

# PORTION 12 (A PORTION OF PORTION 1) OF THE FARM UITZIGT NO 216, BELVIDERE, KNYSNA

## SPECIALIST PLANNING REPORT FOR ENVIRONMENTAL AUTHORISATION PURPOSES



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## SECTION A :

## BACKGROUND

### 1. PURPOSE OF THE REPORT

This report serves as the Specialist "Planning" inputs into the Environmental Authorisation application on Portion 12 (a Portion of Portion 1) of the Farm Uitzigt No 216, Division, Knysna.

The objective of this Specialist Planning Report is to provide a description of the proposed development and to "contextualize" the envisaged project within the administrative, legal and policy planning framework. These policies are not prescriptive legal requirements, but rather guidelines to inform detailed planning and design, and to be interpreted and applied at the level of an individual project.

Portion 12 (a Portion of Portion 1) of the Farm Uitzigt No 216 is located in Belvidere (Knysna Municipality), and is currently zoned 'Agricultural Zone I' in terms of the Knysna Municipality: Zoning Scheme By-law, and is ±9584m<sup>2</sup> in extent. The property is currently vacant.

During 2004, the competent Environmental Authority issued an Environmental Authorisation (EA) (**ANNEXURE A**) for (18) residential units. The authorised activities did not commence lawfully before the lapsing date, and therefore the Environmental Authorisation (EA), lapsed. No Land Development Application was ever lodged.

The owners of the property wish to apply for development rights on the property, in order to allow a group housing development, consisting of thirty (30x) freehold title group housing units.

The development of the proposed new group housing development will require Environmental Authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as well as a land development approval from Knysna Municipality in terms of the Knysna Municipality By-Law on Municipal Land Use Planning (2016).

**Andrew West Environmental Consultancy** has been appointed to apply for Environmental Authorisation and Marike Vreken Urban and Environmental Planners have been appointed by **Zelpy 1825 (Pty) Ltd** to apply for the required development rights from the applicable authorities.

### 2. PROPERTY DESCRIPTION, SIZE & OWNERSHIP

A copy of the Title Deed (T117255/2004) which includes all the information outlined below is contained in **ANNEXURE B**. The SG Diagram (SG 753/1932) for the property is contained in **ANNEXURE C**.

Title Deed Description:	Portion 12 (a portion of portion 1) of the Farm Uitzigt No. 216, Knysna, Division of Knysna, Western Cape Province
Title Deed No:	T117255/2004

Property Size:	9584m <sup>2</sup>
Registered Owner:	Zelpy 1825 (Pty) Ltd
Title Deed Restrictions:	Condition B (a): That the above land shall not in future be subdivided.
Servitudes:	There are no servitudes registered over this property.
Bonds:	There is no bond registered over the property.

## SECTION B :

## DEVELOPMENT ALTERNATIVES

### 3. DESCRIPTION OF THE PROPOSED DEVELOPMENT

Section 24(O) (1) (b) (iv) of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended states that:

*"...where appropriate, any feasible and reasonable alternatives to the activity which is the subject of the application and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment..."*

The following development alternatives were investigated for the application area:

- **Alternative 1 (Preferred Alternative):** Development of a group housing development. The preferred layout consists of (30x) freehold title group housing erven, and (1) private open space / private street property.
- **Alternative 2:** Development of a group housing development. Alternative 2 have a different layout of units, that consists of (26) group housing units, and (1) private open space / private street property.
- **Alternative 3:** No go Alternative.

### 4. ALTERNATIVE 1: PREFERRED ALTERNATIVE

*(Refer to Plan 2: Site Development Plan – Preferred Alternative)*

The proposed group housing development will consist of (30x) freehold title group housing erven, and (1) private open space / private street property, as indicated on the Site Development Plan (SDP). The proposed development will have access control.

Erf sizes of the proposed group housing development will vary between 195m<sup>2</sup> and 300m<sup>2</sup>. The density of the proposed development calculates to 31 units/ha.



**FIGURE 1: PROPOSED GROUP HOUSING LAYOUT**

The units will be semi-detached and double storey, consisting of (2) or (3) bedrooms each. The floor area of the units will be ±175m<sup>2</sup> each.

The proposed layout is specifically planned and designed in accordance with the topography (contours) of the site and to allow a larger buffer between the proposed development and the Belvidere Waste Water Treatment Works, situated to the west of the application area, on Erf 328.

The site slopes down towards the eastern boundary of the property, making it much more cost effective and ensure less earthworks to construct the units on the same contour levels – allowing them to step down towards the eastern parts of the site.

Also, given that the internal road is proposed along the western boundary, it ensures a space of ±8.5m between the boundary of Erf 328 (the Belvidere Sewage Treatment Plant) and the actual units.



FIGURE 2: PROPOSED SDP

#### 4.1. Access & Parking

Access to the proposed development will be obtained off Upper Duthie Drive, via a new right of way servitude of 13m wide, over Erf 328 Belvidere, along the eastern boundary of Erf 328, that has been approved by the Knysna Council. Copy of the Council Resolution, approving the right of way servitude, is attached as **ANNEXURE D**.

Traffic flow will be in a one-way, single direction flow through the development. The private road will be 5m wide, as shown in the figure below.

Each group housing unit will have a single garage and private parking bay. Hence at least two (2x) parking bays per group housing unit will be provided. In addition to these parking's, there will be a designated parking area along the eastern boundary of the property that makes provision for 16x visitors' parking bays.

The Knysna Municipality: Zoning Scheme By-law prescribes 2 bays per dwelling unit plus 0.25 bays/unit for visitors for group housing purposes.



MINIMUM ON-SITE PARKING REQUIREMENTS	
Land Use	Minimum Requirements
Group housing	2 bays per dwelling unit plus 0.25 bays/unit for visitors
Proposal: <ul style="list-style-type: none"> <li>30 group housing units</li> </ul>	Required: <ul style="list-style-type: none"> <li>67.5 bay</li> </ul> Provided: <ul style="list-style-type: none"> <li>16 Visitor Parking Bays</li> <li>2 bays (1 garage + open bay) per unit = 60 bays</li> <li><b>Total Provided = 76 bays</b></li> </ul>



FIGURE 3: PRIVATE ROAD & PARKING

#### 4.2. Open Space Provision

The Knysna Integrated Zoning Scheme Bylaw stipulates that there should be at least 50m<sup>2</sup> of private outdoor space per group housing unit. Since the proposed development will be a freehold title development, all outdoor spaces are provided on the individual group housing erven.

