

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

Affected person's Name

Affected persons Physical Address

Affected person's Title:

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

Application Property Address	Erf 235 Lumley street Johannesdal
Application Property Number	Erf 235 Johannesdal
Applicant	Emile van der Merwe Town Planning Consultants
Owner	Gedeelte 4/43 Kameeldrift Trust
Application Reference	LU/15792 (TP404/2023)
Application Type	Subdivision and permission required in terms of approval

Detailed description of land use or development proposal, including its intent and purpose:

- Application is made terms of Section 15 (2) (d) of the Stellenbosch Municipality Land Use Planning By-Law, promulgated by notice number 345/2015 dated 20 October 2015 for **a subdivision** of Erf 235 Johannesdal into two portions measuring $\pm 491\text{m}^2$ (Portion A) and $\pm 804\text{m}^2$ (Portion B) respectively.
- Application is made terms of Section 15 (2) (l) of the Stellenbosch Municipality Land Use Planning By-Law, promulgated by notice number 345/2015 dated 20 October 2015 **for permission required in terms of condition of approval** to allow for the approval of the constitution of the Oakview Boutique Estate Home Owners Association.

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-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.

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:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: (Emile van der Merwe Town Planning Consultants: emilevdm@adept.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 20 October 2023.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection 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 (0845566461/021-8865050) during normal office hours.

YOURS FAITHFULLY

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN GEAFFEKTERDE
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	Erf 235 Lumley straat Johannesburg
Aansoek eiendom beskrywing	Erf 235 Johannesburg
Aansoeker	Emile van der Merwe Stadsbeplanningskonsultante
Eienaar	Gedeelte 4/43 Kameeldrift Trust
Aansoek Verwysing	LU/15792 (TP404/2023)
Tipe Aansoek	Onderverdeling en Permissie in terme van 'n voorwaarde van goedkeuring

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek in terme van Artikel 15 (2) (d) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, afgekondig by kennisgewing nommer 345/2015 gedateer 20 Oktober 2015 vir die onderverdeling van Erf 235 Johannesburg in twee gedeeltes van $\pm 491\text{m}^2$ (Gedeelte A) en $\pm 804\text{m}^2$ (Gedeelte B) onderskeidelik.
- Aansoek in terme van Artikel 15 (2) (l) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, afgekondig by kennisgewing nommer 345/2015 gedateer 20 Oktober 2015 vir permissie in terme van 'n voorwaarde vir die goedkeuring van die konstitusie van die Oakview Boutique Estate Huiseienaarsvereniging

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 terme 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:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - 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: (Emile van der Merwe Stadsbeplanningskonsultante: emilevdm@adept.co.za. Deur 'n beswaar, kommentaar of verhoë 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 ingedien word en moet ontvang word voor of op die sluitingsdatum van 20 Oktober 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 (0845566461 / 886 5050) gedurende normale kantoor ure.

Die uwe

**EMILE VAN DER MERWE
EMILE VAN DER MERWE STADSBEPLANNINGS KONSULTANTE**



EMILE VAN DER MERWE
town planning consultants

2023-06-14

My ref: Erf 235 Johannesdal

Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599
Attention: Louisa Olyyn

Dear Madam

APPLICATION FOR SUBDIVISION: ERF 235 JOHANNESDAL

The feedback received on the Pre-Scrutiny application attached hereto has reference.

Included hereby please find the required formal application for the following:

- Application in terms Section 15 (2) (d) of the Stellenbosch Land Use Planning By-Law (2015) for the subdivision of Erf 235 Johannesdal into two portions, namely Portion A (491m²) and Portion B (804m²) respectively.
- Application in terms Section 15 (2) (L) of the Stellenbosch Land Use Planning By-Law (2015) for permission required in terms of a zoning approval to allow for an amendment of the constitution of the Home Owners Association.
-

Included please find the following:

- Feedback on Pre-Scrutiny application
- Location Plan
- Copy of Title Deed
- Power of attorney
- Approved General Plan
- Rezoning and subdivision approval

Doornbosch Centre | Strand Road | PO Box 204 | Stellenbosch 7599
Tel: 021 - 886 5050 | Fax: 021 - 883 8965 | Email: emilevd@m@adept.co.za

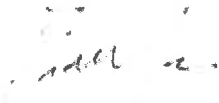
EvdM Town Planning Services CC Reg. No. 2005/162249/23
Emile van der Merwe URP(SA) B. Hon. M(URP) MSAPI

- Motivation report
- Plan of subdivision
- Engineering drawing
- Completed application form

This office kindly awaits your feedback in order to proceed with the formal application.

Thanking you in anticipation.

Yours faithfully



EMILE VAN DER MERWE

EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Erf 235 Johannesdal to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

- Application in terms Section 15 (2) (d) of the Stellenbosch Land Use Planning By-Law (2015) for the subdivision of Erf 235 Johannesdal into two portions, namely Portion A (491m²) and Portion B (804m²) respectively.
- Application in terms Section 15 (2) (l) of the Stellenbosch Land Use Planning By-Law (2015) for permission required in terms of a zoning approval to allow for an amendment of the constitution of the Oakview Boutique Estate Home Owners Association.

The following report will show that the proposal is desirable from an integrated planning point of view and that it is line with the planning policies of National- and Provincial Government as well as the planning directives endorsed in terms of the Stellenbosch Integrated Development Plan and the Stellenbosch Spatial Development Framework.

2. LOCATION - LOCATION PLAN ATTACHED AS APPENDIX 1

The property is located in Johannesdal that forms part of a hierarchy of rural settlements situated within the Dwars River Valley. The property was established a as result of the rezoning and subdivision of Erf 74 Johannedal during 2020 and forms part of the Oakview Boutique Estate.

Access to the property is obtained from the internal private road that gains access from Lumney street.

