

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

Dear Landowner

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

Application Property Address: **90 Hoof street, Pniel**
Application Property Number: **Erf 351**
Applicant: **Active Planning Solutions**
Owner: **Mr Justin Swartz obo S2Z Investments (Pty)**
Application Reference: LU/ **LU/7315**

Application Type: **APPLICATION FOR A REZONING APPROVAL OF SITE DEVELOPMENT PLAN: Erf 351, 90 HOOF STREET, PNIEL**

- **The rezoning of erf 351 from Conventional Residential Zone to Multi Unit Residential zone to accommodate eight flats, communal open space and private road in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law of 2015.**
- **A permanent departure from the 4,5m common boundary building line applicable to the ground and first floor in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.**
- **A permanent departure from the 6m common boundary building line applicable to the second floor in terms of Section 15(2)(b) of the Stellenbosch Municipal Land use Planning By-law of 2015.**
- **A permanent departure from the prescribed 20% communal outdoor space to 12,17% in terms of Section 15(2)(b) of the Stellenbosch Municipal Land use Planning By-law of 2015.**
- **Approval of the Site Development Plan**
- **Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land use Planning By-law of 2015 to allow the development within the Dwars River Valley Rural Conservation Area Overlay zone (URC04).**
- **Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land use Planning By-law of 2015 to allow the development along Helshoogte road (R310) within a designated Scenic route overlay zone (USR10).**

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;

- Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **Active Planning Solutions**, Email: pierre@activeplanning.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 **3 July 2023**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at during normal office hours.

Yours faithfully

Active Planning Solutions

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

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

Beste grondeienaar

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

Adres van aansoek eiendom: **90 Hoof straat, Pniel**

Aansoek eiendom beskrywing: **Erf 351**

Aansoeker: **Active Planning Solutions**
Cell: 079 528 9179
Email: pierre@activeplanning.co.za

Eienaar: **Mnr Justin Swartz namens S2Z Investments (Pty) Ltd.**

Aansoek Verwysing: LU/ **LU/7315**

Tipe Aansoek: **AANSOEK OM 'N HERSONERING & GOEDKEURING VAN TERREINONTWIKKELINGSPLAN: Erf 351, HOOFSTRAAT 90, PNIEL**

- **Die hersonering van erf 351 vanaf Konvensionele Residensiële Sone na Multi Eenheid Residensiële sone om agt woonstelle, gemeenskaplike oop ruimte en privaat pad te akkommodeer ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening van 2015.**
- **'n Permanente afwyking van die 4,5m gemeenskaplike grensboulyn van toepassing op die grond en eerste verdieping ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening van 2015.**
- **'n Permanente afwyking van die 6m gemeenskaplike grensboulyn van toepassing op die tweede verdieping ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening van 2015.**
- **'n Permanente afwyking van die voorgeskrewe 20% gemeenskaplike oopruimte tot 12,17% ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening van 2015.**
- **Goedkeuring van die Terreinontwikkelingsplan.**
- **Goedkeuring ingevolge Artikel 15(2)(g) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening van 2015 om die ontwikkeling binne die Dwarsriviervallei Landelike Bewaringsgebied-oorlegsone (LBO04) toe te laat.**
- **Goedkeuring ingevolge Artikel 15(2)(g) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening van 2015 om die ontwikkeling langs Helshoogte-pad (R310) binne 'n geormerkte Visuele roete-oorlegsone (VRO10) toe te laat.**

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: **Active Planning Solutions**, Email: pierre@activeplanning.co.za. Deur 'n beswaar, kommentaar of versoë 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 **3 Julie 2023**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by gedurende normale kantoor ure.

Die uwe

Active Planning Solutions

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

TAX INVOICE

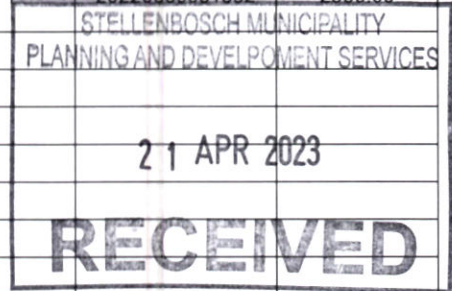


STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

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

DATE:	2023-04-11	DOCUMENT NO:	747648
ERF / FARM NO:	351	CREATED BY:	Bulelwa Mdoda
LOCALITY:	7 School Street, PNIEL	APPLICATION NO:	LU/15427
OWNER'S NAME:	S2Z Investments (Pty) Ltd	APPLICATION VAT NO:	0
ADDRESS:	7 School Street	VAT NO:	4700102181
		APPLICANT:	Pierre Jordaan (Active Planning Solutions)
		TEL NO:	0795289179

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
PERMANENT DEPARTURE - Departure applications including but not limited to building lines, coverage, height, bulk, parking, Per applications per property	2500.00	1	20220630081392	2500.00
REZONING & DETERMINATION OF A ZONING - Rezoning, inclusive of a determination of a zoning submitted in Urban and Rural Areas, Per application per property	10000.00	1	20220630081392	10000.00
TEMPORARY DEPARTURE, CONSENT USE, PERMISSION IN TERMS OF ZONING SCHEME, PERMISSION REQUIRED IN TERMS OF THE TITLE DEED - Submitted in urban and rural areas, Per application per property	2500.00	1	20220630081392	2500.00



TOTAL AMOUNT PAYABLE 15000.00

VAT INCLUDED @ 15% 1956.52

NEW TARIFFS IMPLEMENTED ON 1 JULY ANUALLY

CALCULATED BY

NAME:

SIGNATURE

DATE:

11/04/2023

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

VERIFIED BY

NAME:

SIGNATURE

DATE:

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

Nicole Katts

Phone Number
E-mail

Nicole.Katts@stellenbosch.gov.za

BTW/VAT Invoice No: 3678
Invoice VAT Reference: 4700102181
Name: S2Z Investments (Pty) Ltd

Invoice Date: 2023/4/11

Reference No: TP179/2022

Payment Due Date: 2023/5/11

Client Street address: 7 School street Kylemore
Stellenbosch Western Cape South Africa 7601

Municipality street address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: 7 School street Kylemore
Stellenbosch Western Cape South Africa 7601

Municipality postal address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client VAT No:
Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Rezoning, inclusive of a determination of a zoning	1	10 000.00	Per application	10 000.00
20220630081392	Consent Use ito Zoning	1	2 500.00	Per application per property	2 500.00
20220630081392	Departure applications including but not limited to building lines, coverage, height, bulk, parking.	1	2 500.00	Per application per property	2 500.00
Total Excl VAT					13 043.47
VAT					1 956.53
Invoice Total					15 000.00

*VAT Exempt

Created By: Mdoda, Bulelwa

Signature:
Verified By: Mdoda, Bulelwa

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: TP179/2022

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

RECEIPT NR.

Bulelwa Mdoda

From: Sharise De Klerk
Sent: Friday, 21 April 2023 08:23
To: Bulelwa Mdoda

Morning B

Invoices please

20/04/2023 9 15000.00 DIR1 1000224959 05040 FNB OB
PMT TP179/2022 TP179/2022

20/04/2023 45	2500.00 DIR1 1000224990 05236	KILOKOX PR	ECISION PTY LTD	KILOKOX
PRECISION PTY LTD				
20/04/2023 51	6000.00 DIR1 1000224996 05236	LU/15442 A	ND FARM 373/7	LU/15442
AND FARM 373/7				



Kind regards,

Sharise De Klerk

Electronic Payments

Income/Finance Department

T: +27 21 808 8547 | F: +27 8867318

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

Active Planning Solutions
MOTIVATIONAL MEMORANDUM

***Application for Rezoning with Permanent building line &
outdoor space provision departures, Site Development
Plan approval & permission to allow development in
Overlay zones,
Erf 351, Pniel***

Revision 2: February 2023



Date: February 2023

Cell: 079 528 9179

Ref: Erf351/Pniel_Rez/APSv3

Pierre Jordaan

Email: pierre@activeplanning.co.za

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1. POWER OF ATTORNEY
2. COMPANY RESOLUTION
3. TITLE DEED
4. COORESPONDENCE w.r.t. RESTRICTIVE DEED CONDITION APPLICABILITY
5. GENERAL PLAN / DIAGRAM
6. PRE- APPLICATION SCRUTINY FORM
7. PRE- CONSULTATION OUTCOME
8. APPLICATION FORM

PLANS

1. LOCALITY
2. TOPOGRAPHICAL SURVEY
3. SITE DEVELOPMENT PLAN

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1. INTRODUCTION

This firm was appointed by Mr Justin Swart, representing S2Z Investments (Pty.) Ltd. to handle all town planning related actions required to have Erf 351, Pniel, rezoned and the Site Development Plan approved with the permission to develop within designated overlay zones. The Power of Attorney and Company Resolution to this effect is attached as **Addendum 1** and **2** respectively.

2. PURPOSE

It is the purpose of this memorandum to apply for the following:

- The **Rezoning** of erf 351 from Conventional Residential Zone to Multi Unit residential zone to accommodate eight flats, communal open space and private road in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- A **Permanent Departure** from the 4,5m common boundary building line applicable to the ground and first floor in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- A **Permanent Departure** from the 6m common boundary building line applicable to the second floor in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- A **Permanent Departure** from the prescribed 20% communal outdoor space to 12.17% in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- Approval of the **Site Development Plan** in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015 to allow the development within the **Dwars River Valley Rural Conservation Area Overlay zone (URCO4)**.
- Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015 to allow the development along Helshoogte road (R310) within a designated **Scenic route overlay zone (USR10)**.

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3. PROPERTY & TITLE DEED DETAILS

Erf 351, Pniel

SIZE:	743m ²
OWNER:	S2Z Investments (Pty.) Ltd.
TITLE DEED NO:	T10359/2020
BORDERS:	
NORTH	Erf 349 & 350
SOUTH	Portion 6 of farm 1173
EAST	R310 (Helshoogte road)
WEST	Erf 872, 839 & Remainder erf 352
T-DEED RESTRICTIONS:	None (see proof documentation attached as Addendum 4)
DIAGRAM NO:	General Plan 9954/1993
ZONING:	Conventional Residential zone

Title deed and General Plan attached as **Addendum 3** and **4** respectively.

4. LOCATION

Erf 351 here after called the **property** is situated just west of the R310 or Helshoogte road in the south of the town of Pniel in the Stellenbosch Municipal area demarcation (See **Figure 1** below). The locality plan is attached as **Plan 1**

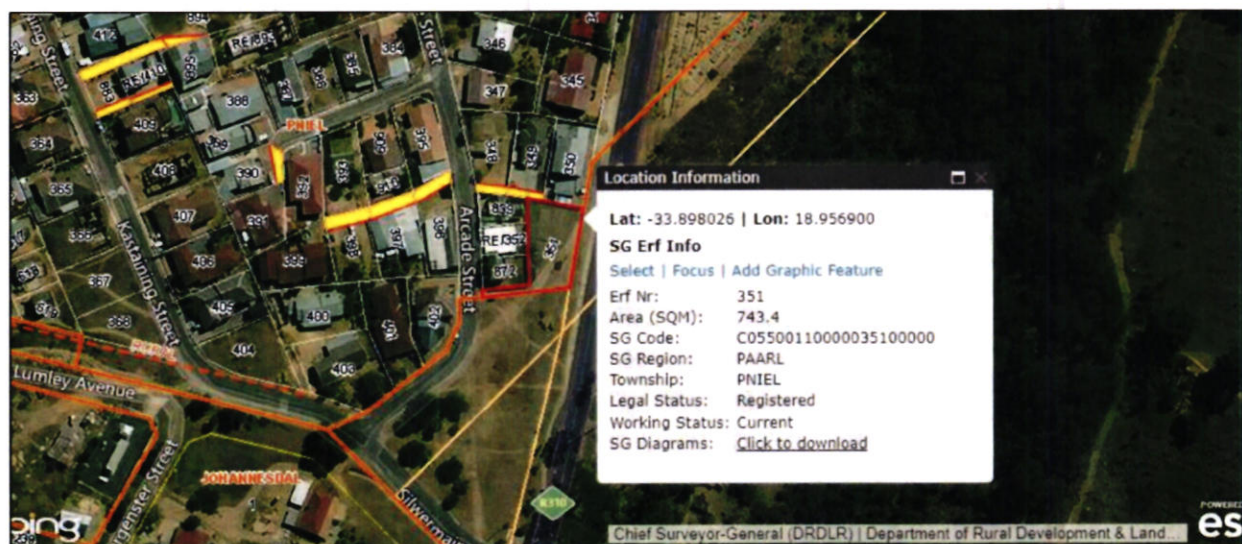


Figure 1: Local context

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5. PHYSICAL FEATURES

It is evident from the topographical survey attached as **Plan 2** that the property has quite an extensive fall from the west to the east with the lowest point being the north eastern corner of the property. The gradient is calculated at approximately 1:11 which allows the design of the apartment block with a slightly excavated ground floor to accommodate the parking bays. The property has no natural vegetation coverage that could be restrictive. There is a cement slab on the northern section of the property that will be removed to accommodate the Site Development proposal. There is an electrical line running on the eastern side of the property mostly parallel with the R310 which will have to be relocated. The manhole close to the eastern boundary suggests that a sewer line is running along this boundary which will have to be accommodated in a services servitude in the design.



Photo 1: Google aerial view of the property with the disturbed nature of it evident and the cement slab clear in the northern section



Photo 2: View of the property from the R310 with the slab, manhole and electrical infrastructure clearly visible.

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6. SURROUNDING LAND USE

The property is vacant with no completed buildings. Land use in the area is largely of a low density residential nature. The most prevalent land use are residential to the west, with the Banghoek river plain to the east of the R310 and historical agricultural use further east. To the south there are the historical Johannesburg larger rural holdings that are earmarked for residential densification which is proven by the recent development along Sonskyn street and the proposed new development on erf 239.

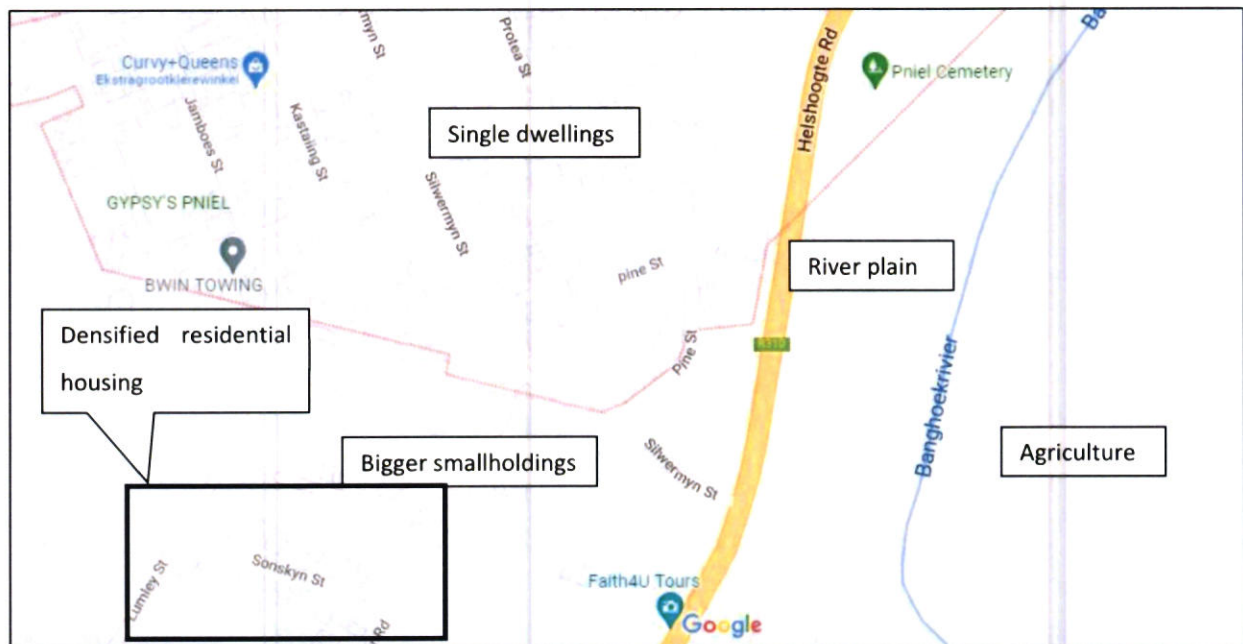


Figure 3: Surrounding land use



Figure 4: Densification of the Johannesburg rural holdings

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Figure 5: Surrounding land use which are mostly residential to the west with a mixed use (commercial and residential) implementation on the adjacent erf 350 to the north

7. SURROUNDING ZONINGS

The property is currently zoned for Conventional residential use but has never been used for that built purpose. It is surrounded by similarly zoned properties to the west and north with agricultural / rural zoned properties to the south (Johannesdal) and east.

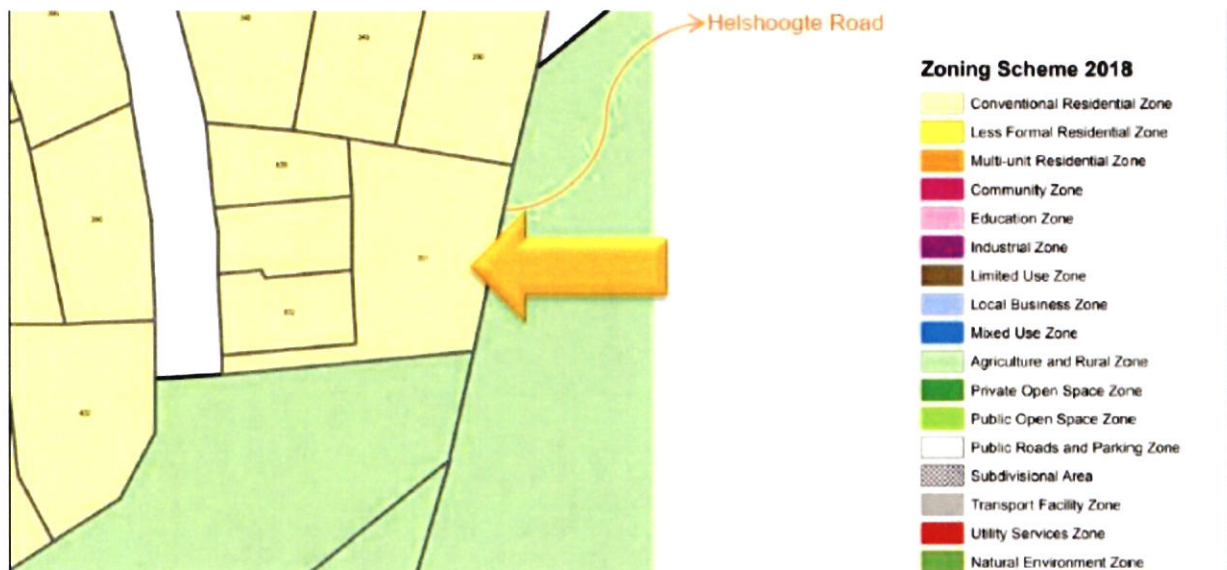


Figure 6: Surrounding zonings

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8. APPLICATION DETAILS

The purpose of this application is:

- The **Rezoning** of erf 351 from Conventional Residential Zone to Multi Unit residential zone to accommodate eight flats, communal open space and private road in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- A **Permanent Departure** from the prescribed 20% communal outdoor space to 12.17% in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015
- A **Permanent Departure** from the 4,5m common boundary building line applicable to the ground and first floor in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- A **Permanent Departure** from the 6m common boundary building line applicable to the second floor in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- A **Permanent Departure** from the prescribed max height of 1m for the ground floor slab to 1.558m above natural ground level in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- Approval of the **Site Development Plan** in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015 to allow the development within the **Dwars River Valley Rural Conservation Area Overlay zone (URCO4)**.
- Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015 to allow the development along Helshoogte road (R310) within a designated **Scenic route overlay zone (USR10)**.

9. LEGISLATIVE REQUIREMENTS

The additional legal criteria to be considered as required in terms of the relevant legislation supporting this application in terms of the Stellenbosch Municipal Planning By-law of 2019 are the following:

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- Heritage Impact in terms of the National heritage Resources Act 25 of 1999



Figure 7: Extract from the Stellenbosch Townscape-Character-Units Heritage Policy document

It is evident from the above that Erf 351 does not fall within the Core Townscape Character HPOZ. The development, however aims to compliment the heritage and historic value of the town. The Policy has the following guidelines with regards to new infill development in the town;

"Opportunities for new structures within environments of historical significance:

- *New structures should respect and respond to traditional settlement patterns and siting by considering the entire Special Area as the component of significance. This includes its spatial structure, layout, scale, massing, hierarchy, alignments, access, and landscaping setting. Any development that departs from the inherent character of the Special Area should be discouraged.*
- *Designers of new structures must have an understanding of the context, traditional patterns of place-making and historical elements that are characteristic of the Special Area. New elements must respond to and interpret these character-giving aspects of the neighbourhood.*
- *Contemporary designs for infill buildings should not be discouraged, provided they do not destroy significant fabric and are compatible with*

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the size, scale, material, layout and architectural character of the property and Special Area."

Although the older buildings of Pniel have been build in Cape Dutch Style, the modern structures lack any specific style.

The Site development proposal aims to support the above guideline by presenting a more modernistic type of architectural style while still retaining some Cape Dutch styled elements like;

- **Whitewashed walls**
- **Large cottage panes**
- **External wooden shutters**
- **Long horizontal structures, usually single or double story, often with dormer windows**
- **Green detailing**

- National Environmental Management Act (NEMA) 107 of 1998 (Amended 2014):

Listing Notice 1

No impact in terms of NEMA is deemed to be triggered due to the following;

- The property is located within the urban development area (adopted urban edge)
- The property is less than 1ha in size.
- The development is within the urban edge and less than 5ha in size.

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10. PLANNING POLICY

Stellenbosch Spatial Development Framework (2019):

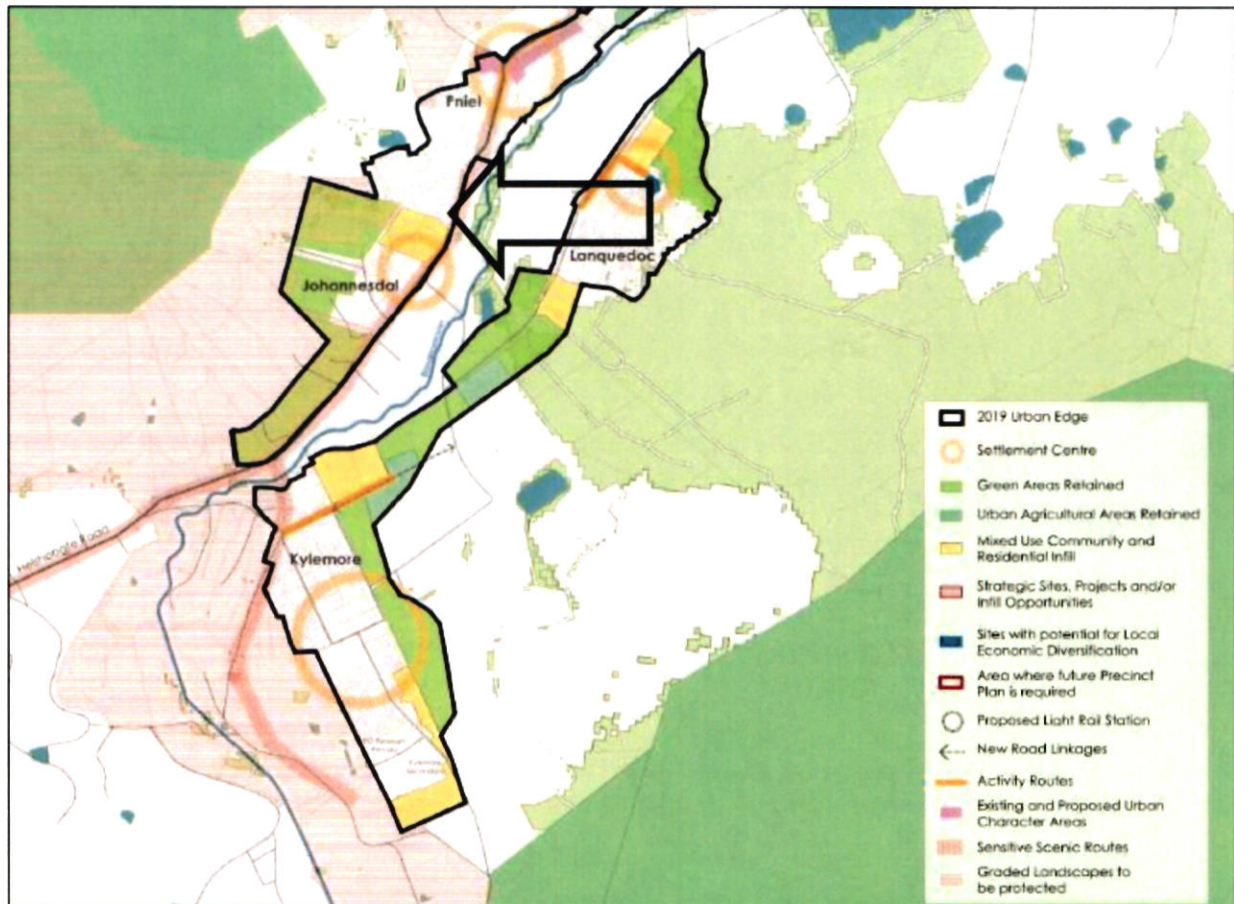


Figure 8: Extract from the Dwars River Valley Spatial Plan

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The proposal is deemed to be consistent with the SDP approved in November 2019 in terms of the following objectives as outlined in red;

Table 24. Plan Elements and Proposals for Dwaars River Valley Settlements

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBA's, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding settlements of the Dwaars River Valley Work to increasingly connect and integrate nature areas, also with urban green areas, to form an integrated green web or framework across the municipal area 	<ul style="list-style-type: none"> Implement management actions contained in the EMF
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along the stream corridors 	<ul style="list-style-type: none"> Ensure that river rehabilitation activities takes place
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between settlements of the Dwaars River Valley and surrounding agricultural land 	<ul style="list-style-type: none"> Protect small scale agricultural opportunity and initiatives to transfer associated skills to the youth
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprint of settlements of the Dwaars River Valley within existing urban edges 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the settlements 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys) 	
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Accommodate inhabitants of informal structures in planning for the settlements 	
	Areas for residential densification and infill	<ul style="list-style-type: none"> Ensure that residential development provides for a range of housing types and income groups Ensure that future development is woven into the urban fabric of existing settlements Consider underutilised open space within the settlements for infill development that will enhance socio-economic potential of those who currently reside in these towns 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Focus addressing service needs in cluster developments, in this way improving mixed use and enhancing economic opportunities Focus key projects on current mixed-use developments, while ensure future pockets of growth are integrated into the current and new developments 	<ul style="list-style-type: none"> Assist development opportunity for small/ emerging entrepreneurs
	Improved access and mobility	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT within and between settlements of the Dwaars River Valley 	<ul style="list-style-type: none"> Ensure that the design of all roads within and surrounding settlements provides for appropriate NMT movement
	Community/ institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential 	<ul style="list-style-type: none"> Actively support the shared use of community facilities
	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities
New Development Actions	Significant new mixed use development		
	Significant new residential development		
	Significant change to access and mobility provision		

The proposal aligns with the above by means of;

- Proposing a development within the existing urban footprint
- Developing within the existing urban edge
- Proposing a design that compliments the historical and cultural elements by retaining some of the historic architectural features.
- It has the purpose of providing a densified housing concept in the form of apartments that ensure integration of densities and housing typologies.
- It provides infill development on a vacant property.
- It supports the mixed use nature of the existing use to the north and possible future mixed use developments along the R310.
- It provides housing opportunity in the medium income bracket.
- It provides a more viable lock up and go housing typology in the form of low maintenance apartments.
- It supports the densification policy required to prevent urban sprawl and ensure optimal use of existing municipal infrastructure.

