

— **MOTIVATING MEMORANDUM** —

in support of an application lodged by virtue of
S.15(2)(a), (b), (l) and (o) of the Knysna Municipality Spatial Planning
and Land Use Management By-law of 2021

related to

Erf 1124, Knysna

situated in the jurisdiction of the Knysna Local Municipality

for the approval

a Rezoning, Permanent Departures, a Site Development Plan and a Consent Use

4th REVISION – DECEMBER 2025



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ANNEXURES

This is the 4th amendmend of the application. None of the annexures have been amended therefor the previous submission (listed below) remains valid.

-  301 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure A1 - Power of Attorney - AMENDED
-  301 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure A2 - Minutes of meeting of trustees
-  301 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure A3 - Trust Deed
-  301 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure A4 - ID of Trustee
-  302 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure B - Locality Plan
-  303 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure C - Title Deed T23316-2018
-  304 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure D - SG Diagram
-  305 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure E ver. 2 - Zoning plan
-  306 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure F1a - Building Plan - Approved Sep 1993
-  306 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure F1b - Building Plan - Approved Jul 2000
-  306 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure F1b1 - Building line relaxation - Jul 2000
-  306 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure F1c - Building Plan - Approved Mar 2005
-  306 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure F2 ver. 3 - Proposed building plan
-  306 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure F3 - Current accesses and parking
-  306 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure F4 - SDP - Alternative 3.0
-  308 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure H - Land Use
-  309 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure I2 - Traffic movements - November 2025
-  310 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure J - Spatial planning policies and guidelines at other levels of governme
-  311 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure K - Photographs
-  312 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure L2 ver. 2 - Bondholder consent June 2025
-  313 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure M - Streetscape
-  314 Knysna, Erf 1124 - S15(2)(a)(b)(l)(o) - Annexure N - Minutes of Pre-app 08 Aug 2024

1. **BACKGROUND**

When the current landowner acquired this property in 2018, a double carport was found in the position of the structure in question. A building plan for this carport was approved in July of 2000. Over time the layout of the parking spaces on the stand was amended and the carport was converted into a storage room. This conversion was done without the owner appreciating the requirement of first relaxing the building lines for the new use of the structure.

On professional advice the landowner commissioned an architect and town planner to submit the required applications to rectify their omissions as shown in the attached authorisations numbered **Annexures A1 to A4**.

After submission of the application, the municipality found that it did not comply with the relevant legislation and decided to interview the author to discuss the issues they have identified. Following on this meeting, the landowner agreed to amend the original application by this version.

2. **COMMUNICATION AFTER THE SUBMISSION OF THE ORIGINAL APPLICATION AND BEFORE THIS REVISED APPLICATION**

The minutes of the abovementioned meeting, dated 8 August 2024 is attached as **Annexure N** to this memorandum and can be summarised as follows:

- (a) Upon inspecting the property after receipt of the original application, the municipal officials found the land use to be inconsistent with the zoning, inter alia because (a) there was an absence of visible retail activities normally associated with shops; (2) the amount of space used for the storage of merchandise was found to be disproportionate to a retail enterprise; and (3) a portion of the building was used for the purposes of a church, the latter of which was not mentioned in the application.
- (b) The applicant responded by stating that (1) the site is being used in conjunction with Erf 1323 at Waterfront Drive, where the Metelerkamp shop is; and (2) because of the scarcity of floor space as well as the import of bulky stock in batches, not all colours and/or models of certain bulky products can be displayed in the shop, meaning that in order to conclude certain transactions, clients have to be taken to the subject property to view items; and (3) the silence in the original application about the presence of the church was deliberate because the landowner indicated that they were supposed to vacate the site by that time.
- (c) Not agreeing that one step in the chain of actions of some retail transactions being conducted on the subject property qualifies it for being regarded as a shop, the officials indicated that the use of the land is deemed as a warehouse, which the existing zoning does not allow for. In this regard, reference was also made to shops such as Makro who are merchandising in bulk and are not regarded as retailers who are typically found in CBD's but rather in industrial areas where warehousing is a common land use.
- (d) After several requests by the applicant to indicate what the preferred solution is, the answer was not given but options were rather explored.
- (e) In reaction to the applicant's opinion that the use of the subject property cannot be seen as a land use that belongs in an industrial area, the officials concurred.
- (f) As a guiding thought, the chairman of the meeting reminded the applicant that, however the package of land use rights applied for is designed, it must also be tested against spatial planning policies and guidelines.

After this meeting the undersigned informed the landowner accordingly. He understood the concerns raised by the municipality and agreed to proceed in whatever manner, as long as he can continue using the subject property to the benefit of the shop at Waterfront Drive. He also reiterated that the church shall vacate the property.

3. A SUMMARY OF THE APPLICATION

This amended application, lodged by virtue of Section 15(2) of the Knysna Municipality Spatial Planning and Land Use Management By-law of 2021, consists of the following components:

- (a) An application by virtue of S.15(2)(a) for the rezoning of the property from **Business Zone II** to **Business Zone I**; and
- (b) An application by virtue of S.15(2)(o) for a consent to use a portion of the main building for a **warehouse** as allowed for under the zoning **Business Zone I**; and
- (c) An application by virtue of S.15(2)(b) for a permanent departure from section 46 of the Zoning Scheme to change the parking requirement from 2 bays per 100m² GLA and for the use of a warehouse to 1 bay per 100m² GLA for the current land use by the existing landowners.
- (d) An application by virtue of S.15(2)(b) for a permanent departure from section 45 of the Zoning Scheme:
 - (i) to formalise the existing second site access/exit on Market Street which is 4,55 m away from the existing access placed at the corner of the erf; and
 - (ii) to relax the maximum width of a single entrance or exit way from 4,0 m to 5,0 m for the access on Market Street and to 4,8 m for the exit at Clyde Street.
- (e) An application by virtue of S.15(2)(g) for the approval of the Site Development Plan of the proposed building plan attached as **Annexure F2 ver. 3** dated 15 November 2025.¹

4. THE SUBJECT PROPERTY

4.1. Property description

The subject property is Erf 1124, Knysna.

