

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

TABLE OF CONTENTS

1. INTRODUCTION.....	3
1.1 Overview of the consultation process	3
1.2 Involvement of DEADP in the process	3
1.3 Purpose of this report	4
2. FIRST ROUND PUBLIC COMMENT UNDER LUPA (STAGE 8 in Table 1).....	5
2.1 Overview	5
2.2 Comments received	5
2.3 Department of Environmental Affairs and Development Planning (DEADP) comments	5
2.4 Western Cape C Road Network Management (PRE) comments	5
2.5 Heritage Western Cape comments (HWC)	5
2.6 Western Cape Department of Agriculture (WCDA) comments	6
2.7 Western Cape Education Department (WCED) comments.....	6
2.8 Cape Nature comments	6
2.9 Eskom comments	7
2.10 Department of Rural Development & Land Reform comments	7
2.11 Association Heritage Practitioners (APHP) comments.....	7
2.12 Stellenbosch Heritage Survey (consultant to Municipality) (SHS)comments	8
2.13 Franschhoek Trust and Ratepayers Association (FTRA) comments.....	8
2.14 Friends of Stellenbosch Mountains (FSM) comments	8
2.15 Stellenbosch Agricultural Society (Stell Agri Soc) (Emile van der Merwe) comments.....	9
2.16 Stellenbosch Heritage Foundation (SHF) (P Carstens) comments	9
2.17 Stellenbosch Interest Group (SIG) (Berta Hayes) comments.....	9
2.18 Stellenbosch Ratepayers Association (SRA) (Andre Pelser) comments	9
2.19 Anthill	10
2.20 Kleingeluk Home Owners Association: Mr van Aswegen.....	10
2.21 Simonswyk Wyk 7: Mr Hugo	10
2.22 TV3 Architects and Planners	11
2.23 University of Stellenbosch (US) - F Swart.....	11
2.24 Warren Petterson Planning.....	11
2.25 Limberlost Property Holdings (Pty) Ltd – L Zetler	11
2.26 National Pride Trading 566 (Pty) Ltd – L Zetler	11
2.27 Wine Routes Manager– Elmarie Rabe	11
2.28 Trudie Blanckenberg	12
2.29 Piet Claassen	12
2.30 Peter Mons.....	12
2.31 Welgevonden Estate	12
2.32 Devon Valley Farmers Association – G Swart	12
2.33 Sendzul Family Trust	13
2.34 Devon Park Interest Group – S Kumschick.....	13
2.35 Marius Snyman – Onderpapegaaiberg	13
2.36 Raymond Bouma (Architect)	13
2.37 Mike Reyneke.....	13
2.38 Headland -Claus Mischker.....	13
2.39 Kleine Zalze Farm	13
2.40 Stephen Townsend.....	14
2.41 Dr S van der Berg.....	14
2.42 A Marais	14
3. INTERNAL MUNICIPAL BRANCH COMMENTS.....	15
3.1 Finance	15
3.2 Legal advisor – Mervin Williams	15
3.3 Land Use Management – Becky Hillyer.....	15

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

3.4	Planning and LED portfolio committee – J Serdyn	16
3.5	Ward 21 Councillor	16
3.6	Land Use Management – J van Rensburg	16
3.7	Land Use Management – Dupre Lombard	16
4.	FIRST ROUND COMMENT: DETAILED TABLE	17
5.	SECOND ROUND OF PUBLIC COMMENT (STAGE 9 in PP Table)	32
5.1	Overview	32
5.2	Comments received	32
5.3	Dr. B van Geems - De Zalze owner	32
5.4	De Zalze Lodge – W. Burger	32
5.5	De Zalze Winelands Golf Estate – E. Watson	32
5.6	Winelands Golf Lodges – L. Vlok	33
5.7	The Farm House - De Zalze – A. Bicker Caarten	33
5.8	Kleine Zalze – K. Basson	33
5.9	De Canha Incorporated: for Cova Da Iria Trust – D. De Canha	34
5.10	Stellenbosch Heritage Foundation – P.G. Carstens	35
5.11	Stellenbosch Interest Group (SIG) – P. Botha	35
5.12	Stellenbosch Ratepayers Association – A. Pelser	36
5.13	University Stellenbosch: Geography Department – R. Ronaldson	37
5.14	Eskom - O. Peters	37
5.15	Stellenbosch Wine Routes - E. van der Merwe	37
5.16	E. van der Merwe	37
5.17	T. Blankenberg	38
5.18	Cape Nature - R. Smart	38
5.19	Franschhoek Heritage and Ratepayers Association (FHRA) – A. Killian	39
5.20	Friends of Stellenbosch Mountains (FSM) - L. Silberbauer	39
5.21	H.C. Eggers	39
5.22	Western Cape Provincial Department of Transport – H. Thompson	39
5.23	Abland – T. Potgieter	40
5.24	Department of Rural Development and Land Reform – E. van Zyl	40
5.25	Tech Stel SRA on behalf of Technopark (G. Swart)	41
5.26	Airbnb	41
5.27	J. Sendizul	42
5.28	C. Heys on behalf of Eikestad Mall	42
5.29	University of Stellenbosch	42
5.30	DEADP – A. Bredell	42
5.31	T. Walters	43
6.	SECOND ROUND COMMENT: DETAILED TABLE	45
7.	COMMENTS WERE RECEIVED FROM THE FOLLOWING PARTIES:	60
7.1	Advertising 2016	60
7.2	Advertising 2017	62

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

1. INTRODUCTION**1.1 Overview of the consultation process**

This project has a long history and has been ongoing for ±12 years. The table below gives an overview of the consultation process followed during this time.

	Date/Period Advertised	Stage of project + Comments received	Documents advertised & outcome
Work done in terms of Land Use Planning Ordinance No. 15 of 1985 (LUPO)	9 June 2006	Stage 1: Commencement of Integrated Zoning Scheme in terms of LUPO	Public notice published and notices sent informing public that project is commencing and inviting parties to register as I&AP's.
	25 November 2010 (30 Days)	Stage 2 (@P became consultant) 2 comments received	Public notice published and notices sent of Phase 2 Background Report and request for comment. Issues, problem statement, research and current zoning.
	6 July 2012 (90 Days)	Stage 3: Draft zoning regulations 24 Comments received	Public notice published, and notices sent of Draft 7 Zoning Scheme Regulations including Overlay Zones & converted Zoning Maps for public comment. Included 8 Public Workshops.
	7 May 2013	Stage 4: Councillor input 2 comments received	Councillor workshop and written input. Draft 8 Zoning Scheme Regulations, Including Overlay Zones and Zoning Maps. Methodology Report.
	28 May 2013	Additional public input 1 comment received	Additional input received from public outside comment period.
Final output after this phase: Draft 9 Zoning Scheme Regulations Overlay Zones GIS Zoning Maps - existing zoning and converted zoning maps Methodology report dated 30 November 2013 including public comment summary & response			
Work done in terms of Western Cape Land Use Planning Act No. 3 of 2014 (LUPA)	22 October 2015	Stage 5: Commencement of Scheme in terms of LUPA (new appointment)	Public notice published, and notices sent that project is commencing in terms of LUPA and inviting parties to register as I&AP's and submit issues.
	30 September 2015 to 2 October 2015	Stage 6: Internal workshop with LUMS officials (3-day workshop)	Internal LUMS departmental workshop: revise content of Draft 9.
	2 September 2016	Stage 7: Internal workshop with senior managers of all Municipal Departments (2-day workshop)	Workshop and written comment from all internal Departments.
	3 November 2016 (120 days)	Stage 8: Draft Zoning Scheme By-law 47 comments received	Public notice published, and notices sent: Draft 10.3a By-law including Overlay Zones and Zoning Maps for public comment. 1 Open House day.
	October 2017 (60 days)	Stage 9: Draft Zoning Scheme By-law 29 Comments received	Public notice published, and notices sent: Draft 11 By-law including Overlay Zones and Zoning Maps for public comment.

Table 1: Overview of Consultation Process: Stellenbosch Zoning Scheme

1.2 Involvement of DEADP in the process

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

During the period 2006 to 2013, the work was undertaken in terms of the Land Use Planning Ordinance (No. 15 of 1985) (LUPO). During that period the Provincial Department of Environmental Affairs and Development Planning (DEADP) attended the monthly internal working group meetings and several internal departmental workshops while the Scheme was being drafted. DEADP also provided in depth comment on the draft that was advertised at that time, and this comment was incorporated into the final version (Draft 9).

In 2015, after the new Western Cape Land Use Planning Act came into operation, the Municipality decided that they will proceed with the finalisation of the draft scheme in accordance with the newly published Western Cape Land Use Planning Act (No. 3 of 2014) (LUPA). In terms of this Act, the Municipality must either establish an Intergovernmental Steering Committee on which DEADP will serve, or they can proceed without such a committee, provided then that DEADP be given 2 months to comment on the draft scheme (see sections 25 to 27 of LUPA).

Due to the advanced stage of the work and the comprehensive input received from DEADP up to that point, it was decided to proceed with the finalisation of the Scheme without establishing an Intergovernmental Steering Committee. The procedures in section 27 of LUPA were thus duly followed.

DEADP was notified and given an opportunity to comment in terms of section 27 of LUPA on 31 October 2016. Officials from Western Cape Government attended the Open House meeting and written comment was received from the following departments:

- Western Cape Road Network Management - dated 12 December 2016;
- Western Cape Education Department - dated 3 March 2017;
- Western Cape Agriculture - dated 7 March 2017;
- Heritage Western Cape - dated 17 March 2017;
- Cape Nature - dated 1 March 2017 and 21 March 2017;
- Department Environmental Affairs and Development Planning (DEADP) - dated 23 March 2017.

DEADP submitted further comment on 25 January 2018, which were also incorporated. Western Cape Road Network Management and Cape Nature also submitted additional comments which are summarised further in this document.

The requirements of LUPA has thus been fulfilled in this regard.

1.3 Purpose of this report

The purpose of this report is to summarise the comments that were received from commenting parties and to provide a detailed response on the comment. The response clearly indicates where the draft By-law was amended to incorporate the input received.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

2. FIRST ROUND PUBLIC COMMENT UNDER LUPA (STAGE 8 in Table 1)**2.1 Overview**

The Stellenbosch Zoning Scheme (SZS) was advertised for public comment between 1 November 2016 and 1 March 2017. An Open House meeting was also held on 22 November 2016. Forty-seven (47) letters and/or emails containing comment were received.

The document below summarises the written comments received during this period. The text summarises more general comments whilst the table below summarises section-specific comments and input. An initial draft response or action is provided at this early stage for discussion in our internal meeting early in June 2017. Once this meeting is concluded, the comments (as agreed to) will be incorporated into the final draft of the document.

2.2 Comments received**2.3 Department of Environmental Affairs and Development Planning (DEADP) comments**

DEADP concludes that the Scheme is compliant with SPLUMA¹ and LUPA. The department is satisfied that the Scheme is a credible and detailed land use scheme.

Telephonic discussion with Kobus Munro clarified issue around Development Charges (DC) and document amended accordingly. The Scheme makes provision for DC in cases where primary rights are intensified (or where new rights are acquired via an application).

Response: Overall support for the Scheme is noted. All comments were incorporated. Refer to table for detailed comments & response.

2.4 Western Cape C Road Network Management (PRE) comments

PRE supports the new Zoning Scheme. Concern raised about additional rights conferred by Scheme and reserves right to call for traffic studies in cases where Provincial Roads are affected.

Response: Support and comment noted. Refer to table for detailed comments & how comments were incorporated.

2.5 Heritage Western Cape comments (HWC)

HWC indicates that Heritage Areas must be established and administered in terms of the NHRA and not in terms of town planning schemes. HWC is currently in the process of drafting regulations in this regard.

Response: Noted. In terms of planning law, the Municipality's zoning scheme and land use management decisions must take cognisance of heritage matters, but it is acknowledged that the role of the Municipality and that of Heritage Western Cape is indeed different. The Municipality will therefore designate Urban and Rural Conservation Overlay Zones (no longer called Heritage Areas Overlay Zones), which would allow an integrated approach towards protection of sensitive environments, specifically with the focus on managing development whilst protecting the character of areas. All references to linkages with the NHRA is removed, since the By-law will perform a different function from the NHRA. The change in name will make this distinction clear and ensure there can be no confusion between the By-law Conservation Zones and NHRA Heritage Areas.

¹ In this interim document well known planning related acronyms have not all been written out.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

2.6 Western Cape Department of Agriculture (WCDA) comments

A number of detailed comments were made by Mr. C van der Walt.

Response: All comments were incorporated where possible. Refer to table for detailed comments response.

2.7 Western Cape Education Department (WCED) comments

Publicly owned school sites should convert to “Community Zone”, not “Education Zone” so that more land uses can be undertaken for fundraising.

Response: Comment incorporated: Place of Worship now included as a primary right (restricted to school hall) and clinic as a consent. Additional conditions incorporated to limit impacts, including on-site parking.

2.8 Cape Nature comments

Supports the new Scheme in principle.

All Section 23 National Environmental Management: Protected Areas Act (NEM:PAA) (Act 57 of 2003) reserves (including declared Provincial, Municipal and private nature reserves excluding mountain catchment areas) should convert to Natural Environment Zone. Consent uses in NE zone should be more limiting, for example outdoor market and sport & recreation should be allowed in other zones, not here. 20% coverage is too much. Proposal: 0.5% for residential and tourism facilities is the norm which is acceptable in conservation areas and should be adopted.

Controlling, lopping and felling of trees in all heritage areas (especially Jonkershoek) may be problematic (e.g. alien clearing). Municipality to re-consider provisions in this regard in areas where alien-clearing plans are in place.

Cape Nature supports proposal for critical biodiversity areas (CBA's) to be indicated on farm SDPs.

Construction Environmental Management Plans should also be required in cases where there may be an impact on freshwater resources.

Response: Although there is merit in the proposal made by Cape Nature (and others) to zone all declared nature reserves Natural Environment Zone, SM is of the opinion that there isn't an automatic link between zoning and protected area status. In some instances, it may be more appropriate for a protected area to be zoned 'public open space' or 'private open space' or 'agriculture'. There are also many areas that are protected, (under stewardship agreements for example) which are farmed, and automatic deeming will take their rights away. If Cape Nature wants to rezone the nature reserves in their ownership, they should make the necessary application in this regard as per the requirements of SPLUMA and LUPA to rezone the land.

DEADP also confirmed that this process should not be used for rezonings.

Reduced coverage and less consent uses was incorporated.

Comment about Heritage Areas (now called Urban and Rural Conservation Areas) have been incorporated.

Comment about CEMP's incorporated.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

2.9 Eskom comments

It is understood that all existing Eskom substations will convert to Authority Zone and that Eskom's rights are therefore not affected.

Linear infrastructure should be included in engineering services and therefore not affected by zoning and also exempted from application and advertising.

Eskom requests that electricity substations be exempt from building lines.

Response: Valuable comments were made that led to a revision of the definition of 'engineering services' to refer only to linear services and this is permitted in all use zones. New definition inserted for larger facilities (utility installations) which would include all large substations and energy generation plants. A clause was inserted in 'Deemed zoning' section to ensure all lawful installations are deemed to be zoned Authority Use Zone (notwithstanding the current zoning).

Substations must comply with building lines especially in (sensitive historical) towns since they can have an adverse impact on streetscape. Any departures will be assessed as per usual and allows the Municipality to impose conditions to mitigate adverse impact.

2.10 Department of Rural Development & Land Reform comments

Zoning maps are not up to date with latest decisions/rezonings.

Response: Noted and agreed there is a significant backlog. Back-capturing of decisions is an ongoing process which the Municipality is currently undertaking.

2.11 Association Heritage Practitioners (AHP) comments

AHP delivered detailed comments on what should be included in Heritage Overlay Zones. It suggests detailed wording for certain paragraphs. It suggests that the Scheme should have three clauses dealing with Heritage.

It firstly proposes that a section be included which requires the Municipality's consent for building work in *Conservation Areas (CA's)*. It then states that each area so demarcated should include the following:

- i) Character statement
- ii) Character forming elements
- iii) List of decision-making criteria for the area

An example of the above was provided which was prepared for Paarl. This example consisted of ±9 pages which will then have to be repeated for each heritage Overlay Area.

The second Heritage clause suggested would deal with Grade II and IIIA buildings structures and landscape elements. It states that this section will only become operational once the Municipality acquires competency from HWC.

The third Heritage clause that is suggested would deal with Grade IIIB buildings structures and landscape elements (whether or not they are located in a heritage area) the aim is not to regulate internal alterations, but to ensure the proposals take account of the heritage context and provide sufficient information and research for decisions.

Response: The Municipality wishes to at this stage only implement the existing "special area" parameters which all parties are familiar with, until they have completed all heritage studies. The Scheme makes provision to adopt new conservation areas as well as detailed guidelines as suggested by the writer.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

2.12 Stellenbosch Heritage Survey (consultant to Municipality) (SHS) comments

The Consultants were commissioned to undertake a study to identify additional Heritage Areas in rural areas of the Municipality, which are being considered by SAHRA and HWC and once approved, should be incorporated.

More detailed rural development guidelines must be developed (and will be as part of this study) and a mechanism must be incorporated in the Scheme whereby these can be adopted and incorporated/annexed to the Scheme.

Supports Clause 241(3) (HAO does not reduce rights unless there is severe and proven adverse impact on resource).

Response: Support noted. Scheme makes provision for Council to adopt guidelines for specific Urban or Rural Conservation Overlay Zone areas which can inform decisions (see S243 old numbers).

2.13 Franschhoek Trust and Ratepayers Association (FTRA) comments

Detailed comments were included by editing the original text, the content of which was too detailed for individual inclusion in this summary document.

The Trust is concerned about residential dwellings being rented out in their totality for self-catering tourist accommodation short-term letting of the entire dwelling should therefore be restricted, as is done in other big cities in the world.

Response: Many valuable comments were made that were incorporated. The issue of tourist accommodation and short-term rentals was substantially reviewed. New land use categories, revised definitions and significant revision of parameters and in which zones it is permitted or could be applied for. It is agreed that “short term” rental of dwelling houses in their entirety on an ongoing basis is detrimental and this has been addressed in the scheme. Refer to table for other detailed comments & response.

2.14 Friends of Stellenbosch Mountains (FSM) comments

Supports the Scheme, however have the following comments:

Water Overlay Zone and Biodiversity Overlay Zone is required. NEMA requires mapping of Critical Biodiversity Areas. The SDF must include them by law. Likewise, the Scheme must address biodiversity in its own right.

Split zoning must be created for biodiversity or water resources and the Municipality must designate these at the time of implementing the Scheme.

Including Natural Environment in Agricultural Zone leaves biodiversity areas with no protection. Existing farms which have more than 75% biodiversity area must therefore convert to Natural Environment Zone rather than Agricultural Zone.

