

SEDGEFIELD ERF 937

APPLICATION FOR: PERMANENT DEPARTURE



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

Sedgefield Erf 937 (*hereafter referred to as the "Application Area"*) is located on Cormorant Road near the Sedgefield Lagoon, Sedgefield, is 929m² in extent and is currently zoned "Single Residential Zone I" in terms of the Knysna Municipality Zoning Scheme By-law (2020).

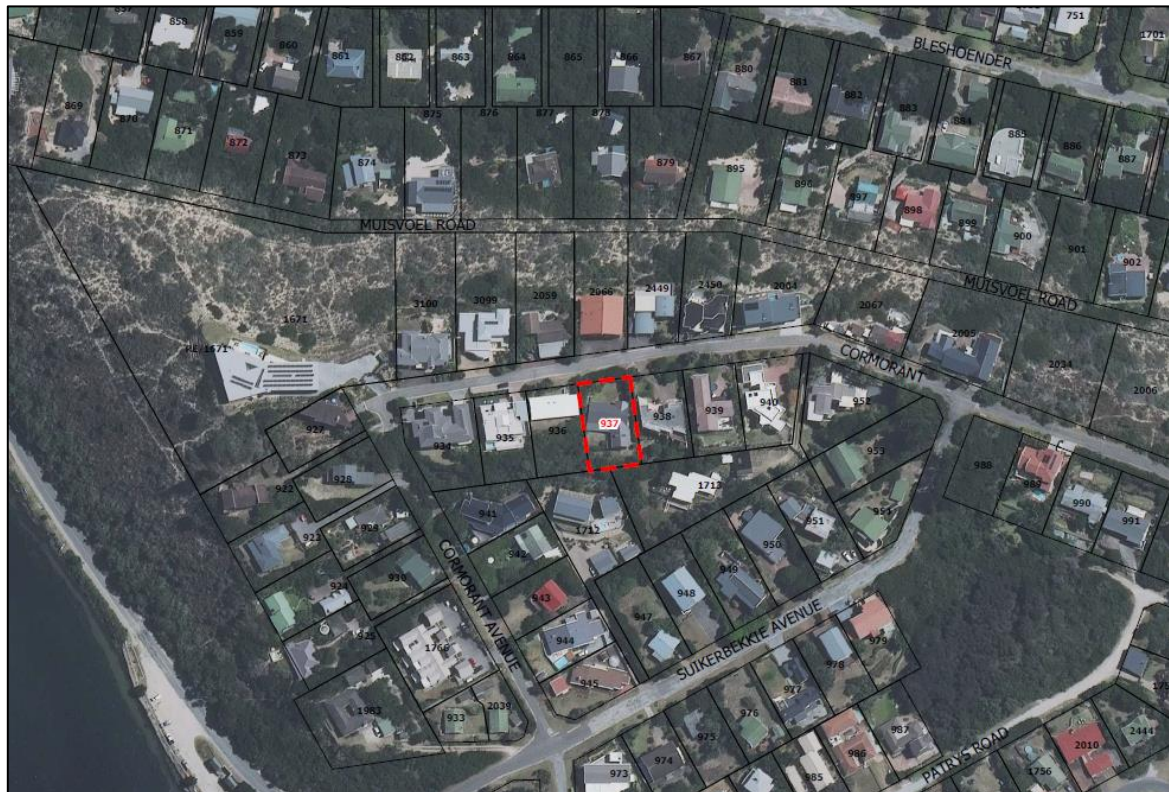


FIGURE 1: LOCALITY

The existing dwelling house on the application area complies with all prescribed development parameters as set out in the Knysna Municipality Zoning Scheme By-law (2020). The applicant envisages constructing a new carport and garden shed within the prescribed zoning scheme building lines.

According to Clause 21 of the Knysna Zoning Scheme Bylaw, carports and outbuildings may be situated within the prescribed side and rear building lines of a property, but these structures are not permitted within the prescribed street building line.

The proposed garden shed is located within the side building line of the property and is therefore permissible. The proposed new carport is situated within the prescribed street building line, hence a permanent departure for a building line relaxation is required. Also, the current 4m-wide access point does not comply with the prescribed minimum width of 5m, and therefore an additional permanent departure approval is required for the as-built access point.

1.1. Pre-Application Consultation

The required pre-application consultation for this application was conducted with Knysna Municipality on 11 December 2025. The pre-application consultation panel did not highlight any concerns for the intended application (see attached **ANNEXURE B**: Pre-Application Meeting Minutes). The aspects highlighted during the pre-application consultation are summarised in the table below:

Comments	Response
Impact of the carport on the streetscape;	Refer to Par.13 & Par.14
Whether similar encroachments exist along Pumaran Road or whether the proposal constitutes an exception;	Application area situated on Cormorant Road. Refer to Par.9, 13 & 14.
The effect of the carport on the established street building line;	Refer to Par.9, 13 & 14.
Vehicular sight distances and road safety considerations;	Refer to Par.9, 13 & 14.

2. THE APPLICATION

Marika Vreken Urban and Environmental Planners have been appointed by **ERIKA BOTHA** to prepare and submit the required application documentation (refer to **ANNEXURE C**: Power of Attorney and **ANNEXURE D**: Application Form) for:

- (i) A permanent departure on Sedgefield Erf 937, in terms of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management Bylaw (2021), for the relaxation of the prescribed Northern Street Building line from 4,5m to 1,006m to allow the proposed new carport.
- (ii) A permanent departure on Sedgefield Erf 937, in terms of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management Bylaw (2021), for the relaxation of the prescribed minimum width of a combined entrance and exit way from 5m to 4m to allow the existing access to the property.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed (T57114/2021) that includes the information outlined below is contained in **ANNEXURE E**. A copy of the SG Diagram No. 678/73 for Sedgefield Erf 937 is contained in **ANNEXURE F**.