4.2. Locality

The position of the property is indicated on the attached Locality Plan, attached as **Annexure B**. The physical address is 11 Clyde Street, Knysna. This location places the subject property in the jurisdiction of the Knysna Local Municipality which falls within the boundaries of the Eden District Municipality of the Western Cape Province.

4.3. Title Deed

The subject property is currently registered by virtue of Deed of Transfer T23316/2018 as per attached **Annexure C**.

No restrictive conditions of title related to this application exist.

4.4. Ownership

The subject property has been registered in the name of the **Metelerkamp Family Trust** with registration number IT0037758/2015(G). The authorised trustee is of the trust is **John William Metelerkamp** with identity number 541027 5088 08 2.

4.5. Bonds

The subject property is bonded, and the bondholder's consent has been obtained as shown in **Annexure L2 ver. 2** (new consent).

4.6. Surveyor General Diagram

The subject property appears on SG General Plan 2179/1898 which is shown in **Annexure D**.

4.7. Size

According to its Title Deed, the subject property is 857 m² in extent.

¹ The previous version of this memorandum indicated that the application for the approval of the SDP is lodged in terms of S.15(2)(l) where it must have been S.15(2)(g).

4.8. Topography

The area where the subject property is situated is very flat with a slope of less than 3%.

5. THE EXISTING AND PROPOSED USE OF THE PROPERTY AND CURRENT INCONSISTENCIES WITH THE ZONING SCHEME

5.1. The development of the property over time

The subject property has been developed to its current state over time as reflected by the approved building plans analysed in the table below and attached as annexures to this memorandum. The building plan of the first building on the erf could not be found.

Table 1

DATE	DESCRIPTION	ANNEXURE
Before Sep 1993	Replacement of the dwelling house by a building designed for shops.	No plan available
Sep 1993	Renovation of existing structure placed on the eastern half of the stand to address the requirements of shop tenants.	Annexure F1a
July 2000	Addition of a carport abutting onto the southern side (Market Street) of the existing building and over the street building line.	Annexure F1b
Mar 2005	Addition of a second building abutting onto the western side of the existing building.	Annexure F1c

5.2. The Zoning Scheme

The existing land use is compared to the existing and proposed zonings in the table below.

Table 2

PARAMETER	BUSINESS ZONE II (existing)	BUSINESS ZONE I (proposed)	LAND USE
Objective of the zone	The objective of this zone is to provide for the retail sale of goods and services to the public. This zone mainly refers to business activities outside the central business node.	The objective of this zone is to provide for intensive business and mixed-use development with relatively few restrictions in order to promote urban vitality and economic growth. This zone refers mainly to business activity in the central business district.	n.a.
Land use description	<u>Shops</u> which include a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, ancillary sale of alcoholic beverages, flats above ground floor, service trade, clinic and the sale of motor vehicles. It does not include hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store. <u>Offices</u> which means property used for the	<u>Business premises</u> which includes shop, supermarket, restaurant, sale of alcoholic beverages, plant nursery, office, funeral parlour, financial institution and building for similar uses, place of assembly, institution, place of instruction, hotel, hospital, conference facility, indoor sport and recreation centre, and multiple parking garage and above ground floor flats, caretaker's quarters, backpacker's lodge, youth hostel, boarding houses and rooftop base telecommunication station.	<u>Now and future:</u> • Storage and display of goods, including goods sold from Erf 1323. • Ancillary and subservient offices.

PARAMETER	BUSINESS ZONE II (existing)	BUSINESS ZONE I (proposed)	LAND USE
	conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes medical consulting rooms and a clinic.	It does not include gambling place, place of entertainment, motor repair garage, industry, noxious trade, risk activity, adult entertainment, adult services, or adult shop.	
Consent uses	Adult shop Conference facility Dwelling house Flats on ground floor Freestanding base telecommunication station Institution Liquor store Open air motor vehicle display Place of assembly Place of entertainment Place of instruction Place of worship Renewable energy structure Restaurant Rooftop base telecommunication station Service station	Adult entertainment Adult services Adult shop Flats on ground floor Freestanding base telecommunication station Gambling place Helicopter landing pad Motor repair garage Open air motor vehicle display Place of entertainment Place of worship Renewable energy structure Transport use Warehouse	No consent uses were granted in the past. It is proposed that consent be granted for a warehouse for the storage of merchandise which are traded with on the nearby Meterlerkamps shop.

Since this application also serves to obtain consent to allow the subject property being used for a **warehouse**, the relevant development parameters have to be considered.

Under the definition of a **warehouse**, the Zoning Scheme states that the development parameters applicable to “*industry*” apply as shown in the table below.

Table 3

PARAMETER	BUSINESS ZONE II (existing)	BUSINESS ZONE I with consent for a warehouse (proposed)	LAND USE
Max. floor factor	1	1,5	0,75
Max. coverage	80%	75%	60,14%
Max. height	8,5 m	16 m	Below 8,5 m
Building lines: Street	4,5 m	0 m	- On the Clyde Street side, the main building is 4,5 m away from the street boundary. - On the Market Street side, the main building is 4,5 m and the lockable garage is 0,20 m from the street boundary.
Side and rear	0 m	0 m, provided that the Municipality may impose side and rear building lines of up to 3	On the western side, the main building is 4,8 m away from the side boundary.

