

**KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK AAN
GEITRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.**

Beste Mnr. en/of Mev

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

Adres van aansoek eiendom: 177 Banhoekweg, Die Weides, Stellenbosch

Aansoek eiendom beskrywing: Erf 2361, Stellenbosch

Aansoeker: Arch Town Planners (Pty) Ltd – Marike Bolz
Kontakbesonderhede: 072 480 5838 of e-pos: marike@archtownplanners.co.za
Eienaar: Me A Emslie
Kontakbesonderhede: 071 564 0733
Verwysingsnommer: LU/13632

Tipe Aansoek: Opheffing van beperkende Titelakte Voorwaardes en permanente afyking (vloerarea en parkeerling).

Beskrywing van aansoek:

Die aansoek vir oorweging is 'n aansoek ingevolge artikel 15(2)(b),(g) en (f) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning vir:

- i. 'n Permanente afwyking om toe te laat vir 'n vloerarea van 96% in stede van 75%;
- ii. 'n Permanente afwyking om toe te laat dat 4 x motorparkeerplekke vervang word met 4 x motorfies- en 18 x fietsparkeerplekke;
- iii. die opheffing van die beperkende titelaktevoorwaardes vervat in Titelakte Nr. T41998/2015: Klousules (v)(A)1 – (v)(A)4 en (vii)

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 kopies 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:
 - 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 aansoekstrydig 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: Arch Town Planners (Pty) Ltd, marike@archtownplanners.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 **28 Maart 2022**.

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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by: 072 480 5838 gedurende normale kantoor ure

Die uwe



Marike Bolz (Direkteur)
Vir Arch Town Planners (Pty)Ltd

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

Dear Sir and/or Madam

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

Application Property Address: 177 Banhoekweg, Die Weides, Stellenbosch

Application Property Number: Erf 2361 Stellenbosch

Applicant: Arch Town Planners (Pty) Ltd – Marike Bolz

Contact Number: 072 480 5838,
marike@archtownplanners.co.za

Owner: Ms A Emslie

Contact Number: 071 564 0733

Application Reference: LU/13632

Application Type: Removal of Restrictive Title Deed Conditions and Permanent Departures (parking and bulk)

Description of proposal:

Application is made in terms of Section 15 (2)(b), (g) and (f) of the Stellenbosch Land Use Planning By-Law for:

- i) A Permanent Departure to allow for a bulk of 96% in lieu of 75%;
- ii) Permission to allow for 4 x motor vehicle parking bays to be substituted with 4 x motorcycle bays and 18 x bicycle bays;
- iii) The removal of the restrictive title deed conditions contained in Title Deed No. T41998/2015: Clauses (v)(A)1 – (v)(A)4 and (vii).

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.

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: **Arch TownPlanners (Pty) Ltd – marike@archtownplanners.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 **28 March 2022**.

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 072 480 5838 during normal office hours.

Yours faithfully



Marike Bolz (Director)
For Arch Town Planners (Pty) Ltd



TAX INVOICE

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599
PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2022-01-19	DOCUMENT NO:	722029
ERF / FARM NO:	2361	CREATED BY:	Bulelwa Mdoda
LOCALITY:	177 Banhoekweg, STELLENBOSCH	APPLICATION NO:	LU/LU/13632
OWNER'S NAME:	Annemarie Esmile	APPLICATION VAT NO:	0
ADDRESS:	Muscadel House Brandwacht Office Park Trumali Road Stellenbosch 7600	VAT NO:	4700102181
		APPLICANT:	Patron Capital SA (Pty) Ltd (Mackenzie Johnson)
		TEL NO:	0724805838

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
PERMANENT DEPARTURE - Departure applications including but not limited to building lines, coverage, height, bulk, parking, Per applications per property	2500.00	2	20180711011484	5000.00
REMOVAL, RELAXATION, SUSPENSION OR AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS - Removal, Suspension or Amendment of Restrictive Title Deed Conditions, Per application	2500.00	1	20180711011484	2500.00



TOTAL AMOUNT PAYABLE 7500.00

VAT INCLUDED @ 15% 978.26

ALL TARIFFS INCLUDE 15% VAT FROM 1 JULY 2021 TO 30 JUNE 2022

CALCULATED BY

NAME:

SIGNATURE

DATE: 19/01/22

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH MUNICIPALITY

APPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

VERIFICATION NR: _____

NAME: _____

SIGNATURE: _____

SCAN NR: E 2361 S

DATE: _____

COLLABORATOR NR: _____

BANKING DETAILS FOR EFT PAYMENT:

ACCOUNT HOLDER: Stellenbosch Municipality
 BANK: First National Bank (FNB)
 ACCOUNT NUMBER: 62869253684
 BRANCH CODE: 210554
 REFERENCE: LU/_____ and ERF/FARM_____

Please use both the Land Use Application number and the Erf/Farm number indicated on this invoice as a reference when making EFT payment.

0.00

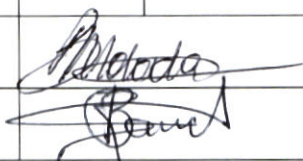
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PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	17-01-2022	
Erf / Erven/ Farm no	2361	Portion(s) if farm		Allotment Area	STELLENBOSCH	
Owner / Applicant	Marike Bolz		Contact number	0724805838		
Email address	Marike@archtownplanners.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65				✓		✓
7. SG diagram or General Plan						
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development				✓		✓
10. Subdivision plan						
11. Permission for required servitude						
12. Title Deed				✓		✓
13. Conveyancer's certificate				✓		✓
14. Feedback on Pre-application scrutiny				✓		✓
15. Minutes of Pre-consultation Meeting						
16. Consolidation plan						
17. Street name and numbering plan						

¹ Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION		ADMIN TO VERIFY		PLANNER TO VERIFY
18. Land use plan / zoning plan				
19. Landscaping / tree plan				
20. Flood line plan				
21. Neighbours' consent				
22. HOA consent				
23. Assessments: EIA, HIA, TIA, TIS, MHIA, EA/ROD		✓	✓	
24. Services report		✓	✓	
25. Previous approvals		✓	✓	
26. Proof of failure of HOA				
27. Proof of lawful use right / zoning certificate				
28. Other documents Specify:				
VERIFIED & SIGNED BY ADMIN	NAME: BULELWA			
VERIFIED & SIGNED BY PLANNER	NAME: BONGI			

Outstanding information (to be completed by Planner):

Removal of restrictions
2x departures

NOTES:

1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment.
2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)].
3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)].
4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].

Bulelwa Mdoda

From: marike@archtownplanners.co.za
Sent: 17 January 2022 12:53 PM
To: Landuse Applications
Cc: Nicole Katts; Bulelwa Mdoda; Bongwiwe Zondo
Subject: [EX] Erf 2361 Stellenbosch AMENDED Application
Attachments: Erf 2361 Annexure I Pre-Applicaiton Submission.pdf; Erf 2361 Annexure F Site Development Plan and Elevations 2022-01-12.pdf

Importance: High

Dear Bulelwa

As per the pre-application feedback from Bongwiwe, please find the attached amended SDP now including all the elevations as requested as well as amended Annexure I which includes Bongwiwe's comments.

I have also updated these amendments on our submission folder, as per the following link:

https://1drv.ms/u/s!Av2r1L-kFKtF9AGHYQu_ZH3gmZl4?e=cumep3

Could you kindly ensure that the application submitted in December 2021 is updated with the amended Annexure F and Annexure I.

Kind regards

Marike Bolz



Address | 2nd Floor, Bakkershuis,
152 Dorp Street, Stellenbosch, 7600
M | +27 (0) 72 480 5838
F | +086 216 9073
E | marike@archtownplanners.co.za
W | www.archtownplanners.co.za



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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)	Marike				
Surname	Bolz				
Company name (if applicable)	Arch Town Planners (Pty) Ltd				
Postal Address	Bakkershuis, 152 Dorpstraat,				
	Stellenbosch	Postal Code	7600		
Email	Marike@archtownplanners.co.za				
Tel		Fax		Cell	072 480 5838

PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner(s)	Annemarie Emslie				
Physical address	177 Banhoekweg, Universiteitsoord				
	Stellenbosch	Postal code	7600		
E-mail	Mackenzie@patroncapital.com				
Tel		Fax		Cell	+27 (0) 71 564 0733

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	Erf 2361	Portion(s) if Farm		Allotment area	Stellenbosch
Physical Address	177 Banhoek weg, Stellenbosch				
Current Zoning	Multi-Unit Res	Extent	954m ²	Are there existing buildings?	Y N
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law (2019)				
Current Land Use	Boarding House				
Title Deed number and date	T	T41998/2015			

Attached Conveyance's Certificate	Y		Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate						
Are the restrictive conditions in favour of a third party(ies)?		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) ¹	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)?			Y	N	If yes, is this application to legalize the building / land use ² ?			Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?			Y	N	Are there any land claim(s) registered on the subject property(ies)?			Y	N

PART D: PRE-APPLICATION CONSULTATION

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?	Y	N	If yes, please attach the written feedback received.

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)**

Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs</i>
	15(2)(a) rezoning of Land
X	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
	15(2)(e) a consolidation of land that is not exempted in terms of section 24
X	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit
X	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
	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

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)(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
TOTAL A:	R

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); <i>Provincial Gazette</i> ; 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	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R

* 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.

** 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

	Patron Capital SA (Pty) Ltd Attention: Mackenzie Johnson Muscadel House Brandwacht Office Park Trumali Road STELLENBOSCH 7600
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PART F: DETAILS OF PROPOSAL							
	Building line encroachment	Street		From	4m	To	0m
		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	%
X	Exceeding maximum permitted bulk / floor factor / no of habitable rooms			From	75%	To	96%
	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						
X	Other (please specify)	i. Removal of Title Deed Restrictions (see below) ii. Permission to allow for 4 x motor vehicle parking bays to be substituted with 4 x motorcycle bays (equal to 1 motor vehicle bay) and 18 x bicycle bays (equal to 3 motor vehicle bay)					

Brief description of proposed development / intent of application:

The proposed development entails the demolition of the existing building (boarding house) and the construction of a 4-storey block of flats with a total of 24 x 1-bedroom units. The application will include:

- i. Permanent departure to allow for a bulk of 96% in lieu of 75%
- ii. Permission to allow for 4 x motor vehicle parking bays to be substituted with 4 x motorcycle bays (equal to 1 motor vehicle bay) and 18 x bicycle bays (equal to 3 motor vehicle bay)
- iii. The Removal of the following Title deed Restrictions from Title Deed T41998/2015:
 - Clause (v)(A) 1, (v)(A)2, (v)(A)3, (v)(A)4
 - Clause (vii)

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

N/A


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 offence 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.

Applicant's signature:		Date:	20 December 2021
Full name:	Marike Bolz for Arch Town Planners (Pty) Ltd		
Professional capacity:	Registered Town Planner		

FOR OFFICE USE ONLY

Date received: _____	
Received By: _____	



Marike Bolz (Arch Town planners)
marike@archtownplanners.co.za
0724805838

14 January 2022

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK, ERF 2361 STELLENBOSCH

1. Your pre-application scrutiny submission on the above property, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:

3.1 You are kindly requested to submit the following with the application:

- **Floor plans with building lines for all the proposed floors.**
- **Site Development Plan as well as elevations for the proposed flats.**

4. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.
6. It should also be noted that 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. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards
Bongiwe Zondo
bongiwe.zondo@stellenbosch.gov.za



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PRE-APPLICATION SCRUTINY FORM

1. This Land Use Pre-Application Scrutiny Form must be submitted prior to the submission of any Land Use and Land Development application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 (SLUPB).
2. Relevant documents can be accessed at: <https://stellenbosch.gov.za/planning-portal/>
3. The applicant will receive feedback per e-mail following a weekly internal technical discussion on the pre-application scrutiny submission.
4. A pre-application consultation meeting may be required in terms of Section 37 of the said Bylaw on receipt and consideration of this Pre-Application Scrutiny.

PART A: APPLICANT, OWNERSHIP & PROPERTY PARTICULARS

Applicant Name	Marike Bolz for Arch Town Planners
E-Mail Address	Marike@archtownplanners.co.za
Tel/ Cell Number	0724805838
Registered Owner	Mrs Emslie
Property Description (Erf / Farm Number)	Erf 2361 Stellenbosch
Physical / Street Address	177 Banhoekweg
Suburb & Town	Die Weides, Stellenbosch
Current Zoning	Multi-Unit Residential
Current Land Use Activities / Buildings	Boarding house

Are there existing buildings on the subject property(ies)?	Yes	
Are there any existing unauthorized buildings and/or land use on the subject property(ies)?		No
If yes, is this application to legalize the building/ land use?		No
Are there any pending court case(s)/ order(s) relating to the subject property(ies)?		No
Is the property located in a heritage area or contains any heritage significant buildings?		No
Does the property fall inside the urban edge?	Yes	

PART B: APPLICATION

1. WHAT LAND USE PLANNING APPLICATIONS ARE REQUIRED IN TERMS OF SECTION 15(2) OF THE SLUPB?

s15 (2)(a)	Rezoning	s15 (2)(f)	Removal / Suspension Amendment of restrictive conditions	s15 (2)(l)	Permission in terms of condition of approval	s15 (2)(q)	Disestablishment of HOA
s15 (2)(b)	Permanent Departure	s15 (2)(g)	Permission in terms of zoning scheme	s15 (2)(m)	Determination of a zoning	s15 (2)(r)	Rectify failure by HOA
s15 (2)(c)	Temporary Departure	s15 (2)(h)	Amendment of condition(s) of approval	s15 (2)(n)	Closure of a public place	s15 (2)(s)	Permission required for the reconstruction of a building
s15 (2)(d)	Subdivision	s15 (2)(i)	Extension of validity period of approval	s15 (2)(o)	Consent use		Other:
s15 (2)(e)	Consolidation	s15 (2)(k)	Amendment / cancelation of approved subdivision plan	s15 (2)(p)	Occasional use		Other:
OTHER	s13 ZSRU Technical Approval	24(2) SLUPB Exemption	Title Deed Title Deed consent / permissions				

Details of the Proposal: (Brief description of development proposal. List expected land use activities. Short motivation of intended land use. Detail planned outcome. If change of zoning is required, list which zoning is applied for. Describe additional use planned for. List type of consent use applied for.)

The proposed development entails the demolition of the existing building (boarding house) and the construction of a 4-storey block of flats with a total of 24 x 1-bedroom units. The application will include:

- i. Permanent departure to allow for a bulk of 96% in lieu of 75%
- ii. Permission to allow for 4 x motor vehicle parking bays to be substituted with 4 x motorcycle bays (equal to 1 motor vehicle bay) and 18 x bicycle bays (equal to 3 motor vehicle bay)
- iii. The Removal of the following Title deed Restrictions from Title Deed T41998/2015:
 - Clause (v)(A) 1, (v)(A)2, (v)(A)3, (v)(A)4
 - Clause (vii)

2. RELEVANCE OF ANY PLANNING LEGISLATION/ POLICIES AND PLANS

RELEVANT PLANNING CONSIDERATIONS		
(a) Are any Municipal plans/policies/guidelines, or any restrictive title conditions, or other legislation / authorizations applicable to the application, and if yes, is the proposal consistent/ compliant with such?	Yes	No
		x
Details with reference to applicable plans/ policies/ guidelines:		
(b) Does the proposal require the following additional infrastructure / services? e.g. electricity; water; sewerage; road network; other?	YES	NO
		x
Details on required infrastructure:		
(c) Does the development proposal include the provision of residential units, and if so, what is the target market re: range in income bracket/ selling price or rental for the units?	YES	NO
	x	
Details on target market: Student Accommodation		
(d) In addressing the SPLUMA principle of Spatial Justice and as it relates to prescripts on the provision of inclusionary housing, how will this development proposal target affordable market segments?	YES	NO
		x
Details on inclusionary housing provision: Provision of student housing		

PART C: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF PRE-APPLICATION SCRUTINY

The following minimum documentation **must** be attached to this pre-application scrutiny form:

1. **Locality plan**
2. **Layout Plan of proposal** (e.g. copy of existing building plan, indicating proposal on site plan, etc.)
3. **Full copy of the title deed or Conveyance Certificate**

Note:

- The Municipality may request any other information deemed necessary for the purpose of this pre-application scrutiny.
- If an incomplete pre-application scrutiny form or the required minimum supporting documents are not submitted the pre-application scrutiny form will not be accepted by the Municipality.

DECLARATION:

I hereby confirm that the information contained in this pre-application scrutiny form and accompanying documentation is complete and accurate.



FOR OFFICE USE:

Municipal Stamp
Received by: _____
Date: _____

DETERMINATION BY AUTHORISED OFFICIAL

Additional Information	Pre-Application Consultation	Application Ready
Sign: _____		Date: _____

APPLICANT INFORMED BY RESPONSIBLE OFFICIAL

Sign: _____	Date: _____
-------------	-------------

REMOVAL OF TITLE DEED RESTRICTIONS AND PERMANENT DEPARTURES:

ERF 2361 STELLENBOSCH, 177 BANHOEKWEG



December 2021

**SUBMITTED TO:
STELLENBOSCH MUNICIPALITY**

PREPARED AND SUBMITTED BY:



Postal Address: Postnet Suite #027
Private Bag X5071
Stellenbosch, 7600

Email: marike@archtownplanners.co.za
Website: www.archtownplanners.co.za

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Annexure B:	Power of Attorney
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Annexure E:	Previous Approval
Annexure F:	Site Development Plan
Annexure G:	Traffic Statement
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Table 5:	Assessment in terms of LUPA

1. INTRODUCTION

1.1 Background Information

Erf 2361 Stellenbosch, hereafter referred to as the application site, is situated within Stellenbosch in an area known as the Universiteits Oord. Over the years the Universiteits Oord, as the name suggests, has naturally become one of the preferred areas for student accommodation due to the close proximity to the Stellenbosch University and the option to use non-motorized transport. The Universiteits Oord boasts a number of high-density student accommodations (flats).

