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

Affected person's Name

Affected persons Physical Address

Dear Sir/Madam

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

Application Property Address: 15 Transvalia Street Stellenbosch

Application Property Number: Erf 3837 Stellenbosch

Applicant: Emile van der Merwe Town Planning Consultants

Owner: Belle Beau Botanicals (Pty) Ltd

Application Reference: LU/13966

Application Type: Relaxation of Title Deed condition

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

- The Administrator's consent to relax the restrictive title deed condition(s) contained in Title Deed No T5922/2020, Clause B (6)(d) for permission to relax the building line from 3.15m to 0m for purposes of a garage on Erf 3837 Stellenbosch.

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: (Emile van der Merwe Town Planning Consultants: emilevdm@adept.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 5 September 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 (0845566461/021-8865050) during normal office hours.

Yours faithfully

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Geagte Meneer/Mevrou

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

Adres van aansoek eiendom: 15 Transvalia Straat Stellenbosch

Aansoek eiendom beskrywing: Erf 3837 Stellenbosch

Aansoeker: Emile van der Merwe Stadsbeplanningskonsultante

Eienaar: Belle Beau Botanicals (Pty)Ltd

Aansoek Verwysing: LU/13966

Tipe Aansoek: Verslapping van Titlevoorwaarde

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Goedkeuring van die Administrateur vir die verslapping van 'n beperkende titelvoorwaarde soos vervat in Titelakte No T5922/2020, Klousule B(6)(d) vir die verslapping van die boulyn vanaf 3.15m na 0m vir die doeleindes van 'n garage op Erf 3837 Stellenbosch.

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 tydsduur van die publieke deelname proses by die volgende adres: https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. Indien die webtuiste of tersaaklike dokumente nie toeganglik 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 opsite 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 inlgting 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: (Emile van der Merwe Stadsbeplanningskonsultante: emilevdm@adept.co.za. Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing ingedien word en moet ontvang word voor of op die sluitingsdatum van 5 September 2022.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461/ 886 5050) gedurende normale kantoor ure/

Die uwe

EMILE VAN DER MERWE
EMILE VAN DER MERWE STADSBEPLANNINGSKONSULTANTE

EMILE VAN DER MERWE
town planning consultants

2022-04-20

My ref: Erf 3837 Stellenbosch

Stellenbosch Municipality
Department Planning and Development
PO Box 17
STELLENBOSCH
7599

Dear Sir/Madam

APPLICATION FOR RELAXATION OF TITLE DEED CONDITION: ERF 3837 NO 15 TRANSVALIA STREET STELLENBOSCH

Included hereby please find the necessary application documentation in respect of the application for consent use on the above-mentioned property.

The application follows on the pre-scrutiny application feedback that was provided to your office as per **Appendix 6** of the motivation report. In this regard please note that this office will wait for the formal instruction to advertise.

Your response is kindly awaited and this office awaits the formal invoice for payment in respect of the compulsory application fees.

Your assistance is appreciated.

Yours faithfully

EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS

Doornbosch Centre | Strand Road | PO Box 204 | Stellenbosch 7599
Tel: 021 - 886 5050 | Fax: 021 - 883 8965 | Email: emilevdm@adept.co.za

EvdM Town Planning Services CC Reg. No. 2005/162249/23
Emile van der Merwe URP(SA) B. Hon. M(URP) MSAPI

ERF 3837 STELLENBOSCH

1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Erf 3837 Stellenbosch to prepare and submit the required application to the Stellenbosch Municipality for of the following:

- **APPLICATION IN TERMS OF SECTION 15 (2) (F) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) FOR THE RELAXATION OF TITLE DEED CONDITION 6 (d) IN ORDER TO FORMALISE AN EXTENSTION TO THE EXISTING DOUBLE GARAGE ON THE ZERO METER WESTERN BUILDING LINE OF THE PROPERTY.**

2. LOCATION – APPENDIX 1

The property is located in the Uniepark residential neighbourhood approximately 4 km to the north east of the Stellenbosch Central Business area. A location plan is attached as Appendix 1. The property on neighbourhood level is situated at No 15 Transvalia Street.

3. OWNERSHIP AND SIZE

The property is owned by Belle Beau Botanicals (Pty) Ltd in accordance with Deed of Transfer T 5922/2020. A copy of the Title attached as **Appendix 2.** The required resolution and power of attorney is attached as **Appendix 3.**

The property was established with the registration of General Plan 404 Stellenbosch Extension Nr 10 as per **Appendix 4.** The property is 1320m² in extent.