3. OWNERSHIP AND SIZE

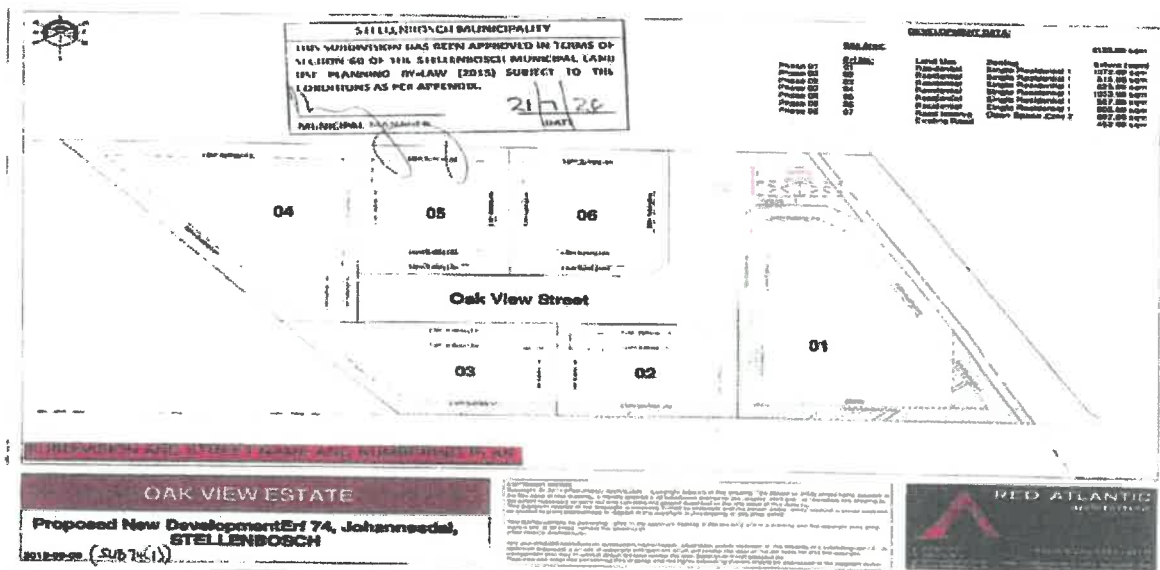
The property is owned by Gedeelte 4/43 Kameeldrift Trust as per Title Deed 3319/2023. A copy of the Title is attached as **Appendix 2**. The trust resolution and power of attorney in favour of the applicant is attached as **Appendix 3**.

The property is 1295m² ha in extent in accordance with the approved General Plan 1672/2020. The General Plan is attached as **Appendix 4**.

4. ZONING – REFER TO APPENDIX 5 – REZONING AND SUBDIVISION APPROVAL

The Stellenbosch Municipality during 2020 granted approval for the rezoning of Erf 74 Johannesdal from Agricultural/Rural Zone to subdivisational area for the establishment of 6 conventional residential area and remainder private road. The approved subdivision plan is shown below.

APPROVED SUBDIVISIONAL PLAN



The zoning and subdivisational rights have vested with the registration and transfer of Erf 235 (portion 1 shown on plan) in accordance with General Plan 1672/2020. The Municipality in terms of the registration and clearance process in terms of Section 28 of the Land Use Planning By-Law thus confirmed that the conditions of zoning and subdivision have been met.

6. PROPOSED SUBDIVISION – PLANS ATTACHED AS APPENDIX 6

The proposed plan of subdivision in respect of Erf 235 is attached as Appendix 6. The proposal entails the following:

- Application in terms Section 15 (2) (d) of the Stellenbosch Land Use Planning By-Law (2015) for the subdivision of Erf 235 Johannesdal into two portions, namely Portion A (491m²) and Portion B (804m²) respectively.

The proposed subdivision of the property will allow for an appropriate form of densification that will not impact negatively on the residential character of the neighbourhood and general amenity of the neighbourhood. The consent of the Oakview Boutique Estate Home Owners Association and amendment to the constitution have been obtained and is attached as **Appendix 7**. The proposed subdivision can be accommodated within the existing service level capacities of the Municipality on condition that Development Contributions for the additional erf be paid.

The proposed subdivision line was done taken into account the registered storm water servitudes over Portion B and to allow for an acceptable building coverage on each of the subdivided portions. The development parameters for the new houses will be in accordance with the provisions of the Stellenbosch Zoning Scheme By-Law.

The proposed subdivision of the application into two portions will not have a substantial impact on the overall density of the area and more specifically on the density of the Oakview Estate. The density as a result of the subdivision reflects a density average of 11 units per hectare, that is relatively low in relation to the 25 units per hectare promoted in terms of the Stellenbosch Spatial Frameworks for the rural settlements area of Stellenbosch municipal area.

4. PLANNING CONSIDERATIONS

The Stellenbosch Municipality with the approval granted during 2020 evaluated the rezoning and subdivision of Erf 74 in terms of Section 65 of the Land Use Planning By-Law (2015) and thereby confirmed that it meets the Criteria of Desirability. The reasons for the approval for your easy reference is provided below.

- The proposed density and character of the development compliments the existing development trends in Johannesdal
- The proposed residential development constitutes infill development and therefore is in line with principles of the SDF
- The proposal would not impact negatively on the safety and welfare of the members of the community and or have an effect on existing residential rights
- The proposed development will have a positive impact on the towns local economy as it will create many new employment opportunities during the construction phase
- There will be no impact on existing infrastructure and additional traffic can be accommodated on the local road network.
- The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.
- The proposal will result in more efficient utilisation of the subject property which cannot be viable utilised in terms of its current zoning

STELLENBOSCH SPATIAL DEVELOPMENT FRAMEWORK

The application property in terms of the SDF is located within the urban edge and has it is the process of being developed for residential development.

