



STELLENBOSCH

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NOTICE OF MUNICIPAL PLANNING

TRIBUNAL MEETING

OF STELLENBOSCH MUNICIPALITY

FRIDAY, 2024-05-24 FROM

10:00-15:00



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2024-05-24 FROM 10:00-15:00**

Ref. no. 3/4/5/2/40

2024-05-24

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr Van
Zyl

External Members

Mrs Christine Havenga
Mr Dane Leo
Mr Stephen Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development
Mr M Williams: Senior Legal Advisor
Mr A van der Merwe: Senior Manager - Community Services
Mrs M Francis: Senior Manager - Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services

Technical Advisor

Mr K Munro - Director Environmental & Spatial Planning: Department of Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be held at the **Paradyskloof Clubhouse, Paradyskloof, Stellenbosch** on **FRIDAY, 2024-05-24 from 10h00-15:00** to consider the items on the Agenda.*

Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 20 MARCH 2024**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON WEDNESDAY, 20TH OF MARCH 2024 AT THE PARADYSKLOOF CLUBHOUSE,
PARADYSKLOOF, STELLENBOSCH FROM 10H00-15H00****Ref. no. 3/4/5/2/40****2024-03-20**Chairperson

Mrs H Crooijmans-Lemmer

External Members

Mrs C Havenga

Mr Dane Leo

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr A van der Merwe: Senior Manager: Community Services

Mr M Williams: Senior Legal Advisor

Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and
ImplementationTechnical AdvisorMr K Munro: Director Development Management, Department Environmental Affairs
and Development Planning.Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

Ms B Zondo: Senior Town Planner

Ms O Sims: Administrative Officer:

Ms L Davids: Senior Administrative Officer

Attendee

Mr W Esterhuizen: Observer

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 20 MARCH 2024

ITEM	SUBJECT
SMPT 01/003/24	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present. The Chairperson also welcomed Mr Esterhuizen who attended the meeting as an observer.
SMPT 02/003/24	LEAVE OF ABSENCE
	Mr Van Zyl Mr Boshoff Mr Munro
SMPT 03/003/24	DISCLOSURE OF INTERESTS
	None received
SMPT 04/003/24	MINUTES OF THE PREVIOUS MEETING DATED 01 MARCH 2024
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/003/24	APPLICATION FOR CONSENT USE, DEPARTURE, & PERMISSION ON FARM 528/5 STELLENBOSCH DIVISION (LU/14500) Discussion: <ol style="list-style-type: none"> Chairperson Crooijmans-Lemmer handed over to Ms Zondo to give a brief introduction of the application that served before the Tribunal. The history regarding the zoning violations and unauthorised buildings were noted and a Building Inspector to serve notice to the applicant today.

- c. Members agreed that the intention of the application is not in support of primary agricultural and caution is to be taken against creating a secondary node in the rural area with reference to the WCG Land Use Planning Guidelines: Rural Areas.

UNANIMOUSLY RESOLVED:

1. That the applications made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Farm 528/5 Stellenbosch Division for the following:

- 1.1 **Consent Uses** in terms of Section 15 (2)(o) of the said by-law, for:

- a) Tourist facilities to facilitate the following:

- i. New function/wedding venue (68-seater Chapel) (325 m²);
- ii. Convert the existing second dwelling into a Farm stall/shop (96 m²); and
- iii. Wellness centre/spa for the guests (583 m²).

- b) Tourist Accommodation Establishment for three (3) bedrooms in the second dwelling with a capacity of six guests.

- 1.2 **Permanent Departure** in terms of Section 15 (2)(b) of the said by-law for the following:

- a) To construct a 2.1m high brick wall on eastern boundary of the property (adjacent to R44)
- b) To relax the building line from 5m to 0m in order to accommodate the new wellness centre/spa

BE REFUSED in terms of Section 60 of the said By-law.

2. Reasons for the above decision:

- 2.1 The accumulative scale and form of the proposed uses that would result from permitting new buildings/structures in addition to the existing building structures and its associated land uses are not in keeping with the rural landscape as it will lead to the overdevelopment and crowdedness of non-

	<p>agricultural land uses on an agricultural and rural zoned property that will not be subservient to the primary land use and farming activities.</p> <p>2.2 The conversion of the second dwelling to provide guest accommodation will result therein that there is no main residence on the property for the use of the owner. The conversion of existing buildings to other uses can only be supported if there are adequate buildings to cater for the primary uses of the subject property.</p> <p>2.3 The boundary wall (proposed 2,1m palisade fence with brick piers) will detract from the rural character of the area and the scenic value of R44.</p> <p>3. That the applications made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Farm 528/5 Stellenbosch Division for the following:</p> <p>3.1 Consent Uses in terms of Section 15 (2)(o) of the said by-law, for:</p> <p>a) Tourist Accommodation Establishment for the following:</p> <ul style="list-style-type: none"> i. Twelve (12) bedrooms with a capacity of 24 guests in the converted main dwelling ii. Three (3) bedrooms with a capacity of six guests in the converted manager's / additional dwelling <p>b) Tourist facilities to facilitate a:</p> <ul style="list-style-type: none"> i. Restaurant limited to 90 m² providing seating for 30 guests; and
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	<p>ii. Outdoor garden venue limited to 314 m² providing seating and picnics to 110 guests.</p> <p>3.2 Occasional uses to allow for a maximum of 24 events per calendar year on Farm 528/5 for live music, art exhibition and functions not extending beyond 18:00 in the restaurant and outdoor garden venue.</p> <p>BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.</p> <p>4. Conditions of Approval:</p> <p>4.1 The approval only applies to the consent use application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.</p> <p>4.2 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2023 be submitted within 3 months to the Municipality and approved prior to the submission of any building plans, which site development plan satisfactorily addresses, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16 (4) of the said By-law and specifically illustrate:</p> <p>a) that sufficient on-site parking is provided in accordance with the provisions of the subject Zoning Scheme By-law;</p> <p>b) that the boundary fence is provided in accordance with the provisions of the subject Zoning Scheme By-law;</p>
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	<p>c) the area of the outdoor garden venue;</p> <p>d) areas and buildings used for agricultural activities;</p> <p>e) the building lines in terms of the Zoning Scheme By-law as well as Title Deed; and</p> <p>f) include appropriately labelled floor plans depicting all approved land uses as well as ancillary uses within the corresponding approved floor size limitations.</p> <p>4.3 The enclosed gazebo in the garden be used only as an extended serving point of the Restaurant in the Tourist Accommodation Establishment to the outdoor garden venue and not be operated as a separate kitchen or restaurant.</p> <p>4.4 No permanent structures be allowed in the outdoor garden venue except the existing enclosed gazebo.</p> <p>4.5 An accurate register of events be kept and presented on request from an authorised official of the Municipality.</p> <p>4.6 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>4.7 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement includes and complies with the conditions related to the approval as imposed by the Directorate Infrastructure Services in their memo dated 17 January 2024, attached as Annexure H.</p>
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| | <p>4.8 No directional, advertisement, or any other signage be erected without the prior approval of the competent authority and the Municipality.</p> <p>4.9 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to submission of any building plans, or as may be agreed on in writing with the Director Infrastructure Services.</p> <p>4.10 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).</p> <p>4.11 All doors and windows must strictly be kept closed after 18:00 when the Restaurant makes use of amplified sound.</p> <p>4.12 Building plans be submitted within three months after the approval of the Site Development Plan and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.</p> <p>4.13 Building plans be submitted within three months after the approval of the Site Development Plan for all changes of use in the existing buildings and which building plans be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.</p> |
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4.14 The conditions related to the approval as imposed by the Western Cape Government: Transport Infrastructure contained in their letter dated 20 December 2023, attached as **Annexure G**, be complied with. Should revised comments be agreed in relation to the approval between the applicant and the commenting body, the said revised conditions be submitted to the Municipality with the Site Development Plan.

5. The reasons for the above decision:

5.1 The scale and nature of the proposed activities in the existing structures will not further compromise the rural character of the surrounding landscape.

5.2 The development proposal will be accommodated within existing structures and will consequently have no additional impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost.

5.3 The necessary mitigation is proposed to limit any noise or nuisance impact relating to scheduled events.

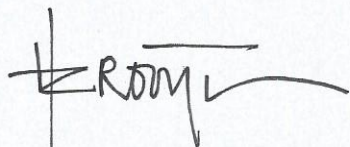
6. Matters to be noted:

6.1 Event permits be obtained for any events proposed on the subject property as prescribed in the relevant policy or bylaw of the Municipality.

6.2 Should, after following due process -

- a) The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or

	<p>b) The operational use of the tourist facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or</p> <p>c) The property be used for any unauthorised uses not permitted in terms of this approval, the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law (2023) to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.</p> <p>6.3 The delegated official to consider the permission required in terms of restrictive title deed condition clauses D (3) - (4) on page 2 of Title Deed No T18186/2016, to facilitate the approved land uses.</p>
SMPT 06/003/24	OTHER MATTERS
6.1	<p>PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)</p> <p>A request was received to share new information with MPT members on policy matters or changes considered relating to the review of the IDP, SDP and CEF.</p>
6.2	<p>APPEALS RECEIVED AGAINST MPT DECISIONS</p> <p>No appeals were submitted against MPT decisions taken in 2024.</p>
6.3	<p>GENERAL</p> <p>Mr Carstens announced the resignation of Lenacia Davids, and the Chairperson thanked her for the work done for the MPT and wished her well for future endeavors.</p> <p>The meeting adjourned.</p>



Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



APPLICATION FOR REZONING ON ERF 2529 STELLENBOSCH

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PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING ON ERF 2529 STELLENBOSCH

Application Reference	File Ref: LU/15828	Application Date	2023/08/21
		Last day for comments or additional information	2024/02/14

PART A: APPLICANT DETAILS

First name(s) & Surname	Candice Maasdorp		
Company name	Sustainable Planning Solutions		
SACPLAN registration number	Not provided		
Registered owner(s)	Stellenbosch Municipality	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS

Property description	Erf 2529	Administrative District	Stellenbosch
Physical address	Corner of Andringa and Borchard Street		
Extent (m ² /ha)	1 777.4 m ²	Nearest Town	Stellenbosch
Existing Development and Current land use	Vacant open space		
Any unauthorised land use/building work	None		
Title Deed Nr.	T16507/1977		
Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019	Public Open Space		

PART C: APPLICATION DETAILS

Applications(s)	<p>Application is made in terms of Section 15 (2) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 on Erf 2529 Stellenbosch for the following:</p> <ol style="list-style-type: none"> 1. Rezoning in terms of Section 15 (2)(a) of the said by-law, from Public Open Space Zone to Public Roads and Parking Zone for the purposes of a new public parking area.
Purpose of Application	The applicant intends to establish a new public parking area.
Pre-consultation	Pre-scrutiny application submitted.

PART D: APPLICATION BACKGROUND**1. Location of the property**

The subject property is located on the corner of Borchard and Andringa street in Stellenbosch. Access to the proposed parking area is through Borchard street.

2. Development context of surrounding area

The subject property is located in the Central Business District area of Stellenbosch. It is located within the Stellenbosch Urban edge. The subject property is surrounded by the Stellenbosch Correctional Service (north of the site), the Stellenbosch Christ Church (South -East) and the Stelmark shopping centre on the south.

3. Historic use and development of subject property

The subject property is currently a vacant open space.

PART E: APPLICATION OVERVIEW AND MOTIVATION

- o The nature of the envisaged land use application does not trigger Section 38 of this Act since the character of the area will not change and neither is the property larger than 10000m².
- o The proposed operations of the public parking area on the site will remain compatible with the character of the area and therefore would be in line with what the SDF earmarks the property for.
- o The proposal will not change the current land use on the site nor the character of the area.
- o Any new construction works for the proposed Public Parking Area will not have a negative impact on the biophysical environment.
- o The proposed land use application will not have any negative impact on the existing rights of surrounding properties.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE**1. Process followed**

The applicant has notified the internal departments and notified (serving notices) all interested and affected parties. The advertising period was from 09/11/2023 to 11/12/2023 (see **Annexure E**). **One (1)** objection/comments were received.

2. Public & stakeholder inputs

The following objections were received: (See **Annexure F**)

- a) Dr. Bernhard Eigenhuis

SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION (INTERESTED AND AFFECTED PARTIES)		
FARM/ ERF NO.	ISSUES RAISED	APPLICANT'S RESPONSE
Dr. Bernhard Eigenhuis (Interested/affected party)	<ul style="list-style-type: none"> Bringing a parking area so close to the main gate will increase the risk of hijacking, therefore what mitigation is proposed? I would like to suggest that a wall or mesh fence be erected that will limit the movement of people from the parking area to the main gate of Zimbabwe Flats. There are no trees to soften in existing parking area, so I would like to request the proposals around softening the proposed parking area. Kindly advise on what security arrangements will be added to this area. Kindly advise on where the entrances will be expanded and my request that no additional entrances be made on Borchard road. Has a road transport impact study been done and where can I get a copy? 	<ul style="list-style-type: none"> The suggestion is noted. The proposed Site Development Plan has been designed to incorporate existing and additional vegetation (Refer to Annexure 2: Borchard Parking Landscape Plan. It also incorporates an existing eucalyptus tree which is to be retained with a 5m buffer around it, as per recommendation of the botanist appointed. The proposed application aims to provide additional parking space to road users in the vicinity in addition to the adjacent parking space. The proposal does not introduce any new land uses that may attract people to the area. As such, it will not negatively impact the wellbeing and safety of the surrounding community. Implementation of additional security will be presented for consideration by our client. The proposed site development plan indicates one access point from Borchard's Street. Given that the proposed development does not entail additional floor space, no transport studies are triggered. The proposed development will provide additional public parking bays to the area, which will alleviate traffic congestion and illegal parking. Additionally, according to the municipal by-law 2023, The Municipality may require the submission of any or all of the following studies or assessments— (a) an Environmental Impact Assessment; (b) a Heritage Impact Assessment; and (c) a Traffic Impact Assessment.

	<ul style="list-style-type: none"> o What is proposed to reduce the additional noise and vehicle emissions impact on Zimbabwe Flats?" 	<ul style="list-style-type: none"> o The proposed land use is merely additional parking space for road users in the vicinity. There is no proposed new activity that will generate noise pollution or emissions.
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3. Comments from internal service departments

- a) The **Manager: Spatial Planning** did not support the proposal (see **ANNEXURE G** for memo dated 12 March 2024).
- b) The **Manager: Property Management** supported the proposal (see **ANNEXURE H** for email dated 18 September 2024).
- c) The **Senior Manager: Community Services (Parks)** did not support the proposal (see **ANNEXURE I** for email dated 09 April 2024).
- d) The **Directorate: Infrastructure Services** supported the proposal (see **ANNEXURE J** for memo dated 02 October 2023).

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Legislative and Policy Context of land use and land development application

The legislative, principles, policies, guidelines and plans which are considered as relevant to the application under consideration and land use application, are as follows:

- o Stellenbosch Municipality Land Use Planning Bylaw, 2023
- o Stellenbosch Municipality Spatial Development Framework, 2023
- o SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)
- o Dennesig Transport Master Plan Implementation, 2023
- o Comprehensive Integrated Transport Plan, 2016

2. Assessment of grounds of the land use and land development application

2.1 Land use principles

The proposal has significant bearing on development principles referred to in Section 42 of the Spatial Planning and Land Use Management Act (SPLUMA) (Act 16 of 2013) and Chapter VI of the Western Cape Land Use Planning Act (LUPA) (Act 3 of 2014):

- o Spatial Justice
- o Spatial Sustainability
- o Efficiency
- o Spatial Resilience
- o Good Administration

2.2 Applicable MSDF, LSDF's and Municipal Plans

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of Stellenbosch and in the Central Business District (CBD) of Stellenbosch. The SDF earmarks the area in which the site is located as existing and proposed urban character areas which is essentially the area within the urban edge. The goal of the MSDF is to reduce the number of private motor vehicles in Stellenbosch (and subsequent parking) and to increase the investment in public transport, bicycle paths and appropriate walking infrastructure. The MSDF further indicate improved landscaping and public amenity through as far as possible, focus investments on parks, open space and social facilities accessible by public and Non-Motorised Transport (NMT).

In terms of the approved Dennesig Transport Master Plan Implementation and Comprehensive Integrated Transport Plan, the objective of the two studies was to guide new developments in the area to change the character of the neighbourhood and the behaviour of motorists to create "living streets" that would prioritise pedestrians and cyclists.

2.3 Service infrastructure capacity and sustainability

The Stellenbosch Municipality Engineering Services appointed Sustainable Planning Solutions in order to obtain development rights and approval for new public parking. The application was circulated to Community & Protection Services department (Parks), and they did not support the application, reason being that future housing development will necessitate that public open spaces be developed as play/recreation area and the preservation of the current public open space will complement the implementation of the approved Dennesig Landscaping Plan (See **Annexure I**).

2.4 Any investigations carried out in terms of other laws that are relevant to the consideration of the subject application (e.g., EIA, TIA, HIA etc.)

None

2.5 The proposal (the applicable provisions of the zoning scheme)

The subject property is zoned Public Open Space and in terms of the zoning of the property, in order to accommodate the proposed parking, a rezoning application to Public Roads and Parking Zone is required, hence the application. The total site area is 1777m² with a proposal of total of 47 parking bays, which will include two (2) disabled parking bays and eight (8) parking bays dedicated for motor cyclists.

3. General desirability in accordance with possible impacts on neighbouring properties and surrounding areas.

3.1 Combability with surrounding properties

The subject property is located in the Central Business District (CBD) of Stellenbosch, inside the Stellenbosch Urban Edge and earmarked for existing and proposed urban characters. The purpose of the Public Open Space is to accommodate the surrounding residential residents, particularly with the increase in densities over time.

The 2023 zoning map of Stellenbosch (see image 3), particularly to the surroundings of the subject property indicates four (4) public open spaces zoning which are reserved for public open spaces, and one is actually functional open space with gymnasium infrastructure. These are, Erf 2483 (adjacent to the subject property), 2484 & 2490 (behind the subject property in Banhoek street and RE/2149 (Muller Street). Furthermore, there is a variety of parking spaces around the vicinity of the proposed property (See image 2), these are Erf 2500, Erf 2502, Erf 2499, Erf 2498, Erf 2525, Erf 2524 and Erf 2540 & 2539 (opposite subject property).

Therefore, taking into consideration the above (image 1 & 2), there is significant properties around the subject property vicinity dedicated for parking spaces. Even though, with so much parking spaces available, the Stellenbosch Road uses still struggle with shortage of parking around Stellenbosch CBD. However, it is not anticipated that the proposed 47 parking bays will make any difference and do not justify the destruction of Erf 2529 as a public open space.

