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

Sir / Madam

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2023, refers:

Application Property Address: Jonkershoek Road, Stellenbosch

Application Property Number: Farm 1440, Stellenbosch

Applicant: TV3 Projects (Pty) Ltd – C Heys (contact details: 021 861 3800)

Owner: Stoney Meadows Inv 11 (Pty) Ltd – C Heys (contact details: 021 861 3800)

Application Reference: LU/16958

Description of Proposed Development:

- Application is made i.t.o. Section 15.(2)(o) of the Stellenbosch Municipality Planning By-law, 2023 for a consent use: additional dwelling.
- Application is made i.t.o. Section 15.(2)(b) of the Stellenbosch Municipality Planning By-law, 2023 for a (coverage) permanent departure from the development parameters of the zoning scheme to permit a ±198m² coverage (in lieu of the prescribed 120m² coverage).
- Permission required i.t.o. restrictive title deed condition no: C.2 imposed by the Controlling Authority i.t.o. Section 11 of Act 21 of 1940 on Title Deed No T. 19284/2019 to the construction of the proposed additional dwelling unit.

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_portal/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: TV3 Projects (Pty) Ltd – C. Heys clifford@tv3.co.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **16 July 2024**.

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 021 861 3800 during normal office hours.

Yours faithfully



CLIFFORD HEYS
TV3 PROJECTS (PTY) LTD

14 June 2024

KENNISGEWING VAN GROND ONTWIKKELINGSAANSOEK AAN GEINTERESSEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR

Meneer / Dame

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2023, verwys:

Adres van aansoek eiendom: Jonkershoekweg, Stellenbosch

Aansoek eiendom beskrywing: Plaas 1440, Stellenbosch

Aansoeker: TV3 Projects (Pty) Ltd – C Heys (kontak besonderhede: 021 861 3800)

Eienaar: Stoney Meadows Inv 11 (Pty) Ltd – C Heys (kontak besonderhede: 021 861 3800)

Aansoek Verwysing: LU/16958

Tipe aansoek:

- Aansoek word hiermee gemaak i.t.v. Afdeling 15.(2)(o) van die Stellenbosch Munisipaliteit se Beplanning Bywet, 2023 vir 'n vergunningsgebruik: addisionele woning.
- Aansoek word hiermee gemaak i.t.v. Afdeling 15.(2)(b) van die Stellenbosch Munisipaliteit se Beplanning Bywet, 2023 vir 'n permanente afwyking om 'n dekking van ±198m² toe te laat (in plaas van die voorgeskrewe dekking van 120m²).
- Toestemming vereis i.t.v. 'n beperkende titelvoorwaarde no: C.2 neergelê deur die Beherende Owerheid i.t.v. Afdeling 11 van Wet 21 van 1940 in Titetakte No T. 19284/2019 vir die konstruksie van die voorgestelde addisionele woning.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: [https://www.stellenbosch.gov.za/planning_portal/planning-notices/land-use-applications-advertisements]. Indien die webtuiste of tersaaklike dokumente nie toeganglik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie 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 opsite 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 inlgting 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: TV3 Projects (Pty) Ltd – C. Heys clifford@tv3.co.za

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 sluitingsdatum van **16 Julie 2024**.

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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 861 3800 gedurende normale kantoor ure.

Die uwe



CLIFFORD HEYS
TV3 PROJECTS (PTY) LTD

14 Junie 2024

since 1991 tv3 ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

FIRST FLOOR
LA GRATITUDE
OFFICE BUILDING
97 DORP STREET
STELLENBOSCH 7600
TEL 021 861 3800

Our Reference: 3902-P

7 February 2024

Manager: Planning and Economic Development
Stellenbosch Municipality
Town Hall
7600 STELLENBOSCH

Attention: Mr. Stiaan Carstens

Sir

RE: FARM BENGALE NO. 1440, STELLENBOSCH: APPLICATION FOR A CONSENT USE (ADDITIONAL DWELLING) AND A PERMANENT DEPARTURE

We refer to your pre-submission consultation with Dr Johan van Zyl (Jonkersdrift) on 1 February 2024.

1. Land use planning applications

Pertaining to the Farm Bengale No. 1440, Stellenbosch (hereafter referred to as the subject property) application is made:

- In terms of Section 15.(2)(o) of the Stellenbosch Municipality Planning By-law, 2015 for a consent use: additional dwelling; and

- In terms of Section 15.(2)(b) of the Stellenbosch Municipality Planning By-law, 2015 for a (coverage) permanent departure from the development parameters of the zoning scheme to permit a ±198m² coverage (in lieu of the prescribed 120m² coverage).

