

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: **Morgenster Street Johannesburg**

Application Property Number: **Erf 3 Johannesburg**

Applicant: **Tristan Sandwith / Headland Planners (Pty) Ltd (tristan@headland.co.za)**

Owner: **Winter Square Developments (Pty) Ltd**

Application Reference: **LU/ 15487**

Application Type: **Rezoning and Subdivision**

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

1. 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 Erf 3 Johannesburg from Conventional Residential Zone to Subdivisional area in order to allow for the following uses:

- 20 Conventional Residential Zone erven (Dwelling houses) (4769m²)
- 1 Public Open Space Zone erf (Public Open Space) (382m²)
- Public Roads and Parking (Public Road) (2087m²)

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 Erf 3, Johannesburg in accordance with the Subdivision Plan.

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: **Tristan Sandwith / Headland Planners (Pty) Ltd (tristan@headland.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 **(60 days if it is an state entity)** from the date of this notice to be received on or before the closing date of **(10 July 2023 (30-days)/8 August 2023 (60-days))**.

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 **(0824491801)** during normal office hours.

Yours faithfully

HEADLAND PLANNERS

**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏNTERESSEERDE 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: **Morgenster Straat Johannesburg**

Aansoek eiendom beskrywing: **Erf 3 Johannesburg**

Aansoeker: **Tristan Sandwith / Headland Planners (Bpk) Edms (tristan@headland.co.za)**

Eienaar: **Winter Square Developments (Bpk) Edms**

Aansoek Verwysing: LU/ **15487**

Tipe Aansoek: **Hersonering en onderverdeling**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

1. 'n Aansoek word ingevolge Artikel 15 (2)(a) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015 gedoen vir die Hersonering van Erf 3 Johannesburg vanaf Konvensionele Residensiële Sone na Onderverdelingsgebied ten einde voorsiening te maak vir die volgende gebruike:

- 20 Konvensionele Residensiële Sone erwe (Woonhuise) (4769m²)
- 1 Openbare Oopruimte Sone erf (382m²)
- Openbare pad en parkeerplek (Openbare pad) (2087m²)

2. 'n Aansoek word gedoen ingevolge Artikel 15 (2)(d) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015 vir die Onderverdeling van Erf 3, Johannesburg ooreenkomstig die Onderverdelingsplan.

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 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 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:
 - 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: **Tristan Sandwith / Headland Planners (Bpk) Edms (tristan@headland.co.za)**. 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 **(60 dae indien dit 'n staatsentiteit sal wees)** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **(10 Julie 2023 (30-dae)/8 Augustus 2023 (60-dae))**.

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 **(0824491801)** gedurende normale kantoor ure.

