



Knysna

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KNYSNA MUNICIPALITY
PRE –APPLICATION MEETING

Minutes of meeting held on the

28 August 2025

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 L Mniki – KM : Town Planning (KM) Miss S. Sitinga: Town Planning (KM) Mr P Phungula: Town Planning (KM) Ms. B Koti: Town Planning (KM) Raymond Talmaggies: Technical Services (KM) Delarey Ferreira (DF) Lawrence DeTroit (LD) Camille Burger (CB) Amanda	
3.	Items for consideration <i>*Please note: Meeting minutes do not reflect verbatim discussions</i>	
3.1	<u>Erf 142, Buffalo Bay – Application for Administrator’s Consent and Departure</u>	KM Officials and Delarey Ferreira

Discussion and Recommendations

- **Delarey Ferreira (DF):** explained that Based on the application form and review of the documents, the proposal requires two applications:
Administrator's Consent for the removal/relaxation of restrictive title deed conditions (Condition 6 of the title deed).
A Departure application in terms of the Knysna Municipal Planning By-Law for the street building line.
Requested confirmation from the municipality that these two parameters are correct.
- **SHM:** Confirmed that Condition 6 of the title deed imposes:
5m street building line. 3m rear building line. 1.5m lateral building lines.
The administrator referred to in the deed is the municipality.
There are two possible approaches:
Administrator's Consent (as provided for in the deed).
Removal/amendment in terms of Section 15(2)(f) of the Planning By-Law.
- **DF:** The building proposal involves extending existing deck structures, enclosing the western and eastern sides, and weatherproofing parts of the deck for privacy and climate control.
The proposal complies with lateral and rear building lines but seeks to relax the street building line from 3m (zoning scheme) to 1m to accommodate the deck.
- **SHM:** Clarified that the zoning by-law application is a departure in terms of Section 15(2)(b) of the Planning By-Law to relax the 3m street building line to 1m. Noted that site plans should not be labelled "proposed 1m building line" but rather "departure from 3m to 1m."
- **DF:** Confirmed the intention is only for a departure, not a new building line. Agreed to amend site plans accordingly.
- **SHM:** Requested inclusion of both title deed and zoning scheme building lines (5m, 3m, and 1.5m) on the site plan for clarity.
- **Linda Mniki (LM):** Requested that DF also indicate access points and widths in relation to the proposed street building

	line relaxation. Provide previously approved building plans, if available. • DF: Agreed to provide requested details and to add a development parameter schedule (coverage, etc.) to the site plan. • SHM: Reiterated submission requirements application form must be fully completed and signed. Resolution from the Trust giving authority to a signatory, and a Power of Attorney authorising DF to submit the application. Standard supporting documents as per submission checklist. • DF: Confirmed he will obtain the Trust resolution and attach the existing Power of Attorney to the application. • SHM: Advised that arguments for Administrator's Consent must address Section 33(4) of the Planning By-Law, particularly community benefit, value of the restriction, and motivation for relaxation. Encouraged DF to contact the office for any further clarification.	
3.2	<u>Erf 629, Sedgefield – Application for Temporary Land Use Departure</u> <u>Discussion and Recommendations:</u> • SHM: Declared familiarity with the site. Reported that the municipality received a complaint from a neighbour regarding unlawful operation of a dog parlour on the property. A notice to terminate was issued via Law Enforcement. The landowner has opted to apply rather than contest the notice or terminate the land use. • Lawrence DeTroit (LD): Explained daily operations: clients drop off dogs in the morning and collect in the afternoon, with some overnight boarding offered. Classified the activity as an <i>Animal Care Centre</i> (pet care facility), which is a consent use in Agricultural Zone I, but not permitted in Single Residential I. Therefore, an application for temporary departure would be required. • SHM: Confirmed that animal care centres are consent uses in agriculture zones, but not compatible with agriculture as a primary use. SHM emphasized that the unlawful use stems from a neighbours complaint, raising quality of life and desirability concerns. These must be addressed in the	KM Officials and Lawrence DeTroit (LD):

	application motivation. A temporary departure maybe pursued but would likely delay the inevitable termination unless a rezoning is sought. There are potential penalties that should be noted for the unlawful use uncontested tariff would be R10 000. SHM advised that LD looks up for the City of Cape Town guidelines on temporary departures to assist with motivation. • LM: Queried which parts of the property are used (entire house or portion). DT confirmed a split: residential plus a portion for overnight dogs. Stressed the need for proposals to show how residential character is retained and the property could revert back to residential use. Requested clarification on structures/foundations used, and specification of the maximum number of dogs. Raised concern about Clause 40 of the zoning scheme (animals kept for commercial purposes permitted only in agriculture zones). Queried whether a temporary use departure could override this provision. • SHM: Acknowledged Clause 40 is vague; it implies municipal permission may be granted. Recommended seeking a provincial opinion on interpretation. • SHM: Clarified that road signage does not equate to legal land use approval, as different authorities are responsible for signage. • SHM: Summarised options: client may pursue temporary departure, terminate the use, or contest the enforcement notice. Reiterated municipality's role is to outline options; the decision rests with the client. Requested applicant to email/call for clarification as needed.	
3.3.	<u>Erf 1124, Knysna – Application for Rezoning, Departure, Site Development Plan (SDP), Consent Use and Administrative Penalty</u> <u>Discussion and Recommendations:</u> • SHM: Noted that the application remains in the acceptance phase, with repeated email exchanges. Called the meeting to resolve outstanding issues. Clarified that the applicant is seeking rezoning from Business Zone 2 to Business Zone 1, with consent for warehousing.	KM Officials and Camille Burger (CB):

