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ARCHITECTS

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**MOTIVATION OF APPLICATION FOR PERMANENT DEPARTURE AND
ADMINISTRATOR'S CONSENT IN TERMS OF THE KNYSNA MUNICIPALITY SPATIAL
PLANNING AND LAND USE MANAGEMENT BY-LAW ON ERF 412, BRENTON ON
LAKE**

Application Type:

- Permanent Departure for Encroachment into the Side Building Line (Retaining Structures)
- Permanent Departure for Encroachment into the Street Building Line (Covered Carport)
- Permanent Departure for Encroachment into the Rear Building Line (Concrete Plinth & JoJo Tanks).
- Application for Administrator's Consent in terms of Section 33(4) of the Land Use Planning By-law to relax restrictive Title Deed conditions along the Front/Street and Rear boundaries

Property: Erf 412, Brenton on Lake

Address: 412 Kabeljou Avenue, Knysna

Zoning: Single Residential Zone 1

This written motivation is divided into 10 Sections:

1. Introduction
2. Property and Development Context
3. Applicable Zoning, Title Deed, and Development Rules
4. Client-Specific Functional Requirement (Medical Motivation)
5. Site Levels, Topography, and Platform Formation
6. Proposed Encroachments & Site Constraints
 - 6.1. Primary Boundary Retaining Wall (South-Western Boundary)
 - 6.2. Perpendicular Wall 1 (Courtyard / Laundry Separation)
 - 6.3. Perpendicular Wall 2 (Laundry / Carport Separation)
 - 6.4. Covered Carport Encroachment (Street Boundary)
 - 6.5. Rear Boundary Constraints (Tree Preservation & Infrastructure Alignment)
7. Stormwater and Drainage
8. Impact Assessment

Directors: Sonja Mann née Neitz (CEO/ Principal Cape Town): B. Arch. (UP), Dip. FA (OWI), PrArch 4713;
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9. Section 65 Decision-Making Compliance
 - 9.1. Desirability of Proposed Utilisation
 - 9.2. Procedural Compliance
 - 9.3. Comments from Organs of State / Municipal Departments
 - 9.4. Impact on Municipal Engineering Services
 - 9.5. Consistency with IDP and Spatial Development Frameworks
 - 9.6. SPLUMA Planning Principles
 - 9.7. Zoning Scheme and Section 33(4) Title Deed Compliance
10. Planning Assessment, Merits, and Conclusion

1. Introduction

This report supports a consolidated land use application submitted on behalf of the owners of Erf 412, Brenton on Lake. The submission seeks approval for a Permanent Departure from the Knysna Municipality Zoning Scheme By-law alongside a simultaneous application for Administrator's Consent to relax restrictive conditions contained within Title Deed T56536/2001.

Specifically, this application covers:

1. A permanent departure to permit the encroachment of engineered retaining structures into the prescribed 2.0m south-western side building line.
2. A permanent departure from the 4.5m street building line and a simultaneous application for Administrator's Consent to relax the historical, restrictive title condition C.7 (prescribing a 4.72m street building line) down to 0.0m to accommodate a proposed covered carport.
3. A permanent departure from the 2.0m rear building line and a simultaneous application for Administrator's Consent to relax the historical, restrictive title condition C.7 (prescribing a 3.15m rear building line) to accommodate proposed residential additions and service infrastructure.

These interventions are critically required to address steep natural ground-level differences, preserve existing environmental assets, safeguard subsurface sanitation infrastructure, and establish a stable, barrier-free living platform that accommodates the urgent medical mobility requirements of the property owners. The building plan application is currently on hold pending the positive outcome of this land use application.

2. Property and Development Context

The property contains an existing single residential dwelling. The proposal consists of primary ground-floor additions and alterations intended to improve residential functionality, future-proof the home for the ageing owners, and rationalise the site layout without changing the land use, density, or established character of the neighbourhood.

Ground Floor Additions and Alterations

- Alterations to the existing kitchen
- Enclosure of existing patio
- New living room
- Two new bedrooms (one with a walk-in closet)
- New bathroom with separate WC
- New workroom
- New north-eastern and south-western decks
- External laundry accessed from the existing scullery
- Covered carport positioned on the street side

First Floor

- No new work is proposed; the existing upper level remains unchanged.

The footprint extensions are strictly residential in nature and satisfy all coverage and height parameters permitted under the Single Residential Zone I allocation.



