

KNYSNA ERF 1523

APPLICATION FOR:

REZONING, REMOVAL OF TITLE DEED RESTRICTIONS & DEPARTURE



CLIENT: OMARONIX (PTY) LTD
PREPARED BY: MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS



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EXECUTIVE SUMMARY

Informant	Description	Reference
Property:	Erf 1523 Knysna, situated in the Municipality and division of Knysna, Province of the Western Cape	Par.3
Size:	3271m ²	Par.3
Locality / Address:	Knysna Lagoon, in the Point area, Knysna. Coordinates 34° 2'21.93"S and 23° 1'1.93"E.	Par.8
Development Proposal:	17 Guest Rooms, 3 Self-catering units, Guest Lodge with its various ancillary uses.	Par.4.1
Existing Land Use:	Vacant	Par.9.1
Development Application:	(i) Removal of Restrictive Title Deed Conditions B(b) and B(d) from Title Deed T21501/1966 in terms of Section 15(2)(f) of the Knysna Municipality By-Law on Municipal Land Use Planning (2016), to allow a Guest Lodge on Knysna Erf 1523. (ii) The Rezoning of Knysna Erf 1523 from "Single Residential Zone" to "General Residential Zone" in terms of section 15 (2)(a) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) to allow for a Guest Lodge. (iii) A Permanent departure for a relaxation of the street building line from 8m to 0m and the lateral building lines from 5m to 0m, in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) to allow for covered parking bays.	Par.2
Services Availability:	Civil and Electrical Services reports attached	Par.7
Spatial Policy Framework:	<u>Provincial SDF:</u> The proposal complies with strategic objectives as set out by the Western Cape Spatial Development Framework.	Par.12.1
	<u>Knysna SDF:</u> Inside urban area suitable for development.	Par.12.2
	<u>Knysna IDP:</u> Located in Ward 10 In line with the strategic objectives contributes to envisioned outcome. In line with IDP.	Par.12.3
Motivation Criteria:	<u>Removal of title deed Restrictions</u> In line with Section 33(5) of the Knysna Municipality Standard By-law on Municipal Land Use Planning (2016).	Par 14

Informant	Description	Reference
	<u>Consistency with the surrounding area</u> Consistent with the character of area.	Par.16
	<u>No Impact on Existing rights</u> The proposed land use application will not impact any existing land use rights currently enjoyed by neighbouring properties	Par.18
	<u>Tourism</u> The establishment of another accommodation establishment in the area, will not only complement the character of the area, but assist in the growth of the tourism industry within Knysna.	Par.19
	<u>Positive economic Impact</u> Approval of the Guest Lodge is in the interest of the Knysna economy and tourism industry creating new permanent employment opportunities for skilled and unskilled staff.	Par.20
	<u>Parking Requirements</u> 28 Required 28 Provided	Par.21
	<u>No Heritage Impact</u> Retain the unique character of the aesthetical sensitive area.	Par.22
	<u>The need for accommodation establishments</u> The proposed development is highly desirable and will contribute to the need for accommodation establishments.	Par.23
	<u>Size and scale of the proposed development</u> The proposed development is similar to what is allowed on a single residential property.	Par. 24
SPLUMA Principles:	<u>Spatial Justice:</u> Consistent.	Par.25.1
	<u>Spatial Sustainability:</u> Consistent.	Par.25.2
	<u>Spatial Efficiency:</u> Consistent.	Par.25.3
	<u>Spatial Resilience:</u> Consistent.	Par.25.4
	<u>Good Administration:</u> Applicable to Knysna Municipality.	Par.25.5

Informant	Description	Reference
Conclusion:	Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and The Knysna Municipality By-Law on Municipal Land Use Planning (2016); is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Knysna Municipality.	Par.26

SECTION A :**BACKGROUND****1. BACKGROUND**

Knysna Erf 1523 is located along the Knysna Lagoon, in The Point area. This property is currently zoned 'Single Residential Zone' in terms of the Knysna Zoning Scheme Regulations (1992) and is approximately 3271m² in extent.

The owner envisions constructing a modern accommodation establishment on the vacant site that will provide visiting tourists with a unique 'Knysna' experience. The beautiful scenery of the area accommodates the proposed development and the precedent that is starting to arise in the area. Four out of the nine Erven in the area being accommodation establishments.

An application for rezoning was submitted on 05 October 2017. It was determined that certain shortcomings of the application must to be addressed and additional information needs to be submitted. It was determined that an application for removal of restrictive title deed conditions is also required. The motivation that was submitted also did not comply with Section 65 of the Knysna Municipality By-law on Municipal Land Use Planning (2016).

The October 2017 application was duly advertised, and some objections were received. The applicant decided to amend the development proposal to address the issues and concerns raised during the public participation process.

In order to lawfully operate the proposed Guest Lodge on the property, it is necessary to apply for a Rezoning in terms of section 15 (2)(a), a Removal of restrictive title deed conditions in terms of Section 15(2)(f) and a Permanent departure for a relaxation of the street building line from 8m to 0m and the lateral building lines from 5m to 0m, in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016).

Section 52 (1) states that "An applicant may amend his or her application at any time before the approval of the application...". This report serves as:

- (i) Description of the amended development proposal;
- (ii) A motivation report to address the shortcomings of the application as submitted;
- (iii) An application for the removal of the restrictive title deed restrictions.

2. THE APPLICATION

Marika Vreken Urban and Environmental Planners has been appointed by **OMARONIX (PTY) LTD** to prepare and submit the required application documentation (refer to **ANNEXURE A: Power of Attorney & Company Resolution** and **ANNEXURE B: Application Form**) for:

- (i) Removal of Restrictive Title Deed Conditions B(b) and B(d) from Title Deed T21501/1966 in terms of Section 15(2)(f) of the Knysna Municipality By-Law on Municipal Land Use Planning (2016), to allow a Guest Lodge on Knysna Erf 1523 and to allow building line relaxations for covered parking areas;

- (ii) The Rezoning of Knysna Erf 1523 from "Single Residential Zone" to "General Residential Zone" in terms of Section 15(2)(a) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) to allow for a Guest Lodge;
- (iii) A Permanent departure for a relaxation of the street building line from 8m to 0m and the lateral building lines from 5m to 0m, in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) to allow for covered parking bays.

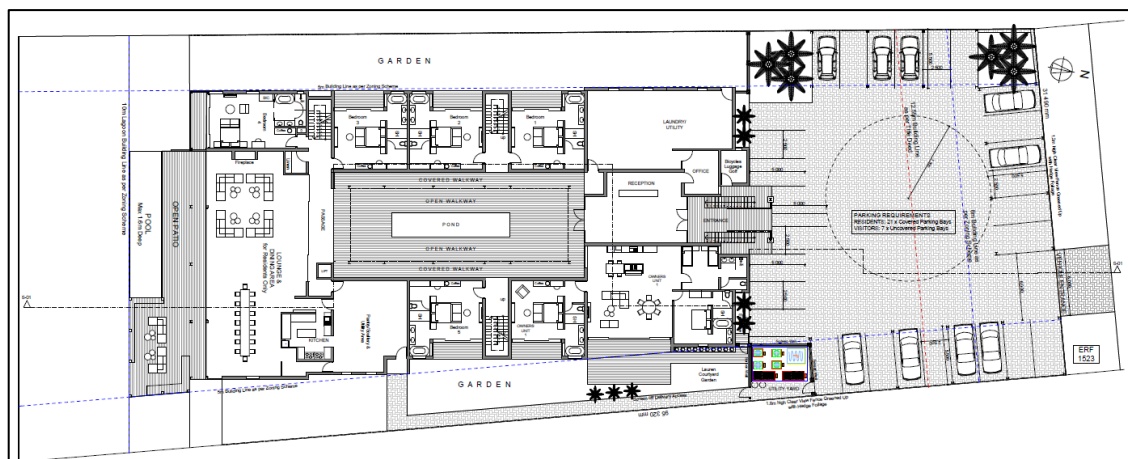
3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed that includes the information outlined below is contained in **ANNEXURE C**. General Plan (4583/1939) for the application area is contained in **ANNEXURE D**.

