**NOTICE OF LAND DEVELOPMENT APPLICATION**

**IN THE STELLENBOSCH MUNICIPAL AREA**

**APPLICATION FOR REZONING AND SUBDIVISON: ERF 95, JOHANNESDAL**

Application Address: 16 Lumley Street, Johannesdal

Applicant: Friedlaender, Burger and Volkmann - M.B. Straughan 021 8864004, 082 8940686, mark@fbvsurvey.co.za

Owner: Mr. B.A. Mentoor, Tel: 021 8851116

Application Reference: LU/13694, Erf 95, Johannesdal

Description of land development application:

1) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Planning Bylaw, 2015 for the rezoning of Erf 95, Johannesdal from Conventional Residential to Subdivisional Area to make provision for five (5) Conventional Residential Erven and one (1) Private Road.
2) Application is made in terms of Section 15(2)(d) of Stellenbosch Municipal Planning Bylaw, 2015 for the Subdivision of Erf 95, Johannesdal into;
   a) Portion A (±1105m²) zoned Conventional Residential
   b) Portion B (±403m²) zoned Conventional Residential
   c) Portion C (±387m²) zoned Conventional Residential
   d) Portion D (±384m²) zoned Conventional Residential
   e) Portion E (±403m²) zoned Conventional Residential
   f) Portion F (±391m²) zoned Private Open Space: Private Road
3) Application is made in terms of Section 15(2)(d) of Stellenbosch Municipal Planning Bylaw, 2015 for subdivision in order to register servitudes (storm water and services servitudes) over Portions A, B, C and D.

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: M.B. Straughan at Friedlaender, Burger and Volkmann, mark@fbvsurvey.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 **Monday, 11th November, 2024**.

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 082 894 0686 or 021 886 4004 during normal office hours.

**KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK**

**IN DIE STELLENBOSCH MUNISIPALE AREA**

**AANSOEK OM HERSONERING EN ONDERVERDELING: ERF 95, JOHANNESDAL**

Adres van eiendom: Lumleystraat 16, Johannesdal

Aansoeker: Friedlaender, Burger en Volkmann - M.B. Straughan 021 8864004, 082 8940686, mark@fbvsurvey.co.za

Eienaar: Mnr. B.A. Mentoor, Tel: 021 8851116

Aansoek Verwysing: LU/13694, Erf 95, Johannesdal

Beskrywing van grondontwikkelingsaansoek:

1) Aansoek word gedoen in terme van Artikel 15(2)(a) van die Stellenbosch Verordening op Grondgebruikbeplanning, 2015 vir die hersonering van Erf 95, Johannesdal vanaf Konvensionele Residensieel tot Onderverdelings Gebied om voorsiening te maak vir vyf (5) Konvensionele Residensieel Erwe en een (1) Privaat Pad.
2) Aansoek word gedoen in terme van Artikel 15(2)(d) van die Stellenbosch Munisipale Verordening op Grondgebruiksbeplanning, 2015 vir die onderverdeling van Erf 95, Johannesdal tot;
   a) Gedeelte A (±1105m²) gesoneer Konvensionele Residensieel
   b) Gedeelte B (±403m²) gesoneer Konvensionele Residensieel
   c) Gedeelte C (±387m²) gesoneer Konvensionele Residensieel
   d) Gedeelte D (±384m²) gesoneer Konvensionele Residensieel
   e) Gedeelte E (±403m²) gesoneer Konvensionele Residensieel
   f) Gedeelte F (±391m²) gesoneer Private Oopruimte: Privaat Pad
3) Aansoek word gedoen in terme van Artikel 15(2)(d) van die Stellenbosch Munisipale Verordening op Grondgebruiksbeplanning, 2015 vir onderverdeling om serwitute (stormwater en dienste serwitute) oor Gedeeltes A, B, C en D.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat die bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: https://www.stellenbosch.gov.za/planning/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 besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: M.B. Straughan by Friedlaender, Burger en Volkmann, mark@fbvsurvey.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 **Maandag, 11de November, 2024.**

Indien daar enige navrae op die aansoek of die 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 082 894 0686 of 021 886 4004 gedurende normale kantoor ure.

# Executive Summary

Proposed rezoning and subdivision of erf 95, Johannesdal into 5 Conventional Residential portions and 1 Private Open Space portion for private road, and related services servitudes

## 1. Background

Friedlaender, Burger and Volkmann is appointed by the owner of erf 95 ("the property"), Johannesdal to apply for subdivision of the property into 5 Conventional Residential portions and 1 Private Open Space: Private Road, and related services servitudes, with no remainder.

## 2. Application

Application is made in terms of section 15 of the Stellenbosch Local Municipality Land Use Planning By-law ("SPBL"), 2015 as follows:

i. In terms of section 15(2)(a) for the rezoning of erf 95, Johannesdal to Subdivisional Area,
ii. In terms of section 15(2)(a) for the rezoning of Portion F, in extent ±391m² from Conventional Residential to Private Open Space for use as private road,
iii. In terms of section 15(2)(d) for the subdivision of 4 Conventional Residential portions, being
    a. Portion A: ±1104m²
    b. Portion B: ±403m²
    c. Portion C: ±387m²
    d. Portion D: ±384m²
    e. Portion E: ±403m²
iv. In terms of section 15(2)(d) for the subdivision of 1 Private Open Space portion for use as private road, being Portion F, ±391m², and
v. In terms of section 15(2)(d) for the subdivision of services servitudes over Portions B, C and D as shown.

## 3. Purpose of the application

The application is directed towards the provision of housing for community members for whom home ownership will otherwise be inaccessible.

The purpose of the application is to acquire the right to subdivide the property for the owner who wishes to transfer the proposed four new Conventional Residential portions to his children to provide them with opportunities to build their own homes.

## 4. Constraints

There are no site specific constraints. The proposal is policy compliant. No restrictive title deed conditions apply, the property is not subject to a mortgage bond and there are no discernible negative impacts resultant from the proposal on any individual or community.