Current protected areas should convert to Natural Environment Zone, not Agriculture Zone.

“Accommodation” as a purpose should be removed from Natural Environment Zone and should be more strictly controlled and should not impact on conservation. Other consent uses must also be removed.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

Response: NEMA adequately controls & protects water resources and CBA's and zoning control is not also required. Farm SDPs will require mapping for CBA's to assist with land use management where necessary.

Other valuable comments were incorporated, e.g. declared protected areas should convert to NE zone. More restrictive parameters were introduced for NE zone. See responses in table below.

2.15 Stellenbosch Agricultural Society (Stell Agri Soc) (Emile van der Merwe) comments

The parameters of the Agricultural Zone are too restrictive and will adversely limit bona-fide agricultural activities, thereby negatively impacting on agriculture. Many detailed comments made which were included in the in table below. In this regard comment was made on a number of detailed section related points.

Response: Stellenbosch Agricultural Society gave valuable input, some of the points were incorporated. See comments and responses in table. Some comments were addressed via the more general revision of tourist accommodation. Not all proposals agreed with through–refer to table below for summary of comments and response.

2.16 Stellenbosch Heritage Foundation (SHF) (P Carstens) comments

The revised document is an improvement on the previous draft that was advertised. The extended HOA area for Stellenbosch is supported. A number of detailed comments were made related to lodging, student accommodation, building lines, height, and scenic routes.

A number of detailed comments were made which are included in the table below.

Response: Student & tourist accommodation is a topic which was extensively reviewed in the light of comments received from various parties. Some other points were also addressed (e.g. building lines). For a summary of all points and responses, refer to the table below.

2.17 Stellenbosch Interest Group (SIG) (Berta Hayes) comments

The group submitted a letter summarising their comments which have been incorporated in the table below. The group also provided an edited version of the By-law document.

Response: Comments were summarised in the table below according to the section in the Scheme they related to and the responses (and where amendments were made) are recorded in the responses column. Student accommodation/boarding houses and tourist accommodation were reviewed extensively. The by-law edited version provided by SRA input was reviewed and amendments were incorporated where SM considered the amendments appropriate.

2.18 Stellenbosch Ratepayers Association (SRA) (Andre Pelser) comments

The SRA gave extensive and comprehensive input, which raised many valid points and which have been incorporated or addressed in the final draft. General comments were made in a comment letter, relating to student accommodation (boarding houses), adult entertainment, boundary walls, parking basements (impact on trees), building lines, parking and many other more detailed topics. The Association also submitted an edited version of the By-law.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

Response: Comments were summarised in the table below according to the section in the Scheme they related to and the responses (and where amendments were made) are recorded in the responses column. Student accommodation/boarding houses and tourist accommodation were reviewed extensively. The By-law edited version provided by SRA input was reviewed and amendments were incorporated where SM considered the amendments appropriate.

2.19 Anthill

In relation to Agricultural Industries: Currently retailers require a range of produce that comes from different farming areas. It makes sense to allow agricultural processing and packaging on one's own farm but the 50% own produce requirement will force producers out of the market or make them uncompetitive.

Response: According to national and provincial legislation viable agricultural land should be protected for agricultural production. An unchecked proliferation of industries throughout the agricultural area will in the long run not only erode valuable agricultural assets, but also destroy the cultural landscape of Stellenbosch and its surrounding areas. If a facility processes more than 50% produce which is not produced on the farm, the facility in essence becomes a bona fide 'factory' which should be located in one of the industrial areas within urban settlements. Farms in the Stellenbosch Municipal area are not that remote so as to prevent produce (produced on other farms) to be transported to urban centres for processing, as opposed to a proliferation of decentralized factories on farms. Decentralizing industrial activities has a host of other negative impacts for the Municipality, and although it may be cheaper for the producers to locate on a farm (due to cheap cost of land), the indirect costs to decentralize are much higher (housing for workers, engineering services, transportation of workers, transportation of other goods used in the production process, negative impact on cultural landscape, thus indirect impact on tourism, less economic activity in towns etc.). It is recommended that this input not be incorporated and the 50% threshold be incorporated into the definitions so that it cannot be departed from.

2.20 Kleingeluk Home Owners Association: Mr van Aswegen

Supports the current definition of family which limits unrelated households to 2 people only.

Currently Group Housing schemes do not comply with the definition (in respect of the communal private road access for example).

Response: This is a valid concern raised and requires a general remedy, since it applies to more than just group housing developments. Section 8 (Transitional arrangements) was updated to clarify that that developments which are according to an approved building plan remain lawful, even if conflicting with the new Scheme parameters.

2.21 Simonswyk Wyk 7: Mr Hugo

Supports the Scheme in principle. Student accommodation raised as a major issue. No student houses be allowed in CRZ

Supports that in CRZ up to two students are supported in dwellings where the owner/resident resides permanently.

Response: Student accommodation issue was revised, but above comments are not incorporated. The Scheme proposes that communes (for lodgers) may be a consent application, and up to 3 lodgers be allowed per family but subject to technical approval from the Municipality.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

2.22 TV3 Architects and Planners

The writers write on behalf of certain land owners in Klipmuts and motivate that the existing residential zoning of certain erven in Klipmuts must be changed to Industrial and Mixed Use because there is no take-up for residential development.

Response: The preparation of a zoning scheme cannot be used to rezone land from one zone to another. The owners should apply for a rezoning in terms of the Municipal Planning By-law.

2.23 University of Stellenbosch (US) - F Swart

Parking & NMT: Parking requirements in Table A for the University is inconsistent with the University's policy to decentralize parking (remove cars from campus). An Overlay Zone is required to address this and the US is already far advanced with a strategic plan in this regard that is being prepared with the Municipality's input.

Response: The Municipality supports an approach which would encourage less vehicle trips and greater use of bicycles and other NMT. The Scheme enables the Municipality to adopt the suggested Overlay Zone in the future once the content thereof has been agreed to and the Municipality encourages the US to formally present these proposals to the Municipality. The SM awaits the proposals from the University. The SM will however not hold back the approval of the Scheme for such a proposal.

2.24 Warren Petterson Planning

Input is made by a telecommunications infrastructure specialist consultant who proposes amendments to allow rooftop masts with consent in CRZ, LFRZ and LUZ. He proposes masts up to 15m tall to be inserted as consent uses in MURZ, LBZ and LUZ.

Response: Residential areas are simply not the place for such infrastructure, whether it is a rooftop installation or freestanding mast, and that technological alternatives should provide/extend cellphone reception/data transmission services into residential areas. Local Business is mostly located in residential areas and thus also not acceptable in these areas. It should be noted that allowing for a land use as a consent application does not imply automatic approval. Desirability must be assessed (or even adopt more stringent policy).

2.25 Limberlost Property Holdings (Pty) Ltd – L Zetler

A number of specific issues were raised pertaining to certain definitions and sections in the scheme, which were addressed via specific amendments.

Response: Some of the comments were already adequately addressed or incorporated in the Scheme, other inputs were addressed or not agreed with. Refer to the table below for detailed comment and response/amendments.

2.26 National Pride Trading 566 (Pty) Ltd – L Zetler

Same comment and owner as Limberlost.

2.27 Wine Routes Manager– Elmarie Rabe

Same comment and owner as Stellenbosch Agri Society.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

2.28 Trudie Blanckenberg

Comment on the extent of home occupation that should be limited in scale. She supports the limit of 50m² and is of the opinion that no further room should be left to allow for home industries which expand beyond 50m².

Response: It is agreed that expanded facilities should be discouraged. However, there may be limited instances (especially on large properties) where an expanded facility may be appropriate, which is why it is proposed to make provision for a consent application, where neighbours will be given an opportunity to comment.

2.29 Piet Claassen

Objects to common building lines which are reduced in CRZ.

Response: Common boundary building lines amended to previous scheme setbacks with possibility of neighbours consenting to a relaxation, in which case it is deemed to have been granted.

2.30 Peter Mons

A number of specific issues were raised pertaining to certain definitions and sections in the Scheme, which were addressed via specific amendments.

Response: Refer to comment & response included in table below.

2.31 Welgevonden Estate

No comment on by-law. Map Conversions: How will the IZS influence the Welgevonden Estate's zoning conversions? How will it impact on the estate's governance document?

Response: The new Scheme should have no impact on Estate's governance document since the property owners association has a separate Constitution which is a separate legal contract owners enter into when they purchase. The area will convert to Private Open Space and CRZ and consent will be deemed to have been granted for Group Housing given that a group housing development was approved (refer to transitional arrangements). SM to check this.

2.32 Devon Valley Farmers Association – G Swart

Approximately 60 farms are part of the association and have done much to address issues in the Valley over the years. The community here wants to retain the unspoilt rural character of the area. Containing light pollution is mentioned as being important. However, the worker community also requires upliftment and empowerment, and much can be done to improve their accommodation situation, community facilities and adult education. The farms wish to remain Agriculture/Rural zoned.

Response: All properties which are currently zoned Agriculture will convert to the Agriculture and Rural Zone. It is clearly stated in the zone that it is the purpose to ensure that land be retained and preserved for agriculture and that the rural character of the area is to be retained.

A variety community uses can be applied for without rezoning that would allow upliftment of rural community (e.g. places of instruction, employee housing, clinic) provided they are related to the employees on a farm.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

2.33 Sendzul Family Trust

Erf 757 Franschhoek is currently zoned for group housing. The draft map shows that it is converting to Conventional Residential Zone. We wish to maintain the current zoning.

Response: Action: There is no Group Housing Zone in the current zoning scheme. Group Housing developments can either be zoned CRZ or MURZ depending on the densities of current development. In most instances conversion was to CRZ. Section 8 (Transitional arrangements) preserve rights for existing development to be lawful and to continue unchanged.

2.34 Devon Park Interest Group – S Kumschick

A number of comments are made about the conversion of specific land units, the creation of new roads and the closure of certain roads for construction and delivery vehicles.

Response: The individual comments are listed in the table below, and responses are included. The creation of a new Scheme cannot create (rezone) new roads or close roads. A separate application is required in terms of planning law.

2.35 Marius Snyman – Onderpapegaaiberg

This comment raises similar comments as Devon Park Interest Group.

2.36 Raymond Bouma (Architect)

The writer objects to the provisions of the Stellenbosch Heritage Area Overlay zone. Comments were made more specifically about height limits and proposed materials and finishes.

Response: Refer to the table below for detail comments and response.

2.37 Mike Reyneke

Objected to reduced building liens in CRZ (erven larger than 750m²) and suggested 2,5m and relaxation with neighbour's consent.

Response: Amended building lines to 2,5m on 750m² erven and introduced mechanism for neighbours to relax building line: See comment and responses table.

2.38 Headland -Claus Mischker

The split zoning on Farm 74/9 is not indicated in the correct position where the actual land use is located on the farm.

Response: Split zoning on the zoning map is an annotation on the map and is not necessarily a graphic representation of the actual size or location of the approved activity since this information is not available in shapefiles and will require surveyed areas.

2.39 Kleine Zalze Farm

Submitted same comment as Stellenbosch Agricultural Association and the Stellenbosch Wine route regarding agriculture zone.

KZ obtained a legal opinion which confirmed that existing rights cannot be reduced or taken away. They request that the Municipality agrees that this principle will be applied throughout in the preparation of the Scheme.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

Response: In the transitional arrangements it is clearly stated that land uses which are lawfully exercised at the commencement of the Scheme will remain in place and are lawful non-conforming uses.

2.40 Stephen Townsend

Requested a meeting to discuss the APHP's comment.

Response: A meeting was held on 14-08-2017 which assisted greatly in clarifying the difference between NHRA Heritage areas and the By-law Urban and Rural Conservation Overlay Zones and Dr Townsend's valuable input has been incorporated.

2.41 Dr S van der Berg

Objected against the setting up of a particular Circus in the Stellenbosch on municipal land due to perceived animal cruelty. Mr. Lombard responded that the Scheme will give proper consideration to the definition of various land uses.

Response: Neither the leasing of municipal land nor prevention of animal cruelty is mandated to be addressed in the Zoning Scheme. These concerns must be addressed through other legislation and processes.

2.42 A Marais

Objects against cell phone masts in all areas of the town, on the grounds that it is a contravention of the constitutional rights because it is not safe. A number of documents are attached in corroboration of this claim.

Response: The national legislation makes provision for the installation of telecommunication infrastructure and a municipal by-law may not contravene a national law. The Municipality is managing the land use as much as possible by making this a consent application in many of the zones.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

3. INTERNAL MUNICIPAL BRANCH COMMENTS**3.1 Finance**

Mr. Wüst enquired how the Zoning Scheme addressed backyard shacks and the Municipality's policies to address the housing shortage in the municipal area through providing other housing solutions (e.g. mechanisms to formalise back-yard shacks). Mr. Wüst's queries were responded as part of the internal engagement process and he indicated that he was satisfied his concerns are addressed. He did ask for a meeting with the planning officials to discuss the practicalities of finance, service connections, billing and building regulations.

Response: The department's concerns are addressed insofar as land use management issues are concerned. The other issues raised by him fall outside the scope of this project and can be pursued by the Land Use Management Department outside the scope of this project.

3.2 Legal advisor – Mervin Williams

Some section specific comments & responses included in table below.

Provision should be made in areas such as Kayamandi, Cloeteville, Ida's Vallei etc. for more than one dwelling to be erected on a property for emergency housing, to enable the Municipality to accommodate disasters and eviction applications. This could possibly be done by means of an overlay zone.

Response: The Municipal Planning By-law contains measures to speed up housing delivery in cases of disasters and emergencies (in all use zones and anywhere in the municipal area). The Zoning Scheme therefore does not also have to provide the same measures.

3.3 Land Use Management – Becky Hillyer

Position paper on outdoor markets/events/tourist activities/occasional use highlights some of the confusing points, overlaps and unclarity.

Response: Outdoor markets/ outdoor trading/ events/occasional use/informal trading/ outdoor dining and trading reviewed to simplify and not duplicate.

Position paper prepared about breweries to highlight the need to allow smaller breweries (which are not industrial in nature) to be in business areas and tourist areas. It is proposed to specifically make provision for breweries of different sizes and introduce definitions.

Response: The Zoning Scheme is not a Euclidean scheme which lists specific land uses. It supports an approach of general definition of uses that would group a wide range of activities with similar characteristics. Therefore, rather than identifying breweries, wineries, distilleries, bakeries, coffee roasteries etc. as a finite list of activities, it refers to the activity of 'manufacturing of food and beverages', which would by definition include everything listed, and more. This way the Scheme remains more current when new trends evolve over time.

Small scale manufacturing to a limited scale was already accommodated in LBZ, MUZ and ARZ. So-called Brew-pubs can therefore be accommodated in the Scheme. The proposals for Nano and Micro breweries are however not supported because the scale of the impact (transport, water, sewer and other waste products) are too great for LBZ, MUZ and ARZ.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

3.4 Planning and LED portfolio committee – J Serdyn

Commented that 'notification' is required for all additional uses in Conventional Residential Zone.

The additional uses are very small scale 'home industries' which allows residents to generate a modest income from their homes (at a small scale) from activities which are compatible with the residential character of the area. It adds a huge cost to require an application which is advertised, and will create a huge additional admin burden to treat these minor uses as full applications. All larger or higher impact activities require full participation. The proposal is in line with SPLUMA and LUPA objectives and also how all schemes are currently dealing with these kind of uses.

3.5 Ward 21 Councillor

Raised issue around Guest accommodation/boarding house/AirBnB/hostel are issues raised.

Response: there seems to be an overlap and confusion between terms and the proposals and terminology was simplified. The Councillor's concern around Airbnb (converting the whole house or flat to short term rental) was taken into consideration and has informed the amendments throughout the Scheme.

3.6 Land Use Management – J van Rensburg

Residential zoning must include provision for a "loft".

Response: A second storey is permitted and if it is in a roof space, it will still count as a second storey.

Replace "Municipality" where it appears in the Scheme with various different department names or other titles of people who should make the decisions.

Response: Delegations must be made by Council in a separate delegations schedule, not in the Scheme.

3.7 Land Use Management – Dupre Lombard

Check "and" which in most cases should be "or".

Response: Noted and attended to.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

4. FIRST ROUND COMMENT: DETAILED TABLE

In the table below, we have summarised comments which relate to specific clauses in the scheme. The response to the comment is also indicated.

The terms used in the responses relate to the current version 10.3. These terms may well change if certain comments are incorporated. The comments were summarised and arranged in the order of the sections of the scheme.

