

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

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: No Formal Street Address/ Franschhoek, Groendal

Application Property Number: Erf 3229 Franschhoek

Applicant: ETL Consulting (Pty) Ltd

Contact Details: Tel: (010) 800 1534
Email: williee@etlconsulting.co.za

Owner: Municipality of Stellenbosch

Contact Details: Tel: (021) 808 8683/ 8690
Email/s: Pedro.April@stellenbosch.gov.za/
Bulelwa.Mdodo@stellenbosch.gov.za

Application Reference: LU/12400

APPLICATION TYPE: APPLICATION FOR A TEMPORARY DEPARTURE AND CLOSURE OF A PUBLIC PLACE – ERF 3229 FRANSCHHOEK (19 786 m²)

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

Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law (2015) for a **Temporary Departure** for the relocation of households that are currently residing in a freshwater dam in the Langrug Informal Settlement, to temporary housing on Erf 3229, Franschhoek for a period of 5 years.

Application is also made in terms of Section 15(2)(n) for the **closure of a public place**, Erf 3229 Franschhoek for a period of 5-years as made provision for in terms of Section 26(2) of the Stellenbosch Municipal Land Use Planning By-Law (2015).

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:

Name of Applicant: ETL Consulting (Pty) Ltd
Contact Person: Willie Jan Erasmus
Email Address: williee@etlconsulting.co.za
Contact No.: (010) 800 1534

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **2 August 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 **(010) 800 1534** during normal office hours (08:00 – 17:00).

Yours faithfully

WILLIE JAN ERASMUS
ETL CONSULTING (PTY) LTD

**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: Geen formele straatadres nie/ Franschhoek, Groendal

Aansoek eiendom beskrywing: Erf 3229 Franschhoek

Aansoeker: ETL Consulting (Pty) Ltd

Kontakbesonderhede: Tel: (010) 800 1534
E-pos: williee@etlconsulting.co.za

Eienaar: Munisipaliteit van Stellenbosch

Kontakbesonderhede: Tel: (021) 808 8683/ 8690
E-pos: Pedro.April@stellenbosch.gov.za/
Bulelwa.Mdodo@stellenbosch.gov.za

Aansoek Verwysing: LU/12400

**TIPE AANSOEK: AANSOEK OM TYDELIKE AFWYKING EN SLUITING VAN 'N OPENBARE PLEK – ERF
3229 FRANSCHHOEK (19 786 m²)**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoeke word gedoen ingevolge Artikel 15(2)(c) van die verordening Stellenbosch Munisipale Grondgebruikbeplanning (2015) vir 'n tydelike vertrek vir die hervestiging van huishoudings wat tans in 'n varswaterdam in die Langrug Informele Nedersetting woon, tydelike behuising op Erf 3229, Franschhoek vir 'n tydperk van 5 jaar.

Aansoeke word ook gedoen ingevolge Artikel 15(2)(n) vir die sluiting van 'n openbare plek, Erf 3229 Franschhoek vir 'n periode van vyf jaar, soos bepaal ingevolge artikel 26(2) van die Verordening op Stellenbosch Munisipaliteit se Grondgebruikbeplanning (2015).

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 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:

Naam van die Aansoeker: ETL Consulting (Pty) Ltd
Kontak Persoon: Willie Jan Erasmus
E-pos Adres: williee@etlconsulting.co.za
Kontak Nommer: (010) 800 1534

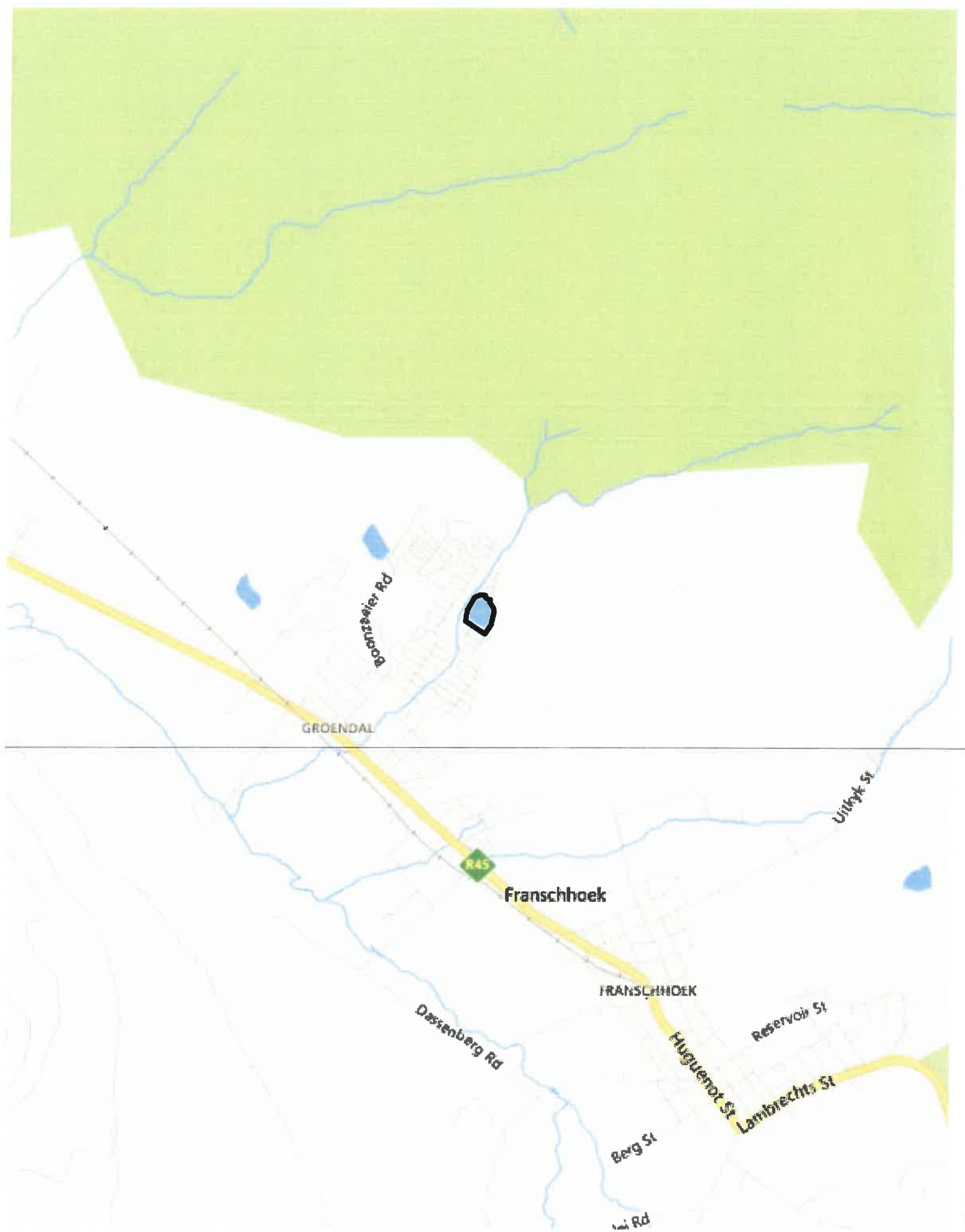
Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **2 Augustus 2021**.