From a spatial planning perspective, it is important to note the following:

- The application is confined to the existing urban area and approved development. It will therefore not lead to any form of development located outside the urban area;
- It will allow for an appropriate form of densification
- The application will not result in any form of urban sprawl;
- The application will not result in the loss of productive land;
- The proposal can be accommodated within the service capacity levels of the municipality;
- The application will not have a negative impact on the architectural, historical, scenic and cultural character of the area;

7. OTHER STATUTORY REQUIREMENTS

7.1 Removal of Restrictions

There are no restrictive factors as per the Title Deed that limits the proposed development.

7.2 Environmental Impact

The proposal is not subject to Environmental Authorisation in terms of the National Environmental Management Act, 1998 (NEMA).

7.3 Heritage Western Cape

The proposal is not subject to the provisions of the South African Heritage Resources Act, 1999

7.4 Department of agriculture (Act 70 of 1970)

The proposal is not subject to of Act 70 of 1970

7.5 Act 21 of 1940

The property is located within an urban area and gains access from a municipal road. The comments of the Provincial department in terms of Act 21 of 1940 is not required.

8. SERVICES – PLAN ATTACHED AS APPENDIX 7

A services plan has been prepared by Bart Senekal Inc and is attached hereto. Development contributions for the development have been paid:

8 November 2022	STELLENBOSCH Municipal	ERF 74 JOHANNESDAL	BUILDCHARGES	Stellenbosch Municipal	development.ad min@stellenbosch.gov.za	R 310 036.94
7 November 2022	STELLENBOSCH Municipal	ERF 12 JOHANNESDAL	BUILDCHARGES	Stellenbosch Municipal	development.ad min@stellenbosch.gov.za	R 195 141.18

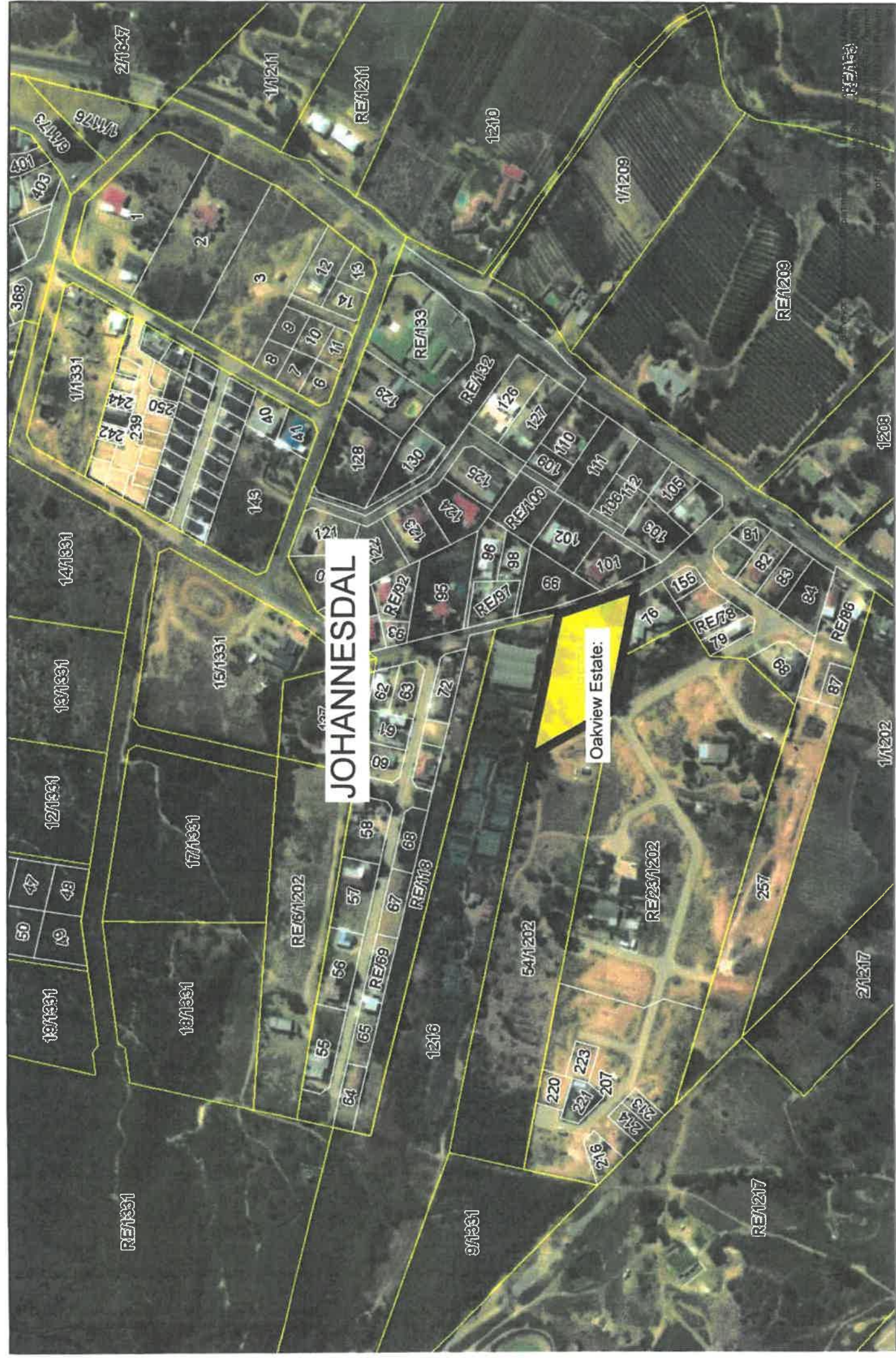
The proposal can be accommodated within the existing services network and capacity

9. CONCLUSION

The desirability and merit pertaining to the development of Erf 74 Johannesdal have been evaluated and positively considered by the decision-making authority. The application under

consideration is deemed consistent and in line with criteria of desirability as previously tested and approved. It is therefore trusted that your department favourably will consider the application on Erf 235 Johannesburg.