Erf Number:	1523
Title Deed Number:	21501/1966
Property Owners:	Omaronix (PTY) LTD
Property Description:	Erf 1523 Knysna, situated in the Municipality and division of Knysna, Province of the Western Cape
Property Size:	3271m ² (Three Thousand Two Hundred and Seventy-One) Square metres.
Title Deed Restrictions	<u>Condition B(b)</u> <i>"That only one dwelling, together with such outbuildings as are ordinarily required be used therewith, be erected on this erf"</i> <u>Condition B(d)</u> <i>"That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 12.59 metres to the main road which forms a boundary of this Erf. No such building or structure shall be situated within 3.15 metres of the lateral boundary common to any adjoining Erf"</i>
Servitudes:	There are no servitudes registered over the property. Refer to the attached Surveyor General Diagram for the application area as contained in ANNEXURE D .
Bonds:	There is no bond over the property.

SECTION B :**DEVELOPMENT PROPOSAL****4. DEVELOPMENT SPECIFICATIONS****4.1. Proposed Development***(Refer to Plan 4)*

Knysna Erf 1523 is currently a vacant site, in an area dominated by various residential uses. The owner of the property envisions to utilise the property to its full potential, to erect a modern Guest Lodge with its various ancillary uses. The proposed development comprises of the construction of a three storey (10m from NGL) Guest Lodge, with 17 one-bedroom units, 2 self-catering 4-bedroom owners units and 1 three-bedroom self-catering owners unit which will be for the owners use only, lounge and dining area (for residents only), reception area, office, kitchen, scullery, pantry and a laundry room. Twenty-one covered parking bays, seven uncovered parking bays, a swimming pool, an open patio and courtyard garden features are the outside features present on site. The Guest Lodge manager overseeing the operation of the Guest Lodge as well as additional caretakers will reside in the self-catering units.

**FIGURE 1: GROUND FLOOR LAYOUT OF THE PROPOSED DEVELOPMENT**

The Guest Lodge will cater for guests throughout the year. The Guest Lodge will accommodate a mixture of national and international tourists which share and appreciate the peace and quiet ambience of the surrounding area whilst enjoying the breath-taking views presented by the natural environment. The aim of this proposal is to provide a quality accommodation establishment in an area associated with accommodation establishments. The image below indicates a 3D visual on the exact location of the proposed Guest Lodge and how it fits in with the surrounding area.



FIGURE 2: ARCHITECTURAL 3D REPRESENTATION

The size and scale of the proposed development can be summarised as:

Development Parameter	Actual
Coverage	31.57%
FAR	0.78
Height	10m above NGL
Side Building lines	0m & 5m
Lagoon Building Line	10m
Street Building line	0m & 20m
No of Guest rooms	17
No of self-catering rooms	3
Ancillary facilities	7

4.2. Access & Parking

Vehicular access and egress to the application area will be via a gravel road known as Point Clos, which is accessed off the N2 National Road entering Knysna. Vehicular access and egress to the development will be from the northern portion of the property. The proposed change of use will have no impact on the accessibility of the property. The property has sufficient access available to accommodate the proposed land use.



FIGURE 3: POINT CLOS GRAVEL ROAD

The Knysna Zoning Scheme Regulations (1992) prescribes a parking requirement of at least 1 parking bay for every one bedroom, 1 visitor parking bay for every 4 bedrooms in the case of Guest Lodges, 1.5 parking bays per self-catering unit, 1 parking bay for deliveries and an additional 20 parking bays at least for a licensed hotel (not applicable as the lounge, dining area and other facilities are for guests only).

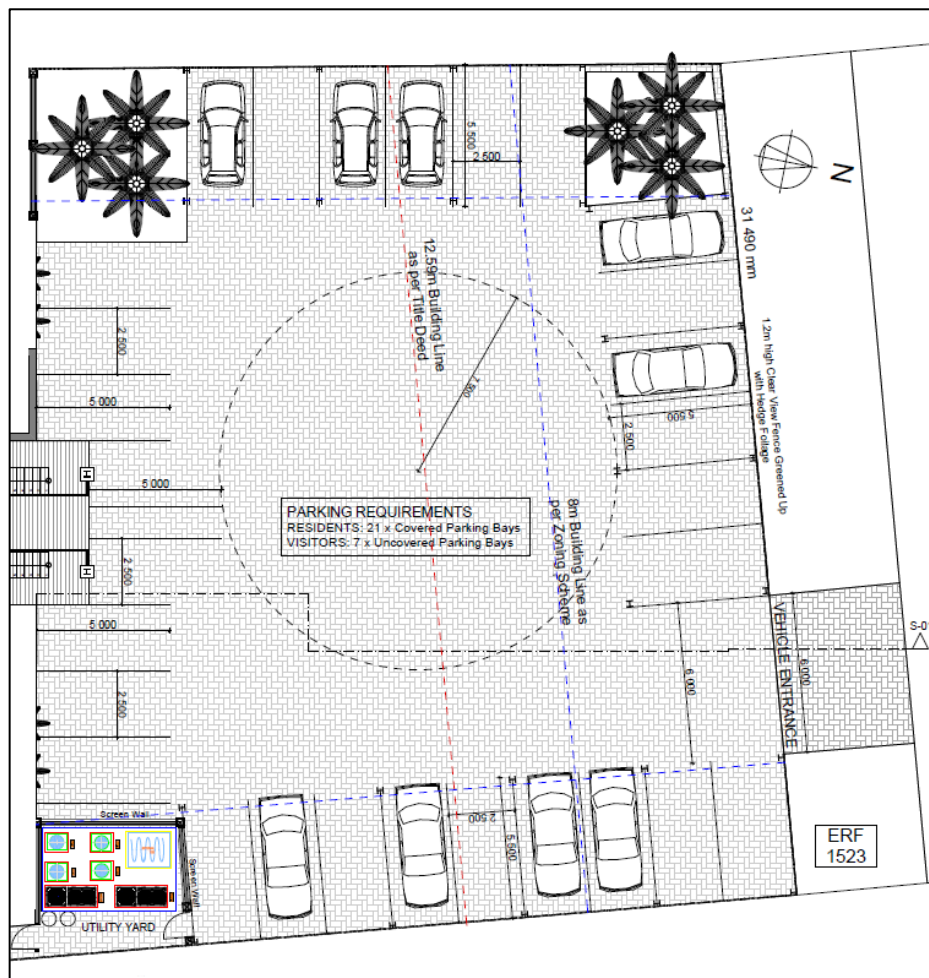


FIGURE 4: PARKING LAYOUT

The proposal is for 17 guest rooms, as well as 3 self-catering units (calculated at 1.5 bays per unit).

The Knysna Zoning Scheme Regulations prescribe that covered parking must be provided for a 'General Residential' zoned property. It is proposed to cover the 21 parking bays along the street and lateral boundaries. This covered parking area will require a building line relaxation from the prescribed street and lateral building lines.

A Total of 28 parking bays are required. A total of 21 covered parking bays and 7 uncovered parking bays (28) are provided on the application area. Thus, adequate on-site parking is provided.

4.3. Height restriction

The height restriction in terms of the Knysna Zoning scheme regulations (1992) for General Residential Zoned properties is 12m. The subject property falls within the demarcated Knysna Urban Conservation Area (UCA), which has a separate set of guidelines for properties that fall within this area. The UCA guidelines prescribe height restriction of a 10m above Natural Ground Level (NGL). The proposed structures are within the proposed height restriction of 12m and 10m guideline for UCA at 10m above NGL.

5. STATUTORY SPECIFICATIONS

The following land development applications are lodged in terms of the Knysna Municipality By-law on Municipal Land Use Planning (2016), to achieve the desired outcome.