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 voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **(010) 800 1534** gedurende normale kantoor ure (08:00 – 17:00).

Die uwe

WILLIE JAN ERASMUS
ETL CONSULTING (PTY) LTD



GROENDAL

Groentewier Rd



R45

Franschhoek

FRANSCHHOEK

Dassenberg Rd

Berg St

Huguenot St

Reservoir St

Lambrechts St

Urbyk St

La Rd



**APPLICATION FOR A TEMPORARY DEPARTURE AND TEMPORARY CLOSURE OF
A PUBLIC OPEN SPACE**

ERF 3209 (TO BE KNOWN AS 3229 FRANSCHHOEK)

PREPARED BY:
ETL Consulting (Pty) Ltd



5th Floor, Imperial
Terraces,
Carl Cronje Drive,
Tyger Waterfront,
Bellville, 7530

PREPARED FOR:
STELLENBOSCH MUNICIPALITY



Postal Address:
PO Box 17,
Stellenbosch,
7600

NOV 2020

ETL CONSULTING (PTY) LTD

5th FLOOR, IMPERIAL TERRACES, CARL CRONJE DRIVE. TYGER WATERFRONT. BELLVILLE, 7530, TEL: 011 568 3421



APPLICATION IS HEREBY MADE:
IN TERMS OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW 2015

APPLICATION FOR A TEMPORARY DEPARTURE AND TEMPORARY CLOSURE OF A PUBLIC OPEN SPACE ERF 3209 (TO BE KNOWN AS 3229 FRANSCHHOEK)

CLIENT DETAILS:

STELLENBOSCH LOCAL MUNICIPALITY
TOWN HOUSE COMPLEX
PLEIN STREET
STELLENBOSCH
7600

AGENT DETAILS:

ETL CONSULTING (PTY) LTD
CORNER MAIN OFFICE PARK
2 PAYNE ROAD
BRYANSTON
2191
TEL: (011) 568 3421

EMAIL: williee@etlconsulting.co.za

SUBMITTED TO:



STELLENBOSCH
STELLENBOSCH • PHIL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**STELLENBOSCH LOCAL MUNICIPALITY
TOWN HOUSE COMPLEX
PLEIN STREET
STELLENBOSCH
7600**

NOVEMBER 2020

ETL CONSULTING (PTY) LTD

5th FLOOR, IMPERIAL TERRACES, CARL CRONJE DRIVE. TYGER WATERFRONT. BELVILLE, 7530, TEL: 011 568 3421



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1. INTRODUCTION/ BACKGROUND

ETL Consulting (Pty) Ltd was appointed by the Stellenbosch Local Municipality to obtain land use rights on the subject property – Erf 3229 Franschoek for a Temporary Relocation Area.

The subject property was identified as being adequate to relocate households that are currently residing in a fresh water dam in the Langrug informal settlement. Their livelihood is under constant threat especially during the rainy season. Studies done by Stellenbosch Municipality indicate that the integrity of the dam wall has over the years been compromised by natural erosion, expedited seasonal water damage and by the permanent structures inside the dam basin, on the dam wall and the cutting away of the dam wall by inhabitants. The primary purpose of this project is to create a decanting site (TRA) for the dam inhabitants:

- **It will create space in the dam area for rehabilitation thereof and/or formalisation of said area**
- **It will also create decanting for future projects in Langrug/Mooiwater**

Hence application is made for the purpose of utilizing Erf 3229 Franschoek as a Temporary Relocation Area (TRA) for a period of 5-years for the temporary relocation of families affected by the Langrug Informal Settlement Upgrades.

Seeing that the application is deemed as an Emergency, it is also proposed that Stellenbosch Municipality request approval from the Department of Environmental Affairs and Development Planning in terms of Section 60(2) of the Land Use Planning Act, 2014 read with Section 64 (1)(b) to reduce administrative burden and obtain authorization for exception of the public participation process.

The property is currently zoned Public Open Space (POS) and as such, a departure from the current zone is required to utilize the land on a temporary basis for another purpose, i.e. temporary housing.

2. APPLICATION

The following Application is made in terms of the Stellenbosch Municipality Land Use Planning By-Law 2015 to allow for the following:

- **A temporary departure** to utilize the subject property on a temporary basis for temporary housing for a period of 5-years.
- **A temporary closure of a public space** for a period of 5-years as listed in terms of Section 26 (2) of the Stellenbosch Municipality Land Use Planning By-Law 2015.

The purpose of which, being to develop a Temporary Relocation Area on Erf 3229 Franschoek, for the purpose of accommodating approximately 300 families impacted by the implementation of upgrading projects planned for the Langrug informal settlement.

In terms of the temporary closure component of the application, **Section 26 (2)** of the Stellenbosch Municipality Land Use Planning By-Law 2015 states:

“An applicant who requires the closure of a public place, whether permanently or temporarily, must apply in terms of Section 15 (2) to the Municipality.”

In light of the above, the Application is made in terms of Section **15.2 (c) & (n)** of the Stellenbosch Land Use Planning By-Law 2015 which states the following:

15. (2) The owner of land or his or her agent may apply to the Municipality in terms of this Chapter and Chapter IV for the following in relation to the development of the land concerned:

(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.

(n) a closure of a public place or part thereof.

The proposal sought is for Departure granted on a temporary basis (5-years) to utilize the land for a purpose not permitted in terms of the primary rights of the zoning applicable to Erf 3229 Franschoek, i.e. a temporary residential use on an Public Open Space zoning.

3. THE APPLICANT SITE

The subject property/ applicant site has been identified as ERF 3229 Franschoek and measures approximately 1.97 Ha in extent. The site is located approximately 1.2 km from the MR45 (Main Road) and is situated to the North of the road. It should also be noted that the site is situated in close proximity to the Franschoek CBD, which is within walking distance to various community and educational facilities.

