

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

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

**Application Property Address:** Corner of Rustenburg Road, Protea Street and Erasmus Smit Street, Stellenbosch

**Application Property Number:** Erf 3309 Stellenbosch

**Applicant:** Plan Active Town and Regional Planners

**Email:** [darren.planactive@gmail.com](mailto:darren.planactive@gmail.com)

**Telephone number:** 028 313 1673

**Owner:** Mr. Q. Newman and Mr. J. Newman, executors of the estate of the late Mrs. S.L. Newman

**Email address:** [justincjnewman@gmail.com](mailto:justincjnewman@gmail.com) / [quentinnewman26@gmail.com](mailto:quentinnewman26@gmail.com)

**Telephone number/s:** 084 672 9184

**Application Reference:** LU/ TP87/2022

**Application Type:** Proposed subdivision of Erf 3309 Stellenbosch

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

Application has been made in terms of **Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw**, promulgated by notice number 354/2015, dated 20 October 2015 for the Subdivision of Erf 3309 Stellenbosch into two portions namely; Remainder Portion of  $\pm 488\text{m}^2$  in extent and Proposed Erf 15889 Portion of  $\pm 503\text{m}^2$  in extent.

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

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

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address;
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - Indicate the facts and circumstances that explain the comments;
  - Where relevant demonstrate the undesirable effect that the application will have if approved;

- Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Plan Active Town and Regional Planners at [darren.planactive@gmail.com](mailto:darren.planactive@gmail.com). 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 **21 November 2022**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 028 313 1673 during normal office hours.

**Office hours**

Monday – Thursday (07:30am – 16:30pm)

Friday (07:30am – 16:00pm)

Yours faithfully

**Plan Active Town and Regional Planners**

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

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

**Adres van aansoek eiendom:** Hoek van Rustenburg Weg, Protea Straat en Erasmus Smit Straat, Stellenbosch

**Aansoek eiendom beskrywing:** Erf 3309 Stellenbosch

**Aansoeker:** Plan Active Stads en Streeksbeplanners

**Epos adres:** [darren.planactive@gmail.com](mailto:darren.planactive@gmail.com)

**Kontak nommer:** 028 313 1673

**Eienaar:** Mnr. Q. Newman en mnr. J. Newman, eksekuteurs van die boedel van wyle Mev. S.L. Newman.

**Epos adres:** [justincjnewman@gmail.com](mailto:justincjnewman@gmail.com) / [quentinnewman26@gmail.com](mailto:quentinnewman26@gmail.com)

**Kontak nommer:** 0846729184

**Aansoek Verwysing:** LU/ TP87/2022

**Tipe Aansoek:** Onderverdeling van Erf 3309 Stellenbosch

Aansoek word gedoen ingevolge **Artikel 15(2)(d) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening**, gepromulgeer by die kennisgewing nommer 354/2015, gedateer 20 Oktober 2015 vir die Onderverdeling van Erf 3309 Stellenbosch in twee gedeeltes naamlik: Restant Gedeelte van ±488m<sup>2</sup> en Voorgestelde Erf 15889 van ±503m<sup>2</sup>.

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-notice/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: (**Plan Active Stads en Streeksbeplanners, [darren.planactive@gmail.com](mailto:darren.planactive@gmail.com)**). 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 **21 November 2022**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermeldde elektroniese pos adres of telefonies by [darren.planactive@gmail.com](mailto:darren.planactive@gmail.com) / 028 313 1673 gedurende normale kantoor ure.

**Kantoor Ure**

**Maandag – Donderdag: 07:30vm – 16:30nm**

**Vrydag : 07:30vm – 16:00nm**

Die uwe

**Plan Active Stads en Streeksbeplanners**

# Erf 3309 Stellenbosch



## Legend

 Erf

**Map Center:** Lon: 18°52'44.9"E  
Lat: 33°55'19.4"S

**Scale:** 1:2 257

**Date created:** July 19, 2022

Surveyor General WC, Department of Rural Development and Land Affairs  
Department of Rural Development and Land Reform  
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**Western Cape  
Government**

**FOR YOU**

Agriculture

**PROPOSED SUBDIVISION**

**ERF 3309 STELLENBOSCH**

**STELLENBOSCH MUNICIPALITY**

**MOTIVATION REPORT**

1. **BACKGROUND**

Mr. Q. Newman and Mr. J. Newman, executors of the estate of the late Mrs. S.L. Newman, owner of Erf 3309 Stellenbosch, have instructed the company Plan Active to apply for the subdivision of the subject property.

The subject property was previously subdivided as per S.G. Diagram No. 2964/2009 that we have attached as Annexure B, but the subdivision approval has lapsed. It is the intention to subdivide Erf 3309 Stellenbosch in the way as previously approved to create one additional erf and a remainder. The subject property is one of the larger erven in the Idas Valley area, situated in Stellenbosch. The Title Deed applicable to Erf 3309 Stellenbosch contains no restrictions that need to be addressed for the proposed application to be approved.

Erf 3309 Stellenbosch is 991m<sup>2</sup> in extent and is held by Title Deed Number T40409/2004.

## 2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 3, Section 15(2)(d) of the Stellenbosch Municipal By-law on Municipal Land Use Planning, 2015, for the subdivision of Erf 3309 Stellenbosch.

## 3. DESIRABILITY

### 3.1 PROPERTY DESCRIPTION

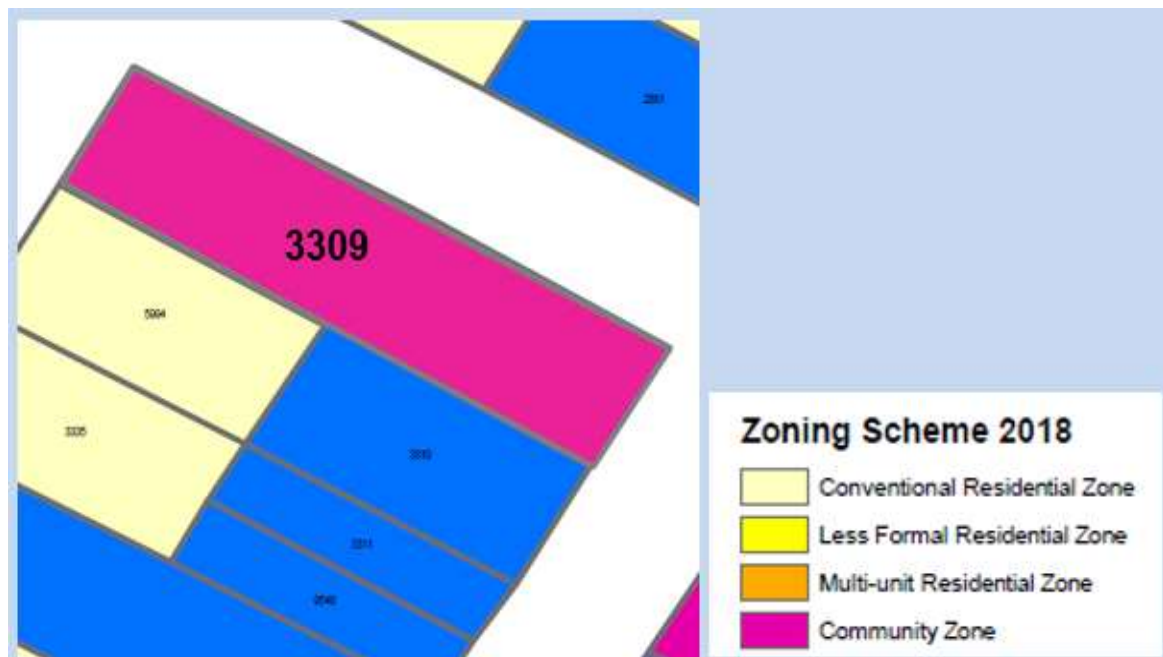
Erf 3309 Stellenbosch is situated on the corner of Rustenburg Road, Protea Street and Erasmus Smit Street, Stellenbosch and is 991m<sup>2</sup> in extent. Please refer to the enclosed locality plan and the aerial photograph below.



### 3.2 ZONING

According to the zoning map abstract (as seen below) from the Stellenbosch Municipality the subject property, Erf 3309 Stellenbosch is zoned Community Zone. After consulting with the Stellenbosch Municipality by means of a pre-application submission (attached as Annexure A), the subject property, according to the Municipality, can be deemed as **Conventional Residential Zone** as the subject property was never used for any other land use purposes except as a residential property.

The surrounding properties are also zoned for Conventional Residential Zone purposes, public roads, and mix-use zonings. Please refer to the zoning map abstract below.



### 3.3 LAND USE

Erf 3309 Stellenbosch is used for residential purposes. A single storey dwelling, and a single garage are situated on the subject property.

Land uses that surround Erf 3309 Stellenbosch are single dwellings and public open spaces. It is therefore evident that Erf 3309 Stellenbosch is situated within a predominantly residential area.

### 3.4 PROPOSAL

The following is proposed in terms of:

- Chapter 3, Section 15(2)(d) of the Stellenbosch Municipal By-law on Municipal Land Use Planning, 2015, for the subdivision of Erf 3309 into proposed Erf 15889 and a remainder.



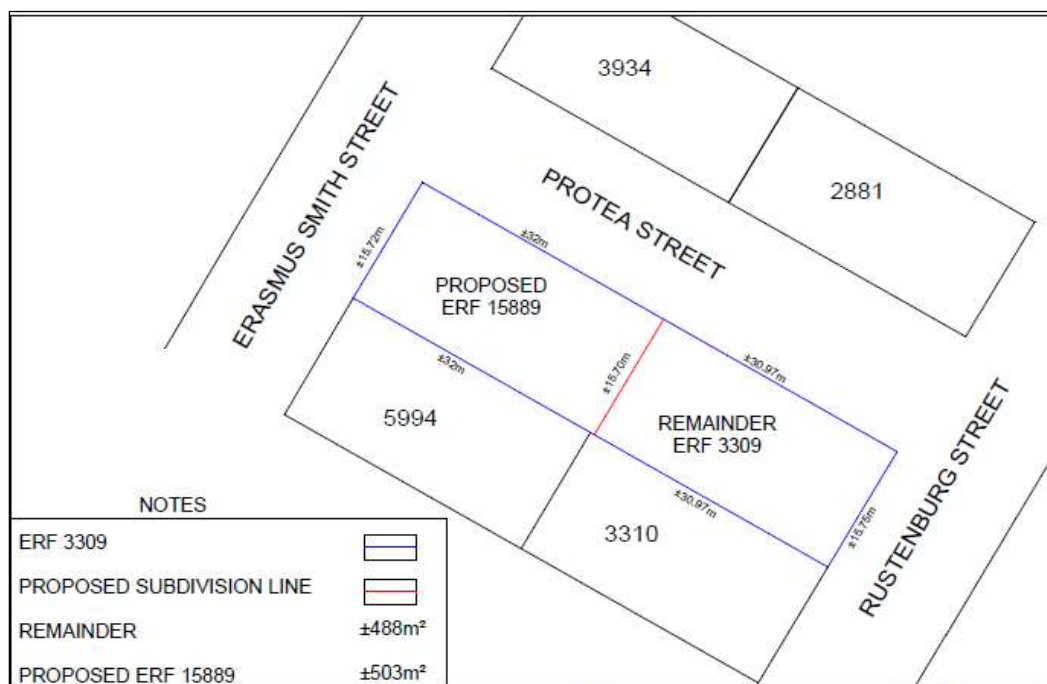
### 3.4.1 Proposed Subdivision

Erf 3309 Stellenbosch is 991m<sup>2</sup> in extent. It is the intention to subdivide Erf 3309 Stellenbosch into two portions, proposed Erf 15889 and a remainder which will be approximately similar in size than the surrounding residential erven in the same residential block. The subject property was previously subdivided, but, as mentioned earlier, the approval lapsed, and it is required that a new application be lodged. The subject property is one of the larger erven in the specific area of Stellenbosch. The intention is to create 1 additional erf and a remainder.