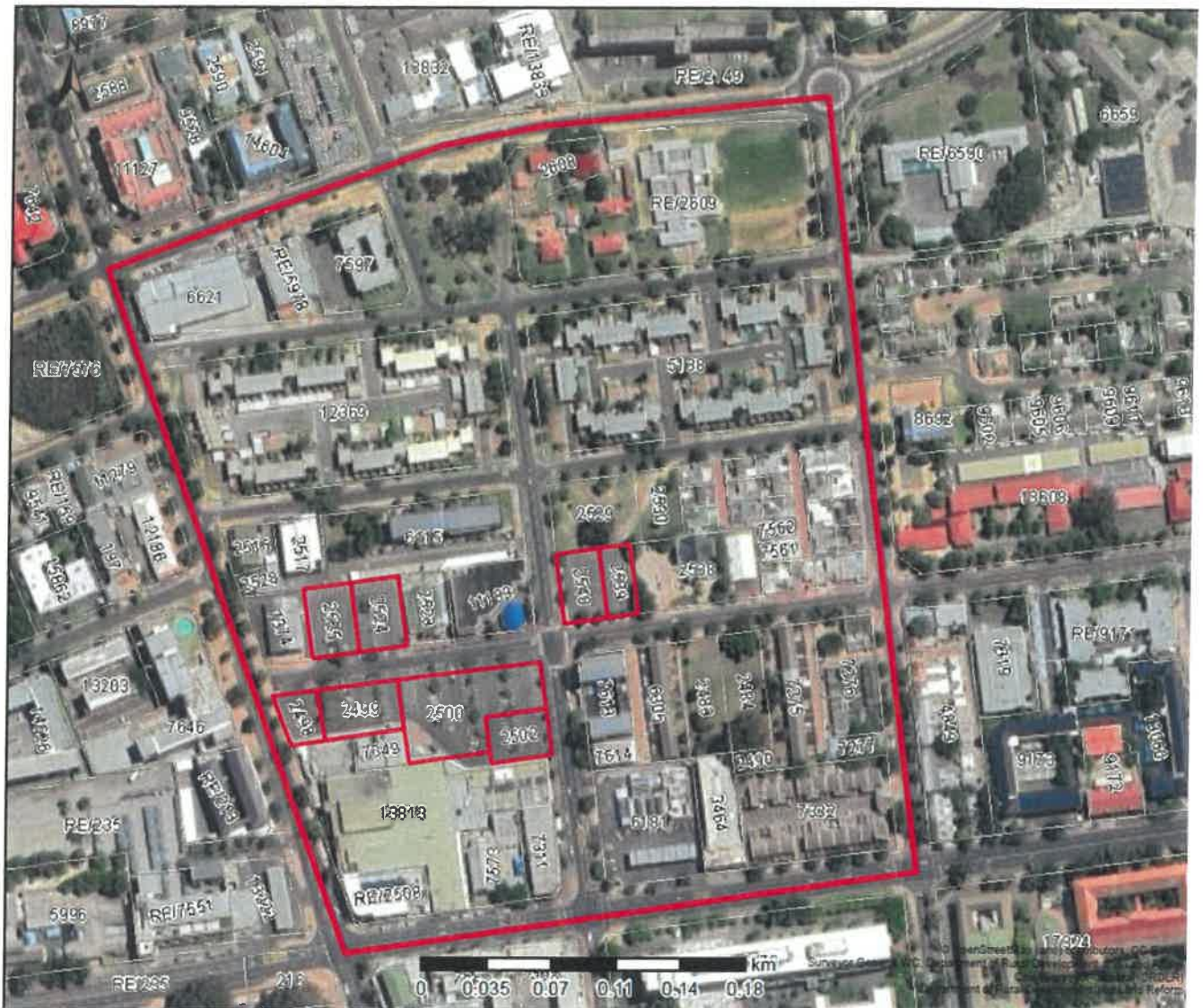


Image 1: Public Roads and Parking Zone within the subject property vicinity



Image 2: Public Open Spaces within the subject property vicinity

3.2 Impact on safety, health and wellbeing of the surrounding community

There is no reason to believe that the proposed development will result in any changes to the safety and security in the area. However, the spatial proposal for Stellenbosch town on the MSDP is to ensure sustainability in communities. The subject property is currently used as a functional green open space for the residential uses in the surrounding area. There are no complaints reported from law enforcement to suggest that the current public open space is causing a nuisance or having negative impact in the surrounding community.

4. Assessment of comments on application

The interested and affected parties as well as the internal department raised concerns regarding issues relating to the loss of functional green open space for the residential uses in the surrounding areas, risk of increase of hijacking for the opposite residential flats, lack of trees to soften the parking area and possible noise and vehicle emissions impact of the opposite residential flats. The proposal does integrate existing green areas into design by retaining an existing eucalyptus tree with 5m buffer around it. The proposal is to provide additional parking space for the road users of Stellenbosch residents, there is no anticipated

increase in hijacking in the surrounding area. Moreover, all the other internal department's comments were taken into account and discussed in the report.

Nevertheless, the SDF spatial proposals encourage improved access and mobility through pro-actively improve conditions for walking and NMT for Stellenbosch town. They further indicate improved landscaping and public amenity through as far as possible, focus investments on parks, open space and social facilities accessible by public and Non-Motorised Transport (NMT). The proposal does not align with the SDF spatial proposals for the Stellenbosch town, to improve the quality of the urban environment and facilitate the change from private vehicle dependence to a more environmentally friendly and less intrusive use of public transport and NMT.

Furthermore, by developing and maintain the open space as a landscaped space/park, the municipality is making solid investment in society as it benefits everyone in the area and provide much needed space for recreation that cannot be provided for onsite due to an increase in density.



Image 3: 2023 Zoning Map

5. Additional planning evaluation relating to restrictive title deed conditions.

Not Applicable.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

- 1) The proposal will provide additional parking space to road users in the vicinity and Stellenbosch residents as a whole.

- 2) The proposal is not in line with the spatial proposals for Stellenbosch town on the MSDP to change the city from a car-oriented to a people-oriented city.
- 3) The proposal will negatively compromise the provision of much needed space for recreation that cannot be provided onsite due to an increase in density.

PART I: RECOMMENDATION

1. That the application made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2529 Stellenbosch for the following:
 - a) Rezoning in terms of Section 15 (2)(a) of the said by-law, from Public Open Space Zone to Public Roads and Parking Zone for the purposes of a new public parking area.

BE REFUSED in terms of Section 60 of the said Bylaw.

2. Reasons for the above decision:

- a) The proposal will negatively compromise the provision of much needed space for recreation that cannot be provided for onsite due to an increase in density.

PART J: ANNEXURES

ANNEXURE A:	Locality Plan
ANNEXURE B:	Title Deed
ANNEXURE C:	Site Development Plan
ANNEXURE D:	Applicant's Motivation
ANNEXURE E:	Proof of Evidence (Public Participation, General Plan & Affidavit)
ANNEXURE F:	Objections and Applicants response thereto
ANNEXURE G:	Comment from the Manager: Spatial Planning
ANNEXURE H:	Comment from the Manager: Property Management
ANNEXURE I:	Comment from the Senior Manager: Community Services (Parks)
ANNEXURE J:	Comment from the Director: Infrastructure Services
ANNEXURE K:	Site inspection photos

PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION**APPLICATION FOR REZONING ON ERF 2529 STELLENBOSCH****AUTHOR OF PLANNING ASSESSMENT REPORT****NAME:** B. Zondo**CAPACITY:** Senior Town Planner**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE:** **DATE:** 10/05/2024**PART L: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT****APPLICATION FOR REZONING ON ERF 2529 STELLENBOSCH****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2023) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide 11.8.1 and dated 24 May 2023, the subject application is categorised as follows:

Category: Aa5**Decision Making Authority:** MPT**Rational:** The land is owned by Council.**Name:** Chrizelle Kriel**Capacity:** Manager Land Use Management**SACPLAN Registration:** A212/10**Signature:** **Date:** 10-05-2024

PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING ON ERF 2529 STELLENBOSCH****Administrator to Authorised Official / Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: **24 May 2024**

Name: *Chrizele Kriel*

Capacity: *MLM*

Signature: *[Signature]*

Date: *10.05.2024*

PART N: COMMENTS RECEIVED FROM MUNICIPAL MANAGER**APPLICATION FOR REZONING ON ERF 2529 STELLENBOSCH**

Comments received from Municipal Manager on 9 May 2024 attached.

RE: Erf 2529 Stellenbosch- Application for Rezoning to Public Road and Parking Zone

Geraldine Mettler <Geraldine.Mettler@stellenbosch.gov.za>

Thu 2024-05-09 5:37 PM

To: Stiaan Carstens <Stiaan.Carstens@stellenbosch.gov.za>; Raydine Wenn <Raydine.Wenn@stellenbosch.gov.za>; Nomie Tshefu <Nomie.Tshefu@stellenbosch.gov.za>; Anthony Barnes <Anthony.Barnes@stellenbosch.gov.za>
Cc: Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>; Kaylin Coetzee <Kaylin.Coetzee@stellenbosch.gov.za>; Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>

Dear Chrizelle and Stiaan

Comments on erven 2529:

We have been inundated by requests from various business owners and the community to provide public parking. Moreso, the great need for public parking in the Stellenbosch CBD which has been highlighted through various transport studies. At this stage there is various proposals to develop parking garages and non-motorised transport proposals which will come into effect in the next 5 to 10 years and this proposal will therefore provide an interim solution to parking in CDB and surrounding areas. Once these parking and non-motorised solution are implemented an alternative usage of this property can be looked at. Its imperative that this property be used for public parking purpose due to its favourable location and proximate to the CBD. I have looked at the comment from Dr Bernhard Eigenhuis, in my opinion this is not an objection but rather a comment to mitigate the visual impact and safety concerns of the development which should be incorporated into the design subject to budget availability.

Comments of Erf 2540

Support this application.



Kind regards,

Geraldine Mettler
Municipal Manager
Stellenbosch Municipality
Office of the Municipal Manager

T: +27 21 808 8025 | C: +27 82 312 3063
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

ANNEXURE A: LOCALITY PLAN

[illegible]

1:2 256,99

	<p>Stellenbosch Municipality Planning & Economic Development Created by: Corporate GIS</p> <p>Date: 2024/04/25</p>		<p>Author: Stellenbosch Municipality</p> <p>Stellenbosch Municipality Street Address: 71 Plain Street, Stellenbosch, 7600 Tel: 021 808 8658</p>
--	---	---	---

Author: Stellenbosch Municipality



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



ANNEXURE B: TITLE DEED

MICRO FILMED—MIKROVERFILM	
DATE—DATUM	OPERATOR—OPERATEUR
18-7-1977	<i>[Signature]</i>

FOR FURTHER ENDORSEMENTS SEE VIR VERDERE ENDORSEMENTE SIEN.....	10
--	----

T 16507	1977
---------	------

Opgestel deur my,

[Signature]
AKTEVERVAARDIGER.

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

SY DIT HIERBY KENTLIK:

FREDERIK CHRISTIAAN ELS
DAT ~~.....~~ voor my, die REGISTRATEUR VAN AKTES
te KAAPSTAD verskyn het, hy, die Komparant, daartoe bevoeglik
gemagtig kragtens, n Volmag aan hom verleen deur:

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

gdateer 15 November 1976, en geteken te KAAPSTAD.

EN die genoemde Komparant het verklaar dat sy prinsipaal
die gemelde

GEMEENSKAPSONTWIKKELINGSRAAD

waarlik

- 2 -

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

DIE MUNISIPALITEIT VAN STELLENBOSCH

diensopvolgers in titel of regverkrygendes:-

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

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

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

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

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

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

UITSTREKKENDE soos die Transportakte met n Kaart daarby

WHITE GROUP
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WHITE GROUP
BLANKE GROEP

aangeheg

- 3 -

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

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

3. SEKERRE: stuk grond geleë soos hierbo, synde restant Erf Nr. 2498 Stellenbosch;

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

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

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

4. SEKERRE: stuk grond geleë soos hierbo, synde Erf Nr. 2499 Stellenbosch;

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

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

WHITE GROUP
BLANKE GROEP

WHITE GROUP
BLANKE GROEP

- 4 -

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

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

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

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

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

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

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

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

WHITE GROUP
BLANKE GROEP

C. ONDERHEWIG

- 5 -

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

"PARA 1

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

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

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

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

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

WHITE GROUP
BLANKE GROEP

7. SEKERE:

- 6 -

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

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

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

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

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

GROOT: 607 (Aghonderd Sewe-en-Tagtig) Vierkante Meter;

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

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

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

GROOT:

WHITE GROUP
BLANKE GROEP

WHITE GROUP
BLANKE GROEP

WHITE GROUP
BLANKE GROEP

- 7 -

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

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

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

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

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

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

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

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

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

555
193
362

UITSTREKKENDE

WHITE GROUP
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WHITE GROUP
BLANKE GROEP

- 8 -

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

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

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

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

12. BEKERE:

stuk grond synde Erf Nr. 6151, n gedeelte van Erf 2503 Stellenbosch, geleë in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;

GROOT:

208 (Tweehonderd en Agt) Vierkante Meter;

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

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

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

WHITE GROUP
BLANKE GROEP

GENEESKAPS ONTWIKKELINGSRAAD

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

GENEESKAPS ONTWIKKELINGSRAAD

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

MUNISIPALITEIT VAN STELLENBOSCH

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

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

ALDUS GEDOEN en onderteken op die Kantoer van die REGISTRATEUR VAN AKTES te KAAPSTAD op die 6^{de} dag van Julie in die jaar van Ons Heer Mian-
duisend Negenhonderd Sewe-en-Sewentig (1977).

In my teenwoordigheid:

[Handwritten signature]

REGISTRATEUR VAN AKTES

[Handwritten signature]
q.q. Sy Prinsipaal.

Geregistreer in die Erwe Register van Stellenbosch.

Bladsye van

op boge... de datum.

1 2483

2 2484

3 2498

4 2499

5 2500

6 2502

7 2529

8 2530

9 2539

10 2540

11 6150

12 6151

KLERK IN BEHEER

[Handwritten signature]

BLADSY/PAGE

10

ENDOSSEMENT OP
ENDORSEMENT ON

T/6507/22

EINDOM/PROPERTY

2/2683

Stellenbosch

PARA 11 E 7350 = 193M²GETRANSPOORTEER
TRANSFERRED

12-01-1982

To STELLMAR (PROPRIETARY)

No. T. 5/1982

Restant
Remainder 362M²

1305


 Ass. Registrar
 Ass. Registrar
PARA 11: ERF 13810 = 236M²PARA 12: ERF 13811 = 177M²

GETRANSPOORTEER AAN

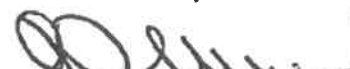
TRANSFERRED TO

ADVENT PROPERTIES BEPERK.

RESTANT/REMAINDER PARA 11 = 126M²PARA 12 = 31M²

T 72575199

07-09-90


 REGISTRAR/REGISTRAR



STELLENBOSCH

NOTES • COMMENTS • DISCUSSION • SIGNATURES

NOTES • COMMENTS • DISCUSSION • SIGNATURES

CONVEYANCER CERTIFICATE

I/We ISAK MURISON

(conveyancer's name and surname)

Practising at:

2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,CAPE TOWN, 8001.

(firm and place of practice)

In respect of:

ERF 2529 STELLENBOSCHSITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISIONWESTERN CAPE PROVINCE, HELD BY TITLE DEED NO T16507/1977

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

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

1.
2.
3.
4.
5.
6.
7.
8.

For Example Deed of Transfer T12345, 2000; Certificate of Registered Titled Title T1234, 2000 (description of title deed number and date)

**A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)**

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



STELLENBOSCH

MUNICIPALITY

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

In respect of which it was found that there was no agreement conditionally with reference to Section 15(1)(a) of the Land Use Planning By-Law (2015) in the title deed, and that the condition is being utilised, developed for the following purposes as indicated in the accompanying application:

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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

Signed at CAPE TOWN (Place) on this 20 (Day) FEBRUARY (Month) of 2023....

Full names and Surname: ISAK MURISON

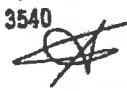
Signature: 

Firm Postal Address:

P.O. Box 4039
CAPE TOWN
8000.

I. MURISON INC.

Kindly endorse 2nd Floor, Bank Chambers
here and affix official stamp
4 Longmarket Street, Cape Town, 8001
Tel: (021) 461 3540



Tel: 021 461-3540

Email: i.murison@attorneys.law.za

Cell: 084 444 3671

S.O. Dgm. No. 3437/1898.

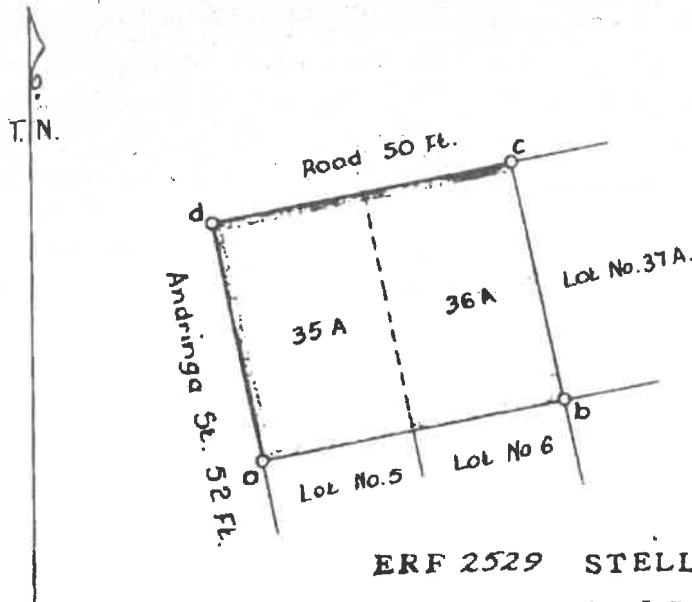
Dgm. No. 3437/1898.

The numerical data of this diagram are mutually consistent.

(Sgd.) J.J. Bosman.
Examiner.

d

1673/77



Sides.	
ab	149.10
bc	120.00
cd	149.10
da	120.00
Angles.	
a	90.0.0
b	
c	
d	

ERF 2529 STELLENBOSCH

Scale 80 Cape Feet - 1 Inch.

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

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

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

Copied from the diagram relating to
Transfer 7620
dated 20th September 1899
Isak J.J. Myburgh.
J.J. Myburgh

M 2754

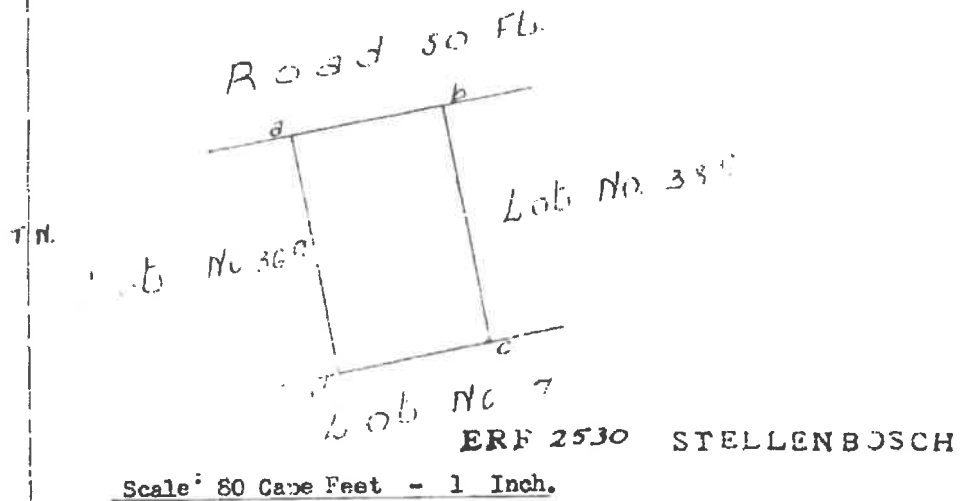
BH-86A/251

2529
M.R.

17 JAN 1899

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

Sides. C.F.	
ab	74.55
bc	120.00
cd	74.55
da	120.00
Angles.	
a	90.0.0
b	90.0.0
c	90.0.0
d	90.0.0



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

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

C

Framed from actual Survey by me,

(Sgd) H.E. Tindall.
Govt. Land Surveyor.
May, 1899.

Deeded from relating to
Transfer..... 4364
..... 8th June, 1899.
Thomas S. Newman.

John T. Cas.

2. NOV 1954

N.S. 6785

BH 80A/251

2530 H.L.



STELLENBOSCH

STELLENBOSCH • FRIL • FRANSCHOLK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We..... ISAK MURISON

(conveyancer's name and surname)

Practising at:

2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,

CAPE TOWN, 8001.

(firm and place of practice)

In respect of:

ERF 2529 STELLENBOSCH

SITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISION

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

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

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

1. T16507/1977

2. T12411/1905

3.

4.

5.

6.

7.

8.

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



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A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

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



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

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

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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

Signed at CAPE TOWN (Place) on this 14 (Day) JULY (Month) of 2023

Full names and Surname: ISAK MURISON

Signature: 

Firm Postal Address:

P.O BOX 4039
CAPE TOWN
8000

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

Tel: 021 461-3540

Email: i.murison@attorneys.law.za

Cell: 084 444 3671

ANNEXURE C: SITE DEVELOPMENT PLAN

Property Detail:

Erf: 2529
Allotment: Stellenbosch
Suburb: Stellenbosch Central
Address: Cnr Borchard & Andringa Street

Legend:
Study Area

PUBLIC ROADS AND PARKING ZONE

ERF 2529

SITE AREA (1777m²)

SOS
SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

Address: Unit 10, 10 Pines Dr, Durbanville, 7590
Tel: +27 (0)21 300 0000 Fax: +27 (0)21 300 0001 Mobile: +27 (0)21 300 0070
Email: info@sosplanning.co.za Website: www.sosplanning.co.za

Scale:

A3 at 1:500



Title: PROPOSED REZONING PLAN

FIGURE 6

Project:

BORCHERDS PARKING

Client:

STELLENBOSCH MUNICIPALITY

Project No.

3.020

Drawing No.

