

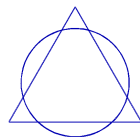
ERF 1329 SEDGEFIELD

APPLICATION FOR SUBDIVISION BUILDING LINE RELAXATION & REMOVAL OF RESTRICTIONS

in terms of sections 15(2)(d), 15(2)(b) and 15(2)(f) of the
Knysna Municipality's Spatial Planning and Land Use
Management By-law, 2021

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ERF 1329 SEDGEFIELD : MOTIVATION REPORT : SUBDIVISION AND REMOVAL OF RESTRICTIONS

INDEX

Proposals	4
Municipal application fees	4
Description of land, zoning and current land use	4
Locality and Street address	5
Ownership	5
Pre-application Meeting	6 - 8
Title deed and restrictions to be removed	8
Access	8 - 9
Biophysical Environment	9 - 10
Surrounding land use and character of the area.....	10 - 12
Layout of the subdivision	12 - 13
Services	13 - 14
Building lines	14
Carport over Building Line after Subdivision	14 - 15
Recently approved building plans	15
Consideration & Motivation of the removal of title deed restrictions	15 – 18
Impact on land use rights	18
Public participation & influence on the surrounding properties	18
Consistency with Spatial Policy Directives	18 - 19
Zoning Scheme Regulations	19 - 20
Knysna Municipality's Spatial Planning and Land Use	
Management By-law, 2021	20
Knysna Municipal Spatial Development Framework 2020	20
Compatibility with General Spatial Policy Directives	21
Points considered by the tribunal in recent subdivision applications ...	21
Effect of future densification in the area	21
General motivation	22
Conclusion	22 - 23

ERF 1329 SEDGEFIELD : MOTIVATION REPORT
SUBDIVISION AND REMOVAL OF RESTRICTIONS

LIST OF ANNEXURES

	Annexure No.
Completed Application Form	1
Pre-Planning meeting form	2
Minutes of the Pre-Planning meeting	3
Locality Plan	4
Locality Plan showing erven subdivided in Extension 1.....	5
Subdivision Layout plan	6
Copy of Title Deeds T 3657/2025	7
Copy of a Special Power of Attorney	8
Copy of the General Plan for Sedgfield Extension 1	9
Recently approved Building Plan	10
Application fees receipts	11

ERF 1329 SEDGEFIELD : MOTIVATION REPORT SUBDIVISION AND REMOVAL OF RESTRICTIONS

PROPOSALS:

Application is made for the following:

1. THE SUBDIVISION OF ERF 1329 SEDGEFIELD into 1 Portion and 1 Remainder in terms of section 15(2)(d) of the Knysna Municipality's Spatial Planning and Land Use Management By-law, 2021.
2. A PERMANENT DEPARTURE FOR A BUILDING LINE RELAXATION ON THE REMAINDER, AFTER SUBDIVISION in terms of section 15(2)(b) of the Knysna Municipality's Spatial Planning and Land Use Management By-law, 2021.
3. THE REMOVAL OF RESTRICTIONS D.4 and D.9 IN THE TITLE DEEDS OF Erf 1329 Sedgefield in terms of section 15(2)(f) of the Knysna Municipality's Spatial Planning and Land Use Management By-law, 2021.

MUNICIPAL APPLICATION FEES:

The application fees are as follows:

A Permanent Departure - Section 15(2) (b)	= R 2 471-53
One subdivision - Section 15(2) (d):	= R 2 144-32
Removal of restriction application, as part of another application - Section 15(2) (f)	= R 1 084-24
Total	= R 5 700-09

These fees have been paid by the owner, and the receipts are attached as Annexure 11.

DESCRIPTION OF LAND, ZONING AND CURRENT LAND USE:

Extent: Erf 1329 = 1 301 m²

Improvements: One dwelling house situated on the north - western part of the erf. Only this part of the erf has been developed while the portion that will form the new portion after subdivision, is vacant and undeveloped.

Current Zoning: Single Residential 1 in terms of the new Knysna Integrated Zoning Scheme By-laws 2020.

Current Land Use: Single residential.

Topography & Vegetation: The land is flat and easily accessible from the street. Vegetation is largely disturbed and comprises lawn, exotic plants, and a few shrubs, mainly along the fences, as shown on the subdivision layout plan (Annexure 6).

LOCALITY AND STREET ADDRESSES:

- Erf 1329 is located at 33 Jan van Riebeeck Street, Sedgefield Extension 1, in the locality commonly known as “The Island.” Please also refer to the locality plan in Annexure 4.



Locality plan with Street Numbers

The current street address of Erf 1329 is 33 Jan van Riebeeck Street. If the subdivision is approved, the proposed street addresses will be:

- Remainder: 33 Jan van Riebeeck Street, Sedgefield 6573 and
- Portion A: 33A Jan van Riebeeck Street, Sedgefield 6573

OWNERSHIP:

The erf is registered in the name of Nancy Beatrice Rouillard (ID No. 620716 0126 087) in terms of Title Deed No. T 3657/2025. A special power of attorney is included with the application; see Annexure 8.

PRE-APPLICATION MEETING:

An internet-based pre-application meeting was held on 2 October 2025, at which the proposal was presented and discussed. The minutes of the meeting are reproduced below.

