ERF 186, BUFFALO BAY

DEPARTURE & ADMINISTRATOR'S CONSENT APPLICATIONS



Planning Space
Town and Regional Planners

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10/22/2026

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INFORMATION REQUIRED IN TERMS OF SECTION 38 OF THE BY-LAW			
COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED			
	DEPARTURE	**ADMINISTRATOR' S CONSENT**	**ANNEXURE REFERENCE**
Completed & signed application form	√	√	T2
Power of Attorney / Owner's consent (1)	√	√	Annexure A
Resolution (2)	√	√	Annexure A
Proof of registered ownership (3)	√	√	Annexure B
Bondholder's consent (if any)	–	–	Not required
Written motivation (4)	√	√	Main document
S.G. diagram / Extract of general plan	√	√	Annexure C
Locality plan	√	√	Diagram 1
SDP / conceptual layout plan	√	√	Diagram 4
Subdivision plan [incl street name(s) &no]	–	–	Not required
Proof of payment of application fees	√	√	Attached
Copy of title deed	√	√	Annexure B
Conveyancer certificate (7)	–	–	Not required
Minutes of pre-application meeting (8)	–	–	Not available
Zoning plan	–	–	Diagram 2
Phasing plan	–	–	No Phasing required
Consolidation plan	–	–	Not required
Proof of lawful use right	–	–	Not required
Proof of failure of HOA (9)	–	–	Not required
Copy of original approval letter (s)	–	–	Not required
ADDITIONAL INFORMATION			
Approved Building Plans	√	√	Annexure D

1. INTRODUCTION

Planning Space Pty Ltd has been appointed by **Von Willigh Trust**, the owner of Erf 186 Buffalo Bay, to prepare and submit the following applications in terms of Section 15 (2) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-Law 2021:

i. Section 15 (2) (b): Application for a departure from the provisions of the Knysna Zoning Scheme By-Law for:
   a) **Southern street building line relaxation**, along Steenbras Street, from 3m to 0m to allow the planned garage as indicated on Site Plan No. Hamman, John-01/2025 dated 15 September 2026.

   b) **Northern street building line relaxation**, along Dassie Street, from 3m to 1.18m to allow the planned renovation and extension of the existing house, including the addition of an open terrace, as indicated on Site Plan No. Hamman, John-02/2025 dated 15 September 2026.

ii. Section 15 (2) (b): Application for a departure from the provisions of the Knysna Zoning Scheme By-Law for the **relaxation of the two-storey limitation** to **three storeys** to accommodate a minor overlap of the planned addition of a first floor above the existing house, as indicated on Site Plan No. Hamman, John-01/2025 dated 15 September 2026.

iii. Section 15 (2) (b): Application for a departure from the provisions of the Knysna Zoning Scheme By-Law **for the relaxation of the permitted maximum coverage from 65% to 66%** in order to allow the planned addition of a first floor and garage as indicated on Site Plan No. Hamman, John-01/2025 dated 15 September 2026.

iv. Application for **Administrator's Consent** to relax restrictive Title Condition D (6) (b) in order to:

   a) Allow the **relaxation of the southern street building line along Steenbras Street** from 5m to 0m to allow the planned garage as indicated on Site Plan No. Hamman, John-01/2025 dated 16 September 2026.

   b) Allow the **relaxation of the eastern lateral building line** from 1.5m to 0m to allow the planned garage as indicated on Site Plan No. Hamman, John-01/2025 dated 15 September 2026.

   c) Allow the **relaxation of the northern street building line along Dassie Street** from 5m to 1.18m to allow the planned renovation and extension of the existing house, including the addition of an open terrace, as indicated on Site Plan No. Hamman, John-02/2025.

2. BACKGROUND

Erf 186, Buffalo Bay, is developed with an existing dwelling house and associated outbuildings. The available historical building plan records indicate that certain structures on the property date back to the 1960s, although the original construction date of the dwelling house has not been established.

The available municipal building plan records include approved plans dating from 1964 and 1969 for existing structures and an approved plan dated 1992 for a Wendy house. Copies of the relevant approved plans, namely Plan No. 85/64 and Plan No. 1/92, are attached as Annexure D.

The existing dwelling house encroaches into the street building lines along Dassie Street. According to the available records, the relevant building arrangement was previously approved.

The building plans for the existing dwelling house and associated outbuildings were approved during the 1960s, before the formal establishment of the Buffalo Bay township and before the Section 8 Zoning Scheme became operational. At the time, there were no land use controls that needed to be considered prior to building plan approval. The structures are therefore regarded as lawful, as they constitute existing non-conforming structures.

The current application relates to proposed alterations and additions to the existing dwelling house, including a first-floor addition and an open terrace, as well as the construction of a garage. The proposed development necessitates certain departures from the applicable zoning scheme development parameters and the relaxation of restrictive title deed conditions relating to street and lateral building lines.

The applications are accordingly submitted to enable the proposed development to be assessed in terms of the applicable statutory and land use management framework, taking into consideration the historical development of the property, the existing built environment, the relevant building line restrictions, and the nature and extent of the proposed building works.

3. PROPERTY INFORMATION

3.1 LOCALITY

The subject property is situated at No. 186 Steenbras Street in Buffalo Bay (see Diagram 1: Locality Map).



