



TOWN AND REGIONAL PLANNING CONSULTING
SACPLAN REGISTRATION: C9210/2020

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, 2023, refers:

Application Property Address:	43 Pastorie Avenue, Pniel
Application Property Number:	Erf 582
Applicant:	Bradley Simpson Tell: 021 885 1824 / Cell: 074 359 3786 Email: bradleysimpsontrp@gmail.com
Owner:	Mr. & Mrs. Hendricks Email: keenan.hendricks13@gmail.com
Application Reference:	LU/15976
Application Type:	Application for the Subdivision and Registration of a Right of Way and Services Servitude

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

Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land use Planning By-Law, 2023 on Erf 582, Pniel for the subdivision of the property into 2 portions namely; (a) Remainder of Erf 582 (435 m² in extent) and (b) Portion A (325 m² in extent). Application is also made in terms of Section 15(2)(b) for the registration of a 5m wide right of way and services servitude over the property.

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

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- Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: (ATT: Bradley Simpson; bradleysimpsontrp@gmail.com). 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 **29 October 2023**.

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 0743593786 during normal office hours.



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**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏNTERESSEERDE EN
GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.**

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

Adres van aansoek eiendom:	43 Pastorielaan, Pniel
Aansoek eiendom beskrywing:	Erf 582
Aansoeker:	Bradley Simpson Tel. 021 885 1824 / sel. 074 359 3786 Epos: bradleysimpsontrp@gmail.com
Eienaar:	Mnr. & Mev. Hendricks Epos: keenan.hendricks13@gmail.com
Aansoek Verwysing:	LU/15976
Tipe Aansoek:	Aansoek vir Onderverdeling en Registrasie van 'n reg van weg en dienste serwituut.

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen ingevolge artikel 15(2)(d) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, 2023 op Erf 528, Pniel vir die onderverdeling van die eiendom in 2 gedeeltes naamlik; (a) Restant van Erf 582 (435 m² groot) en (b) Gedeelte A (325 m² groot). Aansoek word ook ingevolge artikel 15(2)(b) gedoen vir die registrasie van 'n 5m wyd reg van weg serwituut oor die eiendom.

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 terme 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:
 - Die feite en omstandighede aantoon wat die kommentaar toelig;

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- 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: (ATT: Bradley Simpson; bradleysimpsontrp@gmail.com). Deur 'n beswaar, kommentaar of verhoë 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 sluitings datum van **29 Oktober 2023**.

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 0743593786 gedurende normale kantoor ure.



EXECUTIVE SUMMARY

APPLICATION FOR SUBDIVISION AND REGISTRATION OF A SERVITUDE ON ERF 582, PNIEL

The purpose of the application is to allow the property to be subdivided into two portions for residential purposes.

In particular, application is made for the following:

- a) The Subdivision of the property into two (2) portions namely: Portion A (325m²) and the Remainder Erf 582 (435m²);
- b) The Registration of a 5.0m wide Servitude over the Remainder Erf 582 in favour of Portion A. The servitude will provide for right of way and will also serve as a service servitude to connect to the engineering services provided off Pastorie Avenue in the north.

1 LOCATION AND CONTEXT

The subject property situate at no. 43 Pastorie Avenue, Pniel. The property forms part of the General Plan of the subdivision of Erf 142, Pniel. (GP no. 8711/1993). Access to the property is directly obtained off Pastorie Avenue to the north.

The consolidated Erf 142 of Pniel was formerly known as the “*Tuin Gronde*”. The *tuin gronde* was characterised as long rectangular informal land parcels which were owned by the, back then, residents of Pniel Village. The subdivision of Erf 142 created 147 land units, which included residential, open space and public roads/streets erven. All of the residential erven, since registration, have been transferred to the dwellers of Pniel village.

The subdivision layout of Erf 142 was based on the footprint of the *tuin gronde*. It is worth noting that the settlement footprint on all properties in the area include the residence in the front portion of the property with a larger garden area in the rear of the properties. Several properties in the township do show form of built areas in the rear portion. Many of these additional buildings can be defined as second dwellings and servant’s quarters.

2 EXISTING BUILDINGS AND SITE CONDITIONS

In similarity to the above, the subject property is improved with a main residential dwelling house on the front (street) portion. The residential dwelling consists of three bedrooms, kitchen, dining room and lounge. The existing dwelling house measures to ±181m² in extent. The subject property has a gentle slope from a north western to south eastern direction. The rear (south eastern) portion of the property is currently being use for gardening purposes.



