

KNYSNA ERF 12403

Specialist Planning Report for Environmental Authorisation Purposes



CLIENT:
PREPARED BY:

JAZZ SPIRIT 130 (PTY)LTD
MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



DECEMBER 2020

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

Erf 12403 Knysna is located in the eastern parts of Knysna, directly west of George Rex Drive between Marlin Street to the North and Howard Street to the south. Knysna Erf 12403 is currently zoned 'Undetermined' zone in terms of the Knysna Zoning Scheme Regulations (1992), and 19,4069ha in extent.

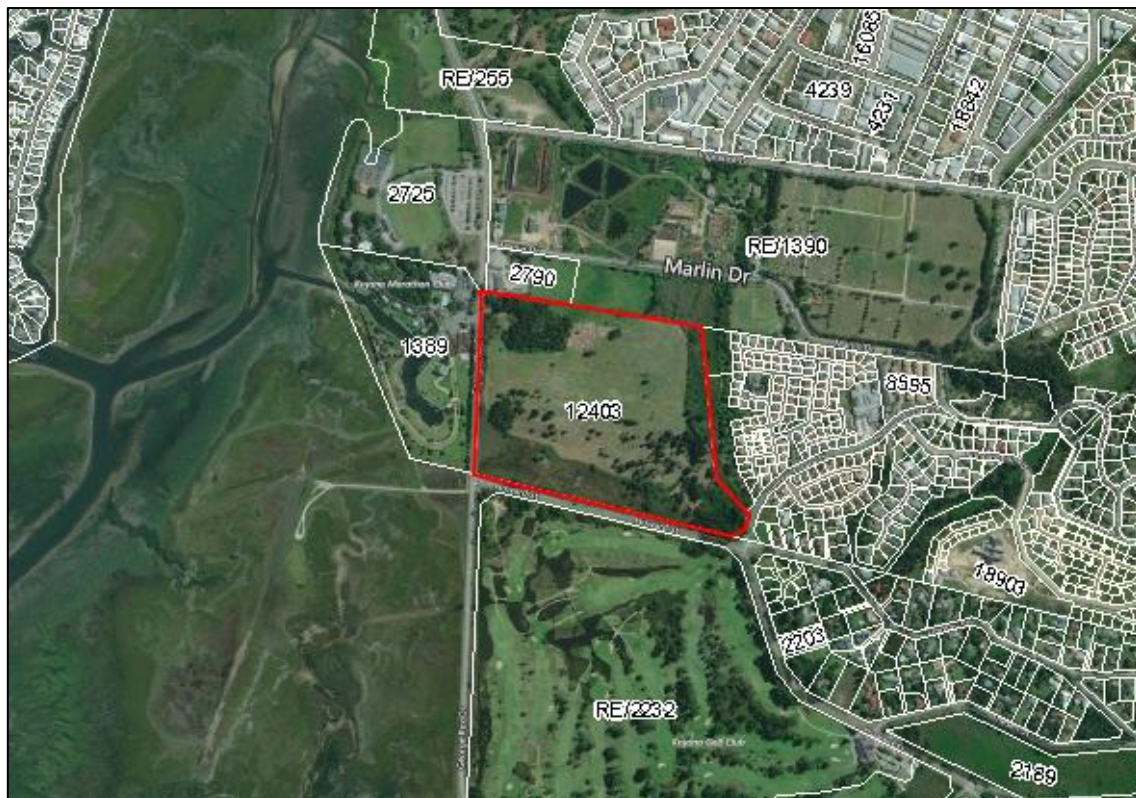


FIGURE 1: KNYSNA ERF 12403

Knysna Erf 12403 originated from the development of Hunters Estate Retirement Village in the 1990's. At the time the Knysna Wilderness Plettenberg Bay Guide Plan was amended to accommodate Hunter's Estate Retirement Village and then the condition of approval was that 80% of the site had to be retained as wetland area and 20% could be used for future development.

During the 2006 application, the application was for guide plan amendment to amend this condition. The guide plan amendment application was supported by Knysna Municipality during the Council meeting of October 2007 – refer to attached Council Minutes (**ANNEXURE A**).

The Guide Plan decision was never amended – the Minister of the Department of Environmental Affairs and Development Planning (DEADP) resolved not to make a decision on the guide plan amendment application, until there is a decision on the application for environmental authorisation.

The application for environmental authorisation was never concluded. Biophysical information such as the delineation of the wetland was an aspect that had to be addressed.

The proposal now is to rehabilitate the wetland, include more Private Open Space as a green buffer and develop an area for mixed use commercial, recreation, institutional and residential purposes. The applicant intends to develop a mixed-use development, with access to the northwest off George Rex Drive and an alternative access onto Howard Street to the south.

In order to allow a mixed-use development on the property, it is necessary to apply for rezoning & subdivision in terms of the Knysna Municipality By-law on Municipal Land Use Planning (2016) and also to apply for environmental authorisation. **Eco Route Environmental Consultancy** was appointed to facilitate the Environmental Authorisation process for this development, and this report serves as the "Specialist Planning Report" that informs the Environmental Authorisation process.

This Specialist Planning Report provides a description of the proposed development and to "contextualises" the envisaged project within the administrative, legal, and planning policy framework. These policies are for the most part 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.

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners has been appointed by **JAZZ SPIRIT 130 (PTY)LTD** to prepare and submit the required application documentation (refer to *Error! Reference source not found.*: Power of Attorney & Company Resolution for:

- i. The rezoning of Knysna Erf 12403 from "Undetermined Zone" to "Subdivisional Area" in terms of Section 15(2)(a) from the Knysna Municipality By-law on Municipal Land Use Planning (2016);
- ii. The subdivision of Knysna Erf 12403 into 13 Portions:
 - 5 x Business Zone I portions;
 - 1 x Business Zone II (with consent use to allow 'a place of assembly) portion;
 - 1 x General Residential Zone III portion;
 - 1 x General Residential Zone V portion;
 - 2x Open Space Zone II portions;
 - 1x Open Space Zone III portion;
 - 1x Transport Zone II portion; &
 - 1x Transport Zone III portion,

in terms of Section 15(2)(d) from the Knysna Municipality By-law on Municipal Land Use Planning (2016).

3. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

A copy of the Title Deed for Knysna Erf 12403, which includes all the information outlined below, is contained in **ANNEXURE C** and a copy of the SG Diagram is attached as **ANNEXURE D**

Title Deed Number	T74762/2005
Title Deed Description:	Erf 12403 Knysna in the municipality and division of Knysna, Province of the Western Cape
Property Owner	Jazz Spirit 130 (Pty)Ltd. Reg. No 2003/022155/07
Title Deed Restrictions:	There are no title deed restrictions that prevent the proposed development.
Bonds:	There are no bonds is registered against the property.
Property Size:	19,4069ha (nineteen comma four zero six nine hectares).
Servitudes:	No servitudes are registered over the property.

SECTION B :

DEVELOPMENT ALTERNATIVES

4. ALTERNATIVE 1: PREFERRED ALTERNATIVE

(Plan 2: Site Development Plan)

The applicant intends to develop a mixed-use development, with access to the northwest off George Rex Drive and an alternative access onto Howard Street to the south. The purpose of this development is to have a "sport; adventure and tourism" focus. The proposal will consist of a high-performance aquatic centre, a sport's village (for accommodation for athletes and supporters), sports-orientated retail and professional services (physio-therapists, biokineticists, gym, massage, sport psychology, etc).

The proposed development will consist of the following mixed uses:

- 1 x "General Residential Zone III" portion (flats / sports village);
- 1 x "General Residential Zone V" portion (hotel);
- 5 x "Business Zone I" portions;
- 1 x "Business Zone II" with consent use for a 'Place of Assembly' portion;
- 2 x "Open Space Zone II" portions;
- 1 x "Open Space Zone III" portion;
- 1x Transport Zone II portion; &
- 1x Transport Zone III portion,

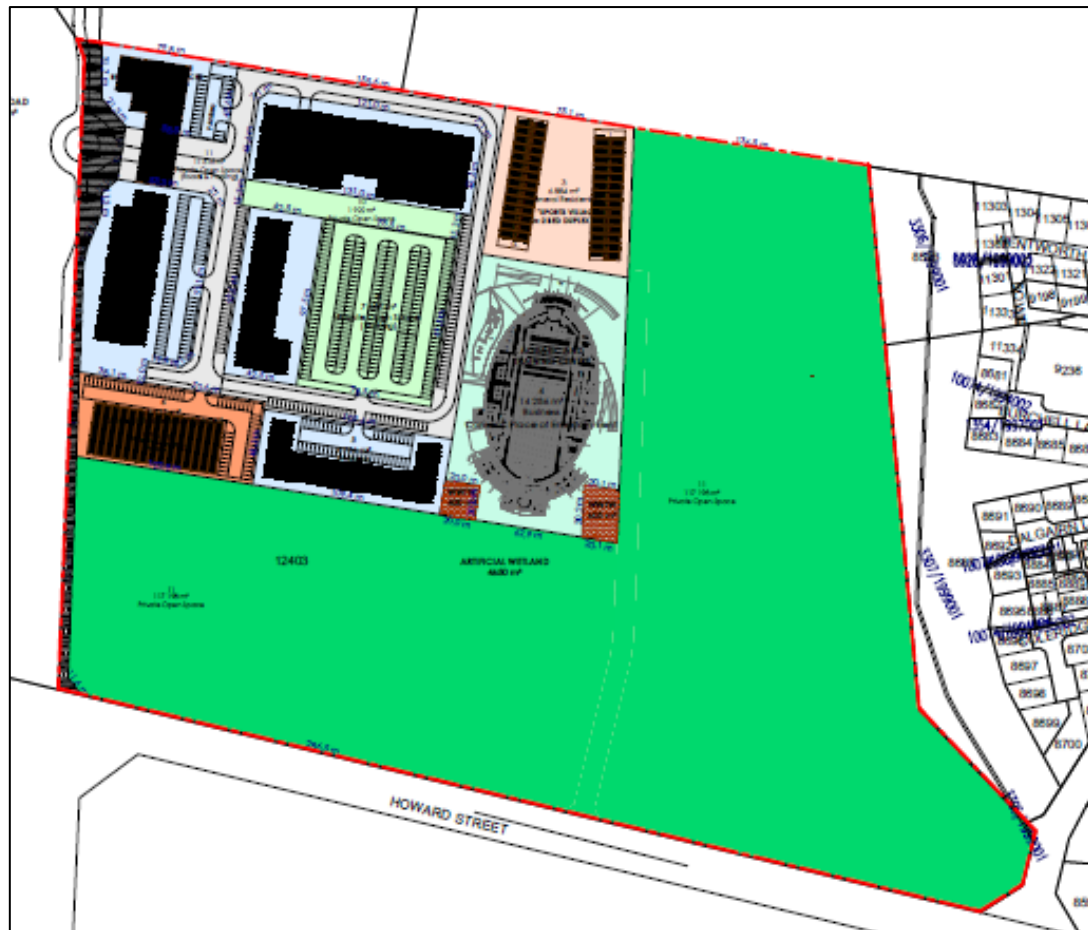


FIGURE 2: EXTRACT OF SITE DEVELOPMENT PLAN

4.1. General Residential Zones

Portion "3" is proposed as "General Residential Zone III" for flats, for the development of a "sports village". This property is 6884m² in extent and allows for approximately 60x 2-bdr flats. The new Integrated Knysna Zoning Scheme Bylaw allows for a 60% coverage for flats.

Portion "6" is proposed as "General Residential Zone V" for a Hotel, for the development of a 3-storey hotel, with approximately 80 beds. This property is 5112m² in extent. The new Integrated Knysna Zoning Scheme Bylaw allows for a 100% coverage for hotels. The hotel portions are positioned to abut the wetland area in order to capitalise on the birdlife and views of the Knysna Lagoon.

