



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# **NOTICE: LAND USE APPLICATION**

**PLEASE CONSULT THE PLANNING PORTAL FOR FURTHER DETAILS  
STELLENBOSCH MUNICIPAL WEBSITE ([www.stellenbosch.gov.za](http://www.stellenbosch.gov.za))**

**ADVERTISING PERIOD: 11 May 2023 - 12 Junie 2023**

**ERF:**

**1525, Stellenbosch (103 Jonkershoekweg)**

**ENQUIRIES:**

**ALWI THEART**

**T/A URBAN RURAL SA**

**PLANNING AND LAND USE SPECIALISTS**

**([alwi@urbanrural.co.za](mailto:alwi@urbanrural.co.za) : Cell 082 411 7914**



## NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

### APPLICATION FOR THE REMOVAL OF TITLE DEED RESTRICTIONS AND A TECHNICAL APPROVAL: ERF 1525 STELLENBOSCH

Application Address: 103 Jonkershoekweg, Stellenbosch  
( Erf 1525, Stellenbosch)  
Applicant: Alwi Theart t/a Urban Rural SA  
082 411 7914 | [alwi@urbanrural.co.za](mailto:alwi@urbanrural.co.za)  
Owner: Boeta-Johan Trust | 082 322 6002 | [johan@lymae.co.za](mailto:johan@lymae.co.za)  
Application Reference: LU/15058

#### Description of land use application:

Application is made in terms of Section 15(2)(f) and (g) of the Stellenbosch Municipal Land Use Planning By-law, 2015,

- to remove title deed conditions G(b) and G(c) of title deed (T11183/2007) and clause (b) and (c) of T5074/1942 in order to accommodate a second dwelling and to increase the permitted one-third coverage 33.3% to 35.4% on Erf 1525, Stellenbosch
- for permission in terms of the zoning scheme to permit an additional use ( technical approval) to convert a section of the existing dwelling into a second dwelling on Erf 1525, Stellenbosch.

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: **(Alwi Theart t/a Urban Rural SA : [alwi@urbanrural.co.za](mailto:alwi@urbanrural.co.za))**. By lodging an objection, comment, or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **12 June 2023**.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **082 411 7914** during normal office hours.



# KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

## AANSOEK VIR DIE VERWYDERING VAN TITEL VOORWAARES EN 'N TEGNIESE GOEDKEURING : ERF 1525, STELLENBOSCH

Aansoek adres : Jonkershoekweg 103, Stellenbosch  
(Erf 1525, Stellenbosch)  
Aansoeker: Alwi Theart t/a Urban Rural SA  
082 411 7914 | alwi@urbanrural.co.za  
Eienaar: Boeta-Johan Trust | 082 322 6002 | johan@lymae.co.za  
Aansoek Verwysing: LU15058

### Beskrywing van Grondgebruiksaansoek:

Aansoek in terme van Artikel 15(2)(f) en (g) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruiksbeplanning (2015),

- ten einde die verwydering van titel voorwaardes G(b) e G(c) van Title akte (T11183/2007) en klosule (b) en (c) van Title akte (T5074/1942) ten einde 'n tweede wooneenheid te akkommodeer, asook om die toegelate dekking van 33.3% te verhoog na 35.4% op Erf 1525, Stellenbosch.
- vir toestemming in terme van die soneringskema om 'n addisionele gebruik, ten einde 'n gedeelte van die bestaande woonhuis te omskep in 'n tweede woning op Erf 1525, Stellenbosch

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: **(Alwi Theart t/a Urban Rural SA : alwi@urbanrural.co.za)**. Deur 'n beswaar, kommentaar of versoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne **30 dae** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **12 Junie 2023**.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **082 411 7914** gedurende normale kantoor ure.



## **NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT**

Affected person's Name  
Affected persons Address

**Dear Mr/Mrs/Me**

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: 103 Jonkershoekweg, Stellenbosch  
Application Property Number: Erf 1525, Stellenbosch  
Applicant: Alwi Theart t/a Urban Rural SA  
082 411 7914 | alwi@urbanrural.co.za  
Owner: Boeta-Johan Trust | 082 322 6002 | johan@lymae.co.za  
Application Reference: LU/15058

Application Type: **Removal of Title Deed Restrictions and Technical Approval**

### **Detailed description of land use application :**

Application is made in terms of Section 15(2)(f) and (g) of the Stellenbosch Municipal Land Use Planning By-law, 2015

- to remove title deed conditions G(b) and G(c) of title deed (T11183/2007) and clause (b) and (c) of T5074/1942 in order to accommodate a second dwelling and to increase the permitted one-third coverage 33.3% to 35.4% on Erf 1525, Stellenbosch
- for permission in terms of the zoning scheme to permit an additional use ( technical approval) to convert a section of the existing dwelling into a second dwelling on Erf 1525, Stellenbosch.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and/or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - o Indicate the facts and circumstances that explain the comments;
  - o Where relevant demonstrate the undesirable effect that the application will have if approved;





- o Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: (Alwi Theart t/a Urban Rural SA . Email address: **alwi@urbanrural.co.za**). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **12 June 2023**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/objections received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **(082 411 7914)** during normal office hours.

Yours faithfully

**Alwi Theart t/a  
Urban Rural SA Planning and Land Use Specialists**



**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏNTERESSEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.**

Naam van geaffekteerde persoon  
Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Jonkershoekweg 103, Stellenbosch  
Aansoek eiendom beskrywing: Erf 1525, Stellenbosch  
Aansoeker: Alwi Theart t/a Urban Rural SA  
082 411 7914 | alwi@urbanrural.co.za  
Eienaar: Boeta-Johan Trust | 082 322 6002 | johan@lymae.co.za  
Aansoek Verwysing: LU15058

Tipe Aansoek: **Verwydering van Titlevoorwaardes en 'n tegniese goedkeuring**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek in terme van Artikel 15(2)(f) en (g) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning (2015),

- ten einde die verwydering van titel voorwaardes G(b) e G(c) van Title akte (T11183/2007) en klosule (b) en (c) van Title akte (T5074/1942) ten einde 'n tweede wooneenheid te akkommodeer, asook om die toegelate dekking van 33.3% te verhoog na 35.4% op Erf 1525, Stellenbosch.
- vir toestemming in terme van die soneringskema om 'n addisionele gebruik, ten einde 'n gedeelte van die bestaande woonhuis te omskep in 'n tweede woning op Erf 1525, Stellenbosch

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.



- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
  - o Die feite en omstandighede aantoon wat die die kommentaar toelig;
  - o Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
  - o Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - o Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Alwi Theart t/a Urban Rural SA : Epos adres: [alwi@urbanrural.co.za](mailto:alwi@urbanrural.co.za)). Deur 'n beswaar, kommentaar of versoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **12 Junie 2023**.