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

3.2 PROPERTY DESCRIPTION

Title Deed Description	Erf 186 Buffalo Bay in the Municipality & Division of Knysna, Western Cape.
21 Digit code	C03900150000018600000
Title Deed Number	T000043789/2017 (Attached as **Annexure B)**
SG/GP Diagram No.	GP 9939 (attached as **Annexure C**)
Title Deed Restrictions	Condition D (6) (b)
Property Size	401m²
Property Owner	Von Willigh Trust
Bonds	None
Land Use	Residential
Zoning	Single Residential Zone I

4. PROPOSAL

The property was acquired by its current owners in 2017, who now propose to renovate, upgrade and extend the existing dwelling on Erf 186, Buffalo Bay. The main house situated on the lower-lying northern side of the property will be retained, renovated and refurbished. The outbuildings will be demolished.

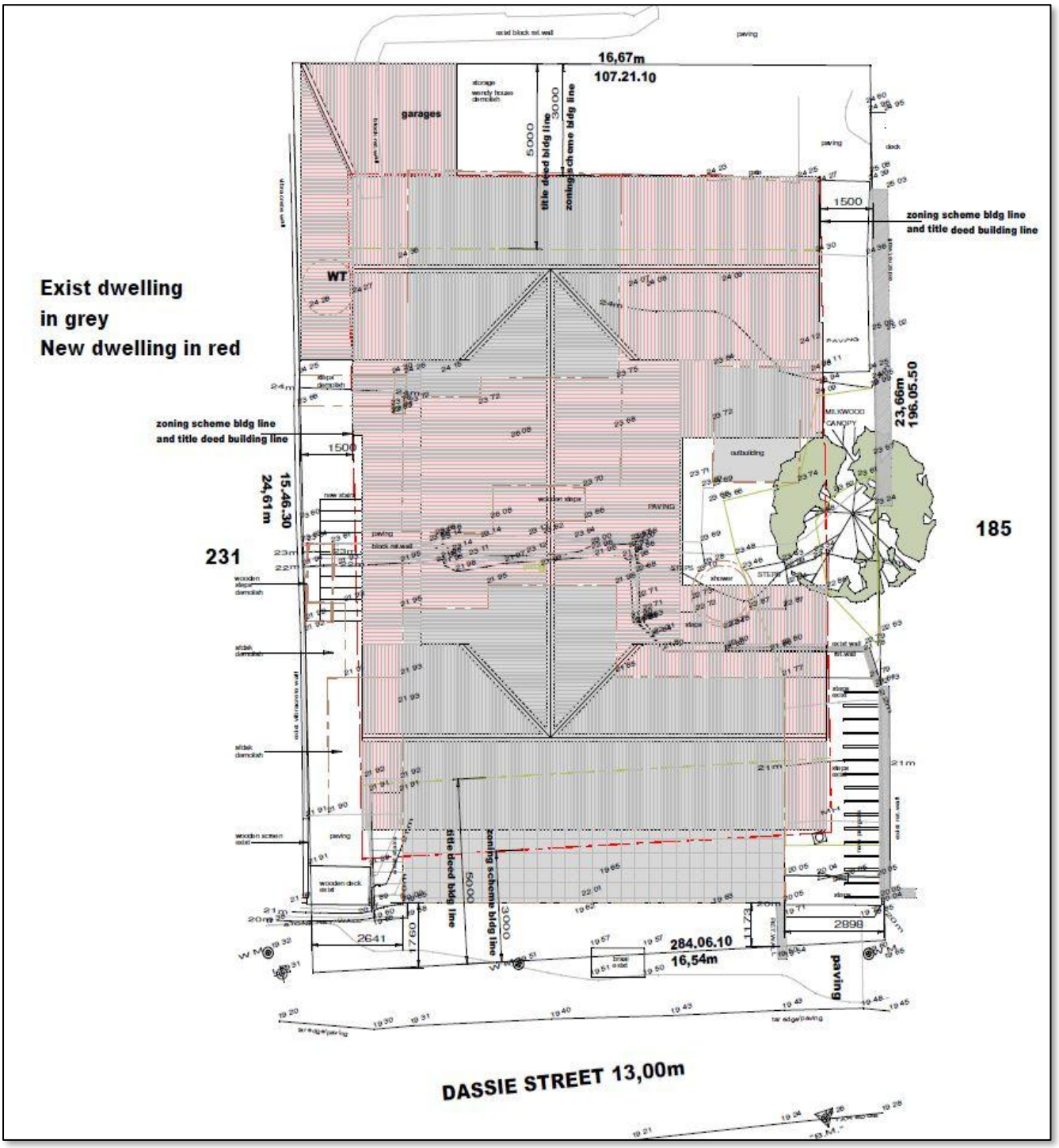


Figure 2: The grey areas indicate the existing building footprint, and the pink areas indicate the position of the proposed first-floor addition.

The proposal includes the construction of a new first-floor level on the higher-lying southern side of the property, extending northwards to connect with and partially overlap the retained lower-ground and ground-floor structure of the main house. Owing to the natural slope of the site and the integration of the new floor with the existing building, a limited portion of the development will comprise a third-storey element. However, across the greater part of the property, the proposed addition will present as a single-storey structure, particularly when viewed from the higher-lying southern side.