3.020_01

Date:

26 June 2023

Borchard Street

Andringa Street

B

A

Erf 2529

1777m²

2530

7567

75

Public Roads
and Parking
Zone

C

D

2538

E

2539

2540

F

Borchard Street

Andringa Street

2530

2538

2539

2540

Property Detail:

Erf: 2529
Allotment: Stellenbosch
Suburb: Stellenbosch Central
Address: Cnr Borchard & Andringa Street

Legend:

- Study Area
- Road Area
- Parking Area
- V - Channel
- Green Area
- Paving area

P Parking Bay

MB Motor Cycle Parking Bay

PUBLIC ROADS AND PARKING ZONE	
ERF 2529	
SITE AREA	1777m ²
NUMBER OF P/BAYS (P)	47
NUMBER OF MOTOR CYCLE BAYS (MB)	8

Sustainable Planning Solutions
Professional Town & Regional Planners

Address: Unit 10, 13 Pines Rd, Durbanville, 7950
Tel: +27 (0)21 959 0000 Fax: +27 (0)21 959 0001 E: info@sustainableplanning.co.za
Web: www.sustainableplanning.co.za

Scale:

A3 at 1:250

Title: PROPOSED SITE DEVELOPMENT PLAN
FIGURE 6

Project:

BORCHERDS PARKING

Client:

STELLENBOSCH MUNICIPALITY

Project No.

3.020

Drawing No.

3.020_02

Date:

26 June 2023

ANNEXURE D: APPLICANT'S MOTIVATION



SUSTAINABLE PLANNING SOLUTIONS

Professional Town & Regional Planners

BORCHERDS PARKING LOT (NORTH) ERF 2529, STELLENBOSCH



REZONING AND SDP APPROVAL APPLICATION

ERF 2529, STELLENBOSCH

PROJECT 3.020

JUNE 2023

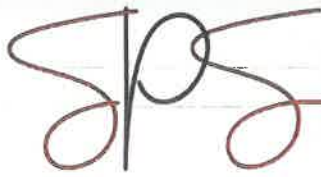


BORCHERDS PARKING LOT

ERVEN 2529, STELLENBOSCH

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

PREPARED BY:



SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

Unit 10, 10 Plein Street, Durbanville

Tel: (021) 300 6384

Cell: 084 603 4370

CONTACT PERSONS:

NEILEN SWARTZ (C/8197/2016)

Email: neilen@sp-solutions.co.za

CANDICE MAASDORP Pr. Pln. (A1224/2002)

Email: candice@sp-solutions.co.za

FOR:

EAS INFRASTRUCTURE ENGINEERS

ON BEHALF OF:

STELLENBOSCH MUNICIPALITY



**INFRASTRUCTURE
ENGINEERS**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PROJECT REF: 3.020

JUNE 2023

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1. INTRODUCTION

1.1. BACKGROUND

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

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

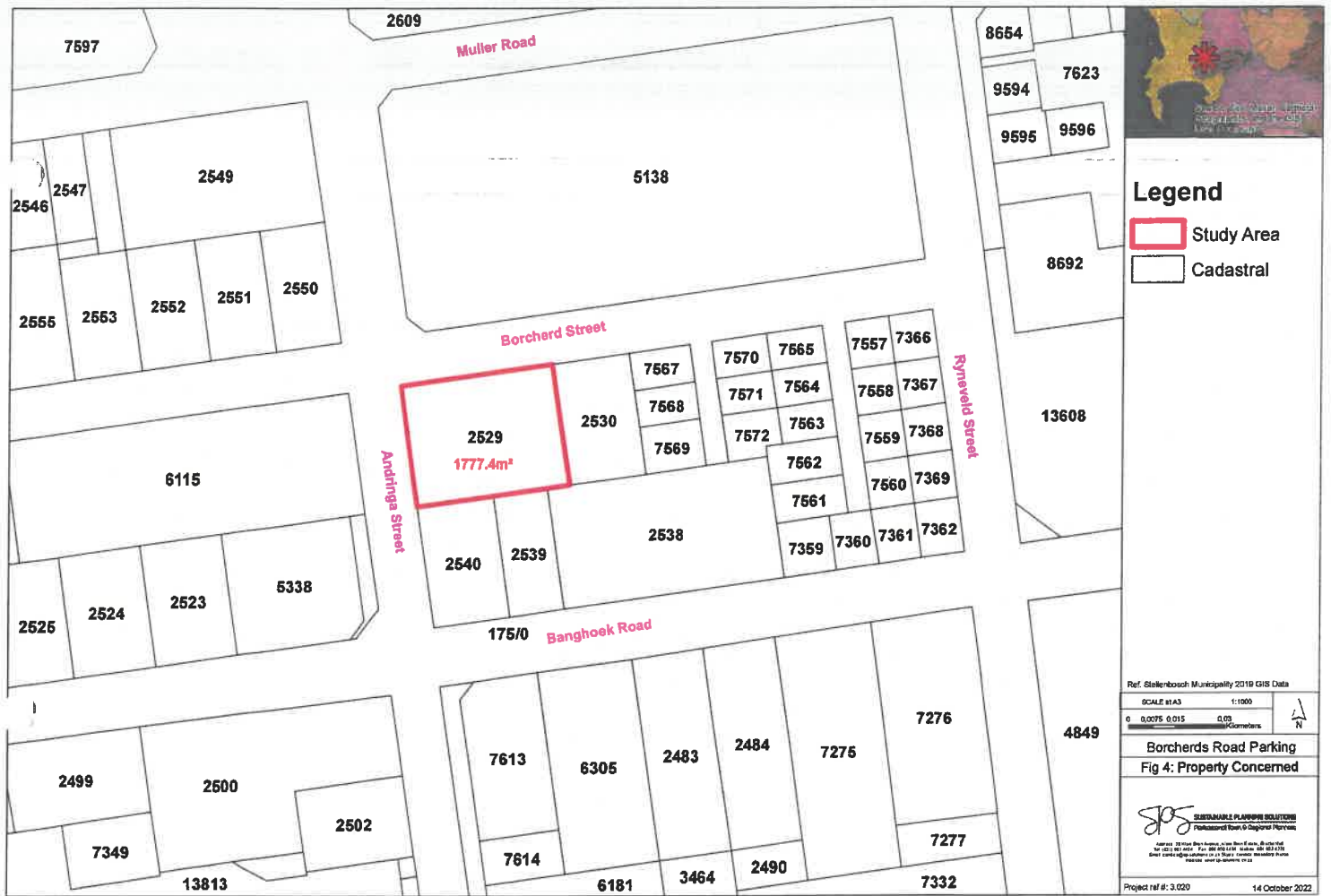
The purpose of this report is to apply for the rezoning of erf 2529, Stellenbosch, from Public Open Space to Public Road and Parking Zone and the subsequent approval of a Site Development Plan.

1.2. SITE LOCATION

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

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





1.3. NATURE OF THE APPLICATION

This motivational report is submitted in support of the following:

Rezoning

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

Approval of Site Development Plan

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

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

1.4. ADDITIONAL STATUTORY APPLICATIONS TRIGGERED

- **The National Heritage Resources Act (25/1999)**

Due to the nature of the application (an erf less than 10000m²) the Heritage Resources Act 25 of 1999, is not applicable. No additional statutory processes are required.

- **National Environmental Management Act (NEMA) (107/1998) and the Environmental Impact Assessment Regulations**

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

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

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

1.5. PRE-APPLICATION CONSULTATION

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

1.6. PROPERTY DETAILS

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

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

	<p><i>parking areas to address the need for off-street parking in an area, with or without the payment of a fee.</i></p> <p><i>Primary Uses:</i></p> <ul style="list-style-type: none"> • <i>Public parking area</i> • <i>Public road</i> • <i>Utility service</i> • <i>Occasional use (one event/year)</i> <p><i>Additional Uses (technical approval):</i></p> <ul style="list-style-type: none"> • <i>Rooftop base telecommunication station</i> • <i>Market</i> <p><i>Consent Uses (application required)</i></p> <ul style="list-style-type: none"> • <i>Freestanding base telecommunication station</i> • <i>Occasional use (>one event /year)</i> • <i>Parking garage</i> • <i>Transport purposes (passengers)</i>
--	---

2. LEGAL FRAMEWORK

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

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

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

Applicable legislation	
National	<ul style="list-style-type: none"> • National Heritage Resource Act (Act 25 Of 1999) • National Environmental Management Act (NEMA), (Act 107 Of 1998)
Municipal	<ul style="list-style-type: none"> • Stellenbosch Municipality: Land Use Planning By-Law (2015)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.6. SUMMARY: LEGAL FRAMEWORK

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

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

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

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

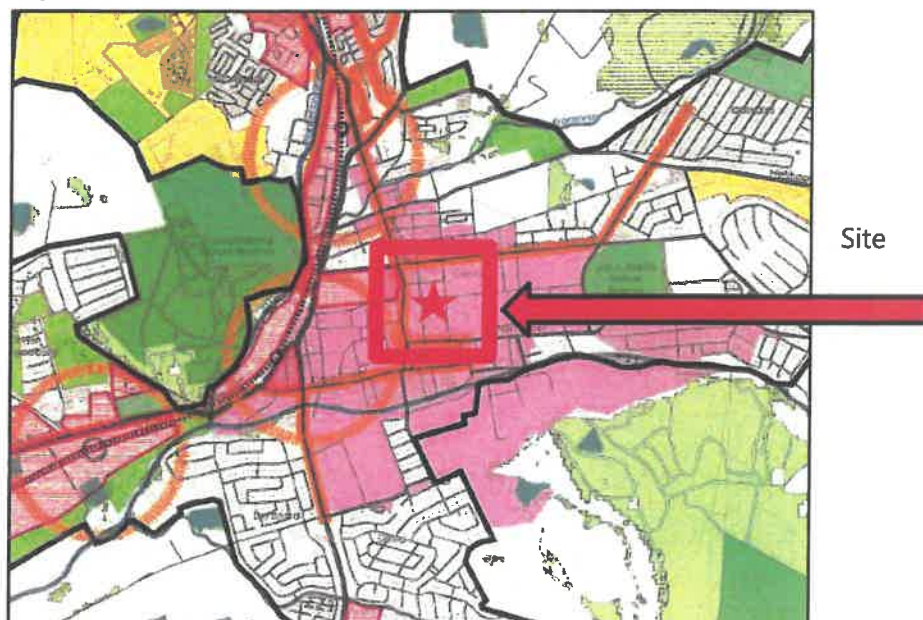
3. POLICY FRAMEWORK

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

3.1. STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK (2019)

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

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



Extract from Spatial Development Framework, pg 70, 2019

3.2. SUMMARY: POLICY FRAMEWORK

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

4. SITE CONTEXTUAL ANALYSIS

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

4.1. PROPERTY CONCERNED

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

ERF NR.	EXTENT
2529	1777.4m ²

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

4.2. REGISTERED DESCRIPTION, OWNERSHIP & CONVEYANCING

4.2.1. OWNERSHIP

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

4.2.2. TITLE DEED INFORMATION

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

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

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

4.2.3. TITLE DEED AND SG DIAGRAM DESCRIPTION¹

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

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

4.2.4. TITLE DEED RESTRICTIVE CONDITIONS

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

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

4.3 CURRENT ZONING

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

Public Open Space Zone zoning is broadly defined as follows:

"To make provision for land which vests in the Municipality as a public place which is intended to be used for:

- (a) active or passive public recreational and public amenity purposes; or
- (b) creating a desired townscape, or visual open space for residents; or
- (c) serving as an open space which also accommodates riverine corridors and other similar natural features; or to
- (d) serve as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors. "

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

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



4.4 LAND USE

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



5. DEVELOPMENT PROPOSAL

5.1 DESCRIPTION OF THE PROPOSED DEVELOPMENT

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

- **REZONING**

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

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

Public Roads and Parking Zone is broadly defined as follows:

"...to make provision for the following:

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

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

- **APPROVAL OF SITE DEVELOPMENT PLAN**

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

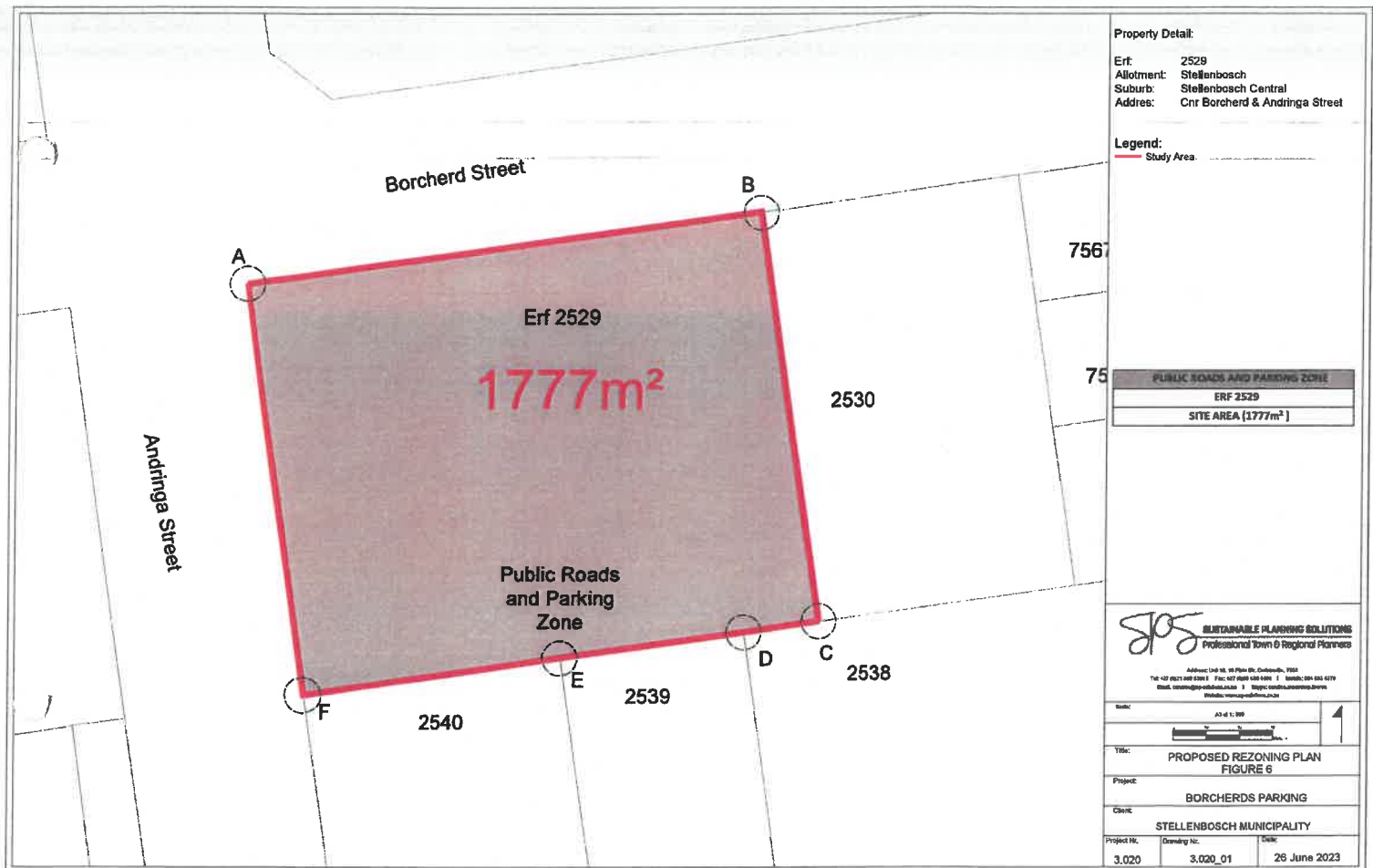
The proposed site development plan provides the following information:

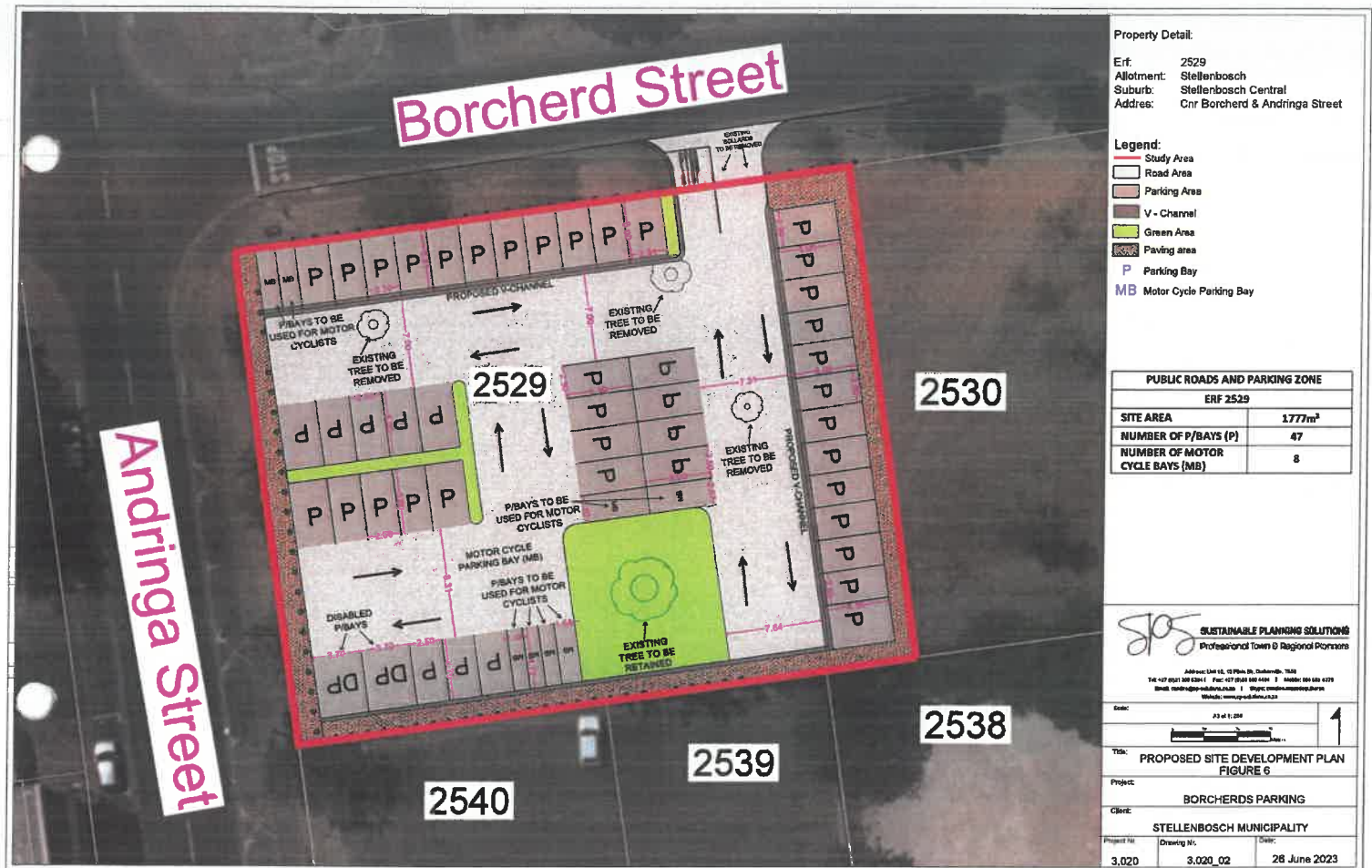
- The total site area is 1777m².
- There is a total of 47 parking bays, which will include two disabled parking bays.
- This is a total of 8 parking bays available.

Important to note.

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

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





6. MOTIVATION AND CONCLUSION

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

6.1 APPLICABILITY AND COMPLIANCE

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

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

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

6.2 DESIRABILITY

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

6.2.1. SOCIO-ECONOMIC IMPACT

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

6.2.2. COMPATIBILITY

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

6.2.3. SAFETY AND WELLBEING OF THE COMMUNITY

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

6.2.4. TRAFFIC IMPACT

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

6.2.5. IMPACT ON BIOPHYSICAL ENVIRONMENT

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

6.2.6. IMPACT ON EXISTING RIGHTS

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

6.2.7. VEHICULAR AND PEDESTRIAN ACCESS

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

6.2.8. ENGINEERING SERVICES

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

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

6.2.9. NEED FOR MITIGATING CONDITIONS

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

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

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

6.3 LAND USE PLANNING PRINCIPLES

- **Spatial Justice:**

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

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

- **Spatial Sustainability:**

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

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

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

- **Spatial Resilience:**

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

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

- **Efficiency:**

"Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities".

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

- **Good Administration:**

"The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all the parties the opportunity to provide inputs on matters affecting them".

