

NOTICE OF LAND DEVELOPMENT APPLICATION

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION ON ERF 6628, STELLENBOSCH

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

Application Property Address: 12 De Wet Street Stellenbosch

Application Property Number: Erf 6628 Stellenbosch

Applicant: Maléne Campbell – MM Campbell (malenem.campbell@gmail.com)

Owner: Die Oosthuizen Familietrust

Application Reference: LU/18965 – TP1188/2025

Description of land development proposal:

- Application is made in terms of Section 15(2)(f) of the Stellenbosch Land Use Planning By-law 2023 for the Removal of Restrictive Title Deed (T31007/2023) Conditions B(5) and B(6)(a & b) to enable more than one dwelling to be built and to remove the restrictive title deed building lines.
- Application in terms of Section 15(2)(d) of the Stellenbosch Land Use Planning By-law 2023 to subdivide Erf 6628, Stellenbosch into two portions of Portion 1 ($\pm 668,7\text{m}^2$) and Portion 2 ($\pm 707\text{m}^2$).

Notice is hereby given in terms of the provisions 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 must 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. Written comment, 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 who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: Maléne Campbell (malenem.campbell@gmail.com). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 11 August 2025.

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 0762739065 during normal office hours.

Yours faithfully

Maléne Campbell
MM Campbell Town Planner

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

AANSOEK VIR OPHEFFING VAN BEPERKENDE TITELAKTE VOORWAARDES EN ONDERVERDELING VAN ERF 6628 STELLENBOSCH

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

Adres van aansoek eiendom: Dewetstraat 12 Stellenbosch

Aansoek eiendom beskrywing: Erf 6628 Stellenbosch

Aansoeker: Maléne Campbell – MM Campbell (malenem.campbell@gmail.com)

Eienaar: Die Oosthuizen Familietrust

Aansoek Verwysing: LU/TP LU/18965 – TP1188/2025

Besonderhede van die grondgebruiksaansoek:

- Aansoek ingevolge Artikel 15(2)(f) van die Stellenbosch Verordeninge op Grondgebruikbeplanning 2023 vir die Opheffing van Beperkende Titelakte (T31007/2023) Voorwaardes B(5) and B(6)(a & b) sodat meer as een woning gebou mag word en die beperkende boulyne gespesifiseer in die titelakte opgehef mag word.
- Aansoek ingevolge Artikel 15(2)(d) van die Stellenbosch Verordeninge op Grondgebruikbeplanning 2023 om Erf 6628, Stellenbosch onder te verdeel in twee gedeeltes naamlik Gedeelte 1 ($\pm 668,7\text{m}^2$) en Gedeelte 2 ($\pm 707\text{m}^2$).

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is

nie, moet 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. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van de 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, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: Maléne Campbell (malenem.campbell@gmail.com).. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

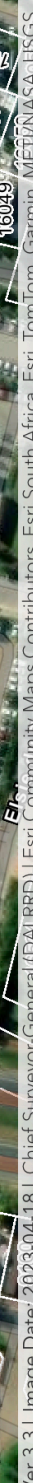
Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 11 Augustus 2025.

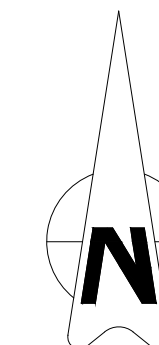
Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

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 0762739065 gedurende normale kantoor ure.

Die uwe

Maléne Campbell
MM Campbell Stadsbeplanner





STELLENBOSCH MUNICIPALITY

ERF 6628, BRANDWACHT, STELLENBOSCH

APPLICATION FOR:

Subdivision & Removal of Restrictions

APPLICANT:

MALÉNE (MM) CAMPBELL

TOWN AND REGIONAL PLANNER / STADS- EN STREEKBEPLANNER

A592/1988 PHD & MURP (UFS)
+27 76 273 9065

PROJECT DETAIL

APPLICANT:	MM Campbell Town Planners Nooitgedacht Village, Kromme Rhee Road, Stellenbosch
CONTACT PERSON:	Maléne Campbell 0762739065 malenem.campbell@gmail.com
DATE:	10 July 2025

APPLICATION PARTICULARS

APPLICATION FOR THE:

- **Subdivision** of Erf 6628 into two portions in terms of Section 15(2)(d) of the Stellenbosch Land Use Planning By-law 2023, as follows (in accordance with attached **PLAN 2**):
 - **Portion 1:** 668,7m².
 - **Portion 2:** 707m².
- Removal of Restrictive Title Deed Conditions B (5); B(6)(a); and B(6)(b) contained in Title Deed T31007/2023 in terms of Section 15(2)(f) of the Stellenbosch Land Use Planning By-law 2023.