PARAMETER	BUSINESS ZONE II (existing)	BUSINESS ZONE I with consent for a warehouse (proposed)	LAND USE
Special condition		metres in the interest of public health and/or safety.	On the eastern side, the main building is on the boundary and the lockable garage is 0,4 m away from the boundary.
	For the land use of offices or shops , where this zone is bordering a residential zone the building line required in the applicable residential zone shall apply on both sides of the common boundary between this zone and the residential zone.		As this application also serves to obtain consent to use the property for a warehouse and because the office component situated on the western side of the main building is ancillary and subservient to the main use of a warehouse , it is argued that this special condition does not apply.
Parking	Parking and access must be provided on the land unit in accordance with this By-law. According to Section 42 of the zoning Scheme, the following parameters are applicable: Shops and offices – 4 bays per 100 m² GLA	Parking and access must be provided on the land unit in accordance with this By-law. According to Section 42 of the zoning Scheme, the following parameters are applicable: - Shops/Offices – 4 bays per 100 m² GLA - Warehouse – 2 bays per 100 m² GLA Note that the parking ratio for offices subservient to the warehouse is 2 bays per 100 m² GLA	<u>Approved</u> According to the last approved building plan (Annexure F1c), a total of 14 parking spaces can be provided. <u>However, this approved plan is not workable because of errors with dimensions and the true size of the building.</u> <u>Existing now</u> As shown on Annexure F3 parking is provided as follows: - One parking space for delivery vehicles accesses from Market Street; and - Approximately 5 tandem spaces accessed from Market Street with a gated exit to Clyde Street; and - Unmarked spaces for approximately 5 vehicles accessed from the entire frontage with Clyde Street. This application includes and application for a permanent departure to reduce the parking ratio

PARAMETER	BUSINESS ZONE II (existing)	BUSINESS ZONE I with consent for a warehouse (proposed)	LAND USE
			by 50%. Refer to par. 5.4 for more information.
Access	Section 45 of the Zoning Scheme regulates site access and exits. Of relevance are the following rules: • S.45(4)(a) determines that motor vehicle carriageway crossings must be limited to one per site per public street or road abutting the site. • The table of S.45 determines that a single entrance or exit way must be between 2,7 m and 4,0 m wide. • The Zoning Scheme is silent on off-street parallel parking as proposed by means of Annexure F4 (SDP – Alternative 3 – November 2025).		Approved According to the last approved building plan (Annexure F1c), accesses/exits may be provided as follows: • A double width access/entrance to the carport on Market Street; and • A double width exit on Market Street; and • A double width access from Clyde Street. Existing now As shown on Annexure F3 accesses and exits currently in use are: • A single width access/exit of 3,67 m wide at Market Street dedicated for delivery vehicles; and • A single width access/exit of 5 m wide at Market Street; and • A single width access/exit of 4,8 m wide at Clyde Street; and • Free access along the entire front of Clyde Street.
Loading	For a floor area of up to 1 000 m ² , no loading bays must be provided according to S.49 of the Zoning Scheme.		Although less than 1 000 m ² floor space exist, an internal and external loading bay is available for deliveries and collections.
Screening	S.25 of the Zoning Scheme states that the municipality <u>may</u> require screening.		No screening is provided because loading activities are very limited. Also, no external equipment related to the building exists.
Refuse	The Municipality <u>may</u> , for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property.	A refuse room must be provided on the land unit in accordance with this Bylaw.	Refuse is collected in a portable “skip” and emptied by private contractors.

Of further relevance to this application is S.20(3) of the Zoning Scheme which reads as follows:

Consent uses listed in Column 3 of Schedule 1 are subject to the following conditions:

(a) when a consent use is granted by the Municipality in a particular zone, the applicable land use must be supplementary to the primary use right allowed under the particular zone; and

(b) when land is intended to be utilised exclusively for a consent use in a particular zone and the consent use is a primary right in another zone, application must be made for rezoning to the zone where the applicable land use is a primary right.

The proposed consent use for a warehouse will not be the exclusive activity on the property because there will be a retail “interface” on the Clyde Street side where customers can be served. With the current configuration of the Metelerkamps business this facility will typically be used when the shop at Waterfront Drive does not have specific items on display, but such items are stocked in the warehouse. Customers will then be referred to this property where they can view and buy items.

Due to the nature of the goods being stocked at this site, low volumes of customers will be expected. This will make this method of trading practicable and it will also ensure that the demand for parking will be far less than at the Waterfront shop.

The Zoning Scheme’s definition of the following land uses of relevance requires further consideration:

Office

Land use description: “office” means property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes:

(a) medical consulting rooms; and

(b) a clinic.

*In this case, 5,13% of the floor space is used for offices ancillary and subservient to the main use of a **warehouse**. Such offices are thus not comparable with the abovementioned definition.*

Warehouse

Land use description: “warehouse” means a building used primarily for the storage of goods, except for goods that are offensive or dangerous and:

(a) includes property used for business of a predominantly wholesale nature; and

(b) does not include property used for business of a predominantly retail nature.

In this case the site will not be used for wholesale or retail and the goods that are stored there are not offensive or dangerous.

5.3. The existing and future use of the property

Refer to **Annexure K** for a series of photographs depicting the current situation

Summary of land uses

The following table serves to show the allocation of floor space to different uses.

Table 4

USE OF BUILDINGS	GLA (m²)	%
Lockable garage and undercover parking	107,36	17,98%
Warehousing	377,06	63,16%
Offices	32,95	5,52%
Retail	21,10	3,53%
Reticulation space	18,59	3,11%
Toilets	39,93	6,69%
TOTAL	596,99	100,00%

The (former) church

A section of the building was used as a church. As discussed during a pre-application meeting on 8 August 2024, this land use was supposed to be terminated before the original application was submitted, hence the omission of this information with said submission. On 12 August 2024 the landowner confirmed that the church will indeed vacate the property by the end of the month and that it was not regarded as necessary to apply for the applicable land use rights. Ever since, the church has vacated the site.

The approved carport converted to a lockable garage

The structure on the southern side of the main building was approved as a carport but has been enclosed and will be used as a lockable garage for the parking of a company vehicle. According to the primary land use rights, a “parking garage” is permitted under the proposed zoning of **Business Zone I.**

Warehousing

As also discussed during the said pre-application meeting, the landowner, who is also the owner of the Metelerkamp shop at Erf 1323 on Waterfront Drive, uses the subject property to store stock for which not enough space is available in the said shop. This arrangement works as follows:

- Specialist items, many of which are bulky (whiteware, fireplaces, etc.), are imported in batches.
- All the different models and colours of each product type cannot be displayed in the Waterfront Drive shop due to the spatial limitations.
- Those clients who are interested in a certain product (colour, model, etc.), which is not displayed on the floor, are then referred to the subject property where a choice can be made and the transaction concluded.

