KNYSNA ERF 564

APPLICATION FOR:

PERMANENT DEPARTURES & AMENDMENT OF CONDITIONS OF APPROVAL



CLIENT: MG SOFIANOS PROPERTY HOLDINGS CC
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SECTION A : BACKGROUND

1. BACKGROUND

Knysna Erf 564 is a strategically located corner site situated on the intersection of Trotter and Hedge Streets within the Knysna Central Business District (CBD), currently zoned "Business Zone II" in terms of the Knysna Municipality Zoning Scheme By-law (2020), and is 1946 m² in extent (Refer to ***Plan 1***).

The property owner is in the process of developing a mixed-use building on the site, which aligns with the primary land-use rights of its zoning by providing retail shops on the ground floor and residential apartments on the upper storeys to enhance the density and economic vitality of the CBD. Business uses will be developed on the ground floor, and residential apartments on the first floor.



FIGURE 1: LOCALITY OF KNYSNA ERF 564

During the site preparation and levelling phase, technical revisions to the building platform were necessitated by the specific topography of the property. To further optimise the development, the architectural design has been refined to include an increased roof pitch for the proposed new building. This adjustment enables the creation of larger, more functional internal loft areas within the residential units, maximising the building's internal volume without expanding its horizontal footprint.

Whilst the zoning scheme permits a maximum height of 8.5m, for "shops" on a "Business Zone II" zoned property, the combination of the established ground level and the optimised roof pitch result

in a building with a height of 10.5m to the ridge of the roof for the proposed new building. This 2m height departure is a qualitative design necessity intended to enhance the liveability of the residential units and ensure the building maintains a scale appropriate for a prominent corner site. The proposal remains entirely consistent with the surrounding urban fabric, mirroring the scale of the adjacent three-storey mixed-use developments within the established commercial character of the Knysna CBD.

In terms of the zoning scheme by-law, a boundary wall or fence erected within 4.5 meters of a street boundary may not exceed a maximum height of 1.8 meters above natural ground level. A new 1,8m high fence is proposed for the application area, but since the ground level of the site was lifted, the new 1,8m street-facing fence is actually at a height of 2.1 meters above natural ground level. Consequently, a formal departure is also sought to permit this minor 300mm increase over the standard 1.8-meter restriction along the street interfaces.

When this property was rezoned to "Business Zone II" during 2009 (refer ***ANNEXURE G*** for a copy of the letter of approval), the Knysna Council imposed a condition of approval that requires that the floor levels of the new buildings should be at a height of 3m above Mean Sea Level (MSL). The application area is currently filled to a height of 2,77m above MSL, and wishes to apply for an amendment of the condition of approval that requires the floor levels to be lifted to a height of 3m above MSL.

1.1. Pre-Application Consultation

The required pre-application consultation was conducted with Knysna Municipality on 23 April 2026 for the proposed application. The pre-application consultation panel did not highlight any red flags or major concerns regarding the intended application. A copy of the pre-application consultation meeting minutes is attached as ***ANNEXURE A*****.**

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners have been appointed by **MG Sofianos Property Holdings CC** to prepare and submit the required application documentation (refer to ***ANNEXURE B***: Signed Company Resolution & Signed POA and ***ANNEXURE C***: Application form) for:

(i) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), for the relaxation of the height restriction from 8.5m to 10.5m above NGL to allow a higher roof pitch for the proposed mixed-use development on Knysna Erf 564.

(ii) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), for the relaxation of the fence height restriction from 1.8m to 2.1m above NGL, to allow for the new boundary fence on Knysna Erf 564.

(iii) An amendment of a Condition of Approval in terms of Section 15(2)(h) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), for the

amendment of condition c (vi)(e) to allow finished floor levels of the new buildings at a height of 2,77m above MSL instead of 3m above MSL.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed (T36178/2024) that includes the information outlined below is contained in ***ANNEXURE D***. The SG Diagram No. 2738/1861 for the application area is contained in ***ANNEXURE E***.

Title Deed Description:	Erf 564 Knysna in the Municipality and Division of Knysna, Province of Western Cape
Title Deed No:	T36178/2024
Property Owner:	MG SOFIANOS PROPERTY HOLDINGS CC.
Property Size:	1946m² (One Thousand Nine Hundred and Forty-Six) Square Metres.
Title Deed Restrictions:	No restrictive title deed conditions
Servitudes:	No servitudes registered on the title deed.
Bonds:	A Bond registered over the property in favour of FNB Commercial Property Finance. A copy of the Bond Holder's written consent is attached as ***ANNEXURE F***.

SECTION B : DEVELOPMENT PROPOSAL

4. DEVELOPMENT SPECIFICATIONS

*(Refer to **Plan 2**: SDP)*

4.1. Height Departure

The Applicant proposes to increase the height of the new mixed-use building from 8,5m above Natural Ground Level (NGL), to 10,5m above NGL, to increase the height of the roof pitch to allow for more usable space in the apartments on the first floor, thereby maximising internal spatial efficiency. The Knysna Municipality Zoning Scheme By-law (2020) permits a standard height of 8.5m above Natural Ground Level (NGL), and a departure is sought to allow for a maximum height of 10.5m to the top of the roof ridge. This 2m increase is fundamentally required to accommodate a steeper roof pitch across the structure. The design intention behind this steeper pitch is to facilitate the creation of functional, high-quality internal loft areas within the upper-storey residential component of the mixed-use development.

It is important to emphasise that the requested height departure does not seek to increase the permissible bulk footprint, density, or number of residential units originally envisioned for the site. Instead, the intensification of the roof volume is a localised architectural enhancement intended to improve the liveability and internal amenity of the flats. By utilising a steeper pitch, the design intelligently converts what would otherwise be restricted, unused "void space" into habitable floor area without expanding the building's horizontal footprint.

This approach represents a highly efficient use of urban land and results in an articulated, visually appealing roof profile that seamlessly aligns with the existing two- and three-storey mixed-use developments characterising this commercial precinct of the Knysna CBD.