The owner's vision is to create high density, student accommodation within walking distance from the campus without compromising the aesthetic value and the natural beauty of Stellenbosch and its surrounds. The Title Deed places certain land use restrictions on the use of the property, with specific reference to "one house only" which needs to be removed in order to allow for the proposed block of flats. The proposed development will also exceed the allowable bulk and requires a formal application to the Stellenbosch Municipality.

1.2 Planning Brief

In light of the above, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality to allow for the development of a 4 - storey block of flats on Erf 2361 Stellenbosch. Refer to **Annexure A** for the application form.

The power of attorney is attached to this report as **Annexure B**.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially submits an application in terms of Sections 15(b), (f) and (g) the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') to allow for the following on Erf 2361 Stellenbosch:

- i. Permanent departure to allow for a bulk of 96% in lieu of 75%
- ii. Permission to allow for 4 x motor vehicle parking bays to be substituted with 4 x motorcycle bays (equal to 1 motor vehicle bay) and 18 x bicycle bays (equal to 3 motor vehicle bay)
- iii. The Removal of the following Title deed Restrictions from Title Deed T41998/2015:
 - Clause (v)(A) 1, (v)(A)2, (v)(A)3, (v)(A)4
 - Clause (vii)

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Erf 2361, Stellenbosch	Annemarie Emslie	954 m ²	T41998/2015	(v) (A) 1 – 4 and (vii)

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed. As listed under Sections (v) (A) and (vii), the following conditions are restricting the proposed and future development of the property and therefore needs to be removed to be in line with the applicable Stellenbosch Zoning Scheme:

- (v)(A)
1. *"Dat hierdie erf slegs vir bewningsdoeleindes gerbuik word.*
 2. *Dat net een woonhuis of n woongebou, tesame met die nodige buitegeboue op hierdie erf opgerig word.*
 3. *Dat nie meer as een-derde van die oppervlakte van hierdie erf behou mag word nie.*
 4. *Dat geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings binne 20 voet van n straatlyn wat n grens van hierdie erf vormopgerig mag word nie. Geen sodanige gebou of struktuur mag binne 10 voet van die sygrens van n aangrensende erf gelee wees nie."*
- (vii) *"Dat die eienaar van hierdie erf nie gemagtig sal wees om woonstelle op hierdie erf op te rig nie en verder dat die ontwerp, konstruksie en aansigte van die geboue wat hy gaan oprig by die omgewing moet pas."*

Also please refer to the attached Conveyancer Certificate in **Annexure D**.

2.2 Locality

The application site is situated in Banghoek Road, in the Universiteits Oord suburb of Stellenbosch. It lies on the boarder of the Universiteits Oord, south of Banghoek Road, north of Merriman Road and south of the Helshoogte Road. It is situated within walking distance (approximately 400m) from the main campus of the Stellenbosch University and 600m from the Neelsie Student Centre. Please refer to Figures 1 and 2 below for the locality plans.

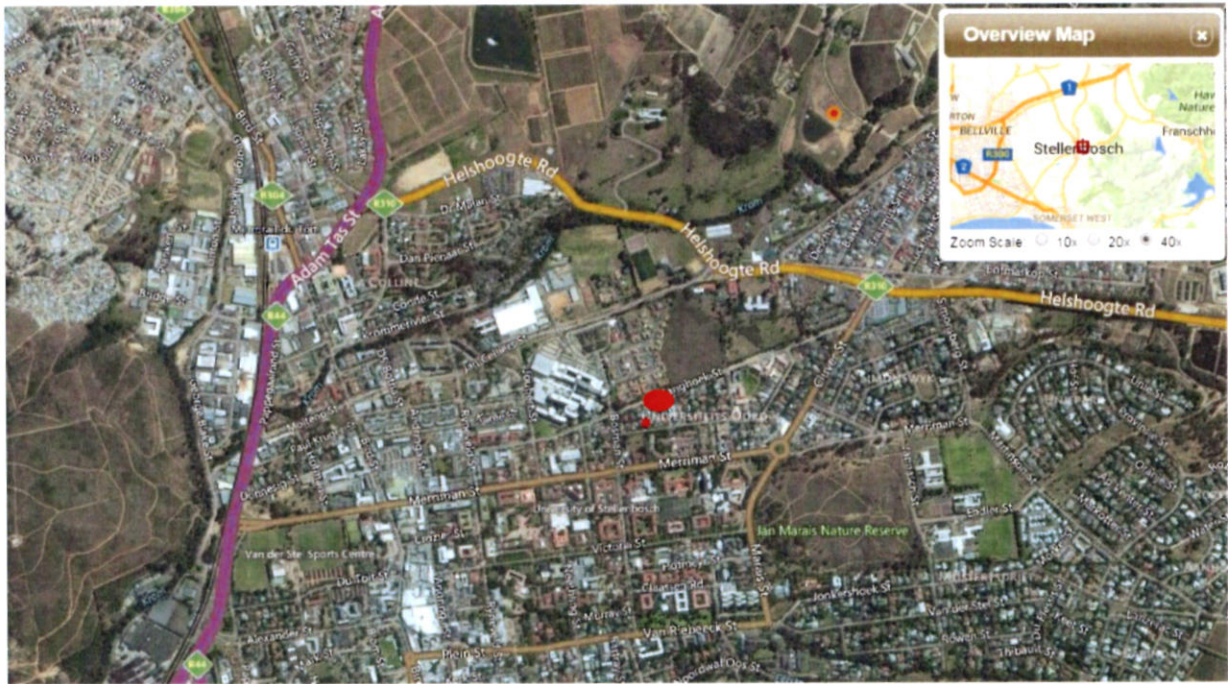


Figure 1: Locality Plan : Erf 2361, Stellenbosch



Figure 2: The Application Site – Erf 2361 Stellenbosch

2.3 Physical characteristics, existing and surrounding land uses

The application site is a total of 954 m² in extent and currently has a single storey residential building on site used for student accommodation (boarding house). The property is situated between two 3-storey blocks of flats, also used for student accommodation. It is one of the few remaining houses which has not been redeveloped. There are no servitudes registered on this property



Figure 3: Aerial Photo of the Application Site and Surrounding Erven



Figure 4: Existing single storey building on site.

Over the last few years there has been a substantial increase in the redevelopment of properties into higher density student accommodation in the area. The predominant land uses in the area include student accommodation. Other land uses in

the area include the retail centre on the corner of Cluver Street and Helshoogte Road towards the north and the J S Marais Park towards the south. As mentioned above, the Stellenbosch University is only a few 100ms from the application site.

2.4 Current zoning and Previous Approvals

The application site is zoned Multi-Unit Residential. Though the property is less than 1 000m², approval was granted in November 2018 to allow for the land use rights to be in-line with that of the then General Residential (now Multi-Unit residential) zone. Please refer to Annexure E for a copy of the approval letter. This approval still stands, and the following building development parameters are therefore applicable:

Building typepermitted	Street boundary building lines (m)	Common boundary building lines (m)	Max Coverage	Max Height	Floor area
Group housing; Retirement village	External: 3m Internal: 0m	External: 3m Internal: 0m	50%	2 storeys	n/a
Flats	All levels: 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	4 storeys	75%
All other buildings	All levels: 4,5m	Ground floor: 4,6m First floor: 4,5m Second floor: 6m	50%	3 storeys	75%

Table 2: Multi-Unit Residential Zone Building Development Parameters

3. DEVELOPMENT PROPOSAL

The proposed development entails the demolition of the existing building (boarding house) and the construction of a 4-storey block of flats with a total of 24 x 1-bedroom units. Parking will be provided on basement level, with landscaping, the refuse area, parking and 3x one-bedroom units proposed on ground floor. The 6 x vehicle parking bays on ground floor will be shielded from the street view by landscaping, the ground floor units and the wall of the bicycle parking area. It is therefore considered that the proposed ground floor layout is aesthetically more pleasing than many of the surrounding developments where the ground floor is merely a hard surfaced parking area.

Parking will be provided on basement and ground floor levels, with basement parking for 26 vehicles, and 6 more vehicle bays on the ground floor, which includes one disabled parking bay. The zoning scheme allows for the substitution of 10% of the required parking bays with motorbike and/or bicycle bays. Of the required 36 bays, 3.6 bays (thus 4) can be replaced by motorbike and/or bicycle bays. 4 motorbike bays and 18 safe and secure bicycle bays are proposed on the ground floor, this equates to 4 additional vehicle bays. The total number of parking bays provided are 36, which is in line with the requirement of 1.5 bays per unit (1.5 x 24 = 36 bays).



Figure 5 : Proposed Basement and Ground Floor

Communal outdoor space (approximately 210m²) will be provided on the ground floor, situated between the proposed building and Banghoek street. This provides sufficient recreational areas for future residents, and it will also improve the street scape interface by softening the visual impact of the building.

As the majority of parking is provided on basement level, the ground floor has space for 3 units, which adds to the bulk. The allowable bulk is 75%, which equates to 715m². The proposed development will have 912m² of useable space, thus a bulk of 96%. This equates to 197m² more than allowed for under the zoning scheme. This additional bulk is achieved while still staying within all the prescribed building lines, height and coverage.

The first, second and third floors will each have a total of 7x one-bedroom flats per floor. The proposed building will be 4-stores high, in line with that allowed for Multi-Unit Residential erven.

3.1 Building Development Parameters

Table 3, below, is a summary of the applicable building development parameters pertaining to development on this site.

Land Use Parameters (flats)	Multi-Unit Residential (MUR)	Proposed Development	Compliance/ Application Required
Street Building Line (BL)	4.5m	4.5m (all floors)	Complies
Common Boundary BL	Ground and First F: 4.5m Second + F: 6m	6m (all floors)	Complies
Max Coverage	50%	36.6%	Complies
Max Height	4 Storeys	4 storeys	Complies
Floor Area	75% (716m ²)	96% (912m ²)	Departure required
Outdoor Space	20% (191m ²)	22% (210m ²)	Complies
Total Number of Flats		24 x 1-bedroom units	
Parking	1.5 bay / flat = 36	36 (32 x vehicle, 4 x motorcycle and 18 bicycle)	Permission required

Table 3 Compliance with Development Parameters

3.2 Traffic Impact Statement

ITS Global compiled a Traffic Services Report, which outlines the expected traffic impact of the proposed Multi Residential development on Erf 2361 in Stellenbosch. The report found that the estimated number of trips associated with the proposed development will be minimal and will have an insignificant impact on the external road network.

One access to the site is proposed. A total of 32 vehicle, 4 motorcycle and 18 bicycle bays will be provided on site. The motorcycle and bicycle bays account for 4 vehicle bays which leads to a total of 36 parking bays provided on site and is sufficient.

Please refer to Annexure G for a full copy of the report.

3.3 Availability of Services

Bart Senekal Inc. Consulting Engineers compiled a Services Report which concluded that the required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure and from an engineering services perspective the development can be supported. Please refer to Annexure H for a full copy of the report.

4. MOTIVATION

4.1 Stellenbosch Municipality Land Use By-Law (2015)

As set out in Section 65(1) of the By-law, certain criteria need be met in consideration of an application by the decision-making authorities. In line with this section, Table 3, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(b) (f) and (g) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was tested with the Municipality by means of pre-application consultation. See Annexure I for feedback received during the pre-application scrutiny process. All relevant and required documentation are attached to this application and motivation.
c. Desirability of land use	<p>The applications for the removal of restrictive title deed conditions, bulk departure and permission to substitute vehicle parking with bicycle and motorbike parking, are considered desirable. The reasons for the desirability of the applications may be summarised as follows:</p> <ul style="list-style-type: none"> - It is considered that the title deed restrictions were put in place prior to the existence of a zoning scheme which could govern the land use of a property. The application site was created in 1945 when die Weides was a single residential suburb and where there was a need to place restrictions on the land use of the property to project the single residential character of the area. The character of the area has changed dramatically over the last 15 years, where almost all of the erven have been converted to buildings catering for predominantly student accommodation. The zoning of the property clearly indicates the indented use of the application site as high-density accommodation such as the proposed flats. The title deed restrictions aims to protects the outdated single residential character of the area which is clearly not applicable anymore. It is argued that the single residential character which the title deed restrictions try to project is no longer the desired land use of the area, as is clearly indicated in the SMSDF. If the restrictive title deed conditions are removed, the development rights will be governed by the 2019 Stellenbosch Zoning scheme which is more relevant and in line with the current need and vision for Stellenbosch. - The proposed removal of the title deed restrictions is in line with the precedent for the surrounding area, where most of the surrounding developments could only have been achieved if similar RoR applications were approved.

- The proposed substitution of the vehicle parking bays with motorbike and bicycle bays are in line with the NMT policy of the Municipality where a 10% substitution allowance is supported and motivated for. All 24 proposed flats are 1x bedroom flats, thus in order to allow for each occupant of the flats to have a vehicle parking a minimum of 24 motor vehicle bays should be provided. The proposed development has 32 vehicle bays, thus 8 vehicle additional bays which could be used for visitors. Due to the situation of the application site, it can be expected that the future occupants of the units will be students who will walk/cycle to class, and it is likely that many of the future visitors will also walk/cycle to this development. It is therefore considered that there is more than sufficient parking to allow for future residents and visitors. By providing safe and secure bicycle parking, future residents will be motivated to make use of their bicycles on a day-to-day basis rather than to use their cars. It is considered that there is more than enough on-site parking to prevent future occupants and visitors of the development to park in the road.

- It is important to note that proposed additional bulk is achieved without departing from any building lines, coverage, height, parking or outdoor requirements. The proposed development will therefore clearly not result in the over development of the site.

- The additional bulk is only achieved by creating basement parking. The additional bulk justifies the high cost of the construction of the basement. If the additional bulk is not supported, the basement will no longer be financially viable and all parking will be moved to the ground floor, which will result in a hard, concrete parking area on street level which is considered to be visually intrusive and not in line with best-design principles. There are ample examples in the area of visually intrusive concrete ground floor parking areas where the street scape is dominated by vehicles parked under buildings. It is considered that the proposed basement parking area, with limited parking on ground floor shielded from view by the proposed landscaping and ground floor units is a much better, aesthetically pleasing and "softer" design than the alternative.

- It is important to note that, as indicated above NO OTHER DEPARTURES are required to allow for the additional bulk. If the additional bulk is not supported, the parking will be provided on ground floor, with the three-storey block above. The building height and form will not differ from that currently proposed, the only difference is that the ground floor will predominantly be a concrete parking area with less recreational space (the recreational space will be moved to the roof as in some of the surrounding areas).

	<ul style="list-style-type: none"> - It is clear that that the additional bulk will not result in an intrusive, overbearing building. As the proposed development complies with all the other building parameters, it is clear that the development cannot be considered as over development of the site. - As confirmed in the services report, the proposed development can tie into all existing services, no services upgrades are required to accommodate the proposed additional bulk. - The proposed development is considered as sensible infill development which will make optimal use of existing infrastructure within the urban edge. - The approval of the application will not have a negative impact on the surrounding properties, the proposed development is in character with the immediate surrounding area. - The proposed land use, resulting in an increase in bulk, is appropriate in the context of the area and will contribute to a more compact urban environment within the urban edge. - The surrounding neighbours will not be negatively impacted by the additional bulk as the proposed development will be within all prescribed building lines and height.
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.

Table 4 Assessment of Application in terms of Section 65 (1) of the By-Law

4.2 Land Use Planning Act (2014)

Section 59 of the Land Use Planning Act, 2014 (hereafter referred to as 'LUPA') sets out the land use planning principles for the Western Cape. The following is an assessment of the application against these principles:

LUPA Principles	Compliance of Proposed Application
Spatial Justice	The proposed development is situated within the urban edge, in an area earmarked for high density infill development.
Spatial Sustainability	Spatial sustainability would prioritise land use decisions that allow individuals to live close to where they work or study. As a result of the locality of the proposed development, it may contribute to relief the traffic congestion whilst allowing for more dense and efficient settlements.
Efficiency	This development is proposed on a brownfield site that will make use of the existing urban infrastructure. No services upgrades are required to accommodate the increased residential density, it will result in the more efficient use of well-located land and existing infrastructure
Good Administration	The proposed flats are in-line with the municipality's existing densification policies. The building presents an aesthetically pleasing public street interface. The approval of this application will be in the best interest of the Stellenbosch Municipality.
Spatial Resilience	It should be noted that this development is a brownfield development in an area of town that has already been urbanized. Thus, through this development, there will be no negative impact on vulnerable agricultural and/or natural areas; nor would there be any additional risk to the resilience of human residents in the area.

Table 5 Assessment of Application in terms of Section 59 of LUPA

4.3 Consistency with the Applicable Spatial Development Frameworks

4.3.1 Western Cape Provincial Spatial Development Framework, 2014

The Western Cape Spatial Development Framework (hereafter referred to as 'the PSDF') identifies densification as one of the provincial objectives. The PSDF specifies that the residential density in urban areas be increased to 25 dwellings per hectare. This density should be achieved by means of urban development tools such as sectional title developments. This application complies with the PSD as it is proposed the development of a block of flats comprising 24 dwelling units on an erf of 954m².

4.3.2 The Stellenbosch Municipality Integrated Development Plan, 2017

The current Stellenbosch Integrated Development Plan (hereafter referred to as "the IDP"), approved in May 2017 (and updated in May 2018), provides the detailed development plans for the Stellenbosch Municipal Area, over the short term (2017 – 2022) and long term; as well as reviewing some of the challenges and opportunities experienced by the municipality. The IDP has also informed the municipality's recent Draft Spatial Development Framework (2019).

Overall, the IDP prioritises the densification of existing urban areas, by “focusing development in low-density areas, infill, and brownfield land before considering greenfield sites.” Given the low-density nature of the existing building in which the site is located, in combination with its ideal location near the town centre and university, the area is well-aligned with the IDP strategy of densifying brownfield sites.