## 5. Conclusion

No reason can be discerned for refusal of the application.

friedlaender, burger & volkmann
PROFESSIONAL LAND SURVEYORS. SECTIONAL TITLE CONSULTANTS. MAPPING CONSULTANTS

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Our ref: JOH95

Tuesday, 08 October 2024

Your ref: Erf 95, Johannesdal, LU/13694

Director: Planning and Economic Development

Town House Complex

Plein Street

Stellenbosch

By email to landuse.applications@stellenbosch.gov.za

Dear Sir

**APPLICATION FOR REZONING, SUBDIVISION AND SERVITUDES: ERF 95, JOHANNESDAL: AMENDMENTS TO APPLICATION**

I refer to the above matter.

The application has been amended to make provision for Private Open Space: Private Road, to include a conceptual services plan, and to provide signed agreement from the owner of adjoining erf 92, accepting a proposed stormwater channel over his property in terms of an existing servitude right. Included herewith are the following amended and additional supporting documents.

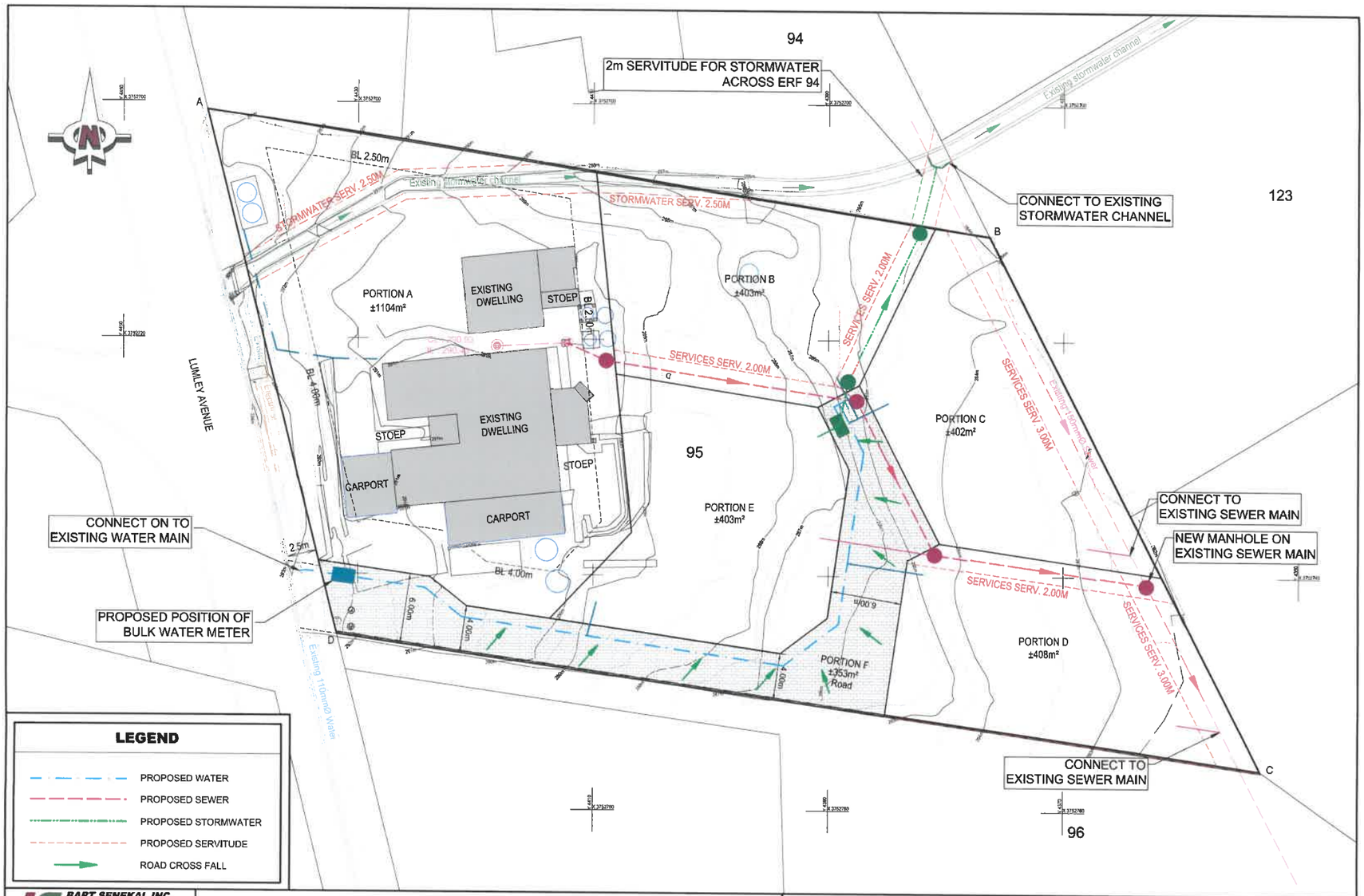
- Amended application form
- Amended motivation report – revision 5
- Annexure 2 - Rezoning and subdivision plan – revision 9 (amended)
- Annexure 9 - Conceptual engineering services plan (addition)
- Annexure 10 - Stellenbosch Municipality: comment from Director: Infrastructure services (addition)
- Annexure 11 - Stellenbosch Municipality: comment from Manager: Spatial Planning (addition)
- Annexure 12 - Agreement to stormwater servitude over erf 92 (addition)

Kindly acknowledge receipt and advise should any additional information be required.

Your sincerely

M.B. Straughan

**pp. Friedlaender, Burger and Volkmann**




BART SENEKAL INC.
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12 Alexander Street Stellenbosch 7600
TEL: (021) 883 8710

R WILLIAMS

PROPOSED SUBDIVISION FOR ERF 95, JOHANNESDAL

CONCEPT CIVIL ENGINEERING SERVICES

| Scale | Paper Size |
|---|---|
| 1:200 | A2 |
| Drawing No. | |
| 9392/01 | |

# Motivation report – revision 5

**Proposed rezoning and subdivision of erf 95, Johannesdal into 5 Conventional Residential portions and 1 Private Open Space portion for private road, and related services servitudes**


Prepared by

Friedlaender, Burger and Volkmann

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Tel: +27 82 8940686 Email: enquiries@fbvsurvey.co.za

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## 1. List of annexures

| Annexure | Description |
|---|---|
| 1 | Locality plan |
| 2 | Rezoning and subdivision plan – revision 9 |
| 3 | Title deed T9782/1971 |
| 4 | Power of attorney |
| 5 | Conveyancer's certificate |
| 6 | Approved building plan |
| 7 | Vehicle turning circles plan |
| 8 | Pre-application scrutiny response |
| 9 | Conceptual engineering services plan |
| 10 | Stellenbosch Municipality: comment from Director: Infrastructure services |
| 11 | Stellenbosch Municipality: comment from Manager: Spatial Planning |
| 12 | Agreement to stormwater servitude over erf 92 |