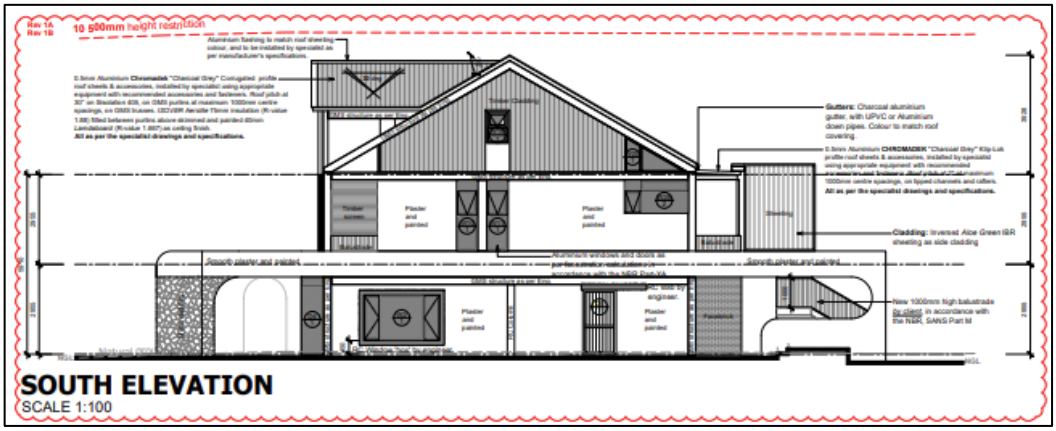


FIGURE 2: PROPOSED HEIGHT DEPARTURE

4.2. Boundary Fence Height Departure

The applicant seeks a permanent departure from the provisions of the Knysna Municipality Zoning Scheme By-law (2020) to permit a street-facing boundary fence height of 2.1m above NGL, in lieu of the prescribed 1.8m limit. This additional departure is a functional and security-driven requirement necessitated by the property's prominent corner location within the high-density Knysna CBD precinct.

Since the application area was filled by 300mm, the 1,8m fence from the new ground level, the height of the fence increases to a total height of 2.1m above NGL. The height is essential to establish an effective security barrier and ensure adequate privacy for the ground-floor operations and upper-level residential components along both street interfaces.

To mitigate any visual impact on the streetscape, the fence design will incorporate visually permeable elements rather than a solid, monolithic barrier. This configuration ensures that the additional height fulfils its technical security function while maintaining an active, aesthetically pleasing interface with the surrounding public realm, thereby keeping the departure minor and contextually appropriate.

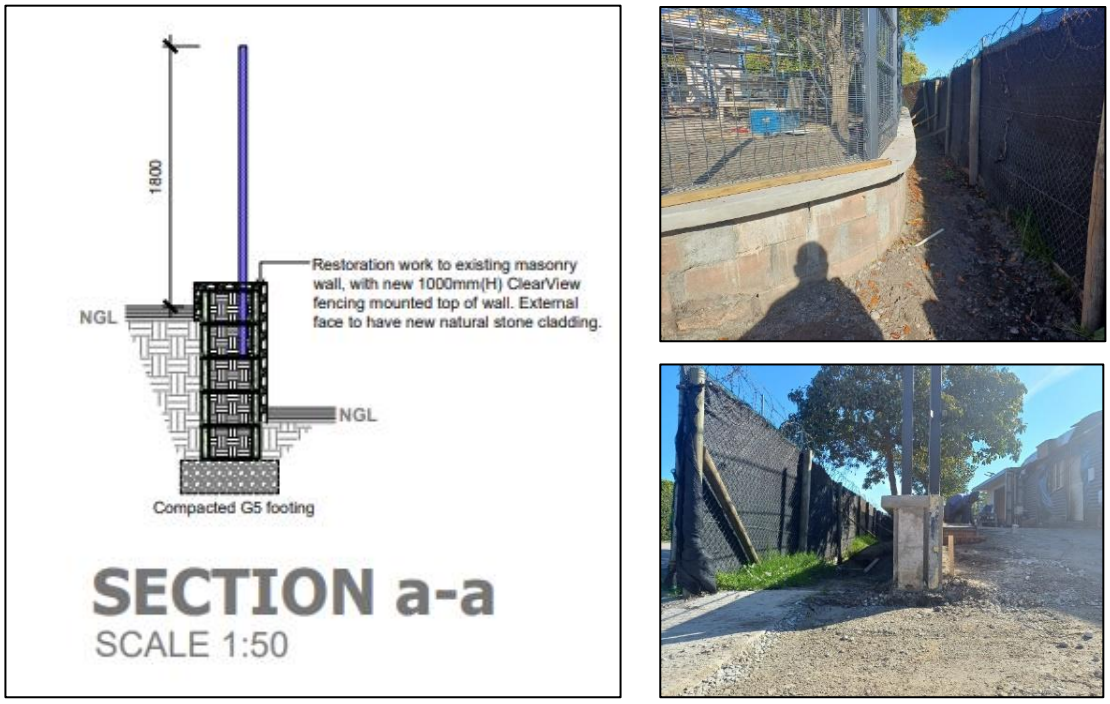


FIGURE 3: FENCE DEPARTURE REQUIRED

4.3. Amendment of a Condition of Approval – Finished Floor Level

In terms of Section 15(2)(h) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), application is made for the amendment of Condition c (vi)(e) of the previous approval to allow the finished floor levels of the new buildings at a height of 2,77m above MSL instead of 3m above MSL. The proposal is to amend Condition c (vi)(e) of the 7 December 2009 letter of approval to read:

"…all finished floor levels to be at a height of 3m above MSL…"

This amendment is required to align the land-use rights with the established, as-built site platform and existing ground floor level of 2.77m MSL. Restoring or artificially raising the site to a 3.0m MSL baseline is neither practically feasible nor topographically sound, as the surrounding street levels and civil infrastructure are directly integrated with the existing 2.77m MSL elevation. Retaining the 2.77m MSL benchmark ensures functional stormwater run-off, maintains seamless pedestrian and vehicle access from the road reserve, and avoids unnecessary structural filling while preserving the established spatial context of the property.

The figure below is an extract from the Architectural Plan, showing the finished floor level of the proposed new building at a height of 2.77m above MSL.

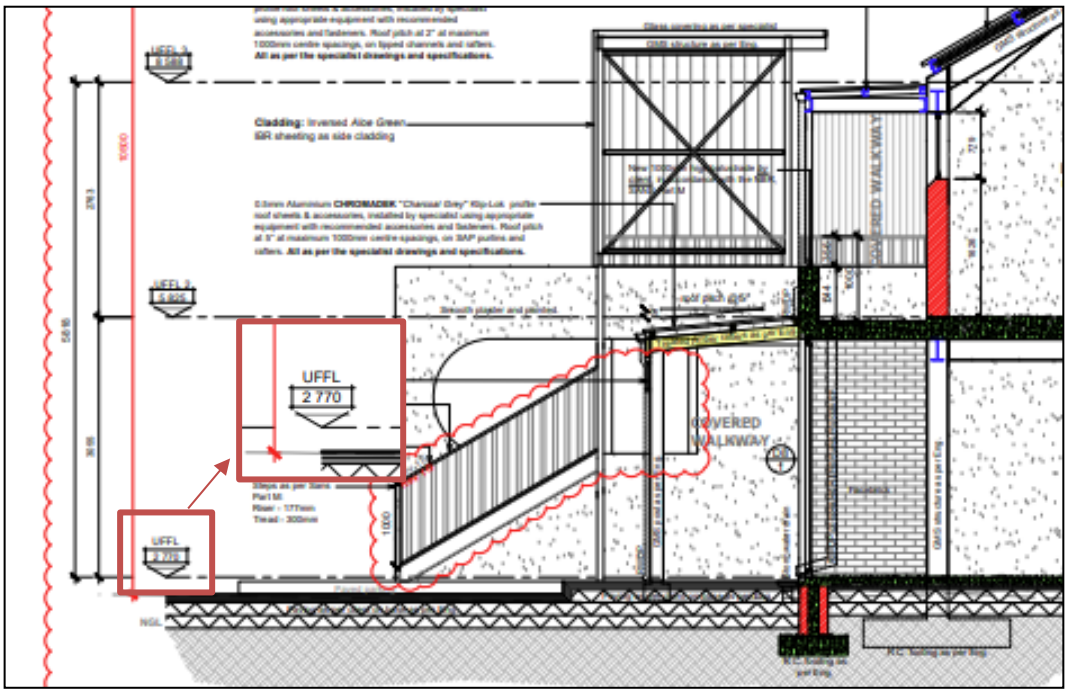


FIGURE 4: PROPOSED FINISHED FLOOR LEVEL OF NEW BUILDING

4.4. Access

Access to the application area is via Trotter and Hedge Street with separate entry and exit ways. The entrance is situated in Trotter Street on the southern boundary, and the exit way on Hedge Street.





