

Our Ref: Pr16/28b09

17 August 2020

Your Ref:

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H.J. SWART
P.O.BOX 2444
GEZINA
0031

FOR ATTENTION: MR H.J. SWART

Dear Sir,

**PORTION 76 OF THE FARM UITZICHT NO 216, DIVISION KNYSNA – SPECIALIST
PLANNING REPORT FOR ENVIRONMENTAL AUTHORISATION PURPOSES**

Our Specialist Planning Report for Environmental Authorisation purposes dated April 2020 has reference.

Kindly note that since our report was drafted and circulated to the Professional Team, Knysna Municipality has approved and adopted the new *Knysna Municipality: Zoning Scheme By-Law, 2020*. The new land use descriptions and definitions have an implication on the pending application on your property.

Herewith addendum to our "Specialist Planning Report" to inform the application for Environmental Authorisation in terms of NEMA.

1. Current Zoning

The subject property is now zoned **Agricultural Zone I (AI)** in terms of *Knysna Municipality: Zoning Scheme By-Law, 2020*. According to the transition table, the method used to determine this was:

"All existing Agricultural Zones to be converted to Agriculture 1. The new definition of "Agriculture" includes "Agricultural Industries".

Objective: The objective of this zone is to promote and protect agriculture on farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide rural communities in more remote areas with the opportunity to increase the economic potential of their properties, provided these uses do not present a significant negative impact on the primary agricultural resource.

Land uses:

In terms of the new Integrated Knysna Zoning Scheme Bylaw, "Agriculture" is the only allowed primary land use right (i.e. land uses allowed without any special permissions from the municipality). The table below summarises that uses that are allowed after approval of a consent use application.

PRIMARY USE:	CONSENT USES:
• Agriculture	• Abattoir • Additional dwelling units • Agricultural industry (>2000m² floor space) • Airfield • Animal care centre • Aqua-culture • Camping site • Farm graveyard • Farm shop • Freestanding base • telecommunication station • Function venue • Guest house • Guest Lodge • Helicopter landing pad • Off-road trail • Plant nursery • Quarry • Renewable energy structure • Service trades • Shooting range • Tourist facilities • Utility service

In terms of the new Integrated Knysna Zoning Scheme Bylaw, an "Agriculture" land use is defined as:

Land use description: "agriculture" means the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming, game farming, intensive horticulture; intensive animal farming; a riding school or natural veld, and: farming, intensive horticulture; intensive animal farming; a riding school or natural veld, and includes:

- (i) the harvesting, cooling, storing, sorting, packing and packaging of agricultural produce grown on that land unit and surrounding or nearby farms.
- (ii) harvesting of natural resources limited to living organisms for delivery to the market;
- (iii) agricultural buildings or infrastructure that are reasonably connected with the main farming activities, including a **dwelling house**, barns, **agricultural worker accommodation**.

(iv) rooftop base telecommunication stations; (v) linear infrastructure; (vi) agricultural industry;
a) and does not include aquaculture, an abattoir, a farm graveyard a farm shop, an animal care centre, any mining activity, utility services and renewable energy structures for commercial purposes.

Development parameters:

Parameter	Scheme Requirement
Building lines:	The road or street and common boundary building lines are 30 metres.
Height:	Dwelling houses may not exceed 8.5 metres above natural ground level directly below a given point of the building with a maximum of 2 storeys; provided that a departure from the 2 storey limit may be considered due to the slope of the site; provided further that the 8.5 metres restriction is maintained and that the additional storey is added to the building on the lower side of the slope; Agricultural buildings other than dwelling houses may not exceed a height of 15 metres from natural ground level. Earth banks and retaining structures that are in the opinion of Municipality associated with bona fide agricultural activities are exempt from the general provisions in this regard in this By-law.
Site development plan:	For any development in this zone, including any part of the land not zoned Agriculture, a site development plan must be submitted to the Municipality for its approval taking specific cognisance of visual impact given the size and scale of the agricultural buildings and facilities and their location in a rural landscape, and their proximity to tourist routes.
Farm shop:	Where a farm shop and a resort shop are operated from the same property the combined floor area of the farm shop and resort shop may not exceed 100m ² .
Agricultural Industry:	In addition to the above parameters, the following apply: (i) the agricultural industry does not exceed a total floor area of 2000m²; and (ii) the parking requirements for "industry" apply (2 bays per 100 m² GLA)
agricultural accommodation	worker (a) the number of units must be reasonably connected to the bona fide agricultural activities on the land unit; and (b) no agricultural worker accommodation <u>may be erected within 1 km of the high-water mark of the sea or a tidal river.</u>

2. Proposed Land Development Applications & Compliance with Scheme

The development proposal on Portion 76 of the Farm Uitzicht No 216 is to exercise the primary land use rights of the property i.e. construction of the Main farmhouse (dwelling house) and Farm manager's house (agricultural worker accommodation). The new Integrated Knysna Zoning Scheme Bylaw provides the following definitions for a "dwelling house" and "agricultural worker accommodation":

dwelling house	a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including: ▪ a storeroom and garaging; ▪ a second dwelling or additional dwelling, with a floor area which does not exceed 60m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m²; ▪ a braai room; ▪ renewable energy structures for household purposes; ▪ home occupation; ▪ letting to lodgers; ▪ a bed and breakfast establishment; and ▪ home childcare.
agricultural worker accommodation	accommodation provided for bona fide agricultural workers, including accommodation for labourers and farm managers, as determined by the Municipality based on the extent of the bona fide agricultural activities on the land unit.

To allow for the Farm managers house in the north-western corner as proposed, application must be made to Knysna Municipality for a Permanent Departure in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) to allow for the relaxation of the:

- Northern street building line from 30m to 5,8m
- Western side building line from 30m to 9m
- Allow for agriculture worker accommodation within 1km of the high-water mark of the sea



FIGURE 1: SITUATION OF THE PROPOSED FARM MANAGERS DWELLING

A summary of the prescribed development parameters for "Agriculture Zone I (AI)", and compliance of the proposed development's parameters are shown in the table below:

PARAMETER	REQUIREMENT	PROPOSAL	COMPLIANCE
Primary land use	'agriculture	'agriculture'	COMPLY
Height:	8.5m	8.5m	COMPLY
	2 Storeys	2 Storeys	
Building Lines:	Northern Street building line: at least 30m.	5,8m	DEPARTURE REQUIRED
	Eastern Side building line: at least 30 m.	30m+	COMPLY
	Southern Side building line: at least 30 m.	30m+	COMPLY
	Western Side building line: at least 30 m.	9m	DEPARTURE REQUIRED
Agricultural worker accommodation	- the number of units must be reasonably connected to the bona fide agricultural activities on the land unit; and - no <u>agricultural worker accommodation may be erected within 1 km of the high-water mark of the sea</u> or a tidal river.	Within the 1km high watermark of the sea.	DEPARTURE REQUIRED

Kindly ensure that the application for Environmental Authorisation is updated accordingly.

We trust the above is in order. Please do not hesitate to contact the writer if you require any additional information.

Yours faithfully,



MARIKE VREKEN

Pr. Pln 1101 M SAPI 10233

CC: Eco Route Environmental Consultancy, Ms J Ebersohn (janet@ecoroute.co.za)

PORTION 76(A PORTION OF PORTION 54) OF THE FARM UITZICHT NO 216

SPECIALIST PLANNING REPORT FOR NEMA PURPOSES



CLIENT: MIDNIGHT STORM INVESTMENTS 180(PTY) LTD
PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



APRIL 2020

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SECTION A :**BACKGROUND****1. PURPOSE OF THE REPORT**

Portion 101 of the Farm Uitzicht No 216 is 21,0427 Hectares in extent and is located approximately 1.5km west of the Brenton on Sea Residential area and the southern boundary of the application area borders Brenton Beach.

The application area is owned by two shareholders, and each wish to build a dwelling house on the farm. The owner to stay in the farm managers house will occupy the property permanently, while the main dwelling house's owner will reside there occasional throughout the year.

The proposal is for the construction of one (1x) Main dwelling house in the south-western corner of the property and one(1x) Farm Managers house in the north-western corner of the property. The development proposal also includes the construction of a new internal road to provide access to the southern portion of the property.

The entire property is classified as a Critical Biodiversity Area. To allow for the construction of the proposed buildings on Portion 76 of the Farm Uitzicht No 216 It is necessary to obtain an Environmental Authorisation, in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as well as a land-use approval from Knysna Municipality in terms of the Knysna Municipality By-law on Municipal Land Use Planning, 2016.

Eco Route Environmental Consultancy has been appointed to apply for Environmental Authorisation and Marika Vreken Urban and Environmental Planners have been appointed by **MIDNIGHT STORM INVESTMENTS 180(PTY)LTD** to apply for the required land use rights from Knysna Municipality.

This report serves as the Specialist Planning Report for the Environmental Authorisation application on Portion 76 of the Farm Uitzicht No 216. 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.

2. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed (T117601/2004) which includes all the information outlined below is contained in **ANNEXURE A**. The SG Diagram (SG 6821/51) for the application area is contained in **ANNEXURE C**.

PORTION 76 OF THE FARM UITZICHT NO 216: SPECIALIST PLANNING REPORT

Title Deed Number: T117601/2004

Title Deed Description: Portion 76 (A portion of Portion 54) of the Farm Uitzicht No. 216 in the Municipality and Division of Knysna Western Cape Province.

SG Code: C03900000000021600076

Property Owner: Midnight Storm Investments 180(Pty)Ltd
Reg No 2004/027248/07

Title Deed Restrictions: The Title Deed contains no restrictive title deed conditions that prevent the proposed development.

Bonds: There is no bond registered over the property.

Property Size: 21,0427 (Twenty-One Comma Zero Four Two Seven) Hectares

Servitudes: There are no servitudes registered over the property.

A 6m wide servitude road borders the northern boundary of the property. Refer to **ANNEXURE D**.

SECTION B :**DEVELOPMENT PROPOSAL****3. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

(Refer to Plan 7: Architectural Drawings – 'Nico Vreken Architect')

The proposal is to exercise the primary land use rights of the property, (i.e. construction of a main farmhouse and farm manager's house). The development proposal entails the following:

- (i) The construction of one (1x) Main dwelling house to be situated in the south-western corner of the property.
- (ii) The construction of one (1x) Farm Manager's House in the north-western corner of the property (600m²).
- (iii) The construction of a new internal road to provide access to the southern portion of the property.

3.1. The Main Dwelling House

The primary dwelling unit will be situated in the south-western portion of the property consisting of the following interleading rooms:

- 6 Bedrooms.
- Open plan living area consisting of the kitchen, lounge area, dining area, kitchen, bar, scullery, bathroom and wine cellar.
- Open deck and swimming pool.

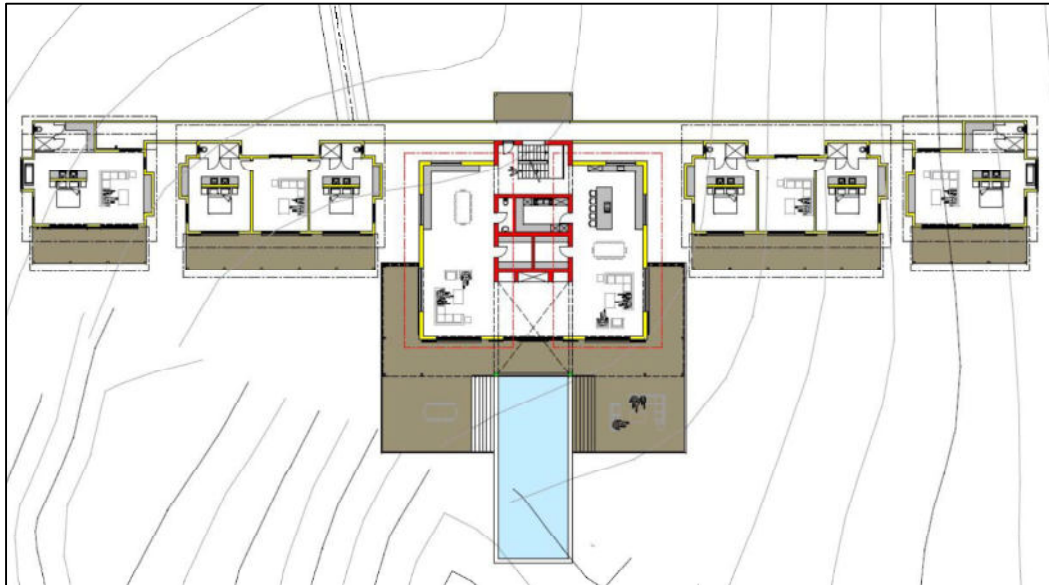


FIGURE 1: PROPOSED MAIN DWELLING HOUSE

3.2. The Farm Manager's House

The Dwelling house to be situated in the north-western corner will encroach the prescribed 30m building line, and therefore an application must be made for a permanent departure for the relaxation of the northern and western building lines.

