



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref: 3/4/3/5/2/4

2016-06-03

# **MINUTES**

## **PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE MEETING**

**2016-05-31**

# MINUTES

## PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE MEETING

2016-05-31

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**MINUTES OF THE PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH ON TUESDAY, 2016-05-31 AT 14:00**

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**PRESENT** Alderman JP Serdyn (Ms) [Chairperson: Planning and Land-Use Management, Building Control, Air Pollution, Spatial Planning/Environmental Heritage and Cultural Management]  
Councillor SJ Louw (Ms) [Portfolio: Agriculture, LED and Tourism]  
Councillor AR Frazenburg [Portfolio: Community Services]

**Aldermen** DC Botha  
EL Maree (Ms)

**Councillors** S Jooste (Ms)

**Officials** Director: Planning and Economic Development  
Manager: Land Use Management  
Manager: Local Economic Development  
Manager: Spatial Planning, Heritage and Environment  
Senior Legal Advisor (M Williams)  
Senior Town Planner (L Ramakuwela)  
Senior Town Planner (P April)  
Town Planner (Ms S Zangqa)  
Spatial Planner (Ms B Henning)  
Committee Clerk (Ms T Samuels)

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**1. APPLICATION FOR LEAVE OF ABSENCE (3/4/3/3)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 1**

**RESOLVED** (nem con)

that leave of absence be granted to Councillors F Adams and N Ntsunguzi (Ms).

**Absent:**

Cllr JA Davids

**(HEAD: COMMITTEE SERVICES TO ACTION)**

<b>MINUTES</b>	<b>PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE MEETING</b>	<b>2016-05-31</b>
	<b>[Chairperson: Councillor SJ Louw (Ms)]</b>	
	<b>[Portfolio: Agriculture, LED and Tourism]</b>	

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**2.1 COMMUNICATION BY THE CHAIRPERSON (3/4/3/6)**

None

**2.2 DECLARATION OF INTEREST (3/6/2/2)**

None

**3. CONFIRMATION OF THE MINUTES (3/4/3/5/2/4)**

**3.1 CONFIRMATION OF THE MINUTES OF THE PLANNING AND ECONOMIC  
DEVELOPMENT COMMITTEE MEETING HELD ON 2016-05-03 (3/4/3/5/2/4)**

The above-mentioned minutes were previously distributed.

**FOR CONFIRMATION**

**(HEAD: COMMITTEE SERVICES TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 3.1**

**RESOLVED** (nem con)

that the minutes of the Planning and Economic Development Committee meeting held on 2016-05-03, be confirmed.

**(HEAD: COMMITTEE SERVICES TO ACTION)**

**4. REPORT BY THE DIRECTOR RE OUTSTANDING RESOLUTIONS TAKEN  
AT PREVIOUS MEETINGS (3/4/3/5/2/2)**

The report on outstanding resolutions by the Director: Planning and Economic Development is attached as **APPENDIX 1**.

**FOR INFORMATION**

MINUTES

PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE MEETING

2016-05-31

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

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**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 4**

**RESOLVED** (nem con)

that the Report on Outstanding Resolutions by the Director: Planning and Economic Development, be noted.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

**5. REPORTS FROM OFFICIALS: AGRICULTURE, LED AND TOURISM****5.1 NON-DELEGATED MATTERS****5.1.1 INNOVATION CAPITAL PROGRAMS: LOCAL ECONOMIC  
DEVELOPMENT HUBS FOR SMALL BUSINESSES***File number : 7/3/1**Compiled by : Director: Planning & Economic Development**Report by : Director: Planning & Economic Development**Delegated Authority : Council****Strategic intent of item***

<i>Preferred investment destination</i>	X
<i>Greenest municipality</i>	
<i>Safest valley</i>	
<i>Dignified Living</i>	X
<i>Good Governance</i>	X

**1. PURPOSE OF REPORT**

To the gain approval for the use of municipal properties for the establishment of local economic development hubs as part of the Innovation Capital program and to recommend on the operational aspects related to such hubs.

**2. BACKGROUND**

To address the need for transformation, the Municipality must facilitate economic redistribution, social redress and a turnaround of the land ownership imbalance in business areas. This is a huge challenge, as government and civil society / communities have managed to address some issues, municipalities have not been successful in getting to the heart of the matter, namely giving start-up businesses access to the mainstream economic activities. Consequently, economic opportunities are mainly in the hands of people who have access to capital (land and financial resources) and can trade from central business areas and lesser nodes.

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

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Unless this issue is realistically and sensibly addressed, local economic imbalances would continue to perpetuate inequalities.

The Municipality owns numerous well situated properties in nodes and central business areas, which could be used as local economic development hubs for small businesses to establish themselves in order to gain market access and to grow through improved interaction with the public and other businesses. Moreover, these properties also create additional opportunities for entrepreneurs, namely to establish cooperatives and other entities to manage the facilities as a means of wealth creation.

### 3. DISCUSSION

#### 3.1 SMME's

Small, medium and micro enterprises (SMME's) in South Africa are defined differently in various contexts, because they are active in and respond to diverse national and local government challenges and circumstances. Legislation (National Small Business Act, 1996, Act 102 of 1996), categorises SMME's into five stages of development, namely:

- Survivalist;
- Micro;
- Very small;
- Small; and
- Medium-sized enterprises.

The following are explanations of the categories in various academic responses to the legislation:

- Survivalist enterprises operations form part of the informal economy, are undertaken by unemployed persons whose primary objective is to survive economically. Little capital is invested in survivalist enterprises and therefore they do not generate as much as necessary income and assets, the owners possess inappropriate business skills and training to run the business, and the opportunities for growing the business are limited.
- Micro enterprises employ about five employees and like survivalist enterprises, they operate informally, owners do not have skills to run a business, are unlicensed and as a result do not comply with legislation. Unlike survivalist enterprises, their turnover qualifies for VAT registration (voluntary level of R50 000,00 turnover per annum), and they have the potential to make the transition to a viable formal small business.

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

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- Very small enterprises are part of the formal economy; they employ less than ten employees, who are often professionals that are able to make use of the appropriate technology.
- Small enterprises are much established as compared to very small enterprises as they are registered entities that operate in fixed business premises, are organised into complex organisational structures of, at most, 100 employees.
- Medium enterprises are owner-managed, comply with the law and like small enterprises, are organised into complex structures of up to 200 employees that perform their duties in fixed business premises.

The development and support of these SMME's are seen as ingredients to the success of efforts to restructure the local economic-base of Stellenbosch and to reduce spatial inequalities between the traditional CBD's and the old townships.

Local economic growth is to a large degree driven by SMME development. Geographical areas where SMME's are concentrated are economically productive and generate higher local incomes than those with fewer SMME's. Moreover, SMME's play a significant role in achieving the goal of the Stellenbosch LED strategy (PACA recommendations).

Municipal responses to SMME needs also facilitate the economic restructuring process, as it contributes to the creation of activity focus points. The spatial features of places have implications (positive or negative) for the growth potential of SMME's. Readily accessible supportive facilities and infrastructure create a climate in which SMME's are able to flourish, thus increasing opportunities and innovation, accumulation of assets and good future prospects; the reverse situation limits SMME growth, opportunities and innovation.

The most obvious consequence of a weak SMME support system is that SMME owners will do whatever they have to do to survive, regardless of whether the spatial feature of a municipality reinforces growth or not. The outcome is street corner and roadside trading, illegal occupation and use of public spaces and illegal connections to municipal services infrastructure. Numerous reputable studies comparing the spatial feature of development between South African towns and townships (the results of which have been widely accepted as a means to influence local government policy direction in South Africa) have been commissioned by the South African Cities Network (SACN), Statistics South Africa, the Department of Trade and Industry (DTI) and the Africagrowth Institute.



[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

**3.2 Properties**

The following properties are listed as properties with high potential for LED hubs and support system development, which should be designated as hubs similar to the Kayamandi Economic Tourism Corridor (See **APPENDICES 1 – 11**).

PROPERTY	LOCATION	PURPOSE	MANAGEMENT	PROCESS
Re Erf 342	Klapmuts	Trading hub (container shops)	Local business cooperative	Rezoning; services connections; lease agreements; container acquisition.
Portion Erf 2118 (private ownership; useless high school site)	Klapmuts	Trading hub (container shops)	Local business cooperative	Use agreement with owner; rezoning; lease agreements; container acquisition.
Erven 228, 229 and 230	Franschhoek (Triangle site)	Shops and tourism activities	Local business cooperative with Berg River Dam Tourism Action Plan initiative	Building / site maintenance; lease agreements; staff relocation (Erven 228 and 229); site improvements; further lease agreements.
Erf 1538	Franschhoek (old tennis courts)	Parking	Local entrepreneur	Site improvement; lease / management agreement.
Erf 2235	Groendal (Mooiwater homestead / old youth house)	Shops and tourism activities	Local business cooperative	Building / site maintenance; lease agreements; contractor relocation.
Public Place / POS north of Groendal Community Hall	Vacant office on play park land	Local business organisation office	Local business organisation	Lease agreement.
Erven 2751 and 6314 (Old Agricultural Hall)	Stellenbosch	Arts, crafts and tourism activities, including parking area	Local business cooperative	Building / site maintenance; lease agreements; illegal occupants relocation; rezoning.
Erven 1439 and 1441 (private ownership)	Plankenbrug Industrial	Industrial hub	Local business cooperative	Legal action for site acquisition (outstanding debt action and repurchase); lease agreements; container acquisition.
Erven 1956, 1957, 6487, 6488 and 6490	Stellenbosch (Old clinic site and LED office)	Arts, crafts, shops, offices, tourism activities	Local business cooperative	Building / site maintenance; lease agreements; occupants relocation.
Die Boord POS	Intersection Van Rheede Rd and R44	Community market	Local business cooperative	Site improvement; lease / management agreement.
Erf 721	Pniel (municipal office site)	Shops and tourism activities	Local business cooperative	Rezoning; services connections; lease agreements; container acquisition.

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

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### 3.3 Process and program

The processes required for the establishment of the LED hubs differ from simple use agreements (e.g. Die Boord POS) to complicated land acquisition processes (e.g. Plankenbrug industrial erven). All of the properties are intended for the same outcome, namely to provide access to centrally located and beneficial / viable markets for SMME's.

Moreover, the purpose is to provide affordable facilities to the SMME's to establish and grow the businesses in a secure area where there are viable market opportunities. The process for achieving the objectives is therefore to gain Council's approval for the envisaged outcomes and then in each case to follow the statutory prescribed processes.

The program for the establishment of each hub will also differ, but the achievement of the establishment of a Community Market on the open space in Die Boord, the use of Franschoek Erf 230 and the office in Groendal is possible within three months. Where container acquisitions, land use rights and land acquisition agreements are required, the process will be between six and 14 months.

## 4. FINANCIAL IMPLICATION

The implementation of the abovementioned and the creation of LED hubs will have financial implications, as the Municipality will generate less revenue from the properties than by making them available through open market competitive processes. The implications are not fully quantified, as there is no clear indication of the potential open market revenue. However, the LED benefits, through transformation and SMME support for the poor and otherwise disadvantaged citizens, are sufficient to warrant approval of the proposals.

## 5. COMMENTS FROM RELEVANT DEPARTMENTS

### 5.1 FINANCIAL SERVICES

### 5.2 MANAGER: PROPERTY MANAGEMENT

The idea of utilizing municipal and private land for the establishment of LED hubs is praiseworthy and the Department should be commended for this initiative.

When it comes to the implementation, there are various ways of accomplishing the outcomes as listed in the report. This, in turn will determine the correct, legal process to be followed. In my view the recommendations is too general in nature, i.e. it does not indicate:-

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

- a) Who will be responsible for the upgrading/redevelopment (where applicable);
- b) How it will be financed; or
- c) Who will be responsible for the management of the facilities.

For more clarity, let me use a number of examples:

1. **Erf 2235 (Mooiwater Homestead):** There are a number of options for this site. One option would be to make the facility and adjacent parking area, available for redevelopment by way of a Call for Proposal. Proposals are then evaluated against a number of pre-agreed criteria. The successful bidder then manages the (upgraded) facility. In my view this is the **preferred option**.

Another option is where we do the upgrading/redesign of the buildings and site and are then manage the site on a lease basis (approved tariff structure), similar to the way we currently managed the Kayamandi Tourism Corridor.

Our history in managing these kind of facilities is not very good, and for this reason I would support the first option.

2. **Erf 342, Klapmuts:** This portion of land is a very critical piece of land and a great deal of thought should go into how to accomplish the outcome of developing a LED Hub. The land in question is approximately 10.5 ha in extent. It is not clear from the report if the land as a whole is targeted or whether it is a predetermined area, say between the Multi-Purpose Centre and the Taxi rank. Depending on the size of the area, one might go the route of a Call for Proposal/ Tender or provide the infrastructure ourselves.

The above two examples was merely used to indicate the various ways of accomplishing the desired outcome(s).

In my view Council should (at this stage) only consider the principle of identifying various sites for the purpose of developing LED hubs. The LED department together with the Property Management (and other) department should then discuss the individual properties and advise on the best way/process of accomplishing the outcome(s). Once there is an agreed way of going about, and once the use-rights are in place, then Council can decide which process to follow.

Putting it differently, each site would need a different approach, one cannot have a blanket approach in developing these sites.

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

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A very important component, that of private sector involvement/investment should also be considered. We should use our asset to facilitate LED, not necessarily do it ourselves.

Regarding the individual properties listed in the report, allow me to deal with them separately:

3. **Erf 342 Klapmuts:** The land was earmarked for a mixed use development, including opportunities for housing, business, community facilities, etc. A tender was allocated to a developer to develop the area. Before using it for a different use, first conclude negotiations with successful tenderer. If the tender is not going to be entertained, consider the future of the site, which may include a specific area to be developed as an LED Hub, but not the area as a whole. Once an area has been identified and the use-right have been awarded, a call for proposal should be considered.
4. **Portion of erf 2118 (Klapmuts):** This is private land and should be acquired before making any arrangements. The financing of the acquisition should be put on the budget, to compete with other projects. Alternatively a land exchange could be considered.
5. **Erven 228, 229 and 230 (Triangle site), Franschhoek:** This site lends itself to a total redevelopment, ideally for a Call for Proposal with specific outcome(s). A phased approach might also be followed, i.e first do the house in front and later the sites at the back (once alternatives have been considered for the staff-housing). Again, this Department would support the redevelopment of the area by a Developer/Investor with the purpose of creating economic opportunities for PD's residing in Franschhoek. We should not try to manage the facility ourselves.
6. **Erf 1528 Old tennis court site Franschhoek:** Support the idea of a formal parking area.
7. **Erf 2235 (Old Mooiwater homestead), Groendal:** A Call for Proposal is suggested, based on a 10 year lease with the view of developing a LED Hub benefitting PD's residing in Franschhoek.
8. **P.O.S North of Groendal Community Hall:** There are limited P.O.S's in the area. The development of this site is not supported. A portion of erf 412 could rather be set aside for the purpose of a LED Hub.

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

9. **Erven 2751 and 6314 (Old Agricultural Hall, Stellenbosch):** Before future utilisation of this site is considered, the current tender must first be sorted out, including zoning rights.
10. **Erven 1439 and 1441, Plankenburg:** Supported, but subject to normal acquisition and provision on budget.
11. **Erven 1956, 1957 and other (Old Victoria Street Clinic), Stellenbosch:** The Provincial Government has just confirmed that they are not going to use the facility for a clinic anymore. It is therefor available for use by the municipality. This property could be earmarked for a LED Hub. A design should be made on how to accomplish that; i.e are we going to redeveloped the property or are we going to follow a Call for Proposal route.

