#### NOTICE OF LAND DEVELOPMENT APPLICATION

By Email/Per Registered Mail/Normal Mail

#### Dear Sir/Madam

# APPLICATION FOR CONSENT USE, DELETION OF CONDITION OF APPROVAL 2.10 ON ERF 3108 STELLENBOSCH ALSO KNOWN AS 95 OLD HELSHOOGTE ROAD, IDAS VALLEY, STELLENBOSCH

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

Application Property Address: 95 Old Helshoogte Road, Idas Valley, Stellenbosch, 7600

Application Property Number: Erf 3108 Stellenbosch

Applicant: Chantal Charmaine Williams (021) 979 3280/072 824 3050

Owner: Mervin Clifford Williams & Chantal Charmaine Williams (021) 979 3280/072 824 3050

Application Reference: LU/16369 and LU/16371

#### Description of land development proposal:

Application is made in terms of Section 15(2)(h) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023 for deletion of condition 2.10 (the approval is only valid for 5 years from date of notification) in respect of an existing approval dated 27/05/2019 in order to remove the validity period of an existing approval allowing a 4 (four) bedroom commune on Erf 3108, Stellenbosch.

Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023 for consent use in order to expand the existing commune by an additional 2 (two) bedrooms, with the maximum number of commune bedrooms totalling 6 (six) on Erf 3108, Stellenbosch.

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

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: (Chantal Charmaine Williams, email at chantal@ccwlaw.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 14 December 2023.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (072 824 3050/(021) 979 3280) during normal office hours. (08h00 until 16h30)

Yours faithfully	
CC WILLIAMS	

#### KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

Per Epos/Per Geregistreerde Pos/Nomale Pos

Geagte Mnr & Mev

# AANSOEK OM VERGUNNINGSGEBRUIK, SKRAPPING VAN GOEDKEURINGSVOORWAARDE 2.10 VAN TOEPASSING OP ERF 3108 STELLENBOSCH OOK ALGEMEEN BEKEND AS OU HELSHOOGTEWEG 95, IDAS VALLEI, STELLENBOSCH, 7600

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

Adres van aansoek eiendom: Ou Helshoogteweg 95, Idas Vallei, Stellenbosch

Aansoek eiendom beskrywing: Erf 3108 Stellenbosch

Aansoeker: Chantal Charmaine Williams (021) 979 3280/072 824 3050)

Eienaar: Mervin Clifford Williams & Chantal Charmaine Williams ((021) 979 3280/072 824 3050)

Aansoek Verwysing: LU/16369 en LU/16371

#### Besonderhede van die grondgebruiksaansoek:

Aansoek in terme van Artikel 15(2)(h) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruiksbeplanning, 2023 vir die skrapping van goedkeuringsvoorwaarde 2.10 (die voorwaarde is slegs geldig vir 5 jaar van datum van kennisgewing) ten opsigte van 'n bestaande goedkeuringsvoorwaarde gedateer 27/05/2019 ten einde die geldigheidstydperk van die bestaande goedkeuring te verwyder om 'n 4 (vier) slaapkamer kommune op Erf 3108 Stellenbosch toe te laat.

Aansoek in terme van Artikel 15(2)(o) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruiksbeplanning, 2023 vir 'n vergunningsgebruik ten einde die bestaande kommune met twee addisionele kamers uit te brei tot 'n maksimum van 6 kommune slaapkamers op Erf 3108, Stellenbosch.

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordening dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: <a href="https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements">https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements</a>. Indien die webtuiste of tersaaklike dokumente nie toeganglik is nie, moet die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by

wyse van elektroniese pos as volg: (Chantal Charmaine Williams per epos: <a href="mailto:chantal@ccwlaw.co.za">chantal@ccwlaw.co.za</a>). Deur 'n beswaar, kommentaar of vertoë 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 14 Desember 2023.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (072 824 3050/(021) 979 3280) gedurende normale kantoor ure (08h00 tot 16h30).