2. Property details

The subject property is located on the Jonkershoek Road, in Stellenbosch – see image below.



Figure 1: The Farm Bengale No. 1440, Stellenbosch

The subject property is described in the Deed of Transfer No. T19284/2019 as the Farm Bengale No. 1440, Division of Stellenbosch.

Stoney Meadows Investments 11 (Pty) Ltd is the registered owner of the subject property.

The subject property is 141.5295ha in extent.

3. Title deed search

A title deed search was undertaken and there are no title conditions that will restrict the proposed additional dwelling. A copy of the subject property's Deed of Transfer and SG Diagram is included in this submission.

4. Background to the application

There are several existing buildings on the subject property that forms a traditional and historic Cape farm *werf*. These existing buildings consist of the primary dwelling house, out-buildings, and a historic cottage (currently a 2nd dwelling) – see image below.

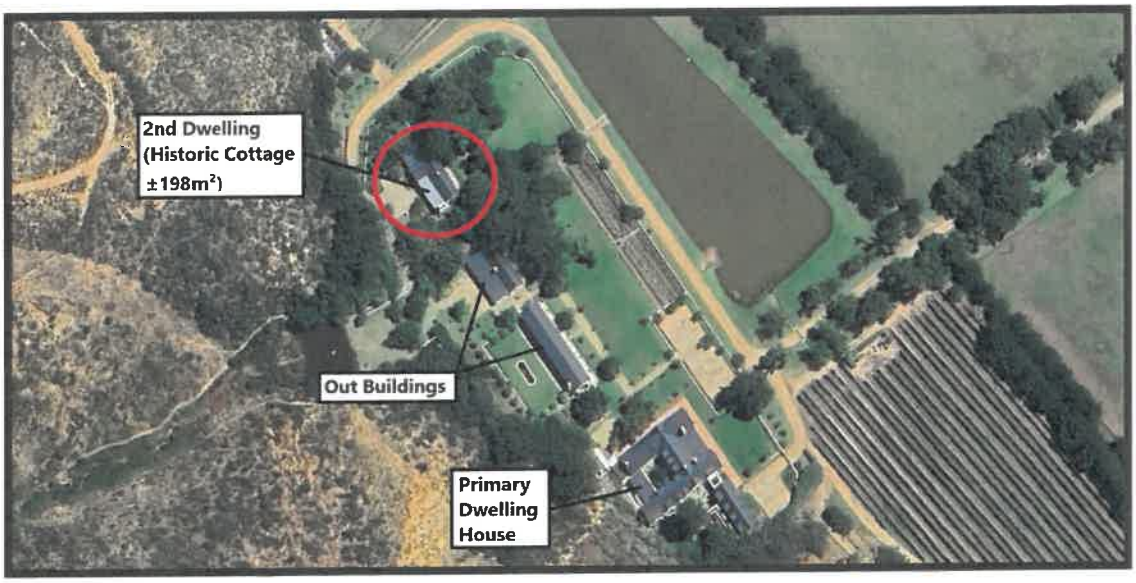


Figure 2: Existing buildings and Cape farm werf

The cottage (currently the subject property's 2nd dwelling) is a historic building constructed before 1813. This historic building has a coverage of ±198m² and (owing to its historic value) should not be altered – see images below.