The wide private road will also have enough space for pedestrians and cyclists and can serve as active recreation space.



FIGURE 4: OPEN SPACE PROVISION

Open space provision for the proposed group housing development is summarised in the table below:

Erf No	Private Outdoor Space	Functional Communal Space
Erf 1	88 m <sup>2</sup>	
Erf 2	88 m <sup>2</sup>	
Erf 3	82 m <sup>2</sup>	
Erf 4	101 m <sup>2</sup>	
Erf 5	91 m <sup>2</sup>	
Erf 6	86 m <sup>2</sup>	
Erf 7	88 m <sup>2</sup>	
Erf 8	80 m <sup>2</sup>	
Erf 9	142 m <sup>2</sup>	
Erf 10	159 m <sup>2</sup>	
Erf 11	72 m <sup>2</sup>	
Erf 12	72 m <sup>2</sup>	
Erf 13	72 m <sup>2</sup>	
Erf 14	72 m <sup>2</sup>	
Erf 15	72 m <sup>2</sup>	

<b>Erf No</b>	<b>Private Outdoor Space</b>	<b>Functional Communal Space</b>
Erf 16	72 m <sup>2</sup>	
Erf 17	72 m <sup>2</sup>	
Erf 18	72 m <sup>2</sup>	
Erf 19	72 m <sup>2</sup>	
Erf 20	72 m <sup>2</sup>	
Erf 21	72 m <sup>2</sup>	
Erf 22	72 m <sup>2</sup>	
Erf 23	72 m <sup>2</sup>	
Erf 24	72 m <sup>2</sup>	
Erf 25	72 m <sup>2</sup>	
Erf 26	72 m <sup>2</sup>	
Erf 27	72 m <sup>2</sup>	
Erf 28	72 m <sup>2</sup>	
Erf 29	72 m <sup>2</sup>	
Erf 30	72 m <sup>2</sup>	
Erf 31 (Private Street)		3223 m <sup>2</sup>
<b>Sub Total</b>	<b>2445 m<sup>2</sup></b>	<b>3223 m<sup>2</sup></b>
<b>Total Open Space Provided</b>		<b>5668 m<sup>2</sup></b>

### 4.3. Group Housing Design & Layout

The layout of the units is also designed to maximise the northern sun, and then the semidetached units will be terraced with the slope, in order to minimise unnecessary earth works and excavations.

The ground floor of the units will consist of the living, dining, kitchen area, with a single garage. The first floor will consist of the bedrooms, either (2) bedrooms or (3) bedrooms.

The Design of the proposed units is shown in the figure below.

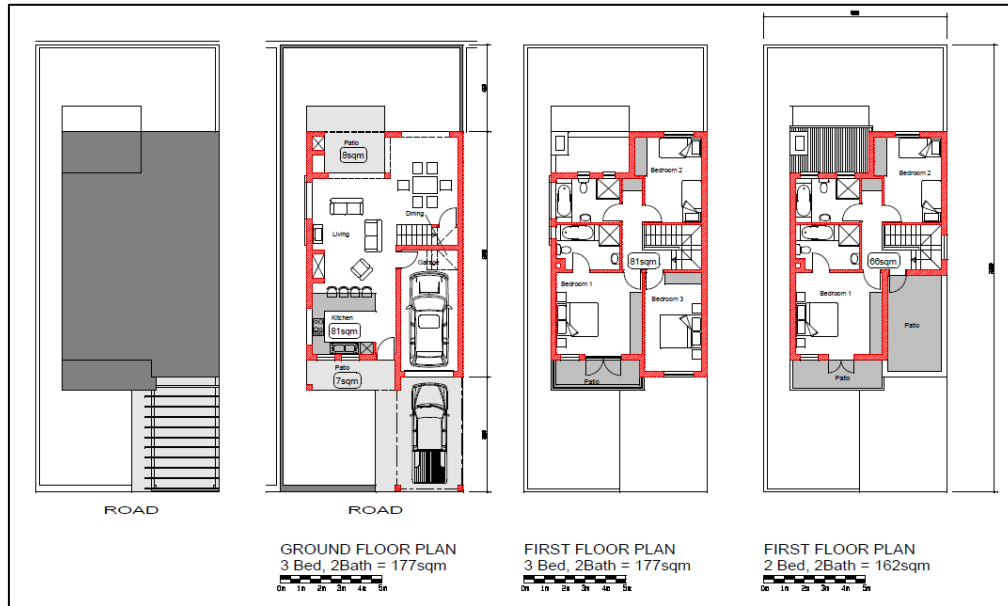


FIGURE 5: GROUND & FIRST FLOOR PLANS

#### 4.4. Knysna Zoning Scheme Bylaw: Prescribed Development Parameters

A summary of the prescribed development parameters for “General Residential Zone (GRI) (“group housing”) and a comparison of the proposed development’s parameters are shown in the table below. From this table, it is clear that the proposed development complies with all prescribed parameters, and that no departure applications are required.

Development Parameter	Prescribed	Proposed	Compliance
<b>Primary Use:</b>	group housing	group housing	<b>Comply</b>
<b>Density:</b>	35 u/ha	31 u/ha	<b>Comply</b>
<b>Height</b>	8,5m	double storey	<b>Comply</b>
<b>Open Space Provision</b>	50 m <sup>2</sup> per dwelling unit (i.e. 1500m <sup>2</sup> )	Open Space provided = 5668m <sup>2</sup>	<b>Comply</b>
<b>Street Building Line (external)</b>	5m	No external street	<b>Comply</b>
<b>Perimeter Building Line</b>	3m	3m	<b>Comply</b>
<b>Internal Street Building Lines:</b>	Garage door facing the road be set back at least 5m from the kerb.	Minimum of 5m allowed between road surface and garages	<b>Comply</b>
<b>Parking:</b>	2.25 bays / unit (i.e. 22.5 bays)	Parking Required: 68x bays Parking Provided: 76x bays	<b>Comply</b>
<b>Service Yard</b>	Must be provided	Only applicable during final SDP submission stage	<b>Comply</b>
<b>Refuse Room</b>	Must be provided	Only applicable during final SDP submission stage	<b>Comply</b>

