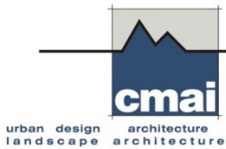


PROPOSED REZONING SUBDIVISION, DEPARTURES & REMOVAL OF RESTRICTIVE TITLE CONDITIONS



3/12/2014

ERVEN 292, 293, 294 AND 311 SEDGEFIELD



VPM

Innovative, creative and professional service



TOWN & REGIONAL PLANNERS, LAND SURVEYORS AND GIS SERVICES

PROPOSED REZONING SUBDIVISION, DEPARTURES & REMOVAL OF RESTRICTIVE TITLE CONDITIONS

1. INTRODUCTION

Application is hereby made on behalf of **Montagu Properties Investment (Pty) Ltd** (refer “Annexure A” Company Resolution & Power of Attorney) for the following:

- The rezoning of Erven 292, 293 and 294 Sedgefield from “Business” to “Group Housing” in terms of Section 17 of the Land use Planning Ordinance, 1985 (Ordinance 15 of 1985);
- The rezoning of Erf 311 Sedgefield from “Single Residential” to “Group Housing” in terms of Section 17 of the Land use Planning Ordinance, 1985 (Ordinance 15 of 1985);
- Removal of Restrictive Condition B.7, B.8, B.10, and B12, from Title Deed Nr T 57151/2007, in terms of The Removal of Restrictions Act (Act 84 of 1967) ;
- Removal of Restrictive Condition B.7, B.8 and, B12, from Title Deed Nr 123832/2004, in terms of The Removal of Restrictions Act (Act 84 of 1967);
- Consolidation of Erven 292, 293, 294 and 311 Sedgefield and the Subdivision of the consolidated property into 14 Group Housing units and a Remainder (Communal Open Space) in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
- Departure from the Sedgefield Zoning Scheme in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to allow relaxation of the following development parameters applicable to the “Group Housing Zone”:
 - Density from 30 units per ha to 41 units per ha;
 - Reduction of the 50m² minimum standard provision of Private Open Space to 35m² on some of the units as indicated on the Site Plan (D2030101 2000 DATED 12-02-2014);
 - Relaxation of the Street building line along Swallow Street from 2m to 0m;
 - Reduction of the minimum standard of 7m streets to accommodate a one way street of 3.5m;

2. PROPERTY SIZE AND DESCRIPTION

Title Deed Description:	Erven 292, 293, 294 and 311 Sedgefield, in the Municipality and Division of Knysna, Western Cape.
Title Deed Number:	Erven 292, 293, 294 - T 123832/2004 (Attached as Annexure B1) Erf 311 - T 57151/2007 (Attached as Annexure B2)
Title Deed Restrictions:	T 123832/2004 yes T 57151/2007 yes
Property Size:	Erf 292 - 868 (Eight Hundred and Sixty Eight) m ² Erf 293 - 868 (Eight Hundred and Sixty Eight) m ² Erf 294 - 847 (Eight Hundred and Forty Seven) m ² Erf 311 - 847 (Eight Hundred and Forty Seven) m ² TOTAL - 3 430 (Three Thousand Four Hundred and Thirty) m²
Property Owner:	All the properties belong to Montagu Property Investment (Proprietary Limited)
Bonds:	T 123832/2004 Yes , Bond Holders Consent has been requested T 57151/2007 No

3. LOCALITY & BIOPHYSICAL SITE CHARACTERISTICS

The properties are situated on the corner of Swallow, Parrot and Sysie Avenue in the Sedgefield CBD as indicated on the attached **Diagram 1: Locality Plan**.

The terrain is characterized by even topography with slight slopes. The vegetation present on the property is mainly light bush with grass; there are a number of large trees on the periphery of the property. These trees have been incorporated into the design. No indigenous plants, wetlands or watercourses have been identified on the property.

4. ZONING AND LAND USE RESTRICTIONS

As indicated on the attached Diagram 2: Aerial Photo as well as figure 1 and 2 below, all four properties is currently vacant. Erf 311 contains a single garage that will be demolished.



