



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**NOTICE OF MUNICIPAL PLANNING  
TRIBUNAL MEETING  
OF STELLENBOSCH MUNICIPALITY  
FRIDAY, 2022-04-22 FROM 10:00-15:00**

**VOLUME 2**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## THE STELLENBOSCH MUNICIPALITY

### PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH.

Application Reference	File Ref: 2751 (LU/10301)	Application Date	2019/09/06
		Last day for comments or additional information	2021/10/04

#### PART A: APPLICANT DETAILS

First name(s) & Surname	Martin Jonker		
Company name	Plan 4 SA (Pty) Ltd		
SACPLAN registration number	Pr. Pln A/1090/1999		
Registered owner(s)	Stellenbosch Municipality	Is the applicant properly authorised to submit the application	Yes

#### PART B: PROPERTY DETAILS

Property description	Erf 2751	Town/ City	Stellenbosch
Physical address	Corner of Pastorie Street and Die Laan. See <b>ANNEXURE A</b> for locality map.		
Extent (m <sup>2</sup> /ha)	10 550m <sup>2</sup>	Current zoning	Public Open Space (In terms of the old Stellenbosch Zoning Scheme Regulations 1996)
Existing Development and Current land use	Erf 2751 is currently occupied by an open park and 2 lease areas registered over the property. Lease Area 1 is used for parking and Lease Area 2 has two buildings on it which is currently leased out and used for office, restaurant and shop purposes.		
Any unauthorised land use/building work	No land use contravention notice is filed.		
Title Deed No.	STFH8-3/1908. See <b>ANNEXURE C</b> for attachments to motivational report.		

<b>PART C: APPLICATION DETAILS</b>	
Application(s)	<p>a) Application is made in terms of Section 15(2)(n) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the closure of a public place in order to close a part of the Public Open Space being Lease Area 1 (1020m<sup>2</sup>) and Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch.</p> <p>b) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for rezoning of Lease Area 1 (1020m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parking Area) in order to accommodate a public parking area.</p> <p>c) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 to rezone Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to General Business.</p> <p>d) Application is made in terms of Section 15(2)(i) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a permission required in terms of a condition of approval in order to extend the validity of a temporary departure previously approved on 16 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan" for a one-day event (Heritage festival) on 24 September for five years (2020 - 2025). See <b>ANNEXURE B</b>.</p>
Purpose of Application	<p>The Stellenbosch Municipal Council resolved on 29 march 2017 that approval be granted for the establishment of Local Economic Development (LED) Hubs on several municipal properties in the Stellenbosch Municipal area.</p> <p>Erf 2751, Stellenbosch form part of this group of erven. The applicant now wishes to obtain the applicable land use rights to use the subject property zoned Public Open Space Zone as a Local Economic Development (LED) Hub.</p>
Pre-consultation	No pre-application consultation process was conducted at the time of submission.

#### **PART D: APPLICATION BACKGROUND**

Stellenbosch Municipality owns various properties, many of which are underutilised or not optimally utilised and/or lying dormant. As part of its strategy for inclusive economic growth, one of the key

objectives identified by the municipality is to 'make it easier' for small enterprises to succeed in the competitive markets.

The Stellenbosch Municipality Council, at its meeting of 29 March 2017, granted approval for the establishment of LED Hubs on several municipal owned properties including Erf 2751, Stellenbosch also known as the "Landbousaal". A call for proposals for the lease of the LED Hubs were subsequently advertised. A total of six applicants submitted proposals to lease the facilities on Erf 2751, Stellenbosch.

At its meeting of 25 July 2018, Council adopted a resolution to award the rights to the Landbousaal to a successful bidder subject to a condition that an ongoing legal dispute must be settled. The legal dispute has since been settled, which open a new proposal for the rezoning of the subject property to be use for business related activities.

The property is currently zoned Public Open Space and the existence of the Landbousaal is a contravention of the Zoning Scheme Bylaw. Since the property is not correctly zoned for its current use, rezoning will have to occur whether the *status quo* is retained or not. Hence this application.

There are presently two lease areas registered over the property. Lease Area 1 is leased for paid public parking which is not developed and Lease Area 2 having two buildings on it which is currently leased and used for office and shop purposes. The rest of the property is used as a public open space.

The Eerste River flows along the southern boundary of the property and considering that the buildings to be used for business purposes exist, no authorization is required from the National Environmental Management Act 107 of 1998 (NEMA).

See **ANNEXURE B** for the existing land use and zoning plans.

## **PART E: APPLICATION OVERVIEW AND MOTIVATION**

The application was submitted in August 2019, when the old Stellenbosch Zoning Regulations 1996 was still in operation and all evaluations is based on the old zoning scheme regulations and requirements.

In this application four proposals were advertised for the use of this property;

- i. An application for a closure of a public place in order to close a portion of the Public Open Space being Lease Area 1 (1020m<sup>2</sup>) and Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch.

- ii. Subsequently, applications are made to rezone Lease Area 1 from Public Open Space to Local Authority in order to accommodate a public parking are;
- iii. To rezone Lease Area 2 from Public Open Space to General Business;
- iv. An application is made to extend the validity for a temporary departure in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan" for a one-day event (Heritage festival) on 24 September for five years 2020-2025.

The applicant's motivational report is attached as **ANNEXURE C**.

## **PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE**

### **Process followed**

The applicant was instructed to advertise on 25 August 2020. The application was advertised in the Eikestadnuus and notices served on all interested and affected parties on 10/09/2020 until 12/10/2020 and an onsite notice placed on 09/09/2020. No objections were received during this advertising process.

The department also advertised to all internal municipal departments and ward councillor on 13 September 2020 and no objections were received.

The applicant on 17 November 2020 submitted a Portfolio of Evidence (POE) informing the municipality that the application has been advertised to the subject neighbouring property owners, interested and affected parties and no objections were received.

The advertising process was deemed sufficient. See **ANNEXURE D** for the portfolio of evidence.

### **Public & stakeholder inputs**

As mentioned, no objections were received from any interested and affected parties.

### **Comments from internal service departments and municipal authorities**

- (i) **Manager: Spatial Planning** – recommended the applications for approval subject to certain conditions. See **ANNEXURE E**
- (ii) **Cape Winelands Health Department** – no objection, subject to certain conditions. See **ANNEXURE G**. Please note that the commenting letters heading, incorrectly refers to an application for a temporary departure.

- (iii) **Directorate: Infrastructure Services comments (Civil, Traffic and Electrical Engineering combined comment)** – No objection subject to certain conditions. The entrance/exit indicated on Plan 3 within 5.5m of the Pastorie Street and Die Laan intersection must be closed, only the entrance/exit indicated at 21.5m from the Pastorie Street and Die Laan intersection is accepted, and a vehicle circulation plan must be present to access parking bays P1-P15. See **ANNEXURE F**.

**Response by applicant to comments received.**

No objections were received against the application and therefore no response is required in this regard.

The conditions laid down by the Stellenbosch Municipal's Traffic Engineering Manager is acceptable and will be implemented by the relevant Municipal Department responsible for the implementation of this project.

**PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION**

**1. Legislative and Policy Context of land use and land development application**

When the decision maker considers the land use and land development application, it must have regard to the general criteria for consideration in terms of Section 65(1) of the Land Use Planning By-law, as it would relate to the subject land use and land development applications.

It is also noted that the subject land use and land development applications were submitted and processed in accordance with and in compliance with the prescripts of the said Bylaw.

**2. Assessment of grounds of the land use and land development application**

**2.1 Land use principles**

The Municipality identified 5 strategic focus areas, one of it being "Valley of Possibility". Under this strategic focus area there are 4 predetermined objectives of which the first objective is to "Create an environment conducive to business development and job creation". There are furthermore three 5-year programmes identified to achieve the aforementioned objective of which the second programme is "develop Local Economic Development Hubs".

This proposed and intended business and tourist related uses within an urban edge, in close proximity to the Stellenbosch CBD promotes the principles of this strategic focus area.

Although the property is surrounded by University and residential uses, the property is close to the Central Business District and the residential properties are not primarily use for residential purposes, but also provided tourist accommodation. Which the intended uses envisage to provide a service for. This conforms to the MSDP principle of Optimal Land Use, where land should be used for its most sustainable and appropriate use.

## **2.2 Applicable spatial development frameworks, guidelines, policies**

The Municipality's IDP dated May 2019 identified various projects and priorities for all its Wards. It also highlights the policies and strategies of the different sector plans.

The IDP provides the following stipulations on LED Hubs: *“Establish local economic development hubs and allow for the outsourcing of the management of the Hubs to improve efficiency and to strengthen local business opportunities. These hubs will provide entrepreneurs, start-up businesses or growth-orientated SMME's access to appropriate rental space, affordable businesses services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratios.”*

The Stellenbosch Municipality Council granted approval for the establishment of a LED Hub on Erf 2751, Stellenbosch also known as “Die Landbousaal”.

In terms of the Municipal Spatial Development Framework, one strategic perspective stands out in support of this application namely: **Inclusive economic growth**, which is to provide SMMEs with access to well-located parts of the CBDs for retail, service provision and manufacturing. The site is located within the centre of Stellenbosch on the periphery of the CBD which can provide access to business support for SMMEs as it is well-located on existing transport routes and a public parking area.

The proposed rezoning is therefore consistent with the broad proposals of the Stellenbosch Municipal Spatial Development Framework, complies with the land use planning principles and other policies of this Municipality.

The proposal was also supported by the Municipal Spatial Planning Section in a comprehensive comment, given a historical overview of the subject property, subject to certain conditions. See **ANNEXURE E**.

### **2.3 Service infrastructure capacity and sustainability**

As mentioned the application was circulated to the municipal engineering department. The internal Civil engineering section did not object to the application. The traffic engineering section requires closures of access point and the submission of a parking layout plan. The electrical department indicated that appropriate cautions be taken when any construction occurs. See **ANNEXURE F**.

All existing services will be used or upgraded to the satisfaction of the applicable departments. It will be the responsibility of the owners to obtain the approval or comply with any other law or regulation from external departments.

### **2.4 Any investigations carried out in terms of other laws that are relevant (e.g. EIA, TIA, HIA etc.)**

None required for this application as we are dealing with existing buildings and no new structures are proposed by this application. Should any alterations be required, all relevant legislation must be taken into consideration and subject applications be submitted where required at the time.

### **2.5 Applicable provisions of the zoning scheme**

Lease hold area 2 contains the existing buildings of  $\pm 413\text{m}^2$  which requires  $16.52 = 17$  parking bays at a ratio of 4 parking bays per  $100\text{m}^2$ . In Lease Area 1, 23 parking bays are provided in the plan supplied, which is sufficient for the existing buildings on site. The lease of the property for public parking purposes could therefore be proceeded with on condition that the required parking bays for the business activities on Lease Area 1 at all-time be provided for in the submission of the revised parking layout plan for approval on Lease Area 2 by the traffic engineering department.

A revised parking layout plan must therefore satisfactorily address the concerns of the municipal traffic engineering section. Which includes the entrance/exit indicated on Plan 3 within 5.5m of the Pastorie Street and Die Laan intersection must be closed, only the entrance/exit indicated at 21.5m from the Pastorie Street and Die Laan intersection is accepted, and a vehicle circulation plan must be present to access parking bays P1-P15 and the required parking bays for Lease Area 2 must be provided on Lease Area 1. These requirements must be addressed before submission of final building plan for approval and should be imposed as conditions of approval. See **ANNEXURE F**.

### **2.6 General desirability**

As mentioned before, a rezoning of the property is required because of the current utilization of the Landbousaal for business activities, which is in contravention of the Zoning Scheme.



**The rezoning to general business and authority zone for public parking and closure of a public place:**

*"public parking area" means a municipal site which does not fall within the boundaries of a street and which is reserved for the benefit of the general public exclusively for the parking of vehicles"*

Through this rezoning the unauthorised use of a public open space for business and public parking purposes will be regularized. It is not envisaged that the "landbousaal" activities will have a negatively impacted on the surrounding properties, as no objections were raised against the application.

As mentioned previously, the site is located on the periphery of the CBD and thus a General Business zoning fits in with the area and the previously mentioned goals of the IDP and MSDF. The site is also located in close proximity and in an area with existing and well-established transport routes. The required on-site parking can be provided, on condition that a revised parking layout plan to the satisfaction of the traffic engineering section be submitted. It is therefore not envisaged that this proposal, would negatively affect the character of the area and surrounding properties. The aesthetic appearance of the property and surrounding area will not be altered, considering that existing buildings will be used and no alterations or extensions are proposed.

The intend of this application is primarily for the establishment of a Local Economic Development (LED) Hub to accommodate a shop (for a restaurant and other tourist craft and art shops including making of craft items) and offices that provide entrepreneurs, start-up businesses or growth-orientated SMME's access to appropriate rental space, affordable business services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratio.

Applicable definitions;

*"Restaurant" means a shop in which mainly prepared food and refreshments are sold and served to five or more seated patrons.*

*"Shop" means a site or building, or portion of a site or building utilised or intended to be utilised for the operation of a retail business, and includes a workshop on the same premises which is connected with and incidental and subordinate to the retail business, but does not include a service or filling station, liquor store, pub/tavern, motor showroom and public garage.*

*"Office building" means a building containing offices for administrative or commercial purpose, including a bank, stock exchange or similar undertaking, but excluding a gathering place, institution, shop, filling or service station, public garage, factory or any industrial building.*

As mentioned the intend of LED hubs is to provide entrepreneurs, start-up businesses and SMME's access to appropriate rental space and affordable flexible leases to access the mainstream economic activities, but the activities must however compliment surrounding land uses and not become a nuisance. The activities must subsequently be restricted to the existing or similar land uses, which includes a restaurant, tourist craft and art shop, space for the manufacturing and teaching of craft making skills, office space relating to tourist related activities, e.g. for the renting of bicycles, etc. All linked to the intended LED Hub activities.

The proposal is consistent with the planning principles of Spatial Justice, Spatial Sustainability, Efficiency, Spatial Resilience and Good administration; deemed desirable on its proposed location and recommended for approval from a Land Use Management perspective subject to certain conditions.

**Extension of Validity of a temporary departure:**

Section 18(1)(b) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) stipulates that an applicant may apply to the Municipality in terms of section 15(2)(b) to utilize land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning applicable to the land for a period not exceeding five years. See **ANNEXURE H** for the previous approval.

Section 18(3) & (4) of the said bylaw however stipulates that;

- 3) The Municipality may approve a departure contemplated in subsection (1)(b) for a period shorter than five years **but**, if a shorter period is approved, **the period together with any extension approved in accordance with section 67 may not exceed five years;**
- (4) **A temporary departure** contemplated in subsection (1)(b) **may not be approved more than once in respect of a particular use on a specific land unit.**

The application for an extension of the validity period for a temporary departure which was approved in 2016, when the subject (2015) bylaw was in place, could therefore not be supported. Reasoning being that the temporary departure could not be approved more than once for the same use as previously approved.

The purpose of the temporary departure is to host the Heritage Festival every year on 24 September once off, in a portion of the Die Laan (public street) and a portion of Erf 2571, Stellenbosch.

The zonings of General Business and Authority Use will convert to appropriate zonings in terms of the new Zoning Scheme Bylaw (2019), which zonings makes provision for an occasional use (one

event/year) as a primary right subject to certain provision. Should the primary provisions be exceeded a new application for consent use could also be applied for.

It is therefore recommended that the application for the extension of a validity period be refused, considering that a temporary departure in terms of Section 18(3) & (4) of the Stellenbosch Municipal Land Use Planning By-law (2015) may not be approved more than once in respect of a particular use on a specific land unit. As in this case with regard to the yearly Heritage Festival.

### **2.7 Assessment of comments on application**

All recommendation and condition were accepted by the applicant and no additional comments was submitted.

The Spatial Planning Section made a comment to restrict the operating hours of the application to normal office hours. Consider the close proximity of specifically the intended restaurant to a residential area with ancillary guest accommodation facilities, the condition is supported for a timeframe from 08h00 to 19h00.

## **PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT**

The proposals are in keeping with the relevant prescriptions, policies and guidelines of the municipality and relevant departments. All services could be provided and upgraded to the satisfaction of the relevant departments if needed. The proposed parking area could provide in the onsite parking requirements of the restaurant, other business activities and the intended land uses, while the property is also well located in terms of existing and well-established public transport routes. The application is deemed desirable, and no negative impact is envisaged on surrounding interested and affected parties, who did not object to the application.

### **Additional matters to consider**

Not applicable.

**PART I: RECOMMENDATION**

1. That the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a temporary departure in terms of Section 15(2)(c) of the said bylaw in order to use portions of the afore-mentioned properties for a one-day event (Heritage festival) on 24 September for five years (2021 – 2026).

**NOT BE APPROVED** in terms of Section 60 of the said Bylaw.

2. The reason for the above decision is as follows:

- 2.1 The temporary departure could not be approved more than once for the same use as previously approved, as in this instance where approval was granted in 2016.

- 3 That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 2751, Stellenbosch, namely:

- 3.1 Closure of a public place in order to close a part of the Public Open Space being Lease Area 1 (1020m<sup>2</sup>) and Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch in terms of Section 15(2)(n) of the said bylaw.

- 3.2 Rezoning of Lease Area 1 (1020m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parking Area) in order to accommodate a public parking area, in terms of Section 15(2)(a) of the said bylaw.

- 3.3 Rezoning of Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to General Business, in terms of Section 15(2)(a) of the said bylaw, to establish a Local Economic Development (LED) Hub to accommodate a restaurant, tourist craft and art shops and offices in support of entrepreneurs and start-up businesses.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the conditions of approval in terms of Section 66 of the said Bylaw:

- 4 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject By-Law, before the approval comes into effect and any required building plans is submitted:

- 4.1 The entrance/exit indicated on Plan 3 (See **ANNEXURE B**) within 5.5m of the Pastorie Street and Die Laan intersection must be closed.
- 4.2 A revised parking layout plan be submitted to the satisfaction of the municipal traffic engineering section, only using the entrance/exit indicated at 21.5m from the Pastorie Street and Die Laan intersection and a vehicle circulation plan must be present to access parking bays P1-P15 or similar proposed alternative parking layout.
- 4.3 The required parking bays for Lease Area 2 must be provided on Lease Area 1 and these requirements must be addressed in the revised parking layout plan to ensure that parking provision for the business buildings is always provided on Erf 2751, Stellenbosch.
- 4.4 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the requirements as listed in 4.1 and 4.2 above.

General conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:

- 4.5 The approval applies only to the rezoning, closure of public space in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 4.6 The rezoning of the property is restricted to the current lease areas only and will not include the remainder of the public open space.
- 4.7 Business hours be restricted to normal office working hours from 08h00 till 19h00.
- 4.8 The portion being used for public parking purposes remains attached to the rezoned area and may not be used for unrelated long-term public parking.
- 4.9 The parking area may not be tarred and should a hard surface be envisaged in future; the surface must consist of laterite or alternatively a material that gives the impression of

laterite to preserve the appearance of the original surface to the satisfaction of the Municipal Heritage Section.

- 4.10 No alterations, additions to the structures which is Graded IIIA and the construction of additional building may be done without a permit from Heritage Western Cape (HWC).
- 4.11 The conditions of approval listed in **ANNEXURE F** from the Municipal Directorate: Infrastructure Services be adhered to.
- 4.12 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

5 The reasons for the above decision are as follows:

- 5.1 The proposals are in line with the objectives and principles of the Integrated Development Plans and the Stellenbosch Municipal Spatial Development Framework.
- 5.2 Sufficient Services can be provided to the satisfaction of the municipal engineering section.
- 5.3 The portion of a public open space to closed, has always been used for the proposed business uses and this application just regularizing the current use.

6 Matters to be noted:

- 6.1 A business license, liquor license and any other applicable activities requiring a separate approval, licence, or permit must be obtained.
- 6.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 6.3 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 6.4 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality or be in line with the signage policy of the Municipality and no signage may be displayed without the written approval of the municipality.
- 6.5 Any signage must consider the heritage significance of the buildings and the residential character of the immediate surroundings.
- 6.6 No directional signage may be erected without the prior approval of the Municipality.

- 6.7 That the conditions of approval listed in **ANNEXURE G** from the Cape Winelands District Municipalities Health Services be adhered to.

#### **PART J: ANNEXURES**

1. **ANNEXURE A:** Locality Plan
2. **ANNEXURE B:** Existing Building, Parking and Zoning Plan
3. **ANNEXURE C:** Motivational report and Copy of Title Deed
4. **ANNEXURE D:** Copy of POE Checklist and declaration
5. **ANNEXURE E:** Manager: Spatial Planning comments
6. **ANNEXURE F:** Directorate: Infrastructure Services comments
7. **ANNEXURE G:** Cape Winelands Health Department
8. **ANNEXURE H:** Previous temporary departure approval.

**PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT****APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH.****Author of Planning Assessment Report:****Recommended Categorisation of the Application for Authorised Decision Maker:**

Rezoning - Type A(c) Category 5 to MPT, considering that the application is initiated by the municipality and the land is owned by Council.

Closure of public space, temporary departure – Type C Category 5 to MPT and type N Category 5 to MPT, considering that the application is initiated by the municipality and the land is owned by Council.

**Name:** Pedro April

**Capacity:** Senior Town Planner

**SACPLAN Registration:**

**Signature:**



Date: 28/02/2022



**PART L: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT****APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH.****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

**Category:** Type A(c) Category 5, type C Category 5, and type N Category 5

**Decision Making Authority:** Rezoning = MPT, and Closure of public space and temporary = MPT  
Rational:

Rezoning - Type A(c) Category 5 to MPT, considering that the application is initiated by the municipality and the land is owned by Council.

Closure of public space, temporary departure – Type C Category 5 to MPT and type N Category 5 to MPT, considering that the application is initiated by the municipality and the land is owned by Council.

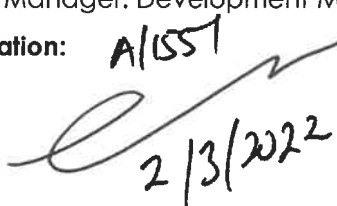
**Name:** Stiaan Carstens

**Capacity:** Senior Manager: Development Management

**SACPLAN Registration:** A/ISS1

**Signature:**

**Date:**

  
2/3/2022

**PART M: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**

**LAND USE AND LAND DEVELOPMENT APPLICATION:  
APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A  
TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH.**

**Administrator to Stellenbosch Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

**Date:** 22 April 2022

**Name:** LENACIA KAMINETHA

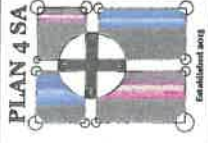
**Capacity:** SENIOR ADMINISTRATIVE OFFICER

**Signature:** 

**Date:** 07.04.2022

**ANNEXURE A**

Locality Plan



**PROFESSIONAL PLANNERS & PROJECT MANAGERS**  
 MARTIN JONKER  
 Tel: 084-410-6132  
 Fax: 086-624-9739  
 Email: martin@plan4sa.co.za  
 Web: www.plan4sa.co.za  
 PROJECT NUMBER: 19P001  
**COPYRIGHT RESERVED**

**DRAWING DISCIPLINE CODES**  
 TRP: Town & Regional Planning  
 TP: Transportation Planning

**DRAWING STATUS CODES**  
 D: Draft  
 F: Final

**DRAWING NUMBER**  
 19P001-ETZ751STB-TRP-LP001-F-20190827-Rev 00

**DRAWING TITLE CODES**  
 LP: Locality Plan  
 LUP: Land Use Plan  
 SDP: Site Development Plan  
 SLP: Site Layout Plan  
 SUB: Subdivision Plan  
 ZP: Zoning Plan

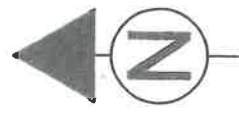
DRAWING TITLE			
<b>LOCALITY PLAN</b>			
<b>PLAN NUMBER</b>	<b>SCALE</b>	<b>SHEET SIZE</b>	<b>SHEET NUMBER</b>
1	1:4	A4	1 of 1
<b>PROJECT NAME</b>			
<b>Rezoning of a Portion of Erf 2751 Stellenbosch</b>			

**CLIENT / OWNER INFORMATION**  
 STELLENBOSCH MUNICIPALITY  
 Mr Widmark Mosses  
 Tel: 021-808-9974  
 Mobile: 082-878-6480  
 Email: widmark.mosses@stellenbosch.gov.za

**ANNEXURE B**

Existing Building, Parking and Zoning Plan

THE AVENUE <"DIE LAAN">



LEGEND	LEGEND NOTES	AREA (m²)
	Erf 2751 Stellenbosch	10,550m²
	Area to be rezoned	2,537m²
	Total Building Area	±413m²
	Existing Building 1 (Agricultural Hall)	±378m²
	Existing Building 2	±35m²
	Existing Onsite Parking	±780m²
	Parking Bay Size (5.5mx2.5m)	13.75m²
	Existing entrance to & exit from the existing onsite parking on Lease Area 1	
	Existing buildings on Lease Area 2 to be used for office/shop purposes.	
	Lease Area 1 over Erf 2751 to be rezoned to "Local Authority (Public Parking Area)".	1020m²
	Lease Area 2 over Erf 2751 to be rezoned to "General Business".	1517m²
	The remainder of Erf 2751, Stellenbosch to remain Public Open Space.	±8,013m²

**CLIENT / OWNER INFORMATION**  
 STELLENBOSCH MUNICIPALITY  
 Mr Widmark Moses  
 Tel: 021-508-9874  
 Mobile: 082-879-6490  
 Email: widmark.moses@stellenbosch.gov.za

**DRAWING TITLE**  
**TYPICAL SITE LAYOUT PLAN**

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
3	Not to scale	A4	1 of 1

**PROJECT NAME**  
 LAND USE APPLICATION(S) OVER A PORTION OF ERF 2751 STELLENBOSCH

**DRAWING TITLE CODES**  
 CP: Consolidation Plan  
 LP: Locality Plan  
 LUP: Land Use Plan  
 SDP: Site Development Plan  
 SLP: Site Layout Plan  
 SUB: Subdivision Plan  
 ZP: Zoning Plan

**DRAWING DISCIPLINE CODES**  
 TRP: Town & Regional Planning  
 TP: Transportation Planning

**DRAWING STATUS CODES**  
 D: Draft  
 F: Final

**DRAWING NUMBER**  
 19P001-Er2751-STB-TRP-SJ-P001-F-20190826-Rev 02

**PROFESSIONAL PLANNERS & PROJECT MANAGERS**  
 MARTIN JONKER  
 Tel: 084-410-6132  
 Fax: 086-524-8738  
 Email: martinj@plan4sa.co.za  
 Web: www.plan4sa.co.za

**PROJECT NUMBER:** 19P001  
**COPYRIGHT RESERVED**

**PLAN 4 SA**



LEGEND	SURROUNDING LAND USES
[Blue Box]	Residential
[Light Blue Box]	Commercial Residential
[Green Box]	Hotel
[Purple Box]	Business
[Pink Box]	Government Offices
[Light Green Box]	Sports Facility
[Grey Box]	Public Transport Facility
[Light Grey Box]	Public Parking
[Purple Box]	Mixed Use
[Orange Box]	Library
[Yellow Box]	Education (University/School)
[Pink Box]	Industrial

**CLIENT / OWNER INFORMATION**  
 STELLENBOSCH MUNICIPALITY  
 Mr Widmark Moses  
 Tel: 021-808-8874  
 Mobile: 082-879-6460  
 Email: widmark.moses@stellenbosch.gov.za

**DRAWING TITLE**  
**LAND USE PLAN**

<b>PLAN NUMBER</b>	<b>SCALE</b>	<b>SHEET SIZE</b>	<b>SHEET NUMBER</b>
2	Not to scale	A4	1 of 1

**PROJECT NAME**  
**REZONING A PORTION OF ERF 2751 STBOSCH**

**DRAWING TITLE CODES**  
 LP: Locality Plan  
 LUP: Land Use Plan  
 SDP: Site Development Plan  
 SLUP: Site Layout Plan  
 SUB: Subdivision Plan  
 ZP: Zoning Plan

**DRAWING DISCIPLINE CODES**  
 TRP: Town & Regional Planning  
 TP: Transportation Planning

**DRAWING STATUS CODES**  
 D: Draft  
 F: Final

**DRAWING NUMBER**  
 19P001-ER2751STB-TRP-LUP001-F-  
 20190826-Rev 00

**PROFESSIONAL PLANNERS & PROJECT MANAGERS**  
 MARTIN JONKER  
 Tel: 084-410-6132  
 Fax: 086-524-8738  
 Email: martin@plan4sa.co.za  
 Web: www.plan4sa.co.za

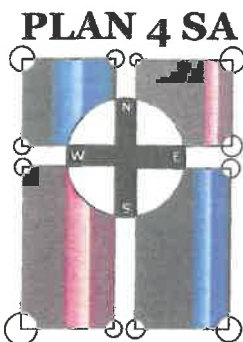
PROJECT NUMBER: 19P001  
**COPYRIGHT RESERVED**

**PLAN 4 SA**

**ANNEXURE C**

Motivational Report and  
Copy of Title Deed





**PROFESSIONAL PLANNERS & PROJECT MANAGERS**  
 Town & Regional Planning  
 Transportation Planning  
 Business Planning & Development  
 Project Management

PO Box 1152, Cape Gate, 7562  
 Unit 5 Stellen Villa, Kronendal Cr., Stellenberg, 7550, WC  
 Tel: +27(0)84-410-6132  
 Fax: +27 (0)86-524-8738  
 Email: [martinj@plan4sa.co.za](mailto:martinj@plan4sa.co.za)  
 Web: [www.plan4sa.co.za](http://www.plan4sa.co.za)

DATE: 26 August 2019  
 OUR REF: 19P001

TO:  
 Manager: Land Use Management  
 Department of Planning & Economic Development  
 Stellenbosch Municipality  
 43 Andringa Street  
 3<sup>rd</sup> Floor, Eikestad Mall  
**STELLENBOSCH**  
 7600



Attention: Ms Hedré Dednam  
 Email: [hedre.dednam@stellenbosch.gov.za](mailto:hedre.dednam@stellenbosch.gov.za)  
 Copy to: Mr Widmark Moses  
 Email: [Widmark.moses@stellenbosch.gov.za](mailto:Widmark.moses@stellenbosch.gov.za)

Dear Sir / Madam

### LAND USE APPLICATION(S): ERF 2751 STELLENBOSCH

Please find attached hereto a land use application for the abovementioned property, including the land use application form, written motivation and other supporting documentation.

The land use application is submitted in terms of the Stellenbosch Municipality Planning By-Law (2015) and the Stellenbosch Zoning Scheme Regulations (1996) on behalf of the owner of the property, who is the Stellenbosch Municipality.

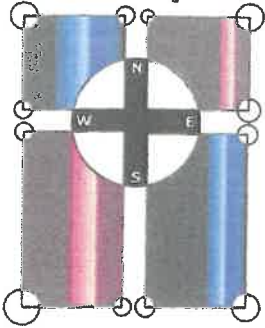
Should you have any enquiries, please do not hesitate to contact the undersigned. Trust the above to be in order.

Regards

**MARTIN JONKER**  
 Managing Director  
 For PLAN 4 SA (Pty) Ltd

C:\Users\Martin\Documents\Business\Plan 4 SA\Projects\2019\19P001\_Stellenbosch LED HUB LUAs\_20190117\Reports\3. Cover Letter\19P001\_Cover Letter-LUA-Erf 2751 STB\_20190826.docx

**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# APPLICATION FORM

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## LAND USE PLANNING APPLICATION FORM 2017

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

**KINDLY NOTE:** Please complete this form using BLOCK letters and ticking the appropriate boxes.

### PART A: APPLICANT DETAILS

First name(s)	MARTIN				
Surname	JONKER				
Company name (if applicable)	PLAN 4 SA (PTY) LTD				
Postal Address	P. O. Box 1152				
	CAPE GATE	Postal Code	7562		
Email	martinj@plan4sa.co.za				
Tel	/	Fax	086 524 8738	Cell	084 410 6132

### PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner(s)	STELLENBOSCH MUNICIPALITY (PIET SMIT / WIOMARK MOSES)				
Physical address	58 ANDRINGA STREET				
	STELLENBOSCH	Postal code	7600		
E-mail	piet.smit@stellenbosch.gov.za. widmark.moses@stellenbosch.gov.za.				
Tel	021-808-8189/8974	Fax	021-886-7323	Cell	084 506 5065 (PIET) 082 879 84 90 (WIOMARK)

### PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	2751	Portion(s) if Farm		Allotment area	STELLENBOSCH
Physical Address	Corner of Pastorie Street & Die Kaan				
	Stellenbosch				
Current Zoning	Public Open Space	Extent	1,0550 m <sup>2</sup> /ha	Are there existing buildings?	existing <input checked="" type="checkbox"/> N <input type="checkbox"/>

Applicable Zoning Scheme	Stellenbosch Zoning Scheme Regulations										
Current Land Use	Open Space + 2 Lease Areas rented out to businesses										
Title Deed number and date	T	STFH8-3/1908									
Attached Conveyance's Certificate	Y	X	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies): N/A.								
Is the property encumbered by a bond?	Y	X	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	X	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use <sup>2</sup> ?			Y	N				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?		X	Are there any land claim(s) registered on the subject property(ies)?				X				
<b>PART D: PRE-APPLICATION CONSULTATION</b>											
Has there been any pre-application consultation?	Y		If Yes, please attach the minutes of the pre-application consultation.								
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>											
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>											
Tick	Type of application: Cost are obtainable from the Council Approved tariffs <sup>3</sup>										
X	15(2)(a) Rezoning of Land										
	15(2)(b) a permanent departure from the development parameters of the zoning scheme										
X	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;										
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;										
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;										

<sup>1</sup> All applications triggered by section 38(1)(a)-(e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

<sup>2</sup> No application may be submitted to legalize unauthorised building work and or land use on the property if a notice have been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

<sup>3</sup> <http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>

	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;
	15(2)(g) a permission required in terms of the zoning scheme;
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval;
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme;
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;
	15(2)(l) a permission required in terms of a condition of approval;
	15(2)(m) a determination of a zoning;
X	15(2)(n) a closure of a public place or part thereof;
	15(2)(o) a consent use contemplated in the zoning scheme;
	15(2)(p) an occasional use of land;
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.
	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) Amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

**OTHER APPLICATIONS**

	Deviation from Council Policies/By-laws;	R
	Other (specify) : _____	R
<b>TOTAL A:</b>		<b>R</b>

**PRESCRIBED NOTICE AND FEES\*\* (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; data messages	R
	<b>PUBLICATION OF NOTICES</b>	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	<b>ADDITIONAL PUBLICATION OF NOTICES</b>	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	<b>NOTICE OF DECISION</b>	Provincial Gazette	R
	<b>INTEGRATED PROCEDURES</b>	T.B.C	R
<b>TOTAL B:</b>			<b>R</b>
<b>TOTAL APPLICATION FEES* (TOTAL A + B)</b>			<b>R</b>

\* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

\*\* The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

**BANKING DETAILS**

Name: Stellenbosch Municipality  
 Bank: NEDBANK  
 Branch no.: 198765  
 Account no.: 1152271679  
 SWIFT: NEDSZAJJ  
 Payment reference:  
 (Erf/Farm number) .....

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	MR WIOMARK MOSES STELLENBOSCH MUNICIPALITY
Postal Address	58 ANDRINGA STREET STELLENBOSCH, 7600
Vat Number (where applicable)	<del>_____</del>

PART F: DETAILS OF PROPOSAL							
Building line encroachment	Street	<del>N/A</del>	From	m	To	m	
	Street	<del>N/A</del>	From	m	To	m	
	Side	<del>N/A</del>	From	m	To	m	
	Side	<del>N/A</del>	From	m	To	m	
	Aggregate side	<del>N/A</del>	From	m	To	m	
	Rear	<del>N/A</del>	From	m	To	m	
Exceeding permissible site coverage		From	%	To	%		
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To			
Exceeding height restriction		From	m	To	m		
Exceeding maximum storey height		From	m	To	m		
Consent/Conditional Use/Special Development							
To permit..... <del>N/A</del> ..... in terms of Section.....of the.....Zoning Scheme Regulations							
Other (please specify)		<del>N/A</del>					

**Brief description of proposed development / Intent of application:**

Closure of a part of the public open space and rezoning of lease Areas 1 & 2 over Erf 2751 from Public Open Space to General Business (lease Area 2) & Local Authority (Public Parking). Refer to attached Planning Motivation for detail.

**PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION**

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

<input checked="" type="checkbox"/>	N		Power of attorney / Owner's consent if applicant is not owner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bondholder's consent (if applicable)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of any other relevant right held in the land concerned	
<input checked="" type="checkbox"/>	N		Written motivation pertaining to the need and desirability of the proposal	<input checked="" type="checkbox"/>	N	S.G. diagram / General plan extract (A4 or A3 only)	
<input checked="" type="checkbox"/>	N		Locality plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>	N	Site development plan or conceptual layout plan (A4 or A3 only) to scale	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Proposed subdivision plan (A4 or A3 only) to scale	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of agreement or permission for required servitude	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		Proof of payment of application fees	<input checked="" type="checkbox"/>	N	Proof of registered ownership ( <b>Full copy of the title deed</b> )	
<input checked="" type="checkbox"/>	N		Conveyancer's certificate	<input checked="" type="checkbox"/>	N	Minutes of pre-application consultation meeting (if applicable)	
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Consolidation plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Street name and numbering plan (A4 or A3 only) to scale	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Landscaping / Tree plan (A4 or A3 only) to scale	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Home Owners' Association consent
<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	Abutting owner's consent	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Services Report or indication of all municipal services / registered servitudes
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Proof of failure of Home owner's association
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Copy of original approval and conditions of approval	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Any additional documents or information required as listed in the pre-application consultation form / minutes
<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Proof of lawful use right	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	Other (specify)
<input checked="" type="checkbox"/>	N	N/A	Required number of documentation copies	<input type="checkbox"/>	N	<input checked="" type="checkbox"/>	

**PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION**

Y	<del>N/A</del>	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))		
			Y	<del>N/A</del>	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	<del>N/A</del>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	<del>N/A</del>	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	<del>N/A</del>	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	<del>N/A</del>	National Water Act, 1998 (Act 36 of 1998)
Y	<del>N/A</del>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	<del>N/A</del>	Other (specify)
Y	<del>N/A</del>	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	<del>N/A</del>	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

**SECTION I: DECLARATION**

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or



declarations made as to his or her qualification as a Competent person and/or registration as a professional.

12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature: \_\_\_\_\_

*M. Jonker*

Date: \_\_\_\_\_

*26/8/2019.*

Full name: \_\_\_\_\_

*Martin Jonker*

*Plan 4 SA (Pty) Ltd.*

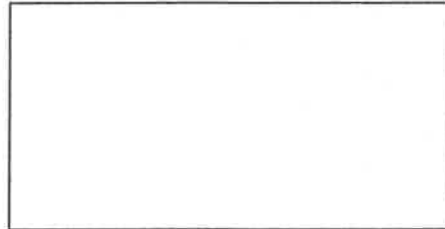
Professional capacity: \_\_\_\_\_

*Professional Planner A/1090/1999*

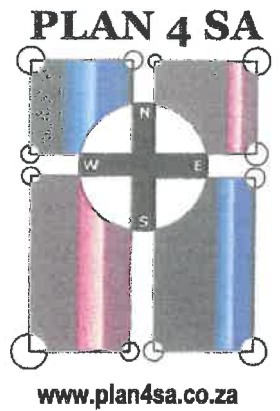
**FOR OFFICE USE ONLY**

Date received: \_\_\_\_\_

Received By: \_\_\_\_\_



**Land Use Application(s)  
for  
Erf 2751, Stellenbosch**



**PLANNING MOTIVATION REPORT**



**Prepared  
For**

**STELLENBOSCH MUNICIPALITY  
Department of Planning and Economic Development  
58 Andringa Street, Stellenbosch, 7600  
PO Box 17  
Stellenbosch  
7599**

**Report Date:  
26 August 2019**

**HEAD OFFICE**  
PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550

# CONTROL SHEET

## PARTIES TO THE CONTRACT / SERVICE LEVEL AGREEMENT

<b>CLIENT</b>	: Stellenbosch Municipality
<b>Client Contact Person</b>	: Mr Widmark Moses
<b>Client Tel</b>	: 021-808-8173
<b>Client Mobile</b>	: 082-879-8490
<b>Client Email</b>	: <a href="mailto:Widmark.moses@stellenbosch.gov.za">Widmark.moses@stellenbosch.gov.za</a>
<b>LEAD CONSULTANT</b>	: Plan 4 SA (Pty) Ltd
<b>Consultant Project Manager</b>	: Martin Jonker
<b>Consultant Email</b>	: <a href="mailto:martinj@plan4sa.co.za">martinj@plan4sa.co.za</a>
<b>Consultant Mobile</b>	: 084-410-6132
<b>SUB-CONSULTANTS</b>	: N/A

## PROJECT

<b>PROJECT NAME</b>	: PREPARE & SUBMIT A LAND USE APPLICATION TO REMOVE RESTRICTIVE TITLE DEED CONDITIONS AND REZONE SEVERAL PROPERTIES IN THE STELLENBOSCH MUNICIPAL AREA TO BE USED AS LOCAL ECONOMIC DEVELOPMENT HUBS
<b>Contract / Order Number</b>	: 352666
<b>Consultant Project Number</b>	: 19P001

## REPORT

<b>REPORT NAME</b>	: PLANNING MOTIVATION REPORT
<b>Prepared By</b>	: Martin Jonker

## REPORT REVISIONS

REVISION NR	DATE	DESCRIPTION
Rev 00	12 July 2019	Draft Planning Motivation Report
Rev 01	19 August 2019	Draft Planning Motivation Report
Rev 02	20 August 2019	Draft Planning Motivation Report
Rev FINAL	26 August 2019	Planning Motivation Report

# TABLE OF CONTENTS

CONTROL SHEET .....	I
TABLE OF CONTENTS .....	II
LIST OF TABLES.....	III
LIST OF FIGURES.....	III
LIST OF IMAGES.....	III
LIST OF PHOTOS.....	IV
LIST OF PLANS.....	IV
LIST OF ANNEXURES.....	IV
<b>1. INTRODUCTION .....</b>	<b>1</b>
<b>1.1 BACKGROUND AND APPOINTMENT.....</b>	<b>1</b>
<b>1.2 POWER OF ATTORNEY.....</b>	<b>1</b>
<b>1.3 REPORT LAYOUT.....</b>	<b>1</b>
<b>2. LAND USE APPLICATION .....</b>	<b>2</b>
<b>2.1 PURPOSE OF THE APPLICATION.....</b>	<b>2</b>
<b>2.2 APPLICABLE BY-LAW, ZONING SCHEME &amp; OVERLAY ZONES .....</b>	<b>2</b>
<b>2.3 TYPE OF LAND USE APPLICATION.....</b>	<b>2</b>
<b>2.4 APPROVAL REQUIRED IN TERMS OF OTHER LEGISLATION (IF APPLICABLE) .....</b>	<b>2</b>
<b>3. PROPERTY INFORMATION .....</b>	<b>9</b>
<b>3.1 PROPERTY DESCRIPTION &amp; EXTENT .....</b>	<b>9</b>
<b>3.2 OWNERSHIP &amp; TITLE DEED.....</b>	<b>9</b>
<b>3.3 CONVEYANCING CERTIFICATE &amp; TITLE DEED RESTRICTIONS.....</b>	<b>9</b>
<b>3.4 CURRENT ZONING .....</b>	<b>9</b>
<b>3.5 EXISTING BUILDINGS &amp; LAND USES .....</b>	<b>10</b>
<b>3.6 BOND HOLDER.....</b>	<b>12</b>
<b>3.7 PENDING LAND CLAIMS.....</b>	<b>12</b>
<b>3.8 PENDING COURT CASES / ORDERS .....</b>	<b>12</b>
<b>4. CONTEXTUAL ANALYSIS .....</b>	<b>13</b>
<b>4.1 LOCATION &amp; PHYSICAL ADDRESS.....</b>	<b>13</b>
<b>4.2 SURROUNDING ZONINGS AND LAND USES.....</b>	<b>13</b>
<b>5. SITE ANALYSIS .....</b>	<b>15</b>
<b>6. DEVELOPMENT PROPOSAL .....</b>	<b>16</b>
<b>6.1 BACKGROUND .....</b>	<b>16</b>
<b>6.2 OBJECTIVE(S) .....</b>	<b>17</b>
<b>6.3 PROPOSED ZONING(S) AND LAND USE(S).....</b>	<b>18</b>
<b>6.4 PROPOSED DEVELOPMENT PARAMETERS.....</b>	<b>19</b>
6.4.1 Coverage.....	20
6.4.2 Height.....	21
6.4.3 Floor Factor & Bulk .....	22
6.4.4 Building Lines.....	23
6.4.5 Parking.....	24
<b>7. PLANNING MOTIVATION IN SUPPORT OF THE APPLICATION .....</b>	<b>25</b>
<b>7.1 LAND USE DECISION CRITERIA.....</b>	<b>25</b>
<b>7.2 CONSISTENCY WITH RELEVANT NATIONAL &amp; PROVINCIAL DEVELOPMENT PRINCIPLES.....</b>	<b>25</b>
<b>7.3 CONSISTENCY WITH RELEVANT NATIONAL &amp; PROVINCIAL PLANNING FRAMEWORKS AND POLICIES .....</b>	<b>26</b>
7.3.1 National Development Plan (NDP), 2012.....	26
7.3.2 OneCape 2040.....	26
7.3.3 WC Provincial Spatial Development Framework (PSDF), 2014 .....	27
<b>7.4 CONSISTENCY WITH RELEVANT LOCAL PLANNING FRAMEWORKS AND POLICIES.....</b>	<b>28</b>
7.4.1 Municipal IDP .....	28
7.4.2 Municipal SDF.....	28

7.4.3 District SDF .....	29
<b>7.5 SUITABILITY OF THE SITE .....</b>	<b>30</b>
<b>7.6 OTHER IMPLICATIONS OF THE PROPOSED LAND USE(S).....</b>	<b>31</b>
<b>8. CONCLUSION.....</b>	<b>32</b>

## LIST OF TABLES

TABLE 1: LAND USE APPLICATION(S) MADE .....	2
TABLE 2: SPLUMA (ACT 16 OF 2013) TRIGGERS .....	3
TABLE 3: OTHER NATIONAL LEGISLATIVE TRIGGERS .....	3
TABLE 4: PROVINCIAL LEGISLATIVE TRIGGERS .....	5
TABLE 5: PROPERTY CADASTRAL INFORMATION .....	9
TABLE 6: CURRENT ZONING .....	9
TABLE 7: EXISTING BUILDINGS & LAND USES .....	10
TABLE 8: LAND USES ON SURROUNDING PROPERTIES .....	13
TABLE 9: SITE ANALYSIS .....	15
TABLE 10: SUMMARY OF AREA SIZES .....	18
TABLE 11: PROPOSED ZONING(S) IN TERMS OF THE STELLENBOSCH TOWN PLANNING SCHEME REGULATIONS .....	19
TABLE 12: SUMMARY OF PLANNING PARAMETERS FOR LEASE AREA 2 (GENERAL BUSINESS) .....	19
TABLE 13: PROPOSED ZONING PARAMETERS: COVERAGE (LEASE AREA 2) .....	20
TABLE 14: PROPOSED ZONING PARAMETERS: HEIGHT (LEASE AREA 2) .....	21
TABLE 15: PROPOSED ZONING PARAMETERS: FLOOR FACTOR & BULK (LEASE AREA 2) .....	22
TABLE 16: PROPOSED ZONING PARAMETERS: BUILDING LINES (LEASE AREA 2).....	23
TABLE 17: PROPOSED ZONING PARAMETERS: PARKING (LEASE AREA 1).....	24
TABLE 18: CONSISTENCY WITH SPLUMA (ACT 16 OF 2013) AND LUPA (ACT 3 OF 2014) .....	25
TABLE 19: CONSISTENCY WITH NATIONAL DEVELOPMENT PLAN (NDP), 2012.....	26
TABLE 20: MSDF (2018) STRATEGIC PERSPECTIVES & DEVELOPMENT PRINCIPLES IN SUPPORT OF THIS APPLICATION .....	28
TABLE 21: CONSISTENCY OF THE PROPOSED LAND USE WITH THE MSDF.....	29
TABLE 22: MOTIVATION IN TERMS OF SITE SUITABILITY .....	30
TABLE 23: OTHER IMPLICATIONS OF THE PROPOSED LAND USE(S) .....	31

## LIST OF FIGURES

FIGURE 1: LEASE AREA 1 OVER ERF 2751 STELLENBOSCH.....	10
FIGURE 2: LEASE AREA 2 OVER ERF 2751 STELLENBOSCH.....	10

## LIST OF IMAGES

IMAGE 1: LOCATION OF ERF 2751 STELLENBOSCH .....	13
--	----

## LIST OF PHOTOS

PHOTO 1: ENTRANCE TO THE AGRICULTURAL HALL .....	11
PHOTO 2: SIGNBOARD OF PAID PUBLIC PARKING .....	11
PHOTO 3: VIEW FROM REMAINDER OF ERF 2751, STELLENBOSCH .....	11
PHOTO 4: VIEW FROM CORNER OF PASTORIE STREET AND THE AVENUE (DIE LAAN) .....	11
PHOTO 5: VIEW FROM PEDESTRIAN BRIDGE .....	11
PHOTO 6: VIEW OF PUBLIC OPEN SPACE ON ERF 2751, STELLENBOSCH .....	11
PHOTO 7: AERIAL VIEW OF ERF 2751, STELLENBOSCH .....	11
PHOTO 8: AERIAL VIEW OF LEASE AREA 1 AND LEASE AREA 2 OVER ERF 2751, STELLENBOSCH .....	11
PHOTO 9: AERIAL VIEW OF BUILDING NEXT TO AGRICULTURAL HALL .....	12
PHOTO 10: AERIAL VIEW OF AGRICULTURAL HALL .....	12
PHOTO 11: UNIVERSITY USES ON ERF 1188 .....	14
PHOTO 12: UNIVERSITY USES IN SUIDWAL STREET .....	14
PHOTO 13: UNIVERSITY USES IN SUIDWAL STREET .....	14
PHOTO 14: DE HAAS LUXURY LIVING ON ERF 1372 .....	14

## LIST OF PLANS

- PLAN 1: LOCALITY PLAN
- PLAN 2: LAND USE PLAN
- PLAN 3: TYPICAL SITE LAYOUT PLAN

## LIST OF ANNEXURES

- ANNEXURE 1: POWER OF ATTORNEY
- ANNEXURE 2: SG DIAGRAM
- ANNEXURE 3: PROOF OF REGISTERED OWNERSHIP
- ANNEXURE 4: TITLE DEED
- ANNEXURE 5: CONVEYANCING CERTIFICATES
- ANNEXURE 6: ZONING CERTIFICATES
- ANNEXURE 7: LAND CLAIMS – LETTER FROM REGIONAL LAND CLAIMS COMMISSIONER
- ANNEXURE 8: PRE-SUBMISSION CONSULTATION MINUTES

## 1. INTRODUCTION

### 1.1 BACKGROUND AND APPOINTMENT

The Stellenbosch Municipal Council resolved on 29 March 2017 that approval be granted for the establishment of Local Economic Development (LED) Hubs on several municipal properties located in the Stellenbosch municipal area.

The municipality's LED department identified five (5) suitable locations for this purpose and issued a Request for Quotations for Professional Planners to assist with the preparation and submission of land use applications on each property. **PLAN 4 SA (Pty) Ltd** was subsequently appointed to assist with obtaining the relevant land use rights on each identified property.

### 1.2 POWER OF ATTORNEY

The owner of the property gave Power of Attorney to **PLAN 4 SA (Pty) Ltd** or its nominee (**Mr Martin Jonker; ID 7010175034083** and **SACPLAN Registration Number A/1090/1999**).

The aforesaid Power of Attorney is attached to the land use application as **ANNEXURE 1**.

### 1.3 REPORT LAYOUT

The report has been structured as follows:

- **Section 1: Introduction:** This section gives the background to the appointment and shows to whom power of attorney has been given to deal with this application.
- **Section 2: Land Use Application:** This section describes the purpose of the application; identifies the applicable by-law, zoning scheme and overlay zones; describes the type of land use application and finally indicates whether any national and provincial legislation are triggered by the application.
- **Section 3: Property Information:** This section provides basic information about the property such as its cadastral description, its extent, the title deed number of the property and whether there are any restrictive conditions in the title deed. Other information includes its current zoning, current land uses, whether there is a bond registered against the property, and whether there are any pending land claims or court cases/orders.
- **Section 4: Contextual Analysis:** This section analyses the site in terms of the characteristics of the surrounding area, its location and the surrounding zonings and land uses.
- **Section 5: Site Analysis:** In this section the site is analysed in terms of the availability of engineering services, roads & transport, servitudes, geotechnical status, topography and environmental characteristics.
- **Section 6: Development Proposal:** The proposed development or land use is described in more detail in this section including the planning parameters proposed.
- **Section 7: Planning Motivation in Support of the Application:** This section motivates the application from a planning perspective. It looks at, amongst others, the consistency of the application in terms of planning policies and frameworks.
- **Section 8: Conclusion:** Provides concluding remarks and recommendations regarding the application.

## 2. LAND USE APPLICATION

### 2.1 PURPOSE OF THE APPLICATION

The purpose of this application is to obtain the applicable land use rights to use the subject property as a Local Economic Development Hub.

### 2.2 APPLICABLE BY-LAW, ZONING SCHEME & OVERLAY ZONES

The following by-law and zoning scheme(s) are applicable to this land use application:

- Stellenbosch Municipal Land Use Planning By-Law, 2015; and the
- Stellenbosch Municipal Zoning Scheme Regulations, 1996

The subject property falls **inside** the Historical Centre of Stellenbosch.

### 2.3 TYPE OF LAND USE APPLICATION

Application is made in terms of **Section 15** of the **Stellenbosch Municipal Land Use Planning By-Law, 2015** for the following:

TABLE 1: LAND USE APPLICATION(S) MADE

IN TERMS OF SECTION	APPLICATION IS MADE FOR
15(2)(n)	The closure of a part of the Public Open Space, being <b>Lease Area 1 (1020m<sup>2</sup> in extent)</b> and <b>Lease Area 2 (1517m<sup>2</sup> in extent)</b> over Erf 2751, Stellenbosch.
15(2)(a)	The rezoning of Lease Area 1 (1020m <sup>2</sup> in extent) over <b>Erf 2751, Stellenbosch</b> from <b>Public Open Space to Local Authority (Public Parking Area)</b> in terms of the Stellenbosch Municipal Zoning Scheme Regulations, 1996.
15(2)(a)	The rezoning of Lease Area 2 (1517m <sup>2</sup> in extent) over <b>Erf 2751, Stellenbosch</b> from <b>Public Open Space to General Business</b> in terms of the Stellenbosch Municipal Zoning Scheme Regulations, 1996.
15(2)(i)	An extension of the validity period of a temporary departure previously approved under application number LU/4710 on 16 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a one day event (Heritage Festival) on 24 September, for five years, i.e. 2020 - 2025.

### 2.4 APPROVAL REQUIRED IN TERMS OF OTHER LEGISLATION (IF APPLICABLE)

The following table indicates whether the proposed land use triggers any approvals required in terms of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013.



TABLE 2: SPLUMA (Act 16 of 2013) TRIGGERS

APPLICABLE SECTIONS OF SPLUMA	TRIGGERED (YES / NO)	COMMENTS
<p><b>Development application affecting national interest</b> S52.(1)</p> <p>Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), a land development application must be referred to the Minister where such an application materially impacts on –</p> <p>(a) matters within the exclusive functional area of the national sphere in terms of the Constitution;</p> <p>(b) strategic national policy objectives, principles or priorities, including food security, international relations and co-operation, defence and economic unity; or</p> <p>(c) land use for a purpose which falls within the functional area of the national sphere of government.</p>	No	This section is not triggered.
<p>S52.(2)</p> <p>A land development application must be referred to the Minister where the outcome of the application –</p> <p>(a) may be prejudicial to the economic, health or security interests of one or more provinces or the Republic as a whole; or</p> <p>(b) may impede the effective performance of the functions by one or more municipalities or provinces relating to matters within their functional area of legislative competence.</p>	No	This section is not triggered.
<p>S52.(3)</p> <p>Where an applicant believes that his or her application is likely to affect the national interest, he or she must submit a copy of that application to the Minister.</p>	No	This section is not triggered.

The following table indicates whether any other national legislation is triggered by the proposed change in land use.

TABLE 3: OTHER NATIONAL LEGISLATIVE TRIGGERS

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
<b>National Heritage Resource Act, 1999 (Act 25 of 1999)</b>	<b>Sections that triggers the need to submit a Notification of Intent to Develop</b>		
	<p>S38(1)(a)</p> <p>Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length</p>	No	This section is not triggered.
	<p>S38(1)(b)</p> <p>Construction of a bridge or similar structure exceeding 50m in length</p>	No	This section is not triggered.

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	S38(1)(c) Any development or activity that will change the character of a site – i. Exceeding 5,000m <sup>2</sup> in extent; or ii. Involving three or more existing erven or subdivisions thereof; or iii. Involving three or more divisions thereof which have been consolidated within the past five years.	No	This section is not triggered.
	S38(1)(d) Rezoning of a site exceeding 10,000m <sup>2</sup> in extent.	No	This section is not triggered.
	S38(1)(e) Any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.	No	The building next to the Hall on the property is older than 60-years <sup>1</sup> . The agricultural hall <sup>2</sup> has a building plan that was approved in 1975. Irrespective of the ages of the buildings, no structural changes will be done to any of the buildings without obtaining all the necessary approvals.
National Environmental Management Act, 1998 (Act 107 of 1998)		No	This Act is not triggered.
Environmental Conservation Act, 1989 (Act 73 of 1989)		No	This Act is not triggered.
National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)		No	This Act is not triggered.
National Environmental Management: Waste Act, 2008 (Act 59 of 2008)		No	This Act is not triggered.
National Water Act, 1998 (Act 36 of 1998)		No	This Act is not triggered.
Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		No	This Act is not triggered.
Advertising on Roads & Ribbon Development Act, 1940 (Act 21 of 1940)		No	This Act is not triggered.
Occupational Health & Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		No	This Act is not triggered.

The following table indicates whether the proposed use triggers any provincial legislative approvals.

<sup>1</sup> Building Plan BP497 approved 7/09/1926.

<sup>2</sup> Building Plan BP9461 approved 16/07/1975

TABLE 4: PROVINCIAL LEGISLATIVE TRIGGERS

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)	<p><b>Compliance or consistency with, and deviation from, spatial development frameworks or structure plans</b></p> <p>S19(1)</p> <p>If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan.</p>	N/A	N/A
	<p>S19(2)</p> <p>If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.</p>	Yes	Although the 2018 SDF does not specifically discuss the use of this property and does not provide a specific land use designation for the area, the proposed land use is within the urban edge and not in conflict with normal uses associated with an urban area. The final draft 2019 SDF designated the area as "Existing and Proposed Urban Character Areas"
	<p>S19(3)</p> <p>If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.</p>	No	N/A
	<p><b>Provincial comment on land use applications</b></p> <p>S45(1)</p> <p>A municipality must refer a land use application relating to the following to the Head of Department for written provincial comment once the application is complete in accordance with the requirements of the municipality and section 42:</p>	N/A	N/A
	<p>S45(1)(a)</p> <p>a development outside the municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;</p>	No	The proposed development is located within the urban edge.
	<p>S45(1)(b)</p> <p>if the municipality has no approved municipal spatial development framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;</p>	No	N/A
	<p>S45(1)(c)</p> <p>a rezoning of land zoned for agricultural or conservation purposes;</p>	No	N/A

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	S45(1)(d) any development as determined by the municipal manager;	No	N/A
	S45(1)(e) development as prescribed that affects a provincial functional area;	No	N/A
	S45(1)(f) any other category of land use applications as may be prescribed for the purpose of supporting and strengthening the capacity of municipalities.	No	N/A
	<b>Provincial approval of land development</b> S53(1) No person may without an approval under subsection (2) or an exemption under subsection (3) develop land that will have a substantial effect on— (a) the orderly, coordinated or harmonious development of a region or the Province; (b) the general welfare of the inhabitants of a region or the Province; or (c) agriculture, due to— (i) the nature or scale of the proposed land use; or (ii) the cumulative effect of multiple developments.	No	N/A
	S53(2) The owner of the land concerned or a person authorised by the owner may apply to the Head of Department for approval to develop land that will have the effect contemplated in subsection (1).	No	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.
	S53(3) “(3) The Provincial Minister may exempt categories of land development from requiring approval under subsection (1) in one or more of the following circumstances: (a) where the land development complies with the applicable spatial development frameworks; (b) where the land development is consistent with other provincial policy; (c) to provide for government infrastructure projects; or (d) where provincial approval was granted in terms of other legislation.”	Yes	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
<p>Western Cape Land Use Planning Regulations, 2015 (Provincial Gazette 7412 dated 26 June 2015)(P.N. 203/2015)</p> <p>Western Cape Land Use Planning Regulations, 2015: Amendment, 2019 (Provincial Gazette 8083 dated 15 April 2019)(P.N. 51/2019)</p>	<p><b>Land development requiring provincial approval and exempted categories of land development</b></p> <p>Reg 10.(1)</p> <p>Subject to subregulation (2), land development contemplated in section 53(1) read with section 53(4) of the Act consists of the following categories:</p> <p>(a) proposed land development—</p> <p>(i) in respect of which an approval in terms of the Ordinance does not exist immediately before the commencement of the Act; and</p> <p>(ii) that falls within a category of land development that has been listed in the Provincial Gazette as a category that requires approval under section 53(1) of the Act;</p> <p>(b) proposed land development that utilises an area of five hectares or more of agricultural land that has been cultivated or irrigated during the 10-year period immediately preceding the proposed land development that involves urban development or urban expansion, including residential, resort, business, industrial and community development, utility services or transport uses, but excluding agricultural land uses or land development ordinarily associated with agricultural use such as agricultural storing and packing facilities, agricultural industries or accommodation for bona fide agricultural workers;”</p> <p>(c) proposed land development for prospecting, mining or quarrying that utilises an area of five hectares or more of agricultural land;</p> <p>(d) proposed land development for any shale gas mining activity, but excluding any exploration activities involving seismic testing and stratified drilling;</p> <p>and</p> <p>(e) proposed land development for any nuclear electricity generation facility.</p>	No	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	<p>Reg 10.(2)</p> <p>The following categories of land development contemplated in subregulation (1) are exempted under section 53(3) of the Act from requiring approval under section 53(1) of the Act:</p> <p>(a) proposed land development in respect of which a provincial approval exists immediately before the commencement of the Act in terms of any of the following legislation:</p> <ul style="list-style-type: none"> <li>(i) section 24(2) of the National Environmental Management Act, 1998 (Act 107 of 1998), excluding an approval that is suspended in terms of section 43(7) of that Act;</li> <li>(ii) section 3 or 14 of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991);</li> <li>(iii) regulations 2 to 7 of the regulations made under section 66(1) of the Black Communities Development Act, 1984 (Act 4 of 1984), published under Government Notice R.1897/1986 in Government Gazette 10431 of 12 September 1986;</li> <li>(iv) regulation 16, 17, 19(5) or 19(7) of the regulations made under section 66(1) of the Black Communities Development Act, 1984, published under Provincial Notice 733/1989 in Provincial Gazette 4606 of 22 September 1989;</li> <li>(v) section 20 of the Rural Areas Act, 1987 (Act 9 of 1987);</li> </ul> <p>(b) proposed land development that is specifically provided for in the applicable local municipal spatial development framework that was submitted to the Provincial Minister as contemplated in section 14 of the Act.</p>	Yes	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.

### 3. PROPERTY INFORMATION

#### 3.1 PROPERTY DESCRIPTION & EXTENT

TABLE 5: PROPERTY CADASTRAL INFORMATION

PROPERTY DESCRIPTION	SG DIAGRAM	EXTENT
Erf 2751, Stellenbosch	SG2158/1907	1.0550ha (1 morgen 139 square roods)
Lease Area 1 over Erf 2751, Stellenbosch	SG352/2015	1020m <sup>2</sup>
Lease Area 2 over Erf 2751, Stellenbosch	SG628/2015	1517m <sup>2</sup>
Erf 6314 (a portion of Erf 2751), Stellenbosch	SG5325/1976 (Withdrawn)	1576m <sup>2</sup>

The SG Diagram for Erf 6314 was withdrawn by the Surveyor-General on 16/04/2015. Erf 6314 Stellenbosch is an unregistered property vide Diagram SG5325/1976. The SG Diagrams are attached to the land use application as **ANNEXURE 2**.

#### 3.2 OWNERSHIP & TITLE DEED

The property (Erf 2751, Stellenbosch) is owned by the Stellenbosch Municipality and is held by Deed of Grant No. 3 dated 8 January 1908 (STFH8-3/1908). Proof of registered ownership is attached to the land use application as **ANNEXURE 3**. The Title Deed is attached to the land use application as **ANNEXURE 4**.

#### 3.3 CONVEYANCING CERTIFICATE & TITLE DEED RESTRICTIONS

A Conveyancing Certificate has been issued and is attached to the land use application as **ANNEXURE 5**. A search was conducted on the following title deeds:

- Deed of Grant No. 3 dated 8 January 1908 (STFH8-3/1908)

The Conveyancing Certificate confirms that there are no restrictive conditions in the current or earlier title deeds.

#### 3.4 CURRENT ZONING

The application property is currently zoned as follows in terms of the Stellenbosch Zoning Scheme Regulations, 1996.

TABLE 6: CURRENT ZONING

USE ZONE	PRIMARY USES / NORMAL DEVELOPMENT	CONSENT USES / SPECIAL DEVELOPMENT <i>(Allowed with consent of the Council)</i>
Public Open Space	Public Open Space	None

The Rules of Development (RD) for Public Open Space indicates that *"No building or structure shall be erected or use practised except such as is compatible with "public open space" as defined in section 1"*.

Section 1 of the Zoning Scheme defines *"Public Open Space"* or *"Public Place"* as follows: *"... means a park, public garden, square, sports field, children' playground, amusement park, place of recreation or any similar amenity, the*

access to which is not limited or controlled". The Zoning Certificate(s) is attached to the land use application as ANNEXURE 6.

### 3.5 EXISTING BUILDINGS & LAND USES

There are two lease areas registered on the subject property. Lease Area 1 is leased out and used as a parking area with no buildings on it. Lease Area 2 has two (2) buildings on it which is currently leased out and used for office & shop purposes. The building is known as the "Old Agricultural Hall" ("Ou Landbousaal"). The remainder of Erf 2751 is used as a public open space.

TABLE 7: EXISTING BUILDINGS & LAND USES

EXISTING BUILDINGS	EXISTING LAND USES	LEGAL STATUS (Authorised or Unauthorised)	IF "UNAUTHORISED", IS THIS APPLICATION TO LEGALIZE THE LAND USE?
Lease Area 1 over Erf 2751, Stellenbosch	Leased out and used as Paid Public Parking	Unauthorised	Yes
Lease Area 2 over Erf 2751, Stellenbosch	Leased out and used as Offices & Shop	Unauthorised	Yes

The two lease areas over Erf 2751 Stellenbosch is shown in the figures below.

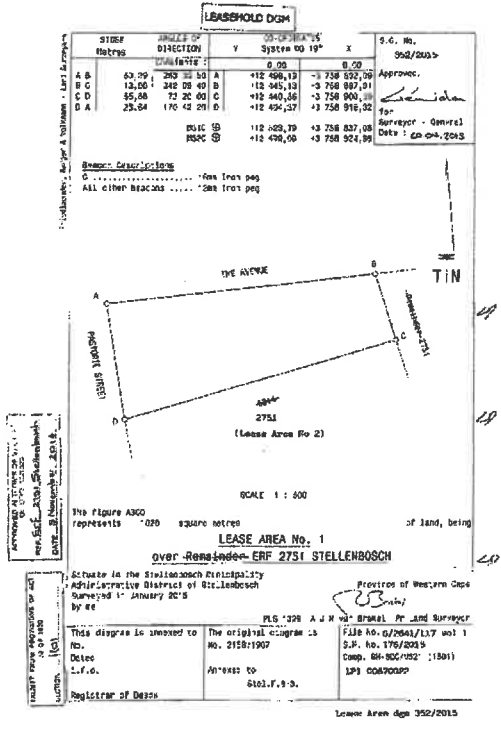


FIGURE 1: LEASE AREA 1 OVER ERF 2751 STELLENBOSCH

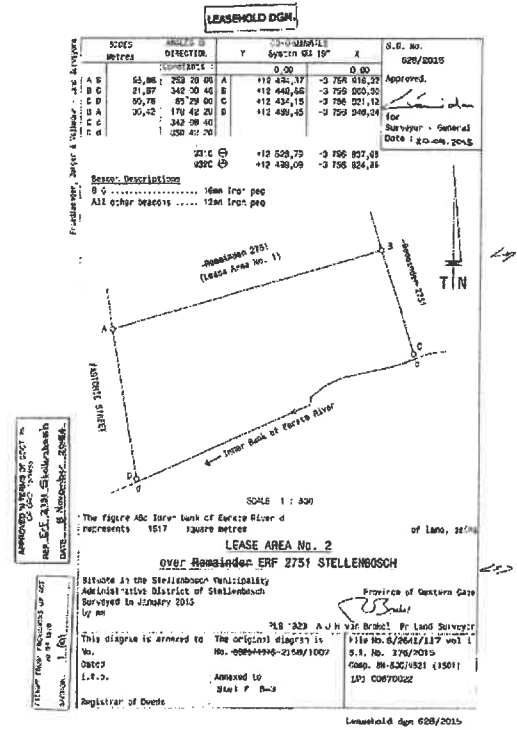


FIGURE 2: LEASE AREA 2 OVER ERF 2751 STELLENBOSCH

The existing uses and buildings on Erf 2751 Stellenbosch are shown on the photos below.





PHOTO 1: ENTRANCE TO THE AGRICULTURAL HALL



PHOTO 2: SIGNBOARD OF PAID PUBLIC PARKING

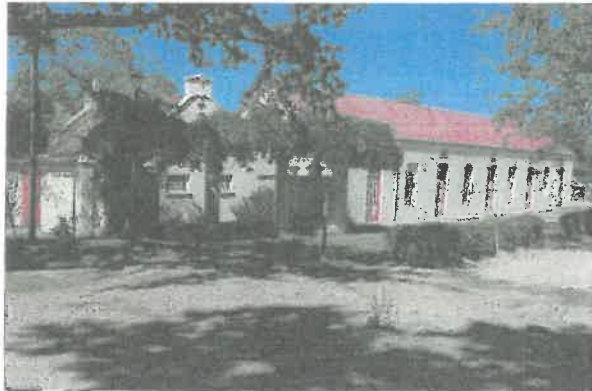


PHOTO 3: VIEW FROM REMAINDER OF ERF 2751, STELLENBOSCH



PHOTO 4: VIEW FROM CORNER OF PASTORIE STREET AND THE AVENUE (DIE LAAN)



PHOTO 5: VIEW FROM PEDESTRIAN BRIDGE



PHOTO 6: VIEW OF PUBLIC OPEN SPACE ON ERF 2751, STELLENBOSCH



PHOTO 7: AERIAL VIEW OF ERF 2751, STELLENBOSCH



PHOTO 8: AERIAL VIEW OF LEASE AREA 1 AND LEASE AREA 2 OVER ERF 2751, STELLENBOSCH



PHOTO 9: AERIAL VIEW OF BUILDING NEXT TO AGRICULTURAL HALL



PHOTO 10: AERIAL VIEW OF AGRICULTURAL HALL

### 3.6 BOND HOLDER

There is no bond registered against the subject property(ies).

### 3.7 PENDING LAND CLAIMS

The Office of the Regional Land Claims Commissioner: Western Cape confirmed in a letter dated 9 April 2019 that *"as at the date of this letter no land claims appear on our database in respect ... ERF 2751 STELLENBOSCH, ..."*. The letter from the Regional Land Claims Commissioner is attached hereto as **ANNEXURE 7**.

### 3.8 PENDING COURT CASES / ORDERS

A legal dispute followed the decision of the Stellenbosch Municipal Planning and Economic Development Committee on 5 August 2014 (Land Use Application Number LU/1917) to approve a public place closure and rezoning application on Erf 2751, Stellenbosch. Mr Piet Smit of the Stellenbosch Municipality confirmed telephonically on 14 August 2019 that the aforementioned legal dispute has in the meantime been resolved / settled.

The conveyancer who signed the conveyancing certificate confirmed that at the time of their enquiries/search, they also did not detect any Caveats or Interdicts noted against the property at the Deeds Office. To the best of our knowledge, there are no pending court cases or orders relating to or registered against the subject property(ies).

## 4. CONTEXTUAL ANALYSIS

### 4.1 LOCATION & PHYSICAL ADDRESS

The property is located on the corner of Pastorie Avenue and The Avenue (Die Laan) in Stellenbosch. The location is shown in the image below and on the attached **PLAN 1: LOCALITY PLAN**.



IMAGE 1: LOCATION OF ERF 2751 STELLENBOSCH

The Avenue (Die Laan) forms the northern boundary of the property whilst the Eerste River forms the southern boundary of the property.

### 4.2 SURROUNDING ZONINGS AND LAND USES

The subject property is surrounded by residential, commercial residential (guest houses) and hotel (boutique hotel) uses to the north along The Avenue (Die Laan) Street, and University uses to the west and south of the property. The existing land uses in the immediate vicinity of the subject property is summarised in the following table.

TABLE 8: LAND USES ON SURROUNDING PROPERTIES

ERF NUMBERS	STREET NAMES	EXISTING LAND USES
Erf 1188	Pastorie Street	University uses
RE/16501	Suidwal Street	University uses
Erf 16502	Suidwal Street	University uses
RE/16510	Suidwal Street	University uses
Erf 16513	Suidwal Street	University uses
Erf 1372	Corner of Pastorie & The Avenue (Die Laan)	De Haas Luxury Living (Commercial Accommodation)
Erf 1371	The Avenue (Die Laan)	River Manor Boutique Hotel

ERF NUMBERS	STREET NAMES	EXISTING LAND USES
Erf 1370	The Avenue (Die Laan)	River Manor Boutique Hotel
RE/1407	22 The Avenue (Die Laan)	22 Die Laan Self Catering Guest House (4-star)
Erf 15812	22 The Avenue (Die Laan)	22 Die Laan Self Catering Guest House (4-star)
Erf 1432	28 The Avenue (Die Laan)	Laanhof Apartment Hotel (4-star hotel)
Erf 1431	28 The Avenue (Die Laan)	Laanhof Apartment Hotel (4-star hotel)
Erf 1430	32 The Avenue (Die Laan)	Avenues Guest Lodge (3-star hotel)
RE/1429	32 The Avenue (Die Laan)	Avenues Guest Lodge (3-star hotel)
Erven 14609, 1381, 1410, 1409, 1408	The Avenue (Die Laan)	Residential

Some of the surrounding land uses are shown on the photos below.



PHOTO 11: UNIVERSITY USES ON ERF 1188



PHOTO 12: UNIVERSITY USES IN SUIDWAL STREET



PHOTO 13: UNIVERSITY USES IN SUIDWAL STREET



PHOTO 14: DE HAAS LUXURY LIVING ON ERF 1372

## 5. SITE ANALYSIS

An analysis of the key site characteristics is summarised in the table below.

TABLE 9: SITE ANALYSIS

	ANALYSIS ASPECT	COMMENTS
1	Engineering Services Availability	The property is located in an established urban area within the urban edge and already has direct access to all engineering services.
2	Roads & Transport	The property is well served by paved roads and close to public transport routes. It is located in the CBD of Stellenbosch adjacent and close to existing university facilities, shopping malls and other businesses. Access is obtained via Pastorie Street and The Avenue (Die Laan). There is an existing public parking area on Lease Area 1 over Erf 2751 Stellenbosch.
3	Servitudes	There are no servitudes affecting the proposed land uses on the property
4	Topography	The property has a level slope.
5	Geotechnical Status	The proposed use is on an already developed property and does not require a geotechnical report to be prepared.
6	Environmental Characteristics	The subject property is located in an established urban area. Lease Area 1 is already transformed and currently used as a parking area whilst Lease Area 2 is also already transformed and built-up. The Eerste River forms the southern boundary of the property.
7	Heritage Characteristics	The property is located in the Historical Centre of Stellenbosch. A search on the South African Heritage Resources Information System (SAHRIS) on 11 July 2019 revealed that the subject property is not listed as either a National or Provincial Heritage Site. The search revealed that the closest National or Provincial Heritage Sites includes the following: <ul style="list-style-type: none"> <li>• Georgian dwelling located at 24 The Avenue, Stellenbosch (Erf 1406, Stellenbosch).</li> <li>• Dwelling known as "Moedersloot" located at 8 The Avenue, Stellenbosch (Erf 1370, Stellenbosch)</li> <li>• The oak trees in The Avenue between Pastorie Street and Van Riebeeck Street have been proclaimed historical monuments.</li> </ul> <p>The small building adjacent to the Hall is older than 60-years as reflected by its building plan which was approved in 1926<sup>3</sup>. The Agricultural Hall was approved in 1975 according to its building plan<sup>4</sup>.</p>

<sup>3</sup> Building Plan BP497 approved 7/09/1926.

<sup>4</sup> Building Plan BP9461 approved 16/07/1975

## 6. DEVELOPMENT PROPOSAL

### 6.1 BACKGROUND

The Stellenbosch Municipality owns various properties in its nodes and central business areas, many of which are underutilised or not optimally utilised and/or lying dormant. As part of its strategy for inclusive economic growth, one of the key objectives identified by the municipality is to “make it easier for small enterprises to succeed in competitive markets”<sup>5</sup>.

Small businesses have numerous challenges, especially in its establishment and early development phases. Some of these challenges include access to market opportunities, financial capital, human resources, and land and/or facilities. Having access to these markets and inputs means the difference between growing a small business or closing its doors. The municipality has an enabling role which is to assist small businesses and entrepreneurs to not only establish themselves but also to create an environment for them to grow.

As such, the Stellenbosch Municipal Council, at its 7<sup>th</sup> meeting held on 29 March 2017, granted approval for the establishment of Local Economic Development (LED) Hubs on a number of municipal owned properties. One of these properties is **Erf 2751, Stellenbosch**, also known as the “Old Agricultural Hall” or “Ou Landbousaal”. The Council confirmed at the aforementioned meeting that the properties are not required for the provision of the minimum level of basic municipal services in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003); and furthermore authorised the Municipal Manager to follow the prescribed process for the leasing of the relevant properties.

A Call for Proposals for the lease of the LED Hubs were subsequently advertised and closed on 19 September 2017. A total of six applicants submitted proposals to lease the facilities on **Erf 2751, Stellenbosch**. At its 18<sup>th</sup> meeting held on 25 July 2018, the Council adopted the following resolutions relating to the LED Hubs:

*“(a) that Council adopts the recommendation to award the leases of the Local Economic Development Hubs to the entities that scored the highest points for each property, as follows:*

<b>Property</b>	<b>Applicant</b>
1. <i>The Old Clinic Building (Erven 6487 &amp; 6488)</i>	<i>Ranyaka</i>
2. <i>Triangle Building (Erf 228)</i>	<i>Hugenote Fine Chocolates</i>
3. <i>Mooiwater Building (Erf 2253)</i>	<i>ABC Empowerment</i>

*(b) that once Council approves and awards the leasing rights to the highest scoring applicant, the Director Corporate Services be mandated to draft and sign lease agreements with the successful applicants;*

*(c) that the contract must make provision for termination on non-performance in terms of the agreement;*

*(d) that the contract be awarded for a period of 9 years and 11 months; and*

***(e) that the awarding of rights of the Old Agricultural Hall to the Stellenbosch Craft Alive and Stellenbosch Trail Fund be awarded, conditional to the settlement of the outstanding legal dispute.”***

The legal dispute referred to above, followed the decision of the Stellenbosch Municipal Planning and Economic Development Committee on 5 August 2014 (Land Use Application Number LU/1917) to approve the following land use rights on Erf 2751, Stellenbosch:

*“(a) That the application for the closure of Lease Area No.1 & Lease Area No.2 that is zoned as Public Open Space, **BE APPROVED** in terms of Section 137(1) of the Municipal Ordinance, 1974 (No.20 of 1974);*

<sup>5</sup> Stellenbosch LED Strategy & Action Plan, June 2014.

*(b) that the application for the subdivision in order to register a lease area, namely Lease Area No.1, over Erf 2751, Stellenbosch of  $\pm 1020\text{m}^2$  in extent, as well as the registration of a lease area, namely Lease Area No.2, over Erf 6314, Stellenbosch of  $\pm 1576\text{m}^2$  in extent, as per Drawing No. APPL\_2 dated 26 April 2011, drawn by Friedlaender, Burger & Volkmann, attached as Appendix 3, **BE APPROVED** in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985), subject to the conditions as set out in APPENDIX 1; and;*

*(c) that the application for the rezoning of Lease Area No.1 & Lease Area No.2 from Public Open Space to Specific Business in order to establish a parking area on Lease Area No.1, and to operate a restaurant within the existing Stellenbosch Agricultural Hall, as well as the associated outbuildings on Lease Area No.2, as per Drawing No. APPL\_2 dated 26 April 2011, drawn by Friedlaender, Burger & Volkmann, attached as Appendix 3, **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985), subject to the conditions as set out in **APPENDIX 1.**"*

Mr Piet Smit of the Stellenbosch Municipality confirmed telephonically on 14 August 2019 that the aforementioned legal dispute has in the meantime been resolved / settled.

## 6.2 OBJECTIVE(S)

The economic objectives of the proposed land uses are as follows:

- To provide access to strategically located and valuable land;
- To empower historically disadvantaged individuals through training, mentoring, guidance and support in business administration;
- To promote the development of small, medium and micro enterprises;
- To promote and enable job creation;
- To promote and enable the feasible, sustainable and competitive enterprises that can support existing economic activities in the local community.

The planning and land use objectives are as follows:

- To further the aims of the IDP, LED Strategy, SDF and the relevant Town Planning Scheme;
- To adhere to the municipality's land use management requirements;
- To create an activity that is compatible with, and complements the surrounding already developed areas;
- To optimise the utilisation of the property in order to maximise its economic potential;
- To enhance the overall public benefit derived from the use of and access to the property.

The following key design objectives have been identified:

- Ensure that any future remodelling and renovations will encompass, retain and conform to the architectural features and character of the surrounding area;
- To provide universal public access to people with disabilities;
- To promote pedestrian movement through safe access and appropriate facilities;
- To comply with any design guidelines required by municipal departments and other relevant authorities;
- To comply with all heritage requirements, if and where applicable.

### 6.3 PROPOSED ZONING(S) AND LAND USE(S)

The municipality's intention with this application is to obtain the relevant land use rights to use a portion of this property (i.e. Lease Areas 1 and 2 over Erf 2751, Stellenbosch) as a LED Hub / Business Development Incubator and associated parking area.

In terms of the provisions of the Stellenbosch Zoning Scheme Regulations, 1996 and the Stellenbosch Land Use Planning By-Law, 2015; this application intends to:

- Close a part of the Public Open Space, being Lease Area 1 (1020m<sup>2</sup> in extent) and Lease Area 2 (1517m<sup>2</sup> in extent) over Erf 2751, Stellenbosch, in terms of Section 15(2)(n) of the Stellenbosch Land Use Planning By-Law, 2015.
- In terms of Section 15(2)(a) of the Stellenbosch Land Use Planning By-Law, 2015: Rezone Lease Area 1 (1020m<sup>2</sup> in extent) over Erf 2751, Stellenbosch from **Public Open Space to Local Authority (Public Parking)**.
- In terms of Section 15(2)(a) of the Stellenbosch Land Use Planning By-Law, 2015: Rezone Lease Area 2 (1517m<sup>2</sup> in extent) over Erf 2751, Stellenbosch from **Public Open Space to General Business**.
- In terms of Section 15(2)(i) of the Stellenbosch Land Use Planning By-Law, 2015: Extend the validity period of a temporary departure previously approved under application number LU/4710 on 16 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a one day event (Heritage Festival) on 24 September, for five years, i.e. 2020 - 2025.

The existing buildings on Lease Area 2 will be leased out and used for office/shop purposes relating to the Arts, Crafts and Tourism Sector. The existing parking use on Lease Area 1 will be maintained. The total area to be rezoned is 2,537m<sup>2</sup> which is the combined area of Lease Area 1 and Lease Area 2 over Erf 2751, Stellenbosch. A breakdown of the various erf and building areas is shown in the table below.

TABLE 10: SUMMARY OF AREA SIZES

DESCRIPTION	SIZE / EXTENT (m <sup>2</sup> )
Erf 2751, Stellenbosch	10,550.00
Unregistered Erf 6314, Stellenbosch	1,576.00
<b>Area to be rezoned</b>	<b>2,537.00</b>
Lease Area 1	1,020.00
Lease Area 2	1,517.00
<b>Total Building Area</b>	<b>±413.00</b>
Building 1 (Agricultural Hall)	±378.00
Building 2 (Building adjacent to Agricultural Hall)	±35.00

The total area of the existing buildings is approximately 413m<sup>2</sup> according to Building Plan BP9461 which was approved on 16/07/1975.

The following table describes the proposed zoning(s), the proposed primary land uses and the extent thereof.



TABLE 11: PROPOSED ZONING(S) IN TERMS OF THE STELLENBOSCH TOWN PLANNING SCHEME REGULATIONS

PROPERTY	PROPOSED ZONING	PRIMARY LAND USE(S)			
		PROPOSED USES	SIZE / EXTENT		
			ERF AREA (m <sup>2</sup> )	BUILDING AREA (m <sup>2</sup> )	% OF BUILDING AREA
Lease Area 1	Local Authority (Public Parking)	Public Parking Area	1,020.00		N/A
Lease Area 2	General Business	Offices	1,517.00	±206.50	50%
		Shops		±206.50	50%
<b>TOTAL</b>			<b>2,537.00</b>	<b>±413.00</b>	<b>100%</b>

The existing buildings and parking area are shown on **PLAN 3: TYPICAL SITE LAYOUT PLAN**.