#### **DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT**



www.stellenbosch.gov.za/planning-portal/ FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za or 021-808 8606

## SUBMIT APPLICATION BY UPLOADING COMPLETED FORM AND RELEVANT INFO TO THE **Town Planning Application Management System (TPAMS)**

<u>AFLA Portal (stellenbosch.gov.za) /</u>
<a href="https://citymaps.stellenbosch.gov.za/aflaportal/home">https://citymaps.stellenbosch.gov.za/aflaportal/home</a>

NOTE: In terms of section 69 of the Bylaw on Municipal Land Use Planning 2023 the Municipality may categorise applications for consideration by either an authorised employee or the Municipal Planning Tribunal (Categorisation Model for Decision-making July 2023). These land use applications are subject to prescribed administrative and public participation processes and depending on the type of application, Land Use Application Form A or Form B must be completed. Land Use

Application Form B can be used if the application ONLY comprises of a permanent departure. If any other type of application is also required, Land Use Application Form A must be completed.

Land Use Application Form C must be used if the application comprises of an application for permission either in terms of the zoning scheme or in terms of a condition of approval or in terms of the title deed.

LAND USE PLANNING APPLICATION FORM A  Section 15 of the Municipal Bylaw on Land Use Planning 2023 and other relevant legislation							
Complete form using BLOCK letters and ticking the appropriate boxes							
PART A: APPLICA	PART A: APPLICANT DETAILS						
First name(s)	CHANTAL CHARMAINE						
Surname	WILLIAMS						
Company name (if applicable)	N/A						
Postal Address	95 OLD HELSHOOGTE ROAD, IDAS VALLEY, STELLENBOSCH						
Email Address	chantal@ccwlaw.co.za						
Contact Number(s)	072 824 3050						
PART B: REGISTER	ED LANDOWNER(S) DETAILS (If different from applicant)						
Registered owner(s) Name	CHANTAL CHARMAINE WILLIAMS & MERVIN CLIFFORD WILLIAMS						

E-mail Address	chantal@ccwlaw.co.za									
Contact	072 824 3050									
Number  PART C: PROPERT	ERTY DETAILS (in accordance with title deed)									
Erf No	31		Suburb	IDAS						
Farm no			Farm Portion			Nearest Town				
Physical or Street Address	HE RC VA	)AD,	DOGTE IDAS			/ Business / own as				
Current Zoning	RE	SIDE	NTIAL							
Additional or Consent Uses	C	AMC	MUNE TO AC	CCO	ММО	DATE ADDITION	AL PERSC	NS .		
Current activities	RESIDENTIAL									
Property Size / Extent		690 m² / ha Are there existing X N buildings?							Ν	
Title Deed number	T2-	T24163/2015								
Any restrictions ito Conveyance's Certificate?	Υ	N X	If yes, list o	cond	ition(	s) as per certific	ate.			
Are the restrictive conditions in favour of a third party?	Υ	N X	If yes, list t	he p	arty(i	es).				
Is the property owned by Council?	Υ	N X				ower of attorn	<u>ey</u> signe	d by the	e Mun	icipal
Is the building located within the historical core?	Υ	N X	Is the building older than 60 years?	Υ	N X	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)	Υ	N X	If yes, indicate which section are triggered and attach relevant permit.	
	If yes, is this application to legalise the							Y	N X	

Are there any pending of order(s) relating to the suproperty(ies)?			) /	N X		Are there any land claim(s) registered on the subject property(ies)?	Υ	N X	
PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY									
Has there been any pre-application consultation?	Υ	X	-	, attach th Iltation.	ne min	utes of the p	re-appl	ication	
Has the pre- application scrutiny form been submitted?	Υ	X	If yes, attach the written feedback received.						
The submission	of	a		ore-applicat		scrutiny	form	to	

<u>Landuse.Applications@stellenbosch.gov.za</u> is compulsory for the following type of applications\* and written feedback must be attached to the land use planning application form: rezoning, subdivision and consolidation of land, removal, suspension or amendment of restrictive title deed conditions, the amendment, deletion, or imposition of conditions of approval and the cancellation of an approved subdivision plan.

PART E: LAND USE PLANNING APPLICATIONS AND PAYMENT OF FEES							
APPLICATIONS IN TERMS OF SECTION 15 OF THE MUNICIPAL BYLAW ON LAND USE PLANNING 2023							
Type of application	Tick						
15(2)(a) rezoning of land*							
15(2)(b) a permanent departure from the development parameters of the zoning scheme							
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the 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*							
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*							
15(2)(g) a permission required in terms of the zoning scheme							
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*							
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)(I) 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	X						

