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NOTICE OF MUNICIPAL PLANNING

TRIBUNAL MEETING

OF STELLENBOSCH MUNICIPALITY

FRIDAY, 2024-01-26 FROM 10:00-15:00

STELLENBOSCH
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NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2024-01-26 FROM 10:00-15:00

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

2024-01-26

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

Mr C Alexander: Senior Manager - Development Planning

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, 2024-01-26 from 10h00-15:00** *to consider the items on the Agenda.*



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

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MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 29th OF SEPTEMBER 2023 AT THE EDEN CLUBHOUSE IN PARADYSKLOOF

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

2023-09-29

Chairperson
Mrs Hedwig Crooijmans-Lemmer

Deputy Chairperson
Mr Piet van Zyl

External Members
Mrs Christine Havenga
Mr Dane Leo
Mr Stephen Boshoff

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 Implementation

Technical Advisor

Mr 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

Mr P April: Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms O Sims: Administrative Officer: MPT

ITEM	SUBJECT
SMPT 01/09/23	**OPENING AND WELCOME**
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/09/23	**LEAVE OF ABSENCE**
	Mr C Alexander Ms L Davids

SMPT 03/09/23	**DISCLOSURE OF INTERESTS**
	None received

SMPT 04/09/23	**MINUTES OF THE PREVIOUS MEETING DATED 28 August 2023**
	The minutes of the previous meeting was approved.

	MATTERS FOR CONSIDERATION
SMPT 05/09/23	**LAND USE AND LAND DEVELOPMENT APPLICATION:** **APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS** **Discussion:** a. The Chairperson handed it over to Ms. Zondo to give a brief introduction to the application that served before the Tribunal. b. Ms Zondo confirmed that the application was not changed; clarity was provided by the Infrastructure Department that the road should be a public road as per normal need for new developments within the urban edge. c. Concerns raised about the "no man's land" that will be created by the public road will be addressed in the conditions for the site development plan to provide for landscaping along the boundary of the development. d. The way implementation of the Inclusionary Zoning Policy is to be included as a condition of approval was debated, and agreement

was reached that the best way forward will be for the developer to ensure compliance with the approved Council policy.

UNANIMOUSLY RESOLVED

1. That the application in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Farm 716/27 Klapmuts for the following:

   1.1 **Rezoning** of Farm 716/27 in terms of Section 15 (2) (a) of the said by-law from Agriculture and Rural Zone to Subdivisional Area Zone in order to facilitate the proposed development to allow for the following uses:

   a) 40 Multi-Unit Residential Zone erven (Group housing) erven (±9115 m^2)
   b) 3 Private Open Space Zone erven (private open space) erven (±2021 m^2) & (Private Road) (±3476 m^2)
   c) 1 Utility Services Zone erf (Substation) (±15 m^2)
   d) 1 Public Roads & Parking Zone erf (Public Road) (±2504 m^2)

   1.2 **Subdivision** of the rezoned land unit in terms of Section 15 (2) (d) of the said by-law in accordance with Subdivisional Plan No: APS/KLAP/SUB1E drawn by Pierre Jordan (Active Planning Solutions) dated July 2023 attached as **Annexure C**.

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

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1 The approval applies only to the proposed development under consideration 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 Subdivisional Plan No: APS/KLAP/SUB1E drawn by Pierre Jordan (Active Planning Solutions) dated July 2023 attached as **Annexure C**.

2.3 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development

	for record purposes, which plan must indicate the following information: a) Newly allocated erf numbers b) Co-ordinates c) Survey dimensions d) Street names and numbering 2.4 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw. 2.5 All common property, inclusive of private road/s and open space/s and land required for services by the owners' association, be transferred at their cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first. 2.6 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer. 2.7 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval 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 Bylaw, and specifically the following matters: a) A landscaping plan and b) Architectural guidelines. 2.8 Provision for inclusionary housing in pursuance of settlement restructuring be provided in accordance with the Inclusionary Zoning Policy 2023, approved by Council. 2.9 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 must include and comply with the letter by the

	Directorate Infrastructure Services with reference 2147 CIVIL LU and dated 05 July 2023 and attached as **Annexure H**. 2.10 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment, prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services. 2.11 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services. 2.12 The conditions imposed by the Community Services Department as contained in their memo dated 18 March 2021, attached as **Annexure I**, be complied with. **3. Matters to be noted:** 3.1 The permanent departure application is not required as the restriction in terms of Act 21 of 1940 is not indicated on the subject property's title deed. 3.2 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. 3.3 All engineering services and infrastructure as required in terms of the conditions and services agreement be complied with to the satisfaction of the Municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification. 3.4 Building plans be submitted 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. 3.5 The approval for the naming and numbering of streets as per the proposed subdivision plan, be obtained from the delegated functionary as a separate decision. 3.6 The conditions imposed by the Western Cape Regional office: Water & Sanitation as contained in their letter dated 23 July 2021, attached as **Annexure L**, be complied with. 3.7 Necessary legal steps be taken by the Municipality to enforce the deconstruction of the buildings/structures on the road reserve of Heaford Street. **4. The reasons for the above decision are as follows:** 4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will in fact offer residential opportunities in the area. 4.2 The proposed development constitutes infill development and is in line with the principles of the MSDF. 4.3 Additional traffic can be accommodated on the local road network and there is capacity in infrastructure and services to accommodate the development.
6/09/23	**APPLICATION FOR REZONING: ERF 294, RAITHBY** **Discussion:** a. The Chairperson handed it over to Mr. April to give a brief introduction to the application that served before the Tribunal. b. It was questioned whether there is a specific need/requirement for this type of development to be located outside of the urban area. It was noted that similar uses are found in urban and rural areas. c. Historically institutions have been located in rural areas and an opinion was raised that agricultural areas are impoverished by recent thinking of accommodating everything in urban areas. The MSDF calls for a balanced development. d. It was noted that the proposal does not negate the principle and vision of the MSDF and it does not thwart its objective. The

Planning Tribunal members are not in agreement with the report that the proposal is inconsistent with the MSDF.

e. Limited rights in perpetuity are proposed as per the conditions of approval in that if this development stops operating, the rezoning rights will lapse.

f. It was noted that development in rural areas often ensures more vehicle movement and people that creates a sense of safety and contributes to security of rural communities staying in isolated rural areas.

g. The extent of the rezoned area and the possibility to only include the buildings in the rezoned area. It was noted that the open area between the buildings (the "werf") forms an integral part of the proposed land use.

UNANIMOUSLY RESOLVED

1. That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 294 Raithby, namely the **Rezoning** in terms of Section 15(2)(a) of the said by-law for ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre), for sufferers of substances abuse and eating disorders in existing buildings and a new building as depicted in Zoning Plan (Project No. 2021 643, Figure ZP-1643-01 dated August 2023), attached as **APPENDIX 2**.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1. The approval only applies to the proposed rezoning 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 rezoning approval will only be valid for the duration of the period that the subject proposed facility (Rehabilitation/Addiction Care facility) is in operation and should the subject facility cease to

	operate for any period of time, the rezoning approval, together with any temporary building plan approval attached to the rezoning approval, will lapse and the subject spot zoning for Community Zone, in the associated buildings, will revert to Agricultural and Rural Zone and utilised only for agricultural related uses. 2.3. Building plans be submitted and approved by the Municipality for the change in land use from agricultural use to an addiction care/rehabilitation facility and prior to commencing of any building works, including the preparation of land, which building plan approval will only be approved as a temporary building plan approval for the duration of the approved facility when all relevant (or qualified) conditions of approval have been complied with. 2.4. Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of submission of building plans or as may be agreed on in writing with the Directorate: Infrastructure Services. 2.5. The development must be undertaken generally in accordance with the Zoning Plan (Project No. 2021 643, Figure ZP-1643-01 dated August 2023) and site plan and building plans, as indicated on the referenced Project No 2021 643, dated April 2022 & August 2021 respectively and drawn by MLH Architects & Planners, attached as **APPENDIX 2.** 2.6. Vehicle access, related to the use and operation of the facility, including visitors be restricted to between 08h00 till 17h00 daily. 2.7. Only the main entrance to the property shall be used for access to the Rehabilitation/Addiction facility. 2.8. The maximum number of patients be restricted to 40 at a time and that no expansion of the facility, either in infrastructure or capacity, be permitted. 2.9. The centre submits copies of annual agreements/memoranda of understanding regarding donations or funding to "The Mudita Foundation" or any similar organisation working with the previous disadvantage communities in the field of substance and other abuse in and around the Stellenbosch Municipal area, to the satisfaction of the Municipality's Community Development Department. 2.10. No additional agricultural residential dwellings be constructed on the property and should the need arise, the existing dwellings revert back for agricultural purposes. 2.11. The submission of a diagram prepared by a registered land surveyor indicating coordinates of the area which was rezoned, in order to validate the approved split zone in relation to the zoning plan in **APPENDIX 2** before building plan approval.

2.12. The conditions listed in the letter dated 30 June 2022 from the Western Cape Government: Transport and Public Works attached as **APPENDIX 6** be complied with, prior to building plan approval.
2.13. The conditions listed in the memorandum dated 12 April 2022 from the Municipal Director: Infrastructure Services attached as **APPENDIX 7** be complied with.

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

3.1. The MPT agreed that the application is consistent with the MSDF.
3.2. The aesthetic appearance of the structures will not be altered, the heritage worthiness of the existing buildings will be conserved, and the new structure will not impact negatively on the cultural landscape. Impacts on cultural significance, are therefore not anticipated.
3.3. The development and specifically the Community Zone split zoning does not impose real costs or risks to the Municipality delivering on its mandate and would not compromise the development strategy of the MSDF.
3.4. The proposed rezoning does not alienate unique or high value agricultural land or compromise existing farming activities.

4. Matters to be noted:

4.1. When the existing sewerage system is to be replaced and upgraded, comment from the Department of Environmental Affairs and Development Planning; Environmental Impact Management Services should be obtained.
4.2. The land use shall not create any undue noise or be a nuisance to the neighbourhood and precautionary measures should be taken by the property owner in order 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).
4.3. During construction of the new building the owner, developer or any agent acting on his/her behalf must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.
4.4. Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.
4.5. All electrical requirements should be directed to Eskom.

	4.6. Should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327,325 and/or 324 an application must be submitted, and environmental authorisation obtained before such activity(ies) may commence. 4.7. That all buildings comply, and activities are conducted satisfactory to the requirements of the Health and Fire Services authorities at all times.
SMPT 08/09/23	**APPLICATION FOR REZONING: FARM NO 279, STELLENBOSCH** **Discussion:** a. The Chairperson handed over to Mr April to give a brief introduction to the application that served before the Tribunal. b. The impact of the development on the Adam Tas Corridor is noted as this development sterilizes quite a large area of land. But it is also noted that the ATC is not envisaged as a continuous corridor but proposes several precincts. The impact of the development on Droëdyke is also noted as a concern. c. A general comment is made regarding the consideration of the possible development of the remainder of the property (south of Polkadraai Road) as municipal land for residential development to create a balanced growth opportunity to the south of Stellenbosch town in contrast to Kayamandi to the north. d. The visual impact of the facility at the entrance of the town is important. Therefore the mitigating landscaping measures should be implemented and the architectural design guidelines drafted should be adhered to for the design of all buildings and structures on the site and the Municipality should set a standard of best practice. **UNANIMOUSLY RESOLVED** 1. That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 8768/2023, dated 09 June 2023, namely: 1.1 **Rezoning** in terms of Section 15(2)(a) of the said by-law to rezone ±14.8ha of Farm No. 279, Stellenbosch from Agriculture and Rural Zone to Utility Services Zone, to allow the operations of a Material Waste Recovery facility, an Organic Waste Transfer station and an oxidation dam for the Stellenbosch Waste Water Treatment Works (WWTW) as indicated on Zoning Plan Ref STB/12891/ZN dated December 2022 and drawn by C.K. Rumble and Partners.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1 The approval only applies to the proposed rezoning 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 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 as required in terms of Section 160 of the said bylaw, which clearly shows the rezoned area, the landscaping proposals (with plant schedule) and all existing structures and features be submitted with the final building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw and any relevant matters relating to Section 16(4) of the said Bylaw, and especially the strategic location thereof and the visual impact to the entrance to the town.

2.3 The final Site Development Plan to be submitted, be informed by Site Development Plan (Project No. 1001682, Revision A dated 05/05/2023) drawn by Zutari Imact.Engineered and building plans 4653-JGA-CL-DAP-099/902/904 dated June 2022 and drawn by JG Afrika, building plan Project No. 22.06.04 Drawing M002 and M003, dated 14/03/2023 and drawn by MSmith Architectural Group and Zoning Plan Ref STB/12891/ZN dated December 2022 and drawn by C.K. Rumble and Partners, attached as **APPENDIX 2**.

2.4 Building plans be submitted generally in accordance with the plans submitted as **APPENDIX 2** as well as the architectural guidelines submitted as **APPENDIX 3** for the approval of the municipality.

2.5 The conditions listed in the letter dated 16 August 2023 from the Western Cape Government: Transport and Public Works attached as **APPENDIX 6** be complied with.

	2.6 The conditions listed in the memorandum dated 22 June 2023 from the Cape Winelands District Municipality Health Department attached as **APPENDIX 6** be complied with. 2.7 The conditions listed in the memorandum dated 18 July 2023 from the Municipal Director: Infrastructure Services attached as **APPENDIX 7** be complied with. **3 The reasons for the above decision are as follows:** 3.1 The proposed land use, within the Stellenbosch Urban Edge, does not impact negatively on the safety, health and wellbeing of the surrounding environment and sufficient municipal services are provided. 3.2 The visual impact of the facility can sufficiently be mitigated with architectural design guidelines and landscaping proposals. 3.3 The facility will ensure the effective and efficient utilisation of resources, minimise the consumption of natural resources, stimulate job creation within the waste economy and increase waste management through reuse, recovery and recycling. **4 Matters to be noted:** 4.1 A Water Use Authorization be obtained from the Department of Water and Sanitation if deemed necessary and all requirements of the National water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be adhered to at all times. 4.2 If any amendments to the approved development is required, then the holder must apply for amendment of the Environmental Authorization to the competent authority where any detail with respect to the Environmental Authorization must be amended, added, submitted, corrected, removed or updated. If a new holder is proposed an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted. 4.3 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order 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). 4.4 During construction the owner, developer or any agent acting on his/her behalf must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.

	4.5 Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.
SMPT 07/09/23	**OTHER MATTERS**
7.1	**PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)** a) The Municipality will arrange a presentation via MS Teams on the Inclusionary Zoning Policy. b) Members request an opportunity to provide input on the drafting of policies and the zoning scheme bylaw.
7.2	**APPEALS RECEIVED AGAINST MPT DECISIONS** a) Members request to be informed as appeals are received or when appeal decisions or court judgements are issued. The aspect of relevant considerations in accordance with PAJA are generally the first argument made by attorneys and provide valuable lessons and guidance to decision makers.
7.3	**GENERAL** a) The graphic quality of the documents and especially the plans are poor, due to copy and scanning and it is difficult to see the detail. The Municipality was requested to address this matter to include in the email, a clear map in pdf format or even a Google Maps or Cape Farm Mapper link to the location. b) The quality and thoroughness of the content of the reports are noted.

Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

Mr P van Zyl
DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

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APPLICATION FOR SUBDIVISON, CONSOLIDATION AND REZONING OF FARM 1041/7 AND FARM 1041/3, LA MOTTE

CONTENT

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THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: SUBDIVISION, CONSOLIDATION AND REZONING OF FARM 1041/7 AND FARM 1041/3, LA MOTTE.			
Application Reference	File Ref: LU/14341	Application Date	2022/08/17
		Last day for comments or additional information	2023/10/08

PART A: APPLICANT DETAILS			
First name(s) & Surname	Candice Maasdorp		
Company name	Sustainable Planning Solutions		
SACPLAN registration number	Pr. Pln. (1224/2002)		
Registered owner(s)	Department of Public Works	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Unregistered portions 27 and 28 of Farm 1041 La Motte, a portion of Farms 1041/3 and 1041/7, La Motte.	Administrative District	Paarl
Physical address	Maasdorp is located approximately 5km west of the Franschhoek Central Business District (CBD) and is neatly sandwiched between Leopard's Leap Wine Estate and Klein Goederust Wine Farm.		
Extent (m² /ha)	33ha in extent but only 3.47ha is to be Rezoned and Subdivided.	Nearest Town	Franschhoek
Existing Development and Current land use	The study area is formally referred to as Maasdorp, a small forest village ("bosdorp"), accommodating households on 15 (unregistered) erven.		
Any unauthorised land use/building work	None		
Title Deed Nr.	46385/2004		
Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019	Agriculture and Rural Zone		

PART C: APPLICATION DETAILS	
Applications(s)	**SUBDIVISION** – Application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the ***Subdivision*** of Farm 1041/7, into two portions, Portion 27 of Farm 1041, and Remainder Portion 7 of Farm 1041. – Application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the ***Subdivision*** of Farm 1041/3, into two portions, Portion 28 of Farm 1041, and Remainder Farm 1041/3. **CONSOLIDATION** – Application in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the **Consolidation** of the newly subdivided / created unregistered portions, Farm 1041/27 and Farm 1041/28, La Motte, Stellenbosch. **REZONING** – Application in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the **Rezoning** of the unregistered consolidated **Portion** from Agriculture and Rural Zone to Subdivisional Area to create: – 16 portions for residential purposes – Conventional Residential Zone – 2 portions for open space – Public Open Space Zone – 1 portion for road purposes – Public Roads and Parking Zone **SUBDIVISION** – In terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the ***Subdivision*** of the unregistered consolidated **Portion** into the following: – 16 portions for residential purposes – Conventional Residential Zone – 2 portions for open space – Public Open Space Zone – 1 portion for road purposes – Public Roads and Parking Zone
Purpose of Application	Despite Maasdorp being a residential settlement within the urban edge the parent property on which Maasdorp is located, is still zoned as agriculture and rural zone. For this reason, a subdivision and rezoning process is required in order to facilitate township establishment. Once township establishment has been achieved, the transfer of ownership of the newly created properties to the residents will be possible.

Pre-consultation	Indicate if Pre-Application consultation took place and essential information that was communicated to applicant during this meeting. (Attached Pre-Consultation Minutes)

PART D: APPLICATION BACKGROUND

The study area is formally referred to as Maasdorp, a small forest village ("bosdorp"), accommodating 15 households on an (unregistered) property. The houses are placed in a grid-like patern with one main access street, leading directly from the R45, with two unnamed internal streets. Maasdorp is located approximately 5km west of the Franschhoek CBD and is sandwiched between Leopard's Leap Wine Estate and Klein Goederust Wine Farm. The Robertsvlei road, which leads to La Motte, is positioned directly opposite Maasdorp. Although Maasdorp comprises of "16 unregistered erven", only 15 of these erven are currently occupied and the "16th lot / portion" is currently vacant.



Maasdorp Forest Village currently

Maasdorp Forest Village spans across two farm portions, namely unregistered portions 27 and 28 of Farm 1041 La Motte. Simultaneously it should be noted that portions 1041/27 and 1041/28, La Motte are portions of parent farms La Motte 1041/3 and 1041/7. Portions 27 and 28 were never registered in the Deeds office and hence the reference to these portions, as "unregistered".

Maasdorp was established several years ago when employees of the organs of state known as SAFCOL (which fell under the Department of Forestry) and Water Affairs, were deployed to assist with the construction of the Wemmershoek Dam. Currently these properties are now managed by the Department of Public Works.

Accommodation in Maasdorp was offered to certain employees and included a home on a fairly large-sized erf (1000sqm – 2000sqm each). The understanding at the time between SAFCOL/Water Affairs and their employees/tenants of these dwelling units, was that ownership would inevitably be transferred to them. At present, most of the residents staying in Maasdorp are either retired employees of SAFCOL or Water Affairs or the descendents of employees of SAFCOL and Water Affairs due to the fact that a number of employees have unfortunately already passed on.





Current intersection with R45

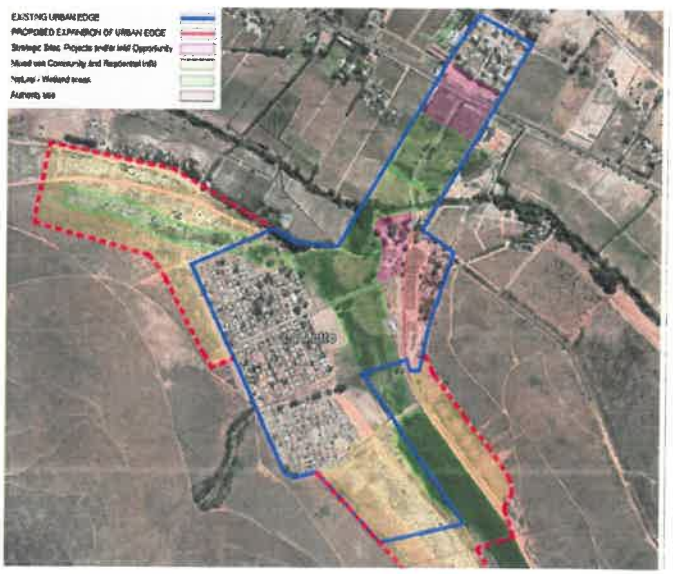


Looking from the intersection with the R45 down the main access road of the proposed development.



Photos of Maasdorp as presently developed

In 2007, an agreement was signed between the National Department of Public Works and Stellenbosch Municipality that enables the municipality to undertake the necessary statutory processes to facilitate the ownership vesting process.



Extract Of 2023 Urban Edge

Despite Maasdorp being a "residential settlement" within the urban edge the settlement is still zoned as agriculture and due to this the application under consideration has been submitted. Once township establishment has been achieved then the transfer of ownership to these residents will take place.

PART E: APPLICATION OVERVIEW AND MOTIVATION

Maasdorp, a small forest village ("bosdorp"), accommodating 15 households on an (unregistered) property and is located approximately 5km west of the Franschhoek CBD area. The subject property is sandwiched between Leopard's Leap Wine Estate and Klein Goederust Wine Farm. The Robertsvlei road, which leads to La Motte, is positioned directly opposite Maasdorp forming an intersection. The 16 Residential properrties, 2 open space portions s and 1 road portion is located within the Urban Edge as noted above.

Maasdorp comprises 15 dwelling units but 16 portions are proposed as the one portion (Proposed Portion 16) is currently vacant. The "Village" spans across two unregisterred farm portions, portions 27 and 28 of Farm 1041 La Motte, which are portions of parent Farms 041/3 and 1041/7, hence the application.

Maasdorp was established to accommodate employees of the Department of Public Works whom assist with the construction of the Wemmershoek Dam. The understanding at the time between SAFCOL/Water Affairs and their employees/tenants was that ownership of these properties would inevitably be transferred to them.
In 2007, an agreement was signed between the National Department of Public Works and Stellenbosch Municipality that enables the municipality to undertake the necessary statutory processes to facilitate the ownership vesting process.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

The application was advertised in the press and to surrounding affected property owners.
2 Comments were received from affected property owners and a short summery their concerns are listsed below. (Response to the Comments received and the letters of Comments are attached as **Annexure D**)

- Carel Hofmeyr, Hofmeyr Attorneys - Leopard Leap Farm (Pty) Ltd
- Bettie-Mari Pienaar - Paul Roux Trust - FARMS 1041/27 &1041/28, La Motte, Paarl

A below is a brief summery of the concerns listed by the adjoinig property owners:

- That the proposed development be restricted to 16 portion (16 dwelling units) and that no further developemnt be permitted.(No further subdivision may be permitted / No densification be allowwed.)
- That the unique cultural landscape be protected which the subject property forms part of.
- That the open space between the R45 and Maasdorp remain vacant and not be cleared as the subject property is located on the R45, which is one of the prime scenic routes in the area, with it's agricultural landscape, characterised by farming activities, predominantly wine

related, and farmhouses withand agricultural buildings dispersed in confined pockets amongst the vineyards.
- That all properties only be used for residential purposes. (No business activities be allowed.)

The following Internal departments and sections of Stellenbosch Municipality supported the proposal with conditions.

- The **Manager: Spatial Planning** support the proposal (see **Annexure E.)**
- The **Director: Engineering Services** supported the proposal subject to conditions (see **Annexure E.**)

The following External Departments that were requested to provide comment supported the proposal with conditions.

- The **Heritage Western Cape** supported the proposal (see **Annexure F.**)
- The **Department of Environmental Affairs and Development Planning** supported the proposal subject to conditions. (see **Annexure F.**)
- The **Department of Agriculture Western Cape** supported the proposal subject to conditions (see **Annexure F.**)

Response to the comments received from the two property owners and the various departments are attached as **Annexure D**

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

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

The land development application was submitted and processed in accordance with and in compliance with the prescripts of the said Bylaw.

The proposal is compliant with the MSDF of Stellenbosch as it is located within the urban edge and is identified for urban development.

ROD's have been obtained from the Department of Environmental Affairs and Development Planning (DEADP) and Heritage Western Cape.

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

The land use application under consideration is to facilitate the transfer of the 16 newly created portion / erven with existing structures / house to the beneficiaries as identified by the Department of Public Works. Access to the proposed development is directly from the R45 directly across from where the Robertsvlei Road intersect the R45.

The newly created erven with dwelling units will be accessed via gravel roads and the newly created properties are already serviced as dwelling units with associated out buildings were constructed to accommodate the employees of the Department of Public Works which formed part of the construction team working on the Berg River Dam.

The proposal was circulated to the relevant internal and external departments for comment as part of the assessment process and the proposal is supported with standard conditions. (Refer to **Annexures D & E)**

2.1 Applicable spatial development frameworks, guidelines, policies

The subject property and resulting portion are located within the urban edge and thus the proposal is in line with the Stellenbosch Spatial Development Framework as approved in 2023. (relevant extract of MSDF attached as **Annexure F**)

2.2 Service infrastructure capacity and sustainability

The application was circulated to the Directorate Infrastructure: Engineering Services and the proposal is supported as the newly created properties can connect to the existing civil infrastructure. As access to the development is obtained via the R45 and therefore all upgrades to the intersection with the R45 must be submitted to the Provincial Roads Engineer for approval and any conditions imposed must be complied with prior to rates clearance being given for the first property.

2.3 Applicable provisions of the zoning scheme

The proposal complies with the provisions of the 2023 Stellenbosch Zoning Scheme By-Law.

2.4 General desirability

The application is seen as desirable from a town planning point of view as it is a low-density development located on the urban edge and is only to formalize the existing residential use of the property. The approval of the proposal will only result in the existing dwelling units being located on an erf.

2.5 Assessment of comments on application

The application was advertised in the press and to surrounding affected property owners for comment. Two of the affected property owners provided comment on the application.

- Carel Hofmeyr, Hofmeyr Attorneys - Leopard Leap Farm (Pty) Ltd
- Bettie-Mari Pienaar - Paul Roux Trust - FARMS 1041/27 &1041/28, La Motte, Paarl

The comments received indicated that the proposal is supported subject to several conditions which need to form part of the conditions of approval and are to be registered against the title deed of the newly created property, where applicable. The conditions listed by the two parties are summarized below. (Affected property owners comments attached as **Annexure F**)

Summary of Comments received from the affected property owners.

- That the proposed development be restricted to 16 portion (16 dwelling units) and that no further development be permitted. (No further subdivision may be permitted / No densification be allowed.)
- That the unique cultural landscape be protected which the subject property forms part of.
- That the open space between the R45 and Maasdorp remain vacant and not be cleared as the subject property is located on the R45, which is one of the prime scenic routes in the area, with its agricultural landscape, characterised by farming activities, predominantly wine related, and farmhouses with and agricultural buildings dispersed in confined pockets amongst the vineyards.
- That all properties only be used for residential purposes. (No business activities be allowed.)



Photos of Maasdorp as currently developed.

The proposed development area, Maasdorp Forest Village, is located inside the urban edge of LA Motte and has been earmarked for 'Mixed Use Community and Residential Infill' in terms of the Stellenbosch Municipal Spatial Development Framework, 2019 & 2023 and the application under consideration is to only formalize the current use of the property.

The conditions listed above by the two property owners cannot be implemented for the following reasons:

- The proposed development area is located inside the urban edge of LA Motte and has been earmarked for 'Mixed Use Community and Residential Infill' in terms of the Stellenbosch Municipal Spatial Development Framework, 2019 & 2023 and the application under consideration is to only formalize the current use of the property.
- The MSDF promotes densification within the urban edge.
- The approval granted will create 16 conventional residential erven which are in excess of 2000m^2 in size and as a result could easily be subdivided.
- The development parameters of the newly created Conventional Residential erven, in terms of the Stellebosch Municipality Zoning Scheme By-Law 2023, permit a second dwelling to be constructed on the proeprty as an *Additional Right* in terms of a *Technical Approval*.

- It was also noted during a site inspection that a number of the outbuildings have already been converted to dwelling units resulting in more than 15 residential dwelling units already existing on these erven.

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:

- The land use application under consideration is to facilitate the transfer of the 16 newly created portion / erven with existing structures / house to the beneficiaries as identified by the Department of Public Works.
- Access to the proposed development is directly from the R45 directly across from where the Robertsvlei Road intersect the R45.
- The study area is formally referred to as Maasdorp, a small forest village ("bosdorp"), located approximately 5km west of the Franschhoek CBD, accommodating 15 households on an (unregistered) property, placed in a grid-like patern with one main access street, leading directly from the R45, with two unnamed internal streets.
- Although Maasdorp comprises "16 unregistered erven", only 15 of these erven are currently occupied and the "16th lot / portion is vacant.
- The proposal spans across two farm portions, namely unregistered portions 27 and 28 of Farm 1041 La Motte. Simultaneously it should be noted that portions 1041/27 and 1041/28, La Motte are portions of parent farms La Motte 1041/3 and 1041/7. Portions 27 and 28 were never registered in the Deeds office and hence the reference to these portions, as "unregistered".
- The subject property and resulting portion are located within the urban edge and thus the proposal is in line with the Stellenbosch Spatial Development Framework as approved in 2023.
- The proposal is supported by the Directorate Infrastructure Services with standard conditions.
- The application was advertised in the press and to surrounding affected property owners for comment.
- Two of the affected property owners provided comment on the application, Carel Hofmeyr, Hofmeyr Attorneys - Leopard Leap Farm (Pty) Ltd and Bettie-Mari Pienaar - Paul Roux Trust, FARMS 1041/27 &1041/28, La Motte, Paarl.
- The comments received indicated that the proposal is supported subject to a number of conditions which need to form part of the conditions of approval and are to be registered against the title deed of the newly created property, where applicable.

- The conditions listed by the two parties are summarized below in short.
  - ❖ That the proposed development be restricted to 16 portion (16 dwelling units) only. (No further subdivision may be permitted / No densification be allowed.)
  - ❖ The open space between the R45 and Maasdorp remain vacant and not be cleared to protect the scenic route / agricultural landscape.
  - ❖ That no business activities be allowed to be developed on the properties
- The application is seen to be desirable from a town planning point of view as it is a low-density development located on the urban edge and is only to formalize the existing residential use of the property.
- The approval of the proposal will only result in the existing dwelling units being located on a property that can be registered.
- The conditions of approval listed by the affected property owners is noted but cannot be imposed for the following reasons
  - ❖ The development falls within the urban edge and the MSDF promotes densification to ensure that the land and infrastructure within the urban edge are optimally used.
  - ❖ A site inspection noted that several of the outbuildings have already been converted to dwelling units resulting in more than 16 residential units being developed on the unregistered property to date.
  - ❖ The proposed erven are larger that 2000m² and thus further subdivisions are to be expected and will be permitted as the MSDF promotes sensible densification within the urban edge.

PART I: RECOMMENDATION

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw namely:

   1.1. ***Subdivision*** in terms of Section 15(2)(d) of the said bylaw, of Portion 7 of Farm 1041, into two portions, Portion 27 of Farm 1041, and Remainder Portion 7 of Farm 1041.

   1.2. ***Subdivision*** in terms of Section 15(2)(d) of the said bylaw, of Portion 3 of Farm 1041, into two portions, Portion 28 of Farm 1041, and Remainder Portion 3 of Farm 1041.

   1.3. **Consolidation** in terms of Section 15(2)(e) of the said bylaw, of the unregistered subdivided Portion 27 of Farm 1041 and Portion 28 of Farm 1041, La Motte, Stellenbosch.

1.4. **Rezoning** in terms of Section 15(2)(a) of the said bylaw, of the unregistered consolidated Portion 27 of Farm 1041 and Portion 28 of Farm 1041, La Motte, Stellenbosch, from Agriculture and Rural Zone to Subdivisional Area to create:

a) 16 Conventional Residential Zone erven (±3.49 ha)
b) 2 Public Open Space Zone erven (±0.52ha)
c) 1 Public Road and Parking Zone erf (±0.59ha)

1.5. **Subdivision** in terms of Section 15(2)(d) of the said bylaw, of the unregistered consolidated Portion 27 of Farm 1041 and Portion 28 of Farm 1041, La Motte, Stellenbosch as indicated on Subdivision Plan, Drawing No: 3.018.01.05, Dated 04 July 2022, drawn by Sustainable Planning Solutions, and attached as Annexure B, into the following:

a) 16 Conventional Residential Zone erven (±3.49 ha)
b) 2 Public Open Space Zone erven (±0.52ha)
c) 1 Public Road and Parking Zone erf (±0.59ha)

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1 The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

2.2 The development be undertaken in accordance with the subdivision and consolidation plans referenced as Plan 1, Drawing No: 3.018.01.01 and Plan 2, Drawing No: 3.018.01.02, and Plan 3, Drawing No: 3.018.01.03, Dated 17 June 2022, drawn by Sustainable Planning Solutions, and attached as **Annexure B.**

2.3 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first residential unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.

2.4 A Street Naming and Numbering plan be submitted for approval prior to the issuing of Section 28 Certification.

2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the Subdivision Plan which was preliminary approved by the SG. The following information must be indicated:

2.5.1 Newly allocated Erf Numbers
2.5.2 Co-ordinates

2.5.3 Survey Dimensions
2.5.4 Street names (if approved by Council)

2.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first residential property or approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

2.7 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first.

2.8 Compliance with the conditions relating to Directorate Infrastructure Services contained in memorandum, dated 2 June 2023 and attached as **Annexure E**.

2.9 All engineering services and infrastructure as required in terms of the conditions and services agreement be complied with to the satisfaction of the Municipality prior to the issuing of a Section 28 Certification.

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

3.1 The application is seen to be desirable from a town planning point of view as it is a low-density development located on the urban edge and is only to formalize the existing residential use of the property.
3.2 The application under consideration is to facilitate the transfer of the 16 newly created portion / erven with existing structures / house to the beneficiaries as identified by the Department of Public Works.
3.3 The approval of the proposal will have no impact on the character of the existing surrounding area as the existing houses with outbuildings were constructed during the construction of the Bergriver Dam in 2008.

4. Matters to be noted:

4.1 Compliance with the conditions relating to Department of Environmental Affairs and Development Planning as contained in the memorandum, Dated: 13 March 2023 and attached as **Annexure F**.

4.2 Compliance with the conditions relating to Department Heritage Western Cape as contained in the memorandum, Dated: 9 May 2019 and attached as **Annexure F.**

4.3 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.

4.4 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.

4.5 Building plans be submitted for approval by the Municipality for all existing building should no building plans be on record with the Municipality.

PART J: ANNEXURES

ANNEXURE A:	Locality Plan
ANNEXURE B:	Subdivision Plan
ANNEXURE C:	Applicant's Motivation
ANNEXURE D:	Proof of Evidence (Public Participation& Affidavit)
ANNEXURE E:	Comments from Internal Departments
ANNEXURE F:	Comments from External Departments
ANNEXURE G:	Objections / Comments and Applicants reply thereto
ANNEXURE H:	Specialist Reports TIA
ANNEXURE I:	Relevant extract of MSDF

PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR SUBDIVISION, CONSOLIDATION AND REZONING OF FARM 1041/7 AND FARM 1041/3, LA MOTTE.

Author of Planning Assessment Report:

Recommended Categorisation of the Application for Authorised Decision Maker:

Name: R Fooy
Capacity: Senior Town Planner
SACPLAN Registration:

Signature:
Date: 11/01/2023

PART L: REVIEW OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR SUBDIVISION, CONSOLIDATION AND REZONING OF FARM 1041/7 AND FARM 1041/3, LA MOTTE.

Review of Planning Assessment Report:
Name: Chizelle Fritz
Capacity: MCUM
SACPLAN Registration: A/2110

Signature:
Date: 11-01-2024

PART M: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR SUBDIVISION, CONSOLIDATION AND REZONING OF FARM 1041/7 AND FARM 1041/3, LA MOTTE.

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 Item 11.8.1 and dated 24 May 2023, the subject application is categorised as follows:

Category: A.c.2; D.c.2; E.b.2
Decision Making Authority: SMPT
Rational: The proposal is not inconsistent with Council's policies applicable to the application but is contested.

Name: Shaun Carstens
Capacity: SMPM
SACPLAN Registration: A/1551

Signature:
Date: 11/1/2024

PART N: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR SUBDIVISION, CONSOLIDATION AND REZONING OF FARM 1041/7 AND FARM 1041/3, LA MOTTE.

Administrator to Stellenbosch 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 Stellenbosch Municipal Planning Tribunal on:

Date: 26 JANUARY 2024

Name: IGNACIA DAVIDS
Capacity: SENIOR ADMINISTRATIVE OFFICER

Signature: DAVIDS.
Date: 11.01.2024

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ANNEXURE A



Location of proposed development. ★

LOCALITY PLAN

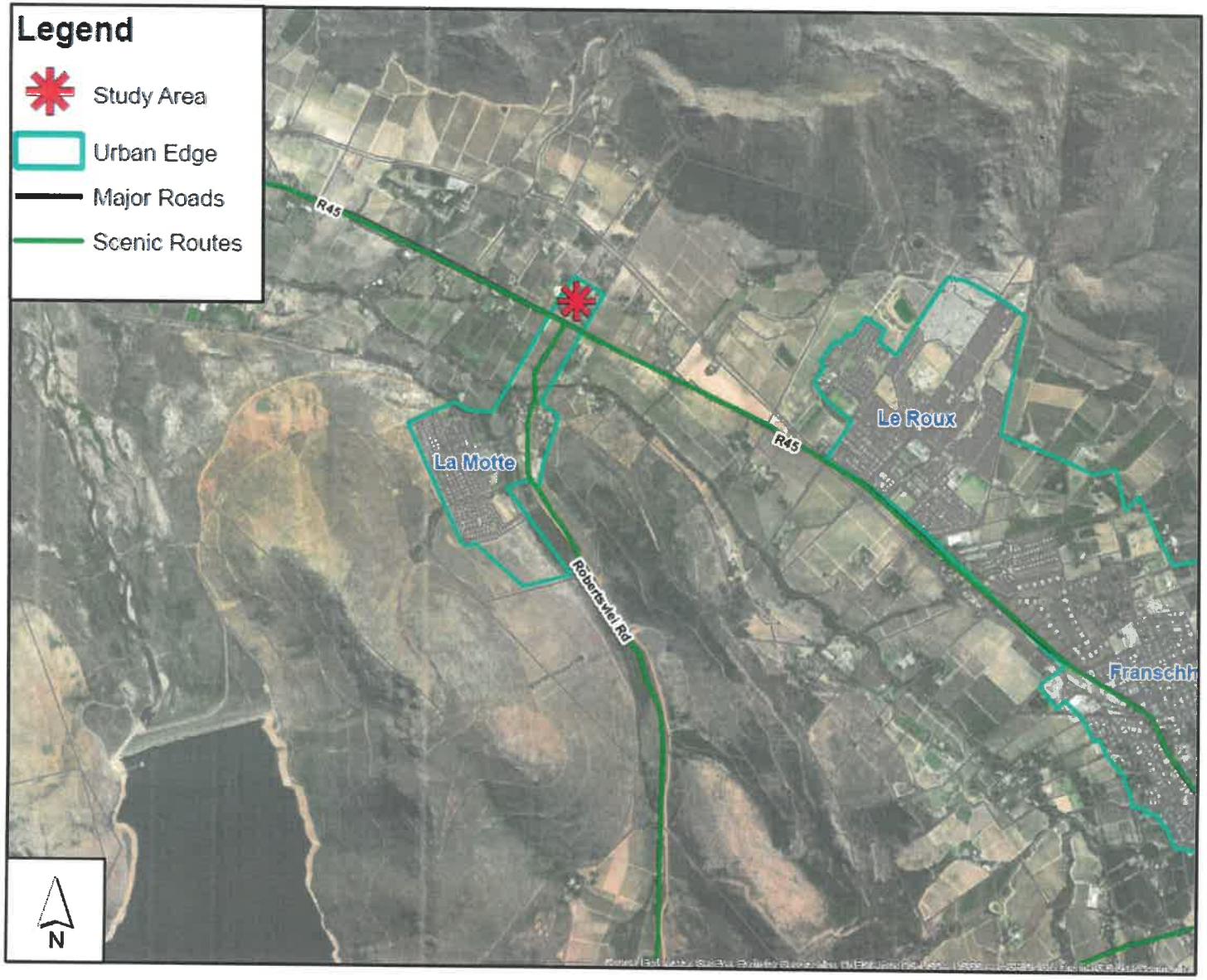


Figure 2: Regional locality
(Ref: Stellenbosch Municipality GIS 2019)

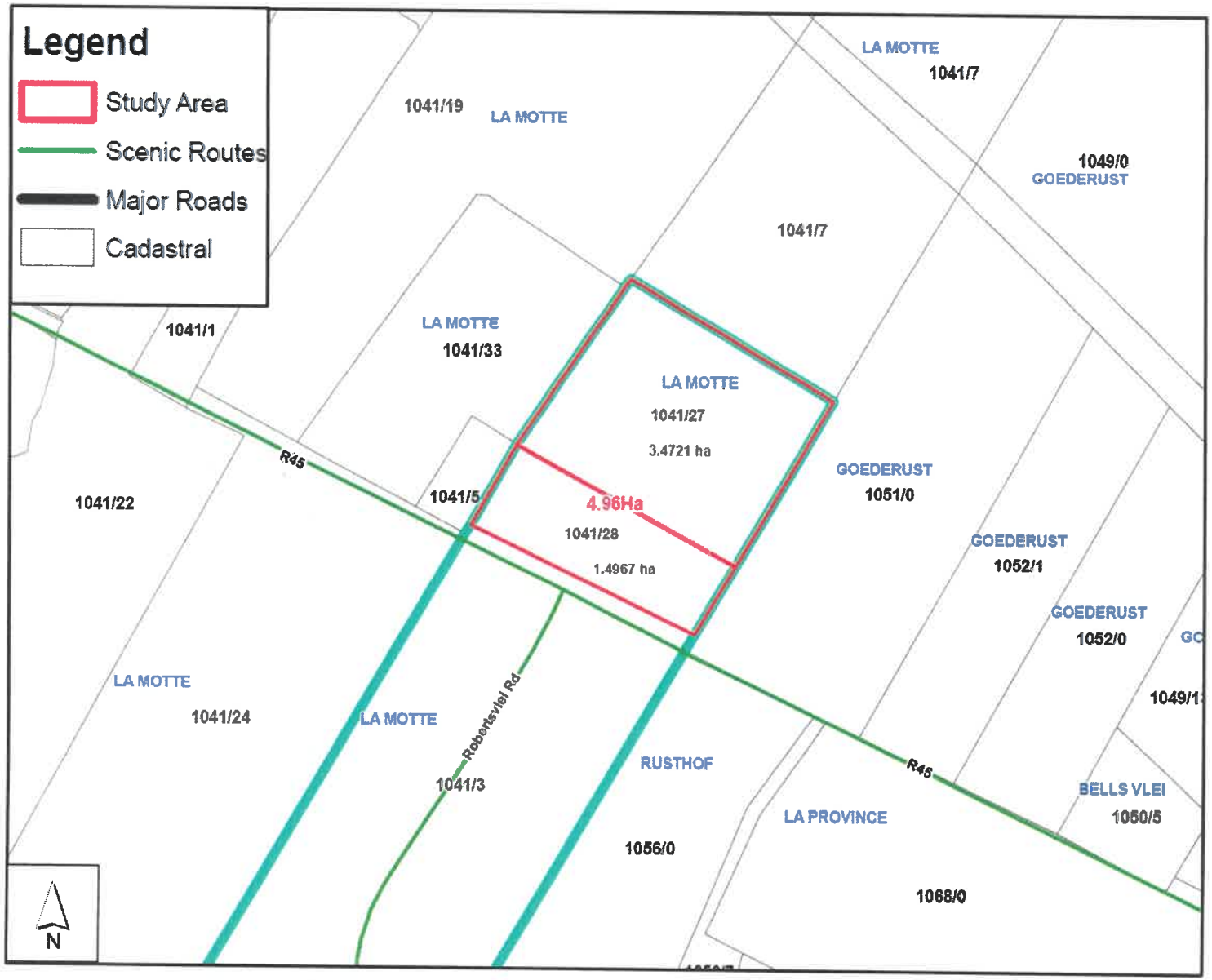


Figure 3: Property Concerned
(Ref: Stellenbosch Municipality GIS 2020)



Figure 4: Aerial Photograph
(Ref: Stellenbosch Municipality GIS 2019)

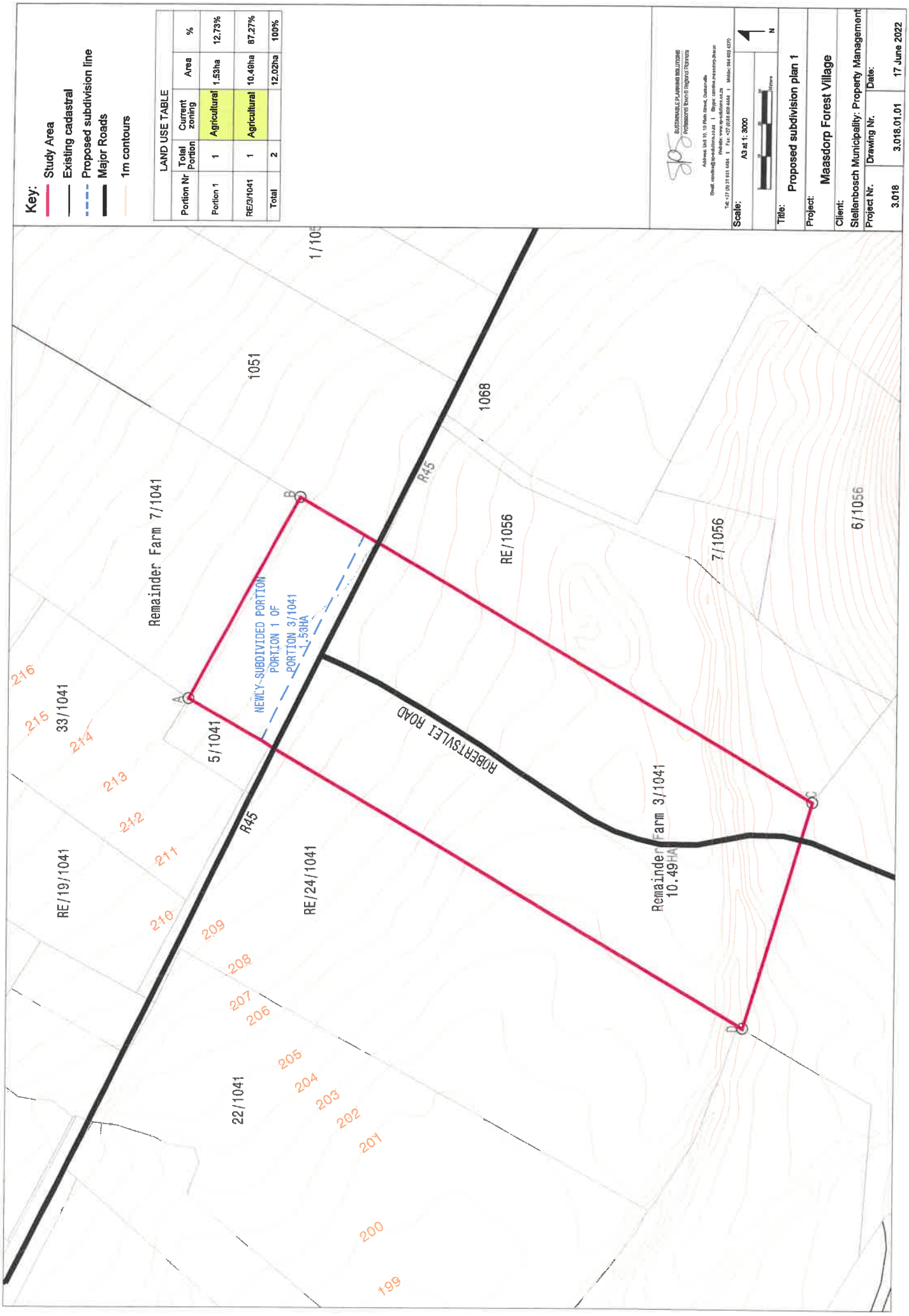
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ANNEXURE B



Extract from proposed subdivision plan

LAND USE TABLE: OVERALL SUBDIVISION					
Portion No.	**No. of Portions**	**Proposed Use**	**Proposed Zoning**	**Extent**	**Percentage**
Portion 1 - 16	16	Residential	Conventional Residential Zone (CR)	34073m²	68.6%
Portion 17 - 18	2	Open Space	Public Open Space Zone	5157m²	10.4%
Portion 19	1	Road	Public Roads and Parking Zone	10457m²	21.0%
Total	**19**			**4.96Ha**	**100%**


Key:
Study Area
Existing cadastral
Proposed subdivision line
Major Roads
1m contours
LAND USE TABLE
Portion Nr | Total Portion | Current zoning | Area | %
Portion 1 | 1 | Agricultural | 1.53ha | 12.73%
RE/3/1041 | 1 | Agricultural | 10.49ha | 87.27%
Total | 2 | | 12.02ha | 100%
Scale: A3 at 1: 3000
Title: Proposed subdivision plan 1
Project: Maasdorp Forest Village
Client: Stellenbosch Municipality: Property Management
Project Nr. 3.018
Drawing Nr. 3.018.01.01
Date: 17 June 2022
NEWLY-SUBDIVIDED PORTION
PORTION 1 OF
PORTION 3/1041
1.53HA
Remainder Farm 7/1041
1051
1068
R45
RE/1056
7/1056
6/1056
ROBERTSVLEI ROAD
5/1041
33/1041
RE/19/1041
RE/24/1041
Remainder Farm 3/1041
10.49HA
22/1041
A
B
C
D
216
215
214
213
212
211
210
209
208
207
206
205
204
203
202
201
200
199


Key:
Study Area
Existing cadastral
Proposed subdivision line
Major Roads
1m contours
LAND USE TABLE
Portion Nr | Total Portion | Current zoning | Area | %
Portion 1 | 1 | Agricultural | 3.38ha | 44.07%
RE/7/1041 | 1 | Agricultural | 4.29ha | 55.93%
Total | 2 | | 7.67ha | 100%
SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners
Scale: A3 at 1: 3000
Title: Proposed subdivision plan 2
Project: Maasdorp Forest Village
Client: Stellenbosch Municipality: Property Management
Project Nr. 3.018
Drawing Nr. 3.018.01.02
Date: 17 June 2022
Remainder Farm 7/1041
4.29HA
NEWLY SUBDIVIDED PORTION
PORTION 1 OF PORTION 7/1041
3.38HA
Remainder Farm 3/1041
7/1041
8/1041
1049
14/1049
RE/1051
5/1050
1/1052
1051
1068
RE/1056
R45
ROBERTSVLEI ROAD
5/1041
33/1041
RE/19/1041
RE/24/1041
36/1041
1/1041
22/1041
22/1041



Key:

- Consolidation line
- Existing cadastral
- Existing common boundary
- Major Roads
- 1m contours

NOTE:

The figure ABCDE represents the consolidation of the newly subdivided portions: Portion 1 of farm 7 /1041 and portion 1 of farm 3 /1041 into Portion 2.
Rezoning of the newly consolidated Portion 2 to Subdivisional area zone.