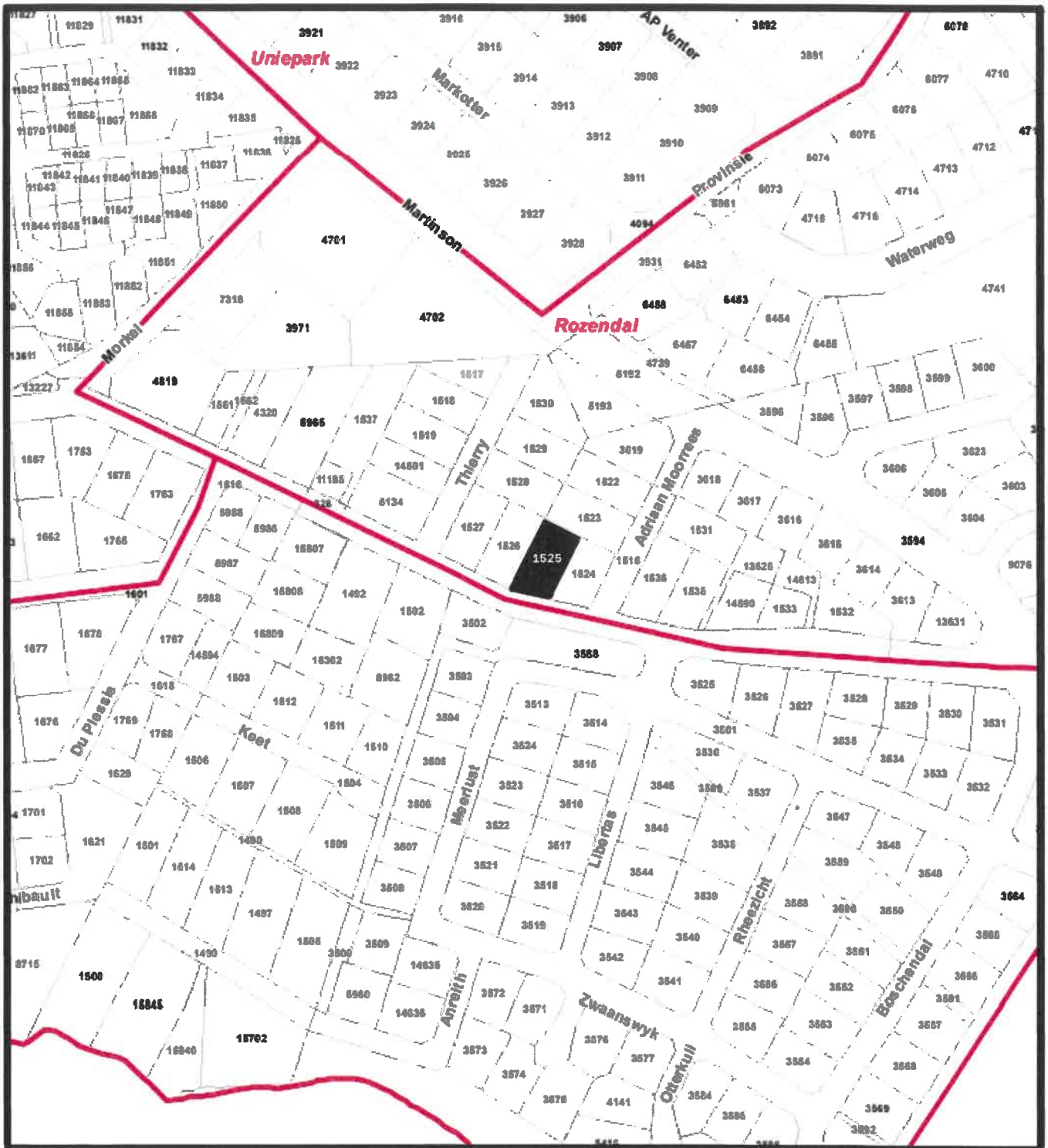
Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **082 411 7914** gedurende normale kantoor ure (of voorsien ure van toepassing).

Die uwe

**Alwi Theart t/a  
Urban Rural SA Planning and Land Use Specialists**





DESCRIPTION

# CADASTRAL PLAN

PROPERTY ERF 1525	APPLICATION ADDITIONAL USE + ROR	DATE JULY 2022	urban rural sa  Planning + Land Use Specialists 082 411 7914 www.urbanrural.co.za alwi@urbanrural.co.za  PO Box 7257 Stellenbosch 7599 Alwi Theart t/a Urban Rural South Africa	PLAN   <h1 style="margin: 0;">B02</h1>
DIVISION STELLENBOSCH	UTILISATION SECOND DWELLING	SOURCE STELLENBOSCH MUNICIP		
MUNICIPALITY STELLENBOSCH	SCALE N/A	PROJECT NUMBER 364.2022		







URBAN RURAL SOUTH AFRICA  
PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Pl'n (SA) MPhil NHDip NDip PPRE CEA  
ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS  
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS  
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005  
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914  
alwi@urbanrural.co.za | www.urbanrural.co.za

01 August 2022  
Ref Nr. 364.2022

Stellenbosch Municipality  
PO Box 17  
STELLENBOSCH  
7599

For attention : Land Use Management  
landuse.applications@stellenbosch.gov.za

## LAND USE APPLICATION

ERF 1525, STELLENBOSCH

REMOVAL OF TITLE DEED CONDITION + ADDITIONAL USE : SECOND DWELLING

An application is hereby formally made in terms of Section 15(2)(f) and (g), of the Stellenbosch Municipal Land Use By-law, to remove certain title deed conditions and for permission in terms of the bylaw (Section 13 for a technical approval) to convert a portion of an existing dwelling into a second dwelling on Erf 1525, Stellenbosch.

Attached please find the following information for your perusal:

- Completed application form
- Motivation Report
- Relevant supportive documentation as prescribed.
- All the requirements in the Pre Application Scrutiny email have been addressed.
- With reference to your request 3(b) in the aforementioned Pre Application Scrutiny email, it appears as if Erf 1525 does not form part of a general plan.

We trust that the information provided will be sufficient to continue with the advertising and notification process and to make an informed decision in this regard.

We are looking forward to your response.

Yours sincerely

**Alwi Theart**  
Principal Planner  
Urban Rural South Africa



# STELLENBOSCH

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## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

[www.stellenbosch.gov.za/planning-portal/](http://www.stellenbosch.gov.za/planning-portal/)

SUBMIT COMPLETED FORM TO [landuse.applications@stellenbosch.gov.za](mailto:landuse.applications@stellenbosch.gov.za)

LAND USE PLANNING APPLICATION FORM						
(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)						
<b>KINDLY NOTE:</b> Please complete this form using BLOCK letters and ticking the appropriate boxes.						
PART A: APPLICANT DETAILS						
First name(s)	Alwi					
Surname	Theart					
Company name (if applicable)	t/a Urban Rural SA Planning + Land Use Specialists					
Postal Address	PO Box 7257					
	Stellenbosch				Postal Code	7599
Email	alwi@urbanrural.co.za					
Tel		Fax		Cell	082 411 7914	
PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)						
Registered owner(s)	Boeta-Johan Trust represented by Mr Johan Nel					
Physical address	103 Jonkershoekweg , Rozendal , Stellenbosch					
					Postal code	7600
E-mail	johan@lymae.co.za					
Tel		Fax		Cell		
PART C: PROPERTY DETAILS (in accordance with title deed)						
Erf / Erven / Farm No.	1525	Portion(s) if Farm	0	Allotment area	Stellenbosch	
Physical Address	103 Jonkershoekweg , Rozendal , Stellenbosch					
Current Zoning	Conventional Residential Zone	Extent	1045	m <sup>2</sup> / <del>ha</del>	Are there existing buildings?	<input checked="" type="checkbox"/> N
Applicable Zoning Scheme	Stellenbosch Zoning Scheme, 2019					