- (i) Removal of Restrictive Title Deed Conditions;
- (ii) Rezoning;
- (iii) Permanent Departures.

5.1. Removal of Restrictive Title Deed Conditions

Title Deed T21501/1966 of Knysna Erf 1523 contains restrictive title deed conditions *Condition B(b)* that prevents the use of Erf 1523 as a Guest Lodge with self-catering units and *Condition B(d)* that prevents covered parking's in the desired location on the boundary line.

During the previous planning regime that preceded zoning schemes, development control was conducted via Title Deeds. These conditions were imposed by the **Administrator** and can be relaxed with the written permission of the Administrator.

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) came into effect on 1 July 2013. Section 45(6) of this Act "replaced" the "Administrator" with the local municipality. Hence the municipality is now in a position to make a decision on the relaxation/removal of the title deed restrictions.

The Title Deed of Knysna Erf 1523 contains the following restrictive title deed conditions. These conditions can be removed with the permission of the Administrator (i.e. Knysna Municipality):

Restrictive Condition to be Removed		Comment
Condition B(b)	<i>"That only one dwelling, together with such outbuildings as are ordinarily required be used therewith, be erected on this erf"</i>	The proposed new zoning allows (as per definition of the Knysna Zoning Scheme Regulations 1992) more than one dwelling unit on the property. The restrictive clause in the title deed prohibits the landowner to exercise these rights, should the rezoning be approved. To allow the Guest Lodge, it is necessary to apply for the removal of this restrictive condition.
Condition B(d)	<i>"That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 12.59 metres to the main road which forms a boundary of this Erf. No such building or structure shall be situated within 3.15 metres of the lateral boundary common to any adjoining Erf"</i>	General Residential Zoned properties require covered parking bays. The current positioning of the parking bays is the only logical positioning for it and to allow these parking bays on the desired position, it is necessary to apply for the removal of this restrictive condition.

An Application is therefore made for the removal of these restrictive conditions from Title Deed T21501/1966, in terms of Section 15(2)(f) of the Knysna Municipality By-Law on Municipal Land Use Planning (2016), to allow a Guest Lodge and covered parking bays on Knysna Erf 1523.

5.2. Rezoning

The owner wants to operate a Guest Lodge comprising of 17 guest rooms and 3 self-catering units, but the proposed land use does not fall within the parameters of "Single Residential Zone". The primary use of the property will be for an accommodation establishment, or more specific a Guest Lodge (i.e. "Residential Building").

To allow the subject property to be used as guest lodge an application for rezoning from "Single Residential Zone" to "General Residential Zone" must be submitted in terms of Section 15(2)(a) of Knysna Municipality By-law on Municipal Land Use Planning (2016).

By allowing the property to be rezoned to "General Residential Zone", it permits the owner to use the property for a guest lodge as a primary use. Application for a Removal of a Restrictive Title Deed condition needs to accompany the rezoning application (See **Par. 5.1**)

5.3. Permanent Departure for street building line relaxation

The Knysna Zoning Scheme Regulations prescribe that covered parking must be provided for a general residential zoned property. It is proposed to cover the parking bays along the street boundary and eastern and western lateral boundaries. This covered parking area will require a building line relaxation from the prescribed 8m street building line and 5m lateral building line respectively.

Application is therefore made for a Permanent departure for a street and lateral building line relaxation, in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) to relax a portion of the street building and lateral line to allow for covered parking bays.

5.4. Knysna Zoning Scheme Regulations (1992)

The application is for the rezoning from "Single Residential Zone" to "General Residential Zone". The proposed development on Knysna Erf 1523 complies with all the development parameters as set out for "General Residential Zone" in the Knysna Zoning Scheme Regulations (1992). A summary of the prescribed development parameters for "General Residential" zone, and a comparison of the proposed development's parameters is shown in the table below:

Parameter		Compliance
Floor Factor	<i>at most 1,0 (covered parking not included)</i>	Total Area/ Erf Size 2544m ² / 3272m ² =0.78 Comply
Coverage	<i>at most 50% (inclusive of covered parking)</i>	Coverage Excluding Covered Parking = Footprint / Ex of Erf. = 1033m ² /3272m ² x100 = 31.57% Comply Coverage Including Covered Parking = Footprint / Ex of Erf. = 1349m ² /3272m ² x100 = 41.23% Comply
Height	<i>at most 12m above the natural ground level directly below a given point or portion of the building</i>	10m - Comply
Building Lines	• <i>a street building line of 8m</i>	• 0m -DEPARTURE REQUIRED for covered parking bays
	• <i>a lagoon building line of 10m shall apply</i>	• 10m -Comply
	• <i>lateral boundaries shall be 4,5m or equal to half of the height of the building, whichever is the greater.</i>	• 0m -DEPARTURE REQUIRED for covered parking bays

Parameter		Compliance
Parking	• 1 parking bay for every one bedroom. • Visitors parking must be provided on site at 1 parking bay for every 4 bedrooms in the case of hotels. • 1.5 Parking bays for self-catering units. • An additional 20 parking bays at least for a licensed hotel. • 1 Parking bay for deliveries.	• 17 Rooms = 17 parking bays. • 17 Rooms = 5 parking bays. • 3 Manager & Staff self-catering units = 5 parking bays. • Not applicable (All facilities on site for residing guests only no public facilities) • 1 Parking bay for deliveries = 1 Parking bay Total of 28 parking bays required 28 parking bays provided -Comply

6. PRE-APPLICATION MEETING

On 11 July 2017, a pre-application consultation meeting was held with Knysna Municipality. During this meeting, the pre-application consultation panel stated that a land development application be submitted for a temporary land use departure to accommodate an accommodation establishment. It was suggested that a contour plan must be submitted with the land use application, because no construction is allowed below 3m MSL. The proposed plans and application must be presented at the aesthetics committee meeting as the subject property falls within the UCA of Knysna. Should any additional land development application be submitted it should be included in the motivation report. The necessary information as contained in terms of Section 38 of The Knysna Municipality By-law on Municipal Land Use Planning (2016) should be included in the motivation report. The minutes for this meeting is attached as **ANNEXURE E**.

An Amended application is submitted in terms of section 52(1) of the *Knysna Municipality By-law on Municipal Land Use Planning (2016)* and a Removal of Restrictive Title Deed Conditions application. Knysna Municipality advised that no pre-application consultation needs to take place for this application see attached **ANNEXURE F**.

7. SERVICES INFRASTRUCTURE

7.1. Civil Services

Fraser Consulting Civil Engineers cc, have been appointed to investigate the civil engineering services that are subject to units proposed on the property. The full report is attached as **ANNEXURE G**. Supplementary correspondence from *Fraser Consulting Engineers CC* on Finished Ground Levels are attached as **ANNEXURE N**.

7.1.1. Water Supply

The Red Book (2004) states that boarding schools consume 150 l/day per scholar, and that hospitals use 220 to 300 l/day per bed. We recommend that the consumption for the hotel is taken as 185 l/day per bed. The Red Book (2004) states that restaurants typically

use 65 to 90 l/day per seat. For the day staff we recommend the average of these figures are used, viz. 75 l/day per staff member.

For the owner's units, we estimate that 700l/day of water will be consumed for the two-bedroom (4 persons) unit, and 800l/day for the 3-bedroom (6 persons) units. This is at the Red Book (2004) upper limit for high rise facilities. Gardening water usage and washing cars are included in the next 2 categories, viz. gardens and courtyards.

The Red Book (2004) also recommends that 15kl/day is used per hectare of developed parkland. We recommend this is used for the gardens. There are parking areas and courtyards that will have miscellaneous water consumption. We recommend that, for this category, the parkland usage is reduced to 7000 l/day per hectare.

From the below it is evident that the proposed development will consume peak water demands of 10 985 l/day, or 11 m³/day, with an average of 5.5 m³/day.