Property Description:	Erf 937 Sedgefield, in the Municipality and Division of Knysna, Province of the Western Cape.
Title Deed No:	T57114/2021
Property Owners:	Erika Botha
Property Size:	929m ² (nine hundred and twenty nine) Square Metres

Title Deed Restrictions:	The title deed of the property contains a restrictive condition imposed by Sedgfield Holdings (Proprietary) Limited. The written consent from Sedgfield Holdings (Proprietary) Limited was obtained (refer to ANNEXURE A), and therefore no application for the removal of restrictive title deed conditions is required.
Servitudes:	There are no servitudes registered over this property.
Bonds:	There is no bond registered over this property.

SECTION B :

DEVELOPMENT PROPOSAL

4. DEVELOPMENT SPECIFICATIONS

(Refer to **Plan 3: Proposed Development Plan**)

The existing dwelling house on the application area complies with all prescribed development parameters as set out in the Knysna Municipality Zoning Scheme By-law (2020). It is proposed to construct a new carport and a garden shed within the prescribed zoning scheme building lines. The proposed carport will be situated on the northern portion of the application area, while the garden shed will be located on the eastern portion thereof.

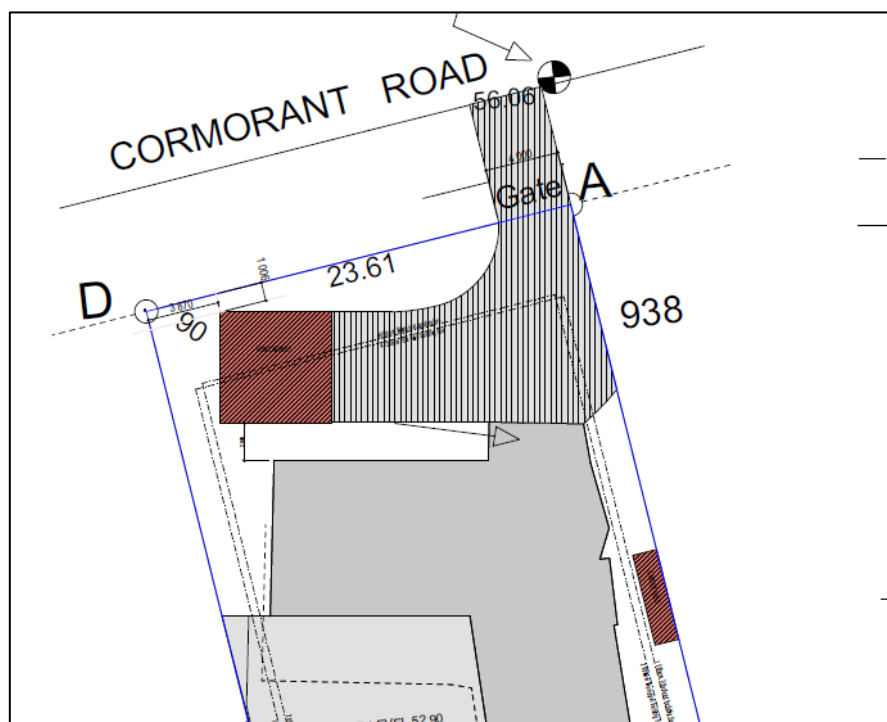


FIGURE 2: EXTRACT - PROPOSED ADDITIONS TO EXISTING DWELLING HOUSE

4.1. Access and Parking

The prescribed access and parking provisions in terms of the Knysna Municipality Zoning Scheme By-law (2020) are as follows:

- Access: a combined entrance and exit way is between 5 metres and 8 metres.
- Parking: 2 bays per dwelling.

Access to the property will remain unchanged, with direct access from Cormorant Road via an existing 4-metre-wide combined entrance and exit. As the existing access width does not comply with the prescribed minimum of 5 metres, an application for a departure is required. The property has sufficient space to accommodate at least two parking bays, and

already has one existing garage, and therefore complies with the parking requirements of the zoning scheme.

5. STATUTORY SPECIFICATIONS

The following land development applications are lodged in terms of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021), to achieve the desired outcome:

5.1. Permanent Departure

The Knysna Municipality Zoning Scheme By-law (2020) prescribes a street building line of 4.5m, and a side and rear building line of 2m for "Single Residential Zone I (SRI)" erven that are larger than 500m², and a minimum entrance width of 5m and a maximum exit width of 8m.

"building line" means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited.

In terms of Clause 21(2)(a) of the Knysna Municipality Zoning Scheme By-law (2020), carports and outbuildings are permitted within the side and rear building lines of a property. The proposed garden shed is considered an outbuilding, as it is ancillary to the main dwelling and will be used for the storage of gardening equipment, which constitutes a normal activity associated with the primary residential use, and therefore, as it is situated within the side building line of the property, does not necessitate a departure application.

"outbuilding" means a structure, whether attached or separate from the main building that is normally ancillary and subservient to the main building on a land unit, and includes a building designed to be used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building, but does not include a second dwelling.

Furthermore, as the existing combined entrance and exit width ranges between a minimum of 5 metres and a maximum of 8 metres, and the existing access to the property is via a 4 metre wide gate, an application for a departure is required to permit the continued use of the existing 4 metre wide access to the property.

As the proposed new carport is situated within the street building line of the property, it is not exempt from a formal town planning application, and as the access and egress do not adhere to the prescribed minimum of 5m, an application is made for:

- (i) A permanent departure in terms of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management Bylaw (2021), on Sedgfield Erf 937 for the relaxation of the prescribed Northern Street Building line from 4,5m to 1,006m to allow the proposed new carport.
- (ii) A permanent departure in terms of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management Bylaw (2021), on Sedgfield Erf 937 for

the relaxation of the prescribed minimum width of a combined entrance and exit way from 5m to 4m to allow the existing access to the property.

5.2. Restrictive Title Deed Conditions

Condition C(7) from Title Deed T57114/2021 of Sedgefield Erf 937, prescribes restrictive title deed building lines.