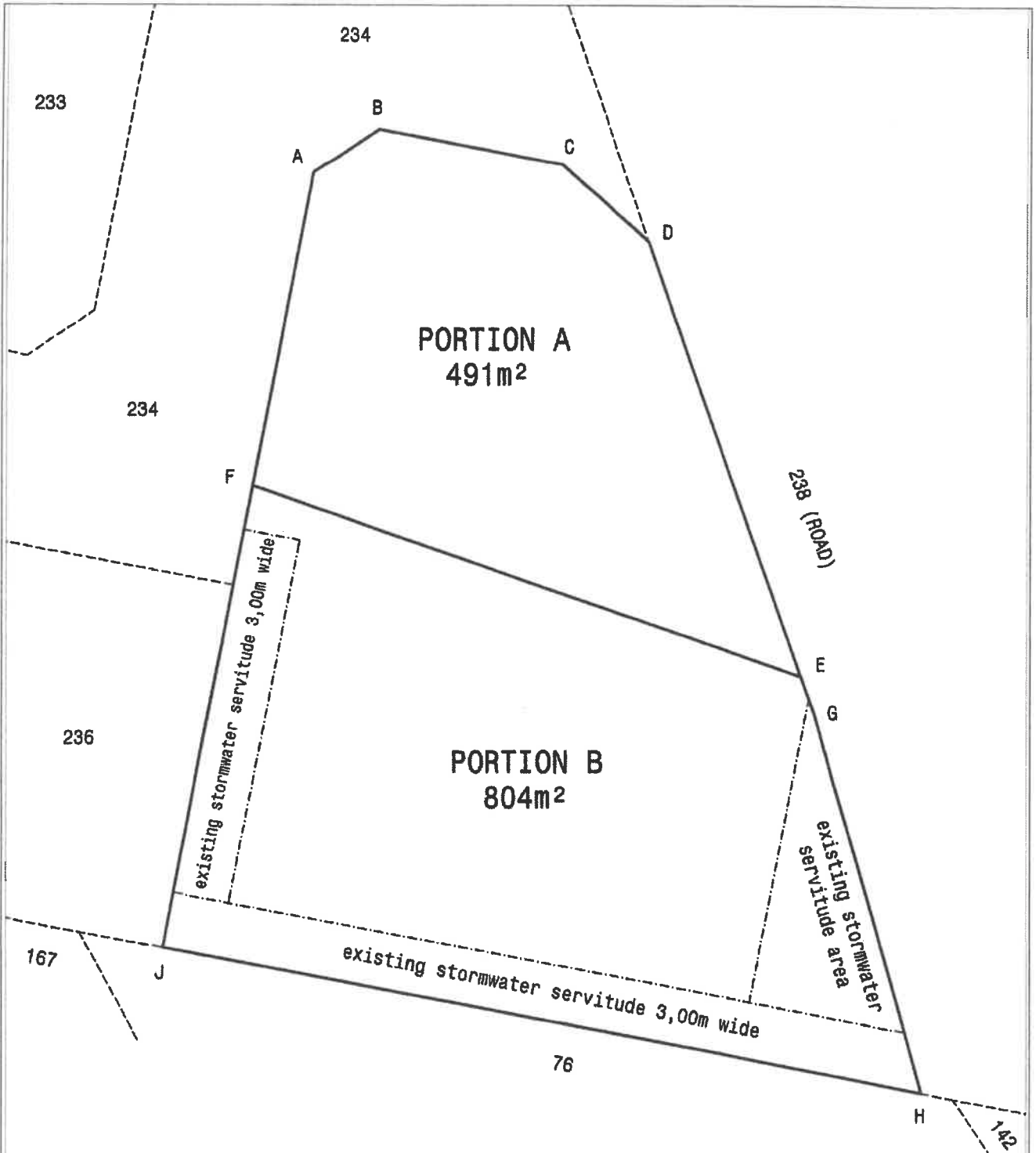
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JOHANNESDAL

Oakview Estate:





ZONING				
PORTION	LAND USE	ZONING	AREA	%
A	Residential	Conventional Residential	491	38
B	Residential	Conventional Residential	804	62

Notes



Scale 1:300 @ A4 Date: 29 March 2023 System: WG 19

PROPOSED SUBDIVISION
ERF 235 JOHANNESDAL

fbv
friedlaender, burger & volkmann
 PROFESSIONAL LAND SURVEYORS | SECTIONAL TITLE CONSULTANTS | MAPPING CONSULTANTS

Ref: JOH235 Dwg: PROP_SUB-REV1

2400 Sandstone House, 2, Balfour, 7800. T: 07 21 864003. Cape Town 150 D, George's Mall, 6005. T: 021 21 0071581.
 Durban 440001 7 Bldg, Kaby Blvd, 7001. T: 021 12 464 101.
 www.fbv.com.au

