

ERVEN 2589 & 2590 KNYSNA

**Consolidation, Rezoning, Departure, Administrator's Consent,
Approval of a Long-Term Lease Diagram, SDP Approval, Permission
in terms of the Zoning Scheme, Public Place Closure, and
Amendment of a General Plan Applications**



Planning  Space
Town and Regional Planners

Lundikazi Khuphiso

www.planningspace.co.za

12/5/2025

REV 2

TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. BACKGROUND.....	2
3. PROPERTY INFORMATION.....	3
3.1 LOCALITY	3
3.2 BIOPHYSICAL SITE CONDITIONS.....	4
3.2.1 Topography	4
3.2.2 Vegetation.....	4
3.3 PROPERTY DETAILS	5
4. PROPOSAL	6
4.1 CONSOLIDATION.....	7
4.2 REZONING	7
4.2.1 Erf 2590	7
4.2.2 Portion A (a portion of Erf 2731).....	8
4.3 DEPARTURE	8
4.3.1 Building Lines	9
4.3.2 Coverage	9
4.4 ADMINISTRATOR'S CONSENT TO SUSPEND RESTRICTIVE TITLE CONDITIONS.....	10
4.4.1 Erf 2589	10
4.4.2 Erf 2590	11
4.5 PERMISSION IN TERMS OF THE KNYSNA ZONING SCHEME BY-LAW.....	12
4.5.1 Parking	12
4.5.2 SITE DEVELOPMENT PLAN.....	13
4.6 REGISTRATION OF A 99-YEAR LEASE AGREEMENT	15
4.7 CLOSURE OF PUBLIC PLACE	15
4.8 AMENDMENT OF THE GENERAL PLAN	15
5. FACTORS TO CONSIDER	15
5.1 PREVIOUS APPROVALS.....	15
5.2 THE NEED TO RESPECT RELIGIOUS FREEDOM.....	16

5.3 DESIRABILITY OF THE PROPOSED UTILISATION OF LAND.....	17
5.4 ANTICIPATED IMPACTS OF THE PROPOSAL	17
5.5 ECONOMIC IMPACT	18
5.6 ENGINEERING SERVICES	18
5.6.1 Water	18
5.6.2 Sewer	19
5.6.3 Stormwater	19
5.6.4 Solid Waste	20
5.6.5 Electricity.....	20
5.7 CONSIDERATION OF KNYSNA MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (SDF) .	20
5.8 POLICIES, PRINCIPLES, AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT	21
5.8.1 Spatial Justice	21
5.8.2 Spatial Sustainability	22
5.8.3 Spatial Efficiency	22
5.8.4 Spatial Resilience and Good Administration	22
5.9 COMPLIANCE WITH SECTION 33 (4) OF THE MUNICIPAL BY-LAW	22
6. SUMMARY OF APPLICATION	24

LIST OF PLANS:

DIAGRAM 1: Locality Map

DIAGRAM 2: Aerial Photo

DIAGRAM 3: Zoning Map

DIAGRAM 4: Surveyed Contour Plan

DIAGRAM 5: Site Plan and Floor Plans

DIAGRAM 6: Consolidation Plan

DIAGRAM 7: Services Maps

DIAGRAM 8: Lease Area Diagram

DIAGRAM 9: Public Place Closure Plan

LIST OF ANNEXURES:

ANNEXURE A: Power of Attorney and Company Resolution

ANNEXURE B: Title Deeds and WinDeed Search Results

ANNEXURE C1: General Plan

ANNEXURE C2: SG Diagram (Erf 2714)

ANNEXURE D: Pre-application Minutes

ANNEXURE E: Previous Special Consent and Lease Approval

ANNEXURE F: Lease Agreements and Encroachment Agreement

ANNEXURE G: Long-Term Lease Approval and Council Resolution

ANNEXURE H: Letter confirming name change

ANNEXURE I: Approved Building Plans (Erf 2589)

ANNEXURE J: Civil Engineering Bulk Services Report

ANNEXURE K: Electrical Bulk Services Report

ANNEXURE L: Status Report

ANNEXURE M: Neighbour's Consents

1. INTRODUCTION

Planning Space PTY LTD has been appointed by **The Knysna Christian Church**, the owner of Erven 2589 and 2590 Knysna respectively, to prepare and submit the following applications in terms of Section 15 (2) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-Law 2021, to the Knysna Municipality (see Power of Attorney and Company Resolution attached as **Annexure A**).

- i. Section 15 (2) (e): Application for the **consolidation** of Erven 2589 and 2590 Knysna into one stand as illustrated in Diagram 6.
- ii. Section 15 (2) (a): Application for Rezoning of Erf 2590 from “**Undetermined Use Zone**” to “**Community Zone II**” in order to allow a place of worship.
- iii. Section 15 (2) (b): Application for a departure (**relating to the consolidated site**) from the provisions of the Knysna Zoning Scheme By-Law for **building line relaxations** along the:
 - a) Eastern lateral boundary from 5m to 1.5m to permit the proposed church building.
 - b) Western street boundary from 5m to 0m to permit the proposed church building.
 - c) Rear boundary from 5m to 0m to permit the proposed church building.
- iv. Section 15 (2) (b): Application for a departure from the provisions of the Knysna Zoning Scheme By-Law for a **coverage** relaxation from 60% to 74%.
- v. Section 15 (2) (f): Application for Administrator’s consent to **suspend** the following Title Deed restrictive conditions:
 - a) Condition 4 (b), which restricts **Erf 2589** to only one dwelling.
 - b) Condition 4 (c), which limits the coverage of **Erf 2589** to 50%.
 - c) Condition 4 (d), which relates to the building lines applicable to **Erf 2589**.
- vi. Section 15 (2) (f): Application for Administrator’s consent to **suspend Condition 4 (b)**, which specifies the street building line of 7.87m for **Erf 2590**.
- vii. Section 15 (2) (g): Application for the **approval of a Site Development Plan** attached as Diagram 5.
- viii. Section 15 (2) (d): Application to approve a long-term Lease Diagram (Plan No: E2731-L-KNY dated 10 April 2025) **of a period of 99 years** as per Council Resolution C01/09/23 dated 26 October 2023.

- ix. Section 15 (2) (a): Application for the rezoning of Portion A (a portion of Erf 2731) from “**Open Space Zone I**” to “**Open Space Zone II**” in order to allow a parking facility and play area for Freedom Church, as indicated in the Lease Diagram (Plan No: E2731-L-KNY dated 10 April 2025), attached as Diagram 8.
- x. Section 15 (2) (n): Application for the **closure of Portion A (a portion of a public place - Erf 2731)** as indicated in the Public Place Closure Plan No. E2731-PPCP dated 20 November 2025, attached as Diagram 9, to allow the registration of the 99-year lease
- xi. Section 15 (2) (k): Application for **amendment of the General Plan No. 8467/1955** in order to allow closure of a portion of Erf 2731 indicated as Portion A on Public Place Closure Plan No. E2731-PPCP dated 20 November 2025, attached as Diagram 9.