## 2. Property details

| | |
|---|---|
| Property description | Erf 95, Johannesdal |
| Area | 3073m² |
| Zoning scheme | Stellenbosch Local Municipality Zoning Scheme, 2019 |
| Zoning | Conventional Residential |
| Use rights | Residential |
| Current use | Residential |
| Owner | Mr. Bernard Absolon Mentoor |
| Title deed | T9782/1971 |
| Date of transfer | 1971/04/19 |
| Bondholder | None |
| Restrictive title deed conditions | None |

## 3. Background

Friedlaender, Burger and Volkmann is appointed by the owner of erf 95 ("the property"), Johannesdal to apply for subdivision of the property into 5 Conventional Residential portions and 1 Private Open Space: Private Road, and related services servitudes, with no remainder.

## 4. Application

Application is made in terms of section 15 of the Stellenbosch Local Municipality Land Use Planning By-law ("SPBL"), 2015 as follows:

i. In terms of section 15(2)(a) for the rezoning of erf 95, Johannesdal to Subdivisional Area,
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    d. Portion D: ±384m²
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iv. In terms of section 15(2)(d) for the subdivision of 1 Private Open Space portion for use as private road, being Portion F, ±391m², and

v. In terms of section 15(2)(d) for the subdivision of services servitudes over Portions B, C and D as shown.

## 5. Purpose of the application

The application is directed towards the provision of housing for community members for whom home ownership will otherwise be inaccessible.

The purpose of the application is to acquire the right to subdivide the property for the owner who wishes to transfer the proposed four new Conventional Residential portions to his children to provide them with opportunities to build their own homes.

## 6. Ownership

The property is owned by Mr. Bernard Absolon Mentoor by title deed T9782/1971.

## 7. Mortgage bond

The property is not subject to a mortgage bond.

## 8. Authority to apply

Friedlaender, Burger and Volkmann is authorised to act on behalf the owner in terms of the accompanying power of attorney.

## 9. Restrictive title deed conditions

As confirmed in the accompanying conveyancer's certificate there are no restrictive title deed obstructing the proposal.

## 10.The property

### 10.1 Location

The property lies in Johannesdal, one of the small settlements in the Dwars River Valley, and is situated within the urban edge as defined in the Stellenbosch Municipality Spatial Development Framework, 2019 ("MSDF").

The MSDF describes the local area as follows:

> "The area is a wine and culinary destination, with an array of experiences and attractions, and has become an important part of the Stellenbosch Wine Route." *(s.5.7, pg.82)*

### 10.2 Topography

The property has relatively even topography which slopes downwards from east to west by approximately 12 metres over a distance of approximately 79 metres.

There are no topographic features which require special consideration, or which constitute an obstacle to orderly development of the property.

### 10.3 Improvements

#### 10.3.1 Dwelling house

There is an existing dwelling on the property, occupied by the owner and his family.

#### 10.3.2 Additional dwelling

There is a building shown on approved building plans of the property as a garage and which has been converted to an additional dwelling, occupied by one of the owner's children.

At the time of submission of the pre-application scrutiny application the applicant was not aware of this use.

A technical application for the use of the additional dwelling has been submitted by the applicant.

### 10.4 Access

The existing access from Lumley road will be retained and will form part of the proposed Portion F, to be rezoned to Private Open Space for use as private road.

## 11. Pre-application scrutiny

The required pre-application scrutiny process was completed. Initially a servitude road for access to new portions was proposed. However, the Municipal Infrastructure Directorate is reluctant to accept access in cases such as this via servitude. A portion of the property is therefore allocated to private road.

## 12. Proposed subdivision layout

The owner provided the proposal layout which is compact in form and suitable for dwelling house construction.

### 12.1 Proposed access

A private road on proposed portion F will provide access to portions B, C, D and E from Lumley Street.

The portion to be rezoned to Private Open Space for use as private road was considered by consulting engineers Bart Senekal Inc. and an analysis of turning circles for ordinary motor vehicles and larger vehicles such as emergency vehicles was carried out.

Annexure 7 contains plans showing that the proposed private road portion provides sufficient manoeuvring space for both classes of vehicle are included among the supporting documentation.

### 12.2 Proposed services

In response to a request by Stellenbosch Municipality (see Annexure 10) a conceptual services plan was prepared by consulting civil engineers Bart Senekal Incorporated and is added as Annexure 9.

#### 12.2.1 Stormwater

A stormwater channel within an existing 2.5m wide stormwater servitude crosses portions A and B, as shown on the subdivision plan and the conceptual services plan and leads stormwater over adjacent erf 94, an unregistered portion of registered erf 92.

The conceptual services plan indicates the need for a further stormwater connection to the existing stormwater channel over proposed portion B and over adjoining erf 92. This is accommodated within a proposed additional 2.00m wide stormwater servitude over Portion B, as shown on the subdivision plan.

In terms of title deed condition C.a. of title deed T17684/1982 to adjoining erf 92, erf 92 is subject to a services servitude in general terms and is obliged to accept any services including stormwater, deemed necessary by the Municipality.

The Manager: Development (Infrastructure Services), Mr. Tyrone King, requested that in order to use this right, a letter of consent to lead a stormwater connection over erf 92 be obtained. A letter consenting to the stormwater connection from Mr. C.S. Davids, owner of erf 92, is included as Annexure 12. The location of the part of the channel to be built over erf 92 in terms of the existing servitude right is shown on the subdivision plan.

#### 12.2.2 Potable water

Potable water will be provided by the existing Municipal network.

#### 12.2.3 Electricity

Electricity will be provided by the existing Municipal network.

### 12.2.4 Wastewater

Waste water will be collected by the existing Municipal network.

### 12.2.5 Refuse collection

In discussion with the Mr. King of the Municipality we were advised that refuse collection for the proposed 5 portions can be accommodated on the kerbside provided there is at least 2.50m of space between the streetfront boundary fence or wall of the property and the edge of the pedestrian footway.

It was confirmed by survey that there is 2.50m available, as shown on the subdivision plan. There is therefore no need for an off-street refuse collection area.

