

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

Sir/Madam:

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2023, refers:

Application Property Address: **Cnr. of Borchers and Andringa street, Stellenbosch**

Application Property Number: **Erf 2539 & 2540, Stellenbosch**

Applicant: **Sustainable Planning Solutions
Email: admin@sp-solutions.co.za
Tel: 021 300 6384**

Owner: **Stellenbosch Municipality
Tel: 021 808 8111**

Application Reference: **LU/15828 (TP424/2023)**

Application Type: **Consolidation and Rezoning of Erven 2539 & 2540, Stellenbosch**

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

Land Use Application submitted in terms of Section 15(2)(e) and Section 15(2)(a) of the Stellenbosch Municipal Planning By-law (2023), in support of the consolidation and rezoning of erven 2539 & 2540, Stellenbosch, from Public Open Space to Public Parking Area, to ensure statutory compliance of the existing public parking area.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

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

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address;
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and

- o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **Sustainable Planning Solutions – email: admin@sp-solutions.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 **11 December 2023**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **tel: 021 300 6384** during normal office hours (8am till 5pm, Monday till Friday).

Yours faithfully,

SUSTAINABLE PLANNING SOLUTIONS.

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

Meneer/Mevrou:

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2023, verwys:

Adres van aansoek eiendom: **Cnr of Borchard & Andringa Street, Stellenbosch**

Aansoek eiendom beskrywing: **Erf 2529 & 2540, Stellenbosch**

Aansoeker: **Sustainable Planning Solutions**
Epos: admin@sp-solutions.co.za
Tel: 021 300 6384

Eienaar: **Stellenbosch Munisipaliteit**
Tel: 021 808 8111

Aansoek Verwysing: **LU/15828 (TP424/2023)**

Tipe Aansoek: **Konsolidasie en Hersonerig van Erwe 2539 & 2540, Stellenbosch**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Grondgebruiksaansoek ingedien ingevolge Artikel 15(2)(e) en Artikel 15(2)(a) van die Stellenbosch Munisipale Beplanningsverordening (2023), ter ondersteuning van die konsolidasie en hersonerig van erwe 2539 & 2540, Stellenbosch, van Openbare Oopruimte na Openbare Parkeerarea, om statutêre voldoening van die bestaande openbare parkeerarea te verseker.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die 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, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

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

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

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

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: **Sustainable Planning Solutions – epos: admin@sp-solutions.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.

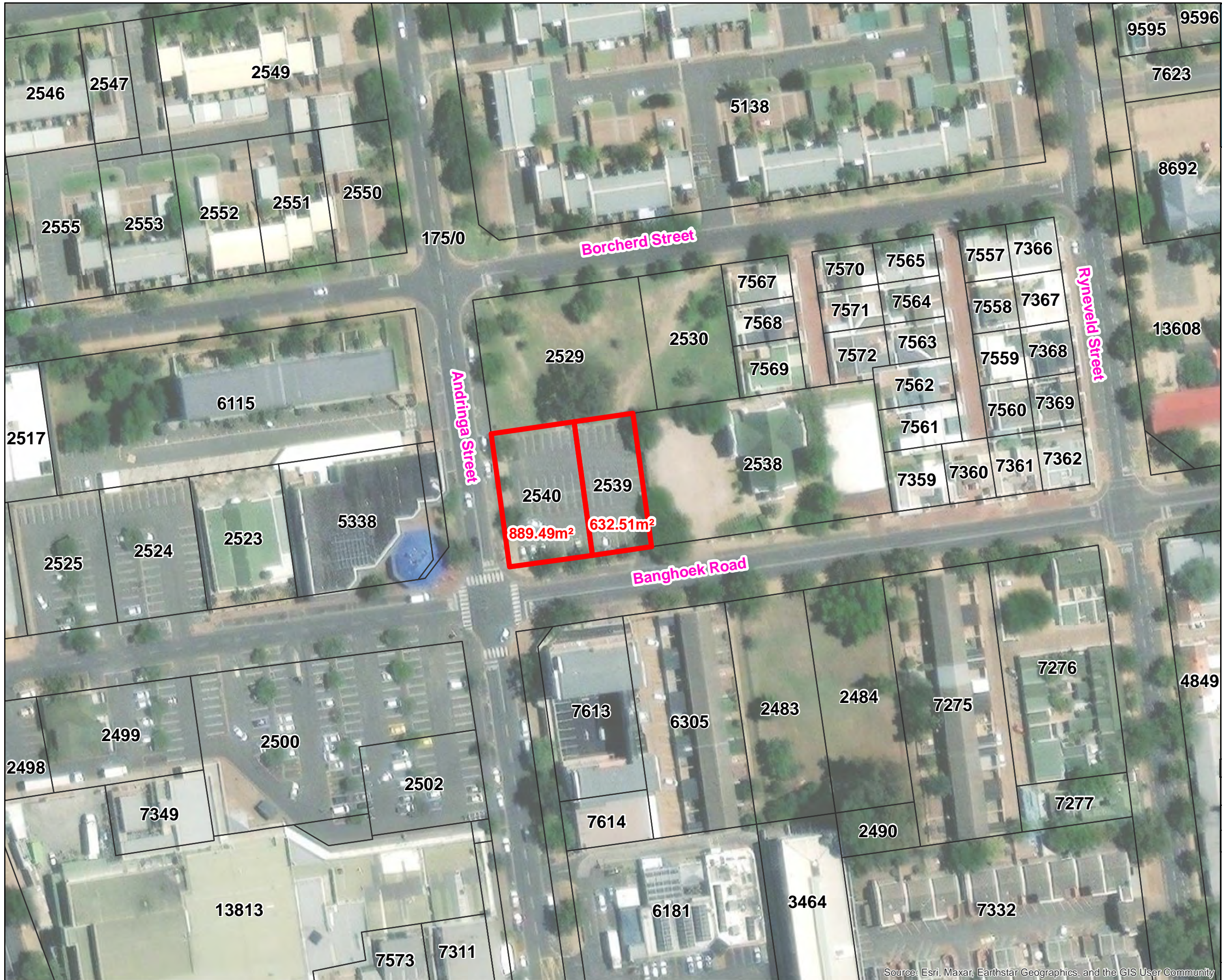
Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **11 Desember 2023**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by by **tel: 021 300 6384** gedurende normale kantoor ure (8vm tot 5nm, Maandag tot Vrydag).

Die uwe,

SUSTAINABLE PLANNING SOLUTIONS.



- ### Legend
- Study Area
 - Cadastral

Ref. Stellenbosch Municipality 2019 GIS Data

SCALE at A3	1:1000	

Borcherd Road Parking South

Fig 3: Aerial

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Website: www.sp-solutions.co.za

Project ref #: 3.020 26 June 2023



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Professional Town & Regional Planners

BORCHERDS PARKING LOT (SOUTH) ERVEN 2540 & 2539 STELLENBOSCH



CONSOLIDATION AND REZONING APPLICATION

ERVEN 2540 and 2539, STELLENBOSCH

PROJECT 3.020

JUNE 2023



BORCHERDS PARKING LOT

ERVEN 2539 & 2540, STELLENBOSCH

Land Use Application submitted in terms of Section 15(2) of the Stellenbosch Municipality Municipal Planning By-law (2015), in support of the consolidation & rezoning of erven 2539 and 2540, Stellenbosch.

PREPARED BY:



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Professional Town & Regional Planners

Unit 10, 10 Plein Street, Durbanville

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Cell: 084 603 4370

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Email: candice@sp-solutions.co.za

FOR:

EAS INFRASTRUCTURE ENGINEERS

ON BEHALF OF:

STELLENBOSCH MUNICIPALITY



**INFRASTRUCTURE
ENGINEERS**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PROJECT REF: 3.020

JUNE 2023

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1. INTRODUCTION

1.1. BACKGROUND

Sustainable Planning Solutions has been appointed by EAS Infrastructure Engineers (Pty) Ltd., on behalf of the Stellenbosch Municipality, to undertake a development rights process to regularize an existing public parking area located in the Stellenbosch CBD area.

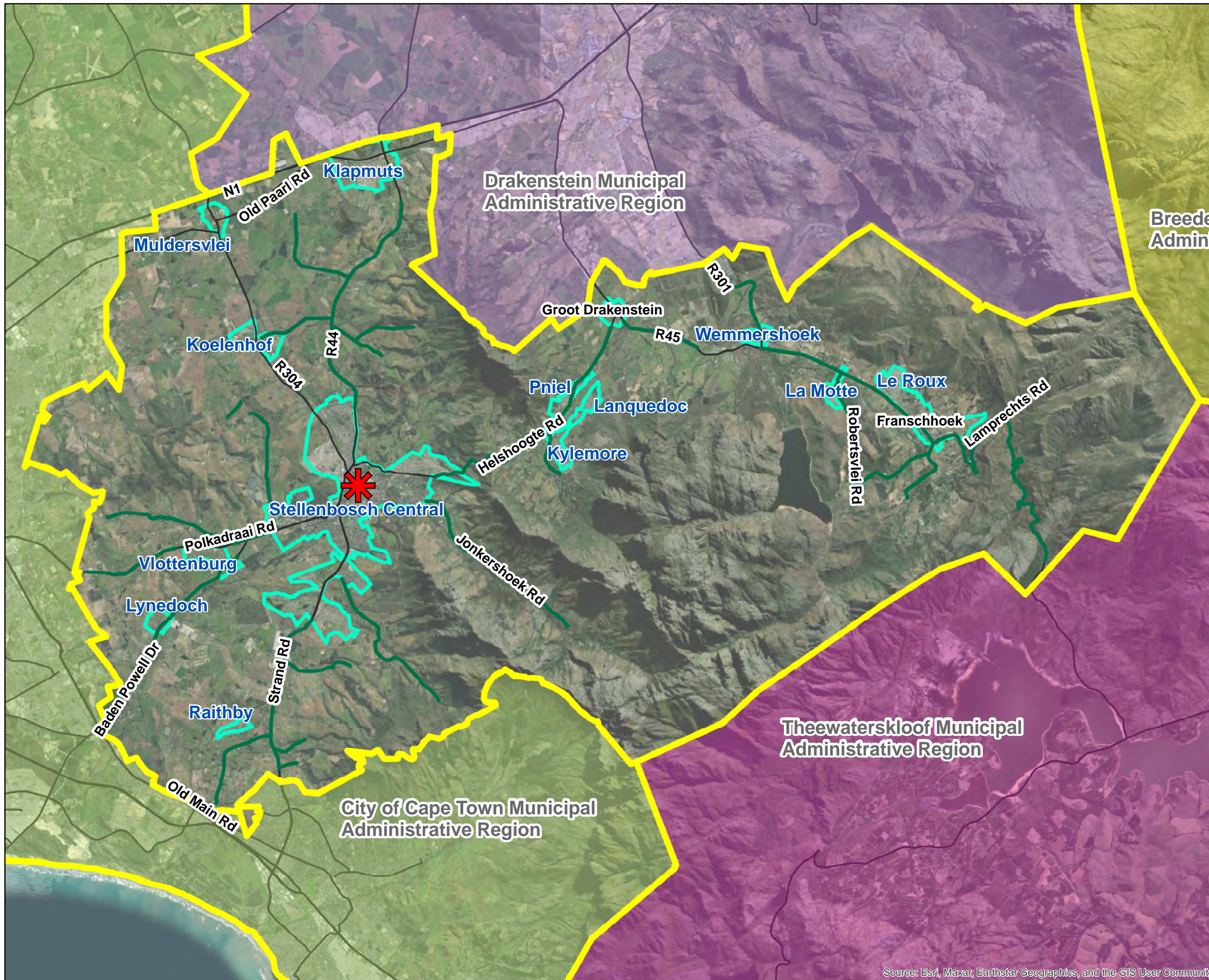
See attached Annexures 1 and 2 for the Land Use Application Form and the Power of Attorney.

The purpose of this report is to apply for the Consolidation and subsequent rezoning of erven 2539 and 2540, Stellenbosch, from Public Open Space to Public Road and Parking zone.

1.2. SITE LOCATION





The subject properties, erven 2539 & 2540, Stellenbosch, are situated in the central business district (CBD) area of Stellenbosch, in the Stellenbosch Municipality. The site lies within Stellenbosch Urban Edge Please refer to **Figures 1 and 2** for the **municipal context** and **regional locality**.

The site is located on the corner of Banghoek Street and Andringa Street with nearby landmarks including the Stellenbosch Correctional Service (north of the site), the Christ Church Stellenbosch (south-east) and the Stelmark shopping centre (south). Refer to **Figure 3** for an **aerial view** of the site and **Figure 4** for a detailed illustration of the **property concerned**.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

-  Study Area
-  Municipal Boundaries
-  Urban Edge
-  Scenic Routes

Ref. Stellenbosch Municipality 2020 GIS Data

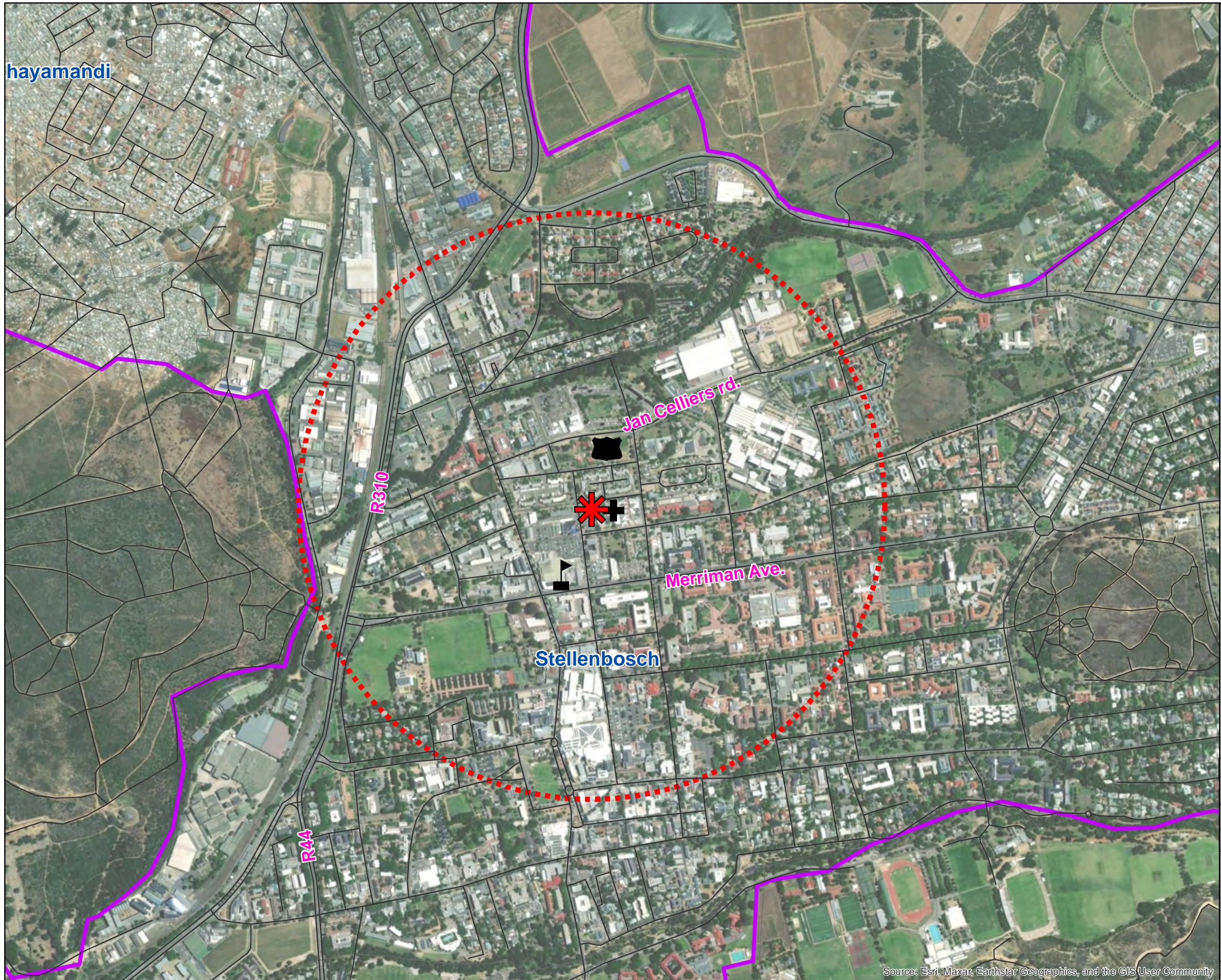
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Borchers Road Parking
 Fig 1: Municipal Context



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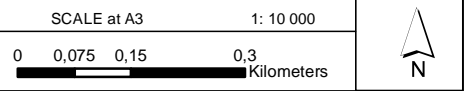


