

KNYSNA ERF 7856

APPLICATION FOR:

PERMANENT DEPARTURES



CLIENT:
PREPARED BY:

ATOLA TRADING ENTERPRISE PROPRIETARY LIMITED
MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS



JANUARY 2026

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

Knysna Erf 7856 is located at 31 Glen View Road, Knysna. The property is currently zoned "Single Residential Zone I (SRI)" in terms of the Knysna Municipality Zoning Scheme By-law (2020) and is 1017m² in extent. The application area is part of the "Pilot's View" development, that was approved during 1991. A copy of the letter of approval with conditions of approval, dated, 1991 is attached as **ANNEXURE A**.



FIGURE 1: LOCALITY OF KNYSNA ERF 7856

The owner of Knysna Erf 7856 proposes to develop a new three-storey dwelling house on the currently, vacant property. The proposed development is in line with the prescribed development parameters for "dwelling houses" as set out in the Knysna Zoning Scheme By-law (2020), except for the two-storey height restriction and the southern building lines.

Given the topography of the site, the three-storey building remains below the prescribed maximum height of 8,5 metres above Natural Ground Level (NGL). Given the shape of the application area, some portions of the proposed building will encroach on the southern building lines, such as the proposed new entrance yard.

In order to obtain permission for the proposed dwelling house, it is necessary to apply for a permanent departure, to allow for the relaxation of the height restriction to allow a third storey, and the relaxation of the southern street building line in terms of Section 15(2)(b) of the Knysna Municipality Spatial Planning and Land Use Management By-law (2021).

1.1. Pre-Application Consultation

The required pre-application consultation was conducted with Knysna Municipality on 2 October 2025. The pre-application consultation panel did not highlight any concerns for the intended application. The minutes of the pre-application consultation meeting is attached as **ANNEXURE B**.

Comments	Response
Applicant to provide clarity on the portions of the buildings that encroach onto the street building line.	Refer to Par.4.1, 5.1 & 15 .
Motivate why the slope of the property justifies the third storey. Building to present a two-storey building from the street. Contour plan or slope analysis must be provided.	Refer to Par. 4.2, 5.1, 10.1 & 14
Municipality recommends that the applicant review the parent approval and annexure to verify how the restrictions apply.	Refer to Par 5.2

2. THE APPLICATION

Marika Vreken Urban and Environmental Planners have been appointed by **Atola Trading Enterprise Proprietary Limited** to prepare and submit the required application documentation (refer to **ANNEXURE C**: Signed Company Resolution & Signed POA and **ANNEXURE D**: Application form) for:

- (i) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), to relax the prescribed southern street building line from 4.5m to 0m to allow the proposed new entrance yard.
- (ii) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), to relax the prescribed maximum height from 2-storeys to 3-storeys.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed (T45347/2020) that includes the information outlined below is contained in **ANNEXURE E**. No individual erf diagram exists for Erf 7856. This property is part of the approved Pilot's View development, and the General Plan No. 9984/1991 for the development area is contained in **ANNEXURE F**.

Title Deed Description:	Erf 7856 Knysna in the Municipality and Division of Knysna, Province of the Western Cape
Title Deed No:	T45347/2020
Property Owner:	Atola Trading Enterprise Proprietary Limited
Property Size:	1017m ² (one thousand and seventeen) Square Metres
Title Deed Restrictions:	No restrictive title deed conditions
Servitudes:	There are no servitudes registered over this property.
Bonds:	There is no Bond registered over the property.

SECTION B :**DEVELOPMENT PROPOSAL****4. DEVELOPMENT SPECIFICATIONS**

(Refer to **Plan 2: Proposed Building Plans** - dated 13 March 2024)

Knysna Erf 7856 is currently vacant. It is proposed to develop a three-storey dwelling house incorporating an entrance courtyard.

The proposed dwelling comprises the following:

Second Floor:

Boma area, gymnasium, lobby, spa, living area, entertainment patio, view patio, courtyard, dining area, kitchen, utility room, wine cellar, breakfast nook, hot tub, and swimming pool.

First Floor:

Main bedroom with en-suite bathroom and dressing room, view patio, Bedrooms 2 to 5 each with en-suite bathrooms, additional view patio, and a recreational room.

Ground Floor:

Covered patio, Bedrooms 6 and 7 each with en-suite bathrooms, storage areas, lobby, showroom entrance, concrete block driveway, bathroom, lounge, and utility yard.

4.1. Building Line Encroachment

The proposed dwelling house has been designed to utilise the development potential of the property to the fullest extent permitted by the applicable zoning and development parameters. As a result, the main building footprint is positioned close to the prescribed building lines.

As a result of the site layout and design, certain ancillary elements associated with the dwelling are proposed within the building lines. These include **entrance stairs** encroaching into the **eastern and northern building lines**, a **roof overhang encroaching into the western building line**, a **pool pump foundation** situated within the **northern building line**, and a **proposed new entrance** situated within the **southern street building line**.

The proposed pool pump foundation, roof overhang, and entrance stairs are ancillary in nature and are **exempt from a formal departure application** in accordance with **Section 21(1)(c)**, which excludes entrance steps and **Section 21(1)(e)**, which excludes eaves and awnings, of the Knysna Municipality Zoning Scheme By-law (2020), as well as **Section 21(2)(a)**, which permits outbuildings, such as the pool pump, that are attached or separate, and ancillary to the main dwelling house, within the building lines of a property.

The proposed encroachments are limited in extent and are ancillary in nature, and they do not materially increase the bulk, scale, or intensity of the development beyond what is permitted in terms of the zoning provisions.

The figure below shows the size and extent of the proposed building line encroachments.