This land use application (rezoning and approval of a site development plan) has been discussed with a town planner from the Stellenbosch Municipality. The town planner shall advise on the requirement public participation requirements. It is important to note that the proposed public parking area will provide additional off-street parking to road users in the vicinity once this land use application is approved.

6.4 CONCLUSION

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

7. REFERENCES

1. Stellenbosch Municipality, 2015. Stellenbosch Municipality, Land Use Planning By-law ,Cape Town: Provincial Gazette.
2. Stellenbosch Municipality, 2019. Stellenbosch Municipality Spatial Development Framework (2019), Stellenbosch: Stellenbosch Municipality
3. Republic of South Africa, 1999. National Environmental Management Act 107 of 1998, Cape Town: Government Gazette.
4. Republic of South Africa, 1999. National Heritage Resources Act (Act 25 of 1999), Cape Town: Government Gazette.
5. Republic of South Africa, 2013. Spatial Planning and Land Use Management Act, Cape Town: Government Gazette.
6. Western Cape Government, 2014. Western Cape Land Use Planning Act, Cape Town: Provincial Gazette.

**ANNEXURE E: PROOF OF EVIDENCE (PUBLIC PARTICIPATION,
GENERAL PLAN & AFFIDAVIT)**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

July 2021v2

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO RELEVANT LAND USE MANAGEMENT ADMINISTRATOR

LAND USE PLANNING APPLICATION: PUBLIC PARTICIPATION PROCESS

PORTFOLIO OF EVIDENCE (POE) CHECKLIST AND DECLARATION

Sections 45, 46 and 55 of the Stellenbosch Municipal Land Use Planning By-Law (2015)

Erf / Farm no	2529	Portion(s) if farm		Allotment Area	STELLENBOSCH		
Owner/ Applicant	CANDICE MAASDORP-THERON			LU/#	LU/15828 (TP423/2023)		
Notice Period	From:	09 November 2023		To:	11 December 2023		
CONFIRMATION OR DOCUMENTATION SUBMITTED				OWNER/APPLICANT		ADMIN VERIFY	
				YES	NO		N/A
1. The declaration is duly signed				x			✓
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached				x			✓
3. Municipality informed of the start date and closure date				x			✓
4. The advertisement period complies with the required 30 days (60 days for municipal departments and organs of state)				x			✓
5. If applicable, confirms that the site notice was placed and kept on site for the full duration of the public participation process				x			✓
6. All communications (other than notices) in respect of the public participation process attached				x			✓
Proof of notices published							
7. If applicable, photo evidence to confirm site notice (one close up and one from across the street)				x			✓
8. Wording of the advertisement accurate and copy attached				x			✓
9. Proof of notices published (publication date visible)				x			✓
Proof of notices served							
10. Wording of notice accurate and example attached				x			✓
11. Proof of all notices served to neighbouring properties attached				x			✓
12. Proof of all notices served to interest and community groups attached				x			✓
13. Proof of all notices served to municipal departments and organs of state (government dept's and entities) attached						x	
Comments received							
14. All objections and comments received attached, including amended comments if relevant				x			✓
15. All comments from municipal departments and organs of state received (must also be attached to POE)				x			✓
16. Consent from abutting property owners obtained and attached						x	
17. Applicant's written reply / responding comments on all the objections attached				x			✓

KINDLY NOTE:

1. The POE may only be submitted once all relevant municipal departments and organs of state have submitted their comment, inclusive of the applicant's written reply thereto.
2. When any comments have been discussed or amended terms negotiated with the relevant commenting entity, the amended comments and the applicant's written reply thereto must be attached to the POE.
3. The decision-making period will only commence after receipt and confirmation of a complete POE in accordance with section 57 of the Bylaw.

COMPLETE AND SIGN THE FOLLOWING DECLARATION**DECLARATION**

I, (full names & surname) CANDICE SHANDRÉ MAASDORP-THERON

and ID No: [REDACTED], as the Applicant for the above application, hereby confirms:

- 1) the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw;
- 2) the information contained in the above checklist and the accompanied information and documentation in the Portfolio of Evidence for the concluded public participation process, are accurate and complete; and
- 3) the personal information (e.g. name, address, contact details) of interested and affected parties as supplied by the Municipality was only used for official municipal communication matters with reference to the Protection of Personal Information Act 4 of 2013 (POPI).

Duly signed on 31 JANUARY 2024 at OURBANYVILLE
Date Place

[Signature]
 Signature

For office use only	
CHECKED BY ADMINISTRATIVE OFFICER	<u>[Signature]</u>
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:

'Vergete' gemeenskap

Tasmin Cupido

'n Brand wat verlede maand die lewe van twee mense geëis het, het hernude kwessies en vrae by inwoners van die Mountainview- informele nedersetting in Jamestown laat ontstaan.

Die traumatiese voorval het Dinsdag 10 Oktober in die vroeë oggendure plaasgevind en die lewe van Mario Skippers (40) en Palesa Kali (31) geëis ("2 sterf vlammedood", *Eikestadnuus*, 12 Oktober). Dit was die vyfde brand wat die afgelope 10 maande in dié woonbuurt uitgebreë het, maar die eerste noodlottige voorval.

Nou eis inwoners antwoorde van die Stellenbosch-munisipaliteit oor die status van fase twee van die aangrensende behuisingprojek. Hulle deel ook hul kommer oor 'n vermeende gebrek aan munisipale dienslewering in die informele nedersetting.

Volgens Christiaan Hartzenburg is fase 1 van die ontwikkeling in 2017 voltooi, met 160 eenhede wat gebou is. Hartzenburg, toe 'n gemeenskapsleier, was een van die begunstigdes.

"Werk aan die tweede fase moes al begin het, maar daar is glo nie vir die projek begroot nie. Die Covid-19-pandemie het ook tot die vertraging bygedra," verduidelik hy.

"Dit is 'n vergete gemeenskap, wat nie ordentlike dienste van

die munisipaliteit kry nie."

Christelene Rudolph is werkloos en woon die afgelope 18 jaar in die gebied. Haar eentrekhuise het in 2019 tot op die grond afgebrand en sy het alles verloor. Die dak van haar huis het in 2021 inmeekaargeval.

Met die onlangse brand moes Rudolph en haar kêrel keer dat hul aangrensende hok nie ook aan die brand raak nie.

"Ons leef in haglike toestande en ons gesondheid ly daaronder. As dit reën, is alles in my plek sopnat, en ek het al twee keer TB gekry," sê sy.

Inwoners in die gebied waar die noodlottige brand uitgebreë het, is sedert 'n vorige brand aan die einde van Julie sonder krag. Die kragtoevoer tot die groepie hokke is nie herstel nie en inwoners maak gebruik van gasstowe en buitelugvure om te kook. Kerse bied die enigste vorm van lig in die aande. Hulle maak ook gebruik van een gemeenskaplike kraan.

Maria Rudolph se woning is een van drie in 'n ou voorafvervaardigde struktuur wat eens as behuising vir plaaswerkers gebruik is. Sy woon al 20 jaar hier en is vir jare al op die behuisingwaglys.

Volgens haar is daar 'n algemene gebrek aan dienslewering. Sy voer aan dat die gras op 'n nabye stuk grond nie gesny word nie, skoon water by 'n stukkende kraan "soos 'n rivier" vloei en vullis by die gemeenskaplike drom ophoop.

Maria se voordeur is 2 meter

van die tydelike toilet wat deur sewe huishoudings gebruik word. "Dis 'n ondraaglike reuk wat hier inwaai – veral in die somer. Die toilet word slegs oor 'n week skoongemaak. Geen mens kan so lewe nie."

Die 59-jarige Bettie Vermeulen en 52-jarige Marke Bantam se plekkies het ook al amper afgebrand. Hulle is ook op die waglys en hoop dat die munisipaliteit dit intussen sal oorweeg om beter strukture vir hulle op te rig.

Die grootste begeerte van 'n moedelose Charmaine Adriaanse is om 'n regte huis te kry. Sy woon die afgelope 20 jaar in die gebied en het getrou al die vergaderings oor die behuisingprojek bygewoon.

"Ons lewe in vrees dat ons plekke gaan afbrand. Ons verlang huise en is moeg van so bly," sê sy.

"Mense hier is werkloos en kan nie bekostig om hul plekkies reg te maak nie – dis 'n duur storie. Ons vra dat die munisipaliteit ons help om ons plekke reg te maak of vir ons huise gee."

Volgens 'n gemeenskapswerker, Wilma Adams, word nuwe strukture gereeld deur die munisipaliteit in dié gemeenskap opgerig. Sy meen die grond is nie geskik vir behuising nie, daarom is hier gereeld brande.

Byna 'n week ná die brand-voorval is nog 'n Wendyhuis hier opgerig.

Stuart Grobbelaar, 'n munisipale woordvoerder, het



Christelene Rudolph staan in die deur van haar sinkhol. 'n Noodlottige brand het onlangs langs haar woning uitgebreë. Foto's: Tasmin Cupido

Die gemeenskapswerker Wilma Adams wys hoe vars water in stroom afloop weens 'n gebreke kraan. Die foto wys ook die oorgroeiende oop veld.

bevestig een struktuur is Maandag 16 Oktober opgerig.

"Een struktuur is deur die munisipaliteit opgerig vir 'n gesin in terme van ons noodbehuisingbeleid en 'n hofbevel. Die betrokke stuk grond behoort aan die munisipaliteit," verduidelik hy.

"Gedurende 2008 het die munisipale raad besluit, as deel van die behuisingplan en volgens die ruimtelike ontwikkelingsraamwerk, om 'n gedeelte van die grond beskikbaar te stel vir behuising, na gelang van die groot behuisingnood in die gebied. Die eerste fase wat vir formele behuising sonder is, beloop 162 wonings."

Grobbelaar sê die munisipaliteit het planne om die

tweede en derde fase van die behuisingprojek voort te sit.

"Die gedeeltes, soos dit bekend staan as fase 2 en 3 (Mountainview/Jamestown), is inderdaad in 'n hersoneringsproses. Die voorgestelde hersonerings is geadverteer vir openbare deelname en kommentare is ontvang," sê hy.

"Hierdie kommentare word tans deur die beplanningsdepartement hanteer.

"Insette van die publiek word noukeurig na gekyk en kommentaar word gelewer op die navrae wanneer die aansoek voor die munisipale beplanningstribunaal verskyn."

Dit is onduidelik wanneer die uitkoms van die proses bekend sal wees en wanneer werk aan die laaste twee fases sal begin.

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

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

Application Address: **Cnr of Borcherd & Andringa Street, Erf 2529, Stellenbosch**

Applicant: **Sustainable Planning Solutions
Email: admin@sp-solutions.co.za
Tel: 021 300 6384**

Owner: **Stellenbosch Municipality
Tel: 021 808 8111**

Application Reference: **LU/15828 (TP423/2023)**

Description of land development application:

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

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

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: **Sustainable Planning Solutions – email: admin@sp-solutions.co.za**. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **11 December 2023**.

For any enquiries on the Application or the above requirements, or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **tel: 021 300 6384** during normal office hours (8am till 5pm, Monday till Friday).

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

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

Adres van eiendom: **Cnr of Borcherd & Andringa Street, Erf 2529, Stellenbosch**

Aansoeker: **Sustainable Planning Solutions
Epos: admin@sp-solutions.co.za
Tel: 021 300 6384**

Eienaar: **Stellenbosch Munisipaliteit
Tel: 021 808 8111**

Aansoek Verwysing: **LU/15828 (TP423/2023)**

Beskrywing van grondontwikkelingsaansoek:

Grondgebruiksaansoek ingedien Ingevolge Artikel 15(2)(a) en Artikel 15(2)(g) van die Stellenbosch Munisipale Beplanningsverordening (2023), ter ondersteuning van die hersonerings en die goedkeuring van 'n terreinontwikkelingsplan vir erf 2529, Stellenbosch, ten einde voorsiening te maak vir Openbare Parkeerarea.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webuiste vir die tydskedule van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van 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, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: **Sustainable Planning Solutions – epos: admin@sp-solutions.co.za**. Deur 'n beswaar, kommentaar of veroot te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **11 Desember 2023**.

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

ON-SITE NOTICE DISPLAY in support of,
The rezoning of erf 2529, Stellenbosch, from Public Open Space to Public Road and
Parking Zone and the approval of a Site Development Plan
Notice 1.



Location of notice
Viewpoint



Image 2



Image 1

ANNEXURE F: OBJECTIONS AND APPLICANTS RESPONSE THERETO

10 Plein Street Unit 10 Durbanville 7550 | (0)21 300 6384 | 084 603 4370 | admin@sp-solutions.co.za | www.sp-solutions.co.za

Application Number: (TP423/2023) - LU/15828

File Reference: Erf 2529, Stellenbosch

Our reference: 3.020/24001

22 January 2024

ATTENTION: NICOLE KATTS

DEAR MADAM

ERF 2529, STELLENBOSCH
APPLICATION FOR REZONING & APPROVAL OF A SITE DEVELOPMENT PLAN

RESPONSE TO COMMENTS RECEIVED

In response to the circulation of the abovementioned application among internal departments and the engagement of affected and/or interested parties who responded to the application advertisement, we have compiled the following comments.

We acknowledge receipt of the following comments and objections:

1. **Yolande van den Berg** (Head: Contract Management - Corporate Services) (dated 18 September 2023) – SUPPORT
2. **Tyrone King** (Manager: Development – Infrastructure Services) (dated 02 October 2023) - SUPPORT
3. **BJG de la Bat** (Manager: Spatial Planning) (dated 02 November 2023) – NOT SUPPORTED
4. **Dr. Bernhard Eigenhuis** (Interested/affected party) (dated 23 November 2023)

Please find below a summary of the comments received and our response to these.

1. SUMMARY OF THE LETTERS OF COMMENT AND OBJECTION RECEIVED FROM INTERESTED AND AFFECTED PARTIES:

Kindly note, that objections raised (notes in *italics*) have been directly copied from the respondent's letter.

NR	DEPARTMENT	SUPPORT / OBJECT	COMMENT	APPLICANT'S RESPONSE
1.	Yolande van den Berg (Head: Contract Management - Corporate Services) T: 021 808 8073 E: Yolande.vandenbergh@ Stellenbosch.gov.za	Support	<i>"No objections from property management."</i>	Noted.
2.	Tyrone King (Manager: Development – Infrastructure Services) T: +27 21 808 8214 E: Tyrone.King@ Stellenbosch.gov.za	Support	<i>"No objection"</i>	Noted.
3.	BJG de la Bat (Manager: Spatial Planning) T: E: Bernabe.DeLaBat@ Stellenbosch.gov.za	Not Supported	<i>"Application is made for the following: Rezoning from Public Open Space Zone to Public Roads and Parking Zone for the purposes of new public parking area. 1) <u>Opinion/reasoning:</u> The amended approved Municipal Spatial Development Framework for the WC024 area was approved by Council in June 2023 and recognises that the spatial decisions and actions of many make what settlements are.</i>	

			<p><i>In terms of this approved document, seven principles need to be considered:</i></p> <ol style="list-style-type: none"> <i>1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;</i> <i>2. Respect and grow cultural heritage;</i> <i>3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;</i> <i>4. Clarify and respect the different roles and potentials of existing settlements;</i> <i>5. Clarify and respect the roles and functions of different elements of movement structure;</i> <i>6. Ensure balanced, sustainable communities;</i> <i>7. Focus collective energy on a few catalytic lead projects.</i> <p><i>With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments. Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and</i></p>	
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		<p>implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:</p> <ul style="list-style-type: none"> • Spatial Justice • Spatial Efficiency • Spatial Sustainability • Spatial Resilience • Good Administration <p>In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of Stellenbosch and in the Central Business District (CBD) of Stellenbosch. The application is to obtain approval for a new public parking area located in the Stellenbosch CBD area. The purpose of this report is to apply for the rezoning of Erf 2529, Stellenbosch, from Public Open Space to Public Road and Parking Zone and the subsequent approval of a Site Development Plan. The registered owner of the property is Stellenbosch Municipality and zoned Public Open Space. The proposed rezoning and land use will change the nature of the site.</p> <p>The site is located on the corner of Borchard Street and Andringa Street with nearby landmarks including the Stellenbosch Correctional Service (north of the site), the Christ Church Stellenbosch (south-east) and the Stelmark shopping centre (south). The SDF earmarks the area in which the site is located as existing and proposed urban</p>	<p>Correct.</p> <p>Correct.</p>
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		<p>character areas which is essentially the area within the Urban Edge.</p> <p>The proposal includes the rezoning of Erf 2529, Stellenbosch from a Public open space zone to Public Roads and Parking Zone. The client wishes to utilize the site as a public parking area, and this would be accommodated for within the proposed zoning. Furthermore, due to the nature of the application, the approval of a site development plan is required in terms of Stellenbosch municipal planning By-law (2015). The total site area is 1777m² with a proposal of a total of 47 parking bays, which will include two disabled parking bays.</p> <p><u>2) Supported / not supported:</u></p> <p>In principle this department does not support the proposal for the rezoning from Public Open Space Zone to Public Roads and Parking Zone for the purposes of a new public parking area, as this is currently used as a functional green open space especially for the residential uses in the surrounding area.</p> <p>This department reserves the right to revise initial</p>	<p>The Land Use Application was submitted in terms of Section 15(2) of the Stellenbosch Municipality Municipal Planning By-law (2015), in support of the rezoning as well as the approval of a site development plan for erven 2529, Stellenbosch. Please review the entire land use application report for supporting documentation that could answer the comments made.</p> <p>The proposed site development plan integrates existing vegetation/ green areas into its design, ensuring the preservation of the site's ecological balance. The plan specifically identifies and commits to retaining an existing eucalyptus tree, also incorporating a recommended</p>
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			comments and request further information based on any new or revised information received."	<p>5m buffer around it, in accordance with the guidance provided by the appointed botanist (Refer to Annexure 2: Borchard Parking Landscape Plan).</p> <p>The proposed plan does not entail the removal of any existing public infrastructure on the site, as the only existing land use on the site comprises desire paths for access to neighbouring land uses. There are no unique land uses specific to the site itself.</p>
4	<p>Dr. Bernhard Eigenhuis (Interested/affected party) T: 078 421 2773 E: bernhard@finbosch.org.za</p>	Neither supports nor objects	<p>"We are directly impacted as we have property in Zimbabwe Flats, the main entrance is across the street from this proposed development.</p> <p>I have the following request and considerations:</p> <p>1, Can you kindly send us the development plan for this Land Use Application.</p>	<p>1. The site development plan as well as the motivational report with all details pertaining to the land use application were accessible to the public on the municipality's website. A copy of the same plan has been forwarded for</p>

				affected party's convenience.
			<p>2. <i>Bringing a parking area so close to the main gate will increase the risk of hijacking, therefore what mitigation is proposed? I would like to suggest that a wall or mesh fence be erected that will limit the movement of people from the parking area to the main gate of Zimbabwe Flats.</i></p> <p>3. <i>There are no trees to soften in existing parking area, so I would like to request the proposals around softening the proposed parking area.</i></p>	<p>2. The suggestion is noted.</p> <p>3. The proposed Site Development Plan has been designed to incorporate existing and additional vegetation (Refer to Annexure 2: Borchard Parking Landscape Plan. It also incorporates an existing eucalyptus tree which is to be retained with a 5m buffer around it, as per recommendation of the botanist appointed.</p>

			<p>4. Kindly advise on what security arrangements will be added to this area.\</p>	<p>4. The proposed application aims to provide additional parking space to road users in the vicinity in addition to the adjacent parking space. The proposal does not introduce any new land uses that may attract people to the area. As such, it will not negatively impact the wellbeing and safety of the surrounding community.</p> <p>Implementation of additional security will be presented for consideration by our client.</p>
			<p>5. Kindly advise on where the entrances will be expanded and my request that no additional entrances be made on Borchard road.</p>	<p>5. The proposed site development plan indicates one access point from Borchard's Street.</p>

			<p>6. Has a road transport impact study been done and where can I get a copy?</p>	<p>6. Given that the proposed development does not entail additional floor space, no transport studies are triggered. The proposed development will provide additional public parking bays to the area, which will alleviate traffic congestion and illegal parking.</p> <p>Additionally, according to the municipal by-law 2023, The Municipality may require the submission of any or all of the following studies or assessments— (a) an Environmental Impact Assessment; (b) a Heritage Impact Assessment; and (c) a Traffic Impact Assessment. It is important to note that the application was circulated to the municipality's internal departments for review and comments.</p>
--	--	--	---	---

			<i>7, What is proposed to reduce the additional noise and vehicle emissions impact on Zimbabwe Flats?"</i>	7. The proposed land use is merely additional parking space for road users in the vicinity. There is no proposed new activity that will generate noise pollution or emissions.
--	--	--	--	---

We trust you find this in order.