#### 6.4 PROPOSED DEVELOPMENT PARAMETERS

A summary of the proposed planning parameters relating to the proposed General Business zoning on Lease Area 2 is provided in the table below.

TABLE 12: SUMMARY OF PLANNING PARAMETERS FOR LEASE AREA 2 (GENERAL BUSINESS)

PLANNING PARAMETER	PROPOSED LAND USES			COMMENTS
	OFFICES	SHOPS	TOTAL	
Coverage	13.61%	13.61%	<b>27.22%</b>	No change / amendment to zoning scheme parameters required
Bulk / Floor Factor	0.136	0.136	<b>0.272</b>	Requirements not specified in zoning scheme
Height	Maintain current height	Maintain current height	<b>Maintain current height</b>	No change / amendment to zoning scheme parameters required
Building Line - Street	0m	0m	<b>0m</b>	No change / amendment to zoning scheme parameters required
Building Line - Lateral	0m	0m	<b>0m</b>	No change / amendment to zoning scheme parameters required
Building Line - Rear	0m	0m	<b>0m</b>	No change / amendment to zoning scheme parameters required
Parking	8.26	8.26	<b>16.52</b>	No change / amendment to zoning scheme parameters required

More detail tables on each of the planning parameters (coverage, height, bulk / floor factor, building lines, and parking) is provided below.

### 6.4.1 Coverage

TABLE 13: PROPOSED ZONING PARAMETERS: COVERAGE (LEASE AREA 2)

PROPOSED ZONING	PRIMARY LAND USE(S)	COVERAGE							
		MAX PERMITTED BY ZONING SCHEME			PROPOSED			CHANGE / AMEND	
		Parameter	On this Site (m <sup>2</sup> )	On the Rezoned Area (m <sup>2</sup> )	Size / Area (m <sup>2</sup> )	% of Erf/Site Area	% of Rezoned Area	From	To
General Business	Offices	85%	8,967.50	1,289.45	±206.50	1.96%	13.61%	N/A	N/A
	Shops	85%	8,967.50	1,289.45	±206.50	1.96%	13.61%	N/A	N/A
<b>TOTAL</b>		<b>85%</b>	<b>8,967.50</b>	<b>1,289.45</b>	<b>±413.00</b>	<b>3.91%</b>	<b>27.22%</b>		

The coverage of the proposed land uses does not exceed the permissible coverage for the proposed Rezoned Area in terms of the proposed "General Business" zoning and therefore no application for the change or amendment of this parameter is thus required.

## 6.4.2 Height

TABLE 14: PROPOSED ZONING PARAMETERS: HEIGHT (LEASE AREA 2)

PROPOSED ZONING	PRIMARY LAND USE(S)	HEIGHT					
		MAX PERMITTED BY ZONING SCHEME		PROPOSED		CHANGE / AMEND	
		Parameter	Meters	No of Floors	Meters	From	To
General Business	Offices	5 Floors	Ground Storey: 4m Other Storeys: 3m	Ground Floor	Maintain current height	N/A	N/A
		5 Floors	Ground Storey: 4m Other Storeys: 3m	Ground Floor	Maintain current height	N/A	N/A
<b>TOTAL</b>		<b>5 Floors</b>		<b>Ground Floor</b>	<b>Maintain current height</b>		

The height of the existing building(s) will be sufficient and no additional floors are proposed at this point in time for the building on the proposed rezoned area. The existing height of the building also does not exceed the permissible height in terms of the proposed "General Business" zoning and therefore no application for the change or amendment of this parameter is required.

### 6.4.3 Floor Factor & Bulk

The current Stellenbosch Zoning Scheme Regulations does not specify what the floor factor and bulk in a General Business Zone should be. The table below provides a summary of the proposed floor factor and bulk for the proposed rezoned area of this property.

TABLE 15: PROPOSED ZONING PARAMETERS: FLOOR FACTOR & BULK (LEASE AREA 2)

PROPOSED ZONING	PRIMARY LAND USE(S)	FLOOR FACTOR & BULK					
		MAX PERMITTED BY ZONING SCHEME		PROPOSED		CHANGE / AMEND	
		Floor Factor	Bulk	Floor Factor	Max Bulk (m <sup>2</sup> )	From	To
General Business	Offices	Not specified	Not specified	0.136	±206.50	N/A	N/A
	Shops	Not specified	Not specified	0.136	±206.50	N/A	N/A
<b>TOTAL</b>				<b>0.272</b>	<b>±413.00</b>		

#### 6.4.4 Building Lines

The building line parameters for the proposed General Business Zone is shown in the table below.

TABLE 16: PROPOSED ZONING PARAMETERS: BUILDING LINES (LEASE AREA 2)

BOUNDARY	FLOOR	BUILDING LINES							
		ZONING SCHEME REQUIREMENTS FOR GENERAL BUSINESS ZONE			PROPOSED		CHANGE / AMEND		
		Meters	Comments	Meters	Comments	From	To		
Street	Ground	0	Refer to Section 10.5.3 of the Stellenbosch Zoning Scheme Regulations, 1996, page 19 and 20	0	Maintain the "General Business" zoning parameter	N/A	m	N/A	m
Lateral	Ground	0	Refer to Section 10.5.3 of the Stellenbosch Zoning Scheme Regulations, 1996, page 19 and 20	0	Maintain the "General Business" zoning parameter	N/A	m	N/A	m
Rear	Ground	0	Refer to Section 10.5.3 of the Stellenbosch Zoning Scheme Regulations, 1996, page 19 and 20	0	Maintain the "General Business" zoning parameter	N/A	m	N/A	m

No amendments or changes are proposed to the "General Business" zoning's building line parameters.

### 6.4.5 Parking

The minimum required parking spaces in terms of the Stellenbosch Zoning Scheme Regulations, 1985 for the proposed General Business zoning is shown in the following table.

TABLE 17: PROPOSED ZONING PARAMETERS: PARKING (LEASE AREA 1)

PROPOSED ZONING	PRIMARY LAND USE(S)	PARKING				
		ZONING SCHEME REQUIREMENTS FOR BUSINESS ZONE		PROPOSED		CHANGE / AMEND
		Parameter	Minimum Number of Bays	This Site (m <sup>2</sup> parking)	No of Bays	From To
General Business	Offices	1 Gross <sup>6</sup> Parking Space per 25m <sup>2</sup> Gross Leasable Shop & Office Floor Space	1.00	±206.50	8.26	N/A N/A
	Shops	1 Gross Parking Space per 25m <sup>2</sup> Gross Leasable Shop & Office Floor Space	1.00	±206.50	8.26	N/A N/A
<b>TOTAL</b>			<b>1.00</b>	<b>±413.00</b>	<b>16.52</b>	<b>N/A N/A</b>

Based on the existing building's floor space, it is estimated that at least 16 parking bays need to be provided in order to meet the minimum requirements for the "General Business" zone on Lease Area 2. The aforementioned minimum requirement can comfortably be accommodated on the existing parking area (Lease Area 1) which has approximately 28 parking bays as indicated on **PLAN 3: TYPICAL SITE LAYOUT PLAN**.

There is thus no change or amendment required to the Stellenbosch Zoning Scheme Regulations' minimum requirements for parking on this site.

<sup>6</sup> "Gross Parking Space" is defined by the Stellenbosch Zoning Scheme Regulations, 1986 as "...an area which incorporates one parking bay together with the internal circulation and landscaping space which is required for one parking bay". "Parking Bay" is defined as "...an area measuring not less than 5,5m by 2,5m which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Council". The area of a Parking Bay excluding circulation space can thus be calculated as 13,75m<sup>2</sup>. The aforementioned zoning scheme regulations does not specify what the extent of circulation space is.

## 7. PLANNING MOTIVATION IN SUPPORT OF THE APPLICATION

### 7.1 LAND USE DECISION CRITERIA

Section 65 of the Stellenbosch Land Use Planning By-Law, 2015, sets out the general criteria that needs to be considered when a land use application is submitted. Section 38(1)(f) indicates that the written motivation of the application must be based on the criteria in Section 65.

### 7.2 CONSISTENCY WITH RELEVANT NATIONAL & PROVINCIAL DEVELOPMENT PRINCIPLES

The proposed land use is consistent with the development principles contained in Chapter 2, Section 7 of SPLUMA and Chapter 6, Section 59 of LUPA.

TABLE 18: CONSISTENCY WITH SPLUMA (Act 16 of 2013) AND LUPA (Act 3 of 2014)

APPLICABLE SECTIONS	DEVELOPMENT PRINCIPLES	COMMENTS
SPLUMA, Section 7(a) LUPA, Section 59(1)	Spatial Justice	The proposed land use will provide <b>access to and the use of</b> facilities, technology and business support services that will enable entrepreneurs, start-ups and SMME's from surrounding communities to grow and develop.
SPLUMA, Section 7(b) LUPA, Section 59(2)	Spatial Sustainability	The proposed land use is consistent with the principle of spatial sustainability: <ul style="list-style-type: none"> <li>• The property is located within the existing approved urban edge and the proposed land use does not encourage urban sprawl.</li> <li>• It will make use of existing available infrastructure services capacity.</li> <li>• The proposed land use will improve the viability of the community by providing access to business development incubator facilities, technology and services.</li> </ul>
SPLUMA, Section 7(c) LUPA, Section 59(3)	Efficiency	Existing under-utilised municipal facilities and infrastructure will be used. The proposed land use improves the integration of economic opportunities in close proximity to the surrounding residential areas. The proposed land use will also improve the quality and functionality of the existing under-utilised public facilities.
SPLUMA, Section 7(d) LUPA, Section 59(5)	Spatial Resilience	A key objective of the proposed land use in this application is to improve the livelihoods of the surrounding communities to ensure sustainable growth and development. According to the principle of spatial resilience (S59(5) of LUPA), <i>"flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks"</i> .
SPLUMA, Section 7(e) LUPA, Section 59(4)	Good Administration	The application complies with and is submitted in accordance with the legislated land development processes and procedures.

## 7.3 CONSISTENCY WITH RELEVANT NATIONAL & PROVINCIAL PLANNING FRAMEWORKS AND POLICIES

### 7.3.1 National Development Plan (NDP), 2012

The National Development Plan identified nine (9) main challenges that need to be addressed in South Africa. The proposed land use(s) in this application contributes as a response to some of those national challenges. The national challenges, the suggested national responses and the relevance to this land use application is highlighted in the table below.

TABLE 19: CONSISTENCY WITH NATIONAL DEVELOPMENT PLAN (NDP), 2012

NDP CHALLENGES		NDP RESPONSE	HOW THIS PROPOSED DEVELOPMENT RESPONDS
1	Unemployment	Create jobs and livelihoods	This proposed land use responds directly to this national challenge by aiming to provide business opportunities and support services for entrepreneurs in the local community which can eventually create jobs and improve the livelihoods of the community. It responds to the following proposal contained on page 12 of the NDP: <i>"Support small businesses through better coordination of activities in small business agencies, development finance institutions, and public and private incubators".</i>
2	Infrastructure poorly located and inadequate	Expand infrastructure	Not application to this application.
3	Exclusive spatial patterns	Transform urban and rural spaces	This proposed land use will take place within the existing urban edge and is aimed at assisting young entrepreneurs and small businesses.
4	Resource consumptive economy	Transition to a low-carbon economy	Not application to this application.
5	Poor quality education	Improve education and training	Not application to this application.
6	Widespread disease burden and poor services	Provide quality health care	Not application to this application.
7	Poor quality public service	Build a capable state	Not application to this application.
8	Corruption	Fight corruption and increase accountability	Not application to this application.
9	Divided society	Transform society and unite the nation.	This proposed land use contributes to the transformation of society because one of its key aims is <i>"Reducing poverty and inequality by broadening opportunity through economic inclusion, education and skills, and specific redress measures"</i> (NDP, p25).

### 7.3.2 OneCape 2040

The OneCape 2040 strategy is a Western Cape initiative that aims to *"scope a long-term economic vision and plan involving all key Western Cape economic leaders as well as citizens for the next 30 to 40 years"*. Its primary goal is to create *"a resilient, inclusive and competitive Western Cape with higher rates of employment producing growing incomes, greater equality and an improved quality of life"*. Its vision is to have *"a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society"*.



Local government's role in achieving this vision is as follows:

- Integrated neighbourhoods and upgrading the built environment;
- Integrated services planning and provision

One of the six transitional areas identified in this strategy relates to ***“Economic Access Transition (Working Cape)”***. The aim is to change from a currently *“Factor and efficiency-driven economy with high barriers to entry and low productivity and entrepreneurship rates”* to a *“Innovation-driven economy with low barriers to entry, high productivity and entrepreneurship rates”*.

This proposed land use aims to contribute to this transitional change and is part of the municipality's initiatives to fulfil its role in the OneCape 2040 vision.

### **7.3.3 WC Provincial Spatial Development Framework (PSDF), 2014**

The latest approved PSDF is dated March 2014. The Western Cape PSDF aims to:

- Give spatial expression to the National and Provincial development agendas;
- Serve as a basis for coordinating, integrating and aligning 'on the ground' delivery of National and Provincial departmental programmes;
- Support municipalities to fulfil their municipal planning mandate in line with the National and Provincial agendas; and
- Communicates government's spatial development intentions to the private sector and civil society.

The 2014 PSDF applies five (5) key principles to achieve its spatial vision for the province. These five principles are aligned with the development principles contained in Section 7 of SPLUMA (Act 16 of 2013) and Section 59 of LUPA (Act 3 of 2014) and talks about Spatial Efficiency, Spatial Justice, Sustainability & Resilience, Quality & Liveability and Accessibility. This proposed land use's consistency with these principles have already been highlighted in a previous section. This proposed land use is also consistent with the three spatial themes of the Western Cape PSDF:

- **Resources:** The proposed land use will use existing resources within the urban edge. It also does not threaten or impact negatively on any scenic and unique cultural landscapes.
- **Space Economy:** It aims to revitalise and strengthen the urban space economy in the local area by providing opportunities for small business development within the existing local neighbourhood by using existing underutilised economic assets.
- **Settlement:** It promotes an integrated and sustainable settlement by connecting economic opportunities with local neighbourhoods. It promotes the sustainable use of resources by optimising the use of existing underutilised municipal facilities within the urban edge.

## 7.4 CONSISTENCY WITH RELEVANT LOCAL PLANNING FRAMEWORKS AND POLICIES

### 7.4.1 Municipal IDP

The Municipality's IDP dated May 2019 identified various projects and priorities for all its Wards. It also highlights the policies and strategies of the different sector plans.

The municipality identified 5 strategic focus areas, the first being "Valley of Possibility". Under this strategic focus area there are 4 predetermined objectives of which the first objective is to "Create and environment conducive to business development and job creation". There are furthermore three (3) 5-year programmes identified to achieve the aforementioned objective of which the second programme is "Develop local economic development hubs" (IDP, p80).

The LED Hubs has also been identified as one of the Legacy Projects in Chapter 6 of the IDP (p125 and p179). The IDP provided the following description of these LED Hubs: "Establish local economic development hubs and allow for the outsourcing of the management of the Hubs to improve efficiency and to strengthen local business opportunities. These hubs will provide to provide entrepreneurs, start-up businesses or growth-orientated SMME's access to appropriate rental space, affordable businesses services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratios".

The Stellenbosch Municipal Council furthermore took a resolution on 29 March 2017 that approval be granted for the establishment of Local Economic Development (LED) Hubs on several municipal properties located in the Stellenbosch municipal area.

### 7.4.2 Municipal SDF

The current approved MSDF is dated 28 May 2018. At the time of preparation of this report a new final 2019 MSDF has not been approved yet.

The municipality's SDF identified seven (7) "strategic perspectives" to guide spatial development in the area of jurisdiction of Stellenbosch with clearly identified development principles under each of perspective. The seven strategic perspectives and the development principles applicable to this application are summarised in the following table.

TABLE 20: MSDF (2018) STRATEGIC PERSPECTIVES & DEVELOPMENT PRINCIPLES IN SUPPORT OF THIS APPLICATION

STRATEGIC PERSPECTIVE	DEVELOPMENT PRINCIPLES CONSISTENT WITH THE PROPOSED LAND USE(S) IN THIS APPLICATION	COMMENTS
Interconnected Nodes	<ul style="list-style-type: none"> <li>The usage of land should be based on its highest and best long-term sustainable use as opposed to its best long term financial return.</li> <li>New development applications should be encouraged to focus on locations within existing settlement nodes rather than greenfields land.</li> </ul>	The site is located within an existing urban settlement. It is currently leased out, and the proposed use is believed to be the "best long term sustainable use" of the site.
Car Free Living	<ul style="list-style-type: none"> <li>The primary measure of access is appropriate walking distance. At least 50% of activities found within the urban area (e.g. employment, shopping, public transport, social &amp; recreational) should be within 1 km of where people live.</li> </ul>	The proposed LED Hub is centrally located in Stellenbosch Town and is within walking distance of public transport routes and other businesses.
Inclusive Economic Growth	<ul style="list-style-type: none"> <li>Areas of land should be set aside, and if necessary expropriated to provide SMMEs with access to well-located parts of the CBDs for retail, service provision and manufacturing.</li> </ul>	The central location of the site within Stellenbosch Town provides access to business support and other services and opportunities for

STRATEGIC PERSPECTIVE	DEVELOPMENT PRINCIPLES CONSISTENT WITH THE PROPOSED LAND USE(S) IN THIS APPLICATION	COMMENTS
	<ul style="list-style-type: none"> <li>Marketplaces should be created in central locations that are able to intercept significant pedestrian flows, preferably linked to public transport interchanges.</li> </ul>	entrepreneurs and SMME's in the local community. It is also well-located to existing public transport routes and pedestrian flows in the area.
Optimal Land Use	<ul style="list-style-type: none"> <li>Land should be used for its most sustainable and appropriate use whether publicly or privately owned.</li> </ul>	The property is currently being leased out, and the proposed land use is believed to be an appropriate and sustainable use.
Resource Custodianship	<ul style="list-style-type: none"> <li>Achieving a sustainable future for Stellenbosch will depend on its ability to make best use of available resources for the benefit of all.</li> </ul>	The property is located in an established urban area. It will have an insignificant impact on the demand for existing available resources.
Food and Agriculture		Not applicable to this application
Heritage	<ul style="list-style-type: none"> <li>Building heights and architectural styles should be controlled within 200m of any prominent road so as to preserve the heritage of the built environment.</li> </ul>	The heritage value of the existing building will be maintained as a minimum and improved (if necessary) within the relevant heritage guidelines.

The following table provides an interpretation on whether the proposed land use is consistent with the provisions of the current approved 2018 MSDF and the new Final Draft 2019 MSDF.

TABLE 21: CONSISTENCY OF THE PROPOSED LAND USE WITH THE MSDF

PROPERTY	CURRENT APPROVED 2018 MSDF	FINAL DRAFT 2019 MSDF
Erf 2751 Stellenbosch	The property is located within the urban edge. No specific designation has been given to the property in the MSDF (MSDF, p35)	The property is located within the urban edge within an area allocated to the "Urban Development" spatial planning category (SPC)(MSDF Figure 26, p64). In terms of the Stellenbosch Framework it is located within the area designated as "Existing and Proposed Urban Character Areas" (MSDF Figure 28, p68)

In conclusion, the following can be noted about the proposed land use(s) in this application:

- It is consistent with the SDF's strategic perspectives, development principles and settlement proposals.
- A motivation to deviate from and amend the SDF is not necessary and therefore arguments for site specific circumstances are not required in this planning motivation.

### 7.4.3 District SDF

At the time of preparation of this report the Cape Winelands District Municipality's latest approved SDF is dated 2009/2010. An updated SDF was not yet available at the time of preparation of this application.

The core spatial development principles in the Cape Winelands District SDF is consistent with the Stellenbosch Municipality's SDF. The planning principles that informed the 2009/2010 District SDF (p30) include sustainability, efficiency, integration, consistency and vertical equity. The new SDF that is currently prepared is based on the principles contained in SPLUMA (Act 16 of 2013) which includes the aforementioned principles and more.

The current approved SDF (2009/2010) has as one of its many development directives the following (p34): *“Broadening access to economic opportunities through: ...Strengthening the co-operation mechanism between the private sector and government for the facilitation of appropriate economic development”*. It furthermore identified (p36) *“Small business support”* as one of its key *“Programmes and projects”*, and amongst others, it promotes as one of its objectives (p69) *“...the concentration and intensification of human and economic activities within the current land footprint and in areas of high accessibility”*.

The proposed land uses in this application is aligned with the principles, objectives, programmes and projects of the District SDF. It can therefore be said that:

- This application is consistent with the District SDF.
- A motivation to deviate from and amend the District SDF is not necessary and therefore arguments for site specific circumstances are not required in this planning motivation.

## 7.5 SUITABILITY OF THE SITE

The suitability of the site in terms of its location, accessibility and physical characteristics is discussed in the table below.

TABLE 22: MOTIVATION IN TERMS OF SITE SUITABILITY

	SUITABILITY IN TERMS OF	MOTIVATION / COMMENTS
1	Location	The site is centrally located within the urban edge and within the town of Stellenbosch.
2	Roads & Transport	Access to the property is obtained from The Avenue (Die Laan) Street. The surrounding streets are paved and in a good condition. The traffic that the proposed land uses will generate will originate from the existing community in Stellenbosch and will be approximately the same as the existing traffic that is generated by the existing land use. Any increase in traffic, if any, will thus be negligible. The property is located close to existing public transport routes and services. This property and the proposed land uses on the property do not affect any Provincial or National Roads.
3	Parking	Parking is available on the street and sufficient space exist onsite in the existing parking area which is located on Lease Area 1.
4	Engineering Services	The property is located in an area that is already serviced. There is no increase in density and thus the demand for services will be negligible.
5	Servitudes	There are no servitudes affecting the property and the proposed land uses on the property. The property and the proposed land uses on the property do not affect any Eskom owned land and/or servitudes. The property and the proposed land uses on the property do not affect any Telkom owned land and/or servitudes. The property and the proposed land uses on the property will not affect any Transnet / PRASA owned land and/or servitudes.
6	Topography	The site does not have any topographical restrictions for the proposed use(s). The proposed land use(s) will be accommodated on an existing developed property and will therefore not have a negative impact on the topographical characteristics of the site.
7	Geotechnical Conditions	The proposed land use(s) will be accommodated on an existing developed property and will not have a negative impact on the geotechnical characteristics of the site.
8	Flood Lines	The Eerste River forms the southern boundary of the property. There are no flood lines affecting the property and the proposed land use on the property.

	SUITABILITY IN TERMS OF	MOTIVATION / COMMENTS
9	Alternative Uses	The site does have the potential for other alternative uses, however, given the prioritised needs identified within this community and the municipality's IDP, the proposed use would be the most suitable.

## 7.6 OTHER IMPLICATIONS OF THE PROPOSED LAND USE(S)

Comments on other possible implications of the proposed land uses are provided in the table below.

TABLE 23: OTHER IMPLICATIONS OF THE PROPOSED LAND USE(S)

IMPACT	MOTIVATION / COMMENT
Environmental & Botanical Impact	<p>The site is already developed, and the proposed land use(s) will make use of the existing buildings and infrastructure. The proposed land use(s) will thus have no negative impact on environmental and botanical resources.</p> <p>Mr Schalk van der Merwe of the Stellenbosch Municipality's environmental department was consulted prior to the submission and requested whether there are any environmental issues to take note of in this application. His response, received via email on 20 August 2019, is quoted below:</p> <p><i>"With regards to the Agricultural Hall site, the change in the use of the site does not raise any red flags (i.t.o. applicable environmental legislation triggers). Any physical activity or construction that will take place on the site will be a different matter though and must be considered once such details becomes clear. From an environmental planning point of view future operations of the site as LED Hub must be sensitive to the environmental features of the site, such as the river, and activities (i.t.o. effluent, general- or human waste, etc) on site must not be allowed to impact thereon.</i></p> <p><i>Operationally it is also important that the proposals take into account the requirements of the Western Cape Noise Control Regulations (2013)".</i></p>
Heritage Impact	<p>The site is located within the historical centre of Stellenbosch and the smaller building is older than 60-years as reflected by its building plan which was approved in 1926 . The Agricultural Hall was approved in 1975 according to its building plan.</p> <p>A search on the South African Heritage Resources Information System (SAHRIS) on 11 July 2019 revealed that the subject property is not listed as either a National or Provincial Heritage Site. The search revealed that the closest National or Provincial Heritage Sites includes the following:</p> <ul style="list-style-type: none"> <li>• Georgian dwelling located at 24 The Avenue, Stellenbosch (Erf 1406, Stellenbosch).</li> <li>• Dwelling known as "Moedersloot" located at 8 The Avenue, Stellenbosch (Erf 1370, Stellenbosch)</li> <li>• The oak trees in The Avenue between Pastorie Street and Van Riebeeck Street have been proclaimed historical monuments.</li> </ul> <p>The existing building will be used for the proposed land uses. The nature of the land uses will not have a negative impact on the existing heritage and cultural value of the surrounding area. The heritage value of the existing building will furthermore be protected and maintained in accordance with relevant heritage legislation, policies and guidelines.</p> <p>Should any changes or improvements be done to the existing buildings, it will be done after all relevant approvals have been obtained.</p>
Compatibility with the Surrounding Area	<p>The property is located centrally in the town of Stellenbosch. A mix of residential, commercial residential, boutique hotel and university uses are already found in the surrounding area. The proposed land uses are compatible with the surrounding area.</p>
Socio-Economic Impact	<p>The community identified the need for a LED Hub (Business Incubator) and the site as a priority in the municipality's IDP. The proposed land uses aim to improve access to markets and provide opportunities to improve the success rate of small businesses. This will have a positive impact on the socio-economic development of the community.</p>
Social & Public Facilities	<p>This proposal does not lead to densification and will thus have no impact on the existing number of social and public facilities in the area.</p>

IMPACT	MOTIVATION / COMMENT
Surrounding Property Values	The proposed land uses will not devalue the surrounding property values. In fact, the optimal use of the current facilities may more than likely improve the value of this property and subsequently have a positive impact on the surrounding property values.
Safety & well-being of the Surrounding Community	The proposed land uses create opportunities for entrepreneurs which will improve the well-being of the surrounding community. Access to economic opportunities furthermore creates jobs which is one of the "tools" to fight crime and eventually improves the safety of communities. The proposed land use(s) will not have a negative impact on the safety & well-being of the surrounding community.

## 8. CONCLUSION

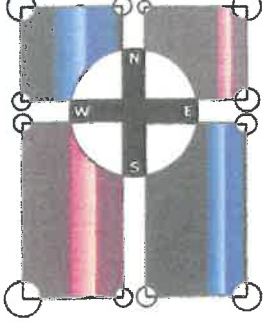
In conclusion, the proposed land uses will be accommodated on a property which is:

- Already developed and serviced;
- Currently underutilised;
- Located in an established area within the urban edge; and
- Identified by the Stellenbosch Municipal Council as the preferred location for the establishment of an LED Hub.

The proposed land uses are furthermore consistent with the relevant local planning policies and frameworks. It is therefore recommended that this application be approved.

# PLAN 1: LOCALITY PLAN

## PLAN 4 SA

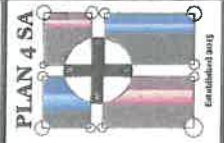
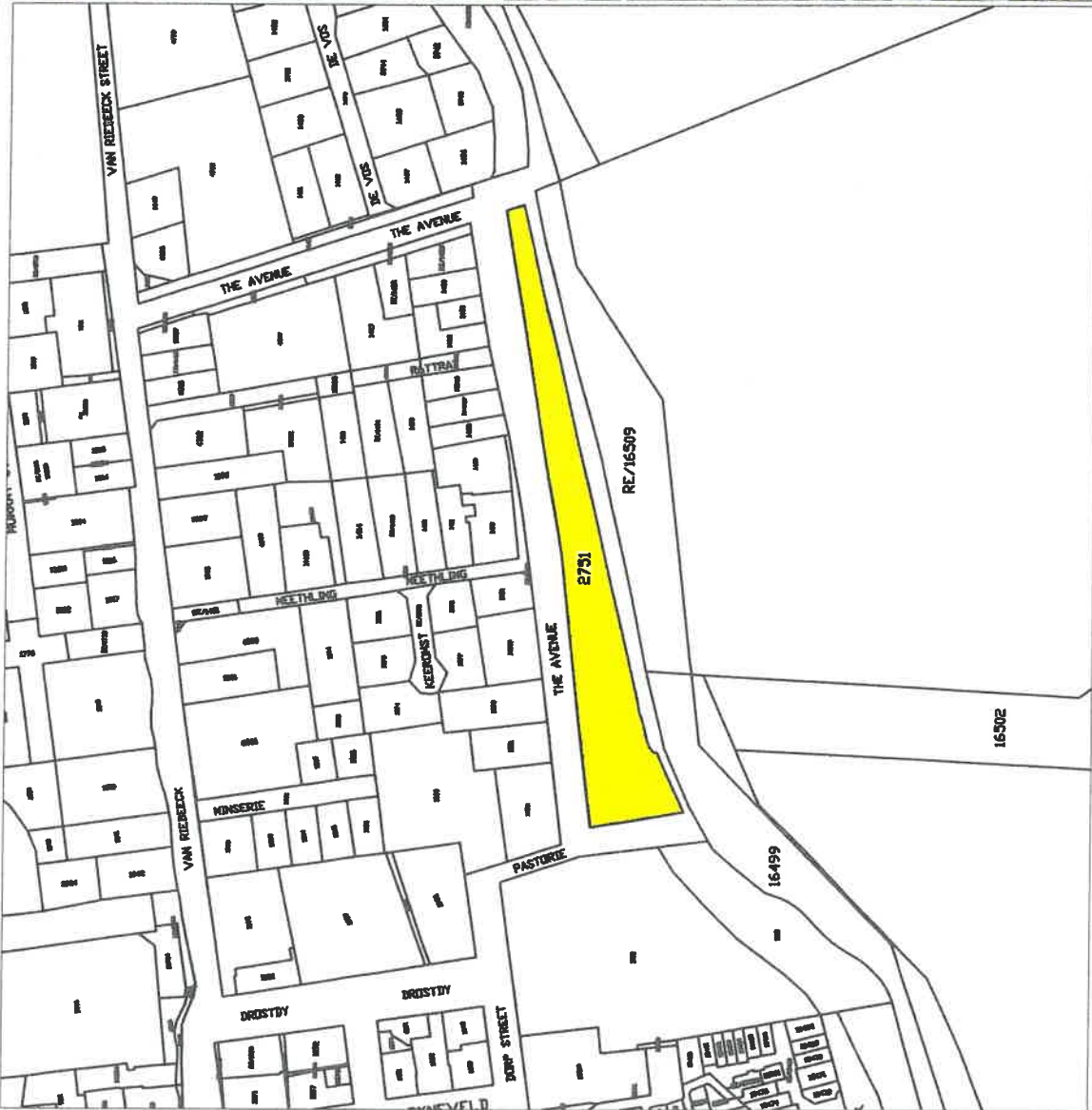


[www.plan4sa.co.za](http://www.plan4sa.co.za)

### HEAD OFFICE

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



**PROFESSIONAL PLANNERS & PROJECT MANAGERS**  
 MARTIN JONKER  
 Tel: 084-410-8132  
 Fax: 086-524-8738  
 Email: martin@plan4sa.co.za  
 Web: www.plan4sa.co.za  
 PROJECT NUMBER: 19P001  
**COPYRIGHT RESERVED**

**DRAWING DISCIPLINE CODES**  
 TRP: Town & Regional Planning  
 TP: Transportation Planning


**DRAWING STATUS CODES**  
 D: Draft  
 F: Final

**DRAWING NUMBER**  
 19P001-EP2751-STB-TRP-L-P001-F-  
 20190827-Rev 00

**DRAWING TITLE CODES**  
 LP: Locality Plan  
 LUP: Land Use Plan  
 SDP: Site Development Plan  
 SLP: Site Layout Plan  
 SUB: Subdivision Plan  
 ZP: Zoning Plan

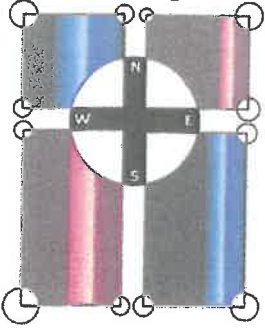
<b>DRAWING TITLE</b>			
<b>LOCALITY PLAN</b>			
<b>PLAN NUMBER</b>	<b>SCALE</b>	<b>SHEET SIZE</b>	<b>SHEET NUMBER</b>
1	1:4	A4	1 of 1
<b>PROJECT NAME</b>			
Rezoning of a Portion of Erf 2751 Stellenbosch			

**CLIENT / OWNER INFORMATION**  
 STELLENBOSCH MUNICIPALITY  
 Mr Widmark Moses  
 Tel: 021-808-8874  
 Mobile: 082-878-8480  
 Email: widmark.moses@stellenbosch.gov.za





**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

**PLAN 2:  
LAND USE PLAN**

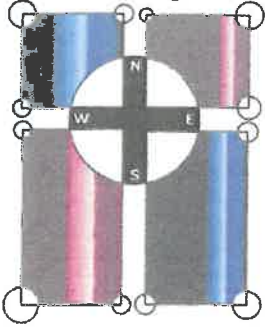
**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

**PLAN 3:  
TYPICAL / CONCEPT SITE LAYOUT  
PLAN**

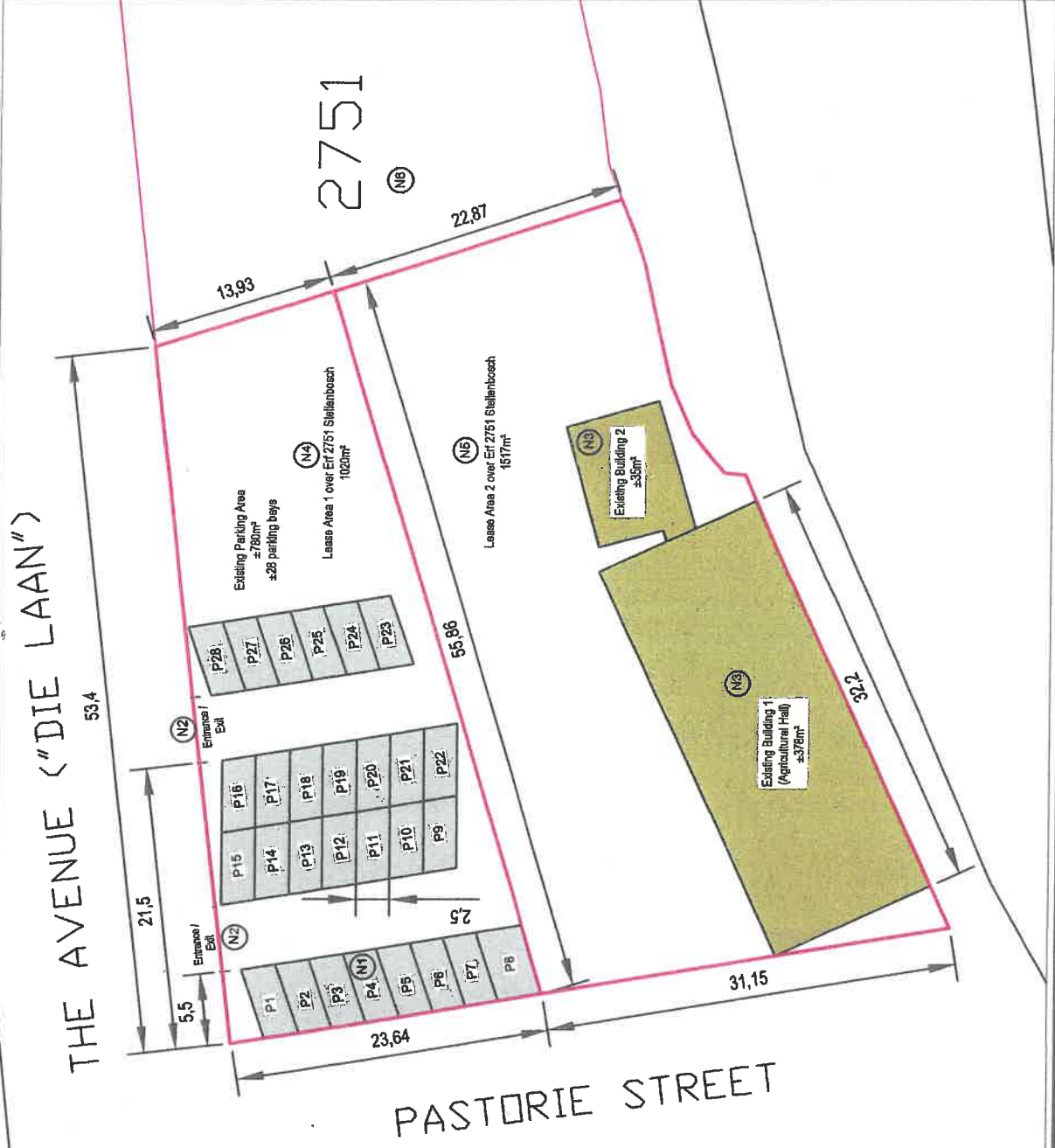
**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



LEGEND	LEGEND NOTES	AREA (m <sup>2</sup> )
<span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span>	Erf 2751 Stellenbosch	10,550m <sup>2</sup>
<span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px;"></span>	Area to be rezoned	2,537m <sup>2</sup>
<span style="background-color: #92d050; display: inline-block; width: 20px; height: 10px;"></span>	Total Building Area	±413m <sup>2</sup>
<span style="background-color: #d9ead3; display: inline-block; width: 20px; height: 10px;"></span>	Existing Building 1 (Agricultural Hall)	±378m <sup>2</sup>
<span style="background-color: #d9ead3; display: inline-block; width: 20px; height: 10px;"></span>	Existing Building 2	±35m <sup>2</sup>
<span style="border: 1px solid black; padding: 2px;">P1-P28</span>	Existing Onsite Parking	±780m <sup>2</sup>
<span style="border: 1px solid black; border-radius: 50%; padding: 2px;">N1</span>	Parking Bay Size (5.5mx2.5m)	13.75m <sup>2</sup>
<span style="border: 1px solid black; border-radius: 50%; padding: 2px;">N2</span>	Existing entrance to & exit from the existing onsite parking on Lease Area 1	
<span style="border: 1px solid black; border-radius: 50%; padding: 2px;">N3</span>	Existing buildings on Lease Area 2 to be used for offices/snop purposes.	
<span style="border: 1px solid black; border-radius: 50%; padding: 2px;">N4</span>	Lease Area 1 over Erf 2751 to be rezoned to "Local Authority (Public Parking Area)".	1020m <sup>2</sup>
<span style="border: 1px solid black; border-radius: 50%; padding: 2px;">N5</span>	Lease Area 2 over Erf 2751 to be rezoned to "General Business".	1517m <sup>2</sup>
<span style="border: 1px solid black; border-radius: 50%; padding: 2px;">N6</span>	The remainder of Erf 2751, Stellenbosch to remain Public Open Space.	±8,013m <sup>2</sup>



**PROFESSIONAL PLANNERS & PROJECT MANAGERS**  
 MARTIN JONKER  
 Tel: 084-470-6132  
 Fax: 086-524-8738  
 Email: martin@plan4sa.co.za  
 Web: www.plan4sa.co.za  
 PROJECT NUMBER: 18P001  
**COPYRIGHT RESERVED**

**DRAWING DISCIPLINE CODES**  
 TRP: Town & Regional Planning  
 TP: Transportation Planning

**DRAWING STATUS CODES**  
 D: Draft  
 F: Final

**DRAWING NUMBER**  
 18P001-ER2751STB-TRP-SLP001-F-20190826-Rev 02

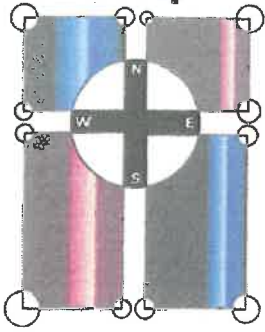
**DRAWING TITLE CODES**  
 CP: Consolidation Plan  
 LP: Locality Plan  
 LUP: Land Use Plan  
 SDP: Site Development Plan  
 SLP: Site Layout Plan  
 SUB: Subdivision Plan  
 ZP: Zoning Plan

<b>DRAWING TITLE</b>			
<b>TYPICAL SITE LAYOUT PLAN</b>			
<b>PLAN NUMBER</b>	<b>SCALE</b>	<b>SHEET SIZE</b>	<b>SHEET NUMBER</b>
3	Not to scale	A4	1 of 1
<b>PROJECT NAME</b>			
LAND USE APPLICATION(S) OVER A PORTION OF ERF 2751 STELLENBOSCH			

**CLIENT / OWNER INFORMATION**  
 STELLENBOSCH MUNICIPALITY  
 Mr Widmark Moses  
 Tel: 021-808-8974  
 Mobile: 082-879-6480  
 Email: widmark.moses@stellenbosch.gov.za



**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 1: POWER OF ATTORNEY

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550

**POWER OF ATTORNEY**

I / we, the undersigned,

**Petrus Du Plessis Smit**

(Name(s) of registered owner(s) / applicant)

ID-number(s)

**6012095093083**

(ID number(s) of registered owner(s) / applicant)

in my / our capacity as the authorised representative of the owner(s) of the following property(ies)

**Erf 2235 Franschoek (Groendal)(Mooiwater Homestead / Old Youth House)****Erf 2751 & Erf 6314 Stellenbosch (Old Agricultural Hall)****Erf 228, Erf 229 & Erf 230 Franschoek (Franschoek Triangle Site)****Erf 6487, Erf 6488, Erf 6490, Erf 1956 & Erf 1957 Stellenbosch (Old Clinic Site & LED Office)****Portion 2 of the Consolidated Farm Cloetesdal 81, Portion 9 of the Consolidated Farm Cloetesdal 81, the Remainder of Farm 181 and the Remainder of the Farm Grootvlei 183 (Kayamandi Economic & Tourism Corridor)**

(Property descriptions)

hereby nominate, constitute and appoint

**PLAN 4 SA (Pty) Ltd or its NOMINEE (Mr Martin Jonker)**

(Agent / Consultant's Name)

with power of substitution to be my lawful agent in my name, place and stead to act on my behalf to apply for the relevant land use rights being sought for the aforementioned property(ies). Furthermore to represent me at any and all enquiries to be held by virtue of such appointment, and generally to do or cause to be done whatever shall be required for all intents and purposes as I might or could do if personally present and acting myself, hereby ratifying everything my Attorney(s) and Agent(s) shall lawfully do or cause to be done by virtue of this Power of Attorney. Accordingly, power of attorney is hereby also granted to the agent to sign and receive all correspondence in respect of the matter referred to above during the application process.

Signed at

**Stellenbosch Municipality**

on

**2019-02-14**

(Place)

(Date)

in the presence of the undersigned witnesses.

For OWNER / APPLICANT / CLIENT

For PLAN 4 SA (Pty) Ltd

Petrus Du Plessis Smit

Martin Jonker (A/1090/1999)

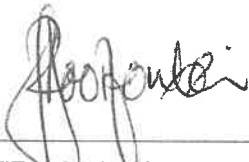
FULL NAME

FULL NAME & SACPLAN REGISTRATION NR



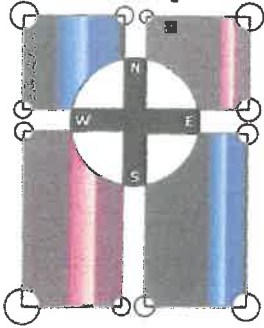
OWNER / APPLICANT / CLIENT SIGNATURE

PLAN 4 SA (Pty)Ltd Representative SIGNATURE



WITNESS 1 SIGNATURE

WITNESS 2 SIGNATURE

**PLAN 4 SA**[www.plan4sa.co.za](http://www.plan4sa.co.za)

## ANNEXURE 2: SG DIAGRAM

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



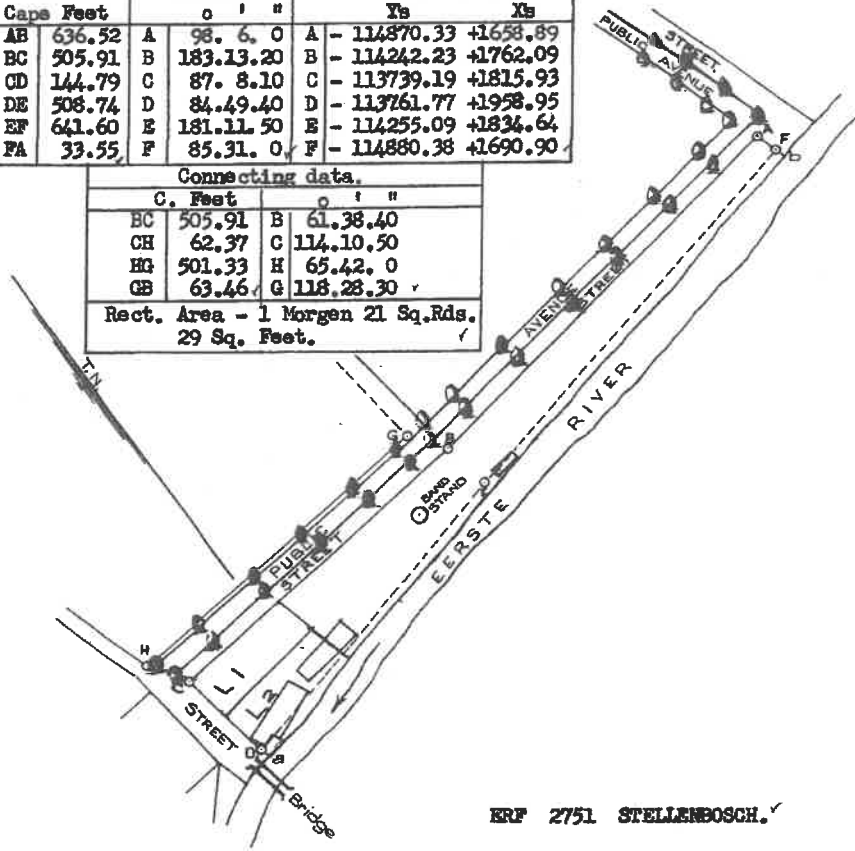
No. 2158/1907.

The numerical data of this diagram are sufficiently consistent.  
(Sgd.) M.C. Vos.  
Examiner.

SIDES	Cape Feet	ANGLES			CO-ORDINATES	
		o	'	"	Y <sub>a</sub>	X <sub>a</sub>
AB	636.52	A	98.6	0	A	- 114870.33 +1658.89
BC	505.91	B	183.13	20	B	- 114242.23 +1762.09
CD	144.79	C	87.8	10	C	- 113739.19 +1815.93
DE	508.74	D	84.49	40	D	- 113761.77 +1958.95
EF	641.60	E	181.11	50	E	- 114255.09 +1834.64
FA	33.55	F	85.31	0	F	- 114860.38 +1690.90

Connecting data.					
C. Feet	o	'	"		
BC	505.91	B	61.38	40	
CH	62.37	C	114.10	50	
HE	501.33	H	65.42	0	
GE	63.46	G	118.28	30	

Rect. Area - 1 Morgen 21 Sq.Rds.  
29 Sq. Feet.



ERF 2751 STELLENBOSCH.

0 50 100 200 400 600  
Scale: 200 Cape Feet = 1 Inch. 1" = 2500'

The above figure A.B.C.D.a. Innerbank of EERSTE RIVER b.F. represents 1 Morgen 199 Square Roods of Crown Land, being Lot No. 11, in the TOWN OF STELLENBOSCH.

Bounded:- N., E. and W. by Streets.  
S. by Innerbank of Eerste River.

Surveyed and beaconed by me according to regulations.

(Sgd.) W.H. Budler.  
Government Land Surveyor.  
1st of June 1907.

S B  
C

Copied from diagram relating  
to Title Stel.F.8-3  
Decd No.....  
dated 8.1.1908  
for Surveyor-General  
29.1.1963

N 2761

CHECKED  
DATA CHECKED

FOR ENDORSEMENTS  
SEE BACK OF DIAGRAM  
ERF 2751  
Comp.BH.8DC/V.521  
Ref.

CJA/VJ

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM

SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMR.
E147/76	3225/76	Erf 5314		Withdrawn		

LEASEHOLD AREAS

SURVEY RECORD	DIAGRAM NO.	DESCRIPTION	DEED	INITIALED
176	352 / 2015	L1 represents a 1020 sq. m leasehold area		
11	628 / 2015	L2 represents a 1517 sq. m leasehold area		



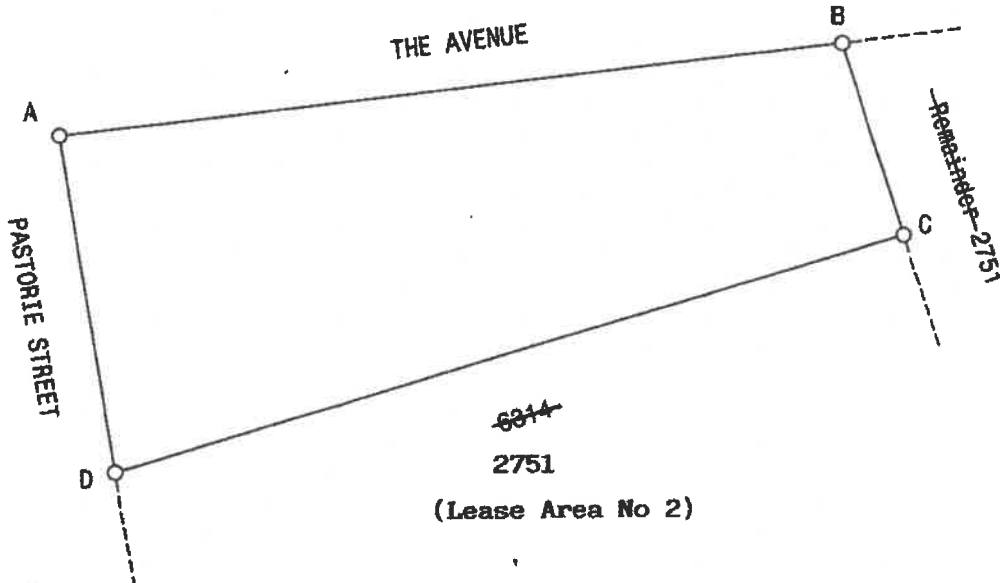
**LEASEHOLD DGM**

Friedlaender, Burger & Volkmann - Land Surveyors

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System WG 19°		S.G. No. 352/2015	
		Y	X		
Constants :		0,00	0,00	Approved. <i>Kenida</i> for Surveyor - General Date : 20.04.2015	
A B	53,39	263 33 50	A +12 498,19		+3 756 892,99
B C	13,96	342 09 40	B +12 445,13		+3 756 887,01
C D	55,86	73 20 00	C +12 440,86		+3 756 900,30
D A	23,64	170 42 20	D +12 494,37		+3 756 916,32
		M31C ⊕	+12 523,79		+3 756 837,08
		M32C ⊕	+12 499,09	+3 756 924,86	

Beacon Descriptions

C ..... 16mm Iron peg  
All other beacons ..... 12mm Iron peg



APPROVED IN TERMS OF SECT. 26  
OF ORD. 15/1985  
REF. Erf. 2751 Stellenbosch  
DATE 5 November 2014

The figure ABCD represents 1020 square metres of land, being

**LEASE AREA No. 1**  
**over ~~Remainder~~ ERF 2751 STELLENBOSCH**

Situate in the Stellenbosch Municipality  
Administrative District of Stellenbosch  
Surveyed in January 2015  
by me *Brakel*  
Province of Western Cape  
PLS 1329 A J H van Brakel Pr Land Surveyor

EXEMPT FROM PROVISIONS OF ACT  
70 OF 1970  
SECTION 1(a)

This diagram is annexed to No. Dated i.f.o. Registrar of Deeds	The original diagram is No. 2158/1907 Annexed to Stel.F.8-3.	File No. S/2641/117 vol 1 S.R. No. 176/2015 Comp. BH-8DC/V521 (1501) LPI C0670022
--	--	---

**LEASEHOLD DGM.**

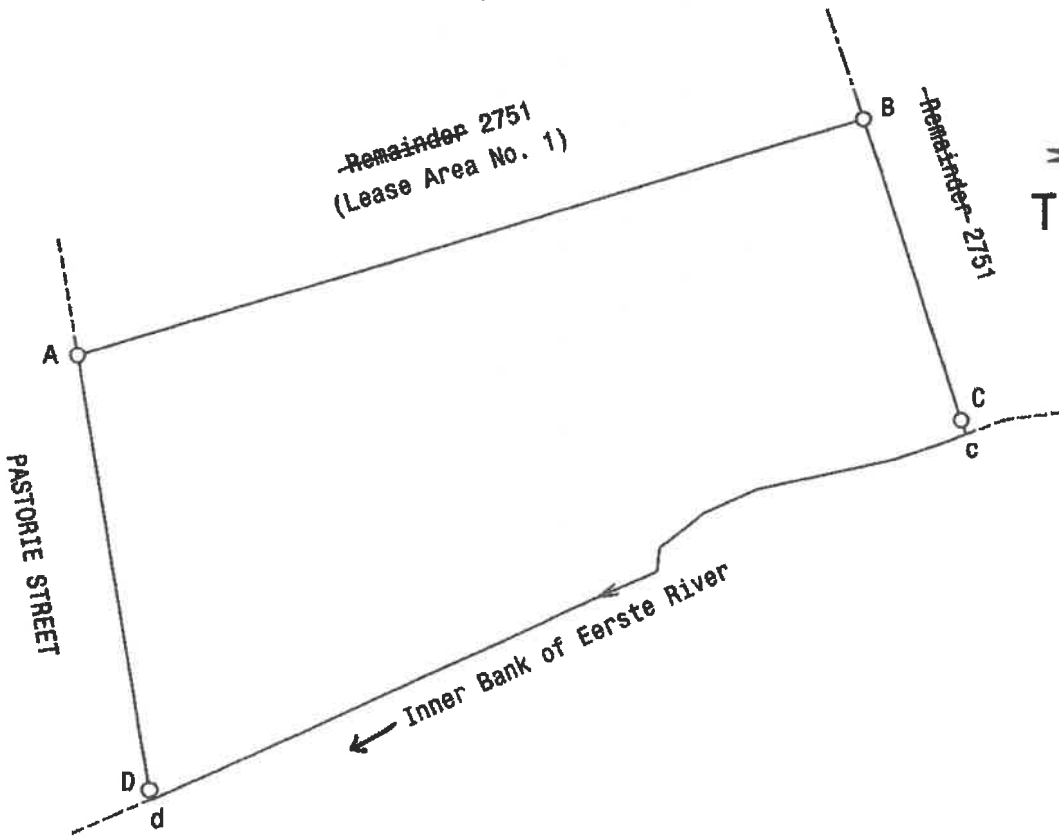
Friedlaender, Burger & Volkmann - Land Surveyors

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System WG 19°		S.G. No. 628/2015	
		Y	X		
Constants :		0,00	0,00	Approved. <i>[Signature]</i> for Surveyor - General Date : 20.04.2015	
A B	55,86	253 20 00	A +12 494,37		+3 756 916,32
B C	21,87	342 09 40	B +12 440,86		+3 756 900,30
C D	60,78	65 29 00	C +12 434,16		+3 756 921,12
D A	30,42	170 42 20	D +12 489,45		+3 756 946,34
C c		342 09 40			
D d		350 42 20			

M31C ⊕ +12 523,79 +3 756 837,08  
M32C ⊕ +12 499,09 +3 756 924,86

Beacon Descriptions

B C ..... 16mm Iron peg  
All other beacons ..... 12mm Iron peg



SCALE 1 : 500

The figure ABC Inner bank of Eerste River d represents 1517 square metres of land, being

**LEASE AREA No. 2**  
**over ~~Remainder~~ ERF 2751 STELLENBOSCH**

Situate in the Stellenbosch Municipality  
Administrative District of Stellenbosch  
Surveyed in January 2015  
by me

Province of Western Cape

*[Signature]*

PLS 1329 A J H van Brakel Pr Land Surveyor

This diagram is annexed to No.	The original diagram is No. <del>5925/1976</del> 2158/1907	File No. S/2641/117 vol 1
Dated	Annexed to	S.R. No. 176/2015
i.f.o.	Stel F 8-3	Comp. BH-8DC/V521 (1501)
Registrar of Deeds		LPI C0670022

APPROVED IN TERMS OF SECT. 25 OF ORD. 15/1985  
REF. Erf 2751 Stellenbosch  
DATE 5 November 2014

EXEMPT FROM PROVISIONS OF ACT 70 OF 1970  
SECTION 1 (a)

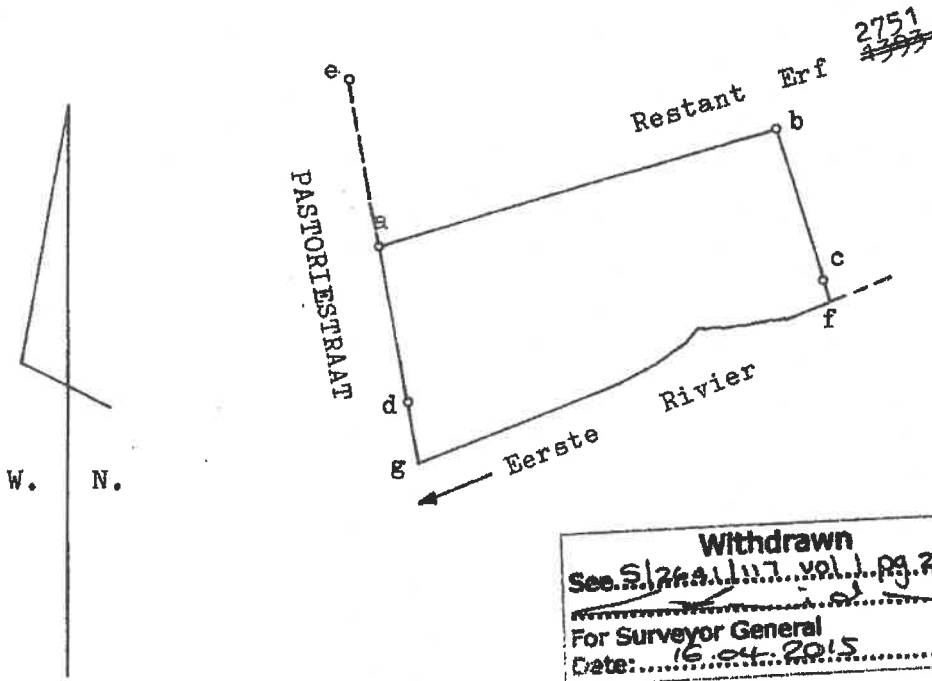
SYE METERS		RIGTINGS-HOEKE	KOÖRDINATE		L.G. No.
			Y	Stelsel	Lo 19°X
			+ 12 000,00		+3756000,00
ab	55,86	253.20.00	a +	431,34	+ 617,21
bc	21,87	342.09.40	b +	377,83	+ 601,19
cd	59,13	73.23.00	c +	371,13	+ 622,01
da	22,00	170.42.20	d +	427,79	+ 638,92
cf		342.09.40			
dg		340.42.20			
ae	23,64	170.42.20	e +	435,16	+ 593,88
		M31C	⊕ +	460,77	+ 537,96
		M32C	⊕ +	436,06	+ 625,75

Goedgekeur

*[Handwritten Signature]*  
 Landmeter-generaal  
 9 NOV 1976

Bakenbeskrywing.

- a.b.c. 16mm. ysterpen met klippe.
- d. Graniet klip.
- e. Graniet klip - afgebreek.



Skaal 1: 1 000.

Die figuur a.b.d.f. regter oewer van Eersterivier g.d.

stel voor 1 576 Vierkante Meter

grond, synde

ERF 6314 (n Gedeelte van Erf <sup>2751</sup>/~~4333~~) STELLENBOSCH.

geleë in die Munisipaliteit en van STELLENBOSCH.

Administratiewe Distrik

Provinsie Kaap die Goeie Hoop.

Opgemeet in JULIE 1976.

deur my,

*Janus J. Volkmann*  
 Landmeter

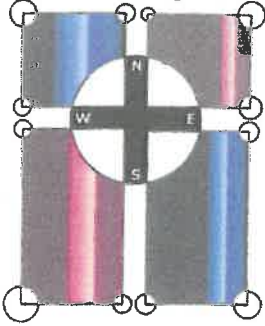
Hierdie kaart is geheg aan No. gedateer t.g.v.

Die oorspronklike kaart is. No.2158/1907 geheg aan Transport/Grondbrief No. Stel.F.8-3.

Lêer No. S/2641/117. M.S. No. E.1547/76. Komp. BH-8DC/V521(1501)

Registrateur van Aktes

**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 3: PROOF OF REGISTERED OWNERSHIP

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550

## WinDeed Database Deeds Office Property

**windeed**  
A LexisNexis® Product

STELLENBOSCH, 2751, 0 (CAPE TOWN)

## GENERAL INFORMATION

Date Requested	2019/03/07 15:22
Deeds Office	CAPE TOWN
Information Source	WINDEED DATABASE
Reference	-



## PROPERTY INFORMATION

Property Type	ERF
Erf Number	2751
Portion Number	0
Township	STELLENBOSCH
Local Authority	STELLENBOSCH MUN
Registration Division	STELLENBOSCH RD
Province	WESTERN CAPE
Diagram Deed	ST FH 8/3
Extent	1.0550H
Previous Description	-
LPI Code	C06700220000275100000

## OWNER INFORMATION

## Owner 1 of 1

Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
ID / Reg. Number	-
Title Deed	STFH8-3/1908
Registration Date	1908/01/08
Purchase Price (R)	UNKNOWN
Purchase Date	-
Share	0.00
Microfilm	0000000000
Multiple Properties	NO
Multiple Owners	NO

## ENDORSEMENTS

No documents to display

## HISTORIC DOCUMENTS

No documents to display

## DISCLAIMER

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).



## WinDeed Database Deeds Office Property

**windeed**  
A LexisNexis® Product

STELLENBOSCH, 6314, 0 (CAPE TOWN)

## GENERAL INFORMATION

Date Requested 2019/03/07 15:21  
Deeds Office CAPE TOWN  
Information Source WINDEED DATABASE  
Reference -



## PROPERTY INFORMATION

Property Type ERF  
Erf Number 6314  
Portion Number 0  
Township STELLENBOSCH  
Local Authority STELLENBOSCH MUN  
Registration Division STELLENBOSCH RD  
Province WESTERN CAPE  
Diagram Deed DUM  
Extent DUMDUM  
Previous Description -  
LPI Code C06700220000631400000

## OWNER INFORMATION

Owner 1 of 1

Type UNKNOWN  
Name \*\* FOR INFO REFER TO REGISTRAR OF DEEDS \*\*  
ID / Reg. Number -  
Title Deed REPLACED  
Registration Date -  
Purchase Price (R) -  
Purchase Date -  
Share 0.00  
Microfilm -  
Multiple Properties NO  
Multiple Owners NO

## ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm
1	I-1691/2015LG	-	UNKNOWN	-

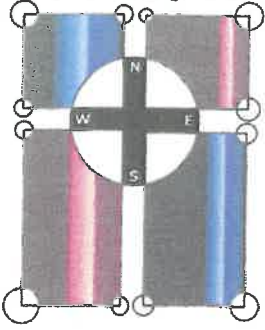
## HISTORIC DOCUMENTS

No documents to display

## DISCLAIMER

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA).

**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

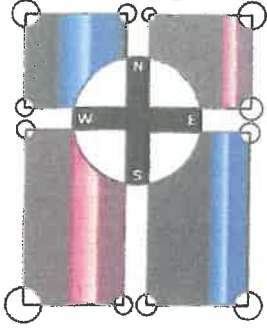
**ANNEXURE 4:  
TITLE DEED**

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



**PLAN 4 SA**[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 5: CONVEYANCING CERTIFICATE

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



**A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)**

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	N ✓	
2.	Building lines	Y	N ✓	
3.	Height	Y	N ✓	
4.	Number of Dwellings	Y	N ✓	
5.	Bulk floor area	Y	N ✓	
6.	Coverage/built upon area	Y	N ✓	
7.	Subdivision	Y	N ✓	
8.	Servitudes that may be registered over or in favour of the property	Y	N ✓	
9.	Other Restrictive Conditions	Y	N ✓	



**B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)**

a.	Organ(s) of State that might have an interest in the restrictive condition	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	N/A
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	

**C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED**

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at DURBANVILLE (Place) on this 18th (Day) APRIL (Month) of 2019

Full names and Surname: TANIA VAN TOORN

Signature: [Handwritten Signature]

35 MAIN ROAD  
 DURBANVILLE  
 7550

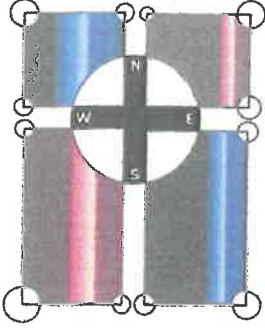
**LOUW & COETZEE**  
 HOOFWEG 35 MAIN ROAD  
 POSBUS 146 P.O. BOX  
 DURBANVILLE, 7550  
 TEL: 976-3180  
 PROKUREURS • ATTORNEYS

Tel: 021-9763180

Email: taniav@louwcoetzee.co.za

Cell: 0764310959

**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 6: ZONING CERTIFICATE

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Ref : 2751  
 Contact person : L Ollyn  
 Contact no : (021) 808 8672  
 Date : 01 March 2019

## **ZONING CERTIFICATE:**

### **ERF 2751, STELLENBOSCH**

It is hereby certified that the zoning of Erf 2751, cnr of Pastorie Avenue & Die Laan, Stellenbosch in terms of the Stellenbosch Municipality Zoning Scheme Regulations, July 1996, is:

#### **Public Open Space**

NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT <i>(Land uses allowed with the consent of Council)</i>
Public Open Space	None

*PR*   
 T Mfeya  
 DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

*Please Note:* Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate.

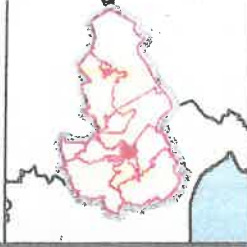


# Locality P\_n - Erf 2751, Stellenbosch

SCALE

1:4 513,99

Legend



Stellenbosch Municipality  
Planning & Economic Development  
Created by: Corporate GIS

Date: 2019-03-01



Author: Stellenbosch Municipality

Stellenbosch Municipality  
Site Address:  
71 Plein Street, Stellenbosch, 7600  
Tel: 021 808 8658

This is a reproduction of the information contained in the...  
It is not to be used for any other purpose, without the...  
written consent of the author. The author is not responsible for...  
any errors or omissions in this document.



- 27 -

10.16 **LU: PLACE OF WORSHIP:**

IM:



10.16.1 ND: Place of worship as defined in section 1.

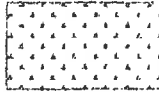
10.16.2 SD: None

10.16.3 RD:

- (a) Building lines and coverage: As prescribed in the use zone institution.
- (b) Height: As required by the Council.
- (c) Parking: 1 parking bay for every 10 seats, with a minimum of 15.

10.17 **LU: PUBLIC OPEN SPACE:**

IM:



10.17.1 ND: Public Open Space

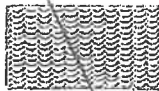
10.17.2 SD: None

10.17.3 RD:

- No building or structure shall be erected or use practised except such as is compatible with
- \* "public open space" as defined in section 1.

10.18 **LU: PRIVATE OPEN SPACE:**

IM:



10.18.1 ND:

Private Open Space and any development of which the Council may approve which is directly related to private open space.

10.18.2 SD: None

10.18.3 RD:

No building or structure shall be erected or use practised except such as is compatible with "private open space" as defined in section 1.



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Ref : 6314  
 Contact person : L. Ollyn  
 Contact no : (021) 808 8672  
 Date : 01 March 2019

## **ZONING CERTIFICATE:**

### **ERF 6314, STELLENBOSCH**

It is hereby certified that the zoning of Erf 6314, Pastorie Avenue, Stellenbosch in terms of the Stellenbosch Municipality Zoning Scheme Regulations, July 1996, is:

#### **Public Open Space**

NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT <i>(Land uses allowed with the consent of Council)</i>
Public Open Space	None

*RP*  
  
**T Mfeya**  
**DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**

*Please Note:* Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate.



- 27 -

## 10.16 LU: PLACE OF WORSHIP:

IM:



10.16.1 ND: Place of worship as defined in section 1.

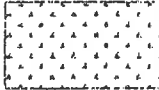
10.16.2 SD: None

10.16.3 RD:

- (a) Building lines and coverage: As prescribed in the use zone institution.
- (b) Height: As required by the Council.
- (c) Parking: 1 parking bay for every 10 seats, with a minimum of 15.

## 10.17 LU: PUBLIC OPEN SPACE:

IM:



10.17.1 ND: Public Open Space

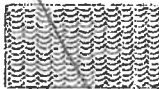
10.17.2 SD: None

10.17.3 RD:

- 1. No building or structure shall be erected or use practised except such as is compatible with "public open space" as defined in section 1.
- 2.
- 3.

## 10.18 LU: PRIVATE OPEN SPACE:

IM:



10.18.1 ND:

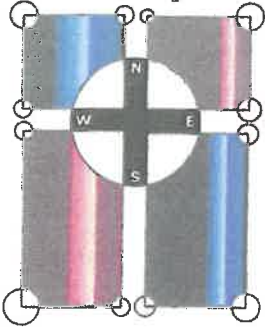
Private Open Space and any development of which the Council may approve which is directly related to private open space.

10.18.2 SD: None

10.18.3 RD:

No building or structure shall be erected or use practised except such as is compatible with "private open space" as defined in section 1.

**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

**ANNEXURE 7:  
LAND CLAIMS  
LETTER FROM REGIONAL LAND  
CLAIMS COMMISSIONER**

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: WESTERN CAPE  
 1<sup>st</sup> and 2<sup>nd</sup> floors, 14 Long Street, Cape Town, 8000 | Private Bag X9163, Cape Town, 8000  
 Tel: (021) 409 0300 | Fax: (021) 418 0205

Your Ref: Martin Jonker  
 Our Ref: Maroeda Johnson

09 April 2019

Plan 4 SA (Pty) Ltd  
 Po Box 1152  
 Cape Gate  
 7562

**LAND CLAIM ENQUIRIES: ERF 2235 FRANSCHOEK, ERF 230 FRANSCHOEK, ERF 2751 STELLENBOSCH, ERF 6487 STELLENBOSCH, ERF 6488 STELLENBOSCH, ERF 1956 STELLENBOSCH, ERF 1957 STELLENBOSCH, REMAINDER OF FARM 181 STELLENBOSCH, REMAINDER OF FARM 183 STELLENBOSCH, PORTION 2 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH, PORTION 9 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH**

Thank you for your letter dated 09 April 2019

We confirm that as at the date of this letter no land claims appear on our database in respect **ERF 2235 FRANSCHOEK, ERF 230 FRANSCHOEK, ERF 2751 STELLENBOSCH, ERF 6487 STELLENBOSCH, ERF 6488 STELLENBOSCH, ERF 1956 STELLENBOSCH, ERF 1957 STELLENBOSCH, REMAINDER OF FARM 181 STELLENBOSCH, REMAINDER OF FARM 183 STELLENBOSCH, PORTION 2 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH, PORTION 9 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH.** This includes the database for claims lodged 31 December 1998 and those lodge between 1 July 2014 and 28 July 2016. Whilst the Commission takes reasonable care to ensure the accuracy of the information it provides, there are various factors that may be beyond the Commission's control, particularly relating to claims that have lodged but not yet been gazetted such as:

- Some Claimants referred to properties they claim dispossession of rights in land against using historical property descriptions which may not match the current property description; and
- Some Claimants provided the geographic descriptions of the land they claim without mentioning the particular property they claim dispossession of rights in land against.
- The Commission can therefore not accept any liability whatsoever if through the process of further investigation of claims it is found that there is in fact a land claim in respect of the above property.

ERF 2235 FRANSCHOEK, ERF 230 FRANSCHOEK, ERF 2751 STELLENBOSCH, ERF 6487 STELLENBOSCH, ERF 6488 STELLENBOSCH, ERF 1956 STELLENBOSCH, ERF 1957 STELLENBOSCH, REMAINDER OF FARM 181 STELLENBOSCH, REMAINDER OF FARM 183 STELLENBOSCH, PORTION 2 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH, PORTION 9 OF THE FARM CLOETESDAL NO. 81 STELLENBOSCH.

If you are aware of any change in the description of the above property after 19 June 1913 kindly supply us with such description so as to enable us to do a further search.

Kind Regards

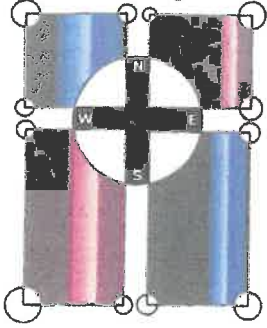
  
Dr Wayne Alexander

Chief Director: Restitution Support: RLCC (Western Cape)





**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# **ANNEXURE 8: PRE-SUBMISSION CONSULTATION MINUTES**

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

Unit 5, Stellen Villa,  
Kronendal Crescent,  
Stellenberg,  
7550



**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



**LAND USE PLANNING PRE-APPLICATION CONSULTATION FORM**

**KINDLY NOTE:**

Pre-application consultation is an advisory session and does not in any way pre-empt the outcome of any future application which may be submitted to the Municipality.

**PART A: PARTICULARS**

Date: 23 August 2019

Erf/Farm number: 2751 Stellenbosch

Property(ies) location: Corner of Pastorie Street & Die haan, Stellenbosch

Brief proposal: Rezoning of a portion from Public Open Space to General Business and Local Authority (Public Parking).

**Attendees:**

	Name & Surname	Organisation	Contact Number	E-mail
Official/s				
Pre-applicant	Martin Jonker	Plan USA	0844106132	martinj@planusa.co.za
	R P Fog	Steel Man	021 808 8686	robent.fog@stellenbosch.gov.za
	H. Dehron	Verrelding	021 809 8674	hede.dehron@stellenbosch.gov.za

List documents provided for discussion at meeting:

*(Include document reference, document/plan dates and plan numbers where possible and attach to this form)*

Planning Motivation  
Locality Plan  
Land Use Plan  
Concept Site layout Plan

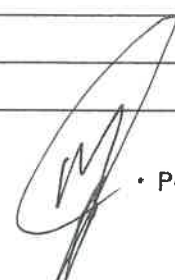
Has pre-application consultation been undertaken for a land development application in terms of section 53 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) and regulation 10 of the Western Cape Land Use Planning Regulations, 2015 (LUP regulations)?

*(If yes, request a copy of the minutes)*

YES	NO	<del>N/A</del>
-----	----	----------------

Comprehensive overview of proposal:

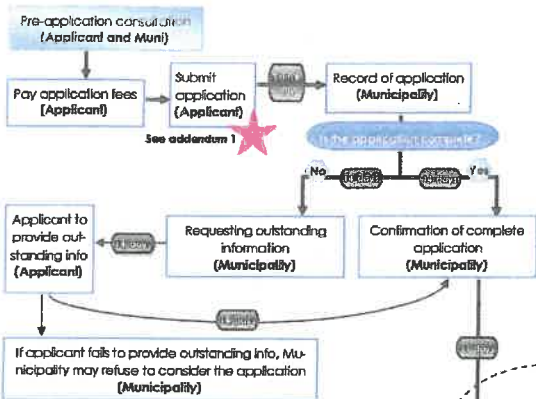
Refer to Planning Motivation for detail



**PART B: APPLICATION PROCESS (SIMPLIFY OR REMOVE)**

**Stellenbosch Municipal Land Use Planning By-Law (workflow)**

**SUBMISSION**



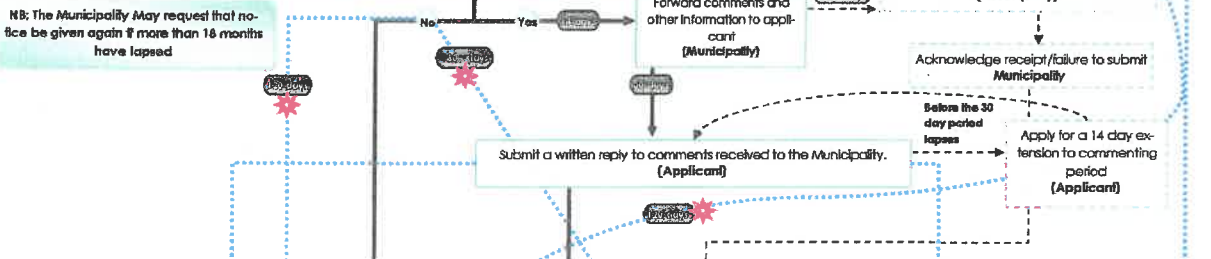
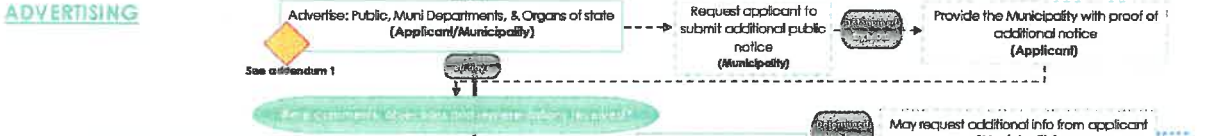
**Types of applications that can be submitted in terms of Section 15 (2)**

- Removal of land
- Permanent departure
- Temporary departure
- Subdivision of land
- Consolidation of land
- Removal, suspension or amendment of restrictive conditions
- Permission required in terms of the zoning scheme
- Amendment, deletion or imposition of condition in respect of an approval
- Extension of validity period of an approval
- Approval of an overlay zone
- An amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
- Permission required in terms of condition of approval
- Determination of zoning
- Closure of public place or part thereof
- Consent use
- Occasional use
- To disestablishment of a home owner's association to rectify a feature of a home owner's association
- Permission required for the reconstruction of an existing building that constitutes a non-harmful use that is allowed or permitted to the extent that it is necessary to demolish a substantial part thereof.

**Key**

Out of time appeal may be lodged within this time	★
Direction	→
Timeframe	⌚
Additional	⊞
Questions	?
Answers to questions	Ⓜ

**ADVERTISING**

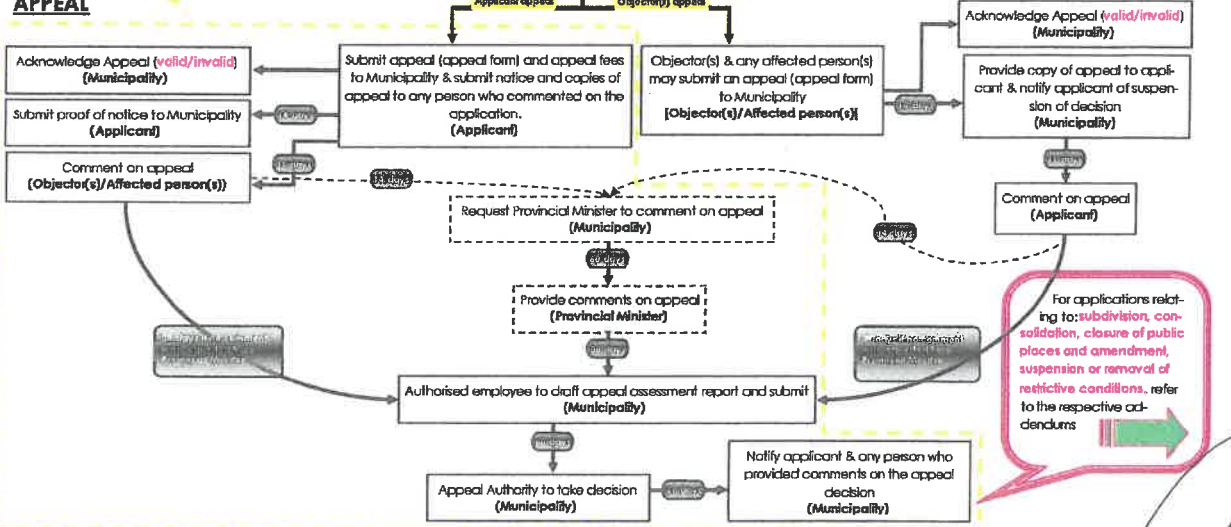


**ASSESSMENT**

**DECISION**

**APPEAL PROCESS**

**APPEAL**



Handwritten signature and scribbles at the bottom right of the page.

## PART C: QUESTIONNAIRES

**SECTION A:**  
**DETERMINATION OF APPLICATION TYPES, PRESCRIBED NOTICE AND FEES**

Tick if relevant	What land use planning applications are required in terms of section 15 of the Stellenbosch Municipality Land Use Planning By-Law?	Application fees payable
✓	2(a) a rezoning of land;	R
	2(b) a permanent departure from the development parameters of the zoning scheme by-law;	R
✓	2(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
	2(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
	2(e) a consolidation of land that is not exempted in terms of section 24;	R
	2(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g) a permission required in terms of the zoning scheme by-law;	R
	2(h) an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i) an extension of the validity period of an approval;	R
	2(j) an approval of an overlay zone as contemplated in the zoning scheme by-law;	R
	2(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R
	2(l) a permission required in terms of a condition of approval;	R
	2(m) a determination of a zoning;	R
✓	2(n) a closure of a public place or part thereof;	R
	2(o) a consent use contemplated in the zoning scheme by-law;	R
	2(p) an occasional use of land;	R
	2(q) to disestablish a home owner's association;	R
	2(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.	R

Tick if relevant	What prescribed notice will be required?	Advertising fees payable
N	Serving of notices (i.e Delivering by hand; registered post; data messages)	R
N	Publication of notices (i.e Local Newspaper(s); Provincial Gazette; site notice; Municipality's website)	R
	Additional publication of notices (i.e Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection)	R
	Notice of decision (i.e Provincial Gazette)	R
N	Integrated procedures	R
<b>TOTAL APPLICATION FEE*:</b>		<b>R</b>

**KINDLY NOTE:** \* Application fees are estimated on the information discussed and are subject to change with submission of the formal application.

Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

The applicant is liable for the cost of publishing and serving notice of an application.

#### SECTION B:

#### PROVISIONS IN TERMS OF THE RELEVANT PLANNING LEGISLATION / POLICIES / GUIDELINES

QUESTIONS REGARDING PLANNING POLICY CONTEXT	YES	NO	TO BE DETERMINED	COMMENT
Is any municipal integrated development plan, spatial development framework(s), structure plans, by-laws or any other municipal policies or guidelines applicable?	✓			10P 5GF
Any applicable restrictive condition(s) prohibiting the proposal?		✓		
If yes, is/are the condition(s) in favour of a third party(ies)?				N/A.
<b>Zoning Scheme / Zoning Scheme By-law considerations:</b>				
What is the current zoning of the property? <i>Public Open Space</i>				
What is the proposed zoning of the property? <i>General Business (Lease Area 2); Local Authority (Public Parking) (Lease Area 1)</i>				
Does the proposal fall within the provisions/parameters of the zoning scheme / zoning scheme by-law? <i>Yes</i>				
Are additional applications required to deviate from the zoning scheme / zoning scheme by-law? (if yes, specify) <i>Closure of part of the Public Open Space</i> <i>Rezoning.</i>				



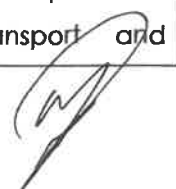
QUESTIONS REGARDING OTHER PLANNING CONSIDERATIONS	YES	NO	TO BE DETERMINED	COMMENT
Is a development application affecting national interest in terms of section 52(3) of Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), required?		✓		
Is the proposal in line with the national spatial development framework and national laws, regulations, other guidelines or documents?	✓			
Is the proposal in line with the principles for land development, set out in the SPLUMA and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)?	✓			
Is the proposal in line with the provincial spatial development framework(s) and provincial laws, regulations, other policies, guidelines or documents?	✓			
Is any district municipal integrated development plan, spatial development framework, other policies, guidelines or documents relevant?	✓			<i>Cape Winelands</i>

**SECTION C:****CONSENT / COMMENT REQUIRED FROM OTHER ORGANS OF STATE**

QUESTIONS REGARDING CONSENT / COMMENT REQUIRED	YES	NO	TO BE DETERMINED	OBTAIN APPROVAL / CONSENT / COMMENT FROM:
Is a land development application required in terms of section 53(2) of LUPA or section 10 of LUPA Regulations?		✓		Western Cape Provincial Department of Environmental Affairs & Development Planning (DEA&DP)
Is provincial comment on land use application(s) required in terms of section 45(1) of LUPA?		✓		DEA&DP

Y N TBD

Is/was the property(ies) utilised for agricultural purposes?		✓		Western Cape Government Department of Agriculture
Will the proposal require approval in terms of Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)?		✓		National Department of Agriculture, Forestry and Fisheries (DAFF)
Will the proposal trigger a listed activity in terms of National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)?		✓		DEA&DP
Will the proposal require authorisation in terms of Specific Environmental Management Act(s) (SEMA)? (National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) (NEM:PAA) / National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) / National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) (NEM:AQA) / National Environmental Management: Integrated National Environmental Management: Waste Act, 2008 (Act 59 of 2008) (NEM:WA)		✓		National Department of Environmental Affairs (DEA) & DEA&DP
Will the proposal require authorisation in terms of the National Water Act, 1998 (Act 36 of 1998)?		✓		National Department of Water & Sanitation (DWS)
Will the proposal trigger a listed activity in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?		✓		South African Heritage Resources Agency (SAHRA) & Heritage Western Cape (HWC)
Will the proposal have an impact on any National or Provincial roads?		✓		National Department of Transport / South Africa National Roads Agency Ltd. (SANRAL) & Western Cape Department of Transport and





Y N TBD

				Public Works (DT&PW)
Will the proposal trigger a listed activity in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		✓		National Department of Labour (DL)
Will the proposal affect any Eskom owned land and/or servitudes?		✓		Eskom
Will the proposal affect any Telkom owned land and/or servitudes?		✓		Telkom SA Ltd.
Will the proposal affect any Transnet/Passenger Rail Agency of South Africa owned land and/or servitudes?		✓		Transnet/PRASA
Is the property subject to a land / restitution claim(s)?		✓		National Department of Rural Development & Land Reform
Will the proposal require comments from South African National Parks (SANParks) and/or CapeNature?		✓		SANParks / CapeNature
Is the property subject to any existing mineral rights?		✓		National Department of Mineral Resources
Does the proposal lead to densification to such an extent that the number of schools, healthcare facilities, libraries, safety services, etc. In the area may be impacted on?		✓		Western Cape Government Departments of Cultural Affairs & Sport, Education, Social Development, Health and Community Safety
Does the proposal require any other authorisation(s) in terms of other applicable legislation that is not listed in the subject table?		✓		If yes, specify



**PART D: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION**

**Information and documentation required in terms of section 38(1) of the Stellenbosch Municipality Land Use Planning By-law**

<input checked="" type="checkbox"/> Completed and signed application form	Bondholder's consent (if applicable) <i>N/A</i>
<input checked="" type="checkbox"/> Power of attorney / Owner's consent if applicant is not owner	Proof of any other relevant right held in the land concerned <i>N/A</i>
Resolution or other proof that applicant is authorised to act on behalf of a juristic person <i>N/A</i>	<input checked="" type="checkbox"/> S.G. diagram / General plan extract
<input checked="" type="checkbox"/> Written motivation	<input checked="" type="checkbox"/> Site development plan or conceptual layout plan
<input checked="" type="checkbox"/> Locality plan	Proof of agreement or permission for required servitude <i>N/A</i>
Proposed subdivision plan <i>N/A</i>	<input checked="" type="checkbox"/> Proof of registered ownership (Full copy of the title deed)
Proof of payment of application fees <i>N/A</i>	<input checked="" type="checkbox"/> Minutes of pre-application consultation meeting (if applicable)
<input checked="" type="checkbox"/> Conveyancer's certificate (as applicable)	

**Supporting information and documentation:**

<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	Consolidation plan	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> N/A	Land use plan / Zoning plan
<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	Street name and numbering plan	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	1 : 50 / 1:100 Flood line determination (plan / report)
<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	Landscaping / Tree plan	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	Home Owners' Association consent
<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> N/A	Abutting owner's consent	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	Services Report or indication of all municipal services / registered servitudes
<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	Proof of failure of Home owner's association
<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	Copy of original approval and conditions of approval	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
<input type="checkbox"/> Y	<input type="checkbox"/> N	<input checked="" type="checkbox"/> N/A	Proof of lawful use right	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> N/A	Other (specify)
<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> N/A	Required number of documentation copies				

**PART E: DISCUSSION**

- Site layout Plan must be renamed to Typical Site layout Plan
- In the section dealing with "Type of land Use Application":
  - ↳ 15(2)(a) remove references to shop/office uses - just state "rezoning... from... to General Business."

