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7 March 2024

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Sir/Madam

APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIONS AND PERMANENT DEPARTURES ON Erf 2383, STELLENBOSCH, 3 KLEINWEIDE ROAD

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

Application Property Address: **Erf 2383, Stellenbosch (3 Kleinweide Road)**
Application Property Number: **Erf 2383, Stellenbosch**
Applicant: **Arch Town Planners (Pty) Ltd (Marike Bolz, marike@archtownplanners.co.za)**
Owner: **Maakzand Johnson, info@atsprop.co.za**
Application Reference: **LU/TP 1P502/2023**

Description of land development proposal:

Application is made in terms of Section 15 (b) (f) and (g) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the following on Erf 2383, Stellenbosch:

- **Permanent departure to allow for common boundary building lines of 4.5m in lieu of 6m on the second and third floors.**
- **Permission to allow for 3 x meter vehicle parking bays to be substituted with 16 x bicycle bays (equal to 3 meter vehicle bays)**
- **The Removal of the following Title deed Restrictions from Title Deed T10826/86:**
 - **Clause AIII(1) and (5) and**
 - **Clause BIV(2),(3) and (4)**

Notice: Erf 2383, Stellenbosch

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Notice is hereby given in terms of the provisions 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 must 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. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: catlien@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 **8 April 2024**.

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 of the e-mail address provided or telephonically at **072 262 8304** during normal office hours.

Yours faithfully

Marike Bolz

For Arch Tow Planners

Notice: Erf 2383, Stellenbosch

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7 Maart 2024

KENNISGEWING VAN GRONDOONTWIKKELINGS AANSOEK

Geagte Mnr./Me.

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

AANSOEK OM OPHIEFFING VAN TITELAKTE BEPERKINGS EN PERMANENTE AFWYKINGS OP ERF 2383, STELLENBOSCH, KLEINWEDDEWEG 3

Adres van aansoek eiendom: 3 Kleinwede Weg, Erf 2383, Stellenbosch

Aansoek eiendom beskrywing: Erf 2383, Stellenbosch

Aansoeker: Arch Town Planners (Pty) Ltd (Marike Bolz, marike@archtownplanners.co.za)

Eienaar: Mackenzie Johnson, info@dsprop.co.za

Aansoek Verwysing: TP502/2023

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen in terme van Artikel 15(b) (f) en (g) van die Stellenbosch Munisipaliteit se Beplanningverordening (2023) ten einde voorsiening te maak vir die volgende:

- **Permanente afwyking om voorsiening te maak vir gemeenskaplike grensboulyne van 4.5m in plaas van 6m op die tweede en derde verdieping.**
- **Toestemming om toe te laat dat 3 x motorvoertuigparkeerplekke vervang word met 18 x fietsplekke (gelyk aan 3 motorvoertuigplekke)**
- **Die Opheffing van die volgende titelakteebeperkings uit Titelakte T10826/86:**
 - o Klousule AIII(1) en (5) en
 - o Klousule BIV(2),(3) en (4)

Kennis word hiermee gegee in terme van die voorskryfte 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 tydskedule van die publieke deelname proses by die volgende adres:

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

Kommentaar en/of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: Marike Bolz, cafilen@archtownplanners.co.za. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitingsdatum van 8 April 2024.

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 gestrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker gestakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **072 242 5304** gedurende normale kantoor ure.

Die uwe

Marike Bolz

Vir Arch Town Planners (Pty) Ltd

REMOVAL OF TITLE DEED RESTRICTIONS AND PERMANENT DEPARTURES:

ERF 2383 STELLENBOSCH, 3 KLEINWEIDE ROAD



September 2023 rev 1

SUBMITTED TO:
STELLENBOSCH MUNICIPALITY

PREPARED AND SUBMITTED BY:



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1. INTRODUCTION

1.1 Background Information

Erf 2383 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", building lines and coverage (which is more restricting than the zoning scheme). Though the title deed provides for the suspension of the conditions relating to building lines and coverage the applicant prefers the relevant conditions (as motivated for in Section 4 below) in order to allow for the proposed block of flats. The proposed development will also extend beyond the allowable building lines 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 2383 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 2383 Stellenbosch:

- i. Permanent departure to allow for common boundary building lines of 4.5m in lieu of 6m on the second and third floors.
- ii. Permission to allow for 3 x motor vehicle parking bays to be substituted with 18 x bicycle bays (equal to 3 motor vehicle bays)
- iii. The Removal of the following Title deed Restrictions from Title Deed T10826/86:
 - Clause AIII(1) and (5) and
 - Clause BIV(2),(3) and (4)

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Erf 2383, Stellenbosch	Dawid en Hester van Dijk	1 021 m ²	T10826/86	<ul style="list-style-type: none">• Clause AIII(1),(5) and (7)• Clause BIV(2),(3) and (4)• Clause BV

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed. 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:

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.*

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

2.2 Locality

The application site is situated at 3 Kleineweide Road, in the Universiteits Oord suburb of Stellenbosch. 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 2383, Stellenbosch



Figure 2: The Application Site – Erf 2383 Stellenbosch

2.3 Physical characteristics, existing and surrounding land uses

The application site is a total of 1 021 m² in extent and currently has a two storey residential building on site used for student accommodation (boarding house). The property is surrounded by other boarding houses and flats. It is one of the few remaining houses in the Universiteitsoord which has not been redeveloped. There are no servitudes registered on this property



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

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 with the following applicable Building Development Parameters:

Building type permitted	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

This section should be read with the SDP, Floor Plans and Elevations attached as Annexure E.