Yours truly,

GAVAZA MAKAMU (CS/9710/2022)

Wade Dooling

From: Candice MT
Sent: Thursday, 23 November 2023 12:54
To: Bernhard Eigenhuis; SPS_Admin; eigenhuis.berno@gmail.com; liesje.eigenhuis@gmail.com; lieneke.eigenhuis@gmail.com; lizelotte.eigenhuis@gmail.com; irna@marite.co.za
Cc: Gavaza Makamu; Wade Dooling
Subject: RE: Application Reference: LU/15828 (TP423/2023)

Good Afternoon,

Your email is hereby acknowledged and will be responded to in due course.

Yours Truly,

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

 **SUSTAINABLE PLANNING SOLUTIONS**
 Professional Town & Regional Planners

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

From: Bernhard Eigenhuis <bernhard@fijnbosch.org.za>
Sent: Thursday, November 23, 2023 12:40 PM
To: SPS_Admin <admin@sp-solutions.co.za>; eigenhuis.berno@gmail.com; liesje.eigenhuis@gmail.com; lieneke.eigenhuis@gmail.com; lizelotte.eigenhuis@gmail.com; irna@marite.co.za
Subject: Application Reference: LU/15828 (TP423/2023)

Attention SUSTA?INABLE PLANNING SOLUTIONS,

We are directly impacted as we have property in Zimbabwe Flats, the main entrance is across the street from this proposed development.

I have the following request and considerations:

1. Can you kindly send us the development plan for this Land Use Application.
2. Bringing a parking area so close to the main gate will increase the risk of hijacking, therefore what mitigation is proposed? I would like to suggest that a wall or mesh fence be erected that will limit the movement of people from the parking area to the main gate of Zimbabwe Flats.
3. There are no trees to soften in existing parking area, so I would like to request the proposals around softening the proposed parking area.
4. Kindly advise on what security arrangements will be added to this area.
5. Kindly advise on where the entrances will be expanded and my request that no additional entrances be made on Borchard road.

6. Has a road transport impact study been done and where can I get a copy ?

7. What is proposed to reduce the additional noise and vehicle emissions impact on Zimbabwe Flats?

I value your feedback

Dr. Bernhard Eigenhuis
0784212773

ANNEXURE G: COMMENT FROM THE MANAGER: SPATIAL PLANNING



STELLENBOSCH

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
 From : Manager: Spatial Planning
 Reference : Erf 2529, Stellenbosch
 LU No : LU/15828
 Date : 2 November 2023
 Re : Application for Erf 2529, c/o Borchard and Andringa Road, Stellenbosch

I refer to your request for comment on the above application.

Application is made for the following:

- **Rezoning** from Public Open Space Zone to Public Roads and Parking Zone for the purposes of new public parking area.

1) Opinion/reasoning:

The amended approved Municipal Spatial Development Framework for the WC024 area was approved by Council in June 2023 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of Stellenbosch and in the Central Business District (CBD) of Stellenbosch. The application is to obtain approval for a new public parking area located in the Stellenbosch CBD area. The purpose of this report is to apply for the rezoning of Erf 2529, Stellenbosch, from Public Open Space to Public Road and Parking Zone and the subsequent approval of a Site Development Plan. The registered owner of the property is Stellenbosch Municipality and zoned Public Open Space. The proposed rezoning and land use will change the nature of the site.

The site is located on the corner of Borchard Street and Andringa Street with nearby landmarks including the Stellenbosch Correctional Service (north of the site), the Christ Church Stellenbosch (south-east) and the Stelmark shopping centre (south). The SDF earmarks the area in which the site is located as existing and proposed urban character areas which is essentially the area within the Urban Edge.

The proposal includes the rezoning of Erf 2529, Stellenbosch from a Public open space zone to Public Roads and Parking Zone. The client wishes to utilize the site as a public parking area, and this would be accommodated for within the proposed zoning. Furthermore, due to the nature of the application, the approval of a site development plan is required in terms of Stellenbosch municipal planning By-law (2015). The total site area is 1777m² with a proposal of a total of 47 parking bays, which will include two disabled parking bays.

2) Supported / not supported:

In principle this department does not support the proposal for the rezoning from Public Open Space Zone to Public Roads and Parking Zone for the purposes of a new public parking area, as this is currently used as a functional green open space especially for the residential uses in the surrounding area.

This department reserves the right to revise initial comments and request further information based on any new or revised information received.



BJG de la Bat
MANAGER: SPATIAL PLANNING



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Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Erf 2529, Stellenbosch
LU No : LU/15828
Date : 12 March 2024
Re : Application for Erf 2529, c/o Borchard & Andringa Road, Stellenbosch

I refer to the applicant's response to this department's comment, dated 2 November 2023 on the above application.

The use of existing public open space becomes a crucial element in a mostly residential area as the densities increase over time. The property is located within an area identified as a restructuring zone where residential densities will be encouraged to increase significantly over time and with the assistance of a social housing partner. The purpose of increasing housing provision in close to the university, business area and employment opportunities are to cater for the affordable market. This market is not catered for at present as was illustrated by the Housing Market study conducted by the Western Cape. Typically, the affordable and social housing market requires less parking provision as car ownership is lower than normal and walking distances are reduced due to the locational factor.

High residential densities imply less or no private open space resulting in the provision of adequate and appropriate public open space located centrally to these developments with the proviso that the development and maintenance of the public open spaces become necessary in order to accommodate residents. It is the goal of the MSDF to reduce the number of private motor vehicles in Stellenbosch (and subsequent parking bays) and to increase the investment in public transport, bicycle paths and appropriate walking infrastructure. To put it differently, the goal is to change the city from a car orientated city to a people orientated city. To improve the quality of the urban environment investing in the development of public space is essential and will facilitate the change from private vehicle dependence to a more environmentally friendly and less intrusive use of public transport and NMT. By providing more parking for private vehicles and reducing public space the strategy is undermined.

In a city such as Copenhagen the strategy to reduce parking provision over time and to increase public transport and NMT and to create purpose made public space paid

off handsomely and was it instrumental in building a city renowned for a high quality of urban space that is actively benefitting the community, the environment and sustainable finance.

It is recognised internationally that providing parking for private motor vehicles on public land benefits the private individual only but at the expense of the community while the community subsidises the individual. Not only is the land reserved for his/her exclusive use (as parking) but are the local authority required to develop and maintain the parking area from rates and taxes to which the community contributes. Keep in mind that the parking area will be used during the day primarily leaving the area vacant and sterilized after hours and of no benefit to those residing in the area.

By developing and maintaining the open space as a landscaped space/park the municipality is making a solid investment in society as it benefits everyone in the area and provide much needed space for recreation that cannot be provided for onsite due to an increase in density. Various studies have concluded the benefit to mental and physical health of being able to be outdoors as opposed to be confined in a small cover space.

This section therefore confirms its objection against the proposal for the development of a parking area at the cost of losing a public open space. The latter will benefit the community at large while the first will benefit private vehicle owners only.



BJG de la Bat
MANAGER: SPATIAL PLANNING

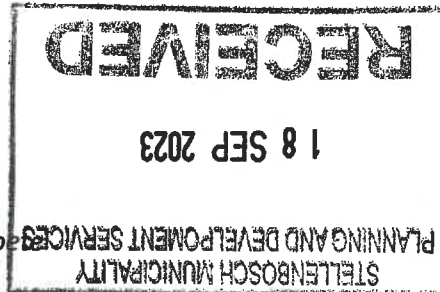
**ANNEXURE H: COMMENT FROM THE MANAGER: PROPERTY
MANAGEMENT**

Charlene Williams

From: Nicole Katts
Sent: Monday, 18 September 2023 12:42
To: Yolande van den Berg; Charlene Williams
Subject: RE: LAND USE APPLICATION FOR COMMENT: ERF 2529, STELLENBOSCH (LU/15828) - TP423/2023 - PROPERTY MANAGEMENT

Hi Yolande,

Many thanks for the response.



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



FILE NR:	E2529 S
SCAN NR:	
COLLABORATOR NR:	756244

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

From: Yolande van den Berg <Yolande.vandenBerg@stellenbosch.gov.za>
Sent: Monday, 18 September 2023 12:18
To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: RE: LAND USE APPLICATION FOR COMMENT: ERF 2529, STELLENBOSCH (LU/15828) - TP423/2023 - PROPERTY MANAGEMENT

Thank you Nicole, no objections from Property Management.



Kind regards,
Yolande van den Berg
 Head: Contract Management
 Corporate Services

T: +27 21 808 8073 | Fax 021-886 7319
 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

**ANNEXURE I: COMMENT FROM THE SENIOR MANAGER:
COMMUNITY SERVICES (PARKS)**

Bongiwe Zondo

From: Albert van der Merwe
Sent: Tuesday, 09 April 2024 11:18
To: Bongiwe Zondo
Cc: Nicole Katts
Subject: Re: LAND USE APPLICATION FOR COMMENT: ERF 2529, STELLENBOSCH (LU/15828) - TP423/2023 - PARKS

OFFICIAL COMMENTS FROM DEPARTMENT COMMUNITY SERVICES: ERF 2529.

Department Community Services does not support the application that erf 2529 be rezoned for parking purposes, due to the following reasons:

1. Future housing developments will necessitate that the public open space be developed as a play park/recreation area.
2. There are limited Public Open spaces in the area that can be developed as functional active recreation areas.
3. The planned 37 parking areas do not justify the destruction of plot 2529 as a public open space.
4. The preservation of plot 2529 as a public open space will complement the implementation of the approved Dennesig Landscaping Plan and contribute to the upgrading of the environment in terms of greening.

Kind Regards / Vriendelike Groete



Winners of the Arbor City Awards 2014 & 2017 Local Municipality Category

Albert van der Merwe

B.Parke & Rekreasiebestuur, Hons. Sportbestuur
 Senior Bestuurder: Gemeenskapsdienste
 Senior Manager: Community Services

Community & Protection Services

T: +27 21 808 8165 | F: +27 21 887 7446
 123 Merriman Avenue, 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

From: Bongiwe Zondo <Bongiwe.Zondo@stellenbosch.gov.za>
Sent: Tuesday, April 9, 2024 10:17 AM
To: Albert van der Merwe <Albert.vanderMerwe@stellenbosch.gov.za>
Cc: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: FW: LAND USE APPLICATION FOR COMMENT: ERF 2529, STELLENBOSCH (LU/15828) - TP423/2023 - PARKS

Morning Albert,

As per our discussions today, could you kindly send us your official comments for the subjected application.

**ANNEXURE J: COMMENT FROM THE DIRECTOR: INFRASTRUCTURE
SERVICES**



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: Nicole Katts
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 2 October 2023
Our Ref ▫ Ons Verw: Civil LU 2581
Town Planning Ref: LU/15828 – TP423/2023
Re ▫ Insake: Erf 2529, Stellenbosch: An application is made in terms of Section 15 (2) (a) of the Stellenbosch Municipality Land Use Planning By-law, 2023, on Erf 2529 Stellenbosch for Rezoning from Public Open Space Zone to Public Roads and Parking Zone for the purposes of new public parking area.

1. Civil Engineering services

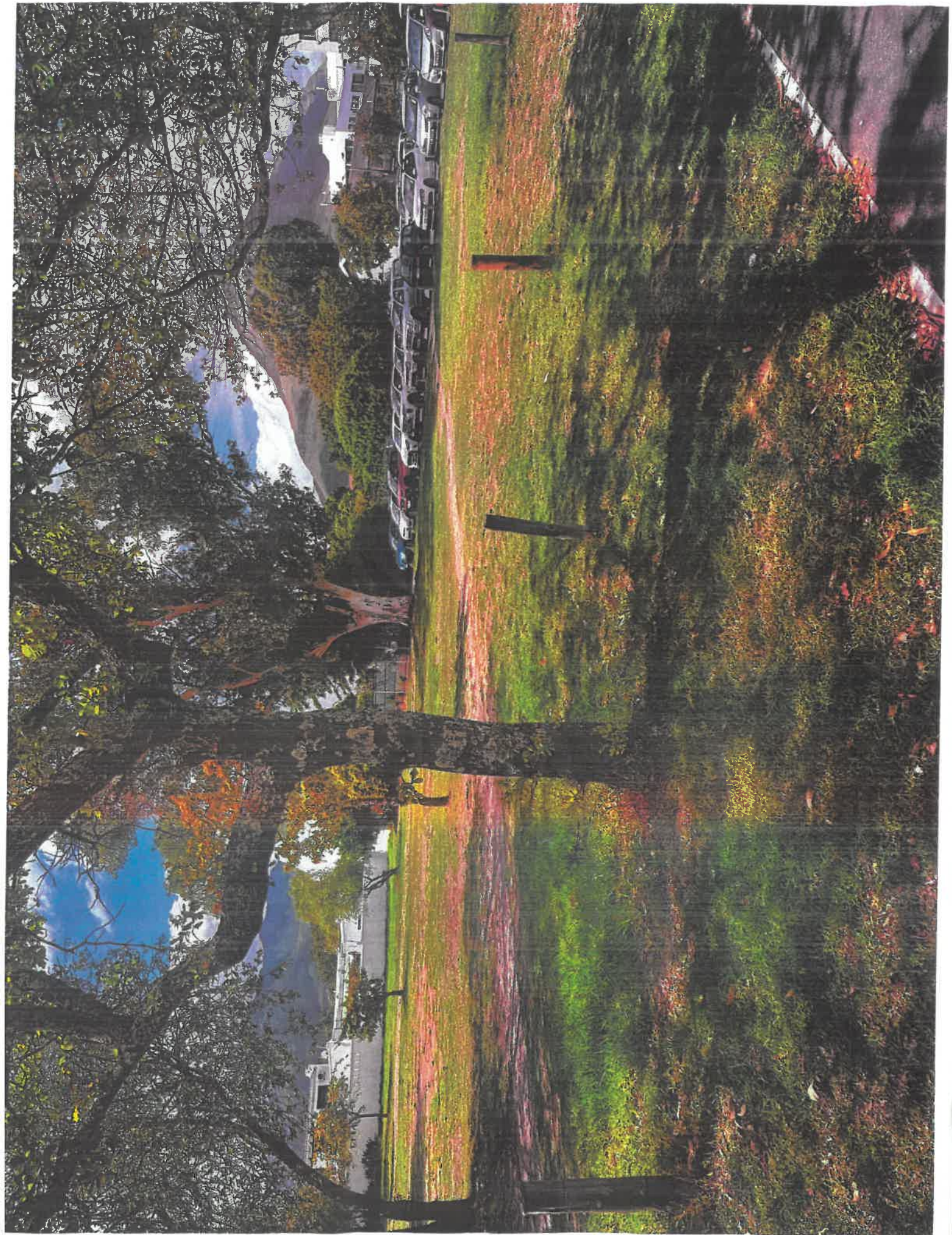
1.1 No objection.

Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)

ANNEXURE K: SITE INSPECTION PHOTOS











**APPLICATION FOR REZONING AND CONSOLIDATION ON ERF 2540 & 2539
 STELLENBOSCH**

CONTENT	
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ANNEXURE C: Consolidation and Rezoning Plan	152-154
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ANNEXURE E: Proof of Evidence (Public Participation, General Plan & Affidavit)	188-192
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THE STELLENBOSCH MUNICIPALITY

PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING AND CONSOLIDATION ON ERF 2540 & 2539 STELLENBOSCH

Application Reference	File Ref: LU/15830	Application Date	2023/08/21
		Last day for comments or additional information	2024/04/09

PART A: APPLICANT DETAILS

First name(s) & Surname	Candice Maasdorp		
Company name	Sustainable Planning Solutions		
SACPLAN registration number	A1224/2002		
Registered owner(s)	Stellenbosch Municipality	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS

Property description	Erf 2540 & 2539	Administrative District	Stellenbosch
Physical address	Corner of Andringa and Banghoek Street		
Extent (m ² /ha)	Erf 2540 - 632 m ² Erf 2539 - 889 m ²	Nearest Town	Stellenbosch
Existing Development and Current land use	Public Parking		
Any unauthorised land use/building work	None		
Title Deed Nr.	Erf 2540 – T16507/1997 Erf 2539 – T16507/1997		
Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019	Public Open Space		

PART C: APPLICATION DETAILS

Applications(s)	<p>Application is made in terms of Section 15 (2) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 on Erf 2529 Stellenbosch for the following:</p> <ol style="list-style-type: none"> 1. Rezoning in terms of Section 15 (2)(a) of the said by-law, from Public Open Space Zone to Public Roads and Parking Zone in order to regularize the existing parking area. 2. Consolidation in terms of Section 15 (2) (e) of the said by-law, to consolidate Erf 2540 (632.51 m²) with Erf 2539 (889.49 m²) to create Portion 1 (1522 m²).
Purpose of Application	The applicant intends to regularise the existing public parking area.
Pre-consultation	Pre-scrutiny application submitted.

PART D: APPLICATION BACKGROUND**1. Location of the property**

The subject property is located on the corner of Banghoek and Andringa street in Stellenbosch. Access to the parking area is through Boanghoek street.

2. Development context of surrounding area

The subject property is located in the Central Business District area of Stellenbosch. It is located within the Stellenbosch Urban edge. The subject property is surrounded by the Stellenbosch Correctional Service (north of the site), the Stellenbosch Christ Church (South-East) and the Stelmark shopping centre on the south.

3. Historic use and development of subject property

The subject property is currently utilised as public parking area.

PART E: APPLICATION OVERVIEW AND MOTIVATION

- The proposed land use application will not have a negative socio-economic impact. It is merely to ensure statutory compliance of the existing land uses.
- The proposed operations of the public parking area on the site will remain compatible with the character of the area and therefore would be in line with what the SDF earmarks the property for.
- The proposal will not change the current land use on the site nor the character of the area.
- The existing public parking area will not have a negative impact on the biophysical environment, the health, wellbeing and safety of the surrounding community.
- The proposed land use application will not have any negative impact on the existing rights of surrounding properties.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

1. Process followed

The applicant has notified the internal departments and notified (serving notices) all interested and affected parties. The advertising period was from 09/11/2023 to 11/12/2023 (see **Annexure E**). No objections/comments were received.

2. Comments from internal service departments

- a) The **Manager: Spatial Planning** support the proposal (see **ANNEXURE G** for email dated 06 November 2024).
- b) The **Directorate: Infrastructure Services** supported the proposal (see **ANNEXURE H** for memo dated 19 September 2023).

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Legislative and Policy Context of land use and land development application

The legislative, principles, policies, guidelines and plans which are considered as relevant to the application under consideration and land use application, are as follows:

- o Stellenbosch Municipality Land Use Planning Bylaw, 2023
- o Stellenbosch Municipality Spatial Development Framework, 2023
- o SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

2. Assessment of grounds of the land use and land development application

2.1 Land use principles

The proposal has significant bearing on development principles referred to in Section 42 of the Spatial Planning and Land Use Management Act (SPLUMA) (Act 16 of 2013) and Chapter VI of the Western Cape Land Use Planning Act (LUPA) (Act 3 of 2014):

- o Spatial Justice
- o Spatial Sustainability
- o Efficiency
- o Spatial Resilience
- o Good Administration

2.2 Applicable MSDF, LSDF's

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of Stellenbosch and in the Central Business District (CBD) of Stellenbosch. The SDF earmarks the area in which the site is located as existing and proposed urban character areas which is essentially the area within the urban edge.

2.3 Service infrastructure capacity and sustainability

The Stellenbosch Municipality Infrastructure Services appointed Sustainable Planning Solutions in order to obtain development rights and approval for the regularization of the existing public parking area.

2.4 Any investigations carried out in terms of other laws that are relevant to the consideration of the subject application (e.g., EIA, TIA, HIA etc.)

None.

2.5 The proposal (the applicable provisions of the zoning scheme)

The subject property is zoned Public Open Space and in terms of the zoning of the property, in order to regularize the existing parking area, a rezoning application to Public Roads and Parking Zone is required, hence the application. The application is also for the consolidation of Erf 2540 (889.49 m²) and Erf 2539 (632.51 m²) to create Portion 1 (1 522 m²) in order to regularize the existing public parking area.

3. General desirability in accordance with possible impacts on neighbouring properties and surrounding areas.

3.1 Combability with surrounding properties

The subject property is located in the Central Business District (CBD) of Stellenbosch, inside the Stellenbosch Urban Edge and earmarked for existing and proposed urban characters. The subject property is surrounded by a mix of land uses that includes mixed uses zone, multi-unit residential, public open spaces, public roads and parking zone. As mentioned, the site is located on the CBD of Stellenbosch and thus a Public Roads and Parking zoning fits in with the area. It is therefore envisaged that this proposal, would not negatively affect the character of the area and surrounding properties.