**PART F: SUMMARY / WAY FORWARD**

Can proceed with the submission of the application.

OFFICIAL:

R.P. Fahey

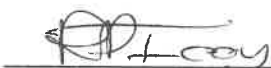
(FULL NAME)

PRE-APPLICANT:

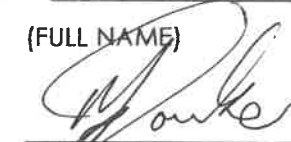
Martin Tonker

(FULL NAME)

SIGNED:



SIGNED:



DATE:

23/08/2019

DATE:

23/08/2019

**Martin Jonker**

**From:** Schalk Van der Merwe <Schalk.VanderMerwe@stellenbosch.gov.za>  
**Sent:** 19 August, 2019 9:54 AM  
**To:** 'Martin Jonker'  
**Cc:** Widmark Moses; Robert Fooy; Hedre Dednam  
**Subject:** RE: [EX] LED HUB: ERF 2751 STELLENBOSCH (AGRICULTURAL HALL)

Martin, good day.

With regards to the Agricultural Hall site, the change in the use of the site does not raise any red flags (i.t.o. applicable environmental legislation triggers). Any physical activity or construction that will take place on the site will be a different matter though and must be considered once such details becomes clear. From an environmental planning point of view future operations of the site as LED Hub must be sensitive to the environmental features of the site, such as the river, and activities (i.t.o. effluent, general- or human waste, etc) on site must not be allowed to impact thereon.

Operationally it is also important that the proposals take into account the requirements of the Western Cape Noise Control Regulations (2013).

Regards



**Schalk van der Merwe**  
 Environmental Planner

**Community & Protection Services:**  
**Stellenbosch Municipality**

T: +27 21 808 8679  
 Plein Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:  
[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)



**About Stellenbosch Municipality**

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-803-8111, or visit [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

**Disclaimer:**

The information contained in this communication from [schalk.vandermerwe@stellenbosch.gov.za](mailto:schalk.vandermerwe@stellenbosch.gov.za) sent at 2019-08-19 09:54:29 is confidential and may be legally privileged. It is intended solely for use by martinj@plan4sa.co.za and others authorized to receive it. If you are not martinj@plan4sa.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [Afrovation](#)

**From:** Martin Jonker [<mailto:martinj@plan4sa.co.za>]  
**Sent:** 19 August 2019 09:20 AM  
**To:** Schalk Van der Merwe  
**Cc:** Widmark Moses; Robert Fooy; Hedre Dednam

**Subject:** [EX] LED HUB: ERF 2751 STELLENBOSCH (AGRICULTURAL HALL)

**Importance:** High

Good morning Schalk

I trust you are doing well.

I was appointed by Widmark Moses to assist with the rezoning of the 5 selected LED Hub locations. Three of these locations have rivers nearby (Erf 2751 Stellenbosch; Erf 2235 Franschoek & the Kayamandi Economic & Tourism Corridor). Please find attached hereto a draft planning motivation report & concept site plan for Erf 2751 Stellenbosch (Agricultural Hall).

Can you confirm if there are any environmental issues that we should take note of in this application?

Thank you in advance for your kind assistance.

Regards

**MARTIN JONKER**, Pr.Pln A/1090/1999; PMP; MTRP; MBA (Cum Laude)

**Managing Director**

Professional Planner

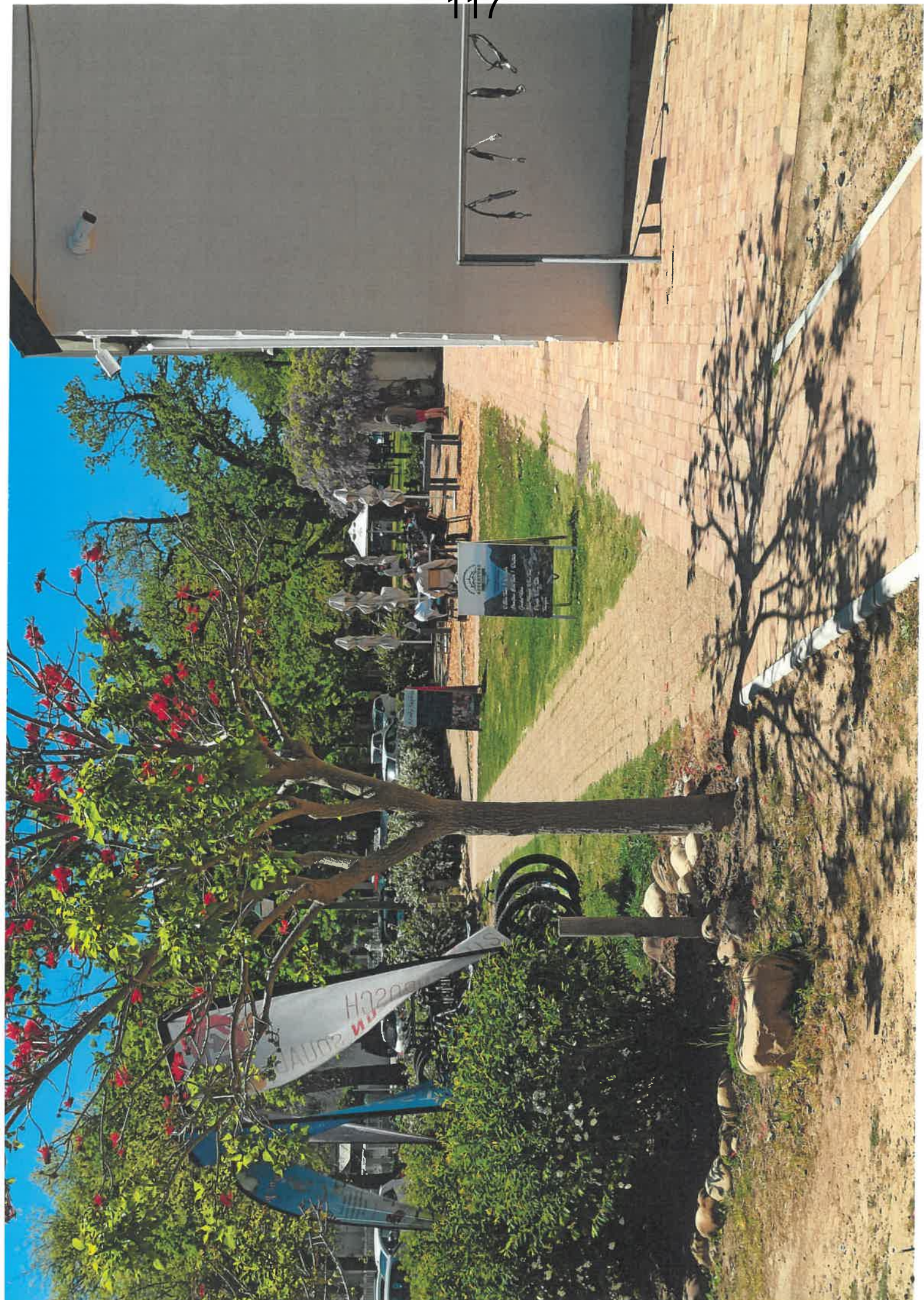
Project Management Professional

**Plan 4 SA (Pty) Ltd**

PO Box 1152, Cape Gate, 7562

Cell: +27 84 410 6132; Fax: +27 86 524 8738

Email: [martinj@plan4sa.co.za](mailto:martinj@plan4sa.co.za); Web: [www.plan4sa.co.za](http://www.plan4sa.co.za)











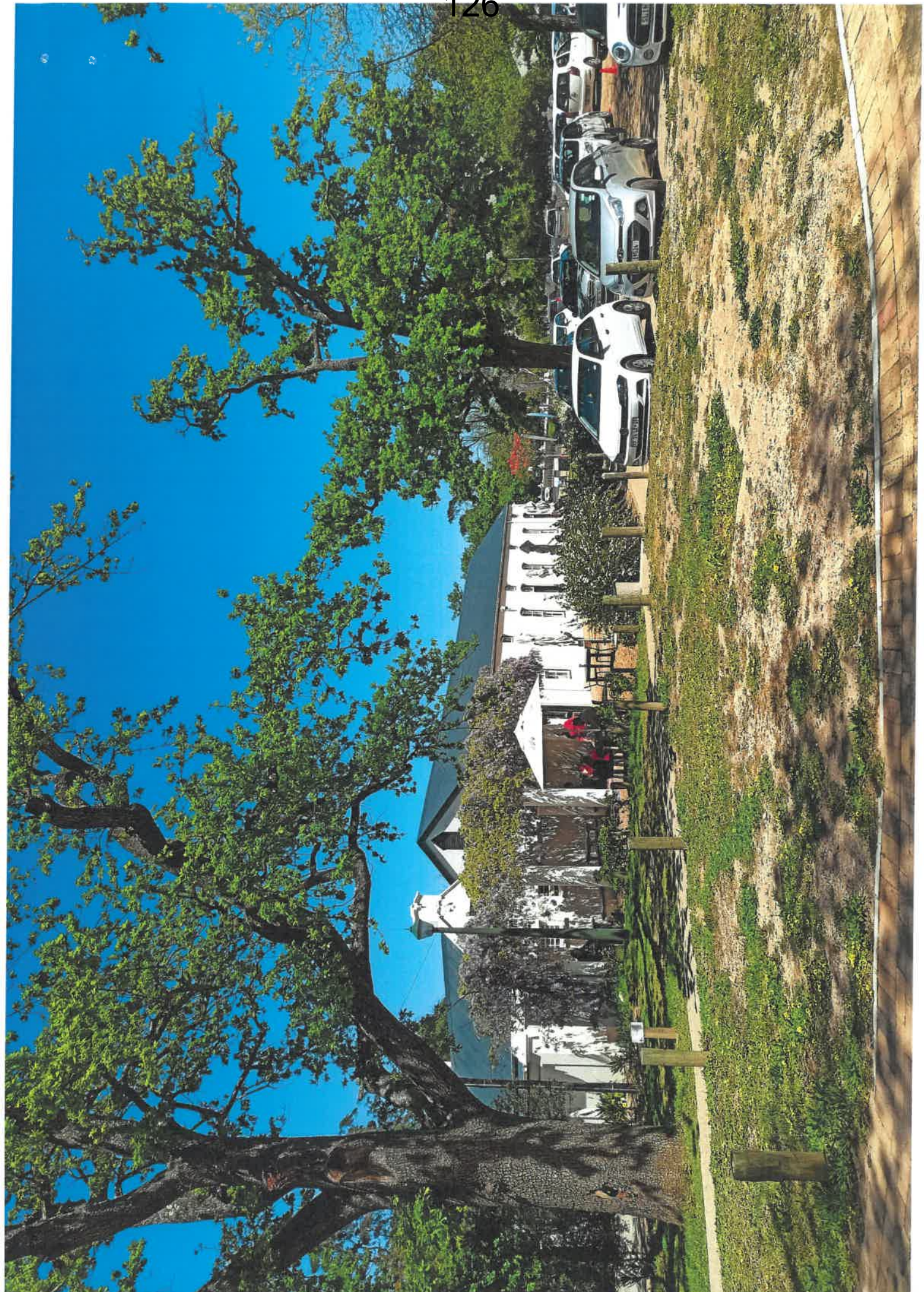


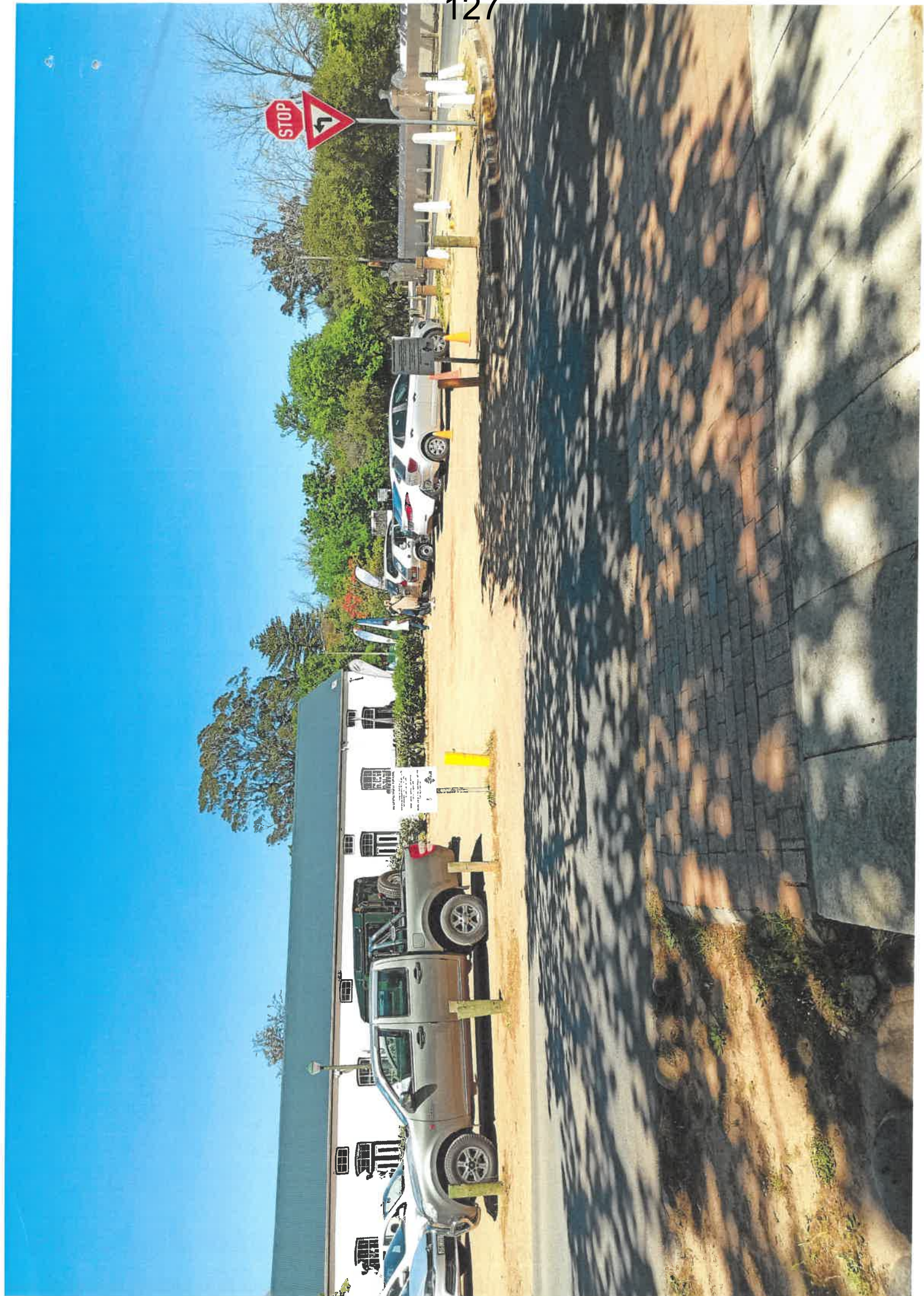




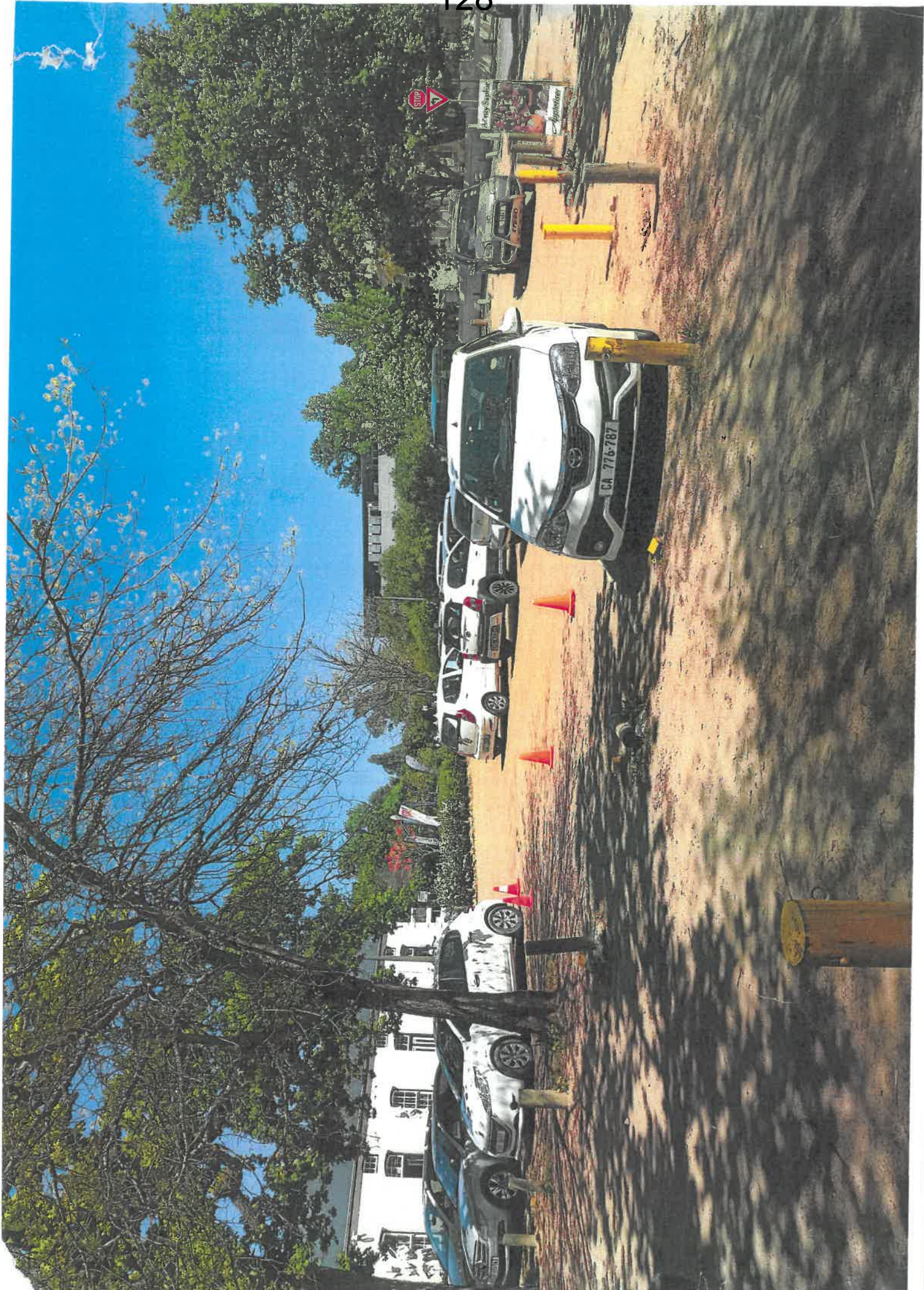


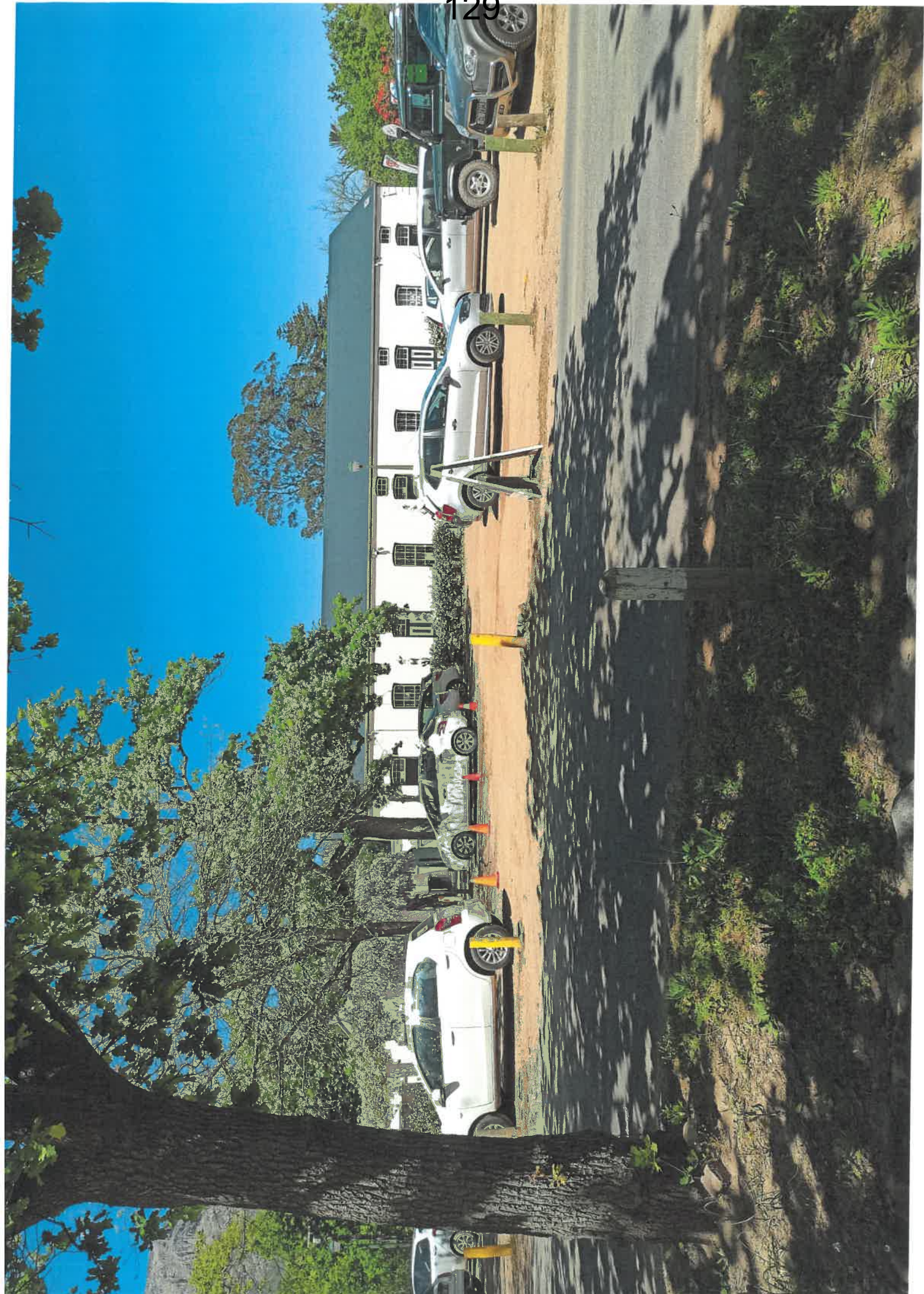












## OU LANDBOUSAAL PARKING

**Parking fee: R40.00 per day**  
**Monthly parking permits R600.00 per month**  
**and available at the STF Trail Centre.**  
**STF Trail Centre: 063 467 0293**

**Wheels will be clamped if left overnight.**  
**Release fee applicable.**

**All proceeds go to the Stellenbosch Trail Fund.**  
**Parking at own risk**



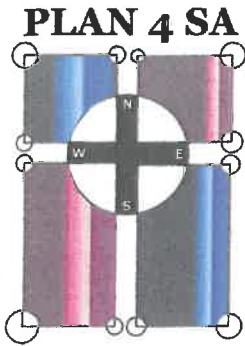
**STELLENBOSCH**  
STELLENBOSCH • WINE • PLANTERIE  
MUNICIPALITEIT • MUNICIPALITY



**STF**  
**STELLENBOSCH**  
**TRAIL FUND**

**ANNEXURE D**

Copy of POE Checklist and declaration



**PROFESSIONAL PLANNERS & PROJECT MANAGERS**  
 Town & Regional Planning  
 Transportation Planning  
 Business Planning & Development  
 Project Management

PO Box 1152, Cape Gate, 7562  
 Unit 5 Stellen Villa, Kronendal Cr., Stellenberg, 7550, WC  
 Tel: +27(0)84-410-6132  
 Fax: +27 (0)86-524-8738  
 Email: [martinj@plan4sa.co.za](mailto:martinj@plan4sa.co.za)  
 Web: [www.plan4sa.co.za](http://www.plan4sa.co.za)

Application Number: LU/10301  
 Municipal File Reference Number: Erf 2751, Stellenbosch  
 Applicant Reference Number: 19P001/Erf 2751 STB

Date: 16 November 2020

**MAIL TO:**  
 The Director: Planning & Economic Development  
 Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599

FILE NR:	
SCAN NR:	E 2751 S
COLLABORATOR NR:	698122

Attention: Siyanda Zangqa / Nicole Katts  
 Email: [siyanda.zangqa@stellenbosch.gov.za](mailto:siyanda.zangqa@stellenbosch.gov.za) / [nicole.katts@stellenbosch.gov.za](mailto:nicole.katts@stellenbosch.gov.za)  
 Copy to: Widmark Moses  
 Email: [Widmark.moses@stellenbosch.gov.za](mailto:Widmark.moses@stellenbosch.gov.za)

Dear Sir / Madam

**LAND USE APPLICATION NUMBER: LU/10301**  
**ADVERTISEMENT PERIOD: PORTFOLIO OF EVIDENCE**

Your letter dated 25 August 2020 in the abovementioned regard has reference.

The advertisement and comment period for the abovementioned land use application have been concluded. As per your instruction, please find attached hereto the following portfolio of evidence:

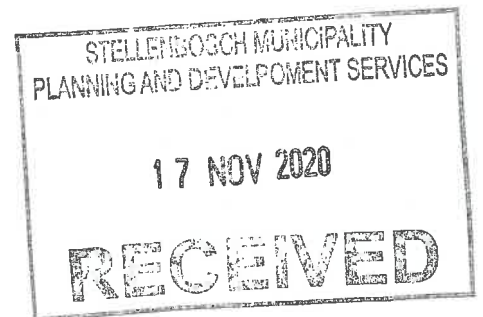
- Annexure 1: Portfolio of Evidence Checklist and Signed Declaration
- Annexure 2: Stellenbosch Municipality Notice Approval
- Annexure 3: Newspaper Publication(s)
- Annexure 4: Site Notice Photos
- Annexure 5: Email Notices
- Annexure 6: Registered Mail Slips & Letters
- Annexure 7: Comments / objections received
- Annexure 8: Emails sent / received

**NEWSPAPER PUBLICATIONS**

Two advertisements (1 x English and 1 x Afrikaans) were published in the Eikestad Nuus/News (Ms Fran van Niekerk) on 10 September 2020. The closing date for public comments (30-days) was 12 October 2020. The 60-day comment period for state entities ended on 9 November 2020. Relevant officials of Stellenbosch Municipality's Planning Department were copied in all email correspondence with the Eikestad Nuus/News and they were fully aware of the publication date.

**SITE NOTICES**

Two A3 notices were put up on the site on 9 September 2020. A site visit was conducted on 6 October 2020 during which it was found that the original two notices were still in place.



**NOTICES SENT VIA EMAIL**

In an email dated 4 September 2020, Ms Nicole Katts confirmed that the following understanding regarding the sending of notices via email and/or registered mail is correct:

- Registered mail (notices/letters) will only be sent to Interested & Affected Parties who does not have an email address.
- Email notices will be sent to all Interested & Affected Parties who does have an email address

Of the 16 affected properties that were identified only one (1) property owner who did not have an email address. Email notifications, in the format prescribed by the Municipality, were thus sent (on 10 September 2020) to the owners of the following properties:

- Farm 306-Erf 16510 Stellenbosch
- Farm 309/2-Erf 16502 Stellenbosch
- Farm 309-Erf 16501 Stellenbosch
- Erf 1188 Stellenbosch
- Erf 1486 Stellenbosch
- Erf 1429 Stellenbosch
- Erf 1430 Stellenbosch
- Erf 1432 Stellenbosch
- Erf 1407 Stellenbosch
- Erf 1409 Stellenbosch
- Erf 1381 Stellenbosch
- Erf 14609 Stellenbosch
- Erf 1370 Stellenbosch
- Erf 1371 Stellenbosch
- Erf 1372 Stellenbosch

Email notifications were also sent (on 10 September 2020) to the following Interested & Affected Parties:

- Stellenbosch Ratepayers Association
- Stellenbosch Interest Group

The Stellenbosch Municipality's Instruction Letter indicated that it is not necessary to send any notices to External Departments. Relevant officials of Stellenbosch Municipality's Planning Department were copied in all email correspondence.

**REGISTERED MAIL: SLIPS AND LETTERS**

Notices/letters were sent via registered mail on 9 September 2020 to the affected property owner of **Erf 1410 Stellenbosch** who could not receive an electronic notice via email.

The Stellenbosch Municipality's Instruction Letter indicated that it is not necessary to send any notices to External Departments.

**UNCLAIMED / RETURNED REGISTERED MAIL**

At the time of compilation of this Portfolio of Evidence, no registered mail letters were returned as unclaimed.

**COMMENTS / OBJECTIONS RECEIVED**

**No objections** were received against the application.

At the time of preparation of this letter and portfolio of evidence, comments in **SUPPORT** of the application were received from the following parties / stakeholders:

- Stellenbosch Municipality Development (Infrastructure Services)(Civil Engineering Services & Traffic Engineering)

The abovementioned municipal department supports the application subject to conditions relating to the parking and parking access from "Die Laan".

**APPLICANT'S RESPONSE ON OBJECTIONS RECEIVED**

No objections were received against the application and therefore no response is required in this regard.

The conditions laid down by the Stellenbosch Municipality's Traffic Engineering Manager is acceptable and will be implemented by the relevant Municipal Department responsible for the implementation of this project.

**IN CONCLUSION**

I believe that the advertisement process was done in accordance with the requirements set out in the Municipal Instruction Letter and the Stellenbosch Municipal Land Use Planning By-Law (2015).

Regards

**MARTIN JONKER****Director****For PLAN 4 SA (Pty) Ltd**

C:\Users\Martin\Documents\Business\Plan 4 SA\Projects\2019\19P001\_STB LED HUB LUAs\_20190117\Submission\LUA3\_STB, Erven 2751, 6314 (Agr Hall)\4. Advertisements\1. POE Letter\Letter (LU10301)\_STB MUN-POE\_20201115\_Rev 00.docx

<b>ADVERTISING INSTRUCTION</b>	<b>YES</b>	<b>NO</b>
<b>Advertise in press (Eikestad Nuus)</b>	✓	
<b>Notice on the property</b>	✓	
<b>Registered letters to affected property owners</b>	✓	
<b>Registered letters to community organizations</b>	✓	
<b>External departments</b>		✓

**AFFECTED /INTERESTED PROPERTY OWNERS LIST**

**30 DAYS TO COMMENT**

Farm 306 - Erf 16510

Farm 309/2 - Erf 16502

Farm 309 - Erf 16501

Erf 1188

Erf 1486

Erf 1429

Erf 1430

Erf 1432

Erf 1407

Erf 1409

Erf 1410

Erf 1381

Erf 14609

Erf 1370

Erf 1371

Erf 1372

Stellenbosch Ratepayers Association

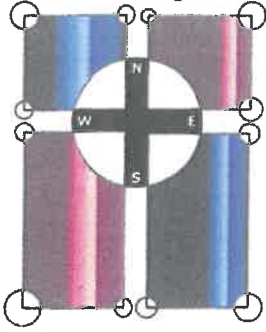
E-Mail: [info@stellenboschratedpayers.org](mailto:info@stellenboschratedpayers.org)

Stellenbosch Interest Group

E-Mail: [info@stellenboschinterestgroup.org](mailto:info@stellenboschinterestgroup.org)



**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 1: CHECKLIST & AFFIDAVIT / DECLARATION

**HEAD OFFICE**  
PO Box 1152,  
Cape Gate,  
7562



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## DEPARTMENT OF DEVELOPMENT MANAGEMENT

### LAND DEVELOPMENT APPLICATION:

### PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

<b>Erf/Erven Farm no</b>	2751	<b>Portion(s) if farm</b>		<b>Allotment Area</b>	Stellenbosch		
<b>Owner/Applicant</b>	Stellenbosch Municipality			<b>LU/#</b>	LU/10301		
<b>Notice Period</b>	<b>From:</b>	10 September 2020		<b>To:</b>	12 October 2020		
<b>CONFIRMATION OR DOCUMENTATION SUBMITTED</b>				<b>OWNER/APPLICANT</b>			<b>ADMIN VERIFY</b>
				<b>YES</b>	<b>NO</b>	<b>N/A</b>	
1. The declaration is duly signed				YES			✓
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached to this POE.				YES			✓
3. Approval for notices were obtained prior to the public participation process and attached to this POE.				YES			✓
4. Municipality informed of the start date and closure date.				YES			✓
5. The advertisement period complies with the required 30 days (60 days for state entities).				YES			✓
6. If applicable, confirms that the site notice was placed and kept on site for the duration of the public participation process.				YES			✓
7. All communications (other than notices) in respect of the public participation process attached.				YES			✓
<b>Proof of notices published</b>							
8. If applicable, photo evidence to confirm site notice.				YES			✓
9. Wording of the advertisement accurate as approved & attached.				YES			✓
10. Proof of notices published (Publication date visible)				YES			✓
<b>Proof of notices served</b>							
11. Wording of notice accurate as approved and attached				YES			✓
12. Proof of all notices served to neighbouring properties attached				YES			✓
13. Proof of all notices to Interest & Community Groups attached				YES			✓
14. Proof of all notices to Govt. Dept's and Entities attached						(N/A)	
<b>Comments received</b>							
15. All objections/comments received attached				YES			✓
16. All comments from internal Municipal Departments received (must also be attached to POE).				YES			✓
17. Applicant's comments on all the objections attached				YES			✓

**Please complete and sign the following declaration on above:**

**DECLARATION**

I, (full names & surname) **MARTIN JONKER**

and ID #: ~~XXXXXXXXXX~~, as the Applicant for the above application,

hereby confirms that the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw, and that the information contained in the above checklist and the accompanied information and documentation in the portfolio of evidence for the concluded public participation process, are accurate and complete:

Duly signed by the APPLICANT **MARTIN JONKER (PLAN 4 SA (PTY) LTD)** on this date/ month/ year

**16 NOVEMBER 2020** at place **STELLENBERG, DURBANVILLE**



Signature Applicant

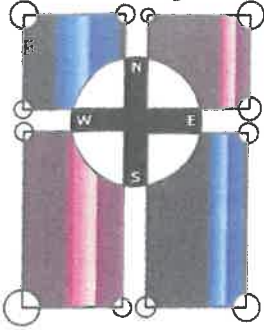
16 NOVEMBER 2020

Date

<i>For office use only</i>	
<b>CHECKED BY ADMINISTRATIVE OFFICER</b>	<i>J. Katt</i> 23.11.2020.
<b>CHECKED BY TOWN PLANNER</b>	
<b>DATE VERIFIED</b>	

**NOTES TO BE RECORDED:**

**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 2: SM NOTICE APPROVAL

**HEAD OFFICE**  
PO Box 1152,  
Cape Gate,  
7562

**Martin Jonker**

---

**From:** Siyanda Zangqa <Siyanda.Zangqa@ Stellenbosch.gov.za>  
**Sent:** 31 August, 2020 4:10 PM  
**To:** Martin Jonker; Nicole Katts  
**Cc:** Widmark Moses  
**Subject:** RE: [EX] FW: LU/10301 (ERF 2751 STB): DRAFT ADVERTISEMENT

Good day Martin,

I hope you are well.

Yes, everything is in order you can proceed with advertising.

Kind regards,

**Siyanda Zangqa (Pr.Pln)**

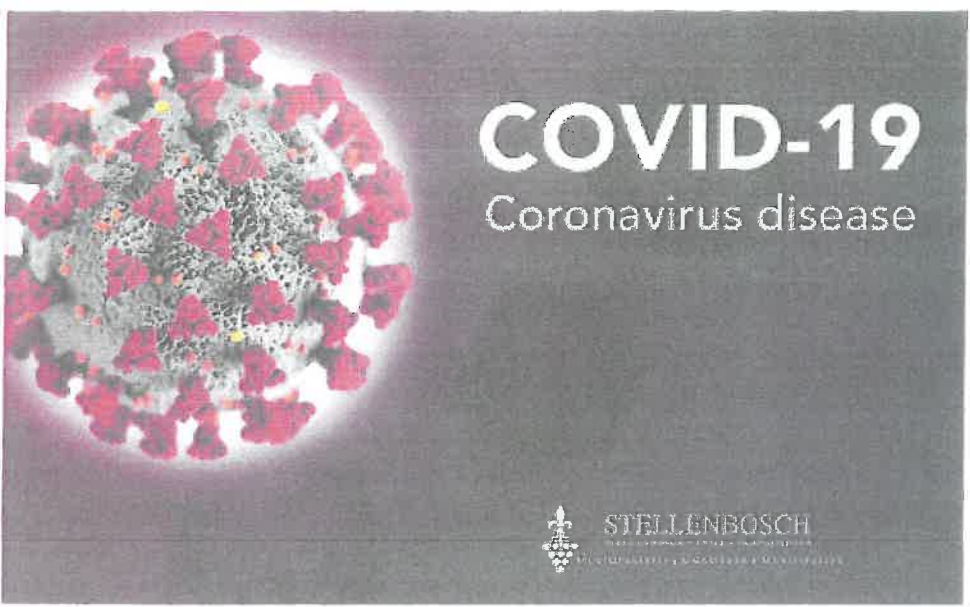
*Urban Planner*

**Land Use Management: Planning & Economic Development**

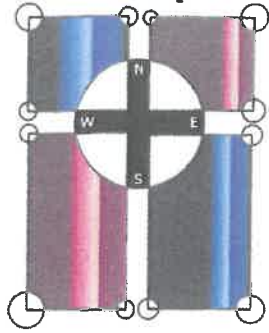
Email: [Siyanda.Zangqa@ Stellenbosch.gov.za](mailto:Siyanda.Zangqa@ Stellenbosch.gov.za) T: +27 21 808 8667 • F: +27 21 886 6899  
Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link: [http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)



**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 3: NEWSPAPER PUBLICATIONS

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

**NOTICE OF LAND DEVELOPMENT APPLICATION  
IN THE STELLENBOSCH MUNICIPAL AREA  
NOTICE 51/2020**

**APPLICATION FOR REZONING AND PERMANENT DEPARTURE: ERF 2235 FRANSCHHOEK**

**Application Address:** Intersection of Beaucoup De L'eau Street and Lower Lea Smith Street, Groendal, Franschhoek.

**Applicant:** Plan 4 SA (Pty) Ltd  
Mr Martin Jonker;  
**Telephone:** 084-410-6132  
**Email:** martinj@plan4sa.co.za

**Owner:** Stellenbosch Municipality;  
Mr Piet Smit or Mr Widmark Moses;  
**Telephone:** 021-808-8189 or 084-506-5065 (Mr Piet Smit) / 021-808-8974 or 082-879-8490 (Mr Widmark Moses)  
**Email:** piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

**Application Reference:** LU/10393

**Description of land development application:**

- Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for the rezoning of a portion of Erf 2235, Franschhoek measuring 15,928m<sup>2</sup> from Institutional Zone to General Business Zone in order to allow a Local Economic Hub inclusive of offices, shops and related business uses on the property.
- Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Beaucoup de Léau Street boundary of Erf 2235, Franschhoek.
- Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Protea Street boundary of Erf 2235, Franschhoek.
- Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow more than one vehicle entrance / access ways and more than one vehicle exit way along the Beaucoup de Léau Street boundary of Erf 2235, Franschhoek.

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements/>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows:

- **Plan 4 SA (Pty) Ltd**
- **Contact:** Mr Martin Jonker
- **Email:** martinj@plan4sa.co.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 12 OCTOBER 2020

For any enquiries on the Application or the above requirements, or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 084-410-6132 during normal office hours (09h00 to 17h00, Mondays to Fridays, excluding Public Holidays).

**KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK  
IN DIE STELLENBOSCH MUNISIPALE AREA  
KENNISGEWING 51/2020**

**AANSOEK VIR HERSONERING EN PERMANENTE AFWYKING: ERF 2235 FRANSCHHOEK**

**Adres van eiendom:** Interseksie van Beaucoup De L'eau Straat en Laer Lea Smith Straat, Groendal, Franschhoek.

**Aansoeker:** Plan 4 SA (Edms) Bpk  
Mnr Martin Jonker;  
**Telefoon:** 084-410-6132  
**Epos:** martinj@plan4sa.co.za

**Elenaar:** Stellenbosch Munisipaliteit;  
Mnr Piet Smit of Mnr Widmark Moses;  
**Telefoon:** 021-808-8189 of 084-506-5065 (Mnr Piet Smit) / 021-808-8974 of 082-879-8490 (Mnr Widmark Moses)  
**Epos:** piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

**Aansoek Verwysing:** LU/10393

**Beskrywing van grondontwikkelingsaansoek:**

- Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van 'n gedeelte (15,928m<sup>2</sup>) van Erf 2235 Franschhoek vanaf institutioneel na Algemene Besigheids- en 'n Permanente Afwyking van 'n Plaaslike Ekonomiese Hub/Node wat kantoor, winkel en verwante gebruikte op die perseel sal toelaat.
- Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsvereistes (ingang en uitgang) vir Erf 2235 Franschhoek deur 'n voertuigingang en -uitgang van wyer as 6m oor die Beaucoup De L'eau straatgrens van Erf 2235 Franschhoek toe te laat.
- Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsvereistes (ingang en uitgang) vir Erf 2235 Franschhoek deur 'n voertuigingang en -uitgang van wyer as 6m oor die Protea Singel straatgrens van Erf 2235 Franschhoek toe te laat.
- Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsvereistes (ingang en uitgang) vir Erf 2235 Franschhoek deur as een voertuigingang en meer as een voertuiguitgang oor die Beaucoup De L'eau straatgrens van Erf 2235 Franschhoek toe te laat.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplanning Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements/>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die naam, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar; en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg:

- **Plan 4 SA (Edms) Bpk**
- **Kontak:** Mr Martin Jonker
- **Epos:** martinj@plan4sa.co.za

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 12 OKTOBER 2020

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 084-410-6132 gedurende normale kantoor ure (09h00 tot 17h00, Maandae tot Vrydae, uitgesluit Publieke

**NOTICE OF LAND DEVELOPMENT APPLICATION  
IN THE STELLENBOSCH MUNICIPAL AREA  
NOTICE 50/2020**

**APPLICATION FOR THE CLOSURE OF PUBLIC OPEN SPACE, REZONING AND AMENDMENT  
OF CONDITION OF APPROVAL: ERF 2751, STELLENBOSCH**

**Application Address:** Corner of Pastorie Street and The Avenue (Die Laan), Stellenbosch.

**Applicant:** Plan 4 SA (Pty) Ltd  
Mr Martin Jonker;  
**Telephone:** 084-410-6132  
**Email:** martinj@plan4sa.co.za

**Owner:** Stellenbosch Municipality;  
Mr Piet Smit or Mr Widmark Moses;  
**Telephone:** 021-808-8189 or 084-506-5065 (Mr Piet Smit) / 021-808-8974 or 082-879-8490 (Mr Widmark Moses)  
**Email:** piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

**Application Reference:** LU/10301

**Description of land development application:**

- Application is made in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a closure of a public place in order to close a part of the Public Open Space being Lease Area 1 (1020m<sup>2</sup>) and Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch.
- Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to rezone Lease Area 1 (1020m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to Local Authority in order to accommodate public parking.
- Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to rezone Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to General Business.
- Application is made in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a permission required in terms of a condition of approval in order to extend the validity of a temporary departure previously approved on 18 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a one day event (Heritage Festival) on 24 September, for five years (2020 - 2025).

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements/>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows:

- **Plan 4 SA (Pty) Ltd**
- **Contact:** Mr Martin Jonker
- **Email:** martinj@plan4sa.co.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 12 OCTOBER 2020

For any enquiries on the Application or the above requirements, or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 084-410-6132 during normal office hours (09h00 to 17h00, Mondays to Fridays, excluding Public Holidays).

**KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK  
IN DIE STELLENBOSCH MUNISIPALE AREA  
KENNISGEWING 50/2020**

**AANSOEK VIR SLUITING VAN 'N OPENBARE PLEK, HERSONERING EN WYSIGING VAN 'N  
GOEDKEURINGS VOORWAARDE: ERF 2751, STELLENBOSCH**

**Adres van eiendom:** Hoek van Pastorie Straat en Die Laan, Stellenbosch.

**Aansoeker:** Plan 4 SA (Edms) Bpk  
Mnr Martin Jonker;  
**Telefoon:** 084-410-6132  
**Epos:** martinj@plan4sa.co.za

**Elenaar:** Stellenbosch Munisipaliteit;  
Mnr Piet Smit of Mnr Widmark Moses;  
**Telefoon:** 021-808-8189 of 084-506-5065 (Mnr Piet Smit) / 021-808-8974 of 082-879-8490 (Mnr Widmark Moses)  
**Epos:** piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

**Aansoek Verwysing:** LU/10301

**Beskrywing van grondontwikkelingsaansoek:**

- Aansoek word gedoen ingevolge Artikel 15(2)(n) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n sluiting van 'n Openbare Plek om sodoende 'n gedeelte van die Openbare Plek bekend as Huur Area 1 (1020m<sup>2</sup>) en Huur Area 2 (1517m<sup>2</sup>) oor Erf 2751, Stellenbosch te sluit.
- Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van Huur Area 1 (1020m<sup>2</sup>) oor Erf 2751, Stellenbosch van Openbare Plek na Plaaslike Owerheids gebruik om sodoende die publieke parkering te akkommodeer.
- Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van Huur Area 2 (1517m<sup>2</sup>) oor Erf 2751, Stellenbosch van Openbare Plek na Algemene Besigheids.
- Aansoek word gedoen ingevolge Artikel 15(2)(i) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir toestemming in terme van 'n goedkeurings voorwaarde om die geldigheid van 'n tydelike afwyking, wat vooreen goedkeurer was op 18 September 2016, te verleng vir vyf jaar (2020-2025) om sodoende Erf 2751, Stellenbosch en 'n gedeelte van die pad bekend as "Die Laan" vir 'n eendag fees geleentheid (Ere Fees) op 24 September te gebruik.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplanning Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements/>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

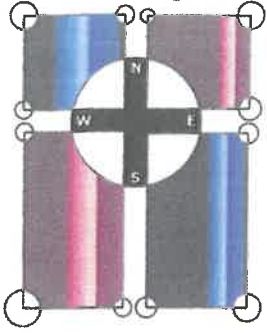
Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die naam, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar; en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg:

- **Plan 4 SA (Edms) Bpk**
- **Kontak:** Mr Martin Jonker
- **Epos:** martinj@plan4sa.co.za

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 12 OKTOBER 2020

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 084-410-6132 gedurende normale kantoor ure (09h00 tot 17h00, Maandae tot Vrydae, uitgesluit Publieke Vakansie Dae).

**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 4: SITE NOTICE PHOTOS

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562



9 SEPTEMBER 2020

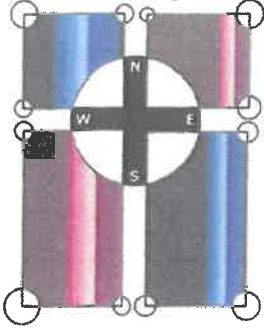


6 OCTOBER 2020





**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 5: EMAIL NOTICES

**HEAD OFFICE**  
PO Box 1152,  
Cape Gate,  
7562

**Martin Jonker**

---

**From:** Martin Jonker <martinj@plan4sa.co.za>  
**Sent:** 10 September, 2020 9:07 AM  
**To:** 'anietacalitz@gmail.com'  
**Cc:** Nicole Katts (nicole.katts@stellenbosch.gov.za); 'Siyanda Zangqa'; Widmark Moses (widmark.moses@stellenbosch.gov.za)  
**Subject:** LU/10301: ERF 2751 STELLENBOSCH  
**Attachments:** Email(LU10301)\_STB, Erf 2751-Erf 1409 STB\_20200903\_FINAL.pdf  
**Importance:** High

Dear Sir / Madam

**NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT: APPLICATION FOR THE CLOSURE OF PUBLIC OPEN SPACE, REZONING AND AMENDMENT OF CONDITION OF APPROVAL: ERF 2751, STELLENBOSCH**

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans na die Engelse weergawe volg. The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers.

**Application Property Address:** Corner of Pastorie Street and The Avenue (Die Laan), Stellenbosch.  
**Application Property Number:** Erf 2751 Stellenbosch  
**Applicant:** Plan 4 SA (Pty) Ltd  
 Mr Martin Jonker;  
**Telephone:** 084-410-6132  
**Email:** [martinj@plan4sa.co.za](mailto:martinj@plan4sa.co.za)  
**Owner:** Stellenbosch Municipality;  
 Mr Piet Smit or Mr Widmark Moses;  
**Telephone:** 021-808-8189 or 084-506-5065 (Mr Piet Smit)  
**Telephone:** 021-808-8974 or 082-879-8490 (Mr Widmark Moses)  
**Email:** [piet.smit@stellenbosch.gov.za](mailto:piet.smit@stellenbosch.gov.za) / [Widmark.moses@stellenbosch.gov.za](mailto:Widmark.moses@stellenbosch.gov.za)  
**Application Reference:** LU/10301  
**Application Type:** The closure of public open space, rezoning and amendment of condition of approval: Erf 2751, Stellenbosch.

**Detail description of land use or development proposal, including its intent and purpose:**

1. Application is made in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a closure of a public place in order to close a part of the Public Open Space being Lease Area 1 (1020m<sup>2</sup>) and Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch.
2. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to rezone Lease Area 1 (1020m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to Local Authority in order to accommodate public parking.
3. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, to rezone Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to General Business.
4. Application is made in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a permission required in terms of a condition of approval in order to extend the validity of a temporary departure previously approved on 16 September 2016, in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan", for a one day event (Heritage Festival) on 24 September, for five years (2020 – 2025).

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

[<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>]. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - Indicate the facts and circumstances that explain the comments;
  - Where relevant demonstrate the undesirable effect that the application will have if approved;
  - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
  - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows:

- **Plan 4 SA (Pty) Ltd**
- **Contact:** Mr Martin Jonker
- **Email:** martinj@plan4sa.co.za

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **12 OCTOBER 2020**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **084-410-6132** during normal office hours (09h00-17h00, Mondays to Fridays).

Regards

**MARTIN JONKER**  
Director  
For PLAN 4 SA (Pty) Ltd

**COPIES TO:**  
The Director: Planning & Economic Development  
Stellenbosch Municipality  
PO Box 17  
Stellenbosch  
7599

Geagte Meneer / Mevrouw / Mejuffrou

**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEINTERESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR: AANSOEK VIR SLUITING VAN 'N OPENBARE PLEK, HERSONERING EN WYSIGING VAN 'N GOEDKEURINGS VOORWAARDE: ERF 2751, STELLENBOSCH**

Die volgende grondgebruiksaanseke in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys.

**Adres van Aansoek Eiendom:** Hoek van Pastorie Straat en Die Laan, Stellenbosch.

**Aansoek Eiendom** Erf 2751 Stellenbosch  
**Beskrywing:**

**Aansoeker:** Plan 4 SA (Edms) Bpk  
Mnr Martin Jonker;  
**Telefoon:** 084-410-6132  
**Epos:** [martini@plan4sa.co.za](mailto:martini@plan4sa.co.za)

**Eienaar:** Stellenbosch Munisipaliteit;  
Mnr Piet Smit of Mnr Widmark Moses;  
**Telefoon:** 021-808-8189 or 084-506-5065 (Mr Piet Smit)  
**Telefoon:** 021-808-8974 or 082-879-8490 (Mr Widmark Moses)  
**Epos:** [piet.smit@stellenbosch.gov.za](mailto:piet.smit@stellenbosch.gov.za) / [Widmark.moses@stellenbosch.gov.za](mailto:Widmark.moses@stellenbosch.gov.za)

**Aansoek Verwysing:** LU/10301

**Tipe Aansoek:** Aansoek vir sluiting van 'n openbare plek, hersonering en wysiging van 'n goedkeurings voorwaarde: Erf 2751, Stellenbosch

**Besonderhede van die grondgebruiksaansoek insluitende die doel en uitkoms:**

1. Aansoek word gedoen ingevolge Artikel 15(2)(n) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n sluiting van 'n Openbare Plek om sodoende 'n gedeelte van die Openbare Plek bekend as Huur Area 1 (1020m<sup>2</sup>) en Huur Area 2 (1517m<sup>2</sup>) oor Erf 2751, Stellenbosch te sluit.

2. Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van Huur Area 1 (1020m<sup>2</sup>) oor Erf 2751, Stellenbosch van Openbare Plek na Plaaslike Owerheids gebruik om sodoende die publieke parkering te akkommodeer.
3. Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van Huur Area 2 (1517m<sup>2</sup>) oor Erf 2751, Stellenbosch van Openbare Plek na Algemene Besigheid.
4. Aansoek word gedoen ingevolge Artikel 15(2)(i) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir toestemming in terme van 'n goedkeurings voorwaarde om die geldigheid van 'n tydelike afwyking, wat voorheen goedgekeur was op 16 September 2016, te verleng vir vyf jaar (2020-2025) om sodoende Erf 2751, Stellenbosch en 'n gedeelte van die pad bekend as "Die Laan" vir 'n eendag fees geleentheid (Erfenis Fees) op 24 September te gebruik.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

[<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>]. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsite van die volgende aspekte:
  - Die feite en omstandighede aanton wat die die kommentaar toelig;
  - Indien toepaslik, aanton wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
  - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.



Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg:

- **Plan 4 SA (Edms) Bpk**
- **Kontak:** Mr Martin Jonker
- **Epos:** martinj@plan4sa.co.za

Die kommentaar moet binne **30 dae** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **12 OKTOBER 2020**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **084-410-6132** gedurende normale kantoor ure (09h00 tot 17h00, Maandae tot Vrydae, uitgesluit publieke vakansie dae).

Die uwe

**MARTIN JONKER**

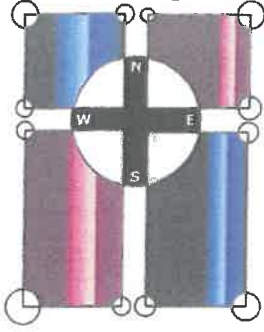
**D. xteur**

**Namens PLAN 4 SA (Edms) Bpk**

**AFSKRIF AAN:**

The Director: Planning & Economic Development  
Stellenbosch Municipality  
PO Box 17  
Stellenbosch  
7599

**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 6: REGISTERED MAIL SLIPS & LETTERS

**HEAD OFFICE**  
PO Box 1152,  
Cape Gate,  
7562



Post Office

LETTERS  
 with an insurance option/met 'n versekeringsopsie)  
 Full tracking and tracing/Volledige volg en spoor

addressee/afnemer: Martin Jonker  
 Plan 4 SA (Pty) Ltd  
 PO Box 1152, Cape Gate, 7562  
 Tel: 084 410 6133

Enquiries/Navrae  
 Toll-free number  
 Tolvry nommer  
**0800 111 502**

Insured value Versekeringswaarde	Insurance fee Versekeringskoers	Postage Postgeld	Service fee Diensgeld	Box Transfer Fee Kassaswaaifees

Mnr/Me JH Cloete; [Redacted]  
 Stellenbosch; 7600

**CAPE GATE 7562**  
**10-09-2020**  
**BRANCH MANAGER**

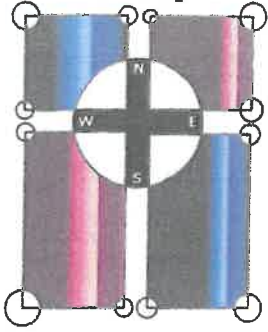
<b>REGISTERED LETTER</b> <b>GEREGISTREERDE BRIEF</b> (with an insurance option/met 'n versekeringsopsie) Full tracking and tracing/Volledige volg en spoor		Postage paid R _____ C Service fee/Diensgeld R _____ C Insurance/Versekering R _____ C Total/Totaal R _____ C	
Addressed to/Geadresseer aan Mnr/Me JH Cloete [Redacted] Stellenbosch 7600		Insured value of contents Versekerde waarde van inhoud R _____ C Enquiries/Navrae Toll-free number Tolvry nommer 0800 111 502	
The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only. Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.		Initial of accepting officer Date stamp <b>CAPE GATE 7562</b> <b>10-09-2020</b> <b>BRANCH MANAGER</b>	
REGISTERED LETTER (with a domestic insurance option) <b>RC387653531ZA</b> A BOOK COPY Plate Volg-en-Spoor-identifikaasie		Paraaf van aanneembeppte Datumstempel	

*Paula*  
*Maria*

**CAPE GATE 7562**  
**10-09-2020**  
**BRANCH MANAGER**



**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

# ANNEXURE 7: COMMENTS / OBJECTIONS RECEIVED

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

**MEMORANDUM**

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES** 19 OCT 2020

**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag** Nicole Katts  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 19 October 2020  
**Our Ref ▫ Ons Verw:** Civil LU 2078  
**Your Ref:** LU/10301  
**Re ▫ Insake:** Erf 2751: LED hub and parking

FILE NO:	
SEARCHED:	
COLLABORATION NR.	E 2751 S

The application is recommended for approval, subject to the following:

1. **Civil Engineering Services**
  - 1.1 No objection, no municipal services are affected.
  - 1.2 The formalization of the parking layout: drawings to be submitted to Infrastructure services for approval before construction.
2. **Traffic Engineering and Parking: Comments from Manager: Traffic Engineering, Mr Nigell Winter (021 808 8223)**
  - 2.1 On Plan 3 "Typical/Concept site layout plan" an entrance\exit is indicated within 5.5m of the Pastorie Street and Die Laan intersection – which is sub-standard and must be closed.
  - 2.2 Only the entrance\exit indicated at 21.5m from the Pastorie Street and Die Laan intersection is accepted and that a vehicle circulation plan must be presented to access parking bays P1-P15.
  - 2.3 These requirements must be addressed and approved by Mr Winter at building plan stage.

**3. Electrical Engineering**

**3.1 Refer to Annexure: Electrical Engineering**

**Tyrone King Pr Tech Eng  
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\2078 (TK) Erf 2751 Stellenbosch (LU-10301)\2078 (TK) Erf 2751 Stellenbosch (LU-10301).doc

**Martin Jonker**

---

**From:** Nicole Katts <Nicole.Katts@stellenbosch.gov.za>  
**Sent:** 22 October, 2020 10:18 AM  
**To:** 'Martin Jonker'  
**Cc:** Charlene Williams  
**Subject:** ERF 2751 STELLENBOSCH  
**Attachments:** ERF 2751 SB - ENGINEERING COMMENT.pdf

Dear Martin

Please find attached comments received so far for your information and records. I am now waiting for the following outstanding comments, once received you will be updated accordingly.

- Spatial Planning
- Fire Services
- Health
- Electrical



*Kind regards / Vriendelike Groete*

**Nicole Katts**

Administrative Officer

Land Use Management

**Planning & Economic Development**

---

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3<sup>rd</sup>

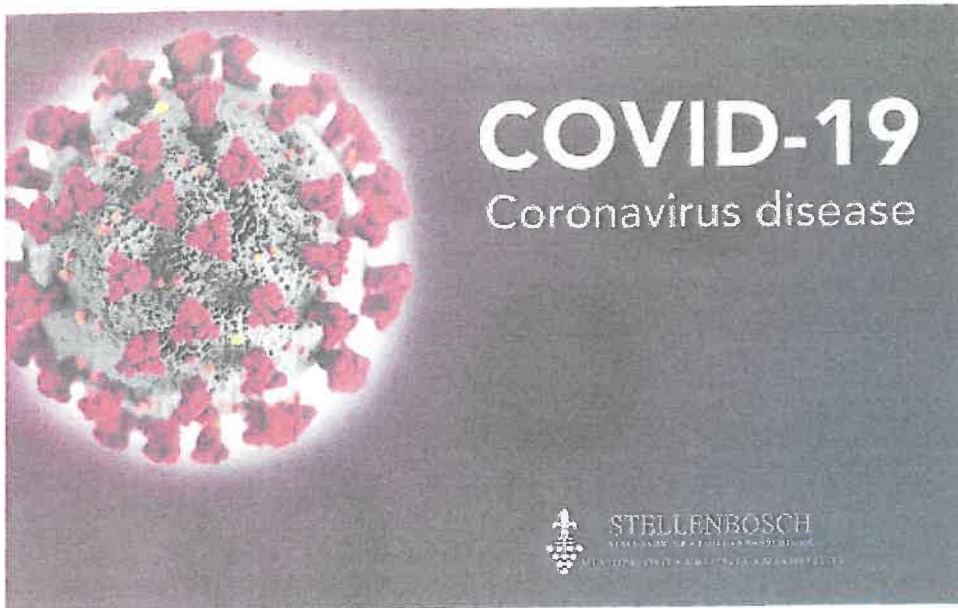
Floor

[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:  
[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)





Visit the dedicated COVID-19 page on our municipal website for information on this disease:  
<https://www.stellenbosch.gov.za/documents/general>

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.



#### About Stellenbosch Municipality

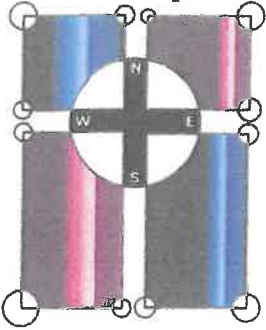
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plain Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call 12721-508-6111, or visit [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

#### Disclaimer:

The information contained in this communication from [nicole.katts@stellenbosch.gov.za](mailto:nicole.katts@stellenbosch.gov.za) sent at 2020-10-22 10:18:04 is confidential and may be legally privileged. It is intended solely for use by [martinj@plan4sa.co.za](mailto:martinj@plan4sa.co.za) and others authorized to receive it. If you are not [martinj@plan4sa.co.za](mailto:martinj@plan4sa.co.za) you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](http://IOCO)

**PLAN 4 SA**



[www.plan4sa.co.za](http://www.plan4sa.co.za)

## **ANNEXURE 8: EMAILS SENT/RECEIVED**

**HEAD OFFICE**

PO Box 1152,  
Cape Gate,  
7562

**Martin Jonker**

---

**From:** Fran van Niekerk <fran.vniekerk@eikestadnuus.com>  
**Sent:** 14 September, 2020 11:05 AM  
**To:** Martin Jonker  
**Cc:** Nicole Katts; Bulelwa Mdoda; 'Siyanda Zangqa'; Widmark Moses  
**Subject:** RE: COPY OF ADVERT PAGES: ERF 2235 FHK & ERF 2751 STB  
**Attachments:** EikestadNuus-EN-EikeStadNuus-ENEIK008-0009-10.pdf

Hi Martin,  
Please find the PDF page attached.

Kind regards,  
Fran van Niekerk  
072 095 1477

**From:** Martin Jonker <martinj@plan4sa.co.za>  
**Sent:** Friday, 11 September 2020 09:57  
**To:** Fran van Niekerk <fran.vniekerk@eikestadnuus.com>  
**Cc:** Nicole Katts <nicole.katts@stellenbosch.gov.za>; Bulelwa Mdoda <bulelwa.mdoda@stellenbosch.gov.za>;  
'Siyanda Zangqa' <Siyanda.Zangqa@stellenbosch.gov.za>; Widmark Moses <widmark.moses@stellenbosch.gov.za>  
**Subject:** COPY OF ADVERT PAGES: ERF 2235 FHK & ERF 2751 STB  
**Importance:** High

Hi Fran

Hope you are well.

Could you be so kind and email me a copy of the newspaper pages on which the advertisements were placed yesterday:

- LU/10301: Erf 2751 Stellenbosch
- LU/10393: Erf 2235 Franschhoek

Thank you in advance.

Regards

**MARTIN JONKER**, Pr.Pl'n A/1090/1999; PMP; MTRP; MBA (Cum Laude)  
**Director**  
Professional Planner  
Project Management Professional

**Plan 4 SA (Pty) Ltd**

PO Box 1152, Cape Gate, 7562  
**Cell:** +27 84 410 6132; **Fax:** +27 86 524 8738  
**Email:** [martinj@plan4sa.co.za](mailto:martinj@plan4sa.co.za); **Web:** [www.plan4sa.co.za](http://www.plan4sa.co.za)

**ANNEXURE E**

Manager: Spatial Planning comments



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

*Spatial Planning, Heritage and Environment*

To : Manager: Development Management  
 From : Manager: Spatial Planning  
 Reference : Erf 2751 (Landbousaal)  
 LU Nr : LU/10301  
 Date : 7 June 2021  
 Re : Application for rezoning of public open space to Local Authority and General Business

FILE NR:	Erf 2751
SC/M/NP	
COLLABORATOR NR	708/75

I refer to your request for comment on the above application.

## APPLICATION

An application was submitted for the following:

1. The closure of a part of the Public Open Space, being Lease Area 1 (1 020m<sup>2</sup> in extent) and Lease Area 2 (1 517m<sup>2</sup> in extent) over Erf 2751, Stellenbosch.
2. The rezoning of Lease Area 1(1 020m<sup>2</sup> in extent) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parting Area) in terms of the Stellenbosch Municipal Zoning Scheme Regulations, 1996.
3. The rezoning of Lease Area 2 (1 517m<sup>2</sup> in extent) over Erf 2751, Stellenbosch from Public Open Space to General Business in terms of the Stellenbosch Municipal Zoning Scheme Regulations, 1996.
4. An extension of the validity period of a temporary departure previously approved under application number LU/4710 on 16 September 2016, to use Erf 2751, Stellenbosch and a portion of the road known as 'Die Laan', for a one-day event (Heritage Festival) on 24 September, for five years, i.e., 2021 - 2026.

## BACKGROUND

Stellenbosch Municipality owns various properties many of which are underutilised or not optimally utilised and/or lying dormant. As part of its strategy for inclusive economic growth, one of the key objectives identified by the municipality is to 'make it easier for small enterprises to succeed in competitive markets.

The Stellenbosch Municipal Council, at its meeting of 29 March 2017, granted approval for the establishment of Local Economic Development (LED) Hubs on several municipal owned properties including on Erf 2751 also known as the "Landbousaal". A Call for Proposals for the lease of the LED Hubs were subsequently advertised. A total of six applicants submitted proposals to lease the facilities on Erf 2751, Stellenbosch.

At its meeting of 25 July 2018, Council adopted a resolution to award the rights to the Landbousaal to the Stellenbosch Arts and Stellenbosch Trail Fund subject to a condition that an ongoing legal dispute must be settled. The legal dispute has since been settled.

#### LOCATION

The property is located along the bank Eerste River on the periphery of the Stellenbosch CBD (Figure 1). The erf is located on the corner of Pastorie Street and The Avenue. Erf 2751 is currently occupied by an open piece of land used for parking long-term parking by students and the public as well as the Landbousaal.



Fig 1.- Erf 2751

#### ZONING AND LAND USE

The property is currently zoned Public Open Space and the existence of the Landbousaal is a contravention of the Zoning Scheme Regulations (Hermansen Burgess Architects). Since the property is not correctly zoned for its current use, rezoning will have to occur whether the *status quo* is retained or not.

There are presently two lease areas registered over the property. Lease Area 1 is leased out for paid public parking and is not developed. Lease Area 2 has two (2) buildings on it which is currently leased out and used for office and shop purposes. (Stellenbosch Trail fund and the Stellenbosch "Craft Alive") subject to the settlement of a legal dispute. It is our understanding that the legal dispute has been resolved amicably. The rest of the property is used as a public open space.

## PREVIOUS INVESTIGATIONS

### A: The Conversion of the “Landbousaal” to a Restaurant and Theatre Establishment (Hermansen Burges And Jonathan Bloom, 2005)

The then department of Planning and economic Development appointed a consultant team in 2005 to investigate the preferred use of the Landbousaal from a conservation and local economic development perspective.

Following from this investigation several important criteria was discussed and will be briefly referred to below:

#### 1. A need for critical mass

Creation of critical mass aims to bring together different product types along with their markets to create a sense of place, identity, and integration. Different product types, whether for tourism, commercial, residential or entertainment, located near each other (i.e., clustered) attract a wide general market and create demand for individual components. This is evident in the approach taken to the development of tourist precincts, where there is a concentration of elements (the historical core) that come together to form critical mass and create a destination. These elements include accommodation, leisure facilities and commerce and it is the impact of scale and relationship that creates the platform for a successful tourist destination.

The creation of critical mass is about achieving density, linking primary areas of the town, creating investment opportunities, and stimulating socio-economic benefits. Size or scale is a determining factor of the impact that the tourism product offering has on the local, regional, and even national economy. This is in terms of employment creation, skills development, and economic diversification. Piecemeal tourism products, although important, do not have a significant impact on the overall value chain, especially when these are spread out and isolated. A critical mass of accommodation and tourism product that are linked in unique ways (i.e., through transportation facilitation methods such as green areas, trails, pedestrian walkways, etc.) provide the destination with “pulling power”. Without critical mass, it is not possible to create the required animation and people movement necessary to establish a competitive position.

Successful tourism involves getting people to stay longer in the area. A failure to achieve a critical mass means that a destination lacks the ability to draw visitors to it for anything more than an hour or a day, a problem the historical core and the broader Stellenbosch is grappling with at present. It is in the interest of local providers to work together to create a critical mass of tourism products of which the opportunity presented by the conversion of the Landbousaal into a commercially viable concern, aims to contribute.

There is a requirement for the Stellenbosch Municipality to begin to create an enabling environment for tourism investment in the central parts of Stellenbosch. By implementing planned projects such as making the town more pedestrian friendly, the CBD area, improving gateways and beautifying areas, an aesthetically pleasing environment could be created that can attract tourists and therefore investors. The aim is to begin to mould the town in such a way that the movement of tourists and residents through various parts of the central areas is maximised through strategic linkages and connection points.

The development of tourism superstructure in the central town area of Stellenbosch would complement the area and serve as a linkage between tourism attractions and the business sector in the immediate vicinity. The existing buildings undoubtedly have an historic image that should be maximised. The prestige associated with the Landbousaal site and its location along the Eerste River requires a vernacular upgrade that maximises effect and animation.

## 2. Key location attributes and activities

**Accessibility:** Access to the Landbousaal site is from both Pastorie Street and The Avenue. The nature and scope of the proposed upgrade will determine whether tour busses will be able to park near or on the site. At worst, busses could off-load tourists at the site and collect them later at a designated point. Alternative parking for busses is available in a southerly direction along Pastorie Street, or in Church Street within 200 metres of the site. The site is accessible to pedestrian as well as vehicle traffic due to the availability of parking in The Avenue.

~~The property is located along an established pedestrian and extensive cycle route and is very accessible to pedestrians and NMT.~~

**Cohesiveness:** There are numerous and mostly small retail activities and tourist attractions in the immediate area, therefore the proposed commercial activities could be aligned and integrated into the existing scope of tourist and business activity. From an economic point of view, the centre could enhance the critical mass of tourist activities and attractions and offer the tourist more to see and do. The beautiful surroundings will be further enhanced by the upgrade of the Landbousaal that maximises its ambience and impact.

**Surrounding land uses:** The Stellenbosch Municipality owns the two erven, which are bordered by residential homes, the Eerste River, and the Stellenbosch University School of Theology. Stellenbosch University's sports fields and Agronomic Department is located on the opposite side of the river. Although the erven are not more than 700 metres from the CBD, there are no small business activities in the immediate vicinity, but there are several



guesthouses within 200 metres of the site. The Stellenbosch "Moedergemeente" Church and a few art galleries and home museums are situated within 300 metres from the Landbousaal. Due to its location northeast of the popular tourism walk-about routes in Stellenbosch, it can form an excellent link with existing tourist attractions. Various restaurants (including De Warenmarkt and Decameron) and other large and small businesses operate within 500 metres from the site, including Dorp Street with several tourist attractions within 200 metres. The erven have a rural ambiance with scenic trees and no suffocating large buildings in the immediate area.

**Proximity to existing economic activities and current business environment:** Small retail is the dominant business activity in the nearby CBD area, with guesthouses being the only notable business activities in the immediate area. Leisure and tourism activities are plentiful and the area bustles in the summer and spring months with tourists and locals enjoying the serene tranquility of the Eerste River and surrounding green areas.

### 3. Possible use for the existing Landbousaal buildings

Below is an evaluation of the suitability of the building to the main use types based on an assessment conducted by Hermansen Burgess Architects:

#### **Offices**

The location of the building is not suitable for office accommodation. Although the layout of the building could probably accommodate an open plan type office, it would seem a somewhat mundane use for a magnificent building.

#### **Residential**

The building is unsuitable for this purpose.

#### **Storage**

The building and surroundings are not conducive for a storage facility since it severely limits the potential of the building.

#### **Tourism**

The building is located on the periphery of the 'tourist core' of Stellenbosch and therefore any activity focused on tourists will have to draw them to the Landbousaal. If the activity were tourist orientated, arrangements could be made with local tourism operators to include a visit to the Landbousaal in their itinerary. Location of a tourist serving facility (especially ablution facilities) at the Landbousaal may provide an opportunity to move the tourist busses out of Church Street.

### **Commercial Retail**

The Landbousaal is not well located for commercial retail use that depends on passing trade. Retail functions in support of a draw card activity would probably be more feasible. Any such retailer would have to be able to operate in a heritage building with very limited street presence and advertising.

There may be options around a tasting facility for local produce as a draw card, combined with retail aspects that would be quite appropriate to the history and nature of the building.

### **Entertainment/Performance**

The Landbousaal is a magnificent hall with a high vaulted ceiling. It was designed to serve as a public gathering space and the revival of such functions would be ideal. Various types of entertainment can be hosted in the venue.

### **Restaurant/Entertainment**

A restaurant at this venue will be dependent on the success of a draw card activity at getting people to the venue, or the restaurant will have to be a draw card. The surrounding area is very pleasant with ample parking, so there seems little that would prevent people frequenting a restaurant at the location.

### **Social/Community**

The building could play a social or community role in that it provides an ideal hall for public gathering as well as the possibility of office accommodation. There is also ample parking available. However, it is unlikely that this approach alone would realise the commercial potential of the location and the building, or maximise the potential associated with the edge of the Eerste River.

Hermansen Burgess Architects recommended that the Landbousaal tenancy be divided into two separate parts that could be run by the same lessee:

1. The hall should house a draw card activity that gets residents and tourists to the building. This could be performance art or a tasting centre for local produce, or an important and interesting display. This activity is key to the sustainability of the Landbousaal over the long term and must be carefully selected to ensure that it fulfils its primary function of getting people to the venue.

2. The monopitch part of the hall should house a restaurant or similar activity whose main function (besides financial stability) is to colonise the river's edge.

In this way, the following outcomes can be achieved:

- Public access and enjoyment of the building can be maximized.
- Income to the Municipality can be maximized to offset the maintenance cost of the building.
- The river can be improved and can become a much-enjoyed resource to the public.
- The Landbousaal can become the catalyst for the revival of the historic north bank of the Eerste River.

**B: Application in terms of Section 34 of the National Heritage Resources Act (Dr Elzet Albertyn, 2011)**

In applying for a permit from Heritage Western Cape (HWC) in terms of Section 34 of the National Heritage Resources Act, a heritage impact assessment (HIA) was conducted in 2011 by a heritage specialist.

The area around the Landbousaal is significant since this area is the area on which the Stellenbosch town established on 8 November 1679 when Simon van der Stel visited the "Eiland". He and his party camped on a little island in the Eerste River. He named the place "Stellenbosch", commemorating his own name and the wealth of natural vegetation growing there. He decided there and then that this beautiful valley called for settlement and within a year there were already several farmers in Stellenbosch although it was not until 1685 that the hamlet of Stellenbosch was formally demarcated.

Van der Stel indicated four sites to be developed being (a) the Seat of Justice (Drostdy) where the Theological Seminary is now stands; (b) a House of God surrounded by a church yard – the area now bounded by Plein, Andringa, Church and Ryneveld Streets; plots for village inhabitants between these two points; (d) a street running parallel to the river with grounds extended down to the water (Dorp Street).

The construction of the Drostdy commenced immediately in 1686 on the "Eiland" as a residence for the magistrate. After the "eiland" was flooded on numerous occasions, the Eerste River was diverted with the result that the "eiland" does not exist today anymore.

Die Laan with its two rows of old oak trees was established in 1781 to link the Drostdy with the "koloniestuin" and functioned as a pedestrian route only. Die Laan was a very active social area during the 19<sup>th</sup> century and frequently used for social gatherings, sporting occasions and agricultural exhibitions. The "second mill" in Stellenbosch was previously located on the parking area directly north to the Landbousaal.

The property was transferred to the Stellenbosch municipality in 1908 as land belonging to the Crown with the express condition that it be used for the yearly agricultural

exhibitions and the Stellenbosch Agricultural Society was given the rights to construct buildings for this purpose on the land. (This condition was lifted in 1945). It appears for the records that construction of the Landbousaal started in 1904.

During the first half of the 20th century the building was used for various social activities including a place of assembly for political rallies, weddings, various sporting activities, dancing markets exhibitions and for religious gatherings. The structure was leased to the Stellenbosch Museum in 1975 with the explicit condition that the latter organization takes the responsibility to restore the buildings. This was made possible through a donation.

Due to its significance as well as its architectural importance the Landbousaal was graded a Grade III A Heritage Resources by HWC.

The HIA concluded that although the Landbousaal as a building is not unique, the location of the building is unique. The land with its historical and social associations is of Provincial significance and forms part of the historical core of Stellenbosch.

The implication of the heritage significance of the Landbousaal as it refers to the application is that no alteration or additions to the building can be undertaken without a permit in terms of section 34 issued by HWC. Furthermore, no new buildings or structures can be erected without similar approval.

## **POLICY CONTEXT**

### **Municipal IDP**

The Municipality's IDP dated May 2019 identified various projects and priorities for all its Wards. It also highlights the policies and strategies of the different sector plans.

The municipality identified 5 strategic focus areas, the first being 'Valley of Possibility'. Under this strategic focus area there are 4 predetermined objectives of which the first objective is to 'Create and environment conducive to business development and job creation. There are furthermore three (3) 5-year programmes identified to achieve the objective of which the second program is 'Develop local economic development hubs'. The LED Hubs has also been identified as one of the Legacy Projects in the IDP. The IDP provided the following description of these LED Hubs: "Establish local economic development hubs and allow for the outsourcing of the management of the Hubs to improve efficiency and to strengthen local business opportunities. These hubs will provide entrepreneurs, start-up businesses or growth-orientated SMME'S access to appropriate rental space, affordable businesses services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratios."

The Stellenbosch Municipal Council furthermore took a resolution on 29 March 2017 that approval be granted for the establishment of Local Economic Development

(LED) Hubs on several municipal properties located in the Stellenbosch municipal area.

The development of the Landbousaal as an economic hub as proposed is therefore in line with the IDP.

### **Municipal Spatial Development Framework (MSDF)**

The MSDF identifies 7 principles to guide the spatial development of Stellenbosch and provides planning and design guidelines and principles to direct spatial form in the Stellenbosch Municipal Area. The principles include the following:

- Maintain and grow natural assets.
- Respect and grow cultural heritage.
- Direct growth to areas of lesser natural and cultural significance as well as movement opportunity.
- Clarify and respect the different roles and functions of settlements.
- Clarify and respect the roles and functions of different elements of movement structure.
- Ensure balanced, sustainable communities.
- Focus collective energy on critical lead projects.

Specific strategies proposed in the MSDF as it relates to the Landbousaal includes the following:

- Maintain the integrity of historically and culturally significant precincts and places.
- Improve public space and movement routes within historically and culturally significant precincts, with a focus on pedestrianisation.
- Work to grow the extent of historically and culturally significant precincts and places in daily use and accessible to the public (through appropriate re-design and use of specifically disused buildings).
- Pro-actively improve conditions for walking and NMT within Stellenbosch town.
- As far as possible, focus investment on parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities.

The proposed utilization for the Landbousaal, a historic significant property located in a predominantly residential and park environment for economic inclusion is thus aligned to the goals of the MSDF as well as the SPLUMA principles particularly the principle of spatial justice.

### **CONCLUSION**

The Landbousaal is in an area with a significant history of social importance. Regrettably, in the past the facility was seldom used actively nor visited by the broader Stellenbosch public. It is only recently since the buildings are used by the e’Bosch Heritage Festival Stellenbosch for social celebrations on Heritage Day that its

importance as a place of social gathering is somewhat celebrated. The continuation of this important festival in this location is thus supported fully.

The proposed use of the building for arts and crafts, a café and for the Stellenbosch Trail Fund is similarly supported as it aims to further the economic goals of the municipality and is in support of the goals of the MSDF. However, the location of these facilities within an established residential and tourist area may have an impact on the immediate area should care not be taken to restrict business hours to trading during when tourist, pedestrians and cyclist may want to visit the facility. Previous applications for general business purposes that would have allowed for the operation of a restaurant with liquor license and that would also have traded after hours, was met with strong resistance by the surrounding landowners due to expected anti-social behaviour that is associated with such uses.

The public parking should however be directly related to these uses and not for long terms casual parking as it will inevitably be at the expense of the lessees.

## RECOMMENDATION

1. That the application for the rezoning of the lease areas on Erf 2751 zoned as public open space to local authority and general business be approved subject to the following conditions:
  - a. The rezoning of property is restricted to the current lease areas only and will not include the remained of the public open space.
  - b. Business hours be restricted to normal working hours and will excluded operating during the evenings.
  - c. The public parking area remains attached to the rezoned properties and may not be used for unrelated long term public parking.
  - d. The public parking area may not be tarred. Should a hard surface be envisaged in future, the surface must consist of laterite or alternatively a material that gives the impression of laterite to preserve the appearance of the original surface.
  - e. No alterations or additions to the structures which is Graded IIIA may be done without a permit form HWC.
  - f. No additional buildings may be erected without a permit of Heritage Western Cape.
  - g. No signage may be displayed without written approval of the municipality and any signage must consider the heritage significance of the buildings and the residential character of the immediate surroundings.
  
2. That approval be granted for the extension of the validity period of a temporary departure to use Erf 2751, Stellenbosch and a portion of the road known as 'Die Laan', for a one-day event (Heritage Festival) on 24 September, for five years, i.e., 2021 - 2026.



**BJG de la Bat**  
**MANAGER : SPATIAL PLANNING**

**ANNEXURE F**

Directorate: Infrastructure Services  
comments

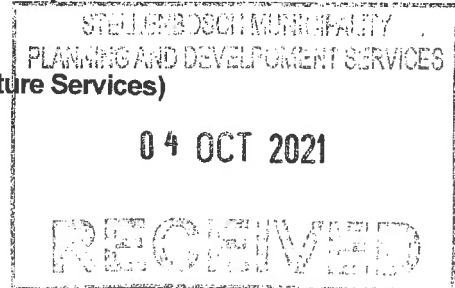


**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# MEMORANDUM

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag** Nicole Katts  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 19 October 2020  
**Our Ref ▫ Ons Verw:** Civil LU 2078  
**Your Ref:** LU/10301  
**Re ▫ Insake:** Erf 2751: LED hub and parking



The application is recommended for approval, subject to the following:

1. **Civil Engineering Services**
  - 1.1 No objection, no municipal services are affected.
  - 1.2 The formalization of the parking layout: drawings to be submitted to Infrastructure services for approval before construction.
2. **Traffic Engineering and Parking: Comments from Manager: Traffic Engineering, Mr Nigell Winter (021 808 8223)**
  - 2.1 On Plan 3 "Typical/Concept site layout plan" an entrance\exit is indicated within 5.5m of the Pastorie Street and Die Laan intersection – which is sub-standard and must be closed.
  - 2.2 Only the entrance\exit indicated at 21.5m from the Pastorie Street and Die Laan intersection is accepted and that a vehicle circulation plan must be presented to access parking bays P1-P15.
  - 2.3 These requirements must be addressed and approved by Mr Winter at building plan stage.

