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Town Planning

Your ref.:

Public Notice

Our ref.: **Erf 364 JT**

Date: **2020-11-19**

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

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK AAN GETRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Die volgende grondgebruiksaansoek in terme van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015, verwys:

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

AANSOEKER | APPLICANT: AHG TOWN PLANNING
PO Box 2992, Somerset West, 7129
Email: leon.jubilius@ahg-property.co.za
Tel no: **082 782 0374** (Leon Jubilius)

EIENAAR | OWNER: MONICA VAN NIEKERK TRUST

AANSOEK NO | APPLICATION NR: LU/11957

TIPE AANSOEK / TYPE OF APPLICATION: Onderverdeling
Subdivision

EIENDOMSBEKRYWING | PROPERTY DESCRIPTION: Erf 364 JAMESTOWN
Erf 364 JAMESTOWN

FISIESE LIGGING | PHYSICAL LOCATION: Blakemorestraat in Jamestown
Blakemore Street in Jamestown

AHG Town Planning (Pty.) Ltd. – Reg. 2006/017729/07
Directors: L Jubilius TRP(SA) BA M.TRP; JHM Nieuwoudt Pr.Eng. M. Eng (STELL),
HA Meyer B.Eng (STELL),
Non-Executive: Prof MM Loubser BA LLB D Phil (Oxon), AJ Nieuwoudt TRP(SA) BA M.TRP



Part of the AHG Group of Kingdom Companies

AANSOEK BESONDERHEDE:

Die aansoek onder oorweging is 'n aansoek in terme van artikel 15(2)(d) van die Stellenbosch Munisipaliteit Verordening op Grondgebruik-beplanning, 2015 en behels die **onderverdeling** van die erf in 2 gedeeltes van onderskeidelik 190m² & 190m² vir die oprigting van 2 dorpshuise.

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

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>

Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Kommentaar en/of besware kan vervolgens ingedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening. Dit moet aan die volgende vereistes voldoen en die genoemde besonderhede bevat:

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

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word by:

leon.jubilius@ahq-property.co.za

APPLICATION DETAILS:

The application under consideration is an application in terms of section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 and entails the **subdivision** of the erf into 2 portions of 190m² & 190m² respectively for the development of 2 townhouses.

Notice is hereby given in terms of the said By-law that the above mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

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

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail to:

leon.jubilius@ahq-property.co.za

*Die kommentaar moet binne **30 dae** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die sluitingsdatum van **21 Desember 2020**.*

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

*Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **082 782 0374** tussen 08h00 en 17h00 op weksdae.*

Die Uwe
Yours faithfully,

LEON JUBILIUS Pr. Pln
Reg. no. A/1061/1998

*The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **21 December 2020**.*

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

*For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **082 782 0374** between 08h00 and 17h00 on weekdays.*

LOCALITY



Source: Western Cape Dept of Agriculture (CapeFarmMapper)

PROJECT:

Subdivision:
Erf 364 Jamestown

SCALE:

n.t.s

DATE:

08 September 2020

ahG

Town Planning

Town and Regional Planners

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7129

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1. GENERAL INFORMATION

1.1 INTRODUCTION

AHG Town Planning was appointed by the owner of Erf 364, Jamestown to apply on their behalf for the subdivision of the property in order separately alienate the 2 townhouses they intend to build on the property.

The purpose of the report is to outline the proposed subdivision and motivate the different aspects involved in order to obtain the approval of Stellenbosch Municipality.

1.2 LOCALITY

Erf 364 is situated in Blakemore Street in Jamestown. A Locality Plan is included.

The site falls within the jurisdiction area of the Stellenbosch Local Municipality.

1.3 TITLE ASPECTS

The properties are currently being registered in the Deeds office and a copy of the draft Title Deed and application to apply for a Certificate of Registered Title is included.

1.3.1 PROPERTY DESCRIPTION

ERF 364 JAMESTOWN,
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH,
PROVINCE WESTERN CAPE,

1.3.2 CONVEYANCE CERTIFICATE

A Conveyance Certificate was not prepared. It can however be prepared on request.

1.3.2 SIZE

The property is 380 m² in extent.

1.3.3 OWNERSHIP

The property is registered in the name of **MONICA VAN NIEKERK TRUST** Registration Number **IT3593/1995**.

1.3.4 MORTGAGE BONDS:

There are no bonds registered against the title of the property.

1.3.5 TITLE DEED CONDITIONS:

There are no conditions of title prohibiting the proposed subdivision.

1.4 EXISTING ZONING AND LAND USE

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, Erf 364 is zoned "*Conventional Residential Zone*".

The property is currently vacant. An adjacent owner from time to time use these vacant erven to park his trucks. This is however done illegally and without the consent of the property owner.



