



ARCHITECTS AND TOWN PLANNERS
ARGITEKTE EN STADSBEPLANNERS

Our Reference: 3527-P
Application No: LU/8567

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2 December 2019

Director: Planning and Economic Development
Stellenbosch Municipality
Town House
7600 STELLENBOSCH

Attention: **Ms. Nicole Kallis**

Madam

APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION, DEPARTURE, ESTABLISHMENT OF A HOME OWNERS' ASSOCIATION, APPROVAL OF THE DEVELOPMENT NAME, APPROVAL OF A SITE DEVELOPMENT PLAN, ALLOCATION OF THE STREET NAMES, APPROVAL OF THE ARCHITECTURAL AND LANDSCAPING GUIDELINES: PORTIONS 52, 53, 54 & 71 OF THE FARM BLAAUWKLIP NO. 510, JAMESTOWN, DIVISION OF STELLENBOSCH

1. Your e-mail of 18 November 2019 has reference.
2. On 17 September 2018 we submitted the abovementioned land use planning application to the Stellenbosch Municipality.
3. On 6 June 2019 the application was advertised to the public and circulated to all the internal line departments for their comments, and on 18 November 2019 we received the Manager: Spatial Planning, Heritage and Environment's comments (dated 5 August 2019) on the application.

TV3 PROJECTS (PTY) LTD REGISTRATION NO: 2006/015278/07

DIRECTORS: FJ van Rensburg | E Swanepeol | TG Brink | NESmITH | FR Heunes | MM Wallis

ASSOCIATES: J Brioninger | WD Fourie | CR Frys | A Finsloo | H Hugo

4. According to the Manager: Spatial Planning, Heritage and Environment's comments the abovementioned development proposal is not supported based on the following reasons (with the applicant's response below in red):

- In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located within the approved urban edge of Jamestown node. However, in terms of the approved Heritage Inventory the subject properties were identified as a Special Area with heritage significance in Jamestown.*

The subject property was incorporated into the Stellenbosch urban edge back in 2010. In August 2019 Council approved the Municipal Spatial Development Framework (MSDF) and re-confirmed the urban edge for Jamestown (that included the subject property), and earmarked the subject property for future urban development on an activity route – see Figure 1 below:

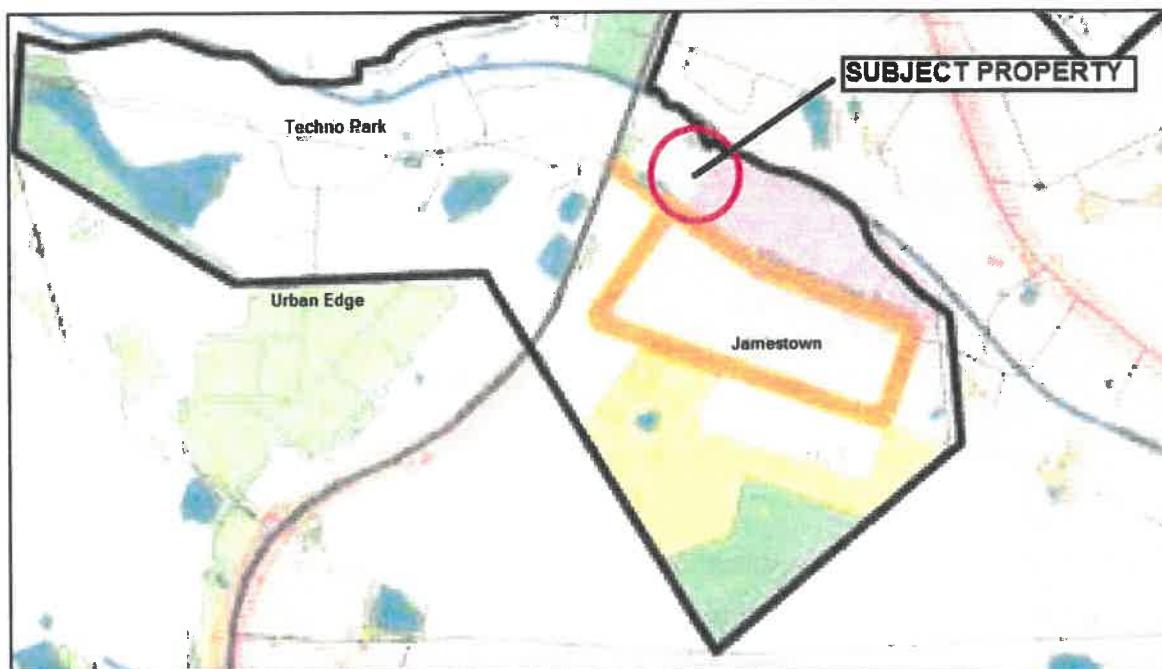


Figure 1: Extract of the Stellenbosch MSDF (2019)

The delineation of the urban edge is a municipal function. Council has approved an urban edge that includes the subject property and the landowner is therefore within his rights to submit a land use planning application to establish development rights (as envisaged and recommended by the MSDF).

As the Municipality states in its MSDF:

"Urban edges are also employed to ensure development in a planned manner for the settlement as a whole. Both the Municipality and private land owners and developers are provided with some certainty as to the preferred focus of development for a planning period."

(Own emphasis)

The comment by the Manager: Spatial Planning, Heritage and Environment understates the significance of the subject property's inclusion within the urban edge and its designation in the MSDF for urban development.

Once approved, the SDF forms part of the IDP, which, in terms of section 35 of the Systems Act, has the following status:

35 Status of integrated development plan

- (1) *An integrated development plan adopted by the council of a municipality-*
 - (a) *is the principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development, in the municipality;*

- (b) binds the municipality in the exercise of its executive authority, except to the extent of any inconsistency between a municipality's integrated development plan and national or provincial legislation, in which case such legislation prevails; and
- (c) binds all other persons to the extent that those parts of the integrated development plan that impose duties or affect the rights of those persons have been passed as a by-law.

(2) A spatial development framework contained in an integrated development plan prevails over a plan as defined in section 1 of the Physical Planning Act, 1991 (Act 125 of 1991).

The effect of the above provisions have been described as follows by Gildenhuys J in Johannesburg Metropolitan Municipality v Gauteng Development Tribunal and Others (Mont Blanc Projects and Properties (Pty) Ltd and Another as Amici Curiae) 2008 (4) SA 572 (W):

[33] In terms of the Municipal Systems Act, each municipal council must adopt a single, inclusive and strategic plan for the development of the municipality. This is the so-called integrated development plan. One of the core components of an integrated development plan is a spatial development framework. The spatial development framework incorporates an urban development boundary as one of its components.

[34] An integrated development plan adopted by the council of a municipality is the principal strategic planning instrument which guides and informs all planning and development within the municipal area. It binds the municipality in the exercise of its executive authority. The municipality's urban development boundary as contained in its spatial development framework

delineates which areas within the municipality are allocated for urban development. It is a very important town-planning instrument.

(Own emphasis)

The Heritage Inventory report – which focuses primarily on rural areas outside of urban settlements (i.e. not the subject property) – was submitted to and adopted by Heritage Western Cape (the Heritage Inventory was never approved by Council). For this reason, a heritage impact assessment (HIA) was undertaken for the proposed development. The HIA took cognisance of the subject property's historical and cultural context, and the applicable planning and heritage policies. The HIA was submitted to Heritage Western Cape and they approved the proposed development. Find attached hereto a copy of their letter of approval (see *Section A*).

It is therefore safe to say that the proposed development complies with the recommendations of the Heritage Inventory, and that (from a heritage point of view) the proposed development is deemed desirable.

- *Although infill development and densification is encouraged in terms of the MSDF, the subject properties are identified as historical erven and the main aim is to enhance and manage the proposed Special Area for Jamestown. 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 will completely undermine the heritage value of this town space unit.*

With respect, this comment is vague and generic and does not engage with the correct facts. The subject property is not an agricultural land unit with special agricultural or heritage features that is critical for preservation (as confirmed by Heritage Western Cape's approval of the proposed development). It was historically used for high density residential purposes

(i.e. it was the location of the Kreefgat informal settlement) – see Figure 2 below:



Figure 2: Aerial photograph of the Kreefgat informal settlement (2009)

The Kreefgat residents have been relocated (by the landowner and Council) and the landowner has complied with Council's relocation conditions. With the proposed development of the subject property, the informal residential land use will be transformed into a formal residential land use (to the benefit of the surrounding landowners and community). This is in accordance with the property's designation in the MSDF for urban development. We note furthermore that the property is excluded from the areas identified for their cultural heritage significance in the MSDF.