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 18 x 1-bedroom units. Parking will be provided on the ground floor with three storeys of flats above. Communal outdoor space will be provided on the ground floor, on the southern boundary of the site.

A total of 24 motor vehicle parking bays will be provided, thus one vehicle bay per unit, with 6 additional bays which can be used for visitors. In keeping with the Municipalities TOD policy, 18 safe and secure bicycle bays, thus one bay for each flat, will also be provided.



Figure 4 : Eastern Elevation (view towards building from Kleineweide street)

The development proposes to have balconies on each floor. The dimensions of the site, with the northern boundary situated at angle to Kleineweide, places restrictions on the building design, with specific reference to the building lines. The proposed ground and first floors complies with the zoning scheme building lines, but the balconies on the northern, southern and western boundaries extends beyond the prescribed 6m building lines.

Please refer to Figures 5 below which indicates the portions of the balconies on the second and third floors which projects beyond the 6m building lines:



Figure 5 : Proposed building lines on Second and Third Floor

3.1 Building Development Parameters

The title deed places restrictions on the land use (single dwelling only) and the building parameters of the site (a coverage of 33% and street and common boundary building lines). The proposed development was designed to comply with the more up to date and applicable building parameters as set out in the zoning scheme.

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 and Third Floors Northern Boundary Southern Boundary Western Boundary	4.5m	Complies Departure Departure Departure
Max Coverage	50%	36.7%	Complies
Max Height	4 Storeys	4 storeys	Complies
Floor Area	75% (766m ²)	74% (764m ²)	Complies
Outdoor Space	20% (205m ²)	20% (209m ²)	Complies
Total Number of Flats		18 x 1-bedroom units	
Parking	1.5 bay / flat = 27	27 (24 x vehicle and 18 bicycle (=3))	Permission required

Table 3 Compliance with Development Parameters

It is important to note that the proposed development only requires building line departures to allow for the balconies on the second and third floors. It complies with all other zoning restrictions.

3.2 Traffic Impact Statement

In consultation with ITS Global Traffic Engineers, it is motivated 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 24 vehicle and 18 bicycle bays will be provided on site. The bicycle bays account for 3 vehicle bays which leads to a total of 27 parking bays provided on site and is sufficient.

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 F for a full copy of the report.

4. MOTIVATION

4.1 Stellenbosch Municipality Land Use By-Law (2023)

As set out in Section 33 (4) and 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 33(4) Criteria	Assessment of Proposal
(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;	It is argued that if these conditions are removed, the value of this property will increase to the benefit of all surrounding properties who have already chosen and who will in future choose to remove similar conditions to allow for higher density developments.
(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;	The restrictive conditions aimed to protect the single character of die Weides neighbourhood at a time when the neighbourhood was only a single residential area. This has changed drastically over the last few years and the neighbourhood is no longer seen as a single residential area, but has now mainly changed to a higher density area, allowing for flats and boarding-houses (for student accommodation).
(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;	<p>Be removing the restrictions to allow for more than one dwelling house on the property, the owner of the property will be able to develop a higher density block of flats, which will increase the financial viability of the property.</p> <p>Though the title deed provides for the suspension of the conditions relating to building lines and coverage, the applicant prefer to remove these conditions as this will allow the owner, if there are any changes to the design of the building in future, to submit building plans for approval without having to go through a costly and lengthy application process again to suspend/amend these conditions. It is argued that these conditions were specifically included in the title deed in 1941 to protect the single residential character of the area which is no longer relevant. By removing these restrictions, the owner of the property will still have to comply with the building line parameters of the applicable zoning scheme (which is included in this motivation report). There is no logical reason why these conditions should not be removed, as almost all of the neighbouring properties have already been converted to student accommodation. It is accepted by the Stellenbosch Municipality in both the SDF and IDP that this area should be used for high density student accommodation and it is argued that the title deed conditions to protect the single residential character of this area is no longer valid. By refusing the removal of these conditions and insisting that these conditions should only be suspended, the Municipality is in principle forcing the land owner to go through a lengthy and costly application process every time they want to make any alterations to the building. The application specifically seeks to remove these conditions, which is clearly conveyed to the surrounding properties in the public participation process and all surrounding properties are made aware that the intention is to allow for this property to be developed in line with the building lines and coverage restrictions as allowed for in the zoning scheme. By allowing for this removal, the land owner will have the flexibility to extend onto the building in line with the zoning scheme.</p>
(d) the social benefit of the restrictive condition remaining in place in its existing form;	It can be argued that the impact of noise and privacy of living next to a single residential building vs a higher density block of flats is much less, but the social benefit for high

	density student accommodation within walking distance from campus outweighs the social benefit of neighbouring properties living next to a single residential building.
(e) the social benefit of the removal, suspension or amendment of the restrictive condition;	By removing these conditions, the property can be developed to its full potential to allow for much needed student accommodation within walking distance from campus. This will also help to reduce the traffic in the area, as students do not have to make use of their cars to drive to campus or town.
(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.	The removal of these rights will completely remove the rights which established a single residential character in the area, as motivated above, it is argued that the need for this area being classified as a single residential area are no longer valid.
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, building line departure and permission to substitute vehicle parking with bicycle 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.