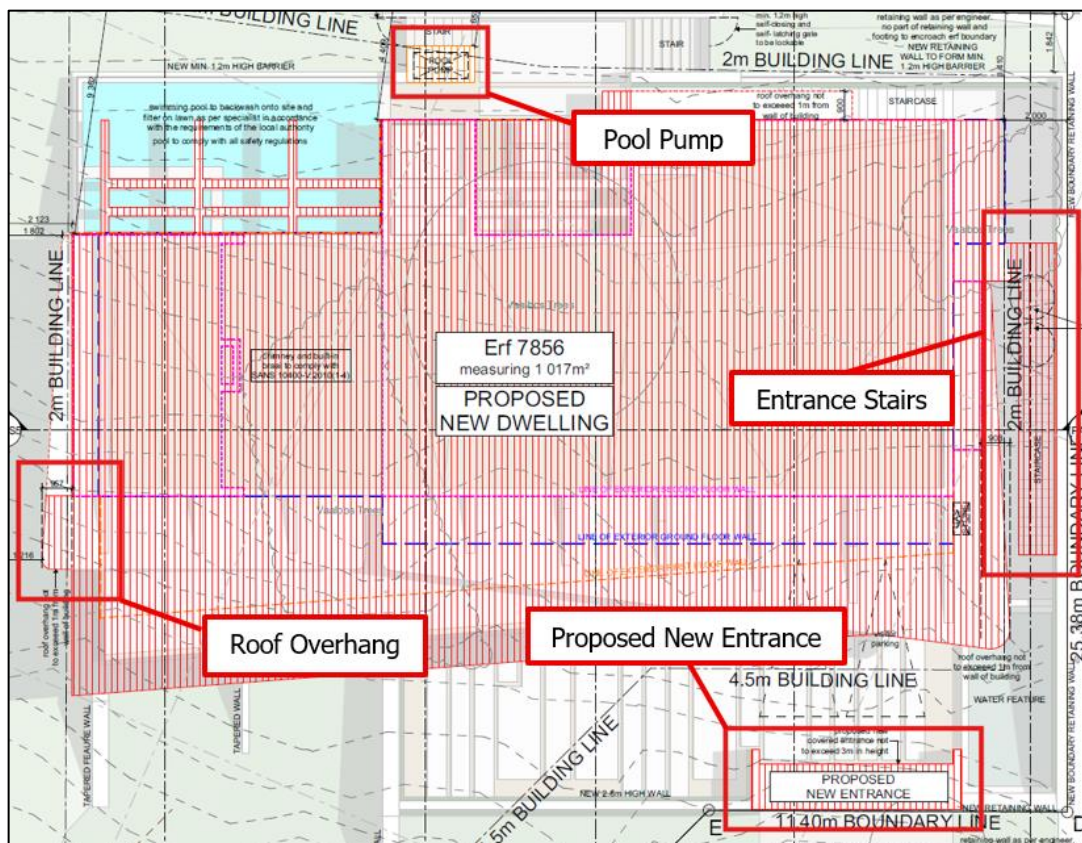


FIGURE 2: PROPOSED DWELLING HOUSE

4.2. Third-storey height encroachment

A third storey is proposed in order to maximise the development potential of the property within the parameters of the applicable zoning and development controls. The property has a **relatively steep slope**, and the design responds to this topography by stepping the building vertically, allowing the dwelling to accommodate functional internal spaces while **remaining fully compliant with the maximum permitted height restriction of 8.5 metres** above natural ground level. The proposed third storey, therefore, does not encroach on the allowable height envelope and does not result in an increase in bulk or development intensity beyond what is permitted in terms of the zoning provisions.

The figure below is a cross-section of the proposed new dwelling house, indicating compliance with the 8,5m above NGL height restriction.

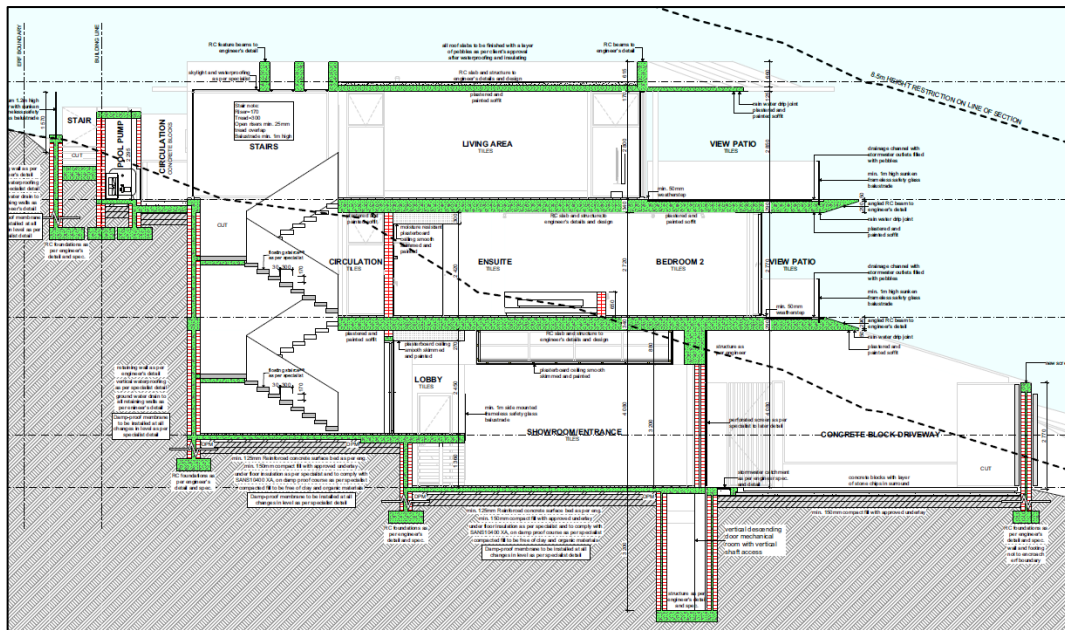


FIGURE 3: SECTION OF THE PROPOSED DWELLING HOUSE

4.3. Access & Parking

The primary and only access to the site will be obtained directly off Glen View Road, which is accessed from Coney Glen Road.



FIGURE 4: ACCESS TO KNYRNA ERF 7856 FROM GLEN VIEW ROAD.

The Knysna Municipality Zoning Scheme By-Law, 2020 prescribes a parking requirement of 2x parking bays per dwelling unit. The proposed dwelling house has a double garage which can easily accommodate 2x vehicles, with a proposed entrance yard that can accommodate a further 2 vehicles.



FIGURE 5: PARKING ON KNYSNA ERF 7856

5. STATUTORY SPECIFICATIONS

The following land development application is 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)" even that are larger than 500m².

"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.

Given the size of the proposed dwelling house and the configuration of the property, a significant portion of the erf is occupied by the proposed development. The design of the entrance and showroom includes the enclosure of the front yard to accommodate on-site parking. As a result, the proposed new entrance encroaches into the 4.5 m street building line of the property.

Certain ancillary elements associated with the dwelling are proposed within the building lines. These include **entrance stairs** encroaching into the **eastern and northern building lines**, a **roof overhang encroaching into the western building line**, a **pool pump foundation** situated within the **northern building line**, and a **proposed new entrance** situated within the **southern street building line**.

The proposed pool pump foundation, roof overhang, and entrance stairs are ancillary in nature and are **exempt from a formal departure application** in accordance with **Section 21(1)(c)**, which excludes entrance steps and **Section 21(1)(e)**, which excludes eaves and awnings, of the Knysna Municipality Zoning Scheme By-law (2020).

It is our opinion that the pool pump that encroaches onto the northern rear building line is classified as an outbuilding, as it is an ancillary structure that is separate from the dwelling house.

“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;

Therefore, as the pool pump is classified as an outbuilding, it is exempted from a departure application in terms of **Section 21(2)(a)**, which permits outbuildings within the building lines of a property.

In terms of the Knysna Municipality Zoning Scheme By-law (2020), the maximum permitted building height for properties zoned “Single Residential Zone I (SRI)” is 8.5 metres and two storeys.

“Storey” means that portion of a building between the surface of any floor and the surface of the next floor above; or, if there is no floor above the ceiling, then up to the ceiling; provided that, unless the contrary appears clearly from the provisions of this By-law:

- a basement does not constitute a storey;
- a roof, or dome forming part of a roof, does not constitute a separate storey unless the space within the roof or dome is designed for, or used for, human occupation or other living or entertainment purposes, in which case it is deemed to be a storey;
- the utilisation of an open roof area does not constitute a separate storey; however, should any means of coverage or fixtures for outdoor living and entertainment purposes be added to the roof of a building, the area is regarded as an additional storey;
- any storey greater than 4 metres, measured from the finished floor level to the finished floor level of the storey above, or to the ceiling in the case of a top storey, but up to 6 metres in height is, for the purpose of the height measurement, regarded

as two storeys, and every additional 4 metres in height or portion thereof, is regarded as an additional storey; and

- in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey;

The property is located on a steeply sloping site, which presents challenges for accommodating a conventional two-storey dwelling while achieving functional internal layouts. The proposed third storey is a direct response to the topography, allowing the building to step down the slope. Therefore, as the property seeks to make use of a large portion of the property, and due to the slope, some portions of the property is classified as a three-storey building.