Line AB = 77.67m
Line BC = 168.65m
Line CD = 199.32m
Line DE = 161.67m
Line EF = 67.73m
Line FA = 153.89m

LAND USE TABLE

Portion Nr	Total Portion	Proposed zoning	Area	%
Portion 2	1	Subdivisional area	4.92ha	100

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners
Address: Unit 10, 19 Plein Street, Durbanville
Email, candice@sp-solutions.co.za | Skype: candice.maasdorp.theron
Website: www.sp-solutions.co.za
Tel: +27 (0) 21 851 4464 | Fax: +27 (0)86 600 4464 | Mobile: 084 603 4370

Scale: A3 at 1: 3000

0 10 20 30 Meters

N

Title: Proposed consolidation& rezoning plan

Project: Maasdorp Forest Village

Client: Stellenbosch Municipality: Property Management

Project Nr.	Drawing Nr.	Date:
3.018	3.018.01.03	17 June 2022



Key:

- Study Area
- Existing cadastral
- Proposed subdivision line
- Contours
- Existing buildings
- Existing trees

Note:

As received from Topographical Survey compiled by C.K. Rumboll & Partners on 31 January 2018

LAND USE TABLE				
Portion Nr	Proposed Use	Total Portion	Area	Percentage
Portion 1 - 16	Residential	16	3.49ha	75.9%
Portion 17 - 18	Open space	2	0.52ha	11.3%
Portion 19	Road	1	0.59ha	12.8%
Total		19	4.6ha	100%

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners
Address: Unit 16, 10 Plein Street, Durbanville
Email: candice@sp-solutions.co.za | Skype: candice.maasdorp.theron
Website: www.sp-solutions.co.za
Tel: +27 (0) 21 981 4454 | Fax: +27 (0)86 630 4484 | Mobile: 084 623 4370

Scale: A3 at 1: 1500

N

Title: Proposed subdivision plan

Project: Maasdorp Forest Village

Client: Stellenbosch Municipality: Property Management

Project Nr.	Drawing Nr.	Date:
3.018	3.018.01.05	04 July 2022

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ANNEXURE C

7. MOTIVATION AND CONCLUSION

The purpose of this land use application is to establish a township that will sustain the community on the unregistered portions farm 1041/27 and farm 1041/28, La Motte.

7.1 APPLICABILITY AND COMPLIANCE

The process of consolidating, rezoning, and subdividing the said portion of land will follow due process in terms of the Stellenbosch Municipal Land Use Planning By-Law (2015).

The Stellenbosch Municipality Spatial Development Framework 2019 (MSDF) designates the site for Mixed Use Community and Residential Infill. The proposed development is in line with the MSDF as the township establishment constitutes as residential infill and therefore no deviations are required.

From a policy perspective, the proposed residential development finds support in the Stellenbosch Municipality Spatial Development Framework (MSDF) 2019.

7.2 APPLICABILITY AND COMPLIANCE

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 following 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.

7.2.1 SOCIO-ECONOMIC IMPACT

The housing economy in the Western Cape needs more affordable housing opportunities, particularly for the lower-income sector of society, and by creating this township could be seen as having a positive impact on the economy. The proposed development will have a positive social impact as well, as it provides an opportunity for housing in a time when the need for housing in this bracket is rising. By providing the residents of Maasdorp their own properties it immediately creates opportunities to sustain themselves financially be it with a house shop or letting a room in the house, second dwelling or structure on the property. This township establishment will contribute to the livelihood of the beneficiaries.

7.2.2 COMPATIBILITY

The use will remain residential in nature, as it has been since its commencement as one. This application will merely regularise the existing residential township. The residents of Maasdorp (current and retired employees of SAFCOL) will be granted title of their homes as promised by SAFCOL. The township establishment is considered compatible with the existing character of the area.

7.2.3 SAFETY AND WELL-BEING OF THE COMMUNITY

The nature of the proposal allows it to positively contribute to the quality of life and character of the area and inter alia, the lives of beneficiaries. The proposed township establishment will have a positive interface with the public domain to ensure that an active public realm, surveillance, and positive facades onto the streetscape are created. Public open spaces are strategically located between the residential area and the main road (R45) to serve as a buffer between the two land uses.

7.2.4 TRAFFIC IMPACT

As there are existing residential units and no additional residential units will be proposed, traffic impacts will not be affected. The internal road links the proposed township with the existing road reserve of the R45. No negative traffic impact is anticipated.

7.2.5 IMPACT ON BIOPHYSICAL ENVIRONMENT

There is no impact on the biophysical environment. The topography of the site is mainly flat with no visible irregularities of the existing ground. The topographical attributes of the site are suitable for the existing residential use and there are no concerns regarding slope or drainage.

7.2.6 IMPACT ON EXISTING RIGHTS

No negative impact on the existing rights of surrounding properties is anticipated. The surrounding properties are predominantly of agricultural nature.

The proposed township establishment will not negatively impact the rights of the surrounding landowners.

Existing access routes and infrastructure that serve the surrounding community will be retained. Ad hoc interruption is expected only during the construction phase of the road and engineering services.

7.2.7 VEHICULAR AND PEDESTRIAN ACCESS

The proposed development will obtain vehicular access from the existing main road (R45). The R45 is approximately 12 metres wide. The erven in the township will obtain access from the proposed internal 10m and 12m roads.

7.2.8 ENGINEERING SERVICES

Additional engineering services will be upgraded to accommodate the existing residential units.

7.2.9 NEED FOR MITIGATING CONDITIONS

The proposed township establishment will not negatively impact the rights of nearby landowners. Existing building lines along common boundaries are respected, there will not be any encroachments compromising the privacy or rights of neighbours.

The conditions of the land use approval will be the result of due process and all the necessary requirements in terms of other legislative processes will be adhered to as required by the process. The proposed development will contribute to the developing nature of the area and will therefore not have an undesirable impact on the receiving environment.

7.3 LAND USE PLANNING PRINCIPLES

Spatial Justice:

- *"Past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land"*.
  Maasdorp Forest Village was established due to the forestry and water-related activities prevalent during the time when the Wemmershoek Dam was being built. Many of the employees of the Department of Forestry, were afforded homes on a large tract of land, now known as Maasdorp Forest Village. The workers have lived there for many years and still occupy the land without any formal security of tenure. The residents of Maasdorp live in formal homes but the property still belongs to the Department of Forestry (now administered by the Department of Public Works). The intention of this project is to subdivide the land into smaller portions and to transfer these individual portions to the residents of Maasdorp. The proposed township establishment thus complies with the abovementioned principle as access to-, and ownership of land shall be given to these beneficiaries.

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".

Maasdorp is located within the urban edge of the township of La Motte, the township is spatially compact and located within the administrative means of the Stellenbosch Municipality. The fact that the site is located within the urban edge means that the residents of the proposed township will enjoy the delivery of municipal services.

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*".

  The intention of this project is to allow the residents of Maasdorp to have ownership of the properties on which their homes are built on and to subdivide the land into smaller properties. By following this approach, one is able to ensure a sustainable livelihood since incremental densification can formally take place. The opportunities attached to having 2nd and 3rd dwellings also affords these prospective owners with additional economic opportunities.

Efficiency:

- "*Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities*".
  There are existing resources and community facilities, located in La Motte – the residential township located within walking distance from Maasdorp. Facilities such as the community hall and training centre exist in La Motte and can be shared with the residents of Maasdorp, encouraging the principle of optimising the use of existing resources, infrastructure, facilities.

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 residents of Maasdorp are actively participating in this process through the Project Steering Committee (PSC). The application has also been discussed with the Stellenbosch Municipality. The land use application will further be formally advertised to the public for comment.

7.4 CONCLUSION

In terms of Section 15 of Stellenbosch Municipal Land Use Planning By-law (2015), we respectfully request your office's favourable consideration of this application for the

proposed township establishment on the unregistered portions of farms 1041/27 and farm 1041/28, La Motte, Stellenbosch.



CANDICE MAASDORP Pr. Pln. (1224/2002)

8. REFERENCES

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

STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE D

FILE NR: 15-1041/27 P
SCAN NR:
COLLABORATOR NR:
July 2021v2

STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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	Farms 1041/27 & 1041/28,	**Portion(s) if farm**		**Allotment Area**	La Motte, Paarl
Owner/ Applicant	Republic of South Africa			**LU/#**	14341
Notice Period	**From:**	3 March 2023		**To:**	3 April & 3 May

CONFIRMATION OR DOCUMENTATION SUBMITTED	OWNER/APPLICANT YES	NO	N/A	ADMIN VERIFY
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 response to corresponding comments on all the objections attached	x			✓

STELLENBOSCH MUNICIPALITY
PLANNING AND ECONOMIC DEVELOPMENT SERVICES
06 OCT 2023
RECEIVED

KINDLY NOTE:

1. ***The POE <u>may only be</u> 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**

and ID No: 760531 0248 082, 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 07 JUNE 2023 (Date) at DURBANVILLE (Place)

Signature

For office use only	
CHECKED BY ADMINISTRATIVE OFFICER	
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:

ADVERTISING NOTICES RECEIVED

REGISTERED OWNER	FARM NO	SIGNATORY NAME & SURNAME	SIGNATURE	DATE
PAUL ROUX TRUST	1049	Tracey van Gavin		02/02/23
EA MOSTERT	1041/19	E.A. Mostert	E.A. Mostert	2/02/23.



Royals oefen by Boishaai

Die Paarl Royals-SA20-krieketspan het Dinsdag op Boishaai se krieketveld in Auretstraat, Paarl, veldwerkoefeninge gedoen ter voorbereiding vir hul komende krieketstryd teen die Jo'burg Super Kings op die Wanderers. Dié wedstryd word môre (Vrydag 3 Februarie) in Johannesburg gespeel. Foto: Anan Jacobs

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

AANSOEK TIPE: HERSONERING, KONSOLIDASIE & ONDERVERDELING OP PLASE 1041/27 & 1041/28, LA MOTTE, PAARL

Adres van eiendom: Plase 1041/27 & 1041/28, La Motte, Paarl

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

Eienaar: Republiek van Suid Afrika

Aansoek Verwysing: LU/14341

Beskrywing van grondontwikkelingsaansoek

Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening (2015), vir die Onderverdeling van plaas 1041/7, in 2 gedeeltes (Gedeelte 27 van Plaas 1041/7 en die Restant Plaas 1041/7).

Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening (2015), vir die Onderverdeling van plaas 1041/3, in 2 Gedeeltes (Gedeelte 28 van plaas 1041/3 en die Restant van plaas 1041/3).

Aansoek word gedoen ingevolge Artikel 15(2)(e) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening (2015), vir die Konsolidasie van die nuutgeskepte ongeregistreerde gedeeltes naamlik, ongeregistreerde Plaas 1041/27 met ongeregistreerde Plaas 1041/28, La Motte, om ongeregistreerde gekonsolideerde Gedeelte 1 te vorm.

Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening (2015), vir die Hersonering van die nuut gekonsolideerde ongeregistreerde Gedeelte 1, Onderverdelingsgebied-oorlegsone, en Landbou & Landelike Sone na Onderverdelingsgebied-oorlegsone om die volgende grondgebruike te skep:

- **16 gedeeltes vir residensiële doeleindes - Konvensionele Residensiële Sone (KR)**
- **2 gedeeltes vir oop ruimte - Openbare Oopruimte Sone**
- **1 gedeelte vir pad doeleindes - Openbare Paaie en Parkeersone**

Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening (2015), vir die Onderverdeling van die nuut gekonsolideerde ongeregistreerde Gedeelte 1, in die volgende:

- **16 gedeeltes vir residensiële doeleindes - Konvensionele Residensiële Sone (KR)**
- **2 gedeeltes vir oop ruimte - Openbare Oopruimte Sone**
- **1 gedeelte vir pad doeleindes - Openbare Paaie en Parkeersone**

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

Skriftelike kommentaar, wat bestaan uit die besonderhede en oorsig van die verwysingsnommer van die aansoek, die naam, 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 vertoe 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 uiterlik teen of voor die sluitingsdatum [illegible] **3 Maart 2023**.

Indien daar enige navrae op die aansoek of bovermelde vereistes is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese adres of telefonies (tel: 021 300 6384, cell: 084 603 4370) gedurende normale kantoorure.

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION TYPE: REZONING, CONSOLIDATION AND SUBDIVISION ON FARMS 1041/27 & 1041/28, LA MOTTE, PAARL

Application Address: Farms 1041/27 & 1041/28, La Motte, Paarl

Applicant: Sustainable Planning Solutions
Email: admin@sp-solutions.co.za
Tel: 021 300 6384
Owner: Republic of South Africa

Application Reference: LU/14341

Description of land development application

Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/7, into 2 portions (Portion 27 of Farm 1041/7 and the Remainder Farm 1041/7).

Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/3, into 2 Portions (Portion 28 of farm 1041/3 and the Remainder of farm 1041/3).

Application made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Consolidation of the newly created unregistered portions namely, unregistered Farm 1041/27 with unregistered Farm 1041/28, La Motte, to create one portion (Portion 1).

Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Rezoning of the newly consolidated unregistered Portion 1, Subdivisional Area Overlay Zone, and Agriculture & Rural Zone to Subdivisional Area Overlay Zone to create the following land uses:

- **16 portions for residential purposes - Conventional Residential Zone (CR)**
- **2 portions for open space - Public Open Space Zone**
- **1 portion for road purposes - Public Roads and Parking Zone**

Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of the newly consolidated unregistered Portion 1, into the following:

- **16 portions for residential purposes - Conventional Residential Zone (CR)**
- **2 portions for open space - Public Open Space Zone**
- **1 portion for road purposes - Public Roads and Parking Zone.**

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

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said By-law 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 does 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 or must be received on or before the closing date of 3 March 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, cell: 084 603 4370) during normal office hours.

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

AANSOEK TIPE: HERSONERING, KONSOLIDASIE & ONDERVERDELING OP PLASE 1041/27 & 1041/28, LA MOTTE, PAARL

Adres van eiendom: **Plase 1041/27 & 1041/28, La Motte, Paarl**

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

Eienaar: **Republiek van Suid Afrika**

Aansoek Verwysing: **LU 14341**

Beskrywing van grondontwikkelingsaansoek:

Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening (2015), vir die Onderverdeling van plaas 1041/7, in 2 gedeeltes (Gedeelte 27 van Plaas 1041/7 en die Restant Plaas 1041/7).

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Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 3 Maart 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 vermelde elektroniese pos adres of telefonies by (tel: 021 300 6384, cell: 084 603 4370) gedurende normale kantoor ure.

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

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Application Address: **Farms 1041/27 & 1041/28, La Motte, Paarl**

Applicant: **Sustainable Planning Solutions**
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- **1 portion for road purposes - Public Roads and Parking Zone**

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

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

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 3 March 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, cell: 084 603 4370) during normal office hours.

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

Post Proof

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

NATIONAL DEPARTMENT OF PUBLIC WORKS
Private Bag X9027
Cape Town
8000
Farm 1041/7

Dear Sir / Madam

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

Application Property Address: **Farms 1041/27 & 1041/28, La Motte, Paarl**

Application Property Number: **Farms 1041/27 & 1041/28, La Motte, Paarl**

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

Owner: **Republic of South Africa**

Application Reference: **LU/14341**

Application Type: **Application for rezoning, consolidation and subdivision on farms 1041/27 & 1041/28, La Motte, Paarl.**

Detailed description of land use or development proposal, including its intent and purpose:

Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/7, into 2 portions (Portion 27 of Farm 1041/7 and the Remainder Farm 1041/7).

Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/3, into 2 Portions (Portion 28 of farm 1041/3 and the Remainder of farm 1041/3).

Application made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Consolidation of the newly created unregistered portions namely, unregistered Farm 1041/27 with unregistered Farm 1041/28, La Motte, to create one portion. (Portion 1.)

Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Rezoning of the newly consolidated unregistered Portion 1, Subdivisional Area Overlay Zone, and Agriculture & Rural Zone to Subdivisional Area Overlay Zone to create the following land uses:

- **16 portions for residential purposes - Conventional Residential Zone (CR)**
- **2 portions for open space - Public Open Space Zone**
- **1 portion for road purposes - Public Roads and Parking Zone**

Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of the newly consolidated unregistered Portion 1, into the following:

- **16 portions for residential purposes - Conventional Residential Zone (CR)**

LIST OF RECEIPIENTS THAT RECEIVED NOTICES

Franschhoek Heritage and Ratepayers Association
Email: brian@bharch.co.za / Siegfried.schafer@gmail.com / barryphillips505@gmail.com

Van Wyk and Cabriere Street Residents' Association
Email: Jackie@vincosteel.co.za

Stellenbosch Wine Routes
Email: elmarie@wineroute.co.za

Stellenbosch Agricultural Society
Email: stlandbo@mweb.co.za

Department of Agriculture (Elsenburg)
Brandon.Layman@westerncape.gov.za / Cor.VanderWalt@westerncape.gov.za

Department of Agriculture
info@dalrrd.gov.za

Department of Transport and Public Roads
Vanessa.Stoffels@westerncape.gov.za

Dept. of Environmental Affairs & Development Planning
Marie-Liez.Oosthuizen@westerncape.gov.za / Kobus.Munro@westerncape.gov.za

Heritage Western Cape
Waseefa.Dhansay@westerncape.gov.za

Rowalkor Beleggings Pty Ltd (Farm 1041/8)
admin@lupscalepm.co.za

National Department of Public Works (Farm 1041/7)
tpw.propertypayments@westerncape.gov.za

Ea Mostert (Farm 1041/19)
(See proof of post)

Fransvliet (Pty) Ltd (Farm 1041/2))
veez vdp@gmail.com

Republiek van Suid Afrika (Farm 1041/3)
ctP.Payment@dpw.gov.za

La Croix Du Sud Holdings Ltd (Farm 1056)
henrik@optimizerinvest.com

AJH Janse Van Rensburg – Trustee (Farm 1051)
laprovence@telkomsa.net

Paul Roux Trust (Farm 1049)
(See proof of post)

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ANNEXURE E

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Spatial Planning

To	:	**Manager: Land Use Management**
From	:	**Manager: Spatial Planning**
Reference	:	**Farm 1041/27 & 28 La Motte (Maasdorp)**
LU No	:	**LU/14341**
Date	:	**13 March 2023**
Re	:	**Application for subdivision, consolidation and rezoning of Farm 1041/27 and 28, La Motte**

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

Application is made for the following:

- **Subdivision** of Farm 1041/7, into 2 portions (Portion 27 of Farm 1041/7 and the Remainder Farm 1041/7)

- **Subdivision** of farm 1041/3, into 2 Portions. (Portion 28 of Farm 1041/3 and the Remainder of Farm 1041/3)

- **Consolidation** of the newly created unregistered portions namely, unregistered Farm 1041/27 with unregistered Farm 1041/28, La Motte, Stellenbosch, to form one portion. (Portion 1)

- **Rezoning** of the newly consolidated unregistered Portion 1, Subdivisional Area Overlay Zone and Agriculture & Rural Zone to Subdivisional Area Overlay Zone to create the following land uses:
  - 16 portions for residential purposes - Conventional Residential Zone (CR)
  - 2 portions for open space - Public Open Space Zone
  - 1 portion for road purposes - Public Roads and Parking Zone

- **Subdivision** of the newly consolidated unregistered Portion 1, into the following:
  - 16 portions for residential purposes -Conventional Residential Zone (CR)
  - 2 portions for open space - Public Open Space Zone
  - 1 portion for road purposes - Public Roads and Parking Zone

1) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 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

The study area if formally referred to as Maasdorp, a small forest village (Bosdorp) accommodating households on 15 unregistered erven. The structure of this forest village is grid-like with one main entrance street and two internal unnamed access streets. Accommodation in Maasdorp was offered to certain employees and included a home on fairly large-sized erf (1000m2 – 2000m2). At present, most of the residents staying in Maasdorp are either retired employees of SAFCOL or Water Affairs.

Despite Maasdorp being a residential settlement within the urban edge the parent erven on which Maasdorp is located, is still zoned as agriculture. For this reason, a rezoning and subdivision process is required in order to facilitate township

establishment. Once township establishment has been achieved then the transfer of ownership to these residents will be possible. The approved MSDF of 2019 also earmarks the site for Mixed Use, Community and Residential Infill.

2) Supported / not supported:

This department supports the application.

BJG de la Bat
MANAGER: SPATIAL PLANNING

MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

CIVIL ENGINEERING SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag	**Nolusindiso Momoti**
From ▫ Van:	**Manager: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Tyrone King**
Date ▫ Datum:	**1 June 2023**
Our Ref ▫ Ons Verw:	**Civil LU 2450**
Your Ref:	**LU/14341**
Re ▫ Insake:	**Erf 1041/27&28, Franschhoek: Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/7, into 2 portions. (Portion 27 of Farm 1041/7 and the Remainder Farm 1041/7.) Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/3, into 2 Portions. (Portion 28 of farm 1041/3 and the Remainder of farm 1041/3.) Application made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Consolidation of the newly created unregistered portions namely, unregistered Farm 1041/27 with unregistered Farm 1041/28, La Motte, Stellenbosch, to form one portion. (Portion 1.) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Rezoning of the newly consolidated unregistered Portion 1, Subdivisional Area Overlay Zone and Agriculture & Rural Zone to Subdivisional Area Overlay Zone to create the following land uses: 16 portions for residential purposes - Conventional Residential Zone (CR)2 portions for open space - Public Open Space Zone1 portion for road purposes - Public Roads and Parking Zone Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of the newly consolidated unregistered Portion 1, into the following:16 portions for residential purposes -Conventional Residential Zone (CR) 2 portions for open space - Public Open Space Zone 1 portion for road purposes - Public Roads and Parking Zone**

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

Details, specifications and information reflected in the following documents refer:

- Proposed Sub divisional Plan Drawing No 3.018.01.05, dated 18 May 2023; by Sustainable Planning Solutions
- Civil Infrastructure Layout C1000 Rev B dated 18/05/2023, by EAS Infrastructure Services;
- TIS by ITS dated 24 Aug 2023 Ref 4104.

These comments and conditions are based on the following proposed development parameters:

- Total Units: 16 residential erven

Any development beyond these parameters would require a further approval and/or a recalculation of the Development Charges from this Directorate.

This document consists of the following sections:

A. Definitions
B. Recommendation to decision making authority
C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.
D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:

   (a) *"Municipality"* means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;

(b) *"Developer"* means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;

(c) *"Engineer"* means an engineer employed by the *"Municipality"* or any person appointed by the *"Municipality"* from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;

(d) Where it is stated that a condition must be complied with prior to "subdivision clearance" and where a subdivision is not applicable, that condition will then apply to the next applicable stage of development approval i.e. building plan approval;

B. Recommendation:

2. **The development is recommended for approval, subject to the conditions as stated below .**

C. Specific conditions of approval

3. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the *"Engineer"*;

4. **that the following conditions relating to the upgrades and arrangements for the effective provision of services are required to accommodate the development. No taking up of proposed rights including subdivision clearance / building plan approval / occupation certificates (whichever comes first) will be allowed until these conditions have been complied with;**

5. **Wemmershoek WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development as the houses are already existing and no additional run-off is expected.

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

6. **Water:**

   a. There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development.

   b. The development (existing houses) are already connected to the municipal network.

7. **Sewer:**

   a. There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development.

   b. The development will connect to the existing sewer manhole on porting 17 as indicated on the Civil Infrastructure Layout C1000 Rev B dated 18/05/2023, by EAS Infrastructure Services.

8. **Roads:**

   a. The development obtains access from a provincial road (R45) and must therefore be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable and must be complied with before subdivision clearance.

   b. Wrt the TIS extract below, the relevant rods authority must accelerate the construction of right turn lanes at the R45/Robertsvlei Road intersection. If possible, these upgrades should be implemented in parallel with this Maasdorp project.

      - The local community has complained of road safety concerns at the R45/Robertsvlei Road intersection. The warrants for exclusive right turn lanes were assessed and it is concluded that right turn lanes are required at the R45/Robertsvlei Road intersection. This must be the responsibility of the road authority and should not be a condition of approval for this application

   c. Detail design drawings of the submitted for approval prior to construction. These drawings must incorporate all the recommendation of the TIS (see below) as well as the requirements from the District Roads Engineers.

- The access road must be slightly realigned with the Robertsvlei Road at the R45/Robertsvlei Road intersection.
- It is proposed that the bellmouth of the Maasdorp leg be surfaced
- Public transport embayments are proposed at the R45/Robertsvlei Road intersection

d. The internal roads must be upgraded to municipal standards and must be surfaced. This project must therefore allocate sufficient budget to fund such upgrade

9. **Stormwater Network:**

a. that the consulting engineer, appointed by the "*Developer*", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "*Developer*" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans for approval;

10. **Solid Waste:**

a. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;

b. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

Internal- and Link Services

11. that all link services, internal services and erf connections must be complete and commissioned by the "*Developer*", at his/her cost, prior to subdivision clearance;

12. that any alterations to existing services necessitated by the new development will be for the Developer's cost;

Servitudes

13. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "*Developer*" will be responsible for the registration of the required servitude(s), as well as the cost thereof;

Ownership and Responsibility of services

14. that it be noted that the roads are reflected as public roads. Therefor all internal services in the road reserves will be regarded as public services and will be maintained by the Municipality;

Development Charges (DCs)

15. that the "*Developer*" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy and approved tariffs;

16. that the following DC's are payable: See **Development Charge Calculation** attached. The "*Developer*" may apply for a subsidy/exemption in terms of the DC Policy;

17. that the "*Developer*" hereby acknowledges that the development charges as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;

18. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the approved tariff structure and according to the DCs Policy principles at the time that payment is made;

19. that the "*Developer*" may enter into an engineering services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;

20. that the Development Charges levy be paid by the "*Developer*" per phase –
    - prior to the approval of subdivision clearance;

21. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than 16 units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 0 m², will result in the recalculation of the Development Charges;

22. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

23. The Municipality may approach the Developer at any stage, before completion of the Development, to implement any infrastructure / community facilities, in lieu of DCs payable, should the need for such infrastructure / facilities be identified;

Damage to municipal infrastructure and assets

24. that the "*Developer*" will be held liable for any damage to municipal infrastructure, caused as a direct result of the development of the subject property. The "*Developer*" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services, prior to any clearance (or occupation certificate where clearance is not applicable) being given;

D. General conditions of approval: The following general development conditions are applicable. If there is a contradiction between the specific and general development conditions, the specific conditions will prevail:

25. that should the "*Developer*" not take up his rights for whatever reason within **two years** from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "*Developer*" for further comment and conditions.

Should this revised Engineering report confirm that available services capacities are not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services or the necessary upgrades must be done, as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available;

26. that the *"Developer"* indemnifies and keep the *"Municipality"* indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.

27. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;

28. that, if applicable, the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before subdivision clearance;

29. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;

30. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition 2015 – as revised;

31. that the "*Developer*" takes cognizance and accepts the following:

    a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
    b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and/or SDP approval is obtained;

c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;

d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;

e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;

f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a subdivision clearance is issued;

Site Development Plan

32. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";

33. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;

34. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;

35. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

Internal- and Link Services

36. that the "*Developer*", at his/her cost, construct the internal (on-site) civil engineering services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;

37. that the Directorate: Infrastructure Services may require the "*Developer*" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;

38. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;

39. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;

40. that construction of services may only commence after municipal approval has been obtained;

41. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "*Engineer*";

42. that the "*Developer*" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the "*Engineer*". The said document is available in electronic format on request;

43. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;

44. that all the internal civil services (water, sewer, roads and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;

45. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "*Engineer*" on request by the "*Developer's*" Consulting Engineer;

46. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before subdivision clearance will be issued;

47. that subdivision clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

48. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "*Engineer*" on request;

49. that the "*Developer*" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;

50. that the *"Developer"* shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;

51. that the *"Developer"* be liable for all damages caused to existing civil and electrical services of the "*Municipality*" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "*Developer*" to determine the location of existing civil and electrical services;

52. that all connections to the existing services be made by the "*Developer*" under direct supervision of the *"Engineer"* or as otherwise agreed and all cost will be for the account of the *"Developer"*.

53. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

Servitudes

54. that the "*Developer*" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads

crossing future private land/erven are protected by a registered servitude before subdivision clearance will be given;

55. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "*Developer*" will be responsible for the registration of the required servitude(s), as well as the cost thereof;

56. that the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

57. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.

58. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;

59. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;

60. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;

61. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;

62. that the consulting engineer, appointed by the "*Developer*", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "*Developer*" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;

63. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.

64. that the approved management plan be implemented by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;

65. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.

66. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "*Developer*" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

67. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable;

68. that no access control will be allowed in public roads;

69. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;

70. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;

71. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;

72. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;

73. that each erf has its own access (drive-way), *(the new access(es) (dropped kerb(s)) to the proposed parking bays be)* constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;

74. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;

75. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Infrastructure Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Infrastructure Services;

76. that no parking be allowed in the road reserve;

Wayleaves

77. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;

78. that wayleaves will only be issued after approval of relevant engineering design drawings;

79. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

AS-BUILTs

80. The "*Developer*" shall provide the "*Municipality*" with:
    a. a complete set of as-built paper plans, signed by a professional registered engineer;

    b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;

    c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;

    d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;

    e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "*Municipality*" are fully paid;

81. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "*Engineer*" and approved by the "*Engineer*" before any application for Certificate of Clearance will be supported by the "*Engineer*";

82. The Consulting Civil Engineer of the "*Developer*" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;

83. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;

84. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "*Engineer*" and written clearance given, by the "*Engineer*";

Subdivision clearance in terms of the Stellenbosch Municipal Land Use Planning By-law

85. It is specifically agreed that the "*Developer*" undertakes to comply with all conditions of approval as laid down by the "*Municipality*" before clearance certificates shall be issued, unless otherwise agreed herein;

86. that the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the "*Developer*" has complied with conditions set out in this document with which he/she is in default. Any failure to pay monies payable in terms of these conditions within 30 (thirty) days after an account has been rendered shall be regarded as a breach of these conditions and the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;

87. that clearance will only be given per phase and the onus is on the "*Developer*" to phase his development accordingly;

88. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a subdivision clearance certificate. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;**

89. that any application for Certificate of Clearance will only be supported by the "*Engineer*" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "*Engineer*" and approved by the "*Engineer*".

Streetlighting

90. The "*Developer*" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the

municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the "*Developer*";

91. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "*Developer*" must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;

92. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "*Developer*", to the municipality's Manager: Electrical Engineering for approval before any construction work commences;

93. Any defect with the street lighting services constructed by the "*Developer*" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "*Developer*". Should the necessary repair work not be done within the said time the "*Municipality*" reserves the right to carry out the repair work at the cost of the "*Developer*";

94. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owner's Association.

Tyrone King Pr Tech Eng

Manager: Development (Infrastructure Services)

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

In drawing up the As-build Plans relating to this development, the consultant must create the following separate layers in ESRI .shp, electronic file format in order for the data to reflect spatially correct.

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc. that it is kept separate from one another. When new properties are added as part of a development, a list of erf numbers with its associated SG numbers must be provided in an electronic format like .txt, .xls or .csv format.

For road layer shapefiles; the road name, the from_street and to_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch Municipality standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter

Stellenbosch Municipality

Development Charge Calculation

APPLICATION INFORMATION	
Application Number:	DC 2450 () Farm 1041-27 & 28 Franschhoek (LU-14341)_1
Development Name:	Maasdorp
Date:	29 May 2023
Financial Year:	2022/2023
Erf Location (Select from 7 Locations):	Franschhoek
Vehicle Ownership (Select Normal or Low):	Normal
Erf Region (Select Urban or Rural):	Urban
Erf No:	Farm 1041-27 & 28
DC Parameters Reference:	•Proposed Sub divisional Plan Drawing No.3.018.01.05, dated 18 May 2023; by Sustainable Planning Solutions

SUMMARY OF DC CALCULATION							
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community	Totals
Unit(s):	kl/day	kl/day	ha*C	t/week	trips/day	persons	
Total Increased Services Usage:	19.2	11.2	0.768	0.64	64	64	
Total Service Usage Reduction:	0	0	0	0	0.0	0	
Total Service Usage after Reduction:	19.20	11.20	0.76800	0.640	64.0	64	
Charges before adjusting for positive only, before Deductions	R 510 484.34	R 364 768.48	R 103 952.78	R 56 066.56	R 444 556.80	R 221 120.00	R 1 700 948.95
Charges adjusted for positive only, before Deductions	R 510 484.34	R 364 768.48	R 103 952.78	R 56 066.56	R 444 556.80	R 221 120.00	R 1 700 948.95
Total Deductions:	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 510 484.34	R 364 768.48	R 103 952.78	R 56 066.56	R 444 556.80	R 221 120.00	R 1 700 948.95
VAT:	R 76 572.65	R 54 715.27	R 15 592.92	R 8 409.98	R 66 683.52	R 33 168.00	R 255 142.34
Total Development Charges Payable (including VAT):	R 587 056.99	R 419 483.75	R 119 545.69	R 64 476.54	R 511 240.32	R 254 288.00	R 1 956 091.29

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature:	
Notes:	

Franschhoek

	Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge Levied (excl VAT)						
	Description	Unit	Area (m2)	Unit Amount	Result	Area (m2)	Unit Amount	Result	Amount	Water Yes	Sewer Yes	Stormwater Yes	Solid Waste Yes	Roads & Transport Yes	Community Yes	Total
Residential	Single Residential >1000m2	du					16		16	R 510 484,34	R 384 768,48	R 103 952,78	R 56 066,56	R 444 556,80	R 221 120,00	R 1 700 948,95
	Single Residential >500m2	du							0	R -	R -	R -	R -	R -	R -	R -
	Single Residential >250m2	du							0	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	du							0	R -	R -	R -	R -	R -	R -	R -
	Second Dwelling	du							0	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential	du							0	R -	R -	R -	R -	R -	R -	R -
	Group Residential	du							0	R -	R -	R -	R -	R -	R -	R -
	Apartments	du							0	R -	R -	R -	R -	R -	R -	R -
	Retirement Village	du							0	R -	R -	R -	R -	R -	R -	R -
	Old age home	du							0	R -	R -	R -	R -	R -	R -	R -
Accom.	Student Accommodation/Commune	rooms							0	R -	R -	R -	R -	R -	R -	R -
	Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -
	Converted Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -
	Hotel, Residential	rooms							0	R -	R -	R -	R -	R -	R -	R -
Commercial	General Business	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -
	Office	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -
	Retail/Shop	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -
	Restaurant	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -
	Conference Facility/Place of assembly	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -
	Hospital/Clinic/Medical Rooms	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -
	School/University/College/Day Care	student							0	R -	R -	R -	R -	R -	R -	R -
Industrial	Industrial - light	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -
	Industrial - heavy	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -
	Warehousing/Light Manufacturing	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -
Non-deman.	Public Open Space	ha							0.0000	R -	R -	R -	R -	R -	R -	R -
	Private Open Space	ha							0.0000	R -	R -	R -	R -	R -	R -	R -
	Natural Environment	ha							0.0000	R -	R -	R -	R -	R -	R -	R -
	Public Roads and Parking	ha							0.0000	R -	R -	R -	R -	R -	R -	R -
Other	To be calculated	n/a							0.0000	R -	R -	R -	R -	R -	R -	R -
	Based on equivalent demands	n/a							0							R -
		Total Area:	0		Total Area:	0			0							R -

	Charges before adjusting for positive only, before Deductions	R 510 484,34	R 384 768,48	R 103 952,78	R 56 066,56	R 444 556,80	R 221 120,00	R 1 700 948,95
Deduct	Charges adjusted for positive only, before Deductions	R 510 484,34	R 384 768,48	R 103 952,78	R 56 066,56	R 444 556,80	R 221 120,00	R 1 700 948,95
	Deductions per service (amount)	R -	R -	R -	R -	R -	R -	R -
	Discount Deduction (%) Percentage: 0,00%	R -	R -	R -	R -	R -	R -	R -
	Additional Deduction per service - from Service Agreement (sum)	R -	R -	R -	R -	R -	R -	R -
Totals	Sub Total after Ajustments and Deductions (excluding VAT)	R 510 484,34	R 384 768,48	R 103 952,78	R 56 066,56	R 444 556,80	R 221 120,00	R 1 700 948,95
	VAT	R 76 572,65	R 54 715,27	R 15 592,92	R 8 409,98	R 66 683,52	R 33 168,00	R 255 142,34
	Total Development Charges	R 587 056,99	R 419 483,75	R 119 545,69	R 64 476,54	R 511 240,32	R 254 288,00	R 1 956 091,29

STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE F

Western Cape Government
Environmental Affairs and Development Planning

Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/6/1/B4/45/1119/19
ENQUIRIES: Ms. Lorretta Osborne
DATE:

The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599

Attention: Mr W Johnstone/ Mr P Smit

Tel: (021) 808 8111
E-mail: hspm.management@stellenbosch.gov.za
piet.smit@stellenbosch.gov.za

Dear Sirs

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED ESTABLISHMENT OF A TOWNSHIP ON A PORTION OF PORTION 3 AND 7 OF REMAINDER OF FARM LA MOTTE NO. 1041, STELLENBOSCH

1. The document and the letter dated 27 March 2019, as received by the Department on 27 March 2019 and the Departmental letter issued on 16 April 2019, refer.

2. Further to review of the information submitted to this Department, the following is noted:

   2.1. The proposal entails the establishment of a township through a subdivision and rezoning application process, as well as minor upgrades to existing services on the abovementioned property.
   2.2. The property currently consists of 19 formal residential dwellings and a further 11 less formal structures.
   2.3. Portions 3 and 7 are approximately 33ha in extent, however the subject area is 4.9ha.
   2.4. The site has an internal road network.
   2.5. The site is transformed and there is no evidence of indigenous vegetation remaining on site.
   2.6. It is located approximately 480m north of the Franschhoek River.
   2.7. The Kastaiings River channel is located approximately 420m north-west of the site.
   2.8. An artificial drainage channel is located along the northern boundary of the site.
   2.9. No new development is proposed, however like-for-like upgrades to the internal services are proposed.
   2.10. No land clearing will take place and the site is already serviced.

6th Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 3696 Fax: +27 21 483 3098
Email: Lorretta.Osborne@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

2.11. The site is zoned Agriculture.

3. Based on the information provided, the **proposed rezoning and subdivision as well as the like-for-like upgrades of services** on the abovementioned property will not trigger the thresholds of the listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).

4. The above is based on the following:
   - No clearance of vegetation will take place, since the activities will be undertaken within a transformed landscape.
   - The property is located within an urban area.
   - The upgrades with regards to the services will be like-for-like.

5. Environmental authorisation is therefore not required from this Department prior to the development thereof.

6. Please note that should any revision of the proposed development constitute a listed activity(ies) in terms of Listing Notices 1, 2 or 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

8. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.

9. Your interest in the future of our environment is greatly appreciated.

10. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully

HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
CC: (1) Ms T Solomon (Infinity Environmental (Pty) Ltd) Fax: (086) 591 8616

Western Cape Government

Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/4/1239
YOUR REFERENCE : LU/14341
ENQUIRIES : Cor van der Walt

Sustainable Planning Solutions
Unit 10, 10 Plein Street
DURBANVILLE
7550

Att: Nellen Swartz

APPLICATION FOR REZONING, CONSOLIDATION AND SUBDIVISION: DIVISION PAARL
PORTION 27 OF THE FARM NO 1041
PORTION 28 OF THE FARM NO 1041

Your email of 26 January 2023 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed application.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Cor van der Walt Digitally signed by Cor van der Walt
Date: 2023.03.03 00:41:12 +02'00'

Mr. CJ van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2023-03-01

Copies:
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Department of Agriculture, Land Reform and Rural Development
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Our Ref: HM/FRANSCHHOEK/REM OF PTN 3 & 7 OF FARM LA MOTTE 1041
Case No.: 19021108AS0411E
Enquiries: Andrew September
E-mail: andrew.september@westerncape.gov.za
Tel 021 483 9543
Date: 09 May 2019

iLifa leMveli
Erfenis
Heritage

Dr. Jayson Orton
40 Brassie Street
Lakeside
7945

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED SUBDIVISION ON THE REMAINDER OF PORTION 3 AND 7 OF FARM LA MOTTE 1041, FRANSCHHOEK, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 19021108AS0411E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 11 April 2019 and discussed at our Heritage Officials Meeting (HOMS) on the 06 May 2019.

You are hereby notified that, since there is no reason to believe that the proposed subdivision will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required on condition that archaeological monitoring is conducted by a suitably qualified archaeologist for all bulk earthworks for the Baden Powell Drive section of the project.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This decision is subject to an appeal period of 14 working days. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.

Applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link http://www.hwc.org.za/node/293

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

p/p .....
Dr Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

Western Cape Government

Department of Environmental Affairs and Development Planning
D'mitri Matthews
Directorate: Development Management, Region 1
D'mitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

REFERENCE: 16/3/3/6/B3/28/1027/23
DATE: 13 March 2023

The Director
Sustainable Planning Solutions
Unit 10
10 Plein Street
DURBANVILLE
7550

Attention: N. Swartz

Cell: 071 460 0569
Email: neilen@sp-solutions.co.za

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE APPLICATION FOR REZONING, CONSOLIDATION AND SUBDIVISION O F THE NEWLY CREATED UNREGISTERED PORTIONS NAMELY, UNREGISTERED PORTION 27 AND 28 OF FARM LA MOTTE NO. 1041, PAARL

1. The electronic correspondence dated 26 January 2023, as received by the Department on the same day and the additional information received on 23 February 2023, refer.

2. Following the review of the new information contained in the electronic correspondence, this Department notes that the proposal entails the following:

   2.1 Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/7, into 2 portions (Portion 27 of Farm 1041/7 and the Remainder Farm 1041/7).

   2.2 Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/3, into 2 Portions (Portion 28 of farm 1041/3 and the Remainder of farm 1041/3).

   2.3 Application made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Consolidation of the newly created unregistered portions namely, unregistered Farm 1041/27 with unregistered Farm 1041/28, La Motte, to create one portion. (Portion 1.)

   2.4 Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Rezoning of the newly consolidated unregistered Portion 1, Subdivisional Area Overlay Zone, and Agriculture & Rural Zone to Subdivisional Area Overlay Zone to create the following land uses:
   2.4.1 16 portions for residential purposes - Conventional Residential Zone (CR).
   2.4.2 2 portions for open space - Public Open Space Zone.
   2.4.3 1 portion for road purposes - Public Roads and Parking Zone.

   2.5 Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of the newly consolidated unregistered Portion 1, into the following:

2.5.1 16 portions for residential purposes - Conventional Residential Zone (CR)
2.5.2 2 portions for open space - Public Open Space Zone
2.5.3 1 portion for road purposes - Public Roads and Parking Zone.

3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 and 3 of 7 April 2017. Be advised that, based on the information provided, the proposed application for rezoning, consolidation and subdivision on the abovementioned property, **does not** constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed development.

4. The above-mentioned is based on the following:

4.1 No indigenous vegetation will be cleared.
4.2 The site is transformed by existing residential dwellings.
4.3 The property is considered to be within the urban area.
4.4 The upgrades with respect to services will be "like-for-like".

5. However, should any future development trigger any listed activity in terms of the EIA Regulations, 2014 (as amended), an application form for Environmental Authorisation must be submitted to the Competent Authority and the Environmental Authorisation obtained prior to the development proposal being commenced with on the proposed site. The relevant application forms are available on this Department's website: www.westerncape.gov.za/eadp.

6. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states:
"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

7. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.

8. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.

9. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

pp

HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copy to: (1) S. van der Merwe (Stellenbosch Municipality) Email: Schalk.vandermerwe@stellenbosch.gov.za

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ANNEXURE G

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

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

Our reference: 3.018/023_05

LU NR: LU/14341

STELLENBOSCH MUNICIPALITY: LAND USE MANAGEMENT
C/O PLEIN & RYNEVELD STREETS
STELLENBOSCH
7600

11 December 2023

ATTENTION: MR ROBERT FOOY

DEAR SIR

FARMS 1041/27 & 28 LA MOTTE (MAASDORP)
APPLICATION FOR SUBDIVISION, CONSOLIDATION AND REZONING OF FARM 1041/27 AND 28, LA MOTTE
RESPONSE TO COMMENTS RECEIVED

Your recent correspondence providing us with a copy of the comments received to the abovementioned application (LU NR: LU/14341), refers.

In respect of the accompanying comments, we acknowledge receipt of the following comments and objections:

1. **D'mitri Matthews** (DEADP: Development Management – Region 1)
2. **Helene Janser** (DEADP: Development Management – Region 2)
3. **Waseefah Dhansay** (Heritage Western Cape)
4. **Cor van der Walt** (Department of Agriculture: Land Use Management)
5. **Bernabe De La Bat** (Stellenbosch Municipality: Spatial Planning)
6. **Carel Hofmeyr Hofmeyr Attorneys** obo Leopard Leap Farm (Pty) Ltd
7. **Bettie-Mari Pienaar** obo Paul Roux Trust
8. **Tyrone King** (Stellenbosch Municipality: Infrastructure Services)

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.	**D'mitri Matthews (DEADP: Development Management – Region 1) T: 021 483 8350 E: D'mitri.Matthews@westerncape.gov.za**	Support	3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 and 3 of 7 April 2017. Be advised that, based on the information provided, the proposed application for rezoning, consolidation and subdivision on the abovementioned property, does not constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed development. 4. The above-mentioned is based on the following: 4.1 No indigenous vegetation will be cleared. 4.2 The site is transformed by existing residential dwellings. 4.3 The property is considered to be within the urban area. 4.4 The upgrades with respect to services will be "like-for-like". 5. However, should any future development trigger any listed activity in terms of the EIA Regulations, 2014 (as amended), an application form for Environmental Authorisation must be submitted to the Competent Authority and the	**NOTED, WITH THANKS.**

			Environmental Authorisation obtained prior to the development proposal being commenced with on the proposed site. The relevant application forms are available on this Department's website: www.westerncape.gov.za/eadp. 6. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." 7. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity. 8. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development. 9. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.	