Condition C(7) in the Title Deed T57114/2021 reads: *"No building shall be erected on this lot within **4,72 metres** of any street line which forms the boundary of the lot save where the Transferors shall have in writing permitted otherwise. No building shall be erected within **1,57 metres** of any adjoining lot, provided that this restriction shall not apply to the common boundary of lots held by one Transferee. Not more than **two-thirds** of any lot sold shall be built upon."*

The restrictive condition was imposed by Sedgefield Holdings (Proprietary) Limited and cannot be removed or amended without their consent. A written letter of consent has been obtained from Mr Richard Sohn, Managing Director of Sedgefield Holdings (Proprietary) Limited, confirming that the company has been made aware of the proposed structures within the title deed building lines and that its consent is granted (refer to **ANNEXURE A**). Accordingly, as consent has been obtained from the party that imposed the condition, no application for the removal or amendment of the restrictive title deed condition is required.

5.3. Knysna Zoning Scheme Bylaw

A summary of the prescribed development parameters for a "Single Residential Zone I" zoned property, with a comparison of how the proposed development complies with these prescribed parameters is shown in the table below:

Prescribed Development Parameter		Proposed Development	Compliance
Primary Use	dwelling house	dwelling house	Comply
Coverage	50%	34.1%	Comply
Building Lines	Northern Street building line: 4,5m	1.006m	Departure Required
	Eastern Side building line: 2m	2m	Comply
	Southern Rear building line: 2m	2m	Comply
	Western Side building line: 2m	2m	Comply
Height	8,5 metres from natural ground level.	<8,5m	Comply
	2-stories	1-story	Comply

Prescribed Development Parameter		Proposed Development	Compliance
Windows & Doors	Must be set back at least 1,5m from boundary	1,5m	<i>Comply</i>
Parking & Access	Minimum of 2 parking bays	More than 2 bays are provided	<i>Comply</i>
	Access: between 5m and 8m	4m	<i>Departure Required</i>

From the above table, it is clear that the proposal complies with all prescribed development parameters applicable to the application area, except for the prescribed street building line and the prescribed access width.

6. SERVICES INFRASTRUCTURE

The application area is located within the existing urban fabric, and within an existing residential area. The dwelling house is already connected to the service infrastructure. The property currently has a single residential dwelling, and the existing service provision is adequate for a dwelling house.

The proposed carport and garden shed will not require a connection to municipal services, and therefore, no additional supply will be required.

SECTION C :**CONTEXTUAL INFORMANTS****7. LOCALITY***(Plan 1: Locality Plan)*

Sedgefield Erf 937 is located on 7 Cormorant Road near the Sedgefield Lagoon. The application area is located approximately 240m northeast of Sedgemoor Lagoon View and Maya's Motor, and next to Cormorant Cove Garden Route Accommodation.

The coordinates to the centre of the property are located at 34° 1'24.00"S and 22°48'18.45"E.

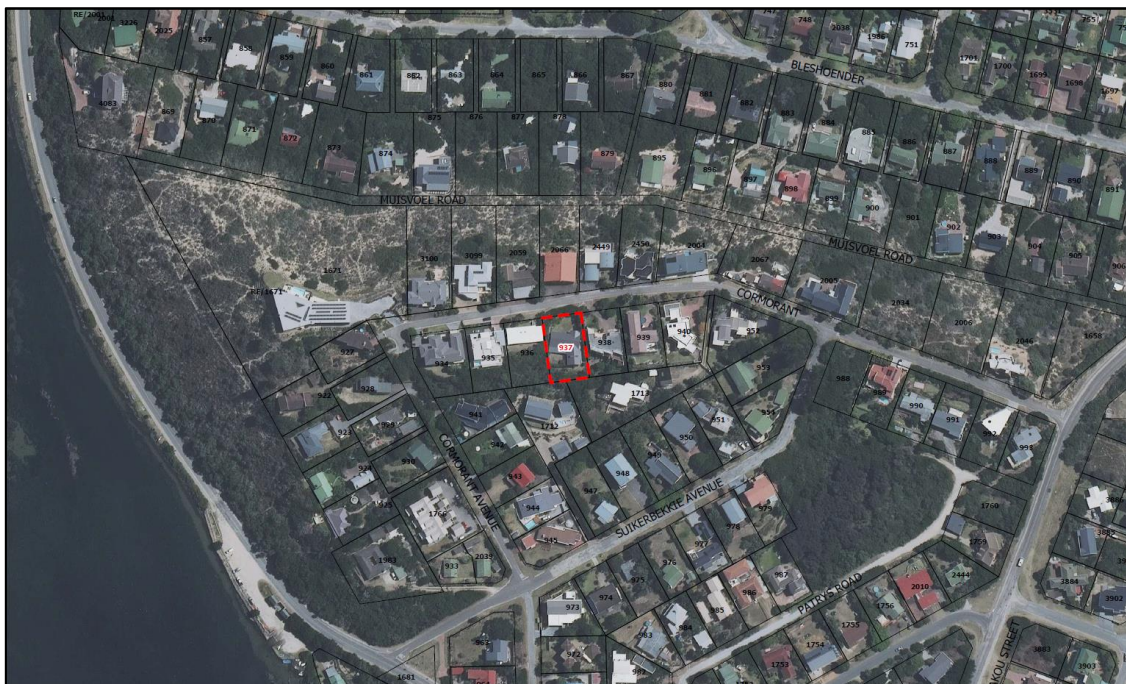


FIGURE 3: LOCALITY

8. CURRENT LAND USE AND ZONING**8.1. Land Use**

Sedgefield Erf 937 is currently used for single residential purposes and contains an existing dwelling house. The property is located within an established residential neighbourhood. It is proposed to construct a carport and a garden shed on the application area, and no change in land use is proposed.



Sedgefield Erf 937 is currently zoned as "Single Residential Zone I (SRI)" in terms of the Knysna Municipality Zoning Scheme By-law (2020).



9. CHARACTER OF THE AREA

(Plan 2: Land Use Plan)

The area surrounding the application area is predominantly characterised by single residential erven, containing small to large residential dwellings, consistent with its location within a residential neighbourhood. The surrounding properties are primarily dwelling houses, although other land uses—such as guest accommodation, vacant properties, public open space, general residential and business erven, are also present. Despite these, the dominant character of the area remains single residential.



FIGURE 6: EXISTING DELLING HOUSE

A survey of the immediate surroundings identified several single residential properties with street building line encroachments (see attached **ANNEXURE G: Single Residential Building Line Encroachments**).