## 13. Relevant legislation

The proposal is subject to

1. The Spatial Planning and Land Use Management Act, 2013 ("SPLUMA"), and
2. The Western Cape Land Use Planning Act, 2014 ("LUPA")

## 14. Relevant Guidelines, Policies, Plans and Spatial Development Frameworks

The proposal is subject to

1. The Western Cape Land Use Planning Guidelines: Rural Areas, March 2019 ("WCRAG")
2. The Provincial Spatial Development Framework, 2014, read with November 2020 Chapter 4 amendment ("PSDF")
3. The Cape Winelands District Municipality Integrated Development Plan 2017/18 – 2021/22 ("CWDIDP")
4. The Cape Winelands District Spatial Development Framework, 2019/2024 ("CWDSDF")
5. The Stellenbosch Integrated Development Plan for 2017 to 2022, Fourth Review, May 2021 ("IDP"), and
6. The Stellenbosch Municipality Spatial Development Framework, November 2019 ("MSDF")

## 15. Desirability and compliance with legislation, guidelines, policies, plans and frameworks

Section 65 of the SPBL prescribes matters to be considered in deciding an application. These are set out below.

| General criteria | Proposal |
|---|---|
| **The desirability of the proposed utilisation of land** | The proposal is desirable as it<br><br>1. Is of a scale and form which is appropriate within the Johannesdal settlement,<br>2. Is within a high growth node,<br>3. Is within the urban edge,<br>4. Is a minor urban densification opportunity in a low density area,<br>5. Conforms to surrounding land uses,<br>6. Other than a portion for public road to provide access does not propose rezoning,<br>7. Is compact in form and utilises the available space effectively,<br>8. Utilises existing road and service networks,<br>9. Meets the needs of the owner,<br>10. Provides the beneficiaries with otherwise inaccessible land ownership and housing opportunities,<br>11. Does not present any negative impacts on visual, heritage and bio-diversity resources,<br>12. As a minor infill and densification opportunity, alleviates urban settlement pressure on surrounding high value and unique agricultural land,<br>13. Does not present any negative impacts on the health and safety of any person or community, and<br>14. Does not present any negative impacts on the rights and legitimate expectations of any person. |
| **Guidelines issued by the Provincial Minister regarding the desirability of proposed land uses:**<br><br>Western Cape Land Use Planning Guidelines: Rural Areas, March 2019 ("the Guidelines")<br><br>The Guidelines define 6 spatial planning categories ("SPCs"). The applicable SPC in this application is called "Settlement". | The proposal complies with the Guidelines as it<br><br>• Is located within an urban edge,<br>• Is of a form and scale which creates no negative visual impact, |

| | |
|---|---|
| Relevant to the proposal, the Settlement SPC proposes that settlements should:<br><br>• Be restricted to areas defined by urban edges,<br>• Take into account visual impact,<br>• Prevent encroachment, inter alia, into agricultural areas, and scenic landscapes,<br>• Be PSDF compliant,<br><br>Relevant to the proposal the Settlement SPC proposes, in respect of form and scale, that development should:<br><br>• Retain the compact form of smaller settlements, and<br>• Integrate new development into the settlement structure. | • Densifies a low density urban area this relieving pressure on surrounding agricultural land,<br>• Is PSDF compliant (see below),<br>• Integrates with the compact form of Johannesdal, and<br>• Integrates well into the existing structure of Johannesdal. |
| **The impact of the proposed land development on municipal engineering services** | The proposal has a compact form and structure, is in keeping with surrounding uses and because it is within an existing, serviced settlement, does not require installation of additional bulk services, and will utilise existing road networks. The impact on Municipal engineering services is thus minimized and favourably balanced by the additional housing opportunities provided. |
| **The integrated development plan:**<br><br>Stellenbosch Municipality Fourth Generation Integrated Development Plan Fourth Review, 2017-2022, May 2021 ("IDP")<br><br>The IDP is introduced as an instrument of socio-economic change.<br><br>"At the heart of the IDP lies the improvement in the provision of basic municipal services and expanding livelihood opportunities for the people of the Stellenbosch Municipality." *(s 1.1, p 4)* | The application is closely aligned with the objectives and focus areas of the IDP.<br><br>Specifically:<br>1. The proposal contributes to alleviation of the housing backlog in the greater Stellenbosch Municipal area,<br>2. The property is located within the urban edge,<br>3. The proposal has no impact on surrounding natural and agricultural areas, |

The IDP states that the Stellenbosch Municipal area has the lowest (73.4%) access to formal housing compared to other Municipalities in the Cape Winelands District ("CWD") area *(s 3.9.1, p 44)*.

The IDP describes the MSDF as a policy statement directed to "... give effect to the vision, goals and objectives of the Municipal Integrated Development Plan (IDP)..." *(s 4.1 p53)*.

Four of the 5 strategic focus areas of the IDP and the SDF strategic directions flowing from these have direct bearing on this application.

Summarised from the IDP these are

| IDP Strategic Focus Area | Relevant SDF Strategic Direction |
|---|---|
| Valley of possibility | Containment of settlements to protect nature / agricultural areas and enable public and non-motorised transport and movement. |
| Green and sustainable valley | Protection of nature areas, agricultural areas, and river corridors. |
| Safe Valley | Denser settlements with diverse activity to ensure surveillance. |
| Dignified living | A specific focus on the needs of "ordinary" citizens, experiencing limited access to opportunity because of restricted available material resources. |

*(s 4.13.2, Table 32, p 42)*

Furthermore the IDP describes specific spatial policies to be implemented through the MSDF.

