Amendment of an approved Site Development Plan, Amendment of Conditions of Approval & Departure applications
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1. **INTRODUCTION**

VPM Planning has been appointed by the **Knycor Investments (NO 30) (PTY) LTD**, the owner of Erf 3105 Knysna, 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) (h): Application for an amendment of conditions in respect of an existing approval.

   ii. Section 15 (2) (b): Application for a permanent departure to allow a street building line relaxation from 5m to 2m.

2. **BACKGROUND**

Initially, an application for the subdivision of the property into 4 portions was submitted and it was approved. The General Plan was prepared and approved by the Surveyor General in 2006. On most GIS maps, the cadastral of the subdivision is still shown as Erven 16049-16053. This subdivision was however never established and has subsequently lapsed.

An application to develop 10 Group Housing units on the property was then submitted and it was approved in 2009.

In 2018 the owner re-submitted the Group Housing concept that was approved in 2009, due to the fact that the 2009 approval lapsed while he was in the process of negotiating augmentation fees with the Engineering and Finance Departments. The application was approved, and it is still valid.

It is the intention to submit applications for an amendment of an approved Site Development Plan and amendment of conditions of approval as well as a permanent departure to allow a street building line relaxation.

3. **PROPERTY INFORMATION**

3.1 **LOCALITY**

Erf 3105 is situated to the west of Knysna, in Kanonkop area. The property is in Metelerkamp Street and it is undeveloped (See locality Plan attached as **Diagram 1**).
3.2 PROPERTY DETAIL

<table>
<thead>
<tr>
<th>Title Deed Description:</th>
<th>Erf 3105, in the Municipality &amp; Division of Knysna, Western Cape.</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 Digit code</td>
<td>C0390005000003105000000</td>
</tr>
<tr>
<td>Title Deed Number:</td>
<td>T000048574/2005 (Attached as Annexure B)</td>
</tr>
<tr>
<td>S.G. Diagram Nr:</td>
<td>S.G.9244 - 83 (attached as Annexure D)</td>
</tr>
<tr>
<td>Title Deed Restrictions:</td>
<td>None</td>
</tr>
<tr>
<td>Property Size:</td>
<td>4007 (Four thousand and Seven) m²</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>Knycor Investments (NO 30) (PTY) LTD</td>
</tr>
<tr>
<td>Bonds:</td>
<td>Yes, bondholder’s consent attached as Annexure C</td>
</tr>
<tr>
<td>Zoning:</td>
<td>General Residential Zone I</td>
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</tbody>
</table>

Figure 1: Extract indicating locality of the subject property.
4. PROPOSAL

4.1 AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN.

The current approval is for 10 group housing units of ±82m² each. The site plan indicates a single entrance for access. The total development footprint calculates to a coverage of 27%. Each unit comprises a private footprint of approximately 225m², which includes parking and private use areas. The remainder of the site forms part of the communal open space and it includes access roads, gardens, guest parking, caretaker’s facilities, refuse area, etc.

The owner of Erf 3105 has investigated the market and discovered that the previously approved units are too small.

Therefore, the purpose of this application is to amend an approved Site Development Plan slightly to be more in line with market demand. The amended layout is attached as Diagram 5: Revised Site Development Plan Drawing No. MUD/03/20.

The most significant amendments can be summarised as follow:

4.1.1 Number and size of Units:

The revised proposal is for 9 units, instead of 10 as previously approved. The floor area of the units will be approximately 100m² (without garage and balcony) where previously the units measured about 82 m² (excluding carports and veranda).

The proposal submitted shows 9 double-story units. Units 1 to 8 will have a living room, kitchen, service yard, and a garage on the ground floor. Previously, only garages and storage were on the ground floor. On the first floor, there will be three bedrooms, as well as a balcony. Each house will be provided with an additional parking area (carport) and private garden (exclusive use areas).

Figure 2: Units 1 – 8 ground floor.  
Figure 3: Units 1 – 8 first floor.
Unit 9 will be slightly bigger than the other units and the unit will serve as the owners’ house. It will consist of a living room, kitchen, service yard, double garage, and a carport on the ground floor. On the first floor, it will comprise of three bedrooms.

4.1.2 Road Layout
The access road has been amended to follow the contour of the land. The proposal also includes the use of two shorter access roads with two separate entrances. This will allow the units to be orientated in a north-western direction, along the slope of the land. This will result in a more cost-effective layout and less roads.

