NOTICE OF LAND DEVELOPMENT APPLICATION
IN THE STELLENBOSCH MUNICIPAL AREA

REZONING OF ERF 2529, STELLENBOSCH, FROM PUBLIC OPEN SPACE TO PUBLIC ROAD AND PARKING ZONE AND APPROVAL OF A SITE DEVELOPMENT PLAN: CNR OF BORCHERD & ANDRINGA STREET (ERF 2529) STELLENBOSCH.

Application Address:	**Cnr of Borcherd & Andringa Street, Erf 2529, Stellenbosch**
Applicant:	**Sustainable Planning Solutions** **Email: admin@sp-solutions.co.za** **Tel: 021 300 6384**
Owner:	**Stellenbosch Municipality** **Tel: 021 808 8111**
Application Reference:	**LU/15828 (TP423/2023)**

Description of land development application:
Land Use Application submitted in terms of Section 15(2)(a) and Section 15(2)(g) of the Stellenbosch Municipal Planning By-law (2023), in support of the rezoning and the approval of a site development plan for erf 2529, Stellenbosch, in order to allow for Public Parking Area.

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

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: **Sustainable Planning Solutions – email: admin@sp-solutions.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 **11 December 2023.**

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 **tel: 021 300 6384** during normal office hours (8am till 5pm, Monday till Friday).

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK

IN DIE STELLENBOSCH MUNISIPALE AREA

HERSONERING VAN ERF 2529, STELLENBOSCH, VANAF OPENBARE OOPRUIMTE NA OPENBARE PAD EN PARKERINGSONE EN GOEDKEURING VAN 'N TERREINONTWIKKELINGSPLAN: CNR VAN BORCHERD- & ANDRINGASTRAAT (ERF 2529) STELLENBOSCH.

Adres van eiendom:	**Cnr of Borcherd & Andringa Street, Erf 2529, Stellenbosch**
Aansoeker:	**Sustainable Planning Solutions** **Epos: admin@sp-solutions.co.za** **Tel: 021 300 6384**
Eienaar:	**Stellenbosch Munisipaliteit** **Tel: 021 808 8111**
Aansoek Verwysing:	**LU/15828 (TP423/2023)**

Beskrywing van grondontwikkelingsaansoek:
Grondgebruikaansoek ingedien ingevolge Artikel 15(2)(a) en Artikel 15(2)(g) van die Stellenbosch Munisipale Beplanningsverordening (2023), ter ondersteuning van die hersonering en die goedkeuring van 'n terreinontwikkelingsplan vir erf 2529, Stellenbosch, ten einde voorsiening te maak vir Openbare Parkeerarea.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die 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 toeganglik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van de aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: **Sustainable Planning Solutions – epos: admin@sp-solutions.co.za.** Deur 'n beswaar, kommentaar of vertoë 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 **11 Desember 2023.**

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **tel: 021 300 6384** gedurende normale kantoor ure (8vm tot 5nm, Maandag tot Vrydag).

Legend

- Study Area
- Cadastral

Ref. Stellenbosch Municipality 2019 GIS Data

SCALE at A3 1:1000

0 0,0075 0,015 0,03 Kilometers

N

Borcherds Road Parking

Fig 3: Aerial

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

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Project ref #: 3.020

14 October 2022

SUSTAINABLE PLANNING SOLUTIONS
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BORCHERDS PARKING LOT (NORTH) ERF 2529, STELLENBOSCH

REZONING AND SDP APPROVAL APPLICATION

ERF 2529, STELLENBOSCH

PROJECT 3.020

JUNE 2023

BORCHERDS PARKING LOT

ERVEN 2529, STELLENBOSCH

Land Use Application submitted in terms of Section 15(2) of the Stellenbosch Municipality Municipal Planning By-law (2015), in support of the rezoning and the approval of a site development plan for erven 2529, Stellenbosch.

PREPARED BY:

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

Unit 10, 10 Plein Street, Durbanville
Tel: (021) 300 6384
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CANDICE MAASDORP Pr. Pln. (A1224/2002)
Email: candice@sp-solutions.co.za

***FOR*:**

EAS INFRASTRUCTURE ENGINEERS

ON BEHALF OF:

STELLENBOSCH MUNICIPALITY

EAS INFRASTRUCTURE ENGINEERS

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PROJECT REF: 3.020 **JUNE 2023**

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1. INTRODUCTION

1.1. BACKGROUND

Sustainable Planning Solutions has been appointed by EAS Infrastructure Engineers (Pty) Ltd., on behalf of the Stellenbosch Municipality, to undertake a development rights process and to obtain approval for a new public parking area located in the Stellenbosch CBD area.

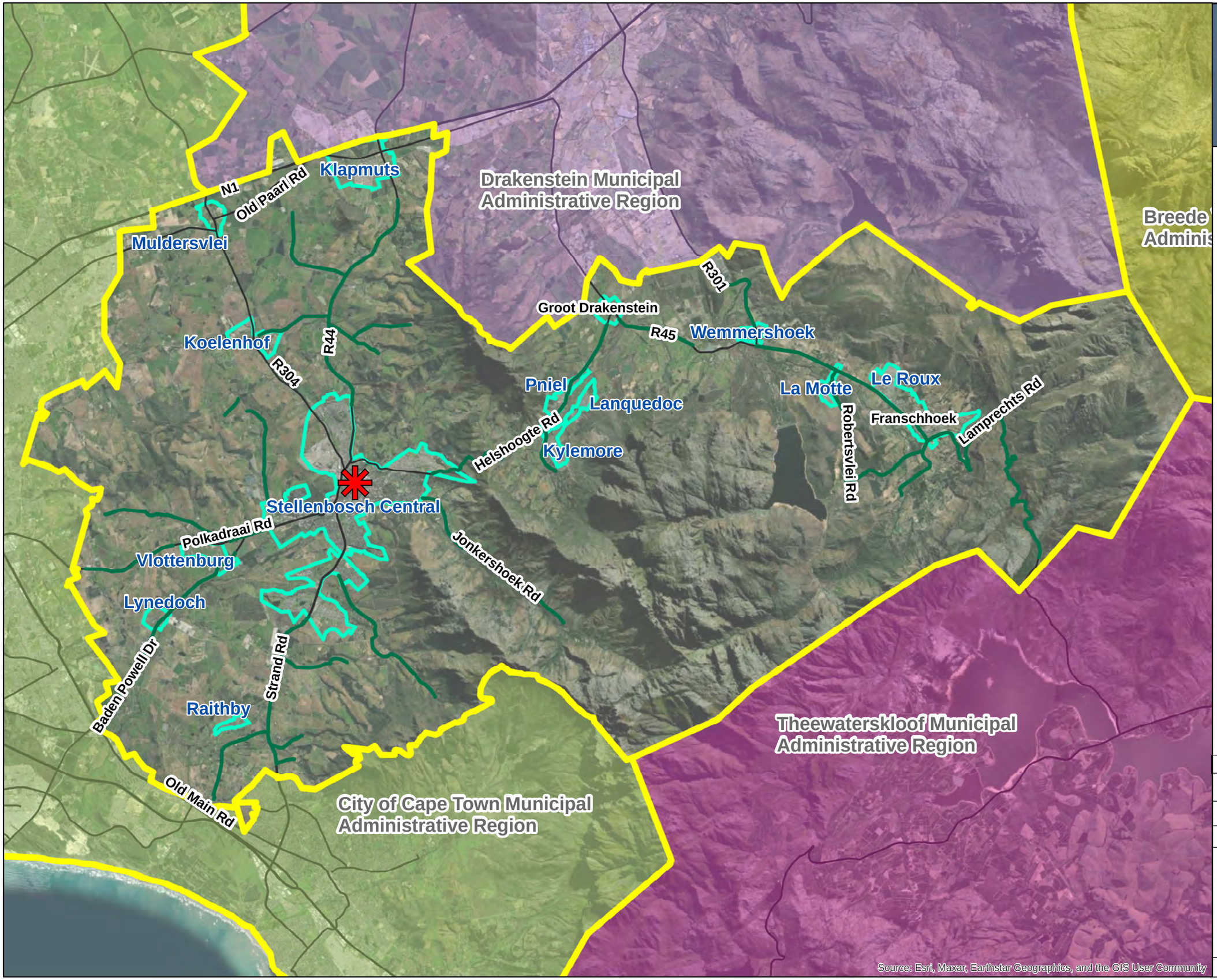
See attached Annexures 1 and 2 for the Land Use Application Form and the Power of Attorney.

The purpose of this report is to apply for the rezoning of erf 2529, Stellenbosch, from Public Open Space to Public Road and Parking Zone and the subsequent approval of a Site Development Plan.

1.2. SITE LOCATION

The subject property, erf 2529, Stellenbosch, is situated in the central business district (CBD) area of Stellenbosch, in the Stellenbosch Municipality. The site lies within Stellenbosch Urban Edge Please refer to **Figures 1** and **2** for the **municipal** and **regional context.**

The site is located on the corner of Borcherd Street and Andringa Street with nearby landmarks including the Stellenbosch Correctional Service (north of the site), the Christ Church Stellenbosch (south-east) and the Stelmark shopping centre (south). Refer to **Figures 3** and **4** for an **aerial view** and a detailed illustration of the **property concerned** of the site.



Legend

- Study Area
- Municipal Boundaries
- Urban Edge
- Scenic Routes

Ref. Stellenbosch Municipality 2020 GIS Data

SCALE at A3 1: 150 000

0 1,25 2,5 5 Kilometers

N

Borcherds Road Parking

Fig 1: Municipal Context

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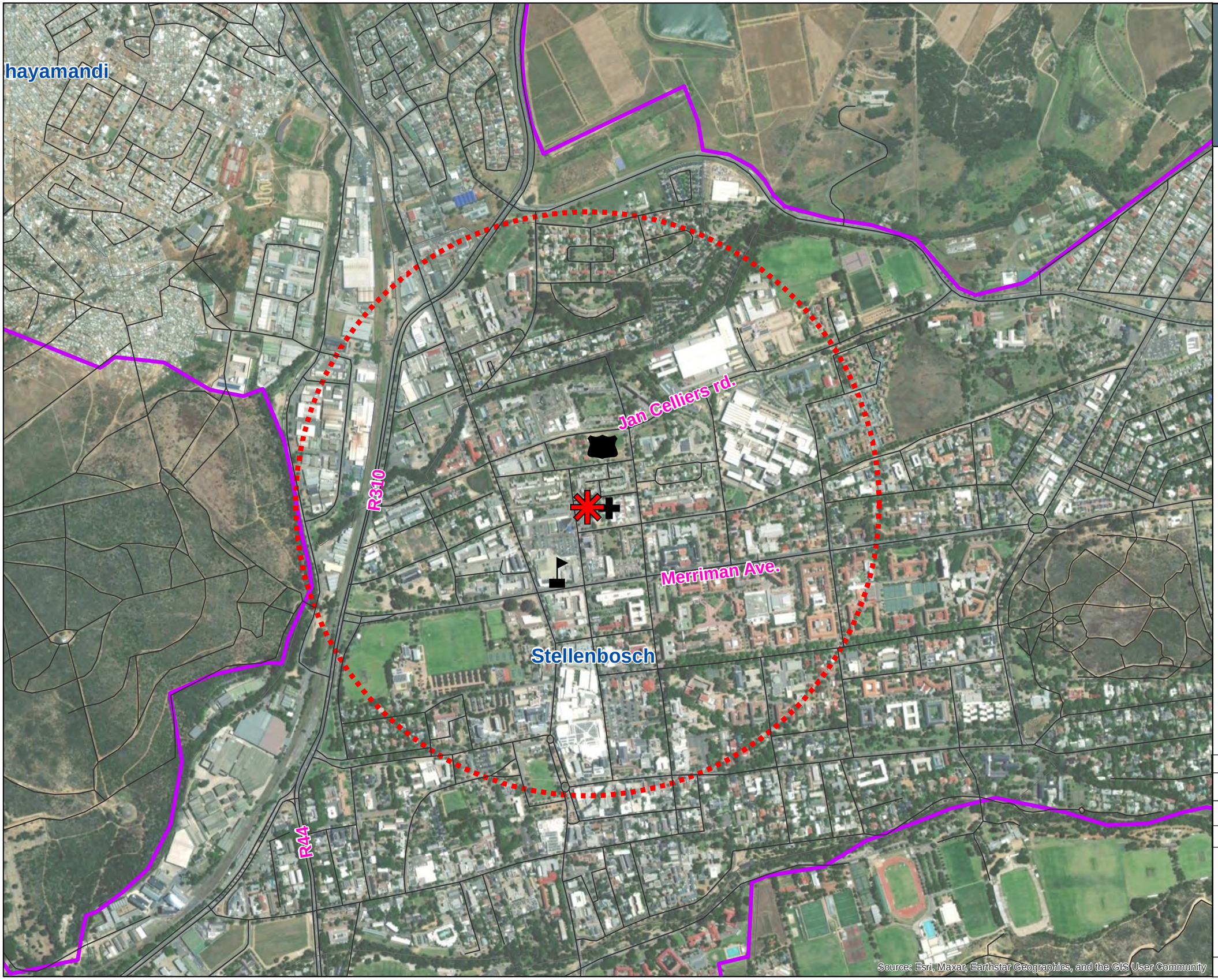
Website: www.sp-solutions.co.za

Project ref #: 3.020

14 October 2022



Legend

- Study Area
- Stelmark Shopping Centre
- Stellenbosch Correctional Services
- Christ Church Stellenbosch
- Major Roads
- 1.5km radius
- Urban Edge

Ref. Stellenbosch Municipality 2019 GIS Data

SCALE at A3 1: 10 000

0 0,075 0,15 0,3 Kilometers

N

Borcherds Road Parking

Fig 2: Regional Locality

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Website: www.sp-solutions.co.za

Project ref #: 2.043 14 October 2022

Legend

- Study Area
- Cadastral

Ref. Stellenbosch Municipality 2019 GIS Data

SCALE at A3 1:1000

0 0,0075 0,015 0,03 Kilometers

N

Borcherds Road Parking

Fig 3: Aerial

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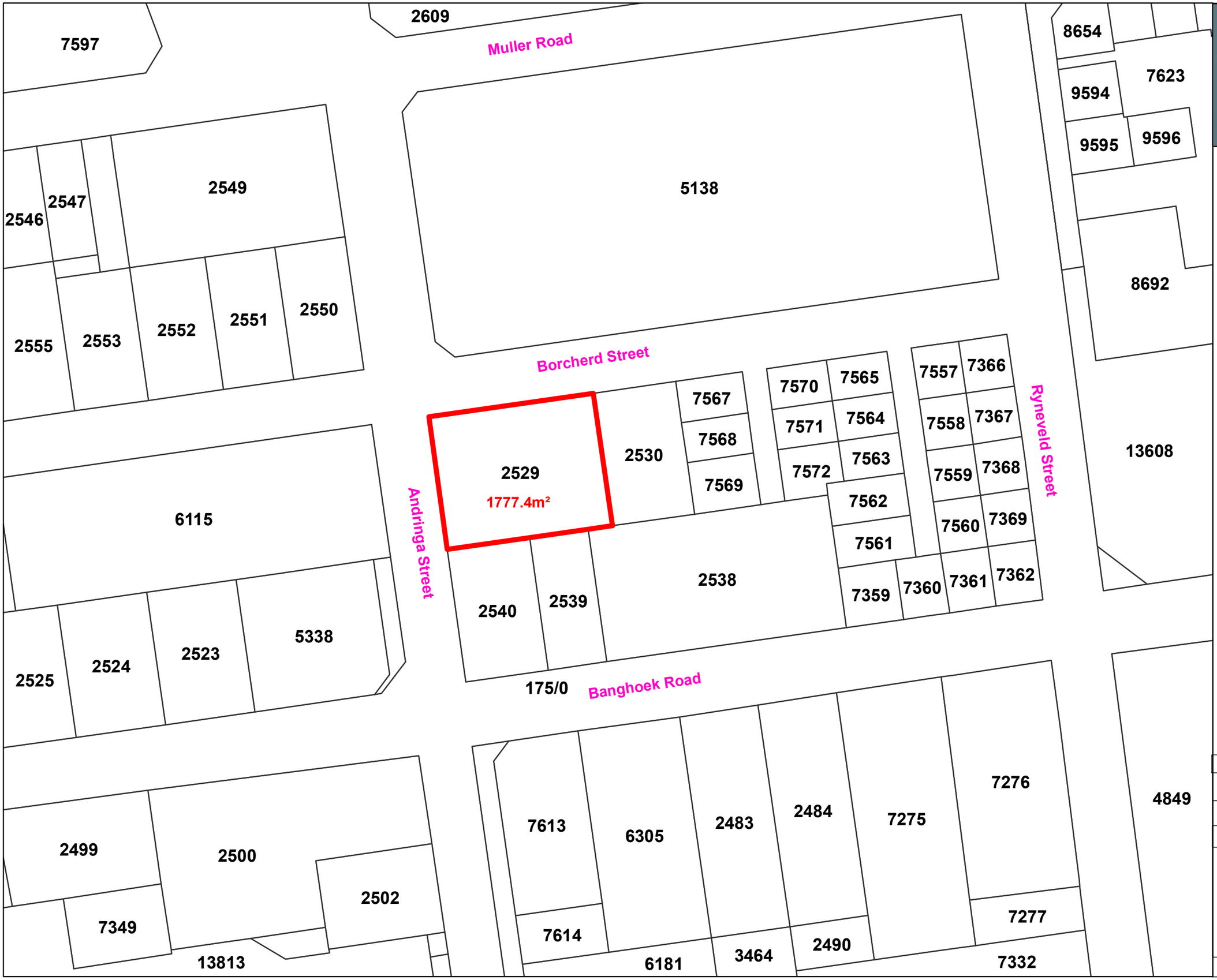
Project ref #: 3.020

14 October 2022



Legend

- Study Area
- Cadastral

Ref. Stellenbosch Municipality 2019 GIS Data

SCALE at A3 1:1000

0 0,0075 0,015 0,03 Kilometers

N

Borcherds Road Parking

Fig 4: Property Concerned

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Website: www.sp-solutions.co.za

Project ref #: 3.020

14 October 2022

1.3. NATURE OF THE APPLICATION

This motivational report is submitted in support of the following:

Rezoning
In terms of Section 15(2)(a) of the Stellenbosch Municipal Planning By-Law (2015), in support of the rezoning erf 2529, Stellenbosch from Public Open Space Zone to Public Roads and Parking Zone to accommodate the proposed Public Parking Area.

Approval of Site Development Plan
In terms of Section 15(2)(g) of the Stellenbosch Municipal Planning By-Law (2015), for the approval of a Site Development Plan indicating the proposed Public Parking Area.

Refer to **Annexure 1** for the Land-Use Application Form.

1.4. ADDITIONAL STATUTORY APPLICATIONS TRIGGERED

- **The National Heritage Resources Act (25/1999)**
  Due to the nature of the application (an erf less than 10000m^2) the Heritage Resources Act 25 of 1999, is not applicable. No additional statutory processes are required.

- **National Environmental Management Act (NEMA) (107/1998) and the Environmental Impact Assessment Regulations**
  The NEMA regulations identify certain activities that may be detrimental to the environment. Listed activity (activity 15) of Listing Notice 3 of 2017 states the following:

  The transformation of land bigger than 1000 square meters in size to residential, retail, commercial, industrial, or institutional use, where such land was zoned open space, conservation or had an equivalent zoning, on or after 2 August 2010.

  We await the comment of the Stellenbosch Municipality's Environmental Management Department to confirm if an application in terms of NEMA needs be submitted to the Department of Environmental Affairs and Development Planning (DEADP).