The development also includes a new garage accessed from Steenbras Street, a first-floor terrace on the Dassie Street side, above the existing house, associated internal alterations, improvements to the building façades and landscaping.

The proposed development is described in further detail below.

4.1 EXISTING LOWER GROUND LEVEL

The proposed development entails the renovation and structural enhancement of the lower ground floor, including the reconstruction of the existing façade through the incorporation of stone cladding and the installation of new windows. The proposed improvements are intended to modernise the appearance of the building, enhance its architectural character, and improve the overall aesthetic quality of the property. The proposed renovations are contained within the existing footprint.

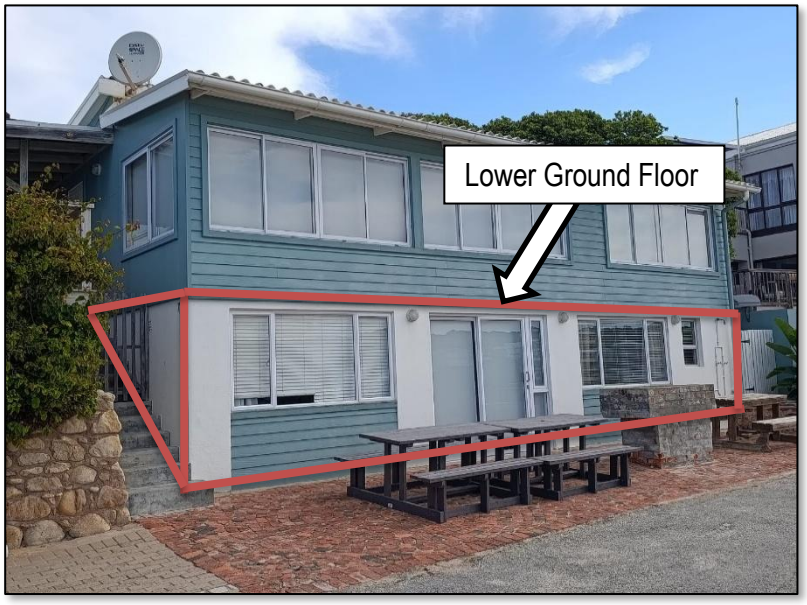


Figure 3: Image indicating the lower ground floor.

Notwithstanding the encroachment, the structure was previously approved by the relevant authority, as reflected on the approved Building Plans attached hereto as Annexure D.

4.2 EXISTING GROUND FLOOR LEVEL

The ground floor level is situated above the lower ground floor and, similar to the latter, encroaches into the street building line prescribed by the Zoning Scheme By-Law and the Title Deed. These existing encroachments are reflected on the approved Building Plans, which confirm that the structures were previously approved by the relevant authority.



Figure 4: Image indicating the Ground Floor.

The proposed renovation of the ground floor entails the incorporation of vertical cladding, the installation of new windows, and associated alterations to modernise the existing structure and enhance its architectural character. The refurbishment will also include improving the structural integrity of the existing structure.

4.3 FIRST FLOOR ADDITION AND TERRACE

A new first-floor level is proposed as an extension of the existing dwelling. Most of this level will comprise a single-storey building. Due to the slope, the first-floor addition will sit above the existing lower-ground and ground-floor levels, with only a limited portion of the building connecting and overlapping the existing two levels in a manner that results in a third-storey condition. The stated maximum building height is approximately 7.7m, well below the 8.5m maximum height applicable to the subject residential property.

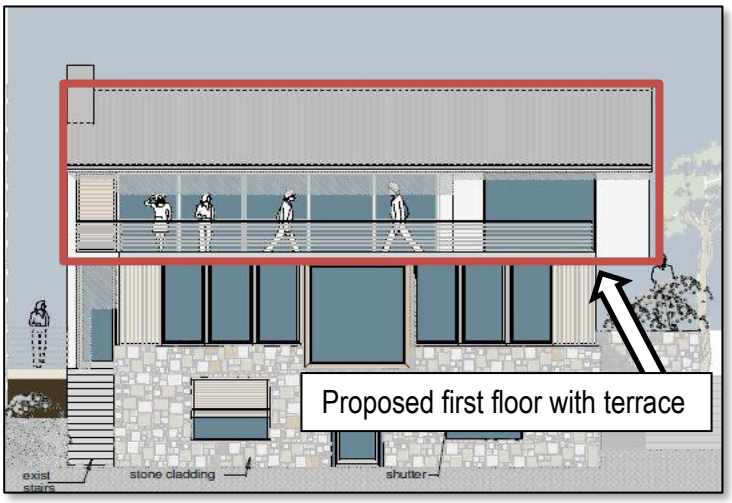


Figure 5: Northern elevation.

A terrace is also proposed on the first-floor level above the existing lower ground and ground levels and subsequently will also encroach over the prescribed Zoning Scheme and Title Deed building lines. Also, the structure will be perceived as a third storey.

4.4 PROPOSED GARAGE

A new garage is proposed in the south-eastern portion of the property, with direct vehicular access from Steenbras Street. The garage is intended to provide functional on-site parking and to improve the overall arrangement of the property following the demolition of the existing outbuildings.

The proposed garage will encroach into the southern street building line prescribed by the Zoning Scheme and the Title Deed. It will also be positioned on the eastern lateral boundary, necessitating consideration of the relevant Zoning Scheme provisions and restrictive Title Deed condition.