#### 4.5. Proposed Land Development Application

In order to obtain land development rights for the proposed housing development, the following land development application will have to be lodged to Knysna Municipality:

- (i) The rezoning of Portion 12 of the Farm Uitzigt No 216 from "Agriculture Zone I" to "General Residential Zone I" for group housing in terms of Section 15(2)(a) from the Knysna Municipality By-Law on Municipal Land Use Planning (2021).
- (ii) The subdivision of Portion 12 of the Farm Uitzigt No 216 into (31) portions; in terms of Section 15(2)(d) from the Knysna Municipality By-Law on Municipal Land Use Planning (2021):
  - (30) x 'General Residential Zone I' Erven (Group Housing)
  - (1) x 'Transport Zone III' Erf (Private Road)
- (iii) The removal of restrictive title deed conditions Condition B(a) from the Deed of Portion 12 of the Farm Uitzigt No 216, to allow subdivision, in terms of Section 15(2)(f) from the Knysna Municipality By-Law on Municipal Land Use Planning (2021).

#### 5. ALTERNATIVE 2

*(Refer to Plan 3: Site Development Plan – Alternative 2)*

This alternative entails a different layout of units, that consists of (26) group housing units, and (1) private open space / private street property.

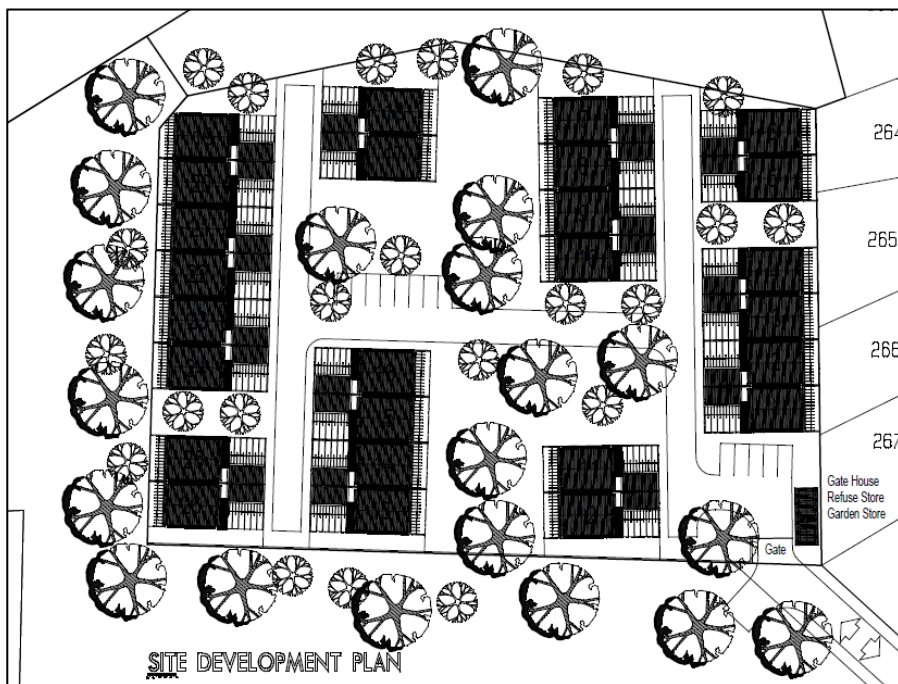


FIGURE 6: ALTERNATIVE 2 - SDP

The layout of Alternative 2 is not considered desirable for the following reasons:

- (i) Less units are proposed = less selling opportunities = more expensive per unit to provide services, and less rates & taxes income for the local authority.
- (ii) Units are close to the Belvidere Waste Water Treatment Plant (on Erf 328), which could result in undesirable smell and noise.
- (iii) Units are orientated towards the Belvidere Waste Water Treatment Plant (on Erf 328), less aesthetically pleasing for potential buyers.
- (iv) Layout of the units causes that there is no manoeuvring space between the garages and the road.
- (v) Less effective traffic flow within the development compared to the Preferred Alternative.
- (vi) More earthworks and levelling required, as it is required to cut into to contours = increases building costs and earthworks.
- (vii) No private outdoor areas for homeowners, only communal areas in this layout = less privacy.

From the above it is clear that the preferred alternative is a more efficient, viable and desirable layout, and therefore this option is not the preferred development proposal.

## **6. ALTERNATIVE 3: NO GO ALTERNATIVE**

This alternative is not to do any development on Portion 12 (a portion of Portion 1) of the Farm Uitzigt No 216.

The no-go alternative is not desirable, as it means that a very strategic, centrally located piece of land in Belvedere (Knysna) will stay vacant, and undeveloped. The implication being that there will be more pressure for urban sprawl on other land parcels.

**SECTION C : CONTEXTUAL INFORMANTS**

**7. LOCALITY**

*(Refer to Plan 1: Locality Plan)*

Portion 12 of the Farm Uitzigt No 216 is located to the west of Belvidere Park Retirement Village, and to the north of the Belvidere Municipal Stores and Offices, and to the east of the Belvidere Waste Water Treatment works. The GPS coordinates to the property is 34°02'42.6"S 22°59'35.7"E.