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- It provides a development opportunity for a small scale private investor to develop a long term sustainable housing product.

Cape Town Spatial Development Framework:

This Policy has the following initiative regarding the context of the metropole with the surrounding region;

"Cape Town should not become a sprawling conurbation that absorbs all the surrounding towns in its growth path in an unplanned and uncoordinated manner. It is important to understand that the future of Cape Town and the futures of its neighbours are interdependent. The diverse identities, functions and growth opportunities of the towns and rural settlements surrounding Cape Town (such as Stellenbosch, Malmesbury, Klapmuts and Paarl) must be preserved and their functional interrelationships recognised, respected and enhanced. Coordinated planning, budgeting and management of the region's infrastructural development and water, energy and biodiversity resources are critical. In addition, greater coordination is required to enhance the region's tourism assets, cultural and natural character, and the economic positioning of the cities and towns in relation to each other as well as collectively, within a provincial, national and global context."

"The economy does not operate within municipal boundaries. Cape Town's economy is interdependent with that of the province, and more specifically, the cities and towns that are within a 50 km radius of Cape Town. A territorial review conducted in 2008 by the OECD defines a broad area (including Saldanha, Malmesbury, Paarl, Stellenbosch and Hermanus) as the city's functional region. Key regional economic interdependencies include a commuting labour force, shared consumer catchment area, transport infrastructure, and a second port located at Saldanha, as well as the agricultural and tourism areas surrounding the city."

Although this proposal is a small development in a rural town it must be seen and assessed in terms of the bigger picture as per the extract from the Policy. Pniel is a tourism asset with cultural and natural character and any development application should take this into account. One must also not forget the influence the pandemic had on the role of small rural towns where people now "semigrate" to these tourist towns with their special character which is made possible by the work from home policy a lot of companies introduced. This means that there is now a demand for lock up and go housing in these smaller towns where their laid back and restful

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ambiance as major attractions for people from the north wanting to re-locate to the winelands.

Provincial Spatial Development Framework

SPATIAL GOALS

To address the spatial challenges identified the PSDF takes the Western Cape on a path towards:

- i. more inclusivity, productivity, competitiveness and opportunities in urban and rural space-economies;
- ii. better protection of spatial assets (e.g. cultural and scenic landscapes) and strengthened resilience of natural and built environments; and
- iii. improved effectiveness in the governance of urban and rural areas.

THE SPATIAL VISION

The PSDF builds on OneCape 2040's vision of "a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society". For each of these societal attributes aspired to OneCape 2040 identifies thematic 'big step' changes that need to take place.

The PSDF envisages the spatial expression of these themes as follows:

- i. Educating Cape: Everyone has access to a good education, and the cities, towns and rural villages are places of innovation and learning.
- ii. Working Cape: There are livelihood prospects available to urban and rural residents, and opportunities for them to find employment and develop enterprises in these markets.
- iii. Green Cape: All households can access basic services that are delivered resource efficiently, residents use land and finite resources prudently, and safeguard their ecosystems.
- iv. Connecting Cape: Urban and rural communities are inclusive, integrated, connected and collaborate.
- v. Living Cape: Living and working environments are healthy, safe, enabling and accessible, and all have access to the region's unique lifestyle offering.
- vi. Leading Cape: Urban and rural areas are effectively managed

The notion is held that the proposal aligns with the yellow highlighted Policy strategies by means of;

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- *I will ensure a more integrated development approach where a higher density residential typology will support inclusivity as well as providing opportunity for private investment in Pniel.*
- *It will ensure the protection of the cultural and scenic landscape along the R310 by proposing a development that is sensitive to these elements in terms of scale, mass and style.*
- *As mentioned before the pandemic initiated the semigration movement where people are now able to reside anywhere while working remotely. This effectively allows the opposite pole of urbanization which in many ways gives smaller rural towns a breath of new life with increasing financial investment and more people now buying properties and investing in these towns. This is very important to prevent these smaller rural hamlets from becoming poverty areas or sleep towns.*
- *The above will allow all to have access to the historical and cultural value adding elements of a town like Pniel while providing an opportunity for investment and infrastructure upgrades to follow.*

Cape Winelands Spatial Development Framework

The Cape Winelands SDF (CWSDF) has the following Spatial policy initiatives in terms of Focus areas and indicators applicable to the development proposal;

RESPONSIBILITY:	FOCUS AREA: MUNICIPAL FINANCIAL SERVICES MODEL
Category B Municipalities	<ol style="list-style-type: none"> 1. Ensure compaction, managing growth and clustering urban functions within the urban footprint; contain existing lower order settlements (including hamlets) within the current urban footprint except if extended or popular ventures can provide sustainable growth opportunities (e.g. Klapmuts); ensure that all new developments include a 'range of elements' that contribute to a more sustainable urban environment. 2. Focus on improving functioning of settlements and achieving design standards; create and apply urban design guidelines for historic precincts within urban areas. 3. Create sustainable and liveable urban environments by ensuring access and choice to urban markets, services, amenities, and provisions. 4. Create integration of urban areas through physical (if possible) and socio-economic integration. 5. Create a functional and sustainable urban open space network. 6. Integrate the disadvantaged communities into the urban fabric through infill development on strategically located vacant land and corridor development along the main linkages between these communities and the major concentrations of job opportunities (where possible). 7. Locate high density residential accommodation and business opportunities, from informal street trading to formal shops, offices and factories at the appropriate scale, around clusters of community facilities grouped at the appropriate scale 8. Buildings that accommodate community activities, as well as education, health and entrepreneurial development and business and skills training, should be located at points of highest access in urban settlements.

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	9. Compile neighbourhood plans for the higher-order towns in the district (to also consider the structure, function and purpose of neighbourhoods); complete community-based planning as a prerequisite for sustainable development.
	10. Promote the establishment of integrated development zones.
	11. Development plans must be developed for each of the gazetted PSHDAs
PRIORITY:	HIGH
INDICATORS	<ol style="list-style-type: none"> 1. How many residential properties located in the urban edge has been subdivided for additional residential erven and what is the average density? 2. How many properties has been rezoned within the urban edge for higher density residential development (flats, group housing)? 3. Has different socio economic urban areas based on apartheid spatial planning boundaries been integrated physically through development/urban expansion? 4. Has Development Plans been drafted for the gazetted PSHDAs?

3.2.6 Implementation proposals

RESPONSIBILITY:	FOCUS AREA: DISTRICT SPACE ECONOMY: ECONOMIC GROWTH SECTORS & MUNICIPAL SPACE ECONOMY
Category B Municipalities in partnership with CWDm	<ol style="list-style-type: none"> 1. Stellenbosch Municipality: to watch carefully how growth impacts on the environment, on its "urban edge" and on the competition between different land uses; create a conducive policy environment to facilitate land use that strengthen sustainable economic growth sectors. 2. Drakenstein Municipality: view the current sector structure of this urban area in a positive light (sector base is broad and the different growth sectors complement each other well); create a conducive policy environment to facilitate land use that strengthen sustainable economic growth sectors 3. Breede Valley Municipality: improvement of service delivery to existing enterprises and households to prevent them from moving elsewhere or getting into profitability crises; ensure the closest possible interaction and co-operation between the public and the private sector; as far as poverty and unemployment pockets are concerned to facilitate the movement of households to larger urban areas may be as relevant as ad hoc social support and improvements in the most basic infrastructure services. 4. Witzenberg Municipality: be aware of the need to increase revenue base to ensure service delivery and maintenance of municipal services. 5. Langebaan Municipality: encourage the rationalization of agriculture and industry 6. Strengthen the linkages between nodes/settlements to improve access for households from the areas with less economic potential to areas with greater potential to access employment and social opportunities. 7. Consider tourism nodes outside municipal boundaries that attracts traversing traffic; these tourism routes must be considered as potential development corridors (promoting land uses that comply with relevant Integrated Zoning Schemes and Municipal Bylaws). 8. Optimize tourism potential of prominent tourist attractions/destinations.

The proposal for the rezoning to allow an apartment development aligns with the above focus areas in terms of;

- **Ensuring a more compact built form within the existing urban footprint**
- **Proposal and the design is sensitive towards the receiving urban and natural environment in terms of urban design.**
- **It constitutes residential infill development.**
- **It provides a more integrated development with affordable lock up and go housing opportunities.**
- **It proposes higher density residential use adjacent a mixed use land use implementation along an activity route (R310) which functions as a scenic route without negatively affecting the quality of this destination.**

Spatial Planning and Land Use Management Act (SPLUMA)

The principles of SPLUMA are;

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- Past spatial and other development imbalances must be redressed through improved access to and use of land.
- Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.
- Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas.

The proposal aligns with the above by means of providing a housing development that will ensure employment to the local community and also provide housing to the middle income market. This will ensure capital investment necessary to contribute to the upgrading of infrastructure and the optimal use of this infrastructure..

SPATIAL EFFICIENCY:

- Land development must optimize the use of existing resources and infrastructure.
- Decision-making procedures must be designed to minimize negative financial, social, economic or environmental impacts.

The proposal aligns with the above in terms of providing a residential infill opportunity which supports optimized use of the existing infrastructure and resources in terms of access and proximity to a workforce in need of employment. It also has no negative financial, social, economic or environmental impacts as it is an infill proposal within the urban edge.

SPATIAL SUSTAINABILITY:

- Special consideration must be given to the protection of prime and unique agricultural land.
- Land use issues must be dealt consistently in accordance with environmental management instruments.
- Land use management and planning must promote and stimulate the effective and equitable functioning of land markets.
- Land development should only be promoted in locations that are sustainable, limit urban sprawl, and result in communities that are viable.

The proposal is deemed to be consistent with the above mentioned principles due to the following supporting criteria;

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- **The proposal constitutes infill development and is there for located within the urban fabric of Pniel within a designated and adopted urban edge with no impact on the agricultural hinterland.**
- **The proposal is deemed to have no environmental impact due to the degraded state of the vacant property.**
- **The proposal will conform to the principle of effectively functioning land markets as it provides an opportunity for a private developer or investor's to invest in a housing development where the return on investment exceeds the capital expenditure by some margin due to the growing nature of these rural towns due to semigration and the future investment potential being unlocked by the increased tourism economy in these hamlets.**
- **The proposal limits urban sprawl as it constitutes infill, is sustainable due to the housing typology it represents and is viable due to the growing urban nature of the area which is further underlined by the residential densification of the Johannesburg rural holdings just south of the property.**

SPATIAL RESILIENCE:

- *Spatial plans, policies and land use management systems must be flexible to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.*

The proposal is aligned with the Spatial Development Framework proposals and is there for deemed to be consistent with SPLUMA in terms of the spatial resilience principle.

GOOD ADMINISTRATION:

The successful submission and public participation to obtain eventual approval will be in accordance with all legislative requirements in terms of the By-law and Policies related to the area and there for the support and approval will in fact mean the principle of good administration is upheld.

Land Use Planning Act of 2014 (LUPA)

This Act has the following purpose;

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

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roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

Section 36 (6) of LUPA states;

(6) When a municipality approves a rezoning for a purpose that includes subdivision, it must impose conditions making provision for at least—

- (a) density requirements;
- (b) main land uses and the extent thereof; and
- (c) a detailed phasing plan or a framework including—
 - (i) main transport routes;
 - (ii) main land uses;
 - (iii) bulk infrastructure;
 - (iv) requirements of organs of state;
 - (v) public open space requirements; and
 - (vi) physical development constraints.

The proposal is aligned with the criteria of Section 36 (6) of LUPA due to the following:

- **It meets density requirements at a gross of 108 units/ha which is acceptable for a higher density residential infill proposal.**
- **The scale, height and design complement the surrounding residential land use nature of the area which is of a mixed use nature with a mix of single and double storey residential / mixed use buildings. Any impact can be mitigated by the fact that the slope is used to decrease the height impact and the architectural styling incorporates some historical design features.**
- **It will not be a phased development but will address all infrastructure and meet all development management scheme requirements.**
- **There are no physical development constraints that need mitigation due to the degraded nature of the site and the Policy initiative for residential densification.**

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The proposal is aligned with the Dwars River Valley Spatial Plan guidelines and is there for deemed to be in conformance with the criteria and principles of LUPA.

11. RESTRICTIONS

Legal restrictions:

When the Pniel Village/Settlement was established in 1843, no town planning scheme existed to the conditions referred to in Deed of Transfer Number T11413/1897. and the erven were further sold by way of restrictive title deed conditions per village conditions imposed under Section 20 of the Rural Areas Act (Board of Representatives), 1987 (Act 9 of 1987).

The conditions imposed on all erven in the township essentially prescribe that:

- The erven may only be used for residential purposes and that no shop, trade or business may be carried on in any dwelling or building or on the land.
- **That each lot may only be developed with one dwelling house and outbuildings and that not more than one half the area of any one erf may be "built upon".**

The above restrictive condition is not applicable to this application based on the extract from the 2009 letter from the Department of Local Government and Housing;

Dit sal nie nodig wees om 'n toestemmingsertifikaat uit te reik nie, aangesien die betrokke beperkende voorwaarde opgehef is by Artikel 5(1) (c) van die Wet op die Transformasie van Sekere Landelike Gebiede, 1998 (Wet No 94 van 1998). Alle nuwe Grondbriewe word sonder die beperkende voorwaarde uitgereik en bestaande Titels behoort dienooreenkomstig geëndosseer te word deur die Registrateur van Aktes. Nuwe Titels, soos in u geval, behoort nie meer die voorwaarde te bevat nie, of indien dit wel ingesluit word, kan daar gewoon verwys word daarna dat die voorwaarde deur die betrokke Artikel opgehef is.

Physical restrictions:

No physical features exist on the properties due to the fact that it will be addressed in the construction phase where the slope will be utilized to minimize height impact and accommodate parking on the ground floor as per the Site Development Plan presented for approval.

Built restrictions:

No built restrictions exist due to the property being vacant.

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12. REQUIRED CONSULTATION & PUBLIC PARTICIPATION

Proof of pre- submission consultation is required In terms of the Stellenbosch Municipal Land Use Planning By-law of 2015. This consultation was undertaken by means of email communication with the various role players at the Municipality with their response per email attached as **Addendum 7**. Pre- scrutiny application was also submitted (**Addendum 6**) and approved which paved the way for this application and the associated motivation.

13. THE DEVELOPMENT OF ERF 351, PNIEL

To facilitate the implementation of the proposed Site Development Plan attached as **Plan 3** it is necessary to **Rezone** erf 351 from Conventional residential Zone to Multi Unit residential zone to accommodate a three storey building with eight apartment units, communal open space areas and a private access road as per the Site Development Plan below;

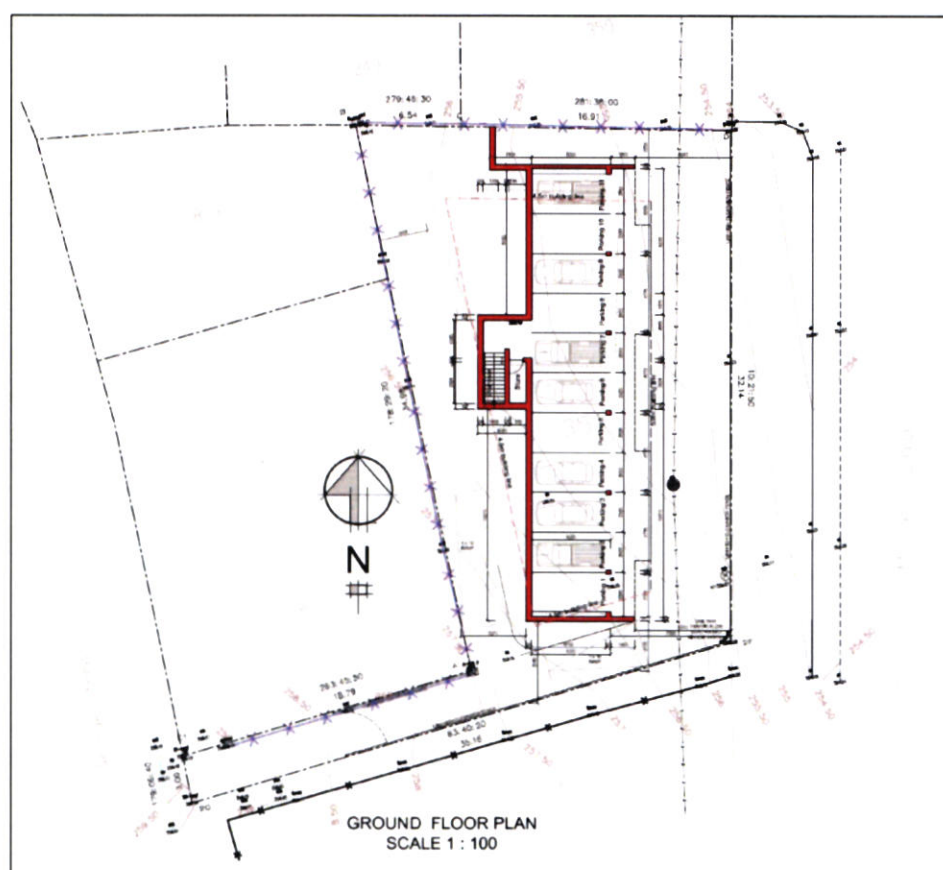


Figure 9a: Proposed Site Development Plan (ground floor) with private access from Pine street to 11 parking bays accommodated on this floor

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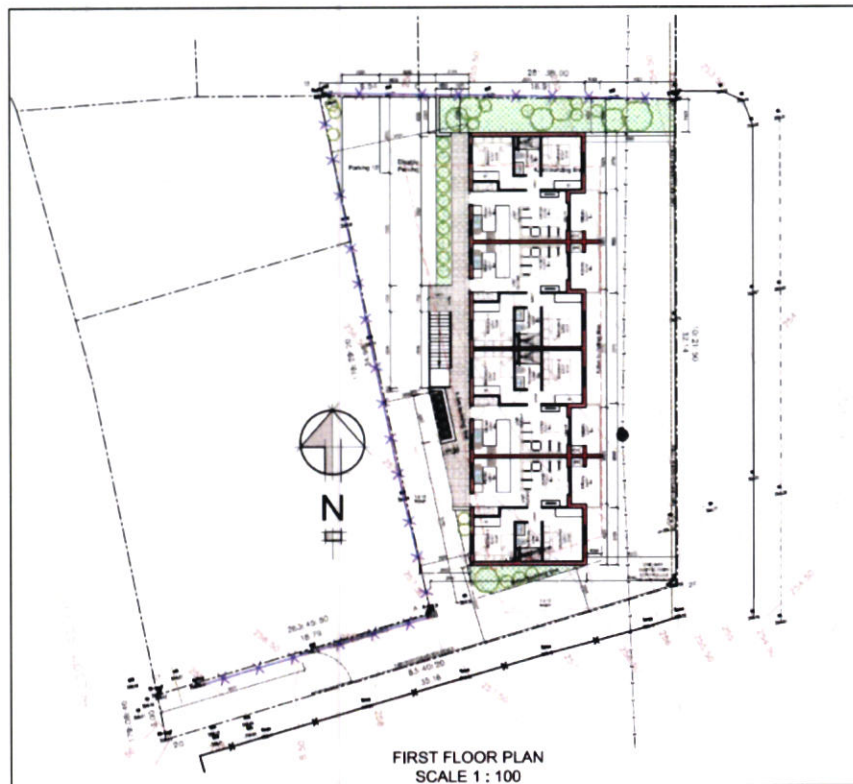


Figure 9b: Proposed Site Development Plan (first floor) with four units, one parking bay and a disabled bay and some communal area landscaping

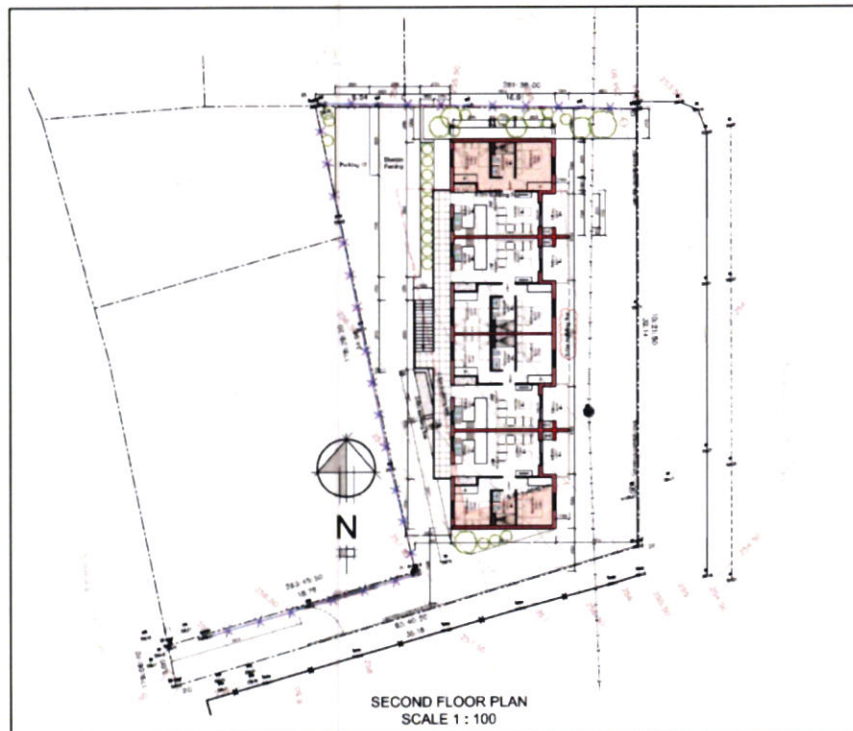


Figure 9c: Proposed Site Development Plan (second floor) with four units

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The Site Development Plan will consist of 8 new apartment units with an average area of 55m² set back 5m from the R310 with access from Pine street via a 3m wide panhandle which gives access to a parking garage on the ground floor consisting of 11 bays, 2 more bays including a disabled bay on the ground floor and communal area of ±90.54m² in accordance with the SDP attached as **Plan 3**;

a. DEVELOPMENT SCHEME PARAMETERS

The development parameters in the Multi Use residential zone for flat purposes are as follows:

(If the development proposal conforms it will be **Yes** or **No**)

By- Law regulation:

Proposal conform:

Coverage:

Yes

50%

31.20%

Floor factor:

Yes

0.75

0.62

Height:

Yes

4 storeys

3 storeys (12m)

External street building line:

Yes

5m on the R310 (Provincial roads guideline)

5m

Bylaw street boundary building line:

Yes

4.5m

5m

Bylaw common boundary building line:

No

4.5m for ground and first floor

minimum of 2.235m along the northern boundary with erf 350,

3m along the southern boundary with Portion 6 of farm 1173 (open farm land). Minimum 3.333m setback along the western boundary with Erf 872, 839 and Remainder erf 352

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6m for second floor

minimum of 2.235m along the northern boundary with erf 350,

3m along the southern boundary with Portion 6 of farm 1173 (open farm land).

3.333m setback along the western boundary with Erf 872, 839 and Remainder erf 352

Parking

1 bay per unit (two bedroom)

0.5 bays for visitors

Yes

12

12 onsite parking bays @ 1.5 per unit

1 disabled bay

Outdoor space

20% of land unit area = 148m²

No

90.54m² = 12.17%

b. DEPARTURES

➤ Encroaching the common boundary building line of 4.5m and departing to a minimum building setback of 2.235m applicable to the ground and first floors to the north along erf 350 and 3m to the south along Portion 6 of farm 1173

➤ Encroaching the 4.5m common boundary building line along the western boundary with Erf 872, 839 and Remainder erf 352 with a minimum setback of 3.333m

➤ Encroaching the 6m common boundary building line applicable to the second floor with a minimum of 2.235m setback on the northern boundary with erf 350, 3m setback on the southern boundary with Portion 6 of farm 1173 and 3.333m on the western boundary with Erf 872, 839 and Remainder erf 352

Mitigation for these encroachments on all common boundaries for ground, first floor and second floor as follows;

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- the mixed use building on erf 350 is on a 0m setback from the shared common boundary which means the precedent has been set
- the new apartment building has small bathroom windows and one smaller bedroom window facing the building on erf 350 with minimal privacy impacts due to these windows having frosted glass
- The departure to a setback of 3m on the southern boundary will have no impact on any buildings as it is bordered by a vacant portion of rural / agricultural land with no buildings.
- The setback of 3m will still allow vehicular circulation to the ground floor parking area around the proposed new building.
- The departure on the western boundary with Erf 872, 839 and Remainder erf 352 to allow the new building setback at 3.333m in lieu of 4.5m is only applicable to the two southern flats in the block so the possible impact is only limited to erf 872.
- Any possible impacts of this departure can be mitigated by the fact that the dwelling on erf 872 is positioned on the Pine street verge with some distance ($\pm 10\text{m} + 3.3\text{m} = >13\text{m}$) from dwelling to new building.
- It is also evident from the sections as part of the SDP that the gradient of the property will effectively mean that the dwellings on the three properties to the west will be ± 2 to 3m higher than the new building with little to no impact in terms of privacy or overshadowing from the development on the receiving environment.

c. OVERLAY ZONES

Dwars River Valley Rural Conservation Area Overlay zone (URCO4):

Erf 351 is located within the abovementioned overlay zone and as such permission is required from the Local Authority for the implementation of the Site Development Plan. The qualifying criteria below extracted from the By-law clearly indicates the requirements w.r.t. any development proposal in this zone. The Site Development Plan will there for be tested against these criteria with compliance / mitigation offered in bold beneath each requirement.