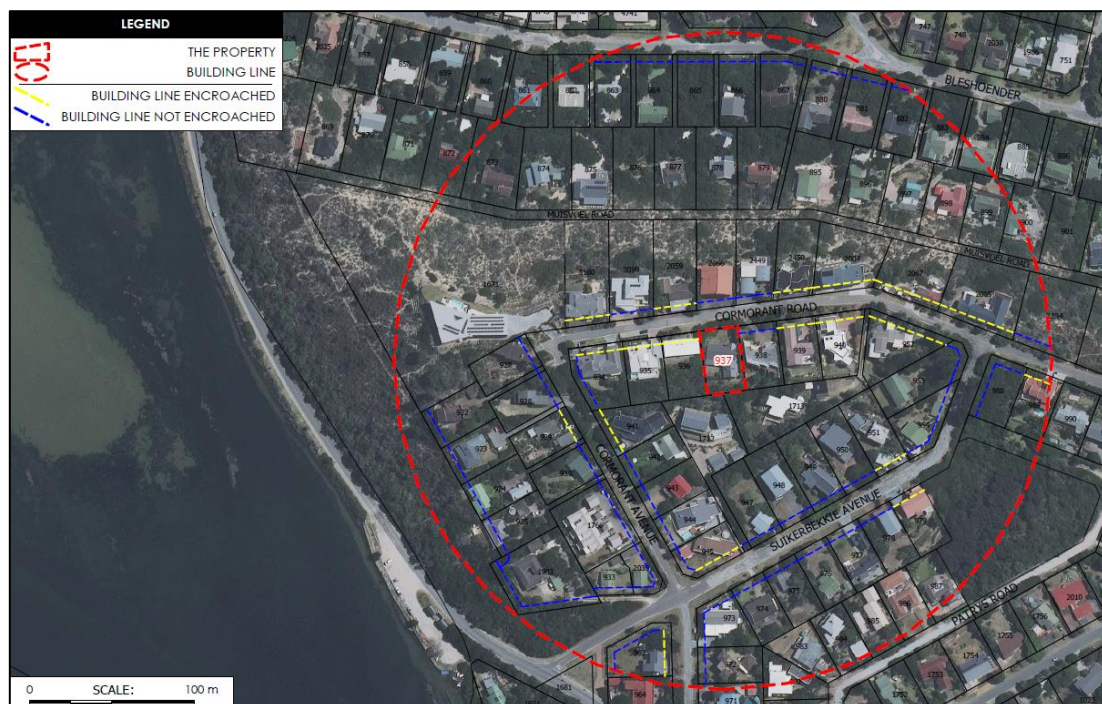


FIGURE 7: EXTRACT - STREET BUILDING LINE ENCROACHMENTS

This demonstrates a clear precedent in the area. Several examples of building line encroachments on single residential erven highlight the flexibility applied in response to site-specific constraints. The proposed building line relaxations and relaxation of the minimum width of the access point on the property will not negatively impact the character of the area.

10. EXISTING POLICY FRAMEWORKS

10.1. 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 Western Cape Province’s Strategic objectives include:

- **Educating Cape:** Everyone has access to a good education, and the cities, towns and rural villages are places of innovation and learning.
- **Working Cape:** There are livelihood prospects available to urban and rural residents, and opportunities for them to find employment and develop enterprises in these markets.
- **Green Cape:** All households can access basic services that are delivered resource efficiently, residents use land and finite resources prudently and safeguard their ecosystems.
- **Connecting Cape:** Urban and rural communities are inclusive, integrated, connected and collaborative.
- **Living Cape:** Living and working environments are healthy, safe, enabling and accessible, and all have access to the region’s unique lifestyle offering.
- **Leading Cape:** Urban and rural areas are effectively managed.

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's 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

For each theme, key challenges as distilled from the Provincial spatial profile and their spatial implications are noted and Provincial policies for dealing with them are presented. These themes and policies are summarised in the figure below:

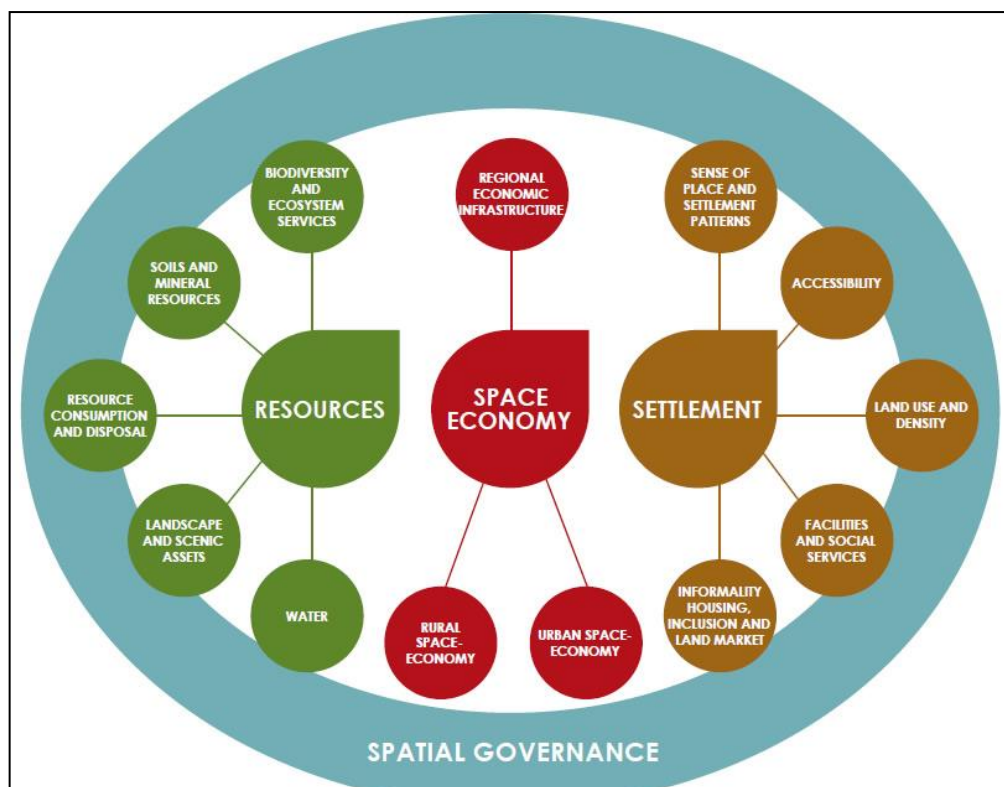


FIGURE 8: POLICIES APPLICABLE TO THE DEVELOPMENT

The proposed departures and consent use complement the SDF's spatial goals that aim to take the Western Cape on a path towards:

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

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

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

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
2. Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.	(i) The proposal will allow for more efficient use of land. (ii) The development area is located within the urban edge and is suitable for urban development. (iii) The proposal is to legalise the existing and proposed structures, which in turn promotes smart growth and seeks to intensify the land use on the property whilst adhering to the zoning scheme

POLICY STATEMENT	DEVELOPMENT'S RESPONSE
	<i>development parameters (except for building lines and access width).</i> <i>(iv) Development / upgrading of properties to the landowners' liking inside the urban edge prohibits the same landowners from seeking vacant properties outside the urban edge to develop to their liking, creating urban sprawl.</i>
3. Respond to and enhance an economically, socially and spatially meaningful settlement hierarchy that takes into account the role, character and location of settlements in relation to one another while preserving the structural hierarchy of towns, villages, hamlets and farmsteads in relation to historical settlement patterns.	<i>(i) The proposal is in line with the existing character of the area and will not deviate from the existing aesthetics of the application area and the surrounding neighbours.</i> <i>(ii) Will not prevent neighbouring properties from exercising their primary right.</i>

Planning Implication:

The Western Cape Spatial Development Framework has a strong emphasis on revitalising urban spaces, creating an urban living environment that is more convenient, efficient, and aesthetically pleasing to residents without impacting the character of the surrounding area and surrounding property owners' rights.

The application area is situated inside the urban edge, within Sedgefield, and is suitable for urban development. The proposal will not have any negative effect on any of the surrounding landowners in the area or any member of the public, nor will it negatively impact any of the surrounding property owners' rights.

The proposal is in line with the provisions of this spatial document and is consistent with the strategic objectives and policies as set out by the Western Cape Spatial Development Framework. Therefore, the proposal complies with policies and strategic objectives as set out by the Western Cape Spatial Development Framework.

10.2. Draft Garden Route Regional Spatial Development Framework (2019)

The draft Garden Route (Southern Cape) Regional Spatial Development Framework provides development guidelines for the Garden Route District, aligning with the 2014 Provincial Spatial Development Framework. This framework emphasizes three urban priority regions in the Western Cape: the Greater Cape Functional Region, the Greater Saldanha Region, and the Southern Cape Region. The Southern Cape, identified as a provincial leisure and tourism coastal belt, includes key regional centres like Mossel Bay, George, Knysna, and Plettenberg Bay.

The Southern Cape Regional Plan aims to stimulate inter-municipal growth, support integrated sustainable development, and manage urban and rural areas. Its core objectives include fostering regional development opportunities, promoting a regional approach to sustainable development, and improving urban and rural area management practices. The plan outlines specific roles for identified towns to drive coordinated infrastructure investment and contribute to the provincial economy.

The plan addresses various aspects:

- Provides a coherent spatial vision for the Southern Cape functional region, considering environmental, social, and economic factors.
- Offers guidance on rational and predictable infrastructure, economic, and land use planning within the region.
- Takes a regional approach to address environmental management, human settlement provision, economic development, infrastructure, transport, landscape character, sense of place preservation, and heritage.
- Expresses the Provincial Spatial Development Framework at the regional level, elaborating on the role of specific towns in the growth and development of the region.
- Addresses environmental perspectives.
- Considers social perspectives.
- Examines economic perspectives.

Planning Implication:

The Southern Cape Regional Plan is a comprehensive framework focused on promoting sustainable development, managing growth, and leveraging the economic potential of key towns within the region, taking into account environmental, social, and economic considerations.

The proposed land use application does not have a direct link to the strategic objectives set out, and none of the major issues apply to the proposed departure. However, the proposed development will not be in contradiction with the Spatial Policy Statements & Guidelines of the Garden Route Regional SDF and the vision for Knysna.

10.3. Knysna Spatial Development Framework (2025)

Knysna Municipality has approved a new Spatial Development Framework during December 2025. The 2025 Knysna Municipal Spatial Development Framework (MSDF) gives effect to the Municipality's spatial development vision as articulated in the Integrated Development Plan (IDP) and aligned sector plans, and serves as a guiding framework for spatial planning and land use management decision-making across all spheres of government. It promotes a coordinated and coherent approach to spatial development, provides clear and accessible

guidance to both the public and private sectors to inform development and investment decisions, and directs strategic growth within the municipal area.

The MSDF prioritises the inclusion and integration of previously disadvantaged areas, rural settlements, informal settlements and state-owned land, seeks to address historical spatial imbalances, and ensures that development is environmentally sustainable through alignment with applicable environmental management instruments and relevant legislation. Meaningful public and stakeholder participation is integral to the MSDF and is facilitated through accessible engagement mechanisms in accordance with municipal communication processes. The purpose of the 2025 Knysna MSDF is:

"to guide the spatial distribution of current and future land uses, infrastructure investment, development, and protection of the natural environment, considering financial realities, whilst giving effect to the vision, goals, and objectives of the municipal Integrated Development Plan (IDP)".

According to the Knysna Municipality Spatial Development Framework (SDF), the subject property is:

- The application area is located inside the urban edge of The Heads.
- The application area is located inside a Residential neighbourhood.
- The application area is located inside the earmarked Secondary Getaway area.

The Spatial policies and policy guidelines guide decision-making on resource allocation, sector planning, land use management and land development programmes. The proposal is on such a small scale that it will not influence any of the key policies of the SDF.



