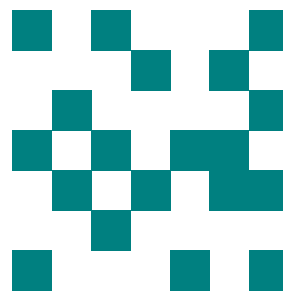


AHG Town Planning  
PO Box 2992  
Somerset West  
7129

E-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)

Tel: 086 148 7473  
Fax: 021 340 3221  
Cell: (Leon): 082 782 0374  
Cell: (Anneke): 083 235 6353



**Town Planning**

**ahG**

Your ref.:

*All interested and affected parties  
Alle geïnteresseerde en geïmpakkeerde partye*

Our ref.: **Erf 3526 STB**

Date: **2021-12-02**

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

### KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK AAN GEÏNTERESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

*Die volgende grondgebruiksaansoek in terme van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015, verwys:*

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

**AANSOEKER | APPLICANT:** AHG TOWN PLANNING  
PO Box 2992, Somerset West, 7129  
Email: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)  
Tel no: **082 782 0374** (Leon Jubilius)

**EIENAAR | OWNER:** ALETTA ELIZABETH LOFTIE-EATON

**AANSOEK NO | APPLICATION NR:** LU/13142

**TIPE AANSOEK / TYPE OF APPLICATION:** *Onderverdeling en opheffing van beperkende Titelakte voorwaardes*  
Subdivision and removal of restrictive Title Deed conditions

**EIENDOMSBEKRYWING | PROPERTY DESCRIPTION:** *Erf 3526 Stellenbosch*  
Erf 3526 Stellenbosch

**FISIËSE LIGGING | PHYSICAL LOCATION:** *Jonkershoekweg 92, Karindal*  
92 Jonkershoek Road, Karindal



**AHG Town Planning (Pty.) Ltd.** – Reg. 2006/017729/07  
Directors: **L Jubilius** TRP(SA) BA M.TRP; **JHM Nieuwoudt** Pr.Eng. M. Eng (STELL),  
**HA Meyer** B.Eng (STELL),  
Non-Executive: **Prof MM Loubser** BA LLB D Phil (Oxon), **AJ Nieuwoudt** TRP(SA) BA M.TRP

Part of the AHG Group of Kingdom Companies

**AANSOEK BESONDERHEDE:**

Die aansoek onder oorweging is 'n aansoek in terme van artikels 15(2)(d), asook 15(2)(f) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015 (geproklameer op 20 Oktober 2015, kennisgewing-nommer 354/2015) en behels die **onderverdeling** van Erf 3526 in twee gedeeltes van 541m<sup>2</sup> en 'n Restant van 522m<sup>2</sup> groot.

Die aansoek behels verder die **opheffing van beperkende titel voorwaardes** D(1)(6)(a) tot D(1)(6)(c) uit die Titellakte van Erf 3526 om sodoende toe te laat vir die onderverdeling van die eiendom, die verwydering van die beperking vir die oprigting van 'n tweede woning, asook die titel akte boulyne.

Kennis geskied hiermee in terme van die genoemde Verordening dat die bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplanningsportaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>

Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat die besonderhede van die verwysings nommer van die aansoek, asook die naam, 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 vervat, kan ingedien word in terme van Artikel 50 van genoemde Verordening by die Aansoeker by wyse van 'n elektroniese pos aan: [leon.jubilius@ahq-property.co.za](mailto:leon.jubilius@ahq-property.co.za)

Die kommentaar moet binne **30 dae** vanaf die datum van hierdie kennisgewing ingedien word (uitgesluit die kern feesgety periode vanaf 22 Desember 2021 tot 14 Januarie 2022) en moet ontvang word voor of op die sluitingsdatum van **24 Januarie 2022**.

Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat sy/haar inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

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.

**APPLICATION DETAILS:**

The application under consideration is an application in terms of section 15(2)(d) as well as 15(2)(f) of the Stellenbosch Municipality Land Use Planning By-law, 2015 (promulgated 20 October 2015, notice number 354/2015) and entails the **subdivision of Erf 3526** into two portions of 541m<sup>2</sup> and a Remainder measuring 522m<sup>2</sup> in extent.

The application further entails **the removal of restrictive title conditions** D(1)(6)(a) to D(1)(6)(c) from the Title Deed of Erf 3526 in order to allow for the subdivision of the property, the removal of the restriction on the construction of a second dwelling and the title deed building lines.

Notice is hereby given in terms of the said By-law 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:

If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, 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 in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail to: [leon.jubilius@ahq-property.co.za](mailto:leon.jubilius@ahq-property.co.za)

The comments must be submitted within **30 days** from the date of this notice (excluding the core festive period of 22 December 2021 to 14 January 2022) to be received on or before the closing date of **24 January 2022**.

By lodging an objection, comment or representation, the person doing so acknowledges that his/her information may be made available to the public and to the applicant.

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.

*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 **082 782 0374** tussen 08h00 en 17h00 op weekdae.*

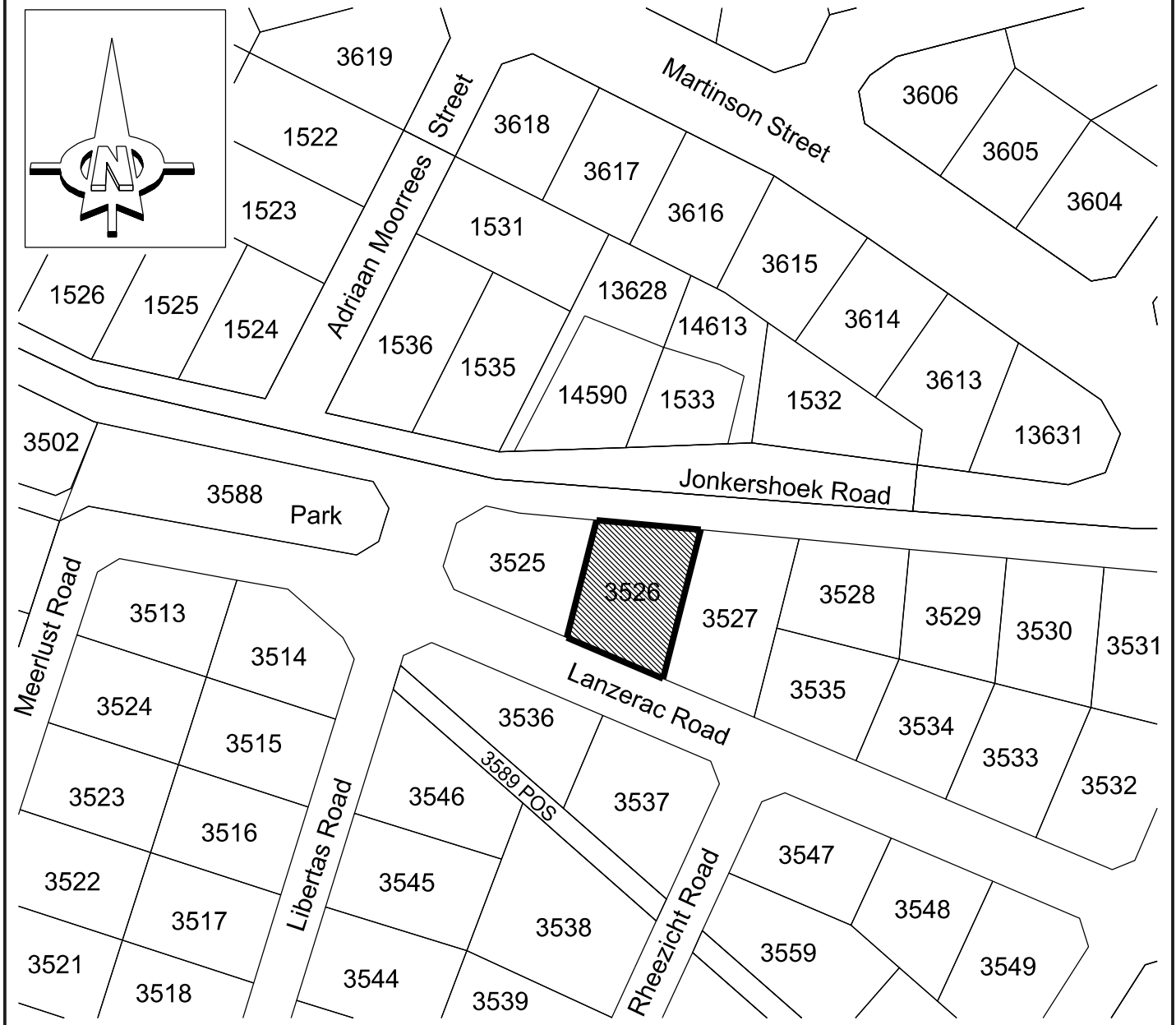
*For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **082 782 0374** between 08h00 and 17h00 on weekdays.*

Die Uwe  
Yours faithfully,

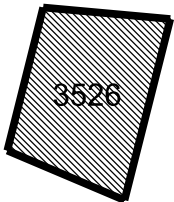
A handwritten signature in black ink, appearing to read 'L. Jubilius', written in a cursive style.

**LEON JUBILIUS Pr. Pln**  
Reg. no. A/1061/1998

# ERF 3526 STELLENBOSCH



Notes:



= Denotes Erf 3526

Scale: 1 : 1 500

Project:

Erf 3526, Karindal  
Stellenbosch

Date: August 2021

Ref: Erf 3526\_Loc

**ahG**

Town Planning

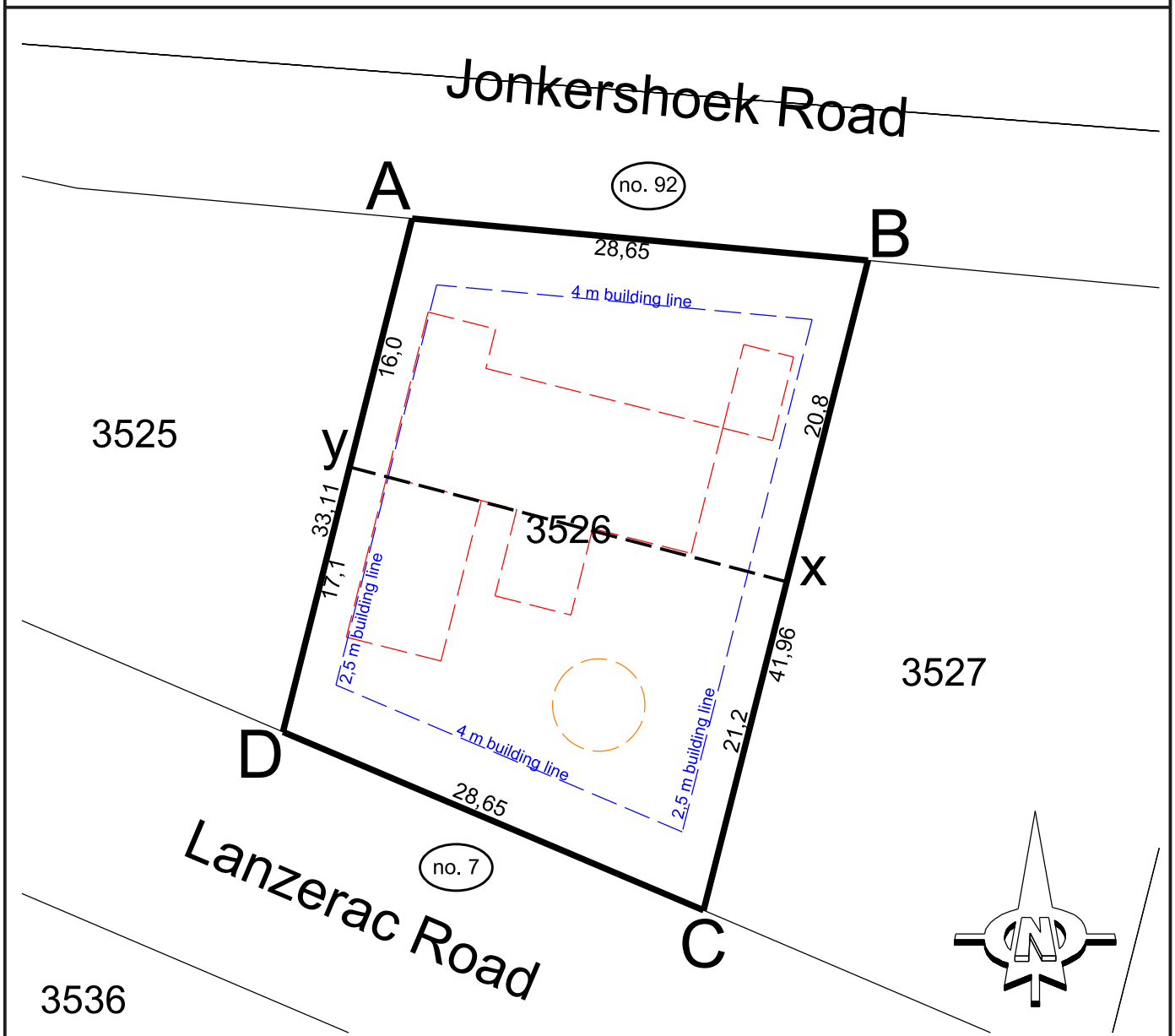
Town and Regional Planners

PO Box 2992  
Somerset West  
7129

TEL: 021 840 3220  
FAX: 086 511 6639  
CELL: 082 782 0374

E-Mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)

# SUBDIVISION



## Notes:

1. The figure ABCDA represents Erf 3526 Karindal, Stellenbosch measuring 1 063 m<sup>2</sup>
2. Proposed subdivision:
  - 2.1.1 The figure indicated as yxCDy represent the proposed Subdivision, measuring 541 m<sup>2</sup>
  - 2.1.2 The figure indicated as ABxYA represent the proposed Remainder, measuring 522 m<sup>2</sup>
3. Zoning:

Applicable Zoning Scheme: Stellenbosch Municipality Zoning Scheme By-Law, 2019.

Proposed zoning Subdivision: Conventional Residential Zone (CR)

Proposed zoning Remainder: Conventional Residential Zone (CR)
4. All sizes and dimensions are approximate and subject to final survey.

Scale: 1 : 400

## Project:

Proposed Subdivision:  
Erf 3526, Karindal  
Stellenbosch

Date: 25 August 2021 Ref: Erf 3526\_sub\_rev 2

**ahG** Town Planning

Town and Regional Planners

PO Box 2992  
Somerset West  
7129

TEL: 021 840 3220  
FAX: 086 511 6639  
CELL: 082 782 0374

E-Mail: leon.jubilius@ahg-property.co.za

## 1. GENERAL INFORMATION

### 1.1 INTRODUCTION

AHG Town Planning was appointed by the owner of Erf 3526, Stellenbosch to apply on her behalf for the subdivision of the property as well as the removal of restrictive conditions from the Title Deed.

The purpose of the report is to outline the proposed development and motivate the different aspects involved in order to obtain the approval of Stellenbosch Municipality.

### 1.2 LOCALITY

Erf 3526, Stellenbosch is situated in the neighbourhood of Karindal and is bordered by both Jonkershoek Road to the North and Lanzerac Road to the South.

The physical address of the application site is No 92, Jonkershoek Road. A Locality Plan is attached.

The site falls within the jurisdiction area of the Stellenbosch Local Municipality.

### 1.3 TITLE ASPECTS

The property is held by virtue of Deed of Transfer T53759/1999, a copy of which is included.

#### 1.3.1 PROPERTY DESCRIPTION

By virtue of Title Deed T53759/1999, the property is described as:

*ERF 3526 STELLENBOSCH, in die Munisipaliteit en Afdeling STELLENBOSCH, Provinsie WES-KAAP,*

#### 1.3.2 CONVEYANCE CERTIFICATE

A Conveyancer's Certificate is currently being prepared and will be included into the application shortly.

#### 1.3.2 SIZE

The property is **1063 m<sup>2</sup>** in extent.

#### 1.3.3 OWNERSHIP

The property is registered in the names of **Aletta Elizabeth Loftie-Eaton (ID 620831 0148 088)**.

#### 1.3.4 MORTGAGE BONDS:

There are no bonds registered against the title of the property.

1.3.5 TITLE DEED CONDITIONS:

Title Conditions D(I)(6)(a) as well as D(I)(6)(b) and D(I)(6)(c) on page 4 of the title deed included are either restricting the proposed application for subdivision or could restrict future building activity by creating unnecessary administrative burdens and needs to be removed.

Further, title Conditions D(II) numbered 1 to 11 reserves certain rights of approval for the historic Township Owner being “*Karindal Estates (PTY) Ltd*” and places further restrictions on the erven in the township,.

It is highly unlikely that the owner will be able obtain approvals from this company, since both the Company Search, as well as a Deeds Office Company search yielded **NO** results. See below:

**Karindal Estates PTY LTD Deeds Office Company Report:**  
(No results found)

The screenshot shows the Lexis WinDeed interface for a 'DEEDS OFFICE COMPANY REPORT'. The top navigation bar includes 'Search', 'All Results', 'Documents', and 'Manage Account'. A 'New WinDeed Experience - Try it Now!' banner is present. The main content area is divided into sections: 'DOCUMENT MAP' (Search Summary, Cape Town (0)), 'DEEDS OFFICE COMPANY REPORT' (Printer Friendly, Save/View RTF, Email PDF), 'SEARCH SUMMARY' (This section shows a summary of your Deeds Office company searches. Table with columns: Deeds Office, Name, ID / Reg. Number. Results: CAPE TOWN, KARINDAL ESTATES LTD, -; CAPE TOWN, KARINDAL ESTATES PTY LTD, -), 'COMPANY RESULTS' (CAPE TOWN (0) ← red arrow), and 'Disclaimer'.

**Karindal Estates PTY LTD Company Report:**  
(No results found)

The screenshot shows the Lexis WinDeed interface for a 'NO RESULT' search. The top navigation bar is identical to the previous screenshot. The main content area includes: 'NO RESULT', 'Printer Friendly', 'Save/View RTF', 'Email PDF', a privacy notice, 'SEARCH DETAILS' (Date requested: 2021/08/26 16:34, Company name: KARINDAL ESTATES, Filter applied: CONTAINS), 'THERE IS NO INFORMATION AVAILABLE THAT MATCHES YOUR SEARCH CRITERIA.' ← red arrow, and 'Disclaimer'.

#### 1.4 EXISTING ZONING AND LAND USE

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, Erf 3526 is zoned “Conventional Residential Zone”.

The property is developed with a residential dwelling house and normal outbuildings.



The above aerial photo shows the property in the contexts of its surrounding environment

#### 1.5 SURROUNDING ZONING AND LAND USE

The application site is located within a residential area known as Karindal. Abutting the application site are single residential uses to the North, East and South. A Public Open Space is situated one property to the West of the application site



## 2. THE APPLICATION

### 2.1 APPLICATION I.T.O PREVAILING LEGISLATION

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, Erf 3526 is zoned “Conventional Residential Zone”.

The following applications are made:

- *Application is made In terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law, 2015 for the subdivision of Erf 3526.*
- *Application is made in terms of Section 15(2)(f) Stellenbosch Municipality Land Use Planning By-law, 2015 for the removal of conditions D(1)(6)(a); D(1)(6)(b) and D(1)(6)(c) on page 4 of Title Deed T53759/1999.*

### 2.2 PROPOSED DEVELOPMENT

The owner of the property would like to subdivide the existing erf into two (almost) equal portions. After approval of the subdivision application, the existing house will be demolished and 2 new dwelling houses constructed, one on each of the created portions.

## 3. MOTIVATION

### 3.1 OVERVIEW AND NEED FOR DEVELOPMENT

The owner of this property and her husband bought the house 22 years ago. They raised their children here and have now reached the point where the children is moving out and they want to scale down and prepare for their retirement.

They plan to subdivide the property and build a new house on the one portion where they will be moving into and sell the other portion to a prospective buyer.

Many similar developments have taken place in the immediate area and numerous new houses are under construction in this area. Land, in this sought after neighbourhood, is in very high demand and people mostly buy the older houses and demolish the structures to build new modern and efficient homes.

The income derived from selling the subdivided portion of this property will be used for the construction of their new home, while creating a new property in this sought after location.

### **Subdivision**

In reference to the sketch plan included, it is proposed that the property currently **1 063 m<sup>2</sup>** in extent, be divided as follows:

The figure indicated as “**yxCDy**” represent the proposed **Subdivision**, measuring **541 m<sup>2</sup>**. This will leave a **Remainder** measuring **522 m<sup>2</sup>**, indicated by the figure “**ABxyA**”.

### **In terms of the Title Deed, the following restrictive conditions on page 4 of Title Deed T53759/1999, must be removed:**

- D(I)(6)(a) *it shall not be subdivided;*
- D(I)(6)(b) *it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;*
- D(I)(6)(c) *no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 6,3 meters to the street line which forms the boundary of this erf, nor within 4,72 meters of the rear or 3,15 meters of the lateral boundary common to any adjoining erf, provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3,05 meters in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9,45 meters reckoned from the rear boundary.*

Condition (a) is restrictive in prohibiting the proposed subdivision and needs to be removed from the title deed in order for the subdivision to proceed.

Condition (b) restricts the development on the erf to “one” single dwelling, and although no additional dwellings are envisaged, a prospective developer in the future might want to apply in terms of the Zoning Scheme By-Law for an additional dwelling. The zoning scheme provides for sufficient processes for such an application and by removing this condition now, also removes this unnecessary layer of approval that might be required in future.

Condition (c), similarly than in the case above, the Zoning Scheme Bylaw provides for building lines and also for processes to be followed when a building line needs to be relaxed. The building lines in the title deed is deemed to be very excessive for the smaller erven that will be created during the subdivision, and although the restriction itself provides for the relaxation thereof, it is an unnecessary layer of approval that must be obtained and costs that need to be incurred. It is best to also remove this restriction now to make it easier to apply in future, should the need arise for building lines to be relaxed in terms of the zoning Scheme.