It is proposed that the water supply is from the water pipeline in Point Close. The resulting water consumption and sewage loads are shown in the table below. This is shown in (Figure 2, **ANNEXURE G**).

Consumer	Unit	number of / area	Consumption (l/day/unit)	Sub-totals (litres/day)
<u>Calculation of Water Demands:</u>				
Guests	beds	34	185	6290
Day Staff	no.	9	75	675
Owners Units (4 beds)	no.	1	700	700
Owners Units (6 beds)	no.	2	800	1600
Sub-totals by Humans (A)				9265
Garden	ha	0.068	15000	1020
Courtyards, etc	ha	0.1	7000	700
Sub-totals Groundworks (B)				1720
Peak Total Water Consumption/day (l/day) (A + B)				10985
Average Occupancy for the year ©				50%
Average water consumption for the year (l/day) ((A + B) x C)				5493
<u>Calculation of Peak Sewage Loads:</u>				
Peak water consumption by Humans (A)				9265
Proportion to sewage (D)				80%
Peak wastewater to sewage (l/day) (A x D)				7412

FIGURE 5: CALCULATION OF WATER AND SEWAGE LOADS

7.1.2. Firefighting Water Supply

Municipal water will be used for the firefighting water supply. There is a hydrant approximately 100m to the east of the property alongside Point Close. This is shown in

(Photograph 9; **ANNEXURE G**). Of course, in an emergency, water can be pumped from the Estuary which has a high-water mark 75m away. This could cause corrosion problems

7.1.3. Sewerage Management.

Table 1; shows the peak water consumption by Humans to be in order of 9265 l/day. It is generally accepted that about 80 % of this is discharged to the sewer. Therefore the peak sewage load is 7412 l/day, or 7.4 m³/day.

(*Figure 2; ANNEXURE G*) shows a Municipal gravity sewer running through the southern end of the property. Tuiniqua (2005) drawing TK474/01/A2 shows this sewer to be 160mm diameter, at a grade of 1:100, with an invert level in the order of 0.05m amsl at the south-western corner of the property. The proposed layout design of the property shows that it can drain at a slope of 1: 60 to this gravity sewer. This sewer drains to a pumping station shown in (*Figure 2; ANNEXURE G*). The Tuiniqua (2005) drawing shows that the sewage is pumped along Point Close in a 90mm diameter rising main to a manhole at the eastern end of Point Close. This manhole is shown in (*Photograph A10; ANNEXURE G*).

We believe that the gravity sewer running through the property, the sewage pumping station, and the rising main have sufficient capacity for the proposed development.

7.1.4. Storm water

The primary consideration for the proposed storm water system is that the system shall comply with the draft National Guidelines for Sustainable Urban Drainage Systems (SUDS) (Armitage (2011)). The principles of SUDS are that the developed system mimics the natural or undeveloped state. The storm rainfall information for Knysna is presented in the figure below.

Nearest Representative Raingauge	14063 Knysna
One day Rainfalls:	
2 Year Recurrence Interval (RI)	56 mm/day
5 Year RI	83 mm/day
100 Year RI	194 mm/day
All from SANRAL (2007).	

FIGURE 6:RAINFALL INFORMATION

SUDS measures will be implemented within the proposed development. The rainfall from the roof will be directed to underground soakaways. The hardening of surfaces will be minimized. Runoff will be directed to strategically landscaped areas such as grassed swales and natural vegetation gardens. If required, enhanced swales will be used. Enhanced swales are swales underlain by engineered soakaways. In this way infiltration will be promoted so that runoff volumes do not exceed the current volumes.

The promotion of infiltration will also improve the water quality of runoff to the downstream Estuary. Furthermore, litter traps will be installed at any (if any) storm water outfalls to the estuary.

We also refer to a Report by Fraser (2018) concerning peak tidal levels of the Estuary taking cognizance of climate change.

7.1.5. Solid Waste Management

The volume of solid waste generated for this type of affluence is typically 0.15 m³/week/household in un-compacted/loose form. The 34-bed unit could equate to 10 households. However, there is only one kitchen, and tourists generate less waste than residents, so we equate the proposed hotel development to about 6 households and approximately 0.9 m³ of waste/week. The owner units should generate approximately 0.15 m³/week/unit, equating to 0.45 m³ of waste/week. This totals 1.35m³/week of un-compacted waste.

The solid waste facilities will be designed to encourage recycling. The waste will be stored on site in appropriate coloured bags or appropriately coloured 'wheelie' bins. The waste storage facility will be built to avoid wind-blown pollution or interference by animals including birds. This would typically be an inconspicuous elevated platform covered in mesh with a latching door. The solid waste would be placed alongside Point Close on the appropriate day of the week for Municipal collection. A neat looking elevated facility will be built alongside Point Close so that dogs cannot get to the waste.

7.1.6. Summary

Water will be supplied by the Knysna Municipality for general consumption and firefighting. The sewage will drain to the existing sewer passing through the southern end of the property. The gravity sewer, downstream pumping station, and the rising main should have sufficient capacity. The storm water management will comply with the principles of Sustainable Urban Drainage Systems (SUDS).

It is proposed Knysna Municipality collects the solid waste.

7.2. Electrical Services

De Villiers & Moore consulting engineers electrical, mechanical, energy (Pty) Ltd, have been appointed to investigate the electrical services that are subject to units proposed on the property. The full report is attached as **Annexure H**.

Based on the architect's drawings, the envisaged electrical supply is calculated at 100kVA (150A) This will be supplied from an existing mini-substation situated across the road from the Development

The Municipality confirmed via email, dated 2018-04-04, that the 150A will be available from the existing mini-substation. Application for the 150A supply will have to be made in due course. The applicable augmentation fees and connection costs will be paid at the time of connection. The Development will be supplied from the existing mini-substation mentioned above and via a 70mm² x 4c (Cu) cable. The Development will be metered via a bulk meter situated on the erf boundary. Energy saving measures will be utilised wherever possible.

SECTION C :**CONTEXTUAL INFORMANTS****8. LOCALITY***(Plan 1: Locality Plan)*

Knysna Erf 1523, is located on the Knysna Lagoon, in the Point area, Knysna. The application area can easily be accessed from the N2 National Road, onto Point Close gravel road.

The coordinates for the centre of the property is located at 34° 2'21.93"S and 23° 1'1.93"E.

**FIGURE 7: LOCALITY****9. CURRENT LAND USE AND ZONING****9.1. Land Use***(Plan 2: Land Use Plan)*

The subject property is currently vacant. The last vacant site in the Point area.

9.2. Zoning*(Plan 3: Zoning Plan)*

Knysna Erf 1523 is currently zoned "Single Residential Zone" in terms of the Knysna Zoning Scheme Regulations (1992).