4. The proposal has no negative impact on the role of Johannesdal as a contained rural settlement,
5. The proposal is within and densifies an existing settlement,
6. The proposal facilitates otherwise inaccessible housing and land ownership opportunities for 4 families from the Johannesdal community,
7. The proposal provides a minor densification opportunity through an infill development project in an area of low development density, and
8. The proposal has a compact form and structure leading to efficient services use without the need to expand bulk potable and waste water networks and accessible by solid waste removal services.

| | |
|---|---|
| Although the above policies are always to be applied holistically, the IDP describes a settlement development strategy aimed at developing settlements "...as balanced, inclusive, appropriately serviced communities...". To achieve this the required spatial policy should according to the IDP<br><br>1. Maintain a compact form and structure to achieve better efficiency in service delivery and resource use,<br>2. Adopt a conservative view towards the extension of existing urban edges,<br>3. Actively support infill development and the adaptive re-use of existing structures,<br>4. Support increased densities in new, infill, and redevelopment projects.<br>*(s 4.14.4, Table 34, No. 6, p 71)*<br><br>Within the greater Stellenbosch Municipal Area, the IDP describes the Dwars River Valley within which Johannesdal lies as comprising "Contained historic rural settlements" *(s 4.14.2, Table 33, p67).*<br><br>With respect to the provision of housing the IDP states that "We have a current and future housing backlog, half of which are for middle and upper income households" and furthermore that "Housing has become so expensive that many of those who work in the Stellenbosch Municipal area commute from outside this area. For these and others, the most basic shelter – even of a temporary nature – within this municipal domain remains an unattainable dream." *(s5.4.2, p 91).*<br><br>With respect to infrastructure the IDP highlights infrastructure stress within the greater Municipal area. | |
| **The municipal spatial development framework:**<br><br>The Stellenbosch Municipality Spatial Development Framework, November 2019 ("MSDF")<br><br>Chapter 5 of the MSDF describes plans and settlement proposals for the Municipal area as a whole and for specific settlement areas. | The application is closely aligned with the key elements and spatial proposals of the MSDF.<br><br>Specifically:<br>1. The property is within the urban edge, |

Applicable to the whole Municipal area and directly relevant to this application are the following action elements and spatial proposals:

| Type of action | SDF Element | Spatial Proposals |
|---|---|---|
| Protective actions | Urban edge | Prohibit the ad-hoc further outward expansion of urban settlements through maintaining tight urban edges. |
| | Scenic landscapes, scenic routes, and special places of arrival | Protect critical scenic routes and landscapes and maintain a clear distinction between urban development and nature/ agricultural areas at the entrances to settlements. |
| | Historically and culturally significant precincts and places | Maintain the integrity of historically and culturally significant precincts and places |
| | Settlement hierarchy | Maintain the existing hierarchy of larger urban towns and small rural settlements |
| Change actions | Areas for residential densification and infill | Actively support residential densification and infill development within urban areas |

*(s 5.2, Table 18, p 64, 65)*

2. The proposal has no negative impact on the scenic route and is distinct and separate from nature and agricultural areas,
3. The proposal has no negative impact on any nearby historically or culturally significant places,
4. The proposal is in keeping with Johannesdal's place in the hierarchy of settlements and its small rural settlement role, and
5. The proposal is for minor residential densification in an existing urban area characterised by relatively low development density.

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| The MSDF includes Johannesdal in what are described as the "small settlements in the Dwars River Valley" and states that "The area is a wine and culinary destination, with an array of experiences and attractions, and has become an important part of the Stellenbosch Wine Route." *(s 5.7, p82)*<br><br>Section 5.7.2 of the MSDF states that within Pniel, Lanquedoc, Johannesdal and Kylemore, there are numerous places of historic significance and that development densities are relatively low. | |
| **The district municipality integrated development plan:**<br><br>Cape Winelands District Municipality Integrated Development Plan 2017/18 – 2021/22 ("CWDIDP")<br><br>The CWDIDP inter alia prescribes the objectives of the Cape Winelands spatial development framework.<br><br>Relevant to the application the CWIDP states the objective:<br><br>"To address housing backlogs within a settlement hierarchy and propose alternative settlement options" | The proposal is aligned with the objectives of the CWDIDP.<br><br>The proposal contributes 4 new land ownership and housing opportunities in a manner suited to Johannesdal's role in the district settlement hierarchy. |
| **The district municipality spatial development framework:**<br><br>The Cape Winelands District Spatial development Framework 2019/2024 ("CWDSDF")<br><br>Relevant to the proposal, the CWDSDF states the following objectives:<br>• To restructure urban settlements through compaction and densification,<br>• To promote sustainable resource use and responsible rural development, and<br>• To improve and conserve the district's natural environment | The proposal is aligned with the relevant objectives of the CWDSDF as it:<br><br>• Is a minor densification opportunity within an urban edge, in an existing settlement of relatively low density,<br>• Does not impact negatively on district agricultural land, and<br>• Does not negatively impact the district's nature areas. |

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| *(s 1.4, p. 10)* | |
| **The provincial spatial development framework:**<br><br>The Western Cape Provincial Spatial Development Framework, March 2014 ("PSDF")<br><br>The PSDF states that "The formal urban land market remains unaffordable to over 80% of Western Cape households." *(s. 2.1.2.1, p.25).*<br><br>The PSDF shows the Dwars River valley settlements, comprising Pniel, Lanquedoc, Johannesdal and Kylemore, as constituting a high growth node.<br><br>Relevant to the proposal the PSDF proposes the following:<br><br>• More compact settlement footprints to minimise environmental impacts *(s. 3.3.4.2 iii, p.83)*,<br>• Ensure that densification and infill in growth nodes is non-negotiable *(s. 3.3.7 ii., p.91)*, and<br>• Delineation of urban edges to protect critical biodiversity areas, unique and high potential agricultural land, and heritage and scenic landscapes *(s.4.3 v, p.100)* | The proposal complies with the PSDF as it:<br><br>• Provides 4 new housing opportunities otherwise inaccessible to the beneficiaries,<br>• Densifies a low density urban settlement and so alleviates pressure on agricultural and nature areas and consequentially minimises environmental impacts,<br>• Is a minor densification and infill opportunity in a high growth node, and<br>• Is within a defined urban edge. |
| **The policies, principles and the planning and development norms and criteria set by the national government:**<br><br>The Spatial Planning and Land Use Management Act, 2013 ("SPLUMA")<br><br>Section 7 of SPLUMA prescribes development principles applicable to land development and land use management.<br><br>Directly related to the proposal are the following principles from SPLUMA:<br><br>**1. Spatial Justice** | The proposal In the application is aligned with the development principles in SPLUMA as set out below:<br><br>1. Spatial justice: The proposal facilitates access to land ownership and housing by the owner's children, within a historically disadvantaged community and provides opportunities which otherwise remain out of reach,<br>2. Spatial sustainability: The proposal is contained within an urban edge in a low density settlement, is a minor urban densification |