Figure 1: View of existing site from Kabeljou Avenue

3. Applicable Zoning, Title Deed, and Development Rules

Erf 412 is governed by the Knysna Municipality Zoning Scheme By-law and is subject to the restrictive conditions of Title Deed T56536/2001.

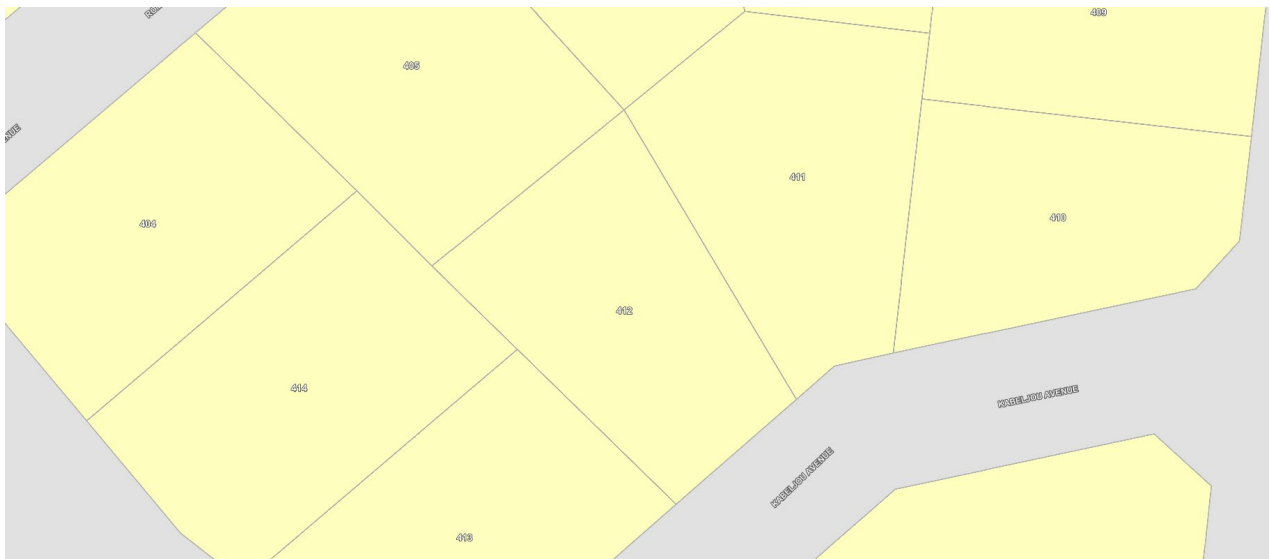


Figure 2: Zoning Diagram for the area indicating Single Residential Zone I

LAND USE DATA FOR ERF 412 BRENTON ON LAKE		
Applicable Town Planning Scheme	Knysna Municipality: Zoning Scheme By-law	
Applicable Title Deed	T56536/2001	
Applicable SG Diagram	9691/1966	
Erf Address	412 Kabeljou Avenue, Brenton on Lake	
Erf No and Township	412, Brenton on Lake	
Site Area	958 m ²	
Zoning	Single Residential Zone I (SR1)	
Use Zone	H4 – Single Dwelling	
Building Lines: Street Boundary Side Boundary Rear Boundary	Knysna Municipality Zoning Scheme By-law	Title Deed T56536/2001 (Condition C.7)
	4,5 m	4,72 m
	2,0 m	3,15 m
	2,0 m	1,57 m
Title Deed Building Lines (C.7)	Imposed historical building lines by the "Administrator"	
Servitudes	None registered	
Height Restriction	8,5 m	
Coverage	50%	

Table 1: Land Use Data for Erf 412

4. Client-Specific Functional Requirement (Medical Motivation)

The extent of the excavation, structural retaining, and forward placement of the covered carport is directly driven by the chronic health and long-term mobility requirements of the property owners.

The owners receive ongoing, intensive physical therapy for chronic spinal and back pain from specialists within Knysna and Caledon. Furthermore, an orthopaedic specialist based in Stellenbosch has formally recommended total knee replacement surgery for one of the owners. Consequently, navigating stairs, sloped walkways, or split-level steps as part of daily living has become highly unfeasible and hazardous.

