

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

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

Stellenbosch Interest Group

Per e-mail:

Dear Sir/Mam

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

Application Property Address: Van Riebeeck Street, Stellenbosch

Application Property Number: Erf 9045, Stellenbosch

Applicant: ICatPlan CC (t/a I.C.@Plan), Cornelia van Zyl – 082 978 7151

Owner: University of Stellenbosch (c/o Stuart@hermansen.co.za) – 083 658 1640

Application Reference: LU/16162 (TP490/2023)

Application Type: Departure and Council's Consent

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

- (a) Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for a departure to relax the 5 m common building line (adjacent to Erf 9046, Stellenbosch) to 0,84 m in order to accommodate the proposed poly tunnel.
- (b) Council's consent required in terms of Section 15(2)(g) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 to allow a poly tunnel within the Urban and Rural Conservation Overlay Zone on Erf 9045, Stellenbosch.

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

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

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:

- Indicate the facts and circumstances that explain the comments;
- Where relevant demonstrate the undesirable effect that the application will have if approved;
- Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- Enable the applicant to respond to the comments.

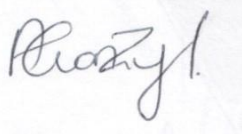
The comments must be addressed to the applicant by electronic mail as follows: Cornelia van Zyl, ciska@icaplan.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **15 March 2024**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **082 978 7151** during normal office hours. (Monday to Thursday 8:00-17:00 & Friday 8:00-15:00)

Yours faithfully

A handwritten signature in dark ink, appearing to read 'A.C. van Zyl', is written over a light blue rectangular background.

A.C. van Zyl

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

Stellenbosch Interest Group

Per e-pos:

Geagte Mnr/Me

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

Adres van aansoek eiendom: Van Riebeeckstraat, Stellenbosch

Aansoek eiendom beskrywing: Erf 9045, Stellenbosch

Aansoeker: ICatPlan BK (t/a I.C.@Plan) - Cornelia van Zyl (0829787151)

Eienaar: Universiteit van Stellenbosch (stuart@hermansen.co.za – 083 658 1640)

Aansoek Verwysing: LU/16162 (TP490/2023)

Tipe Aansoek: Afwyking & Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- (a) Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2023 vir 'n afwyking om die 5m gemeenskaplike boulyn (aangrensend aan Erf 9046, Stellenbosch) te verslap na 0,84 m ten einde die voorgestelde polytonnel te akkommodeer;
- (b) Die Raad se toestemming ingevolge Artikel 15(2)(g) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2023 om 'n polytonnel binne die Stedelike en Landelike Bewaringsoorlegsone op Erf 9045, Stellenbosch toe te laat.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan 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 van die aansoek beskikbaar te stel.

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

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.

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

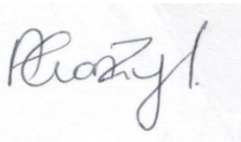
Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: Cornelia van Zyl – ciska@icaplan.co.za. Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **15 Maart 2024**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **082 978 7151** gedurende normale kantoor ure (Maandag-Donderdag 8:00 – 17:00 & Vrydag 8:00-15:00).