4. ZONING

The property is zoned Conventional Residential in terms of the Stellenbosch Zoning Scheme By-Law (2019). The permissible land uses as per Table 49 (Chapter 7) for your easy reference is provided below

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TEL: 021-886 5050
FAKS: 021-883 8965
EMAIL: emilevdm@adept.co.za

49. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (application required)
• Dwelling house	• Bed and breakfast establishment • Home day care centre • Home occupation practice • Home lodging • Second dwelling • Occasional use (one event/year) • Private road	• Commune • Extramural facility • Group housing • Guest house • House shop • Occasional use (>one event/year) • Tourist dwelling unit • Additional uses exceeding parameters in this chapter

The property accommodates a single dwelling house and is being utilised in terms of the provisions of the zoning scheme.

5. DEVELOPMENT PROPOSAL – Appendix 6

The property during 2020 was purchased by Belle Beau Botanicals (Pty) Ltd and building plans for additions and alterations were approved by the Municipality as per Building Plan No 20/2168. The approved building plans showed an existing carport on the zero meter western building line. The house was purchased as such. The owners during the construction process however erected a concrete slab over the existing double garage and substituted the existing carport with a formal garage. The said construction deviates from the approved building plan and requires permission to relax the title deed condition in respect of the 3.15m common building line restriction. The proposed garage does not constitute a departure application in terms of the Section 15 (2) of the Planning By-Law as it conforms to the requirements as stipulated in terms of Section 55 (2) (b) of the Stellenbosch Zoning Scheme By-Law.

The proposed deviation from a planning point of view is considered desirable for the following reasons:

- The proposal will not have a negative impact on the single residential character and density of the surrounding environment
- The proposed extension will not be used for habitable purposes and complies with the requirements of the zoning scheme by-law

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- The existing garage and proposed extension has a setback of approximately 15m from the street boundary and will not impact negatively and traffic flow and pedestrian movement
- The property is sufficiently landscaped on the street and western boundary and the proposal will not have adverse impact on the street elevation
- The proposal will not lead to a deviation from the permissible development parameters as provided for under the zoning of the property (conventional residential zoning)
- The proposal will not have any impact on the service level capacity of the municipality (water, sewerage, storm water, electricity and parking