1.5. PRE-APPLICATION CONSULTATION

By virtue of, electronic communication (e-mail) with planning officials from the Stellenbosch Municipality, it was confirmed that the application can be submitted**.** Please refer to **Annexure 3** for the pre-application correspondence.

1.6. PROPERTY DETAILS

The following section provides a detailed summary of the basic land and legal information. See summary below (refer to Annexures 4-7):

PROPERTY DESCRIPTION	**Erf 2529**
REGISTERED OWNER	Mun Stellenbosch (Refer to **Annexure 4**: Title Deed)
PHYSICAL ADDRESS	Cnr of Borcherd & Andringa Street, Stellenbosch
TITLE DEED	T16507/1977 (Refer to **Annexure 4**: Title Deed)
TITLE DEED RESTRICTION	No conditions prohibiting the proposed rezoning (Refer to **Annexure 5** : Conveyancer Certificate) & **Annexure 4**: Title Deed.
EXTENT OF ERF	1777.4m^2
SG INFORMATION	SG No: 3437/1898 (Refer to **Annexure 6**: SG diagram)
APPLICABLE ZONING SCHEME	Stellenbosch Municipality: Zoning Scheme By-Law, 2019
CURRENT ZONING	*Public Open Space* *Refer to* **Annexure 7:** Zoning Certificate
Current Land-Use	Vacant
Proposed Zoning	**Public Roads and Parking Zone**: *"The purpose of this zone is to make provision for the following:* *(a) public roads as indicated on a general plan and roads, whether constructed or not.* *(b) premises for the public parking of motor vehicles which are in use. Such parking may be provided in buildings or in open*

	parking areas to address the need for off-street parking in an area, with or without the payment of a fee. *Primary Uses:* • *Public parking area* • *Public road* • *Utility service* • *Occasional use (one event/year)* *Additional Uses (technical approval):* • *Rooftop base telecommunication station* • *Market* *Consent Uses (application required)* • *Freestanding base telecommunication station* • *Occasional use (>one event /year)* • *Parking garage* • *Transport purposes (passengers)*

2. LEGAL FRAMEWORK

In South Africa, decisions to all planning proposals and land use applications are assessed on their compliance to the relevant statutory and policy framework.

In Stellenbosch, land development is assessed and authorized by the Stellenbosch Municipality who base decisions on the applicable legislation that set out the process (to be followed) and criteria (to be applied) for final decision-making.

The following legislation is applicable for development applications in the Stellenbosch Municipal area.

Applicable legislation	
National	• National Heritage Resource Act (Act 25 Of 1999) • National Environmental Management Act (NEMA), (Act 107 Of 1998)
Municipal	• Stellenbosch Municipality: Land Use Planning By-Law (2015)

2.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16/2013)

The Act aims to develop a framework to govern spatial planning and set parameters for developments and provides for different lawful land uses in South Africa.

The *Development Principles* in Chapter 2 of the Spatial Planning and Land Use Management Act (SPLUMA) provides broad principles for a set of provincial laws that apply to all aspects of spatial planning, land development and land use management. *These development principles include:*

- *the principle of spatial justice,*
- *the principal of spatial sustainability,*
- *the principle of efficiency*
- *the principle of spatial resilience,*
- *the principle of good administration,*

Chapter 2 of the Act also requires the Minister to prescribe a set of Norms and Standards that should include and/or comply with the following: *should promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration, and sustainable development, ensure that land development and land use management processes, including applications, procedures and timeframes are efficient and effective.*

2.2. WESTERN CAPE LAND USE PLANNING ACT (3/2014)

The Western Cape Land Use Planning Act (LUPA) of 2014, chiefly aims to consolidate legislation in the province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions.

In Chapter VI of LUPA, we note that the same Land Use Planning Principles of SPLUMA (Act 14/2013) have been adopted. LUPA (3/2014) however provides more detail as to how these principles could be applied.

Section 49 of LUPA (3/2014) provides the assessment criteria that all municipalities must apply when considering a land use application. These include:

- *the applicable spatial development frameworks.*
- *the applicable structure plans.*
- *the principles referred to in Chapter VI (Land Use Planning Principles);*
- *the desirability of the proposed land use; and*
- *guidelines that may be issued by the Provincial Minister regarding the desirability of the proposed land use.*

2.3. STELLENBOSCH MUNICIPALITY: LAND USE PLANNING BY-LAW (2015)

The Stellenbosch Municipal Planning By-Law (2015) aims to regulate the use and development of land within the jurisdiction of the Stellenbosch Municipality. This legislation enables the Stellenbosch Municipality to control planning matters within its jurisdiction. This By-law legislates the process by which the land use applications are dealt with. In terms of this By-Law, the application for the rezoning of land is made in terms of Section 15. Section 17 provides more detail to the process to be followed for a rezoning application.

Section 65 of the By-law (2015) spells out the criteria to be applied in the assessment of land use applications. Broadly, the criteria to be applied when assessing land use applications shall include the following considerations:

a) Applicability of any approved forward planning policies, such as a Municipal Spatial Development Framework (SDF).
b) Compliance with the requirements of the By-Law and any other statutory processes.
c) Desirability of the proposed land use.
d) Impact on municipal engineering services.

The Stellenbosch Municipality: Zoning Scheme By-Law was gazetted in 2019. The zoning scheme sets out the development parameters for the different zonings that falls within the jurisdiction of the Stellenbosch Municipality.

2.4. NATIONAL HERITAGE RESOURCE ACT (Act 25 of 1999)

This legislation '*aims to promote good management of the national estate, and to enable and encourage communities to nurture and conserve their legacy*'.

Section 38 lists a host of development categories which, if pursued, requires that the responsible heritage resources authority, Heritage Western Cape (HWC), be notified.

The nature of the envisaged land use application does not trigger Section 38 of this Act since the character of the area will not change and neither is the property (inclusive of the respective applications) larger than 10000sqm.

This Act is therefore not applicable. However, the subject property falls within a Heritage Precinct which broadly states that the architectural nature of buildings, squares, and national monuments are to be preserved as far as possible. The proposed land use applications will regularise the use rights of the erf. The current operations of the Public Parking area on the site will remain compatible with the character of the area.

2.5. NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), (Act 107 OF 1998) and ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

The NEMA regulations identify certain activities that may be detrimental to the environment. Listed activity (activity 15) of Listing Notice 3 of 2017 states the following:

The transformation of land bigger than 1000 square meters in size to residential, retail, commercial, industrial, or institutional use, where such land was zoned open space, conservation or had an equivalent zoning, on or after 2 August 2010.

We await the comment of the Stellenbosch Municipality's Environmental Management Department to confirm if an application in terms of NEMA needs be submitted to the Department of Environmental Affairs and Development Planning (DEADP).

2.6. SUMMARY: LEGAL FRAMEWORK

There is a legal requirement for the management of land development to promote a diversity of land uses and that each proposal be assessed on its own merit. As mentioned above.

Sections 15(2)(a) and 15(2)(g) of the Stellenbosch Planning By-Law (2015), which refers to rezoning and the approval of a site development plan, are of relevance and importance to this application.

The proposed land use application does not trigger Section 38 of this Act and is therefore not applicable. A Notice of Intent to Develop (NID) need **not** be submitted to HWC.

We await the comment of the Stellenbosch Municipality's Environmental Management Department to confirm if an application in terms of NEMA needs be submitted to the Department of Environmental Affairs and Development Planning (DEADP).

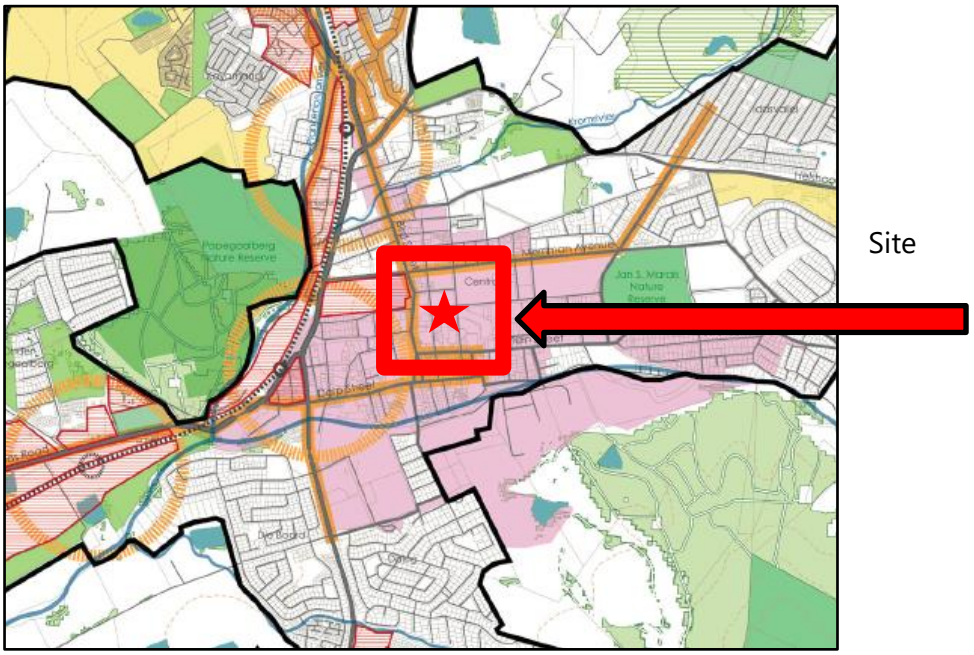
3. POLICY FRAMEWORK

This section identifies the relevant planning policies that must be considered. It also reaffirms the point that the proposed land use application (rezoning & approval of a site development plan) is desirable from a policy perspective.

3.1. STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK (2019)

The Stellenbosch Municipality Spatial Development Framework (MSDF) aims to enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives. Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them. Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being. Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The SDF earmarks the area in which the site is located as **Existing and Proposed Urban Character Areas** which is essentially the area within the Urban Edge. Although the proposed rezoning of the site will change the use rights of the erf, the proposed operations of the public parking area on the site will remain compatible with the character of the area and therefore would be in line with what the SDF earmarks the property for. The aim of the proposed land use application aims to regularise the existing land-use.



Extract from Spatial Development Framework, pg 70, 2019

3.2. SUMMARY: POLICY FRAMEWORK

As discussed above the proposed land use application for the rezoning and approval of site development plan for erf 2529, Stellenbosch will not change the current land use on the site nor the character of the area and therefore, finds support in the Stellenbosch Municipal Spatial Development Framework (2019).

4. SITE CONTEXTUAL ANALYSIS

This section assesses the subject properties in relation to the surrounding urban context and highlights the implications of the proposed land use application.

4.1. PROPERTY CONCERNED

The table below highlights the erven and extent of the site.

ERF NR.	EXTENT
2529	1777.4m^2

Please refer to **Figures 3** and **4** for Aerial and Property concerned plans.

4.2. REGISTERED DESCRIPTION, OWNERSHIP & CONVEYANCING

4.2.1. OWNERSHIP

Ownership of erf 2529, Stellenbosch lies with the **Western Cape Provincial Government**. Refer to **Annexure 4**: Title Deed

4.2.2. TITLE DEED INFORMATION

The table below highlights the title deed information and restrictive conditions contained in the title deeds for the erven. Refer to **Annexures 4 and 5** for the Title deed and conveyancing certificate, respectfully.

ERF NUMBER	TITLE DEED	EXTENT AS PER DEED	RESTRICTIVE CONDITIONS
2529	T16507/1977	1774 m^2	None of the deeds examined contain any restrictive title deed conditions (**Refer to Annexure 5: Conveyancing Certificate).**

***Please refer to the conveyancing certificate for more details. The conditions do not have an impact on the proposed development and does not necessitate an application for the removal of these conditions*.

4.2.3. TITLE DEED AND SG DIAGRAM DESCRIPTION[1]

The table below provides the descriptions as per the respective title deed and SG diagrams for the erven. Refer to **Annexure 4** for the title deed and **Annexure 6** for the SG diagrams.

ERF NR.	TITLE DEED DESCRIPTION	SG DIAGRAM
Erf 2529	*The title deed describes Erf 2529 under title deed number T16507/1977 as follows:* *Erf 2529, situated in the township and division of Stellenbosch,*	*The Surveyor-General (SG) describes Erf 2529 under S.G. No. 3437/41898 as follows:* *Erf 2529, Situated in the township and Division of Stellenbosch, being lots of No. 35A & 36A of a part of the town Commonage granted to the Commissioners for the time being of the municipality of the Town of Stellenbosch.*

4.2.4. TITLE DEED RESTRICTIVE CONDITIONS

There are no restrictive title deed conditions that prohibit the proposed land use applications pertaining to erf 2529, Stellenbosch.

Please refer to the conveyancing certificate attached as **Annexure 5**, as prepared by Walkers Attorneys.

4.3 CURRENT ZONING

The property, erf 2529, Stellenbosch is subject to the development parameters of the Stellenbosch Municipality Zoning Scheme By-Law. Erf 2529, Stellenbosch is currently zoned **Public Open Space Zone** in terms of the Stellenbosch Municipality Zoning Scheme.

Public Open Space Zone zoning is broadly defined as follows:

"To make provision for land which vests in the Municipality as a public place 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 which also accommodates riverine corridors and other similar natural features; or to
(d) serve as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors. "

[1] Information obtained from the title deed, conveyancing certificate and SG Diagrams. Refer to Annexure 4, Annexure 5, and Annexure 6 respectively.

Refer to **Figure 5** overleaf for an illustration of the current **zoning** as well as that of the surrounding properties.

Borcherds Road Parking

Fig 5: Zoning

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

Address: 39 Klein Bron Avenue, Klein Bron Estate, Brackenfell
Tel: (021) 981 4484 Fax: 086 600 4484 Mobile: 084 603 4370
Email: candice@sp-solutions.co.za Skype: candice.maasdorp.theron
Website: www.sp-solutions.co.za

Project ref #: 3.020

14 October 2022

4.4 LAND USE

The study area (erf 2529, Stellenbosch) is currently vacant. Refer to Aerial Map.

Legend

- Study Area
- Cadastral

Ref. Stellenbosch Municipality 2019 GIS Data

SCALE at A3 1:1000

0 0,0075 0,015 0,03 Kilometers

N

Borcherds Road Parking

Fig 3: Aerial

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Project ref #: 3.020

14 October 2022

5. DEVELOPMENT PROPOSAL

5.1 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal includes the rezoning of erf 2529, Stellenbosch from a Public open space zone to Public Roads and Parking Zone. The client wishes to utilize the site as a public parking area, and this would be accommodated for within the proposed zoning. Furthermore, due to the nature of the application, the approval of a site development plan is required in terms of Stellenbosch municipal planning By-law (2015).

- **REZONING**

  In terms of Section 15(2)a of the Stellenbosch Municipal Planning By-Law (2015), in support of the **Rezoning** of erf 2529, Stellenbosch. Refer to **Figure 6.**

  The proposed zoning for Erf 2529, Stellenbosch is **Public Roads and Parking Zone.**

  Public Roads and Parking Zone is broadly defined as follows:

  "…to make provision for the following:

  (a) public roads as indicated on a general plan and roads, whether constructed or not.

  (b) premises for the public parking of motor vehicles which are in use. Such parking may be provided in buildings or in open parking areas to address the need for off-street parking in an area, with or without the payment of a fee."

- **APPROVAL OF SITE DEVELOPMENT PLAN**

  In terms of Section 15(2)g of the Stellenbosch Municipal Planning By-Law (2015), for the **Approval of a Site Development Plan** indicating the proposed Public Parking Area.

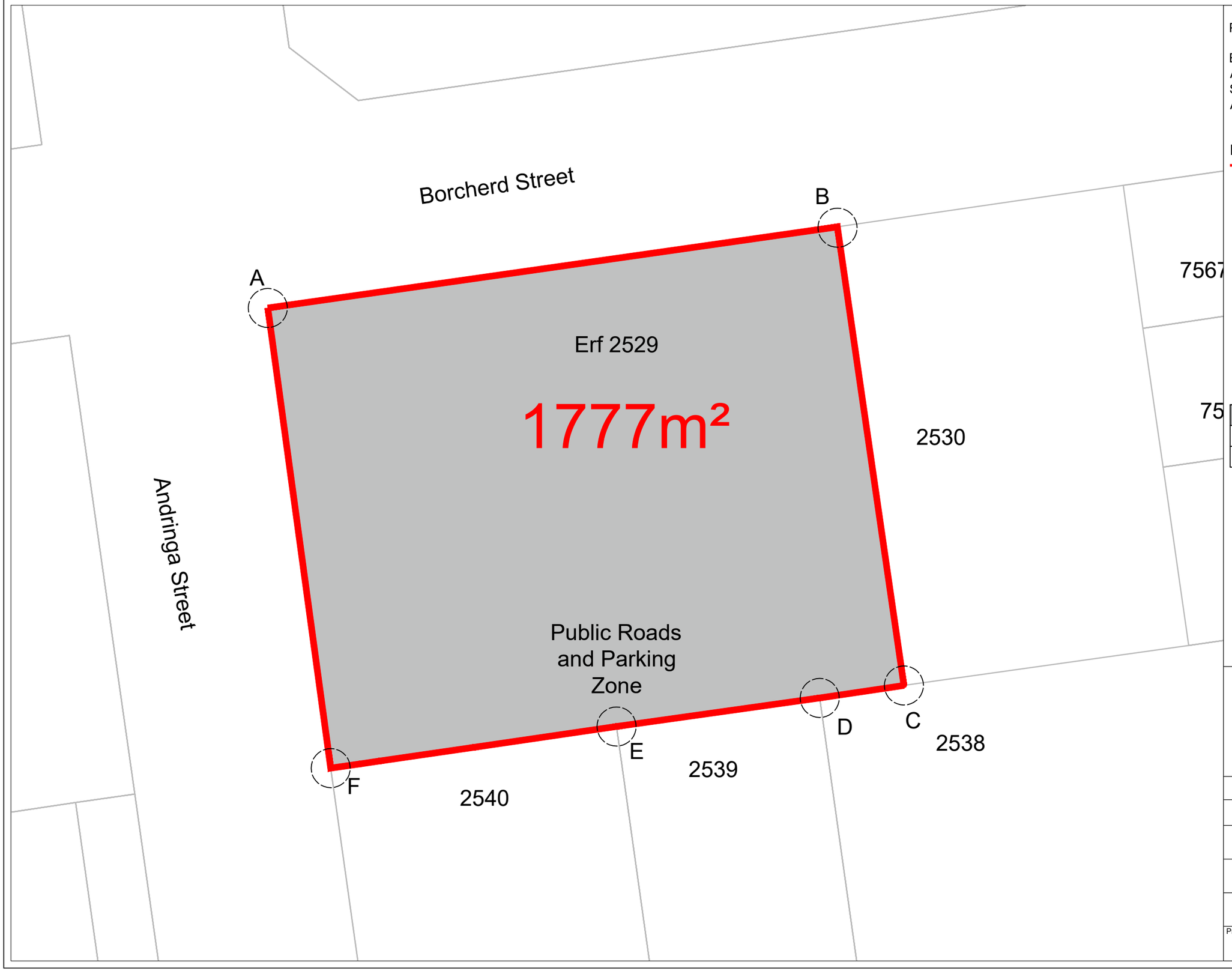
  The proposed site development plan provides the following information:

  - The total site area is 1777m^2.
  - There is a total of 47 parking bays, which will include two disabled parking bays.
  - This is a total of 8 parking bays available.

  Important to note.

There is a eucalyptus tree which is to be retained with a 5m buffer around it, as per recommendation of the botanist appointed.