Figure 1: Erven 292, 293, 294



Figure 2: Erf 311

Erven 292, 293 & 294 Sedgefield is currently zoned “Business Zone” and Erf 311 is zoned “Single Residential” in terms of the in terms of the Sedgefield Zoning Scheme (Diagram 3: Zoning Map).

The development restrictions currently applicable to the properties are summarised below:

	Sedgefield Scheme Business zone Erven 292 293 294	Sedgefield Scheme Single Res zone Erf 311	Title Deed Restriction
Coverage	100%	50%	
Bulk	2	1	
Street Building Line	0m	5m	4.72m
Side Building Line	0m or 3m if adjacent to Single Res. erven	3m	1.57m
Rear Building Line	0m or 3m adjacent to Single Res. erven	3m	1.57m

5. BACK GROUND

An application was submitted to the Sedgefield Municipality in 1995 to rezone Erven 292 293 and 294 from 'Single Residential' to 'Business'. The application was approved with the condition that the following clause be removed;

“ This property shall not without the written consent of the transferors be used for other than residential and/or agricultural and/or horticultural purposes and all trading rights thereon shall be and are hereby reserved to the transferors.”

A letter of approval, dated October 1996, was received from the then Department of Housing, Local Government and Planning. The letter indicates that this clause was removed successfully and this is reflected in the current Title Deed.

The application for business rights was subsequently granted. According to the Land Use Planning Ordinance (Ord.15 of 1985), a zoning of a property shall laps if the land concerned is not, within a period of two years after the date on which the application for rezoning was granted, utilised as permitted in terms of the zoning granted by the said rezoning. The zoning granted in 1996 was not implemented and lapsed two years later. The zoning of these properties subsequently reverted back to 'Single Residential'.

In July 2006 VPM Planning submitted a new application for the Rezoning of Erven 292, 293 and 294 to "Business" zone. The application was approved in December 2009 (attached as "Annexure C"). The developer's intention at the time was to utilise the properties for business purposes as well as a possibility of 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.

In November 2011 the Knysna municipality extended the validity of the "Business Zoning" with another two years, and in February 2014 the validity of the zoning was extended with another two years. The properties are still undeveloped.

In 2007 Montague Properties also acquired the adjacent Erf 311. This erf is still zoned for "Single Residential purposes and is also undeveloped.

6. THE DEVELOPMENT PROPOSAL

6.1 THE CONCEPT

The proposal includes 14 attached double storey Group Housing units, designed and built in the same architectural style. Three different housing options are proposed (See Annexure D – Architecture and Building Plans) which include 2 and 3 bedroom options.

Central to the design is a communal open space where children can play. Although the planned density is higher than the standard density of 30units per ha, the provision of this open space will lend a feeling of space to this development and will enhance the aesthetic appeal of the development as well as the quality of the planned living environment. In addition to the communal space, each unit will be provided with a private garden area.



Figure 3 :The development is planned around a communal green area

A one way controlled entrance is planned off Parrot Avenue and a one way exit is planned on Sysie Street. All the units will gain access off this internal access lane. The units along Swallow Street will face the street to enhance the street scape. Although motor vehicle access will be from the internal access, pedestrian access can be gain directly from Swallow Street.

Each unit will have a garage as well as a carport. There are also 3 additional guest parking bays provided.



Figure 4: View from Swallow Street

6.2 PROPOSES REZONING

It is proposed that the 4 mentioned properties are consolidated and that the consolidated property be rezoned to “Group Housing”.

The Sedgefield Zoning Scheme defines “**Group Housing**” as “a group of separate and/ or coupled and or linked individual dwellings on smaller than conventional erven, and planned, designed and built as a harmonious architectural entity with medium density character and with structures which may vary between single and double storey’s;”

The Planned development will consist of 14 linked individual dwellings that will be planned, designed and built as a harmonious architectural entity and is compatible with the definition of the Group Housing Zone

6.3 PROPOSED DEPARTURES

The following development restrictions apply to the “Group Housing” zone. The development proposal does not comply with all the parameters applicable to the Group Housing Zone, and certain departures are therefore requested from Council:

6.3.1 DENSITY

According to the Sedgefield Zoning Scheme, 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 lower. The Zoning Scheme states that the maximum density shall be 40 units per gross hectare subject to the above 4:1 ratio.