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

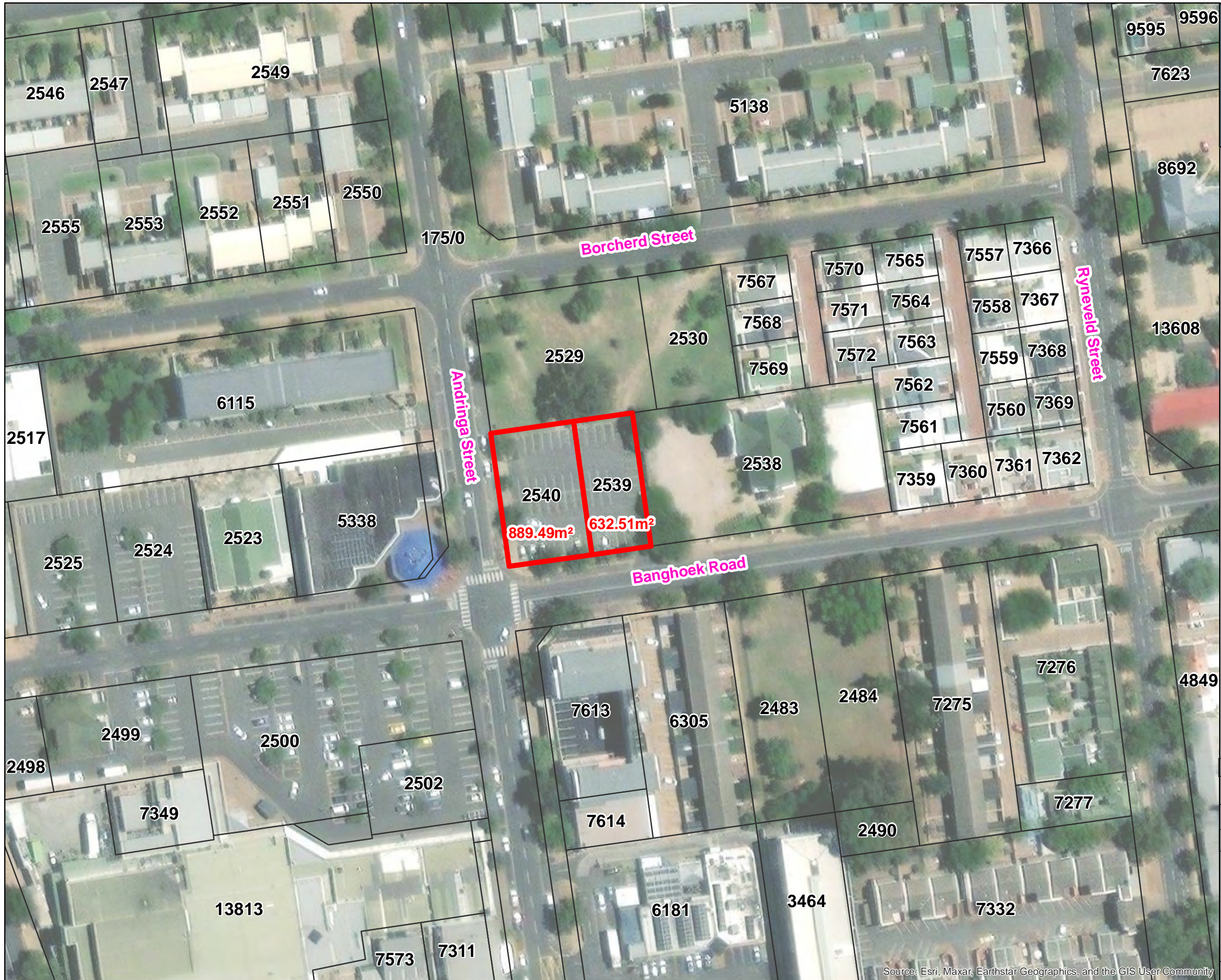
-  Study Area
-  Stelmark Shopping Centre
-  Stellenbosch Correctional Services
-  Christ Church Stellenbosch
-  Roads
-  1.5km radius
-  Urban Edge

Ref. Stellenbosch Municipality 2019 GIS Data





Borchers Road Parking
Fig 2: Regional Locality

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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

-  Study Area
-  Cadastral

Ref. Stellenbosch Municipality 2019 GIS Data

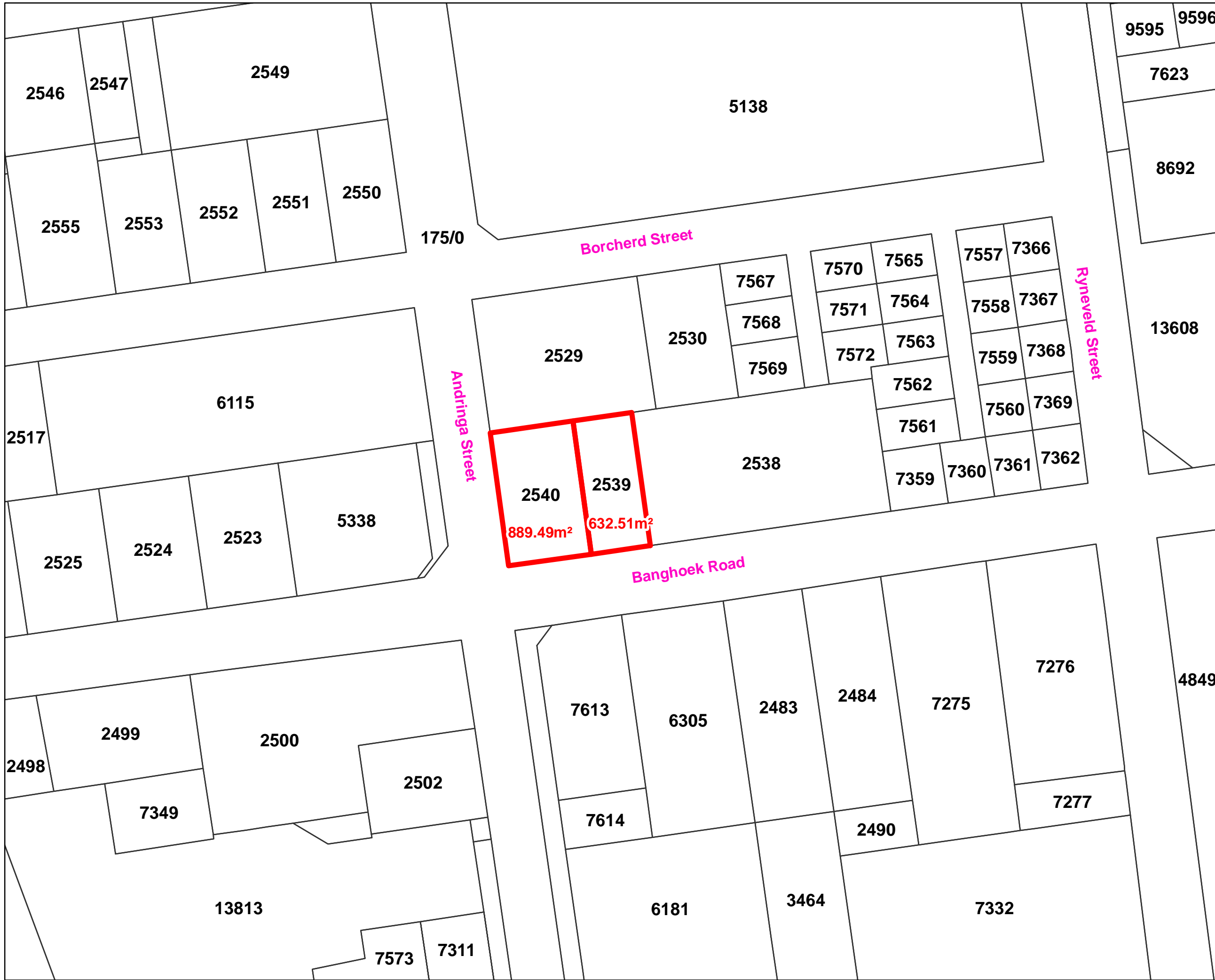
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Borcherd Road Parking South
Fig 3: Aerial

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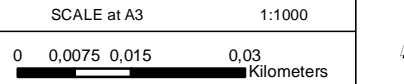
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



Legend

- Study Area
- Cadastral

Ref. Stellenbosch Municipality 2019 GIS Data



Borcherd Road Parking South
 Fig 4: Property Concerned

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 Website: www.sp-solutions.co.za

1.3. NATURE OF THE APPLICATION

This motivational report is submitted in support of the following:

Consolidation

In terms of Section 15(2)(e) of the Stellenbosch Municipal Planning By-Law (2015), in support of the consolidation of erven 2539 & 2540, Stellenbosch into portion 1 to regularise the existing public parking bay.

Rezoning

In terms of Section 15(2)a of the Stellenbosch Municipal Planning By-Law (2015), in support of the rezoning of portion 1, from Public Open Space Zone to Public roads and parking zone, to statutory compliance of the existing public parking area.

Refer to **Annexure 1** for the Land-Use Application Form.

1.4. ADDITIONAL STATUTORY APPLICATIONS TRIGGERED

- **The National Heritage Resources Act (25/1999)**

Due to the nature of the application (an erf less than 10000m²) the Heritage Resources Act 25 of 1999, is not applicable. No additional statutory processes are required.

- **National Environmental Management Act (NEMA) (107/1998) and the Environmental Impact Assessment Regulations**

The NEMA regulations identify certain activities that may be detrimental to the environment. Listed activity (activity 15) of Listing Notice 3 of 2017 states the following:

The transformation of land bigger than 1000 square meters in size to residential, retail, commercial, industrial, or institutional use, where such land was zoned open space, conservation or had an equivalent zoning, on or after 2 August 2010.

Although the proposed rezoning appears to trigger the listed activity. No transformation will occur. The application is merely to regularize the existing parking area with the correct zoning.

1.5. PRE-APPLICATION CONSULTATION

By virtue of, electronic communication (e-mail) with planning officials from the Stellenbosch Municipality, it was confirmed that the application can be submitted. Please refer to **Annexure 3** for the correspondence in this regard.

1.6. PROPERTY DETAILS

The following section provides a detailed summary of the basic land and legal information. See summary below (refer to **Annexures 4-7**):

PROPERTY DESCRIPTION	Erf 2539, Stellenbosch	Erf 2540, Stellenbosch
REGISTERED OWNER	Mun Stellenbosch (Refer to Annexure 4 : Title deed)	
PHYSICAL ADDRESS	Cnr of Banghoek & Andringa Street, Stellenbosch	
TITLE DEED	T16507/1977 (Refer to Annexure 4 : Title deed)	
TITLE DEED RESTRICTION	No conditions prohibiting the proposed rezoning (Refer to Annexure 5 : Conveyancer Certificate) & Annexure 4 : Title Deed.	
EXTENT OF ERF	889.49m ²	632.51m ²
SG INFORMATION	SG No: 3437/1898 (Refer to Annexure 6 : SG diagram)	SG No. 4037/1897 (Refer to Annexure 6 : SG diagram)
APPLICABLE ZONING SCHEME	Stellenbosch Municipality: Zoning Scheme By-Law, 2019	
CURRENT ZONING	<i>Public Open Space</i>	
Current Land-Use	Existing public parking area	
Proposed Zoning	<p>Public Roads and Parking Zone:</p> <p><i>"The purpose of this zone is to make provision for the following:</i></p> <p><i>(a) public roads as indicated on a general plan and roads, whether constructed or not.</i></p> <p><i>(b) premises for the public parking of motor vehicles which are in use.</i></p>	

	<p><i>Such parking may be provided in buildings or in open parking areas to address the need for off-street parking in an area, with or without the payment of a fee.</i></p> <p><i>Primary Uses:</i></p> <ul style="list-style-type: none">• <i>Public parking area</i>• <i>Public road</i>• <i>Utility service</i>• <i>Occasional use (one event/year)</i> <p><i>Additional Uses (technical approval):</i></p> <ul style="list-style-type: none">• <i>Rooftop base telecommunication station</i>• <i>Market</i> <p><i>Consent Uses (application required)</i></p> <ul style="list-style-type: none">• <i>Freestanding base telecommunication station</i>• <i>Occasional use (>one event /year)</i>• <i>Parking garage</i> <p><i>Transport purposes (passengers)</i></p>
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2. LEGAL FRAMEWORK

In South Africa, decisions to all planning proposals and land use applications are assessed on their compliance to the relevant statutory and policy framework.

In Stellenbosch, land development is assessed and authorized by the Stellenbosch Municipality who base decisions on the applicable legislation that set out the process (to be followed) and criteria (to be applied) for final decision-making.

The following legislation is applicable for development applications in the Stellenbosch Municipal area.

Applicable legislation	
National	<ul style="list-style-type: none">National Heritage Resource Act (Act 25 Of 1999)National Environmental Management Act (NEMA), (Act 107 Of 1998)
Municipal	<ul style="list-style-type: none">Stellenbosch Municipality: Land Use Planning By-Law (2015)

2.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16/2013)

The Act aims to develop a framework to govern spatial planning and set parameters for developments and provides for different lawful land uses in South Africa.

The *Development Principles* in Chapter 2 of the Spatial Planning and Land Use Management Act (SPLUMA) provides broad principles for a set of provincial laws that apply to all aspects of spatial planning, land development and land use management. *These development principles include:*

- the principle of spatial justice,*
- the principal of spatial sustainability,*
- the principle of efficiency,*
- the principle of spatial resilience,*
- the principle of good administration,*

Chapter 2 of the Act also requires the Minister to prescribe a set of Norms and Standards that should include and/or comply with the following: *should promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration, and sustainable development, ensure that land development and land use management processes, including applications, procedures and timeframes are efficient and effective.*

2.2. WESTERN CAPE LAND USE PLANNING ACT (3/2014)

The Western Cape Land Use Planning Act (LUPA) of 2014, chiefly aims to consolidate legislation in the province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions.

In Chapter VI of LUPA, we note that the same Land Use Planning Principles of SPLUMA (Act 14/2013) have been adopted. LUPA (3/2014) however provides more detail as to how these principles could be applied.

Section 49 of LUPA (3/2014) provides the assessment criteria that all municipalities must apply when considering a land use application. These include:

- *the applicable spatial development frameworks.*
- *the applicable structure plans.*
- *the principles referred to in Chapter VI (Land Use Planning Principles).*
- *the desirability of the proposed land use; and*
- *guidelines that may be issued by the Provincial Minister regarding the desirability of the proposed land use.*

2.3. STELLENBOSCH MUNICIPALITY: LAND USE PLANNING BY-LAW (2015)

The Stellenbosch Municipal Planning By-Law (2015) aims to regulate the use and development of land within the jurisdiction of the Stellenbosch Municipality. This legislation enables the Stellenbosch Municipality to control planning matters within its jurisdiction. This By-law legislates the process by which the land use applications are dealt with. In terms of this By-Law, the application for the rezoning of land is made in terms of Section 15. Section 17 provides more detail to the process to be followed for a rezoning application.

Section 65 of the By-law (2015) spells out the criteria to be applied in the assessment of land use applications. Broadly, the criteria to be applied when assessing land use applications shall include the following considerations:

- a) *Applicability of any approved forward planning policies, such as a Municipal Spatial Development Framework (SDF).*
- b) *Compliance with the requirements of the By-Law and any other statutory processes.*
- c) *Desirability of the proposed land use.*
- d) *Impact on municipal engineering services.*

The Stellenbosch Municipality: Zoning Scheme By-Law was gazetted in 2019. The zoning scheme sets out the development parameters for the different zonings that

falls within the jurisdiction of the Stellenbosch Municipality.

2.4. NATIONAL HERITAGE RESOURCE ACT (Act 25 of 1999)

This legislation '*aims to promote good management of the national estate, and to enable and encourage communities to nurture and conserve their legacy*'.

Section 38 lists a host of development categories which, if pursued, requires that the responsible heritage resources authority, Heritage Western Cape (HWC), be notified.

The nature of the envisaged land use application does not trigger Section 38 of this Act since the character of the area will not change and neither is the property (inclusive of the respective applications) larger than 10000sqm nor does it involve three or more erven.

This Act is therefore not applicable. However, the subject property falls within a Heritage Precinct which broadly states that the architectural nature of buildings, squares, and national monuments are to be preserved as far as possible. The proposed land use applications will regularise the use rights of the erf. The current operations of the public parking area on the site will remain compatible with the character of the area.

2.5. NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), (Act 107 OF 1998) and ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

The NEMA regulations identify certain activities that may be detrimental to the environment. Listed activity (activity 15) of Listing Notice 3 of 2017 states the following:

The transformation of land bigger than 1000 square meters in size to residential, retail, commercial, industrial, or institutional use, where such land was zoned open space, conservation or had an equivalent zoning, on or after 2 August 2010.

Although the proposed rezoning appears to trigger the listed activity. No physical transformation will occur. The application is merely to regularize the existing public parking area with the correct zoning. As such, this application will not trigger NEMA EIA regulations.

2.6. SUMMARY: LEGAL FRAMEWORK

There is a legal requirement for the management of land development to promote a diversity of land uses and that each proposal be assessed on its own

merit. As mentioned above.

Sections 15(2)(a) and 15(2)(e) of the Stellenbosch Planning By-Law (2015), which refers to the consolidation and rezoning of land, are of relevance and importance to this application.

The proposed land use application does not trigger Section 38 of this Act and is therefore not applicable. A Notice of Intent to Develop (NID) need **not** be submitted to HWC.

The proposed land use application does not trigger the NEMA EIA regulations and a checklist to the Department of Environmental Affairs and Development Planning need **not** be submitted.

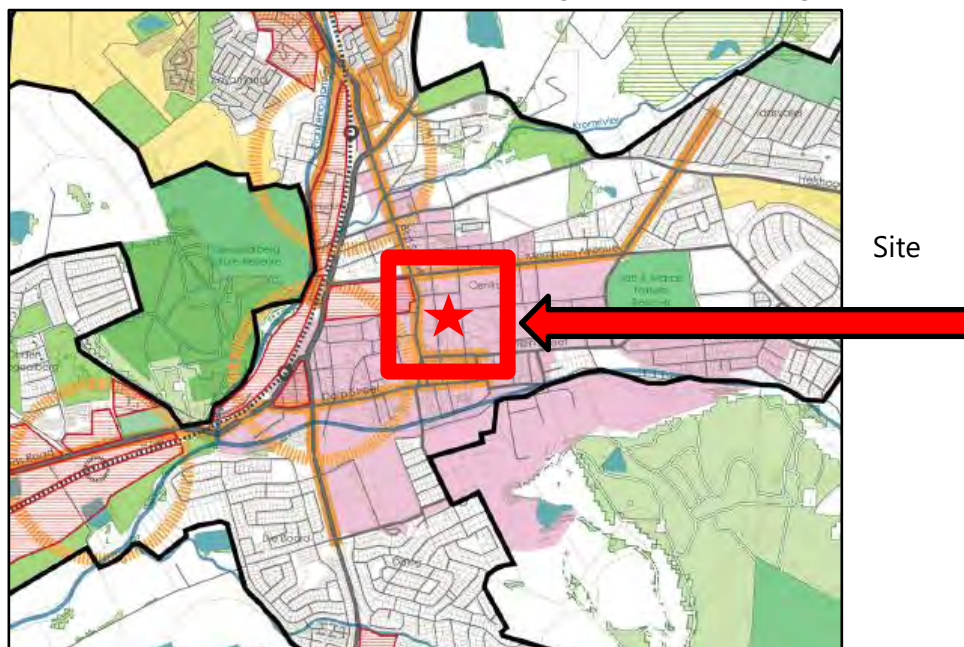
3. POLICY FRAMEWORK

This section identifies the relevant planning policies that must be considered. It also reaffirms the point that the proposed land use application (rezoning & consolidation) is desirable from a policy perspective.

3.1. STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK (2019)

The Stellenbosch Municipality Spatial Development Framework (MSDF) aims to enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives. Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them. Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being. Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The SDF earmarks the area in which the site is located as **Existing and Proposed Urban Character Areas** which is essentially the area within the Urban Edge. The proposed rezoning of the site will allow for the public parking area on the site to operate legally while remaining compatible with the character of the area and therefore would be in line with what the SDF earmarks the property for. The aim of the proposed land use application aims to regularise the existing land-use.