The main reason why the house encroaches the prescribed building line is to prevent unnecessary disturbance of sensitive, pristine fynbos. The proposed footprint in the building line area is an existing transformed area, and consists of the following:

- Ground Floor: 600m²
- First Floor: 400m²
- Footprint: 600m²
- Disturbance area: 1200m²

3.3. Access & Parking

Access to Portion 76 of the Farm Uitzicht No 216 is obtained from the Northern portion of the property from the existing servitude road that runs along the northern boundary of the property. The current access will remain in place.

The existing public access road is shown on General Plan (SG 6783/1951) and indicated as a public access servitude (Kerk Laan), measuring 60 Cape Feet wide (i.e. 18,891m wide). Kerk Laan forms the northern boundary of the application area.



FIGURE 2: APPLICATION AREA IN RELATION TO EXISTING ACCESS SERVITUDE

The proposal entails the construction of a new internal road to provide access to the southern portion of the property.

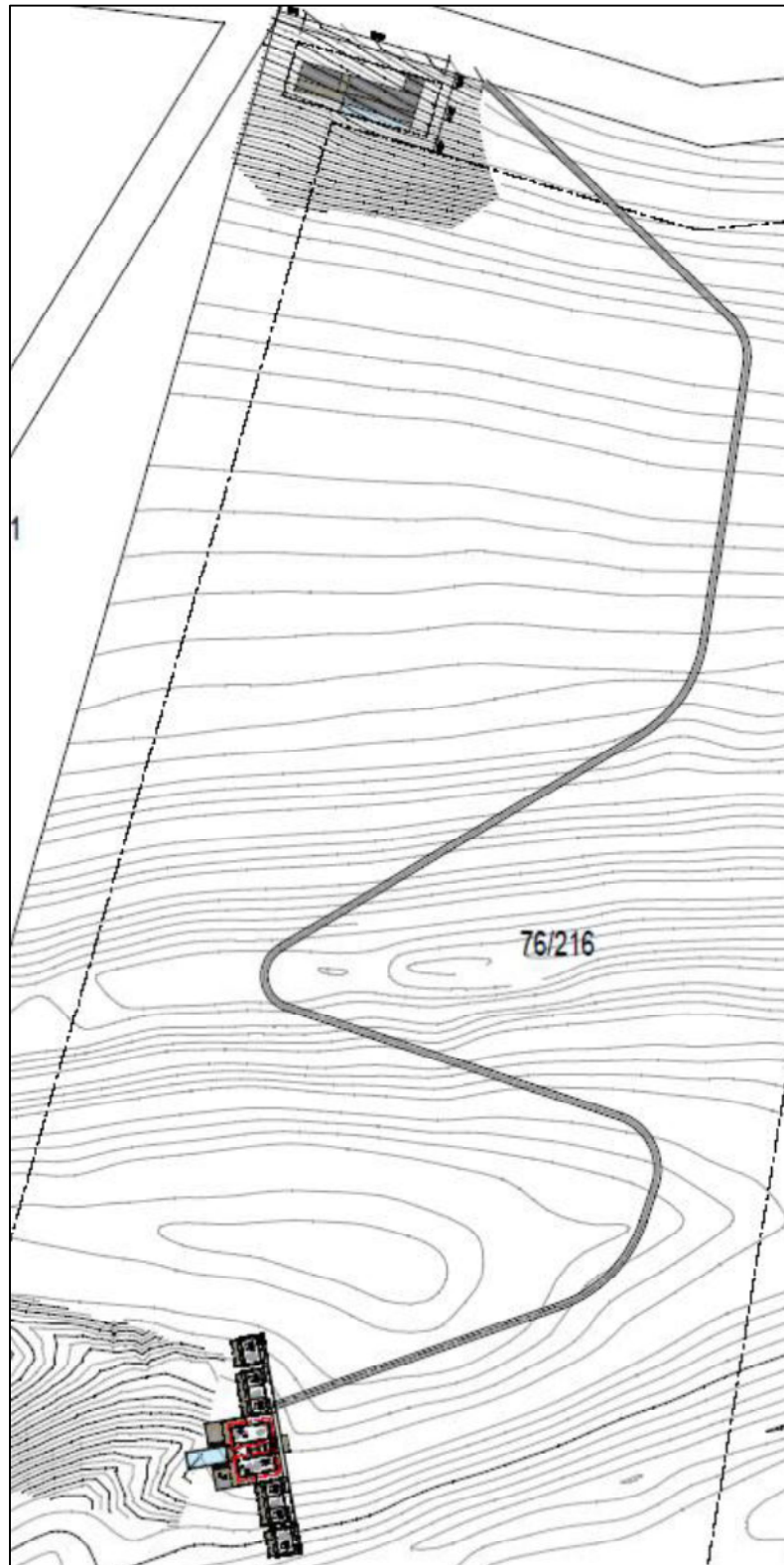


FIGURE 3: NEW PROPOSED INTERNAL ACCESS ROAD

The Section 8 zoning scheme regulations, 1988 does not prescribe a specific parking requirement for the proposed zoning category.

4. PROPOSED LAND DEVELOPMENT APPLICATION

The Application area is zoned "Agriculture Zone I" and "Agriculture" is a primary land use right in this zoning category. The Section 8 Zoning Scheme Regulations, 1988 define "Agriculture" as:

*"...the cultivation of land for raising crops and plants, including plantations, or the breeding of animals, including any form of farming activity, for example, stock, **bee or bird farming**, or any stud farm or farm for the keeping or breeding of animals, or a riding schools, or running a game farm on an extensive basis, **or natural veld**, and comprises only those activities and buildings that directly relate to the main farming activities on the farm, but does not include abattoirs, feed pen farming, aquaculture or other defined consent uses..."*

The proposal is to exercise the primary land use rights of the property, (i.e. construction of a farmhouse (Main dwelling unit) and farm manager's house). Both dwelling units comply with the definition of 'dwelling unit'¹ as per the Section 8 Zoning Scheme Regulations, 1988

To allow for the Farm managers house in the north-western corner, an application must be made for a Permanent Departure in terms of Section 15(2)(b) of the Knysna Municipality By-law on Municipal Land Use Planning (2016) to allow for the relaxation of the:

- Northern street building line from 30m to 5,8m
- Western side building line from 30m to 9m

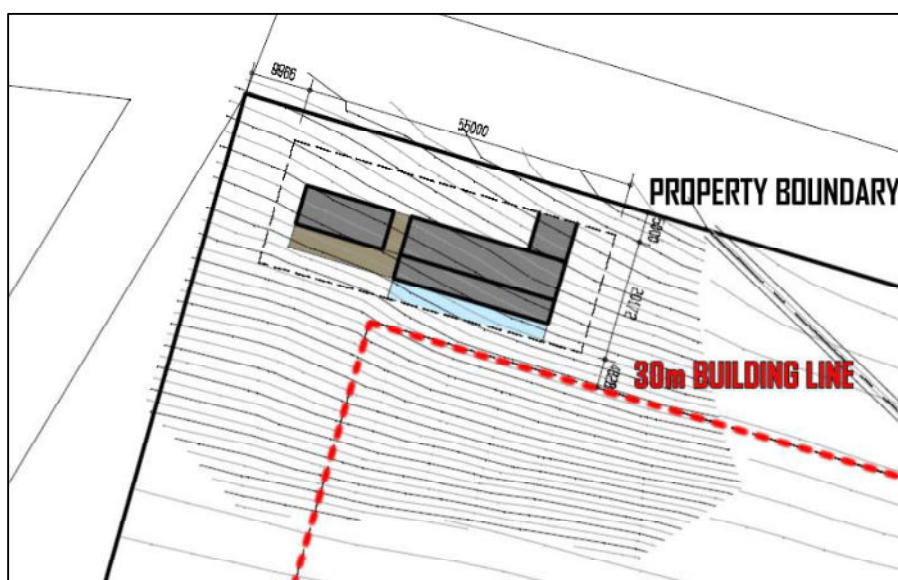


FIGURE 4: SITUATION OF THE PROPOSED FARM MANAGERS DWELLING

¹ 'Dwelling unit' means a self-contained interleading group of rooms with not more than one kitchen, used only for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith.

PORTION 76 OF THE FARM UITZICHT NO 216: SPECIALIST PLANNING REPORT

A summary of the prescribed development parameters for "Agriculture Zone I", and compliance of the proposed development's parameters are shown in the table below:

PARAMETER	REQUIREMENT	PROPOSAL	COMPLIANCE
Primary land use	'agriculture	'agriculture'	COMPLY
Building Lines:	Northern Street building line: at least 30m.	5,8m	DEPARTURE REQUIRED
	Eastern Side building line: at least 30 m.	30m+	COMPLY
	Southern Side building line: at least 30 m.	30m+	COMPLY
	Western Side building line: at least 30 m.	9m	DEPARTURE REQUIRED

SECTION C :**CONTEXTUAL INFORMANTS****5. LOCALITY**

(Refer to Plan 1: Locality Plan)

The application area is located approximately 1.5km west of the Brenton on Sea Residential area and the southern boundary of the application area borders Brenton Beach. The application area currently gains direct access from the existing Servitude road (Kerk Laan), directly north of the property boundary. The coordinates of the centre point of the property are located at 34° 4'8.64"S and 23° 0'9.36"E.

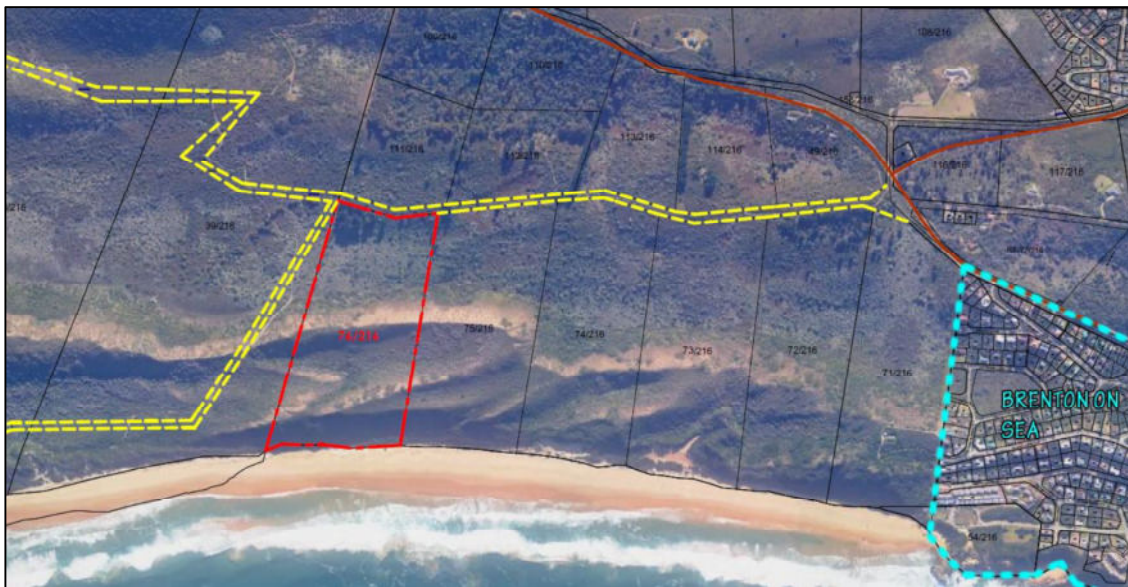


FIGURE 5: LOCALITY

6. CURRENT LAND USE AND ZONING**6.1. Land Use**

Portion 76 of the Farm Uitzicht No 216 is currently vacant.

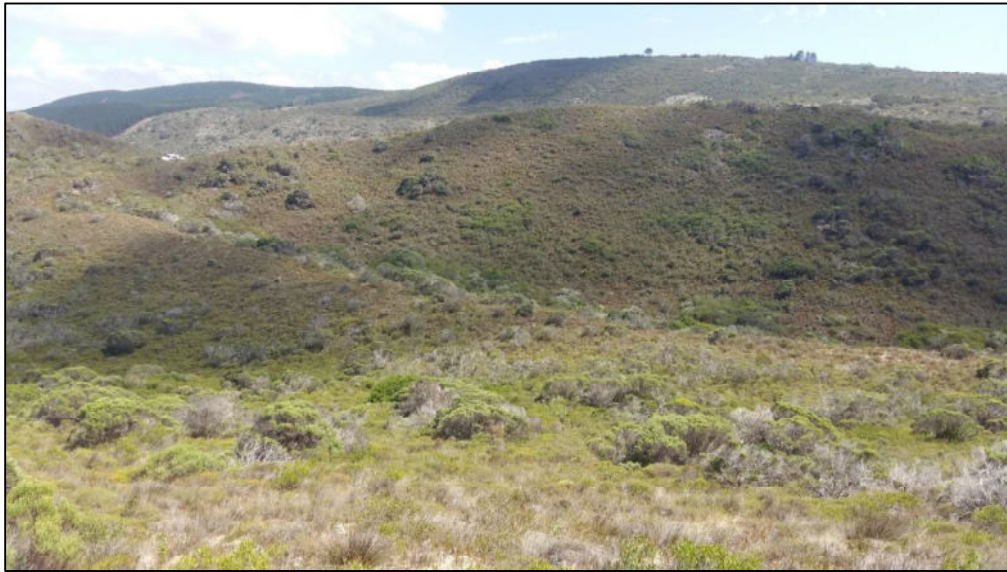


FIGURE 6: PORTION 76 OF THE FARM UITZICHT NO 216

6.2. Zoning

(Refer to Plan 2: Zoning Plan)

Portion 76 of the Farm Uitzicht No 216 is currently deemed to be zoned as "Agriculture Zone I" in terms of the Section 8 Zoning Scheme Regulations (1988).

