# TABLE OF CONTENTS

1. INTRODUCTION ................................................................................................................... 1

2. BACKGROUND ....................................................................................................................... 1

3. PROPERTY DETAIL ............................................................................................................... 2
   3.1 LOCALITY .......................................................................................................................... 2
   3.2 PROPERTY DESCRIPTION ............................................................................................... 3
   3.3 BIOPHYSICAL SITE CONDITIONS ................................................................................... 4
       3.3.1 Topography ............................................................................................................... 4
       3.3.2 Vegetation ................................................................................................................. 4
   3.4 IMPROVEMENTS AND LAND USE .................................................................................... 5

4. PROPOSAL ............................................................................................................................ 5
   4.1 DEVELOPMENT CONCEPT ............................................................................................. 5
   4.2 DEPARTURE FROM THE PROVISION OF COMMUNAL OPEN SPACE ......................... 6

5 FACTORS TO CONSIDER ..................................................................................................... 7
   5.1 COMPATIBILITY WITH THE PROVISIONS OF THE ZONING SCHEME ......................... 7
   5.2 COMPLIANCE WITH CONDITIONS OF APPROVAL ...................................................... 10
   5.3 MUNICIPAL SERVICES .................................................................................................... 10
   5.4 ANTICIPATED IMPACTS OF THE PROPOSAL .................................................................. 10

6. CONCLUSION ......................................................................................................................... 11

# LIST OF PLANS

- DIAGRAM 1: Locality Plan
- DIAGRAM 2: Aerial Picture
- DIAGRAM 3: Proposed Site Development Plan
- DIAGRAM 4: Proposed Subdivision Plan

# LIST OF ANNEXURES:

- ANNEXURE A: Power of Attorney and Company Resolution
- ANNEXURE B1: Title Deed (Erven 292, 293 & 294)
- ANNEXURE B2: Title Deed (Erf 311)
- ANNEXURE B3: Bond Holders Consent
ANNEXURE C1: General Plan (Erven 292, 293 & 311)
ANNEXURE C2: SG Diagram (Erf 294)
ANNEXURE D: Previous Rezoning and Subdivision Approval
ANNEXURE E: Removal of Restrictive Conditions Province Approval
1. **INTRODUCTION**

VPM Planning has been appointed by Montagu Property Investments CC, the owner of Erven 292, 293, 294 and 311 Sedgefield, to prepare and submit the following applications in terms of Section 15(2) and Chapter IV of the Knysna Municipality: Standard Municipal Land Use Planning By-Law, to the Knysna Municipality (See Power of Attorney and Company Resolution attached as **Annexure A**).

i. Section 15 (2) (k): Amendment of an approved Subdivision Plan.

ii. Section 15 (2) (b): Application for a departure from the Zoning Scheme to relax provision of communal space.

2. **BACKGROUND**

An application was submitted by VPM Planning in July 2006 for the Rezoning of Erven 292, 293 and 294 to “Business Zone”. The application was approved in December 2009. The owner’s intention at the time was to utilise the properties for business purposes and to construct flats above ground floor level. Due to the economic recession that followed since the approval has been granted, the developer was not in a financial position to implement the business rights.

The Knysna municipality extended the validity of the “Business Zoning” in November 2011 with another two years, and in February 2014 the validity of the zoning was extended with another two years.

In 2007, Montague Properties acquired the adjacent Erf 311. Presently, Erf 311 consists of a garage and two containers.

A new application was submitted in 2014 for the rezoning of Erven 292, 293, 294 and 311 Sedgefield to “Group Housing”; to allow construction of 14 linked individual dwellings. The rezoning application was approved in March 2015 (See **Annexure D**: Previous Group Housing Approval). This approval also included a departure of the density regulations from 30 units per ha to 41 units per ha. In August 2016 a subdivision plan indicating 14 group housing erven and 1 communal open space erf was approved.

The rezoning application was done simultaneously with the following applications:
• Removal of Restrictive Conditions B.7, B.8, and B12, from Title Deed Nr: T123832/2004, in terms of The Removal of Restrictions Act (Act 84 of 1967); and

A letter of approval dated July 2016, was received from the Western Cape Government: Department of Environmental Affairs and Development Planning. The letter indicates that the restrictive conditions were removed successfully, and the Title Deeds have been endorsed accordingly (See Annexure E: Removal of Restrictive Conditions Province approval).

