



Knysna

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KNYSNA MUNICIPALITY

PRE –APPLICATION MEETING

Minutes of meeting held on the

30 October 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) Albert Theron(AT) Lizemarie Len Du Plessis Mike Seretse Mthembu	
3.	Items for consideration <i>*Please note: Meeting minutes do not reflect verbatim discussions</i>	
3.1	<u>Erf 21345, Knysna – Application for Departure</u> <u>Discussion and Recommendations</u> • AT: Explained that the property has approved building plans; however, once construction commenced, the owner	KM Officials and Albert Theron(AT)

	decided to incorporate an additional gym and filtration room beneath the approved structure, in proximity to the water tank. To accommodate these additions, a retaining wall and boundary wall were constructed along the neighbouring property boundary. He stated that these structures were not included in the approved plans and therefore require regularisation. • SHM: Acknowledged the information provided and emphasised that the retaining wall appears to hold up the neighbouring property, which introduces structural and safety considerations. He highlighted that carrying out building work without prior municipal approval poses a risk to adjacent properties and constitutes a contravention of the Knysna Zoning Scheme By-law and the Municipality's planning regulations. Explained that in instances where building work has already commenced or been completed unlawfully, the legislation requires the submission of an Application for the Determination of an Administrative Penalty. This application is separate from the permanent departure application and serves to allow the applicant to justify the transgression and provide reasons as to why approval was not obtained beforehand. He confirmed that the Municipal Planning Tribunal will determine whether a monetary penalty is warranted based on the circumstances presented. Further clarified that the permanent departure application which will address the retaining wall and building line encroachments can only proceed once the administrative penalty application has been lodged, accepted, and is under formal processing. He noted that the departure application will be subject to public participation procedures, including notifications to the neighbouring property owner and the HOA, where applicable. • AT: Confirmed understanding of the process and stated that he is familiar with the submission requirements. • SHM: Advised that the application form outlines all required supporting documentation and that the applicant must ensure that structural details, updated plans, and a comprehensive motivation addressing impacts on neighbouring properties are submitted.	
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3.2	<u>Erf 13258, Knysna – Application for Rezoning, Departure & Removal of Restrictive Title Deed Condition</u> <u>Discussion and Recommendations:</u> • Lizemarie: Explained that the property is located in Circular Drive, Paradise, currently zoned Single Residential, with an existing dwelling, a previously approved cottage and outbuildings. Stated that the owners propose an arts and crafts centre, “True Art Gathering”, focused on art and pottery classes, skill development, counselling and general inter-generational community connection. Confirmed no trading is currently taking place and that the existing house is being renovated. Stated that the use cannot be accommodated as home occupation or hobby in the Single Residential zone. Proposed rezoning to Community Zone I Place of Instruction as primary use. Read the Scheme’s definition noting ancillary uses such as art galleries, museums and places of assembly. • SHM: Read the Place of Instruction definition; emphasised ancillary uses, place of assembly, public art gallery, museum, library must remain secondary. Requested the application clearly demonstrate how the activity fits the primary instructional use what instruction is given; how ancillary spaces function. • LP: Clarified instruction comprises art and pottery classes taught by owner, art teacher/master potter. “Gallery” is display of students’ work only not a public commercial gallery. • SHM: Confirmed that a Place of Assembly may occur only as ancillary, and must not dominate the Place of Instruction. Stated this relationship must be reflected in the floor layout and operational description. • Lizemarie: Raised parking as a concern. Using Place of Instruction standards, calculated a requirement of 5 parking bays based on two teaching rooms and up to ±10–12 students at a time. Stated that only 4 bays can feasibly be provided on site. Queried whether informal/seating/library spaces will trigger additional parking requirements. • LP: Clarified that all spaces are existing and are only supportive used for waiting, reference books and	KM Officials and Lizemarie, Len Du Plessis
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	refreshments. Added that classes will not run simultaneously, max 10 students, outreach to elderly residents via minibus, and the initiative is non-commercial. • LM: Requested clarity on whether all buildings/spaces are existing and if there will be any new structures. Confirmed she had initially missed that detail. • Lizemarie & LP: Confirmed no new buildings are proposed renovations only within existing footprint. • LM: Asked whether a temporary use departure had been considered, given that community-based initiatives often grow and evolve, including increased instructors, more events or broader community participation within a short time. • Lizemarie: Responded that the project is intended as permanent, with the owners even setting up a trust to continue beyond them. Stated that a temporary approval was considered, but would not support the long-term nature and vision. • LM: Acknowledged the explanation and mentioned that the proposal may evolve and new opportunities could arise in months, but was satisfied with the applicant's confirmation and noted that future flexibility should be considered. • SHM: Confirmed temporary departure is not a requirement if rezoning is the correct land-use pathway. Reiterated that Place of Assembly must remain ancillary, and that layout must show the instructional use remains dominant. On parking stated that the final requirement depends on a submitted floor plan clearly identifying each room's function. Invited Lizemarie to meet pre-submission to confirm parking calculations once the plan is ready. • Lizemarie: Confirmed the floor plan will be shared once updated. Explained that restrictive conditions in the title deed prohibit non-residential use and therefore must be amended/removed. Reported ±90% neighbour support, with some concerns about future intensification, e.g., crèche or school. • LP: Noted neighbours will support if conditions explicitly limit scale e.g., max 12 students, arts/pottery only, not noisy/high-impact uses.	
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	• SHM: Confirmed rezoning is permanent and cannot revert when ownership changes. However, conditions may limit the permitted use to art/pottery instruction at the specified scale. Advised against title-deed-based control and recommended using planning approval conditions instead. Confirmed that if a future owner wanted to operate a different Community Zone I primary use, they would need a new application subject to public participation. • LP: Asked timeline for approvals and when operations could start. • SHM: Stated commencement is allowed only after land-use approval, building plan approval where needed and Occupation Certificate. Confirmed statutory processing timelines are 5–8 months if no delays and no early commencement can be authorised.	
3.3.	<u>Portion 192 of Farm No. 216 Uitzicht – Application for Rezoning & Consent Use</u> <u>Discussion and Recommendations:</u> • Lizemarie: Explained that the application relates to Portion 192 of Farm 216 Uitzicht, located just north of the Brenton Lake. Confirmed that the property is zoned Agriculture and was purchased by the current owner in 2023 with the intention of living on the farm and relocating his exotic bird breeding operation. Noted that although bird breeding is a primary right in the Agricultural Zone, objections were raised from either Town Planning or Environmental sections, due to the proximity to existing neighbourhoods and associated noise impacts, and the owner has decided not to continue with that use. Stated that the owner still intends to reside on the property but would like to generate additional income from the land in a way that is compatible with the environmental context. Noted that a dwelling, storerooms and ancillary buildings on the farm were destroyed by fire in 2017. The proposal is to construct one new dwelling house and seven small tourist cabins, and to manage the rest of the property more as a nature-focused conservation area. Shared the Site Development Plan on screen and explained that environmental specialists have identified approximately 80% of the property as wetland, with an additional 15 m	KM Officials and Lizemarie

	wetland buffer, leaving very limited land for agriculture. Stated that the property forms part of a protected area system and is adjacent to the broader lagoon/national park environment. On this basis, the proposal is to rezone the full property from Agriculture to Open Space Zone III (Nature Conservation), with a consent use for tourist accommodation. The cabins (approximately 108 m² each including decks) will be elevated on stilts within a more wooded area, with boardwalk access and vehicles limited to a communal parking area away from the wetland. Confirmed that an Environmental Impact Assessment process is underway, with aquatic and terrestrial studies completed. Noted that the Basic Assessment Report (BAR) is expected to be ready and advertised shortly, and that the town-planning application will follow thereafter. Indicated that she mainly wanted to brief the municipality ahead of the environmental advertisement and check whether there are any specific issues that must be addressed in the planning report. • SHM: Thanked Lizemarie for the presentation and noted that once the environmental advertisements go out, the municipality often receives queries from the public while no planning application is yet lodged. Appreciated being informed early so that officials are aware of the proposal and the EIA process. Referred to the proposed Open Space Zone III, Nature Conservation zoning and read from the Scheme that Nature Conservation is the primary use, focused on preserving natural biophysical characteristics fauna and flora, with tourist accommodation obtained by consent use. Emphasised that development in a nature conservation area is guided by the objectives of the zoning, the site's circumstances and, where applicable, an environmental management plan (EMP). Noted that the scheme allows the Municipality to require an environmental management plan and that Land Use Management will coordinate with Environmental Management colleagues on this aspect. Stated that the wetland and associated habitat are key issues, and referred to the plan indicating an "African grass owl habitat" area. Asked whether this habitat had been confirmed by specialists.	
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	• Lizemarie: Confirmed that a detailed bird study was undertaken as part of the EIA. The specialists recorded the same grass owl on two separate visits in the same location, indicating a likely nest. Explained that the owl is a listed/protected species and that a wide buffer ± 50 m around the habitat has been recommended. Acknowledged that this buffer, combined with the wetland and wetland buffer, renders most of the property undevelopable, but stated that the environmental team has proposed mitigation measures. Explained that the mitigation focuses on light and noise reduction, which led to the removal of vehicle access directly to the units and the use of boardwalks from the communal parking area. Confirmed that the specialists appear comfortable with this approach and that the details will be formally captured in the BAR, which should be available next week. • SHM: Noted that the competent environmental authority will make the final decision on these matters but that the planning application must still address them. Read further from the Scheme that in Open Space Zone III, one dwelling house is permitted under certain conditions and asked whether the full site will be rezoned to conservation or whether any split zoning is proposed. • Lizemarie: Confirmed that the entire property will be rezoned to Open Space Zone III, with one dwelling house proposed. Added that existing disturbed footprints where the previous house and sheds were located will be reused for a shed/maintenance buildings, acknowledging that they are within the environmental overlay but considered acceptable as re-use of already impacted areas. • SHM: Referred to the Scheme requirement that where a consent use for tourist accommodation is approved in a nature conservation area, it must be subject to conditions regarding landscaping, building design and layout, and that a Site Development Plan (SDP) must be submitted. Emphasised that the SDP must clearly show the position of all structures, services and internal access routes and that this will be a mandatory submission with the application. Confirmed that once the BAR and specialist studies are available, they must be attached to the planning application.	
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	Explained that, in terms of SPLUMA, the Municipality will consider all relevant factors, including environmental impacts, based on information prepared by the environmental assessment practitioner and specialists, even if the environmental decision is still pending. • Lizemarie: Confirmed that the EMP will also be submitted with the land-use application and noted that SANParks and CapeNature have been, or will be, engaged through the EA process. Stated that the BAR will be advertised and that SANParks will have an opportunity to comment, and undertook to forward those comments to the Municipality. Indicated that the formal land-use application will likely be submitted early next year. • SHM: Requested that any early comments from SANParks or CapeNature be included with the application. Highlighted that SANParks will be a key stakeholder given the proximity to the national lake/estuary system and park area. Asked about the current level of SDP detail. • Lizemarie: Responded that the SDP already shows the positions of the seven units, boardwalks, and service routes. Explained that services will run beneath the boardwalks and that a biogas-based sewer system is proposed, where effluent is treated on site and generates gas that can be used for cooking in the units. Confirmed that there is technical detail available on this system. • SHM: Pointed out that the zoning scheme does not prescribe standard development parameters (e.g. height, coverage, building lines) for Open Space Zone III and that such parameters must be set case by case. Requested that the application include proposed development parameters, such as developable areas, density limits, setbacks and similar controls, based on the site's environmental constraints. • Lizemarie: Agreed and confirmed that draft development parameters will be included. Noted that the exact placement of the cabins may shift slightly on site e.g. by a metre or two during detailed design to avoid mature trees, particularly yellowwoods, and this will be finalised with the environmental consultants. Explained that they are hesitant to clear bush prematurely for detailed survey work.	
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	• SHM: Acknowledged the practical constraints but advised that a reasonable level of positional accuracy will still be necessary for the Municipality to assess the application. Asked whether the trees have been surveyed. • Lizemarie : Confirmed that the trees have not been formally surveyed yet due to dense vegetation and the presence of alien species that must be removed, but said that the positions of the larger trees are known on site. • SHM: Cautioned that, depending on the characteristics of the treed area, it may legally qualify as forest, in which case the Department of Forestry could have jurisdiction and may need to be involved. Noted that this would be considered as part of the environmental process. • Lizemarie: Responded that the vegetation study indicates that the wooded area is actually less sensitive than the wetland, and that the wetland is currently highly disturbed due to alien invasion, historic dumping and earthworks. Confirmed that rehabilitation of the wetland is part of the broader conservation concept even though it is not pristine at present. • SHM: Emphasised that for Open Space Zone III, it is not enough to seek zoning; the application must show concrete, long-term conservation measures, supported by an EMP and potentially a stewardship or management agreement with a conservation body such as CapeNature or SANParks. Stated that a key question is how the proposal will benefit the wetland and grass owl habitat in the long term. • Lizemarie: Noted that CapeNature has already suggested a stewardship-type agreement, which the owner is willing to explore. Confirmed that this will be addressed in the planning report. • SHM: Explained that while stewardship agreements are expressly required in some higher conservation zones e.g. Open Space IV, they are not automatically required in Open Space III. However, if an applicant seeks nature conservation zoning, it is important to motivate how the zoning will result in active protection and management of the environment. • Lizemarie: Confirmed that the BAR and EMP will contain the no-go alternative assessment, including what would	
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	happen to the wetland and owl habitat if the site is left as is. Stated that those considerations will be carried through into the town-planning motivation. • SHM: Agreed that the no-go option is an important reference point, and noted that the Municipality will consider whether the proposed development plus conservation management is better or worse for the environment than doing nothing. Encouraged Lizemarie to make this balancing exercise explicit in the application. Asked Lizemarie if she had any additional questions. • Lizemarie: Indicated that she had no further questions and is satisfied with the guidance provided. • SHM: Confirmed that the Municipality looks forward to receiving the application, thanked Lizemarie, and proceeded to the next agenda item.	
3.4.	<u>Portion 35 of Farm Leeuwen Bosch No. 185, Rheenendal – Application for Departure</u> <u>Discussion and Recommendations:</u> • Lizemarie: Explained that Portion 35 is a triangular property east of Rheenendal. Historically zoned Agriculture Zone II for agri-industry, and the site has long been used for a packhouse, storage and industrial activities. Stated that an existing building was approved on the 30 m building line plans dated 1991, but extensions were later constructed beyond the approved footprint, resulting in encroachment over the 30 m building line. Confirmed that a new building plan for an additional warehouse was submitted but rejected due to the non-compliance and the need to address the building line. Displayed the site plan and indicated the grey section as the “approved” area, while the overhang and carport section represents the unlawful extensions. Noted that the intention is to submit a 30 m building line departure and an administrative penalty application to regularise the unlawful work. Also noted that the zoning has transitioned to Agriculture Zone I, although historical industrial rights exist due to the previous Agriculture II approval. • SHM: Requested clarity on the zoning and confirmed that since the applicant is seeking to legalise building work affecting development parameters, an administrative	KM Officials and Lizemarie, Mike

	penalty application is compulsory in terms of the Planning By-law. Asked for the full history of the site to understand the lawful use rights specifically the original Agriculture II rezoning, any conditions of approval, past building plan approvals and the basis for the warehouse use in the absence of agricultural production. He noted that access is off a provincial road, and therefore the Provincial Roads engineer should be notified as part of the process. Stated that although the surface application appears to be a simple departure, the historic rights will determine whether additional applications are required. Requested Lizemarie to email all relevant historic documentation for review. • MIKE: Stated that approval for the new warehouse is urgent as contractors plumbers, electricians, civil engineers and builders are already appointed and waiting to proceed. Explained that the owner intends to rezone the adjacent northern property for a 40-unit housing development in the future and that this industrial component forms part of a broader phased land-use strategy. Requested clear guidance on what rights remain valid and what applications are required, emphasising the need to work with the Municipality amicably and obtain direction as soon as possible. • Lizemarie: Raised concern about delays due to the absence of a Municipal Planning Tribunal and the impact this may have on processing the administrative penalty. • Lizemarie: Confirmed she will email all historic approvals and records drawn from the property file so that the Municipality can determine what rights exist and what applications must accompany the departure. • SHM: Noted that once the documents are received, he will review and provide an opinion on the lawful rights and the correct process to follow. Confirmed willingness to have a follow-up discussion once the documentation is assessed.	
3.5.	<u>Erf 14621 and Erf 14622, Knysna Application for Rezoning, Departure, Consolidation and Consent Use</u> <u>Discussion and Recommendations</u> • SM: Explained that the matter had first served at the pre-application meeting of 30 January, but the committee could	KM Officials and Seretse Mthembu(SM)

	not proceed at that time because there were land legal complications, including structures constructed over erf boundaries and encroachments into the road reserve. He confirmed that those issues had since been investigated further, which is why he returned to the pre-application committee to ensure that all previous concerns were resolved before submitting the full land-use application. He provided the location context, explaining that the properties were situated in Concordia West along Concordia Road, approximately 8 km north of Gray Street. Erf 14621 was being used as a gym, while Erf 14622 operated as a tavern, serving food and alcoholic beverages. Both erven were zoned Single Residential Zone II, meaning that both current uses were unlawful in terms of the zoning scheme. He explained that the owner, Mr Kolani, purchased the properties in 2010 and now sought to consolidate and rezone them to allow the current uses lawfully. SM explained that following the January meeting he reviewed the zoning scheme definitions. He confirmed that a tavern/bar/pub fell under the definition of place of entertainment. • SS: Read the scheme definition confirming that the tavern aligned with “pub/bar”. • SHM: noted that although the definition existed, taverns were not listed as primary uses under any zoning category, and this was intentional due to the nature and impact of the use. The zoning scheme clearly intended taverns to operate in business or CBD contexts, not within established residential areas. • SM: Regarding the gym he indicated that the term “gymnasium” appeared minimally in the scheme, but could be appropriately classified under place of assembly • SM: confirmed that the application proposed rezoning to Business Zone II, and consent Uses for: Place of Entertainment (tavern) and Place of Assembly (gym). • SHM: agreed that this approach was reasonable and reiterated that the motivation must demonstrate that the proposed uses were not primary rights under any other zone. • SHM: asked about unlawful building work and land-use contraventions.	
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	• SM: confirmed that parts of the gym structure encroached over building lines, certain elements encroached into the road reserve, and both the tavern and the gym were operating unlawfully under their current zoning. He confirmed that an administrative penalty application was being processed, separating unlawful building work from unlawful land use, as per the Municipality's previous guidance. • SHM: confirmed that the administrative penalty would be required before considering the departure. SHM then raised the issue of the building encroaching onto Erf 14604. • SM: explained that an exempted subdivision in terms of Section 24 had already been approved by the Municipality to adjust the boundary so that a portion of Erf 14604 could be transferred to Erf 14621. He indicated that the approval letter and diagram were included. • SHM: noted that the endorsed diagram did not clearly depict which portion of Erf 14604 was being transferred, as it appeared more like a general survey rather than a subdivision diagram that indicated the exact cut-out. He expressed concern that the Surveyor-General would require this clarity. • SM: responded that the SG diagrams had not yet been finalised, and therefore the current legal boundaries still applied. He explained that the exempted subdivision formed part of the larger consolidation proposal. • SHM: accepted this explanation, but stated that the final application needed to clearly describe and illustrate both the exempted subdivision and the consolidated outcome. • SHM: confirmed with SM that the boundary wall and ramps encroaching into the road reserve are noted to be removed. • SM: confirmed that all encroachments into the road reserve would be demolished and addressed in the application. • LM: sought clarity on whether the Municipality would receive a current site plan showing the situation "as-is", and a future site plan showing the post-consolidation cadastral configuration. • SM: explained that the two buildings had been drawn by different practitioners using different software, making it difficult to merge everything onto a single plan.	
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	• SHM: proposed a practical solution that SM must provide both plans One showing existing cadastral boundaries and buildings, and one showing the final consolidated erf, incorporating the portion from Erf 14604. This would allow the Municipality to assess the proposal in context. • SM: pushed back, noting that the additional diagram would not change the assessment and would not influence the outcome of approval. He reiterated that, in his view, the information is available in the documentation already supplied and questioned the necessity of producing a merged plan. • A moment of tension followed, after which SHM clarified calmly that the request was not intended to burden the applicant, but rather to ensure clarity for assessment. As the discussion escalated, SHM intervened to restore the flow of the meeting and assured SM that he was free to proceed in whichever manner he preferred. • SHM: Confirmed that the Municipality would still proceed with the assessment based on what is submitted, and that the suggestion was simply meant to assist, not to force an additional requirement. • SM: raised a question about fees, specifically the administrative penalty. He explained that the pre-application started in the previous financial year, while the penalty application was now being submitted in the current financial year, and he asked whether the required “50% penalty fee” should be based on last year’s tariffs or this year’s tariffs. • SHM: Advised SM to send an email to Nosi, as the answer depended on Council’s tariff resolution, and the Municipality would provide written clarification. • SM: Indicated that he had no further items and confirmed that his intention was to address all matters raised in the January meeting so that the formal application could proceed without delays. • SHM: summarised the next steps and confirmed that SM may contact the office for further assistance.	
4.	The Chairperson closed the meeting.	