



# DENNIS MOSS PARTNERSHIP

INTERDISCIPLINARY SUSTAINABILITY CONSULTANTS

Architects • Urban & Regional Planners • Landscape Architects  
Environmental Planners • Urban Designers

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

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Kerk Street, Kylemore  
Application Property Number: Erf 466, Kylemore  
Applicant: Jacques Volschenk / Dennis Moss Partnership  
PO Box 371, Stellenbosch, 7599  
Tel. 021 887 0124; Fax. 021 886 5393  
Email: [jacques@dmp.co.za](mailto:jacques@dmp.co.za)  
Owner: Marlex Property Development (Pty) Ltd.  
40 Winkle Way, Sunset Beach, 7441  
Tel. 082 874 5277  
Email: [marcello@marcelxproperty.co.za](mailto:marcello@marcelxproperty.co.za)  
Application Reference: LU/13797  
Application Type: Amendment of conditions of approval and amendment of approved subdivision plan

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

Application has been made in terms of section 15(2)(h) of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for an amendment of conditions 3.1 and 3.9 of the approval dated 10 July 2018 in order to amend the approved Site Development Plan, including the amendment of the street name from De Wee Street to De Wee Street East and De Wee Street West. Application has also been made in terms of section 15(2)(k) of the said By-Law for the amendment of the approved subdivisional plan to increase the number of erven from 19 to 26 units, making provision for;

- a) 23 group housing erven,
- b) 1 private open space erf, and
- c) 2 portions for private roads.

Notice is hereby given in terms of the provisions of Section 46 of the said By-Law 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:

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17 Market St • P.O. Box 371 • Stellenbosch 7599 • SOUTH AFRICA  
Tel: +27 (0)21 887 0124 • Fax: +27 (0)21 886 5393 • email: [info@dmp.co.za](mailto:info@dmp.co.za) • website: [www.dmp.co.za](http://www.dmp.co.za)

Dennis Moss Planners & Architects (Pty) Ltd. Reg. No. 2003/007711/07  
Directors: DF Moss, URP (SA) BA M (URP) M SAPI • GC de Klerk, URP (SA) B Econ M (URP) M SAPI • M Le Roux-Cloete, Pr Arch, BAS, B Arch (UCT), MIArch, CIA  
SW vd Merwe, Pr Sci Nat, NHD (Nature Conservation) SACNASP • JMH Lackay, Pr S Arch, T MIArch • PJ Niemann, Pr Arch, B Arch (UFS) MIArch, CIA  
Associate Landscape Architect: WJ Tijmens, Ing (NED) FILASA

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/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 By-Law 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:
  - o Indicate the facts and circumstances that explain the comments;
  - o Where relevant demonstrate the undesirable effect that the application will have if approved;
  - o Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
  - o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Dennis Moss Partnership (Att.: Jacques Volschenk; [jacques@dmp.co.za](mailto:jacques@dmp.co.za)). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **1 September 2022**.

It should be noted that the Municipality, in terms of Section 50(5) of the said By-Law, 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 (082 821 6365/021 887 0124) during normal office hours.

Yours faithfully

**JL VOLSCHENK**



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## KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK AAN GEÏTRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

### Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Kerkstraat, Kylemore  
Aansoek eiendom beskrywing: Erf 466, Kylemore  
Aansoeker: Jacques Volschenk / Dennis Moss Vennootskap  
Posbus 371, Stellenbosch, 7599  
Tel. 021 887 0124; Faks. 021 886 5393  
Epos. [jacques@dmp.co.za](mailto:jacques@dmp.co.za)  
Eienaar: Marlex Property Development (Pty) Ltd.  
Winkleweg 40, Sunset Beach, 7441  
Tel. 082 874 5277  
Epos. [marcello@marcelxproperty.co.za](mailto:marcello@marcelxproperty.co.za)  
Aansoek Verwysing: LU/13797  
Tipe Aansoek: Wysiging van goedkeuringsvoorwaardes en wysiging van goedgekeurde onderverdelingsplan.

### Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen in terme van artikel 15(2)(h) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2015 vir 'n wysiging van voorwaardes 3.1 en 3.9 van die goedkeuring gedateer 10 Julie 2018 ten einde die goedgekeurde Terreinontwikkelingsplan te wysig, insluitend die wysiging van die straatnaam vanaf De Weestraat na De Weestraat-Oos en De Weestraat-Wes. Daar word ook aansoek gedoen in terme van artikel 15(2)(k) van genoemde Verordening vir die wysiging van die goedgekeurde onderverdelingsplan om die aantal erwe van 19 na 26 eenhede te vermeerder, wat voorsiening maak vir;

- a) 23 groepbehuisingserwe,
- b) 1 privaat oopruimte erf, en
- c) 2 gedeeltes vir privaat paaie.

Kennis word hiermee gegee in terme van die voorskrifte van 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 Beplanningsportaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskuur van die publieke deelname proses by die volgende adres:

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Tel: +27 (0)21 887 0124 • Fax: +27 (0)21 886 5393 • email: [info@dmp.co.za](mailto:info@dmp.co.za) • website: [www.dmp.co.za](http://www.dmp.co.za)

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SW vd Merwe, Pr Sci Nat, NHD (Nature Conservation) SACNASP • JMH Lackay, Pr S Arch, T MIArch • PJ Niemann, Pr Arch, B Arch (UFS) MIArch, CIA  
Associate Landscape Architect: WJ Tijmens, Ing (NED) FILASA

<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 opsigte van die volgende aspekte:
  - o Die feite en omstandighede aantoon wat die die kommentaar toelig;
  - o Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
  - o Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - o 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: Dennis Moss Partnership (Aandag: Jacques Volschenk; [jacques@dmp.co.za](mailto:jacques@dmp.co.za)). Deur 'n beswaar, kommentaar of verhoër te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

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 **1 September 2022**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermeldde 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 vermeldde elektroniese pos adres of telefonies by (082 821 6365/021 887 0124) gedurende normale kantoorure.

Die uwe

**JL VOLSCHENK**



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## EXECUTIVE SUMMARY

### APPLICATION FOR AMENDMENT OF CONDITION OF APPROVAL AND AMENDMENT OF THE APPROVED SUBDIVISIONAL PLAN: ERF 466, KYLEMORE

The purpose of this application is twofold, namely:

- 1) to allow for the amendment of conditions of 3.1 and 3.9 of the approval dated 10 July 2018 in order to amend the approved Site Development Plan, including the amendment of the street name from De Wee Street to De Wee Street East and De Wee Street West; and
- 2) to allow for the amendment of the approved subdivision plan to increase the number of erven from 19 to 26 units, making provision for;
  - 23 group housing erven,
  - 1 private open space erf, and
  - 2 portions for private roads.

## 1 INTRODUCTION AND CONTEXT

During July 2018, the Municipal Planning Tribunal (MPT) decided to approve a land development application on erf 97, Kylemore to make provision for the establishment of a group housing development consisting of 18 residential units.

Following the approval and owing to the requirements of the National Heritage Resources Act, 25 of 1999, a Heritage Impact Assessment was submitted, during June 2019, to Heritage Western Cape for their consideration. The matter was heard by the Impact Assessment Committee (IACom) on 7 August 2019 during which it was resolved to support infill development on the site. The IACom simultaneously requested that the development model be re-worked and that a revised proposal be submitted for consideration.

A Supplementary Report was thereafter prepared by Ms Cindy Postlethwayt, which included an Urban Design Framework in support of a revised development proposal. In essence, the revised development proposal was aligned with the heritage-based urban design indicators. On 17 February 2020 the IACom resolved to endorse the report as having met the requirements of Section 38(3) of the National Heritage Resources Act, 25 of 1999. The Committee also resolved to



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approve the demolition of the cottage on site and approved the proposed Site Development Plan for the property.