The development parameters associated with Public Roads and Parking Zone, will be indicated on the Site Development Plan for erf 2529, Stellenbosch. (Refer to **Figure 7: Site Development Plan**)



Property Detail:

Erf:	2529
Allotment:	Stellenbosch
Suburb:	Stellenbosch Central
Addres:	Cnr Borcherd & Andringa Street

Legend:

Study Area

PUBLIC ROADS AND PARKING ZONE
ERF 2529
SITE AREA (1777m²)

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

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Email: candice@sp-solutions.co.za I Skype: candice.maasdorp.theron
Website: www.sp-solutions.co.za

Scale: A3 at 1: 300

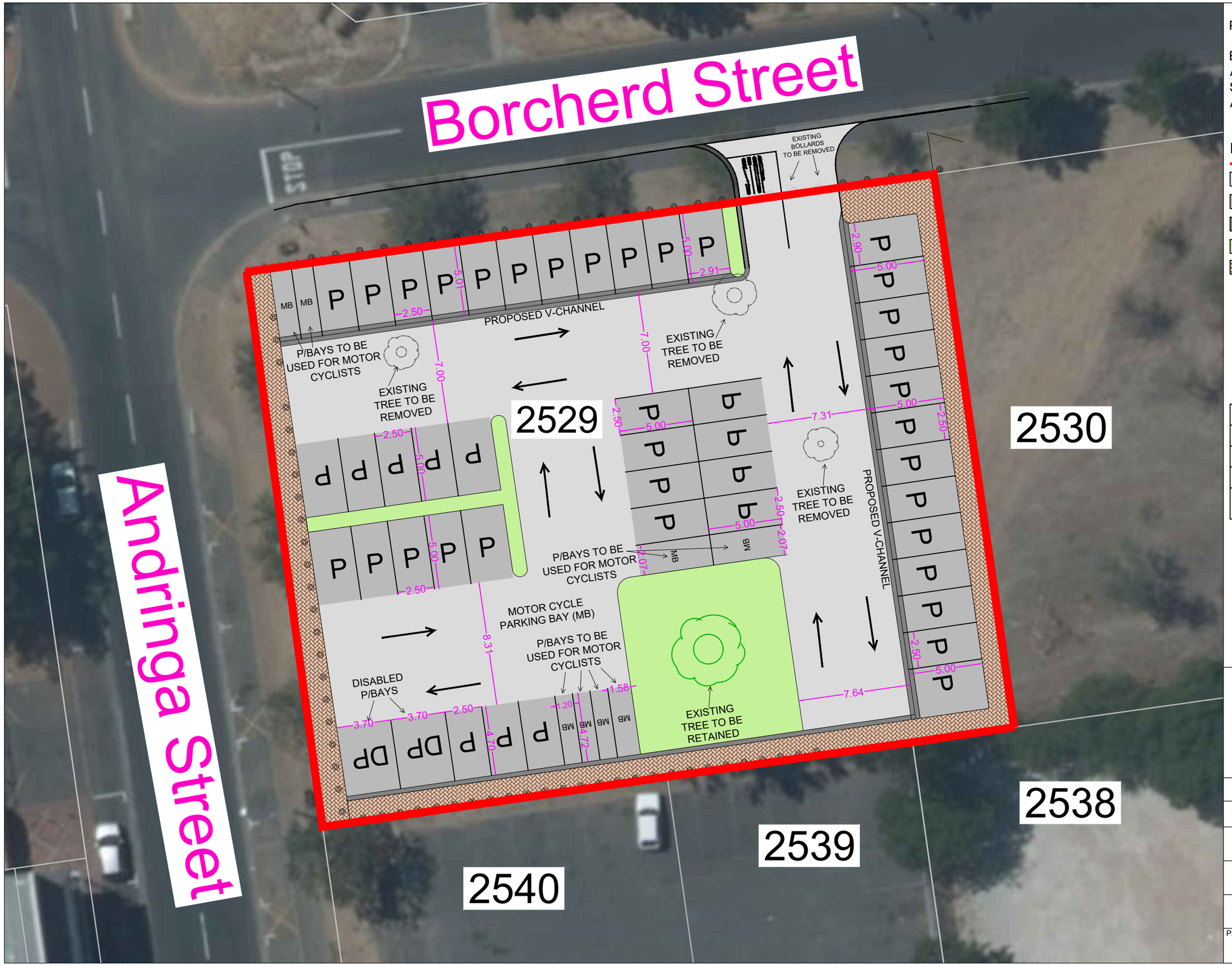
0 10 20 30 Meters

Title: PROPOSED REZONING PLAN
FIGURE 6

Project: BORCHERDS PARKING

Client: STELLENBOSCH MUNICIPALITY

Project Nr.	Drawing Nr.	Date:
3.020	3.020_01	26 June 2023



Property Detail:

Erf:	2529
Allotment:	Stellenbosch
Suburb:	Stellenbosch Central
Addres:	Cnr Borcherd & Andringa Street

Legend:

- Study Area
- Road Area
- Parking Area
- V - Channel
- Green Area
- Paving area
- P — Parking Bay
- MB — Motor Cycle Parking Bay

PUBLIC ROADS AND PARKING ZONE	
ERF 2529	
SITE AREA	1777m²
NUMBER OF P/BAYS (P)	47
NUMBER OF MOTOR CYCLE BAYS (MB)	8

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

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Website: www.sp-solutions.co.za

Scale: A3 at 1: 250

0 10 20 30 Meters

Title: PROPOSED SITE DEVELOPMENT PLAN FIGURE 6

Project: BORCHERDS PARKING

Client: STELLENBOSCH MUNICIPALITY

Project Nr.	Drawing Nr.	Date:
3.020	3.020_02	26 June 2023

6. MOTIVATION AND CONCLUSION

The purpose of this land use application is to rezone Erf 2529, Stellenbosch, from Public Open Space zone to Public Roads and Parking Zone. Additionally, an application for the approval of a Site Development Plan will also be required.

6.1 APPLICABILITY AND COMPLIANCE

The Rezoning process and the Approval of a Site Development Plan application will follow due process in terms Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015). No additional statutory processes are applicable to the site.

The Stellenbosch Municipal Spatial Development Framework (SDF) earmarks the site for **Existing and Proposed Urban Characters,** which is essentially an area that falls within the Urban Edge. The proposed land use application will change the land use rights of the sit. However, the site will remain compatible with the character of the area and therefore would be in line with what the SDF earmarks the area for. The aim of the proposed land use application is merely to accommodate the proposed public parking area.

From a policy perspective, the proposed land use application (Rezoning and the approval of site development plan) finds support in the Stellenbosch Municipal Spatial Development Framework (SDF) 2019.

6.2 DESIRABILITY

Section 65 of the Stellenbosch Municipal Land Use Planning By-Law (2015) states that there are certain criteria that need to be addressed in a land use application before a decision can be made. The application can be assessed based on the criteria: the socio-economic impact, compatibility with surrounding land uses, impact on the external engineering services, impact on safety, health and wellbeing of the community, impact on heritage, impact on the biophysical environment, impact on existing rights, traffic impacts, parking, access, and other transport related conditions.

6.2.1. SOCIO-ECONOMIC IMPACT

The proposed land use applications aims to accommodate the desired land-uses of our clients without causing any negative socio-economic impact. In fact, the inclusion of a public parking area within the development will create job opportunities, resulting in a positive socio-economic impact for the surrounding Stellenbosch area. The change of zoning will primarily have administrative implications, streamlining the process without adverse effects.

6.2.2. COMPATIBILITY

The proposed land use will fall under a "*public parking area*" for Public Roads and Parking Zone. The proposed rezoning is considered compatible with the existing character of the area. The application for the approval of a site development plan is required by the municipality to regularize the proposed land use. This is to ensure the land can be utilised in a manner that does not conflict with the zoning of land.

6.2.3. SAFETY AND WELLBEING OF THE COMMUNITY

The proposed land use application will merely alter the site's building parameters and permissible uses. This will not negatively impact the health, wellbeing, and safety of the surrounding community.

6.2.4. TRAFFIC IMPACT

No additional floor space is proposed with the application; therefore, no transport studies are triggered. The proposed development will provide additional public parking bays to the area, which will alleviate traffic congestion and illegal parking. The existing entrances to the property will remain. The application is merely to accommodate the proposed Public Parking Area.

6.2.5. IMPACT ON BIOPHYSICAL ENVIRONMENT

Any new construction works for the proposed Public Parking Area will not have a negative impact on the biophysical environment.

6.2.6. IMPACT ON EXISTING RIGHTS

No negative impact on the existing rights of surrounding properties is anticipated. As additional parking bays will be provided to the general public. The proposed use will remain in line with the primary uses of the Public Roads and Parking Zone. The application merely aims to ensure statutory compliance of the proposed land use.

6.2.7. VEHICULAR AND PEDESTRIAN ACCESS

The site currently obtains vehicular and pedestrian access from Borcherd street. The existing vehicular and pedestrian access will remain. No new access points are proposed. The proposed land use application will not have a negative impact on the existing vehicular and pedestrian access.

6.2.8. ENGINEERING SERVICES

The proposed land use application will not have a negative impact on the existing engineering services. The new construction works, or proposed floor

space, will have no negative impacts on existing engineering services. Engineering services capacity studies are thus not triggered.

6.2.9. NEED FOR MITIGATING CONDITIONS

The proposed land use application (Consolidation and Rezoning) will not negatively impact the rights of nearby landowners. The proposed public parking area will provide additional off-street parking to road users in the vicinity.

The conditions of the land use approval will be the result of due process being followed and all the necessary requirements in terms of other legislative processes being adhered to, as required by the process.

The application merely aims to rezone the property to regularise the proposed land use on the site. Additionally, the approved site development plan will provide development parameters to the site. Which will govern any development on erf 2529, Stellenbosch.

6.3 LAND USE PLANNING PRINCIPLES

- **Spatial Justice**:

"Past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land".

Past spatial and other development imbalances is not applicable to this application. However, the rezoning application and subsequent application for the approval of a Site Development Plan will allow for an easier administrative process when future development/building plan applications are submitted for the expansion or improvement of erf 2529, Stellenbosch.

- **Spatial Sustainability:**

Land use planning should: *"promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority" and" uphold consistency of land use measures in accordance with environmental management instruments"*.

The proposed Public Parking Area site is located within the urban edge of Stellenbosch. The town of Stellenbosch is spatially compact and located within the administrative realms of the Stellenbosch Municipality. The approved Site Development Plan will provide the development parameters which erf 2529, Stellenbosch are subject to. The proposed public parking area will provide additional off-street parking to road users, therefore alleviating issues like Traffic congestion and carbon emissions. While increasing the overall convenience in

the search for parking in the area. The land use application is merely to accommodate for the proposed public parking area on erf 2529, Stellenbosch.

- **Spatial Resilience:**

  "Whereby flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks".

  This land use application aims to rezone the property in order to regularise the proposed land use on the site. Additionally, an application for the approval of a Site Development Plan will also be included. The proposed Public Parking Area will provide additional off-street parking to road users in the vicinity. Should the landowner (Stellenbosch Municipality) wish to dispose of the land, any monies received could be reinvested in bettering the lives of the Stellenbosch people.

- **Efficiency:**

  "Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities".
  The land use application (rezoning and Approval of a Site Development Plan) for erf 2529, Stellenbosch. The Subject property will be provided with a set of development parameters governing a development on the site, which clearly indicates the applicant's desire to achieve optimal utilisation of the site's capacity. The proposed land-use application will allow for easier and efficient processing of future development/building plan applications to upgrade or extend the proposed public parking area.

- **Good Administration:**

  "The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all the parties the opportunity to provide inputs on matters affecting them".
  This land use application (rezoning and approval of a site development plan) has been discussed with a town planner from the Stellenbosch Municipality. The town planner shall advise on the requirement public participation requirements. It is important to note that the proposed public parking area will provide additional off-street parking to road users in the vicinity once this land use application is approved.

6.4 CONCLUSION

In terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015), we respectfully request your office's favourable consideration of this application for the proposed rezoning and approval of a site development plan for erf 2529, Stellenbosch. This is to ensure statutory compliance of the proposed public parking area on erf 2529, Stellenbosch.

7. REFERENCES

1. Stellenbosch Municipality, 2015. Stellenbosch Municipality, Land Use Planning By-law ,Cape Town: Provincial Gazette.

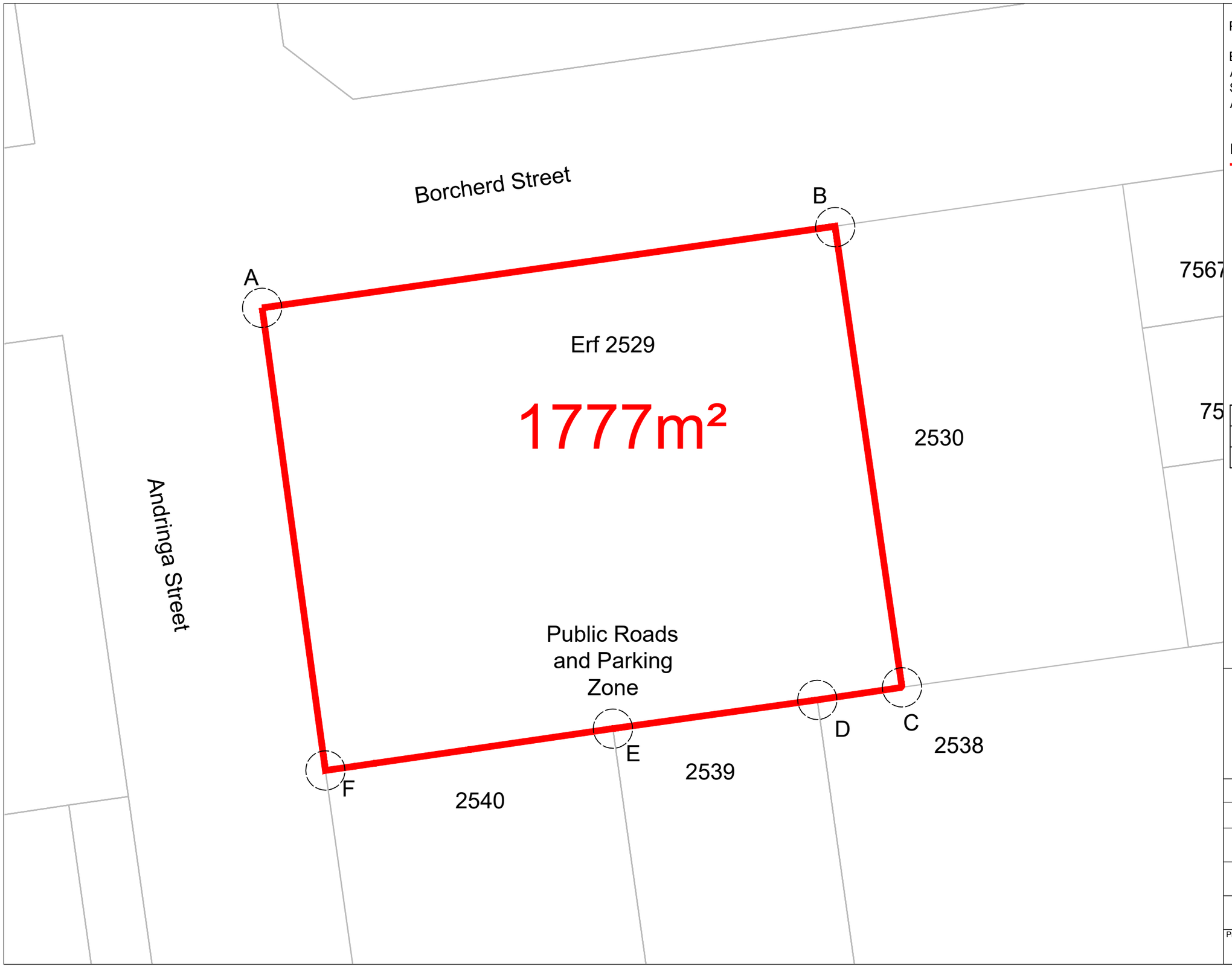
2. Stellenbosch Municipality, 2019. Stellenbosch Municipality Spatial Development Framework (2019), Stellenbosch: Stellenbosch Municipality

3. Republic of South Africa, 1999. National Environmental Management Act 107 of 1998, Cape Town: Government Gazette.

4. Republic of South Africa, 1999. National Heritage Resources Act (Act 25 of 1999), Cape Town: Government Gazatte.

5. Republic of South Africa, 2013. Spatial Planning and Land Use Management Act, Cape Town: Government Gazette.

6. Western Cape Government, 2014. Western Cape Land Use Planning Act, Cape Town: Provincial Gazette.



Property Detail:

Erf:	2529
Allotment:	Stellenbosch
Suburb:	Stellenbosch Central
Addres:	Cnr Borcherd & Andringa Street

Legend:

Study Area

PUBLIC ROADS AND PARKING ZONE
ERF 2529
SITE AREA (1777m²)

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

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Website: www.sp-solutions.co.za

Scale: A3 at 1: 300

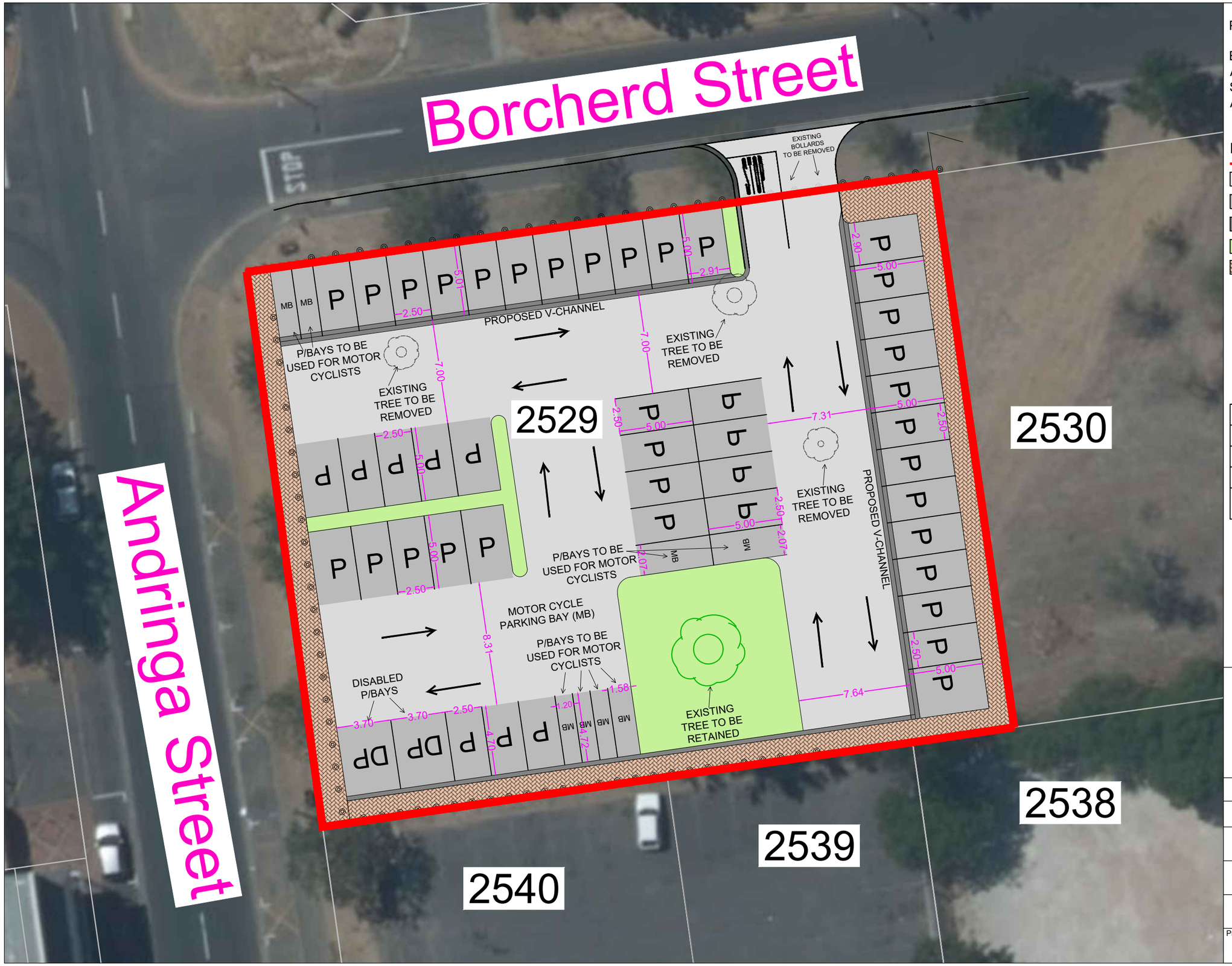
0 10 20 30 Meters

Title: PROPOSED REZONING PLAN
FIGURE 6

Project: BORCHERDS PARKING

Client: STELLENBOSCH MUNICIPALITY

Project Nr.	Drawing Nr.	Date:
3.020	3.020_01	26 June 2023



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Erf:	2529
Allotment:	Stellenbosch
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- Study Area
- Road Area
- Parking Area
- V - Channel
- Green Area
- Paving area
- P — Parking Bay
- MB — Motor Cycle Parking Bay