	<ul style="list-style-type: none"> - 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 bicycle bays are in line with the NMT policy of the Municipality. All 18 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 18 motor vehicle bays should be provided. The proposed development has 24 vehicle bays, thus 6 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 building line departures does not result in departing from any bulk, coverage, height, parking or outdoor requirements. Even with the proposed building line departures (to allow for the balconies), the coverage of the building is still well below the allowable 50% (being 36.7%). The proposed development will therefore clearly not result in the over development of the site. - It is also motivated that the shape of the application site (as explained under Section 3 above) places restrictions on the building design which results in the certain setbacks. The main building complies with all building line restrictions, it is only the balconies that partly projects over the building lines. The proposed building will be fully compliant if the balconies are removed, it is however argued that the balconies improves the visual appearance of the building and provides the quality and experience of the building to future residents. - The building line departure as proposed on the northern boundary, is considered minimal and will have no impact on the property situated towards the north, especially as the balcony faces towards the parking area of the adjoining property.
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	<ul style="list-style-type: none"> - The building line departure on the southern boundary is required for the stairs, lift and balconies for 4 flats (2 flats per floor). These balconies will overlook the parking area of the neighbouring property on the southern boundary. It is considered that the potential loss of privacy/overlooking (if any) will be minimal and not to the effect to warrant refusal. - The building line departure on the western boundary will allow for balconies for 4 flats (2 flats per floor). These balconies will face towards the large trees on the boundary between the application site and the neighbouring property to the west. It is considered that the potential loss of privacy/overlooking (if any) will be minimal and not to the effect to warrant refusal. - It is important to note that, as indicated above NO OTHER DEPARTURES (in terms of the zoning scheme) are required to allow for the proposed building. - It is clear that that the building line departures 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.
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 18 dwelling units on an erf of 1 021m².

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, 2023

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 2383 Stellenbosch:

- i. Permanent departure to allow for common boundary building lines of 4.5m in lieu of 6m on the second and third floors.
- ii. Permission to allow for 3 x motor vehicle parking bays to be substituted with 18 x bicycle bays (equal to 3 motor vehicle bays).
- iii. The Removal of the following Title deed Restrictions from Title Deed T10826/86:
 - a. Clause AIII(1) and (5)
 - b. Clause BIV(2),(3) and (4)

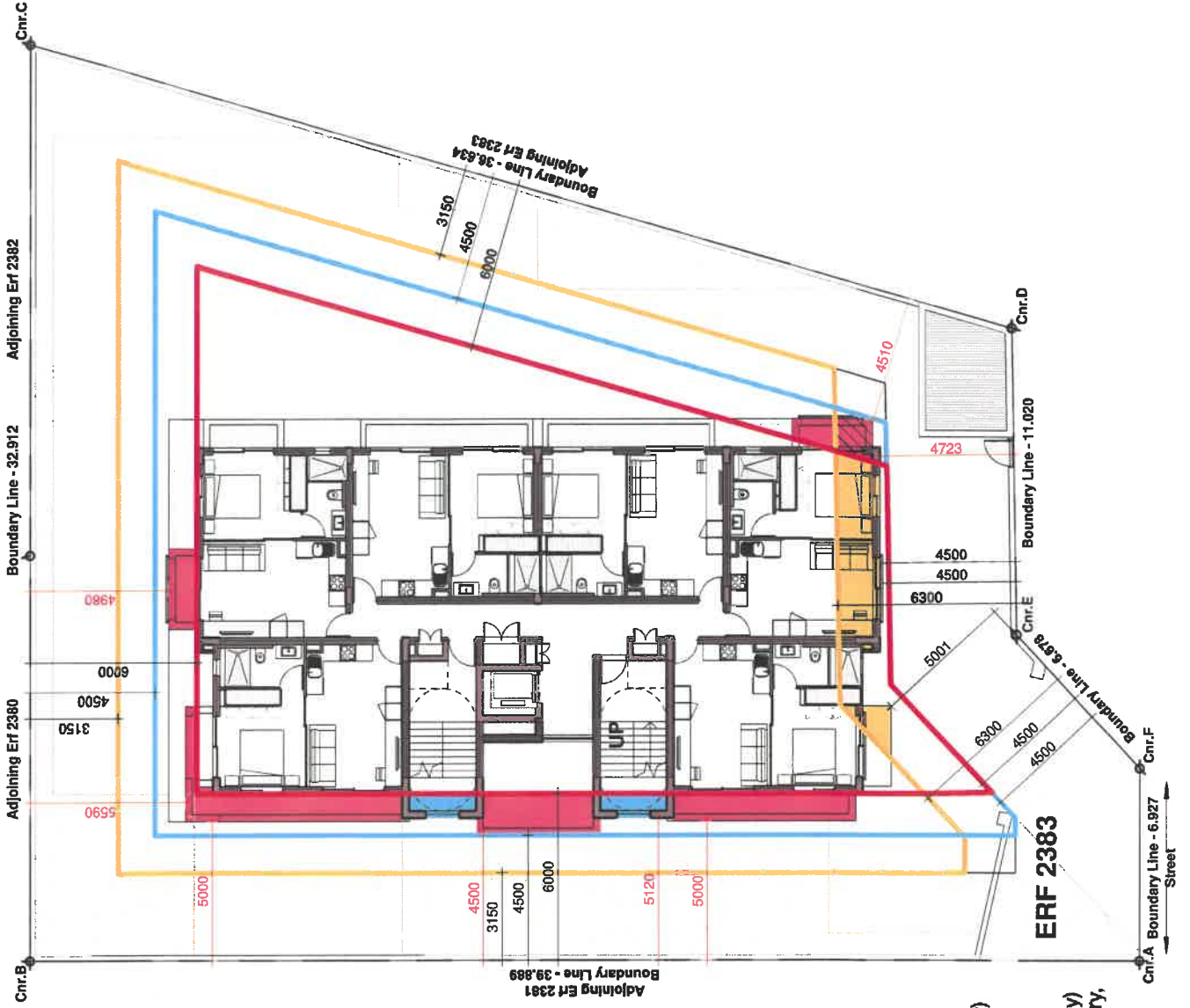
Report compiled by:

Marike Bolz (Director)



for Arch Town Planners (Pty) Ltd

September 2023



Building Lines

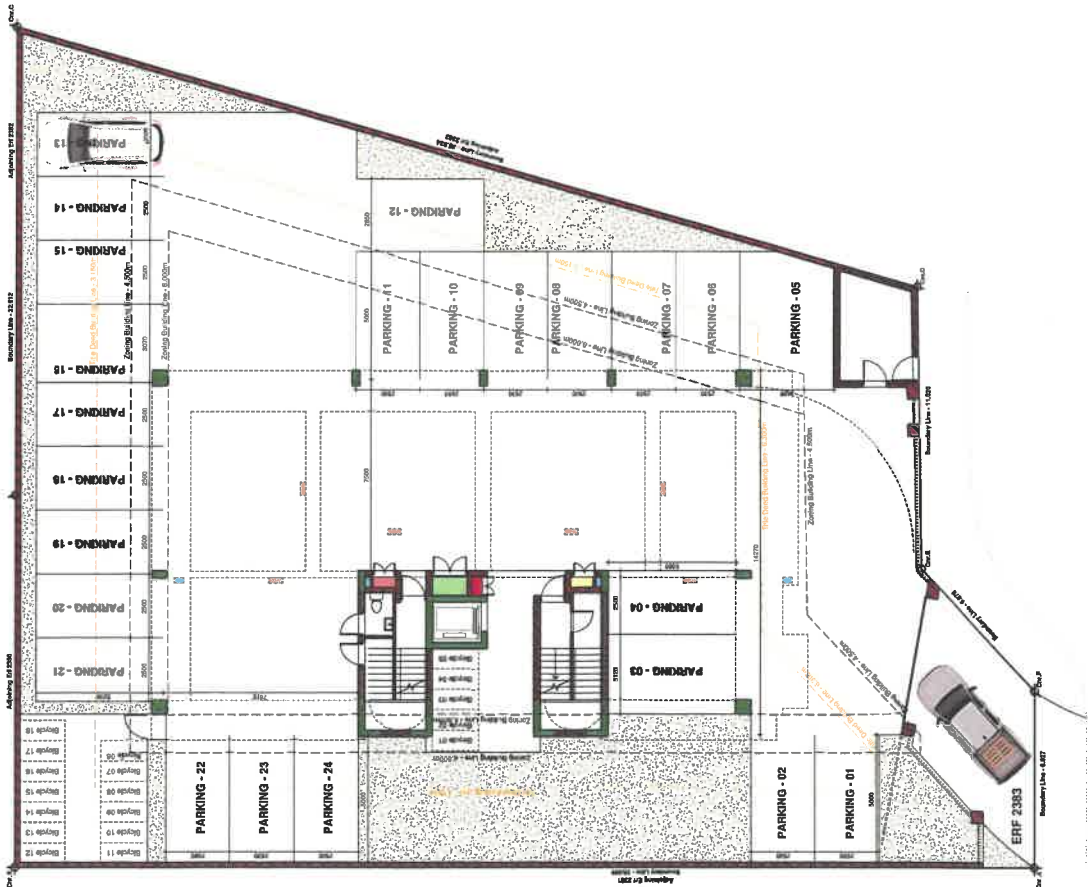
- Title Deed
- Zoning (4.5m) Ground & 1st Floor
- Zoning (6.0m) 2nd & 3rd Floor

Building Line Encroachment

- Over Title Deed building line (6.3m) - All floors but within the Zoning Scheme building line of 4.5m
- Over 6.0m Zoning Scheme building line (balcony only) on 2nd & 3rd floor to be in line with 4.5m Zoning Scheme building line on ground and 1st floor
- Over 6.0m Zoning Scheme building line (staircase only) on 2nd & 3rd floor. Staircase to be 5.0m from boundary, therefore a 1m encroachment.