Although the facility on the subject property can operate independently from the shop at Waterfront Drive, the relationship between the two will be complementary.

5.4. Parking

The prescribed number of parking spaces to be provided on site is calculated as follows:

Table 5

NUMBER ON PLAN	NOTATION ON PLAN	LAND USE	LEVEL	GLA (m ²)	PARKING RATIO (spaces per 100 m ² GLA)	PARKING SPACES REQUIRED
1	Lockable garage	Lockable garage	Ground	38,61	2	0,77
2	Bathroom	Public toilets	Ground	39,93	2	0,80
3	Storage	Warehouse	Ground	23,93	2	0,48
4	Storage	Warehouse	Ground	184,87	2	3,70
5	Internal loading bay	Internal loading bay	Ground	24,42	0	0,00
6	Storage	Warehouse	Ground	60,41	2	1,21
7	Ramp	Reticulation	Ground to mezzanine	7,89	0	0,00
8	Entrance	Retail	Ground	21,10	4	0,84
9	Covered parking	Parking	Ground	68,75	0	0,00
10	Storage	Now parking	Ground	-	-	-
11	Mezzanine - Storage	Warehouse	Mezzanine	83,43	2	1,67
12	Passage	Reticulation	Mezzanine	10,70	0	0,00
13	Office	Office	Mezzanine	32,95	2	0,66
				596,99	TOTAL	10,13
				Rounded		10

The nature of the business on this property does not justify the provision of parking at the standard ratio. As described before and also observable on site, there is not a “normal” demand for parking. This, together with the unavailability of space leaves no other choice but to apply for the relaxation of the standard parking requirement. It is therefore proposed that the parking requirement for warehousing be reduced by 50% (which is still more than the actual use). On this basis, the number of parking spaces to be provided is calculated as follows:

Table 6

NUMBER ON PLAN	NOTATION ON PLAN	LAND USE	LEVEL	GLA (m ²)	PARKING RATIO (spaces per 100 m ² GLA)	PARKING SPACES REQUIRED
1	Lockable garage	Lockable garage	Ground	38,61	1	0,39
2	Bathroom	Public toilets	Ground	39,93	1	0,40
3	Storage	Warehouse	Ground	23,93	1	0,24
4	Storage	Warehouse	Ground	184,87	1	1,85
5	Internal loading bay	Internal loading bay	Ground	24,42	0	0,00
6	Storage	Warehouse	Ground	60,41	1	0,60
7	Ramp	Reticulation	Ground to mezzanine	7,89	0	0,00
8	Entrance	Retail	Ground	21,10	4	0,84
9	Covered parking	Parking	Ground	68,75	0	0,00
10	Storage	Now parking	Ground	-	-	-
11	Mezzanine - Storage	Warehouse	Mezzanine	83,43	1	0,83
12	Passage	Reticulation	Mezzanine	10,70	0	0,00
13	Office	Office	Mezzanine	32,95	2	0,66
				596,99	TOTAL	5,81
				Rounded		6
				Proposed		9

The layout of the parking spaces according to this lowered requirement is shown on **Annexure F4 (SDP – Alternative 3.0)**. From this it is clear that more than the required amount of parking can be provided.

5.5. The positions of the entrances and exits

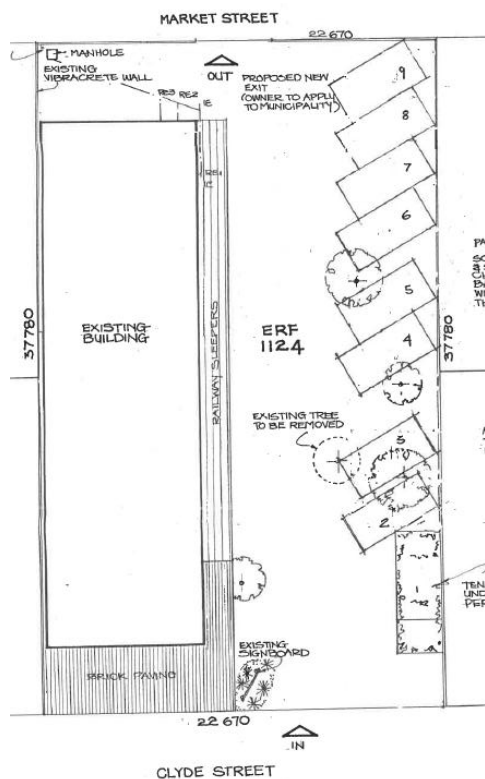
Being situated in the CBD of Knysna, the subject property has a long developmental history.

By studying the first three SDP's that were approved from September 1993 until March 2005, it becomes clear that the entrances and exits to and from the erf varied a lot. These approved plans also indicate that site development planning was not always done in great detail or accurately.

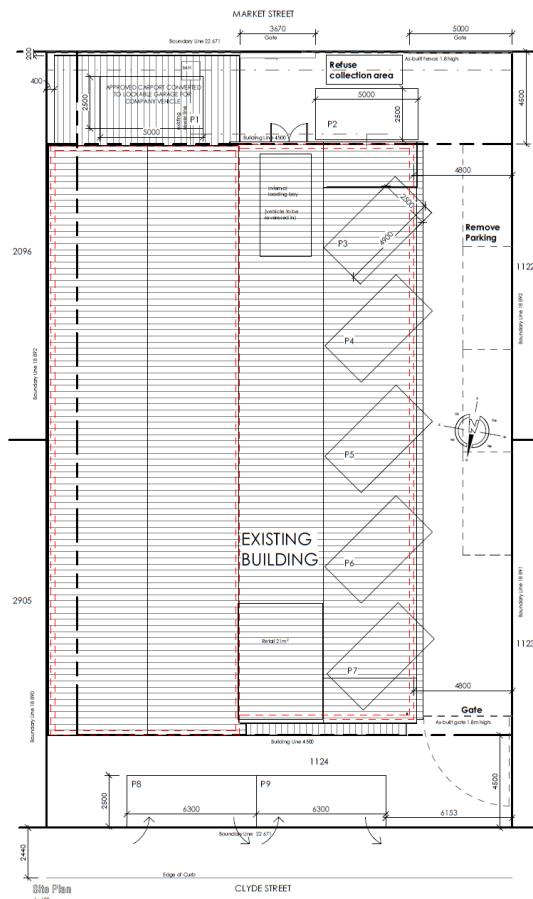
It is important to note that the approval of the 2005 SDP allowed a second entry on Market Street. When this happened, the 1992 Zoning Scheme Regulations were in operation. Then, according to the development parameters for the **Business Zone** (which was applicable on this property), vehicular access/exit ways were restricted to not more than one each per site per street abutting the site. Evidence could not be found of this being applied for, but the approval of the SDP is an indication that the deviation from the rule was allowed for.