E 2751 S

714637



**3. Electrical Engineering**

3.1 Refer to **Annexure: Electrical Engineering**



**Tyrone King Pr Tech Eng  
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\2078 (TK) Erf 2751 Stellenbosch (LU-10301)\2078 (TK) Erf 2751 Stellenbosch (LU-10301).doc

ERF 2751

1. No Objection

**CONDITIONS:**

2. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.

Bradley Williams

Date.....23/09/2021.....



Signature

**ANNEXURE G**

Cape Winelands Health Department



**CAPE WINELANDS DISTRICT**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

**MEMORANDUM TO/ AAN** : N. Katts  
(Directorate Planning Economic & Development: Stellenbosch Municipality)  
**Official / Beampste** : Mr F.C. van Wyk  
**Your ref/ U vrew.** : ERF 2751, Stellenbosch  
**Ref No / Verw. No** : 15/2/6/1  
**Date / Datum** : 2020-08-13

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES

24 NOV 2020

RECEIVED

**APPLICATION FOR TEMPORARY DEPARTURE: ERF 2751, STELLENBOSCH**

**There are no objections from an Environmental Health point of view into this application, subject to compliance with the following:**

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. In the event where food will be prepared or handled and or served to the public, the applicant **must apply in writing** to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.
4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed.
5. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
6. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.

Yours faithfully

**F.C. VAN WYK**  
for MUNICIPAL MANAGER

FILE NR:	
SCAN NR:	E 2751 S
COLLABORATOR NR:	698761

**ANNEXURE H**

Previous temporary departure approval.

Application Number: LU/4710  
Erf Number: Erf 2751, Stellenbosch  
Your Reference Number:  
Enquiries: N Dafeti / B Mdoda  
Contact No. 021 808 8640 / 8690  
Date: 19 October 2016

**REGISTERED MAIL**

Dirkie Van Der Merwe  
PO Box 3405  
Matieland  
7602

Sir/Madam

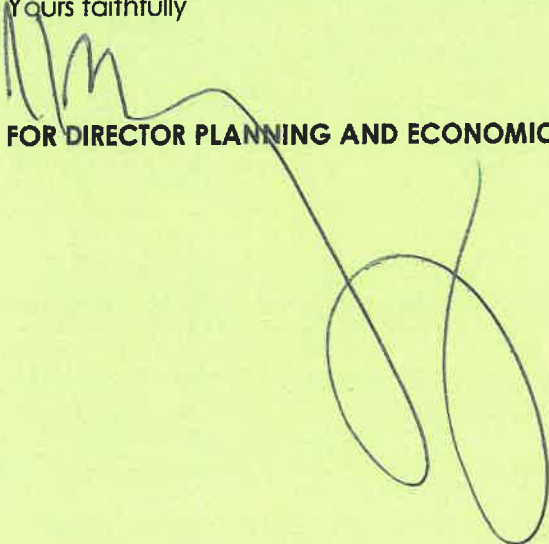
FILE NR:	OUTGOING POST
EF-2751SB	LU/4710
SCAN NR:	
COLLABORATOR NR:	469411

**APPLICATION FOR TEMPORARY DEPARTURE: ERF 2751, 2-16 DIE LAAN, STELLENBOSCH**

1. This Municipality's letter dated 20 September 2016, refers.
2. I wish to advise that the appeal process has now been concluded and herewith confirm that no appeal has been lodged with the Municipality as contemplated in section 79(2) of the Stellenbosch Municipal Land Use Planning By-law.

Accordingly, you may now act on the decision detailed in the letter 20 September 2016, subject to compliance with the conditions of approval

Yours faithfully



**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

Application Number: LU/4710  
 Erf Number: Erf 2751, Stellenbosch  
 Your Reference Number:  
 Enquiries: N Dafeti / B Mdoda  
 Contact No. 021 808 8640 / 8690  
 Date: 2016-09-20

### REGISTERED MAIL

Dirkie Van Der Merwe  
 PO Box 3405  
 Matieland  
 7602

Sir/Madam

FILE NR:	OUTGOING POST
Erf 2751 SB	LU/4710
SCAN NR:	
COLLABORATOR NR:	402510

### APPLICATION FOR TEMPORARY DEPARTURE: ERF 2751, 2-16 DIE LAAN, STELLENBOSCH

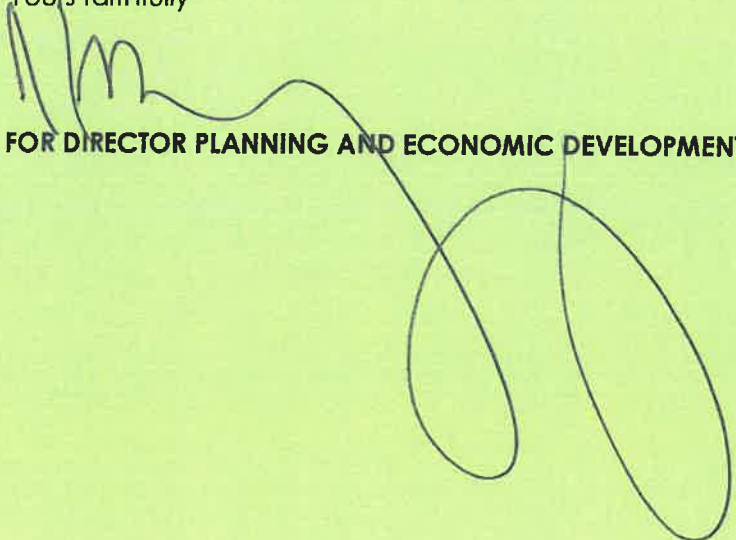
1. Your application in the above regard, refers.
2. The Authorised Employee on 16 September 2016, **approved, in whole** your application for a temporary departure in order to use Erf 2751, Stellenbosch and a portion of the road, known as Die Laan, for a one day event (Heritage Festival) on 24 September, for five years ie. 2016 - 2020 (See **APPENDIX 3**), in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, subject to the conditions attached as **Appendix 1**.
3. Reasons for the above decision are as follows:
  - The proposal is not likely to have a negative impact on the surrounding property owners as it is a one day event only. Sufficient parking will be available in designated parking areas and the proposal will have no detrimental impact on the existing infrastructure. Council has granted approval for this event on more than one occasion.
4. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
  - 4.1 The attached appeal form must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6899, or hand delivered to the Advice centre, Land Use Management, Ground floor, Plein Street, Stellenbosch within 21 days of notification of this decision together with proof of payment of the appeal fee to the amount of R 1500.00.
  - 4.2 You are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine (see attached list). Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.





- 4.3 The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
5. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
6. Kindly note the above decision is suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
 MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

**APPENDIX 1**  
**FILE NO: ERF 2751, STELLENBOSCH**

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means Erf 2751, STELLENBOSCH

"scheme regulation" has the meaning assigned thereto by the Western Cape Land Use Planning Act (No. 3 of 2014).

**Extent of Approval:** Temporary Departure in order to use Erf 2751, Stellenbosch and a portion of the road, known as Die Laan, for a one day event (Heritage Festival) on 24 September, for five years (2016-2020).

**CONDITIONS IMPOSED IN TERMS OF SECTION 66 OF THE LAND USE PLANNING BYLAW:**

1. That the approval applies only to the application in question (See **APPENDIX 3**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That the approval for a temporary departure is only valid for 5 years from date of final notification;
3. That sufficient ablution and refuse facilities be placed on the site;
4. That should any structures be constructed onsite, an approval be obtained from the Department: Building Development Management prior to the event taking place;
5. That should the activity pose a noteworthy nuisance to the surrounding area, the applicant be responsible to implement necessary mitigating measures within a reasonable time to the satisfaction of Council;
6. That should a noise permit be required that same be obtained from the Directorate: Community and Protections Services prior to the event taking place;
7. That the events license be obtained prior the date of the event;
8. That the conditions of the Director: Engineering Services as specified in their memo dated 24 August 2016 be complied with (see **Appendix 6**);
9. That the conditions of the Director: Fire Services as specified in their comment dated 17 August 2016 shall be complied with (see **Appendix 7**);
10. That council reserves the right to impose further conditions if deemed necessary.

**COMPILED AND RECOMMENDED BY:**

  
 \_\_\_\_\_  
**R. FOOY**  
**SENIOR TOWN PLANNER**  
**LAND USE MANAGEMENT**

15/09/2016  
 DATE



**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
**MUNICIPALITY • UMASIPALA • MUNISIPALITEIT**

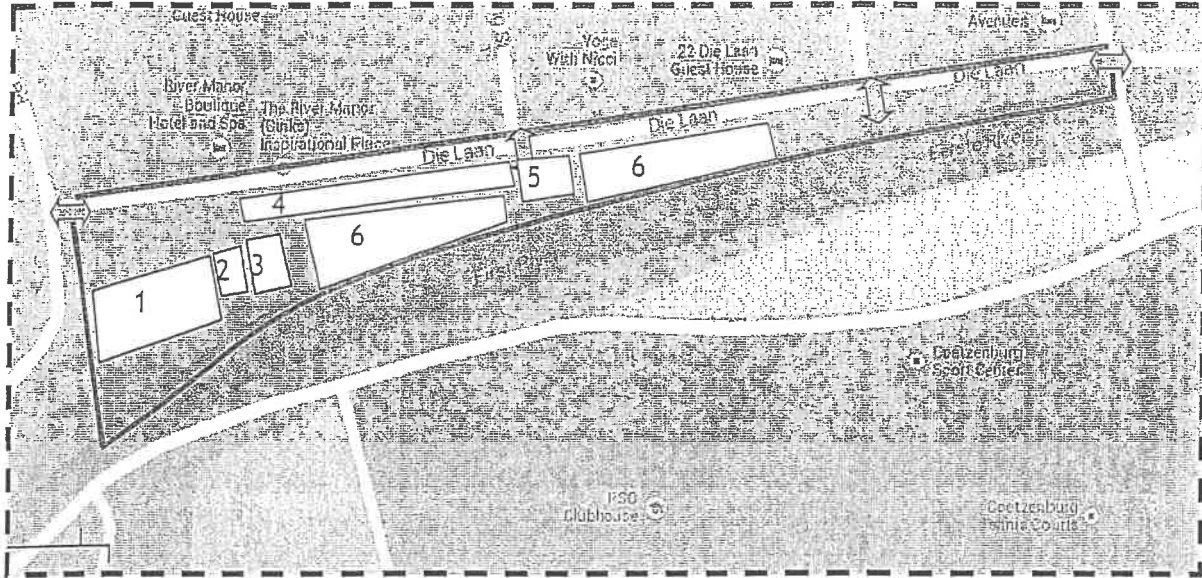
*DECISION BY: THE AUTHORISED EMPLOYEE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL PLANNING BYLAW:*

**DECISION BY: THE AUTHORISED EMPLOYEE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL PLANNING BYLAW:**

That the application for for a Temporary Departure in order to use Erf 2751, Stellenbosch and a portion of the road, known as Die Laan, for a one day event (Heritage Festival) on 24 September, for five years (attached as **Appendix 3**) be;

<b>APPROVED</b>	X	<b>APPROVED IN PART</b>		<b>REFUSED</b>
<p>If approved, that all the conditions of approval be adhered to as stipulated on page 3 of this report.</p> <p>SIGNATURE: <u><i>H. edman</i></u> DATE: <u>16-09-2016</u></p> <p><i>acting.</i></p> <p><b>AUTHORISED EMPLOYEE:</b>  <b>DUPRE LOMBAARD: DIRECTOR: PLANNING &amp; ECONOMIC DEVELOPMENT.</b></p> <p><b>ADDITIONAL COMMENTS:</b></p> <hr/> <hr/> <hr/> <hr/>				

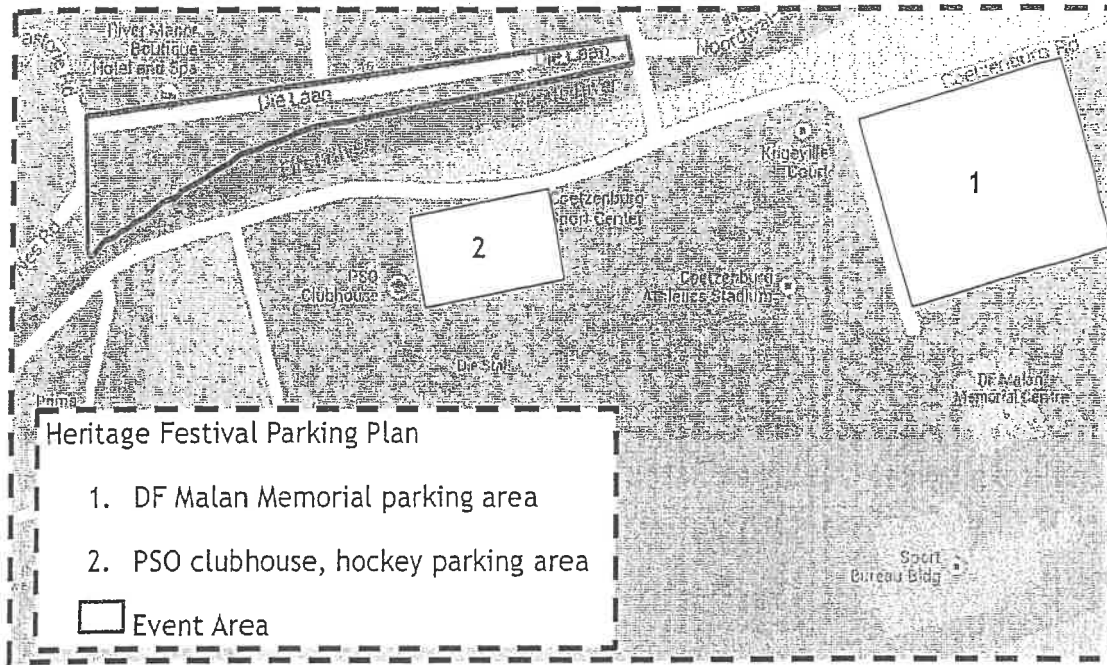
Land Use Map - ERF 2751 - Heritage Festival



- Structures:**
- 1. Landbousaal
  - 2. Back Stage
  - 3. Stage
  - 4. Stalls
  - 5. Bar
  - 6. Picnic and Braai Areas
- Event Area
- ↔ Access/Egress points
- Size of area:**
- Length: 311m
  - Width: 49m
  - Area: 15239m<sup>2</sup>

11

### Heritage Festival Parking Plan



Both designated parking areas will have security guards patrolling the vehicles and at access/egress points.

10

11



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

# MEMORANDUM

**DIREKTORAAT: INGENIEURSDIENSTE**  
**DIRECTORATE: ENGINEERING SERVICES**

**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag** Ms. B. Mdoda  
**From ▫ Van:** JJ. Fourie (Development Services)  
**Date ▫ Datum:** 24/08/2016  
**Our Ref ▫ Ons Verw:** Lupo 1284  
**Re ▫ Insake:** Erf 2751 Stellenbosch: Proposed temporary departure (Heritage Festival)

The application for a temporary departure to utilize the Public Open Space on Erf 2751 for the Heritage Festival refers.

The application is recommended for approval subject to the following conditions:

1. Applicant will be responsible for the liaison with the Traffic Department for the erection of the road closure signs and traffic accommodation.
2. A notice must be placed in the local media notifying the public of the road closure as well as pamphlet delivered to the properties in the affected area.
3. Care must be taken to protect the existing municipal services including the trees and all damage will be for the account of the applicant.
4. The approval is granted from 06h00 until 20h00 on 24 September 2016.
5. Access to the properties in the affected area must be maintained at all times.
6. A 355 mm diameter water pipe is situated on the southern side of the road in close proximity of the 66kv cable.

Please note that this approval is granted only for the partial road closure for the following intersections:

- The corner of Die Laan and Noorwal-wes
- The corner of Die Laan and Noordwal-Oos (at the Coetzenburg bridge)
- The corner of Die Laan and Neethling Street
- The corner of Die Laan and Rattray Street

**JJ. FOURIE**  
**DEVELOPMENT SERVICES (ENGINEERING SERVICES)**

INTERDEPARTMENTAL CIRCULATION FORM

L&ER VERW/ FILE REF	Erf 2751, Stellenbosch	DATE	21 July 2016
AANSOEKNOMMER/APPLICATION NUMBER	LU/4710		
MEMO AAN/ TO :			
	Director : Traffic Engineer / Engineering Services		
	Manager : Electrical Department		
	Manager : Building Development Management		
<input checked="" type="checkbox"/>	Manager: Fire Services		
	Manager: Spatial Planning / Heritage / Environment / Signage		
	Manager: Health Department (Winelands Health)		
	Chief Financial Officer		
	Manager: Property Management		
	Manager: Local Economic Development (LED)		
	Manager : Law Enforcement		



<b>Application</b>	Proposed temporary departure in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-law, (2015) to utilise the Public Open Space on Erf 2751 for the Heritage Festival which will be held on the 24 September 2016.
<b>Adres / Address</b>	2-16 Die Laan, Stellenbosch
<b>Aansoek Datum / Application Date</b>	13 June 2016
<b>Aansoeker / Applicant</b>	Dirkie Van Der Merwe

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op:  
Please hand deliver the memorandum to me on or before : **21 August 2016**

**B Mdoda**  
For **DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

**ALGEMENE KOMMENTAAR / GENERAL COMMENT:** *In Order*

**VOORWAARDES/CONDITIONS :** *Fire requirements for structures and tents will be given when application for the event is received.*

<b>HANDTEKENING / SIGNATURE</b>	<b>DATUM/ DATE</b>
	29/07/2016

FILE NR: \_\_\_\_\_

SEARCHED: \_\_\_\_\_

INDEXED: \_\_\_\_\_

E2751S

447248 u



MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING AND SUBDIVISION ON ERF 407, RAITHBY			
Application Reference	File Ref: LU/11961	Application Date	2020/10/14
		Last day for comments or additional information	05/04/2022

PART A: APPLICANT DETAILS			
First name(s) & Surname	Barry Blount		
Company name	Diesel & Munns Inc		
SACPLAN registration number	Not provided		
Registered owner(s)	Hermanus Carel du toit	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Erf 407	Administrative District	Raithby
Physical address	Main Road (See <b>Annexure A</b> )		
Extent (m <sup>2</sup> /ha)	1, 3267 ha	Nearest town	Jamestown
Existing Development and Current land use	Restaurant		
Any unauthorised land use/building work	None		
Title Deed Nr.	T 000027854/2016 (See <b>Annexure B</b> )		
Current zoning and approved land use rights as per zoning scheme bylaw 2019	Agriculture and Rural zone		



**PART C: APPLICATION DETAILS**

Applications(s)	<ol style="list-style-type: none"> <li>1. An application is made in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the <b>Subdivision</b> of Erf 407, Raithby into the following: <ol style="list-style-type: none"> <li>a) Rem of 407 (2,619 m<sup>2</sup> in extent) and</li> <li>b) Portion 1 of Erf 407 (10, 648 m<sup>2</sup> in extent)</li> </ol> </li> <li>2. An application is made in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the <b>Subdivision</b> of the proposed Portion 1 of Erf 407 Raithby into the following: <ol style="list-style-type: none"> <li>a) 9 Conventional Residential Zone erven (dwelling house)</li> <li>b) 1 Public roads and parking zone erven (public road)</li> <li>c) 1 Local Business Zone erven (Restaurant)</li> </ol> </li> <li>3. An application is made in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the <b>Rezoning</b> of proposed Portion 1 of Erf 407 Raithby from Agriculture and Rural Zone to Sub-divisional Area in order to facilitate the proposed development.</li> </ol> <p><b>4. Other applications</b></p> <ol style="list-style-type: none"> <li>4.1 Application in terms of Section 98 of the Stellenbosch Municipal Land Use Planning By-Law (2015) for the <b>naming and numbering of streets</b> as per the proposed subdivision plan.</li> </ol>
Purpose of Application	The applicant intends to establish residential development comprising of 09 conventional dwelling houses.
Pre-consultation	None

## PART D: APPLICATION BACKGROUND

### 1. Location of property

The subject property is located on Raithby road, off Winery Road, in Raithby, access to the subject property will be directly onto the Raithy-Annondale road (Minor Road no 4234).

### 2. The prevailing development context of the subject surrounding/ neighbouring area

The subject property is located in an area with a predominant mix of various land uses. It is surrounded by residential developments such as the Winelands village and Raithby Vines, rural character land uses, cemetery and sports field.

### 3. Historic use and development of the property, incl. existing and any illegal uses.

The subject property is essentially the remainder of development Erf 143 that is located on the opposite of the Raithby road (divisional road no 1039). There is currently an existing restaurant which will be retained.

## PART E: APPLICATION OVERVIEW AND MOTIVATION (See Annexure D)

- a) The proposed development is of an appropriate scale and form that relates to the surrounding urban fabric, development pattern and land use character of the surrounding neighbourhood.
- b) The proposal will have no significant impact on the existing built form and will thus fit into the surrounding urban context.
- c) The proposed development will not detract from any existing rights of the surrounding erven.
- d) There is adequate servicing capacity to accommodate the proposed development and adequate on-site parking can be provided for.
- e) The proposed development will not undermine the public interest, increase human activity will help ensure increased passive surveillance of the adjoining public realm (streets).

## PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

### 1. Process followed

The applicant has notified the internal and external departments, advertised in the local newspaper and notified (by serving of notices) all interested and affected parties, as well as community organizations and also placed notices on the property. The advertising period was from **19 November 2020** to **18 January 2021**. (See Annexure E). **Three (3)** objections received.

### 2. Public & stakeholder inputs

The following objections were received: (See Annexure F)

- a) G. P Smith
- b) Peter M. van Huffel
- c) N Gebers

## 2.1 Summary of the objections/comments received

- a) Concerns regarding the services capacity.
- b) The proposed development is interfering with the calm rural setting and blocking all the rural views which will impact on tourism.
- c) The proposed development poses a danger to pedestrians since there is no pavement on Divisional Road No: 1039.
- d) The proposed development will set a bad precedent for future development and attract crime and higher traffic volumes.
- e) The proposed development act as a buffer between the rural and urban setting of the area.
- f) The current road linking Raithby, and the farming community of Erf 165 and other adjacent farming communities has been in use for well over 100 years. This also included the period where post house wine farm operated as the Raithby/Heidelberg post office and serviced the village of Raithby as well as the surrounding farms. The current road linking these two entities has prescriptive rights.
- g) **The objections are attached as Annexure F.**

## 2.2 Summary of responses from the applicant to comments/objections receive (Annexure G)

- a) The proposal is for the creation of only nine additional single residential erven on the property which will not have any significant impacts on the bulk municipal services within the Raithby area. A detailed engineering services report was compiled by a consulting engineer that dealt with the servicing of the proposal.
- b) The proposed public road within the development will be constructed to municipal standards and will include a pavement whereupon pedestrians will be able to walk. The traffic generated by the development will gain access onto the Divisional Road via a single intersection. Thus this development will thus in no way increase the risk to pedestrians that walk along the Divisional Road.
- c) The proposal is far enough away from the erven within the Raithby Vines development to ensure that a single residential dwelling will not significantly impact on those properties in terms of overshadowing and overlooking. Views from these properties will also not be significantly impacted on either.
- d) As developments will be governed by the SDF and will be limited to properties within the proposed urban edge, the development of Erf 407 (which is located within the urban edge) will in no way create a 'bad' precedent as insinuated by the objectors. Any future development proposal will also have to adhere to the applicable spatial plans.
- e) The 'rural' character of Raithby lies in the development of the properties within the urban edge in such a manner so as to conform with the existing character of the village. The proposal will develop properties that are the same as those within the Raithby Vines development, so will in no way impact on the established character of Raithby.
- f) The owner of adjoining Erf 165 has no access rights (servitudes) over Erf 407 on to the District Road. This is an illegal road over the property and the owner of Erf 407 has stated this to the adjoining owner and said he needs to cease utilizing this as an access to his property. This access point has also never been formally approved by the Provincial Roads Administration as an access onto the Divisional Road No. 1039. Erf 165 has a formal access further south on to the Divisional Road.
- g) **The full response is attached as Annexure F.**

### 3. Government related inputs received

- a) **Heritage Western Cape** supported the proposal (see **Annexure K** for letter dated 30 September 2020).
- b) The **Department of Environmental Affairs and Development Planning** granted Environmental authorization (see **Annexure L** for letter dated 26 August 2020).
- c) The **Department of Transport and Public Works: Western Cape** supported the application subject to conditions (see **Annexure M** for letter dated 21 January 2021).
- d) The **Department of Agriculture: Western Cape** supported the application (see **Annexure N** for letter dated 12 February 2021).

### 4. Comments from internal service departments

- a) The **Manager: Spatial Planning** supported the proposal (see **Annexure H** for memo dated 19 November 2020).
- b) The **Director: Engineering Services** supported the proposal subject to conditions (see **Annexure J** for memo dated 01 February 2022).
- c) The **Manager: Fire Services** supported the proposal with condition that the fire requirements be given when building plans submission (see **Annexure I** for email dated 22 October 2020).

## PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

### 1. Legislative and Policy Context of land use and land development application

The legislative, principles, policies, guidelines and plans which are considered as relevant to the application under consideration and land use application, are as follows:

- o Stellenbosch Municipality Land Use Planning Bylaw, 2015
- o Stellenbosch Municipality Spatial Development Framework, 2019
- o Provincial Spatial Development Framework, 2019
- o SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)
- o National Environmental Management Act (NEMA), 1998 (Act 107 of 1998)
- o National Heritage Resources Act, 1999 (Act 25 of 1999)

### 2. Assessment of grounds of the land use and land development application

#### 2.1 Applicable MSDF and LSDF's

The proposed development is located within the approved urban edge of the village of Raithby, and in an area indicated for future development, in terms of the approved Municipal SDF, densification and infill development is encouraged. Therefore, the proposed application is in line with the Stellenbosch Municipality Spatial Development Framework in terms of densification point of view.

## 2.2 Applicable planning policies and guidelines

The Provincial Spatial Development Framework (PSDF) sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. The proposed development aligns with key themes covered in this framework i.e. promoting infill and compact development within the urban edge, ensure functional integration between people of different income groups, opening up opportunities for community and residential development and to develop integrated and sustainable settlements.

## 2.3 Service infrastructure capacity and sustainability

In terms of engineering services, a report done by Bart Senekal INC Consulting Civil & Structural Engineers (See **Annexure O**) dated 13 August 2021 focusing on the provision of civil engineering services. The report concluded that:

- a) The required basic civil engineering services for the proposed development, i.e. portable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure, subject to the securing of reservoir capacity in the existing Faure service reservoir by Stellenbosch Municipality.
- b) Attenuation of peak stormwater run-off from the developed site will be implemented in an attenuation facility on the Open Space in the lowest area of the site.

Furthermore, the application was circulated to the Stellenbosch Municipality Engineering Services and electrical services and they supported the application with certain conditions (See **Annexure J**).

## 2.4 Any investigations carried out in terms of other laws that are relevant to the consideration of the subject application (e.g. EIA, TIA, HIA etc.)

### 2.4.1 None

## 2.5 The proposal (the applicable provisions of the zoning scheme)

The subject property is zoned Agriculture and Rural zone and in terms of the zoning of the subject property, the land unit must be rezoned to subdivisional area and be subdivided in order to facilitate the proposed development. The development will comprise of 9 Conventional Residential Zone erven (dwelling house), 1 Public roads and parking zone erven (public road) and 1 Local Business Zone erven.

## 3. General desirability in accordance with possible impacts on neighbouring properties and surrounding areas.

### 3.1 Combability with surrounding properties

The subject property is in Raithby, whereby its immediate context is a mix of smaller agricultural small holdings and the urban setting of the Raithby village. It is surrounded by residential developments such as the Winelands village and Raithby vines, rural character land uses, cemetery and sports field.

### 3.2 Impact on existing rights

The proposal will not have a detrimental impact on the existing rights of the neighbouring properties as the character of the area, privacy, amenity, views etc will not be compromised. The zoning of the residential properties are Conventional Residential Zone and the proposed dwelling will be constructed in

accordance with the parameters of the zoning scheme by-law. Should a future owner decide to deviate from the parameters of the zoning scheme, a public participation process will follow, at that stage.

### **3.3 Impact on safety, health and wellbeing of the surrounding community**

There is no reason to believe that the proposed development will result in any changes to the safety and security in the area since it is in the applicant's own interest to ensure strict security in the area.

### **3.4 Positive impact on economy**

The proposed development will make a significant contribution to the local economy during the construction and operational phases. The construction phase will lead to the expansion of business sales for existing businesses located within the area. Constructing the development will also result in direct jobs being created on site.

## **4. Assessment of comments on application**

The proposal is consistent with the principles and objectives contained in the Stellenbosch MSDF, which state that due to the housing demand within the Stellenbosch municipal area the concept of infill development and redevelopment of land within the urban edge is encouraged. Any future development proposal will also have to adhere to the applicable spatial plans, the Stellenbosch Municipality by-law and zoning schemes. The proposal was also supported by the Manager: Spatial Planning as it is located within the urban edge and compliant with the provisions of the approved MSDF.

The concerns regarding the capacity of services such as water, sewerage and electricity, In terms of engineering services, a report done by Bart Senekal INC Consulting Civil & Structural Engineers confirms that the required basic civil engineering services for the proposed development, i.e. portable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure, subject to the securing of reservoir capacity in the existing Faure service reservoir by Stellenbosch Municipality. Attenuation of peak stormwater run-off from the developed site will be implemented in an attenuation facility on the Open Space in the lowest area of the site. Furthermore, the application was circulated to the Stellenbosch Municipality Engineering Services and electrical services, and they supported the application with certain conditions.

The concerns regarding the existing servitude road running through the property, there is no servitude road rights registered on the title deed for the subject property over Erf 165, therefore the proposed development will not impact on any legal existing access road.

The subdivisional plan 6035/SubA which was originally submitted and advertised with the application was amended to the subdivisional plan 6035/SubA2. The intention of the development has not changed although the zoning categories have been amended to accommodate the preferred land use i.e 9 conventional residential properties and a restaurant, as advertised. The retention pond now forms part of a residential property, and the restaurant has the preferred local business zoning. As there were no material changes in the amended subdivision plan from the original application, the amended subdivision plan will have no potential impact on any interested and affected party. Consequently, there were no rational grounds that would warrant to again publish or serve notices on the subject amended subdivision plan.

Moreover, all the other internal and external department's comments were taken into account and will be imposed as conditions of approval, if necessary.

#### 5. Additional planning evaluation for removal of restrictions

An application for the removal of restrictive title deed condition II (B)(3) in the title deed No: T27854/2016 was approved on the 9<sup>th</sup> July 2019 and the restrictive title deed condition was removed (**See Annexure B for Endorsement dated 25 October 2019**). Furthermore, the conveyance certificate indicates that there is title deed restriction for powerline servitude (clause II C) title deed No: T27854/2016. However, there are no restrictive title deed that prohibits the proposed development.

### PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

- o The subject property is located within the approved urban edge of the village of Raithby, and infill development and densification are encouraged in terms of the MSDF.
- o The proposed development is not out of character and compatible with the surrounding and current land uses.
- o The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase.
- o The basic civil engineering services (potable water, sewerage and solid waste removal) can be accommodated by the Stellenbosch Municipality in their existing infrastructure, subject to the securing of reservoir capacity in the existing Faure service reservoir by Stellenbosch Municipality.
- o The manner in which the proposed land uses has been addressed in the amended application (subdivision plan and rezoning) is preferred from a land use management perspective.

The subject land use and land development application is, having regard to the conclusions above, viewed as in compliance with the SDF and consequently grounds for the support of the subject land use and land development application.

### PART I: RECOMMENDATION

1. That the following applications in terms of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 407, Raithby, namely:
  - 1.1 The **Rezoning** in terms of Section 15 (2)(a) of the said by-law, from Agriculture and Rural Zone to Subdivisional Area in order to allow for the following land uses:
    - a) 9 Conventional Residential Zone erven (dwelling house in extent of ± 7 544m<sup>2</sup>)
    - b) 1 Public roads and parking zone erven (public road in extent of ± 3 104m<sup>2</sup>)
    - c) 1 Local Business Zone erven (Restaurant in extent of ± 2 619m<sup>2</sup>)
  - 1.2 The **Subdivision** of Erf 407, Raithby in terms of Section 15 (2) (d) of the said by-law in accordance with the subdivision plan No: C6035/SubA2 & C6035/SubB3, dated March 2022 to allow for the development in accordance with the subdivisional zone above, inclusive of the stormwater and services servitude.

**BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw:

## 2. Conditions of Approval:

- 2.1 The approval applies only to the proposed development under consideration as indicated on Subdivisional Plans No: C6035/SubA2 & C6035/SubB3, dated March 2022, drawn by Diesel & Munns inc attached as **Annexure C** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable;
- 2.2 The development be undertaken in accordance with the Subdivisional Plans No: C6035/SubA2 & C6035/SubB3, dated March 2022, drawn by Diesel & Munns inc attached, attached as **Annexure C** to this report;
- 2.3 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
  - a) Newly allocated erf numbers
  - b) Co-ordinates
  - c) Survey dimensions
  - d) Street names and numbering
- 2.4 The stormwater and services servitude rights be registered in the title deeds of the applicable property/ies on registration.
- 2.5 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plans must be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.
- 2.6 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 2.7 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata development contribution will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Contributions will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.



- 2.8 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter with reference 2090 CIVIL LU and dated 01 February 2022 and attached as **Annexure J**.
- 2.9 The conditions imposed by the Department of Transport and Public Work: Western Cape Government as contained in their memo dated 21 January 2021, attached as **Annexure M**, be complied with to the satisfaction of said department.
- 2.10 The Local Business Zone erven is specifically for the existing restaurant, no any other primary uses in the Local Business Zone may be permitted without the Municipality's approval.

**3. Matters to be noted:**

- 3.1 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 3.2 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.
- 3.3 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 3.4 The rates clearances will only be granted once the conditions of approval have been complied with,
- 3.5 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 3.6 That the approval for the naming and numbering of streets as per the proposed subdivision plan, be obtained.

**4. The reasons for the above decision are as follows:**

- 4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will in fact offer residential opportunities in the area;
- 4.2 The proposed development constitutes infill development and is therefore in line with the principles of the SDF.
- 4.3 There will be no negative impact on existing infrastructure and additional traffic can be accommodated on the local road network.
- 4.4 The proposal will result in more efficient utilisation of the subject property which cannot be viably utilised in terms of its current zoning.

**PART J: ANNEXURES**

<b>ANNEXURE A:</b>	Locality Plan
<b>ANNEXURE B:</b>	Title Deeds
<b>ANNEXURE C:</b>	Proposed Subdivisional Plan
<b>ANNEXURE D:</b>	Applicants motivation
<b>ANNEXURE E:</b>	Proof of Evidence (Public Participation, General Plan & Affidavit)
<b>ANNEXURE F:</b>	Objections
<b>ANNEXURE G:</b>	Applicants comments on objections
<b>ANNEXURE H:</b>	Comment from the Manager: Spatial Planning
<b>ANNEXURE I:</b>	Comment from the Manager: Fire Services
<b>ANNEXURE J:</b>	Comment from the Director: Engineering Services
<b>ANNEXURE K:</b>	Comment from Heritage Western Cape
<b>ANNEXURE L:</b>	Comments from the Department of Environmental Affairs and Development Planning
<b>ANNEXURE M:</b>	Comment from the Department of Transport and Public Works
<b>ANNEXURE N:</b>	Comment from the Department of Agriculture: Western Cape
<b>ANNEXURE L:</b>	Civil Engineering services report
<b>ANNEXURE O:</b>	Site inspection photos

**PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION****APPLICATION FOR REZONING AND SUBDIVISION ON ERF 407, RAITHBY****AUTHOR OF PLANNING ASSESSMENT REPORT****NAME:** B. ZONDO**CAPACITY:** SENIOR TOWN PLANNER**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE:** **DATE:** 06/04/2022**REVIEW AND RECOMMENDED BY PROFESSIONAL TOWN AND REGIONAL PLANNER****NAME:** C KRIEL**CAPACITY:** MANAGER: LAND USE MANAGEMENT**SACPLAN REGISTRATION:** A/212/10**SIGNATURE:** **DATE:** 06/04/2022

**PART I: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT****APPLICATION FOR REZONING AND SUBDIVISION ON ERF 407, RAITHY****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

**Category:** A (d) (2), D (c) (2)

**Decision Making Authority:** SMPT

**Rational:** The application is for the subdivision of land for a property larger than 10 000m<sup>2</sup>, included a rezoning to subdivisinal area and includes subdivision of more than two resulting erven. There were objections were received from interested and affected property owners.

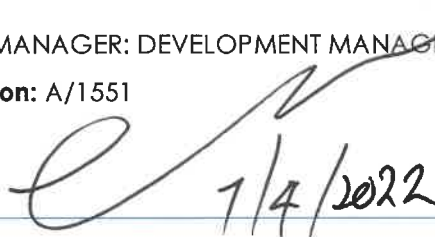
**Name:** S CARSTENS

**Capacity:** SENIOR MANAGER: DEVELOPMENT MANAGEMENT

**SACPLAN Registration:** A/1551

**Signature:**

**Date:**



7/4/2022

**PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT****APPLICATION FOR REZONING AND SUBDIVISION ON ERF 407, RAITHBY****Administrator to Authorised Official / Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: **22 April 2022**

Name: *LENACIA KAMINETA*

Capacity: *SENIOR ADMINISTRATIVE OFFICER*

Signature: *KAMINETA.*

Date: *07.04.2022*

**ANNEXURE A: LOCALITY PLAN**

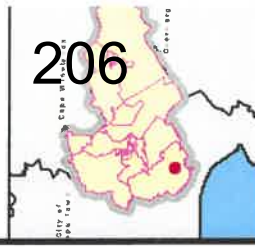
# Stellenbosch GIS Map

**SCALE**

**1:2 256,99**

**Legend**

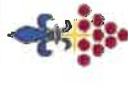
**206**



Stellenbosch Municipality  
Planning & Economic Development  
Created by: Corporate GIS  
Date: 2022/03/31



Author: Stellenbosch Municipality



Stellenbosch Municipality  
Street Address:  
71 Plain Street, Stellenbosch, 760  
Tel: 021 808 8688

This map is a reproduction of the information provided by the City of Stellenbosch. It is not to be used for any purpose other than that for which it was prepared. The City of Stellenbosch does not accept any liability for any errors or omissions in this map. The information is provided as a service to the public and is not intended to be used as a legal document. The information is provided as a service to the public and is not intended to be used as a legal document.



Sources: Esri, HERE, DeLorme, Intermap, Incorporeo, P. Swire, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, OpenStreetMap contributors, and the GIS User Community, Stellenbosch Municipality

**ANNEXURE B: TITLE DEEDS**



86

Minde Schapiro & Smith Inc.  
Tyger Valley Office Park  
Building 2  
Cnr. Willie van Schoor & Old Oak Roads  
Bellville  
7536

Prepared by me

  
CONVEYANCER  
GERHARD JACQUES RYK VAN REENEN

Deed Description	R. 11 000 000,00	Office fee R. 1200,00
Amount	R. ....	R. ....
Exemption	Exempt lit. o	
Cat. ....	section ....	Act. ....

000027854 / 2016

### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

~~GERHARD JACQUES RYK VAN REENEN~~

**PETRUS GERHARDUS LOURENS**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at CAPE TOWN on 18<sup>th</sup> FEBRUARY 2016 granted to him by

**MICHAEL LEON KOVENSKY**  
Identity Number 460510 5031 084  
Married out of community of property

DATA CAPTURE  
11/02/2016  
VAN WILKIE

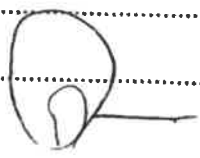
REGISTERED IN THE DEEDS OFFICE  
11/02/2016

T 27854/2016

**ENDOSSEMENT IN TERME VAN ARTIKEL 34(2) VAN DIE STELLENBOSCH  
MUNISIPALE GRONDGEBRUIKBEPLANNING VERORDENING  
ENDORSEMENT IN TERMS OF SECTION 34(2) OF THE STELLENBOSCH  
MUNICIPAL LAND USE PLANNING BY-LAW**

Voorwaardes ..... **II. B. 3.** ..... hierin is  
Conditions ..... **II. B. 3.** ..... herein are  
gewysig / opgeskort / ophef kragtens Kennisgewing Nr. **58070**  
altered / suspended / removed in terms of Notice No. **58070**  
gedateer ..... in Provinsiale Koerant Nr  
dated ..... **08/08/2019** ..... in Provincial Gazette No. **8138** .....  
onderworpe aan voorwaardes daarin gemeld  
subject to conditions mentioned therein

Aktekantoor, Kaapstad  
Deeds Registry, Cape Town  
Datum ..... **25 OCT 2019** .....  
Dated .....

  
Registrateur van Aktes  
Registrar of Deeds

And the appearer declared that his said principal had, on 26 October 2015, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**L AUBERGE ASSETS PROPRIETARY LIMITED**  
**Registration Number 2015/254962/07**

or its Successors in Title or assigns, in full and free property

✓  
**ERF 407 RAITHBY, IN THE MUNICIPALITY AND**  
**DIVISION OF STELLENBOSCH, WESTERN CAPE PROVINCE**

**IN EXTENT 1,3267 (ONE COMMA THREE TWO SIX SEVEN) Hectares**

**FIRST REGISTERED and STILL HELD** by Certificate of Consolidated Title  
 Number T 000027853 / 2016<sup>5</sup> with Diagram SG No. 1093/2015 relating  
 thereto;

- I. **AS REGARDS** the figure ABCDEFGHJKLMxPQ on Diagram SG No. 1093/2015  
 annexed to Certificate of Consolidated Title No. T

000027853 / 2016<sup>5</sup>

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T143/1880  
 dated 7<sup>TH</sup> February 1880;
- B. **SUBJECT ALWAYS** to the condition contained in Deed of Transfer No.  
 T8608/1902 imposed by JOHANNES WYNAND LOUW HOFMEYR for his  
 benefit and that of his successors in title as the registered owner of the  
 Remainder of Lot 2, portion of the farm "Odendal" in terms of Deed of Transfer  
 No. T143/1880 dated 7<sup>th</sup> February 1880, which condition reads as follows :

"That the Appearer's Constituent and his Successors in Title in the  
 Ownership of the Remaining Extent shall have the right to make and  
 burn bricks whenever required on the spot, on the land hereby  
 transferred, now used for making bricks and that the Appearer's  
 Constituent and his Successors in Title shall have the right to take the  
 necessary material and to remove the said bricks all free of charge."



II. **AS REGARDS** the figure xMN on Diagram SG No. 1093/2015 annexed to Certificate of Consolidated Title No. T 000027853 / 2016 (5)

- A. SUBJECT to the conditions contained in Certificate of Registered Title No. T12541/1953;
- B. SUBJECT FURTHER to the following conditions contained in Certificate of Consolidated Title No. T18379/2015 and imposed by the Stellenbosch Municipality when approving of the subdivision of Erf 151 Raithby in terms of Section 25 of the Land Use Planning Ordinance No. 15 of 1985, which read as follows :

- "1. The owner of this land shall, without compensation, allow that main gas pipes, electrical telephone and television cables and/or wires, main and/or other waterpipes and sewers and stormwater pipes, channels and furrows of any other fundamental unit or units may be transported over the land, and that surface installations, such as mini-substations, meter switchboxes and service pillars be erected thereon, if it is considered necessary by the Council, the manner and place which from time to time will be reasonably expected, it includes the right of access to the land unit at any reasonable time with the purposes to erect any works in connection with the above mentioned, to alter, remove or investigate.
2. The owner of this land shall, without compensation, receive the material or allow the excavations on the land unit which may be necessary to allow the use of the full width of an adjoining street and provide the road embankment of a safe and proper slope, which due to differences between the level of the street, as finally built, and the level of the land unit may be necessary, unless he prefers to build abutment piers to the satisfaction of the Council and within a period as determined by the Council.
3. The property may not be transferred without the consent in writing of the Winelands Village Home Owners' Association. The registered owner of the property from time to time is automatically a member of the Winelands Village Home Owners'

Association and will remain a member for the duration of his ownership.

- C. SUBJECT FURTHER to the ancillary rights, relating to a Powerline Servitude, imposed in favour of Eskom Holdings Soc Limited, Registration Number 2002/015527/06, as contained in the endorsement on Deed of Transfer No. T18142/1987, in terms of which appear more fully from Notarial Deed of Servitude No. K905/2014S.



WHEREFORE the said Appearer, renouncing all right and title which the said

**MICHAEL LEON KOVENSKY, Married as aforesaid**

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**L AUBERGE ASSETS PROPRIETARY LIMITED**  
**Registration Number 2015/254962/07**


or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R4 000 000,00 (FOUR MILLION RAND) excluding VAT in the sum of R0,00 (NIL RAND), total consideration paid by the transferee to the transferor being the amount of R4 000 000,00 (FOUR MILLION RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

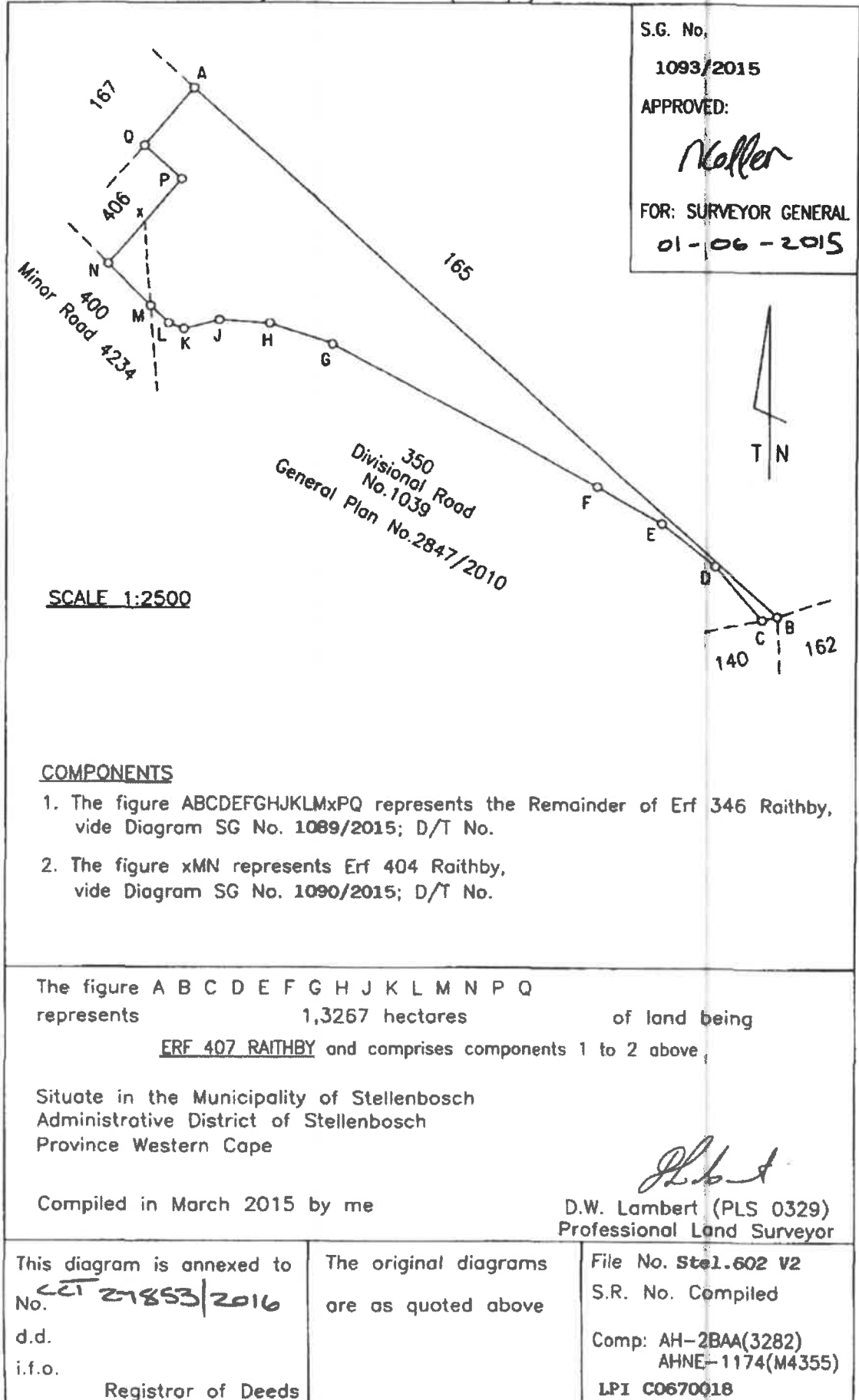
19 May 2016

In my presence

  
 \_\_\_\_\_  
 REGISTRAR OF DEEDS

  
 \_\_\_\_\_  
 q.q.

Diesel & Munns, Land Surveyors, Somerset West. (C5128/2)



S.G. No.  
1093/2015  
APPROVED:  
*Keller*  
FOR: SURVEYOR GENERAL  
01-06-2015

COMPONENTS

1. The figure ABCDEFGHJKLMxPQ represents the Remainder of Erf 346 Raithby, vide Diagram SG No. 1089/2015; D/T No.
2. The figure xMN represents Erf 404 Raithby, vide Diagram SG No. 1090/2015; D/T No.

The figure A B C D E F G H J K L M N P Q represents 1,3267 hectares of land being ERF 407 RAITHBY and comprises components 1 to 2 above.

Situate in the Municipality of Stellenbosch  
Administrative District of Stellenbosch  
Province Western Cape

Compiled in March 2015 by me

*D.W. Lambert*  
D.W. Lambert (PLS 0329)  
Professional Land Surveyor

This diagram is annexed to No. CT 27853/2016  
d.d.  
i.f.o.  
Registrar of Deeds

The original diagrams are as quoted above

File No. Stel.602 v2  
S.R. No. Compiled  
Comp: AH-2BAA(3282)  
AHNE-1174(M4355)  
LPI C0670018

Erf 407 Raithby

S



CONVEYANCER CERTIFICATE

DANIËL JACOB MALAN

I/We.....

Practising at:

MALAN LOURENS VILJOEN ING/INC  
PROKUREURS / ATTORNEYS  
POSBUS / P O BOX 1029  
STRAND 7140  
DOCEX 4

In respect of:

ERF 407 RAITHBY

IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH  
WESTERN CAPE PROVINCE

IN EXTENT: 1,3267 (ONE COMMA THREE TWO SIX SEVEN) HECTARES

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

- 1. T 27854/2016
- 2. T 143/1880
- 3. T 1254 / 1953
- 4. T 18379/2015
- 5. T 18142/1987
- 6. ....
- 7. ....
- 8. ....





**A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)**

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	X	
2.	Building lines	Y	X	
3.	Height	Y	X	
4.	Number of Dwellings	Y	X	
5.	Bulk floor area	Y	X	
6.	Coverage/built upon area	Y	X	
7.	Subdivision	Y	X	
8.	Servitudes that may be registered over or in favour of the property	X	N	T 27854/2016, clause <u>II C</u>
9.	Other Restrictive Conditions	Y	X	



**B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)**

a.	Organ(s) of State that might have an interest in the restrictive condition	ESKOM Municipality of Stellenbosch
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	JWL Hofmeyer
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	ESKOM Municipality of Stellenbosch JWL Hofmeyer

**C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED**

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at Somerset West (Place) on this 4th (Day) April (Month) of 2022...

Full names and Surname: DANIEL JACOB MALAN

Signature: 

MALAN LOURENS VILJOEN ING/INC  
PROKUREURS / ATTORNEYS  
POSBUS / P O BOX 1029  
STRAND 7140  
DOCEX 4

MALAN LOURENS VILJOEN ING/INC  
PROKUREURS / ATTORNEYS  
POSBUS / P O BOX 1029  
STRAND 7140  
DOCEX 4

Tel: 021 - 853 1535

Email: daantjie@mlakaw.co.za

Cell: .....

**ANNEXURE C: PROPOSED SUBDIVISIONAL PLAN**

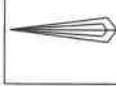
PROPOSED REZONING AND  
SUBDIVISION OF  
ERF 407 RAITHBY

Stellenbosch Municipality  
Administrative District Stellenbosch  
Province Western Cape.

SUBDIVISION PLAN A

LEGEND:

- LOCAL BUSINESS ZONE
- SUBDIVISIONAL AREA



SCALE 1/1 500

DATE : MAR. 2022

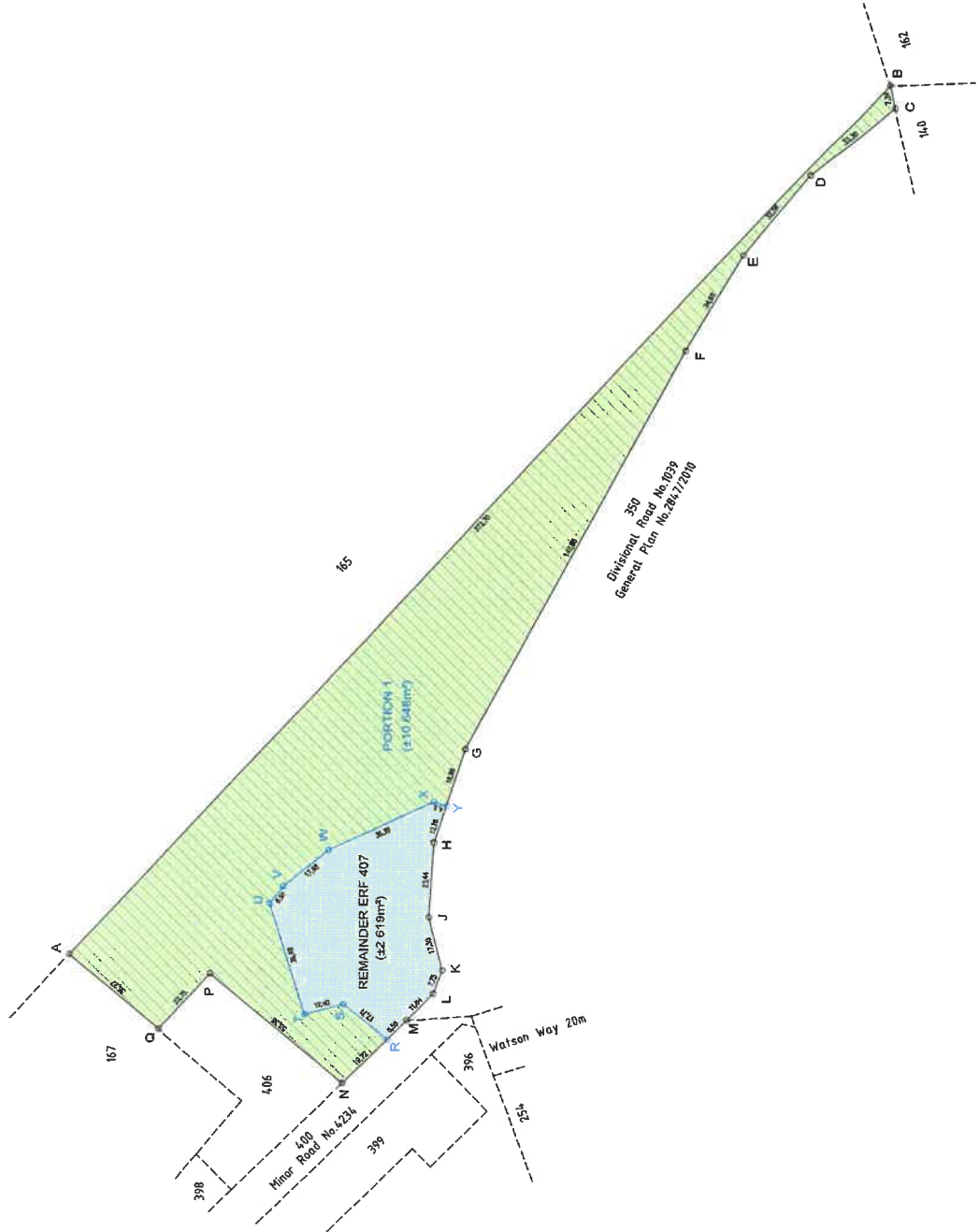
PLAN NO: C6035/SubA2

NOTES:

- 1) ALL AREAS AND DIMENSIONS ARE APPROXIMATE
- 2) COMPILATION SHEET: AH - 2BAA (3282)
- 3) ZONING: AGRICULTURAL AND RURAL ZONE



**DIESEL & MUNNS Inc**  
PROFESSIONAL LAND SURVEYORS, TOWN AND REGIONAL PLANNERS  
REGISTERED WITH THE SURVEYING BOARD OF SOUTH AFRICA  
REGISTERED MEMBERS: SURVEYORS AND TOPOGRAPHICAL SURVEYORS  
REGISTERED MEMBERS: ENGINEERS IN TOPOGRAPHICAL SURVEYS  
REG. NO. : (005) 502-5000 (T) - 5000 (F) - 5000 (M)  
REG. NO. : (005) 502-5000 (T) - 5000 (F) - 5000 (M)



**PROPOSED SUBDIVISION OF PORTION 1 OF ERF 407 RAITHYB**

Stellenbosch Municipality  
Administrative District Stellenbosch  
Province Western Cape.

**SUBDIVISION PLAN B**

**LEGEND:**

[White Box]	CONVENTIONAL RESIDENTIAL ZONE
[Grey Box]	PUBLIC ROADS AND PARKING ZONE
[White Box]	
[White Box]	
[White Box]	
[White Box]	

**SCALE 1/1 500**

**DATE : MAR. 2022**

**PLAN NO: C6035/SubB3**

**NOTES:**

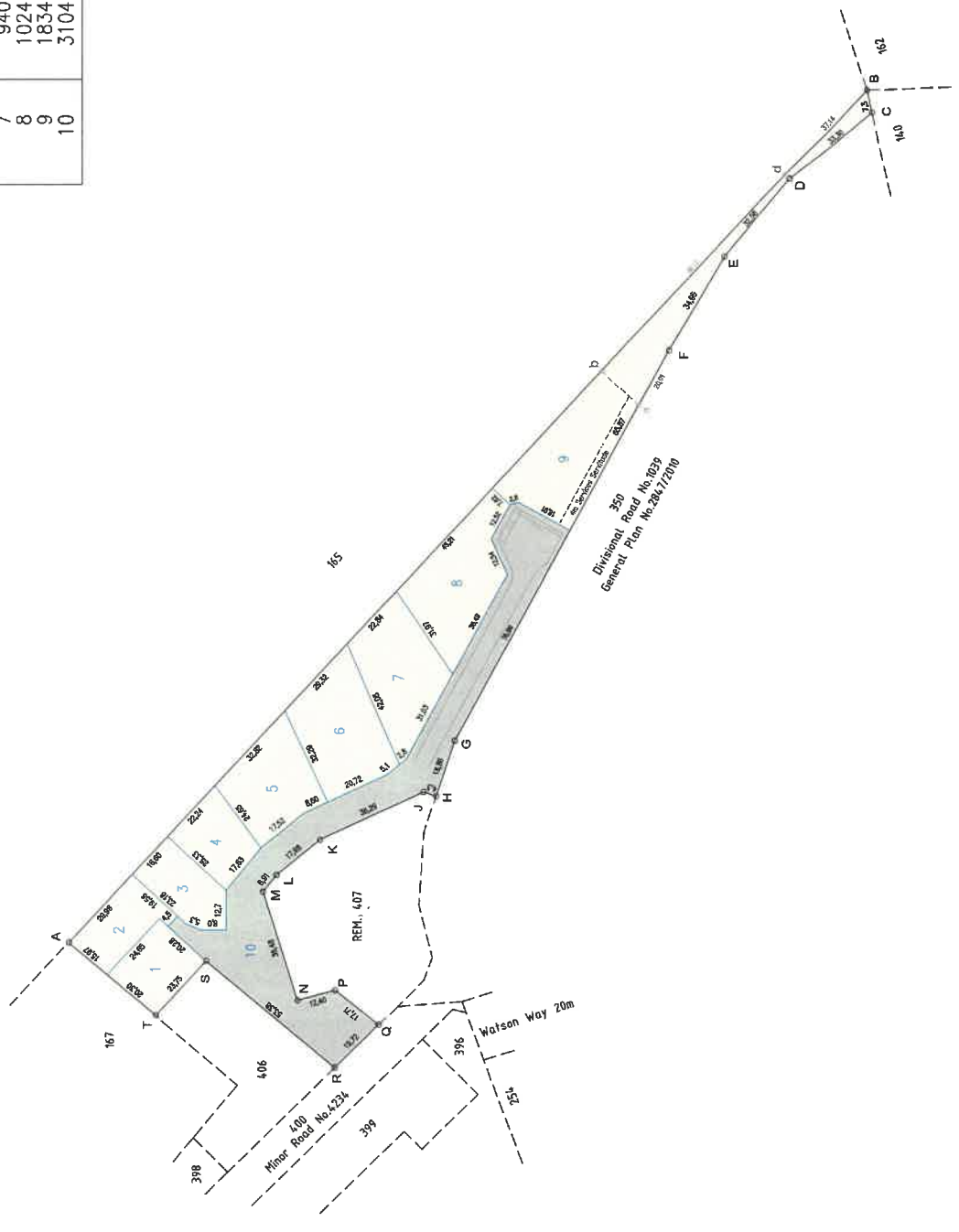
- 1) ALL AREAS AND DIMENSIONS ARE APPROXIMATE
- 2) COMPILATION SHEET: AH - 28AA (32B2)
- 3) ZONING: AGRICULTURAL AND RURAL ZONE
- 4) abcdEFG IS A PROPOSED STORMWATER AND SERVICES SERVITUDE

**DIESEL & MUNN'S Inc**  
PROFESSIONAL LAND SURVEYORS - TOWN AND REGIONAL PLANNERS  
PROFESSIONAL LAND SURVEYORS - CIVIL ENGINEERS, ESTIMATORS  
DEVELOPMENT CONSULTANTS - INFRASTRUCTURE PROJECTS  
20 ST. JAMES STREET (CORNER) - P. O. BOX 475 - SOMERSET WEST 7120  
TEL: 1 021 852-3802/3823-2769



**AREAS**

ERF NUMBER	SQUARE METRES
1	491
2	488
3	492
4	492
5	792
6	991
7	940
8	1024
9	1834
10	3104



**PROPOSED SUBDIVISION  
AND REZONING OF  
ERF 407 BAITIBY**

Stellenbosch Municipality  
Administrative District Stellenbosch  
Province Western Cape

**STREET NAME  
AND NUMBERING**

**LEGEND**

1	STREET NUMBER MOUNTAIN VIEW ROAD

SCALE 1/1 500

DATE : JUN 2020

PLAN NO: C605/SNN

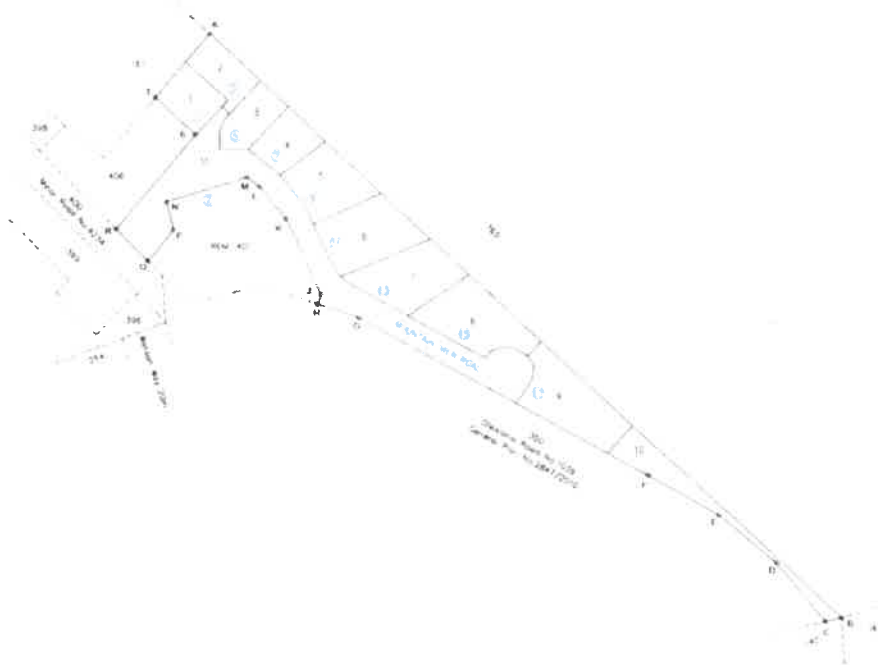


**NOTES:**

- 1) ALL AREAS AND DIMENSIONS ARE APPROXIMATE
- 2) COMPILING DRAWING SHEET NO. 2800A (10/21)
- 3) ZONING: AGRICULTURAL AND RURAL ZONE



**DIESEL & MUNNS Inc**  
 10000 RIVERVIEW DRIVE, RIVERVIEW, WESTERN CAPE  
 TEL: 021 885 1111 FAX: 021 885 1112  
 WWW.DIESELANDMUNNS.COM



**ANNEXURE D: APPLICANTS MOTIVATION**

---

## **MOTIVATION REPORT**

### **PROPOSED REZONING AND SUBDIVISION: ERF 407 RAITHBY, STELLENBOSCH MUNICIPALITY, ADMINISTRATIVE DISTRICT OF STELLENBOSCH.**

---

#### **1. THE APPLICATION**

Application is hereby made on behalf of the registered owner for:

- 1) **The subdivision of Erf 407 Raithby in terms of section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, as indicated on the attached subdivision plan (plan no. C6035/SubA);**
- 2) **The rezoning of proposed Portion 1 of Erf 407 Raithby from Agricultural and Rural Zone to Subdivisional Area to allow for Conventional Residential Zone, Public Roads and Parking Zone and Agriculture and Rural Zone erven, in terms of section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, as indicated on the attached subdivision plan (plan no. C6035/SubA)**
- 3) **The subdivision of proposed Portion 1 into nine Conventional Residential Zone erven, one Agricultural and Rural Zone erf and one Public Roads and Parking Zone erf in terms of section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, as indicated on the attached subdivision plan (plan no. C6035/SubB);**

The Special Power of Attorney authorising this firm to lodge the application has been attached in **Annexure B**.

#### **2. DETAILS**

<b>Property Description:</b>	Erf 407 Raithby
<b>Registered Owner:</b>	L'Auberge Assets (Pty) Ltd
<b>Area:</b>	1,3267 Hectares
<b>Current Zoning:</b>	Agricultural and Rural Zone
<b>Present Use:</b>	Restaurant

---



### **3. THE PROPOSAL**

The owner of the property wishes to consolidate and subdivide the property to separate the existing restaurant from the remainder of the property. The proposal is then to rezone the proposed Portion 1 to allow for the development of nine Conventional Residential Zone erven, one Public Streets and Parking erf and one Agricultural and Rural Zone erf (remainder) as indicated on the subdivision plans attached in Annexure A.

### **4. LOCALITY**

The property is located directly north-east of and abutting the former Raithby local area. Raithby is located approximately 10Km south-west of Stellenbosch. Erf 407 is essentially the remainder of the development of Erf 143 that is located on the opposite of the Raithby Road (Divisional Road No. 1039), and is located across the road from the entrance to the Winelands Village residential development. (See Annexure A for Locality Plans). Photo 1 below is an aerial image of the location of the properties in relation to the surrounding Raithby Local Area.



*Photo 1: Aerial image of the property.*

**5. LAND USE AND ZONING**

The property is zoned as Agricultural and Rural zone and is located within the Raithby urban area. The property formed part of the remaining extent of Erf 143 that was developed for conventional residential purposes (single residential) in 2010. The property has in the past been utilised for agricultural purposes, but has mainly been used as a restaurant that is located within the existing buildings on the property. The properties located across the road and within the Winelands Village residential development are also zoned for Conventional Residential purposes. There is a cemetery property located adjacent to the north-western boundary of the property, and the property located adjacent to the north-eastern boundary is also zoned for Agricultural and Rural zone purposes. Photo 1 above indicates the location of erf 407 in relation to these surrounding conventional residential developments.

**6. PHYSICAL CHARACTERISTICS OF THE SITE**

As has been stated previously, Erf 407 formed part of the remaining extent when Erf 143 was developed for residential purposes in 2010. The property has a gentle slope in a southerly direction, with an existing restaurant located adjacent to the Raithby Road (Divisional Road No. 1039) where it intersects with the Raithby-Annondale Road (Minor Road No. 4234). The General Plan for the development of Erf 143 is also attached in Annexure A. It is being proposed that the existing restaurant and parking area be excluded from the proposed development area and be retained on the remaining extent of Erf 407 as indicated on the subdivision plans attached in Annexure A.

The proposed new residential properties will be located on a gentle slope from north to south which consists mainly of previous vineyards. None of these physical characteristics are seen to be prohibitive for the development of the property as proposed, which can easily be serviced as indicated in the engineering services report attached in Annexure G. Photo 2 below is of the property from the Raithby Road looking in a northerly direction up the slope of the property. The gentle slope and existing restaurant on the property can be seen in this photo. It can also be clearly seen that the portion of the property to be developed is currently standing vacant and is no longer utilised for agricultural purposes.



*Photo 2: View across the site from Raithby Road in a northerly direction.*

#### **7. RESTRICTIVE CONDITIONS OF TITLE**

There are no restrictive conditions of title contained within the Title Deed pertaining to the property that will need to be removed in order to allow for the proposed development (see **Annexure C** for a copy of the title deed of the property and **Annexure F** for the conveyancer's certificate).

There is a restriction relating to a powerline servitude, but this has no impact on the proposed development. This servitude was registered along the northern boundary of Erf 151 and has been carried over to the title deed of the property as a result of a boundary adjustment that was previously done between unregistered erven 346 and 397 Raithby in 2015. This servitude thus does not affect the proposed subdivision and rezoning of the property.

#### **8. MOTIVATION**

##### **8.1 Proposed Development**

The property is a portion of land that previously formed part of Erf 143 that was developed for single residential erven in 2010. The property (which was Erf 346 before a boundary adjustment in 2015) was located to the north of the Raithby Road (Divisional Road No. 1039) and contained the existing restaurant. The portions of the property surrounding the restaurant were previously utilised for agricultural purposes, but are now essentially standing vacant. The property is located adjacent to two residential developments abutting and is located within the Raithby Urban Edge. The

owner has identified the property's potential for further development due to its strategic location within the Raithby Local Area. The overall intention of the owner is to develop the property in such a manner so as to bring it more in line with the residential character and densities of the single residential erven within the Raithby Vines residential development located directly across the Raithby Road from the property. This would also facilitate the transition from the existing residential areas to the surrounding countryside, whilst also allowing for a wider range of (more affordable) residential opportunities within the Raithby Urban Edge. Photo 3 below is a photo of the existing dwellings located within the Raithby Vines development located directly across the Raithby Road from the property. The proposed conventional residential properties will be similar in nature to the erven within this residential neighbourhood.



*Photo 3: View of existing residential dwellings located across the road from the proposed development.*

The property will be developed for a single residential development serviced by a public road as indicated on the subdivision plans attached in **Annexure A**. The proposed development will be in keeping with the scale and character of the properties within the adjoining residential neighbourhoods, and hence will minimise the effects of the proposal on the surrounding residential areas within the Raithby urban node. The properties will all be zoned as Conventional Residential Zone and will be governed by the development parameters as set out within the Stellenbosch Municipality Zoning Scheme By-Law, 2019. These properties will conform to the existing single residential character of the surrounding urban area.

**8.2 Development Design Concept**

The general approach in the design of the layout is for the eventual densification of the property in order to be more in line with the existing residential character of the surrounding Raithby local area. This will allow for the integration of the property with the existing residential areas within the Raithby local area through a systematic increase in residential densities. The proposed development of the property will consist of nine Conventional Residential erven serviced by a public road. Access to the development will be directly onto the Raithby-Annondale Road (Minor Road No. 4234) at the point where the existing access to the restaurant is situated (directly opposite the entrance to the Winelands Village residential development). The proposal will not be creating a private gated development and hence will also afford increased residential opportunities for Raithby by providing a product that is more in keeping with the existing character of the area.

**8.3 Detailed Layout**

As is indicated on the subdivision plans attached in Annexure A, the proposed development will constitute the subdivision of Erf 407 into one portion and a remainder. The existing restaurant will be located on the proposed remaining extent of Erf 407 and will not be altered in any way. It is proposed that proposed Portion 1 be rezoned to Subdivisional Area to allow for the property to be subdivided into one Agricultural and Rural Zone erf, one Public Roads and Parking erf and nine Conventional Residential erven.

The properties will be serviced by a public road (proposed to be named Mountain View Road) that will intersect with the Raithby-Annondale Road where the existing access to the restaurant is located. The restaurant will then gain access onto the proposed public road. Thus no new access points onto the Raithby-Annondale Road road will be created as a result of this application. Photo 4 below is of the existing restaurant frontage onto the Raithby Road, which will not be altered as a result of this application.



*Photo 4: View of existing restaurant on the property from the Raithby Road.*

#### **8.4 Character of the surrounding area**

The surrounding area is characterised by a variety of land uses, which include Institutional (Methodist Church), recreational (Raithby sports fields), cemetery, agricultural and single residential properties. The proposed further subdivision of the properties will tie in to the established residential character of the Raithby Vines residential area, as well as the surrounding Raithby local area. The proposed erven will also be much larger than the majority of the erven located within the Winelands Village residential estate located along the Raithby-Annondale Road. The proposed properties could thus be viewed to be of a medium residential density within the Raithby Urban Edge.

The original development of Erf 143 (Raithby Vines) was for the establishment of a medium to low density single residential development adjacent to the existing Raithby local area. This development was designed to relate directly to the existing single residential character that has been established on the adjoining urban properties and residential neighbourhoods. Erf 407 was a fairly large property containing an existing restaurant that was left over after the development of Raithby Vines, and adjoining erf 406 is a Conventional Residential property that was created with the development of the Winelands Village residential development (previously erf 151). It is thus proposed that this fairly large property be further developed to facilitate more of an integration between the existing urban area and the rural character of the surrounding agricultural erven. Not only will this effectively tie into the existing residential character of the area, but will also facilitate a more effective

'scaling' down from the urban area towards the outlying rural properties by providing for a wide range of residential densities within the Raithby urban area.

### **8.5 Forward Planning**

The Western Cape Provincial Spatial Development Framework (WCPSDF) was adopted in 2005 and is aimed at guiding development within the Western Cape province, and is a broad spatial policy that will inform more detailed district and local Spatial Development Frameworks.

The creation and implementation of the Urban Edge as a tool for managing urban growth is seen as extremely important within the WCPSDF. This will serve to ensure the more effective development of the urban areas within the province, as the WCPSDF calls for higher densities within these urban areas. This will lead to the more effective utilisation of services and resources within these areas, as it can be said that higher densities lead to the better utilisation of services. These urban edges need to be held fast for long enough in order to allow new development within the urban areas to re-orientate itself inwards in order for the concept of the urban edge to be successful. This will lead to developers exploring development opportunities within the existing urban areas rather than looking towards the surrounding countryside for these opportunities.

The proposed development is located within the identified urban edge boundary as indicated within the WCPSDF and the Stellenbosch Municipality Spatial Development Framework, and within a well established urban node close to major traffic routes and local mixed use node (cemetery, sports fields, residential properties and church). Thus the proposed development of the property will be in line with the objective of the WCPSDF in maximising development, and thus the utilisation of services, within the established urban edge.

This proposed urban densification is also key to the efficiency and urban restructuring of the public transportation system, as smaller denser areas are easier to service than larger sprawling suburban areas. There are other aspects to urban restructuring other than densification that have also been identified, such as the efficient geographical location of activities/land uses in order to minimise the need for vehicular transportation. This densification and development of the urban areas should also occur with due regard for the environmental and heritage concerns of the specific area.

---

The PSDF places a strong emphasis on the prevention of the phenomenon of urban sprawl, and the development of the property for housing purposes can be seen to be promoting the densification of the existing urban area, and hence preventing further urban sprawl in order to meet the demand for residential properties in the area. This development is providing for an essential housing need in a manner that will help to integrate land-use and transport and infrastructure planning, which in turn will ensure that the provision of essential services will be more affordable and sustainable.

It is envisaged that the property will be developed for a total number of 9 dwelling units at a density of approximately 9 units per hectare. The PSDF calls for the increase in the densities of the existing low density urban areas, as the provision of services to urban areas becomes more cost effective the higher the densities. The PSDF also identifies an appropriateness for increased densities through urban restructuring which would allow for (denser) urban areas to function in a more efficient manner (the PSDF identifies an average of 25 dwelling units per hectare as an average density above which an urban area will perform adequately). The proposed development of the property is well below this guideline and is not proposing anything that is totally out of character with what already exists in the surrounding neighbourhood.

The proposed development is located on a property that is currently underutilised (portion being utilised as a restaurant and majority standing vacant), and hence provides a unique opportunity to aid in the socio-economic development of Raithby, whilst at the same time having no real negative impact on the existing single residential character of the surrounding urban area. Thus it can be seen that the proposal allows for the urban densification of an underutilised property located within an existing urban node, whilst not being contrary to the existing character of the immediately surrounding area. It will thus form an integral part of the Raithby Hamlet.

#### **8.6 Visual impact**

The visual impact of such a development on the surrounding residential environment depends on aspects such as density, height, coverage and architectural style of the proposed development. The development of the property will be at a fairly low density of approximately 9 units per hectare and the proposed single residential erven will be governed by the applicable zoning scheme parameters. The existing restaurant will also be retained on the property at corner of the Raithby and Raithby-

---



Annondale Roads. This will ensure that the proposed development of the property will retain a positive visual influence on the current urban landscape and surrounding residential environment.

Whilst the southern (larger) properties will be visible from the Raithby Road, the upper 4-5 dwellings will be obscured from view from this road by the existing restaurant on the property. The location of the property in relation to the Raithby Road can be seen on photo 4 above. The proposed new road will access the Raithby-Annondale Road to the rear of the restaurant and run around the back (to the north) of the proposed restaurant site and then run along the southern boundary of the property adjacent to the Raithby Road. A large portion of the existing streetscape along the Raithby Road will be retained through the retention of the existing restaurant on its own property.

The provision of only nine conventional residential erven along the north-eastern boundary of the property should not have an unacceptable visual impact from the adjoining public roads in relation to the existing urban context. Photo 3 above, and Photos 5 and 6 below are photos of the dwellings located within the Raithby Vines and Winelands Village residential developments that are located across the road from the property as seen from the Raithby Road.



*Photo 5: Typical dwelling located within the Raithby Vines residential development.*

The typical location of the proposed dwellings on each of the properties will also be governed by the applicable zoning scheme regulations, as is the case with the adjoining single residential neighbourhoods. Thus the scale and massing of the

---

proposed dwellings will not be out of character to what is currently developed on the single residential properties located along within the Raithby Vines residential area.



*Photo 6: View of typical dwellings located within the Winelands Village residential development.*

#### **8.7 Integration with the surrounding land uses**

The property is located within the interface between the existing urban residential areas and the surrounding rural landscape. A previous application for the development of Erf 143 was approved in 2010 to form the Raithby Vines residential estate, and erf 346 (which is now erf 407 after a boundary adjustment in 2015) was created as a large property containing an existing restaurant. Raithby is generally considered to be a residential village with no real business district of any significance. Thus it is considered that the subdivision of the property for residential purposes is an ideal use in this location. It will facilitate the management of the urban edge interface with the surrounding rural areas by allowing for a gradual decrease in residential densities from the already established urban areas to the surrounding agricultural properties. The location of the property in relation to these larger surrounding properties is indicated on the Locality Plan attached in Annexure A.

#### **8.8 Engineering Services**

Bart Senekal Inc consulting civil and structural engineers were appointed to prepare a report on the provision of civil engineering services to the proposed development on Erf 407. A copy of this report has been attached in Annexure G. The report concludes that the required basic civil engineering services for the proposed development can be accommodated by the Local Authority within their existing infrastructure.

### 8.9 Traffic

Access will be gained to the development via a proposed public road that will intersect with the Raithby-Annondale Road where the existing restaurant on the property currently gains access to its parking area. This intersection will be directly across the road from the existing access into the Winelands Village residential development. The restaurant will then gain access to its existing parking area from the newly created public road. No access will be able to be gained directly to the Raithby Road (Divisional Road No. 1039) from the proposed public Road within the development, and an adequate kerb will have to be provided along the southern boundary of the proposed road. Thus no new access points and/or intersections will be created onto the Raithby-Annondale Road as a result of this development proposal. A copy of the proposed Street Naming and Numbering Plan has been attached in Annexure A. Photo 7 below is a view of the existing access into restaurant parking area that will be utilised as the intersection of the new road onto the Raithby-Annondale Road. The existing entrance into the Winelands Village residential development can be seen as well.



*Photo 7: View of existing intersection onto the Raithby-Annondale Road (Minor Road No. 4234).*

The trip generation of the proposed development will be fairly minimal as the creation of only nine additional single residential properties is being proposed. The traffic generated as a result of this development will not place an unacceptable strain on the surrounding road network. It is proposed that the street be named Mountain View Road and a 10m wide road reserve has been catered for which should be more than

---

sufficient to allow access to the proposed nine single residential properties. A copy of the proposed street name and numbering plan (Plan No.: C6035/SNN) has been attached in **Annexure A**.

As this property abuts onto public roads that fall under the jurisdiction of the Provincial Roads Authority in terms of Act 21 of 1940, the application will have to be circulated to them for comment as well. A copy of their comment will be required by the Surveyor General.

#### **8.10 Other Applications**

The the National Heritage Resources Act (Act No. 25 of 1999) states that any development or activity that will change the character of a property exceeding 5000m<sup>2</sup> in extent will require the submission of an application in terms of the act. As the property is 1,3267 Hectares in extent, the proposal does constitute a listed activity in terms of this act, and therefore a Notification of Intent to Develop application in terms of Section 38 of the National Heritage Resources Act (Act No. 25, 1999) was submitted to Heritage Western Cape for their approval. A copy of their confirmation that no further studies are required has been attached in **Annexure H**. Their formal Record of Decision will be forwarded once it has been received.

The proposed subdivision and rezoning of the property also does not trigger any listed activities as defined in terms of the EIA regulations, 2014 (as amended). This is confirmed in the correspondence from the Department of Environmental Affairs and Development Planning attached in **Annexure I**.

The property is also not subject to the provisions of the Subdivision of Agricultural Land Act (Act 70 of 1970), which is confirmed on the General Plan of the subdivision of Erf 143 attached in **Annexure A**. Thus an application will not have to be submitted to The Department of Agriculture, Forestry and Fisheries for their approval.

### **9. CRITERIA FOR CONSIDERATION**

Section 65(1) of The Stellenbosch Municipality Land Use Planning By-Law sets out certain general criteria for consideration of applications which determine the desirability of a proposed development. These criteria include the following:

---

- desirability of the proposal;
- impact on municipal plans and policies;
- applicable provisions of the zoning scheme;
- other investigations/applications required by other legislation;
- compatibility with surrounding uses;
- impact on the external engineering services;

Taking into account all of the above it is clear that the proposed development will have no impact on the surrounding environment which can be construed to be undesirable in respect of the safety, welfare and amenity value of the specific site conditions and the preservation of the surrounding built and natural environment. The proposal will also in no way impact on any existing rights. The proposal will also in no way impact on any existing rights. The proposal can thus be seen to be compliant with these evaluation criteria for the following reasons:

- The proposed development is of an appropriate scale and form that relates to the surrounding urban fabric, development pattern and land use character of the surrounding neighbourhood.
- The proposal will have no significant impact on the existing built form and will thus fit in to the surrounding urban context.
- The placement of the proposal within an established urban area and adjacent to existing residential neighbourhoods is seen to be compatible with the existing character and represents an acceptable land use intensification in the area.
- The proposed development will not detract from any existing rights of the surrounding erven.
- Increase human activity will help ensure increased passive surveillance of the adjoining public realm (streets).
- There is adequate servicing capacity to accommodate the proposed development and adequate on-site parking can be provided for.
- The application will not undermine the public interest.

#### **10. CONCLUSION**

The proposed development of Erf 407 Raithby for single residential housing purposes is considered to be a compatible use in the specific area, as it will result in the optimal utilisation of the property without negatively impacting the quality of the surrounding neighbourhood. The proposal is consistent with good urban development and management and it will constitute a desirable development in terms of the

---

Proposed Rezoning and Subdivision Erf 407, Raithby, Stellenbosch Municipality, Administrative District of Stellenbosch.

---

Stellenbosch Municipality Land Use Planning By-Law, August 2015. With this in mind, it is envisaged that the proposed application will be endorsed with Council's consent.

**ANNEXURE E: PROOF OF EVIDENCE (PUBLIC  
PARTICIPATION, GENERAL PLAN &  
AFFIDAVIT)**



## DIESEL & MUNNS INC.

Professional Land Surveyors • Town and Regional Planners  
 Professionele Landmeters • Stads- en Streekbeplanners  
 Sectional Title Consultants and Topographical Surveyors  
 Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Straat  
 P. O. Box 475  
 SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
 E-mail: [planning@dieselandmunns.co.za](mailto:planning@dieselandmunns.co.za)

19 January 2021

The Director: Planning and Development Services  
 Stellenbosch Municipality  
 P O Box 17  
**STELLENBOSCH**  
**7599**

Our Ref: C6035

Attention: Nicole Katts / Bongwiwe Zonda

Your Ref: LU/11961

Dear Nicole / Bongwiwe

**APPLICATION FOR SUBDIVISION AND REZONING: ERF 407, RAITHBY, STELLENBOSCH MUNICIPALITY, ADMINISTRATIVE DISTRICT OF STELLENBOSCH**

Your letter regarding the instruction to advertise the above proposal refers.