CADASTRAL DESCRIPTION	ERF 3229 FRANSCHHOEK
LEGAL DESCRIPTION	ERF 3209 (TO BE KNOWN AS 3229 FRANSCHHOEK)
STREET ADDRESS	N/A
SUBURB/ TOWN	MOOIWATER IN FRANSCHHOEK
CURRENT ZONING	PUBLIC OPEN SPACE
CURRENT LAND USE	VACANT (USED FOR ILLEGAL DUMPING)
OWNERSHIP	MUNICIPALITY OF STELLENBOSCH



Figure 1: Application Site

The subject property is not yet registered in the deed's office. The legal description of the property is therefore referred to as ERF 3209 (To Be known as 3229 Franschoek)

4. THE NEED FOR THE PROPOSAL

The proposal sought seeks to accommodate approximately 253 families impacted by the rehabilitation of the dam site as well as various in-situ upgrading projects at the informal settlement. The growing number of informal structures and population in the settlement together with the unavailability of housing opportunities in the Franschoek area has created a challenge which requires intervention.

It should be noted that the site was previously utilized as a farm dam. However, it is currently vacant and being used for illegal dumping.

4.1. PROPOSED TRA DEVELOPMENT

As per the Subdivision Plan (TRA Area) above, the proposed Temporary Development accommodates 253 Stands measuring at 40 sqm each, and 50 single ablution facilities to be shared by residents. It should be further emphasized that the proposed development is of a temporary nature to accommodate residents affected by the Langrug Informal Settlements Upgrade.

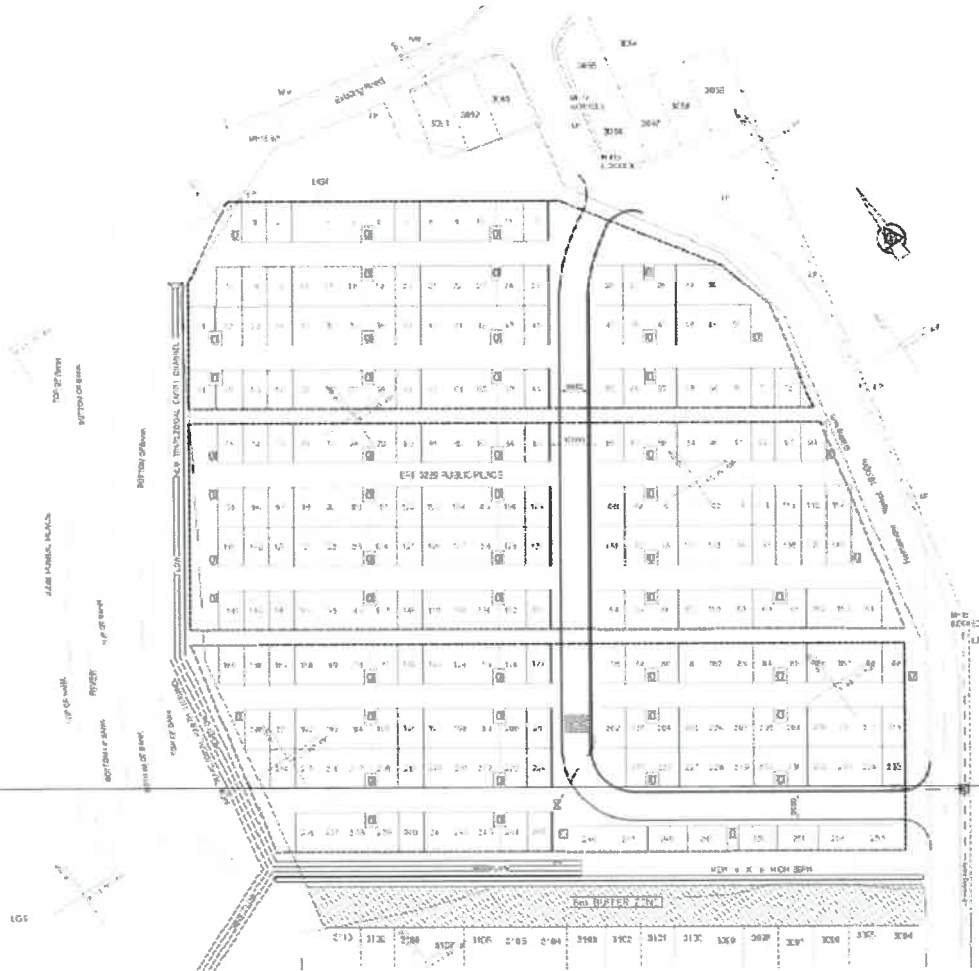


Figure 2: Proposed Layout

The figure above indicates the proposed layout plan.

5. SITE DESCRIPTION & LOCALITY

5.1. SITE DESCRIPTION

The subject site - Erf 3229 is located in the suburb of Mooiwater in the area of Franschoek. The site was originally a farm dam, which was filled via a diversion from the Stiebeuelrivier, originating in the mountains above the dam. The stream always bypassed the site.

The subject property is not yet registered in the deed's office. The legal description of the property is therefore referred to as ERF 3209 (To be known as 3229 Franschoek)

Over an undetermined period of time, at least 10 to 15 years, the site has been used as an unofficial dumping area, and the original dam basin has to all intents and purposes been filled. The site has an average slope of about 7.2 %, with a 10m fall over a distance of 140 m, in a south-south westerly direction. The southern, western, and eastern boundaries comprise the dam walls, which is about 3.5m high along the southern edge. The surface of the site is very uneven, with spoil heaps in excess of 1m high, and isolated lows and highs varying by more than 2m.