6. CONCLUSION

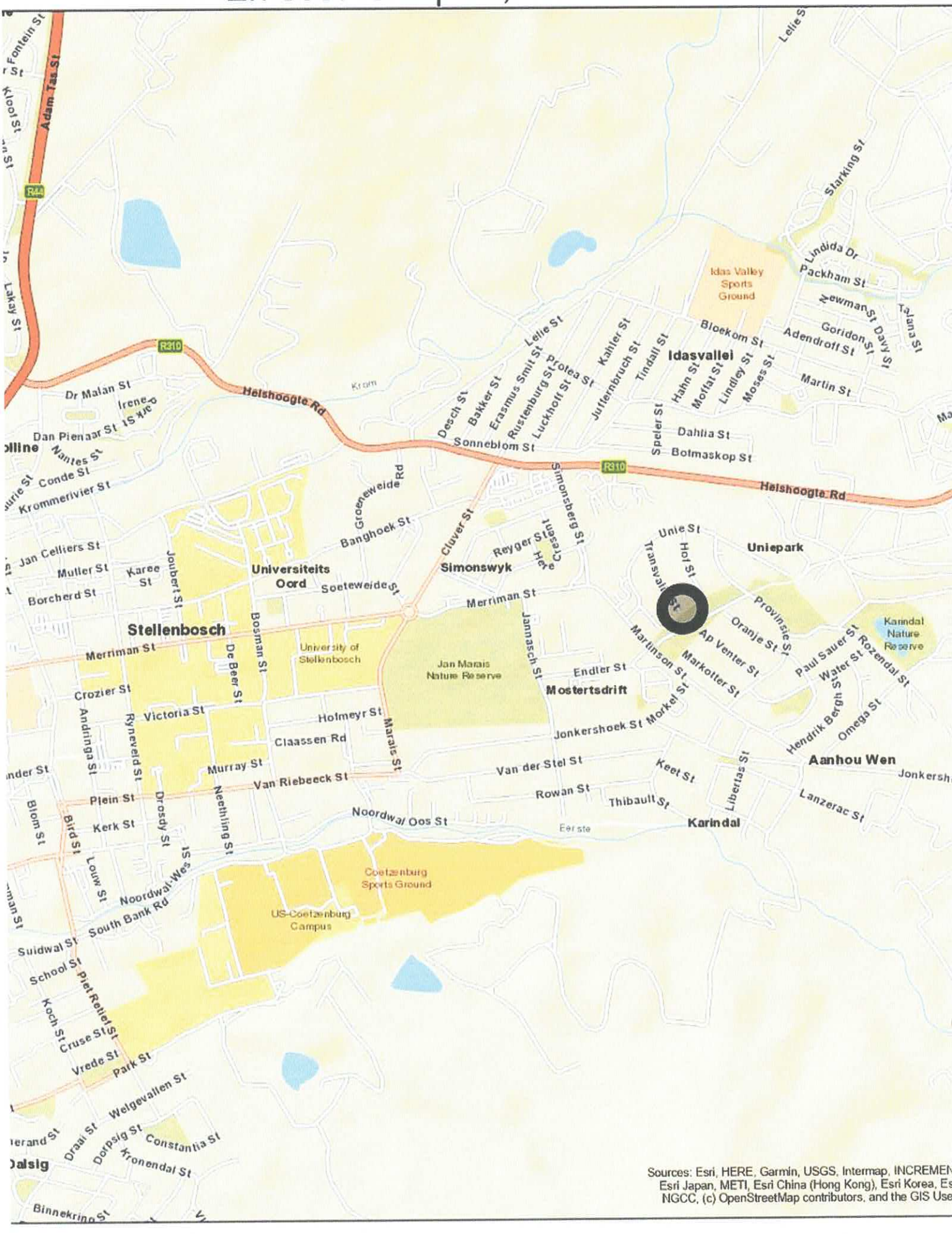
From a land use management and spatial planning perspective is it envisaged that the proposal will not have an adverse impact on the residential character of the area and that is conforms to the criteria of desirability set out in the Planning By-Law. It therefore is trusted that the Stellenbosch Municipality favourably will consider the application on Erf 3837 Stellenbosch.

STELLENBOSCH
TEL: 021-886 5050
FAKS: 021-883 8965
EMAIL: emilevdm@adept.co.za

APPENDIX 1

LOCATION PLAN

Erf 3837 Uniepark; Location Plan



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMEN
Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Es
NGCC, (c) OpenStreetMap contributors, and the GIS Use

APPENDIX 2

TITLE DEED

30

VAN ZYL KRUGER INGELYF
Avanti Gebou
h/v Carl Cronje Rln & Bill Bezuidenhout Ln
Tygervallei
7530

Opgestel deur my

TRANSPORTBESORGER
~~EBERHARD SCHOCH KRUGER~~
LYNDA JEAN CHANTLER

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 4400000,00	R 1926,00
Reason for exemption	Category Exemption	Exemption i t o. Sec/Reg Act/Proc

VERGOED
R 2 200 000,00
000003450 / 2020
21 FEB 2020
REGISTRATEUR VAN AKTES

T 000005922 / 2020

TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

ANDRÉ THEART

voor my verskyn het, REGISTRATEUR VAN AKTES te KAAPSTAD, hy/sy die genoemde komparant synde behoorlik daartoe gemagtig kragtens 'n Volmag aan hom/haar verleen deur

SARA JOHANNA MALAN
Identiteitsnommer 3411020005084
Getroud buite gemeenskap van goed

geteken te STELLENBOSCH op 20 NOVEMBER 2019

En genoemde Komparant het verklaar dat sy/haar prinsipaal, op 9 September 2019, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy/sy, in sy/haar voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

BELLE BEAU BOTANICALS EIENDOMS BEPERK
Registrasienommer 2018/473530/07

diese Opvolgers in titel of Regverkrygendes, in volkome en vrye eiendom

ERF 3837 STELLENBOSCH
IN DIE MUNISIPALITEIT EN AFDELING STELLENBOSCH
WES-KAAP PROVINSIE

GROOT: 1 320 (EENDUISEND DRIEHONDERD EN TWINTIG) vierkante meter

EERSTE OORGEDRA kragtens Transportakte Nommer T14793/1966 met Kaart Nr 2854/66 aangeheg en GEHOU KRAGTENS Transportakte Nommer T967/1990

A. ONDERHEWIG aan die voorwaardes waarna vewys word in Transportakte Nr. T14793/1966.

(I) Die figuur gemerk AxyCD op bogemelde Kaart is-

(A) ONDERHEWIG aan die voorwaardes waarna verwys word in Grondbrief uitgereik kragtens die bepalings van Artikel XIII van Wet Nr 14 van 1878 op 20 September 1883 (Stellenbosch Eiendomsbriewe Boekdeel 5 Nr 34).