In addition to the above, and in terms of Section 43 (1) (b) of the Knysna Zoning Scheme By-Law, we would like to request permission to provide a parking facility that will consist of 130 parking bays on a portion of Erf 2731 as per the 99-year lease agreement. The church site (Erven 2589 and 2590) can only accommodate 15 on-site parking bays, resulting in a shortfall relative to the total requirement of 138 bays. The parking arrangement is shown in Diagram 5.

2. BACKGROUND

The properties in question were originally established in 1956 as part of the creation of Knysna Township Extension No. 2, also known as Lower Old Place. In 1990, an application was submitted to the Council to use Erf 2589 for church purposes, which was approved in 1991 (see Annexure E). The application also included a request to use Erf 2590 as a parking area for the church, and this request was granted. The church entered into an encroachment agreement (see Annexure F3) with the Council in 1999 due to its parking area overlapping municipal land (Erf 2590). The approval for parking use was renewed every five years until 2019, when the Knysna Christian Church, now known as Freedom Church, which was previously operating as Knysna Vineyard Church, acquired Erf 2590 from the Municipality, with the intended purpose of expanding the existing church building situated on the adjacent Erf 2589.

Since 2007, the church has also leased a portion of Erf 2731 for parking purposes, with renewals every five years until 2022, when a longer lease of 9 years and 11 months was granted to support the planned expansion. During a pre-application consultation, the Planning Department advised that a permanent parking solution is necessary, as the church's development and associated land use rights will be permanent. A short-term lease poses a risk if not

renewed. Council was therefore requested to extend the lease term to a 99-year lease agreement (See Council Resolution attached as Annexure G).

Erf 2590 is currently zoned as an Undetermined Use Zone, while Erf 2589 is designated as a Community Zone II. The overarching plan is to consolidate both properties into one large, unified property to accommodate a significantly larger church building to serve the growing needs of the congregation.

The consolidated church site cannot accommodate all the required on-site parking bays associated with the proposed expansion. The layout, size, and configuration of the consolidated property limit the extent to which parking can be provided within the church precinct itself. This spatial limitation creates a shortfall in the total number of parking bays needed to support the intended land use and ensure compliance with municipal parking standards. Given these constraints, it is necessary to obtain permission to provide the additional required parking on an alternative site associated with and functionally linked to the consolidated church property.

The expansion of the church building and the formalisation of the parking arrangement necessitate the submission and approval of several land use applications. These applications are crucial for ensuring that the development complies with zoning and land use regulations. Detailed information regarding these required applications is outlined in paragraph 4 of this motivating memorandum.

3. PROPERTY INFORMATION

3.1 LOCALITY

The Freedom Church is located at 23 Bokmakierie Street, Lower Old Place, Knysna, which connects to George Rex Drive and the N2, as shown in the attached Locality Plan: Diagram 1. The church occupies Erf 2589, with the vacant Erf 2590 situated adjacent to it, currently used as a parking area for the church.

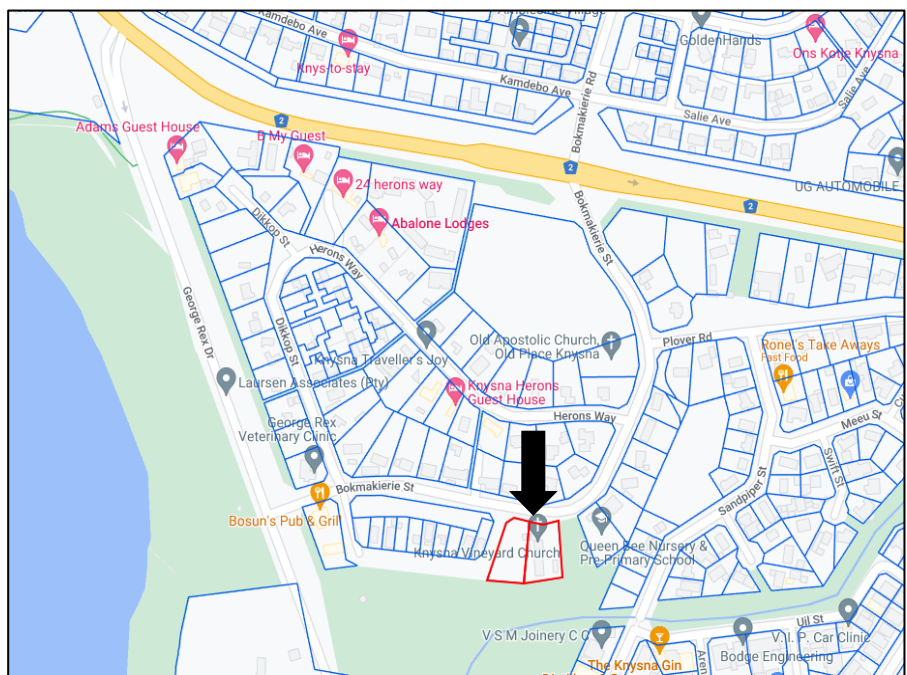


Figure 1: Extract indicating the locality of the subject properties.

3.2 BIOPHYSICAL SITE CONDITIONS

3.2.1 Topography

- The site has an even gradient with an average height of 6m above the mean sea level.
- The slope of the site is favourable for construction, as it does not present any significant elevation changes or steep gradients, making the site well-suited for the planned church building.
- A surveyed Contour Plan is attached as Diagram 4.

3.2.2 Vegetation

- Erf 2590 has been used as a parking area since 1991 and contains no sensitive vegetation. It is predominantly covered with lawn and some trees, none of which are classified as environmentally sensitive or requiring special protection.
- None of the trees on Erf 2590 will be retained, but it is the intention to retain the existing trees on the portion of Erf 2731 that will be used for parking purposes, preserving their presence and integrating them into the overall development layout.



Figure 2: Erf 2590.



Figure 3: Erf 2731.

3.3 PROPERTY DETAILS

Title Deed Description	Erf 2589, in the Municipality & Division of Knysna, Western Cape.	Erf 2590, in the Municipality & Division of Knysna, Western Cape.
21 Digit code	C03900050000258900000	C03900050000259000000
Title Deed Number	T33945/90 (Attached as Annexure B1)	T20957/2019 (Attached as Annexure B2)
S.G/GP Diagram No.	GP 8467/1955 (attached as Annexure C)	GP 8467/1955 (attached as Annexure C)
Title Deed Restrictions	Conditions 4 (b), 4 (c), and 4 (d)	Condition 4 (b)
Property Size	1982m ²	1874m ²
Property Owner	The Knysna Christian Church	The Knysna Christian Church
Bonds	None	None
Land Use	Church	Parking Facility and Play Area
Zoning	Community Zone II	Undetermined Use Zone

Title Deed Description	Erf 2731, in the Municipality & Division of Knysna, Western Cape.	
21 Digit code	C03900050000273100000	
Title Deed Number	T15249/1957 (Attached as Annexure B3) Erf 2731 has not been formally transferred to the municipality and still forms part of the original Title Deed of the parent property (Erf 2714).	
S.G/GP Diagram No.	GP 8467/1955 (attached as Annexure C)	
Title Deed Restrictions	None	
Property Size	3.3643 Hectares	
Property Owner	Knysna Municipality Since Erf 2731 is designated as Public Open Space, ownership vests in the municipality. In this regard, Section 25 (1) of the Knysna Spatial Planning and Land Use Management By-Law states that land designated as public open space vests automatically in the municipality, even if a formal transfer of ownership has not yet occurred.	
Bonds	None	
Land Use	Leased parking and play area	
Zoning	Open Space Zone I	

4. PROPOSAL

Erf 2589 is zoned for Community Zone II purposes and used by the Freedom Church. The intention is to expand the existing church onto the adjacent Erf 2590, which does not currently have land use rights designated for a place of worship. To proceed with the proposed expansion, several land use applications are required. These applications, which are essential for ensuring compliance with zoning regulations, are discussed in detail in paragraphs 4.1 to 4.8 below.



