this zoning scheme, except for single residential zones, where a tandem bay is regarded as two bays.*" According to this provision the zoning of the property does not permit tandem parking. In other words tandem parking is in this particular instance regarded as only one parking bay.

7. LEGISLATION & POLICY CONSIDERATIONS

7.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA)

Generally SPLUMA seeks to create a uniform and effective spatial planning and land development regime for the whole of the country. The details of the objectives of SPLUMA are set out in section 3 of the Act and include:

- a) *to provide a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;*
- b) *to ensure that the system of spatial planning and land use management promotes social and economic inclusion;*
- c) *to provide for development principles and norms and standards;*
- d) *to provide for the sustainable and efficient use of land; to provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and*
- e) *to redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems*

7.2. KNYSNA SPATIAL DEVELOPMENT FRAMEWORK (KMSDF), 2020.

In order to realise these objectives, SPLUMA requires that spatial development frameworks be prepared and adopted by national, provincial and municipal spheres of government. SPLUMA sets out a number of development principles that are to guide spatial planning, land use management and land development. These principles as contained in the Knysna Municipal SDF include:

- I. spatial justice, which includes a commitment to redress past spatial and other development imbalances.
- II. spatial sustainability, which requires land development to be aligned with fiscal and Institutional means.
- III. efficiency, requiring land development to optimally use existing resources and infrastructure.
- IV. spatial resilience, which provides that flexibility in spatial plans, policies and land use management systems must be provided for specifically so that sustainable livelihoods is ensured in communities affected by development; and
- V. good administration.

On the local level, decisions taken in terms of the Knysna Municipality Spatial Planning and Land Use Management By-Law (2021) must find expression and give effect to the Chapter 2 Principles of SPLUMA.

It is noted that the Knynsa Municipality’s Spatial Planning and Land Use Management By-law (2020) requires a set of minimum thresholds for an application to be considered favourably one of which it must conform to the SDF and generally be desirable. The following section (Motivation) examines some of the factors of the proposal which might require closer scrutiny during the assessment stage. These factors are examined closely in relation to how they may or may not affect the outcome of this exercise.

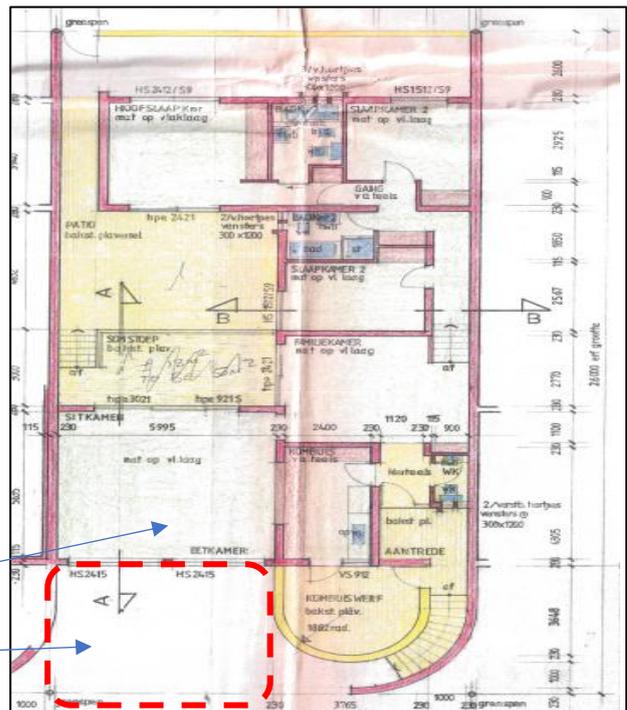
8. MOTIVATION

8.1. Introduction

The aim of this proposal is to sensitise interested and affected parties to the property owner’s desire to establish an accommodation establishment on the subject property and how this might affect their ability to enjoy the comfort they are currently accustomed and which they derive from their own properties. The aim is to further present a position that the proposed land use can actually co-exist in a mutualistic relationship with the rest of the surrounding land uses. Given that local government’s mandate includes the adoption of a developmental role which entails working with local communities to find sustainable ways to meet their needs and improve the quality of their lives, it is our ultimate expectation that the outcome of this process will reflect an effort from both the affected community and the local authority at achieving such outcome that reflects this developmental paradigm. Various aspects of the application are discussed in the succeeding paragraphs below.