(B) ONDERHEWIG aan die volgende spesial voorwaarde daarin vervat naamlik:

"that all roads and thoroughfares described in the diagram above referred to shall remain free and uninterrupted unless the same be closed and altered by competent authority, the land thus granted being further subject to all such Duties and Regulations as are either already or shall in future be established with regard to such lands."

(II) Die figuur gemerk xBy op bogemelde Kaart is-

(A) ONDERHEWIG aan die volgende spesiale voorwaarde gemerk II vervat in Grondbrief uitgereik kragtens die bepalings van Artikel XIII van Wet Nr 14 van 1878 op 24 Maart 1887 (Stellenbosch Eiendomsbriewe Boekdeel 5 Nr 36), naamlik:

"II. That all Roads and Thoroughfares existing over the land hereby granted, wheter they are described in the diagram or not shall remain free and uniterrupted, the land thus granted being further subject to all such Duties and Regulations as are either already or shall in future be established with regard to such Lands."

(B) GEREGTIG op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 22 Maart 1955 op gemelde Grondbrief, welke endossement soos volg lui:

"ENDORSEMENT (REMAINDER)

By Deed of Transfer No 3840/55 dated this day, Portion 9 of Lot LIII, Portion 10 of Lot LIII and Portion 8 of Lots XXVI and XXXVII thereby transferred, are subject to conditions relative to use thereof for accomodation of buses, erection of buildings, value thereof, restoration or damages in lieu, restraint against sale of said land, fences, etc. the construction and maintenance of water, sewerage and drain pipes, electric way-leaves, etc. over the said land and maintenance of cleanliness of the land, which condtions are in favour of the remainder of Lots XXVI to XXXVII in extent as such 220 mgn. 43,594 sg. feet held hereunder and other land. As will more fully appear from said Deed of Transfer."

B. Bogemelde ERF 3837 STELLENBOSCH is VERDER ONDERHEWIG aan die volgende spesiale voorwaardes vervat in gemelde Transportakte No T14793/1966, opgelê deur die Administrateur tydens die goedkeuring van Dorp Uitbreiding Nr 10 kragtens die bepalings van Artikel 18(3) van Ordonnansie Nr 33 van 1934, soos vervat in Transportakte No T8303/1982, naamlik:

1. Alle woorde en uitdurkkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenisse as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nr 383 van 13 Junie 1958.

2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepaling van hierdie voorwaardes moet nie opgevat word as sou dit die bepalings van Artikel 146 van Ordannansie Nr 15 van 1952, soos gewysig, vervang nie.

3. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding- toe te laat dat elektrisiteitskabels of -drade, hoof- en ander waterpype en die rioolvuil en dreinering, insluitende stormwater van enige erf or erwe, binne of buite hierdie onderverdeling, oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om riole, mangate, vore, waterleidings en ander werke wat daarmee in verband staan, aan te lê, te onderhou, te verander, te verwyder of te ondersoek.

4. Die eienaar van hierdie ef is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wat veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk wat die plaaslike owerheid bepaal.

5. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat in hierdie voorwaardes bepaal word nie.

6. Hierdie erf is onderworpe aan die volgende verdere voorwaardes, met dien verstande dat, wanneer enige twee of meer erwe gekonsolideer word, heridie voorwaardes op die gekonsolideerde oppervlakte as een ef van toepassing is, en voorts met dien verstande dat indien die Administrateur, na oorleg met die Dorpekommissie en die plaaslike owerheid, dit raadsaam ag dat die beperking in enige sodanige voorwaarde te eniger tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan die voorwaardes wat hy oplê:

(a) dit mag nie onderverdeel word nie;

(b) slegs een woning, tesame met die buitgeboue wat gewoontlik in verband daarmee gebruik word, mag op die erf opgerig word;

(c) nie meer as helfte van die oppervlakte daarvan mag bebou word nie;

(d) geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag nader as 6,30 meter van die straatlyn wat een of meer grense van hierdie erf uitmaak, opgerig word nie, asook nie binne 3,15 meter van die agtergrens of sygrens gemeen daaraan en aan 'n aangrensende erf nie."