5.2. LOCALITY AND SURROUNDINGS

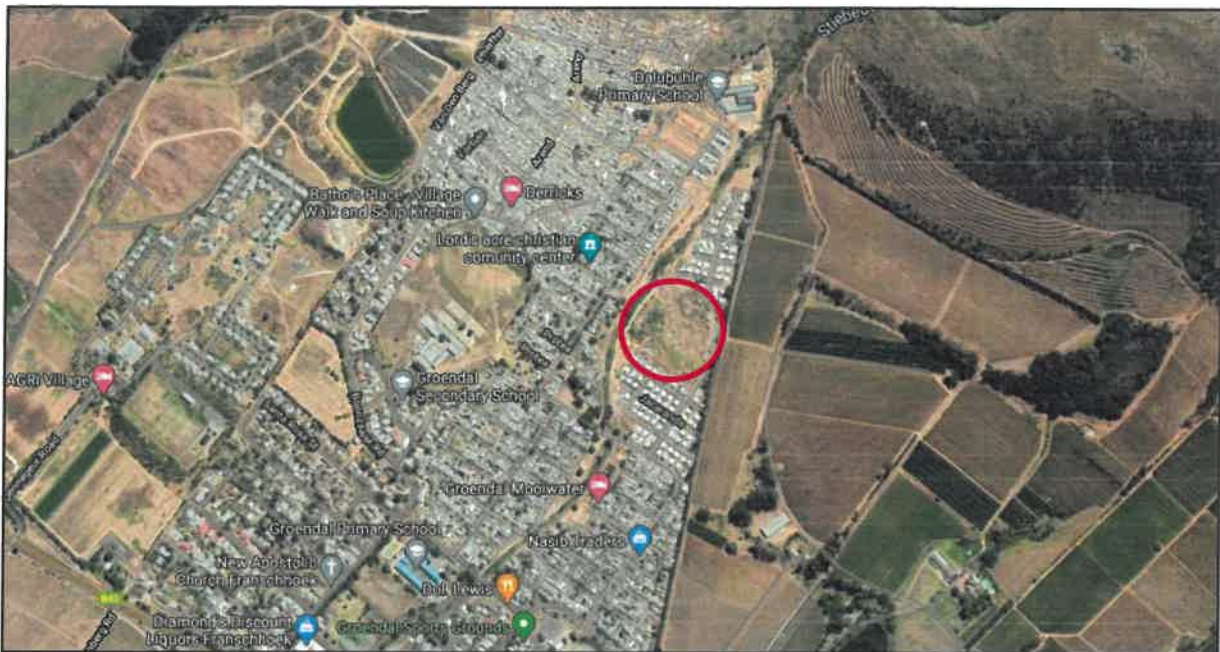


Figure 3: Locality and Surroundings

As evident, the area within which the subject site is situated is characterized by predominantly residential development. This is in line with the Langrug Informal Settlements Upgrade project currently underway by means of an intervention as a result of residents experiencing severe flooding.

The subject site was previously utilized as a farm dam. However, it is currently vacant and being used for illegal dumping. This creates precedent for the site to be utilized as a TRA (Temporary Relocation Area) in order to accommodate the residents affected by the Langrug Informal Settlement Upgrade.

It should be noted that despite the site being earmarked as a Public Open Space, the proposal sought is for a temporary residential development and as such, the site will revert back to its intended use following the TRA time lapse.

Access to the subject site is gained from Remainder Road which runs parallel to the eastern boundary of the site

Being situated within an established residential context, the site is afforded access to a wealth of social/ commercial facilities located in proximity to the site.

Educational facilities in proximity to the site include Dalubuhle Primary School; Groendale Primary School; and Groendale Secondary School.

Commercial Facilities in proximity to the site include smaller establishments such as Babes snoek Wholesale; Usave Franschhoek; Nasib Traders; and Arkaan Superette, in addition to larger commercial entities such as the development along Mark Street/ Stiebeuel Street.

Social Facilities in proximity to the site include the New Apostolic Church Franschhoek; Unlimited Ministries Franschhoek; and the Groendal Sports Grounds.

As evident above, residents of the proposed TRA will be well serviced in terms of surrounding services and amenities in addition to the predominantly residential development creating precedent for temporary housing given the nature of development.

6. STATUTORY FRAMEWORK

The proposal sought aligns with the following Framework Plans/ Legislation/ Planning Principles, whereby in order to provide safe, quality housing opportunities for residents of the Langrug Informal Settlement who experience flooding, the proposed Temporary Relocation must be undertaken to house these residents during the Settlement Upgrade.

6.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT – 2013 (SPLUMA)

Development Principles

The following principles apply to spatial planning, land development and land use management:

a) The principle of spatial justice, whereby –

- i. past spatial and other development imbalances must be redressed through improved access to and use of land;
- ii. spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterized by widespread poverty and deprivation;
- iii. spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;
- iv. land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;
- v. land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and
- vi. a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application.

b) The principle of spatial sustainability, whereby spatial planning and land use management systems must –

- i. promote land development that is within the fiscal, institutional and administrative means of the Republic;
- ii. ensure that special consideration is given to the protection of prime and unique agricultural land;
- iii. uphold consistency of land use measures in accordance with environmental management instruments;



- iv. promote and stimulate the effective and equitable functioning of land markets;
 - v. consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;
 - vi. promote land development in locations that are sustainable and limit urban sprawl; and
 - vii. result in communities that are viable;
- c) The principle of efficiency, whereby –
- i. land development optimizes the use of existing resources and infrastructure;
 - ii. decision-making procedures are designed to minimize negative financial, social, economic or environmental impacts; and
 - iii. development application procedures are efficient and streamlined and timeframes are adhered to by all parties;
- d) The principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and
- e) the principle of good administration, whereby –
- i. all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;
 - ii. all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;
 - iii. the requirements of any law relating to land development and land use are met timeously;
 - iv. the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and
 - v. policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