3 PROPERTY DESCRIPTION

The property is described in the respective title deed as follows;

Table 1: Site description summary

PROPERTY DESCRIPTION	SIZE	ZONING	TITLE DEED	OWNER
Erf Nr. 582 Pniel, gelee in die Gebied van die Pniel Plaaslike Oorgangsraad Administratiewe Distrik Paarl, Provinsie Wes-Kaap	765m ²	Conventional Residential Zone (CRZ)	T91214/1995	Graeme & Gail Hendricks

As mentioned above, the property is held under title deed no. T91214/1995. The applicable title deed of the property lists several general and other specific conditions which must be complied with. It is stated in the title deed that; *these conditions are imposed by the Minister on behalf of the state and can only be enforced by the state*. The conditions that are applicable to the proposal at hand read as followed;

Condition 3(1) of the applicable title deed states that; *the property may not be subdivided or held in joint ownership without the prior written consent of the Minister¹*.

The conditions above were imposed by the Department of Local Government and Housing. The respective department further provided a letter that would enable the municipality to make decisions on Land Use Planning Applications and **not require the consent from the Minister** for this particular township.

2 PROPOSED DEVELOPMENT

The project proposal entails the property to be subdivided into two portions to create a new residential property for development.

The subdivision of the property is illustrated in the table below;

Table 2: Subdivision Table

PORTION	AREA (m ²)	LAND USE	ZONING
Remainder Erf 582	435	Residential	Conventional Residential Zone
Portion A	325	Residential	Conventional Residential Zone
TOTAL	760		

A 5.0m wide servitude is proposed on the northeastern boundary of the property for a length of +- 25m. The servitude will provide right of way access to Portion A in the rear. Portion A will connect to the existing engineering services via the proposed servitude provided off Pastorie Avenue.

Kindly refer to the attached Subdivision and Servitude Plan (Drawing Date: 02-07-2023).

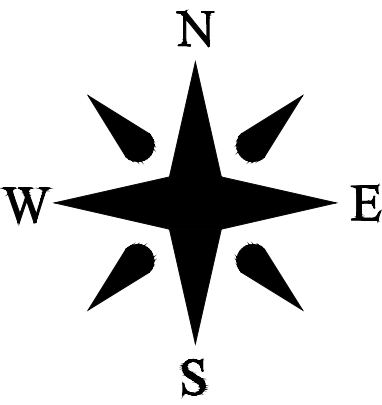
¹ 'Minister' refer to the Minister of Housing: Provincial Government Western Cape

3 CONCLUSION

In assessing any land use planning application, due regard must be had for the desirability of the proposal. Section 65(1) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, in particular, lists the considerations relevant to the assessment of whether a proposed land use would be desirable. The primary considerations of desirability are as follows:

In conclusion, the following motivating factors should be considered during the adjudication of the application:

- a) The restrictive conditions are not applicable to the property as the Minister of Human Settlements have considered the resections and found them to be no longer applicable.
- b) The proposed subdivision would not detract from the area's residential character or set a negative precedent as many properties in the immediate vicinity of the property present additional dwelling units in the rear. Some of these additional units are already smaller in size than the proposed subdivided portions and the development rights of the said proposal.
- a) The Stellenbosch Spatial Development Framework (SDF) does not provide any definitive guidelines on the specific development type. As a general principle, the SDF does support denser settlements and encourages dense developments inside the urban edge. The proposed subdivision will therefore contribute towards the efficient use of resources and infrastructure in the area.
- b) The subdivision layout considered the properties remaining extent and the existing built structures on the property. The foreseen building lines of remainder Erf 582 was implemented for the respective new size of the property.
- c) Proposal will not result in diminished rights of neighboring properties. The building lines and other development parameters of Conventional Residential Zone shall still apply and will be adhered to.



BBS
TOWN AND REGIONAL PLANNING CONSULTANT
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EMAIL: bradleysimpsontrp@gmail.com
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CLIENT NAME:
Mr & MRS HENDRICKS