The purpose of this application is therefore to align the municipal approved scheme with the more recently-approved Site Development Plan (SDP) of Heritage Western Cape.

## **2 LOCATION AND SITE DESCRIPTION**

The property is situated in the Stellenbosch Municipality in the hamlet of Kylemore in the Dwarsriver Valley. The property is located within the urban edge of Kylemore on a portion of land still zoned for agricultural purposes.

The property borders on Kerk Street which is also the main street that connects Kylemore with the Helshoogte Road to the west. Helshoogte Road (R310) connects to Stellenbosch town in the west ( $\pm 7$ km) and the R45 approximately 6.5km to the east. The latter road connects to Franschoek further east. As a result, the property is readily accessible.

Since the approval of the application by the MPT, the subdivision of Erf 97 into the Remainder and Erf 466, Kylemore had been concluded and the latter property had been registered and transferred to the new owners.

The property is described in the relevant title deeds as Erf 466, Kylemore and is 9068m<sup>2</sup> in extent.

Whilst approval was issued for the rezoning of the property from Agricultural Zone I to Subdivisional Area, with zonings for Residential Zone II and Open Space II, all residential properties will be regarded to be zoned *Conventional Residential: Deemed consent use for group housing*, as per the current Stellenbosch Zoning Scheme By-Law, 2019.

## **3 AMENDED DEVELOPMENT PROPOSAL**

This revised proposal is based on the indicators adapted from the Stellenbosch Municipal Heritage Survey as well as the urban design controls presented in the Urban Design Framework for the property. The revised proposal does, however, make provision for slightly smaller units but still manages to achieve, in all instances, a continuous urban 'wall' to create a positive built edge to the church precinct and also to allow north-south visual and physical permeability between the town, the river and cemeteries.

The original approved development allowed for a total of 17 residential dwellings. Access to the development was to be obtained via a security entrance west of the NG Kerk in Kerk Street. A one-way road system would provide access to the individual dwellings and exit to the east of erf 474.

This latest amended layout provides for 23 dwellings. Two house types are proposed – a semi-detached, single storey loft units, consisting of a ground floor and a loft floor, to be developed closest to the church, while double storey units are proposed along the eastern and northern boundaries. Sufficient parking will be provided on the individual erven and throughout the development. Most units will have a single garage plus an open parking bay in front of the garage, whilst some units will have the option to add an additional garage for secure parking.

