



STELLENBOSCH

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THE STELLENBOSCH MUNICIPALITY

PLANNING REPORT:

LAND USE AND LAND DEVELOPMENT APPLICATION:

APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING, DEPARTURE ESTABLISHMENT OF HOME OWNERS ASSOCIATION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN, ALLOCATION OF STREET NAMES, APPROVAL OF THE ARCHITECTURAL AND LANDSCAPING GUIDELINES:

PORTION 52, 53, 54 AND 71 OF FARMS NO. 510, STELLENBOSCH.

Application Reference number	File Ref: JT510/52 (LU/8567)	Application Date	2018/09/20
POE submitted	19/07/2019, while final internal comment has only be received on 19/08/2020.	Authorized decision to be taken by	19/12/2020

PART A: APPLICANT DETAILS

First name(s) & Surname	Jan-Hendrik Janse van Rensburg		
Company name	TV3 Projects (Pty) Ltd		
SACPLAN registration number			
Registered owner(s)	Blaauwklippen Agricultural Estates Stellenbosch (Pty) Ltd	Is the applicant property authorised to submit the application	Yes

PART B: PROPERTY DETAILS

Property description	Farms No. 52, 53, 54 and 71, Stellenbosch	Town/ City	Jamestown
Physical address	Webersvallei Road (See ANNEXURE 1)		
Extent (m ² /ha)	2,3962ha ²	Current zoning	Agricultural Zone I when application was submitted. Now converted to Agriculture and Rural Zone in terms of the new zoning scheme by-law.
Existing Development and Current land use	Uncultivated with occupied cottages on Farm No. 510/52, Stellenbosch.		
Any unauthorised land use/building work	None filed.		

Title Deed No.	T34248/2015
PART C: APPLICATION DETAILS	
Applications(s)	<p>1. Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015,</p> <p>a) for the consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e).</p> <p>b) for the rezoning of the consolidated property from Agricultural Zone I to Subdivisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a).</p> <p>c) for the subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d).</p> <p>d) for departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b).</p> <p>2. Application is also made for;</p> <p>a) the establishment of a Home Owners Association.</p> <p>b) the approval of the development name Blaauwklip-aan-Rivier Residential Estate</p> <p>c) the approval of a Site Development Plan.</p> <p>d) the allocation of the street names Blaauwklip Avenue, Malbec Close, Zinfandel West Street, Zinfandel East Close, Pinot West Street, Pinot East Close, Merlot West Street and Merlot East Close to the internal private roads and the allocation of street numbers;</p> <p>e) the approval of the architectural and landscaping guidelines.</p> <p>See ANNEXURE 2.</p>
Purpose of Application: Background and motivation of Applicant	<p>The applications applied for has been outlined above. The proposed development entails the consolidation, rezoning and subdivision of the applicable area for which planning approval is required. No title deed restriction exist that prohibit the application on currently vacant properties. These properties were for over ±20years illegally occupied by informal dwellers, who has recently been relocated to a subsidy housing site. The owners are however vigilantly cautious of potential re-invasion and illegal occupation of their land, hence the application.</p>