When the current landowner bought the property in 2018, the actual development of the site deviated slightly from the latest approved SDP. Ever since its development is as it is today.

Below follows a graphical comparison of extracts from the mentioned approved SDPs.



According to the building plan approved in September 1993 (**Annexure F1a**), an access was approved from Clyde Street and an exit to Market Street.



According to the proposed building plan (**Annexure F2 ver.3**), the existing accesses/exits were aligned with the actual use of the site since 2018 when the current landowner took possession of the property. The proposed arrangement is less intrusive than the plan approved in 2005 because:

- The double access/exit to Market Street is replaced by a single access/exit used for delivery vehicles. To comply with the Zoning Scheme, such vehicles will have to be reversed into the property to ensure that it can exit nose first.
- There is only a single width access on Market Street to provide access for the parking of 6 vehicles. These vehicles will exit the site via Clyde Street.
- The informal parking on the Clyde Street pavement is formalised by the provision of two marked parking spaces parallel to the street.

To conclude:

- Although the Zoning Scheme-in-operation does not allow for more than one entrance/exit on Market Street due to this boundary being less than 30 m long, the approval of a second entrance in 2005 as well as the existence of a second entrance ever since, established a precedent. Regardless of this precedent, it is proposed that this situation is formalised by the granting of a permanent departure as proposed in paragraph 3(d).
- The proposed approval of the SDP in terms of S.15(2)(l) of the bylaw, will also contribute to this aspect of the site development being formalised.

5.6. The width of accesses and exits

Approved

According to the building plan approved in March 2005 (**Annexure F1c**), only the Clyde Street entrance shows dimensions, namely 4,5 m. The 1992 Zoning Scheme allowed for a maximum width of 6 m in this zone.

Proposed

Table S.45 of the Zoning Scheme determines that a single access/exit must be between 2,7 m and 4,0 m wide. A combined access/exit must be between 5,0 and 8,0 m wide.

According to the proposed building plan (**Annexure F2 ver.3**), the widths of the proposed accesses/exits can be categorized as follows:

- Clyde Street exit: 4,80 m (non-compliant)
- Market Street access: 5,00 m (non-compliant)
- Market Street single (delivery) access/exit: 3,67 m (compliant)

The Zoning Scheme is not clear on what is meant by a “combined” access/exit. In this case it is doubtful that the 5,00 m access from Market Street which connects to the 4,80 m exit at Clyde Street

can be seen as combined. It will therefore be safer to apply for a permanent departure of this parameter to relax the maximum with to correspond with the as-built situation.

5.7. The spacing of accesses and exits

Approved

When the 1992 Zoning Scheme was in operation, there was no specification to arrange the distance between two accesses/exit on the same street boundary.

Although the building plan approved in March 2005 (**Annexure F1c**) does not provide a dimension of the distance between the two exits on Market Street, it is safe to assume that they were more than 12 m apart.

Proposed

Table S.45 of the Zoning Scheme determines that when two accesses/exits are built on the same street boundary, they must be at least 12 m apart. In this case they are 4,55 m apart. To allow this, a permanent departure must be sought.

5.8. Traffic movements

As shown on **Annexure I2** where the approved SDP is compared with the proposal, the reconfigured site development will ensure an improvement in overall traffic safety because the double-width access/exit to the carport has been eliminated. Retaining the dedicated access/exit for delivery vehicles which is spatially divorced from traffic movements of patrons, is also an improvement.

5.9. The building line encroachments

It should be borne in mind that, if the property is rezoned to **Business Zone I**, a building line of 0,00 m – subject to certain conditions – will be applicable along all boundaries. Because such conditions have to be considered by the municipality, the proposal to allow the existing buildings at their current positions is further explored hereafter.

The main building

According to the Zoning Scheme, if a stand is zoned to be used for **offices** and/or **shops**, the following additional rule applies:

Where this zone is bordering a residential zone the building line required in the applicable residential zone shall apply on both sides of the common boundary between this zone and the residential zone.

In this case residential Erven 2905 and 2906 abuts onto the eastern side of the subject property and because both are less than 500 m² in extent, a building line of 1,5 m should apply. However, there are reasons why this 1,5 m side building line cannot be applied in this case, namely:

- When the first three building plans were approved in September 1993, July 2000 and March 2005, this rule was not incorporated in the Zoning Scheme-in-operation, ie. the 1992 Zoning Scheme Regulations and buildings were approved on the boundary line.
- Similarly, when the first three building plans were approved, the side building line for Business Zone stands was 0 m.

From the perspective of the 2020 Zoning Scheme, the placement of the main building and lockable garage on or near the eastern side boundary must be regarded as non-conforming use.

The lockable garage on the southern side of the subject property

As mentioned above, before the 2020 Zoning Scheme came into operation, the side building line for **Business Zone** stands was 0 m. In the same era, the street building line for business buildings on **Business Zone** stands was also 0 m, but for buildings like carports, the street building line was 4,5 m. Thus, the street building line for the current lockable garage, which was originally (July 2000) approved as a carport must have been 4,5 m.

The approval of the building plan for this structure on 26 July of 2000 (**Annexure F1b**), was preceded by the approval of a building line relaxation on 20 July 2000 (**Annexure F1b1**).