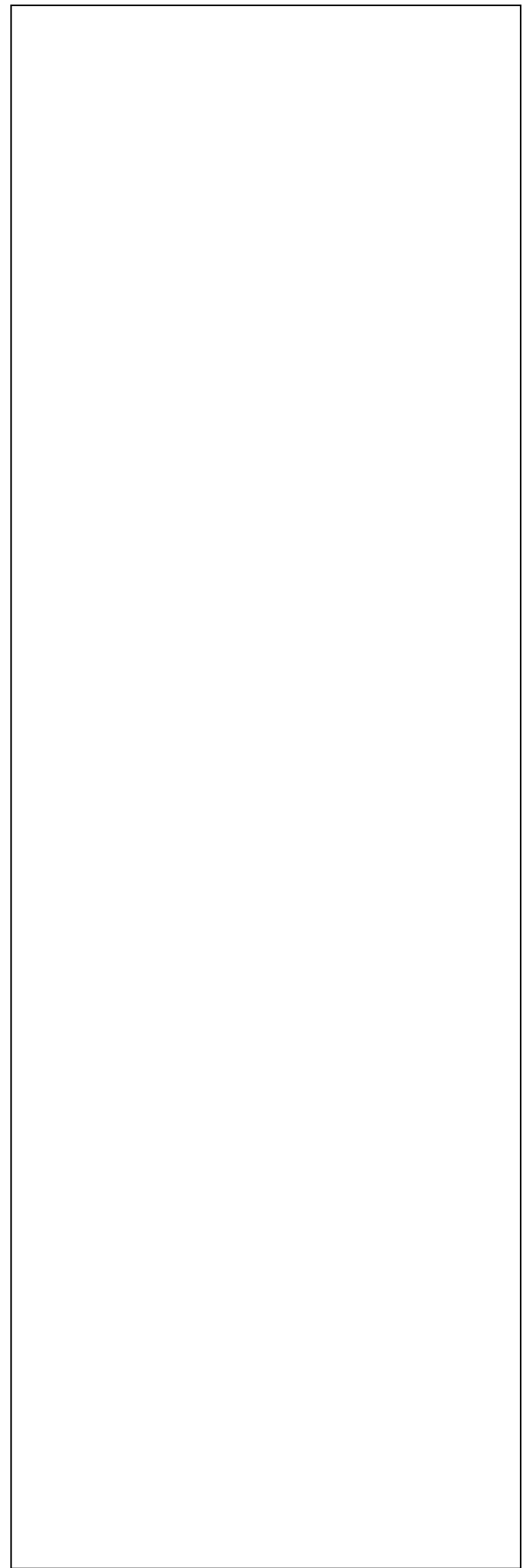
The revised road layout now provides for a cul-de-sac which enters and exits to the east of erf 474. This new road will provide access to all but four of the proposed dwellings. Two dwellings will obtain direct access off Kerk Street whilst the other two dwellings situated to the west of the NG Kerk will obtain access off a separate new road.

Access to the river, the cemetery north of the proposed development and the St. John's Anglican Church will still be provided by means of the existing right of way servitude on the eastern boarder of the property and over the private road.

#### **4 CONCLUSION**

- a) The Municipal Planning Tribunal has already considered the development application and found such proposal to be desirable. The desirability of the proposal is therefore not to be debated but rather only the amendment as reflected in this application.
- b) The amendment of the layout stem from comments received during the Heritage Impact Assessment. The most recent proposal presented in this report had been considered and supported by Heritage Western Cape.
- c) All National and Provincial departments have already supported the initial application, therefore the purpose of this application is to align the conditions and recommendations of Heritage Western Cape with the previous scheme approved by Stellenbosch Municipality.
- d) The proposed layout presented in this report is more in line with the aims and objectives of the Municipal SDF.
- e) The subject property is located within the urban edge and will strengthen the nodal character of Kylemore, once developed.
- f) The approval of the application will contribute to the overall upliftment of the Kylemore area and will add to the safety and security of the area in general.
- g) The proposed layout shows an appreciation for local conditions and will resonate much better with its surroundings. The architectural design also responds to and interprets historical architectural references of the Kylemore area in a modern contemporary matter.
- h) Whilst this latest proposal provides for more residential units, the amended layout would pose a lesser impact than the approved development as the overall density, total floor area, total open space provision and parking provision are all more favourable than the approved development.





  
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CLIENT:  
**MARLEX PROPERTY DEVELOPMENT (PTY) LTD.**

PROJECT TITLE:  
**PROPOSED DEVELOPMENT OF ERF 466,  
 KYLEMORE**

DRAWING TITLE:  
**LOCALITY MAP**

PROJECT NO.:	Q4108	SCALE:	1:1000
DRAWING NO.:	/	DATE:	2022/07/27
REV.:	/	DRAWN:	CHECKED:





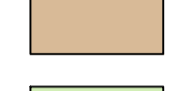
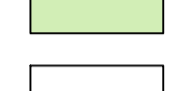



**FOR DISCUSSION**

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**LEGEND**

-  NEW CAPE ASH TREES
-  NEW OAK TREES
-  EXISTING FEATURE TREES
-  EXISTING TREE
-  ROAD SURFACE
-  LANDSCAPING
-  1:50 YEAR FLOOD LINE
-  1:100 YEAR FLOOD LINE
-  DETENTION FACILITY

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CLIENT:  
 Marelx Property Development (Pty) Ltd.