	<p>The owners now intend to develop the land to accommodate 55 townhouse units and 24 flats units in a security estate, with a residential density of ±33 residential units per hectare. A Homeowners Association will be established to carry on the promotion and advancement of the whole development and a set of architectural and landscape guidelines will be finalized for the proposed estate. Access will be obtained from an existing 16m wide Webersvallei public road and existing traffic circle.</p> <p>The proposed application categories have previously been discussed with municipal officials, who informed the applicants that the subject sites are within the urban edge and concerns were raised regarding the impact on the agriculture area, heritage value and possible gentrification. These concerns have been addressed in the report and could therefore be considered favourably pending input during the public participation process and inputs from municipal departments.</p> <p>The water supply, water demand, sewage flows, stormwater and hydrology has been addressed by the engineering consultants for the proposed development. Sufficient parking is provided as per the zoning scheme and no additional public transport facilities are considered necessary and it is suggested that sidewalks be provided along the northern side of Webersvallei Road between the access and the existing sidewalk at La Clemence Retirement Village.</p> <p>Even after the consolidation of the four small holdings, it will be too small for economic viable agricultural production. The properties are also partly within the urban area, which would have a negative implication on surrounding residents if farmed – pesticides, toxic chemicals, etc. The proposal to instead utilise the land for medium to high density housing opportunities would relief some pressure for development on cultivated arable agricultural farm land on the outskirts of Stellenbosch town.</p> <p>Heritage Western Cape confirmed that the proposed development would not impede on nor negatively affect the heritage resources of the application area and surroundings.</p> <p>The proposal will therefore promote economic and geographic integration with the surrounding community. The proposed development would also contribute towards future revenue streams for the Stellenbosch Municipality in the form of rates, tariffs and development charges that could be utilised for infrastructure upgrading.</p> <p>See ANNEXURE 3.</p>
Pre-consultation	Yes
Public participation, comments and response	<p>The applicant advertised the application in the “Eikestadnuus”, onsite and send notices to all identified interested and affected parties on 06 June 2019 for 30days. Six objections were received within the prescribed 30day period. See ANNEXURE 4 for the applicants Portfolio of Evidence for the objections and comments on the objections from the applicant.</p>

	<p>The application was also advertised to the following external departments;</p> <ol style="list-style-type: none"> 1. The Department of Water & Sanitation, who did not object to the application. See ANNEXURE 4. 2. Heritage Western Cape who indicated that they have no reason to believe that the proposed development will impact on heritage resources. See ANNEXURE 4. 3. The department of Agriculture and Eskom did not comment on the application. <p>A Public meeting was also held on 18 June 2019 in Jamestown to discuss the development with the community.</p>
Comments from internal service departments	<ol style="list-style-type: none"> 1. The application was recommended for refusal by the Spatial Planning, Heritage and Environment Department. See ANNEXURE 6 for the recommendation from the department and comment from the applicant. 2. The Directorate: Infrastructure Services recommended the application for approval subject to certain conditions. See ANNEXURE 5. 3. No comments were received from the Ward Councillor.

PART D: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

OUTCOME OF PUBLIC PARTICIPATION PROCESS:

Objections received (See Section G of **ANNEXURE 4** in the applicants Portfolio of Evidence {POE});

- **Margret Voigt** strongly objected to any development adjacent to the Le Clemence Retirement Village, considering that they buy into the development based on the small size of it and likelihood that it would not increase over time.
- **Jesse van der Merwe** objected on behalf of 4 owners in Le Clemence, Blakemore Street and Webersvallei Road. Densification within the existing developed area provide more than enough opportunities for development to retain the agricultural properties and the existing character of Stellenbosch and specifically Jamestown.
- **Hermann J Stipp** although he provided the wrong property reference of the application his objection was relating to the subject application. The construction of flats anywhere in Jamestown would detract from the character, and feel of the neighbourhood and will negatively impact on the value of properties. The high density would impact negatively on

the rural environment. Approval of flats will open the door for opportunistic developers to develop flats on other properties within Jamestown, which will destroy the character of the area.