FIGURE 5: ACCESS TO THE APPLICATION AREA

These Access and Egress Points are as indicated on the approved Site Development Plan (refer ***ANNEXURE H*** for a copy of the Approved Site Development Plan).

4.5. Building Lines

It is important to note that although the Knysna Zoning By-Law allows for 0m rear and side building lines, it also states, as indicated above, that where the zone borders a residential zone, the building line required in the applicable zone shall apply.

Therefore, a 2m building line will be applicable for the eastern lateral boundary of Knysna Erf 564.

5. STATUTORY SPECIFICATIONS

The following land development application is lodged in terms of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021), to achieve the desired outcome.

5.1. Permanent Departure for Height Relaxation

The Knysna Municipality Zoning Scheme By-law (2020) prescribes a height restriction of 8.5m above NGL for "shops" in a "Business Zone II (BZII)".

The Knysna Municipality Zoning Scheme By-law (2020) allows "shops" as a primary use under "Business Zone II", and flats above the ground floor are permitted under "Shops".

The purpose of this application is to obtain the necessary land-use rights to facilitate a high-quality, mixed-use development on Erf 564, Knysna, that is both environmentally resilient and spatially efficient. While the proposed land uses, comprising ground-floor retail and upper-storey residential apartments, are permitted as primary rights under the Business Zone II zoning, a formal departure is required to reconcile the building's design with the specific topographical constraints of the site.

An application is made for a permanent departure to allow the relaxation of the prescribed height for "shops" from 8,5m above NGL to 10.5m above NGL, in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021).

The proposed 2m height increase will result in a higher roof pitch, which will be more aesthetically pleasing, and it will simultaneously allow for the optimisation of the roof space of the apartments by allowing a mezzanine floor.

5.2. Permanent Departure for Boundary Wall Height Relaxation

The Knysna Municipality Zoning Scheme By-law (2020) prescribes a maximum height restriction of 1.8m above NGL for a fence within 4.5m of a street boundary.

After the application area was filled, the current height of the fence from the street side is 2.1m above NGL, and therefore it necessitates an application for the departure from the prescribed height restriction of 1.8m.

> **Boundary Walls & Fences**
>
> 27. Notwithstanding Council's By-Law on Fences and Fencing, the following development parameters on boundary walls and fences shall apply:
>
> *(a)* a fence or boundary wall on lateral or rear boundaries of premises may not exceed more than 2,1 metres in height from ground level;
> *(b)* a fence within 4,5 metres of a street boundary may not exceed more than 1,8 metres in height from ground level, provided that it will not interfere with sight lines of vehicles entering or leaving the property, or passing traffic;

Application is made for a permanent departure to allow the relaxation of the prescribed height for street boundary walls from 1,8m above NGL to 2,1m above NGL, in terms of

Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021).

At this point it should be noted that an application for the determination of an Administrative Penalty was submitted to Knysna Municipality to legalise the higher street boundary fence (refer ***ANNEXURE I***). A decision on this application for the determination of an Administrative Penalty is still awaited.

5.3. Amendment a Conditions of Approval

In terms of Section 15(2)(h) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), application is made for the amendment of Condition c (vi)(e) of the previous approval to allow the finished floor levels of the new buildings at a height of 2,77m above MSL instead of 3m above MSL. The proposal is to amend Condition c (vi)(e) of the 7 December 2009 letter of approval to read:

"…all finished floor levels to be at a height of 3m above MSL…"

5.4. Knysna Municipality Zoning Scheme By-law (2020)

A summary of the prescribed development parameters for "Shops" in a "Business Zone II" zoning, and a comparison of the proposed development's parameters are shown in the table below:

Prescribed Development Parameter			**Compliance**
	Allowed	**Proposed**	
Primary Land Use	'Shops"	Retail shops	***Comply***
	"flats"	Apartments on top of the retail space	***Comply***
Building Lines	Street building lines 4.5m	4.5m	***Comply***
	Northern building line 0m	0m	***Comply***
	Easter building line 2m	2m	***Comply***
Height	The height for "shops" within Business Zone II may not exceed 8,5 metres	10.5m	***Departure***
Fence Height	The height for a fence within 4,5m from the street may not exceed 1.8m	2.1m	***Departure***
Site Development Plan	The municipality may request that an SDP be submitted	Provided	***Comply***

Prescribed Development Parameter			Compliance
	Allowed	**Proposed**	
Mean Sea Level (MSL)	Condition c (VI)(e): floor level of building at 3m MSL	2.77m MSL	***Amendment of condition of approval***
Access	Between 2.5m and 4m	Between 2.5m and 4m	***Comply***

6. SERVICES INFRASTRUCTURE

Knysna Erf 564 is currently connected to the municipal services infrastructure. The property is fully serviced (water, electrical, sewer, roads, and fibre).

The proposed height departure and the application for the amendment of the conditions of approval does not increase the number of units that is proposed on the property, and therefore, no additional services capacity will be required to accommodate the development proposal.

SECTION C : CONTEXTUAL INFORMANTS

7. LOCALITY

*(**Plan 1**: Locality Plan)*

Knysna Erf 564 is strategically situated at the corner of Trotter Street and Hedge Street, positioning it at a high-visibility junction within the Knysna Central Business District (CBD). The property is located entirely within the defined Urban Edge of Knysna, which is the primary zone earmarked for intensified urban development and infrastructure investment. The geographical centre of the site is defined by the centroid coordinates 34° 2' 14.93"S and 23° 2' 37.92"E.

The site is embedded within a vibrant, high-density urban fabric characterised by a diverse mix of Business and residential-zoned properties. This immediate precinct is defined by its mixed-use nature, where commercial enterprises at street level coexist with residential components above. This context makes Erf 564 an ideal candidate for the proposed development, as it directly aligns with the established spatial character of the Knysna CBD, promoting a "live-work-play" environment that optimises the use of central urban land.