COMMENT:	WHO COMMENTED	RESPONSE:
(Note: Section numbers in this table refer to the Draft 10.3 numbers in the advertised document. The numbers have changed in Draft 11 due to amendments that were incorporated.)		
Definitions:		
Additional dwelling unit: suggests a max of 4, one every 10ha should be added to definition.	DEADP	Amended – inserted into definition.
Aquaculture: should be included in definition of agriculture instead of a different definition.	DEADP	Agriculture amended to include aquaculture.
Insert new definitions for: "Accounting Officer", Authorised Official, Municipal Manager and various others and refer to departments instead of using "municipality".	J Van Rens-burg SM	This should rather be included in delegations, which can easily be altered by Council and does not require cumbersome process of amending by-law. Accounting Officer is a defined term in tax law and it is not clear why this should be included in the scheme.
Agricultural building: definition should refer to "farming unit". Also include "farm office", "staff facilities", in-house training facilities.	P Mons	A definition for "farming enterprise" was added to distinguish between one farm (one land unit) a collection of land units run as one enterprise. Added "and includes farm office and staff facilities" in definition. SM and Dept Agri is concerned that listing in-house training as an example in the definition will open the floodgates for schools on farms. If a land use is clearly ancillary to the farming activities, the definition does provides for it.
Agricultural industry: the 50% produce limit is impractical and cannot be measured and must be removed.	P Mons	In the past it was required that 100% produce must be produced on the farm unit. Relaxing this to at least 50% already takes account of the reality. SM is of the opinion that if more than 50% produce is farmed elsewhere, there is no reason why the factory needs to be on a farm. It may just as well locate inside town. Many positive outcomes for towns, and protects agri-areas against unchecked industrial development. Dept Agri also does not support the suggestion.
Ancillary uses: update all definitions to include ancillary (not only in some).	@P	Definitions updated where needed throughout.
Camping: "short term" should be better defined.	DEADP	Short term is defined in definition of 'transient guests' and this term is used throughout.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

No definition for circus .	R Hillyer -SM	The IZS uses more generic definitions. Circus is a "place of entertainment" which can be either in a permanent position/building/structure on appropriately zoned land (with or without consent depending on the zoning), or an occasional use (once-off permitted in any use zone once a year) or recurring occasional use (approved as a consent in any use zone).
Bylaw adoption notice– refer to section 13 of MSA	DEADP	Noted.
Boarding house: definition questioned –it does not accord with the definition in the Afrikaans dictionary.	SRA	The terms and provisions have been substantially reviewed to address the many concerns.
Business premises definition may need to include brewpubs.	R Hillyer -SM	Definition is more generic and provision is made in business zones for small scale production as ancillary to the business activity itself, which is the same as the concept of a 'brewpub'. Otherwise the list of other similar but different activities will become very long e.g. bakery shop, cheese making shop etc.
Farm Stall: definition should state that it sells "primarily products grown on the farm unit (not 100% farm products). Should provision not also be made for indoor markets? (in winter – can take place in sheds etc. and has economic benefit).	P Mons	Definition of 'tourist facilities' was re-worked and farm stall included in the definition. It is no longer seen as a separate land use category.
"filling station" or services station: definition should include one shop.	Limberlost	The definition does include a shop.
"Noxious industry" burning of coal should not be regarded as a noxious industry.	Limberlost	There is much protocol around controlling the burning of coal to reduce greenhouse gas emissions and this is not general practice at the moment. SM to deem whether a specific activity constitutes a noxious industry if it becomes necessary to do so. The definition lists examples which could be ruled to be noxious industry or not.
"owner" should include someone with usufruct.	SM Legal (M Williams)	Agreed – definition amended.
Outdoor market: the practice is that outdoor markets do take place regularly e.g. every Saturday or every first Sunday. The definition should be amended to allow for this.	P Mons	The provisions in the scheme was revised to take this into consideration. Recurring weekly markets (on land not zoned for business) will be considered to be a recurring occasional use, for which consent can be applied for in the relevant zones. In ARZ it may be undertaken as a tourist activity provided it conforms to the overall threshold for tourist activities and other related conditions. Markets which do not conform to the limited scale may apply for consent. Must remain subservient to primary use of agriculture.
Outdoor market: should allow for permanent structures.	R Hillyard - SM	Markets can be indoor and outdoor. The parameters of the zone will determine if permanent structures can be approved or not. Permanent structures are possible where buildings can be built, or where business is permitted.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

Proclaimed Road (Ord 19 of 1976) repealed by WC Transport Infrastructure Act.	DEADP	The act is not yet operational and until such time the Roads Ordinance is in place. New act also inserted for future clarity.
Servitude: consider excluding 'restrictive title conditions'.	DEADP	Agreed –definition amended.
Shop: why is liquor store excluded from shop?	DEADP	Amended.
Tourist accommodation: only self-catering. Should it not be other kinds as well?	P Mons	Definition and treatment of tourist accommodation amended throughout the scheme –see detailed section.
Tourist facilities: this includes function venue, which is not defined. Also does not include 'farmers market', which should be included as an activity.	P Mons	Definition and treatment of tourist accommodation amended throughout the scheme – see detailed section.
Tourist facility should be defined to include beer sales tasting and sales and include restaurants to brew and make their own beers. Maximum floor space for beer brewing on farms should be 500m ²	R Hillyer -SM	Definitions should remain generic – see other comments elsewhere.
"Welfare centre" not encouraged on farms	WC Agri	It is realised that there is a concern that a wellness centre (which is usually a spa-treatment facility) could be used to motivate for medical retreats. Definition clarifies this now.
Other General comments		
Section 8 scheme now applies to Pniel.	DEADP	Noted and amended.
The scheme must indicate that previous buildings and previous approvals granted will not be impacted by this scheme.	Stell Agr Soc	Section (8) dealing with Transitional arrangements was amended to clarify this.
Boundary walls: visual permeability supported. Street boundary walls should be no higher than 1.8m and electric fencing on streets should not be permitted. No facebrick or vibacrete to be allowed on streets.	SRA	Boundary wall provisions amended to simplify the provisions. Agreed that 1.8m on street is appropriate height and amended throughout. Preventing electric fencing on streets would be open to challenge – people have a right to a secure environment. No facebrick or vibacrete on street boundaries were included.
Norms should be included for provision of Open Space.	SRA	In MURZ a requirement for private outdoor space is indeed provided. Norms for bigger developments (for which subdivision applications are required) are set in the CSIR Guidelines, which should be taken into account by the SM when assessing subdivision applications in terms of the by-law. Not appropriate to include these kind of norms that can vary greatly (depending on surroundings and other external factors) in a zoning scheme by-law.
Basement parking will have adverse impact on ability to plant trees –this is a concern.	SRA	In definition of building lines, it is stated that a basement shall comply to the street building line in the particular zone. In most zones, street building lines are between 2 and 5m, which allows adequately for tree planting long streets. In historical areas trees are along pavements.
Landscaping must be required for all development.	SHF	Provisions are included throughout the scheme where landscaping is considered to play an important role in addressing possible impacts.
Include all abbreviations into definitions.	SRA	Noted. Incorporated.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

Use only 'shall' (not 'must') and only 'may' (not can).	SRA	Amended throughout.
Devon Valley entrance road should be kept clear of construction and deliver vehicles.	Devon Park Interest group	The zoning scheme cannot introduce specific road closures. The appropriate legal process must be followed.
Comments related to specific sections or chapters		
4(1) "may" should be "must"	DEADP	Agreed amended.
7(1) Severing provision: legal advisor to pronounce on this and consistency with Constitution.	DEADP	Sections removed.
9&9(4) : deeming of zoning of POS not consistent with LUPA. Which states it must be rezoned.	DEADP	Agreed – sections removed.
9(6) "are" deemed (not "is).	DEADP	Agreed – amended.
10(1) Evasion of intent of the scheme: building plans are approved in terms of NBR and DEADP thinks that a scheme cannot place additional criteria for building plan approval.	DEADP	Amended to exclude references to NBR
13(2) will the Municipality be able to comply with the timeframes mentioned for additional uses?	DEADP	SM supports these time frames.
13(3) why should a development charge be payable on primary rights? DEADP is of the opinion that DC's can only be charged on new rights and not on existing rights.	DEADP	The scheme has created new primary rights (over and above existing primary rights) and the Municipality would like to charge for these services in order to fund their installation. These rights may only be exercised once the DC (as per the scheme) has been paid. If the scheme does not contain the proviso, DCs cannot be charged and the Municipality will not be able to fund the cost of the bulk services. Each zone amended to identify the threshold above which the calculation will apply.
14(3) Additional uses should not be exempt from public participation because the neighbourhood and street has a right to be informed.	J Serdyn (SM portfolio committee chair)	The additional uses are very small scale 'home industries' which allows residents to generate a modest income from their homes (at a small scale) from activities which are compatible with the residential character of the area. It adds a huge cost to require an application which is advertised, and will create a huge additional admin burden to treat these minor uses as full applications. All larger or higher impact activities require full participation. The proposal is in line with SPLUMA and LUPA objectives and also how all schemes are currently dealing with these kind of uses.
14(1) Occasional Use too onerous and missing the purpose or reason for introducing it.	DEADP	Occasional uses revised and simplified.
15 Subdivision: why not mention DCs in subdivision?	DEADP	Inserted, (although it is planning application and conditions can be imposed i.t.o by-law).

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

15 No mention made of agricultural subdivisions and norms.	WC Agri	The size of viable farm units often depends on a variety of factors including farming technology and produce. It is therefore impossible to set a subdivision size norm in a scheme and each case must be evaluated on merit. Agri subdivisions are currently also subject to ministerial (agriculture) approval and this does not appear to change in the latest draft out for comment. Also, there are no norms indicated in the SDF which can inform the Scheme. Whether applications may be approved or not and what norms should apply, should first be explored in the SDF and can only then be incorporated into legislation if appropriate.
15(3) "may" should be "must".	WC Agri	Amended to take farms into consideration.
16 Consolidations should require SM approval.	SIG	The new LUPA and planning by-law already requires an application. Scheme therefore does not have to also state that it is an application.
16(4) Consolidation cannot cause additional rights, why then a DC charge?	DEADP	In the case of Stellenbosch and Franschhoek consolidation can indeed lead to additional rights if compared to existing scheme having a sliding scale of FAR. The comparison is against rights in (existing) repealed schemes, not the new, increased bulk of new scheme.
19(1)(c) Visual impact vs building plan: DEADP believes a zoning scheme cannot impose additional provisions which must be complied with prior to the approval of a building plan	DEADP	Now technical permission which can be submitted prior to or together with building plan.
20: SDP and conditions: An SDP is not an instrument which can attract new conditions.	DEADP	Now technical permission.
21: Development charges: must be linked to external engineering services to be consistent with SPLUMA. 21(2) and (3) does not make sense.	DEADP	Clarified with Province and SM engineers and updated throughout.
21(4) On what grounds will DCs be charged? WCG does not agree with this.	DEADP	Clarified with Province and SM engineers and updated throughout.
22(2) Notices: Check for consistency with LUPA and PAJA	DEADP	Removed from final draft.
24(1) "Limiting period" rather refer to "specific period".	DEADP	Amended as suggested.
25(5) method of calculating value of parking must be provided.	P Mons	Clause inserted for SM to adopt a policy which must determine calculation.
25 Table A: all dwellings except LFR must require 2 parking bays.	P Mons	Not agreed – not consistent with car-free towns in SDF.
25 Table A: Hotel: parking ratio is too high especially when guests travel by bus. Can this be relaxed?	DEADP	Agreed: Existing scheme requires 0,7 bays per room and this was incorporated.
25 More parking bays should be provided in the historical core since there is not enough parking there. Following proposed: Offices/business 8 bays /100m ² GLA Flats more than 2 bedrooms: at least 2 bays Group houses 2 bays Hostel 1.25 bays /bedroom Student flats 1 bay/bedroom University: inadequate	SIG	SM does not agree with the proposed increase in parking and this is contrary to the SDF which proposes a move to a less car-based environment. Providing more parking encourages more vehicles into the historical core, causes more congestion, requires more roads, instead of redirecting people to walk or use NMT.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

Refer to edited table of proposals.		
25 Restaurant parking ratios can be reduced, since mostly used outside peak.	SRA	It is agreed and proposed to reduce it to 4 bays per 100m ² GLA which is similar to other business parking. This also reduced the administration burden on the scheme.
25 Student parking should be 1 bay per bedroom.	SRA	Increased parking is not in line with SDF (future to move away from cars).
25(10) 2m width of parking bay must be 2,5m.	P Mons	Agreed, amended.
25(13) at least require a servitude to protect this arrangement (referring to shared parking).	DEADP	Clause inserted that shared parking may not be allocated to specific users.
29(3) Thresholds for TIA/TIS: allow Municipality discretion to relax this.	DEADP	Amended as suggested.
29: suggested that provincial guidelines rather be used to decide whether traffic studies are required.	PRE	Amended as suggested.
30(1)(a) Loading bays – does it apply to single shops as well?	DEADP	Amended to include shops >500m ² .
32 Allowing SM to refuse a building plan if Engineering Services are not available is highly contestable if building is within current applicable building parameters. SPLUMA places obligation on SM to provide services. Consider another way of dealing with this	DEADP	Amended.
33(1)(c) Outdoor storage of building rubble, vehicles boats etc.: this will be impractical	DEADP	Section retained as is.
36(2) Fire distances – do not duplicate other legislation. Why regulate if regulated elsewhere?	DEADP	Removed.
37(1) Panhandles: is a max width not also needed?	DEADP	Section retained as is.
38(1) Boundary walls: is this not also controlled in the National Building regulations?	DEADP	The scheme imposes other controls for instance more limiting heights and visual permeability, which is critical for the character of the area. Boundary Walls sections simplified.
38(5) natural stone finish should be included since it can be attractive.	P Mons	All finishes removed, except prohibiting facebrick and vibacrete walls along streets.
38(7) State of walls: in whose opinion.	DEADP	Amended: Municipality's sole opinion.
40(2) Steep slopes – what type of application would this be?	DEADP	Permission in terms of the scheme (refer to section (see 15(2)(g) of the Stellenbosch MPBL).
43 what about single wind turbines on residential properties for own use? Or to supply into grid?	DEADP	SM to decide if it is ancillary.
47(2) Urban Horticulture: why will and not must?	DEADP	Amended as suggested.
51 Why not include ROW servitude.	DEADP	It is included in definition of 'private road'
51 Create new land use called "self-catering" which must be a consent use in CR.	FTRA	Accommodation definitions revised to resolve issues and address this concern.
51 Move home daycare to be a consent use.	FTRA	Home daycare only permits 6 children which is a very small enterprise which is compatible in CRZ. More than 6 children needs a consent use application.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

51 Student lodging should not be permitted in CRZ	SHF	SM does not agree with this and it is generally accepted that lodging (not limited to students) in family homes where families reside provide much needed additional accommodation. In some areas the conversion of a house to a commune may also be acceptable. It is agreed that custom built large scale boarding hostels in CRZ are not appropriate and the scheme and definitions were amended to make this distinction clear.
53 Boarding houses must not be permitted with consent in CRZ – only with consent in MURZ	SIG/ SRA	MURZ is an appropriate zone where all types of higher density accommodation should be permitted. Accommodation proposals were revised throughout. See comment above.
53 (10) Not already catered for in section 33? (parking of commercial vehicles on res property)	DEADP	This is a parameter of 'additional use' which must be complied with, and if not, it requires consent. Cannot be removed otherwise the parameter no longer is a prerequisite for the additional use.
53(13) The Municipality should bring in a permit system for all lodgers/ students/ tourist accommodation concerns to control them.	SIG	All additional uses now a 'technical approval' if all conditions/thresholds are met
53(13) Up to 3 Lodgers with a family is supported	SIG	noted
53(13)a provision should be made for at least 4 to 5 rooms depending on the size of the property. Number of people should be increased to 2 per room. This will make it feasible	SM Legal (M Williams)	Not agreed with. All other parties who commented and Ward Councillors were opposed to larger lodging establishments/ B&B's due to parking issues. 3 lodgers retained.
53(13)b Threshold for lodgers/guests should be increased to 10 bedrooms depending on size of the property. This will make it feasible, encourage densification and make more cheap accommodation available close to the CBD. Provision should be made for application for exemption from parking requirements.	SM Legal (M Williams)	Not agreed with – this is no longer at the scale of a normal residential house. Facilities of this scale should be rezoned to MURZ.
53(15) Provision should <u>not</u> be made to increase the extent of home occupations beyond 30% or 50m ² since this will lead to significant erosion of the residential character of single res areas.	T Blankenberg	All maximum thresholds for consent removed. However, consent is possible for activities which require a deviation.
53 (14) home daycare should be increased to 15 children to make it more feasible and affordable.	SM Legal (M Williams)	The 6 children is a primary right without any application or neighbours input. A few commenting parties were also opposed 6 children. It seems that 15 would be too high for a primary right and would have an adverse impact. A consent application can always be applied for larger facilities.
54(3) Max number of bedrooms in boarding house should be increased to be 20, depending on the size of the property. Definition of boarding house should also be amended in line with this.	SM Legal (M Williams)	The limitation in the scheme is to ensure that these land uses cannot exceed the scale of a normal dwelling house in CRZ. The suggested size of 20 rooms far exceeds the scale of normal dwelling houses and is not supported.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

55 Group housing should be subject to same parameters as surrounding residential.	SRA	The concern is noted. It is desirable for group housing to be denser than surrounding development. However to ensure that group housing cannot be excessively dense, a new parameter is included which requires group housing denser than 25hu/ha (average 400m ² erven) to be rezoned to MURZ.
56(1) Object to the reduction in common boundary building lines (from 2.5 to 10) especially when the building is erected on a northern boundary – blocking out sunlight. Also, by creating a departure a mechanism for negotiation between parties are created, thereby allowing mutually agreeable solutions to be found before a departure is applied for and granted.	P Claassen	Common boundary building line amended to be same as before, and introduce “deemed approved with neighbours consent mechanism”.
56 Reduction of building lines are not supported in CR.	SHF	Common building lines amended. See above.
56 At least one common boundary building line should be 2.3m for firefighting services. Reduced garage building lines should be area dependent.	SRA	The NBR sets requirements for firefighting. Not needed to be addressed in scheme. Common building lines were revised. SM does not agree with proposals for varying garage setbacks and decides to retain by-law proposals.
56 Building lines should stay the same to preserve existing character of area. Reduced building lines are not supported.	SIG	Street building lines remain as proposed. Common building lines were adjusted on larger erven to what it was before, with option to relax with neighbours permission. Otherwise an application in accordance with planning law.
56 Object to the reduction of common building lines of erven 750m ² . A double storey 1m from the common boundary will have a huge & unacceptable impact on a property owner. Proposed that 2,5m building line be maintained and may be relaxed with neighbours consent	Mike Reyneke	The proposal has been incorporated and scheme amended accordingly. See above.
57 Boundary walls treatment to be addressed and must not be higher than 1.8m and 50% visually permeable	SHF	Requirement for visual permeability was indeed included. Height reduced to 1.8m but can have electric fencing on top of that (refer to general section on Boundary walls as well). Note: boundary walls & fences provisions were simplified and updated throughout the document.
59 Development charges – see previous comments	DEADP	See previous comments.
66 This by-law cannot deactivate the NBR	DEADP	It is noted, however NBR is old law, and has not been brought into line with latest legislation. SPLUMA and LUPA requires that a scheme makes provision for informality, and less formal residential developments to be upgraded. SM can also lodge an application to deactivate NBR in certain areas if this remains problematic. (refer to section 2).
67 and 68 Amend to update number of lodgers/B&B.	SM Legal (M Williams)	Suggestions not accepted.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

78. More zones should be created since too many different land uses are included in MUR. Student lodging/accommodation is not supported in this zone/CBD/Historical areas.	SHF/SRA	SM does not differentiate between student and other types of lodging establishments (for say working people) – they will not exclude people from accommodation based on enrolment at an educational institution. MURZ (which is for higher density type residential development) is an appropriate zone for all types of lodging, whether students or not. No amendment.
80 Is there not a conflict between (3) which sets density at 25du/ha and (4) which is 50du/ha?	P Mons	Correct. It was the intention to set 25du/ha as the minimum density in this zone, not the maximum. Amended.
82 Proposed 6 storeys in MURZ and increased coverage is not supported.	SRA	The By-law does not propose 6 storeys in MURZ. The proposal has always been for 3 to 4 storeys – refer to table in scheme. Coverage of 50% is universally accepted coverage and allows sufficient space to accommodate parking and landscaping. Smaller footplates mean less parking can be provided inside a building.
104 Object to free standing base telecommunication masts, as well as rooftop masts in the business area (section 104) on the grounds that it is not safe from a health point of view. The Constitution guarantees a right to a healthy environment. The objector attached extensive documentation which according to them confirms the health risks.	A Marais	Rooftop antennae are consent uses in MUZ and therefore are not permitted as of right. This infrastructure is necessary for economic development of the town and the objector can object to specific applications in future if certain specific cases affect them. Telecoms permitted by government.
104 Student accommodation in MUZ or historical centre is not supported and dwelling units must be reserved for families.	SHF/ SRA	SM does not differentiate between student and other types of lodging establishments – they will not exclude people from accommodation based on enrolment at an educational institution. MUZ (which is for higher density type mixed use development) is an appropriate zone for all types of lodging, whether students or not. No amendment.
104 Boarding house/accommodation establishment should not be permitted in MUZ. Student accommodation not supported in historical core.	SIG	See comment above.
104 Adult entertainment should not be permitted in residential areas or in business zones and a different zone should be created especially for this use.	SRA	The MUZ is the highest intensity greatest mix of business and entertainment related land uses and the scheme does not support a Euclidean (single function zone) approach. Adult entertainment is a consent use in MUZ (and not provided for in any residential zone or neighbourhood zone). It is thus not permitted as a primary right in the areas and the Municipality can adopt policy on where such activities may be approved with its consent.
109(9) This is high bulk. Can this be serviced?	DEADP	It is in line with SDF to densify. That is why the scheme allows DC's to be charged for additional rights created in the scheme (one additional storey).

