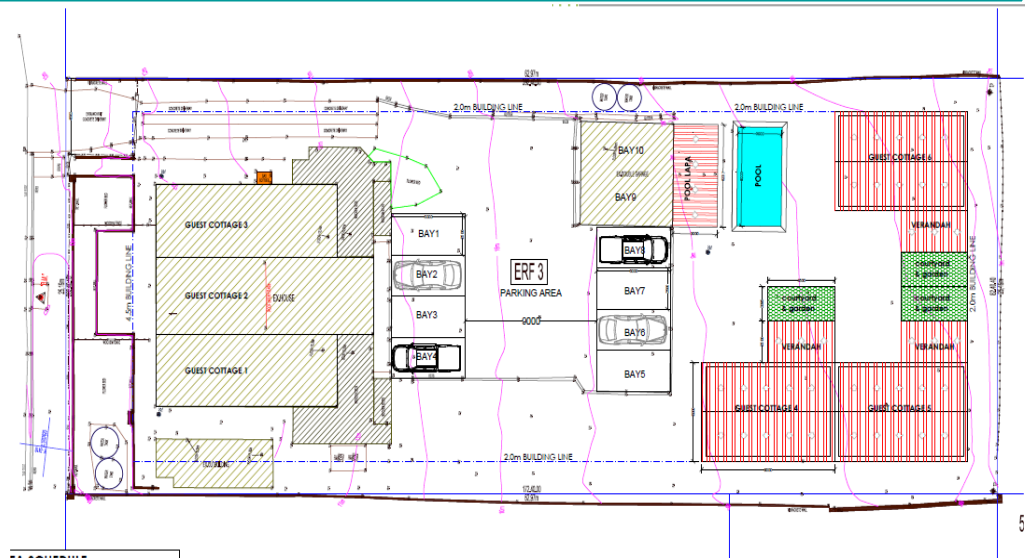


ERF 3 KNYSNA

Rezoning, Removal of Restrictive Title Deed Condition and SDP Approval Applications



Planning  Space
Town and Regional Planners

www.planningspace.co.za

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1. INTRODUCTION

Planning Space PTY LTD has been appointed by **Brenda and Tristan McKechnie**, the owners of Erf 3 Knysna, to prepare and submit the following application in terms of Section 15 (2) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-Law 2021, to the Knysna Municipality (see Power of Attorney attached as **Annexure A**).

- i. Section 15 (2) (a): Application for **Rezoning** of the property from “**Single Residential I**” to “**General Residential V**” in order to obtain rights for a small boutique hotel with 6 self-catering units.
- ii. Section 15 (2) (f): Application for the **Removal of Restrictive Condition (B) (1)**, which restricts the subject property to residential use only.
- iii. Section 15 (2) (g): Application for the approval of Site Development Plan No. K3CP.1 attached as Diagram 6.

2. BACKGROUND

There is an existing house on the property that was likely built sometime in the late 1960s. There are no building plans for the house, and the age of the house cannot be determined. The house is currently used as a dwelling house and has a section that has been converted to a self-catering unit (less than 60m²). The house will be retained as part of the development proposal.

3. PROPERTY INFORMATION

3.1 LOCALITY

The subject property is situated at No. 3 Circular Drive in Paradise, Knysna (see Locality Plan attached as **Diagram 1**).