Current Land Use	Residential										
Title Deed number and date	T	11183/2077									
Attached Conveyance's Certificate	<input checked="" type="checkbox"/>	N	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate - See attached certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	<input checked="" type="checkbox"/>	If Yes, list the party(ies):								
Is the property encumbered by a bond?	Y	<input checked="" type="checkbox"/>	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	<input checked="" type="checkbox"/>	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	Y	<input checked="" type="checkbox"/>	Is the building older than 60 years?	Y	<input checked="" type="checkbox"/>	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	<input checked="" type="checkbox"/>	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?	<input checked="" type="checkbox"/>	N	If yes, is this application to legalize the building / land use??				<input checked="" type="checkbox"/>	N			
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	<input checked="" type="checkbox"/>	Are there any land claim(s) registered on the subject property(ies)?				Y	<input checked="" type="checkbox"/>			
<b>PART D: PRE-APPLICATION CONSULTATION</b>											
Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.								
Has the pre-application scrutiny form been submitted?	<input checked="" type="checkbox"/>	N	If yes, please attach the written feedback received. Annexure C4								
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>											
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>											
<b>Tick</b>	<b>Type of application: Cost are obtainable from the Council Approved tariffs</b>										
	15(2)(a) rezoning of Land										
	15(2)(b) a permanent departure from the development parameters of the zoning scheme										
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the <u>primary rights of the zoning applicable to the land</u>										
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement										
	15(2)(e) a consolidation of land that is not exempted in terms of section 24										
<input checked="" type="checkbox"/>	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit										
<input checked="" type="checkbox"/>	15(2)(g) a permission required in terms of the zoning scheme										

<sup>1</sup> All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

<sup>2</sup> No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

15(2)(h)	an amendment, deletion or imposition of conditions in respect of an existing approval
15(2)(i)	an extension of the validity period of an approval
15(2)(j)	an approval of an overlay zone as contemplated in the zoning scheme
15(2)(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
15(2)(l)	a permission required in terms of a condition of approval
15(2)(m)	a determination of a zoning
15(2)(n)	a closure of a public place or part thereof
15(2)(o)	a consent use contemplated in the zoning scheme
15(2)(p)	an occasional use of land
15(2)(q)	to disestablish a home owner's association
15(2)(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
15(2)(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
15(2)(6)	when the Municipality on its own initiative intends to conduct land development or an activity
15(2)(l)	amendment of Site Development Plan
15(2)(l)	Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

**OTHER APPLICATIONS**

Deviation from Council Policies/By-laws	R
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
Other (specify): _____	R
<b>TOTAL A:</b>	<b>R</b>

**PRESCRIBED NOTICE AND FEES\*\* (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; electronic communication methods	R
	<b>PUBLICATION OF NOTICES</b>	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	<b>ADDITIONAL PUBLICATION OF NOTICES</b>	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	<b>NOTICE OF DECISION</b>	<i>Provincial Gazette</i>	R
	<b>INTEGRATED PROCEDURES</b>	T.B.C	R
<b>TOTAL B:</b>			<b>R</b>
<b>TOTAL APPLICATION FEES* (TOTAL A + B)</b>			<b>R</b>

\* The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.

\*\*All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: [Indigent.office@ Stellenbosch.gov.za](mailto:Indigent.office@ Stellenbosch.gov.za) or 021 808 8501 or 021 808 8579

\*\*\* The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

**BANKING DETAILS**

Account Holder Name: Stellenbosch Municipality  
 Bank: FIRST NATIONAL BANK (FNB)  
 Branch no.: 210554  
 Account no.: 62869253684  
 Payment reference: LU/\_\_\_\_\_ and ERF/FARM \_\_\_\_\_  
 Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

**DETAILS FOR INVOICE**

Name & Surname/Company name (details of party responsible for payment)	Boeta-Johan Trust represented by Mr Johan Nel
Postal Address	PO Box 39966, Moraleta Park, 0044
Vat Number (where applicable)	n/a

**PART F: DETAILS OF PROPOSAL**

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
To permit..... in terms of Section.....of the.....Zoning Scheme Regulations						
Other (please specify)	_____ _____ _____					

**Brief description of proposed development / intent of application:**

Removal of Title Deed conditions (1) Clause (G) (b) of T11183/2007 and Clause (b) of T 5074/1942 and  
 (2) Clause (G) (c) of T 11183/2007 and Clause (c) of T 5074/1942 - to permit a second dwelling and to increase coverage from 33.3% to 35.4%

Technical Approval Application - Section 13 - To construct a Second Dwelling on the Property ( convert existing dwelling into two units/dwellings)

<b>PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION</b>							
<b>Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.</b>							
Information and documentation required							
<input checked="" type="checkbox"/>	N	Power of attorney / Owner's consent if applicant is not owner		Y	<input checked="" type="checkbox"/>	Bondholder's consent (if applicable)	
<input checked="" type="checkbox"/>	N	Resolution or other proof that applicant is authorised to act on behalf of a juristic person		Y	<input checked="" type="checkbox"/>	Proof of any other relevant right held in the land concerned	
<input checked="" type="checkbox"/>	N	Written motivation pertaining to the need and desirability of the proposal		<input checked="" type="checkbox"/>	N	S.G. diagram / General plan extract (A4 or A3 only)	
<input checked="" type="checkbox"/>	N	Locality plan (A4 or A3 only) to scale		<input checked="" type="checkbox"/>	N	Site development plan or conceptual layout plan (A4 or A3 only) to scale	
Y	N	Proposed subdivision plan (A4 or A3 only) to scale		Y	<input checked="" type="checkbox"/>	Proof of agreement or permission for required servitude	
Y	N	Proof of payment of application fees		<input checked="" type="checkbox"/>	N	Proof of registered ownership ( <b>Full copy of the title deed</b> )	
<input checked="" type="checkbox"/>	N	Conveyancer's certificate		<input checked="" type="checkbox"/>	N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)	
Y	N	N/A	Consolidation plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	N/A	Street name and numbering plan (A4 or A3 only) to scale				
Y	N	N/A	Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	<input checked="" type="checkbox"/>	N/A	Abutting owner's consent	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	N/A	Services Report or indication of all municipal services / registered servitudes
Y	N	N/A	Copy of original approval and conditions of approval	Y	N	N/A	Proof of failure of Home owner's association

Y	N	N/A	Proof of lawful use right	Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A	Required number of documentation copies	Y	Y	N/A	Other (specify)

**PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION**


Y	Y	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))
	Y		National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)	National Water Act, 1998 (Act 36 of 1998)
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Other (specify)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
Y	Y	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.	

**SECTION I: DECLARATION**

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.

9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:  Date: 01/08/2022

Full name: Alwi Theart t/a Urban Rural SA

Professional capacity: Planning Consultant

**FOR OFFICE USE ONLY**

<p>Date received: _____</p> <p>Received By: _____</p>	<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> <span style="color: lightgrey; font-size: 24px;">Municipal Stamp</span> </div>
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# LAND USE APPLICATION

## ERF 1525, STELLENBOSCH

### REMOVAL OF TITLE DEED CONDITIONS ADDITIONAL USE : SECOND DWELLING



**URBAN RURAL SOUTH AFRICA**  
PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Pln (SA) MPhil NHDip NDip PPPE CEA  
ALWI THEART TIA URBAN RURAL SA PLANNING PRACTITIONERS  
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS  
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005  
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914  
alwi@urbanrural.co.za | www.urbanrural.co.za