Die uwe

HEADLAND PLANNERS

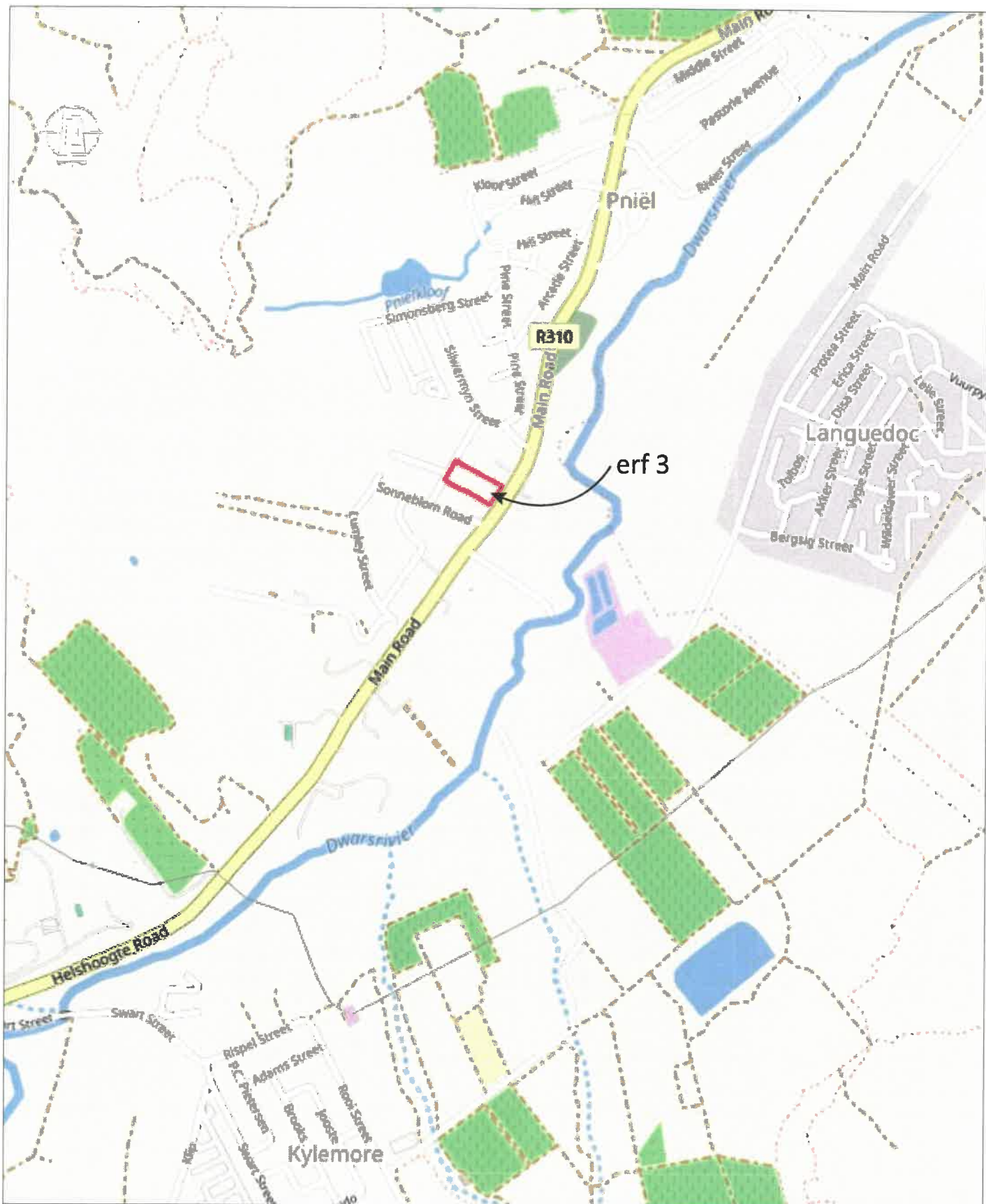


figure	3/11/01	project	rezoning and subdivision: erf 3 johannesdal	client	winter square developments (pty) ltd
file	JD3	drawing	locality plan	 www.headland.co.za	
date	june 2023				
scale	NTS				

EXECUTIVE SUMMARY

REZONING AND SUBDIVISION

ERF 3 JOHANNESDAL

Applicant	Headland Planners (Pty) Ltd
Erf Number	Erf 3 Johannesburg
Registered Owners	Winter Square Developments (Pty) Ltd
Applicant	Headland Planners (see powers of attorney)
Street Address	Sonnestraal Road, Johannesburg
Property Diagram	S. G. No. 6854/1955
Noting sheets	M4750 and BH8DB-X4
Extent	7238m ²
Title Deed	T43844 of 2019
Restrictive conditions and Servitudes	None
Current Land Use	Vacant
Current Zoning	<p>Conventional Residential Zone</p>  <p>Zoning extract (source: Stellenbosch Municipality zoning maps, 2018)</p>
Subject to Heritage application	Yes, Heritage Western Cape approved amended development proposal 18/04/2023
Policies/Plans applicable	Stellenbosch Spatial Development Framework, 2018

The property, previously known as portion 7 of farm 1331 Johannesburg, is located in the Dwars River Valley on the R310 between the bottom of the Helshoogte Pass and the township of Pniel (section 3.2 refers). The site is a part of a group of undeveloped residential stands in Johannesburg.