PUBLIC ROADS AND PARKING ZONE	
ERF 2529	
SITE AREA	1777m²
NUMBER OF P/BAYS (P)	47
NUMBER OF MOTOR CYCLE BAYS (MB)	8

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Scale: A3 at 1: 250

0 10 20 30 Meters

Title: PROPOSED SITE DEVELOPMENT PLAN FIGURE 6

Project: BORCHERDS PARKING

Client: STELLENBOSCH MUNICIPALITY

Project Nr.	Drawing Nr.	Date:
3.020	3.020_02	26 June 2023

TAX INVOICE

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599
PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2023-07-19	**DOCUMENT NO:**	753103
ERF / FARM NO:	2529	**CREATED BY:**	Nicole Katts
LOCALITY:	Cnr Borcherd Rd&Andr, STELLENBOSCH	**APPLICATION NO:**	LU/15828
OWNER'S NAME:	Stellenbosch Municipality	**APPLICATION VAT NO:**	0
ADDRESS:	Unit 10 10 Plein Street Durbanville 7550	**VAT NO:**	4700102181
		APPLICANT:	Candice Maasdorp - Sustainable Planning Solutions
		TEL NO:	0213006384

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
COUNCIL PROPERTY/APPLICATION - Council Property/Application: Rezoning & Determination Submitted in Urban and Rural Areas, Per application per property	0.00	1	20220630081392	0.00

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
23 AUG 2023
RECEIVED

E 2529 S

TOTAL AMOUNT PAYABLE	**0.00**
VAT INCLUDED @ 15%	**0.00**

NEW TARIFFS IMPLEMENTED ON 1 JULY ANUALLY

CALCULATED BY

NAME: Nicole Katts

SIGNATURE

DATE: 19.07.2023.

VERIFIED BY

NAME:

SIGNATURE

DATE:

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH MUNICIPALITY

APPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

BANKING DETAILS FOR EFT PAYMENT:

ACCOUNT HOLDER: Stellenbosch Municipality
BANK: First National Bank (FNB)
ACCOUNT NUMBER: 62869253684
BRANCH CODE: 210554
REFERENCE: LU/_____ and ERF/FARM_____

Please use both the Land Use Application number and the Erf/Farm number indicated on this invoice as a reference when making EFT payment.

0.00

0

Enquiries	Phone Number	E-mail
Nicole Katts	021808 8111	Nicole.Katts@stellenbosch.gov.za

BTW/VAT Invoice No: 14203

Invoice VAT Reference: 4700102181

Name: Stellenbosch Municipality Stellenbosch Municipality

Reference No: TP423/2023

Client Street address: 10 Plein Street Durbanville Cape Town Western Cape South Africa 7550

Client Postal address: 10 Plein Street Durbanville Cape Town Western Cape South Africa 7550

Client VAT No:

Invoice Date: 2023/7/19

Payment Due Date: 2023/8/18

Municipality street address: PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

Municipality postal address: PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Rezoning and Determination of a zoning submitted on behalf of Council on Council owned land	1	0.00	Per application per property	0.00
				Total Excl VAT	0.00
				VAT	0.00
				Invoice Total	**0.00**

*VAT Exempt

Created By: Petersen, Nicole

Signature: _____

Verified By: Petersen, Nicole

Signature: _____

Please note that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.

Bank Details: First National Bank Acc# 62869253684 Branch Code 250655

Please use the following as reference number: TP423/2023

To expedite the application, please send proof of payment by e-mail or fax as per the detail above.

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

March2022

TP423/2023

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				**Date of Submission of Application**	05 July 2023
Erf No	**2529**	**Town**		**Suburb**	Stellenbosch
Farm No	**N/A**	**Farm Portion**	**N/A**	**Nearest Town**	**N/A**
Owner / Applicant	Candice Maasdorp - Suistainable		**Contact number**		084 603 4370
Email address	admin@sp-solutions.co.za				

INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	**ADMIN TO VERIFY[1]**		**PLANNER TO EVALUATE[2]**
	YES	**NO**	
1. Completed application form that is signed	✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution			✓
3. Bondholders' consent			
4. Proof that applicant is authorized to act on behalf of an entity			
5. Proof of ownership or rights held in land			
6. Motivation based on criteria in s65	✓		✓
7. SG diagram or General Plan			
8. Locality plan	✓		✓
9. Site development plan or plan showing the land development	✓		✓
10. Subdivision plan			
11. Permission for required servitude			
12. Title Deed	✓		✓

[1] *Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.*

[2] *Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.*

13. Conveyancer's certificate	✓		
14. Feedback on Pre-application scrutiny	✓		✓
15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	**ADMIN TO VERIFY**		**PLANNER TO EVALUATE**
18. Land use plan / zoning plan			
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, **TIA**, TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals			
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			

VERIFIED & SIGNED BY ADMIN	NAME **Nicole Katts**	SIGNATURE	DATE **07/07/2023**

Outstanding information (to be completed by Planner):

* The conveyance certificate submitted does not indicate which title deed the search was conducted on and did not identify if there is any restrictive title deed conditions or not.

Applications to be invoiced (to be completed by Planner):

+Rezoning

EVALUATED & SIGNED BY PLANNER	NAME Bongiwe Zondo (10.07.2023)	SIGNATURE	DATE 12/07/2023

NOTES:

1. ***The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment.***
2. ***Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)].***
3. ***Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)].***
4. ***Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].***

Nicole Katts

From: Nicole Katts
Sent: Thursday, 13 July 2023 15:00
To: 'Candice Maasdorp'
Subject: OUTSTANDING INFORMATION: ERF 2529 STELLENBOSCH (TP423/2023)

Good day Candice

I trust that you are well.

Please see below information required from the planner.

- The conveyance certificate submitted does not indicate which title deed the search was on and did not identify if there is any restrictive title deed conditions or not.

Should you have any enquiries, you are welcome to contact Bongiwe Zondo – 021 808 8951 (Bongiwe.zondo@stellenbosch.gov.za)

Once the abovementioned is provided an invoice will be issued.

Kind regards / Vriendelike Groete
Nicole Katts
Administrative Officer
Development Management
Planning & Economic Development

T: +27 21 808 8318
NPK Building, 20 Plein Street
Stellenbosch, 7600
www.stellenbosch.gov.za

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

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We ISAK MURISON

(conveyancer's name and surname)

Practising at:

2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,

CAPE TOWN, 8001.

(firm and place of practice)

In respect of:

ERF 2529 STELLENBOSCH

SITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISION

WESTERN CAPE PROVINCE, HELD BY TITLE DEED NO T16507/1977

(full property description (erf / farm) as it appear in title deed of same)

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. T16507/1977
2. T12411/1905
3. .....
4. .....
5. .....
6. .....
7. .....
8. .....

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)

A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

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

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

*In respect of which it was found that there *are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):*

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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

Signed at CAPE TOWN (Place) **on this** 14 (Day) JULY (Month)
of 20 23

Full names and Surname: ISAK MURISON

Signature: .....

Firm Postal Address:
P.O BOX 4039
CAPE TOWN
8000.

I. MURISON INC.
Kindly endorse certificate by affixing official stamp here and initial here
2nd Floor, Bank Chambers
144 Longmarket Street, Cape Town, 8001
Tel: (021) 461 3540

Tel: 021 461-3540

Email: i.murison@attorneys.law.za

Cell: 084 444 3671

Nicole Katts

From: Wade Dooling <wade@sp-solutions.co.za>
Sent: Monday, 17 July 2023 11:29
To: Nicole Katts
Cc: 'Candice Maasdorp'; Gavaza@sp-solutions.co.za
Subject: [EX] OUTSTANDING INFORMATION: ERF 2529 STELLENBOSCH (TP423/2023) AND ERVEN 2539 & 2540 STELLENBOSCH (TP424/2023)
Attachments: Erven 2539 & 2540 - Amended Conveyancing Certificates.pdf; Erf 2529 Stellenbosch amended CC.pdf

Dear Nicole

I hope you are well.

I've re-uploaded the amended conveyancing certificates, for the abovementioned applications, to the AFLA portal. Could you please confirm receipt thereof, if not, I have also made the requested documents available via this email. *Please see attached

I trust this is in order.

Kind regards,
Wade Dooling

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

10 Plein Street Durbanville 7550 | +27(0)21 300 6384 | 071 239 9342 | admin@sp-solutions.co.za

From: Candice Maasdorp <candice@sp-solutions.co.za>
Sent: Thursday, 13 July 2023 15:15
To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Cc: 'Wade Dooling' <wade@sp-solutions.co.za>; Gavaza@sp-solutions.co.za
Subject: [EX] RE: OUTSTANDING INFORMATION: ERF 2529 STELLENBOSCH (TP423/2023)

Dear Nicole,

Thank you for your email.
I have sent this to our conveyancing attorneys and have requested their urgency attention to this matter.

Yours Truly,

CANDICE MAASDORP Pr.Pln. (A1224/2002)
Principal Planner and Founding Member

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

Unit 10, 10 Plein Street Durbanville 7550 | +27(0)21 300 6384 | 084 603 4370 | candice@sp-solutions.co.za

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: Thursday, July 13, 2023 3:00 PM
To: 'Candice Maasdorp' <candice@sp-solutions.co.za>
Subject: OUTSTANDING INFORMATION: ERF 2529 STELLENBOSCH (TP423/2023)

Good day Candice

I trust that you are well.

Please see below information required from the planner.

- The conveyance certificate submitted does not indicate which title deed the search was on and did not identify if there is any restrictive title deed conditions or not.

Should you have any enquiries, you are welcome to contact Bongiwe Zondo – 021 808 8951 (Bongiwe.zondo@stellenbosch.gov.za)

Once the abovementioned is provided an invoice will be issued.

Kind regards / Vriendelike Groete
Nicole Katts
Administrative Officer
Development Management
Planning & Economic Development

T: +27 21 808 8318
NPK Building, 20 Plein Street
Stellenbosch, 7600
www.stellenbosch.gov.za

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

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About Stellenbosch Municipality
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.
Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:
The information contained in this communication from nicole.katts@stellenbosch.gov.za sent at 2023-07-13 15:00:31 is confidential and may be legally privileged. It is intended solely for use by candice@sp-solutions.co.za and others authorized to receive it. If you are not candice@sp-solutions.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by IOCO

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/
SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

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

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

PART A: APPLICANT DETAILS

First name(s)	**Candice**				
Surname	**Maasdorp**				
Company name *(if applicable)*	**Sustainable Planning Solutions**				
Postal Address	**Unit 10, 10 Plein Street**				
	Durbanville		Postal Code	**7550**	
Email	**admin@sp-solutions.co.za**				
Tel	**021 300 6384**	Fax		Cell	**084 603 4370**

PART B: REGISTERED OWNER(S) DETAILS *(If different from applicant)*

Registered owner(s)	**Mun Stellenbosch**				
Physical address	**Plein Street**				
	Stellenbosch		Postal code	**7600**	
E-mail	**admin@sp-solutions.co.za**				
Tel	**021 300 6384**	Fax		Cell	**084 603 4370**

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

Erf / Erven / Farm No.	**Erf 2529**	Portion(s) if Farm	**n/a**	Allotment area	**Stellenbosch**
Physical Address	**Cnr Borcherd Road & Andringa Street**				
	Stellenbosch				
	7550				
Current Zoning	**Public Open Space Zone**	Extent	**1774**m² / ~~ha~~	Are there existing buildings?	Y / N **X**
Applicable Zoning Scheme	**Stellenbosch Zoning Scheme Bylaw, 2019**				

Current Land Use	**Vacant**										
Title Deed number and date	T	**T16507/1977**									
Attached Conveyance's Certificate	Y	N **x**	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	N **x**	If Yes, list the party(ies):								
Is the property encumbered by a bond?	Y	N **x**	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y **x**	N	If Yes, kindly attach a power of attorney from the Manager Property Management								
Is the building located within the historical core?	Y	N **x**	Is the building older than 60 years?	Y	N **x**	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)[1]	Y	N **x**	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Y	N **x**	If yes, is this application to legalize the building / land use[2]?			Y	N **x**	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	N **x**	Are there any land claim(s) registered on the subject property(ies)?			Y	N **x**	

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	Y **x**	N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y **x**	N	If yes, please attach the written feedback received.

** The submission of a pre-application scrutiny form is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.*

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

Type of application: *Cost are obtainable from the Council Approved tariffs*	**Tick**
15(2)(a) rezoning of land*	**x**
15(2)(b) a permanent departure from the development parameters of the zoning scheme	
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	
15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	

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

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

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

OTHER APPLICATIONS

	Deviation from Council Policies/By-laws	R
	Consent / Permission required in terms of a title deed	R
	Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
	Other (specify): **Site Development Plan approval**	R
	TOTAL A:	**R**

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

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

***The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.*

****All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: Indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579*

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

BANKING DETAILS	
Account Holder Name:	Stellenbosch Municipality
Bank:	FIRST NATIONAL BANK (FNB)
Branch no.:	210554
Account no.:	62869253684
Payment reference:	LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	**Stellenbosch Municipality**
Postal Address	**Po Box 17, Stellenbosch, 7600**
Vat Number (where applicable)	**n/a**

PART F: DETAILS OF PROPOSAL

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

Brief description of proposed development / intent of application:

- Proposed rezoning erf 2529 from Public Open Space Zone to Public Roads and Parking Zone to accomodate a proposed public parking area.
- Approval of a site development plan indicating proposed public parking layout.

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

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

Information and documentation required

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

Y	N	N/A	Proof of lawful use right		Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A	Required number of documentation copies		Y	N	N/A	Other (specify)

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

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

SECTION I: DECLARATION

I hereby wish to confirm the following :

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

9. *Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.*
10. *The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.*
11. *Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.*
12. *A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.*
13. *A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.*
14. *The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.*
15. *I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.*

Applicant's signature: _____ Date: 30/06/2023

Full name: CANDICE MAASDORP

Professional capacity: PROFESSIONAL PLANNER

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

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POWER OF ATTORNEY

I, Johan Fullard, in my capacity: Acting Director: Infrastructure Services, being the lawful Agent of STELLENBOSCH MUNICIPALITY do hereby nominate, constitute and appoint CANDICE MAASDORP of the firm SUSTAINABLE PLANNING SOLUTIONS with the power of Substitution, to be my lawful Agent in my name, place and stead, to make the necessary land use and related applications for the following:

ERF 2529, 2530, 2540 & 2539, STELLENBOSCH - PROPOSED REZONING AND SDP APPROVAL

Power of attorney is accordingly hereby granted to the applicant to sign all application documentation and related correspondence in respect of the matter referred to above.

Signed at STELLENBOSCH on this 4th day of April 2023.

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Neilen Swartz
neilen@sp-solutions.co.za / admin@sp-solutions.co.za
+27(0)21 300 6384 / 071 460 0569

04 November 2022

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK, ERF 2529 & 2530 STELLENBOSCH

1. Your pre-application scrutiny submission on the above property, dated 31 November 2022 refers.

2. Your submission has been duly scrutinized for your intended land use application.

3. Your intended land use application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]: **You are required to submit the following documents:**

   3.1 Copy of the tittle deeds of the subject properties.
   3.2. Power of attorney between the registered owner and the applicant.
   3.3 Motivation based on criteria in Section 65 of the Stellenbosch Land Use Planning Bylaw (2015).
   3.4 The pre-application form must be signed by the applicant.

4. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal)

5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.

6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.

7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards
Bongiwe Zondo
bongiwe.zondo@stellenbosch.gov.za

T: +27 21 808 8111 • F: +27 21 886 6899
Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

MICRO FILMED—MIKROVERFILM
DATE—DATUM | OPERATOR—OPERATEUR
18-7-1977

FOR FURTHER ENDORSEMENTS SEE
VIR VERDERE ENDOSSEMENTE SIEN 10

T 16507 | 1977

Opgestel deur my,

AKTEVERVAARDIGER.

A K T E _ V A N _ T R A N S P O R T

SY DIT HIERBY KENTLIK:

DAT FREDERIK CHRISTIAAN ELS [redacted] voor my, die REGISTRATEUR VAN AKTES te KAAPSTAD verskyn het, hy, die Komparant, daartoe behoorlik gemagtig kragtens, n Volmag aan hom verleen deur:

CORNELIS STEPHANUS RADEMAN in sy hoedanigheid as Administratiewe Beampte in die Departement van Gemeenskapsbou, daartoe gemagtig deur die Gemeenskapsontwikkelingsraad en as sulks handelende namens die GEMEENSKAPSONTWIKKELINGSRAAD kragtens Artikel 10 van Wet Nr. 3 van 1966;

gedateer 15 November 1976, en geteken te KAAPSTAD.

EN die genoemde Komparant het verklaar dat sy prinsipaal die gemelde

GEMEENSKAPSONTWIKKELINGSRAAD

waarlik ....

waarlik en wettiglik verkoop het op 2 Maart 1976 in terme van Artikel 15(2)(b)(iii) van Wet Nr. 3 van 1966, en dat hy, in sy voornoemde hoedanigheid, by hierdie Akte sedeer en transporteer, in volle en vrye eiendom, aan en ten behoewe van

DIE MUNISIPALITEIT VAN STELLENBOSCH

diensopvolgers in titel of regverkrygendes:-

1. SEKERE: stuk grond synde Erf Nr. 2483 Stellenbosch gelee in die Munisipaliteit en Afdeling van Stellenbosch;

GROOT: 1 408 (Eenduisend Vierhonderd en Agt) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n kaart daarby aangeheg gemaak ten gunste van David Francois Naude op die 16de Junie 1860, Nr. 308, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPS-ONTWIKKELINGSRAAD op 15 Maart 1967, Nr. 5247 (Paragraaf 2) meer volledig sal aantoon.

ONDERHEWIG aan die voorwaardes verwys na in Transportakte Nr. 10377 gedateer 19 Junie 1951.

WHITE GROUP
BLANKE GROEP

2. SEKERE: stuk grond gelee soos hierbo, synde Erf Nr. 2484 Stellenbosch;

GROOT: 1 408 (Eenduisend Vierhonderd en Agt) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby

WHITE GROUP
BLANKE GROEP

aangeheg .....

aangeheg gemaak ten gunste van Pieter Hendrik de Villiers op 3 Junie 1862, Nr. 39, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPS-ONTWIKKELINGSRAAD op 15 Maart 1967, Nr. 5247 (Paragraaf 1) meer volledig sal aantoon.