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

109 6 storeys are too high in MUZ since it will have a detrimental impact on rural landscape. Max 4 storeys in MUZ supported.	SHF	MUZ is typically appropriate in towns where higher densities are required by the SDF, whilst Local Business Zone (max 3 storeys) is appropriate for rural areas. No amendment.
133 The existing height limit in University Zone is 5 storeys. Reduction to 4 storeys severe reduction in the existing rights.	University Stellenbosch	Agreed this is an oversight. Height for tertiary buildings amended to 5 storeys.
199 Change "conservation" to "The Protection and preservation" of agricultural land.	WC Agri	Agreed –incorporated.
199 Alternative uses which can improve economic viability of very small agriculturally unviable land units that are zoned AR should not be excluded by strict rules and restrictions.	P Mons	Exceptions can be dealt with via departures.
200 consider adding 'composting-own use' to Additional uses SDP.	WC Agri	Definition amended.
200 check polytunnels > sign.	WC Agri	Corrected.
200 Consent uses: it is suggested that a maximum threshold for all consent uses be introduced so that the overall objective to preserve agricultural use is still achieved (i.e. to prevent multiple consents to be applied for).	WC Agri	This must be evaluated for each case. A section was however introduced which requires that certain consent uses must remain secondary to Agriculture.
200 Reduction in number of dwellings on farms and limit on size of main dwelling is questioned.	SRA	The number of dwellings a farmer can erect has not been reduced. However, employee housing is more tightly controlled because this is abused for student and other types of accommodation outside the urban edge and often not occupied by workers on a farm. Size of main dwellings and employee housing was increased to incorporate the comments from various parties.
200 Limit of 4 additional dwelling units is arbitrary and should be amended or provision made for it to be increased. (also provided for)	P Mons	The limit is not arbitrary but originates from the existing section 8 scheme rights which allows 1 dwelling house, a second dwelling house and up to 4 additional houses. The proposed scheme retains these existing rights. The Municipality specifically identified the proliferation of dwelling accommodation on farms (as lifestyle accommodation) as a problem, which contributes to traffic congestion and expensive service delivery and unsustainable sprawl. Allowing more dwellings on farms are contrary to the policy of densification, intensification and development in concentrated urban nodes as set out in the SDF.
200 A farm stall which only sells produce produced on the farm is uneconomical	Limberlost	It is recognised that the old-style farm stalls are no longer viable and probably outdated. This land use has now been incorporated under tourist facilities and must conform to the overall parameters and thresholds. Existing lawfully approved farmstalls may continue.
203(2)) Indoor farmers market should be incorporated.	P Mons	Substantially reviewed. Refer to definition of markets and tourist facilities.
200(3) amend farm to farming unit.	P Mons	Distinction was made between one farm land unit (farm) and a group of farm land units owned by one owner and run as one enterprise (farm enterprise).

STELLENBOSCH ZONING SCHEME**PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)**

OCTOBER 2018

201(3) Agri industry: recommends that it should only be 50% of produce on the farm (leave out 'group of farms').	WC Agri	Some commentators in the industry does not want any restrictions with regards to 'on-the-farm' produce. SM feels that a mid-way compromise will ensure that most of the current operations which happen in any way, can be accommodated. Balance must be struck between ensuring viable entities for farmers to be involved with the processing of their own produce and ensuring towns' economies are protected and agricultural land is protected from other uses.
201 It is suggested that a clause be inserted about conversion of existing agri buildings to agri industry and limiting further knock on.	WC Agri	Cannot take right away for primary rights. A clause was inserted to address scale of consent uses & conversion of buildings.
201 Recommended that the number of agri buildings should not be limited provided reasonably connected to main farming activity. Approval should only be for those buildings exceeding 2000m ² , not smaller buildings.	Stell Agr Soc	Agreed to both points, amended and clause inserted to clarify.
202(3) 50% limit: Farmers bring in crops from other areas to pack and sort on their farm when the produce is out of season on their own farm and this ensures through the year operation and employment. It is not feasible to only have a facility to process or pack when a season in this particular region is short.	Limberlost	Farmers and Department of Agriculture present two opposing views on this point and SM proposes a compromise of at least 50% on-the-farm enterprise. Unchecked industrial development on farms cannot be accommodated as requested by farmers.
203(3) 50% limit is difficult to implement & measure, not the reality out there.	P Mons	See above.
203(2) Limiting the number of dwellings based on farm size will (or to 1/10ha) not allow labour intensive farms to accommodate their workers.	Limberlost	Workers accommodation is not linked to farm size. The only criterion is that the owner must satisfy the Municipality that the houses are indeed required for workers.
203(4) While it may be the intention to accommodate family members in additional dwellings these are often rented out to people who want a rural lifestyle.	P Mons	Provision was amended. One family per dwelling house permitted. It does not state all houses must be occupied by the same family.
203(4) Insert "or paying transient guests" at end of sentence.	WC Agri	Clarified and amended.
203(4) The point contradicts Point 199. Farm owners should be able to use houses as part of diversified income stream.	Limberlost	Clarified and amended.
203(5) 120m ² limitation is nonsensical because residents may want a larger house.	Limberlost	This is what Department Agriculture will support and larger additional houses will have negative impact by becoming lifestyle accommodation units rather than serving agriculture.
203(5) 500m ² floor area is not appropriate for main dwelling houses on farms and many existing farm houses exceed this.	P Mons	Amended – threshold now refers to coverage (not floor area as before). Therefore, up to 1000m ² floor area now permitted as main and second dwellings which is regarded to be ample provision.
203 Four additional dwellings too limiting. Proposal: A third dwelling for every farm plus one further dwelling for each 10ha	Stell Agr Soc	SM remains concerned that excessive residential on farms will erode agriculture. Big potential for abuse in SM municipal area. Present Sec 8 scheme rights retained. No amendment.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

203 Additional dwellings should be 2 storeys with 120m ² coverage.	Stell Agr Soc	SM concerned about scale and impact in cultural landscape. Two storeys is also not typical scale of subsidiary dwellings in rural landscape. No amendment.
204(1) and (2) Farm owners must be free to "build to rent" as long as it does not impact agriculture.	Limberlost	Refer to above points.
204 There should be no limit on employee housing.	Stell Agri Soc	SM remains concerned about new dwellings being constructed under the pretext that it is employee housing and then being increasingly used for student, short term guests or other non-agri uses. The concerns raised about allowing bona fide employees to be accommodated close to work is acknowledged, and zone was amended: one employee house is now a primary right; and additional employee housing an additional use application for technical approval (not consent as before). Employee Housing coverage increased to 120m ² per dwelling unit (as opposed to 75m ²).
206(2) Use of only existing buildings for tourist facilities is unnecessarily limiting. It will disable tourism growth.	P Mons	The proliferation of non-agricultural buildings remains a concern of both SM environment and Dept Agri. New buildings require a consent use application.
206 Tourist accommodation, B&B/guest house parameters are contradictory with definitions.	Stell Agr Soc	Definitions and section was substantially revised throughout scheme.
206 Tighter controls required for tourist accommodation in agriculture.	FTRA	Definitions and section was substantially revised throughout scheme.
206(3) Limit of 7 rooms or 14 persons may be too limiting on big farms	P Mons	This is the threshold for primary rights (no application). Larger enterprises on larger farms must make application and motivate so that desirability and impact can be assessed.
206(4) The principle of agricultural activities being the primary right may not always be achievable. E.g. mountain areas.	P Mons	Exceptions can be managed via a consent application.
206(6) The size of workers housing should not be limited to 75m ² – workers should be entitled to accommodation large enough for them.	Limberlost	This threshold was amended to 120m ² per unit.
206 (4) Use 'keeping of animals' instead of grazing.	WC agri	Incorporated.
211 How was height for agri buildings and agri industry determined? Visual impacts?	WC Agri	Height proposed is related to the type of use and visual impact. Building in rural areas should not be taller than 12 meters otherwise they can have a significant impact on the cultural landscape.
207(3) Allowing tourist facilities only in existing buildings may be inappropriate on properties with no existing buildings.	P Mons	The aim of the clause is to limit the proliferation of non-agricultural buildings in the rural landscape. Exceptions such as those mentioned can be dealt with via consent application.
207(3) Limiting tourist facilities to existing buildings no longer being used is not practical – agri-tourism is a big economic driver and this point does not make sense at all, given overall objectives.	Limberlost	See above.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

207 (4)(5)(6) Tourist facilities should not be limited to 250m ² because this will stifle agri-tourism.	Limberlost	250m ² is the threshold for a primary right on each and every farm (with no application). Larger enterprises must make application and motivate so that desirability and impact can be assessed.
207 (4)(5)(6) These parameters are too restrictive. Many existing tourist facilities far exceed this. It is noted that application can be made when the limitations are exceeded.	P Mons	250m ² is the threshold for a primary right on each and every farm (with no application). Larger enterprises must make application and motivate so that desirability and impact can be assessed.
207 Tourist facilities should be limited to 250m ² coverage (not floor area) and should not be limited to one storey.	Stell Agri Soc	Building development parameter table amended so that all areas refer to coverage, not floor area. SM remains concerned about scale of buildings in rural landscape and as a norm do not want to allow 2 storeys as a primary right. The scale of tourist facilities on each farm is also problematic and 500m ² constitutes a large conversion of existing buildings away from agriculture (which is problematic). In exceptional cases where it is desirable to have 2 storeys, a departure can always be applied for, and where more tourist facilities are desirable, a consent can be applied for.
208 Polytunnels – this is a bona fide right in agricultural zone and not subject to any heritage regulations. It is necessary for agriculture to be undertaken. A complete study should be undertaken by the Municipality on this issue before the scheme is finalised. The upper limit for polytunnels should be 3ha rather than 5000m ² .	Limberlost	Balance between agriculture and preservation of cultural landscape must be achieved and in the scheme a mechanism is created to manage the land use, its impacts with the express intent to mitigate impact rather than to refuse. Unchecked polytunnels will have serious detrimental impact in future on other land uses (e.g. heritage, cultural landscape, tourism, economic activity).
208 There should be no limit on polytunnels since this is primary farm right and has direct impact on food security.	Stell Agri Soc	See above.
211 Main dwelling houses should not be limited in size, 2 nd dwellings should be 500m ² coverage.	Stell Agri Soc	Amended to 500m ² coverage for both main and 2 nd dwelling (as opposed to 500m ² floor area).
211 Existing 30m building line in ARZ should be retained to protect rural character. 5m common building line supported.	SIG	A 30m building line inserted along scenic routes to accommodate this comment. (All buildings within 200 m trigger an application in any case).
241 Support for the clause that HPOZ does not reduce rights unless there is proven severe adverse impact on Heritage Resources.	Stellenbosch Heritage Survey Consultants	Noted – note name change of zone.
241 The bar is set too high to restrict development rights in HPOZ.	FTRA	Do not agree – see response from consultants above on the same clause.
241 The extended HAO for Stellenbosch is supported. However a provision should be included to allow the Municipality to further limit development rights if development will have an 'adverse impact on character'.	Stell Her Foundation	Such a clause was included in section 241 (see comment above).
244 Concern that establishment of Committee is optional	FTRA	That was not the intent. Section was amended to make it compulsory and also to allow sub-committees for different areas

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

247: Lodging establishments and adult entertainment should not be permitted in historical areas and apartments should be reserved for families only	SHF	SM does not agree with this opinion. The historical area is also the CBD area where the greatest mix of land uses should be promoted.
248 The 10m height restriction in the HAOZ should only apply to the first 15m from the street. to limit height throughout reduces existing rights significantly and is objected to.	R Bouma	Agreed, scheme amended to retain the status quo.
248 Limiting the finishes and colour scheme in the Heritage area is not appropriate because the area has different architectural styles (from Victorian to Cape Dutch).	R Bouma	The finishes and colours referred to here originated from the existing special areas in the existing schemes. All these parameters are preserved (until more recent heritage studies are concluded). In the absence of a study indicating the contrary, these provisions are retained. The Municipality may grant departures where appropriate or may amend these in due course.
250 Scenic routes will generate many applications and will create additional and unnecessary administrative burden.	Stell Agri Soc	Agreed: A clause inserted in Exemptions section to allow Council to approve additional exemptions to ensure small and insignificant structures do not clog up the system.
250 Access routes and tourist routes must be protected.	SHF	This is exactly the purpose of the Scenic Route Overlay Zone
Zoning Map: must be implemented as part of scheme. Include in Gazette notice & Council Decision.	DEADP	Noted –this is the intention.
Zoning Maps: appears to be not up to date.	SRA	Noted. Back-capturing process is currently underway.
Open Space on Zoning Map: Some POS properties are shown white. Erf 8315 is indicated as Private Open Space, but it is in fact a Public Open Space.	Kleingeluk	It is confirmed that this is indeed Private Open space and on the converted maps there is no zoning reflected. The Open Space layer's conversions were not correctly displayed. This will be corrected in the final version.
Welgevonden Estate: wants to not have any changes to its governance of the estate.	Welgevonden Estate	The Estate's Constitution and design guidelines will remain unaltered.
Erf 757 Franschhoek.	Sendzul	The Group Housing zone has been eliminated. The property was previously zoned Group housing. The most appropriate conversion given the surrounding context is Conventional Residential Zone, with deemed consent for Group housing. The conversion as shown on the plan is therefore correct.
Questions zoning of following erven: Farm 183/57 is shown ARZ but must be IZ 183/58 and plot 12328: Public open space at bottom of Tarentaal Road and Kelkiewys Street must be retained. Road must be moved.	Devon Park Interest group	It can be confirmed that 187/57 and 58 are both indeed zoned Industrial Zone in the new Scheme. This zoning was not correctly displayed on the map to a layering issue in the GIS, and parent erf zoning was printed instead of the correct zoning. This should be corrected on the final map Erf 12328 is shown on the converted maps to be zoned as Public Open Space, and is thus correct. The comment about the road is not clear and any proposal to change the configuration of a public street is subject to the required road closures and rezoning.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

• Flamingo Park is shown as a road but is currently used as a park. • Farms 183/36 and 183/23- what kind of industrial are these zoned for? • Is Hamerkop mixed use supposed to be a café/shop?	Marius Snyman	Refer to images below. Flamingo Park forms part of the street cadastral entity and has never been zoned for open space, but zoned street. Cape Mapper website confirms there is no erf for the park. We could not locate farms 36/183 or 23/183, and suspect a typing error was made in the objection. If portions 26 and 32 was meant, it can be confirmed it is zoned Industrial Zone. there appears to be conditions of rezoning which the owner must obtain from SM. Erf 4492 in the original scheme was zoned General Business and as a result of the conversion rules has automatically converted to Mixed Use Zone, which would allow a shop. Conversion to be re-confirmed with SM
Split zoning not correctly drawn.	C Mischker	Action: A note to be inserted in the legend of the map as follows: "Split zoning, departures, consents and temporary departures are depicted by means of a notional icon, which bears no connection with the size, location or type of activity. For further information of the split zone, its extent and location, the relevant planning file must be consulted."

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

5. SECOND ROUND OF PUBLIC COMMENT (STAGE 9 in PP Table)**5.1 Overview**

The Draft 11 of the Stellenbosch Zoning Scheme (SZS) was advertised for public comment in October 2017 and there was 60 days for comment.

The document below summarises the written comments received during this period.

5.2 Comments received**5.3 Dr. B van Geems - De Zalze owner**

Properties which are currently zoned Resort Zone II are converted to Conventional Residential Zone. This poses problems because owners who purchased their properties as holiday housing can no longer make use thereof in that way. Definition of family should be amended to allow for co-habitation, and the Resort Zone II should be retained. Definition of leasing should be broadened. Agriculture zoning should be retained where it previously existed in the Estate.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. The dwelling houses in De Zalze will indeed convert to Conventional Residential Zone as per this agreement.

5.4 De Zalze Lodge – W. Burger

Erven 571; 567, 196, 197, 198, 200, 201, 203, 204, 205, 206, 207: Currently zoned as Resort Zone II.

On Erf 571 a consent use was approved for a guest house. The current development on this erf does not utilise the full development potential on the erf. Limited Use Zone will deprive owners of their right to develop the property further. De Zalze Lodge has been operating as a hotel for many years from these above properties, including hotel rooms for transient guests, conferencing, functions, wellness centre, spa, gym etc. and the conversion to Limited Use Zone will extinguish these current rights and the potential to expand this in future.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. See table below for detailed response.

5.5 De Zalze Winelands Golf Estate – E. Watson

Representing the HOA including ±400 private home owners, Winelands Golf Lodges and De Zalze Lodge.

The HOA queries the conversion of a number of erven. The details are set out below in the summary under the zoning map in the table. The HOA requested a further opportunity to comment on the revised converted zoning map.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. See table below for detailed response.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

5.6 Winelands Golf Lodges – L. Vlok

Winelands Golf Lodges (postal address: 92 De Zalze Estate) should be zoned Mixed Use and not Conventional Residential since the land use is a hotel.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. See table below for detailed response.

5.7 The Farm House - De Zalze – A. Bicker Caarten

Erf 553 De Zalze: Current zoning is Resort II. Land use comprises tourist facilities, hotel, resort shop (under consent approval) and a group of 4 dwellings (some historical) which owners intend to create further "resort facilities such as a spa". The owners feel they have an existing right for these additional future (not yet exercised) land uses and a conversion to Conventional Residential zone will deprive them of their existing rights which would have been a primary right under Resort II.

Erf 4 must be zoned Agriculture zone.

Response: Separate engagements were held between the Stellenbosch Municipality and the consultant appointed by the Home Owners Association of the De Zalze Winelands Golf Estate, where the zoning conversions were agreed upon. See table below for detailed response.