The recently promulgated Zoning Scheme By-Law stipulates in Section 45 (4) that vehicle entrances and exits to sites must be limited to one per site per public street or road abutting the site, but does make provision for an additional entrance where the total length of any street boundary of a site exceeds 30 meters in length. In this case, the street boundary measures 82m and two carriageway crossing may, therefore, be permitted. The Zoning Scheme By-Law stipulates further stipulate that these entrances may not be closer than 12 metres to each other. The proposed access point is more than 20m apart.

Both access roads are 7.5m wide, as originally approved although in terms of the new zoning Scheme By-Law internal road widths are no longer stipulated for Group Housing developments.

4.1.3 Communal open space and facilities
The new layout will allow slightly more gardens as the development footprint and road surface is less. In terms of coverage, the new proposal calculates to 25% which is slightly less from the 27% coverage that was previously approved.
Communal facilities provided will be the same as before. There will be a rubbish collection area in the northeastern corner of the property, and staff ablution and garden tool shed near the main entrance.

Being a sectional title scheme, all the open space will be communal open space, except for the small exclusive use areas that will function as private gardens, service yards, and carports. The new Zoning Scheme By-Law does not distinguish between private and communal open space.

4.2. AMENDMENT OF CONDITIONS OF APPROVAL

<table>
<thead>
<tr>
<th>PREVIOUS APPROVAL CONDITION</th>
<th>DISCUSSION</th>
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<tbody>
<tr>
<td><strong>Condition iii:</strong> Each dwelling unit shall be equipped with rainwater tanks of at least 5000 litres, solar geysers, and dual flush toilets prior to the issuing of individual occupation certificates.</td>
<td>It is requested that this condition be amended to allow for smaller tanks of 2500 litres. Since this development will be a Sectional Title Scheme, all the gardens will be communal and will be maintained by the Body Corporate. Having 9 big tanks may look unsightly and will serve little purpose. Provision has been made for smaller tanks that could be used by the owners for washing cars. Secondly, the developer is considering the use of gas geysers as opposed to solar geysers. It is requested that the condition be amended to include solar geyser or gas geysers.</td>
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<tr>
<td><strong>Condition vii:</strong> A Home Owners’ Association (HOA) must be established in terms of Section 29 of the Knysna Municipality By-Law on Land Use Planning (2016):</td>
<td>The development will be a Sectional Title Scheme development. Thus, a mandatory Body Corporate will be established with the opening of the Sectional Title register, in terms of The Sectional Titles Schemes Management Act 8 of 2011. The body corporate is the collective name given to the owners of the units and common property within a sectional title scheme and this comes into being when the developer transfers the first unit to its new owner. The body corporate’s function is to manage and maintain the property, which includes the common property (the driveways, common green spaces, services, etc. The Body Corporate will fulfil the function of the Home Owners Association. There will be no separate title and a Home Owners Association is thus not required.</td>
</tr>
<tr>
<td><strong>Condition viii:</strong></td>
<td>The planned development will be designed and constructed by the developer and will form a harmonious entity.</td>
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A Constitution of the HOA and Design Manual must be submitted to the Town Planning Department of Knysna Municipality and approved by the municipality prior to the approval of any building plans pertaining to the development.

RECOMMENDATION: The design of the units must obtain approval from the Aesthetics committee prior to the approval of Building Plans.

Sectional Title Act does not allow individual owners to construct their own units or alter the outside of the buildings. Therefore, it is submitted that a Design Manual is not required, as individuals will not require guidelines to build, extend, or alter their units.

The condition should rather stipulate that the design of the units must obtain approval from the aesthetic committee prior to the approval of the building plans. Since there will be no Homeowners Association, this condition also has to omit the requirement of a Home Owners Constitution.

**Condition ix:**
A maximum of 10 dwelling units and an internal street width of at least 7.5 m will be allowed as per Site Plan K3105-CP1.

RECOMMENDATION: Remove this condition as the approval of the SDP will sufficiently address the nr of units and road layout.

The revised Site Development Plan consists of 9 dwelling units, so this condition can be complied with. However, the layout should reference the new SDP NR.

### 4.3 DEPARTURE APPLICATION

The previous Knysna Zoning Scheme By-Law stipulated a 0m street building line for Group Housing development. The new Zoning Scheme By-law stipulates a 5m building line. All the units comply with this new condition, except for the single-story garage of unit 9. It is requested that Council consider the relaxation of this portion of the building line from 5m to 2m.