TABLE OF CONTENTS

1. INTRODUCTION.....	3
2. Property Details	3
3. Pre-Application Consultation.....	4
4. Detail of Application	9
4.1 Application is made to subdivide Erf 6628 into two single residential erven (PLAN 2) :.....	9
4.1.1 Access.....	9
4.1.2 Existing Dwelling on Portion 1 and Outbuilding on Portion 2	9
4.2 Removal of Restrictive Title Deed Conditions.....	9
5. Planning Frameworks & Legislation	10
5.1 Stellenbosch Municipality Spatial Development Framework, 2019	10
5.2 Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA)	11
5.2.1 Development Principles set out in Chapter 2	12
6. Motivation	15
6.1 Need	15
Desirability	15
6.1.1 Physical characteristics of the subject property	15
6.1.2 Impact on the Character of the Area	17
6.1.3 Existing planning in the area	17
6.1.4 Locality and Accessibility of the property	17
6.1.5 Potential of the property	17
6.1.6 Provision of services	18
6.1.7 Construction phase of the proposal	18
7. Summary	18

1. INTRODUCTION

Maléne (MM) Campbell Town Planners has been appointed by the subject property owner, to lodge the land use application for the Subdivision and the Removal of Restrictive Title Deed Conditions of the subject property, Erf 6628, into two single residential erven of 668,7m² and 707m² respectively. The following application is required:

- **Subdivision** of Erf 6628 into two portions in terms of Section 15(2)(d) of the Stellenbosch Land Use Planning By-law 2023, (in accordance with attached **PLAN 2**) as follows:
 - **Portion 1:** 668,7m².
 - **Portion 2:** 707m².
- Removal of Restrictive Title Deed Conditions B (5); B 6(a); and B(6)(b) contained in Title Deed T31007/2023 in terms of Section 15(2)(f) of the Stellenbosch Land Use Planning By-law 2023.

Section 4 and **6** of this report includes more detail and motivation on the application. The following documents are attached to this report:

LIST OF PLANS

PLAN 1: LOCALITY PLAN

PLAN 2: SUBDIVISION PLAN

2. PROPERTY DETAILS

The subject property (**Figure 1** and **PLAN 1**) is located in Brandwacht (Dalsig) STELLENBOSCH, at 12 De Wet Street. The description of the subject property is outlined in Table 1 below:

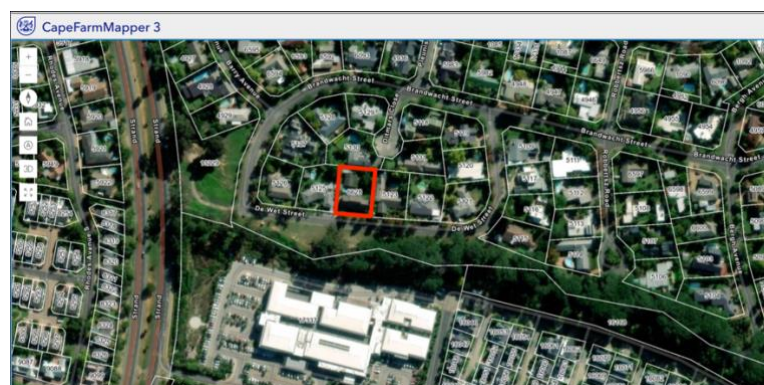


Figure 1: Locality

Table 1: PROPERTY DESCRIPTION

Property description	Erf 6628, STELLENBOSCH
Extent of Property	1 377m ²
Current zoning	Conventional Residential Zone
Current land use	One single residential dwelling on the southern portion of the property, with existing outbuilding (PLAN 2) on the northern portion.
Ownership	Die Oosthuizen Familietrust
Title deed No.	T31007/2023
Restrictive Conditions	B (5); B(6)(a); and B(6)(b)
Servitudes	None

3. PRE-APPLICATION CONSULTATION

Prior to submission of this application, a pre-application was submitted to the Planning department. The following was noted from the pre-application minutes :

1. The proposed subdivision must confirm to the municipal subdivision policy for Stellenbosch which is available at, https://stellenbosch.gov.za/download/subdivision-policy-for-stellenbosch-town-revised-2003_decision-2/.