3. PROPERTY DETAIL

3.1 LOCALITY

Figure 1: Extract indicating locality of the subject properties.

The subject properties are situated within the Sedgefield Central Business District. Erven 292, 293 and 294 are located on the corner of Parrot street and Swallow Drive. Erf 311 is situated on the corner of Swallow Drive and Sysie Avenue (See Locality Plan attached as Diagram 1).
### 3.2 PROPERTY DESCRIPTION

<table>
<thead>
<tr>
<th>Title Deed Description:</th>
<th>Erf 292 Sedgefield in the Municipality &amp; Division of Knysna, Western Cape.</th>
<th>Erf 293 Sedgefield in the Municipality &amp; Division of Knysna, Western Cape.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title Deed Number:</strong></td>
<td>T000123832/2004 (Attached as Annexure B1)</td>
<td>T000123832/2004 (Attached as Annexure B1)</td>
</tr>
<tr>
<td><strong>SG/GP Nr:</strong></td>
<td>GP A4647/1925 (Annexure C1)</td>
<td>GP A4647/1925 (Annexure C1)</td>
</tr>
<tr>
<td><strong>21-digit code:</strong></td>
<td>C0390010000029200000</td>
<td>C0390010000029300000</td>
</tr>
<tr>
<td><strong>Title Deed Restrictions:</strong></td>
<td>None applicable to this application</td>
<td>None applicable to this application</td>
</tr>
<tr>
<td><strong>Property Size:</strong></td>
<td>868 m²</td>
<td>868 m²</td>
</tr>
<tr>
<td><strong>Zoning:</strong></td>
<td>Group Housing</td>
<td>Group Housing</td>
</tr>
<tr>
<td><strong>Property Owner:</strong></td>
<td>Montagu Property Investments CC</td>
<td>Montagu Property Investments CC</td>
</tr>
<tr>
<td><strong>Land Use:</strong></td>
<td>Vacant</td>
<td>Vacant</td>
</tr>
<tr>
<td><strong>Bonds:</strong></td>
<td>Yes, See Bond Holder’s Consent (Annexure B3)</td>
<td>Yes, See Bond Holder’s Consent (Annexure B3)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title Deed Description:</th>
<th>Erf 294 Sedgefield in the Municipality &amp; Division of Knysna, Western Cape.</th>
<th>Erf 311 Sedgefield in the Municipality &amp; Division of Knysna, Western Cape.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title Deed Number:</strong></td>
<td>T000123832/2004 (Attached as Annexure B1)</td>
<td>T000057151/2007 (Attached as Annexure B2)</td>
</tr>
<tr>
<td><strong>SG/GP Nr:</strong></td>
<td>SG 9116/49 (Annexure C2)</td>
<td>GP A4647/1925 (Annexure C1)</td>
</tr>
<tr>
<td><strong>21-digit code:</strong></td>
<td>C0390010000029400000</td>
<td>C0390010000031100000</td>
</tr>
<tr>
<td><strong>Title Deed Restrictions:</strong></td>
<td>None applicable to this application</td>
<td>None applicable to this application</td>
</tr>
<tr>
<td><strong>Property Size:</strong></td>
<td>847 m²</td>
<td>847 m²</td>
</tr>
<tr>
<td><strong>Zoning:</strong></td>
<td>Group Housing</td>
<td>Group Housing</td>
</tr>
<tr>
<td><strong>Property Owner:</strong></td>
<td>Montagu Property Investments CC</td>
<td>Montagu Property Investments CC</td>
</tr>
<tr>
<td><strong>Land Use:</strong></td>
<td>Vacant</td>
<td>Vacant (single garage to be demolished and two containers to be removed.</td>
</tr>
<tr>
<td><strong>Bonds:</strong></td>
<td>Yes, See Bond Holder’s Consent (Annexure B3)</td>
<td>None</td>
</tr>
</tbody>
</table>
3.3 BIOPHYSICAL SITE CONDITIONS

3.3.1 Topography

- The properties have an even gradient with no risk of slope instability or flooding.
- In terms of topography, all properties are suitable for development.

3.3.2 Vegetation

- The sites consist of light bush with grass.
- The properties contain large trees, which have been incorporated into the design of the planned development.
- There does not appear to be any indigenous plants or sensitive wetlands and watercourses on the subject sites.