Extract from Spatial Development Framework, pg 70, 2019

3.2. SUMMARY: POLICY FRAMEWORK

As discussed above the proposed land use application for erven 2539 and 2540, Stellenbosch will not change the current land use of the site nor the character of the area and as such finds support in the Stellenbosch Municipal Spatial Development Framework (2019).

4. SITE CONTEXTUAL ANALYSIS

This section assesses the subject properties in relation to the surrounding urban context and highlights the implications of the proposed land use application.

4.1. PROPERTY CONCERNED

The table below highlights the erven and extent of the site.

ERF NR.	EXTENT
2539	632.51m ²
2540	889.49m ²

Please refer to **figure 3** and **4** for **Aerial** and **Property concerned** plans.

4.2. REGISTERED DESCRIPTION, OWNERSHIP & CONVEYANCING

4.2.1. OWNERSHIP

Ownership of erf 2539 and 2540, Stellenbosch lies with the **Western Cape Provincial Government**. Refer to **Annexure 4**: Title deed.

4.2.2. TITLE DEED INFORMATION

The table below highlights the title deed information and restrictive conditions contained in the title deeds for the erven. Refer to **Annexures 4 and 5** for the Title deed and Conveyancing certificate, respectfully.

ERF NUMBER	TITLE DEED	EXTENT AS PER DEED	RESTRICTIVE CONDITIONS
2539	T16507/1977	633m ²	None of the deeds examined contain any restrictive title deed conditions (Refer to Annexure 5: Conveyancing Certificate).
2540	T16507/1977	887m ²	

**Please refer to the conveyancing certificate for more details. The conditions do not have an impact on the proposed development and does not necessitate an application for the removal of these conditions.*

4.2.3. TITLE DEED AND SG DIAGRAM DESCRIPTION¹

The table below provides the descriptions as per the respective title deed and SG diagrams for the erven. Refer to **Annexure 4** for the title deed and **Annexure 6** for the SG diagrams.

ERF NR.	TITLE DEED DESCRIPTION	SG DIAGRAM
Erf 2539	<i>The title deed describes Erf 2539 under title deed number T16507/1977 as follows: Erf 2539, situated in the township and division of Stellenbosch,</i>	<i>The Surveyor-General (SG) describes Erf 2539 under S.G. No. 4037/1897 as follows: Erf 2539, Situated in the township and Division of Stellenbosch, being lots of No. 7, 7, 8, 9, 10 of a part of the town Commonage granted to the municipality of the Town of Stellenbosch.</i>
Erf 2540	<i>The title deed describes Erf 2540 under title deed number T16507/1977 as follows: Erf 2540, situated in the township and division of Stellenbosch,</i>	<i>The Surveyor-General (SG) describes Erf 2540 under S.G. No. 1112/1895 as follows: Erf 2540, Situated in the township and Division of Stellenbosch, being lots of No. 5 of the subdivided land granted to the commissioners of the municipality of Stellenbosch.</i>

4.2.4. TITLE DEED RESTRICTIVE CONDITIONS

There are no restrictive title deed conditions that prohibit the proposed land use applications pertaining to erf 2539 & 2540, Stellenbosch.

Please refer to the conveyancing certificate attached as **Annexure 5**, as prepared by Walkers Attorneys.

4.3 CURRENT ZONING

The property, erven 2539 and 2540, Stellenbosch is subject to the development parameters of the Stellenbosch Municipality Zoning Scheme By-Law. Erven 2539 and 2540, Stellenbosch is currently zoned **Public Open Space Zone** in terms of the

¹ Information obtained from the Title deed, Conveyancing certificate and SG Diagrams. Refer to Annexure 4, Annexure 5, and Annexure 6 respectively.

Stellenbosch Municipality Zoning Scheme.

Public Open Space Zone zoning is broadly defined as follows:

“To make provision for land which vests in the Municipality as a public place which is intended to be used for:

- (a) active or passive public recreational and public amenity purposes; or
- (b) creating a desired townscape, or visual open space for residents; or
- (c) serving as an open space which also accommodates riverine corridors and other similar natural features; or to
- (d) serve as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors. “

Refer to **Figure 5** overleaf for an illustration of the current **zoning** as well as that of the surrounding properties.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

- Study Area
- Cadastral
- Integrated Zoning Scheme**
- Public Roads and Parking Zone
- Agriculture and Rural Zone
- Community Zone
- Conventional Residential Zone
- Education Zone
- Industrial Zone
- Less Formal Residential Zone
- Limited Use Zone
- Local Business Zone
- Manual Allocation
- Mixed Use Zone
- Multi-unit Residential Zone
- Natural Environment Zone
- Other
- Private Open Space Zone
- Public Open Space Zone
- Subdivisional Area
- Transport Facility Zone
- Utility Services Zone

Ref. Stellenbosch Municipality 2019 GIS Data

SCALE at A3	1:1000
0 0,0075 0,015 0,03 Kilometers	

Borcherds Road Parking
Fig 5: Zoning

SUSTAINABLE PLANNING SOLUTIONS
 Professional Town & Regional Planners
Address: 39 Klein Bron Avenue, Klein Bron Estate, Brackenfell
 Tel: (021) 981 4484 Fax: 086 600 4484 Mobile: 084 603 4370
 Email: candice@sp-solutions.co.za Skype: candice.maasdorp@theron
 Website: www.sp-solutions.co.za

4.4 LAND USE

The study area (erven 2539 and 2540, Stellenbosch) is currently used as a public parking area.

5. DEVELOPMENT PROPOSAL

5.1 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal includes the consolidation of erven 2539 and 2540, Stellenbosch to portion 1, thereafter, the rezoning of portion 1 from a Public open space zone to Public Roads and Parking Zone. The client wished to regularise the existing public parking area, and this would be accommodated for within the proposed zoning.

- **CONSOLIDATION**

In terms of Section 15(2)e of the Stellenbosch Municipal Planning By-Law (2015), in support of the **Consolidation** of erven 2539 and 2540, Stellenbosch into portion 1. Refer to **Figure 6**.

- **REZONING**

In terms of Section 15(2)a of the Stellenbosch Municipal Planning By-Law (2015), in support of the **Rezoning** of portion 1. Refer to **Figure 7**.

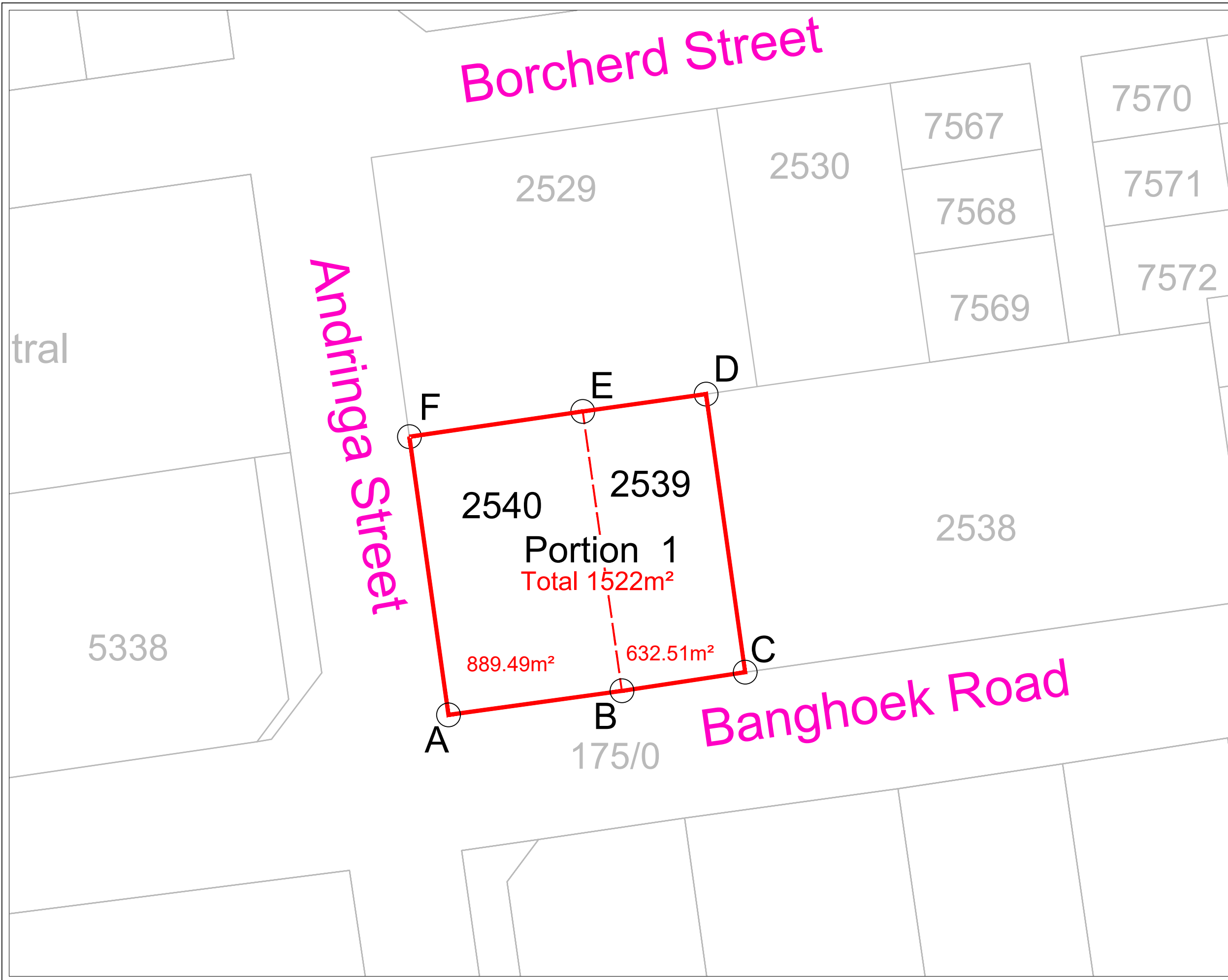
The proposed zoning for the newly consolidation portion 1 is **Public Roads and Parking Zone**.

Public Roads and Parking Zone is broadly defined as follows:

"...to make provision for the following:

(a) public roads as indicated on a general plan and roads, whether constructed or not.

(b) premises for the public parking of motor vehicles which are in use. Such parking may be provided in buildings or in open parking areas to address the need for off-street parking in an area, with or without the payment of a fee."



Borchard Street

Andringa Street

Banghoek Road

2540
2539
Portion 1
Total 1522m²

889.49m² 632.51m²

Property Detail:
 Erf: 2540 & 2539
 Allotment: Stellenbosch
 Suburb: Stellenbosch Central
 Address: Cnr Banghoek & Andringa Street

Legend:
 — Study Area
 - - Existing Cadastral Line

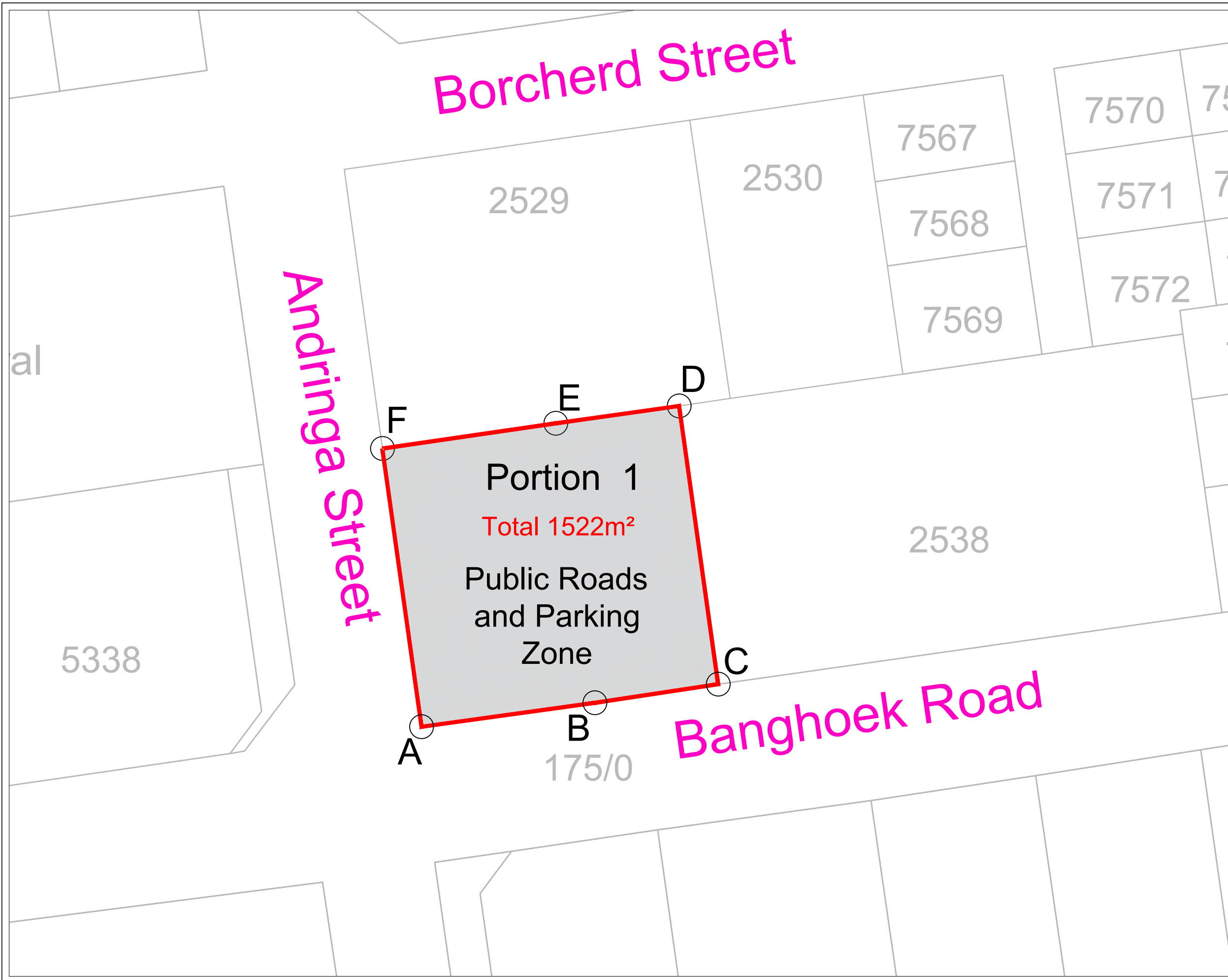
PUBLIC ROADS AND PARKING ZONE	
Erf 2540	889.49m ²
Erf 2539	632.51m ²
Consolidated Portion 1	1522m ²

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 Professional Town & Regional Planners

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 Website: www.sp-solutions.co.za

Scale: A3 at 1: 500

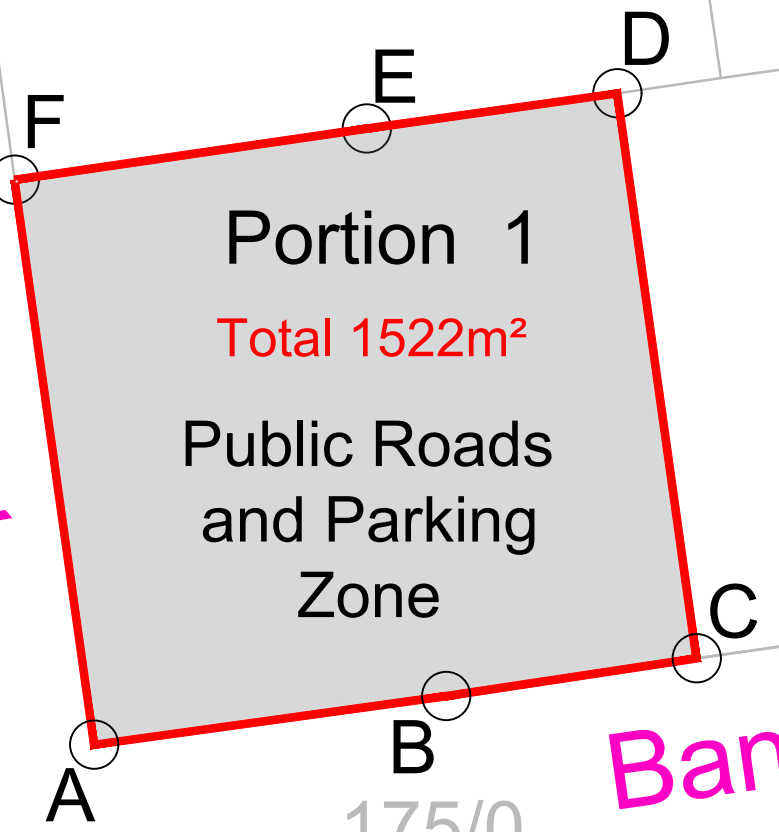
Title: PROPOSED CONSOLIDATION PLAN FIGURE 6		
Project: BORCHERDS PARKING		
Client: STELLENBOSCH MUNICIPALITY		
Project Nr. 3.020	Drawing Nr. 3.020_01	Date: 26 June 2023



Borchard Street

Andringa Street

Banghoek Road



Property Detail:
 Erf: 2540 & 2539
 Allotment: Stellenbosch
 Suburb: Stellenbosch Central
 Address: Cnr Banghoek & Andringa Street

Legend:
 Study Area

PUBLIC ROADS AND PARKING ZONE
Erf 2540 & 2539
Area of consolidated portion 1 (1522m ²)

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Scale: A3 at 1: 500

Title: PROPOSED CONSOLIDATION & REZONING PLAN
 FIGURE 7

Project: BORCHERDS PARKING

Client: STELLENBOSCH MUNICIPALITY

Project Nr. 3.020	Drawing Nr. 3.020_01	Date: 26 June 2023
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6. MOTIVATION AND CONCLUSION

The purpose of this land use application is to consolidate erven 2539 and 2540, Stellenbosch into portion 1 thereafter, to rezone the newly consolidated 'portion 1' from Public Open Space zone to Public Roads and Parking Zone.

6.1 APPLICABILITY AND COMPLIANCE

The consolidation and rezoning application process will follow due process in terms Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015). No additional statutory processes are applicable to the site.