RESPONSE: This motivation, annexures and plans are submitted in response to the above.

2. The average property size for the 10 surrounding residential properties (**Figure 1**) must be shown in the motivational report and the proposed subdivision complied with. Erven 5121, 5122, 5123, 5125, 5126, 5127, 5128, 5129, 5130 and 5131, Stellenbosch could be sufficient.

RESPONSE:

Table 2: AVERAGE PROPERTY SIZE

Number	Erf number	Size
1	5125	1313.0
2	5126	1367.0
3	5127	1575.8
4	5128	1247.4
5	5129	1081.7
6	5130	1317.3
7	5131	1305.6
8	5123	1301.6
9	5121	1328
10	5122	1319.2
Total for 10		13156.6
Average of 10		1315.66
50% of Average		657,83

All erf sizes are according to Cape Farm Mapper e.g.:

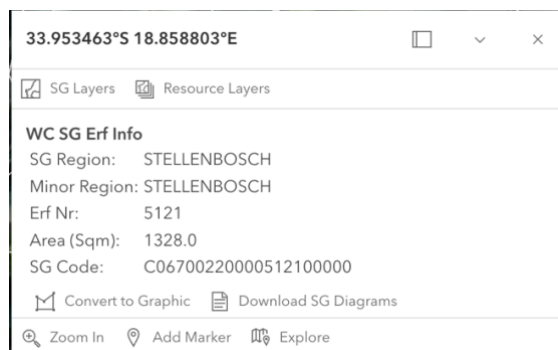


Figure 2: Erf size According to Cape Farm Mapper

According to the following policy and in compliance to the above the two proposed subdivisions of each of 668,7m² and 707m² respective complies with the 657,83 minimum m².

MINUTES	FIRST EXECUTIVE MAYORAL COMMITTEE MEETING	2003-10-15
<hr/>		
FIRST EXECUTIVE MAYORAL COMMITTEE MEETING : 2003-10-15 : ITEM 4.2.8		
RESOLVED (nem con)		
(a) that the new subdivision policy for single residential erven be amended to read as follows and that it be subject to the conditions as stated in (b)(i) and (ii) below:		
<i>"A single residential erf may be subdivided if none of the portions that will be formed will be smaller than 50% of the existing average size of the 10 surrounding properties."</i>		

Figure 3: Policy Extract

3. The exact width of the panhandle for Portion 2 must be shown on the plan for engineering specifications. For further enquiries on the required width out traffic engineering sections Mr Nigell Winter could be emailed at Nigell.Winter@ Stellenbosch.gov.za

RESPONSE:

Mr Nigell Winter responded as below.

From: Nigell Winter Nigell.Winter@ Stellenbosch.gov.za
Subject: RE: [EX] Fwd: Erf 6628 Brandwacht, Stellenbosch Pre-application for subdivision
Date: 23 April 2025 at 15:37
To: Maléne Campbell malenem.campbell@gmail.com
Cc: Barend Oosthuizen barend@bydesign.org.za, riaan@rvbgeomatics.co.za, Tyrone King Tyrone.King@ Stellenbosch.gov.za, Ilze Fillies Ilze.Fillies@ Stellenbosch.gov.za, Kurt Titus Kurt.Titus@ Stellenbosch.gov.za

NW

Dear Maléne, please find below extract from our “Design Guidelines and Minimum Standards for Civil Engineering Services” guidelines that specifies the various road reserve widths;

Road Type		
Class	Description	Road reserve width (m)
4	Local Distributor	16
5a	Residential access collector	13
5b	Residential access loop	10
5c	Access cul-de-sac	10
5d	Access way	10
5e	Access court	6
5f	Access strip (panhandle)	4



Kind regards,
Nigell Winter
 Manager: Traffic Engineering
 Infrastructure Services

T: +27 21 808 8223
 2nd Floor - Ecclesia Building,
 71 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za

Figure 4 Email from Traffic Engineering

Kindly refer to **PLAN 2** which shows the access strip (panhandle) complies to this design guideline.