Die uwe



A.C. van Zyl

1. PROPERTY DETAILS

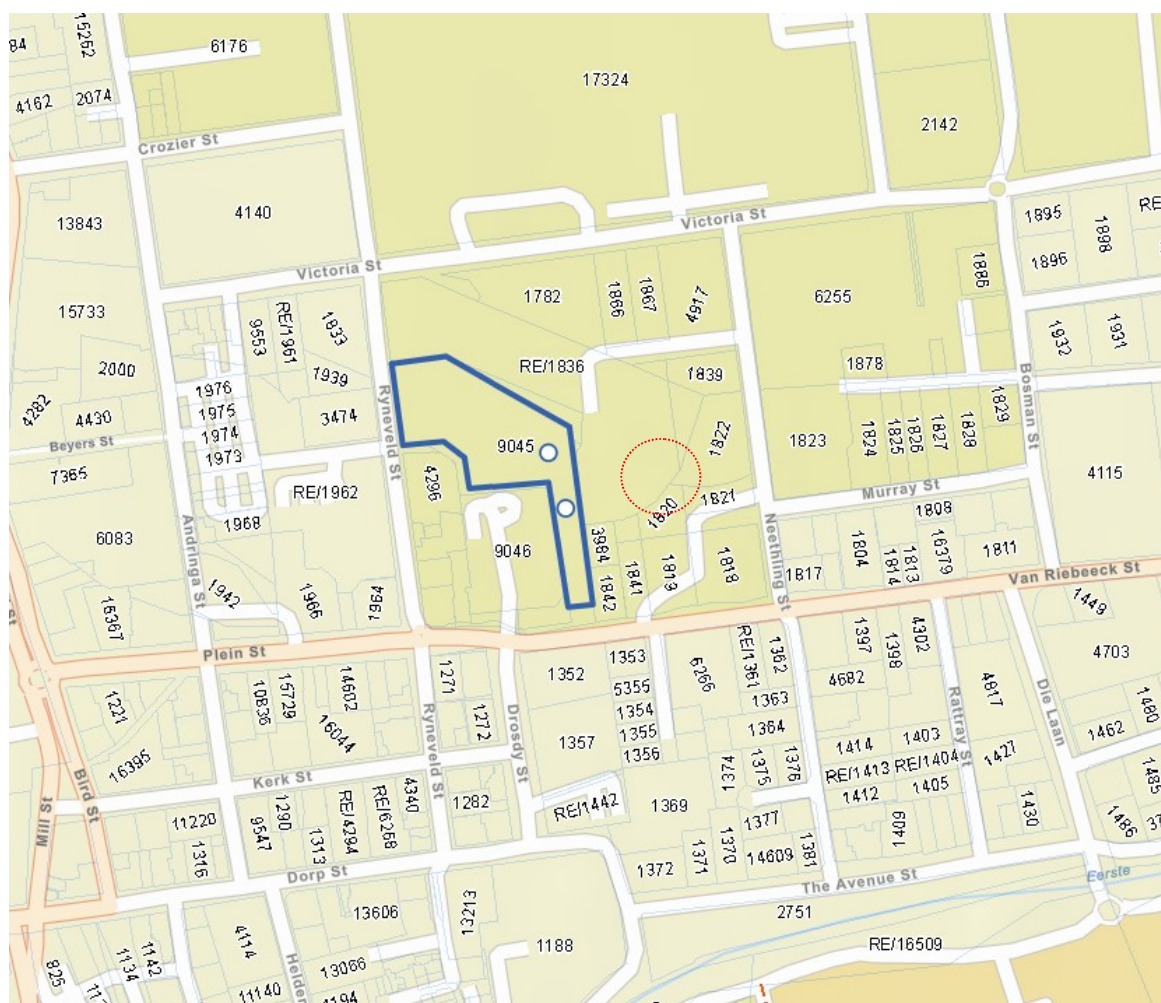


Figure 2: Locality

Property Description	Erf 9045, Stellenbosch
Address	Van Riebeeck Street, Stellenbosch
Extent	1,3155ha
Title Deed No	T52898/1988
Restrictive Title Conditions	None.
Registered Owner	University of Stellenbosch
Applicant	I.C.@Plan Town Planners
Zoning	Education Zone
Proposed Use	Botanical Garden with related uses.

Table 1: Property information

2. BACKGROUND & MOTIVATION

The history of the Stellenbosch Botanical Gardens dates back to 1902. It was established at its current location in 1921 and spreads over numerous erven – owned by the University of Stellenbosch. Erf 9045 (here after referred to as ‘the property’) is situated on the western boundary of the gardens and abuts Erf 9046 which is owned by the Stellenbosch Municipality and used as a parking area.