15(2)(p) to disestablish a homeowners' association	
15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services	
15(2)(r) 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	
OTHER APPLICATIONS	
Deviation from Council Policies/By-laws	N/A
Consent / Permission required in terms of a title deed (includes where permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)	N/A
DETAILS FOR INVOICE	
Name & Surname (party responsible for payment)	CHANTAL CHARMAINE WILLIAMS
Postal Address	95 OLD HELSHOOGTE ROAD, IDAS VALLEY, STELLENBOSCH
Vat Number (where applicable)	N/A

- Application fees are per the Council Approved Tariffs. 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 as per the Tariff Rules. Once proof of payment is received, the application will be regarded as duly submitted.
- 2. All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, parking. Contact: <a href="mailto:lndigent.office@stellenbosch.gov.za">lndigent.office@stellenbosch.gov.za</a> or 021 808 8501 or 021 808 8579
- 3. The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable, and the applicant will be informed accordingly.

#### **BANKING DETAILS**

Account Holder Name:
Bank:
Branch no.:
Account no.:
Payment reference:

Stellenbosch Municipality FIRST NATIONAL BANK (FNB) 210554 62869253684

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

#### PART F: DETAILS OF PROPOSAL (Brief description of intent of development)

 Application for a commune in the existing main dwelling to a maximum of 6 (six) bedrooms.

Name and Date of design guidelines (if o	ıpplicable)		N/A
		Adjoining erf	

	Ctroot	Adjoining erf	Frama		To	
	Street	N/A	From	m	To	M
	Street	N/A	From	m	To	M
Building line encroachment	Side	N/A	From	m	To	Μ
	Side	N/A	From	m	To	Μ
	Aggregate side	N/A	From	m	То	М
	Rear	N/A	From	m	To	Μ
Exceeding permissible site coverage / footprint	N/A	N/A			То	%
Exceeding maximum permitted bulk / floor factor / habitable rooms	N/A	From		То		
Exceeding height restriction	N/A		From	m	To	М
Exceeding maximum storey height	N/A		From	m	То	Μ

### 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	Ν	Power of attorney / Owner's consent if applicant is not owner	Y		Proof of any other relevant right held in the land concerned
Υ	N X	Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Υ	N X	S.G. diagram / General plan extract (A4 or A3 only)

Y	Ν		en motivation pertaining to eed and desirability of the osal		Υ	N X		development plan or conceptual ut plan (A4 or A3 only) to scale
Y	Ν					N X		of agreement or permission for red servitude
Υ	N X		osed subdivision plan (A4 or nay) to scale		Υ Χ	Ν		of registered ownership (Full of the title deed)
Υ	N X	Conv	reyancer's certificate		Υ	N X	scruti appli	en feedback of pre-application iny and Minutes of pre- cation consultation meeting (if cable)
Υ	Ν	N/A X	Consolidation plan (A4 or A3 only) to scale				N/A	Land use plan / Zoning plan
Υ	Ν	N/A X	Street name and numbering plan (A4 or A3 only) to scale		Υ	Ν	X	(A4 or A3 only) to scale
Υ	Ν	N/A X	Landscaping / Tree plan (A4 or A3 only) to scale		Υ	Ν	N/A X	1: 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Υ	Z	N/A X	Abutting owner's consent		Υ	Z	N/A X	Owners' Association consent
Υ	N	N/A X	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)		Υ	N	N/A X	Services Report or indication of all municipal services / registered servitudes
Y	Ν	N/A	Copy of original approval and conditions of approval		Υ	Ν	N/A X	Proof of failure of owner's association
Υ	N X	N/A X	Proof of lawful use right		Υ	Ν	N/A X	Any additional documents or information required as listed in the pre-application consultation form / minutes
Υ	Ζ	N/A X	Required number of documentation copies		Υ	Ν	N/A X	Other (specify):

	PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION								
Υ	N X	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.		(SE	MA) (e.g	vironmental Management Act(s) g., Environmental Conservation Act 73 of 1989):  National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)			

Υ	N/A X	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		Υ	N/A X	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)		
Υ	N/A X	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)		Υ	N/A X	National Water Act, 1998 (Act 36 of 1998)		
Υ	N/A X	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		Υ	N/A X	Other (specify)		
Υ	N/A X	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)						
Υ	N X	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, 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) of said bylaw 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 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 if 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:	ccwilliams	Date:	27 OCTOBER 2023	
Full name:	CHANTAL CHARMAINE WILLIAMS			
Professional capacity:	OWNER			

#### **DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT**



www.stellenbosch.gov.za/planning-portal/ FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za or 021-808 8606

## SUBMIT APPLICATION BY UPLOADING COMPLETED FORM AND RELEVANT INFO TO THE **Town Planning Application Management System (TPAMS)**

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<a href="https://citymaps.stellenbosch.gov.za/aflaportal/home">https://citymaps.stellenbosch.gov.za/aflaportal/home</a>

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Application Form B can be used if the application ONLY comprises of a permanent departure. If any other type of application is also required, Land Use Application Form A must be completed.