First Storey Plan
Scale 1:100



Ground Storey Plan
Scale 1:100

Project description
Erif 2383, 3 Kleinewekke Street,
STELLENBOSCH

Project description
New Multi-Residential Development

Sheet description
Ground & First Storey Floor Plans

Project Date
2022-08-17

Issue Date
2022-08-10

Scale
As indicated

Designed by
RVC

Drawn by
RVC

Page Size
A1

Client Signature
Date

Architect Signature
Date

House Van Dijk
HG - Domestic Residence

Project Name
Erif 2383, 3 Kleinewekke Street, Stellenbosch

Project Number
2383-131

Project Date
2022-08-17

Issue Date
2022-08-10

Scale
As indicated

Designed by
RVC

Drawn by
RVC

Page Size
A1

House Van Dijk
HG - Domestic Residence

Project Name
Erif 2383, 3 Kleinewekke Street, Stellenbosch

Project Number
2383-131

Project Date
2022-08-17

Issue Date
2022-08-10

Scale
As indicated

Designed by
RVC

Drawn by
RVC

Page Size
A1

1022.00 sqm	1022.00 sqm	1022.00 sqm	1022.00 sqm	1022.00 sqm	1022.00 sqm
764.00 sqm	764.00 sqm	764.00 sqm	764.00 sqm	764.00 sqm	764.00 sqm
764.00 sqm (0.74)	764.00 sqm (0.74)	764.00 sqm (0.74)	764.00 sqm (0.74)	764.00 sqm (0.74)	764.00 sqm (0.74)
98.00 sqm (17.16%)	98.00 sqm (17.16%)	98.00 sqm (17.16%)	98.00 sqm (17.16%)	98.00 sqm (17.16%)	98.00 sqm (17.16%)
242.00 sqm (23.81%)	242.00 sqm (23.81%)	242.00 sqm (23.81%)	242.00 sqm (23.81%)	242.00 sqm (23.81%)	242.00 sqm (23.81%)
242.00 sqm (23.81%)	242.00 sqm (23.81%)	242.00 sqm (23.81%)	242.00 sqm (23.81%)	242.00 sqm (23.81%)	242.00 sqm (23.81%)
575.00 sqm (56.2%)	575.00 sqm (56.2%)	575.00 sqm (56.2%)	575.00 sqm (56.2%)	575.00 sqm (56.2%)	575.00 sqm (56.2%)
511.00 sqm (50.0%)	511.00 sqm (50.0%)	511.00 sqm (50.0%)	511.00 sqm (50.0%)	511.00 sqm (50.0%)	511.00 sqm (50.0%)
349.00 sqm (33.9%)	349.00 sqm (33.9%)	349.00 sqm (33.9%)	349.00 sqm (33.9%)	349.00 sqm (33.9%)	349.00 sqm (33.9%)
375.00 sqm (36.7%)	375.00 sqm (36.7%)	375.00 sqm (36.7%)	375.00 sqm (36.7%)	375.00 sqm (36.7%)	375.00 sqm (36.7%)

Development data:

Site
ZS
Proposed

BULK/FAR
ZS
Proposed

PARKING
ZS
Proposed

COMMUNAL
ZS
Proposed

COVERAGES
ZS
Proposed

HEIGHT RESTRICTION
ZS
Provided

Building Lines
ZS
Lateral (Ground and First)
Lateral (Second and Third)
Street
Street
Street
Street

Title Deed
ZS
Lateral
Lateral
Lateral
Lateral

Height Restriction
ZS
Provided

27 parking bays
1.5 bays per unit (x 18 units)

24 parking bays (incl. disabled bay)
18 bicycle parking (x 3 bays)

208.00 sqm
20% of site area

208.00 sqm (1022 sqm x 20%)
238.00 sqm (124 x 197)

42.00 sqm (14+14+14)
157.00 sqm (17+28+81+41)

1022.00 sqm

764.00 sqm
764.00 sqm (0.74)

98.00 sqm (17.16%)

242.00 sqm (23.81%)

242.00 sqm (23.81%)

575.00 sqm (56.2%)

511.00 sqm (50.0%)

349.00 sqm (33.9%)

375.00 sqm (36.7%)

Development data:

Site
ZS
Proposed

BULK/FAR
ZS
Proposed

PARKING
ZS
Proposed

COMMUNAL
ZS
Proposed

COVERAGES
ZS
Proposed

HEIGHT RESTRICTION
ZS
Provided



Second Storey Plan
Scale 1:100

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Development data:

Site	1022.00 sqm
BULK/LEAF	
ZS	Proposed
Ground	764.00 sqm (0.75)
First	764.00 sqm (0.74)
Second	38.00 sqm (17.18%)
Third	242.00 sqm (238.14)
Proposed	242.00 sqm (238.14)
COVERAGE	
ZS	375.00 sqm (36.72%)
Title Deed	311.00 sqm (30.09%)
Proposed	340.00 sqm (33.29%)

PARKING	
ZS	27 parking bays
Proposed	1.5 bays per unit (x 18 units)
Required	27 parking bays (incl. disabled bay)
Proposed	18 bicycle parking (x 3 bays)
COMMUNAL	
ZS	208.00 sqm
Proposed	208.00 sqm (20.47%)
Proposed	209.00 sqm (20.47%)
Proposed	209.00 sqm (20.47%)
Proposed	42.00 sqm (14.14-14.14)
Proposed	167.00 sqm (17.28-17.14)
Proposed	Green landscaping

BUILDING LINES	
ZS	4.500m
Proposed	4.500m
Proposed	6.000m
Proposed	6.000m
Title Deed	
ZS	8.300m
Proposed	3.150m
HEIGHT RESTRICTION	
ZS	4 Storeys
Proposed	4 Storeys