The consolidated property size measures 3 430m². The planned development contains 14 units which calculate to a density of **40.8 units per ha**, which is only slightly higher than the maximum allowed density of 40u/ha.

Average property sizes varies between ±127m² to ±233m² and calculates to an average erf size of ±160m, which is smaller than the prescribed 4:1 ratio of the surrounding properties.

The proposed development **does not comply** with the density parameters prescribed in the Sedgefield Zoning scheme, and application is therefore made to depart from this provision by allowing the relaxation of the maximum density to 41 units per hectare.

6.3.2 COMMUNAL OPEN SPACE PROVISION

The Sedgefield Zoning Scheme prescribes that a Common Open Space shall be provided at a minimum of 80m² per dwelling unit. There are 14 units in the planned development and at a ratio of 80m² per unit, the open space requirement calculates to 1120m².

Communal Open space provided in the layout calculates to $\pm 1185\text{m}^2$. This open space include communal driveways and parking. The proposal therefor **complies** with the provision of Open Space.

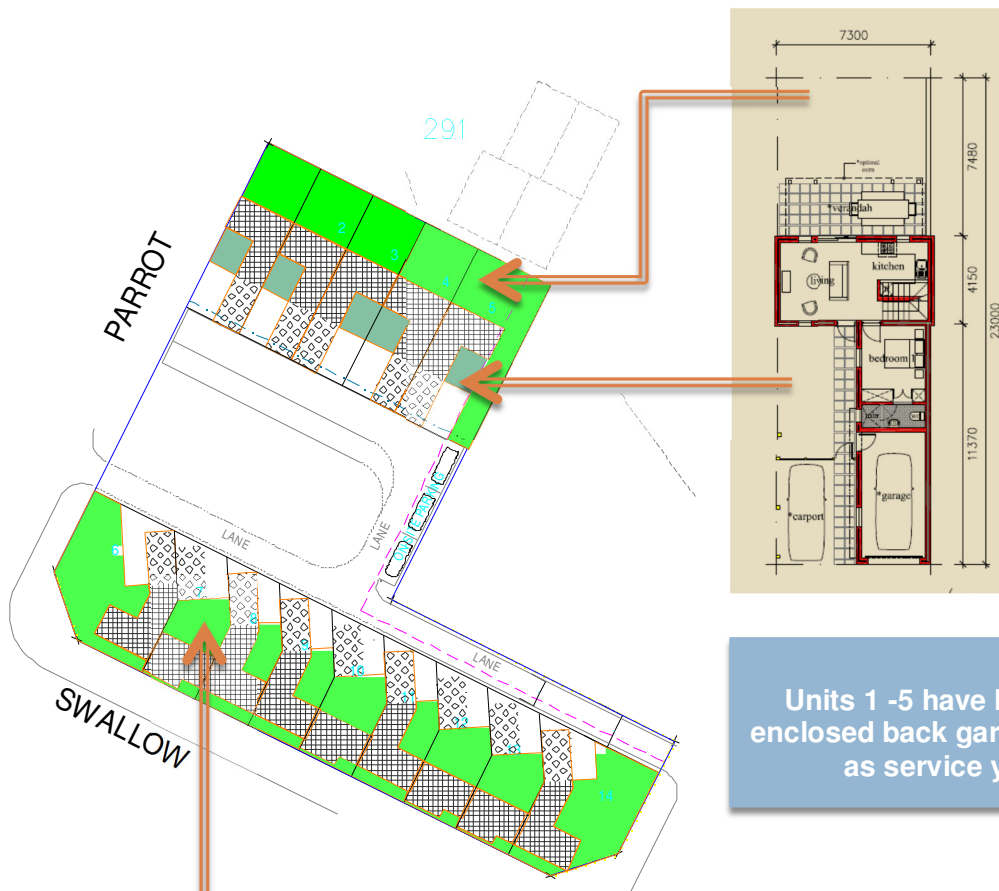


Figure 5: Communal Open Space = $\pm 1185\text{m}^2$

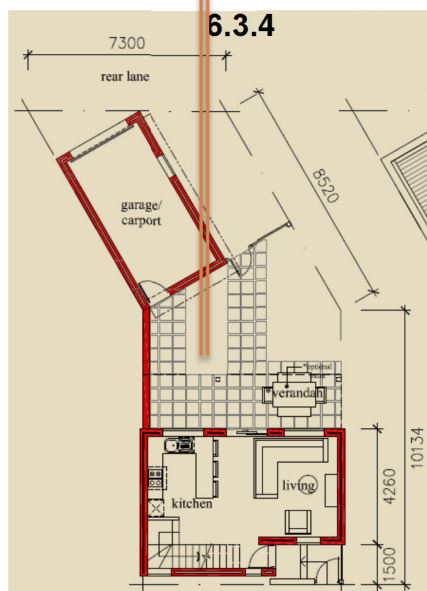
6.3.3 SERVICE YARD AND PRIVATE OUTDOOR SPACE

The Zoning Scheme stipulates that 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 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.



Units 1 -5 have been designed with enclosed back gardens of $\pm 55\text{m}^2$ as well as service yards of $\pm 18\text{m}^2$.



Units 7, 10, 12 and 13 have been designed with courtyards of $\pm 48\text{m}^2$ and front gardens of 5m^2 .



Units 6, 8, 9, 11 and 14 have been designed with courtyards of $\pm 25\text{m}^2$ and front gardens of 10m^2 .

Figure 6: Housing Typology

As indicated on the schematic diagrams above, it is clear that most of the units will comply with the provision of private open space. Some of the units do not have separate service yards, but the court yards can serve as service yards as they are enclosed and screened from public and private viewing.

Some of the units do not comply with the minimum standard of 50m². The space provided is however functional and form a central part of the house design, it is requested that Council **consider a reduction** of this minimum standard.