## **3.3 DESIRABILITY OF THE PROPOSED DEVELOPMENT**

### **3.3.1 ACCESSIBILITY & PARKING**

The property has an existing access on Jonkershoek Road and one access on Lanzerac Street. This situation will remain unchanged with the proposed subdivision taking access of Lanzerac Street and the Remainder off Jonkershoek Road.

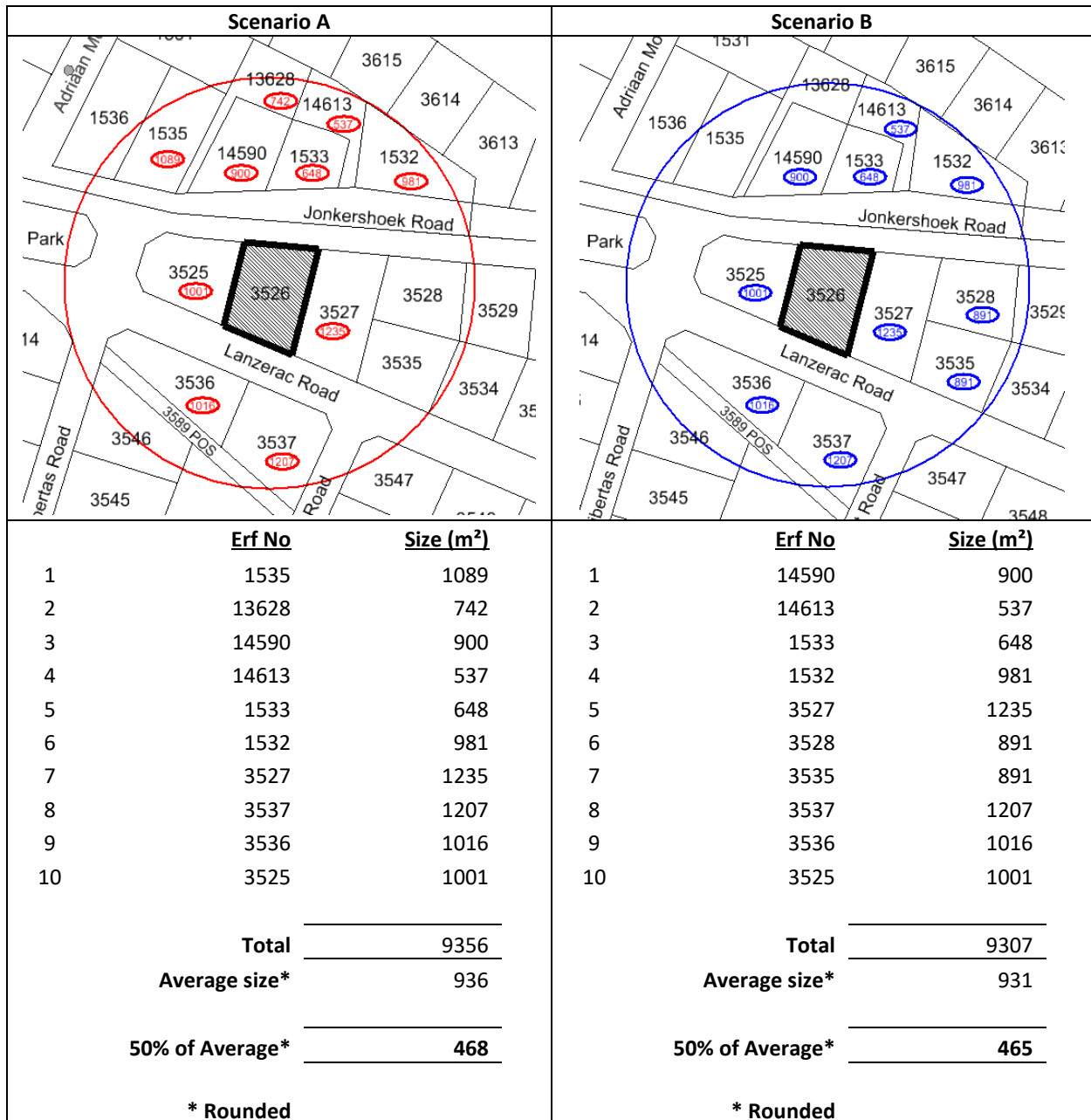
Parking bays will be provided in line with the requirements of the Zoning Scheme By-Law.

**3.2.2 STELLENBOSCH MUNICIPALITY SUBDIVISION POLICY, 2003**

In short, the policy states that:

*“A single residential erf may be subdivided if none of the portions that will be formed will be smaller than 50% of the existing average size of the 10 surrounding properties.”*

Two scenarios were analysed taking into account 10 surrounding properties, indicated below:



In applying the said policy, a minimum subdivision size of between **468 m<sup>2</sup> and 465 m<sup>2</sup>** may be allowed.

The smaller of the 2 portions created by this proposed subdivision will be **± 522 m<sup>2</sup>**, which is much larger than the minimum size allowed for in the said policy, therefore **the proposed subdivision will be in line with the said policy.**

### 3.2.3 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

Section 7 stipulates principles that apply to spatial planning, land development & land use management. Under the principles of spatial sustainability and efficiency:

- Under the principle of spatial sustainability that: spatial planning must (*inter alia*) protect prime and unique agricultural land and promote land development in locations that are sustainable **and limit urban sprawl** and result in communities that are viable.
- Under the principle of efficiency that: land development optimises the use of **existing resources and infrastructure**.

The location of the property within the existing build up area of Stellenbosch ensures that the proposed development is compliant with these principles.

### 3.2.4 WESTERN CAPE LAND USE PLANNING ACT, 2014.

Chapter 6 stipulates principles that apply to land use planning. Under the principles of spatial sustainability:

land use planning should (*inter alia*) —

- (i) promote land development that is **spatially compact**, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;
- (ii) ensure that special consideration is given to the **protection** of prime, unique and high potential **agricultural land**;
- (vi) promote land development in locations that are sustainable and **limit urban sprawl**;

Under the principles of spatial efficiency:

- (a) land development should **optimise** the use of ***existing resources, infrastructure, agriculture, land, minerals and facilities***;
- (b) integrated cities and towns should be developed, whereby—
  - (i) the social, economic, ***institutional*** and physical aspects of land development is integrated;
  - (ii) land development in rural and urban areas in support of each other is promoted;
  - (iii) the **availability of residential and employment opportunities in close proximity** to, or **integrated** with, each other is **promoted**;
  - (iv) a **diverse combination of land uses** is **promoted**;
  - (v) the phenomenon of **urban sprawl** in urban areas is **discouraged** and the development of **more compact towns** and cities with **denser habitation** is promoted;
  - (vi) historically distorted spatial patterns of settlement are corrected; and
  - (vii) the quality and functionality of the public spatial environment is promoted;

The above selected extracts, with relevant **emphasis added**, indicates the support and legislative requirement for well-planned and coordinated densification. This application is therefore deemed compliant with this legislative principles.

### 3.3.5 AVAILABILITY OF ENGINEERING SERVICES

The property is linked to existing municipal service infrastructure and the application will have little additional service capacity requirements, new services connections will be provided for the additional portion created.

### 3.3.6 IMPACT ON THE ENVIRONMENT:

The proposed development will consist of two new architect designed dwelling houses. It is our opinion that the addition of these well designed houses to this property will bring much needed renewal and enhance the character of the area.

### 3.3.7 PUBLIC PARTICIPATION

The adjacent property owners will be notified of the proposed subdivision as per the requirements of the By-law and notifications send per registered mail / email. Furthermore the application will be advertised in the media for comments and or objections.

Any neighbour who feels that their rights are affected will have an opportunity to make a representation or lodge an objection. This is however not anticipated since the redevelopment of this property is expected to enhance the character of the area and is viewed as a positive addition to the street scape.

## 4. SUMMARY AND CONCLUSION

Application is made for the subdivision of the erf into two portions and the removal of restrictive conditions from the title deed of the property. The owner intends to submit a building plan for the construction of new dwelling house on the remainder also to sell the proposed subdivision to a prospective buyer who will in return also construct a new dwelling thereon.

The information provided supports the fact that the proposed subdivision will be desirable in this area and of little significance to the rest of the area or the neighbours.

\* \* \*



## Nicole Katts

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**From:** Nicole Katts  
**Sent:** Wednesday, 15 September 2021 11:07  
**To:** leon.jubilius@ahg-property.co.za  
**Subject:** INVOICE: APPLICATION FOR SUBDIVISION AND REMOVAL - ERF 3526  
STELLENBOSCH  
**Attachments:** INV - ERF 3526 STELLENBOSCH.pdf

Good day Leon

I trust that you are well.

Pre-scrutiny of your documentation as submitted on 27 May 2021 has been completed. The documentation is considered complete and you may now pay the following fees into Council's bank account within the next two (2) working days. Please provide this office with a copy of your proof of payment.

**Application is made for the following:**

- Subdivision
- Removal



Stellenbosch Municipality  
Nicole Katts  
Municipal Engineer  
Planning & Economic Development  
www.stellenboschmunicipality.gov.za



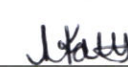

## PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015			Date of Submission of Application	09/09/2021	
<b>Erf / Erven/ Farm no</b>	3526	<b>Portion(s) if farm</b>	<b>Allotment Area</b>	Stellenbosch	
<b>Owner / Applicant</b>	AHG Town Planning – Leon Jubilius		<b>Contact number</b>	086 148 7473	
<b>Email address</b>	<a href="mailto:Leon.jubilius@ahg-property.co.za">Leon.jubilius@ahg-property.co.za</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			✓		
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			Still to be submitted.		
14. Feedback on Pre-application scrutiny			✓		
15. Minutes of Pre-consultation Meeting					
16. Consolidation plan					
17. Street name and numbering plan					

<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.



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

Outstanding information (to be completed by Planner):

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**NOTES:**

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

AHG Town Planning

PO Box 2992  
Somerset West  
7129

Tel: 086 148 7473  
Fax: 021 840 3221  
Cell: (Leon): 082 782 0374  
Cell: (Anneke): 083 235 6353  
E-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)



Town Planning

The Municipal Manager  
Stellenbosch Local Municipality  
PO Box 17  
**STELLENBOSCH**  
7600

Your ref.:

Our ref.: **STB/ERF 3526**

Date: **2021-09-06**

**Attention:** Mr Ulrich von Molendorff.

**STELLENBOSCH: ERF 3526: APPLICATION FOR SUBDIVISION AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS**

Attached, please find the following documents to facilitate the processing of this application:

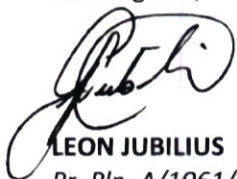
- ❖ Application form, completed and signed
- ❖ Motivating memorandum
- ❖ Locality plan
- ❖ Subdivision plan
- ❖ Title Deed T53759/1999
- ❖ Power of Attorney to act on behalf of the owner
- ❖ Written feedback of pre-application scrutiny
- ❖ Copy of general plan
- ❖ Prescribed application fees to be paid on receipt of an invoice.

Please note the following documents are awaited and will be send for inclusion into the application shortly:

- ❖ Conveyancer's certificate

Please contact us should you require any additional information.