3.2 Impact on existing rights

The proposal will not have a detrimental impact on the existing rights of the neighbouring properties as the character of the area, privacy, amenity, views etc will not be compromised.

3.3 Impact on safety, health and wellbeing of the surrounding community

There is no reason to believe that the proposed development will result in any changes to the safety and security in the area since this application will only regularise the existing public parking area.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

- 1) The proposal will provide additional parking space to road users in the vicinity and Stellenbosch residents as a whole.
- 2) The proposed development is not out of character and compatible with the surrounding and current land uses.

PART I: RECOMMENDATION

1. That the application made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2540 & 2539 Stellenbosch for the following:
 - a) **Rezoning** in terms of Section 15 (2)(a) of the said by-law, from Public Open Space Zone to Public Roads and Parking Zone in order to regularize the existing parking area.
 - b) **Consolidation** in terms of Section 15 (2) (e) of the said by-law, to consolidate Erf 2540 (632.51 m²) with Erf 2539 (889.49 m²) to create Portion 1 (1522 m²).

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw:

2. Conditions of Approval:

- 2.1 The approval applies only to the proposed development under consideration as indicated on Consolidation & Rezoning plan No. 3.020_01 (Figure 6 & 7), drawn by Sustainable Planning Solutions professional town & regional planners, dated 26 June 2023 attached as **Annexure C** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 2.2 The development be undertaken in accordance with the Consolidation & Rezoning plan No. 3.020_01 (Figure 6 & 7), drawn by Sustainable Planning Solutions professional town & regional planners, dated 26 June 2023, attached as **Annexure C** to this report.

3. The reasons for the above decision are as follows:

- 3.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that the public parking area is existing.

PART J: ANNEXURES

ANNEXURE A:	Locality Plan
ANNEXURE B:	Title Deed
ANNEXURE C:	Consolidation and Rezoning Plan
ANNEXURE D:	Applicant's Motivation
ANNEXURE E:	Proof of Evidence (Public Participation, General Plan & Affidavit)
ANNEXURE F:	Comment from the Manager: Spatial Planning
ANNEXURE G:	Comment from the Director: Infrastructure Services

PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION**APPLICATION FOR REZONING AND CONSOLIDATION ON ERF 2540 & 2539 STELLENBOSCH****AUTHOR OF PLANNING ASSESSMENT REPORT****NAME:** B. Zondo**CAPACITY:** Senior Town Planner**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE** **DATE:** 19/04/2024

PART L: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING AND CONSOLIDATION ON ERF 2540 & 2539 STELLENBOSCH****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2023) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide 11.8.1 and dated 24 May 2023, the subject application is categorised as follows:

Category: Aa5, Ea5

Decision Making Authority: MPT

Rational: The land is owned by Council.

Name: Chrizelle Kriel

Capacity: Manager Land Use Management

SACPLAN Registration: A212/10

Signature: 

Date: 10.05.2024

PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING AND CONSOLIDATION ON ERF 2540 & 2539 STELLENBOSCH****Administrator to Authorised Official / Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: **24 May 2024**

Name: *Chrizzelle Kriel*

Capacity: *MUM*

Signature: *MILD*

Date: *10.05.2024*

PART N: COMMENTS RECEIVED FROM MUNICIPAL MANAGER**APPLICATION FOR REZONING ON ERF 2529 STELLENBOSCH**

Comments received from Municipal Manager on 9 May 2024 attached.

RE: Erf 2529 Stellenbosch- Application for Rezoning to Public Road and Parking Zone

Geraldine Mettler <Geraldine.Mettler@stellenbosch.gov.za>

Thu 2024-05-09 5:37 PM

To: Stiaan Carstens <Stiaan.Carstens@stellenbosch.gov.za>; Raydine Wenn <Raydine.Wenn@stellenbosch.gov.za>; Nomie Tshefu <Nomie.Tshefu@stellenbosch.gov.za>; Anthony Barnes <Anthony.Barnes@stellenbosch.gov.za>

Cc: Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>; Kaylin Coetzee <Kaylin.Coetzee@stellenbosch.gov.za>; Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>

Dear Chrizelle and Stiaan

Comments on erven 2529:

We have been inundated by requests from various business owners and the community to provide public parking. Moreso, the great need for public parking in the Stellenbosch CBD which has been highlighted through various transport studies. At this stage there is various proposals to develop parking garages and non-motorised transport proposals which will come into effect in the next 5 to 10 years and this proposal will therefore provide an interim solution to parking in CDB and surrounding areas. Once these parking and non-motorised solution are implemented an alternative usage of this property can be looked at. Its imperative that this property be used for public parking purpose due to its favourable location and proximate to the CBD. I have looked at the comment from Dr Bernhard Eigenhuis, in my opinion this is not an objection but rather a comment to mitigate the visual impact and safety concerns of the development which should be incorporated into the design subject to budget availability.

Comments of Erf 2540

Support this application.



Kind regards,

Geraldine Mettler
Municipal Manager
Stellenbosch Municipality
Office of the Municipal Manager

T: +27 21 808 8025 | C: +27 82 312 3063
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

From: Stiaan Carstens <Stiaan.Carstens@stellenbosch.gov.za>

Sent: Tuesday, May 7, 2024 6:19 PM

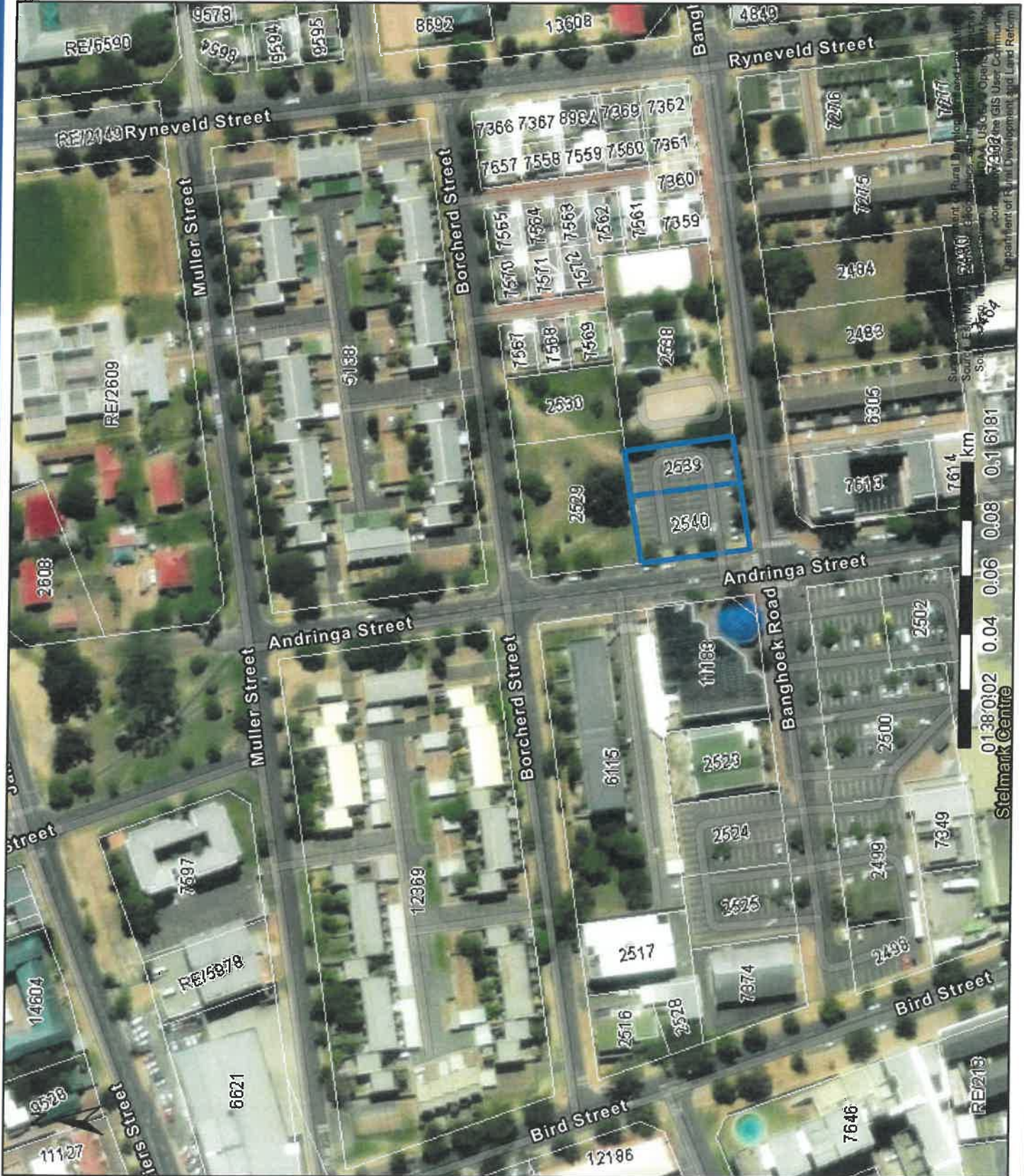
To: Raydine Wenn <Raydine.Wenn@stellenbosch.gov.za>; Nomie Tshefu <Nomie.Tshefu@stellenbosch.gov.za>

ANNEXURE A: LOCALITY PLAN

Erf 2540 & 2539 Stellenbosch

Legend

Erf



ANNEXURE B: TITLE DEED

MICRO FILMED—MIKROVERFILM	
DATE—DATUM	OPERATOR—OPERATEUR
15-7-1977	<i>[Signature]</i>

FOR FURTHER ENDORSEMENTS SEE VIR VERDERE ENDORSEMENTE SIEK	10
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T 16507	1977
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Opgestel deur my,

[Signature]
AKTEVERVAARDIGER.

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

SY DIT HIERBY KENTLIK:

DAT FREDERIK CHRISTIAAN ELS voor my, die REGISTRATEUR VAN AKTES te KAAPSTAD verskyn het, hy, die Komparant, daartoe beoorlik gemaagtig kragtens, n Volmag aan hom verleen deur:

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

gdateer 15 November 1976, en geteken te KAAPSTAD.

EN die genoemde Komparant het verklaar dat sy prinsipaal die gemelde

GEMEENSKAPSONTWIKKELINGSRAAD

waarik

- 2 -

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

DIE MUNISIPALITEIT VAN STELLENBOSCH

diensopvolgers in titel of regverkrygendes:-

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

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

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

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

2. SEKERRE: stuk grond geleë soos hierbo, synde Erf Nr. 2484 Stellenbosch;

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

UITSTREKKENDE soos die Transportakte met n Kaart daarby

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aangeheg

- 3 -

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

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

3. SEKERRE: stuk grond geleë soos hierbo, synde restant Erf Nr. 2498 Stellenbosch;

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

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

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

4. SEKERRE: stuk grond geleë soos hierbo, synde Erf Nr. 2499 Stellenbosch;

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

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

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- 4 -

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

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

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

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

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

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

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

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

WHITE GROUP
BLANKE GROEP

C. ONDERHEWIG

- 5 -

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

"PARA 1

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

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

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

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

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

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7. SEKERRE:

- 6 -

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

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

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

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

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

GROOT: 607 (Aghonderd Sewe-en-Tagtig) Vierkante Meter;

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

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

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

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BLANKE GROEP

GROOT:

- 7 -

GROOT:

aan sulke 633 (Seshonderd Drie-en-Dertig)
Vierkante Meter;

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

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

10. SEKERHE: stuk grond geleë soos hierbo, synde Erf Nr.
2540 Stellenbosch;

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

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

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

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

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

555
193
362

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BLANKE GROEP

UITSTREKKENDE

- 8 -

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

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

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

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

12. BEKEKE:

stuk grond synde Erf Nr. 6151, n gedeelte van Erf 2503 Stellenbosch, geleë in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;

GROOT:

208 (Tweehonderd en Agt) Vierkante Meter;

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

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

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

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GEMEENSKAPSONTWIKKELINGSRAAD

GEDESKAPSONTWIKKELINGSRAAD

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

GEDESKAPSONTWIKKELINGSRAAD

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

MUNISIPALITEIT VAN STELLENBOSCH

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

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

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

In my teenwoordigheid:

J. M. Bruins

REGISTRATEUR VAN AKTES

[Handwritten Signature]
q.q. Sy Prinsipeal.

Geregistreer in die Erwe Register van Stellenbosch.

Bladsye van

op begin... de datum.

1 2483

2 2484

3 2498

4 2499

5 2500

6 2502

7 2529

8 2530

9 2539

10 2540

11 6150

12 6151

KLERK IN BEHEER *[Handwritten Signature]*

BLADSY/PAGE 10
 ENDOSSEMENT OP
 ENDORSEMENT ON T 16507/22
 EIENDOM/PROPERTY 2483

Balkenbush

PARA 11 3 7350 = 193M²

GETRANSPORTEER TRANSFERRED	12-01-1982	Adm To	STELLMAR (ADPHOR)
No. T	5	Restant Remainder	362.72
1305		 Adm. Registrateur Assl. Registrar	

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

GETRANSPORTEER AAN
 ADVENT PROPERTIES BEVERK. TRANSFERRED TO

RESTANT/REMAINDER PARA 11 = 1260 M² PARA 12 = 31 M²

T 72575199

07.09.90


 REGISTRATEUR/REGISTRAR



STELLENBOSCH

STELLENBOSCH • PHIL • FRANSCHHOEK

MUNISIPALITEIT • IMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We..... ISAK MURISON

(conveyancer's name and surname)

Practising at:

2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,
CAPE TOWN, 8001.

(firm and place of practice)

In respect of:

REMAINDER ERF 2539 STELLENBOSCH

SITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISION

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

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

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

1. T388/1898

2. T27802/1968

3. T2026/1921

4. T16507/1977

5.

6.

7.

8.

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



STELLENBOSCH
 STELLENBOSCH • PRIDE • TRANSFORMER
 MUNISIPALITEIT • UMASHIPALA • MUNICIPALITY

A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

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



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STELLENBOSCH • PORT ELIZABETH
MUNICIPALITEIT • MUNISIPALITEIT

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

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

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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

Signed at CAPE TOWN (Place) on this 14 (Day) JULY (Month) of 2023

Full names and Surname: ISAK MURISON

Signature: [Signature]

Firm Postal Address:

P.O. Box 4039
CAPE TOWN
8000

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

Tel: 021 461-3540

Email: i.murison@attorneys.law.za

Cell: 084 444 3671



STELLENBOSCH
STELLENBOSCH • PHIL • TRANSVAAL
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We..... **ISAK MURISON**

.....
(conveyancer's name and surname)

Practising at:

**2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,
CAPE TOWN, 8001.**

.....
(firm and place of practice)

In respect of:

.....
ERF 2540 STELLENBOSCH

SITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISION

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

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

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

1. **T4037/1897**

2. **T10188/1969**

3. **T4087/1897**

4. **T16507/1977**

5.

6.

7.

8.

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



STELLENBOSCH
STELLENBOSCH • PHILIPSBURG • FRANSCHBURG
MUNISIPALITEIT • UNASIZA • A • MUNICIPAALITEIT

A: IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

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



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

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

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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

Signed at CAPE TOWN (Place) on this 14 (Day) JULY (Month) of 2023

Full names and Surname: ISAK MURISON

Signature: 

Firm Postal Address:

P.O. Box 4039
CAPE TOWN
8000

Tel: 021 461-3540

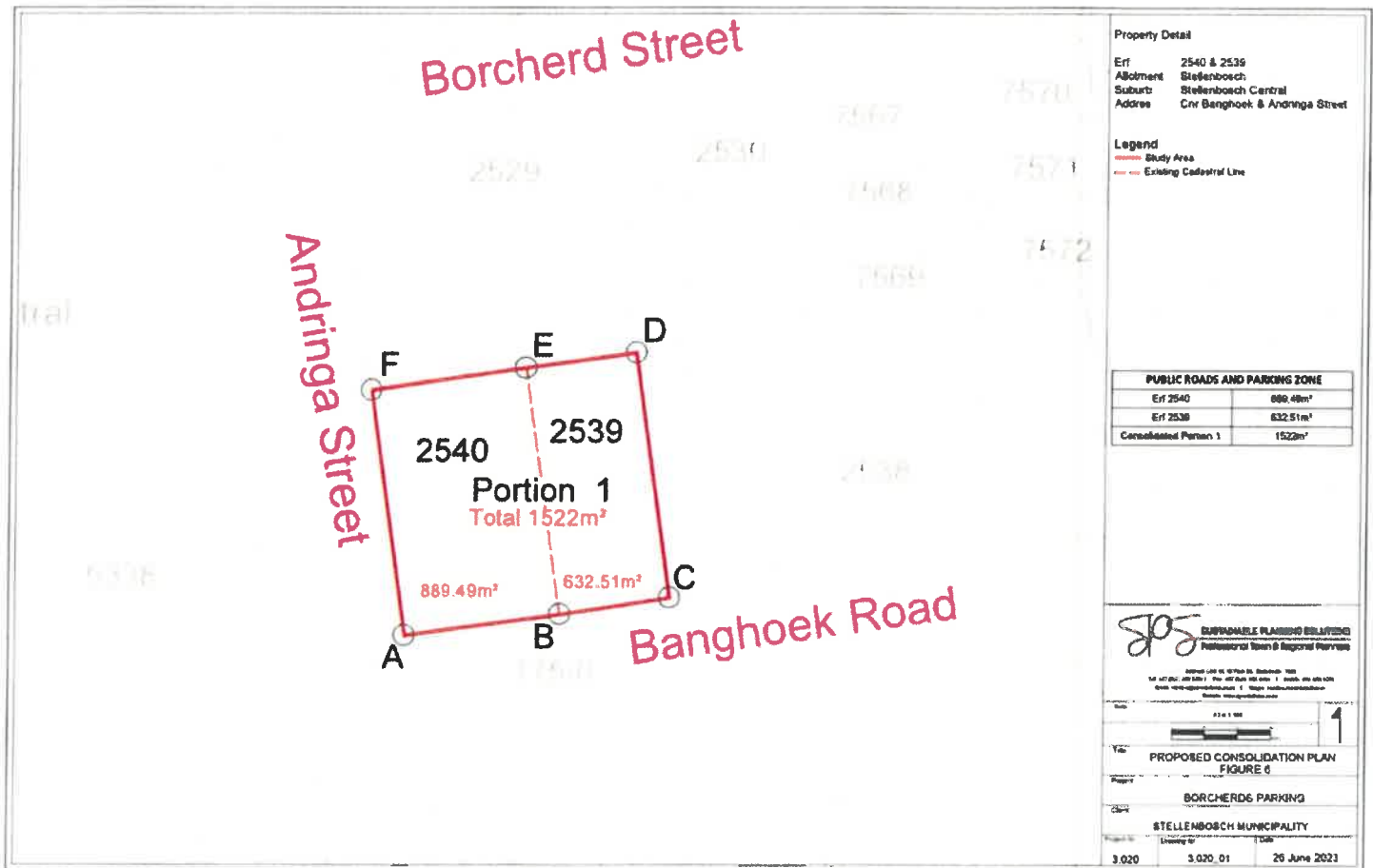
Cell: 084 444 3671

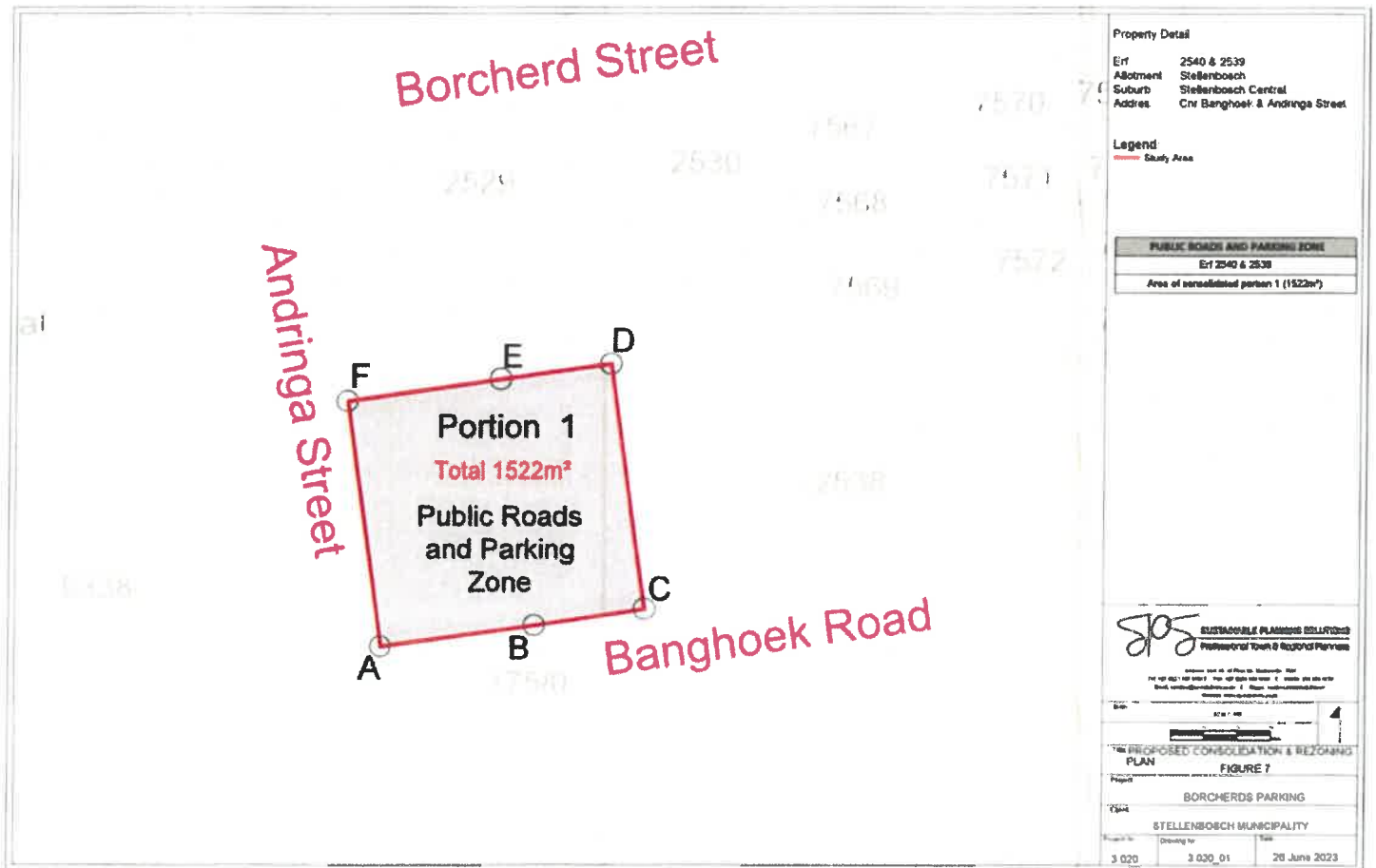
I. MURISON INC.