The Stellenbosch Municipal Spatial Development Framework (SDF) demarcates the area in which the site is located as an **Existing and Proposed Urban Characters** which essentially falls within the Urban Edge. The proposed consolidation and subsequent rezoning of the site will not change the land use of the site but will remain compatible with the character of the area and therefore would be in line with what the SDF earmarks the area for. The aim of the proposed land use application is merely to ensure statutory compliance of the existing public parking area.

From a policy perspective, the proposed land use application (Consolidation and Rezoning) finds support in the Stellenbosch Municipal Spatial Development Framework (SDF) 2019.

6.2 DESIRABILITY

Section 65 of the Stellenbosch Municipal Land Use Planning By-Law (2015) states that there are certain criteria that need to be addressed in a land use application before a decision can be made. The application can be assessed based on the criteria: the socio-economic impact, compatibility with surrounding land uses, impact on the external engineering services, impact on safety, health and wellbeing of the community, impact on heritage, impact on the biophysical environment, impact on existing rights, traffic impacts, parking, access, and other transport related conditions.

6.2.1. SOCIO-ECONOMIC IMPACT

The proposed land use applications will not have a negative socio-economic impact. It is merely to ensure statutory compliance of the existing land uses. There is no new work or change proposed in physical structure will not have a negative socio-economic impact. The consolidation of the underlying erven and change of zoning will only have administrative

impacts.

6.2.2. COMPATIBILITY

The proposed consolidation is to facilitate smoother administrative processes pertaining to the site as the public parking area will be located on erf. Additionally, the newly consolidated portion is to be rezoned, this is to ensure the land can be utilised in a manner that does not conflict with the zoning of land.

6.2.3. SAFETY AND WELLBEING OF THE COMMUNITY

The proposed land use application will merely shift cadastral boundary lines in order to consolidate the underlying erven of the site. This, along with the subsequent rezoning of the newly consolidated portion, will not negatively affect the health, wellbeing, and safety of the surrounding community.

6.2.4. TRAFFIC IMPACT

No additional floor space is proposed with the application; therefore, no transport studies are triggered. The public parking bays is already in existence. The existing entrances to the property will remain. The land use application is merely to accommodate the existing public parking area.

6.2.5. IMPACT ON BIOPHYSICAL ENVIRONMENT

The existing public parking area will not have a negative impact on the biophysical environment.

6.2.6. IMPACT ON EXISTING RIGHTS

No negative impact on the existing rights of surrounding properties is anticipated. As the public parking area is already existing and accessible to the general public. The land use is in line with the primary uses of the Public Roads and Parking Zone. The application merely aims to consolidate and rezone the property to regularise the existing land use.

6.2.7. VEHICULAR AND PEDESTRIAN ACCESS

The site currently obtains vehicular and pedestrian access from Banghoek road. The existing vehicular and pedestrian access will remain. The proposed land use application will not have a negative impact on the existing vehicular and pedestrian access.

6.2.8. ENGINEERING SERVICES

The proposed land use application will not have a negative impact on the

existing engineering services. No new construction works, or floor space is proposed. Engineering services capacity studies are thus not triggered.

6.2.9. NEED FOR MITIGATING CONDITIONS

The proposed land use application (Consolidation and Rezoning) will not negatively impact the rights of nearby landowners. The existing public parking area currently provides off-street parking to road users in the vicinity.

The conditions of the land use approval will be the result of due process being followed and all the necessary requirements in terms of other legislative processes being adhered to, as required by the process.

The application merely aims to consolidate and rezone the property to ensure statutory compliance of the existing land use on the site.

6.3 LAND USE PLANNING PRINCIPLES

- **Spatial Justice:**

“Past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land”.

Past spatial and other development imbalances is not applicable to this application. However, the proposed consolidation and subsequent rezoning application allow for a much easier administrative process when future development/building plan applications are submitted for the expansion or improvement of erven 2539 and 2540, Stellenbosch.

- **Spatial Sustainability:**

Land use planning should: *“promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority” and “uphold consistency of land use measures in accordance with environmental management instruments”.*

The existing public parking area site is located within the urban edge of Stellenbosch. The town of Stellenbosch is spatially compact and located within the administrative realms of the Stellenbosch Municipality. The existing public parking area already provides off-street parking to road users in the area, therefore alleviating issues like Traffic congestion and carbon emissions. While increasing the overall convenience in the search for parking in the area. The land use application is merely to ensure statutory compliance of the existing public parking area located on erven 2539 and 2540, Stellenbosch.

- **Spatial Resilience:**

"Whereby flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks".

This land use application aims to consolidate and rezone the erven underlying the study area. This is to ensure the statutory compliance of existing public parking area, which provides off-street parking to road users in the vicinity. Should the landowner (Stellenbosch Municipality) wish to dispose of the land, any monies received could be reinvested in bettering the lives of the Stellenbosch people.

- **Efficiency:**

"Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities".

The consolidation and subsequent rezoning of the existing public parking area on erven 2539 and 2540, Stellenbosch, clearly indicates the applicant's desire to achieve optimal utilisation of the site's capacity. The proposed land-use applications will allow for easier and efficient processing of future development/building plan applications to upgrade or extend the public parking area.

- **Good Administration:**

"The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all the parties the opportunity to provide inputs on matters affecting them".

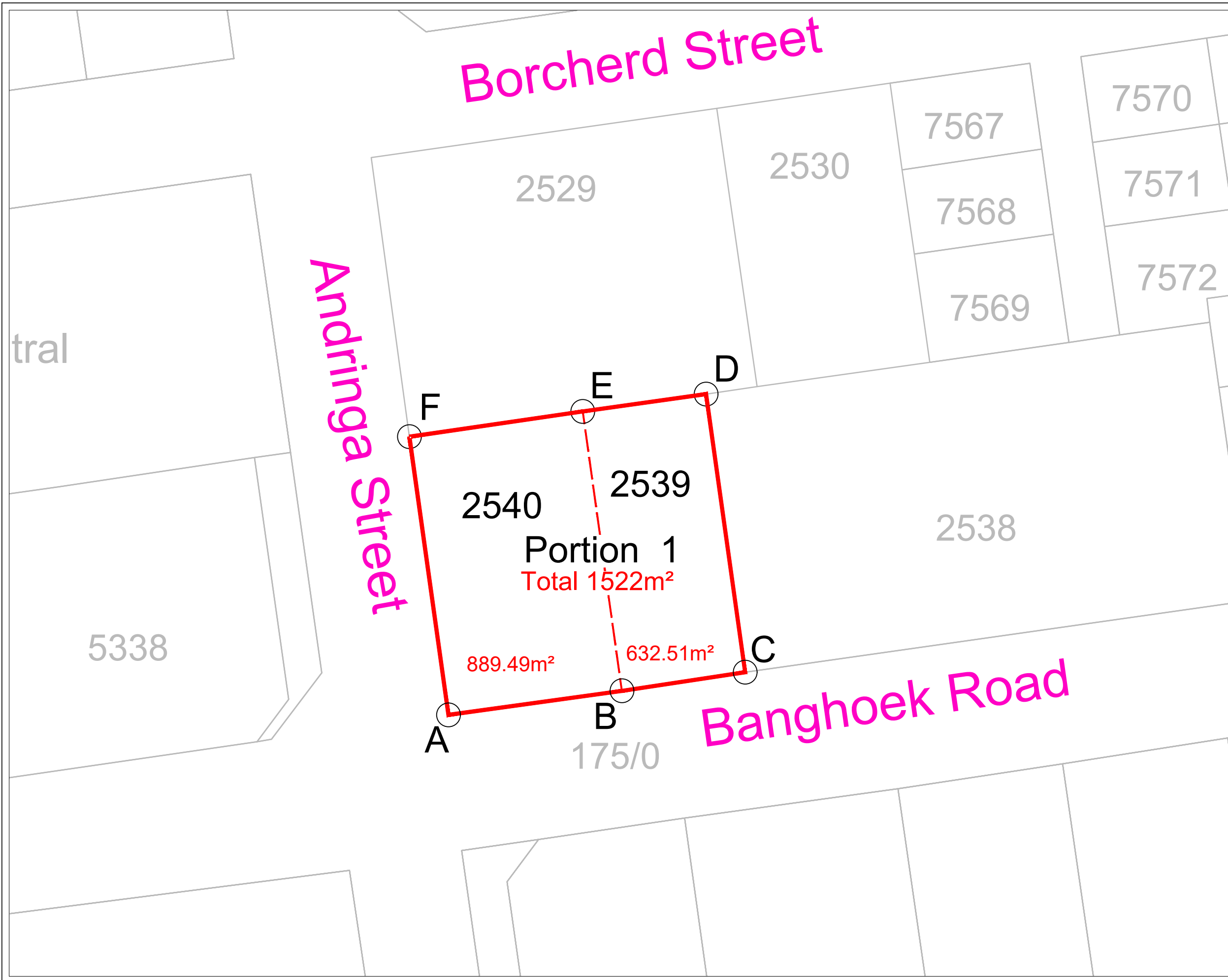
The consolidation of erven 2539 and 2540, Stellenbosch into one portion will allow for easier administrative processes with regards to future development or upgrading proposals.

6.4 CONCLUSION

In terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015), we respectfully request your office's favourable consideration of this application for the proposed consolidation & rezoning of erven 2539 and 2540, This is in order to ensure statutory compliance of the existing public parking area on erven 2539 and 2540, Stellenbosch.

7. REFERENCES

1. Stellenbosch Municipality, 2015. Stellenbosch Municipality, Land Use Planning By-law ,Cape Town: Provincial Gazette.
2. Stellenbosch Municipality, 2019. Stellenbosch Municipality Spatial Development Framework (2019), Stellenbosch: Stellenbosch Municipality
3. Republic of South Africa, 1999. National Environmental Management Act 107 of 1998, Cape Town: Government Gazette.
4. Republic of South Africa, 1999. National Heritage Resources Act (Act 25 of 1999), Cape Town: Government Gazette.
5. Republic of South Africa, 2013. Spatial Planning and Land Use Management Act, Cape Town: Government Gazette.
6. Western Cape Government, 2014. Western Cape Land Use Planning Act, Cape Town: Provincial Gazette.



Borchard Street

Andringa Street

Banghoek Road

2540
2539
Portion 1
Total 1522m²

889.49m² 632.51m²

Property Detail:
 Erf: 2540 & 2539
 Allotment: Stellenbosch
 Suburb: Stellenbosch Central
 Address: Cnr Banghoek & Andringa Street

Legend:
 — Study Area
 - - Existing Cadastral Line

PUBLIC ROADS AND PARKING ZONE	
Erf 2540	889.49m ²
Erf 2539	632.51m ²
Consolidated Portion 1	1522m ²

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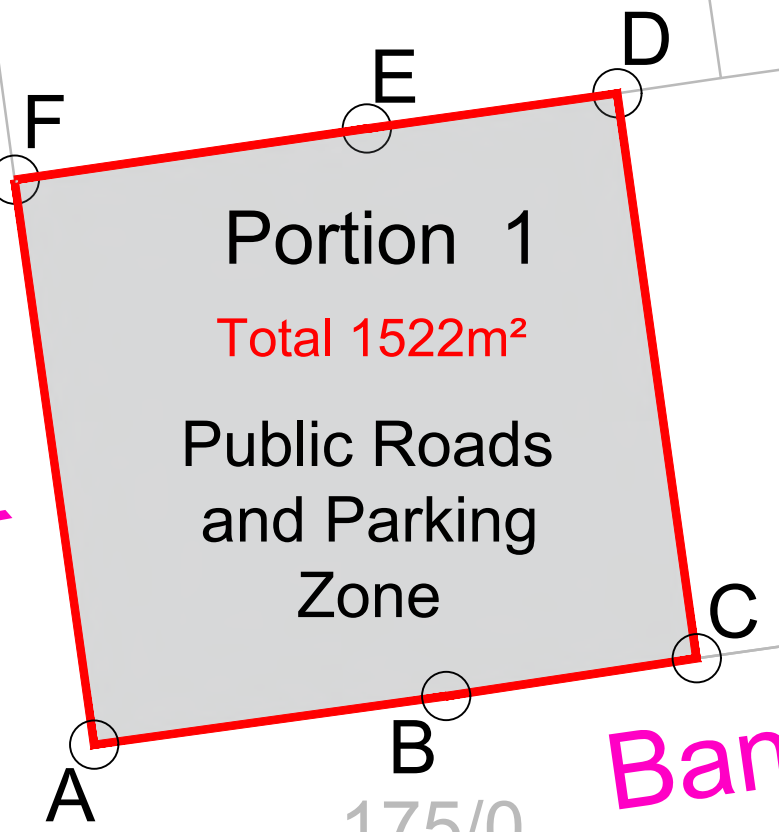
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Title: PROPOSED CONSOLIDATION PLAN FIGURE 6		
Project: BORCHERDS PARKING		
Client: STELLENBOSCH MUNICIPALITY		
Project Nr. 3.020	Drawing Nr. 3.020_01	Date: 26 June 2023

Borcherd Street

Andringa Street

Banghoek Road



Property Detail:
 Erf: 2540 & 2539
 Allotment: Stellenbosch
 Suburb: Stellenbosch Central
 Address: Cnr Banghoek & Andringa Street

Legend:
 Study Area

PUBLIC ROADS AND PARKING ZONE	
Erf 2540 & 2539	
Area of consolidated portion 1 (1522m ²)	

5338

2529

2530

7567

7570

75

7568

7571

7

7569

7572

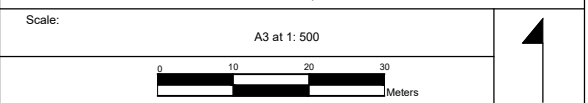
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 Email: candice@sp-solutions.co.za | Skype: candice.maasdorp.theron
 Website: www.sp-solutions.co.za



Title: PROPOSED CONSOLIDATION & REZONING PLAN
 FIGURE 7

Project: BORCHERDS PARKING

Client: STELLENBOSCH MUNICIPALITY

Project Nr. 3.020	Drawing Nr. 3.020_01	Date: 26 June 2023
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TAX INVOICE



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

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

DATE:	2023-07-19	DOCUMENT NO:	753110
ERF / FARM NO:	2540 & 2539	CREATED BY:	Nicole Katts
LOCALITY:	10 Plein Street , STELLENBOSCH	APPLICATION NO:	LU/15830
OWNER'S NAME:	Stellenbosch Municipality	APPLICATION VAT NO:	0
ADDRESS:	10 Plein Street Stellenbosch 7600	VAT NO:	4700102181
		APPLICANT:	Candice Maasdorp - Sustainable Planning Solutions
		TEL NO:	0213006384

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
COUNCIL PROPERTY/APPLICATION - Council Property/Application: Rezoning & Determination Submitted in Urban and Rural Areas, Per application per property	0.00	1	20220630081392	0.00
COUNCIL PROPERTY/APPLICATION - Council Property/Application : Subdivision & Consolidation (Amendment/Cancellation of Subdivisional Plan / General Plan / Diagram) on Council owned land, Per Application	0.00	1	20180711011497	0.00

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

21 AUG 2023

RECEIVED

TOTAL AMOUNT PAYABLE 0.00
VAT INCLUDED @ 15% 0.00

NEW TARIFFS IMPLEMENTED ON 1 JULY ANUALLY

CALCULATED BY
NAME: *Nicole Katts*
SIGNATURE
NKatts

DATE: 19 07 2023.

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

VERIFIED BY: _____
NAME: *E 2540 & 2539 S*
SIGNATURE
DATE: _____

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

0



Enquiries	Phone Number	E-mail
Nicole Katts	021808 8111	Nicole.Katts@stellenbosch.gov.za

BTW/VAT Invoice No: 14204

Invoice VAT Reference: 4700102181

Name: Stellenbosch Municipality Stellenbosch Municipality

Invoice Date: 2023/7/19

Reference No: TP424/2023

Payment Due Date: 2023/8/18

Client Street address: 10 Plein Street Durbanville Cape Town Western Cape South Africa 7550

Municipality street address: PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: 10 Plein Street Durbanville Cape Town Western Cape South Africa 7550

Municipality postal address: PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

Client VAT No:

Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Rezoning and Determination of a zoning submitted on behalf of Council on Council owned land	1	0.00	Per application per property	0.00
20220630081406	Subdivision, Consolidation and Amendment or Cancellation of an approved subdivision plan, including a general plan or diagram on Council owned land	1	0.00	Per application per property	0.00
Total Excl VAT					0.00
VAT					0.00
Invoice Total					0.00

*VAT Exempt

Created By: Petersen, Nicole

Signature: _____

Verified By: Petersen, Nicole

Signature: _____

Please note that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.



Bank Details: First National Bank Acc# 62869253684 Branch Code 250655

Please use the following as reference number: TP424/2023

To expedite the application, please send proof of payment by e-mail or fax as per the detail above.

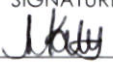
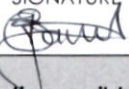


DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	05 July 2023	
Erf No	2540 & 2539	Town		Suburb	Stellenbosch	
Farm No	N/A	Farm Portion	N/A	Nearest Town	N/A	
Owner / Applicant	Candice Maasdorp - Sustainable		Contact number		084 603 4370	
Email address	admin@sp-solutions.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY¹		PLANNER TO EVALUATE²
				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				✓		✓

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.

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				
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION		ADMIN TO VERIFY		PLANNER TO EVALUATE
18. Land use plan / zoning plan				
19. Landscaping / tree plan				
20. Flood line plan				
21. Neighbours' consent				
22. HOA / Body Corporate consent				
23. Assessments: EIA, HIA, TIA , TIS, MHIA, EA/ROD				
24. Services report (Engineers 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 Nicole Katts	SIGNATURE 	DATE 07/07/2023	
Outstanding information (to be completed by Planner):				
* The conveyance certificate must indicate if there is any restrictive conditions on the title deeds the search was conducted on or not.				
Applications to be invoiced (to be completed by Planner):				
* Reasoning * Consolidation				
EVALUATED & SIGNED BY PLANNER	NAME Bongwe Zand (10.07.2023)	SIGNATURE 	DATE 12/07/2023	
NOTES:				
<ol style="list-style-type: none"> 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)]. 				



CONVEYANCER CERTIFICATE

I/We..... **ISAK MURISON**

.....
(conveyancer's name and surname)

Practising at:

2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,
.....
CAPE TOWN, 8001.
.....

(firm and place of practice)

In respect of:

.....
REMAINDER ERF 2539 STELLENBOSCH
.....
SITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISION
.....
WESTERN CAPE PROVINCE, HELD BY TITLE DEED NO T16507/1977
.....