Alternatively the facility could be converted to office space seeing that it is closely located to the Main Building.

1. **Die Boord:** The land was previously earmarked for high density (flats) residential development. This could indeed work as a LED hub, but the format needs to be decided on. This, in turn, will inform the process to be followed, should development rights be awarded (following the formal closure of the P.O.S).
2. **Erf 721, Pniel (Office space):** It is not clear whether the Directorate want to use a portion of the municipal offices, or the land adjacent to the offices, the latter is supported.

In conclusion, I would suggest that the recommendations be amended, to read as follows:

- a) that Council identify the properties listed in paragraph 3.2 is property not needed to provide the minimum level of basic municipal services; (insofar as it relates to it's own properties);
- b) that Council earmarked the properties referred to in (a) as possible LED hubs, subject to the necessary zoning rights being obtained; and
- c) that the Director: Planning & Economic Development, together with the Director: HS & PM be requested to investigate the best way of developing/managing these properties and to report back within a period of 6 months, whereafter the necessary SCM processes (awarding of rights) could be followed.

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

**ENGINEERING SERVICES**

Electrical: Site is often used as a construction camp by contractors working in the area and it contains services.

**COMMUNITY AND SAFETY SERVICES**

The item is supported because it promotes small medium micro enterprises. This economic restructuring will aim to address poverty, create jobs and promote social innovation. Consideration should be given to the geographical placement of the economic hubs bearing in mind that not all of these hubs will be economically viable. The Directorate of Community and Protection Services propose that satellite informal trading areas continues as per norm but that one centralized market operates monthly. In terms of sustainability, the Municipality must contract the services of an external body to manage and operate these hubs.

**6. CONCLUSION**

The Municipality must be pro-active in making available land for the establishment of LED hubs in order to promote SMME's and economic transformation. There are sufficient opportunities and resources available to achieve the desired outcomes.

Different properties offer different opportunities and each property needs to be considered separately / individually to ensure the most appropriate purpose, means of making it available and management model, but overall the main aim of using any or all of the aforementioned properties is to provide opportunities to SMME's from the local disadvantaged communities to enter more accessible and lucrative markets.

**RECOMMENDED**

- (a) that approval be granted for the establishment of Local Economic Development hubs on the following properties:

<b>PROPERTY</b>	<b>PURPOSE</b>
Re Erf 342, Klappmuts	Trading hub (container shops)
Portion Erf 2118, Klappmuts	Trading hub (container shops)
Erven 228, 229 and 230, Franschhoek	Shops and tourism activities
Erf 1538, Franschhoek	Parking
Erf 2235, Groendal	Shops and tourism activities
Public Place / POS north of Groendal Community Hall	Local business organisation office
Erven 2751 and 6314, Stellenbosch	Arts, crafts and tourism activities, including parking area
Erven 1439 and 1441, Stellenbosch	Industrial hub

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

Erven 1956, 1957, 6487, 6488 and 6490, Stellenbosch	Arts, crafts, shops, offices, tourism activities
Die Boord POS	Community market
Erf 721, Pniel	Shops and tourism activities

- (b) that Council confirm that the properties are not required for the provision of the minimum level of basic municipal services in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003; and
- (c) that the Acting Municipal Manager be authorised to follow the prescribed process for the leasing of the relevant properties in keeping with the Stellenbosch Municipality Supply Chain Management Policy and/or the Municipal Asset Transfer Regulations for the benefit of the poor and for economic transformation purposes and/or the approved System of Delegations to achieve the desired outcomes set out in Recommendation (a).

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 5.1.1**

**RECOMMENDED**

- (a) that approval be granted for the establishment of Local Economic Development hubs on the following properties:

<b>PROPERTY</b>	<b>PURPOSE</b>
Re Erf 342, Klapmuts	Trading hub (container shops)
Portion Erf 2118, Klapmuts	Trading hub (container shops)
Erven 228, 229 and 230, Franschhoek	Shops and tourism activities
Erf 1538, Franschhoek	Parking
Erf 2235, Groendal	Shops and tourism activities
Public Place / POS north of Groendal Community Hall	Local business organisation office
Erven 2751 and 6314, Stellenbosch	Arts, crafts and tourism activities, including parking area
Erven 1439 and 1441, Stellenbosch	Industrial hub
Erven 1956, 1957, 6487, 6488 and 6490, Stellenbosch	Arts, crafts, shops, offices, tourism activities
Die Boord POS	Community market
Erf 721, Pniel	Shops and tourism activities

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

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- (b) that Council confirm that the properties are not required for the provision of the minimum level of basic municipal services in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003; and
- (c) that the Acting Municipal Manager be authorised to follow the prescribed process for the leasing of the relevant properties in keeping with the Stellenbosch Municipality Supply Chain Management Policy and/or the Municipal Asset Transfer Regulations for the benefit of the poor and for economic transformation purposes and/or the approved System of Delegations to achieve the desired outcomes set out in Recommendation (a).

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**



[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

**5.2 DELEGATED MATTERS****5.2.1 DIRECTORATE PLANNING AND ECONOMIC DEVELOPMENT: MONTHLY REPORT: APRIL 2016***File number* : 8/1/4/2/5*Compiled by* : Head: Customer interface and Administration*Report by* : Director: Planning & Economic Development*Delegated Authority* : Planning, Economic and Community Development Committee***Strategic intent of item***

<i>Preferred investment destination</i>	X
<i>Greenest municipality</i>	X
<i>Safest valley</i>	X
<i>Dignified Living</i>	X
<i>Good Governance</i>	X

**1. PURPOSE OF REPORT**

To provide feedback on the activities of the Directorate Planning and Economic Development for the month of April 2016.

**2. BACKGROUND**

It is incumbent upon Directorates to report on the activities within their respective Directorates on a monthly basis.

**3. DISCUSSION**

The report of each Department within the Directorate Planning and Economic Development is submitted as outlined in the Appendices below:

Appendix 1	Community Development
Appendix 2	Building Development Management
Appendix 3	Customer Interface and Administration
Appendix 4	Spatial Planning, Heritage and Environment
Appendix 5	Land Use Management
Appendix 6	Local Economic Development

[Chairperson: Councillor SJ Louw (Ms)]

[Portfolio: Agriculture, LED and Tourism]

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4. **LEGAL IMPLICATION**

None required

5. **FINANCIAL IMPLICATION**

None required

6. **COMMENTS FROM OTHER RELEVANT DEPARTMENTS**

None required

**RECOMMENDED**

that the report of the Directorate Planning and Economic Development for the month of April 2016, be noted.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 5.2.1**

**RESOLVED** (nem con)

that the report of the Directorate Planning and Economic Development for the month of April 2016, be noted.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

6. REPORTS FROM OFFICIALS: PLANNING AND LAND USE  
MANAGEMENT, BUILDING CONTROL, AIR POLLUTION, SPATIAL  
PLANNING/ENVIRONMENTAL HERITAGE AND CULTURAL  
MANAGEMENT

6.1 NON-DELEGATED MATTERS

6.1.1 RENAMING OF STREETNAMES AND PUBLIC PLACES ADVERTISING  
OUTCOME

*File number* : 1/3/2 Streets

*Compiled by* : Senior Town Planner (P. April)

*Report by* : Director: Planning and Economic Development

*Delegated Authority* : Council

**Strategic intent of item**

Preferred investment destination

Greenest municipality

Safest valley

Dignified Living

Good Governance

**1. PURPOSE OF REPORT**

To inform Council of the outcome of the advertising process to invite proposals for the renaming of streets and public places and the nomination of a panel of experts in terms of Council's policy.

**2. BACKGROUND**

On 25-08-2015 at the 33<sup>rd</sup> Council meeting it was resolved that;

(a) *the Director: Planning & Economic Development be instructed to place an advert in the local community newspapers and to place notices at public places to invite written submissions for the renaming of streets over a 60 day window period;*

(b) *the Director: Planning & Economic Development be instructed to place an advert in the local community newspapers and to*

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*place notices at public places to invite nominees for the establishment of a Panel of Experts to advise Council on proposal for the renaming of streets.*

(c) *the terms of reference for the panel of experts as summarized in the report be approved.*

### 3. DISCUSSION

#### 3.1 Applicable policy

The renaming of streets is dealt with in terms of the Stellenbosch Municipal Policy on Place Naming, Street Naming and Renaming & Numbering as approved at a special meeting of the Council on 27 January 2011 (See **APPENDIX 1**).

#### 3.2 Outcome of advertising process

An advert was placed in the local community newspapers (Eikestadnuus, Gazette, Franschhoek Tatler and Paarl Post – See **APPENDIX 2**) to invite written submissions for the renaming of streets and to invite nominees for the establishment of a Panel of Experts to advise Council on proposals for the renaming of streets over a 60 day window period.

No proposals for street and public places renaming was however received and only one (1) nominee for the Panel of Experts was received (See **APPENDIX 3**). Hermann Buhr Giliomee was nominated by Berta Hayes on behalf of the Stellenbosch Interest Group.

#### 3.3 Planning and Economic Development Directorate Comments

It should be noted that a motion was initially raised by Councilor Franklin Adams in a Planning and Economic Development Committee meeting to start a process to rename certain streets in Stellenbosch Town.

Councilor Adams submitted the following preliminary proposals in his motion (See **APPENDIX 4**);

<b>Current Name</b>	<b>Proposed name</b>
Bird Street	Chris Hani Street
Ryneveld Street	Frank Anthony Street
Plein Street	Nelson Mandela Street
Dorp Street	Dr Anton Rupert Street

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On 29 February 2016 the Director: Planning and Economic Development advice Councillor Franklin Adams as follows (See **APPENDIX 5**);

*"I refer to your comment about the street naming advertisement in the news media during the last council meeting (24 February 2016). Please be aware that you must still formally submit a street naming proposal. The naming policy and tariff does not allow for your motion to be accepted as a proposal. You will have to submit a formal proposal together with payment of the relevant fee if you want the proposal contained in your motion to be considered."*

We have however not received any application from Councillor Adams during the time frame advertised for submissions.

It is for Council to consider whether Council will consider the submission of a motion to the Planning and Economic Development Committee as a formal application for the renaming of streets and public places and exempt the applicant from paying the required application fee as per Councils Tariffs structures for each financial year. Notwithstanding the fact that no research references on the origin of the names and evidence of professional or community support was provided as required by the policy. It should also be considered that we have not received a sufficient amount of nominees to form a Panel of Experts currently.

#### **Concluding comments**

Considering that all due administrative processes have been followed and no formal proposals were received for the renaming of street and public places and no sufficient numbers of nominees for the Panel of Experts were received.

#### **4. LEGAL IMPLICATIONS**

Legal Comment will be distributed at the meeting.

#### **5. FINANCIAL IMPLICATIONS**

No comments required.

#### **APPENDICES**

- Appendix 1: Stellenbosch Municipal Policy on Place Naming, Street Naming and Renaming & Numbering  
Appendix 2: Notices in local news papers

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- Appendix 3: Nominee for panel of Experts  
 Appendix 4: Letter from Councilor Franklin Adams  
 Appendix 5: Directors email of advice to Councilor Adams  
 Appendix 6: Legal Comment will be distributed at the meeting.

#### RECOMMENDED

- (a) that the advertising process to invite written submissions for the renaming of streets (annual window period) and the nomination of members to a Panel of Experts for the 2015/2016 financial year be accepted as complete;
- (b) that, considering the fact that only one nominee for a Panel of Experts has been received to advise Council on the renaming of streets and public places, the nomination process be regarded as closed and that no panel be establish in this financial year;
- (c) that Council regards the submission of the motion by Councilor Franklin Adams to the Planning and Economic Development Committee as a formal application for the renaming of streets and public places and exempt the applicant from paying the required application fee as per Councils Tariffs structures for each financial year and from following the prescribed process in terms of the policy; and
- (d) that no streets or public places be renamed in this financial year due to a panel not being established.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

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#### RECOMMENDED

- (a) that the advertising process to invite written submissions for the renaming of streets (annual window period) and the nomination of members to a Panel of Experts for the 2015/2016 financial year be accepted as complete;
- (b) that, considering the fact that only one nominee for a Panel of Experts has been received to advise Council on the renaming of streets and

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public places, the nomination process be regarded as closed and that no panel be establish in this financial year;

- (c) that Council regards the submission of the motion by Councilor Franklin Adams to the Planning and Economic Development Committee as a formal application for the renaming of streets and public places and exempt the applicant from paying the required application fee as per Councils Tariffs structures for each financial year and from following the prescribed process in terms of the policy; and
- (d) that no streets or public places be renamed in this financial year due to a panel not being established.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
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Environmental Heritage and Cultural Management]**6.1.2 APPLICATION FOR APPROVAL OF JONKERSHOEK SPATIAL  
DEVELOPMENT FRAMEWORK***File number* : 15/2/2/2*Compiled by* : Spatial Planner (B Henning)*Report by* : Director: Planning and Economic Development*Delegated Authority* : Council**Strategic intent of item**

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input checked="" type="checkbox"/>
Safest valley	<input checked="" type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

To obtain Council's approval for the Jonkershoek Spatial Development Framework (SDF) in terms of Chapter 5 of the Municipal Systems Act 2000 (Act 32 of 2000) and Section 21 of the Spatial Planning and Land Use Management Act, 2013 (No 16 of 2013).

The SDF will be approved as a local area SDF in terms of Section 9 of the Stellenbosch Municipality Land Use Planning Bylaw, 2015.

**2. STUDY AREA**

The study area consisting of approximately 61,8km<sup>2</sup> in extent and comprises of the portion the Jonkershoek Valley immediately south-east of the residential areas of Rozendal and Karindal of Stellenbosch, with the south-western edge being a line joining the peaks of Stellenboschberg, and the north-eastern edge begin a line joining the peaks of Jonkershoekberg. The south-eastern edge of the study follows the cadastral boundary of the Farm Jonkershoek 385.

**3. BACKGROUND**

The Jonkershoek Valley is a unique area characterized by intensive agriculture and natural beauty, but is currently begin subjected to a



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broad range of development pressure. It is also the main catchment area for the Eerste River and forms the core of the Jonkershoek Nature Reserve.

The Municipal Spatial Development Framework (MSDF) for the WC024 area was approved by Council in February 2013. A total of 14 nodes were identified, but Jonkershoek was not one of the nodes.

The consultants (CK Rumboll & Partners) were appointed in 2010 to compile a Spatial Development Framework for Jonkershoek. However, due to the occupation of the area, the rights to occupation and ownership of land in Jonkershoek were investigated by Chennells Albertyn Attorneys, Notaries & Conveyancers.

An item was prepared and presented to the Planning and Economic Development Committee meeting on 31 March 2015. It was recommended that the Executive mayor approves the Jonkershoek SDF in terms of the Land Use Planning Ordinance, 1985 (ordinance 15 of 1985) and the Municipal Systems Act 2000, (Act 32 of 2000) as Draft Policy for public participation, before the policy is finally approved.

#### **4. PUBLIC PARTICIPATION**

A notice was placed in the Eikestadnuus on 10 September 2015 to notify the public that the Draft Jonkershoek Spatial Development Framework will be available for inspection during office hours at the public libraries, on the municipal website and the Advice Centre for the period from 10 September 2015 to 9 October 2015. The public was invited to submit comments and inputs in writing.