DATE FIGURE

CONTRACT NO. 1011/2018/18
 DRAWING NO. 1011/2018/18/01

DATE OF SURVEY: 15/08/2018
 DATE OF PLAN: 15/08/2018

SCALE: 1:200

PROJECT: 1011/2018/18

CLIENT: 1011/2018/18

PROJECT: 1011/2018/18

PROJECT: 1011/2018/18

PROJECT: 1011/2018/18

PROJECT: 1011/2018/18

PROJECT: 1011/2018/18

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BOUNDARY SURVEY

- The plan is a true and correct copy of a survey conducted on 15/08/2018.
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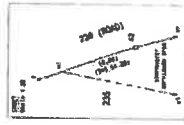
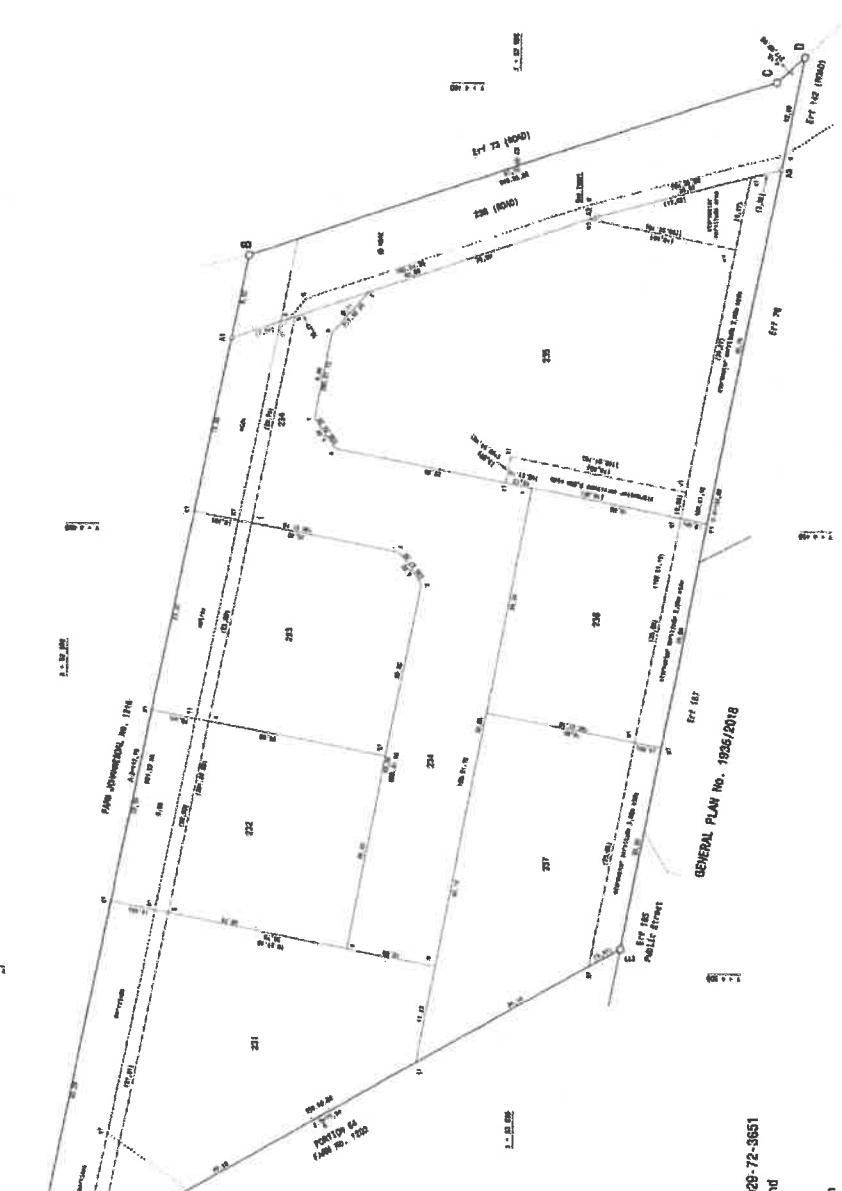
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- The plan is a true and correct copy of a survey conducted on 15/08/2018.

SA No. 1011/2018/18
 Approved: *[Signature]*
 for Surveyor General
 Date: 15/08/2018
 Approved in terms of Section 101 of the Survey Act No. 94 of 1981
 Date: 15/08/2018
 Survey No. 1011/2018/18/01

NO.	APPROVED	AUTHORITY	DATE

8 OFFICE NOTES



Surveyed by me in accordance with the
 Land Survey Act No. 94 of 1981
 U.S. SURVEYOR (P.L. 1984)
 1011/2018/18/01
 15/08/2018

S.G. FILE NO. 1011/2018/18
 SURVEY RECORD: 1011/2018/18/01
 COMPLIANT: 1011/2018/18/01

CDR

GENERAL PLAN NO. 1672/2020

Subdivision of Erf 74 Johannesburg

vide S.G. Diagram No. A28/1927 annexed to D/T No. 1926-72-3651
 and comprising 7 erven numbered 231 - 237 and
 1 Public Road numbered 238

Situate in the Municipality of Stellenbosch
 Administrative District of Paarl
 Province of Western Cape

SCALE 1:200

elevated living

CONSTITUTION OF
OAKVIEW BOUTIQUE ESTATE
HOME OWNERS' ASSOCIATION



1. ESTABLISHMENT IN TERMS OF STATUTE

The Oak View Boutique Estate Home Owners' Association have been established in accordance with the conditions of approval imposed in terms of Section 60 of the Stellenbosch Municipal Land Planning By-Law when approving the rezoning, subdivision and regulation departures of Erf 74 Johannesdal, situated in the Municipality and Division of Stellenbosch, Province of the Western Cape.

2. INTERPRETATION

2.1 The following words shall, unless the context otherwise requires, have the meanings hereinafter assigned to them:

2.1.1 "Association" means the Oak View Boutique Estate Homeowners' Association ;

2.1.2 "Business day" means weekdays other than Saturdays, Sundays and public holidays;

2.1.3 "Chairman" means the chairman of the trustee committee;

2.1.4 "Common area" means the land comprising of private roads and private open spaces situated within the Oak View Boutique Estate;

2.1.5 "Council" means the Stellenbosch Municipality;

2.1.6 "Architectural and Landscape Design Framework" means the design guidelines approved by the Council to control all aspects of design and landscaping of the development and annexed hereto.

2.1.7 " Erven" means 7 subdivided conventional residential erven

2.1.8 "the Developer" means The O Auto Investments (Pty) Ltd, Registration Number 2013/174340/07.