FIGURE 9: EXTRACT - KNYSNA SDF 2025

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

Planning Implication:

*The subject property is situated **inside the urban edge** of Sedgfield and is suitable for urban development. The development proposal for the prescribed building line and access width departure is on such a small scale that it will not influence any policies or guidelines in the Knysna SDF. However, it is important to note that the proposal is consistent with the spatial pattern of the area and is therefore in line with the Knysna SDF. The proposed development is in accordance with policy D3. As the application area is situated within the urban edge which in turn limits urban sprawl, which is a key planning criteria set out in this policy.*

The proposed application will also be in line with the existing character of the area, and the current service supply for Sedgfield Erf 937 is adequate. The proposal is consistent with the spatial pattern of the area and is therefore in line with the Knysna SDF.

10.4. Sedgfield Local Spatial Development Framework (2025)

Knysna Municipality approved the Sedgfield Local Area Spatial Development Framework during December 2025.

"The Local Spatial Development Framework (LSDF) for Sedgfield serves as a pivotal tool in aligning with the overarching aim of the Knysna Municipality Integrated Development Plan (IDP). Designed to embrace the vision of an **Inclusive, Innovative, and Inspired** Municipality, this framework stands as a guiding light towards sustainable growth and development.

The Sedgfield SDF Conceptual Framework proposes a nodal and corridor-based growth model anchored around the Central Business District (CBD), existing transport corridors (N2), and several new development and conservation zones. The map outlines a vision of balanced growth through:

- Mixed-use nodes and corridors (e.g., MU1, MZ1) to stimulate economic diversification.
- Tourism and recreation nodes to reinforce Sedgfield's "Slow Town" character and eco-tourism economy.
- Neighbourhood and coastal nodes to meet residential and community needs in areas like Smutsville and Myoli Beach.
- Light service industrial node to support local employment.
- A proposed N2 realignment to reroute heavy traffic and ease local congestion.
- Low-intensity mixed-use corridors, especially in areas with environmental or heritage significance.

The area where the application area is located, is included in the demarcated urban edge of Sedgfield, and earmarked as part of the urban and residential area for Sedgfield. The area is not earmarked for any other specific purpose. The SDF does not provide any specific guidelines regarding building lines and streetscape in this area. The proposal is therefore regarded as being consistent with the local area spatial policy framework.

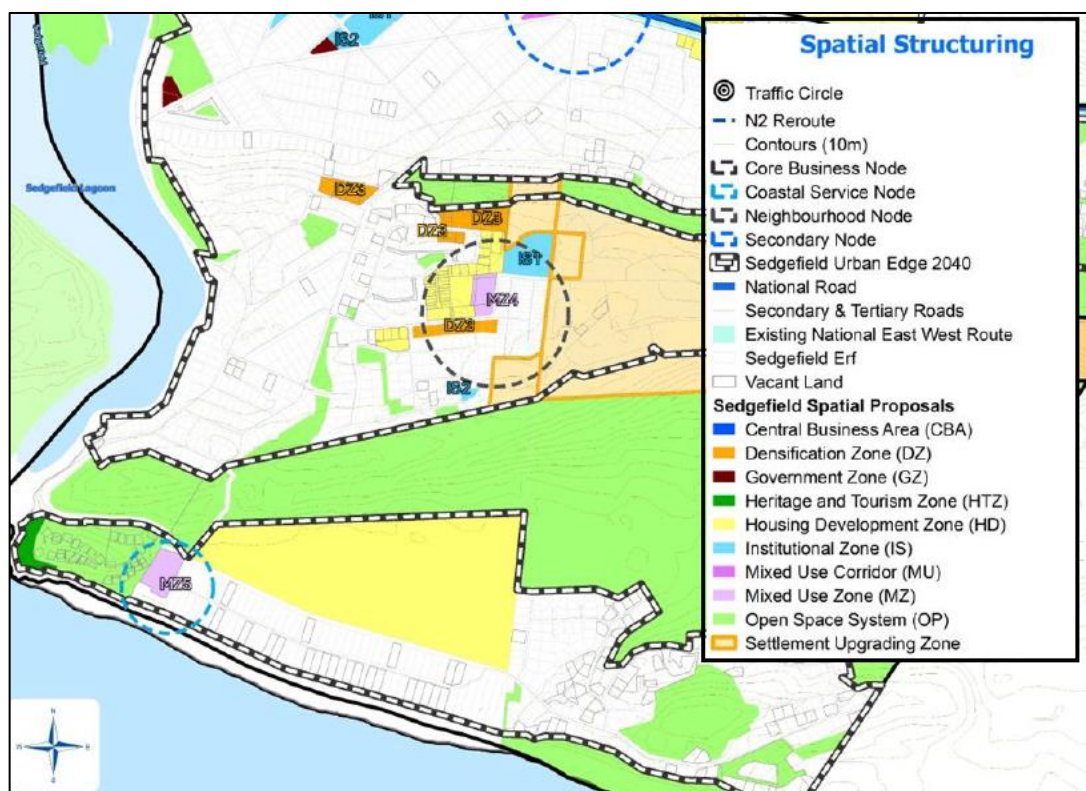


FIGURE 10: EXTRACT – SEDGFIELD LSDF 2025

10.5. Knysna Integrated Development Plan (2025)

The White Paper on local government (1998) tasked municipalities with the responsibility to work with communities and groups within communities to find sustainable ways to meet their social, economic and material needs and improve their quality of life. As a result, government introduced Integrated Development Planning in local municipalities in 1998 as an interim integrated plan as such local municipalities in South Africa must use “integrated development planning” as a method of planning for future developments in their areas.

The MSA (2000) mandates South African municipalities to formulate a five-year Integrated Development Plan (IDP). The objective of this strategic plan is firstly, to inform the municipal medium – to longer – term budget and lead programmes and associated projects within a particular municipal area. The IDP is argued to be the Municipality’s “principal strategic plan” that deals with the most critical development concerns within the boundaries of a municipal area and the most critical governance needs of the organization.

The IDP:

- ❖ is the principal strategic planning instrument which directs and informs all planning and development, and all decisions regarding planning, management and development, in the municipality;
- ❖ binds the municipality in the exercise of its executive authority, except to the extent of any inconsistency between a municipality's integrated development plan and national or provincial legislation, in which case such legislation prevails; and
- ❖ binds all other people to the extent that those parts of the integrated development plan that impose duties or affect the rights of those persons have been passed as a by-law.