Registered letters with the draft SDF document on a CD were also sent to external departments (Public Works, Cape Pine and Cape Nature) for comment until the closing date of 16 November 2015.

An open day was held on 1 October 2015 from 17:00 – 20:00 at the Cape Nature hall in Jonkershoek.

Several comments received from the community, public and external departments were sent to the consultants at the end of October / beginning of November 2015 in order for them to amend and revise the document.

The first project team meeting for 2016 was held on 19 February 2016 at Stellenbosch Municipality to discuss the comments received from the public participation process and to determine the way forward.

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The consultant finalized the Draft Jonkershoek SDF and the amended document was submitted to Stellenbosch Municipality on 18 March 2016. The amended Jonkershoek Spatial Development Framework by CK Rumboll & Partners is attached for your perusal as Appendix 1.

#### 5. PREVIOUS COMMENTS BY RELEVANT DEPARTMENTS

The Jonkershoek SDF was circulated to all the departments on 5 September 2012 and only Engineering Services responded with the following comments:

They support the principle of formalizing and guiding further potential development in the Jonkershoek Valley. The principle of protecting the very sensitive valley by not opening it up to extensive development is also supported.

However, in respect of engineering services, there are currently no formalized engineering services in the valley. In general sewage is handled by means of either soakaways or conservancy tanks.

Water provision is mainly by means of boreholes or extraction from the river, fountains or mountain streams. The existing main water supply pipe supplies raw (untreated) water from Jonkershoek River to the Water Treatment Plant at Idasvallei and is therefore not suitable for water provision in the Valley.

Roads in the Valley is maintained and managed by the District Municipality, to the cost of the District Municipality. The engineering department recommended that the consultants that compiled the Jonkershoek SDF liaise with the Engineering department to agree on logical, practical measure in respect of services provision before the document be finalized as some of the proposal as reflected in the Implementation Plan is not feasible and not practical to implement from a services point of view.

The Jonkershoek SDF was then again circulated to all departments on 21 January 2015 for comments and the following comments were received:

Community & Protection Services: The department supports future development in the area, but recommends provincial engineers to provide input to the current speed zone due to the intended increase of residents.

Financial Services: The plans of the Jonkershoek SDF should be costed and then a cost benefit analyses should be performed on a life cycle basis. The proposals of this SDF should also be viewed in context of the wider WC024 strategies for housing etc.

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6. **COMMENTS BY RELEVANT DEPARTMENTS ON AMENDED JONKERSHOEK SDF (AFTER PUBLIC PARTICIPATION CONSULTATION):**

The amended Jonkershoek SDF was circulated to all departments on 15 April 2016 and the following comments were received:

**Department: Planning and Economic Development**

*Spatial Planning:* Please note that the Jonkershoek Spatial Development Framework must be approved in terms of the Stellenbosch Municipality: Land Use Planning Bylaw (not LUPO).

*Environment:* The Jonkershoek SDF recognises Jonkershoek valley's importance as upper catchment of the Eersteriver as well as its role as conservation area and is supported. The limited development within the valley recommended in the SDF should only occur with the provision of sufficient services to ensure that the surrounding area's integrity is maintained and protected. The sustainability of the recommended settlement will largely depend on the successful implementation of the proposed economic activities.

*Director:* The SDF is generally compliant with the relevant statutory requirements for a local area spatial development framework (Section 9 of the Stellenbosch Municipality Land Use Planning Bylaw) and in general, the requirements as set out in the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA). The process for the preparation of the SDF might not have followed the strict provisions and requirements, as these were concluded prior to the implementation of LUPA and the municipal bylaw. Nonetheless, the document contains sufficiently detailed plans and an implementation programme to make it useful and implementable and it provides clear guidance for land use planning decisions.

In summary, the SDF recommends for a limited extent of urban development/settlement in Jonkershoek, predominantly to accommodate the historic residents of the area and some accommodation for the influx of residents up until the end of 2012. There is clearly no provision for further settlement, to establish an urban node in the area, with sufficient capacity to accommodate all the residents as this will not be feasible, nor compatible with the overarching goal of retaining Jonkershoek as a conservation and tourism attraction. The implementation programme and the recommendations of the SDF provide sufficient guidelines for integrating the proposed settlement with the tourism attraction, in order to provide exclusive economic opportunities for the residents, which would not be possible if the settlement is allowed to develop into a full-scale urban node.

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Recommendations have engineering, financial, legal and property related implications. The relevant recommendations in the draft item to Council are supported.

**Department: Engineering**

This department fully supports the various statements of effective co-ordination of development and planning initiatives to ensure successful implementation of the SDF action plans.

The use of septic tanks should be eradicated through a phased implementation process seeing that the valley would suffer if this use would continue. The use of conservancy tanks are suggested and where ever possible the implementation of piped sewer systems.

Care should be taken of the effect of illegal dumping and should be monitored and rectified as soon as it is discovered. Should any further housing units be implemented it should be done with the prescribed standards of township establishment as issued by this Directorate.

The high risk road access to the Valley should also form part of the phased implementation programme to ensure that further development of the valley be done in line with upgrading the access to a more safer situation, especially for pedestrians and cyclists.

In summary the Directorate Engineering therefore support the proposals of the Jonkershoek SDF with a proviso that implementation of the suggested infrastructure be done in collaboration with this Directorate but more importantly in line with our priorities of serving the entire WC024 region.

**7. LEGAL IMPLICATIONS**

Legal comment attached as **APPENDIX 2**.

**8. FINANCIAL IMPLICATIONS**

Comment not possible – cost of development unknown.

**RECOMMENDED**

- (a) that Council approve the Jonkershoek Spatial Development Framework in terms of in terms of Chapter 5 of the Municipal Systems Act 2000 (Act 32 of 2000) and Section 21 of the Spatial Planning and Land Use Management Act, 2013 (No 16 of 2013);

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- (b) that the SDF be approved in terms of Section 9 of the Stellenbosch Municipality Land Use Planning Bylaw as guiding policy for decision-making; and
- (c) that the implementation plan be reviewed and expanded to include projects, project leaders and budgets.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
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**RECOMMENDED**

- (a) that Council approve the Jonkershoek Spatial Development Framework in terms of in terms of Chapter 5 of the Municipal Systems Act 2000 (Act 32 of 2000) and Section 21 of the Spatial Planning and Land Use Management Act, 2013 (No 16 of 2013);
- (b) that the SDF be approved in terms of Section 9 of the Stellenbosch Municipality Land Use Planning Bylaw as guiding policy for decision-making; and
- (c) that the implementation plan be reviewed and expanded to include projects, project leaders and budgets.

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DEVELOPMENT TO ACTION)**

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[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]**6.1.3 PROPOSAL FOR AMENDMENT OF MUNICIPAL BOUNDARY***File number* : PL 222/112 S*Report by* : Director: Planning and Economic Development*Compiled by* : SPATIAL PLANNER (B HENNING)*Delegated Authority* : Council**Strategic intent of item**

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

To enable the Council to make an informed decision on the proposal to consider the exclusion of portion 112 of Farm 222, Stellenbosch from the Stellenbosch area of justification to enable inclusion into the City of Cape Town area of jurisdiction.

Council's decision will be submitted to the Demarcation Board. The proposal is **recommended to be supported**.

**2. BACKGROUND**

A proposal has been received by Terraplan Town & Regional Planners for the amendment of municipal boundary, the particulars of which is discussed below.

**3. DISCUSSION****Proposal**

The above proposal is made in terms of the Municipal Demarcation Act 27 of 1998 for an amendment of the municipal boundary. Stellenbosch Municipality must consider the exclusion of portion 112 of Farm 222, Stellenbosch from the area of justification to enable inclusion in to the City of Cape Town area of jurisdiction.

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The land currently forms part of the redundant N7 road reserve near Bottelary Road.

The detail of the property concerned is included in the table below:

#### Property Information

<b>Farm number</b>	Farm No.222/112, Stellenbosch Division
<b>Location</b>	Bottelary Road, Stellenbosch See <b>APPENDIX 1</b> for Locality Plan
<b>Zoning/Zoning Scheme</b>	Agriculture Zone 1 / Section 8 Zoning Scheme Regulations
<b>Property size</b>	13.8276ha
<b>Owner</b>	Spotprops 48 (Pth) Ltd
<b>Applicant</b>	Terraplan Town & Regional Planners

#### Legal requirements

##### Applicable laws and ordinances:

Municipal Demarcation Act 27 of 1998

#### Public participation

The application was circulated to the following internal departments:

- 1) Property Services
- 2) Traffic Engineering
- 3) Civil Engineering

##### Comments from internal departments:

The **Department of Traffic Engineering** has no objection against the proposal.

The **Department Corporate Services (Property)** has no objection against the proposal subject to conditions (See **APPENDIX 2**)

The **Department of Civil Engineering Services** has no objection against the proposal subject to conditions (See **APPENDIX 3**).

#### Planning Assessment

A proposal for rezoning and subdivision on Portions 86 and 112 of Farm 222 was submitted by Terraplan Town Planners.

Portion 86 of Farm 222 is located within the City of Cape Town municipal boundary and located within the City of Cape Town Urban

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Edge. It is earmarked for development in terms of the Cape Town Spatial Development Framework and Tygerberg District Plan.

Portion 112 of Farm 222 is located inside the Stellenbosch Municipal area, but situated some distance from the nearest recognised urban node and located outside the urban edge.

It is the intention of the developer to rezone the property from Agricultural Zone I to Subdivisional Area with the aim to develop group housing. The property is currently undeveloped and no longer required for road purposes and has become redundant.

The adjoining application as well as the application for rezoning and subdivision on this site has been lodged at the City of Cape Town. It is the intention of the developer to develop the two properties together if the proposal is considered positively.

If the portion of land remained in the jurisdiction area of Stellenbosch Municipality the application would not be supported as it is located outside the urban edge. The applicant was therefore advised to submit both applications for residential development at City of Cape Town and apply for the adjustment of municipal boundary to incorporate the land into the City of Cape Town area of jurisdiction.

An application also needs to be submitted to the Demarcation Board for the amendment of the municipal boundary should Council support the proposal.

Access and bulk services would be provided from City of Cape Town and cannot be provided by Stellenbosch Municipality.

#### 4. LEGAL IMPLICATIONS

Please refer to **APPENDIX 4** for comment from external legal advisors STBB.

#### 5. FINANCIAL IMPLICATIONS

The proposal was circulated to the Chief Financial Officer and the proposal is supported.

#### RECOMMENDED

that the proposal for an amendment of the municipal boundary in order to exclude Portion 112 of Farm 222 from the Stellenbosch area of jurisdiction and enabling the inclusion into the City of Cape Town area of jurisdiction be supported and that the Municipal Manager be authorised to recommend same to the Municipal Demarcation Board.



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**APPENDICES**

- Appendix 1: Locality plan
- Appendix 2: Comment from Department Corporate Services (Property)
- Appendix 3: Comment from Department of Civil Engineering Services
- Appendix 4: Comment from external legal advisors (STBB)

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

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**RECOMMENDED**

that the proposal for an amendment of the municipal boundary in order to exclude Portion 112 of Farm 222 from the Stellenbosch area of jurisdiction and enabling the inclusion into the City of Cape Town area of jurisdiction be supported and that the Municipal Manager be authorised to recommend same to the Municipal Demarcation Board.

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DEVELOPMENT TO ACTION)**

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[Portfolio: Planning and Land Use  
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Environmental Heritage and Cultural Management]**6.1.4 FEEDBACK ON AND APPROVAL OF SHAPING STELLENBOSCH  
SPATIAL PLANNING PRINCIPLES***File number : 15/10**Compiled by : Manager: Spatial Planning, Heritage and  
Environment**Report by : Director: Planning and Economic Development**Delegated Authority : Council***Strategic intent of item**

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input checked="" type="checkbox"/>
Safest valley	<input checked="" type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF THE REPORT**

The purpose of the report is to inform Council of the progress made with the preparation of the Shaping Stellenbosch project, for the Stellenbosch town node and to gain approval for the broad planning principles identified as the most appropriate for local urban development. The draft document is attached as **APPENDIX 1**.

**2. STUDY AREA**

The study area is limited to the town of Stellenbosch and includes all the suburbs of Stellenbosch as depicted in the draft SSDF on **page 4**.

**3. BACKGROUND**

The Stellenbosch Town Council approved a Spatial Development Framework (MSDF) for the WC024 municipal area on 28 February 2013 in terms of the Municipal Systems Act, 2000 (No 32 of 2000). Section 26 of the Systems Act requires that the municipality's IDP reflects the council's vision for the long term development of the municipality. The MSDF, as a compulsory core component of the IDP, reflects the spatial policy and strategic framework as envisaged

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by Council that serves as the building blocks for the future urban and rural spatial development pattern of the municipal.

In terms of Section 24 (1) of the Municipal Systems Act “the planning undertaken by a municipality must be aligned with, and complement, the development plans and strategies of other affected municipalities and other organs of state so as to give effect to the principles of co-operative government contained in Section 41 of the Constitution.”

In light of the above requirement of the Systems Act Stellenbosch Municipality is obliged to adhere to principles and goals set by other legislation impacting on spatial planning. Hence the approved SDF supports and attempts to give meaning to the principles, norms and standards as contained in Section 7 and 8 of the National Spatial Planning and Land Use Management Act, 2013 (No 16 of 2013) hereafter referred to as SPLUMA.

#### 4. THE CHANGING CONTEXT

Throughout history, settlements have been shaped by the most powerful forces of the time, and today’s settlements are no exception (Madanipour, 2006).

The South African Town Planning System was strongly influenced by the British Town and County Planning Acts in the early parts of the 20th century. Planning ideology, approaches and methods were also shaped and influenced by factors such as the Second World War, post-war reconstruction efforts, the Great Depression and, in South Africa, the implementation of the Group Areas Act. Although mechanisms for forward planning have long existed, the town planning scheme, imported from the United Kingdom, is at the heart of the South African town planning system. This is based on the erroneous assumption that it is possible, and desirable, to predetermine the use of all land parcels. (Carlos Nunes Silvia, 2015)

The shaping of town planning corresponded with a wide international acceptance of modernism. Most current norms and standards associated with spatial planning were devised to entrench these ideas. The ideals promoted and fostered in the modernist movement have included the concept of the free-standing buildings within large private green space as the basic building block of settlements; the separation of land uses; the concept of the inwardly-oriented neighbourhood unit; focusing on embedded social facilities and the dominance of the private motor car. A prevailing belief underpinning this system was that it was possible and desirable to plan comprehensively and to pre-determine the use of all land parcels in settlements.

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The historical public structure of Stellenbosch is an indication of the original village laid out by HA van Rhee in 1685 as the first formally designed regional settlement. (Kruger Roos, 1997) Over the centuries the original public spatial structure laid down by Van Rhee has survived and been developed. Traditionally Stellenbosch had the character of a rural town. From the 1930's onwards, Stellenbosch developed rapidly under the influence of modern planning principles. One of the corner stones of the new ideas was the development of separate areas for working, living and recreation. Under the influence of Garden City concepts new mono functional residential suburbs were built on the outskirts of the town consisting of single houses on individual plots.