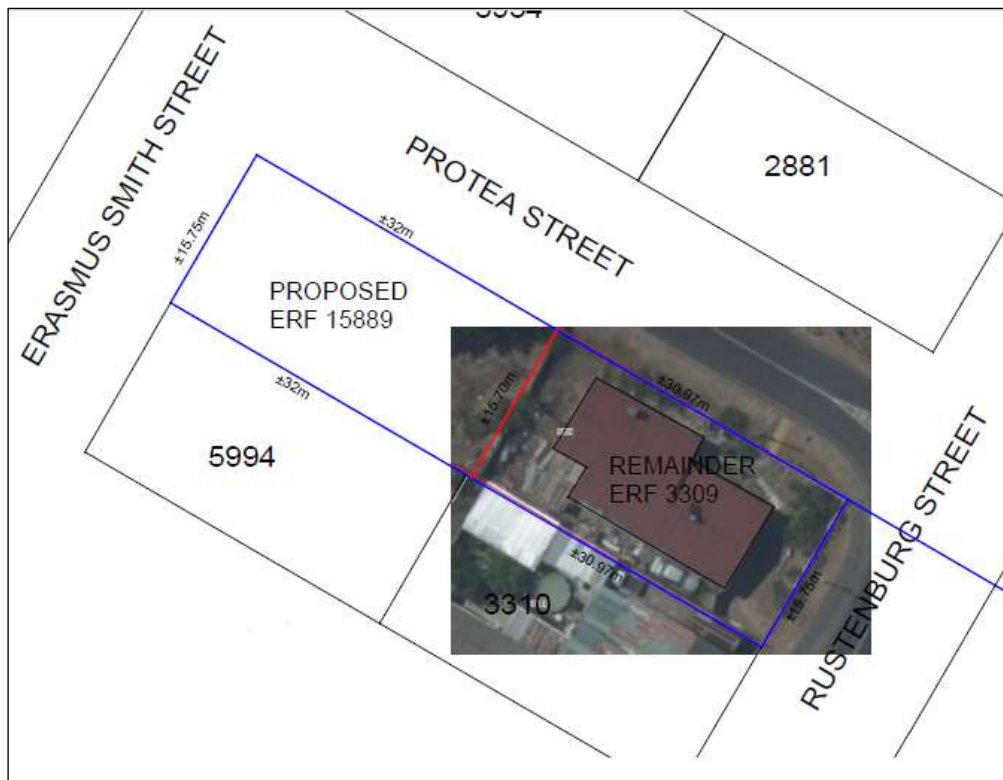
The detail of the proposed application is tabled below:

Subdivision of Erf 3309 Stellenbosch			
Proposed Portions	Size	Land use	Zoning
Remainder	±488m <sup>2</sup>	Residential	Conventional Residential Zone
Proposed Erf 15889	±503m <sup>2</sup>	Vacant	Conventional Residential Zone

The proposed subdivision of Erf 3309 Stellenbosch follows the same configuration as the residential erven in the same residential block and would also be of similar size. After the subdivision of the subject property, proposed Erf 15889, a portion of Erf 3309 Stellenbosch and the remainder will be ±503m<sup>2</sup> and 488m<sup>2</sup> in extent, respectively.



The proposed subdivision line that will be the new common boundary between proposed Erf 15889 and Remainder Erf 3309 Stellenbosch will not have any impact on the existing structures situated on the subject property(as seen below). No building line departures will be required.



The proposed subdivision will have a positive impact on the economy of the area. By allowing the subdivision, one additional residential property will be created from which the municipality can attain bulk service levies as well as monthly rates and taxes. Future plans to develop proposed Erf 15889, a portion of Erf 3309 Stellenbosch will create temporary employment during the construction phase thereof.

### 3.5 ACCESS

The existing access to the dwelling and garage on the remainder of the erf will be retained.

The access point to proposed Erf 15889, a portion of Erf 3309 Stellenbosch will be confirmed with a building plan submission as the portion will be situated on the corner of Protea Street and Erasmus Smit Street.

### **3.6 SERVICES.**

Erf 3309 Stellenbosch is situated in an already developed residential area, municipal services already exist to which the newly created erf can connect to. All required services will be constructed according to the specifications of the Stellenbosch Municipality.

### **3.7 TITLE DEED**

There are no restrictive Title Deed conditions in Title Deed No. T40409/2004 that must be addressed in order for the proposed subdivision of Erf 3309 Stellenbosch to be approved as confirmed by the **conveyancing certificate by STBB dated 3 August 2022** attached as Annexure C.

There is no bond registered against Erf 3309 Stellenbosch.

### **3.8 FORWARD PLANNING**

#### **Stellenbosch Municipality Spatial Development Framework (2019).**

In terms of the **Stellenbosch Municipality Spatial Development Framework (2019)** the subject property is situated in the Idas Valley residential area which is situated on the outskirts of the town centre of Stellenbosch. The SDF supports higher residential opportunity in the town centre, areas immediately surrounding it, and along major routes (with consideration of historic areas and structures).

The proposal is in line with the Spatial Development Framework. Although the subject property is zoned for Community zone according to the Stellenbosch Municipality Zoning map, the outcome of the pre-application consultation concluded that the zoning of the subject property can be deemed as **Conventional Residential Zone** (attached as Annexure A). The zoning be retained after the proposed application has concluded. The subject property is also larger than the erven in the area and the proposed subdivision is in line with the **Stellenbosch Municipality Spatial Development Framework (2019)**.

### **3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.9.1 HERITAGE VALUE**

The proposed subdivision does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). It should be noted that the proposed subdivision line will have no impact on the existing structures on the subject property.

In light of the above mentioned it is evident that the proposed subdivision will not have a negative impact on the heritage value of the subject property or the greater area of Idas Valley.

#### **3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed subdivision does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

### **3.10 PLANNING PRINCIPLES**

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

**Spatial Justice:** The proposed subdivision is in line with the current erf sizes and land use tendencies in the vicinity within the Stellenbosch, Idas Valley area. The proposed subdivision will create an opportunity for future landowners to obtain land.

**Spatial sustainability:** The proposed subdivision is in line with the current character of the established residential area. The proposed application will have no impact on

the conservation worthy areas of the Idas Valley area. Spatially the land use and erf size of the created portion and remainder will be in line with the residential character of this specific area.

**Efficiency:** The proposed application for the subdivision of Erf 3309 Stellenbosch will promote the optimisation of the use of space within a developed residential area. The subject property is also situated in close proximity to Helshoogte Road, Stellenbosch, which connects with the **R44**, which makes the subject property very accessible.

**Spatial Resilience** in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). In our opinion the principle of Spatial Resilience is not applicable to this application.

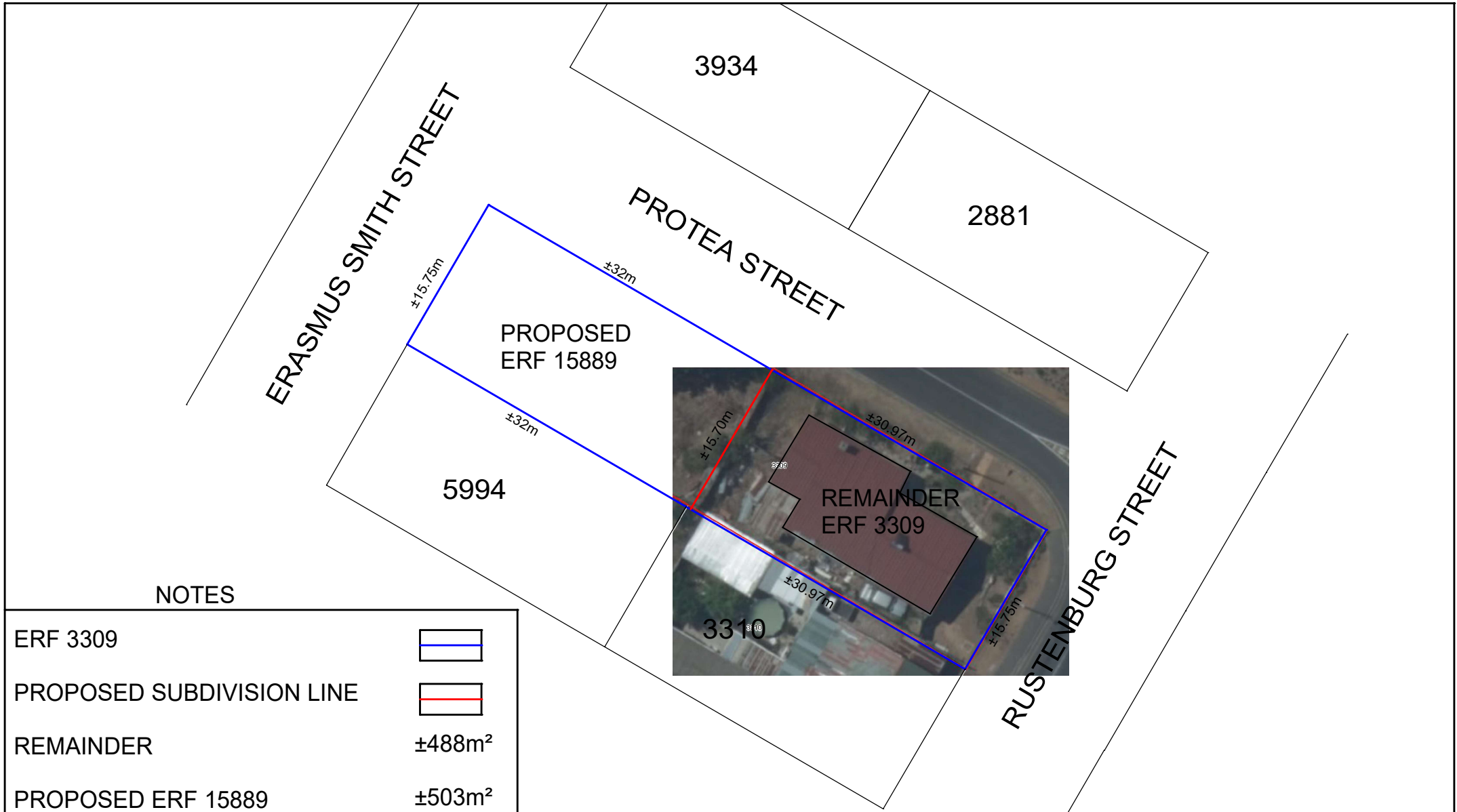
**Good administration:** Our Company is committed to the principle of good administration and will cooperate with the Stellenbosch Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2015.