7. SITE CHARACTERISTICS

7.1. Topography

(Refer to Plan 4: Slope Analysis – 2m Contour & Survey Locations)

A Survey was done by Eden Geomatics during November 2016 on the two identified sites suitable for development, situated in the north-western corner and southwestern corner of the subject property.

The property is characterised by hilly topography, with distinct dune ridgelines and thickly vegetated valleys, with moderate to steep slopes.

The height of the application area is at an average height of between 40m to 60m above MSL. The average slope percentage is within the 25%+ category. The southern portion of the property has relatively steep slopes of up to 55%.

The two identified sites have relatively even slopes are in the southern portion of the site which is suitable for development. The new buildings are proposed on these two sites on the areas suitable for development. No development will occur on the other sections of the site where steep slopes and uneven ground are present.

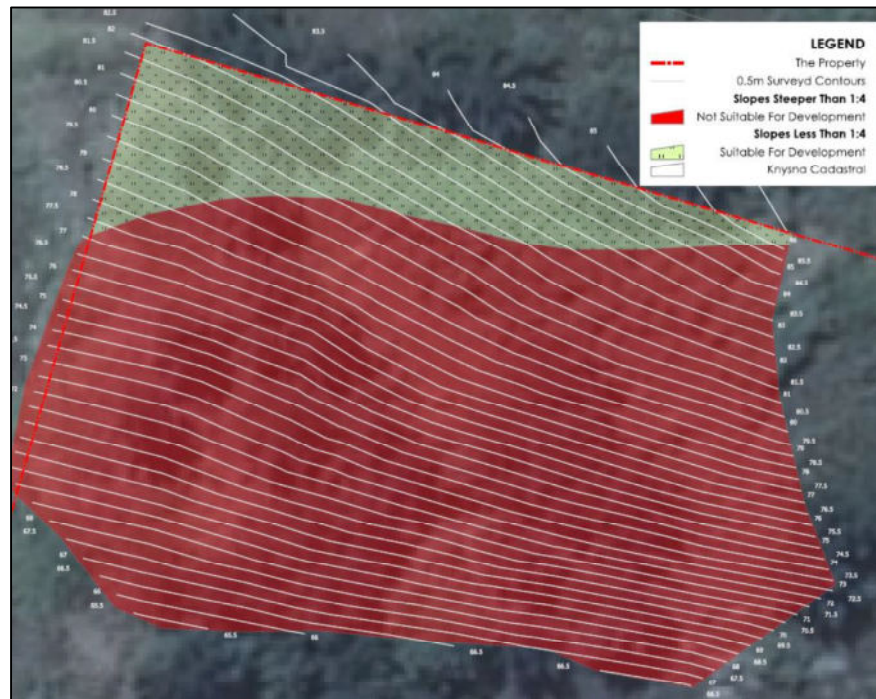


FIGURE 7: SITE A LAYOUT

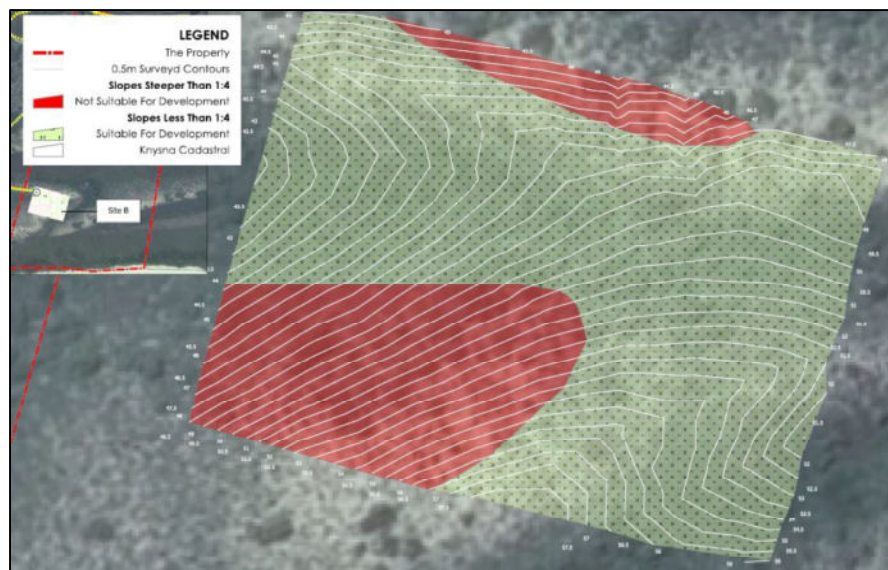


FIGURE 8: SITE B LAYOUT

7.2. Vegetation

According to the Vegetation Sensitivity Analysis done by 'Enviro-Prac Consultancy' based on 'Vegetation of Southern Africa, Lesotho and Swaziland (VEGMAP) (Mucina & Rutherford)' classification, the following vegetation types occur on the property:

VEGETATION TYPE	ECOLOGICAL STATUS
FFd 10 Knysna Sand Fynbos	Critically Endangered
FFd11 Southern Cape Dune Fynbos	Least Threatened
Azd3 Cape Sea Shore Vegetation	Least Threatened

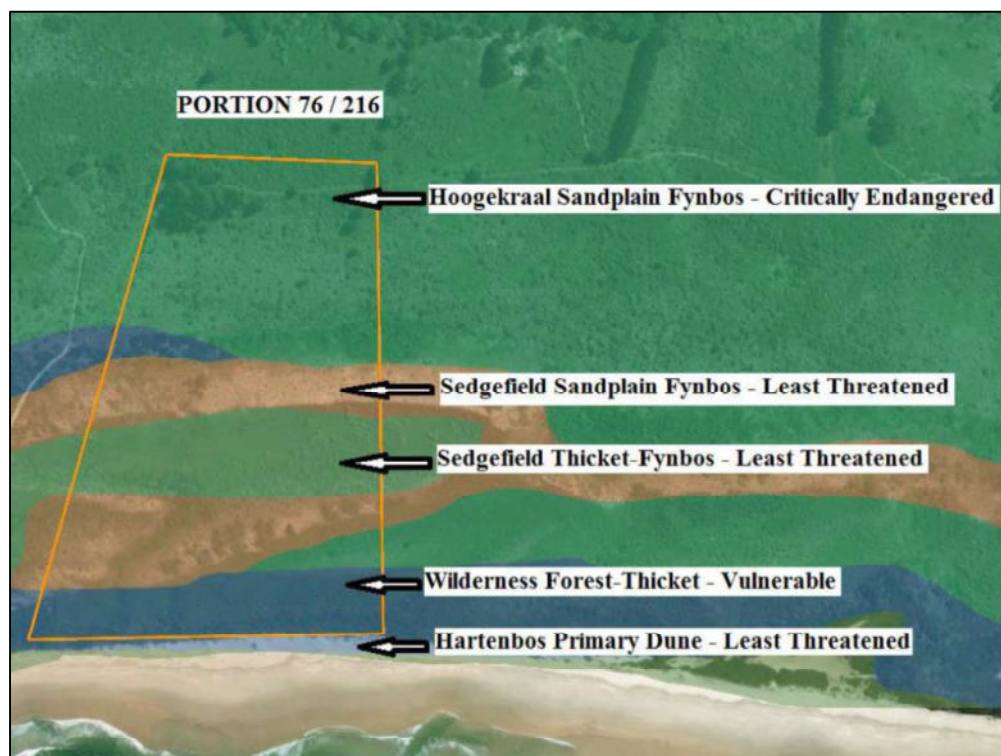


FIGURE 9: GRI VEGETATION TYPES & ECOLOGICAL STATUS

According to the Critical Biodiversity Areas of the 'Garden Route Conservation Planning Report 2010 (Holness et al) (GRI)' the following vegetation types occur on the property.

VEGETATION TYPE	ECOLOGICAL STATUS
Hoogekraal Sandplain Fynbos	Critically Endangered
Wilderness Forest Thicket	Vulnerable
Sedgefield Thicket-Fynbos	Least Threatened
Sedgefield Sandplain Fynbos	Least Threatened
Hartenbos Primary Dune	Least Threatened

7.3. Agricultural Potential

According to Cape Farm Mapper, the Dryland Potential Index is very high and in terms of land capability, the majority of the property has a low to moderate (medium) potential. A small section in the middle of the property has a moderate to high (high) potential and a small portion in the southeastern corner of the property has a low to very low potential (low).



FIGURE 10: AGRICULTURE POTENTIAL-LAND CAPABILITY

The application area makes no contribution whatsoever to agricultural production at this stage for crop and grazing purposes.

However, preservation of natural veld and bee farming will be practised on this property and both is seen as agriculture activities. It can, therefore, be concluded that the property has low agricultural potential and no productive agricultural land will be lost by allowing the construction of the proposed buildings.

8. CHARACTER OF THE AREA

(Refer to Plan 3: Land Use Plan)

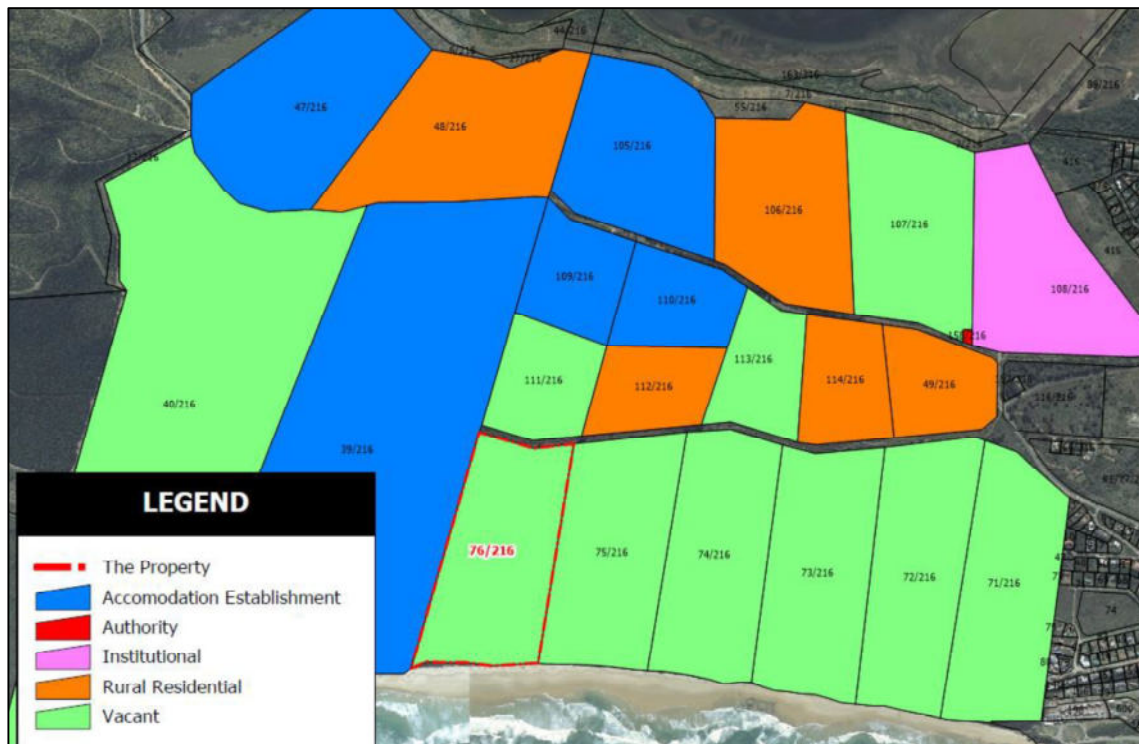


FIGURE 11: CHARACTER OF THE AREA

The Figure above illustrates the surrounding land uses in close proximity to the application area. The surrounding land uses are predominantly rural, and the majority of the properties are vacant due to the conservation status. Other land uses in the area include one municipal-owned portion of land used for authority purposes (158/216), rural residential properties, various accommodation establishments namely: "Villa Castollini" (105/216), "Bay View Guest Apartments" (110/216), "Forever View" (47/216) and "Endlovana Bush Camp" (39/216) situated directly west of the application area that accommodates 21 guests in 8 luxury tents on wooden platforms in the forest. One Institutional land use is also present in the surrounding area namely "Brenton Hill Care Home" (108/216) located approximately 1.5km from the application area. The most recognizable landmark in the area is "Villa Castollini" which is located approximately 750m north of the application area.