Regardless of this history, all the building lines of a property zoned **Business Zone I** is 0 m. Thus, if the proposed rezoning is granted, the lockable garage can be accepted in its present position.

6. **SPATIAL PLANNING POLICIES AND GUIDELINES**

Land development, however small or large, should be measured and tested against the guiding policy frameworks applicable in the area of concern. What follows below is an analysis of the applicable spatial planning policies as they apply to this application.

6.1. **National, Provincial and District levels**

Refer to **Annexure J**.

6.2. **Local level**

Spatial development at local level is inter alia guided by the Knysna Spatial Development Framework of 2020. According to this framework the subject property falls within the urban edge and is thus suitable for urban development.

The **Spatial Development Vision** is to *Establish Knysna as an authentic place that works for all of its residents and continues to attract visitors. Build an equitable and inclusive society within a sustainable and resilient ecosystem.*

The SDF's two **Spatial Development Strategies** and **Objectives**, are:

- Manage risk, safeguard resilience: The integrity of Knysna's environmental and economic assets must be central to a secure future for all.

Objective

- To ensure that land use and settlement growth is directed and managed to protect and rehabilitate the functionality of Knysna's environmental services and systems - natural assets. These support life and livelihoods, offer the potential for further prosperity, as well as buffer the impacts of climate change and extreme events to life and property. In other words, the intention is to secure a sustainable and resilient base for Knysna to function and prosper.
- Drive inclusivity for economic and social well-being: Access to opportunity for all.

Objectives

- to promote development that is inclusive, integrated and efficient, located in the right place and of a high urban design quality
- to ensure that opportunities, services and amenities are accessible to all in an equitable manner
- to recognise limited resources must be shared in a strategic manner, where they are leveraged effectively for the benefit of as many people in need as possible, while basic needs are met.

To apply the Spatial Development Strategies in space, three key elements that structure activity in space were identified, namely:

- Environmental systems and the services they provide are to be protected and managed; and
- The settlements and their needs have to be reinforced, and developed in a targeted way to ensure inclusivity, productivity, efficiency and integration; and
- The regional mobility network as well as the local accessibility networks must be optimised for the needs of the people.

Under paragraph 3.4.2.2 *Spatial Proposals* sub-paragraph a. *Settlement Hierarchy*, the function/role of the Knysna town settlement is described as follows:

Main urban centre in terms of location of new housing, jobs, services and facilities with a focus on development and densification. The centre hosts main health, education, cultural facilities as well as government services. As an economic hub it contains industry, services sector and innovative business environments.

Under sub-paragraph *b. Integrated centres and accessibility network in Knysna town* the function/role of the Knysna CBD is described as:

Within Knysna town, a network of existing and proposed mixed use centres is identified in this MSDF, identified in Table 5. These are strategically located, serving as points of high accessibility and opportunity for local communities. These centres and the activity corridors that connect them are the points of investment priority, where higher order facilities, business activities and higher densities should be concentrated and supported by a high quality public realm. A public transport network should seek to connect these centres along the accessibility routes identified that support them.

These are the locations where the quality of the public realm must be outstanding. A well-structured, safe and high quality built environment in central locations where people meet and where all are welcome, is a product of both the public environment and the buildings that define it, as well as its management. The urban quality in these locations must build an identity for Knysna that links it to its environment and heritage but in a progressive, distinctive, and democratic way - generating opportunity at the scale of people and not, in particular, cars. The transformation of the urban landscape will itself serve as an attractor for economic investment. In other words, defined, designed and managed centres and activity corridors with a high quality urban environment is an explicit economic development strategy. The quality of the urban public realm and urban amenities matters to the services sector.

Table 5 of the SDF describes the CBD's role as follows:

Core centre of Knysna town to be maintained and improved to accommodate a vibrant mix of residential, commercial, office and public facilities knitted together by a high quality public realm of complete streets and public spaces connecting with and pulling through the blue and green natural assets. Building heights to a maximum of four storeys (12m) are allowed in terms of the Municipal Zoning Scheme By-law for business premises. This should be allowed for residential purposes too and linked to planning gains associated with public realm improvements, active frontages and inclusionary housing for example. This is a priority area for more detailed planning with particular consideration of infill development, the future rail concession, the optimum future of the taxi rank and under-utilised land; as well as the streetscape

This case

According to the SDF the subject property falls within the **urban edge** and in the **Urban Development** Spatial Planning Category [SPC]. Its current zoning of **Business Zone II** is proposed to be amended to **Business Zone I** which allows for a richer combination of land uses, typical of what is required to achieve the SDF's vision of a *vibrant mix of residential, commercial, office and public facilities*. This implies that the use of the property will remain consistent with the SDF's demarcation of **Urban Development**.

Looking at the pattern of existing zonings in this section of the CBD (**Annexure E ver. 2**), it is clear that Business I-zoned properties are commonly found in this area, characterised by a mosaic of other zonings inter alia including Business I and II, Community I and II as well as Single and General Residential. This pattern correlates positively with the SDF's vision of a vibrant mix of land uses to be accommodated in the CBD.

If compatibility is a concerning factor, any uncertainty has been eliminated because, the use of this property as a warehouse (in service of a nearby retail facility) since 2018, served the purpose to demonstrate that the surrounding land uses did not experience or exhibit push-back effects, implying that the regularisation of the land use will not disturb the harmony that exists in the precinct.

What should also be taken into regard is that this land use cannot be compared with an industrial warehouse where heavy equipment and stock is moved to and from the site by heavy vehicles. Furthermore, the warehouse is not proposed to become a wholesaler where large amounts of bulky stock will be moved on a daily basis and where large amounts of patrons will frequent the site on a daily basis.

As has been demonstrated since the landowner started using the subject property, that this warehouse is ancillary and complementary to the nearby Metelerkamps shop – they both exist because of their symbiotic relationship. At the Metelerkamps shop the land use can be described as a high-visibility, low-volume storage for sales while the use of the subject property is the inverse – it is a high-volume storage facility with limited visibility for sales.