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| The principle of spatial justice requires redress of past spatial imbalances, inter alia to provide access to land by disadvantaged communities and persons.<br>**2. Spatial sustainability**<br>The principle of spatial sustainability requires inter alia the promotion of fiscally and administratively sustainable development, the protection of prime and unique agricultural land, and the promotion of land development which limits urban sprawl.<br>**3. Efficiency**<br>The principle of efficiency requires inter alia that land development optimises the use of existing resources and infrastructure.<br>**4. Spatial resilience**<br>The principle of spatial resilience requires that spatial plans, policies and land use management systems are sufficiently flexible to ensure "...ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks...".<br>**5. Good administration**<br>The principle of good administration requires all spheres of government to cooperate in the creation and application of law, spatial plans, policies, and land use schemes, relating to land use and land development "... in order to inform and empower members of the public." | opportunity, does not place pressure on surrounding natural and agricultural areas and utilises existing road and service infrastructure without the need for additional bulk services,<br>3. Efficiency: The proposal utilises existing urban land, already zoned conventional residential and maximising the benefits to be gained from existing road networks and service infrastructure,<br>4. Spatial resilience: The Johannesdal community is a historically disadvantaged community, and its members are at risk in expected economic and environmental shocks in the medium to long term. Security of tenure and home ownership are important elements in providing the beneficiaries of the proposal with stability in periods of increasing disruption. The proposal relies on the application of current law, policy and plans to facilitate this security and stability, and<br>5. Good administration: Applicable law, policy, plans and frameworks clearly prescribe criteria with which the proposal is aligned. Appropriate application of these instruments in this case significantly empowers the owner and his beneficiaries. |
| **The policies, principles and the planning and development norms and criteria set by Provincial government:** | See above: consideration of the WCRAG, PSDF<br>See below: consideration of the principles in Chapter VI of LUPA |
| **The matters referred to in section 42 of the Spatial Planning and Land Use Management Act**<br>**Section 42 of SPLUMA requires decision making to be:**<br>1. Guided by the development principles in section 7 of SPLUMA, | The proposal is shown above to be<br>1. Aligned with the development principles of section 7 of SPLUMA<br>2. Contained within an existing urban edge, in keeping with the neighbouring and surrounding uses, |

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| 2. Consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies, and the municipal spatial development framework,<br>3. Take into account<br>i. Public interest<br>ii. Constitutional transformation imperatives<br>iii. Facts and circumstances relevant to the application<br>iv. Respective rights and obligations of all affected parties<br>v. The state and impact of engineering services, social infrastructure and open space requirements | has no negative impact on agricultural land, is compliant with national and provincial policy and, and well aligned with the MSDF<br>3. No negative impact on neighbouring and surrounding residents or the local community are apparent<br>4. The proposal facilitates the acquisition of housing by the beneficiaries of the proposal, in line with the right to adequate housing prescribed in section 26 of the Constitution<br>5. Relevant to the proposal is the owner's desire to provide land ownership and housing opportunities to his children for whom such opportunities are otherwise inaccessible<br>6. There is sufficient capacity in existing services networks to supply the proposed new properties. |
| **The principles referred to in Chapter VI of the Land Use Planning Act ("LUPA"):**<br><br>Relevant to the proposal, section 59 of the Act prescribes that land use planning is guided by the following principles:<br><br>**1. Spatial justice**<br>Redress of past imbalances through improved access to land, inclusionary SDFs and policies with respect to historically disadvantaged persons and areas, redress in access to land by historically disadvantaged persons, and access to and facilitation of tenure security,<br>**2. Spatial sustainability**<br>Spatially compact development, protection of prime agricultural land, equitable land markets, consideration of costs of infrastructure, appropriate locations, limitation of urban sprawl, sustained protection of the environment<br>**3. Spatial efficiency** | The proposal In the application is aligned with the development principles in LUPA as set out below:<br><br>1. Spatial justice: The proposal facilitates access to land ownership and housing by the owner's children, within a historically disadvantaged community and provides opportunities which otherwise remain out of reach,<br>2. Spatial sustainability: The proposal is contained within an urban edge in a low density settlement, is a minor urban densification opportunity, does not place pressure on surrounding natural and agricultural areas and utilises existing road and service infrastructure without the need for additional bulk services,<br>3. Efficiency: The proposal utilises existing urban land, already zoned conventional residential and maximising the |