4. **RECOMMENDATION**



When this application is evaluated, it is important to take note of the following:

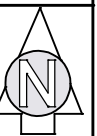
- The proposed subdivision of Erf 3309 Stellenbosch falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing erf sizes in the area;
- The subject property falls within an already serviced area and the new portion can easily connect to existing services;
- The proposed subdivision will not have a negative impact on the current character and land values of the surrounding erven;
- The proposed application is in line with Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).

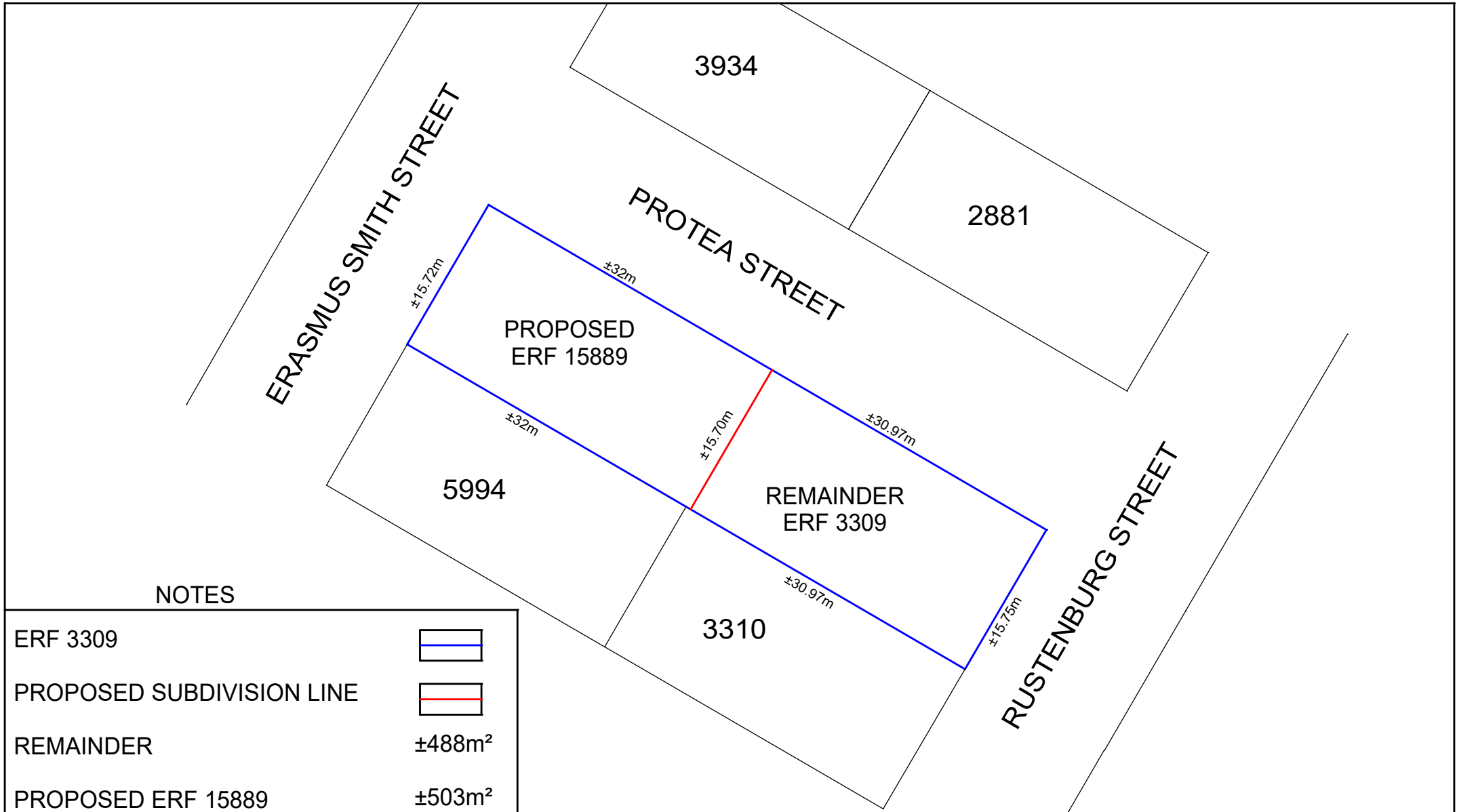
With regards to the above mentioned it would be appreciated if the Stellenbosch Municipality would consider the application favourably for the subdivision of Erf 3309 Stellenbosch.





NOTES

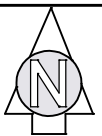
ERF 3309	
PROPOSED SUBDIVISION LINE	
REMAINDER	±488m <sup>2</sup>
PROPOSED ERF 15889	±503m <sup>2</sup>





NOTES

ERF 3309	
PROPOSED SUBDIVISION LINE	
REMAINDER	±488m <sup>2</sup>
PROPOSED ERF 15889	±503m <sup>2</sup>

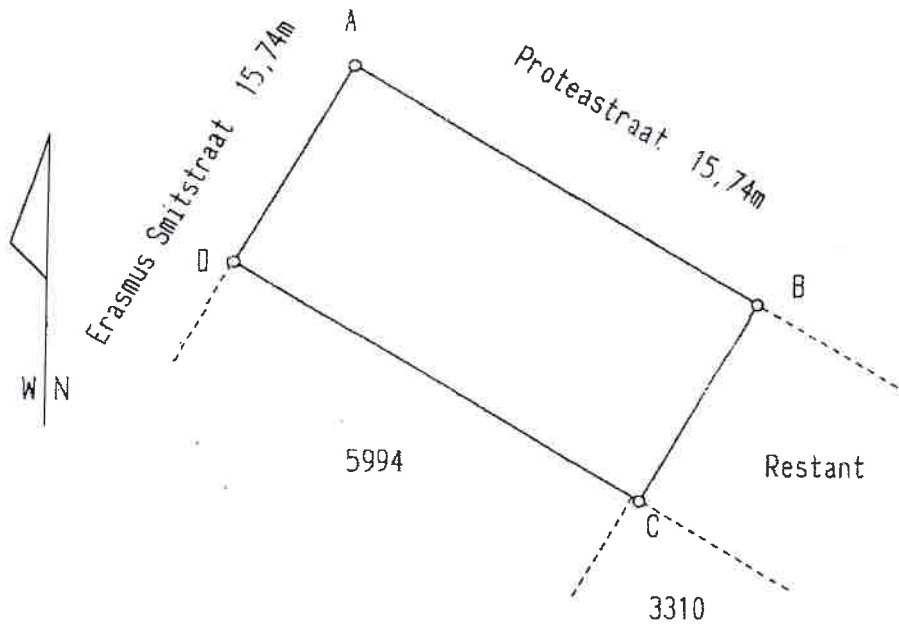




SYE Meter	RIGTINGS -HOEKE	KOORDINATE Y Stelsel WG 19° X		L.G. No. 2964/2009		
		KONSTANTE	+0,00		+3 700 000,00	
AB	32,00	300 15 40	A	+11 155,18	+54 975,14	Goedgekeur <i>[Signature]</i> nms Landmeter-generaal 2009.07.30
BC	15,70	30 13 30	B	+11 127,54	+54 991,27	
CD	32,00	120 13 30	C	+11 135,44	+55 004,84	
DA	15,72	210 13 30	D	+11 163,09	+54 988,73	
		(404) PARADYS	Δ	+10 183,10	+59 563,40	
		(25) SIMONSBERG	Δ	+8 542,42	+48 578,41	

Bakenbeskrywings

A - Noordoostehoek van swaar ysterhoekdraadpaal  
B,C,D - 12mm Ysterpen



SKAAL 1:500

Die figuur A B C D  
stel voor 503 vierkante meter grond, synde  
Erf 1 5 8 8 9 ('n gedeelte van Erf 3309) Stellenbosch

Gelee in die Munisipaliteit en Administratiewe Distrik Stellenbosch  
Provinsie Wes-Kaap  
Opgemeet in Maart 1997 en Junie 2009

deur my

*[Signature]*  
N. Loubser Pls 892 Pr. Landmeter

Hierdie kaart is geheg aan No. gedateer t.g.v.	Die oorspronklike kaart is No. 5478/1903 geheg aan Transport No. 1910- -8587	Leer No. S/2461/102 M.S. No 1181/2009 Komp BHSZ-1284 (M1044) LPI.C0670022 Alg. Plan I-6 (2306)
Registrateur van Aktes		

Erf 15889 Stellenbosch

EXCISE ACT  
SECTION 1(g)  
1970

REGISTRATION TERMS OF SECT. 28  
OF ACT 15/1986  
Erf 3309  
28/01/2009



TAX INVOICE

STELLENBOSCH  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

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

DATE:	2022-09-07	DOCUMENT NO:	735134
ERF / FARM NO:	3309	CREATED BY:	Nicole Katts
LOCALITY:	Cnr of Rustenburg Rd, STELLENBOSCH	APPLICATION NO:	LU/14535
OWNER'S NAME:	Mr QW Newman and Mr J Newman	APPLICATION VAT NO:	0
ADDRESS:	PO Box 296 Hermanus 7200	VAT NO:	4700102181
		APPLICANT:	Darren Adams - Plan Active Town and Regional Planners
		TEL NO:	0283131673