	• Camille Burger (CB): Provided background that initially applied for a building line departure (double carport converted to a garage), which triggered further applications. Site purchased in 2018 for telecom business stock storage due to insufficient space at their retail outlet in Waterfront Drive. Facility functions as overflow stock storage and occasional sales/transaction finalisation. A prior church use has ceased. Adjusted application after a lengthy pre-application meeting, opting for rezoning to Business Zone 1, since it allows consent for warehousing. Motivated that the site use is subservient to the main shop. Parking demand is low as the facility is not customer-oriented. Requested a 50% parking reduction. Proposal includes SDP approval to regularise use. • SHM: Highlighted Clause 23(3) of the Zoning Scheme Bylaw Consent uses must supplement a primary right. If a site is used exclusively for a consent use, rezoning to a zone where it is a primary right is required. Warehousing is a primary right under Industrial zoning. Therefore, the current approach may not be legally sound. Stated the key challenge: warehousing as a dominant use contradicts the bylaw. Options are rezone to industrial (not appropriate in CBD context), or introduce a retail component to retain the Business Zone 1 primary right. • CB: Argued the property is not solely warehousing: some sales are finalised onsite, making it an extension of retail operations. Opposed industrial rezoning in CBD, as it could introduce incompatible uses. Proposed a “phantom shop” a designated retail space within the building, fitted out but used only for guided/assisted sales. Emphasised the dual role of the site: high-volume storage with a limited but real retail element. • SHM: Acknowledged CB’s interpretation and agreed that introducing a retail portion could meet the bylaw requirement, since the land would not be used exclusively for warehousing. Recommended reflecting this clearly in the Site Development Plan (showing extent of retail vs warehousing). Noted that introducing retail would trigger additional parking requirements, but the site is constrained.	
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	Encouraged CB to detail site constraints and justify any departure from parking standards. • CB: Noted available space on the Clyde Street side (4.5m strip) where 1–2 parking bays could be provided, with Market Street continuing as the delivery entrance. Agreed to reflect retail/warehouse proportions in the SDP.	
	<u>Erf 13028, Knysna – Application for Amendment, Suspension or Deletion of a Restrictive Title Condition</u> <u>Discussion and Recommendations:</u> • Amanda: Explained that the property has an existing dwelling purchased by clients from Holland. They wish to add a second storey, which is permissible under the zoning scheme. However, the title deed includes Restrictive Condition H (Title Deed T76503/2003), imposed under Ordinance 15/1985, limiting dwellings to a single storey with loft rooms within the roof space and a maximum height of 6 metres. The condition likely originates from the original subdivision of Erf 9252. • Sihle Phungula(SP): Recommended that the applicant consult municipal files for historical records and building plan approvals to strengthen the application motivation. Advised contacting Nosi in the Properties/Records Department for assistance, noting that the municipal filing system is still being reorganised. Stressed that historic planning documents and approvals will be critical for supporting the application. • Amanda: Agreed to email Nosi to request access to relevant records. Queried whether GIS contour data for adjoining erven could be used in the motivation, instead of commissioning a full survey. • SHM: GIS contours may be used for contextual reference, but not as the main argument in the motivation. If height, slope, or elevation forms the core of the application's justification, a formal survey is required. Therefore, using GIS data only as supporting context is acceptable. • Amanda: Confirmed understanding and noted that a professional town planner will be appointed to prepare and submit the application. Indicated the main purpose of this	KM Officials and Amanda

	engagement was to determine the correct procedure so that the client could be advised on next steps. • SHM: Supported engaging a town planner, given the legal and research complexities of the restrictive title deed condition. He also highlighted that although the proposal of adding a storey seems straightforward, the legal framework makes it a complex case requiring careful motivation.	
	<u>Erf 1786, Knysna – Application for A Permission required in terms</u> <u>Discussion and Recommendations:</u> • Amanda: Noted that an application was approved last year to extend the frail care facility. The client has since requested more space, resulting in a proposal for a double-storey addition above the existing frail care section. The footprint increase is minimal, as it largely extends the existing structure. After submission, comments were received from Randall, requiring a Site Development Plan (SDP). The previous approval did not require an SDP. Following discussion with Randall, the instruction was to add additional information onto the site plan and submit it as an SDP. Clarification was sought on whether this would suffice and whether further information is needed • SHM: Confirmed receipt of the SDP as part of the application and shared it on screen. Explained that under the zoning scheme, SDP submission is either a mandatory requirement or a discretionary measure, depending on the circumstances. In this case, due to the scale and nature of the extension, an SDP is necessary. • SHM: noted a complaint received from a neighbour across the road, who claimed they were unable to access their garage due to vehicles parking adjacent to the site. It is unclear whether the 3–4 parking bays in question are fully within the client's property boundary or straddle onto public/other land. • Amanda: acknowledged the issue, confirming the bays have been in place historically. Suggested the neighbour may be a new resident unfamiliar with the layout. • SM: stated that if the bays are not fully on-site and straddle the boundary, solutions may include reorienting the parking	KM Officials and Amanda

	bays. One option could be reducing to a single parallel bay along the boundary. First step is to determine exact location of the parking relative to the property boundary.	
4.	The Chairperson closed the meeting.	

/BK