The new development intends to provide conventional residential infill opportunities within Johannesburg at a lower density in order to meet the Municipality's character and integration requirements.

The following applications are required in order to regularise the proposed development:

- a **rezoning application** in terms of **section 15(2)(a)** of the Stellenbosch Municipal Planning By-Law, 2015, for rezoning of the property to subdivisional area overlay zone (conventional residential zone, public roads and parking zone and public open space zone), and
- a **subdivision application** in terms of **section 15(2)(d)** of the Stellenbosch Municipal Planning By-Law, 2015, for subdivision of the property into 22 portions.
- Approval of street names “Sunflower Street, Sydney Cyster Close and St. Rosa Close” and street numbering.

Proposed Zoning	Proposed Land Use	Unit No's	Area (±m ²)	%
Conventional Residential	Dwelling Houses	1 – 20	4769	66
Public Open Space	POS & stormwater attenuation facility	21	382	5
Public Roads and Parking	Public Roads	22	2087	29
Total		22	7238	100

The subdivision is based on the following principles, which have been scrutinised by the Municipal Planners and indicated to be acceptable:

- Residential erf sizes range from 200m² to 317m² with an average erf size of ±238m²,
- Internal roads are 10m wide with provision for at least 1,5m sidewalks on both side of the road,
- Turning circles with a 21m diameter will be sufficient for Municipal refuse vehicles to turn,
- Access northeast to erf 2 Johannesburg is provided with an extension of the access road to the northeastern boundary of the development.

MOTIVATION AND DESIRABILITY

1.1. The Stellenbosch Municipal Spatial Development Framework, 2019

The site is located in an area of established urban development and one which has been earmarked by the Stellenbosch Spatial Development Framework as an opportunity for new development intensification. Therefore, the development does not impact negatively on any environmental resources or contribute to urban sprawl and provides an opportunity to help address the housing backlogs identified by the MSDF.

The site is located within the 2019 designated urban edge and on the northern periphery of the Johannesburg settlement centre.

The development satisfies various spatial proposals of the SDF:

- **Protective actions**, locating the footprint of settlement within existing urban edges and retaining the transition between agriculture and human settlements at the entrances to settlements.
- **Change actions**, ensuring residential developments provides for a range of housing types and income groups, weaving new development into the existing urban fabric and improving universal access through the provision of connections to future growth pockets and including adequate pedestrian and NMT infrastructure into development.
- Assists to address the housing backlog (1109 units) in the Dwars River Valley area.¹ Assisting to address the “housing pipeline” in outlying areas with potential for growth alleviates the pressure on the main settlements within the Municipality to absorb the growth.

¹ Stellenbosch SDF, 2019. Box 2: Housing Backlog Allocation to Settlements P40

Furthermore, the development is compliant with the key principles of the SDF, as follows:

Table 1: SDF Key Principles Compliance

SDF Vision and Concept Key Principles	Statement of Compliance
<p>Key Principle 1: Maintain and grow the assets of the Stellenbosch Municipality's natural environment and farming areas.</p>	<p>The development seeks to take up land identified by the SDF for infill development within the urban edge. Thereby, preserving natural and agricultural assets of the Municipality.</p> <p>As the site is located along a sensitive scenic route, the input from Heritage Western Cape has been sought, who approved the higher density previous development. Should the indicators apply, then the revised development proposal will have a lesser impact on the scenic route and preserve its intrinsic qualities.</p>
<p>Key Principle 2: Respect and grow our cultural heritage, the legacy of physical artefacts and intangible attributes of society inherited from past generations maintained in the present and preserved for the benefit of future generations.</p>	<p>The development has been vetted by Heritage Western Cape and found to be in keeping with the heritage indicators for the area and scenic assets such as Helshoogte Road.</p>
<p>Key Principle 3: Within developable areas – areas not set aside for limited development owing to its natural or cultural significance – allow future opportunity to build on existing infrastructure investment, on the opportunity inherent in these systems when reconfigured, augmented, or expanded.</p>	<p>The developer has invested heavily in the purchase of land and the process of development, i.e., payment of consultants' fees to best establish the development potential, previous land use application and heritage impact assessment processes.</p> <p>Future investment in infrastructure provision and payment of development contributions will occur once the development application is approved.</p>
<p>Key Principle 4: Clarify and respect the different roles and potentials of existing settlements.</p>	<p>Provision of infill development in targeted areas is balanced by weaving the proposal into the existing urban fabric of Johannesburg.</p> <p>While the former is critical to assist in the reduction of development pressure on larger settlements, the character of the latter must also be protected.</p>
<p>Key Principle 5: Address human needs – for housing, infrastructure, and facilities – clearly in terms of the constraints and opportunity related to natural assets, cultural assets, infrastructure, and the role of settlements.</p>	<p>Developing within the urban edge, in a settlement centre and a property earmarked for urban infill in the epitome of this planning principle.</p>
<p>Key Principle 6: Pursue balanced communities.</p>	<p>The development will contribute to the range of dwelling types and values in the area.</p>
<p>Key Principle 7: Focus energy on a few catalytic areas that offer extensive opportunity and address present risk.</p>	<p>As previously mentioned, developing earmarked infill areas takes pressure off the Municipality's larger settlements to absorb present population growth and also bolsters smaller property markets within the Municipality.</p> <p>The developer will also need to pay development contributions, usable by the Municipality for catalytic projects within areas of "deep" need.</p>

The development is considered to be well aligned with the goals of the Stellenbosch SDF.

Motivation in terms of section 65(1) of the Stellenbosch Municipality Land Use Planning By-law, 2015

- **65(1)(a) the application submitted in terms of this By-law:** The application is submitted according to the requirements and relevant sections of the Stellenbosch Municipality Land Use Planning By-law ("the By-law")
- **65(1)(b) the procedure followed in processing the application:** The application will be processed according to the prescripts and requirements of the By-law.
- **65(1)(c) desirability of the proposal:** Due to the location of the development site within the urban edge, a settlement centre and a local area earmarked for infill development, this proposal is considered highly desirable at all levels of Municipal planning. The potential for reinforcing the spatial goals of the regional and Municipal IDPs through their spatial frameworks is realised through the development of the property as proposed.
- **65(1)(h) impact on engineering services:** The development is well connected to Municipal infrastructure with adequate provision for the small number of new dwellings proposed. New roads infrastructure will provide access to a number of properties which currently do not have direct public road access, including to neighbouring areas for future development as proposed in the MSDF.
- **65(1)(i) the Stellenbosch IDP and MSDF:** See section 7.1 which establishes compliance with the MSDF which is the spatial representation of the IDP.
- **65(1)(j) IDP and SDF of the District Municipality:** The Cape Winelands District Municipality SDF's goals of utilising existing resources optimally and to strategically facilitate efficient land use management and sustainable development are well met by this application which is compliant with the MSDF.
- **65(1)(k) local SDFs:** The development is well aligned with the local spatial development goals of the Dwars River Valley sub-region. See section 7.1.
- **65(1)(l) any applicable structure plans:** N/A
- **65(1)(m) the applicable policies of the Municipality:** the development satisfies the higher order spatial plans for the Municipality and local area. Since the development is public, there are few applicable policy guidelines save for future NBR applications in terms of SANS10400 and policies related to the provision of engineering services within the development. Both of which will be dealt with at detailed design stages.
- **65(1)(n) the PSDF:** The 5 guiding principles of the PSDF are responded to well by the application. The concept of *sustainability*, *efficiency*, and *accessibility* to a range of housing opportunities are the underpinnings of the PSDF's development principles. The development will contribute to bringing the provincial urban density goals closer to that of 25du/ha.
- **65(1)(p), (q) & (r): Motivation in terms of section 42 of SPLUMA and chapter VI of LUPA:** Section 42 of SPLUMA guides the decision maker in deciding an application. The Act in this section refers to the following items which are considered by the applicant:
 - **Compliance with the MSDF**, which is considered in the application motivation (see section 7.1).
 - **the public interest**, which has been demonstrated as being nett positive by providing additional housing stock in an area designated for infill development.
 - **the rights of affected parties**, are not affected by the public residential development.
 - **the state and impact on engineering services**; which are discussed in the application and considered adequate to accommodate the development.