Figure 3: Historic cottage on Farm 1440, Stellenbosch



Figure 4: Historic cottage on Farm 1440, Stellenbosch

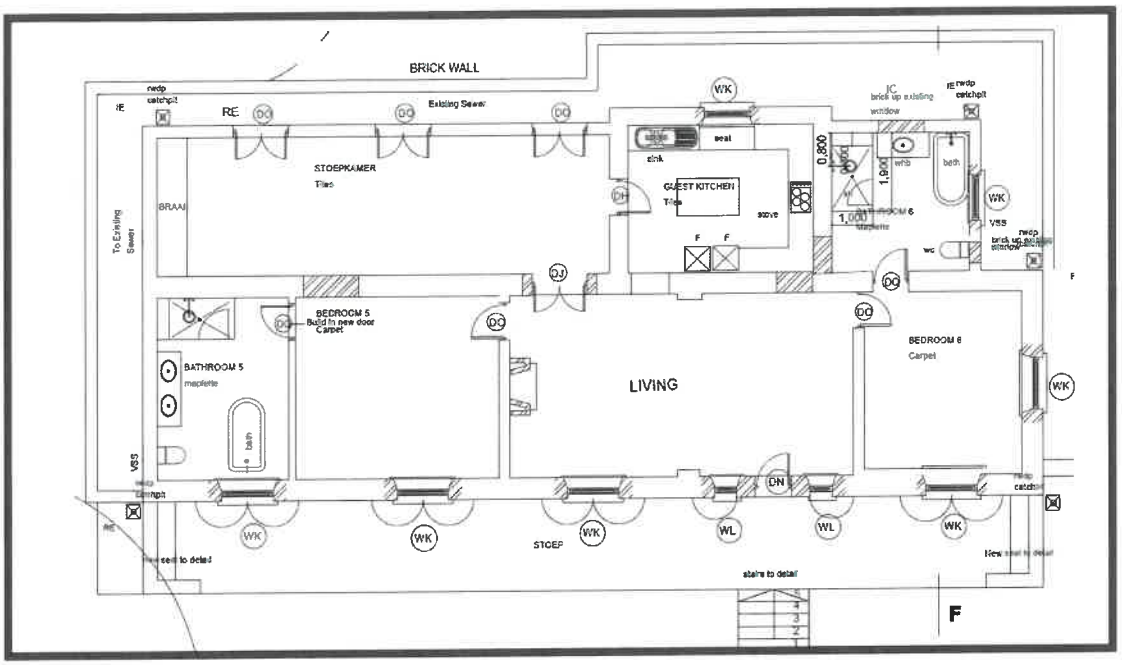


Figure 5: Ground floor plan of historic cottage

The purpose of this application is to have the historic cottage classified as an additional dwelling. This will allow the landowner to construct a 2nd dwelling on the subject property (consistent with the development rules for a 2nd dwelling).

5. Motivation for an additional dwelling and coverage departure

Our land use planning application is motivated as follows:

- The subject property is 141.5295ha in extent. In terms of the Stellenbosch Municipality's Zoning Scheme Regulations, 2023 a primary dwelling and a 2nd dwelling are primary development rights. Furthermore, four additional dwellings may also be constructed on the subject property (with Council's consent).

- Application is made for a consent land use (for one additional dwelling) and for a permanent departure to permit a ±198m² coverage for this additional historic dwelling (in lieu of 120m²). A Site Plan that clearly illustrates the existing buildings comprising the historic *werf* on the subject property, is included in this submission.

- Our client wishes to construct a new dwelling on the subject property which will exceed the permissible 120m² coverage. The historic cottage is currently the subject

property's 2nd dwelling. However, as the historic cottage building should not be demolished or altered, it consequently cannot serve our client's needs. For this reason, application is made to have the historic cottage classified as an additional dwelling so that our client may proceed with the submission of building plans for a 2nd dwelling.

- The historic cottage has a coverage of ±198m² and to accommodate the classification of the cottage as an additional dwelling, a departure is required from the development rules to permit a coverage of ±198m² in lieu of the permissible coverage of 120m². No changes are proposed to the historic cottage.

- A heritage study of the subject property was undertaken in 2010 by Mr. Stephen Townsend (a copy of the heritage report is available on request). In his heritage report, Mr. Townsend stated (with regards to the historic cottage) that it had many different uses and that it was probably used as a farm manager's house. In other words, even though the historic cottage is currently a 2nd dwelling, it was previously used (amongst other things) as a farm building (to provide accommodation for a farm employee). The historical *werf* is therefore described as a main residence with farm buildings.

- By approving this application, the farm's cultural and historic value will be preserved and the historic Cape farm *werf* – which forms a unit – will not be disturbed. It will remain as is. The new 2nd dwelling will be located ±300m northwest from the *werf*, so as not to adversely affect the subject property's heritage value.

- No new engineering services are required for the historic cottage.

- Regarding the proposed 2nd dwelling. Please note that detailed building plans will be submitted to all the relevant authorities and departments for their approvals, to ensure that the design complies with all the development rules, heritage considerations, engineering requirements, etc.

- Since the application will not adversely affect any of the surrounding landowners, we respectfully request that the public participation process be set aside.

6. List of supporting documents

The following supporting documents are included in this submission:

- Land Use Planning Application Form
- Power of Attorney
- Title Deed and SG Diagram
- Locality Map
- Site Plan

7. Conclusion

The purpose of these applications is to have the historic cottage classified as an additional dwelling so that the landowner may construct a 2nd dwelling. It forms part of the historic Cape farm *werf*, and by granting the application the historic character of the farm will be preserved.