FIGURE 6: LOCALITY

8. CURRENT LAND USE AND ZONING

8.1. Land Use

Knysna Erf 564 was used for business purposes (shops / plant nursery) but is currently under construction. The uses/structures on the application area include one existing building. The proposed new development will include a mixed-use building with shops on the ground floor and flats on the first floor.



FIGURE 7: EXISTING BUILDING



FIGURE 8: PREPARATIONS FOR THE NEW BUILDING

8.2. Zoning

Knysna Erf 564 is currently zoned as "Business Zone II (BZII)" in terms of the Knysna Municipality Zoning Scheme By-Law, 2020 (See Plan 4).



FIGURE 9: EXTRACT KNYSNA ZONING MAP

9. CHARACTER OF THE AREA

The application area is situated within the Knysna Central Business District (CBD), where both the application area and its immediate surroundings are characterised by robust commercial activity and high-density mixed-use developments.

As the proposal introduces no land-use changes and strictly maintains the retail and residential nature permitted by the Business Zone II zoning, the established character of the area remains unaffected.

It should be noted that various multi-storey buildings (shops plus 2x floors of apartments; or 3x storey flats), exist in close proximity to the application area.

Examples of these multi-storey buildings that are higher than 8,5m above NGL are shown in the figures below:



FIGURE 10: KNYSNA ERF 563



FIGURE 11: KNYSNA ERF 14989



FIGURE 12: KNYSNA ERF 559



FIGURE 13: KNYSNA ERF 555



FIGURE 14: KNYSNA ERF 4263



FIGURE 15: KNYSNA ERF 570

The application for a height departure and the amendment of the conditions of approval is a localised spatial adjustment necessitated by the site's unique architectural and topographical requirements and does not alter the high-density, vibrant urban fabric of the central business precinct. It is important to note that the proposed height departure to allow a building with a maximum height of 10.5m above NGL in this lower central part of the Knysna CBD, is not out of character with the surrounding area.

10. EXISTING POLICY FRAMEWORKS

10.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF serves as a strategic spatial planning tool that "communicates the province's spatial planning agenda". The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Cape's strategic objectives. These policies are categorised into three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

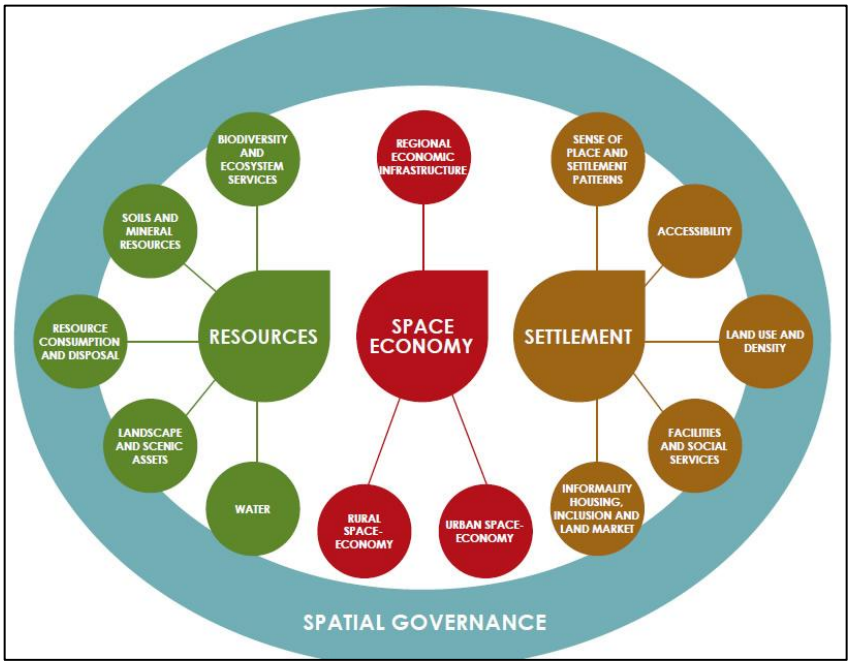


FIGURE 16: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

The proposed departures and the amendment of the conditions of approval complement the SDF's spatial goals that aim to take the Western Cape on a path towards:

(i) Greater productivity, competitiveness and opportunities within the spatial economy;
(ii) More inclusive development in urban areas; and
(iii) Strengthening resilience and sustainable development.

The scale of this permanent departure and the amendment of the conditions of approval application is so small that it does not fall within the ambit of the Provincial scale SDF. Also, the fact that no additional land use rights are being applied for, and no additional units are created, results in an insignificant relevance to the provincial scale SDF.

10.2. Approved Garden Route Regional Spatial Development Framework (2025)

The reviewed SDF for the GRDM will seek to address spatial, environmental and socio-economic issues confronting the district. It will also assist the municipality to efficiently manage current spatial development processes and pressures and strategically prepare for projected future developments in the municipal area.

The role of a District SDF is to bridge the gap between provincial and local spatial planning. It ensures that the local municipal SDFs within a district are coherent, aligned with broader regional infrastructure strategies, and that spatial development is coordinated across municipal boundaries.

More specifically, the SDF of the GRDM will aim towards achieving the following objectives:

❖ Providing a spatial representation of the land development policies, strategies and objectives of the district in the context of local, provincial and national directives;

❖ Coordinating and integrating the spatial expression of the sectoral plans of the local and/ or provincial sector departments;

❖ Addressing inefficient, impoverished and scattered land use patterns where the poor is generally located far away from places of socio-economic opportunities;

❖ Indicate the desired and intended pattern of land use development in the urban and rural parts of the district, including the delineation of areas in which development in general or development of a particular type would not be appropriate;

❖ Managing the conflicting demand between agriculture, forestry, urban expansion and biodiversity conservation areas;

❖ Providing mechanisms for the establishment of a functional relationship between urban and rural areas – both spatially and economically;

❖ Identifying priority investment areas in urban and rural parts of the municipality;

❖ Focusing on defining the economic footprint of the municipality and formulating strategies on how this can be enhanced in a sustainable manner;

❖ Coordination and alignment of the District SDF with the Provincial SDF's, neighbouring municipal SDFs, and any other regional plans applicable;

❖ Channel public and private investment into priority areas and align the capital investment programmes of the municipality and different government departments into these areas in pursuit of the five SPLUMA principles;

❖ Link all of the above to the Municipal Budget via the GRDM Integrated Development Plan (IDP).

Knysna CBD:

Regional Growth & Service Node: The regional framework identifies Knysna's main urban centre as a critical growth node, driven by wholesale and retail trade, catering, accommodation, and real estate. The strategy focuses on optimising these competitive advantages to sustain the district's tourism and commercial backbone.

N2 Corridor Alignment & Transport Integration: A major regional focus is how the N2 national route interacts with Knysna's urban core. The framework emphasises mitigating seasonal traffic congestion and improving non-motorised transport (NMT) infrastructure to blend the regional transit corridor seamlessly into the local business district.