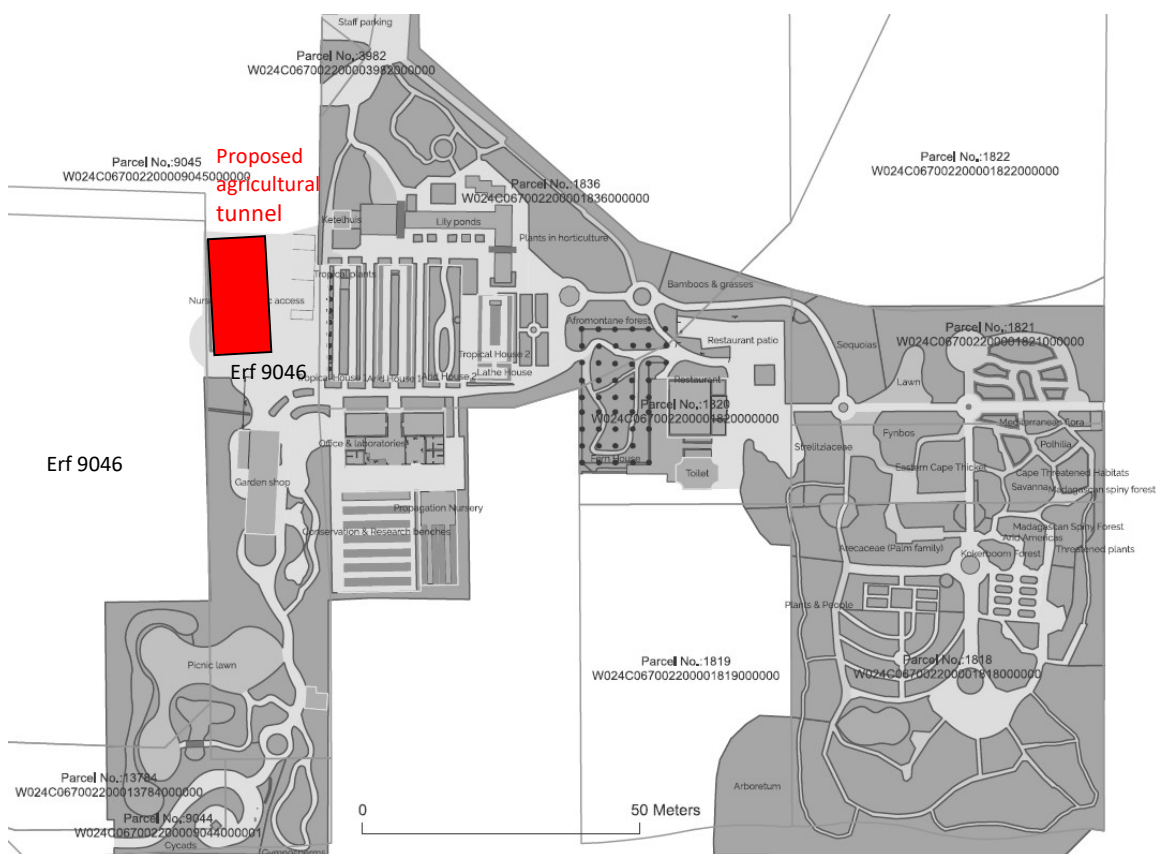


Figure 1: Location of the proposed agricultural tunnel in relation to the Stellenbosch Botanical Gardens

The need exists for an additional nursery tunnel within the botanical gardens. There are, however, limited space available within the gardens which can accommodate a structure with the required area. The most practical place with available space was identified on Erf 9045, in close proximity to the existing tropical plant tunnels. Due to the position of existing trees and vegetation, the position of the structure cannot be accommodated within the building lines. The Stellenbosch University has accordingly appointed I.C.@Plan to submit the necessary application to give effect to the above and the Resolution and Power of Attorney are attached herewith.