PROJECT TITLE:  
**PROPOSED DEVELOPMENT  
 ON ERF 466, KYLEMORE**

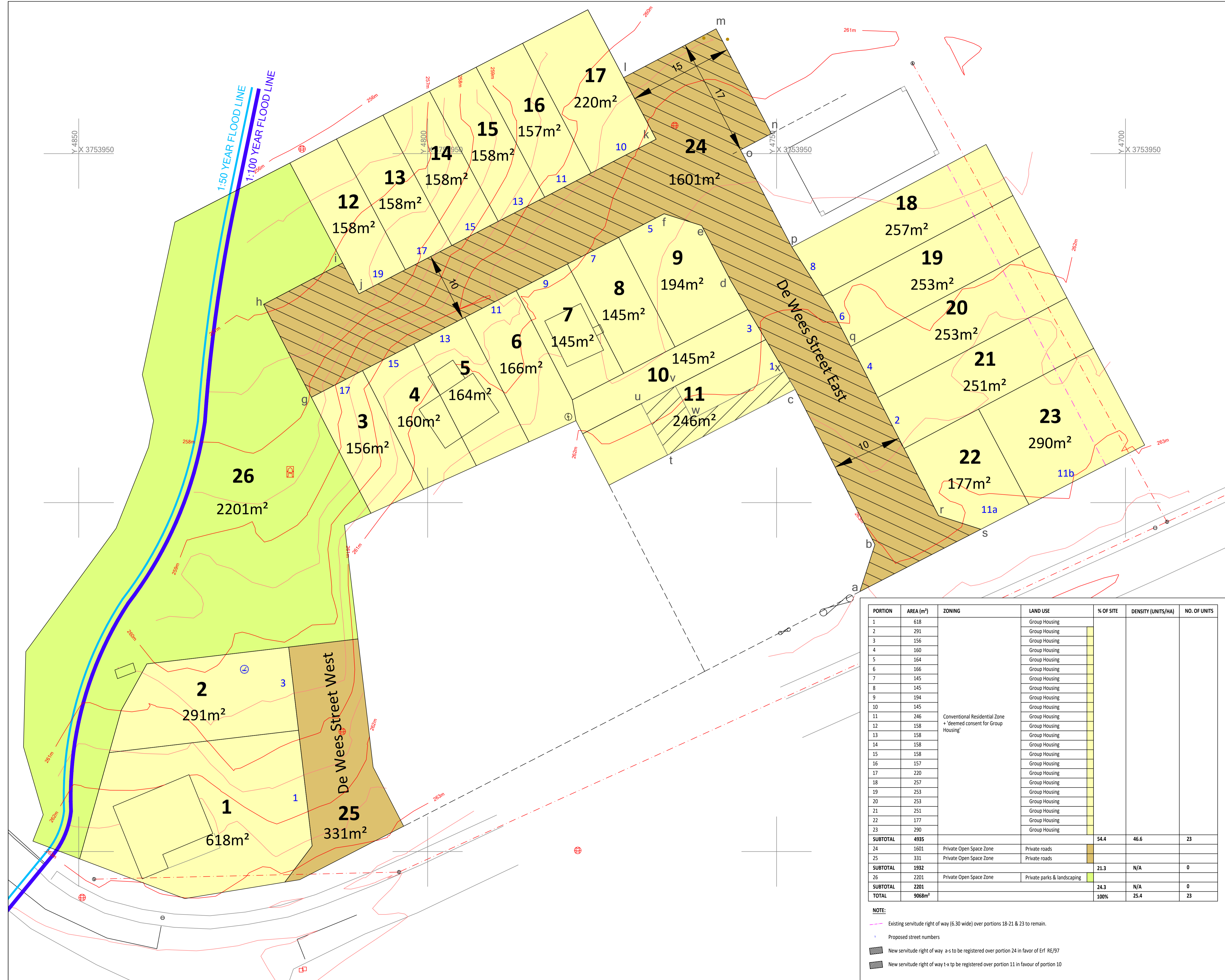
DRAWING TITLE:  
**SITE DEVELOPMENT PLAN**