2	**Helene Janser** **(DEADP: Development Management – Region 2)** **T: 084 585 2000** **Helene.Janser@westerncape.gov.za**	Support	1. Your request for comment, dated 26 January 2023, has reference. 2. Application has been made for the subdivision of Farm 1041/7 into two portions (Portion 1 and Remainder); the subdivision of Farm 1041/3 into two portions (Portion 1 and Remainder); the consolidation of the unregistered Portions 1 of Farm 1041/7 and 1 of Farm 1041/3 to create one portion (Portion 2); the rezoning of the newly consolidated Portion 2 from Agriculture & Rural Zone to Subdivisional Area Overlay Zone to create the following land uses: • 16 portions for residential purposes (Conventional Residential Zone) (1 933m2 – 2 344m2) • 2 portions for open space (Public Open Space) • 1 portion for road purposes – Public Roads and Parking Zone 3. The proposed development area, the Maasdorp Forest Village, is located inside the urban edge of LA Motte and has been earmarked for 'Mixed Use Community and Residential Infill' in terms of the Stellenbosch Municipal Spatial Development Framework, 2019. 4. The application proposes to formalise the existing development, facilitating individual erven and separate title. 5. From a provincial land use planning perspective there is no objection to the application as proposed.	**NOTED, WITH THANKS.**

3	**Waseefah Dhansay (Heritage Western Cape)** **E: Waseefa.Dhansay@westerncape.gov.za**	Support	Thank you for confirming -- no further comment from HWC is required	**NOTED, WITH THANKS.**
4	**Cor van der Walt (Department of Agriculture: Land Use Management)** **T: 021 808 5099** **E: Cor.VanderWalt@westerncape.gov.za**	Support	The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed application. Please note: • That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970. • Kindly quote the above-mentioned reference number in any future correspondence in respect of the application. • The Department reserves the right to revise initial comments and request further information based on the information received.	**NOTED, WITH THANKS.**
5	**Bernabe De La Bat (Stellenbosch Municipality: Spatial Planning)** **T: 021 808 8653** **E: Bernabe.Delabat@stellenb**	Support	The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 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	**NOTED, WITH THANKS.**

	osch.gov.za		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 The study area if formally referred to as Maasdorp, a small forest village (Bosdorp) accommodating households on 15 unregistered erven. The structure of this forest village is grid-like with one main entrance street and two internal unnamed access streets. Accommodation in Maasdorp was offered to certain employees and included a home on fairly large-sized erf (1000m2 – 2000m2). At present, most of the residents staying in Maasdorp are either retired employees of SAFCOL or Water Affairs. Despite Maasdorp being a residential settlement within the urban edge the parent erven on which Maasdorp is located, is still zoned as agriculture. For this reason, a rezoning and subdivision process is required in order to facilitate township establishment. Once township establishment has been achieved then the transfer of ownership to these residents will be possible. The approved MSDF of 2019 also earmarks the site for Mixed Use, Community and Residential Infill. 2) Supported / not supported: This department supports the application.	

6	**Carel Hofmeyr** **Hofmeyr Attorneys obo Leopard Leap Farm (Pty) Ltd** **T: 021 300 5586** **E: carel@hofmeyrlaw.co.za**	Support with conditions.	1. We act for Leopards Leap Farm (Pty) Ltd, who instructed us to provide you with these comments in respect of the abovementioned application. 2. Our client is the owner of Portion 33 of Farm 1041 (the 'LLF Property'), which abut Portions 3 and 7 of Farm 1041 to the east. The latter two properties (the 'MD Properties') are the ones to which the application relates. 3. The Leopards Leap restaurant and related tourist facilities are located on the eastern extremity of the LLF Property, and our client stands to be affected by, and has a direct interest in, any development or land uses undertaken on the property to the east. We annex hereto, marked 'LLF1' an aerial image of the two MD Properties, delineated along their boundaries, with the Leopards Leap restaurant-and tourist facility being the large white building to the west. 4. Our client's concern is not only for its own business, but also for the conservation generally of the unique cultural landscape that its property forms part of. Viewed from the R45, which is one of the prime scenic routes in the area, it is an agricultural landscape, characterised by farming activities, predominantly wine related, and farmhouses and agricultural buildings dispersed in confined pockets amongst the vineyards. 5. Since its establishment, the Maasdorp settlement has stood out from surrounding land uses as it comprises of some 15 homes organised in a grid-like structure. It has the appearance of an urban township, rather than a farming	**Noted.**

			community, and as such is not compatible with the surrounding landscape and land uses. It is home, though, to well-established families with strong roots in the area, and as such our client accepts that the village is now a permanent feature of the landscape and ought to be assimilated properly into the legal framework. 6. Based on our client's reading of the township application, it believes, and its attitude towards the application is based squarely on that belief, that the township that it contemplates is limited to the following: 6.1. Sixteen residential erven, all of which exist de facto, but for none of which there is separate title yet; 6.2. Fifteen of the Sixteen erven have been developed already (except for one vacant 'erf', each 'erf' hosts one or two residential dwellings); 6.3. Two portions for public open space; 6.4. One portion for road purposes, hosting public roads and parking space; 6.5. The site layout and land uses for which approval are sought are defined by, and restricted to, the subdivision plan and land use table on page 32 of the land use application. 6.6. No land will be cleared; 6.7. No physical changes will be made to the MD Properties; 6.8. Densification / further subdivision will not be permitted;	**Confirmed.** **Confirmed.** **Confirmed.** **Correct.** **Correct.** **Correct.** **Correct.** **Correction: Densification/further subdivision is not proposed as part of this application.**

			6.9. No additional residential units are proposed. 6.10. In short, our client understands the application to be nothing more than an attempt to regularise the status quo, and not to acquire land use rights for the undertaking of any development activities beyond that which is on the property already. 7. If our client's understanding of the project, as summarised above, is incorrect, the applicant's intention has not been conveyed clearly to interested and affected parties, and in such event it will be necessary to readvertise the application, and to make the applicant's intentions clear. If, on the other hand, our understanding of the application is correct, our instructions are to confirm that our client does not object to the application, provided conditions are imposed to ensure that Maasdorp's current layout and character does not change. Those conditions must include at least the following: 7.1. That no further subdivision of erven will be permitted;	**Correct.** **Correct.** **Full title ownership is intended for these families by virtue of this land use application. Any further land use applications (subdivision/rezoning, etc) undertaken by these families will be done in their personal capacity and will be at the discretion of the Municipality. In that instance, a further**

				opportunity to comment will (once again) be granted to all interested and affected parties, as stipulated by the Municipal Planning By-Law.
			7.2. That, apart from one dwelling house on the single vacant erf, no dwellings in addition to those that were in Maasdorp on the date that the application was submitted, may be built on any of the erven;	**The proposed zoning, i.e, Conventional Housing (CR), allows for a dwelling house as a primary right. However, as with any other zoning, certain additional uses and consent uses may be permitted *provided* that the necessary land use approval processes/permits are submitted to the municipality for consideration and approval. Please refer to the Stellenbosch Municipal Planning By-Law's definition of Conventional Housing and the parameters attached to this zoning.**
			7.3. That the open space between the R45 and Maasdorp remain vacant, and that the trees that screen the houses from the R45 may not be cut down or felled.	**The proposal contained the the land use application complies with the**

			8. In summary: 8.1. Our client is of the view that the Maasdorp village is not compatible with the character of the area and is undesirable in principle. It accepts, though, that there is a need to assimilate the Maasdorp community into the applicable legislative framework by granting ex post facto approval for what is on the property at the moment. Our client does not object, therefore, against the retrospective approval of the existing settlement on condition that conditions of approval are imposed that will ensure that further development does not take place. 8.2. If the applicant is not prepared to accept and/or the Municipality is not minded to impose conditions as	**designation and forward planning policies for this area. In terms of the Stellenbosch Municipality's Spatial Development Framework (2019), the entire Maasdorp Forest Village inclusive of the 2 open space portions, are located within the Urban Edge and is earmarked as *"Strategic Sites, Project and/or Infill Opportunity"*, of which our land use application is consistent with.**

			proposed, then, and only then, this letter constitutes our client's objection against the application. 8.3. For all purposes relating to these representations and the application to which they pertain, our address and contact details may be used as service address for our client. Our preferred mode of communication is by email to carel@hofmeyrlaw.co.za, copied to andrea@hofmeyrlaw.co.za. 9. We remain at your disposal should you require any further information or elucidation of any of the points raised above.	**Noted, with thanks.**
7	**Bettie-Mari Pienaar obo Paul Roux Trust** **E: bettiemarip@gmail.com**	Support with conditions	As the owners of Farms 1049, 1053, 1057 & 1064/1, Division Paarl, located nearby the application area, we understand the noble intention of securing land tenure for current occupants, thus necessitating the relevant applications and do not in principle have any objection against the proposed rezoning, consolidation and subdivision of the land to create 16 Conventional Residential Zoned erven. However, we have some concerns regarding the potential unintended consequences thereof (negative in our view) and we hereby request the decision maker to impose the following restrictions as conditions of approval (also to be entrenched in the individual title deeds and any Certificates of Registered Title), if the applications are positively considered: **1. No further subdivision of any newly registered erf or land unit will be allowed.** The current settlement pattern is of a low density and sit well	**Full title ownership is**

			in the surrounding rural environment. Any further densification will undermine this character and we will thus strongly oppose any further subdivisions of the proposed erven or land units in future.	**intended for these families by virtue of this land use application. Any further land use applications (subdivision/rezoning, etc) undertaken by these families will be done in their personal capacity and will be at the discretion of the Municipality. In that instance, a further opportunity to comment will (once again) be granted to all interested and affected parties, as stipulated by the Municipal Planning By-Law.**
			2. No land use other than residential will be allowed for any of the newly registered erven or land units. The current settlement is exclusively residential of nature and contributes towards the low activity habitation in the essentially rural area. The introduction of any non-residential land use will undermine this character and we will thus strongly oppose the consideration of a change in land use for any of the proposed residential erven, land units, or part thereof in future.	**The proposed zoning, i.e, Conventional Housing (CR), allows for a dwelling house as a primary right. However, as with any other zoning, certain additional uses and consent uses may be permitted provided that the necessary land use approval processes/permits are submitted to the municipality for**

				consideration and approval. Please refer to the Stellenbosch Municipal Planning BY-Law's definition of Conventional Housing and the parameters attached to this zoning.
			3. No further urban development will be allowed on the remainder of Farm 1041n. The remaining property is located outside the existing urban edge and any further development of the application area will implicate a threat to the fragile existing geographic balance between the Franschhoek town and the well sitting Maasdorp Hamlet in the rural hinterland. Any further expansion of the Hamlet or other urban development suggested on the remaining property will undermine this balance and character and we will thus strongly oppose any further expansion of the urban edge in future.	**This property lies within the urban edge. Please refer to the Stellenbosch Municipality's Spatial Development Framework (2019) which includes Maasdorp Forest Village within the urban footprint of Franschhoek. However, any further land use applications, albeit densification or change of land use or expansion of Maasdorp Forest Village, would trigger a new statutory process to be followed which will require advertising to interested and affected parties.**

9	**Tyrone King (Stellenbosch Municipality: Infrastructure Services)** **T: 021 808 8214** **E: Tyrone.King@stellenbosch.gov.za**	Not yet recommended	**1. Civil Engineering Services** 1.1 On Drwg No C1000 Rev A by EAS, dated 20/08/20: 1.1.1 Indicate existing water line to which development will connect to. 1.1.2 Indicate existing sewer line to which development will connect to. 1.1.3 Consider moving sewer connections for erven 14 and 6 to the main road (north south road) 1.1.4 Indicate approximate sewer manhole depths on the services layout drawing. Check depths of sewer line to drain erven 5, 8, 13 and 16. If more than say 2.0m, please make alternative proposal i.e. provide road reserves or panhandles at the lower ends of the erven. Servitudes are not preferred as these can become problematic between neighbors. 1.1.5 Provision for turning movements of a municipal refuse vehicle must be made at all cul-de-sacs. 1.2 As some of the above amendments will affect the cadastral layout, please amend the proposed subdivision layout before it can be approved.	**Dear Tyrone,** **Your comments provided on the attached Memorandum of 8 February 2023 and our various discussions on our previous submission of the conceptual design on the Maasdorp Village refers.** **Please now find attached our revised drawing which we trust has addressed your requirements, please note the following:** **1. Existing services for the water and sewer lines shown are indicative and based on pdf's of de Villiers and Hulme Consulting drawings provided by the municipality,** **2. We have moved Erf 6 sewer connection to the main road but are of the opinion that the current Erf 14 connection is**

				would be closer to the existing septic tank and unlikely to impact on existing site features. 3. We have provided levels on the manholes for the proposed sewer infrastructure, whilst we do exceed 2m in areas we agree that servitudes are not preferred and would rather have deeper lines in the road reserve. 4. Turning Shunts have been provided at all cul-de-sacs. Please do not hesitate to contact me (Clint Stockwell from EAS Infrastructure Engineers) should you have any queries on the above.

We trust you find this in order.

Yours truly,



CANDICE MAASDORP Pr.Pln. (A1224/2002)

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ANNEXURE H

INNOVATIVE TRANSPORT SOLUTIONS

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Bellville 7530
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www.itsglobal.co.za

Sustainable Planning Solution
39 Klein Bron Avenue
Klein Bron Estate
Brackenfell
7560

Email: candice@sp-solutions.co.za

24 August 2020

Our Reference: 4104

Attention: Candice Maasdorp

MAASDORP FOREST VILLAGE, FRANSCHOEK: TRAFFIC IMPACT STATEMENT

We refer to our appointment to evaluate the expected transport related impacts associated with the formalisation of the existing 32 dwelling units within the Maasdorp Forest Village in Franschoek. Our findings are recorded hereafter:

1. LOCALITY

The property is situated west of Franschoek. It is situated north of the R45 (MR191), at the R45 (MR191) and Robertsvlei Road (DR1351) intersection. Refer to Figure A1 in Appendix A for a Locality Plan.

2. EXISTING TRAFFIC CONDITIONS

2.1. Existing Roadways in Site Vicinity

R45 (MR 191): Provincial Main Road: One lane per direction, 100km/h posted speed limit with paved shoulder lanes and a footpath along the northern section of the road (Maasdorp side).

Robertsvlei Road (DR 1351): Provincial Divisional Road: One lane per direction, with paved narrow shoulder lanes and no sidewalks.

Photo 1 in Appendix B shows the typical cross section of the R45 in the site vicinity. **Photo 2** in Appendix B shows the geometry of the R45/Robertsvlei Road intersection.

2.2. Traffic Volumes

Traffic counts were obtained from the Western Cape Government Road Network Information System[1]. The traffic counts were captured on Friday, 16 February 2018. These counts indicated that the two way traffic volumes along the R45 is approximately 936 vehicles during the a.m. peak hour and approximately 1301 vehicles during the p.m. peak hour. The traffic volumes along the road network, in the site vicinity, includes the existing Maasdorp Forest Village traffic and are within the capacity for this road.

The directional split along the R45 was determined by means of historical counts (2018) at the R45/Helshoogte Road intersection. 55% of the vehicles travel eastwards in the direction of Franschoek and 45% travel westward in the direction of Paarl.

Unfortunately due to the impact of the Covid-19 pandemic on transport patters, traffic counts could not be undertaken for this assessment. Our review of historic counts at the Robertsvlei/R45 intersection also shows that the Maasdorp leg was not counted when this survey was undertaken. For the purpose of this study, it can only be assumed that less than 100 vph exited and entered Maasdorp during the AM or PM peak hour. However, we attempted to generate the Maasdorp leg counts as shown below in section 5.

2. GROWTH RATE

Based on the Western Cape Government Road Network Information System[1], a growth rate of 2.5% was determined from 2009 to 2018.

3. LATENT DEVELOPMENTS

The La Mott farm situated along the Robertsvlei Road is planning on developing 620 residential units and 30 900m^2 floor area of business land uses within the next five years. It will lead to a significant increase in the traffic volumes along the Robertsvlei Road and the R45 and could require the upgrade of the Robertsvlei/R45 intersection.

4. TRANSPORT IMPACT ANALYSIS

4.1. Trip Generation for Maasdorp Forest Village

Based on the Committee of Transport Official's South African Trip Data Manual (TMH17)[2] single dwelling units generate trips at a rate of 1 trip per dwelling unit (COTO210) with a 25/75 split during the a.m. and 70/30 split during p.m. peak hour. A low vehicle ownership trip adjustment factor of 40% will apply to this development. As the historical intersection counts does not include traffic on

[1] **Western Cape Government**, *Road Network Information System (RNIS)*, 2020
[2] **Committee of Transport Officials**, *South African Trip Data Manual (TMH17)*, September 2013

the Maasdorp Forest Village, the trips will be generated based on an adjusted trip rate of 0.6 trips per dwelling unit.

Applying this trip generation rate to the Maasdorp Forest Village will generate approximately 19 typical weekday peak hour trips with 5 trips inbound and 14 outbound during the a.m. peak hour and 13 trips inbound and 6 outbound during the p.m. peak hour. The Maasdorp Forest Village is already existing and the trips are on the local street network; therefore these are not additional trips to the road network.

4.2. Traffic Impact

Based on the discussions above, the road network in the site vicinity has sufficient spare capacity with the Maasdorp Forest Village trips included in the existing traffic volumes. However, the R45/Robertsvlei Road intersection has been identified as a dangerous intersection with the local community complaining about road safety concerns at this intersection. The warrants for exclusive right turn lanes was assessed and it is concluded that exclusive right-turn lanes are required along the R45 in both the eastbound and westbound directions. Refer to Figure 1 for the Western Cape Governments Access Management Guidelines[3] right-turn lane warrant. Based on the existing traffic volumes and directional split as discussed in Section 2.2, right-turn lanes are warranted at the R45/Robertsvlei Road intersection.

This must be undertaken by the responsible authority and should not be a condition of approval as part of the formalisation of the Maasdorp Forest Village.

[3] **Western Cape Government**, *Access Management Guidelines*, November 2019

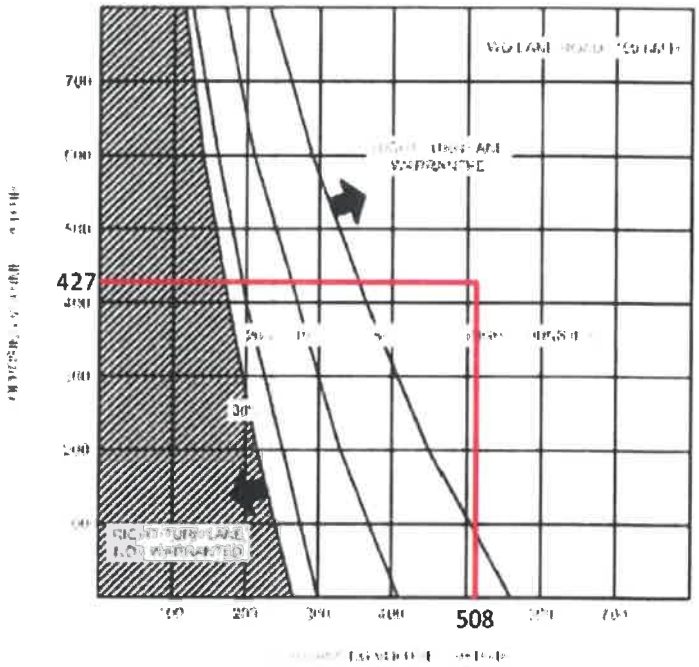


Figure 1: Right turn lane warrant for two-lane road with 100km/h operating speed

5. ACCESSES

There is only one access to the Maasdorp Forest Village. Access is gained off the R45, refer to Figure A1 in Appendix A. No access spacing or shoulder sight distance issues are expected. However, it is proposed to realign the access to the Maasdorp Forest Village slightly to ensure that it aligns with the Robertsvlei Road intersection. The current alignment is such that it is slightly off-centre. Furthermore, it is also proposed that the bellmouth to Maasdorp Forest Village be surfaced.

6. PARKING

Parking will be provided on each individual erf, as the erfs within the Maasdorp Forest Village, are large enough to accommodate parking on site. No additional parking is required.

7. PUBLIC TRANSPORT AND NON-MOTORISED TRANSPORT

Minibus-taxis operate along the R45 (MR191) and collect people at Robertsvlei/R45 intersection. Public transport embayments are proposed downstream of the R45/Robertsvlei Road intersection on both sides of the R45.

There is an existing pedestrian and cycle path along the Maasdorp (northern) side of the R45. No additional NMT facilities are required.

8. CONCLUSIONS AND RECOMMENDATIONS

The transport impacts associated with the formalisation of 32 existing dwelling units within the Maasdorp Forest Villages was investigated. Based on the evaluation in this report, the conclusions and recommendations are as follows:

- Due to the impact of the Covid-19 pandemic, traffic counts could not be undertaken, therefore historical counts were used. The existing Maasdorp Forest Village traffic are included in the traffic volumes, however the exact number of trips from the Maasdorp leg was not counted in the historical counts. Trips generated by the existing development are estimated at 19 trips during the typical weekday peak hours.
- The road network has sufficient spare capacity with the Maasdorp Forest Village trips included.
- The local community has complained of road safety concerns at the R45/Robertsvlei Road intersection. The warrants for exclusive right-turn lanes were assessed and it is concluded that right-turn lanes are required at the R45/Robertsvlei Road intersection. This must be the responsibility of the road authority and should not be a condition of approval for this application.
- There is an existing access to the Maasdorp Forest Village, via the R45.
- Transport upgrades required are as follows:
    - The access road must be slightly realigned with the Robertsvlei Road at the R45/Robertsvlei Road intersection.
    - It is proposed that the bellmouth of the Maasdorp leg be surfaced.
    - Public transport embayments are proposed at the R45/Robertsvlei Road intersection.
- The erven are large enough to accommodate the required parking needs and no additional parking is required.
- No additional NMT facilities are required as there is an existing footpath along the Maasdorp (northern) side of the R45.
- It is recommended that the development be approved from a transport impact perspective.

We hope this adequately addresses the expected transport impact associated with the formalisation of Maasdorp Forest Village. Please do not hesitate to contact us should you required any further information.

Yours sincerely,

LYNNE PRETORIUS, PR.ENG
Director: Innovative Transport Solutions

Appendix A: Figures


Proposed Development
Proposed Development
Franschhoek
REGIONAL MAP
La Motte
its
Masstore Forest Village Franschhoek
Locality Plan

Appendix B: Photos



Photo 1: R45 Eastbound View

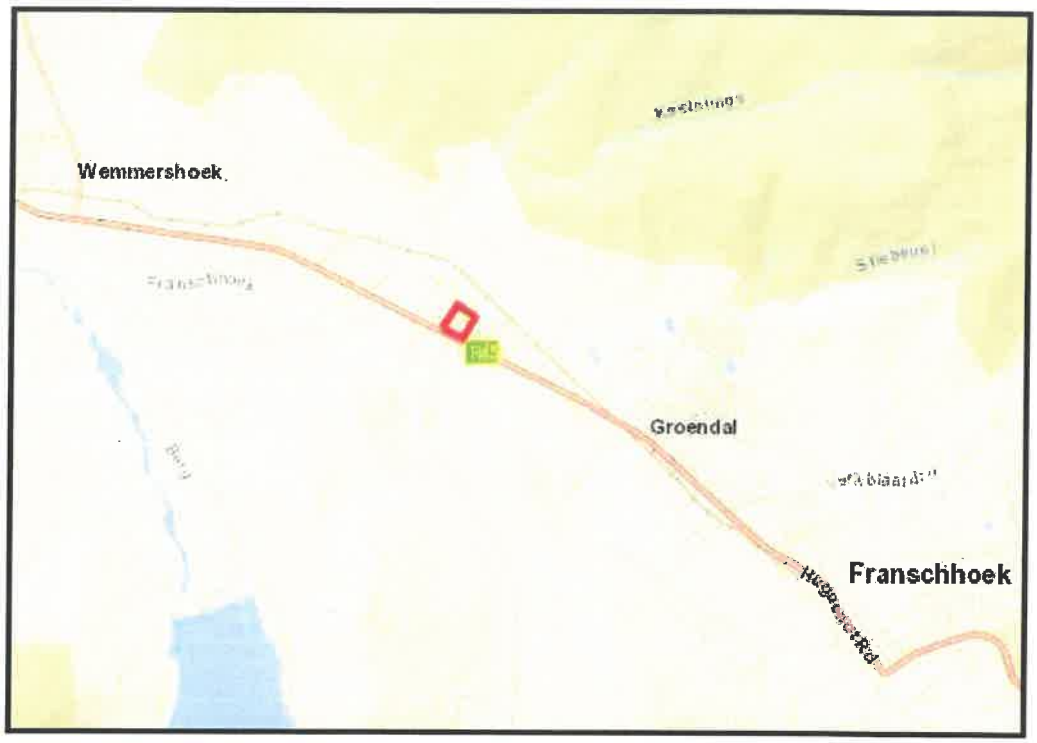


Photo 2: Eastbound View at R45/Robertsvlei Road Intersection

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ANNEXURE I

3.4. Maasdorp Village, Franschhoek – Ward 2





Project Name		Maasdorp Village, Franschhoek
Property Description		Farm La Motte 1041/27 and 1041/28 Paarl
Town		Rural
Suburb		Rural
Catalytic / PHDA Project		N/A
Urgency (Proposed year of implementation)		Current – planning
% of Total need addressed by Project		0,1
Housing Programme/s		Township Establishment
Housing Opportunities	**Sites**	0
	Serviced Sites	0
	Top Structures (Units)	0
	Other	16 existing units
Project Readiness	**Land Obtained**	No
	EIA ROD	Yes - Checklist completed; EA not applicable
	Bulk capacity	No
	Land Use Approval	No
	PDOHS Approval	No
	Council Approval	Yes – with respect to a Memorandum of Understanding with the Dept. of Public Works
	Risks / Issues	Costly sites
	Readiness Score	2
Project Suitability	**Geotech Conditions**	Suitable, already built-up area
	Strategic alignment	This project falls within the approved urban edge and has been identified in the SDF as future mixed-use, community, and residential infill. From an MSDF/CEF perspective, this project falls within the functional area and priority development areas and from a strategic perspective aligns spatially.
	Planning Opinion	TBD

The Maasdorp Forest Village comprises portions 27 and 28 of Farm La Motte No 1041 Paarl is located north of the intersection of Main Road 191 (R45) and Divisional Road 1351 approximately four kilometres northeast of Franschhoek.

The site currently accommodates approximately 32 formal houses and outbuildings. The property is currently zoned for Agricultural purposes and must be rezoned and subdivided to enable formal township establishment accommodating the existing households and as otherwise may be determined by further investigations and community engagements.

In June 2018 a service provider was appointed to attend to the township establishment process for Maasdorp Forest Village, Franschhoek: portions 27 and 28 of Farm La Motte No 1041 Paarl, and future expansion on Portions 3 and 7 of Farm La Motte No 1041, Franschhoek; the project has later been referred to only as the detailed planning and design for the township establishment of Maasdorp Forest Village.

Community engagements, a traffic impact study, engineering services reports and a geotechnical investigation have been completed together with draft plans of subdivision for further consideration. The required process for township establishment took longer than anticipated primarily due to the impact of Covid-19 on processes, the challenges on the ability to interact with relevant stakeholders and certain aspects in the planning process that arose and now requires additional input. Due to the socio-economic impact of Covid-19 and the relevancy of the socio-economic profile on the feasibility of proposed property extents and accommodation of original Maasdorp residents on these properties, the necessity to update the socio-economic survey and engineering services costing for efficient decision-making purposes on the development proposal, was identified.

The service provider submitted the Land Use Planning Application to the Department: Land Use Planning and was advertised for public participation during February 2023. Planning approvals to be obtained during 2023/24 financial year.

It is suggested that the following timeframes should be considered for project progression:

Timeframes	Project Deliverables
2023/24	Planning approval
2024/25	Application for funding to PDoHS
2025/26	Implementation of services depending on approval of funding

3.6 Five housing projects in Kayamandi, Stellenbosch

In 1995, to direct and accommodate the accelerated growth and severe development pressure that prevailed in the Kayamandi Township, the former Stellenbosch Transitional Council commissioned the drafting of a Spatial Development Framework for Kayamandi and the immediate surrounding area. During 1996 and 1997 Special Council Meetings and workshops were held do deal with the Development Framework of Kayamandi with the aim to identify and implement priority projects within the area. The Spatial Development Framework was formally approved on 11 September 1996 and the priority projects plan during January 1997. Although the projects were implemented during the period, majority of the erven however have not been formally registered at the Surveyor General and the deeds office to proceed with the individual transfers of the properties to the respective end users/beneficiaries. For various reasons, the formal township establishment process for certain projects was not completed. Stellenbosch Municipality is now able to finalise the required statutory land use management approvals required for formal township establishment.

A service provider has been appointed to finalise township establishment by obtaining the necessary land use rights for each of the five projects situated in Kayamandi, Stellenbosch as well as submission of all diagrams in the Surveyor-General's office for registration and approval.

Five of these properties are now the subject of a township establishment process. Four of the projects have obtain land Use approval during January 2023 by the MPT. Project 5B was submitted to Land Use department and was withhold due to no Power of Attorney could be submitted for Erf 66.

The said provisions applied to the following projects:

- *Project 4 A (Erven 1080 to 1112, Kayamandi) (Ward 12)*

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APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDATION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FARM NO. 183, STELLENBOSCH DIVISION

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ANNEXURE D: Previous Approval & Planners Report	196-272

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THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDATION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FARM NO. 183, STELLENBOSCH DIVISION			
Application Reference	File Ref: LU/15991	**Application Date**	2023/08/22
		Last day for comments or additional information	2023/10/26

PART A: APPLICANT DETAILS			
First name(s) & Surname	Martin Jonker		
Company name	Plan 4 SA (PTY) LTD		
SACPLAN registration number	N/A		
Registered owner(s)	Stellenbosch Municipality	**Is the applicant properly authorised to submit the application**	Yes

PART B: PROPERTY DETAILS			
Property description	Erf 2175; Erf 2183; Erf 1832, Kayamandi; Farm No. 175/5, Farm No. 175/33, Farm No. 181 and Remainder Farm No. 183, Stellenbosch Division	**Administrative District**	Kayamandi
Physical address	Enkanini Informal Settlement (see **ANNEXURE A** for locality plan)		
Extent (m² /ha)	±32,1ha	**Nearest Town**	Stellenbosch
Title Deed Nr.	Erf 1832 – T106293 Erf 2183 – T98381/2005 Erf 2175 – T62077/2007		

	Farm No. 175/5 – T11602/1927 Farm No. 175/33 – T69537/2001 Farm No. 181 – STF5036/1887 Farm No. 183 – STF8-15/1908
Current zoning and approved land use rights as per Zoning Scheme Bylaw	Subdivisional Area
Existing Development and Current land use	The properties are already built-up and includes buildings used for residential purposes.
Any unauthorised land use/building work	The properties are already built-up and includes structures used for residential purposes.

PART C: APPLICATION DETAILS	
Applications(s)	1. The application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, 2023, *and to be read in conjunction with Council's approval letter dated 02 December 2022*, on Farm No. 175/5, Farm No. 175/33, Farm No. 181, Remainder Farm No. 183, Stellenbosch and Erven 1832, 2175 and 2183, Kayamandi, for the following: a) **Subdivision** in terms of section 15(2)(d) of the said bylaw to subdivide Erf 2183, Kayamandi in two portions, namely Portion G (Unregistered Erf 1810, a portion of Erf 2183, Kayamandi) (± 1,845m² in extent) and the Remainder of Erf 2183, Kayamandi. b) **Closure of a public place** in terms of section 15(2)(n) of the said bylaw of the proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183, Kayamandi) (±1,845m² in extent).

	c) **Closure of a public place** in terms of section 15(2)(n) of the said bylaw of Portion A (Unregistered Erf 5098, a Potion of Erf 1832, Kayamandi) (±1,436m² in extent). d) **Consolidation** of Portions A, B, C, D, E, F, G and Erf 2175 in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning, 2023, to form one erf, namely proposed "Portion H (unregistered Erf 5104)" (±32,1189ha in extent) known as Enkanini Development Area. e) The **extension of the validity period** of the MPT decision (LU/8597) taken on 27 November 2020 in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law, 2023. See **ANNEXURE B** for Subdivision and Consolidation Plans
Purpose of Application	The objective of the application is only to address the two minor omissions in the previous MPT decision (27 November 2020) related to Erf 2183 (subdivision & public place closure) and the subdivided Portion of Erf 1832 (public place closure) which are currently holding back the approval of the proposed consolidated development area at the Surveyor-General office. No changes are proposed to the development concept.
Pre-consultation	N/A

PART D: BACKGROUND TO APPLICATION PROPERTY AND DEVELOPMENT CONTEXT

The subject property is located in the Stellenbosch Municipal Jurisdictional Area, approximately 1km north of the Stellenbosch CBD. It is centrally located between Paarl, Franschhoek and Somerset West respectively at a distance of approximately 40km from each of the three towns. Within its local context, the subject area abuts the predominantly residential area of Kayamandi to the north, a vast agricultural area to the west, the Papegaaiberg Nature Reserve to the south and the R304 and extensions of Stellenbosch to the east (see **ANNEXURE A** for locality plan).

PART E: APPLICATION OVERVIEW AND MOTIVATION

The primary objective of the proposed application is basically to address the omissions of the previous land use application (LU/8597) approved by the Municipal Planning Tribunal (MPT) on **27 November 2020**, to enable the Municipality to proceed with the registration of the relevant Subdivision and Consolidation Diagrams with the Surveyor-General. See **ANNEXURE C** for applicant's motivation.

A summary of the proposed additions/insertions, amendments and corrections to the previous MPT decision is provided in the table below: See **ANNEXURE D** for previous approval and planners report.

PREVIOUS MPT DECISION (LU/8597) TAKEN ON 27 NOVEMBER 2020		**PROPOSED ADDIONS/INSERTIONS, AMENDMENTS & CORRECTIONS**	
Par	Description	Action	Description
2.	The Stellenbosch Municipal Planning Tribunal on 27 November 2020 resolved as follows:		
2.1	That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 2175, Kayamandi namely:		
2.1.1	The subdivision in terms of Section 15(d) of the Bylaw of the following properties:	Correct the reference to the bylaw section	The subdivision in terms of Section 15(2)(d) of the Bylaw of the following properties:
2.1.1.1	Erf 1832 into Portion A (±0,14ha) and Remainder (±1,49ha);		No changes to the decision.
2.1.1.2	Farm 183 into Portion B (±4,49ha), Portion C (±2,94ha), and the Remainder (±119,54ha);		No changes to the decision.
2.1.1.3	Farm 181 into Portion D (±14,44ha) and the Remainder (±36,33ha);		No changes to the decision.

2.1.1.4	Portion 5 of Farm 175 into Portion E (±0,90ha) and Remainder (0,13ha);		No changes to the decision.
2.1.1.5	Remainder of Portion 33 of Farm No. 175 into Portion F (±7,86ha) and Remainder (±14,84ha);		No changes to the decision.
		Add/insert paragraph 2.1.1.6	Erf 2183, Kayamandi into two portions namely "Portion G (Unregistered Erf 1810, a portion of Erf 2183, Kayamandi) (±1,845m² in extent) and the Remainder Erf 2183 (as shown on PLAN 2: SUBDIVISION PLAN).
		Add/insert paragraph 2.1.2	The closure of the proposed "Portion G (Unregistered Erf 1810, a portion of Erf 2183, Kayamandi) (±1,845m² in extent) as a public place in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-law, 2023.
		Add/insert paragraph 2.1.3	The closure of the proposed "Portion A (Unregistered Erf 5098, a portion of Erf 1832, Kayamandi) (±1,436m² in extent) as a public place in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-law, 2023
2.1.2	The consolidation in terms of Section 15(2)(e) of the said Bylaw of Portions A, B, C, D, E, F, Erf 2175 and Erf 2183 in order to create the consolidated are G known as Enkanini Development Area.	Amend the wording and re-number the paragraph to 2.1.4	The consolidation of Portions A, B, C, D, E, F, G and Erf 2175 in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, to form one erf, namely proposed "Portion H (Unregistered Erf 5104)" (±32,1189ha in extent), known as Enkanini Development Area, as shown on PLAN 2: CONSOLIDATION PLAN.

2.1.3	The rezoning in terms of Section 15(a) of the said Bylaw of the consolidated Area G as the development area from Agricultural Zone to Subdivisional Area in order to accommodate the following development of the subject land as indicated on the plan attached as ANNESURE "B" and as compiled by A. Ellis (for Urban Dynamics URP), dated September 2018:	Re-number the paragraph to 2.1.5	No changes to the decision.
2.1.3.1	Street Zone Erf measuring ±7,3ha in extent (Roadnetwork: 14m & 8m Reserves);	Re-number the paragraph to 2.1.5.1	No changes to the decision.
2.1.3.2	Open Space Zone erven measuring ±10,59ha in extent (Public Open Space);	Re-number the paragraph to 2.1.5.2	No changes to the decision.
2.1.3.3	Single Residential Zone erven measuring ±9,36ha in extent (Subdivided erven);	Re-number the paragraph to 2.1.5.3	No changes to the decision.
2.1.3.4	General Residential Zone even measuring ±3,18ha in extent (flats);	Re-number the paragraph to 2.1.5.4	No changes to the decision.
2.1.3.5	Place of Worship/Educational Institution Zone erven measuring ±1,04ha in extent (Community facilities);	Re-number the paragraph to 2.1.5.5	No changes to the decision.

2.1.3.6	General Business Zone erven measuring ±0,72ha in extent (Mixed use incl. retail).	Re-number the paragraph to 2.1.5.6	No changes to the decision.
		Add/insert paragraph 2.1.6	The extension of the validity period of the MPT decision (LU/8597) taken on 27 November 2020 in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 with a period which is equal to the time that has lapsed between the coming into operation of the previous MPT decision (LU/8597) and the coming into operation of the MPT approval of this land use application.
	BE APPROVED in terms of Section 60 of the said Bylaw subject to conditions in terms of Section 66 of the said Bylaw.		

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

1. Portfolio Of Evidence on Public Participation Process

The previous application followed a comprehensive public participation process with both the beneficiary community and the general public. Public participation took place from 18 April 2019 to 19 June 2019. The current application was not advertised as it only entails minor amendments to the proposal.

2. Public and Stakeholder Inputs Received

Not applicable.

3. Government Bodies Inputs Received

All relevant external departments gave comment on the initial application.

4. Comments from internal service departments

The proposal was circulated to the **Director: Infrastructure Services** for comment who had no objection to the proposal and indicated that the original conditions of approval remain valid.

5. Responding comments by Applicant

Not applicable.

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

The proposed development was for a subdivision, rezoning and amendment of the urban edge in order to accommodate the following uses and to formalize the current existing layout and density of the Enkanini Informal Settlement located in Kayamandi:

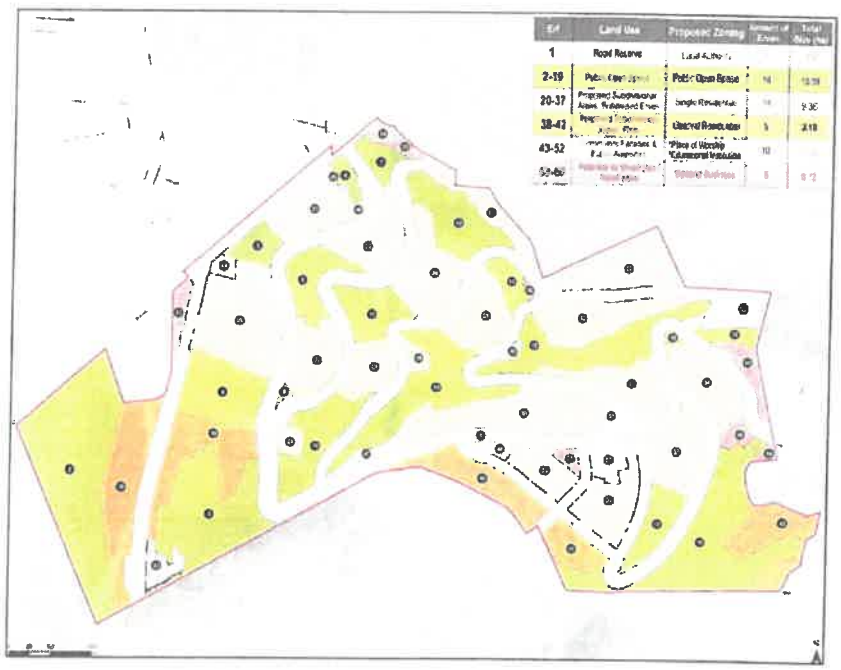


FIGURE 1

a) *1 x Street Zone Erf (Road Network: 14m & 8m Reserves);*
b) *18 x Open Space Zone erven (Public Open Space);*
c) *18 x Single Residential Zone erven (Subdivided Erven);*
d) *5 x General Residential Zone erven (Flats);*
e) *10 x Place of Worship / Educational Institution Zone erven (Community Facilities);*
f) *8 x General Business Zone erven (Mixed use incl. retail).*

The desirability of the development was already confirmed by the Municipality and the current application is basically to address the omissions of the previous land use application (LU/8597).

Omission 1

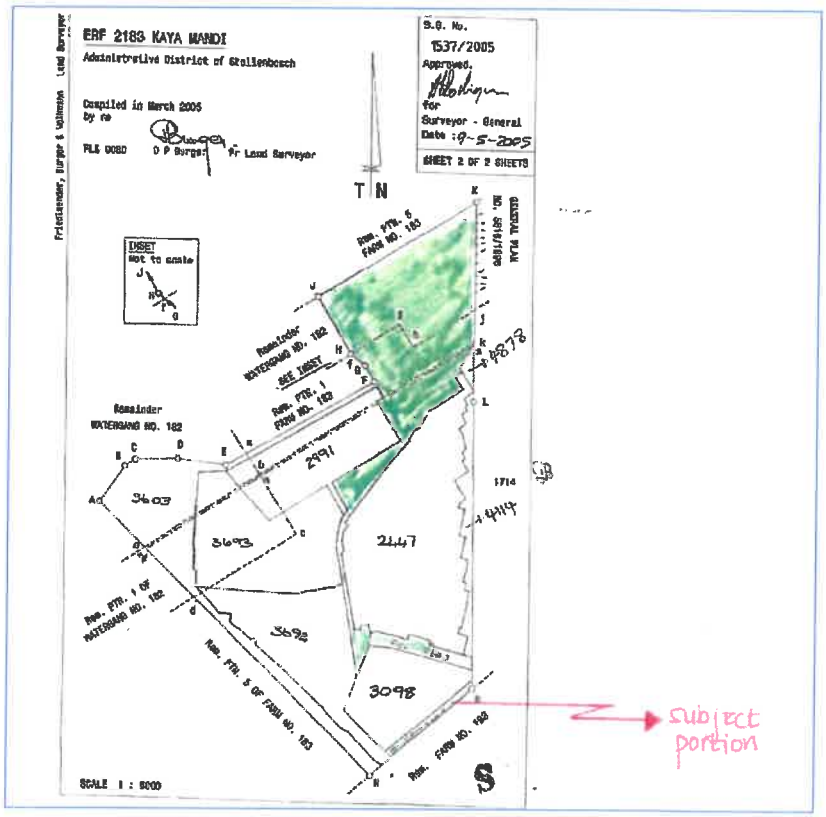


FIGURE 2

The MPT's decision refers to Erf 2183, Kayamandi (indicate in green in figure 2 above) that must also be included in the consolidated Enkanini Development Area. However, the remainder of Erf 2183 is a large piece of land way beyond the small figure that was included in the consolidation application. An additional subdivision approval of Erf 2183 was therefore

required as part of the MPT decision and will be required if this small portion of Erf 2183 (± 1,845m² in extent) is to be included in the proposed consolidation diagram.

The aforementioned portion of Erf 2183 is furthermore a 10m wide public road which was not closed as a public place.

The following additional applications (including the proposed amendments to the previous MPT decision) are therefor made:

b) *Subdivision in terms of section 15(2)(d) of the said bylaw to subdivide Erf 2183, Kayamandi in two portions, namely Portion G (Unregistered Erf 1810, a portion of Erf 2183, Kayamandi) (± 1,845m² in extent) and the Remainder of Erf 2183, Kayamandi*

b) *Closure of a public place in terms of section 15(2)(n) of the said bylaw of the proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183, Kayamandi) (±1,845m² in extent).*

Omission 2

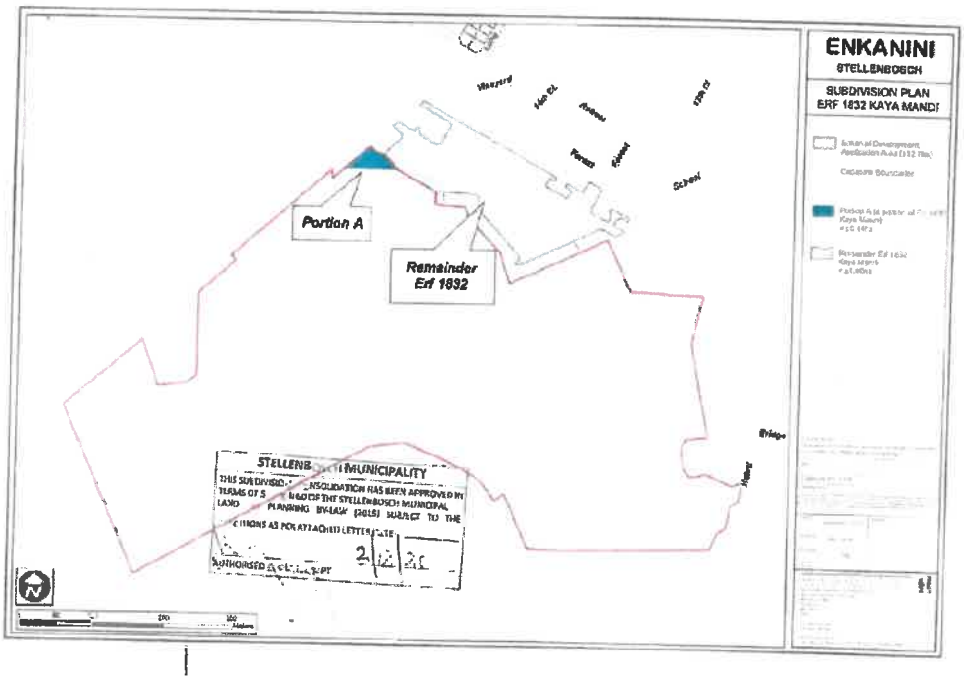


FIGURE 3

The proposed "Portion A" (Unregistered Erf 5098, a portion of Erf 1832) is part of the registered Public Roads in General Plan 6635/2000. The aforementioned "Portion A" was subdivided from the Remainder of Erf 1832, but it was not closed as a Public Place.