6.2. INDEGRATED DEVELOPMENT PLAN (IDP) – 2017 – 2022

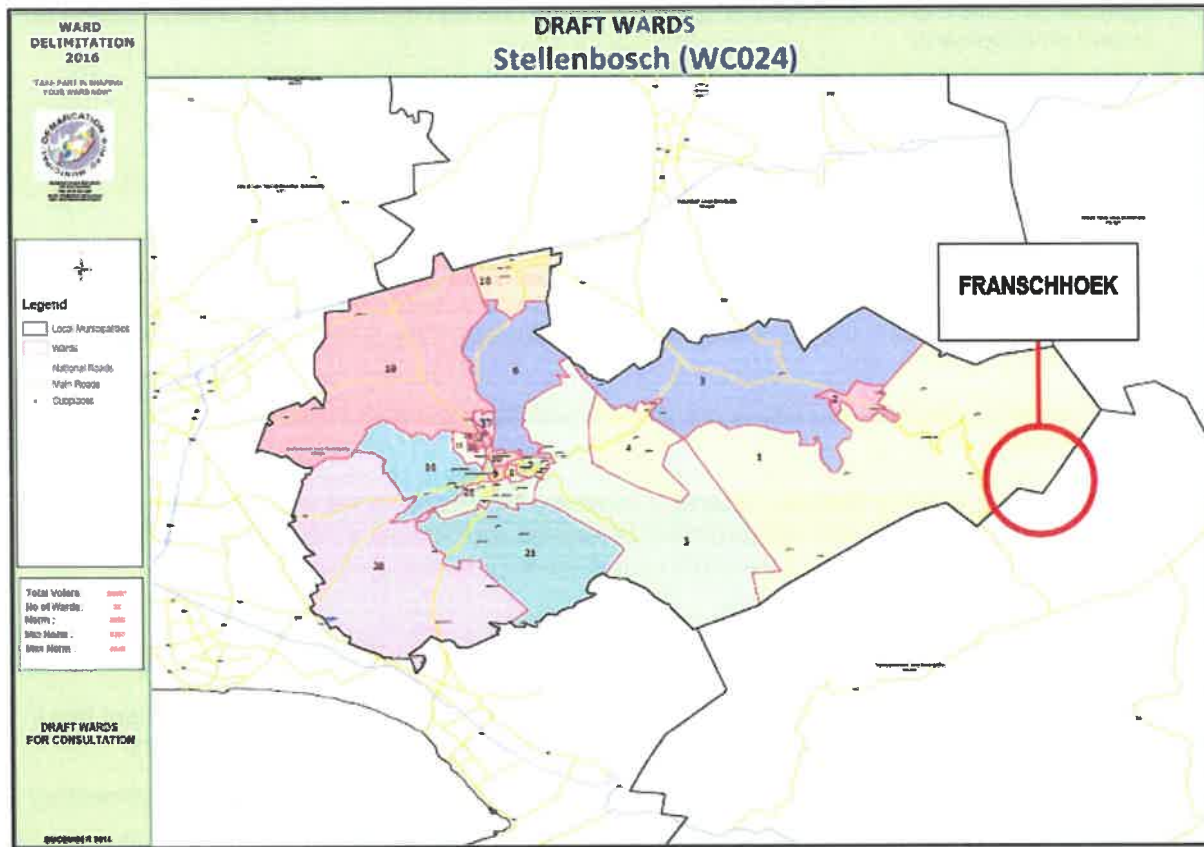


Figure 4: IDP

The Stellenbosch Municipal Area is divided into 22 Wards, with amendments to some of the ward boundaries by the Municipal Demarcation Board for the 2016 elections. The wards consist of urban settlements as well as the surrounding rural areas which contain agricultural and natural environments. As evident, the subject site is situated in Franschhoek which is located within Ward 1.

The Stellenbosch Municipality's strategic planning does not occur within a vacuum. Various key policy directives – ranging from those with a global reach to more specific directives applicable to the Municipality and its neighboring municipalities – are considered when framing future strategic planning and resource allocation. The sections below outline key policy directives considered when framing Stellenbosch Municipality's fourth generation IDP.

Sustainable Developmental Goals (SDG's)

In September 2015, the United Nations adopted the Development Agenda Transforming our world: the 2030 Agenda for Sustainable Development. The Agenda is an action plan for people, planet, and prosperity, with a focus on strengthening peace and partnerships. Central in this action plan are 17 Sustainable Development Goals (SDGs) that aim to build on the Millennium Development Goals (MDGs). The MDGs set the momentum for the SDGs to continue the people-centered development agenda. Substantial headway was made globally after the adoption of the MDGs, with global poverty numbers drastically reduced. Now, since the MDGs expired in 2015 and the new agenda has been taken on, the SDG's hope to expand on that success with more, focused goals. These Sustainable Development Goals are a three-dimensional tool, incorporating and integrating the social, economic, and political spheres of society. This agenda also calls for participation and implementation from all sectors of society.



MDG's

- Goal 1: Eradicate extreme poverty and hunger
- Goal 2: Achieve universal primary education
- Goal 3: Promote gender equality and empower women
- Goal 4: Reduce child mortality
- Goal 5: Improve maternal health
- Goal 6: Combating HIV/AIDS, malaria, and other diseases
- Goal 7: Ensure environmental sustainability
- Goal 8: Develop a global partnership for development

SDG's

- Goal 1: End poverty in all its forms everywhere
- Goal 2: End hunger, achieve food security and improved nutrition, and promote sustainable agriculture
- Goal 3: Ensure healthy lives and promote well-being for all ages
- Goal 4: Ensure inclusive and equitable quality education and promote life-long learning opportunities for all
- Goal 5: Achieve gender equality and empower all women and girls
- Goal 6: Ensure availability and sustainable management of water and sanitation for all
- Goal 7: Ensure access to affordable, reliable, sustainable, and modern energy for all
- Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialisation, and foster innovation
- Goal 10: Reduce inequality within and among countries
- Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12: Ensure sustainable consumption and production patterns
- Goal 13: Take urgent action to combat climate change and its impacts
- Goal 14: Conserve and sustainably use the oceans, seas, and marine resources for sustainable development
- Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat deforestation, halt and reverse land degradation, and halt biodiversity loss
- Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels
- Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development

6.3. WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK

The Western Cape Provincial Spatial Development Framework aims to give direction and guidance for the spatial development within the Western Cape. This policy document formulates proposals that deal with the following areas of intervention: social economic development; urban restructuring and environmental sustainability. The WCPSPDF composite map indicates the broad spatial planning categories derived from the approach to bioregional planning. The five broad spatial categories provide policies for development and activities in the:

- Core areas;
- Buffer areas;
- Intensive agriculture areas;
- Urban development; and,
- The urban edge.

It is understood that the broad spatial planning categories will be refined at a detailed level by the district and local SDFs when those level SDFs are prepared. The prioritisation of the provinces' urban settlements is indicated with respect to the relative levels of human need and economic potential so as to prioritise fixed investment and human need. The study relating to the growth potential of towns outside of the City of Cape Town municipal jurisdiction has underpinned the proposals relating to the prioritisation of areas for fixed investment and those areas that would only receive human needs programs or social investment. The broad provincial SDF identified Stellenbosch as an area that could be seen as a potential agricultural development node with the key focus on agriculture and food processing.



It also sees Stellenbosch, Franschhoek and Paarl as areas with tourism potential as part of the Winelands Tourism Development Area or the Winelands Triangle. The WCPSDF further identifies the N1 and the N2 Freeways as major transport corridors with major linkages. With regard to urban restructuring and integration proposals relating to the urban settlements, the WCPSDF proposes that urban edges be defined around current urban developed areas to contain the outward growth of areas and to increase the densities within those areas to an average of 25 du/ha. Only resort types of development will therefore be permitted outside of those urban edges. The WCPSDF is underpinned by the following objectives:

- Objective 1: Allowing the future settlement pattern of the province with economic potential and allocation of environmental resources for environmental opportunities
- Objective 2: Deliver human development and basic need programs wherever they may be required
- Objective 3: Strategically invest scarce public sector resources where they will generate the highest socio-economic returns
- Objective 4: Support land reform
- Objective 5: Confirm and strengthen the sense of place of important cultural landscapes, artefacts, and buildings
- Objective 6: Heal the apartheid structure of urban settlements
- Objective 7: Conveniently locate urban activities and promote public and non-motorised transport
- Objective 8: Protect biodiversity and agricultural resources
- Objective 9: Minimize the consumption of scarce environmental resources particularly water, fuel, burning materials, mineral resources, electricity, and land.