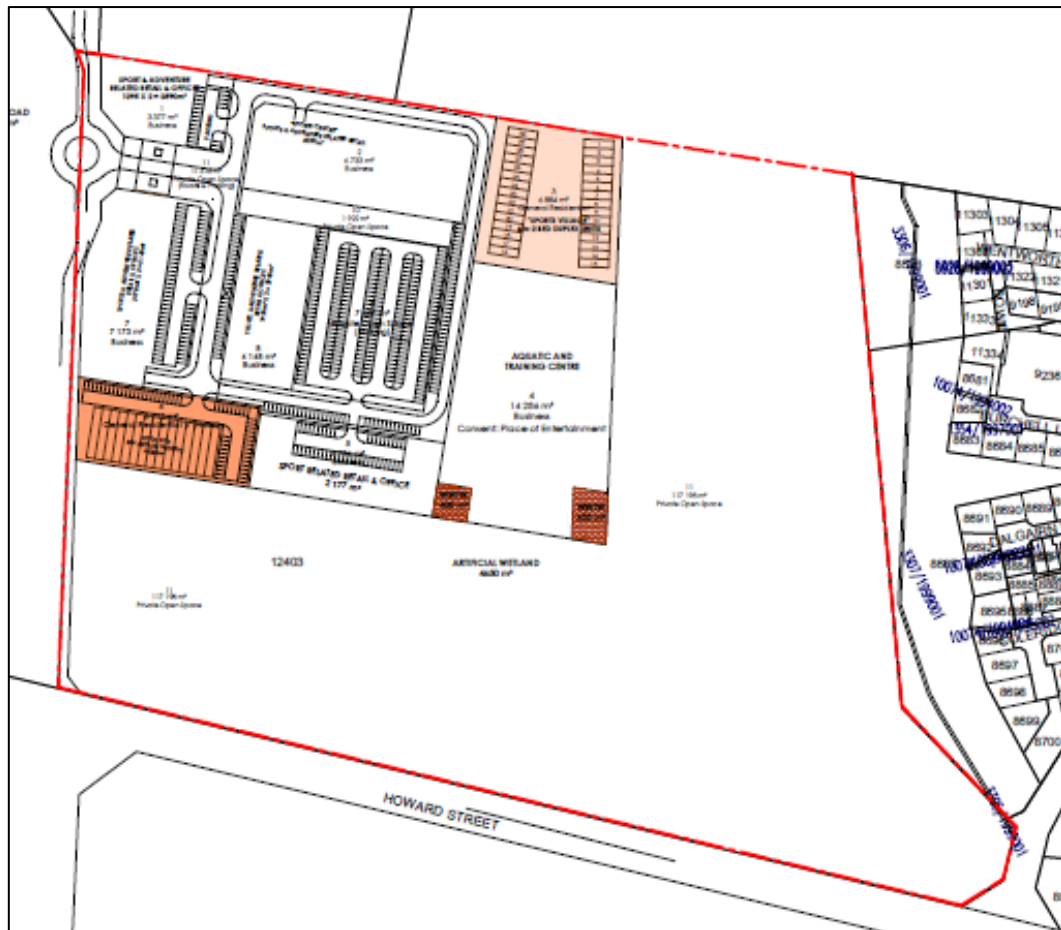


FIGURE 3: GENERAL RESIDENTIAL PROPERTIES

4.2. Business Zones

Five (5) "Business Zone I" properties are proposed. These are indicated as portions "1", "2", "5", "7" and "8" on the site development plan.

The extent of the "Business Zone" portions are:

Portion 1	3377m ²
Portion 2	6733m ²
Portion 5	4796m ²
Portion 7	7173m ²
Portion 8	4148m ²

The intention of these properties will be to be developed into sports and wellness-orientated retail and offices / consulting rooms for sport & wellness related Professional services. The Knysna Zoning Scheme Regulations allows a 100% coverage for business zoned properties.

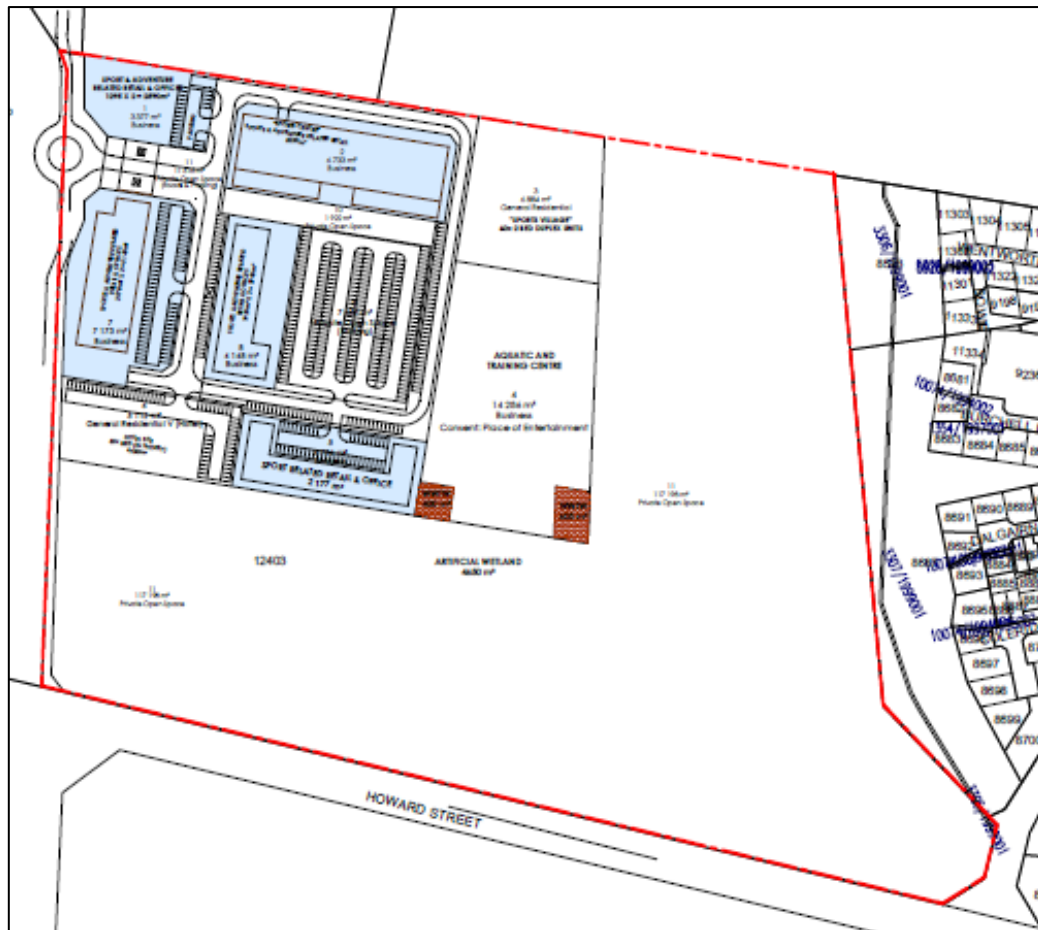


FIGURE 4: BUSINESS PROPERTIES

4.3. Business Zone II with Consent Use for a Place Of Assembly

One (1) "Business Zone II" property with a consent use to allow a 'Place of Assembly' is proposed. This portion is indicated as portion "4" on the site development plan.

Portion "4" will be 14286m² in extent. The intention of this property is to be developed with a heated Olympic size indoor pool and ancillary high-performance sports facilities that will be developed with recreation areas that could be used for assemblies such as concerts, conventions, exhibitions, etc.

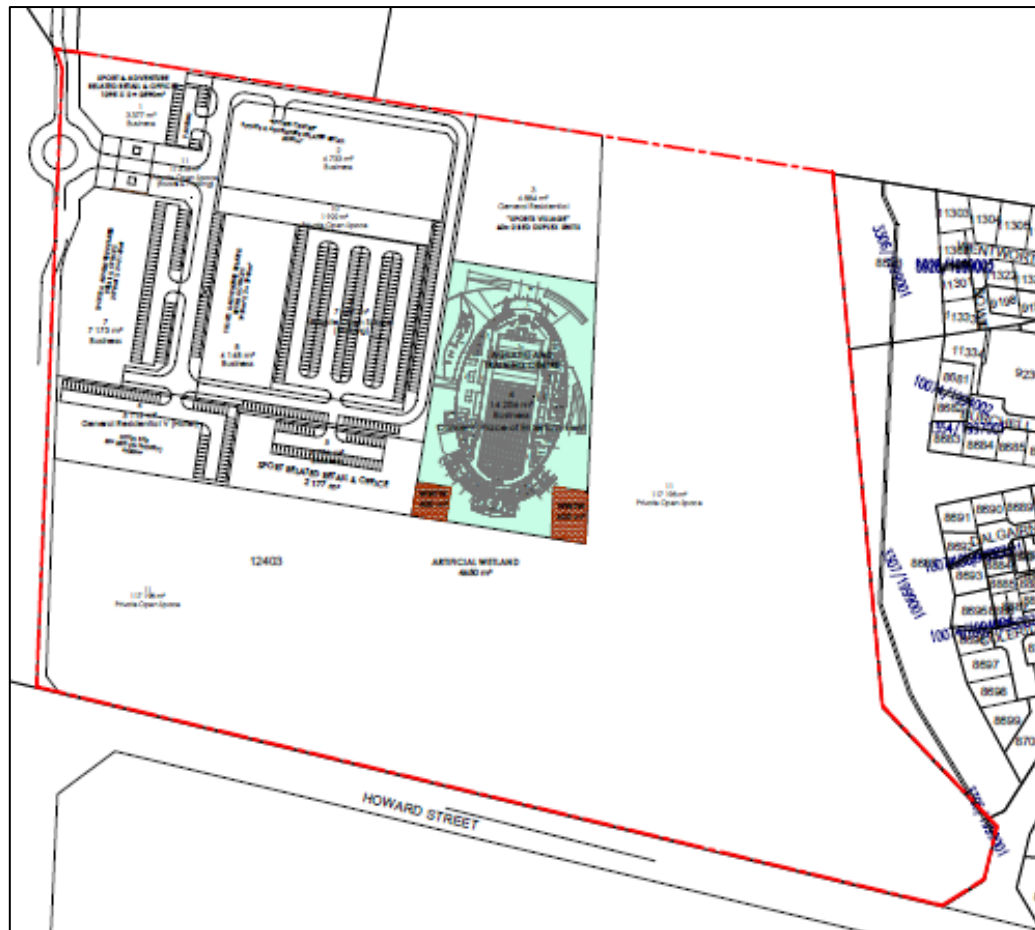


FIGURE 5: PROPOSED AQUATIC CENTRE

4.4. Open Spaces

Three (3x) portions, portions “9” - “11”, are proposed as Open Spaces.

Portions 9 & 10 are proposed as Private open spaces (Open Space Zone II) for private recreation and private parking purposes.

Portion 11 contains the wetland area and this site will be a private “Nature Conservation Area”, with bird hides. Portion “11” is 11,7198ha in extent. This open space will be developed as an open space system that will be protected and conserved in perpetuity and accessible to the public.

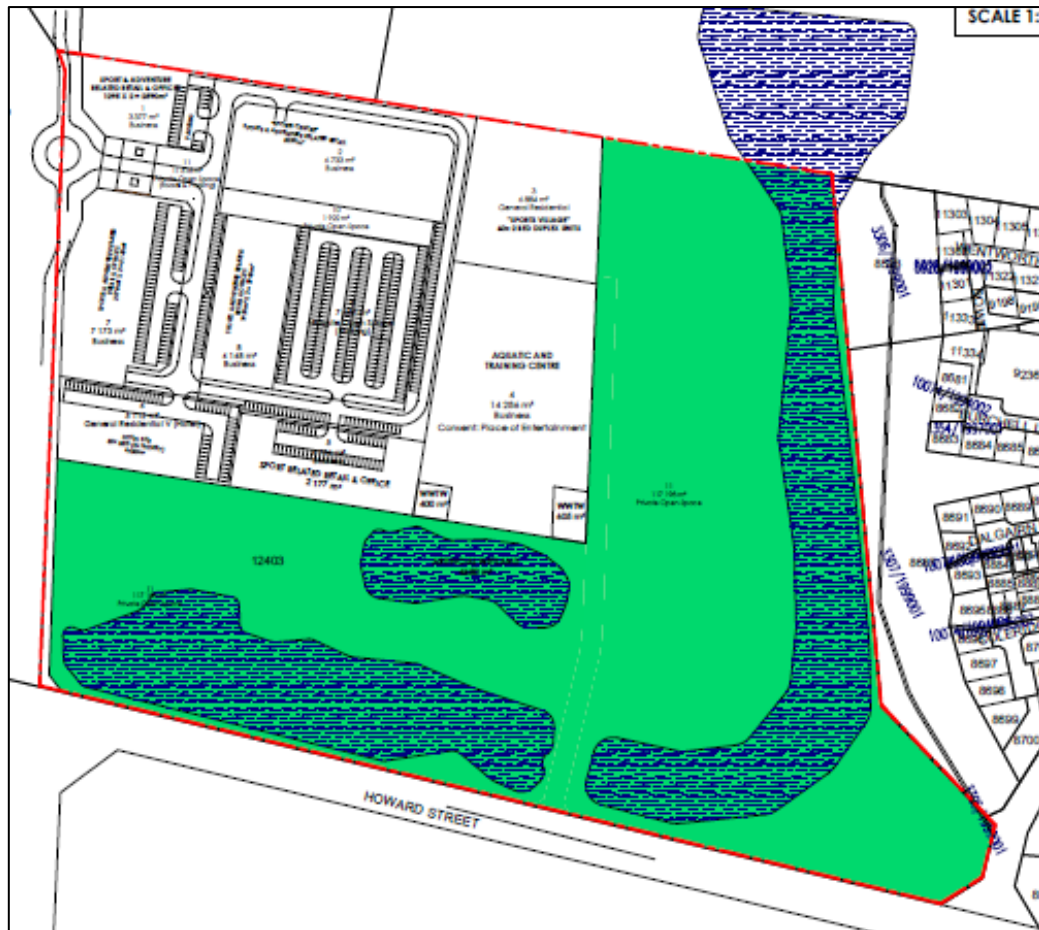


FIGURE 6: PROPOSED CONSERVATION AREA

4.5. Transport Zones (Roads)

Two (2x) Road portions, portions "11" and "12", are proposed as Roads.

Portion 11 will be zoned as "Transport Zone III" for a private road and private parking, and Portion 12 will be zoned as "Transport Zone II" as a public road (i.e. the widening of George Rex Drive road reserve).

A circular movement system is proposed for the site. The proposed access road will be registered as an access servitude. The proposed private road covers approximately 1,1ha of the site. The proposed internal access road will circle through the site.