The proposal allows for different housing units with different options for private open space. Some people, especially holiday makers, do not wish to have gardens that need to be maintained and they may well choose a lock-up- and-go option that only allows for a small no maintenance courtyard.

6.3.4 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 proposal requires 2m building lines along Swallow Street due to the fact that there are doors and windows on the street façade of these dwellings. The bulk of the building will be setback to 1.5m, but roof overhangs over the front doors will be on the street boundary.

It is argued that the current “Business Zone” allows Business buildings and flats above ground floor to be erected on the Street Boundary regardless of whether there are openings in the street façade or not and it is requested that the current 0m building line be retained.

6.3.5 SIDE AND REAR BUILDING LINES

No side and rear building lines need be provided or unless a group erf abuts on another zone. In the latter case the side and rear building lines shall be 3m except where the abutting zone is a public place, a single residential zone or a special residential zone in which case the side and rear building lines shall be 1,5m.

The proposal **complies** with this restriction and lateral rear boundary lines of at least 3m have been provided for in the design although only 1.5m are prescribed.

6.3.6 HEIGHT OF BUILDINGS

The maximum permissible height of buildings shall be 8m measured from the mean ground level of the building to the top of the parapet or cornice in the case of a flat roof, or to a point midway between the eaves and the ridge in the case of a pitched roof.

The proposal consists of double storey units that **comply** with the 8m height restriction.

6.3.7 PARKING

Off-street parking for at least two motor vehicles per group erf shall be provided on the group site. The proposal includes one lock up garage and one car port for each unit, plus an additional 3 guest parking bays. The proposal **complies** with the parking provision stipulated by the Sedgefield Zoning Scheme.

6.3.8 ROADS

The minimum road width for private roads shall be 7 m. The access ways in the development is regarded as one way driveways and not as roads. The one way drive ways are only 3.5m wide, which is sufficient for one way traffic. The section of the road that serve unit 1 – 5 will have to accommodate two way traffic and will be 7m wide as prescribed.

It is requested that Council **consider a reduction** of this minimum standard of 7m to accommodate a one way street of 3.5m.