The proposed position of the garage is influenced by the limited size of the property, its dual street frontage, the existing dwelling footprint and the need to provide practical vehicular access and parking without unnecessarily extending the main dwelling.

The garage will be designed to integrate with the overall architectural design of the proposed development.

4.5 DEPARTURES

The proposed renovations and additions require departures from certain development parameters applicable to the property in terms of the Knysna Zoning Scheme By-Law. These departures relate to the southern and northern street building lines, the maximum permitted number of storeys and the maximum permitted coverage.

The need for these departures arises primarily from the relatively small extent of the property, its two street frontages, the position of the existing dwelling and the natural slope of the site. These factors influence the available development area and the manner in which the proposed additions can be accommodated while maintaining a functional and architecturally coherent dwelling.

The departures are limited to specific aspects of the proposed development and should be assessed in the context of the property's existing development, the design response to the topography and the potential effect on the surrounding residential environment.

4.5.1 Southern Street Building Line

The Council is respectfully requested to consider the proposed southern street building line relaxation along Steenbras Street from **3m to 0m** in order to accommodate the planned garage.

The subject property measures only 401m² and has frontage along two public streets. These characteristics reduce the area available for development once the prescribed building lines are taken into account. The proposed garage is intended to provide on-site parking in a practical location without requiring a more extensive alteration to the retained dwelling.

Section 21 (2) (b) of the applicable Knysna Zoning Scheme By-Law provides for a reduced street building line for garages and carports on land units measuring 650m² or less, allowing such structures to be positioned as close as 1.5m to a street, subject to the applicable requirements.

Although this provision recognises the particular constraints associated with smaller residential properties, the proposed garage requires a further relaxation from the applicable 1.5m setback contemplated by the provision to 0m.

Steenbras Street is a short dead-end street, serving a limited number of residential properties and carrying very low traffic volumes. The road reserve along Steenbras Street is also exceptionally wide (approximately 20m), and the road surface is about 10m away from the proposed garage, leaving enough space and sight distances to safely reverse into the street.



Figure 6:Steenbras Street Road Reserve.

The requested relaxation is confined to the portion of the property occupied by the proposed garage. The main dwelling will retain its existing relationship with the southern street boundary, and the proposed garage will not require the entire southern façade of the dwelling to be moved towards the street.

The proposed garage is also positioned on the eastern lateral boundary. However, Section 21 (2) (a) of the applicable Zoning Scheme provides for garages, carports and outbuildings to be erected within side and rear building lines, subject to prescribed conditions, including:

- A maximum roof height of 3.5 m.
- A maximum façade width equivalent to that permitted for a double garage.
- A maximum width of 6.5 m.
- No doors or windows facing the affected side or rear boundary.

The proposed garage will comply with the above-mentioned provisions and, as such, no lateral building line relaxation is required.

Notwithstanding the above, the Title Deed consists of a restrictive condition which relates to the lateral building line. The proposed garage's position on the eastern boundary therefore remains subject to the requested relaxation of the relevant Title Deed condition, as discussed in Section 4.6

4.5.2 Northern Street Building Line

An application for a street building relaxation from **3m to 1.18m**, along Dassie Street, is being submitted to the Council in order to permit the proposed open terrace above the existing dwelling.

The existing dwelling already encroaches into the street building line. According to the available historical building plan records, the relevant building arrangement was previously approved. The planned first floor structure has been set back to comply with the street building line, leaving a vacant strip of about 1.8m above the existing buildings where an uncovered terrace is proposed.

The Knysna Zoning Scheme By-Law, 2020, defines a "*terrace*" as an area accessible to building occupants, created on a flat roof over part of a building as a result of the building above that portion being set back. The By-law's definition of "building" expressly includes a terrace and any wall or railing enclosing such a feature, and the definition of "structure" also expressly includes a terrace. A terrace is therefore not exempt from building-line controls merely because it is uncovered or because it is above an existing approved building.

The proposed terrace, approximately 1.8m wide, will be situated on the northern side of the dwelling, taking advantage of the outlook towards Buffalo Bay beach and the surrounding coastal landscape. It will provide an outdoor space from which the occupants can enjoy the northern aspect, natural light and views, thereby making more effective use of the property's favourable orientation. The terrace will remain open and uncovered and will be positioned above the existing dwelling, following the established building alignment, rather than extending the enclosed portion of the building footprint towards Dassie Street. Its open design and building setback will reduce its visual bulk. Given the existing development on the property, the modest scale of the terrace and its relationship to

the existing building, the proposed encroachment is not expected to result in an unacceptable impact on the streetscape or the amenity of neighbouring properties.

4.5.3 Two-Storey Limitation

The Knysna Zoning Scheme limits development in the Single Residential Zone I to **two storeys**, with a maximum building height of **8.5m**. However, the applicable development parameters expressly provide for a departure from the two-storey limitation to be considered where the topography of the site warrants an additional storey, subject to the prescribed height restriction being maintained and the additional storey being situated on the lower side of the slope.