Figure 4: Existing Church Building.



Figure 5: Proposed New Church Building.

4.1 CONSOLIDATION

An application is being submitted to the Council for the consolidation of Erven 2589 and 2590 in Knysna into a single property. Erf 2589 has an area of 1982m², while Erf 2590 measures 1874m². The consolidated site area will measure a total of 3856m², as illustrated in the proposed Consolidation Plan (see Diagram 6).

A church site normally requires more land compared to residential properties due to parking requirements, landscaping, and supporting structures for church activities. In this case, the church is fortunate to own two adjoining properties, which can be consolidated to create a sufficiently sized property to meet its needs. The current church building is no longer able to accommodate the growing congregation and activities, making this consolidation a necessary step to ensure there is adequate space for the expanding requirements of the church.

4.2 REZONING

4.2.1 Erf 2590

The aim is to obtain development rights to use the consolidated property for church purposes. The primary right in Community Zone II includes a place of worship.

Knysna Zoning Scheme By-Law defines a “**place of worship**” as a church, synagogue, mosque, temple, chapel, or other place for practising a faith or religion, provided that a dwelling where the occupants engage in worship does not constitute a place of worship, and—

- (a) includes ancillary uses such as a religious leader’s dwelling, office, crèche, function hall, place of assembly, or place for religious instruction; and
- (b) does not include a funeral parlour, cemetery, or crematorium.

Erf 2589 already holds land use rights for a church, but Erf 2590 does not. These properties are going to be consolidated into one larger Community Zone II property, as outlined in paragraph 4.1 above.

Therefore, an application to rezone Erf 2590 from “**Undetermined Use Zone**” to “**Community Zone II**” is being submitted in order to allow the planned church building as indicated on the Site Development Plan attached as Diagram 5.

4.2.2 Portion A (a portion of Erf 2731)

Erf 2731 is currently zoned “**Open Zone Space I**” for “**Public Open Space**” purposes. In terms of the Knysna Zoning Scheme By-Law, the definition of a “Public Open Space” specifically excludes land leased out by the Municipality on a long-term basis.

It is therefore proposed that the portion of Erf 2731 (Portion A) affected by the lease agreement be rezoned to “**Open Zone Space II**” (Private Open Space).

In terms of the Knysna Zoning Scheme By-Law, “**private open space**” is defined as a land not designated as public open space and that is used primarily as a private site for sport, play, rest, or recreation, or as a park or nature conservation area, and—

- (a) includes ancillary buildings, infrastructure, private roads, private parking, and public land that is or will be leased on a long-term basis; and
- (b) does not include shops, restaurants, and commercial or enclosed gymnasiums.

The proposed rezoning from **Open Space Zone I** to **Open Space Zone II** will permit the establishment and registration of a long-term parking facility in support of the church. This rezoning aligns with the intended use and satisfies the requirements of the Zoning Scheme and the Deeds Registry.

Although rezoned to Open Space Zone II, the area will remain accessible to the public at all times. The current 9-year and 11-month Lease Agreement (attached as Annexure F1) stipulates that the parking area and adjoining play space must remain open for public use. These stipulations in the signed Lease Agreement will be brought over to the new 99-year lease and will continue to guarantee public access. This public access requirement can also be included in the conditions of the land use approval. The rezoning thus serves a technical purpose that will permit the registration of the Lease Diagram, without limiting public access or altering the community function of the space.

4.3 DEPARTURE

Development parameters pertaining to the consolidated Community Zone II site are prescribed in the Knysna Zoning Scheme By-Law and Title Deeds. These parameters are stipulated in the table below.

PARAMETER		BY-LAW	TITLE DEED	COMPLIANCE
BUILDING LINES	Street	5m	Erf 2589-4.72m Erf 2590-7.87m	The proposal does not comply.
	Lateral	5m	Erf 2589-1.57m Erf 2590-Not specified	The proposal does not comply.
	Rear	5m	Erf 2589-3.15m Erf 2590-Not specified	The proposal does not comply.
COVERAGE		60%	74%	The proposal does not comply.
HEIGHT		8.5m	8.5m	The proposal complies.

4.3.1 Building Lines

The proposed church building deviates from the zoning scheme building lines requirements of the consolidated site. The zoning scheme building lines for the proposed land use are 5m for all boundaries. However, the new church building will encroach on the street, lateral, and rear building lines, and will exceed the permitted building coverage on the consolidated site.

To address these deviations and allow the construction of the planned church, a request is being submitted to the Council for a departure from the Knysna Zoning Scheme By-Law to:

- Relax the eastern lateral building line from 5m to 1.5m.
- Relax the western street building line from 5m to 0m.
- Relax the rear building line from 5m to 0m.

Although the proposed church building does not fully comply with the applicable building lines, the owner of the church properties is leasing land from the Council adjacent to the eastern and southern boundaries of the consolidated property, effectively allowing sufficient open space around the building. The northern street boundary will remain compliant. The encroachment on the western street building line is adjacent to an unmade street, meaning no neighbouring properties will be affected.

4.3.2 Coverage

The proposed church building exceeds the permitted building coverage for the consolidated site. According to the applicable zoning regulations, the maximum allowable building coverage is 60%. However, the planned church extension will result in a building coverage of approximately 74%.

As such, an application is being submitted to the Council for a departure from the Knysna Zoning Scheme By-Law to allow an increase in building coverage from 60% to 74%.

[illegible]

4.4 ADMINISTRATOR'S CONSENT TO SUSPEND RESTRICTIVE TITLE CONDITIONS

4.4.1 Erf 2589

- Condition 4 (b) limits the property to a single dwelling.
- Condition 4 (c) stipulates that no more than 50% of the property may be developed.
- Condition 4 (d) relates to building lines.

To proceed with the construction of the proposed church expansion, we hereby respectfully request the suspension of Conditions 4 (b), 4 (c), and 4 (d) illustrated in Figure 7.