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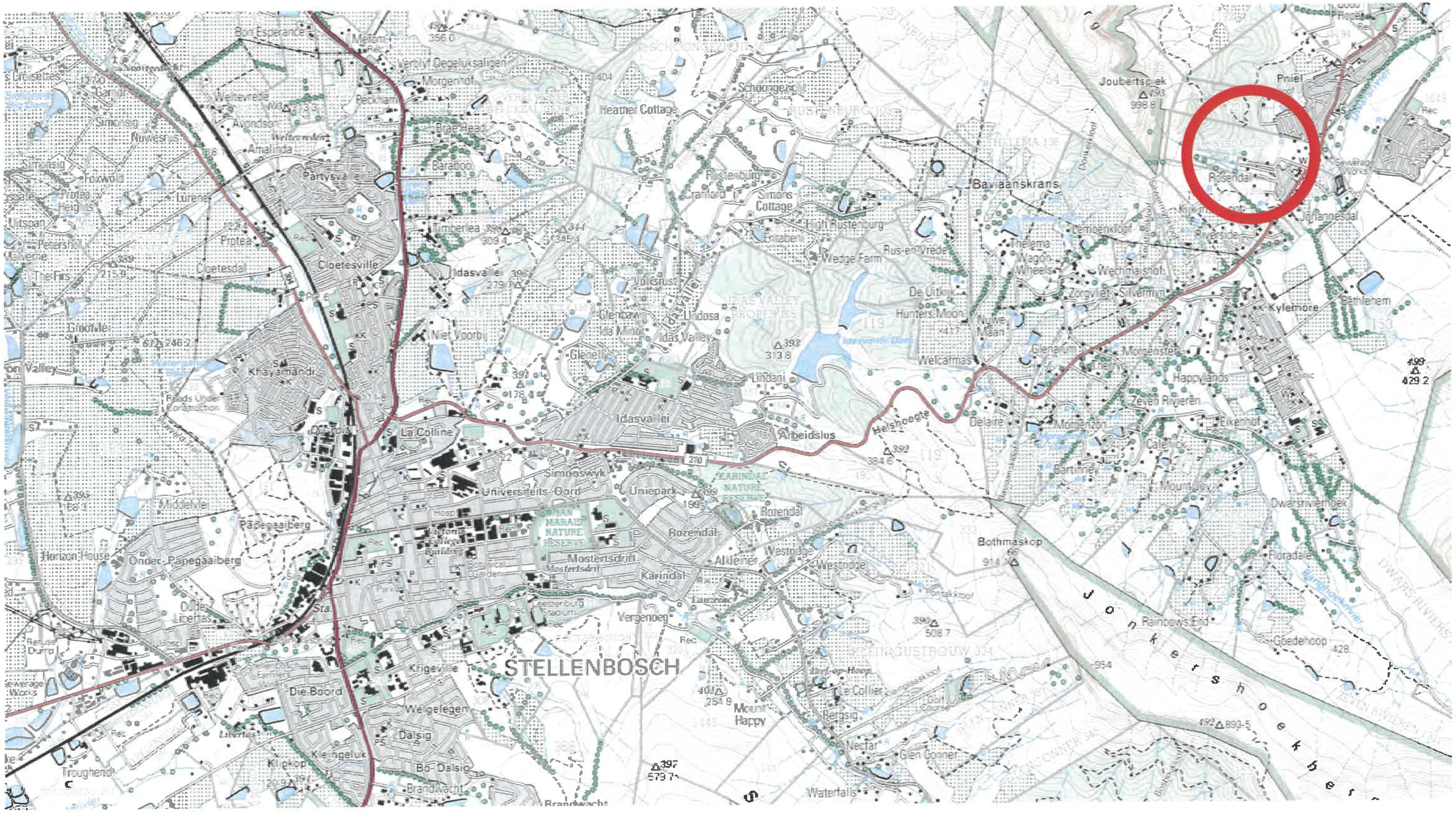
| Optimisation of use of land and resources, residential and employment opportunities in close proximity, discouragement of urban sprawl, compact towns with denser habitation<br>**4. Good administration**<br>Effective and integrated approach by all levels of government to land use planning<br>**5. Spatial resilience**<br>Land use planning to ensure that vulnerable communities enjoy sustainable livelihoods under the impact of economic and environmental shocks. | benefits to be gained from existing road networks and service infrastructure,<br>4. Spatial resilience: The Johannesdal community is a historically disadvantaged community, and its members are at risk in expected economic and environmental shocks in the medium to long term. Security of tenure and home ownership are important elements in providing the beneficiaries of the proposal with stability in periods of increasing disruption. The proposal relies on the application of current law, policy and plans to facilitate this security and stability, and<br>5. Good administration: Applicable law, policy, plans and frameworks clearly prescribe criteria with which the proposal is aligned and appropriate application in this case significantly empowers the owner and his beneficiaries. |
| **The applicable provisions of the zoning scheme:**<br><br>The Stellenbosch Municipality Zoning Scheme By-law, 2019 ("the Zoning Scheme") | The proposal complies with the zoning scheme. Any departures necessary at the time of building plan submission will be submitted at the time for consideration. |

## 16. Conclusion

The proposal is shown to be desireable, aligned with applicable legislative principles and compliant with provincial, district and municipal development guidelines, policies, and spatial development frameworks.

We respectfully submit that there is no apparent reason for refusal of the application.




Note

1:50000 topo-cadastral map 3318DD provided by and copyright National Geo-Spatial Information, Mowbray, Cape Town

Scale 1:50 000 A4

Date: 13 January 2021

System: WG 19

# Locality Plan
# Erf 95, Johannesdal

TN

Revisions

| Date | Detail | Date | Detail |
|---|---|---|---|
| | | | |

Ref: JON95

Dwg: locality plan.dw A3

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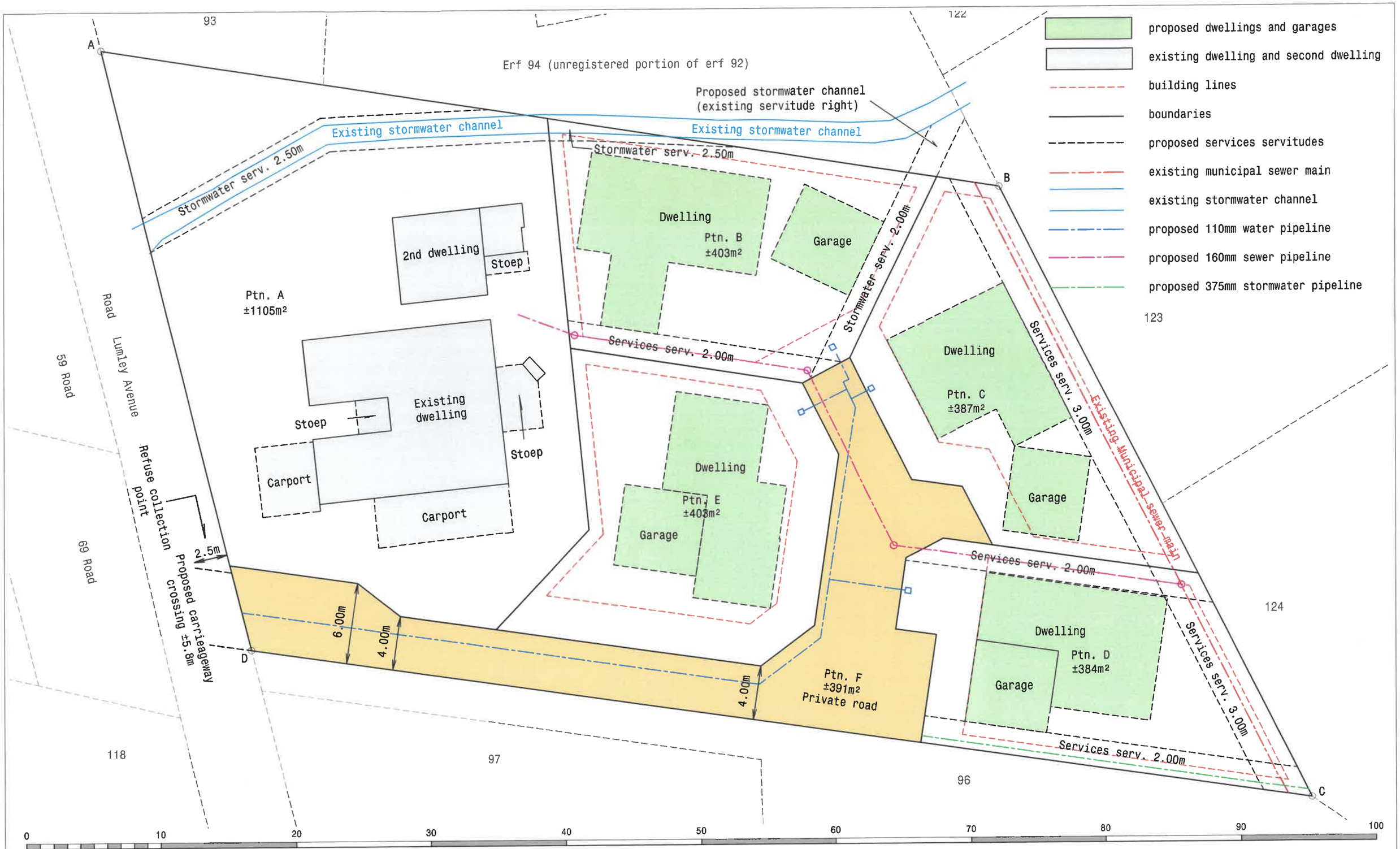