- **Friends of Stellenbosch Mountains** noted that it appears that the residents of Jamestown who will be most affected by the proposed development, have misconceptions regarding the delineation of the Urban Edge. Unjust administrative action was conducted when illegal occupants of “Kreefgat” was given preferential treatment to low-cost housing in Jamestown due to an agreement between the municipality and the owners, who wanted to develop their property. All development between Webersvallei Road and Blaauwklippen River needed to be excluded from the Urban Edge, as Jamestown was built on the heritage of rural smallholding farming, and there is no reason why the farming heritage area should be made available for development. Current policies are clear enough on the need to conserve agricultural land. The development only caters for high-income housing, while the Integrated Human Settlement Plan clearly indicate a shortage of low-income and affordable housing. Given the history of moving poor people off land in a dubious manner to make provision for luxury gated estates, it should be clear that if any development happens at all, it should be for low-cost or gap/affordable housing.
- **Methodiste Kerk van Suid-Afrika** heavily objected to the proposal which will negatively impact the character, image, the feeling of Jamestown and the extent of the rural environment. The Jamestown community have learned from similar developments in the past that these developments increase the property valuation and accompanied increase in property taxes, which increase the living cost in Jamestown to the detriment of the Jamestown Community who cannot afford these increases in living cost. In the long-term it will mean that property owners that cannot afford this high rising living standard/cost need to start considering selling and find cheaper accommodation elsewhere. Jamestown heritage is not only threatening by this development, but the community is also at danger losing their properties.
- **Jamestown Erfenis/Heritage** is concerned about the community not only being boxed in by development around it, but now also from internal developments with no long-term benefit to the community. The future existence of the Jamestown community is also threatened by these kind of developments. We are also concerned whether Jamestown have sufficient infrastructure capacity to deal with all the current and new developments. The community never benefitted from previous surrounding developments like Stellenbosch Square, Le

Clemence, Aan de Weber, considering that the developers made their profit, the municipal got its property rates, taxes and higher property tariffs, while the community have to live with the long term financial burden of higher rates and taxes with nothing in return from these developments. It is rather suggested that Blaauwklippen alternatively use these agricultural zone properties for agricultural projects beneficial to the Jamestown Community, which could attract tourist. It was previously requested that these agricultural erven be placed outside the Urban Edge to avoid similar applications in future. The location of the group-housing scheme and flats will negatively affect and even destroy the unique character of Jamestown. The celebration of the Jamestown Strawberry festival from 2015 by the Webers Tourism network intends to provide a platform for the small farmers for their products and to encourage other up and coming farmers to cultivate the Jamestown agricultural properties.

Applicant's comments (See ANNEXURE 4 for the POE):

The applicant's comments on the objections is attached as **Section H** to the Portfolio of Evidence. They also commented on and noted late objections that has been received.

DEPARTMENTAL ASSESSMENT:

The subject land partials were previously occupied by the "Kreefgat" community, which has been relocated to the housing development site on Farm No. 527, Stellenbosch close to the Jamestown graveyard.

Jamestown lies in a scenic valley with remarkable views towards the Stellenbosch mountains and access to the Jamestown village is obtained from the intersection of the R44 (which is a major regional route from Stellenbosch to Somerset West) with Webbersvallei Road. Other than the entrance into De Zalze, this intersection and entrance to Jamestown lack a sense of place, that does not contribute to announcing that a historical settlement with a special character lies beyond.

Jamestown developed into a small scenic village by the subdivision and development of the original "waterweven"/agricultural properties established along the bank of the Blaauwklippen River. These agricultural properties were and are well known for the strawberries and vegetables, which was/are grown here (See ANNEXURE 7 for photo). Water for irrigation is obtained from the Blaauwklippen River.

The proposed development entails the consolidation of some of these "watererven" to create a housing development. Jamestown consists of a closely-knit, fairly homogenous community who

consider Jamestown a very special place and a village distinct from Stellenbosch and the surrounding residential areas. This is strongly expressed in the comments/objections on the applications as well.

Content of the Municipal Spatial Development Framework (MSDF), its legal status and the municipal comment and intend on the classification of the Jamestown small holdings as "Urban Character Area":

Within the limitations of a MSDF as laid down by the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) i.e. that it should be a guiding and informing document that does not confer real rights on land, It is intended that the MSDF should be a binding document approved by the Municipal Council and approved in terms of the Municipal Systems Act. These SDF principles will assist with the processing of development applications, demonstrating compliance with different sectoral policies, etc.