(full property description (erf / farm) as it appear in title deed of same)

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. **T388/1898**
2. **T27802/1968**
3. **T2026/1921**
4. **T16507/1977**
5.
6.
7.
8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)



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	<input checked="" type="checkbox"/>	
2.	Building lines	Y	<input checked="" type="checkbox"/>	
3.	Height	Y	<input checked="" type="checkbox"/>	
4.	Number of Dwellings	Y	<input checked="" type="checkbox"/>	
5.	Bulk floor area	Y	<input checked="" type="checkbox"/>	
6.	Coverage/built upon area	Y	<input checked="" type="checkbox"/>	
7.	Subdivision	Y	<input checked="" type="checkbox"/>	
8.	Servitudes that may be registered over or in favour of the property	Y	<input checked="" type="checkbox"/>	
9.	Other Restrictive Conditions	Y	<input checked="" type="checkbox"/>	



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

In respect of which it was found that there *are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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 14 (Day) JULY (Month) of 2023.

Full names and Surname: ISAK MURISON

Signature: 

Firm Postal Address:
P.O. BOX 4039
CAPE TOWN
8000

I. MURISON INC.
 2nd Floor, Bank Chambers
 144 Longmarket Street, Cape Town, 8001
 Tel: (021) 461 3540

Kindly endorse certificate by affixing official stamp

Tel: 021 461-3540

Email: i.murison@attorneys.law.za

Cell: 084 444 3671



CONVEYANCER CERTIFICATE

I/We..... **ISAK MURISON**

.....
(conveyancer's name and surname)

Practising at:

2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,
.....
CAPE TOWN, 8001.
.....

(firm and place of practice)

In respect of:

.....
ERF 2540 STELLENBOSCH
.....
SITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISION
.....
WESTERN CAPE PROVINCE, HELD BY TITLE DEED NO T16507/1977
.....

(full property description (erf / farm) as it appear in title deed of same)

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. **T4037/1897**
2. **T10188/1969**
3. **T4087/1897**
4. **T16507/1977**
5.
6.
7.
8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)



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	
2.	Building lines	Y	N	
3.	Height	Y	N	
4.	Number of Dwellings	Y	N	
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	Y	N	
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	



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

In respect of which it was found that there *are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):*

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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... 14 (Day) JULY (Month) of 20... 23

Full names and Surname: ISAK MURISON

Signature: 

Firm Postal Address:
P.O. Box 4039
CAPE TOWN
8000.

I. MURISON INC.
 Kindly endorse certificate by affixing official stamp
 2nd Floor, Bank Chambers
 144 Longmarket Street, Cape Town, 8001
 Tel: (021) 461 3540

Tel: 021 461-3540

Email: i.murison@attorneys.law.za

Cell: 084 444 3671

Nicole Katts

From: Nicole Katts
Sent: Thursday, 13 July 2023 15:34
To: 'Candice Maasdorp'
Subject: OUTSTANDING INFORMATION: ERF 2540 & 2539 STELLENBOSCH (TP424/2023)

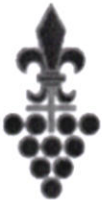
Hi Candice

Please see below information required from the planner.

- The conveyance certificate submitted does not indicate which title deed the search was on and did not identify if there is any restrictive title deed conditions or not.

Should you have any enquiries, you are welcome to contact Bongwiwe Zondo – 021 808 8951 (Bongiwe.zondo@stellenbosch.gov.za)

Once the abovementioned is provided an invoice will be issued.



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Development Management

Planning & Economic Development

T: +27 21 808 8318

NPK Building, 20 Plein Street

Stellenbosch, 7600

www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:

http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



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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)	Candice					
Surname	Maasdorp					
Company name (if applicable)	Sustainable Planning Solutions					
Postal Address	Unit 10, 10 Plein Street					
	Durbanville	Postal Code	7550			
Email	admin@sp-solutions.co.za					
Tel	021 300 6384	Fax		Cell	084 603 4370	
PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)						
Registered owner(s)	Mun Stellenbosch					
Physical address	Plein Street					
	Stellenbosch	Postal code	7600			
E-mail	admin@sp-solutions.co.za					
Tel	021 300 6384	Fax		Cell	084 603 4370	
PART C: PROPERTY DETAILS (in accordance with title deed)						
Erf / Erven / Farm No.	Erf 2540 & 2539	Portion(s) if Farm	n/a	Allotment area	Stellenbosch	
Physical Address	Cnr Borchard Road & Andringa Street					
	Stellenbosch					
	7550					
Current Zoning	Public Open Space Zone	Extent	1520m ² / ha	Are there existing buildings?	Y	N <input checked="" type="checkbox"/>
Applicable Zoning Scheme	Stellenbosch Zoning Scheme Bylaw, 2019					

Current Land Use	Parking area																
Title Deed number and date	T	T16507/1977															
Attached Conveyance's Certificate	Y	N	X								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)?	Y	N	X								If Yes, list the party(ies):						
Is the property encumbered by a bond?	Y	N	X								If Yes, list the bondholder(s):						
Is the property owned by Council?	Y	N	X								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	X				Is the building older than 60 years?	Y	N	X		Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	X		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	X				If yes, is this application to legalize the building / land use ² ?	Y	N	X							
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	N	X				Are there any land claim(s) registered on the subject property(ies)?	Y	N	X							

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	Y	N	X		If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y	N	X		If yes, please attach the written feedback received.

¹ The submission of a pre-application scrutiny form is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

Type of application: Cost are obtainable from the Council Approved tariffs	Tick
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*	

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)(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			
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); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES** (TOTAL A + B)			R
<p>**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.</p> <p>***All indigent residents who are registered as such with the Municipality and <u>with proof submitted together</u> with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579</p> <p>**** 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.</p>			

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

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	Stellenbosch Municipality
Postal Address	Po Box 17, Stellenbosch, 7600
Vat Number (where applicable)	n/a

PART F: DETAILS OF PROPOSAL

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

Brief description of proposed development / Intent of application:

- Proposed consolidation of erven 2540 and 2539 into **Portion 1**.

Rezoning newly created **Portion 1** from Public Open Space Zone to Public Roads and Parking Zone to accommodate the existing public parking area.

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

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

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

Y	N <input checked="" type="checkbox"/>	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 <input checked="" type="checkbox"/>	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A <input checked="" type="checkbox"/>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y N/A <input checked="" type="checkbox"/>	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y <input checked="" type="checkbox"/>	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)	Y N/A <input checked="" type="checkbox"/>	National Water Act, 1998 (Act 36 of 1998)
Y	N/A <input checked="" type="checkbox"/>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y N/A <input checked="" type="checkbox"/>	Other (specify)
Y <input checked="" type="checkbox"/>	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		
Y	N <input checked="" type="checkbox"/>	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.		

SECTION I: DECLARATION

I hereby wish to confirm the following :

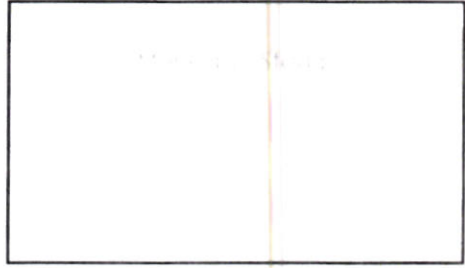
1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading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

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

Applicant's signature: *Candice S. Maasdorp* Date: 29/06/2023

Full name: CANDICE S. MAASDORP

Professional capacity: PROFESSIONAL PLANNER Pr. Plan (A/224/2002)

FOR OFFICE USE ONLY	
Date received: _____	
Received By: _____	



STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

POWER OF ATTORNEY

I, Johan Fullard, in my capacity: Acting Director: Infrastructure Services, being the lawful Agent of STELLENBOSCH MUNICIPALITY do hereby nominate, constitute and appoint CANDICE MAASDORP of the firm SUSTAINABLE PLANNING SOLUTIONS with the power of Substitution, to be my lawful Agent in my name, place and stead, to make the necessary land use and related applications for the following:

ERF 2529, 2530, 2540 & 2539, STELLENBOSCH - PROPOSED REZONING AND SDP APPROVAL

Power of attorney is accordingly hereby granted to the applicant to sign all application documentation and related correspondence in respect of the matter referred to above.

Signed at STELLENBOSCH on this 4th day of April 2023.



Neilen Swartz

neilen@sp-solutions.co.za / admin@sp-solutions.co.za

+27(0)21 300 6384 / 071 460 0569

04 November 2022

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK, ERF 2529 & 2530 STELLENBOSCH

1. Your pre-application scrutiny submission on the above property, dated 31 November 2022 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]: **You are required to submit the following documents:**

3.1 Copy of the title deeds of the subject properties.

3.2. Power of attorney between the registered owner and the applicant.

3.3 Motivation based on criteria in Section 65 of the Stellenbosch Land Use Planning Bylaw (2015).

3.4 The pre-application form must be signed by the applicant.

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

MICRO FILMED—MIKROVERFILM	
DATE—DATUM	OPERATOR—OPERATEUR
15-7-1977	<i>[Handwritten Signature]</i>

FOR FURTHER ENDORSEMENTS SEE
 VIR VERDERE ENDORSEMENTE SIEK..... 10

T	16507	1977
---	-------	------

Opgestel deur my,

[Handwritten Signature]
AKTEVERVAARDIGER.

A K T E _ V A N _ T R A N S P O R T

SY DIT HIERBY KENTLIK:

DAT FREDERIK CHRISTIAAN ELS ~~.....~~ voor my, die REGISTRATEUR VAN AKTES te KAAPSTAD verskyn het, hy, die Komparant, daartoe beoorlik gemagtig kragtens, n Volmag aan hom verleen deur:

CORNELIS STEPHANUS RADEMAN in sy hoedanigheid as Administratiewe Beampte in die Departement van Gemeenskapsbou, daartoe gemagtig deur die Gemeenskapsontwikkelingsraad en as sulks handelende namens die GEMEENSKAPSONTWIKKELINGSRAAD kragtens Artikel 10 van Wet Nr. 3 van 1966;

gedateer 15 November 1976, en geteken te KAAPSTAD.

EN die genoemde Komparant het verklaar dat sy prinsipaal die gemelde

GEMEENSKAPSONTWIKKELINGSRAAD

waarlik

waarlik en wettiglik verkoop het op 2 Maart 1976 in terme van Artikel 15(2)(b)(iii) van Wet Nr. 3 van 1966, en dat hy, in sy voornoemde hoedanigheid, hy hierdie Akte sêdeer en transporteer, in volle en vrye eiendom, aan en ten behoewe van

DIE MUNISIPALITEIT VAN STELLENBOSCH

diensopvolgers in titel of regverkrygendes:-

1. SEKERE: stuk grond synde Erf Nr. 2483 Stellenbosch geleë in die Munisipaliteit en Afdeling van Stellenbosch;

GROOT: 1 408 (Eenduisend Vierhonderd en Agt) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n kaart daarby aangeheg gemaak ten gunste van David Francois Naude op die 16de Junie 1860, Nr. 308, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPS-ONTWIKKELINGSHAAD op 15 Maart 1967, Nr. 5247 (Paragraaf 2) meer volledig sal aantoon.

ONDERHEWIG aan die voorwaardes verwys na in Transportakte Nr. 10377 gedateer 19 Junie 1951.

2. SEKERE: stuk grond geleë soos hierbo, synde Erf Nr. 2484 Stellenbosch;

GROOT: 1 408 (Eenduisend Vierhonderd en Agt) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby

WHITE GROUP
BLANKE GROEP

WHITE GROUP
BLANKE GROEP

aangeheg gemaak ten gunste van Pieter Hendrik de Villiers op 3 Junie 1862, Nr. 39, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPS-ONTWIKKELINGSRAAD op 15 Maart 1967, Nr. 5247 (Paragraaf 1) meer volledig sal aantoon.

ONDERHEWIG aan die voorwaardes verwys na in Transportakte Nr. 10377 gedateer 19 Junie 1951.

3. SEKERE: stuk grond geleë soos hierbo, synde restant Erf Nr. 2498 Stellenbosch;

GROOT: 583 (Vyfhonderd Drie-en-Tagtig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van H.P. Beyers op 16 Junie 1860, Nr. 296, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPS-ONTWIKKELINGSRAAD op 23 Maart 1971, Nr. 7588 (Paragraaf 2) meer volledig sal aantoon.

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 6333 gedateer 17 Oktober 1932.

4. SEKERE: stuk grond geleë soos hierbo, synde Erf Nr. 2499 Stellenbosch;

GROOT: 1 162 (Eenduisend Eenhonderd Twee-ou-Sestig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van William Peter Gabriels op 17 Oktober 1932, Nr. 6333, en Daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPS-ONT-

WHITE GROUP
BLANKE GROEP

WHITE GROUP
BLANKE GROEP

WIKKELINGSPAAD op 23 Maart 1971, Nr. 7588 (Paragraaf 1) meer volledig sal aantoon.

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 6333 gedateer 17 Oktober 1932.

5. SKKERE: stuk grond geleë soos hierbo synde die Restant van Erf 2500 Stellenbosch;

GROOT: as sulks 2 776 (Tweeduisend Sewehonderd Ses-en-Sewentig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van R.J. de Vos op die 17de November 1860, Nr. 384, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGSPAAD op 2 April 1971, Nr. 8747 (Paragraaf 1) meer volledig sal aantoon.

A. ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 6136 gedateer 13 Desember 1915.

B. ONDERHEWIG aan die volgende spesiale voorwaarde vervat in Transportakte Nr. 6082 gedateer 17 Junie 1938, welke voorwaarde soos volg lees:

"that the transferee and her successors in title of lot HR transferred to Hester Margaretha Markotter born Roux, married without community of property to Carl Ferdinand Markotter, on this day No. 6081 shall have the right to the use of the right-of-way 9,14 Metres in width marked as such on the diagram of the said lot HR, over the land hereby conveyed."

WHITE GROUP
BLANKE GROEP

C. ONDERHEWIG

G. ONDERHEWIG aan die voorwaarde verwys na in die endossement gedateer 6 Augustus 1957 op Transportakte Nr. 6082 gedateer 17 Junie 1938, welke endossement soos volg lees:

"PARA 1

By Notarial Deed No. 364/1957, dated 17th January, 1957 the Owner of the land held under Para 1 hereunder has given to the owner of land held by Transfer 9798/1956 and his successors in title a 9,14 Metres right of way along the Western boundary of this property on Diagram No. 327/1860 annexed to Transfer 384 dd 17/11/1860, as will more fully appear from said Not. Deed, a copy of which is annexed hereto."

6. SEKERRE: stuk grond geleë soos hierbo, synde die Restant van Erf Nr. 2502 Stellenbosch;

GROOT: as sulks 833 (Aghonderd Drie-en-Dertig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van P.W.J. Eosman op 16 Junie 1860, Nr. 295, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ter gunste van DIE GEMEENSKAPSONTWIKKELINGSRAAD op 2 April 1971, Nr. 8747 (Paragraaf 2) meer volledig sal aantoon.

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 8136 gedateer 13 Desember 1915.

WHITE GROUP
BLANKE GROEP

7. SEKERRE:

7. SEKERE: stuk grond geleë soos hierbo, synde Erf Nr. 2529 Stellenbosch;

GROOT: 1 774 (Eenduisend Sewehonderd Vier-en-Sewentig) Vierkante Meter;

UITSTREKKENDE soos die transportakte met kaart daaraan geheg gemaak ten gunste van I.J.J. Myburgh op 20 September 1399, Nr. 7620 en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGS-RAAD op 25 Mei 1972, Nr. 11888, meer volledig sal aantoon.

ONDERHEWIG aan sodanige voorwaardes soos na verwys word in Transportakte gemaak ten gunste van F.J. Haupt op 27 Desember 1905, Nr. 12411.

8. SEKERE: stuk grond geleë soos hierbo, synde Erf Nr. 2530 Stellenbosch;

GROOT: 807 (Aghonderd Sewe-en-Tagtig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met Kaart daaraan geheg gemaak ten gunste van T.S. Newman op 8 Junie 1899, Nr. 4364, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGSRAAD op 12 September 1968, Nr. 20368, meer volledig sal aantoon.

ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. 747 gedateer 7 Februarie 1919.

9. SEKERE: stuk grond geleë soos hierbo, synde die Restant van Erf Nr. 2539 Stellenbosch;

WHITE GROUP
BLANKE GROEP

WHITE GROUP
BLANKE GROEP

WHITE GROUP
BLANKE GROEP

GROOT: as sulks 633 (Seshonderd Drie-en-Dertig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van F.R. Edwards op 22 Januarie 1898, Nr. 388, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGS-RAAD op 28 November 1968, Nr. 27802, meer volledig sal aantoon.

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 2026 gedateer 9 Maart 1921.

10. SEKERE: stuk grond geleë soos hierbo, synde Erf Nr. 2540 Stellenbosch;

GROOT: 887 (Aghonderd Sewe-en-Tagtig) Vierkante Meter;

UITSTREKKENDE soos die Transportakte met n Kaart daarby aangeheg gemaak ten gunste van H. Hendrikse op 19 Mei 1897, Nr. 4037, en daaropvolgende Transportaktes, die laaste waarvan gemaak is ten gunste van DIE GEMEENSKAPSONTWIKKELINGSRAAD op 28 April 1969, Nr. 10188, meer volledig sal aantoon.

ONDERHEWIG aan die voorwaardes verwys na in Transportakte Nr. 4087 gedateer 18 Mei 1897.

11. SEKERE: stuk grond synde Erf Nr. 6150, n gedeelte van Erf 4088 Stellenbosch, geleë in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;

GROOT: 555 (Vyfhonderd Vyf-en-Vyftig) Vierkante Meter;

555
193

362

WHITE GROUP
BLANKE GROEP

WHITE GROUP
BLANKE GROEP

UITSTREKKENDE

UITSTREKKENDE soos die Sertifikaat van Geregistreerde Titel met Kaart Nr. 8236/74 daarby aangeheg gemaak ten gunste van die GEMEENSKAPSONTWIKKELINGSRAAD gedateer hede, Nr. 16506 meer volledig sal aantoon.

ONDERHEWIG aan die voorwaardes verwys na in Transportakte Nr. 8136 gedateer 13 Desember 1915.