The building line encroachment can further be motivated as follow:

- a. The abutting property (Erf 9046) is owned by the Stellenbosch Municipality and is currently used as a parking area. The encroachment will accordingly not have a negatively impact.
- b. The property is situated mid-block and is surrounded by the botanical gardens and a parking area. The proposed structure is therefore not visible from any public street. The proposal will therefore have no impact on the streetscape or deviate from the intensions of the URCOZ.
- c. The proposed height of the tunnel is estimated at 5,5m and it will not protrude above the existing structures. It furthermore adheres to the prescribed URCOZ height restriction.
- d. The shape of the property, the location of the existing buildings and the position of the existing pedestrian walkways and heritage planting within the gardens limits the area where extensions are possible.
- e. The addition of the tunnel will be complimentary to the existing rights. No additional GLA is therefore proposed and there will accordingly be no additional traffic impact or impact on the engineering services.

3. Spatial Planning Land Use Management Act (Act16 of 2013) (SPLUMA) & Western Cape Land Use Planning Act(Act 3 of 2014) (LUPA)

Section 7 of SPLUMA and Section 59 of LUPA prescribes five development/planning principles which should be considered when evaluating a development proposal. This include the following:

-  **Spatial Justice** focusses on redressing spatial imbalances by improving access to and use of land with particular focus on access to those who were previously excluded.

Seeing that the proposal is for a small-scale application which will allow the extension of the facilities at the Stellenbosch Botanical Gardens, it does not provide the opportunity to address spatial justice.

-  **Spatial Sustainability** refers to the protection of valuable agricultural and environmental sensitive land. Spatial sustainability also refers to the prevention of urban sprawl and the consideration of current and future costs of infrastructure.

No valuable agricultural land or sensitive environmental land are impacted upon with the proposal. The proposed addition was furthermore designed to accommodate the existing vegetation in the botanical garden and will therefore not impact thereon. The use is in line with the provisions of the zoning scheme and comprise of infill development.

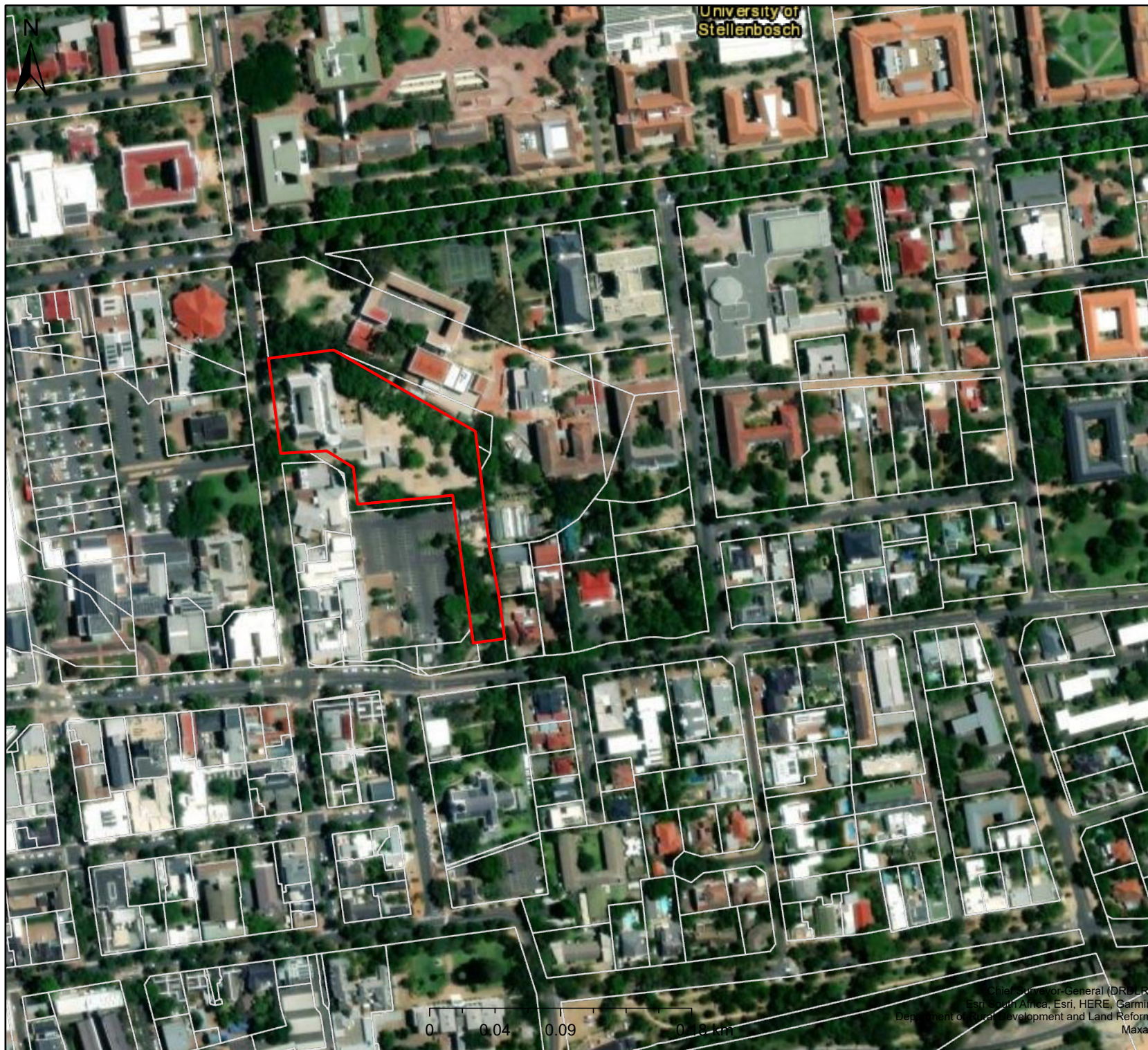
-  **Spatial Efficiency** dictate the optimum use of existing resources and infrastructure. It also requires the minimalization of negative impacts in terms of financial, economic and environmental impacts. It furthermore supports development where the quality and functionality of the public spatial environment is promoted.