Similarly, the IDP prioritises the objective of “Car Free Living” which refers to strategies that encourage more sustainable modes of travel such as public transportation, non-motorised transportation and other mechanisms to increase the number of passengers per vehicle. For such a strategy to be attained, the municipality must allow for the densification of areas of town that are easily accessible by pedestrians and cyclists and support the use of bicycles and motorbikes in lieu of motor vehicles.

4.3.3 The Stellenbosch Municipality Spatial Development Framework, 2019

Existing Housing Demand:

The Stellenbosch Municipality Spatial Development Framework Final Draft, May 2019 (hereafter referred to as “the SDF”) states that “*the middle to high income housing demand was projected to be 1 850 units in 2016*” and that “*the student accommodation demand was recorded as 4 200 beds in 2016*”. Even though a number of student developments have been approved in the last three years, there is still a vast shortage to address this demand. It is evident that the need for housing within the municipal area, for students and those with employment, has not been adequately met. The SDF envisions to provide more inclusive housing at higher densities than the norm. This, as per the SDF, will contribute to the reduction of commuting in private vehicles to and within Stellenbosch.

Access and Movement:

In terms of access and movement, the SDF identifies that Merriman Street, between Bird Street and Helshoogte Road within close proximity of the site, function beyond its capacity. It is the responsibility of development to ensure that non-motorised transport modes be promoted such as bicycles and walking.

The redevelopment of this site will support non-motorised transport as the site is ideally situated within walking distance from all surrounding amenities although ample off-street parking is provided.

Vision and Concept for the Area of the Site

The SDF points out that the Municipality should “*Pro-actively support higher density infill residential opportunity in the town centre and areas immediately surrounding it*”. Furthermore, and as part of the SDF’s Implementation Framework, the Municipality must assist in the “*broadening of residential opportunity for lower income groups, **students**, and the lower to middle housing market segments.*”

5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. It is therefore respectfully requested that the following applications be considered for approval:

Application in terms of Sections 15(b), (f) and (g) the By-Law to allow for the following on Erf 2361 Stellenbosch:

- Permanent departure to allow for a bulk of 96% in lieu of 75%
- Permission to allow for 4 x motor vehicle parking bays to be substituted with 4 x motorcycle bays (equal to 1 motor vehicle bay) and 18 x bicycle bays (equal to 3 motor vehicle bay)
- The Removal of the following Title deed Restrictions from Title Deed T41998/2015:
 - o Clause (v)(A) 1, (v)(A)2, (v)(A)3, (v)(A)4
 - o Clause (vii)

Report compiled by:

Marika Bolz (Director)



for Arch Town Planners (Pty) Ltd

December 2021

**POWER OF ATTORNEY
(REGISTERED OWNER'S CONSENT FORM)**

I / we, ANNE MARIE EMSLIE
(name(s) of registered owner(s))

registered owner(s) of the following property(ies) :

Erf 2361, Stellenbosch, situated in the Municipality of Cgq Town Stellenbosch
Division, Province of the Western Cape, Large 954 (Nine hundred and fifty-four)
Square meters, held under title deed no. T 41998/2015
(property description(s))

wish to certify that authority is hereby granted to

Arch Town Planners (Pty) Ltd
(applicant's name)

in terms of the resolution enclosed herewith (applicable if land owner is a registered company / close corporation, trust or other juristic person), to apply for *

- removal / suspension / amendment of restrictions
- rezoning
- consent / conditional use
- departure (temporary / permanent)
- subdivision / subdivision exemption
- site development plan approval / amendment
- amendment of conditions
- township establishment
- other (please specify)

in respect of the above-mentioned property(ies) to enable it to be developed / utilised for the following purpose(s) :

Demolition of the building(s) on the property, as well as the necessary approvals,
permits, relaxations, etc. for the development on the relevant erf.

(proposed purpose(s) / development)

(* please delete whichever not applicable).

The undersigned therefore nominates, constitutes and appoints the above applicant with power of substitution to be the registered owner's legal representative / agent and to act in the name, place and stead of the registered owner in the above regard. Power of attorney is accordingly hereby granted to the applicant to sign all correspondence in respect of the matter referred to above.

Owner's name Annemarie Emslie

Owner's signature  Date 14/12/2021

11

STBB SMITH TABATA BUCHANAN BOYES
Stellenbosch
Unit G5/6, Ground Floor
Aan De Graaf Building
Plein Street
Stellenbosch
7599

Prepared by me.

CONVEYANCER
MADELEIN WILLIAMS

Fog. endorsement		
Description	Amount	Office fee
Stamp duty	R 6 000 000.00	R 1 590.00
Stamp duty capital		
Transfer tax		
Transfer fee		
Description	Example No 10	
Cat. ...	SECTION ...	ACT ...

T 000041998 / 2015

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

KEVIN DANIEL

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, he/she, the said
Appearer, being duly authorised thereto by a Power of Attorney granted to him/her by

THE TRUSTEES FOR THE TIME BEING OF

SIEBERS TRUST

Registration Number IT3393/2003

signed at STELLENBOSCH dated 15 June 2015

DATA / CAPTURE
2015 - 08 - 06
PUMELELA MNAMATA

DATA / VERIFY
13 AUG 2015
BARLOW MARLYN

7/11 07

AND the said Appearer declared that his/her principal had on 23 May 2015 truly and legally sold by private treaty and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of

ANNEMARIE EMSLIE
Identity Number 580915 0119 08 8
Married out of community of property

her heirs, executors, administrators or assigns in full and free property

ERF 2361 STELLENBOSCH
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH
WESTERN CAPE PROVINCE

IN EXTENT: 954 (NINE HUNDRED AND FIFTY FOUR) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer Number T3955/1945 with Diagram Number 4432/1944 relating thereto and held by Deed of Transfer Number T48687/2006

- (i) SUBJECT to such conditions as are referred to in said Deed of Transfer Number T3955/1945
- (ii) SUBJECT to the following condition contained in Deed of Grant issued on the 22nd March 1905 (Stellenbosch Quitrents Volume 7 Number 12) namely:

"SUBJECT however to all such duties and regulations as are either already or shall in future be established with regard to such lands"
- (iii) NOT SUBJECT to condition (iii) on page 2 of Deed of Transfer Number T48687/2006, by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.

Handwritten signature

Handwritten initials

- (iv) SUBJECT to the following condition contained in said Certificate of Uniform Title Number T3704/1941, namely:

"That the Government shall at all times have the right of resuming a portion of the whole of the said land if required for public purposes, on payment of such sum of money in compensation as may be mutually agreed upon by the parties concerned, or failing such agreement, as may be awarded by three appraisers one to be appointed by each side and the third to be chosen by the two others."

- (v) SUBJECT to the conditions contained in said Deed of Transfer Number T3955/1945 imposed:

- (A) In favour of any registered owner of an erf in said "Township of Universiteitsoord" and subject to amendment or alterations by the Administrator in terms of the provisions of Section 18(3) of Ordinance Number 33 of 1934:

1. "Dat hierdie erf slegs vir bewoningsdoeleindes gebruik word
2. Dat net een woonhuis of 'n woongebou, tesame met die nodige buitegeboue op hierdie erf opgerig word.
3. Dat nie meer as een -derde van die oppervlakte van hierdie erf behou mag word nie.
4. Dat geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings binne 20 voet van 'n straatlyn wat 'n grens van hierdie erf vorm opgerig mag word nie. Geen sodanige gebou of struktuur mag binne 10 voet van die sygrens van 'n aangrensende erf gelee wees nie "

- (B) In favour of the Administrator:

"Dat hierdie erf nie sonder die skriftelike toestemming van die Administrateur onderverdeel mag word nie.

[Handwritten signature]

[Handwritten initials]

(C) In favour of the Council of the of the Municipality of Stellenbosch

"Dat die eienaar van hierdie erf verplig is om toe te laat dat die dreining, nolering en afloopwater van enige ander erf of erwe oor hierdie erf gevoer word indien dit deur die Munisipaliteit van Stellenbosch, nodig geag word en wel op so 'n wyse en so 'n ligging as wat van tyd tot tyd deur die Raad redelikerwys vereis word"

(D) By and in favour of the said Council, namely:

1. "Dat die eienaar van hierdie erf verplig is om:

- (a) Tot tyd en wyl 'n afsonderlike skatting van die erf deur die persoon wat deur sy Edele die Administrateur aangestel is, gemaak is, jaarliks 'n bedrag aan die Stadraad te betaal gelykstaande aan die eiendomsbelasting wat andersins sou betaalbaar wees as die koopskat as die Munisipale skatting beskou word
- (b) Dat binne 'n tydperk van drie jaar gereken vanaf die verkoopsdatum van hierdie erf, 'n woonhuis of woongebou op te rig, wat deur die Munisipaliteit saam met die nodige buitegeboue op nie minder as £750 geskat sal word nie
- (c) Na verstryking van die tydperk van drie jaar wat in klousule (b) genoem is, tot tyd en wyl hy op hierdie erf 'n woonhuis of woongebou met of sonder buitegeboue opgerig het en tot tyd en wyl genoemde woonhuis of woongebou met of sonder buitegeboue behoorlik deur die persoon wat deur die Administrateur aangestel is geskat is, ook 'n bedrag aan die Stadraad te betaal gelykstaande aan die eiendomsbelasting wat jaarliks betaalbaar sou wees op 'n woonhuis met of sonder buitegeboue waarop 'n Munisipale skatting van £750 geplaas is, met dien verstande dat ingeval 'n koper twee aangrensende erwe koop hy op die een erf mag bou en hy als dan ten opsigte van die ander erf van die voorwaardes wat in klousule (b) vervat is vrygestel word en met dien verstande dat dit hom vrystaan om een huis te bou wat op altwee erwe staan, maar in die geval sal op geen van beide erwe 'n ander huis opgerig mag word nie

[Handwritten signature]

[Handwritten initials]

(d) Ingeval 'n woonhuis of 'n woongebou met of sonder buitegeboue soos in (b) genoem opgerig is en daarna gedeeltelik of geheel en al vernietig is, die geboue wat die oorspronklike vervang aan bostaande vereistes te laat voldoen en om, ingeval genoemde geboue nie soos uiteengesit, binne 12 maande herbou word nie, tot tyd en wyl die geboue tot bevrediging van die Stadraad voltooi is, weer die bedrae te betaal wat in (c) genoem is

2. Dat die eienaar van hierdie erf verplig is om te sorg dat die geboue wat hy op hierdie erf gaan oprig wat die boukundige hoedanighede daarvan betref aan die vereistes van die Bouregulasies van die Munisipaliteit van Stellenbosch, voldoen wat van toepassing is wanneer die gebou opgerig word en ook voldoen aan die beleid van die Raad wat betref die ontwerp, konstruksie en aansigte van geboue
3. Dat planne vir alle omheining van hierdie erf, van watter materiaal dit ook al mag wees, aan die Stadsraad van Stellenbosch vir goedkeuring voorgelê moet word en geen sinkplaat omheinings of blik omheinings van enige aard mag op hierdie erf aangebring word nie.
4. Dat die dakke van alle geboue op hierdie erf eenvormig moet wees wat materiaal of styl betref. Platdakke vir buitegeboue sal slegs toegelaat word as die hoofgebou ook 'n platdak het "

(vi) SUBJECT to the following special conditions contained in said Deed of Transfer Number T3955/1945, namely:

Bogemelde Erf Nommer 7 is getranspoteer aan die transportnemer sonder dat hy geregtig is op die voordele van die voorwaardes verwys na in die twee endossemente gedateer 16 Junie 1941 op die gesegde Sertifikaat van Eenvormige Titel gedateer 28 April 1941, Nommer 3704, wat betrekking het op dreineringsregte oor Lot 21 gehou onder Transportakte 5635 gedateer 16 Junie 1941 en Erf 8 gehou onder Transportakte Nommer 5636 gedateer 16 Junie 1941, behalwe sodanige regte as wat deur die gesegde Munisipaliteit aan die Transportnemer van tyd tot tyd mag toegeken word "

(vii) SUBJECT to the following conditions contained in said Deed of Transfer Number T3955/1945 imposed in favour of the Council of the Municipality of Stellenbosch as

ZAN
 ↗

KW

owner of the remainder of the land held in terms of said Certificate of Uniform Title Number T3704/1941, and his successors in title, namely:

"Dat die eienaar van hierdie erf nie geregtig sal wees om woonstelle op hierdie erf op te rig nie en verder dat die ontwerp, konstruksie en aansigte van die geboue wat hy gaan oprig by die omgewing moet pas "

15/11/17

16/11/17

WHEREFORE the Appearer, renouncing all the right and title which the said

SIEBERS TRUST
Registration Number IT3393/2003

heretofore had to the premises, did, in consequence also acknowledge him, to be entirely
dispossessed of, and disentitled to, the same, and that, by virtue of these presents, the said

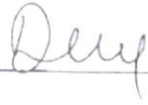
ANNEMARIE EMSLIE, married as aforesaid

her heirs, executors, administrators or assigns

now is and henceforth shall be entitled thereto, conformably to local custom, the State,
however, reserving its rights, and finally acknowledging the purchase price of the property
hereby transferred to be the sum of R6 000 000.00 (SIX MILLION RAND)

IN WITNESS WHEREOF I, the said Registrar of Deeds together with the Appearer, have
subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE
TOWN on 30 JUL 2015



q q

In my presence



Registrar of Deeds



ZM
ST



CONVEYANCER CERTIFICATE

I/We... YOLANDI OLIVIER

(Name of the person or persons)

Practising at:

OLIVIER & ASSOCIATES ATTORNEYS, 5 ACORN ROAD, NEWLANDS, CAPE TOWN
7700

(Firm and office address)

In respect of:

ERF 2361 STELLENBOSCH, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH

PROVINCE OF THE WESTERN CAPE IN EXTENT 954 (NINE HUNDRED AND FIFTY FOUR) SQUARE METRES

HELD BY DEED OF TRANSFER NO T41998/2015

(If applicable, please refer to the deed of transfer or deed of transfer in the Deeds Registry)

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. HELD BY DEED OF TRANSFER NO T41998/2015
2.
3.
4.
5.
6.
7.
8.

(To be signed by the conveyancer or attorney in the Deeds Registry)



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y ✓	N	D(vii) in Deed of Transfer No.T41998/2015
2.	Building lines	Y ✓	N	A(4) in Deed of Transfer No.T41998/2015
3.	Height	Y	N ✓	
4.	Number of Dwellings	Y ✓	N	A(2) in Deed of Transfer No.T41998/2015
5.	Bulk floor area	Y ✓	N	A(3) in Deed of Transfer No.T41998/2015
6.	Coverage/built upon area	Y ✓	N	A(3) in Deed of Transfer No.T41998/2015
7.	Subdivision	Y	N ✓	
8.	Servitudes that may be registered over or in favour of the property	Y	N ✓	
9.	Other Restrictive Conditions	Y	N ✓	



B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

Indicate affected parties as per title deed, if any, in a separate sheet, if possible, to be attached to the deed. If not possible, indicate the parties affected by the restrictive condition, if any, in the deed, and indicate the parties who benefit from the restrictive condition, if any, in the deed.

a.	Organ(s) of State that might have an interest in the restrictive condition	N/A
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	N/A
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	N/A


C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

Indicate the process by which relevant conditions will be addressed.

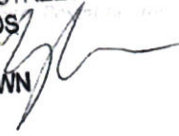
Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
✓			

Signed at CAPE TOWN (Place) on this 14th (Day) DECEMBER (Month) of 2021


Full names and Surname: YOLANDI OLIVIER

Signature: 

OLIVIER & ASSOCIATES ATTORNEYS
 5 ACORN STREET
 NEWLANDS
 7700
 CAPE TOWN



OLIVIER & ASSOCIATES ATTORNEYS
 5 ACORN STREET
 NEWLANDS
 7700
 CAPE TOWN



Tel: 0216718296

Email: OLIVIERASSOC@POLKA.CO.ZA

Cell: 0824992801



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/6412

Our File Reference Number: Erf 2361, Stellenbosch

Your Reference Number:

Enquiries: R Fooy / S Newman

Contact No: 021-808 8680 / 8659

Email: Robert.fooy@stellenbosch.gov.za / salome.newman@stellenbosch.gov.za

Date: 22 November 2018

REGISTERED MAIL

Emile van der Merwe Town Planning

PO Box 204

STELLENBOSCH

7599

Sir

APPLICATION FOR A DEPARTURE ON ERF 2361, STELLENBOSCH

1. Your application in the above regard, refers.
2. The Authorised Employee on 15 November 2018, **approved, in whole** in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, 20 October 2015, the application for:
 - (a) A departure application to use a property zoned for general residential purposes that is less than 1000m² for general residential purposes as determined by section 10.4.3 of the Stellenbosch Zoning Scheme regulation;
 - (b) A building line departure in order to relax the 4.6m lateral building line to 3.2m and 3.36m, and the 4.6m rear building line to 3.07m in order to facilitate the use of the existing buildings (Dwelling) on the property for an accommodation establishment.

3. That the above approval are subject to the following conditions in terms of Section 66 of the abovementioned by-law:

- (a) The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- (b) Building plans must be submitted to this Municipality for approval, prior to any building work commencing on site;
- (c) That should the Directorate: Engineering Services require a development contract to be signed and a bulk contribution to be paid these be signed and paid prior to the submission / approval of building plans or use of the property as approved above;
- (d) That the parking bays as noted on the Site Development Plan be implemented onsite and that the parking area be formalized to the Directorate: Engineering Services satisfaction;
- (e) That a landscaping plan be submitted with the building plans for approval that reduces the impact of the parking area on the residential character of the property;
- (f) Council reserves the right to impose further conditions if deemed necessary.
- (g) The Municipality reserves the right to impose further conditions if deemed necessary.