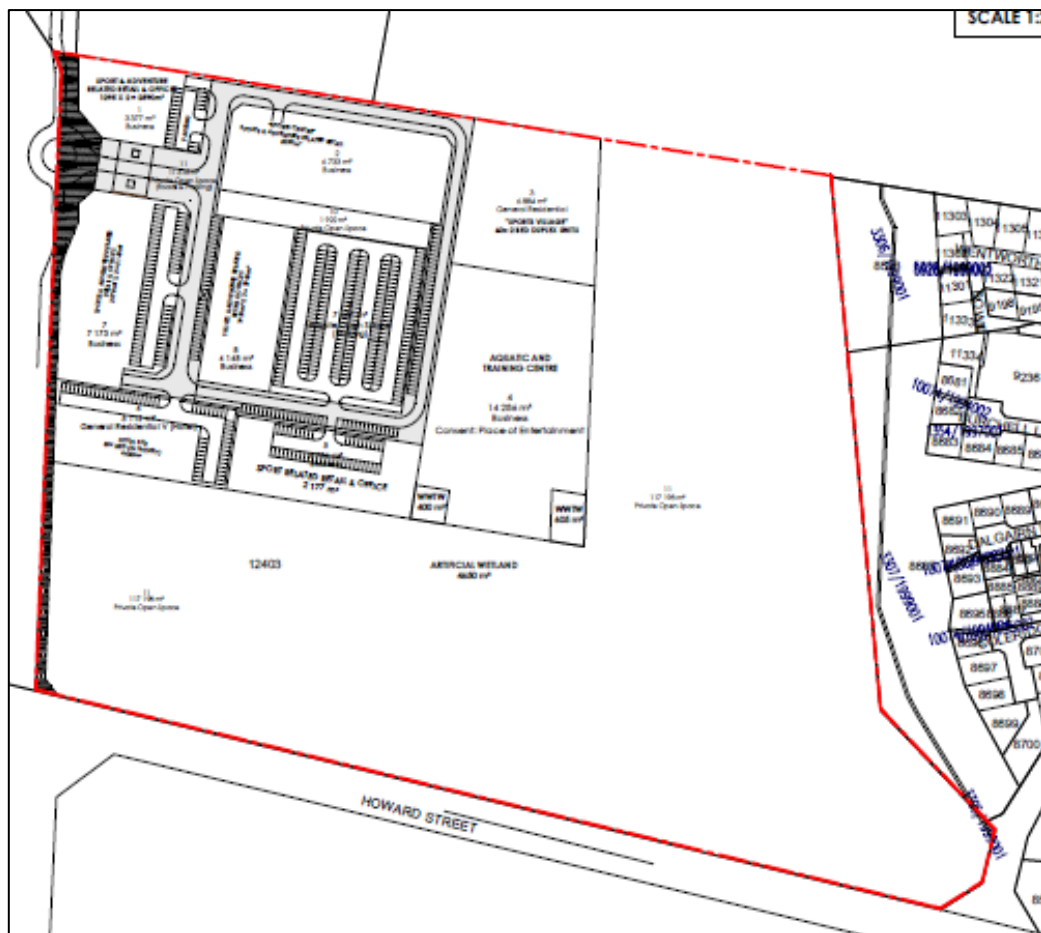


FIGURE 7: PROPOSED ROADS

4.6. Access and Egress

Access is proposed via a new traffic circle on George Rex Drive, opposite the entrance of the Premier hotel. A portion of land will be provided as widening of George Rex Drive.

Figure 8 below shows the current access off George Rex Drive to the site.



FIGURE 8: CURRENT ACCESS TO ERF 12403

4.7. Rezoning

Knysna Erf 12403 is currently zoned “Undetermined Zone” in terms of the Knysna Zoning Scheme Regulations (1992). In order to allow the proposed subdivision with associated uses, it is necessary to rezone the subject property from “Undetermined Zone” to “Subdivisional Area”.

As per the Knysna Zoning Scheme Regulations (1992) a “Subdivisional Area” is defined as:

land contemplated by section 22(1) (a) of The Ordinance which, in terms of section 14 (4), 16 or 18 and subject to:

- a. a density requirement;*
- b. the conditions and stipulations contained in these regulations;*
- c. the planning stipulations of any applicable structure plan;*
- d. any other conditions laid down at the time or the approval of the rezoning and has been rezoned to a subdivisional area.*

Land zoned as a “Subdivisional Area” may be subdivided as contemplated in the Municipal Planning By-Law. The accompanied subdivision application sets out the desired zonings / land uses as proposed on the Site Development Plan.

4.8. Subdivision

The proposal is to develop a mixed use development on a portion of the subject property (Knysna Erf 12403). The property will be subdivided into (13) portions:

- 5 x Business Zone I portions;
- 1 x Business Zone II (with consent use to allow 'a place of assembly) portion;
- 1 x General Residential Zone III portion;
- 1 x General Residential Zone V portion;
- 2x Open Space Zone II portions;
- 1x Open Space Zone III portion;
- 1x Transport Zone II portion; &
- 1x Transport Zone III portion,

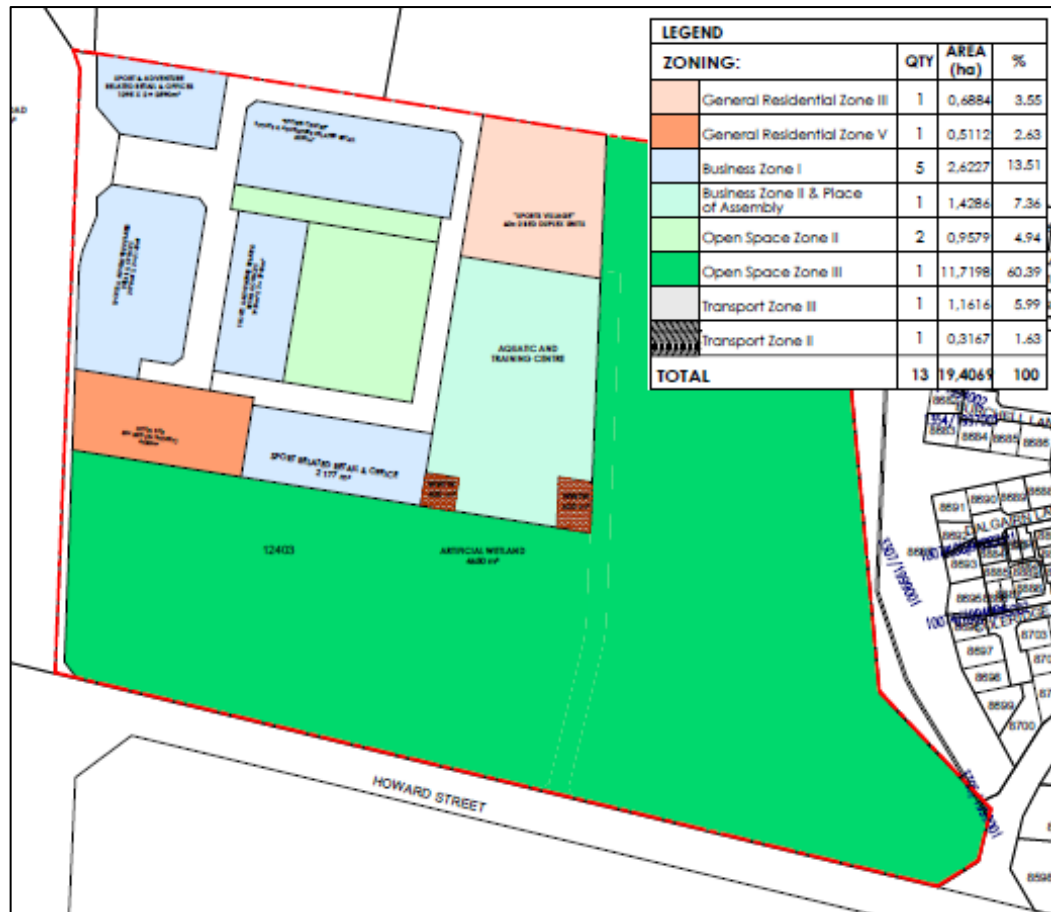


FIGURE 9: PROPOSED PREFERRED SUBDIVISION

5. ALTERNATIVE 2: 40% DEVELOPMENT WITH 60% REHABILITATION AND ACCESS TO HOWARD STREET

(Plan 2: Site Development Plan)

The applicant intends to develop a mixed use development, with access to the northwest off George Rex Drive and an alternative access onto Howard Street to the south. The purpose of this development is to have a “sport; adventure and tourism” focus. The proposal will consist of a high-performance aquatic centre, a sport’s village (for accommodation for athletes and supporters), sports-orientated retail and professional services (physio-therapists, biokineticists, gym, massage, sport psychology, etc).

The proposed development will consist of the following mixed uses:

- 2 x “General Residential Zone” portions;
- 5 x “Business Zone” portions;
- 1 x “Business Zone” with consent use for a ‘Place of Entertainment’ portion;
- 4 x “Private Open Space” portions;
- 2 x “Special Zone” portions.

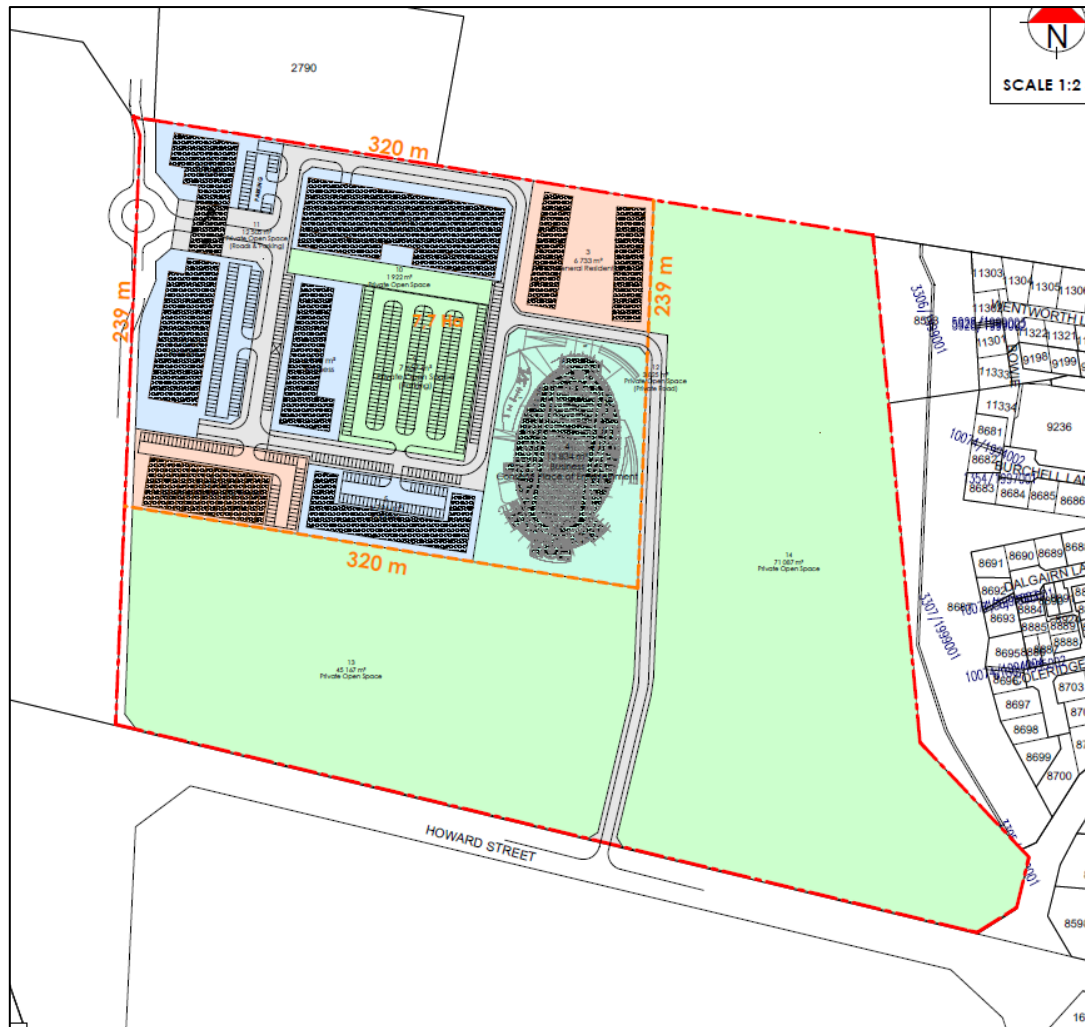


FIGURE 10: EXTRACT OF ALTERNATIVE 1 SITE DEVELOPMENT PLAN

5.1. General Residential Zone

Portion “3” and “6” is proposed as a “General Residential Zone” properties and is 6733m² and 5112m² in extent. The Knysna Zoning Scheme Regulations allows a 50% coverage for general residential zoned properties and therefore 3366.5m² of portion “3” and 2556m² of portion “6” could be covered with buildings. Primary uses for general residential zoned properties are flats and licensed hotels. The general residential portions are positioned to abut the wetland area in order to capitalise on the birdlife and views of the Knysna Lagoon.

5.2. Business Zone

Five (5) “Business Zone” properties are proposed. These are indicated as portions “1”, “2”, “5”, “7” and “8” on the site development plan.

The extent of the “Business Zone” portions are:

Portion 1	3377m ²
Portion 2	6733m ²
Portion 5	4796m ²
Portion 7	7173m ²
Portion 8	4148m ²

The intention of these properties will be to be developed into sports and wellness-orientated retail and offices / consulting rooms for sport & wellness related Professional services. The Knysna Zoning Scheme Regulations allows a 100% coverage for business zoned properties.