Thus, an application is made for permanent departures in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021), on Knysna Erf 7856 for:

- (i) for the relaxation of the prescribed southern street building line from 4.5m to 0m to allow the proposed new entrance yard.
- (ii) for the relaxation of the prescribed maximum height from 2-stories to 3-stories.

5.2. Knysna Municipality Zoning Scheme By-law (2020)

There is an existing Architectural Design Manual (ADM), for the Pilot's View development. The development approval for this area (refer **ANNEXURE A**), was not subject to the approval of an Architectural Design Manual (ADM), and no record can be found of any approval of the Pilot's View ADM. It appears that the ADM was compiled voluntarily, and unless proof of the municipal approval of the ADM can be provided, the Pilot's View is not binding on the individual properties in this development, hence the prescribed development parameters for the application area are those parameters for "Dwelling houses" as contained in the Knysna Zoning Scheme Bylaw.

A summary of the prescribed development parameters for "Single Residential Zone (SRI)" - 'dwelling house' and a comparison of the proposed development's parameters are shown in the table below:

Prescribed Development Parameter		Compliance
Primary Use:	'dwelling house'	'dwelling house' COMPLY
Coverage:	50%	49.7% COMPLY
Height:	8.5m above NGL	<8.5m COMPLY
	2 Storeys	3 Storeys Departure Required
Building Lines:	Street building line (south): 4.5m	0m Departure Required

Prescribed Development Parameter		Compliance
	Side building line (western): 2m	2m COMPLY
	Rear building line (north): 2m.	2m COMPLY
	Side building line (east): 2m	2m COMPLY
Parking:	2 parking bays per dwelling unit	2x parking bays COMPLY

6. SERVICES INFRASTRUCTURE

The application area is situated within the established urban fabric and forms part of an existing residential neighbourhood. The proposed land use is consistent with the primary land use permitted on the property, and the existing service infrastructure is designed to accommodate such development. Accordingly, the current provision of services is considered adequate to support the proposed development.

CONTEXTUAL INFORMANTS

7. LOCALITY

(Plan 1: Locality Plan)

Knysna Erf 7856 is located at 31 Glen View Road, The Heads, Knysna. The application area is approximately 65m northeast of 'Akimbella Lodge'. The coordinates to the centre of the Application Area are located at **34° 4'51.87" S** and **23° 3'58.35" E**.

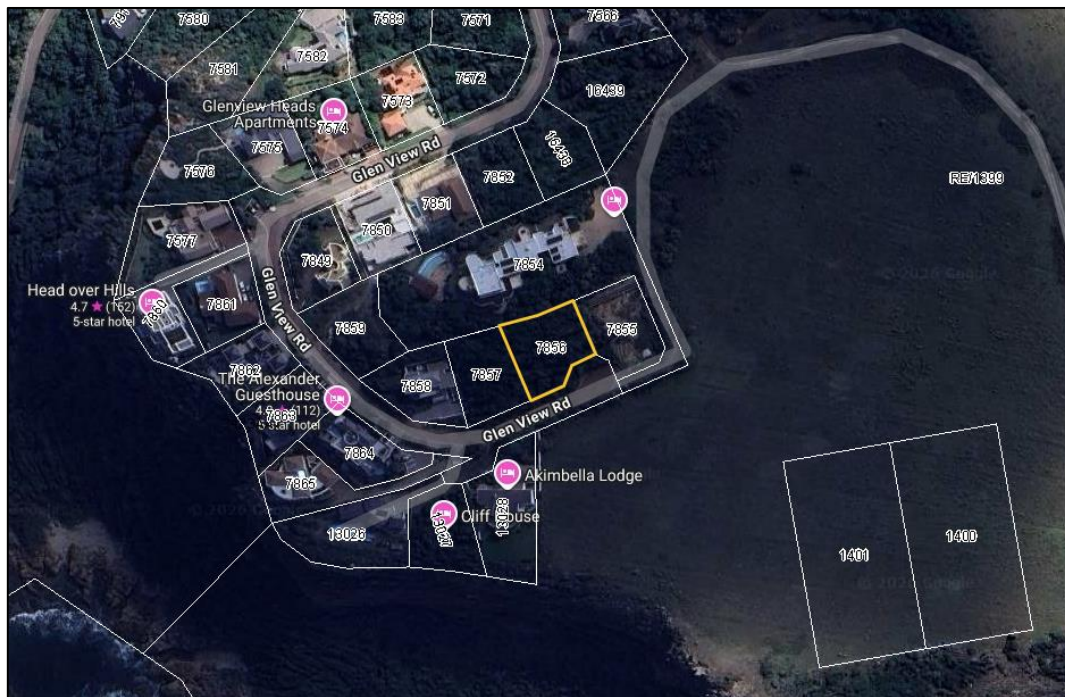


FIGURE 6: LOCALITY

8. CURRENT LAND USE AND ZONING

8.1. Land Use

Knysna Erf 7856 is currently vacant. It is proposed to develop a dwelling house on the property that is in accordance with the primary land use of the property. Therefore, the proposed land use of a dwelling house is in line with the property zoning of "Single Residential Zone I".



FIGURE 7: KNYSNA ERF 7856

8.2. Zoning

Knysna Erf 7856 is currently zoned as "Single Residential Zone I (SRI)" in terms of Knysna Municipality Zoning Scheme By-Law, 2020.

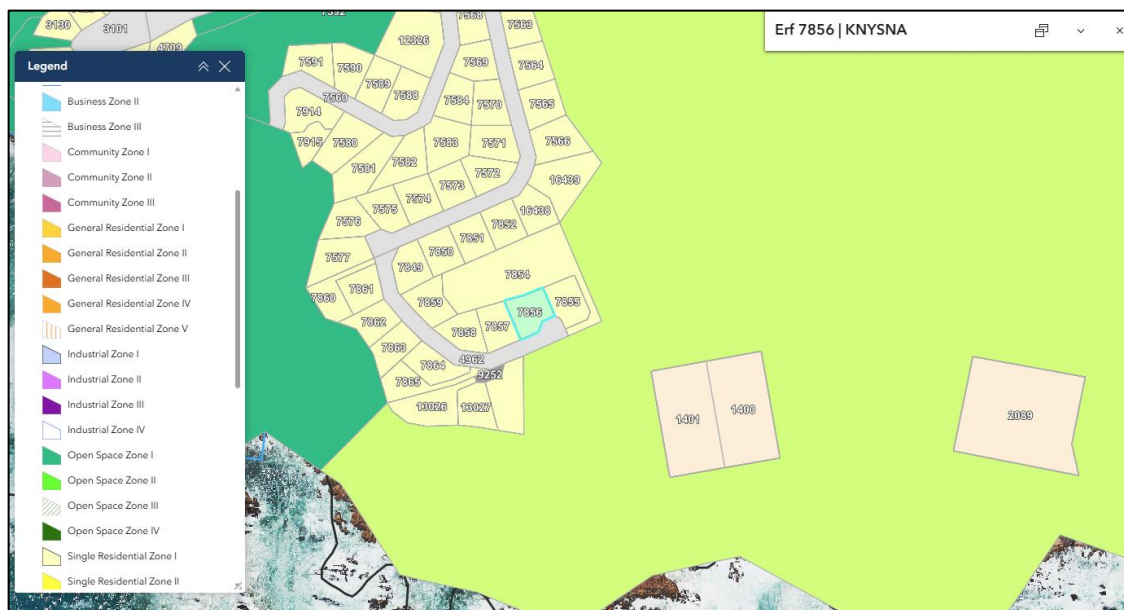


FIGURE 8: EXTRACT KNYSNA ZONING MAP

9. CHARACTER OF THE AREA

(Plan 3: Land Use Plan)