The Vision for the Knysna IDP is the be:

- ✚ Inclusive
- ✚ Innovative
- ✚ Inspired

The application area is located in **Ward 1** of the Knysna Municipality. None of the issues raised in the community for Ward 1 applies to the proposed development.

Planning Implication:

The IDP is a municipal planning tool that integrates municipal planning and allocates municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. The proposed departure applications will not directly contribute to any of the Ward-based issues/priorities, but it is important to note that the proposal does not contradict any of them or the desired outcome for this ward.

The utilisation of a larger portion of the property could increase the property value. Home renovations / expansions create local job opportunities for contractors, architects, designers, and tradespeople. This boosts the local economy and supports small businesses within the community. This could also contribute to the increase in the neighbouring property values. The development will be in line with the aesthetics and existing character of the area. Therefore, the proposal is regarded as being consistent with the Knysna Integrated Development Plan.

SECTION D :**MOTIVATION****11. ASSESSMENT OF APPLICATIONS****11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

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

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land
- (3). National and provincial government policies the municipal spatial development framework; and take into account: —
 - (i) the public interest;
 - (ii) the constitutional transformation imperatives and the related duties of the State;
 - (iii) the facts and circumstances relevant to the application;
 - (iv) the respective rights and obligations of all those affected;
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
 - (vi) any factors that may be prescribed, including timeframes for making decisions.

11.2. Knysna Municipality: Spatial Planning and Land Use Management By-law, 2021

The Knysna Municipality: Spatial Planning and Land Use Management By-law, 2021 as promulgated by G.N 8492 dated 17 September 2021, states in Section 65 the general criteria necessary for considering an application by the municipality.

It must be noted that the application has not undergone the notice phase of the application process and that the information below is the necessary information required by the municipality to process the application. The following criteria must be considered when evaluating the desirability of this land development application:

Criteria	Reference in Report
The impact of the proposed land development on municipal engineering services .	Par.6
The integrated development plan , including the municipal spatial development framework.	Par.10.5

Criteria	Reference in Report
The applicable local spatial development frameworks adopted by the Municipality.	Par.10.3 & Par 10.4
The applicable structure plans .	<i>n/a</i>
The applicable policies of the Municipality that guide decision-making .	Par.11.2
The provincial spatial development framework .	Par.10.1
where applicable, a regional spatial development framework contemplated in section 18 of the Act and provincial regional spatial development framework.	Par.10.2
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	Par.11.1
The matters referred to in Section 42 of the Act; Principles referred to in Chapter VI (6) of the Western Cape Land Use Planning Act ; and	Par.16
applicable provisions of the zoning scheme	Par.5.3
any restrictive condition applicable to the land concerned	Par.5.2

12. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in **Par.10** of this report, the proposal is consistent with the relevant spatial planning policies for the following reasons:

- (i) The WC SDF promotes the revitalisation of urban areas within the urban edge to create efficient, convenient, and aesthetically pleasing living environments while protecting surrounding character and property owners' rights.
- (ii) The application area is located within the urban edge of Sedgefield, and the proposal will not adversely affect surrounding properties or the public, thereby aligning with the strategic objectives and policies of the WC SDF.
- (iii) The Regional Plan supports sustainable development and managed growth within established towns, taking into account environmental, social, and economic considerations.
- (iv) Although the proposal does not directly trigger the Plan's strategic objectives, it is not in conflict with the Spatial Policy Statements, Guidelines, or the broader vision for Knysna and the Garden Route region.
- (v) The application area is located within the urban edge, and the proposed small-scale building line departure will not influence or undermine the policies or guidelines of the Knysna SDF and of the Sedgefield Local Area SDF.
- (vi) The proposal is consistent with Policy D3, as it limits urban sprawl, aligns with the existing spatial pattern and character of the area, and can be accommodated by the existing service infrastructure.

- (vii) While the proposal does not directly address ward-based priorities, it does not contradict any IDP objectives or desired ward outcomes.
- (viii) The development may contribute to increased property values and local economic activity through home improvements and short-term employment, while remaining compatible with the character and aesthetics of the area.

13. NO IMPACT ON EXISTING RIGHTS

The proposal is to depart from the current building lines and the minimum access width for a combined entrance and exit way. No additional land use rights / additional development rights are being applied for. The proposal will not generate any noise pollution, it will not prevent any surrounding landowner from exercising their legal land use rights, nor will it result in any nuisances or invasion of privacy in any way whatsoever.

The proposal uplifts and enhances the area without deviating from the aesthetics and existing characteristics of the area. It can therefore be concluded that it would be desirable for the proposed departures to be approved, as this will allow the proposed addition to the property (carport), and the existing access to erf 937 to the landowners' liking, providing to their needs whilst also being compatible with the surrounding built environment.

There is a vegetation berm located between Erf 937 and the street, ensuring that no privacy rights will be impacted upon.



FIGURE 11: VEGETATION BERM ON SEDGEFIELD ERF 937.

Several similar precedents exist within the surrounding area, indicating that the Knysna Municipality has previously supported comparable departures where no adverse impact on neighbouring property owners' rights or the spatial vision of the area has been identified. The prescribed building lines and access width have historically not been strictly enforced by the relevant beneficiaries, and the existing access has served as the sole access point to the property for many years, demonstrating that the current width is functional and adequate. The proposed application is therefore consistent with the established character of the area and is not expected to negatively affect surrounding properties or their owners.

14. REASON FOR DEPARTURES

The applicant wish to construct a carport and a garden shed on the application area. The current access gate does not adhere to the minimum width of a combined entrance and exit way. Therefore, permanent departures will be required for the existing access and proposed carport.

Development Parameters		Development
Northwestern Street building line:	4,5m	1,006m Departure
Access: between 5m and 8m	Between 5m and 8m	4m Departure Required

Street Building Line: The proposed new carport is situated within the street building line due to site-specific constraints and practical access considerations. The existing driveway access and the layout of the dwelling necessitate that the carport be positioned closer to the street in order to ensure safe and convenient vehicular access, adequate manoeuvring space, and minimal disruption to the established development footprint. The size and position of the dwelling house do not allow access to the rear of the property, which necessitates that the carport be located towards the front of the application area.