| Portion | Area m² | Coverage m² | Proposed Zone | Use |
|---|---|---|---|---|
| Ptn.A | 1105 | 293 | Conventional Residential | Existing dwelling house and second dwelling |
| Ptn.B | 403 | n/a | Conventional Residential | Dwelling house |
| Ptn.C | 387 | n/a | Conventional Residential | Dwelling house |
| Ptn.D | 384 | n/a | Conventional Residential | Dwelling house |
| Ptn.E | 403 | n/a | Conventional Residential | Dwelling house |
| Ptn.F | 391 | n/a | Private Open Space: Private Road | Access road |

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| Scale 1:250 A2 | Date: 06 Oct 2024 | Contours: n/a | System: WG 19 |
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Erf 95, Johannesdal
Proposed Rezoning and Subdivision

Ref:JOH95 | Dwg: sub_plan-rev9.dwg A2


friedlaender, burger & volkmann
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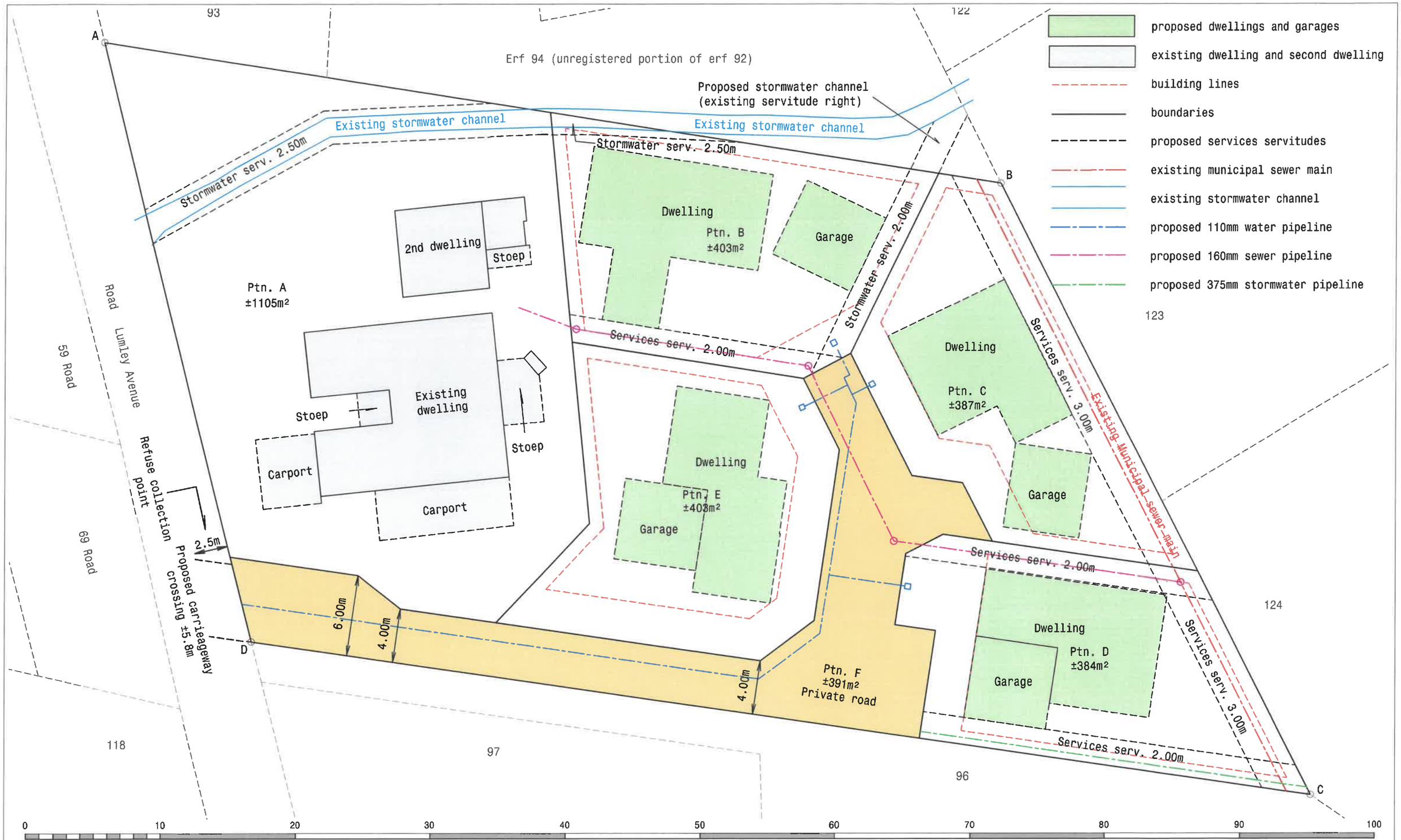


TN

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| Scale 1:250 A2 | Date: 06 Oct 2024 | Contours: n/a | System: WG 19 |
|---|---|---|---|
| Erf 95, Johannesdal<br>Proposed Rezoning and Subdivision | | | |
| Ref:JOH95 | Dwg: sub_plan-rev9.dwg A2 | | |


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