Attached hereto please find the portfolio of evidence for the advertising of the above proposal as requested. I can confirm that objections were received within the advertising period (19 November 2020 to 21 December 2020). Copies of all the objections and comments received have been attached hereto.

The attached portfolio of evidence contains the following documentation for your review:

- Completed portfolio of evidence checklist.
- A copy of the page of the Eikestad News containing the press notice.
- Copies of the notices as sent out to the adjoining owners.
- Photos of the site notice as placed on the fence of the property.
- Original registered letter receipts.
- Copies of the e-mails sent to the surrounding owners.
- Copies of all the objections received within the prescribed time period.
- Copies of all the comments received from the internal and external departments within the prescribed time period.
- Comments on the objections received

We trust that you will find the above in order.

Yours sincerely

Barry Blount  
 Town Planner  
**DIESEL & MUNNS INC.**

Handwritten note: Erf 407 RB

STELLENBOSCH MUNICIPALITY  
 PLANNING AND DEVELOPMENT SERVICES

25 JAN 2020

**RECEIVED**

Directors:  
 Office Manager:

J. LAKE B.Sc. (Eng), Pr.L.(S.A.), M.I.P.L.S. D.W. LAMBERT B.Sc. (Eng), Pr.L.(S.A.), M.I.P.L.S. B.N. BLOUNT T.R.P. (S.A.) B.Sc. (TRP)  
 D.M. HENDRICKS





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## DEPARTMENT OF DEVELOPMENT MANAGEMENT

### LAND DEVELOPMENT APPLICATION:

### PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

Erf/Erven Farm no	407	Portion(s) if farm		Allotment Area	RAITHBY		
<del>Owner</del> Applicant	DIESEL & MUNNIS INC.			LU/#	11961		
Notice Period	From:	19 NOVEMBER 2020	To:	18 JANUARY 2021 (60 DAYS)			
CONFIRMATION OR DOCUMENTATION SUBMITTED				OWNER/APPLICANT			ADMIN VERIFY
				YES	NO	N/A	
1. The declaration is duly signed							
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached to this POE.				✓			
3. Approval for notices were obtained prior to the public participation process and attached to this POE.				✓			
4. Municipality informed of the start date and closure date.				✓			
5. The advertisement period complies with the required 30 days (60 days for state entities).				✓			
6. If applicable, confirms that the site notice was placed and kept on site for the duration of the public participation process.				✓			
7. All communications (other than notices) in respect of the public participation process attached.							
<b>Proof of notices published</b>							
8. If applicable, photo evidence to confirm site notice.				✓			
9. Wording of the advertisement accurate as approved & attached.				✓			
10. Proof of notices published (Publication date visible)				✓			
<b>Proof of notices served</b>							
11. Wording of notice accurate as approved and attached				✓			
12. Proof of all notices served to neighbouring properties attached				✓			
13. Proof of all notices to Interest & Community Groups attached				✓			
14. Proof of all notices to Govt. Dept's and Entities attached				✓			
<b>Comments received</b>							
15. All objections/comments received attached				✓			
16. All comments from internal Municipal Departments received (must also be attached to POE).				✓			
17. Applicant's comments on all the objections attached							

Please complete and sign the following declaration on above:

**DECLARATION**

I, (full names & surname) BARRY NEIL BLOUNT

and ID #: 74 019 50 34089, as the Applicant for the above application,

hereby confirms that the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw, and that the information contained in the above checklist and the accompanied information and documentation in the portfolio of evidence for the concluded public participation process, are accurate and complete:

Duly signed by the APPLICANT  on this date/ month/ year

19/01/2021 at place SOMERSET WEST



19/01/2021

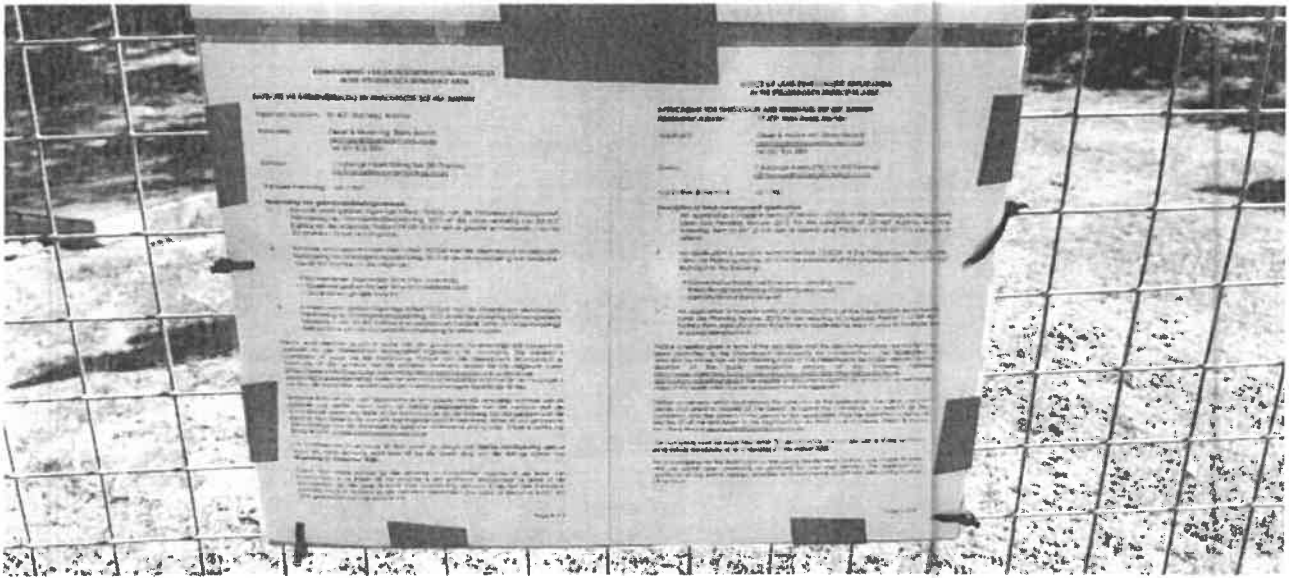
Signature Applicant

Date

<i>For office use only</i>	
CHECKED BY ADMINISTRATIVE OFFICER	
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:





# SMALLads

NETWORK

## Eikestad NUUS

071 438 5803  
0861 76255 237

Jaydene Sampson  
E-mail: jaydene.sampson@paarlpost.co.za

### LENINGS

OORBRUGGINGSKONTANT VIR

PENSIOEN/  
PAKKET AFWAGTENDES  
EIENDOM VERKOPE

IEWELBEDRAG  
021 949 0930  
074 232 4822

### ALGEMENE & HUISDIENSTE

#### ELEKTRIES

**Herstel 24/7**

- Yskaste
- Vriestkaste
- Wasmasjiene
- Tuimeldroërs, ens.
- Hervul gas vanaf R250

066 267 0442

WhatsApp  
welkom

### HUISE TE KOOP

PRAGTIGE, netjies en skoon meenthuis te huur in 'n veiligheidskompleks in Stellenbosch

2 slaapkames, 1 studeerkamer, oopplan kombuis en sitkamer, 1 badkamer met 'n sort en 'n bad, 1 toesluit garage en 3 lugverkoelings in die eenheid geïnstalleer. Hospitaal op die perseel. Rustige en stil kompleks met pragtige tuine. Huurders moet 50 jaar en ouer wees. Prys is R9300,00 per maand. Kontak vir Frieda by 082 854 0322 indien u belangstel.

### BETREKKINGS GSOEK

WESTINGS has 5 years experience in horse grooming and gardening and looking for work 075 361 0032 Ref: 083 401 3317

### IN MEMORIAM

In Loving Memory of **Angeline (Anne) Rhode**

On the 16 November it was your first birthday away from us. We miss you dearly but treasure your memories. From children and grandchildren.

### IN MEMORIAM

**MATTHEW RICHARD JACOBS**  
06.08.1947 – 23.11.2010  
On 23.11.2020 it will be 10 years since you were called home. You are no longer by our side, but remain forever in our hearts. Love your wife, children and grandchildren.

### AVON JUSTINE

Join my successful team

**René Geldenhuys**  
083 468 8164  
(Avon Justine Lady since 2002)

### OPLEIDING & OPVOEDING

**Creative Minds**  
Computer Training Stellenbosch

Want a BETTER job?  
Want to earn MORE money?  
Want a BRIGHTER future?

Fun & Easy Computer Training at affordable prices!

- Computer Training
- Diploma to Advanced
- SAIE Phaset
- Invoicing & Accounting
- Flexible Training Times
- Break Free Environment
- Personal Attention
- WET SETA Accredited
- Online Training for Companies (3 & 5 Dayrates)

Call now for a FREE consultation  
Jacobs Hendrikus  
021 882 9314

### EIENDOMME

#### WOONSTELLE TE HUUR

**STELLENBOSCH SENTRAAL:**  
3-slaapkamer woonstel te huur in sekuriteitkompleks. Vanaf 1 Desember 2020. Direk van die eienaar. Geen kommissie. Loop-afstand van Universiteit. Sekuriteit, parking ook ingesluit. R10 900 per maand. Skakel 021 975 5713.

### OPVOEDING

**Gordon's Bay Primary School**  
Western Cape Education Department Post  
Temporary with possibility of becoming permanent  
Intermediate Phase Grade 6

English Home Language Grade 6 and Social Sciences Grade 6 a strong recommendation. Coaching of boys' sport is a very strong recommendation.

Position available as of 1 January 2021

Comprehensive CV which includes all skills, merits and certificates of all qualifications.

All applications to: The Principal, Box 59 Gordon's Bay 7151  
E-mail: admin@gordonbay.co.za  
Tel: 021 856 1288

(Closing Date: Monday, 30 November 2020)

### Eikestad

Disclaimer at quackery advertisements

E-kestadnuus and Media24 have not verified whether any of the services or products advertised will have the desired effect or outcome. Readers will note that some of the promised results in the advertisements are extraordinary and may be impossible to achieve. Beware some of the procedures and claims advertised may be dangerous if not executed by a qualified medical practitioner. Readers are warned that they should carefully consider and verify the advertiser's credentials. Eikestadnuus and Media24 do not accept any liability whatsoever in respect of any of the services or goods advertised.

### KRUIEKENNER

Die waarheid sal seëvier te danke aan **Antie Jullie en Oom Sam**. Hulle is daar vir eksamens, verhoudings, skuld, dwelms, verlore liefde (1 dag), teëspoed (huisskoonmaak). Hulle is ook daar vir UIF-vertraging, onvoltoede werk.

**063 590 4383**

### Childline

0800 055 555

### GESONDHEID & SKOONHEID

570+ QUALITY MESSAGE THERAPISTS  
Messages from R385.  
www.message.co.za

### KRUIEKENNER

**MR MBAKI**  
Stop suffering in silence for your problems. Court cases. These few relationship problems (divorce, etc.) and removing of will testaments. Call or WhatsApp Mr Mbaiki: 082 300 0123

### GESOEK OM TE KOOP

WANTED  
Agricultural Property  
in the Garden of Eden  
Contact: 082 300 0123

It only takes 30 min to save 3 lives!

Remember to eat a balanced meal within 4 hours before your donation blood.

Western Cape Blood Service  
24 hours donation service  
021 507 6100 • www.wcb.org.za

## NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

**APPLICATION FOR SUBDIVISION AND REZONING: ERF 407, RAITHBY**  
Application Address: Erf 407, Main Road, Raitlby

Applicant: Diesel & Munns Inc. (Barry Blount)  
planning@dieselandmunns.co.za  
Tel: 021 852 3800

Owner: L'Auberge Assets (Pty) Ltd (Bill Thomas)  
bill.thomas@laubergeholdings.co.za

Application Reference: LU/ 11961

**Description of land development application:**

- An application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Erf 407 Raitlby into the following: Rem of 407 (2 619 sqm in extent) and, Portion 1 of Erf 407 (10 648 sqm in extent).
- An application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of the proposed Portion 1 of Erf 407 Raitlby into the following:
  - 9 Conventional Residential Zone erven (dwelling house)
  - 1 Public Roads and Parking Zone erf (public road)
  - 1 Agricultural and Rural Zone erf
- An application is made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the rezoning of proposed Portion 1 of Erf 407 Raitlby from Agricultural and Rural Zone to Subdivisional Area in order to facilitate the proposed development.

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: Diesel & Munns Inc. (Barry Blount) [planning@dieselandmunns.co.za](mailto:planning@dieselandmunns.co.za)

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **Monday 21 December 2020**.

For any enquiries on the Application or the above requirements, or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 852 3800 during normal office hours.

## KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

**AANSOEK VIR ONDERVERDELING EN HERSONERING: ERF 407, RAITHBY**  
Adres van eiendom: Erf 407, Hoofweg, Raitlby

Aansoeker: Diesel & Munns Ing. (Barry Blount)  
[planning@dieselandmunns.co.za](mailto:planning@dieselandmunns.co.za)  
Tel: 021 852 3800

Eienaar: L'Auberge Assets (Edms) Bpk (Bill Thomas)  
[bill.thomas@laubergeholdings.co.za](mailto:bill.thomas@laubergeholdings.co.za)

Aansoek Verwysing: LU/ 11961

**Beskrywing van grondontwikkelingsaansoek:**

- Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 vir die onderverdeling van Erf 407 Raitlby na die volgende: Restant Erf 407 (2 619 vkm in grootte) en Gedeelte 1 van Erf 407 Raitlby (10 648 vkm in grootte).
- Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 vir die onderverdeling van Gedeelte 1 van Erf 407 Raitlby na die volgende:
  - 9 Konvensionele Residentiele Sone Erwe (woonhuis)
  - 1 Openbare pad en Parkeer Sone Erf (opebare pad)
  - 1 Landbou en Landelik Sone Erf
- Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 vir die hersonering van voorgestelde Gedeelte 1 van Erf 407 Raitlby van Landbou en Landelik Sone na Onderverdelings Gebied Sone om die voorgestelde ontwikkeling te akkommodeer.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die naam, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: Diesel & Munns Ing. (Barry Blount) [planning@dieselandmunns.co.za](mailto:planning@dieselandmunns.co.za)

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitingsdatum van **Maandag 21 Desember 2020**.

Indien daar enige navree op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 852 3800 gedurende normale kantoor ure.

**List of REGISTERED LETTERS**  
**Lys van GEREgistreerde BRIEWE**  
*(with an insurance option/met 'n versekeringsopsie)*



Post Office

**Full tracking and tracing/Volledige volg en spoor**

Name and address of sender: DIESEL & MUNKS  
 Naam en adres van afsender: .....

Enquiries/Navrae  
 Toll-free number  
 Tolvry nommer  
**0800 111 502**

No	Name and address of addressee Naam en adres van geadresseerde	Insured amount Versekerde bedrag	Insurance fee Versekeringsgeld	Postage Posgeld	Service fee Diensgeld	Affix Track and Trace customer copy Plak Volg-en-Spoor-kliëntafskrif	
1	Tielman Ross Family Trust PO Box 397 Stellenbosch 7599					<b>REGISTERED LETTER</b> (with a domestic insurance option) ShareCall 0800 111 502 www.espo.co.za RC222616660ZA CUSTOMER COPY 301028R	
2	Stellenbosch Municipality P.O. Box 17 Stellenbosch 7599					<b>REGISTERED LETTER</b> (with a domestic insurance option) ShareCall 0800 111 502 www.espo.co.za RC222616673ZA CUSTOMER COPY 301028R	
3	Dept. Agriculture Private Bag X100 PRETORIA (Tshwane) 0001					<b>REGISTERED LETTER</b> (with a domestic insurance option) ShareCall 0800 111 502 www.espo.co.za RC222616642ZA CUSTOMER COPY 301028R	
4	Dept Agriculture Private Bag X1 ELSENBURG 7607					<b>REGISTERED LETTER</b> (with a domestic insurance option) ShareCall 0800 111 502 www.espo.co.za RC222616639ZA CUSTOMER COPY 301028R	
5	Dept. Public Works P.O. Box 2603 CAPE TOWN 8000					<b>REGISTERED LETTER</b> (with a domestic insurance option) ShareCall 0800 111 502 www.espo.co.za RC222616625ZA CUSTOMER COPY 301028R	
6							
7							
8							
9							
10							
Number of letters posted Getal briewe gepos		Total Totaal		R	R	R	R

Signature of client  
 Handtekening van kliënt

Signature of accepting officer  
 Handtekening van aanneembeampte

The value of the contents of these letters is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100,00. No compensation is payable without documentary proof. Optional insurance of up to R200,00 is available and applies to domestic registered letters only.

Die waarde van die inhoud van hierdie briewe is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100,00. Geen vergoeding is sonder dokumentere bewys betaalbaar nie. Opsionele versekering van tot R2 000,00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing.

Somerset West

Date stamp  
 19 -11- 2020

Folio 4  
 7129

Datumstempel

**NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT**

**Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.**

Affected person's Name

Affected persons Physical Address

Affected person's Title:

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Main Road, Raithby

Application Property Number: Erf 407, Main Road, Raithby

Applicant: Diesel & Munns Inc. (Barry Blount)  
[planning@dieselandmunns.co.za](mailto:planning@dieselandmunns.co.za)  
Tel: 021 852 3800

Owner: L'Auberge Assets (Pty) Ltd (Bill Thomas)  
[bill.thomas@laubergeholdings.co.za](mailto:bill.thomas@laubergeholdings.co.za)

Application Reference: LU/ 11961

Application Type: **APPLICATION FOR SUBDIVISION AND REZONING: ERF 407, RAITHBY**

**Description of land development application:**

1. An application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Erf 407 Raithby into the following: Rem of 407 (2 619 sqm in extent) and, Portion 1 of Erf 407 (10 648 sqm in extent).
2. An application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of the proposed Portion 1 of Erf 407 Raithby into the following:
  - 9 Conventional Residential Zone erven (dwelling house)
  - 1 Public Roads and Parking Zone erf (public road)
  - 1 Agricultural and Rural Zone erf
3. An application is made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the rezoning of proposed Portion 1 of Erf 407 Raithby from Agricultural and Rural Zone to Subdivisional Area in order to facilitate the proposed development.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/>

land-use-applications-advertisements. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address;
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - Indicate the facts and circumstances that explain the comments;
  - Where relevant demonstrate the undesirable effect that the application will have if approved;
  - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
  - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Diesel & Munns Inc. (Barry Blount) [planning@dieselandmunns.co.za](mailto:planning@dieselandmunns.co.za)

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **Monday 21 December 2020/Monday 18 January 2021**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 852 3800 during normal office hours.

Yours faithfully

**DIESEL & MUNNS INC.**



**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN  
GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.**



Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Hoofweg, Raithby

Aansoek eiendom beskrywing: Erf 407, Hoofweg, Raithby

Aansoeker: Diesel & Munns Ing. (Barry Blount)  
[planning@dieselandmunns.co.za](mailto:planning@dieselandmunns.co.za)  
Tel: 021 852 3800

Eienaar: L'Auberge Assets (Edms) Bpk (Bill Thomas)  
[bill.thomas@laubergeholdings.co.za](mailto:bill.thomas@laubergeholdings.co.za)

Aansoek Verwysing: LU/ 11961

Tipe Aansoek: Beskrywing van die tipe aansoek

**Beskrywing van grondontwikkelingsaansoek:**

1. Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 vir die onderverdeling van Erf 407 Raithby na die volgende: Restant Erf 407 (2 619 vkm in grootte) en Gedeelte 1 van Erf 407 Raithby (10 648 vkm in grootte).
2. Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 vir die onderverdeling van Gedeelte 1 van Erf 407 Raithby na die volgende:
  - 9 Konvensionele Residentiele Sone Erwe (woonhuis)
  - 1 Openbare pad en Parkeer Sone Erf (opebbare pad)
  - 1 Landbou en Landelik Sone Erf
3. Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 vir die hersoneering van voorgestelde Gedeelte 1 van Erf 407 Raithby van Landbou en Landelik Sone na Onderverdelings Gebied Sone om die voorgestelde ontwikkeling te akkommodeer.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: [\[https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements\]](https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements). Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsite van die volgende aspekte:
  - Die feite en omstandighede aantoon wat die die kommentaar toelig;
  - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
  - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: Diesel & Munns Ing. (Barry Blount) [planning@dieselandmunns.co.za](mailto:planning@dieselandmunns.co.za)

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **Maandag 21 Desember 2020/Maandag 18 January 2021.**

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 852 3800 gedurende normale kantoor ure.

Die uwe

**DIESEL & MUNNS ING.**

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:30  
**To:** susan.kleynhans1@gmail.com

(Erf 331 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Street  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments:

Erf 331 Notice.pdf

84.9 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:28  
**To:** hannes@groupt.co.za

(Erf 332 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streeklbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitle Konsultante en Topografiese Opmeters

20 St. James Street/Street  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments:

Erf 332 Notice.pdf

85.6 KB

Fwd: Land Use Development Application: Erf 407 Raithby

**Subject:** Fwd: Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:49  
**To:** pvhuffel244@gmail.com

(Erf 333 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
 Professionele Landmeters • Stads- en Streekbeplanners  
 Sectional Title Consultants and Topographical Surveyors  
 Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Street  
 P. O. Box 475  
 SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
 E-mail: admin@dieselandmunns.co.za

**PLEASE NOTE:** Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

----- Forwarded Message -----

**Subject:** Land Use Development Application: Erf 407 Raithby  
**Date:** Thu, 19 Nov 2020 09:26:15 +0200  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**To:** [pvhuffel@rivonigroup.com](mailto:pvhuffel@rivonigroup.com)

(Erf 333 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount

**DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitel Konsultante en Topografiese Opneters

20 St. James Street/Straat  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: [admin@dieselandmunns.co.za](mailto:admin@dieselandmunns.co.za)

**PLEASE NOTE:** Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

## Attachments:

Erf 333 Notice.pdf

84.7 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:26  
**To:** pvhuffel@rivonigroup.com

(Erf 333 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Street  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments:

Erf 333 Notice.pdf

84.7 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:20  
**To:** francoisalbertyn@gmail.com

(Erf 334 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Straat  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments:

Erf 334 Notice.pdf

85.2 KB



Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:18  
**To:** elizna.wiese@gmail.com

(Erf 335 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Street  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments:

Erf 335 Notice.pdf

85.2 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:16  
**To:** mwsmiths@mweb.co.za

(Erf 336 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Street  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 652-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments:

Erf 336 Notice.pdf

85.4 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:32  
**To:** accounts@bcmd.co.za

(Erf 399 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
 Professionele Landmeters • Stads- en Streekbeplanners  
 Sectional Title Consultants and Topographical Surveyors  
 Deeltitël Konsultante en Topografiese Opmeters

20 St. James Street/Street  
 P. O. Box 475  
 SOMERSET WEST 7129

Tel: (021) 852-3800/852-9759  
 E-mail: admin@dieselandmunns.co.za

**PLEASE NOTE:** Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

On 19-Nov-20 09:30, Diesel & Munns Planning wrote:

(Erf 331 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount

Attachments:

Erf 399 Notice.pdf

85.2 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:34  
**To:** Dirk Hattingh <dirk@dirkhattingh.com>

(Erf 406 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

*Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitel Konsultante en Topografiese Opmeters*

20 St. James Street/Street  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments:

Erf 406 Notice.pdf

85.3 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:39  
**To:** raithbyratepayers@gmail.com

(Raithby Ratepayers Association)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Street  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments:

Raithby Ratepayers Notice.pdf

84.4 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:13  
**To:** info@me-group.co.za

(Erf 140 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount

--



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbepanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitlel Konsultante en Topografiese Opmeters

20 St. James Street/Street  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments: ---

Erf 140 Notice.pdf

85.1 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:37  
**To:** nick@posthousewines.co.za

(Erf 165 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Straat  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021.

Attachments:

Erf 165 Notice.pdf

85.1 KB

Land Use Development Application: Erf 407 Raithby

**Subject:** Land Use Development Application: Erf 407 Raithby  
**From:** Diesel & Munns Planning <planning@dieselandmunns.co.za>  
**Date:** 19-Nov-20, 09:35  
**To:** volminckdianne@gmail.com

(Erf 167 Raithby)

Good Day Sir/Madam

Attached hereto please find a copy of the Notice of a Land Use Development Application submitted on Erf 407 Raithby for your attention.

Regards

Barry Blount



## **DIESEL & MUNNS INC.**

Professional Land Surveyors • Town and Regional Planners  
Professionele Landmeters • Stads- en Streekbeplanners  
Sectional Title Consultants and Topographical Surveyors  
Deeltitle Konsultante en Topografiese Opmeters

20 St. James Street/Street  
P. O. Box 475  
SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
E-mail: admin@dieselandmunns.co.za

PLEASE NOTE: Our offices will close for the festive season on Friday 18 December 2020 and will re-open again on Wednesday 13 January 2021

Attachments:

Erf 167 Notice.pdf

84.7 KB



**ANNEXURE F: OBJECTIONS**

10 Raithby Vines (erf 336)  
Raithby  
7130

Cell: 084 510 3082

17 December 2020

Diesel & Munns Inc  
Attention: Barry Blount

Email: [planning@dieselandmunns.co.za](mailto:planning@dieselandmunns.co.za)

**APPLICATION REFERENCE: LU/11961 – PROPERTY NUMBER: ERF 407 RAITHBY**

We wish to submit the following comments/requests with regard to the abovementioned application (we live directly opposite the proposed development) :

1. The Raithby area is very prone to electricity outages; will the Raithby residents have any reassurances about the sufficiency of water, sewage and electrical infrastructure to encompass the new developments in this area?
2. That erven 8 and 9 of the proposed development should have a height restriction (single storey), so as not to impact on the views from Raithby Vines erven, in particular our erf 336. Note that a similar height restriction was imposed on the Raithby Vines development, in order that the view towards the Helderberg was not impeded by double storeys on i.a. erven 334, 335 and 336.
3. The Divisional Road No 1039 needs urgent attention, there is no pavement which means that many pedestrians walk in the road, including children. The speed limit of 60 is seldom adhered to and is not policed with the result that the road has become something of a raceway. A pavement and/or speed humps (traffic calming) are necessary. The traffic associated with this new development (together with another at the other end of Raithby) will pose a grave danger to pedestrians, on account of the speed and volume of traffic – in what will become very much a residential area.
4. The whole of the proposed subdivision should be effectively fenced off, to prevent people and pets from wandering into the Divisional Road

We trust our comments will receive serious consideration.



G P SMITH  
Mobile: 0845103082  
Email: [mwsmiths@mweb.co.za](mailto:mwsmiths@mweb.co.za)

LETTER OF OBJECTION

16 December 2020

Att: Mr. Barry Blount  
Diesel & Munns Inc.  
20 St. James Street  
Somerset West  
7129

NOTICE OF OBJECTION TO THE PROPOSED REZONING OF ERF: 407, RAITHBY

Dear Sir,

I, Peter, Michel, Genevieve, Marie van Huffel

From:

13 Raithby Vines, Raithby Close, Raithby 7130

hereby object to the application for the reasons given below.

1. The Raithby Vines development was sold to prospective homeowners as a rural lifestyle setting where no development was possible on Erf 407 as it could only be used as agricultural land.
2. The sole reason we purchased in Raithby Vines was for the calm rural setting with views on the vineyards and Helderberg mountains. Building dwellings and a carpark on Erf 407 that is elevated from single level homes in Raithby Vines will block all views. I should have purchased in a urban setting in a residential estate like Schonenberg where views are not necessarily a priority with homes on top of each other with a younger family lifestyle approach.
3. Rezoning of Erf 407 will set a very bad precedent for future developments in the area. With Winelands Village & Raithby Vines having already encroached on the rural winelands living, another development will tempt other developers to follow suite. What's next? Post House Vineyards? If the Rezoning is permitted, Raithby will rapidly become an urban area.
4. The Hamlet of Raithby offers good quality living with limited traffic and low crime. The gradual increase of developments will attract unwanted crime in the area with higher traffic volumes which is already posing a problem.

5. Several homeowners in Raithby Vines operate successful Air BnB lettings to international and local tourists for which my property in specific (Erf 333) is a heritage cottage that came at considerable cost to renovate. We had always envisaged in our retirement to use the cottage for tourists that visit the Cape Winelands. With this proposed rezoning, there will be no reason whatsoever for tourists to stay in Raithby Vines with no views and traffic noise. The homeowners that operate Air bnb letting provide employment and profit sharing on rentals to the local community. The loss of tourism will result in job losses for the local Raithby Villagers.
6. There will be a further loss of bird life and wildlife which has already dwindled in the three years of our occupation as a result of increased activity in the area.
7. The development will have a negative impact on values of surrounding properties (Raithby Vines & Raithby Village). The addition of only nine dwellings to the detriment of property values of Raithby Vines & Raithby Village, will result in unit values being depressed and residents losing money on their valuable investment. Will the decision to rezone Erf 407 for 9 dwellings benefit property value of the larger developments? On the contrary!
8. The current water, sewer and especially the electricity infrastructure cannot handle another development in Raithby. We very frequently have power failures that can last from 12 - 31 hours.
9. I feel there has been a lack of consultation. There was a poorly located sign outside L'Auberge several months ago that didn't clearly outline the intent to rezone the area.

I reserve the right to amplify and expand upon the formal objection contained in this correspondence at a later stage and in the appropriate forum, if necessary.

While I have many more concerns that can be tabled at this time, I reserve my right to express them during the hearings.

Please advise me of the date and time of any hearings and / or meetings pertinent to this objection.

Yours truly,

Peter M. van Huffel  
064 5210668  
13 Raithby Vines, Raithby Close, Raithby - 7130  
[Pvhuffel244@gmail.com](mailto:Pvhuffel244@gmail.com)

# POST HOUSE

Post House, Raithby road, Stellenbosch, South Africa

PO Box 5635 Helderberg 7135

PH/Fax +27218422409

Email - info@posthousewines.co.za

**Att: Mr. Barry Blount**

**Diesel & Munns Inc.**

**20 St. James Street**

**Somerset West**

**7129**

**NOTICE OF OBJECTION TO THE PROPOSED REZONING OF ERF: 407,  
RAITHBY**

Gebers Estate Pty Ltd (ERF 165 Raithby) hereby object to the application for the reasons given below.

1. The Raithby Vines development had initially been planned to include 4 dwellings on Erf 407. After objections to this plan these were removed from the initial rezoning plan and subdivided out of the original ERF into two entities. The one now being Erf 407. The same objections which were first raised then hold true for the new planned rezoning.
2. Erf 407 forms a buffer zone between agriculturally zoned Erf 164 and the housing development of Raithby Vines.
3. Agriculture of vineyards and farming in general routinely have certain operations which requires that urban buildings should not be too close to these activities. These include but not restricted to spraying of fungicides, herbicides and mowing.
4. These activities can include the normal farming practice of predawn noise from tractors and spraying equipment.
5. Future home owners will then object to these normal farming activities. With no buffer zone these tensions will be heightened.

6. The rezoning of Erf 407 to urban zoning to allow for the building of dwellings will require a departure from the legal requirement of no building within 30m of an agriculturally zoned border. We will not accept this.

7. The planned development on Erf 407 does not take into account the historical and cultural aspect of the area. Erf 164 has always linked the agricultural community living on the farms, to the village of Raithby. The road joining these two areas is, according to the proposed plan, to be closed off.

8. The current road linking Raithby and the farming community of Erf165 and other adjacent farming communities has been in use for well over 100 years. This also included the period where Post House Wine Farm operated as the Raithby/Helderberg Post Office and serviced the village of Raithby as well as the surrounding farms. The current road linking these two entities has prescriptive rights.

I reserve the right to expand upon the formal objection contained in this correspondence at a later stage, if necessary.

Yours Faithfully

2020/12/21

**X** N Gebers

---

N Gebers  
MD  
Signed by: Nick

Nick Gebers

MD

0833750576

**ANNEXURE G: APPLICANTS COMMENTS ON  
OBJECTIONS**



## DIESEL & MUNNS INC.

Professional Land Surveyors • Town and Regional Planners  
 Professionele Landmeters • Stads- en Streekbeplanners  
 Sectional Title Consultants and Topographical Surveyors  
 Deeltitel Konsultante en Topografiese Opmeters

20 St. James Street/Straat  
 P. O. Box 475  
 SOMERSET WEST 7129

Tel: (021) 852-3800/852-3759  
 E-mail: admimn@dieselandmunns.co.za

19 January 2021

**Our Ref:** C6035

The Director: Planning and Development Services  
 Stellenbosch Municipality  
 P O Box 17  
**STELLENBOSCH**  
**7599**

**Attention:** Nicole Katts / Bongwiwe Zondo

**App. No.:** LU/11961

Dear Nicole / Bongwiwe

### **APPLICATION FOR SUBDIVISION AND REZONNING AND STREET NAME AND NUMBERING: ERF 407, RAITHBY, DIVISION OF STELLENBOSCH**

The attached Portfolio of Evidence and three objections received against the above proposal within the prescribed advertising period regarding the above applications (LU/11961) submitted on Erf 4731 Stellenbosch refer.

We hereby offer our comments on the objection received against the above proposal within the prescribed period. All the issues that were raised within the objection will be dealt with below.

The proposal is for the creation of only nine additional single residential erven on the property which will not have any significant impacts on the bulk municipal services within the Raithby area. A detailed engineering services report was compiled by a consulting engineer that dealt with the servicing of the proposal. This report concluded that the required basic civil engineering services can be accommodated for by the Local Authority within their existing infrastructure.

The development of the proposed erven will be governed by the parameters as set out within the Stellenbosch Municipality's Zoning Scheme By-Law, 2019. This will ensure that the structures that will be built on the properties will not be out of scale with the dwellings located within the Raithby Vines development. The proposal is far enough away from the erven within the Raithby Vines development to ensure that a single residential dwelling will not significantly impact on those properties in terms of overshadowing and overlooking. Views from these properties will also not be significantly impacted on either.



The proposed public road within the development will be constructed to municipal standards and will include a pavement whereupon pedestrians will be able to walk. The traffic generated by the development will gain access onto the Divisional Road via a single intersection. Thus this development will thus in no way increase the risk to pedestrians that walk along the Divisional Road.

The Raithby area is an urban node that consists of urban residential properties. The applicable Spatial Development Framework (SDF) stipulates an Urban Edge within which development is to be contained, and Erf 407 is located within this edge. Erf 407 has never be reserved solely for agricultural purposes, and is in fact a remaining portion (that contained a restaurant) of the Raithby Vines development. Had any purchasers been informed that Erf 407 could never be developed further it would have been under false pretences. The 'rural' character of Raithby lies in the development of the properties within the urban edge in such a manner so as to conform with the existing character of the village. The proposal will develop properties that are the same as those within the Raithby Vines development, so will in no way impact on the established character of Raithby.

As developments will be governed by the SDF and will be limited to properties within the proposed urban edge, the development of Erf 407 (which is located within the urban edge) will in no way create a 'bad' precedent as insinuated by the objectors. Any future development proposal will also have to adhere to the applicable spatial plans. The development of the property will in no way attract more crime to the area than what the dwellings within the Raithby Vines development do themselves. The proposal will also in no way degrade the quality of the Raithby village to an extent to where tourists would not want to visit the area. Furthermore, the letting of dwellings for holiday accommodation (Air BnB) requires formal Land Use approvals to be in place.

The statement by the objector (Mr. Van Huffel) that there was a lack of consultation is entirely spurious in its intent as the proposal was extensively advertised according to the requirements of the relevant legislation. A site notice was placed on the property and an advert appeared in the local newspaper (Bolander). An e-mail notice of the development was also sent directly to Mr. Van Huffel allowing him to make contact with ourselves (the applicants) to obtain further information on the proposal. The notice clearly stated the exact nature of the application as can be seen in the copies of the notices that have been attached to this portfolio of evidence.

The proposed dwellings will be rezoned to Conventional Residential Zone and will thus be subject to the building lines for this zone as stipulated within the Stellenbosch Municipality's Zoning Scheme By-Law, 2019. The 30m building lines applicable to the Agricultural and Rural Zone will thus no longer be applicable to the properties and hence no additional departures in this regard will need to be applied for. As has been stated above, these properties are located within (and adjacent to) the urban edge of Raithby. In such circumstances urban (residential) developments will be located adjacent to the surrounding agricultural properties. This happens in virtually all urban areas that employ the concept

of the urban edge and is currently the case for many of the residential properties within the Raithby village.

The owner of adjoining Erf 165 has no access rights (servitudes) over Erf 407 on to the District Road. This is an illegal road over the property and the owner of Erf 407 has stated this to the adjoining owner and said he needs to cease utilising this as an access to his property. This access point has also never been formally approved by the Provincial Roads Administration as an access onto the Divisional Road No. 1039. Erf 165 has a formal access further south on to the Divisional Road.

Section 65 of the Stellenbosch Municipal Land Use Planning By-Law, 2015 sets out certain evaluation criteria which determine the desirability of a proposed development. Taking these into account it is clear that the proposed development will have no impact on the surrounding environment which can be construed to be undesirable in respect of the safety, welfare and amenity value of the specific site conditions and the preservation of the surrounding built and natural environment. The proposal will in no way impact on any existing rights.

The proposal can be seen to be compliant with these evaluation criteria for the following reasons:

- The proposal complies with the guidelines as set out in the higher order spatial planning policies which promote socio-economic integration.
- The proposed development is of an appropriate scale and form that relates to the surrounding urban fabric, development pattern and land use character of the surrounding neighbourhood.
- The proposal will have no significant impact on the existing built form and will thus fit in to the surrounding urban context.
- The placement of the proposal within an established urban area and adjacent to existing residential neighbourhoods is seen to be compatible with the existing character and represents an acceptable land use intensification in the area.
- The proposed development will not detract from any existing rights of the surrounding erven.
- Increased human activity will help ensure increased passive surveillance of the adjoining public realm (streets).
- There is adequate servicing capacity to accommodate the proposed development and adequate on-site parking has been provided for.
- The application will not undermine the public interest.

The proposed development of Erf 407 Raithby for single residential housing purposes is considered to be a compatible use in the specific area, as it will result in the optimal utilisation of the property without negatively impacting the quality of the surrounding neighbourhood. The proposal is consistent

with good urban development and management and it will constitute a desirable development in terms of the Stellenbosch Municipality Land Use Planning By-Law, August 2015. With this in mind, it is envisaged that the proposed application will be endorsed with Council's consent.

We trust that you will find the above in order.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Barry Blount', written in a cursive style.

Barry Blount  
Town Planner  
**DIESEL & MUNNS INC.**

**ANNEXURE H:** COMMENT FROM THE MANAGER:  
SPATIAL PLANNING



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

## Spatial Planning

To : Manager: Land Use Management  
 From : Manager: Spatial Planning  
 Reference : Erf 407, Raithby  
 LU No : LU/11961  
 Date : 19 November 2020  
 Re : Application for subdivision and rezoning on Erf 407, Raithby

FILE NO	
SCHEM	E 407 RB
DATE	

I refer to your request for comment on the above application.

Application is made for the following:

- **Subdivision** of Erf 407 Raithby into the following:
  - Rem of 407 (2 619 sqm in extent) and,
  - Portion 1 of Erf 407 (10 648 sqm in extent)
- **Subdivision** of proposed Portion 1 of Erf 407 Raithby into the following:
  - 9 Conventional Residential zone erven (dwelling house),
  - 1 Public roads and parking zone erf (public road),
  - 1 Agriculture and Rural Zone erf
- **Rezoning** of proposed Portion 1 of Erf 407 Raithby from Agricultural and Rural Zone to Sub divisional Area in order facilitate the proposed development.



**1) Opinion/reasoning:**

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced

disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

In terms of the approved MSDF the following principles and guidelines are applicable to the Raithby node:

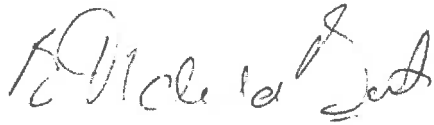
- Raithby is a small rural settlement, situated in the heart of the agricultural area and regarded as the settlement within the Municipality that most strongly retains its characteristic 19th century Mission Town structure and pattern. The focus of the MSDF is therefore to *retain the unique characteristics of the settlement*.
- Work to increasingly connect and integrate nature areas, also with settlement green areas, to form an integrated green web or framework across the area.
- As a general principle, contain the footprint of Raithby as far as possible within the existing urban edge.
- Retain the strong sense of transition between agriculture and human settlement at the entrances to the Raithby.
- Maintain the integrity of historically and culturally significant precincts and places.
- Maintain the Cape Mission Village structure, form, and character of Raithby.
- Focus infill development on undeveloped land within the urban edge of Raithby.

In terms of the MSDF, gated residential development is not favoured. Public components of development should remain public, enabling integration of neighbourhoods and through movement. Security to private components of developments could be provided through other means than the fencing and access control of large development blocks or areas neighbourhoods.

However, due to the absence of an approved "Gated Development Policy" in Stellenbosch Municipality, the above will not be able to be legally enforced.

2) Supported / not supported:

This department therefore supports the application.

A handwritten signature in black ink, appearing to read 'A. J. de la Bat'.

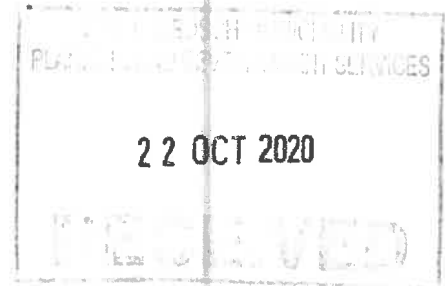
**BJG de la Bat**  
**MANAGER: SPATIAL PLANNING**

**ANNEXURE I: COMMENT FROM THE MANAGER: FIRE SERVICES**



**Charlene Williams**

**From:** Nicole Katts  
**Sent:** 22 October 2020 10:29 AM  
**To:** Bertie Brandsen; Charlene Williams  
**Cc:** Moenadia Devries  
**Subject:** FIRE SERVICES - COMMENTS - ERF 407 RB



Good day Bertie

Thank you for your response.



*Kind regards / Vriendelike Groete*

**Nicole Katts**

Administrative Officer

Land Use Management

**Planning & Economic Development**

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3<sup>rd</sup>  
 Floor

[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link: <http://www.stellenbosch.gov.za/main/pages/disclaimerpage.htm>

FILE NR:	
SCAN NR:	E 407 RB
COLLABORATOR NR:	

**From:** Bertie Brandsen  
**Sent:** Thursday, 22 October 2020 10:22  
**To:** Nicole Katts  
**Cc:** Moenadia Devries  
**Subject:** RE: You've been sent large files

Good day,

Approved by Fire Services.

Fire requirements will be given when building plans are submitted.

*Kind regards,*

**Bertie Brandsen**

Head: Fire Safety

**Fire and Rescue Services**

**ANNEXURE J: COMMENT FROM THE DIRECTOR:  
ENGINEERING SERVICES**



# MEMO

03 FEB 2022

DIRECTORATE: ENGINEERING SERVICES  
DIREKTORAAT: INGENIEURSDIENSTE

<b>To ◻ Aan:</b>	<b>Director: Planning + Economic Development</b>
<b>Att Aandag</b>	<b>Nicole Katts</b>
<b>From ◻ Van:</b>	<b>Colin Taylor (Development)</b>
<b>Date ◻ Datum:</b>	<b>1/02/2022</b>
<b>Our Ref ◻ Ons Verw:</b>	<b>Civil Lu 2090</b>
<b>Your Ref:</b>	<b>LU/11961</b>
<b>Re ◻ Insake:</b>	<b>Erf 407, Raithby: Application Subdivision and Rezoning</b>

FILE NR:

SCAN NR:

COLLABORATOR NR:

E 407 RB

Details, specifications and information reflected the following refers:

- Application i.t.o. Stellenbosch Municipality Land Use Planning By-law, dated 6 October 2020;
- Subdivisional Plan C6035/SubB2 by DIESEL & MUNNS Inc, dated January 2022;
- Erf 407 Raithby Services Report Rev1 by BART SENEKAL INC. Consulting Civil & Structural Engineers dated 13 August 2021.

The above application is **recommended for approval**, subject to the following conditions:

## 1. Water Connections

- 1.1 Each erf must have its own water connection and water meter installed.
- 1.2 The cost of the installation is for the account of the owner.
- 1.3 The Developer will be responsible for any link water pipelines between the development and the municipal network.

## 2. Sewer Connections

- 2.1 Each erf must have its own sewer connection.
- 2.2 The cost of the installation of the sewer connection is for the account of the owner.
- 2.3 Once the subdivision is formally approved. The engineers drawing indicating the new sewer layout and connection point must be submitted for approval.
- 2.4 A quotation for the sewer connection inspection can be provided by the Water Services Department.

- 2.5 Installation must be done by a suitable Contractor appointed by the Owner. The cost of the installation of the sewer connection is for the account of the owner.
- 2.6 No Clearance certificate will be issued unless the Water Services Department has confirmed in writing that the sewer connection has been installed to their satisfaction.
- 2.7 The Developer will be responsible for any link sewer pipelines between the development and the municipal network.
- 2.8 The servitude over the proposed main outfall sewer has to be indicated on the site development plan.
- 2.9 Proof of servitude registration to be furnished prior to Section 28 clearance being issued.

### **3. Development Charges (DCs)**

- 3.1 Based on the information provided, the Development Charges payable by the developer is R 900 343.48 (Vat incl.) as per attached Development Charges calculation.
- 3.2 The DC's were calculated for the 2021/2022 financial year. If the account is paid after 30 June 2022 it has to be recalculated using the then applicable tariffs.
- 3.3 The appropriate DC's are payable before a Clearance certificate can be issued.

### **4. Roads**

- 4.1 WCG: Roads Planning is the road authority for final comments and approval.
- 4.2 Proposed road must be designed and constructed to full municipal standards.
- 4.3 The geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system.
- 4.4 The aforementioned designs are to be submitted concurrent with the detail services plans for approval and any internal or link stormwater infrastructure identified will be for the Developer's cost.

### **5. Stormwater Network**

- 5.1 The consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans for approval and any internal or link stormwater infrastructure identified will be for the Developer's cost.
- 5.2 The servitude over the proposed main stormwater pipeline has to be indicated on the site development plan.
- 5.3 Proof of servitude registration to be furnished prior to Section 28 clearance being issued.

### **6. General**

- 6.1 All servitudes must be clearly indicated on the engineering services drawing
- 6.2 The Developer will be responsible for any link pipelines between the development and the municipal network. The link services will be for the Developers cost.
- 6.3 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

**7. Clearance Certificates**

- 7.1 The Municipality reserves the right to withhold any clearance certificates until such time as the applicant has complied with the above mentioned conditions.



**COLIN TAYLOR Pr Tech Eng**

**PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

V:\2.0 DEVELOPMENT\00 Developments\2090 (CT) Erf 407 Raithby (LU-11961)\2090 (CT) Erf 407, Raithby, Subdivision\_1.doc

# Stellenbosch Municipality - Development Charge Calculation



## APPLICATION INFORMATION

Application Number	Tuesday, 03/feb/2022
Date	2021/22
Financial Year	Stellenbosch Form
Erf Location	
Erf No	407
Erf Size (m <sup>2</sup> )	
Suburb	Raithby
Applicant	Diesel & Munns Planning
Approved Building Plan No.	PLAN NO: C6035/Sub82

## SUMMARY OF DC CALCULATION

Unit(s)	Water klday	Sewer klday	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	7.600	5.750	0.505	0.360	30.00	36.0	
Total Development Charges before Deductions	R 206 292,86	R 149 692,12	R 51 567,48	R 19 124,86	R 235 466,59	R 120 763,47	R 782 907,37
Total Deductions							
Total Payable (excluding VAT)	R 206 292,86	R 149 692,12	R 51 567,48	R 19 124,86	R 235 466,59	R 120 763,47	R 782 907,37
VAT	R 39 943,93	R 22 453,82	R 7 735,12	R 2 868,73	R 35 319,99	R 18 114,52	R 117 436,11
Total Payable (including VAT)	R 237 236,79	R 172 145,94	R 59 302,61	R 21 993,58	R 270 786,58	R 138 877,99	R 900 343,48

## APPLICANT INFORMATION

Application Processed by	Colin Taylor
Signature	
Date	As above
Amount Paid	
Date Payment Received	
Receipt Number	



Raith 407

**GENERAL COMMENT:**

- 1. Outside Stellenbosch area of supply.
- 2. All Electrical requirements should be directed to Eskom.

**CONDITIONS**

- 3. All electrical work to comply with SANS142 and Municipal electrical by-laws

Bradley Williams

Date.....29/10/2020.....

Signature ...



.....



**ANNEXURE K: COMMENT FROM HERITAGE WESTERN  
CAPE**



**ILifa leMveli leNtshona Koloni**  
**Erfenis Wes-Kaap**  
**Heritage Western Cape**

**Our Ref:** HM/ CAPE WINELANDS / STELLENBOSCH/ FARM 407  
**Case No.:** 20090106SB0914E  
**Enquiries:** Stephanie-Anne Barnardt  
**E-mail:** stephanie.barnardt@westerncape.gov.za  
**Tel:** 021 483 5959  
**Cell:** 076 481 8392 (during the lock-down period)  
**Date:** 30 September 2020

L'Auberge Assets (Pty) Ltd  
 P O Box 1955  
 Cape Town  
 8000  
 bill.thomas@laubergeholdings.com

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL**  
**In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape**  
**Provincial Gazette 6061, Notice 298 of 2003**

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED REZONING AND SUBDIVISION AND RESIDENTIAL DEVELOPMENT ON FARM 407, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 20090106SB0914E**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 14 September 2020. This matter was discussed at the Heritage Officers meeting held on 21 September 2020.

You are hereby notified that, since there is no reason to believe that the proposed rezoning and subdivision and residential development on Farm 407, Stellenbosch will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

pp.

.....  
 Dr. Mxolisi Dlamuka  
**Chief Executive Officer, Heritage Western Cape**

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1665, Cape Town, 8000  
 • Tel: +27 (0)21 483 5959 • E-mail: [ceheritage@westerncape.gov.za](mailto:ceheritage@westerncape.gov.za)

Straatadres: Protea Assuransie Gebou, Groenmarktplein, Kaapstad, 8000 • Posadres: Postbus 1665, Kaapstad, 8000  
 • Tel: +27 (0)21 483 5959 • E-pos: [ceheritage@westerncape.gov.za](mailto:ceheritage@westerncape.gov.za)

Idilesi yendawo: Kungqinotsho 3, Kwizakhiwo protea Assurance, Groenmarkt Square, iKaapa, 8000 • Idilesi yeposi: Inombolo yendawo yeposi 1665, iKaapa, 8000 • Inombolo zomnxeba: +27 (0)21 483 5959 • Idilesi ye-imeyile: [ceheritage@westerncape.gov.za](mailto:ceheritage@westerncape.gov.za)

**ANNEXURE L: COMMENTS FROM THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**



Western Cape  
Government

Department of Environmental Affairs and Development Planning  
**Ntanganedzeni Mabasa**  
 Development Management: Region 1  
[Ntanganedzeni.Mabasa@westerncape.gov.za](mailto:Ntanganedzeni.Mabasa@westerncape.gov.za) | Tel: 021 483 2803

**REFERENCE:** 16/3/3/6/1/B4/45/1142/20  
**ENQUIRIES:** Ntanganedzeni Mabasa  
**DATE:** 26/08/2020

The Board of Directors  
 L' Auberge Assets (Pty) Ltd  
 P.O Box 1955  
**CAPE TOWN**  
 8000

**Attention: Mr. William Thomas**

Cell: +44 (0)7971 964045  
 Email: bill.thomas@laubergeholdings.com

Dear Sir

**APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) TO THE APPLICATION FOR PROPOSED SUBDIVISION AND REZONING OF ERF NO. 407 TO ESTABLISH A RESIDENTIAL DEVELOPMENT, RAITHBY, STELLENBOSCH.**

1. The electronic copy of the abovementioned document dated 28 July 2020, as received by this Department on the same day, refers.
2. This letter serves as an acknowledgement of receipt of the correspondence by this Department.
3. According to the information contained in the correspondence, this Department notes the proposal entails the following:
  - 3.1 The subdivision Erf No. 407 in Raithby to separate the restaurant from the erf and the subdivision and rezoning of the remainder of the erf to allow the development of nine single residential erven.
  - 3.2 The existing restaurant and associated infrastructure are accommodated in buildings which previously functioned as shops and covers an area of 2619 m<sup>2</sup>.
  - 3.3 The remaining 10674 m<sup>2</sup> of Erf No. 407 will accommodate nine residential erven, private open space and an access road.
  - 3.4 The erf has an agricultural zoning and the portion of the site designated for the proposed residential development was previously used for cultivation.

3.5 The site is mapped to contain Swartland Granite Renosterveld vegetation, which is classified as a Critically Endangered but is completely transformed and does not contain any indigenous vegetation.

3.6 No freshwater resources are present on the site or within 32m of the site.

3.7 Although the property has an agricultural zoning, it is located next to a cemetery and directly opposite urban development and is therefore deemed to be located inside the urban area of Raithby.

4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Be advised that the proposed subdivision and rezoning of Erf No. 407, Raithby with an agricultural zoning that is located inside the urban area of Raithby will not trigger any listed activity(ies) as defined in terms of the EIA Regulations, 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed subdivision, rezoning and development of Erf No. 407, Raithby.
5. The above is based on the following:
  - 5.1. Although the property has an agricultural zoning, it is located next to a cemetery and directly opposite urban development and is therefore deemed to be located inside the urban area of Raithby.
  - 5.2. The site does not contain any sensitive environmental features.
6. However, should any revision of the proposed development constitute a listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
8. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully



**HEAD OF COMPONENT**  
**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

cc: (1) Olivia Braaf( Braaf Environmental Practitioners SA (Pty) Ltd)

Email: olivia@braafsa.com

(2) Bernabe De LaBat (Stellenbosch Municipality)

Email: Bernabe.DeLaBat@stellenbosch.gov.za

**ANNEXURE M: COMMENT FROM THE DEPARTMENT OF  
TRANSPORT AND PUBLIC WORKS**



**Western Cape  
Government**

Transport and Public Works

**ROADS**

Email: Grace.Swanepoe@westerncape.gov.za  
tel: +27 21 483 4669  
Rm 335, 9 Dorp Street, Cape Town, 8001  
PO Box 2603, Cape Town, 8000

ERF 4234 S

**REFERENCE: TPW (Job 28242)**  
**ENQUIRIES: Ms GD Swanepoel**  
**DATE: 21 January 2021**

The Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
**STELLENBOSCH**  
7599

Attention: Mr U von Molendorff

Dear Sir

**STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES**

**22 JAN 2020**

**RECEIVED**

**ERF 407, RAITHBY: MINOR ROAD 4234: APPLICATION FOR SUBDIVISION AND REZONING**

1. The following refer:
  - 1.1. The undated letter LU/11961 from Diesel & Munns Inc received by this Branch on 2 December 2020;
  - 1.2. The Motivation Report prepared by Diesel & Munns and
  - 1.3. Subdivision Plan B (Plan No: C6035/SubB) dated June 2020 prepared by Diesel & Munns.
2. The application entails the following:
  - 2.1. The subdivision of Erf 407 Raithby into the Remainder of Erf 407 (2 619 sqm in extent) and, Portion 1 of Erf 407 (10 648 sqm in extent);
  - 2.2. The subdivision of the proposed Portion 1 of Erf 407 Raithby into 9 Conventional Residential Zone erven (dwelling house), 1 Public Roads and Parking Zone erf (public road) and 1 Agricultural and Rural Zone erf; and
  - 2.3. The rezoning of proposed Portion 1 of Erf 407 Raithby from Agricultural and Rural Zone to Subdivisional Area to facilitate the proposed development.

3. Minor Road 4234 (OP4234) are directly affected by this application at the existing access approximately 40m from the Minor Road 4234 (OP4234) / Divisional Road 1039 (DR1039) intersection. The access is opposite the existing access to the Winelands Village.
4. This Branch offers no objection to the proposed subdivision and rezoning subject to the following conditions:
  - 4.1 The development is limited to 9 residential erven as indicated on Plan No: C6035/SubB;
  - 4.2 The 5m statutory building line must be maintained along the road reserve of DR1039;
  - 4.3 A stop sign must be erected at the exit lane onto OP4234 accompanied by the necessary road markings to be approved by the District Roads Engineer, Paarl (Mr Elroy Smith – 021 863 2020) and
  - 4.4 Access to the restaurant parking area on Remainder of Erf 407 needs to be formalised not to impede the flow of traffic along the internal private road to the satisfaction of Stellenbosch Municipality's Traffic Engineer.
5. It is recommended that the on-site parking for the restaurant on Remainder of Erf 407 be properly demarcated.

Yours faithfully



**SW CARSTENS**  
For DEPUTY DIRECTOR-GENERAL: ROADS



**ANNEXURE N: COMMENT FROM THE DEPARTMENT OF  
AGRICULTURE: WESTERN CAPE**



Western Cape  
Government

Agriculture

Cor Van Der Walt  
LandUse Management  
Email: LandUse.Eisenburg@elsenburg.com  
tel: +27 21 808 5099 fax: +27 21 808 5092

---

**OUR REFERENCE** : 20/9/2/5/6/452  
**YOUR REFERENCE** : Erf 407, Main Road, Raithby  
**ENQUIRIES** : Cor van der Walt

Diesel & Munns Inc.  
20 St James Street, Audas Estate,  
Cape Town,  
7130

Att: Barry Blount

**APPLICATION FOR SUBDIVISION AND REZONING: DIVISION STELLENBOSCH  
REMAINDER OF FARM NO 407  
PORTION 1 OF THE FARM NO 407**

Your application received by our offices on the 24<sup>th</sup> of November 2020 has reference.

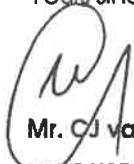
The Western Cape Department of Agriculture: Land Use Management has no objection against the proposed application.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2021-02-12

Copies:

Department of Environmental Affairs & Development Planning  
1 Dorp Street  
Cape Town  
8000

Directorate Land Use and Sustainable Resource Management  
National Department of Agriculture  
Private Bag X 120  
PRETORIA  
0001

Stellenbosch Municipality  
PO Box 17  
STELLENBOSCH  
7599

**ANNEXURE L: CIVIL ENGINEERING SERVICES REPORT**



**BART SENEKAL INC.**  
**Consulting Civil & Structural**  
**Engineers**

12 Alexander Street, Stellenbosch 7600  
 P.O.Box 1196, Stellenbosch 7599  
 Telephone (021) 883-8710  
 Fax No. (021) 887-6547  
 E-mail info@bs-inc.co.za

DATE: 13 August 2021

YOUR REF:

OUR REF: 9332 / A3

## PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 407, RAITHBY

### REPORT ON PROVISION OF CIVIL ENGINEERING SERVICES

#### 1. INTRODUCTION

The proposed residential development on Erf 407, Raithby comprises the existing L'Auberge restaurant and 9 single residential units. This report summarises the current situation with regard to the provision of the basic civil engineering services, i.e. water supply, sewerage, stormwater drainage and solid waste removal to the proposed development.

The development proposal is indicated on the Subdivision Plan of Diesel & Munns in Annexure B. The Concept Civil Engineering Services is as indicated on Drawing 9332/02A in Annexure C.

#### 2. SITE LOCATION AND DESCRIPTION

The site of 1.33 ha is located on the urban edge of the village of Raithby, approximately 10 km outside Stellenbosch. To the south west the site is bordered by a provincial road, Raithby Road, to the north by vacant land and to the east by agricultural land.

The site has a moderate slope of approximately 1 in 15 in a southerly direction. The existing restaurant on the property will be retained on one of the erven.

#### 3. WATER SUPPLY

##### 3.1 Demand :

The demand for potable water for the existing restaurant and proposed development is calculated as follows:

Restaurant	70 seats @ 60 litres/seat/day	=	4,2 kl/day
Single residential > 250 m <sup>2</sup>	4 erven @ 0,70 kl/unit/day	=	2,8 kl/day
Single residential > 500 m <sup>2</sup>	3 erven @ 0,80 kl/unit/day	=	2,4 kl/day
Single residential > 1000 m <sup>2</sup>	2 erven @ 1,20 kl/unit/day	=	<u>2,4 kl/day</u>
	Total	=	11,8 kl/day

The development is classified as a "low-risk" fire protection area, with a required fire flow of 15 l/s at 7m minimum residual head.

### 3.2 Supply :

The subject property has not been taken into account in the municipality's 2019 Water Master Plan for Raithby. Refer to Annexure D for an extract from the Water Master Plan.

The municipality's water reticulation network is found in Raithby-Annandale Road (Minor Road 4234) to the west of the development in the form of a 160mm Ø watermain. Sufficient capacity is available in the water reticulation network to accommodate the proposed development.

### 3.3 Storage :

The municipality's existing reservoir capacity for Raithby of 0.18 MI is limited, however, the municipality is attempting to secure reservoir capacity for Raithby in the existing 5 MI service reservoir of the Faure WTP of the CoCT.

## 4. SEWERAGE

### 4.1 Run-off :

Sewage run-off from the existing restaurant and proposed development is calculated as follows:

Restaurant	70 seats @ 60 litres/seat/day	=	4,2 kl/day
Single residential > 250 m <sup>2</sup>	4 erven @ 0,60 kl/unit/day	=	2,4 kl/day
Single residential > 500 m <sup>2</sup>	3 erven @ 0,65 kl/unit/day	=	2,0 kl/day
Single residential > 1000 m <sup>2</sup>	2 erven @ 0,70 kl/unit/day	=	<u>1,4 kl/day</u>
	Total	=	10,0 kl/day

### 4.2 Drainage :

Similarly, as for water supply, the subject property has not been taken into account in the municipality's 2019 Sewer Master Plan for Raithby. Refer to Annexure E for an extract from the Sewer Master Plan.

The municipality's sewerage network is found to the south of the site below the Raithby Vines development in the form of a 160mm Ø gravity pipeline. Sewerage of the development will be achieved by connecting to this pipeline as indicated on the Concept Civil Engineering Services plan in Annexure C. Indication from the Sewer Master Plan is that sufficient spare capacity exists in the existing sewerage network to accommodate the proposed development.

### 4.3 Treatment :

Sewage from the development needs to be treated at the municipality's Raithby Waste Water Treatment Works. The treatment capacity of the Raithby WWTW is sufficient to accommodate the proposed development.

## 5. STORMWATER DRAINAGE

### 5.1 Run-off

The 50-year stormwater run-off from the undeveloped site is estimated at 111  $\ell/s$ . The 50-year stormwater run-off from the fully developed site is calculated at 206  $\ell/s$ , thus an increase of 95  $\ell/s$  from the pre-development run-off.

### 5.2 Drainage

The stream to the south of the village of Raithby is the natural drainage course of the area. Stormwater from the village is conveyed to the stream via natural and manmade channels and pipes.

The general stormwater drainage direction within the proposed development is towards the said stream as indicated on the Concept Civil Engineering Services plan.

### 5.3 Peak Stormwater Attenuation

Our calculations indicate that a storage volume of 60  $m^3$  will be required to attenuate the post-development 50-year run-off from the site to be in line with the pre-development run-off. A dry attenuation pond is proposed in the area as indicated on the plan in Annexure C.

### 5.4 Stormwater Quality Management

The mitigation of the negative effects of stormwater run-off pollution is increasingly receiving attention from water controlling authorities and Sustainable Urban Drainage Systems (SUDS) are promoted across the world. Similarly, this development embraces the ideology and will incorporate the principles in the detail planning.

The best management practices (BMP's) that can be considered for this development to improve the quality of the stormwater run-off are:

- traps for silt and litter,
- grass swales with infiltration trenches, and
- a wet retention pond

The combinations of BMP's to be implemented will be provided at the detail SDP stage.

## 6. SOLID WASTE REMOVAL

Solid waste generated by the existing restaurant and proposed development is calculated as follows:

Restaurant:		= 0.40 t/week
Single residential:	9 erven @ 0,04 t/unit/week	= <u>0.36 t/week</u>
	Total	= 0,76 t/week


The Stellenbosch Municipality indicated that they can provide a waste removal service to the development.

## 7. CONCLUSION

From the above it is concluded that:

- (a) The required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure, **subject to the securing of reservoir capacity in the existing Faure service reservoir by Stellenbosch Municipality.**
- (b) Attenuation of peak stormwater run-off from the developed site will be implemented in an attenuation facility on the Open Space in the lowest area of the site.

On behalf of: **BART SENEKAL & PARTNERS**

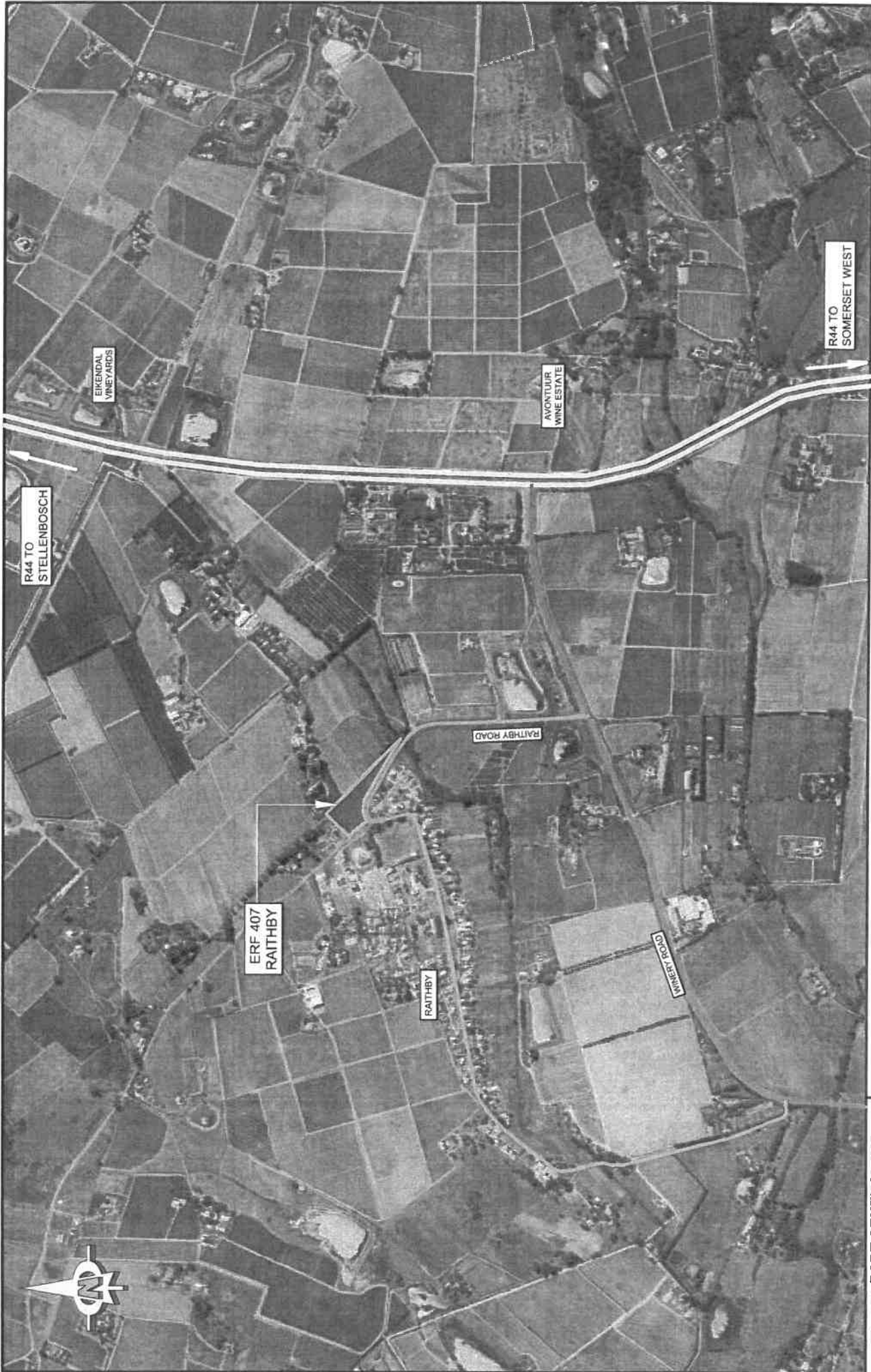
---

L J Louw Pr. Eng.



**ANNEXURE A**

**LOCALITY PLAN**



Scale	Paper Size
NTS	A3
Drawing No.	
9332/01	

DEVELOPMENT OF ERF 407, RAITHBY

LOCALITY PLAN

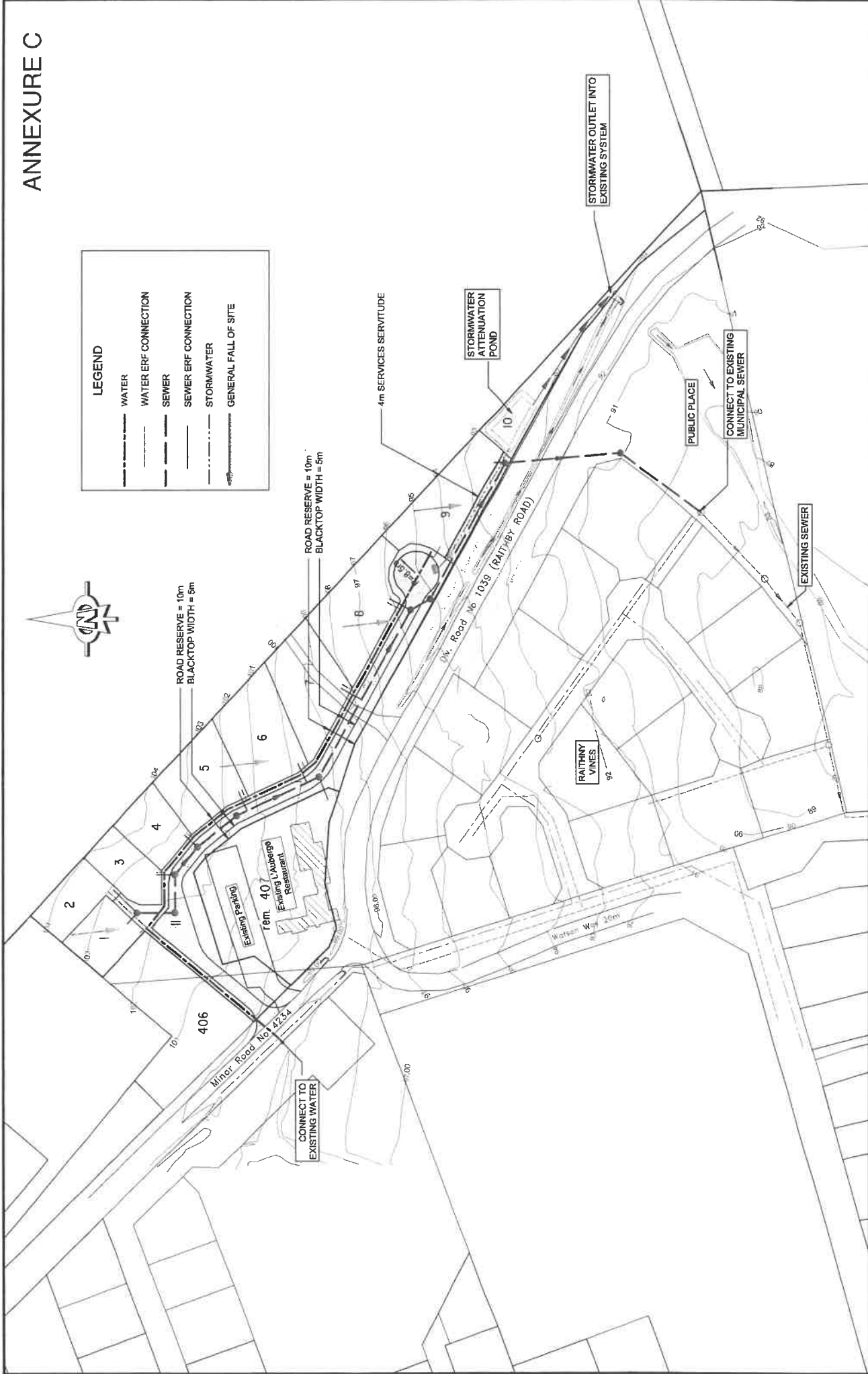
**BART SENEKAL INC.**  
 Civil & Structural Consulting  
 Engineers  
 P.O. Box 1196  
 Stellenbosch  
 7800  
 TEL: 021 883 6110



**ANNEXURE C**

**CONCEPT CIVIL ENGINEERING SERVICES**

ANNEXURE C



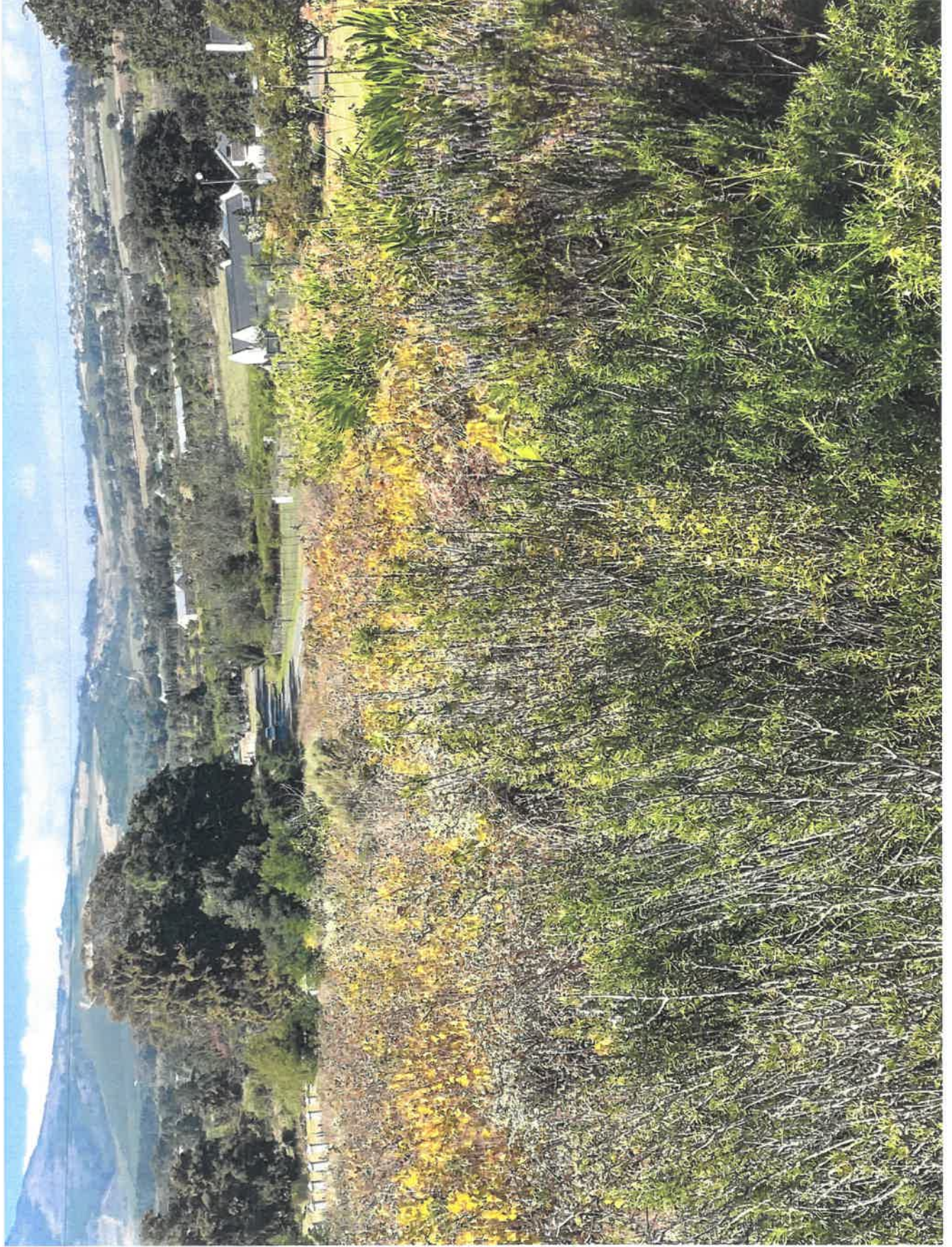
<p><b>BART SENEKAL INC.</b> Civil &amp; Structural Consulting Engineers P.O. Box 1196 Stellenbosch 7800 TEL: (021) 853 3710</p>	<p>DEVELOPMENT OF ERF 407, RAITBY</p>		<p>Scale NTS (1:1500)</p>	<p>Paper Size A3</p>
	<p>CONCEPT CIVIL ENGINEERING SERVICES</p>		<p>Drawing No. 9332/02A</p>	

**ANNEXURE O: SITE INSPECTION PHOTOS**

Existing access to the property and existing restaurant



Current uses on the property



The illegal gravel road access running through the property which will be closed off





The existing access for Erf 165





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR SUBDIVISION AND DEPARTURE ON FARM NO. 81/29, STELLENBOSCH DIVISION			
Application Reference	File Ref: LU/13517	Application Date	2021/12/08
		Last day for comments or additional information	2022/04/05

PART A: APPLICANT DETAILS			
First name(s) & Surname	Clifford Heys		
Company name	TV3 Projects (PTY) LTD		
SACPLAN registration number	Pr. Planner (SA): A/1158/2000		
Registered owner(s)	Steyns Familie Trust	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Farm No. 81/29	Administrative District	Stellenbosch Division
Physical address	R304 / Klipheuwel Road (see ANNEXURE A for locality plan)		
Extent (m <sup>2</sup> /ha)	2,24 ha	Nearest Town	Stellenbosch
Existing Development and Current land use	Nursery		
Any unauthorised land use/building work	None		
Title Deed Nr.	T52460/1999 (See ANNEXURE B)		
Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019	Subdivisional Area		

**PART C: APPLICATION DETAILS****Applications(s)**

1. That, in compliance with condition 3.1 as stipulated in the letter of approval, dated 27 August 2021 the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 81/29, Stellenbosch Division, namely:
- 1.1. The **Subdivision** in terms of Section 15(2)(d) of the said Bylaw in accordance with subdivision plan "Subdivisional Plan Nr 4", dated 30 November 2021, and drawn by TV3 Architects and Town Planners to allow for the following:
- (a) 119 x **Multi-Unit Residential Zone** erven (portions 1 – 119), and ±10 398m<sup>2</sup> in extent, for group housing purposes;
  - (b) 1 x **Multi-Unit Residential Zone** erf (portion 120), and ±4 548m<sup>2</sup> in extent, for purposes of a block of flats consisting of 60 units;
  - (c) 5 x **Private Open Space** erven (portions 121 - 125), and ±1 672m<sup>2</sup> in extent, for private open space purposes,
  - (d) 1 x **Private Open Space** (portion 126), and ± 5 798m<sup>2</sup> in extent, for private road purposes.
  - (e) registration of a **servitude right of way** over portion 20 for access to the flat component.
- 1.2 **Departure** in terms of Section 15(2)(b) of the said Bylaw to exceed the maximum density of **50** dwelling units per hectare to **60** dwelling units per hectare.
- See **ANNEXURE C** for Subdivision Plan.

<b>Purpose of Application</b>	The purpose of this application is to obtain approval of the Redwood Estate Multi-Unit Residential Development's detail subdivision plan. This will allow the developer to proceed with the development as approved by the MPT on 20 August 2021. See <b>ANNEXURE D</b> for motivation.
<b>Pre-consultation</b>	A pre-consultation meeting was held with Spatial Planning on 13 September 2021. At the meeting it was agreed that the applicant first submit a "bubble diagram" illustrating the proposed development detail to Spatial Planning. After which, the detail subdivision plan must be submitted to the Municipality for approval. Find attached the bubble diagram (see <b>ANNEXURE E</b> )

#### **PART D: APPLICATION BACKGROUND**

The subject property is located on the R304 in Stellenbosch, approximately 3km north of Stellenbosch central. The property is surrounded by agricultural land to the west and high-density residential developments (i.e Mount Simon, Tweespruit, Nuutgevonden I, Nuutgevonden II) to the east.

The property is ±2,2ha in extent and is zoned Agriculture and Rural Zone with a consent use for a nursery. It has been used as a nursery (i.e Steyn's Nursery) for the past ±20 years.

There have been numerous attempts in the past to develop the subject property. In 2015 consultants submitted a land use application for the development of a commercial complex (shops, offices, restaurant, service station, etc). In 2017 the application was amended to a residential/retirement village concept. The Municipality never took a decision on these land use applications as they first wanted to finalize their spatial planning policies for the area (i.e to finalize the town's urban edge and the Northern Extension Project) to ensure that the development of the subject property complies with Council's vision for the northern expansion of Kayamandi and environs.

In October 2019 an application for rezoning and subdivision to establish a multi-unit residential development for **240** three-storey flats, was submitted.

Based on the input and feedback received from the consultants, the line departments and the marketing team, the development proposal had been amended and the number of units was

reduced to **158** group housing dwelling units. This proposal served before the Municipal Planning Tribunal (MPT) on 20 August 2021. See **ANNEXURE F** for minutes of the MPT.

#### PART E: APPLICATION OVERVIEW AND MOTIVATION

At the MPT meeting dated 20 August 2021, the following was approved.

Recommendation	Decision
<p>1. Consent in terms of the relevant Title Deed no. T52460/99, Condition D(a) to (e), to allow for the proposed development in terms of section 45(6) of SPLUMA;</p> <p>2. That the following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:</p> <p>2.1 The <b>subdivision</b> (section 15(2)(d)) of the subject property in terms of Section 15(2)(d) of the said by-law into three portions namely <b>Portion 1</b> (±2,24ha), <b>Portion 2</b> (0,64ha) and <b>Portion 3</b> (±0,12ha) as indicated on Subdivision Plan 4 – 3628-P, dated 22 January 2021, and drawn by TV3 Architects and Town Planners.</p> <p>2.2 The <b>rezoning</b> (section 15(2)(a)) of Portion 1 (±2,24ha) from Agriculture and Rural Zone to Subdivisional Area to allow for the following uses: <b>Multi-Unit Residential Zone erven</b> for group housing purposes; <b>Private</b></p>	<p>1. The following application in terms of the Stellenbosch Municipal Land Use Planning by-Law, promulgated by notice 354/2015, dated 20 October 2015, on Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:</p> <p>1.1 The <b>subdivision</b> of the subject property in terms of the said bylaw into three portions namely Portion 1 (±2,24ha), Portion 2 (±0,64ha) and Portion 3 (±0,12ha) as indicated on Subdivision Plan 4 – 3628-P, dated 22 January 2021, and drawn by TV3 Architects and Town Planners.</p> <p>1.2 The <b>rezoning</b> of Portion 1(±2,24ha) from Agriculture and Rural Zone to Subdivisional Area to allow for the following uses: <b>Multi-unit Residential Zone erven and Private Open Space Zone</b> for private open space purposes and private road purposes; with a total extent of ±2,24ha.</p> <p>1.3 The <b>rezoning</b> of Portion 2 and Portion 3 from Agricultural Zone to Utility Services Zone for public roads.</p>

<p><b>Open Space Zone</b> for private open space purposes and private road purposes; with a total extent of ±2,2ha.</p> <p>1.3 The <b>rezoning</b> (section 15(2)(a)) of Portion 2 and Portion 3 from Agriculture and Rural Zone to Utility Services Zone for public roads.</p> <p><b>BE APPROVED</b> in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw.</p> <p>2. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:</p> <p>3.1 The departure (section 15(2)(b)) to exceed the density of 50 dwelling units per hectare to 71 dwelling units per hectare; <b>NOT BE APPROVED</b> in terms of Section 60 of the said ylaw.</p>	<p><b>BE APPROVED</b> in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:</p> <p>2. <u>Conditions</u></p> <p>2.1 A Subdivision Plan for Portion 1 be submitted to the Municipality for approval and to include the following matters.</p> <p>a) Indicated the land uses and extent thereof.</p> <p>b) Provide a mix of group housing and other housing types within the Multi-Unit Residential Zone.</p> <p>2.2 The approval will lapse if not exercised within 5 years from date of final notification.</p> <p>2.3 Inclusionary housing be considered to expand housing opportunity for a broader range of income groups.</p> <p>2.4 The approval applies only to the application in question, and not be construed as authority to depart from any other legal prescriptions or requirements from Council.</p> <p>2.5 Portion 3 (Public Road) be transferred to the Local Authority.</p> <p>2.6 Portion 2 (Public Road) be transferred to the Department of Transport and Public</p>
---	---

	<p>Works as part of the road reserve of the R304</p> <p>3. The following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm Cloetesdal No. 81/29, Stellenbosch Division, namely,</p> <p>3.1 The <b>departure</b> to exceed the density of 50 dwelling units per hectare to 71 dwelling unit per hectare</p> <p><b>NOT BE CONSIDERED</b> in terms of Section 60 of the said bylaw.</p>
--	---

The new application is to comply with the Municipal Planning Tribunal's conditions of approval (specifically Condition 3.1) as stipulated in letter of approval dated 27 August 2021.

The approval of the Subdivisional Plan will allow the developer to submit the General Plan to the SG's Office and the civil engineering consultants to submit the engineering designs to the municipal engineering department so that the developer may commence with the construction of the new residential development.

## PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

### 1. Process followed

The initial application for the rezoning and subdivision of the subject property was advertised for public comment on 20 February 2020 (for 30 days) in the Eikestad News; interested and affected parties were notified; an onsite notice was displayed during the 30-day advertising period; and the application was displayed on the municipal website. A late objection was received for the Stellenbosch Ratepayers Association.

The application for the amended Subdivision Plan was not advertised to the public and thus no further comment has been received on the application.

It is important to note that the original application with the 240 flats was advertised to the interested and affected parties, but not the amended proposal of the 158 group housing units (this is the proposal that served before the MPT).

Although the current proposal is more than the 158 units (179 units), it is still less than the 240 units that were advertised, hence the waiving of the advertising.