WESHALWE die komparant afstand doen van al die regte en titel wat

SARA JOHANNA MALAN , Getroud soos vermeld

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

BELLE BEAU BOTANICALS EIENDOMS BEPERK
Registrasienommer 2018/473530/07

diese Opvolgers in titel of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken dit dat die verkoopprys die bedrag van R4 400 000,00 (VIER MILJOEN VIER HONDERD DUISEND RAND) beloop.

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

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op hede die 21 FEBRUARIE 2020

q.q.

In my teenwoordigheid

REGISTRATEUR VAN AKTES

APPENDIX 3

RESOLUTION AND POWER OF ATTORNEY

POWER OF ATTORNEY

BELLE BEAU BOTANICALS (PTY) LTD, the registered owner of Erf 3837, Stellenbosch held by Deed of Transfer T5922/2020

Do hereby nominate and constitute and appoint

Emile van der Merwe Town Planning Consultants

With the power of substitution, to be my/our lawful Agent in my/our name, place and stead and to make the necessary applications to the Stellenbosch Municipality for the following:

- ☐ **APPLICATION FOR RELAXATION OF TITLE DEED CONDITIONS IN TERMS OF SECTION 15 (2) (F) OF THE STELLENBOSCH LAND USE PLANNING BY-LAW (2015)**

On the above mentioned property and to proceed with any required work to the final end and termination thereof and generally of effecting the purpose aforesaid, to do our cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I/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 my/our said Agent(s) shall lawfully do, or cause to be done ; by virtue of these present.

SIGNED AT STELLENBOSCH ON THIS 19TH DAY OF APRIL 2022.