Land Use Application Form C must be used if the application comprises of an application for permission either in terms of the zoning scheme or in terms of a condition of approval or in terms of the title deed.

LAND USE PLANNING APPLICATION FORM A  Section 15 of the Municipal Bylaw on Land Use Planning 2023 and other relevant legislation						
Comp	lete form using BLOCK letters and ticking the appropriate boxes					
PART A: APPLICA	NT DETAILS					
First name(s)	CHANTAL CHARMAINE					
Surname	WILLIAMS					
Company name (if applicable)	N/A					
Postal Address	95 OLD HELSHOOGTE ROAD, IDAS VALLEY, STELLENBOSCH					
Email Address	chantal@ccwlaw.co.za					
Contact Number(s)	072 824 3050					
PART B: REGISTERED LANDOWNER(S) DETAILS (If different from applicant)						
Registered owner(s) Name	CHANTAL CHARMAINE WILLIAMS & MERVIN CLIFFORD WILLIAMS					

E-mail Address	ch	anto	al@ccwlaw	.co.z	a						
Contact Number	072 824 3050										
PART C: PROPERT	Y DI	TAIL	<b>S</b> (in accor	dand	ce wi	th title deed)					
Erf No	31		Suburb	IDA		Town	STELLENBOSCH				
Farm no			Farm Portion			Nearest Town					
Physical or Street Address				operty / Business / arm known as							
Current Zoning	RE	SIDE	NTIAL								
Additional or Consent Uses		ECIA RSO		MEN	T/CC	MMUNE TO ACC	COMMOI	DATE AD	DITION	AL	
Current activities	RE	SIDE	NTIAL								
Property Size / 690			90		m² / ha	Are there existing buildings?		Y X	Z		
Title Deed number	T24163/2015										
Any restrictions ito Conveyance's Certificate?	Υ	N X	If yes, list o	cond	ition(	tion(s) as per certificate.					
Are the restrictive conditions in favour of a third party?	Υ	N X	If yes, list t	he p	arty(i	es).					
Is the property owned by Council?	Υ	N X			h a power of attorney signed by the Municipal delegated authority						
Is the building located within the historical core?	Υ	N X	Is the building older than 60 years?	Υ	N X	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)	Y	N X	If yes, indicated which section are trigger and attack relevance permitted.	ate n on ered ch ant	
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Υ	X	If yes, is applica legalise building use?	ition to the	Υ	N X		

Are there any pending order(s) relating to the suproperty(ies)?		٠,	/ Y	N X	Are there any land claim(s) registered on the subject property(ies)?	Υ	N X			
PART D: PRE-APPLICATION	PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY									
Has there been any pre-application consultation?	Υ	X	If yes, attach the minutes of the pre-application consultation.							
Has the pre- application scrutiny form been submitted?	Υ	N X	If yes, attach the written feedback received.							
The submission	of	а	a pre-application scrutiny form t							

Landuse.Applications@stellenbosch.gov.za is compulsory for the following type of applications\* and written feedback must be attached to the land use planning application form: rezoning, subdivision and consolidation of land, removal, suspension or amendment of restrictive title deed conditions, the amendment, deletion, or imposition of conditions of approval and the cancellation of an approved subdivision plan.

PART E: LAND USE PLANNING APPLICATIONS AND PAYMENT OF FEES								
APPLICATIONS IN TERMS OF SECTION 15 OF THE MUNICIPAL BYLAW ON LAND USE PLANNING 2023								
Type of application	Tick							
15(2)(a) rezoning of land*								
15(2)(b) a permanent departure from the development parameters of the zoning scheme								
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the 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*								
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*								
15(2)(g) a permission required in terms of the zoning scheme								
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	X							
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)(I) 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) to disestablish a homeowners' association	
15(2)(q) to rectify a failure by a homeowners' association to	
meet its obligations in respect of the control over or	
maintenance of services	
15(2)(r) 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	
OTHER APPLICATIONS	
Deviation from Council Policies/By-laws	N/A
Consent / Permission required in terms of a title deed (includes where permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)	N/A
DETAILS FOR INVOICE	
Name & Surname (party responsible for payment)	CHANTAL CHARMAINE WILLIAMS
Postal Address	95 OLD HELSHOOGTE ROAD, IDAS VALLEY,
	STELLENBOSCH
Vat Number (where applicable)	N/A

