MOTIVATING MEMORANDUM

APPLICATION IN TERMS SECTIONS 15 (2) (f) AND 15 (2) (b) OF THE KNYSNA MUNICIPALITY'S SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW

PROPOSED REMOVAL OF A RESTRICTIVE CONDITION AND PERMANENT DEPARTURE FROM THE DEVELOPMENT PARAMETERS OF THE ZONING SCHEME PERTAINING TO ERF 107 BRENTON. ADMINISTRATIVE DISTRICT: KNYSNA

1. BACKGROUND INFORMATION:

1.1 PROPERTY DETAILS:

Applicant: Ralph Rex Town Planner acting on behalf of Nunes Properties (Pty) Ltd (No. 2018/084332/07) (Here-after referred to as "the applicant".)

Site of Application: Erf 107 Brenton (In certain instances hereafter referred to as "the property").

Street Address: 107 Watsonia Avenue, Brenton On Sea

Local Authority: Knysna Municipality (Hereafter referred to as "the Municipality")

Ownership: Nunes Properties (Pty) Ltd as per Deed of Transfer T19625/2025 (Copy included and hereafter referred to as the "Deed of Transfer") No bond is mortgaged against this property.

Present Zoning and Land Use:

Zoning: Erf 107 Brenton – "Single Residential Zone I"
Land Use: Vacant

Proposed Zoning and Land Use:

Zoning: Erf 107 Brenton – "Single Residential Zone I"
Land Use: Residential

Layout: See the attached Site Development Plan and building plan from Sergio Nunes dated 11 August 2026

Area of the Property: Erf 107 Brenton – 1053m²

1.2 PURPOSE AND INTENTION:

In accordance with the Knysna Zoning Scheme By-Law (Hereafter referred to as "the Zoning Scheme"), the intention of this application is to allow the applicant the opportunity to, in the future, develop a residential dwelling unit on the property that consists of three storeys, deviating from the allowed two storeys as set out by the Zoning Scheme. It is also the intention to relax the western side building line restriction to allow the development of a section of the retaining wall, as indicated on the attached building plan and Site Development Plan. In order to achieve in the just mentioned objective, restrictive condition **D. 6. (d)** as depicted on pages 4 and 5 of the Deed of Transfer needs to be removed.

1.3 LOCALITY AND SURROUNDING LAND USES:

The property is located in Watsonia Avenue within Brenton On Sea, approximately 4km south-west of the Knysna Waterfront (Refer to the attached sketch plan). The erven in the surrounding area of the property varies in shape and size to that of the property and they are primarily being utilised for residential purposes.

2. NEED AND DESIRABILITY:

The current situation on the ground is that no residential dwelling unit has been developed on the property, leaving the property vacant (See the attached sketch plan for an illustration thereof). The applicant in accordance with the Zoning Scheme intends to develop a residential dwelling unit on the property with a total of three storeys, deviating from the from the allowed two storeys as set out by the Zoning Scheme.

The future residential dwelling unit on the property will contribute to the intensification and optimised use of land and will satisfy the ever-increasing need and demand for residential accommodation that is experienced within the Knysna region, and it could inevitably lead to an increase in the revenue gained by the Municipality by means of rates and taxes. From an urban planning point of view, it is envisaged that the future residential dwelling unit development on the property will cumulatively promoted a more compact town of Knysna.

3. PUBLIC INTEREST:

The application is in the public's interest as the future residential dwelling unit on the property will lead to densification thereupon, thus ultimately leading to an envisaged safer environment for Brenton On Sea. The future residential dwelling unit on the property will allow the applicant the opportunity to utilise the property to its fullest potential in line with the specifications of the Zoning Scheme. It is ultimately in the interest of the public to execute the proposed removal of a restrictive condition and proposed departure from the development parameters of the Zoning Scheme to allow the development of a three-storey residential dwelling unit on the property, as it would extend the options available within the town of Knysna's residential property market.

The surrounding community is also afforded the opportunity to take part in the development process of their immediate environment and the ultimate upliftment thereof with public participation being promoted by this application.