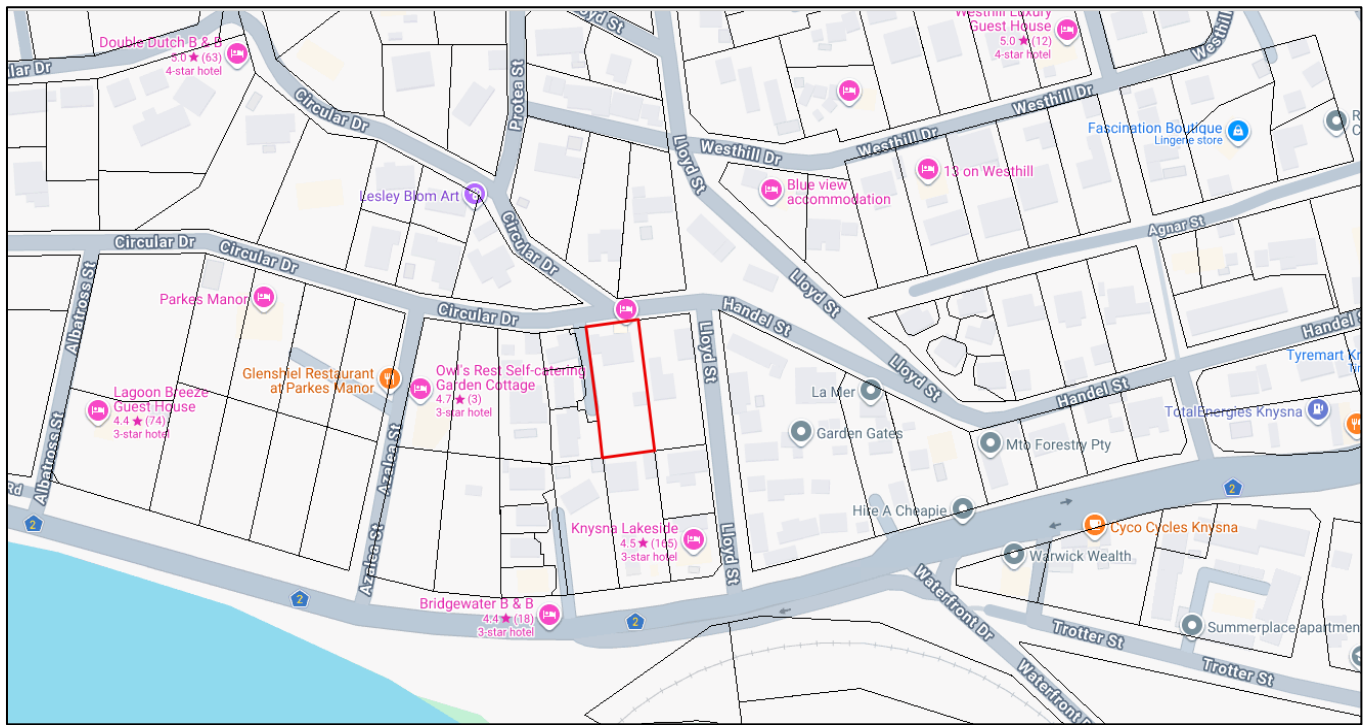


Figure 1: Extract indicating the locality of the subject property.

3.2 PROPERTY DETAIL

Title Deed Description	Erf 3, in the Municipality and Division of Knysna, Western Cape.
21-digit code	C03900050000000300000
Title Deed Number	T000015373/2025 (Attached as Annexure B)
SG/GP Diagram No	SG A4436/1926 (attached as Annexure C)
Title Deed Restrictions	Condition B (1)
Property Size	1587m ²
Property Owner	Brenda and Tristan McKechnie
Bonds	Investec Bank Limited (see Annexure D: Bond Holder's Consent)
Zoning	Single Residential Zone I

4. PROPOSAL

4.1 DEVELOPMENT CONCEPT

The owner proposes to develop the property into a small-scale self-catering accommodation establishment aimed at the short-term tourist market. The vision is to create a boutique offering comprising six one-bedroom self-catering units, designed to provide private, flexible accommodation for tourists.

The development proposal will consist of:

- The conversion of the existing dwelling into three self-catering units; and
- The construction of an additional three units within the garden area.

Each unit will include a bedroom, a small kitchen, a living area, and access to a private outdoor space, with a communal swimming pool serving the development. The overall intention is to maintain a residential scale while introducing a more efficient and economically viable use of the property.

The client does not intend to operate a traditional guest house. The establishment will function on a fully self-catering basis, with no on-site owner and no provision of meals or hospitality services typically associated with a guest house.