5.3. Business Zone with Consent Use for a Place Of Entertainment

One (1) "Business Zone" property with a consent use to allow a 'Place of Entertainment' is proposed. This portion is indicated as portion "4" on the site development plan.

Portion "4" will be 13834m² in extent. The intention of this property is to be developed with a heated Olympic size indoor pool and ancillary high performance sports facilities that will be developed with recreation areas that could be used for assemblies such as concerts, conventions, exhibitions, etc.

5.4. Private Open Space

Four (4) portions, portions "9", "10", "13" and "14", are proposed as Private Open Spaces. Portion "13" contains the wetland area and this site will be a wetland conservation area, with bird hides. Portion "13" is 45167m² in extent.

Portion "14" contains existing storm water channels that are not protected by servitudes and this area is covered by some alien vegetation. The proposal for this portion is to clear from all aliens and to develop the site into a green lung that borders the development. Eco tourism infrastructure such as hiking trails and bird hides will be placed in this open space area. Portion "14" is 71087m² in extent.

The two open spaces will be developed as an open space system that will be protected and conserved in perpetuity and accessible to the public.

5.5. Special Zone (Private Road)

Two (2) "Special Zone" portions, portions "11" and "12", are proposed as Private Roads. The Knysna Zoning Scheme Regulations does not have a demarcated zoning for Private Roads, thus a Special Zone is created to accommodate the Private Roads.

A circular movement system is proposed for the site. The proposed access road will be registered as an access servitude. The proposed private road covers approximately 1,63ha of the site.

The proposed access road will circle through the site and also egress on Howard Street on the eastern side of the existing wetland. This access to Howard Street is specifically necessary to accommodate the residential traffic (general residential development).

5.6. Access and Egress

Access is proposed via a new traffic circle on George Rex Drive, opposite the entrance of the Premier hotel. A portion of land will be provided as widening of George Rex Drive.

The egress on Howard Street is also required to serve as emergency egress during disasters or during sporting events that attract high levels of traffic.



FIGURE 11: PROPOSED ACCESS ONS HOWARD STREET

5.7. Rezoning

Knysna Erf 12403 is currently zoned “Undetermined Zone” in terms of the Knysna Zoning Scheme Regulations (1992). In order to allow the proposed subdivision with associated uses, it is necessary to rezone the subject property from “Undetermined Zone” to “Subdivisional Area”.

As per the Knysna Zoning Scheme Regulations (1992) a “Subdivisional Area” is defined as:

land contemplated by section 22(1) (a) of The Ordinance which, in terms of section 14 (4), 16 or 18 and subject to:

- e. a density requirement;*
- f. the conditions and stipulations contained in these regulations;*
- g. the planning stipulations of any applicable structure plan;*

h. *any other conditions laid down at the time or the approval of the rezoning and has been rezoned to a subdivisional area.*

Land zoned as a “Subdivisional Area” may be subdivided as contemplated in the Municipal Planning By-Law. The accompanied subdivision application sets out the desired zonings / land uses as proposed on the Site Development Plan.

5.8. Subdivision

The proposal is to develop a mixed use development on a portion of the subject property (Knysna Erf 12403). The property will be subdivided into (14) portions:

- (2) – General Residential Zone portions (*flats and licensed hotel*)
- (5) – Business Zone portions (*shops / offices*)
- (1) – Business Zone with consent use for a ‘Place of Entertainment’ portion (*High performance sports facility*)
- (4) – Private Open Space Zone portions (*Parking / Gardens / Wetlands*)
- (2) – Special Zone portions (*Private Roads*)



FIGURE 12: PROPOSED SUBDIVISION

5.9. Knysna Zoning Scheme Regulations (1992)

The Knysna Zoning Scheme Regulations (1992) prescribes specific development parameters applicable to the various proposed land uses. Failing to adhere to these development parameters will result in additional departure applications. The tables below are a summary of the prescribed development parameters for a "General Residential Zone", "Business Zone", "Private Open Space" & "Special Zone" zoned properties as set out in the Knysna Zoning Scheme Regulations (1992) and a comparison of how the proposed development's compliancy with the prescribed development parameters:

(It should be noted, the purposes of this application is to propose the intended zonings as per the proposed subdivision; detailed development parameters of the exact land use on the subdivided portions will need to be submitted when a SDP is submitted for the intended use on the subdivided portions)

5.9.1. General Residential Zone

GENERAL RESIDENTIAL ZONE		
Development Parameters		Proposal
Primary uses	flats, licensed hotels without off-sales facilities and residential buildings which do not conduct off-sales establishments	flats & licensed hotel
Floor factor	at most 1,0 (covered parking not included)	Detailed SDP with development parameters will be submitted at a later stage, when actual development is proposed.
Coverage	at most 50% (inclusive of covered parking)	
Height	at most 12m above the natural ground level directly below a given point or portion of the building	
Building lines	a street building line of 8m and a lagoon building line of 10m shall apply while the building lines in respect of the lateral and rear boundaries shall be 4,5m or equal to half of the height of the building, whichever is the greater.	
Parking	1 parking bay for every dwelling unit (flat) or in the case of hotels, boarding houses and other residential buildings for every one bedroom. The parking bays, i.e. not manoeuvring space, must be covered and as such indicated on the building plan. In addition to the parking area and parking spaces described above visitors parking has to be provided on site at 1 parking bay for every 2 dwelling units (flats) or every 4 bedrooms in the case of hotels, boarding houses and other residential buildings, plus an additional 20 parking bays at least for a licensed hotel.	

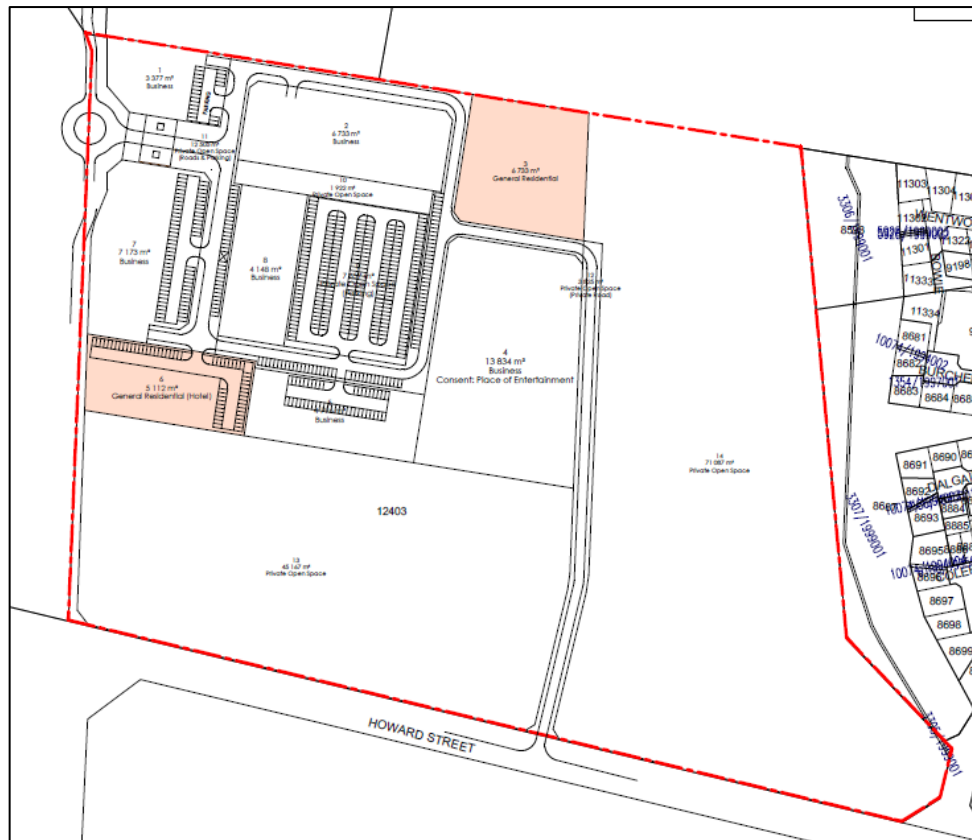


FIGURE 13: PROPOSED GENERAL RESIDENTIAL ZONE ERVEN

Two (2) 'General Residential Zone' erven are proposed to allow development such as flats and a licenced hotel, which are both primary land use right for properties zoned 'General Residential'.

5.9.2. Business Zone

BUSINESS ZONE		
Development Parameters		Proposal
Primary uses	business buildings, licensed hotels, flats (above ground floor only), residential buildings (above ground floor only) and warehouses (excluding transport undertakings).	Business Buildings: offices / shops
Floor factor	at most 1,5 of which not more than 1,0 may be used for business purposes.	Detailed SDP with development parameters will be submitted at a later stage, when actual development is proposed.
Coverage	at most 100%	
Height	at most 12m above the natural ground level directly below a given point or portion of the building.	
Building lines	business buildings and flats or residential buildings above business buildings may be erected on the street boundary. All other buildings shall comply with a building line of 4,5m from the street boundary. With regard to lateral and rear boundaries a zero building line shall apply. With regard to the lagoon boundary a 10m building line shall apply.	

Parking	at least one parking bay for every 25m ² total floor area of that portion of the building which is devoted to business use.
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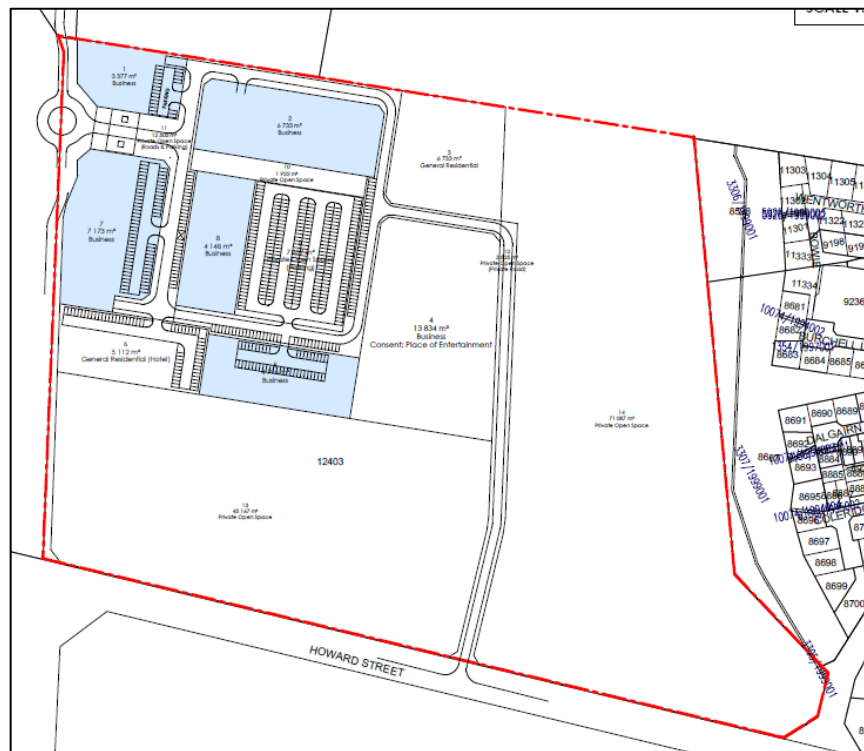


FIGURE 14: PROPOSED BUSINESS ZONE ERVEN

Four (4) 'Business Zone' erven are proposed to allow development for Business Buildings, which include offices / shops as primary land use rights.

5.9.3. Business Zone (with consent use for a 'place of entertainment')

BUSINESS ZONE		
Development Parameters		Proposal
Consent uses	institutional buildings, places of assembly, service trades, places of entertainment and service stations.	place of entertainment
Floor factor	at most 1,5 of which not more than 1,0 may be used for business purposes.	Detailed SDP with development parameters will be submitted at a later stage, when actual development is proposed.
Coverage	at most 100%	
Height	at most 12m above the natural ground level directly below a given point or portion of the building.	
Building lines	business buildings and flats or residential buildings above business buildings may be erected on the street boundary. All other buildings shall comply with a building line of 4,5m from the street boundary. With regard to lateral and rear boundaries a zero building line shall apply. With regard to the lagoon boundary a 10m building line shall apply.	

