

**ERF 13553  
KNYSNA**

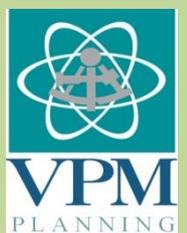
# Subdivision Application



**Lizemarie Botha**

[www.vpmsa.co.za](http://www.vpmsa.co.za)

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## INFORMATION REQUIRED IN TERMS OF SECTION 38. OF THE BY-LAW

### COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED

	SUBDIVISION OF LAND THAT IS NOT EXEMPTED, INCLUDING THE REGISTRATION OF A SERVITUDE OR LEASE AGREEMENT; (6)	ANNEXURE REFERENCE
Completed & signed application form	√	T2
Power of Attorney / Owner's consent (1)	√	Annexure A
Resolution (2)	√	Not required
Proof of registered ownership (3)	√	Annexure B
Bondholder's consent (if any)	√	No bond
Written motivation (4)	√	Main document
S.G. diagram / Extract of general plan	√	Annexure C
Locality plan	√	Diagram 1
SDP / conceptual layout plan	√	Not required
Subdivision plan [incl. street name(s) &no	√	Diagram 5
Proof of payment of application fees	√	Attached
Copy of title deed	√	Annexure B
Conveyancer certificate (7)	√	Not required
Minutes of pre-application meeting (8)	√	None
SUPPORTING INFORMATION AND DOCUMENTATION REQUIRED		
Zoning plan	-	Diagram 3
Phasing plan	-	No Phasing required
Consolidation plan	-	
Proof of lawful use right	-	
Proof of failure of HOA (9)	-	
Copy of original approval letter (s)	-	Annexure F, G and H

# 1. INTRODUCTION

VPM Planning has been appointed by **Trevor Stewart Munday**, the owner of Erf 13553 Knysna, to prepare and submit the following application 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 attached as **Annexure A**).

- i. Section 15 (2) (d): Application for **Subdivision** of the property into Portion A (7027m<sup>2</sup>) and a Remainder (5939m<sup>2</sup>) respectively, as indicated on Subdivision Plan KN13553-5 dated 20 August 2021.

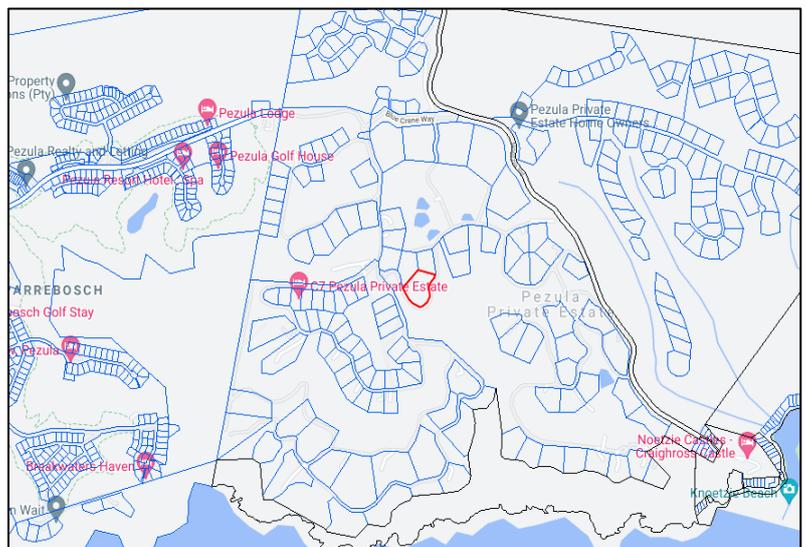
# 2. BACKGROUND

- Erf 13553 Knysna is situated on the Pezula Private Estate.
- Erf 13553 was created when erven 13362 and 13363 Knysna were consolidated in 2008 (see Annexure C for Consolidation Diagram).
- The original Erven 13362 and 13363 Knysna formed part of Phase 2 of the Pezula Private Estate Development.
- The Pezula Private Estate is situated on a portion of the Remainder of the Farm Noetzie 394 and was approved as a residential development in 2002, subject to conditions.

# 3. PROPERTY INFORMATION

## 3.1 LOCALITY

The subject property is situated in Phase 2 of the Pezula Private Estate Development (see Locality Plan attached as **Diagram 1**).



**Figure 1: Extract indicating locality of the subject property.**

### 3.3 PROPERTY DETAIL

<b>Title Deed Description:</b>	Erf 13553 Knysna in the Municipality & Division of Knysna, Western Cape.
<b>21 Digit code</b>	C03900050001355300000
<b>Title Deed Number:</b>	T069420/06 (Attached as Annexure B)
<b>S.G./GP Diagram No.:</b>	SG 4319/2008 (attached as Annexure C)
<b>Title Deed Restrictions:</b>	None
<b>Property Size:</b>	1.2966 (One comma two nine six six) Hectares
<b>Property Owner:</b>	Trevor Stewart Munday
<b>Bonds:</b>	None
<b>Land Use</b>	Residential
<b>Zoning:</b>	Single Residential Zone I

## 4. PROPOSAL

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In 2005, the owner bought Erf 13362 and constructed a dwelling house on the stand. In 2008, he bought the adjacent Erf 13363 to ensure that nobody can build next to him. The two properties were then consolidated into one stand in 2008. At the time it was not a requirement to submit an application for consolidation, and subsequently, there were no conditions attached to the consolidation. The consolidated stand still shows two residential footprints, but it was always the understanding that a single residential stand may only contain one dwelling house.

The owner now wishes to construct a dwelling house for his daughter on the previously approved footprint of Erf 13363. To facilitate this, the consolidated stand must be formally subdivided again.