6.4. CAPE WINELANDS DISTRICT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

This SDF covers the Breede River, Winelands, Breede Valley, Cape Winelands, Drakenstein, Stellenbosch and Witzenberg Municipalities. The desired future spatial form of settlements in the Western Cape are to be achieved by a balanced distribution approach. In this regard it is noted that development should instead be encouraged, subject to control, in the south-eastern part of the Cape Winelands District, including the existing towns of Prince Alfred Hamlet, Ceres, Op-die-Berg, Worcester, De Doorns, Rawsonville, Robertson, Ashton, Montagu, Bonnievale, McGregor, Franschhoek, Stellenbosch and surrounds.

The objectives of this SDF are interlinked and provide focus and attention to the challenges facing the municipality. These are mainly:

- conserve and protect the natural environment.
- create a quality settlement system and built environment;
- provide access to existing and new facilities and opportunities; and,
- grow and diversify the economy into new seasons and sectors.

The settlement framework for the district Municipal SDF is composed of a four-tiered typology of settlements. The first or higher order settlement is called the core (primary) and these include areas such as Stellenbosch and Worcester. The second level is called regional settlements. The third level is called the rural towns, and the fourth level is called the hamlet. The SDF defines hamlets as clusters of homesteads and settlements that are essentially service points. Hamlets are important in areas of limited or less economic development as they are the only possibility of achieving viable markets and services.

When describing the growth management issues the SDF notes that hamlets face limited urban growth pressure. However, the future expansion of these hamlets ought to be dictated by the same principles as those that guide the rural towns in order to promote the sustainable growth and the independent and unique character of hamlets. These principles are as follows:

- protect agricultural areas;
- stop the undefined spread of housing into natural areas, which affect the character of the town; and,
- respect natural constraints such as flood prone areas.



6.5. STELLENBOSCH MUNICIPALITY – SPATIAL DEVELOPMENT FRAMEWORK

The Stellenbosch Municipal Preliminary Spatial Development Framework was prepared through a process of using five possible scenarios for the development. The first scenario dealt with accommodating development in the respective areas in the Stellenbosch Municipality in relation to the capacity that has been provided for development in the various SDFs. The second scenario dealt with employment generation, looking at whether there is sufficient provision in areas where employment could be provided based on existing economic activity and for instance, industrial erven. The third scenario proposes to focus all of the growth in the municipality onto those settlements that are located on major road routes including Koelenhof. Scenario Four focuses all of the future growth in the municipality on those settlements that are on major rail corridors. The last scenario focuses all of the growth on the three main growth nodes namely Stellenbosch, Franschhoek and Klapmuts. This Municipal SDF uses the broad spatial planning categories, namely the core zones, the buffer zones, and the agricultural zones and proposes the delineation of urban edges to help with development control. The SDF further requires that the bioregional planning zones be confirmed and further investigation in this regard be initiated at a local level. Out of this SDF it is also noted that the main arterial roads connecting the major settlements in the surrounding region play a key role in establishing the municipality's sense of place because of the views that they offer, the experience of travelling along them and the nature of their detailed design. Therefore, these roads should be treated carefully, and their designs kept in a sensitive way to reduce traffic skids, retain their winding nature and fully maintain their surface treatments and curvages in order to promote tourism and keep their scenic beauty. The SDF also proposes that architectural, urban design and landscape guidelines be prepared and promoted for all areas in the municipality.

FRANSCHHOEK

Traditionally, in spatial planning for SM, Franschhoek is regarded as the second most significant settlement in the municipality, after Stellenbosch town. In terms of the current work, and as motivated elsewhere in this report, the municipal settlement hierarchy requires revisiting in terms of the proposed concept for spatial planning and management of the area. In terms of the concept, the focus for major development is on areas least sensitive in terms of nature and cultural assets, and where available infrastructure, and specifically movement networks, can support growth. In focus, this means Stellenbosch town and Klapmuts. Franschhoek is viewed as having less livelihood potential (as confirmed by the WCG's Growth Potential of Towns study). This does not imply that no growth should be entertained. There is opportunity, but the focus should be on improving living conditions for existing residents as opposed to significant new growth.

The historic development of the settlement has resulted in the partitioning of urban space in Franschhoek. In broad terms, people live in two separate geographic entities, namely Groendal/Langrug and Franschhoek "town". In terms of socioeconomic, demographic and built-environment conditions, there are vast differences between the two areas. The area between the north-west and south-west is not fully developed but within the urban edge. Potential for infill development exists here. There is also opportunity to reinforce mixed use development further along Main Road to the north-west, enabling convenience and entrepreneurship opportunity for residents living in this part of the settlement. Significant opportunity exists for improved NMT linkages between the northwest and south-west along Main Road. Below is the Franschhoek Framework Plan:

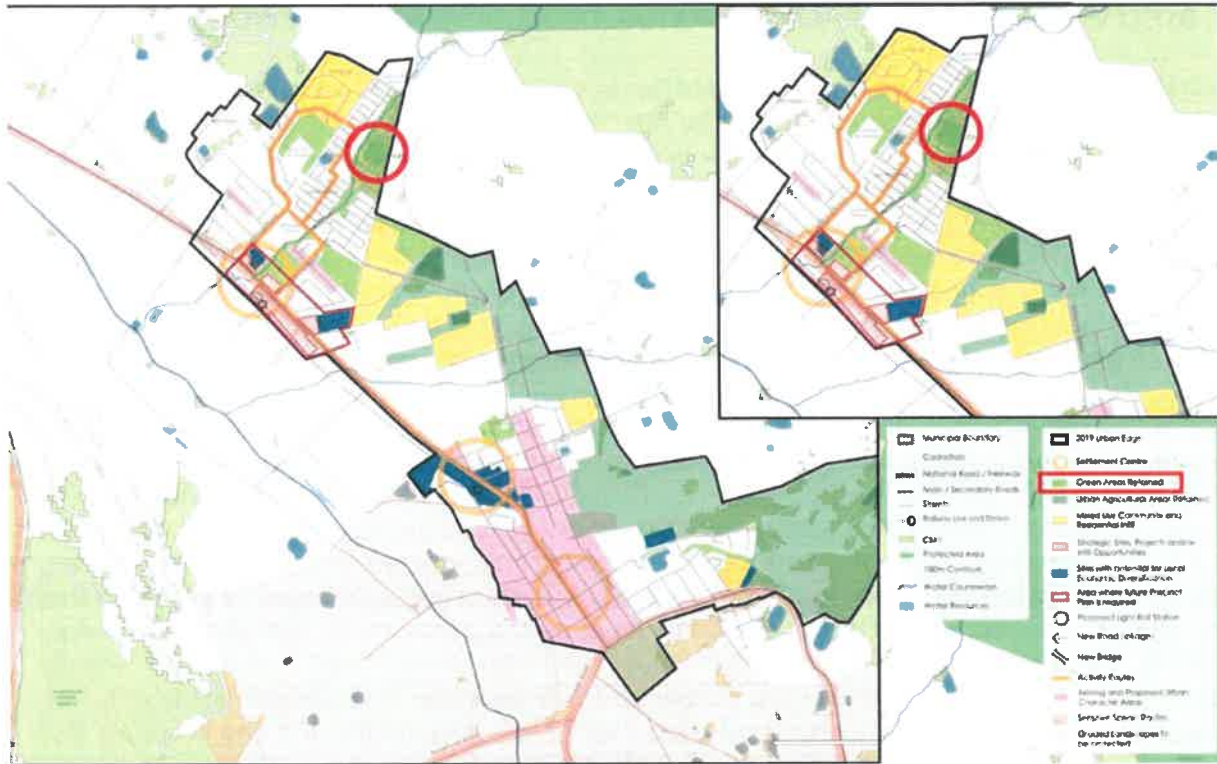


Figure 5: Insert of SDF

As evident in the map above, the subject site has been earmarked as "Green Areas Retained", however, given the nature of the proposal for Temporary Housing. The site will revert to its intended use - Open Space following the lapse of the allocated TRA.

6.6. ZONING SCHEME

The Subject property is currently zoned "Public Open Space", as indicated in the Stellenbosch Municipality Zoning Scheme Map – 2019 below:



Figure 6: Zoning Scheme extract



As per the Stellenbosch Municipality Zoning Scheme By-Law 2019, the following land uses are permitted on this zone:

PRIMARY USES	ADDITIONAL USES (TECHNICAL APPROVAL)	CONSENT USES (APPLICATION REQUIRED)
<ul style="list-style-type: none"> • Open Space • Natural Environment • Private Road • Occasional Use (1 event/ year) 	<ul style="list-style-type: none"> • Rooftop Base Telecommunication Station 	<ul style="list-style-type: none"> • Camping Site • Cemetery • Employee Housing • Freestanding Base Telecommunication Station • Indoor Sport • Market • Occasional Use (More than 1 event/ year) • Outdoor Sport • Tourist Accommodation Establishment • Tourist Facilities

In addition, the following building lines, coverage, and height apply to buildings within this zone:

BUILDING TYPE	STREET BOUNDARY BUILDING LINES (m)	COMMON BOUNDARY BUILDING LINES (m)	COVERAGE	HEIGHT
All Buildings	5.0 m	5.0 m	20 % or as restricted in SDP	1-Storey

As evident above, Temporary Reservation Area (TRA) is **NOT** mentioned in the **Public Open Space (POS)** zones primary or consented uses. However, the **DEA & DP** have issued a directive permitting the subject property for the temporary utilisation for housing.

6.7. ENVIRONMENTAL CONSIDERATIONS

It should be noted that in terms of the following application, the Department of Environmental Affairs & Development Planning have granted permission for the Stellenbosch Municipality to utilise the site for the purposes of temporary relocation. However, the property information on ownership, servitudes, and zoning are therefore provided as a guide to ensure that, after expiry of the two year grace period and following the removal of temporary structures, the site is returned in a condition which will comply with legislated requirements for a public open space.

6.8. TITLE DEED RESTRICTIONS

It should be noted that the subject property is owned by the Stellenbosch Local Municipality, however, the site has not yet been registered. As such, there is no Title Deed available - Only once the property has been registered will this be available.



7. DESIRABILITY OF THE LAND USE

7.1. ZONING AND LAND USE PATTERN

As indicated, the subject site is currently zoned Public Open Space (POS). In terms of the Stellenbosch Municipality Zoning Scheme By-Law 2019, the purpose of this zone is to make provision for land which vests in the Municipality as a 'Public Place' and which is intended to be used for:

- a) Active or passive public recreational and public amenity purposes; or
- b) Creating a desired townscape, or visual open space for residents; or
- c) Serving as an open space for which also accommodates riverine corridors and other similar natural features; or to
- d) Serve as an open space which accommodates extensive municipal services in landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors.

7.2. SOCIAL FACILITIES

The subject site is considered adequate in terms of the Needs of the residents of the proposed Temporary Relocation with regards to being adjacent/ situated in close proximity to existing residential development. Furthermore, the subject site is situated in proximity to social infrastructure and the Franschhoek CBD, ensuring residents of the TRA a wealth of opportunities in terms of social and commercial facilities.

7.3. ENVIRONMENTAL ASPECTS

As indicated above, the Department of Environmental Affairs & Development Planning have granted permission for the Stellenbosch Municipality to utilise the site for the purposes of temporary relocation. However, following the expiration of the two-year grace period and removal of temporary structures, the site will be returned to a condition that complies with the legislated requirements for a public open space.

7.4. ACCESS

Access to the subject site will be off Remainder Road which runs parallel to the eastern boundary of the site. This road has a 6.0 m wide premixed surface finish with mountable kerbs both sides and a crossfall to the eastern side. It falls within a 10 m road reserve. In terms of classification it would be deemed a Class 5a Residential Collector Road with direct access to buildings and land parcels. A road of this class can accommodate up to 200 standard residential homes and has a capacity of up to 600 p.c.u/hr (passenger car unit per hour).

Based on car ownership and car usage the proposal sought is not expected to significantly increase traffic volumes. It is anticipated that many of the residents will in any event make use of public transport facilities available, this from collection points closer to the R45.

It should be noted that the existing Mooiwater development north of the site only consists of 73 units and assuming that this development generates one passenger car movement in one hour during peak hour, it is reasonable to predict that the road will never carry its full capacity. It is proposed that the site be provided two points of access, the first located on the southern eastern corner, the second located on the north-east corner below Erf 3093 and will have access from the existing access road adjacent to Kurland.

8. INFRASTRUCTURE & SERVICES/ INVESTIGATIONS

8.1. TRA INFRASTRUCTURE

Based on information received by the Stellenbosch Municipality it is estimated that the implementation of upgrading projects at Langrug will require the relocation of households. Number of residents per informal dwelling is estimated at an average of 2 persons per structure. It should be noted that this area has experienced substantial growth over the last few years, primarily due to the shortage of subsidized housing opportunities within the Franschoek.

National Policies (Water and Sanitation) and current legislation (National Water Act) provide guidelines as to the basic level of service to be provided, in the case of the poor this would be provided for free. In terms of the type of future temporary dwellings on site an interim level of service for sanitation in the form of shared facilities will be applicable.

A geotechnical report has been compiled- the report also addresses and overview of civil services for the proposed TRA site.