Kind regards,



**LEON JUBILIUS**  
Pr. Pln A/1061/1998

**AHG Town Planning (Pty.) Ltd.** – Reg. 2006/017729/07  
**Directors:** L Jubilius TRP(SA) BA M.TRP; JHM Nieuwoudt Pr.Eng. M. Eng (STELL),  
HA Meyer B.Eng (STELL),  
**Non-Executive:** Prof MM Loubser BA LLB D Phil (Oxon), AJ Nieuwoudt TRP(SA) BA M.TRP



Part of the AHG Group of  
Kingdom Companies

# Application Form

**ahG** **Town Planning**

po box 2992 somerset west 7129  
e-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)  
cell: 082 782 0374



# 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)

**KINDLY NOTE:** Please complete this form using BLOCK letters and ticking the appropriate boxes.

#### PART A: APPLICANT DETAILS

First name(s)	Leon				
Surname	Jubilius				
Company name (if applicable)	AHG Town Planning				
Postal Address	PO Box 2992				
	Somerset West			Postal Code	7129
Email	leon.jubilius@ahg-property.co.za				
Tel	021 840 3220	Fax	021 840 3221	Cell	082 782 0374

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

Registered owner(s)	Aletta Elizabeth Loftie-Eaton				
Physical address	P/A: AHG Town Planning				
	PO Box 2992			Postal code	7129
E-mail	leon.jubilius@ahg-property.co.za				
Tel	021 840 3220	Fax	021 840 3221	Cell	082 782 0374

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

Erf / Erven / Farm No.	3526	Portion(s) if Farm		Allotment area	Stellenbosch	
Physical Address	92 Jonkershoek Road					
	Karindal					
	Stellenbosch					
Current Zoning	Conventional housing zone	Extent	1063 m <sup>2</sup> / ha	Are there existing buildings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law, 2019					

Current Land Use	Dwelling house and outbuildings									
Title Deed number and date	T	T53759/1999								
Attached Conveyance's Certificate	X	N	Any Restrictions in the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate <a href="#">See motivating memorandum</a>							
Are the restrictive conditions in favour of a third party(ies)?	X	N	If Yes, list the party(ies): <a href="#">See Motivating Memorandum</a>							
Is the property encumbered by a bond?	Y	X <sup>1</sup>	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	X <sup>1</sup>	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	Y	X <sup>1</sup>	Is the building older than 60 years? <i>(to the best of the owner's knowledge - Not</i>	Y	X	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	X	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.	
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	X	If yes, is this application to legalize the building / land use??		Y	X				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	X	Are there any land claim(s) registered on the subject property(ies)?		Y	X				
<b>PART D: PRE-APPLICATION CONSULTATION</b>										
Has there been any pre-application consultation?	X	N	If Yes, please attach the minutes of the pre-application consultation.							
Has the pre-application scrutiny form been submitted?	X	N	If yes, please attach the written feedback received.							
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>										
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>										
Tick	<b>Type of application: Cost are obtainable from the Council Approved tariffs</b>									
	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									
X	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement									
	15(2)(e) a consolidation of land that is not exempted in terms of section 24									
X	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit									
	15(2)(g) a permission required in terms of the zoning scheme									

<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)(h) an amendment, deletion or imposition of conditions in respect of an existing approval
15(2)(i) an extension of the validity period of an approval
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
15(2)(l) a permission required in terms of a condition of approval
15(2)(m) a determination of a zoning
15(2)(n) a closure of a public place or part thereof
15(2)(o) a consent use contemplated in the zoning scheme
15(2)(p) an occasional use of land
15(2)(q) to disestablish a home owner's association
15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
15(2)(l) amendment of Site Development Plan
15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

**OTHER APPLICATIONS**

Deviation from Council Policies/By-laws	R
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
Other (specify): _____	R

**TOTAL A: R****PRESCRIBED NOTICE AND FEES\*\* (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	<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

**TOTAL B: R****TOTAL APPLICATION FEES\* (TOTAL A + B) R**

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

\*\*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)	AHG Town Planning PTY Ltd.
Postal Address	PO Box 2992, Somerset West, 7129
Vat Number (where applicable)	4910231374

**PART F: DETAILS OF PROPOSAL**

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

**Brief description of proposed development / intent of application:**

Subdivision into 2 portions as per included subdivision plan as well as removal of restrictive Title Deed conditions


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



Y	N	<input checked="" type="checkbox"/> A	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"/> A	Required number of documentation copies	Y	N	<input checked="" type="checkbox"/> A	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"/> A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	<input checked="" type="checkbox"/> A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y <input checked="" type="checkbox"/> A National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	<input checked="" type="checkbox"/> A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y <input checked="" type="checkbox"/> A National Water Act, 1998 (Act 36 of 1998)
Y	<input checked="" type="checkbox"/> A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y <input checked="" type="checkbox"/> A Other (specify)
Y	<input checked="" type="checkbox"/> A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
Y	<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: 2021-09-06

Full name: Leon Jubilius Pr. Pln

Professional capacity: Professional Planner Reg. no. A/1061/1998

**FOR OFFICE USE ONLY**

<p>Date received: _____</p> <p>Received By: _____</p>	<div style="border: 1px solid black; width: 100%; height: 100%;"></div>
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# Motivating Report

**ahG** **Town Planning**

po box 2992 somerset west 7129  
e-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)  
cell: 082 782 0374

## 1. GENERAL INFORMATION

### 1.1 INTRODUCTION

AHG Town Planning was appointed by the owner of Erf 3526, Stellenbosch to apply on her behalf for the subdivision of the property as well as the removal of restrictive conditions from the Title Deed.

The purpose of the report is to outline the proposed development and motivate the different aspects involved in order to obtain the approval of Stellenbosch Municipality.

### 1.2 LOCALITY

Erf 3526, Stellenbosch is situated in the neighbourhood of Karindal and is bordered by both Jonkershoek Road to the North and Lanzerac Road to the South.

The physical address of the application site is No 92, Jonkershoek Road. A Locality Plan is attached.

The site falls within the jurisdiction area of the Stellenbosch Local Municipality.

### 1.3 TITLE ASPECTS

The property is held by virtue of Deed of Transfer T53759/1999, a copy of which is included.

#### 1.3.1 PROPERTY DESCRIPTION

By virtue of Title Deed T53759/1999, the property is described as:

*ERF 3526 STELLENBOSCH, in die Munisipaliteit en Afdeling STELLENBOSCH, Provinsie WES-KAAP,*

#### 1.3.2 CONVEYANCE CERTIFICATE

A Conveyancer's Certificate is currently being prepared and will be included into the application shortly.

#### 1.3.2 SIZE

The property is **1063 m<sup>2</sup>** in extent.

#### 1.3.3 OWNERSHIP

The property is registered in the names of **Aletta Elizabeth Loftie-Eaton (ID 620831 0148 088)**.

#### 1.3.4 MORTGAGE BONDS:

There are no bonds registered against the title of the property.

1.3.5 TITLE DEED CONDITIONS:

Title Conditions D(I)(6)(a) as well as D(I)(6)(b) and D(I)(6)(c) on page 4 of the title deed included are either restricting the proposed application for subdivision or could restrict future building activity by creating unnecessary administrative burdens and needs to be removed.

Further, title Conditions D(II) numbered 1 to 11 reserves certain rights of approval for the historic Township Owner being “*Karindal Estates (PTY) Ltd*” and places further restrictions on the erven in the township.

It is highly unlikely that the owner will be able obtain approvals from this company, since both the Company Search, as well as a Deeds Office Company search yielded **NO** results. See below:

**Karindal Estates PTY LTD Deeds Office Company Report:**  
(No results found)

**Karindal Estates PTY LTD Company Report:**  
(No results found)

#### 1.4 EXISTING ZONING AND LAND USE

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, Erf 3526 is zoned "Conventional Residential Zone".

The property is developed with a residential dwelling house and normal outbuildings.



The above aerial photo shows the property in the contexts of its surrounding environment

#### 1.5 SURROUNDING ZONING AND LAND USE

The application site is located within a residential area known as Karindal. Abutting the application site are single residential uses to the North, East and South. A Public Open Space is situated one property to the West of the application site

## 2. THE APPLICATION

### 2.1 APPLICATION I.T.O PREVAILING LEGISLATION

In terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, Erf 3526 is zoned "Conventional Residential Zone".

The following applications are made:

- *Application is made In terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law, 2015 for the subdivision of Erf 3526.*
- *Application is made in terms of Section 15(2)(f) Stellenbosch Municipality Land Use Planning By-law, 2015 for the removal of conditions D(1)(6)(a); D(1)(6)(b) and D(1)(6)(c) on page 4 of Title Deed T53759/1999.*

### 2.2 PROPOSED DEVELOPMENT

The owner of the property would like to subdivide the existing erf into two (almost) equal portions. After approval of the subdivision application, the existing house will be demolished and 2 new dwelling houses constructed, one on each of the created portions.

## 3. MOTIVATION

### 3.1 OVERVIEW AND NEED FOR DEVELOPMENT

The owner of this property and her husband bought the house 22 years ago. They raised their children here and have now reached the point where the children is moving out and they want to scale down and prepare for their retirement.

They plan to subdivide the property and build a new house on the one portion where they will be moving into and sell the other portion to a prospective buyer.

Many similar developments have taken place in the immediate area and numerous new houses are under construction in this area. Land, in this sought after neighbourhood, is in very high demand and people mostly buy the older houses and demolish the structures to build new modern and efficient homes.

The income derived from selling the subdivided portion of this property will be used for the construction of their new home, while creating a new property in this sought after location.

### **Subdivision**

In reference to the sketch plan included, it is proposed that the property currently 1 063 m<sup>2</sup> in extent, be divided as follows:

The figure indicated as “yxCDy” represent the proposed **Subdivision**, measuring 541 m<sup>2</sup>. This will leave a **Remainder** measuring 522 m<sup>2</sup>, indicated by the figure “ABxyA”.

### **In terms of the Title Deed, the following restrictive conditions on page 4 of Title Deed T53759/1999, must be removed:**

- D(l)(6)(a) *it shall not be subdivided;*
- D(l)(6)(b) *it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;*
- D(l)(6)(c) *no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 6,3 meters to the street line which forms the boundary of this erf, nor within 4,72 meters of the rear or 3,15 meters of the lateral boundary common to any adjoining erf, provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3,05 meters in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9,45 meters reckoned from the rear boundary.*

Condition (a) is restrictive in prohibiting the proposed subdivision and needs to be removed from the title deed in order for the subdivision to proceed.

Condition (b) restricts the development on the erf to “one” single dwelling, and although no additional dwellings are envisaged, a prospective developer in the future might want to apply in terms of the Zoning Scheme By-Law for an additional dwelling. The zoning scheme provides for sufficient processes for such an application and by removing this condition now, also removes this unnecessary layer of approval that might be required in future.

Condition (c), similarly than in the case above, the Zoning Scheme Bylaw provides for building lines and also for processes to be followed when a building line needs to be relaxed. The building lines in the title deed is deemed to be very excessive for the smaller erven that will be created during the subdivision, and although the restriction itself provides for the relaxation thereof, it is an unnecessary layer of approval that must be obtained and costs that need to be incurred. It is best to also remove this restriction now to make it easier to apply in future, should the need arise for building lines to be relaxed in terms of the zoning Scheme.