5.8 Kleine Zalze – K. Basson

Raises the following issues:

- Non-conforming uses - how will municipality issue liquor/business license clearances?
- Employee housing must be a primary right, not a technical approval;
- Additional dwelling units must be permitted on farms smaller than 20ha to draw young employees;
- Agricultural industry should not be limited to 50% on-farm produce - several reasons given by the commentator why it will benefit the economy to allow any kind of industry where produce from all over is processed. Existing wineries should be used (and grown) rather than a proliferation of smaller wineries. Retaining the 50% limit will lead to a loss of employment and transplanting of job opportunities;
- Suggestions are made to make provision for including multi-year contracts to allow for larger agricultural industries,
- Comments also relate to specific erven listed in the table below.

Also mentions two maps - WC24 and IZS Map 9. Attached previous approvals & plans.

Response: Zoning certificates will confirm Non-conforming use rights if the owner requests it and supplies the necessary information.

Employee housing is often used as a loophole to get buildings approved that then gets converted to other land uses such as tourist accommodation, student lodging and other tourist facilities. The cumulative impact of this practice has an adverse impact on agriculture and must therefore be managed appropriately. Technical approval means the Municipality can ask proof of on-farm employment.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

The Municipality is not supportive of allowing additional residential accommodation on farms exceeding what is currently permitted in terms of current schemes. This has an adverse impact on delivery of municipal services, agriculture and traffic. The more residential units are allowed (collectively) in rural areas, the greater the Municipal bulk services network will become, and the greater traffic congestion will get inside towns because people travel from farms to town with cars. Servicing low density rural development is not sustainable.

Definition of Agricultural Industry: With regards to the 50% on-farm produce requirement for Agricultural Industry: The department reiterates previous comments in this regard in previous rounds of comment. Current regulations require 100% on-farm produce to be used in an agricultural industry on the farm. The revised definition in the proposed scheme is therefore a huge compromise to recognise existing reality in respect of on-farm Agricultural Industry. However, to allow 100% of produce to be imported from other areas would give carte blanche to industrial activities on farms. This will have a serious detrimental impact on farming, tourism and the urban economy and will also undermine the established industrial areas in towns. It should be noted that Agricultural Industry is currently either a rezoning or consent use in the various schemes applicable in the Municipal area and the proposals in the Scheme is therefore significantly more permissive than the current status quo.

The Department of Agriculture furthermore is opposed to the approach suggested by this commentator and others, The Department has agreed to the approach contained in the scheme. However, to allow a greater percentage of produce to be imported will in all likelihood incur their objection to the Scheme. The Municipality is also concerned about the scale of agricultural industry buildings and therefore have now introduced a different threshold to agri-industry for technical approval, namely maximum land area of 2000m² which includes building footprint, parking, loading, storage and vehicular circulation areas. Agricultural Industry exceeding 2000m² will require consent.

5.9 De Canha Incorporated: for Cova Da Iria Trust – D. De Canha

Erf 7576 Stellenbosch: The proposed new scheme will have the effect of limiting the height of all buildings facing Bird Street to 10m. This is an objection to the scheme because it will limit the development potential of Erf 7576 and “deprive the current building and development rights” as per the current scheme and “infringe on existing rights”.

Response: The property falls inside the new URCO (where a 10m height limit applies to buildings within the first 15m from a street). The property did not fall inside the to-be-repealed Special Area in the Stellenbosch Scheme. The property is currently zoned Single Residential Zone (SR). (see extract from the current zoning map) and this zone only permits a maximum height of 8 meters. The claim of the owner that they will be deprived of development rights is therefore not correct, because buildings may currently not exceed 8 meters on the property.



STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

5.10 Stellenbosch Heritage Foundation – P.G. Carstens

The proposed Scheme and zones are not suitable for Stellenbosch to protect its character and beauty. Student accommodation in the town impacts negatively on the character and pushes out working people. The impact of an increase in height of buildings and the doubling of coverage will change the character of the town irreversibly. Minimum requirements for a dwelling unit should be set in the Scheme to ensure all units can in future be occupied by families rather than bachelors, so as to prevent a “Hillbrow” situation.

In the historical area the height should be limited to 10m throughout, this limit should not apply to the first 15m from a street.

The Scheme should retain the provision that the Municipality may declare certain sites “special areas”.

Proposals must be modelled before the scheme is taken into use to test the 50% coverage.

Response: The issue about student housing and its impact on the character of the town was already raised and addressed in the previous round of comments. This proposal is therefore not supported.

With regards to minimum dwelling unit sizes: The National Building Regulations prescribe minimum sizes for dwelling units and it is not appropriate for the zoning scheme to prescribe different sizes.

With regards to coverage: the statement is not correct. The Scheme currently allows 50% coverage for residential buildings (25% for buildings and 25% for covered parking). The new Scheme’s maximum permitted floor area is similar to the old scheme’s maximum floor area and on a whole, the envelope will therefore not be significantly different from the existing.

Height in historical area: Introducing a 10m height limit throughout the entire Stellenbosch URCO historical core was objected to in the previous round of advertising since it extinguished existing rights. This proposal is therefore not supported.

It is however supported to reduce the maximum height to 5 storeys inside the Stellenbosch URCO. It should be noted that for the first 15m from a street, height is limited to 10m (as per the existing provisions in the Stellenbosch Special Area). This revision therefore now maintains the status quo in respect of height in the Stellenbosch town centre area.

With regards to modelling of proposed envelopes: Building envelopes were indeed modelled in the Methodology Report that was completed in Stage 4 (refer to table in par 1.1 above).

5.11 Stellenbosch Interest Group (SIG) – P. Botha

SIG requested a workshop to motivate their proposals.

The Municipality must protect the character of the historic core and the views to surrounding mountains. For this reason, permissible height should not be increased. The 5-storey height limit (outside the 10m height limit) must therefore be retained for business and 3 storeys for General Residential, since historic buildings will be overshadowed by 4-storey buildings.

A 30m building line should apply to all roads in the rural area (A&R zone), not just scenic routes.

Further detailed comments are summarised in the table below.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

Response: An Open house meeting was held in the round of notification. Workshops at this advanced stage of completion of the Scheme are not envisaged.

Height in Historical Area: It is agreed that the height in the Stellenbosch URCO should not be increased from what is presently permitted. The Scheme was thus amended by limiting height in the URCO to maximum 5 storeys and maximum 10m height for the first 15m from a street. This is exactly the same height limit that currently applies in the existing Special Area for the historical core.

30m building lines are not accepted by the department as it is too restrictive. To protect rural character the Municipality should designate additional routes as scenic routes in the SDF which can then inform future revision of the scheme.

5.12 Stellenbosch Ratepayers Association – A. Pelsier

The SRA requests a workshop before the scheme be promulgated to address issues in this letter.

The SRA is concerned that the scheme does not address Stellenbosch specific environment. It raises concern about student accommodation in the town and the housing cycle is disrupted which forces normal young working people out of town. Multi-unit Housing and Mixed-Use zones must have sub-zones and be more prescriptive of the permitted land uses and building form. Increased coverage and height are not supported and should be modelled.

Height in historic core should be limited to 10m throughout.

Compilers of the Scheme has lost sight of the principles of Smart Cities and the scheme, in the opinion of the ratepayers do not promote a mix of land uses, compact building design, a range of housing options, walkable neighbourhoods, preserve farmland, open space and critical environmental areas, etc.

Further language editing is suggested.

This is not an integrated scheme, but an entirely new Scheme and the word “Integrated” should therefore be omitted from the official title.

Response: An Open house meeting was held in previous rounds of engagement. Workshops at this late stage of completion of the Scheme are not envisaged.

The student accommodation issue was already addressed in previous comments and these proposals (to ban it in town centre) cannot be entertained. No amendment.

10m height limit in URCO: See comment in 5.10 above

The drafters of the Scheme do not agree with the comment that the Scheme does not support Smart City development. Densification, compact building design, variety of housing options (as opposed to banning certain housing options as proposed by this commentator) is exactly what is achieved by this Scheme and is in line with Smart City principles.

Extensive language editing has been undertaken since this comment was received.

We agree with the comment that this is a new Zoning Scheme and not in “integrated” scheme. The Scheme and maps have been updated accordingly.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

5.13 University Stellenbosch: Geography Department – R. Ronaldson

The Stellenbosch Zoning Scheme does not add value to heritage conservation, and the Municipality has not paid enough attention to the demarcation of heritage conservation areas and the question is asked why more was not done to incorporate other areas worthy of heritage conservation into the scheme. At least 10 additional areas should be demarcated. The writer then proceeds to notionally indicate these areas with varying degrees of detail.

Response: The Scheme as it is currently drafted incorporates and enables current adopted Council policies and demarcated heritage areas with respect to heritage conservation which were in place at the time of drafting the scheme (as is required in terms of section 24 of SPLUMA). It can however not be expected to incorporate studies which are still underway, or unadopted and unofficial opinions or inputs.

In recent years, significant new work has commenced with several new heritage studies underway (both in urban and rural areas). This work has however not yet been through a formal process of consideration and adoption by the various authorities and the Stellenbosch Municipal Council. The department agrees that further work is required in respect of heritage conservation and that the scheme can, in future, incorporate the findings of the new studies, once they are adopted as Council policy. Adequate information was however not available at the time of drafting the scheme in 2016 to incorporate findings of these studies.

The scheme makes provision for new additional Urban Conservation areas to be established once the studies are complete and the studies have been adopted as policy by the Municipality.

5.14 Eskom - O. Peters

The parameters of Utility Services zone are too restrictive for substation sites and common building lines of 1m is proposed whilst coverage should be increased to 75%.

Response: The proposed amendment cannot be supported due to the wide range of erf sizes and variety of locations which are zoned "Utility Services zone". It should be appreciated that Utility Services zoned erven comprise large depots and other infrastructure sites where the proposed parameters will be highly unsuitable. In cases where ESKOM applies for rezoning for new substations, the rezoning and necessary departure can be applied for as one application and can be assessed on merit. However existing erven zoned for Utility Services should not be allowed to develop according to the proposed parameters merely to suit one potential user's future requirements (which can be dealt with on its own merit by means of an application). As pointed in the comment from Minister Bredell, utility services installations can have a significant adverse impact and the Scheme should adequately manage this potential undesirable effect.

5.15 Stellenbosch Wine Routes - E. van der Merwe

Association is not in favour of 50% restriction in for Agricultural Industry (on-farm produce). Wine cellars play important part in wine tourism. To locate a wine cellar in the industrial areas will require transportation of staff and produce to towns. Definitions should at least allow farms under lease agreement to be regarded as part of the "on-farm" content.

Response: see comment above in par 5.8.

5.16 E. van der Merwe

Transitional arrangements: preserving rights. Questioning how zoning certificates will be issued for liquor and business licences.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

Employee housing on farms must be primary right and unrestricted.

Polytunnels: It is proposed that it be a primary right up to 5000m² (links with NHRA) and technical approval use when it exceeds 5000m². It is suggested that it not be a consent when it exceeds 5000m² because farming is currently a primary right.

Additional dwellings: it is proposed that 1 dwelling unit to be allowed for farms ranging 1-20ha and 4 units/ha for farms larger than 20ha. Current version excludes all farms greater than 20ha.

Agricultural Industry: 50% on-farm produce limit is too restrictive and similar reasons provided as in KZ and Stellenbosch Wine Routes comment.

Scenic routes: It is felt this provision will add significantly to the workload of the municipality. Clarity is sought on the who will approve exemptions.

Response: See comment above in Par 5.8. [This comment is similar to Kleine Zalze (KZ) and it appears that this consultant also advised KZ.]

Polytunnels: Farming on open land is indeed a primary right; the building of structures however is regulated through the national building regulations and may also be further managed through zoning schemes amongst others to mitigate adverse impacts on other sectors of the economy, and through zoning schemes, the Municipality may create mechanisms to manage those impacts. The extent to which polytunnels can change the cultural, environmental and historical landscape is so severe and its resultant impact on the economy, environment, heritage and water runoff can be detrimental and require mitigation, which means that management of the extent to which these structures may be erected, and mitigation of their impact are warranted.

Balance between agriculture (and food production) and preservation of cultural landscape must be achieved and in the scheme a mechanism is created to manage the land use and its impacts with the express intent to mitigate impact rather than to refuse applications. Unchecked polytunnels will have serious detrimental impact in future on other land uses (e.g. heritage, cultural landscape, tourism, economic activity).

Scenic routes exempt activities: these activities do not require an application and thus will not require "approval". Planning officials can advise owners if an activity is exempt.

5.17 T. Blankenberg

The Scheme does not contain an enforcement clause.

Response: DEADP confirmed that enforcement takes place in terms of the Municipal Planning By-law (MPBL) and thus does not also have to be incorporated into the Scheme. However, to make the relationship between the MPBL and the Scheme clear, a clause was inserted to this effect.

5.18 Cape Nature - R. Smart

The amendments to the Scheme to accommodate previous comments are noted, supported and appreciated.

The term "Urban and Rural Conservation Areas" could be confusing since the term "conservation" is generally associated with bio-diversity conservation. It is suggested to select a different word.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

Response: The name of the Overlay Zone was discussed, and it was felt this is the most descriptive term. The use of the term “heritage area” caused confusion in the past since ‘Heritage Areas’ are declared in terms of the National Heritage Resourced Act.

5.19 Franschhoek Heritage and Ratepayers Association (FHRA) – A. Killian

Supports that short-term letting for more than 30 days per year require application for consent in CR zone. Suggests that a statement on how these applications will be decided will be helpful.

A number of detailed comments are made on certain sections relating to specific wording. These are all summarised in the table below.

Response: It is recommended that the Municipality prepares a short-term accommodation policy which can inform the decisions for consent use applications. This does not have to be addressed in the By-law. The FHRA’s support and input is noted.

5.20 Friends of Stellenbosch Mountains (FSM) - L. Silberbauer

FSM is pleasantly surprised by the addition of the new Urban and Rural Conservation Overlay Zone. This is the first opportunity that the FSM has to comment on these proposals.

Comments are made on specific sections, which are included in the table below.

Response: The Urban and Rural Conservation Overlay Zones are not new - they were previously included in the Scheme as Heritage Overlay Zones and the provisions are exactly the same. The only significant change between Version 10(3)(a) and Version 11 is the change in name of the Overlay Zone, and this was only done to avoid confusion between the National Heritage Resources Act, where Heritage Areas have a particular meaning in terms of that Act (and require a certain procedure for demarcation) which is different from the zoning scheme overlay zone areas.

5.21 H.C. Eggers

Comment on the zoning of particular properties - summarised in table below.

Response: Responses are in the table below.

5.22 Western Cape Provincial Department of Transport – H. Thompson

If any of the residential zones lead to automatic higher densities the department may have concerns in certain locations. Will there be an opportunity to comment on such instances when a development is submitted?

When technical approval is sought for certain high impact uses, the department wishes to retain an opportunity to comment when such uses generate high traffic volumes and gain access of a Provincial Main Road, since it may impact road safety.

Response: Residential zone densities: It is hereby confirmed that the permitted floor area factor in General Residential use zones range between 0.4 (for small erven) and 0.75 (for erven > 2000m²) depending on erf size. In the new Scheme the maximum floor area permitted is 75% of the area of the erf, and properties less than 1000m² in size are limited to Conventional Residential Zone notwithstanding that they may be zoned Multi-unit Residential Zone. There is therefore only a moderate increase in rights on smaller properties and no increase on larger sites. The proposals are therefore unlikely to have a significant increase in trips.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

Technical approval circulation: Clause 13(5) has been amended to make provision for circulation to external departments where they are affected. However, it should be noted that these departments will have to comment within the prescribed time of 21 days, should they have any comment on the proposal.

5.23 Abland – T. Potgieter

The writer gives background to the previous numerous planning applications made in the past on Farm 468/128 (Welmoed) which includes service trade, tourist facilities, 5-year temporary departure for warehousing and departures from the building line. The property will convert to the Agriculture and Rural Zone in terms of the new Scheme (it is currently zoned Agriculture in terms of the Section 8 Scheme).

It is proposed that an Overlay Zone be created which can apply to this particular property which would allow a number of additional uses as primary uses, as follows: Industry, restaurant, service trade, warehouse and tourist facilities, over and above the current permitted primary uses in Agriculture and Rural Zone. It is then proposed that this Overlay Zone apply to the Welmoed farm.

Response: The transitional arrangements in the Scheme ensures that all approvals granted, and all lawful land uses can continue for as long as they remain lawful. Thus, a consent, departure, temporary departure or other approval previously granted in terms of a previous scheme may continue as a lawful land use, and a temporary departure may continue for as long as it may be lawful. Once it lapses, a new application in terms of the new planning law will be required.

The commentator is proposing a “mini” zoning to accommodate the basket and variety of land uses currently conducted on this farm. The purpose of this Scheme is to simplify the land use management system, not to make it more complicated by introducing mini zones for individual properties into the scheme to suit each and every individual erf and application. The scheme allows for split zones, and the appropriate way forward would be to rezone the various portions of the farm according to the land uses conducted thereon. Thus, if the land use is industrial, mixed use or local business use, the appropriate rezoning should be undertaken, as the case may be to each of these zones. It would be inappropriate to create a “pseudo”-agriculture zone just to circumvent rezoning out of agriculture when land is no longer being used for that purpose.

We do not support the creation of the proposed Overlay Zone, since it would open the door to all other agricultural properties to rezone parts or all of their farm to non-agricultural uses.

5.24 Department of Rural Development and Land Reform – E. van Zyl

Section 24(2) of the Spatial Planning and Land Use Management Act No. 16 of 2013 requires that provisions be made for the inclusion of incentives to promote the implementation of the SDF of Stellenbosch. Has the Municipality included any incentives in the IZS?

Response: Yes, a detailed analysis was made of the Provincial and Municipal SDF and other Council policies and how these policies could be facilitated in the Scheme. The following examples are pertinent:

- 1) **Densification:** Incremental densification is enabled by allowing two dwelling units on each residential property where only one dwelling unit was previously permitted. The incentive in this case is that no further consent or departure application is required to construct a second dwelling. Smaller second dwelling units can provide a range of affordable accommodation throughout the municipal area.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

- 2) Diversify and strengthen rural economy: A limited extent of additional land uses catering for tourists are permitted as a primary right to promote agri-tourism and diversify the rural economy. This not only creates a greater diversity of jobs, but also diversify farm income, which in turns have a beneficial impact on the sustainability of agriculture. The incentive is a much less onerous application procedure (technical approval as opposed to consent which requires advertising and can be appealed).
- 3) Revitalising and strengthening of the urban space economy are achieved by enlarging the basket of permitted primary rights in the Mixed-Use and all other zones. Liberating property owners from unnecessary application procedures where appropriate, is a huge incentive to encourage more residential and other land uses especially in the mixed-use business areas.
- 4) Greywater recycling and rainwater harvesting is promoted in the MSDF and provision is made in the Scheme for the Municipality to adopt provisions proactively in certain areas.
- 5) Tourism on farms is promoted according to the MSDF - see comment 2 above.