The proposed development requires a departure from the two-storey limitation to permit the proposed **first-floor addition**, which results in the small portion of the first floor overlapping with the existing ground and lower ground sections of the building. This overlap is occurring at the lower side of the slope. The existing dwelling is arranged over different levels, and the proposed first floor is positioned over the existing lower portion of the dwelling. Over the greater part of the property, the new addition will present as a single-storey structure when viewed from the higher-lying southern side along Steenbras Street. The stepped arrangement of the building follows the natural topography and avoids creating a continuous three-storey building mass across the site.

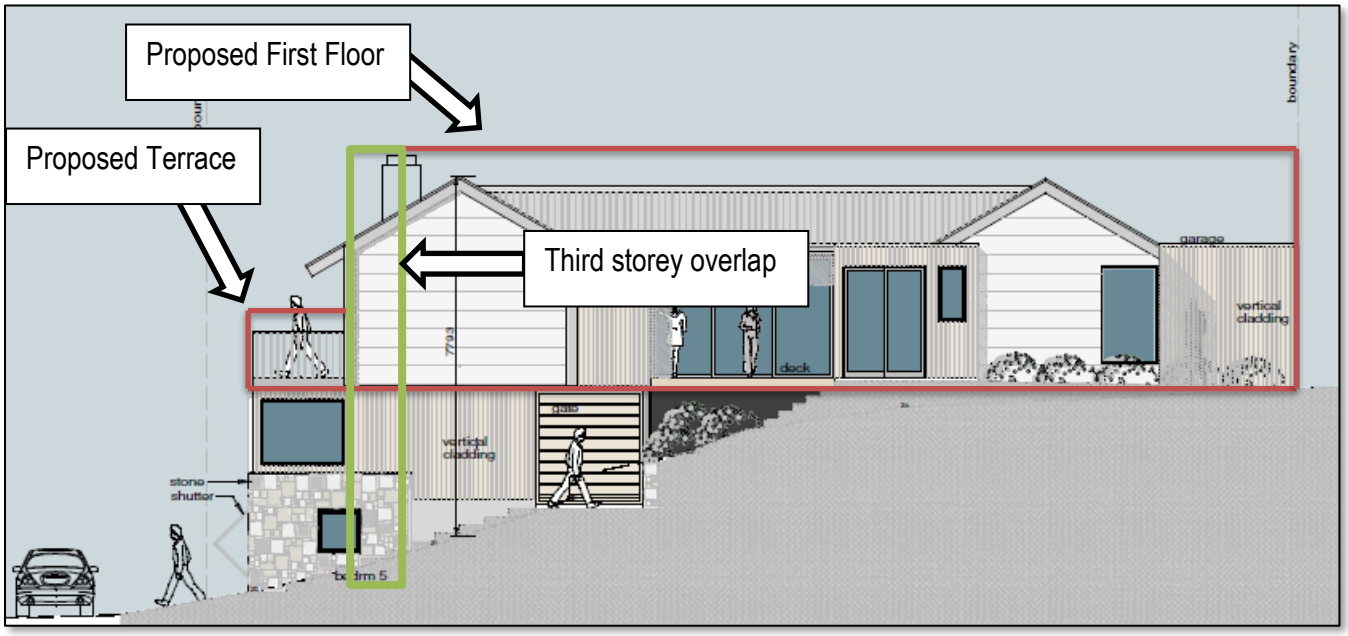


Figure 7: Western Elevation.

As a result of the variation in natural ground levels, the building will not present as a conventional three-storey structure when viewed from the respective street frontages. The proposed building height of approximately 7.7m remains below the prescribed maximum of 8.5 m. The third-storey element is limited to a small portion of the building on the lower side of the slope, consistent with the Zoning Scheme By-law's provisions for considering an additional storey in response to sloping topography.

Therefore, the Council is humbly requested to consider the relaxation of the two-storey limitation to three storeys to accommodate a minor overlap of the planned addition of a first floor above the existing house.

4.5.4 Coverage

The Council is respectfully requested to consider a departure from the applicable Zoning Scheme By-Law to permit a maximum building coverage of approximately 66%, in lieu of the prescribed maximum of 65%, in order to permit the proposed first-floor addition and garage as part of the planned renovation and extension of the existing dwelling.

The By-Law permits a maximum coverage of 65% for the subject property. The proposed development will result in a coverage of approximately 66%, based on a property area of 401m² and a proposed building footprint of approximately 263m².

A coverage of 65% on a 401m² property equates to approximately 260.65 m². A proposed footprint of 263m² therefore represents a coverage of approximately 65.6%, which rounds to 66% when expressed as a whole percentage. The additional footprint is approximately 2.35 m² above the area permitted at 65% coverage.

The departure is therefore minor in extent, amounting to less than one percentage point when calculated from the actual areas, and is required to accommodate the proposed renovation and addition to the existing dwelling. It will, however, allow for a functional design. The additional coverage should be considered in the context of the existing developed nature of the property and its constrained size and configuration.

The proposed coverage remains compatible with the established residential character of the surrounding area and does not result in an excessive increase in the built form of the property. The development will continue to provide functional outdoor areas, while the proposed building form responds to the site's topography and the existing footprint of the dwelling. The proposed departure from **65% to approximately 66% coverage** is consequently considered reasonable and appropriate in the circumstances of the property.

4.6 ADMINISTRATOR'S CONSENT

Certain additional building restrictions apply to Erf 186 Buffalo Bay as a result of conditions incorporated into the relevant Title Deed.