Parking	at least one parking bay for every 25m ² total floor area of that portion of the building which is devoted to business use.	
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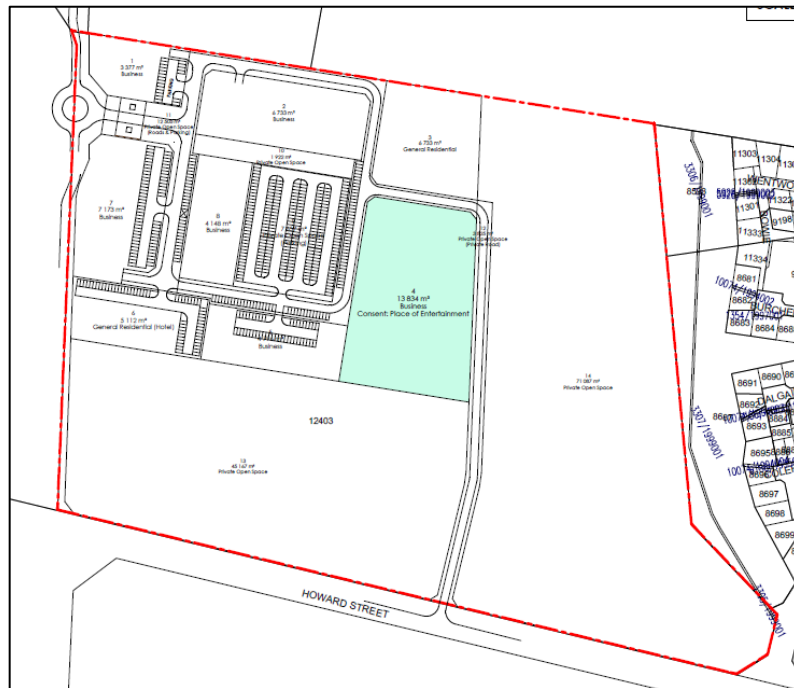


FIGURE 15: PROPOSED BUSINESS ZONE WITH CONSENT USE FOR A PLACE OF ENTERTAINMENT ERF

One (1) 'Business Zone' even with a consent use for a 'Place of Entertainment' are proposed to allow development for a heated Olympic size indoor pool and ancillary high performance sports facilities that will be developed with recreation areas that could be used for assemblies such as concerts, conventions, exhibitions, etc.

A 'Place of Entertainment' is allowed as a consent use for properties zoned 'Business Zone'.

5.9.4. Private Open Space

PRIVATE OPEN SPACE ZONE		
Development Parameters		Proposal
Primary uses	private open space	private open space
Land Use Restrictions	No structure shall be erected or use practised except such as is compatible with "private open space", as defined or as specifically approved by the Council.	



FIGURE 16: PROPOSED PRIVATE OPEN SPACE ZONE ERVEN

Four (4) 'Private Open Space Zone' erven are proposed to allow the wetland area, a green buffer and gardens.

5.9.5. Special Zone

The Knysna Zoning Scheme Regulations (1992) does not have a demarcated zoning for 'Private Roads', thus a 'Special Zone' with its own development parameters must be created. The Provincial Proposed Standard Draft Zoning Scheme Bylaw (2014) proposes a 'Transport Zone III', which allows for 'Private Roads' as a primary use. Thus, the development parameters applicable to 'Private Roads' as per the Provincial Proposed Standard Draft Zoning Scheme Bylaw (2014) is used for the 'Special Zone'.

The Provincial Proposed Standard Draft Zoning Scheme Bylaw (2014) defines a 'Private Roads' as:

means privately owned land which provides vehicle access to a separate cadastral property or properties and which is designated as private road; and-

- a. *includes utility services and ancillary access control infrastructure, including a gatehouse, guardhouse, refuse room and utility room; and*
- b. *does not include a driveway on a property, or a servitude right of way over a property as these do not constitute private roads for the purpose of this zoning scheme.*

SPECIAL ZONE		
Development Parameters		Proposal
Primary uses	private road	private road
Land Use Restrictions	As determined by the Municipality	

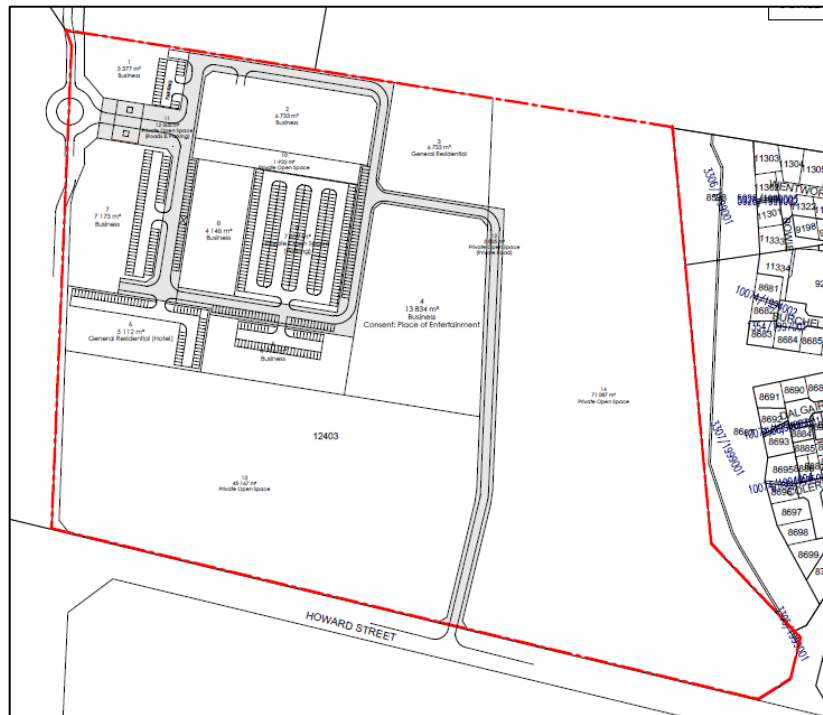


FIGURE 17: PROPOSED SPECIAL ZONE ERVEN

Two (2) "Special Zone" erven are proposed as Private Roads.

6. ALTERNATIVE 3: 60% DEVELOPMENT / 40% REHABILITATION ALTERNATIVE

Alternative 2 consists of a similar, but larger development concept, with access to the northwest off George Rex Drive and an alternative access onto Howard Street to the south. This proposal consists of 60% development and 40% conservation / wetland rehabilitation.

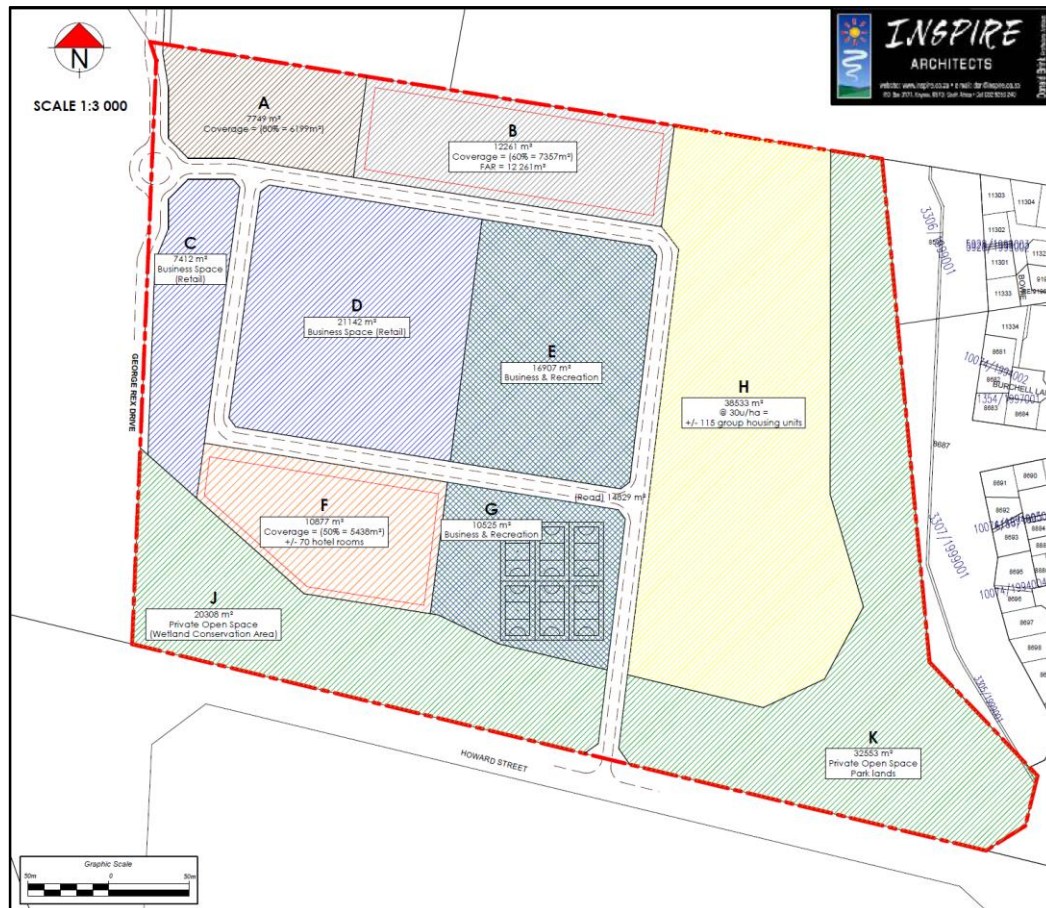


FIGURE 18: ALTERNATIVE 2

The proposed development will consist of the following mixed uses:

- 1 x "Transport Zone" for a helipad ($\pm 0,77$ ha);
- 1 x "Institutional Zone" for a day hospital ($\pm 1,23$ ha);
- 2 x "Business Zone" for commercial and retail purposes ($\pm 2,86$ ha);
- 2 x "Business Zone" with consent uses for places of assembly ($\pm 2,74$ ha);
- 1 x "General Residential Zone" for a 70 bedroom hotel ($\pm 1,09$ ha);
- 1 x "Group Housing Zone" for a group housing development of approximately 115 group housing units ($\pm 3,85$ ha);
- 2 x "Private open space" for a private nature area ($\pm 5,29$ ha);
- Private Road ($\pm 1,58$ ha);

6.1. Transport Zone

The proposal is to provide a site of approximately 0,77 ha in extent that will serve as a heliport. The site for the Heliport is indicated as "A" in Figure 11 above.

Development on the site will consist of an area used for landing and take-off of helicopters and includes some or all of the various facilities useful to helicopter operations, such as parking, waiting room, fuelling and maintenance equipment.

6.2. Institutional Zone

The area indicated as "B" on the preferred layout plan will be used for a day hospital. The appropriate zoning for this site would be "Institutional" zone. The Institutional site is approximately 12661m² in extent.

The Knysna Zoning Scheme Regulations allows a maximum coverage of 60% for institutional properties, hence the maximum allowed coverage on the proposed institutional site would be 7357m².

6.3. Business Zone

Two "Business" zoned properties are proposed. These are indicated as "C" and "D" on the preferred layout plan.

Site "C" will be 7412m² in extent and Site "D" will be 21142m² in extent. The intention of these properties will be to be developed into offices and a local neighbourhood retail centre.

6.4. Business Zone with consent uses for Place of Assembly

Two "Business" zoned properties are proposed. These are indicated as "E" and "G" on the preferred layout plan.

Site "E" will be 16907m² in extent and Site "G" will be 10525m² in extent. The intention of these properties will be to be developed into recreation areas, combined with ancillary retail and commercial uses. Site E will be developed with a heated, Olympic size indoor pool and ancillary high-performance sports facilities and Site "G" will be developed with recreation areas that could be used for assemblies such as concerts, conventions, exhibitions, etc.

6.5. General Residential Zone

Site "F" is proposed as a "General Residential" zoned property and is 10877m² in extent. The Knysna Zoning Scheme Regulations allows a 50% coverage for general residential zoned properties and therefore 5438m² of the site could be covered with buildings. The proposed hotel could consist of approximately 70 en-suite hotel rooms. The hotel site is positioned to abut the wetland area in order to capitalise on the birdlife and views of the Knysna Lagoon.

6.6. Group Housing

Site "H" is proposed as a "Group Housing" zoned property and is 38355m² in extent. At a density of 30 units / ha, approximately 115 group housing units could be provided. At this stage, the group housing development will be a sectional title development with no internal subdivisions. The group housing development will be managed by a body corporate.

6.7. Private Open Space

Two sites, Site "J" and Site "K", are proposed as private open spaces. Site "J" contains the wetland area and this site will be a wetland conservation area, with bird hides. Site "J" is 20308m² in extent.

Site "K" contains existing storm water channels that are not protected by servitudes and this area is covered by some alien vegetation. The proposal for this site is to clear from all aliens and to develop the site into a green lung that borders the development. Eco tourism infrastructure such as hiking trails and bird hides will be placed in this open space area.

The two open spaces will be developed as an open space system that will be protected and conserved in perpetuity and accessible to the public.

6.8. Private Road

A circular movement system is proposed for the site. The proposed access road will be registered as an access servitude. The proposed private road covers approximately 1,58 ha of the site.

The proposed access road will circle through the site and also egress on Howard Street on the eastern side of the existing wetland. This access to Howard Street is specifically necessary to accommodate the residential traffic (group housing development).

6.9. Access and Egress

Access is proposed via a new traffic circle on George Rex Drive, opposite the entrance of the Premier hotel. A portion of land will be provided as widening of George Rex Drive.

The egress on Howard Street is also required to serve as emergency egress during disasters or during sporting events that attract high levels of traffic.

7. ALTERNATIVE 3: NO-GO OPTION

The No-Go alternative would see the continuation of the current lawful use of the property. The site will be undeveloped, with no improvement to the existing wetland and no development of the green lung system.

This option would be unlikely to provide any additional employment opportunities, or provide for any economic development to the area and would not allow for the development of the recreational and high performance sports facilities that could attract events and conventions to Knysna.