5.25 Tech Stel SRA on behalf of Technopark (G. Swart)

The Technopark takes note of the Local Area Overlay Zone which preserves the Technopark development parameters.

It is the aim of the Technopark to reconceptualise itself into a work/live/play space in an innovative environment.

In pursuit of the above objective it is proposed that the zoning of LAO1 must include a mix of residential land uses, including flats, group housing, and a variety of tourist accommodation forms. It is also proposed that a large variety of the land uses proposed in Local Business Zone also be included in the LAO1 permitted land use column.

Response: Should the Technopark wish to acquire the additional land use rights set out in their comment, an application should be duly lodged in terms of the scheme. Refer to section 266(4) that was inserted to allow such future application process to change the applicable development parameters. The process of approving a new scheme cannot be used to create significant addition use rights on property where it was specifically by virtue of an approval that was granted. The municipality must have an opportunity to obtain comment from all interested and affected parties and assess the potential impact of the proposed land use changes (especially on traffic and services) before land use rights are changed significantly.

5.26 Airbnb

Occasionally sharing a home to travellers brings huge benefits to residents and local businesses, creating a new form of tourism. Home sharing is an important contribution to the economy and allows hosts to pay for the upkeep of their properties. AirBnB therefore has a positive impact on the local economy. The benefits of the "sharing economy" is also pointed out. It is proposed that a new definition be introduced for "home sharing" and that a distinction be made with "professional renters".

It is not clear whether home owners may rent out their properties on an ad-hoc basis on platforms such as AirBnB and clarification is sought in this regard.

Response: The Scheme allows for "home sharing" as a primary right (therefore no application required, and allowed for 365 days per year), as follows, provided that the owner of the establishment resides permanently on the premises:

- Up to 3 bedrooms (maximum 6 people) may be accommodated in a dwelling house or second dwelling (called a 'bed& breakfast establishment' in the scheme).

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

An owner or permanent resident may also rent out his/her entire home for a period of 30 days per year (presumably when going away of holiday), provided it remains their normal permanent residence. Note: An owner may also rent out a dwelling unit on long term leases (which is not Airbnb's business model, which is short term letting to tourists). "Home Sharing" as described by Airbnb is therefore possible without an application for up to 3 bedrooms and consent is required for more than 3 bedrooms or 6 people.

Any other use of a dwelling house or second dwelling house or an apartment (dwelling unit) to accommodate transient guests would be classified as a "guesthouse" or "tourist dwelling unit" (depending on whether it is a dwelling house or flat, and rented out as a whole on a self-catering basis or in rooms) and will require the approval of the Municipality in certain zones, and may be conducted as a primary right in other zones.

5.27 J. Sendizul

Comment on the zoning of particular properties - summarised in table below.

Response: Responses are in the table below.

5.28 C. Heys on behalf of Eikestad Mall

Comment on the building lines of Mixed-Use Zone - summarised in table below.

Response: Responses are in the table below.

5.29 University of Stellenbosch

The University feels strongly that a unique zone should be created for it and suggest an Overlay Zone which should address issues such as development rules, NMT routes, specific parking provision tailored to the University, services provision and services contributions and heritage issues.

Limiting the height of tertiary buildings to 3 or 4 storeys will reduce the current rights.

Response: This comment has been addressed before. The notion of an Overlay Zone is supported. However, in the absence of any proposals or a plan, the Overlay Zone cannot simply be "created out of thin air" by the Municipality's planners or the appointed drafters of the scheme. As soon as the University is in a position to share their plans and proposals with the Municipality, the Municipality is receptive to introducing the suggested overlay zone after due public comment process is followed as is required in planning law. The mechanism is created in the Scheme to create new Local Area Overlay Zones in subsequent reviews of the Scheme.

The comment about height was addressed in the Draft 11 revision which now allows for 5 storeys for tertiary educational buildings and hostels (see S135). No rights are thus adversely affected, and all present rights are retained unaltered.

5.30 DEADP – A. Bredell

Detailed comments are made about roads and electrical substations.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

Throughout the Scheme provision is made for “permission in terms of the scheme”. The intension of this application type is for it to be a fast-tracked decision process which does not have to follow the full process in terms of the Stellenbosch Municipal Planning By-Law (SMPBL) (thus a shortened decision-making process of a technical nature). As the SMPBL now reads, “permission in terms of the scheme” is a full planning application where decision can only be made by MPT (or a delegated official) and which is subject to appeal processes. The Municipality is urged to consider amending the SMPBL so that “permissions in terms of the scheme” is an application process entirely made under the scheme, which allows for short quick technical decisions which can be resolved without long delays and appeals.

Creation of overlay zones: it is recommended that a clear distinction is made between the creation of a new Overlay Zone (when the zone parameters are created or changed and the first-time designation of areas on a map) and when a property (or group of properties) is added to an existing Overlay Zone area.

DEADP recommends that the first instance can only occur by means of a decision of Council (MSA/LUPA process to amend by-law and scheme). In the second instance it possible for an owner to apply to have the Overlay Zone apply to his individual property (e.g. Subdivisional Overlay Zone area). It is suggested that in the second instance the Scheme should specifically enable the adding of new properties or areas to an Overlay Zone by means of a rezoning approved by MPT. The Scheme should explicitly state which instance applies to a zone.

Comments on engineering services included in table below.

Response: **Application types:** There are various possible application types, namely: **Consent use** is an application made in terms of the Municipal Planning Bylaw and minimum procedures are also prescribed in SPLUMA and LUPA. Objectors may appeal in terms of the MPBL if they are dissatisfied with an outcome. **Permission in terms of the scheme** is an application type described only the MPBL. The procedures in the bylaw must be followed, which means an objector may also appeal if dissatisfied with the outcome. **Technical approval** is an application in terms of the scheme. Procedures a prescribed in the scheme. Technical approval means the municipality must be technically satisfied that all legal and technical standards and requirements are met (either stipulated in the scheme, other laws or other municipal policies and guidelines. Technical approval applications cannot be appealed.

Overlay Zones: The recommendation is supported, and the necessary amendments have been included to distinguish when the Municipality demarcates Overlay Zone areas, and when an owner can apply to rezone to an Overlay Zone.

Comments on services addressed in table below.

5.31 T. Walters

The guesthouse definition is confusing because the definition limits it to the accommodation of one family by stating that a dwelling house may only be occupied by a family, whilst in the body of the scheme it permits up to 8 bedrooms. Also, the Scheme limits a guest house to a dwelling house or second dwelling, whilst there are many larger guest houses in practice.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

Response: This Scheme allows for a different scale and size guest house (where no resident operator required on site is required), depending on the zone in which the land use is taking place. In Conventional Residential Zone, where the buildings can now comprise both a dwelling house and a second dwelling, the limitation of 8 bedrooms per property is in recognition of the concern that with no limitation, large guest houses, which are completely out of character with the Conventional Residential area, can lead to a significant impact (cars as well as constant movement of people at all hours). The reference to a building which allows for the ordinary occupancy by a family is not confusing, since each property could be ordinarily occupied by two families (one in the main dwelling and one in the second dwelling). A main house with five bedrooms and a second dwelling with three bedrooms can be converted to a guest house with the Municipality's consent, but it can still revert back to a dwelling house and second dwelling house able to be occupied by one family each.

Should a larger guest house be envisaged, (for example a dwelling house with 7 bedrooms and a second dwelling of 5 bedrooms would be possible on some larger properties) a departure application will be required where the impact of the proposal can be assessed. The Municipality must remain satisfied that in the context of the property, the dwellings can in future revert back to use of a dwelling house.

With regards to the concern that there are a number of current guest houses which exceed the above threshold, we can confirm that that all existing lawfully approved and lawfully conducted guest houses will continue to be lawful in terms of the transitional arrangements, even if they do not conform to the Scheme.

Any expansion to these guest houses will however have to comply with the parameters in the scheme, or alternatively consent or departure required as the case may be, depending on the zone.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

6. SECOND ROUND COMMENT: DETAILED TABLE

In the table below, we have summarised comments which relate to specific clauses in the scheme. The response to the comment is also indicated.

COMMENT:	COMMENTED BY	RESPONSE:
(Note: Section numbers in this table refer to the Draft 11 numbers in the advertised document)		
Definitions:		
Building: include all tanks (not just fuel tanks). Put stoep in apostrophes	DRD	Amended.
Adult entertainment: remove words "massage parlour and replace with "related or ancillary uses"	DRD	Not supported. This is a common word used in the industry and clarifies the meaning of the definition.
Authority Use: is government offices included or not?	DRD	Yes, if the land use on the property is lawfully consist only of office use, and it is inside the urban area, it should be converted to either Mixed Use or Local Business zone (provided that it was previously zoned Authority, Business or Special Business).
Grammar - Base zone, ground level - check punctuation (22) and p9 Spacing of bed and breakfast establishment (P2)	DRD	Amended.
Definition of a family questioned and does not make provision for modern extended families. Must provide for polygamy & traditional marriages	Van Geems DRD	Definition updated to make provision.
Agricultural industry: 50% ratio for local produce is impractical and does not take cognisance of the present reality.	Basson	No supported. Reasons in 5.8 above.
Home lodging/bed and breakfast: suggested that the proprietor of a guest house/B&B/Lodging establishment is required to reside on the premises, not necessarily the owner. Also refer to permanent resident on P10. This will allow for a person to own more than one guest house	DRD	Amended. The proprietor of the activity must reside on the land unit. The objective is to make provision to conduct limited scale economic activity from residential dwellings (in CR zone) of the person who lives there. It can be the registered owner of the house, or the long-term tenant of the house who resides there permanently. However, it is not the intention to allow someone to run significant business enterprises from residential areas by having their employees reside there.
Scale of home industry should be defined	DRD	It is defined in the parameters in the body of the scheme (refer to the zones) limited to the lesser of 50m ² or 30% of floor area of buildings on land unit.
Semi-detached house definition required	SIG	Not required. Normal meaning applies.
Row House definition required	SIG	Not required. Normal meaning applies.
Tourist facility definition required	SIG	Is defined.
Basement storey - no basement should protrude above the ground level because the interface with the street is disturbed	SIG	Basements protruding above ground allows for natural ventilation. It also means a basement can be provided on a sloping site. A basement which protrudes above ground level must comply with the building line. In the town centres for Stellenbosch and Franschhoek, any structure, including the basement, requires the municipality's permission (URCO zone) and thus street interface issues can be addressed.
Pub and tavern - address the use of outdoor areas which can cause nuisance (Pg. 18)	DRD	Pub/Tavern is a "place of entertainment" which is not a primary right in the scheme - only permitted as a consent use. Thus, Municipality can prescribe conditions and completely control outdoor entertainment areas.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

		The Municipality there has adequate control to mitigate impacts.
Proclaimed roads - consider including National roads	DRD	Not necessary - governed by appropriate other laws and zoned Transport zone on the zoning map.
Welfare institution should include shelters for homeless. Or should be included in other definitions	DRD	It is included in the definition of "community residential building" and is a primary use in Community zone.
Section specific comment:		
8. Accepts that all existing rights are respected by means of section 8. What does that do to the present "subdivisional area" and different zonings already approved?	Basson	Existing approvals remain valid -it has no impact. Only if the approval lapses will the zoning revert (deemed) and the conversion rules will be used to guide the deemed zoning.
8. How will SM issue liquor/business licenses clearance if there is a lawful non-conforming use?	Basson	Refer to response in 5.8.
13.(3) May be circulated to branches should read "must"	SIG	We do not agree with this suggestion. Circulation to branches (and which branches to circulate to) will only be required when the nature of the application requires the input of a particular branch in the municipality or external department. Circulation is thus discretionary.
22(9) Boundary wall clause, dealing with corner sites, should be deleted and municipality must consider an application	SIG	The Municipality does not agree with this proposal. This can be dealt with technically. It is recommended that guidelines be prepared to guide decisions in this regard.
26(1) Roads can be read into the definition of engineering services yet it is clear that it is not intended for roads to be permitted as a primary right in all use zones. The confusion should be clarified	DEADP	Amended by excluding roads from this section.
26 When would electrical substations along the linear engineering service require rezoning and when is it part of the primary right? This needs clarification. Mini-substations are mentioned. But sometimes sub-stations can be substation in size. 26(3) it is not clear if this clause means "deemed to be zoned Utility zone" or to be rezoned to Utility zone. DEADP urges that large substations must undergo an approval process and must not be a primary right in all use zones.	DEADP	The Municipality agrees that large substations are not part of the linear engineering service and must undergo an application (rezoning to Utility if it is not appropriately zoned). The section was amended to clarify this intention.
28 It is a constitutional right to lease a property, which is not the same as short term letting (such as on AirBnB). This must be made possible in the scheme	Van Geems	The long-term leasing of a dwelling to a family is indeed allowed in terms of the scheme. Section 28 is amended to clarify this intention.
28 Allow for long term lease of dwellings, provided it does not establish a guest house or tourist dwelling unit. The clause as worded is not clear.	DRD	See comment above.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

33 Insert a ratio for other ancillary hotel uses. Specify parking for day care for 6 children where there are no classrooms. Include compulsory loading area at day care centres.	DRD	Hotel parking requirements amended to clarified. Parking for Home day care: Not supported due to the small scale of the activity.
33 Off-street parking requirements not sufficient. Following is proposed • 1 bay per bedroom for students • 6 bays /100m² office • 6 bays/100 m² for entertainment	SIG	The department does not support increase in parking ratios since car dependency must be reduced, and other modes of transport (NMT) promoted. More parking bays promotes car dependency.
49(1) Communes in CR should not be considered in this zone because they drive families out. Rezoning should be submitted. Communes should move to the consent column.	SIG	Commune is indeed a consent use in CR zone, not a primary right. It is acknowledged that communes in the town of Stellenbosch may be an issue and the Municipality must therefore, when granting consent, give due consideration to the potential impact such approval may have. But there are many other residential areas where it is desirable to allow communes enable the housing crisis to be addressed. Providing for communes with the Municipality's consent allows flexibility to address the housing crises in differing ways in different areas, without placing an undue burden on poor communities especially, to conduct expensive and time-consuming rezoning procedures. This kind of flexibility promotes resilience, social justice and spatial justice. <i>It is recommended</i> that the Municipality develop and adopt a residential accommodation policy (which also addresses area specific indicators where communes may be approved) to inform where communes will be considered with their consent it can also include different parameters for different areas.
49(4) Public notice must be served for applications for consent use (e.g. guest houses) in this zone in terms of section 46 of the SMPLU By-law because it can have a material impact.	FHRA	All consent use applications (regardless of which zone they are in) are subject to the public notification procedures requirements of the MPBL and process for serving notice as set out in the MPBL. The Scheme does not have to address this.
51 Land use in CR zone does not provide for already approved holiday housing. this creates problems with holiday homes which are converted to CR -the holiday makers who are accommodated in these houses may not necessarily comply with the definition of family	Van Geems	All existing approvals remain valid and lawful land uses may continue even if contrary to the new Scheme (refer to Transitional arrangements in Scheme).
51(11) Proposes that a height limit be introduced to vehicles being allowed to park in residential areas (apart from the already included 3500kg limit)	FHRA	The Department does not support this amendment at this late stage in the process since it may trigger more advertising. The limit of the weight of the vehicle is a recognised way for limiting vehicles to light commercial vehicles.
51(13)(b) Must remain 4 people, not to be reduced to 3 people	SRA	This has been debated before in full Council, where it was agreed that 3 rooms or 3 persons would be accepted. The department does not support this amendment at this late stage in the process since it may trigger further advertising.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

56(2) Street boundary wall permeability: 50% of length of wall does not make sense and condition should be clarified	SRA	The department supports this proposal and the wording was amended accordingly.
60(1)(f) Exemption from NBR may put the municipality at risk. Alternative incremental approaches should be considered	DRD	Noted. The scheme makes provision for exemption to be applied for, but it is not mandatory. The Municipality can evaluate individual areas and can decide whether to follow this route or not (The NBR does however allow for it).
83(2) Flats should be limited to 3 storeys, not 4. The floor factor and coverage increase is too excessive and will change character in old residential areas in the historic core.	SIG	The department does not agree with this statement. The to-be-repealed Stellenbosch Scheme (in the General Residential zone) allows for coverage of 50% (25% for building and 25% for buildings containing parking), between 0.4 to 0.75 floor factor (depending on erf size), and up to 4 storeys if parking is contained in the same building. The proposed Multi-Unit Residential zone allows for 50% Coverage, floor area of 75% times the site, and 4 storeys. The result is a moderate increase of floor area on smaller sites, but no increase on larger land units. It may even lead to lower buildings on larger sites than the repealed scheme.
0m on common boundaries for ground floor for all other buildings (e.g. guest houses & Communes are not acceptable and should be the same as	SIG	Agreed: this was a typing error. Section is amended to require a building line of 4.5m on common boundaries. That was always the original intention and accords with previous drafts.
83(3)(b) electrical substations, refuse rooms etc. should not be permitted 0m on the boundary due to their detrimental impact on streetscape	SIG	In URCO zones all substations and refuse rooms is an application and Municipality can prescribe the required position and mitigation measures. In this section it is subject to SDP approval which again allows Municipality to address streetscape issues.
84(2) Should be deleted	SIG	Agreed: deleted – no longer applicable.
105(1) Commune, which is primarily student housing, should be removed from the table. SIG has repeatedly made this comment and pointed out why it is not desirable.	SIG	The department does not agree with SIG. See comment above in this regard.
110(1) Buildings in historic core should not exceed current height of 5 storeys. Residential buildings in the historical core should be limited to 3 storeys (including communes)	SIG	Agreed. The Stellenbosch URCO was amended accordingly. Buildings may not exceed 10 meters within first 15m of street and are limited to maximum 5 storeys on the balance of the land unit. This maintains the status quo in the Stellenbosch URCO pertaining to height.
110 Building lines for hotels are indicated to be 4.5 and 6m whereas the present building lines in General Business Zone in the Stellenbosch scheme is 0m. The proposed building lines in the scheme are not compatible with the historical settlement pattern in the town centre and will have a serious detrimental impact on historical buildings and streetscapes	Heys	Refer to provisions in URCO zone which allows for alternative build-to lines to be established in town centre (when making an application for the Municipality's permission) to promote a tailored site-specific response. No departure required. 250(3)(f) 0m would be inappropriate everywhere else except in the urban conservation areas.
110(2)c should be deleted	SIG	In URCO all substations and refuse rooms is an application for the Municipality's permission and it can prescribe the required position, screening, or incorporation into buildings, whichever may be appropriate to mitigate the impact on streetscape. In this section it is subject to SDP approval which again allows Municipality to address streetscape issues.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