# PROPERTY INFORMATION

## APPLICATION CONSULTANT

Urban Rural SA  
Planning + Land Use Specialists

## LANDOWNER

Boeta Johan Family Trust

## PROPERTY

Erf 1525, Stellenbosch

## PROPERTY SIZE

1045sqm

## CURRENT ZONING

Conventional Residential Zone

## BOND

N/a

## EXISTING BUILDINGS

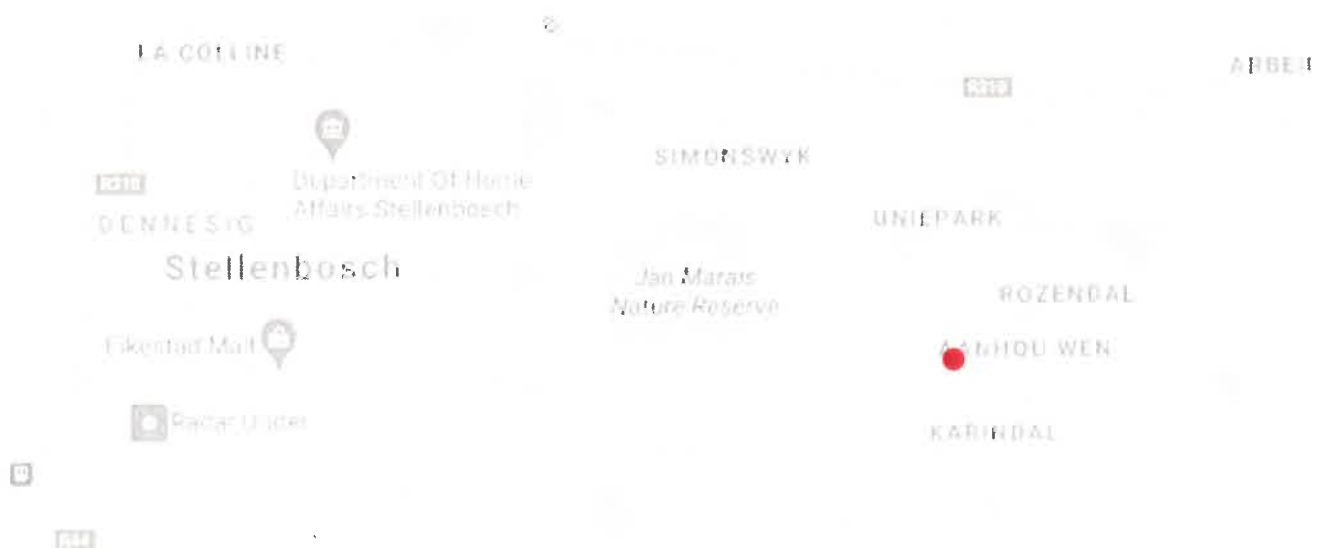
Dwelling + Outbuilding

## EXISTING LAND USE

Residential

## SPECIALIST STUDIES

n/a



## 1 BACKGROUND

- The owners' of Erf 1525, Stellenbosch, namely Boeta-Johan Trust represented by Mr. Johan Nel has appointed Alwi Theart t/a Urban Rural SA, Land Use Specialists to submit a land use application to Stellenbosch Municipality to obtain the necessary land use rights to remove certain title deed conditions and to establish a second dwelling on the aforementioned property.
- The details of the application are set out in the following report.
- Attached also find a Power of Attorney letter as well as a Trust Resolution for the appointment.

## 2 APPLICATION

Application is made in terms of:

**Section 15(2)(f)** of the Stellenbosch Municipal Planning By-law to **remove certain title deed conditions** in respect of the land unit in order to accommodate a second dwelling and to increase the permitted one-third coverage to 35.4% on Erf 1525, Stellenbosch.

**Section 15(2)(g)** of the Stellenbosch Municipal Planning By-law and in terms of **Section 13** of the Stellenbosch Municipal Planning By-law for **an additional use ( technical approval )** to convert a section of an existing dwelling into a second dwelling on erf 1525, Stellenbosch .

## 3 TITLE DEED + CONVEYANCER'S CERTIFICATE

The property is held under **Title Deed No 11183/2007**. Attached please find a copy of the title deed under discussion. Based on our assessment there is two title condition that prohibits the proposed development. (a complete title deed is attached in Annexure C of this document.)

A Conveyancer's Certificate has been compiled by STBB Attorneys, which highlights the aforementioned conditions that have to be removed in order to obtain the rights to establish the proposed second dwelling.

The clauses that have to be removed include the following :

- Clause (G)(b) of T11183/2007 and Clause (b) of T5074/1942, and
- Clause (g) (c) of T11183/2007 and Clause (c) of T 5074/1942

The clauses above refer to the following :

**G(b) That no semi-detached building, but one dwelling only, together with such outbuildings as are normally required to be used therewith, be erected on each erf.**

**G(c) That not more than one-third of the area of each erf be built upon.**

## 4 EXISTING & PROPOSED DEVELOPMENT

- Erf 1525, Stellenbosch is 1045 sqm in size.
- Currently, the property accommodates one large dwelling.
- A building plan was submitted last year to rectify a portion of 27 sqm which was added to the building to increase the floor space of one of the existing bedrooms as well as to build a wall which will shade the open stoep area from the winter rains. Some of the windows were also adjusted to fit the inside layout better. The planning department has then advised the owner to submit an application for a second dwelling due to the layout of the existing main house.
- My client took the advice under review and decided then that it will make more sense to submit an application for a second dwelling on the property by dividing the existing dwelling into two separate units.
- The two dwellings will cover a footprint of 174.4 sqm and 195 sqm respectively.
- None of the development parameters of the Stellenbosch Zoning Scheme will have to be relaxed to accommodate the new second dwelling.
- Two title deed conditions will have to be removed to accommodate the second dwelling and to increase the permitted coverage from 33.3% to 35.4%. The clauses which will have to be removed are indicated in paragraph 3 of this report.
- A conveyancer's certificate provided by STBB attorneys confirms the above. (annexure C2)

## 5 STELLENBOSCH ZONING SCHEME

The purpose of a **Conventional Residential Zone** is to make provision for:

- the use of land for the purposes of predominantly single dwelling houses;
- the welfare and safety of the occupants of dwelling houses within a neighborhood by limiting uses which are likely to give rise to a public nuisance;
- the protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
- controlled opportunities for home employment and income generation through activities that are compatible with the ancillary to residential uses; and
- moderate densification through additional dwellings with a similar built form and character.

### Primary Uses

- Dwelling house

### Additional Uses

- Bed and Breakfast establishments
- Home day care centre
- Home occupation practice
- Home lodging
- **Second dwelling\***
- Occasional use (one event/year)
- Private Road

### Primary Uses

- Commune
- Extramural facilities
- Group housing
- Guest house
- House shop
- Occasional use (>one event/year)
- Tourist dwelling unit
- Additional uses exceeding parameters in this chapter

**\*second dwelling** means a dwelling unit, together with its customary outbuildings, which is erected on a land unit on which a dwelling house already exists provided that a second dwelling : (i) may be attached to or separated from the main dwelling; (ii) is built of similar material and architectural style as the dwelling house on the property; but excludes domestic accommodation unit.

## **6 SERVICE INFRASTRUCTURE**

The property is currently connected to the service infrastructure network of Stellenbosch. The proposed conversion of the existing structure into two separate dwellings can be accommodated with minimal changes to the existing infrastructure.

The two houses will remain on the same property and no additional connections of any services will be required at this stage. Sufficient parking is available on the property.

## **7 CRITERIA FOR DECISION-MAKING**

We do believe that we submitted a complete application with all the necessary documentation and motivations as prescribed in the relevant legislation which will put the Municipality in a position to evaluate the application based on Section 65 as set out above. The scale of the application is of such a nature that we are of the opinion that it will not have an impact on the environment or the wider Stellenbosch community and that the only persons who might be affected will be the direct neighbours. However, as mentioned before the proposed second dwelling will be accommodated mostly within an existing structure and no development parameters as prescribed in the zoning scheme will have to be relaxed or encroached. We are of the opinion that the Municipality and all the relevant parties will come to the conclusion that the proposed development will be suitable and that the relevant approval be issued in this regard.