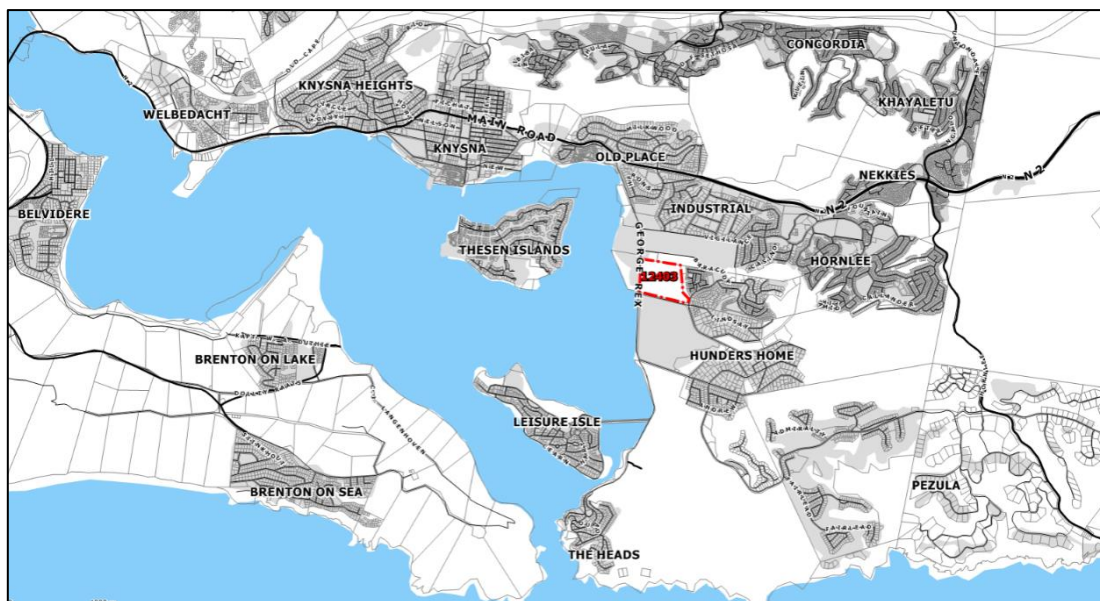
It is unlikely that alien clearing or sensitive sustainable maintenance of the sensitive environmental areas would be possible in the long term since there would be no incentive or available finances to do so.

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

Erf 12403 Knysna is located in the eastern parts of Knysna, directly west of George Rex Drive between Marlin Street to the North and Howard Street to the south. The property is located between various mixed land uses, such as the Premier Hotel to the west; the Knysna golf course to the south; Hunter's Estate Retirement Village and Private Hospital to the east and the Knysna Waste Water Treatment works and Knysna Industrial area to the north of the site.

The application area is ideally located to serve as a new neighbourhood, and is very accessible to the eastern residential neighbourhoods of Knysna such as Pezula; The Heads; Leisure Isle; Rexford; Hunter's Home; Fisherhaven and even Hornlee.

The site is approximately 1,2km south of the N2 National Road and east of the Knysna Estuary.

**FIGURE 19: LOCALITY****9. CURRENT LAND USE AND ZONING****9.1. Land Use**

The site is currently vacant, there is however a ruin that is not habitable on the property.



FIGURE 20: VACANT ERF 12403



FIGURE 21: RUIN ON ERF 12403

9.2. Zoning

Knysna Erf 12403 is currently zoned 'Undetermined Zone' in terms of the Knysna Integrated Zoning Scheme Bylaw (2020).

10. CHARACTER OF THE AREA

The area surrounding the application area is characterised by mixed residential and tourism related and even utility uses.



FIGURE 22: CHARACTER OF THE AREA

Several of the mixed land uses in the nearby area include:

- Knysna Municipality Electrical Department (Figure 23)
- Municipal Reverse Osmosis Facility (Figure 24)
- Knysna Life Private Hospital (Figure 25)
- Knysna Golf Course (Figure 26)
- Knysna Premier Hotel (Figure 27)
- Hunter's Estate Retirement Village (Figure 28)



FIGURE 23: KNYSNA MUNICIPALITY ELECTRICAL DEPARTMENT.



FIGURE 24: MUNICIPAL REVERSE OSMOSIS FACILITY.



FIGURE 25: KNYSNA LIFE PRIVATE HOSPITAL.



FIGURE 26: KNYSNA GOLF COURSE.



FIGURE 27: KNYSNA PREMIER HOTEL.



FIGURE 28: HUNTER'S ESTATE RETIREMENT VILLAGE.

11. SITE CHARACTERISTICS

11.1. Topography

The property has a very even gradient and all of the site is developable in terms of the 1:4 slope guidelines. According to the Eco Route Wetland report (2014:5), the height Erf 12403 ranges between 4 meters and 10 meters in elevation whereas the development built on the eastern boundaries elevation ranges between 10 meters and 80 meters.

11.2. Drainage

There is a depression that follows the eastern and southern boundaries of the application area. Given the topography of the site as described in Par 11.1 above, the topography indicates that in all probability, the storm water runoff from the eastern boundary maybe one of the water inputs to the wetland from sub-surface flow. The drainage channels constructed 27 years ago and not maintained has resulted that the outflow from the wetland is non-existent resulting in the water to stagnation on Erf 12403 forming a wetland Eco Route (2014:5).



FIGURE 29: DRAINAGE ON KNYSNA ERF 12403

The image above shows the locality of the wetland and storm water drainage on the site.

The applicant proposes to retain and protect the wetland and also to clear the aliens in the depression where the man-made storm water channel is located. This area will be included in a private open space and will be used as a private nature area.

11.3. Vegetation

According to Eco Route (2014:4), the vegetation composition has been largely altered and introduced alien and/or ruderal species occur in approximately equal abundances to the characteristic indigenous wetland species.

Vegetation cover is likely to improve as a result of alien clearing over the next 5 years. The presence of *Sesbania punicia* is of special concern as it is an invasive alien species that favours wet growing conditions at the edge of wetlands and rivers. This species is extremely poisonous.

11.4. Built Environment

Except for an inhabitable ruin on the property, the application area is currently vacant and does not contain any structures.

SECTION D :**SPATIAL PLANNING INFORMANTS****12. EXISTING POLICY FRAMEWORKS**

This section will discuss the applicable policy frameworks that have an influence on any development proposal on the application area. These include:

12.1. National Development Plan (2011)

The National Development Plan aims to eliminate poverty and reduce inequality by 2030. South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society.

The National Development Plan recognises that education, training and innovation are central to South Africa's long-term development. These are core elements in eliminating poverty and reducing inequality, and the foundations of an equal society. Education empowers people to define their identity, take control of their lives, raise healthy families, take part confidently in developing a just society, and play an effective role in the politics and governance of their communities.

The National Development Plan is a broad strategic framework. It sets out a coherent and holistic approach to confronting poverty and inequality based on the six focused, interlinked priorities summarised below:

- Building Safer Communities
- Environmental Sustainability
- Faster and inclusive economic rural and urban economic growth
- Economic infrastructure
- Promoting Health
- Transforming human settlements and urban space economy.

The National development plan is divided into 15 chapters which outlines the objectives and actions necessary to achieve the overall vision for South Africa by 2030: The following policies have been identified have a bearing on the proposed development.

Chapter 3: Economy and Employment

The following economic development policies are proposed that focus on removing the most pressing constraints on growth, investment and job creation, including energy generation and distribution and urban planning. These policies include the following:

- Promote Private Investment - Private Investment is linked with improved condition because of policy certainty, infrastructure delivery, and efficiency of public services which will improve quality of labour in surrounding areas.

- Improve spatial dynamics and rural employment - Encourage development close to rural townships. Rural economies will be activated through stimulation of agriculture and tourism investment.
- Establish economic and growth clusters – firm decisions need to be taken on sectors which could serve as platforms to launch new growth trajectories.
- Establish Tourism Clusters - Increase number of tourists entering the country and increase the average amount of money spent in regional economy.
- South Africa can do more to develop regions as international tourist destination by empowering the broader diversity and range of tourism destinations.

Chapter 4: Economic infrastructure

The NDP identifies infrastructure as essential for development and prioritises: upgrading informal settlements on suitably located land; rolling out public transport systems; improving freight logistics; augmenting water supplies; diversifying the energy mix towards gas (i.e. imported liquid natural gas and finding domestic gas reserves) and renewables; and rolling-out broadband access.

Chapter 5: Environmental sustainability and resilience

The following guiding principles are defined for the transition of all aspects from policy to process to action. Focus should be put in place to establish regulatory framework for proposed land uses, to ensure the conservation and restoration of the natural environment. These guidelines include the following:

- Strategic Planning – Apply a systems perspective, while ensuring an approach that is dynamic, with flexibility and responsiveness to emerging risk and opportunity, and effective management trade-offs.
- Transformative approach- Address all aspects of the current economy and society requiring amongst others visionary thinking and innovative planning
- Manage transition – build on existing process to attain gradual change and phased transition.
- Opportunity focus – for business growth, competitiveness and employment creation, that will contribute to equality and prosperity.
- Full cost accounting – Internalise externalities through full cost accounting.
- Effective participation of social partners – Be aware of mutual responsibilities, engage on differences, seek consensus and exact compromise.
- Least Regret – Invest early in low carbon technologies that are least cost, to reduce emissions.

Chapter 8: Transforming Human Settlements

Provincial Land use management systems overlap with local municipalities creating confusion and conflict. Provincial governments overseeing key economic activities such as agriculture tourism environmental management

Spatial developments should conform to the following normative principles and should explicitly indicate how they would meet the requirements of these principles. These principles are directly related to Section 42 of the Spatial Planning and Land Use Management Act 16 of 2013 which will be implemented as the primary spatial and Land Use Management legislation on the 1st of July 2015. These principles include:

Normative Principles for Spatial Planning	
Principle	Description
Spatial justice	The historic policy of confining particular groups to limited space, as in ghettoization and segregation, and the unfair allocation of public resources between areas, must be reversed to ensure that the needs of the poor are addressed first rather than last.
Spatial sustainability	Sustainable patterns of consumption and production should be supported, and ways of living promoted that do not damage the natural environment.
Spatial resilience	Vulnerability to environmental degradation, resource scarcity and climatic shocks must be reduced. Ecological systems should be protected and replenished.
Spatial quality	The aesthetic and functional features of housing and the built environment need to be improved to create liveable, vibrant and valued places that allow for access and inclusion of people with disabilities.
Spatial efficiency	Productive activity and jobs should be supported, and burdens on business minimised. Efficient commuting patterns and circulation of goods and services should be encouraged, with regulatory procedures that do not impose unnecessary costs on development.

The NDP's spatial priorities for building the required national capabilities are:

(i) Urban and Rural Transformation

The NPC proposes a national focus on spatial transformation given the enormous costs imposed by existing spatial divides. It recognises that achieving this is a complex long-term process. The NDP's human settlement targets are: more people living closer to their places of work; better quality public transport; and more jobs in proximity to townships. To achieve these targets it advocates strong measures to prevent further development of housing in marginal places, increased urban densities to support public transport, incentivising economic activity in and adjacent to townships; and engaging the private sector in the GAP Housing market.

The preferred mixed use development proposal on Erf 12403 will achieve urban transformation as it will provide a mixture of economic, employment, residential, recreational and transport uses, centrally and well located within the existing urban framework.

(ii) Improving Infrastructure

The NDP identifies infrastructure as essential for development and prioritises: upgrading informal settlements on suitably located land; rolling out public transport systems; improving freight logistics; augmenting water supplies; diversifying the energy mix towards gas (i.e. imported liquid natural gas and finding domestic gas reserves) and renewables; and rolling-out broadband access.

The preferred mixed use development proposal on Erf 12403 will achieve improved infrastructure as the existing storm water drainage will be upgraded, a Section of George Rex Drive will be upgraded and the proposed development will be focussing on the provision of green and alternative energy resources.

(iii) Building Environmental Sustainability and Resilience

“South Africa’s primary approach to adapting to the impact of climate change is to strengthen the nation’s resilience. This involves decreasing poverty and inequality, increasing levels of education, improving health care, creating employment, promoting skills development and enhancing the integrity of ecosystems” [NDP 2011, p180]. The long term strategy is to move towards to a low carbon economy.

12.2. National Spatial Development Perspective (NSDP), 2013

The NSDP is a government policy that recognises the importance of the space economy in addressing the legacy of Apartheid and poverty and provides principles for guiding the space economy as follows:

- All people have a right to basic services (wherever they reside);
- Fixed investment should be directed to areas with economic and employment growth potential;
- Social inequalities should be addressed through investment in people rather than places
- Future Settlement and development opportunities should be channelled to nodes and corridors related to major growth centres.

The preferred mixed use development proposal on Erf 12403 will be consistent with the NSDP, since George Rex Drive is already an access corridor, serving the eastern parts of Knysna. The development will result in a node that will strengthen the existing sports / activity node that formed and Loerie Park and the Premier Hotel.