## **3.3 DESIRABILITY OF THE PROPOSED DEVELOPMENT**

### **3.3.1 ACCESSIBILITY & PARKING**

The property has an existing access on Jonkershoek Road and one access on Lanzerac Street. This situation will remain unchanged with the proposed subdivision taking access of Lanzerac Street and the Remainder off Jonkershoek Road.

Parking bays will be provided in line with the requirements of the Zoning Scheme By-Law.



3.2.2 STELLENBOSCH MUNICIPALITY SUBDIVISION POLICY, 2003

In short, the policy states that:

*“A single residential erf may be subdivided if none of the portions that will be formed will be smaller than 50% of the existing average size of the 10 surrounding properties.”*

Two scenarios were analysed taking into account 10 surrounding properties, indicated below:

Scenario A			Scenario B		
	<b>Erf No</b>	<b>Size (m<sup>2</sup>)</b>		<b>Erf No</b>	<b>Size (m<sup>2</sup>)</b>
1	1535	1089	1	14590	900
2	13628	742	2	14613	537
3	14590	900	3	1533	648
4	14613	537	4	1532	981
5	1533	648	5	3527	1235
6	1532	981	6	3528	891
7	3527	1235	7	3535	891
8	3537	1207	8	3537	1207
9	3536	1016	9	3536	1016
10	3525	1001	10	3525	1001
	<b>Total</b>	<b>9356</b>		<b>Total</b>	<b>9307</b>
	<b>Average size*</b>	<b>936</b>		<b>Average size*</b>	<b>931</b>
	<b>50% of Average*</b>	<b>468</b>		<b>50% of Average*</b>	<b>465</b>
	<b>* Rounded</b>			<b>* Rounded</b>	

In applying the said policy, a minimum subdivision size of between **468 m<sup>2</sup>** and **465 m<sup>2</sup>** may be allowed.

The smaller of the 2 portions created by this proposed subdivision will be **± 522 m<sup>2</sup>**, which is much larger than the minimum size allowed for in the said policy, therefore **the proposed subdivision will be in line with the said policy.**

### 3.2.3 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

Section 7 stipulates principles that apply to spatial planning, land development & land use management. Under the principles of spatial sustainability and efficiency:

- Under the principle of spatial sustainability that: spatial planning must (*inter alia*) protect prime and unique agricultural land and promote land development in locations that are sustainable **and limit urban sprawl** and result in communities that are viable.
- Under the principle of efficiency that: land development optimises the use of **existing resources and infrastructure**.

The location of the property within the existing build up area of Stellenbosch ensures that the proposed development is compliant with these principles.

### 3.2.4 WESTERN CAPE LAND USE PLANNING ACT, 2014.

Chapter 6 stipulates principles that apply to land use planning. Under the principles of spatial sustainability:

land use planning should (*inter alia*) —

- (i) promote land development that is **spatially compact**, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;
- (ii) ensure that special consideration is given to the **protection** of prime, unique and high potential **agricultural land**;
- (vi) promote land development in locations that are sustainable and **limit urban sprawl**;

Under the principles of spatial efficiency:

- (a) land development should **optimise** the use of **existing resources, infrastructure, agriculture, land, minerals and facilities**;
- (b) integrated cities and towns should be developed, whereby—
  - (i) the social, economic, ***institutional*** and physical aspects of land development is integrated;
  - (ii) land development in rural and urban areas in support of each other is promoted;
  - (iii) the **availability of residential and employment opportunities in close proximity** to, or **integrated** with, each other is **promoted**;
  - (iv) a **diverse combination of land uses** is **promoted**;
  - (v) the phenomenon of **urban sprawl** in urban areas is **discouraged** and the development of **more compact towns** and cities with **denser habitation** is promoted;
  - (vi) historically distorted spatial patterns of settlement are corrected; and
  - (vii) the quality and functionality of the public spatial environment is promoted;

The above selected extracts, with relevant **emphasis added**, indicates the support and legislative requirement for well-planned and coordinated densification. This application is therefore deemed compliant with this legislative principles.

### 3.3.5 AVAILABILITY OF ENGINEERING SERVICES

The property is linked to existing municipal service infrastructure and the application will have little additional service capacity requirements, new services connections will be provided for the additional portion created.

### 3.3.6 IMPACT ON THE ENVIRONMENT:

The proposed development will consist of two new architect designed dwelling houses. It is our opinion that the addition of these well designed houses to this property will bring much needed renewal and enhance the character of the area.

### 3.3.7 PUBLIC PARTICIPATION

The adjacent property owners will be notified of the proposed subdivision as per the requirements of the By-law and notifications send per registered mail / email. Furthermore the application will be advertised in the media for comments and or objections.

Any neighbour who feels that their rights are affected will have an opportunity to make a representation or lodge an objection. This is however not anticipated since the redevelopment of this property is expected to enhance the character of the area and is viewed as a positive addition to the street scape.

## 4. SUMMARY AND CONCLUSION

Application is made for the subdivision of the erf into two portions and the removal of restrictive conditions from the title deed of the property. The owner intends to submit a building plan for the construction of new dwelling house on the remainder also to sell the proposed subdivision to a prospective buyer who will in return also construct a new dwelling thereon.

The information provided supports the fact that the proposed subdivision will be desirable in this area and of little significance to the rest of the area or the neighbours.

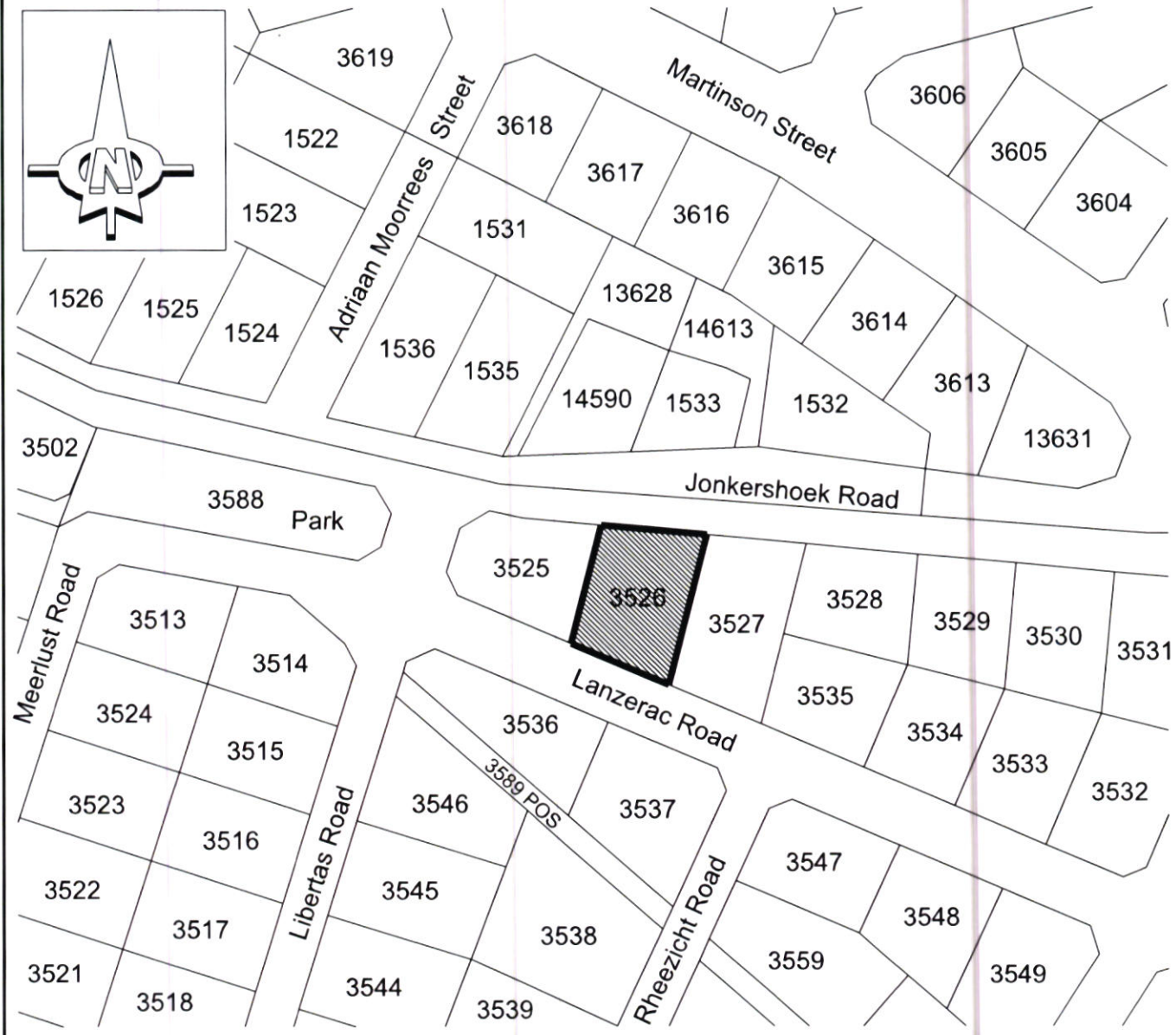
\* \* \*

# Locality Plan

**ahG** **Town Planning**

po box 2992 somerset west 7129  
e-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)  
cell: 082 782 0374

# ERF 3526 STELLENBOSCH



Notes:



= Denotes Erf 3526

Scale: 1 : 1 500

Project:

Erf 3526, Karindal  
Stellenbosch

Date:

August 2021

Ref:

Erf 3526\_Loc

## ahG

Town Planning

Town and Regional Planners

PO Box 2992  
Somerset West  
7129

TEL: 021 840 3220  
FAX: 086 511 6639  
CELL: 082 782 0374

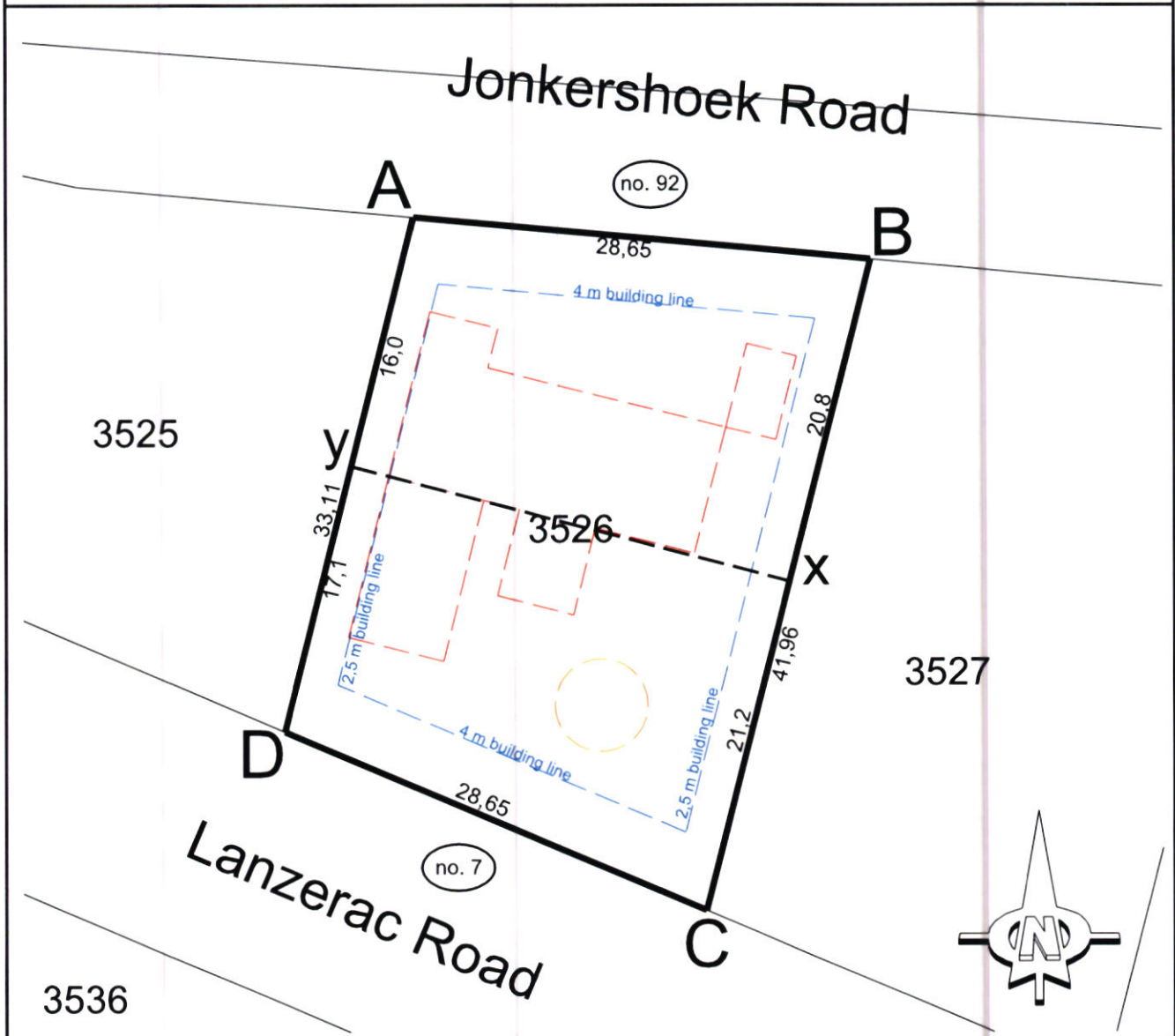
E-Mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)

# Plan of Subdivision

**ahG** **Town Planning**

po box 2992 somerset west 7129  
e-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)  
cell: 082 782 0374

# SUBDIVISION



## Notes:

- The figure ABCDA represents Erf 3526 Karindal, Stellenbosch measuring 1 063 m<sup>2</sup>
- Proposed subdivision:
  - The figure indicated as yxCdY represent the proposed Subdivision, measuring 541 m<sup>2</sup>
  - The figure indicated as ABxYA represent the proposed Remainder, measuring 522 m<sup>2</sup>
- Zoning:
 

Applicable Zoning Scheme: Stellenbosch Municipality Zoning Scheme By-Law, 2019.

Proposed zoning Subdivision: Conventional Residential Zone (CR)

Proposed zoning Remainder: Conventional Residential Zone (CR)
- All sizes and dimensions are approximate and subject to final survey.

Scale: 1 : 400

## Project:

**Proposed Subdivision:  
Erf 3526, Karindal  
Stellenbosch**

Date: 25 August 2021 Ref: Erf 3526\_sub\_rev 2

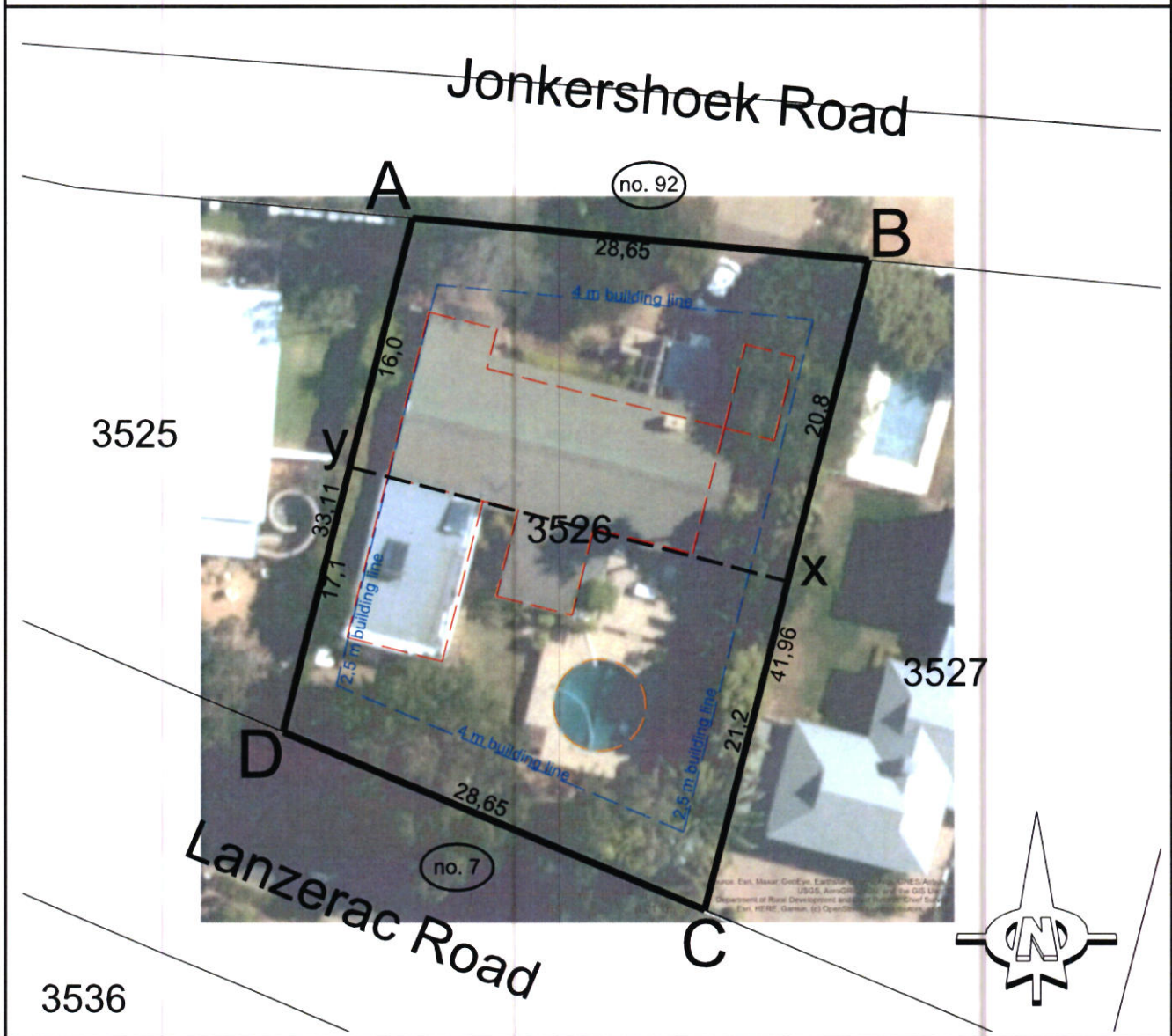
**ahG** Town Planning  
Town and Regional Planners

PO Box 2992  
Somerset West  
7129

TEL: 021 840 3220  
FAX: 086 511 6639  
CELL: 082 782 0374

E-Mail: leon.jubilius@ahg-property.co.za

# SUBDIVISION



**Notes:**

- The figure ABCDA represents Erf 3526 Karindal, Stellenbosch measuring 1 063 m<sup>2</sup>
- Proposed subdivision:
  - The figure indicated as yxCdY represent the proposed Subdivision, measuring 541 m<sup>2</sup>
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Proposed zoning Subdivision: Conventional Residential Zone (CR)

Proposed zoning Remainder: Conventional Residential Zone (CR)
- All sizes and dimensions are approximate and subject to final survey.

Scale: 1 : 400

**Project:**

**Proposed Subdivision:  
Erf 3526, Karindal  
Stellenbosch**

Date: 25 August 2021 Ref: Erf 3526\_sub\_rev 2

**ahG** Town Planning  
Town and Regional Planners

PO Box 2992  
Somerset West  
7129

TEL: 021 840 3220  
FAX: 086 511 6639  
CELL: 082 782 0374

E-Mail: leon.jubilius@ahg-property.co.za



# Title Deed

**ahG** **Town Planning**

po box 2992 somerset west 7129  
e-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)  
cell: 082 782 0374

HOFMEYR HERBSTEIN GIHWALA  
CLUVER & WALKER ING.

35

Opgestel deur my



TRANSPORTBESORGER  
J A L DE WAAL

250,00

53759 199

## Transportakte

HOFMEYR HERBSTEIN GIHWALA CLUVER & WALKER ING.  
PROKUREURS  
STELLENBOSCH

HIERBY WORD BEKEND GEMAAK

DAT MICHELLE SPENCER

Handwritten notes and stamps: "13/11" and a circled "8" with a checkmark.

Aktebesorger, voor my, Registrateur van Aktes in Kaapstad, verskyn het, behoorlik daartoe gemagtig deur 'n volmag geteken te STELLENBOSCH op die 14de dag van JUNIE 1999 en aan hom verleen deur

PAUL OLIVER SAUER MEAKER, behoorlik daartoe gemagtig deur

GABRIËL EDUARD DU TOIT  
Identiteitsnommer: 610320 5096 00 7  
Getroud buite gemeenskap van goedere

kragtens Algemene Prokurasie No PA 410/99 /1999 geteken te  
STELLENBOSCH op 22 Desember 1998.

EN die Komparant het verklaar dat sy voorsegde prinsipaal werklik en wettiglik verkoop het op 10 Junie 1999 en dat hy in sy hoedanigheid as voorsegde prokureur deur hierdie akte gesedeer en getranspoteer het in volle en vrye eiendomsreg aan en ten behoewe van

**ALETTA ELIZABETH LOFTIE-EATON**

**Identiteitsnommer: 620831 0148 08 8**

**Getroud buite gemeenskap van goedere**

haar Erfgename, Eksekuteurs, Administrateurs of Gemagtigdes

**ERF 3526 STELLENBOSCH in die Munisipaliteit en Afdeling  
STELLENBOSCH, Provinsie WES-KAAP**

**GROOT: 1 063 (EENDUISEND EN DRIE EN SESTIG) vierkante meter**

**OORSPRONKLIK OORGEDRA** kragtens Transportakte Nr T 3054/1961 met Kaart Nr 10449/60 wat daarop betrekking het en gehou kragtens Transportakte Nr T 3962/1993.

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr T 4662/1968.

B. ONDERHEWIG VERDER aan die voorwaardes genoem in die Serwituutakte gedateer 15 September 1909, geheg aan Transportakte Nr T 3749 gedateer 13 Julie 1893.