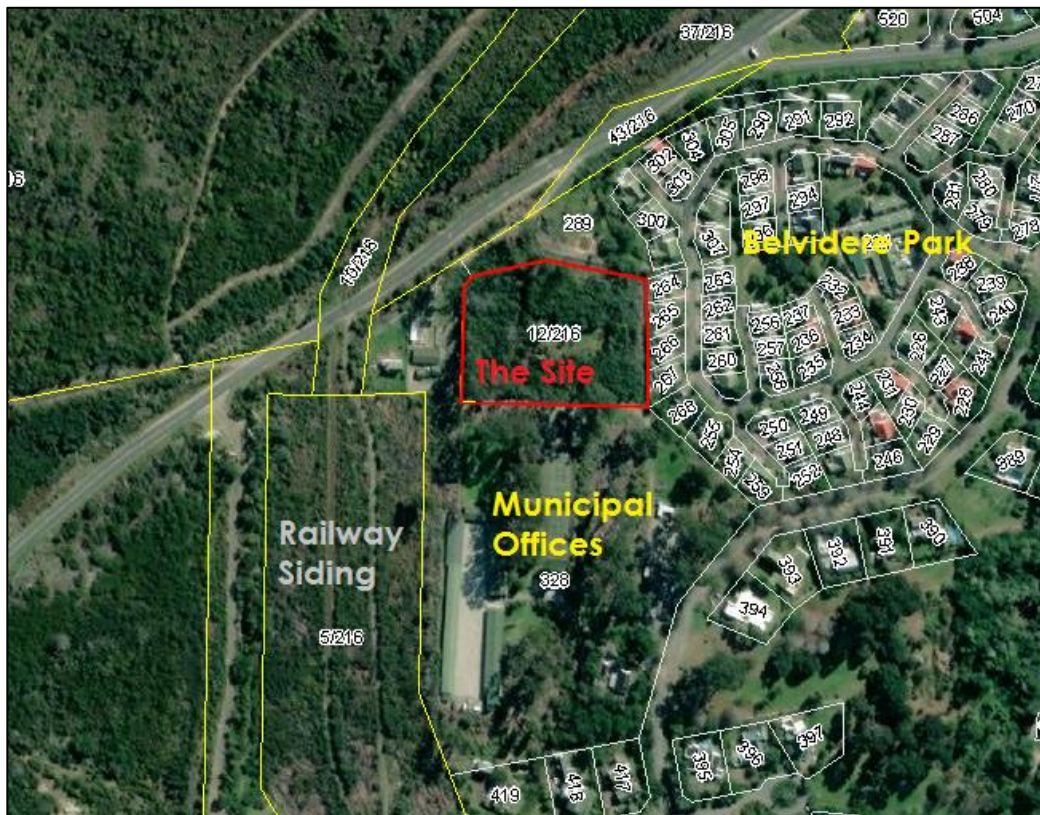


FIGURE 7: LOCALITY

**8. CURRENT LAND USE & ZONING**

**8.1. Land Use**

Portion 12 (a portion of Portion 1) of the Farm Uitzigt No 216 is currently vacant with only ruins on the property, after the Knysna Fires.

**8.2. Zoning**

Portion 12 (a portion of Portion 1) of the Farm Uitzigt No 216 is currently zoned "Agriculture Zone I" in terms of the Knysna Municipality: Zoning Scheme By-law, 2020.



**FIGURE 8: EXTRACT KNYSNA ZONING MAP**

**9. SITE CHARACTERISTICS**

The application area has a gradual slope in an easterly direction, with the lowest point positioned in the north-east corner of the application area. The application area drops down from approximately 62m in the west, to approximately 52m in the east.



**FIGURE 9: SITE CHARACTERISTICS**



The application area is land locked and bordered by the Belvidere Park Retirement Village to the east and north, and municipal property to the west and south.

The site is currently vacant. There was a dwelling house on the application area, but this has burnt down during the 2017 Knysna fires.

The application area is disturbed, with the vegetation that exist on the property, being a mixture between Pine Trees, Blue gum and other alien species.



**FIGURE 10: VEGETATION ON THE APPLICATION AREA**

## **10. CHARACTER OF THE AREA**

The site is situated within the Belvidere neighbourhood, which is predominantly a residential neighbourhood with several tourist accommodation establishments and couple of tourist facilities (restaurants & coffee shops).

Belvidere Park Retirement Village and Frail Care Centre is also situated within Belvidere, which is a residential retirement village with assisted living facilities.

Belvidere comprises of large family homes, a retirement village and a hotel. The character of the area is considered residential.

The proposal to allow group housing units will contribute to the existing residential character of the area.

## SECTION D :

## SPATIAL PLANNING POLICIES

### 11. EXISTING POLICY FRAMEWORKS

#### 11.1. 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 provinces spatial planning agenda”.

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.

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

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

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

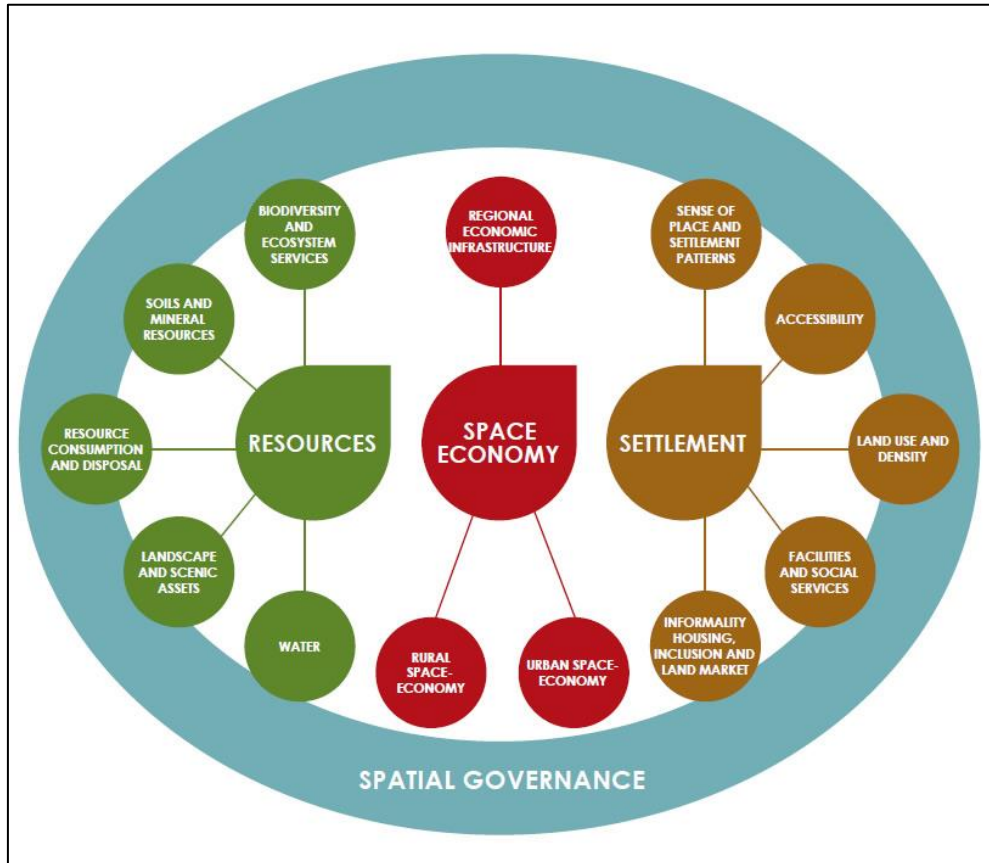


FIGURE 11: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

**POLICY E3: REVITALISE AND STRENGTHEN URBAN SPACE-ECONOMIES AS THE ENGINE OF GROWTH**

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
5. Existing economic assets (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) to be targeted to lever the regeneration and revitalisation of urban economies	<ul style="list-style-type: none"> <li>This is a strategically located underdeveloped site that will be developed with an appropriate use, creating additional employment opportunities and provides a different range of housing opportunities in the Knysna area.</li> </ul>