The above aerial photo shows the property in the contexts of its surrounding environment

1.5 SURROUNDING ZONING AND LAND USE

The application site is located within a residential area. Abutting the application site on all sides are single residential erven (some also vacant).

2. THE APPLICATION

2.1 APPLICATION I.T.O PREVAILING LEGISLATION

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, Erf 364 is zoned “*Conventional Residential Zone*”.

- *Application is made In terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law, 2015 for the subdivision of Erf 364, Jamestown.*

2.2 PROPOSED DEVELOPMENT

The erf will be developed with 2 town houses and it is proposed that the two units be cadastrally subdivided in order to alienate them separately to two different owners.

The common wall separating the dwelling units will form the line of subdivision. Although applied for in separate applications, this application actually form part of a much larger development that will involve all the adjacent erven owned by the owner along Blakemore Street, between Klaradyn Street and Rovelie Crecent.

Given the current size of this particular erf in question, it is proposed to subdivide the property as close as possible into two equal portions, in this case measuring **190 m²** and **190 m²**.

Below is an architectural impression of the street scape that will be achieved after subdivision.



See subdivision plan and site plan of the architect included.

3. MOTIVATION

3.1 OVERVIEW AND NEED FOR DEVELOPMENT

As stated above the owner plan to build 2 new townhouses on the property.

The proposal is to alienate the townhouses separately on a “full title” basis rather than to register a sectional title which is not viable on such a small scale. Full title ownership is also deemed much more desirable than sectional title.

It should be noted that prior to the introduction of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 in November, the zoning of the erven in terms of the previous Section 8 Zoning scheme regulations was Residential Zone 3. This zoning made specific provision for Town houses as a primary use under the zoning and according to the definition of a town housing, the individual dwelling units

“may be cadastrally subdivided”. However, there was a historical consent in place for only a single dwelling, thus in order take up the zoning rights for 2 dwellings, subdivision was required. Historically this created numerous existing precedents in the area.

3.3 DESIRABILITY OF THE PROPOSED DEVELOPMENT

3.3.1 ACCESSIBILITY & PARKING

The two portions will both take access off Blakemore Street as shown, meaning that one additional access will be created.

In terms of parking provision, the zoning scheme requires two parking bays per residential unit. Each unit will therefore have a single garage as well as an open parking bay in order to comply with this provision.

3.2.2 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

Section 7 stipulates principles that apply to spatial planning, land development & land use management. Under the principles of spatial sustainability and efficiency:

- Under the principle of spatial sustainability that: spatial planning must (*inter alia*) protect prime and unique agricultural land and promote land development in locations that are sustainable and limit urban sprawl and result in communities that are viable.
- Under the principle of efficiency that: land development optimises the use of existing resources and infrastructure.

The location of the property within the existing build up area of Jamestown ensures that the proposed development is compliant with these principles.

3.2.3 WESTERN CAPE LAND USE PLANNING ACT, 2014.

Chapter 6 stipulates principles that apply to land use planning. Under the principles of spatial sustainability:

land use planning should (*inter alia*) —

- (i) promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;
- (ii) ensure that special consideration is given to the **protection** of prime, unique and high potential **agricultural land**;
- (vi) promote land development in locations that are sustainable and limit urban sprawl;

Under the principles of spatial efficiency:

- (a) land development should optimise the use of *existing resources, infrastructure, agriculture, land, minerals and facilities*;
- (b) integrated cities and towns should be developed, whereby—
 - (i) the social, economic, *institutional* and physical aspects of land development is integrated;
 - (ii) land development in rural and urban areas in support of each other is promoted;
 - (iii) the availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted;
 - (iv) a diverse combination of land uses is promoted;

- (v) the phenomenon of *urban sprawl* in urban areas is *discouraged* and the development of *more compact towns* and cities with *denser habitation* is promoted;
- (vi) historically distorted spatial patterns of settlement are corrected; and
- (vii) the quality and functionality of the public spatial environment is promoted;

The above selected extracts, with relevant *emphasis added*, indicates the support and legislative requirement for well-planned and coordinated densification. This application is therefore deemed compliant with this legislative principles.

3.3.4 AVAILABILITY OF ENGINEERING SERVICES

The property is linked to existing municipal service infrastructure and the application will have little additional service capacity requirements, a new connection will be provided for the additional portion created.

3.3.5 IMPACT ON THE ENVIRONMENT:

The proposed development will consist of 2 architect designed townhouses. It is our opinion that the addition of this well designed development to this vacant property will bring much needed renewal and enhance the character of the area.

3.3.6 PUBLIC PARTICIPATION

The adjacent property owners will be notified of the proposed subdivision as per the requirements of the By-law and notifications send per registered mail.

Any neighbour who feels that their rights are affected will have an opportunity to make a representation or lodge an objection. This is however not anticipated since the development of this vacant properties is expected to enhance the area and is viewed as n positive addition to the street scape.