FIGURE 12: BRENTON HILL CARE HOME (108/216)



FIGURE 13: VILLA CASTOLINI (105/216)



FIGURE 14: FOREVER VIEW (47/216)



FIGURE 15: ENDLOVANA BUSH CAMP" (39/216)

The properties in the immediate surrounding area were intended to be used for agricultural and conservation purposes, but with time the agricultural use in the area decreased and a variety of other land uses occurred. Some agricultural properties are evident, and these mostly used for rural residential purposes with minimal agriculture activities. The area has retained its mainly rural character despite its diversified land uses.

SECTION D :**SPATIAL PLANNING POLICIES****9. EXISTING POLICY FRAMEWORKS**

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

9.1. 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 PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Capes strategic objectives. These policies are categorised into three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

The Western Cape’s agenda for spatial transformation and improved efficiencies in the use of natural resources are closely linked. The PSDF states that the paradigm that economic growth implies the on-going depletion of the Province’s natural capital needs to be broken. This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called ‘decoupling’ of economic growth strived for, requires reductions/substitutions and/or replacements in the use of limited resources, while avoiding negative environmental impacts. The table below contains a summary of the key transitions promoted in the PSDF:

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

FIGURE 16: KEY TRANSITIONS FOR THE PSDF

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning.

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

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development and strengthening the economy in rural areas;
- (iii) 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 proposed development.

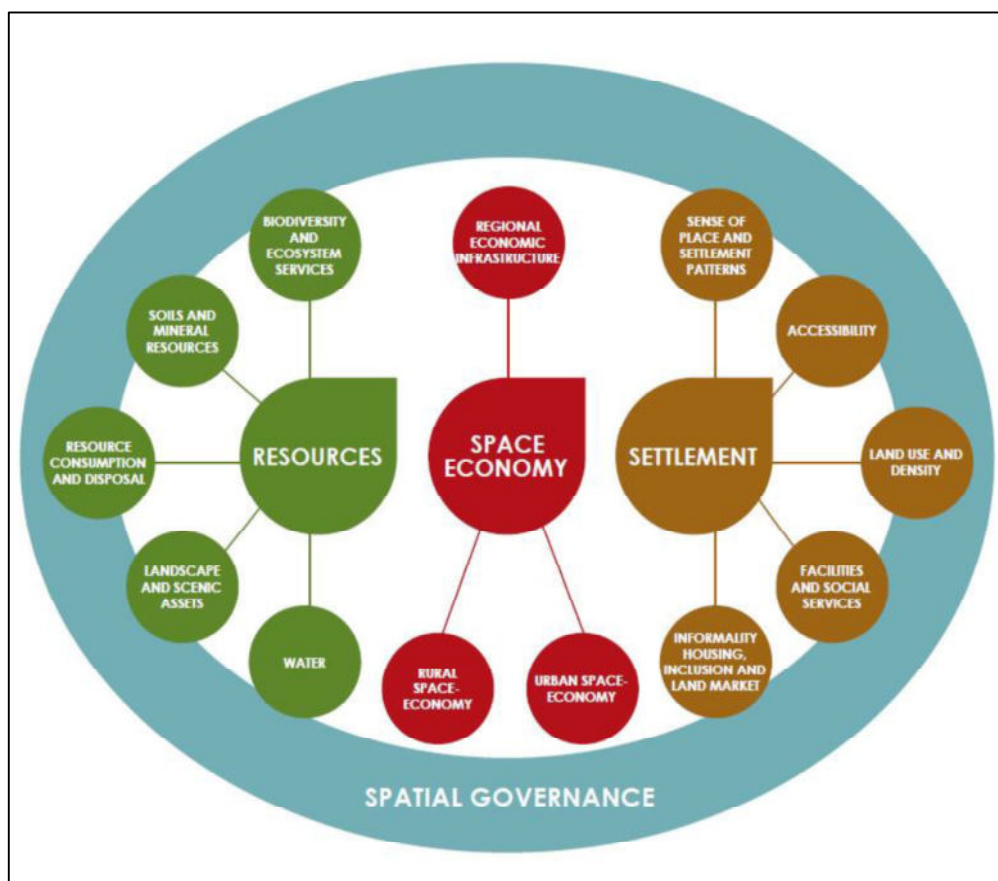


FIGURE 17: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

POLICY R1: PROTECT BIODIVERSITY AND ECOSYSTEM SERVICES

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
1. The Western Cape's CBA mapping which CapeNature is currently updating and refining, together with the draft priority climate change adaptation corridors delineate the Western Cape's biodiversity network. Continue to use CBA mapping to inform spatial planning and land use management decisions in the Province.	<i>The entire property is earmarked as "Terrestrial CBA".</i> <i>The objective of this is to "...Maintain in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate..."</i> <i>EIA currently in process and the mapping has to be "ground-truthed" and motivated. The Proposed Site A has been disturbed and is suitable to build a dwelling house development. Identified Site B is also ideal given the topography. No development is proposed on the remainder of the site.</i>

POLICY R3: SAFEGUARD THE WESTERN CAPE'S AGRICULTURAL AND MINERAL RESOURCES, AND MANAGE THEIR SUSTAINABLE USE

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
1. Record unique and high potential agricultural	<i>The application area makes no contribution</i>

land (as currently being mapped by the Provincial Department of Agriculture) in municipal SDFs, demarcate urban edges to protect these assets, and adopt and apply policies to protect this resource (especially in areas where raw water is available)	<i>whatsoever to agricultural production at this stage for crop and grazing purposes. However, preservation of natural veld and bee farming will be practised on this property and both are agricultural activities. It can, therefore, be concluded that the property has low agricultural potential and no productive agricultural land will be lost by allowing the construction of the proposed buildings.</i>
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Planning Implication:

*The subject property is situated **outside** the urban edge of the Brenton on sea area. The landowner will be exercising their primary land use rights for Agriculture Zone I properties, however, requires an EIA to allow development in a CBA area and the relaxation of the prescribed building lines. The mapping must be "ground-truthed" and motivated during the EIA process. WCPSDF gives a lot of focus on the protection / conservation of cultural and scenic landscapes. The application area is located on a prominent hill area. The visual impact was taken into consideration with the current design. The proposal is in line with the provisions of this spatial document and will not detract from the existing spatial pattern of the area which is agriculture zoned properties.*

The development proposal is consistent with the strategic objectives and policies as set out by the Western Cape Spatial Development Framework. As stated above it is directly in line with Policies R1 & R3.

9.2. Western Cape Rural Development Guidelines (2019)

The Western Cape Land Use Planning: Rural Areas Guideline as approved by Provincial Minister on 3 March 2019 and forms part of the roll-out of the PSDF; the objectives Rural Areas Guideline are to:

- To promote sustainable development in **appropriate rural locations** throughout the Western Cape and ensure that the poor share in the **growth of the rural economy**.
- Safeguard priority biodiversity areas and the functionality of the Province's life-supporting **ecological infrastructure and ecosystem services** (i.e. environmental goods and services).
- To maintain the integrity, authenticity, and accessibility of the Western Cape's significant farming, ecological, cultural and scenic rural **landscapes, and natural resources**.
- To assist Western Cape municipalities to **plan and manage** their rural areas more effectively and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate **beyond the current built-up areas**, suitable locations where it could take place, and the **desirable form and scale** of such development.

- Be viewed as a gender mainstreaming tool which will move the Western Cape further along the trajectory towards the achievement of equality, particularly the youth and gender equality imperatives in rural land use planning.

GUIDELINES FOR RESPECTIVE LAND USES

Development in a rural area should not:

- have a significant negative impact on biodiversity, ecological system services or the coastal environment;
- lead to the loss or alienation of agricultural land or has a cumulative impact thereupon;
- compromise existing or potential farming activities;
- compromise the current and future possible use of mineral resources;
- be inconsistent with the cultural and scenic landscape within which it is situated;
- lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;
- impose real costs or risks to the municipality delivering on their mandate; and
- infringe on the authenticity of the rural landscape.

The Western Cape Government approach to managing development pressures for the rural land uses placed under the following categories:



FIGURE 18: WCG RURAL LAND USE CATEGORIES

The proposed land uses would be categorised as:

- **AGRICULTURE**
- **RURAL ACCOMMODATION**
- **CONSERVATION**

These categories are summarised as follow:

Agriculture: As the foundation of the Western Cape's rural economy, the WCG approach to Agriculture is to: promote consolidation of farming landscapes and prevent their fragmentation; provide for land and agrarian reform; improve the economic viability of farming by facilitating diversification of agricultural production; promote enterprise opportunities within the food system and promote sustainable farming practices.

The objectives for this category as per the guidelines are:

- Protect agriculture as primary land use in the rural landscape.
- Restrict the fragmentation of agricultural landscapes and promote consolidation, except small-scale farming enterprises for land reform purpose.
- Protect, maintain and enhance viable agricultural units and encourage sustainable farming practices.
- Provide for small-scale farming and facilitate land and agrarian reform.
- Improve the economic viability of farms through the intensification and diversification of agricultural production and improve enterprise opportunities within the food system.
- Improved food resource management (availability of food/food security) and an inclusive food economy (assistance to access to food).
- Sustainable land management is to be tested and monitored
- Encourage the economic viability of agricultural enterprises through the introduction of non-agricultural land uses including tourist accommodation and facilities and additional dwelling units

Rural Accommodation: Given the Western Cape's unique rural communities and landscapes, tourism offers exciting prospects to diversify and strengthen the rural economy. Accordingly, the WCG approach to Rural Accommodation is to facilitate the provision of a variety of short-term tourism accommodation across the rural landscape, that is in keeping with the local character.

This policy envisages a wide range of accommodation/residential opportunities in the rural area which is summarised in the table below:

LOCATION	TYPE OF ACCOMMODATION
Farms	<u>One homestead (owner's dwelling)</u> <u>Five additional dwellings</u> <u>Agri worker housing</u> Guesthouse Camping sites
Resorts	Temporary Tourist accommodation Employees' accommodation
Nature reserves	One homestead (Owner's dwelling) Accommodation for tourists Employees' accommodation
Smallholdings (on the urban fringe)	One homestead (Owner's dwelling) Second dwelling Guesthouse
Agri-village	Accommodation for bona fide agri workers

Conservation: Biodiversity, heritage and scenic resources all form part of the rural conservation agenda, both at landscape and farm level. The WCG approach to Conservation is to formally protect priority conservation areas, establish ecological linkages across the rural landscape, and mainstream a conservation ethic into all rural activities.

The objectives for this category as per the guidelines are:

- Protect and conserve important terrestrial, aquatic (rivers, wetlands and estuaries) and marine habitats, as identified through a Systematic Biodiversity Planning or similar conservation planning process.
- Facilitate the formal protection of priority conservation areas (public and private), as well as implementing conservation management actions for CBAs and ESAs that are not formally proclaimed nature reserves.
- Towards mitigating against the impacts of climate change, to establish ecological corridors across the rural landscape.
- Protect the scenic qualities of the Western Cape's cultural and natural landscapes.
- Protect the Western Cape's rural 'sense of place' and structures of heritage and archaeological significance, and ensure that new development respects cultural landscapes and sites.

Planning Implication:

The Rural Development Guidelines are guidelines to maintain the unique character of rural areas and to guide spatial planning and land use management in rural areas. The landowners are trying to implement their existing land use rights as outlined in the Section 8 Zoning Scheme Regulations 1988 for "Agricultural Zone I" properties. The proposed agricultural activities and proposed buildings on this property will be consistent with the guidelines for implementation of Agriculture activities, rural accommodation and conservation in the rural area and in line with the objective of preserving the agricultural character of the area. The proposal is in line with the Rural Development guidelines.

9.3. 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.