Finally, it is clear that the development of this erf is in support of the MSDF's Spatial Development Strategies as outlined in its paragraph 3.4 - *Spatial Development Framework: Applying these strategies in space* and partially quoted above.

7. OTHER LEGISLATION

The National Environmental Act (Act 107 of 1998)

None of the activities listed in NEMA will be triggered by the proposed development nor is the subject property situated within the boundaries of a recognised Critical Biodiversity Area or a listed Threatened Ecosystem.

The Building Standards Act (Act 103 of 1977)

Although an application for the approval of a building plan can only follow the successful completion of this application, it is appropriate to anticipate if such plans may have to be rejected by virtue of Section 7 of the Building Standards Act based on one or more of the following criteria:

- The building will probably or in fact disfigure the area in which it will be erected.
- The building will probably or in fact be unsightly or objectionable.
- The building will probably or in fact derogate the value of adjoining or neighbouring properties.
- The building will probably or in fact be dangerous to life or property.

It is proposed that none of these disqualifiers will apply as demonstrated throughout this memorandum.

8. MOTIVATION

8.1. Spatial Planning policies and guidelines

As elaborated upon in detail, the proposed land use cannot be seen as been in conflict with Spatial Planning policies and guidelines at any tier of government. Other than not being on conflict, the approval of the proposed land use rights will serve to reinforce the economy of Knysna town while care has been taken not to interfere with the town's attractiveness for tourists.

8.2. Reasons for amending the zoning to Business Zone I with a consent for a warehouse

As elaborated upon throughout this report, is the landowner's need to use the subject property as a warehouse in support of the well-known Metelerkamps shop at Erf 1323 on Waterfront Drive. As mentioned – at the Metelerkamps shop the land use can be described as a high-visibility, low-volume storage for sales while the use of the subject property can be described as a high-volume storage facility with limited visibility/viewing for sales. This symbiotic relationship between the two facilities makes it essential for them to be placed relatively close to each other.

Being positioned away from tourism routes, makes the positioning of this warehouse facility ideal. On the other hand, if the warehouse-facility was placed next to the Metelerkamps shop, it might have had a negative impact on the aesthetics of this area which is prominently exposed to tourists, holidaymakers and visitors.

As mentioned in this report, rearranging the Metelerkamps shop to include the required amount of storage space, will not only make the shop less attractive, but will also have a severe negative

impact on its viability. To prevent these negative outcomes, the landowner started using the subject property for the storage of stock, mostly imported in batches.

The option to locate this warehouse function in an industrial area was considered but found to be unworkable, inter alia for reasons such as (a) security; (b) the need to have surplus stock close to the store while customers are in the process of making choices; (c) the unattractiveness of industrial areas for a shopping experience; and (d) similar considerations associated with industrial areas.

According to the local authority, the **Business Zone II** zoning of the property is not deemed suitable for the land use. For properties in the CBD, an industrial zoning will also not be suitable. On the other hand, the **Business I** zoning is “tailor made” for circumstances in the CBD. The logical and reasonable solution for this case is thus to amend the zoning to **Business I** and combine it with a consent for **warehousing**.

8.3. Reasons for deviating from the standard parking requirement

According to S.42 of the Zoning Scheme, the applicable parking ratio for a **warehouse** (the consent use), is 2 bays per 100 m² GLA. This is proposed to be reduced by 50%.

In respect of the retail component of the development, the standard ratio is not contested.

The reasons for this proposal are provided below:

- In paragraph 5.4 the situation with parking was analysed in depth. It was concluded that, although the prescribed amount of parking spaces can almost be provided, it does not match the need. For that reason, it was proposed that the ratio be reduced by 50%.
- If the ratio is reduced by 50%, there will more than enough parking available. Other than an empirical study of the activities on the site, the nature of the business provides enough reason to agree to this supposition because:
 - (a) the warehouse does not serve the bulk of the clientele of the business – it is a dedicated for subservient use by the main shop, ie. the Metelerkamp's shop at Waterfront Drive only; and
 - (b) the occasional customer that is taken to the warehouse to view items that are not displayed at the main shop, is taken there by staff with the option to conclude the sale transactions there; and
 - (c) the frequency of deliveries is low because most of the stock is imported and arrives in batches; and
 - (d) being a warehouse for expensive speciality goods that is non-consumable, the turnover of stock is much less than the turnover found at ordinary wholesalers, retailers, etc.; and
 - (e) the delivery and installation of stock at client's addresses from the warehouse, is done by a small team and is limited to a low volume for the reasons provided above.
- A further benefit of lowering the parking ratio is that access to the site can be optimised as shown in **Annexure F4** which is based on a 50% reduction of the standard ratio for warehousing.
- Lastly, it is proposed that the reduced parking ratio be made applicable only to the existing land use by the existing landowners. This is to make provision for a situation where the operations of a future occupant may demand more parking.

8.4. Reasons for deviating from the standard parameters pertaining to accesses and exits

- (a) The second access/entrance on Market Street and its spacing from the existing access

The Market Street access at the corner of the erf has always been there albeit earlier approved as an exit.

The second access/exit on Market Street was approved in 2005 to serve the approved carport on the opposite corner of the erf. This carport was designed to house two vehicles meaning that both vehicles were allowed to simultaneously move in and out from and to Market Street.

When this Market Street side of the carport was enclosed, this potentially dangerous situation was adjusted. The new configuration allowing only one vehicle to enter the building from within the property, reduced the potential for accidents drastically. To attain this improved situation, it was unavoidable to move the new position of the vehicular crossing closer to the other approved crossing.

A further reason why this second access/exit will improve that situation is its exclusive use for deliveries. Delivery movements to and from the site will thus be spatially separated from visitor's vehicular movements, the latter of which will use the entrance at the corner of the site.

Finally, the width of the street boundary of this property (22,67 m), makes very difficult to adhere to the 12 m parameter without compromising traffic safety.

(b) The width of the entrance at Market Street and the exit at Clyde Street

The access on Market Street is 5 m wide and the exit on Clyde Street is 4,8 m.