Condition D (6) (b) of the Title Deed pertains to building lines. In order to facilitate the planned renovation and extension of the existing dwelling, the administrator's consent is therefore requested for the relaxation of the relevant Title Deed condition.

The requested relaxations are as follows:

- A relaxation of the southern street boundary from 5m to 0m to allow the proposed garage;
- A relaxation of the northern street building line from 5m to 1.18m to allow the existing and approved buildings as well as the planned terrace ;
- A relaxation of the eastern lateral building line from 1.5m to 0m to allow the planned garage, in line with the general provision of the Zoning Scheme By-Law.

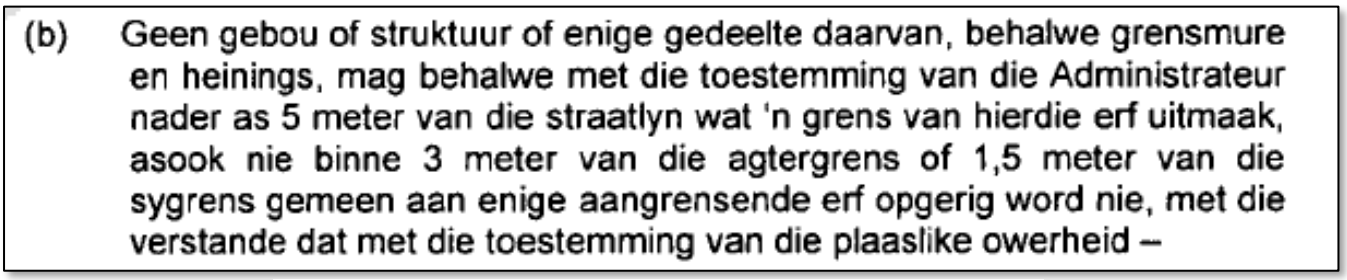

(b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met die verstande dat met die toestemming van die plaaslike owerheid –

Figure 8: Restrictive Title Deed Condition D (6) (b).

5. FACTORS TO CONSIDER

5.1 EXISTING STRUCTURES

The existing dwelling comprises lower-ground and ground-floor levels arranged in response to the natural slope of the property. Historical building-plan records indicate that the dwelling and associated structures have been established on the site for several years. Notwithstanding the approved status of these structures, the building footprint does not comply with the building lines stipulated in the applicable Title Deed and Zoning Scheme. Therefore, the structures are regarded as non-conforming buildings.

The historical development of Buffalo Bay indicates that some buildings pre-date the introduction of later land-use restrictions. This pattern is evident elsewhere in the area, where existing dwellings have subsequently been renovated or extended under the current planning framework.

For the purposes of this application, the existing building footprint should be distinguished from the proposed new works. The application does not seek to regularise the entire existing structure generally; rather, it seeks approval for the specified departures and Title Deed relaxations required by the proposed development.

The proposed renovation of the lower-ground and ground-floor levels will largely retain the existing building arrangement. The new terrace and first-floor addition will be assessed as new development to the extent that they trigger current building-line and storey controls.

5.2 SITE CONSTRAINTS

The Erf 186 measures 401 m² and is bounded by two public streets. Its relatively small size and sloping topography restrict the area available for development once the applicable building lines are taken into account.

The existing dwelling occupies a significant portion of the site. Retaining the original building therefore limits the options for accommodating additional floor space, outdoor amenity areas and parking.

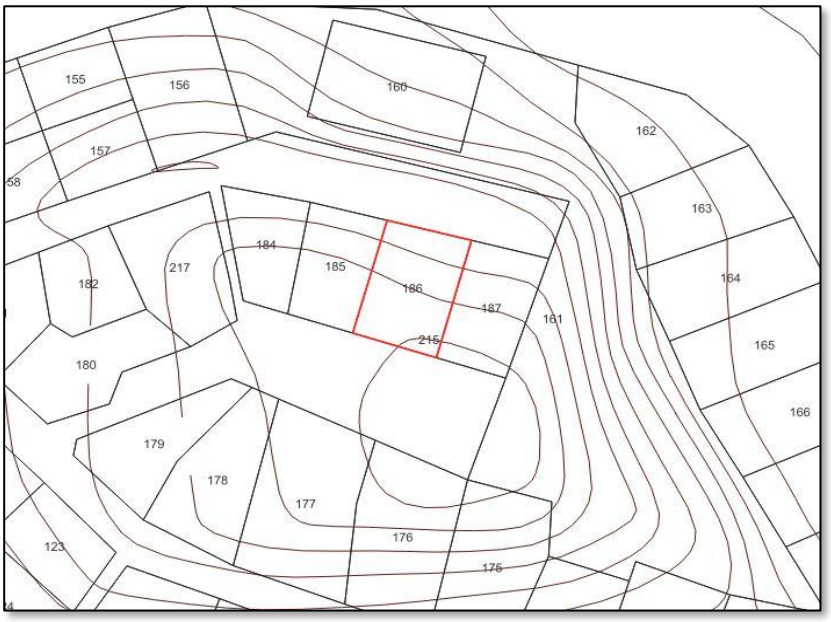


Figure 9: Topography of the subject site.

The southern street frontage along Steenbras Street offers the most practical location for the proposed garage, while the northern aspect along Dassie Street provides the opportunity for an open terrace with views towards the seaside.