Third Storey Plan
Scale 1:100

House Van Dijk

Client's Signature: _____ Date: _____

Architect's Signature: _____ Date: _____

H3 - Domestic Residence

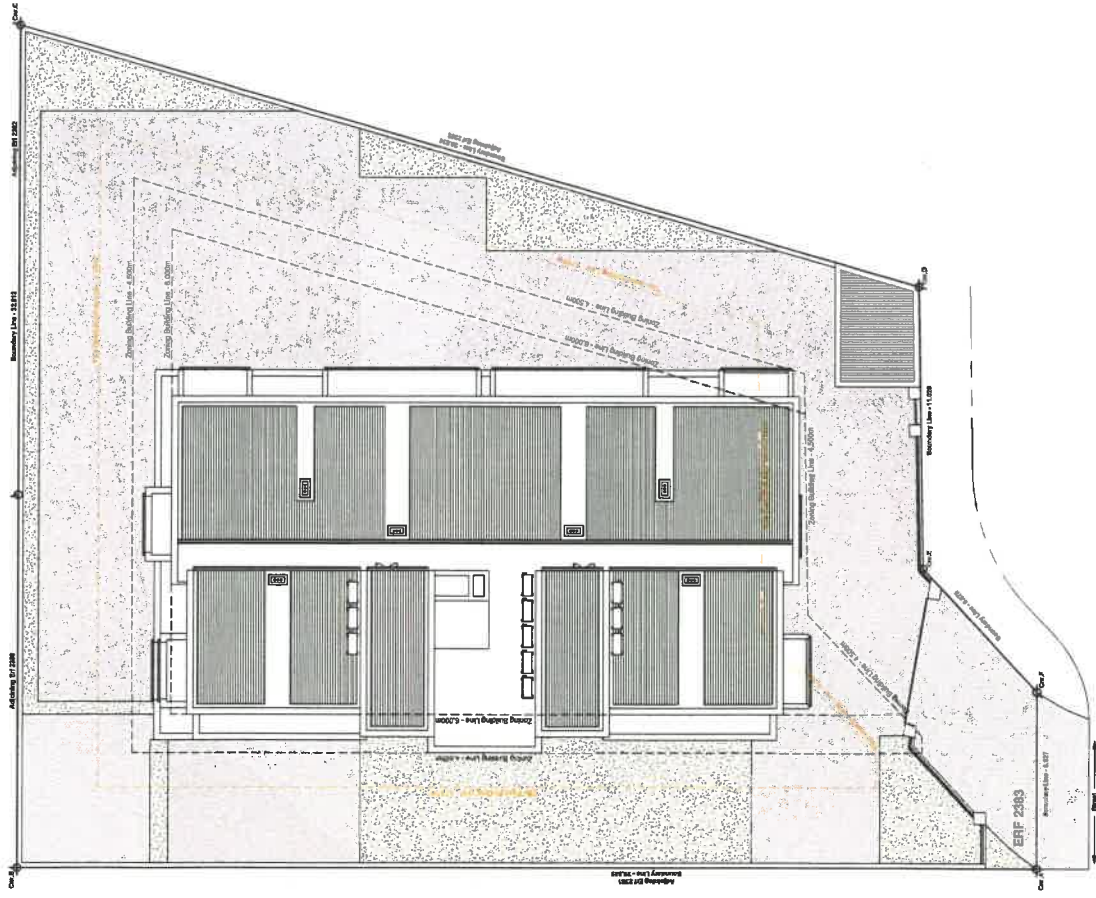
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2. 07/03/2017
3. 07/03/2017

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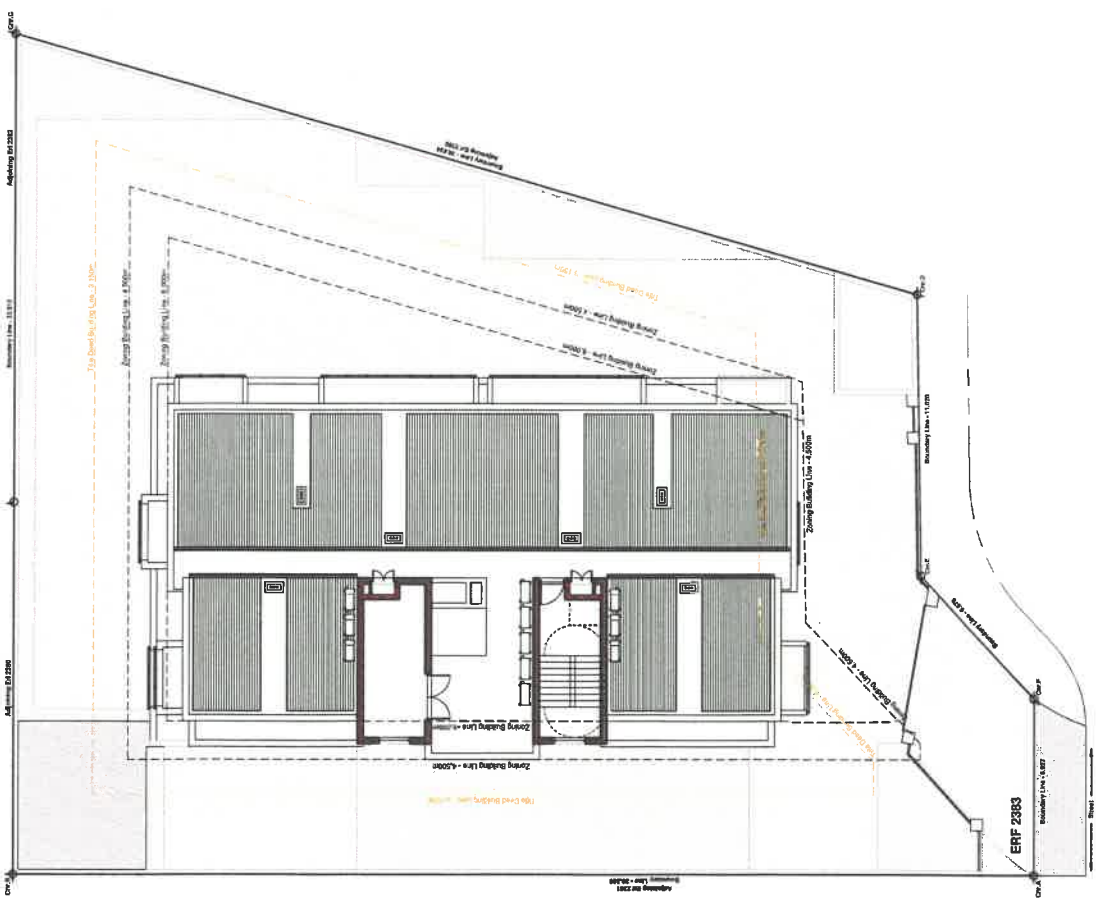
H3 ARCHITECTURE