4. CONDITIONS OF TITLE:

The restrictive condition in paragraph **D. 6. (d)** pertaining to the property as depicted on pages 4 and 5 of the Deed of Transfer restrict the applicant in terms of the proposed development of a residential dwelling within 4,72m from the street, 3,15m from the back of the property and 1,57m from the sides of the property. The restrictive condition in the Deed of Transfer read as follows:

> ***D. 6. (d)*** *"geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 4,72 meter van die straatlyn, wat 'n grens van hierdie erf uitmaak, opgerig word nie, asook nie binne 3,15 meter van die agtergrens of 1,57 meter van die sygrens gemeen daaraan en aan 'n aangrensende erf nie, met dien verstande dat 'n buitegebou van nie hoër as 3,05 meter nie, gemeet van die vloer tot by die muurplaat met die toestemming van die plaaslike owerheid binne die hierbo voorgeskrewe agterruimte en binne die hierbo voorgeskrewe sy ruimte vir 'n afstand van 9,45 meter gereken van die agtergrens, opgerig mag word. Wanneer enige twee of meer erwe gekonsolideer word, is hierdie voorwaarde op die gekonsolideerde oppervlak as een erf van toepassing."*

As mentioned, the restrictive condition in paragraph **D. 6. (d)** pertaining to the property as depicted on pages 4 and 5 of the Deed of Transfer restrict the applicant in terms of the proposed development of a residential dwelling within 4,72m from the street, 3,15m from the back of the property and 1,57m from the sides of the property. As the Zoning Scheme sets out the street, side and rear building line for all properties zoned as "Single Residential Zone I", it is not the purpose of the Deed of Transfer to regulate the development parameters, but that of the Zoning Scheme, therefore warranting the removal of the restrictive condition.

In review of Section 33(4) of the Municipality's Spatial Planning and Land Use Management By-Law, the restrictive condition in paragraph **D. 6. (d)** pertaining to the property as depicted on pages 4 and 5 of the Deed of Transfer, pertaining to the building lines of the property, holds no financial, personal or social benefit to either the surrounding community or die applicant as the building lines listed in the mentioned condition is in some cases stricter than what is allowed by the Zoning Scheme. A personal benefit gained by the removal of paragraph **D. 6. (d)** pertaining to the property as depicted on pages 4 and 5 of the Deed of Transfer is the fact that the applicant would be able to conform to the building lines restrictions as set out by the Zoning Scheme when developing the proposed residential dwelling unit, as well as be able to apply for the relaxation of a building line in line with the building plan and Site Development Plan.

For other conditions refer to the attached Deed of Transfer.

5. GENERAL MOTIVATION:

The applicant acquired the property on 22 December 2024. The applicant in accordance with the Zoning Scheme intends to, in the future, develop a three-storey residential dwelling unit on the property.

It is evident that the broad public's interest would be served by the future residential dwelling unit on the property, as it will satisfy the ever-increasing need and demand for residential accommodation that is experienced within the town of Knysna. The future residential dwelling unit will lead to densification on the property and the surrounding area and this could ultimately lead to a safer environment. Much needed work opportunities will be created on the property during the renovation phase of the future residential dwelling unit and it definitely will enhance the general aesthetic look of the area and community, thereby adding value to the land concerned and the surrounding area. The future dwelling unit will be exclusively used for residential purposes and will therefore not give rise to extraordinary noise levels, other than what is experienced in the area at present.

6. MOTIVATION IN TERMS OF THE INTEGRATED DEVELOPMENT PLAN (IDP) AND SPATIAL DEVELOPMENT FRAMEWORK (SDF):

The proposed removal of a restrictive condition and departure from the development parameters of the Zoning Scheme, is in line with the proposals made in the Integrated Development Plan with its Spatial Development Framework, as a result of the fact that the Zoning Scheme was adopted by the mentioned Spatial Development Framework.

7. ORDERLY PLANNING (IMPACT ON INFRASTRUCTURE):

Vehicular access to the proposed three storey dwelling unit development on the property would be obtained from a new entrance thereto out of Watsonia Avenue along the southern boundary of the property, designated for such (See the attached Site Development Plan and building plan from Sergio Nunes dated 11 August 2026). Any new entrance that might in the future be required to gain vehicular access to the property will be provided in consultation with the relevant Departments of the Municipality.