3.1	<u>Erf 1329, Sedgefield – Application for Subdivision and Removal of Title Deed Restrictions</u> <u>Discussion and Recommendations</u> • MB: Explained that the application entails a subdivision into one portion and a remainder, with the vacant portion obtaining access via a panhandle driveway. Requested a building-line relaxation along the new panhandle boundary for the existing dwelling. Indicated that the closest encroachment point measures approximately 0.91 m from the proposed boundary, while the general setback is 1.98 m, a minor 2 cm deviation. Noted that the carport slightly overlaps the boundary but will be cut back once approval is granted; confirmed that the structure qualifies as a carport within building-line parameters as permitted in the Knysna Zoning Scheme By-law (2020). Stated that Portion A panhandle portion measures approximately 701 m², and the remainder approximately 600 m². Requested consideration to reduce the remainder to around 554 m² by shifting the boundary to a low vibrocrete fence and correspondingly increase Portion A to ±747 m². Confirmed that vegetation is minimal, consisting mainly of grass and a small shrub that can remain near the boundary. • SHM: Acknowledged the proposal and confirmed that previous Municipal Planning Tribunal (MPT) approvals on Sedgefield Island typically maintained a minimum 600 m² erf size. Noted that the draft Sedgefield Local Spatial Development Framework (LSDF) proposes reducing the minimum to 500 m², though the document is still under public participation and not yet adopted by Council. Indicated that the applicant may motivate for 550 m² with supporting precedent, though officially 600 m² remains the accepted norm. Confirmed that carports are permissible within lateral building lines if compliant with zoning-scheme	KM Officials and Mark de Bruyn(MB)
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	provisions open on at least two sides, within prescribed width and height. Queried the panhandle width requirement for Single Residential Zone I. • LM: Clarified that, in terms of Clause 45 of the Knysna Zoning Scheme By-law (2020), the minimum panhandle width is 4 m, or 3 m for single-residential zones. Concluded that the proposed 3.6 m panhandle therefore complies. Requested submission of previously approved building plans with the application to support arguments for any permanent	
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	departures. Asked the applicant to indicate the width and approval status of the access for the remainder. Queried the purpose of the existing low vibrocrete wall, noting that it does not coincide with the new boundary and may limit usable space. • MB: Explained that the vibrocrete wall is a remnant from a former rental arrangement when the erf was partly used by a holiday-letting group. Confirmed that the wall has no functional purpose and can be removed or relocated to the new boundary line. • LM: Acknowledged the response and recommended that the proposal clarify the wall's removal or relocation, to avoid future ownership and spatial-use issues. • SHM: Summarised that the proposal appears acceptable in principle, subject to: Compliance with the minimum erf-size policy, currently 600 m². Submission of supporting building plans and confirmation of access details. Inclusion of a motivation addressing soft densification principles applicable to Sedgefield Island. • SHM: Confirmed that title-deed restrictions will need to be removed only where relevant to the proposal subdivision and internal building-line conditions. Concluded the discussion and invited the applicant to proceed to formal submission once the above items are addressed.	
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These recommendations have been followed in this report.

Technical Services was present at the meeting and raised no concerns regarding services. It appears from similar recent applications in the area that municipal services will not be unduly affected by the proposal. This was also confirmed with the Sedgefield offices of the department in a previous application.

Environmental and Building Control were also represented at the pre-application meeting, and no concerns were raised by those departments.

Following the meeting, the owner submitted updated building plans, which have since been approved and are included with application as annexure 10.

TITLE DEED AND RESTRICTIONS TO BE REMOVED:

The title deed number is T 3657/2025. A copy of the deed is attached as Annexure 7. The conditions to be removed are D.4 (side building line affecting the existing carport) and D.9 (no subdivision without the consent of the company), on pages 3 and 4 of the title deed. The motivation for the Removal of Title Deed Conditions follows in a later part of this report.

The property is not bonded.

ACCESS:

Access to both the Remainder and Portion A is already established. Portion A will obtain access via the panhandle section of the property, while the Remainder will gain access from the same panhandle by means of a servitude. The servitude is indicated by the figure A B H G and extends along the full length of the panhandle.

The former access point to the Remainder has been closed off, although the gate remains in place, as can be seen in the photograph below. If there are ever problems in the future with the access via the servitude, or the owners wish to, the Remainder can always revert to the older entrance. The large tree that appears on the left-hand side of the photo had to be cut down due to the recent storm.