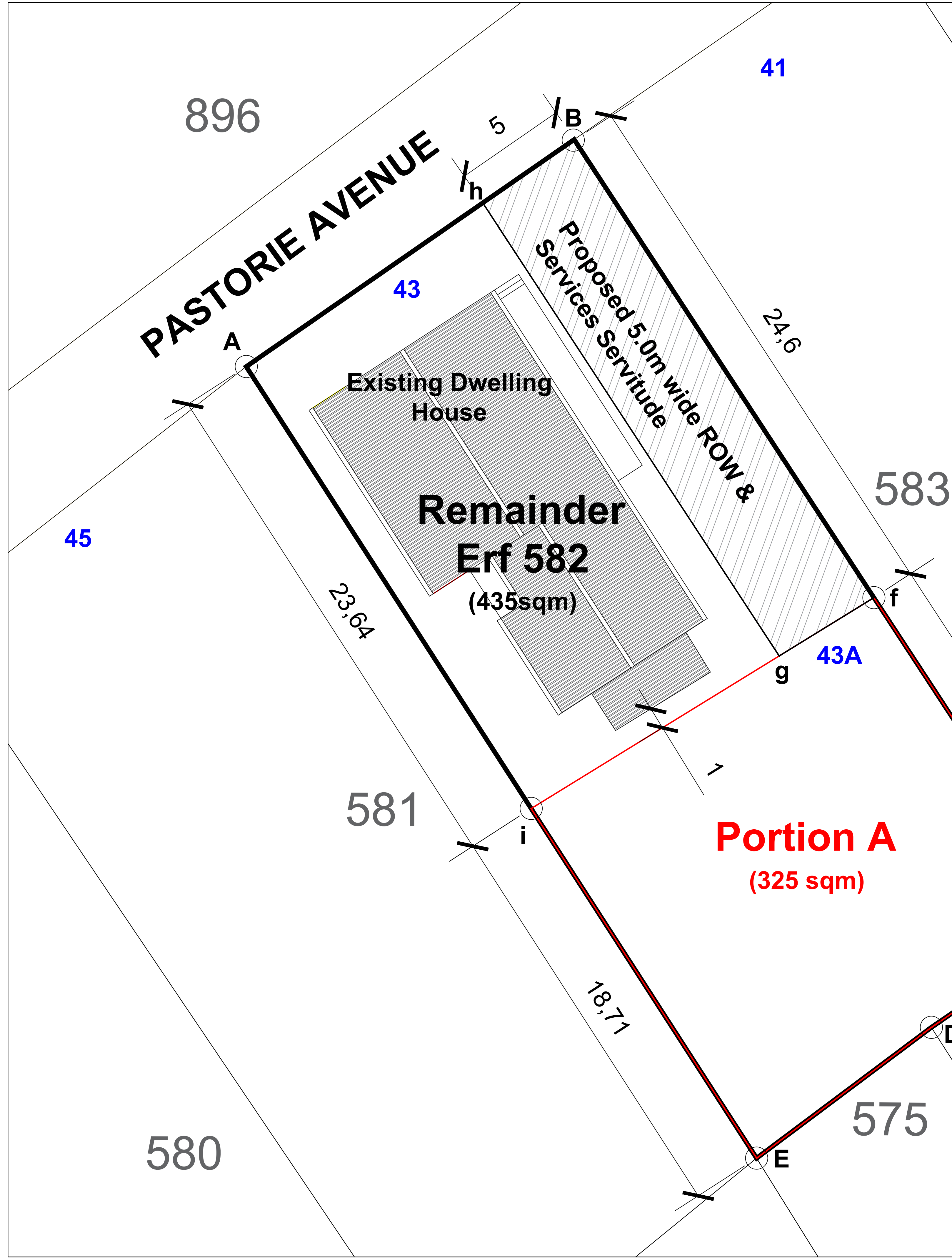
PROJECT NAME:
**SUBDIVISION OF ERF 582 PNIEL
STELLENBOSCH**

DRAWING TITLE / NUMBER:
LOCALITY PLAN

PROJECT NO.: CCT-P-E-582	DRAWN BY: BBS
REVISION NO.: -	DATE: 02-07-2023

DRAFT FOR PRE-SUBMISSION

This drawing and all the information contained thereon is property of Bradley Simpson and may not be copied or disclosed to a third party without their written consent.



SUBDIVISION OF ERF 582 PNIEL		
PORTION	AREA (m²)	Land Use (Zone)
Remainder Erf 582	435 m²	Residential (CRZ)
Portion A	325 m²	Residential (CRZ)

Figure hBfg represents a 5.0m wide right of way servitude over the remainder Erf 582 in favor of Portion A.

Figure fCDEi represents the newly subdivided Portion A.

00Street Numbers

BBS

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PROJECT NAME:

SUBDIVISION OF ERF 582 PNIEL
STELLENBOSCH

DRAWING TITLE / NUMBER:

SUBDIVISION AND
SERVITUDE PLAN

PROJECT NO.:

CCT-P-E-582

REVISION NO.:

-

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BBS

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