



Postal address: 152 Dorp street
Stellenbosch
7600

M: +27 (0)772 480 5838
E: marke@archtownplanners.co.za
W: www.archtownplanners.co.za

21 November 2024

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Sir/Madam

APPLICATION FOR REZONING, SERVITUDE CANCELLATION, PERMISSION, REMOVAL OF RESTRICTIVE CONDITIONS, AND DEPARTURES ON ERF 141 65, STELLENBOSCH – 58 DISTILLERY ROAD

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

Application Property Address: **Er 141 65, Stellenbosch**

Application Property Number: **58 Distillery Road**

Applicant: **Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)**

Owner: **Tamasa Trading Wines (Pty) Ltd**

Application Reference: **TP863/2024**

Description of land development proposal:

Application is made in terms of Section 15 (a) (b) (d) (f) and (g) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the following on Er 141 65, Stellenbosch:

- **In terms of Section 15(2) (a) for the rezoning of Er 141 65, Stellenbosch from Industrial Zone to Mixed-Use Zone**
- **In terms of Section 15(2) (f) for the removal of the restrictive title deed condition, Condition B in order to cancel the servitude road over Er 141 65, Stellenbosch in favour of Er 15804, Stellenbosch.**
- **In terms of Section 15(2) (d) for the cancellation of a servitude road registered over the Er 141 65.**
- **In terms of Section 15(2) (b) for a permanent departure to allow for the following:**
 - Street building line from 4.5m to 0m
 - Common building line from 4.5m to 0m
 - Coverage from 85% to 100%
 - Parking requirements for commercial facilities from 3 parking boys to 2 parking boys
 - Parking requirements from flats from 23 parking boys to 0 parking boys

Notice: Er 141 65, Stellenbosch

Page 1

- **In terms of Section 15(2)(g) for a permission required in terms of the zoning scheme to allow for the substitution of 2 vehicle parking boys for the flats for 12 bicycles boys.**

Notice is hereby given in terms of the provisions 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 must 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. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: carlien@archtownplanners.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 **20 January 2025**.

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 **072 262 5304** during normal office hours.

Yours faithfully

Carlien Coetzee

For Arch Town Planners (Pty) Ltd

Notice: Er 141 65, Stellenbosch

Page 2



Postal address: 152 Dorp Street
Stellenbosch
7600

M: +27 (0)72 480 5838
E: marke@archtownplanners.co.za
W: www.archtownplanners.co.za

21 November 2024

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

Geagte Mnr./Me.

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

AANSOEK OM HERSONERING, KANSELASIE VAN SERVITUDE, TOESTEMMING, OPHEFFING VAN BEPERKENDE VOORWAARDES EN AFWYKINGS OP ERF 14165, STELLENBOSCH – 58 DISTILLERY ROAD

Adres van aansoek eiendom: Erf 14165, Stellenbosch

Aansoek eiendom beskrywing: 58 Distillery Road

Aansoeker: Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)

Eienaar: Tamasa Trading Wines (Pty) Ltd

Aansoek Verwysing: TP863/2024

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen in terme van Artikel 15 (a) (b) (d) (f) en (g) van die Stellenbosch Munisipaliteit se Beplanningsverordening (2023) ten einde voorsiening te maak vir die volgende op Erf 14165, Stellenbosch:

- Ingevolge Artikel 15(2) (a) vir die hersonering van Erf 14165, Stellenbosch van Nywerheidssone na Gemengdegebruiksone
- Ingevolge Artikel 15(2) (f) vir die opheffing van die beperkende titelaktevoorwaarde, Voorwaarde B ten einde die servituutpad oor Erf 14165, Stellenbosch ten gunste van Erf 15804, Stellenbosch te kanselleer.
- Ingevolge Artikel 15(2) (d) vir die kansellering van 'n servituutpad wat oor Erf 14165 geregistreer is.

• Ingevolge Artikel 15(2) (b) vir 'n permanente afwyking vir die volgende:

- o Straatboulyn van 4,5m tot 0m
- o Gemeenskaplike boulyn van 4,5m tot 0m
- o Dekking van 85% tot 100%
- o Parkeerverreistes vir kommersiële fasiliteite vanaf 3 parkeerplekke tot 2 parkeerplekke
- o Parkeerverreistes vanaf woonstelle vanaf 23 parkeerplekke tot 0 parkeerplekke

• Ingevolge Artikel 15(2)(g) vir toestemming om 2 voertuig parkeerplekke te vervang met 12 fietsparkeerplekke.

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

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>.

Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, moet 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. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: Carlien Coetzee, carlien@archtownplanners.co.za. Deur 'n beswaar, kommentaar of verlot te stig, 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 **20 Januarie 2025**.

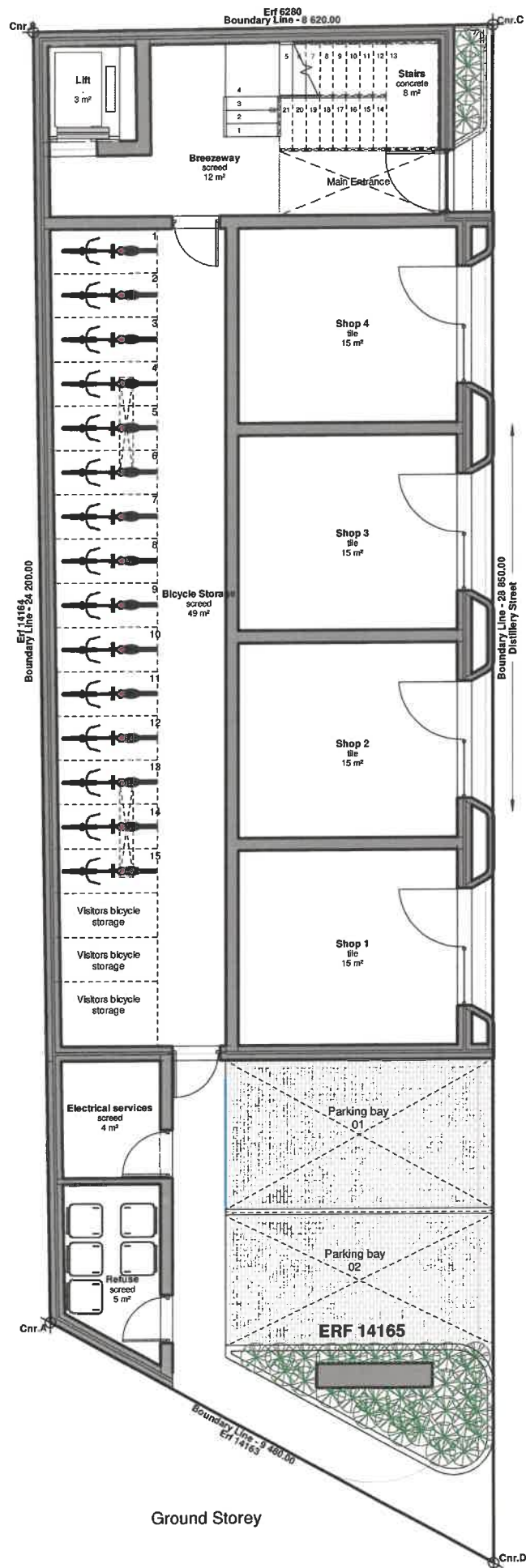
Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

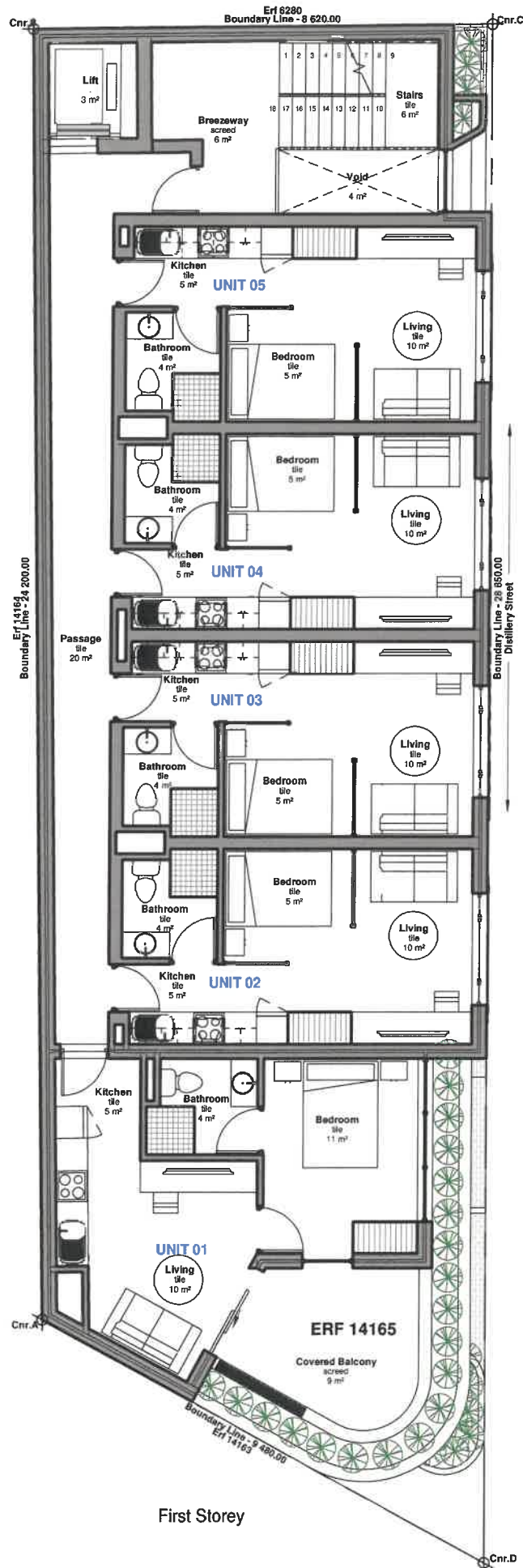
Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om gestrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker gestekel word vir bystand by die vermelde elektroniese pos adres of telefonies by **072 262 5304** gedurende normale kantoor ure.