- The onsite parking provision for at least two (2) vehicles for Portion 1 must be clearly shown on the plan at the required dimensions at 2.5m by 5.5m for parking bays.

RESPONSE: Kindly refer to **PLAN 2** which shows onsite parking provision for at least two (2) vehicles for Portion 1 clearly shown at the required dimensions at 2.5m by 5.5m for parking bays which complies to this requirement.

5. Where structures, buildings and fences e.g. will be removed it must also be shown on the subdivision plan as to be removed, to provide for instance adequate site vehicular movement space, etc.

RESPONSE: No structures or buildings will be removed.

6. Complete copy of the title deed must be submitted together with the conveyancers certificate.

RESPONSE: Both the copy of the title deed and the conveyancer's certificate were submitted as **ANNEXURES 4 and 5.**

7. It should be kept in mind that for the removal for any title deed condition al property owners in General Plan No 8375 must be notified of such removal.

RESPONSE: Erven 5123, 5125, 5130-5131 are laid out on AP No. 8376 being L.G.No.815/1972 situated on Portion 1 of the farm Brandwacht 1049 being Diagram 3584/1967, TA 1967-374-18632 (18632/1967).

The following property owners in General Plan No 8375 will be notified of the removal.

- Erf 5123;
- Erf 5125;
- Erf 5130; and
- Erf 5131 (**Figure 1**)

8. For civil engineering requirements Mr Tyrone King could be contacted at Tyrone.King@stellenbosch.gov.za

RESPONSE:

Mr Tyrone King Responded as below:

From: Tyrone King Tyrone.King@ Stellenbosch.gov.za
Subject: RE: [EX] Fwd: Erf 6628 Brandwacht, Stellenbosch Pre-application for subdivision
Date: 23 April 2025 at 13:20
To: Maléne Campbell malenem.campbell@gmail.com
Cc: Barend Oosthuizen barend@bydesign.org.za, Pedro April Pedro.April@ Stellenbosch.gov.za, Kurt Titus Kurt.Titus@ Stellenbosch.gov.za, Ilze Fillies Ilze.Fillies@ Stellenbosch.gov.za

TK

As part of your **formal sub-division application**, please provide an engineering drawing, by a professional engineer, clearly indicating:

1. Existing erf connections – water and sewer.
2. New erf connections for 2nd proposed erf – water and sewer
3. Stormwater drainage
4. Access points (driveways) incl dimensions of panhandle
5. Provision for Parking incl dimensions
6. No services may cross a neighbouring property
7. Servitudes will be required where private services cross a neighbouring property.

Once this is received **as part of a formal subdivision application**, further comment will be provided and/or additional information may be requested.



Tyrone King Pr Tech Eng
Manager: Development
Infrastructure Services

T: +27 21 808 8214 | F: +27 21 883 9874

1st Floor, Ecclesia Building, 71 Plein Street, Stellenbosch, 7600
PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

Figure 5: Civil Engineering Requirements

Kindly refer to **PLAN 2** for the engineering drawings

9. Once all the relevant information is obtained a complete corresponding application could be submitted and Bulelwa Mdoda at email Bulelwa.Mdoda@ Stellenbosch.gov.za could be contacted for the submission procedure.

RESPONSE: A complete corresponding application was submitted to Bulelwa Mdoda via email.

4. DETAIL OF APPLICATION

4.1 APPLICATION IS MADE TO SUBDIVIDE ERF 6628 INTO TWO SINGLE RESIDENTIAL ERVEN (PLAN 2):

- Portion 1: 668,7m²; and
- Portion 2: 707m.

4.1.1 ACCESS

Both portions will obtain direct access from De Wet Street. Portion 1 will use the existing access and have a street front of 27,89m while access to Portion 2 will be via an access strip (pan handle) of 4m wide as specified in **Figure 4** from the Design Guidelines and Minimum Standards for Engineering Services (**PLAN 2**).