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

STRATEGY: GROWTH MANAGEMENT	
POLICY 1.1. Establish, manage and market the garden route and Klein karoo as two unique sub-regions of Eden.	
Guideline 1.1.1. Contain development and manage rural areas through the appropriate application of SPCs	COMPLIANCE WITH THE LAND DEVELOPMENT APPLICATION
In line with WC DEA&DP guidelines for rural land use development, new investment in rural areas should not:	<i>The proposal will have a minimal impact on biodiversity. Design measures were implemented to have the least impact on the environment.</i>
▪ Have a significant impact on biodiversity; ▪ Alienate unique or high-value agricultural land; ▪ Compromise existing farming activities;	<i>The application area makes no contribution whatsoever to agricultural production at this stage for crop and grazing purposes. However, preservation of natural veld and bee farming will</i>

▪ Compromise the current and future use of mineral resources; ▪ Be inconsistent with cultural and scenic landscapes within which it is situated; ▪ Involve extensions to the municipality's reticulation networks; ▪ Impose real costs or risks to the municipality delivering on their mandate; and ▪ Infringe on the authenticity of the rural landscape and heritage assets	<i>be practised on this property and both are seen as agriculture activities. It can, therefore, be concluded that the property has low agricultural potential and no productive agricultural land will be lost by allowing the construction of the proposed buildings.</i> <i>The proposal is in line with the Heritage Act and no HIA is required. The rural character of the area will not be altered by allowing the proposal.</i>
POLICY 1.5. Manage development along the coastline in a sustainable and precautionary manner.	
Guideline 1.5.6. Coastal management	COMPLIANCE WITH THE LAND DEVELOPMENT APPLICATION
Coastal sensitivities must be integrated into all applicable planning decisions within the coastal region, in order to protect existing property, infrastructure and ecology. This will also ensure that only responsible and ecologically sustainable development takes place in high-risk areas.	<i>The landowners are not applying for any additional land use rights than what is currently allowed on the subject property. The proposal will have no impact on the quality of this portion of Coastal property.</i>

According to the Eden SDF, Knysna & Brenton-on-Sea is categorised as a "**Specialised Coastal Centre**"² and the function or role of Brenton-on Sea within the Eden District is a 'Retirement' orientated town.

Planning Implication:

The Spatial document emphasises sustainable development and protecting the environment which is the economy of the unique Eden area. The property owners would like to exercise the primary land use rights. The size and scale of the proposed development are relatively small compared to the property size and the density will therefore not detract the rural characterisation of the area. The proposal has no direct link with all the strategies and the guidelines of the Eden SDF but is consistent with the overall vision of this spatial document. The proposal is also consistent with the categorisation of Knysna / Brenton on Sea as per the Eden SDF namely a 'Specialised Centres -Coast'. The proposal is in line with the applicable strategies and the guidelines of the Eden SDF.

9.4. 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.

²"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.

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

Planning Implication:

The application area is located outside the urban edge of Brenton on Sea. The proposal is to allow the property to be used for Agricultural purposes (natural veld and bee farming) which are permitted outside the urban edge. No additional land use rights are being applied for meaning the proposal is in line with the current status and demarcation as outlined in the SDF and also the relevant designations in the Spatial Development Framework

The proposed development is consistent with the spatial pattern of the Knysna Municipal area and the vision of the SDF. It can, therefore, be concluded that the proposed development is in line with the Bitou SDF.

9.5. 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 seven Strategic objectives that are aligned to the national strategic focus areas as well as the Provincial Strategic Goals of the Western Cape Government. These objectives applicable to the proposed development are:

STRATEGIC OBJECTIVE	INTERVENTIONS
To ensure the provision of bulk infrastructure and basic service through the upgrading and replacement of ageing.	Streets and stormwater: - To improve the conditions of all roads, streets and stormwater drainage in terms of the Pavement Management System (PMS). - Forming partnerships with property owners to assist with the upgrading and maintenance of roads infrastructure.
To promote a safe and healthy environment through the protection of our natural resources.	Environmental Conservation: Promote inclusive living spaces.

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

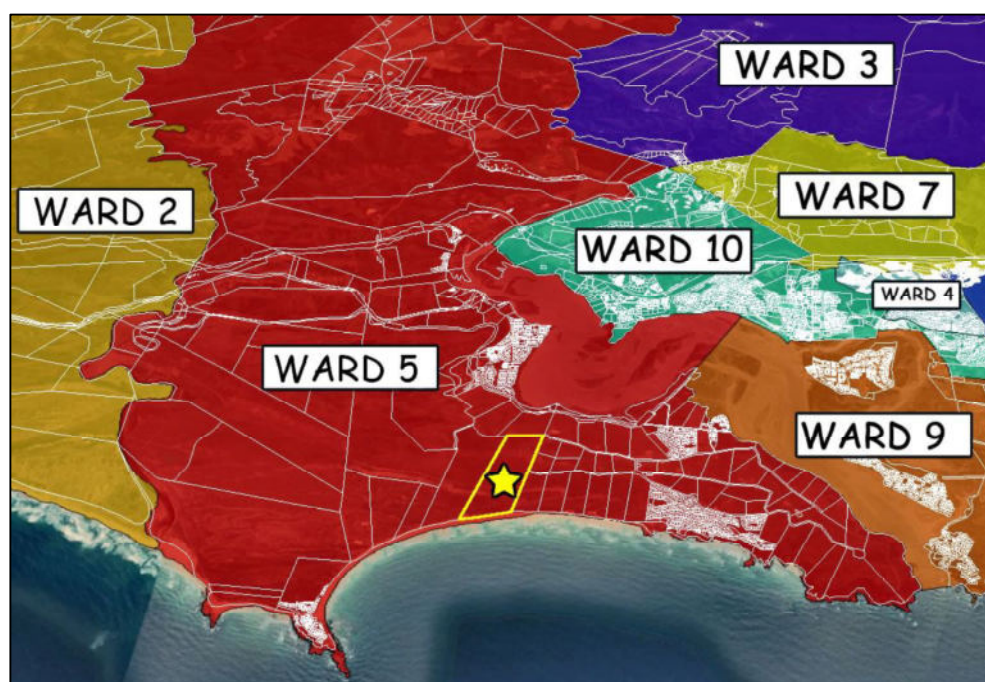


FIGURE 19: KNYSNA WARDS

Planning Implication:

The IDP is a municipal planning tool to integrate municipal planning and allocate municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. Temporary employment opportunities will be created during the construction phase. The proposal will also allow for a new agriculture activity in the form of bee farming that will also contribute to the growth of the local economy. It can be concluded that the proposed development is consistent with the strategic objectives and the envisioned outcome for the Knysna Municipal area.

SECTION E :**STATUTORY REQUIREMENTS****10. 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.

10.1. 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 policy 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". Need for a project also relates to the services capacity and consistency with infrastructure planning.

The landowner would like to construct his dwelling house to reside in whilst also conducting an agricultural activity. The need for accommodation is considered a basic need. Due to the scarcity of bees in the world currently and their importance to the ecosystem one can argue that there is a dire need for this farming activity.

There is therefore indeed a need for the proposal not only for the landowner but also for the public.

10.2. Desirability

The desirability of a proposed development also relies heavily on the 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 subject property is currently zoned "Agriculture Zone I" in terms of the Section 8 Zoning Scheme Regulations (1988). The landowners would like to exercise their current land use rights by utilising the property for agriculture purposes and the construction of their dwelling houses as allowed by the scheme.

The entire application area is earmarked as Critical Biodiversity Area, and therefore the application must be made to obtain Environmental authorisation. The site conditions required that the situation of the farm managers house be inside the prescribed building lines to cause the least damage to the environment hence application is made for the relaxation of the prescribed building lines. The proposal was specifically designed for the best practicable environmental solution with the least disturbance.

The proposal is in line with the applicable policy documentation (Western Cape Provincial SDF, Western Cape Rural Development Guidelines, 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 can, therefore, be concluded that the proposal can be regarded as desirable.

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

10.3. Planning Evaluation

The above boxes for need and desirability can be ticked.

The proposal is to exercise the existing land use rights by constructing a main dwelling house and one farm managers house. Both dwelling units comply with the definition of a dwelling unit as defined in the Section 8 Zoning Scheme Regulations, 1988.

The farm managers house situated in the north-western corner will encroach the prescribed 30m building line, and therefore an application must be made for a permanent departure for the relaxation of the northern and western building lines from 30m. The main reason why the house encroaches the prescribed building line is to prevent unnecessary disturbance of sensitive, pristine fynbos. The proposed footprint in the building line area is an existing disturbed area.

The proposal is directly aligned with the strategic Objectives R1 & R3 as set out in the Western Cape Spatial Development Framework and in line with the overall vision for the area. The proposal is in line with the Provincial Rural Development Guidelines Criteria for implementation: Agriculture (Bird & Bee Farming) Rural Accommodation (Main dwelling

and Farm Managers dwelling) Conservation (Natural veld). The proposal is consistent with the Spatial Policy Statements & Guidelines of the Eden Spatial Development Framework and directly aligned with:

- Guideline 1.1.1. Contain development and manage rural areas through the appropriate application of SPCs
- Guideline 1.5.6. Coastal management

The proposal is in line with the demarcation as per the current Knysna SDF, will remain agricultural. The Integrated Development Plan (IDP) sets out strategic objectives to achieve the desired goal of the Knysna Municipality. The proposal is directly linked with two of the strategic objectives namely:

- To ensure the provision of bulk infrastructure and basic service through the upgrading and replacement of ageing.
- To promote a safe and healthy environment through the protection of our natural resources.

The landowners would like to exercise the primary land use rights, and from a planning perspective, the proposal is desirable and in line with all the applicable spatial planning documents. The proposed farming activity will also contribute to the repopulation of bees which is a worldwide issue. The proposal is desirable and will contribute to the local economy

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.

11. 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.

12. 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. The tables below aim to summarise how the proposed development on Portion 7 of the Farm Brakkloof No 443 complies with these planning principles.

12.1. Spatial Justice

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Past spatial and other development imbalances must be redressed through improved access to and use of land.	N/A	<i>This policy does not apply to the application area.</i>
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.	N/A	<i>This policy does not apply to the application area. Not a Spatial Development Framework or Policy.</i>
Spatial planning mechanisms, including land-use schemes, must incorporate provisions that enable redress in access	N/A	<i>This policy does not apply to the application area.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
to land by disadvantaged communities and persons.		
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.	N/A	<i>This policy does not apply to the application area.</i>
Land development procedures must include provisions that accommodate access to, and facilitation of, the security of tenure and the incremental upgrading of informal areas.	N/A	<i>The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Knysna Municipality, 2016.</i>
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.	N/A	<i>The municipality should process this application within the prescribed guidelines of the Land Use Planning By-Law for Knysna Municipality, 2016.</i>
The right of owners to develop land in accordance with current use rights should be recognised.	COMPLY	The landowners are exercising their current primary land use rights to construct the main dwelling unit and a farm manager dwelling unit.

12.2. Spatial Sustainability

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
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;	COMPLY	The proposal aims to deliver a spatially compact design, with a minimal disturbance within a CBA area.
Ensure that special consideration is given to the protection of prime, unique	COMPLY	Par.7.3 Highlights the fact that no productive agricultural land will be lost by allowing this proposal. However, preservation of natural veld

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
and high potential agricultural land.		and bee farming will be practised on this property and both are defined as agricultural activities. It can, therefore, be concluded that the property has low agricultural potential and no productive agricultural land will be lost by allowing the construction of the proposed buildings
Uphold consistency of land use measures in accordance with environmental management instruments.	COMPLY	Currently busy with an environmental authorisation process.
Promote and stimulate the effective and equitable functioning of land markets.	COMPLY	The proposal will be to utilise the existing primary land use rights. No additional land use rights are being applied for and therefore no impact on the functioning of the current land use markets.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	COMPLY	Any service upgrades at the cost of the applicant. Civil and electrical services report is to be provided with the land use application.
Promote land development in locations that are sustainable and limit urban sprawl.	COMPLY	The proposed development is sustainable and will merely be the exercising of the primary land use rights. No urban sprawl will be created with this proposal.
Result in communities that are viable.	COMPLY	The proposal will allow the landowners to exercise their current land use rights. By allowing this it will create a more viable community, allowing members of the community to exercise their rights
Strive to ensure that the basic needs of all citizens are met in an affordable way.	<i>N/A</i>	<i>This principle does not apply to the applicant or this development.</i>
The sustained protection of the environment should be ensured.	COMPLY	Currently busy with an environmental authorisation process.

12.3. Spatial Efficiency

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities.	COMPLY	Any service upgrades at the cost of the applicant. Civil and electrical services report is to be provided with the land use application.
Integrated cities and towns should be developed.	<i>N/A</i>	<i>This policy applies to township developments, new urban developments and development within the urban area.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Policy, administrative practice and legislation should promote speedy land development.	N/A	<i>The municipality should process this application within the prescribed time frames of the Land Use Planning By-Law for Knysna Municipality, 2016.</i>

12.4. Spatial Resilience

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	COMPLY	The proposal is consistent with the various applicable spatial plans, policies and land use management systems. It will have no negative impact on the livelihood of the community. The Environmental authorisation process is currently ongoing. The proposed application complies with the requirements of the Knysna Municipality By-Law on Municipal Land Use Planning (2016).

12.5. Good Administration

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
All spheres of government should ensure an integrated approach to land-use planning.	Applicable to Knysna Municipality	This principle has no direct bearing on the application; however, Knysna Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw. What is however important is that all decision making is aligned with sound policies based on nation, provincial and local development policies.
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		

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
on matters affecting them.		
The legislation, procedures and administrative practice relating to land development should be 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.		

