



KNYSNA MUNICIPALITY
PRE –APPLICATION MEETING
Minutes of meeting held on the
04 August 2022
At
09:00
Microsoft Teams
MINUTES

No	Item	Presentation
1.	Opening and Welcoming	Mr S Madumbo
2.	Attendance Mr S Madumbo (Chairperson) – KM : Town Planning (KM) Ms N Vonya – KM : Town Planning (KM) Ms L Mniki – KM : Town Planning (KM) Mr M Radiopane – KM : Town Planning (KM) Mr R Hardnick – KM : Properties (KM) Mr S Nelo – KM : Properties (KM) Ms N Nkoane – KM : Aesthetics and Heritage (KM) Mr M Musekene – KM : Environmental Services (KM) Ms N. Vonya – KM : Town Planning Mr Mongezi Mdena – Applicant : (MM) Mr Henry Erasmus – Applicant : (HE) Ms Lillian Neville – Applicant : (LN) Ms Marike Vreken – Applicant : (MV) Mr Dale Bastian – Applicant : (DB) Mr Hans Labuschagne – Applicant: (HL)	

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	<p>Apologies</p> <p>Mr S Mqhele – KM : Town Planning (KM)Mr M Musekene Ms N Nkoane—KM : Building Control Inspectorate</p>	
3.	<p>Items for consideration</p> <p><i>*Please note: Meeting minutes do not reflect verbatim discussions</i></p>	
3.1	<p><u>Erf 1907, Sedgfield – Application for Removal of Restrictive Title deed Conditions</u></p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> • MM: The property is awkwardly shaped, restricted by 4 street building lines. The rectification seeks to regularise a carport, workshop and catwalk/ walkway, deck, portion of the bedrooms. The previous house was built on stilts and the owner enclosed the bottom section resulting in some of the said unlawful buildings and structures. Hence, application is made for Administrator's Consent and Determination of Administrative Penalty. • KM: We note that you are privy to the submission requirements for the applications. • KM: Even though the property has several street building lines which are more restrictive than the lateral/ rear building lines, the motivation cannot only rely on that factor. • MM: Is the eastern boundary still a road as per SG plan, even though the road is unmade? • KM: Yes. Maakgou is considered a road/ street. • KM: The note on the plan states that the placement of the buildings/ structures is yet to be determined. How will the applicant manage the implications of an inaccurate consideration/ approval. • MM: I will consult with the architect and owner. Is the survey a pre-requisite? 	<p>Knysna Municipal officials and Mongezi Mdena</p>

- KM: Not necessarily. However it is in your best interest to ensure the approval is not inaccurate, if approved.
- Please ensure that the proposal brief(s) refers to the respective building line, extent of the deviation; and the type of use/ building to be allowed.
- KM: Condition D7. It is noted that there may be an error in the wording of the title deed condition. However, reasonable consideration warrants the submission of an application for Administrator's Consent.

Recommendation:

- An application in terms of Section 15(2)(r) of the Spatial Planning and Land Use Management By-Law (2022) shall be applicable.
- An application for Administrator's Consent in respect of the restrictive title deed condition, shall be required.
- An application in terms of Section 15(2)(b) of the Spatial Planning and Land Use Management By-Law (2022) shall be applicable.
- Submit all the relevant documents which are required in terms of Section 38 of the Knysna Municipality By-Law on Municipal Land Use Management (2021).
- Motivate the application(s) in terms of Section 33(4) and 65 of the Spatial Planning and Land Use Management By-Law (2021).
- The motivation memorandum should also address the aforementioned discussions which have taken place during this pre-application meeting.