It should be noted that the existing structures on Erf 2589 have approved zoning and Building Plans (see Annexure I), which were authorised without the suspension of the aforementioned conditions, despite these conditions conflicting with the property's current zoning and approved land use. It is unclear why these conditions were never suspended. For the sake of good administrative practice and to ensure alignment with current zoning provisions, it is recommended that these restrictive conditions be formally suspended prior to commencing the new development.

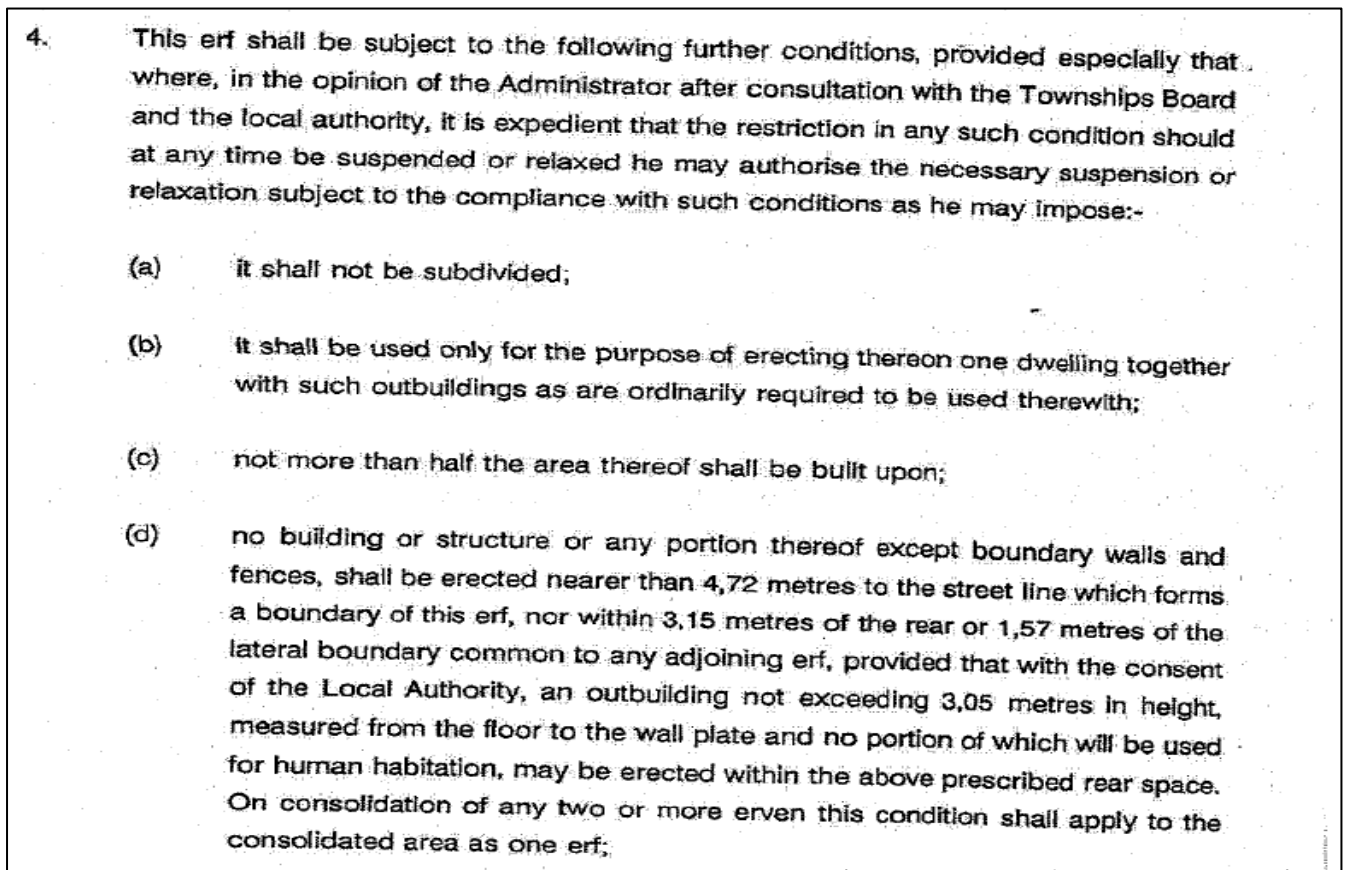


Figure 7: Extract from the Title Deed (Erf 2589).

4.4.2 Erf 2590

Condition 4 (b) determines a street building line of 7.87m (25 feet). This condition does not align with the street boundaries of other properties along the same street and therefore has no purpose. For example, the Title Deeds for adjacent properties Erven 2589 and 2588 stipulate a street boundary of 4.72m.

Any deviation from this requirement necessitates formal consent from the Knysna Municipality, now acting as the Administrator. Accordingly, we respectfully request the suspension of Condition 4 (b) depicted in Figure 8.

Although this restrictive condition is proposed to be suspended, the planned development will comply with the applicable 5m northern street building line stipulated for Community Zone II, the zoning category to which Erf 2590 is proposed to be rezoned in accordance with the Knysna Zoning Scheme. However, the development will not comply with the 5m western street building line along the unmade road. A departure application for this deviation has been submitted to the Council (refer to paragraph 4.3.1).

(b) No building or structure of any portion thereof, except boundary walls and fence shall be erected nearer than 25' to the street line which forms a boundary of this erf."

Figure 8: Extract from the Title Deed (Erf 2589).

4.5 PERMISSION IN TERMS OF THE KNYSNA ZONING SCHEME BY-LAW

4.5.1 Parking

Section 43 (1) of the Knysna Zoning Scheme By-Law stipulates that as an alternative to compliance with the on-site parking requirements, an owner may, with the approval of the Municipality, acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by the Municipality, and must register a notarial tie or servitude against that land or parking facility to link the properties concerned for the purpose of parking, and the owner must cause the parking concerned to be constructed and maintained in accordance with the Municipality's requirements and approval.

In line with the above provision, the owner of Erven 2589 and 2590 has secured Council approval for a long-term lease over a portion of Erf 2731 for parking and play area purposes. Once the Lease Diagram is approved, as outlined in paragraph 4.6 below, the Lease Agreement will be signed and a notarial tie registered with the Deeds Office.

In terms of the Knysna Zoning Scheme By-Law, the required parking provision is one bay per eight seats. With 1100 seats planned for the development, 138 parking bays are required. A total of 145 parking bays have been provided, mainly on the leased section of Erf 2731, which is in line with the By-Law requirements.

The church site itself can accommodate only 15 on-site bays. Accordingly, permission is respectfully requested from the Council to provide 130 bays on a portion of Erf 2731, as per Council Resolution C01/09/23 dated 26 October 2023 (refer to Annexure G).

4.5.2 SITE DEVELOPMENT PLAN

The governing Knysna Zoning Scheme By-Law stipulates that, in addition to the use zones that specifically require a Site Development Plan, the Municipality may require a Site Development Plan in respect of the following development types—

- (a) shopping centres or shopping complexes;
- (b) business or office park developments;
- (c) industrial park developments;
- (d) developments in conservation areas;
- (e) developments that will be sectionalised;
- (f) incremental residential developments;
- (g) **major developments** where there are concerns relating to urban form, heritage, traffic, the environment, or planning.