The surrounding area is predominantly characterised by **low- to medium-density residential development**. The surrounding properties comprise primarily **Single Residential erven** utilised for dwelling houses and guest accommodation, as well as vacant erven, an agricultural erf, public open space erven, and a limited number of properties used for business purposes. Notwithstanding this mix of uses, the **dominant character of the area remains single residential** in nature.

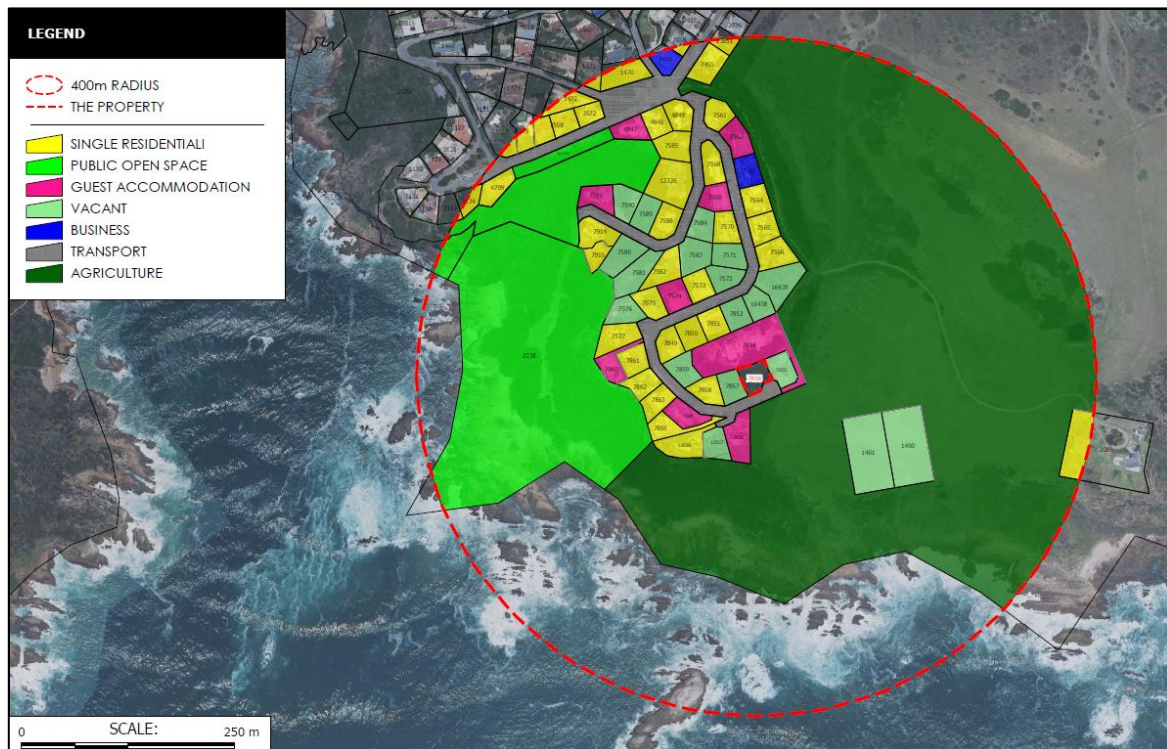


FIGURE 9: EXTRACT FROM LAND USE PLAN

A site-specific survey of the surrounding area was conducted on Wednesday, 21 October 2025, supplemented by an assessment of geo-referenced aerial imagery. During the survey, several properties within the vicinity that comprise three-storey buildings and structures that encroach into prescribed building lines were identified, thereby establishing a clear precedent within the area.

The area is generally characterised by larger single residential dwellings with multiple storeys. Due to the absence of access to private properties, the survey was undertaken from public vantage points and through the interpretation of geo-referenced aerial photographs. The findings nonetheless demonstrate that third storeys and building line encroachments have been permitted in the area. An extract of the precedent plan (**ANNEXURE G: Precedent Plan**), illustrating the identified three-storey buildings and properties with building line encroachments, is provided below.