According to the Zoning Scheme, the general restrictions that will be applicable to the proposed residential dwelling unit on the property under the zoning "Single Residential Zone I", are as follows:

- Coverage – 50% (Column 2 of the table on page 50 of the Zoning Scheme).
- Height – 8,5m above natural ground level (Page 50 of the Zoning Scheme).
- Building lines:
  – Street 4,5m (Column 3 of the table on page 50 of the Zoning Scheme)
  – Side 2,0m (Column 4 of the table on page 50 of the Zoning Scheme)
  – Rear 2,0m (Column 5 of the table on page 50 of the Zoning Scheme)

The areas of the proposed residential dwelling unit the property, the approximate Gross Leasable Area (“GLA") and the approximate existing coverage thereof are tabulated as follows:

Property	Proposed Area	Approximate square meters footprint of the propose building	Existing coverage
Erf 107 Brenton **(Figure A on the attached sketch plan)**	1053m²	145m² (Obtained from the Building Plan)	14%

According to the Zoning Scheme, the Municipality would allow the permanent departure from the development parameters of the Zoning Scheme to permit an applicant to develop a three-storey dwelling unit, considering the severity of the slope of a property. In the approximately 40m length of the property, it is clear on the attached contour plan of Mark De Bruyn dated November 2022 and January 2025 that the slope from the southern boundary of the property drops an approximate 10m in elevation to the northern boundary of the property, which makes for challenging building designs to accommodate a residential dwelling unit on the property. Taking the just mentioned severity of the slope into consideration, and seeing as the design of the proposed residential dwelling unit successfully accommodates a three-storey dwelling unit on the property without breeching any other parameters of the Zoning Scheme, the departure from the development parameters of the Zoning Scheme, as mentioned above, is clearly justified.

As clearly indicated on the attached elevations building plan (See the attached building plan from Sergio Nunes dated 11 August 2026), even though the proposed residential dwelling unit development will consist of three levels, due to the mentioned severe slope of the property, the building will still fall under the stipulated 8,5m above natural ground level as required by the Zoning Scheme, therefore not impeding any views of the owners adjacent to the property other than that what is allowed by the Municipality.

According to the Zoning Scheme, the Municipality may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling house on a property zoned “Single Residential Zone I”. The only development that will take place within the western side building line, is the development of a section of the retaining wall, which is a mere safety feature. No part of the proposed residential dwelling unit will be developed within any of the prescribed Zoning Scheme building lines. The permanent departure from the development parameters of the Zoning Scheme to permit the relaxation of the western side building line from 2,0 m to 0m is therefore justified.

The property is situated within an established portion of Knysna with the existing residential dwelling units surrounding the property already connected to the Municipality’s bulk services network (water, sewer and electricity systems). It is sufficed to say that the Municipality’s bulk services (water, sewer and electricity systems) is already present in the vicinity of the property and that a services report is not deemed necessary for this application. Any upgrading of the bulk services of the Municipality, if required, will be done in accordance with the regulations of the Municipality. The future building that would be developed on the property will take place in accordance with the specifications of the Zoning Scheme as well as the National Building Regulations.

8. CONCLUSION:

Application is being made:

- in terms of Section 15 (2) (f) of the Municipality’s Spatial Planning and Land Use Management By-Law for the removal of restrictive condition **D. 6. (d)** as depicted on pages 4 and 5 of Deed of Transfer T19625/2025 pertaining to Erf 107 Brenton;
- in terms of Section 15 (2) (b) of the Municipality’s Spatial Planning and Land Use Management By-Law for the permanent departure from the development parameters of the Zoning Scheme to permit the applicant to develop a three-storey residential dwelling unit on Erf 107 Brenton in line with the Zoning Scheme; and
- in terms of Section 15 (2) (b) of the Municipality’s Spatial Planning and Land Use Management By-Law for the permanent departure from the development parameters of the Zoning Scheme to permit the relaxation of the western side building line of Erf 107 Brenton to accommodate a section of the proposed retaining wall.

From the preceding motivation, the proposed removal of a restrictive condition and permanent departure from the development parameters of the Zoning Scheme pertaining to Erf 107 Brenton can be considered favourably, and it will be in the interest of the applicant, the public, as well as the Municipality that the land be fully utilised for its intended residential purpose.



24 August 2026

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W Kriel **Date**

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