6.4 TITEL DEED RESTRICTIONS

Both Title Deeds contain restrictive conditions that need to be removed before the rezoning and subdivision of the property can be finalised. The following conditions need to be removed in terms of the Removal of Restrictions Act (Act 84 of 1967):

- Removal of Restrictive Condition B.7, B.8, and B12, from Title Deed Nr T 123832/2004, in terms of The Removal of Restrictions Act (Act 84 of 1967) ; B7

7. No building shall be erected on this lot within 4,72 metres of any street line which forms the boundary of the lot save where the transferors shall have in writing permitted otherwise. No building shall be erected within 1,57 metres of any adjoining lot, provided that this restriction shall not apply to the common boundary of lots held by one Transferee. No more than 2/3rds of any lot sold shall be built upon.
8. Not more than one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Township. No flats or tenement houses may be erected on any lot.

12. This lot shall not be subdivided without the written consent of the Company

- Removal of Restrictive Condition B.7, B.8, B.10 and, B.12, from Title Deed Nr 57151/2007, in terms of The Removal of Restrictions Act (Act 84 of 1967);

7.

No buildings shall be erected on this Lot within 4,72 metres of any street line which forms the boundary of the Lot save where the Transferors shall have in writing permitted otherwise. No building shall be erected within 1,57 metres of any adjoining Lot, provided that this restriction shall not apply to the common boundary of Lots held by one Transferee. Not more that 2/3rds of any Lot shall be built upon.

8.

Not more that one dwelling house, together with the necessary outbuildings and appurtenances may be erected on any one plot in the Township. No flats or tenement houses may be erected on any Lot.

10. This property shall not without the written consent of the Transferors be used for other than residential and/or agricultural and/or horticultural purposes, and all trading rights thereon shall be and are hereby reserved to the Transferors.

12. This Lot shall not be sub-divided without the written consent of the Transferors.

6.5 SUBDIVISION APPLICATION

The Group Housing Zone makes provision for the alienation of individual stands within the development. Application is made in terms of Section 24 of the Land Use Planning Ordinance to allow the subdivision of the consolidated Erf into 14 group housing erven and one communal open space erf. The private open space erf will contain all the access ways and shared engineering services and will be transferred to the Home Owners Association. The subdivision plan is attached as Diagram 5: Subdivision Plan S292SUB1 dated 30 April 2014.

6.6 ENGINEERING SERVICES

Sintec Engineering Consultants was appointed by Montagu Property Investment (Pty) Ltd to carry out a preliminary civil engineering services design report. The Report is attached as "Annexure E"

6.6.1 WATER RETICULATION

The Report confirms that the development can link in with the existing surrounding municipal water network.

The Internal circulation will be the responsibility of the developer. One bulk water meter which will be installed by the Knysna Municipality and a valve is envisaged for the proposed development at the western entrance of the development. The monitoring of the internal

consumption will be according to the Service Agreement between the Knysna Municipality and the Home Owners. This agreement must still be completed up on approval of the rezoning.

6.6.2 SEWER RETICULATION

The Municipal sewer main line runs directly through the center of the development – parallel to stands 292, 293 and 294 of the development. A portion of the line, traversing through Erf 294 will be relocated to follow the planned access way that goes through the development, as indicated on the attached Sewer Reticulation Plan. The individual properties within the development will link onto this line.

6.2.3 STORMWATER MANAGEMENT

The additional runoff water created by the development could be by applying the following methods

- Permeable surfaces,
- Detention Tanks / Rain Water Tanks,
- Detention Ponds (public open space)

6.2.4 SOLIDWASTE

The developer will provide a common collection point at the entrance to the property for collection by the Municipality.

6.2.5 ELECTRICITY

The development will connect to the existing electrical reticulation of the area. The previous conditions of approval stated that the developer shall install a miniature substation and cabling to the development. This is a huge financial burden to the developer and will affect the affordability of the units. The cost of installation and possible rebates will be addresses in the service level agreement to be concluded once council accepted the planned development.

7. MOTIVATION

According to Section 36 of the Land Use Planning Ordinance (Ordinance 15 of 1985) an application shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of land concerned, or on the basis of its effect on existing rights concerned.

The merits of the application will be supported by desirability factors such as the location of the site, its physical constrain and opportunities and the compatibility of the concept with current Planning Policies and frameworks.

The proposal will also be evaluated on the basis of its effect on existing rights concerned, which will include the asements of the direct impact on the surrounding neighbours as well as the wider impact on the existing community.