The purpose of this application is to apply for the subdivision of Erf 13553 along the original boundary line of the components of the consolidation.

## 5. FACTORS TO CONSIDER

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### 5.1 DESIRABILITY OF THE PROPOSED UTILISATION OF LAND

Desirability refers to the place, i.e. is the land suitable for the type of land use/activity being proposed and how will it fit in and impact on the surrounding environment.

- Biophysically, there are no limiting factors that would justify the refusal of this application to re-instate the original component of the consolidated property.
- The proposal correlates with the original ROD and rezoning and subdivision approvals. At the time, the biophysical environment was carefully assessed. Each stand was evaluated individually, and a residential footprint was determined for each property. These footprints were formalised in the form of a Cadastral Regulation plan. The development of the subdivided stand will be limited by the approved cadastral regulation plan. It was previously established that these footprints are suitable for development in terms of slope and vegetation.
- The existing house position on Erf 13553 correlates with the cadastral regulation plan for Erf 13362. Erf 13363 does not have any structures or servitudes that could affect the functional subdivision of the stand and the position of the houses on the approved footprints.
- The proposal to subdivide the consolidated stand is not introducing a new land use of higher densities into the development and will therefore not impact on the character of the area.

### 5.2 COMPLIANCE WITH CONDITIONS OF APPROVAL

- **Record of Decision** from the Department of Environmental Affairs and Developmental Planning dated 16 October 2002 does not contain any condition that will prevent the approval of this application. The ROD limited the development to low and moderate sensitive areas and required a 500ha area to be maintained as open space. Being part of the original development footprint the proposal to subdivide complies with all the conditions as stipulated in the Record of Decision (the ROD is attached as Annexure G for ease of reference).
- The **Rezoning** of Farm 394 was approved by the Department of Environmental Affairs and Developmental Planning on 10 April 2003 (see Annexure F). Condition 3.11 of the approval from the Department of Environmental Affairs and Developmental Planning stipulates that *“no more than 255 residential units being permitted.”*
- The Master plan was approved indicating 255 Single residential stands. The subsequent subdivisions occurred in phases in accordance with the Master Plan. Through the years two consolidations took place on the estate, bringing the total

amount of residential stands to 253. The subdivision will re-instate one additional Erf, bringing the total to 254. The Rezoning approval is attached as Annexure F for ease of reference.

- **Subdivision of Phase 2** was approved in a letter dated 16 April 2004. The conditions of approval do not prevent the subdivision of consolidated stands. The Subdivision approval is attached as Annexure H for ease of reference.

### **5.3 COMPLIANCE WITH HOA RULES AND DESIGN GUIDELINES**

The Pezula Private Estate is subject to Homeowner's Association Rules and an Architectural Design Manual. Neither of these documents prevent subdivision of consolidated stands. The Homeowner's Association has been consulted and their written consent to the undoing of the consolidation is attached as Annexure E.

### **5.4 ANTICIPATED IMPACTS OF THE PROPOSAL**

The proposed subdivision of the site into two residential properties will not impact negatively on the surrounding properties, instead, the subdivision will be compatible with land use and density patterns of the development, as originally envisaged.

Furthermore, the two residential properties will comply with the approved residential footprints of original sites and will therefore not have any additional impact on biodiversity, views, sunlight, or privacy of any of the surrounding erven.

Service Master Plans and road networks were originally planned for 255 erven and the reinstatement of the two original erven will have no impact on services or road capacities. The developer has also already paid augmentation fees on both stands, therefore there is no need to pay these fees again as the impact of the property on the municipal bulk services has already been calculated and compensated for.

### **5.5 COMPATIBILITY WITH KNYSNA SDF 2020**

The 2020 SDF includes the Pezula Private Estate in the Urban Edge of Knysna. In general, the SDF supports the subdivision of residential stands as a soft form of densification and also encourages the densification of low-density residential estates. The proposal to subdivide the consolidated stand is compatible with the principles and policies contained in the SDF.

## 5.6 POLICIES, PRINCIPLES AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT

In considering the application, the decision-maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of Spatial Planning and land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

Section 7 of the Act describes a set of development principles that need to be considered when evaluating any development application. These principles include the following:

- **Spatial Justice:**

The principle of spatial justice requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The location of this property and the type of land use envisaged cannot directly contribute to spatial reform. These matters are best addressed through spatial development frameworks and zoning schemes and other management systems.

- **Spatial Sustainability:**

The proposal supports this principle of spatial sustainability in the sense that it facilitates development within the urban area and thereby limiting urban sprawl and encouraging the optimal use of existing urban land and services. This subdivision will allow the optimal use of urban land and infrastructure without impacting on natural resources.

- **Spatial Efficiency:**

The proposal supports the efficient use of existing resources and infrastructure where decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts. The positive consideration of the application will contribute to the efficient use of serviced urban land with minimal negative impact.

- **Spatial Resilience and Good Administration:**

Resilience is the capacity and ability of a community to withstand stress, survive, adapt, bounce back from a crisis or disaster and rapidly move on. This is an important consideration on a policy level but has little application on minor subdivision applications.

## 6. SUMMARY OF APPLICATION

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Application is made for planning permission to allow the owner of Erf 13553 Knysna (consolidated Erven 13362 and 13363) to convert the property back to its original components. The owner originally consolidated the stand to protect his privacy, but now needs to provide accommodation to a family member. The separation of the two properties requires a subdivision application in terms of section 15 (2) (d) of the Knysna Land Use Planning By-law.

The proposal is in line with the original conditions of approval of the development and the estate rules do not restrict consolidation or the subdivision of consolidated stands. The proposal will not have any significant detrimental impact on the surrounding owners or the character of the area.