Property description	Erif 2383, 3 Kleinwilde Street, STELLENBOSCH
Project description	New Multi-Residential Development
Sheet description	Second & Third Storey Floor Plans
Issue Date	28-11-2017
Project Date	2017-06-17
Issue Date	2017-11-28
Drawn by	AW
Scale	As indicated
Page Size	A1

Master/Project Name



Site and floor Plan
Scale 1:100



Roof Terrace Site Plan
Scale 1:100

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Development data:

Site	1022.00 sqm
BULK/FAR	
ZS	764.00 sqm (0.75)
Proposed	764.00 sqm (0.74)
PARKING	
ZS	27 parking bays
Proposed	27 parking bays (incl. disabled bay)
COMMUNAL	
ZS	38.00 sqm (17.16%)
Proposed	38.00 sqm (17.16%)
COVERAGE	
ZS	375.00 sqm (36.7%)
Proposed	375.00 sqm (36.7%)

BUILDING LINES	
ZS	Street
Proposed	Lateral (Ground and First)
HEIGHT RESTRICTION	
ZS	4.500m
Proposed	4.500m
PARKING	
ZS	27 parking bays
Proposed	27 parking bays (incl. disabled bay)
COMMUNAL	
ZS	38.00 sqm (17.16%)
Proposed	38.00 sqm (17.16%)
COVERAGE	
ZS	375.00 sqm (36.7%)
Proposed	375.00 sqm (36.7%)

Development data:	
Site	1022.00 sqm
BULK/FAR	
ZS	764.00 sqm (0.75)
Proposed	764.00 sqm (0.74)
PARKING	
ZS	27 parking bays
Proposed	27 parking bays (incl. disabled bay)
COMMUNAL	
ZS	38.00 sqm (17.16%)
Proposed	38.00 sqm (17.16%)
COVERAGE	
ZS	375.00 sqm (36.7%)
Proposed	375.00 sqm (36.7%)

House Van Dijk

Client Signature: _____ Date: _____

Approved Signature: _____ Date: _____

HJ - Domestic Residence

Reserve was Issued (R 2014/17)

1. 2017/14/248

2. 2017/14/248

3. 2017/14/248

4. 2017/14/248

5. 2017/14/248

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89. 2017/14/248

90. 2017/14/248

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93. 2017/14/248

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95. 2017/14/248

96. 2017/14/248

97. 2017/14/248

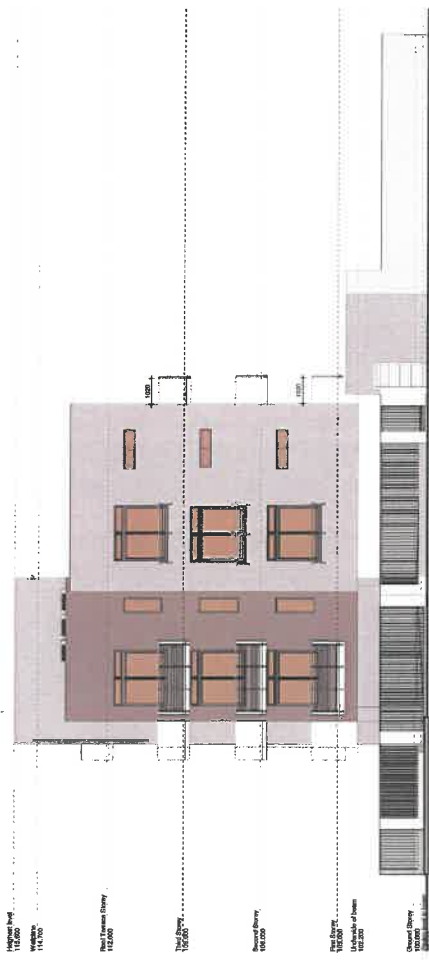
98. 2017/14/248

99. 2017/14/248

100. 2017/14/248

Property description	Erf 2383, 3 Kleinewiede Street, STELLENBOSCH
Project description	New Multi-Residential Development
Sheet description	Roof Terrace Floor Plan, and Site & Roof Plan
Client Name	003
Project Date	2023/01/17
Issue Date	2023/01/17
Drawn by	Scale as indicated
Drawn by	Page Size
Drawn by	Page No.

Manager Approval Stamp



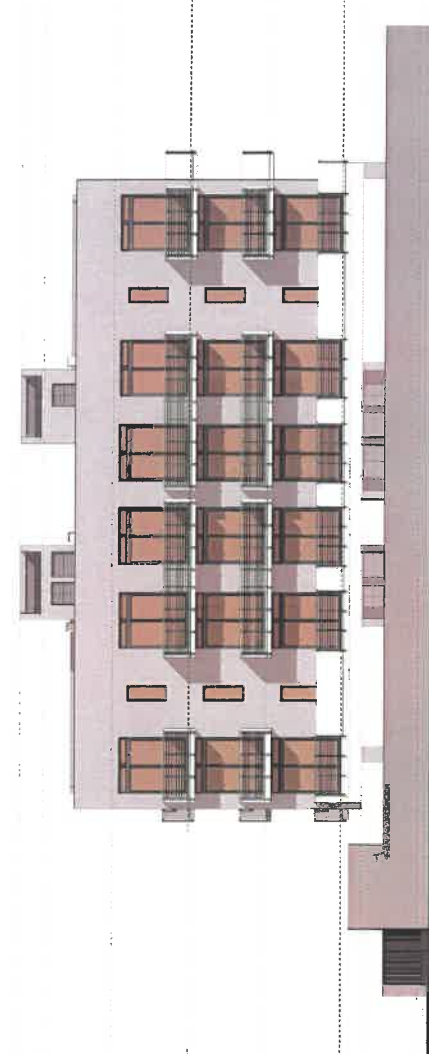
West Elevation
Scale 1:100

1st Floor: 11.000
2nd Floor: 12.000
3rd Floor: 13.000
4th Floor: 14.000
Terrace: 14.500
Ground Floor: 0.000