## **8 DEVELOPMENT PRINCIPLES**

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) also known as SPLUMA has identified certain development principles which should be considered when development takes place and this has been adopted in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014 (LUPA) and was also included in the Land Use Planning Bylaws of all the Local Municipalities. These principles include aspects such as Spatial Justice, Spatial Sustainability, Spatial Sufficiency, Spatial Resilience, and Good Governance.

The proposed development can be considered to be in line with most of the applicable development principles, as the proposed development will take place (1) within the parameters of the zoning scheme, (2) it will make optimal use of the existing service infrastructure available. It will further ensure that (3) sustainable densification takes place, which will limit urban sprawl in the long term. The application will be taken through a (4) prescribed application process which will inform all the relevant parties and roleplayers and will give them the (5) opportunity to comment/respond to the proposed development, which promotes (6) inclusivity and (7) good governance.

## 8 DESIRABLE OF PROPOSED DEVELOPMENT

- The property will still be used for residential purposes and the development will not change the character of the neighbourhood
- Minimum impact will be made to the existing streetscape as the second dwelling will be located behind the existing house.
- No additional municipal services/connections will be required to accommodate the second dwelling.
- This type of development ensures the optimization of the existing services network.
- None of the development parameters as set out in the zoning scheme will have to be relaxed or encroached to accommodate the second dwelling.
- To permit land owners to construct second dwellings on residential properties which are suitable for such developments will ensure that urban sprawl will be countered and postponed.
- Second dwellings are seen as sensible densification.
- Sufficient on-site parking is available.

## 9 CONCLUSION

In the light of the abovementioned motivation and arguments put forward in this document, it is our considered opinion that the proposed development will allow the existing land owner the opportunity to utilise their property to its full potential without having a negative impact on the environment, adjacent landowners and the general public.

It is therefore our request that the application be approved as set out in the above .



# LIST OF PLANS

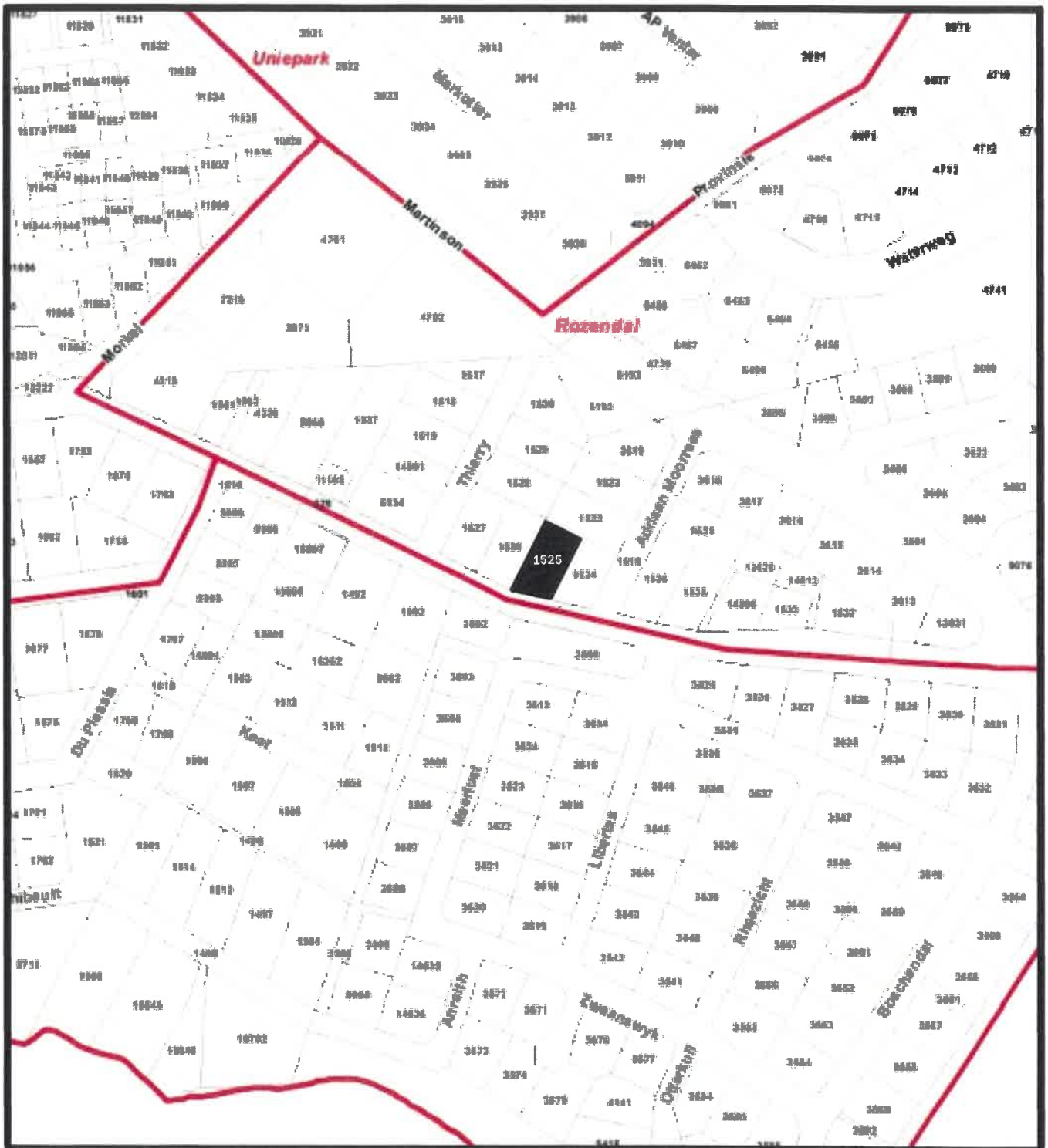


**DESCRIPTION**

# LOCALITY PLAN

<b>PROPERTY</b> ERF 1525	<b>APPLICATION</b> ADDITIONAL USE + ROR	<b>DATE</b> JULY 2022	urhb urban rural sa  Planning + Land Use Specialists 082 411 7914 www.urbanrural.co.za atwi@urbanrural.co.za  PO Box 7257 Stellenbosch 7599 Atwi Theart t/a Urban Rural South Africa	<b>PLAN</b>
<b>DIVISION</b> STELLENBOSCH	<b>UTILISATION</b> SECOND DWELLING	<b>SOURCE</b> GOOGLE MAPS		<b>B01</b>
<b>MUNICIPALITY</b> STELLENBOSCH	<b>SCALE</b> AS INDICATED	<b>PROJECT NUMBER</b> 364.2022		