Containment & Environmental Buffers: Because the Knysna urban area is entirely surrounded by highly sensitive ecological landscapes (including the Garden Route National Park buffer zones, lagoons, and indigenous forests), the regional framework mandates strict urban containment. Growth must be directed inward to maximise existing infrastructure rather than sprawling outward into sensitive environmental zones.

Rail Infrastructure and Logistics: The regional strategy supports the potential revitalisation of the historical rail network. Crucially, it proposes prioritising freight operations and industrial logistics outside the central hub to preserve the core passenger/station area exclusively for tourism, local mobility, and pedestrian-friendly commercial activity.

Planning Implication:

The proposed mixed-use development strongly aligns with the core spatial strategies of the Garden Route Regional Spatial Development Framework (SDF). The regional framework explicitly designates Knysna as a primary Regional Growth and Service Node, prioritizing the concentration of retail, economic, and residential activities within established urban cores.

By introducing a high-density, mixed-use model (ground-floor retail with residential units above) within the Knysna CBD, the project directly advances the district's mandate for strict urban containment. This approach optimizes existing municipal infrastructure and actively curbs outward urban sprawl into the sensitive ecological buffer zones surrounding the town.

10.3. Knysna Spatial Development Framework (2025)

The Knysna MSDF (2025) is a statutory document prepared in accordance with the Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA). Under Section 12(2) of SPLUMA, the MSDF serves as a mandatory tool to establish a clear spatial vision that aligns national, provincial, and municipal planning goals.

The primary objective of the 2025 MSDF is to operationalize the vision of the Knysna Integrated Development Plan (IDP) by guiding the spatial distribution of land use, infrastructure investment, and environmental protection. Specifically, the framework is designed to:

- **Promote Redress and Inclusion**: Address historical spatial imbalances by integrating previously disadvantaged areas, rural settlements, and informal areas into the broader economic and social fabric.
- **Ensure Statutory Alignment**: Align municipal sector plans with Western Cape Provincial policies and national spatial planning principles.
- **Guide Sustainable Investment**: Provide a transparent, data-driven directive for both public and private sector investment while ensuring the protection of agricultural and mineral resources.
- **Balance Development with Ecology**: Incorporate environmental management instruments to ensure that future growth remains within the municipality's financial and ecological carrying capacities.

According to the Knysna Municipality Spatial Development Framework (SDF), the application area is:

- located inside the urban edge of Knysna

- suitable for urban development.
- located inside the earmarked regional services centre.
- situated inside an area identified as a Coastal Destination.

The Spatial policies and policy guidelines guide decision-making on resource allocation, sector planning, land use management and land development programmes. The proposal is on such a small scale that it will not influence any of the key policies of the SDF.

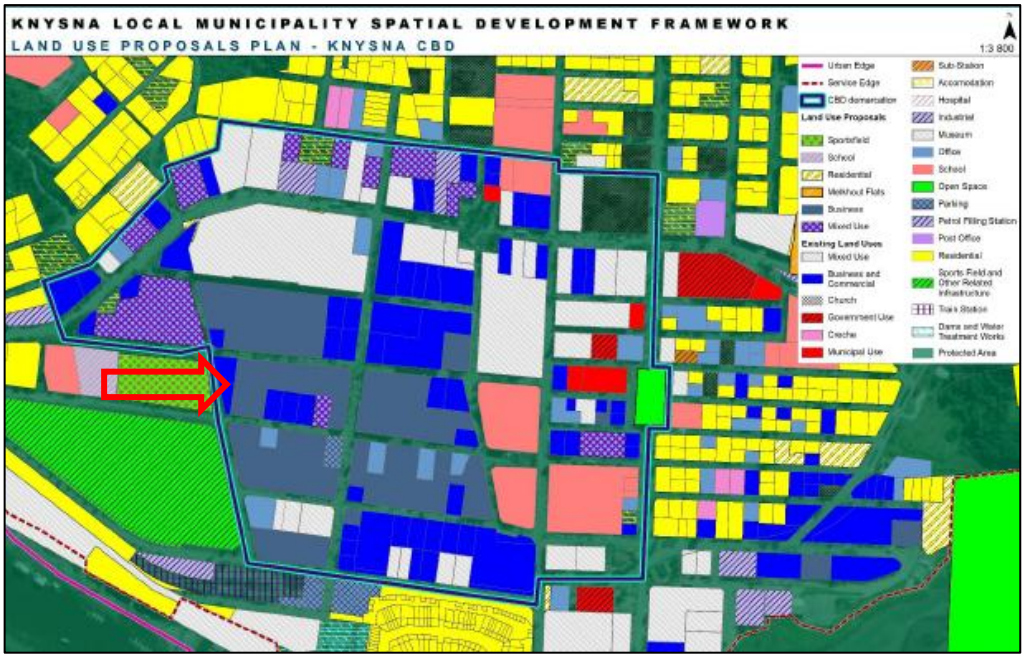


FIGURE 17: EXTRACT - KNYSNA SDF 2025

The Spatial policies and policy guidelines guide decision-making on resource allocation, sector planning, land use management and land development programmes. It is important to note some of the key policies of the SDF have a bearing on this application.

Policy No	Policy		
B	**Manage the growth of urban settlement in Knysna to ensure the optimum and efficient use of existing infrastructure and resources and in turn, secure the Municipality's fiscal sustainability and resilience, while preventing further loss of natural and agricultural assets and functional ecosystem services.**		
		Policy Guideline	
B1	Hold the urban edge as the development boundary as identified for settlements in the Knysna Municipal Area.	*iii.*	Promote densification and infill on land within the identified urban area for Knysna town.

Planning Implication:

The proposed development on Erf 564, Knysna, directly fulfils the spatial intent of the MSDF's densification policies. By establishing a mixed-use building at a prominent CBD intersection, the project represents an optimal urban infill initiative that utilises existing municipal services efficiently.

The requested height departure from 8.5m to 10.5m does not conflict with the policy; rather, it serves as a qualitative mechanism to implement it. The increased vertical height to the roof ridge is utilised exclusively to accommodate a steeper pitch, transforming a conventional roof void into an internal, functional loft space. This configuration intensifies the habitable floor area without increasing the external bulk or unit density beyond what the precinct can absorb. Consequently, the departure and amendment of the condition of approval is a localised design solution that aligns perfectly with the MSDF's goal of achieving a compact, vibrant, and structurally resilient urban core.

10.4. Knysna Integrated Development Plan (2025)

The 2026/27 Amended Integrated Development Plan (IDP) for Knysna Municipality is the primary strategic instrument guiding all municipal planning, budgeting, and service delivery. It aligns local priorities with national and provincial legislation, such as the Municipal Systems Act (MSA) and the MFMA, while fostering sustainable governance through meaningful public participation. By integrating sector plans, spatial frameworks, and financial planning, the IDP ensures that developmental goals are translated into measurable results via the Service Delivery and Budget Implementation Plan (SDBIP).