**POLICY S1: PROTECT, MANAGE AND ENHANCE SENSE OF PLACE, CULTURAL AND SCENIC LANDSCAPES**

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
2. Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.	<ul style="list-style-type: none"> <li>This is an infill development, preventing urban sprawl.</li> </ul>

### S3: PROMOTE COMPACT, MIXED USE AND INTEGRATED SETTLEMENTS

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
1. Target existing economic nodes (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) as levers for the regeneration and revitalisation of settlements.	<ul style="list-style-type: none"> <li>▪ <i>Even though this application area is not within walking distance from business nodes, the proposal constitutes infill development within an existing urban environment.</i></li> </ul>
2. Promote functional integration and mixed use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development	<ul style="list-style-type: none"> <li>▪ <i>The proposal will contribute to the provision of an additional range of housing opportunities in Belvidere.</i></li> </ul>

### POLICY R1: PROTECT BIODIVERSITY AND ECOSYSTEM SERVICES

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
1. Continue to use CBA mapping to inform spatial planning and land use management decisions in the Province.	<ul style="list-style-type: none"> <li>▪ <i>The entire property is not within any CBA areas.</i></li> </ul>

### POLICY S5: PROMOTE SUSTAINABLE, INTEGRATED AND INCLUSIVE HOUSING IN FORMAL AND INFORMAL MARKETS

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
5. Achieve a wider range of housing opportunities with regards to diversity of tenure, size, density, height and quality in order to promote a ladder of upward mobility for households to progress as economic circumstances change over time	<ul style="list-style-type: none"> <li>▪ <i>The proposal will contribute to a different range of housing opportunities.</i></li> </ul>
6. Increase densities of settlements and dwelling units in new housing projects	<ul style="list-style-type: none"> <li>▪ <i>The proposed density of 31 units/ha is denser than the existing single residential areas, and less than the allowed density for group housing (35 dwelling units per hectare).</i></li> </ul>

#### **Planning Implication:**

*From the above it is clear that the proposed development is consistent with the Western Cape Provincial SDF.*

#### **11.2. Eden Spatial Development Framework (2017)**

The Eden District Spatial Development Framework was approved in 2017 and aims to establish a strong strategic direction and vision, towards increasing levels of detail in the spatial recommendations that are directive rather than prescriptive and guiding local municipalities in the District regarding future spatial planning, strategic decision-making and regional integration.

This vision and strategic direction identify the four key drivers of spatial change within the District. These drivers are defined in terms of spatial legacies, current challenges, future risks and prospects. The four drivers of change around which this SDF are framed are”

- Strategy 1:** The economy is the environment; a strategy founded on the principle that a sustainable economy in Eden District is an economy that is positioned for growth.
- Strategy 2:** Regional accessibility for inclusive growth; a strategy that is based on the notion that improved regional accessibility is essential to achieving inclusive growth
- Strategy 3:** Coordinated growth management for financial sustainability; a strategy informed by the realities of global fiscal austerity and the need for responsible growth management that does more with less to secure future social and economic resilience.
- Strategy 4:** Planning, budgeting and managing as one government, this strategy highlights that real intergovernmental cooperation is essential to achieving the spatial transformation goals of SPLUMA and the three spatial strategies above.

These strategies lie at the heart of this SDF and the problem statement, spatial concept, spatial proposals and implementation are organised around these directives.

According to the Eden SDF, Knysna’s role within the Eden District is “**Specialised Coastal Centre**”<sup>1</sup>: defined as urban centres with a special function (often tourism related), as well as a role in terms of servicing the surrounding areas and containing a mix of economic activities and services. They should be complete settlements. *Complete settlements aim to improve standards of living and social inclusion.* Investment in these areas should prioritise achieving a balanced mix of uses, economic activities, socioeconomic groups and services. Knysna’s function/role within the Eden district as defined in the Eden SDF is Tourism, holiday, services and timber industry.

The following Spatial Policy Statements & Guidelines are applicable to the proposed land development planning application:

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<sup>1</sup> *Urban centres with a special function (often tourism related), as well as a role in terms of servicing the surrounding areas and containing a mix of economic activities and services.*

<b>Strategy: Sustainable Growth Management</b>	
<b>Policy 3.1.</b> Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns.	
<b>Guideline 3.1.1. Align growth with infrastructure and fiscal capacity</b>	<b>Compliance</b>
Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns.	<ul style="list-style-type: none"> <li>▪ <i>The development will contribute to a more intensified use of the land making optimal use of the available municipal infrastructure.</i></li> <li>▪ <i>The proposal intends to cater for a range of income-groups; first-time-buyer, small families, and retirees.</i></li> <li>▪ <i>There is sufficient services capacity to allow the proposed residential development.</i></li> <li>▪ <i>Strengthens Knysna's role as a Specialised Coastal Centre.</i></li> </ul>
<b>Guideline 3.1.3. Role and investment focus of specialised coastal centres</b>	<b>Compliance</b>
<p>These urban centres have a special function (often tourism related), as well as important roles in servicing the surrounding areas and rural settlements. They should be complete settlements. Complete settlements aim to improve standards of living and social inclusion.</p> <p>Investment in these areas should prioritise achieving a balanced mix of uses, economic activities, socio-economic groups and services.</p>	<ul style="list-style-type: none"> <li>▪ <i>The proposal intends to cater for a range of income-groups; first-time-buyer, small families and retirees.</i></li> <li>▪ <i>This residential development will attract new investors and visitors, contributing to the development and the economical income of Knysna.</i></li> <li>▪ <i>It also provides the employment opportunities to several professional people and local people.</i></li> </ul>
<b>Policy 3.3.</b> Optimise existing infrastructure capacity and economic opportunity by directing mixed use, higher density development to areas of opportunity.	
<b>Guideline 3.3.9. Ensure the development of strong resilient towns and places</b>	<b>Compliance</b>
<p>The SDF promotes a considered approach to investment in settlement and growth management that directs new investment towards the establishment of appropriate urban form.</p> <p>A regional settlement hierarchy and framework for accommodating growth has been established in relation to infrastructure, economic and institutional capacity.</p> <p>Growth must be encouraged in towns that have economic, spatial and social capacity to ensure fiscal sustainability.</p>	<ul style="list-style-type: none"> <li>▪ <i>The application area is within the urban edge and it could be regarded as infill development.</i></li> <li>▪ <i>The property is surrounded by urban development, with existing services infrastructure connection points. The proposal is on a brownfield site.</i></li> <li>▪ <i>Sufficient infrastructure capacity is available to accommodate the proposed development.</i></li> <li>▪ <i>The proposed development will attract local and international investors, that will contribute to the general expenditure in the area.</i></li> </ul>