GEREGTIG aan die voordeel van die volgende spesiale voorwaarde genoem in Transportakte Nr. 6081 gedateer 17 Junie 1938, naamlik:--

"That the above transferee and her successors in title shall have the right to the use of the right-of-way 9,45 meter in width marked as such on the annexed diagram, over the remaining extent of the said Lots 65, 80 and 81 held under the said Deed of Transfer No. 39 dated 5th January, 1934 (Paragraph 1)."

12. SEKERE: stuk grond synde Erf Nr. 6151, n gedeelte van Erf 2503 Stellenbosch, geleë in die Munisipaliteit en Administratiewe Distrik van Stellenbosch;

GROOT: 208 (Tweehonderd en Agt) Vierkante Meter;

UITSTREKKENDE soos die Sertifikaat van Geregistreerde Titel met Kaart Nr. 8237/74 daarby aangeheg gemaak ten gunste van die GEMEENSKAPSONTWIKKELINGSRAAD gedateer hede, Nr. 16504 meer volledig sal aantoon.

ONDERHEWIG aan sulke voorwaardes soos verwys word na in Transportakte Nr. 3267 gedateer 19 April 1922.

WESHALWE die Komparant, afstand doende van alle regte en aanspraak wat die

WHITE GROUP
BLANKE GROEP



GENEENSKAPSONTWIKKELINGSRAAD

tevore op die voornoemde eiendom gehad het, ten behoeve soos voormeld, by gevolg ook erken dat die

GENEENSKAPSONTWIKKELINGSRAAD

geheel en al uit die besit daarvan onthef is en nie meer daartoe geregtig is nie, en dat uit krag van hierdie Akte, die genoemde

MUNISIPALITEIT VAN STELLENBOSCH

diensopvolgers in titel of regverkrygendes, nou en voortaan daartoe geregtig sal wees, ooreenkomstig plaaslike gebruik, die Staat nogtans sy reg behoudende, en ten laaste erkennende dat die hele Koopprijs die som van R33 070,00 (Drie-en-Dertigduisend en Sewentig Rand) beëtra.

TEN BLYKE waarvan ek, die genoemde REGISTRATEUR VAN AKTES, tesame met die Komparant, hierdie Akte onderteken en met my ampseël bekragtig het.

ALDUS GEDOEN en onderteken op die Kantoer van die REGISTRATEUR VAN AKTES te KAAPSTAD op die 6de dag van Julie in die jaar van Ons Heer Een-duisend Negehonderd Sewe-en-Sewentig (1977).

In my teenwoordigheid:

J. P. ...
REGISTRATEUR VAN AKTES

[Signature]
q.d. Sy Prinsipaal.


Garegistreer in die Erwe Register van Stellenbosch.

Bladsye	pan	1 2483	9 2539
op bogal.	de datum.	2 2484	10 2540
		3 2498	11 6150
		4 2499	12 6151
		5 2500	
		6 2502	
		7 2529	
		8 2530	


KLERK IN BEHEER *[Signature]*

BLADSY/PAGE 10
 ENDOSSEMENT OP
 ENDORSEMENT ON T16507/77
 EIENDOM/PROPERTY ef 2683
Billenbosch.

PARA 11 ef 7350 = 193M²

GETRANSPORTEER TRANSFERRED	<u>12-01-1982</u>	Aan To	<u>STELLMAR (PROPRIETARY) LIMITED</u>
No. T	<u>5-1981</u>	Restant Remainder	<u>362.972</u>
1305		 Ass. Registrar Ass. Registrar	

PARA 11: ERF 13810 = 236 M²
 PARA 12: ERF 13811 = 177 M²

GETRANSPORTEER AAN ADVENT PROPERTIES BEEFK.	TRANSFERRED TO
RESTANT/REMAINDER PARA 11 = 126 M ² PARA 12 = 31 M ²	
T 72575199	 REGISTRATEUR/REGISTRAR
07.09.99	



CONVEYANCER CERTIFICATE

I/We..... **ISAK MURISON**
.....

(conveyancer's name and surname)

Practising at:
2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,
CAPE TOWN, 8001.
.....

(firm and place of practice)

In respect of:
.....

ERF 2539 STELLENBOSCH
SITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISION
WESTERN CAPE PROVINCE, HELD BY TITLE DEED NO T16507/1977
.....

(full property description (erf / farm) as it appear in title deed of same)

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.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)



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	
2.	Building lines	Y	N	
3.	Height	Y	N	
4.	Number of Dwellings	Y	N	
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	Y	N	
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	



STELLENBOSCH

STELLENBOSCH OORSTREEK KRAANSIEDERIK

MUNICIPALITEIT STELLENBOSCH • MUNICIPAALITEIT

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

In respect of which it was found that there are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilized/developed for the following purposes (as elaborated in the accompanying application):

Table with 3 rows and 2 columns. Row 1: Organ(s) of State that might have an interest in the restrictive condition. Row 2: A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition. Row 3: All persons mentioned in the deed for whose benefit the restrictive condition applies.

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

Table with 4 columns: 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 20 (Day) FEBRUARY (Month) of 2023

Full names and Surname: ISAK MURISON

Signature: [Handwritten Signature]

Firm Postal Address: P.O BOX 4039 CAPE TOWN 8000

I. MURISON INC. 2nd Floor, Bank Chambers 144 Longmarket Street, Cape Town, 8001 Tel: (021) 481 3540

Tel: 021 461-3540

Email: i.murison@attorneys.law.za

Cell: 084 444 3671



STELLENBOSCH

STELLENBOSCH • STAD • GRAANSBOORD

MUNICIPALITEIT • UMKAPPA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We..... **ISAK MURISON**

.....
(conveyancer's name and surname)

Practising at:

**2ND FLOOR, BANK CHAMBERS, 144 LONGMARKET STREET,
CAPE TOWN, 8001.**

.....
(firm and place of practice)

In respect of:

.....
**ERF 2540 STELLENBOSCH
SITUATED IN THE CITY OF CAPE TOWN, STELLENBOSCH DIVISION
WESTERN CAPE PROVINCE, HELD BY TITLE DEED NO T16507/1977**

.....
(full property description (erf / farm) as it appear in title deed of same)

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. **T4087/1897**
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)



STELLENBOSCH

STELLENBOSCH • PENINSULA • LEANSCHIEDERIK

MENINGEN • OUDT • L. MASSOZALE • MENINGEN • OUDT

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	
2.	Building lines	Y	N	
3.	Height	Y	N	
4.	Number of Dwellings	Y	N	
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	Y	N	
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	



STELLENBOSCH

STELLENBOSCH MUNISIPALITEIT • STANSBOSCH

MUNICIPALITEIT • MUNICIPALITY • MUNISIPALITEIT

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

In respect of which it was found that there are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):

Table with 2 columns: Question (a, b, c) and Answer. (a) Organ(s) of State that might have an interest in the restrictive condition. (b) A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition. (c) All persons mentioned in the deed for whose benefit the restrictive condition applies.

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

Table with 4 columns: 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 20 (Day) FEBRUARY (Month) of 2023

Full names and Surname: ISAK MURISON

Signature: [Handwritten Signature]

Firm Postal Address: P.O BOX 4039 CAPE TOWN 8000

I. MURISON INC. 2nd Floor, Bank Chambers 144 Longmarket Street, Cape Town, 8001 Tel: (021) 461 3540

Tel: 021 461-3540

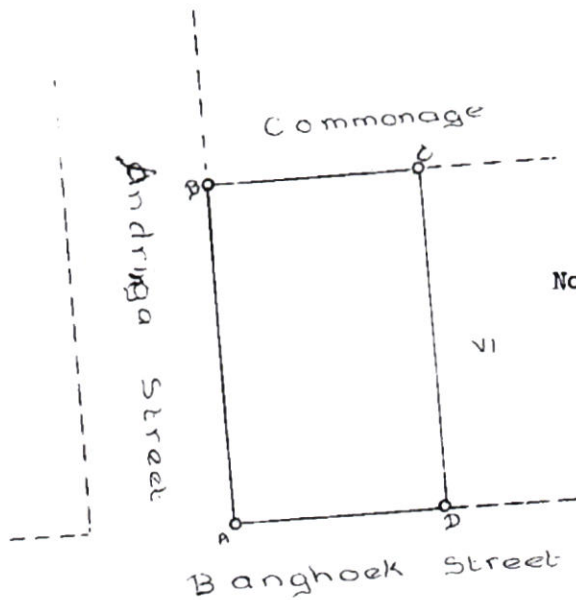
Email: i.murison@attorneys.law.za

Cell: 084 444 3671

The numerical data of this Diagram are mutually consistent.
 (Sgd.) J.J. Bosman.
 Examiner.

1673|77

Sides.	
Ft.	
AB	120 . 00
BC	74 . 55
CD	120 . 00
DA	74 . 55
Angles.	
° ' "	
A	90 . 0 . 0
B	90 . 0 . 0
C	90 . 0 . 0
D	90 . 0 . 0



No Co-ordinates used.

ERF 2540 STELLENBOSCH

Scale: 60 C. Ft. = 1 Inch.

The above Figure marked A B C D represents 62 Square Rods 18 Square Feet of Land situate in the Township and Division of Stellenbosch, being Lot No. 5 of the subdivided Land granted to the Commissioners of the Municipality of Stellenbosch on the 26th March 1895.

Bounded N by Commonage
 S " Banghoek Street
 E " Lot No. VI
 W " Andrigna Street

Framed from actual Survey, by me.
 (Sgd.) P.A. Mader.
 Government Surveyor.
 August, 1895.

Transfer relating to 4037
 19th May 1897
 Hendrik Hendrikse.

[Handwritten signature]

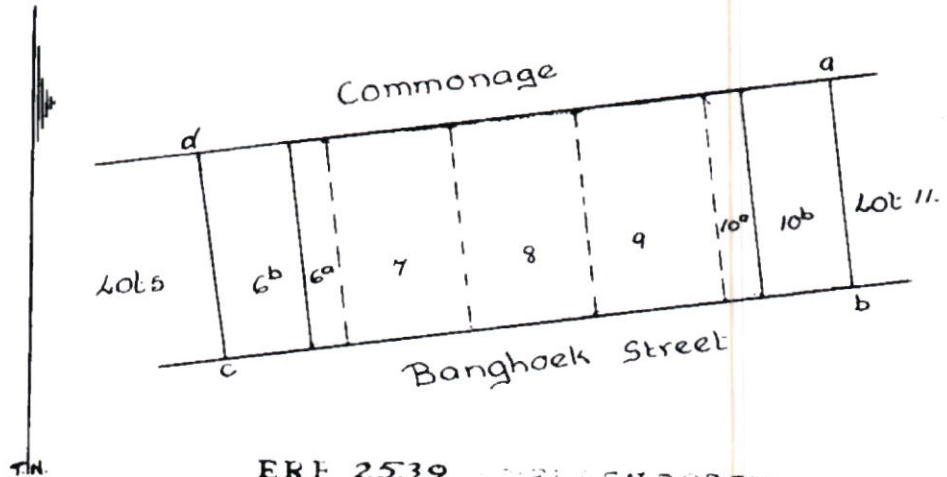
Sheet 2.

5785
 ✓ BH-ODA/251
 2540 H.S.

The numerical data of this diagram are mutually consistent.

(Sgd) J.J. Posman.
Examiner.

	Sides C.F.	Angles
ab	120.00	90.0.0
bc	372.75	90.0.0
cd	120.00	90.0.0
da	372.75	90.0.0



ERF 2539 STELLENBOSCH

Scale of 100 Cape Feet - 1 Inch.

The above diagram a b c d represents 310 Square Rods
90 do Feet of Ground situate in the Township and Division
of Stellenbosch Being Lots Nos 7, 7, 8, 9, 10 a part of
that part of the Town Commonage granted to the Municipality
of Stellenbosch on the 26th March 1895.

Bounded N by Commonage
S " Banghoek
E " Lot 11
W " Lot 5

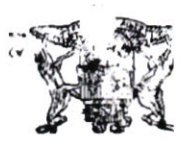
Framed from actual survey by me,
(Sgd) H.E. Tindall.
Govt. Land Surveyor.
December 1897

Copied from the diagram relating to
Transfer Title Deed No. 388
dated 22nd January 1898 in favour of
Frederick J. Edwards.
[Signature]
for SURVEYOR-GENERAL,
CAPE TOWN.
1955

For list of
deductions see
back of diagram
6785
2539
H.S.

Tract No.	Sub-division	Sq. Rds.	Ac. Feet	Transfer Date	Tr. No.
1764/1922	<i>Erf 2537</i> Lot No. 106	44	54	21:2:1923	1178
1765/1922	Lots Nos. 6a 7 & 9 & 10a <i>Erf 2538</i>	221	126	21:2:1923	1177

4087/1897





SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

BORCHERDS PARKING LOT (SOUTH) ERVEN 2540 & 2539 STELLENBOSCH



CONSOLIDATION AND REZONING APPLICATION

ERVEN 2540 and 2539, STELLENBOSCH

PROJECT 3.020

JUNE 2023



BORCHERDS PARKING LOT

ERVEN 2539 & 2540, STELLENBOSCH

Land Use Application submitted in terms of Section 15(2) of the Stellenbosch Municipality Municipal Planning By-law (2015), in support of the consolidation & rezoning of erven 2539 and 2540, Stellenbosch.

PREPARED BY:



SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

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FOR:

EAS INFRASTRUCTURE ENGINEERS

ON BEHALF OF:

STELLENBOSCH MUNICIPALITY



**INFRASTRUCTURE
ENGINEERS**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PROJECT REF: 3.020

JUNE 2023

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1. INTRODUCTION

1.1. BACKGROUND

Sustainable Planning Solutions has been appointed by EAS Infrastructure Engineers (Pty) Ltd., on behalf of the Stellenbosch Municipality, to undertake a development rights process to regularize an existing public parking area located in the Stellenbosch CBD area.

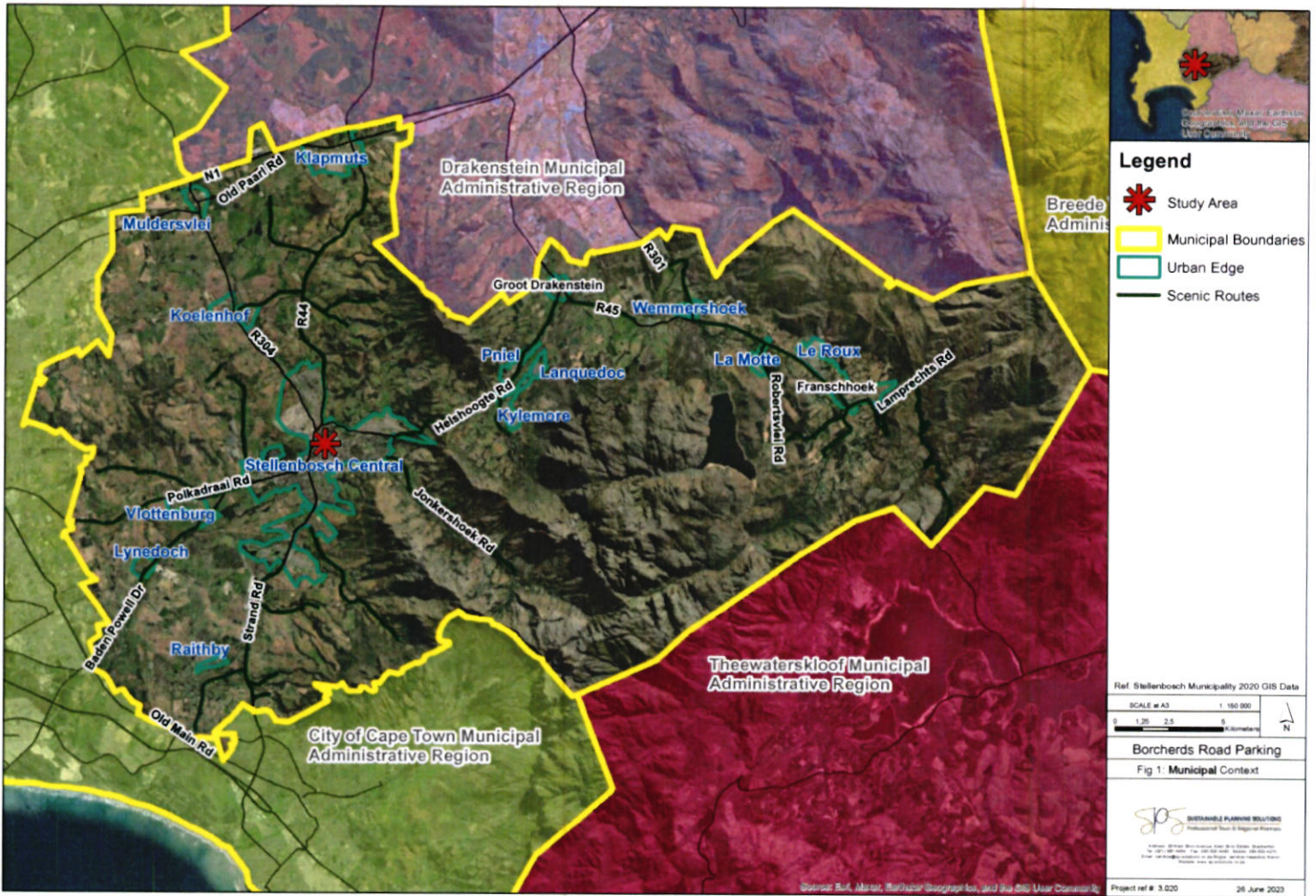
See attached Annexures 1 and 2 for the Land Use Application Form and the Power of Attorney.

The purpose of this report is to apply for the Consolidation and subsequent rezoning of erven 2539 and 2540, Stellenbosch, from Public Open Space to Public Road and Parking zone.

1.2. SITE LOCATION

The subject properties, erven 2539 & 2540, Stellenbosch, are situated in the central business district (CBD) area of Stellenbosch, in the Stellenbosch Municipality. The site lies within Stellenbosch Urban Edge Please refer to **Figures 1 and 2** for the **municipal context** and **regional locality**.

The site is located on the corner of Banghoek Street and Andringa Street with nearby landmarks including the Stellenbosch Correctional Service (north of the site), the Christ Church Stellenbosch (south-east) and the Stelmark shopping centre (south). Refer to **Figure 3** for an **aerial view** of the site and **Figure 4** for a detailed illustration of the **property concerned**.