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
SUBDIVISION & CONSOLIDATION - Subdivision & Consolidation (Amendment/Cancellation of Subdivisional Plan / General Plan / Diagram), Per Application	5000.00	1	20180711011497	5000.00

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES  
22 SEP 2022  
**RECEIVED**

TOTAL AMOUNT PAYABLE 5000.00  
VAT INCLUDED @ 15% 652.17

NEW TARIFFS IMPLEMENTED ON 1 JULY ANUALLY

CALCULATED BY  
NAME: Nicole Katts  
SIGNATURE: *[Signature]*  
DATE: 07.09.22

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

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

FILE NR:  
VERIFIED BY  
NAME:  
SIGNATURE: *[Signature]*  
SCAN NR: E3309S  
COLLABORATOR NR:  
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

Receipt Nr: 207616



**Enquiries**

Nicole Pietersen

**Phone Number**

0218080000

**E-mail**

nicole.katts@stellenbosch.gov.za

**BTW/VAT Invoice No:** 2642

**Invoice VAT Reference:** 4700102181

**Name:** JUSTIN NEWMAN

**Invoice Date:** 2022/9/7

**Reference No:** TP87/2022

**Payment Due Date:** 2022/10/7

**Client Street address:** 9 LONG STREET MAMRE MAMRE  
Western Cape South Africa 7347

**Municipality street address:** PLEIN STREET  
STELLENBOSCH STELLENBOSCH Western Cape 7600

**Client Postal address:** 9 LONG STREET MAMRE MAMRE  
Western Cape South Africa 7347

**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)
20180711011484	Subdivision and Consolidation /amendment /cancellation of an approved subdivision plan (or part), including a general plan or diagram	1	5 000.00	Per application	5 000.00
Total Excl VAT					4 347.83
VAT					652.17
<b>Invoice Total</b>					<b>5 000.00</b>

\*VAT Exempt

**Created By:** Petersen, Nicole

**Signature:** 

**Verified By:** Petersen, Nicole,

**Signature:** Date: 07.09.2022

**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:** TP87/2022

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



**Standard Bank**

Customer Care: 0860 123 000  
Website: [www.standardbank.co.za](http://www.standardbank.co.za)  
7 September 2022

## Payment receipt

**Beneficiary name**  
STELLENBOSCH MUNICIPAL(PRIMARY)

**Beneficiary reference**  
TP87/2022

**Your reference**  
3309 SBOSCH

**Payment date**  
7 September 2022

**Amount**  
R 5 000.00

The Standard Bank of South Africa Limited (Reg. No. 1962/000738/06. Authorised financial services provider. VAT Reg No. 4100105461 Registered credit provider (NCRCP15). We subscribe to the Code of Banking Practice of the Banking Association South Africa and, for unresolved disputes, support resolution through the Ombudsman for Banking Services.




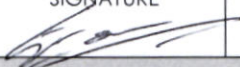
## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

TP 87/2022

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	02/09/2022	
Erf No	3309	Town		Suburb	Stellenbosch	
Farm No	n/a	Farm Portion	n/a	Nearest Town	n/a	
Owner / Applicant	Darren Adams		Contact number		028 313 1673	
Email address	<a href="mailto:darren.planactive@gmail.com">darren.planactive@gmail.com</a>					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY <sup>1</sup>		PLANNER TO EVALUATE <sup>2</sup>
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						✓
5. Proof of ownership or rights held in land						✓
6. Motivation based on criteria in s65				✓		✓
7. SG diagram or General Plan				✓		✓
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development						
10. Subdivision plan				✓		✓
11. Permission for required servitude						
12. Title Deed				✓		✓
13. Conveyancer's certificate				✓		✓
14. Feedback on Pre-application scrutiny				✓		✓

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

<sup>2</sup> Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
<b>INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION</b>	<b>ADMIN TO VERIFY</b>		<b>PLANNER TO EVALUATE</b>
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:			
<b>VERIFIED &amp; SIGNED BY ADMIN</b>	NAME Nicole Katts	SIGNATURE 	DATE 02/09/2022
<b>Outstanding information (to be completed by Planner):</b>  N/A			
<b>Applications to be invoiced (to be completed by Planner):</b>  Subdivision			
<b>EVALUATED &amp; SIGNED BY PLANNER</b>	NAME Gerrit Groen.	SIGNATURE 	DATE 07/09/2022
<b>NOTES:</b>			
<ol style="list-style-type: none"> <li>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.</li> <li>2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)].</li> <li>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)].</li> <li>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)].</li> </ol>			



TOWN & REGIONAL PLANNERS  
STADS-EN STREEKSBEPLANNERS

6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS  
7200  
Tel: (028) 313 1673  
Fax / Faks: (028) 312 1351  
Email:

[planactive@hermanus.co.za](mailto:planactive@hermanus.co.za)  
Website: [www.planactive.co.za](http://www.planactive.co.za)

**OUR REFERENCE: PA22039**

1 SEPTEMBER 2022

THE MUNICIPAL MANAGER  
STELLENBOSCH MUNICIPALITY  
P.O.BOX 17  
STELLENBOSCH  
7599

**FOR ATTENTION: MR. G. GOOSEN**

Sir

**ERF 3309 STELLENBOSCH**

- **PROPOSED SUBDIVISION**

**CLIENTS: MR. Q. NEWMAN AND MR. J. NEWMAN, EXECUTORS OF THE ESTATE OF THE LATE MRS. S.L. NEWMAN**

We herewith apply for the subdivision of Erf 3309 Stellenbosch in terms of:

- **Chapter 3, Section 15(2)(d) of the Stellenbosch Municipal By-law on Municipal Land Use Planning, 2015.**

Attached, please find the required documentation:

- Application form;
- Motivation;
- Locality Plan;
- Subdivision Plan;
- Aerial Photograph;
- Copy of Title Deed No. T40409/2004;
- Letter of Executorship;
- Special Power of Attorneys;
- SG Diagram No. 5478/1903
- Noting Sheet BHSZ-1284;
- Annexure A (Pre-application scrutiny feedback);
- Annexure B (Conveyancer Certificate);
- Annexure C (SG Diagram No. 2964/2009);
- Payment to be made as per invoice.

Yours faithfully

D. ADAMS

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Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active  
Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.PlN B/8250/2014  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.PlN A/158/2009  
Darren Adams: B.Tech (Town and Regional Planning) CPUT; SACPLAN Pr.PlN A/3002/2021



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

[www.stellenbosch.gov.za/planning-portal/](http://www.stellenbosch.gov.za/planning-portal/)

SUBMIT COMPLETED FORM TO [landuse.applications@stellenbosch.gov.za](mailto: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)						
<b>KINDLY NOTE:</b> Please complete this form using BLOCK letters and ticking the appropriate boxes.						
PART A: APPLICANT DETAILS						
First name(s)	DARREN					
Surname	AARMS					
Company name (if applicable)	PLAN ACTIVE TOWN AND REGIONAL PLANNERS					
Postal Address	PO BOX 296					
	HERMANUS				Postal Code	7200
Email	darren.planactive@gmail.com					
Tel	028 313 1673		Fax	028 312 1351		Cell
PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)						
Registered owner(s)	MR. Q.W. NEWMAN & MR J. NEWMAN					
Physical address	9 LONG STREET					
	MAMRE				Postal code	7347
E-mail	quentinewman26@gmail.com					
Tel			Fax			Cell
084 672 9184						
PART C: PROPERTY DETAILS (in accordance with title deed)						
Erf / Erven / Farm No.	3309		Portion(s) if Farm			Allotment area
STELLENBOSCH						
Physical Address	CORNER OF RUSTENBURG RD / PROTEA STREET / GERARDUS SMIT ST					
Current Zoning	CONVENTIONAL RESIDENTIAL ZONE		Extent	991 m <sup>2</sup> / ha		Are there existing buildings?
						<input checked="" type="checkbox"/> N
Applicable Zoning Scheme	STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 299					



Current Land Use	RESIDENTIAL	
Title Deed number and date	T	40409/2004
Attached Conveyance's Certificate	<input checked="" type="checkbox"/>	Any Restrictions to 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	<input checked="" type="checkbox"/> If Yes, list the party(ies):
Is the property encumbered by a bond?	Y	<input checked="" type="checkbox"/> If Yes, list the bondholder(s):
Is the property owned by Council?	Y	<input checked="" type="checkbox"/> If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management
Is the building located within the historical core?	Y	N
Is the building older than 60 years?	Y	N
Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	<input checked="" type="checkbox"/> 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)?		If yes, is this application to legalize the building / land use <sup>2</sup> ? Y N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?		Are there any land claim(s) registered on the subject property(ies)?

**PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY**

Has there been any pre-application consultation?	<input checked="" type="checkbox"/>	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	<input checked="" type="checkbox"/>	If yes, please attach the written feedback received.

\* 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*	
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*	<input checked="" type="checkbox"/>
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*	

<sup>1</sup> 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

<sup>2</sup> 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
<b>TOTAL A:</b>	<b>R</b>

PRESCRIBED NOTICE AND FEES*** (for completion and use by official)			
Tick	Notification of application in media	Type of application	Cost
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; electronic communication methods	R
	<b>PUBLICATION OF NOTICES</b>	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	<b>ADDITIONAL PUBLICATION OF NOTICES</b>	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	<b>NOTICE OF DECISION</b>	<i>Provincial Gazette</i>	R
	<b>INTEGRATED PROCEDURES</b>	T.B.C	R
<b>TOTAL B:</b>			<b>R</b>
<b>TOTAL APPLICATION FEES**</b> (TOTAL A + B)			<b>R</b>

**\*\*The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.**

**\*\*\*All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: [indigent.office@ Stellenbosch.gov.za](mailto:indigent.office@ Stellenbosch.gov.za) or 021 808 8501 or 021 808 8579**

**\*\*\*\* The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.**

**BANKING DETAILS**

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

**DETAILS FOR INVOICE**

Name & Surname/Company name (details of party responsible for payment)	PLAN ACTIVE TOWN AND REGIONAL PLANNERS
Postal Address	PO BOX 296, HERMANUS, 7200
Vat Number (where applicable)	

**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)	SUBDIVISION OF ERF 3309 STELLENBOSCH					

Brief description of proposed development / Intent of application:  
 SUBDIVISION OF ERF 3309 STELLENBOSCH


**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

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

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

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


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

**SECTION I: DECLARATION**

I hereby wish to confirm the following :


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

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

Applicant's signature:  Date: 1/09/2022





Full name: DARREN ADAMS

Professional capacity: TOWN PLANNER Pr. P/n. A/3002/2021

<b>FOR OFFICE USE ONLY</b>	
Date received: _____	
Received By: _____	



**NOTES**

- ERF 3309 
- PROPOSED SUBDIVISION LINE 
- REMAINDER  ±488m<sup>2</sup>
- PROPOSED ERF 15889  ±503m<sup>2</sup>

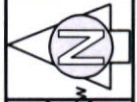


Stads- en Streeksbeplanners  
Town & Regional Planners

All distances approximate  
and subject to survey.