Operating as a Category B municipality within the Garden Route District, Knysna utilises an Executive Mayor governance system supported by 21 councillors to ensure transparency and oversight. The strategic framework is anchored in South African constitutional and planning law, including SPLUMA and the National Development Plan 2030. This alignment ensures that the municipality's infrastructure development and institutional transformation contribute to broader provincial and international objectives, such as the Sustainable Development Goals (SDGs).

According to the IDP, the Vision for Knysna Municipality is to:

- Inclusive
- Innovative
- Inspired

And the Strategic objective of the IDP is:

- **SO1:** To promote a safe and healthy environment through natural resource management and the provision of essential infrastructure services.
- **SO2:** To provide enabling opportunities for social development and inclusive economic growth for communities.
- **SO3:** To stabilise financial viability and improve revenue management for more effective service delivery.
- **SO4**: To exercise good governance and improve public engagement through responsive and accessible systems and operations for a developmental Municipality.

To ensure the successful realisation of Knysna's developmental mandate, the IDP adopts a 'Back-to-Basics' approach. This alignment is critical as it provides the foundational stability required to meet the municipality's strategic objectives and improve the lived experience of all residents through the following pillars:

- Putting people and their concerns first
- Supporting the delivery of municipal services to the right quality and standard
- Promoting good governance, transparency and accountability
- Ensuring sound financial management and accounting
- Building institutional and administrative capability

The application area is located in **Ward 10** of the Knysna Municipality. None of the issues raised in the community for Ward 10 applies to the proposed development.

SECTION D : MOTIVATION

11. ASSESSMENT OF APPLICATIONS

11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

Section 42 of SPLUMA prescribes certain aspects that have to be taken into consideration when deciding on an application. These are:

(1). Development principles set out in Chapter 2 of SPLUMA

(2). Protect and promote the sustainable use of agricultural land

(3). National and provincial government policies the municipal spatial development framework, and take into account: —

(i) the public interest;

(ii) the constitutional transformation imperatives and the related duties of the State;

(iii) the facts and circumstances relevant to the application;

(iv) the respective rights and obligations of all those affected;

(v) the state and impact of engineering services, social infrastructure and open space requirements; and

(vi) any factors that may be prescribed, including timeframes for making decisions.

11.2. Knysna Municipality: Spatial Planning and Land Use Management By-law, 2021

The Knysna Municipality: Spatial Planning and Land Use Management By-law, 2021, as promulgated by G.N 8492 dated 17 September 2021, states in Section 65 the general criteria necessary for considering an application by the municipality.

It must be noted that the application has not undergone the notice phase of the application process and that the information below is the necessary information required by the municipality to process the application. The following criteria must be considered when evaluating the desirability of this land development application:

Criteria	Reference in Report
The impact of the proposed land development on **municipal engineering services**.	***Par. 6***
The **integrated development plan**, including the municipal spatial development framework.	***Par. 10.4***
The applicable **local spatial development frameworks** adopted by the Municipality.	***Par. 10.3***
The applicable **structure plans**.	*n/a*
The applicable **policies of the Municipality that guide decision-making**.	***Par. 11.2***
The **provincial spatial development framework**.	***Par. 10.1***
where applicable, a **regional spatial development framework** contemplated in section 18 of the Act and a provincial regional spatial development framework.	***Par. 10.2***
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	***Par. 11.1***
The matters referred to in Section 42 of the Act; Principles referred to in **Chapter Vl (6) of the Western Cape Land Use Planning Act**; and	***Par. 18***
applicable provisions of the **zoning scheme**	***Par. 5.4***
any **restrictive condition** applicable to the land concerned	*n/a*

12. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in ***Par. 10*** of this report, the proposal is consistent with the relevant spatial planning policies for the following reasons:

(i) The Western Cape SDF promotes revitalised urban spaces that are efficient, convenient, and attractive, while respecting surrounding character and property rights.

(ii) The subject property is within the Knysna urban edge, and since the PSDF applies at a provincial scale, the small-scale proposal has limited relevance to it.

(iii) The Southern Cape Regional Plan promotes sustainable development and growth by balancing environmental, social, and economic factors.

(iv) The proposed application is too small to directly link to regional strategic objectives but does not contradict the Garden Route Regional SDF or Knysna's vision.

(v) The application fits the existing character of Knysna, service provision is sufficient, and the proposal aligns with the Knysna SDF.

(vi) The IDP directs municipal funding to strategic objectives, but the small-scale proposal neither contributes to nor deviates from these priorities, while remaining non-contradictory.

13. NEED FOR PERMANENT DEPARTURE & AMENDMENT

The need for a permanent height departure from 8.5m to 10.5m, alongside an amendment of Condition c (vi)(e) to relax the MSL from 3.0m to 2.77m, is driven by architectural optimisation and site regularisation. The primary justifications are:

(i) **Maximisation of Internal Spatial Efficiency**: The height departure accommodates a steeper roof pitch to create a functional loft area within the residential component, converting restricted void space into habitable volume without increasing the horizontal footprint.

(ii) **Contextual Alignment with the Precinct Skyline**: The requested 10.5m ridge height aligns with the multi-storey urban fabric of the Knysna CBD, ensuring the development seamlessly integrates with surrounding structures.

(iii) **Aesthetic Contribution to a Corner Site**: The articulated roofline provides a visually appropriate silhouette for the prominent Trotter and Hedge Street intersection, preventing a block-like appearance and enhancing the streetscape.

(iv) **Site Level Alignment & MSL Amendment:** To protect against flooding and reflect as-built platform levels, the site baseline sits at 2.77m MSL. Amending Condition c (vi)(e) to 2.77m MSL regularises the established ground floor and foundation, meaning the visual building height above the actual platform will measure only 9.7m.

14. CONSISTENCY WITH THE SURROUNDING AREA

The proposed development is entirely consistent with the established urban fabric, architectural scale, and land-use patterns of the immediate Knysna CBD precinct. The requested height of 10.5m to the roof ridge aligns seamlessly with the vertical profile of the neighbourhood, which is uniquely defined by a combination of two- and three-storey commercial and mixed-use buildings. Notably, the property directly to the rear of the site features a similar three-storey mixed-use profile consisting of retail shops with upper-level apartments, ensuring that the proposed development mirrors the existing skyline rather than introducing an anomalous scale.

Furthermore, the intersection of Trotter and Hedge Streets functions as a high-density urban node where the integration of ground-floor retail with upper-storey residential units reinforces the existing "live-work-play" dynamic of the CBD. As a prominent corner site, Erf 564 holds a higher degree of visual responsibility within the streetscape.

The steeper roof pitch enabled by the 2m departure provides an aesthetically pleasing, articulated silhouette that acts as a traditional visual anchor for the intersection. This design choice prevents a monotonous, block-like appearance while fully respecting the privacy, views, and solar access of neighbouring single- and multi-storey business properties, thereby ensuring complete spatial harmony with the surrounding built environment.

As described in ***Par 9*** of this report, there are several examples of multi-storey mixed-use buildings and residential apartments that are higher than 8,5m above NGL.