To future-proof the property, the additions have been designed around a strict universal accessibility mandate, ensuring:

- Fully consolidated, single-storey everyday living.
- Step-free, continuous circulation between the primary living zones, bedrooms, and amenities.
- Accessible connection between internal areas and external functional space.
- An immediate, weather-protected transfer from the vehicle parking space directly onto the main living level.

The level platform generated by the side retaining walls and the street-front positioning of the covered carport are functional, health-driven prerequisites rather than cosmetic design preferences.

Refer to Annexure A of this document for copies of the supporting medical specialist letters.

5. Site Levels and Platform Formation

The topography across the affected south-western and north-eastern portions of the property features sharp variations in slope that heavily restrict conventional construction layout choices:

- Highest natural external level: Approximately 9.5m above sea level
- Proposed internal platform level: Approximately 7.6m above sea level to match the existing house level
- Maximum level difference: Approximately 1.9m of cut

To execute a safe, stable, and completely step-free single-level platform that links the existing house seamlessly to the new additions, structural cutting and retaining are unavoidable.

6. Proposed Encroachments & Site Constraints

The proposed site design functions as a highly integrated planning and engineering solution. Rather than expanding haphazardly, the design responds to clear physical boundaries, infrastructure bottlenecks, and environmental considerations across the erf.



Figure 3: Position of the integrated retaining structure system, carport, and rear additions

6.1. Primary Boundary Retaining Wall (South-Western Boundary)

Indicated in **Green** on 2024-13-MD – 100 **SITE PLAN**, 2024-13-MD – 1000

GROUND FLOOR PLAN. Refer to **Boundary Wall Type D** on 2024-13-MD – 9201 DETAILS

- Reinforced concrete block retaining wall
- Total length: approx. 32 m
- Maximum retained height: approx. 1.896 m
- Retained height reduces to approx. 0.9 m at the end
- Located within the prescribed 2.0 m building line

An existing stepped/sloped concrete block retaining wall currently runs along the boundary. This structure is inefficient in its spatial use and occupies excessive usable yard space due to its stepped configuration.

The proposed wall replaces portions of the existing structure with a more space-efficient engineered solution, improving functional use of the property while maintaining boundary stability.



Figure 4: View of existing concrete block retaining wall

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6.2. Perpendicular Wall 1 (Courtyard / Laundry Separation)

Indicated in **Blue** on 2024-13-MD – 100 **SITE PLAN**, 2024-13-MD – 1000
GROUND FLOOR PLAN. Refer to **Detail WD1** on 2024-13-MD – 9201 DETAILS

- 280 mm concrete-filled cavity wall
- Integrated subsoil drainage
- Height difference: approx. 2.0 m (laundry side) and 1.8 m (courtyard side)
- Retains approximately 200 mm of soil only

This wall primarily functions as:

- A level transition
- Visual separation between the courtyard deck and the laundry area
- Structural component of the overall retaining system

Although visually substantial in height, it has minimal soil-retaining function.

6.3. Perpendicular Wall 2 (Laundry / Covered Carport Separation)

Indicated in **Orange** on 2024-13-MD – 100 **SITE PLAN**, 2024-13-MD – 1000 **GROUND FLOOR PLAN**. Refer to **Detail WD1** on 2024-13-MD – 9201 **DETAILS**

This wall forms the structural transition between:

- The laundry area, and
- The covered carport area

Characteristics:

- Height above ground on laundry side: approx. 1.896 m
- On the carport side, the wall supports the portion of the existing stepped boundary retaining wall being removed
- The top of this perpendicular wall sits just above ground level on the carport side

This wall effectively replaces and supports part of the inefficient stepped boundary wall, forming the starting point of the new boundary retaining system.



Figure 5: Position of perpendicular wall 2 in relation to the existing boundary retaining wall

6.4. Covered Carport Encroachment (Street Boundary)

Indicated in **Purple**. Refer to 2024-13-MD – 100 **SITE PLAN**, 2024-13-MD – 1000 **GROUND FLOOR PLAN**, 2024-13-MD – 2000 **SECTIONS** and 2024-13-MD – 3000 **ELEVATIONS**

Statutory Framework:

This section supports the simultaneous application for a Permanent Departure from the Knysna Municipality Zoning Scheme By-law (restricting development within 4.5m) and an application for Administrator's Consent to relax Condition C7 of Title Deed T56536/2001 (restricting development within 4.72m) down to 0.0m.