4.1.2 EXISTING DWELLING ON PORTION 1 AND OUTBUILDING ON PORTION 2

There is an existing residential dwelling on Portion 1. This dwelling is single storey and approximately 229m² in size. There is an existing outbuilding of approximately 107m² in size on the proposed Portion 2. The site and cadastral survey was done by the Land Surveyor.

4.2 REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

The Title Deed of Transfer T31007/2023 and the Conveyancer Certificate listed restrictive conditions B (5); B 6(a); and B(6)(b) which should be lifted. The restrictive title deed conditions read as follows:

5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.

6. (a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time, after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme, subject to the conditions and restrictions stipulated by the scheme.
- (b) No building or structure or any portion thereof, except boundary walls and fences, shall, except with the consent of the Administrator, be erected nearer than 4,6 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear boundary nor within 2,3 metres of the lateral boundary.

Figure 6: Extract from Title Deed

Consent is therefore applied to remove restrictive conditions B (5) and B6(a); and B(6)(b) in terms of Section 15(2)(f) of the Stellenbosch Land Use Planning By-law 2023 to allow the proposed subdivision for two residential sites and subsequently a dwelling on each subdivision (**PLAN 2**).

The existing buildings are within the parameters of the Stellenbosch Land Use Planning By-law 2023 for common building lines (2.5m) and street building lines (4m) as specified below:

55. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to all buildings within this zone:

Area of land unit	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
Up to 250m ²	2m	1m (See 2(e) below)	70%	2 storeys
251m ² to 500m ²	3m	1m	The greater of 175m ² or 60%	2 storeys
501m ² to 1500m ²	4m	2,5m (See 2(c) below)	The greater of 300m ² or 50%	2 storeys
Greater than 1500m ²	4m	2,5m (See 2(c) below)	The greater of 750m ² or 40%	2 storeys

Figure 7: Development Parameters

- (c) the common boundary building lines for buildings and structures on the ground floor shall be deemed to be automatically relaxed if the neighbouring owner of the land unit or land units of the shared abutting common boundary grants permission in writing by signing both the relaxation form as prescribed by the Municipality and the accompanying building plan. Such relaxation may not be closer than 1 meter from the common boundary. If the proponent is unable to obtain the neighbour's written permission for any reason whatsoever, an application for departure may be duly submitted to and considered by the Municipality.

Figure 8: Development Parameters (c)

5. PLANNING FRAMEWORKS & LEGISLATION

5.1 STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2019

The Stellenbosch Municipal Spatial Development Framework (SDF) 2019, is the applicable policy document guiding spatial development in the Municipality and for Stellenbosch. The subject property is located within an Existing Node in the Urban Edge (**Figure 9**).

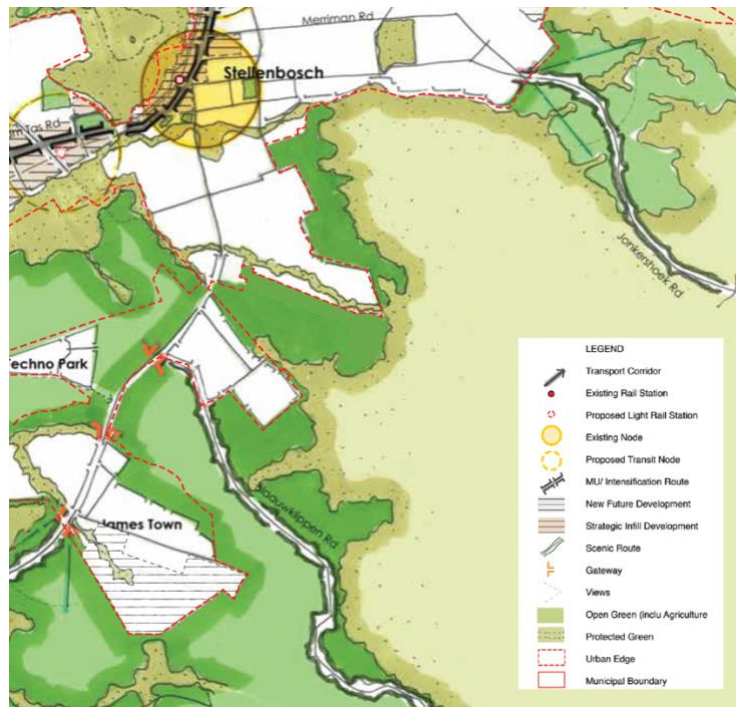


Figure 9: Stellenbosch Town

A key policy for Spatial Planning Categories of the Strategic Environment Management Framework is the densification of urban settlements (**Figure 10**). The proposed subdivision of the property into two portions is in line with the key policy for SPC: SEMF.