The proposed addition was carefully considered and designed to take into account the existing structures and the surrounding vegetation. The proposal addresses existing rights and will therefore make use of the existing resources and infrastructure in the area. The proposal will allow the Stellenbosch Botanical Gardens to provide a better quality and a more functional environment which will benefit the general public. It is therefore clear that the development upholds the principle of spatial efficiency as it reflects the optimum use of land.

-  **Spatial resilience and good administration** addresses issues which relate more to larger scale developments and the impact thereof. These two principles are therefore not applicable to this specific application.

4. CONCLUSION

From the above it is clear that the location of the proposed tunnel was informed by the existing context and positioning of structures, infrastructure (e.g., walkways) and the existing historical vegetation within the gardens. Most of the surrounding properties form part of the botanical gardens and are owned by the University of Stellenbosch with the building line encroachment being along a municipal parking area. The proposal will therefore not impact negatively on any external parties/owners. The addition will furthermore add value to the existing infrastructure within the gardens and will provide the Stellenbosch Botanical Gardens with the opportunity to provide a better and more efficient service to the general public. In light of the above it is requested that Council favorably consider the proposal.



Erf 9045, Stellenbosch

Legend

 Erf

Map Center: Lon: 18°51'53.9"E
Lat: 33°56'9.6"S

Scale: 1:4 329

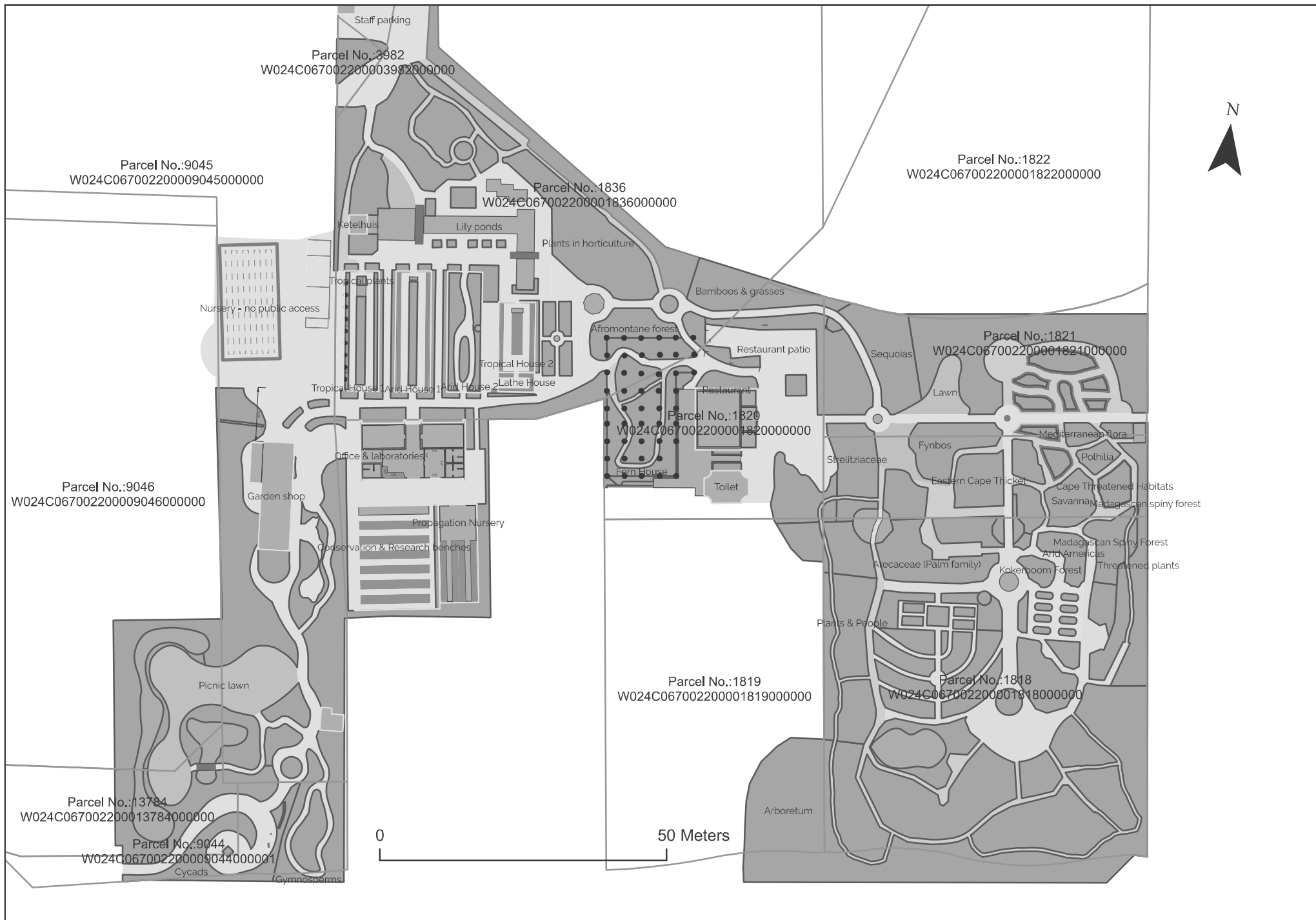
Date created: August 30, 2023



**Western Cape
Government**

FOR YOU

Agriculture



Stellenbosch University
erf

0

5 Meters

N

Stellenbosch University erf
W024C067002200009045000000

Plants in horticultu

0.84

SETBACK
min. 800mm
FROM BOUNDARY

Proposed TUNNEL

Stellenbosch University
Botanical Garden
nursery area

HAYGROVE SUPERSOLO OR
EQUIVALENT 10M w X 20M L X
max. 5.5m H TUNNEL COVERED
SHADECLOTH 20%WHITE

Nursery - no public access

20.00

10.00

4.45

Tropical House

STELLENBOSCH UNIVERSITY BOTANICAL GARDEN

Arboretum

9.39

Ryneveld
Municipal Parking
W024C067002200009046000000

Stellenbosch University Parking



0 10 Meters

Municipal Parking
(Ryneveld)

Parcel No.:9046
W024C067002200009046000000



gate
Parcel No.:9045
W024C067002200009045000000

compost
bays

Nursery 1 no public access