8.2. PROPOSED CIVIL/ STRUCTURAL REQUIREMENTS

In order to provide basic water and sanitation services to the community being accommodated by the TRA's it is proposed that 50 single Ablution Blocks be constructed. Ablution blocks will provide waterborne service, with adequate disposal of effluent as required to protect the environment and public health.

extent of civil/structural infrastructure attached to the toilet structures are as follows:

- 110/75/50mm diameter water supply connected to existing line running along Remainder Road.
- Fire hydrants at a spacing appropriate to the fire risk category, water meter and valve in road reserve.
- 160mm diameter, gravitation sewer line with manholes connected to existing line in Remainder Road, 110mm diameter connections to toilet structures.
- Road reinstatement where disturbed by new services.
- Pre-fabricated concrete toilet structures will be constructed onsite to provide basic water and sanitation services (including base slab and internal plumbing).

8.3. BASIC SERVICE GUIDELINES

As indicated, the focus area is in need of basic sanitation services. The requirements according to national guidelines are as follows:

A minimum of one toilet facility per five households (or one seat per 20 users).

A minimum of one water point (tap) per twenty-five households no more than 100m from the furthest household.

The Stellenbosch Municipality are generally not in favour of container of ablution facilities as they are prone to vandalism and theft, their preferred method of providing basic services are concrete toilet block and water points.

8.4. DESIGN PARAMETERS

The design standards applicable to sewer and improvements will be in accordance with the following guidelines

Guidelines for Human Settlements, Planning and Design as revised August 2003 – Department of Housing by CSIR Building and Construction Technology (referred to as the "Red Book").



Minimum Design Standards for Internal A-Grade Engineering Services Version 002 of September 2014 – Department of Human Settlements (referred to as the "DoHS Standards").

Potential future "planning" layouts for the area will be taken into consideration when services designs are being finalised. The toilet blocks and the water points will be placed outside the access ways envisaged and within close proximity to existing infrastructure where possible to reduce linkage costs.

8.5. ESTIMATED WATER CONSUMPTION

The estimated flows from the proposed TRA have been calculated using the estimated number of informal dwelling structures. Proposed infrastructure will be connecting onto an existing 100mm diameter pipeline in Remainder Street, it is recommended all toilet blocks and water points be linked such that only one connection to the municipal infrastructure need be introduced. The existing water infrastructure and reservoirs should have sufficient capacity to deal with the anticipated water consumption of the TRA.

8.6. ESTIMATED SEWERAGE DISCHARGE

It is estimated that 95% of water consumed will be discharged into the sewerage system. The sewerage flow from the TRA area needs to be connected into the neighbouring sewerage reticulation network. There is currently a 160mm diameter pipeline running along Remainder Street, it is proposed that a connection be made at the lowest possible south-eastern point. The capacity of the existing infrastructure and WWTW to accommodate the additional flow generated by the TRA must be verified by the relevant Stellenbosch Municipality departments.

8.7. ESTIMATED ELECTRICAL CONSUMPTION

It is proposed that the electrical supply to the TRA informal dwellings be extended from the existing underground network. The proposed supply will be pole mounted with underground house connections. Consumption calculations have been based on the "Typical Design Load Parameters for Domestic Consumers" published by Eskom. Assuming we use the guideline for informal settlements (7-year parameter), the load (After Diversity Maximum Demand) should be as follows:

- 300 units @ 1kVA = 300kVA
- 4 ablutions @ 10kVA = 40kVA
- Total = 340kVA, 490A TP, approx. 500Amps Three Phase

The Stellenbosch Municipality – Electrical Services Section will need to confirm whether there is sufficient capacity available to cater for the requirements of this development.

8.8. STORMWATER MANAGEMENT

Stormwater for the development will generally be managed on a catchment-wide basis and will take into account the surrounding built and natural environment. The topography of the site will allow natural surface flow along platforms in a southerly direction. Whilst the Stiebeuel River runs west of the site, the natural fall of the site makes it impractical to direct surface flow in a westerly direction.

Stormwater infrastructure proposed site will comprise of combined surface drainage and a levy berm along the southern boundary to protect downstream properties. All runoff will be collected and channelled to the low point south-east of the site, from here it will be intercepted by an inlet structure which will connect onto the existing underground system in Remainder Street. No underground formalised or fixed pipework or structures are envisaged on the site.

8.9. GEOTECHNICAL INVESTIGATION

EAS Infrastructure Engineers were appointed by the Stellenbosch Municipality to report on the feasibility of establishing a Temporary Relocation Area (TRA) on Erf 3229 Franschoek. The subject property was previously utilized as a farm dam; however, it is currently vacant and being utilized for illegal dumping. In order to establish the potential utilisation of the site a Geotechnical Investigation Report outlining the prevailing soil conditions was undertaken.

The general conclusions to this report are as follows:

- i. The proposed site is deemed to be generally suitable for the development of a Temporary Relocation Area in terms of geological stability and geotechnical conditions.
- ii. In order to cater for the geotechnical challenges of the site certain rehabilitation measures are required.
- iii. The site is zoned Public Open Space, there are no servitudes which transverse or encroach the site.
- iv. TRA's are not mentioned in the POS primary or consented uses, DEA&DP have however issued a directive permitting the temporary utilisation for this purpose.
- v. The provision of basic water and sanitation services will be through shared facilities in the form of toilet blocks and wash bays, these do not form part of the rehabilitation scope of works.
- vi. Electricity can be connected to the existing underground network and supplied via overhead lines.
- vii. Record drawings show that there is adequately sized civil infrastructure adjacent to the site, the capacity to accommodate additional flows and demands must be confirmed by the relevant municipal departments.
- viii. Access to the site will be off Remainder Street, this a Residential Collector category road and has sufficient capacity to accommodate additional traffic generated.
- ix. Terracing of the site will be required to overcome the existing steep gradient.
- x. Stormwater management will include erosion protection of embankments, and the introduction of a cut-off channel and berm to protect downstream properties.
- xi. Ablution blocks with water and sanitation link services are to be constructed to provide household with basic services.

The Geotechnical Report is attached to this application.

9. CONCLUSION

The proposed Application in terms of the Stellenbosch Municipality Land Use Planning By-Law 2015 to allow for the following:

A temporary departure to utilize the subject property on a temporary basis for temporary housing for a period of 5-years.

A temporary closure of a public space for a period of 5-years as listed in terms of Section 26 (2) of the Stellenbosch Municipality Land Use Planning By-Law 2015.

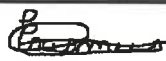
All of which, for the purpose of developing a Temporary Relocation Area on Erf 3229 Franschoek, as indicated on the plans accompanying this application, for the purpose of accommodating



approximately 300 families impacted by the implementation of upgrading projects planned for the Langrug informal settlement. It is therefore on this basis that the Stellenbosch Local Municipality is humbly requested to Approve this application.

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Pr. Pln A/2320/2016
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**DOCUMENT CONTROL RECORD**

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