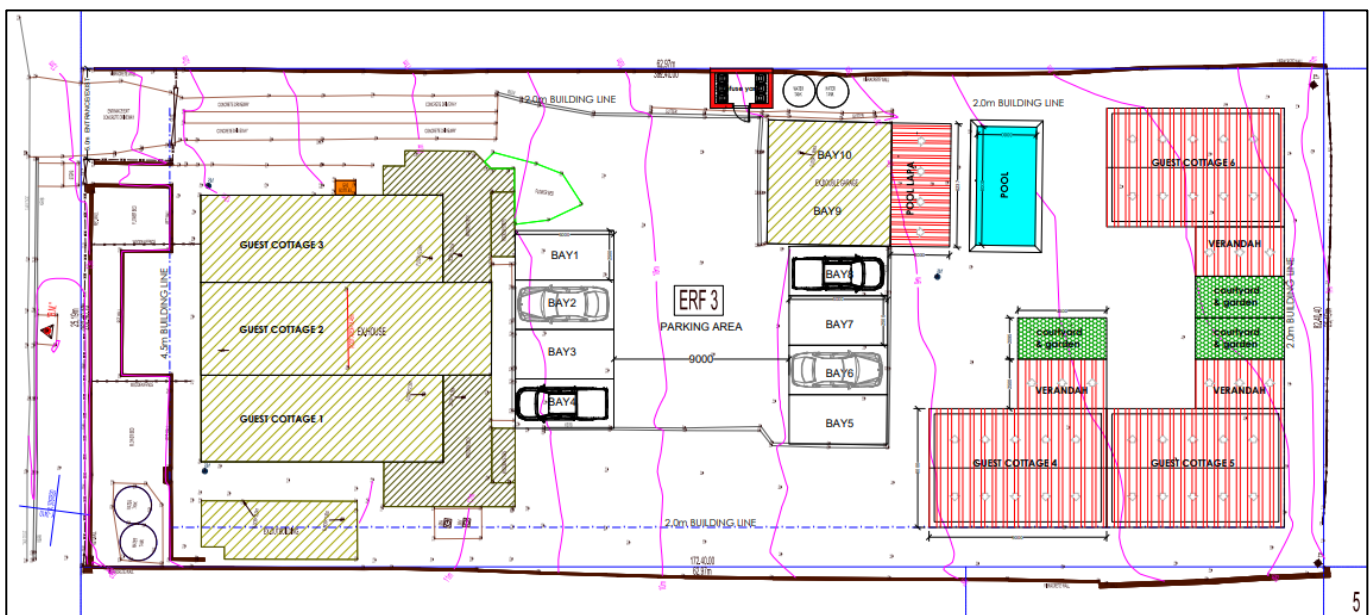


Figure 2: Extract from the proposed Site Plan.

4.2 REZONING

The “Single Residential Zone I” Zoning does not permit multiple self-catering units on one property. A rezoning is required to permit a tourist accommodation establishment that would permit 6 self-catering chalets.

Although the scale of the proposed development (six units) is comparable to what could be accommodated as a guest house by way of consent in the “Single Residential Zone I” zone, the consent use is typically associated with owner occupation, and specifically prohibits the conversion of rooms into self-catering units, which is the basis of the owner’s intended business.

The “General Residential Zone IV” makes provision for Guest Lodges but also prohibits self-catering options.

The “Resort Zone” option was considered as an alternative zoning as it allows “Tourist accommodation” as a primary right. By definition, “tourist accommodation” includes self-catering units and short-term rentals. The objective of the “Resort zone” is, however, to promote tourist and holiday facilities in areas with special environmental or recreational attributes. The Zoning Scheme regulations stipulate that the “Resort Zone” should only be used in exceptional cases and is normally applicable to tourist developments outside established, built-up areas. This property does not conform to these locational criteria.

Another alternative zoning that was considered was “General Residential Zone I” (Group Housing), which permits multiple units on a single property. This zoning does not clearly support short-term letting and often gives rise to uncertainty or dispute between permanent residential use and transient accommodation.

The proposed rezoning to “General Residential Zone V” is therefore considered the only appropriate zoning, as it accommodates hotel-type uses as a primary right, which allows a variety of tourist accommodation options, including self-catering chalets without the limitations associated with consent use, where self-catering is typically restricted, and the presence of a main residential house is required. It further provides a clear and unambiguous land use framework for short-term accommodation that cannot be disputed at a later stage.

4.3 REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

Certain additional building restrictions apply to Erf 3 because of conditions contained in the Title Deed, specifically Condition B (1) that restricts the use of the property to that of a private residence.