COPY RIGHT RESERVED

Property Description:		Scale: 1:500	
ERF 3309		Drawing Nr: of 3309 - stellenboschaerial.dwg	
STELLENBOSCH		Date: JULY 2022	
Plan Description:		AERIAL PHOTOGRAPH	





**CONVEYANCER CERTIFICATE**

**I, HEIN CONRAD NAUSCHUTZ**

*(conveyancer's name and surname)*

Practising at:

**STBB ATTORNEYS, HELDERBERG**

**1<sup>ST</sup> FLOOR, TITANIUM HOUSE**

**19 GARDNER WILLIAMS AVENUE, PAARDEVLEI, SOMERSET WEST**

*(firm and place of practice)*

In respect of:

**ERF 3309 STELLENBOSCH**

**IN THE STELLENBOSCH MUNICIPALITY**

**DIVISION STELLENBOSCH**

**PROVINCE OF THE WESTERN CAPE**

*(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. (current) Deed of Transfer no. T 40409/2004**

**2. (pivot) Deed of Transfer no. T 5925/1912**

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	¥	NO	
2.	Building lines	¥	NO	
3.	Height	¥	NO	
4.	Number of Dwellings	¥	NO	
5.	Bulk floor area	¥	NO	
6.	Coverage/built upon area	¥	NO	
7.	Subdivision	¥	NO	
8.	Servitudes that may be registered over or in favour of the property	¥	NO	
9.	Other Restrictive Conditions	¥	NO	

A



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHUIJK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## 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 SOMERSET WEST ON THIS 04<sup>TH</sup> DAY OF AUGUST 2022**

**Full names and Surname: HEIN CONRAD NAUSCUTZ**

**Signature:** .....

*Firm Postal Address*

**HEIN CONRAD NAUSCUTZ  
SMITH, TABATA, BUCHANAN, BOYES**  
Kindly indicate on which of the following you wish to stamp  
**Commissioner of Oaths**  
Here you indicate where  
**Practising Attorney, R.S.A.**  
**1st Floor Titanium House**  
**19 Gardner Williams Avenue**  
**Paardevelei, Somerset West**

**Tel: 021 850 6400**

**Email: heinn@stbb.co.za**

**Cell: 083 232 3591**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Mr. D. Adams

By email: darren.planactive@gmail.com

21 July 2022

**SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK**

**APPLICATION FOR SUBDIVISION – ERF 3309, STELLENBOSCH**

1. Your pre-application scrutiny submission on the above property dated **19 July 2022**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use and land development application as depicted in the submission represents on face value an accurate approach to the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB] and you may proceed to submit for consideration a corresponding application.
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

G. Goosen  
Town Planner  
[Gerrit.Goosen@stellenbosch.gov.za](mailto:Gerrit.Goosen@stellenbosch.gov.za)

**darren.planactive@gmail.com**

---

**From:** Gerrit Goosen <Gerrit.Goosen@stellenbosch.gov.za>  
**Sent:** Thursday, 21 July 2022 12:47  
**To:** darren.planactive@gmail.com  
**Cc:** Nicole Katts; Bulelwa Mdoda  
**Subject:** RE: Land use pre-application-Erf 3309 Stellenbosch  
**Attachments:** Erf 3309 Stellenbosch Pre-application feedback.pdf

Afternoon Darren,

Find attached feedback regarding your pre-scrutiny application.

In addition, the following should be noted:

- Proof will be required that Mr. Q. Newman is the appointed Executor.
- A conveyancer certificate or proof may be required that no title deed conditions restrict the proposal.
- The zoning can be motivated as "deemed Conventional Residential Zone" if the property was never used for any other purposes except as a residential property.
- A subdivision plan will be required indicating the existing structures on the property in relation to the proposed subdivision line.



*Kind regards / Vriendelike groete*

**Gerrit Goosen** (Pr. Pln.)

Town Planner

**Planning & Economic Development**

---

T: +27 21 808 8610

3<sup>rd</sup> Floor, Eikestad Mall, 43 Andringa  
Street, Stellenbosch, 7600

[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



**STELLENBOSCH**  
STELLENBOSCH • FRUITS • FRANSCHOOEK  
MUNICIPALITEIT • UMKAPALA • MUNICIPALITY



#### **About Stellenbosch Municipality**

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

#### **Disclaimer:**

The information contained in this communication from [gerrit.goosen@stellenbosch.gov.za](mailto:gerrit.goosen@stellenbosch.gov.za) sent at 2022-07-21 12:47:11 is confidential and may be legally privileged. It is intended solely for use by darren.planactive@gmail.com and others authorized to receive it. If you are not darren.planactive@gmail.com you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

---

**From:** Landuse Applications <[Landuse.Applications@stellenbosch.gov.za](mailto:Landuse.Applications@stellenbosch.gov.za)>

**Sent:** Wednesday, July 20, 2022 07:32

**To:** [darren.planactive@gmail.com](mailto:darren.planactive@gmail.com) <[darren.planactive@gmail.com](mailto:darren.planactive@gmail.com)>

**Cc:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>; Nicole Katts <[Nicole.Katts@stellenbosch.gov.za](mailto:Nicole.Katts@stellenbosch.gov.za)>; Landuse Applications <[Landuse.Applications@stellenbosch.gov.za](mailto:Landuse.Applications@stellenbosch.gov.za)>  
**Subject:** FW: Land use pre-application-Erf 3309 Stellenbosch

Dear Darren;

I hereby acknowledge receipt of your pre-application submission for Erf 3309, Stellenbosch.

Kindly note that the abovementioned will now be allocated to a Planner for scrutiny.

Feedback will be provided to you in due course.



*Kind regards,*  
**Bulelwa Mdoda**  
Land Use Management  
**Planning & Economic Development**

---

T: +27 21 808 8690 : F +27 21 886 6899  
3<sup>rd</sup> Floor, Eikestad Mall, Andringa Street,  
Stellenbosch  
[www.stellenbosch.gov.za](http://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](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)

**From:** [darren.planactive@gmail.com](mailto:darren.planactive@gmail.com) <[darren.planactive@gmail.com](mailto:darren.planactive@gmail.com)>  
**Sent:** Tuesday, 19 July 2022 14:53  
**To:** Landuse Applications <[Landuse.Applications@stellenbosch.gov.za](mailto:Landuse.Applications@stellenbosch.gov.za)>  
**Subject:** [EX] Land use pre-application-Erf 3309 Stellenbosch

Good day

I trust this email finds you well

Please find attached the necessary documentation for the land use pre-application for a proposed subdivision on for Erf 3309 Stellenbosch.

Kind regards

**Darren Adams**  
**Town Planner**  
**Pr. PIn A/3002/2021**  
**Plan Active Town Planners**

**PLAN**  
**ACTIVE**

Town & Regional Planners  
Stads- en streekbeplanners

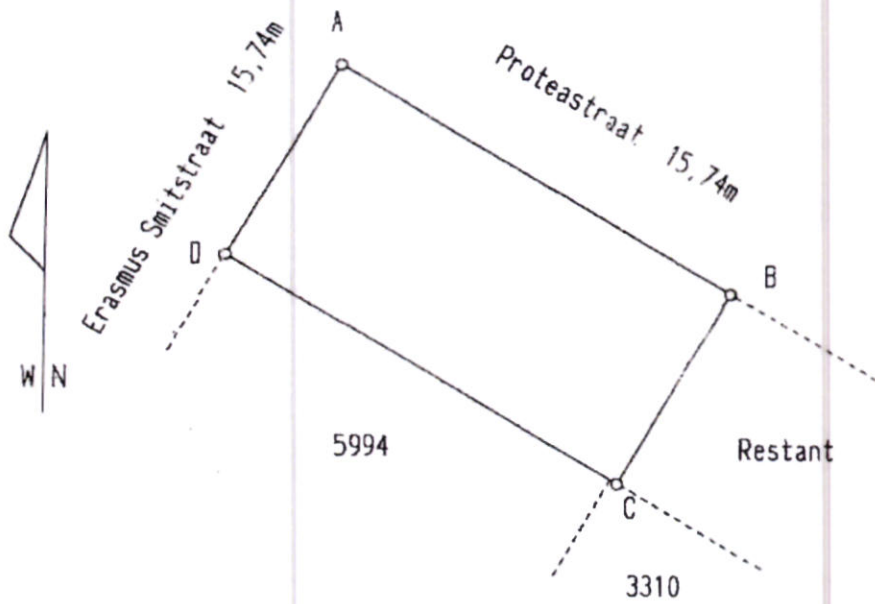
Tel: 028 313 1673  
Fax: 028 312 1351

web: [www.planactive.co.za](http://www.planactive.co.za)

SYE Meter	RIGTINGS -HDEKE	KOORDINATE Y Stelsel NG 19° X		L.G. No. 2964/2009		
		KONSTANTE	+0,00		+3 700 000,00	
AB	32,00	300 15 40	A	+11 155,18	+54 975,14	Goedgekeur <i>[Signature]</i> nms Landmeter-generaal 2009.07.30
BC	15,70	30 13 30	B	+11 127,54	+54 991,27	
CD	32,00	120 13 30	C	+11 135,44	+55 004,84	
DA	15,72	210 13 30	D	+11 163,09	+54 988,73	
		(404) PARADYS	Δ	+10 183,10	+59 563,40	
		(25) SIMONSBERG	Δ	+8 542,42	+48 578,41	

**Bakenbeskrywings**

A - Noordoostehoek van swaar ysterhoekdraadpaal  
B,C,D - 12mm Ysterpen



SKAAL 1 500

Die figuur A B C D  
stel voor 503 vierkante meter grond, synde  
Erf 1 5 8 8 9 ('n gedeelte van Erf 3309) Stellenbosch

Gelee in die Munisipaliteit en Administratiewe Distrik Stellenbosch  
Provinsie Wes-Kaap  
Opgemeet in Maart 1997 en Junie 2009

deur my *[Signature]*  
N. Loubser Pls 892 Pr. Landmeter

Hierdie kaart is geheg aan No. gedateer t.g.v	Die oorspronklike kaart is No 5478/1903 geheg aan Transport No. 1910- -8587	Leer No S/2461/102 M.S. No 1181/2009 Komp BHSZ-1284 (M1044) LPI.C0670022 Alg. Plan I-6 (2306)
Registrateur van Aktes		