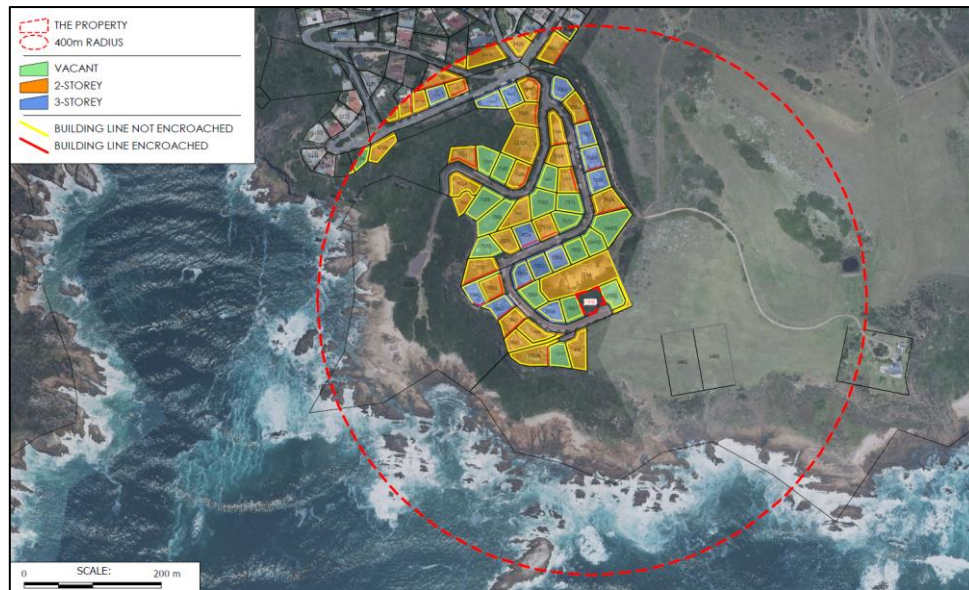


FIGURE 10: EXTRACT – PLAN INDICATION 2 & 3 STOREY BUILDINGS IN THE VICINITY

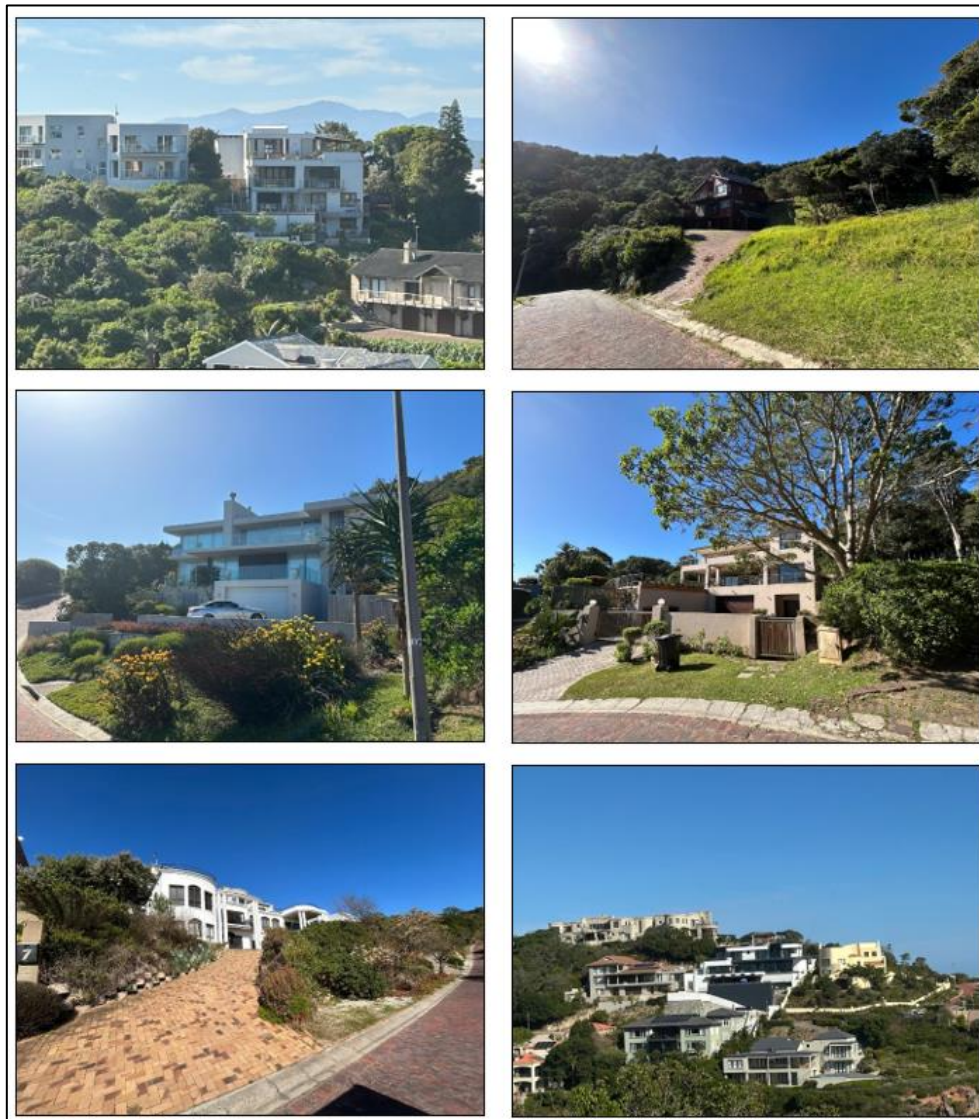


FIGURE 11: IDENTIFIED THREE-STOREY BUILDINGS IN THE SURROUNDING AREA

It is clear that a three-storey dwelling with structures encroaching on the building lines can be regarded as highly consistent with the existing character of the area, and it does not in any way detract from or affect the existing character of the area.

10. SITE CHARACTERISTICS

10.1. Topography

Knysna Erf 7856 is located on a steep hill that slopes from south to north. There is a steep elevation gain from the lowest point of the application area to the highest portion of the application area. The slope percentage over the property is between 13% and 27%, with a slope degree of between 9 and 15.

The application area is located on a steeply sloping site, which presents challenges for accommodating a conventional two-storey dwelling while achieving functional internal layouts. The proposed third storey is a direct response to the topography, allowing the building to step down the slope rather than requiring extensive excavation or retaining structures.

Although the dwelling includes a third level, the maximum building height of 8.5 metres as prescribed for "Single Residential Zone I (SRI)" properties in terms of the Knysna Municipality Zoning Scheme By-law (2020) is not exceeded. The additional storey does not increase the bulk or visual impact of the dwelling beyond what is permitted under the zoning regulations, as the stepped design reduces apparent massing from street level and adjoining properties.



FIGURE 12: SLOPE CLASSIFICATION

11. EXISTING POLICY FRAMEWORKS

11.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF 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.