North Elevation
Scale 1:100

1st Floor: 11.000
2nd Floor: 12.000
3rd Floor: 13.000
4th Floor: 14.000
Terrace: 14.500
Ground Floor: 0.000



South Elevation
Scale 1:100

1st Floor: 11.000
2nd Floor: 12.000
3rd Floor: 13.000
4th Floor: 14.000
Terrace: 14.500
Ground Floor: 0.000



East Elevation
Scale 1:100

1st Floor: 11.000
2nd Floor: 12.000
3rd Floor: 13.000
4th Floor: 14.000
Terrace: 14.500
Ground Floor: 0.000

Development data:

Site	1024.00 sqm
BULK/FAR	
ZS	764.00 sqm (0.75)
Proposed	764.00 sqm (0.74)
Ground	38.00 sqm (174.16%)
First	242.00 sqm (238.14)
Second	242.00 sqm (238.14)
Third	242.00 sqm (238.14)
COVERAGE	
Site Deep	373.00 sqm (36.7%)
Site Deep	511.00 sqm (50.2%)
Proposed	345.00 sqm (33.7%)
Proposed	373.00 sqm (36.7%)

PARKING
ZS
Required
Proposed

COMMUNAL
ZS
Proposed
Proposed

Outdoor space
Green landscaping

27 parking bays
1.5 bays per unit (x 18 units)

27 parking bays (incl. disabled bay)
24 parking bays (incl. disabled bay)

19 bicycle parking (x 9 bays)

209.00 sqm
20% of site area
209.00 sqm (20.5%)

42.00 sqm (144-144.14)
187.00 sqm (174.28-181.41)

PARKING
ZS
Required
Proposed

COMMUNAL
ZS
Proposed
Proposed

Outdoor space
Green landscaping

Development data:

Site	1024.00 sqm
BULK/FAR	
ZS	764.00 sqm (0.75)
Proposed	764.00 sqm (0.74)
Ground	38.00 sqm (174.16%)
First	242.00 sqm (238.14)
Second	242.00 sqm (238.14)
Third	242.00 sqm (238.14)
COVERAGE	
Site Deep	373.00 sqm (36.7%)
Site Deep	511.00 sqm (50.2%)
Proposed	345.00 sqm (33.7%)
Proposed	373.00 sqm (36.7%)

PARKING
ZS
Required
Proposed

COMMUNAL
ZS
Proposed
Proposed

Outdoor space
Green landscaping

27 parking bays
1.5 bays per unit (x 18 units)

27 parking bays (incl. disabled bay)
24 parking bays (incl. disabled bay)

19 bicycle parking (x 9 bays)

209.00 sqm
20% of site area
209.00 sqm (20.5%)

42.00 sqm (144-144.14)
187.00 sqm (174.28-181.41)

Development data:

Site	1024.00 sqm
BULK/FAR	
ZS	764.00 sqm (0.75)
Proposed	764.00 sqm (0.74)
Ground	38.00 sqm (174.16%)
First	242.00 sqm (238.14)
Second	242.00 sqm (238.14)
Third	242.00 sqm (238.14)
COVERAGE	
Site Deep	373.00 sqm (36.7%)
Site Deep	511.00 sqm (50.2%)
Proposed	345.00 sqm (33.7%)
Proposed	373.00 sqm (36.7%)

PARKING
ZS
Required
Proposed

COMMUNAL
ZS
Proposed
Proposed

Outdoor space
Green landscaping

27 parking bays
1.5 bays per unit (x 18 units)

27 parking bays (incl. disabled bay)
24 parking bays (incl. disabled bay)

19 bicycle parking (x 9 bays)

209.00 sqm
20% of site area
209.00 sqm (20.5%)

42.00 sqm (144-144.14)
187.00 sqm (174.28-181.41)

House Van Dijk

Over signature: _____ Date: _____
Architect Signature: _____ Date: _____

H3 - DOMESTIC RESIDENCE

Project Name: [Project Name]
Address: [Address]
City: [City]

HF VAN DIJK ARCHITECTURE

1 27177210101
1 27177210101
1 27177210101

Property description
Erft 2983, 3 Kleinowolds Street,
STELLENBOSCH

Project description
New Multi-Residential Development

Sheet description
Ground Storey Plan

Project No: 28-131
Project Name: [Project Name]
Project Date: 2022.05.17
Issue Date: 2022.07.18.028

Designed by: [Name]
Drawn by: [Name]
Scale: as indicated
Page Size: A1

Municipal Approval Stamp

House Van Dijk

Over signature: _____ Date: _____
Architect Signature: _____ Date: _____

H3 - DOMESTIC RESIDENCE

Project Name: [Project Name]
Address: [Address]
City: [City]

HF VAN DIJK ARCHITECTURE

1 27177210101
1 27177210101
1 27177210101