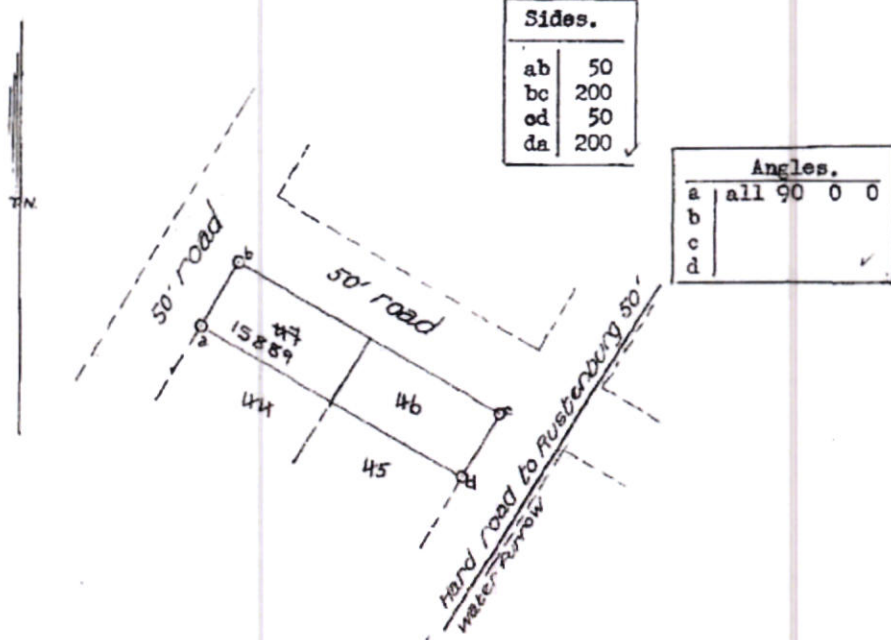
Erf 15889 Stellenbosch

EXCERPT FROM THE ACTS OF ACT  
SECTION 1(9)

TERMS OF SECT. 25  
Erf 3309  
28/01/2009

No. 5478. 1903.

Deducted, No. 7092  
12 Aug 1903  
(sgd) F. F. Elliott,  
Act. Registry Surveyor.



**ERF 3309 STELLENBOSCH**



Scale 100 Cape Feet = 1 Inch.

The above diagram, a, b, c, d, represents 69 Sq. Rds. 64 Sq. Ft. of freehold Land situate near Stellenbosch Village, in the division of Stellenbosch, being Lots 46 & 47 block SS portion of the farm "Idas Valley," transferred to J. M. de Villiers on the 17th February, 1864.

- Bounded N.E. by 50' road
- S.W. " Lots 44 & 45
- S.E. " Hard road to Rustenburg 50'
- N.W. " 50' road

Surveyed by me,

March 1903.

(sgd) Charles Brown,

**B**

Copied from the diagram relating to  
 Transfer ..... Title Deed No. 8587  
 dated 29th November 1910 in favour of  
 Estate of the late Isaac Berens.....  
*W. E. Harcourt*  
 for SURVEYOR-GENERAL,  
 CAPE TOWN.  
 27-3-1911.

Government Land Surveyor.

NACEFEN  
GEWELHS MADESIEN *Jan*

FOR ENDORSEMENTS  
SEE BACK OF DIAGRAM

**S**  
**C**

BH-508/113  
2300 G.R.



THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM

SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMARKS
118/2009	2964/2009	EF 15889	503 m <sup>2</sup>			

REPUBLIEK VAN SUID-AFRIKA



REPUBLIC OF SOUTH AFRICA

## EKSEKUTEURSBRIEF LETTERS OF EXECUTORSHIP

(Artikels 13 en 14 van die Boedelwet, No 66 van 1965)  
(Sections 13 and 14 of the Administration of Estates Act, No 66 of 1965)

NO. 10551/2007

HIERBY WORD GESERTIFISEER dat  
THIS IS TO CERTIFY that

**JUSTIN CHRISTY JOHN NEWMAN (IDENTITEITSNOMMER 461113 5112 08 4) en  
QUENTIN WARREN NEWMAN (IDENTITEITSNOMMER 501024 5130 08 7)**

Behoorlik aangestel is as  
has/have been duly appointed

**EKSEKUTEUR / EKSEKUTRISE  
EXECUTOR / EXECUTRIX**

as sodanig gemagtig is om die Boedel van wyle  
and is/are hereby authorised as such to liquidate and distribute the Estate of the late

**SOPHIA LOUISA NEWMAN**

(Identiteitsnr. 230712 0047 08 6 )  
(Identity No. )

wat op  
who died on  
**10 Junie 2007**

oorlede is, te beredder en verdeel.

MASTER OF THE HIGH COURT CAPE TOWN  2007 -07- 31  KAAPSTAD MEESTER VAN DIE HOË HOF
--

**DATUMSTEMPEL  
DATE STAMP**

  
**Meester van die Hooggeregshof  
Master of the High Court**

AFDELING / DIVISION

Aandag word gevestig op die bepalings van artikel 102.  
Attention is invited to the provisions of section 102.

**SPECIAL POWER OF ATTORNEY**

I, the undersigned,

**MR. Q, NEWMAN**

EXECUTOR OF THE ESTATE OF THE LATE SOPHIA LOUISA NEWMAN

As the registered owner of:-

**ERF 3309 STELLENBOSCH**


Do hereby nominate, constitute and appoint


**PLAN ACTIVE TOWN & REGIONAL PLANNERS**


Of 23 Sandsteen Street, Stellenridge, Bellville, with power of Substitution, to be our lawful agent in our name, place and stead to appear before the Stellenbosch Municipality and any other officials of Government Departments, which may be necessary in order to make application for the subdivision of Erf 3309 Stellenbosch and to sign documents and to perform all such acts which may be necessary in connection with the application and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our said Agent shall lawfully do, or cause to be done, by virtue of these presents.

SIGNED AT STELLENBOSCH on this THU day of JUNE 2022.

**AS WITNESSES**

  
\_\_\_\_\_  
**MR. Q. NEWMAN**  
**EXECUTOR**

1.   
\_\_\_\_\_

2.   
\_\_\_\_\_

**SPECIAL POWER OF ATTORNEY**

I, the undersigned,

**MR. J. NEWMAN**

**EXECUTOR OF THE ESTATE OF THE LATE MRS. S.L. NEWMAN**

As the registered owner of:-

**ERF 3309 STELLENBOSCH**

Do hereby nominate, constitute and appoint

**PLAN ACTIVE TOWN & REGIONAL PLANNERS**

Of 23 Sandsteen Street, Stellenridge, Bellville, with power of Substitution, to be my lawful agent in my name, place and stead to appear before the Stellenbosch Municipality and any other officials of Government Departments, which may be necessary in order to make application for the subdivision of Erf 3309 Stellenbosch and to sign documents and to perform all such acts which may be necessary in connection with the application and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our said Agent shall lawfully do, or cause to be done, by virtue of these presents.

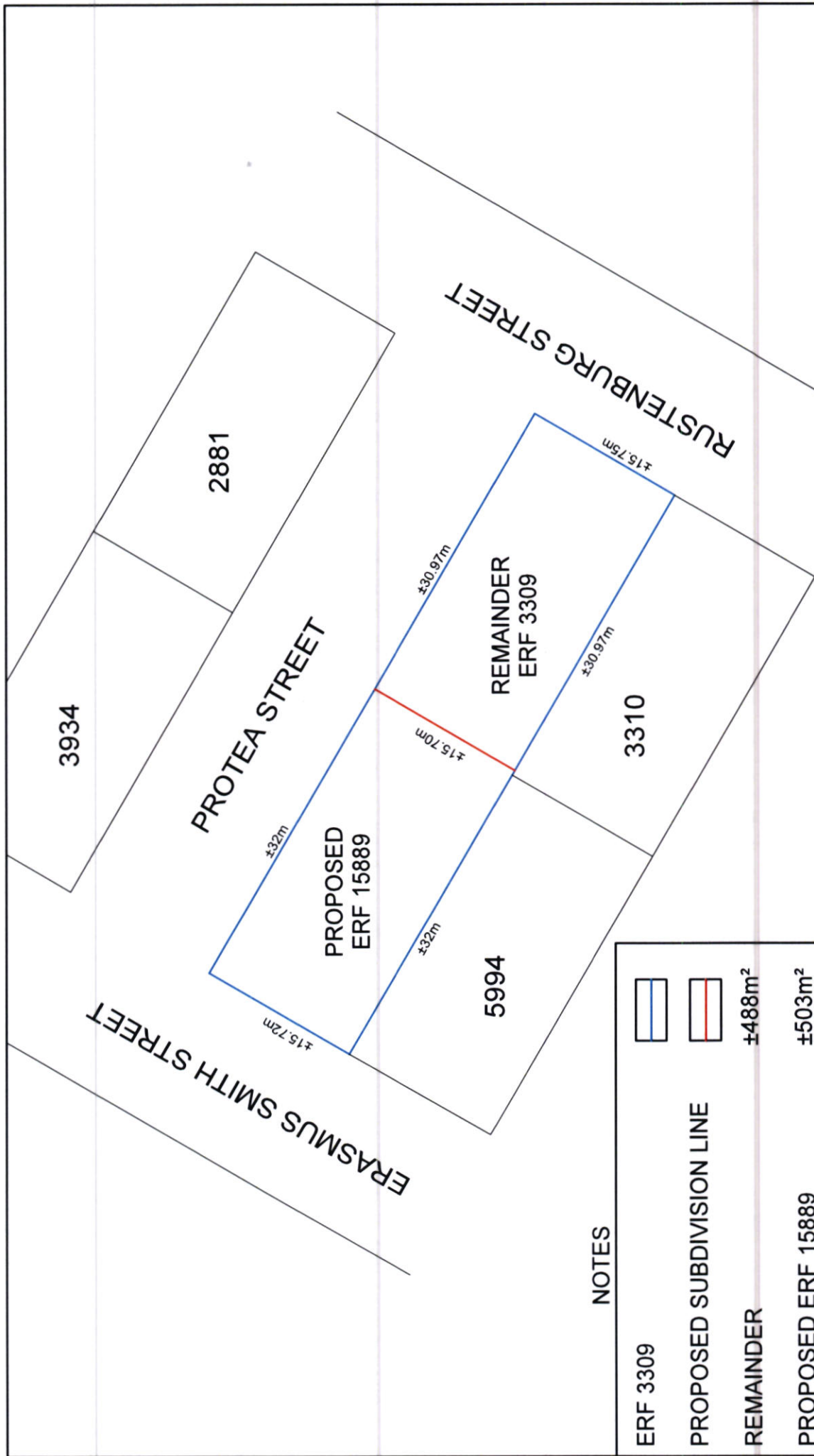
SIGNED AT Stellenbosch on this 24 day of August 2022.