In a Rural Conservation Area, the under-mentioned activities may not commence without the Municipality's permission in terms of this Scheme:

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(a) addition of any new building or structure, including any boundary wall, gate posts, security or refuse structure which is visible from a public road;

Consideration of applications in terms of this Chapter

When considering an application for permission in terms of this Chapter, the Municipality shall only grant its approval for the activity if it is satisfied that the activity will not be detrimental to the character of the area, or the streetscape.

The proposed SDP implementation will offer a densified residential housing opportunity which in all fairness can be compared to a larger single dwelling in terms of scale, mass, height and coverage. The slope allows for any height impact to be mitigated and the streetscape aims to comply with general urban design principles.

The Municipality shall also take into consideration the recommendations by the Advisory Committee and shall be bound by the decisions of national and/or provincial heritage or environmental authorities, if applicable.

Note that the proposal is not in the HPOZ as mentioned under section 9.

When granting its permission, the Municipality may do so subject to conditions it deems necessary to achieve the purpose of this zone, which may include, but are not limited to:

(a) requiring an alternative position of the building addition or alteration on the land unit which has less impact on the receiving environment;

The shape of the property only allows for positioning of any type of building in accordance with the proposal. Again it must be re-iterated that this building can be compared to a larger single dwelling in terms of floor factor, coverage and height and as such the positioning would also have been with the contouring to create a building platform that is cost effective and viable.

(b) setting a maximum development envelope (including the height) for a portion of the land unit or the whole land unit, which may be more or less restrictive than the building envelope permitted in the base zone, in cases where such a restrictive envelope is justified to protect important conservation worthy resources;

This firm is of the opinion that no important conservation worthy resources exist in the receiving environment.

(c) prescribing details such as building platforms, stoeps, balconies, boundary walls, fences and landscaping;

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As mentioned before the above mentioned elements are part of the Site Development Plan presented for approval and these elements were sensitively addressed in the design to mitigate any impacts.

(d) prescribing materials, colours and finishes;

The proposed apartment building's design and finishes fits into the general character and styling of the area in terms of plastering and painting in earthy colours with finishes that is modern but with some hints of historic architectural elements.

(e) prescribing the proportion of wall space to windows and doors, including the dimensions, proportions and positions of all windows, doors and openings;

These are deemed to be adequately addressed in the design.

(f) prescribing an alternative building line to what is prescribed in this Scheme or a 'street build-to' line, having regard to the protection of trees both on the property or within the road reserve and also the position of historical buildings along the road. This may be more or less restrictive than what is prescribed in the base zone and any departure from the base zone which may be required will be deemed to have been granted and does not require public notification;

The proposed building is setback 5m as per the Provincial Roads guideline which is 0.5m more than the By-law building line. No trees exist on the "street build-to" line that needs special attention. My client will implement the required or prescribed landscaping to sensitively address this public streetscape.

(g) prescribing the extent and position of parking, access and egress to the land unit, including screening of parking and the maximum number of parking bays which may be provided.

Note that the above elements were discussed in detail with the Local Authority officials to test the viability and these officials supported the proposal which is evident from the pre- submission consultation record attached. The parking bays are accommodated on the ground floor level created by cut and fill which will be largely obscured by the first floor features cantilevering over this parking area. Furthermore landscaping will be implemented to hide it further from the R310 which is a designated scenic route.

Helshoogte road (R310) within a designated **Scenic route overlay zone (USR10):**

Development parameters

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A building line of 30 meters shall apply on all Rural Scenic Routes, which may be relaxed by the Municipality if they are satisfied that purpose of the scenic route is adhered to.

Notion is held that this proposal and the 5m building setback adequately addresses the protection of the R310 at this location due to the fact that all the buildings to the north are closer than this 30m. In fact the mixed use building on erf 350 is set back only 2.5m from the R310 reserve. Seeing that this property is not within the Townscape HPOZ the relaxation of this 30m building line is requested as part of this permission in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law.

Site development plan

A site development plan may be required by the Municipality for any development in this zone.

See Plan 3 attached.

Visual impact assessment

A visual impact assessment may be required by the Municipality for any development in this zone.

This requirement is deemed to be addressed by the design in terms of the cut and fill to ensure the height of the proposed building is similar to a normal double storey dwelling as well as the styling and finishes aligned with the general character of the surrounding area with the result a building proposal deemed to have little to no visual impact on the receiving environment and the R310.

Consideration of applications in terms of this chapter

Where an application is made for new or additional development rights or departures from this Scheme, the Municipality shall only grant its approval if it is satisfied that the proposal will not have a negative visual impact and will not be detrimental to the protection of the visual environment.

Mitigation measures incorporated in the design to address any visual impact.

d. SERVICES

Services capacity, connections and detail will be addressed by a Civil Services consultant to be appointed by the client as per the requirement of the Local Authority. Services are deemed to be readily available in the surrounding built area with sewer and electrical connections available along the eastern boundary with the

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R310. The electrical poles and line traversing the property will be relocated outside the property and re- aligned along the boundary with the R310 at the cost of the Local Authority. The client will consider doing it at his cost if it can be negotiated in terms of the payment of development contributions.

Water:

According to input from Mr Tyrone King from the Local authority (see pre- submission email communication) water connection is possible from a 140mm diameter pipe running in Pine street.

Sewer:

There is a 160mm diameter sewer pipe running parallel to the R310 on the inside of the eastern boundary of the property. The sewer connection from the residential area west of the property traverses Erf 351 along the panhandle as indicated in the email communication with Mt King and the map provided. This sewer line will not be impacted by the proposed building due to the fact that it is within the access way and accommodated in the 7m wide internal road giving access to the ground floor parking area. The depth of this line is not known and will have to verify by an Engineer to ensure it is not higher than the level of the access road to the parking garage. The sewer line will be required to be protected within a 3m wide services servitude.

e. ARCHITECTURE

The architectural theme will be uniform and in accordance with the attached;

- Unit typology
- Cross sections & elevations
- 3d illustration of the Site Development below

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Figure 12: Proposed 3D illustration of the apartment block (west facing façade)

The architectural styling has the purpose of creating a modernistic style of architecture incorporating some Cape Dutch architecture elements as previously mentioned without being monotonous in nature but to also provide in the styling and affordability needs of the medium income market it targets.

It is then with this goal in mind that plaster and painted finishes with longitudinal windows, balustrading and parapet walls were introduced in the design. This serves the following purposes:

- It will attract younger up and coming buyers in the market to the development therefor it serves a marketing purpose.
- The surrounding area does not have a homogenous architectural style there for this proposed design with more modernised finishes will not detract or impact on the architectural nature of the built environment.
- The design will serve a rejuvenating purpose which along with the infill planning policy initiative also have a major role to play in the upliftment of older established hamlet residential area with the focus on aesthetics and style to prevent degeneration due to no style additions and alterations to these older residential buildings. It therefor serves the purpose of making a definite architectural statement.

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f. ACCESS

Access is obtained via Pine road to the west through a 3m wide panhandle access way giving way to a 3m wide circulation space to the parking area on ground floor level housing 11 parking bays. One additional parking bay and a disabled bay are provided on the split level ground floor as depicted on the SDP. A 7m wide circulation area behind the parking garage is deemed adequate for vehicles to reverse and turn. A Green light / red light or mirror system will be implemented as indicated on the SDP to allow two way traffic circulation which will involve some residents waiting for other to enter.

g. BODY CORPORATE

Due to the development being a Sectional Title development a Body Corporate will be established to handle all matters pertaining to the private operation and implementation of the rules as set out in the constitution approved by the 8 owners.

h. VIABILITY

The development proposal is deemed viable due to the following supporting factors:

- It provides quality higher density middle income apartment living opportunities in an easily accessible area with high tourism potential and scenic exposure without losing sight of the value adding potential of architecturally sound design principles.
- It supports the Local and Provincial Planning strategies with regards to infill and urban densification.
- It supports the rejuvenation strategy needed to maintain residential neighbourhoods with differing densities and heterogeneous land use character.
- It does not impact negatively on the built or natural environment but it fits into and compliments the intensified residential use nature of the Johannesburg rural holding developments to the south.
- It provides a higher density alternative to the lower density urban area to the west which supports the integration of housing densities and intensified land use along activity routes as initiatives of the local planning policy.

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- It will provide housing to the investor's which is exceedingly eager to invest in these smaller rural hamlets due to the advantages of remote working which drives semigration.

i. SUSTAINABILITY

The development proposal is considered sustainable due to the following supporting factors:

- It will add value to the current vacant property in favour of the owner and future investors looking to invest in the rural areas with the serenity and low traffic generation it is associated with.
- This will contribute to the effective and optimal functioning of the services infrastructure planning for the area.
- It will have no negative impact on the surrounding built or natural environment due to the fact that it constitutes a residential infill opportunity with sound design and sensitivity towards the surrounding structural elements.
- Traffic generation is minimal.
- It is easily accessible.
- It has good exposure for marketing purposes,

j. DESIRABILITY in terms of SECTION 65(1)(c) of the STELLENBOSCH MUNICIPAL PLANNING BY- LAW (2015)

The following criteria are deemed as desirability factors to be considered in the motivation of the development proposal:

(motivation in support in bolded italics)

- Socio- economic impact;

The proposal will ensure that the development be implemented at a time when the middle income housing economy in the western Cape as well as the Cape Winelands as a tourist and wine producing hinterland is on an upwards curve due to semigration and investors from the north looking to invest in rural living. It can therefore be seen as having a positive impact on the Provincial and Local economy due to the drivers of the winelands tourism economy. It will furthermore cater for the needs of a growing tier of the housing market due to the inability to afford housing in

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Urban residential areas due to inflated property prices, large erven with maintenance burdens, pollution and traffic issues.

It will have a social impact as it provides an opportunity for housing at a time when the need for medium income housing in this market bracket is rising especially in rural areas due to semigration as the main driving factor. The added Security through access control, stylish Architectural design and functional communal open areas will have an immense social impact as these are socially binding factors which combine to produce a safer environment.

- **Compatibility with surrounding uses;**

Although there are no apartment developments in Pniel that this firm is aware of it is evident that indicators exist in the current housing economy that promotes integrated and intensified residential use in these rural hamlets due to interest from investors and home buyers in rural properties. The apartment block comprising 8 units can still be practically compared to a large single dwelling in terms of coverage, scale and height and as such it is compatible with larger dwellings in Pniel.

- **Impact on the external engineering services;**

As mentioned before it is clear that services are readily available in the surrounding area. Connection and capacity will be confirmed by a Civil Engineer in a services report.

- **Impact on safety, health and wellbeing of the surrounding community;**

The implementation of the development proposal will add to the safety, health and wellbeing of the community in so far as it will support the built area and add numbers to the community which in itself aids community safety. The utilization of larger underutilized properties for infill development reduces the possibility of these spaces degrading or being used by vagrants and criminal elements.

Impact on heritage;

No impact exists due to the property being located outside the Townscape HPOZ.

- **Impact on the biophysical environment;**

The proposal is in an area of largely urban nature inside an adopted urban edge with expanding urban development footprint to the south. There for the biophysical environment to the west of the Dwars river plain has slowly transpired to a mostly built environment. The subject property is located in the existing urban footprint of Pniel without any impact on the Dwars river wetland area to the east of the R310.

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- Traffic impacts, parking, access and other transport related considerations;

The addition of a probable 12 vehicles and the associated traffic generation will not warrant any assessments and as such no additional mitigation is required. Adequate parking is provided in accordance with the By-law and the property is easily accessible with the infrastructure deemed adequate to handle the increase in traffic.

- whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

The conditions of the approval will be the result of due process and all the necessary requirements in terms of this and other legislative processes will be adhered to as required by the process as prescribed by the By-law and LUPA.

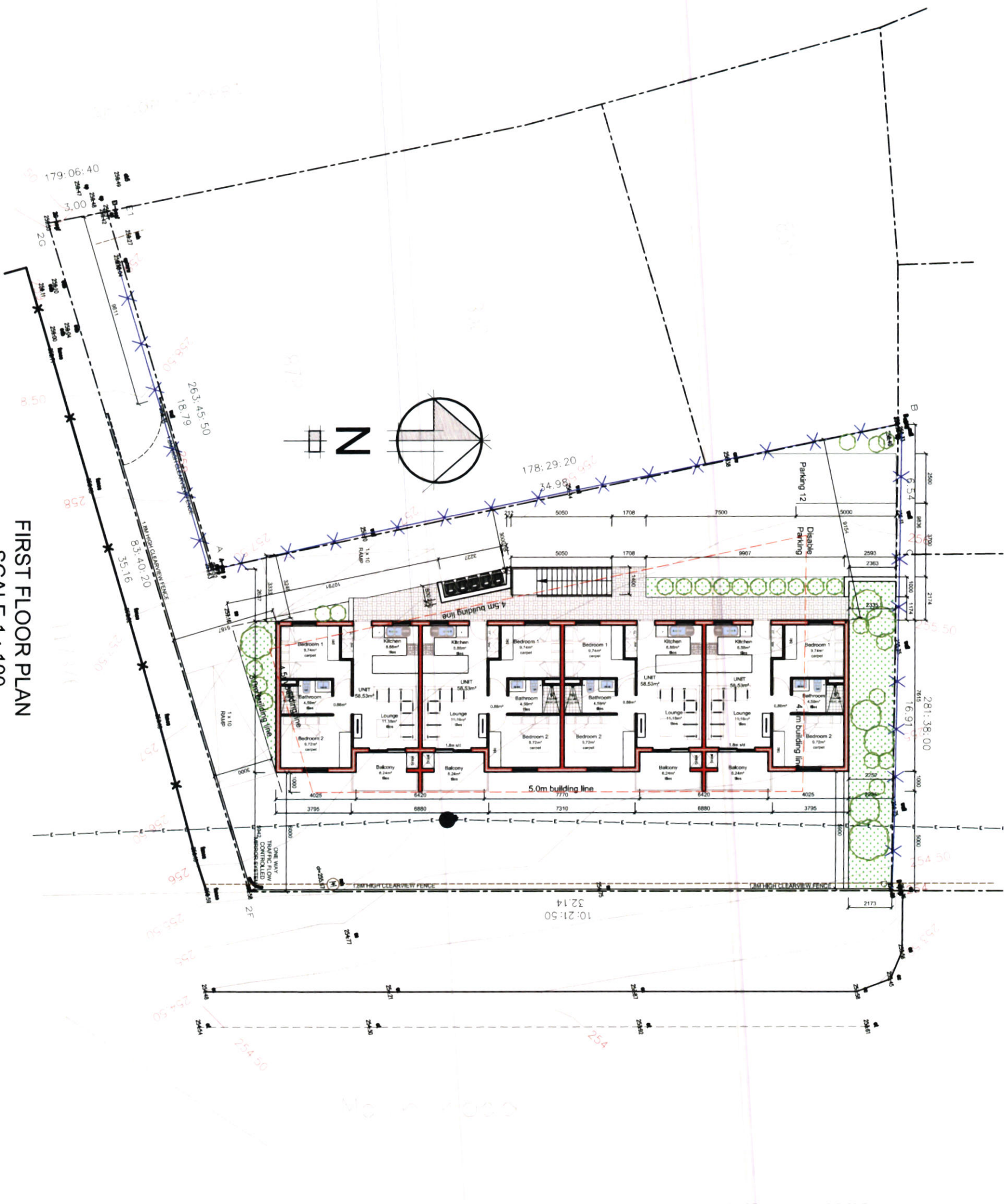
14. SUPPORTING MOTIVATION

With all the above mentioned motivational criteria supporting a development proposal that would have a highly positive impact on the local economy as well complimenting the built nature of the receiving environment, no negative impacts are envisaged which would affect the potential of the property to be Rezoned with the subsequent establishment of an infill development aligned with Local Spatial Planning policies. It is the aim of the client to create a viable and affordable product which would add to the tourist value and historical character of the area as well as being a solid opportunity for a return on both his investment as well the investment of potential first time home owners in the middle income market.

15. SUMMARY

This application for the development and implementation of the Site Development Plan with the subsequent rezoning and departures / permissions is therefore deemed favourable as it will have no negative impact on the surrounding built environment but will ensure the most viable and sustainable development implementation of a non- viable underutilized and vacant property which will deliver the best product to the growing middle income residential market ensuring the best economic return on investment. It is therefore encouraged and recommended for approval.

FIRST FLOOR PLAN
SCALE 1 : 100



NO	REVISIONS	DATE
1	ISSUED TO CLIENT	10-05-2019
MUNICIPAL		

Legal note:

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- All building work has to comply with SANS10400 and NHBRC regulations.

ERF 351

PROJECT DETAILS

NEW APARTMENTS

PROPERTY DETAILS

ERF 351
PNIEL



SHOP 21A, Boulevard Square, Cnr of Brackenell Boulevard & Proteaweg, Protea Heights, Brackenell
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072 596 5070
REG. NO. 2016/034496/07
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pniel@vhm.co.za
SAAAT 32642

OWNER'S SIGNATURE

PROF ARCH TECH

DRAWING STATUS CODES:

A: Design • B: Marketing • C: Municipal • D: Tender • E: Construction • F: As built

ALL STATUTORY REQUIREMENTS (NATIONAL BUILDING REGULATIONS AND MUNICIPAL BY-LAWS) MUST BE ADHERED TO • CONTRACTORS ARE TO CHECK AND VERIFY ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE WORK COMMENCES • REQUIRED DIMENSIONS AND LARGE SCALE DETAIL TAKES PREFERENCE OVER SMALL DIMENSIONS • REFER ANY AND ALL CONFLICTING INFORMATION TO THE ARCHITECTURAL TECHNOLOGIST AND OTHER RESPONSIBLE CONSULTANTS THE DESIGN AND DETAIL ON THIS DRAWING IS THE PROPERTY OF VAN HEERDEN ARCHITECTURE (PTY) LTD. AND COPYRIGHT IS RESERVED.

SITE PLAN	DETAILS	DESIGNED
FLOOR PLANS	✓	✓
ROOF PLAN	✓	✓
SECTIONS	✓	✓
STORM WATER	✓	✓
ELEVATIONS	✓	✓
SPRCS	✓	✓
REMARKS	✓	✓
SCHEDULES	✓	✓
DATE	10-05-2019	As indicated

SCALE/SHEET SIZE:

1:100/A3

DRAWING NO.: 2022-1036-02

REVISION: B

NO	REVISIONS	DATE
1	ISSUED TO CLIENT	10-05-2019
1	MUNICIPAL	

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ERF 351

PROJECT DETAILS

NEW APARTMENTS

PROPERTY DETAILS

ERF 351
PNIEL



SHOP 214, Boulevard Square, Cnr of Brackenell Boulevard & Protea Way, Protea Heights, Brackenell
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SAINT 32642
pieter@vhm.co.za

OWNERS SIGNATURE
PROF ARCH TECH

DRAWING STATUS CODES:

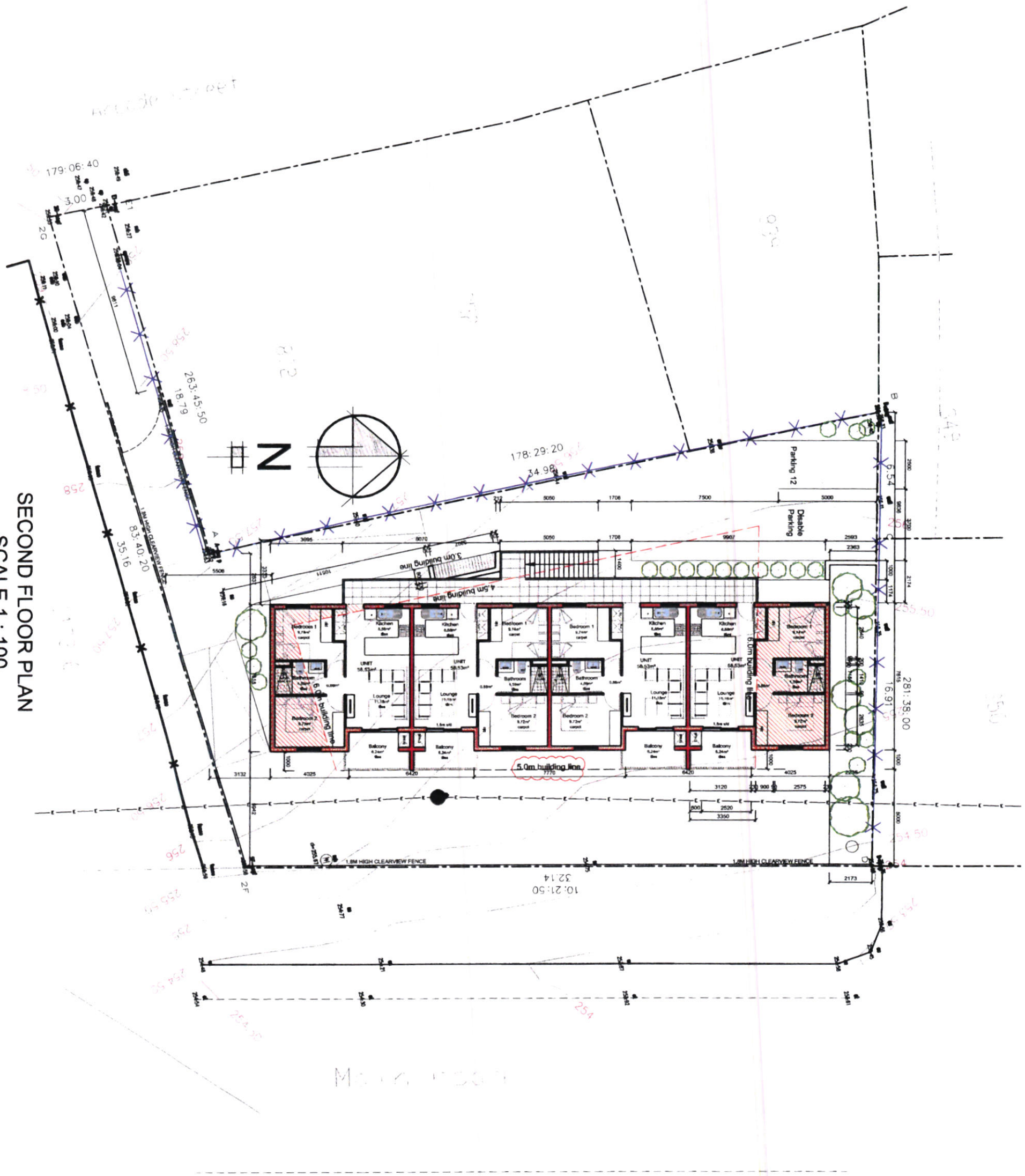
A: Design • B: Working • C: Municipal • D: Tender • E: Construction • F: As Built

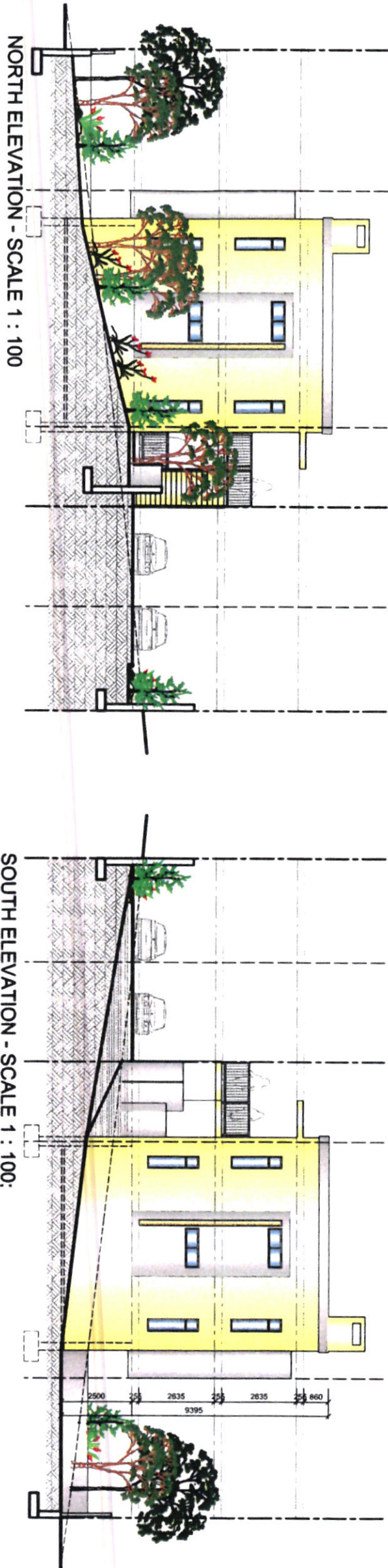
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SITE PLAN	DETAILS	DESIGNED
FLOOR PLANS	ROOF PLAN	PIV van Heerden
SECTIONS	STORM WATER	PIV van Heerden
ELEVATIONS	SPECS	SCALE
SCHEDULES	SCHEDULES	DATE