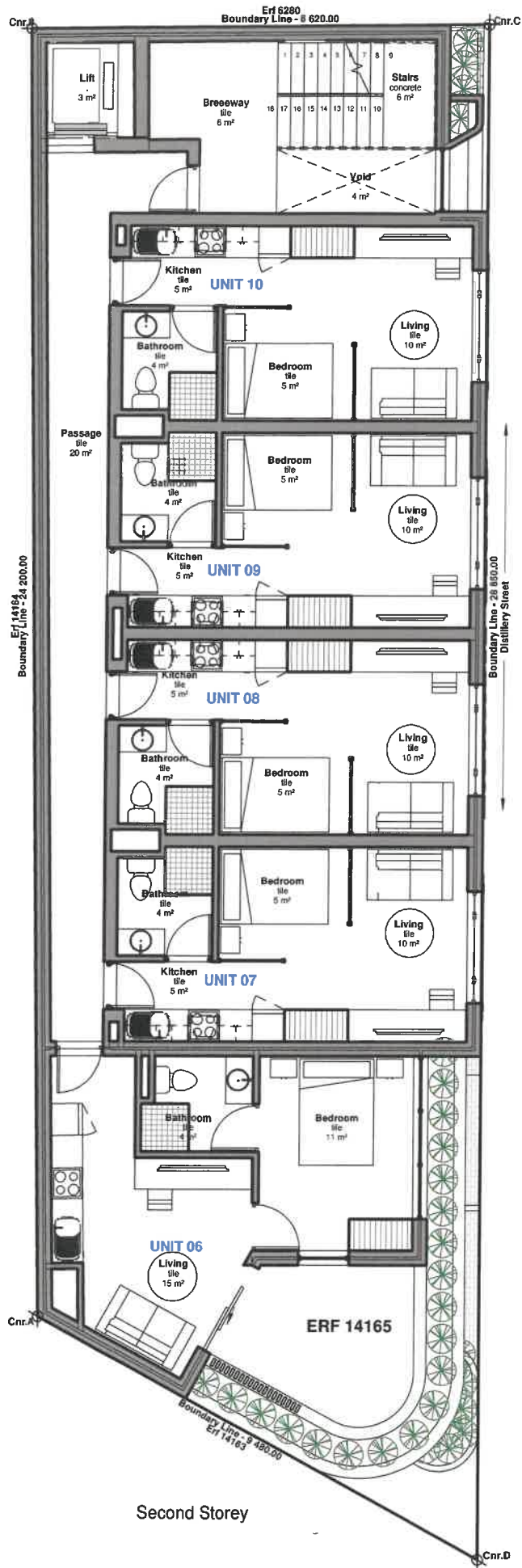
Die uwe

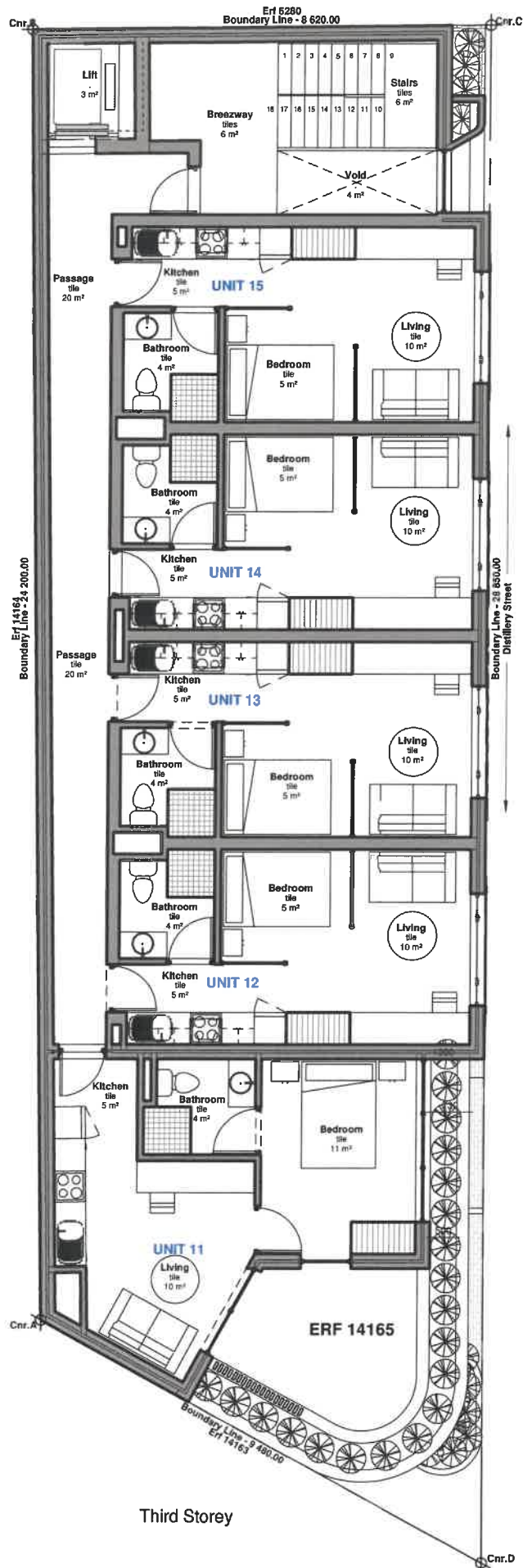
Carlien Coetzee

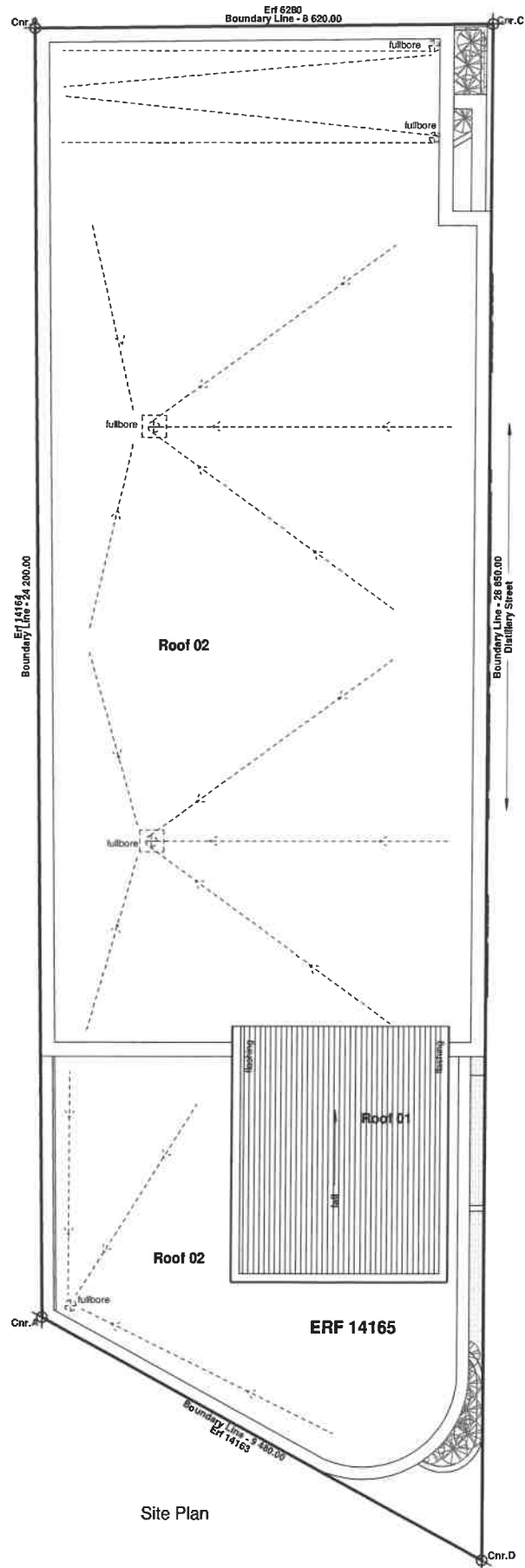
Vir Arch Town Planners (Pty) Ltd











Locality Plan - Erf 14165, Stellenbosch

Legend



Map Center: Lon: 18°50'47.9"E
Lat: 33°56'25.2"S

Scale: 1:4,514

Date created: 2024/25/07



Western Cape
Government
FOR YOU

APPLICATION FOR REZONING, SERVITUDE CANCELLATION, PERMISSION, RoR, AND DEPARTURES

ERF 14165 STELLENBOSCH, 5B DISTILLERY ROAD



OCTOBER 2024 Rev 1

**SUBMITTED TO:
STELLENBOSCH MUNICIPALITY**

PREPARED AND SUBMITTED BY:



Postal Address: Postnet Suite #027
Private Bag X5071
Stellenbosch, 7600
Email: marike@archtownplanners.co.za
Website: www.archtownplanners.co.za

Contents

1. INTRODUCTION.....	4
1.1 Background Information	4
1.2 Planning Brief	4
1.3 Applications to Stellenbosch Municipality	5
2. PROPERTY DESCRIPTION.....	6
2.1 Ownership Details and Title Deed	6
2.2 Locality	6
2.3 Physical characteristics, existing and surrounding land uses.....	7
2.4 Current Zoning.....	10
3. APPLICABLE FRAMEWORKS	10
3.1 Stellenbosch Spatial Municipality Spatial Development Framework (2023) (SMSDF)	10
3.2 Adam Tas Corridor Local Spatial Development Framework (2021) (ATCSDF)	11
4. DEVELOPMENT PROPOSAL	12
4.1 Commercial Use (Ground Floor).....	14
4.2 Residential Use (Floors 1 – 3)	15
4.3 Building Development Parameters	18
4.4 Parking availability	18
4.5 Availability of Services.....	19
5. MOTIVATION	19
5.1 Compliance with the ATC LSDF	19
5.2 Compliance with the SMSDF	21
5.3 Stellenbosch Municipality Land Use By-Law (2023).....	21
6. CONCLUSION	26

ANNEXURES:

Annexure A:	Land Use Planning Application Form
Annexure B:	Power of Attorney
Annexure C:	Company Resolution
Annexure D:	Title Deed
Annexure E:	Conveyancer's Certificate
Annexure F:	Site Development Plan
Annexure G:	Services Report
Annexure H:	Pre-Application Minutes and Written Feedback

FIGURES:

Figure 1:	Locality Plan
Figure 2:	The Application Site
Figure 3:	Façade and Parking of Erf 14165, Stellenbosch
Figure 4:	Aerial Photo of the Application Site and Surrounding Erven
Figure 5:	Locality of Tertiary Institutions
Figure 6:	Locality of Application Site within the Adam Tas Corridor
Figure 7+8:	Visual Representation of Proposed Building
Figure 9:	Ground Floor Plan
Figure 10:	Ground Floor Area Plan
Figure 11:	First Floor Plan
Figure 12:	Second Floor Plan
Figure 13:	Third Floor Plan
Figure 14:	First, Second, and Third Floor Area Plan
Figure 15:	Servitude Road

TABLES:

Table 1:	Property Details
Table 2:	Permitted Land Uses under Industrial Zone
Table 3:	Industrial Zone Building Development Parameters
Table 4:	Summary of Compliance with Development Parameters
Table 5:	Assessment in terms of Stellenbosch Municipal By-Law

1. INTRODUCTION

1.1 Background Information

Erf 14165 Stellenbosch, hereafter referred to as the application site, is situated within Stellenbosch in an area known as Bosman's Crossing. The Bosman's Crossing precinct was historically a light industrial area; however, it is now characterised as mixed-use medium to high density that includes residential and retail/commercial activity through sensitive incorporation and adaptive reuse of historic structures where applicable. There is an increase in need for accommodation, specifically student accommodation, in this area due to an increase in private tertiary institutions such as Inscape, Open Window, Stellenbosch Theology Institute, and Belgium Campus iTversity.

The owner's vision is to create accommodation for students within walking distance from these tertiary institutions without compromising the aesthetic value and the natural beauty of Stellenbosch and its surrounds. The existing industrial building on the application site and the industrial uses associated therewith creates an undesirable amount of noise. The surrounding neighbours have complained multiple times and would highly support a residential development in this space in lieu of an industrial building. Surrounding private tertiary institutions have also shown their support for the proposed development.

1.2 Planning Brief

In light of the above, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality to allow for the development of a 4-storey apartment block on Erf 14165, Stellenbosch. Refer to **Annexure A** for the application form.

The power of attorney is attached to this report as **Annexure B** and the Company Resolution is attached as **Annexure C**.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially submits an application in terms of Sections 15 (a), (b), (f), and (g) of the Stellenbosch Municipality Land Use By-Law, 2023 (hereafter referred to as 'the By-Law') to allow for the following on Erf 14165, Stellenbosch:

- (i) In terms of Section 15(2) (a) **Rezoning** from Industrial Zone to Mixed Use Zone.
- (ii) In terms of Section 15(2) (b) building line, parking and coverage **departures**.
 - a. *Street building line of 0m in lieu of 4.5m*
 - b. *Common boundary building line of 0m in lieu of 4.5m*
 - c. *Coverage of 100% in lieu of 85%*
 - d. *Parking bays for commercial facilities of 2 in lieu of 3*
 - e. *Parking bays for flats of 0 in lieu of 21*
- (iii) In terms of Section 15(2) (f) a **removal of a title deed condition** (condition B)
- (iv) In terms of Section 15(2) (g) a **cancellation of a servitude** road.
- (v) In terms of Section 15(2) (g) **permission** to allow for the substitution of 2 vehicle parking bays for the flats for 12 x bicycles bays

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Erf 14165, Stellenbosch	Tamsa Trading Wines (Pty) Ltd Directors: <i>Peter-Dirk Harris and Bernhard Christopher de Vries</i>	224.1 m ²	T35003/2021	B

Table 1 Property Details

Please refer to **Annexure D** for a copy of the Title Deed and the Conveyancer Certificate in Annexure which confirms that condition B of the title deed is restrictive.

2.2 Locality

The application site is situated within Stellenbosch in an area known as Bosman's Crossing. The application site is located northwest of Adam Tas Street in Distillery Road and southwest of the Stellenbosch train station. Distillery Road is an extension of Bosmans' Crossing and the original route into Stellenbosch from the south and acts as a binding or linking element through the southern section of the Adam Tas Corridor. The application site is within walking distance from private tertiary institutions such as Inscape, Open Window, Stellenbosch Theology Institute, and Belgium Campus iTversity. The application site is also located within the primary node of Stellenbosch as per the Stellenbosch Municipality Amended Spatial Development Framework 2023.

Please refer to Figures 1 and 2 below for the locality plans.



Figure 1: Locality Plan within Stellenbosch - Erf 14165, Stellenbosch

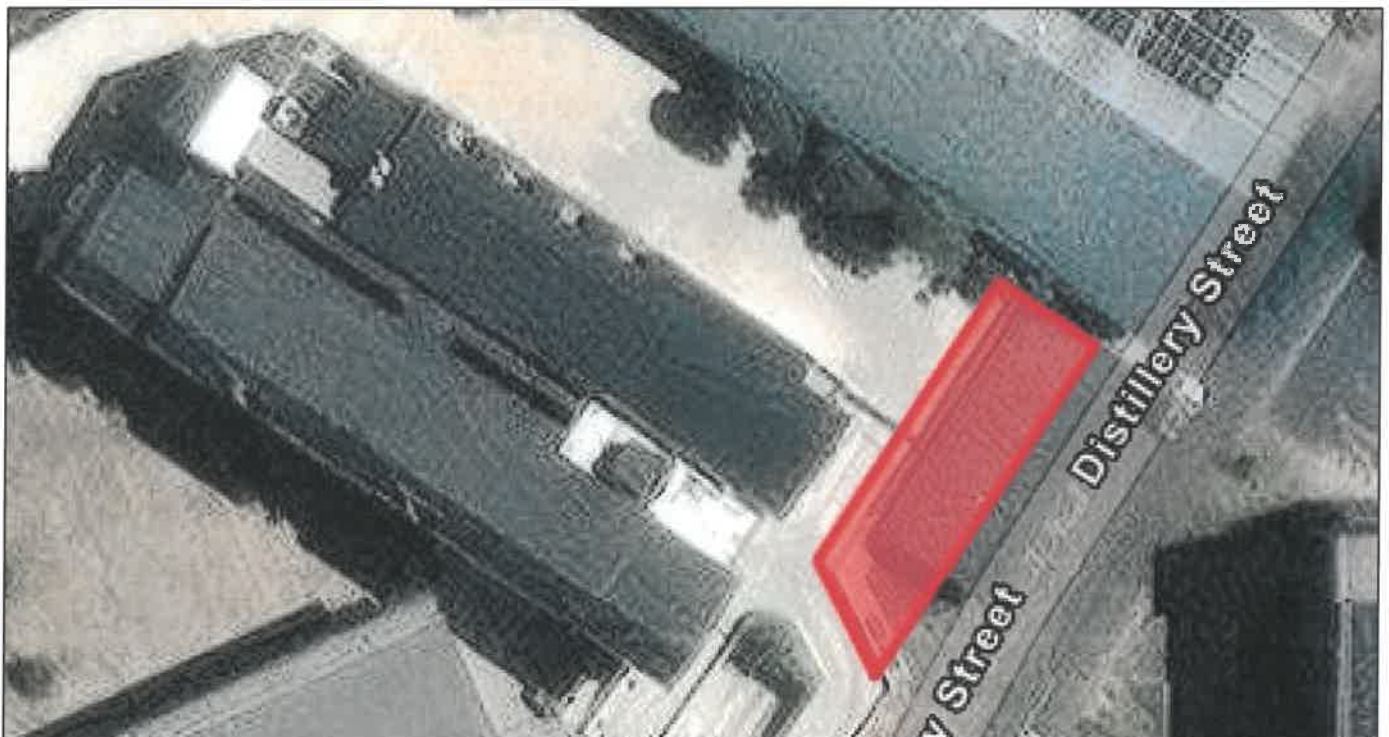


Figure 2: The Application Site – Erf 14165 Stellenbosch

2.3 Physical characteristics, existing and surrounding land uses

The application site is a very small portion of land, with a total of 224.1 m² erf size and currently has a one storey industrial building used for the printing of wine labels and associated offices. Limited parking is provided on the southern boundary of the site, with a few parking bays within the road reserve in front of the building (on Distillery Road). There is a historical access servitude registered over this property on the southern corner of the erf, to allow access to Erf 15804, situated

directly behind the application site. However, with the redevelopment of Erf 15804, a new access from Distillery was built to allow access to a new basement parking area on this erf. Due to the configuration of the new access, basement and change in levels, this right-of-way access cannot be used to provide access to the property anymore. The need for this access servitude therefore fell away.