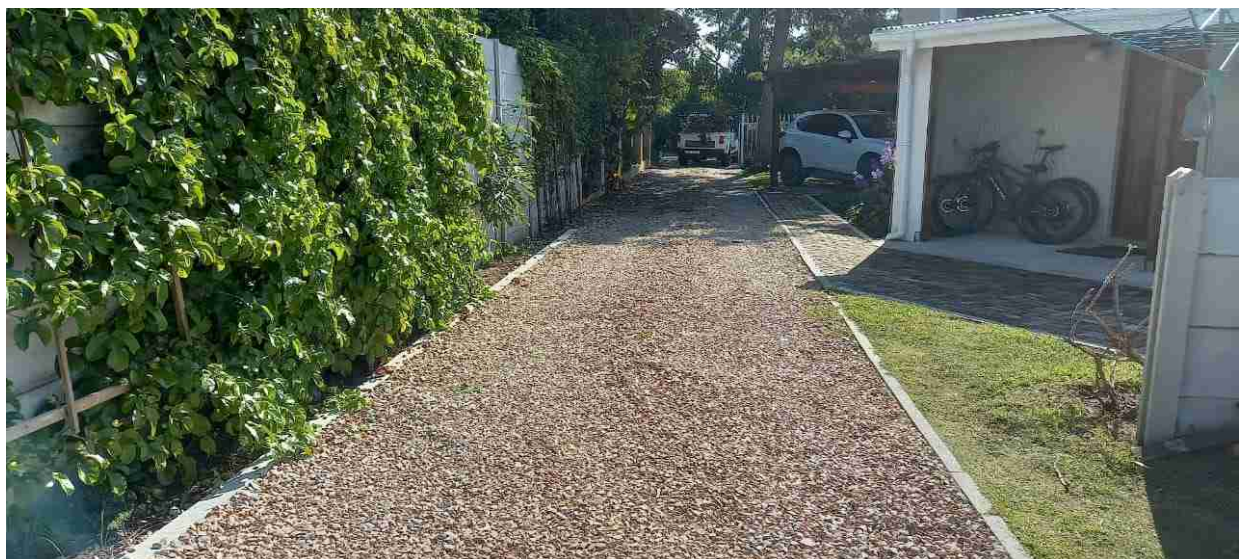
As the area is flat and the public streets are relatively wide and carry low traffic volumes, the access arrangement should not create any problems.



STREET VIEW



**STREET VIEW SHOWING THE ENTRANCE TO PORTION A & THE REMAINDER-
THE LARGE TREE IS NO LONGER THERE**



**VIEW FROM INSIDE THE PROPERTY, LOOKING BACK TOWARDS THE ROAD – THE PROPOSED
SERVITUDE WILL EXTEND THE LENGTH OF THE PANHANDLE**

BIOPHYSICAL ENVIRONMENT:

The land is already completely transformed, and there is a large flat, open, disturbed area where the new Portion A will be created.

Some vegetation occurs along the fence lines, but the balance of Portion A is open.

Please refer to the site plan and the photo below.

The proposal does not trigger any listed environmental activities in terms of the National Environmental Management Act, 1998, as amended. The site is also not within a listed threatened ecosystem and is suitable for development.

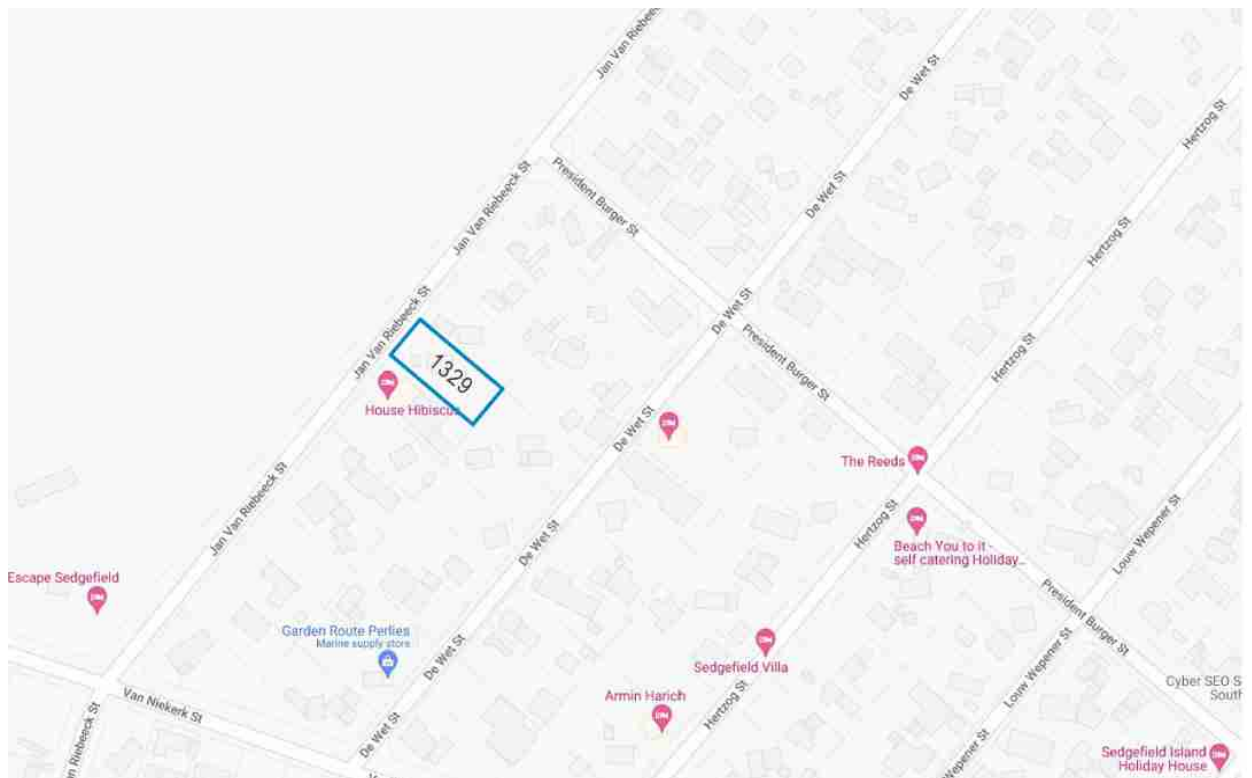


THE AREA THAT WILL COMPRISE PORTION "A" AFTER SUBDIVISION

SURROUNDING LAND USE & CHARACTER OF THE AREA:

Surrounding land uses are predominantly low-density single residential, with several self-catering accommodation establishments in the area. A group housing development, "Island Village", is located to the north. Dwelling sizes in the area range from small to medium.