The proposed development qualifies as a major development, as it will contain a multilevel religious complex, intended to serve a congregation of ± 1100 members. Therefore, we respectfully request that the Council consider the proposed Site Development Plan, attached as Diagram 5.

The existing church structure has a floor area of 990m^2 . The proposed extension will add 3403m^2 , resulting in a total floor area of 4393m^2 , consisting of:

- Ground floor: 2182m^2 .
- First floor: 1221m^2 .

According to the Knysna Zoning Scheme By-Law, a parking ratio of 1 parking bay per 8 seats is required. For this proposed development with planned seating for 1100 people, 138 parking bays are required. A total of 145 parking bays have been provided, mostly on the adjacent leased area [Portion A (a portion of Erf 2731)], which meets the By-Law requirements. Of these, 6 parking bays are designated for disabled individuals.

Section 45 of the Knysna Zoning Scheme By-Law sets out the requirements for vehicle access to and from a property, as follows:

- (a) Only one motor vehicle carriageway crossing is permitted per site per public street or road that abuts the property;
- (b) However, if the total length of any street boundary exceeds 30m, one additional carriageway crossing may be allowed, provided that the two crossings are at least 12m apart.

In compliance with these provisions, ingress will occur via the existing access point on Erf 2589, adjacent to Bokmakierie Street. Egress is proposed along the northern street boundary of Erf 2590. The combined length of the proposed consolidated site along this boundary exceeds 30m, and the proposed access points will be separated by a distance of at least 12m. All requirements of the Zoning Scheme relating to vehicle access and egress will therefore be fully adhered to.

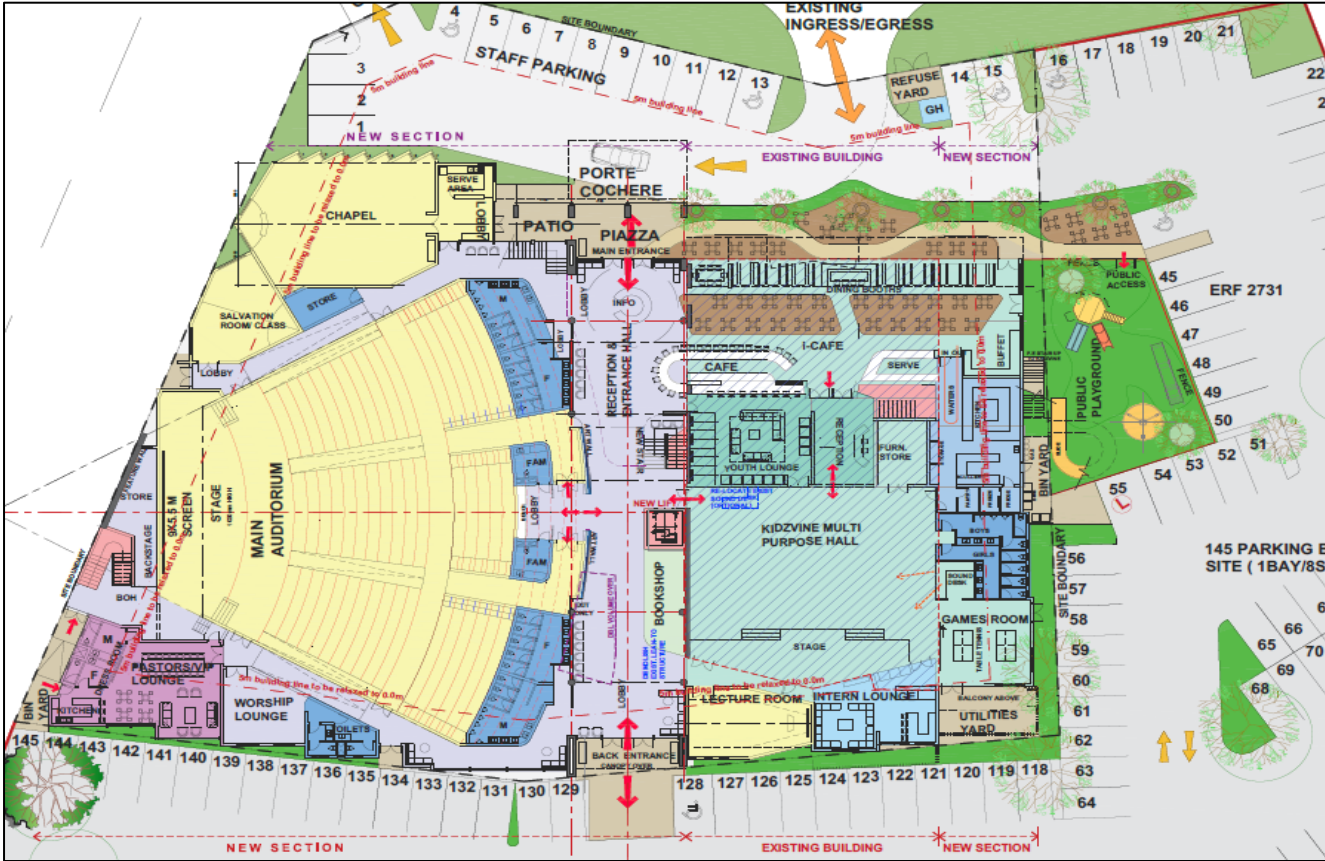


Figure 9: Ground Floor (see Diagram 5).