The following additional applications (including the proposed amendments to the previous MPT decision) are therefor made:

a) *Closure of a public place in terms of section 15(2)(n) of the said bylaw of Portion A (Unregistered Erf 5098, a Potion of Erf 1832, Kayamandi) (±1,436m² in extent).*

Amendment of the wording of the consolidation application

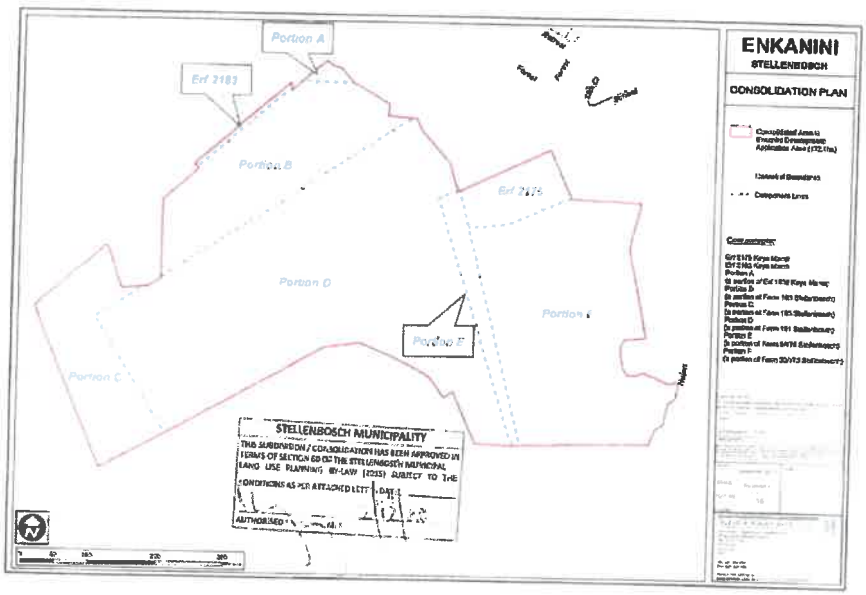


FIGURE 4

No changes are proposed to the boundaries of the approved Consolidation Plan. However, the wording on the Consolidation Plan needs to change to accommodate the subdivided portion (± 1,845m² in extent) of Erf 2183, Kayamandi.

The consolidation application must read as follows:

Consolidation of Portions A, B, C, D, E, F, G and Erf 2175 in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning, 2023, to form one erf, namely proposed "Portion H (unregistered Erf 5104)" (±32,1189ha in extent) known as Enkanini Development Area.

Extension of the Validity Period:

The applicant requests that an extension be given on the decision of 2020 due to the time that has passed to rectify the application.

Integrated decision

The decision as recorded in the approval letter dated 02 December 2022 cannot be acted on due to fact that certain applications were not included in the decision. The current application is only to address the omissions as mentioned elsewhere in the report. The recommendation of current application is incorporated with the previous decision, to avoid confusion, and the integrated decision replaces the previous decision of 02 December 2022. For easy refence, the additional applications, are underlined in the recommendation.

Please note that no changes have been made to the previous decision. Due to the fact that the previous Zoning Schemes have been replaced in the meantime with a new Zoning Scheme Bylaw, the designation of the zonings has changed and has been adjusted as such in this report. The amended zonings are as follows:

Previous zoning (02 December 2022 approval)	Amended Zoning
Street Zone	Public Roads and Parking Zone
Open Space Zone	Public Open Space
Single Residential Zone	Conventional Residential
General Residential Zone	Multi-unit Residential
Place of Worship/Educational Institution Zone	Community Zone
General Business Zone	Local Business Zone

PART H: RECOMMENDATION

1. That the following application(s) made in terms of the Stellenbosch Municipal Land Use Planning By-Law, 2023, on **Farm No. 175/5**, Farm No. 175/33, **Farm No. 181**, **Remainder Farm No. 183**, Stellenbosch and **Erven 1832**, 2175 and 2183, Kayamandi, for the following:

1.1 The **subdivision** in terms of Section 15(2)(d) of the said Bylaw of the following properties:

a) Erf 1832 into Partion A (±0.14ha) and Remainder (±1.49ha);
b) Farm No. 183 into Portion B (±4.49ha), Portion C (±2.94ha), and the Remainder (±119.54ha);
c) Farm No. 181 into Portion D (±14.44ha) and the Remainder (±36.33ha);
d) Farm No. 175/5 into Portion E (±0.90ha) and Remainder (0.13ha);
e) Remainder of Portion 33 of Farm No. 175/33 into Portion F (±7.86ha) and Remainder (± 14.84ha).
f) Erf 2183, Kayamandi in two portions, namely Portion G (Unregistered Erf 1810, a portion of Erf 2183, Kayamandi) (± 1,845m² in extent) and the Remainder of Erf 2183, Kayamandi

1.2 **Closure of a public place** in terms of section 15(2)(n) of the said bylaw of the proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183, Kayamandi) (±1,845m² in extent).

1.3 **Closure of a public place** in terms of section 15(2)(n) of the said bylaw of Portion A (Unregistered Erf 5098, a Potion of Erf 1832, Kayamandi) (±1,436m² in extent).

1.4 The **consolidation** in terms of Section 15(2)(e)of the said Bylaw of Portions A, B, C,D, E, F, G, in order to form one erf, namely proposed Portion H (Unregistered Erf 5104) (±32,1189ha in extent), known as Enkanini Development Area.

1.5 The **rezoning** in terms of Section 15(2)(a) of the said Bylaw of the consolidated Area H as the development area from Agricultural Zone to Subdivisional Area in order to accommodate the following development of the subject land as indicated on the Plan Nr. 9 attached as **ANNEXURE "B"** and as compiled by Urban Dynamics URP, dated September 2018:

a) 1 x **Public Roads and Parking Zone** measuring ±7.3ha in extent (Road Network: 14m & 8m Reserves);
b) 18 x **Public Open Space Zone** erven measuring ±10.59ha in extent (Public Open Space);
c) 18 x **Conventional Residential Zone** erven measuring ±9.36ha in extent (Subdivided Erven);
d) 5 x **Multi-Unit Residential Zone** erven measuring ±3.18ha in extent (Flats);
e) 10 x **Community Zone** erven ±1.04ha in extent (Place of Worship/Educational institution);
f) 8 x **Local Business Zone** erven measuring ±0.72ha in extent (Mixed use incl. retail).

1.6 The **extension of the validity period** of the MPT decision (LU/8597) taken on 27 November 2020 in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law, 2023.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1 The approval only applies to the proposed development under consideration 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 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.

2.3 The development be implemented in accordance with the Subdivisional Plan/s and Consolidation Plan attached as **ANNEXURE B.**

2.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes.

2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:
a) Newly allocated Erf Numbers
b) Co-ordinates

c) Survey Dimensions

2.6 A phasing plan be submitted together with the first application for subdivision.

2.7 All other conditions as imposed in Council's approval letter dated 02 December 2022, be complied with.

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

3.1 The proposal will allow the Municipality to proceed with the registration of the relevant Subdivision and Consolidation Diagrams with the Surveyor-General.

3.2 The desirability of the development was already confirmed by the Municipality and the current application is basically to address the omissions of the previous land use application (LU/8597).

3.3 The proposed development will formalise an existing informal settlement.

4. Matters to be noted:

4.1 Building plans be approved by the Municipality.

4.2 A Street Name and Numbering Plan to be submitted for approval by the delegated authority.

PART I: ANNEXURES

ANNEXURE A: Locality Plan
ANNEXURE B: Subdivision Plans & Consolidation Plan
ANNEXURE C: Applicant's motivation
ANNEXURE D: Previous approval & Planners Report

PART J: COMPILATION OF LAND USE PLANNING APPLICATION ASSESSMENT REPORT
APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDATION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FARM NO. 183, STELLENBOSCH DIVISION
Author of Planning Assessment Report: **Name:** Louisa Engelbrecht **Capacity:** Senior Town Planner **Signature:** Engelbrecht **Date:** 10/01/2024

PART K: REVIEW OF PLANNING APPLICATION ASSESSMENT REPORT
APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDATION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FARM NO. 183, STELLENBOSCH DIVISION
Review of Planning Assessment Report: **Name:** **Capacity:** **SACPLAN Registration:** **Signature:** **Date:**

PART L: REVIEW AND SUBMISSION OF LAND USE PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDATION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FARM NO. 183, STELLENBOSCH DIVISION

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 the subject application is categorised as follows:

Category: D(c)5; E(b), N5
Decision Making Authority: SMPT
Rational: Council owned land

Name: Ntaari Carstens

Capacity: SMPT

SACPLAN Registration: 10/1/2024

Signature:

Date:

PART M: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDATION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FARM NO. 183, STELLENBOSCH DIVISION

Administrator to Stellenbosch 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 Stellenbosch Municipal Planning Tribunal on:

Date: 26 JANUARY 2024

Name: LENACIA DAVIDS

Capacity: SENIOR ADMINISTRATIVE OFFICER

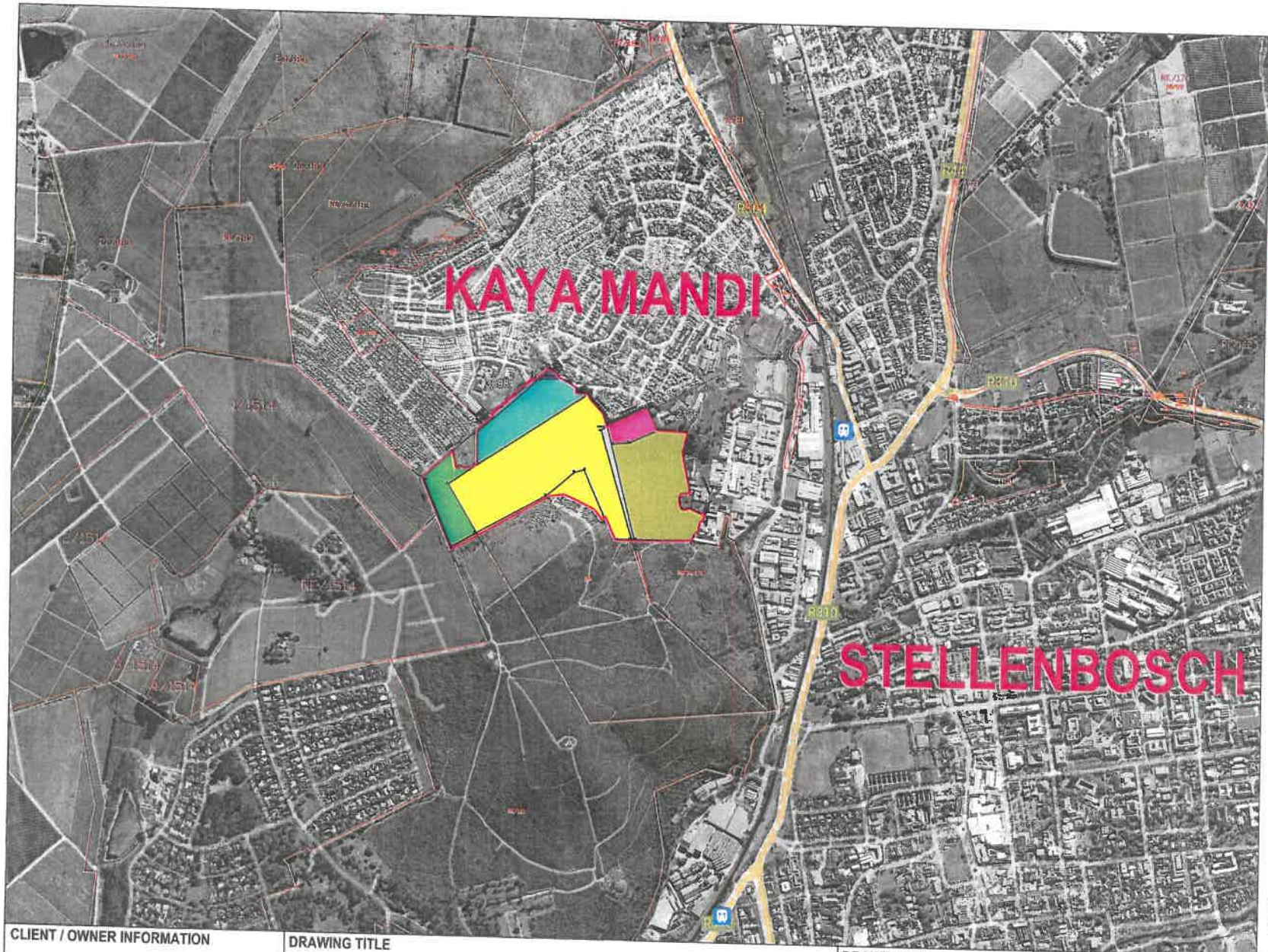
Signature: DAVIDS

Date: 11.01.2024

ANNEXURE A

APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDTION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FAM NO. 183, STELLENBOSCH DIVISION

LOCALITY PLAN



LOCALITY PLAN
Enkanini Development Area

	DEVELOPMENT AREA	AREA	REPRESENTED BY
	Erf 5104, Kaya Mandi	32.1169 ha	Figure A, B, C, D, E, F, G, H, J, K, L, M, N, P, Q, R, S, T, U, V, W, X, Y, Z, A1, B1, C1, D1, E1, F1, G1, H1, J1, K1, L1, M1, N1, P1, Q1, R1, S1, T1, U1, V1, W1, X1, Y1, Z1, A2, B2, C2, D2, E2, F2

	CONSOLIDATED FROM	AREA	SUBDIVIDED FROM
	Erf 1810 (Public Road)	1,845m²	Erf 2193, Kaya Mandi
	Erf 2175, Kaya Mandi	1.1655 ha	N/A
	(A) Erf 5098 (Public Road)	1,436m²	Erf 1832, Kaya Mandi
	(B) Erf 5099 (Por of Erf 5097)	4.4646 ha	Farm 183, Stellenbosch
	(C) Erf 5100 (Por of Erf 5097)	2.8857 ha	Farm 183, Stellenbosch
	(D) Erf 5101 (Por of Erf 5096)	14.7859 ha	Farm 181, Stellenbosch
	(E) Erf 5102 (Por of Erf 5094)	6,098m²	Farm 5/175, Stellenbosch
	(F) Erf 5103 (Por of Erf 5095)	7.8743 ha	Farm 33/175, Stellenbosch

Notes:

1. The Enkanini Development Area is located south of Kayamandi, east of an agricultural area, north of the Papagaaiberg Nature Reserve and west of the R304 and the northern extensions of Stellenbosch.
2. All measurements, areas and distances are indicative and must be confirmed by a Professional Land Surveyor.

Sources:

1. LU/8597 was prepared and submitted by Messrs Urban Dynamics Western Cape (Pty) Ltd.
2. SG Diagrams prepared by Messrs FBV Professional Land Surveyors.

NORTH

CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

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Position: Manager: Informal Settlements
Tel: 021-808-8460
Cell:
Email: johru.robyn@stellenbosch.gov.za
Web: www.stellenbosch.gov.za

DRAWING TITLE
LOCALITY PLAN

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
1	NTS	A3	1 of 1

PROJECT NAME
KAYAMANDI, ERF 2175 (E' ANINI)

DRAWING TITLE CODES
CP: Consolidation Plan
DF: Development Framework
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

DRAWING DISCIPLINE CODES
TRP: Town & Regional Planning
TP: Transportation Planning

DRAWING STATUS CODES
D: Draft
F: Final

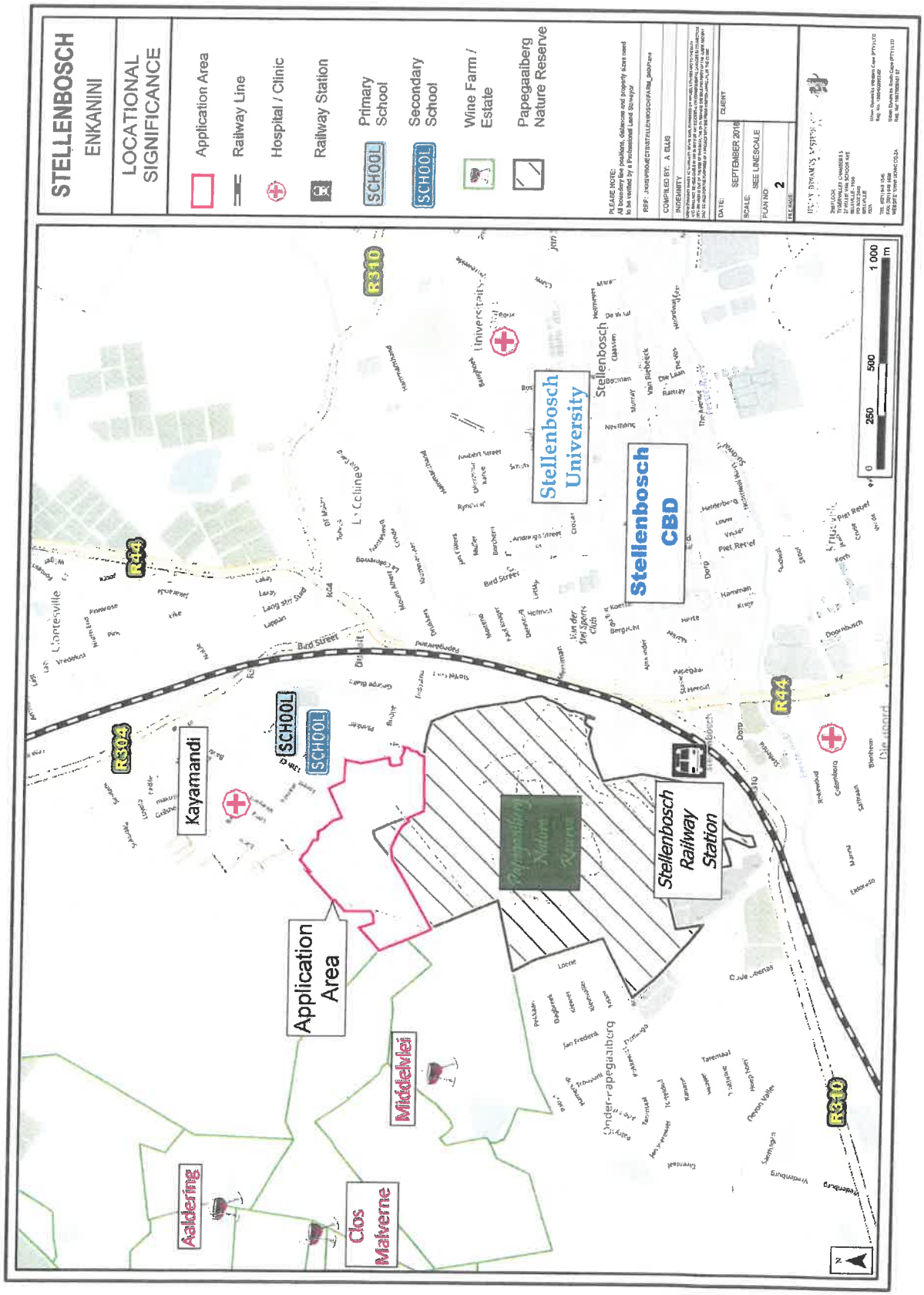
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23P002-TRP-LP-20230718-F

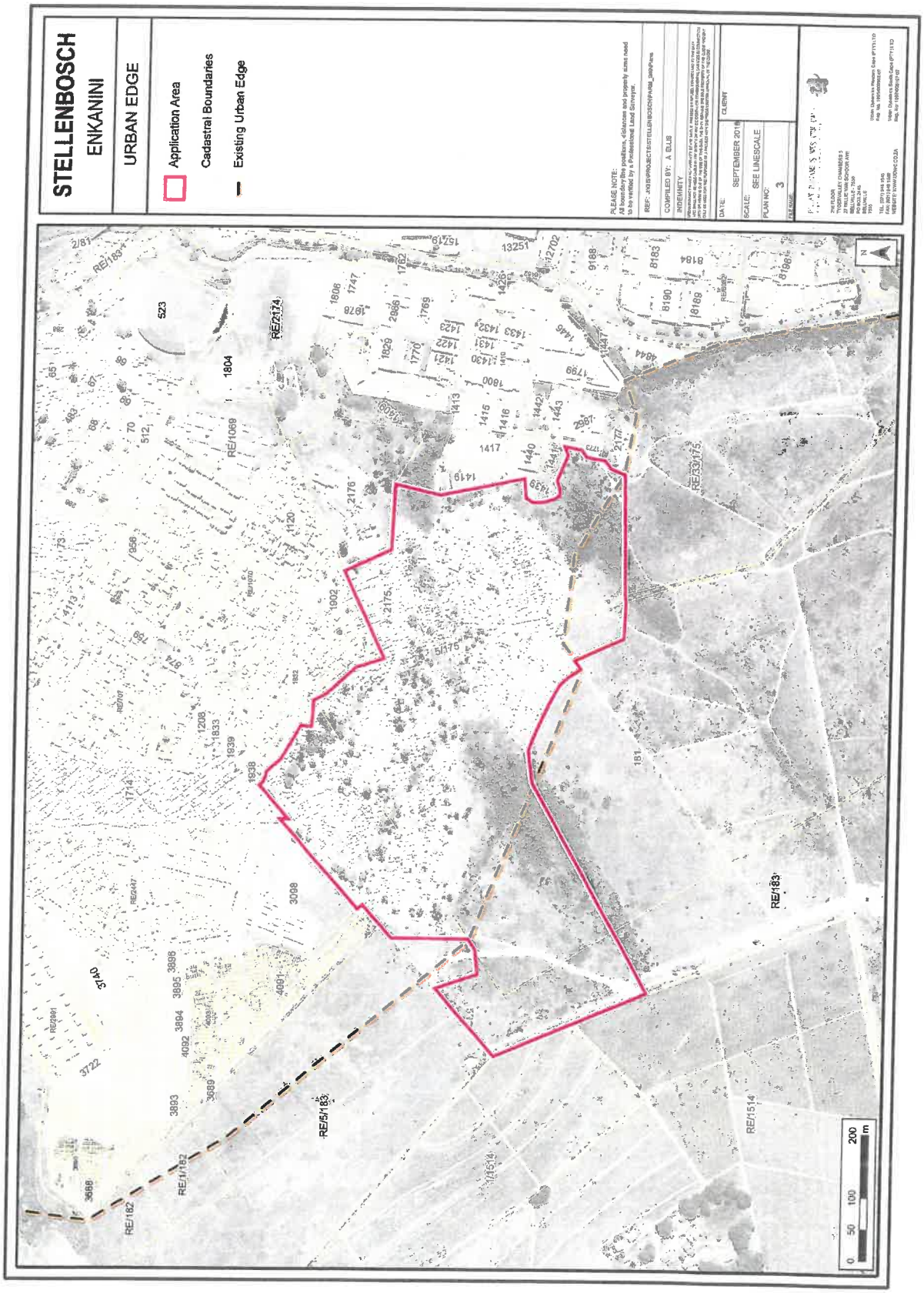
PROFESSIONAL PLANNERS & PROJECT MANAGERS

MARTIN JONKER
Tel: 084-410-6132
Fax: 086-524-8738
Email: martinj@plan4sa.co.za
Web: www.plan4sa.co.za

PLAN 4 SA
Established 2015

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STELLENBOSCH
ENKANINI
LOCATIONAL SIGNIFICANCE
Application Area
Railway Line
Hospital / Clinic
Railway Station
Primary School
Secondary School
Wine Farm / Estate
Papegaaiberg Nature Reserve
SCHOOL
PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor
REF: J:\2018\PROJECTS\STELLENBOSCH\FINAL_SHOP.mxd
COMPILED BY: A. ELLIS
INDEMNITY
DATE:
SEPTEMBER 2018
SCALE:
SEE LINESCALE
PLAN NO:
2
FILE NAME:
CLIENT
Stellenbosch University
Stellenbosch CBD
Stellenbosch Railway Station
Papegaaiberg Nature Reserve
Application Area
Middelvlei
Clos Malverne
Aaldering
Kayamandi
R44
R310
R304
Bird Street
0
250
500
1 000
m


STELLENBOSCH
ENKANINI
URBAN EDGE
Application Area
Cadastral Boundaries
Existing Urban Edge
PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.
REF: J:\GIS\PROJECTS\STELLENBOSCH\PANEL_2\MXD\res
COMPILED BY: A ELLIS
INDEMNITY
DATE:
SEPTEMBER 2018
SCALE:
SEE LINESCALE
PLAN NO:
3
CLIENT
RE/183
RE/5183
RE/182
RE/1182
RE/514
RE/2174
RE/1068
RE/33175
RE/2447
RE/2991
0
50
100
200
m

ANNEXURE B

APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDTION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FAM NO. 183, STELLENBOSCH DIVISION

SUBDIVISION AND CONSOLIDATION PLAN



Erf	Land Use	Proposed Zoning	Amount of Erven	Total Size (ha)
1	Road Reserve	Local Authority	1	7.3
2-19	Public Open Space	Public Open Space	18	10.59
20-37	Proposed Subdivisional Areas: Subdivised Erven	Single Residential	18	9.36
38-42	Proposed Subdivisional Areas: Flats	General Residential	5	3.18
43-52	Community Facilities & Public Amenities	*Place of Worship *Educational Institution	10	1.04
53-60	Potential for Mixed Use / Retail Sites	General Business	8	0.72

STELLENBOSCH
ENKANINI

PROPOSED SUBDIVISIONAL & REZONING PLAN: PREFERED ALTERNATIVE

Application Area (±32.1 ha)

Cadastral Boundaries

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

REF: J:\GIS\PROJECTS\STELLENBOSCH\ENKANINI\MXD\Rural\Opportunities_Constraints_Dev_Area

COMPILED BY: A ELLIS

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DATE: SEPTEMBER 2018

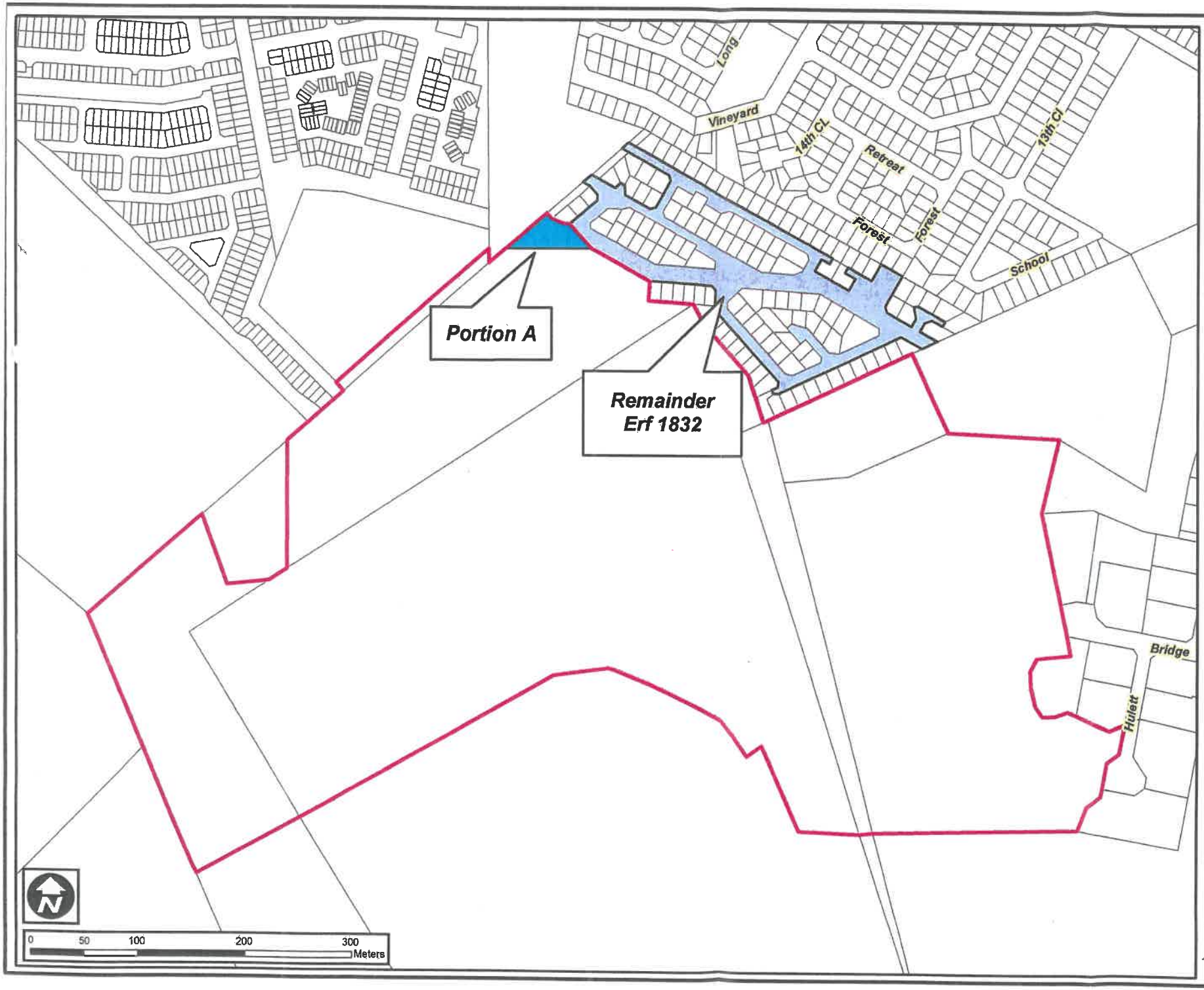
CLIENT

SCALE: SEE LINESCALE

PLAN NO: 9

FILE NAME:

URBAN DYNAMICS WESTERN CAPE
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FAX: (021) 948 1586
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ENKANINI

STELLENBOSCH

SUBDIVISION PLAN
ERF 1832 KAYA MANDI

Enkanini Development: Application Area (±32.1ha)

Cadastral Boundaries

Portion A (a portion of Erf 1832 Kaya Mandi) = ±0.14ha

Remainder Erf 1832 Kaya Mandi = ±1.49ha

157

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

REF:

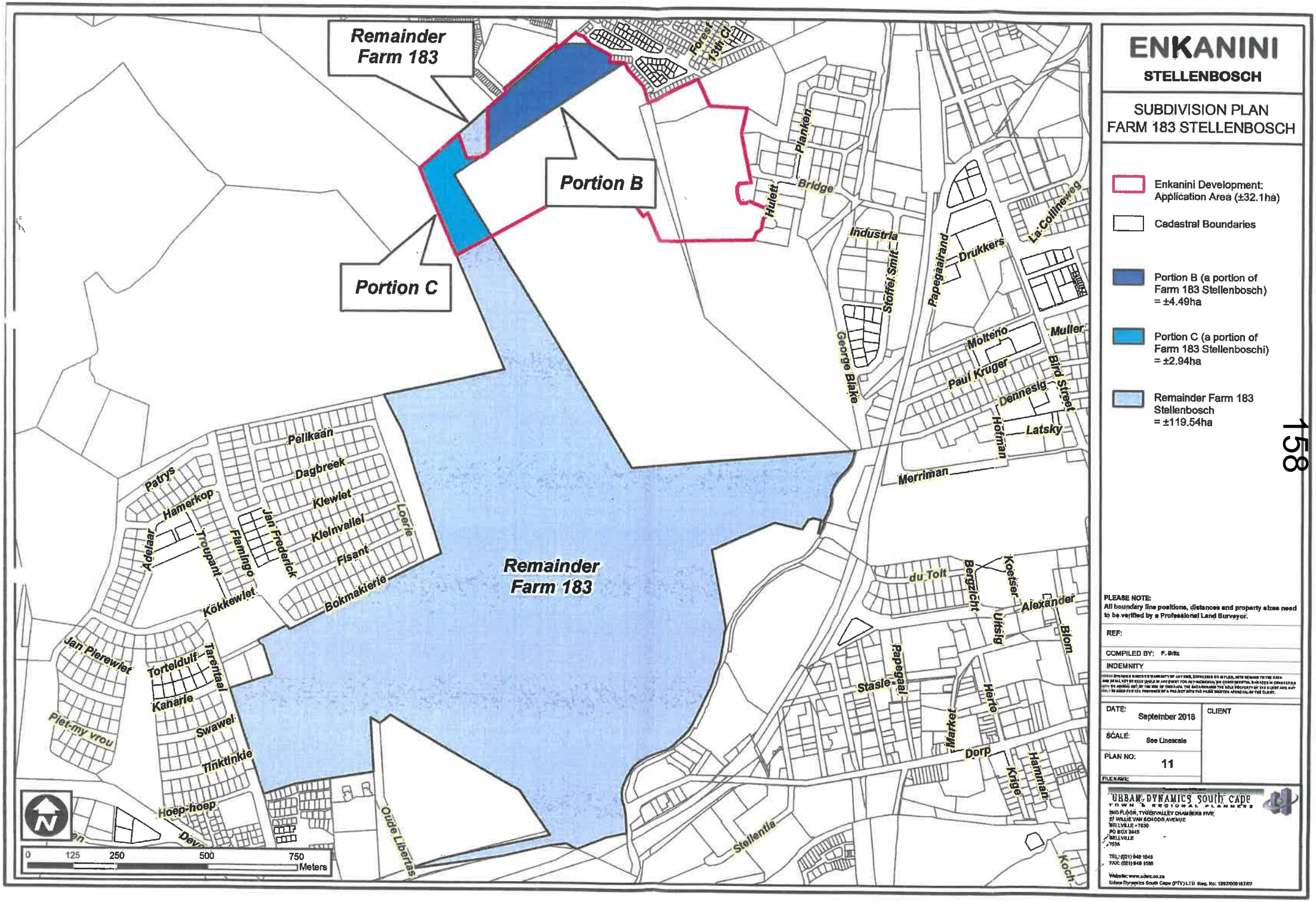
COMPILED BY: F. Britz

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DATE:	CLIENT
September 2016	
SCALE: See Linescale	
PLAN NO: 10	
FILE NAME:	

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Urban Dynamics South Cape (PTY) LTD Reg. No: 1997/008197/07



ENKANINI

STELLENBOSCH

SUBDIVISION PLAN
FARM 183 STELLENBOSCH

- Enkanini Development: Application Area (±32.1ha)
- Cadastral Boundaries
- Portion B (a portion of Farm 183 Stellenbosch) = ±4.49ha
- Portion C (a portion of Farm 183 Stellenboschi) = ±2.94ha
- Remainder Farm 183 Stellenbosch = ±119.54ha

158

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

REF:

COMPILED BY: F. Britz

INDEMNITY

DATE: September 2018

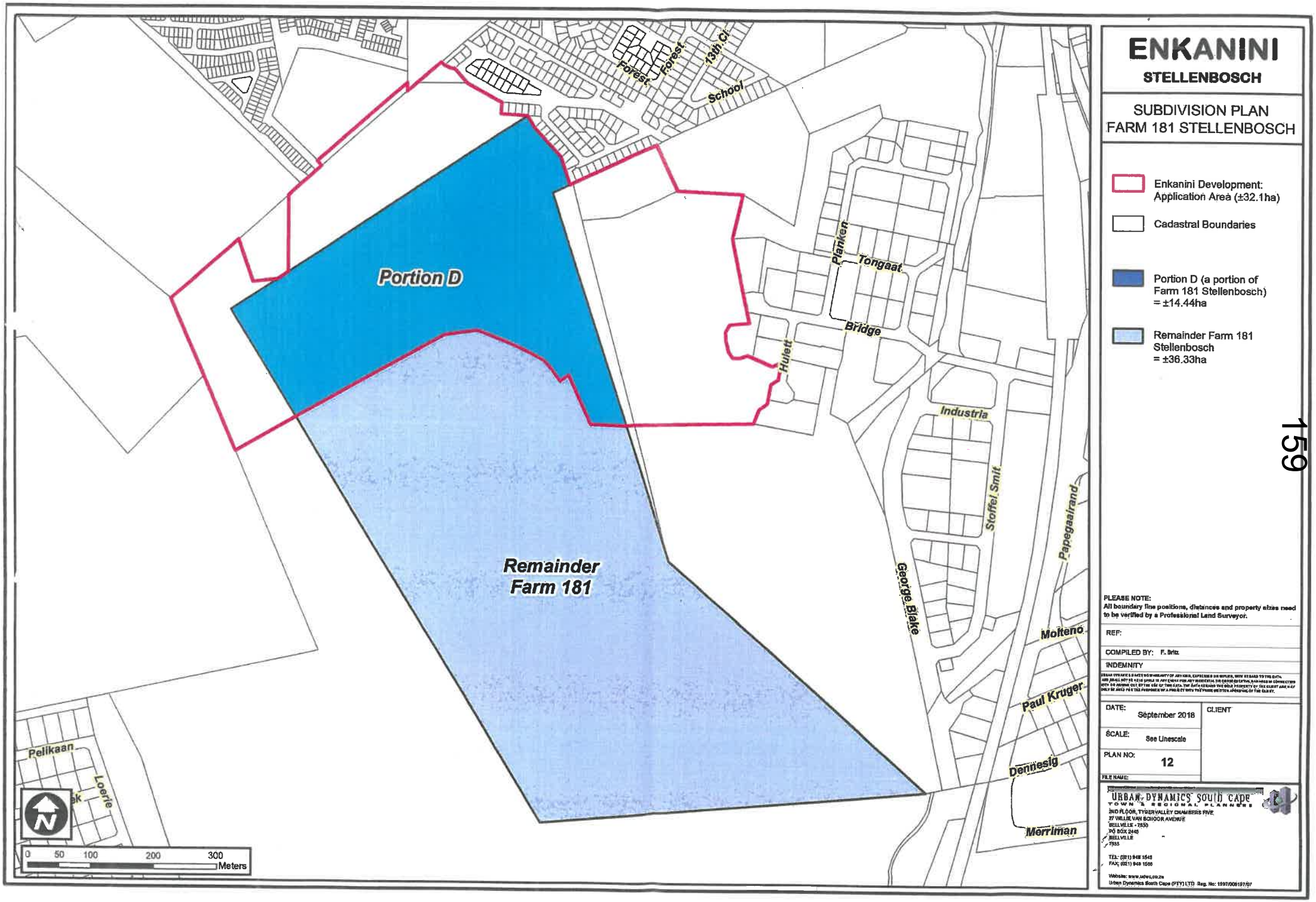
CLIENT

SCALE: See Linescale

PLAN NO: 11

FILE NAME:

URBAN DYNAMICS South Cape
TOWN & REGIONAL PLANNERS
2ND FLOOR, TYGERVALLEY CHAMBERS FIVE
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Urban Dynamics South Cape (PTY) LTD Reg. No: 1997/008167/07



ENKANINI

STELLENBOSCH

SUBDIVISION PLAN
FARM 181 STELLENBOSCH

- Enkanini Development: Application Area (±32.1ha)
- Cadastral Boundaries
- Portion D (a portion of Farm 181 Stellenbosch) = ±14.44ha
- Remainder Farm 181 Stellenbosch = ±36.33ha

PLEASE NOTE:
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COMPILED BY: F. Britz

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DATE: September 2018

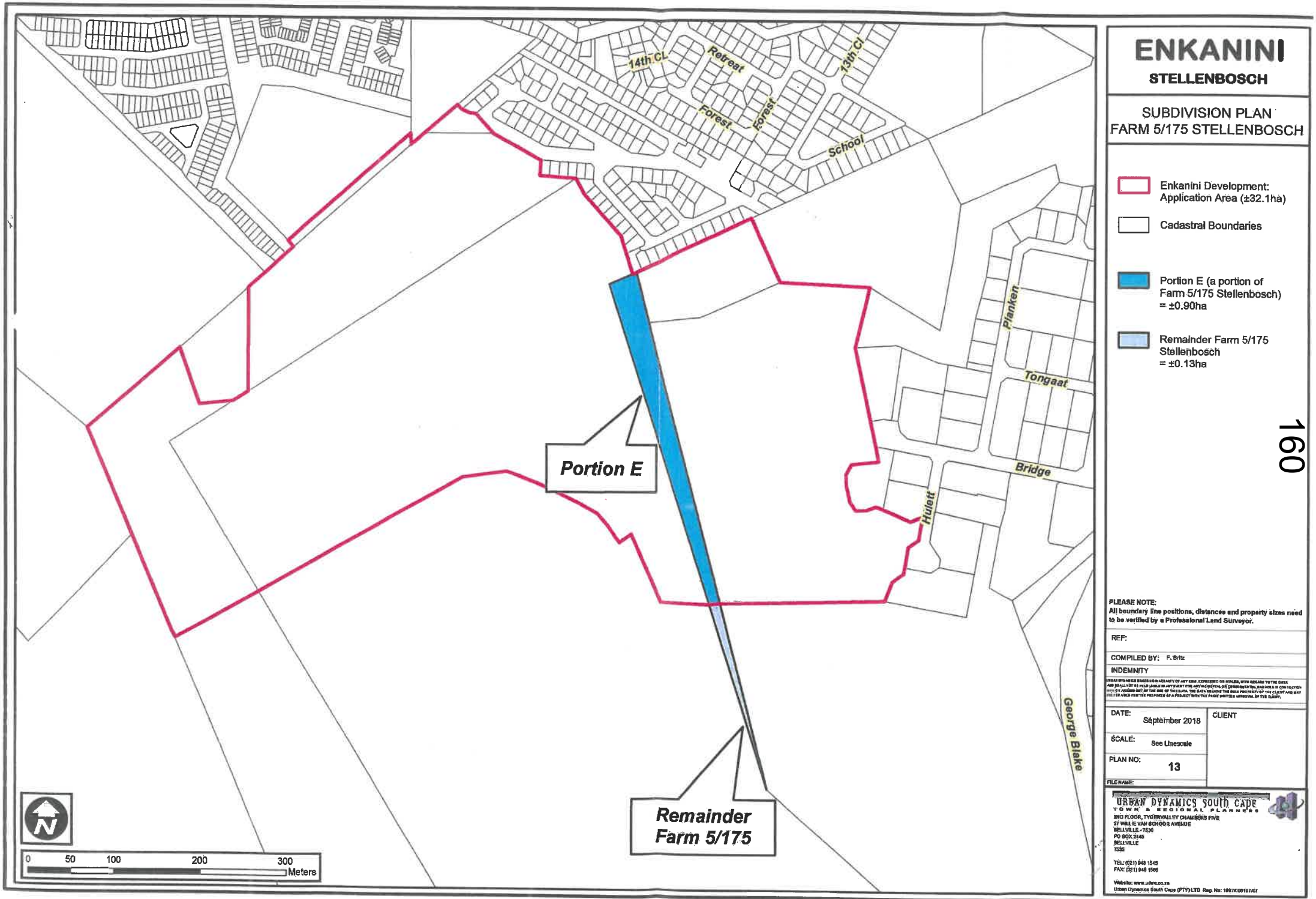
CLIENT

SCALE: See Unscale

PLAN NO: 12

FILE NAME:

URBAN DYNAMICS SOUTH CAPE
TOWN & REGIONAL PLANNERS
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Urban Dynamics South Cape (PTY) LTD Reg. No: 1997/006197/07



ENKANINI

STELLENBOSCH

SUBDIVISION PLAN
FARM 5/175 STELLENBOSCH

- Enkanini Development: Application Area (±32.1ha)
- Cadastral Boundaries
- Portion E (a portion of Farm 5/175 Stellenbosch) = ±0.90ha
- Remainder Farm 5/175 Stellenbosch = ±0.13ha

160

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

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DATE: September 2018

CLIENT

SCALE: See Linescale

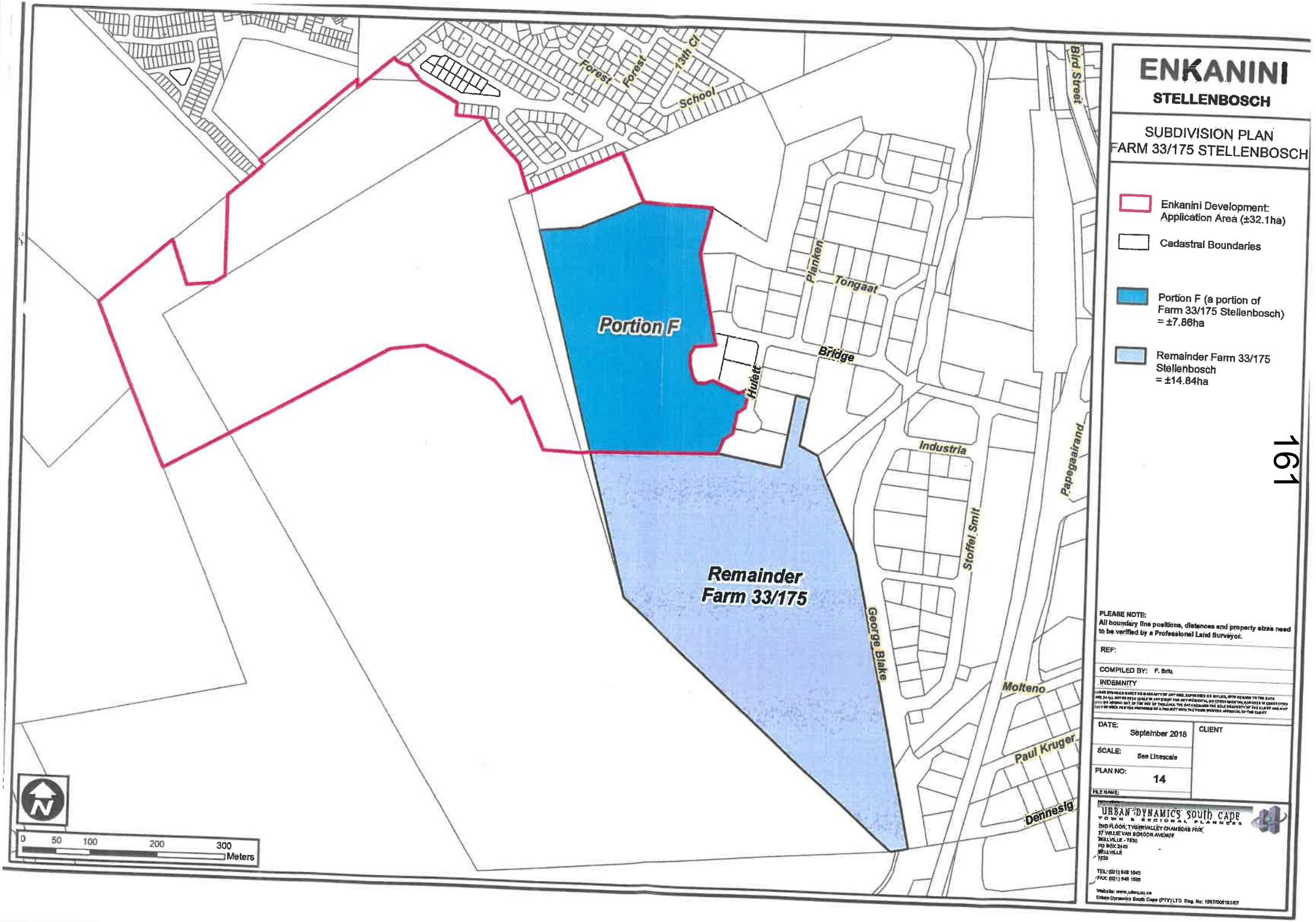
PLAN NO: 13

FILE NAME:

URBAN DYNAMICS SOUTH CAPE
TOWN & REGIONAL PLANNERS
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Urban Dynamics South Cape (PTY) LTD Reg. No: 1997/009197/07



ENKANINI

STELLENBOSCH

SUBDIVISION PLAN
FARM 33/175 STELLENBOSCH

- Enkanini Development: Application Area (±32.1ha)
- Cadastral Boundaries
- Portion F (a portion of Farm 33/175 Stellenbosch) = ±7.86ha
- Remainder Farm 33/175 Stellenbosch = ±14.84ha

161

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

REF:

COMPILED BY: F. Britz

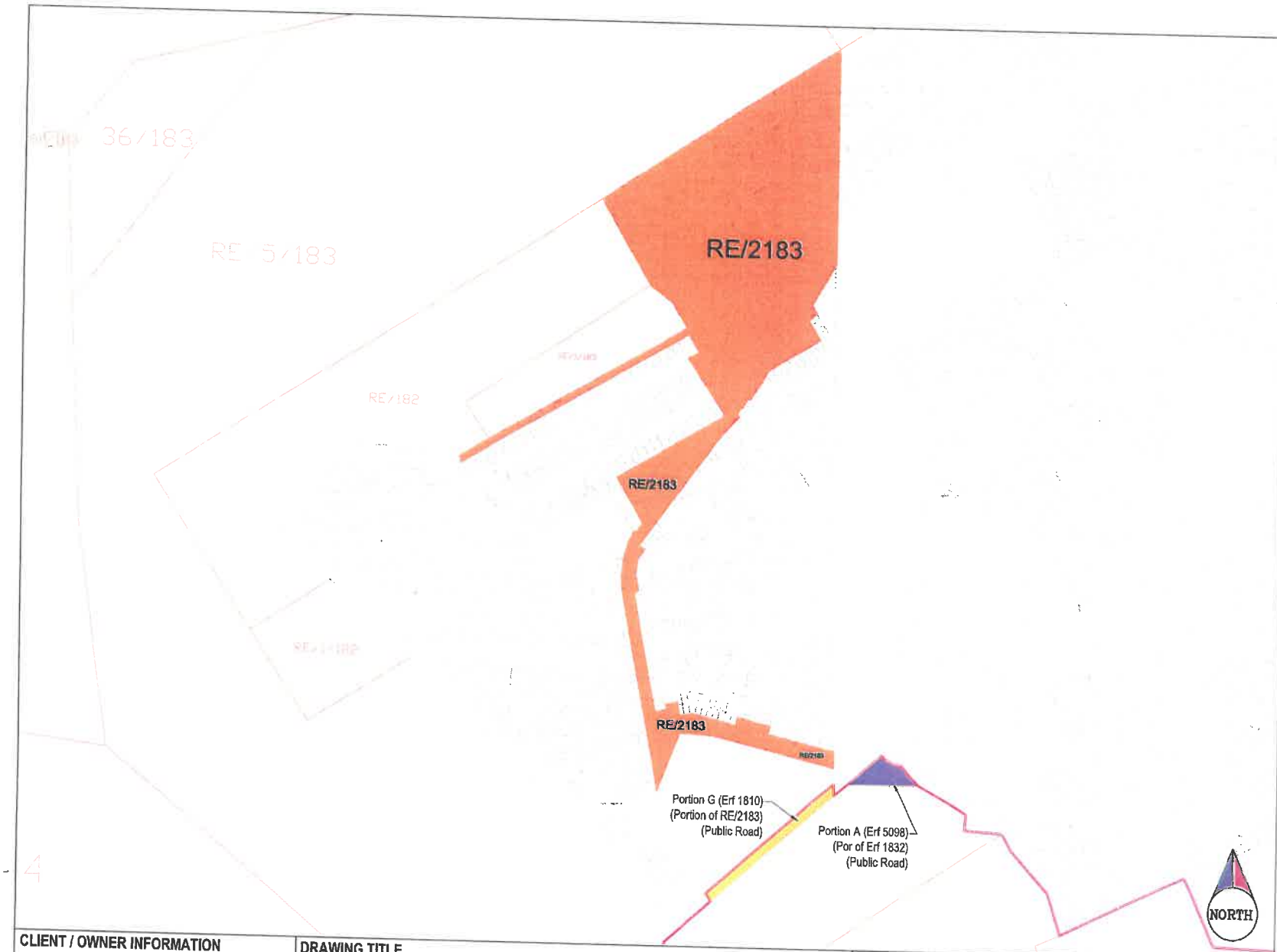
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URBAN DYNAMICS SOUTH CAPE TOWN & REGIONAL PLANNERS
2ND FLOOR, TYGERVALLEY CHAMBERS FIVE,
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TEL: (021) 948 1645
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Website: www.udsc.co.za
Urban Dynamics South Cape (PTY) LTD Reg. No: 1997/006197/07

DATE: September 2018	CLIENT
SCALE: See Linescale	
PLAN NO: 14	
FILE NAME:	



SUBDIVISION PLAN
RE/2183, KAYA MANDI

Proposed Subdivision & Road Closures:

1. Application is made for the subdivision, in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, of Erf 2183 Kaya Mandi into two portions namely proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183)" (1,845m² in extent) and the Remainder of Erf 2183. This application be inserted and read as paragraph 2.1.1.6 of the MPT decision (LU/8597) taken on 27 November 2020.
2. The closure of the proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183)" (1,845m² in extent) as a public place, in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023. This application be inserted and read as paragraph 2.1.2 of the MPT decision (LU/8597) taken on 27 November 2020.
3. The closure of the proposed "Portion A (Unregistered Erf 5098, a Portion of Erf 1832)" (1,436m² in extent) as a public place, in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023. This application be inserted and read as paragraph 2.1.3 of the MPT decision (LU/8597) taken on 27 November 2020.