Erf sizes on the Island vary from 325 m² to 1 968 m². As indicated in previous applications, 59 erven are smaller than 640 m² and 41 erven are between 640 m² and 750 m².



LOCALITY WITH SURROUNDING LAND USES

Numerous erven on the Island have already been subdivided; see the locality plan (Annexure 5) showing these properties. Several recent subdivisions in the area have also been approved, in line with the Western Cape Planning Department's support for appropriate densification to limit urban sprawl.

While many subdivisions involve erven with long street frontages, several recent approvals have also been granted for erven with panhandle access, including nearby Erven 1337, 1341, 1398, 1354, 1355 and 1539 Sedgefield.



AERIAL PHOTOMAP WITH SURROUNDINGS – THE IMAGE FROM
KNYSNA PUBLIC VIEWER IS A COUPLE OF YEARS OLD



**LOCALITY PLAN WITH ERVEN IN SEDGEFIELD EXTENSION 1
THAT HAVE BEEN SUBDIVIDED**

It is also evident that on many erven the houses were originally placed on one section of the property, therefore allowing for subdivision later.

Four erven in this same block have been subdivided.

LAYOUT OF THE SUBDIVISION:

It is proposed to subdivide the erf approximately in half to achieve efficient use of the land. The existing house on Erf 1329 is positioned close to the road and to one side of the property, leaving a large vacant area at the rear and side. This layout is thus well suited to subdivision.

Please refer to the subdivision layout plan above and the separate application plan attached as Annexure 6.

The proposed areas are as follows:

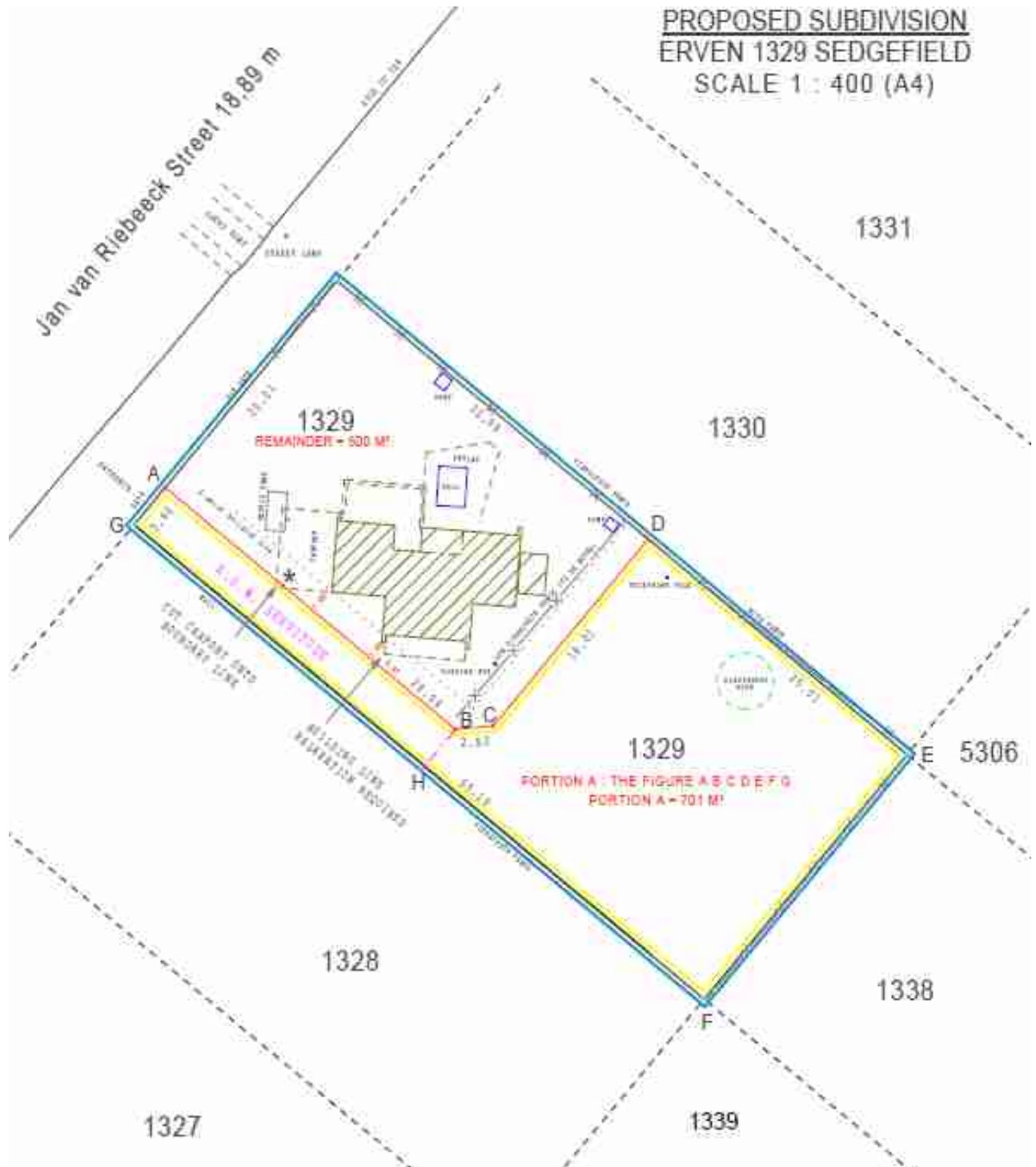
Portion A	= 701 m ²
Remainder	= 600 m ²

The corner of the Remainder at the end of the panhandle will be splayed to allow for a turn into a garage near that position.