4. Reasons for the above decision

- (a) The proposal as submitted is not out of character with the surrounding area;
 - (b) The proposal will not facilitate the optimal use of the property;
 - (c) The proposal is supported by the internal departments of the municipality with standard conditions of approval.
-

5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre: Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at www.stellenbosch.gov.za/planning_portal, must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021- 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of notification of this decision together with proof of payment of the appeal fee. (See the approved tariff structure on the municipal website: <http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>)
7. You are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



For: **ACTING DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

NOTES:
 1. The drawing is copyright of the draughtsman.
 2. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the draughtsman.
 3. The draughtsman is not responsible for the accuracy of the information provided by the client.

client	residence emdille
proposed	proposed interior alterations to existing student residence
drawing title	site plan
job no.	1508-01
drawing no.	01
revision	
DATE	17/09/2015
BY	03-09-2015
CHECKED	11/09/2015
DATE	03/09/2015

410
 Our Design Your Identity

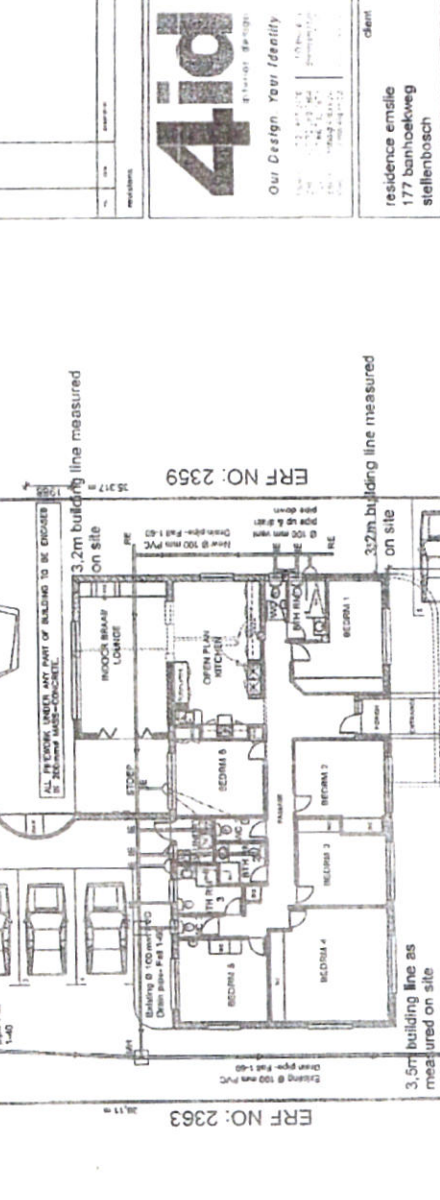
ERF NO: 2362
 BANHOEK WEG
 STELLENBOSCH

development data
 AREA OF ERF: 84
 AREA OF BUILT: 143.24
 EXISTING COVERED: 143.24
 TOTAL: 286.48
 COVERAGE: 171.24% + 20.0%
 N.A. 171.24% + 20.0%

ERF NO: 2361
 BANHOEK WEG
 STELLENBOSCH

ERF NO: 2363
 BANHOEK WEG
 STELLENBOSCH

ERF NO: 2359
 BANHOEK WEG
 STELLENBOSCH



scale 1:200

site plan and plumbing layout

scale 1:200

Hot Water Supply (As per SANS 10400-XA:2011)
 4.2.1.1 A minimum of 55% by volume of the annual average hot water heating requirement shall be provided by means other than electrical resistance heating, including, but not limited to, solar heating, heat pumps, heat recovery from other systems or plants, etc.
 4.2.2 This solar water heating system shall comply with the provisions of SANS 10105, based on SANS 6711-2. The evaluation thereof shall comply with SANS 10254.
 4.2.2.1 Hot water usage shall be estimated and the system maintained in accordance with the requirements given in SANS 10254-1.
 4.2.2.2 The hot water system shall be designed and installed in accordance with the provisions of SANS 10254-1.
 4.2.2.3 The hot water system shall be designed and installed in accordance with the provisions of SANS 10254-1.
 4.2.2.4 The hot water system shall be designed and installed in accordance with the provisions of SANS 10254-1.
 4.2.2.5 The hot water system shall be designed and installed in accordance with the provisions of SANS 10254-1.
 4.2.2.6 The hot water system shall be designed and installed in accordance with the provisions of SANS 10254-1.
 4.2.2.7 The hot water system shall be designed and installed in accordance with the provisions of SANS 10254-1.
 4.2.2.8 The hot water system shall be designed and installed in accordance with the provisions of SANS 10254-1.
 4.2.2.9 The hot water system shall be designed and installed in accordance with the provisions of SANS 10254-1.
 4.2.2.10 The hot water system shall be designed and installed in accordance with the provisions of SANS 10254-1.

Thermal Insulation (As per SANS 10252-1:2012)
 Table 13 - Minimum R-value of pipe insulation

Insulated diameter of pipe	Minimum R-value
< 100 mm	1.00
100 mm >= 150 mm	1.50

4.2.2.6 Hot water vessels and tanks shall be insulated with a material achieving a minimum R-value of 2.0.
 NOTE To achieve this value insulation in addition to the manufacturer's insulated insulation may be required.
 4.2.2.7 Insulation on vessels, tanks and piping excluding cooling water shall be protected by a vapour barrier on the outside of the insulation.
 4.2.2.8 The piping insulation requirements do not apply to space heating water piping.
 a) Located within the space being heated when the piping is to provide the heating in that space.
 b) Located within a concrete floor slab or in masonry.
 These pipes shall comply with SANS 10255-1.
 4.2.2.9 Piping to be insulated includes all flow and return piping, cold water supply piping within the limits of the connection to the heating/cooling system and pressure water piping within 1 m of connection to

DRAINAGE NOTES
 1. All bends and junctions in drain pipes to be filled with RE-1 and marked covers.
 2. All waste pipe sanitary waste must be laid with a minimum fall of 1:100.
 3. Pipes under concrete slabs must be at least 2400 mm from graters.
 4. A toilet must be accessible to visitors.
 5. Ridding eyes (RE-1) must be installed in 200 x 200 mm concrete blocks, and be accessible to visitors.
 6. Ridding eyes (RE-1) must be installed in 200 x 200 mm concrete blocks, and be accessible to visitors.

STELLENBOSCH MUNICIPALITY
 THIS APPLICATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 15/09/2015
 AUTHORIZED EMPLOYEE/AM/P

Banghoek Developments (Pty) Ltd
Muscadel House
Brandwacht Office Park
Trumali Road
Stellenbosch, 7600

Email: mackenzie@patroncapital.com

15 December 2021

Our Reference: 4442

Attention: Mr M. Johnson

TRAFFIC IMPACT STATEMENT: ERF 2361 STELLENBOSCH

We refer to our appointment to assist with the abovementioned development in terms of the expected traffic impact on the surrounding road network. This letter summarises our opinion regarding the traffic impact in support of the proposed development on Erf 2361 in Stellenbosch.

Erf 2361 is located along Banghoek Road between Bosman Road and Hospital Road in Stellenbosch. See Figure 1 for a Locality Plan.



Figure 1: Erf 2361 Locality Plan

THINKING GLOBAL, ACTING LOCAL

Directors: JL Coetzee Pr Eng (Managing), Dr P Pretorius Pr Eng
Dr JC Krogscheepers Pr Eng, Mrs LC Pretorius Pr Eng, Ms O Ribeiro MBA
Registration No: 2001/027 205/07

Proposed Development

A multi-residential development is proposed on the site. It will consist of 24 one-bedroom apartments. The building will have basement and ground floor parking. The site development plan (SDP) is shown in Figure 2.

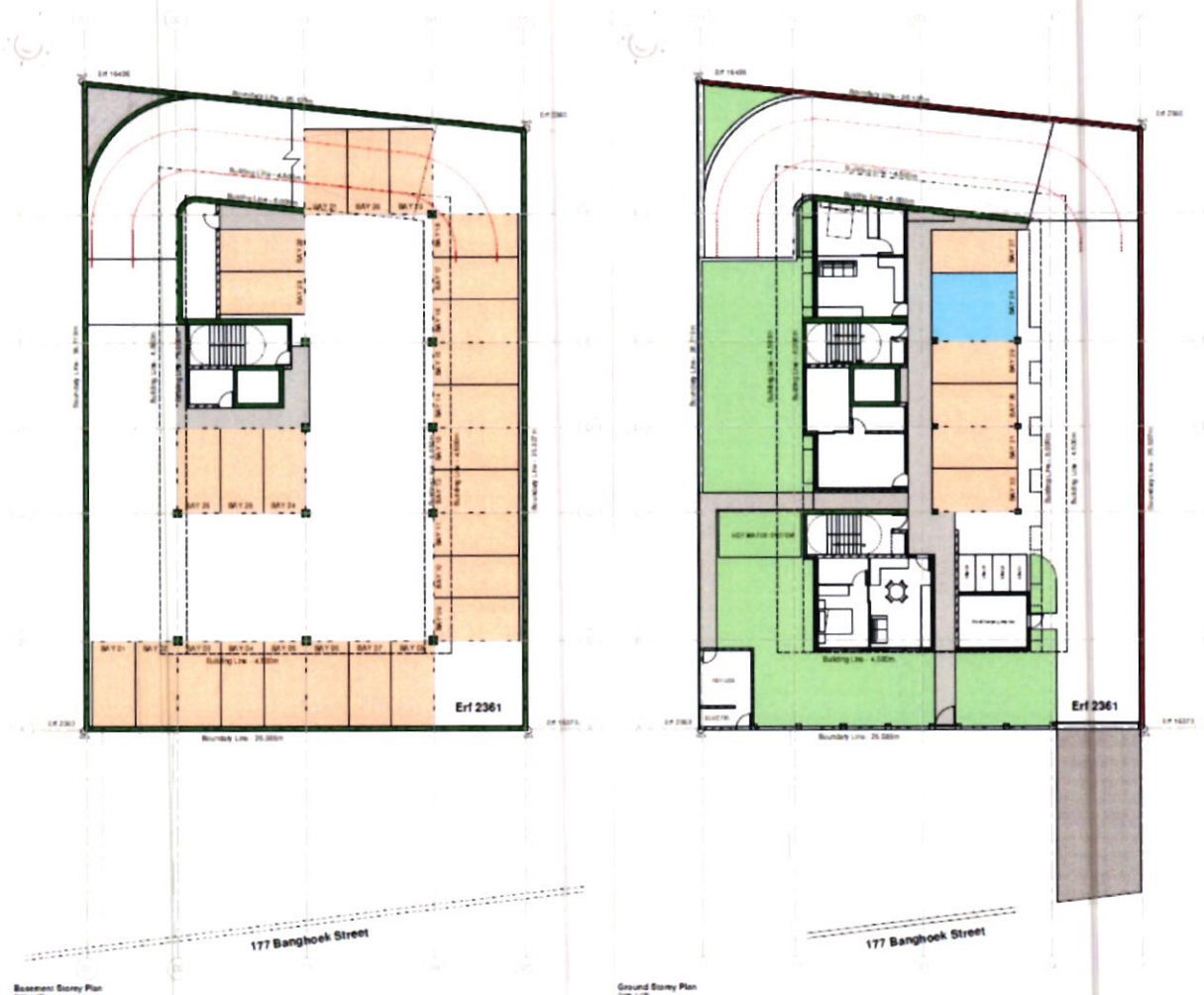


Figure 2: Site Development Plan¹

Existing Traffic Conditions

Banghoek Road is a typical Class 4 local distributor road with one lane per direction without a median and sidewalks along the northern side of the road and direct driveway accesses as illustrated in Figure 3. Banghoek Road has a wide road reserve with streetlighting along both sides of the road in the

¹ Red Atlantic Architecture, Site Development Plan, 14 December 2021

proximity of the proposed development. The southern verge of the road is being used for on-street parking at certain locations.



Figure 3: Banghoek Road Cross-Section

Trip Generation

The trip generation rates are based on the Committee of Transport Officials (COTO)'s TMH 17². The expected trip generation rates for apartments are 0.65 trips per dwelling unit during both the weekday a.m. and p.m. peak hours. The resultant trip generation is therefore 16 vehicles per hour during both the a.m. and p.m. peak hours. It is therefore concluded that the expected impact of the proposed development traffic will be marginal.

This is a conservative approach as these apartments will be located 200 metres from the Stellenbosch Engineering Faculty and within a 1km radius of the central campus. This indicates that these apartments could be student accommodation. The trip generation rate for student apartments is lower compared to apartments, thus less trips can be expected.

Access

One access point is proposed off Banghoek Road. Access will not be via the existing driveway. A new driveway will be constructed on the north-western corner of the development. This driveway will be able to accommodate one ingress and one egress lane. The access will be a sliding gate with facial recognition. Based on an average service rate of 15 vehicles per hour and a maximum inbound demand of 16 vehicles during the peak hour, there is only an eight percent probability that a queue of more than one vehicle will develop at the access.

² Committee of Transport Officials, *TMH17, South African Trip Data Manual*, September 2013

Parking and Internal Site Circulation

According to the Stellenbosch Municipality Zoning Scheme By-Law³, one parking bay per unit plus 0.5 parking bays per unit for visitors are required for dwelling units with two or less habitable rooms. This calculates to 36 parking bays required.

The Zoning Scheme By-law³ also stated that motorcycle bays and bicycle bays can count towards vehicular bays. Refer to Table 1 for the reduction in vehicular bays due to motorcycles and bicycle bays.

Table 1: Other Parking Bays

Mode of Transport	Rate	Bays	Vehicular Bays
Motorcycle	4 Motorcycle bays/1 car bay	4	1
Bicycle	6 Bicycle bays/1 car bay	18	3
Total			4 bays

The SDP indicates a total of 32 vehicle, 4 motorcycle bays and 18 bicycle bays. A total of 4 vehicular bays can be added to the 32 vehicle bays being provided. A total of 36 parking bays will thus be provided on site which is sufficient.

Figure 4 illustrates the internal vehicle circulation and on-site parking movements. All parking bays are according to the minimum standards and internal vehicle circulation is sufficient.

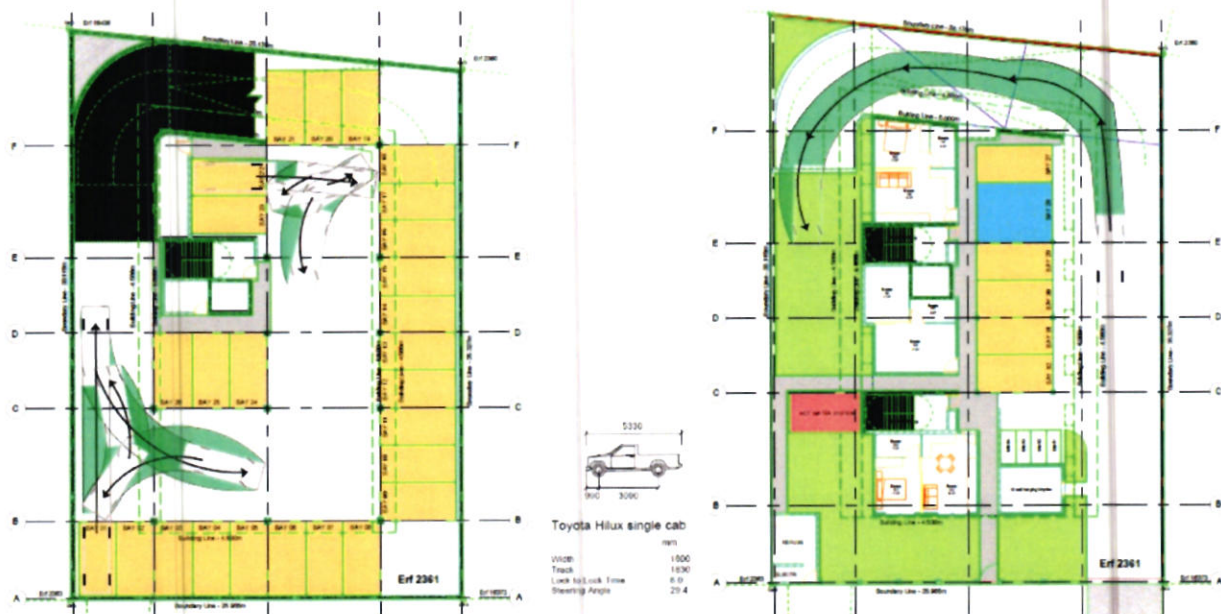


Figure 4: Internal Vehicle Circulation

³ Stellenbosch Municipality, Zoning Scheme By-law, September 2019

NMT and Public Transport

The SDP provides for 18 lockable bicycle racks on site. Banghoek Road is well served with a pedestrian sidewalk and no additional NMT facilities will be required.

Summary

This letter outlines the expected traffic impact of the proposed Multi Residential development on Erf 2361 in Stellenbosch. The estimated number of trips associated with the proposed development will be minimal and will have an insignificant impact on the external road network.

One access to the site is proposed. A total of 32 vehicle, 4 motorcycle and 18 bicycle bays will be provided on site. The motorcycle and bicycle bays account for 4 vehicle bays which leads to a total of 36 parking bays provided on site and is sufficient.

We trust that the above adequately addresses the traffic related issues associated with the proposed development on Erf 2361 in Stellenbosch. Please contact us should you need any additional information.

Regards,



Johan Brink Pr.Eng

Technical Director for ITS Engineers (Pty) Ltd



DATE: 14 December 2021

YOUR REF:

OUR REF: 9434 / A1

**PROPOSED APARTMENTS DEVELOPMENT ON ERF 2361,
177 BANGHOEK ROAD, STELLENBOSCH**

REPORT ON PROVISION OF CIVIL ENGINEERING SERVICES

1. INTRODUCTION

The proposed development on Erf 2361, Stellenbosch comprises 24 apartments. This report summarises the current situation with regard to the provision of the basic civil engineering services, i.e. water supply, sewerage and solid waste removal to the proposed development.

The proposal is indicated on the site development plan by Red Atlantic Architecture in Annexure A. The concept civil engineering services are indicated on Drawing no. 9434/1 in Annexure B.