15. NO IMPACT ON EXISTING RIGHTS

The proposed height departure and the amendment of the conditions of approval on Knysna Erf 564 has been specifically designed to ensure that the development has no adverse impact on the existing land-use or development rights of the neighbouring properties. As the 2m increase is localised to the top of the roof ridge and does not involve an increase in the building's wall plate height or horizontal footprint, the additional height does not result in any significant overshadowing or loss of solar access for the adjacent business-zoned sites.

Furthermore, since the intensification of the floor area is contained entirely within the building's internal envelope to accommodate loft space, the proposal maintains the existing privacy and visual amenity of the area. The development remains compatible with the height and scale of the surrounding two- and three-storey mixed-use buildings, thereby preserving the current urban character and ensuring that the neighbours' ability to utilise their properties in accordance with their primary zoning rights remains completely unaffected.

16. MOTIVATION FOR AMENDMENT OF CONDITION OF APPROVAL

The proposed adjustment of the Minimum Site Level (MSL) condition from 3.0m to accommodate a Finished Floor Level (FFL) of 2.77m MSL is directly supported by a technical desktop flood risk assessment conducted by EAS Consulting Engineers (refer ***ANNEXURE J***). The engineer's assessment confirms that a minimum FFL of 2.70m MSL provides a sufficient technical baseline regarding tidal and stormwater criteria; the proposed 2.77m MSL FFL exceeds this minimum threshold, providing an added margin of safety.

From a tidal perspective, available hydrological data confirms that the proposed FFL of 2.77m MSL sits substantially above predicted astronomical tidal levels, while remaining nominally above the historic high-water mark recorded during the exceptional flood event of 28 October 2019.

With respect to rainfall-driven stormwater and overland flow, site survey data demonstrate that the 2.77m MSL baseline remains elevated relative to the adjacent road edges. The surrounding lower-lying open space and established road network naturally act as conveyances to route overland runoff away from the property footprint. Furthermore, surface-flow mapping via Cape Farm Mapper confirms that the site is not a prominent flow accumulation area, with localised drainage naturally discharging toward lower-lying precinct infrastructure, such as the Hedge Street and Waterfront Drive intersection.

Based on these findings, the consulting engineer's assessment establishes a sound technical basis for relaxing the MSL condition. Adopting the 2.77m MSL FFL safely exceeds the engineer's 2.70m MSL minimum baseline, ensuring functional stormwater runoff and adequate flood risk mitigation while enabling the development to integrate seamlessly with the established contours of the site and surrounding street reserves.

17. DESIRABILITY OF THE PROPOSAL

The following key considerations are taken into account to determine the desirability of the proposed land use.

Elements for Consideration	Key Questions to Ask	Proposal (Desirability)
Economic impact	Positive or Negative impact on neighbourhood/settlement?	▪ *Positive economic impact - increase in property value. No impact on surrounding property owners or their rights.*
Social impact	Greater social justice, equity of access to opportunity	▪ *The surrounding property owners will not be negatively affected by the proposal, and the proposal complies with all the other development parameters.*
Scale of capital investment	> capital investment - > positive impact	▪ *Investment by landowners. No additional development is proposed.*
Compatibility with surrounding land uses		▪ *The proposal is in line with the character of the area and compatible with the rural residential area. See **Par.9** & **Par.14.***
Impact on external engineering services	How much must the developer contribute to municipal costs incurred?	▪ *No impact on existing service infrastructure. Existing services are sufficient* ▪ *Refer to **Par. 6***
Impact on safety, health & well-being of the surrounding community		▪ *Refer to **Par.14** & **Par.0*** ▪ *No flood risk as a result of the amendment of the condition of approval*
Impact on heritage		▪ *No heritage impacts* ▪ *No heritage value*
Impact on the biophysical environment	Are there negative impacts? Are they adequately mitigated?	▪ *Within urban edge and approved development footprint.* ▪ *Outside any CBA areas.* ▪ *No flood risk as a result of the amendment of the condition of approval*

Elements for Consideration	Key Questions to Ask	Proposal (Desirability)
Traffic impacts, parking access, other transport considerations	Support for densification & functional public transport system?	▪ *No additional traffic.* ▪ *Access from the existing road network.*
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		▪ *No views will be obscured.* ▪ *Fits within the character of the area.*
Timing – need to densify or protect urban edges	The best option for the site at this point?	▪ *Within urban edge.* ▪ *No impact on the urban edge, as proposal does not require the expansion of the urban edge.*
Cumulative impacts	Unacceptable cumulative impacts?	▪ *Only positive impacts. No impact on any of the surrounding property owners or the Municipality.*
Opportunity costs	Any unacceptable opportunity costs?	▪ *Private investment.* ▪ *No municipal funding is required.* ▪ *Increased property values, resulting in increased revenue for the local authority.*
Alignment with SDF's		▪ *Refer to **Par. 10***

***Note**: LUPA (Land Use Planning Act) does not refer to a lack of desirability, nor does it require there to be a positive advantage (i.e. the absence of a positive advantage should not automatically lead to a decision to refuse).*

18. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws, and to provide for matters incidental thereto.

Section 59 of this Act prescribes the Land Use Planning Principles that apply to all land development in the province. These are summarised in the tables below. The tables below aim to summarise how the proposed development on Knysna Erf 564 complies with these principles.

18.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	**N/A**	*This policy is not applicable to the application area.*
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	**N/A**	▪ *This policy is not applicable to the application area.* ▪ *Not a Spatial Development Framework or Policy.*
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	**N/A**	*This policy is not applicable to the application area.*
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	**N/A**	*This policy is not applicable to the application area.*
Land development procedures must include provisions that accommodate access to, and facilitation of, the security of tenure and the incremental upgrading of informal areas.	**Applicable to Knysna Municipality**	*The municipality must process this application within the prescribed guidelines of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).*

Criteria	Compliance	Planning Implication
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.	**Applicable to Knysna Municipality**	*The municipality must process this application within the prescribed guidelines of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).*
The right of owners to develop land in accordance with current use rights should be recognised.	***Comply***	*The owner is seeking to develop the property to their liking, and the development does not entail a change in the land use of the property.* *The proposal complies with all the current land use rights, but an application is made for a departure from the building height.*

18.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority.	***Comply***	▪ *The proposal is resource-frugal, as all activities make use of the existing services.* ▪ *The application area is within the urban edge of Knysna* ▪ *No additional service capacity is required to enable the proposal.*
Ensure that special consideration is given to the protection of prime, unique and high-potential agricultural land.	***N/A***	▪ *Not Applicable – not agricultural land.*