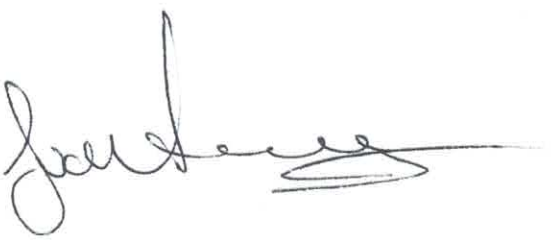
JEANNE VAN DER HORST
DIRECTOR

RESOLUTION HELD ON 2022-04-19

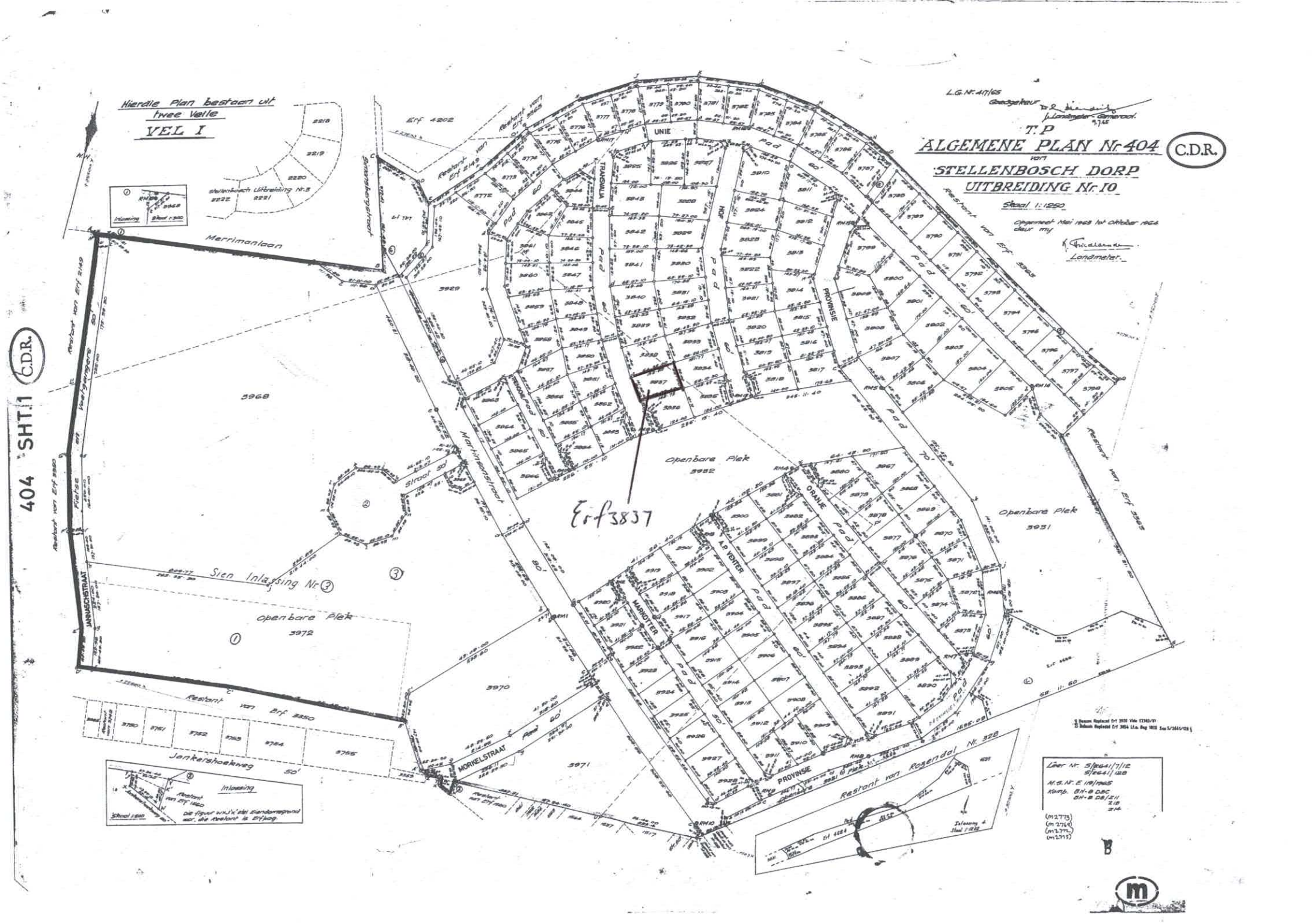
BELLE BEAU BOTANICALS (PTY) LTD : ERF 3837 STELLENBOSCH
REG NO 2018/473530/07

Jeanne van der Horst in her capacity as Director is hereby authorized to sign on behalf of the Company pertaining to the land use application on Erf 3837, Stellenbosch

DIRECTOR



APPENDIX 4
GENERAL PLAN


Hierdie Plan bestaan uit twee Velle
VEL I
L.G. Nr: 411/65
T.P
ALGEMENE PLAN Nr 404
C.D.R.
van
STELLENBOSCH DORP
UITBREIDING Nr 10
Skaal 1:1250
Opgemeet Mei 1963 tot Oktober 1964 deur my
Landmeter
404 SHT 1
C.D.R.
Erf 3837
Merrimanlaan
Martinsstraat
Jankershoekweg
Openbare Plek
3972
3968
3929
3970
3971
3931
3982
Restant van Erf 3850
Restant van Erf 3965
Restant van Rosendal Nr 328
UNIE
TRANSVAAL
HOF
PROVINSIE
ORANJE
A.P. VENTER
MARIOTTER
MORKELSTRAAT
MANDORSTRAAT
Sien Inlassing Nr 3
Inlassing
Restant van Erf 1820
Die figuur vrv'k'ebl Eiendomsgrond voor die Restant is Erfbeg.
Leer Nr: S/2641/7/12
S/2641/1 WB
M.S. Nr: E 191/1965
Komp. BN-B DBC
BN-B DB/211
218
214
(m 2773)
(m 2764)
(m 2775)
(m 2775)
B

T.P

ALGEMENE PLAN Nr. 404

van

STELLENBOSCH DORP UITBREIDING Nr. 10

C.D.R.

Hierdie Plan bestaan uit
twee Velle
VEL 2

L.G. Nr. 417/1965

Goedgekeur

D.R. Hendricks
p/Landdrosbeer-Generaal.
9.7.65

404 SHT. 2 C.D.R.

(1) + (3) + (5)

bevattende 162 Erwe genommer 3772 tot 3929 en 3968 tot 3971, ½ Openbare Plekke genommer 3980 tot 3982 en 3972 en die Paaie, gelee op Erf 4094 Stellenbosch, Administratiewe Distrikte en Munisipaliteit van Stellenbosch, Provinsie Kaap die Goeie Hoop.