7.1 LOCALITY

- Location is critical when creating a high-density residential development. It should be located within or adjacent to established urban areas with convenient access to basic urban amenities such as shops, schools and entertainment.
- The property is situated within the Sedgefield Central Business District (CBD) and is conveniently situated within walking distance to schools, shops, and other facilities within the Sedgefield Village.
- The site is situated within a built-up urban environment with suitable infrastructure and all the properties involved have been earmarked for either business or residential development.

7.2 BIO-PHYSICAL SITE CHARACTERISTIC

- The site does not contain any natural vegetation and the conservation value of the development area can be described as poor;
- The site does not contain any environmentally sensitive features such as wetland, watercourses, steep slopes, ridgelines or natural corridors.
- The site is vacant and does not contain any structures that have any visual or historical significance.

- The consolidation of 4 adjacent stands creates the opportunity to design and plan a meaningful development on a sizable property.

7.3 COMPATIBILITY WITH CURRENT PLANNING PRINCIPLES, POLICIES AND FRAMEWORKS

7.3.1 PRINCIPLE OF DENSIFICATION

It is generally accepted worldwide that future urban development must focus on a more compact urban form where higher densities, mixed land uses and “walk-able communities” will bring about a more efficient and environmentally sustainable living and working environment. Current densification policies, at national and provincial levels, encourage the densification of existing urban areas through the development of under-utilised vacant land within urban areas.

The figure of 25 du/ha has been suggested as the average densities within urban areas. This density is derived from local and international research, which has found that this is a minimum density at which urban settlements begin to significantly improve their urban performance. Presently the density of Sedgefield is less than 10du/ha. This is less than 50% of what average gross densities should be to achieve adequately performing urban settlements. Taking into account that there is very limited remaining development land available within the urban area, it implies that any future development within the urban area should be developed at much higher densities to compensate for the historical low densities. The density of this development is calculated at approximately 41 units per ha.

7.3.2 DRAFT SEDGEFIELD CBD ENHANCEMENT STUDY (2007)

This study was conducted in 2007 and although it was never formally accepted, it does provide some guideline for future planning in the CBD. Being some of the only vacant stands in the CBD area, the study area has been earmarked for development purposes although the nature or type of the development has not been specified in the documentation.

The study places a lot of emphasis on making the CBD more pedestrian friendly and to create welcoming and friendly street scenes through set out architectural guidelines. The planned development followed these guidelines and will contribute to a interactive street scene. The

pedestrian friendly and vehicle free façade along Swallow street is a prefect example of creating pedestrian friendly street scapes in the CBD.