Figure 3: Façade and Parking of Erf 14165, Stellenbosch

Though the area was historically a predominantly industrial area, there has, over the last few years, been a major redevelopment of the area to allow for higher density residential developments (flats) providing mainly for student accommodation. It is also interesting to note the establishment of a range of private tertiary institutions in this precinct, such as Inscape, Open Window, Stellenbosch Theology Institute and Belgium Campus iTversity all situated within walking distance, with Bosmans Business Centre situated right across the application site. Please refer to Figure 4 for the locality of these institutions. Other land uses include numerous businesses and restaurants within walking distance of the application site. The Bosmans Business Centre is right across the application site. Though there are still some Industrial land uses in the precinct, along Adam Tas Road, the character of the area has changed to a mixed used.

The change in character, now allowing for many high-density residential developments has resulted in some concerns with regards to the noise from the Industrial uses, in this case with specific reference to the printing facility on the application site. The landowner of the application site has received numerous complaints regarding noise disturbance from the printing facility from the recently developed residential building situated directly west of the property (Erf 80415).



Figure 4: Aerial Photo of the Application Site and Surrounding Erven



Figure 5: Locality of Tertiary Institutions

2.4 Current Zoning

The application site is zoned Industrial which allows for the following land uses and the following applicable Building Development Parameters:

Primary Uses	Additional Uses (technical approval)	Consent Uses which may be applied for
<ul style="list-style-type: none"> • Builders yard • Filling station • Funeral parlour • Industry • Motor vehicle fitment centre • Motor vehicle repair centre • Motor showroom • Occasional use (one event/year) • Plant nursery • Service station • Warehouse • Private road • Rooftop base telecommunication station 	<ul style="list-style-type: none"> • Employee housing • Shop (including market) 	<ul style="list-style-type: none"> • Abbatoir • Adult entertainment business • Brickworks • Business premises • Crematorium • Freestanding base telecommunication station • Gambling place • Helicopter landing pad • Mining • Noxious trade • Occasional use (> one event/year) • Parking garage • Place of entertainment • Renewable energy structure • Scrap yard • Shipping container • Transport purposes (goods)

Table 2: Industrial Zone Building Land Uses

Building type permitted	Street boundary building lines (m)	Common boundary building lines (m)	Coverage/Floor area	Height
All buildings	3m	0m 3m if abutting another zone	75% coverage	4 storeys
Employee Housing	3m	0m	75m ² floor area	-

Table 3: Industrial Zone Building Development Parameters

3. APPLICABLE FRAMEWORKS

3.1 Stellenbosch Spatial Municipality Spatial Development Framework (2023) (SMSDF)

The (MSDF) covers the jurisdictional area of the municipality. In the case of Stellenbosch Municipality, the MSDF must answer the following questions: How is Stellenbosch going to develop over the next ten to thirty years? What kind of development will take place, where will it take place, and who will be responsible for what aspect of the development? What are the non-negotiables and fixes necessary to achieve the proposed development path, and which areas require more detailed studies/precinct plans? - all while maintaining the best and sustainable use of resources.

Access and Mobility:

The SDF points out in one of their change actions that access, and mobility must be improved by “*Promoting public and NMT (non-motorised transport)*”.

Vision and Concept for the Area of the Site

The SDF points out in a change action that the Municipality should “*Pro-actively support higher density infill residential opportunity in the town centre and areas immediately surrounding it*”. Furthermore, and as part of the SDF’s Implementation Framework, it is noted that the Municipality must assist in the “*broadening of residential opportunity for lower income groups, **students**, and the lower to middle housing market segments*”. The guideline further explains that the development of student housing in Stellenbosch town must be actively supported.

3.2 Adam Tas Corridor Local Spatial Development Framework (2021) (ATCSDF)

The application site is located in Precinct 6 (Bosmans Crossing) of the ATC LSDF. The character of this precinct is earmarked for a mixed-use medium to high-density precinct that includes residential and commercial/retail related land uses. As set out in the ATC LSDF, land uses in Precinct 6 should entail medium to high density residential developments (such as flats) with active ground floor use comprising of retail and/or other complimentary activities.

The ATC LSDF promotes the following when developments are considered and to which future developments need to respond to:

- Mixed-Use Developments
- Sustainable Urban Mobility
- Compact and Efficient Land Use
- Economic and Social Benefits

The ATC LSDF identifies Distillery Street as an important linking and binding element though the southern section of the ATC.

As set out in the LSDF, there has been a shift in emerging global transport trends, which includes a significant shift to the use of public transport and the potential shift away from private vehicle ownership and a potential increase in carpooling and rental pools. Future developments in this area should take cognisance of this change in movement/parking trends

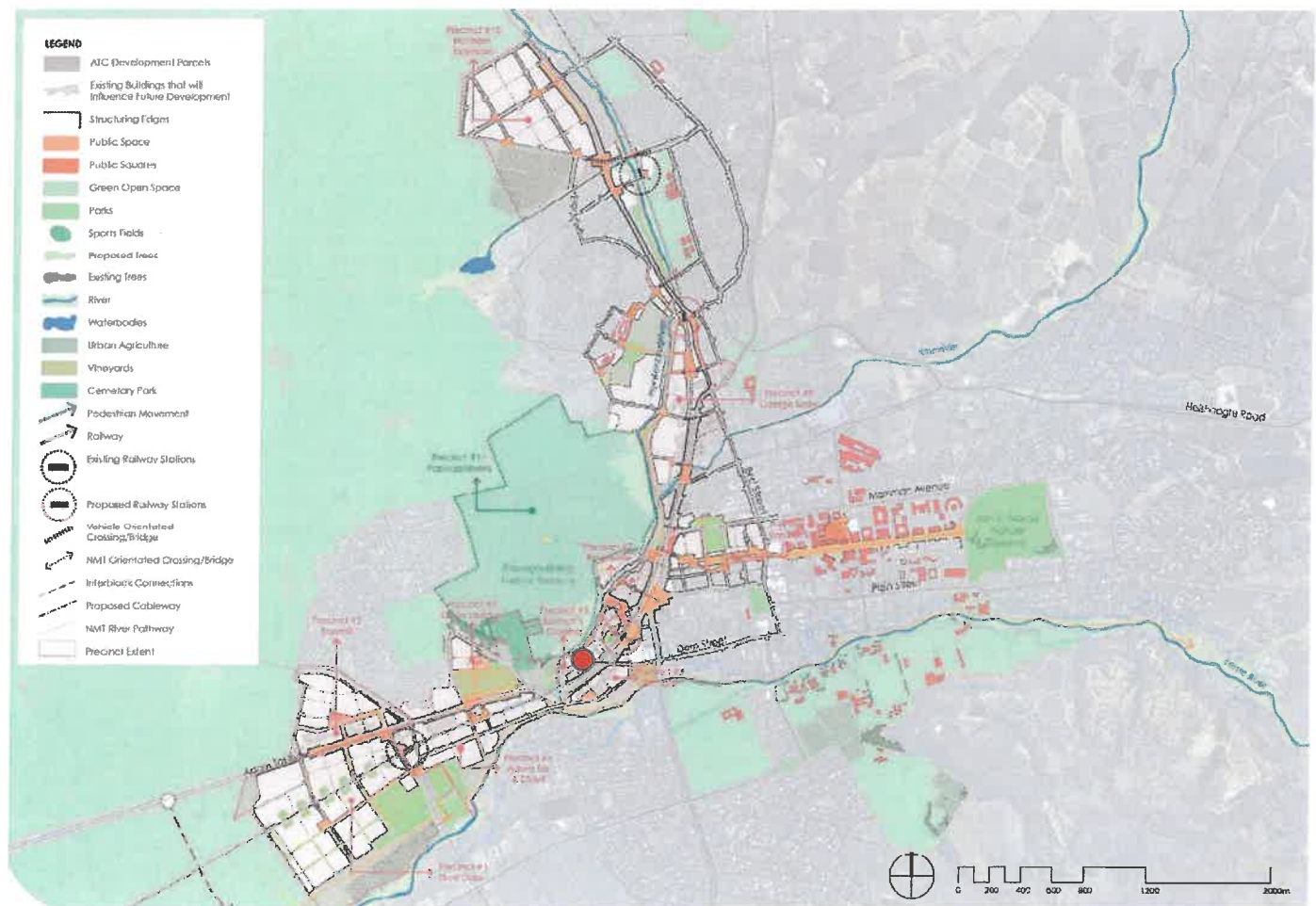


Figure 6: Locality of Application Site within the Adam Tas Corridor

4. DEVELOPMENT PROPOSAL

This section should be read with the SDP, Floor Plans and Elevations attached as **Annexure F**.