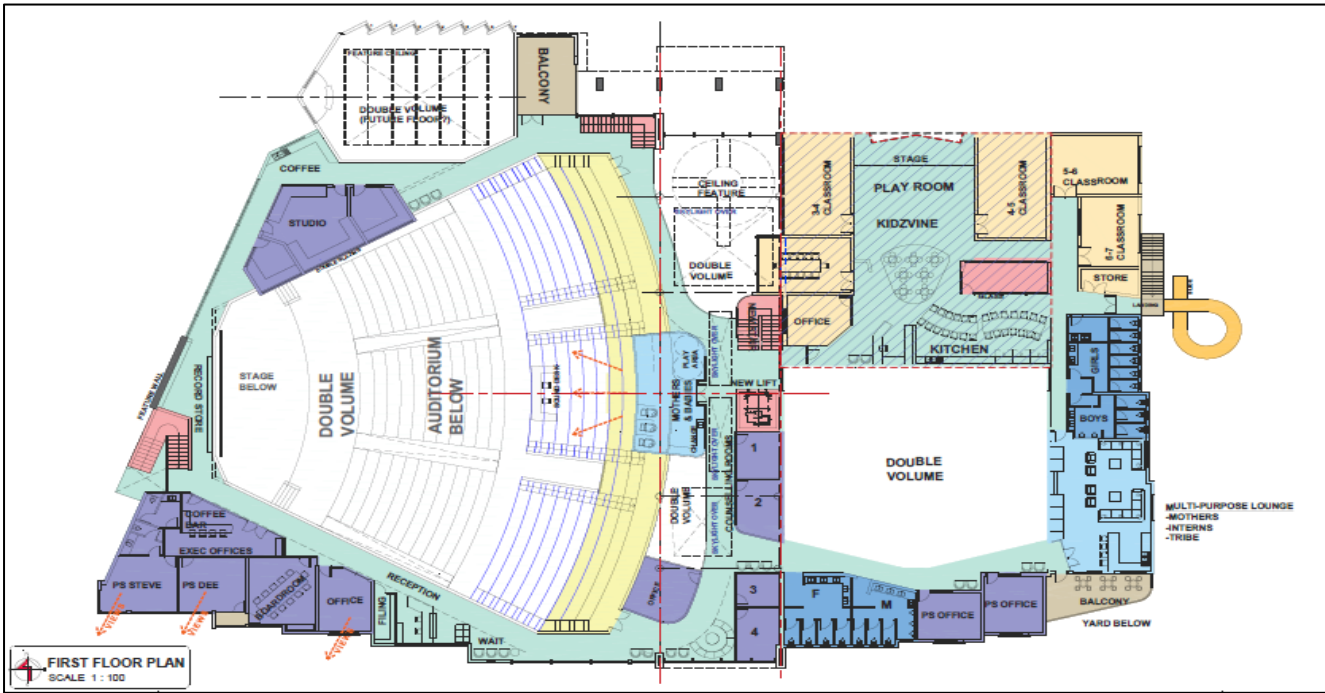


Figure 10: First Floor (see Diagram 5).

4.6 REGISTRATION OF A 99-YEAR LEASE AGREEMENT

Section 15 (2) (d) of the Knysna Spatial Planning and Land Use Management By-Law makes provision for the approval of a long-term lease, which is regarded as similar to a subdivision approval, where a Lease Diagram is endorsed by the Municipality and then approved by the Surveyor General. An SG Diagram is necessary if the lease applies to only a portion of a property and is registered in the Deeds Office.

Thus, the Council is respectfully requested to approve the Lease Diagram attached as Diagram 8 in order to permit the registration of the 99-year lease agreement over a portion of Erf 2731, in accordance with Council Resolution C01/09/23 dated 26 October 2023 (refer to Annexure G).

4.7 CLOSURE OF PUBLIC PLACE

General Plan No. 8467/1955 (see Annexure C) indicates Erf 2731 as a “Public Place”. Land designated as a public place cannot accommodate the registration of a private real right, such as a 99-year lease. A Status Report obtained from the Surveyor General also confirms that Portion A (which represents the approved lease area) is currently registered as a public place (see Annexure L). Portion A is shown in the Public Place Closure Plan No. E2731-PPCP (refer to Diagram 9), and it is proposed that this portion of the property be formally closed, so that the Lease Diagram can be successfully registered. This will, however, not necessarily prevent the public from accessing the property and is merely a technicality that is required by the Deeds Office to facilitate the registration of the lease.

4.8 AMENDMENT OF THE GENERAL PLAN

In order to facilitate the proposed closure of Portion A, which forms part of Erf 2731, it is necessary to amend the existing General Plan. The amendment will formally show the closure of the public place, thereby permitting the registration of the long-term lease and the establishment of a parking and play facility for the Freedom Church.

Council is respectfully requested to consider the application to amend General Plan No. 8467/1955 to reflect the closure of Portion A and its subsequent incorporation into the long-term lease area designated for Freedom Church. Although the land will no longer be registered as a public place, the conditions attached to the Lease Agreement will ensure continued public access to Portion A.

5. FACTORS TO CONSIDER

5.1 PREVIOUS APPROVALS

In 1990, an application was submitted to the Council for the use of Erf 2589 for church purposes, and it was approved in 1991 (refer to Annexure E). The application also requested approval for Erf 2590 to be used for parking, and this request was granted. The parking approval was subsequently renewed until the Knysna Vineyard Church acquired

the property from the Municipality in 2019, specifically with the intention to extend the church. The church now plans to develop Erf 2590 into a place of worship and expand the existing church building on Erf 2589.

Upon acquiring Erf 2590, the church applied to lease a portion of Erf 2731 from the Council for parking purposes, as the intention is to expand the church building onto Erf 2590, which had previously been used for parking. A 99-year notarial lease has recently been approved by Council, allowing the church to utilise a portion of Erf 2731 for parking to accommodate the planned expansion, ensuring long-term parking for the project (refer to Annexure G).

For over 30 years, the church has held land use rights and has consistently obtained the necessary approvals from the Council. All required documentation and permits have been maintained in good standing. The approval of this proposal will not introduce any new or conflicting land uses to the area, as the development aligns with the existing land use rights and the intended use of the properties.

5.2 THE NEED TO RESPECT RELIGIOUS FREEDOM

Religious freedom is a fundamental human right enshrined in Chapter 2 of the Constitution of South Africa, which is known as the Bill of Rights. This chapter safeguards the principles of equality, dignity, and freedom for all individuals, including their religious beliefs and practices.

Section 15 of the Constitution affirms that everyone has the right to freedom of conscience, religion, thought, belief, and opinion. This ensures that individuals are free to practice their religion of choice without fear of oppression or persecution. The right to religious freedom extends beyond individual beliefs; it also protects the collective practice of religion.

Section 31 specifically guarantees that individuals who belong to a religious community have the right to practice their religion together with others in that community. This provision also protects their ability to form, join, and maintain voluntary religious associations, thus encouraging the free formation of religious groups and institutions. Additionally, Section 9 of the Constitution, known as the equality clause, prohibits unfair discrimination on various grounds, including religion. It emphasises that no one should be discriminated against based on their religious beliefs or affiliations. This section also mandates that national legislation must be enacted to prevent or prohibit any form of unfair discrimination, ensuring that religious freedom is not only respected but also actively protected in all aspects of society.

5.3 DESIRABILITY OF THE PROPOSED UTILISATION OF LAND

Desirability refers to whether the land is suitable for the proposed land use or activity and how well it will integrate with and impact the surrounding environment. It is essential to consider the land's location, the available infrastructure, environmental factors, and the potential effects on neighbouring areas.

The subject properties are located within a residential area, as shown in the Zoning Map attached as Diagram 3. This location is favourable for the proposed utilisation due to several key factors:

- **Location:** The subject properties are situated within the urban edge of Knysna town, which is strategically positioned for access to existing urban infrastructure and services such as water, electricity, sewage, and road networks. This means that the proposed development can easily connect to and benefit from the established services, reducing costs and ensuring sustainability.
- **Strategic Location Next to Church Property:** The leased portion of Erf 2731 is ideally located next to Erven 2589 and 2590. This proximity enhances the suitability of the land to be part of the proposed development, as it can complement the existing community and religious functions in the area.
- **Serving Community Needs:** The church building, which forms part of the proposed development, is intended to serve the needs of the local community. This aspect is crucial as it ensures that the development has a positive social impact, providing a space for spiritual, social, and community activities. The integration of the church building into the development aligns with broader goals of promoting community well-being and supporting the needs of residents.