The result of the chosen development path dictated by the planning methodology of the time was amongst others:

- The loss of the urban character which in the context of Stellenbosch is compromising the uniqueness of the town and its competitive advantage with respect to other tourist dependant towns.
- Dependency on private transport is caused by the low density suburban structure which cannot be efficiently served by conventional public transport. People without cars become isolated, or have to spend large amounts of money on transport.
- Parking and severe traffic congestion particularly in the historical core and central business district resulting from residents commuting from outlying suburbs and towns.
- Urban density has reduced dramatically due to sprawling suburban development. The total urban area in 1938 was  $\pm$  225 ha. Thereafter the spatial footprint more or less doubled every 20 years up to  $\pm$  2 180 ha by 2014.
- A town still characterised largely by racial segregation.
- The separation of land uses resulting in weak or absent connectedness.
- Increasing financial strain on the local authority.
- Uncontrolled sprawl and the loss of agricultural land.
- The gradual erosion of the bio-physical environment as well as the scenic quality of the area; and

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- The loss of meaning-full and positive public space.

Like most of South Africa and indeed the world, it became apparent that unsustainable development, financial woes and climate change will not be alleviated by our current planning practices and that we have to seriously consider doing things differently

## 5. THE CHANGING CONTEXT

This realization was influenced in a very definite way by Chapter 10 of Agenda 21, which resulted from the UN Conference on Environment and Development held in 1992 in Rio de Janeiro. In relation to land resources Agenda 21 states:

"The broad objective is to facilitate allocation of land to the uses that provide the greatest sustainable benefits and to promote the transition to a sustainable and integrated management of land resources."

Conventional land-use planning has frequently failed to produce a substantial improvement in land. In the foreword to the White Paper on Spatial Planning and Land Use Management the Deputy Minister of Agriculture and Land Affairs said: "It is no exaggeration to say that the economic, social and environmental future of our country depends on the wise use of our land resources." The Minister of Land Affairs, as the Minister responsible for land, thus introduced new legislation to parliament that provides a uniform, effective and efficient framework for spatial planning and land use management in both urban and rural contexts.

The last decade has seen many social, economic and environmental changes across the globe. In response to this there has been a move towards approaches aimed at the creation of sustainable human settlements. With the international development agenda emphasising settlement principles of integration, inclusivity, resilience and sustainability, it has been largely accepted by state institutions and built environment practitioners that similar principles be applied to the South African context. In addition to the global challenges and emerging issues mentioned above, South Africa also has to address a number of context specific issues with respect to the country's cities and towns. Since the first democratic elections held in 1994, these issues have regularly been highlighted.

There is remarkable consistency amongst the various national planning documents prepared by Government over the last couple of years as can be determined by the brief discussion below. This continuity is recognised in the SDF and included in the Spatial Development strategy.

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In response to the ever changing environment and challenges faced by the country Government committed itself to developing more liveable, equitable and sustainable cities. Key elements of these plans included pursuing a more compact urban form, facilitating higher densities, mixed land use development, and integrating land use and public transport planning, so as to ensure more diverse and responsive environments whilst reducing travelling distances.

There are growing arguments internationally for linking spatial planning and infrastructure, with roads and transport infrastructure being the most important in shaping the form of urban areas for they influence land values and accessibility. "Spatially efficient investment choices in both economic and basic infrastructure spending can make a significant impact on the equity, efficiency and sustainability of human settlements" (Coetzee et al., 2014). There are many arguments for the inclusion of 'green infrastructure', which preserves land for agriculture, environmental purposes, and open space.

The *National Development Plan 2030 (NDP)* provides a long term vision and perspective for the entire country by defining the desired destination of the country in 2030. The Plan argues that planning in South Africa should be guided by a set of normative principles to create spaces that are liveable, equitable, sustainable, resilient and efficient, and support economic opportunities and social cohesion. In the chapter an urban vision is introduced and promotes the establishment of well performing human settlements that are vibrant, diverse, safe and valued places. The qualities identified to achieve this include densification, affordable housing on well-located land, retrofitting in support of sustainability, focussing development around transport corridors and nodes, using public transport to link the urban poor with mainstream city life, in situ upgrading of well-located informal settlements and increasing the quality design of public spaces (National Planning Commission, 2011).

The draft Integrated Urban Development Framework (IUDF) developed by Government in 2014 sets out a policy framework on how the urban system in South Africa can be reoriented so that cities and towns can become increasingly liveable, inclusive and resource efficient over the next 20 to 30 years. The IUDF also recognises that urban and rural areas operate on a continuum and proposes measures to strengthen the rural-urban linkages. To achieve this vision the IUDF identifies four strategic goals, namely "to ensure people have access to social and economic services, opportunities and choices, to harness urban dynamism for inclusive, sustainable economic growth and development, to enhance the capacity of the state and its citizens to work together to achieve social integration, and to forge new spatial forms in settlements, transport, social and

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economic areas” (Department of Cooperative Governance and Traditional Affairs, 2014:9).

The Comprehensive Plan for the Development of Sustainable Human Settlements, or Breaking New Ground (BNG) was developed by the then Department of Housing in 2004 and represents a shift in emphasis after 1994 from building houses to developing human settlements. The key elements of the plan is to pursue a more compact urban form, facilitate higher densities and mixed land use development, and integrate land use and public transport planning, so as to ensure more diverse and responsive environments whilst reducing travelling distances (Department of Housing, 2004). In addition, the plan introduces spatial targeting principles that can be applied at the various planning levels and include increasing densities through compaction; restructuring and transforming space through connections; and integrating settlements by providing mixed use environments and choice.

## 6. STELLENBOSCH IDP

The IDP approved by Council during 2014/15 had as its vision the following:

Stellenbosch Municipality’s IDP is a five year strategic plan guiding development in the region that primarily informs the municipality’s budget. It sets out the priorities for capital expenditure in line with the municipality’s strategic vision of becoming the ‘Innovation Capital of South Africa’. Underpinning its commitment to delivering cost-effective services that provide the most enabling environment for civil and corporate stakeholders are the values of character leadership, transformation and innovation. In pursuit of its vision to be the ‘Innovation Capital of South Africa’, Stellenbosch Municipality identifies five core strategic focus areas namely, *Preferred Investment Destination, Greenest Municipality, Safest Valley, Dignified Living* and *Good Governance and Compliance*. As the 13<sup>th</sup> largest economy nationally, Stellenbosch Municipality is positioned as a prominent economic node in the region. With a strong focus on providing and enabling environment for sustained, inclusive economic growth, SM recognises its impacts of economic success through the provision and maintenance of infrastructure and how activities are organised in space.

## 7. PLANNING PROCESS

The ambition to become South Africa’s innovation capital as expressed in the IDP provided the point of departure for the process of compiling the SDF. In light of the changing context briefly described the Directorate: Planning and Economic Development,

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engaged Stellenbosch University in order to obtain the benefits of access to current international thinking to dealing with sustainable development planning, to access specialists in their relevant disciplines as and when required and to obtain assistance in managing the planning process. The process included that Stellenbosch University's Department of Information Science made available the world-renowned Eidos decision-support tools, usually used by large and complex corporations and institutions to compile their long-term plans.

The Spatial Perspective was drafted by integrating the results of two innovative processes of dialogue and engagement. The first entailed the development of strategic scenarios by the Strategic Advice Group (SAG), supported by the Eidos decision-support tools. The SAG comprised all the most senior municipal officials plus the relevant members of the Mayoral Committee (MAYCO). The second was the Shaping Stellenbosch campaign, a public appreciative inquiry process that ran from November 2013 to June 2014.

The SAG held various workshops between November 2013 and June 2014. The aim was to facilitate a dialogue that would result in two outcomes: a set of future scenarios for Stellenbosch, with one of these designated as the preferred scenario; and a strategy comprising a set of tools that will be required to achieve the preferred scenario with the aid of Eidos decision-support tools. This means that the actual scenarios and the preferred scenario were not generated by the consultants, but carefully and in detail by the senior officials and MAYCO members who participated in the workshops. The SAG approved the final set of scenarios and the preferred scenario.

The Shaping Stellenbosch Campaign (SSC) ran from August 2013 to August 2014, culminating in a deadline for submissions from the public that have been integrated into this draft SDF. The SSC was motivated by a desire to ensure that the citizens of Stellenbosch were given an opportunity to express their vision for the town as a whole, and their neighbourhoods in particular. The SSC used a specially designed website, newspaper adverts, flyers and street posters to invite people to submit their proposals online or at designated public facilities. Citizens were requested to submit positive, forward-looking proposals that aligned with the principles of the Greater Stellenbosch SDF.

To empower citizens to effectively participate, the SSC team organized a wide range of engagements with ward councillors, ward committees, business groups, civil society groups and individuals. The first round of consultations took place with all ward councillors,



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followed up by meetings with ward committees. After this, 72 formal engagements with various groups took place. The purpose of all these engagements with ward councillors, ward committees and other groupings was to encourage as many people as possible to submit proposals, in particular via the website. These formal engagements and many more informal engagements were complemented by four major workshops that were attended by a wide cross-section of organisations. Although initially regarded with suspicion by nearly all concerned, by far the majority realized that the SSC was in fact an authentic attempt by the Municipality to elicit the views of Stellenbosch citizens. As the campaign progressed it became clear that this was not simply about eliciting inputs into the process of drafting the SDF, this was also about creating new relationships of trust between the Municipality and the citizens. This is crucial because an innovation-oriented SDF cannot be implemented in an environment characterised by mistrust. Trust is widely regarded worldwide as a precondition for the flourishing of innovations.

By August 2014 a total of over 200 ideas were submitted from around 108 stakeholders. These were then clustered into thirteen thematic areas. Of the 214 ideas, 75% were relevant to the SDF with the remainder pertaining to other municipal functions such as community development or safety. Having gone through the screening and filtering process, around 80 proposals emerged as suitable for further consideration in terms of their applicability to the spatial development framework. Each proposal was captured on an easy to read spreadsheet which was shared with relevant municipal representatives. Everyone who submitted a proposal received a personal letter thanking them for their submission and what the next steps would be. One person responded to this as follows: *"Thank you very much for the information and especially also for the tone of your letter. I feel included and am looking forward to seeing and discussing your plans."*

Significantly, the vast majority of the proposals received seemed to be consistent with the preferred scenario developed by the SAG, i.e. the idea of a *compact, inclusive sustainable town*. The fact that the largest number of proposals related to mobility confirmed the SAG conclusion that transit-based high density development should be the primary focus of the implementation strategy.

## 8. STELLENBOSCH QUO VADIS DOCUMENT

For at least a decade, development in Stellenbosch has been paralysed by an unresolved tension between two opposing perspectives: a heritage perspective that sees development as a threat to the cultural and ecological heritage of Stellenbosch, and a

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developer-driven perspective that favours urban sprawl. This document proposes a third option: an innovative Sustainable Transit-Oriented Development (STOD) approach that would radically redefine the future spatial development of Stellenbosch around a set of ecologically sustainable high density development nodes built around integrated public transport services.

The STOD stems from and applies the seven principles of the approved 2013 Spatial Development Framework (SDF), namely;

- Provide public transport for all
- Create walkable neighbourhoods
- Grow the economy so that more people can get jobs
- Make wise use of our land
- Conserve, restore and regenerate our resources
- Grow more food for ourselves
- Care for our heritage

The proposed vision of a Sustainable Transit-Oriented Development (STOD) approach will help transcend the tension between heritage and sprawl. Although complementary approaches to development will not be ignored, infrastructure and spatial planning will prioritise integrated public transport-oriented and infrastructure-led development.

It follows that realising a new spatial vision for the region must recognise:

- (a) the primary and overarching STOD approach with prioritisation of inclusive development around a set of carefully designed, ecologically sustainable high density nodes built around integrated public transport services along the Klapmuts-Lynedoch railway spine;
- (b) an integrated mobility network to ensure that all communities have access to a comprehensive range of preferably public as well as private transport options.

Together these interconnected and complementary components serve to reinforce a framing of development for this municipality which makes ecologically sustainable growth and inclusive economic prosperity possible.

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## 9. DEVELOPMENT SCENARIOS

The following development scenarios were generated in the SSDF:

The **status quo scenario** was described as a town whose mobility systems cater mainly for the private car, has a very limited commitment to sustainability, is seen as a University 'brain port', lacks an approved SDF, commits sufficient funding to address the service backlogs, focuses on middle class and state-subsidised house, and whose economy is characterised by what was called 'rogue capitalism', i.e. a kind of free for all for developers to do more or less what they want.

The **hi-tech University town** scenario was characterised as a town whose mobility system caters mainly for the private car, where poverty is regarded as more important than the environment and the identity of the town comes to be associated in a more pronounced way with a hi-tech economy dominated by the University. In this scenario there is still no approved SDF to guide development, which means 'rogue capitalism' persists, but the focus shifts towards densification within the existing urban edge. Service backlogs would remain because the focus of investment will be on densification for higher income elites employed in the hi-tech economy.

The **enclaved tech-town scenario** would be the outcome of Stellenbosch being absorbed into the Cape Town metropolitan planning system as an enclave economy that employs a significant number of middle class professionals. Investments would focus on private car-based mobility and middle class and gap housing, plus expansions of the University 'brain port' as a key driver of the economy. Service backlogs would therefore persist and social unrest would increase.

The **heritage tourist town** scenario would be based on the assumption that preserving the heritage architecture and environment of the town is the priority and that this can only be achieved by approving an SDF that provides for this. This would include the integration of public and non-motorised mobility at the expense of the private car, and green issues would be regarded as more important than poverty issues. Service backlogs would continue and social unrest would increase.

The most consistent and therefore the PREFERRED SCENARIO was the **compact, inclusive and sustainable town** scenario. This would be a town with an approved SDF that would be responsive to the rising cost of natural resources and the challenge of poverty by guiding public and private investments into the integration of public and non-motorized transport, building of an inclusive knowledge

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economy (with the University 'brain port' as the central driver), generating the funding to address existing service backlogs as well as future needs, and densification of residential settlements within the existing urban edge as an alternative to sprawl.

At a spatial mapping workshop the inputs generated by the SSC was aligned with the preferred scenario generated by the SAG. A set of around 12 development nodes within the Stellenbosch town were identified (later reduced to 7 for the final version of the plan). Each were assessed in terms of three criteria over and above the implicit consideration of the seven broad SDF principles: firstly the alignment with a transit-oriented development approach which prioritises investments in public transport; secondly the potential for inclusion of poorer households, especially in terms of broad access to economic and livelihood opportunities; and finally their infrastructure readiness over the short, medium to long term. This workshop was extremely fruitful in beginning to imagine the spatial and infrastructural particularities of this emerging narrative of a *compact, inclusive and sustainable town*. The final proposed spatial framework presented in this draft document stems primarily from this workshop and the process of refinement that took place in the weeks thereafter.