- Application fees are per the Council Approved Tariffs. 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 as per the Tariff Rules. Once proof of payment is received, the application will be regarded as duly submitted.
- 2. All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, parking. Contact: <a href="mailto:lndigent.office@stellenbosch.gov.za">lndigent.office@stellenbosch.gov.za</a> or 021 808 8501 or 021 808 8579
- 3. The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable, and the applicant will be informed accordingly.

#### **BANKING DETAILS**

Account Holder Name:
Bank:
Branch no.:
Account no.:
Payment reference:

Stellenbosch Municipality FIRST NATIONAL BANK (FNB) 210554 62869253684

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

#### **PART F: DETAILS OF PROPOSAL** (Brief description of intent of development)

1. Deletion/removal of approval condition 2.10 of the Appeal Authority's decision dated 27 May 2019 which limited the validity period of the special development to a period of 5 years. This clause needs to be deleted/removed in its entirety so that no time period is applicable on the approval.

Name and Date of design guidelines (if	:			N1/		
Name and Date of design guidelines (if o	applicable)			N/A	A	
					-	
		Adjoining erf				
	Street	number N/A	From	m	То	٨.٨
	Street	N/A	From	m m	То	M
Building line encroachment	Side	N/A	From	m	То	M
bollaning into offeroderintern	Side	N/A	From	m	То	M
	Aggregate	N/A	From	m	То	M
	side	. ,, , ,				
	Rear	N/A	From	m	То	М
Exceeding permissible site coverage /	N/A	•	From	%	То	%
footprint						
Exceeding maximum permitted bulk /	N/A		From		То	
floor factor / habitable rooms						
Exceeding height restriction	N/A		From	m	То	М
Exceeding maximum storey height	N/A		From	m	То	М
PART G: ATTACHMENTS AND SUPPORTING	G INFORMATION	AND DOCUME	NTATIO	N FO	R LA	ND
USE PLANNING APPLICATION						
Complete the following checklist and	attach all the	information c	ınd dod	ume	entat	ion
relevant to the proposal. Failure to subm						
result in the application being deemed i	ncomplete.					
Information and documentation require	d					
Y Power of attorney / Owner's	N Prod	of of any other	relevan	t riat	nt hel	ld
X   N   consent if applicant is not owner	Y	ne land concer		· ··ອ'		-

Υ	N X	I applicant is all thorised to act on I			Υ	N X		diagram / General plan extract or A3 only)
Y	Ν	Written motivation pertaining to the need and desirability of the proposal			Υ	N X		development plan or conceptual ut plan (A4 or A3 only) to scale
Y	Ν	Local	ity plan (A4 ) to scale		Υ	N X		of agreement or permission for red servitude
Υ	N X		osed subdivision plan (A4 or nly) to scale		Y X	Ν		of registered ownership (Full of the title deed)
Υ	N X	Conv	eyancer's certificate		Υ	N X	scruti appli	en feedback of pre-application ny and Minutes of pre- cation consultation meeting (if cable)
Υ	Ν	N/A X	Consolidation plan (A4 or A3 only) to scale				N1/A	Landuse plan / Toping plan
Υ	Ν	N/A X	Street name and numbering plan (A4 or A3 only) to scale		Υ	Ν	N/A X	Land use plan / Zoning plan (A4 or A3 only) to scale
Υ	Z	N/A X	Landscaping / Tree plan (A4 or A3 only) to scale		Y	Z	N/A X	1: 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Υ	Ν	N/A X	Abutting owner's consent		Υ	Ν	N/A X	Owners' Association consent
Υ	Z	N/A X	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)		Υ	Z	N/A X	Services Report or indication of all municipal services / registered servitudes
Y	Ν	N/A	Copy of original approval and conditions of approval		Υ	Ν	N/A X	Proof of failure of owner's association
Υ	N X	N/A X	Proof of lawful use right		Υ	Ν	N/A X	Any additional documents or information required as listed in the pre-application consultation form / minutes
Υ	Ν	N/A X	Required number of documentation copies		Υ	Ν	N/A X	Other (specify):