The zonings in close proximity to the application area include:

- Single Residential Zone;
- Resort Zone;
- Group Housing Zone;
- Public Open Space Zone

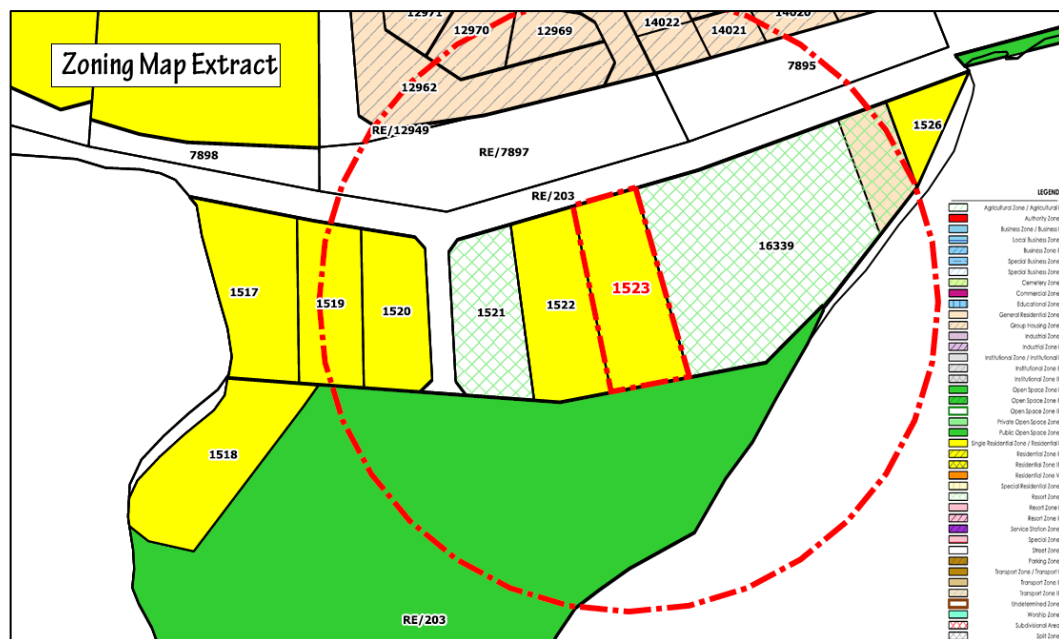


FIGURE 8: ZONING MAPS EXTRACT

It is therefore clear that the application area is located in an area that is well established as a tourist accommodation area.

10. SITE CHARACTERISTICS

10.1. Topography & Height

The subject site is currently vacant. The subject site has a relatively even slope (see attached **ANNEXURE I**). It was confirmed that an application for OSCAE permit would be required to allow excavation of the vegetation on site to clear it for construction. The property is 1.80m above MSL at places and prone to flooding according to comments from SANPARKS dated 26 December 2017.

10.2. Flooding and drainage

Fraser Consulting Civil Engineers cc have been appointed to conduct a flood line study and determine the 1:100-year flood line, and possible impacts of climate change and sea level rise on the proposed development. This report was conducted, as a response to the comments that were raised by SANParks, on the 2017 application. In this report, SANParks stated that "...The property is 1.80m above MSL at places and prone to flooding. Development below 3m MSL is not recommended and enhanced rights in flood prone areas is not supported. The building lines are indicated on the maps but the 1:100-year flood line should be determined... Ideally, the floor level should be raised to be sensitive to climate change impacts..." This report by **Fraser Consulting Civil Engineers cc** responds to the concerns raised by SANParks.

The full report is attached as **ANNEXURE J**. The findings from this study concluded that:

The levels of the estuary alongside The Point are higher at times of peak tidal events and extreme low-pressure events than during 100-year RI rainfall induced storm events. The highest recorded water levels in the Knysna Estuary to date are 2.2m amsl.

This report has identified five factors that could cause higher sea levels, which include rising sea levels due to climate change. Four of these are already prevalent and result in the historic maximum estuary water levels of 2.2m amsl. The CSIR (2014) reports state that the likely sea level rise by year 2100 is 1000mm. Adding this to the historic levels of 2.2m amsl realizes a maximum water level of 3.2m amsl.

The flood line study report done by *Fraser Consulting Civil Engineers cc* recommend that the ground levels be raised to 2.85m amsl, and the floor levels be set at 3.2m amsl. In this manner the possibilities of rising sea levels are designed into the infrastructure. Supplementary Correspondence from Fraser Consulting Engineers on Finished Ground Levels are attached as **ANNEXURE N**.

10.3. Vegetation



FIGURE 9:VEGETAION ON THE SUBJECT PROPERTY VIEWED FROM THE SOUTH

This is a Greenfield development which means it is undeveloped land in an urban area. This property is currently zoned for single residential purposes, which means it is suitable for urban development. It's not always possible to start fresh, but it frees the client up to imagine different innovations without being encumbered by structures.

The amended architectural proposal shows how flood levels have been accommodated in the design.

11. CHARACTER OF THE AREA

A land use survey of the surrounding area, indicated that nine (9) land units are located at The Point. During the site investigation it was identified that the surrounding area is predominantly characterised by a mixture of accommodation establishments and single residential erven. These include:

- St. James of Knysna Hotel (Erf 16339);
- Point Lodge (Erf 1521);
- Waterfront Lodge (Erf 1519);
- Oyster Creek Lodge (Erf 1518);



FIGURE 10: ACCOMMODATION ESTABLISHMENTS IN THE AREA

Given the application area's unique locality on the Knysna Lagoon and the spectacular views from the application area, accommodation establishments are not an unfamiliar land use in the area. The application area is easily accessible to nearby tourist amenities, facilities and recreational uses such as the Knysna Lagoon, the Knysna Waterfront and the Knysna CBD.

12. EXISTING POLICY FRAMEWORKS

12.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that "communicates the province's spatial planning agenda"

This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called 'decoupling' of economic growth strived for, requires reductions/substitutions and/or replacements in the use of limited resources, while avoiding negative environmental impacts. The table below, contains a summary of the key transitions promoted in the PSDF:

PSDF THEME	FROM	TO
RESOURCES	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
SPACE-ECONOMY	Fragmented planning and management of economic infrastructure	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
SETTLEMENT	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on 'greenfields' development and low density sprawl	Emphasis on 'brownfields' development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
	Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service

FIGURE 11: KEY TRANSITIONS FOR THE PSDF

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning. However, it is important to note some of the key policies laid down by the PSDF have a bearing on the application.

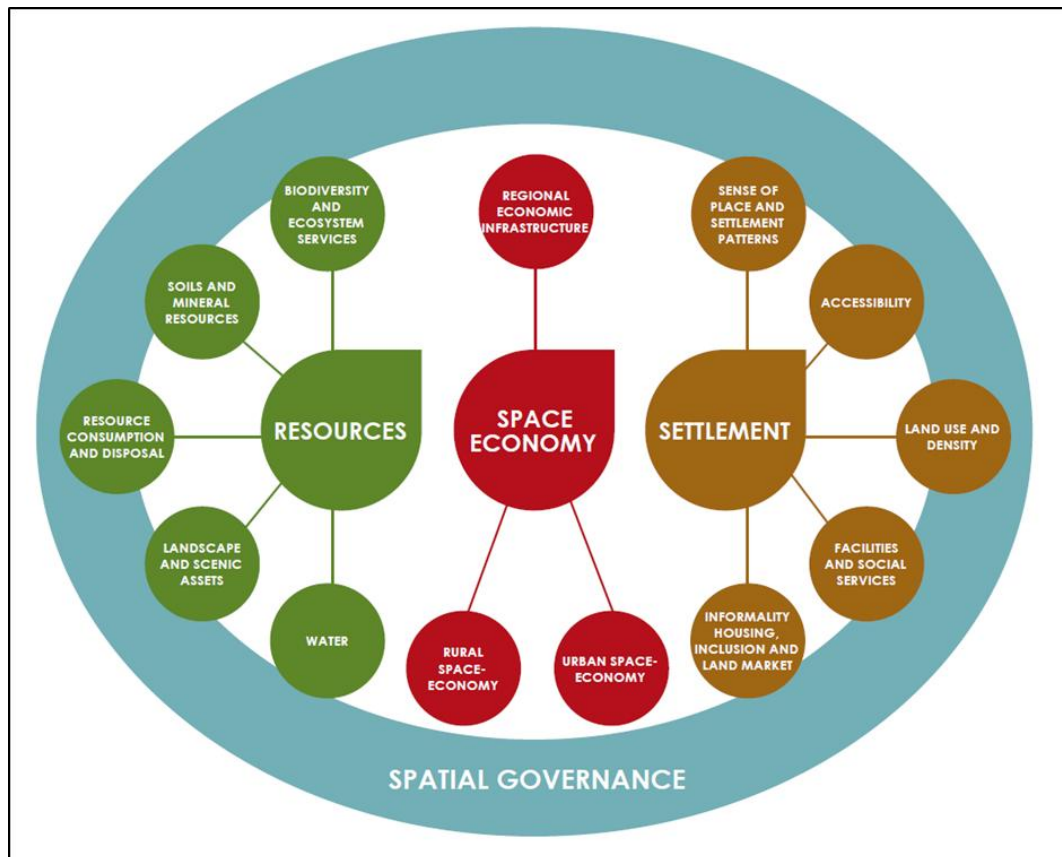


FIGURE 12: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

The proposed development compliments the SDF's spatial goals that aim to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development in the urban areas;
- (i) Strengthening resilience and sustainable development.