The original rezoning and subdivisional application were also circulated to internal and external departments for comment. The revised proposal was however only re-circulated to the internal departments (Spatial Planning and Engineering Services).

	<b>Original Application (240 flats)</b>	<b>Amended Application before decision was made (158 town housing units)</b>	<b>Amended (current) Application to comply with condition of approval</b>
<b>Public participation</b>	Yes	No	No
<b>External Comment</b>	Yes	Yes	No
<b>Internal Comment</b>	Yes	Yes	Yes (Spatial Planning & Engineering Services)

## 2. Public & stakeholder inputs

No public input was received on the application to comply with an MPT condition of approval.

## 3. Government related inputs received

No public input was received from external government departments on the application to comply with an MPT condition of approval.



#### 4. Comments from internal service departments

a) The **Manager: Spatial Planning** supports the proposal subject to the following conditions (see **ANNEXURE G** for memo dated 17 February 2022).

- i) *The landscaping plan must be submitted to the Stellenbosch Municipality for approval subject to the conditions stipulated by the HIA.*
- ii) *Only visually permeable external fencing will be allowed.*

b) The **Director: Engineering Services** supports the proposal subject to certain conditions (see **ANNEXURE H** for memo dated 05 April 2022).

#### 5. Response by Applicant to comments received

Not applicable.

### PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

#### 1. Legislative and Policy Context of land use and land development application

The application was submitted and processed in accordance with and in compliance with the prescripts of the said Bylaw.

#### 2. Assessment of grounds of the land use and land development application

##### 2.1 SPLUMA Principles

The application under consideration has insignificant bearing on development principles of spatial justice, sustainability, efficiency and good administration as specified in Section 2 of SPLUMA.

## 2.2 Applicable MSDF

The Municipal Spatial Development Framework (MSDF) states that Kayamandi is under pressure to develop in a northern direction, but that development should not be extended beyond the northern reach of the Farm Cloetesdal (with the Welgevonden Boulevard as the northern edge); in other words, "*a band of development along the R304 should be promoted*". The subject property is located along the R304 within this area identified by the MSDF for future urban development.

## 2.3 Applicable planning policies and guidelines

### a) Stellenbosch Municipality's Northern Extension Project

In 2016 the Stellenbosch Municipality appointed Jubilee Projects to investigate the northern expansion of the Stellenbosch. At the meeting Council confirmed their support for the "Northwards Extension of Stellenbosch Urban Planning and Development Project" and it was resolved "that Council support the development planning process to proceed in order to achieve the aim of an integrated human settlement development covering an area of approximately 86ha in the study area".

### b) Stellenbosch Municipality's Adam Tas Corridor Project

The Stellenbosch Municipality has initiated the Adam Tas Corridor Project to absorb development pressure in Stellenbosch. The aim of the Adam Tas Corridor Project is to launch the restructuring of Stellenbosch through the redevelopment of the Adam Tas Corridor. The areas stretch from the Cape Sawmills site to Kayamandi/Cloetesville area. The municipality proposed high density residential developments on the Adam Tas Corridor in order to support public transport and non-motorised transport initiatives. The proposed high-density residential development of the subject property, located in the Adam Tas Corridor, will support the principles of the Adam Tas Corridor Project and contribute to the provision of affordable accommodation opportunities.

## 2.4 Service infrastructure capacity and sustainability

Ingeprop South Africa civil engineers were instructed to investigate the availability of civil engineering services (water, sewerage, stormwater, etc.) for the proposed development. According to their civil services report "all services are available near the development and no problems are foreseen in providing the necessary services connections.

## 2.5 Any investigations carried out in terms of other laws that are relevant to the consideration of the subject application (e.g. EIA, TIA, HIA etc.)

ICE Traffic Engineers were instructed to undertake a transport impact assessment for the proposed development. According to their transport impact study report the proposed development is acceptable from a traffic point of view, with certain traffic infrastructure upgrades (see **ANNEXURE I**, dated 28 August 2019). The following recommendations were made:

- i) *That to accommodate the background traffic:*
  - a) *The dualling of the R304 between the R44 and Bottelary Road is required;*
  - b) *The intersection lane layout as per the Conceptual Design of the dualling of the R304 is required at the R304/Welgevonden Boulevard intersection.*
  
- ii) *That to accommodate the proposed development traffic:*
  - a) *The provision of traffic signals, dedicated turning lanes on the R304-approaches (right-turn lane on the northern-approach and left-turn lane on the southern approach) and access approach (right- and left-turn lanes) are considered necessary in addition to the dualling of the R304 as per point 1) above. Should development become operational prior to the dualling of the R304, the ultimate intersection lane layout as per dualled R304 is proposed at the R304/Access intersection (Diagram 1); and*
  
- iii) *That to accommodate public- and non-motorised transport, public transport embayments be provided along the R304 at its intersection with the proposed access-*

*approach (outbound legs) and that a sidewalk be provided along the proposed development-side of the access-approach between the R304 and the access.*

**Heritage Western Cape** required that a Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted (see **ANNEXURE J** for letter dated 07 July 2020). The Impact Assessment Committee at its meeting dated 14 October 2020, resolved that the development may proceed subject to the recommendations of the HIA:

- 1) The landscaping plan should include:
  - i) *More trees in clusters on the boundaries and informal hedges edges; and*
  - ii) *Specification of tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan.*

The landscaping plan must be submitted to the Stellenbosch Municipality for approval, together with the SDP referred to below.

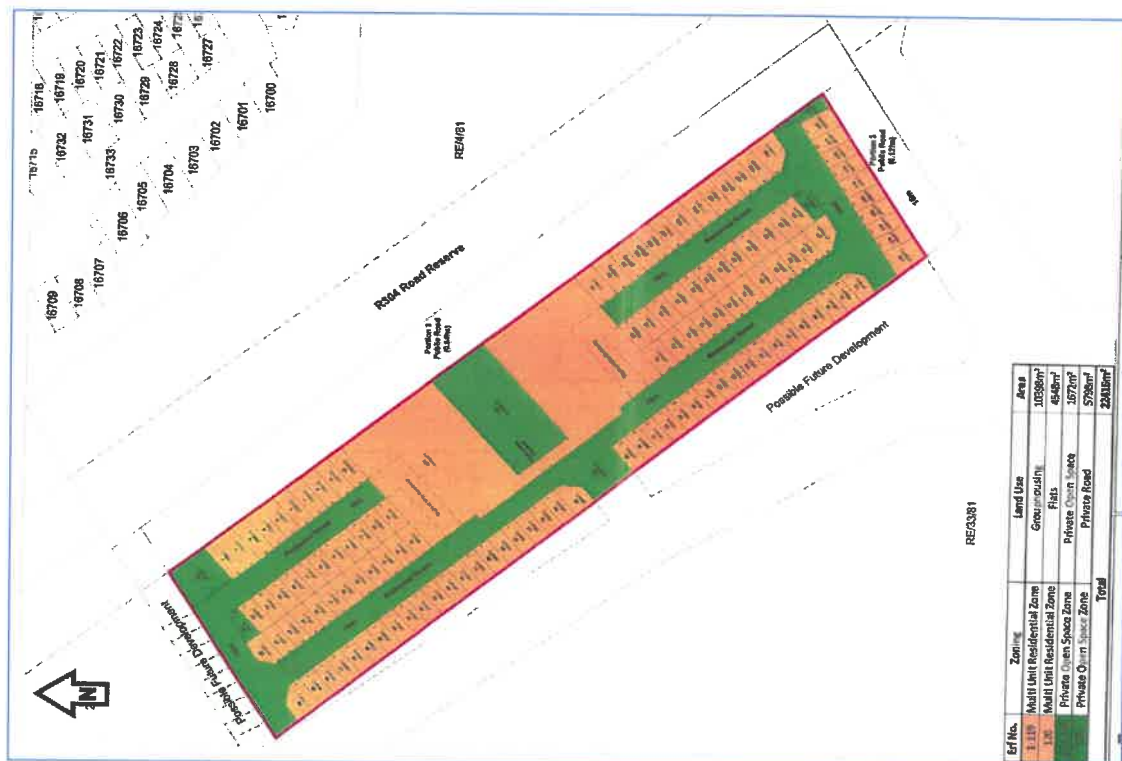
- 2) The preparation of a detailed site development plan, that will reflect the architectural controls referred to in the indicators, namely:
  - i) *Variation in roofscape and colour between units (no more than 2 attached units to have same roof shape).*
  - ii) *Variation in rendering of walls between units through use of different paint colours and/or finishes in particular. Muted earth tones should be specified.*
  - iii) *Visually permeable external fencing.*
  - iv) *The SDP should include controls for external lighting, and other security measures and appropriate signage.*

The SDP must be submitted to the Stellenbosch Municipality for approval, before building plan approval.

## 2.6 The proposal (Amended Subdivisional Plan)

The Municipal Planning Tribunal requested, as per Condition 3.1 as stipulated in the letter of approval dated 27 August 2021, that the following be indicated on the Amended Subdivisional Plan:

- The land uses and extent thereof;
- Provide a mix of group housing and other housing types within the multi-unit residential zone.



**FIGURE 1: SUBDIVISIONAL PLAN**

The amended subdivisional plan (**Subdivision Plan 4, 3628-P, dated 30 November 2021 and drawn by TV3 Architects and Town Planners**) consist of:

- 119 x **Multi-Unit Residential Zone** erven (portions 1 – 119), and  $\pm 10\,398\text{m}^2$  in extent, for group housing purposes;
- 1 x **Multi-Unit Residential Zone** erf (portions 120), and  $\pm 4\,548\text{m}^2$  in extent, for 60 flats;
- 5 x **Private Open Space** erven (portions 121 – 125), and  $\pm 1\,672\text{m}^2$  in extent, for private open space purposes; and

- 1 x **Private Open Space** (portion 126), and  $\pm 5\,798\text{m}^2$  in extent, for private road purposes.

The amended proposal was requested to ensure that the development would consist of a combination of group housing erven and flats. A similar development (Nuutgevonden) already exists to the eastern side of the R304. This type of residential development can accommodate people with different levels of income. The intention of the Adam Tas Corridor is to facilitate higher density developments and promote affordable housing within Stellenbosch. This proposal is therefore compliant with the requirements of the ATC and is also compatible with the surrounding developments.

The proposal also includes the **registration of servitude right of ways** over portion 20 for access to the flat component; and a **departure** to increase the density from 50 dwelling units per hectare to **60** dwelling units per hectare for the group housing component. The registration of the servitude right of way is exempted from an application for subdivision in terms of Section 24(1)(f)(iv) of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015.

The development will consist of a total of **179 units** (119 group housing erven and 60 flats). The group housing erf sizes will range from  $80\text{m}^2$  to  $100\text{m}^2$  in extent and the flats from  $32\text{m}^2$  to  $56\text{m}^2$  in extent. The flats will consist of 3 storeys. A typical Site Development Plan (including the different housing typologies) – as indicated on the Site Concept Layout, dated 26 November 2021, and drawn by Osmond Lange Architects and Planners – is attached hereto (see **ANNEXURE B**).

The zoning scheme prescribes outdoor space, including private outdoor space, in a group housing development shall be provided at a rate of at least  $25\text{m}^2$  per dwelling unit. This outdoor space may be provided in any combination of private and/or communal open space, provided that each dwelling unit has a private outdoor space measuring at least  $2\text{m} \times 5\text{m}$ . A total of  $2\,975\text{m}^2$  outdoor space are therefore required. A total area of  $1\,672\text{m}^2$  communal open space is provided. An average of  $\pm 20\text{m}^2$  private open space is provided with each unit =  $2\,380\text{m}^2$  private open space is provided. A total of  $1\,672\text{m}^2 + 2\,380\text{m}^2 = 4\,052\text{m}^2$  outdoor space is provided for the development.

The zoning scheme further states that on land units used for flats and hostels, communal outdoor space shall be provided at a rate of at least 20% of the area of the land unit and shall be landscaped to the Municipality's satisfaction and reserved for recreation purposes for

residents. A site development must also be submitted for the flat component indicating the parameters of the development.

A phasing plan that divides the two residential components (group housing and flats) into different phases is also required. The phasing plan, together with the site development plan, will be referred to the Department: Transport and Public Works for their amended comment as the proposal consist of more residential units (179 instead of 158) than what was originally approved by the Roads Authority. This will allow the developer to commence with the first approved phase.

## 2.2 General desirability

### *Compatibility with surrounding environment:*

A number of the surrounding properties in the area have been developed with high density developments, such as Nuutgevonden I, Nuutgevonden II, Tweespruit and Mount Simon and the proposal under consideration will be similar to these developments therefore is not seen to be out of character with its surroundings. The amended proposal will ensure that the development will consist of a combination of group housing erven and flats (same as Nuutgevonden). It is also important to note that the mixed-use development on the adjacent property (Farm No. 81/33, Stb) was recently approved.

### *Impact on existing rights:*

The proposal will not have a negative impact on the agricultural potential of the site as it has never been used for agricultural purposes. The proposal was also supported by the Department of Agriculture. The application property has a slight incline to the west of the R304 (the erf is therefore above the road). This means that any construction taking place on this property, especially the 3-storey block of flats, will have an impact on the views of the surrounding property owners or any person driving on the R304. The impact on the views and visual character of the area can however be mitigated by the implementation of adequate landscaping as specified by Heritage Western Cape. It is noteworthy to mention that this is not a stand-alone development and will integrate with the development on Farm No. 81/33, Stellenbosch Division which will also consist of 3 storey buildings.

*Public Transport:*

The subject property is located on a primary development axis/transport corridor (i.e the R304) that will enable access to convenient public transport as facilities are proposed to accommodate these services along the R304. The proposed higher density residential development will also aid in supporting the public transport initiative on this transport corridor (R304) and as the proposed higher density development should contribute to the system's sustainability and viability as a result of the higher density that is proposed.

Public transport embayments currently exist along the outbound legs of the R304 at its intersection with Welgevonden Boulevard. With the construction of the access-intersection, it is proposed to also provide public transport embayments along the R304 (outbound legs).

A surfaced sidewalk exists along the subject property side of the R304 from beyond Kayamandi (towards to CBD) and beyond the Welgevonden Boulevard-intersection. Surfaced shoulders currently accommodate cyclists. It is proposed to provide accommodation for cyclists through the access- and Welgevonden Boulevard-intersections by way of cycle-land between the through- and left-turn lanes. It is also proposed with the implementation of the access-approach to the R304, to provide a sidewalk along the subject property side of the access road up to and including the access.

*Addressing the town's housing needs and backlog:*

According to the MSDF the inadequate supply of affordable housing in Stellenbosch is a main concern and the greater municipal area has a housing backlog in terms of the availability of affordable housing opportunities which is growing.

The proposed development will provide different housing sizes at different prices in the same residential development. The proposal under consideration will create 179 more affordable housing units for (primarily) essential workers, consisting primarily of flats and group housing units, which will aid in contributing towards addressing the housing need and backlog within this income group.

*Density:*



The densification of urban areas is promoted from a planning policy side, as it will lead to the optimal use of a town's existing bulk infrastructure, contain urban sprawl and protect the agricultural hinterland around Stellenbosch. The proposed development will allow for the better and more effective utilising of the available developable land. Considering the size of the subject property ( $\pm 2,2$ ha), the development attempts to provide for the highest possible densities.

Initially, no decision was taken on the proposed density of the development since the applicant had to amend the subdivision plan to accommodate both flats and group housing units, as well as to consider the densities as proposed in the ATC.

The density for the current proposal is  $\pm 60$  dwelling units per hectare (group housing component only). The subject property falls under Precinct 10 in the Adam Tas Corridor. See figure below for minimum and maximum bulk and numbers of residential units per precinct.

Table 11 Minimum and maximum bulk and number of residential units per precinct

PRECINCT	Minimum Density (units)	Maximum Density (units)
Precinct #1 Droe Dyke	3 997	5 181
Precinct #2 Sawmill	659	818
Precinct #3 Oude Libertas	232	288
Precinct #4 Adam Tas	1 952	2 329
Precinct #5 Remgro	203	240
Precinct #6 Bosman's Crossing	219	264
Precinct #7 Bergelder	137	173
Precinct #8 Van der Stel	345	426
Precinct #9 Plonkenbrug	267	322
Precinct #10 Northern Extension	2 273	2 744
Precinct #11 Papegaaiberg	-	-
TOTAL	10 282	12 787

The number of residential units to be developed on the subject property (179 residential units) as well as the adjacent property (Farm No. 81/33) will be in accordance with the provisions and proposed thresholds of the draft Adam Tas Corridor Local Spatial Development Framework (2021) for Precinct 10.

### 3. Additional planning evaluation for removal of restrictions

The restrictive title deed conditions read as follows:

Clause D: ONDERHEWIG aan die volgende spesiale voorwaardes vervat in gemelde Transportakte Nr. T9629/1952, opgelê deur die Beherende Gesag in terme van die bepalings van Wet Nr. 21 van 1940, naamlik:

- (a) "Die grond mag nie onderverdeel word sonder toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940 nie".
- (b) "Nie meer as een woonhuis tesame met sulkke buitegeboue as wat gewoonweg nodig mag wees in verband daarmee mag opgerig word op die grond behalwe met die skriftelike toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940".
- (c) "Die grond mag alleen gebruik word vir woon- en landboukundige doeleindes en geen winkel, besigheid of nywerheid mag geopen of gedryf word op die grond sonder die skriftelike toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940 nie"
- (d) "Geen gebou of struktuur van enige aard mag opgerig word binne 47,23 meter van die middellyn van Bottellary Hoofweg wat langs die noordoostelike grens van die eiendom gaan sonder die skriftelike toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940 nie"
- (e) "Behalwe met die skriftelike toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940, word die gebruik van 'n stuk grond 3,15m in wydte aan die Noord-Oostelike grens van die onderverdeling, gemerk A B op Kaart (Nr 8410/50) van gemelde gedeelte 28, beperk tot a serwituut ten gunste van die Algemene Publiek".

Section 45(6) of SPLUMA makes provision that "where a condition of title, a condition of establishment of a township or an existing scheme provides for a purpose with the consent or approval of the administrator, a Premier, the township board or any controlling authority, such consent may be granted by the municipality and such reference to the administrator, a Premier, the township board or controlling authority is deemed to be a reference to the municipality".

The Municipality will thus be able to grant the necessary consent for the proposal in terms of the said title deed condition. The relaxation of these restrictive conditions, would facilitate further development of the site.

#### **PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT**

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

1. The proposed development supports the principles, and is compliant with the Stellenbosch Municipality's Spatial Development Framework (MSDF).
2. The development of the site forms part of a larger plan as it forms part of the northern extension of the town as well as the Adam Tas Corridor (Precinct 10).
3. The proposed development of the subject property – to create affordable housing opportunities – can be deemed desirable as it complies with the Northern Extension Project's vision and recommendations.
4. The development makes provision for a combination of group housing erven and flats of different sizes at different prices in the same development with adequate open space.
5. The development will create 179 more affordable housing units for (primarily) essential workers.
6. The proposed development will create new employment opportunities in the construction sector.
7. The surrounding environment has already been converted into higher density residential developments and the development proposal will be similar to these developments and can therefore be deemed to be compatible with the surrounding environment.
8. The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase.

9. The proposal complies with the principles of the applicable legislation as well as with Council's various initiatives (i.e Adam Tas Corridor, Northern Extension Project).
10. The visual impact of the proposed development can be mitigated to a large extent with the introduction of appropriate landscaping.

#### PART I: RECOMMENDATION

1. That, in compliance with condition 3.1 as stipulated in the letter of approval, dated 27 August 2021 the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 81/29, Stellenbosch Division, namely:
  - 1.1 The **Subdivision** in terms of Section 15(2)(d) of the said Bylaw in accordance with subdivision plan "Subdivisional Plan Nr 4", dated 30 November 2021, and drawn by TV3 Architects and Town Planners to allow for the following:
    - (a) 119 x **Multi-Unit Residential Zone** erven (portions 1 – 119), and  $\pm 10\,398\text{m}^2$  in extent, for group housing purposes;
    - (b) 1 x **Multi-Unit Residential Zone** erf (portion 120), and  $\pm 4\,548\text{m}^2$  in extent, for purposes of a block of flats consisting of 60 units;
    - (c) 5 x **Private Open Space** erven (portions 121 - 125), and  $\pm 1\,672\text{m}^2$  in extent, for private open space purposes,
    - (d) 1 x **Private Open Space** (portion 126), and  $\pm 5\,798\text{m}^2$  in extent, for private road purposes.
    - (e) registration of a **servitude right of way** over portion 20 for access to the flat component.
  - 1.2 **Departure** in terms of Section 15(2)(b) of the said Bylaw to exceed the maximum density of **50** dwelling units per hectare to **60** dwelling units per hectare.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.

- 2 The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
  - 2.1 The development be undertaken in accordance with the Subdivisional Plan Nr 4, dated 30 November 2021, and drawn by TV3 Architects and Town Planners, attached as **ANNEXURE B**.
  - 2.2 An electronic copy (shp.dwg.dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
    - 2.2.1 Newly allocated erf numbers
    - 2.2.2 Co-ordinates
    - 2.2.3 Survey dimensions
    - 2.2.4 Street names and numbering
  - 2.3 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.
  - 2.4 All common property, inclusive of private road/s and open space/s and land required for services by the owner's association, be transferred at his cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.
  - 2.5 A Phasing Plan which indicates the spatial phasing and associated timeframe of the development be submitted to the Municipality for approval together with the Site Development Plan information (as indicted in conditions 2.6, 2.7 and 2.8).
  - 2.6 A detailed Site Development Plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted for the development to the Municipality for approval prior to the submission of any building plans which must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw and any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters:
    - 2.6.1 access control gates with associated infrastructure
    - 2.6.2 Perimeter boundary wall/fencing for the development

- 2.6.3 compliance to conditions of Heritage Western Cape
  - 2.6.4 a Landscaping Plan
- 2.7 An updated traffic impact statement and a civil engineering services report (to assist the municipal engineers in calculation the development charges) be submitted with each Site Development Plan.
- 2.8 Architectural/Aesthetic Guidelines be submitted for the group housing component and approved by the Municipality prior to the registration of the first property or the submission of any building plans application. These guidelines to take the conditions of Heritage Western Cape into consideration (see **ANNEXURE J**).
- 2.9 All public places and public streets on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf within the subdivision of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.
- 2.10 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 2.11 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 2.12 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their memo dated 09 February 2022 and attached as **ANNEXURE H**.

2.13 The conditions of approval as imposed by the Road Network Management of the Department of Transport and Public Works must be complied with to the satisfaction of said department as attached as **ANNEXURE K**.

2.14 The servitude rights be registered in the title deeds of the applicable property/ies on registration.

**3. The reasons for the above decision are as follows:**

3.1 The intention of the Adam Tas Corridor is to facilitate higher density developments and promote affordable housing within Stellenbosch. This proposal is therefore compliant with the requirements of the ATC as it allows for different housing typologies.

3.2 The revised subdivision plan is in line with the requirements of "Precinct 10" of the Adam Tas Corridor in terms of the density that is proposed by the revised subdivision application.

3.3 The MPT has already approved the rezoning of the subject property for urban development purposes and the proposed subdivision plan is in line with the approval granted for the rezoning of the subject property.

**4. Matters to be noted:**

4.1 Permission required in terms of the title deed condition D(a-e) of the Title Deed No. T52460/99, be obtained from the Authorised Official.

4.2 Application for the Approval of the development's name: Redwood Estate and the naming and numbering of streets as per the Street Naming and Numbering Plan, be obtained from the Authorised Official.

4.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

4.4 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.

4.5 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.

- 4.6 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.7 The development must comply with the conditions of approval as imposed by Heritage Western Cape as set out in their approval letter of 14 October 2020, as attached as **ANNEXURE J** of this report.
- 4.8 The conditions stated in the letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) by the Department of Transport and Public Works, dated 19 October 2020 and 14 February 2022, BE NOTED. See **ANNEXURE K**.

## **PART J: ANNEXURES**

- ANNEXURE A:** Locality Plan
- ANNEXURE B:** Title Deed
- ANNEXURE C:** Subdivision Plan
- ANNEXURE D:** Motivation
- ANNEXURE E:** Minutes of Pre-Consultation Meeting
- ANNEXURE F:** Minutes of MPT meeting held on 20 August 2021
- ANNEXURE G:** Comments from the Manager: Spatial Planning
- ANNEXURE H:** Comments from the Director: Engineering Services
- ANNEXURE I:** Initial Traffic Impact Assessment
- ANNEXURE J:** Initial comment from Heritage Western Cape
- ANNEXURE K:** Initial comment from the Department of Transport and Public Works



**PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT****APPLICATION FOR SUBDIVISION AND DEPARTURE ON FARM NO. 81/29, STELLENBOSCH DIVISION****Author of Planning Assessment Report:**

Recommended Categorisation of the Application for Authorised Decision Maker:

Name: Louise Gumb

Capacity: Senior Town Planner

Signature: 

Date: 07/04/2022

**PART L: REVIEW OF PLANNING APPLICATION ASSESSMENT REPORT****APPLICATION FOR SUBDIVISION AND DEPARTURE ON FARM NO. 81/29, STELLENBOSCH DIVISION****Review of Planning Assessment Report:**

Name: Chrizelle Kriel

Capacity: MLCM

SACPLAN Registration: A212/16

Signature: 

Date: 07/04/2022

**PART M: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT****APPLICATION FOR SUBDIVISION AND DEPARTURE ON FARM NO. 81/29, STELLENBOSCH DIVISION****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

**Category:** L (3) & D (c) (3)

**Decision Making Authority:** SMPT

**Rational:** The Municipal categorisation model for decision on Land Use and Land Development applications requires that an application for the Subdivision of land larger than 10 000m<sup>2</sup> to be decided by the Stellenbosch Municipal Planning Tribunal.

**Name:** *Stiaan Coetzee*

**Capacity:** *SMPT*

**SACPLAN Registration:** *A/1551*

**Signature:**

**Date:**

*[Handwritten Signature]*  
*7/4/2022*

**PART N: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT****APPLICATION FOR SUBDIVISION AND DEPARTURE ON FARM NO. 81/29, STELLENBOSCH DIVISION****Administrator to Stellenbosch Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date: 22 April 2022

Name: Lenacia Kaminieth

Capacity: SENIOR ADMINISTRATIVE OFFICER

Signature: 

Date: 07.04.2022

# **ANNEXURE A**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**LOCALITY PLAN**

# Stellenbosch GIS Map

**SCALE**

**1:4 513,99**

**Legend**

**340**



Stellenbosch Municipality  
Planning & Economic Development  
Created by: Corporate GIS

Date: 2021/07/02



Author: Stellenbosch Municipality



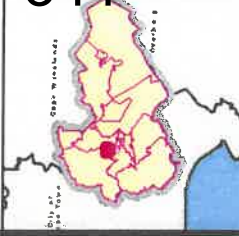
Stellenbosch Municipality  
Street Address:  
71 Plein Street, Stellenbosch, 7600  
Tel. 021 888 8656

This map is the reproduction of the information contained in the GIS database. It is not to be used for any other purpose without the written consent of Stellenbosch Municipality. The information is provided as is and is not to be used for any other purpose without the written consent of Stellenbosch Municipality.



**SCALE**  
1:9 027,98

**Legend**



Stellenbosch Municipality  
Planning & Economic Development  
Created by: Corporate GIS  
Date: 2021/1/2020



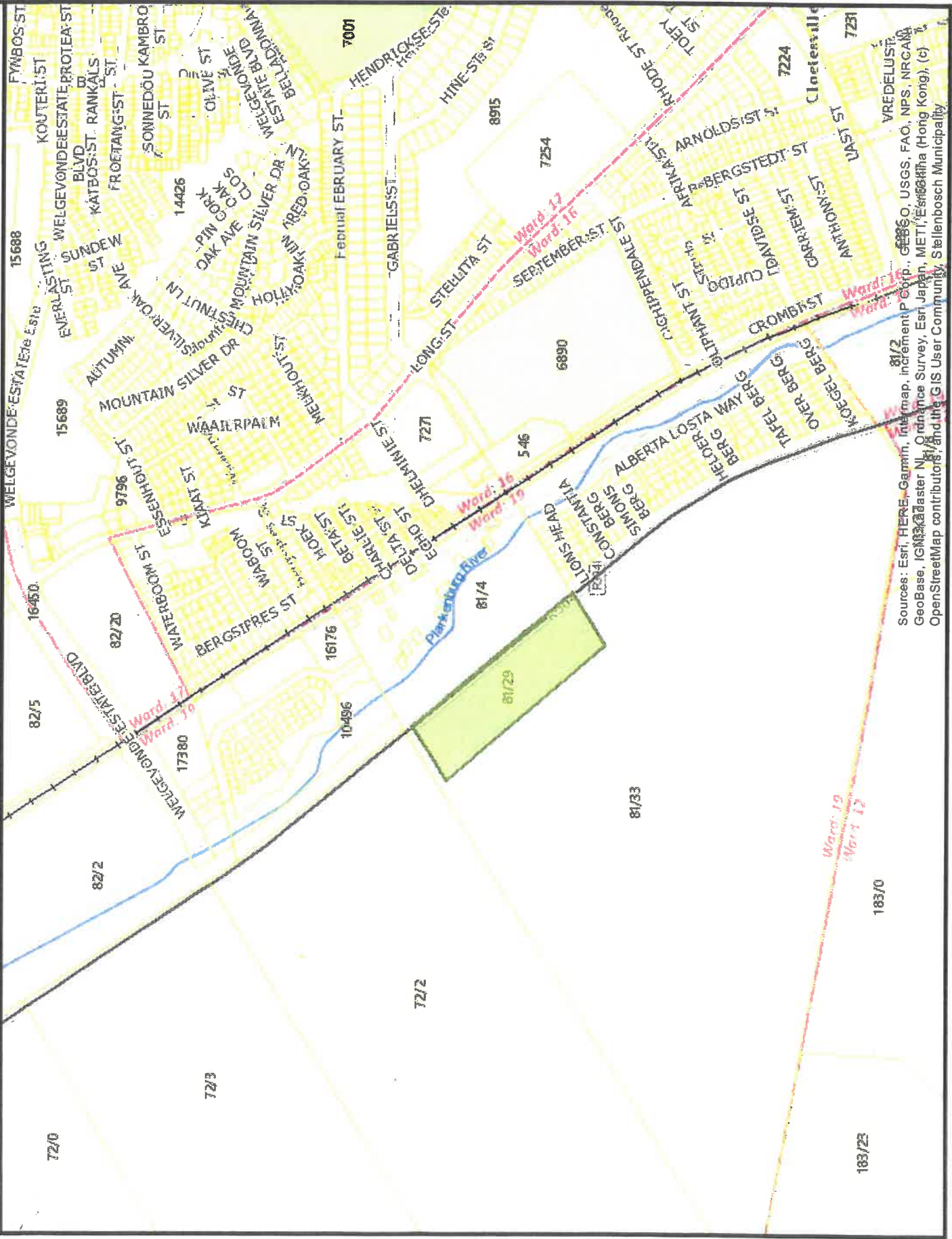
Author: Stellenbosch Municipality



Stellenbosch Municipality  
Street Address:  
71 Plein Street, Stellenbosch, 7600  
Tel: 021 808 8658

We hereby declare that the information contained in this document is true and correct to the best of our knowledge and belief. We further declare that we are not aware of any material misstatement of fact or any omission of material information. We accept full responsibility for the accuracy and completeness of the information provided in this document.

**Stellenbosch GIS Map**



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Stellenbosch Municipality

# **ANNEXURE B**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**COPY OF TITLE DEED**



**CONVEYANCER'S CERTIFICATE**

I/We **KARIN HANEKOM**  
*(conveyancer's name and surname)*

Hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town, regarding the following property(ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer)

**PORTION 29, A PORTION OF PORTION 11 OF THE UNIFIED FARM CLCETESDAL NR 81, DNISICU STEL-LEUBOSCH T52460/99; T39704/93; T3747/74**

*(erf/ farm number/s and description/s as it appear in the title deed)*

In respect of which it was found that there **are** ~~are no~~ restrictive conditions registered against such property(ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):

**Rezoning and subdivision of land for residential development.**

*(proposed use/development/zoning of property)*

**A. LIST OF RESTRICTIVE TITLE CONDITIONS *(if any)***

Categories	Are there title deed restrictions (indicate below)			Title deed and clause number if restrictive conditions are found
	Y	N	NA	
Use of land	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	D (c) T52460/99 / IV (c) T3747/74 T39704/93
Building lines	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	D (d) T52460/99 / IV (d) T3747/74 T39704/93
Height	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Number of dwellings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	D (b) T52460/99 / IV (b) T3747/74 T39704/93
Bulk floor area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Coverage/built upon area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Subdivision	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	D (a) T52460/99 / IV (a) T3747/74 T39704/93
Servitudes that may be registered over or in favour of the property	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	D (e) T52460/99 / IV (e) T3747/74 T39704/93
Other restrictive conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	



**B. AFFECTED PARTIES AS PER TITLE DEED** (if any)

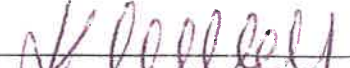
Organ(s) of state that might have an interest in the restrictive condition.	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> NA	"Behereinde Casag" C(a) T 52460/99 (e)
A person whose rights or legitimate expectations will be affected by the removal/suspension/ amendment of a restriction condition.	<input type="radio"/> Y	<input checked="" type="radio"/> N	<input type="radio"/> NA	
All persons mentioned in the title deed for whose benefit the restrictive condition applies.	<input type="radio"/> Y	<input type="radio"/> N	<input checked="" type="radio"/> NA	

**C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED**

(please tick appropriate box)

Application in terms of the Stellenbosch Municipal Planning By-Law (Section 15) <input checked="" type="checkbox"/>	National Deed of Cancellation (submit copy of signed agreement)	Expungement by means of 'rule nisi' application to the High Court (submit copy of court order)	If other, please specify
---	---	--	--------------------------

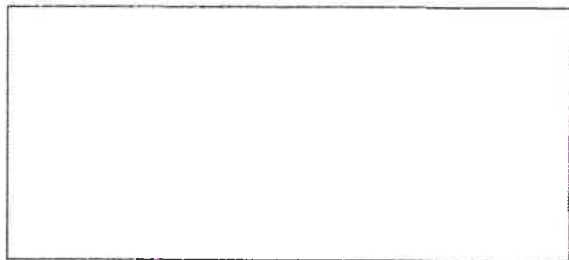
Signed at Bellville on this 3<sup>rd</sup> day of September 2019

Full names and Surname: Karin Houtman Signature: 

Firm Postal Address:

Kindly endorse certificate by affixing firm's official stamp here and initial it.

BMH Attorneys  
Unit 5 Cascade Terraces, Ground Floor  
Carl Cronje Drive, Tyger Waterfront,  
Bellville 7530, Po Box 1820, Bellville 7535  
Docex 13, Bellville  
Tel : 021 9197599/021 9140981



Tel:

E-mail:

POSBUS 168 STELLENBOSCH 7599

*Van der Westhuizen*  
TRANSPORTBESORGER  
VAN DER WESTHUIZEN G.A

290 00

*Van der Westhuizen*  
*WV 12/12/98*

*S*

700 000,00

26976-99  
06 07 99

*[Signature]*


52460199

# TRANSPORTAKTE

**SY DIT KENNELIK AAN ALMAL WIE DIT MAG AANGAAN**

Dat **DANIËL JACOBUS SIEBRITS**

verskyn het voor my, Registrateur van Aktes te KAAPSTAD. Hy die gesegde Komparant synde daartoe behoorlik gemagtig deur 'n volmag geteken te STELLENBOSCH op **23 Februarie 1999** aan hom verleen deur

**STEYNS KWEKERY BK**  
Registrasienommer: CK89/14903/23

welke volmag, geteken in die teenwoordigheid van getuie ooreenkomstig die Wet. my hede getoon is;

En die Komparant het verklaar dat voormelde TRANSPORTGEWER waarlik en wettiglik verkoop het op 23 FEBRUARIE 1999 en dat Hy, in sy hoedanigheid as voormeld hiermee in volle en vrye eiendom sedeer en transporteer aan en ten behoeve van

**DIE TRUSTEES INDETYD VAN  
STEYNS FAMILIETRUST**  
Registrasienuommer: IT4599/98

Sy opvolgers in titel of regsverkrygendes

**GEDEELTE 29, 'N GEDEELTE VAN GEDEELTE 11, VAN DIE VERENIGDE  
PLAAS CLOETESDAL NR. 81, AFDELING STELLENBOSCH  
PROVINSIE WES-KAAP**

**GROOT: 2,9980 (TWEË KOMMA NEGE NEGE AGT-NUL) HEKTAAR**

Oorspronklik oorgedra kragtens TRANSPORTAKTE NR T9629/1952 met Kaart Nr. 8410/50 wat daarop betrekking het en gehou kragtens TRANSPORTAKTE NR T39704/1993.

- A. **ONDERHEWIG** aan sodanige voorwaardes soos na verwys word in Transportakte Nr. T3116/1927.
- B. **SOOS** uiteengesit in Sertifikaat van Verengide Titel Nr. T11746/1926, uitgereik op 19 November 1926, **ONDERHEWIG** aan en **GEREGTIG** op die voordeel van:-
- (1) die terme en voorwaardes van die Bevel van die Waterhof Distrik Nr. 1 gedateer 4 April 1922, geheg aan Transportaktes Nrs T9119 en T9201 gedateer 29 Desember 1900, en daarop geëndosseer op 2 Mei 1922, wat betrekking het op 'n verdeling van sekere waterregte;
  - (2) die terme en voorwaardes van 'n sekere Notariële Akte van Serwituut gedateer 23 Maart 1926, geheg aan gemelde twee Transportaktes Nrs. T9199 en T9201 gedateer 29 Desember 1900, en daarop geëndosseer op 16 Augustus 1926 wat betrekking het op sekere waterregte;
- C. **ONDERHEWIG** aan en met die voordeel van die volgende spesiale voorwaarde vervat in gemelde Transportakte Nr. T3116/1927, naamlik:-

"The transferee or his successors in title, shall not have the right of removing sand from the Plankenberg River, but shall allow its free and uninterrupted flow or wash on to Lot A, a portion of the farm Cloetesdal, this day transferred to A. Gelb and L.M. Stella, trading as GELD VAN STELLA, No 3114, save and except that the said transferee, or his successors in title, shall have the right to take sand as he may require for building purposes on the land hereby transferred."

D. **ONDERHEWIG** aan die volgende spesiale voorwaardes vervat in gemelde Transportakte Nr. T9629/1952, opgelê deur die Beherende Gesag in terme van die bepalinge van Wet Nr. 21 van 1940, naamlik:-

- "(a) die grond mag nie onderverdeel word sonder toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940 nie.
- (b) nie meer as een woonhuis tesame met sulke buitegeboue as wat gewoonweg nodig mag wees in verband daarmee mag opgerig word op die grond behalwe met die skriftelike toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940.
- (c) Die grond mag alleen gebruik word vir woon- en landboukundige doeleindes en geen winkel, besigheidplek of nywerheid mag geopen of gedryf word op die grond sonder die skriftelike toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940 nie.
- (d) Geen gebou of struktuur van enige aard mag opgerig word binne 47,23 meter van die middellyn van Bottellary Hoofweg wat langs die noordoostelike grens van die eiendom gaan sonder die skriftelike toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940 nie.
- (e) Behalwe met die skriftelike toestemming van die Beherende Gesag soos omskrywe in Wet Nr. 21 van 1940, word die gebruik van 'n stuk grond 3,15 meter in wydte aan die Noord-Oostelike grens van die onderverdeling, gemerk A B op Kaart (Nr 8410/50) van gemelde GEDEELTE 28, beperk tot 'n serwinnutreg ten gunste van die Algemene Publiek."

E. **ONDERHEWIG VERDER** aan die volgende Onteienings Endossement gedateer 20 Oktober 1966, op Transportakte Nr. T5425/1955, wat soos volg lees:-

"Endossement kragtens Art 31/6 van Wet 47/1937 soos gewysig:- 'n Gedeelte van die eiendom hierin vermeld, groot +/- 7709 vierkante meter is onteien deur die Afdelingsraad van Stellenbosch in terme van Art 130 van Ordonnansie 15 van 1952. -

Vide Onteienings-kennisgewing Nr H/2/1 gedateer 5 Oktober 1966 geliasseer as Onteienings Caveat 735/66. Planne geliasseer hiermee."

Weshalwe die Komparant afstand doen van al die regte en titel wat die TRANSPORTGEWER voorheen op genoemde eiendom gehad het, en gevolglik ook erken dat die TRANSPORTGEWER geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat kragtens hierdie akte, bogenoemde trustees indertyd van die TRANSPORTNEMER TRUST, hulle opvolgers in titel of regsverkrygendes, tans en voortaan daartoe geregtig is, oortekomstig plaaslike gebruik, behoudens die Regte van die Staat; en ten slotte erken hy dat die hele Koopsom die bedrag van R700 000,00 (SEWEHONDERDDUISEND RAND) bedra, wat ten volle betaal of verseker is.

Ten Bewyse waarvan ek, die genoemde Registrateur, tesame met die Komparant, hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes, te  
 KAAPSTAD op 6 Julie 1999

  
 q.q. sy Prinsipaal/ale

In my teenwoordigheid,

  
 REGISTRATEUR VAN AKTES.

110

VERBIND		MORTGAGED	
VIR		FOR A	
		790,000.00	
B	024815/2003	<i>[Signature]</i> REGISTRAR/REGISTRAR	
	2003-05-14		

ONDERVEREEN-  
KOMST VAN 24 SEPTEMBER 1950

01 2 COPIA

L. G. No. 8410/50

SYZ Koaördinaat	RIGTINGS- HOEK	STREKSEL 1950 KO-ORDINATE
AB 10 12.1	319 35	50 A + 5045.64
AC 299.5	58 43	10 B + 5289.64
CD 1013.0	129 14	20 C + 5645.5
DE 305.8	238 42	10 D + 5306.9
EA 40.5	319 35	50 E + 5071.9

Goedgekeur.

*J. de Koning*  
Landmeter-generaal.

Berekening van Bovenstaand

ACD = 31 meters breedte 2 1/2 m grond

BE = 4 meters breedte met 1/2 m in grond uitbreid.

AB is die noord-oostelike grens van 'n  
Sewerput Pad, 12 m. wyd.

Gedecreteerd (.....)  
(Ingedeelte van die plaas  
SLOETESDAL, No. 81)

300 500 800  
KUBIK FM

Skaal 1: 3000

Die figuur A B C D

stel voor 3.5001 m<sup>2</sup> gr. grond, synde

GEDEELTE 28 (in gedeelte van Gedeelte 11)

van die plaas CLOETESDAL

geleë in die Afdeling SKEIWERBOSCH, Provinsie Kaap die Gooie Hoop

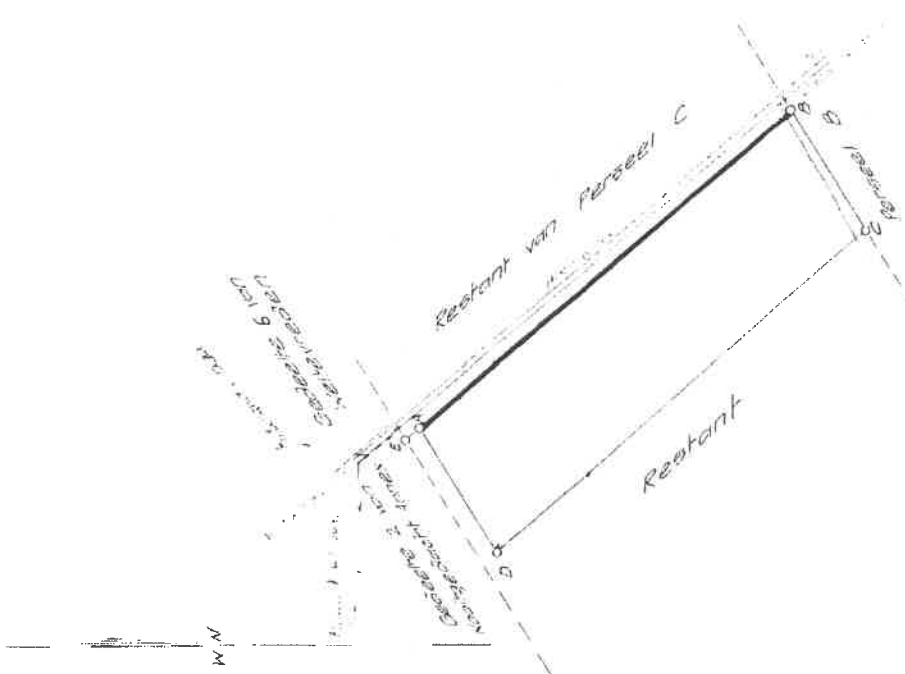
Opgemets in September 1950 deur my

*J. de Koning*  
Landsmeter

Hierdie kaart is geneem aan Die aarpruifings kaart is L. G. Lot No. 1010/50  
No. 9629/52 geneem aan M.S. No. E. 2111  
TIA 1943-81 - 1041 (Sewerput) 1010/50

Stel 810-57

M 3214

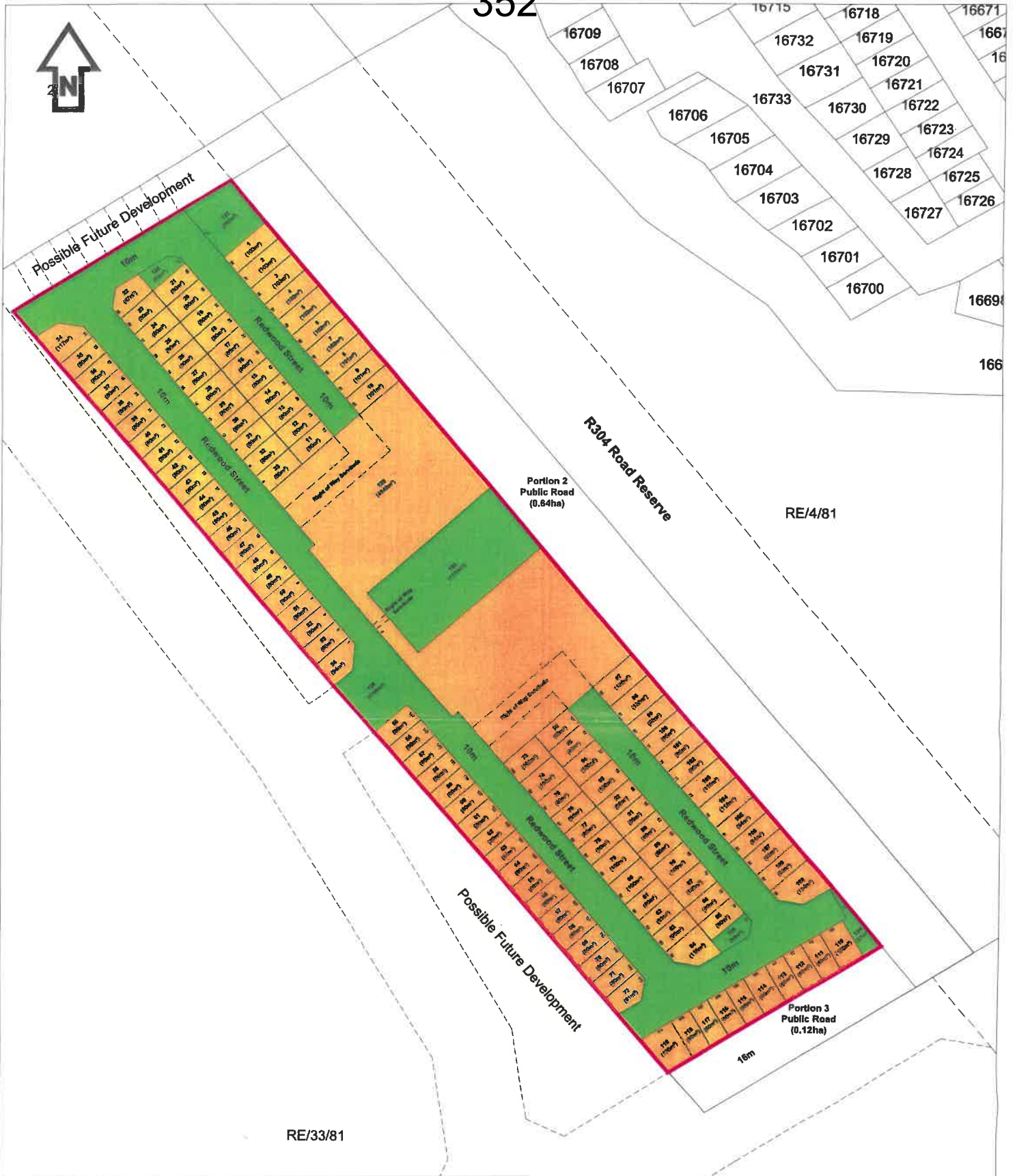


# **ANNEXURE C**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**SUBDIVISIONAL PLAN**





Erf No.	Zoning	Land Use	Area
1-119	Multi Unit Residential Zone	Grouphousing	10398m <sup>2</sup>
120	Multi Unit Residential Zone	Flats	4548m <sup>2</sup>
121-125	Private Open Space Zone	Private Open Space	1672m <sup>2</sup>
126	Private Open Space Zone	Private Road	5798m <sup>2</sup>
<b>Total</b>			<b>22416m<sup>2</sup></b>



ARCHITECTS  
TOWN PLANNERS  
URBAN DESIGNERS

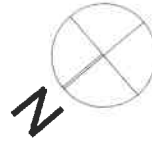
FIRST FLOOR LA GRATITUDE OFFICE BUILDING | 97 DORP STREET  
STELLENBOSCH 7600 | TEL +27 (21) 861 3800 | www.tv3.co.za

# Redwood Estate

Property Description:

Portion 1 (a portion of Portion 29 of Farm 81, Stellenbosch)

Drawing:		Plan no.:	
Subdivision Plan		4	
Date:	30/11/2021	Scale:	1:1500(A4)
Project no.:	3628-P	Drawn:	WH
		Checked:	CH



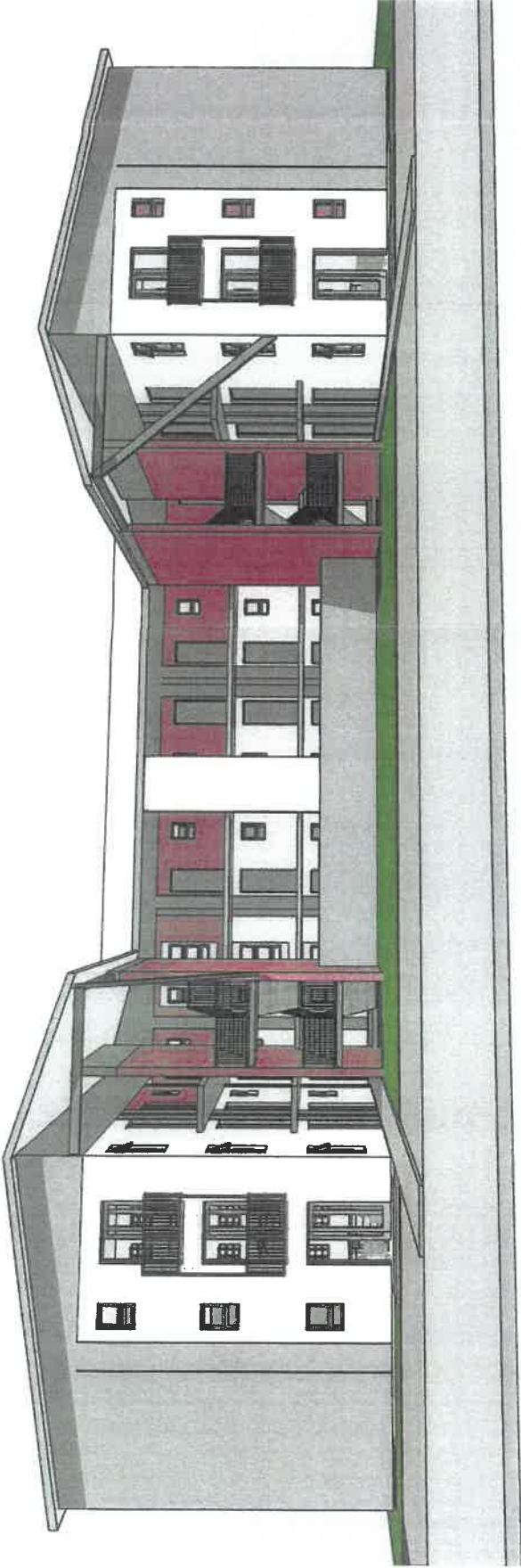
DUPLEX ERVEN SCHEDULE	
80m <sup>2</sup> + - Unit Types All except D	101
100m <sup>2</sup> + - Unit Types All except D	1
100m <sup>2</sup> + - Unit Types All	7
<b>SUBTOTAL DUPLEX ERVEN</b>	<b>119</b>

APARTMENTS SCHEDULE (sectional title area)	
32m <sup>2</sup> - Bachelor	42
51m <sup>2</sup> - 2-bed	9
56m <sup>2</sup> - 2-bed	9
<b>SUBTOTAL APARTMENTS</b>	<b>60</b>
<b>PARKING - Req.: 1.5/u (90) Prov.: 1.5/u (90)</b>	

**TOTAL UNITS: 179**

**Site Concept Layout - 1:1000**





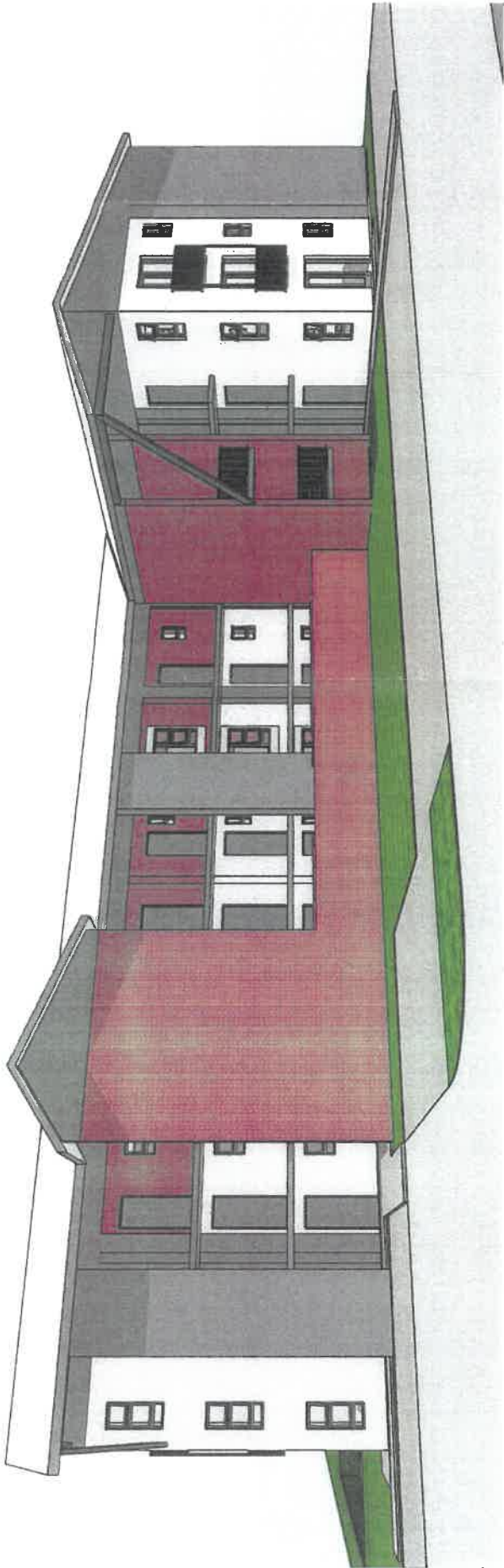
**SOUTH  
APARTMENT  
BLOCK  
Perspectives**

**Osmond Lange Architects and Planners (Pty) Ltd  
Cape Town**

Postal: P.O. Box 489, Bellville, 7535  
 Address: First Floor, Block 2A, Tyger Troncos 2, DJ Wood Way, Bellville  
 E-mail: [osl@os-lange.co.za](mailto:osl@os-lange.co.za)  
 Tel: +27 (0) 21 8483455  
 Fax: +27 (0) 21 8483455



**Redwood Estate - Farm 81/29 Stellenbosch**  
 Residential Development - Feasibility Study  
 Scale as indicated (A3)  
 20 January 2022



**NORTH  
APARTMENT  
BLOCK  
Perspectives**

**Osmond Lange Architects and Planners (Pty) Ltd  
Cape Town**

P.O. Box 489, Bellville, 7535  
 Address: First Floor, Block 2A, Tyler Terraces 2, D1 Wood Way, Bellville  
 E-mail: opl@o-l.co.za  
 Tel: +27 (0) 21 9481877  
 Fax: +27 (0) 21 9482455



**Redwood Estate - Farm 81/29 Stellenbosch**  
 Residential Development - Feasibility Study  
 Scale as indicated (A3)  
 20 January 2022

# **ANNEXURE D**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**APPLICANT'S MOTIVATION**

Our Reference: 3628-P  
Application No: LU/10313

30 November 2021

Director: Planning and Economic Development  
Stellenbosch Municipality  
Town House  
**7600 STELLENBOSCH**

**Attention: Ms. Chrizelle Kriel**

Madam

**STEYN'S NURSERY: APPLICATION FOR THE REZONING, SUBDIVISION, ETC. ON FARM 81/29, DIVISION OF STELLENBOSCH**

**COMPLIANCE WITH MUNICIPAL CONDITIONS OF APPROVAL**

1. On 9 September 2019 we submitted the abovementioned land use planning application to the Stellenbosch Municipality.
2. On 20 August 2021 the Municipal Planning Tribunal (MPT) approved the application subject to the following condition no. 3.1: A **Subdivision Plan** for Portion 1 be submitted to the Municipality for approval and to include the following matters:
  - a) Indicate the land uses and extent thereof.
  - b) Provide a mix of group housing and other housing types within the Multi-Unit Residential Zone.
3. In order to comply with this condition of approval we hereby submit the final the Subdivision Plan for your approval.

4. Also attached is a Site Development Plan illustrating how the residential scheme will be developed.
5. The approval of the Subdivision Plan – as required by the MPT – will allow the developer to submit the General Plan to the SG's Office and the civil engineering consultants to submit the engineering designs to the municipal engineering department so that the developer may commence with the construction of the new residential development. For this reason, we respectfully request that the plan be approved as soon as possible.
6. Please feel free to contact the undersigned if you have any queries or require any additional information at 021 861 3800 or [clifford@tv3.co.za](mailto:clifford@tv3.co.za).

Yours faithfully



**CLIFFORD HEYS**  
**TV3 PROJECTS (PTY) LTD**

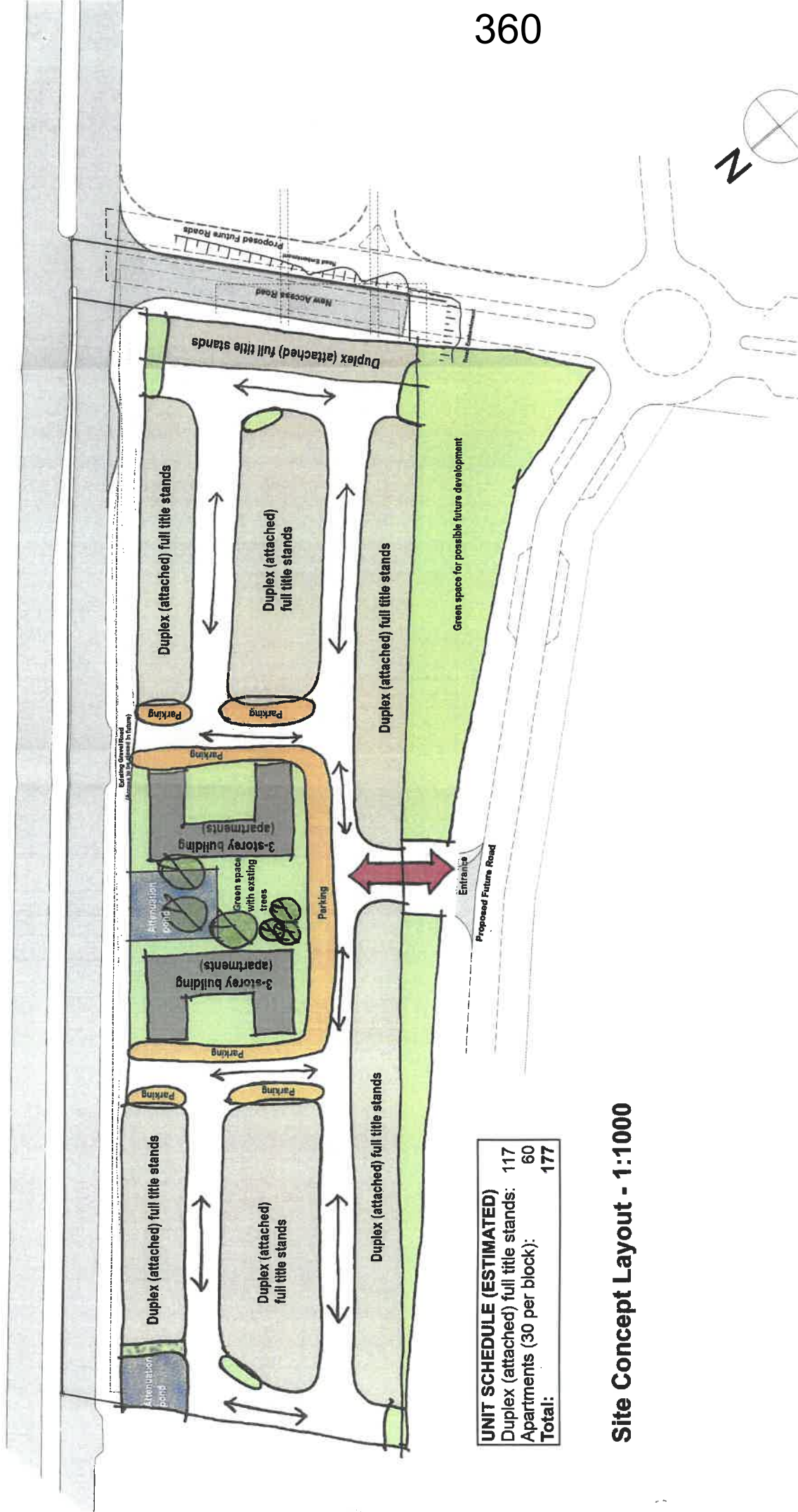
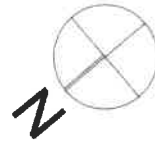
# **ANNEXURE E**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

---

**PRE-CONSULTATION  
MEETING**





<b>UNIT SCHEDULE (ESTIMATED)</b>	
Duplex (attached) full title stands:	117
Apartments (30 per block):	60
<b>Total:</b>	<b>177</b>

**Site Concept Layout - 1:1000**

**Osmond Lange Architects and Planners (Pty) Ltd**  
Cape Town

P.O. Box 489, Bellville, 7535  
Address: First Floor, Block 2A, Tyger Terrace 2, DJ Wood Way, Bellville  
E-mail: opl@ol.co.za  
Tel: +27 (0) 21 8481877  
Fax: +27 (0) 21 8483455



Cc: Francois Nortje <[FrancoisN@o-l.co.za](mailto:FrancoisN@o-l.co.za)>

Subject: Steyn's - Nuwe Konsep Uitleg

Hi Almal,

Vind asseblief aangeheg die nuwe voorgestelde konsep uitleg ("bubble" diagram) vir Steyn's vir jul insette.

Die konsep is om die hoër digtheid eenhede sentraal te plaas met die hoof groen ruimte in die middel daarvan (om 'n "dorp kern" te skep). Dit maak dat:

1. Die groen ruimte die eerste ruimte is wat mens sien wanneer mens inry ("first impressions last", dus versterk dit die groen/tuin atmosfeer);
2. Die woonstel bewoners naby die ingang is (dus hoef hulle nie verby die huise te ry om by hul blyplek uit te kom nie, beter vir beide woonstel- en duplex bewoners), en;
3. Die lang strate (in die lengte van die ontwikkeling) korter is.

Eenhede werk tans uit op 177 totaal.

Regards/Groete,

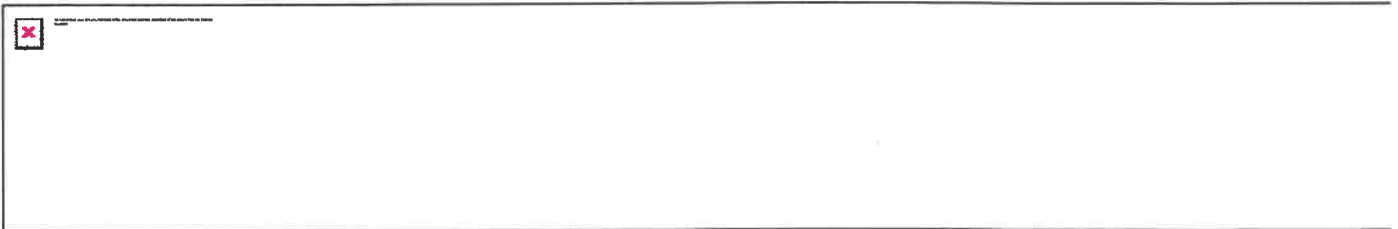
**Philip du Toit**

Associate | PrArch

Tyger Terraces II, DJ Wood Way, Bellville, Cape Town | +27 21 948 1877 | +27 82 676 7928

OSMOND LANGE ARCHITECTS

Level 2 BBBEE Contributor



# **ANNEXURE F**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**MINUTES OF MPT MEETING**

**MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 20 AUGUST 2021****MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING  
HELD ON FRIDAY, 20<sup>TH</sup> OF AUGUST 2021 via MS TEAMS****Ref. no. 3/4/5/2/40****2021-08-20**Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Dr R Pool-Stanvliet

Mr C Rabie

Mrs H Crooijmans-Lemmer

Mr E Delport

Mr J Knight

Internal Members

Mr M Williams: Senior Legal Advisor

Mr S van der Merwe: Environmental Planner

Ms J Mowers- Senior Manager: Development, Asset Management and Systems &  
Project Management Unit - Infrastructure Services

Mr G Cain: Manager: IDP &amp; Performance Management

Mr B de la Bat: Manager - Spatial Planning

Mrs M Francis: Manager- Project Management Unit- Infrastructure Services

Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

Ms L Guntz: Senior Town Planner

Ms O Sims: Administrative Officer: MPT

Ms L Kamineth: Senior Administrative Officer: MPT

Technical AdvisorMr K Munro: Director - Development Management, Department Environmental  
Affairs and Development Planning.

**MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 20 AUGUST 2021**

<b>ITEM</b>	<b>SUBJECT</b>
<b>SMPT 01/08/21</b>	<b>OPENING AND WELCOME</b>
	Chairperson Du Plessis welcomed all.
<b>SMPT 02/08/21</b>	<b>LEAVE OF ABSENCE</b>
	Mr A van der Merwe: Senior Manager: Community Services
<b>SMPT 03/08/21</b>	<b>DISCLOSURE OF INTERESTS</b>
	No conflict of interests were noted.
<b>SMPT</b>	<b>MINUTES OF THE PREVIOUS MEETING DATED 16 JULY 2021</b>
<b>04/08/21</b>	The minutes of the previous meeting was noted.
	<b>MATTERS FOR CONSIDERATION</b>
<b>SMPT 05/08/21</b>	<b>APPLICATION FOR SUBDIVISION, REZONING, CONSENT OF TITLE DEED CONDITIONS, PERMANENT DEPARTURE AND APPROVAL OF SITE DEVELOPMENT PLAN: FARM NO. 81/29, STELLENBOSCH DIVISION (LU/10313)</b>
	<b>DISCUSSION:</b>
	<ul style="list-style-type: none"> <li>a) The development of the area around the subject property, the alignment of the proposed western bypass, the urban edge and the vision of the Adam Tas Corridor initiative (precinct 10) was discussed to understand the relevant proposal in the larger context.</li> <li>b) Clarity was given on the building line on the R304, the future road network and relevant road upgrades required.</li> <li>c) The difference between the initial layout and the existing layout, the urban design, landscaping, the density and the HIA approval was discussed.</li> </ul>

## MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 20 AUGUST 2021

- d) Consent required in terms of the Title Deed and the required process was discussed and it was confirmed that the decision is to be taken in terms of Section 45(6) of SPLUMA by the controlling authority / municipality.
- e) Although the applicant indicated that the comments of the Stellenbosch Ratepayers Association were late and therefore invalid, it was considered by the MPT.

**UNANIMOUSLY RESOLVED:**

1. The following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:

1.1 The **subdivision** (~~section 15(2)(d)~~) of the subject property in terms of ~~Section 15(2)(d)~~ of the said by-law into three portions namely **Portion 1** (±2,24ha), **Portion 2** (0,64ha) and **Portion 3** (±0,12ha) as indicated on Subdivision Plan 4 – 3628-P, dated 22 January 2021, and drawn by TV3 Architects and Town Planners. 2021

1.2 The **rezoning** [section 15(2)(a)] of Portion 1 (±2,24ha) from Agriculture and Rural Zone to Subdivisional Area to allow for the following uses: **Multi-Unit Residential Zone even** and **Private Open Space Zone** for private open space purposes and private road purposes; with a total extent of ±2,24ha.

1.3 The **rezoning** [section 15(2)(a)] of Portion 2 and Portion 3 from Agriculture and Rural Zone to Utility Services Zone for public roads.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

2. **Conditions of approval:**

- 2.1 A **Subdivision Plan** for Portion 1 be submitted to the Municipality for approval and to include the following matters:
- a) Indicate the land uses and extent thereof.

**MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 20 AUGUST 2021**

b) Provide a mix of group housing and other housing types within the Multi-Unit Residential Zone.

2.2 The approval will lapse if not exercised within **5 years** from date of final notification.

2.3 Inclusionary housing be considered to expand housing opportunity for a broader range of income groups.

2.4 The approval applies only to the applications in question, and not be construed as authority to depart from any other legal prescriptions or requirements from Council.

2.5 Portion 3 (Public Road) be transferred to the Local Authority ~~before a clearance certificate is issued.~~

2.6 Portion 2 (Public Road) be transferred to the Department of Transport and Public Works as part of the road reserve of the R304.

**3. REASONS FOR APPROVAL**

a) The proposal will develop underutilized land within the urban edge for urban development.

b) The subject property is located along the R304 within this area identified by the MSDF for future urban development.

c) The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework, as well as the Northern Extension Project's vision.

d) The proposed development of the subject property will not impact negatively on the safety and welfare of the members of the community or have an effect on existing rights concerned.

e) The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase.

f) The matters raised by the Stellenbosch Ratepayers Association were considered and addressed in the detailed studies and report to the MPT.

## MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 20 AUGUST 2021

	<p>4. The following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:</p> <p>4.1 The <b>departure</b> [section 15(2)(b)] to exceed the density of <b>50 dwelling units per hectare to 71 dwelling units per hectare</b></p> <p><b>NOT BE CONSIDERED</b> in terms of Section 60 of the said Bylaw.</p> <p><b>5. REASON</b></p> <p>a) The density proposed is not considered at this stage and such an application will be considered in line with the submission of a revised subdivision plan for Portion 1 and in accordance with the conditions of the subdivisational area in condition 2.1.</p> <p><b>6. MATTERS TO BE NOTED</b></p> <p>6.1 The application for consent in terms of the relevant Title Deed no. T52460/99, Condition D(a) to (e), to allow for the proposed development in terms of section 45(6) of SPLUMA will be considered by the Municipality.</p>
<p><b>SMPT</b> <b>06/08/21</b></p>	<p><b>OTHER MATTERS</b></p>
	<ol style="list-style-type: none"> <li>1. The next MPT meeting is scheduled for 17 September 2021.</li> <li>2. The MPT requested the Land Use Management section to always circulate the HIA to the members when it was conducted as part of the planning process.</li> <li>3. It was agreed that the Land Use Management section will on a regular basis provide feedback to the MPT regarding appeals received on matters decided by the MPT, the draft report for consideration and the final decision taken by the Appeal Authority.</li> </ol>



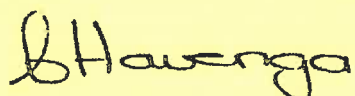
**MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 20 AUGUST 2021**



---

**Dr D du Plessis**

**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



---

**Mrs C Havenga**

**DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10313

Our File Reference Number: Farm 81/29, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [Clifford@tv3.co.za](mailto:Clifford@tv3.co.za) / [steynkw@mweb.co.za](mailto:steynkw@mweb.co.za)

Sir / Madam

## APPLICATION FOR SUBDIVISION, REZONING, CONSENT OF TITLE DEED CONDITIONS, PERMANENT DEPARTURE AND APPROVAL OF SITE DEVELOPMENT PLAN: FARM NO. 81/29, STELLENBOSCH DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on 20 August 2021 resolved as follows:
  - 2.1 The following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:
    - 2.1.1 The **subdivision** of the subject property in terms of Section 15(2)(d) of the said by-law into three portions namely **Portion 1** (±2,24ha), **Portion 2** (±0,64ha) and **Portion 3** (±0,12ha) as indicated on Subdivision Plan 4 – 3628-P, dated 22 January 2020, and drawn by TV3 Architects and Town Planners.
    - 2.1.2 The **rezoning** [section 15(2)(a)] of Portion 1 (±2,24ha) from Agriculture and Rural Zone to Subdivisional Area to allow for the following uses: **Multi-Unit Residential Zone erven** and **Private Open Space Zone** for private open space purposes and private road purposes; with a total extent of ±2,24ha.
    - 2.1.3 The **rezoning** [section 15(2)(a)] of Portion 2 and Portion 3 from Agriculture and Rural Zone to Utility Services Zone for public roads.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

**3. Conditions of approval:**

3.1 A **Subdivision Plan** for Portion 1 be submitted to the Municipality for approval and to include the following matters:

- a) Indicate the land uses and extent thereof.
- b) Provide a mix of group housing and other housing types within the Multi-Unit Residential Zone.

3.2 The approval will lapse if not exercised within **5 years** from date of final notification.

3.3 Inclusionary housing be considered to expand housing opportunity for a broader range of income groups.

3.4 The approval applies only to the applications in question, and not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.5 Portion 3 (Public Road) be transferred to the Local Authority.

3.6 Portion 2 (Public Road) be transferred to the Department of Transport and Public Works as part of the road reserve of the R304.

**4. REASONS FOR APPROVAL**

- a) The proposal will develop underutilized land within the urban edge for urban development.
- b) The subject property is located along the R304 within this area identified by the MSDF for future urban development.
- c) The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework, as well as the Northern Extension Project's vision.
- d) The proposed development of the subject property will not impact negatively on the safety and welfare of the members of the community or have an effect on existing rights concerned.

- e) The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase.
- f) The matters raised by the Stellenbosch Ratepayers Association were considered and addressed in the detailed studies and report to the MPT.

5. The following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:

5.1 The **departure** [section 15(2)(b)] to exceed the density of **50 dwelling units per hectare to 71 dwelling units per hectare**

**NOT BE CONSIDERED** in terms of Section 60 of the said Bylaw.

#### 6. REASON

- a) The density proposed is not considered at this stage and such an application will be considered in line with the submission of a revised subdivision plan for Portion 1 and in accordance with the conditions of the subdivisional area in condition 3.1.

#### 7. MATTERS TO BE NOTED

7.1 The application for consent in terms of the relevant Title Deed no. T52460/99, Condition D(a) to (e), to allow for the proposed development in terms of section 45(6) of SPLUMA will be considered by the Municipality.

8. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

9. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;

- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (c) The grounds of the appeal which may include the following grounds:
  - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
  - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
  - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
  - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

10. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)
11. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
12. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
13. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
  - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
  - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
  - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
  - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
14. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
15. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

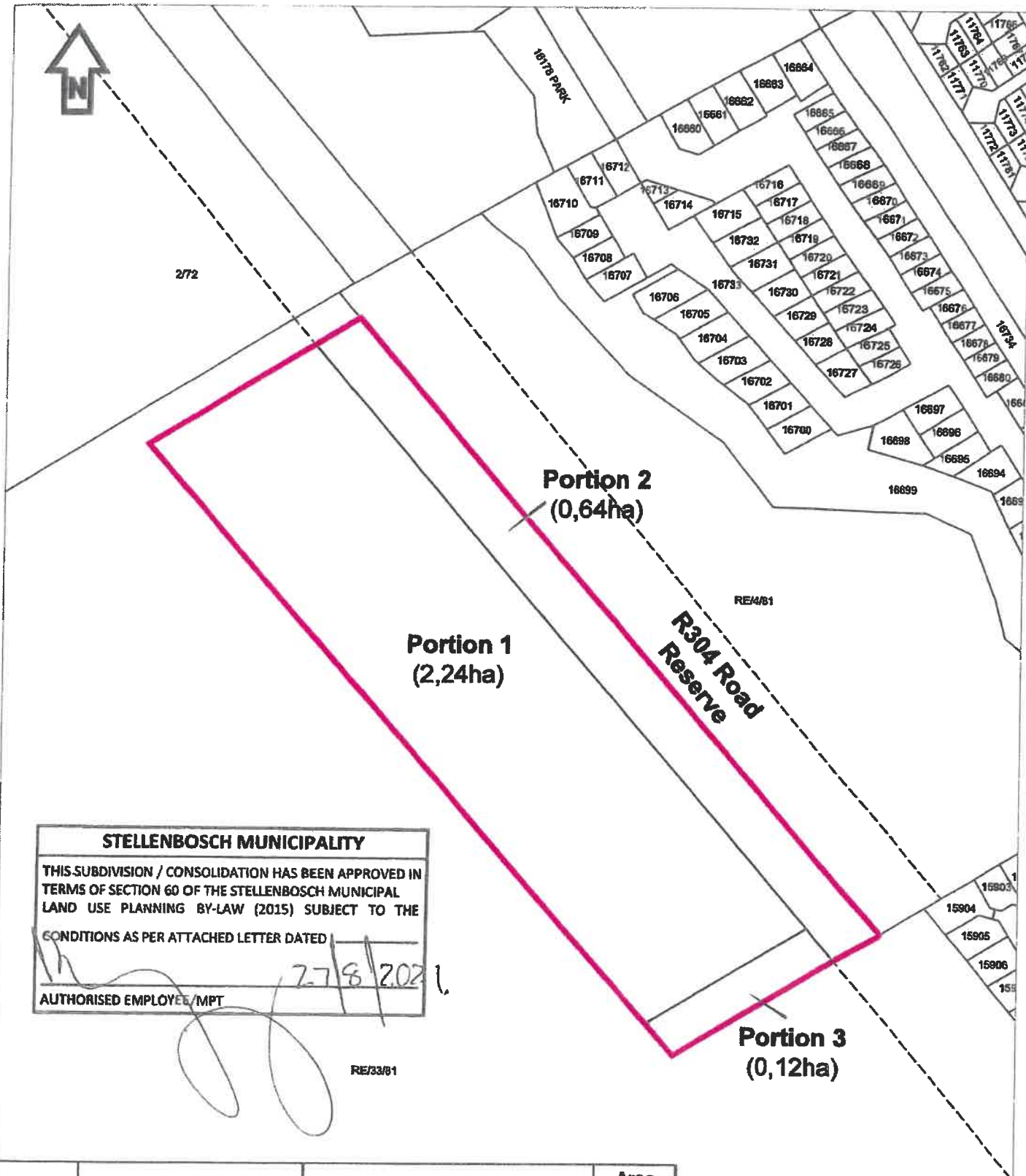
  
\_\_\_\_\_  
FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

27/8/2021  
DATE:

**COPIES TO:**

Stellenbosch Ratepayers Association

Email: [info@stellenboschraters.org](mailto:info@stellenboschraters.org)



**STELLENBOSCH MUNICIPALITY**

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED

*[Signature]* 27/8/2021

AUTHORISED EMPLOYEE / MPT

RE/33/81

Portion	Zoning	Land Use	Area (ha)
1	Multi Unit Residential Zone	Flats	2.24
2	Utility Services Zone	Public Road	0.64
3	Utility Services Zone	Public Road	0.12
<b>Total</b>			<b>3.00</b>

**tv3** ARCHITECTS AND TOWN PLANNERS

First Floor • La Gratitude Office Building  
87 Dorp Street • Stellenbosch 7800  
tel (021) 881 3800  
fax (021) 882 8025  
e-mail: etel@tv3.co.za  
web: www.tv3.co.za

**Steyn's Nursery**

Property Description:  
Portion 29 of Farm 81, Stellenbosch

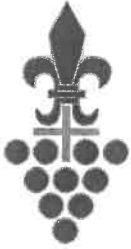
Drawing: Subdivision Plan		Plan no.: 4
Date: 22/01/2020	Scale: 1:2 000(A4)	
Project no.: 3628-P	Drawn: WH	Checked: CH



# **ANNEXURE G**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**COMMENT FROM THE  
MANAGER: SPATIAL  
PLANNING**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

## Spatial Planning

**To** : **Manager: Land Use Management**

**From** : **Manager: Spatial Planning**

**Reference** : **Farm 81/29, Stellenbosch**

**LU No** : **LU/13517**

**Date** : **17 February 2022**

**Re** : **Application for subdivision and permission in terms of a condition of approval on Farm 81/29, Stellenbosch**

I refer to your request for comment on the above application.

Application is made for the following:

- **Permission required in terms of a condition of approval** for the approval of a Subdivisional Plan to comply with condition 3.1 as stipulated in the letter of approval, dated 27 August 2021 for Farm No. 81/29, Stellenbosch Division. The subdivision plan must include:
  - (a) The land uses and extent thereof;
  - (b) Provide a mix of group housing and other housing types within the multi-unit residential zone
- **Subdivision** of Farm No. 81/29 in accordance with "Subdivisional Plan Nr 4", dated 30 November 2021, and drawn by Tv3 Architects and Town Planners, into:
  - (a) 119 x Multi-Unit Residential Zone erven (Portions 1 – 119), and  $\pm 10\,398\text{m}^2$  in extent, for group housing purposes;
  - (b) 1xMulti-Unit Residential Zone erf (portion 120), and  $\pm 4\,548\text{m}^2$  in extent, for purposes of a block of flats consisting of 60 units;
  - (c) 5xPrivate Open Space erven (portions 121-125), and  $\pm 1\,672\text{m}^2$  in extent, for private open space purposes,
  - (d) 1xPrivate Open Space (portion 126), and  $\pm 5\,798\text{m}^2$  in extent, for private road purposes.
- **Registration of servitude right** of ways over portion 20 for access to the flat component

### PROPERTY DESCRIPTION:

Farm 81/29 is described in the Deed of Transfer No. T52460/1999 as Portion 29 of the Farm Cloetesdal No. 81 in the Municipality and Division of Stellenbosch Western

Cape and measures 2.9980ha in total. The property is located on the R304 in Stellenbosch, approximately 3km north of Stellenbosch central – see Figure 1 below.

The property is zoned Agriculture Zone I with a consent use for a nursery. It has been used as a nursery (i.e. the Steyn's Nursery) for the last ±20 years.

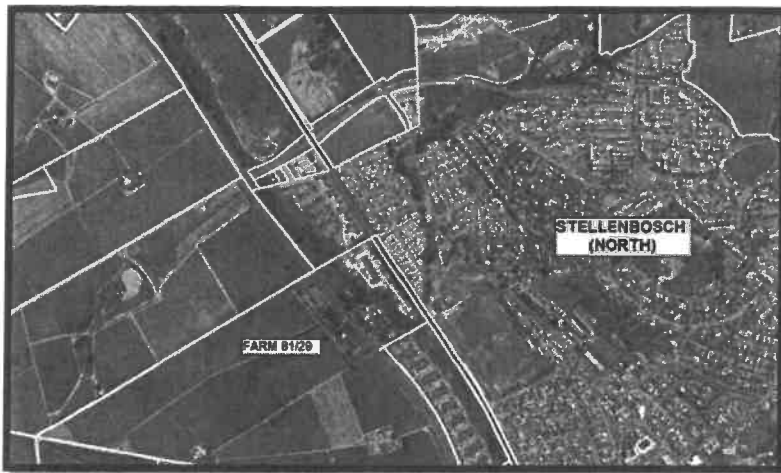


Fig 1. Location of Farm 81/29

#### **POLICY CONTEXT:**

##### **1. NATIONAL DEVELOPMENT PLAN (NDP)**

The National Development Plan's (NDP) key objectives to be achieved by the year 2030 are to eliminate income poverty and reduce inequality. The following NDP spatial priorities are relevant to the planning of Klapmuts:

##### **a) Urban and Rural Transformation:**

Spatial transformation is advocated given the enormous costs imposed by existing spatial divides. The NDP recognises that achieving this is a complex long-term process. The NDP's human settlement targets are more people living closer to their places of work; better quality public transport; and more jobs in proximity to townships. To achieve these targets, it advocates strong measures to prevent further development of housing in marginal places, increased urban densities to support public transport, incentivising economic activity in and adjacent to townships; and engaging the private sector in the gap housing market. The NDP also targets the development of a more inclusive and integrated rural economy. Its rural strategy is based on land reform, agrarian transformation, livelihood and employment creation, and strong environmental safeguards.

##### **b) Improving Infrastructure:**

The NDP identifies infrastructure as essential for development and prioritises upgrading informal settlements on suitably located land; rolling out public transport systems; improving freight logistics; augmenting water supplies; diversifying the energy mix towards gas (i.e., imported liquid natural gas and

finding domestic gas reserves) and renewables; and rolling-out broadband access.

c) Building Environmental Sustainability and Resilience:

*“South Africa’s primary approach to adapting to climate change is to strengthen the nation’s economic and societal resilience. This includes ensuring that all sectors of society are more resilient to the future impacts of climate-change by decreasing poverty and inequality; creating employment; increasing levels of education and promoting skills development; improving health care and maintaining the integrity of ecosystems and the many services that they provide”* [NDP 2012, p209]. The long-term strategy is to transition to a low carbon economy.