2. SITE LOCATION AND DESCRIPTION

The site is located on a single residential erf along Banghoek Road, Stellenbosch. To the west and east the site is bordered by the apartment developments of Archimedes and Beau Vie respectively, to the north by Banghoek Road and to the south (back) by other student accommodation complexes.

The site has a flattish fall of approximately 1 in 100 in a westerly direction. The house on the property currently accommodates 9 student rooms. The house will be demolished to accommodate the proposed development.

3. WATER SUPPLY

3.1 Demand :

The demand for potable water for the proposed development is calculated as follows:

$$\text{Apartments: } 24 \text{ units @ } 0,45 \text{ kl/unit/day} = 10.8 \text{ kl/day}$$

The development is classified as a "low-risk" fire protection area, with a required fire flow of 15 l/s at 7m minimum residual head.

3.2 Supply :

The Stellenbosch Municipality's water reticulation network is found in Banghoek Road in the form of a 100mm Ø pipeline. Indication from the Municipality is that the water reticulation network does have sufficient spare capacity to accommodate the development.

4. SEWERAGE

4.1 Run-off :

Sewage run-off from the proposed development is calculated as follows:

Apartments: 24 units @ 0,40 kl/unit/day = 9.6 kl/day

4.2 Drainage :

The Municipality's sewerage network is found in Banghoek Road. Indication from the Municipality is that the sewerage network has sufficient spare capacity to accommodate the development.

6. SOLID WASTE REMOVAL

Solid waste generated by the development is calculated as follows:

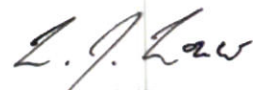
Apartments: 24 units @ 0.02 t/unit/week = 0.48 t/week

The Stellenbosch Municipality indicated that they could provide a waste removal service to the development. A solid waste yard will be provided on the boundary with Banghoek Road from where the development will be serviced.

7. CONCLUSION

From the above it is concluded that the required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure and from an engineering services perspective the development can be supported.

On behalf of: BART SENEKAL & PARTNERS



L J Louw Pr. Eng.

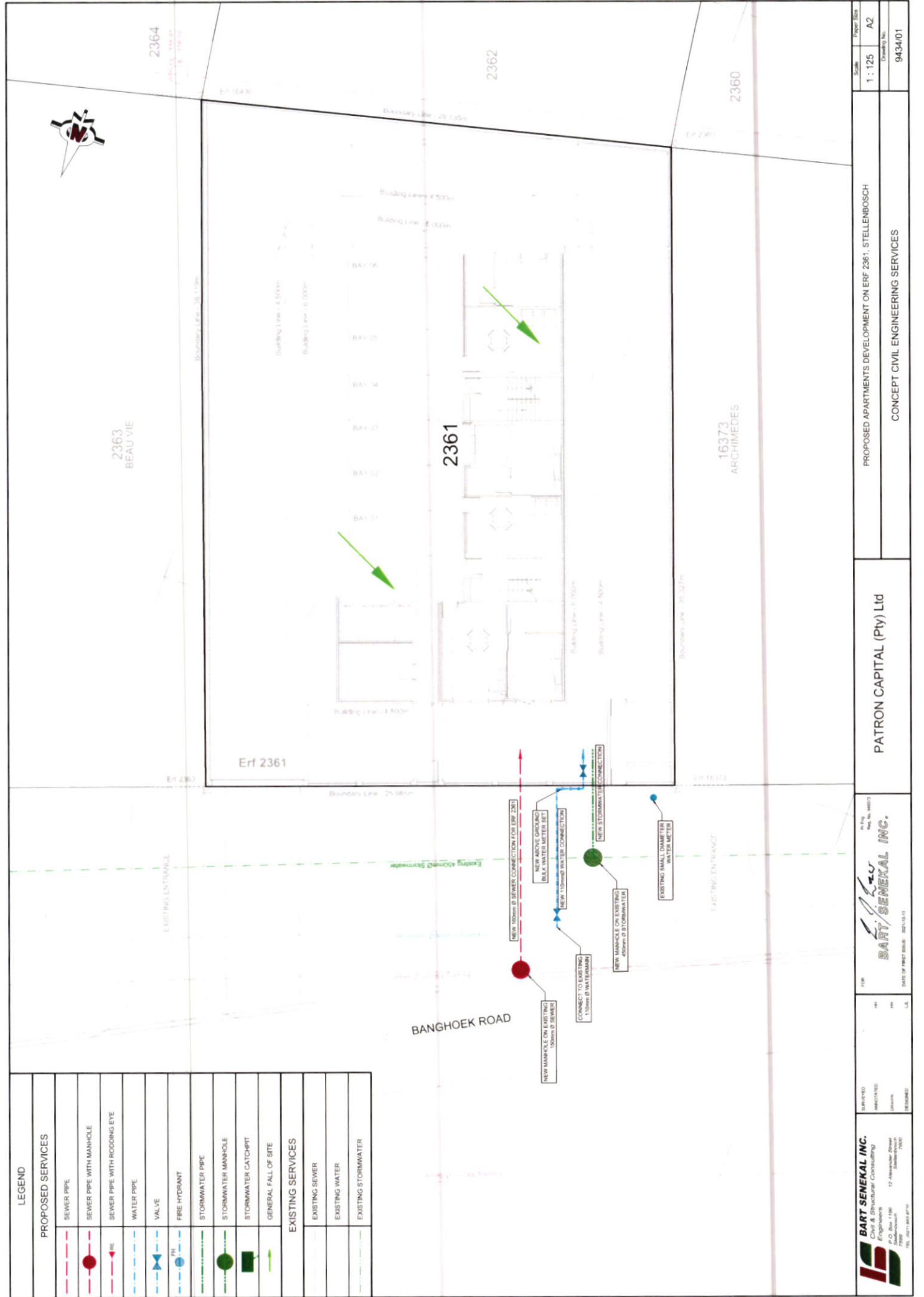
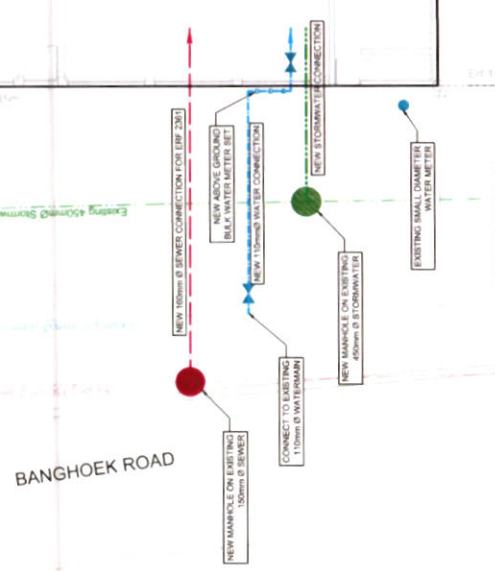
ANNEXURE A

DEVELOPMENT PROPOSAL

ANNEXURE B

CONCEPT CIVIL ENGINEERING SERVICES

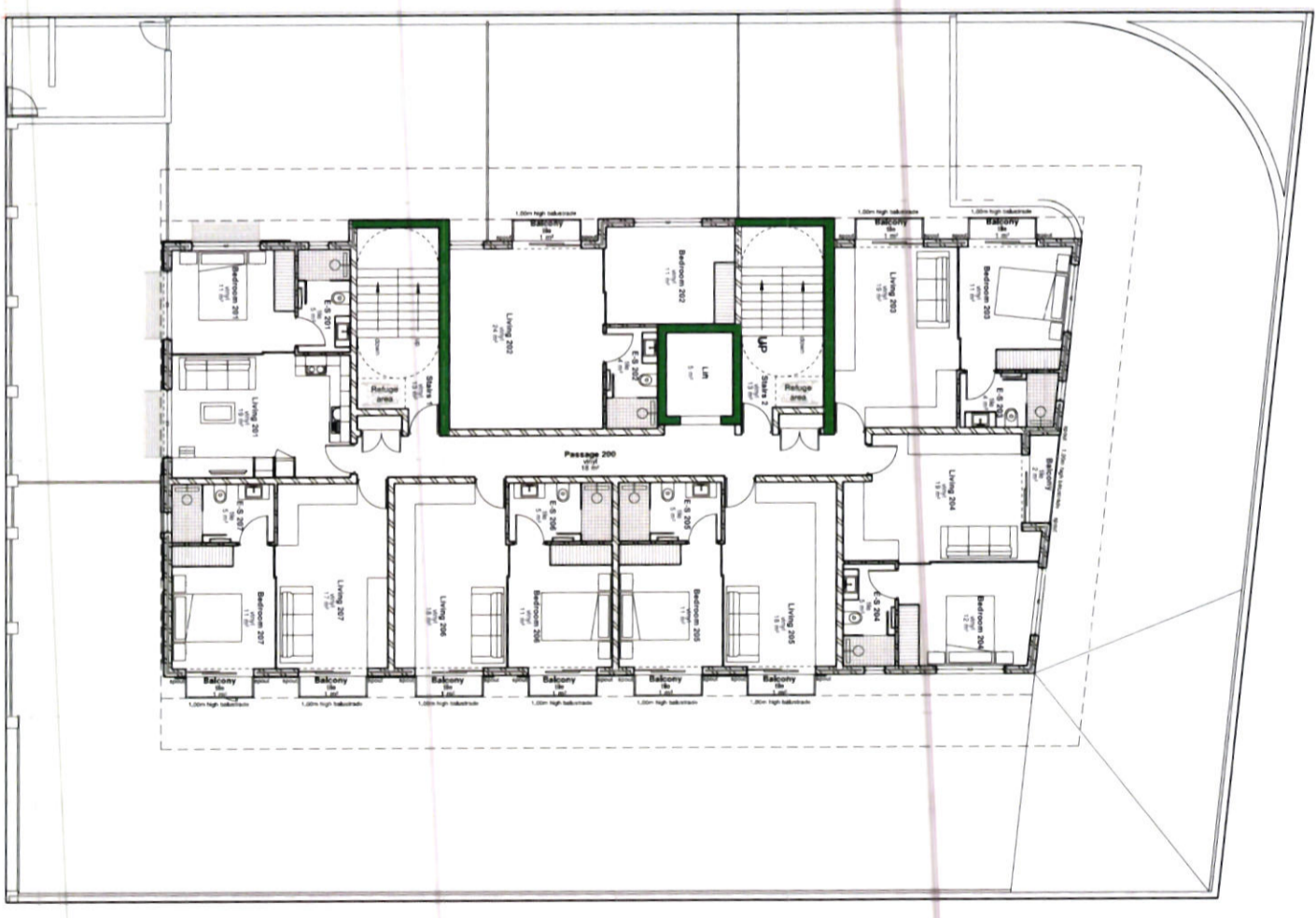
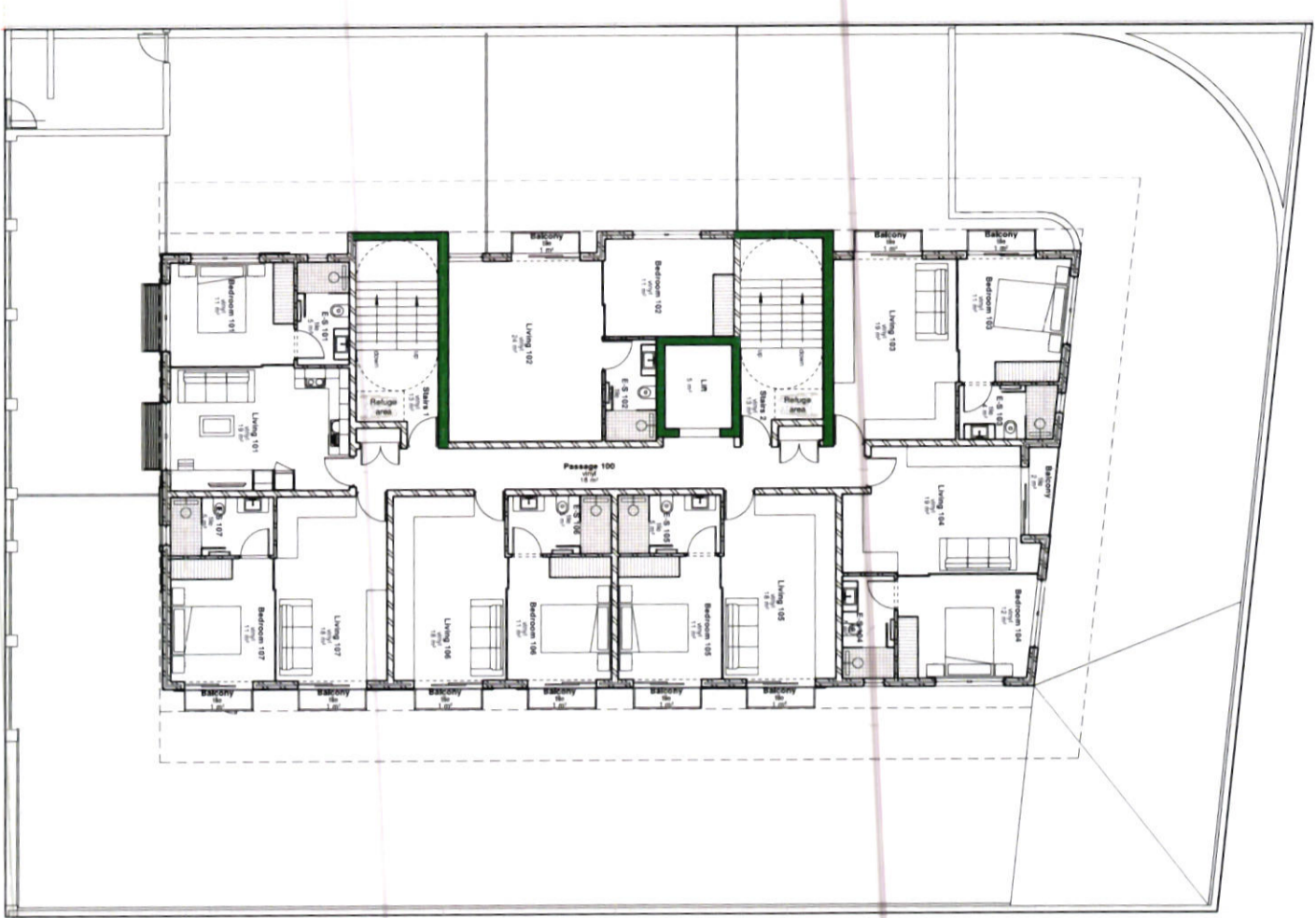
LEGEND	
PROPOSED SERVICES	
	SEWER PIPE
	SEWER PIPE WITH MANHOLE
	SEWER PIPE WITH ROODING EYE
	WATER PIPE
	VALVE
	FIRE HYDRANT
	STORMWATER PIPE
	STORMWATER MANHOLE
	STORMWATER CATCHPIT
	GENERAL FALL OF SITE
EXISTING SERVICES	
	EXISTING SEWER
	EXISTING WATER
	EXISTING STORMWATER



 BART SENEKAL INC. Engineers 17 Argus Street Sandown, Johannesburg 2006 T: 011 861 8740	FOR:	PATRON CAPITAL (Pty) Ltd	PROPOSED APARTMENTS DEVELOPMENT ON ERF 2361, STELLENBOSCH
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Red Atlantic Architects
 177 Banghoek Street
 Stellenbosch 7127
 South Africa
 Tel: +27 (0)21 885 4444
 Fax: +27 (0)21 885 4445
 www.redatlantic.co.za



Proposed Building Work Under Roof:

Site Area	954.30 sqm
Proposed Building Work Under Roof:	2337.00 sqm
- Ground	349.00 sqm
- First	349.00 sqm
- Second	349.00 sqm
- Third	349.00 sqm
Floor Factor 0.96	112.00 sqm
- Ground	112.00 sqm
- Second	267.00 sqm
- Third	267.00 sqm

Zoning Parameters

Proposed	0.75	715.70 sqm
Proposed	0.96	912.00 sqm

Coverage

Proposed	50.0%	477.15 sqm
Proposed	36.6%	349.00 sqm

Height Restriction

Proposed	4 Storages
Proposed	(Basement + Roof Terrace) + 4 Storages

Parking

Proposed	(1.5 parking bay per unit)	36 bays
Proposed	31 standard parking bays	31 bays
Proposed	1 disabled parking bay	1 bay
Proposed	18 bicycles	3 bays

Building Lines

Street	Basement	0.00 m
Street	All	4.50 m
Lateral	Basement	0.00 m
Lateral	Ground	4.50 m
Lateral	Second	4.50 m
Lateral	Third	6.00 m
Lateral	Third	6.00 m