PROJECT No.:	Q4108	SCALE:	1:250
DRAWING No.:	SDP001	DATE:	31/11/2021
REV:	1-21Jan22	DRAWN:	ADP
		CHECKED:	JL

**FOR APPROVAL**

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- General Notes:**
- Contractor and Sub-Contractors to check all levels and dimensions on site before any work is commenced and any discrepancies to be reported to the Architect immediately.
  - Figured dimensions to be taken in preference to scaled measurements and large scale details supersede small scale drawings.
  - All work to be done in accordance National Building Regulations SANS 10400 : 2010 and all requirements of Municipal and Local Authorities concerned are to be adhered to.
  - Natural light and ventilation area of all openings in accordance of floor area and SANS 10400 Part O natural light area: min. 10% of floor area and natural ventilation: min. 5% of floor area.
  - All glazing to comply with requirements of SABS 0137 & SANS 10400 Part N & side lights to have safety glass - access doors and sidelights to have safety glass. Windows lower than 500mm from floor, windows lower than 1800mm above pitch line of stairs and shop-fronts to be safety glass.
  - All safety glazing panels shall be etched with glazing marking and this to be visible at all times.
  - All cavities below floor level to be filled with concrete and dpc's to be stepped.
  - No part of construction may encroach building lines.
  - All materials to be installed strictly in accordance with manufacturers specifications.



CLIENT:  
**Marelix Property Development (Pty) Ltd.**

PROJECT TITLE:  
**PROPOSED DEVELOPMENT  
 ON ERF 466, KYLEMORE**

DRAWING TITLE:  
**AMENDED REZONING  
 AND SUBDIVISION PLAN**

PROJECT NO:	SCALE:
Q4108	1:250
DRAWING NO:	DATE:
P001	23/11/2021
REV:	DRAWN: CHECKED:
1	JLV JL

**FOR APPROVAL**

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PORTION	AREA (m²)	ZONING	LAND USE	% OF SITE	DENSITY (UNITS/HA)	NO. OF UNITS
1	618	Conventional Residential Zone + 'deemed consent for Group Housing'	Group Housing			
2	291		Group Housing			
3	156		Group Housing			
4	160		Group Housing			
5	164		Group Housing			
6	166		Group Housing			
7	145		Group Housing			
8	145		Group Housing			
9	194		Group Housing			
10	145		Group Housing			
11	246		Group Housing			
12	158		Group Housing			
13	158		Group Housing			
14	158		Group Housing			
15	158		Group Housing			
16	157		Group Housing			
17	220		Group Housing			
18	257		Group Housing			
19	253		Group Housing			
20	253		Group Housing			
21	251		Group Housing			
22	177		Group Housing			
23	290		Group Housing			
<b>SUBTOTAL</b>	<b>4935</b>			<b>54.4</b>	<b>46.6</b>	<b>23</b>
24	1601	Private Open Space Zone	Private roads			
25	331	Private Open Space Zone	Private roads			
<b>SUBTOTAL</b>	<b>1932</b>			<b>21.3</b>	<b>N/A</b>	<b>0</b>
26	2201	Private Open Space Zone	Private parks & landscaping			
<b>SUBTOTAL</b>	<b>2201</b>			<b>24.3</b>	<b>N/A</b>	<b>0</b>
<b>TOTAL</b>	<b>9068m²</b>			<b>100%</b>	<b>25.4</b>	<b>23</b>

- NOTE:**
- Existing servitude right of way (6.30 wide) over portions 18-21 & 23 to remain.
  - Proposed street numbers
  - New servitude right of way a-s to be registered over portion 24 in favour of Erf RE/97
  - New servitude right of way t-x to be registered over portion 11 in favour of portion 10