2. INTEGRATED URBAN DEVELOPMENT FRAMEWORK (IUDF)

The 2016 Integrated Urban Development Framework (IUDF) steers urban growth towards a sustainable model of compact, connected and coordinated towns and cities. The IUDF provides a roadmap to implement the NDP’s vision for spatial transformation – creating liveable, inclusive, and resilient towns and cities while reversing apartheid’s spatial legacy. To achieve this transformative vision, the IUDF sets four strategic goals:

1. Spatial integration - To forge new spatial forms in settlement, transport, social and economic areas.
2. Inclusion and access - To ensure people have access to social and economic services, opportunities, and choices.
3. Growth - To harness urban dynamism for inclusive, sustainable economic growth and development.
4. Governance - To enhance the capacity of the state and its citizens to work together to achieve spatial and social integration.

3. PROVINCIAL STRATEGIC PLAN

The Regional Spatial Implementation Framework builds-on the Provincial Strategic Plan (PSP 2015) and gives regional expression to achieving the Western Cape’s Provincial Strategic Goals (PSGs), namely:

PSG 1: Create opportunities for growth and jobs.

PSG 2: Improve educational outcomes and opportunities for youth development.

PSG 3: Increase wellness, safety and tackle social ills.

PSG 4: Enable a resilient, sustainable, quality, and inclusive living environment.

PSG 5: Embed good governance and integrated service delivery through partnerships and spatial alignment.

4. PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF)

The Provincial Spatial Development Framework (PSDF 2014) gives spatial expression to the PSP and takes the Western Cape on a path towards:

1. More inclusivity, productivity, competitiveness, and opportunities in its urban and rural space-economies.
2. Better protection of its placed based (i.e., spatial) assets.

3. Strengthened resilience of its natural and built environments; and
4. Improved effectiveness in spatial governance and on-the-ground delivery of public services, facilities, and amenities.

5. STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF)

The MSDF was prepared recently and approved by Council in November 2019. A prerequisite for drafting a MSDF is that it must comply and include National and Provincial policy. Hence the MSDF built upon the policy alluded to in the previous paragraphs as it relates to Klapmuts.

To this extend the MSDF identified 7 principles to guide the spatial development of Stellenbosch and provides planning and design guidelines and principles to direct spatial form in the Stellenbosch Municipal Area. The principles include the following:

1. Maintain and grow natural assets.
2. Respect and grow cultural heritage.
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity
4. Clarify and respect the different roles and functions of settlements.
5. Clarify and respect the roles and functions of different elements of movement structure.
6. Ensure balanced, sustainable communities.
7. Focus collective energy on critical lead projects of which Klapmuts is one.

The MSDF as it relates to the subject property shown in figure 2 below.

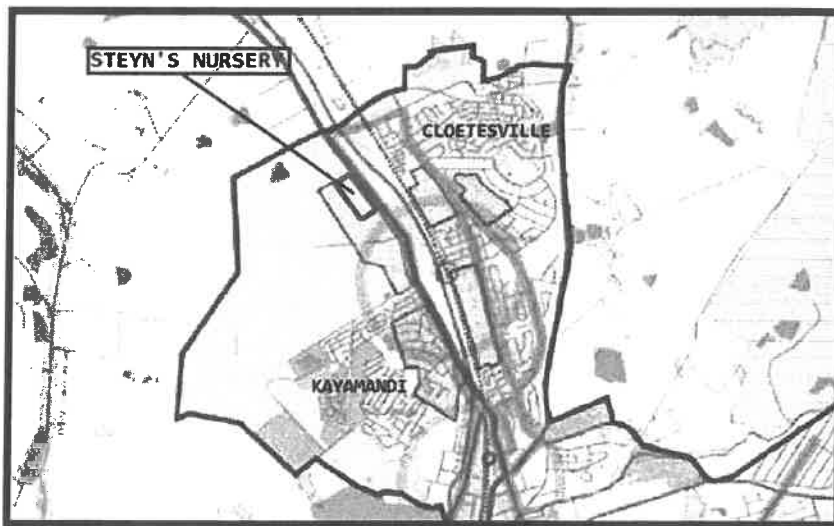


Fig 2. MSDF (Stellenbosch)

Also significant for the balanced development of Stellenbosch town, and retaining a compact town surrounded by nature and agriculture, is the development of the Baden Powell Drive-Adam Tas Road-R304 transit and development corridor, enabling public transport to and from Stellenbosch town, and alternative settlement opportunity, proximate to, but outside of Stellenbosch town. Critical will be the

feasibility of changing the rail service along the Baden Powell Drive-Adam Tas-R304 corridor to a more frequent, flexible service better integrated into the urban realm.

In simple terms, the concept is to launch the restructuring of Stellenbosch town through redevelopment of the Adam Tas Corridor, the area stretching along the R310 and R44 along the foot of Papegaaiberg from the disused Cape Sawmills site in the west to Kayamandi and Cloetesville in the north.

The corridor is not envisaged as homogenous along its length, with uses and built form responding to existing conditions and its relationship with surrounding areas. Conceptually, three areas could be defined, each linked through a sub-district.

The northern district focuses on the southern parts of Kayamandi. The central and northern districts are linked through George Blake Road. This area effectively becomes the "main street" of Kayamandi, a focus for commercial, institutional, and high density residential use integrated with the rest of the corridor and western Stellenbosch town.

The MSDF states that Kayamandi is under pressure to develop in a northern direction, but that development should not be extended beyond the northern reach of the Farm Cloetesdal (with the Welgevonden Boulevard as the northern edge); in other words, "*a band of development along the R304 should be promoted*". The subject property is located along the R304 within this area identified by the MSDF for future urban development.

The inclusivity of infill housing opportunity – referring to the extent to which the housing provides for different income and demographic groups – whether as part of the Adam Tas Corridor or elsewhere within Stellenbosch town – is critical. Unless more opportunity is provided for both ordinary people working in Stellenbosch, and students, it will be difficult to impact on the number of people commuting to and from Stellenbosch town in private vehicles daily.

Through the envisaged redevelopment in terms of the ATC concept offers the opportunity to *inter alia*:

1. Grow Stellenbosch town – and accommodate existing demand – in a manner which prevents sprawl, and create conditions for efficient, creative living and working.
2. Stimulate and act as a catalyst for the development of improved public transport and NMT along the corridor.
3. Rethink and reconstruct infrastructure, and particularly the movement system, including the possible partial grade separation of east-west and north-south movement systems, in turn, integrating the east and west of town and releasing land for development.
4. Integrate Kayamandi and Stellenbosch town seamlessly.

To this extend the MSDF proposes that development along the ATC corridor should be accommodated (within a planning framework that is required) to enable the

integration of Kayamandi with the Adam Tas Corridor and Stellenbosch Central. The MSDF further proposes the development of the ATC as a mixed-use, high density urban district, with strong internal and external public and NMT connections.

#### **THE APPLICATION:**

On 9 September 2019 the application was submitted to Stellenbosch Municipality. On 20 August 2021 the MPT approved the application subject to the condition that a subdivision plan for Portion 1 be submitted and to indicate the land uses and extent thereof as well as provide a mix of group housing and other housing types within the Multi-Unit Residential Zone.

#### **DISCUSSION:**

Farm 81/29 is situated within the urban edge of Stellenbosch Town as proposed by the MSDF. More particularly it is located within the Adam Tas Corridor (ATC) which is seen as a priority development area mainly with the goal to transform the urban form and to encourage integrated development that will further the goal to develop a sustainable public transport system and integrated NMT network to reduce the need to rely on the use of private vehicles.

Although the site has very little intrinsic heritage significance, development of the site could impact on the experience of the rural landscape as one approaches Stellenbosch along the R304. In this regard it is noted that this experience is already impacted by new high-density development to the east of R304 and the encroachment of development on Watergang farm. Although the R304 has not been identified as a scenic route, arguably in its current (unbuilt) condition, the site contributes to the rural sense of the Cape Winelands.

The landscaping design for the proposed development will have a very important role to play in softening views onto the development from the R304. The Heritage Impact Assessment highlights this impact on the landscape and required intensive landscaping to be undertaken to mitigate the impact on the rural quality within the context of the landscape. In this regard it is noted that a continuous high wall on the boundary of the development will be unacceptable. Such fencing should be visually permeable and softened with planting, in addition to the trees required on the boundaries.

Due to the location of the property within the boundaries of the Adam Tas Corridor, for which there are specific goals, it is required that the application be evaluated in terms of the SPLUMA principles, the MSDF strategies and the ATC corridor goals.

#### **1) The Principle of Spatial Justice**

The SPATIAL JUSTICE principle requires that past spatial and development imbalances should be redressed through improved access to and utilisation of land. It requires that persons which were previously excluded (especially the poor) must be included in land use planning policies, especially to address widespread poverty

and deprivation. Access to land for all (including disadvantaged communities should be facilitated.

In this regard the MSDF proposes the following:

1. Providing more inclusive housing at higher densities than the norm. This must bring a significant reduction in commuting by private vehicle to and within Stellenbosch Town.
2. Inclusivity of infill housing opportunity – referring to the extent to which the housing is provided for different income and demographic groups.
3. Expand housing opportunity for a broader range of groups – including lower income groups and students – particularly in settlements forming part of the Baden-Powel, ATC – R304 corridor.
4. All housing projects should focus on a range of typologies, enabling access for a range of income groups.
5. Gated residential development is not favored. Public components of development should remain public, enabling integration of neighborhoods and through movement. Security to private developments could be provided through other means than fencing and access control of large development blocks or areas neighborhoods.

## **2. The Principle of Spatial Sustainability**

The principle of SPATIAL SUSTAINABILITY will be achieved by the development when a development is spatially compact, resource frugal and within the means of the Municipality. It must protect prime agricultural land and must take into consideration all other environmental issues. It must aim to limit urban sprawl, resulting in viable communities, and strive to meet the basic needs of citizens in an affordable way. Development must also ensure the sustained protection of the environment (ecological corridors, biodiversity, heritage resources, promote provincial tourism and avoid development on steep slopes, floodplains, wetlands etc.). Energy efficiency should be promoted.

However, developing at higher densities does not automatically lead to inclusive outcomes. If anything, increased density, and its associated amenities, such as walkable communities and access to public transit, will typically result in rising property values if planning and development are not partnered with equitable land use policies and affordable housing interventions.

The MSDF refers to the following:

1. Actively support residential densification and infill development within urban areas.
2. Develop the ATC as a mixed-use, high density urban district with strong internal and external public and NMT connections.
3. All housing projects should consider the availability of social facilities and the daily retail needs of residents.
4. Overall, development should be mixed, high density and favor access by pedestrians and cyclists.



5. Promote public and NMT routes (design of all roads provide for appropriate NMT movement)
6. Provide and maintain a system of accessible social facilities, integrated with public space and public and NMT routes.

### **3. The Principle of Spatial Efficiency**

The principle of SPATIAL EFFICIENCY requires that development should optimise the use of existing resources, including infrastructure, and requires that integrated cities and towns be developed whereby social, economic, and institutional aspects of land development is integrated, and residential opportunities are provided close to employment opportunities. A diversity of land uses is to be incorporated and the spatially distorted patterns of the past are to be corrected. Towns should be of sufficient density and urban sprawl must be discouraged.

Efficiency, noting that a focus should be on “compaction as opposed to sprawl; mixed-use as opposed to mono-functional land uses; residential areas close to work opportunities as opposed to dormitory settlement; and promotion of public transport over car use”.

**In this regard specific intervention proposed by the MSDF is the following:**

1. Cluster community facilities together with commercial, transport, informal sector, and other activities to maximize convenience, safety and social -economic potential.
2. Provide and maintain a system of accessible social facilities, integrated with public space and public and NMT routes.
3. All housing projects should consider the availability of social facilities and the daily retail needs of residents.
4. Protect critical scenic routes and landscapes.
5. Maintain a clear distinction between urban development and nature/agriculture areas at the entrance to settlements.

### **4. The Principle of Spatial Resilience**

The principle of SPATIAL RESILIENCE requires flexibility in land use management systems and policies to ensure sustainable livelihoods for communities most likely affected by economic and environmental shocks. The socio-economic impact assessment concludes that the proposal will benefit local previously disadvantaged communities in a number of ways, namely significant job creation, access to middle-income residential accommodation for local families, access to a greater variety of shops and markets for fresh produce, increased access to open and recreational spaces, opportunities for local businesses and small entrepreneurial enterprises, economic benefit to support businesses and a modernised clinic.

#### **Reference from MSDF**

1. Comprise contained, walkable settlements surrounded by nature and agriculture, linked via different transport modes, with the rail line as backbone.
2. No significant growth unless parallel public transport can be provided.

3. Retain the strong sense of transition between agriculture and human settlements at the entrance to the town.
4. Develop the ATC as a mixed-use, high density urban district with strong internal and external public and NMT connections.
5. As far as possible, protect cultural landscape assets – including undeveloped ridgelines, view corridors, scenic routes, and vistas from development.
6. In all settlements transport for NMT should be expanded.

#### **5. The Principle of Good Governance**

The principle of GOOD GOVERNANCE requires all spheres of government to ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems and requires transparent processes of public participation that afford all parties the opportunity to participate in them.

#### **Reference from the MSDF**

1. Significant partnerships between major institutions across sectors. A purely commercial approach to redevelopment of the land may not be in the best interest of the town.
2. Prepare a Local Spatial Development Framework for the ATC.

#### **RECOMMENDATION**

The application with the detailed SDP is therefore **recommended for approval** subject to the following:

1. The landscaping plan must be submitted to the Stellenbosch Municipality for approval subject to the conditions stipulated by the HIA.
2. Only visually permeable external fencing will be allowed.



**BJG de la Bat**  
**MANAGER: SPATIAL PLANNING**

# **ANNEXURE H**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**COMMENT FROM THE  
DIRECTOR: ENGINEERING  
SERVICES**



# MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES  
DIREKTORAAT: INFRASTRUKTUURDIENSTE

---

**TO** : **The Director: Planning and Development**

**FOR ATTENTION** : **B Mdoda**

**FROM** : **Manager: Development (Infrastructure Services)**

**AUTHOR** : **Tyrone King**

**DATE** : **5 Apr 2022**

**RE.** : **Farm 81/29: Subdivision approval**

**YOUR REF** : **LU/13517**

**OUR REF** : **2241 CIVIL LU**

---

These comments and conditions are based on the following proposed development parameters:

- **Total Units:** 119 group housing units + 60 flats

Any development beyond these parameters would require a further approval and/or a recalculation of the Development Charges from this Directorate.

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.

D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

<b>A. <u>Definitions</u></b>
------------------------------

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
  - (a) *"Municipality"* means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
  - (b) *"Developer"* means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
  - (c) *"Engineer"* means an engineer employed by the *"Municipality"* or any person appointed by the *"Municipality"* from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the *"Engineer"*;

<b>B. <u>Recommendation:</u></b>
----------------------------------

3. **The development is recommended for approval, subject to the conditions as stated below.**

<b>C. <u>Specific conditions of approval</u></b>
--

4. **that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:**
  - a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

(Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.

b. **Water Network:** There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development.

i. The development will connect to the existing 180mm diameter municipal water line in the R304.

ii. The Developer will be responsible for any link water pipelines between the development and the municipal network.

iii. The connection point identified above will be regarded as a temporary solution. The permanent connection point for this development will be to the future Kayamandi Northern reservoir zone (**Annexure A**), once this zone is implemented. The cost associated to move the connection will be for the developer.

c. **Sewer Network:** The development will connect to the existing 450mm dia municipal pipeline (Item 1 on Annexure A). A following connection stub is available: 450mm DN GRP SN5000 stub, invert level 111.480m at coordinate X = 3 754 054.86, Y = 13 975.47 (information as received from AECOM). The following items are required to link the development to the municipal network (See **Annexure B**):

i. SSS1.30: 250mm dia pipeline

Estimated cost: R 1 548 000\*

Responsible: Developer

Funding: Offset from DCs

ii. SSS1.32: 355mm dia pipeline

Estimated cost: R 862 000\*

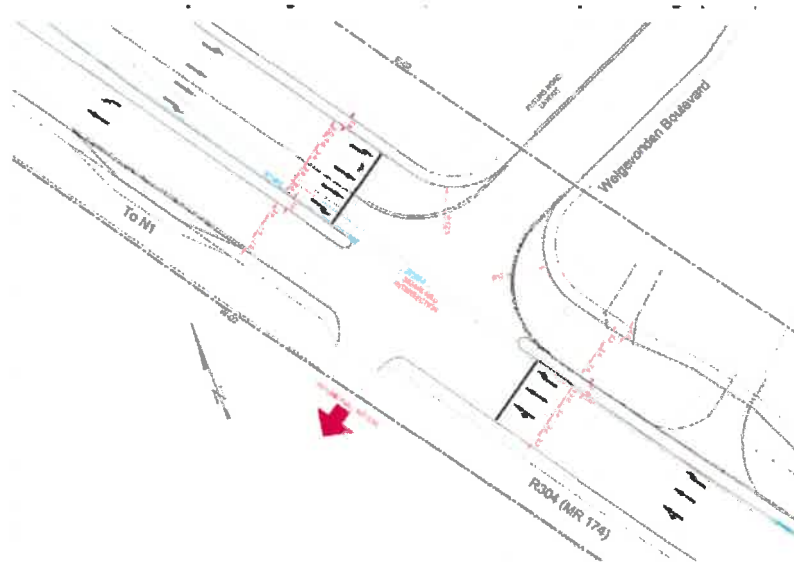
Responsible: Developer

Funding: Offset from DCs

(\* GLS report estimate including P & G, Contingencies and Fees, but excluding VAT - Year 2018/19 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

- iii. A municipal servitude is indicated on the Newwinbosch proposed subdivision plans that can accommodate the sewer line from this development. The developer will be responsible for the registration of any servitudes required, including negotiations with the private land-owners where the sewer crosses the neighboring property (Newwinbosch). Servitude registration (or proof that the process is underway) will be required before clearance.
- d. **Roads Network:** The items as indicated in the TIA by ICE Group, dated 25 Aug 2019, are required to accommodate the proposed development:
- i. Upgrade of the R304/Welgevonden Boulevard intersection – this upgrade must be done in terms of the conceptual design for the dualling of the R304



*Diagram 2 : Proposed R304/Welgevonden Boulevard intersection lane layout (as per Conceptual Design of R304 dualling between Welgevonden Boulevard and R44)*

Estimated cost: R 8 085 000 excl VAT\* (\* ICE e-mail Wednesday, 03 June 2020 08:21)

Responsible: Developer

Funding: Can be offset from DCs, but if DCs are not sufficient, the shortfall must be funded by the Developer. This upgrade must be completed before any clearance is given for this development.

- ii. The R304/Access intersection must be constructed from the R304 to the "interim access" (green areas as shown below). The provision of traffic

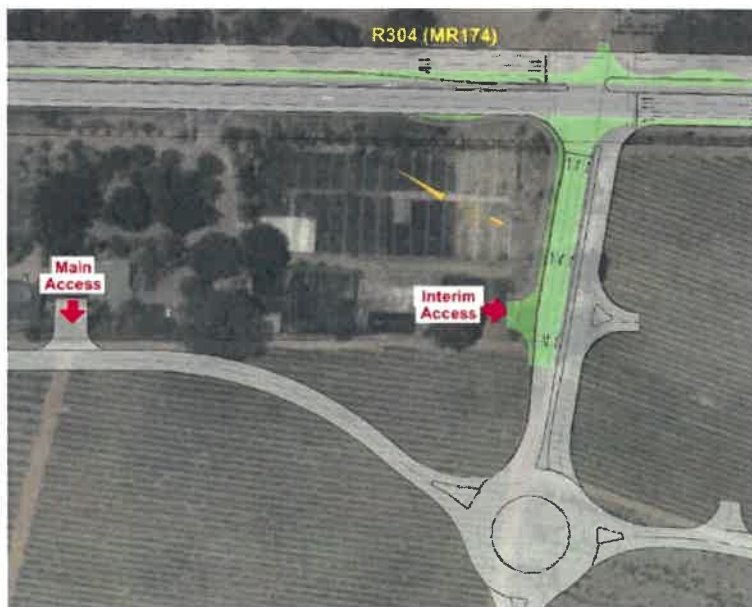
**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

signals, dedicated turning lanes on the R304-approaches (right-turn lane on the northern approach and left turn lane on the southern approach) and access approach (right- and left-turn lanes) are necessary in addition to the dualling of the R304.

Estimated cost: R 12 450 000 excl VAT\* (\* ICE e-mail Wednesday, 03 June 2020 08:21)

Responsible: Developer

Funding: In principle, this upgrade can be offset from DCs, as the access road will be a public road and form of the future road network of Kayamandi and the Northern Extension. If DCs are not sufficient, the shortfall must be funded by the Developer. This upgrade must be completed before any clearance is given for this development.



**Diagram 3** : Future access (R304 dualled and with development of neighbouring property)

- iii. The access road is not yet indicated on the municipality's roads master plans. The final position of the access road must therefore be approved by the Senior Manager: Roads and Stormwater, before any construction drawings will be approved.
- iv. The access road to the R304 will initially only serve the proposed development, and in future with the development of the neighboring property



**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

(Farm 81/33), be extended towards a roundabout providing access to the said neighboring property. As soon as the future extension is in place, the interim access must be closed and the access be moved to the "Main access" as indicated below. The cost of the moving of the access will be for the Developer.

- v. It is noted that the access road is situated on private property and the Developer is responsible for negotiating with the landowner and for creating the public road reserve or an interim servitude right of way. Proof of such an agreement must be furnished before the Municipality will approve the engineering construction drawings. Proof of a legal access must be provided before clearance can be given.
- vi. The R304, from which the Development gains access, is a provincial road. Therefore any upgrades identified by the provincial roads authority will also need to be implemented by the Developer before any clearance/occupation of the development is approved by the Municipality.

**e. Stormwater Network:**

- i. A stormwater management plan must be submitted with the engineering drawings. The cost of any stormwater infrastructure identified required to accommodate the proposed development will be for the developer's cost;

**f. Solid Waste:**

- i. The Municipality will provide a solid waste removal service

- 5. that the upgrades mentioned above be met by the "*Developer*" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given;

**Development Charges**

- 6. that the "*Developer*" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

7. that the "*Developer*" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
8. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
9. that the "*Developer*" may enter into an engineering services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
10. that the Development Charges levy to the amount of **R 9 101 972. 05** (Excluding VAT) as reflected on the DC calculation sheet, dated **20 Jan 2022**, and attached herewith as **Annexure DC**, be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
11. that the Development Charges levy be paid by the "*Developer*" per phase –
  - prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
12. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than **119 group housing** units and **60 flats**, will result in the recalculation of the Development Charges;
13. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;
14. that the "*Developer*" will enter into an Engineering Services Agreement with the "*Municipality*" in respect of the implementation of any infrastructure or community facilities to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS****Site Development Plan**

15. details of the access are to provided for approval at engineering drawing approval stage. The following guidelines will apply:
- a. that provision be made for a two lanes in and one lane out access with a minimum stacking distance of 20m as prescribed by the TIA. The stacking distances shall be measured from the edge of the closest sidewalk or cycle lane to the entrance gate. The guiding principle is that vehicle and pedestrian traffic should not be obstructed by stacking vehicles;
  - b. that sufficient entrance and exit widths will be created at the vehicle access points: 2.7m minimum and 4,0m maximum width for a single entrance or exit way; 5,0m min and 8,0m maximum for a combined entrance and exit way. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m.
  - c. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development, unless otherwise agreed with the Engineer;
  - d. that provision be made for a 3-point turning head in front of the entrance gate, to the satisfaction of the Directorate: Infrastructure Services in order to enable a vehicle to turn around;
16. that provision be made for a refuse room as per the specification of the standard development conditions below;
17. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
18. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). This must be clearly indicated on the engineering drawings when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below;
19. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "Developer" as these configurations were not available at land-use application stage;

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS****Ownership and Responsibility of services**

20. that it be noted that as per the site development plan, the roads are reflected as private roads. Therefor all internal services on the said erf will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

**Internal- and Link Services**

21. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;

**Bulk Water Meter**

22. that the "Developer" shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his cost at the entrance gate and that clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

**Solid Waste**

23. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (021 808 8241; [clayton.hendricks@stellenbosch.gov.za](mailto:clayton.hendricks@stellenbosch.gov.za)), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

**Roads**

24. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment/Statement by ICE Group, dated 28 August 2019, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "Developer", at his/her cost. If any requirement of the TIA is in conflict with one of the conditions of approval, the conditions of approval shall govern;

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

25. that the “*Developer*” will be held liable for any damage to municipal infrastructure within the public road reserves, caused as a direct result of the development of the subject property. The “*Developer*” will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services;

**Bulk Electricity**

26. Please refer to the conditions attached as **Annexure: Electrical Engineering**;

**D. General conditions of approval: The following general development conditions are applicable. If there is a contradiction between the specific and general development conditions, the specific conditions will prevail:**

27. that the “*Developer*” will enter into an Engineering Services Agreement with the “*Municipality*” in respect of the implementation of the infrastructure to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;
28. that should the “*Developer*” not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the “*Developer*” for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
29. that the “*Developer*” indemnifies and keep the “*Municipality*” indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities’ services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
30. that the “*Developer*” must ensure that he / she has an acceptable public liability insurance policy in place;

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

31. that, if applicable, the “*Developer*” approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
32. that the “*Developer*” informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
33. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3<sup>rd</sup> Edition (2015);
34. that the “*Developer*” takes cognizance and accepts the following:
  - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
  - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
  - c.) that no approval of internal – and external civil engineering services drawings will be given before the “*Developer*” obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
  - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
  - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
  - f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the “*Developer*” obtains the approval of the “*Engineer*” for construction work of his development parallel with the provision of the bulk services.

**Site Development Plan**

35. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the “Developer”;

36. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
37. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the “Developer” will be responsible for the amendment thereof and any costs associated therewith;
38. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

**Internal- and Link Services**

39. that the “Developer”, at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
40. that the Directorate: Infrastructure Services may require the “Developer” to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

41. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;
42. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
43. that construction of services may only commence after municipal approval has been obtained;
44. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
45. that the "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
46. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
47. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
48. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
49. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
50. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;



**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

51. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the “Engineer” on request;
52. that the “Developer” shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
53. that the “Developer” be liable for all damages caused to existing civil and electrical services of the “Municipality” relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the “Developer” to determine the location of existing civil and electrical services;
54. that all connections to the existing services be made by the “Developer” under direct supervision of the “Engineer” or as otherwise agreed and all cost will be for the account of the “Developer”.
55. that the “Developer”, at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner’s Association, in respect of private services, and to the Municipality in respect of public services;

**Servitudes**

56. that the “Developer” ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;
57. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The “Developer” will be responsible for the registration of the required servitude(s), as well as the cost thereof;
58. that the “Developer” obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS****Stormwater Management**

59. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.
60. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
61. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;
62. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;
63. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
64. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;

65. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.
66. that the approved management plan be implemented by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
67. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
68. that no overland discharge of stormwater will be allowed into a public road for even with catchment areas of more than 1500m<sup>2</sup> and for which it is agreed that no detention facilities are required. The "*Developer*" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

**Roads**

69. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions . Any conditions set by the District Roads Engineer will be applicable;
70. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS****Wayleaves**

71. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;
72. that wayleaves will only be issued after approval of relevant engineering design drawings;
73. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

**Owner's Association (Home Owner's Association or Body Corporate)**

74. that an Owner's Association be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
75. that the Owner's Association take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;
76. that in addition to the responsibilities set out in **section 29** of the Stellenbosch Municipal Land Use Planning By-law, the Owner's Association also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;
77. that the Constitution of the Owner's Association specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;
78. that the Constitution of the Owner's Association specifically describes the responsibility of the Owner's Association to deal with refuse removal as described in the "Solid Waste" section of this document;

**Solid Waste**

79. The reduction, reuse and recycle approach should be considered to waste management:
  - Households to reduce waste produced
  - Re-use resources wherever possible
  - Recycle appropriately

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

To give effect to the above, the following are some typical waste minimization measures that should be implemented by the Developer, to the satisfaction of the Stellenbosch Municipality:

- Procedures should be stipulated for the collection and sorting of recyclable materials;
- Provision should be made for centralized containers for recyclable materials including cardboard, glass, metal, and plastic and green waste;
- A service provider should be appointed to collect recyclable waste. Such service provider must be legally compliant in terms of all Environmental Legislation and/or approved by the Municipality's Solid Waste Management Department;
- Procedures for removal of waste (materials that cannot be reused or recycled) from the site should be stipulated;
- General visual monitoring should be undertaken to identify if these measures are being adhered to;
- Record shall be kept of any steps taken to address reports of dumping or poor waste management within the Development;

Where an Owner's Association is to be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law, the Constitution of the Owner's Association shall incorporate the above in the Constitution and:

- Each party's (Developer/Owner's Association/Home Owner) responsibilities w.r.t. waste management and waste minimization should be clearly defined in such constitution
- A set of penalties for non-compliance should be stipulated in the Constitution

80. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
81. that the "*Developer*" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person Mr Saliem Haider, 021 808 8241; [saliem.haider@stellenbosch.gov.za](mailto:saliem.haider@stellenbosch.gov.za);
82. that should it not be an option for the "*Municipality*" to enter into an agreement with the "*Developer*" due to capacity constraints, the "*Developer*" will have to enter into a service agreement with a service provider approved by the "*Municipality*" prior to clearance certificate or occupation certificate (where clearance not applicable);

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

83. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
84. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
85. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
86. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Infrastructure Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;
87. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
88. Road foundation shall be designed to carry a single axle load of 8.2 tons;
89. Refuse storage areas are to be provided for all premises other than single residential erven;
90. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
91. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
92. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 l Municipal wheelie bin;
93. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

94. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
95. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

Commercial and Domestic : 585 mm wide x 730 mm deep x 1100 mm high

96. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;
97. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224
98. Building specifications for refuse storage area:

**Floor**

The floor shall be concrete, screened to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage).

**Walls and Roof**

The Refuse Storage Area shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light color high gloss enamel. The height of the room to the ceiling shall be not less than 2.21 meters.

**Ventilation and Lighting**

The refuse storage area shall be adequately lit and ventilated. The room shall be provided with a lockable door which shall be fitted with an efficient self-closing devise. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.

**Water Supply and Drainage**

A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

99. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
100. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
101. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;
102. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
103. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
104. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

**AS-BUILTs**

105. The "*Developer*" shall provide the "*Municipality*" with:
  - a. a complete set of as-built paper plans, signed by a professional registered engineer;
  - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;
  - c. a completed Asset Verification Sheet in Excell format, reflecting the compositization of municipal services installed as part of the development. The Asset Verification Sheet



**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;

- d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
  - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "Municipality" are fully paid;
106. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "Engineer" and approved by the "Engineer" before any application for Certificate of Clearance will be supported by the "Engineer";
107. The Consulting Civil Engineer of the "Developer" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;
108. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;
109. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

**Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law**

110. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
111. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

*"Municipality"* reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;

112. that clearance will only be given per phase and the onus is on the *"Developer"* to phase his development accordingly;
113. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;**
114. that any application for Certificate of Clearance will only be supported by the *"Engineer"* once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the *"Engineer"* and approved by the *"Engineer"*.

**Streetlighting**

115. The *"Developer"* will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the *"Developer"*;
116. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the *"Developer"* must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;
117. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the *"Developer"*, to the municipality's Manager: Electrical Engineering for approval before any construction work commences;
118. Any defect with the street lighting services constructed by the *"Developer"* which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";

119. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owner's Association.



**TYRONE KING Pr Tech Eng**

**MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS****ATTACHMENT X****Geographic Information System (GIS) data capturing standards**

In drawing up the As-build Plans relating to this development, the consultant must create the following separate layers in ESRI .shp, electronic file format in order for the data to reflect spatially correct.

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc. that it is kept separate from one another. When new properties are added as part of a development, a list of erf numbers with its associated SG numbers must be provided in an electronic format like .txt, .xls or .csv format.

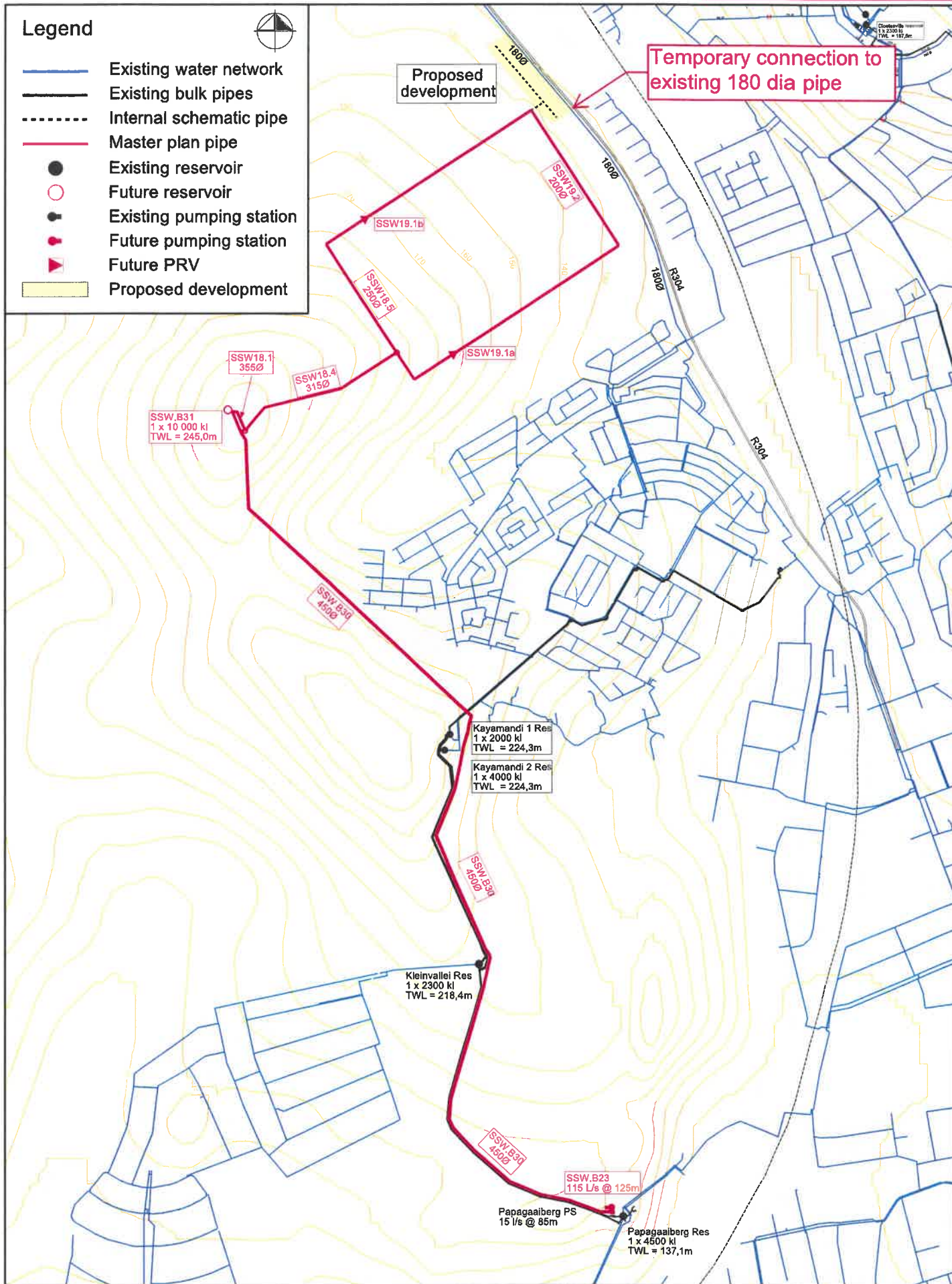
For road layer shapefiles; the road name, the from\_street and to\_street where applicable

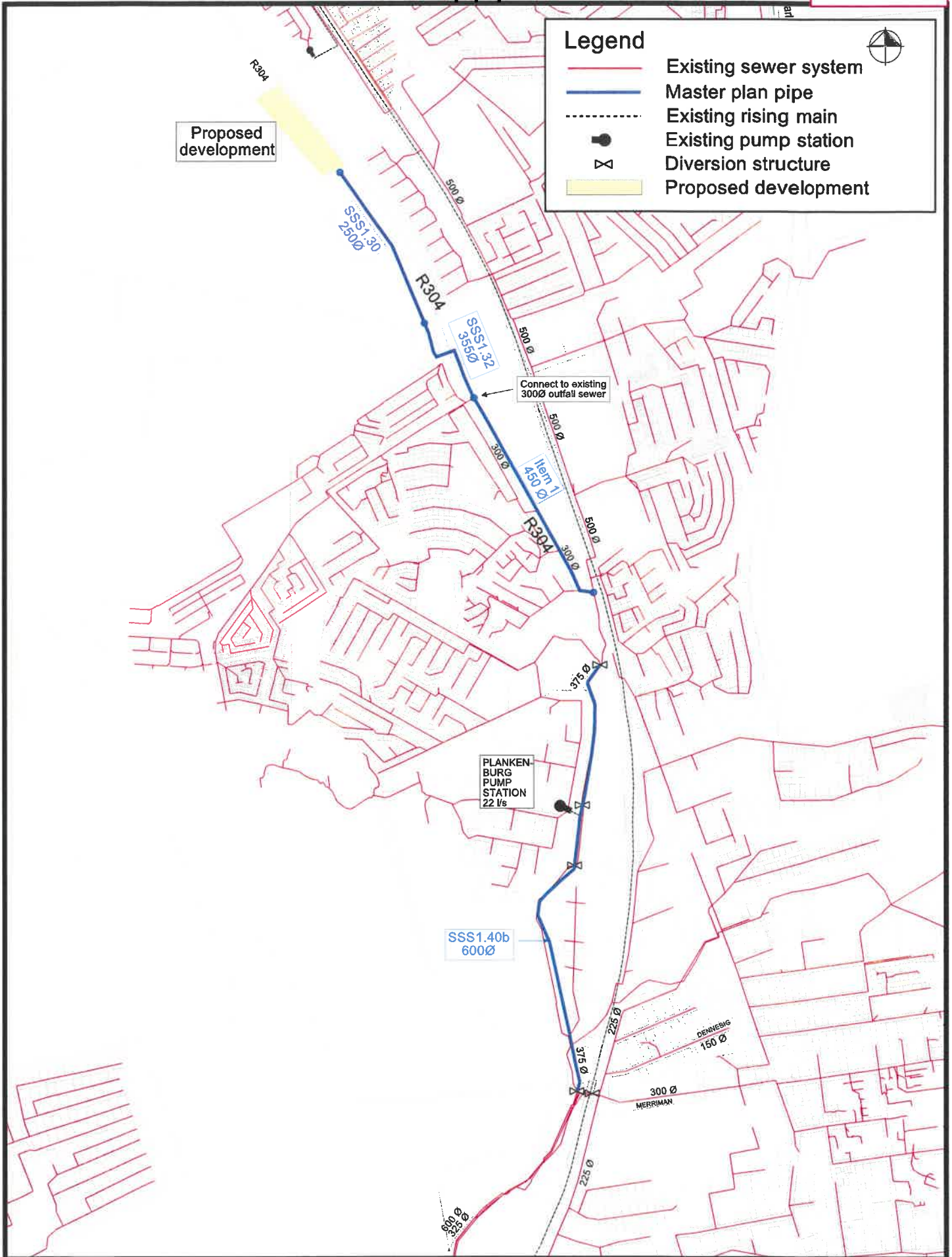
**FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS**

as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch Municipality standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter





**Figure 3 (Draft)**  
 Proposed Development  
 Portion 29 of Farm 81  
 Sewer Master Plan

# Stellenbosch Municipality - Development Charge Calculation



## APPLICATION INFORMATION

Application Number	DC 2241 Farm 81-29 Stellenbosch (LU-13517)
Date	Thursday, 20/Jan/2022
Financial Year	2021/22
Erf Location	Stellenbosch Town
Erf No	Farm 81-29
Erf Size (m <sup>2</sup> )	
Suburb	
Applicant	
Approved Building Plan No.	Subdivision Plan No 45 dated 20/01/2022 by TV3 and Site Concept Layout Dated 26 Nov 2021

## SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
	kl/day	kl/day	ha°C	l/week	trips/day	person	
Total Increased Services Usage	98.400	83.500	2.622	7.160	551.75	551.8	
Total Development Charges before Deductions	R 2 670 949.62	R 2 173 789.94	R 268 007.81	R 380 372.14	R 3 608 852.54		R 9 101 972.05
Total Deductions							
Total Payable (excluding VAT)	R 2 670 949.62	R 2 173 789.94	R 268 007.81	R 380 372.14	R 3 608 852.54		R 9 101 972.05
VAT	R 400 642.44	R 326 068.49	R 40 201.17	R 57 055.82	R 541 327.88		R 1 365 295.81
Total Payable (including VAT)	R 3 071 592.06	R 2 499 858.44	R 308 208.98	R 437 427.96	R 4 150 180.42		R 10 467 267.86

## APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	
Date	20 Jan 2022
Amount Paid:	
Date Payment Received	
Receipt Number	



**Stellenbosch Town**

Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Water	Sewer	Storm-water	Development Charges levied (incl VAT)		Community Facilities	Total
		area (m <sup>2</sup> )	du m <sup>2</sup> GLA m <sup>3</sup>	du/ha % GLA	area (m <sup>2</sup> )	du m <sup>2</sup> GLA m <sup>3</sup>	du/ha % GLA					Solid-Waste	Roads		
Residential	Single Residential >1000m <sup>2</sup>	du	0	0	0	0	0	R	-	R	-	R	-	R	
	Single Residential >500m <sup>2</sup>	du	0	0	0	0	0	R	-	R	-	R	-	R	
	Single Residential >250m <sup>2</sup>	du	0	0	0	0	0	R	-	R	-	R	-	R	
	Single Residential <250m <sup>2</sup>	du	0	0	0	0	0	R	-	R	-	R	-	R	
	Less Formal Residential >250m <sup>2</sup>	du	0	0	0	0	0	R	-	R	-	R	-	R	
	Less Formal Residential <250m <sup>2</sup>	du	0	0	0	0	0	R	-	R	-	R	-	R	
	Group Residential >250m <sup>2</sup>	du	0	0	0	0	0	R	-	R	-	R	-	R	
	Group Residential <250m <sup>2</sup>	du	119	0	0	119	0	R	1 548 988.04	R	218 944.60	R	252 873.10	R	2 529 630.67
	Medium Density Residential >250m <sup>2</sup>	du	0	0	0	0	0	R	-	R	-	R	-	R	
	Medium Density Residential <250m <sup>2</sup>	du	0	0	0	0	0	R	-	R	-	R	-	R	
Commercial	Local Business - office	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Local Business - retail	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	General Business - office	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	General Business - retail	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Community	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Education	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Light Industrial	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	General Industrial - light	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Warehousing	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	General Industrial - heavy	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
Industrial	Neodous Industrial - heavy	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Resort	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Public Open Space	m <sup>2</sup>	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Private Open Space	m <sup>2</sup>	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Natural Environment	m <sup>2</sup>	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Utility Services	m <sup>2</sup> GLA	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Public Roads and Parking	m <sup>2</sup>	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Transport Facility	m <sup>2</sup>	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Limited Use	m <sup>2</sup>	0	0%	0	0%	0	R	-	R	-	R	-	R	
	Special	To be calculated based on equivalent demands													
							0								

* Complete yellow/green cells.														
** du = dwelling unit, GLA=Gross lettable area.														
Total Development Charges before Deductions														
% Deductions per service (%)														
Additional Deduction per service - from Service Agreement (sum)														
Sub-Total after Deductions (excluding VAT)														
VAT														
Total														
							0		R2 670 949.62	R2 173 789.94	R268 007.81	R380 372.14	R3 608 852.54	R9 101 972.05
									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
									R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
									R2 670 949.62	R2 173 789.94	R268 007.81	R380 372.14	R3 608 852.54	R9 101 972.05
									R400 642.44	R326 068.49	R40 201.17	R57 055.82	R541 527.88	R1 365 295.81
									R3 071 592.06	R2 499 858.44	R308 208.38	R437 427.96	R4 150 180.42	R10 467 267.86

\*\*\* du displays red if not equal to existing area

**ELETRICITY SERVICES: CONDITIONS OF APPROVAL**  
**Erf 81/29**

**GENERAL COMMENT:**

1. Development Bulk Levy Contributions are payable.

**CONDITIONS**

**2. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.**

3. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval. i.e.

- a) The design of the electrical distribution system
- b) The location of substations(s) and related equipment.

4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.

5. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. (On street boundary)

6. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.

7. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.

8. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.

9. All new developments and upgrades of supplies to existing projects are subject to **SANS 10400-XA** energy savings and efficiency implementations such as:

- Solar water Heating or Heat Pumps in Dwellings
- Energy efficient lighting systems
- Roof insulation with right R-value calculations .
  - In large building developments;
  - Control Air condition equipment tied to alternative efficiency systems
  - Preheat at least 50% of hotwater with alternative energy saving sources
  - All hot water pipes to be clad with insulation with R-value of 1
  - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.



Signature

\_04/02/2022.....

Date

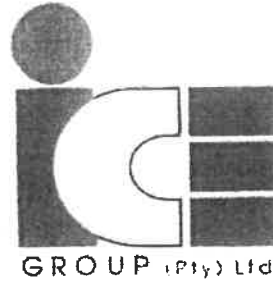
# **ANNEXURE I**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**INITIAL TRAFFIC IMPACT  
ASSESSMENT REPORT**

**Contact Address:**  
iCE Group (Stellenbosch),  
P O Box 131,  
Stellenbosch, 7599

**Tel No:** +27 (0) 21 880 0443  
**Fax No:** +27 (0) 21 880 0390  
**e-mail:** piet@icegroup.co.za



**Consulting Services**

- Civil Engineering Services
- Roads
- Traffic Engineering

**Contact Person:** Piet van Blerk  
**Your Ref:** Steyn's Nursery, Stellenbosch  
**Our Ref:** ICE/S/1050A

**Date:** 28 August 2019

TV3 Architects and Planners  
97 Dorp Street  
First Floor, La Gratitude Office Building  
STELLENBOSCH  
7600

**Attention:** Mr Clifford Heys

Sir

**APPLICATION FOR REZONING AND SITE DEVELOPMENT PLAN SUBMISSION  
FOR FARM 81 PORTION 29, STELLENBOSCH: TRAFFIC IMPACT ASSESSMENT**

This company was appointed to prepare a Traffic Impact Assessment (TIA) for the proposed residential development on Farm 81/29, Stellenbosch.

**1. BACKGROUND AND LOCALITY**

The subject property (currently Steyn's Nursery) is bordered by the R304 (Main Road 174), or Koelenhof Road, to the northeast, and situated between its intersections with Sokuqala Street (to the south) and Welgevonden Boulevard (to the north). See the *Locality Plan* attached.

An Access Management Plan (AMP) was previously compiled by *its consulting engineers*, whilst the conceptual design of the dualling of Bird Street (R304/Main Road 174) was conducted by this company, all of which will be taken into consideration hereafter.

Previous TIAs were compiled by this company for potential development on the subject property. The previous land use mixes included filling station-type and commercial components.

This TIA accompanies the Application for Rezoning (from Agricultural to General Residential) and Site Development Plan (SDP) submission for Farm 81/29, Stellenbosch.

**2. PROPOSED DEVELOPMENT**

**2.1 Proposed Development**

The proposed development will be residential in nature, consisting of 240 apartments. The breakdown is proposed as follows:

Two-bedroom (46 m <sup>2</sup> - 53 m <sup>2</sup> )	168 units
Bachelor (32 m <sup>2</sup> - 39 m <sup>2</sup> )	72 units
<b>Total</b>	<b>240 units</b>

See the proposed layout on the attached *Site Concept Layout* prepared by *Osmond Lange Architects & Planners*.

**Stellenbosch office:**  
Tel: 021 8800 443  
Fax: 021 8800 390

**Directors:**  
P.J. Van Blerk, PrEng.

ICE Group (Overberg) t/a  
ICE Group (Stellenbosch)  
Reg No: 2006/133238/23



## 2.2 Access to the Property

Access to the property is currently obtained from the R304 from a position to be closed in future and relocated in line with the AMP as previously mentioned. See the photo below. Detail on access will be discussed in *paragraph 4* below.



**Photo 1** : Existing and proposed access

## 3. TRAFFIC

### 3.1 Available Traffic

Information regarding existing weekday peak hour traffic was obtained from counts previously conducted along the R304. These counts were conducted on 14 January 2016 from 06h30 to 09h30 and again from 15h30 to 18h30. The peak hour volumes derived from the count conducted at the R304/Welgevonden Boulevard intersection are indicated in *Figure 1* attached.

### 3.2 Traffic Growth

Based on information as per the *Road Network Information System (RNIS)* of WCG, annual growth rates in the order of 2% (in the vicinity of the Elsenburg-intersection about 3,5 kilometres to the west of the subject property) and  $\pm 1\%$  to the east of the subject property, are applicable along the R304 (MR 174). Based on the said information, a 2% per annum traffic growth will be applied.

For the purpose of traffic analyses, a five (5) year forecast was assessed (i.e. 2024). The available 2016 peak hour traffic volumes were thus increased by 2% per annum for eight (8) years to obtain the estimated 2024 peak hour volumes as indicated in *Figure 2* attached.

### 3.3 Traffic Generation

Trip generation rates as contained in the *TMH17 South African Trip Data Manual* were consulted to calculate the potential peak hour traffic generated by the proposed development. The said manual suggests the following rates for the various types of residential units:

	<i>AM Peak Hour Rate</i>	<i>Split (in/out)</i>	<i>PM Peak Hour Rate</i>	<i>Split (in/out)</i>
<i>Apartments and Flats</i>	0,65 trips per unit	25/75	0,65 trips per unit	70/30
<i>Multilevel Townhouses</i>	0,75 trips per unit	25/75	0,75 trips per unit	70/30
<i>Townhouses (Simplexes and Duplexes)</i>	0,85 trips per unit	25/75	0,85 trips per unit	70/30
<i>Single Dwelling Units</i>	1,0 trip per unit	25/75	1,0 trip per unit	70/30

Based on the location and anticipated price range, the rate for 'apartments' as indicated above is considered too low. It is anticipated that the proposed apartments will operate more in line with the 'townhouses' or 'single dwelling units'. For the purpose of this report, a rate of 1,0 trip per unit was assumed. The proposed development will thus potentially generate 240 peak hour trips (60 in, 180 out during the AM peak hour and 168 in, 72 out during the PM peak hour).

### 3.4 Traffic Distribution

The peak hour traffic that can potentially be generated, as calculated above, was distributed to the road network based on the existing directional split in peak hour traffic at the R304/Welgevonden Boulevard intersection. To account for possible 'lift-clubs', etc., it was assumed that a small percentage ( $\pm 5\%$ ) of the traffic potentially generated by the proposed development would be distributed to/from Welgevonden Boulevard.

The said distribution is indicated in **Figure 3** attached.

### 3.5 Traffic Analysis

Traffic analyses of the intersections were done by means of the Sidra Intersection 8.0 software. Service levels A to D are considered acceptable, with D the critical. The link volumes were analysed by means of the methods contained in the Highway Capacity Manual.

#### R304/Welgevonden Boulevard intersection:

This intersection is currently signalised, with dedicated turning lanes on the R304- and Welgevonden Boulevard-approaches. The fourth approach to the intersection is currently a gravel farm road. See the lane layout in the photo below.



**Photo 2 : Existing R304/Welgevonden Boulevard intersection lane layout**

**R304/Access intersection:**

This intersection is proposed as a signalised intersection (if/when warranted), as per the AMP of the R304. The initial intersection layout (prior to the dualling of the R304) is as indicated in **Diagram 1** below. The proposal includes the intersection lane layout as per the ultimate dual carriageway, with the additional lanes tapering back to the existing single carriageway. Dedicated right- and left-turn lanes are proposed along the R304, as well as the access-approach.



**Diagram 1 : Initial R304/Access intersection lane layout (signalised)**

**3.5.1 Analyses of Existing and Estimated Peak Hour Volumes  
(excluding proposed development)**

**Link Volumes:**

As indicated in **Figure 1** and **Figure 2** attached, the following link volumes (total two-way traffic) are experienced/expected along the R304 in the vicinity of the subject property:

	Available 2016 (AM/PM)	Estimated 2024 (AM/PM)
North of Welgevonden Boulevard	1 956 / 1 915	2 291 / 2 243
South of Welgevonden Boulevard	1 740 / 1 735	2 038 / 2 032

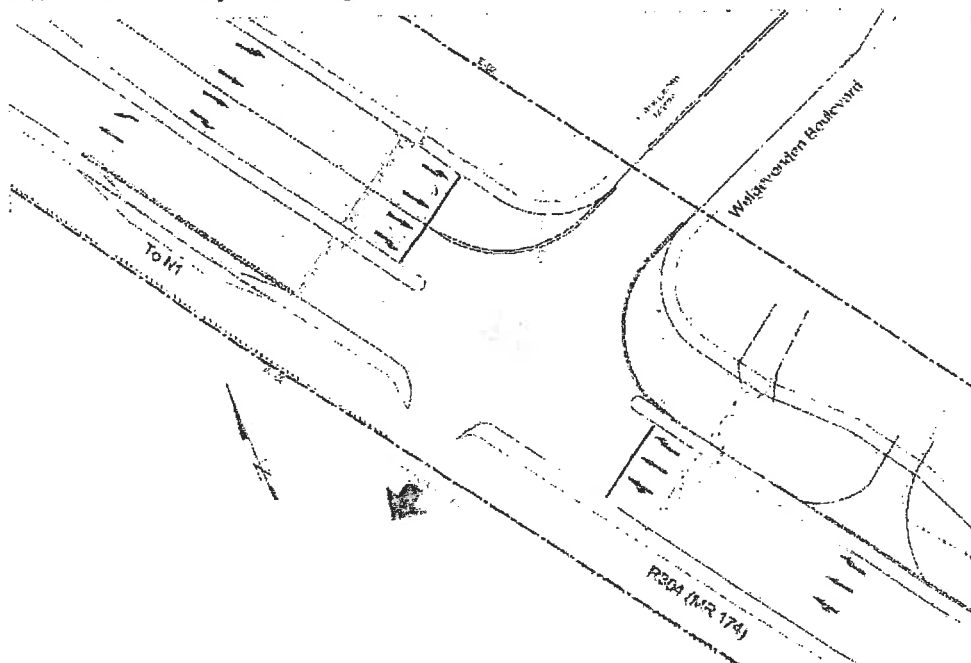
As per the above volumes, the dualling of the R304 north and south of the Welgevonden Boulevard-intersection should already be considered. During the estimated peak hours, the said dualling is more than warranted. According to available counts at intersections towards the R44, and information obtained from RNIS at the Bottelary Road-intersection, the dualling of the R304 will be required between the R44 and Bottelary Road.

***It can thus be concluded that the dualling of the R304 to the north and south of the Welgevonden Boulevard-intersection (between the R44 and Bottelary Road) is required to accommodate the background traffic.***

**R304/Welgevonden Boulevard intersection:**

According to the Sidra analyses, service levels D and above were experienced during the available peak hours (existing intersection lane layout).

During the estimated peak hours, and with the existing intersection lane layout, service levels F are expected on the southbound through movement during the AM peak hour and on the northbound through movement during the PM peak hour. As mentioned with the link volumes-discussion above, the dualling of the R304 is required. With the R304-approaches dualled, acceptable service levels C and above can be expected on all movements during both peak hours. See the proposed intersection lane layout in **Diagram 2** below (extract of Conceptual Design plans).



**Diagram 2** : Proposed R304/Welgevonden Boulevard intersection lane layout (as per Conceptual Design of R304 dualling between Welgevonden Boulevard and R44)

***It can thus be concluded that to accommodate the background traffic at the R304/Welgevonden Boulevard intersection, the intersection lane layout as per the Conceptual Design for the dualling of the R304 is required.***



### 3.5.2 Analyses of Expected Peak Hour Volumes (including proposed development)

The traffic that can potentially be generated by the proposed development (**Figure 3**) was added to the estimated 2024 peak hour volumes, i.e. background traffic (**Figure 2**), to obtain the expected 2024 peak hour volumes (**Figure 4**).

#### Link Volumes:

As mentioned in the previous paragraph, the dualling of the R304 is required to accommodate the background traffic. With the addition of the proposed development traffic, the link volumes (total two-way traffic) expected north of Welgevonden Boulevard is 2 456/2 405 (AM/PM) and 2 211/2 203 (AM/PM) to the south thereof.

***It can thus be concluded that the dualling of the R304 as required to accommodate the background traffic will be sufficient to accommodate the addition of the proposed development traffic.***

#### R304/Welgevonden Boulevard intersection:

With the upgraded intersection lane layout as required to accommodate the background traffic, and with the addition of the proposed development traffic, the acceptable service levels experienced with the estimated peak hour volumes can be expected to remain, with marginal increase in queuing.

***It can thus be concluded that no upgrades to the R304/Welgevonden Boulevard intersection, additional to those required to accommodate the background traffic, is required to accommodate the proposed development traffic.***

#### R304/Access intersection:

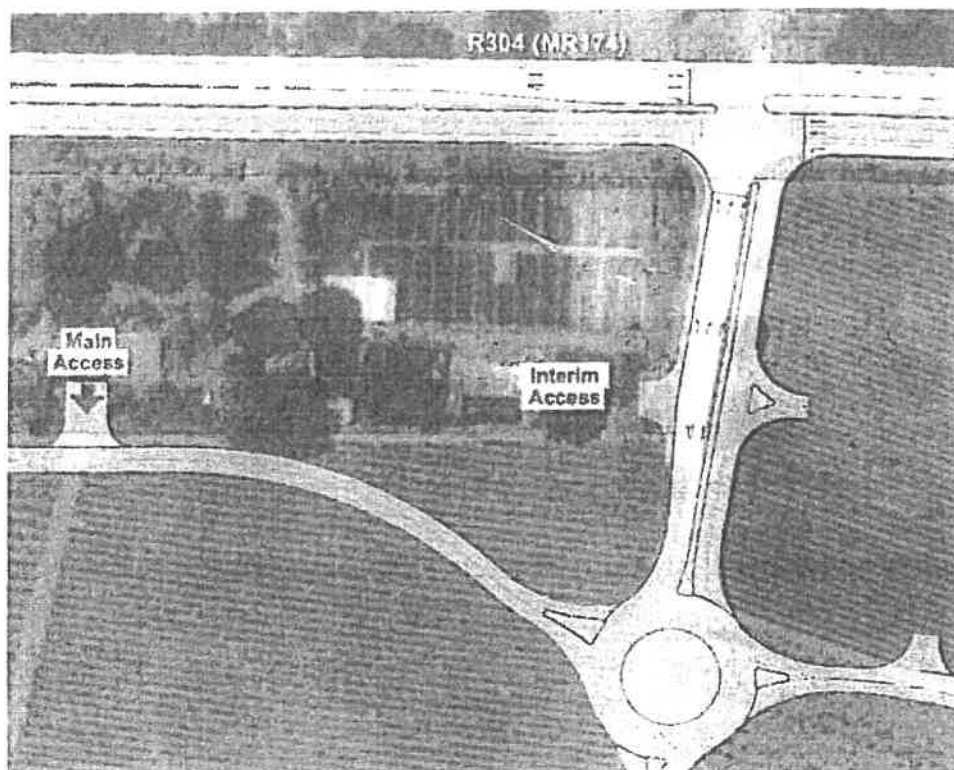
As previously mentioned, this intersection will be signalised in line with the AMP of the R304 if/when warranted. With the potential peak hour traffic generated by the proposed development, and the anticipated through traffic along the R304, it is expected that traffic signals at this intersection will be warranted to accommodate the proposed development. It is proposed that the intersection lane layout be constructed in line with the ultimate layout as per the dualling of the R304, and the additional lanes taper back to the existing two lane road as to avoid any abortive work. A dedicated right-turn lane and a dedicated left-turn lane towards the access will be provided on the two R304-approaches, as well as dedicated left- and right-turn lanes on the access-approach. With the said layout, acceptable service levels C and above can be expected on all movements.

***It can thus be concluded that to accommodate the proposed development traffic at the R304/Access intersection, traffic signals and dedicated right- and left-turn lanes are required on the R304-approaches and the access-approach (in addition to the dualling of the R304 as required to accommodate the background traffic - Diagram 1).***

## 4. GEOMETRY

As previously mentioned, access will be obtained from the R304, in line with the AMP. According to RNIS, the R304 is classified as a Class 2-road.

The access road to the R304 will initially only serve the proposed development, and in future with development of the neighbouring property, be extended towards a roundabout providing access to the said neighbouring property, as well as provide a link towards Sokuqala Street (Kayamandi). With the future extension as mentioned, access to the proposed development will be moved as indicated below. The initial approach to the R304 will be constructed along the ultimate eastbound carriageway.



**Diagram 3** : Future access (R304 dualled and with development of neighbouring property)

Both the interim access, as well as the future main access are proposed to consist of two lanes in and one lane out, with available stacking between the booms/gates and the edge of the road minimum 20 metres, which should be sufficient to accommodate the proposed residential development.

Internal traffic flow will be facilitated via the isles behind parking bays which measure 7,5 metres. This is considered sufficient to accommodate on-site traffic flow.

Refuse areas are proposed at both accesses with space for refuse vehicles. The interim space provided will be at the end of the access road, with available space for a refuse vehicle to turn and collect. The space provided with the ultimate access layout, is a type of embayment – with the road terminating at the access, refuse vehicles will have to turn into the embayment. Should the ultimate access road be extended to the northwest, refuse vehicles will either have to enter from that side, or turning space in the form of a roundabout could be considered at the access or at a position where the adjacent property could possibly obtain access. This should be addressed with the further planning of the road extension.

## 5. PARKING

According to the Stellenbosch Zoning Scheme Regulations, apartments with floor areas larger than 30 m<sup>2</sup> require 1,5 bays per unit (including visitors' parking). The 240 apartments will thus require 360 parking bays. As indicated on the attached plan, 360 parking bays will be provided on-site. The number of parking bays provided are thus in accordance with the minimum requirements.

The 90-degree parking bays indicated all consist of dimensions in line with normal parking standards (2,5 by 5,0 metre bays, with 7,5 metre isle widths). Four (4) of the parking bays provided are parallel, with dimensions of 2,5 by 6,25 metres, which is also considered sufficient.

## 6. PUBLIC AND NON-MOTORISED TRANSPORT

### 6.1 Public Transport

According to information, the R304 is a public transport route. Public transport embayments currently exist along the outbound legs of the R304 at its intersection with Welgevonden Boulevard. With the construction of the access-intersection, it is proposed to also provide public transport embayments along the R304 (outbound legs) – as indicated in *Diagram 1* and *Diagram 2* above.

The abovementioned public transport facilities are considered sufficient to accommodate the proposed residential development.

### 6.2 Non-Motorised Transport (NMT)

A surfaced sidewalk exists along the subject property side of the R304 from beyond Kayamandi (towards the CBD) and beyond the Welgevonden Boulevard-intersection. Surfaced shoulders currently accommodate cyclists. As can be noted on the extract of the Conceptual Design of the dualling of the R304, it is proposed to provide accommodation for cyclists through the access- and Welgevonden Boulevard-intersections by way of cycle-lane between the through- and left-turn lanes.

With the implementation of the access-approach to the R304, it is proposed to provide a sidewalk along the subject property side of the access road up to and including the access.

On-site pedestrian accommodation is by way of pedestrian routes through the lanes of parking bays (as indicated on the attached plan).

The abovementioned NMT-facilities are considered sufficient to accommodate the proposed residential development.

## 7. CONCLUSIONS

The following can be concluded from the report:

- 1) That this TIA accompanies the application for rezoning and SDP submission for Farm 81/29 (currently Steyn's Nursery), bordered by the R304 to the northeast, and situated between its intersections with Sokuqala Street (to the south) and Welgevonden Boulevard (to the north), Stellenbosch;
- 2) That an AMP was previously compiled by *its consulting engineers*, whilst the conceptual design of the dualling of Bird Street (R304/Main Road 174) was conducted by this company;
- 3) That the proposed development will consist of 240 residential apartments (168 two-bedroom units plus 72 bachelor units), with access via a position along the R304 in line with the abovementioned AMP;
- 4) That the proposed development has the potential to generate 240 peak hour trips (60 in, 180 out during the AM peak hour and 168 in, 72 out during the PM peak hour);
- 5) That to accommodate the background traffic:
  - a) The dualling of the R304 between the R44 and Bottelary Road is required;
  - b) The intersection lane layout as per the Conceptual Design of the dualling of the R304 is required at the R304/Welgevonden Boulevard intersection;
- 6) That to accommodate the proposed development traffic:

- a) The provision of traffic signals, dedicated turning lanes on the R304-approaches (right-turn lane on the northern-approach and left-turn lane on the southern approach) and access approach (right- and left-turn lanes) are considered necessary (in addition to the dualling as per *point 5* above);
- 7) That initially the access approach to the R304 will only serve the proposed development and thus terminate to the west of the interim access, whilst future access will be along the western edge of the property boundary and the access approach extended (up to a roundabout) to provide access to the neighbouring property as well;
- 8) That the access (interim and ultimate) will consist of two lanes in and one lane out, with minimum 20 metre stacking space;
- 9) That refuse areas with space for refuse vehicles are proposed at the interim and ultimate accesses;
- 10) That parking is proposed in line with the minimum requirement of the Stellenbosch Zoning Scheme Regulations (1,5 bays per unit, thus 360 bays for the 240 apartments), and that parking bay dimensions are in line with normal parking standards;
- 11) That public transport embayments exist along intersections along the R304 and that public transport embayments will similarly be provided along the R304 outbound legs at the access-intersection; and
- 12) That surfaced sidewalks exist along the subject property side of the R304 from beyond Kayamandi (towards the CBD) and beyond the Welgevonden Boulevard-intersection, that sidewalks will be provided along the subject property side of the access road up to and including the access, and that on-site pedestrian accommodation is by way of pedestrian routes through the lanes of parking bays;

## 8. RECOMMENDATIONS

From the above the following are recommended:

- 1) That to accommodate the **background traffic**:
  - a) The dualling of the R304 between the R44 and Bottelary Road is required;
  - b) The intersection lane layout as per the Conceptual Design of the dualling of the R304 is required at the R304/Welgevonden Boulevard intersection;
- 2) That to accommodate the **proposed development traffic**:
  - a) The provision of traffic signals, dedicated turning lanes on the R304-approaches (right-turn lane on the northern-approach and left-turn lane on the southern approach) and access approach (right- and left-turn lanes) are considered necessary in addition to the dualling of the R304 as per point 1) above. Should the development become operational prior to the dualling of the R304, the ultimate intersection lane layout as per the dualled R304 is proposed at the R304/Access intersection (*Diagram 1*); and
- 3) That to accommodate public- and non-motorised transport, public transport embayments be provided along the R304 at its intersection with the proposed access-approach (outbound legs) and that a sidewalk be provided along the proposed development-side of the access-approach between the R304 and the access.

As the proposed upgrades to the R304 are in line with the future planning of the dualling of the road, it is the opinion that the cost of the upgrades be offset against Development Contributions payable.

We trust that the Traffic Impact Assessment will be to your satisfaction and will gladly provide any additional information required on request.

Yours faithfully



---

**Yolandi Obermeyer (B. Eng Civil)**  
**ICE GROUP (STELLENBOSCH)**

---

**Piet van Blerk Pr. Eng**  
**ICE GROUP (STELLENBOSCH)**

### **Attachments**

Locality Plan

Site Concept Layout (*Osmond Lange Architects & Planners*)

- Figure 1 Available AM/PM Peak Hour Traffic Volumes (Thursday, 14 January 2016)
- Figure 2 Estimated 2024 AM/PM Peak Hour Traffic Volumes (including annual traffic growth)
- Figure 3 Distribution of Traffic Generated by Proposed Development
- Figure 4 Expected 2024 AM/PM Peak Hour Traffic Volumes (including annual traffic growth and proposed development)



Posbus / PO Box 131  
Stellenbosch 7899

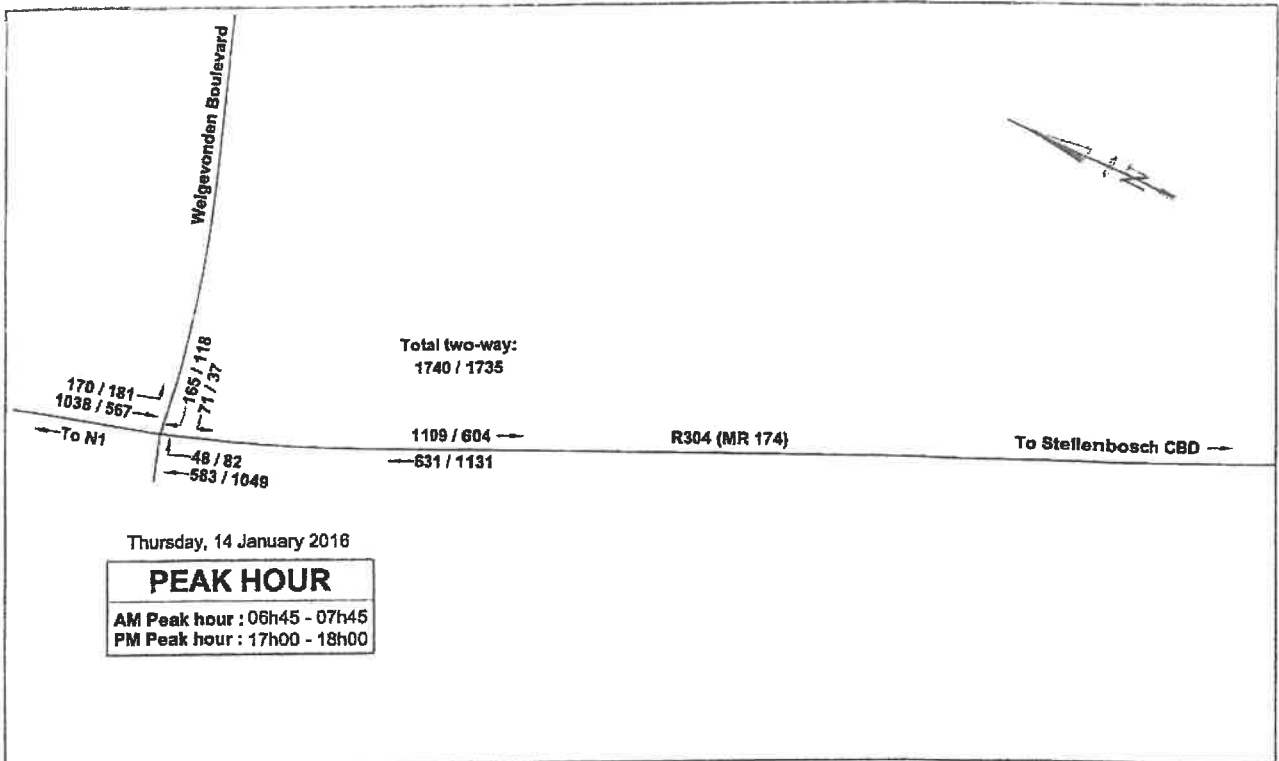
Time Square Unit 6  
9 Electron Street  
Techno Park  
Stellenbosch 7600

Tel. : 021 - 880 0443  
Faxes / Fax : 021 - 880 0390  
e-pce / e-mail : piet@icgroup.co.za



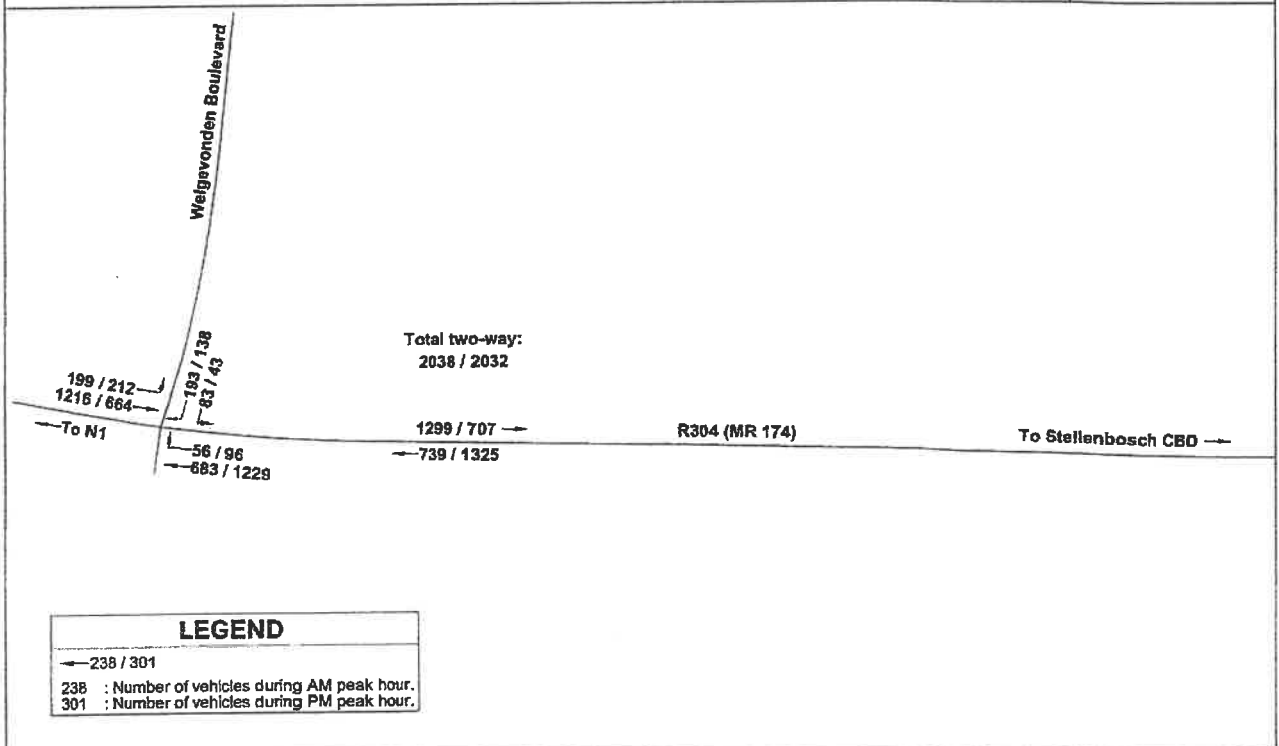
### Locality Plan





Available AM/PM Peak Hour Traffic Volumes  
(Thursday, 14 January 2016)

Figure 1



Estimated 2024 AM/PM Peak Hour  
Traffic Volumes (including annual  
traffic growth)

Figure 2

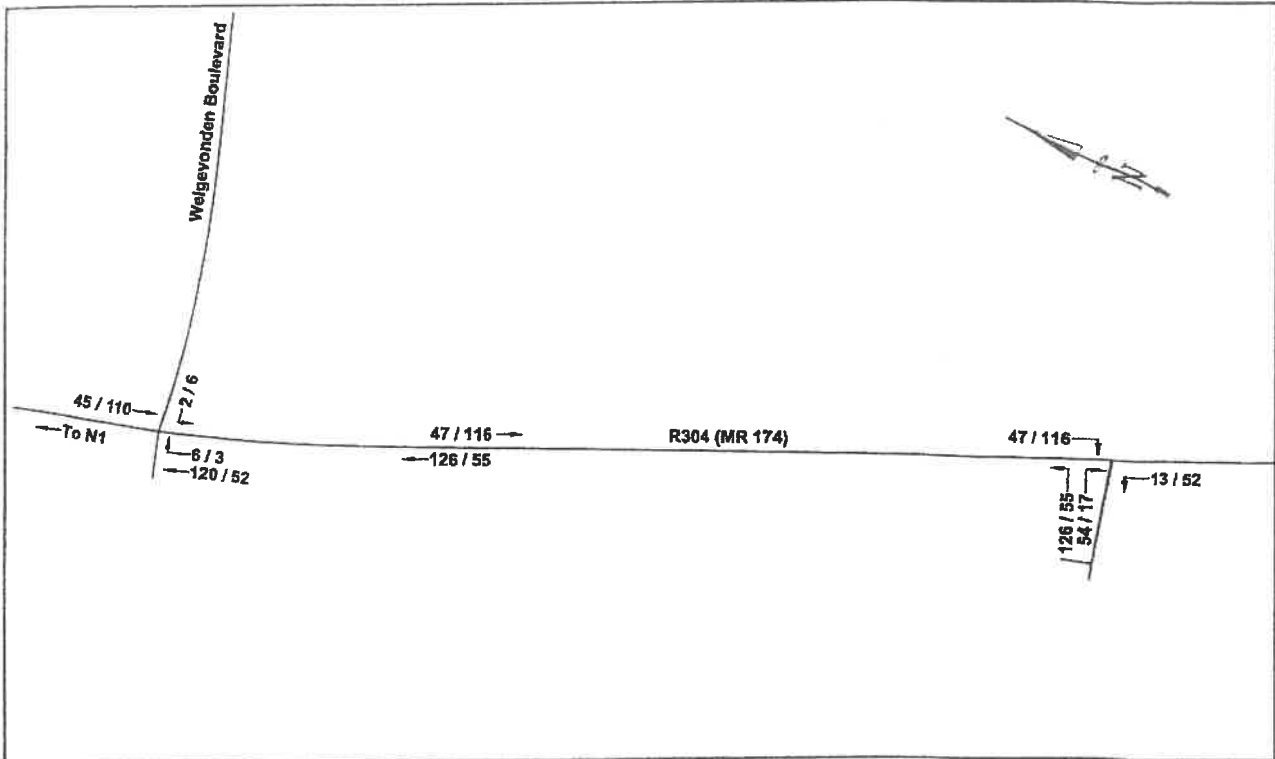
Poebus / PO Box 131  
Stellenbosch 7599

Time Square Unit 8  
9 Electron Street  
Techno Park  
Stellenbosch

Tel. : 021 - 880 0443  
Faks / Fax : 021 - 880 0390  
e-pos / e-mail : piet@icgroup.co.za

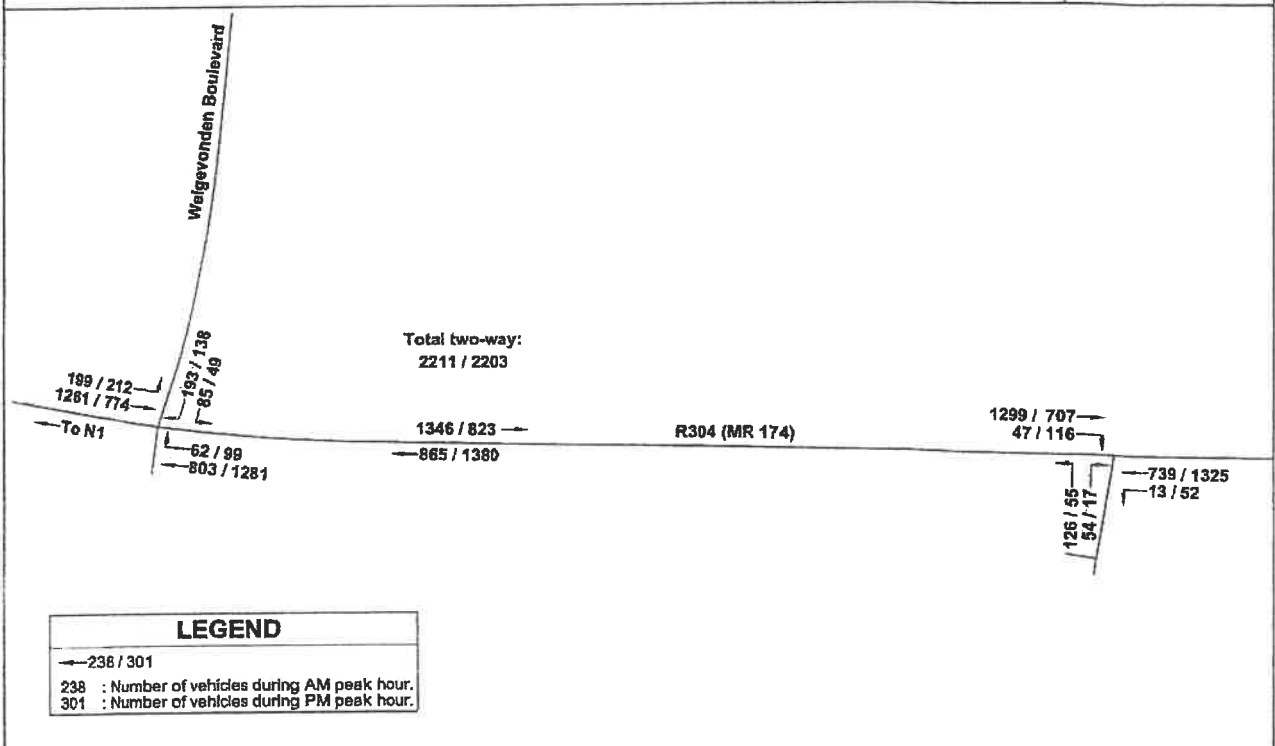






Distribution of Traffic Generated by Proposed Development

Figure 3



Expected 2024 AM/PM Peak Hour Traffic Volumes (including annual traffic growth and proposed development)

Figure 4

Posbus / PO Box 131  
Stellenbosch 7599

Time Square Unit 8  
8 Electron Street  
Techno Park  
Stellenbosch

Tel. : 021 - 880 0443  
Faks / Fax : 021 - 880 0380  
e-pos / e-mail : plet@icogroup.co.za



# **ANNEXURE J**

**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**INITIAL COMMENT FROM  
HERITAGE WESTERN CAPE  
& HERITAGE IMPACT  
ASSESSMENT REPORT**

**Our Ref:** HM/CAPE WINELANDS/STELLENBOSCH/FARM 81 PORTION 29  
**Case No.:** 20061010TZ0624E  
**Enquiries:** Thando Zingange  
**E-mail:** Thando.Zingange@westerncape.gov.za  
**Tel:** 021 483 5959  
**Cell :** 076 481 8392 (during lockdown)  
**Date:** 07 July 2020



Steyns Family Trust  
 C/O Lize Malan  
 P O Box 3421  
 Matieland  
 7602

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED**  
**In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED RESIDENTIAL DEVELOPMENT ON FARM 81 PORTION 29, OFF R304, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 20061010TZ0624E**

The matter above has reference. Heritage Western Cape is in receipt of your application for the above matter received on 06 July 2020.

You are hereby notified that, since there is reason to believe that the proposed development will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted. This HIA must have specific reference to the following:

- HIA is required consisting of visual impact assessment on the cultural landscape.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case by case basis.

This decision is subject to an appeal period of 14 working days. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.

Applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

HWC reserves the right to request additional information as required.  
 Should you have any further queries, please contact the official above and quote the case number.

.....  
 Dr Mxolisi Dlamuka  
 Chief Executive Officer

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

Street Address: Protea Assuransgebou, Groot Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1105, Cape Town, 8000  
 • Tel: +27 (0)21 483 5959 • E-mail: [cas@westerncape.gov.za](mailto:cas@westerncape.gov.za)

Straatadres: Protea Assuransgebou, Groot Market Square, Kaapstad, 8000 • Posadres: P.O. Box 1105, Kaapstad, 8000  
 • Tel: +27 (0)21 483 5959 • E-pos: [cas@westerncape.gov.za](mailto:cas@westerncape.gov.za)

Idilesi yendawo: Protea Assuransgebou, Groot Market Square, Kaapstad, 8000 • Idilesi yeposi: P.O. Box 1105, Kaapstad, 8000

**Adopted Resolutions and Decisions of the Meeting of the Impact Assessment  
Committee (IACOM)  
of Heritage Western Cape (HWC) held via Microsoft Teams,  
at 09H00 on Wednesday, 14 October 2020**



**9.3 Proposed Development of a New House, Entertainment Area and Caretaker Cottage on Portion 6 of the Farm Mosselbank Fontein 496, Riversdale**

The Committee confirmed that a Heritage Impact Assessment (HIA) is required.

The requirement for a full HIA results from the interpretation of "*change in character of a site*". In this regard, the definition of "site" is not limited to the discrete building footprint but rather the affected area.

The comment as per the previous meeting therefor still applies:

The Committee resolved that the HIA submitted by ACRM dated July 2020 does not satisfy the requirements of S.38(3) of the National Heritage Resources Agency (NHRA). Given this, the consultant is requested to attend to the following:

1. An assessment of the existing and proposed built form as well as an assessment of the existing sense of place and cultural landscape qualities of the site and of the broader coastline.
2. The HIA should include design indicators and informants arising from the above study.
3. It is recommended that a heritage consultant with particular expertise in vernacular architecture of the area provide input in this regard.
4. A Conservation Management Plan (CMP) for the site is required, considering especially the significant shell midden located on the property.

**9.4 Discussion on Heritage Impact Assessment reports: (Re: Agenda Items: 13.3, 15.3 and 15.4)**

**FURTHER REQUIREMENTS:**

To meet the requirements of section 38(3) of the NHRA, the Committee requires revised and re-structured HIA documents for agenda items 13.3, 15.3, and 15.4 to be submitted to HWC for IACOM consideration.

In meeting the requirements of section 38(3) of the NHRA, reference should be made to HWC's guidelines for Heritage Impact Assessments (dated 15 June 2016) as well as HWC's Circular (dated November 2014) regarding the requirements for HIA Executive Summaries.

**MATTERS DISCUSSED**

**11. SECTION 38(2) RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP (NID)**

**11.1 None**

**12 SECTION 38(1), INTERIM COMMENT**

12.1 None

**13 SECTION 38(4) RECORD OF DECISION (ROD)****13.1 Proposed Weltevreden Filling Station Farm 786 Ptn 14, Philippi: MA  
HM/CAPE TOWN METROPOLITAN/PHILLIPI/FARM 786 PTN 14**

Case No: 19022708AS0305E

**INTERIM COMMENT:**

The Committee does not support the proposal as submitted in its current form, for the following reasons:

1. The site is inappropriate for the scale and complexity of an urban filling station with related facilities (food court, canopy etc.).
2. The rural context of the site would be compromised irrevocably by the development proposed.