The remainders of the "watererven" on the northern side of the Webersvallei Road have historically been earmarked for agricultural purposes since the late 1990's, via formally adopted policy documents and draft discussion documents e.g. the 1989 prepared "Webersvallei Plaaslike Gebied Struktuurplan", the 1998 "Gidsplan vir Stellenbosch", the 2002 Jamestown Spatial Development Framework discussion document, the 2013 Stellenbosch Municipal Spatial Development Framework the latest Stellenbosch Heritage Inventory documents and the 2019 MSDF. The extension and growth of Jamestown has also always been promoted in a southern direction on the eastern side of the graveyard, by all forward planning documents prepared for the area. While the protection of the heritage significands of the agricultural zoned "watererven" has always been promoted by the authorities. No current policy document promotes the development of the agricultural zone properties to the north of Webersvallei Road for any other use than agriculture, notwithstanding the fact that the current MSDF gives indication that the area around the long agricultural properties in Jamestown is set aside for a proposed "**Urban Character Area**", which needs to be unpacked and understood in context.

The intend and guidelines of the subject "**Urban Character Area**" is however not been elaborated on in the 2019 MSDF, but need to be considered and read together with the Stellenbosch Heritage Inventory where the "Character areas" has been discussed. These aforementioned concepts and methods, in terms of the subject inventory are not only relevant in rural domains; they also apply to

the towns and other urban nuclei within the municipality. They therefore identify '**urban, or townscape character units**' of cultural significance.

The landscape units in the inventory were identified and evaluated according to four main categories, namely 'natural elements' (such as landform and geology), 'cultural elements' (such as forestry and settlement), 'perceptual elements' (such as view sheds and scenic routes) and 'defining elements'. It is this latter group that dominate in the evaluation of townscape character units which the Jamestown urban agricultural land units are located in.

In terms of the discussions around Jamestown, this area is being referred to as a Special Area "**Jamestown Townscape Character Unit**". See attachments to the comments from the Spatial Planning Department in **ANNEXURE 6**. It is therefore noted that the reference in the Stellenbosch Framework (see **ANNEXURE 8**), in the MSDF to **Urban Character Area** purely refers to the fact that the agricultural plots are now included in the Urban Edge, but does not necessarily mean that it is earmarked for infill residential or other developments. The inventory indicates that the farming allotments are seen to be the most significant element within Jamestown, spatially and symbolically connecting it to the grouping of Mission Settlements, which are of significance in the history of the Cape and the Province. These elements are collectively seen to embody the core remaining townscape character of Jamestown, and should duly be protected, and development controlled to ensure this historic pattern is retained and strengthened.

The document goes as far as to identify its main aim, main value and deviated land use / uses that will likely erode townscape character.

***Main aim:** Enhance (Manage) – the main aim of the proposed Special Area for Jamestown is not to protect each and every structure, but rather to preserve those character-giving elements that extend beyond each individual property and are common to the village as a whole. Special characteristic elements and features include the allotment gardens, the church, and the modest scale of the historic dwellings along Webersvallei Road.*

***Main Value:** Historical; The appropriate use and renewal of heritage features is critical for their preservation. Any development that will result in the loss of the remaining agricultural plots or remnant historic buildings, will completely undermine the heritage value of this townscape unit.*

Deviated Land Use/Uses that will likely erode townscape character: over-scaled private dwellings (including multi-storey residential structures), change in land use to non-residential uses, construction on farming/gardening allotments, cluttered properties, gated residential estates, high and solid boundary treatments, large parking lots, isolated shopping centres or petrol stations."

These shortcomings of the 2019 MSDF were enquired about during the public participation process but were however not fully addressed in the final document, but partially commented on by the municipality.

- **Comment from Stellenbosch Ratepayers Association** - The Jamestown smallholdings are part of its cultural heritage and of course also represent agricultural land, that the MSDF also agrees should not be developed.

Municipal response - The "Tuinerwe"/ "watererven" is not intended for development.