The site's slope also affects how the proposed addition will be perceived from different directions. The first-floor addition can be accommodated above the higher-lying portion of the existing dwelling, but its overlap with the lower levels results in a localised three-storey element.

The development should accordingly be assessed in relation to the physical characteristics of the property rather than solely by reference to a uniform building envelope.

The surrounding area contains established residential development on similarly constrained sites. The proposed design responds to these conditions by retaining the original dwelling, demolishing the outbuildings, providing on-site parking and limiting the additional building height and coverage.

5.3 ANTICIPATED IMPACTS OF THE DEPARTURE

The anticipated impacts of the proposed departures have been considered in relation to neighbouring properties, the streetscape, views from higher-lying properties and vehicular access.

5.3.1 Impact on neighbouring properties and streetscape

Erven 184 and 185, situated directly west of the subject property, contain residential buildings with a similar stepped form, including two-storey elements close to the street and additional upper-level elements or terraces.

The proposed development would therefore not introduce an unfamiliar building form into the immediate streetscape. Its overall character and stepped arrangement would be consistent with the existing pattern of residential development in the vicinity.

The proposed northern building-line relaxation relates to an open terrace above the existing dwelling. Its limited extent and uncovered design will reduce the visual bulk associated with the encroachment. The enclosed first-floor addition is set back in accordance with the proposed layout.

The eastern lateral boundary relaxation relates to the proposed garage. Subject to compliance with the applicable garage provisions, the absence of doors and windows facing the eastern boundary will limit overlooking and direct privacy impacts on Erf 187.

Erf 160, situated to the north, lies at a substantially lower elevation than the subject property and does not obtain access from Dassie Street. Given the difference in elevation and the proposed building arrangement, the development is not expected to materially compromise the residential amenity of that property.

5.3.2 Impact on views from the southern properties

Erven 176, 177 and 178 are situated to the south of the property, on the crest of the hill, overlooking Erf 186 from a higher elevation. Their elevated positions provide additional views towards the north-east, west and south. The proposed additions will not materially obstruct these views. Viewed from the southern side of the subject property, the dwelling will present predominantly as a single-storey structure, with an overall height broadly comparable to the existing built form. The limited third-storey component arises only where the new first-floor level overlaps the existing lower-ground and ground-floor levels on the lower-lying northern side. It is therefore not expected to have a material adverse impact on the outlook of these higher-lying properties. The building will also comply with the 8.5m building restriction.

5.3.3 Road safety and access

The proposed garage will be positioned on the Steenbras Street boundary, requiring a relaxation of the street building line to 0m. Steenbras Street is a short, low-traffic street with a road reserve of approximately 20m. The substantial width of the road reserve provides space between the property boundary and the roadway, supporting vehicle manoeuvring and reversing movements. Given these circumstances, the proposed garage is not expected to result in a material adverse impact on road safety or traffic movement, subject to the final access arrangement satisfying the Municipality's applicable requirements.

5.3.4 Overall assessment

Having regard to the existing development pattern, the relative elevations of neighbouring properties, the limited extent of the third-storey component and the road reserve characteristics, the proposed departures are not expected to cause unacceptable impacts on neighbouring properties, established views, the streetscape or road safety. The proposal responds to the particular topography and configuration of Erf 186 while remaining compatible with the established residential character of Buffalo Bay.



Figure 10: StreetScape along Dassie Street.



Figure 11: Height comparison between Erven 186 and 187.

5.4 BUFFALO BAY HISTORY

The historical development of Buffalo Bay provides important context for understanding the existing building pattern and the restrictions that currently apply to properties in the area.

The area developed as a residential settlement before the introduction of some of the formal township and land-use controls now applicable. When the township was subsequently formalised, established buildings and existing building footprints were already present.

Restrictive Title Deed conditions were incorporated into property titles as part of the mechanisms used to regulate development. The introduction of the Section 8 Zoning Scheme in 1988 subsequently established additional statutory development controls. The Section 8 Zoning Scheme was later replaced by the Knysna Zoning Scheme By-Law.

The current planning framework therefore operates alongside a historical settlement pattern that was not necessarily established in accordance with today's building-line and development parameters.

Over time, many older dwellings in Buffalo Bay have been demolished, renovated or extended. Such work has required consideration of the applicable zoning provisions and, in some instances, relaxation of restrictive Title Deed conditions.

This history does not remove the need to comply with current land-use controls. It does, however, provide relevant context when assessing established building footprints, the practical constraints of existing properties and applications for site-specific departures.

In this case, the historical development of Erf 186 is relevant to the retention of the existing dwelling and the assessment of the proposed additions against the surrounding residential environment.

5.5 PRECEDENT OF STOREY RELAXATIONS AND BUILDING LINE DEPARTURES

Due to the above-mentioned historical development pattern prior to formal development restrictions, several departures relating to storey relaxations and building lines were approved in the surrounding area through the years. Specifically, departures for Erf 184 (2018) and Erf 157 (2025), both situated along Dassie Street in close proximity to the subject property, were approved to permit the addition of a third storey. Furthermore, a street building line relaxation was approved for Erf 176, situated along Steenbras Street, to accommodate the existing two-storey structure on the property.

