

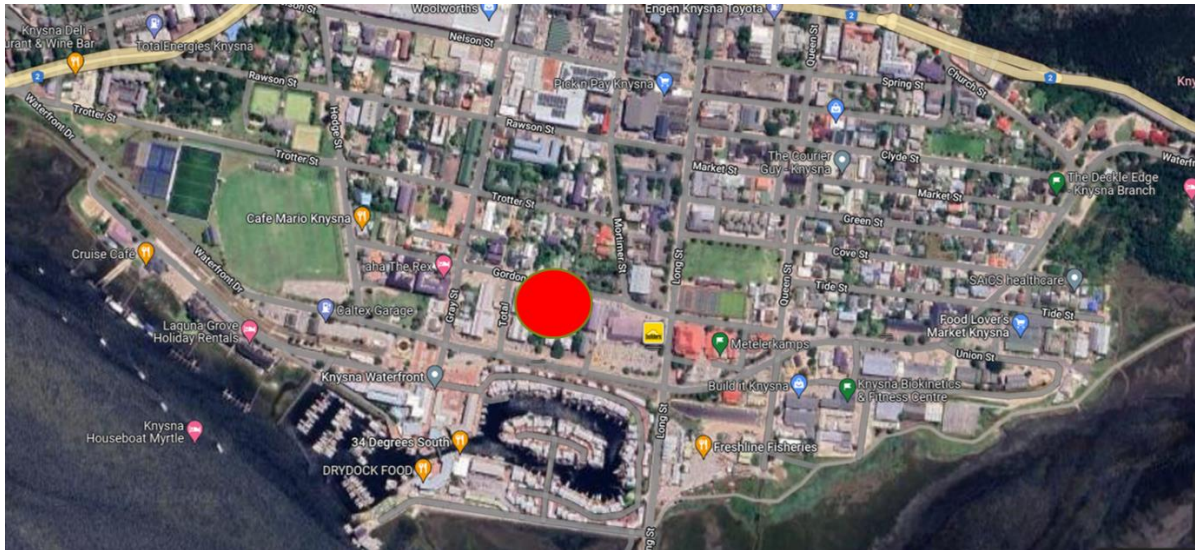
# ZVR TOWN AND REGIONAL PLANNERS



**PHYSICAL ADDRESS: 3 EASTFORD COUNTRY ESTATE KAYSNA 6570**

**POSTAL ADDRESS: SUITE 152 PRIVATEBAG X31 KAYSNA. 6570.**

**CELL. 0824477703 EMAIL: [zvrtown@mweb.co.za](mailto:zvrtown@mweb.co.za)**



**ERF 605 KAYSNA**

**MOTIVATION REPORT**

**CONSENT USE APPLICATION**

ZELMARIE VAN ROOYEN, B(TRP) University of Pretoria Reg: Pr.PlN A730/1993 trading as ZVR TOWN PLANNING; Registered at: The South African Council OF Planners (SACPLAN)

CEL: 0824477703

Email: [Zvrtown@Mweb.Co.Za](mailto:Zvrtown@Mweb.Co.Za)

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ANNEXURES

1. Locality map
2. Title deed
3. Power of attorney

4. Site development plan
5. Land use plan
6. Zoning plan
7. Other churches in surrounding areas
8. Encroachments
9. Services on erf
10. Pre-application minutes
11. Pre-application form
12. Motivation

<b>Information and documentation required in terms of Section 38(1) of the Planning By-law</b>		
	<b>Consent Use Contemplated i.t.o The Zoning Scheme</b>	<b>Annexure Reference</b>
Completed & signed application form		Annexure A
Power of Attorney / Owner's consent		Annexure B
Resolution		Annexure C
Proof of registered ownership		Annexure D
Bondholder's consent (if any)		Not required
Written motivation		Annexure E
S.G. diagram / Extract of general plan		Annexure F
Locality plan		Annexure G
SDP / conceptual layout plan		Annexure H
Subdivision plan [incl street name(s) & no]		Not required
Proof of payment of application fees		
Copy of title deed		Annexure I
Conveyancer certificate		Not required
Minutes of pre-application meeting		Annexure J
<b>SUPPORTING INFORMATION AND DOCUMENTATION REQUIRED</b>		
Zoning plan		Annexure K
Land Use Map		Annexure L
Locality Map		Annexure M

# 1 INTRODUCTION

Zelmarie van Rooyen has been appointed by the Directors of Nanini 170 (Pty) Ltd owners of Erf 605, Knysna, to prepare and apply for Consent Use to the Knysna Municipality (See Company Resolution and Power of Attorney as Annexure B & C). The proof of registered ownership and Directors of Nanini is attached as Annexure D.