12.3. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

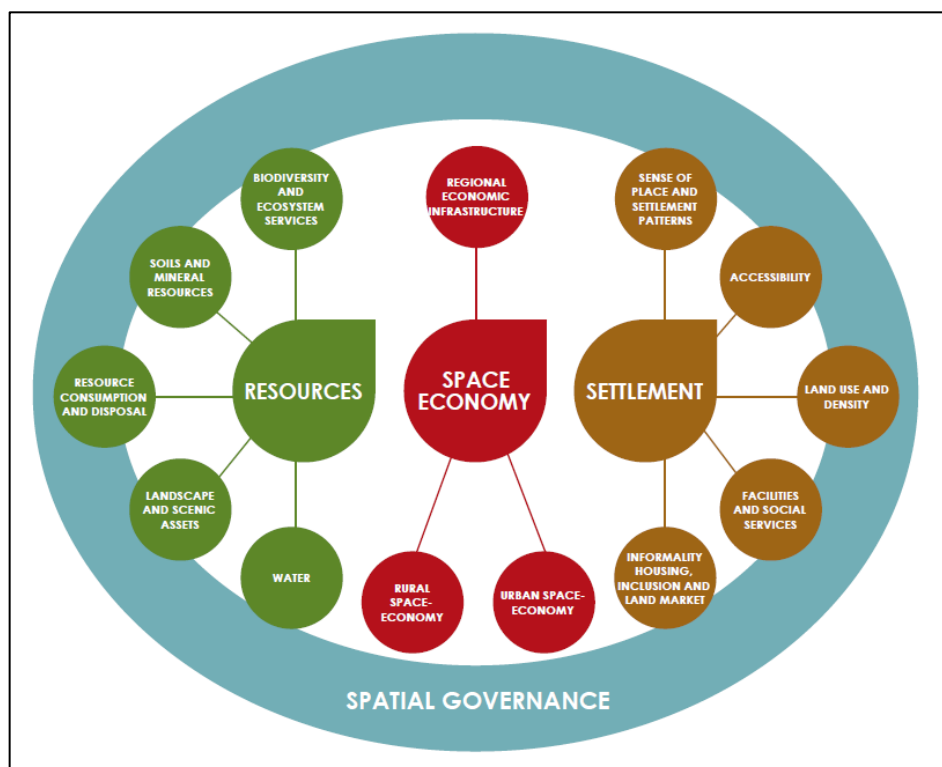
The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards

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 compliments the SDF 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.



POLICY E1: USE REGIONAL INFRASTRUCTURE INVESTMENT TO LEVERAGE ECONOMIC GROWTH

6. Prioritise developing the required bulk infrastructure capacity to serve the connection and compaction of existing human settlements, over developing bulk infrastructure to serve the outward growth of settlements.

7. Limit new urban transport investment to spatial developments that reduce average travel times, as opposed to extending them.

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

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.

7. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development (e.g. mixed use development and densification in appropriate locations), and private sector involvement in the rental and gap housing markets.

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

2. Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.

POLICY S3: PROMOTE COMPACT, MIXED USE AND INTEGRATED SETTLEMENTS

This policy reflects the main aim of the policy through targeting economic assets (e.g. Modal Interchanges underutilised strategically located land parcels) should be used as a lever to regenerate and revitalise urban settlements.

Promoting functional integration and mix land use to increase liability of urban areas. Thus, the policy specifies the importance to- increase density of settlements and number of units in new housing projects; continue to deliver public investment to meet the needs in settlement developments; integrate packages of land, infrastructure and services as critical to promote densification and efficiency associated with agglomeration.

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 proposal aims to contribute to efficient use of bulk infrastructure, by allowing a development that is situated within the urban edge and in close proximity to service connections. The proposal is also situated within an established township development area, which promotes the reduction of average travel times. The mixed use development allows for business and residential uses in close proximity to one another, allowing residents to live close to their work areas. The proposed development is situated on a vacant erf; thus the proposal promotes infill development and contains urban sprawl. The various proposed uses will also attract economic activities close to dormitory residential areas. The proposal is to allow an integration of uses to ensure economic sustainability and provide various opportunities to the residents of the adjacent areas. Therefore, the proposal is consistent with strategic objectives as set out by the Western Cape Spatial Development Framework.

12.4. Eden District Spatial Development Framework (2017)

The Eden District SDF was approved during 2017 and aims to grow the Eden District Economy sustainably by matching need to opportunity. Accordingly, the spatial concept is structured around the following three primary spatial objectives:

1. Identify and **protect the “jewels” of the District** that are the base of its economy and economic opportunity;
2. **Strengthen physical and virtual accessibility** within and into the District and improve the resilience of these systems to improve rural access to services and promote a more sustainable regional space economy;
3. **Calibrate and align:**
 - Population growth, economic growth and growth potential, unemployment;
 - The pipeline of development projects (especially housing projects); as well as
 - The capacity to maintain urban systems and services over the long-term to facilitate, coordinate and enable the appropriate allocation of resources and investment to where need can be matched with economic growth potential.

The key proposals contained in these three strategies are:

- “The Economy is the Environment”
- “Regional Accessibility for Inclusive Growth”
- “Co-ordinated Growth Management is Key to Financial Sustainability”

12.4.1. “The Economy is the Environment”

The spatial strategy is to protect, enhance and develop the distinct attributes and resources of the Klein Karoo and Garden Route, as two different but interconnected places each with their varied:

- Natural and agricultural resource base;
- Economic role and potential; and
- Diverse landscape, lifestyle and tourism offerings.

Planning Implication:

A wetland exists on the property and the application area is in close proximity to the Knysna Lagoon. The proposal is to allow people (tourists) to have access to these natural features. A sports & event facility is proposed to attract big events, which will allow for more tourism opportunities and economic expenditure. The natural surrounds could be used as an attraction for tourism to allow people to come and visit and experience Knysna.

12.4.2. “Regional Accessibility for Inclusive Growth”

This strategy directs the District to enable appropriate accessibility to and between the Klein Karoo and Garden Route, as well as the greater Eden District by:

- Establishing a clear primary and secondary regional route hierarchy, role and investment priorities (N2 versus R62);
- Addressing connectivity between the coastal belt and inland areas; and
- Enabling virtual and physical accessibility to improve access to opportunity and services.

Planning Implication:

A wetland exists on the property and the application area is in close proximity to the Knysna Lagoon. The proposal is to allow people (tourists) to have access to these natural features. A sports & event facility is proposed to attract big events, which will allow for more tourism opportunities and economic expenditure. The natural surrounds could be used as an attraction for tourism to allow people to come and visit and experience Knysna.

12.4.3. "Co-ordinated Growth Management is Key to Financial Sustainability"

The spatial strategy indicates the future role of settlements and their potential to absorb growth.

In Eden District, development, investment and mitigation should be directed so that growth is matched to capacity, resources and opportunity. Specifically:

- Align need with capacity, jobs, social services and opportunity;
- Recognise population dynamics in infrastructure investment (more diverse housing products and opportunities in the correct location); and
- Optimise the potential of a reconceptualised accessibility network to improve livelihoods and sustainable service delivery.

Planning Implication

Tourism is Knysna's Economic Driver. The proposed development will assist in creating numerous employment opportunities in the Business, and Sport Tourism sectors. The proposal has the potential to attract foreign, professional Sportsman to Knysna, and also national and international sport events.

It is the considered opinion that the proposal is consistent with the goals and objectives of the Eden District SDF.

12.5. Knysna Spatial Development Framework (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.

Improve the financial and economic viability of the town by promoting the intensification of existing urban areas (e.g. mixed use development in the existing industrial area), through infill, densification and redevelopment, which in turn makes more efficient use of existing infrastructure capacity and services.

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

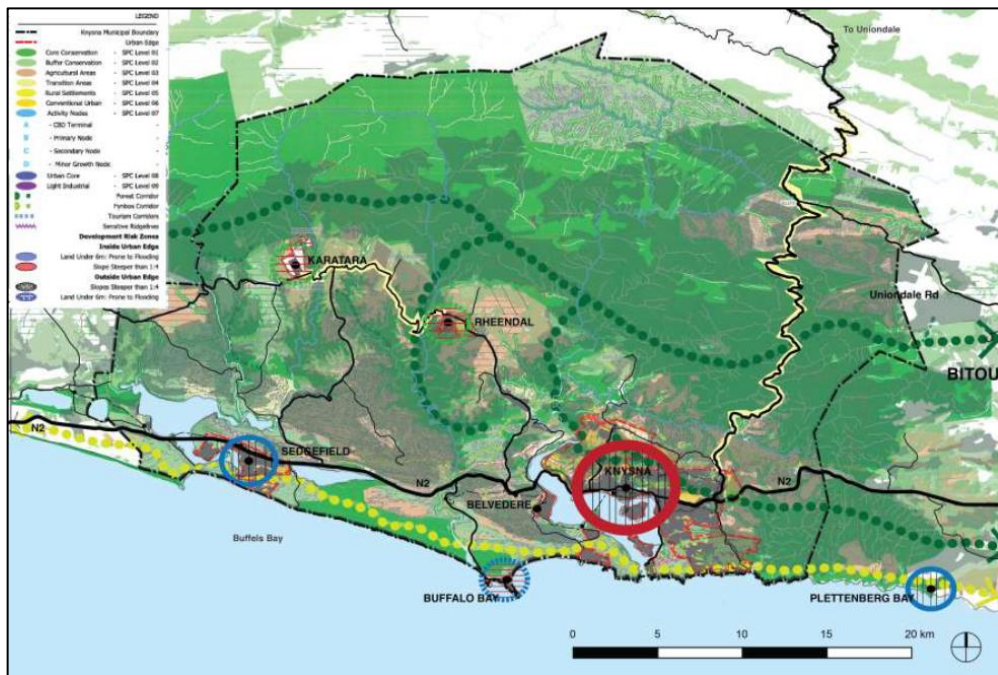


FIGURE 30: KNYSNA SDF

According to the Knysna SDF the subject property is demarcated for “New Development”.

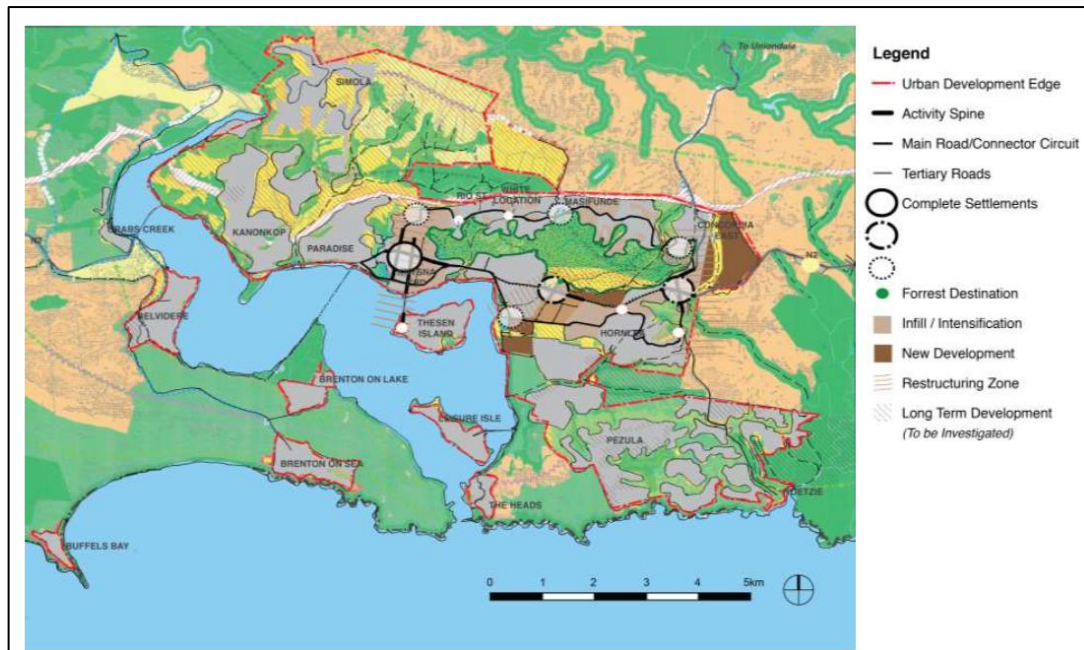


FIGURE 31: KNYSNA SUSTAINABLE AND EQUITABLE GROWTH

The subject property is situated within the urban edge of Knysna, the Knysna SDF demarcate the area in which the property is situated as "New Development". The proposal is most definite a new development that will increase employment opportunities, business opportunities, housing opportunities, efficient use of services, promote infill development and the utilisation of vacant land within the urban edge. The proposal is therefore consistent with Knysna Spatial Development Framework.

12.6. Knysna Integrated Development Plan (IDP) (2017 – 2022)

The Integrated Development Plan (IDP) is the principal strategic instrument of a municipality that gives effect to its developmental mandate as enshrined in the Constitution of South Africa. The concept of integrated planning has cemented itself as the strategic process within modern day local government as an effective way of ensuring that limited resources of a municipality are being optimised to foster partnerships between a vast array of stakeholders to collectively improve the livelihoods of communities. The external focus of an IDP is to identify and prioritize the most critical developmental challenges of the community whilst organizing internal governance and institutional structures in order to address those challenges. The IDP is a five-year plan which clearly stipulates the vision, mission and strategic objectives of Council and is reviewed annually to adjust to the changing socio-economic, infrastructural and environmental dynamics and the needs of communities.

Strategic objectives:

During its strategic planning process Council crafted a set of strategic objectives which are aligned to the national strategic focus areas as well as the Provincial Strategic Goals of the Western Cape Government. The following strategic objectives are relevant to the proposed development:

STRATEGIC OBJECTIVE
- To ensure the provision of bulk infrastructure and basic service through the upgrading and replacement of ageing infrastructure, and the expansion of new infrastructure.
- To promote a safe and healthy environment through the protection of our natural resources.
- To create an enabling environment for social development and economic growth.
- To grow the revenue base of the municipality.

The proposal is to development a mixed-use development on a vacant property situated within the urban edge of Knysna, this will allow for the efficient use of bulk infrastructure and service delivery, as the proposal is in close proximity to various service connection points. The proposal ensures to protect the demarcated wetland areas, these areas will be managed a protected as per the recommendations of the specialist’s reports. Allowing various employment and business opportunities will most definitely ensure economic growth in Knysna and additional expenditure that will increase the revenue base of the Municipality.