8.2. Parking and access

Access to the central section of the Schoonezicht Estate (wherein the subject property is situated) is by means of a 5,5m wide internal road. This road is wide enough for two cars to travel abreast. Whilst the road services a total of nine units, the section of road running along the subject property services a total of three units. Two of these three units are in a the *cul-de-sac*. This means that nuisance in the form of traffic congestion cannot reasonably be expected. It is our proposal therefore that four vehicles can safely be accommodated within the boundaries of the property if a tandem parking can be entertained with negligible or no impact on the neighbouring property owners’ ability to use the road. (Fig.8.2. Ext. double Garage), proposed tandem parking 5m X 5m



There are various factors that we propose to justify the entertainment of tandem parking on the property namely:

- I. A manager/caretaker shall be stationed on the premises for as long as there are guest entering, staying or leaving the establishment and part of said manager/caretakers tasks would be to manage the movement of vehicles in and out of the property;
- II. The manager’s vehicle will always be parked inside thus subjecting only two cars from the problems of tandem parking;

- III. The road reserve is wide enough for two cars to park along considering also that the portion of common property immediately across the road from the property is vacant and undeveloped;
- IV. Private roads are by their nature not as busy as public roads and these roads. It is our proposal these roads (even public roads) where circumstances should not be viewed (as is traditionally the case) only a mere channels along which vehicles travel. We argue that these should be multi-functional spaces that serve a variety of uses e.g. driving, cycling, walking, running or even parking. A road is designed in such a way that it can be used only for a limited purpose.
- V. Our proposal is that if it should be used at all it should then be used optimally. In this instance however we do not propose that it be used at all but that if circumstances warrant it the road can be used temporarily whilst observing the general safety and welfare of the other two potential road users.

NB: It has been observed that Section 46(1)(c) of the zoning scheme by-law impliedly prohibits the employment of tandem parking on properties other than those zoning Single Residential. It is proposed as part of this application that a departure be granted by the local authority in order to make provision for two tandem parking bays to accommodate the proposed use. Our rationale is that the subject property has in all probability all the hallmarks of a single residential property. For instance the property has the following:

1. It own separate vehicular access onto the road;
2. The property has only one dwelling unit on it;
3. It is used primarily for residential purposes;
4. It is located within a predominantly residential area;
5. It is not located along a busy street or activity corridor.

On the other hand the following attributes serve as mitigation measures against potential negative externalities that may result from the condonation of tandem parking on the property:

- a) Section 46(1)(b) is self-explanatory. It reads:- *“the layout of any parking area, except for parking in Single Residential Zone I, Single Residential Zone II and **General Residential Zone I**, must ensure that vehicles can readily leave the site without reversing across the sidewalk, unless otherwise approved by the Municipality;”* reversing onto the street is condoned under General Residential Zone I.
- b) At a 5,5m width the road reserve is wide enough to accommodate the occasional reversing of two cars onto the street whilst leaving another lane completely open for passing traffic;
- c) The section of road that services the property provides access to only three properties and is a cul-de-sac. The volume of traffic cannot be construed to be prohibitive to the condonation of two parking bays on the subject erf;
- d) The land portion immediately across the property forms part of the open space system. Vehicles can, the permission of the estate management, be utilised as temporary parking space should one or more visitors wish to leave the premises for site-seeing or other tourist activities. This can be done without causing undue inconvenience to the affected road users.

It is the applicant’s considered view that the proposed parking arrangement is not likely going to create an untenable situation for the affected property owner and should there be condoned.

8.3. Validity period for the temporary use rights

Section 18 of the Spatial Planning and Land Use Management By-law (2021) restricts the period during which a temporary departure may be exercised to five years. The rights are therefore not permanent.

This serves as a caveat and, taking into account the rights bestowed upon the local authority in terms of the Nuisance By-law, provides for the automatic termination of the proposed land use whether it is deemed to be tolerable or not. Section 18(3) allows the decision maker to impose a shorter period than the maximum contemplated by the Planning By-law. This presents the decision maker with a variety of options which are more or less more acceptable other than to downright deny the property owner the right to participate meaningfully in the Knysna tourism sector.