3.2	<p><u>Erf 1516,Sedgefeild – Application for Departure</u></p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> • HE: Proposed second dwelling (60m²). A garage and storeroom/ workshop were previously approved and constructed a few years ago which were converted to habitable quarters. A complaint was made by the neighbour and the Municipality instructed that it was not permissible. Hence, the a proposal is being made for a Departure to allow the change of use and a Removal of Restrictions for the carport. • KM: Clause 21 of the Knysna Zoning Scheme By-Law (2020) makes provision for an exemption, allowing a carport over the building line, provided that it complies with the respective criteria. • KM: Definition of a carport deems a 'carport' as a structure and not a building which is what the title deed condition restricts, although the latest zoning scheme defines that a building includes a structure. • KM: An application for the determination of an administrative penalty shall be required in respect of the unlawful land use. The applicant will require submission/ motivation in terms of Section 93 of the Spatial Planning and Land Use Management By-Law (2022). • HE: The owner did, however, cease the unlawful land use within the prescribed timeframe which was specified in the non-compliance notice. • HE: The application for a removal of restrictive conditions is required even though the second dwelling exceeds 60m². • KM: Motivate the application in terms of Section 33 and 65 of the Spatial Planning and Land Use Management By-Law (2022). 	Knysna Municipal officials and Henry Erasmus
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	<ul style="list-style-type: none"> • HE: What is the purpose/ difference between an 'amendment' and 'removal' of a restrictive condition? • KM: For example, the last sentence of that condition refers to 'flats or tenement houses' which is not relevant to the proposed land use. <p><u>Recommendation:</u></p> <ul style="list-style-type: none"> • A separate application in terms of Section 15(2)(r) of the Spatial Planning and Land Use Management By-Law (2022) shall be applicable. • An application in terms of Section 15(2)(f) of the Spatial Planning and Land Use Management By-Law (2022) shall be applicable. • Submit all the relevant documents which are required in terms of Section 38 of the Knysna Municipality By-Law on Municipal Land Use Management (2021), for each application. • The motivation memorandum should also address the aforementioned discussions which have taken place during this pre-application meeting. 	
3.3	<p><u>Erf 1519. Sedgfield – Application for Consent Use</u></p> <p>Discussion:</p> <ul style="list-style-type: none"> • LN: We are the owners of the property and we wish to construct a second dwelling (exceeding +60m²) which is restricted by the title deed condition. The proposed building shall be within (not encroaching) the building lines. We have submitted the application. 	Knysna Municipal officials and Clive and Lillian Neville

	<ul style="list-style-type: none"> • KM: The item was referred to this meeting from a New Applications meeting, due to the inadequate motivation which had been provided. • KM: Greater elaboration needs to be made for the criteria of Section 33(4) of the Spatial Planning and Land Use Management By-Law in respect of the removal of the restrictive condition. In addition, the Consent Use application equally requires improved motivation which could include implications of the size of the dwelling unit, that there is no building line encroachment, qualify the proposal against the development parameters for a “second dwelling” as contemplated in terms of the Knysna Zoning Scheme By-Law (2020), policy compliance; amongst other aspects of ‘desirability’. Also, refer to the correspondence, dated 05 July 2022. <p>Recommendation:</p> <ul style="list-style-type: none"> • The applicant is to revise the motivation provided for the applications and resubmit to the Town Planning Department. • The motivation memorandum should also address the aforementioned discussions which have taken place during this pre-application meeting. 	
3.4	<p><u>Erf 4091,Knysna – Application for Rezoning</u></p> <p>Discussion:</p> <ul style="list-style-type: none"> • MV: The application site is situated across the road from Oakhill School. The proposal entails a rezoning from “Single Residential Zone” to “General Residential Zone III” (flats) to allow 7 units, two storeys and 14 parking bays. The proposal is considered to be appropriate given the surrounding amenities including the Pledge Nature Reserve, school, etc. and it is not far from the main road. There are no restrictive conditions contained in the title deed. 	Knysna Municipal officials and Marike Vreken

	<ul style="list-style-type: none">• KM: The applicant may consider addressing the same issues raised in their application for Erf 303, Knysna. • MV: That application was for 3 storeys and this one only includes 2. This site is also larger than that of Erf 303, Knysna? • KM: Have you explored the option of Rezoning to “General Residential Zone II” (Town Housing) instead? • MV: Town housing will only allow 4 units which requires more parking, and ground floor access, etc. • KM: The motivation should discuss the appropriateness of “Flats” in comparison to “Group Housing” or “Town Housing”. • KM: In addition, <i>*reads from the description for the zoning category of flats*</i>, for the applicant’s consideration. • MV: The accessibility of the site is a key point we will be discussing in our motivation. • KM: Ensure compliance with the relevant development parameters. • MV: Yes. Only the rezoning will be applicable and no applications for departure. • KM: The service yard is not indicated on the Site Plan. In addition, the refuse room is important and to be indicated on the plans. • KM: The applicant is reminded to motivate the application against the guidelines of the Spatial Development Framework and other relevant policies.	
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	<ul style="list-style-type: none"> • KM: The property is within the urban conservation area. Therefore, the proposal and motivation is to qualify their proposal against the the Urban Conservation Guidelines (2010). • KM: The applicant should consider the traffic implications and address accordingly. • KM: The applicant may provide renders/ perspectives to provide an indication on the appearance of the proposed development in the surrounding context and any implications on the streetscape. This will also assist to fortify arguments regarding compliance with the guidelines for the urban conservation area. <p>Recommendation:</p> <ul style="list-style-type: none"> • The applicant may submit the application in terms of Section 15(2)(a) of the Spatial Planning and Land Use Management By-Law (2020). • Submit all the relevant documents which are required in terms of Section 38 of the Knysna Municipality By-Law on Municipal Land Use Management (2021). • Motivate the application(s) in terms of Section 65 of the Spatial Planning and Land Use Management By-Law (2021). • The motivation memorandum should also address the aforementioned discussions which have taken place during this pre-application meeting. 	
3.53.4	<p><u>Remainder of Farm 211, Knysna – Application for Consent Use</u></p> <p>Discussion:</p> <ul style="list-style-type: none"> • • <p><u>Discussion</u></p>	<p>Knysna Municipal officials and Dale Bastian and Marike Vreken</p>