**AS WITNESSES**

Newman  
**MR. J. NEWMAN**  
**EXECUTOR**

1. G.M. Louw

2. [Signature]



	Stads- en Streeksbeplanners Town & Regional Planners		All distances approximate and subject to survey.  COPY RIGHT RESERVED	Property Description: <b>ERF 3309          STELLENBOSCH</b>	Plan Description: <b>SUBDIVISION          PLAN</b>	Scale: <b>1:500</b> Drawing Nr: erf.3309 - stellenbosch.drw Date: <b>JULY 2022</b>	
	<b>PROPOSED ERF 15889</b> ±503m <sup>2</sup>						
<b>ERF 3309</b> ±488m <sup>2</sup>							
<b>PROPOSED SUBDIVISION LINE</b>							
<b>REMAINDER</b>							
<b>NOTES</b>							

Prepared by me

G. de Wet - Conveyancer

SEELREG DUTY	R. ....
FODI FEE	R. 95,00

T 000040409 / 2004

### DEED OF TRANSFER

BY VIRTUE OF A POWER OF ATTORNEY

KNOW ALL MEN WHOM IT MAY CONCERN  
NICOLAAS JOHANNES  
HOFMEYR

THAT ~~GEESJE MARIA DE WET~~ appeared before me, Registrar  
of Deeds at CAPE TOWN, he, the said Appearer, being duly authorised  
thereto by a Power of Attorney granted to him by

The Executors in the Estate of the Late

**PETER CHRISTIAN ERNEST NEWMAN**  
(Estate No. 8543/2002)

Dated the 2nd day of April 2004  
and signed at Stellenbosch

And the said Appearer declared that in the said estate of the late **PETER CHRISTIAN ERNEST NEWMAN** who died on **8 JULY 2002**, the undermentioned transferee is entitled to the undermentioned property in terms of paragraph 3 of the Last Will and Testament of the said late **PETER CHRISTIAN ERNEST NEWMAN** dated 23 February 1989 subject to paragraph 7 of the Last Will and Testament as set out below

and that she in her capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of

**SOPHIA LOUISA NEWMAN**

Identity Number 230712 0047 08 6

unmarried

Her Heirs, Executors, Administrators or Assigns  
in full and free property

**ERF 3309 STELLENBOSCH**

In the City of Cape Town

Division Stellenbosch

Province of the Western Cape

**IN EXTENT:** 991 (Nine Hundred and Nine.y One) square metres

**FIRST TRANSFERRED** by Deed of Transfer no. 8587 dated 29 November 1910 with a Diagram annexed thereto and held by Deed of Transfer no. T5206/1956.

- A. **SUBJECT** to such conditions as are referred to Deed of Transfer no. 5925, dated 24 July 1912.

**B. SUBJECT** to paragraph 7 of the Last will and Testament of the Late Peter Christian Ernest Newman dated 23 February 1989, which reads as follows:

“7. Die erfenis van enige erfgenaam sal uitgesluit wees van enige gemeenskaplike boedel kragtens ‘n huwelik alreeds aangegaan tydens ons afsterwe, en enige huwelik wat sodanige erfgenaam daarna op enige stadium van sy leeftyd as sodanig mag aangaan en sal onder alle omstandighede beskerm wees teen die skuldeisers van ‘n gade van ‘n erfgenaam, hetsy by insolvensie of andersins.”



**WHEREFORE**, the Appearer, renouncing all the right and title which  
the said deceased estate

heretofore had to the premises, did, in consequence also acknowledge  
the said deceased estate


to be entirely dispossessed of and disentitled to the same and that by  
virtue of these presents  
the said transferee

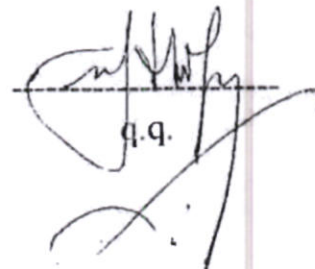
her Heirs, Executors, Administrators or Assigns, now are and henceforth  
shall be entitled thereto, conformably to local custom, the State, however,  
reserving its rights,

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

**THUS DONE AND EXECUTED** at the Office of the Registrar of Deeds  
at **CAPE TOWN** on this 5<sup>th</sup> day of May  
Two Thousand and Four ( 2004).

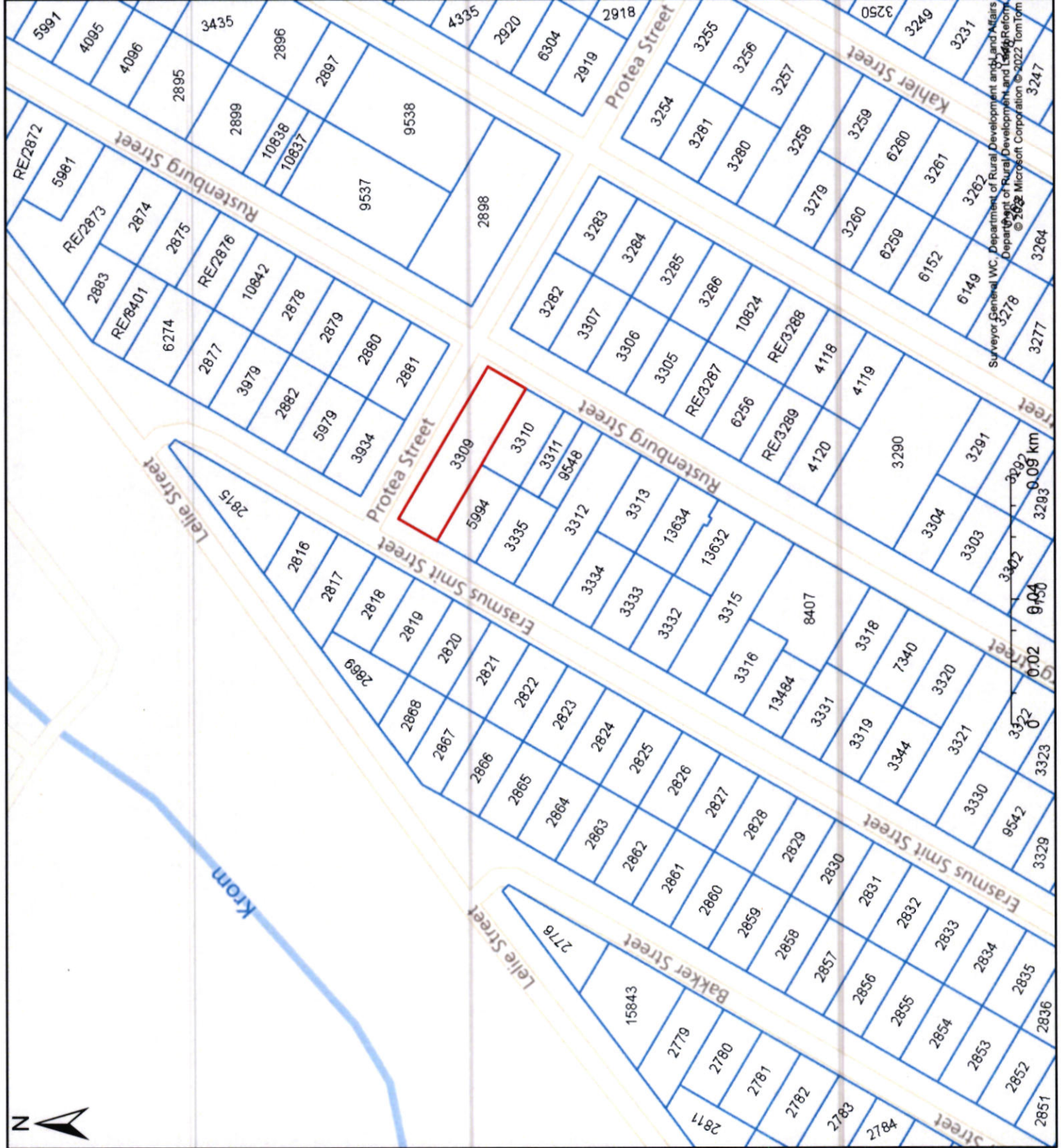
In my presence

  
-----  
Registrar of Deeds

  
-----  
q.q.

# Erf 3309 Stellenbosch

Legend  
Erf



Map Center: Lon: 18°52'44.9"E  
Lat: 33°55'19.4"S

Scale: 1:2 257

Date created: July 19, 2022



Western Cape  
Government  
FOR YOU

**PROPOSED SUBDIVISION**

**ERF 3309 STELLENBOSCH**

**STELLENBOSCH MUNICIPALITY**

**MOTIVATION REPORT**

1. **BACKGROUND**

Mr. Q. Newman and Mr. J. Newman, executors of the estate of the late Mrs. S.L. Newman, owner of Erf 3309 Stellenbosch, have instructed the company Plan Active to apply for the subdivision of the subject property.

The subject property was previously subdivided as per S.G. Diagram No. 2964/2009 that we have attached as Annexure B, but the subdivision approval has lapsed. It is the intention to subdivide Erf 3309 Stellenbosch in the way as previously approved to create one additional erf and a remainder. The subject property is one of the larger erven in the Idas Valley area, situated in Stellenbosch. The Title Deed applicable to Erf 3309 Stellenbosch contains no restrictions that need to be addressed for the proposed application to be approved.

Erf 3309 Stellenbosch is 991m<sup>2</sup> in extent and is held by Title Deed Number T40409/2004.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- Chapter 3, Section 15(2)(d) of the Stellenbosch Municipal By-law on Municipal Land Use Planning, 2015, for the subdivision of Erf 3309 Stellenbosch.