Criteria	Compliance	Planning Implication
Uphold consistency of land use measures in accordance with environmental management instruments.	***Comply***	*(i) The application area is located within an existing urban area and does not trigger any environmentally listed activities in terms of the National Environmental Management Act (1998).* *(ii) The proposed height departure from 8,5m to 10,5m enables the optimisation of internal roof space within the existing development footprint, without increasing the number of residential units or requiring additional land. This promotes efficient utilisation of already developed urban land and existing municipal infrastructure, consistent with environmental management objectives aimed at limiting unnecessary land consumption and urban sprawl.* *(iii) The proposed amendment of the finished floor level requirement from 3m to 2,77m above MSL accommodates the existing site topography and established development platform, avoiding unnecessary additional filling and earthworks. This supports environmentally responsible site development, provided that appropriate stormwater management and flood-risk requirements are maintained.*
Promote and stimulate the effective and equitable functioning of land markets.	***Comply***	*(i) Land within the Lower CBD is limited and highly sought after. Allowing an additional 2 m in height enables the more efficient utilisation of an already developed urban property without requiring additional land consumption or urban expansion. This promotes a more productive land market by increasing the development potential of existing properties.* *(ii) The additional height allows for the optimisation of the roof spaces of the first-floor apartments, improving their functionality, liveability, and marketability. This can increase the value of the units and improve the financial feasibility of the development, encouraging further investment within the Knysna CBD.* *(iii) By accommodating improved residential spaces within the existing building footprint, the proposal promotes*

Criteria	Compliance	Planning Implication
		appropriate densification within an established urban area. Efficient densification contributes to a healthier land market by making better use of existing infrastructure and reducing pressure for greenfield development. *(iv) The proposed departures and amendment of the condition of approval provide appropriate regulatory flexibility to accommodate site-specific circumstances without changing the property's underlying zoning or permitted land uses. By enabling the practical implementation of existing development rights, the proposal reduces unnecessary development constraints, promotes investment certainty and supports the efficient utilisation of serviced urban land, contributing to a more accessible and competitive land market*
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	***Comply***	*(i) The existing infrastructure is adequate, and no upgrade is required.* *(ii) Any future costs will be at the cost of the applicant or as determined by the municipality.*
Promote land development in locations that are sustainable and limit urban sprawl.	***Comply***	*(i) The application area is located within an existing urban area.* *(ii) No new developments are proposed, and no urban sprawl will be created.*
Result in communities that are viable.	***Comply***	*(i) The application contributes to the mixed-use nature of the CBD with the provision of business spaces and apartments.* *(ii) By optimising the roof space of the first-floor apartments, the proposal enhances the quality and functionality of the residential units, making them more attractive and suitable for long-term occupation. A greater residential presence within the CBD contributes to a more vibrant, active, and sustainable urban environment.* *(iii) The additional height will allow for improved internal volumes and more functional living spaces within the apartments. Better-quality residential accommodation contributes to a higher standard of living and encourages people*

Criteria	Compliance	Planning Implication
		to reside within the CBD, supporting a stable and diverse community.
Strive to ensure that the basic needs of all citizens are met in an affordable way.	**N/A**	*This principle is not applicable to the applicant or this development.*
The sustained protection of the environment should be ensured.	***Comply***	*(i) In line with all Environmental policy documents and legislation.* *(ii) The application area is located within the existing urban area of Knysna and within the existing urban fabric.* *(iii) The proposed permanent departures and amendment of the condition of approval relate to an existing, appropriately zoned property situated within the established Knysna CBD and defined urban edge. The proposal promotes the optimal utilisation of already developed urban land, thereby reducing development pressure on environmentally sensitive areas, agricultural land and natural ecosystems outside the urban edge.* *(iv) The proposed amendment of the minimum finished floor level from 3,0m to 2,77m above MSL is supported by a technical assessment undertaken by Engineering Advice and Services (Pty) Ltd, which concludes that there is a reasonable technical basis for the proposed reduction. The assessment confirms that the proposed floor level is substantially above predicted astronomical tidal levels and elevated relative to the adjoining road infrastructure, while available surface-flow mapping does not identify the property as a prominent stormwater accumulation area. The amendment therefore accommodates the existing site conditions, avoids unnecessary additional filling and earthworks, and promotes environmentally responsible development, subject to appropriate flood-risk and stormwater management measures.*

18.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	***Comply***	*(i) The proposal will fully utilise the existing municipal infrastructure. Development complies with the primary land use, and the service provision is for a dwelling house. No upgrades to the existing infrastructure will be required.* *(ii) The development is situated within an established urban area already served by municipal infrastructure, roads, and community facilities. By enhancing the use of existing buildings and infrastructure rather than promoting outward expansion, the proposal contributes to the long-term sustainability and viability of the community.*
Integrated cities and towns should be developed.	***Comply***	▪ *Allowing the optimisation of the roof space of the proposed mixed-use building, supports and strengthen the integration of the urban structure of the Knysna Lower Central CBD.*
Policy, administrative practice and legislation should promote speedy land development.	**Applicable to Knysna Municipality**	*The municipality should process this application within the prescribed time frames of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).*

18.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks	***Comply***	*(i) The proposed permanent departures and amendment of the condition of approval demonstrate the flexibility of the land use management system to accommodate site-specific development circumstances, without compromising the underlying objectives of the applicable zoning scheme or spatial planning policies. The proposed development remains consistent with the permitted land uses and intended urban character of the Knysna CBD.* *(ii) The proposed amendment of the minimum finished floor level requirement, supported by a professional engineering assessment, demonstrates the ability of the land use management system to respond to site-specific environmental*

		and engineering circumstances. The assessment provides a reasonable technical basis for reducing the minimum floor level from 3,0m to 2,77m above MSL, although it does not exclude extreme flood risks. Subject to appropriate flood-risk considerations, the amendment supports a practical and adaptable approach to urban development while maintaining the objectives of spatial sustainability and resilience. *(iii) The proposal is consistent with the various applicable spatial plans, policies and land use management systems.* *(iv) It will have no negative impact on the livelihood of the community.* *(v) The proposed application complies with the requirements of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).*

18.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government should ensure an integrated approach to land use planning.	**Applicable to Knysna Municipality**	▪ *This principle has no direct bearing on the application; however, the Knysna Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.* ▪ *What is however important is that all decision-making is aligned with sound policies based on nation, provincial and local development policies.*
All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice relating to		

Criteria	Compliance	Planning Implication
land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		
Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

19. CONCLUSION

In light of this motivation, and the information contained in the foregoing report, it is clear that the application for:

(i) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), for the relaxation of the height restriction from 8.5m to 10.5m above NGL to allow a higher roof pitch for the proposed mixed-use development on Knysna Erf 564.

(ii) A permanent departure in terms of Section 15(2)(b) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), for the relaxation of the fence height restriction from 1.8m to 2.1m above NGL, to allow for the new boundary fence on Knysna Erf 564.

(iii) An amendment of a Condition of Approval in terms of Section 15(2)(h) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), for the amendment of condition c (vi)(e) to allow finished floor levels of the new buildings at a height of 2,77m above MSL instead of 3m above MSL.

Meets the criteria as set out in the Spatial Planning and Land Use Management Act (SPLUMA) and the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021), is desirable and it is therefore recommended that the application be supported by the relevant authorities and approved by the Knysna Municipality.

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October 2026