- *Over-scaled private dwellings change in land use to non-residential uses, construction on the farming, gardening allotments, cluttered properties, gated residential estates, high and solid boundary treatments were all identified deviated land uses that will likely erode the township character.*

We reiterate that the proposed development has the approval of Heritage Western Cape, pursuant to a heritage impact study and the fact that the

Municipality has incorporated the property within its urban edge, and designated it for future urban development in the MSDF is clearly irreconcilable with the recommendations in the Heritage Inventory. Having said that, we dispute that the proposed development will "erode the township character" as contended. The proposed development – located on the old Kreefgat informal settlement site – will enhance the township character and be similar in scale and type to the (abutting) La Clemence and Aan de Weber gated residential estates in Jamestown.

- *The layout of Jamestown is oriented towards the Blaauwklippen River that edges the allotment-style "water-erl" properties. The remaining place-making elements present in the village of Jamestown are the long, narrow agricultural plots which provide visual containment and an agricultural context. Rezoning of the agricultural strip and over-scaled new development should not be allowed.*

As explained above, the subject property has historically been used for residential purposes (i.e. the Kreefgat informal settlement) and not for any agricultural purposes. The subject property is furthermore surrounded by (primarily) commercial and residential land uses – similar to the development proposal – see Figure 3 below:



Figure 3: Locality and surrounding land uses

We draw attention again to the significance of the property's incorporation within the urban edge and its designation for future urban development, as motivated above. The rezoning of the property will be consistent with these spatial planning informants.

The abutting Blaauwklippen Farm (to the north) is a popular tourist destination, providing tourist related amenities such as a restaurant, farmers market, wedding venue, wine tasting, etc. It is therefore proposed to link the development with the Blaauwklippen Farm by providing tourist accommodation in the proposed development, for visitors to the farm. This proposal will further support the viability of the historic farm and develop the farm's tourist potential (similar to a Babylonstoren or Boschendal), with associated economic benefits to the local community.

- *The consolidation or subdivision of land units will impact the "grain" of the neighbourhood. Densification should only be contemplated where it respects the historical patterns of subdivision. No new development should*

be permitted on these productive land units, especially in the form of permanent built structures that are unrelated to the agricultural use.

The only reason the subject property is available for urban development, is because the landowner has relocated the Kreefgat informal residents to more formal residential establishments. The subject property was / is not a productive agricultural land unit, and the proposed development (on the old Kreefgat site) will therefore not undermine the agricultural land uses in Jamestown.

- *In terms of the approved Heritage Inventory, gentrification should be prevented from threatening the distinctiveness of this unique settlement within the Stellenbosch winelands.*

The proposed rezoning and its associated development proposal is consistent with the incorporation of the property within the urban edge and designation for urban development in the MSDF. As we have stated, the purpose of the urban edge, as described in the MSDF is to "...ensure development in a planned manner for the settlement as a whole. Both the Municipality and private land owners and developers are provided with some certainty as to the preferred focus of development for a planning period."

Heritage Western Cape (as the custodians of the Heritage Inventory) have approved the proposed development, pursuant to a heritage impact assessment. It must be accepted, based on HWC's findings, that the proposed development will not threaten the distinctiveness of Jamestown.

5. In spite of the Manager: Spatial Planning, Heritage and Environment's objections, the fact remains that the subject property is located within the Jamestown urban edge, is earmarked for future urban development, high density residential developments are promoted by the MSDF, and Heritage Western Cape has approved the proposed development. The proposed

development is therefore deemed to be desirable and we recommend that the approvals be granted.

Yours faithfully

A handwritten signature in black ink, appearing to read "CRH".

CLIFFORD HEYS
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