	SUBDIVISION	AREA	COMMENTS
	Erf 2183, Kaya Mandi	31.0485 ha	SG Diagram 1537/2005
	Portion "G" (Erf 1810)	1,845m²	Subdivided from Erf 2183
	Remainder of Erf 2183, Kaya Mandi	±30.8640 ha	Remaining extent after Portion "G" is subdivided

Proposed Consolidation:

1. The proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183)" (1,845m² in extent), together with the other previously approved subdivided portions/erven shown in the table below, is to be consolidated into the proposed Consolidated Area "H" (Unregistered Erf 5104), in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, 2023.
2. This proposed consolidation is shown on the next Plan.

	CONSOLIDATION AREA	AREA	COMMENTS
	(H) Erf 5104, Kaya Mandi	32.1189 ha	N/A
	CONSOLIDATED FROM	**AREA**	**SUBDIVIDED FROM**
	Erf 2175, Kaya Mandi	1.1855 ha	N/A
	(A) Erf 5098 (Public Road)	1,436m²	Erf 1832, Kaya Mandi
	(B) Erf 5099 (Por of Erf 5097)	4.4646 ha	Farm 183, Stellenbosch
	(C) Erf 5100 (Por of Erf 5097)	2.8867 ha	Farm 183, Stellenbosch
	(D) Erf 5101 (Por of Erf 5096)	14.7899 ha	Farm 181, Stellenbosch
	(E) Erf 5102 (Por of Erf 5094)	6,098m²	Farm 5/175, Stellenbosch
	(F) Erf 5103 (Por of Erf 5095)	7.8743 ha	Farm 33/175, Stellenbosch
	(G) Erf 1810 (Por of Erf 2183)	1,845m²	Erf 2183, Kaya Mandi

Sources:

1. LU/8597 was prepared and submitted by Messrs Urban Dynamics Western Cape (Pty) Ltd
2. SG Diagrams prepared by Messrs FBV Professional Land Surveyors

CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

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Position: Manager: Informal Settlements
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Cell:
Email: johru.robyn@stellenbosch.gov.za
Web: www.stellenbosch.gov.za

DRAWING TITLE
SUBDIVISION PLAN

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
2	NTS	A3	1 of 1

PROJECT NAME
KAYAMANDI, ERF 2175 (EI ANINI)

DRAWING TITLE CODES
CP: Consolidation Plan
DF: Development Framework
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

DRAWING DISCIPLINE CODES
TRP: Town & Regional Planning
TP: Transportation Planning

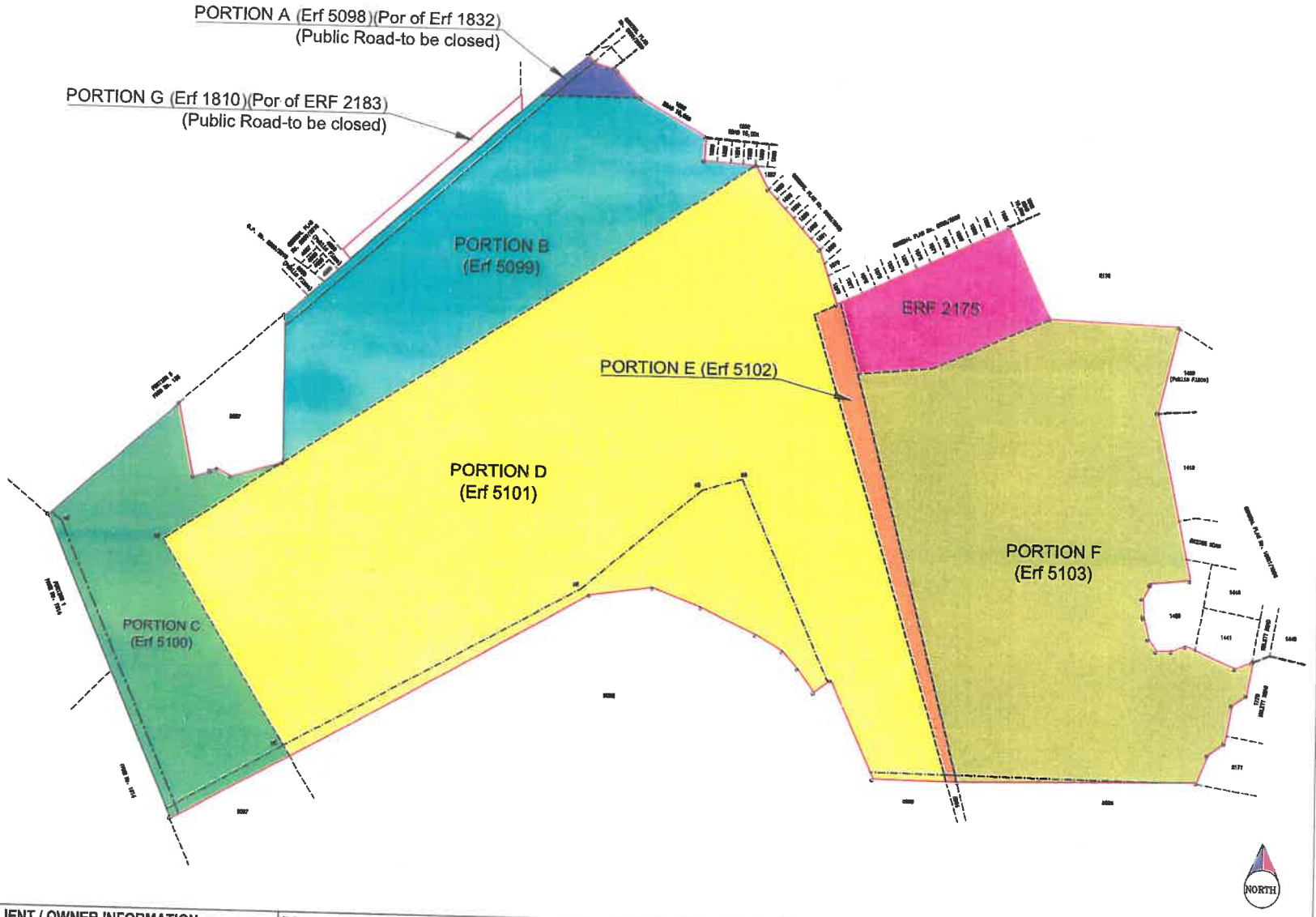
DRAWING STATUS CODES
D: Draft
F: Final

DRAWING NUMBER
23P002-TRP-SUB-20230718-F

PROFESSIONAL PLANNERS & PROJECT MANAGERS
MARTIN JONKER
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Web: www.plan4sa.co.za

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CONSOLIDATION PLAN

Proposed Consolidation Amendments:

1. Application is made to correct the wording of paragraph 2.1.2 of the MPT decision taken on 27 November 2020 (LU/8597), in terms of Section 63(1) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, and to amend/update the wording on the approved Consolidation Plan in terms of Section 15(2)(k) of the aforesaid by-law. The revised decision/wording to read as follows:
   1.1. "The consolidation of Portions A, B, C, D, E, F, G and Erf 2175 in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, to form one erf, namely proposed "Portion H (Unregistered Erf 5104)" (32.1189ha in extent), as shown on **PLAN 3: CONSOLIDATION PLAN.**" This amended decision be inserted and read as paragraph 2.1.4 of the MPT decision (LU/8597) taken on 27 November 2020.

	DEVELOPMENT AREA	AREA	REPRESENTED BY
	(H) Erf 5104, Kayamandi	32.1189 ha	See notes below
	CONSOLIDATED FROM	**AREA**	**SUBDIVIDED FROM**
	Erf 2175, Kaya Mandi	1.1885 ha	N/A
	(A) Erf 5098 (Public Road)	1,436m²	Erf 1832, Kaya Mandi
	(B) Erf 5099 (Por of Erf 5097)	4.4646 ha	Farm 183, Stellenbosch
	(C) Erf 5100 (Por of Erf 5097)	2.8897 ha	Farm 183, Stellenbosch
	(D) Erf 5101 (Por of Erf 5096)	14.7699 ha	Farm 181, Stellenbosch
	(E) Erf 5102 (Por of Erf 5094)	6,096m²	Farm 5/175, Stellenbosch
	(F) Erf 5103 (Por of Erf 5095)	7.8743 ha	Farm 33/175, Stellenbosch
	(G) Erf 1810 (Por of Erf 2183)	1,845m²	Erf 2183, Kaya Mandi

Proposed Extension of the Validity of the previous MPT approval (LU/8597):

1. Application is made for the extension of the validity period of the MPT decision (LU/8597) taken on 27 November 2020 in terms of Section 15(2)(l) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, with a period which is equal to the time that has lapsed between the coming into operation of the previous MPT decision (LU/8597) and the coming into operation of the MPT approval of this land use application.

Summary of proposed amendments to the previous MPT Decision (LU/8597):

1. The following applications are added:
   1.1. Subdivision of Erf 2183 into proposed Portion G (Unregistered Erf 1810) and the Remainder of Erf 2183.
   1.2. Closure of the proposed Portion G (Unregistered Erf 1810, a Portion of Erf 2183) as a Public Place.
   1.3. Closure of the proposed Portion A (Unregistered Erf 5098, a Portion of Erf 1832) as a Public Place
   1.4. Extension of validity of the previous MPT decision.
2. The wording of the Consolidation approval listed in paragraph 2.1.2 of the Municipal notice of the MPT decisions taken on 27 November 2020 (LU/8597) are amended as shown in the proposed Consolidation notes above.
3. The rezoning decision listed in paragraph 2.1.3 of the Municipal notice of the MPT decisions taken on 27 November 2020 (LU/8597) should remain the same. However, application is also made, in terms of Section 63(1) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, to renumber the paragraphs of the MPT decision taken on 27 November 2020 (LU/8597) to make provision for the additional applications shown above.

General Notes:

1. All measurements, areas and distances are indicative and must be confirmed by a Professional Land Surveyor.

Sources:

1. Diagrams sourced from FBV Professional Land Surveyors
2. Previous land use application documents (LU/8597), supporting plans and information of Urban Dynamics Western Cape (Pty) Ltd obtained from Stellenbosch Municipality.

CLIENT / OWNER INFORMATION

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Web: www.stellenbosch.gov.za

DRAWING TITLE
CONSOLIDATION PLAN

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
3	NTS	A3	1 of 1

PROJECT NAME
KAYAMANDI, ERF 2175 (EI \NINI DEVELOPMENT)

DRAWING TITLE CODES
CP: Consolidation Plan
DF: Development Framework
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

DRAWING DISCIPLINE CODES
TRP: Town & Regional Planning
TP: Transportation Planning

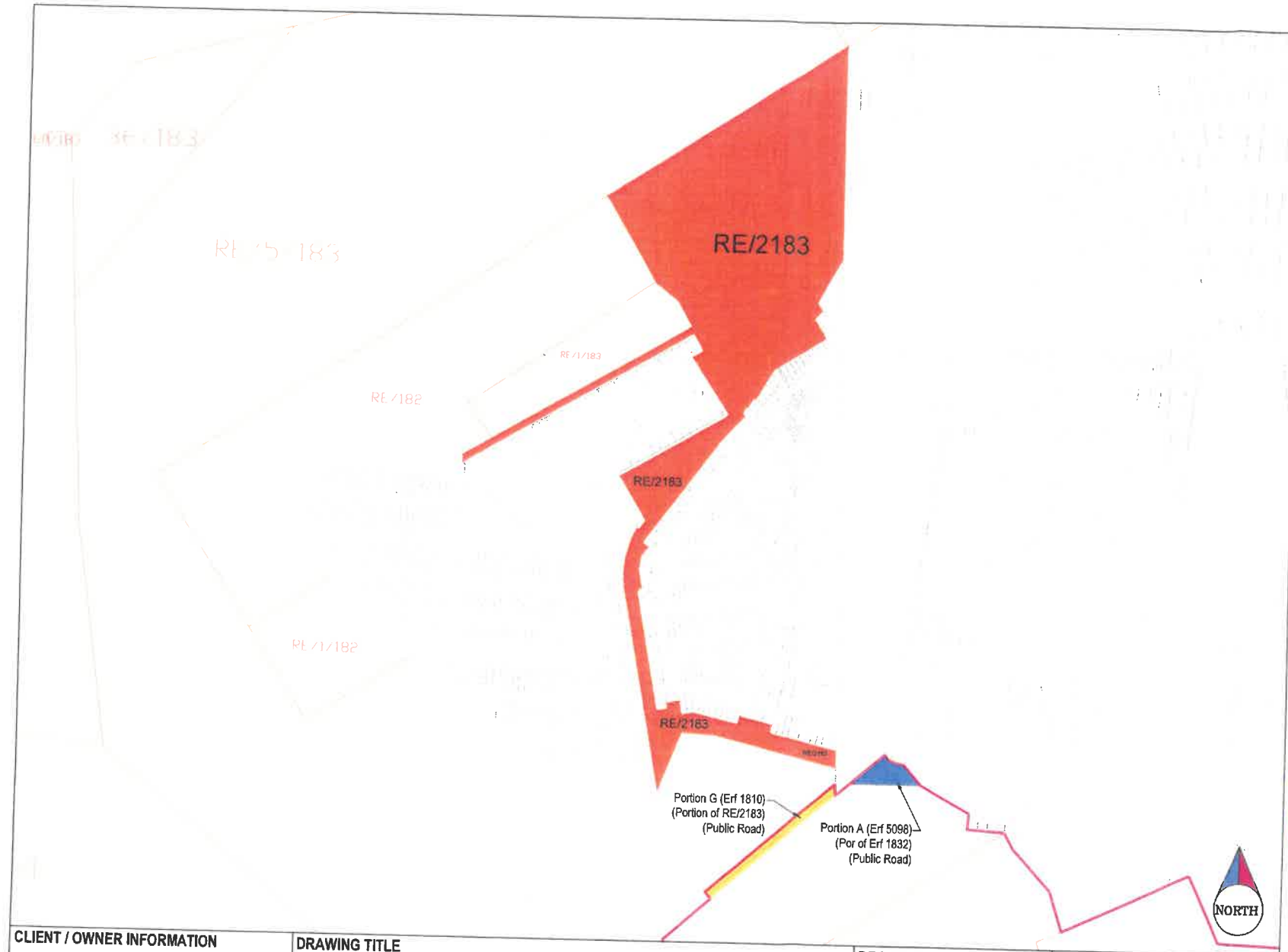
DRAWING STATUS CODES
D: Draft
F: Final

DRAWING NUMBER
23P002-TRP-CP-20230718-F

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SUBDIVISION PLAN
RE/2183, KAYA MANDI

Proposed Subdivision & Road Closures:

1. Application is made for the subdivision, in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, of Erf 2183 Kaya Mandi into two portions namely proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183)" (1,845m² in extent) and the Remainder of Erf 2183. This application be inserted and read as paragraph 2.1.1.6 of the MPT decision (LU/8597) taken on 27 November 2020.
2. The closure of the proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183)" (1,845m² in extent) as a public place, in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023. This application be inserted and read as paragraph 2.1.2 of the MPT decision (LU/8597) taken on 27 November 2020.
3. The closure of the proposed "Portion A (Unregistered Erf 5098, a Portion of Erf 1832)" (1,436m² in extent) as a public place, in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023. This application be inserted and read as paragraph 2.1.3 of the MPT decision (LU/8597) taken on 27 November 2020.

	SUBDIVISION	AREA	COMMENTS
	Erf 2183, Kaya Mandi	31.0485 ha	SG Diagram 1537/2005
	Portion "G" (Erf 1810)	1,845m²	Subdivided from Erf 2183
	Remainder of Erf 2183, Kaya Mandi	±30.8640 ha	Remaining extent after Portion "G" is subdivided

Proposed Consolidation:

1. The proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183)" (1,845m² in extent), together with the other previously approved subdivided portions/erven shown in the table below, is to be consolidated into the proposed Consolidated Area "H" (Unregistered Erf 5104), in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, 2023.
2. This proposed consolidation is shown on the next Plan.

	CONSOLIDATION AREA	AREA	COMMENTS
	(H) Erf 5104, Kaya Mandi	32.1189 ha	N/A
	CONSOLIDATED FROM	**AREA**	**SUBDIVIDED FROM**
	Erf 2175, Kaya Mandi	1.1655 ha	N/A
	(A) Erf 5098 (Public Road)	1,436m²	Erf 1832, Kaya Mandi
	(B) Erf 5099 (Por of Erf 5097)	4.4546 ha	Farm 183, Stellenbosch
	(C) Erf 5100 (Por of Erf 5097)	2.8867 ha	Farm 183, Stellenbosch
	(D) Erf 5101 (Por of Erf 5096)	14.7899 ha	Farm 181, Stellenbosch
	(E) Erf 5102 (Por of Erf 5094)	6,098m²	Farm 5/175, Stellenbosch
	(F) Erf 5103 (Por of Erf 5095)	7.6743 ha	Farm 33/175, Stellenbosch
	(G) Erf 1810 (Por of Erf 2183)	1,845m²	Erf 2183, Kaya Mandi

Sources:

1. LU/8597 was prepared and submitted by Messrs Urban Dynamics Western Cape (Pty) Ltd
2. SG Diagrams prepared by Messrs FBV Professional Land Surveyors

CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY

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DRAWING TITLE
SUBDIVISION PLAN

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
2	NTS	A3	1 of 1

PROJECT NAME
KAYAMANDI, ERF 2175 (ENKANINI)

DRAWING TITLE CODES
CP: Consolidation Plan
DF: Development Framework
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
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ZP: Zoning Plan

DRAWING DISCIPLINE CODES
TRP: Town & Regional Planning
TP: Transportation Planning

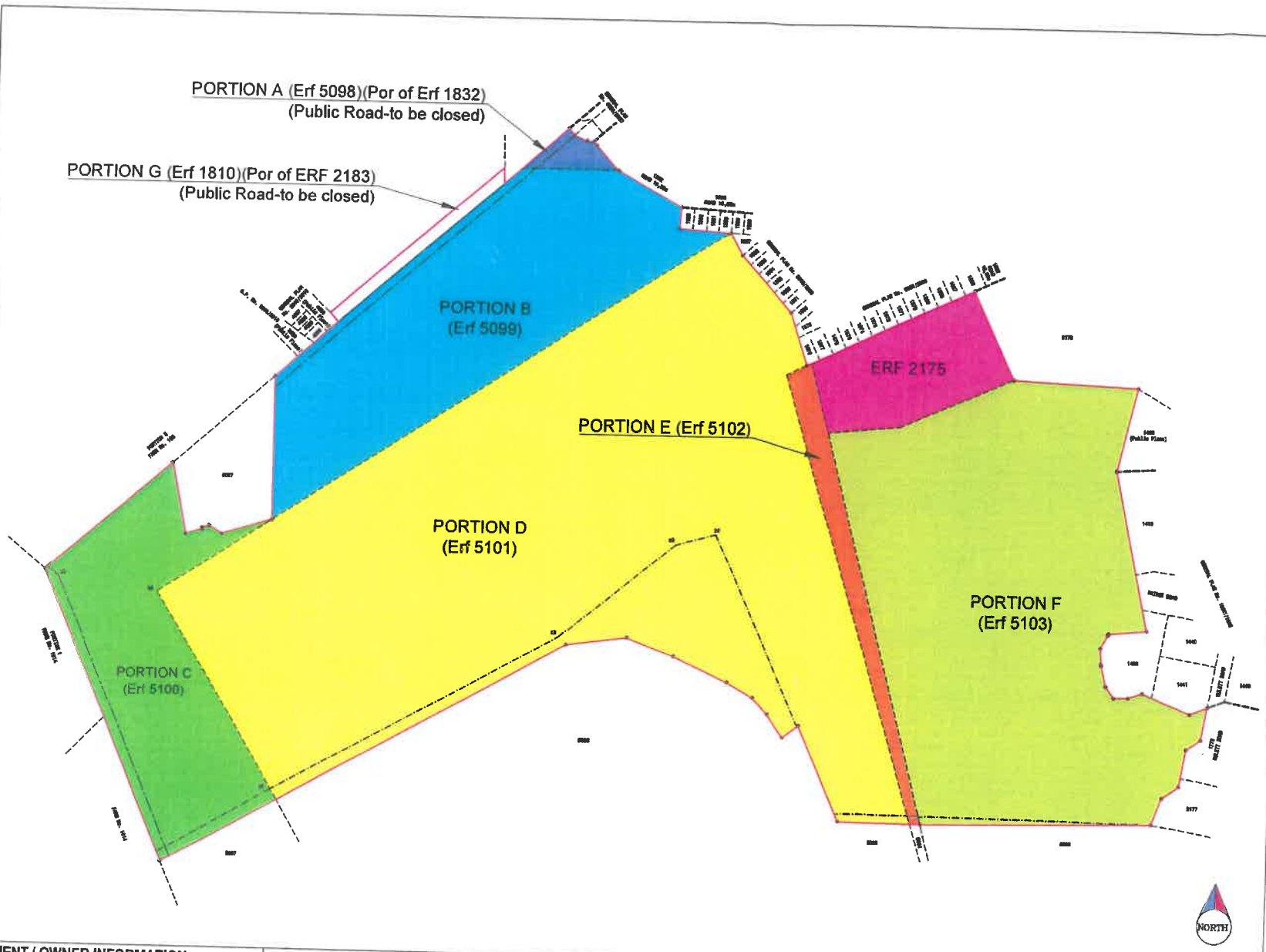
DRAWING STATUS CODES
D: Draft
F: Final

DRAWING NUMBER
23P002-TRP-SUB-20230718-F

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CONSOLIDATION PLAN

Proposed Consolidation Amendments:

1. Application is made to correct the wording of paragraph 2.1.2 of the MPT decision taken on 27 November 2020 (LU/8597), in terms of Section 63(1) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, and to amend/update the wording on the approved Consolidation Plan in terms of Section 15(2)(k) of the aforesaid by-law. The revised decision/wording to read as follows:
   1.1. "The consolidation of Portions A, B, C, D, E, F, G and Erf 2175 in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, to form one erf, namely proposed "Portion H (Unregistered Erf 5104)" (32.1189ha in extent), as shown on **PLAN 3: CONSOLIDATION PLAN.**" This amended decision be inserted and read as paragraph 2.1.4 of the MPT decision (LU/8597) taken on 27 November 2020.

	DEVELOPMENT AREA	AREA	REPRESENTED BY
	(H) Erf 5104, Kaya Mandi	32.1189 ha	See notes below
	CONSOLIDATED FROM	**AREA**	**SUBDIVIDED FROM**
	Erf 2175, Kaya Mandi	1.1655 ha	N/A
	(A) Erf 5098 (Public Road)	1,436m²	Erf 1832, Kaya Mandi
	(B) Erf 5099 (Por of Erf 5097)	4.4646 ha	Farm 183, Stellenbosch
	(C) Erf 5100 (Por of Erf 5097)	2.8867 ha	Farm 183, Stellenbosch
	(D) Erf 5101 (Por of Erf 5096)	14.7899 ha	Farm 181, Stellenbosch
	(E) Erf 5102 (Por of Erf 5094)	6,098m²	Farm 5/175, Stellenbosch
	(F) Erf 5103 (Por of Erf 5095)	7.6743 ha	Farm 33/175, Stellenbosch
	(G) Erf 1810 (Por of Erf 2183)	1,845m²	Erf 2183, Kaya Mandi

Proposed Extension of the Validity of the previous MPT approval (LU/8597):

1. Application is made for the extension of the validity period of the MPT decision (LU/8597) taken on 27 November 2020 in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, with a period which is equal to the time that has lapsed between the coming into operation of the previous MPT decision (LU/8597) and the coming into operation of the MPT approval of this land use application.

Summary of proposed amendments to the previous MPT Decision (LU/8597):

1. The following applications are added:
   1.1. Subdivision of Erf 2183 into proposed Portion G (Unregistered Erf 1810) and the Remainder of Erf 2183.
   1.2. Closure of the proposed Portion G (Unregistered Erf 1810, a Portion of Erf 2183) as a Public Place.
   1.3. Closure of the proposed Portion A (Unregistered Erf 5098, a Portion of Erf 1832) as a Public Place
   1.4. Extension of validity of the previous MPT decision.
2. The wording of the Consolidation approval listed in paragraph 2.1.2 of the Municipal notice of the MPT decisions taken on 27 November 2020 (LU/8597) are amended as shown in the proposed Consolidation notes above.
3. The rezoning decision listed in paragraph 2.1.3 of the Municipal notice of the MPT decisions taken on 27 November 2020 (LU/8597) should remain the same. However, application is also made, in terms of Section 63(1) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, to renumber the paragraphs of the MPT decision taken on 27 November 2020 (LU/8597) to make provision for the additional applications shown above.

General Notes:

1. All measurements, areas and distances are indicative and must be confirmed by a Professional Land Surveyor.

Sources:

1. Diagrams sourced from FBV Professional Land Surveyors
2. Previous land use application documents (LU/8597), supporting plans and information of Urban Dynamics Western Cape (Pty) Ltd obtained from Stellenbosch Municipality.

CLIENT / OWNER INFORMATION

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Web: www.stellenbosch.gov.za

DRAWING TITLE
CONSOLIDATION PLAN

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
3	NTS	A3	1 of 1

PROJECT NAME
KAYAMANDI, ERF 2175 (ENKANINI DEVELOPMENT)

DRAWING TITLE CODES
CP: Consolidation Plan
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ANNEXURE C

APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDTION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FAM NO. 183, STELLENBOSCH DIVISION

APPLICANT'S MOTIVATION

Land Use Application(s)
for
Enkanini Informal Settlement Development Area located in Kaya Mandi, Stellenbosch

PLANNING MOTIVATION REPORT

Prepared
For

STELLENBOSCH MUNICIPALITY
Manager: Informal Settlements
Oude Bloemhof building,
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DATE:
19 July 2023

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CONTROL SHEET

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Client Email	:	Johru.robyn@stellenbosch.gov.za Lester.vanstavel@stellenbosch.gov.za shaun.october@stellenbosch.gov.za
CONSULTANT	:	**PLAN 4 SA (PTY) LTD**
Consultant Project Manager	:	Martin Jonker
Consultant Email	:	martinj@plan4sa.co.za
Consultant Mobile	:	084-410-6132

PROJECT

PROJECT NAME	:	**APPOINTMENT A SUITABLE, QUALIFIED AND EXPERIENCED PROFESSIONAL TOWN PLANNER, TO UNDERTAKE A PROCESS TO AMEND A PREVIOUS MUNICIPAL PLANNING TRIBUNAL DECISION FOR ERF 2175 KAYAMANDI, STELLENBOSCH**
Tender / Quote Number		FQ80/23
Consultant Project Number	:	23P002

REPORT

REPORT NAME	:	**PLANNING MOTIVATION**
Prepared By	:	Martin Jonker
Report Date	:	19 July 2023

REPORT REVISIONS

REVISION NR	DATE	DESCRIPTION
Rev 01		

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1. INTRODUCTION

1.1 BACKGROUND

Stellenbosch Municipality appointed Urban Dynamics Western Cape (Pty) Ltd in March 2017 *"as Lead Consultant (Project Manager: Professional Town Planner) to assemble a multi-disciplinary team of professionals in order to obtain the required town planning approvals and all other required approvals for township establishment at Enkanini Informal Settlement"*.

The land use application (LU/8597) with its planning motivation report (dated September 2018) and supporting documents were submitted to the Stellenbosch Municipality in September 2018. The Municipal Planning Tribunal (MPT) approved the applications on 27 November 2020 after which an appeal was lodged against the MPT decision. At the conclusion of the appeal process, the Appeal Authority confirmed the MPT's decision in a letter dated 15 July 2021.

The municipal letter dated 2 December 2020, which confirms the MPT decisions taken on 27 November 2020, as well as the Appeal Authority decision letter dated 15 July 2021, are attached hereto in **ANNEXURE 1**. The planning motivation report (dated September 2018) and supporting plans previously prepared and submitted by Urban Dynamics Western Cape (Pty) Ltd are attached hereto as **ANNEXURE 2**.

1.2 PROBLEM STATEMENT

Plan 4 SA (Pty) Ltd's professional team was asked by Mr Johru Robyn's office (Manager: Informal Settlements at Stellenbosch Municipality) to assist with the following regarding Erf 2175 Kayamandi (Enkanini Development), based on the MPT decision, taken on 27 November 2020:

- Preparation of the required Subdivision Diagrams and the Consolidation Diagram for the Enkanini Development Area, and
- Submission of the aforementioned Diagrams to the SG's Office for approval.

Messrs FBV (Friedlaender, Burger & Volkmann) Land Surveyors was requested to attend to this task. Upon studying the MPT decision, two omissions were found that needs to be addressed first before the relevant diagrams / general plan can be submitted to the SG for approval:

1. **Omission 1:** The MPT decision refers to Erf 2183 that must also be included in the consolidated Enkanini Development Area. However, the remainder of Erf 2183 is a large piece of land way beyond the small figure that was included in the consolidation application. An additional subdivision approval (in terms of Section 15(2)(d) of the Stellenbosch Municipality's Land Use Planning By-Law) of Erf 2183 was therefore required as part of the MPT decision and will be required if this small portion of Erf 2183 is to be included in the proposed consolidation diagram. The aforementioned portion of Erf 2183 is furthermore a 10m wide public road which was not closed as a Public Place in terms of Section 15(2)(n). Refer to SG Diagram 1537/2005 shown in **Diagram 1** in the Development Proposal section of this report.
2. **Omission 2:** The proposed "Portion A" (Unregistered Erf 5098, a portion of Erf 1832) is part of the registered Public Roads in General Plan 6635/2000. The aforementioned "Portion A" (shown in the previous land use application) was subdivided from the Remainder of Erf 1832, but it was not closed as a Public Place in terms of Section 15(2)(n) of the Stellenbosch Municipality's Land Use Planning By-Law. Refer to **Diagram 2** in the Development Proposal section of this report.

1.3 APPOINTMENT & POWER OF ATTORNEY

The owner of the property(ies) gave Power of Attorney to **PLAN 4 SA (Pty) Ltd** or its **nominee (Mr Martin Jonker; ID 7010175034083** and **SACPLAN Registration Number A/1090/1999)**.

The aforesaid Power of Attorney is attached to the land use application as **ANNEXURE 3**.

1.4 PURPOSE OF THE APPLICATION

The purpose of this application is to propose amendments to the MPT decision (linked to land use application number LU/8597) taken on 27 November 2020 regarding the Enkanini Development Area in order to enable the Municipality to cause the preparation and submission of the required subdivision and consolidation diagrams to the SG's Office for approval.

2. LAND USE APPLICATION DETAILS

2.1 APPLICABLE BY-LAW, ZONING SCHEME & OVERLAY ZONES

The following by-law and zoning scheme(s) are applicable to this land use application:

- Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023; and the
- Stellenbosch Municipality: Zoning Scheme By-Law, 2019.

The subject properties fall outside the Historical Center of Stellenbosch.

2.2 TYPE OF LAND USE APPLICATIONS

Pursuant to the decisions taken by the Municipal Planning Tribunal on 27 November 2020 relating to land use application number LU/8597 (APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE: ERF 2175, KAYAMANDI) the following additional applications (including proposed amendments to the previous MPT decision) are made in terms of **Section 15** of the **Stellenbosch Municipal Land Use Planning By-Law, 2023**:

- The subdivision in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, of Erf 2183 Kaya Mandi into two portions namely proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183 Kaya Mandi)" (approximately 1,845m² in extent) and the Remainder of Erf 2183, (as shown on **PLAN 2: SUBDIVISION PLAN**). This application be inserted and read as paragraph 2.1.1.6 of the MPT decision (LU/8597) taken on 27 November 2020.
- The closure of the proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183 Kaya Mandi)" (approximately 1,845m² in extent) as a public place in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023. This application be inserted and read as paragraph 2.1.2 of the MPT decision (LU/8597) taken on 27 November 2020.
- The closure of the proposed "Portion A (Unregistered Erf 5098, a Portion of Erf 1832 Kaya Mandi)" (approximately 1,436m² in extent) as a public place in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023. This application be inserted and read as paragraph 2.1.3 of the MPT decision (LU/8597) taken on 27 November 2020.
- The correction of the wording of paragraph 2.1.2 of the MPT decision taken on 27 November 2023 (LU/8597) in line with the abovementioned additional applications, in terms of Section 63(1) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, and to amend/update the wording on the approved Consolidation Plan in terms of Section 15(2)(k) of the aforesaid By-law, to read as follows:
    - "The consolidation of Portions A, B, C, D, E, F, G and Erf 2175 in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, to form one erf, namely proposed "Portion H (Unregistered Erf 5104)" (approximately 32.1189ha in extent), known as Enkanini Development Area, as shown on **PLAN 3: CONSOLIDATION PLAN**." This amended decision be inserted and read as paragraph 2.1.4 of the MPT decision (LU/8597) taken on 27 November 2020.
- The correction of the wording, in terms of Section 63(1) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, by renumbering the paragraphs of the MPT decision taken on 27 November 2023 (LU/8597) to make provision for the abovementioned additional applications.
- The extension of the validity period of the MPT decision (LU/8597) taken on 27 November 2020 in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, with a period which is equal to the time that has lapsed between the coming into operation of the previous MPT decision (LU/8597) and the coming into operation of the MPT approval of this land use application.

2.3 APPROVAL REQUIRED IN TERMS OF OTHER LEGISLATION (IF APPLICABLE)

The objective of this land use application is only to address the two minor "technical" omissions in the previous MPT decision (dated 27 November 2020) related to Erf 2183 (subdivision & public place closure) and the subdivided Portion of Erf 1832 (public place closure) which are currently holding back the approval of the proposed consolidated development area at the Surveyor-General Office.

No changes are proposed to the development concept that was presented by Messrs Urban Dynamics Western Cape (Pty) Ltd in their previous land use application (LU/8597).

It is therefore believed that this land use application does not require approval in terms of other legislation.

3. EXTENT OF ADVERTISEMENTS

3.1 EXEMPTIONS IN TERMS OF SECTION 60 OF LUPA (ACT 3 OF 2014)

The objective of this land use application is to make amendments to the Municipal Planning Tribunal (MPT) decision that was taken on 27 November 2020 (related to Stellenbosch Municipality Land Use Application Number LU/8597) which are necessary for the municipality to proceed with the registration of the relevant Subdivision and Consolidation Diagrams / General Plans with the Surveyor-General.

It would be in the best interest of the beneficiary community to shorten this land use authorisation process for Enkanini Development Area. One way to speed up the process of finalising the necessary land use approvals is to deal with it as a "technical approval" and not putting it through the normal advertisement (publication and serving of notices) processes. In this way, the approval timeframe can be shortened by at least 90-days.

The reasons for this request are the following:

- The MPT already approved the Enkanini Development Area in its meeting held on 27 November 2020, based on the information that was provided in the previous land use application (LU/8597) by Messrs Urban Dynamics Western Cape (Pty) Ltd.
- The aforementioned land use application process followed a comprehensive public participation process with both the beneficiary community and the general public. This is evident from the reports produced by Messrs Urban Dynamics Western Cape (Pty) Ltd and the appeal that was lodged against the MPT decision of 27 November 2020. At the conclusion of the appeal process, the Appeal Authority confirmed the MPT's decision in a letter dated 15 July 2021.
- The objective of this land use application is only to address the two minor "technical" omissions in the previous MPT decision (dated 27 November 2020) related to Erf 2183 (subdivision & public place closure) and the subdivided Portion of Erf 1832 (public place closure) which are currently holding back the approval of the proposed consolidated development area at the Surveyor-General Office. No changes are proposed to the development concept that was presented by Messrs Urban Dynamics Western Cape (Pty) Ltd in their previous land use application (LU/8597).

In this regard, it is recommended that the Stellenbosch Municipality submit a formal request (in terms of Section 60(1) of the Western Cape Land Use Planning Act (Act 3 of 2014)), to the Western Cape Minister of Local Government, Environmental Affairs and Development Planning, for authorisation to exempt this land use application from the Publication and Serving of Notices as normally required by the provisions of Sections 43, 44 and 47 of LUPA (Act 3 of 2014).

A draft motivation letter for the municipality's consideration, finalisation and submission to the Western Cape Minister of Local Government, Environmental Affairs and Development Planning, is attached hereto as **ANNEXURE 4**.

3.2 AFFECTED SURROUNDING PROPERTY OWNERS

In terms of the aforementioned proposed exemption, it would not be required to notify surrounding property owners of the land use application.

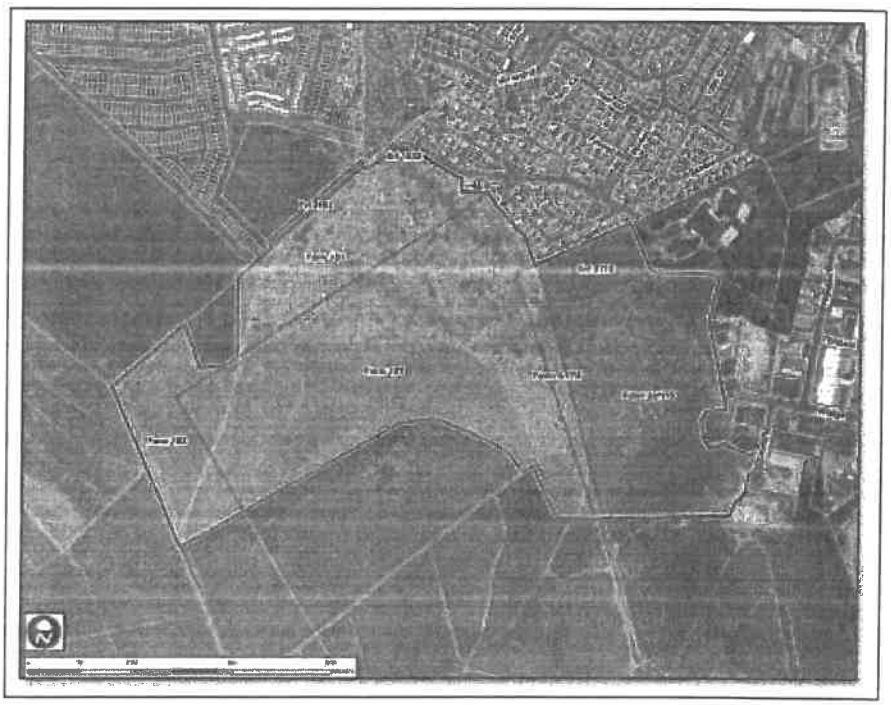
4. PROPERTY INFORMATION

4.1 PROPERTY DESCRIPTIONS, EXTENT & OWNERSHIP

This was dealt with in Section 1, paragraph 1.2 of the previous land use application (LU/8597) submitted by Urban Dynamics Western Cape (Pty) Ltd.

PROPERTY DESCRIPTION	OWNERSHIP	STATUS (LAND USE)
Farm 183, Stellenbosch	Stellenbosch Municipality	Disturbed / Informal Structures
Farm 181, Stellenbosch	Stellenbosch Municipality	Disturbed / Informal Structures
Portion 5 of Farm 175, Stellenbosch	Stellenbosch Municipality	Disturbed / Informal Structures
Remainder of Portion 33 of Farm 175, Stellenbosch	Stellenbosch Municipality	Disturbed / Informal Structures
Erf 2175, Kayamandi	Stellenbosch Municipality	Disturbed / Informal Structures
Erf 1832, Kayamandi	Stellenbosch Municipality	Disturbed / Informal Structures
Erf 2183, Kayamandi	Stellenbosch Municipality	Disturbed / Informal Structures

EXTRACT 1: PROPERTY DESCRIPTIONS (Source: LU/8597, Urban Dynamics WC)



EXTRACT 2: APPLICATION AREA (Source: LU/8597, Urban Dynamics WC)

From the abovementioned properties, Erven 1832 and 2183 Kaya Mandi is applicable in this land use application. The property descriptions, extent and relevant General Plan / SG Diagram information of the aforementioned properties are summarised in the table below.

TABLE 1: PROPERTY INFORMATION FOR ERVEN 1832 & 2183 KAYA MANDI

PROPERTY DESCRIPTION	SIZE	GP / SG DIAGRAM	OWNERSHIP	TITLE DEED
Erf 2183 Kaya Mandi	31.0485 ha	SG 1537/2005	Stellenbosch Municipality	T98381 / 2005
Erf 1832 Kaya Mandi	4.6587 ha	SG 6634/2000 & GP 6635/2000	Stellenbosch Municipality	T106293 / 2002

The SG Diagram(s) / General Plan(s) for the abovementioned two properties are attached to this land use application as **ANNEXURE 5**. The properties are owned by the Stellenbosch Municipality. Proof of registered ownership is attached to this land use application as **ANNEXURE 6**. The Title Deed(s) are attached to this land use application as **ANNEXURE 7**.

4.2 TITLE DEED RESTRICTIONS

From the available information it seems that a Conveyancing Certificate was not submitted as part of the previous land use application (LU/8597) submitted by Urban Dynamics Western Cape (Pty) Ltd. It is assumed that this was discussed with the Stellenbosch Municipality at the time and that it was deemed not to be necessary. Urban Dynamics indicated in their application form that there are no restrictive conditions in favour of a third party in any of the applicable title deeds.

October 2017

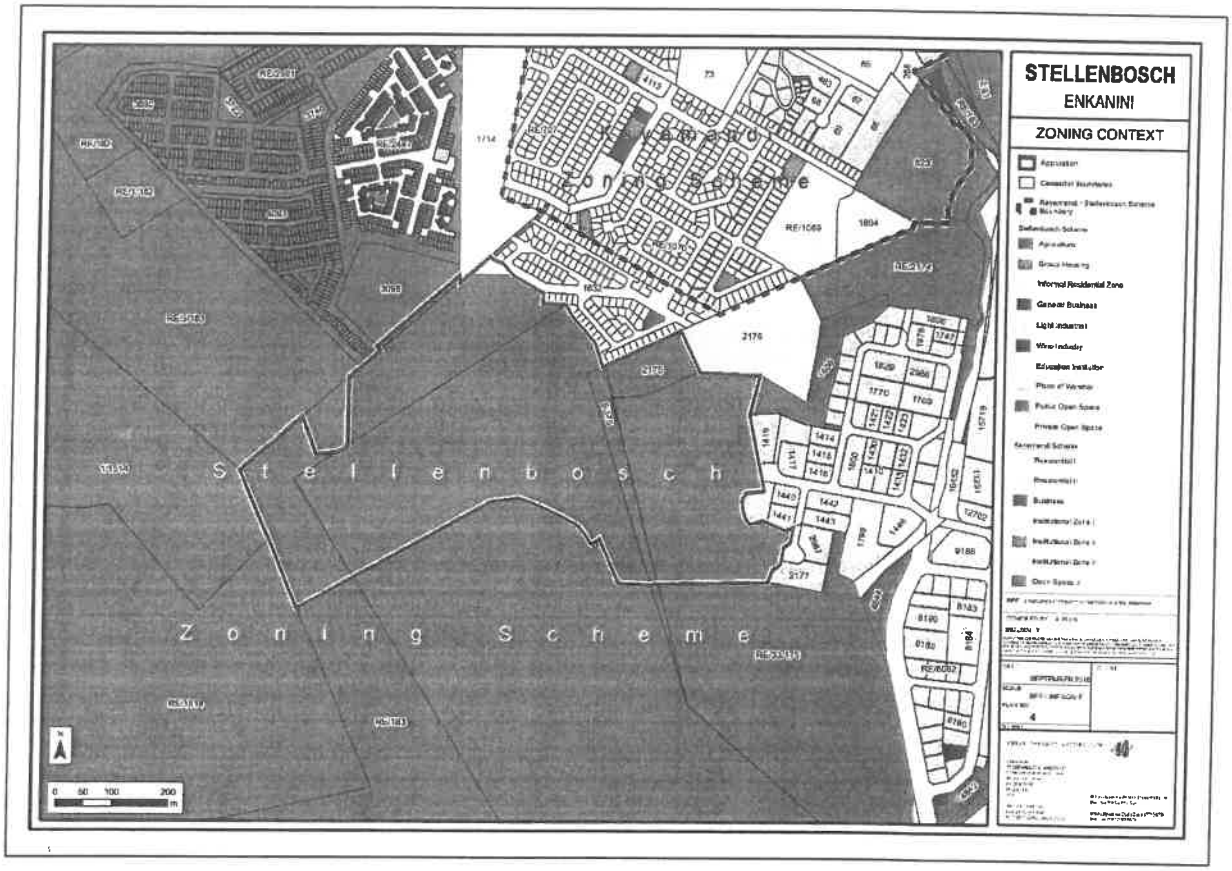
Applicable Zoning Scheme	Stellenbosch Municipal Zoning Scheme Regulations, 1996		
Current Land Use	Vacant / Informal Settlement		
Title Deed number and date	T	T105253/2002 T62515/1995 STF8-15/1906 T98380/2005 T11602/1927 STF8-35/1887 T 62077/2007	
Attached Conveyance's Certificate	Y	✓	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate
Are the restrictive conditions in favour of a third party(ies)?	Y	✓	If Yes, list the party(ies):

EXTRACT 3: PREVIOUS APPLICATION FORM – ANSWER ON TITLE DEED RESTRICTIONS (Source: LU/8597, Urban Dynamics WC)

It is believed therefore that a Conveyancing Certificate is not required for this application which builds as a supplementary addition on the previously approved land use application (LU/8597).