The purpose of the report is to provide motivation for the application for consent in terms of Section 15 (2) and Chapter IV the Knysna Municipality Spatial Planning & Land Use Management By-law, 2021.

## 2 PRE-APPLICATION MEETING

A pre-application meeting was conducted between me as the applicant and the municipality on the 19 January 2023 at 9.30am see minutes on (Annexure J) and application form (Annexure A).

## 3 PROPERTY INFORMATION

### 3.1 LOCALITY

Erf 605, Knysna is situated in central Knysna at 23 Gordon Street, midblock between Long Street and Gray Street. It is situated between Builders Express and Agri Bpk.



Figure 1 Extract indicating locality of the subject property

### 3.2 PROPERTY DETAIL

Title Deed Description:	ERF 605 KNYSNA
21 Digit code:	C03900050000060500000
Title Deed Number	T50177/2001
S.G./ GP Diagram No:	SG 4620/1884
Title Deed Restrictions:	None
Servitudes	None
Property Size:	1190m <sup>2</sup>
Property Owner:	NANINI 170 (PTY) LTD
Bonds:	None
Land Use:	Business Buildings
Zoning:	Business Zone 1
Physical Address	23 Gordon Street Knysna
Topography	Relatively flat
Any Sensitive Vegetation	None

## 4 BIO –PHYSICAL SITE ANALYSIS

### 4.1 Topography

The gradient of the site is relatively flat, sloping slightly towards the south.

### 4.2 Vegetation

Erf 605 does not consist of any sensitive vegetation. The property has no conservation value and does not serve a corridor function. The property is not situated in a Critical Biodiversity Area, Protected Area or Ecological Support Area and does not contain any protected plant species. The activities will not trigger any listed activities in terms of the NEMA regulations.

## 5 PROPOSAL

### 5.1 THE DEVELOPMENT CONCEPT

The purpose of the application is to obtain planning permission to use the property for a "place of worship" in addition to the mixed land uses permitted under the primary Business 1 Zoning. The building on the property will be used for mixed uses during business hours from Monday to Friday and for religious gatherings on Sundays. The church services will therefore not operate during the same time as the business uses and all parking on the site will be available for church goers on Sundays.

To use the buildings for church gatherings on Sundays will necessitate alterations and upgrading of the current business buildings on the property and building plans will be submitted once the consent use is granted.

Land Uses Proposed for the property and required zoning/ consent in terms of the Knysna Zoning Bylaws are depicted in the table below:

PRIMARY ZONING	PROPOSED LAND USE	CONSENT USE	PROPOSED LAND USE
<b>BUSINESS ZONE 1</b>	MIXED USES		
Restaurant	Cafeteria	Place of worship	Sunday church assembly for 160 people
Office	Administrative offices		
place of assembly	Occasional concerts/ art exhibitions Music recording equipment		
place of instruction	Religious instruction/ early childhood development facility/ music skill development		
conference facility	Conferences		
indoor sport and recreation centre	Group exercise facility/ indoor sport facilities		

The **consent use** will necessitate the following facilities to be incorporated in proposed upgraded building on site:

- Seating for 160 people- place of assembly

## 5.2 OPERATIONAL DETAILS

Business Zone 1 uses as per table above take place during normal business hours except for the occasional functions that will be an exception and not follow a regular schedule.

During the week the congregation meets for a gathering on Sunday mornings The meeting times are as follows:

Monday to Friday: 8:00 until 18:00 Business uses

Saturday: Funerals, workshops, conferences, and weddings 8:00 until 22:00

Sunday: 9:00 until 13:00 Sunday services

### 5.3 GOSS LEASABLE AREA CALCULATIONS (GLA)

“GLA” means gross leasable area being the total floor space designed for, or capable of, occupancy or control by tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, but excludes public toilets, internal walkways, lift shafts, service ducts, interior parking and loading bays.