121(2) Employee Housing should be 120m ² and not 75m ²	SRA	The Department does not support this amendment at this late stage in the process since it may trigger further advertising.
183 and 192 Consider making occasional use an application and not a primary right	DRD	The Department does not support this amendment at this late stage in the process since it may trigger further advertising. Occasional use (once a year) is limited sufficiently to not have a significant long-term adverse impact on other parties' rights.
192 Private Open Space Zone (PrOZ): does not include provision for sporting facilities and activities -this is an error since golf course is included in this zone	De Zalze HOA	This is not correct. Outdoor Sport, and Place of Assembly (where indoor sport may be conducted) are both consent uses in Private Open Space. If a golf course is already approved on a property which is zoned PrOZ, the consent is deemed to have been granted in terms of the Transitional Arrangements clause in the scheme. Therefore, existing rights are not affected, and the existing golf course remains a legal land use. (see section 8(4)). If the owners however wish to expand that that activity beyond what was lawfully approved in the past, (or if a new golf course is proposed) a consent application will now be required in terms of this scheme to assess the potential impact of that new or expanded use.
201 Tourism activities seem to be provided for in agricultural industry and tourist accommodation is a consent. What mechanism must be used to apply for restaurants and function venues on farms?	DRD	Tourist activities up to a certain limited size (250m²) can be undertaken with technical approval as an additional use on farms (see "additional use" column in S201). These include restaurants and place of entertainment (small function venues) -refer to the definition of tourist facilities. For technical approval the procedures set out in Section 13 of the scheme will be required (submission of an application and SDP.) For facilities which exceed 250m² a consent use application must be made in terms of MPBL. This application will be subject to the procedures prescribed in the MPBL.
201(1) Polytunnels <2000m ² should require technical approval and >2000m ² should require consent due to visual impact	SIG	See comment in 5.16 above about polytunnels. Cultivation of crops, farming and its related buildings, are the prime objective in Agriculture zone. The proposal achieves a balance between food cultivation/farming and managing its impact on the visual landscape.
Agricultural buildings larger than 2000m ² should be a consent		
201(2) "land unit" to be replaced with "farm"	SIG	The provisions of the current agriculture zone in all to-be-repealed schemes apply per land unit, not per farming enterprise which could consist of various land units. Therefore, in this scheme a clear distinction is made between the definition of a "land unit" which is a cadastral entity, and a "Farm" which is an enterprise which could comprise more than one land unit. The comment to limit AR zone rights to a farm enterprise rather than a cadastral land unit is not supported because significant existing rights will be extinguished if the AR zone parameters apply to a "farm" as defined rather than to the land unit. Such a significant amendment will require extensive additional advertising of the scheme and may trigger claims for compensation for loss of rights.
209(10) what is "baking of arts"?	SIG	Amended: Typing error.
201(1(b) & (c)) polytunnels comment	SIG	See above and 5.16.
203 it does not specify how the 50% on-farm produce should be calculated.		See response in 5.8 above.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

Concern about size of agricultural industry buildings where 50% on-farm produce limit is exceeded. This should not be a permitted additional use.		It is recommended that the Municipality adopt guidelines on how this should be calculated to assist planners to swiftly assess standard applications. More unusual cases can be determined on a case by case basis.
204. Additional dwellings in agriculture: must be permitted to assist farmers to draw people to work on farms - especially when farms are smaller than 20ha.	Basson	Already responded to in 1st round. 2 dwellings (main dwelling house and second dwelling house) plus one employee house is permitted on 20ha farm as a primary right. Additional employee houses can be applied for as a technical approval (no limit to the number of employee houses which can be approved, provided they continue to be used as employee houses). Additional dwelling houses can also be applied for if the land unit exceeds 20ha (one for each 10 ha up to 4 additional dwellings). However, if existing approved employee houses are converted to other land uses, the municipality shall refuse further houses to be built, since it is then used as a mechanism to roll out unchecked urban development under the guise of employee housing. Sufficient provision is thus made in scheme to accommodate housing for employees on farms. Also see other related comments in this document
205. Agriculture Zone: Employee housing that is subservient must be a primary right. The percentage agricultural use could form criteria for decision.	Basson	See response above. The suggestion that a percentage of area of agriculture should inform the number of units permitted is arbitrary and would require assessment in any event. This can all be taken into account in the technical assessment of an additional use application.
207(4) There is a concern that the agricultural land use could be diminished to only be a token amount. It is recommended that at a percentage be inserted (80% of the area of the land unit) which must remain agriculture	FHRA	The department does not support this amendment at this late stage in the process since it may trigger further advertising. The proposed parameter is unresearched and arbitrary. It recommended that this be considered in future reviews, if it is identified as a problem area.
210 Polytunnels should be prohibited in Heritage Overlay Zones because they have severe impact on cultural landscapes. Only high value cash crops are farmed in tunnels and these do not contribute to food security	FHRA	See comment above and 5.16
213(9) When converting approved dwelling units on farm, intention to replace them should be shown on SDP – this clause should be deleted because it will be abused.	SIG	Agreed. Amended accordingly.
214(1) 5m building line is unacceptable: existing 30 meters should be maintained	SIG	The department does not support this amendment, especially at this late stage in the process since it may trigger further advertising. To Note: large parts of the Municipality currently have a 5m building line on farms in terms of the to-be-repealed scheme. In terms of the new Scheme, 30m building line on scenic routes are proposed which ensures visual impact from important routes are mitigated, and 5 meters on all other roads. Within 200m of scenic routes permission for new buildings are also required, further allowing the municipality to mitigate visual impact. The Scheme therefore sufficiently addresses this concern.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

215(1) " <i>including</i> entrance structure and columns" should be " <i>excluding</i> "	SIG	Agreed. Amended accordingly.
215(3) 3,5 meters 2.1 meters for a maximum distance of 10 meters 5 meters on both sides of the entrance gate.	SIG	These provisions were incorporated from the SM boundary walls and Fences by-law. The department does not support this amendment at this late stage in the process since it may trigger further advertising. It can be considered in subsequent reviews after comment from the relevant parties and public.
216(1) An owner of land zoned A&R zone may submit a SDP for a farm.... Should read "must"	SIG	The submission of a farm SDP can be made voluntarily (thus optional) at any time before a building plan or planning application is submitted, which is why the word "may" is used in clause 216(2). However, it is mandatory for any new development or a change in land use in existing buildings, which is why Clause 216(1) states that the Municipality shall require the SDP in such cases. Wording was amended to clarify this distinction.
224(1) 30m building line to be maintained	SIG	This proposal is not supported since the parameters of this zone was extensively commented on by Cape Nature and they agreed to these parameters. Amending the building lines will require further consultation and can be addressed in future reviews. Development extent in this zone has been limited further to minimise external impacts and scale of overall development (226(5)).
225(1) " <i>including</i> " should be " <i>excluding</i> " and (3) 3,5 meters 2.1 meters for a maximum distance of 10 meters 5 meters on both	SIG	See similar comment above
231. Limited Use Zone does not make allowance for holiday housing, is a transitional zone to be phased out and does not permit alterations to buildings, which would otherwise have been possible in Resort Zone II.	Van Geems	Amended to allow one dwelling house of limited scale as a primary use. Additional parameters were also introduced to resolve this issue. Transitional Arrangements section allows all existing approved land uses to continue as non-conforming uses.
Compare erf, farm and land unit definitions and - Farm can consist of more than one land unit	SIG	Updated to create consistency: Land unit=cadastral erf/farm land unit including the servitudes on it; Property= land unit + all building and improvements; Farm= refers to the farm enterprise and may consist of one or more land units; Site= the portion of land that is the subject of the development, and can be the whole land unit, portion of a land unit, or more than one land unit.
More areas should be included in the scheme for heritage protection. Several new areas are proposed	SIG	Refer to previous response regarding more heritage areas: must be underpinned by studies and adopted Council policy and approved by Heritage. This can be taken further in future amendments to scheme. Will also be affected by proclamation of NHRA Heritage Areas. At present it is the aim to retain the status quo with current "special areas" and other declared areas.
243 Coding should not be HAO	FSM	Agreed. Amended.
244(3) Suggests the following wording: "The overlay zone gives the Municipality a mechanism whereby additional measures and conditions can be imposed with which to <i>prevent</i> potential adverse impacts of		Agreed. Amended.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

development on the receiving environment <i>and mitigate them where they cannot be avoided.</i> "		
244(4) The objective of URCO is not to hinder development unless it has proven adverse impact on heritage or environmental resource. FHRA suggests "proven" should be replaced by "likely to have" because the level of proof is not defined (proven beyond reasonable doubt or on balance of probability -two different standards). The two words "severe" and "proven" sets the bar too high and will not allow protection of heritage/environmental resources. It is also suggested that the words "listed Heritage resources or specific environmental resource" must be replaced to align with the stated aim & purpose in in S241(1).	FHRA +	Agreed. Amended.
244 (4) Change "development envelope" to "Development Parameter". Omit the words "proven" this is legally untenable. Suggests that another clause be inserted as follows: The overlay zone itself does not grant any additional rights beyond those in Section 247.	FSM	Agreed. Amended. Amended Not Agreed. Clause 247 already provides for this
245 The organisation proposes a Stellenbosch Mountain Rural Conservation Overlay Zone and provides motivation for the area to be included and why it should be demarcated	FSM	The drafting team is in agreement that more areas should be included in the scheme in future. However, the department does not support this amendment at this late stage in the process since it may trigger further advertising. Furthermore, SPLUMA requires that a Land use management scheme must be informed by the SDF and adopted Council Policy. This proposal can therefore be considered in subsequent reviews of the scheme once it is adopted Council policy . The SDF or other Council policies must however first be formulated and adopted to pave the way for its incorporation into the scheme.
246 Advisory committee: timeline must be set within which the committee must be established. Rules for the committee must be advertised for comment before being adopted.	FHRA	Agreed. Amended to state that it must be constituted within 3 months of the scheme coming into operation
250(3) words are omitted after "protect and promote"	SIG	Agreed. Amended
252(1)(a) proposed to insert 5 storey height limit into Stellenbosch UCA	SIG	Agreed. Amended - height limit inserted
252 Limit student accommodation in Stellenbosch UCA	SIG	Not supported. See comments above and in previous comment process.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

252(j) Proposes that financial contributions be made to parking if not provided on the property	SIG	A financial contribution clause is already included in the general parameters section in 33(5) (applies to all zones) and therefore does not have to be repeated in the Overlay Zones.
252 Additional clause proposed to prohibit electrical substations and refuse storage on street boundary	SIG	These structures/buildings are already controlled in the URCO zones since all buildings and structures requires the Municipality's permission. Municipality can therefore prescribe fully where and how these are to be positioned, screened etc and can even refuse the proposed position of the structure if it affects the streetscape adversely.
255. Scenic routes identified in the Heritage study should be included	SIG	The Heritage Study referred to was not concluded at time of drafting of this scheme. This Scheme is based on current approved municipal policy/regulations etc. (as is required by SPLUMA) at the time of drafting the Scheme. <i>It is recommended</i> that new studies be considered in subsequent reviews once they have been approved by the Municipality and other relevant authorities.
Zoning Map Comments:		
De Zalze Agriculture Zoning should be retained	Van Geems	It was decided that due to De Zalze falling inside the Urban Edge, Resort Zone II inside the urban edge should be allocated zoning according to the lawfully approved land use. The most restrictive zone will be selected where the dominant approved land use can be conducted, either as a consent or primary use, having regard to the original approval, its conditions, and intent of the scheme. - Resort Zone II (inside urban edge): manual allocation based on lawful land use (dwellings convert to Conventional Residential); - Open Space Zone II with deemed consent of the golf course. (Private Open Space allows outdoor sport which includes golf course as a consent use); The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning.
Refer to approved zoning plan for de Zalze (2006) - also for Golf Estate	Van Geems	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning.
Erven 571; 567, 196, 197, 198, 200, 201, 203, 204, 205, 206, 207: De Zalze Currently zoned as Resort Zone II and used as a hotel (lodge) with significant ancillary facilities such as wellness centre, conferencing and functions	W Burger	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erven 196-207: Now allocated Multi-use Residential zone (deemed consent for tourist accommodation establishment) Erf 567: Private Open Space (allows hotel as consent use) Erf 571 (split zoning): Multi-use Residential Zone (deemed consent for tourist accommodation establishment) and Private Open Space Zone.

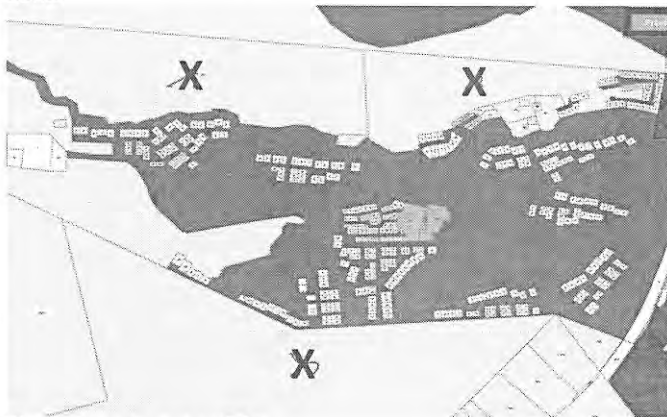
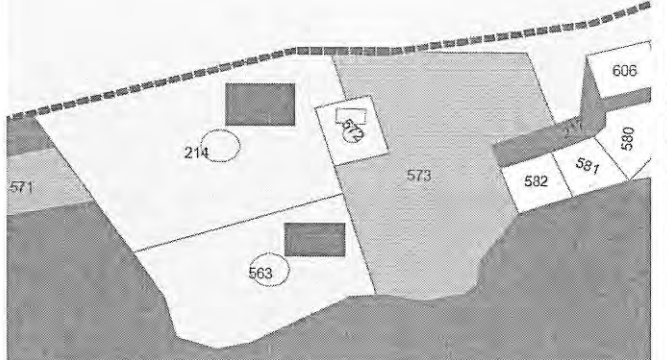


Revised zoning map SB9

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

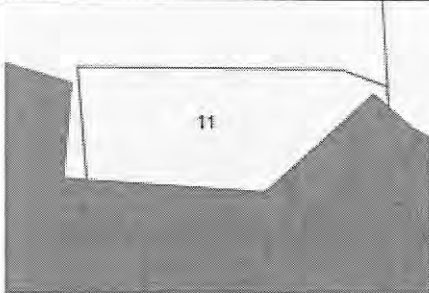
OCTOBER 2018

Erven 1, 2, 4 and 41 De Zalze should be zoned Agriculture	De Zalze HOA Bicker Caarten	Erf 1 (now 579), 4 and 41 (now 577) and 2: Land Use: Agriculture. The Zoning map now shows: Agriculture & Rural Zone  Revised zoning map SB9
Comment on zoning of specific erven: • Erf 214 is currently zoned Agriculture II. • Erf 563 is currently zoned Agriculture II: for storage and tourist facility • Erf 572: Agri II Consent for Restaurant • Erf 573: Currently zoned Residential Zone V: Guest house. Can wellness centre & conference facility be conducted in this zone? Clarification sought • Erven 580, 581, 582: Currently zoned Resort Zone: lodges The parameters of A&R zone is more restrictive than what the present zoning permits and should be lifted	Kleine Zalze	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erf 214 & 563 (split zoning): Agriculture & Rural Zone (deemed agricultural buildings >2000m² and tourist facilities as additional use rights; deemed consent for agricultural industry >2000m²) & Industrial Zone (winery only – split zoning). Erf 572: Agriculture & Rural Zone (deemed tourist facilities as additional use right; deemed consent to deviate from the set max floor area) Erf 573: Multi-use Residential Zone (deemed consent for tourist accommodation establishment).  Erven 580-582: Conventional Residential Zone (deemed consent for guest house & tourist dwelling unit)
The original approval allowed for accommodation inside the 3 "business nodes" to be used for short term accommodation, while the houses were not for short term accommodation (but could be used for holiday accommodation)	Kleine Zalze	It is not clear from the information provided which erven this comment refers to. SM allocated zoning manually to De Zalze erven after liaison with DZ consultant.
Erven 4, 11 577 and 579 should convert to Agriculture zone	Kleine Zalze	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erf 11: Land use is Agriculture: Thus converted to Agriculture and Rural Zone.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

		 Revised zoning map SB9 Erven 4, 11, 41 (now 577) and 579: Land use is Agriculture: Thus converted to Agriculture and Rural Zone.
Residential Villas are residential land use and clarity is sought on the proposed Limited Use Zone	De Zalze HOA	Dwelling houses previously zoned Resort Zone II (inside Urban Edge) now converts manually to Conventional Housing inside urban edge. All previous land uses explicitly approved by the municipality remain valid.
Erf 5 (now erven 553, 554 and erf 5) -Conservation buildings on the site. Limited use zone means no further additional buildings can be built	De Zalze HOA	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erf 2, Re/Erf 5, 553 & 554: Part of farm. Agriculture and Rural Zone (deemed guest house, tourist dwelling unit and tourist facilities as additional use rights).
Erven 192-207, 567 and 571 (De Zalze Lodge) used to be Resort Zone II and Private Open Space. Now Limited Use Zone -does not reflect current land use which is a hotel	De Zalze HOA	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erven 192-194, 209-213 & 569: Conventional Residential Zone. Erven 196-207, 567 & 571: refer to comment and plan extract earlier in the table.
Erf 557 Winelands Golf Lodges were zoned Resort II and consist of sectional title units and consent for hotel. The Private Open Space Zone is not suitable	De Zalze HOA	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erf 557: Multi-unit Residential Zone (deemed consent for tourist accommodation establishment)  Revised zoning map SB9
Erf 558: HOA offices and parking. Is currently zoned Resort II. On converted map it is Private Open Space, which is not the land use	De Zalze HOA	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erf 558: Limited Use Zone (limited to current office and parking) (see plan extract above)
Erf 569: now subdivided with a private home on it - still shown as Private Open Space	De Zalze HOA	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erf 569: Conventional Residential Zone.