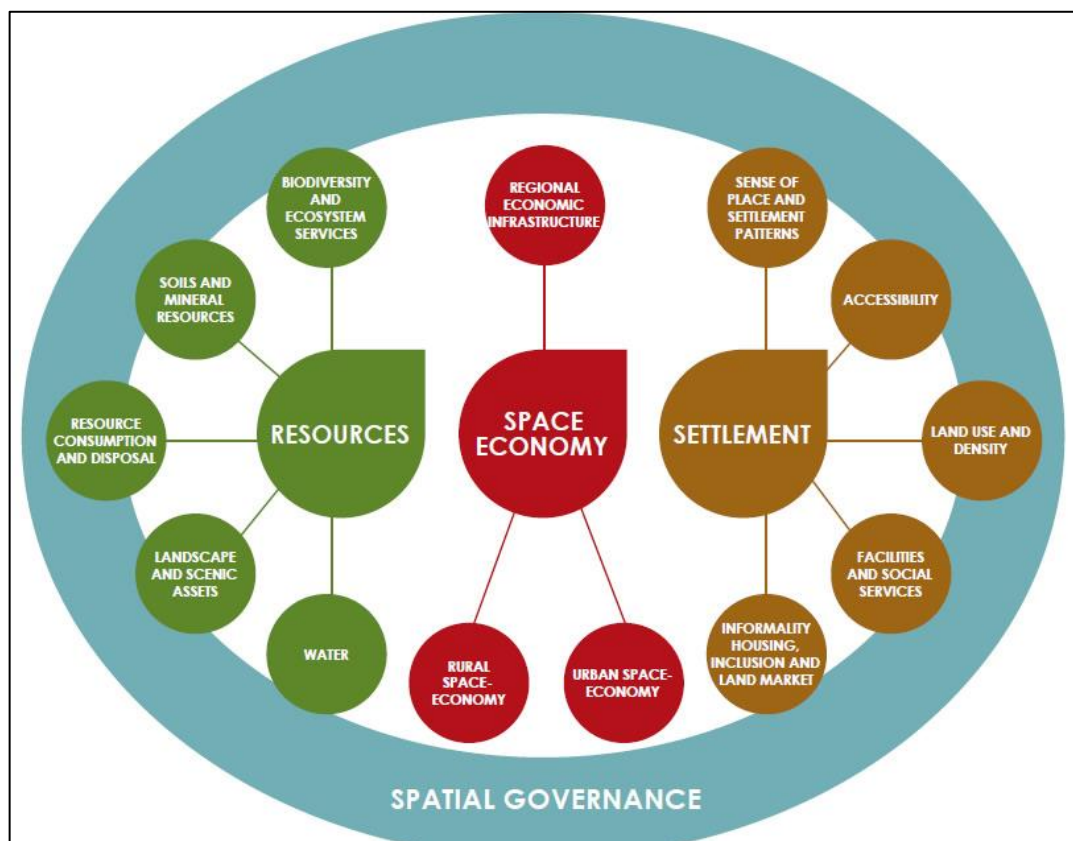


FIGURE 13: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

The proposed departures 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) <i>The proposal will allow for more efficient use of land.</i> (ii) <i>The development area is located within the urban edge and is suitable for urban development.</i> (iii) <i>The proposed development promotes smart growth by making efficient use of a vacant erf within an established urban residential area. By prioritising infill development on a serviced property, the proposal utilises existing infrastructure and contributes to the consolidation of the urban fabric. The development avoids urban sprawl by focusing growth within the existing settlement, while intensifying and optimising the use of land in a manner that is compatible with the surrounding residential environment.</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> (ii) <i>The proposal reinforces the role and character of this urban node by consolidating residential development within the existing town, consistent with historical settlement patterns, and by making efficient use of available land and services.</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 subject property is situated **inside the urban edge** of The Heads. The Provincial SDF is a provincial-scale planning document rather than a municipal-scale document. Meaning that an application for permanent departure from the prescribed development parameters is not directly applicable to the spatial planning policies of the PSDF. The proposal is on such a small scale that it is difficult to indicate how it will comply or deviate from the Western Cape Spatial Development Framework, which applies to provincial-scale planning.*

The proposal to legalise the proposed three-storey dwelling house with a proposed new entrance encroaching into the street building line on the application area ensures the efficient use of the land to obtain the maximum potential in a lawful manner, whilst

complying with strategic objectives as set out by the Western Cape Spatial Development Framework and is directly in line with policies S1 No 2 & No 3.

11.2. 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 departures. 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.

11.3. 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.

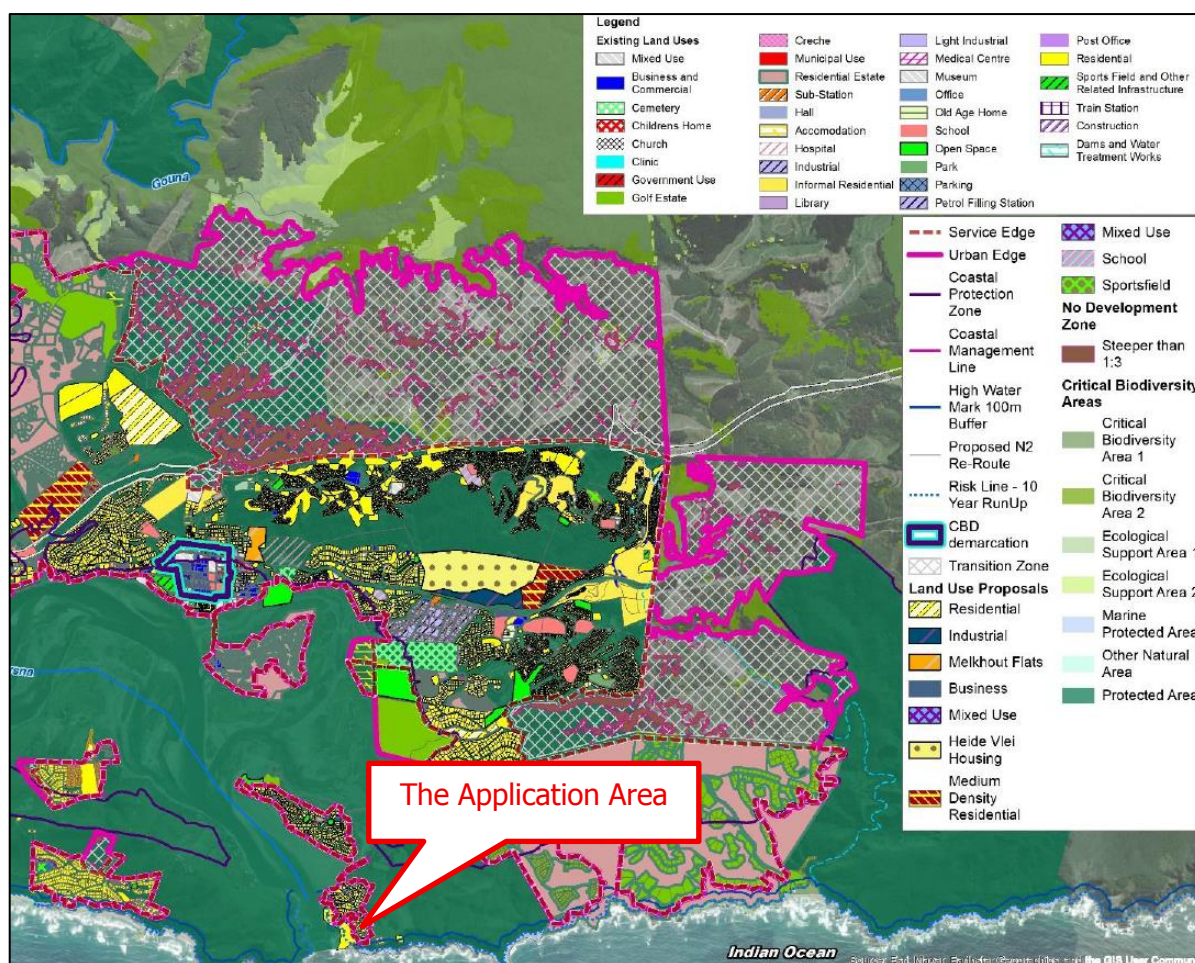


FIGURE 14: EXTRACT - KNYSNA SDF 2025

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.

Policy No	Policy		
D	The Spatial Development Framework (SDF) for the Knysna Municipality should guide and structure development activities and the built environment to accommodate the aspirations of its residents while preserving the area's natural landscapes and ensuring effective service delivery. The SDF must establish a comprehensive framework to inform decision-making and actions over several years, aiming to create integrated, livable urban and rural spaces.		
	Policy Guideline		
D3	man-made surroundings that provide the setting for human activity, ranging in scale from buildings and	3.1.1.1.	<i>The proposed medium-density residential development aims to address Knysna's housing needs by</i>

Policy No	Policy		
	parks or green space to neighbourhoods and cities that can often include their supporting infrastructure such as water supply or energy networks.		<i>offering inclusive, sustainable, and socially integrated living spaces.</i>

Planning Implication:

*The subject property is situated **inside the urban edge** of Knysna Heads and is suitable for urban development. The development proposal for the prescribed building lines and departure from the two-storey height 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 Knysna Erf 7856 is adequate. The proposal is consistent with the spatial pattern of the area and is therefore in line with the Knysna SDF.

11.4. 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 9** of the Knysna Municipality. None of the issues raised in the community for Ward 9 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 development does not have a direct link to the strategic objectives and is on too small a scale to contribute to or deviate from this. The proposed application 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.

SECTION D :**MOTIVATION****12. ASSESSMENT OF APPLICATIONS****12.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Section 42 of SPLUMA prescribes 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.