However, it is important to note some of the key policies laid down by the draft PSDF have a bearing on this application.

POLICY R5: SAFEGUARD CULTURAL AND SCENIC ASSETS

- 2. Protect heritage and scenic assets from inappropriate development and land use change.

Policy E3: Revitalise and Strengthen Urban Space-Economies as the Engine of Growth

- 7. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development.

Planning Implication:

The Western Cape Spatial Development Framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents. The proposed development will attract new economic activities within the established neighbourhood contributing to a functional and urban integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood and other economic activities throughout the town of Knysna. Therefore, the proposal complies with strategic objectives as set out by the Western Cape Spatial Development Framework.

12.2. Knysna SDF (2017)

The spatial vision for the considered SDF for Knysna Municipality is to establish an authentic place that works for its residents and continues to attract visitors.

Equitable and inclusive access to spatial justice (improving access to opportunities, services and amenities) improving economic opportunities.

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

Invest in Smart Growth Settlements

To achieve the objectives of SPLUMA and align with regional planning policy frameworks, the establishment of a network of “complete towns and villages” is proposed. Each should have a strong and unique identity, retain and enhance the Knysna coast and forest character and feature:

- Balanced land use
- Densification
- Economic opportunity
- Accessibility
- A high-quality public environment
- Effective and sustainable social services

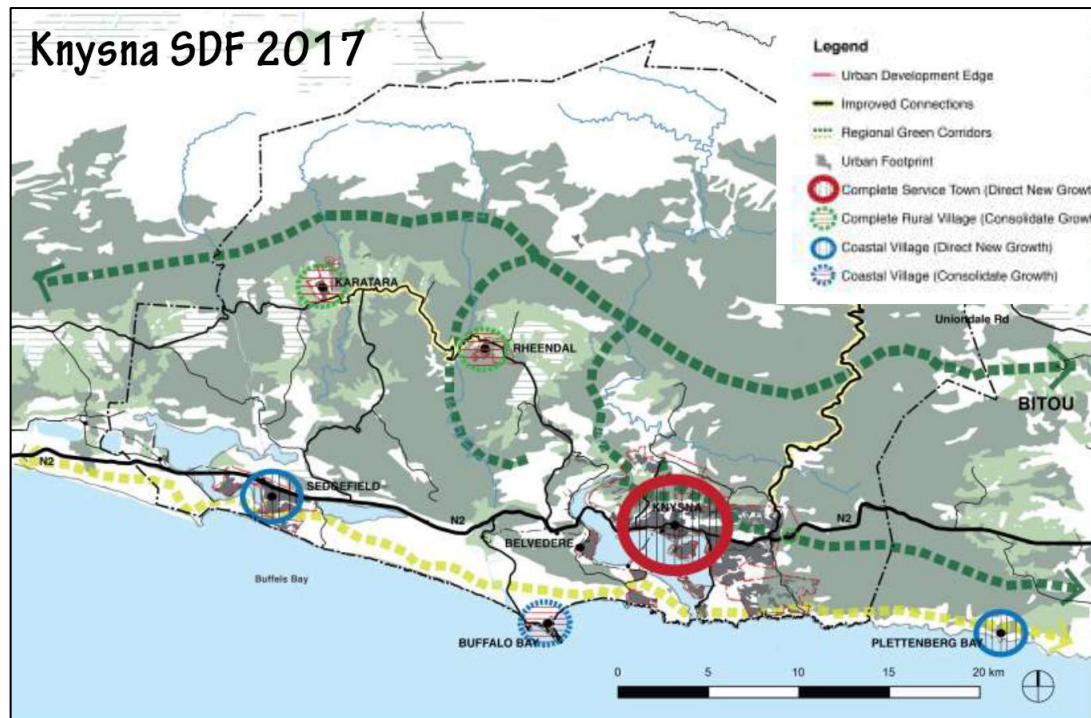


FIGURE 13: KNYSNA SDF (VISION & CONCEPT)

Planning Implication:

The property is located within the UCA area of Knysna. The Aesthetics committee has supported the proposed development and is therefore in line with the UCA guidelines. The proposed spatial development framework approved 7 June 2017 does not set any detailed guidelines or project proposal to support the spatial planning policies to guide Knysna to the desired spatial vision it wishes to achieve. Nonetheless, the property is located in the urban development area of Knysna and thus suitable for urban development.

12.3. Knysna Integrated Development Plan (2017/2023)

The IDP is the planning instrument that drives the process to address the socio-economic challenges as well as the service delivery and infrastructure backlogs experienced by communities in the municipality's area of jurisdiction.

Knysna Municipality approved the 4th generation IDP during June 2017. According to this IDP, the municipality's vision is to:

Knysna IDP Vision	
▪ ▪	Encourage all members of society to participate in and support the municipal governance structure and to create opportunities for dialogue.
	Conserving and managing the natural resources.

Knysna IDP Vision
▪ Planning for the growth and development of quality municipal services to support the community. ▪ Creating an enabling environment to foster development of our people and enabling them to contribute. ▪ Supporting and encouraging the development of investment, business and tourism and emerging industries.
<u>Vision:</u> Inclusive...Innovative...Inspired

The Knysna IDP identified seven Strategic objectives that are aligned to the national strategic focus areas as well as the Provincial Strategic Goals of the Western Cape Government. These objectives are:

Objective	Interventions
To ensure the provision of bulk infrastructure and basic service through the upgrading and replacement of ageing infrastructure, and the expansion of new infrastructure.	<u>Sanitation:</u> ▪ <i>To explore the utilisation of alternative sanitation systems and to educate the community and mobilise them for the effective utilisation thereof.</i> <u>Electricity:</u> ▪ <i>To consider alternative energy supply opportunities.</i> ▪ <i>Electrification must be incorporated in the establishment of new residential developments</i> <u>Streets & Storm water:</u> ▪ <i>Forming partnerships with property owners to assist with the upgrading and maintenance of roads infrastructure.</i> <u>Water Supply:</u> ▪ <i>Providing of quality drinking water to all formal households.</i> ▪ <i>Improve water management capacity to ensure sustainable water provision during dry summer season.</i>
To promote a safe and healthy environment through	<u>Environmental Conservation:</u>

Objective	Interventions
the protection of our natural resources.	▪ <i>To facilitate the improved management of our environment</i> ▪ <i>Promote inclusive living spaces</i>
To create an enabling environment for social development and economic growth.	<u>Decent employment opportunities and job creation:</u> ▪ <i>Establish effective partnerships with the with the business sector.</i>

Planning Implication:

The proposed land development contributes to achieving the strategic objectives as set out above for not only for Ward 10, but for Knysna as a whole. Knysna Erf 1523 can be regarded as consistent with the evolving character of the area and with the proposed outcome for Ward 10 which is creating and enabling an economic environment through local economic development initiatives, given the fact that the Guest Lodge will be operated as a business facilitating economic and tourism growth. The proposed accommodation establishment will strengthen the tourism products on offer in Knysna and it is therefore consistent with the Knysna Integrated Development Plan.