Access to both the Remainder and Portion A will be from Jan van Riebeeck Street, which has a reserve width of 18,89 metres. The panhandle will be 3,6 metres wide. A servitude will be provided over the full length of the panhandle to allow the Remainder to also use the same access. Although the Remainder has frontage onto Jan van Riebeeck Street, it will use the same entrance as Portion A. If there is ever a problem with the servitude or if the owners decide on this, the servitude can be cancelled by agreement and a notarial deed, and the Remainder can open up an access directly onto Jan van Riebeeck Street again.

A small section of the carport roof will need to be cut back where it extends over the panhandle boundary.

There is an existing low vibracrete wall behind the house and this will be relocated to align with the new subdivision boundary once the subdivision is implemented.



SUBDIVISION LAYOUT PLAN

SERVICES:

Municipal services are available to the property. Based on other recent subdivision applications in the area, the bulk supply is considered capable of accommodating the additional demand for water and electricity.

Sewage disposal for Portion A will be by means of a conservancy tank or septic tank and a soakaway. The disposal for the existing dwelling is by means of a septic tank and soak-away.

BUILDING LINE RELAXATION:

A building line relaxation to 0,91 metres along the new boundary is required for the subdivision, as shown on the application plan.

After subdivision, the existing carport on the Remainder will fall within the 2-metre side building line, but this is permitted in terms of the zoning scheme.

The title deed building line clause will however need to be removed – see the motivation for the Removal of Restrictions below.

CARPORT OVER SIDE BUILDING LINE

The carport is allowed within the side building line as indicated in the extract from the Zoning Scheme By-law below. The carport is lower than 3,5 metres and does not contain more than a double garage façade.

Chapter 7
General Provisions
Encroachment of Building Lines

21.

- (1) Notwithstanding the building line requirements set out in this By-law, the following structures or portions of structures may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit and do not constitute an unreasonable nuisance to the neighbouring property owners:
- (a) boundary walls, screen walls, fences and gates;
 - (b) open and uncovered stoeps and decks that are less than 500 millimetres in height above the natural level of the ground;
 - (c) entrance steps, landings and entrance porches, excluding porte cochères;
 - (d) a covered entrance or gatehouse that has a roofed area not exceeding 5 m² and a roof height not exceeding 3 metres from the floor to the highest point;
 - (e) eaves and awnings projecting no more than 1 metre from the wall of a building;
 - (f) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 0,5 metres from the wall of a building;
 - (g) swimming pools not closer than 1 metre from any boundary or higher than 0,5 metres;
 - (h) a basement, provided that no part of such a basement projects above natural ground level;
 - (i) a refuse room required by the Municipality in terms of this By-law;
 - (j) water storage tanks not exceeding the height of the boundary wall.
- (2) (a) Garages, carports and outbuildings are permitted within side and rear boundary building line provided that the structures do not:
- (i) extend higher than 3,5 metres to the top of the roof;
 - (ii) contain more than a double garage façade;

18	Province of the Western Cape: Provincial Gazette Extraordinary 8258	29 June 2020
(iii) exceed a width of 6,5 metres; and (iv) have doors or windows facing the side or rear boundary concerned. (b) For land units of 650 m² and less, a garage or carport is permitted up to 1,5 metres from the street boundary provided the garage or carport: (i) is not higher than 3,5 metres to the top of the roof; (ii) does not contain more than a double garage façade; and (iii) does not exceed a width of 6,5 metres. (c) For land units exceeding 650 m², a garage or carport may not be closer than 4,5 metres from the street boundary, notwithstanding the street building line; (d) Notwithstanding sub-items (b) and (c), a garage or carport may be erected within the street boundary building line if, in the opinion of the Municipality, compliance with the street boundary building line is not practical due to steep slopes of the ground between the road and the property concerned. The Municipality must determine the street boundary building line in such a case. (3) For the purposes of determining street boundaries and site access requirements, the boundary of a pedestrian way or service lane that cannot or will never be used by motor vehicles may be regarded as a common boundary.		

EXTRACTS FROM THE KNYSNA 2020 ZONING SCHEME REGULATIONS
REGARDING BUILDING LINE ENCROACHMENTS

RECENTLY APPROVED BUILDING PLANS:

New updated building plans were approved on 2026-03-16 – please see annexure 10.

