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## FRIENDS OF STELLENBOSCH MOUNTAIN



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### Comments on Application Number LU/8567 Portions 52, 53, 54 and 71 of Farm 510, Jamestown

29 June 2019

BY EMAIL

1. The timing of this application was unreasonable. It was issued on June 6, 2019, only two days after the monthly meeting of the Ward 21 Ward Committee. FSM does not speak on behalf of the ward committee, but it is thereby clear that the application could not be properly considered by that committee. Was the timing intentional?
2. Many people are away on holidays in the school recess. This application's 30 day comment period falls squarely into that recess. The application and any land use decision based on the inadequate responses received should therefore be considered to be unjust administrative action as defined in the Promotion of Administrative Justice Act of 2000 (PAJA) and Section 33(1) and (2) of the SA Constitution: *everyone has the right to administrative action that is lawful, reasonable and procedurally fair* and *everyone whose rights have been adversely affected by administrative action has the right to be given written reasons*. See specifically Section 3 of PAJA.
3. The land in question does fall into the Urban Edge. However, it appears that residents of Jamestown, who will be most affected by the proposed development, have misconceptions regarding the delineation of the urban edge. If that misconception was not explicitly clarified by the applicant and his consultants or the municipal officials at the meeting held in Jamestown last week, then that, too, amounts to unjust administrative action.
4. It is well known that the illegal occupants who had previously lived on the land in question have been given preferential treatment to low-cost housing in the first phases already built on the southern side of Jamestown. It would appear that these "Kreefgat" families were given houses in terms of an agreement between the land owner and the municipality. That agreement has as yet not been made public, even though it centrally affects the rights of the existing unhoused residents of Jamestown who did not, as they had good reason to expect, receive houses ahead of the Kreefgat families. This, too, is unjust administrative action.
5. The agreement between Blaauwklippen Agricultural Estates and the Municipality has been kept secret. Given the dire shortage of low-cost and affordable housing in WC24, the secrecy

has created a precedent whereby land owners wishing to develop and/or move tenants can do so out of the public eye and without the opportunity for interested and affected parties to make representations. That, too, is unjust administrative action.

6. As commented at the IDP public meeting, the inclusion of the Jamestown “Tuinerwe” into the Urban Edge has been a fact for years, but was and remains unreasonable. Jamestown was built on a heritage of rural smallholding farming, and there was no reason, even in 2010 or since then, why that farming heritage should be made developable by inclusion into the Urban Edge. We call on the current MSDF consultants and on Council to exclude from the Urban Edge all land between Webersvallei Road and Blaauwklippen River.
7. The application is — once again — for high-income housing. The draft Integrated Human Settlements Plan now coming before Council is clear that there is a dire shortage of low-income and affordable (gap) housing, not of luxury gated estates. Given the above history of moving poor people off the land in a dubious manner and that Plan, it should be clear that, if any development happens at all, it should be low-cost or gap/affordable housing.
8. The revised MSDF currently being advertised for comment contains evidence that three more development proposals have been submitted by Blaauwklippen Agricultural Estates within the IDP/MSDF process: Farm 1457 between Paradyskloof and the R44, Farm 369/17 immediately south of Paradyskloof and Portion 527/3 on the south-eastern edge of Jamestown, along of course with the tuinerwe of Farm 510 as per this application. These Farm portions are marked in pink on the map on page 145 of the revised draft MSDF. They are explicitly named in Comment 43 at the bottom of page 162. The three new proposals are just visible as the hatched areas around Paradyskloof and Jamestown.
9. In other words, Blaauwklippen Agricultural Estates appears intent on developing at least four of its eight cadastral areas. That this is quite unreasonable should be clear to anyone who has read anything at all: the IDP and MSDF and spatial planning legislation, the SEMF, the Agricultural Land Act of 1970, all are clear enough on the need to conserve agricultural land.
10. The Municipal Planning Tribunal and Council would do well to take into account all of the above before making hasty concessions to yet another chance-taker. The application should be rejected on the many grounds provided here.
11. If the MPT does allow any development at all, it should be low-cost and gap housing as per the stated needs and priorities of Stellenbosch Municipality.