- **Comment from the De Zalze HOA** - The area between the Webersvallei Road and the Blaauwklippen River is now included in the urban edge and is marked as "existing and proposed urban character areas". The HOA enquires as to what is meant by this description.

Municipal response – No comment was provided.

The Le Clemence development as catalyst and precedent for future development:

The Le Clemence development to the north of the Webersvallei Road, cannot be seen as a precedent or an intend of the municipality to develop all erven north of the Webersvallei Road. This property was always zoned out of agriculture. Historically for business and industrial activities and lately for the development of the Le Clemence Retirement Village. This portion of land (the retirement village site) was therefore always included into all previous Urban Edges and was set aside for uses other than agricultural, hence the establishment of the said non-agricultural uses north-west of the Webersvallei Road.

The fact that illegal occupiers of the subject properties has now been removed from the properties, provides an opportunity to restore its historical significands in the context of the bigger Jamestown, than rather establish developments that can threatens the heritage of the area.

Shortcomings and policy contradictions of the development proposal:

The proposed development does not provide for the integrations with any future development to its east where the remaining agricultural properties are located. It only makes provision for extension to

its west on a single property, between the proposed development area and the Le Clemence Retirement Development. The proposed gated development is also not promoted by the principles of the MSDF and the Heritage Inventory. The adhoc development of a private residential estate with its back turned on the rest of the historical agricultural properties will have a significant impact on the cultural landscape of Jamestown and the rural character, which the spatial planning documents intend to protect for spatial and heritage reasons. The proposed development contradicts as previously mentioned in the departmental assessment, the intend of the MSDF, when the subject area is referred to "**Urban Character Area**". It is rather an area that needs to be protected against gated residential estates, as applied for and the construction on the farming/gardening allotments.

Spatial planning relating to the agricultural properties "watererven" in Jamestown:

At present the agricultural land in Jamestown is not being utilized to its fullest potential, but are predominantly still farmed by subsistent farmers. See **ANNEXURE 7** for photos. Although the municipality need to institute an enquiry into the present use of agricultural activities and the factors influencing success, the future of agricultural activities must first be understood in order to plan and manage the agricultural land or approving adhoc applications, rezoning these properties to none agricultural uses. Only an investigation into the agricultural economy in Jamestown could therefore inform any planning and management decisions to change the historical landscape of Jamestown north of the Webersvallei Road.

The development of the agricultural properties has therefore always been opposed, not for only its historical significance, but considering that there are no documented collective agreement amounts the owners and the municipality over the possibility of developing the historical agriculture propertie. The heritage of this area is therefore now under treat, while the Jamestown community have not been granted an opportunity to reconsider the possibility of development on the agricultural even north of the Webersvallei Road for alternative uses, as a collective.

Should it be the intend of the community and the municipality in future to develop the area, it cannot be considered through adhoc applications without a clear spatial planning document for the entire agricultural area. All owners and the community must buy in to the redevelopment of the agricultural properties, considering that at least a road master plan or a "Jamestown Local Spatial Development Plan" that guide the alignment of roads, subsequently municipal services, land uses, etc. needs to be prepared, consulted with the public and adopted by the municipality. Such a process has not been initiated or discussed and it is therefore premature to consider adhoc development applications that does not lend itself for future integration, promote gated residential developments

within a rural town and applications which contradicts the current Spatial Development Framework principles. As previously indicated, the proposal could establish a development that threatens the heritage, character and townscape of Jamestown in its current form and location.

The importance of spatial planning documents to ensure development control from a land use management perspective:

Land use planning refers to the process by which land is allocated between competing and sometimes conflicting uses in order to secure the rational and orderly development of land in an environmentally sound manner to ensure the creation of sustainable human settlements. These aforementioned functions must be supported by relevant research and mapping which are also major components of the land use planning process, as discussed in this report. Land-use planning does not exist in isolation, it is necessary to view land-use planning as an integral part of the process of managing our resources and impact on growth and development. Among other things, this process seeks to identify, articulate and satisfy the basic social/human needs of a community within the context of its heritage and environmental values, available economic/financial resources and technical knowledge.