12.2. 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.0
The integrated development plan , including the municipal spatial development framework.	Par.11.4
The applicable local spatial development frameworks adopted by the Municipality.	Par.11.3
The applicable structure plans .	<i>n/a</i>
The applicable policies of the Municipality that guide decision-making .	Par.12.2
The provincial spatial development framework .	Par.11.1
where applicable, a regional spatial development framework contemplated in section 18 of the Act and a provincial regional spatial development framework.	Par.11.2
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	Par.12.1
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.19
applicable provisions of the zoning scheme	Par.5.2
any restrictive condition applicable to the land concerned	<i>n/a</i>

13. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in **Par.11** of this report, the proposal is consistent with the relevant spatial planning policies for the following reasons:

- (i) The proposal is located within the urban edge of The Heads and legalises a three-storey dwelling with a new entrance, ensuring efficient use of land while remaining lawful.
- (ii) The scale of the development is small, meaning it does not directly engage with provincial-scale spatial policies, but it aligns with strategic objectives (S1 No. 2 & 3) regarding efficient land use and urban consolidation.
- (iii) The proposal is not in conflict with the Spatial Policy Statements & Guidelines of the Garden Route Regional SDF and is consistent with the vision for Knysna.
- (iv) The site is within the urban edge of Knysna Heads, making it suitable for urban development; the proposal is consistent with the spatial pattern and local character of the area.

- (v) The development complies with building line and height parameters in a site-responsive manner, aligns with policy D3, limits urban sprawl, and can be accommodated within existing services.
- (vi) The development is small in scale and does not directly contribute to or conflict with the strategic objectives of the IDP.
- (vii) The proposal does not contradict ward-level priorities and is compatible with the desired outcomes for the area.

14. NEED FOR PERMANENT DEPARTURE: THIRD STOREY

The Applicant seeks to develop a dwelling house on Knysna Erf 7856 with 3 storeys. The application area is characterised by a relatively steep natural slope, which necessitates a design approach that responds to the site's topography. The proposed dwelling has therefore been designed with a stepped building form, resulting in the inclusion of a third story. This design approach enables the dwelling to be accommodated within the constraints of the site while maintaining functional internal layouts.

Although a third storey is proposed, the development remains fully compliant with the maximum permitted building height of 8.5 metres above NGL, as prescribed for properties zoned "Single Residential Zone I (SRI)" in terms of the Knysna Municipality Zoning Scheme By-law (2020). As a result, the proposal does not exceed the allowable height envelope and does not result in an increase in bulk or development intensity beyond what is permitted under the zoning provisions. The proposal ensures that no sight distances from neighbouring properties are impacted, due to the proposed dwelling house remaining below the 8.5 metres maximum height.

The stepped design also mitigates the visual impact of the building, as portions of the dwelling are perceived as two storeys from certain viewpoints due to the sloping nature of the site. The proposed third storey is therefore considered a site-responsive architectural solution rather than an intensification of development rights and is compatible with the surrounding residential character of the area.



FIGURE 15: RENDERING OF THE PROPOSED DWELLING HOUSE

15. NEED FOR PERMANENT DEPARTURE: STREET BUILDING LINE

The proposed dwelling house has been designed to utilise the development potential of the property in accordance with the applicable zoning and development parameters. Consequently, the main building footprint is positioned close to the prescribed building lines. Given the site layout and design requirements, certain ancillary elements associated with the dwelling are proposed within the building lines.

These elements include entrance stairs encroaching into the eastern and northern building lines, a roof overhang encroaching into the western building line, a pool pump foundation located within the northern rear building line, and a proposed new entrance situated within the southern street building line. The encroachments are limited in extent and are ancillary in nature, and are required to ensure functional access, weather protection, and the effective servicing of the dwelling.

As discussed in **Par. 5.1** the proposed entrance stairs and roof overhang are ancillary in nature and are exempt from a formal departure application in terms of Section 21(1)(c) of the Knysna Municipality Zoning Scheme By-law (2020), which excludes entrance steps, and Section 21(1)(e), which excludes eaves and awnings, respectively. The pool pump foundation encroaching into the northern rear building line is considered an outbuilding, as it constitutes an ancillary structure that is subservient to and reasonably required in connection with the main dwelling house, and is therefore also exempted from a departure application in terms of Section 21(2)(a) of the Knysna Municipality Zoning Scheme By-law (2020).

The **only element requiring a building line departure** is therefore the proposed new entrance situated within the southern street building line. This encroachment is limited in extent and is required to accommodate safe and functional access to the property. The entrance is located within an **indent in the property boundary created by the cul-de-sac**, and had the property

followed a configuration similar to the adjoining property to the west, the entrance would not have encroached into the street building line.

Furthermore, the proposed entrance is positioned on the indented side of the property and does not represent the southernmost or lowest point on the site that can be developed on. There are portions of the application area located further south that may be developed without encroaching on the southern street building line. As a result, the proposed entrance does not constitute the furthest southern extent of potential development and does not adversely affect views or the amenity of adjoining properties.

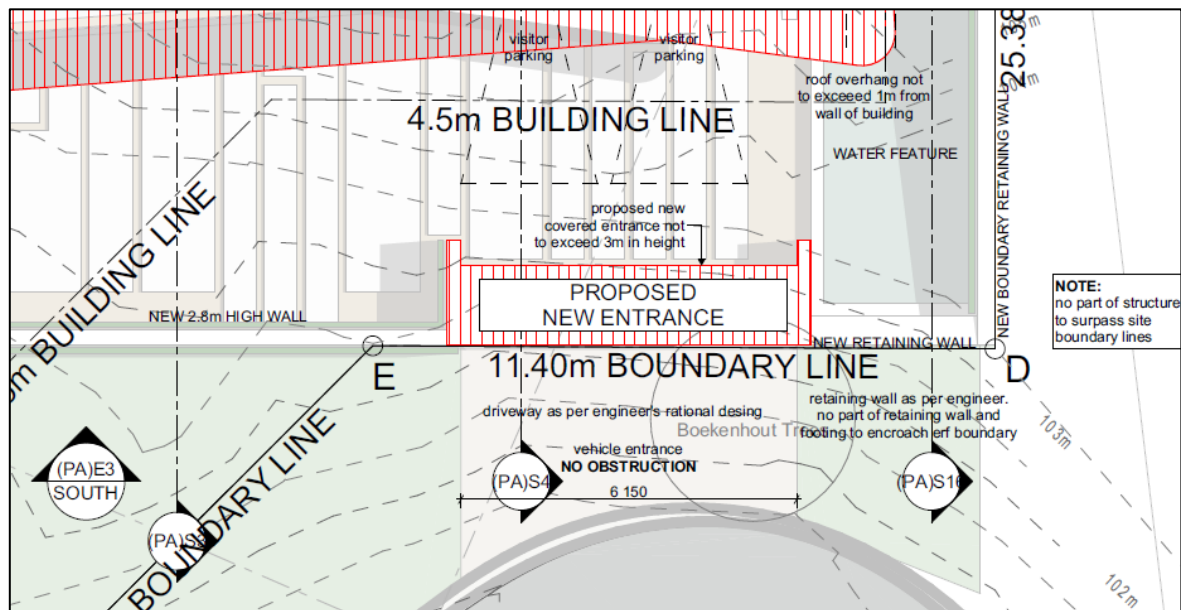


FIGURE 16: EXTRACT - SITE DEVELOPMENT PLAN

The encroachment does not materially increase the bulk, scale, or intensity of the development, nor does it negatively impact the surrounding streetscape.