8.4. Contribution of the tourism sector to the Knysna economy (strategic economic thrust)

According to the Knysna Municipality 2017/2022 IDP, accommodation establishments play a major role in the Gross Geographic Product (GGP) of Knysna. The *wholesale and retail trade, catering and accommodation* sector is the highest provider of employment within the greater Knysna Municipal area. The IDP estimates that, at 26%, this sector is effectively the second highest contributor to the Gross Geographic Product. The gradual and sustained growth of the accommodation establishment industry is crucial and has a significant impact on the Knysna economy's ability to sustain its citizens. It is for this very fact that the property owner has realised that contributing in the manner as proposed contributes towards the retention of visitors who in turn play a significant role in keeping the Knysna economy afloat.

It is clear, therefore, that the economic sustainability of the Knysna Municipal Area depends largely on the provision of as much accommodation for visitors as the town's capacity can carry. Due to the shortage of developable parcels of land this often involves the conversion of underutilised private homes into accommodation establishments hence the proposal development.

The examination of the historical and current policy framework indicates that the Knysna Council has often been positively predisposed towards the establishments of accommodation establishments. This is evident in the progressive and sustained proliferation of accommodation establishments which was accelerated by the adoption of the first Bed-and-Breakfast policy in May 1995. This trend is more likely to continue since one of the current spatial strategies set out in the current Spatial Development Framework component of the IDP remains inter alia the provision economic opportunities associated with tourism, responsible harvesting and recreation. There remains very little argument against the fact that the proposal outlined in this report warrants unequivocal community and local authority support.

8.5. Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) and the Knysna Spatial Development Framework (2020)

Section 22(1) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) requires that decisions taken in terms of the Planning By-law be consistent with local spatial development frameworks. SPLUMA also provides that all decisions by any functionary acting in terms of the legislation must be in accordance with the Chapter 2 principles set forth in the statute. It is our legitimate expectation that the decision maker will find that the proposed land use complies with the lofty principles enshrined in the statute.

The Knysna SDF (2020) has a classification system whereby all active economic sectors are graded as per their level of importance from low, medium to high. It is noted that the Catering and Accommodation Services sector commands the highest rating in terms of its contribution to the GDP. In terms of its contribution to the creation of employment opportunities it is rated medium to high. The SDF further acknowledges that the Knysna economy is predominantly a service economy driven by tourism and services needed by the people who want to live in Knysna. Both the tourists and residents live in Knysna because of the quality of life it offers thanks to its unique environment. It is our view that, on the basis of what could be deduced from the SDF, the proposal is indeed consistent with the SDF.

8.6. The presence of the caretaker and implications with regard to public nuisance

It is matter of public speculation that accommodation establishment tend not to conduct any vetting in respect of the clientele that they cater for. For instance, the fact that some of the clients are prone to being the source of nuisance tends to be one of the bases upon which most surrounding property owners rely on when assessing proposals related to these. It is our contention that regarding visitors as sources of nuisance is, besides being the manifestation of gross bias, is narrow, stereotypical and restrictive as ordinary people in their nature generally tend to be guarded towards irrational behaviour. In any event, in line with the parameters of the zoning scheme by-law, a permanent manager is to be placed on site irrespective of whether there are or no guests on site. Furthermore, the contact details of such manager will be placed in a conspicuous position on site so that any concerns that may arise can be addressed as they occur. This is to be done whilst being mindful of the local authority's oversight role and responsibilities in terms of addressing nuisance and its impact on society in general.

8.7. The obligation of ensuring optimum utilisation of land and public infrastructure

As has been stated in the preceding paragraphs, the owner of the property is seldom in Knysna and this leaves the property underutilised and often leads to such a situation whereby the property ends up in a state of neglect. This situation is not ideal as there is no incentive to hire a caretaker to look after the property if such is not being used in any meaningful manner. It is therefore considered a very prudent and optimal utilisation of a land asset to use the property to generate such income as may be used to augment the presence of a caretaker and that may be useful in the maintenance and general upkeep of the land asset.