SCALE/SHEET SIZE: 1:100/1/3
DRAWING NO.: 2022-1036-03
MUNICIPAL
B

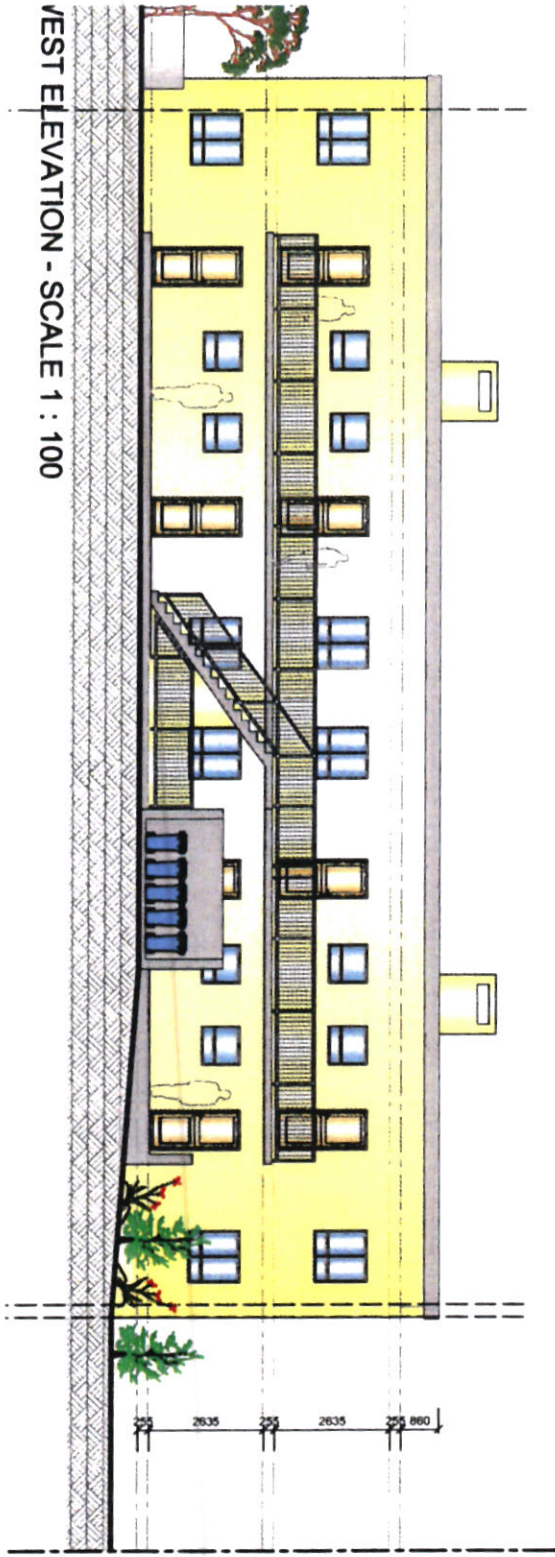
SECOND FLOOR PLAN
SCALE 1:100



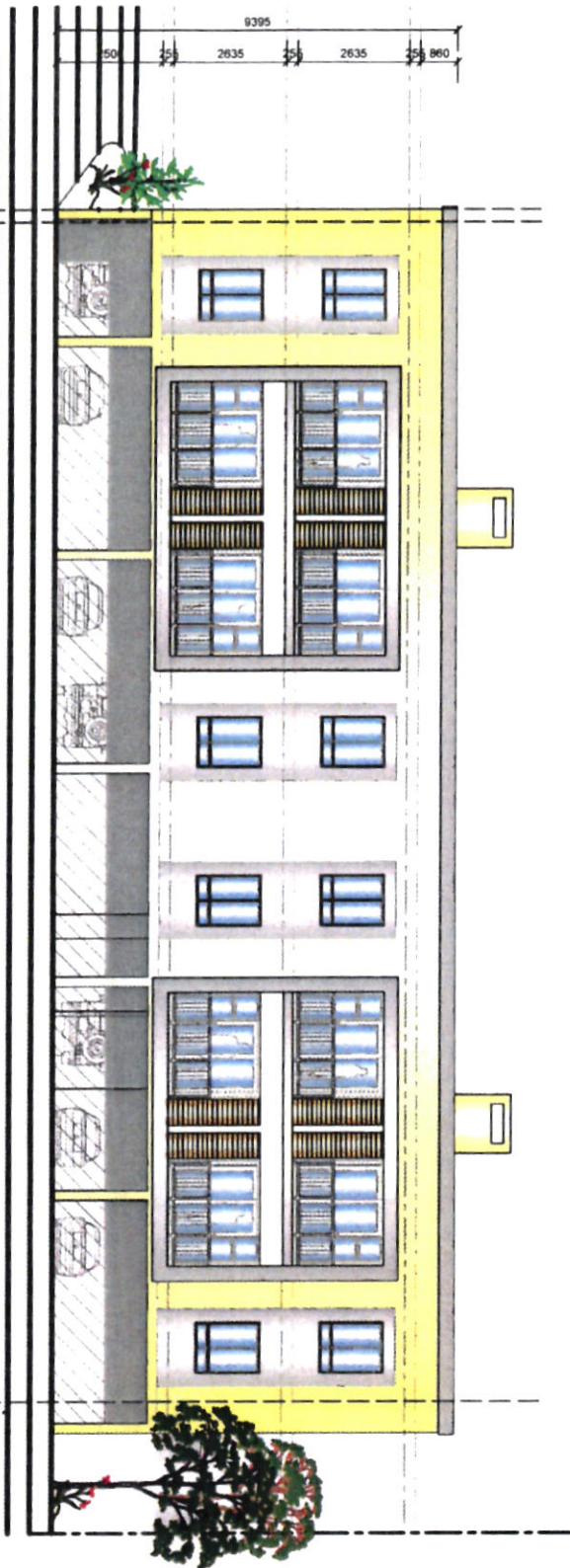


NORTH ELEVATION - SCALE 1 : 100

SOUTH ELEVATION - SCALE 1 : 100



WEST ELEVATION - SCALE 1 : 100



EAST ELEVATION - SCALE 1 : 100

PERMISSABLE AND PROPOSED DEVELOPMENT

Restriction: ERF 351	Permissible: 743.52m²	Provided: 743.52m²
Coverage Multi Unit Residential	50 % 371.76m²	31.20% 232.0m²
Floor Factor : Flats	1.0	62.40 Excluding Parking, staircases and walkways
Height: Flats	15m	12.0m
Building lines: Street building lines : Flats	5.0m	5.0m
Lateral building line : Flats	4.5m	3.0m 4.5m
BUILDING POPULATION		
Building Classification	Multi Unit Residential	
Design Population: Flats	= 2 Persons / Bedroom 32 Persons	
Total Apartments Area - Ground Floor - First Floor - Second floor	= 180.14m² = 232.0m² = 232.0m²	
PARKING REQUIREMENTS		
Parking ratio Require Apartments	Permissible: Multi Unit Residential	Provided:
8 Double Flats	1.5 per Flat 12	1.5 per Flat 12
DISABLE	1	1
REFUSE REQUIREMENTS		
Requirement	Permissible:	Provided:
Design Population	0.6 per flat and house = 4.8bins	0.6 per flat and house = 5 bins
Private Recreation area		90.54m² 12.17%

NO	REVISIONS	DATE
1	ISSUED TO CLIENT MUNICIPAL	10-05-2019

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ERF 351

PROJECT DETAILS

NEW APARTMENTS

PROPERTY DETAILS

ERF 351
PNIEL



VAN HEERDEN
ARCHITECTURE

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OWNER'S SIGNATURE

PROF ARCH TECH

DRAWING STATUS CODES:

A: Design • B: Marketing • C: Municipal • D: Tender • E: Construction • F: As Built

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SITE PLAN	DETAILS	DESIGNED
FLOOR PLANS	ROOM PLANS	PV van Heerden
SECTIONS	STORM WATER	CHECKED
ELEVATIONS	SPECS	SCALE
SEQUENCE	SPECS	DATE

SCALE/SHEET SIZE: 1:100/1/3
DRAWING NO: 2022-1036-04
MUNICIPAL

NO	REVISIONS	DATE
1	ISSUED TO CLIENT	10-05-2019
1	MUNICIPAL	

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ERF 351

PROJECT DETAILS

NEW APARTMENTS

PROPERTY DETAILS

ERF 351
PNIEL



VAN HEERDEN
ARCHITECTURE

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SALAT 32842

OWNER'S SIGNATURE

PROF ARCH TECH

DRAWING STATUS CODES:

A: Design • B: Marketing • C: Municipal • D: Tender • E: Construction • F: As Built

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SITE PLAN	DETAILS	DESIGNED
FLOOR PLANS	1	2
SECTIONS	3	4
ELEVATIONS	5	6
RENDERINGS	7	8
REVISIONS	9	10
SCALE	11	12
DATE	13	14

SCALE/SHEET SIZE:

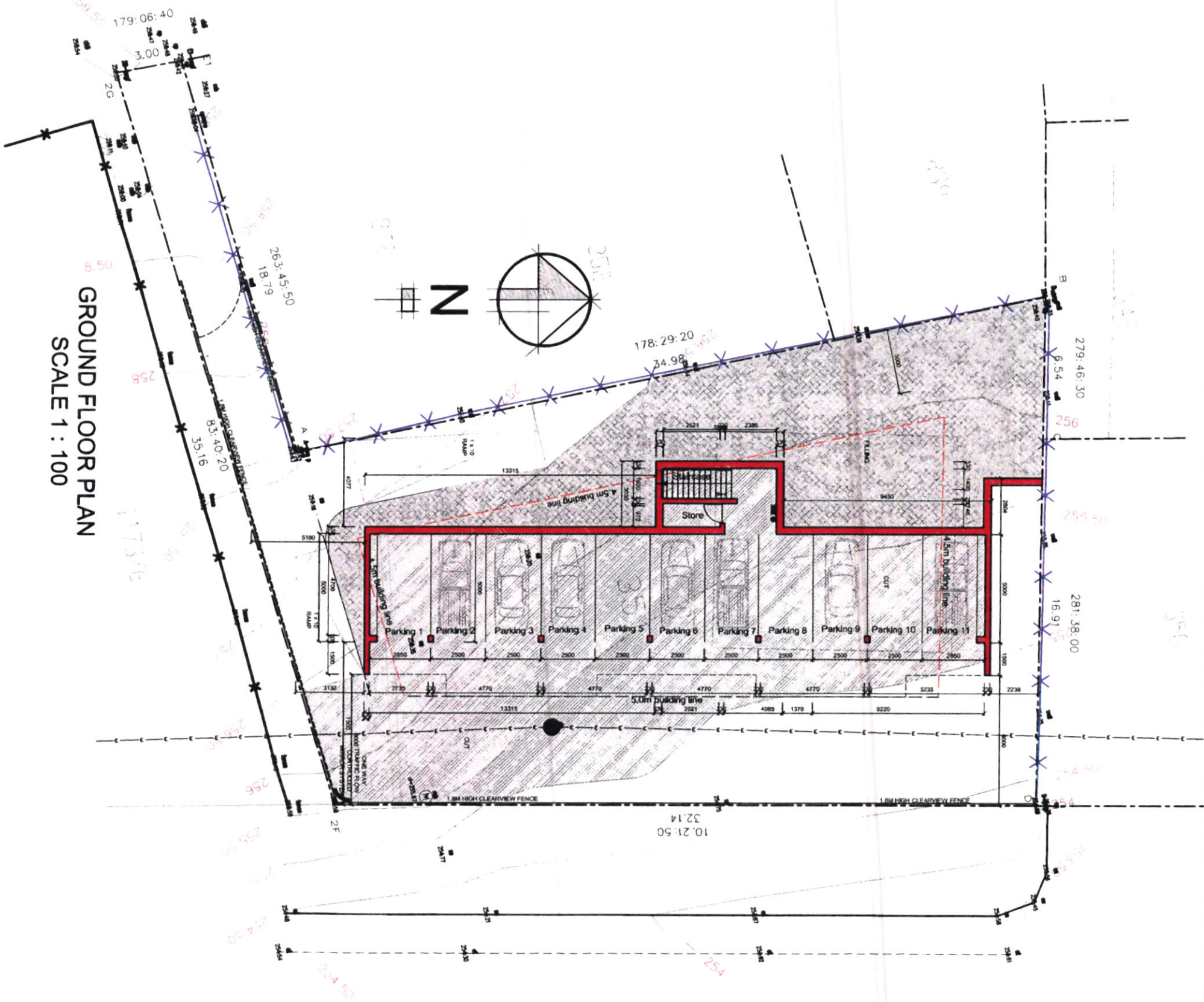
2022-1036-05

MUNICIPAL

B

GROUND FLOOR PLAN

SCALE 1 : 100



NO	REVISIONS	DATE
1	ISSUED TO CLIENT	10-05-2019
1	MUNICIPAL	

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ERF 351

PROJECT DETAILS

NEW APARTMENTS

PROPERTY DETAILS

ERF 351
PNIEL



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SITE PLAN	DETAILS	DESIGNED	DRAWN	CHECKED	SCALE	DATE
FLOOR PLANS	ROOF PLAN	PV van Heerden	PV van Heerden	PV van Heerden	As Indicated	10-05-2019
SECTIONS	SECTION WATER					
ELEVATIONS	SPRINGS					
SCHEMATIC	SCHEDULES					

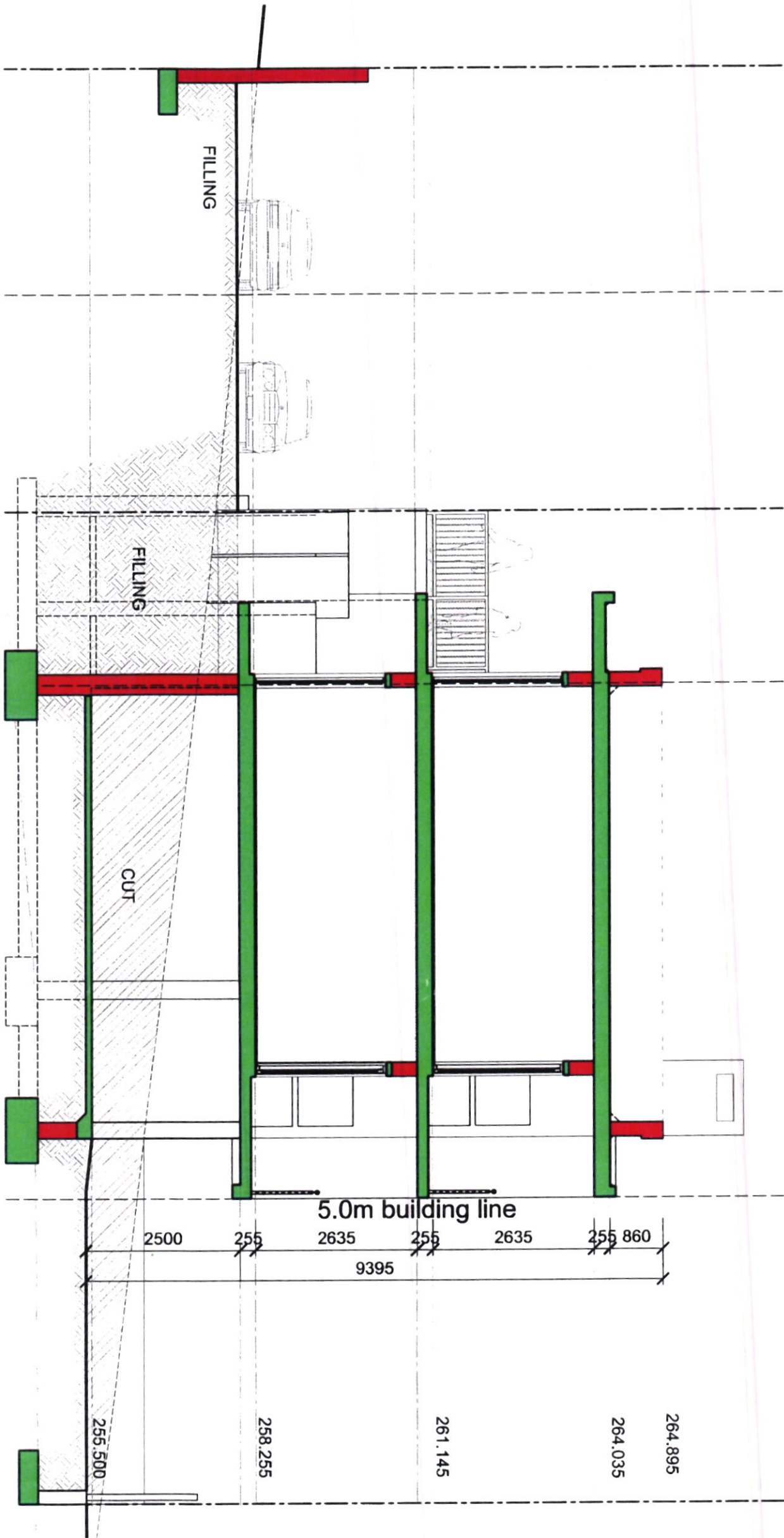
SCALE/SHEET SIZE:

DRAWING NO. 2022-1036-06

2022-1036-06

MUNICIPAL

TYPICAL SECTION - SCALE 1 : 100



Bulelwa Mdoda

From: Robert Fooy
Sent: Wednesday, 08 February 2023 12:31
To: Pierre Jordaan
Cc: Bulelwa Mdoda
Subject: RE: [EX] Fwd: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL

Afternoon

I have had a quick looked at the revised application and it seems to be in order.

Please upload the revised application onto the portal.



Kind regards,

Robert Fooy

Senior Town Planner: Land Use Management
Department: Planning & Economic Development

T: +27 21 808 8680

Email: robert.fooy@ Stellenbosch.gov.za

1st Floor, NPK Building
20 Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



www.facebook.com/stellenboschmunicipality
twitter.com/StellMun

From: Pierre Jordaan <activeplanningsolutions@gmail.com>
Sent: Tuesday, 07 February 2023 16:22
To: Robert Fooy <Robert.Fooy@ Stellenbosch.gov.za>
Subject: Re: [EX] Fwd: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL

Afternoon Robert,

See attached revised motivation and SDP to address your response below.
Note the total omission of the basement and the added building line departure for the second floor.

I hope you find this in order.

Regards

Pierre Jordaan
for **Active Planning Solutions**
Cell: 079 528 9179
Website: <https://activeplanning.co.za>

On Fri, 27 Jan 2023 at 12:29, Robert Fooy <Robert.Fooy@ Stellenbosch.gov.za> wrote:

Morning Pierre

Thanks for the updated application.

I have quickly gone through what is being applied for and the following corrections need to be made.

The Departure applied for below is not possible as one cannot depart from a definition.

If the proposed structure does not comply with the requirements noted in a definition for a basement then it cannot be defined as a basement but a storey.

This implies that you are developing a 3 storey building – Ground + 2 floors.

This implies that the relevant development parameters applicable to a 3 storey building will apply and thus your application must be amended to include the relevant departures where applicable.

- A **Permanent Departure** from the prescribed max height of 1m for the ground floor slab to 1.558m above natural ground level in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.

“basement storey” (kelderverdieping) means any storey or division of a storey protrudes less than 1 meter at any point above **existing ground level**;

83. Building development parameters in this zone

- (1) For a dwelling house and second dwelling house, development parameters as contained in the Conventional Residential zone of this Scheme shall apply.
- (2) The following building lines, coverage, height and floor area shall apply to buildings, other than those mentioned in subsection(1), within this zone, as follows:

Building type permitted	Street boundary building lines (m)	Common boundary building lines (m)	Max Coverage	Max Height	Floor area
Group housing; Retirement village	External: 3m Internal: 0m	External: 3m Internal: 0m	50%	2 storeys	n/a
Flats	All levels: 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	4 storeys	75%
All other buildings	All levels: 4,5m	Ground floor: 4,6m First floor: 4,5m Second floor: 6m	50%	3 storeys	75%

- (3) The following additional parameters apply in respect of building lines:
- (a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the land unit boundary unless a servitude is registered in favour thereof;
 - (b) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements but requires a site development plan approval;
 - (c) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;
 - (d) access ramps to basements may exceed the building line;
 - (e) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;
 - (f) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
 - (g) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations, may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this Scheme.
- (4) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.



Kind regards,

Robert Fooy

Senior Town Planner: Land Use Management
Department: Planning & Economic Development

T: +27 21 808 8680

Email: robert.fooy@ Stellenbosch.gov.za

1st Floor, NPK Building

20 Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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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 <https://protect-za.mimecast.com/s/cWMGCJZKnWh8gz8YhGJhmM?domain=stellenbosch.gov.za>

Disclaimer:

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From: Pierre Jordaan <activeplanningsolutions@gmail.com>

Sent: Friday, 27 January 2023 11:38

To: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>

Cc: justin <swartzbus@gmail.com>

Subject: Re: [EX] Fwd: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL

Morning Robert,

All the best for 2023.

See attached amended motivation with departure added and additional plans indicating the extent of the cut and fill as requested.

Hope you find this in order.

Regards

Pierre Jordaan

for **Active Planning Solutions**

Cell: 079 528 9179

Website: <https://activeplanning.co.za>

On Tue, 6 Dec 2022 at 09:15, Robert Fooy <Robert.Fooy@ Stellenbosch.gov.za> wrote:

Noted



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From: Pierre Jordaen <activeplanningsolutions@gmail.com>

Sent: Monday, 05 December 2022 09:04

To: Robert Fooy <Robert.Fooy@ Stellenbosch.gov.za>

Cc: justin <swartzbus@gmail.com>; Pieter van Heerden <pieter@vhvm.co.za>

Subject: Re: [EX] Fwd: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL

Morning Robert

Let me just get the architect to put in a few measurements to see if we comply with that parameter and if not how far we are out.

Regards

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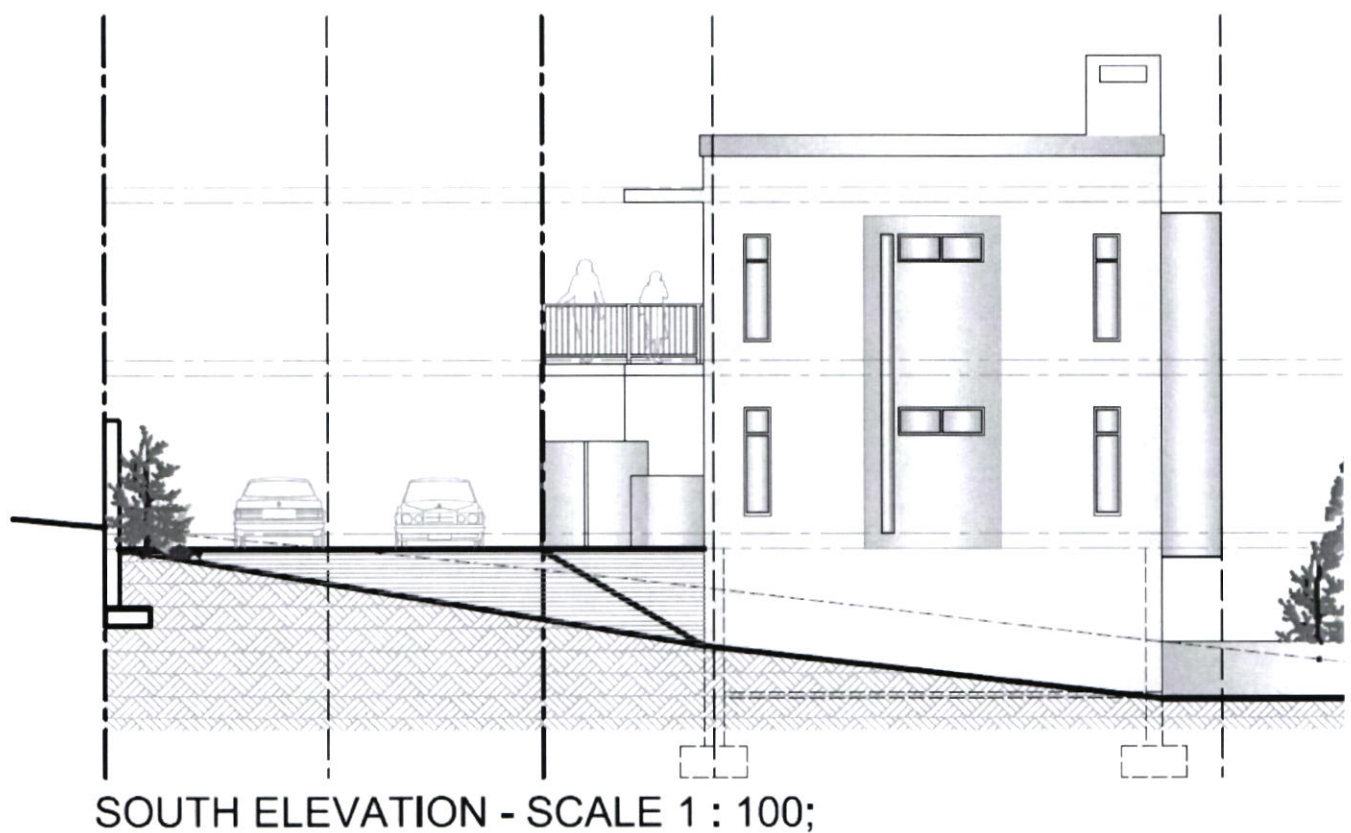
Cell: 079 528 9179

On Mon, 5 Dec 2022 at 08:46, Robert Fooy <Robert.Fooy@ Stellenbosch.gov.za> wrote:

Hi Pierre

Do you think the parking area in this building complies with the definition of a basement?

If so then I will process the application as submitted.





Kind regards,

Robert Fooy

Senior Town Planner: Land Use Management
Department: Planning & Economic Development

T: +27 21 808 8680

Email: robert.fooy@ Stellenbosch.gov.za

1st Floor, NPK Building

20 Plein Street, Stellenbosch, 7600

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From: Pierre Jordaan <activeplanningsolutions@gmail.com>
Sent: Friday, 02 December 2022 15:47
To: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Cc: Pieter van Heerden <pieter@vhvm.co.za>; justin <swartzbus@gmail.com>
Subject: [EX] Fwd: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL

Afternoon Robert,

With reference to your comment below please direct me to the section in the Bylaw relating to the highlighted text;

I see no reference to basement parking in the By-law and closest regulation I could get was the following;

39. Retaining walls, earth banks or raising ground level

- (1) Unless the written permission of the Municipality in terms of the Scheme has been obtained, no earth bank, retaining structure, column, suspended floor, other device or structure may be constructed that enables the ground floor of a building to be raised more than 1.5 meters above the existing ground level, provided also that where raising takes place and where the height of the building above the existing ground level is stipulated, the height shall still be measured from the existing ground level.

Is this what you are referring to?

Regards

Pierre Jordaan

for **Active Planning Solutions**

Cell: 079 528 9179

Website: <https://activeplanning.co.za>

----- Forwarded message -----

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Date: Wed, 16 Nov 2022 at 14:57
Subject: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL
To: Pierre Jordaan <pierre@activeplanning.co.za>

Good day Pierre

I trust that you are well.

The following is requested from the planner.

- 12 Onsite Parking bay require and only 11 provided. (8 units X 1.5 parking bays = 12 parking bays required)
- 5m building line to be indicated on the Main Road side of the property.
- Land surveyor to confirm that the "Basement Parking area" complies with the definition as note in the Zoning Scheme By-Law and that the proposal can be implemented onsite and comply with the applicable definition.
- Sectional Elevation to be provided indicating all cut and fill / the final ground and floor levels to accommodate the building with the onsite parking area on the Main Road side of the building.
- Final gradient of access road to the onsite parking area / bays to be provided.
- Boundary wall details to be included in the SDP to determine impact of the development of property as proposed.
- Applicant to motivate all the departures application separately with the impact that they will have on the surrounding properties.

If submitted and all is in order, an invoice will follow.

Should you have any enquiries regarding the abovementioned, you are welcome to contact the planner, see details below.

robert.fooy@ Stellenbosch.gov.za / 021 808 8680



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



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Bulelwa Mdoda

From: Robert Fooy
Sent: Friday, 27 January 2023 12:29
To: Pierre Jordaan
Cc: Bulelwa Mdoda
Subject: RE: [EX] Fwd: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL

Morning Pierre

Thanks for the updated application.

I have quickly gone through what is being applied for and the following corrections need to be made.

The Departure applied for below is not possible as one cannot depart from a definition.

If the proposed structure does not comply with the requirements noted in a definition for a basement then it cannot be defined as a basement but a storey.

This implies that you are developing a 3 storey building – Ground + 2 floors.

This implies that the relevant development parameters applicable to a 3 storey building will apply and thus your application must be amended to include the relevant departures where applicable.