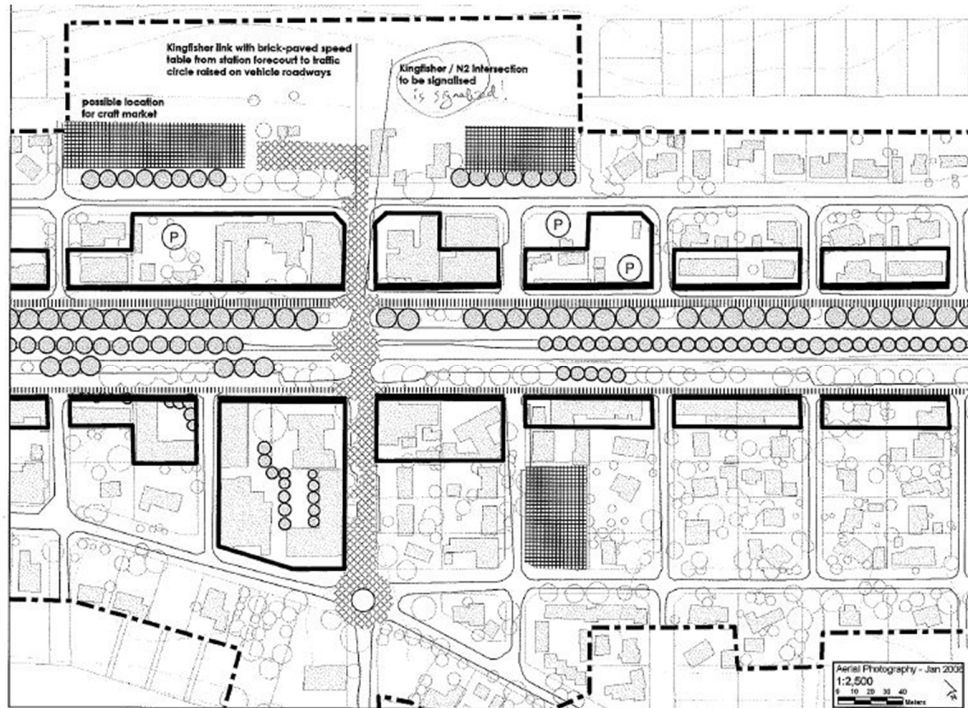


Figure 7: Extract from the Sedgefield CBD Enhancement Study 2007

7.3.3 THE KNYSNA SPATIAL DEVELOPMENT FRAME WORK

In accordance with the Provincial Urban Edge Guidelines, the urban edge around Sedgefield basically follows the existing urban fabric. There is very little room for urban expansion in Sedgefield, primarily as a result of the surrounding sensitive natural features (dunes, wetlands, estuaries etc.). The SDF document clearly states that development should be limited to urban densification and infill areas. Densification is strongly encouraged in urban areas throughout the municipality, specifically along activity streets and around urban nodes.

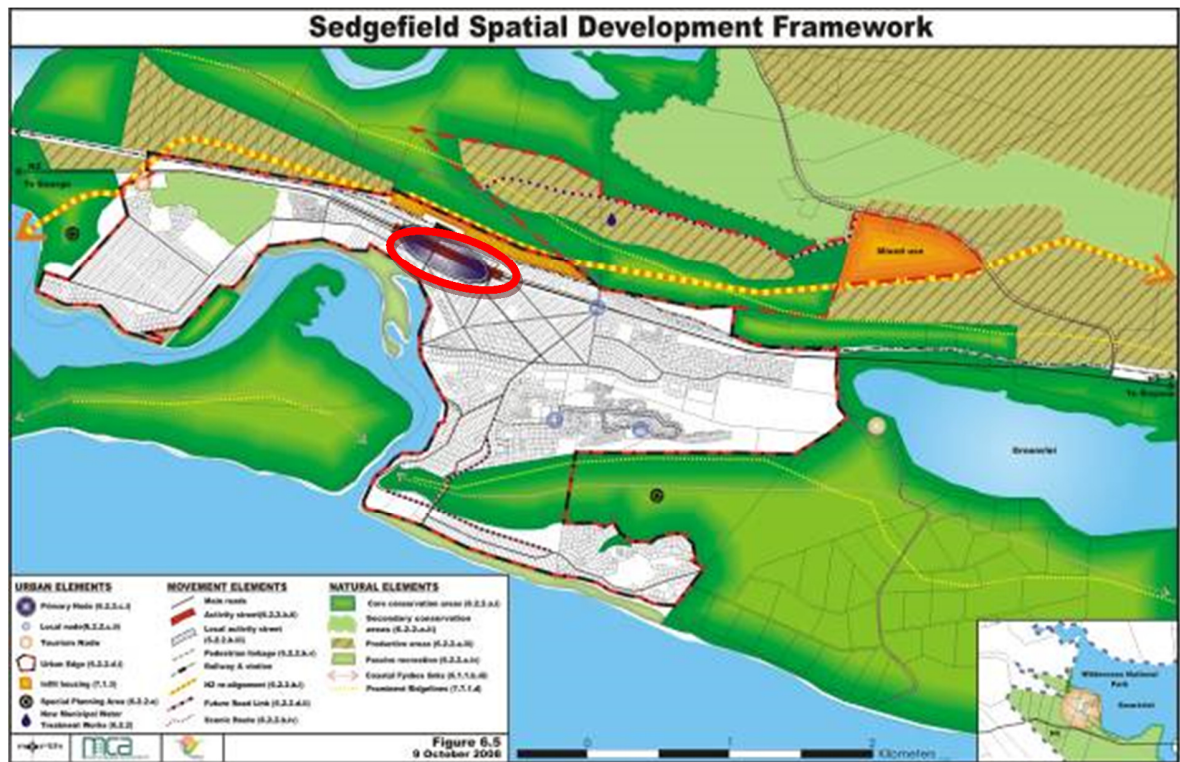


Fig 8: Sedgefield Development Framework

As indicated Fig. 8 above, the study area falls within the boundaries of the urban edge of Sedgefield and also within the boundaries of the CBD. The proposed development is in line with the vision of the SDF.