While houses must be built for the population, they cannot be provided in areas found undesirable from a heritage, environmental, safety, etc. perspective. Land-use planning seeks to accommodate desirable development within a technical and spatial framework. Due to the absence of a local spatial planning policy, guiding development proposals in this area and the impact on a heritage significant area, the application is premature and deemed undesirable.

The development control function seeks to manage and regulate property development to ensure that all development takes place at an appropriate time and place and in such a manner that it conforms to a pre-determined set of policies or standards. As mentioned, in the absence of these local spatial planning policy frameworks, and the impact on current heritage resources, development applications that threatens the cultural landscape and heritage of an area needs to be considered very carefully due to the uncertainty of its long-term impact.

Concluding planning comments:

- The key aspect that the agricultural roots of Jamestown's "watererven" should be retained and that no development occurs in the defined Jamestown Townscape Character Area is supported, until such time as the owners/community and the municipality agree on and prepare a Local Spatial Development Plan for the area.

- Such a spatial planning document must guide and promote sensible long-term planning for the subject agricultural area. Consideration must be given to the drafting of such a Framework that takes into consideration public landscaping, the river corridor, routes connecting the different subareas, carrying capacity of future roads and where to construct them, developing an approach or take a stand on gated villages in the area, etc.
- Unsympathetic developments that threatens the cultural landscape of Jamestown and that could destroy the agricultural potential of the land should not be supported.
- The authorities should rather look at rates rebates for those portions of properties under bonafide agricultural activities if not already done so, to promote agricultural activities on properties zoned for primary agricultural purposes at this stage.
- The proposal does not promote function integration for a development within the urban edge, by the proposed gated development, with private roads and no provision for extension to the east.
- In carrying out the development control function in evaluating application, one should always remain alert to changes that have occurred which may signal the need to amend Plans, policies and standards. However, this should not be done arbitrarily or on an adhoc bases. This will create uncertainty, confusion, inconsistency and lack of credibility in the development control process. Instead, we should use the procedures provided for in the legislation or other transparent, administrative procedures for making such amendments that are necessary to ensure that Plans and policies are always current and relevant; that decisions are consistent and that developers/applicants are treated fairly. The department are of the view that this area lacks a local spatial planning framework to regulate future development of the agricultural area, if it's the communities intend, which has not been established. Considering the objections received, it's does not seem that it's the current intend to open up this area for development.
- Current studies and policy prescription for the area do not promote the proposal and in the absence of an overall development framework for future development of the area, there isn't any sound basis or foundation for the application to be approved in its current form and location. In the absence of a policy framework that guide development, decisions are left entirely at the discretion of the authorized authority evaluating a development proposal. The authorized authority will therefore have to consider the contents of the Heritage Inventory, the MSDF principles, the proposed development layout and land used, etc. in the proposed location, in the evaluation of the desirability of the application.

Considering the subject land uses, land development applications, the provisions of the Land Use Planning By-law, other relevant policies and the above planning assessment, the application is not desirable and it is recommended that the proposed development not be approved.

Delegated decision making authority for the respective applications.

Applications	Decision delegated to
<p>Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015,</p> <p>a) for the consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e).</p> <p>b) for the rezoning of the consolidated property from Agricultural Zone 1 to Subdivisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a).</p> <p>c) for the subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d).</p> <p>d) for departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b).</p>	<p>Municipal Planning Tribunal {Category: A(d)4 as per the categorisation model approved on 08 April 2020 by the Executive Mayor under delegated Authority via item 7.7.1}</p>
<p>The establishment of a Home Owners Association.</p>	<p>The establishment of a Home Owners Association and adoption of a constitution must be imposed as a condition of approval.</p>
<p>The approval of the development name Blaauwklip-aan-Rivier Residential Estate</p>	<p>Council on recommendation of the Executive Mayor in terms of the system of delegations (LUP7) as part of the POLICY ON PLACE NAMING, STREET NAMING & RENAMING & NUMBERING dated NOVEMBER 2010.</p>