These approvals demonstrate that similar departures have previously been considered and granted within the immediate area. The table below summarises the respective approval dates for the storey relaxation and building line departures.

ERF	TYPE OF DEPARTURE	APPROVAL DATE
184	Storey Relaxation	22 January 2018
176	Street Building Line Relaxation	05 October 2023
157	Storey Relaxation	30 June 2025
120	Storey Relaxation	1 August 2023

The previously approved departure applications demonstrate an established precedent within the surrounding area and indicate that similar departures can be accommodated without adversely affecting neighbouring properties or the character of the area.

5.6 COMPATIBILITY WITH THE KNYSNA SPATIAL DEVELOPMENT FRAMEWORK.

The requested departures are site-specific in nature and should accordingly be considered having regard to the particular characteristics and constraints of the subject property. The property is situated within the established urban area of Buffalo Bay and within the urban edge. The proposal supports the efficient utilisation of an existing residential property without extending development beyond the established urban area.

No change in land use is proposed, and the existing residential character and intensity of the property will remain unchanged. The proposal is therefore considered to be broadly consistent with the objectives of sustainable and efficient urban development, particularly insofar as it facilitates the appropriate utilisation and regularisation of an existing developed residential property while limiting additional impacts on surrounding properties and the broader environment.

5.7 SECTION 33 (4) OF KNYSNA SPATIAL PLANNING & LAND USE MANAGEMENT BY-LAW

Section 33 (4) 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 D of the Title Deed were imposed by the Administrator as conditions of the township establishment, at a time when this was the only way to control urban development. 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 building-line restrictions provide potential benefits to neighbouring property owners by maintaining separation between buildings, protecting privacy and openness, and limiting the obstruction of views and outlook. These benefits are recognised, and the proposed relaxation must therefore be considered in relation to its actual impact on surrounding properties. In this instance, the limited extent of the proposed encroachments and the relative elevations of neighbouring properties indicate that these benefits will not be materially compromised.

(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:

The relaxation will enable the owners to renovate and extend the existing dwelling, provide on-site parking through the proposed garage, and create an open first-floor terrace with views towards Buffalo Bay beach. It will allow the development to respond to the property's sloping topography and established building configuration.

(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 relaxation of Condition D (6) (b) will not negatively impact these benefits. Other applicable conditions will remain in effect, and the planned renovations are in keeping with the existing character of the area.

(e) The social benefit of the removal, suspension, or amendment of the restrictive condition:
Relaxing the restrictive Condition D (6) (b) will allow the proposed renovations to proceed, enhancing the appearance of the property and helping it align with the surrounding area, where many homes have already been modernised. This improvement may also benefit neighbouring property owners, as a more visually appealing neighbourhood can contribute to increased property values.

(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:
The application seeks only a partial relaxation of Condition D (6) (b), limited to the specified building-line encroachments for the garage and first-floor terrace. These specific relaxations are limited and are not expected to materially compromise the benefits of the surrounding owners. The condition will remain in force, together with the remaining title conditions and applicable provisions of the Knysna Zoning Scheme By-Law.

(g) Whether the removal, suspension, or alteration of the restrictive conditions will be in the public interest:
The proposed relaxation of the restrictive Title Deed condition will not prejudice public interest. By relaxing the restrictive condition discussed above, the land use will not change, and the character of the area will not be affected, as the proposal is for residential purposes.

5.8 POLICIES, PRINCIPLES AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT

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).

SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning. It does therefore not have much relevance to individual departure applications that are mostly site-specific.

It can be argued that, being compatible with a credible Spatial Development Framework, the proposal will automatically comply with the principles of Spatial Justice, Spatial Sustainability, Spatial Efficiency, and Spatial Resilience.

6. CONCLUSION

The proposal seeks authorisation for specific departures from the Knysna Zoning Scheme By-law and the partial relaxation of restrictive Title Deed Condition D (6) (b) to facilitate the renovation and extension of the existing dwelling on Erf 186, Buffalo Bay.

The reasons for approving the development are summarised as follows:

- The proposed garage provides practical on-site parking on a constrained property. Its position is informed by the available site area and the existing dwelling arrangement.

- The proposed open terrace is limited in extent, remains uncovered and follows the general alignment of the existing dwelling. It provides outdoor amenity space without extending the enclosed building footprint further towards Dassie Street.

- The three-storey element results from the overlap between the proposed first-floor addition and the existing lower-ground and ground-floor levels. The maximum proposed height of approximately 7.7m remains below the applicable 8.5m limit, and the building form responds to the slope of the property.

- The proposed coverage of approximately 65.6% exceeds the prescribed 65% by about 0.6 percentage points, equivalent to approximately 2.35m² of additional footprint. The departure is limited in extent and supports the functional arrangement of the proposed development.

- The surrounding area contains established residential buildings with varying building forms and setbacks. The proposal is not expected to cause unacceptable impacts on neighbouring residential amenity.

- The requested relaxation is confined to the specified street and lateral building lines. The remaining Title Deed conditions and applicable zoning scheme controls will continue to apply.

- The proposal retains and upgrades the existing dwelling without introducing a new land use or extending the urban footprint.

- The proposal is not in conflict with the Knysna Spatial Development Framework as it is consistent with the objectives and provisions of the document. It also supports the development principles set out in Section 7 of SPLUMA.