7.4 EFFECT ON SURROUNDING AREA

The site is situated within the CBD of Sedgefield and the surrounding area can be best described as a mixed use area, typical of a Central Business District. The surrounding land uses include filling stations, restaurants, take aways, professional offices, shops, medium density residential etc.

Hennie's Hof is directly across the development and is a similar housing concept and zoning.



Figure 9: Hennie's Hof

The property is currently vacant and unattended which is causing a security risk for the surrounding properties as vagrants tend to frequent the site. The development of the properties into a security complex will enhance the safety in the area and will have a positive impact on the neighborhood.

Access has been carefully planned not to impact on road safety. Although many of the sites have direct access to a road, one way vehicular access will only be from one entrance along Parrot road, and one exit along Sysie road.

7.5 EFFECT ON ADJACENT PROPERTIES

Erven 292, 293 and 294 is currently zoned for "Business" purposes, which allow for a 100% coverage, a bulk floor area of 2.

The new concept includes only 14 double storey residential units. The overall development footprint and intensity of activity will be lower than what the current rights would allow. The anticipated impact would therefore also be lower than what could have been if the business sites were to be developed to its full capacity.

The development borders onto the south and western boundary of Erf 1379, which is a single residential property with a dwelling house. The proposal is sensitive toward the rights of this residential property (Erf 1379) by complying with building lines and heights that would have applied to the original “Single Residential Zoning of the erven. The proposal provides for 3m building lines along both the communal boundaries and the height of the buildings will be limited to 8m. Furthermore, the development will be walled along the communal boundary that would provide further security and privacy to the inhabitants of Erf 1379.

To the North the development borders onto Erf 291, which a business site. It is not expected that the residential development will have any negative impact on this property.

7.6 THE KNYSNA ZONING SCHEME AS OPERATIVE LAND USE CONTROL MECHANISM

The Title Conditions date back to the time when Sedgfield was formally established in the 1950'S. At the time, the only way to control development was through Title Deed restrictions. The conditions of the township establishment had to be included into the title deed as the only statutory mechanism available. The conditions are in favour of SEDGFIELD HOLDINGS PTY LTD.

With the introduction of the Sedgfield Zoning Scheme Regulations in 1980 the need for this type of “title deed control” has become redundant. Today the older neighbourhoods in towns and cities are restricted by two sets of legally binding parameters. This often cause confusion among the public and also creates huge administrative burden for the local authority.

It is proposed that there will be no real prejudice in it for anyone and it would be more in line with modern land use control, to regulate the land use rather by way of the Zoning Scheme than Title Deed Conditions.

8. CONCLUSION

The proposed applications will allow the development of a well-planned urban living environment.

It can be concluded that in terms of Section 36 of the above mentioned Ordinance, the proposal does not show a lack of desirability or have any negative impact on existing rights concerned.

We hope that the information provided will allow you to consider the application in a positive light

Lizemarie Botha

VPM PLANNING CC

30 April 2014

MAPS

DIAGRAM 1: LOCALITY PLAN

DIAGRAM 2: AERIAL PHOTO

DIAGRAM 3: ZONING MAP

DIAGRAM 4: LAND USE PLAN

DIAGRAM 5: SUBDIVISION PLAN

ANNEXURE

ANNEXURE A: POWER OF ATTORNEY

ANNEXURE B: COPY OF THE TITLE DEED

ANNEXURE C: PREVIOUS APPROVALS

ANNEXURE D: ARCHITECTURE AND SITE PLAN

ANNEXURE E: ENGINEERING REPORT

ANNEXURE A

POWER OF ATTORNEY

ANNEXURE B

COPY OF THE TITLE DEED

ANNEXURE C

PREVIOUS APPROVALS

ANNEXURE D

ARCHITECTURE AND SITE PLANS

ANNEXURE E

ENGINEERING SERVICES REPORT