It is important to note that the application site can be considered a unique site within the Bosmans Crossing Precinct. It is by far one of the smallest developed properties within the precinct which has the consequence of severe development limitations. However, the application site still has potential for a successful development that will utilise the space and add to the character and framework of the precinct through departures as discussed in section 4.3 of this report. In response to the site limitations and taking cognizance of the vision of the applicable frameworks (as discussed under Section 3 above) to owner of the property proposes the demolition of the existing building (industrial use) and the construction of a 4-storey development, comprising of commercial on the ground floor with three floors of flats above. Please refer to Figure 7 and 8 below for a visual representation of the proposed building.



Figure 7: Visual Representation of Proposed Building



Figure 8: Visual Representation of Proposed Building

4.1 Commercial Use (Ground Floor)

It is proposed to have $\pm 70\text{m}^2$ of commercial use on ground floor which could be divided into smaller units. Access to the commercial use is taken directly from Distillery Road which promotes a vibrant street scape and activates the interface. Two vehicle parking bays will be provided on the Southern boundary of the site to allow for parking for the commercial facilities, which will take access from Distillery Road. It is proposed to provide 18x secure bicycle parking bays at the rear of the application site for the future residents of the flats (keeping in line with the Municipality's NMT vision). A stair and lift access to provide access to the residential units above with a refuse room.

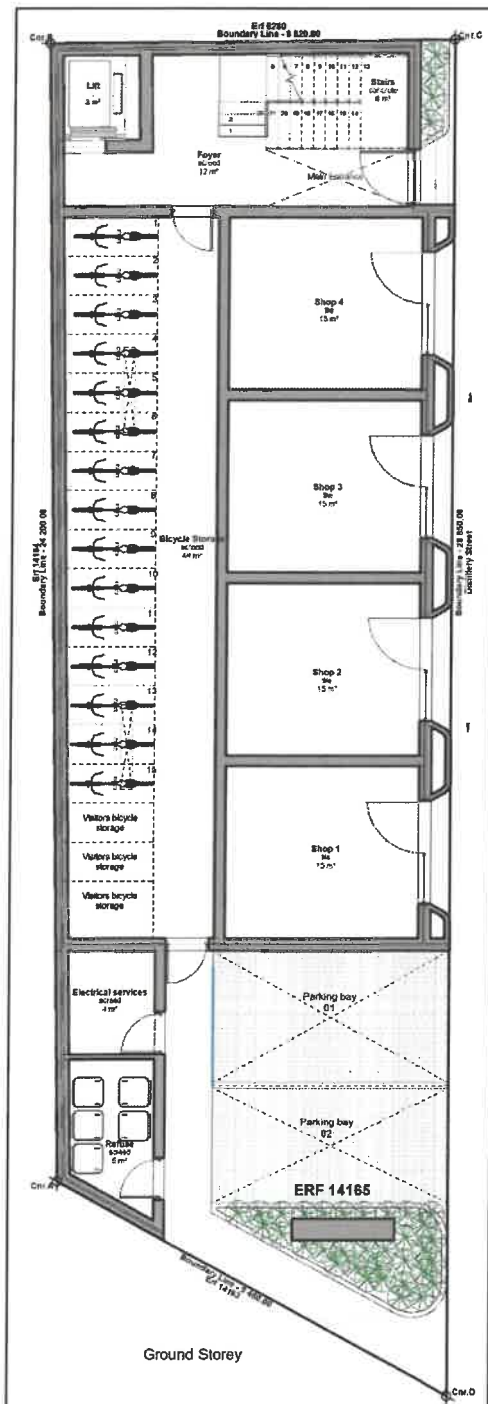


Figure 9: Ground Floor Plan

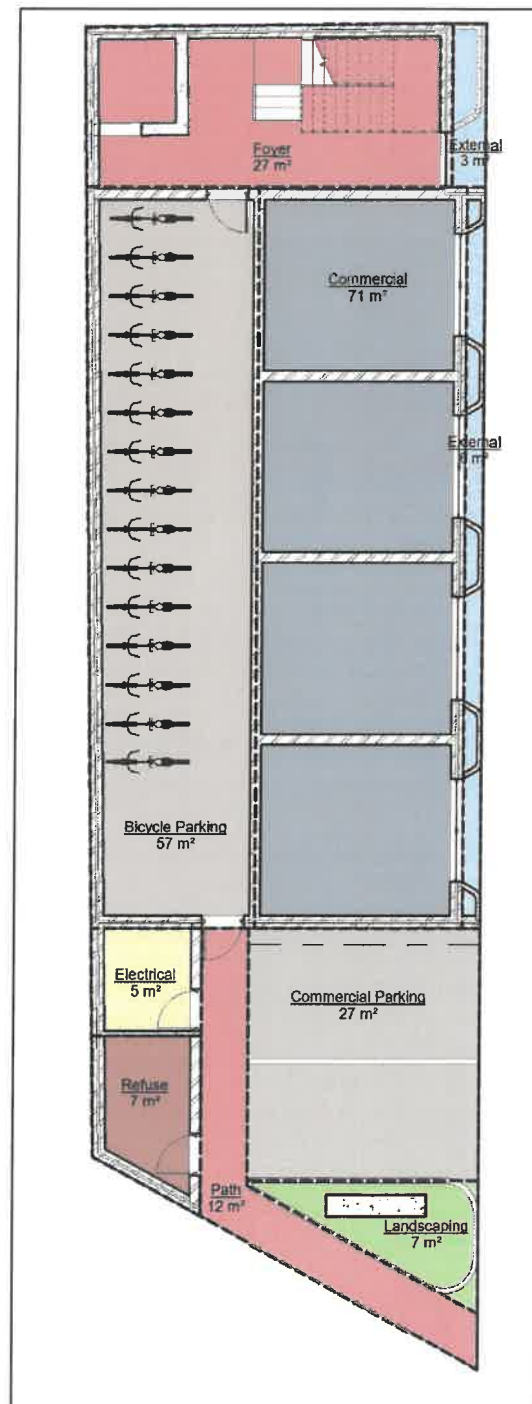


Figure 10: Ground Floor Area Plan

4.2 Residential Use (Floors 1 – 3)

The 1st, 2nd, and 3rd floors will each be identical consisting of 5 x one-bedroom flats per floor allowing for a total of 15 x one-bedroom flats. Each flat will have a small kitchen, bathroom, living space, and desk area with large windows facing towards Distillery Road. The corner flat on each floor will be slightly bigger with its own private balcony. See figures 8, 9, 10, and 11 for the 1st, 2nd, and 3rd floor plan and area plan.