KEY POLICY FOR SPCs : SEMF

- Densify urban settlements, especially along main transport routes, and nodal interchanges.

Figure 10: Key policy for Spatial Planning Categories of the SEMF

5.2 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013 (SPLUMA)

Section 42 of SPLUMA sets out the factors which needs to be taken into consideration when a decision is taken on an application, as outlined in the table below.

The table below outlines these factors and the alignment of the application with these factors:

TABLE 3: ALIGNMENT WITH SECTION 42 OF SPLUMA

DECIDING AN APPLICATION 42. (1) In considering and deciding an application a Municipal Planning Tribunal must -	ALIGNMENT OF APPLICATION
(a) Be guided by the development principles set out in Chapter 2	This is addressed in Section 5.2.1 of this report.
(b) Make a decision which is 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.	<p>The subject property is within the urban edge and therefore does not affect agricultural land.</p> <p>The proposed subdivision is in line with the Stellenbosch Municipality Spatial Development Framework as discussed in Section 5.1 of this report.</p>
(c) Take into account: - <ul style="list-style-type: none"> (i) The public interest; (ii) The constitutional transformation imperatives and the related duties of the State; (iii) The facts and circumstances relevant to the application; (iv) The respective rights and obligations of all those affected; (v) The state and impact of engineering services, social infrastructure and open space requirements; and (vi) Any factors that may be prescribed, including timeframes for making decisions. 	<ul style="list-style-type: none"> (i) The prescribed public participation processes as per the Municipal Planning By-law will be followed to inform the public of this application and obtain their comments. (ii) This is not applicable due to the small scale of this application. (iii) The facts and circumstances of this application is described in detail in Section 4 and 6 of this report: (iv) The application will follow the prescribed public participation process to ensure that the rights of the affected parties are taken into consideration. (v) The application will not have a negative impact on engineering services, social infrastructure or open space requirements. (vi) The applicant will adhere to the timeframes set by the Municipal Planning Bylaw.

5.2.1 DEVELOPMENT PRINCIPLES SET OUT IN CHAPTER 2

The principles for land development set out in SPLUMA stipulates that spatial planning, land development and land use management should be guided by the principles of *spatial justice*, *spatial sustainability*, *efficiency*, *good administration* and *spatial resilience*.

The table below outlines the principles and indicates how the application is in line with the principles, where relevant and if applicable.

TABLE 4: ALIGNMENT WITH DEVELOPMENT PRINCIPLES

PRINCIPLES	ALIGNMENT OF APPLICATION
<p>(a) The principle of SPATIAL JUSTICE, whereby –</p> <ul style="list-style-type: none"> (i) past spatial and other development imbalances must be redressed through improved access to and use of land; (ii) spatial development frameworks and policy at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation; (iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons; (iv) land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas; (v) land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and (vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application. 	<p>The principle of Spatial Justice is not directly applicable as the application is for subdivision of a property in an established urban area.</p> <p>But it can however be argued that the subdivision will create two smaller properties, which can be more affordable, and provide an additional opportunity in an established urban area and will improve access to land.</p>
<p>(b) The principle of SPATIAL SUSTAINABILITY whereby spatial planning and land use management systems must –</p> <ul style="list-style-type: none"> (i) promote land development that is within the fiscal, institutional and administrative means of the Republic; (ii) ensure that special consideration is given to the protection of prime and unique agricultural land; (iii) uphold consistency of land use measures in accordance with environmental management instruments; (iv) promote and stimulate the effective and equitable functioning of land markets; (v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments; (vi) promote land development in locations that are sustainable and limit urban sprawl; and 	<ul style="list-style-type: none"> (i) The proposed development is not dependent on any public or Government funding and due to the location within the urban edge and in an existing developed area, it will not put any financial pressure on the Municipality. (ii) Protection of agricultural land is not applicable. (iii) The proposed development does not have any environmental triggers. (iv) The proposed subdivision does stimulate effective functioning of land markets, as the subdivision will create two erven that can be developed and sold in the open market and for which there is currently a need in Stellenbosch. (v) The subject property is located in an area where infrastructure is available, but if any associated costs arise, the developer will be responsible and therefore there will be no costs to any other parties. (vi) The proposed subdivision is in an established urban area and in an area where densification by means of subdivision is promoted by the SDF to limit urban sprawl.