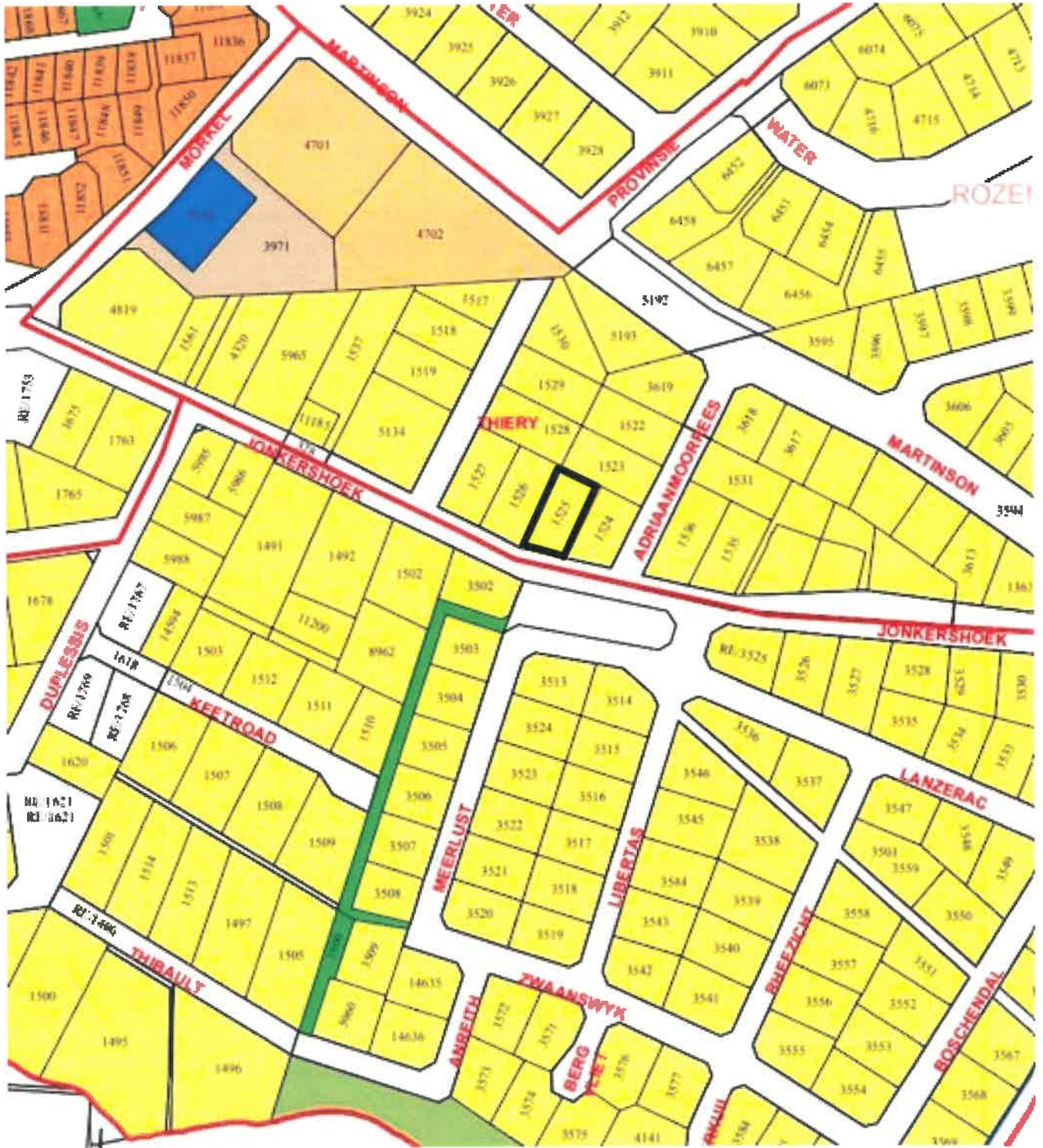


DESCRIPTION

**CADASTRAL PLAN**



PROPERTY <b>ERF 1525</b>	APPLICATION <b>ADDITIONAL USE + ROR</b>	DATE <b>JULY 2022</b>	 urban rural sa Planning + Land Use Specialists 082 411 7914 www.urbanrural.co.za alw@urbanrural.co.za PO Box 7257 Stellenbosch 7599 Alw Theart v/a Urban Rural South Africa	<b>PLAN</b>  <b>B02</b>
DIVISION <b>STELLENBOSCH</b>	UTILISATION <b>SECOND DWELLING</b>	SOURCE <b>STELLENBOSCH MUNICIP</b>		
MUNICIPALITY <b>STELLENBOSCH</b>	SCALE <b>N/A</b>	PROJECT NUMBER <b>364.2022</b>		

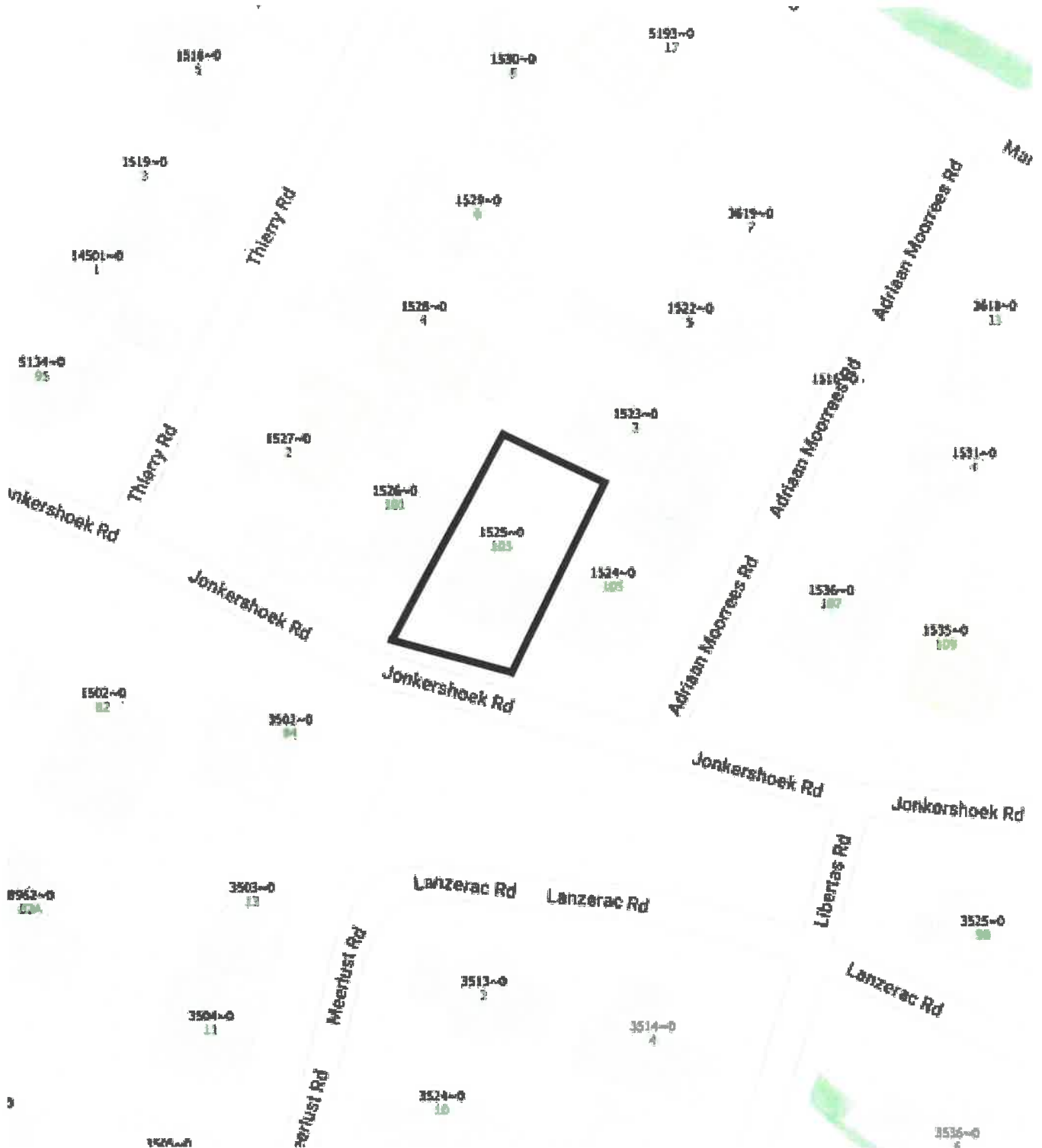


**DESCRIPTION**

# ZONING PLAN

<b>PROPERTY</b> ERF 1525	<b>APPLICATION</b> ADDITIONAL USE + ROR	<b>DATE</b> JULY 2022	urhb urban rural sa Planning + Land Use Specialists 082 411 7914 www.urbanrural.co.za alw@urbanrural.co.za PO Box 7257 Stellenbosch 7599 Alw: Theart V/a Urban Rural South Africa	<b>PLAN</b>
<b>DIVISION</b> STELLENBOSCH	<b>UTILISATION</b> SECOND DWELLING	<b>SOURCE</b> STELLENBOSCH MUNICIP		<b>B03</b>
<b>MUNICIPALITY</b> STELLENBOSCH	<b>SCALE</b> N/A	<b>PROJECT NUMBER</b> 364.2022		