The preliminary map is attached as Figure 1 below:

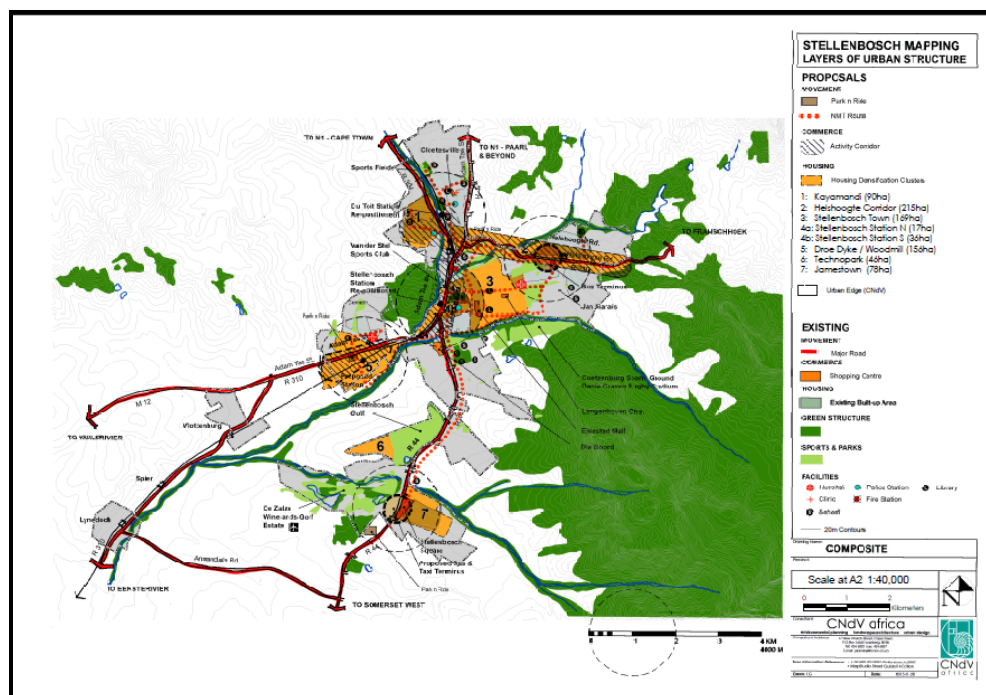


Figure 1. Stellenbosch Urban Structure

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#### 10. STRUCTURING ELEMENTS PROPOSED BY THE SSDF

An SDF cannot simply be the expression of an idealistic vision as articulated by key actors and citizens. It also needs to be informed by the actually existing geo-physical realities and built infrastructures. This is what is referred to here as the structuring axes, i.e. that geo-physical and built infrastructures that become both constraints and opportunities for structuring development trajectories in the future.

Innovation-driven sustainable economic growth in Stellenbosch cannot take place without consciously opening up new bioregionally appropriate areas for urban expansion and densifying existing developed areas. The SDF principles articulated in Section 5 must guide how this growth must take place. The IDP refers specifically to the need for 6 000 additional ratepayers (without clarifying the distribution across property values). However, inclusive urban expansion and densification within the Stellenbosch bioregion must be shaped by the following structuring axes:

**Green lungs:** these include the conservation areas, public open spaces and valuable agricultural lands (including the commonage) that will be required for food production. To protect these natural assets a strategy of low density suburban sprawl must be avoided.

**Blue veins:** these include the rivers, dams, water sources and sanitation sinks of the Stellenbosch bioregion. If water-efficiency and ecological sanitation do not become central tenets of future urban development, Stellenbosch will face severe water shortages and ongoing pollution of its river systems.

**Brown arms:** these include the existing primary mobility nodes and corridors, specifically the congested road network and neglected under-utilised rail network. The rail network in particular provides a unique opportunity for Stellenbosch, especially in light of ongoing engagements with PRASA and the Western Cape Provincial Government both of whom favour the idea of increasing the importance of rail-based commuting linked to bus and taxi services. The seven stations located respectively at Lynedoch, Vlothenburg, Stellenbosch, du Toit, Koelenhof, Muldersvlei and Klapmuts can become the primary transit nodes around which a new generation of major high density urban developments can materialize over the next two decades, starting with the proposed transit-oriented development strategy for Stellenbosch station.

**Red Heart:** this refers to the over-loaded energy system that Stellenbosch is dependent on, specifically the increasingly expensive coal/nuclear-based energy sources and the 11KVA long-distance transmission system that has reached capacity. Now that global

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investments in renewable energy have exceeded investments in fossil fuel-based energy since 2009, Stellenbosch is now in a position to benefit from the introduction of proven renewable energy systems, including embedded photovoltaic systems for all buildings and solar hot water heating systems.

All four structuring axes bring into focus innovations needed to overcome key development constraints:

- **Green lungs:** by densifying within the urban edge, this will ensure that urban expansion takes place in a way that protects and strengthens the bioregion's available eco-system services and local food supplies;
- **Blue veins:** minimise water risks and ensure water security for all in a growing economy by efficiently using water and adhering to water sensitive planning and design;
- **Brown arms:** in order to reduce road congestion while increasing the size of the population and creating more jobs it will be necessary to build high density urban nodes around upgraded train stations and bus routes, and this in turn will mean improving the viability, accessibility and affordability of public transport and non-motorised mobility while at the same time improving road access on a limited basis (investments in road-based mobility must be primarily aimed at increasing the actual flow and volume of people and goods, not merely private cars carrying a limited number of people per unit);
- **Red Heart:** increase the total quantity of clean renewable energy supply into the Stellenbosch energy system in order to overcome long-term supply constraints and rising costs of fossil fuel-based energy supply systems.

#### 11. WHAT DOES THIS MEAN FOR STELLENBOSCH?

To give expression to the preferred scenario of a **compact, inclusive sustainable town**, the following guiding framework will be adopted:

1. **A compact town:** future needs will be met by densifying the existing urban footprint, thus remaining more or less within the existing urban edge – this will be achieved by making sure that all new major urban development take place around transit nodes, including rail, bus and taxi services, with special reference to Stellenbosch and du Toit stations;

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2. **An inclusive town:** the primary focus for future development will be the area of greatest need, namely the Kayamandi-du Toit station-Helshoogte corridor (that includes Idas Valley and Cloetesville);
3. **A sustainable town:** investments in water, sanitation, waste, energy and mobility infrastructures will be guided by the need to be resource efficient, while at the same time development is managed in a way that restores the ecosystems that the Stellenbosch system of production and consumption depends on.

The following specific implementation mechanisms will be used:

1. High density transit-based developments will be given priority;
2. High density social housing around transport nodes to meet the needs of poorer households will be given top priority;
3. Municipal properties will be used to promote social transformation and economic growth;
4. A proactive approach to zoning and rezoning to achieve strategic objectives will be adopted (e.g. the proposed Special Planning Categories referred to in the SEMF);
5. Advantageous zoning incentives for those developers who fit into the strategic vision of the SDF will be made available.
6. A long-term asset management system that makes long-term planning to achieve the goals of the SDF possible will be introduced.

The plan reveals that without urban sprawl it will be possible to make provision for urban expansion in ways that meets the needs of all income groups.

## 12. SUMMARY

Although the Draft Spatial Perspective does not result in the final SDF nor is the report completed in its current form, it already had the following impact on the planning processes within the municipality and to some extent the community:

1. It created a platform to integrate all long term planning undertaken by the different directorates thus breaking down the "silo approach" to planning;

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2. It assisted in forming a joint understanding of the development of the municipal area amongst directorates;
3. It introduced the concept of Transit Orientated Development as a viable solution to address public transport, integration, densification and the support to mixed use development
4. It identified important nodal areas earmarked for intense redevelopment and/or redevelopment.
5. It provided an understanding of areas that is in need of urgent and significant infrastructure upgrading;
6. It provided an understanding amongst senior officials of the cost of sprawl in relation to compact development.
7. Lastly, it provided clarity on areas that require further planning in order to accommodate development

### 13. COMMENTS BY RELEVANT DEPARTMENTS

Only comment received from the Director: Planning & Economic Development. No other departments responded within the allocated timeframe.

#### **Director: Planning & Economic Development**

The Shaping Stellenbosch report/document does not in any way comply with the relevant statutory requirements for a local area spatial development framework(Section 9 of the Stellenbosch Municipality Land Use Planning Bylaw), nor the requirements as set out in the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA).

The process for the preparation of the document was concluded prior to the implementation of LUPA and the municipal bylaw and therefore this aspect could be overlooked. The final document was also not made public, not that it makes significant difference, given that it cannot be classified as a SDF.

The document does not contain sufficiently detailed plans nor an implementation programme and it does not provide clear guidance for land use planning decisions. It is primarily a document containing planning principles and broad policy statements.

The main criticism against it is that it does not address any of the short-term and maybe even medium term need for integrated human settlement development. Instead, it focuses primarily on the establishment of high-density developments in proximity of train



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stations, none of which are achievable with in the short and medium term, while it specifically excludes development that could solve some of the housing needs for residents of low income neighbourhoods. The document should therefore not be considered as a SDF and should at best be used as an input into the Stellenbosch WC 024 Urban Development Strategy / SDF.

**14. LEGAL IMPLICATIONS**

No comment received

**15. FINANCIAL IMPLICATIONS**

No comment received.

**RECOMMENDED**

- (a) that the Shaping Stellenbosch document attached as Appendix 1 be approved as a broad policy guideline for future planning of Stellenbosch Town and that all spatial planning is based on this spatial strategy;
- (b) that Stellenbosch Municipality form a partnership with Stellenbosch University via the Rector-Mayor Forum that mandates the University to establish a core group of senior academics and postgraduate researchers to establish an integrated transdisciplinary research programme to support the implementation of the planning policies with funds that will be raised by the University from donors; and
- (c) that catalytic innovation-oriented projects, such as the TOD be prioritised in order to further the aims of the SSDF.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 6.1.4**

**RECOMMENDED**

- (a) that the Shaping Stellenbosch document attached as Appendix 1 be approved as a broad policy guideline for discussion related to future

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- planning of Stellenbosch Town and spatial planning in general and the agreed aspects be incorporated into the new WC 024 SDF;
- (b) that Stellenbosch Municipality form a partnership with Stellenbosch University via the Rector-Mayor Forum to establish an integrated transdisciplinary research programme to support the implementation of the planning policies; and
  - (c) that catalytic innovation-oriented projects, such as the TOD be prioritised in order to further the aims of the SSDF.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

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## 6.2 DELEGATED MATTERS

6.2.1 APPLICATION FOR A DEPARTURE AND DEVIATION FROM THE  
PROVISIONS OF THE BYLAW RELATING TO THE CONTROL OF  
BOUNDARY WALLS AND FENCES ON ERF 16372, CLUVER ROAD,  
STELLENBOSCH*File number* : 16372*Compiled by* : Town Planner (N Dafeti)*Report by* : Director: Planning and Economic Development*Delegated Authority* : Planning and Economic Development Committee**Strategic intent of item**

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

**1. PURPOSE OF REPORT**

To enable the Committee to make an informed decision on a departure and the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for approval**.

**2. BACKGROUND**

There is no relevant background information that has a bearing on the current application.

**3. DISCUSSION****3.1 Application for consideration**

- Application is made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure in order to relax the street building line from 7,6m to

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0m in order to construct a guard house on Erf 16372, Stellenbosch;

- Application is made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure in order to relax the street and common building line building line from 7,6m and 4,6m respectively to 0m in order to accommodate the proposed refuse room as indicated on Drawing No. C03-03, dated 26 August 2015 and attached as **APPENDIX 3**.
- Application is made in terms of Clause 13 of the bylaw relating to the control of boundary walls and fences (Provincial Gazette 6671, 30 October 2009) in order to construct a guard house of 3.2m in height (which forms part of the boundary wall) and to construct a 2.4m high solid wall and a 2.4m high palisade fence on Erf 16372, Stellenbosch.

### 3.2 Property Information

<b>Erf number</b>	16372
<b>Location</b>	Cluver Road, Stellenbosch. <b>APPENDIX 2</b>
<b>Zoning/Zoning Scheme</b>	General Residential / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
<b>Property size</b>	2079m <sup>2</sup>
<b>Owner</b>	Memtrust Eiendomsbestuur (Pty) Ltd
<b>Applicant</b>	E van der Merwe
<b>Unauthorized land use/building work / date when notice served</b>	None

### 3.3 Site Description and immediate environs

The subject property is located within walking distance of the Stellenbosch University, in Cluver Road. The surrounding area is characterized by residential properties and the subject property is developed with a block of flats.

### 3.4 Legal requirements

Applicable laws and ordinances:

- Stellenbosch Municipality Zoning Scheme Regulation, July 1996
- Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

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- By-Law relating to the control of Boundary Walls and Fences (Provincial Gazette 6671, 30 October 2009).

### 3.5 Public participation

Registered notices were served on the affected property owners and 1 objection was received from the owner of the adjoining property (Erf 2274) and can be summarised as follows:

#### Summary of the objection

Issues raised	No	Applicant's comments	Departmental response
The construction of the refuse room has already commenced	1	The refuse room was approved by means of the building process and does not necessitate any Land Use application	The refuse room is not seen as a structure if it does not have roofing. The application is to roof the existing refuse room.
The departure application for the relaxation of the street building line up to 0m is impractical as Cluver Street will no longer have a pavement which will have safety implications for pedestrians.	1	The new security structure will not deviate from the zero metre building line and the proposed security room will not have any impact on the pedestrian movement as the existing width of the pavement will be maintained.	The application is only for the relaxation of the applicable building lines only. The application in its current form will not have any impact on the pavement as the proposed guardhouse & refuse room will be constructed on the boundary of the subject property (Erf 16372).

### 3.6 Comments from internal and external departments

The Manager: Spatial Planning, Heritage and Environment has no objection on the proposal (see **APPENDIX 4**).

### 3.7 Planning Assessment

The building line relaxation is required due to the fact that the proposed guard house will be constructed over the street building line. The proposed guardhouse is required for security reasons and will provide shelter for the security personnel when they are on duty.

The applicant further proposes to roof the existing refuse area which is located over the common boundary line (abutting Erf 2274) and also over the street building line. The Engineering Department requires the refuse room in complexes to be placed closer to the street for easy access when collecting the refuse bins. The proposed

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refuse room will not have any impact on the neighbouring property as it is a non-habitable structure and will be roofed.

The proposal also entails the construction of a guard house which will be 3.2m in height and will be on the street boundary of the property. The height of the proposed guard house does not comply with the prescriptions of the boundary wall by-law, hence the application for the deviation from the by-law. The proposed guardhouse is located on the street boundary for security reasons and will provide shelter for the security personnel. The proposed structures will not have any negative impact on the streetscape due to the fact that Cluver Road is a very wide road with trees on the road reserve and thus the building will still be set back from the physical road due to the wide sidewalk.

#### **Conclusion**

The proposed guardhouse and refuse room will not have any detrimental impact on the streetscape due to the fact that Cluver Road is a very wide street with wide pavements. Given the above discussion the proposal is considered to have merit and the application is therefore recommended for approval.

#### **4. LEGAL IMPLICATIONS**

Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).

#### **5. FINANCIAL IMPLICATIONS**

No financial implication.

#### **RECOMMENDED**

- (a) that **approval be granted** in terms of clause 13 of the bylaw relating to the control of boundary walls and fences (Provincial Gazette 6671, 30 October 2009) in order to construct a guard house of 3.2m in height (which forms part of the boundary wall) and to construct a 2.4m high solid wall and a 2.4m high palisade fence on Erf 16372, Stellenbosch as indicated on Drawing No. C03-03, dated 26 August 2015 and attached as **APPENDIX 3**, subject to the approval conditions contained in **APPENDIX 1**;

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

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- (b) that **approval be granted** in terms of Section 15(2)(b) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure in order to relax the street building line from 7,6m to 0m in order to construct a guard house on Erf 16372, Stellenbosch as indicated on Drawing No. C03-03, dated 26 August 2015 and attached as **APPENDIX 3**, subject to the approval conditions contained in **APPENDIX 1**; and
- (c) that **approval be granted** in terms of Section 15(2)(b) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure in order to relax the street and common building line building line from 7,6m and 4,6m respectively to 0m in order to allow a roof on the existing refuse room as indicated on Drawing No. C03-03, dated 26 August 2015 and attached as **APPENDIX 3**, subject to the approval conditions contained in **APPENDIX 1**.