5.4 ANTICIPATED IMPACTS OF THE PROPOSAL

The subject properties are situated within a residential area, as illustrated in the Zoning Map attached as Diagram 3. Places of worship are generally considered compatible with residential areas in most spatial planning policies. Additionally, written consents from the owners of neighbouring properties (Erven 2624, 2625, 2626, 2627, 2588, and 2591) have been obtained for the proposed development (refer to Annexure M).

Freedom Church, previously known as Vineyard Church, has already operated harmoniously in the area for years, and the extension is simply an enhancement of an existing, accepted land use. Given the nature of the proposed development, some level of impact on the surrounding properties is expected, but the land use remains the same, and it is therefore not expected that the impact of the extension will be unacceptable. The planned expansion of the church building will remain within the 8.5m height restriction, ensuring compatibility with the surrounding neighbourhood and minimising any potential visual or shadow-related impacts on adjacent properties.

The design of the proposed development incorporates a modern, visually appealing architectural style while maintaining the residential character of the area. Furthermore, the building will adhere to the applicable 5m northern street building line along Bokmakierrie Road, supporting a cohesive and harmonious streetscape.

As the project involves the expansion of the church to accommodate approximately 1100 seats, some construction-related disruptions are anticipated. These activities will be limited to daytime hours to reduce the impact on nearby residents. The proposed expansion is intended to enhance community amenities by providing additional space for services and events, without compromising the quality or value of the surrounding area.

The proposed extension to the existing church is not anticipated to result in a significant increase in traffic volumes that would negatively affect the surrounding road network or the residential character of the area. The church has been operating for many years without causing notable traffic congestion, and the expansion is intended to improve functionality rather than substantially increase congregation size or frequency of events.

Church activities are typically concentrated on Sundays and outside of peak commuter hours, thereby minimising conflict with residential traffic flows. In addition, adequate on-site parking will be provided to relieve pressure on public or roadside parking.

5.5 ECONOMIC IMPACT

The proposed development will provide local economic benefits, such as job creation during construction and increased demand for local services post-development. This economic boost should be assessed and factored into the decision-making process.

5.6 ENGINEERING SERVICES

S&Z Consulting (Pty) Ltd was appointed to prepare an Engineering Services Report that confirms the estimated water and sewer demand, as well as stormwater and solid waste management for the planned development. Annexure J contains a detailed report.

5.6.1 Water

➤ **Internal Water Supply:** The system will align with the Guidelines for Human Settlement Planning and Design, published by CSIR, and incorporate design parameters for churches and theatres. The estimated water demand is:

- Church Use: 15.16 kL/day (including 15% losses).
- Theatre Use: 25.30 kL/day (including 15% losses).

The system will ensure adequate fire flow and residual head pressure. It will utilise uPVC and HDPE pipes.

➤ **External Water Supply:** Potable water will be sourced from the Municipality via existing municipal infrastructure, including:

- A current 25mm water connection on Erf 2589.
- An estimated 110mm municipal line serving the Lower Old Place area (to be confirmed).

To meet the demands of the proposed development, an upgrade to a 110mm connection is proposed at the main access point on Bokmakierie Street, pending confirmation by the Council.

5.6.2 Sewer

The sewer system will follow the Guidelines for the Provision of Engineering Services in Residential Townships by CSIR Red Book and consider usage demands for churches and theatres. Estimated flows include:

- Church: Average daily flow of 0.122 l/s and peak flow of 0.305 l/s.
- Theatre: Average daily flow of 0.255 l/s and peak flow of 0.637 l/s.

The system will maintain a minimum velocity of 0.6 m/s, use uPVC pipes, and operate at 50% capacity.

The development will generate 15–25 kL of effluent daily, managed by gravity-fed sewerage through 110/160mm Class 34 uPVC lines. Sewerage will connect to the municipal line at Bokmakierie Street near Erf 2590.

There is an existing 160mm sewer line that runs across Erven 2589 and 2731, connecting to the main municipal line along Bokmakierie Street. The proposed development will incorporate this infrastructure into its design, ensuring no structures are placed above the existing pipe.

5.6.3 Stormwater

The stormwater system will follow CSIR Red Book guidelines and include soft landscaping, stormwater pipes, channels, kerbs, and catch pits. It will be designed for a 1-in-5-year flood, with roads accommodating larger floods and overflow areas directing excess water to municipal infrastructure or a nearby river.

Existing infrastructure includes:

- A catchpit 60m west of Erf 2590, linked to a 300mm pipe toward Knysna Lagoon (currently blocked by sediment).
- A grass-lined dish channel in the municipal road reserve near the southwest corner, also draining towards the lagoon.

Site drainage strategy:

- Northeast runoff (near Bokmakierie Street) will flow through parking areas into the municipal system.
- Southwest runoff will be directed into the grass-lined dish channel, supported by permeable landscaping.

The stormwater will be managed using a mix of hard and soft surfaces, with an emphasis on sustainable drainage and integration with existing municipal systems.

5.6.4 Solid Waste

The development will utilise the existing roadside waste collection system used by the Knysna Municipality. A designated refuse area will be provided along Bokmakierie Street, as indicated in the proposed Site Development Plan attached as Diagram 5.

5.6.5 Electricity

De Villiers and Moore Consulting Engineers have been appointed to compile a report on the availability of the electrical bulk supply to the site. The Report is attached as Annexure K. The total demand required following the upgrade of the new church building has been calculated at 175 kVA.

Currently, a municipal Meter Kiosk (MK) is located approximately 450m away on Heron Street, fed from a 500 kVA Mini Substation (MS). This MS is equipped with a 300 A sub-MCCB (Moulded Case Circuit Breaker) that supplies both residential single-phase loads via the BMK and an 80 A three-phase feed to the existing church building.

The nearest 315 kVA Mini Substation is located in Dikkop Street. This substation is equipped with a 450 A LV main MCCB and has sufficient capacity to accommodate a 250 A direct supply to the proposed development.

The development will not adversely affect the quality of supply to existing consumers, as it will be served by a dedicated LV feeder directly from the existing mini substation. Additionally, there will be no negative impact on the distribution authority's operational costs, since the full electrical infrastructure for the development will be supplied and installed by the Developer.

The internal electrical design will incorporate energy-efficient technologies, potentially including load control systems, energy-saving lighting, alternative water heating methods, and inverter-type HVAC systems.

5.7 CONSIDERATION OF KNYSNA MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (SDF)

The Knysna Municipal Spatial Development Framework (SDF) guides development within the municipality to promote sustainable urban growth. In this context, the proposed development aligns with the following principles of the SDF:

- **Location within the Urban Edge:** The property falls within the urban edge of Knysna, in line with the SDF's objective to promote development within established urban boundaries.