13. 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. Requires a land-use approval for a permanent departure for the relaxation of the prescribed northern street building line from 30m to 5.8m and the prescribed western lateral building line from 30m to 9m to allow for the farm managers house to be situated in the north-western corner.

2. The Title deed for Portion 7 of the Farm Brakkloof No 443 (T117601/2004) does not contain any restrictive conditions that prevent the proposal.
3. Both the Farm Managers house and Main dwelling unit complies with the definition of a dwelling house, as per the Section 8 Zoning Scheme Regulations, 1988.
4. The following specialist inputs will be required for the proposed development proposal:
 - Biodiversity Assessment (Completed);
 - Civil Services Report - Civil Engineer;
 - Electrical Services Report - Electrical Engineer;
 - Architectural Proposal - Architect;
 - Geotechnical report - Geotechnical Engineer; and
 - Prepare Environmental Impact Assessment for Environmental Authorisation-Environmental Consultant.
5. The agricultural activity on the farm will be bee farming whilst the remainder of the farm will be conserved.
6. Adequate access to Portion 7 of the Farm Brakkloof No 443 is obtained from the Northern portion of the property from the existing servitude road that runs along the northern boundary of the property.
7. A new internal road to provide access to the southern portion of the property will be constructed.
8. The proposal is consistent with the character of the area.
9. Is consistent with the various applicable spatial planning policies and land use management legislation.
10. There is a great need for 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
April 2020

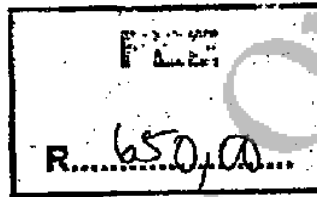
ANNEXURE A:

*Copy of Windeed search and Copy of Title
Deed – T117601/2004*

14
VAN DER SPUY & PARTNERS
"The Bridge"
2nd Floor, Building 4
304 Durban Road
BELLVILLE

Prepared by me

CONVEYANCER
JVB LOUW



03 JAN 2005

7000117601/2004

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

~~DE WAAL ESTERHUYSE~~ JAN BRAND ROBERTSON

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said
appearer being duly authorised thereto by a Power of Attorney which said Power
of Attorney was signed at BOKSBURG on 23 October 2004 granted to him by

NASUKAR HOLDINGS (PTY) LIMITED
No. 1979/000531/07

REGISTERED	
OPERATED	
DATE	
TIME	

And the appearer declared that his said principal had, on 14 October 2004, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of:

MIDNIGHT STORM INVESTMENTS 180 (PROPRIETARY) LIMITED
No. 2004/027248/07

or its Successors in Title or assigns, in full and free property

PORTION 76 (A PORTION OF PORTION 54) OF THE FARM UITZIGT
NO 216
IN THE MUNICIPALITY AND DIVISION OF KNYSNA, WESTERN CAPE
PROVINCE;

IN EXTENT 21,0427 (TWENTY ONE COMMA ZERO FOUR TWO
SEVEN) HECTARES

FIRST TRANSFERRED by Deed of Partition Transfer No. T17269/1955 with Diagram No. 6821/1951 relating thereto and held by Deed of Transfer No. T79281/1993/

1. **SUBJECT TO** the conditions therein contained;
11. **FURTHER SUBJECT** to and with rights imposed by special conditions (a) (b) and (c) contained in Partition Transfer No. T8082/1928 that reads as follows:-
 - "(a) The proprietors of Belvidere and their successors in title shall have access to Brenton by and along the whole course of the line of road marked on the diagram of the farm annexed to the amended Grant thereof dated 30th March, 1914 (the commencement and termination of the said line of road being P and Q respectively) and from the termination of that road to the river at or near the picnic place by the existing path (the termination of the said road and the termination of the said path at the picnic place being marked Q and R respectively, the said road and path being similarly marked and lettered on the Diagram hereto annexed).
 - (b) That if the proprietors of Brenton or any of their successors in title construct a road or use a road for traffic to any point on the Knysna River below the Picnic Place, the proprietors of Belvidere and their successors in title shall be entitled to the use thereof and if it does not connect with any line or road mentioned in clause (a) aforesaid to a right of way from the line mentioned in clause (a) to the same.
 - (c) That the proprietors of Brenton and their successors in title shall have a right of way by the line of road marked on the diagram annexed to the Grant aforesaid to where it joins with the existing

public road or at or near Ashford (the commencement and termination of the said road over which the right of way operates being marked P and Q respectively) or with any public road to be hereafter proclaimed in lieu of the said public road or of which the public have the use in lieu whereof provided that the proprietor for the time being (i.e. the proprietor for the time being the Belvidere) may require the proprietor of Brenton for the time being to exercise such right of way be a line deviating as may from time to time mutually be agreed upon along the whole or any part of such line not more than One Thousand (1,000) yards on either side thereof."

The withinmentioned Portion 76 is donated and transferred without the rights referred to in:

- (a) Servitude Endorsement dated 7 July 1950 endorsed on Deeds of Transfer No's 21572 and 21573 dated 9 December 1946 which relates to amongst others, usage, restriction of alienation to certain classes of people, building, fencing, thoroughfare of cables for electrical lighting, laying of waterpipes, construction for drainage, sewerage and pigfarming as well as a 20 feet right of way:
 - (b) Servitude Endorsement dated 28 May 1956, 13 December 1956 and 27 January 1956 on Deed of Partition Transfer No. 17269/55 which relates to amongst others, usage, restriction of alienation to certain classes of people, building, fencing, thoroughfare for electrical lighting, laying of waterpipes, construction for drainage, sewerage and a 15 feet right of way.
111. SUBJECT TO the reservation of all Mineral Rights in favour of the NEDERDUITSE GEREGORMEERDE KERK VAN TRANSVAAL with the exception of such Mineral Rights reserved in favour of the State as set out in Certificate of Mineral Rights No. K1330/1993 rm.

4

WHEREFORE the said Appearer, renouncing all right and title which the said

NASUKAR HOLDINGS (PTY) LIMITED
No. 1979/000531/07

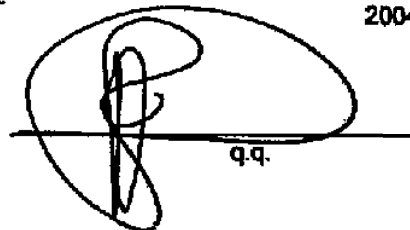
heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by these presents, the said

MIDNIGHT STORM INVESTMENTS (PROPRIETARY) LIMITED
No. 2004/027248/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 900 000,00 (TWO MILLION NINE HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town on 30 November 2004


q.q.

In my presence


REGISTRAR OF DEEDS

14

VAN DER SPUY & PARTNERS
"The Bridge"
2nd Floor, Building 4
304 Durban Road
Bellville

Prepared by me

CONVEYANCER
JVB LOUW

POWER OF ATTORNEY

I, the undersigned

NAOMI EILEEN HECHTER SCHULZ duly authorised hereto by a
resolution of the Directors of
NASUKAR HOLDINGS (PTY) LIMITED
No R79/000531/07

do hereby nominate and appoint ANDRE GERHARD VAN DER SPUY and/or DE
WAAL ESTERHUYSE and/or JOHN VAN BREDA LOUW and/or JAN BRAND ROBERTSON

with power of substitution to be my true and lawful Attorney and Agent in my
name, place and stead to appear at the Office of the Registrar of Deeds in Cape
Town or any other competent official in the Republic of South Africa and then and
there as my act and deed to pass transfer to:

MIDNIGHT STORM INVESTMENTS (PROPRIETARY) LIMITED
No. 2004/027248/07

the property described as:

PORTION 76 (A PORTION OF PORTION 54) OF THE FARM UITZIGT
NO 216
IN THE MUNICIPALITY AND DIVISION OF KNYSNA, WESTERN CAPE
PROVINCE;

IN EXTENT: 21,0427 (TWENTY ONE COMMA ZERO FOUR TWO
SEVEN) HECTARES

HELD BY Deed of Transfer No. T79281/1993

the said property having been sold by me on 14 October 2004, to the said
transferee/s for the sum of R2 900 000,00 (Two Million Nine Hundred Thousand
Rand).

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at Bombay on 23 October 2004
in the presence of the undersigned witnesses.

AS WITNESSES :

1.

2.

R. K. Kherkar
pp: NASUKAR HOLDINGS (PTY) LIMITED

SOUTH AFRICAN REVENUE SERVICE

Rev 684

TRANSFER DUTY — FORM B
DECLARATION BY PURCHASER

PART I

TRANSFEROR (Seller)
NASUKAR HOLDINGS (PTY) LIMITED No 79/000531/07TRANSFEEE (Purchaser) 180
MIDNIGHT STORM INVESTMENTS (PROPRIETARY) LIMITED No. 2004/027243/07

DESCRIPTION OF PROPERTY

PORTION 76 (A PORTION OF PORTION 54) OF THE FARM UITZIGT NO 218
IN THE MUNICIPALITY AND DIVISION OF KNYSNA, WESTERN CAPE PROVINCE;
IN EXTENT 21,0427 (TWENTY ONE COMMA ZERO FOUR TWO SEVEN) HECTARES(Transfer Duty)
R 290,000.00

Postal Code of district in which property is situated

CH7606

Date of transaction: 14 October 2004

Consideration: R2 900 000,00

TRANSFER DUTY PAID BY: VAN DER SPUY & PARTNERS (Ref: JvB LOUW/Audrey) (Ref Number: N165)

Postal address: "The Bridge", 2nd Floor, Building 4, 304 Durban Road, Bellville

FOR OFFICIAL USE

Transfer duty paid on R 290 000,00

Being

Purchase price
R 290 000,00

Act under which duty charged

Steel defacing stamp of
Office of Issue

Receiver of Revenue

SUID AFRIKAANSE INKOMSTEDIENSTE
SOUTH AFRICAN REVENUE SERVICES
KAPSTAD / CAPE TOWN

CASH REGISTER RECEIPT

TRANSFEROR : NASUKAR HOLDINGS [PTY] LTD

TRANSFeree : MIDNIGHT STORM INVESTMENTS [PTY] LTD

PROPERTY DESCRIPTION

PORTION 76 [A PORTION OF PORTION 54] OF THE FARM UITZUG
216

In the Municipality of Knysna, Division of Knysna,
Western Cape Province

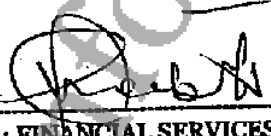
Extent: 21,0427 HECTARES

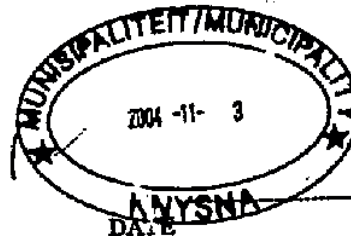
CLEARANCE CERTIFICATE

Municipality of Knysna

Authority is hereby granted in terms of Section 118 (1) (2) (3) of Local
Government Municipal Systems Act 2000 (Act No 32 2000)

EXPIRY DATE: 30 JUNE 2005

PP 
MANAGER: FINANCIAL SERVICES



Deeds Office Property



UITZIGT, 216, 76 (CAPE TOWN)

GENERAL INFORMATION

Deeds Office CAPE TOWN
Date Requested 2016/06/30 12:38
Information Source DEEDS OFFICE
Reference PR16/28



PROPERTY INFORMATION

Property Type FARM
Farm Name UITZIGT
Farm Number 216
Portion Number 76
Local Authority OUTENIQUA DC
Registration Division KNYSNA RD
Province WESTERN CAPE
Diagram Deed T17269/1955
Extent 21.0427H
Previous Description PTN OF 54
LPI Code C03900000000021600076

OWNER INFORMATION

Owner 1 of 1

Company Type COMPANY
Name MIDNIGHT STORM INV 180 PTY LTD
Registration Number 200402724807
Title Deed T117601/2004
Registration Date 2004/11/30
Purchase Price (R) 2,900,000
Purchase Date 2004/10/14
Share
Microfilm Reference 2005 0272 2042
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (2)

#	Document	Institution	Amount (R)	Microfilm
1	K1330/1993RM	NED GER KERK-TRANSVAAL	UNKNOWN	1993 0847 4604
2	FARM KN 216/76	-	UNKNOWN	1985 0039 0784

HISTORIC DOCUMENTS (2)

#	Document	Owner	Amount (R)	Microfilm
1	T17262/1961	NED GER KERK-TRANSVAAL	UNKNOWN	1993 0847 4586
2	T79281/1993	NASUKAR HOLDINGS PTY LTD	427,360	2005 0272 2037

DISCLAIMER

This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

ANNEXURE B:

General Plan 6783/1951

The beacons of each Portion represented on this plan are in accordance with regulation, and have been placed under my supervision.