4.3 CURRENT ZONING

The original properties were zoned Agricultural Zone in terms of the former Stellenbosch Municipal Zoning Scheme Regulations, 1996 except for the portion of Erf 1832 Kaya Mandi which forms part of the public road reserve. In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 the aforementioned zonings would be Agricultural and Rural Zone and Public Roads and Parking Zone.



EXTRACT 4: ZONING CONTEXT I.T.O FORMER STELLENBOSCH MUNICIPAL ZONING SCHEME REGULATIONS, 1996 (Source: LU/8597, Urban Dynamics WC)

However, based on the MPT decision dated 27 November 2020 (LU/8597), the Enkanini Consolidation Area is now zoned Subdivisional Area for the following uses:

TABLE 2: EXISTING ZONING

FORMER STELLENBOSCH ZONING SCHEME, 1996	STELLENBOSCH MUNICIPAL ZONING SCHEME, 2019
Open Space Zone (Public Open Space): ±10.59ha	Public Open Space Zone
Single Residential Zone (Subdivided Erven): ±9.36ha	Conventional Residential Zone
General Residential Zone (Flats): ±3.18ha	Multi-Unit Residential Zone
Place of Worship / Educational Institution Zone (Community Facilities): ±1.04ha	Community Zone / Education Zone
General Business Zone (Mixed Use, including Retail)	Mixed-Use Zone
Street Zone (Road network: 8m & 14m reserves): ±7.3ha	Public Roads and Parking Zone

An extract of the MPT decision dated 27 November 2020 (LU/8597) is shown below.

2.1.3 The rezoning in terms of Section 15(a) of the said Bylaw of the consolidated Area G as the development area from Agricultural Zone to Subdivisional Area in order to accommodate the following development of the subject land as indicated on the plan attached as **ANNEXURE "B"** and as compiled by A. Ellis (for Urban Dynamics URP), dated September 2018:

2.1.3.1 Street Zone Erf measuring approximately 7.3ha in extent (Road Network: 14m & 8m Reserves);

2.1.3.2 Open Space Zone erven measuring approximately 10.59ha in extent (Public Open Space);

2.1.3.3 Single Residential Zone erven measuring approximately 9.36ha in extent (Subdivided Erven);

2.1.3.4 General Residential Zone erven measuring approximately 3.18ha in extent (Flats);

2.1.3.5 Place of Worship / Educational Institution Zone erven measuring approximately 1.04ha in extent (Community Facilities);

2.1.3.6 General Business Zone erven measuring approximately 0.72ha in extent (Mixed use incl. retail)

BE APPROVED in terms of Section 60 of the said Bylaw subject to conditions in terms of Section 66 of the said Bylaw.

EXTRACT 5: PREVIOUS MPT DECISION (27/11/2020) ON ZONING (Source: LU/8597, Urban Dynamics WC)

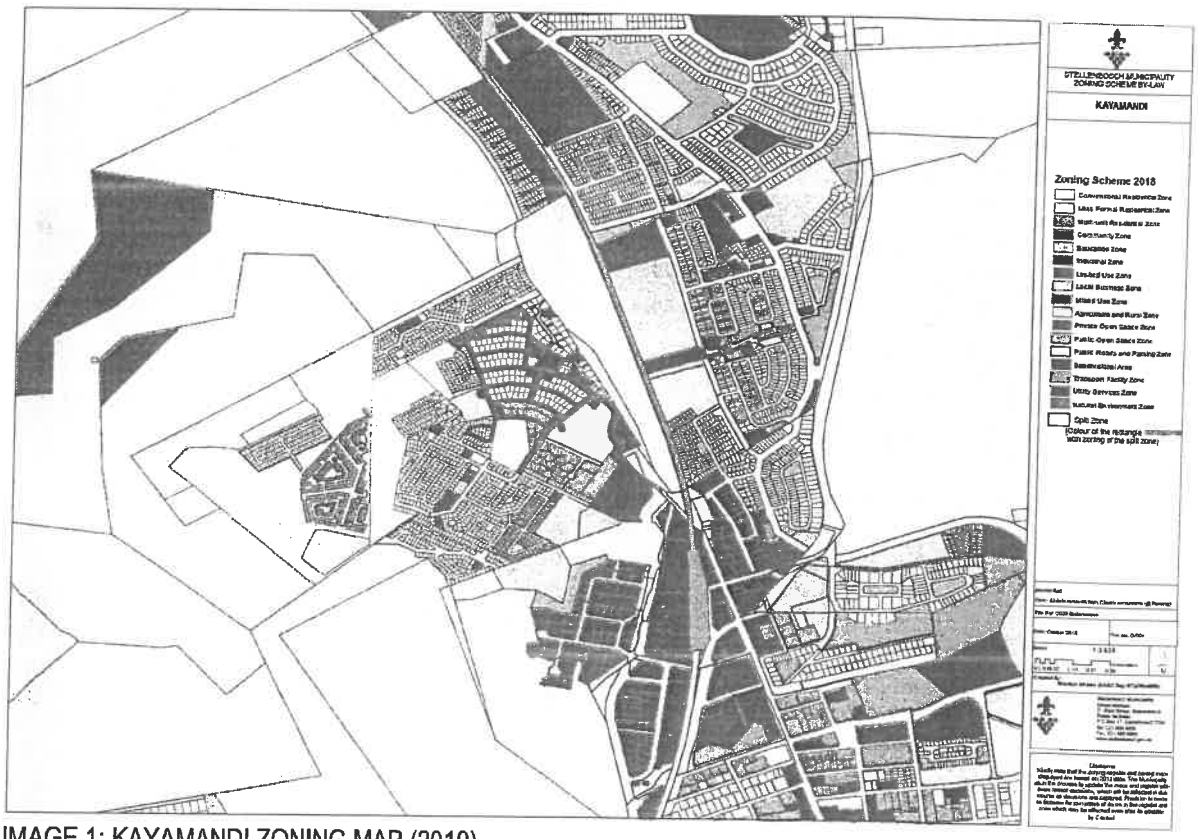


IMAGE 1: KAYAMANDI ZONING MAP (2019)

4.4 EXISTING BUILDINGS & LAND USES

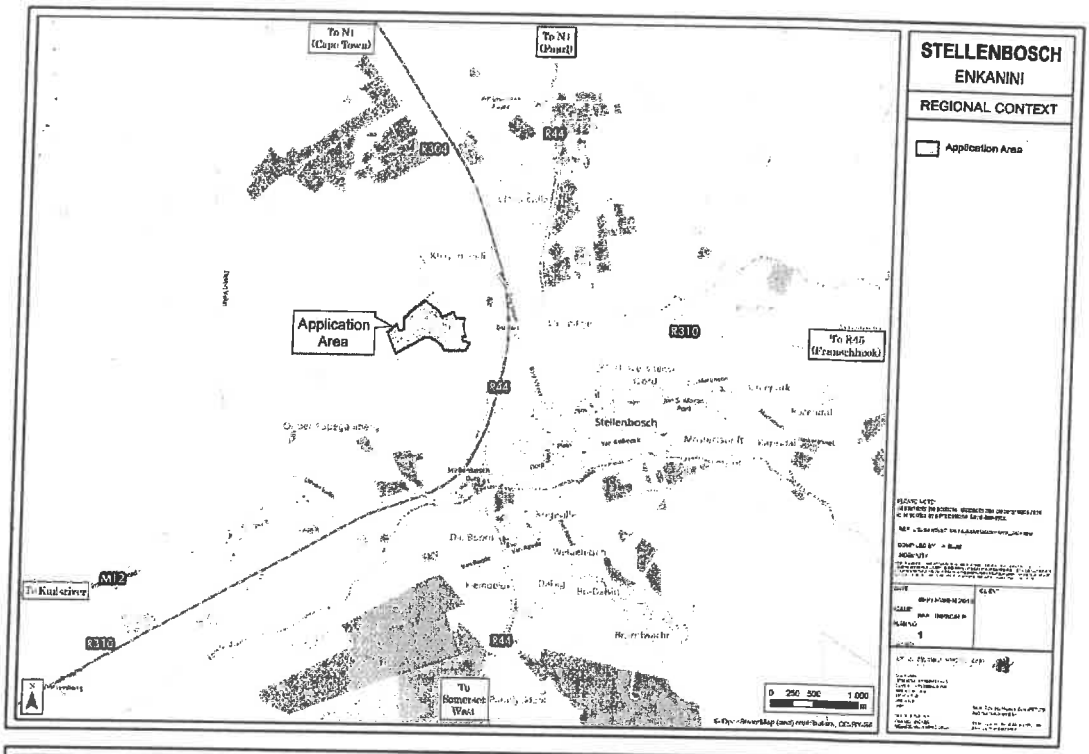
The subject properties (Enkanini Consolidation Area) are largely occupied by the Enkanini Informal Settlement.

4.5 BOND HOLDER

There are no bonds registered against the subject property(ies).

5. CONTEXTUAL ANALYSIS

The location of the Enkanini Development Area is shown in the image extracts below and on **PLAN 1: LOCALITY PLAN.**



EXTRACT 6: LOCATION OF ENKANINI DEVELOPMENT AREA (Source: LU/8597, Urban Dynamics WC)

The Enkanini Development Area is located south of Kayamandi, east of an agricultural area, north of the Papagaaiberg Nature Reserve and west of the R304 and the northern extensions of Stellenbosch.

6. SITE ANALYSIS / ASSESSMENT

This was dealt with in Section 3 of the previous land use application (LU/8597) submitted by Urban Dynamics Western Cape (Pty) Ltd.

3. SITE ASSESSMENT 15
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3.3. Topography 17
3.4. Slope Analysis 17
3.5. Drainage Patterns 18
3.6. Geotechnical Constraints 19
3.7. Statutory Land Use Constraints 20
3.8. Existing Services 21
3.9. Existing Servitudes 21
3.10. Access Constraints 22
3.11. Composite Constraints 23
3.12. Developable Area 24
3.13. Implications 24

EXTRACT 7: EXCERPT OF TABLE OF CONTENTS OF PREVIOUS APPLICATION (Source: LU/8597, Urban Dynamics WC)

It is believed that much of what was described in the previous land use application relating to the Enkanini Site is still the same today. The intention of this land use application is furthermore not to change the already approved development concept and therefore the contents of this section of the previous land use application (LU/8597) will not be repeated here.

The planning motivation report (dated September 2018) and supporting plans previously prepared and submitted by Urban Dynamics Western Cape (Pty) Ltd are attached hereto as **ANNEXURE 2,** should more detail be required.

7. DEVELOPMENT PROPOSAL

The Development Concept was dealt with in Sections 4 and 5 of the previous land use application (LU/8597) submitted by Urban Dynamics Western Cape (Pty) Ltd.

4. DEVELOPMENT CONCEPT: URBAN DESIGN FRAMEWORK 25
4.1. Design Philosophy 25
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5.4.6. Conclusion 46

EXTRACT 8: EXCERPT OF TABLE OF CONTENTS OF PREVIOUS APPLICATION (Source: LU/8597, Urban Dynamics WC)

The intention of this land use application is not to change the previously approved development concept and therefore the contents of the previous land use application (LU/8597) submitted by Urban Dynamics Western Cape (Pty) Ltd will not be repeated in this section.

7.1 OBJECTIVES OF THIS APPLICATION

The primary objective of this application is to address the two omissions that were found in the MPT decision dated 27 November 2020 in order to enable the Stellenbosch Municipality to submit the relevant diagrams / general plan for the Enkanini Development Area to the SG for approval.

1. **Omission 1:** The MPT decision refers to Erf 2183 that must also be included in the consolidated Enkanini Development Area. However, the remainder of Erf 2183 is a large piece of land way beyond the small figure that was included in the consolidation application. An additional subdivision approval (in terms of Section 15(2)(d) of the Stellenbosch Municipality's Land Use Planning By-Law) of Erf 2183 was therefore required as part of the MPT decision and will be required if this small portion of Erf 2183 is to be included in the proposed consolidation diagram. The aforementioned portion of Erf 2183 is furthermore a 10m wide public road which was not closed as a Public Place in terms of Section 15(2)(n).
2. **Omission 2:** The proposed "Portion A" (Unregistered Erf 5098, a portion of Erf 1832) is part of the registered Public Roads in General Plan 6635/2000. The aforementioned "Portion A" (shown in the previous land use application) was subdivided from the Remainder of Erf 1832, but it was not closed as a Public Place in terms of Section 15(2)(n) of the Stellenbosch Municipality's Land Use Planning By-Law.

7.2 ADDRESSING OMISSION 1 OF THE PREVIOUS APPLICATION (LU/8597)

The Consolidation Plan in the MPT decision (27 November 2020) refers to Erf 2183 that must also be included in the consolidation. However, the remainder of Erf 2183 is a large piece of land way beyond the small figure that was included in the consolidation. An additional subdivision approval of Erf 2183 was therefore required as part of the MPT decision and will be required if this small portion of Erf 2183 is to be included in the proposed consolidation diagram. Refer to SG Diagram 1537/2005 shown in **Diagram 1** below.

The aforementioned portion of Erf 2183 is furthermore a 10m wide public road which was not closed as a Public Place in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law.

Pursuant to the decisions taken by the Municipal Planning Tribunal on 27 November 2020 relating to land use application number LU/8597 (APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE: ERF 2175, KAYAMANDI), and to enable the Land Surveyor to proceed with the submission of the various Subdivision and Consolidation Diagrams (Enkanini Development Area) to the Surveyor-General's Office for approval, the following additional applications (including proposed amendments to the previous MPT decision) are therefore made in terms of **Section 15** of the **Stellenbosch Municipal Land Use Planning By-Law, 2023**:

- The subdivision in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, of Erf 2183 Kaya Mandi into two portions namely proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183 Kaya Mandi)" (approximately 1,845m² in extent) and the Remainder of Erf 2183, (as shown on **PLAN 2: SUBDIVISION PLAN**). This application be inserted and read as paragraph 2.1.1.6 of the MPT decision (LU/8597) taken on 27 November 2020.

2.1.1 The subdivision in terms of Section 15(d) of the said Bylaw of the following properties:

2.1.1.1 Erf 1832 into Portion A (±0.14ha) and Remainder (±1.49ha);

2.1.1.2 Farm 183 into Portion B (±4.49ha), Portion C (±2.94ha), and the Remainder (±119.54ha);

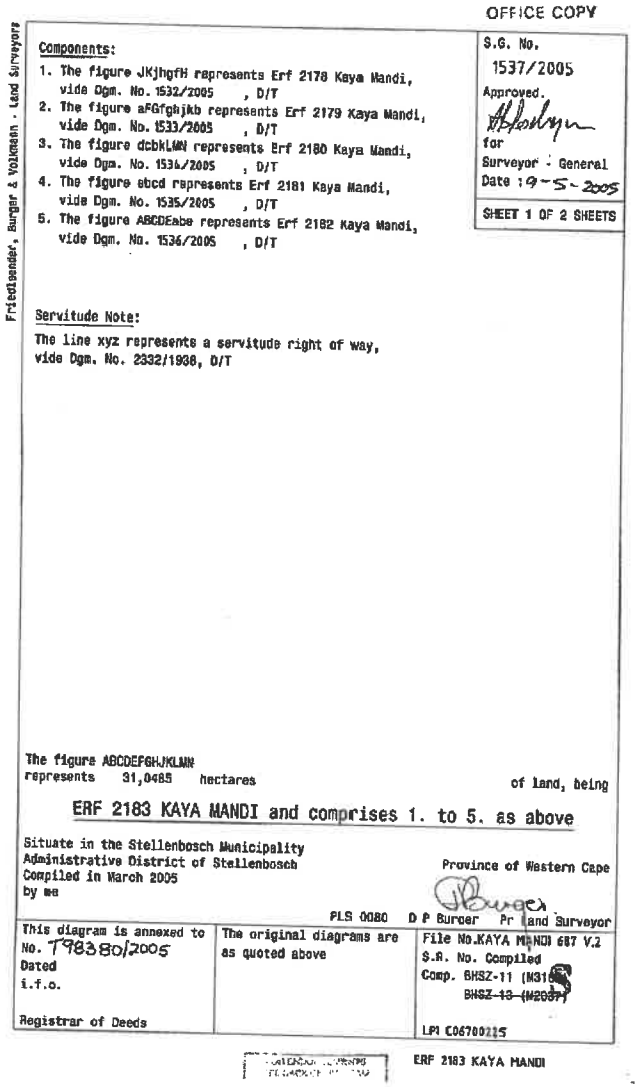
2.1.1.3 Farm 181 into Portion D (±14.44ha) and the Remainder (±36.33ha);

2.1.1.4 Portion 5 of Farm 175 into Portion E (±0.90ha) and Remainder (0.13ha);

2.1.1.5 Remainder of Portion 33 of Farm 175 into Portion F (±7.86ha) and Remainder (± 14.84ha).

EXTRACT 9: EXCERPT OF MPT DECISION (PARAGRAPH 2.1.1) TAKEN ON 27 NOVEMBER 2020 (Source: LU/8597 Decision Letter dated 2 December 2020)

- The closure of the proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183 Kaya Mandi)" (approximately 1,845m² in extent) as a public place in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023. This application be inserted and read as paragraph 2.1.2 of the MPT decision (LU/8597) taken on 27 November 2020.



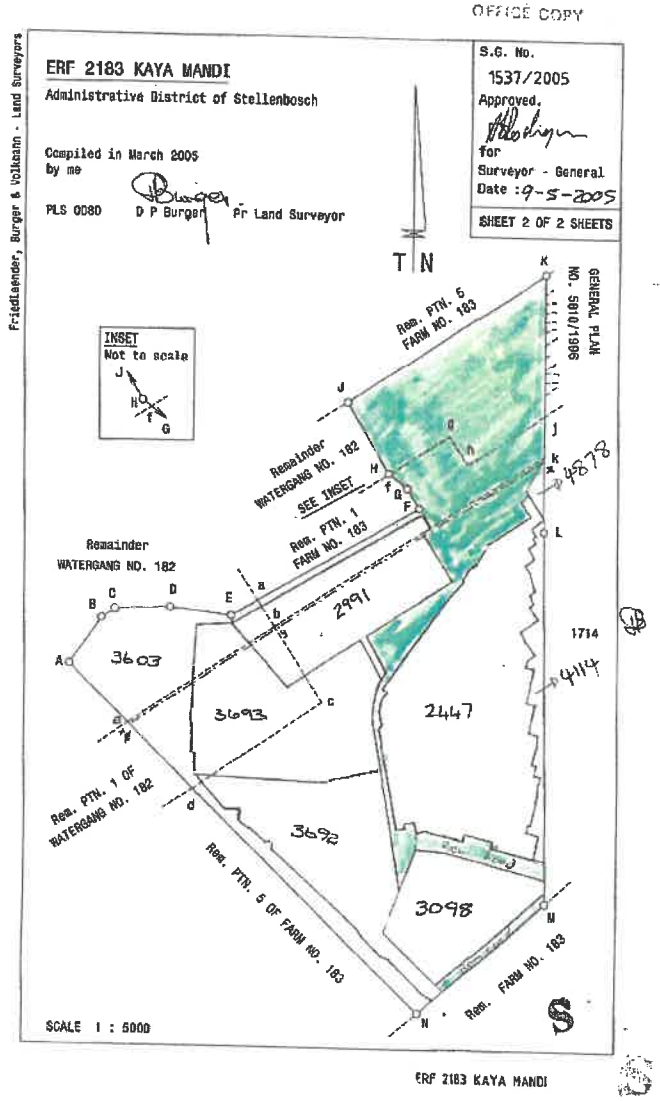
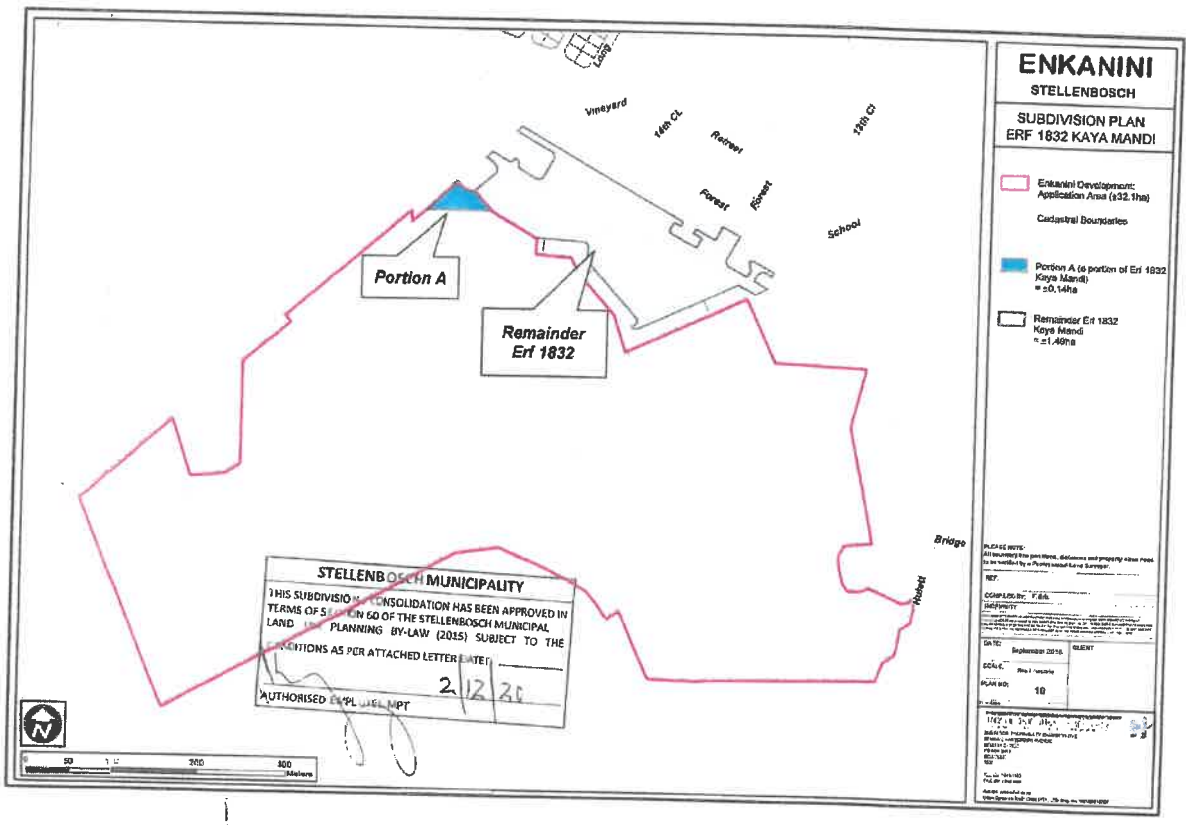


DIAGRAM 1: SG DIAGRAM OF ERF 2183 KAYA MANDI

7.3 ADDRESSING OMISSION 2 OF THE PREVIOUS APPLICATION (LU/8597)

The proposed "Portion A" (Unregistered Erf 5098, a portion of Erf 1832) is part of the registered Public Roads in General Plan 6635/2000. The aforementioned "Portion A" was subdivided from the Remainder of Erf 1832, but it was not closed as a Public Place in terms of Section 15(2)(n) of the Stellenbosch Municipality's Land Use Planning By-Law. Refer to the **Extract** and **Diagram 2** below.



EXTRACT 10: SUBDIVISION PLAN (ERF 1832) APPROVED ON 27 NOVEMBER 2020 (Source: LU/8597 Decision Letter dated 2 December 2020)

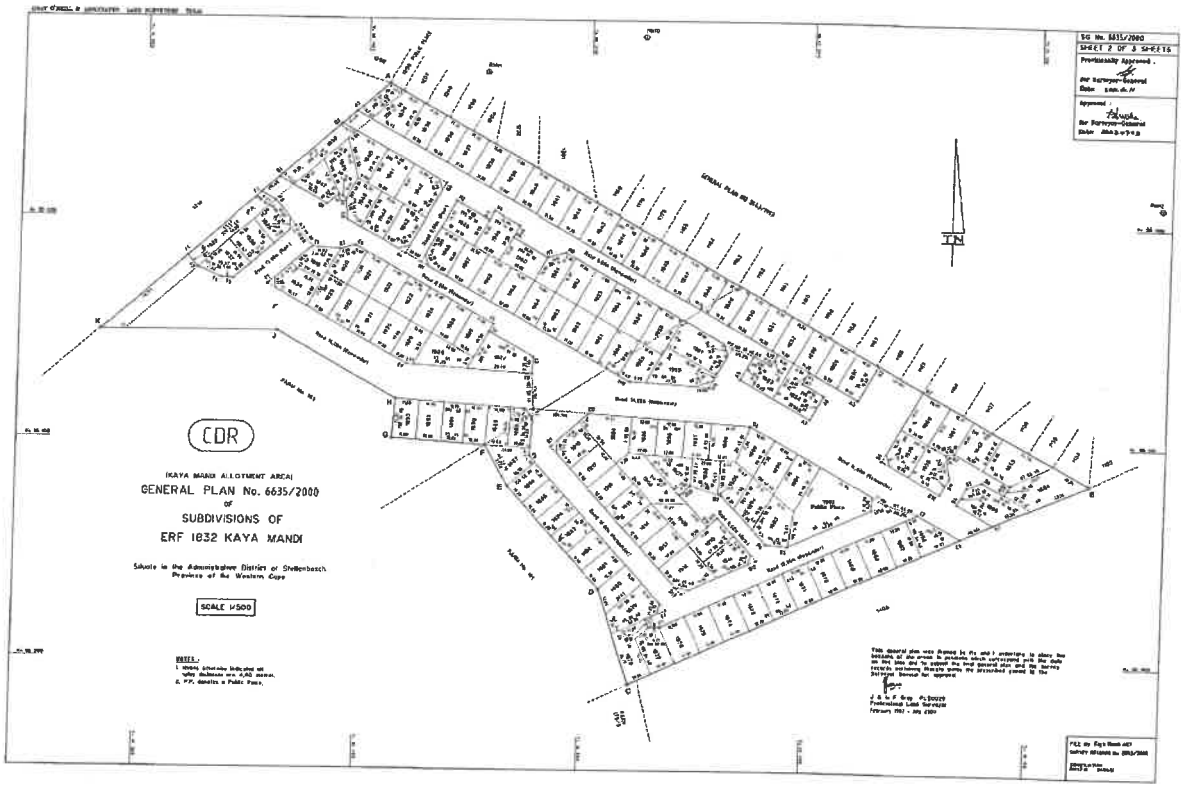


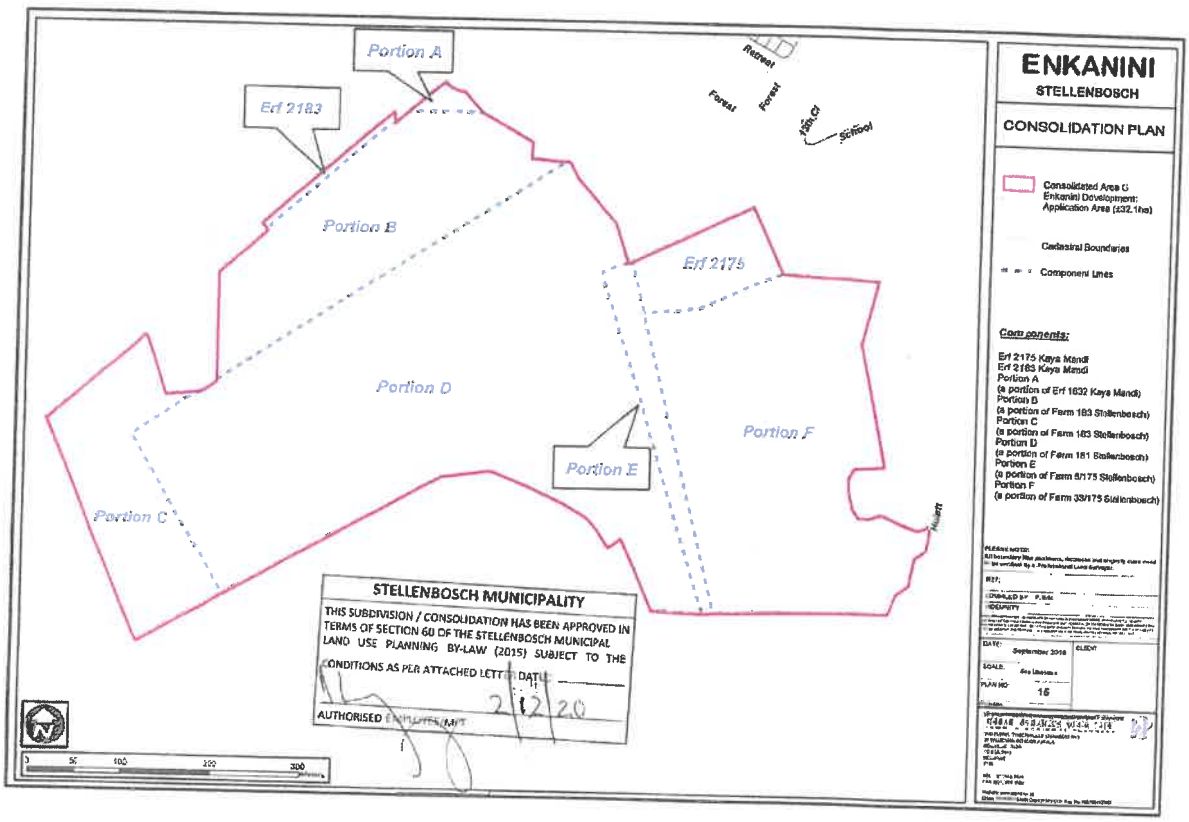
DIAGRAM 2: GENERAL PLAN NO. 6635/2000 RELATING TO ERF 1832 KAYA MANDI

Pursuant to the decisions taken by the Municipal Planning Tribunal on 27 November 2020 relating to land use application number LU/8597 (APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE: ERF 2175, KAYAMANDI), and to enable the Land Surveyor to proceed with the submission of the various Subdivision and Consolidation Diagrams (Enkanini Development Area) to the Surveyor-General's Office for approval, the following additional applications (including proposed amendments to the previous MPT decision) are therefore made in terms of **Section 15** of the **Stellenbosch Municipal Land Use Planning By-Law, 2023**:

- The closure of the proposed "Portion A (Unregistered Erf 5098, a Portion of Erf 1832 Kaya Mandi)" (approximately 1,436m² in extent) as a public place in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023. This application be inserted and read as paragraph 2.1.3 of the MPT decision (LU/8597) taken on 27 November 2020.

7.4 AMENDMENT OF THE WORDING OF THE CONSOLIDATION APPLICATION TO SUPPORT THE PREVIOUSLY APPROVED APPLICATION (LU/8597)

The previously approved Enkanini Consolidation Plan is shown in the image below.



EXTRACT 11: CONSOLIDATION PLAN APPROVED ON 27 NOVEMBER 2020 (Source: LU/8597 Decision Letter dated 2 December 2020)

No changes are proposed to the boundaries of this approved Consolidation Plan. However, the wording on the Consolidation Plan needs to be changed to accommodate the subdivision of Erf 2183 Kaya Mandi. This is shown on **PLAN 3: CONSOLIDATION PLAN.**

Pursuant to the decisions taken by the Municipal Planning Tribunal on 27 November 2020 relating to land use application number LU/8597 (APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE: ERF 2175, KAYAMANDI), and to enable the Land Surveyor to proceed with the submission of the various Subdivision and Consolidation Diagrams (Enkanini Development Area) to the Surveyor-General's Office for approval, the following additional applications (including proposed amendments to the previous MPT decision) are therefore made in terms of **Section 15** of the **Stellenbosch Municipal Land Use Planning By-Law, 2023**:

- The correction of the wording of paragraph 2.1.2 of the MPT decision taken on 27 November 2023 (LU/8597) in line with the abovementioned additional applications, in terms of Section 63(1) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, and to amend/update the wording on the approved Consolidation Plan in terms of Section 15(2)(k) of the aforesaid By-law, to read as follows:
    - *"The consolidation of Portions A, B, C, D, E, F, G and Erf 2175 in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, to form one erf, namely proposed*

*"Portion H (Unregistered Erf 5104)" (approximately 32.1189ha in extent), known as Enkanini Development Area, as shown on **PLAN 3: CONSOLIDATION PLAN.** " This amended decision be inserted and read as paragraph 2.1.4 of the MPT decision (LU/8597) taken on 27 November 2020.*

In lieu of

> 2.1.2 The consolidation in terms of Section 15(e)of the said Bylaw of Portions A, B, C,D, E, F, Erf 2175 and Erf 2183 in order to create the consolidated area G known as Enkanini Development Area.

EXTRACT 12: EXCERPT OF MPT DECISION (PARAGRAPH 2.1.2) TAKEN ON 27 NOVEMBER 2020 (Source: LU/8597 Decision Letter dated 2 December 2020)

- The correction of the wording, in terms of Section 63(1) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, by renumbering the paragraphs of the MPT decision taken on 27 November 2023 (LU/8597) to make provision for the abovementioned additional applications.

The abovementioned corrections in the wording of the MPT decisions does NOT change the previous MPT decisions and does NOT result in an alteration, insertion, suspension or deletion of a condition of approval. It simply corrects the omissions and errors discussed in this land use application.

7.5 EXTENSION OF THE VALIDITY PERIOD

Due to the omissions discussed above it would only be fair towards the municipality and the community to extend the validity period of the previous MPT approval. The following is therefore applied for in terms of **Section 15** of the **Stellenbosch Municipal Land Use Planning By-Law, 2023**:

- The extension of the validity period of the MPT decision (LU/8597) taken on 27 November 2020 in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, with a period which is equal to the time that has lapsed between the coming into operation of the previous MPT decision (LU/8597) and the coming into operation of the MPT approval of this land use application.

8. PLANNING MOTIVATION IN SUPPORT OF THIS APPLICATION

The Motivation for the Enkanini Development was dealt with in Section 7 of the previous land use application (LU/8597) submitted by Urban Dynamics Western Cape (Pty) Ltd. The intention of this land use application is not to change the previously approved development concept and therefore the contents of the previous land use application (LU/8597) submitted by Urban Dynamics Western Cape (Pty) Ltd will not be repeated in this section.

The conclusions of the previous land use application's motivation are shown in the extract's below:

7.4.3. Conclusion – Policy Consistency

In conclusion, the Enkanini human settlement development proposal is considered to be fully consistent with all key relevant policy directives. The development will specifically contribute to the following broad and local spatial and economic policy objectives:

- Improve the living conditions of people residing in existing informal settlements.
- Promote human settlement development in well-located areas, with good access to public transport facilities and economic opportunities.
- Upgrade informal settlements, improve infrastructure and enhance accessibility to opportunities within the CBD.

URBAN DYNAMIC WESTERN CAPE (Pty) Ltd. 56

ENKANINI INFORMAL SETTLEMENT UPGRADE SEPTEMBER 2018

7.5. PLANNING PRINCIPLES – LAND USE PLANNING ACT (LUPA, 2014)

LUPA (2014) includes a series of land use principles that should guide development in the Province. The planning principles were reviewed and the proposed development assessed for compliance with those principles. It is, following this assessment, concluded that the proposed development is fully compliant with the planning principles prescribed in LUPA (2014), as outlined in *Table 3*:

7.6. DESIRABILITY

The proposal is deemed to be most desirable, based on the following:

- Consistent with Spatial Policy directives;
- No negative impact on environmental or heritage resources;
- No negative impact on existing rights of surrounding properties;
- No negative impact on the safety and welfare of the surrounding communities;
- The development is well-located with excellent accessibility in terms of the Industrial footprint of Stellenbosch and the Stellenbosch CBD;
- The traffic impact of the proposed development will be marginal;
- No negative impact on service infrastructure.

It is, in light of the aforementioned, reiterated that the proposed upgrade of the Enkanini informal settlement is on this based, deemed to be most desirable.

EXTRACT 13: EXCERPT FROM THE MOTIVATION OF PREVIOUS APPLICATION (Source: LU/8597, Urban Dynamics WC)

9. CONCLUSION & RECOMMENDATIONS

In conclusion, the primary objective of this land use application is basically to address the omissions of the previous land use application (LU/8597) approved by the Municipal Planning Tribunal (MPT) on 27 November 2020, to enable the municipality to proceed with the registration of the relevant Subdivision and Consolidation Diagrams with the Surveyor-General. A copy of the aforementioned Draft Subdivision and Consolidation Diagrams, prepared by Messrs FBV Professional Land Surveyors, are attached hereto in **ANNEXURE 9**.

A summary of the proposed additions/insertions, amendments and corrections to the previous MPT decision is provided in the table below.

TABLE 3: SUMMARY OF RECOMMENDED ADDITIONS, AMENDMENTS & CORRECTIONS

PREVIOUS MPT DECISIONS (LU/8597) TAKEN ON 27 NOVEMBER 2020		**PROPOSED ADDITIONS / INSERTIONS, AMENDMENTS & CORRECTIONS**	
Par.	**Description**	**Action**	***Description***
2.	The Stellenbosch Municipal Planning Tribunal on 27 November 2020 resolved as follows:		
2.1	That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 2175, Kayamandi namely:		
2.1.1	The subdivision in terms of Section 15(d) of the Bylaw of the following properties:	Correct the reference to the Bylaw Section	*The subdivision in terms of Section 15(2)(d) of the Bylaw of the following properties:*
2.1.1.1	Erf 1832 into Portion A (±0.14ha) and Remainder (±1.49ha);		***NO CHANGES TO THE DECISION***
2.1.1.2	Farm 183 into Portion B (±4.49ha), Portion C (±2.94ha), and the Remainder (±119.54ha);		***NO CHANGES TO THE DECISION***
2.1.1.3	Farm 181 into Portion D (±14.44ha) and the Remainder (±36.33ha);		***NO CHANGES TO THE DECISION***
2.1.1.4	Portion 5 of Farm 175 into Portion E (±0.90ha) and Remainder (0.13ha)		***NO CHANGES TO THE DECISION***
2.1.1.5	Remainder of Portion 33 of Farm 175 into Portion F (±7.86ha) and Remainder (±14.84ha)		***NO CHANGES TO THE DECISION***
		Add / Insert paragraph **2.1.1.6**	*Erf 2183 Kaya Mandi into two portions namely proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183)" (approximately 1,845m² in extent) and the Remainder of Erf 2183, (as shown on **PLAN 2: SUBDIVISION PLAN**).*
		Add / Insert paragraph **2.1.2**	*The closure of the proposed "Portion G (Unregistered Erf 1810, a Portion of Erf 2183 Kaya Mandi)" (approximately 1,845m² in extent) as a public place in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023.*

PREVIOUS MPT DECISIONS (LU/8597) TAKEN ON 27 NOVEMBER 2020		PROPOSED ADDITIONS / INSERTIONS, AMENDMENTS & CORRECTIONS	
Par.	**Description**	**Action**	***Description***
		Add / Insert paragraph **2.1.3**	*The closure of the proposed "Portion A (Unregistered Erf 5098, a Portion of Erf 1832 Kaya Mandi)" (approximately 1,436m² in extent) as a public place in terms of Section 15(2)(n) of the Stellenbosch Municipal Land Use Planning By-Law, 2023.*
2.1.2	The consolidation in terms of Section 15(e) of the said Bylaw of Portions A, B, C, D, E, F, Erf 2175 and Erf 2183 in order to create the consolidated area G known as Enkanini Development Area.	Amend the wording and re-number the paragraph to **2.1.4**	*The consolidation of Portions A, B, C, D, E, F, G and Erf 2175 in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, to form one erf, namely proposed "Portion H (Unregistered Erf 5104)" (approximately 32.1189ha in extent), known as Enkanini Development Area, as shown on* ***PLAN 3: CONSOLIDATION PLAN.***
2.1.3	The rezoning in terms of Section 15(a) of the said Bylaw of the consolidated Area G as the development area from Agricultural Zone to Subdivisional Area in order to accommodate the following development of the subject land as indicated on the plan attached as **ANNEXURE "B"** and as compiled by A. Ellis (for Urban Dynamics URP), dated September 2018:	Re-number the paragraph to **2.1.5**	***NO CHANGES TO THE DECISION***
2.1.3.1	Street Zone Erf measuring approximately 7.3ha in extent (Road Network: 14m & 8m Reserves);	Re-number the paragraph to **2.1.5.1**	***NO CHANGES TO THE DECISION***
2.1.3.2	Open Space Zone erven measuring approximately 10.59ha in extent (Public Open Space);	Re-number the paragraph to **2.1.5.2**	***NO CHANGES TO THE DECISION***
2.1.3.3	Single Residential Zone erven measuring approximately 9.36ha in extent (Subdivided Erven);	Re-number the paragraph to **2.1.5.3**	***NO CHANGES TO THE DECISION***
2.1.3.4	General Residential Zone erven measuring approximately 3.18ha in extent (Flats);	Re-number the paragraph to **2.1.5.4**	***NO CHANGES TO THE DECISION***
2.1.3.5	Place of Worship / Educational Institution Zone erven measuring approximately 1.04ha in extent (Community Facilities);	Re-number the paragraph to **2.1.5.5**	***NO CHANGES TO THE DECISION***
2.1.3.6	General Business Zone erven measuring approximately 0.72ha in extent (Mixed use incl. retail).	Re-number the paragraph to **2.1.5.6**	***NO CHANGES TO THE DECISION***

PREVIOUS MPT DECISIONS (LU/8597) TAKEN ON 27 NOVEMBER 2020		PROPOSED ADDITIONS / INSERTIONS, AMENDMENTS & CORRECTIONS	
Par.	**Description**	**Action**	***Description***
		Add / Insert paragraph **2.1.6**	*The extension of the validity period of the MPT decision (LU/8597) taken on 27 November 2020 in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, with a period which is equal to the time that has lapsed between the coming into operation of the previous MPT decision (LU/8597) and the coming into operation of the MPT approval of this land use application.*
	BE APPROVED in terms of Section 60 of the said Bylaw subject to conditions in terms of Section 66 of the said Bylaw.		

The approval of the land use applications in paragraph 2.2 of this report and summarised above should be a formality for the following reasons:

- No changes are made to the previously approved (LU/8597) consolidation area except for addressing the omissions of the previous land use application so that the municipality can proceed with the registration of the relevant subdivision and consolidation diagrams at the Surveyor-General's Office. Addressing the aforesaid omissions includes certain additions / insertions, amendments and corrections to the previous MPT decision, as described above.
- The previous land use application has already successfully motivated the development's consistency with relevant planning principles, policies and desirability criteria. This application builds on the previous land use application (LU/8597) and should therefore be seen as a supplementary addition to the previously approved land use application.
- No changes are made to the previously approved (LU/8597) development concept. The previously approved motivation on the desirability of the Enkanini development, which is summarised below, therefore remains applicable:
    - It is consistent with Spatial Policy directives;
    - It has no negative impact on environmental or heritage resources;
    - It has no negative impact on existing rights of surrounding properties;
    - It has no negative impact on the safety and welfare of the surrounding communities;
    - The development is well-located with excellent accessibility in terms of the Industrial footprint of Stellenbosch and the Stellenbosch CBD;
    - The traffic impact of the proposed development will be marginal; and
    - It has no negative impact on service infrastructure.
- The proposed corrections in the wording of the previous MPT decisions does NOT change the previous MPT decisions and does NOT result in an alteration, insertion, suspension or deletion of a condition of approval. It simply corrects the omissions and errors discussed in this land use application.

It is therefore recommended that the land use applications (listed in paragraph 2.2 of this report) be approved in order to comply with / adhere to the principles of good administration listed in Section 7(e) of the SPLUMA (Act 16 of 2013) and Section 59(4) of the Western Cape LUPA (Act 3 of 2014).

ANNEXURE D

APPLICATION FOR SUBDIVISON, CLOSURE OF PUBLIC PLACE AND CONSOLIDTION: ERVEN 2175, 2183, 1832, KAYAMANDI AND FARMS NO. 175/5, 175/33, FARM NO. 181 AND REMAINDER FAM NO. 183, STELLENBOSCH DIVISION.

PREVIOUS APPROVAL

STELLENBOSCH

Application Number: LU/8597
Our File Reference Number: Erf 2175, Stellenbosch
Your Reference Number: L0086-PO-JVT-AW-210765C
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: paul@udwc.co.za

Sir / Madam

APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE: ERF 2175, KAYAMANDI

1. The above application refers.

2. The Stellenbosch Municipal Planning Tribunal on 27 November 2020 resolved as follows:

2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 2175, Kayamandi namely:

2.1.1 The subdivision in terms of Section 15(d)of the said Bylaw of the following properties:

2.1.1.1 Erf 1832 into Partion A (±0.14ha) and Remainder (±1.49ha);
2.1.1.2 Farm 183 into Portion B (±4.49ha), Portion C (±2.94ha), and the Remainder (±119.54ha);
2.1.1.3 Farm 181 into Portion D (±14.44ha) and the Remainder (±36.33ha);
2.1.1.4 Portion 5 of Farm 175 into Portion E (±0.90ha) and Remainder (0.13ha);
2.1.1.5 Remainder of Portion 33 of Farm 175 into Portion F (±7.86ha) and Remainder (± 14.84ha).

2.1.2 The consolidation in terms of Section 15(e)of the said Bylaw of Portions A, B, C,D, E, F, Erf 2175 and Erf 2183 in order to create the consolidated area G known as Enkanini Development Area.

2.1.3 The rezoning in terms of Section 15(a) of the said Bylaw of the consolidated Area G as the development area from Agricultural Zone to Subdivisional Area in order to accommodate the following development of the subject land as indicated on the plan attached as **ANNEXURE "B"** and as compiled by A. Ellis (for Urban Dynamics URP), dated September 2018:

2.1.3.1 Street Zone Erf measuring approximately 7.3ha in extent (Road Network: 14m & 8m Reserves);

2.1.3.2 Open Space Zone erven measuring approximately 10.59ha in extent (Public Open Space);

2.1.3.3 Single Residential Zone erven measuring approximately 9.36ha in extent (Subdivided Erven);

2.1.3.4 General Residential Zone erven measuring approximately 3.18ha in extent (Flats);

2.1.3.5 Place of Worship / Educational Institution Zone erven measuring approximately 1.04ha in extent (Community Facilities);

2.1.3.6 General Business Zone erven measuring approximately 0.72ha in extent (Mixed use incl. retail).

BE APPROVED in terms of Section 60 of the said Bylaw subject to conditions in terms of Section 66 of the said Bylaw.

2.2 **That such approval BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:**

2.2.1 The approval only applies to the proposed development in question, as indicated on attached **ANNEXURE "B"**, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;

2.2.3 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 16 March 2020, attached as **ANNEXURE P** be complied with;

2.2.4 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 05 June 2019, attached as **ANNEXURE O** be complied with;

2.2.5 The conditions imposed by **Heritage Western Cape** as contained in their memo dated 15 October 2018 attached as **ANNEXURE J** be noted;

2.2.6 The Rates clearances will only be granted once all the conditions of approval for the development have been complied with;

2.2.7 The TIA be updated with specific focus on the impact of the additional trips on the intersections of interest, prior to the submission of a subdivision plan for approval in

accordance with the conditional support of the **Department of Transport and Public Works**, attached as **ANNEXURE H**,.

2.2.8 A phasing plan be submitted together with the first application for subdivision.

2.2.9 Physical means and design elements should be used to define and protect the urban edge and manage urban creep.

2.3 **Reasons for the above Decision**

2.3.1 The proposed development will formalise an existing informal settlement;

2.3.2 The proposal is not inconsistent with the provincial and municipal policies and legislation;

2.3.3 The proposal will result in the implementation of basic services, including the construction of roads.

2.3.4 The application is consistent with the SDF.

2.4 **To be noted:**

(a) The ±1.1ha portion occupied by the proposed development on a portion of Farm 181, Stellenbosch Division forming part of the Papegaaiberg Nature Reserve be de-proclaimed by the competent authority prior to any development being undertaken on this subject portion of land;

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

(I) First names and surname;
(II) ID number;
(III) Company of Legal person's name (if applicable)
(IV) Physical Address;
(V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

(i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

(ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(e) if the appeal is lodged against a part of the decision, a description of the part;

(f) if the appeal is lodged against a condition of approval, a description of the condition;

(g) the factual or legal findings that the appellant relies on;

(h) the relief sought by the appellant; and

(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) That the appeal includes the following declaration by the Appellant:

(i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

(ii) That the Appellant is aware that it is and offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za.

6. An applicant who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU**

Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

7. The approved tariff structure may be accessed and viewed on the municipal website (https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs) and the banking details for the General Account can also be accessed on the municipal website (https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file).

8. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

   (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

   (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

   (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

   (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

2/12/20

DATE:

COPY OF LETTER

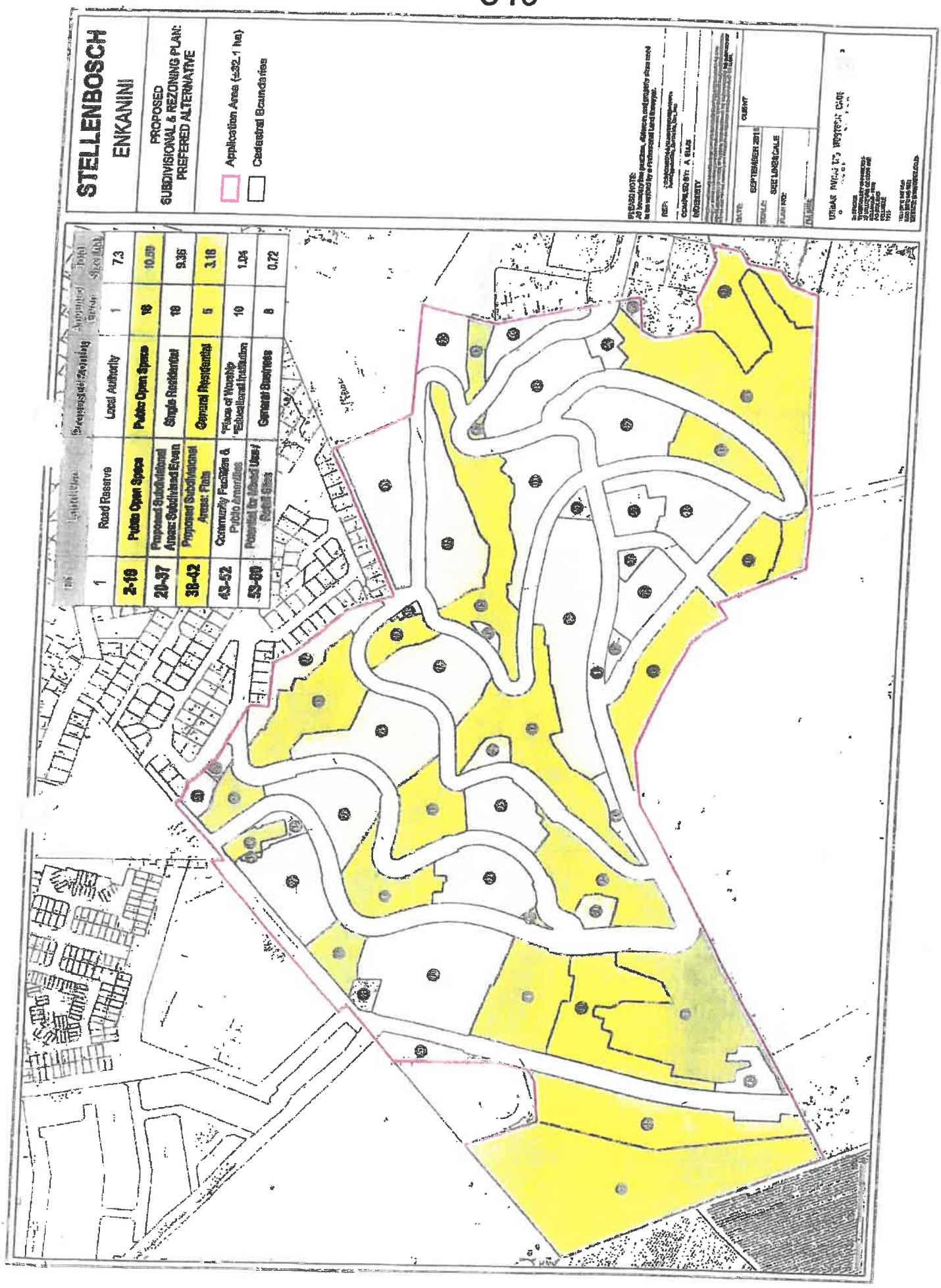
CC: OBJECTORS

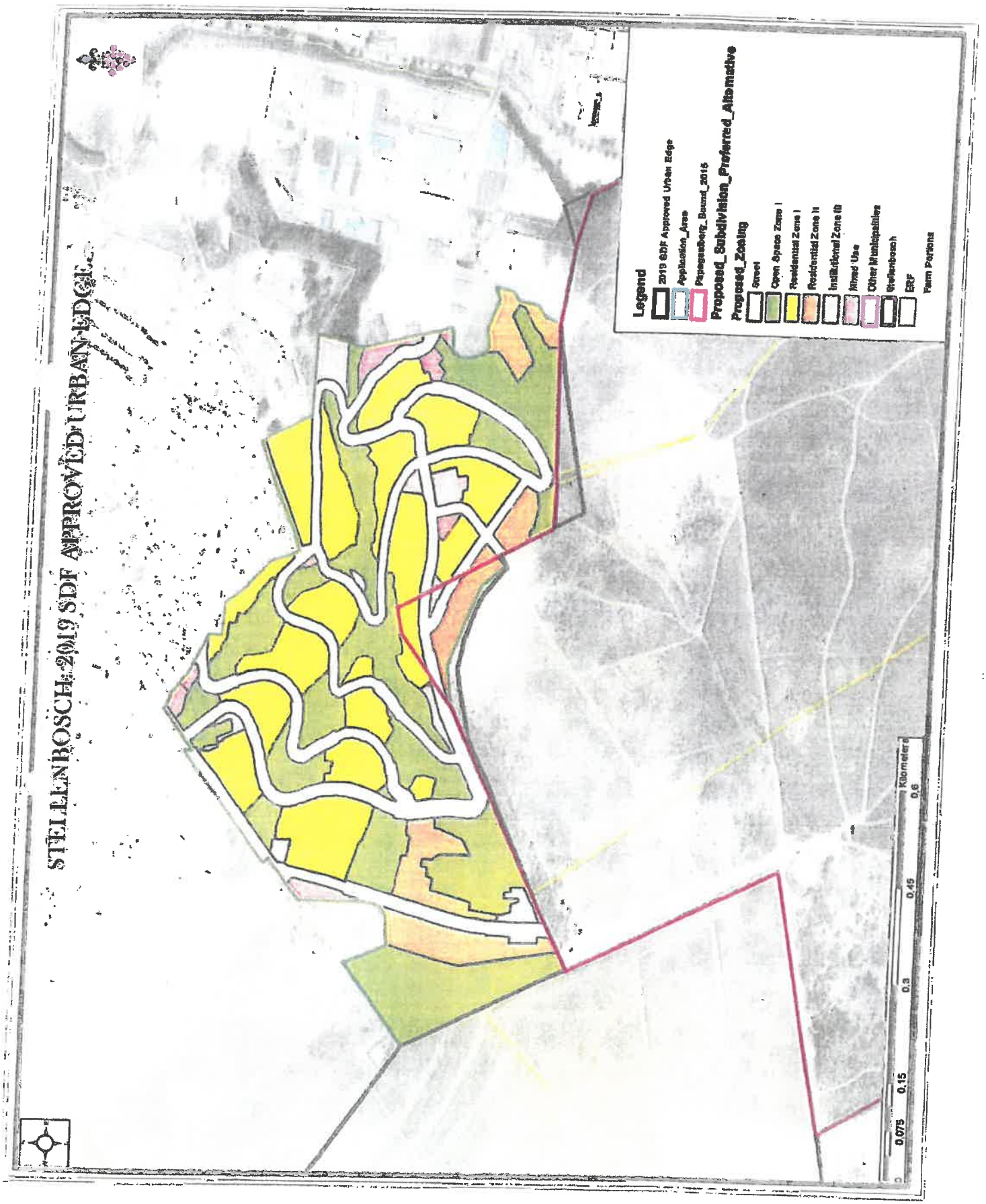
1. **Roelof Feenstra Inc**
   E-mail: roelof@feenstrainc.co.za / conveyancing@feenstrainc.co.za

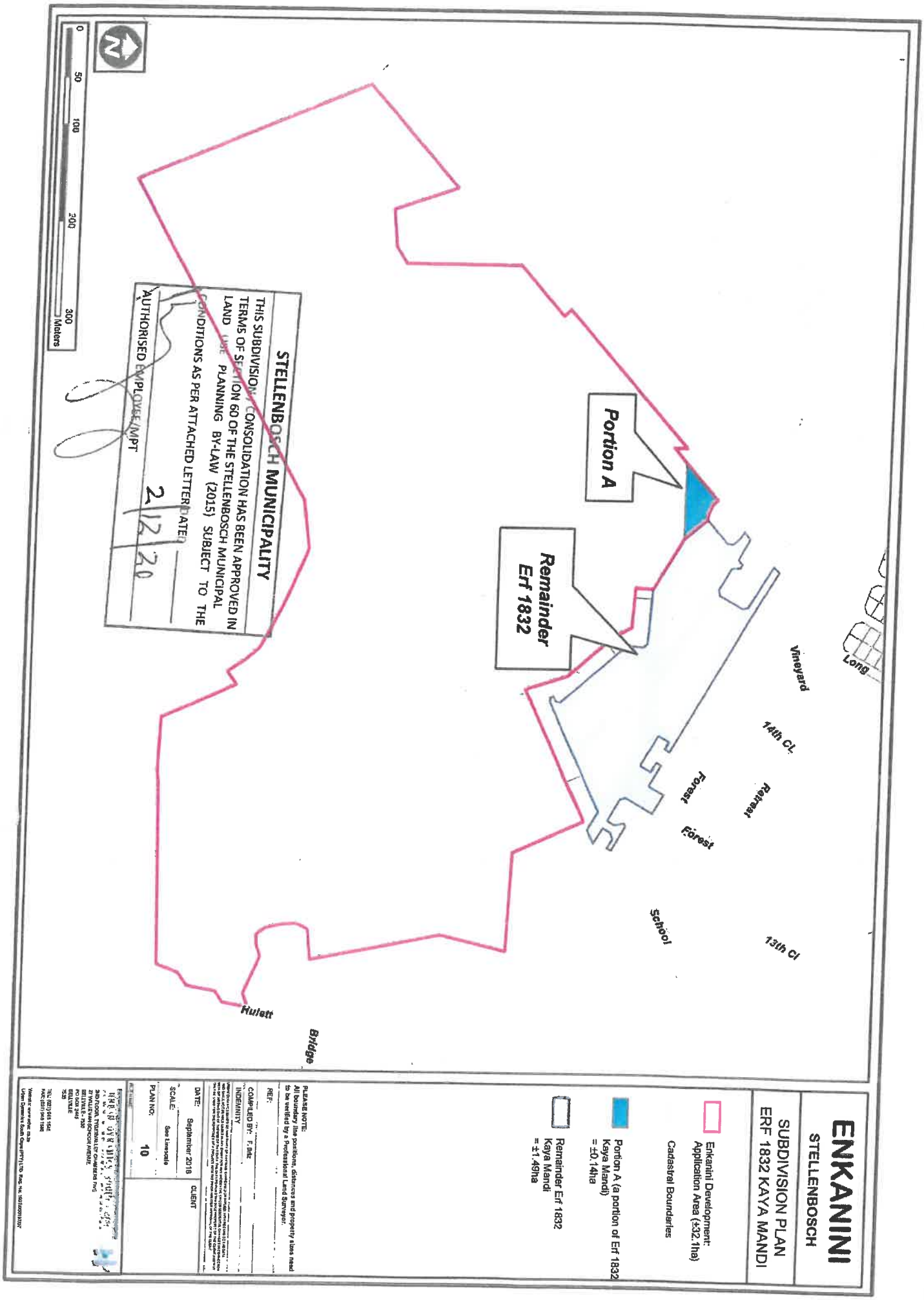
2. **Stellenbosch Agricultural Society**
   E-mail: stlandbo@mweb.co.za / infostlandbo@mweb.co.za

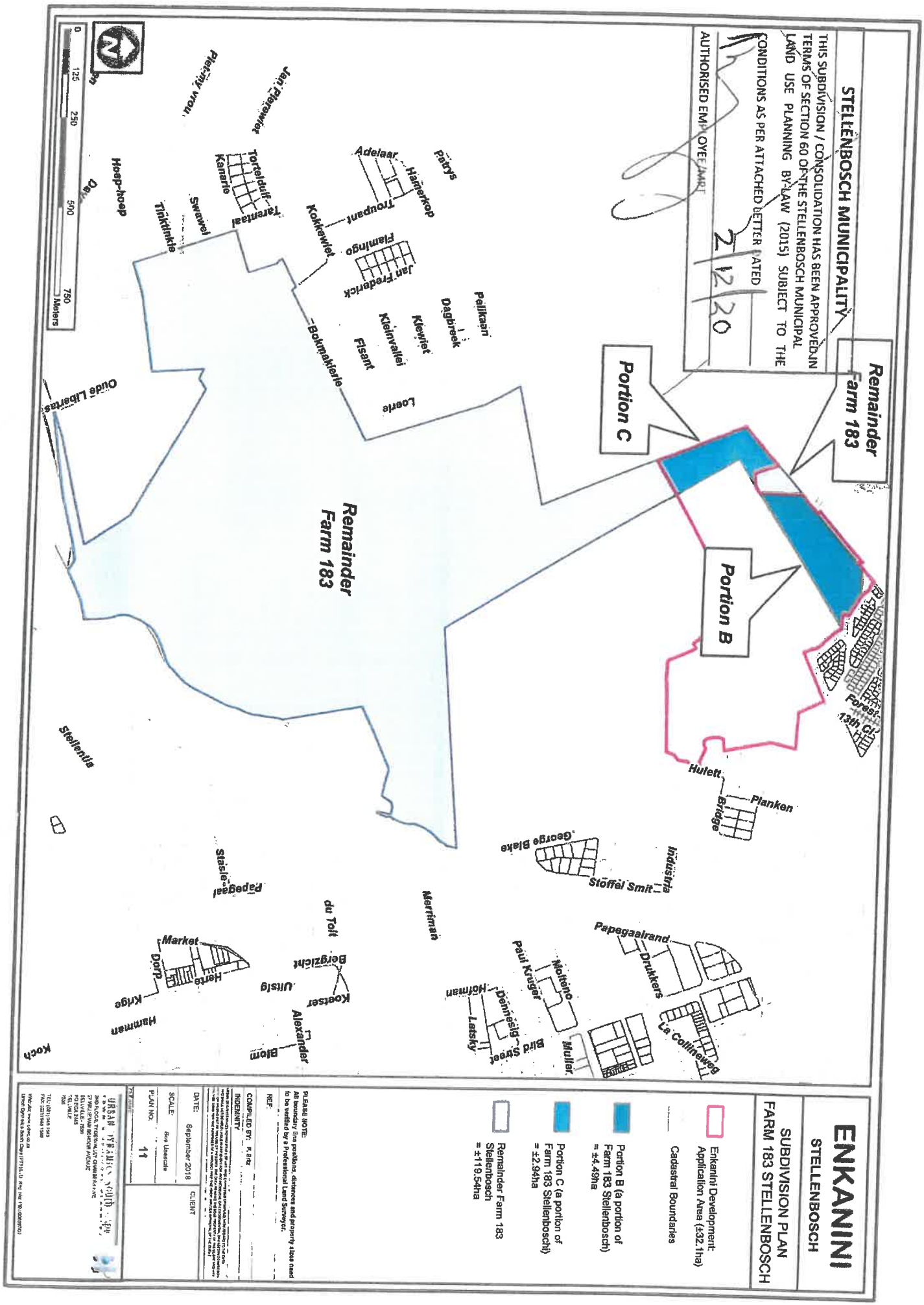
3. **Stellenbosch Ratepayers Association**
   E-mail: info@stellenboschratepayers.org

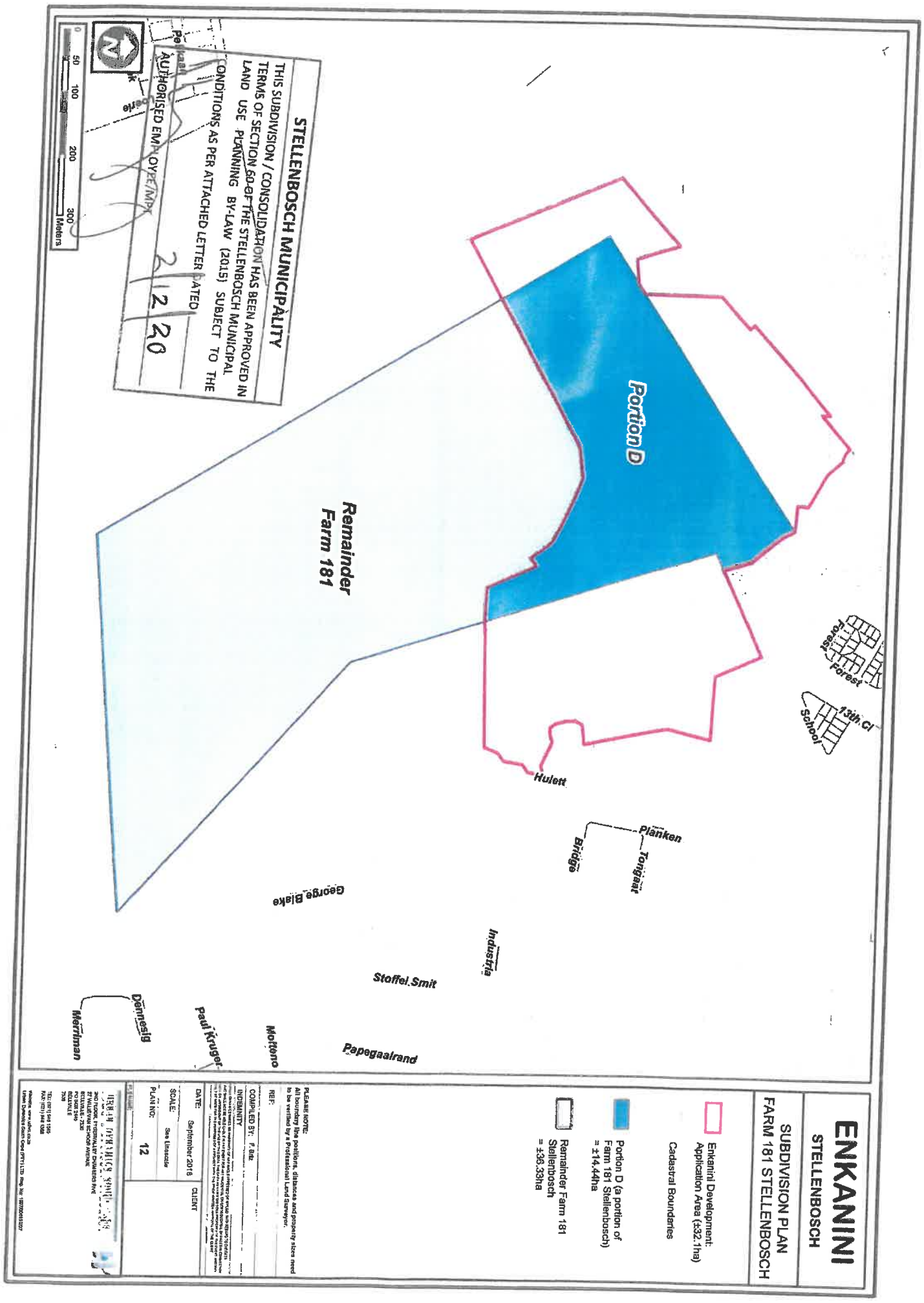
4. **Western Cape Department of Education**
   E-mail: unathi.mayongo@westerncape.gov.za/melodie.campbell@westerncape.gov.za

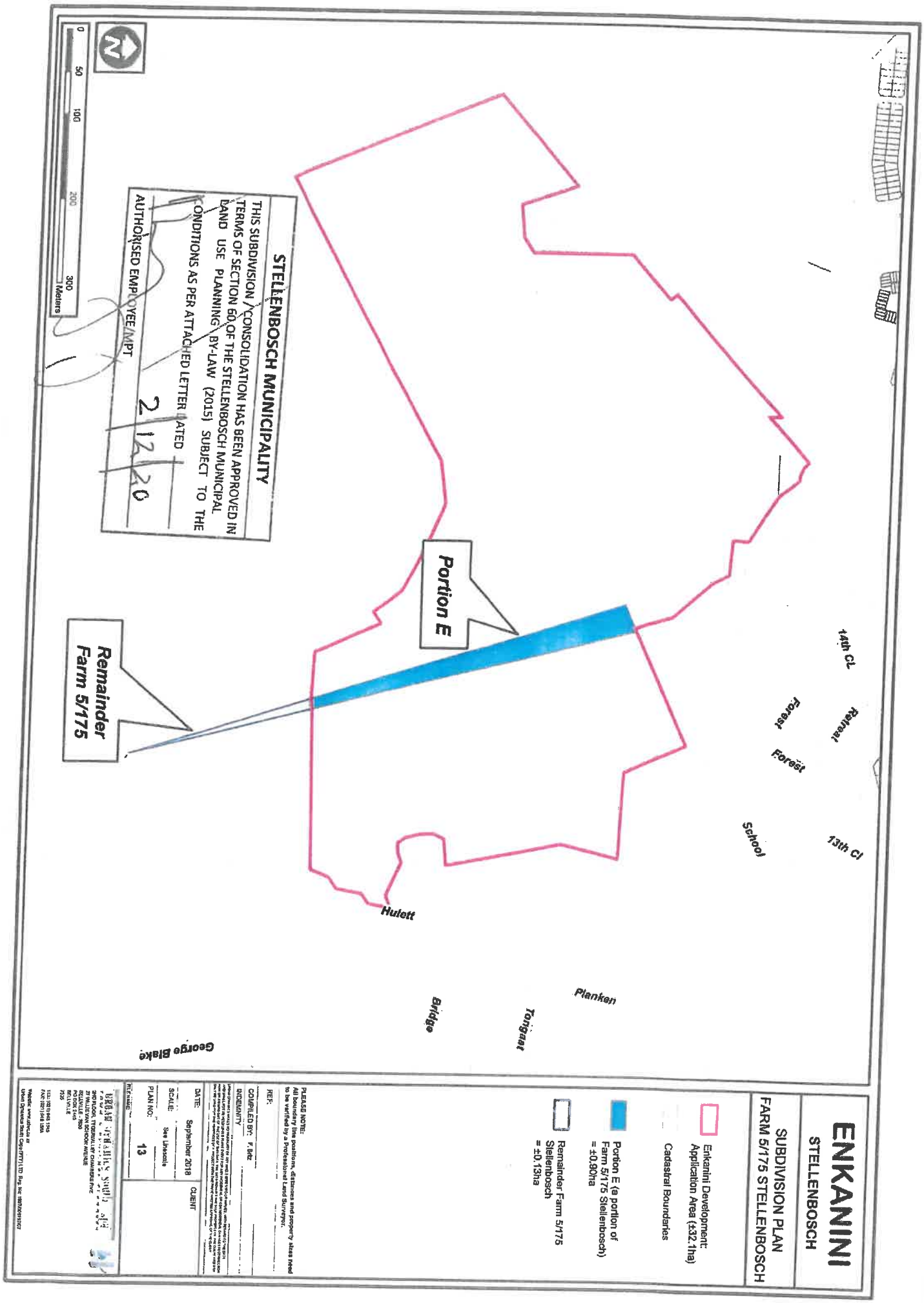

STELLENBOSCH
ENKANINI
PROPOSED
SUBDIVISIONAL & REZONING PLAN:
PREFERED ALTERNATIVE
Application Area (±32.1 ha)
Cadastral Boundaries
Road Reserve
Public Open Space
Proposed Subdivisional Areas: Subdivided Erven
Proposed Subdivisional Areas: Flats
Community Facilities & Public Amenities
Potential for Mixed Use/ Retail Sites
Local Authority
Public Open Space
Single Residential
General Residential
Place of Worship/ Educational Institution
General Business
Proposed Zoning
Total Site (ha)
2-19
20-37
38-42
43-52
53-60
1
16
18
5
10
8
7.3
10.69
9.35
3.18
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SEPTEMBER 2018
SHEET LAYOUT PLAN
URBAN PLANNING SYSTEMS CAPE

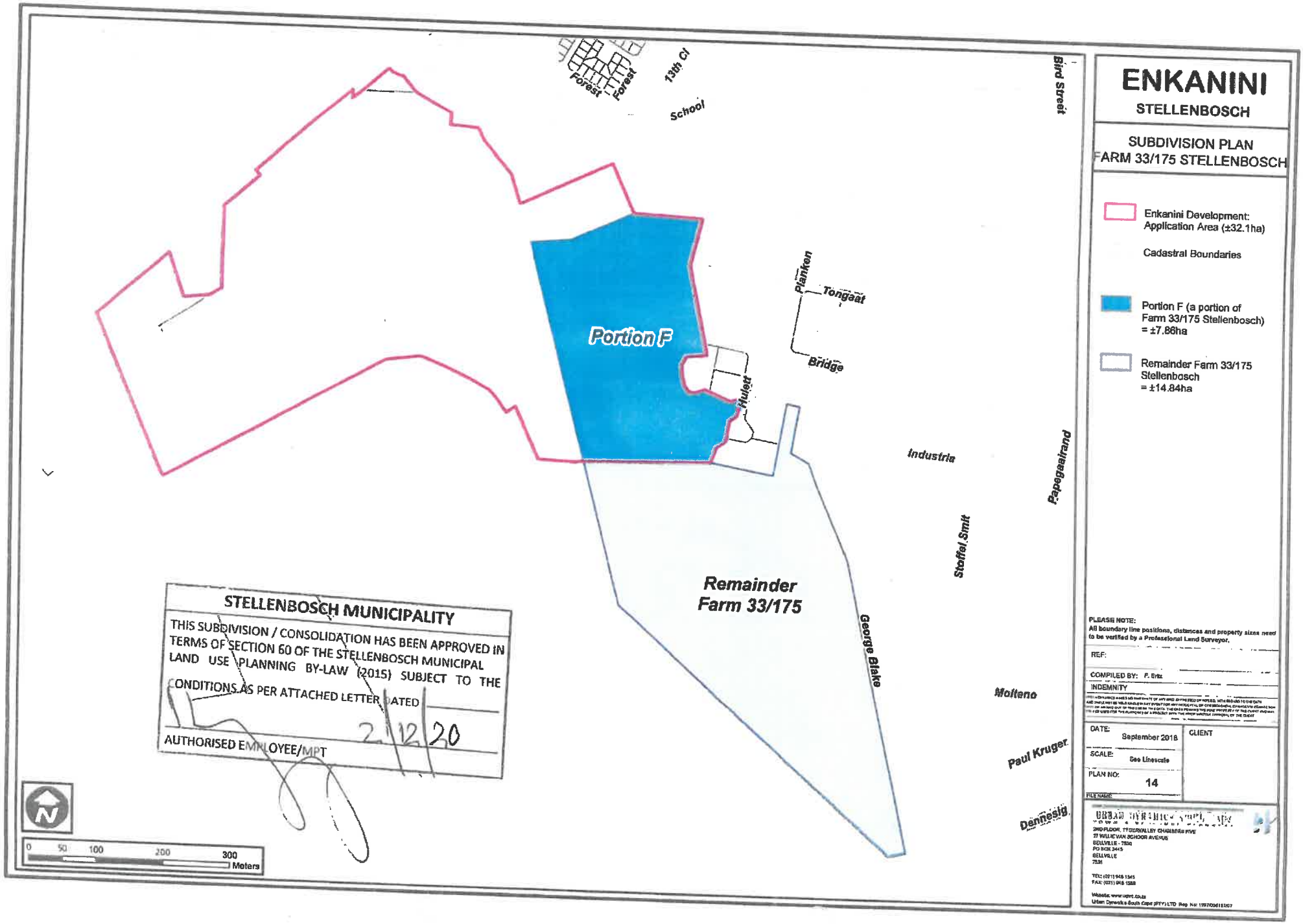

STELLENBOSCH: 2019 SDF APPROVED URBAN EDGE
Legend
2019 SDF Approved Urban Edge
Application_Area
Paraspadorp_Bound_2015
Proposed_Subdivision_Preferred_Alternative
Proposed_Zoning
Street
Open Space Zone I
Residential Zone I
Residential Zone II
Institutional Zone III
Mixed Use
Other Municipalities
Stellenbosch
ERF
Farm Portions
0.075
0.15
0.3
0.45
0.6
Kilometers

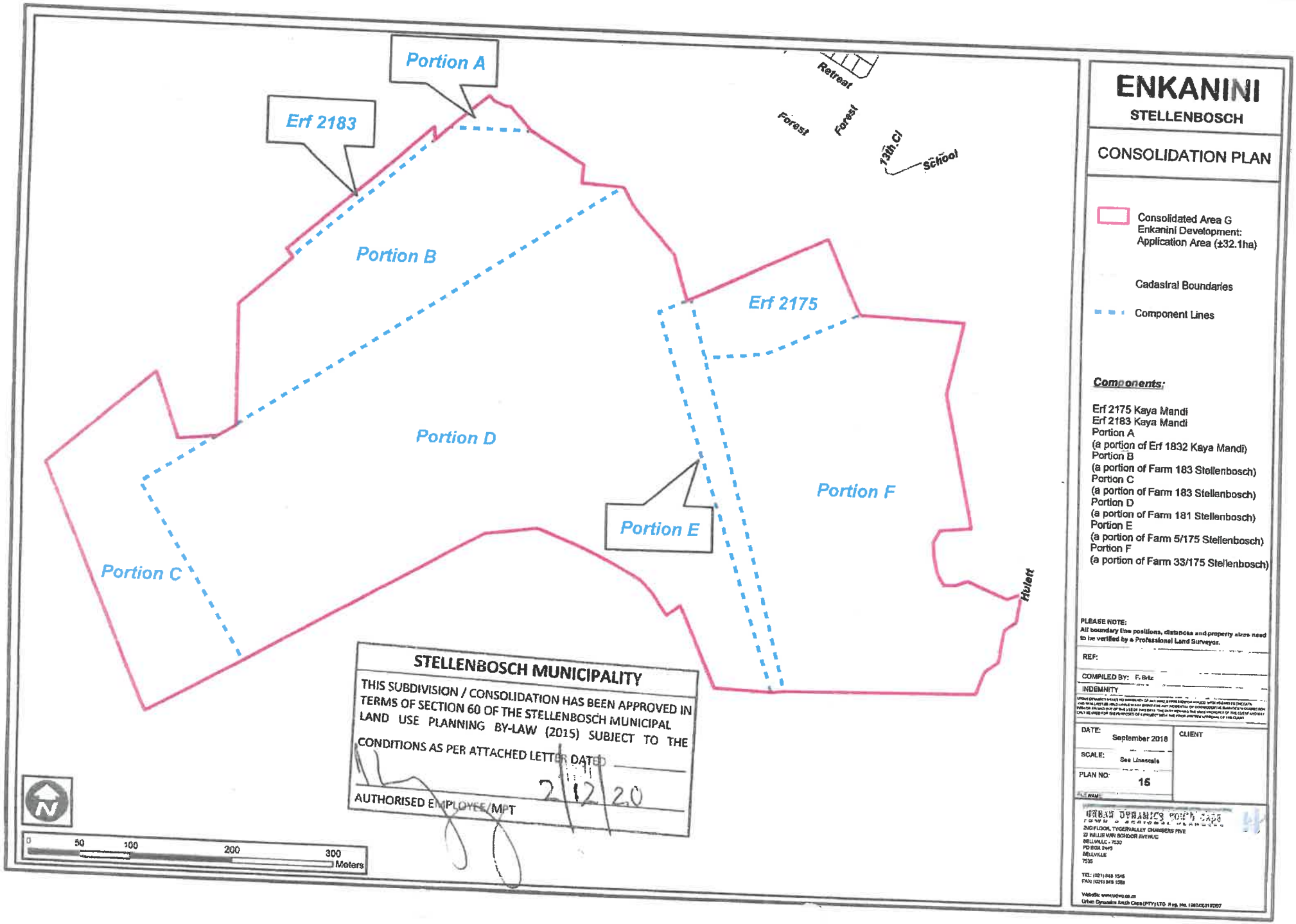

ENKANINI
STELLENBOSCH
SUBDIVISION PLAN
ERF 1832 KAYA MANDI
Enkanini Development:
Application Area (±32.1ha)
Cadastral Boundaries
Portion A (a portion of Erf 1832 Kaya Mandi)
= ±0.14ha
Remainder Erf 1832
Kaya Mandi
= ±1.46ha
PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.
REF:
COMPILED BY: F. Britz
INDEMNITY
DATE: September 2018
SCALE: See Linescale
PLAN NO: 10
CLIENT
Portion A
Remainder Erf 1832
STELLENBOSCH MUNICIPALITY
THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED
AUTHORISED EMPLOYEE/MPT
2/12/20
0
50
100
200
300
Meters
Vineyard
14th Cl
Forest
Forest
Forest
School
13th Cl
Long
Rulett
Bridge


STELLENBOSCH MUNICIPALITY
THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED
2 12 20
AUTHORISED EMPLOYEE
Remainder Farm 183
Portion C
Portion B
Remainder Farm 183
Oude Libertas
Hoop-hoop
Tiekiedrie
Swawel
Tarentaal
Kanarie
Tortelduif
Jan Platewyer
Plaasrij vroue
Kokkewiet
Flamingo
Jan Frederick
Troupant
Adelaar
Harlekyn
Pauws
Bokmakierie
Pelikaan
Dagbreek
Kiewiet
Kleinvalkie
Fisant
Leerie
Hulett
Planken
Bridge
Poesel
13th Cl
Industria
Stoffel Smit
George Blake
Papegaairand
Drukkers
Paul Kruger
Molteno
Hoffman
Dennesig
Bird Street
Latsky
Muller
C.a Collinweg
Merriman
du Toit
Papegaai
Stasie
Stellentia
Market
Dorp
Herte
Bergzicht
Uitsig
Koetser
Alexander
Blom
Hamman
Krige
Koch
0
125
250
500
750
Meters
ENKANINI
STELLENBOSCH
SUBDIVISION PLAN
FARM 183 STELLENBOSCH
Enkanini Development Application Area (±32.1ha)
Cadastral Boundaries
Portion B (a portion of Farm 183 Stellenbosch) = ±4.45ha
Portion C (a portion of Farm 183 Stellenbosch) = ±2.94ha
Remainder Farm 183 Stellenbosch = ±119.54ha
PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.
REF:
COMPILED BY:
INDEMNITY:
DATE: September 2018
CLIENT
SCALE: 1cm Unspecified
PLAN NO: 11


ENKANINI
STELLENBOSCH
SUBDIVISION PLAN
FARM 181 STELLENBOSCH
Enkanini Development: Application Area (±32.1ha)
Cadastral Boundaries
Portion D (a portion of Farm 181 Stellenbosch) = ±14.44ha
Remainder Farm 181 Stellenbosch = ±36.33ha
PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.
REF:
COMPILED BY:
INDEMNITY
DATE:
September 2018
SCALE:
See Linescale
PLAN NO:
12
CLIENT
STELLENBOSCH MUNICIPALITY
THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED
AUTHORISED EMPLOYEE/MPT
2/12/20
Portion D
Remainder Farm 181
Hulett
Planken
Bridge
Tortgeair
George Blake
Industria
Stoffel Smit
Pepegaairand
Paul Kruger
Dennesig
Merriman
Forest
13th Cl
School
0
50
100
200
300
Meters


ENKANINI
STELLENBOSCH
SUBDIVISION PLAN
FARM 5/175 STELLENBOSCH
Enkanini Development: Application Area (±32.1ha)
Cadastral Boundaries
Portion E (a portion of Farm 5/175 Stellenbosch) = ±0.80ha
Remainder Farm 5/175 Stellenbosch = ±0.13ha
Portion E
Remainder Farm 5/175
STELLENBOSCH MUNICIPALITY
THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL BAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED
2 12 20
AUTHORISED EMPLOYEE/MPT
0 50 100 200 300 Meters
14th Cl
Forest
Forest
School
13th Cl
Hulett
Bridge
Tonjaat
Planken
George Blake
PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.
REF:
COMPILED BY: F. BAE
INDEMNITY
DATE: September 2018
CLIENT
SCALE: See Lineacle
PLAN NO: 13


Forest
Forest
13th Cl
School
Bird Street
Portion F
Plankton
Tongaat
Bridge
Hulett
Industria
Stoffel Smit
Papegaairand
Remainder
Farm 33/175
George Blake
Molteno
Paul Kruger
Dennesig
STELLENBOSCH MUNICIPALITY
THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED
2/12/20
AUTHORISED EMPLOYEE/MPT
0 50 100 200 300 Meters
ENKANINI
STELLENBOSCH
SUBDIVISION PLAN
FARM 33/175 STELLENBOSCH
Enkanini Development: Application Area (±32.1ha)
Cadastral Boundaries
Portion F (a portion of Farm 33/175 Stellenbosch) = ±7.86ha
Remainder Farm 33/175 Stellenbosch = ±14.84ha
PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.
REF:
COMPILED BY: F. Britz
INDEMNITY
DATE: September 2018
CLIENT
SCALE: See Linescale
PLAN NO: 14
FILE NAME:


Portion A
Erf 2183
Portion B
Portion D
Portion C
Portion E
Erf 2175
Portion F
Retreat
Forest
Forest
13th Cl
School
Helen
0
50
100
200
300
Meters
STELLENBOSCH MUNICIPALITY
THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED
2/12/20
AUTHORISED EMPLOYEE/MPT
ENKANINI
STELLENBOSCH
CONSOLIDATION PLAN
Consolidated Area G
Enkanini Development:
Application Area (±32.1ha)
Cadastral Boundaries
Component Lines
Components:
Erf 2175 Kaya Mandi
Erf 2183 Kaya Mandi
Portion A
(a portion of Erf 1832 Kaya Mandi)
Portion B
(a portion of Farm 183 Stellenbosch)
Portion C
(a portion of Farm 183 Stellenbosch)
Portion D
(a portion of Farm 181 Stellenbosch)
Portion E
(a portion of Farm 5/175 Stellenbosch)
Portion F
(a portion of Farm 33/175 Stellenbosch)
PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.
REF:
COMPILED BY: F. Britz
INDEMNITY
DATE: September 2018
CLIENT
SCALE: See Linescale
PLAN NO: 16
ALT NAME:
URBAN DYNAMICS SOUTH CAPE
2ND FLOOR, TYGERVALLEY CHAMBERS FIVE
27 KLLIE WAN SCHOOR AVENUE
BELLVILLE • 7530
PO BOX 2445
BELLVILLE
7535
TEL: (021) 948 1545
FAX: (021) 948 1556
Website: www.udsc.co.za
Urban Dynamics South Cape (PTY) LTD Reg. No. 1987/032197/07

ANNEXURE P

COMMENT FROM THE MANAGER: ENGINEERING SERVICES

TL 636

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF	Erf 2175, Kayamandi	DATUM DATE	11 April 2019
AANSOEKNOMMER/APPLICATION NUMBER	LU/8507		

MEMO AAN/ TO

X	Director : Engineering Services
X	Manager : Electrical Department
X	Manager : Building Development Management
X	Manager : Fire Services
X	Manager : Community Services
X	Manager: Spatial Planning / Heritage / Environment
X	Manager: Local Economic Development
X	Chief Financial Officer
X	Manager : Property Management

FILE NR:

Application	(i) Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, August 2015 for the following subdivision of land: a. Subdivision of Erf 1853 into Portion A (±0.14ha) and Remainder (±1.46ha); b. Subdivision of Farm 183 into Portion B (±14.49ha), Portion C (±2.94ha) and the Remainder (±119.54ha); c. Subdivision of Farm 181 into Portion D (±18.24ha) and the Remainder (±50.33ha); d. Subdivision of Portion 5 of Farm 176 into Portion E (±0.80ha) and Remainder (10.15ha); e. Subdivision of Remainder of Portion 33 of Farm 175 into Portion F (±17.06ha) and Remainder (± 14.64ha); (ii) Application is made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law, August 2015 for the consolidation of Portions A, B, C, D, E, F, Erf 2175 and Erf 2183 in order to create the consolidated area G known as Enkanini Development Area; (iii) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law, August 2015 for the rezoning of the consolidated Area G from Agricultural Zone to Subdivisional Area in order to create the following: a. 1 Street Zone Erf (Road Network, 14m & 9m Reserves); b. 16 Open Space Zone erven (Public Open Space); c. 16 Single Residential Zone erven (Subdivided Erven); d. 5 General Residential Zone erven; e. 10 Place of Worship / Educational Institution Zone erven (Community Facilities); f. 3 General Business Zone erven (Mixed use incl. Retail) (iv) Application is made to amend the Municipal Urban Edge as per the Spatial Development Framework (2018)
Adres / Address	Enkanini Informal Settlement
Aansoek Datum Application Date	03 October 2019
Aansoeker Applicant	Urban Dynamics Western Cape

STELLENBOSCH MUNICIPALITY
REGISTRASIE/REGISTRATIE
LU/8507
27 MAY 2020
RECEIVED

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ons versoek u vriendelik om te stel om die aansoek aan die besluitnemingsowerheid vir oorweging te stuur, asook u verbeek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

637

Gelieve die memorandum per hand aan my terug te besorg voor of op 13 Mei 2019
Please hand deliver the memorandum to me on or before 13 May 2019

A Hardcastle
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR/ GENERAL COMMENT:

to approval

VOORWAARDES/CONDITIONS:

to Hanover 2020

HANDTEKENING / SIGNATURE

17/04/2020
DATUM / DATE

MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO	:	**The Director: Planning and Development**
FOR ATTENTION	:	**B Mdoda**
FROM	:	**Manager: Development (Infrastructure Services)**
AUTHOR	:	**Tyrone King**
DATE	:	**16 March 2019**
RE.	:	**Erf 2175, Kayamandi (Enkanini): Subdivision, consolidation and rezoning from Agricultural Zone to subdivisional area: 1 Road reserved zone erf, 18 POS zone erven, 18 Single Res Zone erven, 5 general residential zone erven (flats), 10 community facility zone erven, 8 General business zone erven (as per Plan 9: rezoning to subdivisional area plan) for +/- 892 subsidised erven, 210 reblocked units, 417 flats and 16 900 m² GLA (as per Eng services report)**
YOUR REF	:	**LU/8597**
OUR REF	:	**1828 CIVIL LU**

Details, specifications and information reflected in the following documents refer:

- The abovementioned application dated 3 October 2018 and motivation report by Urban Dynamics Western Cape, dated September 2018;
- General Arrangement Drawings Layout 3 (plan No. 8 in application), by Jakupa, dated March 2018 Drawing No 1707 SK Rev UDP110R02
- Proposed rezoning to subdivisional area (plan No. 9 in application), by Urban Dynamics Western Cape, dated September 2018;
- Transport Impact Assessment by JG Africa dated Aug 2018;
- Civil Engineering Services Report, by ICE Group, dated 31 Aug 2018;
- GLS water and sewer master plans 2019 dated June 2019;
- The GLS Water and Sewer capacity report dated 21 May 2019 (Erf 2183 – Zone O) was consulted as it is in the same catchment area as Enkanini wrt water and sewer bulk infrastructure

SUBDIVISION, CONSOLIDATION AND REZONING TO ALLOW THE FORMALISATION OF ENKANINI

It is noted that as per 5.1 of the motivation report, that the detailed subdivision layouts do not form part of this statutory land use application, but merely serve as informants to the potential of the layout options that could be applied for approval at a later stage of the project. These comments and conditions are given taking this statement into account. Further conditions will be given when a land use application is received for the detail subdivision.

These comments and conditions are based on the following proposed development parameters (5.1 of Town Planning Motivation report and 5.2 of Engineering Services Report

- Flats (Social Housing): 417 flats
- Erf 2175 (reblocking): 210 housing units
- Subsidised erven: 892 housing units
- Commercial, community, other: 15 900m² GLA

It is noted that the engineering services report and demand calculations are based on the assumption that there will be 2 households per erf, namely a formal dwelling plus a backyard informal dwelling.

Any development beyond these parameters would require a further approval from this Directorate.

This document consists of the following sections:

A. Definitions
B. Recommendation to decision making authority
C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.
D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:

   (a) *"Municipality"* means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act

117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 6590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;

(b) *"Developer"* means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;

(c) *"Engineer"* means an engineer employed by the *"Municipality"* or any person appointed by the *"Municipality"* from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;

2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the *"Engineer"*;

B. Recommendation:

3. **The development is recommended for approval, subject to the conditions as stated below**

C. Specific conditions of approval

4. **that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:**

a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.

b. **Water Network:** There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development.

c. **Sewer Network:** The sewer from the development will connect to existing pipes in Bridge Street and Tongaat Street, through the industrial area and to a lifting pumpstation from where it is lifted to the bulk outfall sewer. There is insufficient capacity in the bulk sewer reticulation network to accommodate the proposed development. The following bulk infrastructure is required (See Annexure A):

i. SSS5.1 12m x 250 mm dia upgrade existing gravity sewer
Estimated cost: R 148 800*

ii. SSS5.2 Upgrade existing pumpstation
Estimated cost: R 22 400*

iii. SSS1.40b 1400 m x 600 mm dia upgrade existing outfall sewer
Estimated cost: R 7 627 000*

Funding: The total cost of the above-mentioned projects are R 7 798 200. According to the latest version of the draft 2020-23 municipal budget received, there is no funding allocated to these projects. It must be noted that this Directorate will not be able to give any further approvals i.e. engineering services drawing approval before a financial commitment has been made by council to fund this project.

iv. The capacity of the existing 160 mm dia pipelines in bridge Street and Tongaat Street needs to be investigated by the consulting engineers at detail design stage to determine if these pipes should not be upgraded as well. Funding for any upgrades identified should be allowed for in the housing project's budget.

v. The engineering services report makes allowance for a formal house plus a backyard dwelling in the demand calculations, as this can realistically be expected to occur in the future. Therefore, erf connections should be designed and positioned in such a way that will allow future backyard dwellings to also be able to easily connect to the sewer network. If backyard dwellings cannot connect to the sewer system, it will lead to pollution of the stormwater and ultimately of the Plankenbrug and Eerste rivers.

d. **Public Transport and non-motorised transport (NMT):**

i. Minibus taxis serving the area operate predominantly along the R304, resulting in long walking distances for residents within Enkanini. Additional public transport services will be required such as more frequent services and/or routes/stops within the proposed site, to serve the public transport demand. Additional public transport infrastructure (taxi embayments etc) must be included in the final design and must be indicated on the engineering services drawings.

ii. Surfaced sidewalks, with widths no less that 1.5m, with barrier kerbs protecting pedestrians from through traffic and preventing motor vehicles from parking on sidewalks must be provided for all roadways as well as pedestrian crossings with associated road signs at adequate locations. These should be indicated on the engineering services drawings. The Municipality may at that stage request sidewalks wider than the 1.5m, where warranted.

e. **Road network**

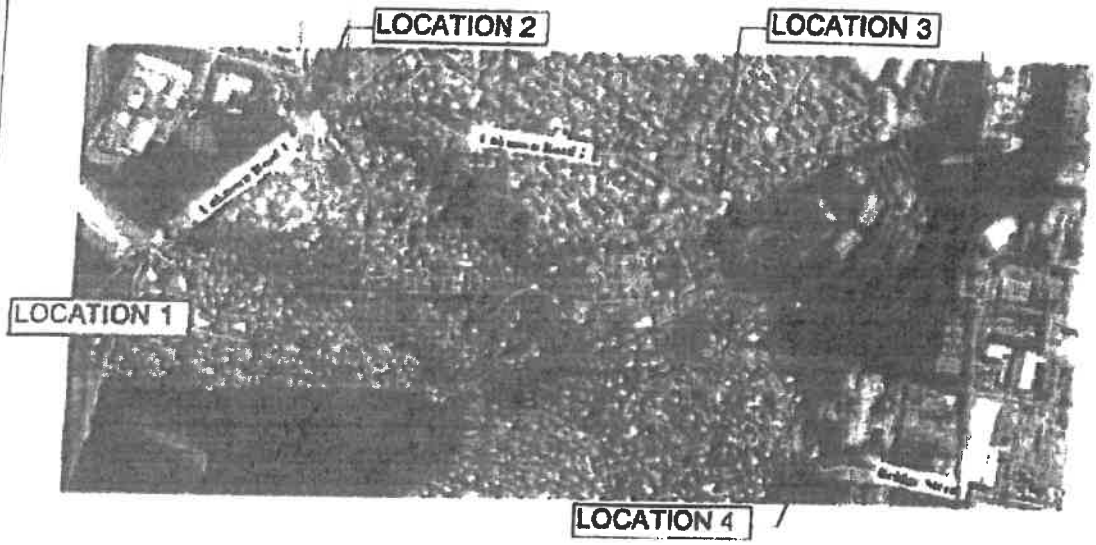
i. The engineering services report motivates that due to the extreme cross-grades of the topography, in order to prevent excessive cross cut and fills, and associated higher construction costs, the road widths need to be at the lower limit of acceptable ranges. Due to these constraints, the following design standards are acceptable:

ii. Primary roads 6m wide with a 1.5m sidewalk

iii. Secondary roads 4.5m wide with a 1.5m sidewalk. All roads should be checked for turning movements of emergency vehicles and municipal refuse vehicles. Where 4.5m are not enough to allow safe turning movements, these sections should be widened to an acceptable width.

iv. Appropriate road reserve widths must be determined by the consulting engineer and indicated on the detail subdivision layouts for approval

f. **Road upgrades**



i. *Location 1* must be upgraded to a 3-way intersection with stop control on the north approach

ii. The informal intersections at *Location 2* be consolidated and upgraded to a 4-way intersection with stop control on the north and south approaches

iii. *Location 3* be upgraded to a 3-way intersection with stop control on all approaches

iv. The road at *Location 4* be upgraded and tied into Bridge Street, the existing road linking Enkanini to the industrial area (Plankenberg).