- A **Permanent Departure** from the prescribed max height of 1m for the ground floor slab to 1.558m above natural ground level in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.

“basement storey” (kelderverdieping) means any storey or division of a storey protrudes less than 1 meter at any point above **existing ground level**;

83. Building development parameters in this zone

- (1) For a dwelling house and second dwelling house, development parameters as contained in the Conventional Residential zone of this Scheme shall apply.
- (2) The following building lines, coverage, height and floor area shall apply to buildings, other than those mentioned in subsection(1), within this zone, as follows:

Building type permitted	Street boundary building lines (m)	Common boundary building lines (m)	Max Coverage	Max Height	Floor area
Group housing; Retirement village	External: 3m Internal: 0m	External: 3m Internal: 0m	50%	2 storeys	n/a
Flats	All levels: 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	4 storeys	75%
All other buildings	All levels: 4,5m	Ground floor: 4,6m First floor: 4,5m Second floor: 6m	50%	3 storeys	75%

- (3) The following additional parameters apply in respect of building lines:
 - (a) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the land unit boundary unless a servitude is registered in favour thereof;
 - (b) outbuildings for security control, electrical substations and refuse storage are not subject to street building line requirements but requires a site development plan approval;
 - (c) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;
 - (d) access ramps to basements may exceed the building line;
 - (e) notwithstanding the building lines in this section, the Municipality may require a common boundary building line for the protection of any municipal services provided along land unit boundaries;
 - (f) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
 - (g) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations, may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this Scheme.
- (4) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.



Kind regards,

Robert Fooy

Senior Town Planner: Land Use Management
Department: Planning & Economic Development

T: +27 21 808 8680

Email: robert.fooy@ Stellenbosch.gov.za

1st Floor, NPK Building
20 Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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twitter.com/StellMun

From: Pierre Jordaan <activeplanningsolutions@gmail.com>

Sent: Friday, 27 January 2023 11:38

To: Robert Fooy <Robert.Fooy@ Stellenbosch.gov.za>

Cc: justin <swartzbus@gmail.com>

Subject: Re: [EX] Fwd: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL

Morning Robert,

All the best for 2023.

See attached amended motivation with departure added and additional plans indicating the extent of the cut and fill as requested.

Hope you find this in order.

Regards

Pierre Jordaan

for **Active Planning Solutions**

Cell: 079 528 9179

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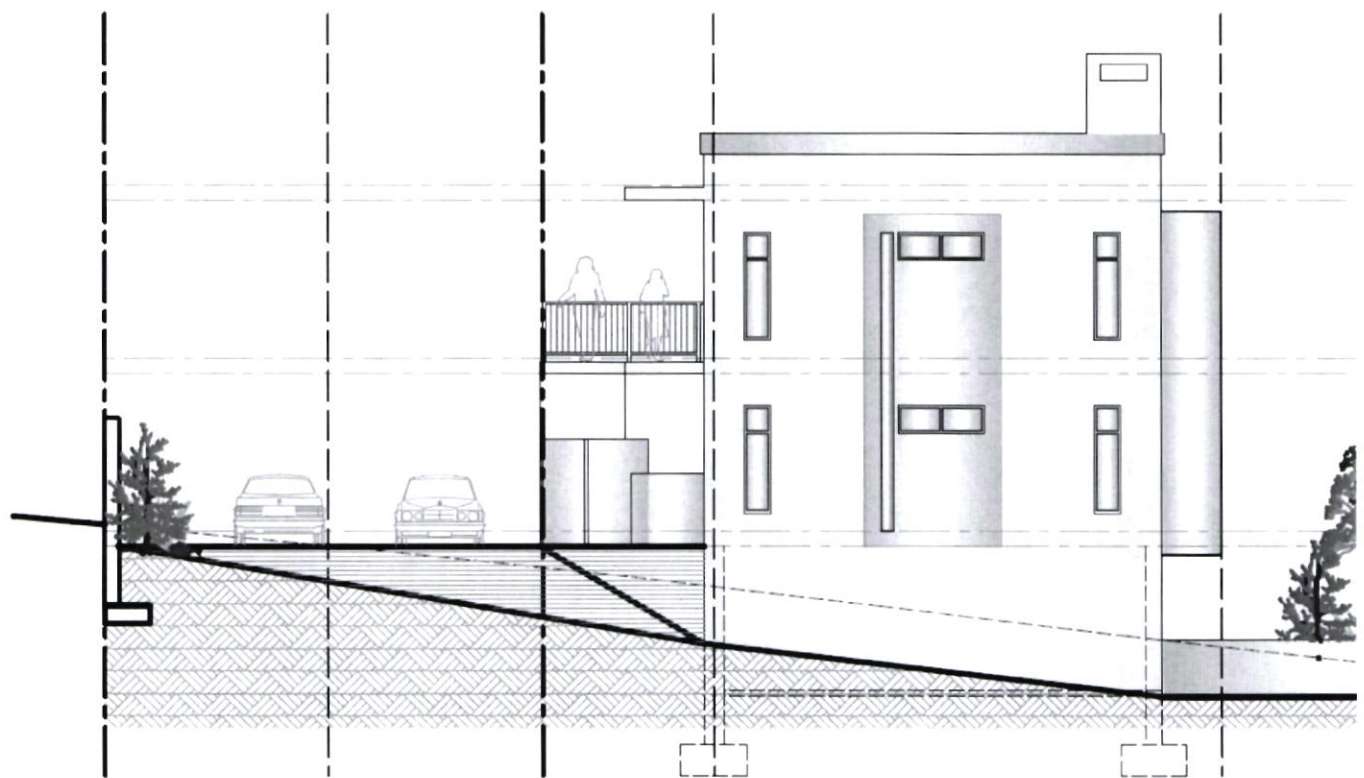
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SOUTH ELEVATION - SCALE 1 : 100;



Kind regards,

Robert Fooy

Senior Town Planner: Land Use Management
Department: Planning & Economic Development

T: +27 21 808 8680

Email: robert.fooy@ Stellenbosch.gov.za

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for **Active Planning Solutions**

Cell: 079 528 9179

Website: <https://activeplanning.co.za>

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From: **Nicole Katts** <Nicole.Katts@stellenbosch.gov.za>

Date: Wed, 16 Nov 2022 at 14:57

Subject: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL

To: Pierre Jordaan <pierre@activeplanning.co.za>

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Administrative Officer

Development Management

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Nicole Katts

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Sent: Wednesday, 16 November 2022 14:58
To: Pierre Jordaan
Subject: OUTSTANDING INFORMATION: TP179/2022 -ERF 351 PNIEL

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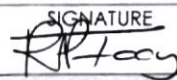


DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT
TP179/2022

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	10/11/2022	
Erf No	ERF 351	Town		Suburb	Pniel	
Farm No	n/a	Farm Portion	n/a	Nearest Town	n/a	
Owner / Applicant	Pierre Jordaan – Active Planning Solutions		Contact number		079 528 9179	
Email address	pierre@activeplanning.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY¹		PLANNER TO EVALUATE²
				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				✓		✓
13. Conveyancer's certificate						
14. Feedback on Pre-application scrutiny				✓		✓

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.

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 10/11/2022
Outstanding information (to be completed by Planner):			
<p>12 Onsite Parking bay require and only 11 provided. (8 units X 4 parking bays = 12 parking bays required) 5m building line to be indicated on the Main Road side of the property. Land surveyor to confirm that the "Basement Parking area" complies with the definition as note in the Zoning Scheme By-Law and that the proposal can be implemented onsite and comply with the applicable definition. Sectional Elevation to be provided indicating all cut and fill / final ground and floor levels to accommodate the building with the onsite parking area on the Main Road side of the building. Final gradient of access road to the onsite parking area to be provided. Boundary wall details to be included in the SDP to determine impact of the development of property as proposed. Applicant to motivate all the departures application separately with the impact that they will have on the surrounding properties.</p>			
Applications to be invoiced (to be completed by Planner):			
<p>- Regaining - R10 000 - 00 - Dep - R2500 - 00 - Consent use R2500 - 00</p> <p style="text-align: right;">11/04/2023 </p>			
EVALUATED & SIGNED BY PLANNER	NAME R FOODY	SIGNATURE 	DATE 16/11/2022
NOTES:			
<p>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.</p> <p>2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)].</p> <p>3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(ii)] and will receive instructions to advertise [s48(4)].</p> <p>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)].</p>			



DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

TP179/2022

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	10/11/2022	
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Owner / Applicant	Pierre Jordaan – Active Planning Solutions		Contact number		079 528 9179	
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13. Conveyancer's certificate						
14. Feedback on Pre-application scrutiny				✓		

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.

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 10/11/2022
<i>Outstanding information (to be completed by Planner):</i>			
<i>Applications to be invoiced (to be completed by Planner):</i>			
EVALUATED & SIGNED BY PLANNER	NAME Robert Fooy	SIGNATURE	DATE
NOTES: <ol style="list-style-type: none"> 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)]. 			



Active Planning Solutions

for professional Town & Regional

Planning services

Project Title: Application for Rezoning with permanent departures, erf 351, Pniel

Ref nr. Erf351/Pniel_Rez/APSv1

I, the undersigned hereby authorize Pierre Jordaan, representing **Active Planning Solutions**, to act as applicant on my behalf with regards to acquiring the necessary rights for the following:

- | | |
|-------------------------------------|---|
| ☒ | Rezoning |
| ☐ | Subdivision |
| ☐ | Consolidation |
| ☐ | Removal of Title Deed Restrictions |
| ☐ | Application to HWC in terms of Section 38 |
| ☐ | Applicability checklist in terms of NEMA (Environment) |
| ☐ | Exemption of applicability: Subdivision of Agricultural land in terms of Act 70 of 1970 |
| ☐ | Consent use |
| ☒ | Departure (Permanent) |
| ☒ | Addressing comments and objections |
| ☐ | Amendment of approval conditions |
| ☒ | Site Development Plan approval |
| ☐ | Phased subdivision |

Client name: Justin Swartz representing S2Z Investments Pty. Ltd.

Client signature:


Applicant's signature:
 **Date:**03/11/2022.....

Pierre Jordaan

Cell: 079 528 9179

Email: pierre@activeplanning.co.za



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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 PRE-APPLICATION SCRUTINY FORM

1. This Land Use Pre-Application Scrutiny Form must be submitted prior to the submission of any Land Use and Land Development application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 (SLUPB).
2. Relevant documents can be accessed at: <https://stellenbosch.gov.za/planning-portal/>
3. The applicant will receive feedback per e-mail following a weekly internal technical discussion on the pre-application scrutiny submission.
4. A pre-application consultation meeting may be required in terms of Section 37 of the said Bylaw on receipt and consideration of this Pre-Application Scrutiny.

PART A: APPLICANT, OWNERSHIP & PROPERTY PARTICULARS

Applicant Name	Active Planning Solutions
E-Mail Address	pierre@activeplanning.co.za
Tel/ Cell Number	079 528 9179
Registered Owner	S2Z Investments (Pty.) Ltd.
Property Description (Erf / Farm Number)	Erf 351
Physical / Street Address	90 Hoof street
Suburb & Town	Pniel
Current Zoning	Conventional Residential zone
Current Land Use Activities / Buildings	Vacant

Are there existing buildings on the subject property(ies)?	Yes	No
Are there any existing unauthorized buildings and/or land use on the subject property(ies)?	Yes	No
If yes, is this application to legalize the building/ land use?	Yes	No
Are there any pending court case(s)/ order(s) relating to the subject property(ies)?	Yes	No
Is the property located in a heritage area or contains any heritage significant buildings?	Yes	No
Does the property fall inside the urban edge?	Yes	No

PART B: APPLICATION

1. WHAT LAND USE PLANNING APPLICATIONS ARE REQUIRED IN TERMS OF SECTION 15(2) OF THE SLUPB?

315 (2)(a)	Rezoning	315 (2)(b)	Removal / Suspension Amendment of restrictive conditions	315 (2)(b)	Permission in terms of condition of approval	315 (2)(b)	Disestablishment of HOA
315 (2)(a)	Permanent Departure	315 (2)(b)	Permission in terms of zoning scheme	315 (2)(b)	Determination of a zoning	315 (2)(b)	Rectify failure by HOA
315 (2)(a)	Temporary Departure	315 (2)(b)	Amendment of condition(s) of approval	315 (2)(b)	Closure of a public place	315 (2)(b)	Permission required for the reconstruction of a building
315 (2)(a)	Subdivision	315 (2)(b)	Extension of validity period of approval	315 (2)(b)	Consent use		Other:
315 (2)(a)	Consolidation	315 (2)(b)	Amendment / cancellation of approved subdivision plan	315 (2)(b)	Occasional use		Other:
OTHER	315 (2)(b)	Technical Approval	315 (2)(b)	Exemption	315 (2)(b)	Title Deed consent / permissions	

Details of the Proposal: (Brief description of development proposal. List expected land use activities. Short motivation of intended land use. Detail planned outcome. If change of zoning is required, list which zoning is applied for. Describe additional use planned for. List type of consent use applied for.)

The Rezoning of erf 351 from Conventional housing zone to Multi Unit residential zone to establish eight new flats in accordance with the attached preliminary Site Development Plan. The development will consist of basement parking accommodating 11 parking bays and two storeys above ground level housing 8 flats of $\pm 55m^2$ in size.

Furthermore it will be necessary to apply for permanent departures from the common boundary building lines from 4,5m to a minimum of 2,236m to implement the Site Development Proposal. These departures will be fully mitigated by the slope of the site and the fact that the neighboring building to the east also encroaches but only on the ground level which minimizes the impact. Also note that there are no windows overlooking erf 350. After consultation with Provincial roads a 5m street building line will be applicable on the Main road.

2. RELEVANCE OF ANY PLANNING LEGISLATION/ POLICIES AND PLANS

RELEVANT PLANNING CONSIDERATIONS		
(a) Are any Municipal plans/policies/guidelines, or any restrictive title conditions, or other legislation / authorizations applicable to the application, and if yes, is the proposal consistent/ compliant with such?	Yes	No
<p>Details with reference to applicable plans/ policies/ guidelines:</p> <p>The proposal complies with the Stellenbosch Spatial Development Framework of 2019 in terms of aligning with the following spatial planning initiatives;</p> <ul style="list-style-type: none"> • If entails infill development of underutilized vacant land within the urban Edge • It complies with the Municipality's Densification Policy • It is sensitive to the heritage "core" characteristics of the town by proposing a fairly "low key" building with architectural elements that complements the styling of the older building in the Heritage core area although erf 351 is not in the HPOZ • It can there for be easily "woven" into the urban fabric of the surrounding settlement patterns. • The proposal will provide housing in the more affordable income bracket (R500 to R750000.00 price bracket). • The proposal will support mixed use development along the Main road with ease of access to the main access and activity route through the town. • The proposal ensures private developer investment and reliefs some of the burden from the Local Authority in terms of services provision / upgrading and housing provision. <p>Although there is one restrictive condition in the deed which reads "That each lot may only be developed with one dwelling house and outbuildings and that not more than one half the area of any one erf may be "built upon" " the client's attorney is in the process of removing this restriction to allow for the development of 8 flats.</p>		
(b) Does the proposal require the following additional infrastructure / services? e.g. electricity; water; sewerage; road network; other?	YES	NO
<p>Details on required infrastructure:</p> <p>The detailed submission will address this in more detail by means of a Civil Services report. At a glance it must be said that there are existing services on and near the property where connection can be attained relatively cost effectively. There is an existing sewer line to the south of the property connecting to the main sewer line in Pine street. This sewer line will be accommodated in a 3m wide services servitude. Water connection is available in Pine street. Electricity might require the construction of a mini electrical kiosk at the Pine street entrance. This will need to be confirmed by an electrical engineer.</p>		

(c) Does the development proposal include the provision of residential units, and if so, what is the target market re: range in income bracket/ selling price or rental for the units?	YES	NO
Details on target market: R500 to R750 000.00		
(d) In addressing the SPLUMA principle of Spatial Justice and as it relates to prescripts on the provision of inclusionary housing, how will this development proposal target affordable market segments?	YES	NO
Details on inclusionary housing provision: The proposal conforms to the SPLUMA principles with regards to the target market which means that it will provide housing in the inclusionary housing bracket.		

PART C: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF PRE-APPLICATION SCRUTINY

The following minimum documentation **must** be attached to this pre-application scrutiny form:

1. **Locality plan**
2. **Layout Plan of proposal** (e.g. copy of existing building plan, indicating proposal on site plan, etc.)
3. **Full copy of the title deed or Conveyance Certificate (Awaiting copy of new deed without restriction from the conveyancing attorney)**

Note:

- The Municipality may request any other information deemed necessary for the purpose of this pre-application scrutiny.
- If an incomplete pre-application scrutiny form or the required minimum supporting documents are not submitted the pre-application scrutiny form will not be accepted by the Municipality.

DECLARATION:

I hereby confirm that the information contained in this pre-application scrutiny form and accompanying documentation is complete and accurate.

Applicant's signature: P Jordaan Date: 15 / 06 / 2022

FOR OFFICE USE:

Municipal Stamp
Received by: _____

Date: _____

DETERMINATION BY AUTHORISED OFFICIAL

Additional Information		Pre-Application Consultation		Application Ready	
Sign: _____ Date: _____					

APPLICANT INFORMED BY RESPONSIBLE OFFICIAL

Sign: _____	Date: _____
--------------------	--------------------



Pierre Jordaan <activeplanningsolutions@gmail.com>

Erf 351, Pniel

Tyrone King <Tyrone.King@stellenbosch.gov.za>

10 June 2022 at 10:26

To: "Pierre Jordaan" (pierre@activeplanning.co.za)* <pierre@activeplanning.co.za>

Cc: Nigell Winter <Nigell.Winter@stellenbosch.gov.za>, Colin Taylor <Colin.Taylor@stellenbosch.gov.za>, Abdullah Daniels <Abdullah.Daniels@stellenbosch.gov.za>

Hi Pierre – sine onderstaande kommentaar ivm verkeer/parkering ens.

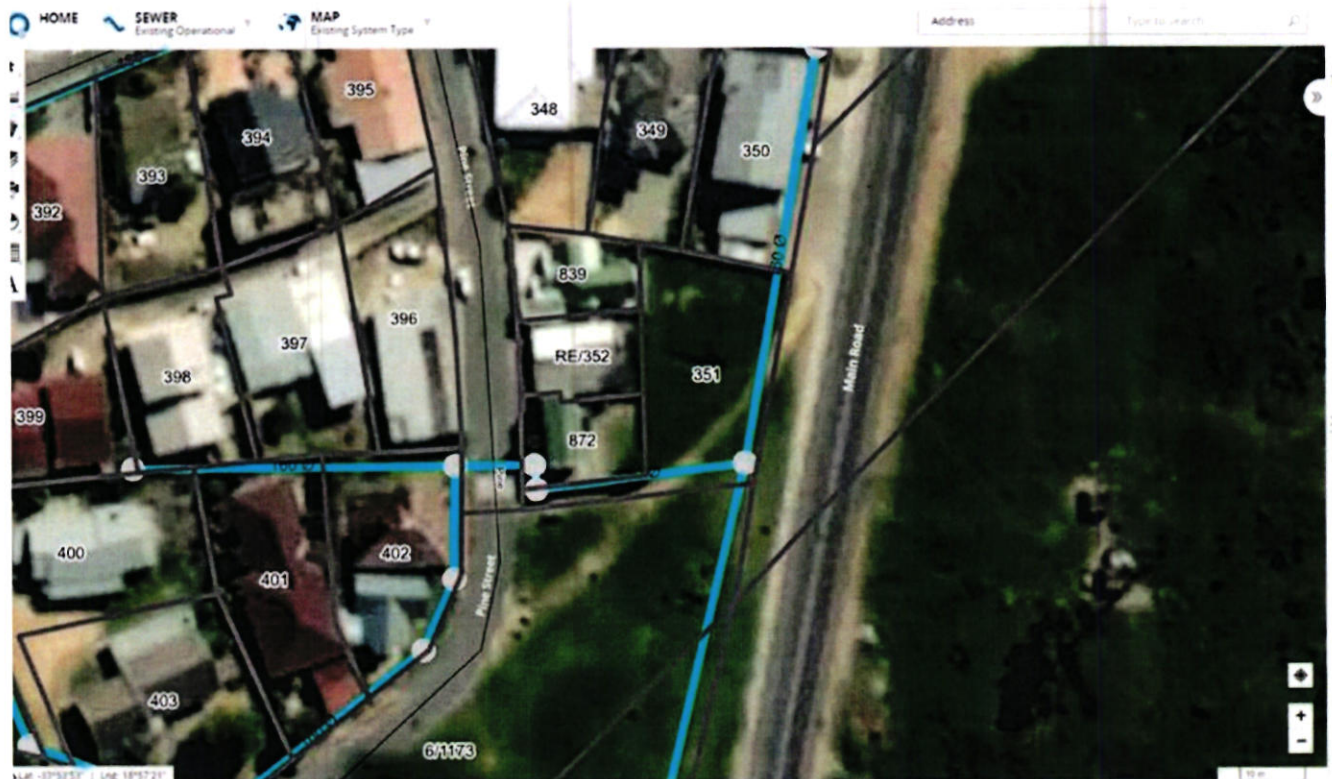
Jy sal 'n diensteverlag moet indien en konsepsuele ingenieurstekening wat aandui waar die gebou gaan aansluit by die bestaande netwerk.

Onder is die bestaande posisies van riool en water wat julle sal help. Bevestig net presiese posisies op terrein. Lyk of julle 'n serwitut sal moet registreer vir die riool. En geen struktuur sal op dit toegelaat word nie.

Water



Sewer



Tyrone King Pr Tech Eng

Manager: Development

Infrastructure Services

T: +27 21 808 8214 | F: +27 21 883 9874

1st Floor, Ecclesia Building, 71 Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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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 tyrone.king@stellenbosch.gov.za sent at 2022-06-10 10:26:36 is confidential and may be legally privileged. It is intended solely for use by pierre@activeplanning.co.za and others authorized to receive it. If you are not pierre@activeplanning.co.za you are hereby notified that any disclosure, copying,

From: Nigell Winter
Sent: Friday, 10 June 2022 10:08
To: Tyrone King <Tyrone.King@stellenbosch.gov.za>
Subject: RE: [EX] Erf 351, Pniel

Môre Tyrone, ek sien nie enige probleme nie... TIA ook nie nodig nie



Kind regards,

Nigell Winter

Manager: Traffic Engineering

Infrastructure Services

T: 021-808 8223/8222 | F: 021-883 9874

Email: Nigell.Winter@stellenbosch.gov.za

Stellenbosch Municipality

2nd Floor - Ecclesia Building,

71 Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Tyrone King
Sent: Thursday, 09 June 2022 16:00
To: Nigell Winter <Nigell.Winter@stellenbosch.gov.za>
Subject: FW: [EX] Erf 351, Pniel

Hi Nigell – kyk gou na die SDP asb.

- Enige voorlopige kommentaar op uitleg veral parkering?
- Is dit nodig vir TIS?
- Enige ander kommentaar?

Groete



Tyrone King Pr Tech Eng

Manager: Development

Infrastructure Services

T: +27 21 808 8214 | F: +27 21 883 9874

11/7/22, 11:00 AM

Gmail - Erf 351, Pniel

1st Floor, Ecclesia Building, 71 Plein
Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Pierre Jordaan <pierre@activeplanning.co.za>
Sent: Thursday, 09 June 2022 11:52
To: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Cc: Tyrone King <Tyrone.King@stellenbosch.gov.za>; Bernabe De La Bat <Bernabe.DeLaBat@stellenbosch.gov.za>; Justin <swartzbus@gmail.com>
Subject: [EX] Erf 351, Pniel

More Robert / Tyron / Bernabe

[Quoted text hidden]

2 attachments



local context.png
1132K

 New SDP_05_05_2022.pdf
4973K



Pierre Jordaan <activeplanningsolutions@gmail.com>

FW: Erf 351 Pniel Pre application comment

Nicole Katts <Nicole.Katts@ Stellenbosch.gov.za>

21 September 2022 at 11:35

To: Pierre Jordaan <pierre@activeplanning.co.za>

Cc: Robert Fooy <Robert.Fooy@ Stellenbosch.gov.za>, Landuse Applications
<Landuse.Applications@ Stellenbosch.gov.za>

Good day Pierre

I trust that you are well.

Please see below feedback from the planner.

Please submit the abovementioned documents, title deed and the formal land use application(attached) on the planning portal. See link below for ease of reference.

<https://citymaps.stellenbosch.gov.za/aflaportal/home>

Your application will be acknowledged and further processed.

*Kind regards / Vriendelike Groete***Nicole Katts**

Administrative Officer

Development Management

**Planning & Economic
Development**

T: +27 21 808 8318*43 Andringa Str, Eikestad Mall, 3rd
Floor*www.stellenbosch.gov.za

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From: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>

Sent: Wednesday, 21 September 2022 11:23

To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>; Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

Subject: Erf 351 Pniel Pre application comment

Morning

The content of the pre application is correct and the formal land use application can be submitted.

I have noted that the applicant has not been able to provide a copy of the properties title deed.

The formal application must include a copy of the title deed with a conveyances certificate.



Kind regards,

Robert Fooy

Senior Town Planner: Land Use Management
Department: Planning & Economic Development

T: +27 21 808 8680

Email: robert.fooy@stellenbosch.gov.za

-

3rd Floor, Stellenbosch Mall

Aandringa Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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twitter.com/StellMun

7 attachments



local context.png
1132K



Deed_cover page.pdf
62K



NB_AWAITING TITLE DEED.docx
28K



New SDP_15_06_2022.pdf
5378K



Pre-Application Scrutiny Form 2021v1 (completed).pdf
173K



Land Use Application Form 2022v2.docx
116K



Land Use Application Form 2022v2.pdf
214K



S2Z INVESTMENTS (Pty) Ltd (Reg no: 2015/104975/07)

07 School Street
Kylemore
Stellenbosch
7601

Telephone: (021) 885 1585
Cellphone: 073 573 5583
Fax: (021) 885 1585
Email:
swartzbus@gmail.com

Directors resolution of S2Z Investments (Pty) Ltd

REG No: (2015/104975/07)

RESOLUTION PASSED AT A MEETING OF THE MEMBERS OF S2Z INVESTMENTS PROPRIETRY LIMITED (the "Company") REGISTRATION No: 2015/104975/07

Extract from the minutes of a meeting of directors of S2Z Investments (Pty) Ltd.
Reg.No: 2015/104975/07 (the Company) held at Stellenbosch on 15 February 2022.

Whereby it was resolved:

That Justin Sheldon Swartz, with identity number 7906175138081 is hereby nominated by the said Company, in his sole and absolute discretion to sign on behalf of the Company the documents and plans in respect of the subdivision and departure and any other related and/ or required applications to the Stellenbosch Municipality in respect of Erf 351, Pniel, Stellenbosch.