### 11.3. Knysna Municipal SDF (2020)

Knysna Municipality has adopted and implemented a new Spatial Development Framework (June 2020). The purpose of the Knysna SDF is to provide relevant background information regarding the biophysical, economic and social context of Knysna Municipality. The Knysna Municipality Spatial Development Framework serves as a regulatory framework for spatial development within the local municipality.

The Spatial Vision of the municipality is to create a long-term, sustainable land use pattern and building on the Knysna Municipality's integrated development vision to be Inclusive, Innovative and Inspired, the complementary spatial planning vision leading the Knysna MSDF is to:

*"...Establish Knysna as an authentic place that works for all of its residents and continues to attract visitors. Build an equitable and inclusive society within a sustainable and resilient ecosystem..."*

According to the Knysna Municipality Spatial Development Framework (SDF):

- The application area is located inside the urban edge.
- The application area is identified as 'Urban Development' and 'Forestry'
- The application area is located close to 'Scenic Routes and Tourism Corridors'.
- The application area is located close to a 'Coastal Destination'.
- The application area is located close to a Crossroads (Transit points).



FIGURE 12: KNYSNA SDF

The Knysna SDF (2020)'s Spatial Proposals state the following regarding 'Accommodating Urban Growth':

- *It is estimated that new demand for private sector provided units will be 81 units per annum over the next 10 years, 810 units in total requiring the equivalent of 32 ha at a density of 25du/ha. It is likely that this demand will primarily be felt in Knysna town, with some demand in Sedgefield. Infill development and densification should be encouraged for this market too. Ideally, land identified for state assisted development in Knysna town must accommodate demand to be met by the private sector to promote integration.*
- *The urban edges around settlements in the Knysna Municipal Area have been reviewed. There are opportunities for growth within these urban edges, catering to all residential markets.*

The spatial policies and policy guidelines guide decision-making on resource allocation, sector planning, land use management and land development programmes. It is important to note some of the key policies of the SDF have a bearing on this application.

POLICY NO	POLICY	
<b>B</b>	<b>Manage the growth of urban settlement in Knysna to ensure the optimum and efficient use of existing infrastructure and resources and in turn, secure the Municipality's fiscal sustainability and resilience, while preventing further loss of natural and agricultural assets and functional ecosystems services.</b>	
<b>Policy Guidelines</b>		
<b>B1</b>	Hold the urban edge as the development boundary as identified for settlements in the Knysna Municipal Area	iii. Promote densification and infill on land within the identified urban area for Knysna town.
<b>E</b>	<b>Direct public and private fixed investment to and within existing settlements reinforcing their economic development potential. In this way, the impact of public and private investment is maximised and the majority of residents benefit.</b>	
<b>Policy Guidelines</b>		
<b>E1</b>	Maintain a compact settlement form to achieve efficient, cost effective service delivery and resource use, create thresholds for	i. National and provincial government have set municipalities the target of increasing the density of urban areas to an average gross based density of 25 dwelling units / hectare. This should be generally applied to Knysna town, Sedgefield, the specialised coastal centres and villages of Rheenendal and Karatara until local area density plans are in place.  iii. Combine the repair and renewal of existing infrastructure in well located areas with enhanced capacity to accommodate densification.



	future public transport provision and enable equitable accessibility		
<b>F</b>	<b>Promote inclusive urban development</b>		
	<b>Policy Guidelines</b>		
<b>F1</b>	Facilitate convenient and affordable access to social, economic and affordable housing opportunities	<b>v.</b>	In the assessment of land use and building applications and public sector developments, pursue compact and diverse neighbourhoods, offering places to live, work, recreate all within close proximity, served by streets scaled to people so that they are comfortable to walk.

From the spatial policies and policy guidelines in the MSDF, it is clear that densification is encouraged in Knysna.

From the above discussion regarding the Knysna MSDF; the following conclusion can be made:

- The application area is situated inside the urban edge of Knysna and is suitable for urban development.
- The proposal is to develop a residential development on a vacant land which is situated within the urban edge, it will contribute to infill development and densification.
- Encourages densification and the aim to support an efficient, convenient and affordable urban structure by developing land that is earmarked for development.
- Promote and support the optimal development of vacant land parcels within the existing urban structure.
- The proposed development will assist in the provision of a range of housing typologies for Belvidere.

**11.4. Knysna Integrated Development Plan (2017-2022)**

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:

- Encourage all members of society to participate in and support the municipal governance structure and to create opportunities for dialogue.

- Conserving and managing natural resources.
- Planning for the growth and development of quality municipal services to support the community.
- Creating an enabling environment to foster the development of our people and enabling them to contribute.
- Supporting and encouraging the development of investment, business and tourism and emerging industries.

The Knysna IDP identified Six 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 applicable to the proposed development are:

OBJECTIVE	INTERVENTIONS
To create an enabling environment for social development and economic growth.	<ul style="list-style-type: none"> <li>▪ <i>Unlocking of strategic land for development</i></li> <li>▪ <i>Facilitate the creation of approximately 500 new job opportunities per annum</i></li> <li>▪ <i>Increase employment opportunities for women, youth and people with a disability annually by 10%</i></li> </ul>
To grow the revenue base of the municipality	<ul style="list-style-type: none"> <li>▪ <i>The proposed amended development will most definitely increase the revenue base of the Knysna Municipality.</i></li> </ul>

The application area is located in Ward 5 of the Knysna Municipality. None of the issues raised in the community for Ward 10 applies to the proposed development.