(vii) result in communities that are viable.	(vii) Stellenbosch is already a viable community. The proposed subdivision will have a positive impact on the viability.
<p>(c) The principle of EFFICIENCY whereby -</p> <p>(i) Land development optimises the use of existing resources and infrastructure;</p> <p>(ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and</p> <p>(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties.</p>	<p>(i) The subdivision promotes densification in an existing and established urban area and therefor promotes development that is resource and infrastructure efficient.</p> <p>(ii) This development proposal will have a positive financial and economic impact as it is a subdivision of a larger property into two residential properties that can be sold in the open market which is more affordable than one large property. There will be no negative impact on the environment.</p> <p>(iii) This application is submitted in line with the Municipal Planning By-law requirements and all effort will be made by the Applicant that procedures are efficient, and timeframes are adhered to.</p>
(d) The principle of SPATIAL RESILIENCE , whereby flexibility in spatial plans, policy and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.	Not directly applicable to this application.
<p>(e) The principle of GOOD ADMINISTRATION, whereby -</p> <p>(i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;</p> <p>(ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;</p> <p>(iii) the requirements of any law relating to land development and land use are met timeously;</p> <p>(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and</p> <p>(v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public.</p>	<p>(i) & (ii) The application is submitted to the Municipality in terms of the Municipal Planning Bylaw and will be circulated to the relevant sector departments for input and comments, thereby ensuring an integrated inter-governmental approach to land use planning. No amendment of the Spatial Development Framework is required as the proposed development is in line with the SDF.</p> <p>(iii) The relevant laws in this instance include the Municipal SDF, SPLUMA, LUPA and Stellenbosch Municipal Planning Bylaw which has been addressed in this application.</p> <p>(iv) The application will go through a public participation process as prescribed by the Municipal Planning Bylaw.</p> <p>(v) The application process will be dealt with in terms of the relevant policies and legislation.</p>

6. MOTIVATION

Motivation for the application is based on the following:

- The Need.
- The Desirability of the application in terms of the following aspects:
 - Physical characteristics of the subject property
 - Impact on the character of the area
 - Existing planning in the area
 - Locality and accessibility of the property
 - Potential of the property
 - Provision of services
 - Construction phase of the proposal

6.1 NEED

Stellenbosch has experienced significant growth in the last couple of years, and the town continues to grow with new families moving to this area. There are new residential projects which are being planned and developed and businesses are expanding. This have had a very positive impact on Stellenbosch. The fact however is, that this has caused a significant increase in the property market, which is positive for property owners, but makes it difficult and sometimes impossible for someone in the medium income bracket to afford a property. In addition to this, the cost of living has also increased significantly and with the current electricity crisis, water shortage and economic circumstances, there is a market demand for smaller erven which are easier and more affordable to maintain.

This need is evident in the number of applications for similar subdivisions in Stellenbosch. A similar subdivision has been approved in Dalsig.

DESIRABILITY

6.1.1 PHYSICAL CHARACTERISTICS OF THE SUBJECT PROPERTY

The subject property is 1 377m² in size. There is one single storey residential dwelling on the one halve (southern portion) of the property. On the other halve is an outbuilding. Refer to **Figure 10** photos of the site.