the approval of a Site Development Plan.	Senior Manager: Development Management / Manager: Land Use management in terms of the system of delegations (LUP53).
The allocation of the street names Blaauwklip Avenue, Malbec Close, Zinfandel West Street, Zinfandel East Close, Pinot West Street, Pinot East Close, Merlot West Street and Merlot East Close to the internal private roads and the allocation of street numbers;	Council on recommendation of the Executive Mayor in terms of the system of delegations (LUP7).
The approval of the architectural and landscaping guidelines.	Could be imposed as a condition of approval, that permission.

Should the municipal decision maker consider the application for approval the following advertised applications could be adopted and referred to the relevant decision makers as conditions of approval.

- the establishment of a Home Owners Association.
- the approval of the development name Blaauwklip-aan-Rivier Residential Estate the approval of a Site Development Plan.
- the allocation of the street names Blaauwklip Avenue, Malbec Close, Zinfandel West Street, Zinfandel East Close, Pinot West Street, Pinot East Close, Merlot West Street and Merlot East Close to the internal private roads and the allocation of street numbers;
- the approval of the architectural and landscaping guidelines.

Only the applications within the delegation of the Municipal Planning Tribunal as indicated in the above-mentioned table is under consideration for a decision and will reflect as such in the department recommendation.

PART E: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After considering and weighing all the relevant information the evaluation of the subject land use and land development application concludes that:

- The proposal does not promote functional integration for a development within the urban edge and therefore does not correspond with the local situation.
- The adhoc development of the proposed private residential estate with its back turned on the rest of the historical agricultural properties will have a significant impact on the cultural

landscape of Jamestown and the rural character, which the spatial planning documents intend to protect for spatial and heritage reasons.

- The proposed development is in conflict with, as previously mentioned in the departmental assessment, the intend of the MSDF, when the subject area is referred to "Urban Character Area". It is rather an area that needs to be protected against gated residential estates, as applied for and the construction on the farming/gardening allotments.
- The key aspect that the agricultural roots of Jamestown's "watererven" should be retained and that no development occurs in the defined Jamestown Townscape Character Area is supported, until such time as the community and the municipality agree on and prepare a forward planning document for the area.
- The area currently has no spatial planning document that guide and promote sinful long-term planning for the redevelopment of the subject agricultural area.
- The proposal represents an unsympathetic development that threatens the cultural landscape of Jamestown.
- Any form of development that could destroy the agricultural potential, heritage significands/value of the land should not be supported.
- The authorities at this time should rather look for example at rates rebates for those portions of properties under bona-fide agricultural activities If not already done so, to promote agricultural activities on properties zoned for primary agricultural purposes at this stage.
- The application is undesirable for the reasons given in the assessment.

The proposed land use and land development application is therefore (having regard to the conclusions above and all proposed layout plans), viewed as non-compliant and inconsistent with relevant legislation, planning principles, available policies and guidelines.

PART F: RECOMMENDATION

1. That the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015 for (See **ANNEXURE 2**)
 - 1.1. the consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e).
 - 1.2. the rezoning of the consolidated property from Agricultural Zone I to Subdivisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a).

- 1.3. the subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d).
- 1.4. departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b).

BE REFUSE in terms of Section 60 of the said Bylaw.