ONDERHEWIG aan die voorwaardes verwys na in Transport-akte Nr. 10377 gedateer 19 Junie 1951.

3. SEKERE: stuk grond gelee soos hierbo, synde restant Erf Nr. 2498 Stellenbosch;

GROOT: 583 (Vyfhonderd Drie-en-Tagtig) Vier-kante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van H.P. Beyers op 16 Junie 1860, Nr. 296, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGS-RAAD op 23 Maart 1971, Nr. 7588 (Paragraaf 2) meer volledig sal aantoon.

WHITE GROUP BLANKE GROEP

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 6333 gedateer 17 Oktober 1932.

4. SEKERE: stuk grond gelee soos hierbo, synde Erf Nr. 2499 Stellenbosch;

GROOT: 1 162 (Eenduisend Eenhonderd Twee-en-Sestig) Vierkante Meter;

WHITE GROUP BLANKE GROEP

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van William Peter Gebriels op 17 Oktober 1932, Nr. 6333, en Daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONT-

WIKKELINGSRAAD op 23 Maart 1971, Nr. 7588 (Paragraaf 1) meer volledig sal aantoon.

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 6333 gedateer 17 Oktober 1932.

5. SKKERE: stuk grond gelee soos hierbo synde die Restant van Erf 2500 Stellenbosch;

GROOT: as sulks 2 776 (Tweeduisend Sewehonderd Ses-en-Sewentig) Vierkante Meter;

WHITE GROUP
BLANKE GROEP

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste von R.J. de Vos op die 17de November 1860, Nr. 384, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONT-WIKKELINGSRAAD op 2 April 1971, Nr. 8747 (Paragraaf 1) meer volledig sal aantoon.

A. ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 8136 gedateer 13 Desember 1915.

B. ONDERHEWIG aan die volgende spesiale voorwaarde vervat in Transportakte Nr. 6082 gedateer 17 Junie 1938, welke voorwaarde soos volg lees:

> "that the transferee and her successors in title of lot HR transferred to Hester Margaretha Markotter born Roux, married without community of property to Carl Ferdinand Markotter, on this day No. 6081 shall have the right to the use of the right-of-way 9,14 Metres in width marked as such on the diagram of the said lot HR, over the land hereby conveyed."

C. ONDERHEWIG .....

C. ONDERHEWIG aan die voorwaarde verwys na in die endossement gedateer 6 Augustus 1957 op Transportakte Nr. 6082 gedateer 17 Junie 1938, welke endossement soos volg lees:

"PARA 1

By Notarial Deed No. 364/1957, dated 17th January, 1957 the Owner of the land held under Para 1 hereunder has given to the owner of land held by Transfer 9798/1956 and his successors in title a 9,14 Metres right of way along the Western boundary of this property on Diagram No. 327/1860 annexed to Transfer 384 dd 17/11/1860, as will more fully appear from said Not. Deed, a copy of which is annexed hereto."

6. SKERRE: stuk grond gelee soos hierbo, synde die Restant van Erf Nr. 2502 Stellenbosch;

GROOT: as sulks 833 (Aghonderd Drie-en-Dertig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van P.W.J. Bosman op 16 Junie 1860, Nr. 295, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGSRAAD op 2 April 1971, Nr. 8747 (Paragraaf 2) meer volledig sal aantoon.

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 8136 gedateer 13 Desember 1915.

WHITE GROUP
BLANKE GROEP

7. SKERRE: .....

7. SEKERE: stuk grond geleë soos hierbo, synde Erf Nr. 2529 Stellenbosch;

GROOT: 1 774 (Eenduisend Sewehonderd Vier-en-Sewentig) Vierkante Meter;

UITSTREKKENDE soos die transportakte met kaart daaraan geheg gemaak ten gunste van I.J.J. Myburgh op 20 September 1399, Nr. 7620 en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGS-RAAD op 25 Mei 1972, Nr. 11888, meer volledig sal aantoon.

ONDERHEWIG aan sodanige voorwaardes soos na verwys word in Transportakte gemaak ten gunste van F.J. Haupt op 27 Desember 1905, Nr. 12411.

WHITE GROUP BLANKE GROEP

8. SEKERE: stuk grond geleë soos hierbo, synde Erf Nr. 2530 Stellenbosch;

GROOT: 807 (Aghonderd Sewe-en-Tagtig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met Kaart daaraan geheg gemaak ten gunste van T.S. Newman op 8 Junie 1899, Nr. 4364, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGSRAAD op 12 September 1968, Nr. 20368, meer volledig sal aantoon.

WHITE GROUP BLANKE GROEP

ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. 747 gedateer 7 Februarie 1919.

9. SEKERE: stuk grond geleë soos hierbo, synde die Restant van Erf Nr. 2539 Stellenbosch;

WHITE GROUP BLANKE GROEP

GROOT: .....

GROOT: as sulks 633 (Seshonderd Drie-en-Dertig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van F.R. Edwards op 22 Januarie 1898, Nr. 388, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGS-RAAD op 28 November 1968, Nr. 27802, meer volledig sal aantoon.

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 2026 gedateer 9 Maart 1921.

10. SEKERE: stuk grond gelee soos hierbo, synde Erf Nr. 2540 Stellenbosch;

GROOT: 887 (Aghonderd Sewe-en-Tagtig) Vierkante Meter;

WHITE GROUP
BLANKE GROEP

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van H. Hendrikse op 19 Mei 1897, Nr. 4037, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGSRAAD op 28 April 1969, Nr. 10188, meer volledig sal aantoon.

ONDERHEWIG aan die voorwaardes verwys na in Transportakte Nr. 4087 gedateer 18 Mei 1897.

11. SEKERE: stuk grond synde Erf Nr. 6150, n gedeelte van Erf 4088 Stellenbosch, gelee in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;

WHITE GROUP
BLANKE GROEP

GROOT: 555 (Vyfhonderd Vyf-en-Vyftig) Vierkante Meter;

555
193
362

UITSTREKKENDE .....

UITSTREKKENDE soos die Sertifikaat van Geregistreerde Titel met Kaart Nr. 8236/74 daarby aangeheg gemaak ten gunste van die GEMEENSKAPSONTWIKKELINGSRAAD gedateer hede, Nr. 16506 meer volledig sal aantoon.

ONDERHEWIG aan die voorwaardes verwys na in Transportakte Nr. 8136 gedateer 13 Desember 1915.

GEREGTIG aan die voordeel van die volgende spesiale voorwaarde genoem in Transportakte Nr. 6081 gedateer 17 Junie 1938, naamlik:-

> "That the above transferee and her successors in title shall have the right to the use of the right-of-way 9,45 meter in width marked as such on the annexed diagram, over the remaining extent of the said Lots 65, 80 and 81 held under the said Deed of Transfer No. 39 dated 5th January, 1934 (Paragraph 1)."

12. SEKERE: stuk grond synde Erf Nr. 6151, 'n gedeelte van Erf 2503 Stellenbosch, gelee in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;

GROOT: 208 (Tweehonderd en Agt) Vierkante Meter;

UITSTREKKENDE soos die Sertifikaat van Geregistreerde Titel met Kaart Nr. 8237/74 daarby aangeheg gemaak ten gunste van die GEMEENSKAPSONTWIKKELINGSRAAD gedateer hede, Nr. 16504 meer volledig sal aantoon.

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 3267 gedateer 19 April 1922.

WESHALWE die Komparant, afstand doende van alle regte en aanspraak wat die

WHITE GROUP
BLANKE GROEP

GEMEENSKAPSONTWIKKELINGSRAAD

tevore op die voornoemde eiendom gehad het, ten behoewe soos voormeld, by gevolg ook erken dat die

GEMEENSKAPSONTWIKKELINGSRAAD

geheel en al uit die besit daarvan onthef is en nie meer daartoe geregtig is nie, en dat uit krag van hierdie Akte, die genoemde

MUNISIPALITEIT VAN STELLENBOSCH

diensopvolgers in titel of regverkrygendes, nou en voortaan daartoe geregtig sal wees, ooreenkomstig plaaslike gebruik, die Staat nogtans sy reg behoudende, en ten laaste erkennende dat die hele Koopprys die som van R33 070,00 (Drie-en-Dertigduisend en Sewentig Rand) bedra.

TEN BLYKE waarvan ek, die genoemde REGISTRATEUR VAN AKTES, tesame met die Komparant, hierdie Akte onderteken en met my ampseël bekragtig het.

ALDUS GEDOEN en onderteken op die Kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op die 6de dag van Julie in die jaar van Ons Heer Eenduisend Negehonderd Sewe-en-Sewentig (1977).

In my teenwoordigheid:

REGISTRATEUR VAN AKTES

q.q. Sy Prinsipaal.

Geregistreer in die Erwe Register van Stellenbosch.

Bladsye para 1 2483 / 9 2539. /

op bogenoemde datum. 2 2484. / 10 2540 /

3 2498 / 11 6150 /

4 2499. / 12 6151. /

5 2500. /

6 2502 /

7 2529. /

8 2530 /

KLERK IN BEHEER

BLADSY/PAGE 10

ENDOSSEMENT OP
ENDORSEMENT ON T16507/72

EIENDOM/PROPERTY Erf 2683
Stellenbosch.

PARA 11 Erf 7350 = 193M²

GETRANSPORTEER
TRANSFERRED 12-01-1982 Aan To STELLMAR (PROPRIETARY LIMITED)

No. T 5 /1982 Restant Remainder 362 M²

1305

Asst.-Registrateur
Asst. Registrar

PARA 11: ERF 13810 = 236 M²
PARA 12: ERF 13811 = 177M²

GETRANSPORTEER AAN TRANSFERRED TO
ADVENT PROPERTIES BEPERK.

RESTANT/REMAINDER PARA 11 = 1210 M² PARA 12 = 31M²

T 72575/99

07.09.99

REGISTRATEUR/REGISTRAAR

STELLENBOSCH

CONVEYANCER CERTIFICATE

I/We ISAK MURISON

(conveyancer's name and surname)

Practising at:

2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,

CAPE TOWN, 8001.

(firm and place of practice)

In respect of:

ERF 2529 STELLENBOSCH

SITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISION

WESTERN CAPE PROVINCE, HELD BY TITLE DEED NO T16507/1977

(full property description (erf / farm) as it appear in title deed of same)

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1 .

2.

3.

4.

5.

6.

7.

8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)

A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

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

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

In respect of which it was found that there "are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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

Signed at CAPE TOWN (Place) **on this** 20 (Day) FEBRUARY (Month) **of 20** 23

Full names and Surname: ISAK MURISON

Signature: .....

Firm Postal Address:

P.O. Box 4039
CAPE TOWN
8000.

I. MURISON INC.
2nd Floor, Bank Chambers
4 Longmarket Street, Cape Town, 8001
Tel: (021) 461 3540

Kindly endorse this application by signing and official stamp here and initialling

Tel: 021 461-3540

Email: i.murison@attorneys.law.za

Cell: 084 444 3671

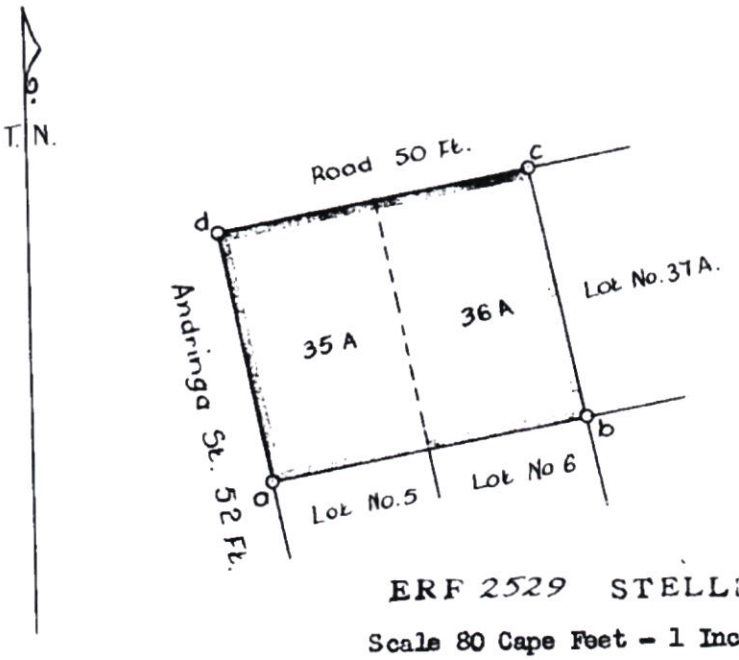
S.G. Dgm. No.3437/1898. Cape Dgm. No.3437/1898.

The numerical data of this diagram are mutually consistent.
(Sgd.) J.J. Bosman.
Examiner.

d

1673|77

Sides.	
ab	149. 10
bc	120. 00
cd	149. 10
da	120. 00
Angles.	
a b c d	90. 0. 0



ERF 2529 STELLENBOSCH

Scale 80 Cape Feet - 1 Inch.

The above diagram a b c d represents 124 Square Roods 36 Square Feet of Ground, situate in the Township and Division of Stellenbosch, being Lots Nos.35A and 36A of part of the Town Commonage granted to the Commissioners for the time being of the Municipality of the Town of Stellenbosch on the 22nd day of July 1898.

Bounded N. by Road 50 Ft.
S. " Lots Nos. 5 and 6.
E. " Lot No.37A.
W. " Andringa Street 52 Ft.

Framed from actual survey by me,
(Sgd) H.E. Tindall.
Govt. Land Surveyor.
October 1898.

Copied from the diagram relating to
Transfer 7620
dated 20th September 1899 in favour of
Izak J.J. Myburgh.

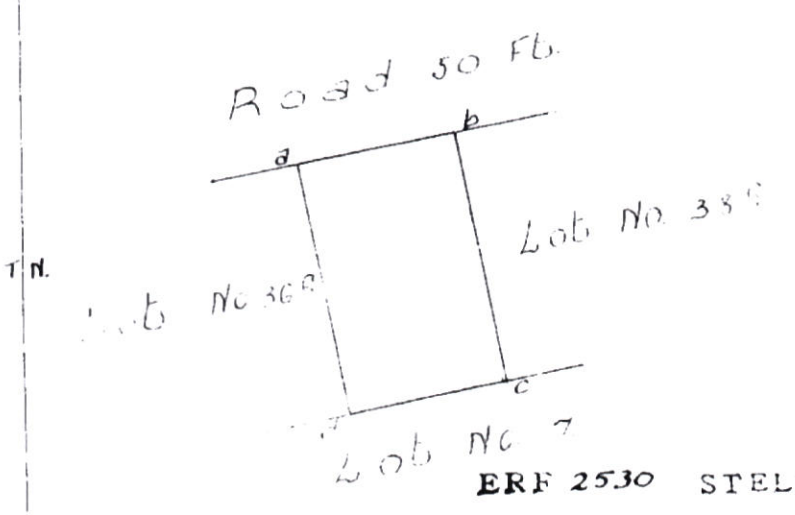
M 2754

BH 8DA/251
2529
M.R.

S.G. Dgm. No.1338/1899. 1338/1899.

The numerical data of this diagram are mutually consistent.
(Sgd) J.J. Bosman.
Examiner.

Sides. C.F.	
ab	74 · 55
bc	120 . 00
cd	74 · 55
da	120 · 00
Angles.	
a	90 · 0 · 0
b	90 · 0 · 0
c	90 · 0 · 0
d	90 . 0 · 0



ERF 2530 STELLENBOSCH

Scale: 80 Cape Feet - 1 Inch.

The above diagram a.b.c.d. represents 62 Square Roods 18 Square Feet of Ground, situate in the Township and Sivision of Stellenbosch. Being Lot No.37 A a portion of that part of the Town Commonage transferred to Frans N. Newman on the 10th February, 1899.

Bounded N by Road 50 Ft.
S " Lot No.7.
E " Lot No.38 A.
W " Lot No.36 A.

C

Framed from actual Survey by me,
(Sgd) H.E. Tindall.
Govt. Land Surveyor.
May, 1899.

Copied from ... relating to
Transfer ... 4364
... 8th June, 1899. M 2754
Thomas S. Newman.
... John T. Cass.

2 ... 1954

N.S. 6785

BH BDA 251

2530 H.R.

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

Our Ref: Erf 2529
Contact per: T Mazana
Contact no.: (021) 808 8695
Date: 12 December 2022

ZONING CERTIFICATE

Erf No. 2529, Stellenbosch, Administrative District of Stellenbosch, Province of the Western Cape

1. ZONING SCHEME PROVISIONS APPLICABLE TO THE SUBJECT PROPERTY

In accordance with the Stellenbosch Zoning Scheme Bylaw 2019, the base zone allocated to the above property, is:

PUBLIC OPEN SPACE ZONE

In terms of the provisions of the said Bylaw, this base zone may provide for the following Primary, Additional and Consent land uses:

PRIMARY USES PERMITTED	ADDITIONAL USES Land development requiring technical approval in terms of Section 15 of the Stellenbosch Land Use Planning Bylaw, 2015	CONSENT USES Land development requiring approval in terms of Section 15 of the Stellenbosch Land Use Planning Bylaw, 2015
Open space Natural environment Private road Occasional use (one event/ year)	Rooftop base telecommunication station	Camping site Cemetery Employee housing Freestanding base telecommunication station Indoor sport Market Occasional use (>one event/year) Outdoor sport Tourist accommodation establishment Tourist facilities

T: +27 21 808 8111 • F: +27 21 886 6899
Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

2. PERMITTED LAND USES ATTACHED TO THE SUBJECT PROPERTY

a) The land uses which are permitted on the subject property in accordance with the zoning provisions and the approvals granted and on record, are the following:
All primary land uses as per zoning scheme Bylaw as shown in the land use table above.

3. LAND USE RESTRICTIONS

This property may only be used for the permitted land uses detailed above and for no other purpose.

The above land uses are subject to various definitions, development parameters and restrictions contained in the applicable zoning scheme, a copy of which is available on the Stellenbosch Municipality website at https://stellenbosch.gov.za/planning-portal/.

4. STATUS OF THE ZONING CERTIFICATE

a) A Zoning Certificate is not a legal mechanism to vest any land use rights and where there are any discrepancies between the zoning information contained in this certificate and any current Municipal decision on the permitted land use rights and any qualification thereon, such Municipal decision on the land use rights will override the contents of this zoning certificate.