Figure 2: Collage indicating slope and vegetation on the subject sites.
3.4 IMPROVEMENTS AND LAND USE

- Erven 292, 293 and 294 are currently vacant.
- Erf 311 contains a single garage that will be demolished, as well two containers that will be removed.

4. PROPOSAL

4.1 DEVELOPMENT CONCEPT

The property currently has development rights for 14 double storey attached units. For some reason, this concept is not responding well in the market and the landowner has decided to reduce the density of the development to cater for local needs. There seem to be a greater demand for single storey detached units that also allow for small private gardens.

The planned amended development will comprise of only 8 individual dwellings that will be planned, designed and built as a harmonious architectural entity, which will be compatible with the definition of the Group Housing Zone. Each unit will be approximately 125m² in floor area. Each unit will have 3 bedrooms, single garage, veranda, shade-port as well as an open yard.

These erven will measure between 340m² and 450m².

The proposed layout does not have any communal open space as each unit will have a private garden that will be more effectively utilised than a communal garden.

The purpose of this application is to amend an approved Subdivision Plan (See Annexure D: Previous Group Housing Approval). The approved concept consists of 14 attached double storey Group Housing units, which calculate to a density of 40.8 units per ha, while the new concept will only calculate to a density of 23 units per ha.

Units 1 to 4 will gain access off a private access road via Parrot Road, while erven 5 – 8 will gain direct access from Swallow Street.
4.2 DEPARTURE FROM THE PROVISION OF COMMUNAL OPEN SPACE

The Zoning Scheme requires the provision of communal outdoor space at a ratio of 80m² per unit. It is proposed that each unit should have a larger private open space instead of communal open space. This will reduce the need for a communal open space and the administrative as well as maintenance burdens that comes with it. Small private gardens will allow each landowner to enjoy the privacy of their own gardens and on such a small development, it makes more sense to make optimal use of the available land.

Therefore, an application for a permanent departure from the Sedgefield Zoning Scheme regulations to relax provision of communal space, is simultaneously submitted.

It is proposed that each unit should have a larger private open space as stipulated below:
Minimum private outdoor space is calculates as 40% of floor area (125m²) = 50m²
Add the 80m² of communal space per unit = 130m² of private outdoor space required per property;

**Unit 1:**
Erf size - (floor area + garage + open yard) (125m² + 22 m² + 7m²)
342m² - 154m² =188m² private outdoor space

**Unit 2:**
418m² - 154m² =264m² private outdoor space

**Unit 3:**
371m² - 154m² =217m² private outdoor space

**Unit 4:**
450m² - 154m² =296m² private outdoor space

**Unit 5:**
414m² - 154m² =260m² private outdoor space

**Unit 6:**
435m² - 154m² =281m² private outdoor space

**Unit 7:**
434m² - 154m² =280m² private outdoor space

**Unit 8:**
414m² - 154m² =260m² private outdoor space
### 5 FACTORS TO CONSIDER

#### 5.1 COMPATIBILITY WITH THE PROVISIONS OF THE ZONING SCHEME

The amended subdivision plan complies with the provisions of the Group Housing Zoning as stipulated in the Sedgefield Zoning Scheme, except for the provision of communal open space as mentioned in par 4.2 above.