DESCRIPTION

# CADASTRAL PLAN



PROPERTY ERF 1525	APPLICATION ADDITIONAL USE + ROR	DATE JULY 2022	 urban rural sa Planning + Land Use Specialists 082 411 7914 www.urbanrural.co.za alwi@urbanrural.co.za PO Box 7257 Stellenbosch 7599 Alwi Theart t/a Urban Rural South Africa	PLAN  <b>B04</b>
DIVISION STELLENBOSCH	UTILISATION SECOND DWELLING	SOURCE BASEMAP - LIGHTSTONE		
MUNICIPALITY STELLENBOSCH	SCALE UNKNOWN/ AS INDICATED	PROJECT NUMBER 363.2022		

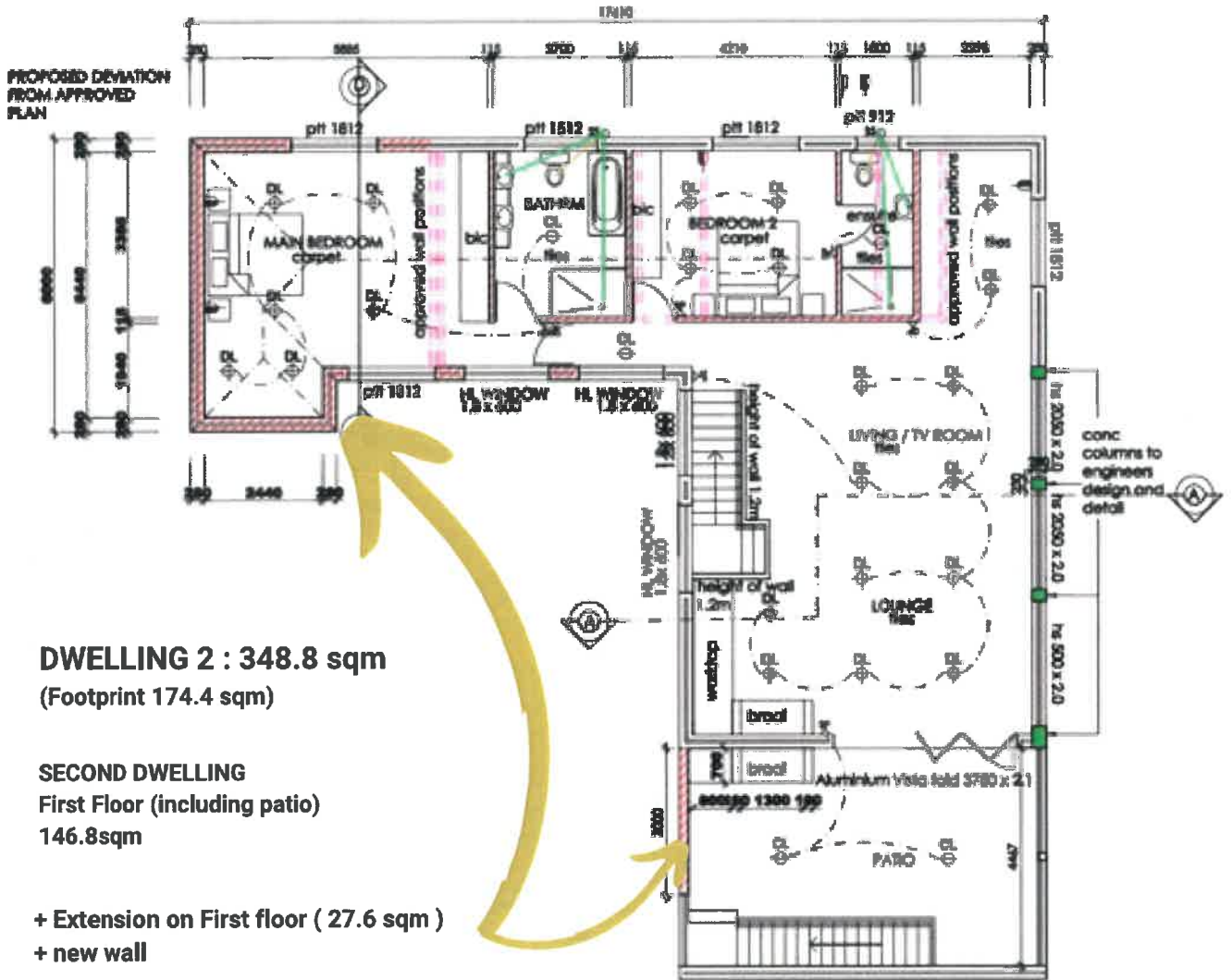












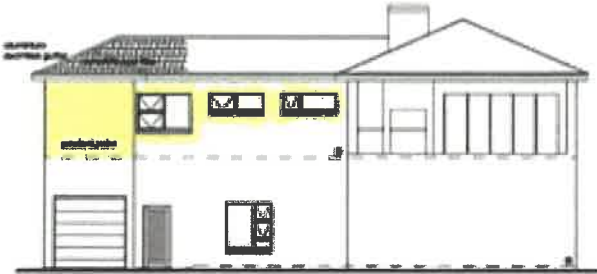
## First Floor : Second Dwelling

DESCRIPTION

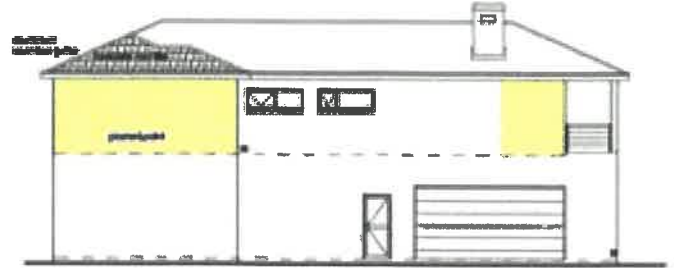
# FLOOR PLAN | SECOND DWELLING

PROPERTY ERF 1525	APPLICATION ADDITIONAL USE + ROR	DATE JULY 2022	urbh urban rural sa  Planning + Land Use Specialists 082 411 7914 www.urbanrural.co.za alwi@urbanrural.co.za  PO Box 7257 Stellenbosch 7599 Alwi Theart t/a Urban Rural South Africa	PLAN
DIVISION STELLENBOSCH	UTILISATION SECOND DWELLING	SOURCE ARCHITECT - G EVANS		<b>B09</b>
MUNICIPALITY STELLENBOSCH	SCALE AS INDICATED	PROJECT NUMBER 364.2022		