Furthermore, several neighbouring properties within the surrounding area contain similar street building line encroachments and, in some instances, garages that are accessed directly from the street with limited on-site manoeuvring space. In contrast, the proposed layout provides sufficient internal manoeuvring area within the property, thereby promoting safer vehicular movement and reducing potential impacts on the public road reserve. The proposal is therefore consistent with the established development pattern of the area and will not negatively affect adjacent properties or the character of the streetscape.

Property Access: The proposed access width of 4 metres, although marginally below the prescribed minimum of 5 metres, is considered appropriate and acceptable within the specific site context. The existing access has served the property adequately for an extended period and has functioned as the sole point of entry without creating traffic, safety, or operational concerns. The proposed layout retains sufficient internal manoeuvring space within the property, ensuring that vehicles can enter and exit the site safely in a forward gear, thereby minimising any potential impact on the public road reserve or surrounding traffic movement.



FIGURE 12: EXISTING ACCESS TO THE PROPERTY.

15. DESIRABILITY

The concept “desirability” in the land use planning context may be defined as the degree of acceptability of a proposed development on land units concerned. This section expresses the desirability of the proposed departure, taken in conjunction with the development principles and criteria set out through the statutory planning framework, as well as the degree to which this proposal may be considered within the context of broader public interest. It is the considered opinion that the initial investigation into the desirability of the proposal reveals no obvious negative impacts.

The proposed application is considered desirable as it is not in conflict with the spatial development policies. Furthermore, the approval of the application will not have a negative impact on the character of the area, as well as the surrounding neighbours. The proposal is only to legalise the proposed structures that are situated within the zoning scheme building lines of the property. This will enhance the living quality and comfort of the owners, as they then know all proposed structures will be legal on their property.

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

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to

provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws, and to provide for matters incidental thereto.

Section 59 of this Act prescribes the Land Use Planning Principles that apply to all land development in the province. The tables below aim to summarise how the proposed development on Sedgfield Erf 937 complies with these principles.

16.1. Spatial Justice

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Past spatial and other development imbalances must be redressed through improved access to and use of land.	COMPLY	<i>The proposal aims to create a more inclusive, functional urban integrated living environment which is strategically aligned with the surrounding land uses. The proposal will also ensure that the property is utilised to its fullest potential.</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 is not applicable to the application area.</i> ▪ <i>Not a Spatial Development Framework or Policy.</i>
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	N/A	<i>This policy is not applicable to the application area.</i>
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 is not applicable 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.	Applicable to Knysna Municipality	<i>The municipality should process this application within the prescribed time frames of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
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.	Applicable to Knysna Municipality	<i>The municipality should process this application within the prescribed time frames of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).</i>
The right of owners to develop land in accordance with current use rights should be recognised.	COMPLY	▪ <i>The owner is seeking to develop the property to their liking, and the development does not entail a change in the land use of the property.</i> ▪ <i>The proposal complies with all the current land use rights, but an application is made for a departure from the building line.</i>

16.2. Spatial Sustainability

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Promote land development that is spatially compact, 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	▪ <i>The proposal is resource-frugal, as all activities will make use of the existing services.</i> ▪ <i>The proposed development is within the urban edge of Sedgefield and within an established urban environment.</i> ▪ <i>No additional services capacity is required to enable the proposal.</i>
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	N/A	<i>Not Agricultural land.</i>
Uphold consistency of land use measures in accordance with environmental management instruments.	COMPLY	<i>The application area is located within an existing urban area and does not trigger any environmental listed activities in terms of the National Environmental Management Act (1998).</i>
Promote and stimulate the effective and equitable functioning of land markets.	N/A	<i>This policy is not applicable to the application.</i>
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	COMPLY	▪ <i>The existing infrastructure is adequate, and no upgrade is required. See Par.6.</i> ▪ <i>Any future costs will be at the cost of the applicant or as determined by the municipality.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Promote land development in locations that are sustainable and limit urban sprawl.	COMPLY	- The proposed development is within an existing urban area. - No urban sprawl will be created as a result of the proposed development.
Result in communities that are viable.	COMPLY	- The proposal will not detract from the existing character of the area and result in a viable residential community. - Contributes to a more viable community by allowing this landowner to fully utilise the land, in accordance with the prescribed zoning scheme bylaw, except for the building line.
Strive to ensure that the basic needs of all citizens are met in an affordable way.	N/A	<i>This principle is not applicable to the applicant or this development.</i>
The sustained protection of the environment should be ensured.	COMPLY	- In line with all Environmental policy documents and legislation. - The application area is located within the existing urban area of Sedgefield and within the existing urban fabric.

16.3. Spatial Efficiency

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Land development optimises the use of existing resources and infrastructure.	COMPLY	The proposal will require and fully utilise the existing municipal infrastructure. No upgrades to the existing infrastructure will be required. See Par.6.
Integrated cities and towns should be developed.	N/A	<i>This policy is applicable to new township developments.</i>
Policy, administrative practice and legislation should promote speedy land development.	Applicable to Knysna Municipality	<i>The municipality should process this application within the prescribed time frames of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).</i>

16.4. Spatial Resilience

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks	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 proposed application complies with the requirements of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).

16.5. 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, the Knysna Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw. - What is however important is that all decision making is aligned with sound policies based on national, 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 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		

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

17. CONCLUSION

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

- (i) A permanent departure on Sedgefield Erf 937, in terms of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management Bylaw (2021), for the relaxation of the prescribed Northern Street Building line from 4,5m to 1,006m to allow the proposed new carport.
- (ii) A permanent departure on Sedgefield Erf 937, in terms of Section 15(2)(b) of the Knysna Spatial Planning and Land Use Management Bylaw (2021), for the relaxation of the prescribed minimum width of a combined entrance and exit way from 5m to 4m to allow the existing access to the property.

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Bitou Municipality By-law on Municipal Land Use Planning; 2015 is desirable and it is therefore recommended that the application be supported by the relevant authorities and approved by Bitou Municipality.

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