Kindly endorse with note of official stamp
2nd Floor Bank Chambers
144 Longmarket Street, Cape Town, 8001
Tel: (021) 461 3540

Email: i.murison@attorneys.law.za

ANNEXURE C: CONSOLIDATION AND REZONING PLAN





ANNEXURE D: APPLICANT'S MOTIVATION



SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

BORCHERDS PARKING LOT (SOUTH) ERVEN 2540 & 2539 STELLENBOSCH



CONSOLIDATION AND REZONING APPLICATION

ERVEN 2540 and 2539, STELLENBOSCH

PROJECT 3.020

JUNE 2023

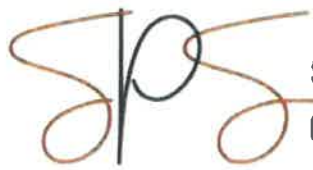


BORCHERDS PARKING LOT

ERVEN 2539 & 2540, STELLENBOSCH

Land Use Application submitted in terms of Section 15(2) of the Stellenbosch Municipality Municipal Planning By-law (2015), in support of the consolidation & rezoning of erven 2539 and 2540, Stellenbosch.

PREPARED BY:



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FOR:

EAS INFRASTRUCTURE ENGINEERS

ON BEHALF OF:

STELLENBOSCH MUNICIPALITY



**INFRASTRUCTURE
ENGINEERS**



STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PROJECT REF: 3.020

JUNE 2023

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1. INTRODUCTION

1.1. BACKGROUND

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

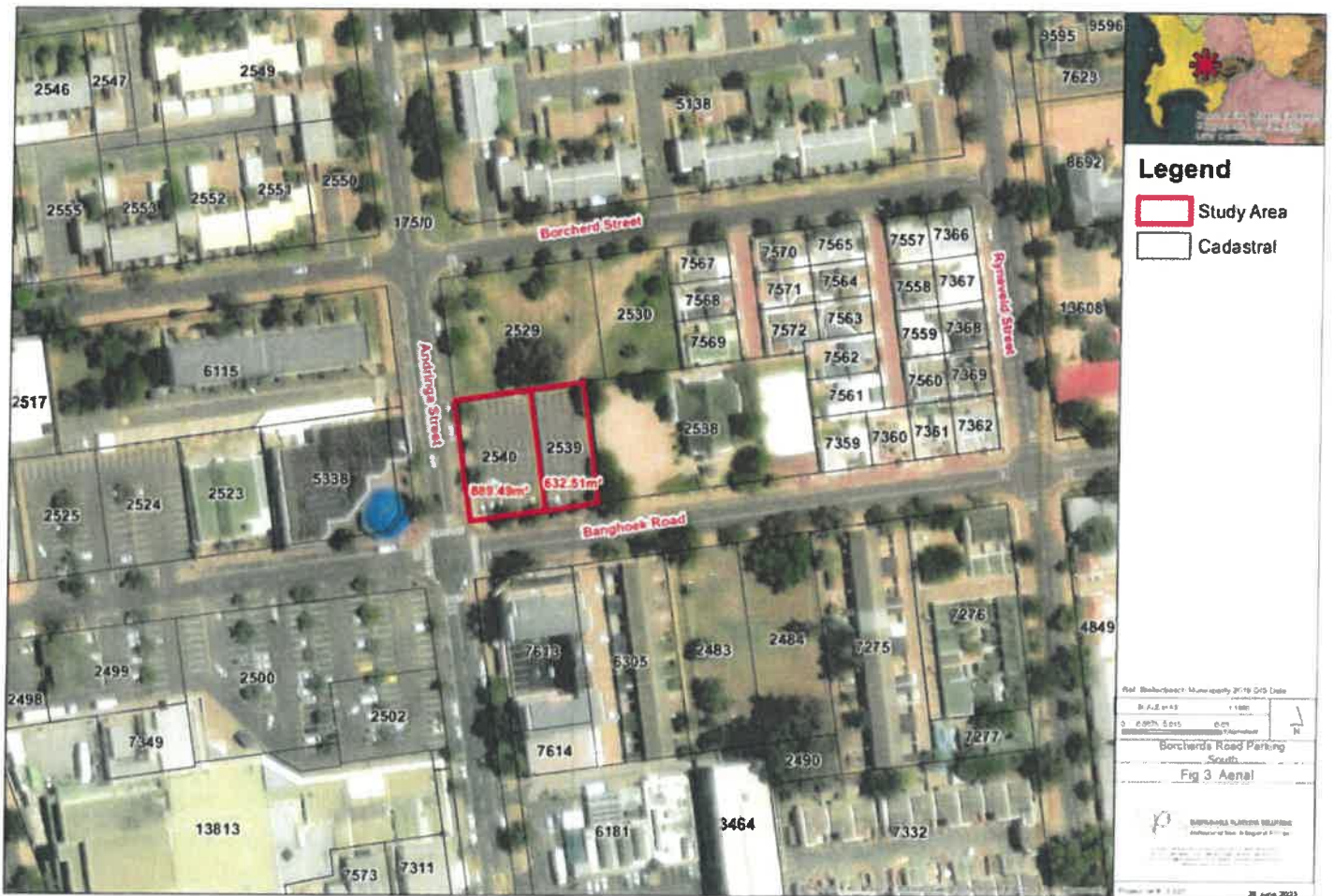
See attached Annexures 1 and 2 for the Land Use Application Form and the Power of Attorney.

The purpose of this report is to apply for the Consolidation and subsequent rezoning of erven 2539 and 2540, Stellenbosch, from Public Open Space to Public Road and Parking zone.

1.2. SITE LOCATION

The subject properties, erven 2539 & 2540, Stellenbosch, are situated in the central business district (CBD) area of Stellenbosch, in the Stellenbosch Municipality. The site lies within Stellenbosch Urban Edge Please refer to **Figures 1 and 2** for the **municipal context** and **regional locality**.

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





1.3. NATURE OF THE APPLICATION

This motivational report is submitted in support of the following:

Consolidation

In terms of Section 15(2)(e) of the Stellenbosch Municipal Planning By-Law (2015), in support of the consolidation of erven 2539 & 2540, Stellenbosch into portion 1 to regularise the existing public parking bay.

Rezoning

In terms of Section 15(2)a of the Stellenbosch Municipal Planning By-Law (2015), in support of the rezoning of portion 1, from Public Open Space Zone to Public roads and parking zone, to statutory compliance of the existing public parking area.

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

1.4. ADDITIONAL STATUTORY APPLICATIONS TRIGGERED

- **The National Heritage Resources Act (25/1999)**

Due to the nature of the application (an erf less than 10000m²) the Heritage Resources Act 25 of 1999, is not applicable. No additional statutory processes are required.

- **National Environmental Management Act (NEMA) (107/1998) and the Environmental Impact Assessment Regulations**

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

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

Although the proposed rezoning appears to trigger the listed activity. No transformation will occur. The application is merely to regularize the existing parking area with the correct zoning.

1.5. PRE-APPLICATION CONSULTATION

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

1.6. PROPERTY DETAILS

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

PROPERTY DESCRIPTION	Erf 2539, Stellenbosch	Erf 2540, Stellenbosch
REGISTERED OWNER	Mun Stellenbosch (Refer to Annexure 4 : Title deed)	
PHYSICAL ADDRESS	Cnr of Banghoek & Andringa Street, Stellenbosch	
TITLE DEED	T16507/1977 (Refer to Annexure 4 : Title deed)	
TITLE DEED RESTRICTION	No conditions prohibiting the proposed rezoning (Refer to Annexure 5 : Conveyancer Certificate) & Annexure 4 : Title Deed.	
EXTENT OF ERF	889.49m ²	632.51m ²
SG INFORMATION	SG No: 3437/1898 (Refer to Annexure 6 : SG diagram)	SG No. 4037/1897 (Refer to Annexure 6 : SG diagram)
APPLICABLE ZONING SCHEME	Stellenbosch Municipality: Zoning Scheme By-Law, 2019	
CURRENT ZONING	<i>Public Open Space</i>	
Current Land-Use	Existing public parking area	
Proposed Zoning	Public Roads and Parking Zone: <i>"The purpose of this zone is to make provision for the following:</i> <i>(a) public roads as indicated on a general plan and roads, whether constructed or not.</i> <i>(b) premises for the public parking of motor vehicles which are in use.</i>	

Such parking may be provided in buildings or in open parking areas to address the need for off-street parking in an area, with or without the payment of a fee.

Primary Uses:

- *Public parking area*
- *Public road*
- *Utility service*
- *Occasional use (one event/year)*

Additional Uses (technical approval):

- *Rooftop base telecommunication station*
- *Market*

Consent Uses (application required)

- *Freestanding base telecommunication station*
- *Occasional use (>one event /year)*
- *Parking garage*

Transport purposes (passengers)

2. LEGAL FRAMEWORK

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

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

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

Applicable legislation	
National	<ul style="list-style-type: none"> • National Heritage Resource Act (Act 25 Of 1999) • National Environmental Management Act (NEMA), (Act 107 Of 1998)
Municipal	<ul style="list-style-type: none"> • Stellenbosch Municipality: Land Use Planning By-Law (2015)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

falls within the jurisdiction of the Stellenbosch Municipality.

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

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

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

The nature of the envisaged land use application does not trigger Section 38 of this Act since the character of the area will not change and neither is the property (inclusive of the respective applications) larger than 10000sqm nor does it involve three or more erven.

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

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

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

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

Although the proposed rezoning appears to trigger the listed activity. No physical transformation will occur. The application is merely to regularize the existing public parking area with the correct zoning. As such, this application will not trigger NEMA EIA regulations.

2.6. SUMMARY: LEGAL FRAMEWORK

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

merit. As mentioned above.

Sections 15(2)(a) and 15(2)(e) of the Stellenbosch Planning By-Law (2015), which refers to the consolidation and rezoning of land, are of relevance and importance to this application.

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

The proposed land use application does not trigger the NEMA EIA regulations and a checklist to the Department of Environmental Affairs and Development Planning need **not** be submitted.

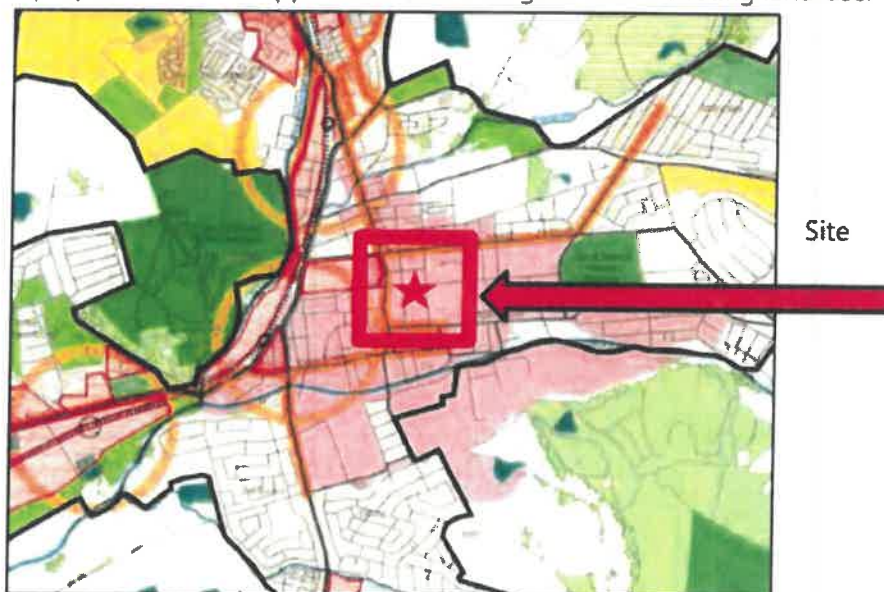
3. POLICY FRAMEWORK

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

3.1. STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK (2019)

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

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



Extract from Spatial Development Framework, pg 70, 2019

3.2. SUMMARY: POLICY FRAMEWORK

As discussed above the proposed land use application for erven 2539 and 2540, Stellenbosch will not change the current land use of the site nor the character of the area and as such finds support in the Stellenbosch Municipal Spatial Development Framework (2019).

4. SITE CONTEXTUAL ANALYSIS

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

4.1. PROPERTY CONCERNED

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

ERF NR.	EXTENT
2539	632.51m ²
2540	889.49m ²

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

4.2. REGISTERED DESCRIPTION, OWNERSHIP & CONVEYANCING

4.2.1. OWNERSHIP

Ownership of erf 2539 and 2540, Stellenbosch lies with the **Western Cape Provincial Government**. Refer to **Annexure 4: Title deed**.

4.2.2. TITLE DEED INFORMATION

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

ERF NUMBER	TITLE DEED	EXTENT AS PER DEED	RESTRICTIVE CONDITIONS
2539	T16507/1977	633m ²	None of the deeds examined contain any restrictive title deed conditions (Refer to Annexure 5: Conveyancing Certificate).
2540	T16507/1977	887m ²	

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

4.2.3. TITLE DEED AND SG DIAGRAM DESCRIPTION¹

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

ERF NR.	TITLE DEED DESCRIPTION	SG DIAGRAM
Erf 2539	<i>The title deed describes Erf 2539 under title deed number T16507/1977 as follows: Erf 2539, situated in the township and division of Stellenbosch,</i>	<i>The Surveyor-General (SG) describes Erf 2539 under S.G. No. 4037/1897 as follows: Erf 2539, Situated in the township and Division of Stellenbosch, being lots of No. 7, 7, 8, 9, 10 of a part of the town Commonage granted to the municipality of the Town of Stellenbosch.</i>
Erf 2540	<i>The title deed describes Erf 2540 under title deed number T16507/1977 as follows: Erf 2540, situated in the township and division of Stellenbosch,</i>	<i>The Surveyor-General (SG) describes Erf 2540 under S.G. No. 1112/1895 as follows: Erf 2540, Situated in the township and Division of Stellenbosch, being lots of No. 5 of the subdivided land granted to the commissioners of the municipality of Stellenbosch.</i>

4.2.4. TITLE DEED RESTRICTIVE CONDITIONS

There are no restrictive title deed conditions that prohibit the proposed land use applications pertaining to erf 2539 & 2540, Stellenbosch.

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

4.3 CURRENT ZONING

The property, erven 2539 and 2540, Stellenbosch is subject to the development parameters of the Stellenbosch Municipality Zoning Scheme By-Law. Erven 2539 and 2540, Stellenbosch is currently zoned **Public Open Space Zone** in terms of the

¹ Information obtained from the Title deed, Conveyancing certificate and SG Diagrams. Refer to Annexure 4, Annexure 5, and Annexure 6 respectively.

Stellenbosch Municipality Zoning Scheme.

Public Open Space Zone zoning is broadly defined as follows:

"To make provision for land which vests in the Municipality as a public place which is intended to be used for:

- (a) active or passive public recreational and public amenity purposes; or
- (b) creating a desired townscape, or visual open space for residents; or
- (c) serving as an open space which also accommodates riverine corridors and other similar natural features; or to
- (d) serve as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors. "

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

4.4 LAND USE

The study area (erven 2539 and 2540, Stellenbosch) is currently used as a public parking area.

5. DEVELOPMENT PROPOSAL

5.1 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal includes the consolidation of erven 2539 and 2540, Stellenbosch to portion 1, thereafter, the rezoning of portion 1 from a Public open space zone to Public Roads and Parking Zone. The client wished to regularise the existing public parking area, and this would be accommodated for within the proposed zoning.

- **CONSOLIDATION**

In terms of Section 15(2)e of the Stellenbosch Municipal Planning By-Law (2015), in support of the **Consolidation** of erven 2539 and 2540, Stellenbosch into portion 1. Refer to **Figure 6**.

- **REZONING**

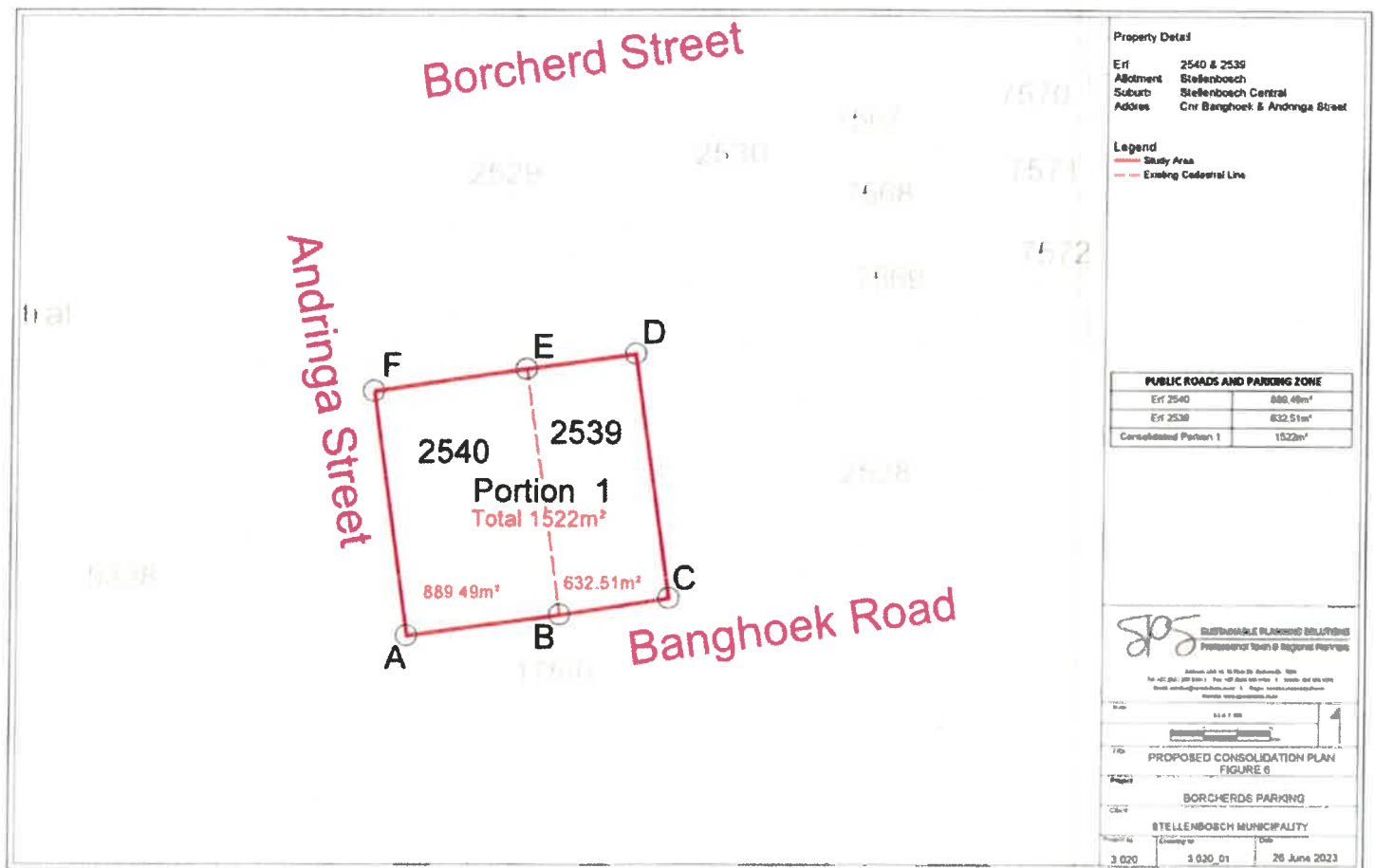
In terms of Section 15(2)a of the Stellenbosch Municipal Planning By-Law (2015), in support of the **Rezoning** of portion 1. Refer to **Figure 7**.