Surveyed in May 1965, by me

Adrian Nazari
Land Supervisor

Approved
by Surveyor-General

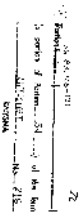
comprising

Portions 39-84 and Roads (Portions of Portion 58) of the farm

BELVIDERE

Situate in the Division of KNYSMA Province of Cape of Good Hope
Wide diagram No. 6782/51, annexed to Certificate of Registered. Title No.

Scale 1:5000.



S. E. File No. S76472.
S. R. No. 1509/51
Eng. Sheets 705-1: 462, 1-2
Original drawings No. 4182/51



See Sheet 2

ANNEXURE C:

SG Diagram No SG 6821/1951

Approved
E. A. D. Williams
 Surveyor-General
 26 SEP 1952

A. B. C. D = 2' x 1/2" Round iron pegs.
E = 18" x 2' x 2' high plumed stone.

Portion 75

Uitziest N. 216
KNYSNA

Portion 76 (a portion of Portion 38)
of the farm Belvidere.

situate in the Division of Kryszna
Province of Cape of Good Hope.
 Surveyed in May 1951 by me
A. J. J. J. J.

Land Surveyor.

File No. 3/7647/2
S.R. No. E. 1589/51

ANNEXURE D:

SG Diagram-Servitude No 263-1961

OFFICE COPY
KANTOOR AFZAKRIE

263161 Na

Approved

Wieder den Heuvel

P. Surgeon-General.
1703-1961.

Series	Age	Foot	Number of Directors	Refined (1946)	Refined (1953)
45	68.4	Consistent	2.19, .30	4	6942.5
46	93.0	61.56, .30	5	7082.4	2985.8
47	359.3	368.47, .30	6	8179.4	2967.0
48	430.0	1.08, .00	7	8466.6	5913.5
49	1240.9	286.26, .00	8	8753.3	4233.1
50	1620.1	271.55, .00	9	8399.7	4798.2
51	465.0	64.16, .30	5	589.9	4780.7
52	460.1	30.00, .00	4	582.1	5533.7
53	873.9	277.30, .00	4	182.4	5553.2
54	30.0	16.39, .30	5	753.0	5598.1
55	4509.5	30.17, .00	4	753.0	5750.7
56	773.5	19.12, .15	4	763.5	7081.8
57	1625.2	95.05, .00	8	862.2	7831.8
58	68.2	167.89, .30	0	219.1	7442.7
59	1635.0	267.27, .00	4	2760.2	7376.1
60	67.0	249.15, .30	6	670.3	7560.7
61	153.0	5.16, .30	5	147.2	7732.8
62	616.5	95.47, .00	4	167.0	7732.8
63	394.9	120.29, .30	7	159.9	5804.6
64	753.0	228.30, .00	0	618.4	5844.3
65	1254.9	00.53, .30	1	99.4	4828.5
66	1482.3	107.15, .00	4	1399.9	4830.0
67	422.2	167.50, .00	8	273.9	4459.4
68	654.5	164.19, .30	2	2066.9	3933.9
69	1015.6	241.51, .30	2	2243.2	3411.0
Connecting Path					
70	7542.5	239.35, .30	4	7793.5	2986.0
71	3666.6	196.67, .30	4	7793.5	2986.0
72	1992.4	16.69, .30	0	165.0	7671.5
73	3357.4	272.40, .30	0	165.0	7671.5

Scale 1 : 1:2500

The figure A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

represents
a Servitude Right of Way
if land brings

over Portion 13 of the farm U1721GT

situate in the Division of

Province of Cape of Good Hope.

Surgey in November, 1960 by me

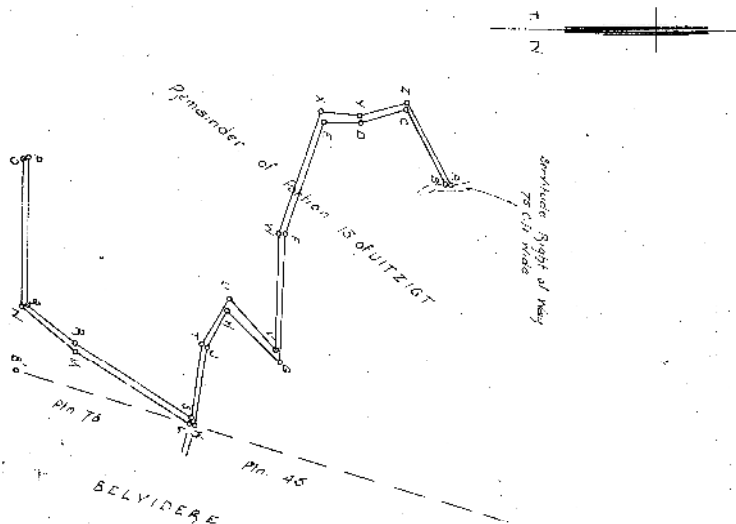
Land Surveyor.

This document is covered by
D/S No: 574/1862

The original diagram is
No. 1711944 forwarded to
Principal of Conservatory
Title No. 1944-23712326 AM 140941-289, -280

Register of Deeds.

© J.H. Garza



51174

PLAN 1:

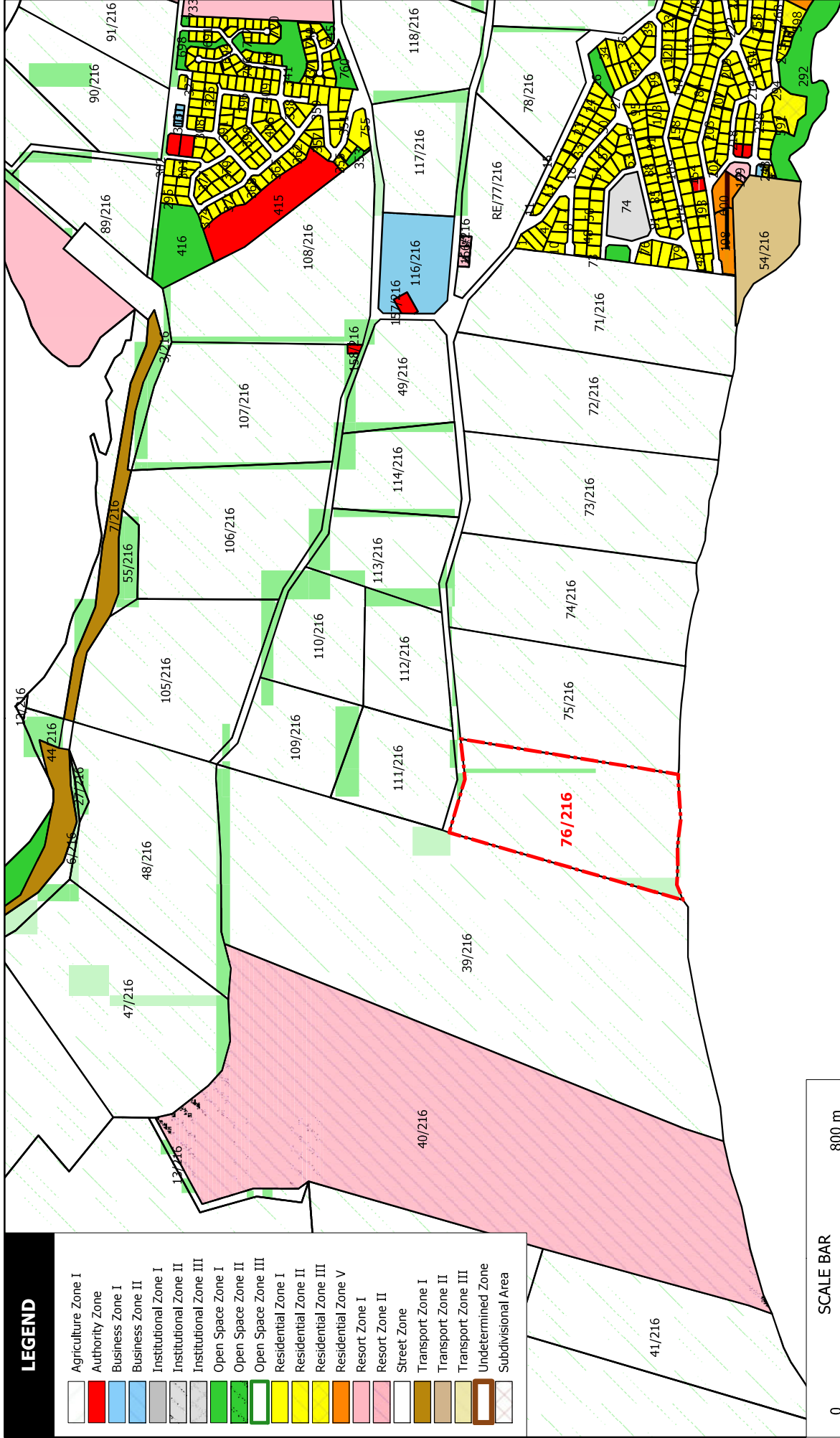
Locality Plan

PLAN 2:

Zoning Plan

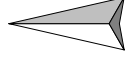
LEGEND

- Agriculture Zone I
- Authority Zone
- Business Zone I
- Business Zone II
- Institutional Zone I
- Institutional Zone II
- Institutional Zone III
- Open Space Zone I
- Open Space Zone II
- Open Space Zone III
- Residential Zone I
- Residential Zone II
- Residential Zone III
- Residential Zone V
- Resort Zone I
- Resort Zone II
- Street Zone
- Transport Zone I
- Transport Zone II
- Transport Zone III
- Undetermined Zone
- Subdivisional Area



PORTION 76 OF THE FARM
UITZICHT NO 216

ZONING PLAN



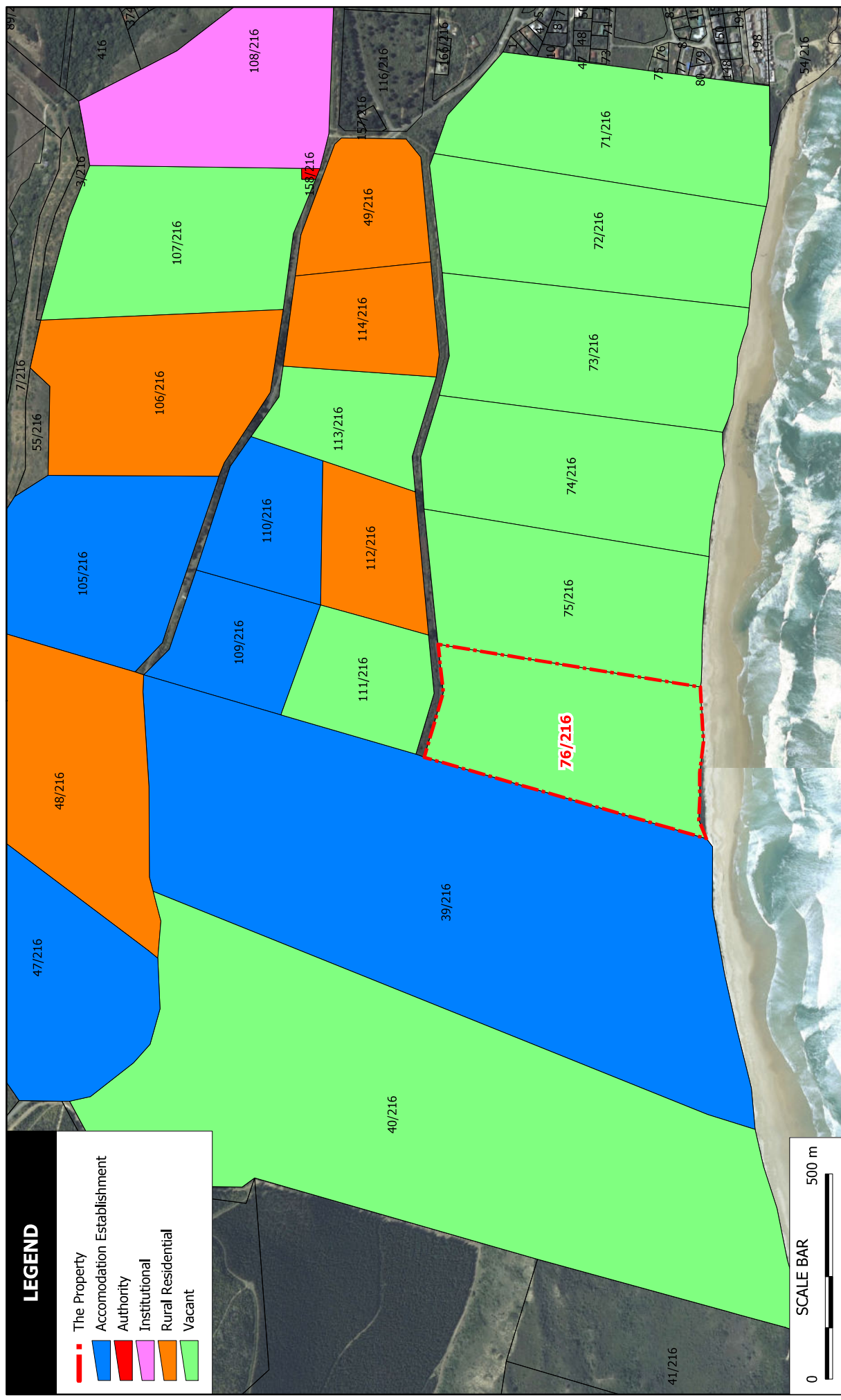
Projection: Transverse Mercator
Centre Lon: 28°00'20" E
Centre Lat: 34°03'55" S
Created: 2020/02/19
Scale: 1:15000



