

**Minutes of the
PRE-APPLICATION MEETING**

as contemplated in terms of Section 37 of the Knysna Municipality By-law on Municipal Land Use Planning (2016)

which was held on
Thursday, 09 April 2026
at 09:00
via
Microsoft Teams

MINUTES

No	Items	Person	Time
1.	Opening and Welcoming	Shaun Madumbo	09h00
2.	Attendance & Apologies	Shaun Madumbo	09h05
3.	Pre-application items for discussion:		
3.1	Erf 49, Knysna – Application for Departure	Ramona Jansen	09h05-09h20

RJ presented the application, explaining that the proposal relates to Erf 49, located at 134 Old Cape Road. She outlined that the site presents significant physical constraints due to its steep slope and underlying rock formation, particularly at the rear of the property. These conditions severely limit the ability to extend the existing dwelling.

She further noted that:

- The existing structure is a two-bedroom dwelling classified as a heritage house, although not formally graded or of high heritage significance.
- Due to the topography and heritage considerations, alterations to the main dwelling are not considered feasible or desirable.
- The proposal therefore seeks to introduce a 60m² flat above a covered carport, making efficient use of the only available developable space on site.
- The design intentionally preserves existing parking functionality by placing the additional unit above the carport, thereby avoiding disruption to vehicle access and circulation.

Furthermore, the following departures were identified:

- Relaxation of the south-eastern building line to accommodate the proposed structure.

- Height departure applicable to the second dwelling unit, which is separate from the main house and subject to a height restriction of 6.5 metres.

SM acknowledged that the application was clearly presented and well motivated. He noted that the verbal explanation provided aligns with what is expected in the written planning motivation and encouraged further elaboration in the formal submission.

He highlighted the following key points:

- The site's challenging topography is a strong supporting factor and should be emphasised, as it justifies the need for the requested departures.
- The application is considered relatively straightforward, involving standard departure considerations.
- The building line relaxation and height departure are the primary planning issues to be addressed.
- Standard submission requirements will apply.

In addition, he advised that the applicant must confirm whether any restrictive title deed conditions apply. If such conditions exist, either a removal application or a conveyancer's certificate confirming compliance must be submitted.

RJ confirmed that a preliminary review of the title deed revealed no restrictive conditions that would hinder the proposal. She also indicated that there is no bond registered over the property, and therefore, no bondholder consent will be required. The planning motivation will be expanded and refined to strengthen the application. She further sought clarity on the appropriate application process, querying whether a simplified route applies to building line relaxations.

SM clarified that due to the inclusion of a height departure, the application must follow the standard land use application process, rather than a simplified or expedited route. All required documentation must be submitted in accordance with standard procedures.

It was agreed that the applicant will proceed with preparing and submitting a standard land use application. The submission will include comprehensive planning motivation, supporting plans, and confirmation regarding title deed conditions.

3.2	Portion 19 of Farm Hoogekraal 182 & Remainder of Portion 6 of Farm Hoogekraal 182 – Application for Subdivision, Rezoning, Consolidation and Closure of Public Place	Dale Bastian	09h20-09h50
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The discussion commenced with **DB** introducing a revised proposal, previously considered at a pre-application meeting held on 03 July. The purpose of the current engagement was to confirm the appropriate planning applications required to achieve the intended development outcome.

He provided background to the site, noting that the properties under consideration are Portion 19 and the Remainder of Portion 6 of the Farm Hoogekraal, located within the Wilderness Forest Estate. Portion 19 is zoned Agriculture Zone I, while Portion 6 is zoned Transport Zone II, as confirmed through zoning certificates.

An earlier application, submitted on 26 April 2022, sought approval for:

- Road closure;
- Subdivision and consolidation; and
- Registration of private right-of-way servitudes.

This application was refused by the Planning Tribunal, and a subsequent appeal was also dismissed, primarily due to concerns relating to the closure of the public road.

The revised proposal entails the diversion of the existing public road (Seaview Drive East), which currently traverses Portion 19, and the creation of an alternative road alignment to serve the area. The intention is to address the concerns raised in the previous application by proposing an alternative to outright road closure.

SM raised the importance of confirming the relevant road authority, noting some uncertainty due to historical governance structures.

In response, **DB** indicated that a court ruling has confirmed that the road is a public street, with the municipality as the roads authority. The applicant does not intend to conflate road maintenance responsibilities with the current application, and is willing to comply with any conditions imposed regarding construction and maintenance post-approval.

A key concern raised by **SM** was the need to clearly differentiate the revised proposal from the previously refused application. He emphasised that the new application must demonstrate that it is materially different from the earlier submission. The planning history must be clearly set out and addressed in the motivation. The previous refusal and appeal outcome should be discussed in a way that explains why the revised proposal overcomes earlier concerns.

Environmental aspects were also discussed, particularly in relation to the construction of a new road and associated land disturbance.

DB confirmed that Environmental input was obtained during the previous application process. The proposed road does not trigger listed activities in terms of environmental legislation, as it falls below the applicable threshold.

SM advised that the application should include a dedicated section addressing environmental considerations. It should clearly indicate whether any listed activities are triggered and provide justification where they are not applicable.

Shaun Madumbo provided the following guidance:

- The application must include a comprehensive planning motivation, with particular emphasis on:
- The history of the site and previous applications;
- The differences between the previous and revised proposals; and
- The planning merits supporting road diversion.
- The proposal must clearly demonstrate how it addresses the key concerns that led to the previous refusal.

He stressed that the planning history will be a critical component in assessing the application.

It was agreed that the applicant would prepare a revised and detailed application, incorporating all issues raised. Particular attention will be given to distinguishing the proposal from the previously refused application. Environmental and legal considerations will be clearly addressed in the motivation report.

3.3	Erven 253 & 254, Brenton – Application for Administrators Consent or Removal of Restrictive Title Deed Condition, Subdivision and Consolidation	Dale Bastian	09h50-10h00
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DB presented the proposal relating to Erven 253 and 254, situated on CR Swart Drive, Brenton. Both properties are currently zoned Single Residential Zone I. He explained that certain structures located on Erf 253 encroach onto Erf 254. To address this, two options were considered: the demolition or removal of the encroaching structures, or the adjustment of the common boundary to regularise the encroachment.

The applicant has opted for the latter, as both properties are now under the same ownership, following the recent purchase of Erf 253.

A land surveyor's plan indicates that the encroachment area measures approximately 113m². Due to the scale of the adjustment (exceeding 10% of the erf size), the proposal cannot be treated as exempt and therefore requires a formal subdivision and consolidation application in terms of the Planning Bylaw. Furthermore, it was noted that both title deeds contain restrictive conditions prohibiting subdivision.

DB advised that the restrictive condition was historically imposed by the Administrator (now the Municipality). The applicant is of the opinion that Administrator's consent may be sufficient to address this restriction. A conveyancer has been appointed to confirm whether consent will suffice or whether a formal removal of restrictive conditions will be required.

SM confirmed his understanding that the proposal is limited to a boundary adjustment, with both erven remaining separate single residential properties. The primary objective is to regularise existing encroachments and align property boundaries with the built form. He further queried whether there are unauthorised structures on the properties, and these would be regularised as part of the application process. This was confirmed by the applicant.

SM advised that the applicability of an administrative penalty will depend on whether any aspects of the development contravene the Planning or Zoning Scheme Bylaws. While there is a provision in the bylaw suggesting that subdivision without prior approval may not automatically constitute an offence, this would need to be carefully considered. A more informed position can be taken once the application is fully compiled, and further engagement is encouraged at that stage. The discussion also touched on potential building line and structural compliance issues, including possible encroachment of retaining walls or structures over building lines. The need to confirm compliance once the final subdivision plan is available.

DB indicated that preliminary thinking suggests a 2-metre setback from retaining walls may address compliance concerns, although this will be confirmed during the detailed design stage.

SM noted that the proposal appears to be relatively straightforward, subject to proper motivation and supporting documentation. He emphasised that the application should:

- Clearly explain how and why the encroachment occurred;
- Provide sufficient context and background to support the boundary adjustment;
- Demonstrate that the proposal is consistent with the character and planning framework of the area; and
- Include all standard submission requirements and planning motivations applicable to subdivision and consolidation applications.

It was agreed that the applicant will await the conveyancer's confirmation regarding title deed restrictions. Depending on the outcome, the applicant may arrange a follow-up meeting or re-submit the matter to a pre-application forum, if necessary. The application will be compiled with all required technical and legal inputs prior to submission.

4.	Closure	Shaun Madumbo	10h00
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