The garage will not obtain direct access from the street and sight distances are therefore not a consideration. The garage is also behind a 1.8m wall so it will not impact negatively on the streetscape.

The relaxation will allow more space between units 8 and 9 which will add to the ambience of the development and the privacy of the occupants.
5. FACTORS TO CONSIDER

5.1 COMPLIANCE WITH CONDITIONS OF APPROVAL

The revised proposal complies with conditions set out on the Group Housing approval of 10 units. However, it is requested that some amendments be made as stipulated above. The purpose of the amendments is to accommodate the planned type of development (Sectional Title Scheme) and is mostly technical or practical and does not materially change the approved concept.

5.2 COMPLIANCE WITH ZONING SCHEME CONDITIONS

Although the application was approved in terms of the old Knysna Zoning Scheme By-Law, the new Knysna Zoning Scheme By-Law was promulgated on 29 June 2020 and the Zoning of the property has been converted to General Residential Zone I with Group housing as a primary use right. Since this is a new application, the provisions of the new Zoning Scheme by-law will apply.

<table>
<thead>
<tr>
<th>GENERAL RESIDENTIAL ZONE I</th>
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<tbody>
<tr>
<td><strong>GROUP HOUSING</strong></td>
</tr>
<tr>
<td>Density</td>
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</table>
| Coverage | There is no coverage stipulation under group housing development parameters. | Unit 1-8: 85m² × 8 = 680m²  
Unit 9: 107m²  
Carport: 6m × 35m = 21m² (21m² × 9 = 189m²)  
Ablutions & refuse area: 12 m²  
680m² + 107m² + 189m² + 12m² = 988m²  
Coverage: 988m² ÷ 4007m² × 100 = 25%  
Previously a coverage of 27% was allowed |
| Height | The height of dwelling units may not exceed 8,5 metres. | The development is of similar height as before and will not exceed 8.5m height restriction. |
| **Building Lines** | A street boundary building line of 5 metres applies where the group housing site abuts an external public street. | The Site Plan complies with this requirement. However, the garage on unit 9 will extend into the street building line. Application is therefore made to relax the street building line from 5m to 3m. |
| Side and rear boundary building lines are 3 metres along the perimeter of the group housing site. | Lateral and rear building lines of 3m are complied with. |
| **Parking** | 2 bays per dwelling unit plus 0.25 bays/unit for visitors | Each unit is provided with two private parking bays (garage and carport). Four additional parking bays for visitors have also been provided. |
| **Open Space** | Within a group housing site, outdoor space of at least 50 m² per dwelling unit must be provided and the outdoor space may include private or communal open space or any functional outdoor space that is inaccessible to motor vehicles and excludes service yards. | Each unit has been provided with private open space of ±57m² and the communal gardens measures ±720m² |
| **Design** | All buildings and structures must be planned, designed, and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design, and landscaping. | All the units will be designed as a harmonious entity and will be constructed by the developer. |
5.3 IMPACT OF SITE DEVELOPMENT PLAN AMENDMENT

5.3.1 Impact on the character of the area and surrounding properties
The amended concept is for fewer units than before and should therefore not have any additional impact on the surrounding property owners or the character of the area. The position of the units complies with the 3m side and rear boundary building lines, similar to what was approved before.

5.3.2 Impact on the Road network
The planned development will gain access through the existing road network (Metelerkamp Street). The current approval is for 10 units. This development has a total number of 9 units (one unit less), which means there will be fewer cars that will be gaining access from Metelerkamp Street.

The revised Site Development Plan consists of two access points to the development as opposed to the single entrance that was proposed previously. This is probably the most significant design change. The additional access will not impact on road safety, as the access points are far enough apart to ensure safe sight distances.

5.3.3 Impact on Municipal services
Municipal services network is available and will be easy to connect to. The development of 9 units will consume less services than the approved 10 units. Thus, the impact on services will be reduced.

5.3.4 Impact on the biophysical environment
The amended layout responds better to the slope of the land and thereby reducing the amount of cut and fill. There are not any identified biophysical site characteristics that had to be accommodated in the layout.

6. CONCLUSION

Council is humbly requested to consider and approve the above applications for the following reasons:

- The new layout will allow more spacious units that will respond better to the market demand in the area.
- The proposal will result in one less unit and will not have any additional detrimental impact on the surroundings.
- The conditions that are requested to be amended are based on practical considerations and will not materially amend the development concept.
- The new proposal complies with the provisions of the new Zoning Scheme By-law except for the transgression of a portion of one garage onto the street building line.