	<ul style="list-style-type: none"> • DB: The property is unsurveyed and unregistered state land (under National Department of Public Works). There is no title deed and the surveyor general has confirmed that there is no diagram. Please advise on the appropriate course of action to enable processing of the application. • KM: The applicant must obtain authority from the relevant department (custodian of the state land). In addition, a conveyancers certificate should be obtained. • MV: Upon advice from a lawyer, the State Attorney needs to register/ officiate the property which may take 2-3 years. Surveying of the entire property will be costly and time-consuming, however, we can provide the exact coordinates of the proposed huts from which the plans can be extrapolated, due to the vast extent of the land. • DB: The proposal will coincide with a proposal made for tourist facilities/ accommodation on the neighbouring properties. The subject proposal will cater to hiking trails, no parking will be required and construction of the huts will result in minimal disturbance to the earth. • KM: What is the zoning of the property? • DB: Open Space Zone (IV) in terms of the Knysna Zoning Scheme By-Law (2020). • KM: The proposal seems to be in keeping with the Consent Uses available for the zoning of the property. The proposal must comply with the development parameters for "Tourist Accommodation". • DB: Will the required Environmental Management Plan be different to that which is submitted for the other environmental authorisation required? • KM: No. Once it has been finalised, you may submit the same one with your application, where applicable. 	
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	<ul style="list-style-type: none"> • DB: Unfortunately Infrastructure Directorate is not present to discuss services but we will contact them directly. <p>Recommendation:</p> <ul style="list-style-type: none"> • The applicant may submit application(s) in terms of Section 15(2) of the Spatial Planning and Land Use Management By-Law (2020). • The application must be accompanied by the information required in terms of Section 38 of the Spatial Planning and Land Use Management By-Law (2020). However, the matter of the title deed and registration of the property is noted. • Motivate the application(s) in terms of Section 65 of the Spatial Planning and Land Use Management By-Law (2021). • The motivation memorandum should also address the aforementioned discussions which have taken place during this pre-application meeting. 	
3.6	<p><u>Erf 121, Karatara – Application for Rezoning</u></p> <p>Discussion:</p> <ul style="list-style-type: none"> • KM: What is the difference between the current submission and what was initially discussed at the previous Pre-Application Meeting? • HL: Following a site visit, we wished to discuss an additional application for a departure from the parking provision as it is extensive. This is based on the fact that it will constrict the space available for the activities; the users are children; there is minimal traffic in the vicinity; and only a few volunteers (±2 staff who are neighbours) who may or may not have vehicles, etc. • KM: What is the extent of the Departure? 	Knysna Municipal officials and Hans Labuschagne

	<ul style="list-style-type: none"> • HL: It will be a relaxation from 8 parking bays to 5 parking bays. • KM: You are to consider the proposed use and compare the level of activity from other youth centres in the Greater Knysna Area. • HL: The operations involve the use of minibus taxis for collection. • KM: The proposal must account for any implications in the event of changes in the operating model. • KM: You are encouraged to refer to actual data of the socio-economic circumstances. • KM: Is it still Municipal owned property? • HL: No <p>Recommendation:</p> <ul style="list-style-type: none"> • The previous recommendation still stands. • The motivation memorandum should also address the aforementioned discussions which have taken place during this pre-application meeting. 	
4.	The Chairperson closed the meeting.	

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