CONSIDERATION OF THE REMOVAL OF TITLE DEED RESTRICTIONS:

The title deeds contain certain restrictive conditions that should be removed. The introductory paragraph to these is as follows:

D. SUBJECT FURTHER to the following conditions mentioned in the Deed of Transfer No.T1943/1974 imposed by the Transferors therein being F. van Niekerk en Seuns (Eiendoms) Beperk for the benefit of the said Transferors and their Successors in title (as hereinafter defined) to the remainder of the land held by virtue of Certificate of Consolidated Title No. T4464/1958 namely-

Condition D.4 on page 3 of the deed should be removed. This condition relates to building lines. Although it may be argued that the condition applies only to the current boundaries and that there are no encroachments at present, the condition would likely be carried forward into the new title deeds after subdivision. The phrase “No building shall be erected within 1,57 metres of any adjoining lot” could then be interpreted to mean that the existing carport and other structures contravene the clause. It is therefore prudent to remove this clause, or the paragraph as a whole, particularly as a removal of restrictions is in any event required for condition D.9. As noted above, the carport is permitted in terms of the Zoning Scheme By-law.

4. No building shall be erected on this lot within 4,72 metres of any street line which forms a 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 2/3rds of any lot sold shall be built upon.

Condition D.9 regarding subdivision, on page 4 of the title deed, must also be removed. It reads as follows:

9. This lot shall not be subdivided except in special circumstances and then only with the written consent of the Transferors.

"This lot shall not be subdivided except in special circumstances and then only with the written consent of the Transferors."

The Transferor Company is described as the said company F van Niekerk en Seuns (Eiendoms) Beperk as the registered owners of the land remaining registered in its name under the Certificate of Consolidated Title No. 4464/1958 and its successors in title thereto.

The term "Transferor Company or its successors in title" shall mean the said Company of F van Niekerk en Seuns (Eiendoms) Beperk as the registered owners of the land remaining in its name under the said Certificate of Consolidated Title No. T4464/1958, namely -

CERTAIN Piece of redeemed quitrent land situate in the Division of Knysna being the remainder of Erf No. 1626, Sedgefield Township (namely the remainder of Sedgefield Township Extension No. 1 which is laid out thereon)

and its successors in title thereto, excluding the owner of any subdivision of the land so held which may be alienated and transferred by the said Company subsequent to the 20th December 1966 being the date of the sale of the land hereby conveyed.

(The last mentioned date was the date of the original sale of land hereby conveyed.)

In previous subdivision applications in Sedgefield Extension 1, the Deeds Office ruled that this condition must be removed. It appears that the company no longer exists, a conclusion also reached in recent applications in the area. Even if it does still exist, any successor in title to land still held under the original deed may arguably be entitled to enforce the right, making confirmation of that right extremely difficult. In those previous applications, the condition was removed.

It is considered that **Condition D.5** on page 3, relating to the number of dwellings on the property, does not need to be removed because it refers to "any plot in this township" and not specifically to "this erf". It can therefore be carried forward and applied to the individual portions after subdivision. The condition reads as follows:

5. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Township. No flats or tenement houses may be erected on any lot.

“Not more than one dwelling house, together with the necessary outbuildings and appurtenances shall be erected on any one plot in the Township. No flats or tenement houses may be erected on any lot.”

MOTIVATION FOR REMOVAL OF RESTRICTIONS:

Section 33(4) of the Knysna Municipality's Spatial Planning and Land Use Management By-law, 2021, sets out seven criteria, paragraphs (a) to (g), that must be considered in an application for the removal of restrictions. These are addressed below.

- 4) When the municipality considers the removal, suspension or amendment of a restrictive condition, the municipality must have regard to the following:
- 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 vest in the person as the owner of a dominant tenement;
 - b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;
 - 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;
 - d) the social benefit of the restrictive condition remaining in place in its existing form;
 - e) the social benefit of the removal, suspension or amendment of the restrictive condition; and
 - f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights;
 - g) whether the removal would be in the public interest.

- (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 vest in the person as the owner of a dominant tenement:*

Response: The subdivision should not detrimentally affect surrounding owners, as a consent use for a second dwelling could in practice have a similar impact. The value of surrounding properties is more likely to increase as the subject erf is improved through the development of a new dwelling and the upgrading of the existing house and garden.

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

Response: It appears that the holder of the right, a company called F van Niekerk and Sons, no longer exists or is no longer active. No direct benefit therefore accrues to it.

- (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:*

Response: Removal and amendment of the restrictive conditions will allow the erf to be subdivided and more effectively improved.

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

Response: The principal benefit of retaining the restriction is the preservation of low density. However, this would also encourage urban sprawl as the town grows, which is not desirable.

- (e) *The social benefit of the removal, suspension, or amendment of the restrictive condition:*
Response: Removing the restrictive condition aligns with policy directives that support densification, more efficient use of services, and broader economic opportunity. It will therefore have an overall benefit for the town.

The building line restriction removal will not alter the Zoning Scheme building lines, which allow for a carport within the side building line.

- (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:*

Response: As the beneficiary is no longer operational, this factor must be considered mainly in relation to the effect on surrounding property owners. The subdivision must still be assessed in terms of the applicable by-laws and applies only to this erf. These title deed restrictions were imposed before a town planning scheme was in place. The area is now regulated by a town planning scheme, and the rights of beneficiaries are therefore not removed without replacement by planning controls.

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

Response: The removal or amendment of the restrictive conditions will support appropriate densification, broaden housing opportunity, and make better use of existing services. It is therefore considered to be in the public interest.