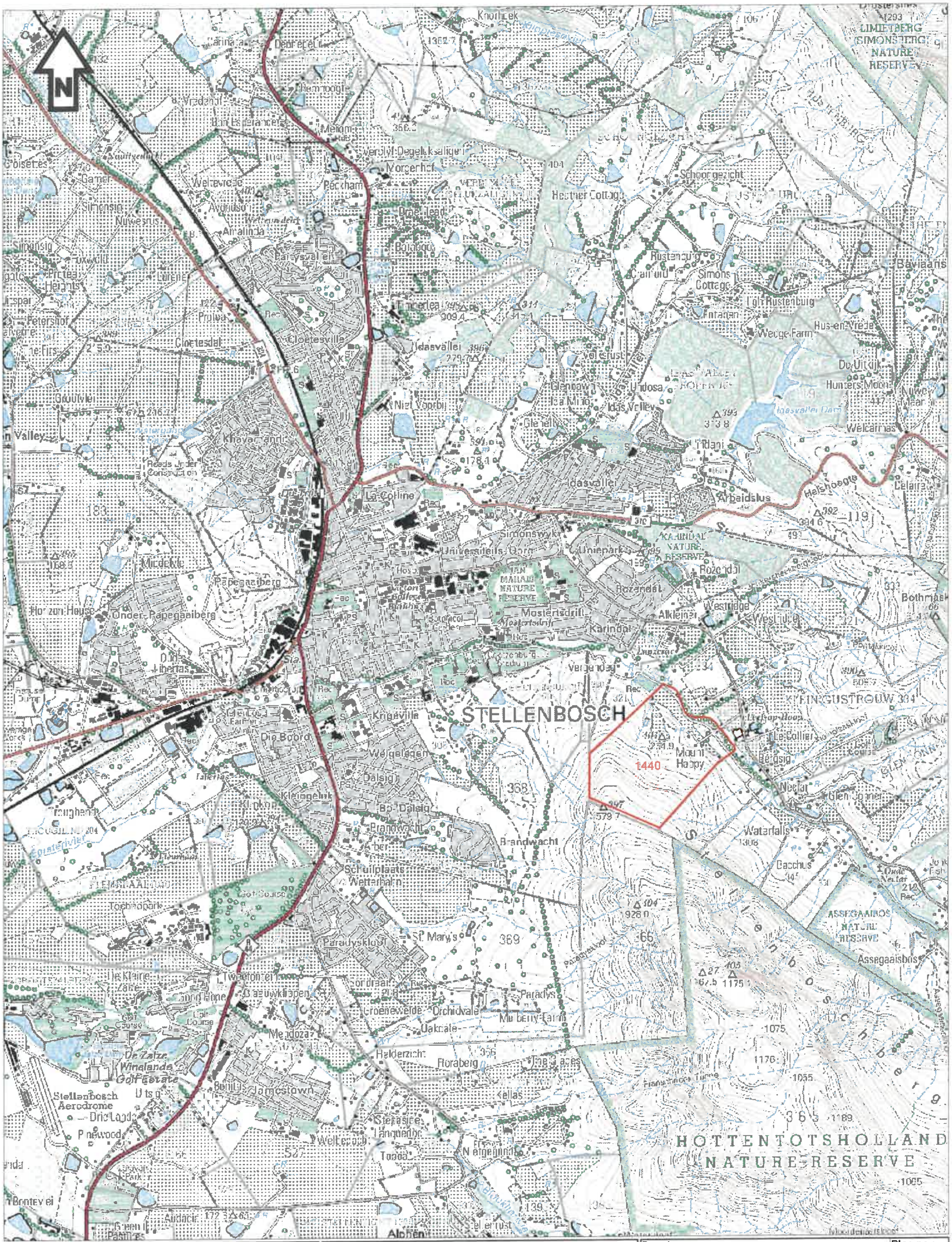
We deem the proposal to be desirable as it will not adversely affect any person or group and will allow the landowner to construct a 2nd dwelling that will respect the heritage value of the historic farm buildings and be consistent with the subject property's development rights. For this reason, we respectfully request the applications to be granted.

Please feel free to contact the undersigned at 021 861 3800 or clifford@tv3.co.za if you have any queries or require any additional information to process the application.