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

		 Revised zoning map SB9
Erven 214, 563, 572, 573 (old erf 38): The land use here is offices, restaurant, winery, conference, garden, farm house. This site is converted to Multi-use Residential which does not accord with the land use	De Zalze HOA	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Dealt with above.
Golf Course De Zalze: Currently is zoned Private Open space	De Zalze HOA	The conversion to Private Open Space (deemed consent for golf course) is correct.
Erf 296: accommodates the Golf Clubhouse, restaurant, pro shop, function venue, parking & barn. Currently it is zoned Resort II but on converted map it is Private Open Space which does not fit the zoning	De Zalze HOA	The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning. Erf 296: Private Open Space (deemed consent for outdoor sport and its ancillary facilities)  Revised zoning map SB9
What do the rectangular block represent on the map?	De Zalze HOA	Split zones are shown in a coloured block. If the colour is the same as the base zone, it means a split zone was approved in the past (and conditions may still apply to the activity or the activity is now deemed to have been granted with consent), but due to the conversion process there no longer is a split zone.
DE Zalze Golf Lodges - owner feels it should be zoned Mixed Use, not CR	Vlok	The writer did not provide an erf number. We are assuming that the De Zalze Golf Lodges is on the same property as the Winelands Golf Lodges (Erf 557). If this is the property, the following comment applies. Mixed Use Zone is not the most restrictive zone which would allow the tourist accommodation establishment and will confer significant additional rights which is not appropriate. The correct manual allocation is Multi-unit Residential with deemed consent for a tourist accommodation establishment. The Municipality engaged with De Zalze's consultant and resolved the manual allocation of zoning.
Pick& Pay parking areas should be coloured white;	SIG	Erven 2498, 2499, 2500 & 2502 (PnP parking area): Ownership: Municipal; Land use: public parking. Zoning now Public Street and Parking Zone

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

Church of England (HV Banhok & Andringa: parking also shown as POS and should be street;

Erf 1352 should not be mixed use; MAP 3-POS is shown in blue and should be green;

Simonsrust business is indicated in dark blue where it should be light blue.

Erf 2539 & 2540 (Church of England):

Properties both owned by SM.

Agree with comment - both must convert to Public Roads & Parking Zone in accordance with manual allocation rules.

Zoning map updated.

Erf 1352: Repealed zoning was General Business. In accordance with zoning conversion table must convert to Mixed-Use zone. Conversion therefore correct.



Revised zoning map (SB3)

MAP 3: Agree. There was an error in the display of the coning colours. Now corrected.



Revised zoning map (SB3)

Simonsrust (Erf 5386): On old zoning map: Zoning is General Business. Therefore, the conversion to Mixed-Use zone is correct according to the conversion rules.

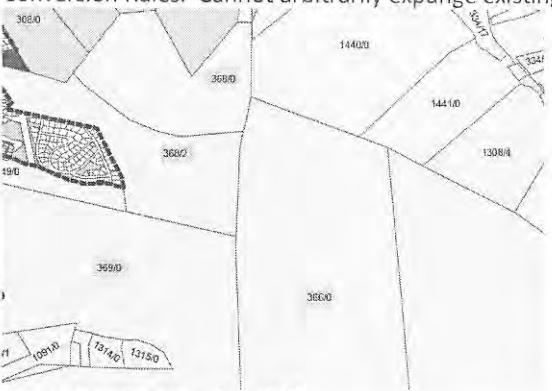


Revised zoning map (SB3)

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

Zoning of Farm 366, 368/2 and Farm 369 and 369/0, 369/C, 369/F, 369/W, 369/6, 369(s) 369/T and 369/U must not be Agricultural & Rural Zone but must be converted to Limited Use Zone in order for only existing lawful land uses to be continued.	FSM	In old zoning map: Agriculture Zone Thus conversion to A&R zone correct and consistent with Conversion Rules. Cannot arbitrarily expunge existing rights.  Revised zoning map (Rural 1)
The statement in the previous response that declared nature areas may not be rezoned to Conservation Zone, but must take its zoning from the existing zoning is rejected as being "arbitrary and unacceptable".	FSM	DEADP has warned against the expungement of existing rights when preparing new schemes and Cape Nature accepted this response and will seek to follow the appropriate process, where necessary, to rezone the land. FSM therefore has no locus standi to object against the agreed process with relevant affected departments who are the land owners or custodians.
Erf 9995 (Gihon St Stellenbosch) is shown as Open Space but must be zoned Residential. Erven 10001 and 9964 Eden should be zoned Private Open Space (Eden Home Owners). Erf 9956 are roads (Pison, Tigres Streets and Gihon Circle) Should be Private Road. Erf 7647 is Wildebosch Road and is zoned Unknown. Also Public Open Spaces along that road. (Blaauklippen & Paradyskloof rds) Erf 16527 (unbuilt extension of Wildebosch Rd) is not on zoning register and should be zoned POS	HC Eggers	Erf 9995: The zoning is now correctly shown as Conventional Housing (deemed consent of group housing). Erf 10001 & 9964: On old Zoning Map it is shown as Public Open Space. On SG diagrams this is shown as Public Place. Therefore proposed zoning of Public Open Space is correct. Erf 9956: Was Local Authority – Existing Street and is indicated as public street on General Plan. Conversion to Public Road & Parking Zone therefore correct. See map below Erf 7647: Was Local Authority – Existing Street. Should be Public Roads and Parking Zone (conversion table). Indicated correctly on new zoning map. The Authority zoned property directly adjacent to road is now Utility Zone in line with the land use (substation)(red). Erf 16527: On the old map, Erf 16527 was shown as 373/3. In the zoning register this erf was Local Authority – Existing Street. Therefore, the zoning is correctly converted to Public Roads & Parking Zone in accordance with the conversion table. The erf number has been updated on the revised map.

59

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

7. COMMENTS WERE RECEIVED FROM THE FOLLOWING PARTIES:

7.1 Advertising 2016

No.	Organization	Name	Telephone	Address	Email
1.	Department of Environmental Affairs and Development Planning	Minister A. Bredell	021 483 2894	Private Bag X9086, CAPE TOWN, 8000	Azaria.Babu@westerncape.gov.za
2.	Department of Transport and Public Works	Malcolm Watters	021 483 4669	Rm 335, 9 Dorp Street, Cape Town, 8001	malcolm.watters@westerncape.gov.za; grace.swanepoel@westerncape.gov.za
3.	Department Rural Development and Land Reform	Tommie Bolton	021 409 0439 060 965 6028	Mr T Bolton PSSC: WC SPLUM, Private Bag X9159, Cape Town, 8001	Tommie.bolton@drdlr.gov.za
4.	Heritage Western Cape	Jonathan Windvogel	021 483 9736	Mxolisi Diamuka, Chief Executive Officer, Heritage Management; Protea Assurance Building; Green Market Square, Cape Town, 8000	Jonathan.windvogel@westerncape.gov.za
5.	Department of Agriculture Western Cape Government	Cor van Der Walt	021 808 5093/9	The Director Agricultural Engineering Private Bag X1, Elsenburg, 7607	corvdw@elsenburg.com
6.	Western Cape Department of Education	Mr Gerrit Coetzee, Melodie Campbell	021 467 2605	Mr Gerrit Coetzee Director: Physical Planning and Property Management Private Bag X9114; Cape Town, 8000	Gerrit.coetzee@westerncape.gov.za Melodie.campbell@westerncape.gov.za
7.	Association for Professional Heritage Practitioners	Mike Scurr	021 423 0328	15 New Church Street; Cape Town, 8000	Mike@archrsa.com
8.	Cape Nature	Rhett Smart	021 866 8017	Private Bag X5014 Stellenbosch 7599	info.wcape@aphp.org.za
9.	Cape Winelands Professional Practices in Association (CWPPA)	Mr. Fabio Todeschini	084 257 2981	55 Dorp St. Bo-Kaap, Cape Town, 8001	rsmart@capenature.co.za; landuse@capenature.co.za
10.	Anthill	Abel Ersamus (Jnr)	0514306249	34-35 McGregor Street; Bloemfontein; 9301	fabiodesigncape@gmail.com
11.	The Franschhoek Trust and Ratepayers Association	Barry Phillips Siegfried Schaffer	021 876 3155 083 441 8280	The Garden House 29 De Wet Street, Franschhoek, 7690	abel@anthillleguity.com Barry.phillips70@outlook.com franschhoek.trust@gmail.com
12.	Friends of Stellenbosch Mountain	Hans Eggers L. Silberbauer (CP)	021 808 4203 021 886 4203	32 Blenheim Road, Die Boord, 7613	eggers@physics.sun.ac.za lewis@mwweb.co.za
13.	Eskom Land Development Department	Owen Peters		Eskom Land Development Department, PO Box 222, Brackenfell, 7561	Owen.peters@eskom.co.za
14.	Kleingeluk Homeowners Association	WF van Aswegen	083 419 4711/021 887 5330	1 Cabernet Street, Kleingeluk, 7600	exco@kleingeluk.info kleingeluk23@gmail.com
15.	Simonswyk Subcommittee	Hans Hugo	Not provided	20 Kommandeurs Avenue, Stellenbosch, 7600	Hans.hugo1887@gmail.com
16.	Stellenbosch Agricultural Society	Emile Van der Merwe	021 885 5050	Stellenbosch Agricultural Society, Po Box 204, Stellenbosch, 7599; PO Box 204 Stellenbosch, 7599	standbo@mwweb.co.za, emilevdm@adept.co.za
17.	Stellenbosch Heritage Foundation	Deon Carstens	072 906 2717	Po Box 939, Stellenbosch, 7600	deon@annabasson.co.za
18.	Stellenbosch Interest Group	Patricia Botha	021 886 4741	PO Box 2217, Denmesig, 7601	info@stellenboschinterestgroup.org
19.	Stellenbosch Ratepayers Association	Andre Pelsier	Not provided	PO Box 399 Stellenbosch, 7599	info@stellenboschratespayers.org
20.	TV3 Architects and Town Planners	Thys Walters	021 861 3800 083 441 7003	97 Dorp Street, Stellenbosch, 7600	Tys@tv2.co.za; Clifford@tv3.co.za; Anton@tv3.co.za
21.	University of Stellenbosch	Francois Swart	021 808 4834	Private Bag 1, Matieland, 7602	fswart@sun.ac.za
22.	Warren Petterson Planning	Warren Petterson	021 552 5255	PO Box 44512, Claremont, 7735	Louisa@wpplanning.co.za warren@wpplanning.co.za

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)

OCTOBER 2018

23.	Limberlost Pty Ltd.	Leslie Zetler	021 881 3854/082 901 6050	Po Box 46, Lynedoch, 7603	info@limberlost.co.za
24.	National Pride Trading 566 (Pty) Ltd	Leslie Zetler	021 881 3046	R310, Baden Powell Drive, Po Box 97, Lynedoch, 7603	barry@limberlost.co.za
25.	Stellenbosch Wine Routes	Emile van der Merwe, Elmarie Rabe	021 886 8275	PO Box 204 Stellenbosch, 7599	elmarie@wineroute.co.za
26.	Not provided	Trudie Blanckenberg	Not provided	29 Forelle Crescent, Die Boord, 7613	tblanckenberg@gmail.com
27.	Not provided	Dr PE Claasen	021 88 32956/ 083 532 0181	42 Rowan Street, Stellenbosch, 7600	pec@adept.co.za
28.	PG Mons	Peter G. mons	023 626 3480	Po Box 851, Robertson, 6705	petergm@telkomsa.net
29.	Welgevonden Home Owners Association	Monique van Biljon	021 889 54050	C/o Hendrickse Street & Welgevonden Blvd, Stellenbosch, 7600	admin@welgevonden.co.za
30.	Devon Valley farms Association	Don Maxwell	082 319 1866	Suite 248, Post net X5061, Stellenbosch, 7600	maxwell@adept.co.za ginnyswart@mweb.co.za
31.	The Sendzul Family Trust	Jonathan Sendzul	082 491 1508	PO Box 82, Franschhoek, 7690	Jonathan.sendzul@gmail.com
32.	Devon Park Interest Group	Sabrina Kumschick	Not provided	13 Kelkiewyn Street, Devon Park, Onderpapegaalberg	Sabrina.kumschick@gmail.com
33.	Devon Park Interest Group	Marius Snyman	Not provided	Onderpapegaalberg, Stellenbosch	marius@snyman.com
34.	Not provided	Raymond Bourma	021 886 6017	155 Dorp Street, Stellenbosch	bouma@mweb.co.za
35.	Not provided	Mike Reyneke	021 887 4521	15 Elberthe Straat, Die Boord, Stellenbosch	Mike.reyneke1@gmail.com
36.	Headland Town Planners	Claus Mischker	083 785 9528	Not provided	claus@headland.co.za
37.	Kleine Zalze	Kobus Basson	Not provided	Not provided	kbasson@kleinezalze.co.za
38.	Stephen Townsend Heritage	Stephen Townsend	Not provided	Not provided	ssquared@worldonline.co.za
39.		Dr Shanelle van der Berg	021 808 4459	Department of Public Law, Faculty of Law, Stellenbosch University	shanellevdb@sun.ac.za
40.	Not provided	A Maurais	Not provided	45A Bercherstraat Stellenbosch, 7600	Not provided
41.	Stellenbosch Municipality	Marius Wust	021 808 8258	Financial Services	Marius.wust@stellenbosch.gov.za
42.	Stellenbosch Municipality	Mervin Williams	021 808 8991	Senior Legal Advisor, Stellenbosch Municipality	mervinwilliams@stellenbosch.gov.za
43.	Stellenbosch Municipality	Johannie Seryn	021 808 8988	Portfolio Chair: Planning & LED	Johannie.seryn@stellenbosch.gov.za
44.	Stellenbosch Municipality	Rebecca Hillyer	082 629 1500	Research, Land Use Management	Landuse.student@stellenbosch.gov.za
45.	Stellenbosch Municipality	Rikus Badenhorst	021808 8674	Ward Councillor: Ward 21	mrfrouguk@gmail.com
46.	Stellenbosch Municipality	Jacques van Rensburg	021 808 8350	SPLUMA Compliance	Jacques.jansenvanrensburg@stellenbosch.gov.za
47.	Stellenbosch Municipality	Dupre Lombaard	021 808 8676	Manager, Land Use Management	dupre.lombaard@stellenbosch.gov.za

STELLENBOSCH ZONING SCHEME

PUBLIC PARTICIPATION REPORT: SUMMARY OF COMMENTS AND RESPONSE (Final Report)
OCTOBER 2018

7.2 Advertising 2017

No.	Organization	Name	Telephone	Address	Email
1.	Not provided	Dr. Barbara van Geems	Not provided	Erf 139, De Zalze	Not provided
2.	De Zalze Lodge	Werner Burger	021 880 0740	Klein Zale Farm R44 (Strand Road), Stellenbosch, 7613	reservations@dezalzelodge.co.za
3.	De Zalze Winelands Golf Estate	Elke Watson	021 880 2708	P. O Box 338, Stellenbosch, 7599	eco@dezalzeestate.com
4.	Winelands Golf Lodge	Le Roux Vlok	082 872 3866	98 De Zalze Estate, Stellenbosch, 7600	debler@cybersmart.co.za
5.	Not provided	Anne Bickercaarten	083 700 1240	The Farm House, Erf 553, De Zalze Estate	Annebc37@gmail.com
6.	Kleine Zalze Stellenbosch	Kobus Basson	021 880 0717	De Zalze Wines, Strand Road (R44), Stellenbosch 7600	quality@kleinezalze.co.za
7.	De Canha Incorporated	Daniel De Canha	082 339 0865	21 Robertsz Street, Brandwacht, Stellenbosch	ddecanha@yahoo.com
8.	Stellenbosch Heritage Foundation	PG Carstens	Not provided	PO Box 939, Stellenbosch, 7599	Not provided
9.	Stellenbosch Interest Group	Patricia Botha	021 886 4741	PO Box 2217, Dennesig, 7601	info@stellenboschinterestgroup.org
10.	Stellenbosch Ratepayers Association	Andre Pelsier	Not provided	PO Box 399 Stellenbosch, 7599	info@stellenboschratespayers.org
11.	Stellenbosch University	Ronnie Donaldson	021 883 3882	34 Van Der Stel Street, Stellenbosch, 7600	Rdonaldson@sun.ac.za
12.	Eskom	Owen Peters	021 980 3817	Distribution Division – Western Region (Land Development) Eskom Road, Brackenfell, 7560	Owen.peters@eskom.co.za
13.	Stellenbosch Wine Routes	Elmarie Rabe	082 411 7741	47 Church Street, Stellenbosch, 7600	elmarie@wineroutes.co.za
14.	Emile van der Merwe Town Planning	Emile van der Merwe	021 886 5050	PO Box 204 Stellenbosch, 7599	emilevdm@adept.co.za
15.		Trudie Blanckenberg	021 887 8717	Forelesingel 29, Stellenbosch, 7600	Tblanckenberg@gmail.com
16.	Cape Nature	Rhett Smart	021 866 8017	Private Bag x5014 Stellenbosch 7599	rsmart@capenature.co.za
17.	Franschhoek Heritage & Ratepayers Association	Antoin Killian	083 441 8280	The Garden House, 29 De Wet Street, Franschhoek, 7690	Franschhoek.trust@gmail.com
18.	Friends of Stellenbosch Mountain	Hans Eggers L. Silberbauer (CP)	021 808 4203 021 886 4203	32 Blenheim Road, Die Boord, 7613	lewiscs@mweb.co.za
19.	Not provided	H.C Eggers	021 808 3523	Erf 9995, Gihon Street, 10, Stellenbosch, 7600	eggers@physics.sun.ac.za
20.	Department of Transport and Public Works	Harry Thompson	021 483 4669	9 Dorp Street, Cape Town, 80001	Harry.thompson@westerncape.gov.za
21.	Abland	T. Potgieter	082 902 2841	BOX 67663, Bryanston, 2021	Tinus.potgieter@abland.co.za
22.	Department of Rural and Land Reform	Erna van Zyl	012 312 9866	Private Bag X 833, Pretoria, 001, 224 Helen Joseph Street, Pretoria	Not provided
23.	Urban Dynamics Western Cape	Gerhard Swart	021 948 1545	PO Box 2445, Bellville, 7535	gerhard@udwc.co.za
24.	Airbnb UK Limited	Sofia Gkioulos	+44 (0) 777 54 44 971	Compton Courtyard, 40 Compton Street, London, EC1V 0BD	Sofia.gkioulos@airbnb.com
25.	The Sendzul Family Trust	Jonathan Sendzul	082 491 1508	PO Box 82, Franschhoek, 7690	Jonathan.sendzul@gmail.com
26.	TV3 Architects and Town Planners	Clifford Heys	083 309 9770/021 861 3800	La Gratitude Offices, 97 Dorp Street, Stellenbosch, 7600	Clifford@tv3.co.za
27.	University of Stellenbosch	Francois Swart	021 808 4630/021 808 4834	Private Bag XI, Matieland, 7602, South Africa	Not Provided
28.	Department of Environmental Affairs and Development Planning	Minister A. Bredell	021 483 3615/0218613800	1 Dorp Street, Cape Town, 8001	Not provided
29.	TV3 Architects and Town Planners (late submission)	Tys Walters	083 441 7003	La Gratitude Offices, 97 Dorp Street, Stellenbosch, 7600	tys@tv3.co.za