B. SUBJECT FURTHER to the following special conditions imposed by the board of Trustees of the Diocese of Cape Town for their benefit and as owners of the remainder of the farm Eastford held under Certificate of Amended Title dated 19th April 1926, No. 3583 and contained in said Deed of Transfer No. 3660 dated 23rd April 1928, viz:

- "1. The land shall be used for residential purposes only. Neither the land nor any structure or structures erected thereon shall be used or occupied in whole or in part for trading or business purposes or for the purpose of the conduct of any avocation or occupation other than the usual occupations associated with the use and conduct of a usual private residence. The transferee and his successors in title shall be bound also, both in the design, plan and structure of any erections contemplated, to observe such conditions.

Figure 3: Restrictive Condition B (1).

The Title Deed Conditions were imposed by the Board of Trustees of the Diocese of Cape Town for their benefit as the owners of the Remainder of the Farm Eastford.

To allow the rezoning of the land, it is requested that Council consider the removal of the above-mentioned restrictive Title Deed condition.

5. FACTORS TO CONSIDER

5.1 THE NEED FOR TOURIST ACCOMMODATION

Knysna's Spatial Development Framework identifies tourism as a primary economic driver of the town, with the expectation that the sector will continue to grow and diversify over time. In addition to normal tourism demand, the owners would also focus on a new emerging "digital nomad" market, where young individuals or couples choose to travel for extended periods while working remotely. Knysna, as part of the Garden Route and within reach of Cape Town, is well-positioned to attract this market due to its strong lifestyle appeal and natural setting.

The proposed six one-bedroom self-catering units are appropriately scaled to respond to this demand, offering flexible and affordable accommodation suited to both short and medium-term stays. This type of development not only supports the evolving needs of the tourism sector but also contributes to more consistent, year-round activity.

Tourism accommodation creates employment opportunities for locals and stimulates economic activity by encouraging visitors' spending on restaurants, shops, entertainment, and transportation. As such, tourist accommodation benefits both the tourists and the community by reinforcing the tourism sector and enhancing the overall visitor experience.

5.2 SUITABILITY OF THE SITE FOR TOURIST ACCOMMODATION

The subject property is well-suited to accommodate the proposed tourism use from a physical and locational perspective. The site is relatively large, measuring approximately 1587m², which allows for the additional units to be comfortably accommodated without overdevelopment. As indicated on the Contour Plan, the site is generally moderate to gently sloping with no extreme gradients, making it suitable for development without the need for excessive earthworks. The proposed units are to be located within an already transformed garden area that is largely covered by lawn and paving, with no significant trees or environmentally sensitive features present, thereby minimising environmental impact.



Figure 4: Garden area.

In addition, the site is favourably located within the Paradise area, a well-established and sought-after part of Knysna that is popular among visitors. It is within walking distance of the central business district and the lagoon, enhancing its attractiveness for tourist accommodation. The surrounding area already accommodates a number of guesthouses and similar hospitality uses, confirming the suitability and established character of the area for such development. The proposal is therefore considered appropriate in terms of both the physical characteristics of the site and its location within the broader urban and tourism context.

5.3 ACCESSIBILITY AND PARKING

The site is easily accessible via Circular Drive, which provides a direct link to the N2 and ensures convenient regional access for visitors. Access to the proposed guest accommodation will be obtained via the existing driveway, which leads to the double garage and a planned parking area at the back of the existing house. The ease of access and availability of safe parking are important considerations for tourist accommodation.

In terms of the Knysna Zoning Scheme By-Law, parking for a hotel is required at a rate of 1.25 bays per guest bedroom. Based on the proposed development, a maximum of 8 parking bays is required. The property is capable of accommodating at least 10 parking bays, as indicated in the proposed Site Development Plan, thereby exceeding the minimum requirement. Furthermore, sufficient on-site manoeuvring space is available, allowing vehicles to enter and exit the property without the need to reverse into the street, which enhances overall road safety.

5.4 AVAILABILITY OF MUNICIPAL SERVICES

5.4.1 Water and Sewer

Nieuwoudt & Co was appointed to assess the capacity and suitability of the existing water supply, sewerage and stormwater systems to accommodate the proposed 6 cottages. The Report is attached as Annexure E and confirms that the additional demand for water and sewerage that the cottages will create is still below the average estimated demand for a residential property of this size. Consequently, the municipal water supply network and bulk sewer network can accommodate the additional demand generated by the proposed development.