Yours faithfully



CLIFFORD HEYS
TV3 PROJECTS (PTY) LTD



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STELLENBOSCH 7600 | TEL +27 (21) 861 3800 | www.tv3.co.za

Jonkersdrift

Property Description:
Remainder Farm 1440, Stellenbosch

Drawing:		Plan no.:
Broad Locality		1
Date:	Scale:	
08/12/2023	1:50 000 (A4)	
Project no.:	Drawn:	Checked:
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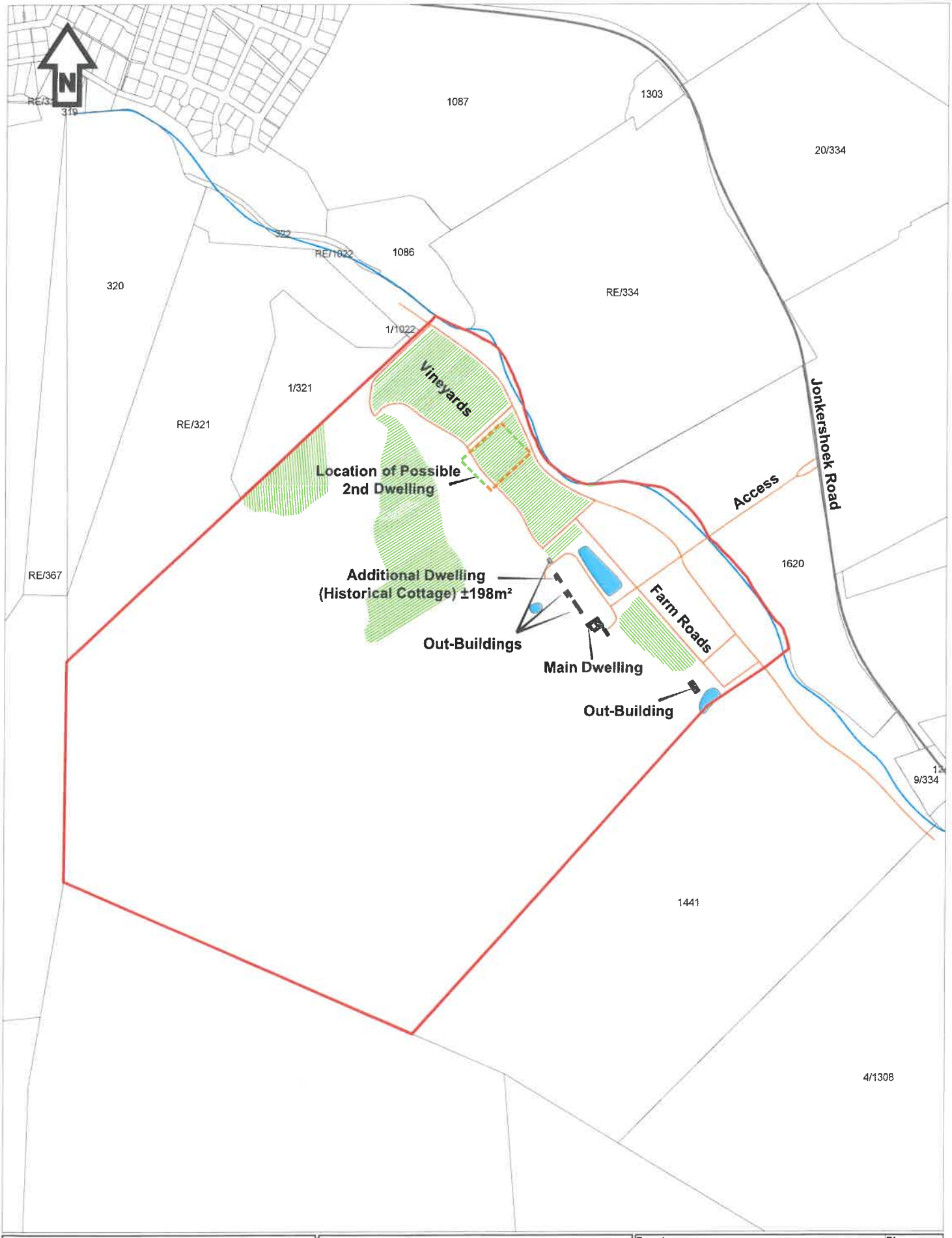
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Jonkersdrift

Property Description:
Remainder Farm 1440, Stellenbosch

Drawing:		Plan no.:
Local Locality		2
Date:	Scale:	
08/12/2023	1:15 000 (A4)	
Project no.:	Drawn:	Checked:
3682-P	WH	CH



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Jonkersdrift

Property Description:
Remainder Farm 1440, Stellenbosch

Drawing:		Plan no.:
Site Plan		2
Date:	Scale:	
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Project no.:	Drawn:	Checked:
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