Due to these road crossing points being placed at the corners of the property, the wider openings were required to ensure that vehicles can move in and out without damage. In this regard it should be borne in mind that vehicles parked on street pose further challenges for vehicles moving to and from stands.

Another reason for deviating from the 4 m parameter, is the previous approval of openings that were wider. Although the 2005 approved building plan only specified the Clyde Street opening at 4,5 m, it is safe to assume that the Market Street opening was built at the same standard. Regardless of what has been approved, over years these openings became wider without any problems being experienced or reported.

8.5. The impact on neighbouring properties

The following considerations indicate that the approval of this application will have no negative impact on the neighbours:

- In 1989 the rezoning of the property from Single Residential to Business was approved despite objections being filed.
- By August 1991 the new land use rights were not enacted upon leading to the landowner requesting postponement for 2 years.
- By 1993 the existing business building was expanded when a building plan to that effect was approved.
- In 2000, the carport (now lockable garage), was added next to the shops.
- In 2005, a new wing of similar size than the existing shops, was added on the western side of the existing building. This wing contained storage space at ground and mezzanine levels and parking space below the mezzanine floor – similar to the current situation.
- Since 2018 the present landowner used the building for storage and 200 m² for a church.
- During late 2024 the church vacated the site.

The objections that were submitted in reaction to the abovementioned rezoning application of 1989, are the only objections found on the file of the property.

8.6. The amenity of the neighbourhood

As portrayed by the Land Use Plan (**Annexure H**), the subject property is situated in a part of the CBD that is characterized by a mix of land uses, including numerous variations of commercial and

residential activities. This, together with the narrow street reserves and general lack of on-site parking, established a unique and interesting character for this precinct.

As illustrated by **Annexure M**, which consists of a series of photographs of surrounding properties, the subject property fits perfectly in this streetscape.

The photographs of the buildings on the property (**Annexure K**), also illustrates that it does not have an “industrial character” which makes it very compatible with the large variety of building styles found in the precinct.

What is also in support of the amenity of the neighbourhood, is the use of medium-sized vehicles for the daily delivery activities occurring on the site as well as the low amount of traffic that the land use generates.

8.7. Building lines

The reasons why no building line relaxations have to be applied for and why the optional 3 m building line cannot be applied in respect of the existing buildings, have been discussed in depth above. Regardless of the prescribed building lines of 0 m along all boundaries, the existing buildings are surrounded on three sides by relatively large open areas. This makes the design and placement of the buildings much more compatible with the surrounding properties.

None of the undermentioned reasons for applying stricter building lines are applicable in this case:

For health and safety:

- To ensure ventilation of air between buildings.
- To allow sunlight to reach streets and lower floors.
- To support fire prevention by the creation of gaps between buildings preventing fires from running uninterrupted from building to building.
- To create space for fire fighters to access burning buildings from all sides.
- To promote traffic safety by ensuring clear lines of sight at intersections and bends.

For services:

- To create space for engineering services (water, electricity and sewage) and other utilities (i.e. telecommunication lines).
- To reserve space for new roads and road widenings.

For development control and urban design:

- To allow for the creation of attractive streetscapes.
- To assist in the establishment of uniform areas.
- To assist with the control development densities.
- To support the creation of private living conditions.

8.8. Impact on engineering services

No municipal engineering or other services found on the property will be affected.

8.9. Impact on fire prevention

The proposed departures will not cause a fire hazard, nor will it impede any firefighting action on the subject property or neighbouring properties.

8.10. Impact on roads and traffic

The approval of the application will not result in a new land use – the use of the property since 2018 will remain the same.

If the proposed reduced parking ratio is approved, the site development will remain very close to what is found today. Same with the entrances/exits and the movement of traffic.

For these reasons it is proposed that the approval of the application will not have any new impact on the roads and traffic of the area.

8.11. The influence of the topography

The terrain where the subject property is situated provides no reason for the encroachment of building lines as it is very flat.

8.12. General public interest

- This application is consistent with what is possible for all property owners in Knysna—a standard legal procedure available to all property owners was followed.
- All rights of the surrounding property owners to the beneficial use and enjoyment of their properties that existed prior to the proposed redevelopment of this property, will remain intact.
- Since this land use has been in place for some time, it has been proven that traffic movements to and from the site will not be problematic.
- The risk of fires in the precinct will not change due to the approval of this application.
- From the perspective of aesthetics and the amenity of the area, the precinct cannot be negatively affected by the approval of the application since no new buildings are proposed.
- From the perspective of the security of neighbours' investments, it is proposed that the approval of the application will not lead to new circumstances that might affect property values of the precinct negatively.

8.13. Desirability

Viewed from all perspectives, the approval of the application:

- will not lead to conditions that may be harmful to property owners in the direct vicinity or in Knysna;
- will not cause any of the rights of affected landowners to be affected in any manner;
- will not damage the amenity of the area in any manner;
- will not be detrimental to property values in the neighbourhood;
- will not represent a real or potential threat to the health of the inhabitants or their neighbours;
- will not compromise safety, especially fire prevention and firefighting;
- will not detrimentally affect any existing or future engineering services;
- will not affect traffic conditions detrimentally;
- will allow an existing development which is proven to have no negative visual impact; and
- will not impact nature.

9. CONCLUSION

The practise of deviating from the standard parameters of a zoning scheme or any other development control instrument, is as old as such instruments exist. To bluntly refuse a request for permission to deviate, is not only unreasonable but also highly irregular. Each case has to be considered independently, and decisions should be based on, amongst others, the degree of deviation, the reasons for deviating as well as the impact on surrounding properties, the neighbourhood and the town.

It is argued that it has been richly demonstrated that the proposed land use rights: (a) are not in contrast with any applicable town planning policy or guideline; (b) that the surrounding community has never expressed their dissatisfaction with the status quo; (c) that no privacy or safety issues will arise because of the approval of this application; and (d) that the proposed land use rights are in support of the SDF proposals for the CBD of Knysna.

Due to this land use being in existence for many years it has demonstrated that the approval of this application will thus not have any negative effect on the town or its people and will continue to contribute to the well-being of Knysna.


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