#### APPENDICES

- Appendix 1 : Conditions of Approval  
Appendix 2 : Locality Plan  
Appendix 3 : Site Development Plan  
Appendix 4 : Comments from Internal Departments of Council  
Appendix 5 : Objection  
Appendix 6 : Applicant's comment on objection  
Appendix 7 : Extract from the by-law  
**Appendix 8 : Legal Services comments to be distributed at the meeting**

(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 6.2.1

**RESOLVED** (nem con)

- (a) that **approval be granted** in terms of clause 13 of the bylaw relating to the control of boundary walls and fences (Provincial Gazette 6671, 30 October 2009) in order to construct a guard house of 3.2m in height (which forms part of the boundary wall) and to construct a 2.4m high solid wall and a 2.4m high palisade fence on Erf 16372, Stellenbosch as indicated on Drawing No. C03-03, dated

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Environmental Heritage and Cultural Management]

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26 August 2015 and attached as **APPENDIX 3**, subject to the approval conditions contained in **APPENDIX 1**;

- (b) that **approval be granted** in terms of Section 15(2)(b) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure in order to relax the street building line from 7,6m to 0m in order to construct a guard house on Erf 16372, Stellenbosch as indicated on Drawing No. C03-03, dated 26 August 2015 and attached as **APPENDIX 3**, subject to the approval conditions contained in **APPENDIX 1**; and
- (c) that **approval be granted** in terms of Section 15(2)(b) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure in order to relax the street and common building line building line from 7,6m and 4,6m respectively to 0m in order to allow a roof on the existing refuse room as indicated on Drawing No. C03-03, dated 26 August 2015 and attached as **APPENDIX 3**, subject to the approval conditions contained in **APPENDIX 1**.

(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)



[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

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## APPENDIX 1

FILE NO: 16372

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means **ERF 16372 STELLENBOSCH**

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

**EXTENT OF APPROVAL:** Departure in order to relax the street building line from 7,6m to 0m in order to construct a guard house on Erf 16372, Stellenbosch as indicated on Drawing No. C03-03, dated 26 August 2015 and attached as **APPENDIX 3**;

Departure in order to relax the street and common building line building line from 7,6m and 4,6m respectively to 0m in order to accommodate the proposed refuse room as indicated on Drawing No. C03-03, dated 26 August 2015 and attached as **APPENDIX 3**;

Deviation from the By-law Relating for the Control of Boundary Walls and Fences in order to construct a guard house of 3.2m in height (which forms part of the boundary wall) and to construct a 2.4m high solid wall and a 2.4m high palisade fence on Erf 16372, Stellenbosch as indicated on Drawing No. C03-03, dated 26 August 2015 and attached as **APPENDIX 3**.

### CONDITIONS IMPOSED:

1. The approval applies only to the application for the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements of Council;
2. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
3. That this Council reserves the right to impose further conditions if deemed necessary.

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]**6.2.2 APPLICATION FOR SUBDIVISION, REZONING AND DEPARTURE:  
ERF 872, FRANSCHHOEK***File number* : 872 FH*Compiled by* : Town Planner (S Zangqa)*Report by* : Director: Planning and Economic Development*Delegated Authority:* Planning and Economic Development Committee**Strategic intent of item**

<i>Preferred investment destination</i>	
<i>Greenest municipality</i>	
<i>Safest valley</i>	
<i>Dignified Living</i>	
<i>Good Governance</i>	

**1. PURPOSE OF REPORT**

To enable the Committee to make an informed decision on the proposed application for subdivision, rezoning and departure. The application is **recommended for approval**.

**2. BACKGROUND**

There is no relevant background information that has a bearing on the current application.

**3. APPLICATION FOR CONSIDERATION**

- Application is made in terms of Section 24(1) of the Land Use Planning Ordinance 15 of 1985 for the subdivision of Erf 872, Franschoek into five portions namely, Portion 1 which is  $\pm 1524\text{m}^2$  in extent, Portion 2 which is  $\pm 1524\text{m}^2$  in extent, Portion 3 which is  $\pm 1524\text{m}^2$  in extent, Portion 4 which is  $\pm 1524\text{m}^2$  in extent, and Remainder Erf 872 which is  $\pm 1.0850\text{ha}$  in extent.
- Application is made in terms of Section 17(1) of the Land Use Planning Ordinance 15 of 1985 for the rezoning of the subdivided Portions 1 to 4 from Agriculture to Single Residential.

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Environmental Heritage and Cultural Management]

- Application is made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance 15 of 1985 for a departure to relax all eight (8) side building lines from 2.3m to 0m in order to construct four (4) swimming pools, bordering Uitkyk Street on Erf 872, Franschoek. See **APPENDIX 3** for the proposed subdivision.

#### 4. PROPERTY INFORMATION

Farm number	ERF 872, Franschoek
Location	The subject property is located in Franschoek on Uitkyk Street. ( <b>APPENDIX 2</b> )
Zoning/Zoning Scheme	Agriculture / Franschoek Zoning Scheme
Current Land Use	Agriculture
Property size	1.6946 ha
Applicant	PJ le Roux Town and Regional Planners
NHRA Applicable	No
Title deed conditions	No

#### 5. DISCUSSION

##### 5.1 Site Description and Immediate Environs

The subject property is located in Uitkyk Street east of the centre of Franschoek town. It is bounded to the west, south and north by residential properties and smaller agricultural units to the east. It is currently zoned agricultural with a dwelling unit and an outbuilding. The agricultural activities on the property are limited to olive trees which covers most of the remaining property. The proposal entails subdividing the subject property into 5 (five) portions viz. Portion 1 ( $\pm 1524\text{m}^2$ ), Portion 2 ( $\pm 1524\text{m}^2$ ), Portion 3 ( $\pm 1524\text{m}^2$ ), Portion 4 ( $\pm 1524\text{m}^2$ ) and remainder Erf 872 ( $\pm 1.0850\text{ha}$ ). The application further proposes the rezoning of portion 1 to 4 from Agriculture Zone to Single Residential in order to construct dwelling units.

##### 5.2 Legal Requirements and Public Participation

The application for subdivision, rezoning and departure was submitted in terms of Sections 24, 17 & 15 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), and advertised according to Council's policy on public participation for land use management. Notices were served to the surrounding property owners and also published in the local press (Paarl Post) and the Provincial Gazette. The application was further circulated to relevant municipal departments for comments. Ten (10) objections were received in respect of the proposal (See **APPENDIX 4**). Below is a summary of

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Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

objections received together with response from the applicant and departmental assessment.

### 5.3 Summary of Comments, Response and Planning Assessment

Issues raised	Applicants response	Departmental response
<p><u>Erf 2737</u> Objected to the proposed departure.</p>	<p>Architectural Guidelines forms part of this application and final approval. There will be a separation between the dwellings and that it is only the pools and fishponds that encroach the lateral building lines. Since there will be a boundary wall between each of the proposed dwellings, the proposed pools and fishponds will not have any direct impact on the abutting property.</p>	<p>The proposed subdivision, rezoning and departure is for development of a residential unit on a vacant property. Therefore, there is sufficient space for the applicant to construct a swimming pool without encroaching the building line.</p>
<p>Requires details of proposed 3m servitude.</p>	<p>According to the Architectural Guidelines it is evident that the proposed services servitude will form part of that specific erf and will therefore be included into the security of that specific erf. The guidelines and development plan also clearly illustrates that a boundary wall will be constructed on the existing erf boundary and that the servitude will not be accessible by any member of the public.</p>	<p>The 3m servitude will not be affected by the proposed development. No structure is proposed on top of the service servitude.</p>
<p>Requires engineers to show detailed plan of storm water management.</p>	<p>According to the civil engineering consultant the storm water will be collected in the existing ditch in Uitkyk Street. Storm water runoff from the proposed dwellings will be properly handled in accordance with the requirements and standards of the Engineering Department. The purpose of the proposed services servitude is to accommodate the expected storm water runoff and will also prevent any flooding in the area to which the objector refers.</p>	<p>Noted</p>
<p><u>Erf 694</u> The proposed application will cause extra pressure on all ready over-exhausted public services (water supply, water pressure, electricity and sewer).</p>	<p>According to the investigations conducted and liaison with the officials at the Stellenbosch Municipality Engineering Department, it is evident that there are sufficient municipal services available to permit the proposed residential erven.</p> <p>According to the investigations, It has</p>	<p>The proposal was supported by the Municipal Engineering Services Department subject to certain conditions (see Appendix 6). Therefore there is sufficient bulk infrastructure.</p>

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<p>Will increase traffic volume.</p> <p>Proposed side building lines are unnecessary sizes for buildings and must be reduced.</p> <p>3m servitude will put unnecessary pressure on erven 2736 &amp; 2737.</p> <p>Social impact and traffic impact should be done.</p>	<p>been confirmed that the existing Uitkyk Street with its 12m wide road reserve and 6.4m wide asphalt surface is more than sufficient to accommodate the proposed 4 erven. No improvements to the existing road infrastructure will be required.</p> <p>Although approval is required for a Departure of the building lines on the proposed new erven, the only encroachment on the building lines will be the proposed pools and fish ponds. There will be no roofs encroaching over the lateral building lines. Due to the topography of the site, distinct slope from east to west, the new dwellings as illustrated in the Architectural will still be separated from each other and will not reflect that of semidetached dwellings.</p>	<p>Although proposed swimming pools will not have a roof or any overhanging features, the subdivided portions are big enough to accommodate a new dwelling unit and water features without encroaching the building lines.</p> <p>The proposal was supported by the Municipal Engineering Services Department</p>
<p><u>Erf 2736</u></p> <p>The side building lines departure will impact on the rural feel and impact value of surrounding properties.</p>	<p>The development proposal makes provision for boundary walls which will be built as part of each of the dwellings.</p> <p>The relaxation (departure) of the building lines are specifically directed to the pools and fish ponds which will not be covered by any roofs. From a street scene the proposed dwellings will therefore still be separated from each other with clear vistas between the dwellings.</p>	<p>Noted</p>
<p><u>Erf 1417/35</u></p> <p>Concerned about basic infrastructure in Franschhoek and the increase of traffic impact.</p> <p>Relaxing 8 building lines will have further consequences.</p>	<p>According to a detailed engineering services report it is evident that the existing infrastructure and services are more than adequate to accommodate the proposed new residential erven. It is however important to note that the development proposal is subject to the comments and requirements of the Stellenbosch Municipality Engineering Department before any development can commence.</p> <p>According to the Site Development Plan the 2.3m lateral building line will remain except where the proposed fishpond is located. It is important to note that the development plan clearly indicates that a boundary wall will be constructed on the erf boundaries and that no roof structure will encroach onto the building line. What looks like a 0m building line is a pond with</p>	<p>The proposal was supported by the Municipal Engineering Services Department subject to certain conditions (see Appendix 6). Therefore there is sufficient bulk infrastructure.</p> <p>Although proposed swimming pools will not have a roof or any overhanging features, the subdivided portions are big enough to accommodate a new dwelling unit and water features without encroaching the building lines.</p>

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	a boundary wall which is clearly illustrated in the Architectural Guidelines submitted as part of the applications.	
Erven 3487,3287 and 680 Failure to properly motivate the departure from the scheme regulations.	From the detail Site Development Plan and Architectural Guidelines, it is evident that as a mitigating factor, the proposed dwellings are all setback from Uitkyk Street varying from 9m to 21m, which is much more than what is required by the Scheme Regulations for Franschoek.	Noted
Applicant describes the subject property as part of the town's urban fabric which is questionable.	The fact that the subject property is located within the approved urban edge and earmarked for new development, the proposed subdivision of the property for residential purposes is directly in line with the recommendations and proposals made in the approved spatial policies for Franschoek.	The subject property is located just outside the physical edge of Franschoek town. However, it is within the Franschoek urban edge as delineated in the Municipal Spatial development Framework (2012).
It will impact the aesthetic appeal as it will replace trees and mountain views with houses.	Since the subject property is situated within an existing urban area which is surrounded by primarily residential dwellings and an individual land units proposed by this application will also be used solely for residential purposes, it suffice to say that there will be no conflicting uses; hence there is no reason to believe that the development proposal lacks desirability. The fact that the extent of the proposed land units will also be in line with what is already present in the area; there is no reason to believe that it will have any negative impact on the existing urban fabric or any surrounding properties.	The subject property is bound by residential development. It is located within the urban edge. The area has been identified for future development. Therefore, residential development is envisaged in this area as it is in keeping with the existing development. The proposed subdivision and rezoning for single storey dwelling unit will not impact negatively on the aesthetic appeal of the area.
At least one of the proposed dwellings will exceed 30% coverage which will impact on the rural feel of the area. Previous urban edge to be considered even though the property falls within the new urban edge.	The objector did not familiarise himself with the contents of the Architectural Guidelines prepared by Wilhelm Lochner and submitted with the application which clearly shows that all of the proposed dwellings will not exceed the 30% coverage.	In terms of the Franschoek Zoning Scheme the permissible coverage for Single Residential properties is 30%. The proposed dwellings will not exceed the 30% coverage.

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<u>Franschhoek Trust and Ratepayers Association</u>	<p>This statement is not true; Heritage Western Cape has issued a formal letter.</p> <p>According to the officials at the Spatial Planning Department of Stellenbosch Municipality and the strategies Report dated March 2010, the subject property is not only located within the approved urban edge of Franschhoek, but is also clearly earmarked in the <b>Stellenbosch Municipality MSDF Strategies Report dated March 2010</b> as “<i>new development area</i>” which is a transition area between the existing urban development area and the larger agricultural areas. It shall be noted and relevant to this application that the Stellenbosch Municipality has already granted subdivisions within this “new development area” thereby confirming and re-enforces the recommendations made in the MSDF document. The subdivisions in the immediate surrounds are:</p> <ul style="list-style-type: none"> <li>➤ Subdivision of Farm No. 1078/1 (originally 4 portions)</li> <li>➤ Subdivision of Farm No. 1078/2 Paar (2 portions)</li> <li>➤ La Cotte Development (12 portions: Erven 3699-3710 FHK)</li> </ul>	<p>The application was circulated internally to the Municipal Spatial Planning &amp; Heritage Department for comments and was recommended for approval. If approved, the said department will again be offered an opportunity to comment on heritage issues during submission of building plans for each property.</p> <p>The subject property falls within the Franschhoek urban edge as delineated in the Municipal Spatial development Framework (2012).</p>
Lacks desirability.	<p>Since the subject property is situated within an existing urban area which is surrounded by primarily residential dwellings and an individual land units proposed by this application will also be used solely for residential purposes, it suffice to say that there will be no conflicting uses; hence there is no reason to believe that the development proposal lacks desirability.</p>	<p>The subject property is bound by residential development. It is located within the urban edge. The area has been identified for future development. Therefore, residential development is envisaged in this area as it is in keeping with the existing development. The proposed subdivision and rezoning for single storey dwelling unit will not impact negatively on the aesthetic appeal of the area.</p>
Will jeopardise inclusion of Franschhoek in Cape Winelands Cultural Landscape.	<p>Since the subject property forms part of the existing urban area of Franschhoek and is included within the approved urban edge for Franschhoek, there is no reason to believe that the proposed subdivision will have any impact or prevention on the inclusion of Franschhoek into the</p>	Noted

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	Winelands Cultural Landscape.	
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#### 5.4 Concluding Planning Comments

The proposed development is within the Franschhoek urban edge as delineated in the Municipal Spatial development Framework (2012). The property was already earmarked for future development. The proposal entails subdividing and rezoning an agricultural property into residential erven that are greater than 1000m<sup>2</sup> in size. Therefore the subdivided portions are bigger than the 600m<sup>2</sup> required in the municipal subdivision policy. The proposal is in line with the character of the area and has taken cognizance of the existing development along Uitkyk Street as similar zonings exist on the opposite and adjacent properties. The subdivided portions 1 to 4 are vacant and big enough to accommodate a dwelling unit and proposed water features. The proposed subdivision and rezoning are supported from a town planning point of view. However, the applicant did not provide sufficient motivation for a departure to relax the side building lines to accommodate swimming pools.