Municipal Approval Stamps

Owner Signature _____ Date _____

Architect Signature _____ Date _____

H3 - Dwelling Units

RED ATLANTIC ARCHITECTS

Banghoek Developments (Pty) Ltd

Property description
 Erf 2361, Stellenbosch
 177 Banghoek Street

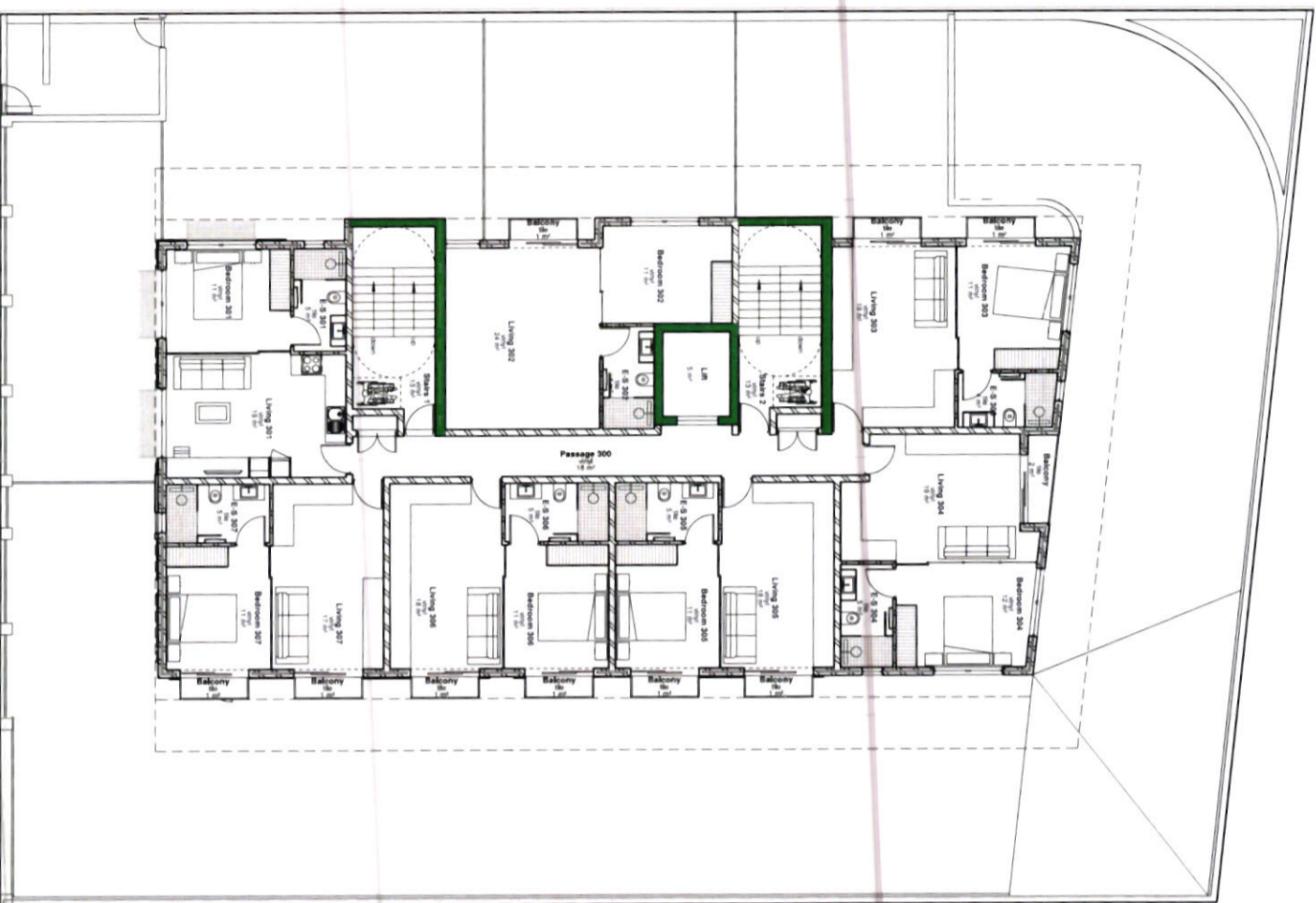
Project description
 New Multi Residential Development

Sheet description
 Site Development Plan
 - First Storey and Second Storey -

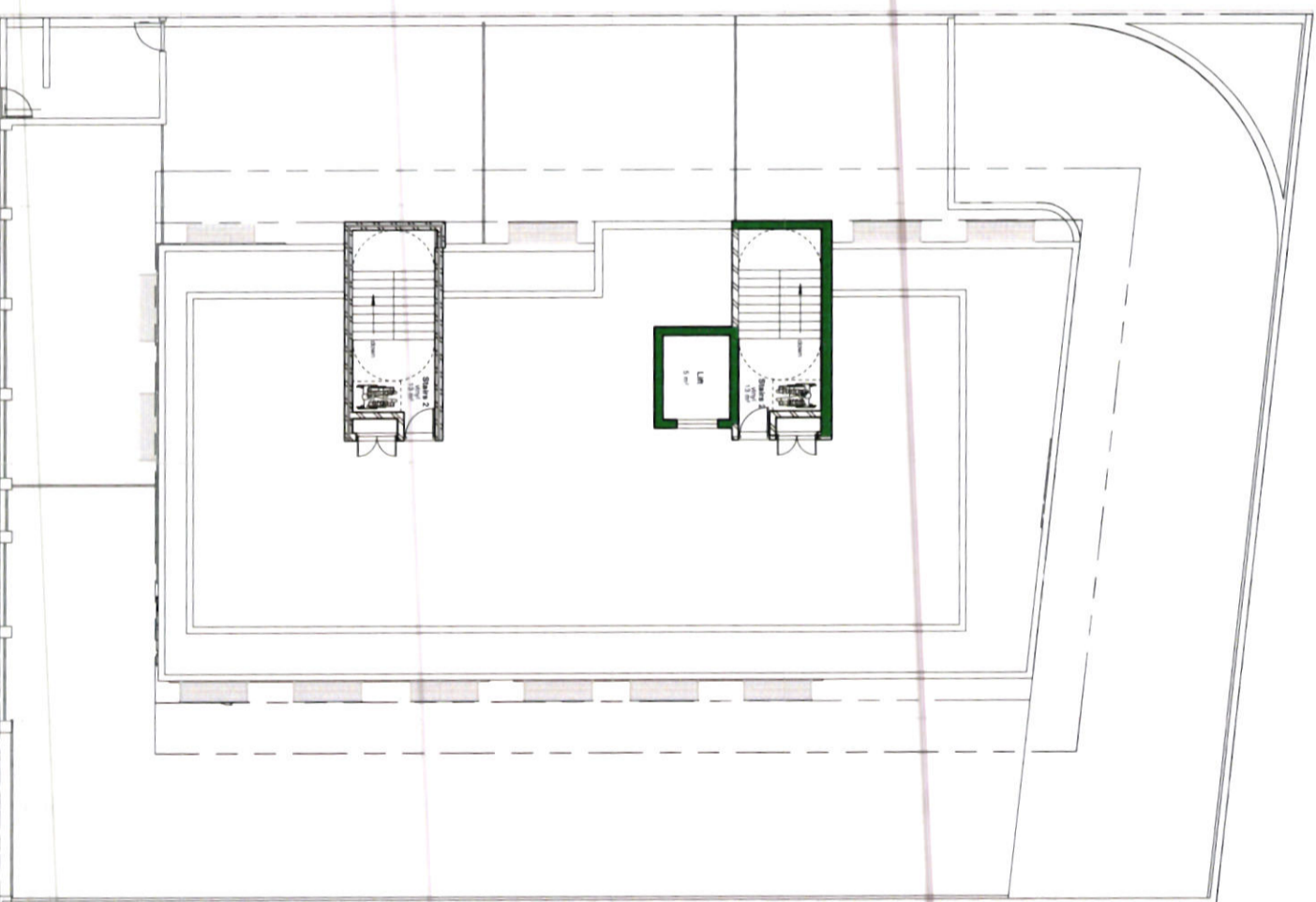
Project number	21-208	Sheet nr	1000	Rev		Project status	
Project Date	2021/11/01	Designed by	Designer	Scale	As indicated	Issue Date	2021/11/01
Issue Date	2021/11/01	Drawn by		Page Size			



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Development Data:

Site Area	954.30 sqm
Proposed Building Work Under Roof:	2337.00 sqm
- Ground	941.00 sqm
- First	349.00 sqm
- Second	349.00 sqm
- Third	349.00 sqm
Floor Factor 0.96	2112.00 sqm
- Ground	111.00 sqm
- Second	287.00 sqm
- Third	287.00 sqm

Coverage 36.6%

Zoning Parameters

Floor Factor	0.75	715.70 sqm
Proposed	0.96	912.00 sqm
Coverage	50.0%	477.15 sqm
Proposed	36.6%	349.00 sqm

Height Restriction

(Basement + Roof Terrace) + 4 Storages Proposed

Parking

Prescribed (1.5 parking bay per unit)
Proposed 31 standard parking bays
1 disabled parking bay
1 motorcycles
18 bicycles

Building Lines

Street	- Basement	0.00 m
	- All	4.50 m
	- Basement	0.00 m
	- First	4.50 m
	- Second	6.00 m
	- Third	6.00 m

Municipal Approval Stamps

Owner Signature: _____ Date: _____

Architect Signature: _____ Date: _____

H3 - Dwelling Units



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 1 - 277 079 044 (Lagos)
 1 - 277 079 044 (Accra)
 1 - 277 079 044 (Nairobi)
 1 - 277 079 044 (Nairobi)

Banghoek Developments (Pty) Ltd

Property description
 Eri 2361, Stellenbosch
 177 Banghoek Street

Project description
 New Multi Residential Development

Sheet description

Site Development Plan
 - Third Storey and Roof Terrace -

Project Number	21-208	Sheet nr	1001	Rev		Project status	Complete
Project Date	2021/11/23	Designed by		Scale	as indicated		
Issue Date		Drawn by		Page Size			

Basement Storey Plan
 Scale 1:100

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Ground Storey Plan
 Scale 1:100

01 02 03 04 05



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02

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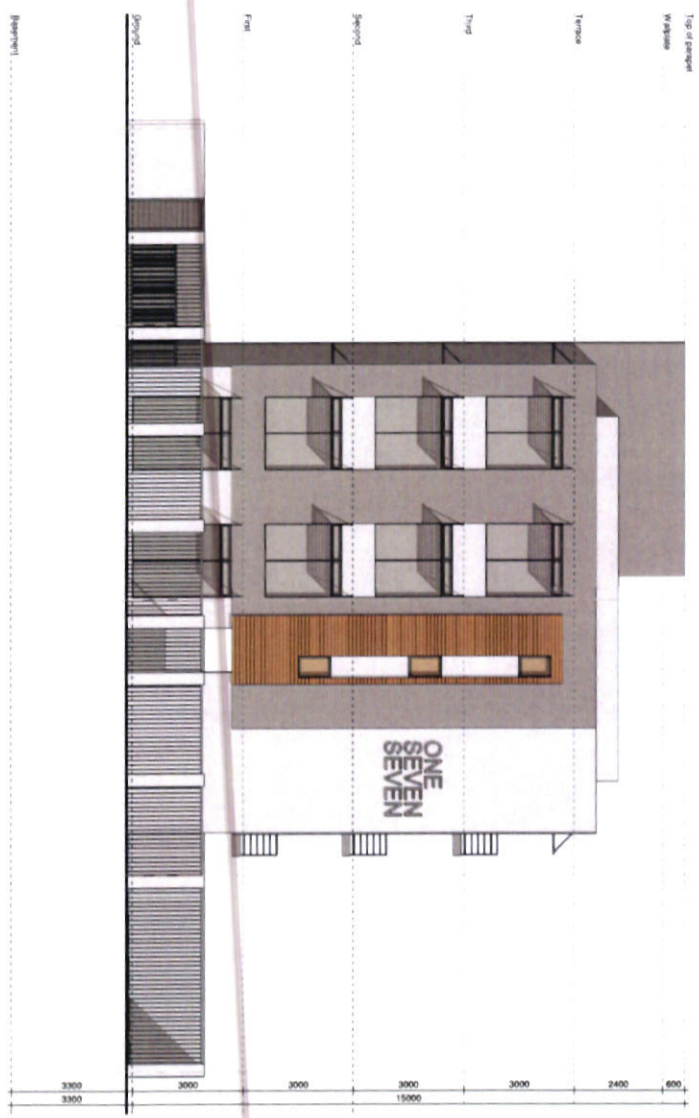
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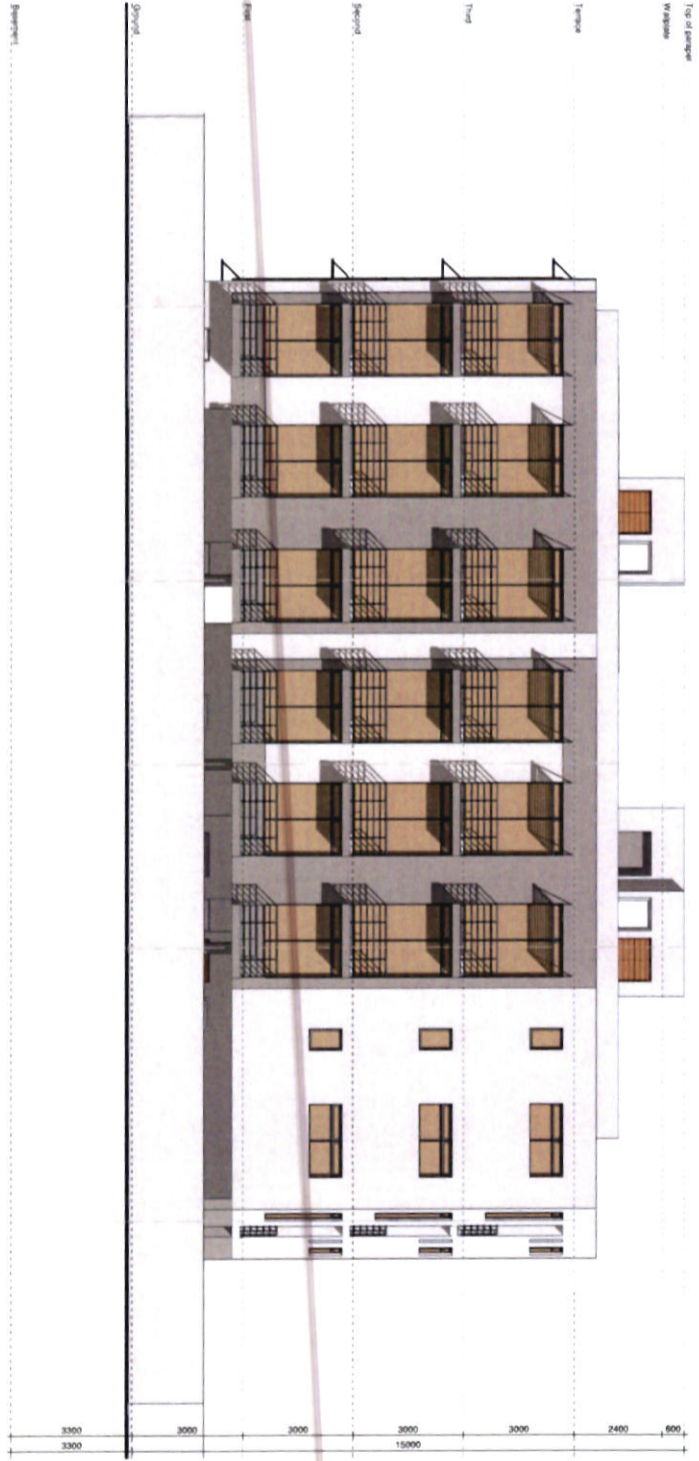
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E

F



North Elevation
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West Elevation
Scale 1:100



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Municipal Approval Stamps

Owner Signature _____ Date _____

Architect Signature _____ Date _____

H3 - Dwelling Units

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A - 30 0113 01 01
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Banghoek Developments (Pty) Ltd

Property description
EH 2361, Stellenbosch
177 Banghoek Street

Project description
New Multi Residential Development

Sheet description
Site Development Plan
- Elevations -

Project number	21-208	Sheet nr	1002	Rev	Project status
Project Date	2021-11-01	Designed by	Designer	Scale	as indicated
Issue Date		Drawn by		Page Size	

South Elevation

East Elevation





STELLENBOSCH

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AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

✉ 17, STELLENBOSCH 7599
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📠 021 886 7318

DUPLICATE RECEIPT

Receipt M/c: DIR2 Duplicate Rec.No: 937284 Date: 19/01/2022

Local Authority: Stellenbosch Municipality

1 STB N 7500.00

30111060201 05236 LU/13632 E

DIRECT 030111060201 LU/13632 ERF 2361

X100 Key: STB -010-20220119-00000126

X10 Key: STB D000093728400000

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REMOVAL OF TITLE DEED RESTRICTIONS AND PERMANENT DEPARTURES:

ERF 2361 STELLENBOSCH, 177 BANHOEKWEG



December 2021

**SUBMITTED TO:
STELLENBOSCH MUNICIPALITY**

PREPARED AND SUBMITTED BY:



Postal Address: Postnet Suite #027
Private Bag X5071
Stellenbosch, 7600
Email: marike@archtownplanners.co.za
Website: www.archtownplanners.co.za

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Annexure B:	Power of Attorney
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Annexure D:	Conveyancer's Certificate
Annexure E:	Previous Approval
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Table 3:	Summary of Compliance with Development Parameters
Table 4:	Assessment in terms of Stellenbosch Municipal By-Law
Table 5:	Assessment in terms of LUPA

1. INTRODUCTION

1.1 Background Information

Erf 2361 Stellenbosch, hereafter referred to as the application site, is situated within Stellenbosch in an area known as the Universiteits Oord. Over the years the Universiteits Oord, as the name suggests, has naturally become one of the preferred areas for student accommodation due to the close proximity to the Stellenbosch University and the option to use non-motorized transport. The Universiteits Oord boasts a number of high-density student accommodations (flats).

The owner's vision is to create high density, student accommodation within walking distance from the campus without compromising the aesthetic value and the natural beauty of Stellenbosch and its surrounds. The Title Deed places certain land use restrictions on the use of the property, with specific reference to "one house only" which needs to be removed in order to allow for the proposed block of flats. The proposed development will also exceed the allowable bulk and requires a formal application to the Stellenbosch Municipality.

1.2 Planning Brief

In light of the above, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality to allow for the development of a 4 - storey block of flats on Erf 2361 Stellenbosch. Refer to **Annexure A** for the application form.