C. ONDERHEWIG VERDER aan die voorbehoud ten gunste van die Staat van die regte genoem in die Sertifikaat van Eenvormige Titel Nr T 18029/1954, naamlik:-

"(a) All rights to gold, silver and precious stones;

(b) The right to take land and to remove materials for making and repairing public roads."

ten opsigte van welke mineraleregte 'n Sertifikaat van Minerale Regte, No 245/54 uitgereik is op 2 November 1954;



D. ONDERHEWIG VERDER aan die volgende voorwaardes genoem in die gemelde Transportakte Nr T 3054/1961;

1. Opgelê deur die Administrateur van die Provinsie van die Kaap die Goeie Hoop by die goedkeuring van die stigting van Karindal Dorp, naamlik:-

"1. Any words and expressions used in the following conditions shall have the same meaning as my have been assigned to them by the regulations published under Provincial Notice No 383 dated 13th June, 1958.

2. In the event of a Town Planning scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of section 146 of Ordinance No 15 of 1952, as amended.

3. The owner of this erf shall without compensation be obliged to allow electricity and water pipes and 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 position 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, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.

4. 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.



5. No building on this erf shall be used or converted to use for any purpose other than that stipulated in these conditions.
6. This erf shall be subject to the following conditions, provided that on consolidation of any two or more erven these conditions shall apply to the consolidated area as one, erf, and provided further 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 conditions 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 together with such outbuildings as are ordinarily required to be used therewith;
  - (c) no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 6,3 metres to the street line which forms a boundary of this erf, nor within 4,72 metres of the rear or 3,15 metres of the lateral boundary common to any adjoining erf, provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9,45 metres reckoned from the rear boundary."

II Opgelê deur Karindal Estates (Proprietary) Limited as eienaars van die restant van Karindal Dorp kragtens Transportakte Nr T 15962/1958 vir hulle voordeel en vir die voordeel van hulle Opvolgers in Titel daartoe, soos vervat in Transportakte Nr T 32671/1971, naamlik:-

- "1. Plans of all dwelling-houses, and outbuildings to be erected on this erf and of alterations to any buildings already erected,



including separate drainage and sewerage plans, elevations and specifications in duplicate, with an architect's or quantity surveyor's estimate of cost of construction, must be submitted to the said Company and the local Authority, and the Company's written approval obtained before any such buildings or erections or structures are commenced by the owner of any erf, the approval of the aforesaid plans shall be subject to any conditions in regard thereto which the Company may wish to impose so as to ensure the harmonious and attractive development of the entire Township. The Company shall have the right to decide as to the suitability of any design and the elevation and location of any proposed building and of the soundness of the proposed construction. The company, however, does not in any way whatsoever accept any legal responsibility arising directly or indirectly from plans which it approves, nor shall the Company make any charge for scrutinising such plans. In the events of the Company refusing to sanction a proposed erection in terms of the foregoing provisions, the owner shall have the right to refer the matter to the local authority whose decision shall be final.

2. The amount of the final cost for the erection of any dwelling-house and outbuilding on this erf shall not be less than 3.500 unless the written consent of the said Company has been obtained for the erection of such house and outbuildings at a lesser cost.
3. No nightsoil, refuse, slopwater or other waste or offensive matter shall be allowed to accumulate on any portion of this erf. If the Purchaser fails to comply with this condition, the Company shall be entitled to remove such nightsoil, refuse, slopwater or other waste or offensive matter as it may deem desirable and to recover the cost of the removal thereof from the Purchaser.
4. No sand, soil, gravel or other similar material shall be removed from this erf without the written consent of the Company.
5. No electric generating plant, windmill, or wind operated machinery shall be established on this erf without the written consent of the Company.



6. No galvanised iron or corrugated asbestos shall be used to enclose or fence the said erf, nor shall it be used for the construction of the roof or any portion of the building erected on the said erf. In the event of any fence or wall being erected on this erf, plans for such fence shall be submitted to the Company and the erection of the fence or wall shall be subject to the Company's approval of such plans, always provided that the Company makes no charge for scrutinising the aforesaid plans. The owner shall furthermore have the right of appeal to the Local Authority whose decisions shall be final. If the Purchaser fails to comply with this condition, the Company shall be entitled to remove any fence which it may deem desirable and not in keeping with the general standard of the Township and erect such fence as it deems desirable and recover the costs of such removal and the provision of the new fence from the owner.
7. The Transferee and his successors in title shall not be permitted to keep or maintain any fowls, ducks, or other animal which be reason of their smell or noise are liable to create a nuisance to the neighbourhood. Domestic pets of an inoffensive nature may be kept on the land.
8. The Transferee and his successors in title undertake to assist the Company in its efforts to maintain the high standard of the Township and, in particular, to assist in keeping the grass verge along the pavement immediately adjoining this erf in a neat and tidy condition, and to protect such trees as may be planted in the pavement immediately adjoining this erf.
9. The said land or any buildings hereafter erected thereon shall not be used for the purpose of advertising or display nor shall the Purchaser permit to be displayed thereon any advertisements without the written consent of the Company. Such consent, if given, may be withdrawn by the Company in which event the Purchaser shall at once remove and discontinue the use of any advertisements to which the Company may object.

A

10. Washing may not be hung on boundary fences, but shall at all times be reasonably concealed from public view and hung on neatly constructed washing lines.
  
11. The above conditions may be enforced against the owner by the Company as registered owner of the remainder of the Karindale Township or by the registered owner of any land forming part of the said Township whose transfer is subject to similar conditions."



DERHALWE doen die Komparant q.q., afstand van al die regte en titel wat die bogenoemde

TRANSPORTGEWER

voorheen op genoemde eiendom gehad het en gevolglik ook erken dat die TRANSPORTGEWER geheel en al van die besit daarvan onthef is en nie meer daarop geregtig is nie, en dat, kragtens hierdie Akte bogenoemde

TRANSPORTNEMER

haar Erfgename, Eksekuteurs, Administrateurs of Gemagtigdes

tans en voortaan daarop geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat; en ten slotte verklaar hy dat die volle koopsom ten bedrae van **R410 000,00 (VIERHONDERD EN TIENDUISEND RAND)** behoorlik betaal of verseker is.

TEN BEWYSE waarvan ek, die genoemde Registrateur van Aktes, tesame met die Komparant, q.q. hierdie Akte onderteken en met die Ampseël bekragtig het.

ALDUS GEDOEN en geteken op die Kantoor van die Registrateur van Aktes in Kaapstad, Provinsie van die Kaap die Goeie Hoop,

op die  
dag van die maand

9 Julie

in die jaar van onse Heer Eenduisend Negehoonderd Nege en Negentig (1999)

q.q.

In my teenwoordigheid,

Registrateur van Aktes

# Conveyancer's Certificate

**ahG** **Town Planning**

po box 2992 somerset west 7129  
e-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)  
cell: 082 782 0374

The Conveyancer's Certificate has been request and will be forwarded for inclusion into this application as soon as it becomes available.

# Power of Attorney

**ahG** **Town Planning**

po box 2992 somerset west 7129  
e-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)  
cell: 082 782 0374

**SPECIAL POWER OF ATTORNEY**

I/We, the undersigned

*Aletta Elizabeth Loftie-Eaton*

(herein referred to as the "owner(s)"),


do hereby nominate, constitute and appoint -

**LEON JUBILIUS and/or ANNEKE NIEUWOUDT**  
(acting for and on behalf of AHG Town Planning (PTY) Ltd.,

with power of Substitution and Sub-delegation, to be the true and lawful Agent of the owner(s), and in the owner(s)'s name, place stead, to act on behalf of the owner(s), to apply to the **Stellenbosch Municipality** for the subdivision and removal of restrictive Title Deed conditions pertaining to **Erf 3526, Stellenbosch**, 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 the owner(s) 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 said Agent shall lawfully do, or cause to be done, including the withdrawal of the application, should this be deemed necessary by the said Agent by virtue of these presents.

SIGNED AT Stellenbosch THIS 18<sup>th</sup> DAY OF  
August 2021 IN THE PRESENCE OF THE UNDERSIGNED  
WITNESS.

  
Aletta Elizabeth Loftie-Eaton

  
Witness

# Written feedback of pre-application scrutiny

**ahG** Town Planning

po box 2992 somerset west 7129  
e-mail: [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)  
cell: 082 782 0374

## Leon Jubilus

---

**From:** Raymond Loftie-Eaton <raymond.loftieeaton@gmail.com>  
**Sent:** Wednesday, 14 July 2021 17:48  
**To:** Leon Jubilus  
**Subject:** Fwd: Feedback: Pre-scrutiny-application: Erf 3526, Stellenbosch (92 Jonkershoek Drive)

Hello Leon  
Meegaande is die terugvoer vanaf Pedro in reaksie op ons pre-application aansoek.

Groete  
Raymond Loftie-Eaton

----- Forwarded message -----

From: **Pedro April** <[Pedro.April@stellenbosch.gov.za](mailto:Pedro.April@stellenbosch.gov.za)>  
Date: Tue, Jun 22, 2021 at 11:18 AM  
Subject: Feedback: Pre-scrutiny-application: Erf 3526, Stellenbosch (92 Jonkershoek Drive)  
To: [raymond.loftieeaton@gmail.com](mailto:raymond.loftieeaton@gmail.com) <[raymond.loftieeaton@gmail.com](mailto:raymond.loftieeaton@gmail.com)>  
Cc: [aloftieeaton@gmail.com](mailto:aloftieeaton@gmail.com) <[aloftieeaton@gmail.com](mailto:aloftieeaton@gmail.com)>, Bulelwa Mdoda <[Bulelwa.Mdoda@stellenbosch.gov.za](mailto:Bulelwa.Mdoda@stellenbosch.gov.za)>, Nicole Katts <[Nicole.Katts@stellenbosch.gov.za](mailto:Nicole.Katts@stellenbosch.gov.za)>

Dear A E Loftie-Eaton

### **Feedback: Pre-Application Scrutiny**

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

**a) Considering the reference to other title conditions referred to in the submitted deed, a conveyancers certificate form an a conveyance attorney must be submitted with the intended application, confirmation that no other title deed conditions are impacted on by the subject application to be submitted and which title deed conditions requires relaxation or suspension.**

b) Please be reminded that title deed condition D(I)(6)(a) "It shall not be subdivided" must be removed. Application for the removal of this title deed conditions is therefore applicable.

c) Title Deed D(II)(1) require the written consent from the Karindal Estate (Pty) Ltd for alteration to existing structures as proposed in this application. The written confirmation must be obtained from this company and if the company no longer exist written confirmation must be submitted by the conveyancers attorney or any relevant consultant.

d) The square-meters (m<sup>2</sup>) of the proposed subdivisional portions must be indicated on the proposed subdivisional plans.

e) The proposed street number for the newly created unit must be indicated on plan.

f) The zoning allocation of the newly created units must also be indicated on the subdivisional.

g) Please note that previously approved building line relaxations in terms of either the zoning scheme by-law or title deed is only applicable on the subject building submitted at the time and therefore do not generally relax the building line. A new application for building line relaxation in terms of their the zoning scheme by-law or the title deed must be submitted.

h) The building lines and coverage on the new portions will be determined based on the size of the portions, and where noncompliant application for departure must be submitted. See zoning scheme by-law and parameters relating building lines and coverage for conventional residential at the following link; <https://stellenbosch.gov.za/download/stellenbosch-municipality-zoning-scheme-by-law-2019/?wpdmdl=7531&refresh=60d1a21f2a1ee1624351263>

i) Also note that the title deed building lines of 6.3m street boundary, 3.15m lateral boundary and 4.72m rear boundary must at all times be complied with unless an application for relaxation of the title deed building lines is submitted. All buildings aligned to the new subdivisional line must therefore comply to all applicable building lines (Zoning Scheme By-law and Title deed).

j) The average size of the 10 surrounding properties must be calculated as a collective.

k) Considering that a removal of title deed condition will be applicable, the additional information required and the fact that the applicant is responsible for advertising, it is advisable that a consultant is appointed to assist with the submission and processing of the subject 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://protect-za.mimecast.com/s/F77DCoYmmNT6LkAtN8qxj>)



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 authorized 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.