The GLA of the proposed amended structure is 400m<sup>2</sup> calculated as follows:

Land Use	m <sup>2</sup>
Multi-purpose space	230
Kitchen	12
Office	79
Office	79
<b>Floor space to be included as GLA</b>	<b>400</b>
Stairwells and ablutions, walkways	247
<b>TOTAL FLOOR AREA</b>	<b>647</b>

The multipurpose space will be used for the church and will accommodate 160 seats.

### 5.4 PARKING PROPOSAL

#### Parking required for existing Business Zone 1 Land Uses

Parking requirement for the existing land use zoning (Business Zone 1) – calculated at GLA of 400m<sup>2</sup> at 4/100m<sup>2</sup> = 16 parking bays.

16 Parking bays can be provided on site.

#### Parking required for Place of Public Worship – Consent Use

##### (Section 44 of the Zoning Scheme)

*“If two or more uses combine to share a common parking area, the Municipality may approve parking requirements that provide less than the quantum of the parking required for individual uses provided that: (a) the Municipality is satisfied that the utilisation of the same parking area by the different use types or activities in the zones will not result in a concurrent use of the parking area; and (b) bays intended for combined uses may not subsequently be reallocated to other uses without the approval of the Municipality.”*

The Mixed-Use business activities will take place Monday to Friday and the church services on Sundays. No overlapping of parking between land uses will therefor take place.

The zoning scheme requires that on-site parking must be provided at a ratio of at least 1 parking bay for every 8 seats provided in all the buildings on the site for a Place of worship.

The site can accommodate 16 on-site parking bays. 160 seats will require 20 parking bays to be provided. There's not adequate space on the site to provide on-site parking as required by Knysna zoning scheme. The limited narrow space on the property must be optimally used for the proposed upgraded building structure.

There is an alternative to the provisions of on-site parking, the zoning scheme makes provision that an owner with the consent of the Council, can identify land for the provision of parking elsewhere in a position acceptable to the Council.

The adjacent property Erf 606 can accommodate an additional 4 parking spaces that could be used by the congregation during services on Sundays. As the two properties are owned by the same land owner the sharing of parking between the two properties should follow naturally. For this purpose, it is proposed that the two properties be **tyed notoriety**.

The proposed parking layout shown on the below plan caters 16 onsite parking bays and 4 parking bays on the adjacent Erf 606.

The process for ting the properties will follow approval of the consent before approval of building plans.

In addition to the 20 parking bays proposed over the two adjoining erven the proposed development is situated in an area that has an abundance of underutilised parking especially on Sundays when the church require parking. Although not formally tied to the subject property, Builders Warehouse and Agri, both within short walkable distances from the site have an abundance of vacant parking areas during Sundays when the congregation assembles for an hour or two. The landowners intend to obtain these informal parking approvals for use by their congregation from the two large business anchors in the block for the Sunday morning assembly.

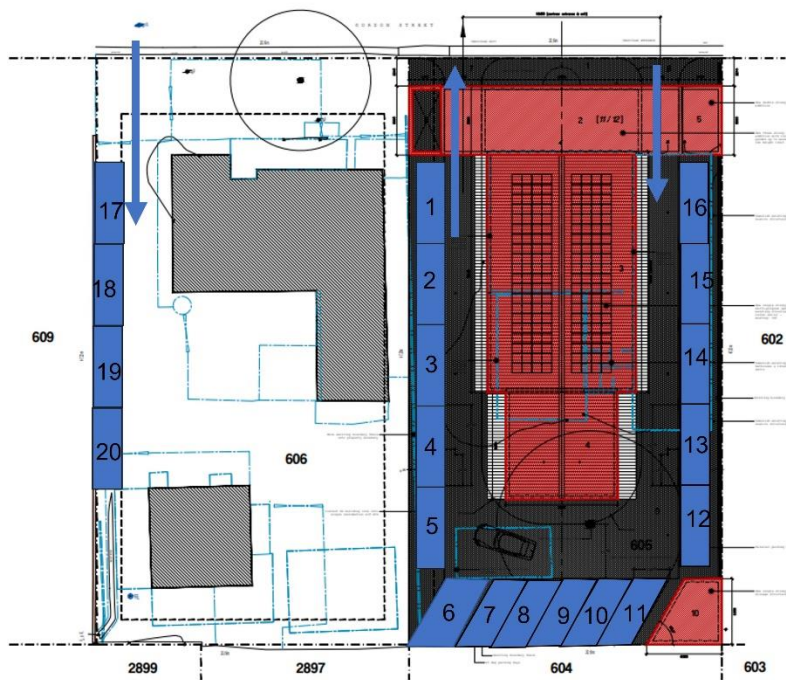
Many churches in Knysna have a similar problem of being situated in small but conveniently location for their brethren. Many churches that have this problem some have no on-site parking at all. Approving this application will not set a negative example as it is a normal practice in our community due to limited sites for place on worship. As the population grows the need for worship increases also.