The power of attorney is attached to this report as **Annexure B**.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially submits an application in terms of Sections 15(b), (f) and (g) the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') to allow for the following on Erf 2361 Stellenbosch:

- i. Permanent departure to allow for a bulk of 96% in lieu of 75%
- ii. Permission to allow for 4 x motor vehicle parking bays to be substituted with 4 x motorcycle bays (equal to 1 motor vehicle bay) and 18 x bicycle bays (equal to 3 motor vehicle bay)
- iii. The Removal of the following Title deed Restrictions from Title Deed T41998/2015:
 - Clause (v)(A) 1, (v)(A)2, (v)(A)3, (v)(A)4
 - Clause (vii)

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Erf 2361, Stellenbosch	Annemarie Emslie	954 m ²	T41998/2015	(v) (A) 1 – 4 and (vii)

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed. As listed under Sections (v) (A) and (vii), the following conditions are restricting the proposed and future development of the property and therefore needs to be removed to be in line with the applicable Stellenbosch Zoning Scheme:

- (v)(A) 1. *“Dat hierdie erf slegs vir bewningsdoeleindes gerbuik word.*
2. *Dat net een woonhuis of n woongebou, tesame met die nodige buitegeboue op hierdie efr opgerig word.*
3. *Dat nie meer as een-derde van die oppervlakte van hierdie erf behou mag word nie.*
4. *Dat geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings binne 20 voet van n straatlyn wat n grens van hierdie erf vormopgerig mag word nie. Geen sodanige gebou of struktuur mag binne 10 voet van die sygrens van n aangrensende erf gelee wees nie.”*
- (vii) *“Dat die eienaar van hierdie erf nie gemagtig sal wees om woonstelle op hierdie erf op te rig nie en verder dat die ontwerp, konstruksie en aansigte van die geboue wat hy gaan oprig by die omgewing moet pas.”*

Also please refer to the attached Conveyancer Certificate in **Annexure D**.

2.2 Locality

As attached to e-mail

2.3 Physical characteristics, existing and surrounding land uses

The application site is a total of 954 m² in extent and currently has a single storey residential building on site used for student accommodation (boarding house). The property is situated between two 3-storey blocks of flats, also used for student accommodation. It is one of the few remaining houses which has not been redeveloped. There are no servitudes registered on this property



Figure 4: Existing single storey building on site.

Over the last few years there has been a substantial increase in the redevelopment of properties into higher density student accommodation in the area. The predominant land uses in the area include student accommodation. Other land uses in the area include the retail centre on the corner of Cluver Street and Helshoogte Road towards the north and the J S Marais Park towards the south. As mentioned above, the Stellenbosch University is only a few 100ms from the application site.

2.4 Current zoning and Previous Approvals

The application site is zoned Multi-Unit Residential. Though the property is less than 1 000m², approval was granted in November 2018 to allow for the land use rights to be in-line with that of the then General Residential (now Multi-Unit residential) zone. Please refer to Annexure E for a copy of the approval letter. This approval still stands, and the following building development parameters are therefore applicable:

Building typepermitted	Street boundary building lines (m)	Common boundary building lines (m)	Max Coverage	Max Height	Floor area
Group housing; Retirement village	External: 3m Internal: 0m	External: 3m Internal: 0m	50%	2 storeys	n/a
Flats	All levels: 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	4 storeys	75%
All other buildings	All levels: 4,5m	Ground floor: 4,6m First floor: 4,5m Second floor: 6m	50%	3 storeys	75%

Table 2: Multi-Unit Residential Zone Building Development Parameters

3. DEVELOPMENT PROPOSAL

The proposed development entails the demolition of the existing building (boarding house) and the construction of a 4-storey block of flats with a total of 24 x 1-bedroom units. Parking will be provided on basement level, with landscaping, the refuse area, parking and 3x one-bedroom units proposed on ground floor. The 6 x vehicle parking bays on ground floor will be shielded from the street view by landscaping, the ground floor units and the wall of the bicycle parking area. It is therefore considered that the proposed ground floor layout is aesthetically more pleasing than many of the surrounding developments where the ground floor is merely a hard surfaced parking area.

Parking will be provided on basement and ground floor levels, with basement parking for 26 vehicles, and 6 more vehicle bays on the ground floor, which includes one disabled parking bay. The zoning scheme allows for the substitution of 10% of the required parking bays with motorbike and/or bicycle bays. Of the required 36 bays, 3.6 bays (thus 4) can be replaced by motorbike and/or bicycle bays. 4 motorbike bays and 18 safe and secure bicycle bays are proposed on the ground floor, this equates to 4 additional vehicle bays. The total number of parking bays provided are 36, which is in line with the requirement of 1.5 bays per unit ($1.5 \times 24 = 36$ bays).

Communal outdoor space (approximately 210m²) will be provided on the ground floor, situated between the proposed building and Banghoek street. This provides sufficient recreational areas for future residents, and it will also improve the street scape interface by softening the visual impact of the building.

As the majority of parking is provided on basement level, the ground floor has space for 3 units, which adds to the bulk. The allowable bulk is 75%, which equates to 715m². The proposed development will have 912m² of useable space, thus a bulk of 96%. This equates to 197m² more than allowed for under the zoning scheme. This additional bulk is achieved while still staying within all the prescribed building lines, height and coverage.

The first, second and third floors will each have a total of 7x one-bedroom flats per floor. The proposed building will be 4-storeys high, in line with that allowed for Multi-Unit Residential erven.

3.1 Building Development Parameters

Table 3, below, is a summary of the applicable building development parameters pertaining to development on this site.

Land Use Parameters (flats)	Multi-Unit Residential (MUR)	Proposed Development	Compliance/ Application Required
Street Building Line (BL)	4.5m	4.5m (all floors)	Complies
Common Boundary BL	Ground and First F: 4.5m Second + F: 6m	6m (all floors)	Complies
Max Coverage	50%	36.6%	Complies
Max Height	4 Storeys	4 storeys	Complies
Floor Area	75% (716m ²)	96% (912m ²)	Departure required
Outdoor Space	20% (191m ²)	22% (210m ²)	Complies
Total Number of Flats		24 x 1-bedroom units	
Parking	1.5 bay / flat = 36	36 (32 x vehicle, 4 x motorcycle and 18 bicycle)	Permission required

Table 3 Compliance with Development Parameters

3.2 Traffic Impact Statement

ITS Global compiled a Traffic Services Report, which outlines the expected traffic impact of the proposed Multi Residential development on Erf 2361 in Stellenbosch. The report found that the estimated number of trips associated with the proposed development will be minimal and will have an insignificant impact on the external road network.

One access to the site is proposed. A total of 32 vehicle, 4 motorcycle and 18 bicycle bays will be provided on site. The motorcycle and bicycle bays account for 4 vehicle bays which leads to a total of 36 parking bays provided on site and is sufficient.

Please refer to Annexure G for a full copy of the report.

3.3 Availability of Services

Bart Senekal Inc. Consulting Engineers compiled a Services Report which concluded that the required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure and from an engineering services perspective the development can be supported. Please refer to Annexure H for a full copy of the report.

4. MOTIVATION

4.1 Stellenbosch Municipality Land Use By-Law (2015)

As set out in Section 65(1) of the By-law, certain criteria need be met in consideration of an application by the decision-making authorities. In line with this section, Table 3, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(b) (f) and (g) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was tested with the Municipality by means of pre-application consultation. See Annexure I for feedback received during the pre-application scrutiny process. All relevant and required documentation are attached to this application and motivation.
c. Desirability of land use	<p>The applications for the removal of restrictive title deed conditions, bulk departure and permission to substitute vehicle parking with bicycle and motorbike parking, are considered desirable. The reasons for the desirability of the applications may be summarised as follows:</p> <ul style="list-style-type: none"> - It is considered that the title deed restrictions were put in place prior to the existence of a zoning scheme which could govern the land use of a property. The application site was created in 1945 when die Weides was a single residential suburb and where there was a need to place restrictions on the land use of the property to project the single residential character of the area. The character of the area has changed dramatically over the last 15 years, where almost all of the erven have been converted to buildings catering for predominantly student accommodation. The zoning of the property clearly indicates the indented use of the application site as high-density accommodation such as the proposed flats. The title deed restrictions aims to protects the outdated single residential character of the area which is clearly not applicable anymore. It is argued that the single residential character which the title deed restrictions try to project is no longer the desired land use of the area, as is clearly indicated in the SMSDF. If the restrictive title deed conditions are removed, the development rights will be governed by the 2019 Stellenbosch Zoning scheme which is more relevant and in line with the current need and vision for Stellenbosch. - The proposed removal of the title deed restrictions is in line with the precedent for the surrounding area, where most of the surrounding developments could only have been achieved if similar RoR applications were approved.

- The proposed substitution of the vehicle parking bays with motorbike and bicycle bays are in line with the NMT policy of the Municipality where a 10% substitution allowance is supported and motivated for. All 24 proposed flats are 1x bedroom flats, thus in order to allow for each occupant of the flats to have a vehicle parking a minimum of 24 motor vehicle bays should be provided. The proposed development has 32 vehicle bays, thus 8 vehicle additional bays which could be used for visitors. Due to the situation of the application site, it can be expected that the future occupants of the units will be students who will walk/cycle to class, and it is likely that many of the future visitors will also walk/cycle to this development. It is therefore considered that there is more than sufficient parking to allow for future residents and visitors. By providing safe and secure bicycle parking, future residents will be motivated to make use of their bicycles on a day-to-day basis rather than to use their cars. It is considered that there is more than enough on-site parking to prevent future occupants and visitors of the development to park in the road.
- It is important to note that proposed additional bulk is achieved without departing from any building lines, coverage, height, parking or outdoor requirements. The proposed development will therefore clearly not result in the over development of the site.
- The additional bulk is only achieved by creating basement parking. The additional bulk justifies the high cost of the construction of the basement. If the additional bulk is not supported, the basement will no longer be financially viable and all parking will be moved to the ground floor, which will result in a hard, concrete parking area on street level which is considered to be visually intrusive and not in line with best-design principles. There are ample examples in the area of visually intrusive concrete ground floor parking areas where the street scape is dominated by vehicles parked under buildings. It is considered that the proposed basement parking area, with limited parking on ground floor shielded from view by the proposed landscaping and ground floor units is a much better, aesthetically pleasing and “softer” design than the alternative.
- It is important to note that, as indicated above NO OTHER DEPARTURES are required to allow for the additional bulk. If the additional bulk is not supported, the parking will be provided on ground floor, with the three-storey block above. The building height and form will not differ from that currently proposed, the only difference is that the ground floor will predominantly be a concrete parking area with less recreational space (the recreational space will be moved to the roof as in some of the surrounding areas).

	<ul style="list-style-type: none"> - It is clear that that the additional bulk will not result in an intrusive, overbearing building. As the proposed development complies with all the other building parameters, it is clear that the development cannot be considered as over development of the site. - As confirmed in the services report, the proposed development can tie into all existing services, no services upgrades are required to accommodate the proposed additional bulk. - The proposed development is considered as sensible infill development which will make optimal use of existing infrastructure within the urban edge. - The approval of the application will not have a negative impact on the surrounding properties, the proposed development is in character with the immediate surrounding area. - The proposed land use, resulting in an increase in bulk, is appropriate in the context of the area and will contribute to a more compact urban environment within the urban edge. - The surrounding neighbours will not be negatively impacted by the additional bulk as the proposed development will be within all prescribed building lines and hight.
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.

Table 4 Assessment of Application in terms of Section 65 (1) of the By-Law

4.2 Land Use Planning Act (2014)

Section 59 of the Land Use Planning Act, 2014 (hereafter referred to as 'LUPA') sets out the land use planning principles for the Western Cape. The following is an assessment of the application against these principles:

LUPA Principles	Compliance of Proposed Application
Spatial Justice	The proposed development is situated within the urban edge, in an area earmarked for high density infill development.
Spatial Sustainability	Spatial sustainability would prioritise land use decisions that allow individuals to live close to where they work or study. As a result of the locality of the proposed development, it may contribute to relief the traffic congestion whilst allowing for more dense and efficient settlements.
Efficiency	This development is proposed on a brownfield site that will make use of the existing urban infrastructure. No services upgrades are required to accommodate the increased residential density, it will result in the more efficient use of well-located land and existing infrastructure
Good Administration	The proposed flats are in-line with the municipality's existing densification policies. The building presents an aesthetically pleasing public street interface. The approval of this application will be in the best interest of the Stellenbosch Municipality.
Spatial Resilience	It should be noted that this development is a brownfield development in an area of town that has already been urbanized. Thus, through this development, there will be no negative impact on vulnerable agricultural and/or natural areas; nor would there be any additional risk to the resilience of human residents in the area.

Table 5 Assessment of Application in terms of Section 59 of LUPA

4.3 Consistency with the Applicable Spatial Development Frameworks

4.3.1 Western Cape Provincial Spatial Development Framework, 2014

The Western Cape Spatial Development Framework (hereafter referred to as 'the PSDF') identifies densification as one of the provincial objectives. The PSDF specifies that the residential density in urban areas be increased to 25 dwellings per hectare. This density should be achieved by means of urban development tools such as sectional title developments. This application complies with the PSD as it is proposed the development of a block of flats comprising 24 dwelling units on an erf of 954m².

4.3.2 The Stellenbosch Municipality Integrated Development Plan, 2017

The current Stellenbosch Integrated Development Plan (hereafter referred to as "the IDP"), approved in May 2017 (and updated in May 2018), provides the detailed development plans for the Stellenbosch Municipal Area, over the short term (2017 – 2022) and long term; as well as reviewing some of the challenges and opportunities experienced by the municipality. The IDP has also informed the municipality's recent Draft Spatial Development Framework (2019).

Overall, the IDP prioritises the densification of existing urban areas, by “focusing development in low-density areas, infill, and brownfield land before considering greenfield sites.” Given the low-density nature of the existing building in which the site is located, in combination with its ideal location near the town centre and university, the area is well-aligned with the IDP strategy of densifying brownfield sites.

Similarly, the IDP prioritises the objective of “Car Free Living” which refers to strategies that encourage more sustainable modes of travel such as public transportation, non-motorised transportation and other mechanisms to increase the number of passengers per vehicle. For such a strategy to be attained, the municipality must allow for the densification of areas of town that are easily accessible by pedestrians and cyclists and support the use of bicycles and motorbikes in lieu of motor vehicles.

4.3.3 The Stellenbosch Municipality Spatial Development Framework, 2019

Existing Housing Demand:

The Stellenbosch Municipality Spatial Development Framework Final Draft, May 2019 (hereafter referred to as “the SDF”) states that *“the middle to high income housing demand was projected to be 1 850 units in 2016”* and that *“the student accommodation demand was recorded as 4 200 beds in 2016”*. Even though a number of student developments have been approved in the last three years, there is still a vast shortage to address this demand. It is evident that the need for housing within the municipal area, for students and those with employment, has not been adequately met. The SDF envisions to provide more inclusive housing at higher densities than the norm. This, as per the SDF, will contribute to the reduction of commuting in private vehicles to and within Stellenbosch.

Access and Movement:

In terms of access and movement, the SDF identifies that Merriman Street, between Bird Street and Helshoogte Road within close proximity of the site, function beyond its capacity. It is the responsibility of development to ensure that non-motorised transport modes be promoted such as bicycles and walking.

The redevelopment of this site will support non-motorised transport as the site is ideally situated within walking distance from all surrounding amenities although ample off-street parking is provided.

Vision and Concept for the Area of the Site

The SDF points out that the Municipality should *“Pro-actively support higher density infill residential opportunity in the town centre and areas immediately surrounding it”*. Furthermore, and as part of the SDF’s Implementation Framework, the Municipality must assist in the *“broadening of residential opportunity for lower income groups, **students**, and the lower to middle housing market segments.*

5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. It is therefore respectfully requested that the following applications be considered for approval:

Application in terms of Sections 15(b), (f) and (g) the By-Law to allow for the following on Erf 2361 Stellenbosch:

- Permanent departure to allow for a bulk of 96% in lieu of 75%
- Permission to allow for 4 x motor vehicle parking bays to be substituted with 4 x motorcycle bays (equal to 1 motor vehicle bay) and 18 x bicycle bays (equal to 3 motor vehicle bay)
- The Removal of the following Title deed Restrictions from Title Deed T41998/2015:
 - o Clause (v)(A) 1, (v)(A)2, (v)(A)3, (v)(A)4
 - o Clause (vii)

Report compiled by:

Marike Bolz (Director)



for Arch Town Planners (Pty) Ltd

December 2021



Basement Storey Plan
Scale 1:100



Ground Storey Plan
Scale 1:100



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Development Data:

Site Area	954.30 sqm
Proposed Building Work Under Roof:	2337.00 sqm
- Basement (including ramp)	941.00 sqm
- Ground	349.00 sqm
- First	349.00 sqm
- Second	349.00 sqm
- Third	349.00 sqm
Floor Factor	0.96
- Ground	111.00 sqm
- First	267.00 sqm
- Second	267.00 sqm
- Third	267.00 sqm
Coverage	36.6%
Zoning Parameters	
Floor Factor	
Prescribed	0.75
Proposed	0.96
Prescribed	715.70 sqm
Proposed	912.00 sqm
Coverage	
Prescribed	50.0%
Proposed	36.6%
Height Restriction	
Prescribed	4 Storeys
Proposed	(Basement + Roof Terrace) + 4 Storeys
Parking	
Prescribed	(1.5 parking bay per unit) 36 bays
Proposed	31 standard parking bays 31 bays
	1 disabled parking bay 1 bay
	4 motorcycles 4 motorcycles
	18 bicycles 18 bicycles
	3 bicycles 3 bays

Building Lines

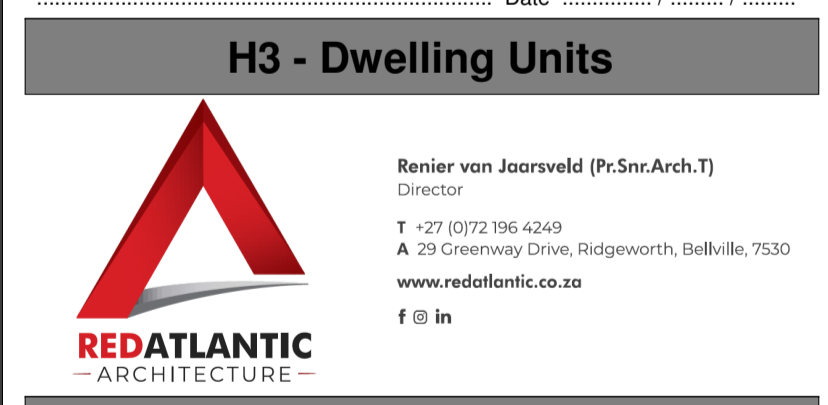
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	- All 4.50 m
Lateral	
	- Basement 0.00 m
	- Ground 4.50 m
	- First 4.50 m
	- Second 6.00 m
	- Third 6.00 m