5.4.2 Storm Water

Stormwater from the proposed cottages will be managed in the same manner as the existing dwelling. Roof runoff will be collected in rainwater storage tanks and circulated back into the buildings. The overflow from the tanks will discharge at ground level and be directed towards the garden areas.

5.4.3 Solid Waste

Solid Waste from each unit will be collected by the hotel management and stored in a refuse area. The management will leave the refuse on the sidewalk on waste collection days.

5.4.4 Electricity

De Villiers & Moore Consulting Engineers have been appointed to assess the electrical bulk service requirements associated with the proposed rezoning, and their findings are included as Annexure F. The report confirms that the property is currently served by a 60-amp single-phase electrical connection and that sufficient capacity exists within the municipal network to accommodate the proposed upgrade in land use. A request has nevertheless been submitted

to the municipality for a quotation to upgrade the supply to a three-phase connection as a potential future provision. However, based on the anticipated electrical demand, such an upgrade is not considered necessary at this stage. The development is designed to incorporate solar energy supply to all units, with kitchenettes utilising gas geysers and gas stoves, thereby significantly reducing reliance on conventional electrical infrastructure. As a result, the projected electricity demand will be lower than that of a typical residential development, and the existing or modestly upgraded single-phase supply is expected to be sufficient.

5.5 COMPATIBILITY WITH PARAMETERS OF THE ZONING SCHEME BY-LAW

In accordance with the current Zoning Scheme By-Law, General Residential V permits a “Hotel” as a primary right. A “Hotel” is described as a property used as a temporary residence for transient guests, where lodging and meals are provided, and includes:

- (i) restaurants;
- (ii) conference and entertainment facilities and a chapel that are subservient and ancillary to the dominant use of the property as a hotel;
- (iii) premises that are licensed to sell alcoholic beverages for consumption on the property;
- (iv) flats and self-catering units;**
- (v) a wellness centre; and
- (vi) a boarding house;

Develop parameters of the “Business Premises” apply.

PARAMETER FOR HOTEL	KNYSNA ZONING SCHEME BY-LAW		COMPLIANCE
BUILDING LINES	Street	0m	The proposal complies with 4.5m building lines applicable to the SRI zone.
	Lateral and Rear	0.5m	The proposal complies with the 2m building lines applicable to the SRI zoning.
HEIGHT	12m		The existing dwelling house does not exceed the height restriction of 8.5m, and the planned single-storey structures will also not exceed 8.5m in height, similar to the current SRI height restriction.
COVERAGE	100%		The proposed SDP indicates a coverage of less than 50%.

PARKING	1 .25 bays per room.	8 bays required:10 on-site parking bays will be provided as indicated on the Site Plan attached as Diagram 6.
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5.6 ANTICIPATED IMPACTS

5.6.1 Character of the area

Paradise is well-known for its tourist accommodations and beautiful views of the Lagoon and The Heads. Its appeal lies in its scenic views and close proximity to the Knysna town and lagoon. There are several established accommodation facilities in the area, which include Parks Manor and the Lakeside Guest House (refer to Diagram 5: Land Use Plan). The approval of this rezoning will therefore not introduce a new or incompatible land use or zoning to the area. There are many guesthouses in the area that operate under a consent use with 6 rooms permitted. The only difference in this proposal is the addition of small kitchenettes that will allow the units to be self-catering.

5.6.2 Impact on surrounding property owners

In assessing the impact of the proposed development on surrounding properties, it is important to note that although the General Residential Zone V (GRV hotel) zoning permits a substantially higher development intensity, the proposal remains modest in scale and comparable to the existing “Single Residential I (SRI) “development parameters.

In terms of the Zoning Scheme, GRV allows for up to 100% coverage, zero metre building lines, and a height of up to three storeys (approximately 12m). By contrast, the proposed development is significantly less intensive, with a coverage of approximately 30%, compliance with 2m side and rear building lines and 4.5m street boundary, and buildings limited to single storey. This represents a development footprint that is not only well below what could be achieved under the proposed zoning, but also less than what is permitted under the SRI zone.

It is therefore evident that, although the property is proposed to be rezoned, the scale and form of development remain consistent with **Single Residential Zone I** parameters and are in keeping with the surrounding built environment. It is proposed that a condition of approval be included to ensure that the built form of the accommodation establishment complies with Single Residential Zone I development parameters, specifically in respect of building lines, coverage, and height.

The surrounding context remains predominantly residential. To the east is the Victoria Cottage, which is also used for short-term rental purposes. To the south are single residential properties, which have partly the same owners as Erf 3. To the west, the property adjoins a small group housing development consisting of three units. The interface with these

adjacent properties has been carefully considered. An old vibracrete wall and vegetation along the western boundary effectively screens the properties from one another. In addition, the proposed cottages along this boundary are single-storey and oriented eastwards, with verandas facing away from the neighbouring development to minimise noise impacts. Along the eastern boundary, an existing vibracrete wall provides further screening, and the layout ensures that the outdoor spaces of the relevant unit are also directed away from the boundary.

Furthermore, the existing dwelling on the property will not be altered externally, but only internally partitioned to create an additional unit. One cottage is already being utilised for guest accommodation in line with its current zoning allowance in relation to cottages of less than 60m² and letting of limited rooms to guests.



Figure 5: Accommodation offerings in Paradise.

5.6.3 Impact on traffic

Access is obtained from Circular Drive, which intersects with the N2. Additional traffic generated will be similar to that of a 6-room guesthouse and is not regarded as significant. On-site parking and circulation will ensure safe traffic conditions.

5.6.4 Impact on Municipal Services

The property is currently connected to the municipal electricity, sewer, and water. Nieuwoudt & Co Civil Engineers and Devilliers and Moore Electrical Engineers were respectively appointed to investigate and report on the impact that the proposed cottages will have on the existing municipal services networks.

The report concluded that the proposed development would have a negligible impact on the electricity, sewer and water network in the area.

5.7 CONSIDERATION OF THE KNYSNA SPATIAL DEVELOPMENT FRAMEWORK

The subject property is located within the Urban Edge of the Knysna Municipal Area, where the SDF actively promotes urban intensification and densification. The SDF also acknowledges tourism as a key driver of the local economy.

The proposed Guest Lodge aligns with the strategic intent of both the Integrated Development Plan (IDP) and the SDF. A core strategic goal of the Municipal IDP is to create an enabling environment for sustainable economic growth that attracts investment. The Knysna Municipality's Economic Development Strategy places a strong emphasis on the tourism sector, particularly in the areas of accommodation and hospitality, as a foundation for future prosperity.

5.8 SECTION 33 (5) OF THE KNYSNA SPATIAL PLANNING & LAND USE MANAGEMENT BY-LAW

Section 33 (5) of the Knysna Spatial Planning and Land Use Management By-Law, 2021 lays down the following criteria that need to be considered when assessing an application for the removal, suspension, or relaxation of a Title Deed restriction:

- (a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vested in the person as the owner of a dominant tenement:**

The conditions set out in Section B of the Title Deed were imposed by the Diones of George as the owners of the Remainder of the Farm Eastford, and date back to 1929. There is no financial value attached to these conditions, and the only purpose was to regulate development in the area. Today, this function has been taken over by the Zoning Scheme By-Law.

- (b) The personal benefits which accrue to the holder of the rights in terms of the restrictive condition:**

The restrictive conditions concerning the use of the property were imposed at a time when no Zoning Schemes were in place. Title Deed restrictions were then the primary tool for regulating land use and development. The original restrictions served a broad public purpose, such as managing character and density, in the absence of formal planning controls. Given that modern zoning regulations are now in effect, the Title Deed restrictions have become obsolete and are no longer necessary.

(c) The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition, if it is amended, suspended, or removed:

Removing the restrictive Title Deed condition will allow landowners to change the zoning of their property to permit multiple lettable tourist accommodation units. This will enable owners to proceed with operating a tourist accommodation establishment, which will result in direct financial benefits for the owners.

(d) The social benefits of the restrictive conditions remaining in place in their existing form:

The original intent of the Title Deed conditions was to preserve a specific character in the area by restricting aspects of the built form. While maintaining these conditions can offer social benefits by promoting consistency in the neighbourhood's appearance, the proposed removal of Condition B (1) will not negatively impact these benefits. Other applicable conditions will remain in effect.