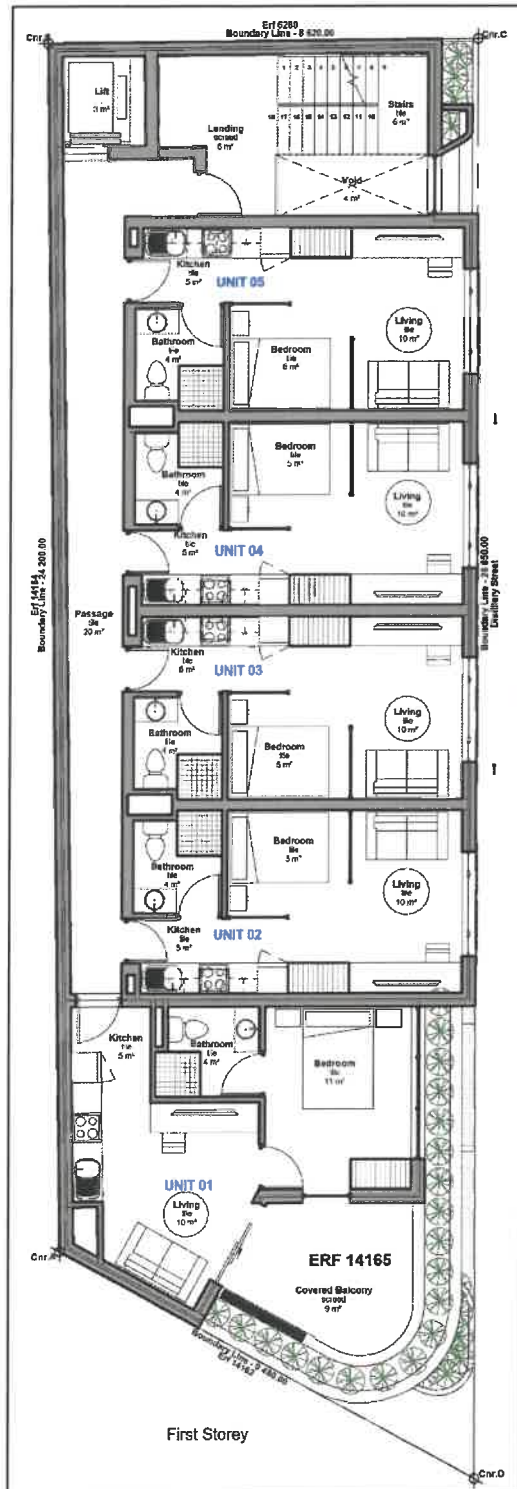


Figure 11: First Floor Plan

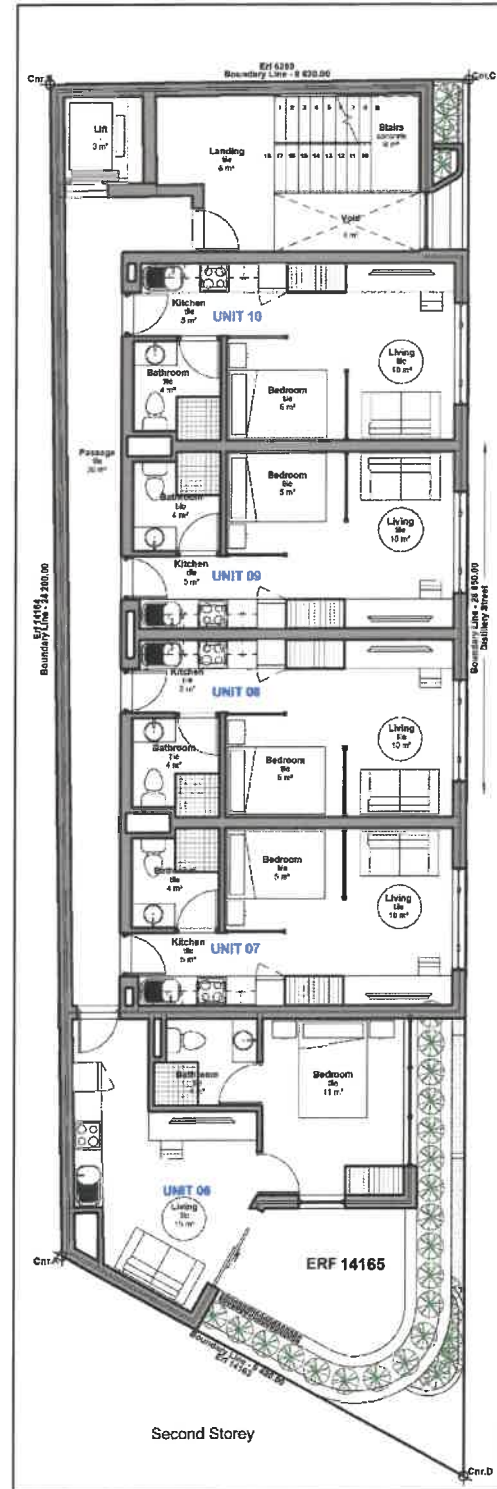


Figure 12: Second Floor Plan

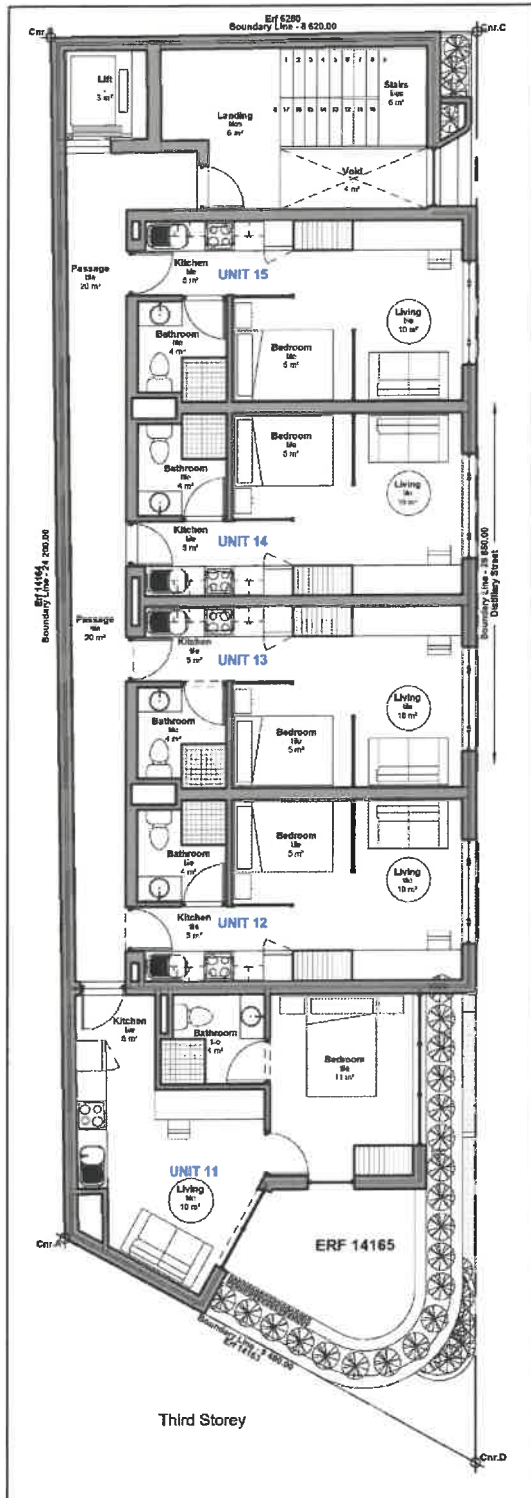


Figure 13: Third Floor Plan

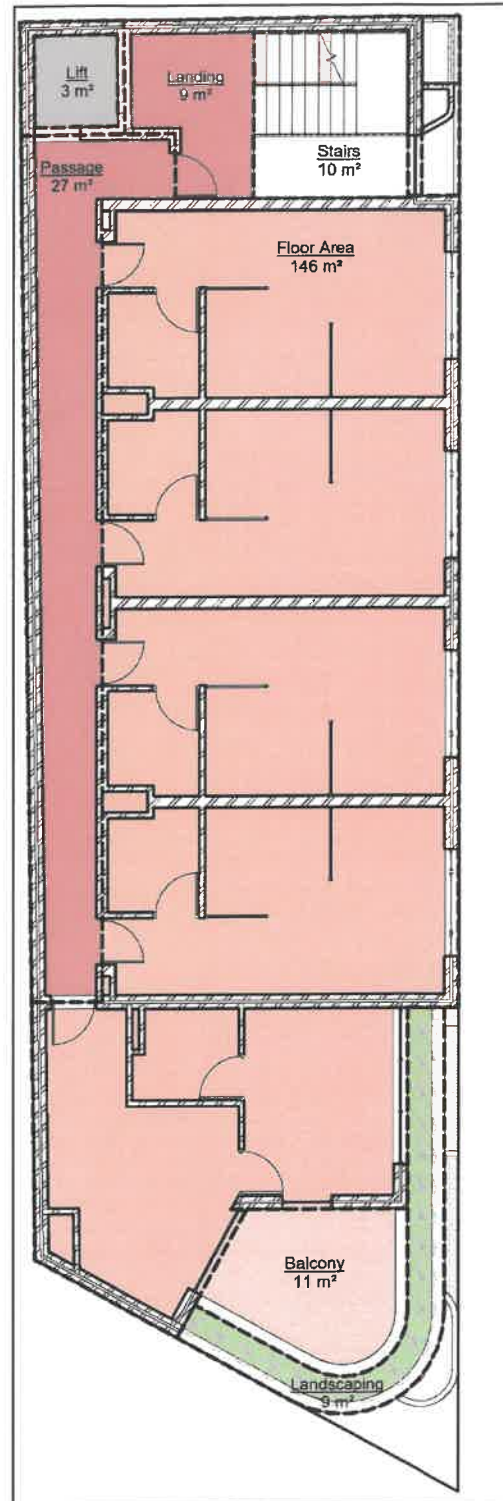


Figure 14: First, Second and Third Floor Area Plan

4.3 Cancellation of Servitude

The construction of a solid concrete wall along the common boundary has made the servitude inaccessible and unusable for its intended purpose. Additionally, the servitude on the neighbouring property, which the servitude on the application site was intended to connect with, has also become inaccessible due to the construction of an apartment building over the linking road servitude area. Figure 5 indicates the servitude referred to. The cancellation of the servitude road is justified, as it is no longer practical or feasible for use.