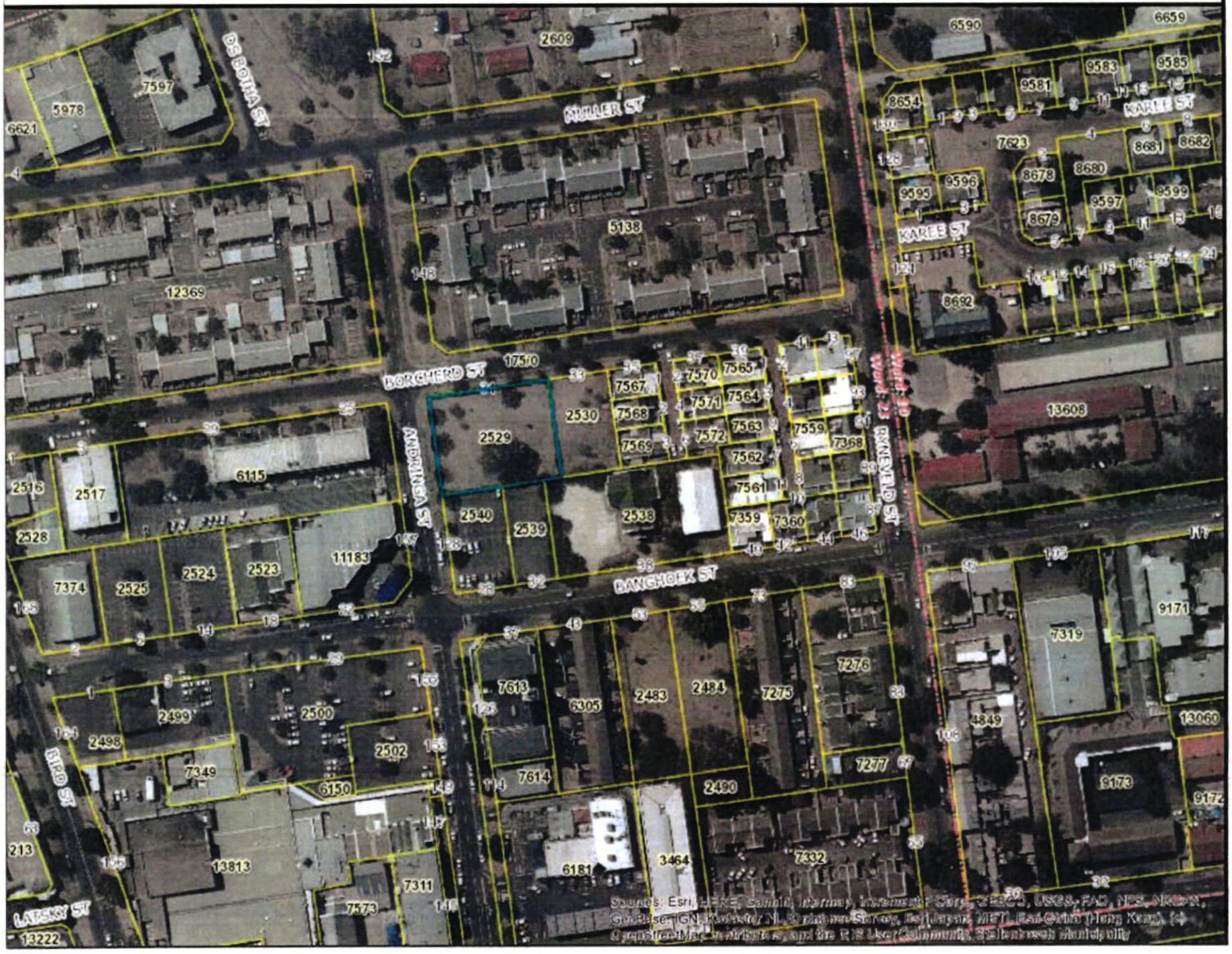
b) The permitted land use rights attached to the subject property does not exempt the owner/occupier from compliance with any other statutory requirement which may be applicable to the subject property, inclusive of restrictive title deed conditions,

pp _____

Director: Planning and Economic Development

T: +27 21 808 8111 • F: +27 21 886 6899
Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

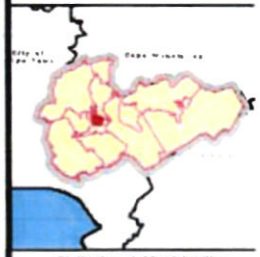
Stellenbosch GIS Map



SCALE

1:2 256,99

Legend



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2022/12/12

Author: Stellenbosch Municipality

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

CHAPTER 18: PUBLIC OPEN SPACE ZONE

181. Zone name and designation on map

(1) The Public Open Space zone may be referred to by the code (POS) and shall be indicated on the zoning map in bright green (Colour code 171, 255, 3).

182. Purpose of the zone

(1) 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 which also accommodates riverine corridors and other similar natural features; or to

(d) serve as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors.

183. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Open space • Natural environment • Private road • Occasional use (one event/ year)	• Rooftop base telecommunication station	• Camping site • Cemetery • Employee housing • Freestanding base telecommunication station • Indoor sport • Market • Occasional use (>one event/year) • Outdoor sport • Tourist accommodation establishment • Tourist facilities

(2) One or more of the abovementioned primary uses are permitted on a land unit at the same time.

184. Rooftop and freestanding base telecommunication stations

(1) A rooftop base telecommunication station in this zone is an additional use and a freestanding base telecommunication station may only be erected if a consent use application is approved by the Municipality.

(2) A rooftop base telecommunication station antennae may not extend more than 3 meters in height above the part of the building that it is attached to unless otherwise approved by the Municipality when granting technical approval.

(3) Any base station attached to the antennae shall be accommodated within the envelope of the building itself or inside its roof structure and shall not be visible from a public road, unless otherwise approved by the Municipality when granting technical approval.

(4) The mast of a freestanding base telecommunication station may not extend more than 30 meters in height above existing ground level.

(5) The height of any structures and buildings associated with a freestanding base telecommunication station, excluding the masts, may not exceed 1 storey unless otherwise approved by the Municipality when granting its consent.

(6) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany the application.

(7) The Municipality may require appropriate context-specific screening to mitigate the impact of such infrastructure.

185. Building development parameters in this zone

(1) The following building lines, coverage and height shall apply to buildings within this zone:

Building type	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	5m	5m	20% or as restricted in SDP	1 storey

186. Boundary walls and fences

(1) The height of any masonry wall, excluding the entrance structure and columns, may not exceed 1 meter.

(2) A fence comprising of only wire or steel palisade (painted charcoal, black or dark green) may not exceed 2,1 meters.

(3) No brick piers shall be permitted in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5 meters for a maximum distance of 10 meters on both sides of the entrance gate.

(4) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

187. Site development plan

(1) A site development plan may be required by the Municipality for any primary use.

(2) If trading areas in this zone are demarcated in terms of the Municipality's Informal Trading Policy or By-law, a consent use application and site development plan is not required for this activity.

(3) A site development plan shall be required for a consent use application and shall serve as the development parameters for such use once approved.

188. Construction environmental management plan

(1) The Municipality may require that a construction environmental management plan is submitted for approval prior to building plan approval for the construction of new buildings in this zone.

189. Development charges in this zone

(1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

BORCHERDS PARKING LOT (NORTH) ERF 2529, STELLENBOSCH

REZONING AND SDP APPROVAL APPLICATION

ERF 2529, STELLENBOSCH

PROJECT 3.020

JUNE 2023

BORCHERDS PARKING LOT

ERVEN 2529, STELLENBOSCH

Land Use Application submitted in terms of Section 15(2) of the Stellenbosch Municipality Municipal Planning By-law (2015), in support of the rezoning and the approval of a site development plan for erven 2529, Stellenbosch.

PREPARED BY:

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

Unit 10, 10 Plein Street, Durbanville
Tel: (021) 300 6384
Cell: 084 603 4370

CONTACT PERSONS:

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FOR:

EAS INFRASTRUCTURE ENGINEERS

ON BEHALF OF:

STELLENBOSCH MUNICIPALITY

EAS INFRASTRUCTURE ENGINEERS

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PROJECT REF: 3.020

JUNE 2023

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1. INTRODUCTION

1.1. BACKGROUND

Sustainable Planning Solutions has been appointed by EAS Infrastructure Engineers (Pty) Ltd., on behalf of the Stellenbosch Municipality, to undertake a development rights process and to obtain approval for a new public parking area located in the Stellenbosch CBD area.

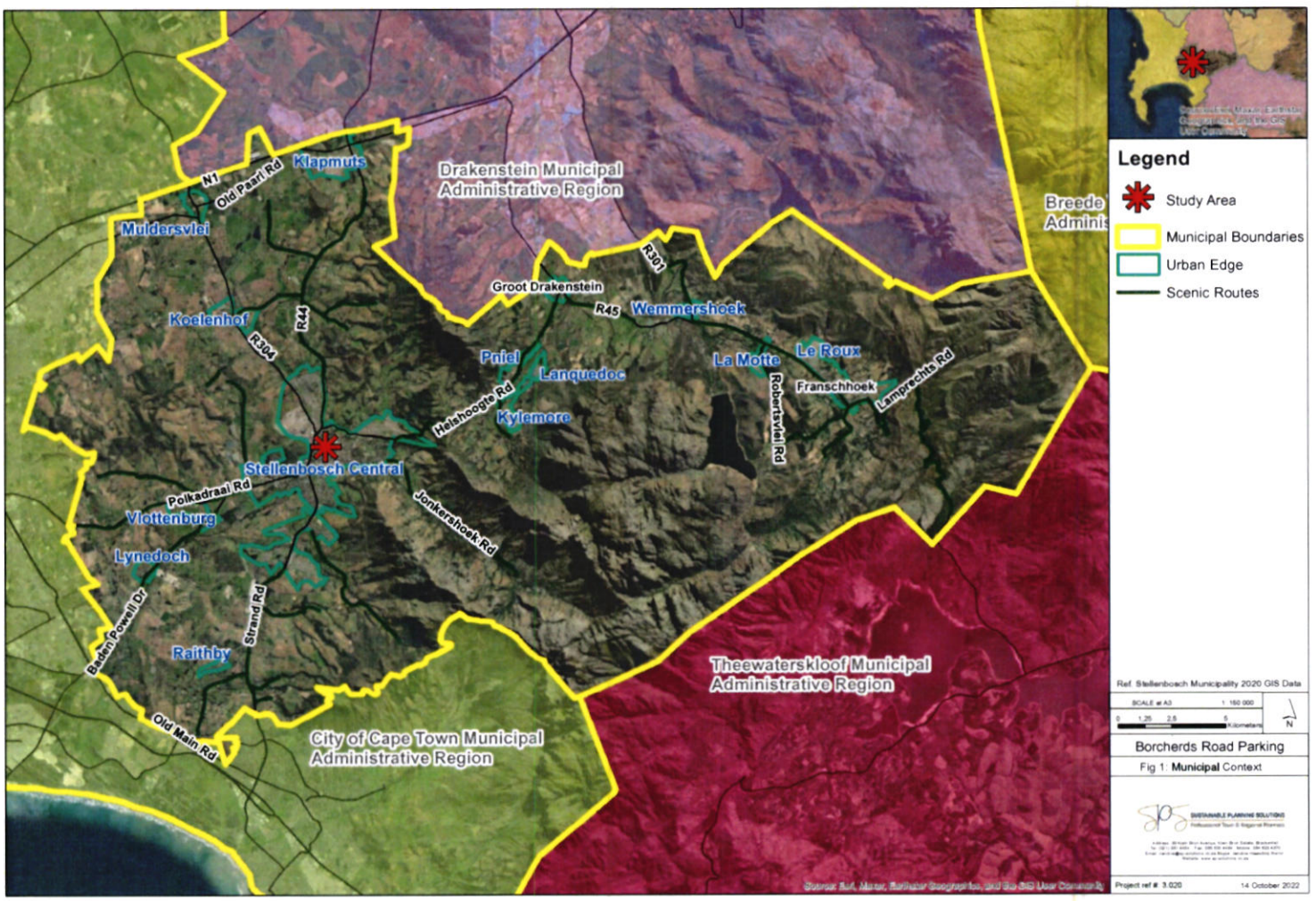
See attached Annexures 1 and 2 for the Land Use Application Form and the Power of Attorney.

The purpose of this report is to apply for the rezoning of erf 2529, Stellenbosch, from Public Open Space to Public Road and Parking Zone and the subsequent approval of a Site Development Plan.

1.2. SITE LOCATION

The subject property, erf 2529, Stellenbosch, is situated in the central business district (CBD) area of Stellenbosch, in the Stellenbosch Municipality. The site lies within Stellenbosch Urban Edge Please refer to **Figures 1** and **2** for the **municipal** and **regional context.**

The site is located on the corner of Borcherd Street and Andringa Street with nearby landmarks including the Stellenbosch Correctional Service (north of the site), the Christ Church Stellenbosch (south-east) and the Stelmark shopping centre (south). Refer to **Figures 3** and **4** for an **aerial view** and a detailed illustration of the **property concerned** of the site.


Drakenstein Municipal Administrative Region
Breede Adminis
Theewaterskloof Municipal Administrative Region
City of Cape Town Municipal Administrative Region
N1
Old Paarl Rd
Klapmuts
Muldersvlei
Koelenhof
R44
R304
R301
R45
Groot Drakenstein
Wemmershoek
Pniel
Lanquedoc
La Motte
Le Roux
Franschhoek
Lamprechts Rd
Robertsvlei Rd
Helshoogte Rd
Kylemore
Stellenbosch Central
Polkadraai Rd
Jonkershoek Rd
Vlottenburg
Lynedoch
Strand Rd
Baden Powell Dr
Raithby
Old Main Rd
Legend
Study Area
Municipal Boundaries
Urban Edge
Scenic Routes
Ref: Stellenbosch Municipality 2020 GIS Data
SCALE at A3
1: 150 000
0
1.25
2.5
5
Kilometers
N
Borcherds Road Parking
Fig 1: Municipal Context
Project ref # 3.020
14 October 2022

hayamandi
R310
Jan Cellliers rd
Merriman Ave
Stellenbosch
R44
Legend
Study Area
Stelmark Shopping Centre
Stellenbosch Correctional Services
Christ Church Stellenbosch
Major Roads
1.5km radius
Urban Edge
Ref Stellenbosch Municipality 2019 GIS Data
SCALE at A3 1: 10 000
0 0.075 0.15 0.3
Kilometers
N
Borcherds Road Parking
Fig 2: Regional Locality
SUSTAINABLE PLANNING SOLUTIONS
Project ref # 2.043
14 October 2022

Muller Road
Borcherd Street
Andringa Street
Ryneveld Street
Banghoek Road
2529
1777.4m²
2609
7597
2549
2547
2546
5138
8654
7623
9594
9595
9596
8692
2555
2553
2552
2551
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7567
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13608
6115
2538
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5338
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2524
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175/0
4849
7276
7613
6305
2483
2484
7275
2499
2500
2502
7349
7614
7277
13813
6181
3464
2490
7332
Legend
Study Area
Cadastral
Ref: Stellenbosch Municipality 2019 GIS Data
SCALE at A3
1:1000
0 0.0075 0.015 0.03
Kilometers
N
Borcherds Road Parking
Fig 3: Aerial
Project ref #: 3.020
14 October 2022

7597
2609
Muller Road
8654
7623
9594
9595
9596
2549
5138
2546
2547
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2553
2552
2551
2550
8692
Borcherd Street
2529
1777.4m²
2530
7567
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7572
7563
7562
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7557
7366
7558
7367
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7368
7560
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7359
7360
7361
7362
Ryneveld Street
13608
Andringa Street
6115
2540
2539
2538
2525
2524
2523
5338
175/0
Banghoek Road
4849
2499
2500
2502
7349
13813
7613
6305
2483
2484
7275
7276
7614
6181
3464
2490
7277
7332
Legend
Study Area
Cadastral
Ref Stellenbosch Municipality 2019 GIS Data
SCALE at A3 1:1000
0 0.0075 0.015 0.03 Kilometers
N
Borcherds Road Parking
Fig 4: Property Concerned
SUSTAINABLE PLANNING SOLUTIONS
Project ref # 3.020
14 October 2022

1.3. NATURE OF THE APPLICATION

This motivational report is submitted in support of the following:

Rezoning
In terms of Section 15(2)(a) of the Stellenbosch Municipal Planning By-Law (2015), in support of the rezoning erf 2529, Stellenbosch from Public Open Space Zone to Public Roads and Parking Zone to accommodate the proposed Public Parking Area.

Approval of Site Development Plan
In terms of Section 15(2)(g) of the Stellenbosch Municipal Planning By-Law (2015), for the approval of a Site Development Plan indicating the proposed Public Parking Area.

Refer to **Annexure 1** for the Land-Use Application Form.

1.4. ADDITIONAL STATUTORY APPLICATIONS TRIGGERED

- **The National Heritage Resources Act (25/1999)**
  Due to the nature of the application (an erf less than 10000m^2) the Heritage Resources Act 25 of 1999, is not applicable. No additional statutory processes are required.

- **National Environmental Management Act (NEMA) (107/1998) and the Environmental Impact Assessment Regulations**
  The NEMA regulations identify certain activities that may be detrimental to the environment. Listed activity (activity 15) of Listing Notice 3 of 2017 states the following:

  The transformation of land bigger than 1000 square meters in size to residential, retail, commercial, industrial, or institutional use, where such land was zoned open space, conservation or had an equivalent zoning, on or after 2 August 2010.

  We await the comment of the Stellenbosch Municipality's Environmental Management Department to confirm if an application in terms of NEMA needs be submitted to the Department of Environmental Affairs and Development Planning (DEADP).

1.5. PRE-APPLICATION CONSULTATION

By virtue of, electronic communication (e-mail) with planning officials from the Stellenbosch Municipality, it was confirmed that the application can be submitted. Please refer to **Annexure 3** for the pre-application correspondence.

1.6. PROPERTY DETAILS

The following section provides a detailed summary of the basic land and legal information. See summary below (refer to Annexures 4-7):

PROPERTY DESCRIPTION	**Erf 2529**
REGISTERED OWNER	Mun Stellenbosch (Refer to **Annexure 4**: Title Deed)
PHYSICAL ADDRESS	Cnr of Borcherd & Andringa Street, Stellenbosch
TITLE DEED	T16507/1977 (Refer to **Annexure 4**: Title Deed)
TITLE DEED RESTRICTION	No conditions prohibiting the proposed rezoning (Refer to **Annexure 5** : Conveyancer Certificate) & **Annexure 4**: Title Deed.
EXTENT OF ERF	1777.4m^2
SG INFORMATION	SG No: 3437/1898 (Refer to **Annexure 6**: SG diagram)
APPLICABLE ZONING SCHEME	Stellenbosch Municipality: Zoning Scheme By-Law, 2019
CURRENT ZONING	*Public Open Space* *Refer to* **Annexure 7:** Zoning Certificate
Current Land-Use	Vacant
Proposed Zoning	**Public Roads and Parking Zone**: *"The purpose of this zone is to make provision for the following:* *(a) public roads as indicated on a general plan and roads, whether constructed or not.* *(b) premises for the public parking of motor vehicles which are in use. Such parking may be provided in buildings or in open*

	parking areas to address the need for off-street parking in an area, with or without the payment of a fee. *Primary Uses:* • *Public parking area* • *Public road* • *Utility service* • *Occasional use (one event/year)* *Additional Uses (technical approval):* • *Rooftop base telecommunication station* • *Market* *Consent Uses (application required)* • *Freestanding base telecommunication station* • *Occasional use (>one event /year)* • *Parking garage* • *Transport purposes (passengers)*

2. LEGAL FRAMEWORK

In South Africa, decisions to all planning proposals and land use applications are assessed on their compliance to the relevant statutory and policy framework.

In Stellenbosch, land development is assessed and authorized by the Stellenbosch Municipality who base decisions on the applicable legislation that set out the process (to be followed) and criteria (to be applied) for final decision-making.

The following legislation is applicable for development applications in the Stellenbosch Municipal area.

Applicable legislation	
National	• National Heritage Resource Act (Act 25 Of 1999) • National Environmental Management Act (NEMA), (Act 107 Of 1998)
Municipal	• Stellenbosch Municipality: Land Use Planning By-Law (2015)

2.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16/2013)

The Act aims to develop a framework to govern spatial planning and set parameters for developments and provides for different lawful land uses in South Africa.