- **Support for social facilities:** The SDF encourages the development of social facilities, such as places of worship, which are integral to community development. The proposed church expansion supports this objective by enhancing the availability of religious and social spaces for the local population.
- **No conflict with property consolidation:** The SDF does not explicitly prevent the consolidation of properties, and there is no provision in the framework that restricts the proposed development. The proposal is consistent with the SDF's broader goals for urban growth and development.
- **No mention of specific church sites:** While the SDF does not designate specific sites for church development, it does not prohibit church sites either. The proposed development, therefore, complies with the broader planning objectives of the SDF.

5.8 POLICIES, PRINCIPLES, AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT

In considering the application, the decision maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of the Spatial Planning and Land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) is a national Act that was passed by Parliament in 2013. SPLUMA aims to develop a new framework to govern planning permissions and approvals, set parameters for new developments, and provide for different lawful land uses in South Africa. SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning.

Section 7 of the Act describes a set of development principles that need to be considered when evaluating any development application. These principles include the following:

5.8.1 Spatial Justice

This principle addresses redressing past spatial imbalances and promoting equitable land use. While the proposed development does not directly contribute to spatial reform, it aligns with broader goals for urban development as outlined in the SDF. The application promotes spatial justice by strengthening access to social infrastructure within an existing residential neighbourhood. The church is a well-used community facility that supports inclusive access to religious and social services.

5.8.2 Spatial Sustainability

The development encourages efficient use of land within urban areas, reducing urban sprawl and optimally utilising land close to urban centers.

5.8.3 Spatial Efficiency

By expanding an existing structure rather than building a new facility elsewhere, the proposal contributes to the efficient use of resources, infrastructure, and financial investment. The proposal aligns with the goal of minimising the use of new resources by utilising existing infrastructure. This contributes to the efficient use of serviced land and ensures minimal negative impacts.

5.8.4 Spatial Resilience and Good Administration

This principle emphasises sound administration and adherence to spatial plans as well as land-use schemes. Although it applies more broadly, the proposal adheres to these principles through its compliance with the urban planning and development framework. The long-term lease arrangement ensures legal and operational certainty, supporting permanent infrastructure investment and aligning with SPLUMA's principle of good administration and forward planning.

5.9 COMPLIANCE WITH SECTION 33 (4) OF THE MUNICIPAL BY-LAW

In terms of Section 33 (4) of the Knysna Spatial Planning and Land Use Management By-Law, the Municipality must consider specific factors when deciding whether to remove, suspend, or amend restrictive title conditions.

(a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vested in the person as the owner of a dominant tenement:

The restrictive conditions currently applicable to Erven 2589 and 2590 were created in 1956 and relate primarily to single-residential development parameters such as building lines, coverage, and single dwelling restrictions.

No person other than the property owner (The Knysna Christian Church) enjoys financial or legal benefit from these conditions. There is no dominant tenement and no servitude-type benefit in favour of surrounding properties. The restrictive conditions, therefore, hold no transferable financial value for any third party.

Furthermore, the restrictive conditions are not aligned with the existing lawful land use rights. Erf 2589 has operated as a church since 1991, with approved Building Plans and municipal approval for church use despite the presence of conflicting restrictive title conditions.

The suspension of these conditions, therefore, does not extinguish any financial or development advantages held by another party.

(b) The personal benefits which accrue to the holder of the rights in terms of the restrictive condition:

The only “holder” of the restrictive rights is the registered owner, the church itself. No other party has a personal or legal entitlement derived from these conditions.

The restrictive conditions do not create a benefit for the Church; rather, they operate against the interest of the owner by prohibiting lawful expansion of an existing place of worship on land already appropriately zoned for Community Zone II.

Thus, no personal benefit will be lost by suspending the conditions.

(c) The personal benefits that will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition, if it is amended, suspended, or removed:

Suspending the restrictive conditions will allow alignment of the Title Deed with existing and proposed zoning rights already granted on Erf 2589. The church has long-standing approval to operate from Erf 2589, and Erf 2590 was acquired from the Municipality specifically to allow expansion of the church building.

(d) The social benefits of the restrictive conditions remaining in place in their existing form:

There is no social benefit in retaining outdated, residential-era restrictions on land that has been used as a church for more than three decades.

Retaining the conditions would prevent the expansion of a community facility widely used by residents, thereby undermining the provision of social and religious services in the neighbourhood. It will also continue to contradict the approved zoning and historical municipal approvals.

Given that the conditions apply only to private development parameters and not to issues of public safety or environmental protection, their retention does not serve any current social purpose.

(e) Social benefit of the removal or suspension of the restrictive condition:

Suspending the restrictive conditions enables a development that serves the wider public and enhances community infrastructure, as demonstrated in Sections 5.2 and 5.3 of this report.

Social benefits include:

- Provision of a larger, modernised place of worship for ±1100 congregants.
- Support for a long-standing religious institution embedded in the local community.
- Increased access to community facilities, including assembly space, counselling rooms, children's facilities, and social outreach activities.
- Strengthened integration of land use within an already established church precinct.

(f) Whether the removal will completely remove all rights enjoyed by the beneficiary:

Suspension of the restrictive conditions will not remove any rights enjoyed by any party, because:

- No third-party beneficiary exists.
- Zoning regulations already govern height, coverage, and building lines.
- General land-use protections remain intact under the Knysna Zoning Scheme and SPLUMA.

(g) Whether the removal, suspension, or alteration of the restrictive conditions will be in the public interest:

The removal is clearly in the public interest as it enables expansion of an essential community and religious facility.

6. SUMMARY OF APPLICATION

The Council is respectfully requested to consider the proposed applications, which include consolidation, rezoning, departure, Administrator's consent to suspend restrictive Title Deed conditions, approval of a long-term Lease Diagram, approval of a Site Development Plan, permission to provide a parking facility on a portion of Erf 2731, closure of a public place, and amendment of an existing General Plan to facilitate the planned church expansion on Erven 2589 and 2590 in Knysna.

The key reasons for approving the development are as follows:

- The proposal aligns with the principles outlined in SPLUMA.
- The properties to be consolidated (Erven 2589 and 2590) are located within a residential area, and the proposed church will serve community needs.
- The proposal supports the objectives of the Knysna Municipality Spatial Development Framework, particularly in terms of promoting social facilities.
- The proposed development is anticipated to positively contribute to the economic growth of Knysna.

- The planned church expansion will comply with the 8.5m height restriction, ensuring the structure minimises any visual or shadow impacts on adjacent properties.
- The expansion will also enable the congregation to freely exercise their right to religion and belief.
- The proposal will comply with the northern street boundary, and the western street encroachment is adjacent to an unmade street, with an insignificant impact on neighbouring properties.
- The existing municipal sewer and water services are adequate to support the proposed development. Internal services can be implemented efficiently and sustainably; however, the existing water infrastructure is pending confirmation by the Council.
- The development will not impact the existing power supply or increase operational costs, as it will be connected via a dedicated LV feeder, and all required electrical infrastructure will be provided by the Developer.
- The long-term lease of Portion A (a portion of Erf 2731) guarantees secure, permanent parking and recreational space, providing a sustainable solution for the church.
- Closure of Portion A as a public place and amendment of the General Plan ensure legal compliance with Deeds Office requirements while maintaining public access.