2.1.9 "Controlling Architect" means Newton Fincham Architects.

2.1.10 "Member" means a member of the Association as defined in this document

2.1.11 **"Person"** with regard to membership of the Association, shall include a company, club, partnership, trustees of a trust, or other association of persons entitled in law to hold title of immovable property;

2.1.12 **"Services"** means inter alia, the roads and road system, verges, parking bays, water supply, sewerage pipes, electricity cables, stormwater, and all other municipal services within the common area and erven and includes the communication systems, street lighting, boundary wall and main entrance gate;

2.1.13 Words importing the singular number shall include the plural number and words importing the masculine and feminine genders shall include the neuter gender and the converse shall apply.

3. PURPOSE DESCRIBING MAIN BUSINESS

The main business of the Association is to carry on the promotion, maintenance, advancement and protection of the common areas in the township area as well as the collective interests of the registered owners of the erven and retain the value of the land assets. The Association will also be responsible for the maintenance of the internal private services. The Association shall exercise the duties, functions and powers assigned to it as contemplated in this Constitution, and the Community Scheme Ombud Service Act (Act 9 of 2011).

4. MAIN OBJECT

The main object of the Association is:

4.1 the control over the external of:

4.1.1 all buildings, and/or structures and/or services erected or to be erected on the erven;

4.1.2 the maintenance of all buildings and/or structures erected or to be erected on the erven; and

4.1.3 the maintenance of all buildings, roads, services and amenities on the common areas; and

- 7.3 Membership of the Association shall be limited to the registered owners of the erven provided that:**
- 7.3.1 a person who is entitled to obtain a certificate of registered title to any such erf shall be deemed to be the registered owner thereof;**
- 7.3.2 where any such owner is more than one person, all the registered owners of that erf shall be deemed jointly and severally to be one member of the Association and nominate one owner to represent them and vote at meetings of the Association.**
- 7.4 When a member ceases to be the registered owner of an erf, he shall ipso facto cease to be a member of the Association.**
- 7.5 A member shall not be entitled to:**
- 7.5.1 sell or transfer an erf unless it is a condition of sale and transfer that:**
- 7.5.1.1 the transferee becomes a member of the Association and that such condition is contained in the Title Deed;**
- 7.5.1.2 the registration of transfer of that erf into the name of that transferee shall ipso facto constitute the transferee as a member of the Association;**
- 7.5.1.3 he first obtains the written consent of the Association which consent shall be given provided the transferor has complied with his obligations in terms of this Constitution and the transferee of such erf agrees in writing to abide by the rules of the constitution of the Association as at the date of transfer of the erf;**
- 7.5.2 without the prior written approval of the trustees to:**
- 7.5.2.1 erect any new buildings and/or structures of any nature whatsoever on his erf;**

- 7.5.2.2 make any changes or alternations to existing buildings and/or structures on his erf, including changes to the external colour scheme.
- 7.6 The approval of the trustees as contemplated in clause 7.5.2 shall always be given provided the proposed change complies substantially with the municipal by-laws as well as with the architectural design and landscaping manual: The foregoing shall not be interpreted as detracting from the final responsibility of the Council to approve plans in terms of the applicable legislation.
- 7.7 The registered owner of an erf may not resign as a member of the Association and shall remain a member for as long as such owner is the registered owner of any erf in the development.
- 7.8 The rights and obligations of a member shall not be transferrable and every member shall:
- 7.8.1 to the best of his ability further the objects and interests of the Association;
- 7.8.2 observe all by-laws and regulations made by the Association or the trustee committee; provided that nothing contained in this constitution shall prevent a member from ceding his rights in terms of this constitution as security to the mortgagee of that member's erf.
- 7.9 No member ceasing to be a member of the Association for any reason shall, (nor shall any such member, executor, curators, trustees or liquidators) have any claim upon or interest in the funds or other property of the Association, but this clause shall not detract from the Association's right to claim from such member or his estate any or other sums due from him to the Association at the time of his so ceasing to be a member.

8. LEVIES PAYABLE BY THE MEMBERS

- 8.1 Members are jointly liable for the expenditure incurred in connection with the Association, provided such expenditure has been pre-approved by the members in accordance with this Constitution and any applicable rules.
- 8.2 The trustee committee shall from time to time, impose levies upon the members for the purpose of meeting all the expenses which the Association has incurred, or to which the trustee committee reasonably anticipates the Association will be put by way of maintenance, repair, improvement and keeping in order and condition of the common areas including, specifically landscaping, all township services, sewage treatment, the security systems to be installed on the common areas and/or for payment of all rates and other charges payable by the Association in respect of the common areas, and/or for the services rendered to it, and/or for payment of all expenses necessary or reasonably incurred in connection with the management of the Association. The trustee committee shall take into account, income, if any, earned by the Association in determining the monthly levy payable by members.
- 8.3 The trustee committee shall estimate the amount which shall be required by the Association to meet the expenses during each year, together with such estimated deficiency, if any, as shall result from the preceding year, and shall make a levy upon the member's equal as nearly as is reasonably practical to such estimated amount. The trustee committee may include in such levies an amount to be held in reserve to meet anticipated future expenditure not of an annual nature. Every such levy shall be made payable by equal monthly instalments due in advance on the first day of each and every succeeding month of such year. The estimates for the next year shall be submitted to the members at the annual meeting preceding the next year, for consideration.
- 8.4 The trustee committee may from time to time and with a 75% majority approval by way of a voting of members at a special meeting of the Association, make special levies levied upon the members in respect of all such expenses as are mentioned in this clause 8 (which are not included in any estimate made in terms of clause 8.3), and such levies may be made in the sum or by such instalments and at such time or times as the trustee committee shall think fit.