Source: SA, Minter, Richardson Geographers, and SA GIS User Community





Legend

- Study Area
- Cadastral

Ref: Stellenbosch Municipality 2019 GIS Data

SCALE W/ A3 1:1000

0 0.0075 0.015 0.03 0.06 Kilometres

Borchards Road Parking South

Fig 3: Aerial

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Project ref # 3.020 28 June 2023



Legend

- Study Area
- Cadastral

Ref: Stellenbosch Municipality 2019 GIS Data

SCALE at A3 1:1000

0 0.0075 0.015 0.03 Kilometers

Borcherd's Road Parking South

Fig 4: Property Concerned

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Professional Team of Regional Planners

Project ref # 3.020 26 June 2023

1.3. NATURE OF THE APPLICATION

This motivational report is submitted in support of the following:

Consolidation

In terms of Section 15(2)(e) of the Stellenbosch Municipal Planning By-Law (2015), in support of the consolidation of erven 2539 & 2540, Stellenbosch into portion 1 to regularise the existing public parking bay.

Rezoning

In terms of Section 15(2)a of the Stellenbosch Municipal Planning By-Law (2015), in support of the rezoning of portion 1, from Public Open Space Zone to Public roads and parking zone, to statutory compliance of the existing public parking area.

Refer to **Annexure 1** for the Land-Use Application Form.

1.4. ADDITIONAL STATUTORY APPLICATIONS TRIGGERED

- **The National Heritage Resources Act (25/1999)**

Due to the nature of the application (an erf less than 10000m²) the Heritage Resources Act 25 of 1999, is not applicable. No additional statutory processes are required.

- **National Environmental Management Act (NEMA) (107/1998) and the Environmental Impact Assessment Regulations**

The NEMA regulations identify certain activities that may be detrimental to the environment. Listed activity (activity 15) of Listing Notice 3 of 2017 states the following:

The transformation of land bigger than 1000 square meters in size to residential, retail, commercial, industrial, or institutional use, where such land was zoned open space, conservation or had an equivalent zoning, on or after 2 August 2010.

Although the proposed rezoning appears to trigger the listed activity. No transformation will occur. The application is merely to regularize the existing parking area with the correct zoning.

1.5. PRE-APPLICATION CONSULTATION

By virtue of, electronic communication (e-mail) with planning officials from the Stellenbosch Municipality, it was confirmed that the application can be submitted. Please refer to **Annexure 3** for the correspondence in this regard.

1.6. PROPERTY DETAILS

The following section provides a detailed summary of the basic land and legal information. See summary below (refer to **Annexures 4-7**):

PROPERTY DESCRIPTION	Erf 2539, Stellenbosch	Erf 2540, Stellenbosch
REGISTERED OWNER	Mun Stellenbosch (Refer to Annexure 4 : Title deed)	
PHYSICAL ADDRESS	Cnr of Banghoek & Andringa Street, Stellenbosch	
TITLE DEED	T16507/1977 (Refer to Annexure 4 : Title deed)	
TITLE DEED RESTRICTION	No conditions prohibiting the proposed rezoning (Refer to Annexure 5 : Conveyancer Certificate) & Annexure 4 : Title Deed.	
EXTENT OF ERF	889.49m ²	632.51m ²
SG INFORMATION	SG No: 3437/1898 (Refer to Annexure 6 : SG diagram)	SG No. 4037/1897 (Refer to Annexure 6 : SG diagram)
APPLICABLE ZONING SCHEME	Stellenbosch Municipality: Zoning Scheme By-Law, 2019	
CURRENT ZONING	<i>Public Open Space</i>	
Current Land-Use	Existing public parking area	
Proposed Zoning	<p>Public Roads and Parking Zone:</p> <p><i>"The purpose of this zone is to make provision for the following:</i></p> <p><i>(a) public roads as indicated on a general plan and roads, whether constructed or not.</i></p> <p><i>(b) premises for the public parking of motor vehicles which are in use.</i></p>	

Such parking may be provided in buildings or in open parking areas to address the need for off-street parking in an area, with or without the payment of a fee.

Primary Uses:

- *Public parking area*
- *Public road*
- *Utility service*
- *Occasional use (one event/year)*

Additional Uses (technical approval):

- *Rooftop base telecommunication station*
- *Market*

Consent Uses (application required)

- *Freestanding base telecommunication station*
- *Occasional use (>one event /year)*
- *Parking garage*

Transport purposes (passengers)

2. LEGAL FRAMEWORK

In South Africa, decisions to all planning proposals and land use applications are assessed on their compliance to the relevant statutory and policy framework.

In Stellenbosch, land development is assessed and authorized by the Stellenbosch Municipality who base decisions on the applicable legislation that set out the process (to be followed) and criteria (to be applied) for final decision-making.

The following legislation is applicable for development applications in the Stellenbosch Municipal area.

Applicable legislation	
National	<ul style="list-style-type: none">• National Heritage Resource Act (Act 25 Of 1999)• National Environmental Management Act (NEMA), (Act 107 Of 1998)
Municipal	<ul style="list-style-type: none">• Stellenbosch Municipality: Land Use Planning By-Law (2015)

2.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16/2013)

The Act aims to develop a framework to govern spatial planning and set parameters for developments and provides for different lawful land uses in South Africa.

The *Development Principles* in Chapter 2 of the Spatial Planning and Land Use Management Act (SPLUMA) provides broad principles for a set of provincial laws that apply to all aspects of spatial planning, land development and land use management. *These development principles include:*

- *the principle of spatial justice,*
- *the principal of spatial sustainability,*
- *the principle of efficiency,*
- *the principle of spatial resilience,*
- *the principle of good administration,*

Chapter 2 of the Act also requires the Minister to prescribe a set of Norms and Standards that should include and/or comply with the following: *should promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration, and sustainable development, ensure that land development and land use management processes, including applications, procedures and timeframes are efficient and effective.*

2.2. WESTERN CAPE LAND USE PLANNING ACT (3/2014)

The Western Cape Land Use Planning Act (LUPA) of 2014, chiefly aims to consolidate legislation in the province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions.

In Chapter VI of LUPA, we note that the same Land Use Planning Principles of SPLUMA (Act 14/2013) have been adopted. LUPA (3/2014) however provides more detail as to how these principles could be applied.

Section 49 of LUPA (3/2014) provides the assessment criteria that all municipalities must apply when considering a land use application. These include:

- *the applicable spatial development frameworks.*
- *the applicable structure plans.*
- *the principles referred to in Chapter VI (Land Use Planning Principles).*
- *the desirability of the proposed land use; and*
- *guidelines that may be issued by the Provincial Minister regarding the desirability of the proposed land use.*

2.3. STELLENBOSCH MUNICIPALITY: LAND USE PLANNING BY-LAW (2015)

The Stellenbosch Municipal Planning By-Law (2015) aims to regulate the use and development of land within the jurisdiction of the Stellenbosch Municipality. This legislation enables the Stellenbosch Municipality to control planning matters within its jurisdiction. This By-law legislates the process by which the land use applications are dealt with. In terms of this By-Law, the application for the rezoning of land is made in terms of Section 15. Section 17 provides more detail to the process to be followed for a rezoning application.

Section 65 of the By-law (2015) spells out the criteria to be applied in the assessment of land use applications. Broadly, the criteria to be applied when assessing land use applications shall include the following considerations:

- a) *Applicability of any approved forward planning policies, such as a Municipal Spatial Development Framework (SDF).*
- b) *Compliance with the requirements of the By-Law and any other statutory processes.*
- c) *Desirability of the proposed land use.*
- d) *Impact on municipal engineering services.*

The Stellenbosch Municipality: Zoning Scheme By-Law was gazetted in 2019. The zoning scheme sets out the development parameters for the different zonings that

falls within the jurisdiction of the Stellenbosch Municipality.

2.4. NATIONAL HERITAGE RESOURCE ACT (Act 25 of 1999)

This legislation '*aims to promote good management of the national estate, and to enable and encourage communities to nurture and conserve their legacy*'.

Section 38 lists a host of development categories which, if pursued, requires that the responsible heritage resources authority, Heritage Western Cape (HWC), be notified.

The nature of the envisaged land use application does not trigger Section 38 of this Act since the character of the area will not change and neither is the property (inclusive of the respective applications) larger than 10000sqm nor does it involve three or more erven.

This Act is therefore not applicable. However, the subject property falls within a Heritage Precinct which broadly states that the architectural nature of buildings, squares, and national monuments are to be preserved as far as possible. The proposed land use applications will regularise the use rights of the erf. The current operations of the public parking area on the site will remain compatible with the character of the area.

2.5. NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), (Act 107 OF 1998) and ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

The NEMA regulations identify certain activities that may be detrimental to the environment. Listed activity (activity 15) of Listing Notice 3 of 2017 states the following:

The transformation of land bigger than 1000 square meters in size to residential, retail, commercial, industrial, or institutional use, where such land was zoned open space, conservation or had an equivalent zoning, on or after 2 August 2010.

Although the proposed rezoning appears to trigger the listed activity. No physical transformation will occur. The application is merely to regularize the existing public parking area with the correct zoning. As such, this application will not trigger NEMA EIA regulations.

2.6. SUMMARY: LEGAL FRAMEWORK

There is a legal requirement for the management of land development to promote a diversity of land uses and that each proposal be assessed on its own

merit. As mentioned above.

Sections 15(2)(a) and 15(2)(e) of the Stellenbosch Planning By-Law (2015), which refers to the consolidation and rezoning of land, are of relevance and importance to this application.

The proposed land use application does not trigger Section 38 of this Act and is therefore not applicable. A Notice of Intent to Develop (NID) need **not** be submitted to HWC.

The proposed land use application does not trigger the NEMA EIA regulations and a checklist to the Department of Environmental Affairs and Development Planning need **not** be submitted.

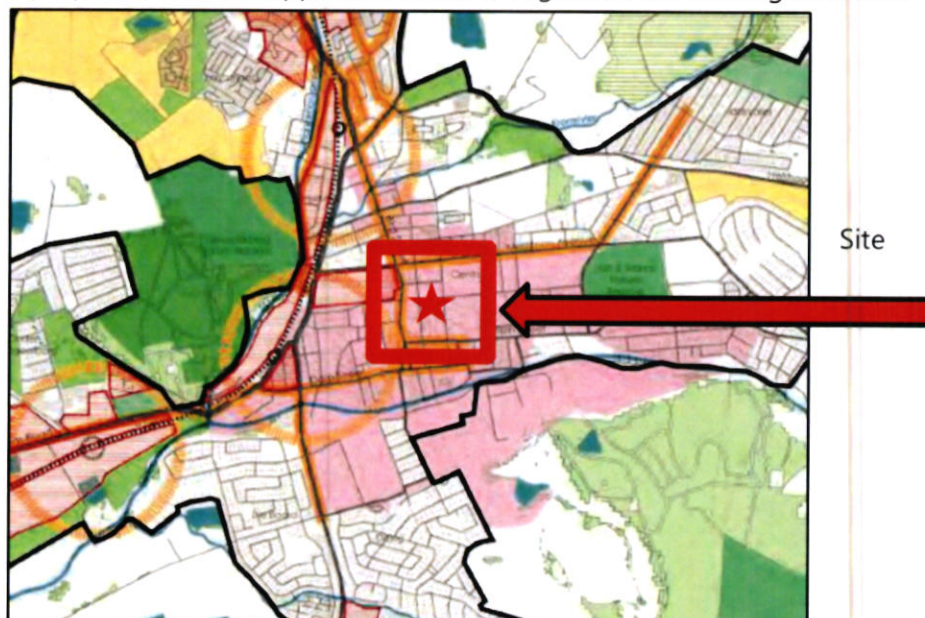
3. POLICY FRAMEWORK

This section identifies the relevant planning policies that must be considered. It also reaffirms the point that the proposed land use application (rezoning & consolidation) is desirable from a policy perspective.

3.1. STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK (2019)

The Stellenbosch Municipality Spatial Development Framework (MSDF) aims to enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives. Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them. Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being. Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The SDF earmarks the area in which the site is located as **Existing and Proposed Urban Character Areas** which is essentially the area within the Urban Edge. The proposed rezoning of the site will allow for the public parking area on the site to operate legally while remaining compatible with the character of the area and therefore would be in line with what the SDF earmarks the property for. The aim of the proposed land use application aims to regularise the existing land-use.



Extract from Spatial Development Framework, pg 70, 2019

3.2. SUMMARY: POLICY FRAMEWORK

As discussed above the proposed land use application for erven 2539 and 2540, Stellenbosch will not change the current land use of the site nor the character of the area and as such finds support in the Stellenbosch Municipal Spatial Development Framework (2019).

4. SITE CONTEXTUAL ANALYSIS

This section assesses the subject properties in relation to the surrounding urban context and highlights the implications of the proposed land use application.

4.1. PROPERTY CONCERNED

The table below highlights the erven and extent of the site.

ERF NR.	EXTENT
2539	632.51m ²
2540	889.49m ²

Please refer to **figure 3** and **4** for **Aerial** and **Property concerned** plans.

4.2. REGISTERED DESCRIPTION, OWNERSHIP & CONVEYANCING

4.2.1. OWNERSHIP

Ownership of erf 2539 and 2540, Stellenbosch lies with the **Western Cape Provincial Government**. Refer to **Annexure 4**: Title deed.

4.2.2. TITLE DEED INFORMATION

The table below highlights the title deed information and restrictive conditions contained in the title deeds for the erven. Refer to **Annexures 4 and 5** for the Title deed and Conveyancing certificate, respectfully.

ERF NUMBER	TITLE DEED	EXTENT AS PER DEED	RESTRICTIVE CONDITIONS
2539	T16507/1977	633m ²	None of the deeds examined contain any restrictive title deed conditions (Refer to Annexure 5: Conveyancing Certificate).
2540	T16507/1977	887m ²	

**Please refer to the conveyancing certificate for more details. The conditions do not have an impact on the proposed development and does not necessitate an application for the removal of these conditions.*

4.2.3. TITLE DEED AND SG DIAGRAM DESCRIPTION¹

The table below provides the descriptions as per the respective title deed and SG diagrams for the erven. Refer to **Annexure 4** for the title deed and **Annexure 6** for the SG diagrams.

ERF NR.	TITLE DEED DESCRIPTION	SG DIAGRAM
Erf 2539	<i>The title deed describes Erf 2539 under title deed number T16507/1977 as follows: Erf 2539, situated in the township and division of Stellenbosch,</i>	<i>The Surveyor-General (SG) describes Erf 2539 under S.G. No. 4037/1897 as follows: Erf 2539, Situated in the township and Division of Stellenbosch, being lots of No. 7, 7, 8, 9, 10 of a part of the town Commonage granted to the municipality of the Town of Stellenbosch.</i>
Erf 2540	<i>The title deed describes Erf 2540 under title deed number T16507/1977 as follows: Erf 2540, situated in the township and division of Stellenbosch,</i>	<i>The Surveyor-General (SG) describes Erf 2540 under S.G. No. 1112/1895 as follows: Erf 2540, Situated in the township and Division of Stellenbosch, being lots of No. 5 of the subdivided land granted to the commissioners of the municipality of Stellenbosch.</i>

4.2.4. TITLE DEED RESTRICTIVE CONDITIONS

There are no restrictive title deed conditions that prohibit the proposed land use applications pertaining to erf 2539 & 2540, Stellenbosch.

Please refer to the conveyancing certificate attached as **Annexure 5**, as prepared by Walkers Attorneys.

4.3 CURRENT ZONING

The property, erven 2539 and 2540, Stellenbosch is subject to the development parameters of the Stellenbosch Municipality Zoning Scheme By-Law. Erven 2539 and 2540, Stellenbosch is currently zoned **Public Open Space Zone** in terms of the

¹ Information obtained from the Title deed, Conveyancing certificate and SG Diagrams. Refer to Annexure 4, Annexure 5, and Annexure 6 respectively.

Stellenbosch Municipality Zoning Scheme.

Public Open Space Zone zoning is broadly defined as follows:

"To make provision for land which vests in the Municipality as a public place which is intended to be used for:

- (a) active or passive public recreational and public amenity purposes; or
- (b) creating a desired townscape, or visual open space for residents; or
- (c) serving as an open space which also accommodates riverine corridors and other similar natural features; or to
- (d) serve as an open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors. "

Refer to **Figure 5** overleaf for an illustration of the current **zoning** as well as that of the surrounding properties.



- Study Area
- Cadastral
- Integrated Zoning Scheme**
 - Public Roads and Parking Zone
 - Agriculture and Rural Zone
 - Community Zone
 - Conventional Residential Zone
 - Education Zone
 - Industrial Zone
 - Less Formal Residential Zone
 - Limited Use Zone
 - Local Business Zone
 - Mensal Allocation
 - Mixed Use Zone
 - Multi-unit Residential Zone
 - Natural Environment Zone
 - Other
 - Private Open Space Zone
 - Public Open Space Zone
 - Subdivisional Area
 - Transport Facility Zone
 - Utility Services Zone

Ref: Stellenbosch Municipality 2019 GIS Data

SCALE of A3 1:1000

0 0.0075 0.015 0.03 Kilometers

Borchards Road Parking

Fig 5: Zoning

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Project ref # 26 June 2023

4.4 LAND USE

The study area (erven 2539 and 2540, Stellenbosch) is currently used as a public parking area.

5. DEVELOPMENT PROPOSAL

5.1 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal includes the consolidation of erven 2539 and 2540, Stellenbosch to portion 1, thereafter, the rezoning of portion 1 from a Public open space zone to Public Roads and Parking Zone. The client wished to regularise the existing public parking area, and this would be accommodated for within the proposed zoning.

- **CONSOLIDATION**

In terms of Section 15(2)e of the Stellenbosch Municipal Planning By-Law (2015), in support of the **Consolidation** of erven 2539 and 2540, Stellenbosch into portion 1. Refer to **Figure 6**.

- **REZONING**

In terms of Section 15(2)a of the Stellenbosch Municipal Planning By-Law (2015), in support of the **Rezoning** of portion 1. Refer to **Figure 7**.

The proposed zoning for the newly consolidation portion 1 is **Public Roads and Parking Zone**.