#### RECOMMENDED

- (a) that **approval be granted** in terms of Section 25(1) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for the subdivision of Erf 872, Franschhoek into five portions namely, Portion 1 (±1524m<sup>2</sup>), Portion 2 (±1524m<sup>2</sup>), Portion 3(±1524m<sup>2</sup>), Portion 4(±1524m<sup>2</sup>) and Remainder Erf 872 which is ±1.0850ha in extent as indicated on plan No. 3(1)Rev 4, drawn by dh&a professional land surveyors, dated March 2012- July 2014;
- (b) that **approval be granted** in terms of Section 16(1) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for the rezoning of the subdivided Portions 1 to 4 from Agriculture to Single Residential; and
- (c) **that approval not be granted** in terms of Section 15(b) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for a departure to relax all eight (8) side building lines from 2.3m to 0m in order to construct four (4) swimming pools on Erf 872, Franschhoek, Uitkyk Street.

#### APPENDICES

- Appendix 1 : Conditions of Approval
- Appendix 2 : Locality Map
- Appendix 3 : Site Development plan
- Appendix 4 : Letters of objection and comment



MINUTES

PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE MEETING

2016-05-31

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

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- Appendix 5 : Letter of response to objections from the applicant
- Appendix 6 : Comments from Municipal Engineering Services Department
- Appendix 7 : Comments from Cape Winelands Health Department
- Appendix 8 : **Comments from Legal Consultant will be distributed at the meeting**

(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

## APPENDIX 1

### FILE NO: 872, FRANSCHHOEK

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means **ERF 872, FRANSCHHOEK**

"scheme regulation" has the meaning assigned thereto by the Land Use Planning Ordinance (15 of 1985).

**EXTENT OF APPROVAL:** Subdivision of Erf 872, Franschhoek into five portions namely, Portion 1 ( $\pm 1524\text{m}^2$ ), Portion 2 ( $\pm 1524\text{m}^2$ ), Portion 3 ( $\pm 1524\text{m}^2$ ), Portion 4 ( $\pm 1524\text{m}^2$ ) and Remainder Erf 872 which is  $\pm 1.0850\text{ha}$  in extent as indicated on plan No. 3(1)Rev 4, drawn by dh&a professional land surveyors, dated March 2012- July 2014, attached as **Appendix 3**.

Rezoning of the subdivided Portions 1 to 4 from Agriculture to Single Residential.

**VALIDITY OF APPROVAL:** The approval for the rezoning shall lapse if not exercised within 2(two) years and the approval for subdivision shall lapse if not exercised within 5 (five) years from the date of final notification.

### CONDITIONS IMPOSED THAT ARE APPLICABLE IN TERMS OF SECTION 42(1) OF THE ORDINANCE 15 OF 1985 THAT:

1. That the approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from council;
2. Building plans must be submitted to this municipality for approval, prior to any building work commencing on site;
3. The erf diagrams of the newly created units must simultaneously be submitted to this Council for clearance and record purposes;
4. All proposed plots to be completely serviced before Section 32 clearance;
5. That the bulk contributions be fully paid;
6. That the conditions as set out by the Directorate: Engineering Services (Stellenbosch Municipality), attached as **APPENDIX 6**, must be complied with;
7. That the conditions as set out by the District Health Department (Cape Winelands District Municipality) attached as **APPENDIX 7**, must be complied with;
8. That Council reserves the right to impose further conditions if deemed necessary.

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Environmental Heritage and Cultural Management]

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 6.2.2**

The Director: Planning and Economic Development tabled an amended item and appendices, which supersede the existing item in totality. The Committee then proceeded to consider the following amended item:

**1. PURPOSE OF REPORT**

To enable the Committee to make an informed decision on the proposed application for subdivision, rezoning and departure. The application is **recommended for approval**.

**2. BACKGROUND**

There is no relevant background information that has a bearing on the current application.

**3. APPLICATION FOR CONSIDERATION**

- Application is made in terms of Section 24(1) of the Land Use Planning Ordinance 15 of 1985 for the subdivision of Erf 872, Franschoek into five portions namely, Portion 1 which is  $\pm 1524\text{m}^2$  in extent, Portion 2 which is  $\pm 1524\text{m}^2$  in extent, Portion 3 which is  $\pm 1524\text{m}^2$  in extent, Portion 4 which is  $\pm 1524\text{m}^2$  in extent, and Remainder Erf 872 which is  $\pm 1.0850\text{ha}$  in extent.
- Application is made in terms of Section 17(1) of the Land Use Planning Ordinance 15 of 1985 for the rezoning of the subdivided Portions 1 to 4 from Agriculture to Single Residential.
- Application is made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance 15 of 1985 for a departure to relax all eight (8) side building lines from 2.3m to 0m in order to construct four (4) swimming pools, bordering Uitkyk Street on Erf 872, Franschoek. See **APPENDIX 3** for the proposed subdivision.

**4. PROPERTY INFORMATION**

<b>Farm number</b>	ERF 872, Franschoek
<b>Location</b>	The subject property is located in Franschoek on Uitkyk Street. ( <b>APPENDIX 2</b> )
<b>Zoning/Zoning Scheme</b>	Agriculture / Franschoek Zoning Scheme

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Environmental Heritage and Cultural Management]

<b>Current Land Use</b>	Agriculture
<b>Property size</b>	1.6946 ha
<b>Applicant</b>	PJ le Roux Town and Regional Planners
<b>NHRA Applicable</b>	No
<b>Title deed conditions</b>	No

## 5. DISCUSSION

### 5.1 Site Description and Immediate Environs

The subject property is located in Uitkyk Street east of the centre of Franschhoek town. It is bounded to the west, south and north by residential properties and smaller agricultural units to the east. It is currently zoned agricultural with a dwelling unit and an outbuilding. The agricultural activities on the property are limited to olive trees which covers most of the remaining property. The proposal entails subdividing the subject property into 5 (five) portions viz. Portion 1 ( $\pm 1524\text{m}^2$ ), Portion 2 ( $\pm 1524\text{m}^2$ ), Portion 3 ( $\pm 1524\text{m}^2$ ), Portion 4 ( $\pm 1524\text{m}^2$ ) and remainder Erf 872 ( $\pm 1.0850\text{ha}$ ). The application further proposes the rezoning of portion 1 to 4 from Agriculture Zone to Single Residential in order to construct dwelling units.

### 5.2 Legal Requirements and Public Participation

The application for subdivision, rezoning and departure was submitted in terms of Sections 24, 17 & 15 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), and advertised according to Council's policy on public participation for land use management. Notices were served to the surrounding property owners and also published in the local press (Paarl Post) and the Provincial Gazette. The application was further circulated to relevant municipal departments for comments. Ten (10) objections were received in respect of the proposal (See **APPENDIX 4**). Below is a summary of objections received together with response from the applicant and departmental assessment.

### 5.3 Summary of Comments, Response and Planning Assessment

Issues raised	Applicants response	Departmental response
<u>Erf 2737</u>  Objected to the proposed departure.	Architectural Guidelines forms part of this application and final approval. There will be a separation between the	The proposed subdivision, rezoning and departure is for development of a residential unit on a vacant property.

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Environmental Heritage and Cultural Management]

	<p>dwelling and that it is only the pools and fishponds that encroach the lateral building lines. Since there will be a boundary wall between each of the proposed dwellings, the proposed pools and fishponds will not have any direct impact on the abutting property.</p>	<p>Therefore, there is sufficient space for the applicant to construct a swimming pool without encroaching the building line.</p>
<p>Requires details of proposed 3m servitude.</p>	<p>According to the Architectural Guidelines it is evident that the proposed services servitude will form part of that specific erf and will therefore be included into the security of that specific erf. The guidelines and development plan also clearly illustrates that a boundary wall will be constructed on the existing erf boundary and that the servitude will not be accessible by any member of the public.</p>	<p>The 3m servitude will not be affected by the proposed development. No structure is proposed on top of the service servitude.</p> <p>Noted</p>
<p>Requires engineers to show detailed plan of storm water management.</p>	<p>According to the civil engineering consultant the storm water will be collected in the existing ditch in Uitkyk Street. Storm water runoff from the proposed dwellings will be properly handled in accordance with the requirements and standards of the Engineering Department. The purpose of the proposed services servitude is to accommodate the expected storm water runoff and will also prevent any flooding in the area to which the objector refers.</p>	
<p><u>Erf 694</u></p>		
<p>The proposed application will cause extra pressure on all ready over-exhausted public services (water supply, water pressure, electricity and sewer).</p>	<p>According to the investigations conducted and liaison with the officials at the Stellenbosch Municipality Engineering Department, it is evident that there are sufficient municipal services available to permit the proposed residential erven.</p>	<p>The proposal was supported by the Municipal Engineering Services Department subject to certain conditions (see Appendix 6). Therefore there is sufficient bulk infrastructure.</p>

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Will increase traffic volume.	According to the investigations, It has been confirmed that the existing Uitkyk Street with its 12m wide road reserve and 6.4m wide asphalt surface is more than sufficient to accommodate the proposed 4 erven. No improvements to the existing road infrastructure will be required.	
Proposed side building lines are unnecessary sizes for buildings and must be reduced. 3m servitude will put unnecessary pressure on erven 2736 & 2737. Social impact and traffic impact should be done.	Although approval is required for a Departure of the building lines on the proposed new erven, the only encroachment on the building lines will be the proposed pools and fish ponds. There will be no roofs encroaching over the lateral building lines. Due to the topography of the site, distinct slope from east to west, the new dwellings as illustrated in the Architectural Guidelines will still be separated from each other and will not reflect that of semidetached dwellings.	Although proposed swimming pools will not have a roof or any overhanging features, the subdivided portions are big enough to accommodate a new dwelling unit and water features without encroaching the building lines.  The proposal was supported by the Municipal Engineering Services Department
<u>Erf 2736</u>  The side building lines departure will impact on the rural feel and impact value of surrounding properties.	The development proposal makes provision for boundary walls which will be built as part of each of the dwellings. The relaxation (departure) of the building lines are specifically directed to the pools and fish ponds which will not be covered by any roofs. From a street scene the proposed dwellings will therefore still be separated from each other with clear vistas between the dwellings.	Noted
<u>Erf 1417/35</u>  Concerned about basic infrastructure in Franschoek and the increase of traffic impact.	According to a detailed engineering services report it is evident that the existing infrastructure and services are more than adequate to accommodate the proposed new	The proposal was supported by the Municipal Engineering Services Department subject to certain conditions (see Appendix 6). Therefore there is sufficient bulk

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	residential erven. It is however important to note that the development proposal is subject to the comments and requirements of the Stellenbosch Municipality Engineering Department before any development can commence.	infrastructure.
Relaxing 8 building lines will have further consequences.	According to the Site Development Plan the 2.3m lateral building line will remain except where the proposed fishpond is located. It is important to note that the development plan clearly indicates that a boundary wall will be constructed on the erf boundaries and that no roof structure will encroach onto the building line. What looks like a 0m building line is a pond with a boundary wall which is clearly illustrated in the Architectural Guidelines submitted as part of the applications.	Although proposed swimming pools will not have a roof or any overhanging features, the subdivided portions are big enough to accommodate a new dwelling unit and water features without encroaching the building lines.
<u>Erven 3487,3287 and 680</u>		
Failure to properly motivate the departure from the scheme regulations.	From the detail Site Development Plan and Architectural Guidelines, it is evident that as a mitigating factor, the proposed dwellings are all setback from Uitkyk Street varying from 9m to 21m, which is much more than what is required by the Scheme Regulations for Franschoek.	Noted
Applicant describes the subject property as part of the town's urban fabric which is questionable.	The fact that the subject property is located within the approved urban edge and earmarked for new development, the proposed subdivision of the property for residential purposes is directly in line with the recommendations and proposals made in the approved spatial policies for Franschoek.	The subject property is located just outside the physical edge of Franschoek town. However, it is within the Franschoek urban edge as delineated in the Municipal Spatial development Framework (2012).

[Chairperson: Alderman JP Serdyn (Ms)]

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<p>It will impact the aesthetic appeal as it will replace trees and mountain views with houses.</p> <p>At least one of the proposed dwellings will exceed 30% coverage which will impact on the rural feel of the area. Previous urban edge to be considered even though the property falls within the new urban edge.</p>	<p>Since the subject property is situated within an existing urban area which is surrounded by primarily residential dwellings and an individual land units proposed by this application will also be used solely for residential purposes, it suffice to say that there will be no conflicting uses; hence there is no reason to believe that the development proposal lacks desirability. The fact that the extent of the proposed land units will also be in line with what is already present in the area; there is no reason to believe that it will have any negative impact on the existing urban fabric or any surrounding properties.</p> <p>The objector did not familiarise himself with the contents of the Architectural Guidelines prepared by Wilhelm Lochner and submitted with the application which clearly shows that all of the proposed dwellings will not exceed the 30% coverage.</p>	<p>The subject property is bound by residential development. It is located within the urban edge. The area has been identified for future development. Therefore, residential development is envisaged in this area as it is in keeping with the existing development. The proposed subdivision and rezoning for single storey dwelling unit will not impact negatively on the aesthetic appeal of the area.</p> <p>In terms of the Franschhoek Zoning Scheme the permissible coverage for Single Residential properties is 30%. The proposed dwellings will not exceed the 30% coverage.</p>
<p><u>Franschhoek Trust and Ratepayers Association</u></p> <p>Notice not given to Heritage Western Cape. The application does not comply with the Urban Edge. Inconsistent with the SDF in extend to the Urban Edge.</p>	<p>This statement is not true; Heritage Western Cape has issued a formal letter. According to the officials at the Spatial Planning Department of Stellenbosch Municipality and the strategies Report dated March 2010, the subject property is not only located within the approved urban edge of Franschhoek, but is also clearly earmarked in the <b>Stellenbosch Municipality MSDF Strategies Report dated March 2010</b> as “<i>new development area</i>” which is a transition area between the existing urban development area and the larger agricultural areas.</p>	<p>The application was circulated internally to the Municipal Spatial Planning &amp; Heritage Department for comments and was recommended for approval. If approved, the said department will again be offered an opportunity to comment on heritage issues during submission of building plans for each property. The subject property falls within the Franschhoek urban edge as delineated in the Municipal Spatial development Framework (2012).</p>



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Environmental Heritage and Cultural Management]

Lacks desirability.	<p>It shall be noted and relevant to this application that the Stellenbosch Municipality has already granted subdivisions within this "new development area" thereby confirming and re-enforces the recommendations made in the MSDF document. The subdivisions in the immediate surrounds are:</p> <ul style="list-style-type: none"> <li>➤ Subdivision of Farm No. 1078/1 (originally 4 portions)</li> <li>➤ Subdivision of Farm No. 1078/2 Paarl (2 portions)</li> <li>➤ La Cotte Development (12 portions: Erven 3699-3710 FHK)</li> </ul>	The subject property is bound by residential development. It is located within the urban edge. The area has been identified for future development. Therefore, residential development is envisaged in this area as it is in keeping with the existing development. The proposed subdivision and rezoning for single storey dwelling unit will not impact negatively on the aesthetic appeal of the area.
Will jeopardise inclusion of Franschhoek in Cape Winelands Cultural Landscape.	<p>Since the subject property is situated within an existing urban area which is surrounded by primarily residential dwellings and an individual land units proposed by this application will also be used solely for residential purposes, it suffice to say that there will be no conflicting uses; hence there is no reason to believe that the development proposal lacks desirability.</p> <p>Since the subject property forms part of the existing urban area of Franschhoek and is included within the approved urban edge for Franschhoek, there is no reason to believe that the proposed subdivision will have any impact or prevention on the inclusion of Franschhoek into the Winelands Cultural Landscape.</p>	Noted

#### 5.4 Concluding Planning Comments

The proposed development is within the Franschhoek urban edge as delineated in the Municipal Spatial development Framework (2013). The property was already earmarked for future development. The proposal entails subdividing and rezoning an agricultural property into residential erven that are greater than 1000m<sup>2</sup> in size. Therefore the

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subdivided portions are bigger than the 600m<sup>2</sup> required in the municipal subdivision policy. The proposal is in line with the character of the area and has taken cognizance of the existing development along Uityk Street as similar zonings exist on the opposite and adjacent properties. The subdivided portions 1 to 4 are vacant and big enough to accommodate a dwelling unit and proposed water features. The proposed subdivision and rezoning are supported from a town planning point of view. The applicant did not provide sufficient motivation for a departure to relax the side building lines to accommodate swimming pools. However, the attached Site Development Plan (submitted 17/06/2016) indicates the layout of the pools and from this it is clear that the departures allow for an aesthetic development.