Certified a true extract from the minutes.
Signed at Stellenbosch on 15 February 2022

JS SWARTZ

Initials and Surname

Mr Justin Sheldon Swartz Signature

CSM

PROKUREURS | ATTORNEYS

OWNER: **CS MEYER (LLB)**

Website: www.csmattorneys.co.za

21 Fern Street, Stellenbosch, 7600

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+27 (0) 21 883 8666

F +27 (0) 21 883 8668

C +27 (0) 83 739 4012

By Hand

Justin Swartz

YOUR REFERENCE:

OUR REFERENCE: CMEYER/AS/AS/

ACCOUNT NUMBER:

TELEPHONE: (021) 883 8666

FAX: (021) 883 8668

E-MAIL: clayde@csmattorneys.co.za

DATE: 28 Augustus 2020

**TRANSFER: V J & C E LACKAY / S2Z INVESTMENTS (PTY) LTD
ERF 351 PNIEL**

We refer to the above matter and enclose hereto the original Title Deed Number T 10359/2020 for safekeeping.

We trust you find the above in order and we would be pleased if you can acknowledge receipt hereof and email same to our offices so that we can close our file herein.

Yours faithfully

**CS MEYER
CSM ATTORNEYS**

14

CSM ATTORNEYS
VANDERSPUY 21 Plein Street,
CAPE TOWN Stellenbosch,
7600

650 000.00 889.00 Prepared by me

[Signature]

CONVEYANCER
~~CLYDE STEWARD MEYER~~
FRAS DE VRIES

T 000010359 / 2020

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

JOHN VAN BREDA LOUW

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer
being duly authorised thereto by a Power of Attorney granted to him/her by

VICTOR JAMES LACKAY
Identity Number 6401095182089
and
CELESTE ELIZABETH LACKAY
Identity Number 6704170128087
Married in community of property to each other

DATA / CAPTURE
25-03-2020
ATHI DAMOYI

which said Power of Attorney was signed at Stellenbosch on 2nd of March
2020.

And the appearer declared that his/her said principal had, on 24 February 2020, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

S2Z INVESTMENTS (PROPRIETARY) LIMITED
REGISTRATION NUMBER: 2015/104975/07

or its Successors in Title or assigns, in full and free property

ERF 351 PNIEL
In the Stellenbosch Municipality
Division Paarl
Province of the Western Cape

IN EXTENT 743 (SEVEN HUNDRED AND FORTY THREE) Square metres

FIRST transferred and still held by Deed of Grant Number T3563/2009 with General Plan Number 9954/1993 relating thereto

II. **INSOFAR**

the figure d 2F 2G E1 h y z on said General Plan 9954/93:

SUBJECT to the conditions referred to in Deed of Transfer Number T11413/1897.

IV. **INSOFAR**

The figure f, y, z on the said General Plan 9954/93:

SUBJECT to the conditions contained in Stellenbosch Property Letters Volume 6 voloi 10.

SUBJECT to the following village conditions imposed under Section 20 of the Rural Areas Act (Board of Representatives), 1987 (Act 9 of 1987).

VILLAGE CONDITIONS UNDER SECTION 20(2)(b) READ TOGETHER ONLY SECTION 3 (2) OF THE RURAL AREAS ACT (BOARD OF REPRESENTATIVES), 1987 (ACT NO.9 OF 187)

1. DEFINITION

In this Schedule, an expression appearing in the Rural Areas Act (Council of Representatives), 1987 (Act No. 9 of 1987) has the same meaning and, unless the context indicates otherwise-

"Munisipaliteit" die Munisipaliteit van Stellenbosch

"Minister" die Minister van Behuising: Provinsie van die Wes-Kaap

"Woning" 'n huis ontwerp vir gebruik as 'n woning vir een gesin.

2. GENERAL CONDITIONS

- 2.1 Geen gebou mag gebruik of verander word vir 'n ander doel as in hierdie voorwaardes bepaal nie.
- 2.2 Die eienaar van die erf is verplig om, sonder betaling van vergoeding, toe te laat dat elektrisiteitskabels of drade, telefoon- en telegraaflyne, waterpype en rioolvuil en dreinerings, insluitende reenwater, van enige ander erf of erwe oor hierdie erf gevoer word indien die Munisipaliteit dit nodig ag en wel op die wyse en ligging wat van tyd tot tyd redelikerwys vereis word. Dit sluit in die reg van toegang te alle redelike tye tot die eiendom met die doel om riele, inspeksieputte, vore, waterleidings en ander werke wat daarmee in verband staan aan te lê, te onderhou, te verander, te verwyder of te inspekteer.
- 2.3 Die eienaar van die erf is verplig om sonder vergoeding, op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat, al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word ingeval van verskil tussen die hoogte van die straat soos finaal aangelê en die erf, tensy hy verskies om steunmure te bou tot genoeë van en binne 'n tydperk wat die Munisipaliteit bepaal.
- 2.4 Geen geboue mag op die erf opgerig word alvorens die bouplanne deur die Munisipaliteit goedgekeur is nie.
- 2.5 Hierdie voorwaardes word opgelê deur die Munisipaliteit ten behoeve van die Staat en is uitsluitlik deur die Staat afdwingbaar.

3. SPECIAL CONDITIONS

Bo en behalwe die Algemene Voorwaardes, sal die volgende voorwaarde van toepassing wees.

(1) Net een woning met buitegebou mag op die erf opgerig word.

WHEREFORE the said Appearer, renouncing all rights and title which the said

**VICTOR JAMES LACKAY and CELESTE ELIZABETH LACKAY,
Married as aforesaid**

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**S2Z INVESTMENTS (PROPRIETARY) LIMITED
Registration Number: 2015/104975/07**

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R650 000,00 (SIX HUNDRED AND FIFTY THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 20 MAR 2020

In my presence

REGISTRAR OF DEEDS

q.q.

development within the Dava River Valley Rural Conservation Area (RCA) development within the C



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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)	Pierre				
Surname	Jordaan				
Company name (if applicable)	Active Planning Solutions				
Postal Address	Dtrekka Farm on the R304				
	Koelenhof	Postal Code	7605		
Email	pierre@activeplanning.co.za				
Tel		Fax		Cell	079 528 9179

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

Registered owner(s)	S2Z Investments (Pty.) Ltd.				
Physical address	7 School street				
	Kylemore	Postal code	7601		
E-mail	swartzbus@gmail.com				
Tel		Fax		Cell	073 573 5583

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

Erf / Erven / Farm No.	erf 351	Portion(s) if Farm		Allotment area	Pniel
Physical Address	90 Hoof street				
	Pniel				
Current Zoning	Conventional Housing	Extent	743m ² m ² / ha	Are there existing buildings?	Y ☒ X
Applicable Zoning Scheme	STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019				

Current Land Use										
Title Deed number and date	T	10359 / 2020								
Attached Conveyance's Certificate	Y	X	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate See attached correspondence in this regard.							
Are the restrictive conditions in favour of a third party(ies)?	Y	X	If Yes, list the party(ies):							
Is the property encumbered by a bond?	Y	X	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	X	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	Y	X	Is the building older than 60 years?	Y	X	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	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	X	If yes, is this application to legalize the building / land use ² ?			Y	X
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	X	Are there any land claim(s) registered on the subject property(ies)?			Y	X

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	X	N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	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	X
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): _____	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)	S2Z Investments (Pty.) Ltd.
Postal Address	7 School street, Kylemore
Vat Number (where applicable)	

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side	north	From	m 4,5	To	m 2,173
	Side	south	From	m 4,5	To	m 3,132
	Aggregate side		From	m	To	m
	Rear	west	From	m 4,5	To	m 2,173
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)	<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:

The Rezoning of erf 351 from Conventional housing zone to Multi Unit residential zone to establish eight new flats in accordance with the attached preliminary Site Development Plan. The development will consist of basement parking accommodating 11 parking bays and two storeys above ground level housing 8 flats of $\pm 55\text{m}^2$ in size. Furthermore it will be necessary to apply for permanent departures from the common boundary building lines from 4,5m to a minimum of 2,236m to implement the Site Development Proposal.

Development within the Dwars River Valley Rural Conservation Area (URCO4)

Development along Helshoogte road (R310) within a designated Scenic route overlay zone (USR10)

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

✓	N	Power of attorney / Owner's consent if applicant is not owner	Y	✓	Bondholder's consent (if applicable)
✓	N	Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	✓	Proof of any other relevant right held in the land concerned
✓	N	Written motivation pertaining to the need and desirability of the proposal	✓	N	S.G. diagram / General plan extract (A4 or A3 only)
✓	N	Locality plan (A4 or A3 only) to scale	✓	N	Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y	✓	Proposed subdivision plan (A4 or A3 only) to scale	✓	N	Proof of agreement or permission for required servitude
Y	✓	Proof of payment of application fees	✓	N	Proof of registered ownership (Full copy of the title deed)
Y	✓	Conveyancer's certificate	✓	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	✓	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 1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	✓	N/A Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	✓ N/A Home Owners' Association consent
Y	✓	N/A Abutting owner's consent	Y	✓	N/A Services Report or indication of all municipal services / registered servitudes
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 Proof of failure of Home owner's association
Y	N	✓ N/A Copy of original approval and conditions of approval			

Y	N	N/A	Proof of lawful use right		✓	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	✓	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)
✓	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)
✓	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
Y	✓	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 :

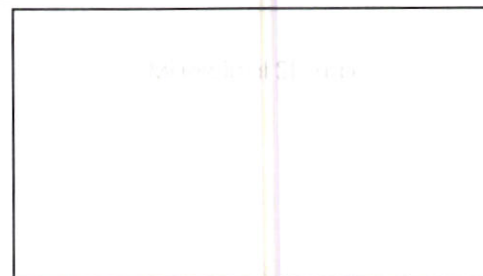
1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading 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.

- Applicant's signature: PJordaan Date: 07/11/2022
- Full name: Pierre Jordaan for Active Planning Solutions
- Professional capacity: Town Planner Registration B/8358/2016

FOR OFFICE USE ONLY

Date received: _____

Received By: _____





Active Planning Solutions
MOTIVATIONAL MEMORANDUM

***Application for Rezoning with Permanent building line &
outdoor space provision departures, Site Development
Plan approval & permission to allow development in
Overlay zones,
Erf 351, Pniel***



Date: November 2022

Ref: Erf351/Pniel_Rez/APSv1

Cell: 079 528 9179

Pierre Jordaan

Email: pierre@activeplanning.co.za

Active Planning Solutions

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ADDENDA

1. POWER OF ATTORNEY
2. COMPANY RESOLUTION
3. TITLE DEED
4. COORESPONDENCE w.r.t. RESTRICTIVE DEED CONDITION APPLICABILITY
5. GENERAL PLAN / DIAGRAM
6. PRE- APPLICATION SCRUTINY FORM
7. PRE- CONSULTATION OUTCOME
8. APPLICATION FORM

PLANS

1. LOCALITY
2. TOPOGRAPHICAL SURVEY
3. SITE DEVELOPMENT PLAN

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1. INTRODUCTION

This firm was appointed by Mr Justin Swart, representing S2Z Investments (Pty.) Ltd. to handle all town planning related actions required to have Erf 351, Pniel, rezoned and the Site Development Plan approved with the permission to develop within designated overlay zones. The Power of Attorney and Company Resolution to this effect is attached as **Addendum 1** and **2** respectively.

2. PURPOSE

It is the purpose of this memorandum to apply for the following:

- The **Rezoning** of erf 351 from Conventional Residential Zone to Multi Unit residential zone to accommodate eight flats, communal open space and private road in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- A **Permanent Departure** from the 4,5m common boundary building lines in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- A **Permanent Departure** from the prescribed 20% communal outdoor space to 12.17% in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- Approval of the **Site Development Plan** in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015 to allow the development within the **Dwars River Valley Rural Conservation Area Overlay zone (URCO4)**.
- Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015 to allow the development along Helshoogte road (R310) within a designated **Scenic route overlay zone (USR10)**.

3. PROPERTY & TITLE DEED DETAILS

Erf 351, Pniel

SIZE:	743m ²
OWNER:	S2Z Investments (Pty.) Ltd.

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TITLE DEED NO:	T10359/2020
BORDERS:	
NORTH	Erf 349 & 350
SOUTH	Portion 6 of farm 1173
EAST	R310 (Helshoogte road)
WEST	Erf 872, 839 & Remainder erf 352
T-DEED RESTRICTIONS:	None (see proof documentation attached as Addendum 4)
DIAGRAM NO:	General Plan 9954/1993
ZONING:	Conventional Residential zone

Title deed and General Plan attached as **Addendum 3** and **4** respectively.

4. LOCATION

Erf 351 here after called the **property** is situated just west of the R310 or Helshoogte road in the south of the town of Pniel in the Stellenbosch Municipal area demarcation (See **Figure 1** below). The locality plan is attached as **Plan 1**



Figure 1: Local context

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5. PHYSICAL FEATURES

It is evident from the topographical survey attached as **Plan 2** that the property has quite an extensive fall from the west to the east with the lowest point being the north eastern corner of the property. The gradient is calculated at approximately 1:11 which allows the design of the apartment block with a semi- basement to accommodate the parking bays. The property has no natural vegetation coverage that could be restrictive. There is a cement slab on the northern section of the property that will be removed to accommodate the Site Development proposal. There is an electrical line running on the eastern side of the property mostly parallel with the R310 which will have to be relocated. The manhole close to the eastern boundary suggests that a sewer line is running along this boundary which will have to be accommodated in a services servitude in the design.



Photo 1: Google aerial view of the property with the disturbed nature of it evident and the cement slab clear in the northern section



Photo 2: View of the property from the R310 with the slab, manhole and electrical infrastructure clearly visible.

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6. SURROUNDING LAND USE

The property is vacant with no completed buildings. Land use in the area is largely of a low density residential nature. The most prevalent land use are residential to the west, with the Banghoek river plain to the east of the R310 and historical agricultural use further east. To the south there are the historical Johannesburg larger rural holdings that are earmarked for residential densification which is proven by the recent development along Sonskyn street and the proposed new development on erf 239.

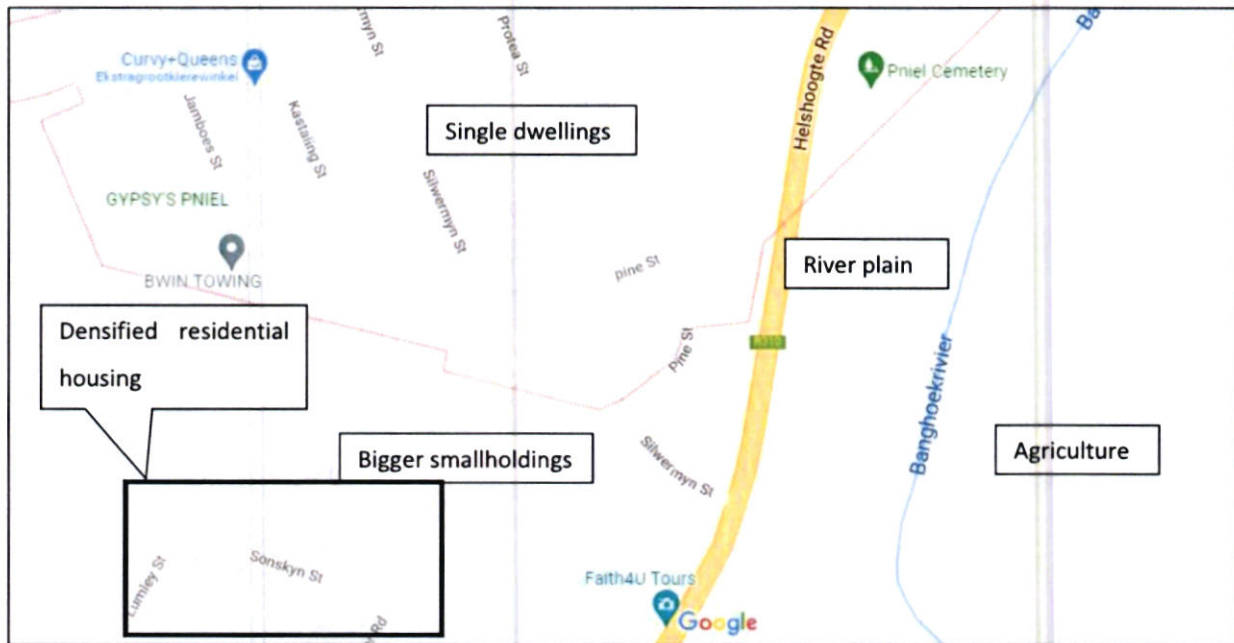


Figure 3: Surrounding land use

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Figure 4: Densification of the Johannesburg rural holdings



Figure 5: Surrounding land use which are mostly residential to the west with a mixed use (commercial and residential) implementation on the adjacent erf 350 to the north

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7. SURROUNDING ZONINGS

The property is currently zoned for Conventional residential use but has never been used for that built purpose. It is surrounded by similarly zoned properties to the west and north with agricultural / rural zoned properties to the south (Johannessdal) and east.

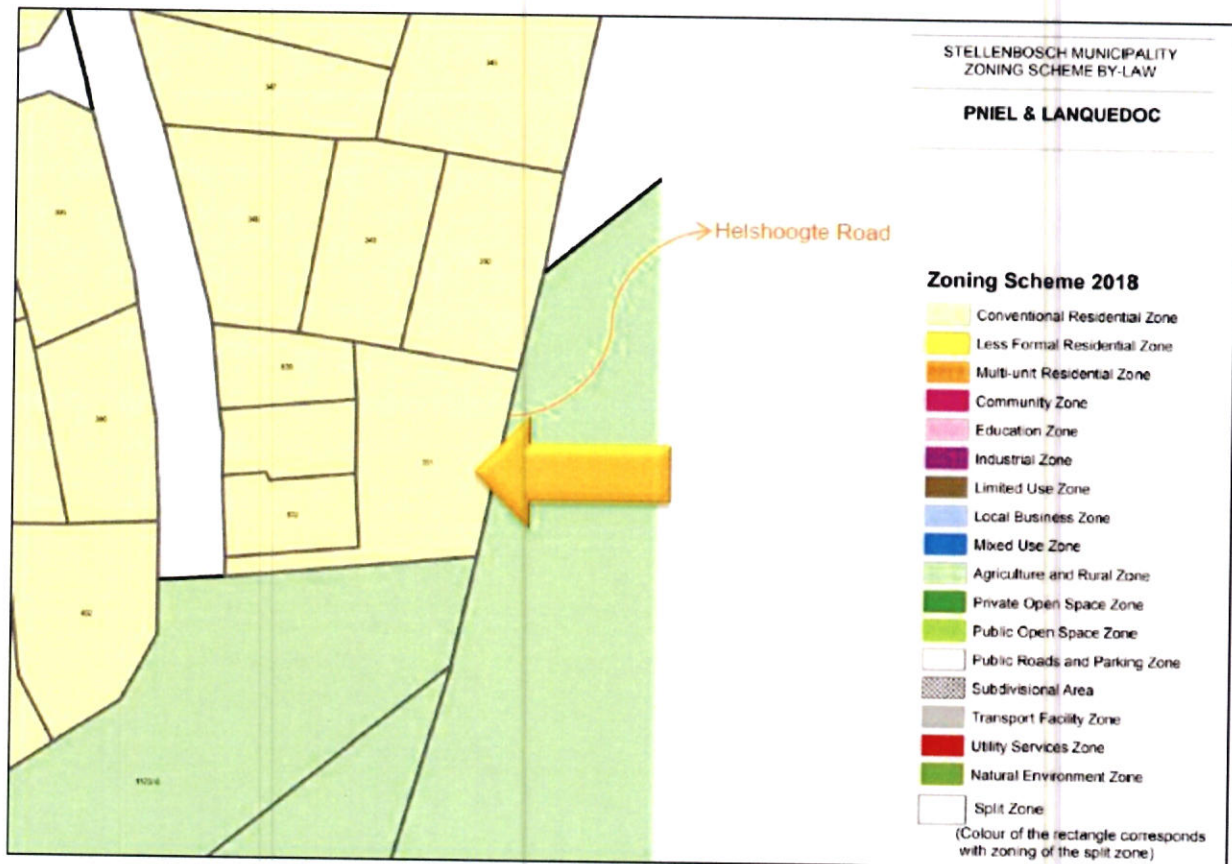


Figure 6: Surrounding zonings

8. APPLICATION DETAILS

The purpose of this application is:

- The **Rezoning** of erf 351 from Conventional Residential Zone to Multi Unit residential zone to accommodate eight flats, communal open space and private road in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- A **Permanent Departure** from the prescribed 20% communal outdoor space to 12.17% in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015

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- A **Permanent Departure** from the 4,5m common boundary building lines in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- Approval of the **Site Development Plan** in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015 to allow the development within the **Dwars River Valley Rural Conservation Area Overlay zone (URCO4)**.
- Approval in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law of 2015 to allow the development along Helshoogte road (R310) within a designated **Scenic route overlay zone (USR10)**.

9. LEGISLATIVE REQUIREMENTS

The additional legal criteria to be considered as required in terms of the relevant legislation supporting this application in terms of the Stellenbosch Municipal Planning By-law of 2019 are the following:

- Heritage Impact in terms of the National heritage Resources Act 25 of 1999

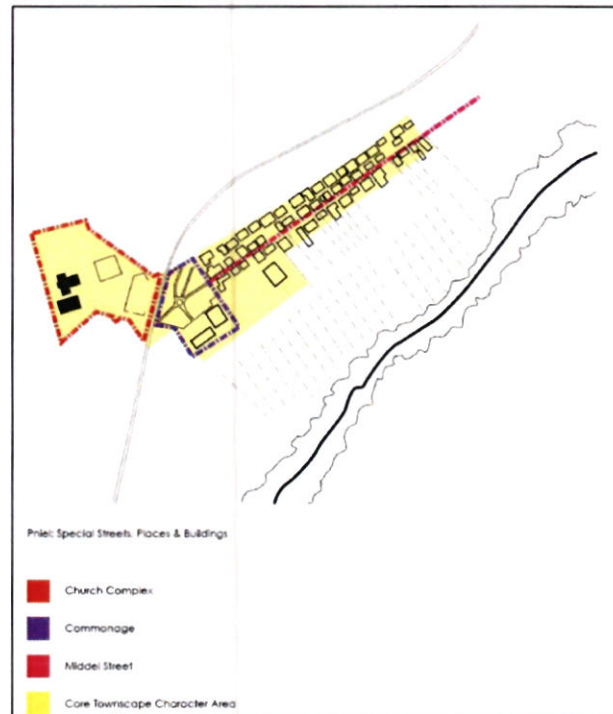


Figure 7: Extract from the Stellenbosch Townscape-Character-Units Heritage Policy

document
Pierre Jordaan

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

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It is evident from the above that Erf 351 does not fall within the Core Townscape Character HPOZ. The development, however aims to compliment the heritage and historic value of the town. The Policy has the following guidelines with regards to new infill development in the town;

"Opportunities for new structures within environments of historical significance:

- *New structures should respect and respond to traditional settlement patterns and siting by considering the entire Special Area as the component of significance. This includes its spatial structure, layout, scale, massing, hierarchy, alignments, access, and landscaping setting. Any development that departs from the inherent character of the Special Area should be discouraged.*
- *Designers of new structures must have an understanding of the context, traditional patterns of place-making and historical elements that are characteristic of the Special Area. New elements must respond to and interpret these character-giving aspects of the neighbourhood.*
- *Contemporary designs for infill buildings should not be discouraged, provided they do not destroy significant fabric and are compatible with the size, scale, material, layout and architectural character of the property and Special Area."*

Although the older buildings of Pniel have been build in Cape Dutch Style, the modern structures lack any specific style.

The Site development proposal aims to support the above guideline by presenting a more modernistic type of architectural style while still retaining some Cape Dutch styled elements like;

- **Whitewashed walls**
 - **Large cottage panes**
 - **External wooden shutters**
 - **Long horizontal structures, usually single or double story, often with dormer windows**
 - **Green detailing**
-
- National Environmental Management Act (NEMA) 107 of 1998 (Amended 2014):

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Listing Notice 1

No impact in terms of NEMA is deemed to be triggered due to the following;

- The property is located within the urban development area (adopted urban edge)
- The property is less than 1ha in size.
- The development is within the urban edge and less than 5ha in size.