Public Roads and Parking Zone is broadly defined as follows:

"...to make provision for the following:

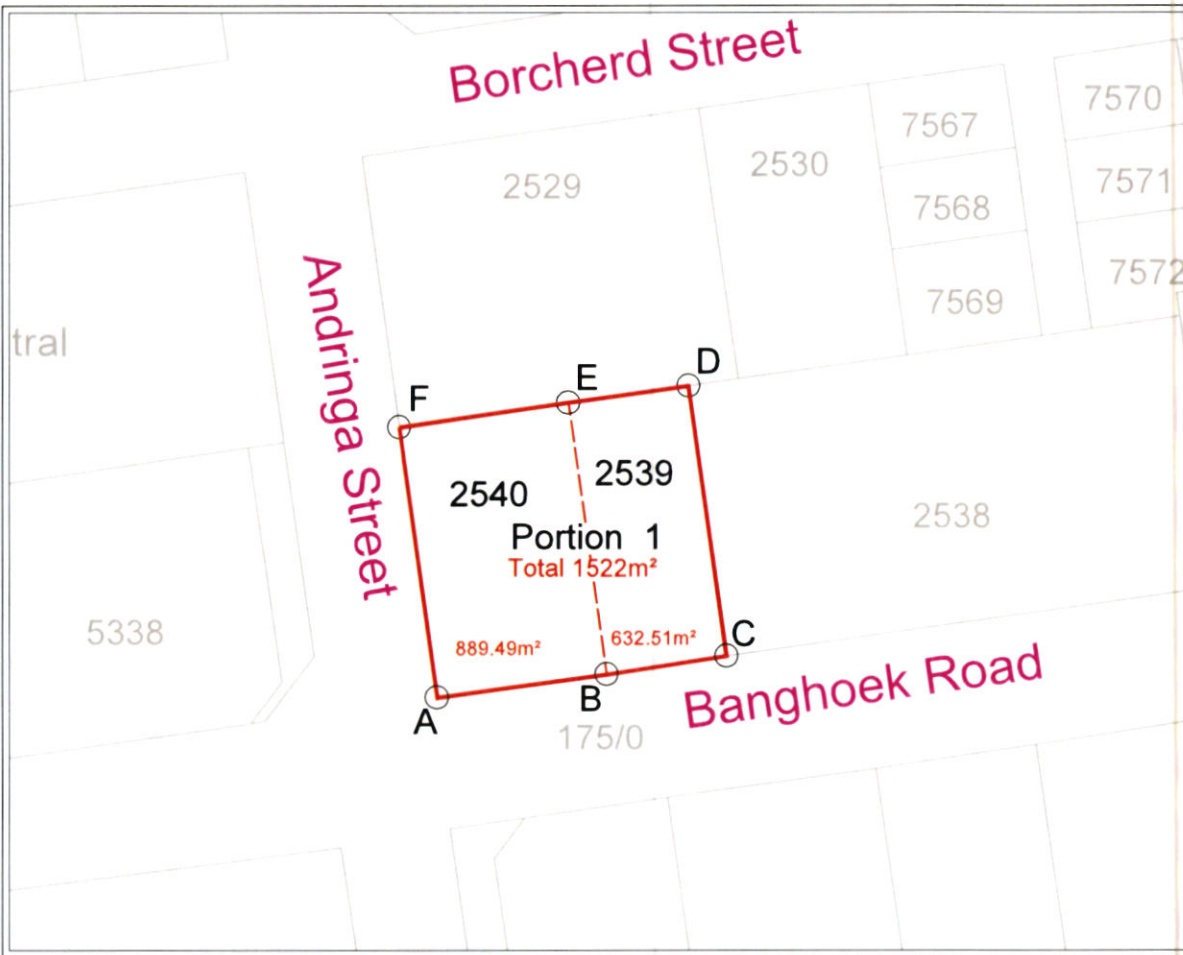
(a) public roads as indicated on a general plan and roads, whether constructed or not.

(b) premises for the public parking of motor vehicles which are in use. Such parking may be provided in buildings or in open parking areas to address the need for off-street parking in an area, with or without the payment of a fee."

Borchard Street

Andringa Street

Banghoek Road



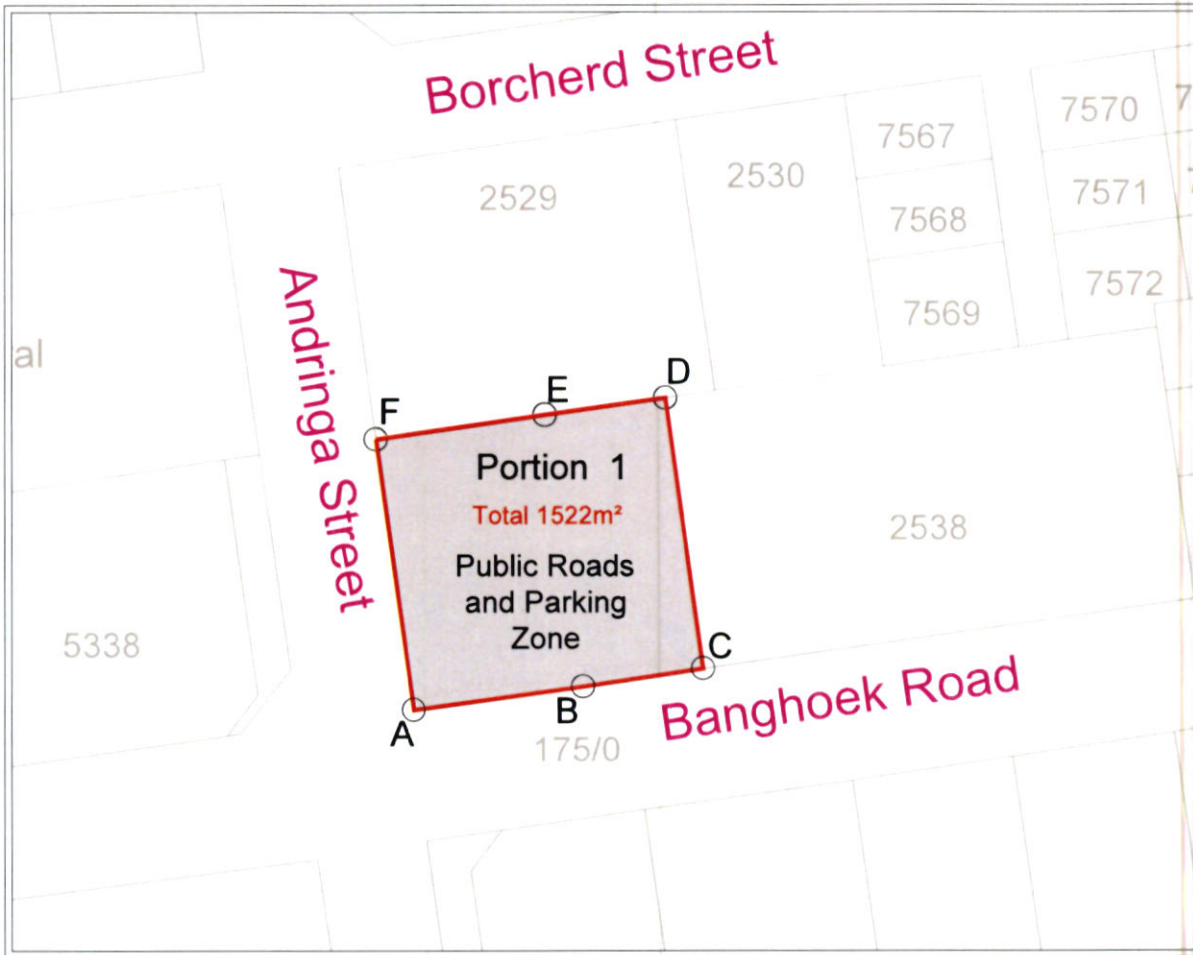
Property Detail
 Erf: 2540 & 2539
 Allotment: Stellenbosch
 Suburb: Stellenbosch Central
 Address: Cnr Banghoek & Andringa Street

Legend:
 — Study Area
 - - Existing Cadastral Line

PUBLIC ROADS AND PARKING ZONE	
Erf 2540	889.49m ²
Erf 2539	632.51m ²
Consolidated Portion 1	1522m ²

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Scale:	A1 at 1:500
Title:	PROPOSED CONSOLIDATION PLAN FIGURE 6
Project:	BORCHERDS PARKING
Client:	STELLENBOSCH MUNICIPALITY
Project No:	3.020
Drawing No:	3.020_01
Date:	26 June 2023



Property Detail
 Erf: 2540 & 2539
 Allotment: Stellenbosch
 Suburb: Stellenbosch Central
 Address: Cnr Banghoek & Andringa Street

Legend:
 Study Area

PUBLIC ROADS AND PARKING ZONE
Erf 2540 & 2539
Area of consolidated portion 1 (1522m ²)

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Scale: 1:100		
Title: PROPOSED CONSOLIDATION & REZONING PLAN FIGURE 7		
Project: BORCHERDS PARKING		
Client: STELLENBOSCH MUNICIPALITY		
Project No. 3 020	Drawing No. 3_020_01	Date: 26 June 2023

6. MOTIVATION AND CONCLUSION

The purpose of this land use application is to consolidate erven 2539 and 2540, Stellenbosch into portion 1 thereafter, to rezone the newly consolidated 'portion 1' from Public Open Space zone to Public Roads and Parking Zone.

6.1 APPLICABILITY AND COMPLIANCE

The consolidation and rezoning application process will follow due process in terms Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015). No additional statutory processes are applicable to the site.

The Stellenbosch Municipal Spatial Development Framework (SDF) demarcates the area in which the site is located as an **Existing and Proposed Urban Characters** which essentially falls within the Urban Edge. The proposed consolidation and subsequent rezoning of the site will not change the land use of the site but will remain compatible with the character of the area and therefore would be in line with what the SDF earmarks the area for. The aim of the proposed land use application is merely to ensure statutory compliance of the existing public parking area.

From a policy perspective, the proposed land use application (Consolidation and Rezoning) finds support in the Stellenbosch Municipal Spatial Development Framework (SDF) 2019.

6.2 DESIRABILITY

Section 65 of the Stellenbosch Municipal Land Use Planning By-Law (2015) states that there are certain criteria that need to be addressed in a land use application before a decision can be made. The application can be assessed based on the criteria: the socio-economic impact, compatibility with surrounding land uses, impact on the external engineering services, impact on safety, health and wellbeing of the community, impact on heritage, impact on the biophysical environment, impact on existing rights, traffic impacts, parking, access, and other transport related conditions.

6.2.1. SOCIO-ECONOMIC IMPACT

The proposed land use applications will not have a negative socio-economic impact. It is merely to ensure statutory compliance of the existing land uses. There is no new work or change proposed in physical structure will not have a negative socio-economic impact. The consolidation of the underlying erven and change of zoning will only have administrative

impacts.

6.2.2. COMPATIBILITY

The proposed consolidation is to facilitate smoother administrative processes pertaining to the site as the public parking area will be located on erf. Additionally, the newly consolidated portion is to be rezoned, this is to ensure the land can be utilised in a manner that does not conflict with the zoning of land.

6.2.3. SAFETY AND WELLBEING OF THE COMMUNITY

The proposed land use application will merely shift cadastral boundary lines in order to consolidate the underlying erven of the site. This, along with the subsequent rezoning of the newly consolidated portion, will not negatively affect the health, wellbeing, and safety of the surrounding community.

6.2.4. TRAFFIC IMPACT

No additional floor space is proposed with the application; therefore, no transport studies are triggered. The public parking bays is already in existence. The existing entrances to the property will remain. The land use application is merely to accommodate the existing public parking area.

6.2.5. IMPACT ON BIOPHYSICAL ENVIRONMENT

The existing public parking area will not have a negative impact on the biophysical environment.

6.2.6. IMPACT ON EXISTING RIGHTS

No negative impact on the existing rights of surrounding properties is anticipated. As the public parking area is already existing and accessible to the general public. The land use is in line with the primary uses of the Public Roads and Parking Zone. The application merely aims to consolidate and rezone the property to regularise the existing land use.

6.2.7. VEHICULAR AND PEDESTRIAN ACCESS

The site currently obtains vehicular and pedestrian access from Banghoek road. The existing vehicular and pedestrian access will remain. The proposed land use application will not have a negative impact on the existing vehicular and pedestrian access.

6.2.8. ENGINEERING SERVICES

The proposed land use application will not have a negative impact on the

existing engineering services. No new construction works, or floor space is proposed. Engineering services capacity studies are thus not triggered.

6.2.9. NEED FOR MITIGATING CONDITIONS

The proposed land use application (Consolidation and Rezoning) will not negatively impact the rights of nearby landowners. The existing public parking area currently provides off-street parking to road users in the vicinity.

The conditions of the land use approval will be the result of due process being followed and all the necessary requirements in terms of other legislative processes being adhered to, as required by the process.

The application merely aims to consolidate and rezone the property to ensure statutory compliance of the existing land use on the site.

6.3 LAND USE PLANNING PRINCIPLES

- **Spatial Justice:**

"Past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land".

Past spatial and other development imbalances is not applicable to this application. However, the proposed consolidation and subsequent rezoning application allow for a much easier administrative process when future development/building plan applications are submitted for the expansion or improvement of erven 2539 and 2540, Stellenbosch.

- **Spatial Sustainability:**

Land use planning should: *"promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority" and "uphold consistency of land use measures in accordance with environmental management instruments".*

The existing public parking area site is located within the urban edge of Stellenbosch. The town of Stellenbosch is spatially compact and located within the administrative realms of the Stellenbosch Municipality. The existing public parking area already provides off-street parking to road users in the area, therefore alleviating issues like Traffic congestion and carbon emissions. While increasing the overall convenience in the search for parking in the area. The land use application is merely to ensure statutory compliance of the existing public parking area located on erven 2539 and 2540, Stellenbosch.

- **Spatial Resilience:**

"Whereby flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks".

This land use application aims to consolidate and rezone the erven underlying the study area. This is to ensure the statutory compliance of existing public parking area, which provides off-street parking to road users in the vicinity. Should the landowner (Stellenbosch Municipality) wish to dispose of the land, any monies received could be reinvested in bettering the lives of the Stellenbosch people.

- **Efficiency:**

"Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities".

The consolidation and subsequent rezoning of the existing public parking area on erven 2539 and 2540, Stellenbosch, clearly indicates the applicant's desire to achieve optimal utilisation of the site's capacity. The proposed land-use applications will allow for easier and efficient processing of future development/building plan applications to upgrade or extend the public parking area.

- **Good Administration:**

"The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all the parties the opportunity to provide inputs on matters affecting them".

The consolidation of erven 2539 and 2540, Stellenbosch into one portion will allow for easier administrative processes with regards to future development or upgrading proposals.

6.4 CONCLUSION

In terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015), we respectfully request your office's favourable consideration of this application for the proposed consolidation & rezoning of erven 2539 and 2540, This is in order to ensure statutory compliance of the existing public parking area on erven 2539 and 2540, Stellenbosch.

7. REFERENCES

1. Stellenbosch Municipality, 2015. Stellenbosch Municipality, Land Use Planning By-law ,Cape Town: Provincial Gazette.
2. Stellenbosch Municipality, 2019. Stellenbosch Municipality Spatial Development Framework (2019), Stellenbosch: Stellenbosch Municipality
3. Republic of South Africa, 1999. National Environmental Management Act 107 of 1998, Cape Town: Government Gazette.
4. Republic of South Africa, 1999. National Heritage Resources Act (Act 25 of 1999), Cape Town: Government Gazette.
5. Republic of South Africa, 2013. Spatial Planning and Land Use Management Act, Cape Town: Government Gazette.
6. Western Cape Government, 2014. Western Cape Land Use Planning Act, Cape Town: Provincial Gazette.



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BTW/VAT Invoice No: 14096

Invoice VAT Reference: 4700102181

Name: EVDM Town Planning Services EVDM Town Planning Services

Invoice Date: 2023/7/6

Reference No: TP402/2023

Payment Due Date: 2023/8/5

Client Street address: 14 Mazot Street Stellenbosch Cape Town Western Cape South Africa 7600

Municipality street address: PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: 14 Mazot Street Stellenbosch Cape Town Western Cape South Africa 7600

Municipality postal address: PLEIN STREET STELLENBOSCH STELLENBOSCH Western Cape 7600

Client VAT No:

Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Temporary Departure, Permission ito Zoning Scheme, Permission ito Title Deed, Occasional use of Land	1	2 600.00	Per application per property	2 600.00
Total Excl VAT					2 260.87
VAT					339.13
Invoice Total					2 600.00

*VAT Exempt

Created By: Petersen, Nicole

Signature: _____ 

Verified By: Petersen, Nicole

Signature: _____

Please note that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.

Bank Details: First National Bank Acc# 62869253684 Branch Code 250655

Please use the following as reference number: TP402/2023

To expedite the application, please send proof of payment by e-mail or fax as per the detail above.



Absa Aanlyn : Kennisgewing van betaling

13 Julie 2023

Geagte EVDM TOWN PLANNING SERVICES CC

Onderwerp: Kennisgewing van betaling: Stellenbosch Municip

Wees asseblief ingelig dat u 'n betaling aan Stellenbosch Municip soos hieronder aangedui gemaak het.

Transaksienommer :	8068758908-40
Betaaldatum :	2023-07-13
Betaling gemaak vanaf :	EVDM CHEQUE
Betaling gemaak aan :	Stellenbosch Municip
Begunstigde se banknaam :	FIRSTRAND
Begunstigde se rekeningnommer :	62869253684
Banktakkode :	210554
Vir die bedrag van :	2,600.00
Onmiddellike interbank betaling :	N
Verwysing op begunstigde se bankstaat :	TP402/2023
Addisionele kommentaar deur die betaler :	-

Onthou asseblief dat die volgende geld vir Internetbankdiensbetalings na nie-ABSA-bankrekeninge.

- Betalings gemaak op weekdae voor 15:30 sal teen middernag dieselfde dag in die ontvangsbank se rekening gekrediteer word maar word dalk nie terselfdertyd teen die begunstigde se bankrekening gekrediteer nie.
- Betalings gemaak na 15:30 op weekdae sal teen middernag die volgende dag gekrediteer word.
- Betalings gemaak op 'n Saterdag, Sondag of openbare vakansiedag sal teen middernag die 1ste daaropvolgende weekdag gekrediteer word.

As jy meer inligting of hulp nodig het, bel ons by 08600 08600 of +27 11 501 5110 (Internasionale oproepe).

In die geval dat jy 'n verkeerde internetbetaling gemaak het, stuur asseblief 'n e-pos aan digital@absa.co.za

Vriendelike die uwe

Hoof : Digitale bankdienste

Hierdie dokument is bedoel vir gebruik deur die geadresseerde en is privaat en vertroulik. Indien dit verkeerdelik aan jou gestuur is, kontak ons onmiddellik. Dankie.