Ward 9:

The subject property is situated within Ward 9 of the Knysna Municipality. The table below illustrate the SWOT Analysis of Ward 9; the following point are applicable to the proposed development:

Ward 9: SWOT Analysis	
Strengths	Weaknesses
<ul style="list-style-type: none"> • Many jewels, natural beauty, forest, lagoon etc. • Established cultural identity e.g. literary festivals, crafts etc. • Local knowledge of indigenous plants and medicines • Location - The Heads, Leisure Island • Tourism Product • Vibrant Youth Council • Social Cohesion - well established • Foreign Residents 	<ul style="list-style-type: none"> • Limited capacity of SANParks management - lagoon policing and looking after resources that fall under their control • Limited business skills of business owners • Fading brand and lost icons • Unfriendly to people with disabilities • Poor storm water system • No business premises • Too few sports facilities, and facilities that are in place, are badly maintained sports facilities • High unemployment rate • Condition of roads, water and sewerage • Lack of investment into tourist requirements - combating crime, water capacity, road infrastructure • Lack of integration • Beautification of George Rex Drive
Opportunities	Threats
<ul style="list-style-type: none"> • A lot of water frontage • Regional marketing of Knysna as a place to live, play and work • Perfectly placed to develop as a sport destination - walking, cycling etc. by developing walking and cycling lanes • Good festivals can grow and attract more visitors 	<ul style="list-style-type: none"> • Environmental Decay (upkeep & modernization) • Repairs and maintenance of established areas always competing or less important than needs of previously disadvantaged areas

- | | |
|--|--|
| <ul style="list-style-type: none"> • Tourism opportunities - home visits, craft tourism • Beautification of George Rex Drive | |
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SECTION E :**LEGAL FRAMEWORK****13. THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA), 2013 (16 OF 2013)**

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.

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

- development principles set out in Chapter 2 of SPLUMA
- protect and promote the sustainable use of agricultural land
- national and provincial government policies
- the municipal spatial development framework; and
- take into account—
 - a) the public interest;
 - b) the constitutional transformation imperatives and the related duties of the State;
 - c) the facts and circumstances relevant to the application;
 - d) the respective rights and obligations of all those affected;
 - e) the state and impact of engineering services, social infrastructure and open space requirements; and
 - f) any factors that may be prescribed, including timeframes for making decisions.

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.

- a) **Spatial Justice** – the fair, equitable and secure division of land rights
- b) **Spatial Sustainability** – land use management that can be perpetuated in terms of financial, environmental, agricultural, social spheres. Including specific reference to the containment of urban sprawl and fostering of viable communities
- c) **Efficiency**– the optimum use of resources including infrastructure, time, social and environmental considerations
- d) **Spatial Resilience** – ensuring sufficient flexibility in planning and decision making in order to accommodate unforeseen circumstances in the future
- e) **Good Administration** – an integrated approach to land use planning that allows for inputs from all sectors of government and allows for streamlined fulfilment of obligations in terms of all planning legislation with transparent processes in operation that foster empowerment of the public.

As far as is possible from within the potential developer's sphere the proposed mixed use development will uphold these fundamental development principles. The development is on land with secure tenure and ownership. The proposal will create a sustainable development within a tried and tested business model that will have low environmental impact and will not foster sprawl. The proposal makes efficient use of resources since it creates a service that is proximal to its client base and makes good use of the scarce, well located, flat land in the area. The proposal also includes some flexibility in terms of scale and timeframes that will allow for spatial resilience of the project. The proposal further results in the rehabilitation and conservation of sensitive environments that can be used as recreational space by the public.

13.1. 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	Not applicable	This policy is not applicable to the application area.

Criteria	Compliance	Planning Implication
that enable redress in access to land by disadvantaged communities and persons.		

13.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic.	Comply	<p>The development complies with Knysna Spatial Development Framework (2017).</p> <p>The proposed development is within the urban edge of Knysna and within an area that is demarcated for New Development.</p>
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Comply	<p>The proposed development is within the urban edge of Knysna and within an area that is demarcated for New Development.</p> <p>The proposal is consistent with the Knysna Spatial Development Framework.</p> <p>No agricultural land.</p> <p>Wetlands will be protected and managed as per the recommendations of the specialist reports.</p>
Uphold consistency of land use measures in accordance with environmental management instruments.	Comply	<p>The proposal aims to be as environmentally sensitive as possible.</p> <p>Various specialist report and inputs have been acquired to mitigate any sort of environmental impact.</p> <p>It is the considered opinion of various professionals that the proposal will not have a considerable impact on the environment and that the proposal could be accommodated.</p> <p>The proposal will adhere to all mitigation requirements and recommendations as per the professional standards.</p>
Promote and stimulate the effective and equitable functioning of land markets.	Comply	<p>The development aims to promote land development.</p> <p>The proposed development is located adjacent existing neighbourhoods and developments, the proposal is situated on a vacant land within the urban area of Knysna.</p> <p>The proposal contributes to infill development.</p> <p>The proposed development will contribute to the functional land pattern in the surrounding area.</p>

Criteria	Compliance	Planning Implication
		<p>Proposed development will allow for businesses, residential opportunities and recreational opportunities in close proximity of on another.</p> <p>The proposed development will contribute to the character of the surrounding area.</p>
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Comply	<p>The proposal will make use of existing service infrastructure capacity, as confirmed by the Knysna Municipality.</p> <p>Any upgrades and additional development regarding service infrastructure will be at the cost of the developer / land owner.</p>
Promote land development in locations that are sustainable and limit urban sprawl; and result in communities that are viable.	Comply	<p>The proposed development is located within the urban edge of Knysna.</p> <p>The proposal contributes to infill development.</p> <p>The proposed development will contribute to the functional land pattern in the surrounding area.</p> <p>Proposed development will allow work and living spaces in close proximity of one another.</p>

13.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	Comply	<p>Development will make use of existing local resources and contribute to specialised skills development within the local municipality.</p> <p>The proposed development is aimed at providing opportunities for land uses that are reconcilable with sports, big events and tourist facilities. The residential and business component will also allow residents to live close to work areas.</p> <p>It will contribute to smart growth and will contribute to the character of the surrounding area promoting integration of land uses.</p> <p>The proposal will make use of existing infrastructure networks without having to expand the services network.</p>
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).
Development application procedures are efficient and	Not Applicable	The municipality should process this application within the prescribed time frames of the Knysna

Criteria	Compliance	Planning Implication
streamlined and timeframes are adhered to by all parties.		Municipality By-law on Municipal Land Use Planning (2016).

13.4. 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	<p>The proposal is in line with the various spatial plans, zoning scheme and policies, as motivated in the report.</p> <p>A problem identified in the area is the absence of sporting facilities and facilities big enough to host big events. The proposal will assist in addressing the needs for housing opportunities close to work spaces.</p>

13.5. 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.	Applicable to Knysna Municipality	<p>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.</p> <p>What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.</p>
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.		

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.		

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

The purpose of this Act 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.

The Western Cape LUPA has also identified certain land use planning principles that land development has to adhere to. These are:

- Spatial Justice: improved access to, and utilisation of land.
- Spatial Sustainability: promote land development that is spatially compact; promote land development in locations that are sustainable; limit urban sprawl; sustained protection of the environment; having regard to natural habitat, ecological corridors; climate change mitigation strategies, taking into consideration sea level rise.
- Spatial Efficiency: optimise the use of existing resources; integrated cities and towns, social, economic, institutional and physical aspects of land development is integrated, the availability of residential and employment opportunities in close proximity to each other, diverse combination of land uses is promoted, functionality of the public spatial environment is promoted.

- Good Administration: requirements of any law relating to land development and land use must be met timeously.
- Spatial Resilience: flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks.

Planning Implication:

The proposed development as being consistent with the LUPA Land Use Planning Principles, for the following reasons:

- *Is located inside the urban edge*
- *Is located on an arterial route*
- *Includes mixed land uses*
- *Includes employment opportunities in close proximity to places of employment*
- *Has been informed by the environmental informants such as wetlands, etc.*
- *Is regarded as infill and not urban sprawl,*

15. KNYSNA MUNICIPALITY STANDARD BY-LAW ON MUNICIPAL LAND USE PLANNING, 2016

Knysna Municipality adopted its new Land Use Planning By-law and it came into effect on 12 February 2016. All land use applications are now being processed and assessed in terms of this by-law. This by-law states that the following aspects will be considered when the decision are made:

- Desirability of the proposed utilisation of land
- The impact of the proposed land development on municipal engineering services
- The integrated development plan, including the municipal spatial development framework
- Provincial spatial development framework
- Policies, principles and the planning and development norms and criteria set by the national and provincial government
- The matters referred to in section 42 of the Spatial Planning and Land Use Management Act
- Principles referred to in Chapter VI of the Land Use Planning Act
- Applicable provisions of the zoning scheme

16. NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998)

The NEMA has identified certain activities that could have a detrimental impact on the environment. These “listed activities” have been published and Gazetted. The proposed development required Environmental Authorisation from the competent authority, and **Eco Route Environmental Consultancy** has been appointed to facilitate the application for Environmental Authorisation.

16.1. Need and Desirability

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?

16.2. Need

The need for the project has largely been dealt with elsewhere in this document, however for ease of reference these considerations will be highlighted here. 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 forward 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 policy is important in the consideration of need – refer to Section 9 of this report.

Further considerations of need include the need of the community/area of the activity & land use – is the development “a societal priority”? The proposed mixed use development and recreational facilities (pool, place of assembly) will be mainly aimed at attracting new regional events to Knysna and these events will create much needed local economic development. The proposed neighbourhood nodes will provide retail facilities that can serve the eastern neighbourhoods of Knysna.

Need for a project also relates to the services capacity and consistency with infrastructure planning – this issue will be dealt with by the various engineers involved with this project including the civil, electrical and traffic engineering specialists.

There is a strong need for the economic development of Knysna as a whole. The provision of MICE facilities has been identified by the municipality as a strategic industry that would contribute to and strengthen the tourism industry of Knysna.

There is therefore a strong need for this development at this time.

16.3. Desirability

The desirability of a proposed development also relies heavily on the consistency with policy documentation, but has a distinctly spatial focus. This issue has also been dealt with in Section E above.

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?" The information provided in section 9 clearly demonstrates that the proposal is in line with the planning policy applicable to the area.

NEMA also links the desirability of a 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 as a whole, 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 – realistic options for the development of the property have been discussed in section 8 of this report.

Specific locational factors that favour the proposed land-use are also important when desirability is assessed. Very close attention was paid to the selection of the site, which took into account the wider situation. These factors include:

- Accessibility for out of town visitors (regional events) – *the site is located on George Rex Drive, the access directly on the N2 National Road. The proposed recreational facilities will be very accessible to locals as well as out of town visitors.*
- Support of and cohesion with existing facilities. *The application area is in close proximity to existing sporting facilities such as Loerie Park and the Knysna Driving Range.*
- The site is accessible and in close proximity to the Knysna CBD and with other nearby amenities and facilities, *such as municipal utilities, resorts (Premier Hotel); Loerie Park, informal traders, etc, the site is ideally located for a mixed use development, as it will strengthen existing nodes.*

Potential impacts to the character of the area, people's rights, and health and wellbeing are also important considerations of desirability.

Since the proposal is largely in line with the spatial planning for the area, allows for several positive impacts on the wider economy and would have little detrimental impact on surrounding residents or visitors it can be concluded that the proposal is desirable for the selected site.

16.4. Locational Factors

Specific locational factors that favour the land development application is important when desirability is assessed. The factors include:

- The site is located on George Rex Drive, the access directly on the N2 National Road. The proposed recreational facilities will be very accessible to locals as well as out of town visitors.
- The application area is in close proximity to existing sporting facilities such as Loerie Park and the Knysna Driving Range.

- The site is accessible and in close proximity to the Knysna CBD and with other nearby amenities and facilities, such as municipal utilities, resorts (Premier Hotel); Loerie Park, informal traders, etc
- The property is on a vacancy erf, within a establish township, this will contribute to in fill development.
- The property is in close proximity to various service connection points.
- The site has magnificent views of the Knysna Lagoon and Heads, tourist attraction.

17. NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999)

In terms of the Heritage Resources Act, 1999 (Act 25 of 1999), a Heritage Impact Assessment (HIA) is required for any rezoning on a land portion larger than 10,000m². A Heritage Specialist has been appointed to liaise with Heritage Western Cape and to complete the required documentation and specialist studies to obtain a positive Record of Decision (ROD) from Heritage Western Cape.

18. NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)

The proposed development required an authorisation in terms of the National Water Act, before the proposed development may commence. A wetland reserve determination was conducted by Scherman Colloty & Associates cc during 2017, and the conclusion of this study was that 40% of the site can be developed and 60% of the site has to be conserved for wetland reverse purposes.

19. 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 is generally consistent with the various policy guidelines of this 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.

Marike Vreken Urban and Environmental Planners
December 2020

ANNEXURE A.

ANNEXURE E. Council Meeting Minutes: October 2007

ANNEXURE F. Power of Attorney & Company Resolution

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ANNEXURE B.

SG Diagrams

PLAN 1.

Locality Plan

PLAN 2.

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PLAN 3.

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PLAN 4.

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