10. PLANNING POLICY

Stellenbosch Spatial Development Framework (2019):

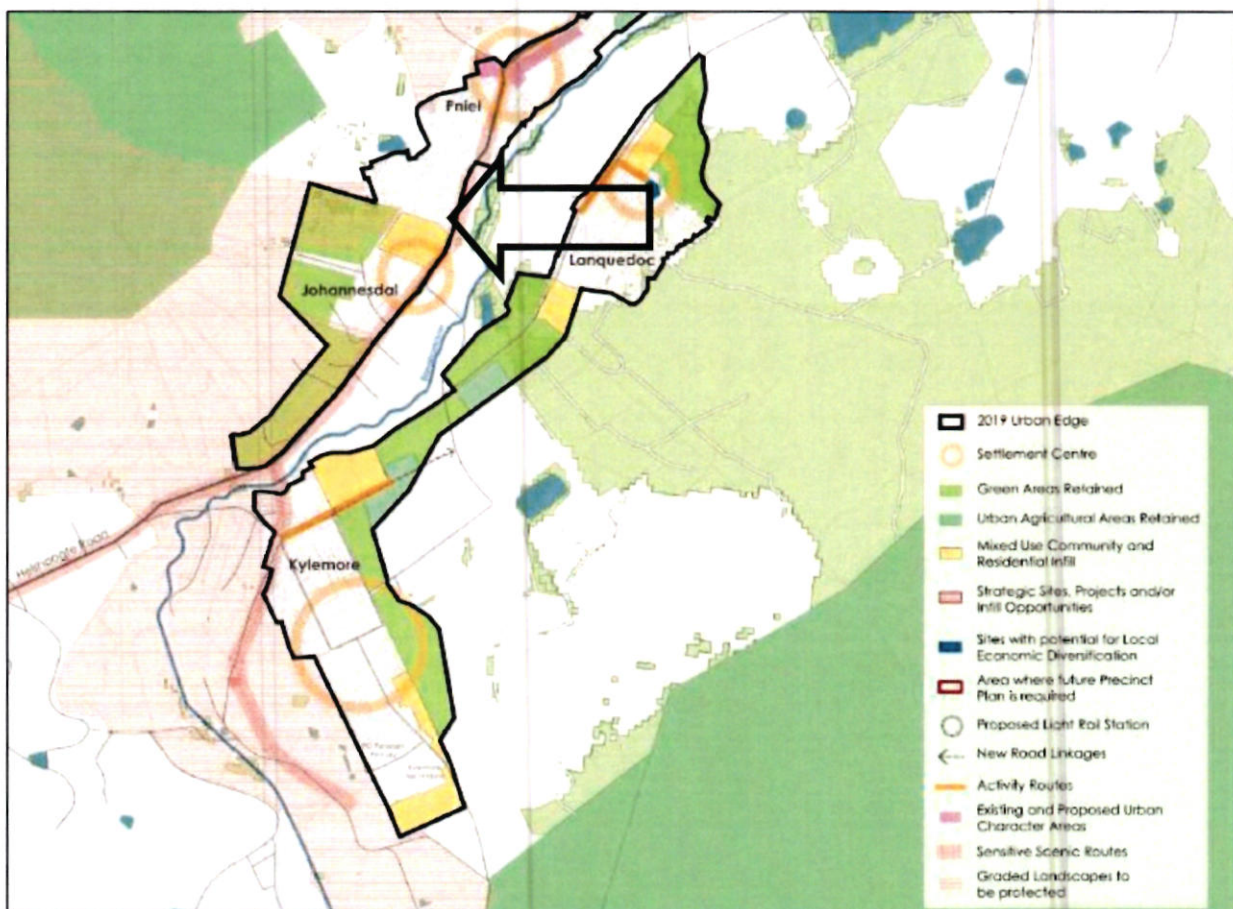


Figure 8: Extract from the Dwars River Valley Spatial Plan

The proposal is deemed to be consistent with the SDP approved in November 2019 in terms of the following objectives as outlined in red;

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Table 24. Plan Elements and Proposals for Dwaars River Valley Settlements

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBA's, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding settlements of the Dwaars River Valley. Work to increasingly connect and integrate nature areas, also with urban green areas, to form an integrated green web or framework across the municipal area. 	<ul style="list-style-type: none"> Implement management actions contained in the EMF.
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along the stream corridors. 	<ul style="list-style-type: none"> Ensure that river rehabilitation activities takes place.
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between settlements of the Dwaars River Valley and surrounding agricultural land. 	<ul style="list-style-type: none"> Protect small scale agricultural opportunity and initiatives to transfer associated skills to the youth.
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprint of settlements of the Dwaars River Valley within existing urban edges. 	
	Scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the settlements. 	
	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). 	
Change Actions	Informal settlements to be upgraded	<ul style="list-style-type: none"> Accommodate inhabitants of informal structures in planning for the settlements. 	
	Areas for residential densification and infill	<ul style="list-style-type: none"> Ensure that residential development provides for a range of housing types and income groups. Ensure that future development is woven into the urban fabric of existing settlements. Consider underutilised open space within the settlements for infill development that will enhance socio-economic potential of those who currently reside in these towns. 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development.
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Focus addressing service needs in cluster developments, in this way improving mixed use and enhancing economic opportunities. Focus key protects on current mixed-use developments, while ensure future pockets of growth are integrated into the current and new developments. 	<ul style="list-style-type: none"> Assist development opportunity for small/ emerging entrepreneurs.
	Improved access and mobility	<ul style="list-style-type: none"> Pro-actively improve conditions for walking and NMT within and between settlements of the Dwaars River Valley. 	<ul style="list-style-type: none"> Ensure that the design of all roads within and surrounding settlements provides for appropriate NMT movement.
	Community/ institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety and socio-economic potential. 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
New Development Actions	Significant new mixed use development		
	Significant new residential development		
	Significant change to access and mobility provision		

The proposal aligns with the above by means of;

- Proposing a development within the existing urban footprint
- Developing within the existing urban edge
- Proposing a design that compliments the historical and cultural elements by retaining some of the historic architectural features.
- It has the purpose of providing a densified housing concept in the form of apartments that ensure integration of densities and housing typologies.
- It provides infill development on a vacant property.
- It supports the mixed use nature of the existing use to the north and possible future mixed use developments along the R310.
- It provides housing opportunity in the medium income bracket.
- It provides a more viable lock up and go housing typology in the form of low maintenance apartments.
- It supports the densification policy required to prevent urban sprawl and ensure optimal use of existing municipal infrastructure.
- It provides a development opportunity for a small scale private investor to develop a long term sustainable housing product.

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Cape Town Spatial Development Framework:

This Policy has the following initiative regarding the context of the metropole with the surrounding region;

"Cape Town should not become a sprawling conurbation that absorbs all the surrounding towns in its growth path in an unplanned and uncoordinated manner. It is important to understand that the future of Cape Town and the futures of its neighbours are interdependent. The diverse identities, functions and growth opportunities of the towns and rural settlements surrounding Cape Town (such as Stellenbosch, Malmesbury, Klapmuts and Paarl) must be preserved and their functional interrelationships recognised, respected and enhanced. Coordinated planning, budgeting and management of the region's infrastructural development and water, energy and biodiversity resources are critical. In addition, greater coordination is required to enhance **the region's tourism assets, cultural and natural character**, and the economic positioning of the cities and towns in relation to each other as well as collectively, within a provincial, national and global context."

"The economy does not operate within municipal boundaries. Cape Town's economy is interdependent with that of the province, and more specifically, the cities and towns that are within a 50 km radius of Cape Town. A territorial review conducted in 2008 by the OECD defines a broad area (including Saldanha, Malmesbury, Paarl, Stellenbosch and Hermanus) as the city's functional region. Key regional economic interdependencies include a **commuting labour force, shared consumer catchment area, transport infrastructure**, and a second port located at Saldanha, as well as the agricultural and tourism areas surrounding the city."

Although this proposal is a small development in a rural town it must be seen and assessed in terms of the bigger picture as per the extract from the Policy. Pniel is a tourism asset with cultural and natural character and any development application should take this into account. One must also not forget the influence the pandemic had on the role of small rural towns where people now "semigrate" to these tourist towns with their special character which is made possible by the work from home policy a lot of companies introduced. This means that there is now a demand for lock up and go housing in these smaller towns where their laid back and restful ambiance are major attractions for people from the north wanting to re-locate to the winelands.

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Provincial Spatial Development Framework

SPATIAL GOALS

To address the spatial challenges identified the PSDF takes the Western Cape on a path towards:

- i. more inclusivity, productivity, competitiveness and opportunities in urban and rural space-economies;
- ii. better protection of spatial assets (e.g. cultural and scenic landscapes) and strengthened resilience of natural and built environments; and
- iii. improved effectiveness in the governance of urban and rural areas.

THE SPATIAL VISION

The PSDF builds on OneCape 2040's vision of "a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society". For each of these societal attributes aspired to OneCape 2040 identifies thematic 'big step' changes that need to take place.

The PSDF envisages the spatial expression of these themes as follows:

- i. Educating Cape: Everyone has access to a good education, and the cities, towns and rural villages are places of innovation and learning.
- ii. Working Cape: There are livelihood prospects available to urban and rural residents, and opportunities for them to find employment and develop enterprises in these markets.
- iii. Green Cape: All households can access basic services that are delivered resource efficiently, residents use land and finite resources prudently, and safeguard their ecosystems.
- iv. Connecting Cape: Urban and rural communities are inclusive, integrated, connected and collaborate.
- v. Living Cape: Living and working environments are healthy, safe, enabling and accessible, and all have access to the region's unique lifestyle offering.
- vi. Leading Cape: Urban and rural areas are effectively managed

The notion is held that the proposal aligns with the yellow highlighted Policy strategies by means of;

- **I will ensure a more integrated development approach where a higher density residential typology will support inclusivity as well as providing opportunity for private investment in Pniel.**

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- It will ensure the protection of the cultural and scenic landscape along the R310 by proposing a development that is sensitive to these elements in terms of scale, mass and style.
- As mentioned before the pandemic initiated the semigration movement where people are now able to reside anywhere while working remotely. This effectively allows the opposite pole of urbanization which in many ways gives smaller rural towns a breath of new life with increasing financial investment and more people now buying properties and investing in these towns. This is very important to prevent these smaller rural hamlets from becoming poverty areas or sleep towns.
- The above will allow all to have access to the historical and cultural value adding elements of a town like Pniel while providing an opportunity for investment and infrastructure upgrades to follow.

Cape Winelands Spatial Development Framework

The Cape Winelands SDF (CWSDf) has the following Spatial policy initiatives in terms of Focus areas and indicators applicable to the development proposal;

RESPONSIBILITY:	FOCUS AREA: MUNICIPAL FINANCIAL SERVICES MODEL
Category B Municipalities	<ol style="list-style-type: none"> 1. Ensure compaction, managing growth and clustering urban functions within the urban footprint; contain existing lower order settlements (including hamlets) within the current urban footprint except if extended or popular ventures can provide sustainable growth opportunities (e.g. Klipmuts); ensure that all new developments include a 'range of elements' that contribute to a more sustainable urban environment. 2. Focus on improving functioning of settlements and achieving design standards; create and apply urban design guidelines for historic precincts within urban areas. 3. Create sustainable and liveable urban environments by ensuring access and choice to urban markets, services, amenities, and provisions. 4. Create integration of urban areas through physical (if possible) and socio-economic integration. 5. Create a functional and sustainable urban open space network. 6. Integrate the disadvantaged communities into the urban fabric through infill development on strategically located vacant land and corridor development along the main linkages between these communities and the major concentrations of job opportunities (where possible). 7. Locate high density residential accommodation and business opportunities, from informal street trading to formal shops, offices and factories at the appropriate scale, around clusters of community facilities grouped at the appropriate scale 8. Buildings that accommodate community activities, as well as education, health and entrepreneurial development and business and skills training, should be located at points of highest access in urban settlements.
	<ol style="list-style-type: none"> 9. Compile neighbourhood plans for the higher-order towns in the district (to also consider the structure, function and purpose of neighbourhoods); complete community-based planning as a prerequisite for sustainable development. 10. Promote the establishment of integrated development zones. 11. Development plans must be developed for each of the gazetted PSHDAs
PRIORITY: INDICATORS	HIGH. <ol style="list-style-type: none"> 1. How many residential properties located in the urban edge has been subdivided for additional residential erven and what is the average density? 2. How many properties has been rezoned within the urban edge for higher density residential development (flats, group housing)? 3. Has different socio-economic urban areas based on apartheid spatial planning boundaries been integrated physically through development/urban expansion? 4. Has Development Plans been drafted for the gazetted PSHDAs?

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3.2.4 Implementation proposals

RESPONSIBILITY:	FOCUS AREA: DISTRICT SPACE ECONOMY: ECONOMIC GROWTH SECTORS & MUNICIPAL SPACE ECONOMY
Category 8 Municipalities in partnership with CWDM	<ol style="list-style-type: none"> 1. Stellenbosch Municipality: to watch carefully how growth impacts on the environment, on its "urban edge" and on the competition between different land uses: create a conducive policy environment to facilitate land use that strengthen sustainable economic growth sectors. 2. Drakenstein Municipality: view the current sector structure of this urban area in a positive light (sector base is broad and the different growth sectors complement each other well): create a conducive policy environment to facilitate land use that strengthen sustainable economic growth sectors 3. Breede Valley Municipality: improvement of service delivery to existing enterprises and households to prevent them from moving elsewhere or getting into profitability crises: ensure the closest possible interaction and co-operation between the public and the private sector: as far as poverty and unemployment pockets are concerned to facilitate the movement of households to larger urban areas may be as relevant as ad hoc social support and improvements in the most basic infrastructure services. 4. Witzenberg Municipality: be aware of the need to increase revenue base to ensure service delivery and maintenance of municipal services. 5. Langebaan Municipality: encourage the rationalization of agriculture and industry 6. Strengthen the linkages between nodes/settlements to improve access for households from the areas with less economic potential to areas with greater potential to access employment and social opportunities. 7. Consider tourism nodes outside municipal boundaries that attracts traversing traffic: these tourism routes must be considered as potential development corridors (promoting land uses that comply with relevant Integrated Zoning Schemes and Municipal Bylaws). 8. Optimize tourism potential of prominent tourist attractions/destinations.

The proposal for the rezoning to allow an apartment development aligns with the above focus areas in terms of;

- **Ensuring a more compact built form within the existing urban footprint**
- **Proposal and the design is sensitive towards the receiving urban and natural environment in terms of urban design.**
- **It constitutes residential infill development.**
- **It provides a more integrated development with affordable lock up and go housing opportunities.**
- **It proposes higher density residential use adjacent a mixed use land use implementation along an activity route (R310) which functions as a scenic route without negatively affecting the quality of this destination.**

Spatial Planning and Land Use Management Act (SPLUMA)

The principles of SPLUMA are;

SPATIAL JUSTICE:

- *Past spatial and other development imbalances must be redressed through improved access to and use of land.*
- *Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.*
- *Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas.*

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The proposal aligns with the above by means of providing a housing development that will ensure employment to the local community and also provide housing to the middle income market. This will ensure capital investment necessary to contribute to the upgrading of infrastructure and the optimal use of this infrastructure..

SPATIAL EFFICIENCY:

- Land development must optimize the use of existing resources and infrastructure.
- Decision-making procedures must be designed to minimize negative financial, social, economic or environmental impacts.

The proposal aligns with the above in terms of providing a residential infill opportunity which supports optimized use of the existing infrastructure and resources in terms of access and proximity to a workforce in need of employment. It also has no negative financial, social, economic or environmental impacts as it is an infill proposal within the urban edge.

SPATIAL SUSTAINABILITY:

- Special consideration must be given to the protection of prime and unique agricultural land.
- Land use issues must be dealt consistently in accordance with environmental management instruments.
- Land use management and planning must promote and stimulate the effective and equitable functioning of land markets.
- Land development should only be promoted in locations that are sustainable, limit urban sprawl, and result in communities that are viable.

The proposal is deemed to be consistent with the above mentioned principles due to the following supporting criteria;

- **The proposal constitutes infill development and is there for located within the urban fabric of Pniel within a designated and adopted urban edge with no impact on the agricultural hinterland.**
- **The proposal is deemed to have no environmental impact due to the degraded state of the vacant property.**
- **The proposal will conform to the principle of effectively functioning land markets as it provides an opportunity for a private developer or investor's to invest in a housing development where the return on investment exceeds the**

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capital expenditure by some margin due to the growing nature of these rural towns due to semigration and the future investment potential being unlocked by the increased tourism economy in these hamlets.

- **The proposal limits urban sprawl as it constitutes infill, is sustainable due to the housing typology it represents and is viable due to the growing urban nature of the area which is further underlined by the residential densification of the Johannesburg rural holdings just south of the property.**

SPATIAL RESILIENCE:

- **Spatial plans, policies and land use management systems must be flexible to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.**

The proposal is aligned with the Spatial Development Framework proposals and is there for deemed to be consistent with SPLUMA in terms of the spatial resilience principle.

GOOD ADMINISTRATION:

The successful submission and public participation to obtain eventual approval will be in accordance with all legislative requirements in terms of the By-law and Policies related to the area and there for the support and approval will in fact mean the principle of good administration is upheld.

Land Use Planning Act of 2014 (LUPA)

This Act has the following purpose;

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; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

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Section 36 (6) of LUPA states;

(6) When a municipality approves a rezoning for a purpose that includes subdivision, it must impose conditions making provision for at least—

- (a) density requirements;
- (b) main land uses and the extent thereof; and
- (c) a detailed phasing plan or a framework including—
 - (i) main transport routes;
 - (ii) main land uses;
 - (iii) bulk infrastructure;
 - (iv) requirements of organs of state;
 - (v) public open space requirements; and
 - (vi) physical development constraints.

The proposal is aligned with the criteria of Section 36 (6) of LUPA due to the following:

- **It meets density requirements at a gross of 108 units/ha which is acceptable for a higher density residential infill proposal.**
- **The scale, height and design complement the surrounding residential land use nature of the area which is of a mixed use nature with a mix of single and double storey residential / mixed use buildings. Any impact can be mitigated by the fact that the slope is used to decrease the height impact and the architectural styling incorporates some historical design features.**
- **It will not be a phased development but will address all infrastructure and meet all development management scheme requirements.**
- **There are no physical development constraints that need mitigation due to the degraded nature of the site and the Policy initiative for residential densification.**

The proposal is aligned with the Dwars River Valley Spatial Plan guidelines and is there for deemed to be in conformance with the criteria and principles of LUPA.

11. RESTRICTIONS

Legal restrictions:

When the Pniel Village/Settlement was established in 1843, no town planning scheme existed to the conditions referred to in Deed of Transfer Number T11413/1897. and the erven were further sold by way of restrictive title deed conditions per village

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conditions imposed under Section 20 of the Rural Areas Act (Board of Representatives), 1987 (Act 9 of 1987).

The conditions imposed on all erven in the township essentially prescribe that:

- The erven may only be used for residential purposes and that no shop, trade or business may be carried on in any dwelling or building or on the land.
- **That each lot may only be developed with one dwelling house and outbuildings and that not more than one half the area of any one erf may be "built upon".**

The above restrictive condition is not applicable to this application based on the extract from the 2009 letter from the Department of Local Government and Housing;

Dit sal nie nodig wees om 'n toestemmingcertifikaat uit te reik nie, aangesien die betrokke beperkende voorwaarde opgehef is by Artikel 5(1) (c) van die Wet op die Transformasie van Sekere Landelike Gebiede, 1998 (Wet No 94 van 1998). Alle nuwe Grondbriewe word sonder die beperkende voorwaarde uitgereik en bestaande Titels behoort dienoreenkomstig geëndosseer te word deur die Registrateur van Aktes. Nuwe Titels, soos in u geval, behoort nie meer die voorwaarde te bevat nie, of indien dit wel ingesluit word, kan daar gewoon verwys word daarna dat die voorwaarde deur die betrokke Artikel opgehef is.

Physical restrictions:

No physical features exist on the properties due to the fact that it will be addressed in the construction phase where the slope will be utilized to minimize height impact and accommodate semi basement parking as per the Site Development Plan presented for approval.

Built restrictions:

No built restrictions exist due to the property being vacant.

12. REQUIRED CONSULTATION & PUBLIC PARTICIPATION

Proof of pre- submission consultation is required In terms of the Stellenbosch Municipal Land Use Planning By-law of 2015. This consultation was undertaken by means of email communication with the various role players at the Municipality with their response per email attached as **Addendum 7**. Pre- scrutiny application was also submitted (**Addendum 6**) and approved which paved the way for this application and the associated motivation.

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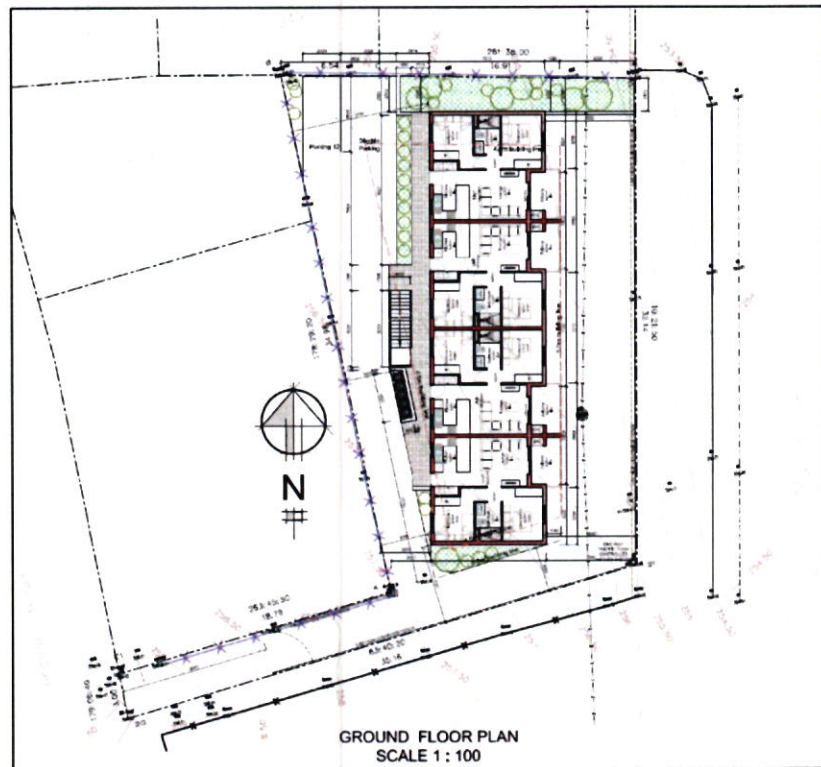


Figure 9b: Proposed Site Development Plan (ground floor) with four units, one parking bay and a disabled bay and some communal area landscaping

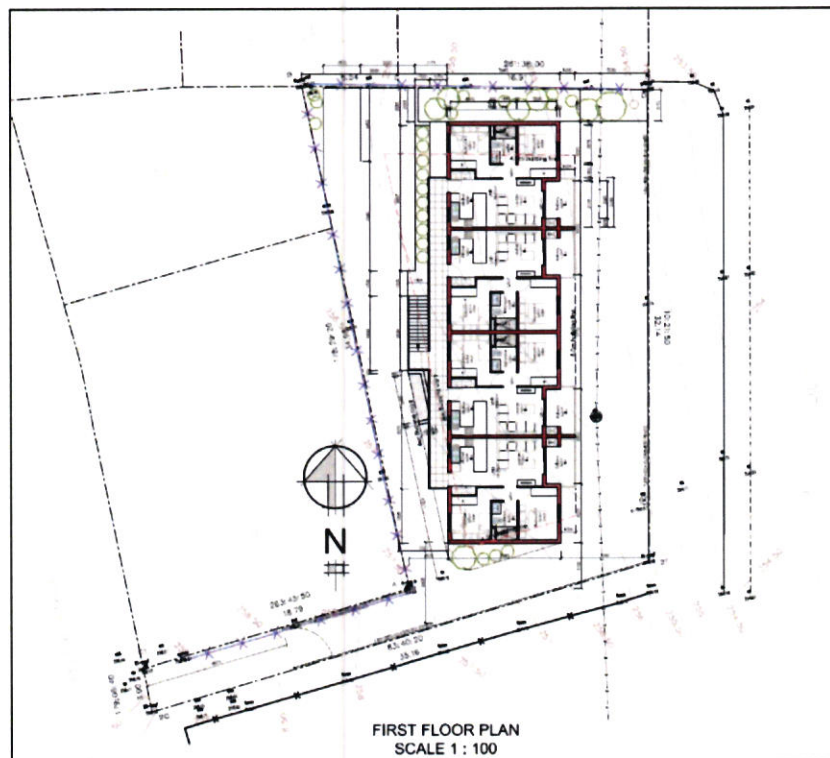


Figure 9c: Proposed Site Development Plan (first floor) with four units

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The Site Development Plan will consist of 8 new apartment units with an average area of 55m² set back 5m from the R310 with access from Pine street via a 3m wide panhandle which gives access to a semi basement parking garage consisting of 11 bays, 2 more bays including a disabled bay on the ground floor and communal area of ±90.54m² in accordance with the SDP attached as **Plan 3**;

a. DEVELOPMENT SCHEME PARAMETERS

The development parameters in the Multi Use residential zone for flat purposes are as follows:

(If the development proposal conforms it will be **Yes** or **No**)

By- Law regulation:

Proposal conform:

Coverage:

Yes

50%

31.20%

Floor factor:

Yes

0.75

0.62

Height:

Yes

4 storeys

2.5 storeys (12m)

External street building line:

Yes

5m on the R310 (Provincial roads guideline)

5m

Bylaw street boundary building line:

Yes

4.5m

5m

Bylaw common boundary building line:

No

4.5m

minimum of 2.173m along the northern boundary with erf 350

Parking

Yes

1 bay per unit (two bedroom)

12

0.5 bays for visitors

12 onsite parking bays @ 1.5 per unit

1 disabled bay

Outdoor space

No

20% of land unit area = 148m²

90.54m² = 12.17%

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b. DEPARTURES

Encroaching the common boundary building line of 4.5m and departing to a minimum building setback of 2.173m

Mitigation for these encroachments on all common boundaries as follows:

- the mixed use building on erf 350 is on a 0m setback from the shared common boundary which means the precedent has been set
- the new apartment building has small bathroom windows and one smaller bedroom window facing the building on erf 350 with minimal privacy impacts due to these windows having frosted glass
- The departure to a setback of 3.132m on the southern boundary will have no impact on any buildings as it is bordered by a vacant portion of rural / agricultural land with no buildings.
- The setback of 3.132m will still allow vehicular circulation to the semi- basement parking area around the proposed new building.
- The departure on the western boundary with Erf 872, 839 and Remainder erf 352 to allow the new building setback at 3.333m in lieu of 4.5m is only applicable to the two southern flats in the block so the possible impact is only limited to erf 872.
- Any possible impacts of this departure can be mitigated by the fact that the dwelling on erf 872 is positioned on the Pine street verge with some distance ($\pm 10\text{m} + 3.3\text{m} = >13\text{m}$) from dwelling to new building.
- It is also evident from the sections as part of the SDP that the gradient of the property will effectively mean that the dwellings on the three properties to the west will be ± 2 to 3m higher than the new building with little to no impact in terms of privacy or overshadowing from the development on the receiving environment.

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c. OVERLAY ZONES

Dwars River Valley Rural Conservation Area Overlay zone (URCO4):

Erf 351 is located within the abovementioned overlay zone and as such permission is required from the Local Authority for the implementation of the Site Development Plan. The qualifying criteria below extracted from the By-law clearly indicates the requirements w.r.t. any development proposal in this zone. The Site Development Plan will there for be tested against these criteria with compliance / mitigation offered in bold beneath each requirement.

In a Rural Conservation Area, the under-mentioned activities may not commence without the Municipality's permission in terms of this Scheme:

(a) addition of any new building or structure, including any boundary wall, gate posts, security or refuse structure which is visible from a public road;

Consideration of applications in terms of this Chapter

When considering an application for permission in terms of this Chapter, the Municipality shall only grant its approval for the activity if it is satisfied that the activity will not be detrimental to the character of the area, or the streetscape.

The proposed SDP implementation will offer a densified residential housing opportunity which in all fairness can be compared to a larger single dwelling in terms of scale, mass, height and coverage. The slope allows for any height impact to be mitigated and the streetscape aims to comply with general urban design principles.

The Municipality shall also take into consideration the recommendations by the Advisory Committee and shall be bound by the decisions of national and/or provincial heritage or environmental authorities, if applicable.

Note that the proposal is not in the HPOZ as mentioned under section 9.

When granting its permission, the Municipality may do so subject to conditions it deems necessary to achieve the purpose of this zone, which may include, but are not limited to:

(a) requiring an alternative position of the building addition or alteration on the land unit which has less impact on the receiving environment;

The shape of the property only allows for positioning of any type of building in accordance with the proposal. Again it must be re- iterated that this building can be compared to a larger single dwelling in terms of floor factor, coverage and height

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and as such the positioning would also have been with the contouring to create a building platform that is cost effective and viable.