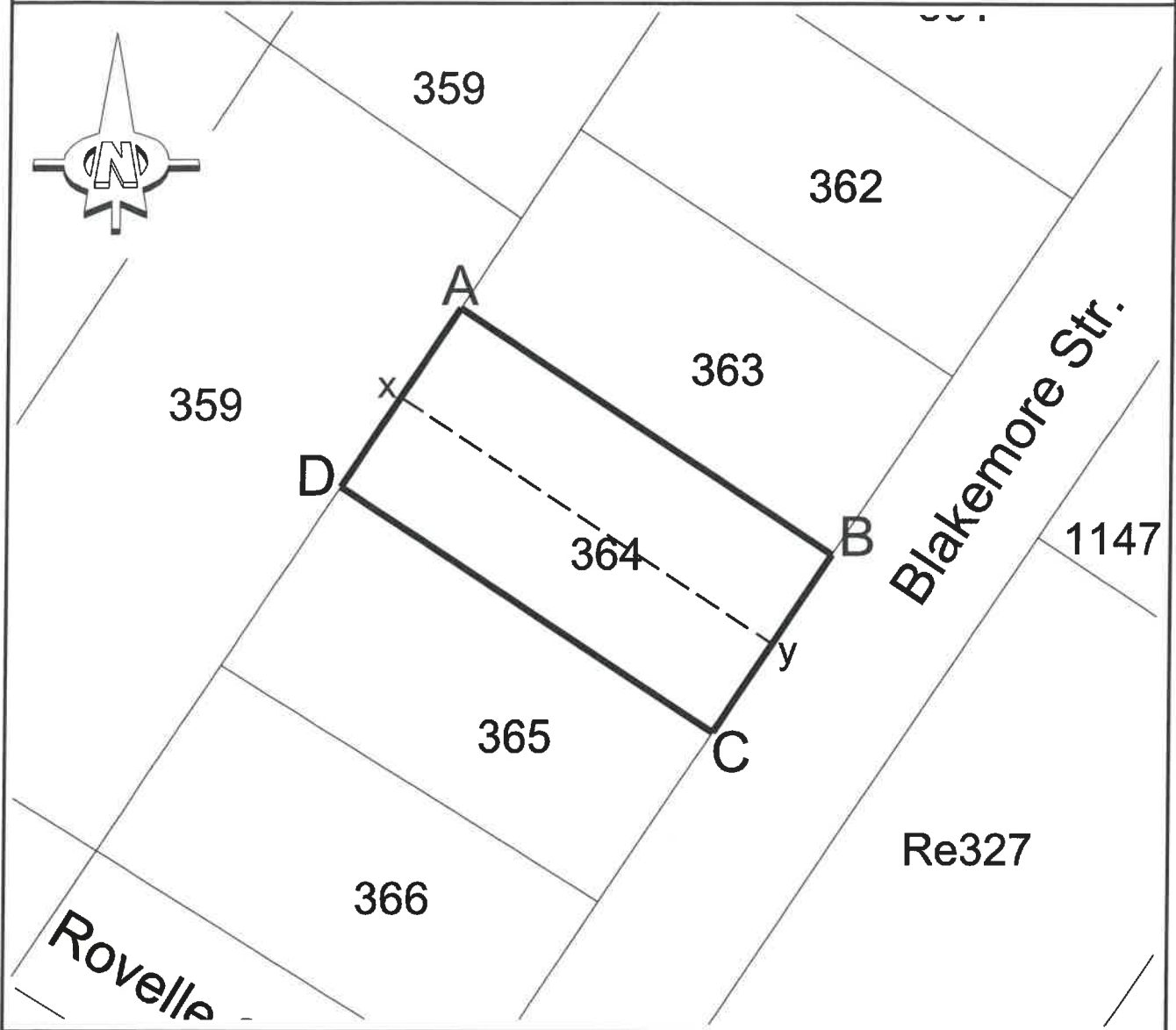
4. SUMMARY AND CONCLUSION

Application is made for the subdivision of the erf into two almost equal portions. The developer intends to submit a building plan for the construction of townhouses on the properties in order to allow her to sell the dwellings separately as full title properties.

The information provided supports the fact that the proposed subdivision will be desirable in this area and of little significance to the rest of the area or the neighbours.

* * *

SUBDIVISION



Notes:

1. The figure ABCDA represents Erf 364 Jamestown, measuring 380 m²
2. Proposed subdivision:
AByxA measuring 190 m²
xyCDx measuring 190 m²
3. All sizes and dimensions are approximate and subject to final survey.
4. The property falls under the jurisdiction of the Stellenbosch Local Municipality.

Scale: 1 : 400

Project:

PROPOSED SUBDIVISION
Erf 364 Jamestown

Date: 2020-05-27

Ref: E 364 JT Rev 1

ahG Town Planning
Town and Regional Planners

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