16. CONSISTENCY WITH THE SURROUNDING AREA

The proposed development is consistent with the prevailing development pattern and character of the surrounding area. The area is predominantly characterised by low- to medium-density single residential development, comprising a mix of dwelling houses and guest accommodation, many of which are larger in scale and incorporate multiple storeys.

The proposed dwelling is residential in nature and aligns with the existing land use, scale, and built form evident in the surrounding area. The building height, massing, and layout are comparable to neighbouring developments and are informed by site-specific conditions, including topography. Accordingly, the proposal does not introduce a development form that is out of character with the area and is considered compatible with the established residential environment.

17. NO IMPACT ON EXISTING RIGHTS

The proposed departures will not adversely affect the existing rights of neighbouring property owners. The proposal does not result in an intensification of land use beyond what is permitted in terms of the applicable zoning, and the residential use remains consistent with the surrounding area.

The building height remains within the maximum permitted height restriction, and the proposed departures are limited in extent and site-specific in nature. Adequate spatial separation is maintained, and the design has taken into account issues of scale, massing, and orientation. As a result, the proposal is not expected to result in unacceptable impacts in respect of overlooking, loss of privacy, overshadowing, or visual intrusion, and the amenity of adjoining properties will be maintained. 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 dwelling house will be visually pleasing, with a modern architectural design that complements the surrounding character of the area.

It can therefore be concluded that it would be desirable for the proposed departure applications to be approved on Knysna Erf 7856, which serves the needs of the homeowners whilst also being compatible with the surrounding built environment (where several similar dwelling houses and encroachments exist).

18. RELEVANT CONSIDERATIONS, WESTERN CAPE - ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING

The concept of “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 departures, 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 following key considerations are taken into account to determine the desirability of the proposed land use.

Elements for Consideration	Key Questions to Ask	Proposal (Desirability)
Economic impact	Positive or Negative impact on neighbourhood / settlement?	<i>Positive economic impact - increase in property value. No impact on surrounding property owners or their rights.</i>
Social impact	Greater social justice, equity of access to opportunity	<i>The surrounding property owners will not be negatively affected by the proposal, and the proposal complies with all the other development parameters, except for building lines and two-storey limitation.</i>

Elements for Consideration	Key Questions to Ask	Proposal (Desirability)
Scale of capital investment	> capital investment - > positive impact	Investment by landowners. Increase in property value.
Compatibility with surrounding land uses		The proposal is in line with the character of the area and compatible with the various other dwelling houses in The Heads. See Par.9 & Par.16.
Impact on external engineering services	How much must the developer contribute to municipal costs incurred?	- No impact on existing service infrastructure. Existing services are sufficient - Make use of existing service connections. - Refer to Par.0
Impact on safety, health & well-being of the surrounding community		Refer to Par.16 & Par.17
Impact on heritage		- No heritage impacts - No heritage value
Impact on the biophysical environment	Are there negative impacts? Are they adequately mitigated?	- Within urban edge. - No NEMA listed activities will be triggered. - Outside any CBA areas.
Traffic impacts, parking access, other transport considerations	Support for densification & functional public transport system?	- No additional traffic. - Access from the existing road network.
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		- No views will be obscured. - Below maximum permitted height. - Fits within the character of the area.
Timing – need to densify or protect urban edges	The best option for the site at this point?	- Within urban edge. - Full utilisation of the site within the development parameters as per the zoning scheme, except building lines and two-storey limitation. - Application to allow for a third storey and entrance yard inside the street building line.
Cumulative impacts	Unacceptable cumulative impacts?	Only positive impacts. No impact on any of the surrounding property owners or the Municipality.

Elements for Consideration	Key Questions to Ask	Proposal (Desirability)
Opportunity costs	Any unacceptable opportunity costs?	▪ <i>Private investment.</i> ▪ <i>No municipal funding is required.</i> ▪ <i>Increased property values, resulting in increased revenue for the local authority.</i>
Alignment with SDF's		▪ <i>Refer to Par.11</i>

Note: LUPA (Land Use Planning Act) does not refer to a lack of desirability, nor does it require there to be a positive advantage (i.e. the absence of a positive advantage should not automatically lead to a decision to refuse).

19. 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. These are summarised in the tables below. The tables below aim to summarise how the proposed development on Knysna Erf 7856 complies with these principles.

19.1. 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 is not applicable to the application area.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
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	- This policy is not applicable to the application area. - Not a Spatial Development Framework or Policy.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	N/A	This policy is not applicable to the application area.
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	This policy is not applicable to the application area.
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	The municipality must process this application within the prescribed guidelines of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).
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	The municipality must process this application within the prescribed guidelines of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).
The right of owners to develop land in accordance with current use rights should be recognised.	COMPLY	- 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. - The proposal complies with all the current land use rights, but an application is made for a departure from the building lines and the two-storey maximum height.

19.2. 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	- The proposal is resource-frugal, as all activities make use of the existing services. - Application is to legalise the proposed three-storey building with an encroachment into the street building line on Knysna erf 7856. - The application area is within the urban edge of Knysna and within an established urban environment (The Heads). - No additional service capacity is required to enable the proposal.
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	N/A	Not Agricultural land
Uphold consistency of land use measures in accordance with environmental management instruments.	COMPLY	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).
Promote and stimulate the effective and equitable functioning of land markets.	COMPLY	- The proposal is consistent with the character of the surrounding area. - Allowing a 3-storey the dwelling house as applied for, will not negatively impact the value of its surrounding properties; in fact, the proposal will increase the value of its surrounding properties.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	COMPLY	- The existing infrastructure is adequate, and no upgrade is required. See Par.6. - Any future costs will be at the cost of the applicant or as determined by the municipality.
Promote land development in locations that are sustainable and limit urban sprawl.	COMPLY	- The application area is located within an existing urban area. - Development on vacant property inside the urban edge to the owner's liking prevents them from developing outside the urban edge, limiting urban sprawl.
Result in communities that are viable.	COMPLY	- The proposal will not detract from the existing character of the area. - Contributes to a more viable community by allowing the property owners to fully utilise the land and allowing for a more efficient operation.

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
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	<i>In line with all Environmental policy documents and legislation.</i> <i>The application area is located within the existing urban area of Knysna and within the existing urban fabric.</i>

19.3. Spatial Efficiency

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Land development optimises the use of existing resources and infrastructure.	COMPLY	<i>The proposal will fully utilise the existing municipal infrastructure. Development complies with the primary land use, and the service provision is for a dwelling house. No upgrades to the existing infrastructure will be required. See Par. 6</i>
Integrated cities and towns should be developed.	N/A	<i>This policy is applicable to 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>

19.4. 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	<i>The proposal is consistent with the various applicable spatial plans, policies and land use management systems.</i> <i>It will have no negative impact on the livelihood of the community.</i> <i>The proposed application complies with the requirements of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).</i>

19.5. Good Administration

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

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
and give effect to statutory land use planning systems.		

20. 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 in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), to relax the prescribed southern street building line from 4.5m to 0m to allow the proposed new entrance yard.
- (ii) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), to relax the prescribed maximum height from 2-storeys to 3-storeys.

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021), is desirable and it is therefore recommended that the application be supported by the relevant authorities and approved by Knysna Municipality.

Marika Vreken Urban and Environmental Planners
January 2026