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H3 - Dwelling Units



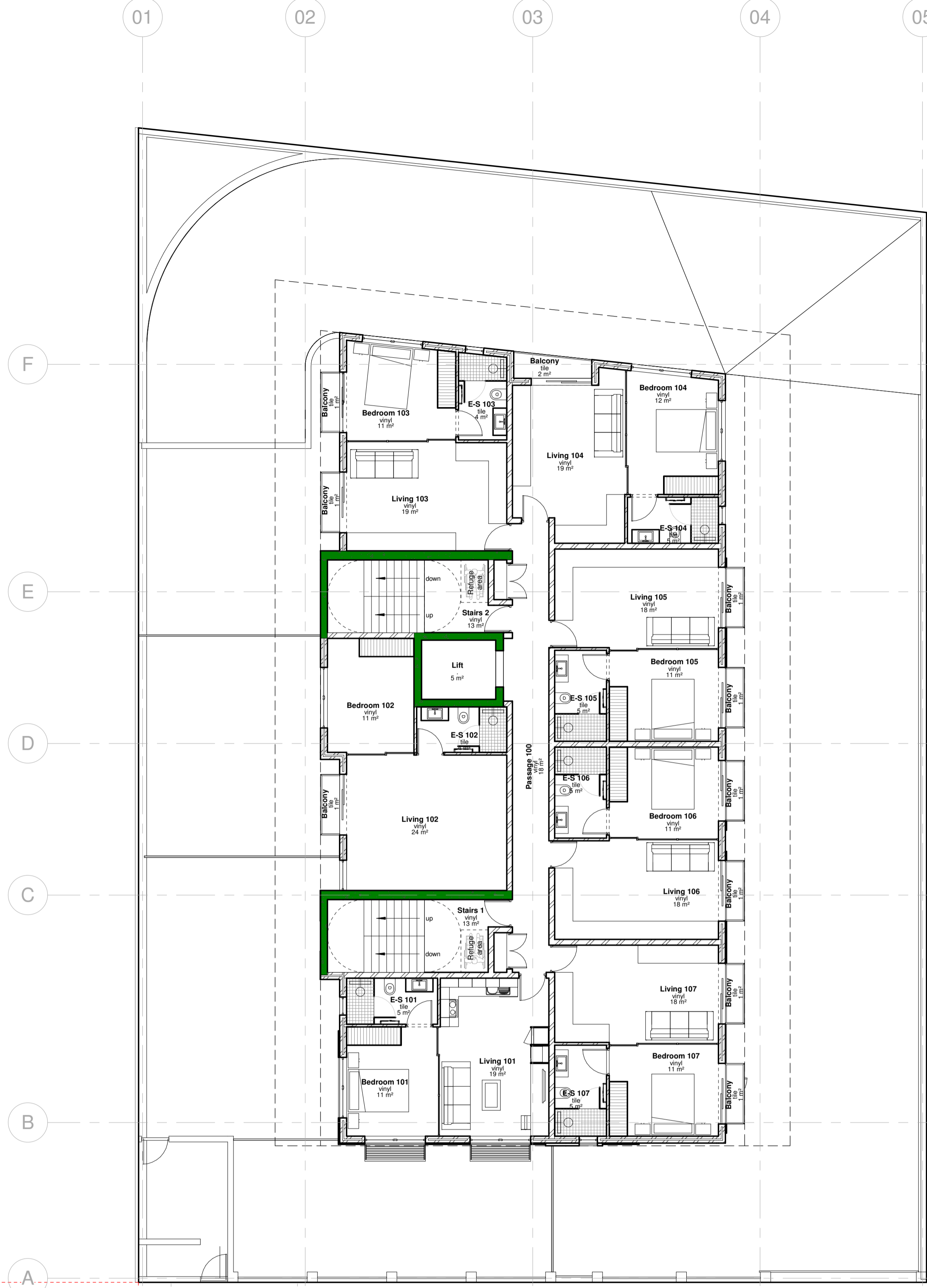
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Property description
Erf 2361, Stellenbosch
177 Banghoek Street

Project description
New Multi Residential Development

Sheet description
Site Development Plan
- Basement and Ground Storey -

Project number	21-208	Sheet nr	999	Rev	Concept	Project status
Project Date	2021-11-01	Designed by	RVJ / WE	Scale	as indicated	
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Basement Storey Plan
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Ground Storey Plan
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Proposed	(Basement + Roof Terrace) + 4 Storeys
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	1 disabled parking bays 1 bay
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Building Lines	
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Lateral	- Basement 0.00 m
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	- Second 6.00 m
	- Third 6.00 m

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H3 - Dwelling Units



Renier van Jaarsveld (Pr.Snr.Arch.T)
Director
T +27 (0)72 196 4249
A 29 Greenway Drive, Ridgeworth, Bellville, 7530
www.redatlantic.co.za
f @ in

Banghoek Developments (Pty) Ltd

Property description
Erf 2361, Stellenbosch
177 Banghoek Street

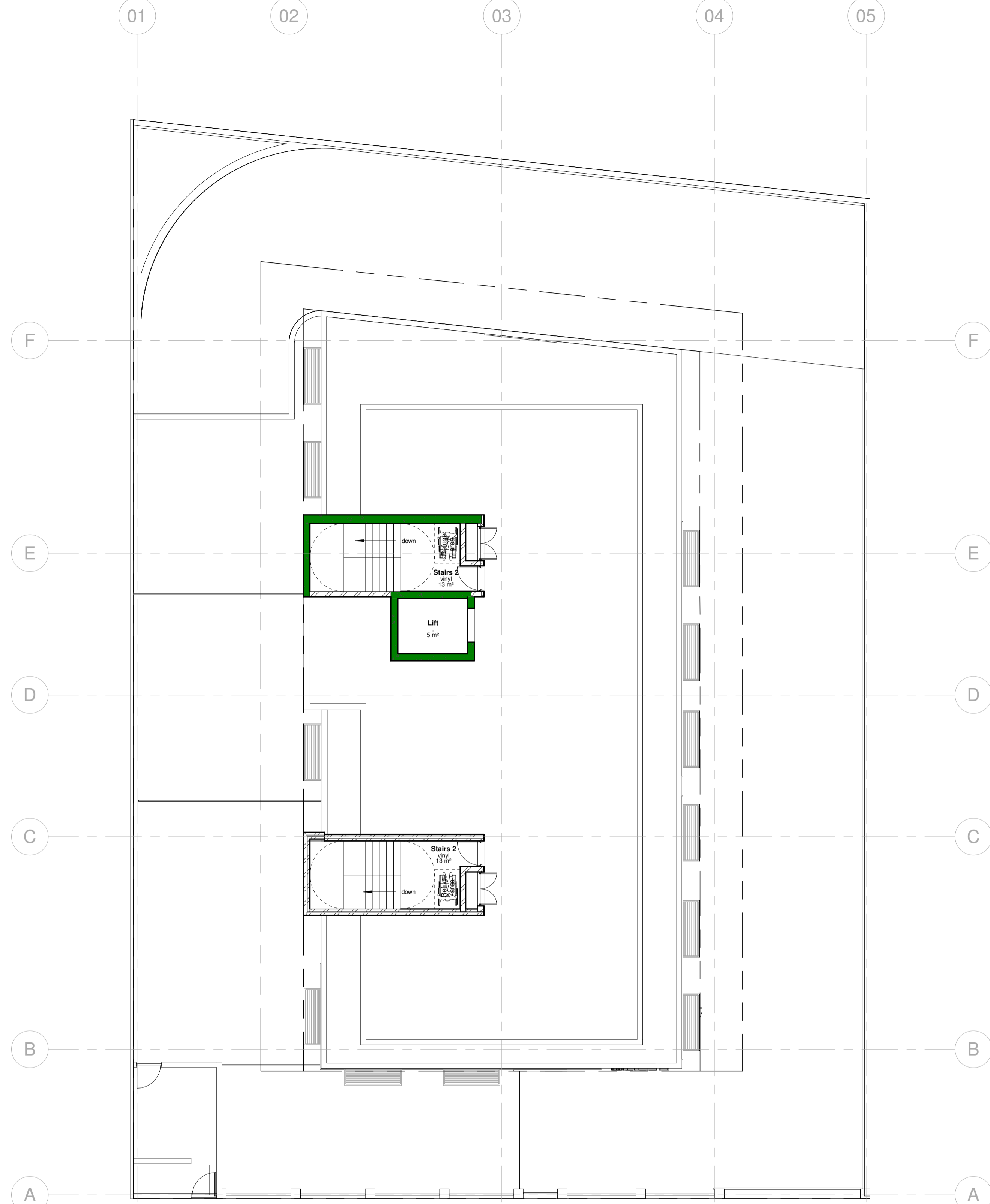
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Sheet description
Site Development Plan
- First Storey and Second Storey -

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Basement Storey Plan
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Ground Storey Plan
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H3 - Dwelling Units



Renier van Jaarsveld (Pr.Snr.Arch.T)
Director
T +27 (0)72 196 4249
A 29 Greenway Drive, Ridgeworth, Bellville, 7530
www.redatlantic.co.za
f @ in

Banghoek Developments (Pty) Ltd

Property description
Erf 2361, Stellenbosch
177 Banghoek Street

Project description
New Multi Residential Development

Sheet description
Site Development Plan
- Third Storey and Roof Terrace -

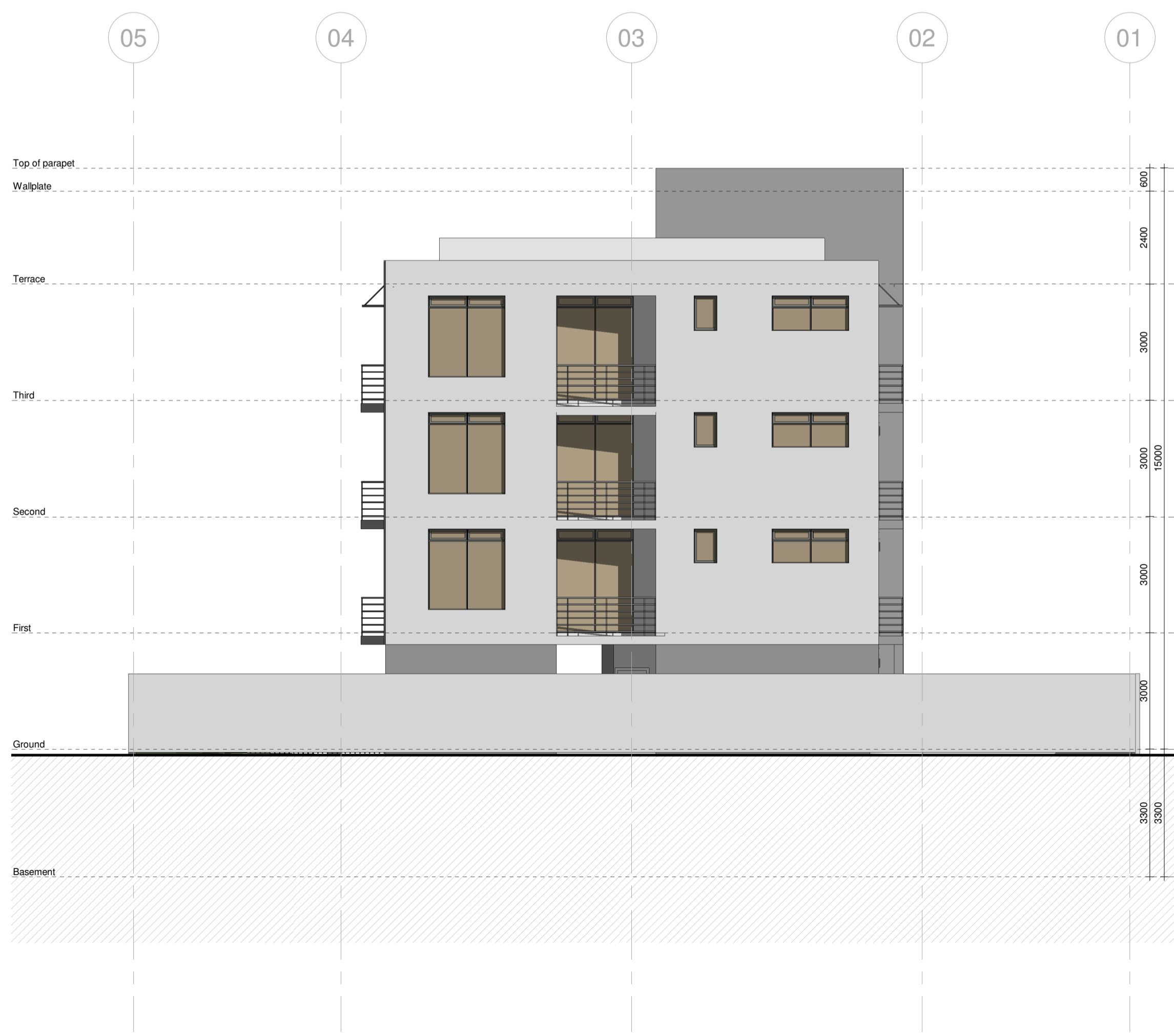
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Issue Date	Drawn by	Page Size	
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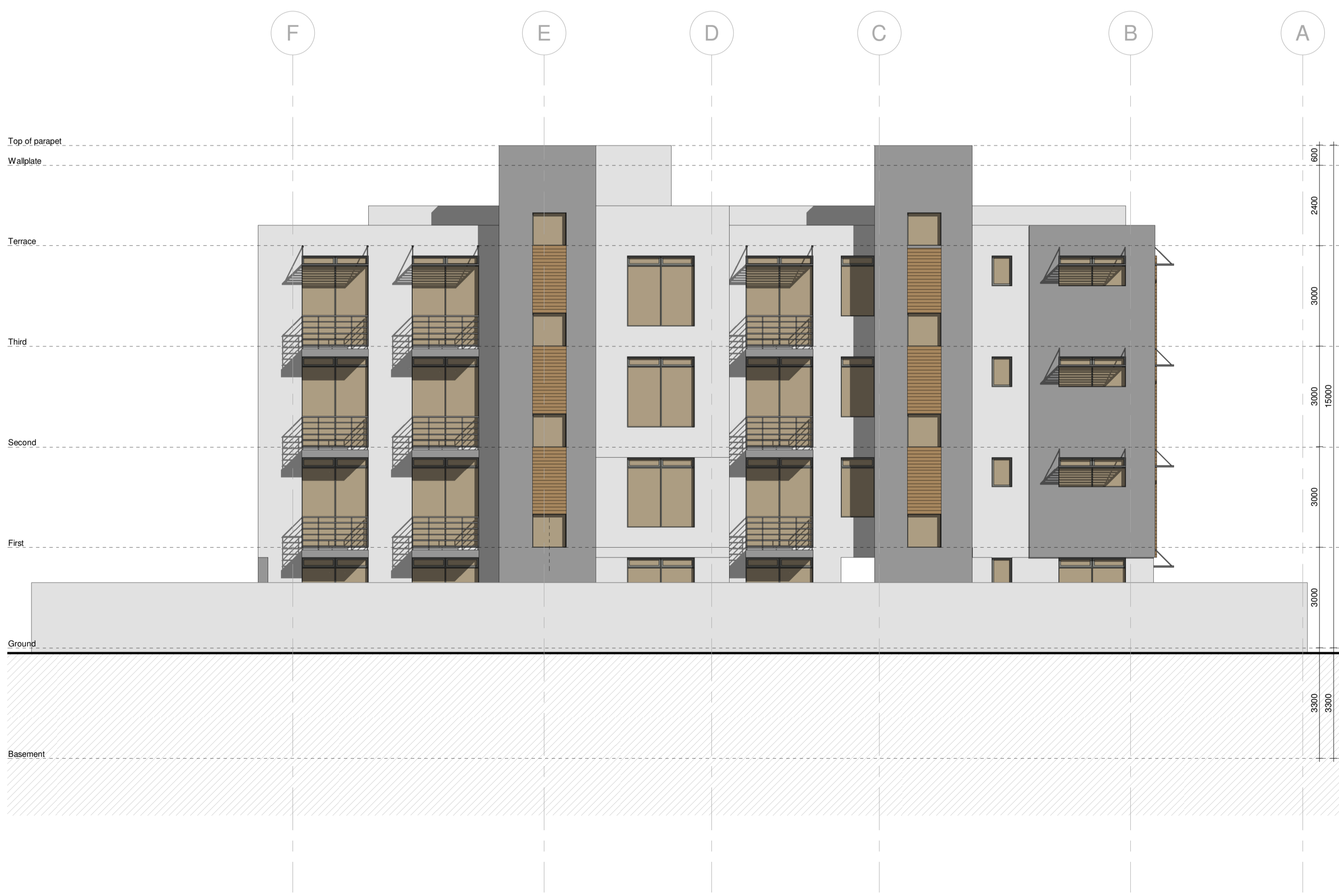
North Elevation
Scale 1:100



West Elevation
Scale 1:100



South Elevation
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East Elevation
Scale 1:100

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H3 - Dwelling Units



Renier van Jaarsveld (Pr.Snr.Arch.T)
Director
T +27 (0)72 196 4249
A 29 Greenway Drive, Ridgeworth, Bellville, 7530
www.redatlantic.co.za
f @ in

Banghoek Developments (Pty) Ltd

Property description
Erf 2361, Stellenbosch
177 Banghoek Street

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Site Development Plan
- Elevations -

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