The *Development Principles* in Chapter 2 of the Spatial Planning and Land Use Management Act (SPLUMA) provides broad principles for a set of provincial laws that apply to all aspects of spatial planning, land development and land use management. *These development principles include:*

- *the principle of spatial justice,*
- *the principal of spatial sustainability,*
- *the principle of efficiency*
- *the principle of spatial resilience,*
- *the principle of good administration,*

Chapter 2 of the Act also requires the Minister to prescribe a set of Norms and Standards that should include and/or comply with the following: *should promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration, and sustainable development, ensure that land development and land use management processes, including applications, procedures and timeframes are efficient and effective.*

2.2. WESTERN CAPE LAND USE PLANNING ACT (3/2014)

The Western Cape Land Use Planning Act (LUPA) of 2014, chiefly aims to consolidate legislation in the province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions.

In Chapter VI of LUPA, we note that the same Land Use Planning Principles of SPLUMA (Act 14/2013) have been adopted. LUPA (3/2014) however provides more detail as to how these principles could be applied.

Section 49 of LUPA (3/2014) provides the assessment criteria that all municipalities must apply when considering a land use application. These include:

- *the applicable spatial development frameworks.*
- *the applicable structure plans.*
- *the principles referred to in Chapter VI (Land Use Planning Principles);*
- *the desirability of the proposed land use; and*
- *guidelines that may be issued by the Provincial Minister regarding the desirability of the proposed land use.*

2.3. STELLENBOSCH MUNICIPALITY: LAND USE PLANNING BY-LAW (2015)

The Stellenbosch Municipal Planning By-Law (2015) aims to regulate the use and development of land within the jurisdiction of the Stellenbosch Municipality. This legislation enables the Stellenbosch Municipality to control planning matters within its jurisdiction. This By-law legislates the process by which the land use applications are dealt with. In terms of this By-Law, the application for the rezoning of land is made in terms of Section 15. Section 17 provides more detail to the process to be followed for a rezoning application.

Section 65 of the By-law (2015) spells out the criteria to be applied in the assessment of land use applications. Broadly, the criteria to be applied when assessing land use applications shall include the following considerations:

a) Applicability of any approved forward planning policies, such as a Municipal Spatial Development Framework (SDF).
b) Compliance with the requirements of the By-Law and any other statutory processes.
c) Desirability of the proposed land use.
d) Impact on municipal engineering services.

The Stellenbosch Municipality: Zoning Scheme By-Law was gazetted in 2019. The zoning scheme sets out the development parameters for the different zonings that falls within the jurisdiction of the Stellenbosch Municipality.

2.4. NATIONAL HERITAGE RESOURCE ACT (Act 25 of 1999)

This legislation *'aims to promote good management of the national estate, and to enable and encourage communities to nurture and conserve their legacy'*.

Section 38 lists a host of development categories which, if pursued, requires that the responsible heritage resources authority, Heritage Western Cape (HWC), be notified.

The nature of the envisaged land use application does not trigger Section 38 of this Act since the character of the area will not change and neither is the property (inclusive of the respective applications) larger than 10000sqm.

This Act is therefore not applicable. However, the subject property falls within a Heritage Precinct which broadly states that the architectural nature of buildings, squares, and national monuments are to be preserved as far as possible. The proposed land use applications will regularise the use rights of the erf. The current operations of the Public Parking area on the site will remain compatible with the character of the area.

2.5. NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), (Act 107 OF 1998) and ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

The NEMA regulations identify certain activities that may be detrimental to the environment. Listed activity (activity 15) of Listing Notice 3 of 2017 states the following:

The transformation of land bigger than 1000 square meters in size to residential, retail, commercial, industrial, or institutional use, where such land was zoned open space, conservation or had an equivalent zoning, on or after 2 August 2010.

We await the comment of the Stellenbosch Municipality's Environmental Management Department to confirm if an application in terms of NEMA needs be submitted to the Department of Environmental Affairs and Development Planning (DEADP).

2.6. SUMMARY: LEGAL FRAMEWORK

There is a legal requirement for the management of land development to promote a diversity of land uses and that each proposal be assessed on its own merit. As mentioned above.

Sections 15(2)(a) and 15(2)(g) of the Stellenbosch Planning By-Law (2015), which refers to rezoning and the approval of a site development plan, are of relevance and importance to this application.

The proposed land use application does not trigger Section 38 of this Act and is therefore not applicable. A Notice of Intent to Develop (NID) need **not** be submitted to HWC.

We await the comment of the Stellenbosch Municipality's Environmental Management Department to confirm if an application in terms of NEMA needs be submitted to the Department of Environmental Affairs and Development Planning (DEADP).

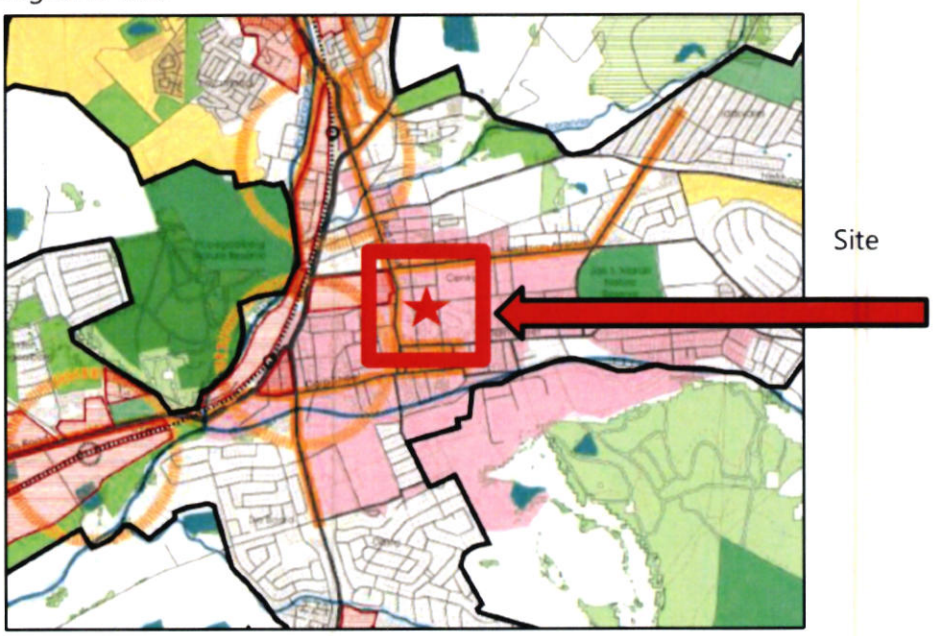
3. POLICY FRAMEWORK

This section identifies the relevant planning policies that must be considered. It also reaffirms the point that the proposed land use application (rezoning & approval of a site development plan) is desirable from a policy perspective.

3.1. STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK (2019)

The Stellenbosch Municipality Spatial Development Framework (MSDF) aims to enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives. Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them. Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being. Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The SDF earmarks the area in which the site is located as **Existing and Proposed Urban Character Areas** which is essentially the area within the Urban Edge. Although the proposed rezoning of the site will change the use rights of the erf, the proposed operations of the public parking area on the site will remain compatible with the character of the area and therefore would be in line with what the SDF earmarks the property for. The aim of the proposed land use application aims to regularise the existing land-use.



Extract from Spatial Development Framework, pg 70, 2019

3.2. SUMMARY: POLICY FRAMEWORK

As discussed above the proposed land use application for the rezoning and approval of site development plan for erf 2529, Stellenbosch will not change the current land use on the site nor the character of the area and therefore, finds support in the Stellenbosch Municipal Spatial Development Framework (2019).

4. SITE CONTEXTUAL ANALYSIS

This section assesses the subject properties in relation to the surrounding urban context and highlights the implications of the proposed land use application.

4.1. PROPERTY CONCERNED

The table below highlights the erven and extent of the site.

ERF NR.	EXTENT
2529	1777.4m^2

Please refer to **Figures 3** and **4** for Aerial and Property concerned plans.

4.2. REGISTERED DESCRIPTION, OWNERSHIP & CONVEYANCING

4.2.1. OWNERSHIP

Ownership of erf 2529, Stellenbosch lies with the **Western Cape Provincial Government**. Refer to **Annexure 4**: Title Deed

4.2.2. TITLE DEED INFORMATION

The table below highlights the title deed information and restrictive conditions contained in the title deeds for the erven. Refer to **Annexures 4 and 5** for the Title deed and conveyancing certificate, respectfully.

ERF NUMBER	TITLE DEED	EXTENT AS PER DEED	RESTRICTIVE CONDITIONS
2529	T16507/1977	1774 m^2	None of the deeds examined contain any restrictive title deed conditions (**Refer to Annexure 5: Conveyancing Certificate).**

**Please refer to the conveyancing certificate for more details. The conditions do not have an impact on the proposed development and does not necessitate an application for the removal of these conditions.*

4.2.3. TITLE DEED AND SG DIAGRAM DESCRIPTION[1]

The table below provides the descriptions as per the respective title deed and SG diagrams for the erven. Refer to **Annexure 4** for the title deed and **Annexure 6** for the SG diagrams.

ERF NR.	TITLE DEED DESCRIPTION	SG DIAGRAM
Erf 2529	*The title deed describes Erf 2529 under title deed number T16507/1977 as follows:* *Erf 2529, situated in the township and division of Stellenbosch,*	*The Surveyor-General (SG) describes Erf 2529 under S.G. No. 3437/41898 as follows:* *Erf 2529, Situated in the township and Division of Stellenbosch, being lots of No. 35A & 36A of a part of the town Commonage granted to the Commissioners for the time being of the municipality of the Town of Stellenbosch.*

4.2.4. TITLE DEED RESTRICTIVE CONDITIONS

There are no restrictive title deed conditions that prohibit the proposed land use applications pertaining to erf 2529, Stellenbosch.

Please refer to the conveyancing certificate attached as **Annexure 5**, as prepared by Walkers Attorneys.

4.3 CURRENT ZONING

The property, erf 2529, Stellenbosch is subject to the development parameters of the Stellenbosch Municipality Zoning Scheme By-Law. Erf 2529, Stellenbosch is currently zoned **Public Open Space Zone** in terms of the Stellenbosch Municipality Zoning Scheme.

Public Open Space Zone zoning is broadly defined as follows:

"To make provision for land which vests in the Municipality as a public place 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 which also accommodates riverine corridors and other similar natural features; or to
(d) serve as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors. "

[1] Information obtained from the title deed, conveyancing certificate and SG Diagrams. Refer to Annexure 4, Annexure 5, and Annexure 6 respectively.

Refer to **Figure 5** overleaf for an illustration of the current **zoning** as well as that of the surrounding properties.

2609
Muller Road
7597
8654
7623
9594
9595
9596
2549
2547
2546
5138
2555
2553
2552
2551
2550
8692
Borcherd Street
Stellenbosch Central
6115
2529
1777.4m²
2530
7567
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7561
7557
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7558
7367
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Rynoveld Street
13608
Andringa Street
2540
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2523
5338
175/0
Banghoek Road
2499
2500
2502
7349
13813
7613
6305
2483
2484
7275
7276
4849
7614
6181
3464
2490
7277
7332
Legend
Study Area
Cadastral
Integrated Zoning Scheme
Public Roads and Parking Zone
Agriculture and Rural Zone
Community Zone
Conventional Residential Zone
Education Zone
Industrial Zone
Less Formal Residential Zone
Limited Use Zone
Local Business Zone
Manual Allocation
Mixed Use Zone
Multi-unit Residential Zone
Natural Environment Zone
Other
Private Open Space Zone
Public Open Space Zone
Subdivisional Area
Transport Facility Zone
Utility Services Zone
Ref: Stellenbosch Municipality 2019 GIS Data
SCALE at A3
1:1000
0 0.0075 0.015 0.03
Kilometers
N
Borcherds Road Parking
Fig 5: Zoning
SUSTAINABLE PLANNING SOLUTIONS
Project ref # 3.020
14 October 2022

4.4 LAND USE

The study area (erf 2529, Stellenbosch) is currently vacant. Refer to Aerial Map.

Muller Road
Borcherd Street
Andringa Street
Rynveld Street
Banghoek Road
2529
1777.4m²
2530
2538
2539
2540
5138
6115
5338
175/0
Legend
Study Area
Cadastral
Ref Stellenbosch Municipality 2019 GIS Data
SCALE at A3 1:1000
Borcherds Road Parking
Fig 3: Aerial
Project ref # 3.020
14 October 2022

5. DEVELOPMENT PROPOSAL

5.1 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal includes the rezoning of erf 2529, Stellenbosch from a Public open space zone to Public Roads and Parking Zone. The client wishes to utilize the site as a public parking area, and this would be accommodated for within the proposed zoning. Furthermore, due to the nature of the application, the approval of a site development plan is required in terms of Stellenbosch municipal planning By-law (2015).

- **REZONING**

  In terms of Section 15(2)a of the Stellenbosch Municipal Planning By-Law (2015), in support of the **Rezoning** of erf 2529, Stellenbosch. Refer to **Figure 6.**

  The proposed zoning for Erf 2529, Stellenbosch is **Public Roads and Parking Zone.**

  Public Roads and Parking Zone is broadly defined as follows:

  "...to make provision for the following:

  (a) public roads as indicated on a general plan and roads, whether constructed or not.

  (b) premises for the public parking of motor vehicles which are in use. Such parking may be provided in buildings or in open parking areas to address the need for off-street parking in an area, with or without the payment of a fee."

- **APPROVAL OF SITE DEVELOPMENT PLAN**

  In terms of Section 15(2)g of the Stellenbosch Municipal Planning By-Law (2015), for the **Approval of a Site Development Plan** indicating the proposed Public Parking Area.

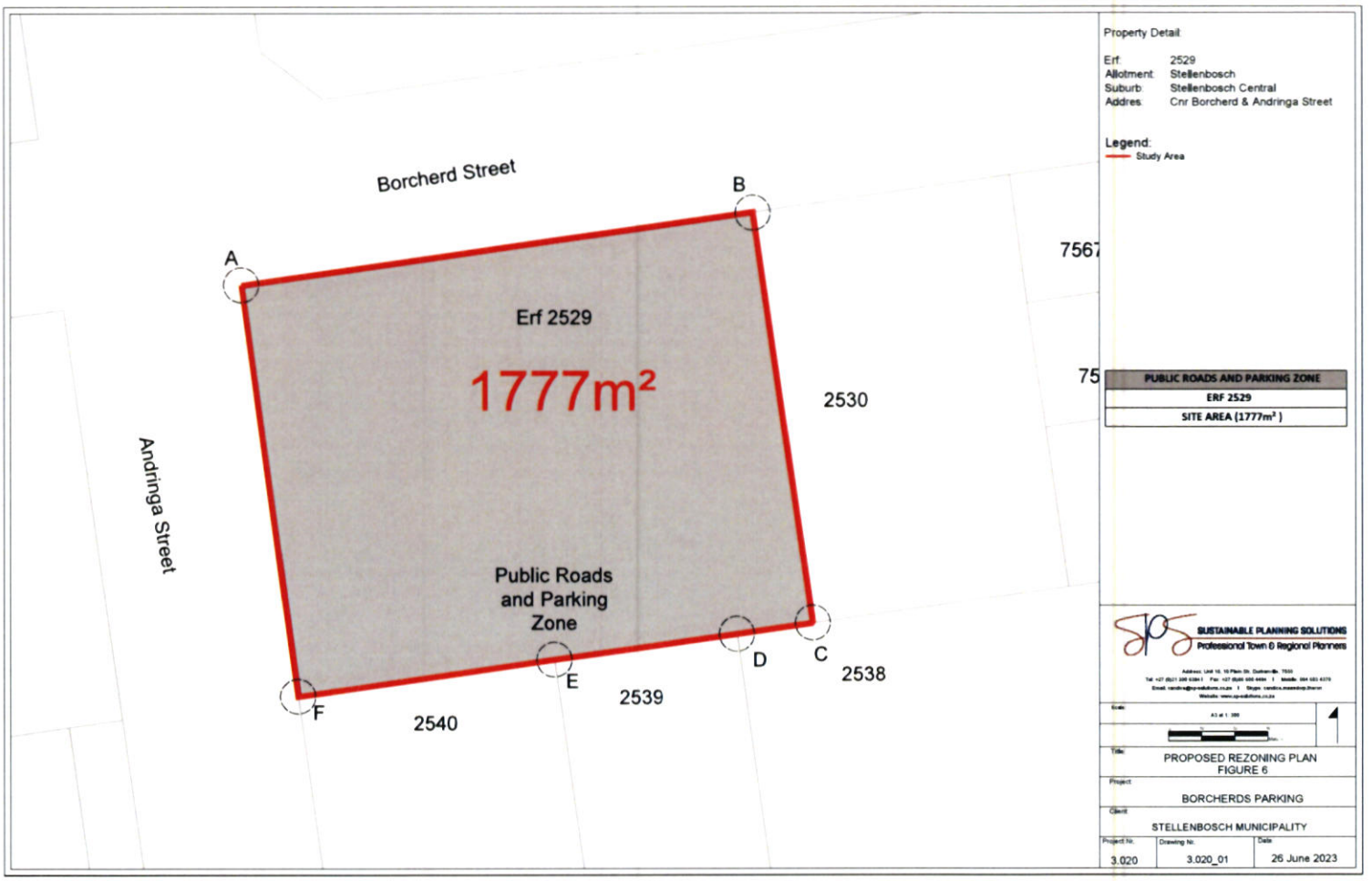
  The proposed site development plan provides the following information:

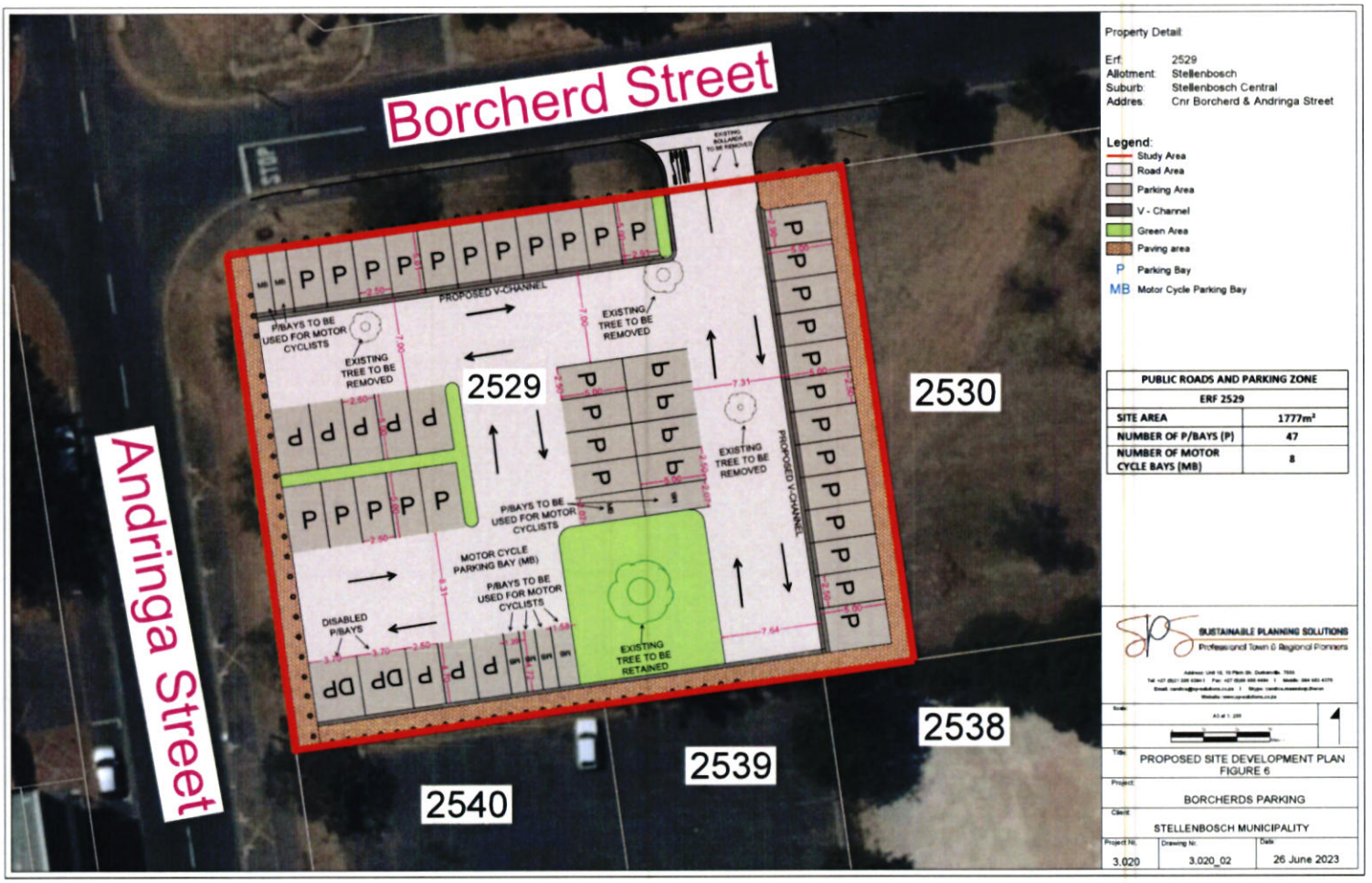
  - The total site area is 1777m^2.
  - There is a total of 47 parking bays, which will include two disabled parking bays.
  - This is a total of 8 parking bays available.