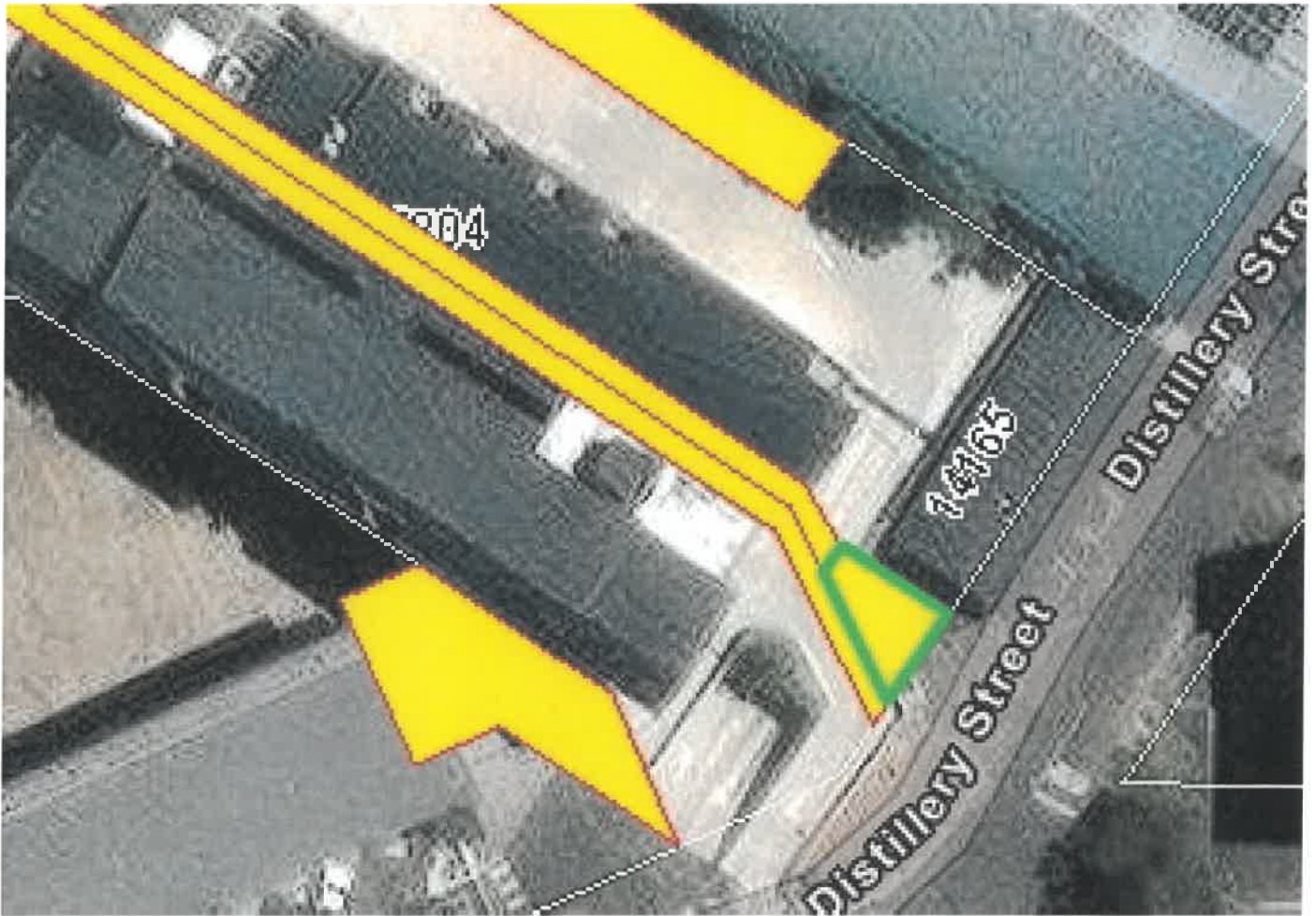


Figure 15: Servitude Road

4.3 Building Development Parameters

Table 3, below, is a summary of the applicable building development parameters pertaining to development on the application.

Land Use Parameters (flats)	Mixed-Use Zone	Proposed Development	Compliance/ Application Required
Street Building Line (BL)	4.5m	0m	Departure
Common Boundary BL	4.5m	0m	Departure
Max Coverage	85%	100%	Departure
Max Height	6 Storeys	4 storeys	Complies
Parking (Commercial)	4 bays/100m ² (3 required)	2	Departure
Parking (Flats)	1.5 bays/unit (23 required)	2 (12 x bicycle bays) + 6 additional bicycle bays	Departure

Table 4 Compliance with Development Parameters

Due to the development limitations and constricting size of the application site, the following departures are needed in order to allow for the proposed development in line with the vision of the Adam Tas Corridor Local Spatial Development Framework:

- i. Street building line of 0m in lieu of 4.5m
- ii. Common boundary building line of 0m in lieu of 4.5m
- iii. Coverage of 100% in lieu of 85%
- iv. Parking bays for commercial facilities of 2 in lieu of 3
- v. Parking bays for flats of 0 in lieu of 21

Furthermore, **permission** is required to allow for the substitution of 2 vehicle parking bays for the flats for 12 x bicycles bays – in terms of the Zoning Scheme a 10% substitution is allowed with permission from Council.

4.4 Parking availability

Due to the limited size of the application site, it's close proximity to 4 surrounding private tertiary institutions, and the value that the proposed development will add to the precinct as well as the character thereof and the Municipality's NMT vision, it is considered to provide a bicycle parking for each flat in lieu of motor vehicle parking bays.

The client is currently in discussions with surrounding building owners and private tertiary institutions who have shown interest and support to the proposed development, to explore the possibility of securing vehicular parking bays on their property. However, since no agreements have been finalized, a parking departure is required at this stage.

4.5 Availability of Services

Bart Senekal Inc. Consulting Engineers compiled a Services Report which concluded that the required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated in the existing infrastructure without requiring any bulk infrastructure upgrades. It is therefore motivated that the development can be supported from an Engineering perspective Please refer to **Annexure G** for a full copy of the report. It is future motivated that as the additional trip generation as a result of the proposed development is negligible there is no need for a Traffic Statement as it can clearly be seen that there will be no negative impact from a traffic perspective.

5. MOTIVATION

5.1 Compliance with the ATC LSDF

The following section will demonstrate how the proposed development responds to and complies with the ATC LSDF:

- ***Mixed-Use Development:***

The proposed development includes both commercial and residential spaces which aligns with the aim to promote mixed-use developments within Precinct 6. This creates a multifunctional and vibrant area that supports a range of activities and contributes to the overall viability of the framework.

- ***Sustainable Urban Mobility:***

The first of the five key design ideas of the ATC is “**Living the line**”, walking, non-motorized and public transport.

The proposed 18 bicycle parking bays, which replaces the required vehicle parking for the flats, supports and aligns with not only the Municipality’s NMT vision but also the first of the key design ideas of the ATC LSDF. The proposed development encourages cycling which reduces a reliance on cars and promotes the use of public transport which is a key objective of the ATC LSDF in order to promote greener modes of transport.

The proposed development is in line with the parking objectives of the ATC LSDF in that it helps to pursue an environment which prioritize the use of non-motorized (bicycles) and public transport, and it proposes a development with lower private vehicle dependence and the maximum use of a strategic located erf on Distillery Street. **As this erf is so small, any development which would have to comply with the prescribed parking requirements of the zoning scheme, would have in essence resulted in a parking area with very limited usable development area (if any) which would be directly in contrast to the vision for the ATC, especially for the properties boarding on Distillery Street.** As mentioned above, the owner of the site is in negotiations with the surrounding education institutes to try and secure an option to rent a few parking bays from them (to provide a few of the future tenants an option to have parking at a centralised parking/share parking facility. However, this should not be the deciding factor when deciding on the applied for parking departure applied, as it is motivated that the proposed development, without any vehicle parking for the future tenants is in line and in support of the vision for Precinct 6 of the ATC. The use and support for public transport and the use of NMT will only be achieved and supported by removing the reliance on private transport. The size, dimensions and strategic

location of the application site makes it impossible to provide parking that complies with the development parameters of the zoning scheme.

- ***Compact and Efficient Land Use:***

With the design of the proposed development, the efficient use of space demonstrates compact land use which promotes a higher density development. This supports the vision of the ATC LSDF for a more interconnected and urbanized precinct.

The application site is surrounded by educational and social facilities, restaurants and shops and within walking distance to all these facilities. Future residence of the proposed development will therefore have easy access to all these facilities.

The under provision of parking will allow for a high-density, mixed-use development which facilitates pedestrian, public and NMT.

The proposed development help to protect scarce environmental resources in that it optimises the redevelopment of a strategically located portion of land, situated within the urban edge and activity promote the resource efficient servicing solutions such as the promotion of the use of NMT.

- ***Economic and Social Benefits:***

By placing the commercial facilities on the ground floor and facing towards the street with large glass doors and windows, it creates an activate street front and also supports local businesses and economic growth of the precinct. The residential component supports the social benefits which assists with creating a more inclusive community.

The proposed commercial development on the ground floor will be situated on Distillery Road which is seen as the link between this precinct and Stellenbosch and will have an active street front on a pedestrian road. It will benefit not only from the future occupiers of the residential units above but also from the pedestrians moving past the commercial land uses on street front, to the economic benefit of the commercial uses.

By having an active street front on street level, the commercial uses will help to provide active and passive surveillance, especially during working hours, to pedestrians moving past the application site which would help to increase safety in the area.

It is also considered that the proposed three levels of residential units with large windows and balconies facing towards Distillery Road will further contribute to passive surveillance, to increase safety in the area especially outside of working hours when many of the surrounding commercial uses will be closed.

The development will provide employment opportunities during pre-construction, construction and post-construction phases. The intention is to have small micro-enterprises on the ground floor in the commercial areas, which will allow for job opportunities to ordinary citizens.

As Precinct 6 of the ATC has sufficient bulk services capacity for all services, it has been identified as the First phase to unlock the rollout of the ATC. As confirmed in the Services Report (attached as **Annexure G**), no bulk services upgrades

are required for this development. The Development Contributions payable for the proposed development can therefore be used for the bulk service upgrades required to unlock the following phases of the ATC. If the proposed parking departure is not approved, the re-development potential on the application site will drastically be reduced, with limited, if any re-development potential, which will in effect result in a parking area which will not contribute in any way to the vision of the ATC.

5.2 Compliance with the SMSDF

- **Access and Mobility:**

The SDF points out in one of their change actions that access, and mobility must be improved by “*Promoting public and NMT (non-motorised transport)*”. The redevelopment of the application site will support non-motorised transport as the site is ideally situated within walking distance from all surrounding amenities. A bicycle parking for each student will be provided to further support non-motorised transport. Distillery Road plays important role as it has been identified as an important linking and binding element though the southern section of the ATC.