The funding for these upgrades must be included in the housing projects budget.

g. **Parking:** According to the town planning motivation report, a reduced parking ratio of 0.1 bays per unit is proposed, due to a low ownership profile and in accordance with statistical studies for such developments. The parking bays will not be provided on the erven, but alongside roads, distributed evenly throughout the development:

i. A current vehicle ownership ratio of 0.05 per household has been confirmed by the Manager: Informal Settlements. Therefore the proposed parking ratio of 0.1 bays per unit is acceptable, as it is double the current vehicle ownership ratio.

h. **Stormwater Network:** The detail design must be conducted in terms of the stormwater management plan included in the Engineering Services Report. The following aspects are highlighted:

   i. Stormwater run-off from the development drains toward the Plankenbrug River, which feeds into the Eerste River. The water of the Plankenbrug River is highly polluted and some of this pollution can be ascribed to a lack of sewerage systems in the informal settlement, backyard dwellings that are not connected to a sewer system, and blocked and dysfunctional sewer systems. Therefore, a proper sewerage system, complying with the municipal standards, must be installed to the proposed development. All units, including backyard dwellings must have a proper sewer connection and accordingly a significant reduction of the sewer contamination of the stormwater and rivers can be expected.
   ii. A stormwater connection to the underground stormwater system should be provided to each erf as, due to the steep slopes, the run-off will need to be controlled to prevent erosion. This must be indicated on the engineering services drawings;
   iii. Runoff impacts due to development and increased hardened surfaces must be reduced to pre-development levels – attenuation ponds in the form of regional pons or on-site ponds should be investigated and indicated on detail design engineering services drawings;
   iv. The downstream system through he industrial area must also be checked to determine if it can accommodate the post development flow and if not, what upgrading measures will need to be implemented, for both the underground and/or overland flow. This information must be provided with and indicated on the engineering services drawings. The funding of any such upgrades must form part of the housing project's budget.

i. **Solid Waste:**
   i. The Municipality will provide a solid waste removal service. Roads should be designed to be able to safely accommodate refuse vehicles.
   ii. Consideration should be given to refuse removal arrangements considering the steep slopes and moving refuse from the individual dwellings towards the refuse pick up points. The consulting engineer must submit proposals concurrent with engineering services drawings.

Development Charges

5. The applicability and quantum of Development Charges will be assessed at the subsequent approval stages i.e. detail subdivision approval;

Ownership and Responsibility of services

6. All roads within the development are public roads, therefore all internal services on the said erf will be regarded as public services and will be maintained by the Municipality;

Solid Waste

7. Spoil volumes from excavations must be kept to a minimum, due to the capacity constraints at the landfill site.

Floodplain Management

8. The 1:50 and 1:100 year flood lines of the streams/rivers must be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. Where flood lines have not previously been determined, the "*Developer*" must procure the services of a suitably qualified registered engineering professional to undertake such determinations at his/her own cost. No new development will be allowed under the 1:100 year flood line;

9. that the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer;

10. that all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely affect the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;

Bulk Electricity

11. Please refer to the conditions attached as Annexure: Electrical Engineering;

D. General conditions of approval: The following general development conditions are applicable. If there is a contradiction between the specific and general development conditions, the specific conditions will prevail:

12. that should the "*Developer*" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the

SUBDIVISION, CONSOLIDATION AND REZONING TO ALLOW THE FORMALISATION OF ENKANINI

Directorate: Infrastructure Services by the "*Developer*" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;

13. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.

14. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;

15. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;

16. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);

17. Should the "Developer" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the

construction of his/her development and make necessary adjustments if and when required. The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;

18. that the "*Developer*" takes cognizance and accepts the following:

a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;

b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;

c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;

d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;

e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;

f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "*Developer*" obtains the approval of the "*Engineer*" for construction work of his development parallel with the provision of the bulk services.

Site Development Plan

19. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";

20. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking

distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;

21. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;

22. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Internal- and Link Services

23. that the "*Developer*", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;

24. that the Directorate: Infrastructure Services may require the "*Developer*" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;

25. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;

26. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;

27. that construction of services may only commence after municipal approval has been obtained;

28. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "*Engineer*";

29. that the "*Developer*" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;

30. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;

31. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;

32. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "*Engineer*" on request by the "*Developer's*" Consulting Engineer;

33. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);

34. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

35. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;

36. that the "*Developer*" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;

37. that the "*Developer*" be liable for all damages caused to existing civil and electrical services of the "*Municipality*" relevant to this development. It is the responsibility of the contractor and/or

sub-contractor of the "*Developer*" to determine the location of existing civil and electrical services;

38. that all connections to the existing services be made by the "*Developer*" under direct supervision of the "*Engineer*" or as otherwise agreed and all cost will be for the account of the "*Developer*".

Servitudes

39. that the "*Developer*" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;

40. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "*Developer*" will be responsible for the registration of the required servitude(s), as well as the cost thereof;

41. that the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

42. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.

SUBDIVISION, CONSOLIDATION AND REZONING TO ALLOW THE FORMALISATION OF ENKANINI

43. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;

44. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;

45. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;

46. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;

47. that the consulting engineer, appointed by the "*Developer*", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "*Developer*" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;

48. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.

49. that the approved management plan be implemented by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;

50. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are

required. The *"Developer"* needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

51. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions . Any conditions set by the District Roads Engineer will be applicable;

52. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;

53. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the *"Developer"*, at his/her cost, to the standards of the Directorate: Infrastructure Services;

54. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;

Bridge Requirement:

55. that any bridge(s) in the proposed road lay-out be designed and constructed to not impact on the natural flow of water, and to be able to accommodate the 1:50 year flood. The underside of the bridge(s) must be above the 1:100 year flood level;

56. that the bridge(s) be constructed by the *"Developer"*, at his/her cost, to the standards of the Directorate: Infrastructure Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;

57 that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the bridge(s). The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;

SUBDIVISION, CONSOLIDATION AND REZONING TO ALLOW THE FORMALISATION OF ENKANINI

Culvert Requirement:

58. that any proposed culverts be designed and constructed by a professional engineer and to the satisfaction of all affected institutions i.e. Provincial Government, Stellenbosch Municipality, Metrorail, PRASA, etc;

59. that the culvert be constructed by the "*Developer*", to the standards of the Directorate: Infrastructure Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;

60. that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the culvert. The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;

61. that stormwater in the culvert be addressed without utilizing mechanical pumps to the satisfaction if the "*Engineer*";

Wayleaves

62. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;

63. that wayleaves will only be issued after approval of relevant engineering design drawings;

64. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

Solid Waste

65. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;

66. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate:

Infrastructure Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;

67. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;

68. Road foundation shall be designed to carry a single axle load of 8.2 tons;

69. A refuse bay with minimum dimensions of 15 meters in length x 2. 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;

70. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;

71. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;

72. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

AS-BUILTs

73. The "*Developer*" shall provide the "*Municipality*" with:

a. a complete set of as-built paper plans, signed by a professional registered engineer;

b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;

c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;

d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;

e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "*Municipality*" are fully paid;

74. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "*Engineer*" and approved by the "*Engineer*" before any application for Certificate of Clearance will be supported by the "*Engineer*";

75. The Consulting Civil Engineer of the "*Developer*" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;

76. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;

77 Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "*Engineer*" and written clearance given, by the "*Engineer*";

Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law

78. It is specifically agreed that the "*Developer*" undertakes to comply with all conditions of approval as laid down by the "*Municipality*" before clearance certificates shall be issued, unless otherwise agreed herein;

79. that the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the "*Developer*" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;

80. that clearance will only be given per phase and the onus is on the "*Developer*" to phase his development accordingly;

81. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;**

82. that any application for Certificate of Clearance will only be supported by the "*Engineer*" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "*Engineer*" and approved by the "*Engineer*".

Avoidance of waste, nuisance and risk

83. Where in the opinion of the "*Municipality*" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the "*Municipality*" may give the "*Developer*" and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the "*Municipality*" may carry out the work itself or have it carried out, at the cost of the "*Developer*" and or OWNER'S ASSOCIATION.

Streetlighting

84. The "*Developer*" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the "*Developer*";

85. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "*Developer*" must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;

86. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "*Developer*", to the municipality's Manager: Electrical Engineering for approval before any construction work commences;

87. Any defect with the street lighting services constructed by the "*Developer*" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "*Developer*". Should the necessary repair work not be done within the said time the "*Municipality*" reserves the right to carry out the repair work at the cost of the "*Developer*";

88. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the Municipality.

TYRONE KING Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\1828 (TK) Erf 2175, Kayamandi (Enkanini)\1828 - Erf 2175 Kayamandi (Enkanini)_1.doc

SUBDIVISION, CONSOLIDATION AND REZONING TO ALLOW THE FORMALISATION OF ENKANINI

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

In drawing up the As-build Plans relating to this development the consultant must create the following separate layers in ESRI .shp, electronic file format in order for the data to reflect spatially correct.

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc. that it is kept separate from one another. When new properties are added as part of a development, a list of erf numbers with its associated SG numbers must be provided in an electronic format like .txt, .xls or .csv format.

For road layer shapefiles; the road name, the from_street and to_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch

SUBDIVISION, CONSOLIDATION AND REZONING TO ALLOW THE FORMALISATION OF ENKANINI

Municipality standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit Meter

ANNEXURE A: SEWER UPGRADES

ANNEXURE O

COMMENT FROM THE MANAGER: ELECTRICAL SERVICES

ANNEXURE: ELECTRICAL ENGINEERING

ERF 2175
ELETRICITY SERVICES: CONDITIONS OF APPROVAL

GENERAL COMMENT:

1. . The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required. (021 8088335)

CONDITIONS

2. Development Bulk Levy Contributions are payable.

3. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval. i.e.
   a) The design of the electrical distribution system
   b) The location of substations(s) and related equipment.

4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.

5. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services.(Street side of property) *With no obstruction.*

6. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.

7. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.

8. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.

9. All new developments and upgrades of supplies to existing projects are subject to **SANS 10400-XA** energy savings and efficiency implementations such as:
   - Solar water Heating or Heat Pumps in Dwellings
   - Energy efficient lighting systems
   - Roof insulation with right R-value calculations
   - Cooking with gas
   - In large building developments;
     -Control Air condition equipment tied to alternative efficiency systems
     -Preheat at least 50% of water with alternative energy saving sources
     -All hot water pipes to be clad with insulation with R-value of 1
     -Provide a professional engineer's certificate to proof that energy saving measures is not feasible.

R
Signature

5/04/2019
Date

ANNEXURE J

COMMENT FROM HERITAGE WESTERN CAPE

iLifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Our ref: HM/CAPE WINELANDS/STELLENBOSCH/REM OF FARM 183, 181, FARM 175/5, 175/33 AND 2175
Case No.: 18092711AS103E
Enquiries: Andrew September
E-mail: [redacted]
Tel 021 483 9543
Date: 15 October 2018

Cindy Postlethwayt
7 Ritchie Avenue
Kenilworth
7708

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED SERVICES UPGRADES, NEW HOUSES AND FORMALISTASON OF EKANINI INFORMAL SETTLEMENT, REM OF FARM 183, 181, FARM 175/5, 175/33 AND 2175, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 18092711AS103E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 03 October 2018. This matter was discussed at our Heritage Officials Meeting (HOMS) on the 8th October 2018.

You are hereby notified that, since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

.....
Dr Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

[redacted]

ANNEXURE H

COMMENT FROM THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

Western Cape Government

ROAD NETWORK MANAGEMENT
Email: Grace.Swanepoel@westerncape.gov.za
tel: +27 21 483 4669
Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-25/327 (Job 27098)
ENQUIRIES: Ms GD Swanepoel
DATE: 1 September 2019

17 SEP 2019

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

16 SEP 2019

FILE NR:
SCAN NR: E2175 lcm
COLLABORATOR NR:

Attention: Mr U vam Molendorff

Dear Sir

FARM 183, FARM 181, PORTION 5 OF FARM 175 AND REMAINDER OF PORTION 33 OF FARM 175, STELLENBOSCH AND ERVEN 2175, 1832, 2183, KAYAMANDI: MAIN ROAD 174: APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND AMENDMENT/DEVIATION OF COUNCIL POLICY (URBAN EDGE)

1. The following refer:

1.1. The letter L0140-PO-JvT-210765C from Urban Dynamics Western Cape dated 22 June 2019 to the Head of Department, Department of Transport and Public Works;

1.2. The Application for Rezoning, Subdivision, Consolidation and Amendment/Deviation of Council Policy (Urban Edge) prepared for the Upgrade of the Enkanini Informal Settlement dated 2018 and prepared by Urban Dynamics Western Cape and

1.3. The Traffic Impact Assessment (TIA) 4402 prepared by JG Afrika dated 31 August 2017.

2. The application entails the rezoning to subdivisional area to allow for the upgrade of the Enkanini Informal Settlement in Kayamandi, Stellenbosch. The final Subdivision plan will be submitted as a separate application.

3. Although not directly affected the additional trips (±510 peak hour trips) generated by the development will have an impact on Main Road 174 (R304/Bird Street) at the Sokuqala Street, Masitandane Street and George Blake Street intersections.

4. This Branch offers no objection to this application subject to the TIA be updated before the final Subdivision plan are submitted with specific focus on the impact that the additional trips will have on Main Road 174 at the intersections listed above.

Yours faithfully

S CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8597
Our File Reference Number: Erf 2175, Stellenbosch
Enquiries: Lenacia Kamineth
Contact No: 021 808 8697
Email address: Lenacia.Kamineth@stellenbosch.gov.za
Date: 15 July 2021

PER E-MAIL: roelof@feenstrainc.co.za

Dear Mr Feenstra

APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE: ERF 2175 KAYAMANDI

1. Your letter of appeal dated 22 December 2020 refers.

2. Kindly find attached hereto the decision of the Appeal Authority for your attention.

Yours faithfully,

Ms Geraldine Mettler
MUNICIPAL MANAGER

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

NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) AGAINST THE DECISION OF THE MUNICPAL PLANNING TRIBUNAL TO APPROVE THE APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE: ERF 2175, KAYAMANDI

DECISION OF APPEAL AUTHORITY:
The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

CONFIRM	**X**	**VARY**		**REVOKE**	

THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL , ON THE 27TH OF NOVEMBER 2020, TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW DATED 20 OCTOBER 2015, THE APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE: ERF 2175, KAYAMANDI

1. The abovementioned appeal refers.

2. The Municipal Planning Tribunal, on the 27th of November 2020, **approved in whole**, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for the upgrading of an existing informal settlement within Kayamandi **(Annexure A)**.

3. The application was approved subject to a number of conditions imposed in terms of Section 66 of the Stellenbosch Municipality Land Use Planning By-Law (2015).

4. Mr. Roelof Feenstra from Feenstra Incorporated lodged an appeal on behalf of Moongate 144 Pty (Ltd) in terms of Section 79(2) of the By-Law, with the Municipality on the 22nd of December 2020, against the decision of the Authorised Employee **(Annexure B)**.

5. The appeal assessment report was drafted based on all documentation provided.

6. In order to comply section 81(6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), an inspection of the documents must be held before the handover

to the Appeal Authority for consideration and decision making, however as the report was completed during the National Lockdown period, the report was forwarded electronically to all relevant parties on the 07th of June 2021.

7. Mr Feenstra from Feenstra Incorporated, submitted his comments in respect of the appeal assessment report on the 14th of June 2021, where after all documentation was handed over to the Appeal Authority for decision making **(Annexure C).**

8. After careful consideration of the written appeal, as well as all the relevant documents, information and submissions made available to me as Appeal Authority, I have decided, in terms of Section 81(7) (b) of the Stellenbosch Land Use Planning By-Law (2015) to **CONFIRM** the decision of the Municipal Planning Tribunal.

REASONS FOR THE DECISION

1. The proposed development will formalise an existing informal settlement.
2. The proposal is not inconsistent with the provincial and municipal policies and legislation.
3. The proposal will result in the implementation of basic services, including the construction of roads.
4. The application is consistent with the Stellenbosch Spatial Development Framework (SDF).

SIGNATURE: _____ **DATE:** 13/07/2021
Adv. Gesie van Deventer
EXECUTIVE MAYOR
(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)

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THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE ON ERF 2175, KAYAMANDI			
Application Reference number	File Ref: KM 2175	**Application Date**	2018/10/03

PART A: APPLICANT DETAILS			
First name(s) & Surname	Paul Olden		
Company name	Urban Dynamics		
SACPLAN registration number	A/1162/2000		
Registered owner(s)	Stellenbosch Municipality	**Is the applicant properly authorised to submit the application**	Yes

PART B: PROPERTY DETAILS			
Property description	Erf 2175, Kayamandi	**Town/ City**	Kayamandi
Physical address	Enkanini Informal Settlement (see Annexure A)		
Extent (m² /ha)	±32.1 ha	**Current zoning**	Agricultural
Existing Development and Current land use	Informal Settlement		
Any unauthorised land use/building work	Yes		
Title Deed Nr.	T106293/2002; T98380/2005; T11602/1927; T62615/1996; T620077/2007; STF5-36/1887; STF8-15/1908		

PART C: APPLICATION DETAILS	
Applications(s)	Application is made in terms of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 2175, Kayamandi for: 1. The subdivision of the following properties: I. Erf 1832 into Portion A (±0.14ha) and Remainder (±1.49ha); II. Farm 183 into Portion B (±14.49ha), Portion C (±2.94ha), and the Remainder (±119.54ha); III. Farm 181 into Portion D (±14.44ha) and the Remainder (±36.33ha); IV. Portion 5 of Farm 175 into Portion E (±0.90ha) and Remainder (10.13ha); V. Remainder of Portion 33 of Farm 175 into Portion F (±417.86ha) and Remainder (± 14.84ha). 2. The consolidation of Portions A, B, C,D, E, F, Erf 2175 and Erf 2183 in order to create the consolidated area G known as Enkanini Development Area. 3. The rezoning of the consolidated Area G from Agricultural Zone to Subdivisional Area in order to create the following: a. 1 Street Zone Erf measuring 7.3ha in extent (Road Network: 14m & 8m Reserves); b. 18 Open Space Zone erven measuring 10.59ha in extent (Public Open Space); c. 18 Single Residential Zone erven measuring 9.36ha in extent (Subdivided Erven); d. 5 General Residential Zone erven measuring 3.18ha in extent (Flats); e. 10 Place of Worship / Educational Institution Zone erven measuring 1.04ha in extent (Community Facilities);

	f. 8 General Business Zone erven measuring 0.72ha in extent (Mixed use incl. retail). 4. The amendment of the Municipal Urban Edge as per the Spatial Development Framework (2018).
Purpose of Application	The proposal is aimed the redevelopment and formalization of the current layout and density of Enkanini Informal Settlement located in Kayamandi. There is currently no access for emergency vehicles and there are no formal roads or erven, which in turn means no basic services are available. The proposed redevelopment is thus necessary in order to formalise the area in the form of de-densification that allows for the construction of roads and installation of basic services. The proposal will also enable beneficiaries to obtain ownership.
Pre-consultation	Yes

PART D: APPLICATION BACKGROUND

1. Location of property

The subject property is located in the Stellenbosch Municipal Jurisdictional Area, approximately 1km north of the Stellenbosch CBD. It is centrally located between Paarl, Franschhoek and Somerset West respectively at a distance of approximately 40km from each of the three towns. (see **ANNEXURE A** for locality plan).

2. The prevailing development context of the subject surrounding/ neighbouring area

Within its local context, the subject area abuts the predominantly residential area of Kayamandi to the north, a vast agricultural area to the west, the Papegaaiberg Nature Reserve to the south and the R304 and extensions of Stellenbosch to the east.

3. **Historic use and development of the property, incl. existing and any illegal uses.**

The subject property is currently occupied with illegal informal shelters that form the Enkanini Informal Settlement.

4. **Overview of any <u>relevant</u> previous planning applications and the outcomes of such applications with copied decisions taken on such applications.**

There is no relevant background information that has a bearing on the current application.

PART E: APPLICATION OVERVIEW AND MOTIVATION

The subject property is located in Kayamand and according to the Stellenbosch Municipality Spatial Development Framework (MSDF) a small portion of the subject development area is located outside of the urban edge. The subject property is zoned for agricultural purposes but is not being used productively as it is currently occupied by an informal settlement. A portion of the subject property measuring approximately ±1.1ha encroaches on the proclaimed Papegaaiberg Nature reserve which measure approximately ±138ha in extent.

The application under consideration is for a subdivision, rezoning and amendment of the urban edge in order to accommodate the proposed redevelopment and formalization of the current layout and density of the Enkanini Informal Settlement located in Kayamandi. There is currently no access for emergency vehicles and there are no formal roads or erven, which in turn means no basic services are available.

The proposed redevelopment is thus necessary in order to formalise the area in the form of de-densification that allows for the construction of roads and installation of basic services. The proposal will also enable beneficiaries to obtain ownership.

One of the objectives of the Municipal Spatial Development Framework (MSDF) is to promote the delivery of public and private sector housing on the social, gap and lower income sectors, taking into account the prioritisation of incremental upgrading of informal settlements. Providing the proposed informal settlement upgrading would be in line with these objectives.

It needs to be noted that when the application was made, a minor piece of the proposed development property was located outside of the urban edge and the application consequently had to be presented and argued on the grounds of justifiable site specific circumstances as contemplated in Section 22 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

The Stellenbosch Municipal Spatial Development Framework was subsequently amended in November 2019 in that the urban edge was extended to include this portion of land earmarked for development, as the informal community had by then already occupied the land. It would consequently not be necessary any longer to present and evaluate this aspect of the proposed development application on the basis of justifiable site-specific circumstances.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE (SEE ANNEXURE F)

1. **Process followed**

The applicant has, in terms of the said bylaw, notified the external departments, adverted in the local newspaper and notified (serving of notices) all interested and affected parties, as well as community organisations and also placed notices on the property. The advertising period was from **18 April 2019** to **19 June 2019.** Four (4) objections were received (see **ANNEXURE F**).

Methods of advertising				**Date published**	**Closing date for Objections/comments**
Press (Paarl Post)	Y	N	N/A	04 April 2019	04 May 2019
Notices	Y	N	N/A	04 April 2019	04 May 2019
Ward councillor	Y	N	N/A	04 April 2019	04 May 2019
On-site display	Y	N	N/A	04 April 2019	04 May 2019
Community organisation(s)	Y	N	N/A	04 April 2019	04 May 2019
State departments	Y	N	N/A	25 June 2019	26 August 2019

Unclaimed letters:

- 39 George Blake Avenue, Plakenburg - Van Lamp Trust
- P.O Box 12469, Die Boord – Coastal Tool Hire Stellenbosch (Pty) Ltd

- Erf 1878, Kayamandi – NR Siyepu
- P.O Box 832, Stellenbosch – RTC INV CC
- Erf 1927, Kayamandi – ZM Mgweba
- Erf 1869, Kayamandi – FE Seti
- P.O Box 856, Stellenbosch – parrot Heights Body Corporate
- Erf 1882, Kayamandai – N Fangasi
- P.O Box 7439, Stellenbosch – Ventouris Real Estate CC
- P.O Box 1120, Stellenbosch – Mr B De Koker
- P.O Box 1553, Stellenbosch – Canton Trading 274 (Pty) Ltd
- Erf 1871, Kayamandi – T & PL Tshantani
- P.O Box 1533, Stellenbosch – N Koudstaal
- Erf 1879, Kayamandi – N Debese
- Erf 1929, Kayamandi – MP & P Mpokela
- Erf 1873, Kayamandi – M & NN Tsondwa
- Erf 1937, Kayamandi – SW & S Nzingane
- Erf 1867, Kayamandi – SM & M Pako
- Erf 1870, Kayamandi – M & NN Sikade
- Erf 1891, Kayamandi – J Qolo & J Williams
- P.O Box 1349, Stellenbosch – H Hunter
- Erf 1888, Kayamandi – Z Mnyakama & MC Nzuzo
- Erf 1883, Kayamandi – S & M Festile
- Erf 1933, Kayamandi – F & N Ndywemba
- Erf 1886, Kayamandi – S & BD Mekuto
- 15 Gabbro Place, Somerset West – Minkipro (Pty) Ltd

2. Public & stakeholder inputs

a) **Roelof Feenstra Inc** ✓

I. The party objects against the application based on the fact that due to the location of the Enkanini Informal Settlement, described as urbanisation, resulted in numerous negative impacts on its landholdings, including:

- Damaging of fences;
- Damaging of plant material;
- Trespassing; and

- Pollution.

II. The objector states that it will oppose the proposed development until such time that the Municipality have reached an agreement with same regarding the following:
  - The provision of a buffer area between its property holdings and the proposed development area and the maintenance thereof by the Municipality; and
  - The provision of an effective boundary fence between the objector's landholdings and the proposed development.

b) **Stellenbosch Agricultural Society** ✓

I. The entity objects against the application based on the following of which the detail are provided in its letter included in Annexure G of this portfolio of evidence:
  - Procedural requirements - The objector claims that the public participation process was, based on amongst other the notice and time allowed to provide detail comment, procedurally flawed.
  - Non-Conforming legislative requirements and unlawful commencement - The objector outlines the fact that the Enkanini Informal Settlement is an illegal land use lacking amongst other NEMA authorisation and that it encroaches on the Papegaaiberg Nature Reserve. It states that the application does not address these aspects and should be refused.
  - Heritage Requirements - The application states that the proposed development requires approval from Heritage Western Cape.
  - The objector concludes that the land use application cannot be submitted and evaluated before the impact on the Papegaaiberg Nature reserve boundaries have been resolved and that the application is not supported due to the fact that the current and proposed land uses are illegal.

c) **Stellenbosch Rate Payers Association** ✓

I. The objector states that the application for amendment of the urban edge should be opposed as it will lead to "opening up of other areas for further amendments".
II. The objector finds the fact that the application area falls within a proclaimed nature reserve unacceptable.
III. The objector states that Heritage is not addressed "anywhere".
IV. The objector states that Municipal services cannot accommodate the proposed development.

3. Government related inputs received

a) The **Department of Agriculture** supported the proposal (see **ANNEXURE F**) for letter dated 16 September 2019)

b) The **Department of Environmental affairs and Development Planning** supported the proposal (see **ANNEXURE G**) for letter dated 02 July 2019)

c) The **Department of Transport and Public Works** supported the proposal (see **ANNEXURE H**) for letter dated 01 September 2019)

d) The **Department of Education** objected the proposal (see **ANNEXURE I**) for letter dated 01 May 2019)

e) The **Heritage Western Cape** supported the proposal (see **ANNEXURE J**) for letter dated 15 October 2018)

f) The **Department of Agriculture, Forestry & Fisheries** supported the proposal (see **ANNEXURE K**) for letter dated 08 October 2019)

4. Comments from internal service departments

a) The **Manager: Fire Services** supported the proposal subject to conditions (see **ANNEXURE L**) for memo dated 17 April 2019).

b) The **Manger: Building Development Management** supported the proposal (see **ANNEXURE M**) for memo dated 16 April 2019).

c) **The Manager: Spatial Planning** supported the proposal (see **ANNEXURE N**) for memo dated 14 November 2019)

d) The **Manager: Electrical Services** supported the proposal subject to the following conditions (see **ANNEXURE O**) for memo dated 05 June 2019)

e) The **Director: Engineering Services** supported the proposal subject to certain conditions (see **ANNEXURE P**) for memo dated 10 June 2019)

f) **The Manager: Local Economic Development** supported the proposal (see **ANNEXURE Q**) for memo dated 06 June 2019)

g) The **Manager: property Management** supported the proposal (see **ANNEXURE R**) for memo dated 12 April 2019)

5. Response by Applicant to Comments Received (see ANNEXURE T)

Summarised Comment	**Response**
Roelof Feenstra Inc	
1.1. The party objects against the application based on the location of the Enkanini Informal Settlement, described as urbanisation, resulted in numerous negative impacts on its landholdings, including: • Damaging of fences; • Damaging of plant material; • Trespassing; and • Pollution.	The negative impact of the location of a human settlement abutting the objector's landholdings is noted.
1.2. The objector states that it will oppose the proposed development until such time that the Municipality have reached an agreement with same regarding the following: • The provision of a buffer area between its property holdings and the proposed development area and the maintenance thereof by the Municipality; and • The provision of an effective boundary fence between the objector's landholdings and the proposed development.	This application makes provision for the approval of a strategic development framework in order to enable the provision of basic services as well as to lay the foundation for future detailed township establishment. It is during the detailed township establishment application process where detail such as edge/perimeter treatment will be addressed. This is expected to take place immediately following the approval of this application. Although the objector's request for a detailed undertaking from the Municipality w.r.t. fencing etc. is noted, this can only be dealt

	with once the detail design of individual cadastral units are done. The objector will be provided with the opportunity to raise its concerns during this process which will follow the current land use application.
Stellenbosch Agricultural Society	
1.3. The entity objects against the application based on the following of which the detail are provided in its letter included in Annexure G of this portfolio of evidence:	
<u>Procedural requirements</u> The objector claims that public participation process was, based on amongst other the notice and time allowed to provide detail comment, procedurally flawed.	The Municipality was responsible for notification and making the application available for inspection. The service provider therefore requests that the relevant Municipal official responsible for this part of the administrative process respond to the statements related to the public notification process.
<u>Non-Conforming legislative requirements and unlawful commencement</u> The objector outlines the fact that the Enkanini Informal Settlement is an illegal land use lacking amongst other NEMA authorisation and that it encroaches on the Papegaaiberg Nature Reserve.	The fact that the Enkanini informal settlement is an illegal land use in terms of the requirements of NEMA and other legislation is not disputed. The Municipality, based on this fact formulated and awarded a tender purposed at the procurement of land use rights in terms of the relevant legislation. The NEMA 24G rectification application was subsequently compiled and lodged in order to regularise the illegal land use and is in its concluding phase. This application currently

It states that the application does not address these aspects and should be refused.	runs in parallel and substantially informed the Municipal land use application. The NEMA application is in its concluding stages, following in depth consultation with parties such as DEADP, Cape Nature and the internal Municipal Departments. This will legally rectify the illegal land use in terms of the relevant legislation. This land use and NEMA application processes collectively, addresses all of the concerns related to the relevant requirements. The Municipal Spatial Planning Department advised that proposed re-alignment of the Papegaaiberg Nature reserve boundaries will be dealt with in conjunction with Cape Nature in parallel to the current statutory applications in process. **The objector's concerns are therefore most directly being addressed by the parallel statutory NEMA and Municipal Planning By-law and related processes, following which the conclusion thereto will render the Enkanini Informal Settlement as a legal land use, subject to conditions to be addressed.**
<u>Heritage Requirements</u> The application states that the proposed development requires approval from Heritage Western Cape.	A notice of intent to develop was lodged to Heritage Western Cape. The decision of HWC was that no further application was required in terms of the relevant provisions of the Heritage Resources

	Act (Refer Annexure G of this portfolio of evidence for the decision by HWC).
Inconsistency with Provincial and Municipal Policy The objector is of the opinion that the process followed in approving the Stellenbosch MSDF was flawed and continues that based on more than one opinion, that the Stellenbosch MSDF is not alignment with the Western Cape Government Policy. It states that the application cannot be considered as an automatic amendment of the urban edge" and that the applicant's statement re. The amendment of the urban edge is misleading.	The objector's past dealings with the Municipality during the process of compiling the MSDF and grievances related thereto are noted. The fact of the matter is that this land use application statutorily includes the application for the amendment of the urban edge outlined within the list of application specifications. This is a lawful application / request with a revised urban edge proposal as indicated on the relevant plans. The objector's emotive comments are clearly based on the said past dealings with the Municipality and should be disregarded.
Conclusion The objector concludes with the following arguments: • That the land use application cannot be submitted and evaluated before the impact on the Papegaaiberg Nature reserve boundaries have been resolved. The application is not supported due to the fact that the current and proposed land uses are illegal.	The Municipality is in the process/ during this application to resolve this issues which is taking place in parallel to this land use application and this matter will be resolved, albeit by means of conditions of approval. • The purpose of this land use and NEMA process is to regularise the illegal land use. It is unclear as to how the objector expects the land use to be illegal in nature and then objects to the specific process undertaking to legalise the land use with future legal and upgraded proposals.

	• The process again entails both the rectification of the illegal land use in terms of NEMA as well as application to procure the legal land use rights in terms of this land use application. • The objector's argument is flawed and its true objective questioned.
Stellenbosch rate payers Association	
1.4. The objector states that the application for amendment of the urban edge should be opposed as it will lead to "opening up of other areas for further amendments".	This application is based on an immense human need for the upgrade of an informal settlement where not even the most basic of human needs and/or rights as per the South African Constitution are provided/ adhered to. This in itself is more than adequate reason to do what is legally required in order to affect the upgrade of the Enkanini settlement in such a manner that the basic human needs are met. A statement that amendment of an urban edge (purposed at rectifying the stated inhumane status quo) should be opposed based on a potential precedent that may be created is entirely unsubstantiated and should be disregarded. The proposal of integrating this informal settlement with the existing Stellenbosch is furthermore entirely consistent with the National Spatial Planning and Land Use Management Act principles (especially the principle of spatial justice). This in itself caries enough weight to justify a Council decision to amend an urban edge in order to effect this requirement for spatial justice as well as constitutional requirements.

1.5. The objector finds the fact that the application area falls within a proclaimed nature reserve unacceptable	This opinion is not opposed and as previously stated the Municipality is in the process of realigning the Papegaaiberg Nature Reserve boundary in order to accommodate the proposed development on the land area concerned.
1.6. The objector states that Heritage is not addressed "anywhere".	This is factually incorrect as a notice of intent to develop was submitted to Heritage Western Cape which issued a decision that no application was required pertaining to heritage aspects in terms of the Heritage Resources Act.
1.7. The objector states that Municipal services cannot accommodate the proposed development.	The land use application included a thorough analysis of services infrastructure requirements by the professional team's consulting engineers. Subsequent proposals for future services provisions were formulated in consultation with the Municipal Engineering Departments. The proposed development can indeed be serviced with all required infrastructure. This statement by the objection is factually incorrect and should be disregarded.
Western Cape Department of Education	
1.8. The Department requires that adequate provision should be made to accommodate school facilities to respond to existing pressures and states that due to the fact that no provision has been made for any school on the proposed development that is objects against the application.	The development framework makes provision for community facility nodes which can include schools, based on the requirement identified by the Department. The development framework is the first hierarchy of plans and detailed planning as part of the package of plans will be the platform where the provision of schools will be addressed in

	detail as part of the refinement of uses within the allocated community nodes.

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/ plans which are considered as relevant to the subject land use and land development application, are as follows:

- Stellenbosch Municipality Land Use Planning Bylaw, 2015
- Stellenbosch Municipality Zoning Scheme Regulations, 1996 (at the time of submitting the application)
- Stellenbosch Municipality Spatial Development Framework (2019)
- Stellenbosch Municipal Integrated Development Plan

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

2.1 SPLUMA Principles

2.1.1 Spatial Justice:

The proposal improves access to and use of land, as well makes provision for persons from previously disadvantaged areas, specifically informal settlements to be provided with basic services.

2.1.2 Spatial Sustainability:

The proposal is aimed at formalising an existing informal settlement through in-situ upgrading. It will also further improve the viability of the community in question, as basic services and accessibility will drastically be improved by the proposal.

2.1.3 Efficiency:

The bulk of the existing informal settlement is located within an urban area, and the upgrading of Enkanini Informal Settlement will limit further expansion into the agricultural areas.

2.1.4 Spatial Resilience:

The proposal will further enhance government's ability to react and access the property with emergency services should the area suffer from environmental shocks (i.e. fire, ambulance services, etc.), which is currently not the situation.

2.1.5 Good Administration:

The proposal was duly advertised to all interested and affected parties as well as the applicable internal and external state departments for comment and/or objection.

2.2 Applicable MSDF and LSDF's

The proposed development is not inconsistent with the Stellenbosch Municipal Spatial Development Framework as the proposed development is located within the urban edge.

2.3 Applicable planning policies and guidelines

The Provincial Spatial Development Framework (PSDF) sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. The proposed development aligns with key themes covered in this framework i.e. promoting infill and compact development within the urban edge, ensure functional integration between people of different income groups, the proposal does not perpetuate urban sprawl, opening up opportunities for community and business development and to develop integrated and sustainable settlements.

2.4 Service infrastructure capacity and sustainability

The proposal was supported by the Stellenbosch Municipality: Directorate of Infrastructure Services subject to certain conditions.

2.5 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.)

The Western Cape Department of Environmental Affairs and Development Planning confirmed that the proposal does not trigger a land development application in terms of Section 53 of LUPA as the site has not been cultivated for an extended period of time.

2.6 The proposal

The proposed development is for a subdivision, rezoning and amendment of the urban edge in order to accommodate of the following uses in order to formalize the current existing layout and density of the Enkanini Informal Settlement located in Kayamandi:

a. 1 Street Zone Erf (Road Network: 14m & 8m Reserves);
b. 18 Open Space Zone erven (Public Open Space);
c. 18 Single Residential Zone erven (Subdivided Erven);
d. 5 General Residential Zone erven (Flats);
e. 10 Place of Worship / Educational Institution Zone erven (Community Facilities);
f. 8 General Business Zone erven (Mixed use incl. retail).

As noted under the background, it needs to be noted that when the application was made, a minor piece of the proposed development property was located outside of the urban edge and the application consequently had to be presented and argued on the grounds of justifiable site specific circumstances as contemplated in Section 22 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

The Stellenbosch Municipal Spatial Development Framework was subsequently amended in November 2019 in that the urban edge was extended to include this portion of land earmarked for development, as the informal community had by then already occupied the land. It would consequently not be necessary any longer to present and evaluate this aspect of the proposed development application on the basis of justifiable site-specific circumstances.

2.7 Status of Papegaaiberg Nature Reserve

A portion of ±1.1ha of the proposed development area is within the boundary of the declared nature area in terms of the National Environmental Management: Protected Areas Act (57 of 2003). This area is however also already occupied by the Enkanini informal settlement, which served as the rational for Council to include this portion of land in the urban edge of the MSDF approved in November 2019. Council consequently resolved on 20/05/2020 (attached as **ANNEXURE "T"**) to grant a mandate to the Municipal Manager to apply to the competent authority for the amendment of the Papegaaiberg Nature Reserve boundary to exclude the subject portion (±1.1ha) of the nature reserve to form part of the Enkanini development proposal. Part of these

negotiations includes an offset agreement for a portion of land in Wemmershoek, which consist of the same vegetation type, to be conserved as an offset and in lieu of the land de-proclaimed at the Papegaaiberg Nature Reserve.

This initiative is still in progress, and the relevant portion of the Nature Reserve (±1.1ha) to be part of the development area will remain part of the declared nature area until de-proclaimed. Consequently this portion of land forming part of the development area cannot be developed until such time as the relevant approvals have been obtained from the Competent Authority.

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

a) *Location of the subject property:*

To the north of the subject property there is the predominantly residential area of Kayamandi, a vast agricultural area to the west, a nature reserve to the south, and an extension of the town of Stellenbosch to the east. The concept of the development will not detract from the character of the surrounding environment. The locality of the site is convenient in terms of access to existing employment opportunities, amenities and infrastructure.

b) *Impact on existing rights:*

The proposal will not have a detrimental impact on the existing rights of the neighbouring properties as the proposal is for formalising an existing informal settlement. The proposal will improve the visual impact that the existing informal settlement has on the area as well as to upgrade the existing infrastructure in the area.

c) *Urban sprawl:*

The proposed development will, when confined within its site boundaries, mitigate urban sprawl and increase the wellness and safety of the community currently living in it.

d) *Positive impact on economy:*

The proposed development will assist in addressing the need for an inclusive and quality living environment. The development will provide a number of education facilities within the settlement boundaries.

e) *Traffic*:

The Enkanini Informal Settlement is located in close proximity to the R304 which provides sufficient access to the public transport system, including bus and taxis that currently connect Kayamandi and the central business area of Stellenbosch. It is also in close proximity to the rail station which gives access to Stellenbosch and the broader surrounding areas.

4. Assessment of comments on application

a) The following is a summary of certain aspects that came out of the objections:

i) The location of the Enkanini Informal Settlement, described as urbanisation, will result in numerous negative impacts on its landholdings:

The proposed development will, when confined within its site boundaries, mitigate urban sprawl and increase the wellness and safety of the community currently living in it.

ii) The Enkanini Informal Settlement is an illegal land use lacking amongst others NEMA authorisation and Heritage requirements:

The Western Cape Department of Environmental Affairs and Development Planning did not request for an EIA to be conducted for the proposed development. The department confirmed that the proposal does not trigger a land development application in terms of Section 53 of LUPA as the site has not been cultivated for an extended period of time. A notice of intent to develop was lodged to Heritage Western Cape. The decision of HWC was that no further application was required in terms of the relevant provisions of the Heritage Resources Act.

iii) The application for amendment of the urban edge will lead to "opening up of other areas for further amendments":

It must be noted that since the application was submitted, the latest Municipal Spatial Development Framework (MSDF) as approved by Council in November 2019, has been amended to include a small portion of Erf 2175, Kayamndi, which was not included into the urban edge, for the proposed Enkanini development. The entire subject development area of the application now falls within the urban edge.

iv) <u>The existing Municipal services cannot accommodate the proposed development:</u>

The proposal was supported by the Stellenbosch Municipality: Directorate of Infrastructure Services subject to certain conditions.

v) <u>Adequate provisions should be made to accommodate school facilities to respond to existing demand:</u>

The proposed development includes ten (10) proposed sites for Place of Worship / Educational Zones which will be able to accommodate school facilities.

b) All objections and comments from the relevant departments were adequately addressed in the assessment of the report.

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:

- The site is located in close proximity to the Stellenbosch Central Business District which will result in spatially integrated development and greater accessibility to employment.
- The proposed development will, when confined within its site boundaries, mitigate urban sprawl and increase the wellness and safety of the community currently living in it.
- The proposed development will assist in addressing the need for an inclusive and quality living environment.
- The proposed development will provide a number of education facilities within the settlement boundaries in order to provide the subject community with a spectrum of social infrastructure and services.

PART I: RECOMMENDATION

1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 2175, Kayamandi namely:

1.1 The subdivision in terms of Section 15(d)of the said Bylaw of the following properties:

1.1.2 Erf 1832 into Portion A (±0.14ha) and Remainder (±1.49ha);
1.1.3 Farm 183 into Portion B (±14.49ha), Portion C (±2.94ha), and the Remainder (±119.54ha);
1.1.4 Farm 181 into Portion D (±14.44ha) and the Remainder (±36.33ha);
1.1.5 Portion 5 of Farm 175 into Portion E (±0.90ha) and Remainder (10.13ha);
1.1.6 Remainder of Portion 33 of Farm 175 into Portion F (±417.86ha) and Remainder (± 14.84ha).

1.2 The consolidation in terms of Section 15(e)of the said Bylaw of Portions A, B, C,D, E, F, Erf 2175 and Erf 2183 in order to create the consolidated area G known as Enkanini Development Area.

1.3 The rezoning in terms of Section 15(a) of the said Bylaw of the consolidated Area G as the development area from Agricultural Zone to Subdivisional Area in order to accommodate the following development of the subject land as indicated on the plan attached as **ANNEXURE "B"** and as compiled by A. Ellis (for Urban Dynamics URP), dated September 2018:

1.3.1 1 Street Zone Erf measuring 7.3ha in extent (Road Network: 14m & 8m Reserves);
1.3.2 18 Open Space Zone erven measuring 10.59ha in extent (Public Open Space);
1.3.3 18 Single Residential Zone erven measuring 9.36ha in extent (Subdivided Erven);
1.3.4 5 General Residential Zone erven measuring 3.18ha in extent (Flats);
1.3.5 10 Place of Worship / Educational Institution Zone erven measuring 1.04ha in extent (Community Facilities);
1.3.6 8 General Business Zone erven measuring 0.72ha in extent (Mixed use incl. retail).

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 only applies to the proposed development in question, as indicated on attached **ANNEXURE "B"**, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;

2.3 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 16 March 2020, attached as **ANNEXURE P** be complied with;

2.4 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 05 June 2019, attached as **ANNEXURE O** be complied with;

2.5 The conditions imposed by **Heritage Western Cape** as contained in their memo dated 15 October 2018 attached as **ANNEXURE J** be noted;

2.6 The Rates clearances will only be granted once all the conditions of approval for the development have been complied with;

2.7 Building plans may only be submitted for approved when all conditions have been complied with.

2.8 That, in accordance with the conditional support of the **Department of Transport and Public Works**, attached as **ANNEXURE H**, the TIA must be updated with specific focus on the impact of the additional trips on the intersections of interest, prior to the submission of a subdivision plan for approval.

2.9 That a phasing plan be submitted together with the (first) application for subdivision.

2.10 The ±1.1ha portion occupied by the proposed development on a portion of Farm 181, Stellenbosch Division forming part of the Papergaaiberg Nature Reserve be de-proclaimed by the competent authority prior to any development being undertaken on this subject portion of land;

3. Reasons for the decision:

3.1 The proposed development will formalise an existing informal settlement;

3.2 The proposal is not inconsistent with the provincial and municipal policies and legislation;

3.3 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape;

3.4 The proposal will result in the implementation of basic services, including the construction of roads;

PART J: ANNEXURES

ANNEXURE A	:	LOCALITY PLAN
ANNEXURE B	:	SITE DEVELOPMENT PLAN
ANNEXURE C	:	APPLICANT'S MOTIVATION REPORT
ANNEXURE D	:	PORTFOLIO OF EVIDENCE
ANNEXURE E	:	OBJECTIONS RECIEVED
ANNEXURE F	:	COMMENT FROM THE DEPARTMENT OF AGRICULTURE
ANNEXURE G	:	COMMENT FROM THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
ANNEXURE H	:	COMMENT FROM THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS
ANNEXURE I	:	COMMENT FROM THE DEPARTMENT OF EDUCATION
ANNEXURE J	:	COMMENT FROM HERITAGE WESTERN CAPE
ANNEXURE K	:	COMMENT FROM THE DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES
ANNEXURE L	:	COMMENT FROM THE MANAGER: FIRE SERVICES
ANNEXURE M	:	COMMENT FROM THE MANAGER: BUILDING DEVELOPMENT MANAGEMENT
ANNEXURE N	:	COMMENT FROM THE MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIROMENT
ANNEXURE O	:	COMMENT FROM THE MANAGER: ELECTRICAL SERVICES
ANNEXURE P	:	COMMENT FROM THE MANAGER: ENGINEERING SERVICES
ANNEXURE Q	:	COMMENT FROM THE MANAGER: LOCAL ECONOMIC DEVELOPMENT
ANNEXURE R	:	COMMENT FROM THE MANAGER: PROPERTY MANAGEMENT
ANNEXURE S	:	RESPONSE ON COMMENTS RECEIVED
ANNEXURE T	:	COUNCIL RESOLUTION ON THE PAPGAAIBERG NATURE RESERVE

PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT
APPLICATION FOR REZONING, SUBDIVISION AND CONSOLIDATION ON ERF 2175, KAYAMANDI

Author of Planning Assessment Report:

Name: Siyanda Zangqa

Capacity: Town Planner

SACPLAN Registration: A/1344/2010

Signature:

Date: 11/11/2020

PART I: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR REZONING, SUBDIVISION AND CONSOLIDATION ON ERF 2175, KAYAMANDI

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 (2015) 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 item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

Category: A(d)(2)
Decision Making Authority: SMPT
Rational: Rezoning to subdivisional area and contested.

Name: Stuart Carters

Capacity: SMPM

Signature:

Date: 11/11/2020.