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION								
Υ	N X	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes,		Specific Environmental Management Act(s) (SEMA) (e.g., Environmental Conservation Act, 1989 (Act 73 of 1989):				

		attach documents / plans / proof of submission etc.		Υ	N/A X	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)			
Υ	N/A X	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		Υ	N/A X	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)			
Υ	N/A X	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)		Υ	N/A X	National Water Act, 1998 (Act 36 of 1998)			
Υ	N/A X	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		Υ	N/A X	Other (specify)			
Υ	N/A X	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)							
Υ	Z×	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, 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) of said bylaw 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 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 if 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:	ccwilliams	Date:	27 OCTOBER 2023
Full name:	CHANTAL CHARMAINE WILLIAMS	-	
Professional capacity:	OWNER		

#### **MOTIVATION FOR APPLICATION SUBMITTED**

- 1. The property owners of Erf 3108 Stellenbosch ("the property") applied for a Special Development to accommodate four (4) additional persons on the property.
- 2. The Municipal Planning Tribunal approved the special development to accommodate four additional persons without any validity period applicable thereto.
- 3. The Executive Mayor as Appeal Authority varied the approval of the Municipal Planning Tribunal by including a validity period of 5 years from date of final notification.
- 4. The owners were informed on or about 31 May 2019 that the appeal was varied and that 4 additional persons are allowed to be accommodated on the property for a period of 5 years.
- 5. The 5-year period terminates on or about 1 June 2024.
- 6. In light of the aforesaid the applicant is applying for the following:
  - 6.1 Deletion/removal of approval condition 2.10 of the Appeal Authority's decision dated 27 May 2019 which limited the validity period of the special development to a period of 5 years. This clause needs to be deleted/removed in its entirety so that no time period is applicable on the approval.
- 7. Sufficient on-site parking is available on the property. Six (6) parking bays will be provided on-site for the additional 4 persons who will be occupying the main dwelling. Two (2) parking will be provided for the single family. No deviation from the applicable parking requirement will be necessary.
- 8. The building on the property is already constructed and services are already connected to the property. No building plan approvals or additional services will be required for the land use application under consideration.
- The commune/additional persons in the existing main building has its own kitchen and dinning room/lounge as well as toilet facilities to accommodate 4 additional persons/bedrooms.
- 10. The application for a commune/additional persons of 4 bedrooms on the property is regarded as a form of densification which is in line with Council's applicable policy.
- 11. Your favorable consideration of this application will be appreciated.

#### **MOTIVATION FOR APPLICATION SUBMITTED**

- 1. The property owners of Erf 3108 Stellenbosch ("the property") are applying to operate a Commune to a maximum of six (6) bedrooms from the property.
- 2. Sufficient on-site parking is available on the property. Six (6) parking bays will be provided on-site for the additional 6 persons who will be occupying the main dwelling as a commune. No deviation from the applicable parking requirement will be necessary.
- 3. The building on the property is already constructed and services are already connected to the property. No building plan approvals or additional services will be required for the land use application under consideration.
- 4. The commune in the existing main building has its own kitchen and dinning room/lounge as well as toilet facilities to accommodate 6 additional persons/bedrooms.
- 5. The application for a commune of 6 bedrooms on the property is regarded as a form of densification which is in line with Council's applicable policy.
- 6. Your favorable consideration of this application will be appreciated.

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Kamp en Genote Kerkstraat 8 DURBANVILLE 7550

Figs endorsament Amount Office fee .930 cop co price/value Morigage capital Reason for Exempt I.t. o =دا:رمعد

Opgestel deur my

TRAMSPORTBESORGER ELANGE SCHOEMAN Samantha Jane Bossenger

VERBIND	MORTGAGED
VR R 930	. 600 '@D
B 000012168/20	
1 3 MAY 2015	PEGISTHATEUR/REGISTRAR

### TRANSPORTAKTE

000024163/2015

HIERBY WORD BEKEND GEMAAK DAT

ANTON LUTHER POSTHUKUS

voor my verskyn het. REGISTRATEUR VAN AKTES is Kaapstad, hy die gancamde komparant synde behoorlik daarda gemagtig kragtens 'n Volmag aan hom verleen deur

CORNELIA CECILIA LOUBSER Identiteits nommer 301220 0045 03 3 Ongetroud

Manager Jog

geteken ta | Stellenbasch op 8 Februarie 2015

1 9 MAY 2015 DESCRIPTE OF THE ASSESSMENDING OF THE BATA COST THE THE WALL STORES OF 008143342424290000

وووه بريه - دي: ۴۶ څه

En genoemde Komparant het verklaar dat sy prinsipaal, op 1 April 2014, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