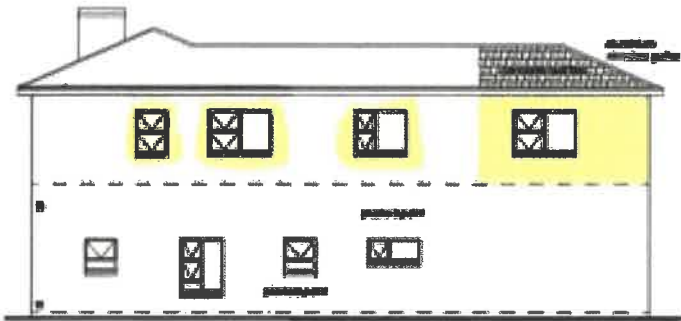




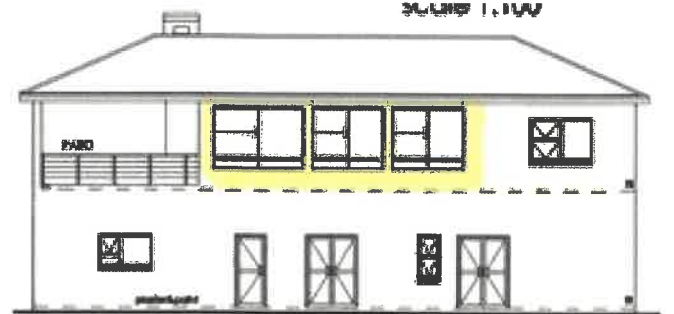
**SOUTH WEST ELEVATION**  
 scale 1:100



**NORTH WEST ELEVATION**  
 scale 1:100



**NORTH EAST ELEVATION**  
 scale 1:100



**SOUTH EAST ELEVATION**  
 scale 1:100

**ELEVATION PLANS**

**THE STRUCTURE AS INDICATED ABOVE HAS ALREADY BEEN APPROVED DURING A PREVIOUS BUILDING PLAN APPROVAL PROCESS. THE PROPOSED CHANGES TO THE EXISTING BUILDING ARE INDICATED IN YELLOW. DUE TO SOME INTERNAL CHANGES, SOME WINDOW OPENINGS HAVE BEEN ADJUSTED TO LINE UP WITH SMALL CHANGES MADE TO INTERNAL WALLS.**

**SCALE**

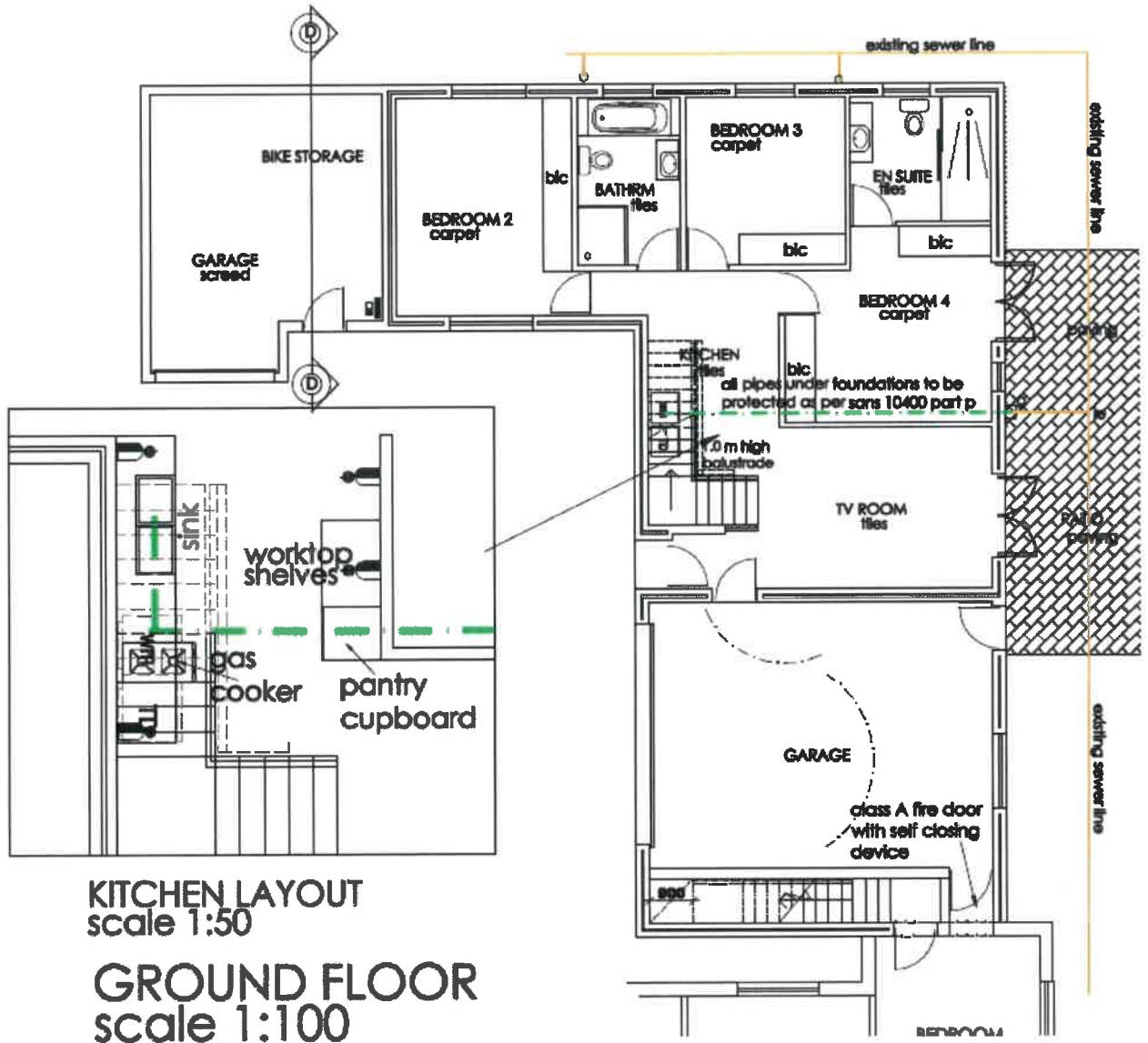
**AS INDICATED : NOT TO BE MEASURED ON PLAN**

**DESCRIPTION**


**ELEVATION PLAN**



<b>PROPERTY</b> ERF 1525	<b>APPLICATION</b> ADDITIONAL USE + ROR	<b>DATE</b> JULY 2022	<p>Planning + Land Use Specialists                  082 411 7914  <a href="http://www.urbanrural.co.za">www.urbanrural.co.za</a>  <a href="mailto:alwi@urbanrural.co.za">alwi@urbanrural.co.za</a>                  PO Box 7257 Stellenbosch 7599                  Alwi Theart t/a Urban Rural South Africa</p>	<p><b>PLAN</b></p> <p><b>B10</b></p>
<b>DIVISION</b> STELLENBOSCH	<b>UTILISATION</b> SECOND DWELLING	<b>SOURCE</b> ARCHITECT - G EVANS		
<b>MUNICIPALITY</b> STELLENBOSCH	<b>SCALE</b> AS INDICATED	<b>PROJECT NUMBER</b> 364.2022		



## Ground Floor : Second Dwelling : Kitchen Detail

DESCRIPTION				
FLOOR PLAN				
PROPERTY ERF 1525	APPLICATION ADDITIONAL USE + ROR	DATE JULY 2022	 urban rural sa Planning + Land Use Specialists 082 411 7914 www.urbanrural.co.za aml@urbanrural.co.za PO Box 7257 Stellenbosch 7599 Alwi Theart t/a Urban Rural South Africa	PLAN  <b>B08A</b>
DIVISION STELLENBOSCH	UTILISATION SECOND DWELLING	SOURCE ARCHITECT - G EVANS		
MUNICIPALITY STELLENBOSCH	SCALE AS INDICATED	PROJECT NUMBER 363.2022		