At a recent meeting of the Knysna Planning Tribunal, the reference to “special circumstances” in clause D.9 of the title deed was discussed. It was considered that special circumstances need not be demonstrated if the application seeks the complete removal of the clause. In any event, several factors would amount to special circumstances, including the fact that the company no longer exists, planning control now vests in the Municipality, and modern development policy supports appropriate densification.

IMPACT ON LAND USE RIGHTS:

There should be no negative impact on the land use rights of surrounding owners, as the resultant erf sizes will be consistent with previous subdivisions and development patterns in the area. The subdivision is expected to improve the property and may positively influence surrounding property values. The increase in density is not regarded as negative, particularly as the resulting erf sizes of 600 m² and 701 m² remain reasonably generous by modern standards.

PUBLIC PARTICIPATION & INFLUENCE ON SURROUNDING PROPERTIES:

As the application includes the removal of title deed restrictions, it will in any event need to be advertised. The owner has therefore not obtained the consent of adjoining neighbours in advance.

The proposed removal of restrictions and subdivision should have a limited effect on the area. The property is already physically fenced approximately as if it were subdivided, creating the impression of two separate erven.

The Sedgefield Ratepayers' Association supported the previous subdivision of Erven 1354 and 1355 across the road, which suggests that it may likewise have no objection in principle to the present proposal.

CONSISTENCY WITH SPATIAL POLICY DIRECTIVES:

The proposal must be assessed against the relevant national, provincial and municipal spatial

planning frameworks. In summary, these frameworks support appropriate urban infill, more efficient use of land and services, and development within the urban edge.

**SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)
AND THE WESTERN CAPE LAND USE PLANNING (ACT 3 OF 2014)**

SPLUMA establishes the core development principles relevant to this application, while the Western Cape Provincial SDF and the Knysna Spatial Development Framework support appropriately located densification. Erf 1329 falls within the urban edge, and the proposal constitutes infill development consistent with those policy directions.

Spatial sustainability: The proposal promotes efficient use of well-located urban land within the urban edge, supports incremental densification, and makes use of existing infrastructure. It is therefore consistent with the spatial sustainability objectives of SPLUMA, the Provincial SDF and the Knysna SDF.

Spatial justice: The proposal will not place an unreasonable burden on the state, does not affect agricultural land, and does not trigger listed environmental activities. It will provide one additional residential opportunity within the existing urban fabric and is therefore consistent with the principle of more equitable and efficient access to land.

Efficiency: The proposal makes efficient use of an underutilised residential property that is already serviced and well located. The layout is practical, impacts are limited, and the application can be considered through the ordinary municipal process without undue complexity.

Spatial resilience: The proposal is sufficiently flexible to respond to changing housing demand while remaining compatible with the character of the area. It allows continued improvement of the property and supports sustainable local growth within an established neighbourhood.

Good administration: The application can be processed through the normal statutory procedure under the Knysna Municipality's Spatial Planning and Land Use Management By-law, 2021, with the required public participation and interdepartmental review. This will ensure a transparent and fair decision-making process.

Planning implication:

The proposal is therefore consistent with the Provincial SDF, as it supports densification and more sustainable service delivery. It is also consistent with the Knysna SDF, as the property falls within the urban edge and the proposal constitutes urban infill development. It further supports the need for growth and investment in Sedgefield identified in the SDF.

ZONING SCHEME REGULATIONS:

The new integrated Zoning Scheme By-laws 2020 for the whole of the Knysna municipal area were published on the 29th of June.

In terms of these by-laws, Erf 1329, like the surrounding erven, is zoned Single Residential 1. The land uses proposed in this subdivision and removal of restrictions application are compatible with that zoning. The remaining applicable development parameters will also be met.

"dwelling house"

Land use description: "dwelling house" means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including:

- (a) a storeroom and garaging;
- (b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m²;
- (c) a braai room;
- (d) renewable energy structures for household purposes;
- (e) home occupation;
- (f) letting to lodgers;
- (g) a bed and breakfast establishment; and
- (h) home childcare.

Development parameters:

- (a) Height
 - (i) at most 8.5 metres above natural ground level directly below a given point of the building with a maximum of 2 storeys; provided that a departure from the 2 storey limit may be considered due to the slope of the site; provided further that the 8.5 metre restriction is maintained and that the additional storey is added to the building on the lower side of the slope.
 - (ii) The general provisions regarding earth banks and retaining structures in this By-law apply.
- (b) Coverage and building lines
 - (i) Building lines and coverage are indicated in the table entitled "Coverage and building lines".

COVERAGE AND BUILDING LINES

Erf size	Coverage	Building lines		
		Street	Side	Rear
Less than or equal to 250 m ²	80%	1 metre	1 metre	1,5 metres
Greater than 250 m ² , but not exceeding 500 m ²	65%	3 metres	1,5 metres	1,5 metres
Greater than 500 m ²	50%	4,5 metres	2 metres	2 metres

- (ii) The Municipality may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling house in Single Residential Zone I, provided that an adequate means of access, at least 1 metre wide, is provided from a street to every un-built open portion of the property.

Zoning scheme By-laws : Dwelling house development parameters**KNYSNA MUNICIPALITY'S SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2021**

Section 65 of this by-law lays down the general criteria for considering an application by the Municipality.

Relevant considerations include the IDP, applicable spatial development frameworks, structure plans, general policy, the Provincial Spatial Development Framework, and national and provincial policy. Section 42 of SPLUMA and the Western Cape LUPA must also be considered.