- MERVIN CLIFFORD WILLIAMS
   Identiteitsnommer 760718 5092 08 2
   Getroud buite gemeenskap van goed
- CHANTAL CHARMAINE WILLIAMS Identiteits nommer 771031 0100 08 3 Getroud buite gemeenskap van goed

hulle Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, in volkome en vrye eiendom

ERF 3108 STELLENBOSCH GELES IN DIE MUNISIPALITEIT EN AFDELING STELLENBOSCH PROVINSIE WES -KAAP

GROOT 690 (SES HONDERD AND NEGENTIG) Vierkante moter

Ashvanklik corgedra en steeds gehou kragtens akte van transport T15714/1955 met Kaarl No. 5357/65 wat daarop betrekking het.

- (A) <u>ONDERHEWIG</u> aan sodanige voorwaardes soos na verwys word in gamelda Transportakte No. 14381, gadaleer 17 Augustus 1951.
- (B) <u>ONDERHEWIG</u> aan die volgende spesiale voorwaardes opgelê deur die Administrateur kragtens die bepalings van Artikel 18(3) van Ordonnansie No 33 van 1934, naamlik:-
  - \*1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No. 401 dated 17th October, 1935, and in the memorandum which accompanied the said regulations.
  - The owner of this erf shall without compensation be colliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and positions as may from time to time be reasonably required, this shall include the right of access to the erf at any reasonable time in order to construct, maintain, after, remove or inspect any sewer, manhole, channel, conduit or other works pensining thereto

Forton 11 1 2 3

#### Page 3

- The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
- In the event of the provisions of a Town Planning Scheme being made applicable to this erf, which provisions are more restrictive than the provisions contained in the above, then the provisions of such scheme shall apply.
- 5. This eri shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-
  - (a) it shall not be subdivided;
  - (b) It shall be used only for the purpose of erecting thereon one dwelling logether with such outbuildings as are ordinarily required to be used therewith;
  - (c) Not more than half the area thereof shall be built upon.
  - (d) No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 15 feet of the strest line which forms a boundary of this ed, nor within 10 feet of the rear or 4 feet of the lateral boundary common to any adjoining ed. On consolidation of any two or more erven this condition shall apply to the consolidated area as one ed."

L. Printer de 1823 e 370

WESHALWE die komparant afstand doen van al die regte en titel wat CORNELIA CECILIA LOUBSER, Ongetroud

voorheen op genoemde eiendom gehad hat, en gavolglik ook erken hat dat sy geneel en al van die besit daarvan onthef en nie meer daarloe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

- 1. MERVIN CLIFFORD WILLIAMS, Getroud soos vermeld
- CHANTAL CHARMAINE WILLIAMS, Getroud soos vermeld

hulle Erfgename. Eksekuteurs, Administrateurs of Regverkrygendes, Ians en voortaan daanoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hulle dat die verkoopprys die bedrag van R930 000,00 (Nege Honderd en Dertig Duisend Rand) beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR, VAN AKTES ta Kaapstad op 1 3 MAY 2015

In my teenwoordigheid

1.

;

REGISTRATEUR VAN AKTES

### POWER OF ATTORNEY

I, the undersigned

Mervin Clifford Williams in my capacity as registered owner of Erf 3108 Stellenbosch ("the Property") duly authorised hereto

do hereby nominate, appoint, and authorise Chantal Charmaine Williams to apply for the land use application on Erf 3108 Stellenbosch also known as 95 Old Helshoogte Road, Idas Valley, Stellenbosch for the following rights:

- Deletion/removal of approval condition 2.10 of the Appeal Authority's decision dated 27 May 2019 which limited the validity period of the special development to a period of 5 years. This clause needs to be deleted/removed in its entirety so that no time period is applicable on the approval.
- 2. Application for an additional use to accommodate a second dwelling on the property, i.e the lower ground floor of the property for a single family.
- Application for a consent use to increase the existing approval of 4 additional persons to a commune within the existing main dwelling to 6 persons/bedrooms.

Signed at Stellenbosch on the 12<sup>th</sup> day of October 2023 in the presence of the undersigned witnesses.

AS WITNESSES:

1. <u>Yht</u>

Mervin Clifford Williams

2