(e) The social benefit of the removal, suspension, or amendment of the restrictive condition:

The removal of the restrictive Title Deed condition will enable the development of a small-scale guest lodge comprising six one-bedroom self-catering cottages, which will contribute positively to the social and economic fabric of the area. The proposal supports local economic activity through job creation, both during the construction phase and on an ongoing basis through the operation and maintenance of the accommodation establishment. In addition, it contributes to the diversification of the local tourism offering by providing affordable, smaller-scale units suited to individuals and couples, thereby broadening access to the area for a wider range of visitors. The development also promotes more consistent, year-round activity associated with longer-stay visitors, which supports local businesses and services beyond peak holiday periods. The removal of the restrictive condition is therefore considered to facilitate a use that is aligned with broader socio-economic objectives.

(f) Whether the removal, suspension, or alteration of the restrictive will completely remove all rights enjoyed by the beneficiary or only some of those rights:

Only the restrictions that relate to building lines and the use of the property will be removed; there are still other conditions that restrict development on the property. The Knysna Zoning Scheme By-Law will also still apply and regulate building lines, development density, heights, and land use. Thus, no actual rights are being removed; only an outdated duplication of regulatory control is being cleared.

(g) Whether the removal, suspension, or alteration of the restrictive conditions will be in the public interest:

The removal of the restrictive Title Deed condition is considered to be in the public interest, as it facilitates a land use that aligns with the broader spatial and economic objectives of Knysna. The proposed development supports tourism, which has been identified as a key economic driver for the area, and contributes to local economic growth, employment opportunities, and the sustainability of small businesses. In addition, the proposal promotes a more efficient and flexible use of well-located urban land within an established area. The removal of the restrictive condition therefore enables appropriate use of the property, the advantages of which extend beyond the site itself and contribute to the wider community, therefore serving the public interest.

5.9 COMPATIBILITY WITH SPLUMA DEVELOPMENT PRINCIPLES

In consideration of the application, the decision-maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of the Spatial Planning and Land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

The proposed development is consistent with the development principles set out in SPLUMA, particularly those relating to spatial sustainability, efficiency, and good administration. The proposal promotes spatial efficiency by making use of a well-located property within the existing urban area, close to services and infrastructure, thereby avoiding urban sprawl. It supports spatial sustainability through a low-impact, appropriately scaled design that respects the surrounding residential character and minimises environmental disturbance. The development also advances spatial justice and economic inclusion by contributing to local economic activity and creating opportunities within the tourism sector. Furthermore, the proposal reflects good administration, as it is well considered, aligns with applicable policy frameworks, and introduces appropriate conditions to ensure compatibility with existing development parameters.

6. CONCLUSION

The application seeks approval for the rezoning of Erf 3 Knysna from “**Single Residential Zone I**” to “**General Residential Zone V**”, together with the removal of restrictive Title Deed Condition B (1) and Site Development Plan approval, to enable a small-scale boutique tourist accommodation development comprising six small self-catering units ($\pm 50\text{m}^2$ - 60m^2). The proposal is modest in scale, utilises an already developed property, and is carefully designed to remain consistent with the existing residential character of the area. The site is well-located within the established Paradise area, where similar accommodation uses already occur, and is supported by adequate access, parking, and municipal services. The development aligns with municipal policy frameworks, supports tourism as a key economic driver, and introduces a low-impact, economically beneficial land use. The removal of outdated Title Deed restrictions

is justified and facilitates a use that is both appropriate and in the public interest. The application is therefore considered well-founded and desirable from a planning perspective, and it is requested that Council consider the application in a positive light due to the following merits:

- The proposal aligns with the Knysna SDF and IDP, supporting tourism and urban densification.
- Appropriate zoning that clearly permits self-catering tourist accommodation.
- Economic benefits, including job creation and support for local businesses.
- Well-located site within an established tourist area close to amenities and main access routes.
- Development scale remains compatible with the surrounding residential character.
- Minimal impact on traffic, neighbours, and visual character.
- Adequate services and infrastructure capacity confirmed.
- Parking provision exceeds municipal requirements.
- Removal of the Title Deed restriction eliminates outdated and redundant controls.