For any enquiries on this correspondence please respond by e-mail to the writer hereof or to the email; [landuse.enquiries@ Stellenbosch.gov.za](mailto:landuse.enquiries@ Stellenbosch.gov.za).



Yours faithfully

**Pedro April**

Senior Town Planner

**Department:**

Land Use Management

**Directorate:**

Planning & Economic Development

**Stellenbosch Municipality**

**Departmental Email Adresses:**

[Landuse.enquiries@ Stellenbosch.gov.za](mailto:Landuse.enquiries@ Stellenbosch.gov.za)

[Landuse.applications@ Stellenbosch.gov.za](mailto:Landuse.applications@ Stellenbosch.gov.za)

[Landuse.appeals@ Stellenbosch.gov.za](mailto:Landuse.appeals@ Stellenbosch.gov.za)

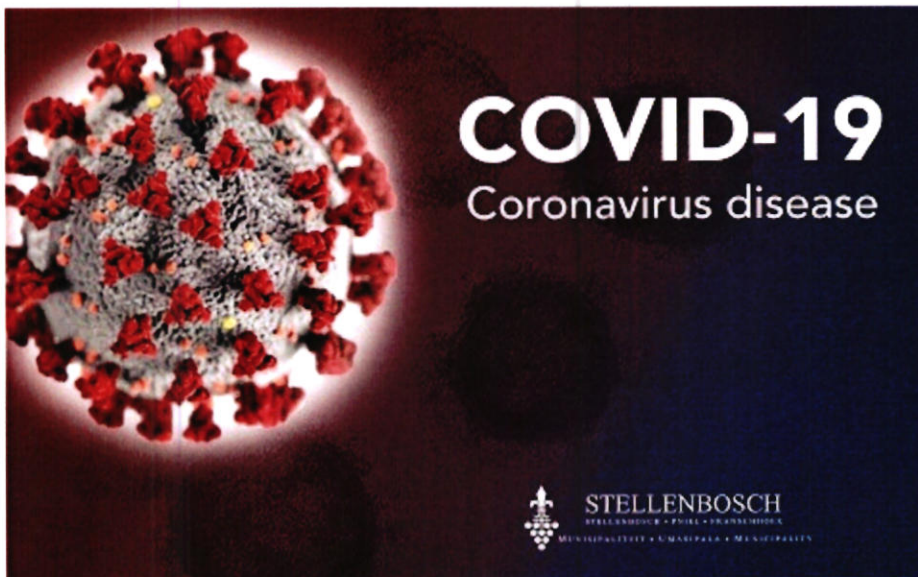
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T: +27 21 808 8683 | Fax: +27 21 886 6899

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



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)



For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.



**STELLENBOSCH**  
STELLENBOSCH • PHOEL • STANSEBOSCH  
MUNICIPALITEIT • UMABOPALA • MUNICIPAALITEIT



#### 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 <https://protect-za.mimecast.com/s/Cn6vC8qggwCBZ9mC2odQy>

#### Disclaimer:

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# General Plan & Noting Sheet

**ahG** **Town Planning**

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cell: 082 782 0374

1565 C.D.R.

STELLENBOSCH ALLOTMENT AREA

325487

TP GENERAL PLAN 1565 LD OF KARINDAL TOWNSHIP

Approved by Surveyor-General 30.9.1967

C.D.R.

excluding Number 37 comprising 86 Even Numbered 1st & 2nd Public Places Numbered 88 to 193 and the thoroughfares situate on the Remainder of the Farm Lanzerak in the Division of Stellenbosch Province of the Cape of Good Hope.

Scale 1:1000



Table with 4 columns: Lot No., Area, Diagram, and Sq. Meters. Lists lots 88 through 193 with their respective areas and a diagram reference.

Table with 2 columns: Lot No. and Area. Provides area data for each lot in the subdivision.

1. The odd lots 88 and 89 represent the centre of the... 2. The odd lot 90 represents a servitude... 3. The odd lot 91 represents a servitude...

Description of Roads... 1. 6' wide... 2. 8' wide... 3. 10' wide...

The boundaries of each lot represented on this plan are in accordance with registration and have been surveyed by me.

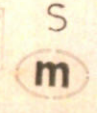
The figures on the plan are the... The boundaries shown on this plan are in accordance with registration and have been surveyed by me.

ENCUMBRANCES AND ENCUMBRMENTS table with columns for No., Description, and Date.

Table with 2 columns: No. and Description. Lists specific encumbrances or details.

Surveyor-General's signature and date.

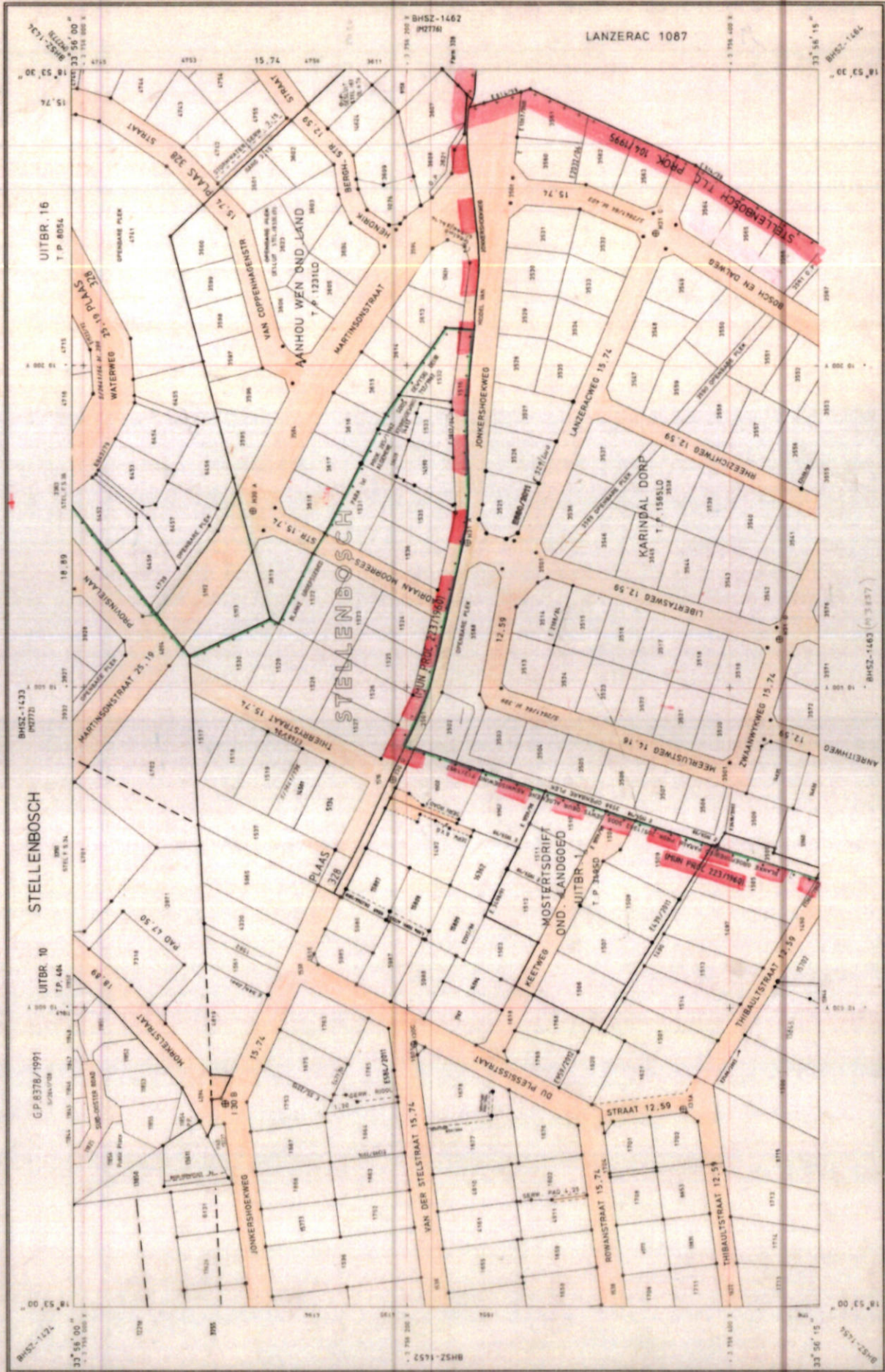
File No. 1565 59946/4 Surveyor-General's Office 31st October 1967



BHSZ-1461

STELLENBOSCH

1 : 1000



BHSZ-1461

M 2775



SAAMSTEL DEUR DIE HOOFDREDUKTUR VAN OPMETINGS EN WAAKINGS 1982 NR 25 717  
 (REKONSTRUKSIE) NO. 2774

WAGBODE WAT 30 AANDESH WINS. • L3 WAGBODELE WAGERS  
 • WAGBODELE L3 WAGBODELE WAGERS  
 • WAGERS NIE OP L3  
 • TOEKENNINGS WAGBODELE WAGERS, WAGERS WAGERS WAGERS  
 • WAGBODELE WAGERS



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

✉ 17, STELLENBOSCH 7599  
 ☎ 021 808-8578 / 8547 / 8546  
 📠 021 886 7318

## DUPLICATE RECEIPT

Receipt M/c: DIRI Duplicate Rec.No: 183110 Date: 15/09/2021

Local Authority: Stellenbosch Municipality

1 STB N 7500.00

30111060201 05236 ABSA BANK

DIRECT 030111060201 ABSA BANK LU/13142

X100 Key: STB -009-20210915-00000049

X10 Key : STB 0000018311000001

STEFAN MAYERSCHEIDT KUNSTANZEIGER SEI OIG DINY WÄHRENE P. WIES RECEIPTS AACT. - DULYANERSONDER BEHOLDING VAN HET ERN. CONG. BUREAU BELGIË 1914

115. 50. 212 600 182 100011

STEFAN MAYERSCHEIDT KUNSTANZEIGER

BRUNNEN 100 1000 1000 1000

STEFAN MAYERSCHEIDT KUNSTANZEIGER

BRUNNEN 100 1000 1000 1000

BRUNNEN 100 1000 1000 1000

STEFAN MAYERSCHEIDT

AMPTLIJKE KUNSTANZEIGER OFFICIAL RECEIPT



BRUNNEN 100 1000 1000 1000