TZ

**13.2 Proposed Site Development of Farm 81 Ptn 29, Stellenbosch: NM  
HM/CAPE WINELANDS/STELLENBOSCH/FARM 29 PTN 81**

Case No: 20061010TZ0624E

**RECORD OF DECISION:**

The Committee resolved to endorse the HIA as having met the requirement of S38(3) of the NHRA. The Committee resolved to endorse the findings and recommendations of the HIA.

The Committee resolved that the development may proceed subject to the recommendations of the HIA as outlined below.

- 1) The landscaping plan is further detailed. This should include:
  - a. More trees in clusters on the boundaries & informal hedges edges; and
  - b. Specification of tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan.

The landscaping plan must be submitted to the Stellenbosch Municipality for approval, together with the SDP referred to below.

- 2) The preparation of a detailed site development plan, that will reflect the architectural controls referred to in the indicators, namely:
  - a. Variation in roofscape and colour between units (no more than 2 attached units to have the same roof shape).
  - b. Variation in rendering of walls between units through use of different paint colours and/or finishes in particular. Muted earth tones should be specified.

- c. Visually permeable external fencing.
- d. The SDP should also include controls for external lighting, and other security measures and appropriate signage.

The SDP must be submitted to the Stellenbosch Municipality for approval, before building plan approval.

TZ

**13.3 Proposed Housing Development on Jonkersdrift Farm (Farm 1440, 1441, 334/17 & 334/9), Stellenbosch Magisterial District): NM  
HM/CAPE WINELANDS/ STELLENBOSCH/ JONKERSDRIFT FARM 1440,1441, 334/17 & 334/9**

**Case No: 20041707SB0603E**

**DEFERRED:**

This matter was discussed under Administrative Matters (Item 9.4).

SB

**13.4 Proposed Development of the Site on Erf 884, 889, 895 and 5856, Masonic Hotel, Reitz Street and Hoop Street, Robertson: MA  
HM/ROBERTSON/ LANGEBOEG/ERF 884, 889, 895 AND 5856**

**Case No: 181002306AS1017E**

**RECORD OF DECISION:**

The Committee endorsed the HIA report as submitted by Ms Postlethwayt, dated September 2020, as having met the requirements of S38(3) of the NHRA; as well as the recommendations contained within the report, as follows:

It is recommended that Heritage Western Cape:

1. endorse this report as having met the requirements of Section 38(3) of the NHRA.
2. in terms of Section 38(4) of the NHRA, approves the proposed redevelopment of Erf 8526, as outlined in Annexure D2 of this report; 21 Supplementary HIA Erf 8526, Reitz & Hoop Street, Robertson 2020, *subject to the following conditions:*
  - a. The refurbishment of the Masonic Hotel and the vernacular cottages are to be the subject of separate application/s to HWC. The work is required to be directed and monitored by an architect with suitable conservation experience; building plans are to be accompanied by a Method Statement; and a Close Out Report is to be submitted to HWC upon completion.
  - b. This approval specifically precludes any development proposals which may involve that portion of the property originally described as Re Erf 891, Church Street.

KB

**13.5 Proposed Re Development of the Site on ere 8019, Sir Lowry Square, Woodstock: NM  
HM/CAPE METROPOLITAN/WOODSTOCK/ERF 8019**

Case No: 20091008KB0921E

**FURTHER REQUIREMENTS:**

The Committee requests the HIA report to be updated with the detailed work included and resubmitted to HWC for IACom consideration.

KB

**14 SECTION 38(8) NEMA RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP**

14.1 None

**15 SECTION 38(8) NEMA INTERIM COMMENTS**

**15.1 Proposed Minor Deviations from Approved Building Envelope: Erf 31990 Mowbray Cape Town:  
MA  
HM/CAPE TOWN METROPLITAN/ MOWBRAY/ERF 31990**

Case No: 120418JW08

**FURTHER REQUIREMENTS:**

Whereas the proposed changes to the building envelope are minor and inconsequential, the Committee expressed concern with respect to the interface with the significant corner - in terms of activation of edges, fenestration, colonnade etc. as well as the necessity of testing the proposal against the original heritage indicators. The Committee therefore requires that the applicant test the proposal against the original heritage indicators, with reference to floorplates and use (particularly ground and first floors), and to submit this assessment to HWC for IACom review and consideration.

SB

**15.2 Proposed Mixed-Use Development, Southern Right Farm Portion 4, 6 and 11 of Farm 585,  
Hermanus: MA  
HM/ OVERBERG/ OVERSTRAND/ HERMANUS/ PORTION 4, 6 AND 11 OF FARM 585**

Case No: 19120618AS1213E

**INTERIM COMMENT:**

DS and GJ (who visited the site) to prepare a draft interim comment for circulation to members for endorsement.

SB

- 15.3 Proposed Mixed-Use Urban Node Re 1/697, Farm 1/1113, Ptn of Erf Re 353, Erf 1449 and 1450, De Hoop Nature Reserve, Malmesbury: NM  
HM/SWARTLAND/MALMESBURY/ RE OF PTN 1 OF FARM 697, PORTION 1 OF FARM 113, RE OF FARM 1113, RE OF FRAM 301, RE OF FARM 353**

**Case No: 19110103SB1106E**

**DEFERRED**

This matter was discussed under Administrative Matters (Item 9.4).

**SB**

- 15.4 Proposed CNC Aquaculture Facility on Portion 8 of the Farm Bottelfontein 11, Near Elands Bay: NM  
HM/ WEST COAST/ SWARTLAND/ BERGRIVER / PIKETBERG / FARM BOTTLEFONTEIN**

**Case No: 20070607SB0707E**

**DEFERRED:**

This matter was discussed under Administrative Matters (Item 9.4).

**SB**

- 15.5 Proposed Site Development of Farm 81 Ptn 33, Stellenbosch: NM  
HM/CAPE WINELANDS/STELLENBOSCH/FARM 33 PTN 81**

**Case No: 19032707AS0402M**

**FINAL COMMENT:**

The Committee resolved to endorse the HIA as having met the requirement of S38(3) of the NHRA. The Committee resolved to endorse the recommendations of the HIA as outlined below:

- 1) The landscaping plan is further detailed to inter alia specify tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan. The landscaping plan must be submitted to the Stellenbosch Municipality for approval.
- 2) Architectural guidelines for the whole development to realize the intentions of the urban design framework and the heritage indicators set out in section 10 of the HIA are prepared.

The following aspects will need to be addressed:

- a. Height restrictions for all buildings across the site as indicated in the proposed SDP. It is however noted that the indicators stated that certain smaller elements of the four storey buildings may extend to five storeys. This is regarded as appropriate to mark key points/intersections in the development and should be controlled through the guidelines.
- b. Massing and articulation of the apartment blocks – monolithic blocks are to be disallowed and the guidelines must specify the extent of articulation in detail.
- c. Roof shape and colour to ensure variation in design and colour throughout the development but keeping the colour palette to neutral greys and black.
- d. Finishes of buildings, using plaster and paint in muted neutral earth tones (no highly-reflective white), concrete or stone, with restricted or prohibited use of metal cladding.



- e. Openings with restrictions on large reflecting surfaces, and shading of openings, particularly to the east.
- f. Lighting, services, security features and signage to be low key and/or not visible as may be appropriate (refer to indicators)
- g. Fencing – use of visually permeable fencing on perimeter with werf walls allowed for internal boundaries, provided that screening tree planting is accommodated.

These guidelines are to be to the approval of the Stellenbosch Municipality (Heritage Resources Management).

TZ

**15.6 Proposed Development, Remaining Extent of Portion 47 (A Portion of Portion 1) of the Farm Ganse Valleï No. 444, Plettenberg Bay: NM  
HM/BITOU/PLETTENBERG BAY**

Case No: 18121204SB1220E

**FINAL COMMENT:**

The Committee resolved to endorse the recommendations of the HIA dated September 2020, prepared by Ursula Rigby as having met the requirements of S38(3) of the NHRA, as well as the recommendations outlined within the report and illustrated within appendix D Guideline sheet REV 01 (i.e. the Heritage related design indicators); with the addition of the palaeontological / archaeological monitoring required during earthworks and excavations.

SB

**16 SECTION 38(8) NEMA FINAL COMMENTS ON ENVIRONMENTAL IMPACT ASSESSMENT**

16.1 None

**17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP**

17.1 None

**18 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN INTERIM COMMENT**

18.1 None

**19 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL COMMENT**

19.1 None

**20 SECTION 38(8) OTHER LEGISLATION NOTIFICATION OF INTENT TO DEVELOP**

20.1 None

**21 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT**

21.1 None

**22 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT**

22.1 None

**23. SECTION 27 PROVINCIAL HERITAGE SITES**

23.1 None

**24 SECTION 42 HERITAGE AGREEMENT**

24.1 None

**25. ADVICE**

25.1 None

**26. OTHER****26.1 Conservation Management Plan for Amsterdam Battery on Erven 149294 & 9588, V&A Waterfront: MA  
HM/CAPE TOWN METROPOLITAN/ WATERFRONT/ERVEN 149294 AND 9588**

Case No: 15110515GT1110E

**DISCUSSION:**

Amongst other things, the following was discussed:

- The proposed trees and shrubs on the rampart walls to be omitted as their roots cause damage to the heritage resource.
- The existing trees on the rampart to be cut down at the base of the trees and root growth to be monitored (only grasses should be allowed on the ramparts etc.).
- An archaeologist with appropriate expertise to be included in the monitoring panel as a permanent member.
- General in principle endorsement of the proposed CMP and proposed HA.

**FURTHER REQUIREMENTS:**

The amendments as discussed are to be incorporated into the proposed CMP and HA, which must be circulated to legal advisor and APM for comment via email.

SB

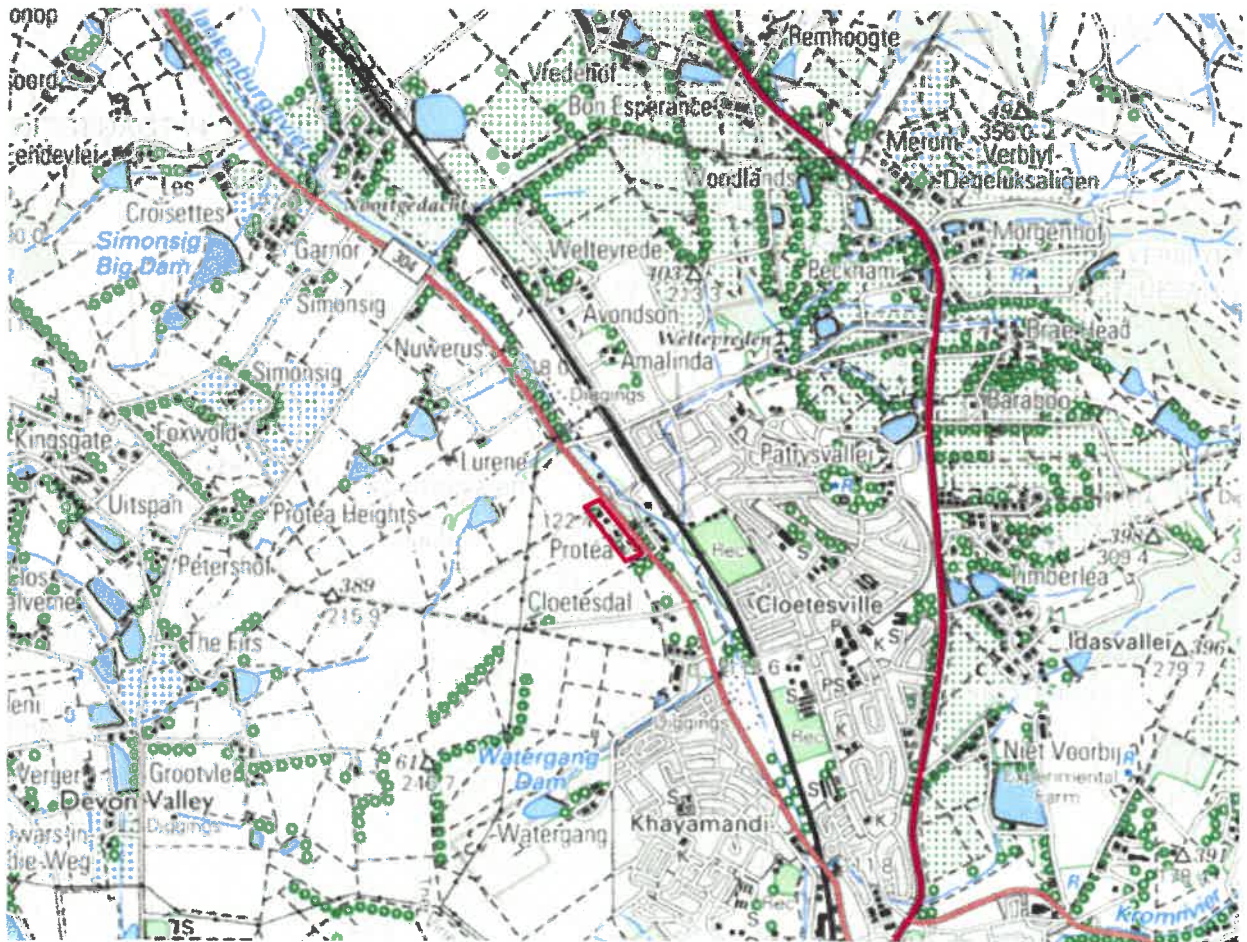
**27 Adoption of decisions and resolutions**

The Committee agreed to adopt the decisions and resolutions as minuted above.



DRAFT FOR COMMENT

HWC CASE: 20061010TZ0624E

*Heritage Impact Assessment**Steyn's Nursery**Portion 29 of Farm 81, Stellenbosch*

Submitted in terms of section 38(4) of the National Heritage Resources Act, 1999  
(Act 25 of 1999)

August 2020

Submitted by

Lize Malan, David Gibbs & Janine Loubser

PO Box 3421, Matieland, 7602, C: 083 440 0953

*Table of Contents*

1. Introduction.....	1
2. The site and its context.....	2
3. Assumptions and limitations .....	8
3.1 Availability of Information .....	8
3.2 Statement of Significance .....	8
3.3 Impacts beyond the Site Boundaries .....	8
4. Methodology .....	8
5. Legal context.....	9
5.1 National Heritage Resources Act (Act 25 of 1999) (NHRA) .....	9
5.2 Land Use Planning Requirements .....	9
6. Policy context .....	9
7. Historic background.....	12
8. Heritage resources and significance .....	15
8.1 Introduction .....	15
8.2 Establishing the significance of the site .....	15
8.3 Contextual significance .....	15
8.4 Summarized Heritage Statement .....	20
9. Heritage indicators .....	21
9.1 Introduction .....	21
9.2 Cultural landscape analysis .....	21
9.3 Indicators .....	23
10. Development proposal .....	25
11. Socio-economic impacts.....	25
12. Assessment of proposal.....	28
12.1 Assessment against heritage indicators.....	28
12.2 Assessment of impact on cultural landscape .....	29
13. Findings and recommendations .....	34
14. References.....	35

*List of Figures*

Figure 1:	Locality Plan - Extract from 1:50 000 Series Maps 3318DD (2000) ..... (Source: Chief Directorate Surveys & Mapping) .....	2
Figure 2:	The site in its immediate context (Source: Cape Farm Mapper) .....	3
Figure 3:	Aerial view of the site (Source: Cape Farm Mapper) .....	3
Figure 4:	Approved Stellenbosch Spatial Development Framework (SDF Fig.28, 2019) ..... – subject site outlined in red. ....	10
Figure 5:	Adam Tas Corridor concept, as per the latest SDF. .... Subject site forms part of ‘Farm Cloetesdal’ (outlined in red).....	11
Figure 6:	Early freehold land grants to individuals 1657-1750 - map extract (Guelke, 1987) .....	12
Figure 7:	Extract from diagram A 2781/1926 of Farm 81, Stellenbosch – Cloetesdal .....	13
Figure 8:	Extract from the SG Diagram 8410/1950 of Portion 29 of Farm 81, Stellenbosch .....	13
Figure 9:	Extract of 1960 aerial photograph ..... (Source: Photograph 7613, Strip 018, Job 454 Surveys & Mapping, Mowbray).....	14
Figure 10:	Extract from the Stellenbosch Heritage Inventory Online Map ..... - with heritage resources layer enabled .....	17
Figure 11:	Extract: Stellenbosch Heritage Inventory Online Map ..... – with heritage resources & landscape units layers enabled ..... (Source: <a href="http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989">http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989</a> - ..... accessed 29/07/2020) .....	17
Figure 12:	Extract from the Stellenbosch Heritage Inventory Online Map ..... – with conservation systems layers enabled ..... (Source: <a href="http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989">http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989</a> - ..... accessed 29/07/2020) .....	18
Figure 13:	Composite cultural landscape diagram .....	22
Figure 14:	Key viewpoints for modelling the adjacent development “Newinbosch” (VP 1 & VP 2) ..... - Source: Google Earth .....	29
Figure 15:	<b>Viewpoint 1 from R 304</b> showing ..... (A) current status (no development); ..... (B) Newinbosch proposal unmitigated (buildings only); ..... (C) Newinbosch proposal with landscape mitigation; ..... (D) Newinbosch proposal with architectural mitigation added. .... (Steyn’s Nursery site shown at the extreme left – circled in red).....	30
Figure 16:	<b>Viewpoint 2 from R 304</b> showing ..... (A) current status (no development); ..... (B) Newinbosch proposal unmitigated (buildings only); ..... (C) Newinbosch proposal with landscape mitigation ..... (D) Newinbosch proposal with landscape and architectural mitigation. .... (Steyn’s Nursery site development is shown in the foreground at the left, circled in red). .....	31

*List of Photographs*

Photograph 1:	Entrance to the site on the R304 (Source: Google Street view) .....	4
Photograph 2:	Entrance to the nursery .....	4
Photograph 3:	Nursery.....	4
Photograph 4:	Unoccupied house (C 1971 or later) .....	5
Photograph 5:	Homestead (C 1993) .....	5
Photograph 6:	Remnants of earlier building-works excavations and unfinished columns.....	5
Photograph 7:	Cottage in north-western corner of site (C 1971 or later) .....	6
Photograph 8:	View of planting along the south-eastern boundary of the site viewed from the R304 .....	6
Photograph 9:	Nuutgevonden housing complex, intersection of R304 & Welgevonden Boulevard .....	6
	north-east of the site .....	6
Photograph 10:	Remainder of Tweespruit Farm opposite site.....	6
Photograph 11:	Mount Simon housing development to the south-east of the site, .....	7
	on the other side of the R304. ....	7
Photograph 12:	Cloetesdal farm to the south of the site .....	7
Photograph 13:	View onto the site from the north looking south with the homestead visible.....	7
Photograph 14:	Monterosso werf 1 (closest to site) .....	16
Photograph 15:	Monterosso werf 2.....	16
Photograph 16:	Corbett Malan Werf .....	16
Photograph 17:	View onto the site form opposite the entrance to Monterosso .....	19
	(just past Kana small holding) .....	19

*List of Annexures*

Annexure A	HWC Response to the NID
Annexure B	Criteria for Establishing Heritage Significance
Annexure C	Plans for individual units of the proposed development



## *1. Introduction*

This report presents a heritage impact assessment (HIA) for the proposed development of the Portion 29 of Farm 81, Stellenbosch, currently housing Steyn's Nursery. The site measures 2,9980ha in total and is situated to the north of Stellenbosch, on the R304 just beyond Cloetesdal Farm. The proposed development concept entails a medium density townhouse scheme in line with the spatial planning vision for this part of Stellenbosch. The HIA is submitted in terms of Section 38(4) of the National Heritage Resources Act, as the development is not subject to the requirements of the National Environmental Management Act.

## 2. The site and its context

The site is located to the north-east of Cloetesdal Farm, along the R304 between Stellenbosch and the N1. To the south, west and north, the site is surrounded by agricultural land, in the form of vineyards. These all seem to be in production, although it is understood that Cloetesdal Farm is no longer viable and an application for its development is currently being considered. To the east of the site on the other side of R304, is the remainder of Tweespruit farm. A portion of this farm to the east of the Plankenbrug river has already been developed with a town house complex. What remains between the R304 and the river is in effect a small holding, which accommodates several residences, an auto-electrical business and a number of holiday cottages. It is likely that this site will also be developed once the R304 has been upgraded, making proper access to the site possible. To the south-east there is the Mount Simon townhouse complex and to the north-east the high density Nutgevonden development with blocks of flats and townhouses. Beyond the railway line, which runs parallel to the R304, lays the suburb of Cloetesville, which has its origins in Cloetesdal farm.



Figure 1: Locality Plan - Extract from 1:50 000 Series Maps 3318DD (2000) (Source: Chief Directorate Surveys & Mapping)



Figure 2: The site in its immediate context (Source: Cape Farm Mapper)



Figure 3: Aerial view of the site (Source: Cape Farm Mapper)

The site currently houses a plant nursery and a residence for the owner. Other structures on site include another residence, currently unoccupied, a worker's cottage, covered parking, a nursery shop and offices

and nursery tunnels and shade covering. The southern portion of the site, where the nursery is located, is largely screened from view with planting on the edges, including a various types of palm trees. A cluster of mature water oaks in the centre of the site screens the residence from view. The northern portion of the site retains the remainder of an earlier aborted project to construct a small shopping centre on the site. The excavations and unfinished supporting columns are visible.



Photograph 1: Entrance to the site on the R304 (Source: Google Street view)



Photograph 2: Entrance to the nursery



Photograph 3: Nursery



Photograph 4: Unoccupied house (C 1971 or later)



Photograph 5: Homestead (C 1993)



Photograph 6: Remnants of earlier building-works excavations and unfinished columns



Photograph 7: Cottage in north-western corner of site (C 1971 or later)



Photograph 8: View of planting along the south-eastern boundary of the site viewed from the R304



Photograph 9: Nuutgevonden housing complex, intersection of R304 & Welgevonden Boulevard north-east of the site



Photograph 10: Remainder of Tweespruit Farm opposite site



Photograph 11: Mount Simon housing development to the south-east of the site, on the other side of the R304.



Photograph 12: Cloetesdal farm to the south of the site



Photograph 13: View onto the site from the north looking south with the homestead visible

### *3. Assumptions and limitations*

#### 3.1 Availability of Information

This report is based on the information that was available at the time of writing. All material by others informing this assessment, is assumed to be accurate and a true reflection of the issues governing the property and its proposed redevelopment.

#### 3.2 Statement of Significance

The significance of cultural resource is dynamic and multi-faceted, in particular as interest groups and societal values change over time. It is thus neither possible, nor appropriate to provide a definitive statement of heritage significance. Nonetheless, every effort has been made to ensure that the heritage statement is as accurate a reflection of significance as is currently possible to ascertain. It is also noted that the perceptions of visual impacts can be highly subjective.

#### 3.3 Impacts beyond the Site Boundaries

This report does not address heritage impacts resulting from the potential laying of pipelines, electrical and other related infrastructure between the site and elsewhere beyond its boundaries.

### *4. Methodology*

The methodology followed to prepare this report entailed the following:

- Site visits to identify possible heritage resources on the property and related to the site, including its context and visual sensitivity.
- A review of relevant studies, available, such as the recent Stellenbosch Heritage Inventory, that contributes to an understanding of the heritage resources related to the site.
- A review of the relevant legislation that informs this study.
- Research at the Surveyor General, the Deeds Office and other reference material, to gain an understanding of the history of the site.



## 5. *Legal context*

### 5.1 National Heritage Resources Act (Act 25 of 1999) (NHRA)

A Notification of Intent to Development was submitted, as Section of 38(1)(d) of the NHRA requires the submission of a notification of intent to develop (NID) when the proposed development entails rezoning of site larger than 10 000m<sup>2</sup> and section 38(1)(c)(i) requires a NID for a development that will change the character of a site exceeding 5 000m<sup>2</sup> in extent. This report follows the record of decision of HWC in response to the NID, which required a Heritage Impact Assessment (HIA) which should fulfil the requirements of Section 38(3) of the NHRA. Within the ROD, HWC noted that the visual impact of the development on the cultural landscape must be assessed. A copy of the response from HWC is attached in Annexure A.

Note that it is not the intention to prepare a stand-alone VIA – instead one of the co-authors of this HIA, Mr David Gibbs is a visual specialist, and thus visual issues are integrated into HIA from the outset.

No other sections of the NHRA are applicable as the site does not fall within a declared conservation area or a current heritage protection area, is not a Provincial Heritage Site, and none of the structures on the property are older than 60 years.

### 5.2 Land Use Planning Requirements

An application has been submitted to the local authority in terms of Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of the property into 2 portions and, in terms of Section 15(2)(a), for the rezoning of these portions from Agricultural and Rural zone to Multi-unit Residential zone and to Utility Services zone respectively. This application has already been advertised and the Municipality is inter alia awaiting the outcome of the NHRA process to decide on the application.

## 6. *Policy context*

The policy context is critical to determine the desirability of the development of the site. The site forms the part of the land that has been earmarked by the municipality for the northern extension of the town, where the intention is to accommodate housing for lower- and middle-income groups as reflected in the latest Spatial Development Framework for Stellenbosch, approved by Council in November 2019.

The site forms part of land indicated as a strategic development opportunity and the R304 is identified by the MSDF as a “primary development axis / transport corridor”, which should “should be explored for new high-density mixed-use infill development” (MSDF, p. 55 &58). The intersection of Welgevonden Boulevard with the R 304 marks the northern edge of future development to the west of the R 304.

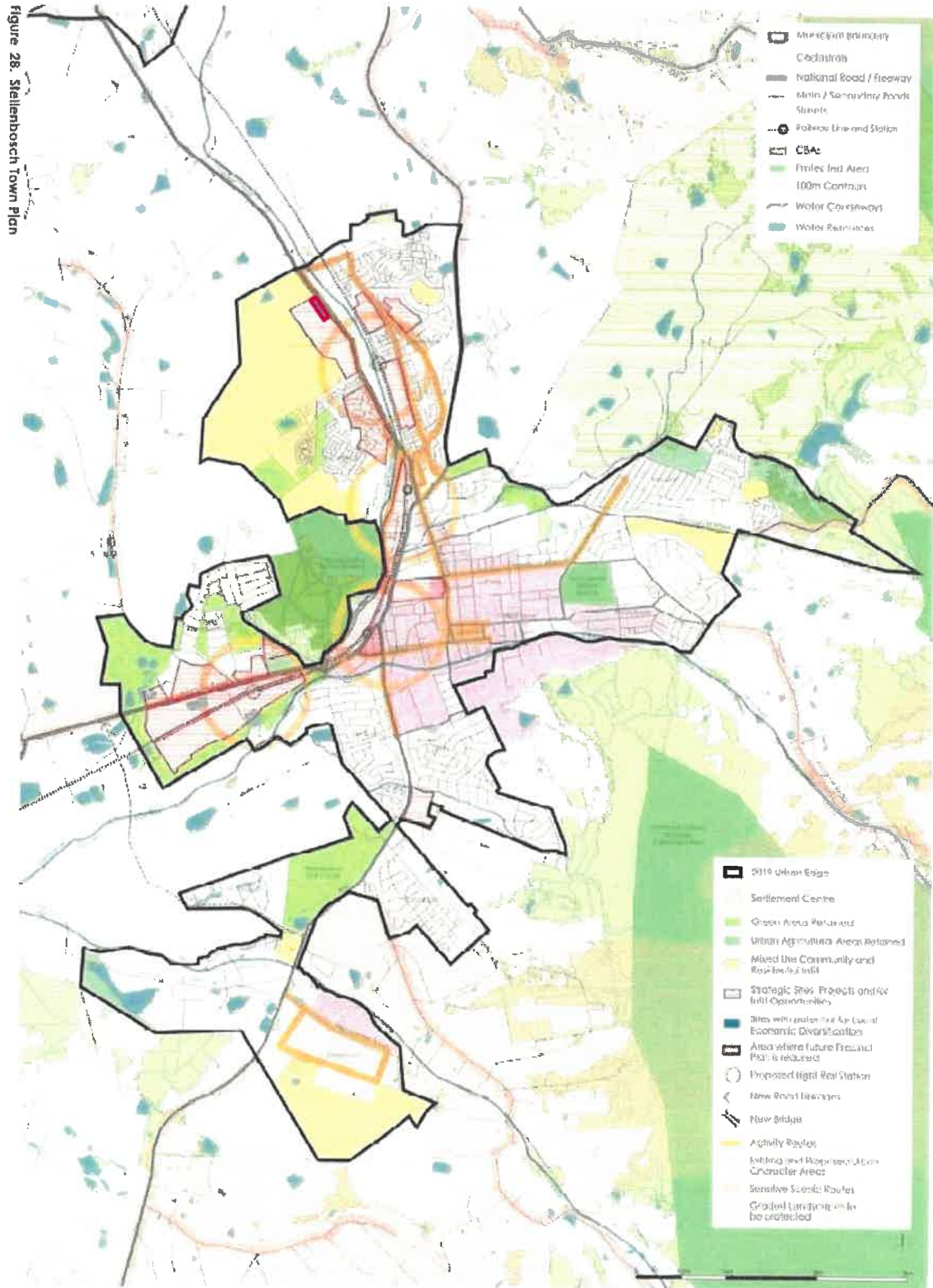


Figure 4: Approved Stellenbosch Spatial Development Framework (SDF Fig.28, 2019) – subject site outlined in red.

The site forms part of the planning for the Adam Tas Corridor, which endorses high density development of the site, as means to create affordable housing opportunities for the town, and to densify along a development corridor that is aimed at achieving greater integration in Stellenbosch.

Should the vision of the Adam Tas corridor, an ambitious collaboration between the public and private sectors, be realised, it will bring about significant socio-economic opportunities for the town of Stellenbosch and change the structure of the town to achieve greater equity and social-cohesion. Figure 6 below illustrates the concept for the Adam Tas corridor, as presented in the latest SDF document.



Figure 54 Adam Tas Corridor Concept

Figure 5: Adam Tas Corridor concept, as per the latest SDF. Subject site forms part of 'Farm Cloetesdal' (outlined in red)

## 7. Historic background

It is likely that there would have been early and middle stone age activity on the site given the evidence found of such activity in the larger Stellenbosch area. At the time of the establishment of the refreshment station at the Cape in 1652, the larger Eerste River valley would have formed part of the seasonal grazing of the Khoenkhoen.

By 1679, when Stellenbosch was founded by Simon van der Stel, the Khoenkhoen were being displaced from their traditional grazing areas (Mountain, 2003). The first farm in this valley was granted in 1679, and between 1680 and 1691, 57 farms were granted in the area (Smuts, 1979, 68). In 1692, a number of properties were granted along, what is now known as the Plankenbrug River, including De Deckers Vallei and a “seker stuk land” granted to Lambert Lammerstz van Hof, Aan’t Pad granted to Guilliam du Toit and Nooitgedacht granted to Matthijs Greeff.

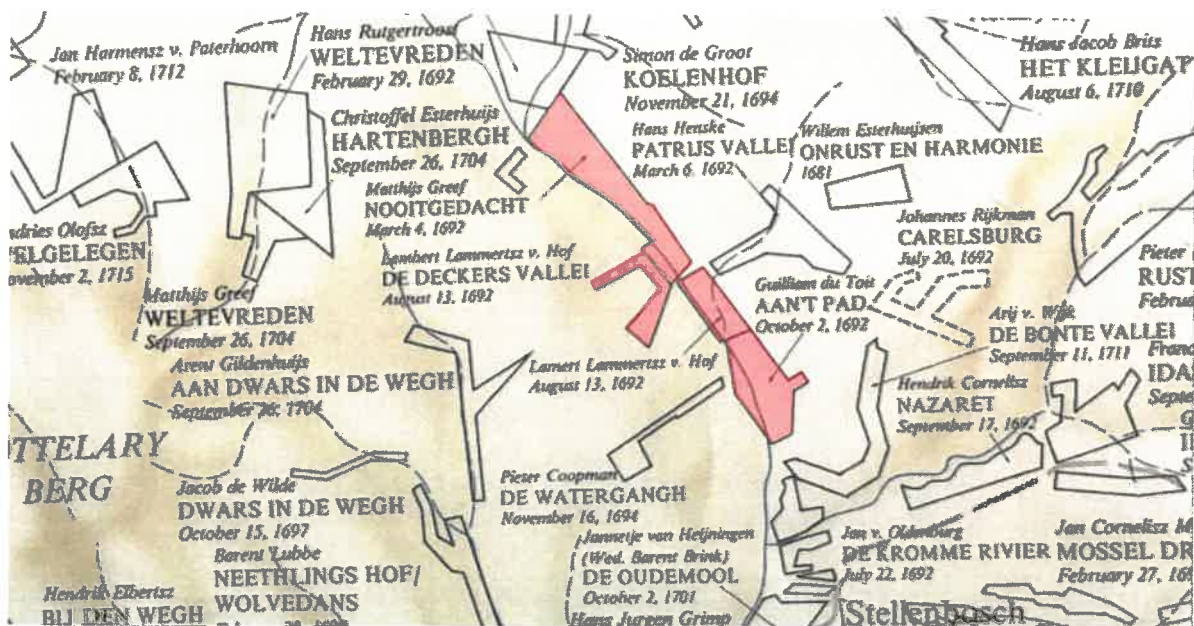


Figure 6: Early freehold land grants to individuals 1657-1750 - map extract (Guelke, 1987)

The farm, Cloetesdal, was created in 1926 through the consolidation of inter alia portions of De Deckers Vallei and Nooitgedacht, as well as Aan't Pad and the unnamed portion of land granted to Lammertsz van Hof and registered to the estate of the late PA Myburgh. Most of these portions comprising the consolidated farm came into the hands of the Cloete family in the early 1700s. In 1723 Jacob Kloete, acquired De Deckers Vallei as well as the unnamed piece of land, mentioned above. He also acquired Nooitgedacht through his marriage to the widow of Johannes Loubser. These properties were all inherited by his son, Hendrik Cloete, a wealthy Cape farmer who became the owner of Groot Constantia.

In 1833 Aan't Pad was regranted to Andries Christoffel Cloete and by 1835 he had also acquired the portions De Deckers Vallei, a portion of the unnamed land, Portion 3 of Nooitgedacht and Portion 1 of Farm 92, all portions at that stage already in the ownership of the Cloete family. It seems that it was at this point that the name Cloetesdal was introduced. As is indicated on the diagram below, the homestead and werf were located on the portion, Aan't Pad to the east of the Plankenbrug River and most sources indicate that Aan't Pad later became Cloetesdal (i.e. this portion was the core of the farm).

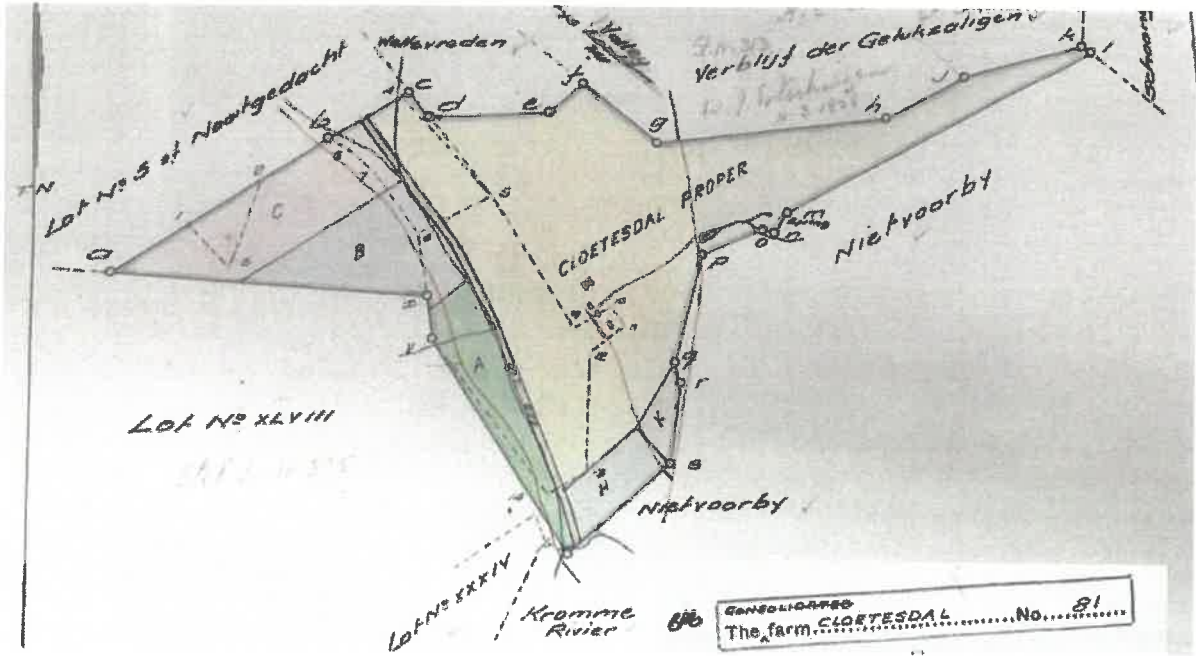


Figure 7: Extract from diagram A 2781/1926 of Farm 81, Stellenbosch – Cloetesdal

Following the consolidation in 1926 of the portions noted above to create Cloetesdal, significant portions of the farm were sold off in 1927. Portion 29 is a portion of Portion 4 (Portion C on the above diagram), subdivided in 1927 and acquired by Jacobus Johannes Basson Myburgh. Myburgh sold Portion 11 to Hendrik Jacobus Rust in 1943. Portion 28 was divided from Portion 11 in 1952 and sold to John Richard Fuller, who sold it on to Phillipus Johannes Ooshuysen in 1955.

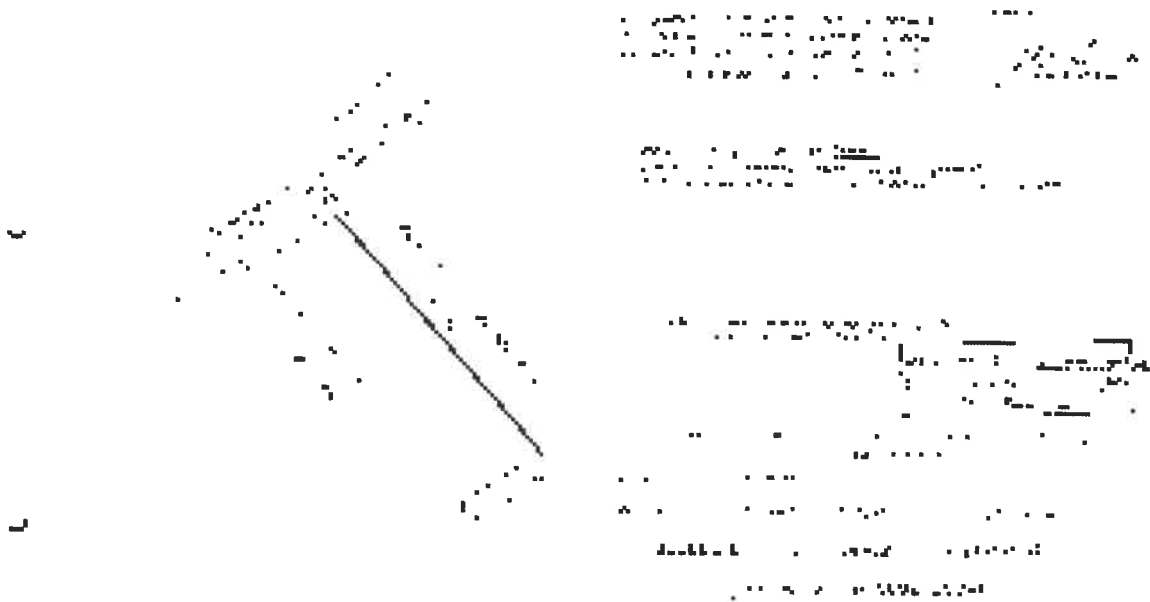


Figure 8: Extract from the SG Diagram 8410/1950 of Portion 29 of Farm 81, Stellenbosch

By 1960, no structures had yet been developed on the site, as evidenced by the aerial photograph below.

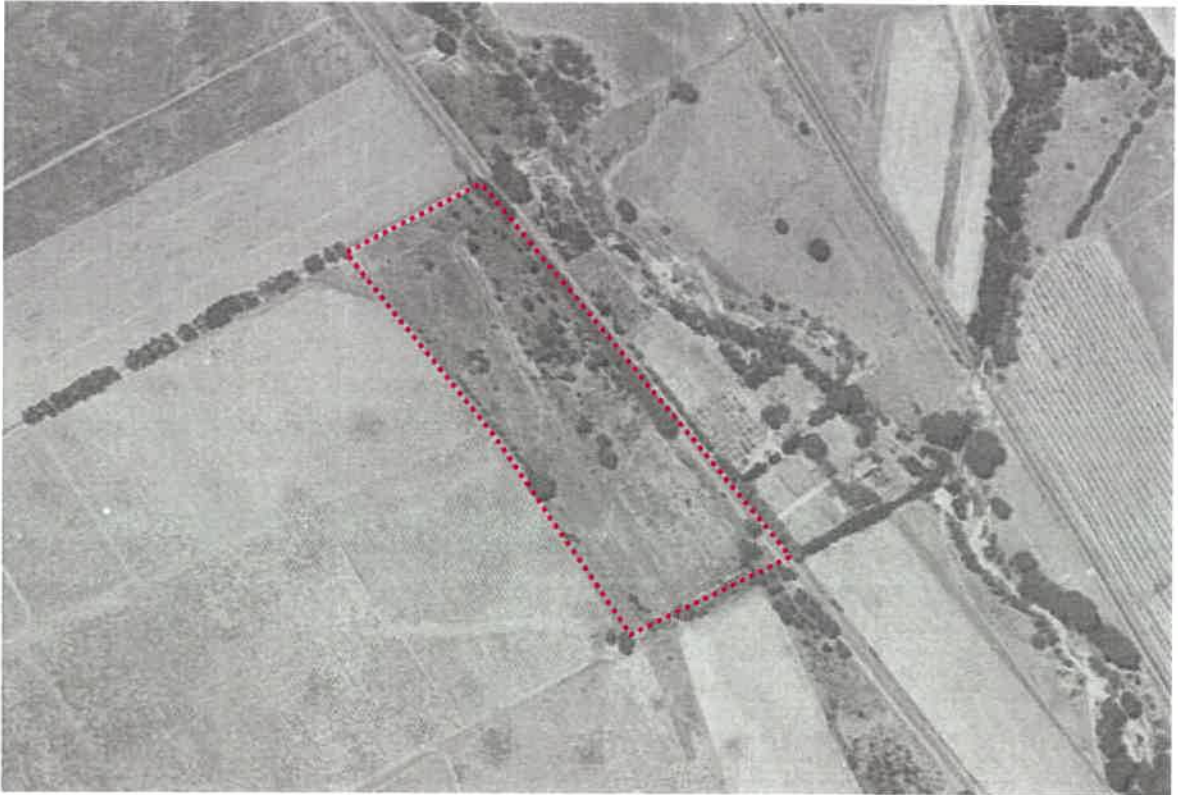


Figure 9: Extract of 1960 aerial photograph (Source: Photograph 7613, Strip 018, Job 454 Surveys & Mapping, Mowbray)

In 1966 a portion was expropriated for road purposes and the remainder became known as Portion 29. In 1971, the property was sold to Francois Frederikus Josephus de Koker where after it changed hands several times, until it was acquired by the Steyn family in 1993.

## 8. *Heritage resources and significance*

### 8.1 Introduction

The definition of a *heritage resource* is described in Section 2 (xvi) of the NHRA as: “any place or object of cultural significance”. This section of the report fulfills the requirement of Section 38(3) (a) and (b) of the National Heritage Resources Act (NHRA) to establish the significance of the resources, and the mapping of the resources (NHRA 1999:64). Refer to Annexure B for more details regarding the criteria for establishing heritage significance.

### 8.2 Establishing the significance of the site

The heritage significance of a site is established by considering several aspects of potential heritage value. These are as follows, in no particular order:

- **Architectural value**

There are no historic structures on the site, nor do the existing structures have any architectural merit that would warrant their retention.

- **Historical value**

The larger Cloetesdal farm, at one stage included some of the early land grants in Stellenbosch, such as Aan't Pad. Portion 29 of Farm 81, was part of a grant of “certain piece of land” granted to Lammertz van Hof in 1692, along with De Deckers Valley, but there is no physical evidence of his occupation of the land. Although some of the owners of the consolidated Cloetesdal which included Portion 29, such as the Cloetes and Melcks (who owned Cloetesdal Proper in mid 1700s) were important historic figures in Stellenbosch, the werf of Cloetesdal farm with whom these figures would be associated was located to the east of the Plankenbrug River on Cloetesdal Proper. The property thus has limited historical value.

- **Spiritual, linguistic & scientific value**

There is no evidence to suggest that the site has any spiritual, linguistic, or scientific value.

- **Archaeological value**

Although it is likely that pre-colonial resources such as ESA and MSA tools would be found on the site, these would likely be scattered, due to the cultivation of the land. Additionally, there is no evidence of early-colonial settlement on the site that could yield significant information. In this regard it should also be noted that HWC did not request an archaeological impact assessment in their ROD to the NID.

Following on the above it is thus evident that the site has *little inherent heritage value*, but as set out in the ROD to the NID the site forms part of a rural/agricultural cultural landscape and is thus regarded as having *contextual significance*.

### 8.3 Contextual significance

Broadly considered, the site is located within the Cape Winelands, an area of high scenic, cultural and historical significance, identified as a ‘cultural landscape’; i.e. a place layered with history that evidences the artefacts of human activity over time, constitutes meaningful visual, spatial, scenic and aesthetic heritage resources which are valued by communities of people. The Cape Winelands is characterized by the interplay of patterns of ‘urban’ townscape, ‘rural’ landscape, and mountain ‘wilderness’.

- **Identified heritage resources in the vicinity of the site**

The contextual significance of the site is mainly related to its visibility within a rural landscape at the entrance to Stellenbosch when approaching from the north. As noted earlier, the site is located within an area of early colonial settlement, but very few of the historic werfs have survived.

Figure 10 which follows, extracted from the Stellenbosch Heritage Inventory (2018) indicates the graded heritage resources in the vicinity of the site. Weltrevede werf, not visible from the site and Nooitgedacht werf, also not visible, both retain magnificent Cape Dutch gabled homesteads as part of their werfs and are Grade II resources. Along the R304 to the north of the site, there is a series of werfs dating to the early 20<sup>th</sup> century (1930s to 1950s) situated mid-slope on eastern side of the Bottelary Hills overlooking the road and valley to the east. Monterosso, closest to the site has been graded IIIb and the other IIIc. It is noted that there are in fact two werfs on Monterosso, both worthy of grading.



Photograph 14: Monterosso werf 1 (closest to site)



Photograph 15: Monterosso werf 2



Photograph 16: Corbett Malan Werf



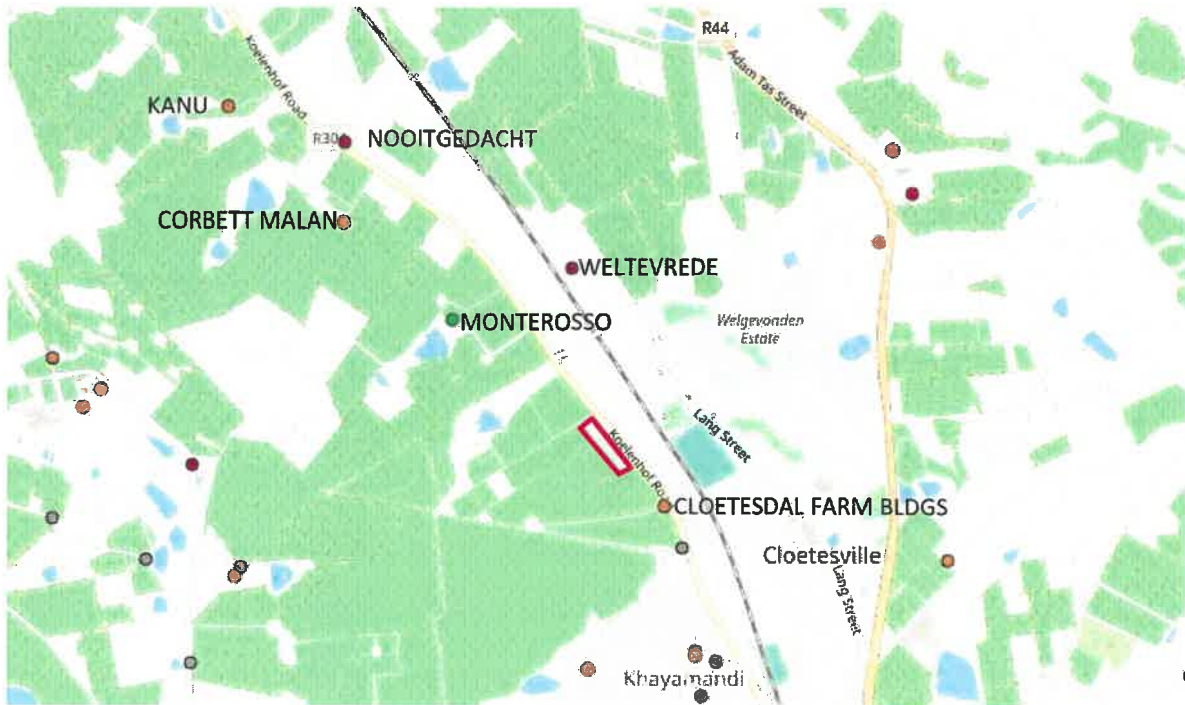


Figure 10: Extract from the Stellenbosch Heritage Inventory Online Map - with heritage resources layer enabled  
(Source: <http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989> - accessed 29/07/2020)

- **Identified landscape value**

In addition to the individual heritage resources identified in the Stellenbosch Heritage Inventory, this inventory has also identified and classified landscapes in terms of heritage significance. The site falls within the Bottelary Hills area but has expressly been excluded from the graded landscape unit, probably because it has transformed dramatically through dense tree planting including exotic trees such as palms.



Figure 11: Extract: Stellenbosch Heritage Inventory Online Map – with heritage resources & landscape units layers enabled  
(Source: <http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989> - accessed 29/07/2020)

This landscape is judged to have aesthetic and economic value, and as such it is noted that the open character of the agrarian landscape should be enhanced. Mention is made of the series of 1930-50s farm werfs set back from the R304, referred to above, as significant in that it signifies the influx and investment in wine farming around that time. Although it is stated that lower slopes “revealed” a series of early freehold grants along the entire length of the R304, almost all of these early grants fall in the land unit to the west, as they were granted along the Plankenbrug River.

The landscape unit surrounding the site is graded as IIIb, mostly attributed to its high economic ranking, with high agricultural value and tourism potential. Note that the R304 is not indicated as a scenic route.

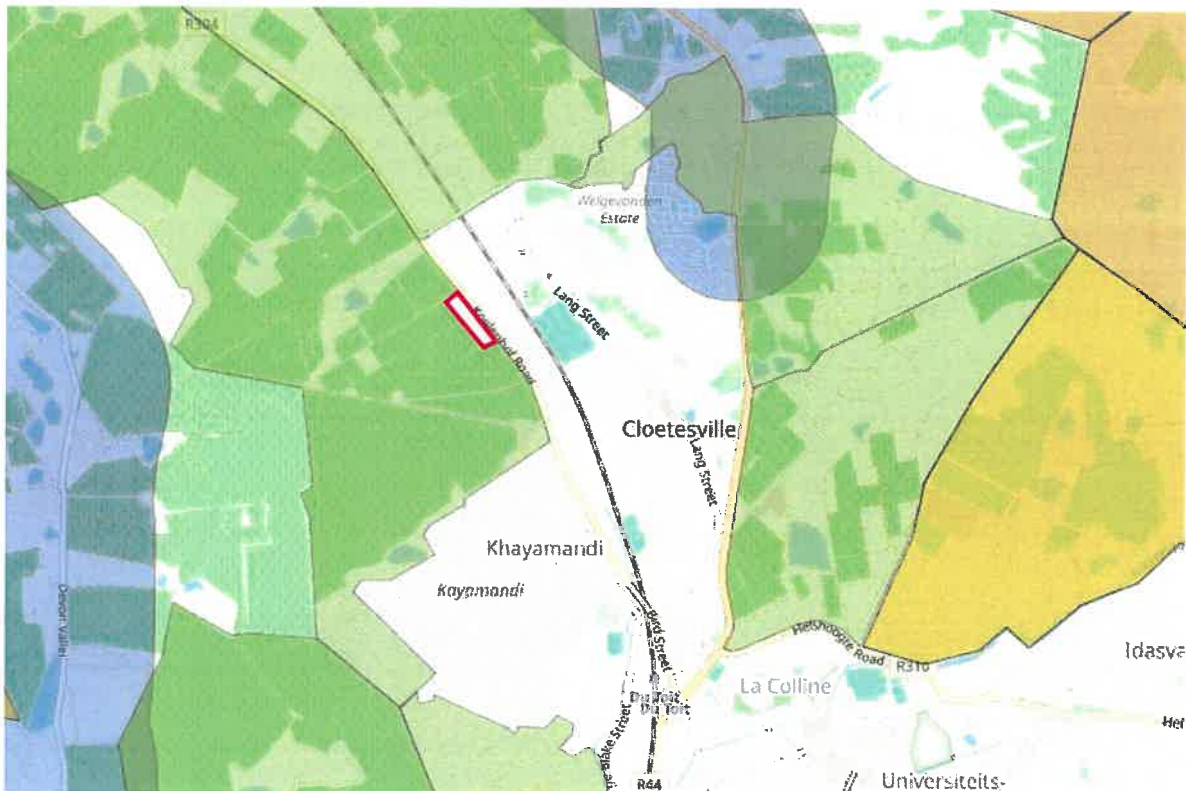


Figure 12: Extract from the Stellenbosch Heritage Inventory Online Map – with conservation systems layers enabled (Source: <http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989> - accessed 29/07/2020)

- **Visual resources**

By virtue of its location on lower slopes facing the R304, the site is visible as part of the rural landscape experienced when travelling to and from Stellenbosch along this road. Although the R304 has not been identified as a scenic route, arguably in its current (unbuilt) condition, the site contributes to the rural sense of the Cape Winelands. Recently, to the east of the R304, this rural quality has been compromised by high-density urban development, unmitigated by planting, with visibility exacerbated by the uniformity of form and finishes (resulting in a cumulative effect). When approaching from the south, the site is screened from view by a dense windbreak of pine growing along the southern boundary. A row of olive trees grows along the eastern boundary however these trees have not reached sufficient height to screen the site and are unlikely ever to do so. When approaching from the north, the agricultural landscape, including the low north facing planted slopes of the site, is visible to one’s left in the fore and middle-ground as one passes Kana on the right until one reaches Steyn’s nursery. This heavily planted edge screens the site from view for a distance. It is noted that large number of exotic trees (including palms) on this site are not particularly appropriate in this landscape.



Photograph 17: View onto the site form opposite the entrance to Monterosso (just past Kana small holding)

The site will also be visible across the valley - from urban areas, such as Cloetesville, Welgevonden and the new, highly-visible Weltevreden Hills Estate.

In summary therefore, the site, though not of exceptional aesthetic quality, nevertheless should be considered as part of the continuous rural landscape, which contributes to the experience of approaching and entering Stellenbosch. Currently, to the south of the site, the transition between urban and rural is being encroached, where informal structures are expanding onto Watergang farm, to the detriment of the visual experience.

- **Summary of heritage significance and suggested grading**

Although the site has very little intrinsic heritage significance, development of the site could impact on the experience of the rural landscape as one approaches Stellenbosch along the R304. In this regard it is noted that this experience is already impacted by new high-density development to the east of R304 and the encroachment of development on Watergang farm. The site is not graded within the Stellenbosch Heritage inventory and the authors agree with this assessment, given the lack of heritage resources on the site, as well as the on-site presence of inappropriate planting together with foreign architectural elements.

#### 8.4 Summarized Heritage Statement

Primarily the site is of spatial (contextual aesthetic) significance, relating to the visibility of its location within a relatively intact rural/agricultural landscape, although large portions are earmarked for development.

The property has no known scientific, historical, social, spiritual, or linguistic values, and none of the buildings or structures on the site have any architectural significance. In addition, this relatively small site, characterised by foreign planting and architecture, does not make a significant contribution to the cultural landscape. It is thus considered that the site does not warrant a grading.

## 9. Heritage indicators

### 9.1 Introduction

The preparation of heritage/design indicators for future development pre-supposes that such development is appropriate in principle. In this instance the specific circumstances relating to the property and proposed development model are of particular relevance in deciding this matter.

- **Spatial planning and development model**

As noted in section 6 of this report, this site forms part of a large portion of land that have been earmarked for development in the policy planning for the Stellenbosch municipality.

Crucially, the site has been identified as part of the larger Adam Tas development corridor – an ambitious catalytic project aimed at transforming the spatial structure of the town and creating socio-economic opportunities for a broad spectrum of people, particularly the low to middle income groups as a means to address the structural inequality of the town – refer to Figure 6 above. This plan indicates high density development for the site. Should development of this land be able to provide in the need for the so-called gap market and the lower middle and middle income group, which currently is not accommodated in the Stellenbosch housing market, the development will contribute to improving the socio-economic balance of the town.

- **Intrinsic heritage value of the site**

As set out in section 8 above, the site has no intrinsic heritage resources that would warrant a hold on development.

For these reasons, the no-go option for developing the site is not regarded as realistic.

As the value of the property lies in its relationship with its broader spatial context, rather than its own particular aesthetic or intrinsic merits, it follows that design priorities for future development should focus primarily on impacts affecting the surrounding landscape. In this regard the following should be noted:

- Development of the site will be visible from the R304 on the approach to Stellenbosch and although this route is not a designated scenic route, it will irreversibly change the entrance to Stellenbosch from this important access route.
- The development will be visible from across the valley from Cloetesville and Welgevonden.

### 9.2 Cultural landscape analysis

Following on the findings of section 9.1 above, a comprehensive analysis of the cultural landscape context of the site was undertaken to underpin the formulation of design indicators for the site. The following cultural landscape diagram summarizes the relationships between landform, drainage, cultivation, and settlement in order to understand the inherent logic of the cultural landscape response to natural informants.

By applying the logic of existing cultural landscape responses to natural place informants, planning and design may begin to reflect similar patterns, enabling new development proposals to unfold as a continuation of the local place-making tradition, fitting comfortably within the contextual fabric, and contributing positively to the cultural landscape, as a contemporary layer of intervention, rather than intruding into or imposing upon the landscape as an alien element.



Figure 13: Composite cultural landscape diagram

The diagram illustrates the unique characteristics of the site within its context. With its heavy tree planting, nursery structures and abandoned development, it does not conform to the typical pattern of the agricultural landscape that surrounds it, nor to the pattern of urban development which encroaches from the south and east.

The site is also located below the typical elevation of the modest mid-slope werfs that characterise the agricultural landscape to the west of the R304, and therefore does not fit into this pattern of development. The Plankbrug River forms the most important structuring element of this landscape. The linearity of the river corridor is further reinforced by the R304 roadway and railway line both running in parallel. Interestingly, the early land grants were mostly concentrated to the east of the river, which offered a better aspect (refer to Figure 6). This would seem to have influenced recent urban development within this location.

The site sits low down on the north-east facing slope of the Bottelary hills, well below the ridgeline. It rises gently from the east to the west but does not intrude on mountain views and backdrops across the valley. The rectangular shape of the site, parallel with the contours of the slope, also seems to relate to linearity of the Plankbrug River corridor. Although the site is visible from gentle slopes of Cloetesville, by virtue of its proximity, its relatively small scale and position make it visually indistinct.

### 9.3 Indicators

The approved planning parameters for the area indicate that ultimately this site is likely to be surrounded by urban development. However, for the foreseeable future, it is likely to form the juncture between the urban and rural landscapes character typologies. Therefore, if handled appropriately, the proposed new development could become a positive new transitional imprint, serving to knit together these two landscape character areas. The design indicators have been formulated to facilitate this interface.

- **Development Densities, Massing & Scale**

In order to ensure that the new development is knitted into the broader landscape, rather than becoming self-referential and visually dominant, the built form must respect, respond to and interpret traditional patterns in scale, form and materiality, without mimicking or directly copying these patterns. Given the nature of the topography and location adjacent to the R 304, development of the site will impact the approach when traveling on the R304 significantly. This would suggest that the treatment of the northern and eastern edges will require careful consideration when it comes to massing, scale and mitigation of visual impacts.

- *Development densities, massing and scale:* Over-scaled, monolithic built form should be avoided. Nevertheless, fairly high densities could be accommodated, provided that sufficient landscaping to soften visual impacts can be made, particularly along the northern and eastern boundaries.
- *Site works:* The layout should respond to the topography of the site to minimize cut and fill for building platforms as well as roadways, and to provide for suitable stormwater drainage (possibly absorbed into the green areas) to prevent erosion.
- *Building heights:* Building heights could vary between single and three storeys. In general, the built form should accommodate diversity in design, materials and colour scheme, including roof colours, to avoid the cumulative visual impact of uniformity.
- *Overall site development setbacks:* Development on the site is to be setback from the R304 sufficiently to allow for buffer planting.

- **Architectural Expression**

Architecture that is derived from an honest functional response to its own particular environmental context is much more likely to merge appropriately with its broader landscape context. Architecture that is contemporary in nature will be encouraged, provided that it reflects these characteristics. Predetermined stylistically driven forms originating from elsewhere (e.g. Tuscan) will therefore be discouraged. The need to integrate landscape and architectural patterns with particular attention to scale, massing and roofscape is also stressed.

- *Components and finishes:* Contrasting and over-scaled envelope shapes, bold colours and finishes that are traditionally uncharacteristic of the area must be avoided. The architecture of the complex should comprise simple rectilinear forms, with a predominance of masonry rather than glazed surfaces. Walls should be rendered in varying muted tones of painted or natural pigmented plaster to avoid the visual impact of uniformity.
- *Roofscape:* The potential visual impact of the development's roofscape needs to be considered carefully as viewed when approaching along the R304. Variation in roof shape and tone (within limits) would be critical to counter the visual impact of uniformity. For instance where residential units are arranged in rows, no more than two or three successive units should have identical roof profiles. Mono-pitch or flat roof units must be interspersed among the double-pitched units to interrupt and fragment uniformity.

- **Landscaping**

The landscaping design for the proposed development will have a very important role to play in softening views onto the development from the R304. Certain existing trees with canopies that are regarded as appropriate in the landscape such as the Water Oaks should preferably be retained and reinforced. Other exotic tree species such as the various palm types are not regarded as appropriate in this particular context. Heights of proposed new trees, their canopy characteristics, growth periods to maturity, and strategic locations of screen planting all need to be considered in relation to proposed building locations, massing and heights.

- *Transition zones:* Vegetated buffer zones incorporating strategically placed plantings of clumps of trees and shrubs forming informal hedges should be located on the northern and southern boundaries of the site, to create a green transition between developed and agrarian landscapes, and mitigate views from the R304.
- *Planting pattern:* Landscaping should be informal, irregular in rhythm with a variety of trees scattered throughout to soften visual impact. Clusters of trees at key points referencing farm werfs would be appropriate, but windbreaks are not common within this particular part of the Winelands and thus the use of single-species tree lines at regular intervals is not recommended.
- *Tree canopies:* The use of exotic trees traditionally characterizing the surrounding cultivated landscape will be encouraged. Tree species reaching a mature height of 12-14 m should be considered to soften building heights of up to three storeys.
- *Boundary walls/fences:* Solid barriers within and around the perimeter of the property should be avoided. 'Betafence', Clear Vue or an equivalent would be supported. Where security concerns require fencing, these should be screened with natural planting and screen vegetation.



## 10. Development proposal

The proposed development entails a townhouse development scheme of 158 semi-detached or 3 and 4 unit-rows of duplex units in total. These will be arranged in four rows along the length of the site. The bulk of the erven will be 80m<sup>2</sup> in size, with some larger properties on the corners of the blocks. Importantly the erven immediately adjacent to the R304 are larger to accommodate more landscaping to screen noise and views from this road.

Unit types will vary from 47m<sup>2</sup> (one bedroom) to 71m<sup>2</sup> (three bedrooms), as well as three options for two-bedroom units of either 54m<sup>2</sup> or 65m<sup>2</sup>. The units have been designed with either a high or low mono-pitched roof that will allow for variation in the roovescape of the development as a whole. Plans for the unit types are attached in Annexure C.

Access to the site will be taken off a new connection to the R304, just south of the site. In the long term it is envisaged that this access will be moved to a new road running along the western boundary of the site, should the development on the remainder of Cloetesdal go ahead.

A park of 484m<sup>2</sup> will be accommodated in the centre of the site, where some of the very large existing water oaks and other trees will be accommodated. Certain other mature trees will also be retained as part of the development. Stormwater detention will be accommodated in three sites along the eastern boundary of the site.

### Landscaping

Figures X and Y overleaf illustrate the site development plan and landscaping plan for the proposed development.

## 11. Socio-economic impacts

The development is likely to have positive socio-economic impacts:

- The total value of the development is currently estimated at approximately R140 M to be invested in the local economy. This will include bulk infrastructure contribution in the order of R15 million to be paid to the Municipality.
- It is likely to create significantly more jobs during the construction and operations phases than is currently offered by the nursery on site. The number of jobs likely to be created has not been quantified.
- It will create housing opportunities for middle income groups in Stellenbosch, who are unable to access to appropriate housing, because the pace of delivery of partially subsidised housing is too slow, or because housing in the price range of R900 000 to R1,4M is extremely scarce in Stellenbosch.





## *12. Assessment of proposal*

From the assessment of the significance of the site and associated heritage resources, it is evident that the rural landscape context adjacent to approach road to Stellenbosch is the critical aspect to be considered when assessing this proposal. The proposed development will change the experience of this portion of the R304 irreversibly in that the threshold that marks the visual transition from rural to urban will be reached sooner than previously and the impact on a section of the road previously experienced as mostly rural. This impact on the threshold between urban and rural on the R304 is regarded as the only significant and highly visible impact on the cultural landscape to be assessed. The question is could such development be absorbed by/accommodated in the landscape to an acceptable level.

### 12.1 Assessment against heritage indicators

The heritage indicators have been formulated to reduce the likely negative impacts of the development on the cultural landscape and allow the development to sit as comfortably as possible in the receiving environment – an assessment of the proposal against the indicators thus helps to understand the impact of the proposal on heritage resources.

- **Development Densities, Massing & Scale**

The scale and form of development is generally considered to be acceptable in that building heights have been kept acceptably low and the layout has allowed for sufficient planting particularly along the eastern boundary. The layout also works well with the topography, with not much cut and fill that will be needed for buildings. However there is some concern about the length of continuous attached units. Even where units are not attached, there is not sufficient space in between units to allow for planting. This could create the impression of rows of long block of flats, very urban in nature, which can be improved by a more pronounced staggering of the units.

- **Architectural Expression**

In general the material provided by the developers seems to indicate that the proposed development conforms to the indicators and the visual impact of a monolithic appearance (referred to above) will be mitigated by the architectural expression of the proposed development. In particular the variation in the roofscape and colour scheme of individual units as illustrated in Figure ## above is commended. These elements are to be included in a detailed site development plan, to be approved by the Municipality, prior to building plan approval.

- **Landscaping**

The landscaping plan conforms largely to the indicators in that the proposed planting is informal and a number of the mature trees with appropriate canopies will be retained on site. However more tree planting is required on the northern and eastern edges to soften the visual impact of the development. No clear indication has been given of the proposed fencing of the development as a whole and individual properties, except as indicated in the 3D representations presented in Figure ## above, which shows walls between individual properties. In this regard is noted that a continuous high wall on the boundary of the development will be unacceptable. Such fencing should be visually permeable and softened with planting, in addition to the trees required on the boundaries.

## 12.2 Assessment of impact on cultural landscape

In order to assess the impact of the proposal on the cultural landscape, a 3D model indicating the cumulative effect of this proposal and the proposed development of Cloetesdal farm, and two viewpoints have been selected for modelling. These viewpoints are all located along the R304 and reflect views onto the site as you approach the town of Stellenbosch. The images have also been used in the HIA for the proposed Newwinbosch development on Cloetesdal Farm. Figure # below indicates the location of the proposed Newwinbosch in relation to the Steyn's nursery site.



Figure 14: Key viewpoints for modelling the Steyn's and Newwinbosch proposals (VP 1 & VP 2) - Source: Google Earth

- VP1: On the R304 opposite Monterossa werf – the threshold spot from where the site will come into view to the right from a distance of approximately 1km.
- VP2: On the R304 at the intersection with Welgevonden Boulevard at approximately 400m from the site.

These are reflected in the photomontages (by) as follows:

- (A) View of the current situation
- (B) The same view, including the proposed Newwinbosch development (unmitigated view)
- (C) As per the above but including tree planting and landscape treatment as mitigation of visual impacts.
- (D) As per above, but also reflecting colour variations in the finishes of the buildings (as opposed to the reflective white with black roofs) as further mitigation of visual impacts



Figure 15 **Viewpoint 1 from R 304** showing (A) current status (no development); (B) unmitigated proposal (buildings only); (C) proposal with landscape mitigation; (D) proposal with architectural mitigation added. (Steyn's Nursery site shown at the extreme left – circled in black)



Figure 16 **Viewpoint 2 from R 304** showing (A) current status (no development); (B) Newinbosch proposal unmitigated (buildings only); (C) Newinbosch proposal with landscape mitigation (D) Newinbosch proposal with landscape and architectural mitigation. (Steyn's Nursery site development is shown in the foreground at the left, circled in red).

The figures above (Figures 16 and 17) give an impression of the visual impacts that can be anticipated by the proposed Newwinbosch development, (which will form the backdrop to the Steyn's Nursery proposed development), as well as the degree to which the visual impacts can be mitigated, primarily through landscaping.

In each case:

- represents the existing view, namely an open, unbuilt site in the middle distance or forming part of a background view – note the photographs for these views have been taken using a 50mm focal length as is generally accepted as the standard when undertaking visual impact assessments;
- indicates the insertion of the proposed buildings, (without mitigation) – an immediate, noticeable change to the site (i.e. visual impact), but occupying only a small percentage of the field of view;
- reflects the mitigation of the visual impact through tree planting, screening vegetation and other landscape measures, in which the new buildings become partially obscured or shaded, having the sense of being more embedded and settled;
- reflects additional mitigation through introducing muted tones for the finishes of the buildings as opposed to the reflective white buildings with black roofs.

As the landscape matures and becomes established, the views become normalized, and visual impacts will be reduced. Similarly, variation and use of muted colours/finishes for buildings and roofscapes will assist greatly with allowing the development to recede into the landscape, provided that large reflective surfaces are not allowed.

It should be noted that whereas the site itself has moderate visual significance, the cultural landscape context within which it is located has greater significance. Whereas the development will have an immediate visual impact (in that a noticeable change will be perceived) with suitable mitigation, the visual impacts can be reduced. This impact is assessed to be of **high significance** (unmitigated, given the cumulative effect) reducing to **moderate** (short term) to **low significance** (long term) with mitigation.

Whereas the modelling already includes both the proposal for the development of the Steyn's Nursery site and the adjacent "Newwinbosch", it does not include the possible development of the land immediately to the north of the site, also indicated for development within the planning for the Stellenbosch Municipality. Such development will reduce the visual impact of the currently proposed development significantly.

Strict adherence to heritage and environmental controls, in the detail design and during the construction phases of the development (including sufficient hoarding, lighting and signage, as well as noise and dust control for occupational health and safety), should be enforced. The implementation of landscape measures and architectural controls should be a fundamental requirement; and would be considered to be effective mitigation of the visual impacts.

The following table presents a summary of the impact assessment of the proposal as measured against established criteria.



Potential impact on the cultural landscape character		
Reduction of agricultural open space, intrusion of built form, lighting, reflection		
Impact	Description	
Nature of impact	negative: unmitigated impacts would detract from the receiving environment	
	<ul style="list-style-type: none"> <li>cultural landscape agricultural context</li> <li>rural transition to urban</li> </ul>	
Type of impact	Direct, and cumulative (adding to existing development)	
Recommended mitigation measures	Description	
Impact avoidance/ prevention	Unavoidable	
Impact minimization	Planning of development to respond positively to visual / heritage considerations	
Rehabilitation/ restoration/ repair	Architectural measures (form / scale / massing / materials / textures)	
Compensation/ offset	Landscape measures (screen tree planting / internal open space / view corridors)	
Degree to which the impact can be mitigated	Medium to high	
Degree to which the impact can be reversed	Low	
Degree to which the impact may cause irreplaceable loss of resources	Medium	
Assessment of impact	Rating before mitigation	Rating after mitigation
Extent of impact	Local	Local
Duration of impact	Long Term	Medium (until landscape matures)
Intensity of impact	Medium	Medium to low
Probability of occurrence	Definite	Definite
Level of confidence in prediction	High	High
Significance	Rating before mitigation	Rating after mitigation
Significance	High to medium (adverse)	Medium to low (beneficial)

### *13. Findings and recommendations*

It is evident that although the proposed development will change the experience of arriving at Stellenbosch along the R304, the proposed mitigation could soften the visual impact to an acceptable degree. The photomontages indicate that with proper mitigation, particularly through landscape treatment, the proposed development will be visually recessive.

Overall the development is assessed to have an **impact of high significance**, reducing to **moderate (short term) to low (long term) with mitigation** in the form of landscaping and architectural controls.

It is thus recommended that HWC endorse this HIA as having met the requirements of Section 38(4) of the NHRA and that the proposed developed be endorsed subject to the following conditions:

- The landscaping plan is further detailed. This should include:
  - more trees in clusters on the boundaries & informal hedges edges; and
  - specification of tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan.

The landscaping plan must be submitted to the Stellenbosch Municipality for approval, together with the SDP referred to below.

- The preparation of a detailed site development plan, that will reflect the architectural controls referred to in the indicators namely:
  - Variation in roofscape and colour between units (no more than 2 attached units to have the same roofshape).
  - Variation in rendering of walls between units through use of different paint colours and/or finishes in particular. Muted earth tones should be specified.
  - Visually permeable external fencing.
  - The SDP should also include controls for external lighting, and other security measures and appropriate signage.

The SDP must be submitted to the Stellenbosch Municipality for approval, before building plan approval.

## *14. References*

Deeds office records

Fransen, H, 2004: The old buildings of the Cape. Jonathan Ball, Cape Town.

Giliomee, H, 2018: Always been here. Africana, Cape Town.

Mountain, A, 2003: The first people of the Cape. David Philip, Cape Town.

Smuts, et al, 1979: Stellenbosch Drie Eeue. Stellenbosch Town Council.

ANNEXURE A:  
Response to NID

Our Ref: HM/CAPE W/HERAJIDS/STELLENBOSCH/FARM 81 PORTION 29  
 Case No.: 20061010TZ0624E  
 Enquiries: Thando Zingange  
 E-mail: Thando.Zingange@westerncape.gov.za  
 Tel: 021 483 5959  
 Cell : 076 481 8392 (during lockdown)  
 Date: 07 July 2020



Steyns Family Trust  
 C/O Lize Malan  
 P O Box 3421  
 Matieland  
 7602

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED**  
 in terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape  
 Provincial Gazette 4061, Notice 298 of 2005

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED RESIDENTIAL DEVELOPMENT ON FARM 81 PORTION 29, OFF R304, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 20061010TZ0624E**

The matter above has reference. Heritage Western Cape is in receipt of your application for the above matter received on 06 July 2020.

You are hereby notified that, since there is reason to believe that the proposed development will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted. This HIA must have specific reference to the following:

- HIA is required consisting of visual impact assessment on the cultural landscape.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case by case basis.

This decision is subject to an appeal period of 14 working days. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.

Applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link: <http://www.hwc.org.za/node/293>

HWC reserves the right to request additional information as required. Should you have any further queries, please contact the official above and quote the case number.

.....  
 Dr Mxofsi Dlamuka  
 Chief Executive Officer

[www.westerncape.gov.za/sas](http://www.westerncape.gov.za/sas)

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 11611, Cape Town, 8000  
 • Tel: +27 (0)21 483 5959 • Email: [ce@hercap.gov.za](mailto:ce@hercap.gov.za)

**ANNEXURE B:**  
**Criteria for Establishing Heritage Significance**

### Criteria for Establishing Heritage Significance

*Cultural significance* is defined in the National Heritage Resources Act (Act 25 of 1999) as “aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance” (Section 2 (vi) NHRA 1999:8).

Section 3(2) and (3) of the NHRA expands on the meaning of cultural significance as follows:

Section 3 (2) lists the following as components of the national estate:

- (a) places, buildings, structures, and equipment of cultural significance
- (b) places to which oral traditions are attached or which are associated with living heritage
- (c) historical settlements and townscapes
- (d) landscapes and natural features of cultural significance
- (e) geological sites of scientific or cultural importance
- (f) archaeological and palaeontological sites
- (g) graves and burial grounds,
- (h) sites of significance relating to the history of slavery in South Africa
- (i) movable objects.

According to section 3 (3) the cultural significance of a place or object is related to the following:

- (a) its importance in the community, or pattern of South Africa’s history
- (b) its possession of uncommon, rare, or endangered aspects of South Africa’s natural or cultural heritage
- (c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage
- (d) its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects
- (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group
- (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period
- (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
- (h) its strong or special association with the life or work of a person, group or organization of importance in the history of South Africa
- (i) sites of significance relating to the history of slavery in South Africa.

**ANNEXURE C:**

**Plans for individual units**

(attached as separate files in electronic version)



# **ANNEXURE K**

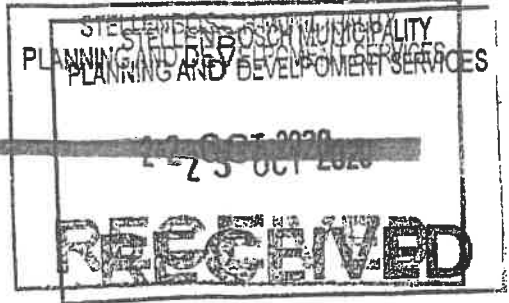
**APPLICATION FOR A PERMISSION REQUIRED IN  
TERMS OF A CONDITION OF APPROVAL,  
SUBDIVISION AND DEPARTURES ON FARM NO.  
81/29, STELENBOSCH DIVISION**

**INITIAL COMMENT FROM  
THE DEPARTMENT OF  
TRANSPORT AND PUBLIC  
WORKS**

(2)



ROAD NETWORK MANAGEMENT
Email: Grace.Swanepoel@westerncape.gov.za
tel: +27 21 483 4669
Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000



REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720)
ENQUIRIES: Ms GD Swanepoel
DATE: 19 October 2020

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Form with fields: FILE NR, SCAN NR (F 81/295), COLLABORATOR NR (696500)

Attention: Mr U von Molendorff

Dear Sir

PORTION 29 OF FARM 81, STELLENBOSCH: MAIN ROAD 174: APPLICATION FOR REZONING, SUBDIVISION, AND APPROVAL OF SITE DEVELOPMENT PLAN

- 1. The following refer:
1.1. The letter LU/10313 from TV3 Projects (Pty) Ltd dated 14 February 2020;
1.2. The Traffic Impact Assessment (TIA) letter iCE/S/1050A from iCE Group (Stellenbosch) to TV3 Architects and Planners dated 28 August 2019 and
1.3. The letter LU/10313 from TV3 Projects (Pty) Ltd to you dated 22 June 2020.
2. The application entails the development of 158 residential units (reduced from 240 units).
3. Main Road 174 (MR174) is directly affected by this application.
4. The access to the development is based on the Arterial Management Plan (AMP) for MR174 (R304) between Klipheuwel and Stellenbosch (ITS 2844) prepared for this Branch by ITS Engineers dated November 2012.
5. This Branch offers no objection to the land use application subject to the following conditions:
5.1. The development is limited to 158 residential units;

- 5.2. Main Road 174 will be dualled between MR187 and MR27 as listed in the TIA above. The upgrading of the MR174/Welgevonden Boulevard intersection must fit the final design of the dual roadway MR174;
- 5.3. The existing access off MR174 to Portion 29 of Farm 81 must be closed permanently, and the road reserve and fence reinstated;
- 5.4. The new access intersection at  $\pm$ km 57.83 on MR174 must be signalised and include a right-turn lane on the northern-approach as well as a left-turn lane on the southern-approach in addition to the dualling of MR174 past this point;
- 5.5. Street lighting need to be installed along MR174 at the new access in accordance with the applicable standards of this Branch;
- 5.6. The access road off MR174 to the development must be located at  $\pm$ km 57.83 on the right-hand side and will be constructed as the eastbound lanes of the future dual access road to Remainder Portion 33 of Farm 81;
- 5.7. The access intersection on MR174 and the access road to the development must be constructed prior to the commencement of the construction of the development;
- 5.8. Access to the development will be off the interim access road approximately 90m west of MR174 (centreline to centreline);
- 5.9. The access road between MR174 and the interim access must have 1 lane in and 1 lane out;
- 5.10. Once the proposed development on the Remainder Portion 33 of Farm 81 are approved the interim access must be closed and moved to the main access as shown on the amended Site Development attached to the letter LU/10313 from TV3 Projects (Pty) Ltd to you dated 22 June 2020;
- 5.11. Public transport embayments must be provide downstream of the new access road intersection on MR174 in both directions;
- 5.12. All detail design plans for road upgrades, signal installation and street lighting along MR174 after having been scrutinised by the affected Directorates at Stellenbosch Municipality must be submitted to the Design Directorate (Ms MK Hofmeyr - e-mail: [Melanie.Hofmeyr@westerncape.gov.za](mailto:Melanie.Hofmeyr@westerncape.gov.za)) of this Branch for approval.
- 5.13. All parking must be located inside the development and provided in accordance with the latest Zoning Scheme of Stellenbosch Municipality;
- 5.14. Under no circumstances will parking be allowed with in the road reserve of MR174;
- 5.15. The statutory 5m building line in terms of the Roads Ordinance 19 of 1976, must be maintained;
- 5.16. No services will be allowed within the 5m building line in terms of the Roads Ordinance 19 of 1976 and

- 5.17. Subdivision Condition Compliance Clearance must be provided by this Branch in terms of Sections 20, 21 and 28 of the Stellenbosch Municipal and Land Planning By-Law (2015).
6. It is recommended that Stellenbosch Municipality meets with this Branch to discuss the dualling of MR174 between MR187 and MR27.
7. It is recommended that the road reserve portion of Portion 29 of Farm 81 be subdivided and transferred to this Branch.
8. Please be reminded that this Branch still needs to approve the subdivision plan of Portion 29 of Farm 81 in terms of Act 21 of 1940.

Yours faithfully



**SW CARSTENS**

**For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**

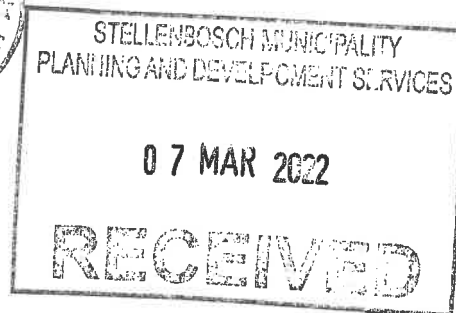


**Western Cape  
Government**

Transport and Public Works  
**Grace Swanepoel**  
 Chief Directorate: Road Planning  
 Grace.Swanepoel@westerncape.gov.za | Tel: 021 483 4669

**Ref:** TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720)

The Municipal Manager  
 Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599



Attention: Mr Ulrich von Molendorf

Dear Sir

**PORTION 29 OF FARM 81, STELLENBOSCH: MAIN ROAD 174: APPLICATION FOR REZONING, SUBDIVISION, AND APPROVAL OF SITE DEVELOPMENT PLAN**

1. The following refer:

- 1.1. This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329) dated 29 November 2021;
- 1.2. This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329) dated 28 September 2021;
- 1.3. This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) dated 19 October 2020;
- 1.4. The meeting held on 22 June 2021;
- 1.5. Various e-mails and telephonic discussions.

STELLENBOSCH MUNICIPALITY PLANNING AND DEVELOPMENT SERVICES
07 MAR 2022
<b>RECEIVED</b>
FILE NR: <u>TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720)</u> dated
SCAN NR: <u>F 81/29 S</u>
COLLABORATOR NR: <u>725780</u>

2. In our letter TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329) dated 29 November 2021 the following condition were removed from the list as stated in our letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) dated 19 October 2020:

2.1. Condition 5.2 - MR174 must be dualled between MR187 and MR27 as listed in the TIA above. The upgrading of the MR174/Welgevonden Boulevard intersection must fit the final design of the dualling of MR174.

3. Considering the size of the proposed development and the fact that the Newinbosch Development (Portion 33 of Farm 81, Stellenbosch), adjacent to this development has been approved by Stellenbosch Municipality this Branch agrees to the removal of Condition 5.4 as listed in letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) dated 19 October 2020:

4. Condition 5.4 now needs to read as follows:

**FILE**

2022-02-23

- 4.1. The new access intersection at  $\pm$ km 57.83 on MR174 must be signalised and include a right-turn lane on the northern-approach.

Yours Sincerely



**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: ROADS**

**DATE: 14 February 2022**

**ENDORSEMENTS**

1. Stellenbosch Municipality

Attention: Mr U von Molendorff (e-mail: [ulrich.vonmolendorff@stellenbosch.gov.za](mailto:ulrich.vonmolendorff@stellenbosch.gov.za))

2. UDS Africa

Attention: Ms Y Obermeyr (e-mail: [yolandi@udsafrika.co.za](mailto:yolandi@udsafrika.co.za))

3. TV3 Architects and Town Planners

Attention: Mr C Heys (e-mail: [clifford@tv3.co.za](mailto:clifford@tv3.co.za))

4. District Road Engineer

Paarl

5. Mr Elroy Smith (e-mail)

6. Mr SW Carstens (e-mail)

7. Mr H Thompson (e-mail)

8. Mr B du Preez (e-mail)