SECTION D :

MOTIVATION

The Spatial Planning and Land Use Management Act (SPLUMA) came into effect on 1 September 2014. One of the main objectives of this act is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

13. ASSESSMENT OF APPLICATIONS

13.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land
- (3). National and provincial government policies the municipal spatial development framework; and take into account: —
 - (i) the public interest;

- (ii) the constitutional transformation imperatives and the related duties of the State;
- (iii) the facts and circumstances relevant to the application;
- (iv) the respective rights and obligations of all those affected;
- (v) the state and impact of engineering services, social infrastructure and open space requirements; and
- (vi) any factors that may be prescribed, including timeframes for making decisions.

13.2. Knysna Municipality Standard By-law on Municipal Land Use Planning

The Knysna Municipality By-law on Municipal Land Use Planning (2016) as promulgated by G.N 7565 dated 12 February 2016 states in Section 65 the general criteria necessary for considering an application by the municipality.

The following criteria must be considered when evaluating the desirability of the subdivision and rezoning application. The table below summarizes summarises the criteria and reference to the motivation contained in the report:

Criteria	Reference in Report
The integrated development plan, including the municipal spatial development framework;	Par 12.3
The applicable local spatial development frameworks adopted by the Municipality	Par 12.2
The applicable structure plans	No Structure Plans for Knysna
The applicable policies of the Municipality that guide decision-making	Par 13.2
The provincial spatial development framework;	Par 12.1
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	Par 13.1
The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act; Principles referred to in Chapter VI (6) of the Western Cape Land Use Planning Act; and	Par 25
applicable provisions of the zoning scheme	Par 5.3

14. REMOVAL OF TITLE DEED RESTRICTIONS

According to Section 33(5) of the Knysna Municipality Standard By-law on Municipal Land Use Planning, the municipality must have regard to the following, when considering the removal, suspension or amendment of restrictive title deed 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 vest in the person, as the owner of a dominant tenement;*

Response:

It is the considered opinion that there is no financial value associated with the title deed restrictions. The only value associated with the restrictive title deed conditions was to prevent more than one dwelling unit per property and building lines to conform and to have a uniform township development, as title deeds were the only development parameters guideline.

Given the fact that the Knysna Municipality is the Administrator no value is associated to the municipality to remove this restrictive condition as it will allow for a more intensive land use (guest house) generating additional rates and taxes for Knysna Municipality.

- b) *The personal benefits which accrue to the holder of rights in terms of the restrictive condition.*

Response:

Since the title deed conditions is in favour of the registered owner of any erf in the Township, the holder of the rights is the "registered owners of the point" as well as the Administrator, that originally imposed these rights. The title deed condition was imposed to ensure a unique and uniform township establishment. This character of the area has changed since then and given the fact that the Knysna Zoning Scheme Regulations (1992) regulates land use management. It is the considered opinion that removal of the restrictive condition will not impact on any personal benefits that the holders of the rights have. It should be noted that similar restrictive conditions were removed from the deeds of Erven 2962, 2963, 2964 and 8569 (St. James) and the removal of these restrictions did not impact on any personal rights.

- c) *The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is amended, suspended, or removed;*

Response:

The personal benefit which accrue to the person seeking to remove the condition, it will allow the land owner to:

- i. *Operate an accomodation establishment on his property.*
- ii. *Provide covered parking bays on the desired position.*

- d) *The social benefit of the restrictive condition remaining in place in its existing form;*

Response:

No social benefits to maintain this restrictive title deed conditions as it does not allow the property owner to exercise their lawful land use rights in terms of the Knysna Municipal By-

Law on Land Use Planning (2016) to submit an application for rezoning (which will be assessed on its own merits). The Knysna Zoning Scheme (1992) replaced the function that these type of conditions (parameters) served. Hence it will have no social benefit if it remains in place.

e) The social benefit of the removal, suspension or amendment of the restrictive condition

Response:

It will allow the owner to submit an application for rezoning to operate an accommodation establishment on his property and exercise his rights in terms of the Knysna Municipal By-Law on Land Use Planning (2016).

The surrounding property owners will not be negatively affected by the removal of the title deed restriction in anyway whatsoever. Given the fact that the area is characterised by well-established accommodation establishments.

f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights;

Response:

The beneficiary of the condition are the land owners of the Point area and the Administrator (Knysna Municipality). The condition was imposed to ensure a uniform township establishment and consistency. The area has changed a lot since then as one can see by the presence of the existing accommodation establishments. The removal of this restriction will not impact on the rights enjoyed by the surrounding property owners or the Administrator.

It should be noted that any land development application on the property must still comply with the prescribed development parameters of the Knysna Zoning Scheme Regulations. (hence, the reason for the application for a rezoning and permanent departures to accommodate the Guest Lodge).

g) Whether the removal would be in the public interest.

Response:

The unique attractive nature of the area is a key component attracting tourists visiting the Knysna area. They want to be close to the lagoon and other unique features of Knysna. The large percentage of properties in the point area being accommodation establishments emphasises the unique nature of the area and the change in character arising from its establishments. It is the considered opinion that the removal of the restrictive title deed condition to allow for the accommodation establishment will be in the interest of the public, by allowing another accommodation establishment in this unique location, contributing to Knysna's main economic driver tourism.

15. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in **Paragraph 12** of this report, the proposal is consistent with the relevant spatial planning policies. The proposal is consistent with the relevant spatial planning policies for the following reasons:

- (i) The application area is located within the urban edge of the Knysna Municipality and is suitable for urban development;
- (ii) Further, the proposal is in line with the policies of the municipality, specifically the promotion of tourism development within the Knysna Municipality;
- (iii) Complies with the strategic objectives as set out in the IDP of Knysna Municipality;
- (iv) Complies with the strategic objectives as set out in the Provincial SDF

16. CONSISTENCY WITH THE SURROUNDING AREA

The application area is located in the Point area, an area where tourist accommodation uses are well established. Hence the area is suitable for accommodation establishments.

The figure below shows the existing accommodation establishments in the area that was prepared after a detailed land use survey of the surrounding area was undertaken. As can be seen in the figure below, there are four (4) existing accommodation establishments in the application area. It is therefore clear indication that The Point is evolving into an accommodation node, with unrestricted accesses to the lagoon and beautiful views of the Knysna Lagoon.



FIGURE 14: ACCOMMODATION ESTABLISHMENTS IN THE AREA

Given the application area's unique locality on the Knysna Lagoon and the spectacular views from the application area, accommodation establishments are not an unfamiliar land use in the area, and it could, therefore, be concluded that the proposed development will be consistent with the surrounding area.

17. NEED FOR THE BUILDING LINE RELAXATION

The Knysna Zoning Scheme Regulations prescribe that parking for a hotel / guest house / residential building / flats, must be covered. The proposal is to provide shade ports, covered parking, for those parking bays along the street and lateral boundaries. These covered parking bays are in the street and lateral building lines, hence an approval for a permanent departure for the relaxation of the street and lateral building lines are required. The proposed covered parking bays are single storey and it will not be enclosed, hence no impact on visibility, or vehicular movement.

18. NO IMPACT ON EXISTING RIGHTS

The proposed rezoning to accommodate a Guest Lodge will not impact any existing land use right currently enjoyed by neighbouring properties. No noise pollution will be allowed on the site. Guests will be expected to respect the neighbouring properties' sense of place and peaceful ambience of the area. Similar developments are likely to appear in the area, as the proposed use addresses a very particular need at this time.

Several similar precedents exist within the surrounding area, this is clear indication that the municipality has the view that the accommodation facilities in a residential neighbourhood do not negatively impact on established property rights.

19. TOURISM

The tourism sector is one of the major economic drivers for the Knysna Municipal area. The tourism sector has proven to be a major employment generator. Further downstream economic impacts are support to tour operators, local restaurants, and other tourism-related businesses.

The proposed Guest Lodge on Knysna Erf 1523 will contribute to the currently growing tourism industry of Knysna. Not only does the Guest Lodge provide tourists with accommodation, it also recommends places of interest for visiting tourists within and around the town of Knysna. The result is that this Guest Lodge encourages visitors to visit and support the existing tourism facilities and amenities in Knysna, and thereby supporting the local economy.