## SECTION E :

## STATUTORY REQUIREMENTS

### 12. THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (107 OF 1998)

The National Environmental Management Act (NEMA) requires that all aspects of potential impacts of a proposed development are assessed within an Environmental Impact Assessment (EIA), with many specialists involved to investigate these potential impacts. From a Town Planning perspective, one of the most important considerations when providing input into the wider EIA process is the 'Need and Desirability' of a potential project.

The Guideline on Need and Desirability published by the Department of Environmental Affairs and Development Planning (DEADP) goes to great lengths to explain that the 'Need' for a project relates to its 'timing', where the 'Desirability' related to the 'placing' of the proposed development; i.e. is this the right time and is it the right place for locating the type of land-use/activity being proposed.

#### 12.1. Need

Need, as defined by DEADP refers to the timing of the proposal, as such the question 'do we need this development now?'. In answering this question, the planning and land use policy of the area must be examined. Therefore, the consistency with the existing approved Spatial Development Framework (SDF), the current Integrated Development Plan (IDP) and other municipal planning policies are important in the consideration of need.

Further considerations of need include the need of the community/area of the activity & land use – is the development "a societal priority". The need for a project also relates to the services capacity and consistency with infrastructure planning.

According to the current Knysna SDF, the application area is inside the demarcated urban edge and is therefore suitable for urban development. The property is currently vacant and makes no contribution to the local economy of the town.

The proposed development is in line with the all the provincial, district and local development policies. Allowing the applicant to develop the site will unlock the full potential of the property and it will allow for an increase in local expenditure. The development of the property will create employment opportunities and it will contribute to effective service delivery.

The proposed development will be mainly aimed to create a cohesive society, where people seek a place to stay where they are close to nature and family and in an environment not surrounded by the daily noise and traffic of the urban areas, but close enough to work to avoid a long drive.

The proposal intends to cater for a range of income-groups; first-time-buyer, small families, and retirees.

The MSDF has estimated that new demand for private sector provided units will be 81 units per annum over the next 10 years, 810 units in total. This development aims to contribute to the number of available units, and more importantly it aims to provide a range of housing typologies for the various income groups.

It will be to the benefit of many role-player's if the property is allowed to develop the proposed group housing development. The applicant will be able to develop the property, create employment opportunities, contribute to local expenditure, suitably densify within the urban edge and will be able to contribute to the economic growth of the town. It is therefore the considered opinion that the timing is correct for this development proposal.

### **12.2. Desirability**

The desirability of a proposed development also relies heavily on consistency with policy documentation but has a distinctly spatial focus. The guideline on Need and Desirability specifically poses the question *"Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?"*

NEMA also links the desirability of development to the concept of the *"best practicable environmental option"*; this refers to the option that provides the most benefit and *causes the least damage to the environment, at a cost acceptable to society, in the long term as well as in the short term.* The consideration of alternatives is therefore closely related to this concept.

The proposal is in line with the applicable policy documentation (Western Cape Provincial SDF, Eden SDF, Knysna SDF and the Knysna IDP, meaning that it is in line with the spatial proposal and vision for the area whilst complying to the development guidelines for the current proposal. Therefore, the approval of this application would not compromise the integrity of the applicable policy documents agreed to by the relevant authorities.

It is clear that all the applicable policy documentation encourages densification within urban areas, and it is clear from the statistics that infill development and densification should be encouraged.

Given the existing residential character of the area, it is the considered opinion that the proposed residential development will not impact on the existing land use rights of any property owners in the area.

The proposal will not prevent any surrounding owner to exercise their legal land use rights, in fact, the proposal will rather enhance the amenity of the area. The proposed residential development will also allow for a more sufficient use of municipal services.

The fact that there will be consistent movement in this area, an increase in land value as well as an increase in urban renewal to the property will contribute to the surrounding area.

It can, therefore, be concluded that the proposal is regarded as desirable.

### **12.3. Planning Evaluation**

The above boxes for need and desirability can be ticked. The proposal will have an insignificant impact as it is in line with all planning legislation and consistent with the applicable spatial planning policies.

It is clear that the proposal is in line with the applicable spatial planning policies, will not prevent any surrounding landowner to lawfully exercise his/her existing land use rights or detract from the character of the area and can, therefore, be considered to be desirable and suitable for the area that it is to be situated in.

## **13. THE NATIONAL HERITAGE RESOURCES ACT, 1999 (25 OF 1999)**

The National Heritage Resources Act states in Section 38 of this Act, that the rezoning, of a property of more than 1 ha in extent, requires the permission from Heritage Western Cape.

In order to obtain permission, an application (Notice of Intent to develop – (NID), has to be submitted to Heritage Western Cape (HWC). A suitably qualified Heritage consultant has been appointed to comply with the requirements of the Heritage Act.

The NID form was submitted to Heritage Western Cape, and on 29 November 2019, Heritage Western Cape confirmed that the proposal is authorised in terms of this Act, and that no further Heritage Studies are required. Refer to **ANNEXURE E** for a copy of the correspondence from Heritage Western Cape.

## **14. SUBDIVISION OF AGRICULTURAL LAND ACT, 1970 (ACT 70 OF 1970)**

The Knysna, Wilderness and Plettenberg Bay Regional Structure Plan earmarked this area for “urban development” purposes, as it was designated as ‘Township’, hence the application area is exempted from the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970). A copy of this confirmation is attached as **ANNEXURE F**.

## **15. 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 a land development 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.