2. The reasons (read in conjunction with this planning report) for the above decisions are as follows:
 - 2.1. The proposed land use and land development application is, having regard to the conclusion in the subject planning report, viewed as non-compliant and inconsistent with relevant planning principles, available policies and guidelines.
 - 2.2. The proposal represents an unsympathetic development that threatens the cultural landscape of Jamestown in its current location and intended uses.
 - 2.3. The proposed development is in conflict with the intent of the MSDF, when the subject area is referred to as "Urban Character Area". It is rather an area that needs to be protected against gated residential estates (as applied for) and the construction on the farming/gardening allotments, if read in conjunction with the Heritage Inventory, where these "Urban Character Area" resort from.
 - 2.4. The proposal does not promote functional integration for a development within the urban edge and therefore does not correspond to the local situation.
 - 2.5. In terms of the MSDF the future expansion of Jamestown for mixed use community and residential infill, is currently earmarked in a southern direction and not the area to the north proposed for the subject development.

PART G: ANNEXURES

- | | |
|--------------|--|
| ANNEXURE 1 - | Locality Plan |
| ANNEXURE 2 - | Proposed Consolidation, Subdivisional, Zoning Plan and SDP |
| ANNEXURE 3 - | Applicant's motivational report |
| ANNEXURE 4 - | Portfolio of Evidence from applicant |
| ANNEXURE 5 - | Comments from Directorate: Infrastructure Services |

- ANNEXURE 6 - Comments from the Spatial Planning, Heritage and Environmental department, with comments from the applicant.
- ANNEXURE 7- Site and area photo's
- ANNEXURE 8- Extract from Municipal Spatial Development Framework 2019 relating the Stellenbosch Urban Edge.

PART H: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT

LAND USE AND LAND DEVELOPMENT APPLICATION:

**APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING, DEPARTURE ESTABLISHMENT OF HOME OWNERS ASSOCIATION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN, ALLOCATION OF STREET NAMES, APPROVAL OF THE ARCHITECTURAL AND LANDSCAPING GUIDELINES:
PORTION 52, 53, 54 AND 71 OF FARMS NO. 510, STELLENBOSCH**

Author of Planning Assessment Report and recommended Categorisation of the Application for Authorised Decision Maker:

Category: A(d)4

Decision Making Authority: SMPT

Rational: Rezoning to Sub-Divisional Area. Objections of interested and affected parties on the application.

Name: Pedro April

Capacity: Senior Town Planner

SACPLAN Registration:

Signature:



Date:

05/1/2020

PART I: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT**LAND USE AND LAND DEVELOPMENT APPLICATION:**

**APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING, DEPARTURE
ESTABLISHMENT OF HOME OWNERS ASSOCIATION, APPROVAL OF DEVELOPMENT NAME,
APPROVAL OF SITE DEVELOPMENT PLAN, ALLOCATION OF STREET NAMES, APPROVAL OF
THE ARCHITECTURAL AND LANDSCAPING GUIDELINES:
PORTION 52, 53, 54 AND 71 OF FARMS NO. 510, STELLENBOSCH**

**Authorised Employee to assess and make a recommendation on a land use and land
development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess the above application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw. In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

Category: A(d)4

Decision Making Authority: SMPT

Rational: Rezoning to Sub-Divisional Area. Objections of interested and affected parties on the application.

Name:

Stiaan Coetzee

Capacity:

SMPT

SACPLAN Registration:

A/ISS1

Signature:

[Handwritten Signature]

Date:

9/11/2020

PART J: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**LAND USE AND LAND DEVELOPMENT APPLICATION:**

**APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING, DEPARTURE
ESTABLISHMENT OF HOME OWNERS ASSOCIATION, APPROVAL OF DEVELOPMENT NAME,
APPROVAL OF SITE DEVELOPMENT PLAN, ALLOCATION OF STREET NAMES, APPROVAL OF
THE ARCHITECTURAL AND LANDSCAPING GUIDELINES:**

PORTION 52, 53, 54 AND 71 OF FARMS NO. 510, STELLENBOSCH

Administrator to Stellenbosch Municipal Planning Tribunal:

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date:

Name:

Capacity:

Signature:

Date: