

Remainder Farm 1040, Stellenbosch

Remainder Farm 1480, Stellenbosch

Portion 2 of Farm 374, Stellenbosch

Remainder Portion 2 (A Portion of Portion 1) of Farm Valley Lustery 371, Stellenbosch

Ref: FP/1020/991

To:

Mm G. Mettler

Stellenbosch Municipality

Municipal.Manager@ Stellenbosch.gov.za

&

First Plan Town Planners on behalf of Fleurbaai (Pty) Ltd

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**Objection to the Application for Deviation from Council Policy and Rezoning from
Agricultural and Rural Zone to Sub Divisional Area:**

Planning Principles involved:

1. Non-biased Process and Approach:

Firstly, we want to strongly oppose the notion on Page 3 and within the 2nd paragraph of the Application which reads:

“ The main intention and aim of this approach is to address the fact that although this application is currently not aligned with the local authority’s Municipality’s Spatial Development Framework (MSDF), discussions during the pre-application consultation meetings with the relevant departments of the municipality indicated that they are in agreement that there are sufficient merits in a deviation of the approved spatial policy justified by site specific circumstances which will be addressed in this report.”

If and when the fair and objective evaluation of any application, and this one in particular, is brought in a manner where it is stated in one of the opening paragraphs that the outcome of the process was already explicitly discussed and more or less decided upon during pre-application meetings, it puts the whole process of public participation and trustworthy consideration of the application under severe doubt and judgmental scrutiny.

We are of the view that no pre-discussion with officials is supposed to lead to any speculative, biased promises or debating regarding the merit of the application and/or the outcome thereof before all relevant information could be considered by the designated authority.

More examples of the above can be found elsewhere in the application which can be interpreted as biased behavior on the part of Stellenbosch Municipality and which should not be tolerated.

2. Legislative Status of MSDF:

A Municipal Spatial Development Framework (MSDF) forms an integral part of an approved Integrated Development Plan (IDP) as prescribed by Section 25 of the Municipal Systems Act (Act 32 of 2000).

Prescripts contained within SPLUMA have further elevated the status of the MSDF from being a mere guiding or guideline document to a level where an application **MUST** be in compliance with the provisions of the MSDF with a very small window to deviate.

The MSDF has therefore become a document with extensive statutory powers within the legislative framework for local governments' Planning environments.

3. Zoning Status:

The Subject-Property is currently zoned as Agricultural land, the preservation of which is mentioned as a core priority within the principles of the approved local MSDF.

It is common knowledge that the co-existence between Tourism - and the Agricultural sectors currently form the main source of revenue and key economic drivers to all who live within the wider Stellenbosch area.

The sensible retention of farmland together with the preservation of the historical green landscapes and somewhat rural feel within the boundaries of Stellenbosch has been and will always remain the unique attraction for visitors from all over the world. It is therefore mind-boggling that Libertas Farm, which dates back to the Van der Stel / Adam Tas Era would be downgraded in anybody's mind for development as an in-fill and high-density area.

Consideration and decision-making regarding the mentioned application therefore requires a balancing act between the sustainable preservation of Stellenbosch's rich history within the mountainous and luscious green landscapes, the upholding and maintenance of the "historic story-status" of the subject-property as precious for future generations and the preservation of productive and soil-rich farm land versus the growing demand for profitable development.

It is therefore unthinkable that the renowned and historic Eikestad should fall prey to the "development at all cost"-need whilst sacrificing one of its oldest historical farmsteads and places of rich heritage, such as Libertas Farm, and of which very few are left in the district.

4. Principle of Consistency: SPLUMA Sect. 42:

*"In considering and deciding an application a Municipal Planning Tribunal must make a decision which is **consistent** with measures designed to protect and promote the sustainable use of agricultural land, national and provincial policies,"*

The above raises the question how **the principle of consistency** would be adhered to if it would be deemed appropriate to deviate on any aspect of Stellenbosch Municipality's approved MSDF provisions when evaluating the land use title-application re the subject-property.

It is the sincere request of the Ward Committee that the members of the Tribunal will conscientiously apply their mind on how the outcome of their considerations will achieve the guidelines clearly set out in the approved Stellenbosch MSDF, without undermining the main goals and objectives thereof.

5. Principle of Site-specific-motivations:

Libertas Farm currently falls outside of the urban edge. The primary objective of any urban edge is to facilitate sensible growth management, taking into account population growth, infrastructure, preservation of natural resources, as well as any

other spatial economic factors, without sacrificing the integrity of the provisions within the MSDF.

The Tribunal will therefore have to decide whether the applicant indeed succeeds in providing enough justifiable site-specific evidence which indicates that the development proposed for Libertas Farm is indeed noticeably different from any other development(s) currently within the pipeline and/or being evaluated by the Planning Department.

It is of importance to note that the Adam Tas Corridor development, the Botmaskop Development, as well as the Northern Extension currently offer high density housing and economic opportunities, similar to those contained within the subject land use application.

The urban edge has recently been amended by Stellenbosch Council specially to make provision for the successful development of the Adam Tas Corridor and both the above-mentioned developments already are accommodated within the urban edge. No mention was made in the application for the change in the urban edge to allow for the Adam Tas Corridor and Northern Extension developments Item to Stellenbosch Municipal Council to consider changing the boundaries of the urban edge to include Libertas Farm.

The Libertas Farm Application therefore has no current standing to be evaluated in terms of its application, simply because of the fact that it cannot factually provide proof of the need for another similar development to at least two of the pipeline-developments mentioned above exist at all.

The so-called special site-specific reference of the linkage between the R44, the Adam Tas Road and the Western Link Road cannot be taken into account because the latter has yet to be approved, budgeted for and built. It is in fact this very site-specific motivation that will have a devastating influence on each and every household residing in Die Boord when the full impact of increased traffic through Die Boord, via Van Reede Street and to and from the already clogged R44 is taken into account.

The application for the intended deviation from the guidelines within the MSDF should therefore not be considered, because of the fact that the mentioned site-specific circumstances do not justify the deviation.

6. The Principles of Impact and Desirability:

When one takes into account how the adjacent suburb to Libertas Farm came about years ago, it is clear that the need for a middleclass living area was intended.

Even then history has it that residents requested for the suburb to be named “Die Boord”, because of the fond memory of the pear orchard that had to make place for a housing need.

When considering this application, the Tribunal needs to take a holistic view on how a possible approval of the application might set future precedents for and within the immediate environment, triggering more similar applications, which will lead to a devastating impact on the character of the Greater Stellenbosch.

Mention should be made of a similar Application of Erf 1049 on the slopes of Brandwacht Mountain, as well as the historic Blaauwklippen Farm on the R44 that are anxiously keeping an eye on the outcome of this application, before same be submitted.

The Tribunal further needs to consider on what grounds it would decline any similar applications, after having approved of one deviation, without consideration of the cumulative impact it might pose to the unique ambience and future of Stellenbosch.

The well-known fact of the peak hour traffic problem on all roads around and within Stellenbosch paints a dark prospect of bringing more vehicles to the R44, let alone the disastrous outcome of the relaying of these vehicles through Van Reede Street in Die Boord towards the proposed linkages to and from the R44. The Committee can therefore not support the reasons mentioned in the application on Page 81.

Should the above application be considered and be approved, it will open a gateway to Technopark, to the Adam Tas Corridor, as well as to the proposed Western Bypass, forever taking away the calm, and leave Die Boord divided in two parts with a busy highway in between.

The impact of the proposed above urban-sprawl development would instantly kill the character of Die Boord, because it would change a safe and peaceful way of living for thousands to yet another “city-suburb” with no regard shown to the requests and wishes of ordinary tax-paying residents.

7. Conclusion:

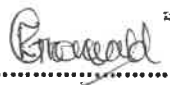
The ultimate test for the Tribunal will be to show understanding for the fact that the mentioned application and context is in clear conflict with the intent and purpose of the existing spatial environment.

It will also have to justify its decision in terms of the provisions of the approved MSDF and the limited scope for any deviation from the latter.

It is the opinion of the Ward Committee for Ward 22 that the subject-property is NOT the most suitable location for the proposed rezoning- and development application, because it neither addresses, motivates or demonstrates an application that complies or is consistent with the guidelines of the approved MSDF, nor does it speak to the prevailing development agenda and strategy of the MSDF and the broader spatial planning principles as set out in LUPA and SPLUMA.

The application should therefore be refused outright.

Signed on this*20th*... day of*June*..... 2023


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