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>RESTRICTION</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Density</strong></td>
<td>The maximum density shall be 30 units per gross hectare or a 4:1 ratio in relation to the surrounding single residential density, whichever is the lower.</td>
<td>The consolidated site measures 3430m² and at a density of 30 units per hectare, 10.2 units can be realised. Only 8 units are proposed, and this calculate to a density of 23 units per ha. Previously, the Council approved departure application of 41 units per ha.</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>The maximum permissible height of buildings shall be 8m.</td>
<td>All buildings will be single storey and they will measure less than 8m in height.</td>
</tr>
</tbody>
</table>
| **Building Lines** | **Street building lines**  
Street building lines may be zero except where there are one or more openings (apart from doors, ventilators and windows of which the lower sides are higher than the top of a door) and except as may be required for safe traffic movement or for other reasons such as nearby development, in which case the minimum building line must be 2m. | The development complies with street building lines of 0m. |
<table>
<thead>
<tr>
<th><strong>Side and rear building lines</strong></th>
<th>Side and rear building lines of 3m are complied with where the site borders on to Erf 1739 and Erf 291.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking &amp; Access</strong></td>
<td>Off-street parking for at least two motor vehicles per group erf shall be provided on the group site, except in very exceptional cases where a standard of one parking place per group erf may be considered provided that the group site and the adjacent street were planned accordingly in advance. The planned development includes single garage and shaded carport for each unit. In terms of the parking provision, the proposal complies with the Sedgefield Zoning Scheme.</td>
</tr>
<tr>
<td><strong>Street width</strong></td>
<td>The minimum road width for private roads shall be 7 m and for public roads 10m. Units 1 to 4 gain access from Parrot street via a private cul-de sac which measures 7m in width. Previously a departure has been granted for an access road of 3.5m wide. Units 5 to 8 gain direct access from the Swallow Street, a public road measuring 16m in width. There is nothing in the zoning scheme that restrict the number of access points to a group housing site.</td>
</tr>
<tr>
<td><strong>Communal</strong></td>
<td>A minimum of 80m(^2) per dwelling unit shall be provided and in this context communal open space of 8 x 80m(^2) = 640m(^2) is required. The design of the</td>
</tr>
</tbody>
</table>
| **open space** | the term “open space” means public and common open space excluding roads, service yards and private outdoor spaces.  

This requirement falls away (partially or in full):  

- in cases where public open space has been suitably provided (partially or in full) in the vicinity, to the satisfaction of the Administrator with a view to group housing on the particular site.  
- In cases where it may be impractical to provide open space (or to provide all the open space required) in which event a cash endowment to be determined by the Administrator may be paid in lieu of the required open space (or the shortfall).  

| **Service yard & private outdoor space** | A group erf and buildings thereon shall be designed to provide a service yard of adequate area to the satisfaction of the local authority.  
In addition to the service yard, a private outdoor space being in total at least 40% of the gross floor area must be provided on each group erf to the satisfaction of the local authority, provided that the private outdoor space comprises at least one usable development is of such nature that there is no communal land. This will allow more area for private outdoor space that can be enjoyed and maintained by each owner.  

The development does not comply with this condition and the necessary departure is requested (see par 4.2).  

It is proposed that this required 80m² be included in the calculation for private outdoor space.  

A larger private open space has been provided as outlined in par 4.2  

Each unit is planned with a service yard as indicated on the Site Development Plan.  

Private outdoor space is provided in a much larger ratio than required. |
area (outside a building) of at least 50m² (exclusive of parking areas) and has in shape a ratio not exceeding 2:1. The service yard must be enclosed by a wall or walls (or other structure or structures of suitable material) of at least 2m high for the purpose of screening it from public and private view. In special cases, as may be determined by well-founded considerations based on architectural design, a reduction of the 50m² minimum standard may be considered by the Administrator.

| Design | the objectives reflected in the definition of “Group housing” (as contained in the Definitions) shall be closely followed and implemented. | All the units will be designed as a harmonious entity and will be constructed by the owner. |

### 5.2 COMPLIANCE WITH CONDITIONS OF APPROVAL.

The Conditions relating to the Rezoning Approval dated 23 April 2015 and the Subdivision Approval dated 31 August 2016 is attached hereto as Annexure D. The proposal to amend the approved subdivision plan is not in conflict with any of the conditions of approval.

### 5.3 MUNICIPAL SERVICES

Municipal services network is available and will be easy to connect to. The 8 smaller units will consume less than the approved 14 units and the impact on services should not be a consideration.

### 5.4 ANTICIPATED IMPACTS OF THE PROPOSAL

The application to reduce the density of the approved subdivision plan will not have any additional impact on the character of the area, traffic or Municipal Services.
6. CONCLUSION

Application is made for planning permission to allow the owner of Erven 292, 293, 294 and 311 Sedgefield to amend the approved Subdivision Plan by reducing the number of units from 14 to 8 group housing units. Application is simultaneously made for a departure to omit the requirement of communal outdoor space and to increase the provision of additional private outdoor space.

The proposal will result in a less intense development that will be more in line with the character of the surrounding area. The new subdivision proposal will result in a cost-effective design that will respond well with the current market demand in Sedgefield.

Council is respectfully requested to consider the amendment of an approved subdivision plan and the departure application, which will allow the development of 8 town houses.