#### RECOMMENDED

- (a) that **approval be granted** in terms of Section 25(1) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for the subdivision of Erf 872, Franschoek into five portions namely, Portion 1 ( $\pm 1524\text{m}^2$ ), Portion 2 ( $\pm 1524\text{m}^2$ ), Portion 3 ( $\pm 1524\text{m}^2$ ), Portion 4 ( $\pm 1524\text{m}^2$ ) and Remainder Erf 872 which is  $\pm 1.0850\text{ha}$  in extent as indicated on plan No. 3(1) Rev 4, drawn by dh & a professional land surveyors, dated March 2012- July 2014;
- (b) that **approval be granted** in terms of Section 16(1) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for the rezoning of the subdivided Portions 1 to 4 from Agriculture to Single Residential;
- (c) that **approval be granted** in terms of Section 15(b) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for a departure to relax all eight (8) side building lines from 2.3m to 0m in order to construct four (4) swimming pools on Erf 872, Franschoek, Uityk Street.

#### PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31: ITEM 6.2.2

#### RESOLVED (nem con)

- (a) that **approval be granted** in terms of Section 25(1) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for the subdivision of Erf 872, Franschoek into five portions namely, Portion 1 ( $\pm 1524\text{m}^2$ ), Portion 2 ( $\pm 1524\text{m}^2$ ), Portion 3 ( $\pm 1524\text{m}^2$ ), Portion 4 ( $\pm 1524\text{m}^2$ ) and Remainder Erf 872 which is  $\pm 1.0850\text{ha}$  in extent as indicated on plan No. 3(1)Rev 4, drawn by dh&a professional land surveyors, dated March 2012- July 2014;

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- (b) that **approval be granted** in terms of Section 16(1) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for the rezoning of the subdivided Portions 1 to 4 from Agriculture to Single Residential; and
- (c) that **approval be granted** in terms of Section 15(b) of the Land Use Planning Ordinance (Ordinance 15 of 1985) for a departure to relax all eight (8) side building lines from 2.3m to 0m in order to construct four (4) swimming pools on Erf 872, Franschoek, Uitkyk Street.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

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## APPENDIX 1

### FILE NO: 872, FRANSCHHOEK

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means **ERF 872, FRANSCHHOEK**

"scheme regulation" has the meaning assigned thereto by the Land Use Planning Ordinance (15 of 1985).

**EXTENT OF APPROVAL:** Subdivision of Erf 872, Franschhoek into five portions namely, Portion 1 ( $\pm 1524\text{m}^2$ ), Portion 2 ( $\pm 1524\text{m}^2$ ), Portion 3 ( $\pm 1524\text{m}^2$ ), Portion 4 ( $\pm 1524\text{m}^2$ ) and Remainder Erf 872 which is  $\pm 1.0850\text{ha}$  in extent as indicated on plan No. 3(1)Rev 4, drawn by dh&a professional land surveyors, dated March 2012- July 2014, attached as **Appendix 3**.

Rezoning of the subdivided Portions 1 to 4 from Agriculture to Single Residential.

**VALIDITY OF APPROVAL:** The approval for the rezoning shall lapse if not exercised within 2(two) years and the approval for subdivision shall lapse if not exercised within 5 (five) years from the date of final notification.

### CONDITIONS IMPOSED THAT ARE APPLICABLE IN TERMS OF SECTION 42(1) OF THE ORDINANCE 15 OF 1985 THAT:

1. That the approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from council;
2. That the site development plan submitted on 17/06/2016, attached as **APPENDIX 3** be approved.
3. Building plans must be submitted to this municipality for approval, prior to any building work commencing on site;
4. The erf diagrams of the newly created units must simultaneously be submitted to this Council for clearance and record purposes;
5. All proposed subdivided portions to be completely serviced before the clearance certificate is issued;
6. That the development charges be fully paid in keeping with Council's policy prior to registration of any subdivided portion or consideration of a building plan, whichever occurs first;

[Chairperson: Alderman JP Serdyn (Ms)]

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Environmental Heritage and Cultural Management]

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7. That the conditions as set out by the Directorate: Engineering Services (Stellenbosch Municipality), attached as **APPENDIX 6**, must be complied with;
8. That the conditions as set out by the District Health Department (Cape Winelands District Municipality) attached as **APPENDIX 7**, must be complied with;
9. That Council reserves the right to impose further conditions if deemed necessary.

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]**6.2.3 APPLICATION FOR A WAIVER FROM THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES: ERF 1748, FRANSCHHOEK***File number* : 15/3/4*Compiled by* : Senior Town Planner (L.S Ramakuwela)*Report by* : Director: Planning and Economic Development*Delegated Authority* : Planning and Economic Development Committee**Strategic intent of item**

<i>Preferred investment destination</i>	X
<i>Greenest municipality</i>	
<i>Safest valley</i>	X
<i>Dignified Living</i>	X
<i>Good Governance</i>	

**1. PURPOSE OF REPORT**

To enable the Committee to make an informed decision on the proposed application to deviate from the by-law relating to the control of boundary walls and fences. The application is **recommended for approval**.

**2. BACKGROUND**

There is no relevant background information that has a bearing on the current application.

**3. APPLICATION FOR CONSIDERATION**

Application is made for a waiver from the by-law relating to the control of boundary walls and fences, in order to deviate from the condition that 50% of the height of the street boundary wall on residential zoned properties must consists of open decorative work, to construct a solid boundary wall with a height of 2.1m on the street boundary, Reservoir Street on Erf 1748, Franschhoek as per drawing No. 01, dated 12 November 2015, by Red Brick Architecture, attached as **APPENDIX 3**.

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

#### 4. PROPERTY INFORMATION

<b>Farm number</b>	ERF 1748, Franschoek
<b>Location</b>	The subject property is located in Franschoek on Reservoir Street. <b>(APPENDIX 2)</b>
<b>Zoning/Zoning Scheme</b>	Group Housing/ Franschoek Zoning Scheme
<b>Current Land Use</b>	Residential
<b>Property size</b>	371 m <sup>2</sup>
<b>Applicant</b>	Lynette Schoonwinkel
<b>NHRA Applicable</b>	No
<b>Title deed conditions</b>	No

#### 5. DISCUSSION

##### 5.1 Legal Requirements

Applicable laws and ordinances:

- By-law Relating to the Control of Boundary Walls and Fences (30 October 2009).
- Franschoek Zoning Scheme

In the Single Residential zoning the following uses are permitted:

Normal Development	Special Development
<ul style="list-style-type: none"> <li>• Dwelling house</li> </ul>	<ul style="list-style-type: none"> <li>• Educational building</li> <li>• Place of public worship</li> </ul>

##### 5.2 Public participation

No advertising to the surrounding property owners was deemed necessary in accordance with Council's Policy on Public Participation for Land Use Management as the applicant submitted the letters of no objection together with the application. The application was circulated to relevant internal departments. An objection was received from the Municipal Spatial, Heritage and Environment Section for the proposed deviation to erect a solid wall on the street boundary. **(APPENDIX 4).**

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

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### 5.3 Planning Assessment

All building plans submitted to Council for boundary walls must comply with the promulgated By-law, unless a deviation from the by-law is approved by Council.

The proposal entails replacing an existing 17.7m long palisade fence and hedges with a solid boundary wall on Reservoir Street. The proposed wall will be 2.1m in height and therefore, does not comply with the 50% transparency and 50% solid requirements of the by-law.

The proposal is not in line with section 5 of the subject by-law, which stipulates the following;

*“5. For **residential zoned** properties the height of any wall or fence (including the entrance structure and columns) shall be regulated as follows;*

*(a) on a **street boundary**: - **2.1m high**, on condition that **50%** of the height of the wall or fence, including gates on residential zoned properties **must consists of open decorative work to create transparency**. The solid construction shall not interfere with sight lines of vehicles entering or leaving the property, or passing traffic.”*

The property is currently used for residential purposes with a palisade fence and hedges on Reservoir Street. The applicant is requesting approval from Council to build a solid boundary wall in order to screen an existing swimming pool and for security reasons. The length of the property on the street side is 17.7m. The property forms part of a group housing residential estate (Village de Reservoir). The estate encompasses three properties on the street side. Two of the three properties within the estate were built with a solid boundary wall on Reservoir Street. The applicant would like to extend the wall to enclose the entire estate.

Section 13 of the subject by-law allows Council to consider deviations and stipulates the following;

*“13. Council may grant a waiver to any of the provisions of this bylaw if in Council’s opinion; the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).”*



[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

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No sight distances or the aesthetic appearance of the property or area will be negatively affected by the proposal, as the adjacent property was developed with a solid boundary wall of approximately 2m in height.

#### 5.4 Concluding Planning Comments

The subject property is surrounded by residential properties with solid boundary walls. Therefore, the boundary wall will not have a negative impact on the aesthetic character of the area. The linear street pattern and width of the road will allow sufficient space for both pedestrian and vehicle movement. The height of the proposed boundary wall is in line with the By-Law as it will not exceed 2.1m and has taken the cognizance of the existing character of the area. The proposal will create a uniform boundary wall for Village de Reservoir estate. The proposed deviation from the by-law is therefore supported from a planning point of view.

#### RECOMMENDED

that **approval be granted** in terms of Section 13 of the By Law Relating to Control of Boundary Walls and Fences, in order to deviate from Section 5 of the by-law applicable to Residential Zoned properties, to construct a 2.1m high solid wall on the street boundary for Erf 1748, Franschoek, Reservoir Street, as indicated on Drawing No: 01, dated 12 November 2015, drawn by Red Brick Architecture, attached as **APPENDIX 3**.

#### APPENDIXES

Appendix 1	: Conditions of Approval
Appendix 2	: Locality Map
Appendix 3	: Boundary Wall Plan
Appendix 4	: Comments from Spatial, Heritage and Environment
Appendix 5	: Street View Photos of the Subject Property.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

MINUTES

PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE MEETING

2016-05-31

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

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**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 6.2.3**

**RESOLVED** (nem con)

that **approval be granted** in terms of Section 13 of the By-Law Relating to Control of Boundary Walls and Fences, in order to deviate from Section 5 of the by-law applicable to Residential Zoned properties, to construct a 2.1m high solid wall on the street boundary for Erf 1748, Franschoek, Reservoir Street, as indicated on Drawing No: 01, dated 12 November 2015, drawn by Red Brick Architecture, attached as **APPENDIX 3**.

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

[Chairperson: Alderman JP Serdyn (Ms)]

[Portfolio: Planning and Land Use  
Management, Building Control, Air Pollution, Spatial Planning/  
Environmental Heritage and Cultural Management]

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## APPENDIX 1

### FILE NO: 1748, FRANSCHHOEK

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means **ERF 1748, FRANSCHHOEK**

**EXTENT OF APPROVAL:** Waiver in terms of Section 13 of the By Law Relating to Control of Boundary Walls and Fences, in order to deviate from Section 5 of the by-law applicable to Residential Zoned properties, to construct a 2.1m high solid wall on the street boundary for Erf 1748, Franschoek, Reservoir Street, as indicated on Drawing No: 01, dated 12 November 2015, drawn by Red Brick Architecture, attached as **APPENDIX 3**.

### **CONDITIONS IMPOSED THAT ARE APPLICABLE IN TERMS OF SECTION 42(1) OF THE ORDINANCE 15 OF 1985 THAT:**

1. The approval applies only to the application for the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements from council.
2. Building plans must be submitted to this municipality for approval, prior to any building work commencing on site.
3. The building plans may not differ substantially from this approval.

MINUTES

PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE MEETING

2016-05-31

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

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7. REPORTS FROM OFFICIALS: COMMUNITY DEVELOPMENT

7.1 NON-DELEGATED MATTERS

NONE

7.2 DELEGATED MATTERS

NONE

8. REPORTS SUBMITTED BY THE MUNICIPAL MANAGER

NONE

MINUTES

PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE MEETING

2016-05-31

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

9. NOTICES OF MOTIONS AND NOTICES OF QUESTIONS RECEIVED BY  
THE MUNICIPAL MANAGER

## 9.1 QUESTION BY CLLR F ADAMS: TOURISM

*File number* : 3/4/1/4

*Report by* : Director: Planning and Economic  
Development

*Compiled by* : Director: Planning and Economic  
Development

*Delegated Authority* : Council

A Notice of Question, in terms of Section 21(3) of the Rules of Order By-law regulating the Code of Conduct of Council and Council Committee meetings, dated 2015-10-13, was received from Councillor F Adams.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

**FOR CONSIDERATION**

**(DIRECTOR: PLANNING AND ECONOMIC  
DEVELOPMENT TO ACTION)**

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE: 2016-05-31:  
ITEM 9.1**

**RESOLVED** (nem con)

that the written response to Councillor F Adams's question, be noted.

**(ACTING DIRECTOR: STRATEGIC AND  
CORPORATE SERVICES TO ACTION)**

MINUTES

PLANNING, ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE MEETING

2016-05-31

[Chairperson: Councillor AR Frazenburg]

[Portfolio: Community Development]

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10. MOTIONS OF EXIGENCY

NONE

11. MATTERS TO BE CONSIDERED IN-COMMITTEE

NONE

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Meeting adjourned at 14:40.

**CONFIRMED**

**CHAIRPERSON** .....

(Signature & date)

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