- **Vision and Concept for the Area of the Site**

The SDF points out in a change action that the Municipality should “*Pro-actively support higher density infill residential opportunity in the town centre and areas immediately surrounding it*”. Furthermore, and as part of the SDF’s Implementation Framework, it is noted that the Municipality must assist in the “*broadening of residential opportunity for lower income groups, students, and the lower to middle housing market segments*”. The guideline further explains that the development of student housing in Stellenbosch town must be actively supported. The application site is situated within an area where the SDF identified opportunity for strategic infill development.

5.3 Stellenbosch Municipality Land Use By-Law (2023)

As set out in Section 33(4) and 65(1) of the By-law, certain criteria need be met in consideration of an application by the decision-making authorities. In line with this section, Table 4, below, sets out the criteria and assesses the application accordingly:

Section 33(4) Criteria	Assessment of Proposal
(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;	The financial or other value of the rights conferred by the restrictive condition can significantly impact the property’s market value. These rights may limit the types of developments allowed on the property, thereby affecting potential income and the overall investment return. For instance, if the servitude restricts certain construction activities or the overall footprint of buildings, it could lead to a diminished property value. Additionally, for the owner of the dominant tenement benefiting from the servitude, these rights may represent a tangible financial interest, as they could confer advantages such as exclusive access or enhanced views, which can also be quantified in monetary terms when assessing property value.

(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;	The personal benefits accrued to the holder of rights under the restrictive condition often include enhanced access and usability of the property. For instance, the holder may enjoy guaranteed access to a specific part of the property, which can be critical for ensuring their own property remains functional and desirable. Furthermore, these rights can provide a sense of security regarding the property's value, as they may prevent unwanted developments nearby, thus preserving the integrity of their property and its marketability.
(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;	For the person seeking the removal of the restrictive condition, significant personal benefits can arise. One of the primary advantages is the potential for increased development opportunities. By lifting the restrictions, the property owner could maximize the land's usage, paving the way for higher-density developments that align with the local development framework. This not only enhances the potential rental income but also increases the overall property value. Additionally, the ability to develop more commercial space could cater to the demands of surrounding educational institutions, creating a vibrant community hub that directly benefits the property owner.
(d) the social benefit of the restrictive condition remaining in place in its existing form;	There are no social benefits to the restrictive condition remaining in place as it no longer serves a purpose.
(e) the social benefit of the removal, suspension or amendment of the restrictive condition;	The social benefits that may arise from the removal of the restrictive condition are considerable and multifaceted. One of the key advantages is the potential for enhanced urban development, which could address housing shortages and stimulate local economies through increased commercial opportunities. By attracting more residents and visitors, the development could lead to a revitalization of the area, enhancing foot traffic and supporting local businesses. Moreover, the change may align with broader municipal goals aimed at promoting mixed-use developments and non-motorized transport, ultimately contributing to a more sustainable and integrated urban environment.
(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.	When considering the removal of the restrictive condition, it is essential to assess whether this action would completely eliminate all rights enjoyed by the beneficiary or only some of those rights. The proposed removal may only affect specific aspects of the servitude, allowing the beneficiary to retain other rights associated with it. For example, while development restrictions might be lifted, access or view protection rights could remain intact. This partial removal would mean that the interests of the beneficiary are not wholly compromised, thus fostering a more balanced approach that considers the needs of all parties involved, including neighbouring properties that may rely on the existing rights for their own usability and value.

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2) (a) (b) (f) and (g) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was tested with the Municipality by means of pre-application consultation. See Annexure H for feedback received during the pre-application scrutiny process. All relevant and required documentation are attached to this application and motivation.
c. Desirability of land use	<p>As set out in Section 5.1 above, the proposed development is considered desirable as it clearly supports the ATC LSDF and SMSDF. The application is considered desirable. The reasons for the desirability of the applications may be summarised as follows:</p> <p>It is important to note that the application site can be considered a unique site within the Bosmans Crossing Precinct. It is by far one of the smallest developed properties within the precinct which has the consequence of severe development limitations that align with the vision of the ATC LSDF for Precinct 6.</p> <ul style="list-style-type: none"> - The proposed development aligns with the ATC LSDF and Stellenbosch SDF. Both frameworks put emphasis on higher-density residential opportunities, mixed-use developments, as well as sustainable urban mobility. The proposed mixed-use development with commercial spaces on the ground floor and residential units above supports the LSDF's vision for a multifunctional and vibrant area. - The Bosmans Crossing Precinct is a growing private tertiary hub with a growing demand for residential accommodation. The proposed development will provide 15 one-bedroom flats for students within walking distance of the surrounding tertiary institutions. This addresses the demand for accommodation without compromising the area's aesthetic value. - The current industrial building and industrial uses associated therewith creates an undesirable amount of noise. The surrounding neighbours have complained multiple times and would highly support a residential development in this space in lieu of an industrial building. - The inclusion of 18 x bicycle parking bays support the Stellenbosch Municipality's TOD policy, promotes sustainable urban mobility by reducing reliance on cars and encouraging cycling. - The proposed development is expected to generate both social and economic benefits for the precinct as discussed above. - The proposed development supports adaptive reuse and preservation of character within the precinct. The proposed development maintains the precinct's mixed-used character while enhancing the functionality and density.

d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
i. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
j. Investigations in terms of other laws.	Not Applicable.
k. Written assessment by planner.	To be done by the Stellenbosch Municipality.
l. The impact of the proposed land development on engineering services.	Bart Senekal Inc. Consulting Engineers compiled a Services Report which concluded that the required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure and from an engineering services perspective the development can be supported. Please refer to Annexure G for a full copy of the report.
m. The integrated development plan, including the municipal spatial development framework	IDP: aligned MSDF: aligned as discussed in section 5.2 ATC SLDF: aligned as discussed in section 5.1
n. The integrated development plan of the district municipality, including its spatial development framework, where applicable.	In line with this applicable plan and framework
o. The applicable local spatial development frameworks adopted by the Municipality.	See point m above.
p. The applicable structure plans.	N/A
q. The applicable policies of the Municipality that guide decision-making.	Aligned
r. The provincial spatial development framework.	N/A

s. Regional and spatial development frameworks.	N/A
t. National policies, norms and criteria.	N/A
u. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
v. The principles referred to in Chapter VI of the Land Use Planning Act.	<p>Spatial Justice: The proposed development provides much needed residential accommodation within walking distance to the surrounding private tertiary institutions. The development also contributes to the creation of an inclusive community by integrating commercial and residential uses within the same area, ensuring that different socio-economic groups can benefit from the development.</p> <p>Spatial Sustainability: The proposed development supports sustainability through efficient land use by means of a high-density mixed-use development. The mixed-use design of the proposed development further supports sustainability. The inclusion of a bicycle parking bay for each student promotes non-motorised transport and reduces reliance on cars.</p> <p>Efficiency: The proposed development is an example of efficient land use, as it maximizes the potential of a very small site (224.1 m²) by accommodating both commercial and residential activities within a four-storey building. The compact design of the building supports higher density living which is resource-efficient and cost efficient in terms of infrastructure maintenance and provision.</p> <p>Good Administration: The application process, conducted by Arch Town Planners (Pty) Ltd, adheres to this principle by being transparent and inclusive, with proper consultation and adherence to regulatory requirements. This ensures the decision-making process is fair and accountable, providing a clear rationale for the development's alignment with community and municipal objectives.</p> <p>Spatial Resilience: The proposed development enhances spatial resilience by contributing to the adaptability and long-term sustainability of Bosman's Crossing. By promoting mixed-use development and encouraging non-motorized transport, the project supports a more resilient urban environment that can better withstand economic, social, and environmental challenges. The inclusion of commercial spaces on the ground floor and residential units above ensures that the development remains viable and functional under varying conditions, providing both economic opportunities for micro enterprises and ordinary and housing security in the face of future uncertainties.</p>
w. The applicable provisions of the zoning scheme.	Departures discussed and motivated.

x. Any restrictive condition applicable to the land concerned.	None
y. The impact of the proposed land development on any heritage resources as defined in the National Heritage Resources Act, 1999 (Act 25 of 1999).	None

Table 5 Assessment of Application in terms of Section 65 (1) of the By-Law

6. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. It is therefore respectfully requested that the following applications be considered for approval:

Application in terms of Sections 15(2) (a), (b), and (g) the By-Law to allow for the following on Erf 14165 Stellenbosch:

- (i) In terms of Section 15(2) (a) **Rezoning** from Industrial Zone to Mixed Use Zone.
- (ii) In terms of Section 15(2) (b) building line, parking and coverage **departures**.
 - a. *Street building line of 0m in lieu of 4.5m*
 - b. *Common boundary building line of 0m in lieu of 4.5m*
 - c. *Coverage of 100% in lieu of 85%*
 - d. *Parking bays for commercial facilities of 2 in lieu of 3*
 - e. *Parking bays for flats of 0 in lieu of 21*
- (iii) In terms of Section 15(2) (f) a **removal of restrictive conditions** (condition B)
- (iv) In terms of Section 15(2) (g) a **cancellation of a servitude** road.
- (v) In terms of Section 15(2) (g) **permission** to allow for the substitution of 2 vehicle parking bays for the flats for 12 x bicycles bays

Report compiled by:

Carlien Coetzee (C/9982/2024)



Report reviewed by:

Marika Bolz (Director)



for Arch Town Planners (Pty) Ltd