  Important to note.

There is a eucalyptus tree which is to be retained with a 5m buffer around it, as per recommendation of the botanist appointed.

The development parameters associated with Public Roads and Parking Zone, will be indicated on the Site Development Plan for erf 2529, Stellenbosch. (Refer to **Figure 7: Site Development Plan**)


Property Detail:
Erf: 2529
Allotment: Stellenbosch
Suburb: Stellenbosch Central
Addres: Cnr Borcherd & Andringa Street
Legend:
Study Area
Borcherd Street
Andringa Street
A
B
C
D
E
F
Erf 2529
1777m²
Public Roads and Parking Zone
2530
2538
2539
2540
7567
75
PUBLIC ROADS AND PARKING ZONE
ERF 2529
SITE AREA (1777m²)
SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners
PROPOSED REZONING PLAN
FIGURE 6
BORCHERDS PARKING
STELLENBOSCH MUNICIPALITY
3.020
3.020_01
26 June 2023



Property Detail:

Erf: 2529
Allotment: Stellenbosch
Suburb: Stellenbosch Central
Addres: Cnr Borcherd & Andringa Street

Legend:
- Study Area
- Road Area
- Parking Area
- V - Channel
- Green Area
- Paving area
- P Parking Bay
- MB Motor Cycle Parking Bay

PUBLIC ROADS AND PARKING ZONE	
ERF 2529	
SITE AREA	1777m²
NUMBER OF P/BAYS (P)	47
NUMBER OF MOTOR CYCLE BAYS (MB)	8

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

Scale: A3 at 1:200

Title: PROPOSED SITE DEVELOPMENT PLAN FIGURE 6

Project: BORCHERDS PARKING

Client: STELLENBOSCH MUNICIPALITY

Project Nr.	Drawing Nr.	Date
3.020	3.020_02	26 June 2023

6. MOTIVATION AND CONCLUSION

The purpose of this land use application is to rezone Erf 2529, Stellenbosch, from Public Open Space zone to Public Roads and Parking Zone. Additionally, an application for the approval of a Site Development Plan will also be required.

6.1 APPLICABILITY AND COMPLIANCE

The Rezoning process and the Approval of a Site Development Plan application will follow due process in terms Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015). No additional statutory processes are applicable to the site.

The Stellenbosch Municipal Spatial Development Framework (SDF) earmarks the site for **Existing and Proposed Urban Characters,** which is essentially an area that falls within the Urban Edge. The proposed land use application will change the land use rights of the sit. However, the site will remain compatible with the character of the area and therefore would be in line with what the SDF earmarks the area for. The aim of the proposed land use application is merely to accommodate the proposed public parking area.

From a policy perspective, the proposed land use application (Rezoning and the approval of site development plan) finds support in the Stellenbosch Municipal Spatial Development Framework (SDF) 2019.

6.2 DESIRABILITY

Section 65 of the Stellenbosch Municipal Land Use Planning By-Law (2015) states that there are certain criteria that need to be addressed in a land use application before a decision can be made. The application can be assessed based on the criteria: the socio-economic impact, compatibility with surrounding land uses, impact on the external engineering services, impact on safety, health and wellbeing of the community, impact on heritage, impact on the biophysical environment, impact on existing rights, traffic impacts, parking, access, and other transport related conditions.

6.2.1. SOCIO-ECONOMIC IMPACT

The proposed land use applications aims to accommodate the desired land-uses of our clients without causing any negative socio-economic impact. In fact, the inclusion of a public parking area within the development will create job opportunities, resulting in a positive socio-economic impact for the surrounding Stellenbosch area. The change of zoning will primarily have administrative implications, streamlining the process without adverse effects.

6.2.2. COMPATIBILITY

The proposed land use will fall under a *"public parking area"* for Public Roads and Parking Zone. The proposed rezoning is considered compatible with the existing character of the area. The application for the approval of a site development plan is required by the municipality to regularize the proposed land use. This is to ensure the land can be utilised in a manner that does not conflict with the zoning of land.

6.2.3. SAFETY AND WELLBEING OF THE COMMUNITY

The proposed land use application will merely alter the site's building parameters and permissible uses. This will not negatively impact the health, wellbeing, and safety of the surrounding community.

6.2.4. TRAFFIC IMPACT

No additional floor space is proposed with the application; therefore, no transport studies are triggered. The proposed development will provide additional public parking bays to the area, which will alleviate traffic congestion and illegal parking. The existing entrances to the property will remain. The application is merely to accommodate the proposed Public Parking Area.

6.2.5. IMPACT ON BIOPHYSICAL ENVIRONMENT

Any new construction works for the proposed Public Parking Area will not have a negative impact on the biophysical environment.

6.2.6. IMPACT ON EXISTING RIGHTS

No negative impact on the existing rights of surrounding properties is anticipated. As additional parking bays will be provided to the general public. The proposed use will remain in line with the primary uses of the Public Roads and Parking Zone. The application merely aims to ensure statutory compliance of the proposed land use.

6.2.7. VEHICULAR AND PEDESTRIAN ACCESS

The site currently obtains vehicular and pedestrian access from Borcherd street. The existing vehicular and pedestrian access will remain. No new access points are proposed. The proposed land use application will not have a negative impact on the existing vehicular and pedestrian access.

6.2.8. ENGINEERING SERVICES

The proposed land use application will not have a negative impact on the existing engineering services. The new construction works, or proposed floor

space, will have no negative impacts on existing engineering services. Engineering services capacity studies are thus not triggered.

6.2.9. NEED FOR MITIGATING CONDITIONS

The proposed land use application (Consolidation and Rezoning) will not negatively impact the rights of nearby landowners. The proposed public parking area will provide additional off-street parking to road users in the vicinity.

The conditions of the land use approval will be the result of due process being followed and all the necessary requirements in terms of other legislative processes being adhered to, as required by the process.

The application merely aims to rezone the property to regularise the proposed land use on the site. Additionally, the approved site development plan will provide development parameters to the site. Which will govern any development on erf 2529, Stellenbosch.

6.3 LAND USE PLANNING PRINCIPLES

- **Spatial Justice**:

"Past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land".

Past spatial and other development imbalances is not applicable to this application. However, the rezoning application and subsequent application for the approval of a Site Development Plan will allow for an easier administrative process when future development/building plan applications are submitted for the expansion or improvement of erf 2529, Stellenbosch.

- **Spatial Sustainability:**

Land use planning should: *"promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority" **and" uphold** consistency of land use measures in accordance with environmental management instruments".*

The proposed Public Parking Area site is located within the urban edge of Stellenbosch. The town of Stellenbosch is spatially compact and located within the administrative realms of the Stellenbosch Municipality. The approved Site Development Plan will provide the development parameters which erf 2529, Stellenbosch are subject to. The proposed public parking area will provide additional off-street parking to road users, therefore alleviating issues like Traffic congestion and carbon emissions. While increasing the overall convenience in

the search for parking in the area. The land use application is merely to accommodate for the proposed public parking area on erf 2529, Stellenbosch.

- **Spatial Resilience:**

  "Whereby flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks".

  This land use application aims to rezone the property in order to regularise the proposed land use on the site. Additionally, an application for the approval of a Site Development Plan will also be included. The proposed Public Parking Area will provide additional off-street parking to road users in the vicinity. Should the landowner (Stellenbosch Municipality) wish to dispose of the land, any monies received could be reinvested in bettering the lives of the Stellenbosch people.

- **Efficiency:**

  "Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities".
  The land use application (rezoning and Approval of a Site Development Plan) for erf 2529, Stellenbosch. The Subject property will be provided with a set of development parameters governing a development on the site, which clearly indicates the applicant's desire to achieve optimal utilisation of the site's capacity. The proposed land-use application will allow for easier and efficient processing of future development/building plan applications to upgrade or extend the proposed public parking area.

- **Good Administration:**

  "The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all the parties the opportunity to provide inputs on matters affecting them".
  This land use application (rezoning and approval of a site development plan) has been discussed with a town planner from the Stellenbosch Municipality. The town planner shall advise on the requirement public participation requirements. It is important to note that the proposed public parking area will provide additional off-street parking to road users in the vicinity once this land use application is approved.

6.4 CONCLUSION

In terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015), we respectfully request your office's favourable consideration of this application for the proposed rezoning and approval of a site development plan for erf 2529, Stellenbosch. This is to ensure statutory compliance of the proposed public parking area on erf 2529, Stellenbosch.

7. REFERENCES

1. Stellenbosch Municipality, 2015. Stellenbosch Municipality, Land Use Planning By-law ,Cape Town: Provincial Gazette.

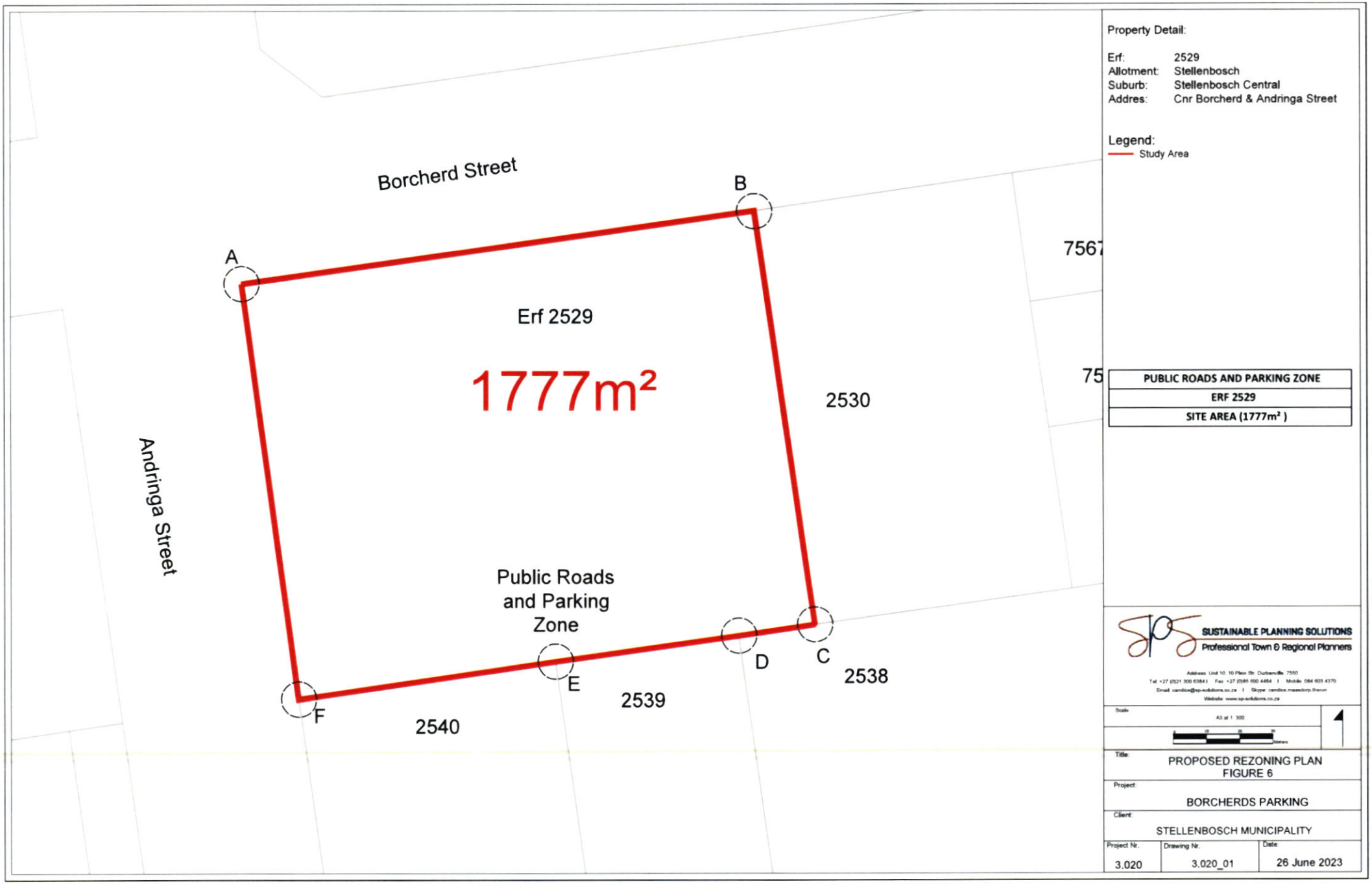
2. Stellenbosch Municipality, 2019. Stellenbosch Municipality Spatial Development Framework (2019), Stellenbosch: Stellenbosch Municipality

3. Republic of South Africa, 1999. National Environmental Management Act 107 of 1998, Cape Town: Government Gazette.

4. Republic of South Africa, 1999. National Heritage Resources Act (Act 25 of 1999), Cape Town: Government Gazatte.

5. Republic of South Africa, 2013. Spatial Planning and Land Use Management Act, Cape Town: Government Gazette.

6. Western Cape Government, 2014. Western Cape Land Use Planning Act, Cape Town: Provincial Gazette.



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Legend:
Study Area

PUBLIC ROADS AND PARKING ZONE
ERF 2529
SITE AREA (1777m²)

SUSTAINABLE PLANNING SOLUTIONS
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Email: candice@sp-solutions.co.za | Skype: candice.maasdorp.theron
Website: www.sp-solutions.co.za

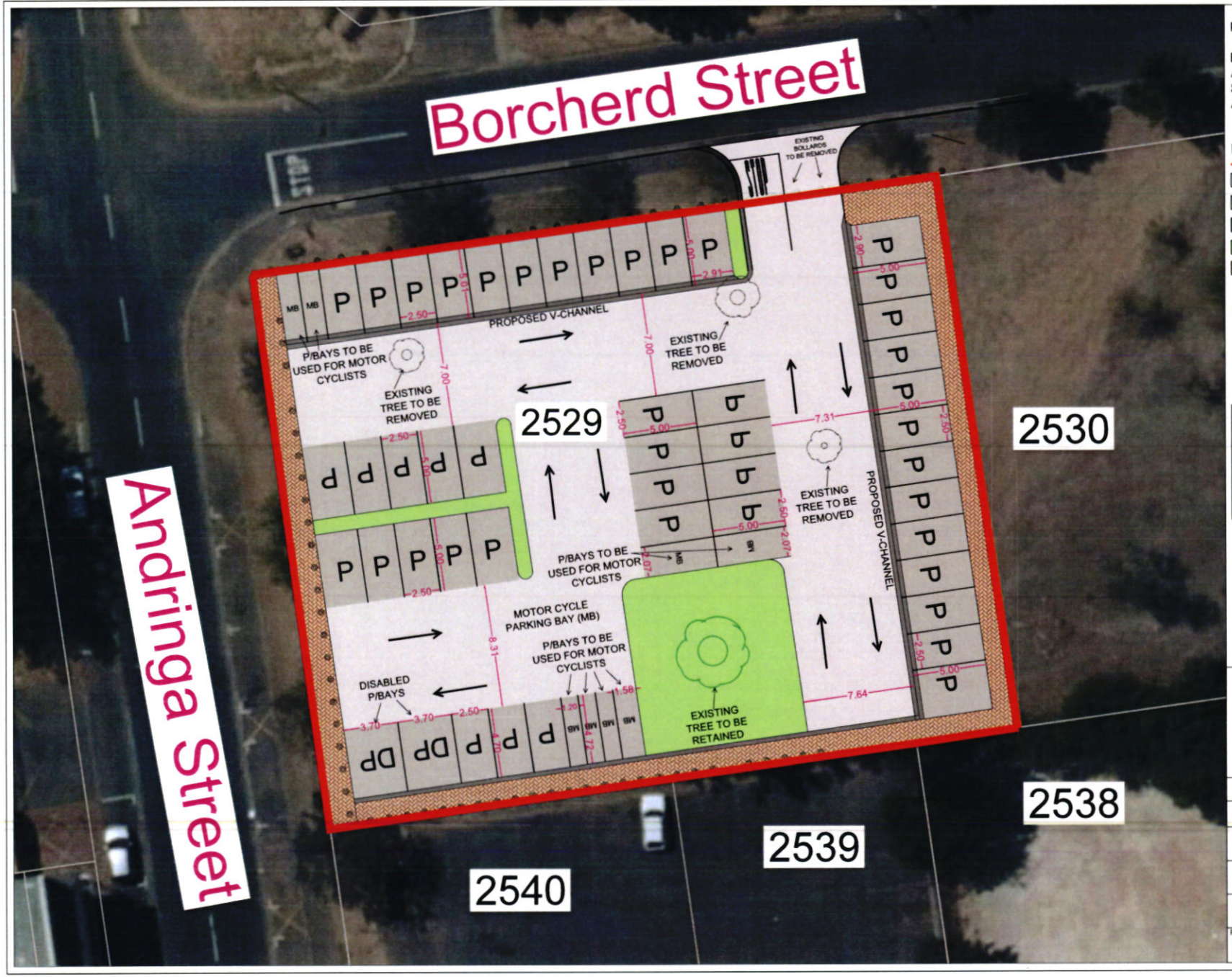
Scale: A3 at 1: 300

Title: PROPOSED REZONING PLAN
FIGURE 6

Project: BORCHERDS PARKING

Client: STELLENBOSCH MUNICIPALITY

Project Nr.	Drawing Nr.	Date
3.020	3.020_01	26 June 2023



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Email: candice@sp-solutions.co.za I Skype: candice.maasdorp.theron
Website: www.sp-solutions.co.za

Scale: A3 at 1: 250

Title: PROPOSED SITE DEVELOPMENT PLAN FIGURE 6

Project: BORCHERDS PARKING

Client: STELLENBOSCH MUNICIPALITY

Project Nr.	Drawing Nr.	Date
3.020	3.020_02	26 June 2023

Legend

- Study Area
- Stelmark Shopping Centre
- Stellenbosch Correctional Services
- Christ Church Stellenbosch
- Major Roads
- 1.5km radius
- Urban Edge

Ref. Stellenbosch Municipality 2019 GIS Data

SCALE at A3 1: 10 000

0 0.075 0.15 0.3 Kilometers

N

Borcherds Road Parking

Fig 2: Regional Locality

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Project ref #: 2.043 14 October 2022