## 16. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws, and to provide for matters incidental thereto.

Section 59 of this Act prescribe the Land Use Planning Principles that apply to all land development in the province. These are summarised in the tables below:

### 16.1. Spatial Justice

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Past spatial and other development imbalances must be redressed through improved access to and use of land.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>▪ <i>The site is currently vacant and will improve the use of land in Knysna.</i></li> <li>▪ <i>Proposed development will result in more integrated housing development as more affordable housing will be provided within the formally exclusive high-income housing area.</i></li> </ul>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
<p>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.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>▪ <i>This policy does not apply to the application area.</i></li> <li>▪ <i>Not a Spatial Development Framework or Policy.</i></li> </ul>
<p>Spatial planning mechanisms, including land-use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>▪ <i>This policy does not apply to the application area.</i></li> </ul>
<p>Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>▪ <i>This policy does not apply to the application area.</i></li> </ul>
<p>Land development procedures must include provisions that accommodate access to, and facilitation of, the security of tenure and the incremental upgrading of informal areas.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>▪ <i>The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Knysna Municipality, 2021.</i></li> </ul>
<p>A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.</p>	<p><b>Applicable to Knysna Municipality</b></p>	<ul style="list-style-type: none"> <li>▪ <i>The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Knysna Municipality, 2021.</i></li> </ul>
<p>The right of owners to develop land in accordance with current use rights should be recognised.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>▪ <i>The applicant does not want to develop the property in accordance with the current agricultural rights.</i></li> </ul>

## 16.2. Spatial Sustainability

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
<p>Promote spatially compact land development, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority.</p>	<p><b>COMPLY</b></p>	<ul style="list-style-type: none"> <li>▪ <i>The proposal will contribute to additional capital income in the form of new development.</i></li> <li>▪ <i>The proposed development can be regarded as infill development, hence spatially compact development for Knysna.</i></li> </ul>
<p>Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.</p>	<p><b>COMPLY</b></p>	<ul style="list-style-type: none"> <li>▪ <i>Low potential agricultural land, earmarked for urban development.</i></li> </ul>
<p>Uphold consistency of land use measures in accordance with environmental management instruments.</p>	<p><b>COMPLY</b></p>	<ul style="list-style-type: none"> <li>▪ <i>Currently busy with an environmental authorisation process.</i></li> </ul>
<p>Promote and stimulate the effective and equitable functioning of land markets.</p>	<p><b>COMPLY</b></p>	<ul style="list-style-type: none"> <li>▪ <i>The proposal will impact the functioning of the market in the area, by attracting investment to the area and will be beneficial to the area.</i></li> <li>▪ <i>The functioning of the land markets in the area will not be impacted in such a way that any of the surrounding properties landowners will be unfairly impacted and negatively impact the 'functioning of land markets.</i></li> <li>▪ <i>The proposal will provide a range of housing opportunities, supporting the functioning of land markets in the area.</i></li> </ul>
<p>Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.</p>	<p><b>COMPLY</b></p>	<ul style="list-style-type: none"> <li>▪ <i>Any service upgrades at the cost of the applicant.</i></li> <li>▪ <i>Civil and electrical services report is to be provided with the land use application.</i></li> </ul>
<p>Promote land development in locations that are sustainable and limit urban sprawl.</p>	<p><b>COMPLY</b></p>	<ul style="list-style-type: none"> <li>▪ <i>The application area is located within the urban edge of Knysna.</i></li> <li>▪ <i>Regarded as infill development.</i></li> </ul>
<p>Result in communities that are viable.</p>	<p><b>COMPLY</b></p>	<ul style="list-style-type: none"> <li>▪ <i>The proposal will provide opportunities and amenities that were not available in the area before creating a more viable community, allowing members of the community with new economic and employment opportunities.</i></li> </ul>



CRITERIA	COMPLIANCE	PLANNING IMPLICATION
		<ul style="list-style-type: none"> <li>The proposal will enhance the character of the area and supplement the surrounding land uses.</li> <li>The proposal will result in new, permanent employment opportunities.</li> <li>The proposed development will result in additional rate payers that will support the existing retail businesses in the area.</li> </ul>
Strive to ensure that the basic needs of all citizens are met in an affordable way.	N/A	<ul style="list-style-type: none"> <li>This principle does not apply to the applicant or this development.</li> </ul>
The sustained protection of the environment should be ensured.	COMPLY	<ul style="list-style-type: none"> <li>Currently busy with an environmental authorisation process.</li> </ul>

### 16.3. Spatial Efficiency

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	COMPLY	<ul style="list-style-type: none"> <li>Any service upgrades at the cost of the applicant. Civil and electrical services report is to be provided with the land use application.</li> <li>Given the strategic location of the application area, the proposed development will support the existing community uses and business activities in the area.</li> </ul>
Integrated cities and towns should be developed.	COMPLY	<ul style="list-style-type: none"> <li>The development itself has adequate access, services and functionality. The proposal will contribute to a more integrated town as a whole and have a positive impact on the local economy.</li> <li>The proposal will provide a range of housing opportunities for the retired community, first time buyers and small families, resulting in the creation of an integrated village.</li> </ul>
Policy, administrative practice and legislation should promote speedy land development.	N/A	<ul style="list-style-type: none"> <li>The municipality should process this application within the prescribed time frames of the Knysna Municipality By-law on Municipal Land Use Planning, 2021.</li> </ul>

### 16.4. 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.	<b>COMPLY</b>	<ul style="list-style-type: none"> <li>▪ <i>The proposal is in line with all the various spatial plans, zoning scheme and policies, as motivated by the report.</i></li> <li>▪ <i>It will have no negative impact on the livelihood of the community.</i></li> <li>▪ <i>The proposal will uplift the community.</i></li> <li>▪ <i>The proposed application complies with the requirements of the Knysna Municipality By-Law on Municipal Land Use Planning (2021).</i></li> <li>▪ <i>The Environmental authorisation process is currently ongoing.</i></li> </ul>

### 16.5. Good Administration

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
All spheres of government should ensure an integrated approach to land-use planning.	<b>Applicable to Knysna Municipality</b>	<p><i>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.</i></p> <p><i>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</i></p>
All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice relating to land development should be		

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
clear, promote predictability, trust and acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

**17. CONCLUSION**

The purpose of this specialist report was to identify the administrative process, legal requirements and policies that are directly applicable to the proposed development and to ensure compliance with the principles contained therein as far as reasonably possible.

In summary, the proposed development as envisaged:

1. The application area is located inside the urban edge and therefore suitable for development.
2. The proposal encourages densification within urban areas.
3. No impact on heritage resources.
4. This development aims to contribute to the number of available units, and more importantly it aims to provide a range of housing typologies for the various income groups.

5. Adequate access to the application area is obtained via the servitude road.
6. The proposal will have no impact on the character of the area, it will complement the existing residential character of the area.
7. Is consistent with the various applicable spatial planning policies and land use management legislation.
8. There is a great need for a proposal; it is highly desirable and suitable for the area.

It is the considered opinion that the proposed development will achieve a sensitive balance between the natural environment, the built environment, and the social-economic environment, that is imperative to ensure sustainable development.

Marika Vreken Urban and Environmental Planners  
May 2022