Spatial, Architectural & Functional Justification:

- **Visual Integration & Hidden Profile:** The carport is positioned in front of the portion of the existing block retaining wall that is being retained on site. Because it is proposed against this vertical earth-shaping structure, the carport's profile is visually shielded from the street level. It will go unnoticed from Kabeljou Avenue, preserving the existing streetscape aesthetics.
- **Functional Pairing with Existing Garage:** The property features an existing garage. The proposed lightweight carport is positioned directly in front of this garage footprint to create an efficient, tandem parking zone. This provides essential, additional safe, weather-protected vehicle space.
- **The Critical Accessibility Link:** In direct alignment with the medical mandate outlined in Section 4, this undercover parking extension is a non-negotiable functional requirement. By extending the weather-protected roof canopy directly in front of the garage and level with the primary entry platform, the owners can transition seamlessly from a vehicle door to the house interior. This targeted structural placement removes the physical need to navigate steep, exposed outdoor driveways or steps, directly solving the primary accessibility barrier for an individual with severe joint and mobility limitations.
- **Zero Public Intrusion:** The entire carport structure is contained strictly inside the registered property boundary lines of Erf 412. It does not overhang, protrude into, or cross over the public street reserve or the pedestrian sidewalks.

6.5. Rear Boundary Constraints (Tree Preservation & Infrastructure Alignment)

Indicated in **Red**. Refer to 2024-13-MD – 100 **SITE PLAN**, 2024-13-MD – 1000 **GROUND FLOOR PLAN**, 2024-13-MD – 2000 **SECTIONS** and 2024-13-MD – 3000 **ELEVATIONS**.

Statutory Framework:

While the Knysna Municipality Zoning Scheme By-law permits a rear building setback of 2.0m for Single Residential Zone I properties, Condition C7 of Title Deed T56536/2001 dictates a historical, restrictive rear building line of 3.15m. Because the proposed residential additions, external deck, and service infrastructure encroach within these envelopes, a formal Permanent Departure (from the 2.0m municipal line) and a simultaneous Administrator's Consent (from the 3.15m title deed line) are required to relax these restrictions to accommodate the layout.

Specific Nature of Boundary Encroachments:

The layout requires a highly optimised use of the rear space, resulting in the following specific encroachments:

- **Primary Structure (Encroaching the 3.15m Title Deed Line down to 2.0m):** A portion of the primary structural footprint of the new walk-in closet, as well as the roof overhangs/eaves of both the new bedroom and the new bathroom suites, strictly adhering to the 2.0m municipal boundary line.
- **External Decking (Encroaching the 3.15m Title Deed Line down to 2.0m):** A localised portion of the new external timber deck sits within the title deed setback zone but remains clear of the municipal line.
- **Service Infrastructure (Encroaching both the 3.15m Title Deed Line and the 2.0m Municipal Line):** The new engineered concrete plinth and its associated rainwater harvesting infrastructure (JoJo tanks) cross over both building lines. This placement is critically required to manage eco-efficiency and localised site drainage, and because they are low-level, unroofed service structures, they represent the lowest-impact deployment of essential utility infrastructure.

Site Constraints & Environmental Justification:

- **Concentration of Environmental Assets on the North-Eastern Slope:** Pushing the building additions forward or shifting them away from the rear boundary is physically restricted by the micro-climate and natural landscape of the erf. The site's established indigenous tree canopy, including mature White Stinkwood (*Celtis africana*), African Wild Pear (*Dombeya rotundifolia*), and Yellowwood (*Podocarpus*) trees, is heavily concentrated on the north-eastern portion of the site. Siting the new additions toward that north-eastern zone would mandate the destruction or severe root-severing of these protected species. Pulling the building footprint back toward the rear boundary line is the only environmentally responsible layout that leaves this rich botanical pocket completely untouched.
- **Topographical and Slope Variances:** The north-eastern side of the property features a significantly steeper, more volatile slope gradient. Constructing primary living zones in that direction would require high-impact, deep civil excavations and tall structural retaining walls, alter the natural landscape and increase structural engineering risks. Setting the extensions toward the rear zone utilises the most topographically stable, low-impact construction platform available on the erf.