8.8. The number of guest rooms in relation to the zoning scheme 'guest house'

The zoning scheme by-law, with reference to Guest House use, contemplates a maximum of six rooms or 12 guests, including the accommodation of business meetings or training sessions. It is impossible to accommodate a guest house of this scale on the property due to the physical limitations imposed by both the Erf size as well as the existing dwelling unit. Therefore, this proposal is for the

accommodation of a fourth the contemplated number of guests. The provision for the accommodation of meetings and training sessions is foregone. It is our contention, therefore, that this situation works well mostly for the vicinity property owners.

8.9. Rationale for the condonation of a guest house within a 'Group house' in lieu of a 'Dwelling house'

The zoning scheme by-law describes a "dwelling house" as follows:

"dwelling house" means a building containing only one dwelling unit and includes a variety of other structures which are reasonable connected to the primary residential use of the main dwelling.

A "guest house" is described as a dwelling house, second dwelling, or additional dwelling unit that is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment that exceeds the restrictions of a bed and breakfast establishment (more than 2 guest rooms or 4 guests).

The zoning scheme, by prescribing what building typologies may be used to accommodate a 'guest house' expressly excludes the use of linked dwelling units for the purpose of a Guest House. This is however not seen as that much of an issue by the applicant hence the application to deviate from the glaringly narrow and restrictive nature of the scheme in regard to the accommodation of guests. We contend that the use of the property for the accommodation of paying guests cannot have a higher impact than would be the case if the existing building (the five-unit duplex unit) contained only one dwelling unit. There are special circumstances that more likely mitigate against any amplified impact on the vicinity property owners that might be as a result of visitors. For instance, the property has a separate entrance despite being in a linked building. Furthermore, the property has its own private outdoor space which works more or less in the same manner as any average dwelling house. In order to safeguard against potential misuse of the outdoor space, the property owner is amenable to restricting such outdoor activities as may result in generation of nuisance such as a braai, swimming pool, etc. Such restriction can become part of the approval and such measures would not be deemed as excessive one way or another. The question that the decision maker can, whilst dealing with the linked nature of the subject property (and we advise the he/does), is "what is it about this linked dwelling that distinguishes it so much from a typical dwelling house as to warrant the refusal of this application?" Surely an application for departure cannot just be turned down due to the fact that the zoning scheme is understood to advocate something different. If the decision maker were to conduct an objective assessment of this proposal, the decision maker would likely find that the implied prohibition imposed by the scheme to the establishment of guest house in linked dwellings does not necessarily apply in this particular case.

The Knysna Municipality IDP 2021/2022 IDP clearly recognises tourism and transport as areas whose potential needs to be unlocked during the current financial year. By submitting this application, it is the property owner's understanding that this exercise is in line with the ideals of Ward 10 as ventilated during the public engagements of the previous financial year.

9. CONCLUSION

The objective examination of the balance of factors presented in this explanatory motivation will show that it is not possible to argue that the proposed accommodation establishment is out of sync with the general trend prevalent in areas with unique characteristics that make Knysna a destination of choice for those who appreciate the natural beauty only Knysna can provide. The accommodation establishments and their well-kept environs only serve to accentuate the surreal character of the

natural landscape and add to the overall experience of the area. These all add to the competitive advantage of the Knysna Tourism Industry. Sustainable employment opportunities are in turn a by-product of the management and growth of this industry.

It is our view that the technical and legislative aspects that have a bearing on this proposal have satisfactorily been addressed. It is therefore to be expected that no negative externalities are likely to arise as a consequence.

It should further be emphasized that the proposal will only be valid for five years as per the Knysna Municipality's By-law on Spatial Planning and Land Use Management (2021).

The examination of the historical and current policy framework indicates that the Knysna Council has often been positively predisposed towards the establishments of accommodation establishments. This is evident in the progressive and sustained proliferation of accommodation establishments which was accelerated by the adoption of the first Bed-and-Breakfast policy in May 1995. This trend is more likely to continue since one of the Knysna Municipality IDP 2017/2022 spatial strategies set forth in the current Spatial Development Framework component of the Knysna Integrated Development Plan (2017/2022) remains inter alia the provision of economic opportunities associated with tourism, responsible harvesting and recreation. There remains very little argument against the fact that the proposal outlined in this report warrants unequivocal public and local authority support.

10. LIST OF ANNEXURES

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