### **Circulation**

The addition 4 parking bays to be provided on the adjacent site will be used by the minister and his administrative personnel so that church goers are not confused when searching for parking. The access to the additional 4 parking spaces will therefore be directly from the street access as the as indicated on the parking proposal. This will ensure harmonious parking arrangements with the residential tenants residing on Erf 606.

Proposed on-site & off-site parking.





Erf 605, Knysna, South Africa  
 Erf area: 1189,8m<sup>2</sup>  
 Zoning: Business Zone 1  
 Land Use Description: Multi-purpose  
 Floor Factor: 3  
 Coverage @ 100% max.  
 Height Restriction: 12m  
 Building Lines: 0m & 2m onto erf 606

**PARKING:**

16	Parking Bays
1	Disabled Parking Bays

Place of assembly: 1 bay/8  
 Required @ 160 seats: 20

**PARKING PROPOSAL**

**ERF 605 KNYSNA**

ZVR TOWN AND REGIONAL PLANNERS  
 CEL 0824477703  
 EMAIL: ZVRTOWN@MWEB.CO.ZA



## 5.5 ENGINEERING SERVICES

No negative impact on existing infrastructure. Given that the current zoning for the property is Business 1 all engineering services are available on site.

## 5.6 SIGNAGE

The proposed signage for the Place of Worship will adhere to the guidelines of the Revised Outdoor Advertising Policy for Knysna.

# 6 COMPLIANCE WITH KNYSNA ZONING SCHEME

## 6.1 PROPOSED CONSENT USE

### Legislative requirements

Zoning: Business Zone 1

**It is proposed that Consent be granted to use erf 605 for a “Place of Worship”**

terms of the Knysna Municipality: Zoning Scheme By-law dated 20 June 2020.

“Place of worship” means a church, synagogue, mosque, temple, chapel or other place for practicing religion and includes any building in connection therewith but does not include a funeral parlour with related chapel, which forms part of such parlour;

**The Knysna Knysna Municipality: Zoning Scheme By-law 20 June 2020** determines that “when land is intended to be utilised exclusively for a consent use in a particular zone and

the consent use is a primary right in another zone, application must be made for rezoning to the zone where the applicable land use is a primary right.”

As the site will primarily be used for the primary Business Zone 1 (mixed uses) and only on Sundays accommodate a church – only consent use is required.

## **6.2 DEVELOPMENT PARAMETERS**

Development parameters: Development parameters for Business Zone 1 applies

**The proposed Site Development Plan complies with the zoning scheme development parameters except for the provision of parking on site.**

## **6.3 Departures form the Zoning Bylaw**

### **6.3.1 Parking**

Parking bays 1 bays per 8 seats -requires 20 parking bays on site. Only 16 on-site parking bays can be provided.

4 off-site can be provided on the adjacent site Erf 606

Many of the Churches also have a similar problem of being situated on small but conveniently located mid-town properties, they can also not provide on-site parking and mostly rely on available on street parking and public parking areas in the vicinity.

## **7 NEED**

In terms of the SPLUMA principles, when considering an application, the decision-making authority must have regard to several specific considerations including specifically having to consider “the need for and desirability of the activity”.