Chapter VI of the LUPA is, as above, a guiding principle for decision makers in respect of making decisions on land use planning applications. By satisfying the requirements of the Municipal Spatial Development Framework, Planning By-law and applying, where necessary, for departures from the zoning scheme, the application satisfies the requirements of the LUPA.

- **60(1)(s) provisions of the zoning scheme:** future dwellings will be subject to the development rules of the Conventional Residential zone.

Motivation for Street Naming

Three street names are proposed for the development, as indicated on the plan of subdivision, as follows:

- **Sunflower Street** – providing access to the development from Sonnestraal Street and through the development to erf 2 Johannesburg. Sunflower Street is in the theme “sun” of surrounding street naming such as Sonnestraal and Sonskyn.
- **Sydney Cyster Close** – providing access to portions 1 – 11 of the development.

Sydney Cyster was the previous owner of erf 3 Johannesburg and a stalwart of the community, the Cyster name remains one that is strongly represented in Johannesburg. Sydney Cyster was active in the upliftment of the Johannesburg community and the development of opportunities for its members.

In unforeseen circumstances, Sydney Cyster passed away in late March 2023 and the developer wishes to honour and memorialise his passing with the naming of one of the streets.

- **St. Rosa Close** – providing access to portions 12 – 20 of the development and the public open space (portion 21). The name St. Rosa was chosen by the late Mr Sydney Cyster at the request of the developer.

The proposed street naming is compliant with policy guidelines in that it:

- **Must not be offensive or insensitive.**
- **Must promote goodwill and reconciliation:** Mr Cyster was a uniting force in the community and part of the area’s identity.
- **Will assist in building a sense of ownership, identity, and community in a changing society:** by commemorating a well-regarded community member, the sense of place of the area is reinforced.
- **Honour and commemorate noteworthy persons associated with the municipal area and any such submission or petition to name a feature after people must be accompanied by a detailed motivation, profile of the person and indication why the specific person is worthy of the honour:** See above profile and motivation.
- **Promote improved place orientation and recognition:** The area’s apparent theme of “sun” is reinforced by the use of Sunflower as a street name.

CONCLUSION

The development is well aligned with the forward planning described in the Municipal Spatial Development Framework for the Johannesburg region, it supports incremental and equitable development in the Municipality and will assist the region with much needed residential stock to supply the housing market.

Sufficient capacity of all Municipal services to accommodate the development is available in the grid. The development is supported by the internal engineering services branches.

A traffic impact study confirmed that the surrounding road network will not be affected by the development.

The revised development proposal is substantially in accordance with the previous indicators approved by Heritage Western Cape and does not require environmental authorisation.

The subdivision was considered to align well with the vision of the planning department for development of the property.

colour	proposed zoning	proposed land use	unit numbering	area (km ²)	percentage
	conventional residential zone	single res	1 - 20	4769	66
	public open space zone	public open space	21	382	5
	public roads and parking zone	public road	22	2087	29
				7238	100
	total				

- ⑧ street numbering
— parent property boundary

km

1. the figure ABCDE represents erf 3 johannesdal measuring 7238m² in extent.
2. all distances are in metres.
3. all distances and areas are approximate and subject to final survey and field checking.

notes

figure
date

proposed rezoning and subdivision
of
erf 3 johannesdal

proposed subdivision plan

winter square developments (ptv) ltd

client	figure	file	date
bbsw-4473 (m4750) & bh-846 (v4)	JD3_SUB	JD3	14-03-2023
stellenbosch municipality			
scale	1 : 500 (A3)		

headland

town planners