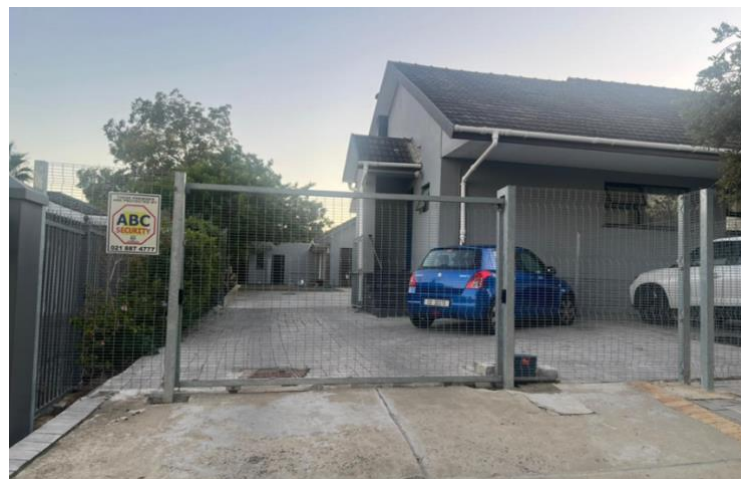


Figure 10: Photos of the Subject Property

The size of the property, being in excess of 1000m² lends itself towards the possibility for subdivision, especially considering the need for smaller properties as explained in the previous section and the fact that the proposed subdivision meets the guidelines of the Municipality for subdivision as explained in section 3.

The subject property is located within an existing urban area and therefore there are no environmental aspects that prevents the subdivision.

The property has a slope of 0:1 from north to south. Due to this neighbourhood being on a crest, most of the properties along De Wet Street has a slight lope. This slope creates the most amazing views over Stellenbosch, which adds to the popularity of this neighbourhood.



Figure 11: Slope of the Property

6.1.2 IMPACT ON THE CHARACTER OF THE AREA

The character of the immediate surrounding area is single residential dwellings. The subject property is located in De Wet Street, which provides access to 13 single residential erven. The average size of the residential erven in Jasmyn Crescent range between 1082m² and 1578m².

The proposal for subdivision of Erf 6628 will result in two single residential erven of 672m² and 707m².each which is still within the allowed minimum size for subdivision allowed by the Municipality.

The subdivision will not have any negative impact on the character of the surrounding area.

6.1.3 EXISTING PLANNING IN THE AREA

The proposed subdivision is in line with the Municipal Spatial Development Framework as explained in **Section 5.1** of this report.

6.1.4 LOCALITY AND ACCESSIBILITY OF THE PROPERTY

The property is located in an existing urban area and has public road access from De Wet Street. The proposed subdivision is such that both erven will gain direct access from De Wet Street. The property is there for easily accessible.

The impact on traffic will be minimal as the subdivision will only result in one additional dwelling. The design of the access roads is sufficient to accommodate this increase.

6.1.5 POTENTIAL OF THE PROPERTY

As discussed in previous sections, given the size of the property, the location opposite a public open space and the need for smaller and more affordable erven, the potential of the property is to subdivide it into two single residential erven.

6.1.6 PROVISION OF SERVICES

Existing services is available up to the erf boundary. The additional erf will have to be provided with separate water, electricity and sewer connection.

6.1.7 CONSTRUCTION PHASE OF THE PROPOSAL

The impact and duration of the construction phase will be the same as for any existing vacant residential property.

7. SUMMARY

Considering the overall assessment and motivation, the subdivision will not have any negative impact on the surrounding area and the application is deemed desirable, in summary, for the following reasons:

- There is a need for smaller and more affordable properties in Stellenbosch.
- The physical characteristic of the site is suitable for the subdivision.
- The subdivision will not have any negative environmental impacts.
- There will be no negative impacts on the surrounding area, as the use and zoning will remain single residential.
- The proposal is in line with the Municipal Spatial Development Framework.

It is therefore recommended that the following application be approved:

- **Subdivision** of Erf 6628 into two portions in terms of Section 15(2)(d) of the Stellenbosch Land Use Planning By-law 2023 (in accordance with attached **2**), as follows:
 - **Portion 1:** 668,7m².
 - **Portion 2:** 707m².
- Removal of Restrictive Title Deed Conditions B (5); B 6(a); and B6(b) contained in Title Deed T31007/2023 in terms of Section 15(2)(f) of the Stellenbosch Land Use Planning By-law 2023.