The Kaleidoskoop Congregation will rent the site from the landowners of Erf 605 to secure a place for religious gatherings on Sundays. The landowners intend to use the buildings onsite for mixed uses during the week. The proposed hybrid land use model ensures that valuable and scarce land in the CBD of Knysna is used optimally and that buildings are used throughout the week and not just on Sundays when the congregation meets. During the week the buildings on site will function as business premises.

### **7.1 THE LACK OF WORSHIP SITES IN KNYSNA**

Many faith institutions in Knysna have been patiently approaching the municipality with the aim to obtain permanent worship sites. Many of them received letters from the Municipality affirming that there are no worship sites available.

Due to the shortage in church facilities in Knysna the Kaleidoskoop Congregation has been renting facilities for Sunday meetings for the past 14 years in various localities and intends to sign a long-term lease with the landowners of Erf 605 Knysna to secure their space over the longer term.

## 7.2 THE NEED TO RESPECT RELIGIOUS FREEDOM

Chapter 2 of the Constitution of South Africa, the Bill of Rights, contains a number of provisions dealing with religious freedom.

Section 15 states that everyone has the right to freedom of conscience, religion, thought, belief and opinion. Section 31 protects the right of persons belonging to a religious community to practice their religion together with other members of that community, and to form, join and maintain voluntary religious associations.

Section 9, the equality clause, furthermore, prohibits unfair discrimination on various grounds including religion and requires national legislation to be enacted to prevent or prohibit unfair discrimination.

## 8. DESIRABILITY

The application will further be motivated by investigating the desirability of the property for the planned land use. Desirability refers to the place, i.e. is the land suitable for the type of land use/activity being proposed and how will it fit in and impact on the surrounding environment?

### 8.1 PLANNING FRAMEWORK CONTEXT

The Planning Framework concerns strategic spatial planning context within which the development site is located. Strategic Spatial Planning exists at various levels starting with the National Development Plan, 2011 and ending at a precinct level plan each level of planning nesting in the previous layer.



The planning for the site should be guided by a “Precinct Plan” for the Knysna CBD. However, at the time of drafting this application such a plan did not exist. The development in terms of the framework of plans that exists is discussed in the following paragraphs.

**The Provincial Spatial Development Framework** serves as a strategic instrument that communicates the provincial spatial planning outline.

Democracy enabled communities to grow and exercise their right to worship. Christianity is one of the big and fast-growing religions in the world. Therefore, need for church site has increased and the change in spatial planning has changed as the demand for land. The PSDF recognizes the need for spatial, challenge and a need for spatial justice.

The PSDF promotes “productivity, competitiveness and opportunities in urban and rural space-economic”. The proposals for the site are consistent with the Spatial Development Framework.

**The Knysna draft SDF** advocates smart growth, seeking synergy between its people, their needs, and the environment. The 10 Principles for Smart Growth are tabled below and its relation to the site is indicated in the right-hand column.

<b>10 Smart Principles</b>	<b>Applicable to the development</b>	<b>Mitigation and relation to the development</b>
Mixed land use	√	Developable land is scarce and must be optimally utilised to meet the demand for housing (across all income groups) and economic development. The mixed-use nature of the proposed development supports this principle in full
Take advantage of compact building design	√	The proposed building on the site will promote the compact design principle as it will have to serve many uses at different times of the week
Create a range of housing opportunities	N/A	
Create walkable neighbourhoods	√	The central locality of the site will promote walkability and encourage the development of complete streets.
Foster distinctive attractive communities with a strong sense of place	√	The urban quality and transformation of the urban landscape will serve as an attractor for economic investment. The redevelopment of the site to accommodate the new land uses will lead to upgrade of the environment and assist in creating a sense of place and improved public realm.
Preserve open space	N/A	
Strengthen and direct development toward existing communities	√	Knysna town is earmarked as the Regional Service Centre and the locality of the development site in the CBD strengthens development in one of the oldest parts of the town and directs new development towards existing communities
Provide a variety of transport choices	N/A	

Make development decisions predictable, fair and cost effective	N/A	
Encourage community and stakeholder collaboration in development decisions	N/A	