- **Siting of Subsurface Sanitation Infrastructure:** The property relies on an active subterranean septic/conservancy tank system located within the remaining open yard space. Building guidelines strictly prohibit erecting permanent foundations or structural columns directly over active conservancy tanks due to structural integrity and municipal maintenance access rules. The proposed additions are therefore strategically pulled back toward the rear boundary to completely clear this critical infrastructure layout.
- **Privacy and Impact Mitigation:** Although the concrete plinth and JoJo tanks encroach past the 2.0m municipal line, they are low-level, unroofed infrastructure elements. They create zero negative externalities, ensuring that neighbours' privacy, light, and natural ventilation remain fully protected, satisfying the underlying intent of modern spatial planning frameworks.

7. Stormwater and Drainage

Given the proximity of the retaining walls to the south-western boundary, an engineered drainage system has been fully specified to eliminate any risk of runoff dampness or water migration onto the adjacent property.

The retaining system incorporates:

- Geosynthetic filter layer
- Perforated subsoil drainage pipe
- Gravel drainage layer
- Filter fabric
- Drainage sand backfill
- Compacted structural fill

This ensures:

- No uncontrolled runoff to neighbouring properties
- Protection against hydrostatic pressure
- Long-term slope stability

8. Impact Assessment

The combined departures and title deed relaxations will not trigger negative impacts on the surrounding built environment or community:

- All work, including foundations, footings, gutters, and roof eaves, is contained entirely on Erf 412 with no encroachment beyond property lines
- The property remains a single residential home. No additional dwelling units, high-density components, or commercial activities are introduced
- The alterations do not increase the demand on municipal electricity, water, or civil infrastructure networks
- Improves slope stability compared to the existing stepped retaining wall

The replacement of the inefficient stepped retaining wall with a properly engineered vertical system enhances long-term structural stability and usable yard space without negatively impacting adjacent properties.

9. Section 65: Decision-Making Compliance

Under Chapter V, Section 65 of the Spatial Planning and Land Use Management By-law, the competent authority must evaluate applications against specific criteria. This submission complies fully with those requirements:

9.1. Desirability of Proposed Utilisation

The development maintains a highly compatible, low-impact single residential use. It directly enhances the safety, equity, and liveability of an existing property by adapting it to the physical constraints of its ageing occupants without altering the neighbourhood fabric.

9.2. Procedural Compliance

The application satisfies all administrative prerequisites. It includes all required technical surveys, structural specifications, land use forms, and title certifications and is properly submitted in terms of the Municipal By-Law.

9.3. Comments from Organs of State / Municipal Departments

Any internal department reviews will be responded to formally by the architectural and engineering team.

9.4. Impact on Municipal Engineering Services

The proposal places zero additional load on Knysna's infrastructure. All stormwater is collected, handled, and dissipated internally through approved engineering designs.

9.5. Consistency with IDP and Spatial Development Frameworks

The proposal supports the Knysna Municipal Spatial Development Framework (MSDF) by promoting responsible, safe asset upgrades inside an established urban footprint. It avoids sprawl and ensures sensitive integration into a sloped coastal town environment.

9.6. SPLUMA Planning Principles

The development actively mirrors the core development principles of the Spatial Planning and Land Use Management Act (SPLUMA):

- **Spatial sustainability:** Enhancing and maximising structural resilience inside an already serviced, privately owned property
- **Functional resilience:** Future-proofing housing infrastructure to guarantee that vulnerable individuals can remain securely and independently housed as their health needs change.
- **Efficient land use:** Optimising an under-utilised, topographically challenging erf while protecting its natural environment
- **Safe human settlement**

9.7. Zoning Scheme and Section 33(4) Title Deed Compliance

The restrictions in Title Deed T56536/2001 represent historical planning rules that have been amended over time. While retaining structures, service utilities, and carports are subject to setback limits, the requested departures and simultaneous Section 33(4) Administrator's Consent are thoroughly justified here:

- Natural site-level differences
- Medical necessity for step-free living
- Engineering requirement for slope stabilisation
- Absence of negative impact

Relaxing the rear title restrictions to 2.0m simply aligns the property's development rights with the modern Knysna Municipality Zoning Scheme By-law, while the street carport relaxation and rear plinth adjustments resolve severe site placement and medical access issues without compromising public street space or neighbourhood safety.