The provisions of the zoning scheme are of course also relevant.

KNYSNA MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK OF 2020

The Knysna MSDF supports densification within the urban edge and the more efficient use of land and infrastructure in low-density suburbs. Sedgefield is identified as an area where additional accommodation can be provided, and the IDP also supports housing delivery, service efficiency and local economic activity. The proposal is therefore aligned with both the MSDF and the IDP.

COMPATIBILITY WITH GENERAL SPATIAL POLICY DIRECTIVES:

In summary, the proposal is consistent with the key applicable spatial policy directives because:

- The erf is located within the urban edge identified in the Knysna MSDF 2020.
- The proposal will provide economic opportunities with the construction of a new dwelling and related activities.
- The proposal will provide additional housing.
- It supports appropriate densification and more efficient use of existing services rather than outward urban sprawl.
- The proposal is in line with the Integrated Development Plan.

POINTS CONSIDERED BY THE TRIBUNAL IN RECENT SUBDIVISION APPLICATIONS IN THE AREA:

A recent application for the subdivision of Erf 1434 Sedgefield, among others, was processed and approved by the Municipality. In considering those applications, the tribunal highlighted the following points:

- There is a precedent for subdivision in the suburb.
- Coverage will not exceed the permitted coverage
- In order to preserve the character, no additional dwellings will be allowed as a consent use or departure.
- Sufficient municipal water & electricity services are available.
- The concern regarding an available sewer reticulation can be mitigated by including a condition regarding the installation of a conservancy tank.
- Property rights will not be negatively affected.
- The stand sizes of the proposed Portion A and the Remainder are in line with an acceptable norm for residential development of this character.
- The area offers an appropriate opportunity for densification.

EFFECT OF FUTURE DENSIFICATION IN THE AREA:

Several properties in Sedgefield Extension 1 (locally known as “The Island”) could potentially be subdivided, and the implications of future subdivision applications must therefore be considered.

An inspection of available aerial photography suggests that about 20% of the erven in Extension 1 (approximately 80) could potentially be subdivided. This includes about 22 erven that have already been subdivided, leaving approximately 58 that may still be suitable. Given a range of limiting factors, it is unlikely that more than about half of these would ultimately be subdivided, equating to approximately 30 to 40 additional subdivisions across the township of about 410 erven (less than 10%).

Discussions with the local Municipal Engineering Department indicate that this increase can be accommodated.

Any increase in density would occur gradually, and the character of the area would therefore not be affected abruptly. The modern trend toward smaller households and smaller dwellings also suggests that the overall building footprint would not exceed what was originally anticipated.

There are also several consolidated erven in the area, which offsets this anticipated densification to some extent.

GENERAL MOTIVATION:

The planning-related restrictions were placed in the title deeds at a time when no town planning scheme applied to Sedgefield Extension 1. These restrictions were also administered by the development company. The area is now regulated under the Knysna planning by-laws and zoning scheme.

As the company is no longer in operation, responsibility for land use control and the assessment of the subdivision now rests with the Municipality.

When Sedgefield Extension 1 was developed, typical erf sizes were in the order of 1 000 to 1 200 m². Since then, there has been a clear shift toward smaller erven, often around 600 m² or less. Densification of certain older areas has become desirable because it enables more efficient use of services and land, while limiting urban sprawl and reducing environmental pressure.

Family sizes have also decreased, and smaller properties are generally easier to maintain to a modern standard.

Subdivision generally results in smaller, more compact dwellings on the new erven, which helps avoid bulky built form. The internal building lines created by subdivision also tend to maintain space between buildings.

There have also been several subdivisions in Sedgefield Extension 1, especially recently.

The way in which certain buildings were positioned on their properties suggests that some erven were originally developed with either a second dwelling or future subdivision in mind. The character of the area can accommodate smaller properties, which generally support smaller-scale buildings.

The area is very flat, which means little land is constrained by topography.

Roads in the area are generally wide, ranging from 15,74 to 18,89 metres. This contributes to a sense of openness between dwellings. By comparison, roads in modern developments of this nature are often between 10 and 13 metres wide.

Viewed in this context, the subdivision is considered both acceptable and desirable.

Each erf must nevertheless be considered on its own merits. In the case of Erf 1329, the existing building is well positioned to allow subdivision, and the rear portion is well suited to accommodate a separate dwelling.

The better utilization of land is also considered to be in the best interest of the area as a whole.

CONCLUSION:

The proposal involves the following applications in terms of the Knysna Municipality's Spatial Planning and Land Use Management By-law, 2021:

- i. The removal of restrictions D.4 and D.9 from the title deeds of Erf 1329 Sedgefield in terms of section 15(2)(f).
- ii. The subdivision of Erf 1329 Sedgefield into 1 Portion and 1 Remainder in terms of section 15(2)(d).
- iii. The approval of a Permanent Departure in terms of Section 15(2)(b) of the By-laws to accommodate the existing building after the subdivision has occurred.

The proposal meets the applicable criteria and policy guidelines set out in SPLUMA and the Knysna Municipality's Spatial Planning and Land Use Management By-law, 2021. It is further considered desirable, and approval is accordingly requested from the Municipality of Knysna for the removal and/or amendment of the title deed restrictions and for the subdivision of Erf 1329 Sedgefield.



24 June 2026

Mark de Bruyn PLS 0134