According to the Knysna Municipality Medium Term Revenue and Expenditure Framework Budget, there has been a decline in tourism in Knysna due to the recession; however, tourism growth has been the most constant economic contributor throughout the years. Thus, tourism-related activities within the town of Knysna should be strongly encouraged.

It is the aim of the proposed Guest Lodge on Knysna Erf 1523 to accommodate a variety of national and international guest and to establish itself as formidable Guest Lodge accustomed to the Knysna tourism industry. The establishment of another Guest Lodge in the area, will not only complement the character of the area but assist in the growth of the tourism industry within Knysna.

20. POSITIVE ECONOMIC IMPACT

The proposed Guest Lodge will accommodate local and international tourists which result in increased spending within the Knysna municipal area, which will contribute to the local economic development of Knysna.

This means that approval of the proposed Guest Lodge is in the interest of the Knysna economy and tourism industry creating new permanent employment opportunities for skilled and unskilled staff. The Guest Lodge will approximately employ between 14 to 18 individuals.

21. PARKING REQUIREMENTS

The parking requirements for General Residential Zone (Guest Lodge s) are as follows:

- one (1) parking bay per room;
- one (1) parking bay for deliveries;
- one (1) parking bay for every four (4) rooms for visitors; and
- one and a half (1.5) additional parking bay for the self-catering units (general manager/ staff rooms on the property);

Knysna Zoning Scheme Regulations	Proposal
1 x bay for every guest room	17 bedrooms = 17 parking bays
1 x visitors parking bay for every 4 guest rooms	17 Bedrooms = 5 visitors parking bays
1 x for deliveries	1 Parking Bay
1.5x bay for the owner / manager/staff	3 Self-catering units=5 Parking Bays
Parking Bays required	28 Parking Bays

All parking bays will adhere to the specifications of the Technical Services Directorate of Knysna Municipality which is a 5.5m x 2.5m parking bay.

An additional 20 parking bays are prescribed for a licensed Guest Lodge. This is not applicable to the proposed development because all facilities will only be available to residing guests. No public facilities will be on site and therefore this clause is deemed to be irrelevant to the proposed development.

There are 17 guest bedrooms and 3 self-catering units in the proposed Guest Lodge, hence a total of 28 parking bays will be required on the property. A total of 21 covered parking bays and 7 uncovered parking bays will be provided, thus, adequate on-site parking is provided.

22. NO HERITAGE IMPACT

This property is located in the Urban Conservation Area, an area demarcated to protect and manage heritage resources in the interest of the Architectural Heritage of Knysna Municipality. The purpose of the conservation area is to retain the unique character of the aesthetical sensitive areas of Knysna by the preservation of:

- existing buildings, other structures or land of historical, aesthetic or architectural significance;
- existing building lines; and
- existing trees which are conservation worthy.

23. THE NEED FOR ACCOMMODATION ESTABLISHMENTS

With the recent Knysna fires, many accommodation establishments were unfortunately lost in the tragedy. The need for accommodation establishments especially for tourists arose, as Knysna is a major tourist attraction and the economy of Knysna is very dependent thereof.

The proposed development will most certainly contribute to the cause as mentioned above, seeing that the application area is located in close proximity to many tourist attractions and the beautiful views of the Knysna lagoon also make it a desirable location for tourists. The proposed development is highly desirable and will contribute to the need for accommodation establishments.

24. SIZE AND SCALE OF THE PROPOSED DEVELOPMENT

The application area is currently zoned as "Single Residential" with rights to build a dwelling house with a coverage of 30 %.

The applicant prepared a revised design of a double storey building, but when the proposal was presented to the Knysna Aesthetics Committee on Friday 6 April 2018, the project Architect was advised to rather include the 3rd storey to the building. This 3rd storey will function as a loft space, to provide a better definition for the proposed building.

The table below shows a summary of how the size and scale of the proposed development compare with the Single Residential development parameters:

Parameter	Knysna ZS 'Single Residential'	Development
Height	8m - 2 storeys	10m - 3 storeys
Building Line: Side	2m	5m
Building Line: Lagoon	5m	10m
Building Line: Street	4.5m	0m (Covered Parking Bays)
Coverage	30 %	31.57%

From the above, it is clear that the proposed development is generally in keeping with what is allowed on a single residential property. Note that:

- the building will be 10m from the lagoon - 5m further away than what is allowed for a single residential building.
- The coverage is limited to 31%, as opposed to the 50% coverage that is allowed in General Residential zones.
- A "Single Residential" zone prescribes 2m side building lines, whereas the proposed building on Erf 1523 will be 5m from the side building lines.

This amended proposal is more in keeping with the character of the area, than the 2017 proposal.

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

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

25.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	Not applicable	This policy is not applicable to the application area.
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Not applicable	This policy is not applicable to the application area.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	This policy is not applicable to the application area.

25.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic.	Comply	The proposed development is within the urban edge of the Knysna area. and within an established urban environment. The rezoning, removal of restrictive title deed condition will allow the owners to lawfully operate a Guest Lodge on the subject property within the parameters of the Knysna zoning scheme (1992).

Criteria	Compliance	Planning Implication
		The engineering reports confirmed that no service upgrades are required to accommodate the proposal. Hence no costs from the municipality.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Not applicable	This policy is not applicable to the application area.
Uphold consistency of land use measures in accordance with environmental management instruments.	Comply	The application area is located within the urban edge of Knysna. No structures will be erected over building lines and also adheres to the 10m lagoon building line. OSCAE permit is required for the proposed development
Promote and stimulate the effective and equitable functioning of land markets.	Comply	The proposed development is consistent with the character of the surrounding area. It will not impact the value of its surrounding properties as it is a conforming use and modern building complementing the area. The operation of an appropriately scaled accommodation establishment in the area will contribute to the effective functioning of land markets.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Comply	The existing use on the erf has an existing connection to municipal services. Any additional cost required will be for the cost of the applicant. (refer to Chapter 7 of this report)
Promote land development in locations that are sustainable and limit urban sprawl; and result in communities that are viable.	Comply	The proposed development is within an existing residential area and adhere to the parameters of the proposed zoning "General Residential zone" in terms of the Knysna Zoning Scheme (1992). No urban sprawl will be created because of this land use application.

25.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	Comply	Proposal will require and fully utilise municipal infrastructure. The proposed subdivision and rezoning will result in the optimal use of existing municipal infrastructure.
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.	Not Applicable	The municipality should process this application within the prescribed time frames of the Knysna Municipality By-law on Municipal Land Use Planning (2016).

Criteria	Compliance	Planning Implication
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Not Applicable	The municipality should process this application within the prescribed time frames of the Knysna Municipality By-law on Municipal Land Use Planning (2016).

25.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks	Comply	The proposal is in line with the various spatial plan and policies, as motivated in the report. The proposed application complies with the requirements of the Knysna Municipality By-Law on Municipal Land Use Planning (2016).

25.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act. All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks. The requirements of any law relating to land development and land use are met timeously.	Applicable to Knysna Municipality	This principle has no direct bearing on the application, however, the Knysna municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw. What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.

Criteria	Compliance	Planning Implication
The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.		

26. CONCLUSION

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

- (i) Removal of Restrictive Title Deed Conditions B(b) and B(d) from Title Deed T21501/1966 in terms of Section 15(2)(f) of the Knysna Municipality By-Law on Municipal Land Use Planning (2016), to allow a Guest Lodge on Knysna Erf 1523;
- (ii) The Rezoning of Knysna Erf 1523 from "Single Residential Zone" to "General Residential Zone" in terms of section 15 (2)(a) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) to allow for a Guest Lodge;
- (iii) A Permanent departure for a relaxation of the street building line from 8m to 0m and the lateral building lines from 5m to 0m, in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) to allow for covered parking bays.

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

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