10. Planning Assessment, Merits, and Conclusion

The technical, environmental, and medical merits of this combined application are substantive and undeniable. The proposed departures and Administrator's Consents represent an essential, balanced response to a complex set of site constraints:

- **Topographical Management:** Safely stabilising a 1.9m natural cut through a certified, space-efficient retaining design that replaces a stepped wall.
- **Environmental Stewardship:** Intentionally shaping the additions along the 2.0m rear boundary line to prevent destroying protected indigenous White Stinkwood, African Wild Pear, and Yellowwood trees.
- **Infrastructure Protection:** Adjusting the additions to clear the active subterranean septic/conservancy tank system, preventing high-cost and unnecessary utility relocations, while placing low-profile utility infrastructure (JoJo tanks) in the least disruptive manner.
- **Universal Access & Medical Fulfilment:** Positioning an open-sided carport inside the 4.5m municipal and 4.72m title deed street building lines to create a tandem parking extension directly in front of the existing garage. This frames a continuous, step-free, weather-protected route that allows residents with severe spinal and joint conditions to access their home safely.

The applications do not increase residential density, compromise neighbourhood aesthetics, alter land use, or impact municipal infrastructure. Instead, they provide an elegant, professionally designed solution that balances environmental preservation with human dignity and accessibility.

Given the strong planning merits and clear compliance with the Knysna Municipality Land Use By-laws, approval of this application is respectfully requested.

Kind Regards,



SONJA NEITZ

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ANNEXURE A:
Supporting Medical Letters



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23 February 2026

To: Whom it may concern,

RE: Medical Motivation for Single-Level Housing for Doctor Ignatius S Retief

I am writing this letter in support of my patient, Dr. Ignatius S Retief, who has been under my care since 2018 for the management of chronic cervical and lumbar spinal pain.

As Dr. Ignatius S Retief enters retirement, it is medically imperative that his living environment is optimized to manage his long-term physical health and mobility. His conditions—Chronic Cervical Pain and Chronic Lumbar Pain—result in significant functional limitations that are severely exacerbated by the repetitive mechanical stress of navigating staircases.

Clinical Justification for Single-Level Living:

Reduced Joint & Spinal Strain: Multi-level living places excessive load on the lumbar spine and lower joints. Transitioning to a single-story home minimizes daily joint stress, which is essential for maintaining mobility and preventing the acceleration of spinal degeneration.

Fall Prevention & Safety: Chronic back pain often impacts balance and steady movement. Research indicates that single-storey homes can reduce fall risks by up to 80% compared to multi-level properties. Removing stairs eliminates a primary hazard for serious injury.

Pain Management & Energy Conservation: Eliminating vertical movement reduces "low-level friction" in daily routines. This allows the patient to conserve energy for essential activities and significantly reduces the frequency of debilitating "flare-ups" caused by bending, stretching, or climbing.

Long-term Independence: Single-level housing is a "future-proof" solution that allows patients with chronic pain to maintain their independence and "age in place" without the need for costly later-stage structural adaptations.

In my professional opinion, a move to a home where all essential living spaces—including the bedroom, bathroom, and kitchen—are on a single level is medically necessary to protect Dr. Ignatius S Retief's quality of life and physical safety.

Please do not hesitate to contact my office at 0443821670 if you require further clinical details or documentation.

Sincerely,
Barbara Pretorius
Physiotherapist

30/03/2026

Knysna Municipality

To whom it may concern,

REGARDING: DR. I.S RETIEF (IGNATIUS STEFANUS) 5811215046082

D24-RETI-016A

The above mentioned has consulted me on 2 occasions for his advanced bilateral (left and right) knee pain.

He has advanced osteo-arthritis but at this stage we are proceeding with conservative treatment.

To that end he should avoid any stair climbing. Therefore, I kindly ask that you would make the necessary arrangements for him for the building of his home in Lake Brenton.

Please feel free to contact me should you have any questions.

Kind regards,



Dr. Edwin Dillon

Temara van Dyk

———— Physiotherapy

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To: Whom it may concern

Mr Ignatius Retief (ID: 5811215046082) and Mrs Alna Retief (ID:6102210080089) are both longstanding patients at Temara van Dyk Physiotherapy.

Mr Retief's initial consultation was on 7/08/2023 where he complained of low back pain and neck pain. Mrs Retief's initial consultation was on 2/02/2026 where she also complained of neck pain.

Both suffer from chronic neck and back pain, and it is therefore advisable that they avoid excessive loads (e.g., daily stair climbing) to prevent aggravation of the pain.

Thank you

Temara van Dyk

Physiotherapist