**The vision for Knysna town centre is:**

*Core centre of Knysna town to be maintained and improved to accommodate a vibrant mix of residential, commercial, office and public facilities knitted together by a high-quality public realm of complete streets and public spaces connecting with and pulling through the blue and green natural assets. Building heights to a maximum of four storeys (12m) are allowed in terms of the Municipal Zoning Scheme By-law for business premises. This should be allowed for residential purposes too and linked to planning gains associated with public realm improvements, active frontages and inclusionary housing for example. This is a priority area for more detailed planning with particular consideration of infill development, the future rail concession, the optimum future of the taxi rank and under-utilised land; as well as the streetscape.*

**The Spatial Planning and Land Used Management Act (SPLUMA) provides for five principles**

The table identifies a focus area in Knysna to apply the SPLUMA principles and then relates it to the proposed development site.

<b>SPLUMA PRINCIPLE</b>	<b>SPLUMA FOCUS AREA</b>	<b>PROPOSED DEVELOPMENT MITIGATION</b>
Spatial justice	Pursue intergenerational justice in the location and pattern of settlement development	Erf 605 is accessible to the entire population of Knysna and does not exclude any person or population group.
Spatial sustainability	Pursue a more concentrated, well-connected, and more compact footprint	By using the buildings on Erf 605 for business buildings during the week en a place of worship on Sundays, spatial sustainability is promoted
Spatial resilience	Proactively minimise dependency on carbon-based fuels	Erf 605 is within walking distance from the business areas in the CBD and the tourism belt along the estuary, which will minimise dependency on carbon-based fuels.
Spatial efficiency	Diversify and densify settlements to reduce transactional costs	The mixed-use nature of the proposed development site leads to improved special efficiency

	and the need for motorised transport	
Good administration	Ensure adherence to the law, notably SDFs and municipal Land Use Schemes (LUSs), to ensure that the social, spatial and economic benefits of good spatial planning materialise.	The nature of the application is to ensure that the proposed development adheres to the law

## 8.2 VISUAL IMPACT

The local urban environmental quality of the area in which the site is located is not very high and it gives the impression that is the rear side of buildings fronting to the other side.

The proposed upgrading of buildings on the site will improve the visual quality of the public/private interface without affecting the height perspective or building scale.

Remaining residential land uses in the area will not be negatively impacted but will benefit from the improved curb appeal of the property.

The current two-story structure is bulky with a flat unflattering facade. The proposed improvements will complement the Knysna architectural character and uplift the sidewalk appeal of the property. The visual impact will therefore enhance the urban quality of the area.

## 8.3 SITE ACCESS AND TRAFFIC GENERATION

The site will obtain access from the existing road network and the access arrangements will be supportive of guidelines imposed by the Knysna Traffic Engineering Department.

The proposed consent use will generate traffic on Sundays which is an off-peak traffic time, and it will therefore not overburden the traffic system of the road network in the area. Traffic generation during the week will not be affected by the proposed addition of the church.

Due to the central locality of the site, many church members will be able to walk to the church on Sundays.

## 8.4 NOISE GENERATION

The proposed land use will introduce the live singing of church music for a limited period every Sunday during meetings. The worship period during any service is not more than 30 minutes and the level of noise emissions are low and not audible beyond the boundaries of the site.

## 9. CONCLUSION

The consent use to permit the use of a "place of worship" on this Business Zone 1 property will be in line with the vision for Knysna CBD and will not impact negatively on the

surrounding urban environment. There is a need for church facilities and the Kaleidoskoop Congregation have been searching for the past 14 years for a permanent home. The introduction of a church in the neighbourhood will contribute to the provision of social facilities in Knysna with religious instruction on the doorstep of many residences still situated in the CBD.

The proposed consent use constitutes 'infill' development as it is surrounded by other Business Zone 1 properties with similar use and impact.

The improvements to the visual quality through architectural upgrading will improve the overall public / private interface value of the area and contribute to the upliftment of the urban quality. The proposed additional land use will not impact negatively on traffic generation and parking requirements can be met on the site and the adjacent site.

This application meets the requirement set out in SPLUMA and the municipal planning by-law. It is very clear that the proposed land use is desirable.

We trust that the application will meet with your approval.



20 January 2023

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ZELMARIE VAN ROOYEN

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DATE