## **3. DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

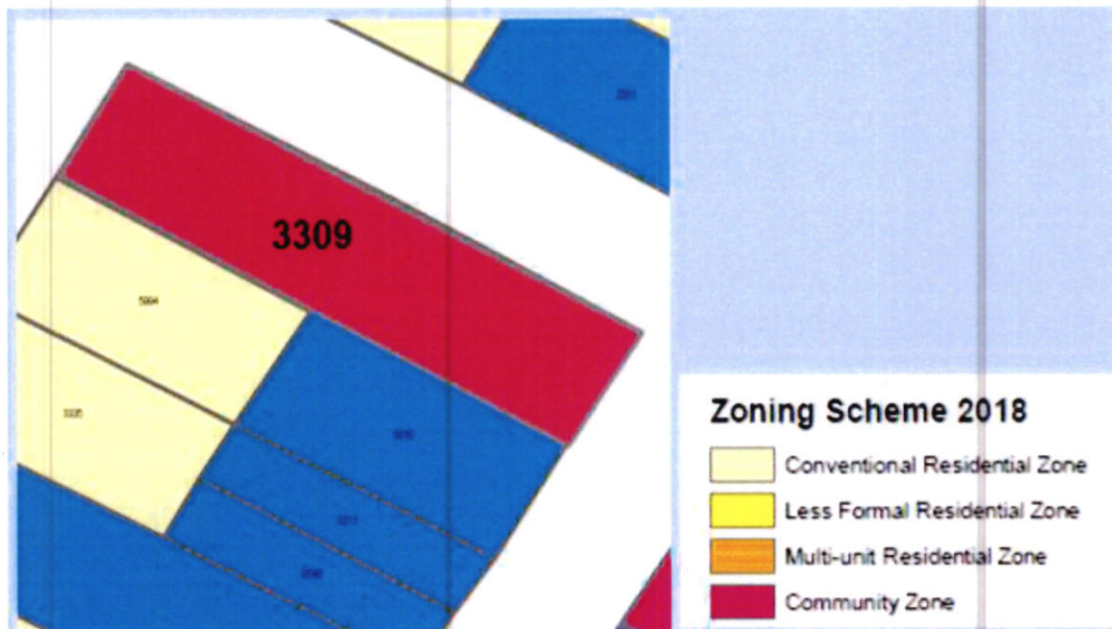
Erf 3309 Stellenbosch is situated on the corner of Rustenburg Road, Protea Street and Erasmus Smit Street, Stellenbosch and is 991m<sup>2</sup> in extent. Please refer to the enclosed locality plan and the aerial photograph below.



### **3.2 ZONING**

According to the zoning map abstract (as seen below) from the Stellenbosch Municipality the subject property, Erf 3309 Stellenbosch is zoned Community Zone. After consulting with the Stellenbosch Municipality by means of a pre-application submission (attached as Annexure A), the subject property, according to the Municipality, can be deemed as **Conventional Residential Zone** as the subject property was never used for any other land use purposes except as a residential property.

The surrounding properties are also zoned for Conventional Residential Zone purposes, public roads, and mix-use zonings. Please refer to the zoning map abstract below.



### 3.3 LAND USE

Erf 3309 Stellenbosch is used for residential purposes. A single storey dwelling, and a single garage are situated on the subject property.

Land uses that surround Erf 3309 Stellenbosch are single dwellings and public open spaces. It is therefore evident that Erf 3309 Stellenbosch is situated within a predominantly residential area.

### 3.4 PROPOSAL

The following is proposed in terms of:

- Chapter 3, Section 15(2)(d) of the Stellenbosch Municipal By-law on Municipal Land Use Planning, 2015, for the subdivision of Erf 3309 into proposed Erf 15889 and a remainder.

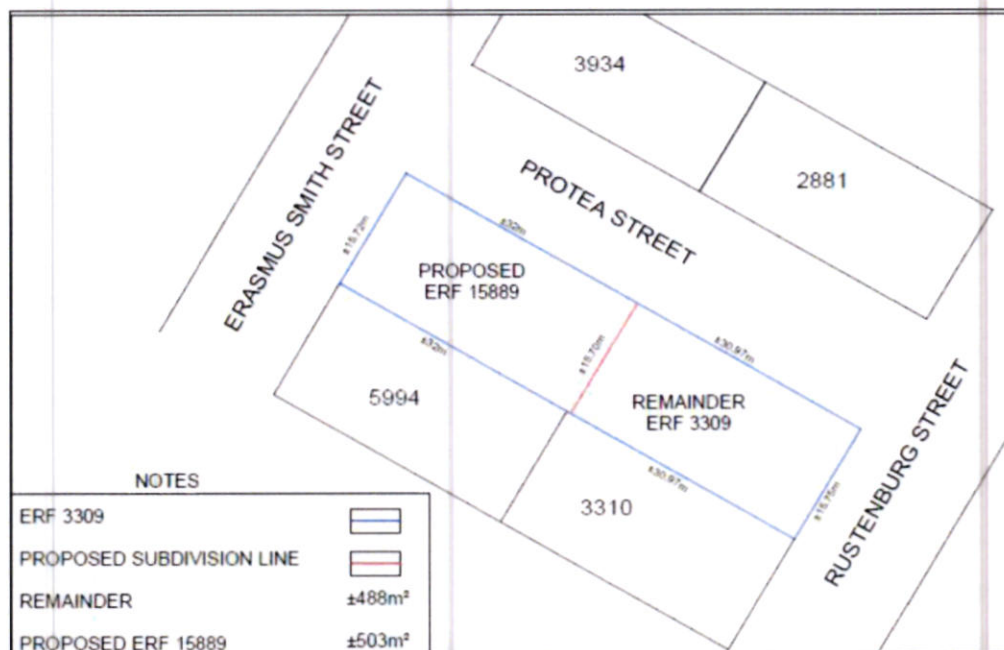
**3.4.1 Proposed Subdivision**

Erf 3309 Stellenbosch is 991m<sup>2</sup> in extent. It is the intention to subdivide Erf 3309 Stellenbosch into two portions, proposed Erf 15889 and a remainder which will be approximately similar in size than the surrounding residential erven in the same residential block. The subject property was previously subdivided, but, as mentioned earlier, the approval lapsed, and it is required that a new application be lodged. The subject property is one of the larger erven in the specific area of Stellenbosch. The intention is to create 1 additional erf and a remainder.

The detail of the proposed application is tabled below:

Subdivision of Erf 3309 Stellenbosch			
Proposed Portions	Size	Land use	Zoning
Remainder	±488m <sup>2</sup>	Residential	Conventional Residential Zone
Proposed Erf 15889	±503m <sup>2</sup>	Vacant	Conventional Residential Zone

The proposed subdivision of Erf 3309 Stellenbosch follows the same configuration as the residential erven in the same residential block and would also be of similar size. After the subdivision of the subject property, proposed Erf 15889, a portion of Erf 3309 Stellenbosch and the remainder will be ±503m<sup>2</sup> and 488m<sup>2</sup> in extent, respectively.



The proposed subdivision line that will be the new common boundary between proposed Erf 15889 and Remainder Erf 3309 Stellenbosch will not have any impact on the existing structures situated on the subject property(as seen below). No building line departures will be required.



The proposed subdivision will have a positive impact on the economy of the area. By allowing the subdivision, one additional residential property will be created from which the municipality can attain bulk service levies as well as monthly rates and taxes. Future plans to develop proposed Erf 15889, a portion of Erf 3309 Stellenbosch will create temporary employment during the construction phase thereof.

### 3.5 ACCESS

The existing access to the dwelling and garage on the remainder of the erf will be retained.

The access point to proposed Erf 15889, a portion of Erf 3309 Stellenbosch will be confirmed with a building plan submission as the portion will be situated on the corner of Protea Street and Erasmus Smit Street.

### 3.6 **SERVICES.**

Erf 3309 Stellenbosch is situated in an already developed residential area, municipal services already exist to which the newly created erf can connect to. All required services will be constructed according to the specifications of the Stellenbosch Municipality.

### 3.7 **TITLE DEED**

There are no restrictive Title Deed conditions in Title Deed No. T40409/2004 that must be addressed in order for the proposed subdivision of Erf 3309 Stellenbosch to be approved as confirmed by the **conveyancing certificate by STBB dated 3 August 2022** attached as Annexure C.

There is no bond registered against Erf 3309 Stellenbosch.

### 3.8 **FORWARD PLANNING**

#### **Stellenbosch Municipality Spatial Development Framework (2019).**

In terms of the **Stellenbosch Municipality Spatial Development Framework (2019)** the subject property is situated in the Idas Valley residential area which is situated on the outskirts of the town centre of Stellenbosch. The SDF supports higher residential opportunity in the town centre, areas immediately surrounding it, and along major routes (with consideration of historic areas and structures).

The proposal is in line with the Spatial Development Framework. Although the subject property is zoned for Community zone according to the Stellenbosch Municipality Zoning map, the outcome of the pre-application consultation concluded that the zoning of the subject property can be deemed as **Conventional Residential Zone** (attached as Annexure A). The zoning be retained after the proposed application has concluded. The subject property is also larger than the erven in the area and the proposed subdivision is in line with the **Stellenbosch Municipality Spatial Development Framework (2019)**.



### **3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.9.1 HERITAGE VALUE**

The proposed subdivision does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). It should be noted that the proposed subdivision line will have no impact on the existing structures on the subject property.

In light of the above mentioned it is evident that the proposed subdivision will not have a negative impact on the heritage value of the subject property or the greater area of Idas Valley.

#### **3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed subdivision does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

### **3.10 PLANNING PRINCIPLES**

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

**Spatial Justice:** The proposed subdivision is in line with the current erf sizes and land use tendencies in the vicinity within the Stellenbosch, Idas Valley area. The proposed subdivision will create an opportunity for future landowners to obtain land.

**Spatial sustainability:** The proposed subdivision is in line with the current character of the established residential area. The proposed application will have no impact on

the conservation worthy areas of the Idas Valley area. Spatially the land use and erf size of the created portion and remainder will be in line with the residential character of this specific area.

**Efficiency:** The proposed application for the subdivision of Erf 3309 Stellenbosch will promote the optimisation of the use of space within a developed residential area. The subject property is also situated in close proximity to Helshoogte Road, Stellenbosch, which connects with the **R44**, which makes the subject property very accessible.

**Spatial Resilience** in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). In our opinion the principle of Spatial Resilience is not applicable to this application.

**Good administration:** Our Company is committed to the principle of good administration and will cooperate with the Stellenbosch Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2015.

4. **RECOMMENDATION**

When this application is evaluated, it is important to take note of the following:

- The proposed subdivision of Erf 3309 Stellenbosch falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing erf sizes in the area;
- The subject property falls within an already serviced area and the new portion can easily connect to existing services;
- The proposed subdivision will not have a negative impact on the current character and land values of the surrounding erven;
- The proposed application is in line with Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).

With regards to the above mentioned it would be appreciated if the Stellenbosch Municipality would consider the application favourably for the subdivision of Erf 3309 Stellenbosch.