- 8.5 Any amount due by a member by way of a levy shall be a debt due by him to the Association. The obligation of a member to pay a levy shall cease upon his ceasing to be a member of the Association, without prejudice to the Association's right to recover arrear levies. No levies paid by a member shall under any circumstances be repayable by the Association upon his ceasing to be a member. A member's successor in title to an erf shall be liable as from the date upon which he becomes a member pursuant to the transfer of that erf, to pay the levy attributable to that erf.
- 8.6 The total estimated levy as contemplated in clause 8.2 and 8.4 shall be apportioned between the members pro rata to the area of their respective erven, subject to the provisions of clause 8.7 below.
- 8.7 Any special levies imposed by the trustees in terms of clause 8.4 may be apportioned between the members by the trustees in a manner, which the trustees may regard as reasonable, regard being had of the direct benefits which the member(s) may derive from the proposed expenditure for which the special levies are imposed.
- 8.8 No member shall be entitled to any of the privileges of membership, such as voting, unless and until he shall have paid every levy and other sum (if any) which shall be due and payable to the Association in respect of his membership thereof.
- 8.9 The Developer shall not be obliged to pay a levy on any undeveloped Erf registered in the name of the Developer.

9. ARCHITECTURAL DESIGN AND LANDSCAPING MANUAL

- 9.1 The trustees may, subject to a 75% majority vote of members at a General Meeting, amend, amplify, clarify or add to the provisions of the Architectural and Landscape Design Framework.
- 9.2 The trustees shall by written notice inform all members of any amendment or addition to the architectural design and landscaping manual.

12. AMENDMENTS TO CONSTITUTION

- 12.1 This constitution, or any part thereof, shall not be repealed or substantially and materially amended, and no significant new provisions shall be made, save by a special resolution adopted at an annual general meeting or a general meeting of the members and subject further to the prior written consent of the Council being obtained.

13. EFFECTIVE DATE

This Constitution shall come into force when the first erf in the development, is registered in the Deeds Office.

14. FIRST MEETING OF THE ASSOCIATION AND ASSOCIATED PROVISIONS

- 14.1 The Association shall hold its first annual general meeting within 4 (Four) months from date of establishment.
- 14.2 The Developer shall have one vote for each erf registered in its name at all meetings of the members of the Association. It is recorded that this shall be the case until each and every erf is transferred to purchasers thereof.
- 14.3 Until such time, the Developer shall collect levies and act as interim Trustees of the Association.
- 14.4 After 51% of Erven have been sold, the members shall elect at least 3 (Three) Trustees who shall manage the Association in accordance with the Constitution of Association and the Developer shall hand over all records and bank accounts to the elected Managing Agent, on request.
- 14.5 Every Trustee shall be entitled to a quarterly expense amount of R100.00 (ONE HUNDRED RAND) to cover telephone charges etc. incurred while on Trustee duties. This amount will be reviewed at every annual meeting of the Association.
- 14.6 Apart from the above, the Trustees shall not be entitled to any remuneration for the execution of their duties, unless 100% of the Trustees agree otherwise and the remuneration in question is for extraordinary expenses.

- 14.7 The Developer shall, upon opening of the township register, be authorized to contract with such service providers as it may deem necessary, including a Managing Agent who in turn shall appoint a handyman to manage the day to day care of the complex under the Managing Agent's control (remove dustbins to road on rubbish collection day and return them to the Erven, replace common area light bulbs, sweep and clean common area, perform maintenance landscaping duties etc) and thereafter, if required, contract with a Landscaping Maintenance contractor and such other service providers as are deemed necessary, including an accountant to manage the financial and accounting functions required of the Association. At the first meeting of owners as referred to in clause 14.1 above, the rights and obligations of all contracts so concluded by the Developer shall be ceded to the Association.
- 14.8 The Developer shall furthermore be authorized to open a bank account in the name of the Association. At the first meeting as is referred to in clause 14.1, the trustees shall take over any account in the name of the Association that has already been opened.
- 14.9 The Trustees shall be entitled to appoint committees consisting of such member of their Members and such outsiders, as they may deem fit and to delegate to such committees such of their functions, powers and duties as they may deem fit, with further power to vary or revoke such appointments and delegations, as the Trustees may from time to time deem necessary

15. DEVELOPMENT OF ERVEN

- 15.1 All building plans shall first be submitted to the Controlling Architect for approval prior to submission to Council. Council shall not approve Building Plans unless such plans bear the official stamp and signature of approval from the Controlling Architect.
- 15.2 The submission of Building Plans by an owner for the erection of a new structure in accordance with the Building Plans contained in the architectural design and landscaping manual will not attract a fee for submission and approval by the Controlling Architect.

All submissions for alterations, additions and new constructions where there are deviations from the aesthetically approved Building Plans originally submitted, shall attract a fee as determined by the Controlling Architect from time to time, which fee shall be payable to the Controlling Architect to check and approve the submission. Subsequent corrected submissions shall attract an additional review fee as determined by the Controlling Architect from time to time, which fee shall be payable to the Controlling Architect to check and approve the submission.

- 15.3 The Controlling Architect's decision shall be final and binding on all members and the Association. In the event of a proposed purchaser of an Erf requesting changes to an existing building on an erf prior to becoming a member, the same submissions process will apply, and such proposed purchaser will be bound by the decision of the Association. The proposed seller of an erf shall indemnify the Association against any claims brought against the Association from a would-be purchaser and arising from such review.

16. CONDUCT RULES

- 16.1 The Association may make such conduct rules, including rules to control access and egress and building operations, as it may deem necessary for the promotion of safe and harmonious community-living in the Estate and for the control, management, administration, use and enjoyment of the common property of the Association.
- 16.2 The conduct rules made by the Association, and any addition thereto, or substitution, amendment or repeal thereof, may not be in conflict or irreconcilable with any provision of this Constitution. In the event of any such conflict or irreconcilability, the provision of the Constitution shall prevail.