21 Trotter Street, P.O. Box 2180
KNYSNA, 6570
Tel: (044) 382 0420
Tel: (086) 459 2997
e-mail: info@vrekens.co.za
web: www.vrekens.co.za

PLAN 3:

Land Use Plan



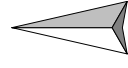
LEGEND

- The Property
- Accomodation Establishment
- Authority
- Institutional
- Rural Residential
- Vacant

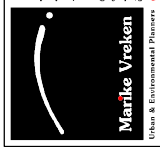


PORTION 76 OF THE FARM
UITZICHT NO 216

LAND USE PLAN



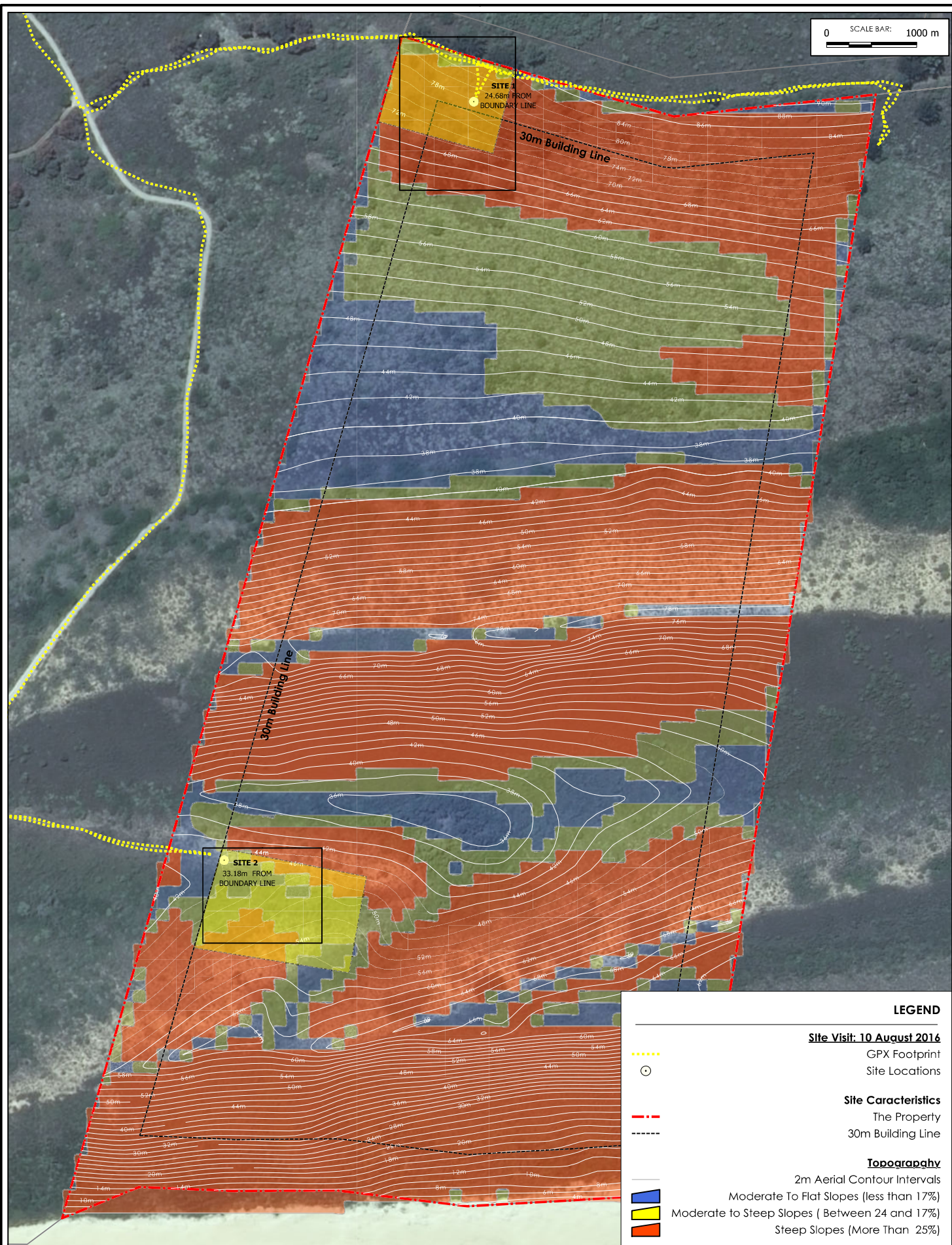
Projection: Transverse Mercator
Centre Lon: 28°00'12" E
Centre Lat: 34°03'56" S
Created: 2020/03/24
Scale: 1 : 12000



21 Trotter Street, P.O. Box 2180
KNYSNA, 6570
Tel: (044) 382 0420
Fax: (044) 382 0420
e-mail: info@vrekens.co.za
web: www.vrekens.co.za

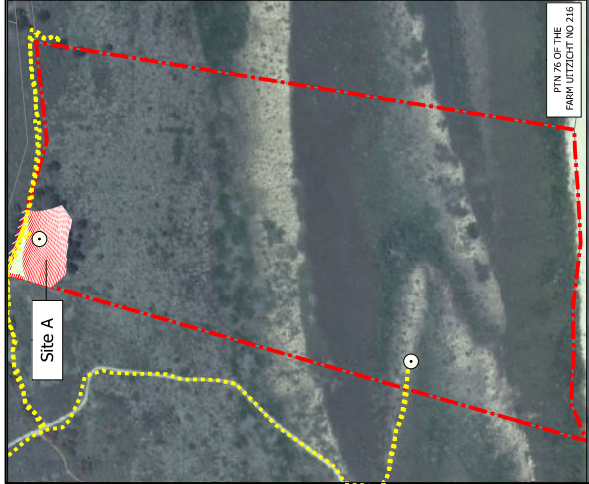
PLAN 4:

*Slope Analysis – 2m Contour & Survey
Locations*



PLAN 5:

Slope Analysis – Site A Layout



PTW 76 OF THE
FARM UITZICHT NO 216



- LEGEND**
- The Property
 - 0.5m Surveyd Contours
 - Slopes Steeper Than 1:4**
 - Not Suitable For Development**
 - Slopes Less Than 1:4**
 - Suitable For Development
 - Krnsya Cadastral

**PORTION 76 OF THE FARM
UITZICHT NO 216**

SLOPE ANALYSIS: SITE A

Projection: Transverse Mercator
Centre Lon: 23°00'08" E
Centre Lat: 34°03'57" S
Created: 2017/03/16
Scale: 1:350

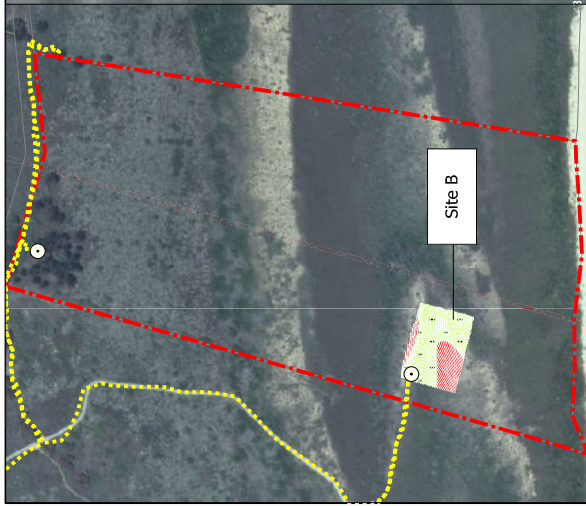
Marika Vreken
Urban & Environmental Planners

21 Treder Street P.O. Box 2180
KNYSNA, 6570

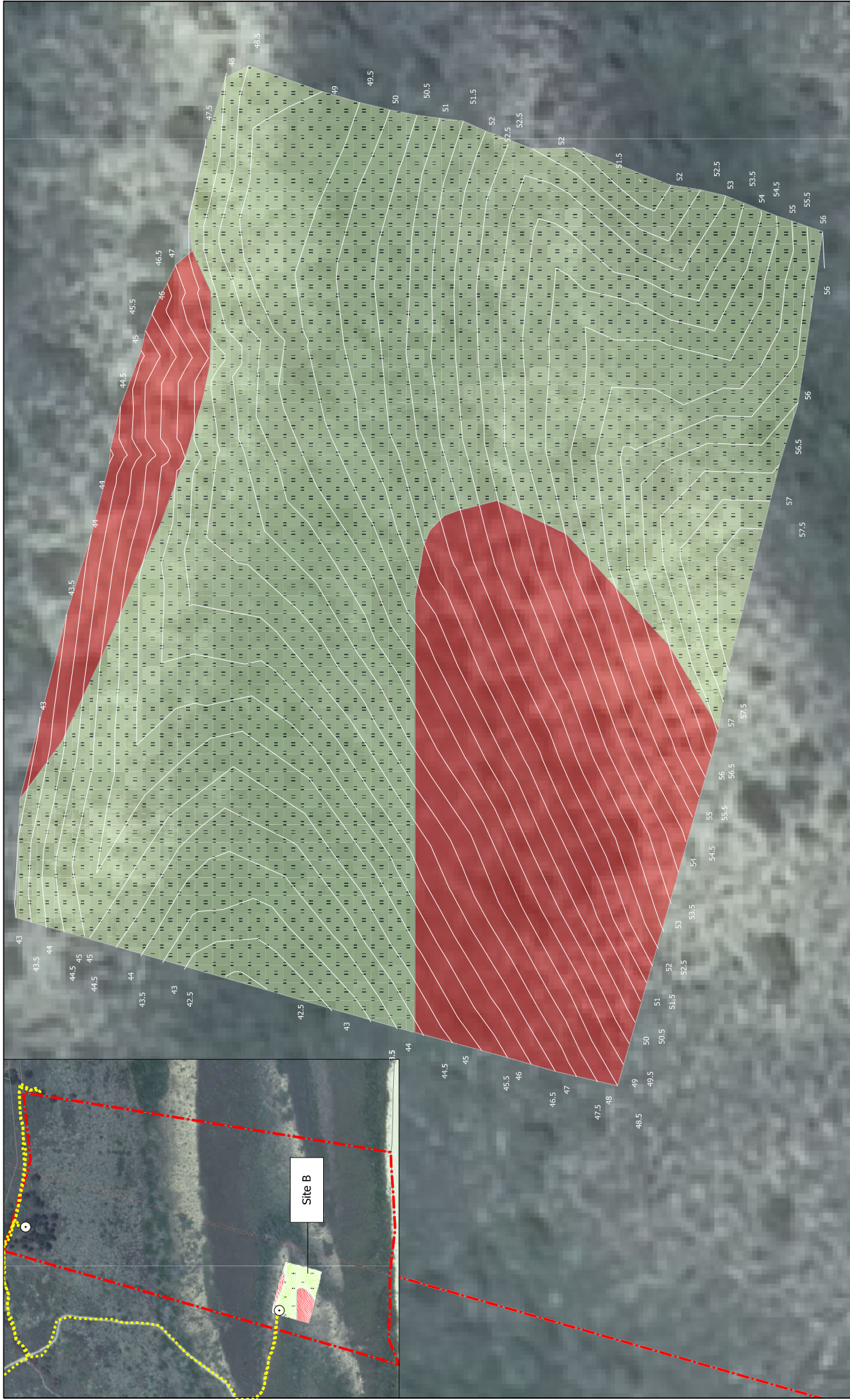
☎ 044 382 0420
✉ info@vrekens.co.za
www: www.vrekens.co.za

PLAN 6:

Slope Analysis – Site B Layout



Site B



Projection: Transverse Mercator
Centre Lon: 23°00'04" E
Centre Lat: 34°04'12" S
Created: 2017/03/16
Scale: 1:370



21 Truter Street, P.O. Box 2180
KNYSNA, 6570

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✉ mail: info@vreken.co.za
web: www.vreken.co.za

Marke Vreken
Urban & Environmental Planners

Plans & Grading by ePlans

PORTION 76 OF THE FARM
UITZICHT NO 216

SLOPE ANALYSIS: SITE B

Source: 1:6250 Approved Project P1428 - P176 of the Farm Model No 216 Site Characteristics map

PLAN 7:

*Architectural Drawings – 'Nico Vreken
Architect'*



75/216

76/216

263/196/001

39/216

112/216

111/216