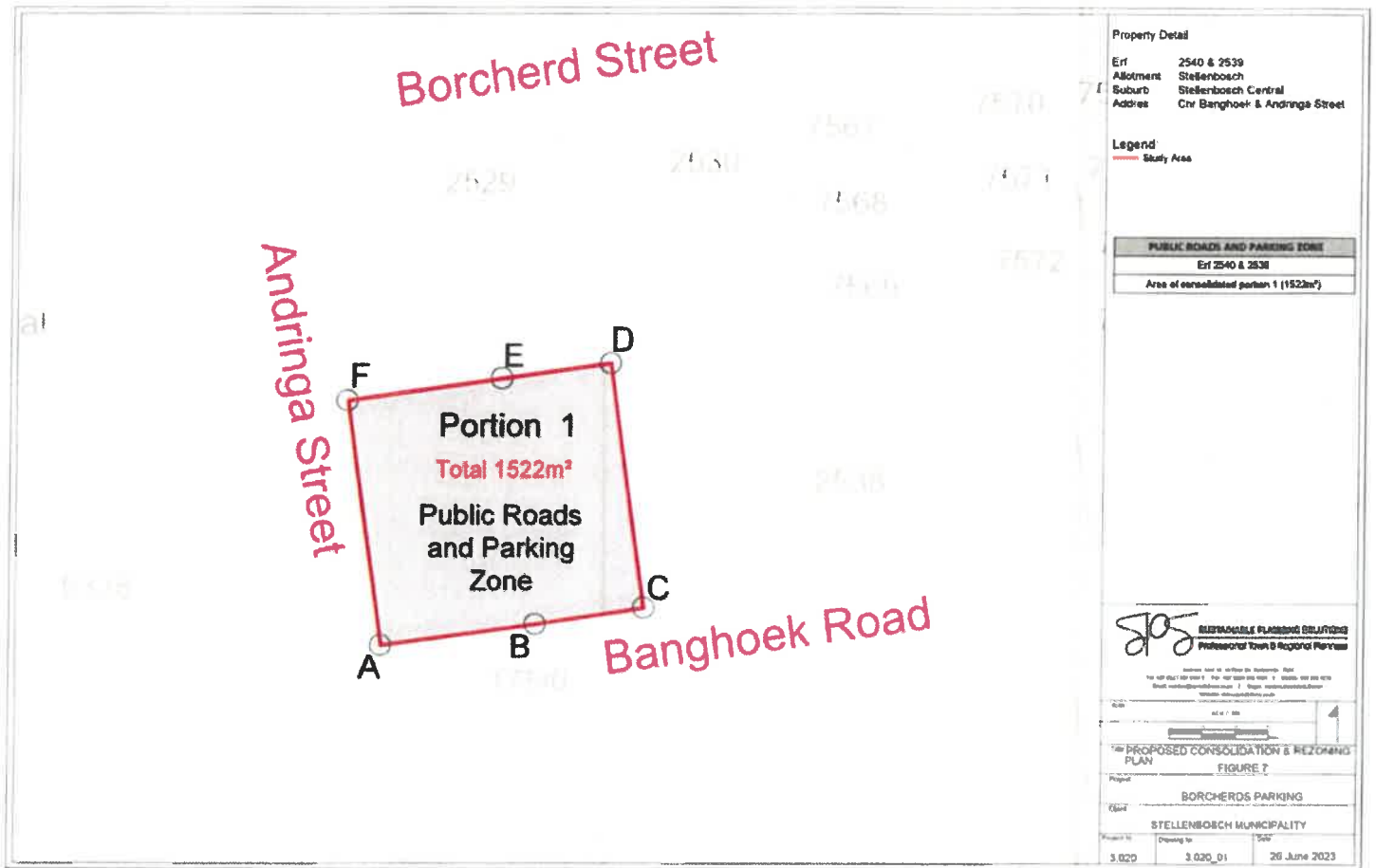
The proposed zoning for the newly consolidation portion 1 is **Public Roads and Parking Zone**.

Public Roads and Parking Zone is broadly defined as follows:

"...to make provision for the following:

- (a) public roads as indicated on a general plan and roads, whether constructed or not.*
- (b) premises for the public parking of motor vehicles which are in use. Such parking may be provided in buildings or in open parking areas to address the need for off-street parking in an area, with or without the payment of a fee."*





6. MOTIVATION AND CONCLUSION

The purpose of this land use application is to consolidate erven 2539 and 2540, Stellenbosch into portion 1 thereafter, to rezone the newly consolidated 'portion 1' from Public Open Space zone to Public Roads and Parking Zone.

6.1 APPLICABILITY AND COMPLIANCE

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

The Stellenbosch Municipal Spatial Development Framework (SDF) demarcates the area in which the site is located as an **Existing and Proposed Urban Characters** which essentially falls within the Urban Edge. The proposed consolidation and subsequent rezoning of the site will not change the land use of the site but will remain compatible with the character of the area and therefore would be in line with what the SDF earmarks the area for. The aim of the proposed land use application is merely to ensure statutory compliance of the existing public parking area.

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

6.2 DESIRABILITY

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

6.2.1. SOCIO-ECONOMIC IMPACT

The proposed land use applications will not have a negative socio-economic impact. It is merely to ensure statutory compliance of the existing land uses. There is no new work or change proposed in physical structure will not have a negative socio-economic impact. The consolidation of the underlying erven and change of zoning will only have administrative

impacts.

6.2.2. COMPATIBILITY

The proposed consolidation is to facilitate smoother administrative processes pertaining to the site as the public parking area will be located on erf. Additionally, the newly consolidated portion is to be rezoned, this is to ensure the land can be utilised in a manner that does not conflict with the zoning of land.

6.2.3. SAFETY AND WELLBEING OF THE COMMUNITY

The proposed land use application will merely shift cadastral boundary lines in order to consolidate the underlying erven of the site. This, along with the subsequent rezoning of the newly consolidated portion, will not negatively affect the health, wellbeing, and safety of the surrounding community.

6.2.4. TRAFFIC IMPACT

No additional floor space is proposed with the application; therefore, no transport studies are triggered. The public parking bays is already in existence. The existing entrances to the property will remain. The land use application is merely to accommodate the existing public parking area.

6.2.5. IMPACT ON BIOPHYSICAL ENVIRONMENT

The existing public parking area will not have a negative impact on the biophysical environment.

6.2.6. IMPACT ON EXISTING RIGHTS

No negative impact on the existing rights of surrounding properties is anticipated. As the public parking area is already existing and accessible to the general public. The land use is in line with the primary uses of the Public Roads and Parking Zone. The application merely aims to consolidate and rezone the property to regularise the existing land use.

6.2.7. VEHICULAR AND PEDESTRIAN ACCESS

The site currently obtains vehicular and pedestrian access from Banghoek road. The existing vehicular and pedestrian access will remain. The proposed land use application will not have a negative impact on the existing vehicular and pedestrian access.

6.2.8. ENGINEERING SERVICES

The proposed land use application will not have a negative impact on the

existing engineering services. No new construction works, or floor space is proposed. Engineering services capacity studies are thus not triggered.

6.2.9. NEED FOR MITIGATING CONDITIONS

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

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

The application merely aims to consolidate and rezone the property to ensure statutory compliance of the existing land use on the site.

6.3 LAND USE PLANNING PRINCIPLES

- **Spatial Justice:**

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

Past spatial and other development imbalances is not applicable to this application. However, the proposed consolidation and subsequent rezoning application allow for a much easier administrative process when future development/building plan applications are submitted for the expansion or improvement of erven 2539 and 2540, Stellenbosch.

- **Spatial Sustainability:**

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

The existing public parking area site is located within the urban edge of Stellenbosch. The town of Stellenbosch is spatially compact and located within the administrative realms of the Stellenbosch Municipality. The existing public parking area already provides off-street parking to road users in the area, therefore alleviating issues like Traffic congestion and carbon emissions. While increasing the overall convenience in the search for parking in the area. The land use application is merely to ensure statutory compliance of the existing public parking area located on erven 2539 and 2540, Stellenbosch.

- **Spatial Resilience:**

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

This land use application aims to consolidate and rezone the erven underlying the study area. This is to ensure the statutory compliance of existing public parking area, which provides off-street parking to road users in the vicinity. Should the landowner (Stellenbosch Municipality) wish to dispose of the land, any monies received could be reinvested in bettering the lives of the Stellenbosch people.

- **Efficiency:**

"Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities".

The consolidation and subsequent rezoning of the existing public parking area on erven 2539 and 2540, Stellenbosch, clearly indicates the applicant's desire to achieve optimal utilisation of the site's capacity. The proposed land-use applications will allow for easier and efficient processing of future development/building plan applications to upgrade or extend the public parking area.

- **Good Administration:**

"The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all the parties the opportunity to provide inputs on matters affecting them".

The consolidation of erven 2539 and 2540, Stellenbosch into one portion will allow for easier administrative processes with regards to future development or upgrading proposals.

6.4 CONCLUSION

In terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015), we respectfully request your office's favourable consideration of this application for the proposed consolidation & rezoning of erven 2539 and 2540, This is in order to ensure statutory compliance of the existing public parking area on erven 2539 and 2540, Stellenbosch.

7. REFERENCES

1. Stellenbosch Municipality, 2015. Stellenbosch Municipality, Land Use Planning By-law ,Cape Town: Provincial Gazette.
2. Stellenbosch Municipality, 2019. Stellenbosch Municipality Spatial Development Framework (2019), Stellenbosch: Stellenbosch Municipality
3. Republic of South Africa, 1999. National Environmental Management Act 107 of 1998, Cape Town: Government Gazette.
4. Republic of South Africa, 1999. National Heritage Resources Act (Act 25 of 1999), Cape Town: Government Gazette.
5. Republic of South Africa, 2013. Spatial Planning and Land Use Management Act, Cape Town: Government Gazette.
6. Western Cape Government, 2014. Western Cape Land Use Planning Act, Cape Town: Provincial Gazette.

**ANNEXURE E: PROOF OF EVIDENCE (PUBLIC PARTICIPATION,
GENERAL PLAN & AFFIDAVIT)**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPAL

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

July 2021v2

05 APR 2024

RECEIVED

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO RELEVANT LAND USE MANAGEMENT ADMINISTRATOR

LAND USE PLANNING APPLICATION: PUBLIC PARTICIPATION PROCESS

PORTFOLIO OF EVIDENCE (POE) CHECKLIST AND DECLARATION

Sections 45, 46 and 55 of the Stellenbosch Municipal Land Use Planning By-Law (2015)

Erf / Farm no	Erf 2539 & 2540	Portion(s) of farm		Allotment Area	Stellenbosch
Owner/ Applicant	Candice Maasdorp-Theron			LU/#	LU/15828 (TP424/2023)
Notice Period	From:	09 November 2023	To:	11 December 2023	

	CONFIRMATION OR DOCUMENTATION SUBMITTED			OWNER/APPLICANT			ADMIN VERIFY
	YES	NO	N/A	YES	NO	N/A	
1. The declaration is duly signed							✓
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached	X						✓
3. Municipality informed of the start date and closure date	X						✓
4. The advertisement period complies with the required 30 days (60 days for municipal departments and organs of state)	X						✓
5. If applicable, confirms that the site notice was placed and kept on site for the full duration of the public participation process						X	
6. All communications (other than notices) in respect of the public participation process attached	X						✓
Proof of notices published							
7. If applicable, photo evidence to confirm site notice (one close up and one from across the street)						X	
8. Wording of the advertisement accurate and copy attached						X	
9. Proof of notices published (publication date visible)						X	
Proof of notices served							
10. Wording of notice accurate and example attached	X						✓
11. Proof of all notices served to neighbouring properties attached	X						
12. Proof of all notices served to interest and community groups attached	X						
13. Proof of all notices served to municipal departments and organs of state (government dept's and entities) attached						X	
Comments received							
14. All objections and comments received attached, including amended comments if relevant						X	
15. All comments from municipal departments and organs of state received (must also be attached to POE)	✓					X	✓
16. Consent from abutting property owners obtained and attached						X	
17. Applicant's written reply / responding comments on all the objections attached						X	

July 2021 v2

KINDLY NOTE:

1. The POE may only be submitted once all relevant municipal departments and organs of state have submitted their comment, inclusive of the applicant's written reply thereto.
2. When any comments have been discussed or amended terms negotiated with the relevant commenting entity, the amended comments and the applicant's written reply thereto must be attached to the POE.
3. The decision-making period will only commence after receipt and confirmation of a complete POE in accordance with section 57 of the Bylaw.

COMPLETE AND SIGN THE FOLLOWING DECLARATION**DECLARATION**I, (full names & surname) CANDICE MAASDORP-THERONand ID No: [REDACTED], as the Applicant for the above application, hereby confirms:

- 1) the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw;
- 2) the information contained in the above checklist and the accompanied information and documentation in the Portfolio of Evidence for the concluded public participation process, are accurate and complete; and
- 3) the personal information (e.g. name, address, contact details) of interested and affected parties as supplied by the Municipality was only used for official municipal communication matters with reference to the Protection of Personal Information Act 4 of 2013 (POPI).

Duly signed on 31 JANUARY 2024 at DURBANVILLE

Date

Place

[Signature]
Signature

For office use only	
CHECKED BY ADMINISTRATIVE OFFICER	<u>[Signature]</u>
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:

Nicole Katts

From: Nicole Katts
Sent: Monday, 16 October 2023 15:13
To: Gavaza Mlamu
Cc: Candice M. Wade Dooling; Bongiwe Zondo
Subject: RE: INSTRUCTION TO ADVERTISE - ERF 2529 STELLENBOSCH (TP423/2023) LU/15828
Attachments: ADDRESSES - ERF 2540 & 2539 SB.docx; ADDRESSES - ERF 2529 SB.docx

Dear Gavaza

I trust that you are well.

Please find attached correct addresses which must be notified for both applications (TP423/2023 & TP424/2023) Stellenbosch.

Erf 2540 & 2539 Stellenbosch

ADVERTISING INSTRUCTION	YES	NO
Advertise in press		✓
Notice on the property		✓
Registered letters to affected property owners		
Registered letters to community organizations		
External departments		✓

AFFECTED/INTERESTED PROPERTY OWNERS LIST**30 DAYS TO COMMENT**

Erf 2529
 Erf 7613 (S0001-S0040)
 Erf 2500
 Erf 11183 (S0003-S0009)
 Erf 6115

Stellenbosch Interest Group
info@stellenboschinterestgroup.org

Stellenbosch Agricultural Society
 E-mail: info@standbo@mweb.co.za / standbo@mweb.co.za

Stellenbosch Wine Route
 E-mail: enquiries@wineroute.co.za

Stellenbosch Ratepayers Association
 Email: info@stellenboschratedayers.org / secretary@stellenboschratedayers.org

Erf 2540 & 2539 Stellenbosch

ADVERTISING INSTRUCTION**YES NO**

Advertise in press (Eikestad Nuus) ✓

Notice on the property ✓

Registered letters to affected property owners ✓

Registered letters to community organisations ✓

External departments ✓

AFFECTED/INTERESTED PROPERTY OWNERS LIST**30 DAYS TO COMMENT**

Erf 5138

Erf 2530

Erf 7536

Erf 2539

Erf 2540

Erf 1183 (S0003 S0009)

Erf 6115

Erf 12369

Stellenbosch Interest Group ✓

Stellenbosch Wine Route ✓

E-mail: winelovers@ Stellenbosch.gov.za

Stellenbosch Ratepayers Association ✓

*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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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Gavaza Makamu <gavaza@sp-solutions.co.za>

Sent: Friday, 13 October 2023 13:49

To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

ANNEXURE F: COMMENT FROM THE MANAGER: SPATIAL PLANNING

Charlene Williams

From: Nicole Katts
Sent: Monday, 06 November 2023 12:30
To: Charlene Williams
Subject: FW: LAND USE APPLICATION FOR COMMENT: ERF 2540 & 2539 STELLENBOSCH - LU/15830 - SPATIAL PLANNING

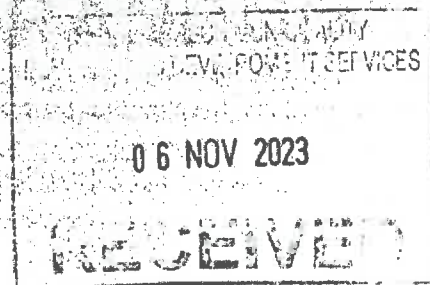
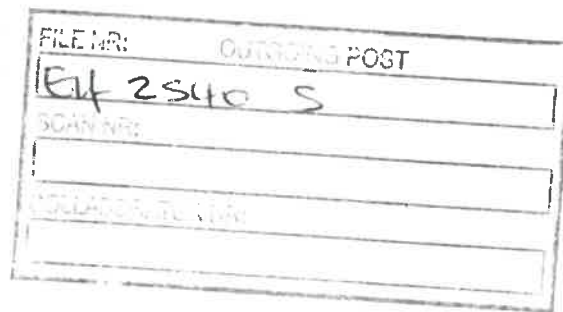
Hi Charlene

Plaas asb op leer vir my aandag.



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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From: Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>
Sent: Monday, 06 November 2023 12:21
To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Cc: Viola Anthony <Viola.Anthony@stellenbosch.gov.za>
Subject: LAND USE APPLICATION FOR COMMENT: ERF 2540 & 2539 STELLENBOSCH - LU/15830 - SPATIAL PLANNING

Dear Nicole

The application on Erf 2540 & 2539, Stellenbosch refers.

Please note that this department has no objection.

Thank you.



Regards / Groete,

Barbara-Ann Henning (Pr. Pln A/2043/2015)

Spatial Planner : Spatial Planning

Planning and Economic Development

T: +27 21 808 8656

NPK Building, c/o Ryneveld & Plein Street (2nd
Floor), Stellenbosch, 7600

www.stellenbosch.gov.za/planning



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**ANNEXURE G: COMMENT FROM THE DIRECTOR: INFRASTRUCTURE
SERVICES**



STELLENBOSCH MUNICIPALITY

STELLENBOSCH-PNIEL-FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ◦ Aan:	Director: Planning + Economic Development
Att Aandag:	Nicole Katts
From ◦ Van:	Manager: Development (Infrastructure Services)
Author ◦ Skrywer:	Tyrone King
Date ◦ Datum:	19 Sept 2023
Our Ref ◦ Ons Verw:	Civil LU 2579
Town Planning Ref:	LU/15830
Re ◦ Insake:	Erf 2540 & 2539, Stellenbosch: An application is made in terms of Section 15 (2) (e) of the Stellenbosch Municipality Land Use Planning By-law, 2023, on Erf 2539 & 2540 Stellenbosch for Consolidation of Erf 2539 (632.51 sqm in extent) and Erf 2540 (889.49 sqm in extent) to create Portion 1 (15522 sqm in extent) in order to regularize the existing parking area.

1. Civil Engineering services

1.1 No objection.

**Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)**