(b) setting a maximum development envelope (including the height) for a portion of the land unit or the whole land unit, which may be more or less restrictive than the building envelope permitted in the base zone, in cases where such a restrictive envelope is justified to protect important conservation worthy resources;

This firm is of the opinion that no important conservation worthy resources exist in the receiving environment.

(c) prescribing details such as building platforms, stoeps, balconies, boundary walls, fences and landscaping;

As mentioned before the above mentioned elements are part of the Site Development Plan presented for approval and these elements were sensitively addressed in the design to mitigate any impacts.

(d) prescribing materials, colours and finishes;

The proposed apartment building's design and finishes fits into the general character and styling of the area in terms of plastering and painting in earthy colours with finishes that is modern but with some hints of historic architectural elements.

(e) prescribing the proportion of wall space to windows and doors, including the dimensions, proportions and positions of all windows, doors and openings;

These are deemed to be adequately addressed in the design.

(f) prescribing an alternative building line to what is prescribed in this Scheme or a 'street build-to' line, having regard to the protection of trees both on the property or within the road reserve and also the position of historical buildings along the road. This may be more or less restrictive than what is prescribed in the base zone and any departure from the base zone which may be required will be deemed to have been granted and does not require public notification;

The proposed building is setback 5m as per the Provincial Roads guideline which is 0.5m more than the By-law building line. No trees exist on the "street build-to" line that needs special attention. My client will implement the required or prescribed landscaping to sensitively address this public streetscape.

(g) prescribing the extent and position of parking, access and egress to the land unit, including screening of parking and the maximum number of parking bays which may be provided.

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Note that the above elements were discussed in detail with the Local Authority officials to test the viability and these officials supported the proposal which is evident from the pre- submission consultation record attached. The parking bays are accommodated in a semi basement which will be largely obscured by the ground floor features cantilevering over this parking area. Furthermore landscaping will be impeented to hide it further from the R310 which is a designated scenic route.

Helshoogte road (R310) within a designated **Scenic route overlay zone (USR10)**:

Development parameters

A building line of 30 meters shall apply on all Rural Scenic Routes, which may be relaxed by the Municipality if they are satisfied that purpose of the scenic route is adhered to.

Notion is held that this proposal and the 5m building setback adequately addresses the protection of the R310 at this location due to the fact that all the buildings to the north are closer than this 30m. In fact the mixed use building on erf 350 is set back only 2.5m from the R310 reserve. Seeing that this property is not within the Townscape HPOZ the relaxation of this 30m building line is requested as part of this permission in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law.

Site development plan

A site development plan may be required by the Municipality for any development in this zone.

See Plan 3 attached.

Visual impact assessment

A visual impact assessment may be required by the Municipality for any development in this zone.

This requirement is deemed to be addressed by the design in terms of the cut and fill to ensure the height of the proposed building is similar to a normal double stoorey dwelling as well as the styling and finishes aligned with the general character of the surrounding area with the result a building proposal deemed to have little to no visual impact on the receiving environment and the R310.

Consideration of applications in terms of this chapter

Where an application is made for new or additional development rights or departures from this Scheme, the Municipality shall only grant its approval if it is

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satisfied that the proposal will not have a negative visual impact and will not be detrimental to the protection of the visual environment.

Mitigation measures incorporated in the design to address any visual impact.

d. SERVICES

Services capacity, connections and detail will be addressed by a Civil Services consultant to be appointed by the client as per the requirement of the Local Authority. Services are deemed to be readily available in the surrounding built area with sewer and electrical connections available along the eastern boundary with the R310. The electrical poles and line traversing the property will be relocated outside the property and re-aligned along the boundary with the R310 at the cost of the Local Authority. The client will consider doing it at his cost if it can be negotiated in terms of the payment of development contributions.

Water:

According to input from Mr Tyrone King from the Local authority (see pre- submission email communication) water connection is possible from a 140mm diameter pipe running in Pine street.

Sewer:

There is a 160mm diameter sewer pipe running parallel to the R310 on the inside of the eastern boundary of the property. The sewer connection from the residential area west of the property traverses Erf 351 along the panhandle as indicated in the email communication with Mt King and the map provided. This sewer line will not be impacted by the proposed building due to the fact that it is within the access way and accommodated in the 7m wide internal road giving access to the semi basement parking area. The depth of this line is not known and will have to verify by an Engineer to ensure it is not higher than the level of the access road to the semi basement parking garage. The sewer line will be required to be protected within a 3m wide services servitude.

e. ARCHITECTURE

The architectural theme will be uniform and in accordance with the attached;

- Unit typology
- Cross sections & elevations

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- 3d illustration of the Site Development below



Figure 10: Proposed 3D illustration of the apartment block (west facing façade)

The architectural styling has the purpose of creating a modernistic style of architecture incorporating some Cape Dutch architecture elements as previously mentioned without being monotonous in nature but to also provide in the styling and affordability needs of the medium income market it targets.

It is then with this goal in mind that plaster and painted finishes with longitudinal windows, balustrading and parapet walls were introduced in the design. This serves the following purposes:

- It will attract younger up and coming buyers in the market to the development therefor it serves a marketing purpose.
- The surrounding area does not have a homogenous architectural style there for this proposed design with more modernised finishes will not detract or impact on the architectural nature of the built environment.
- The design will serve a rejuvenating purpose which along with the infill planning policy initiative also have a major role to play in the upliftment of older established hamlet residential area with the focus on aesthetics and style to prevent degeneration due to no style additions and alterations to these older residential buildings. It therefor serves the purpose of making a definite architectural statement.

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f. ACCESS

Access is obtained via Pine road to the west through a 3m wide panhandle access way giving way to a 3m wide circulation space to the semi basement parking area housing 11 parking bays. One additional parking bay and a disabled bay are provided on the split level ground floor as depicted on the SDP. A 7m wide circulation area behind the parking garage is deemed adequate for vehicles to reverse and turn. A Green light / red light or mirror system will be implemented as indicated on the SDP to allow two way traffic circulation which will involve some residents waiting for other to enter.

g. BODY CORPORATE

Due to the development being a Sectional Title development a Body Corporate will be established to handle all matters pertaining to the private operation and implementation of the rules as set out in the constitution approved by the 8 owners.

h. VIABILITY

The development proposal is deemed viable due to the following supporting factors:

- It provides quality higher density middle income apartment living opportunities in an easily accessible area with high tourism potential and scenic exposure without losing sight of the value adding potential of architecturally sound design principles.
- It supports the Local and Provincial Planning strategies with regards to infill and urban densification.
- It supports the rejuvenation strategy needed to maintain residential neighbourhoods with differing densities and heterogeneous land use character.
- It does not impact negatively on the built or natural environment but it fits into and compliments the intensified residential use nature of the Johannesburg rural holding developments to the south.
- It provides a higher density alternative to the lower density urban area to the west which supports the integration of housing densities and intensified land use along activity routes as initiatives of the local planning policy.

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- It will provide housing to the investor's which is exceedingly eager to invest in these smaller rural hamlets due to the advantages of remote working which drives semigration.

i. SUSTAINABILITY

The development proposal is considered sustainable due to the following supporting factors:

- It will add value to the current vacant property in favour of the owner and future investors looking to invest in the rural areas with the serenity and low traffic generation it is associated with.
- This will contribute to the effective and optimal functioning of the services infrastructure planning for the area.
- It will have no negative impact on the surrounding built or natural environment due to the fact that it constitutes a residential infill opportunity with sound design and sensitivity towards the surrounding structural elements.
- Traffic generation is minimal.
- It is easily accessible.
- It has good exposure for marketing purposes.

j. DESIRABILITY in terms of SECTION 65(1)(c) of the STELLENBOSCH MUNICIPAL PLANNING BY- LAW (2015)

The following criteria are deemed as desirability factors to be considered in the motivation of the development proposal:

(motivation in support in bolded italics)

- Socio- economic impact;

The proposal will ensure that the development be implemented at a time when the middle income housing economy in the western Cape as well as the Cape Winelands as a tourist and wine producing hinterland is on an upwards curve due to semigration and investors from the north looking to invest in rural living. It can therefore be seen as having a positive impact on the Provincial and Local economy due to the drivers of the winelands tourism economy. It will furthermore cater for the needs of a growing tier of the housing market due to the inability to afford housing in

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Urban residential areas due to inflated property prices, large erven with maintenance burdens, pollution and traffic issues.

It will have a social impact as it provides an opportunity for housing at a time when the need for medium income housing in this market bracket is rising especially in rural areas due to semigration as the main driving factor. The added Security through access control, stylish Architectural design and functional communal open areas will have an immense social impact as these are socially binding factors which combine to produce a safer environment.

- ***Compatibility with surrounding uses;***

Although there are no apartment developments in Pniel that this firm is aware of it is evident that indicators exist in the current housing economy that promotes integrated and intensified residential use in these rural hamlets due to interest from investors and home buyers in rural properties. The apartment block comprising 8 units can still be practically compared to a large single dwelling in terms of coverage, scale and height and as such it is compatible with larger dwellings in Pniel.

- ***Impact on the external engineering services;***

As mentioned before it is clear that services are readily available in the surrounding area. Connection and capacity will be confirmed by a Civil Engineer in a services report.

- ***Impact on safety, health and wellbeing of the surrounding community;***

The implementation of the development proposal will add to the safety, health and wellbeing of the community in so far as it will support the built area and add numbers to the community which in itself aids community safety. The utilization of larger underutilized properties for infill development reduces the possibility of these spaces degrading or being used by vagrants and criminal elements.

Impact on heritage;

No impact exists due to the property being located outside the Townscape HPOZ.

- ***Impact on the biophysical environment;***

The proposal is in an area of largely urban nature inside an adopted urban edge with expanding urban development footprint to the south. There for the biophysical environment to the west of the Dwars river plain has slowly transpired to a mostly built environment. The subject property is located in the existing urban footprint of Pniel without any impact on the Dwars river wetland area to the east of the R310.

Active Planning Solutions

- Traffic impacts, parking, access and other transport related considerations;

The addition of a probable 12 vehicles and the associated traffic generation will not warrant any assessments and as such no additional mitigation is required. Adequate parking is provided in accordance with the By-law and the property is easily accessible with the infrastructure deemed adequate to handle the increase in traffic.

- whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

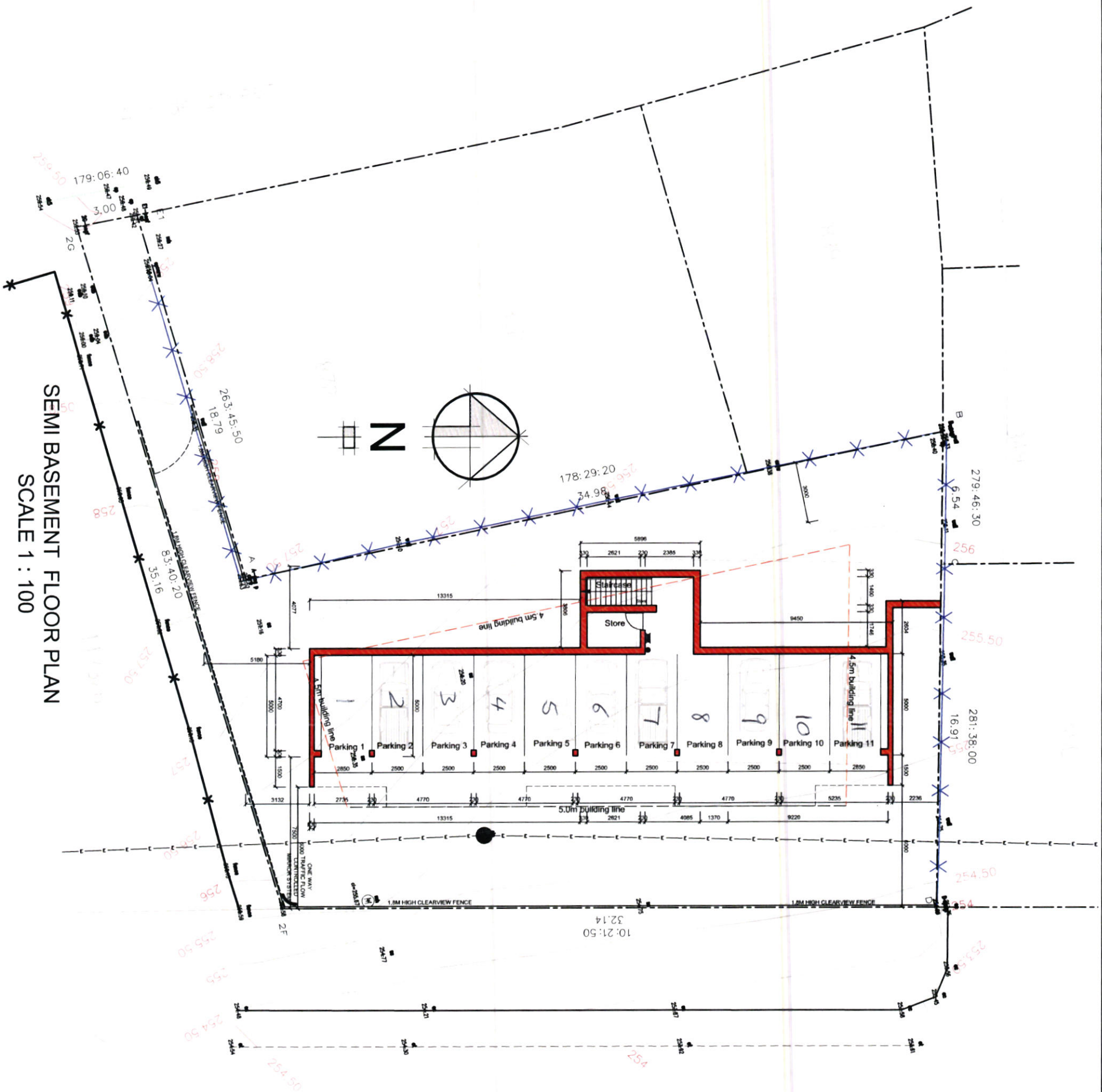
The conditions of the approval will be the result of due process and all the necessary requirements in terms of this and other legislative processes will be adhered to as required by the process as prescribed by the By-law and LUPA.

14. SUPPORTING MOTIVATION

With all the above mentioned motivational criteria supporting a development proposal that would have a highly positive impact on the local economy as well complimenting the built nature of the receiving environment, no negative impacts are envisaged which would affect the potential of the property to be Rezoned with the subsequent establishment of an infill development aligned with Local Spatial Planning policies. It is the aim of the client to create a viable and affordable product which would add to the tourist value and historical character of the area as well as being a solid opportunity for a return on both his investment as well the investment of potential first time home owners in the middle income market.

15. SUMMARY

This application for the development and implementation of the Site Development Plan with the subsequent rezoning and departures / permissions is therefore deemed favourable as it will have no negative impact on the surrounding built environment but will ensure the most viable and sustainable development implementation of a non- viable underutilized and vacant property which will deliver the best product to the growing middle income residential market ensuring the best economic return on investment. It is therefore encouraged and recommended for approval.



NO	REVISIONS	DATE
1	ISSUED TO CLIENT	10-05-2019
1	MUNICIPAL	

Legal note:

- Please note that the legal liability of this plan expires after 5 years from date on plan
- All products specified have to be installed as specified. Any other method of installation or deviation from the specs will release Van Heerden Architecture (Pty) Ltd of any legal liability.
- All products carry a manufacturer's guarantee, and can't be guaranteed by Van Heerden Architecture (Pty) Ltd
- Any deviation from the plans has to be reported to Van Heerden Architecture (Pty) Ltd before such deviation is applied, and a new altered plan has to be acquired before any deviation may be made. Making any changes contradicting this plan is a offence.
- All building work has to comply with SANS10400 and NHBRC regulations.

ERF 351

PROJECT DETAILS

NEW APARTMENTS

PROPERTY DETAILS

ERF 351
PNIEL



SHOP 21A, Boulevard Square, Cnr of Brackenfell Boulevard & Proteaweg, Protea Heights, Brackenfell
Pieter van Heerden
REG. NO. 2016/034496/07
072 596 5070
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SAAT 32642

OWNER'S SIGNATURE

PROF ARCH TECH

DRAWING STATUS CODES:

A: Design • B: Marketing • C: Municipal • D: Tender • E: Construction • F: As Built

ALL STATUTORY REQUIREMENTS (NATIONAL BUILDING REGULATIONS AND MUNICIPAL BY-LAWS) MUST BE ADHERED TO • CONTRACTORS ARE TO CHECK AND VERIFY ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE WORK COMMENCES • FIGURED DIMENSIONS AND LARGE SCALE DETAIL TAKES PREFERENCE OVER SCALED DIMENSIONS • REFER ANY AND ALL CONFLICTING INFORMATION TO THE ARCHITECTURAL TECHNOLOGIST AND OTHER RESPONSIBLE CONSULTANTS THE DESIGN AND DETAIL ON THIS DRAWING IS THE PROPERTY OF VAN HEERDEN ARCHITECTURE (PTY) LTD. AND COPYRIGHT IS RESERVED.

SITE PLAN	DETAILS	DESIGNED
FLOOR PLANS	✓	PV van Heerden
ROOF PLAN	✓	PV van Heerden
SECTIONS	✓	PV van Heerden
ELEVATIONS	✓	PV van Heerden
SPRINKLER	✓	PV van Heerden
SOFFITS	✓	PV van Heerden
DATE	10-05-2019	As indicated

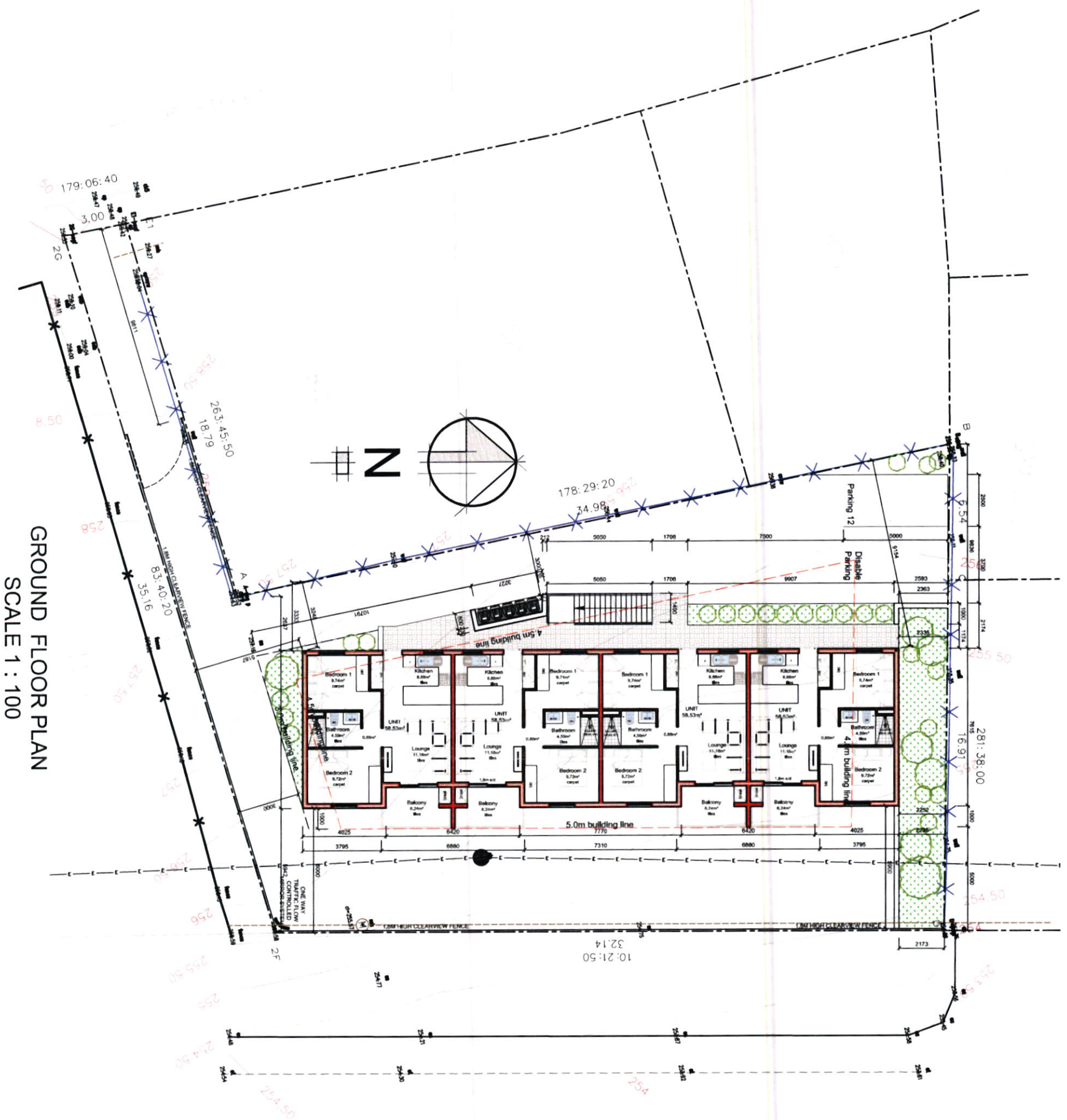
SCALE/SHEET SIZE:

1:100/A3

2022-1036-01

MUNICIPAL

A



NO	REVISIONS	DATE
1	ISSUED TO CLIENT MUNICIPAL	10-05-2019

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ERF 351

PROJECT DETAILS

NEW APARTMENTS

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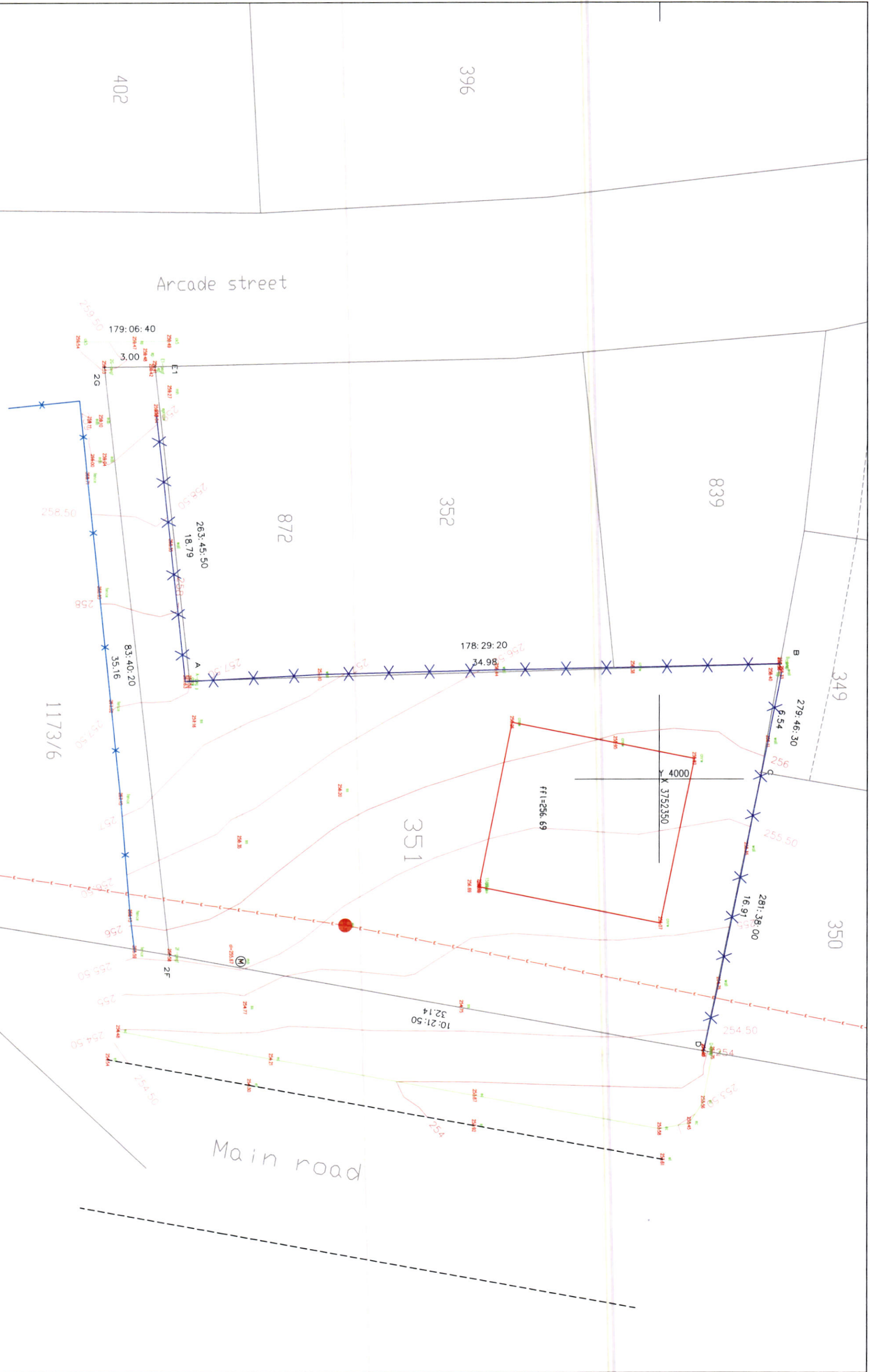
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. DATE 01-21-2001 BY 60322 UCBAW/STP

SITE PLAN	* DETAILS	DESIGNED
FLOOR PLANS	☐ ROOF PLAN	PW van Heerden
SECTIONS	☐ STORED WATER	PW van Heerden
ELEVATIONS	☐ SPECS	PW van Heerden
RENEWABLE	☐ SCHEDULES	As indicated
		10-05-2019

2022-1036-02

MUNICIPAL

1



Surveyed : LL	Boundaries	STORMWATER GRID INLET	WATER METER	ELECTRICAL POLE	Site Survey : Erf 351, Arcade street, Pniel.	NOTES: 1/ Contour interval = 0.5m, major at 2m. 2/ Datum is WGS84 LO 19 3/ Levels to mean sea level, referenced to as supplied site control.	Drawing Details: Number : Sur-3546 Date : 2020 09 28 Revision : Scale 1:200
Completed : LL	Top kerb	STORMWATER KERB INLET x 2	MANHOLE TELKOM	ELECTRICAL Kiosk / BOX			
Checked :	Edge Tar	STORMWATER KERB INLET x 1	MANHOLE	STREET LIGHT			
	Overhead cable	STORMWATER HEADWALL	TRAFFIC SIGNAL	BOLLARD			
	Edge driveway	STORMWATER HEADWALL	TRAFFIC SIGN	SURVEY CONTROL POINT	MEDIUM TREE		
	Buildings				SMALL TREE		
	Boundary walls						
	Boundary fences						