17. PENALTIES DETERMINED BY THE TRUSTEES

- 17.1 The Trustees may from time to time determine the penalties to be imposed for the breach of a provision of this Constitution or the Conduct Rules, including the amount of an initial and subsequent fine.

- 17.2 Any fine imposed on, or cost of the remedying of a breach of the provisions of this Constitution or the Conduct Rules claimed from, a member may, if it is not paid within 10 (ten) days after the member has been notified of the imposition of the fine or the claim, be added to the monthly levy payable by that member in terms of clause 8 and claimed as if it were part of such levy.
- 17.3 Any fine imposed on, or cost of the remedying of a breach of the provisions of this Constitution or the Conduct Rules claimed from a person who is not a member, may, if it is not paid within 7 (seven) days after the offender has been notified of the imposition of the fine or the claim, be claimed through due process of law.

18. BINDING NATURE OF CONSTITUTION AND CONDUCT RULES

- 18.1 The provisions of this Constitution and of the Conduct Rules shall be binding on all members and also on all other persons who, for whatever purpose, enter the Estate.
- 18.2 It shall be the duty of a member to ensure compliance with the provisions of this Constitution and the Conduct Rules by her or his lessee or any other occupant of her or his dwelling, including the employee, worker, guest and any member of the family of the member concerned or of her or his lessee or the other occupant of her or his dwelling.

19. ELECTRICITY METERS AND WATER READINGS

- 19.1 Each erf will have a prepaid electrical meter installed to ensure that the electrical consumption of each erf can be recorded separately.
- 19.2 The Developer shall, on behalf of the Association, contract with a metering company, who shall forthwith attend to the monthly readings of each erf's consumption. The metering company shall submit a monthly reconciliation to the Association, who will thereafter submit each erf's consumption to the owners thereof, together with the levy statement, for payment.



STELLENBOSCH

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO 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]						
KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.						
PART A: APPLICANT DETAILS						
First name(s)	Emile					
Surname	Van der Merwe					
Company name (if applicable)	Emile van der Merwe Town Planning Consultants					
Postal Address	PO Box 204					
	Stellenbosch	Postal Code	7599			
Email	emilevdm@adept.co.za					
Tel	0218865050	Fax	0218838965	Cell	0845566461	
PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)						
Registered owner(s)	Gedeelte 4/43 Kameeldrift Trust					
Physical address	Strand road /R44					
	Doornbosch Centre, Stellenbosch	Postal code	7600			
E-mail	Theovanheerden1@gmail.com					
Tel		Fax		Cell	0609739024	
PART C: PROPERTY DETAILS (in accordance with title deed)						
Erf / Erven / Farm No.	Erf 235	Portion(s) if Farm		Allotment area	Johannesdal	
Physical Address	Lumley street, Johannesdal					
Current Zoning	Conventional Residential	Extent	1295sqm	Are there existing buildings?	Y	N
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law					
Current Land Use	Vacant					

Title Deed number and date	T	3319/2023										
Attached Conveyance's Certificate	Y	N										
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):									
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):									
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management									
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)?	Y	N	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)?					N	If yes, is this application to legalize the building / land use??	Y	N				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?					N	Are there any land claim(s) registered on the subject property(ies)?	Y	N				
PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY												
Has there been any pre-application consultation?			If Yes, please attach the minutes of the pre-application consultation.									
Has the pre-application scrutiny form been submitted?	Y		If yes, please attach the written feedback received.									
<i>* The submission of a pre-application scrutiny form is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.</i>												
PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE												
APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)												
Type of application: Cost are obtainable from the Council Approved tariffs												
15(2)(a) rezoning of land*											Tick	
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 primary rights of the zoning applicable to the land												
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*											X	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*												
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*												
15(2)(g) a permission required in terms of the zoning scheme												
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*												

¹ 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

² 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)(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*	X
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): Permission in terms of title deed condition (Act 21 of 1940)	R
TOTAL A:	

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

Tick	Notification of application In media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES**			R5000
(TOTAL A + 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 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)	EVDM Town Planning Services
Postal Address	PO Box 204 Stellenbosch, 7599
Vat Number (where applicable)	4740239944

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)	<hr/> <hr/> <hr/>					

Brief description of proposed development / Intent of application:

SEE MOTIVATION DOCUMENT

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

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.

Information and documentation required

Y	N	Power of attorney / Owner's consent if applicant is not owner		Y	N	Bondholder's consent (if applicable)	
Y	N	Resolution or other proof that applicant is authorised to act on behalf of a juristic person		Y	N	Proof of any other relevant right held in the land concerned	
Y	N	Written motivation pertaining to the need and desirability of the proposal		Y	N	S.G. diagram / General plan extract (A4 or A3 only)	
Y	N	Locality plan (A4 or A3 only) to scale		Y	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	N	Proof of agreement or permission for required servitude	
Y	N	Proof of payment of application fees		Y	N	Proof of registered ownership (Full copy of the title deed)	
Y	N	Conveyancer's certificate		Y	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	Y	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	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	N	N/A	Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Services Report or indication of all municipal services / registered servitudes
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	Proof of failure of Home owner's association
Y	N	N/A	Copy of original approval and conditions of approval	Y	N	N/A	Any additional documents or information required as listed in
Y	N	N/A	Proof of lawful use right	Y	N	N/A	

									the pre-application consultation form / minutes
Y	N	N/A	Required number of documentation copies		Y	N	N/A		Other (specify)
PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION									
Y	N		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	N/A		National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)	
Y	N/A		Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		Y	N/A		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)		Y	N/A		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		Y	N/A		Other (specify)	
Y	N/A		Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)						
Y	N		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: 2023/06/15

Full name: Emile van der Merwe

Professional capacity: Pr. Planner

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