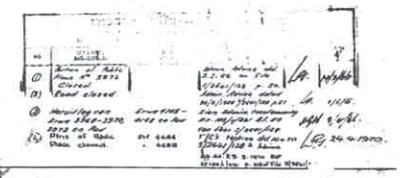
Siem Kaart Nr. 416/1965 geheg aan Sertifikaat van Gekonsolideerde Titel Nr:

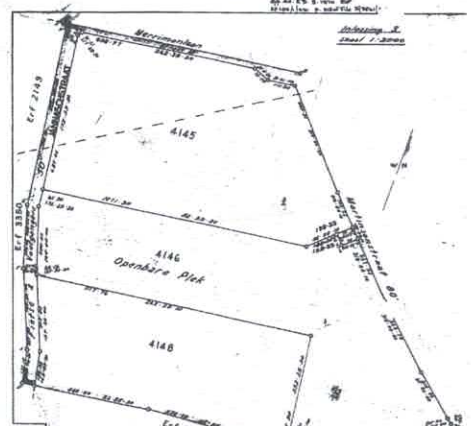
Opgemeet Mei 1965 tot Oktober 1964 deur my

Landmeter.

Beskrywing van Bakens:

A,C,D,E,F,G,H,J,K,L,M,N, O,P,Q,R,S,T,U,V,W,X,Y,Z	= 12" x 12" yeterpen
a,z	= 12" yeterpen.
g	= 4½" yeterpaal met 2½" uitsteek, rooi geskilder.
T, 3787 b	= Sloerpyp/yeterhoutkoodpaal met 2" uitsteek rooi geskilder.
U	= Yeterpaal met 12" uitsteek.
X, y	= Gegrit bakken.
a', a'	= 12" x 12" yeterpen in beton.
3968 a, 3968 b, 3968 c, 3968 d, 3971 A, 3971 B, 3971 C, 3972 A, 3972 B, 3972 C, 3973 A, 3973 B, 3973 C, 3974 A, 3974 B, 3974 C, 3975 A, 3975 B, 3975 C, 3976 A, 3976 B, 3976 C, 3977 A, 3977 B, 3977 C, 3978 A, 3978 B, 3978 C, 3979 A, 3979 B, 3979 C, 3980 A, 3980 B, 3980 C, 3981 A, 3981 B, 3981 C, 3982 A, 3982 B, 3982 C	= 12" x 12" yeterpen in beton.
3968 e, 3968 f, 3968 g, 3968 h, 3968 i, 3968 j, 3968 k, 3968 l, 3968 m, 3968 n, 3968 o, 3968 p, 3968 q, 3968 r, 3968 s, 3968 t, 3968 u, 3968 v, 3968 w, 3968 x, 3968 y, 3968 z, 3968 A, 3968 B, 3968 C	= 12" yeterpype in beton, rooi geskilder.
3968 D, 3968 E, 3968 F, 3968 G, 3968 H, 3968 J, 3968 K, 3968 L, 3968 M, 3968 N, 3968 P, 3968 Q, 3968 R, 3968 S, 3968 T, 3968 U, 3968 V, 3968 W, 3968 X, 3968 Y, 3968 Z, 3971 C, 3972 D	= 1" yeterpype in beton, rooi geskilder.
3971 K, 3971 L, 3971 M, 3971 N, 3971 P, 3971 Q, 3971 R, 3971 S, 3971 T, 3971 U, 3971 V, 3971 W, 3971 X, 3971 Y, 3971 Z, 3972 E, 3972 F, 3972 G, 3972 H, 3972 J, 3972 K, 3972 L, 3972 M, 3972 N, 3972 P, 3972 Q, 3972 R, 3972 S, 3972 T, 3972 U, 3972 V, 3972 W, 3972 X, 3972 Y, 3972 Z, 3973 K, 3973 L, 3973 M, 3973 N, 3973 P, 3973 Q, 3973 R, 3973 S, 3973 T, 3973 U, 3973 V, 3973 W, 3973 X, 3973 Y, 3973 Z, 3974 K, 3974 L, 3974 M, 3974 N, 3974 P, 3974 Q, 3974 R, 3974 S, 3974 T, 3974 U, 3974 V, 3974 W, 3974 X, 3974 Y, 3974 Z, 3975 K, 3975 L, 3975 M, 3975 N, 3975 P, 3975 Q, 3975 R, 3975 S, 3975 T, 3975 U, 3975 V, 3975 W, 3975 X, 3975 Y, 3975 Z, 3976 K, 3976 L, 3976 M, 3976 N, 3976 P, 3976 Q, 3976 R, 3976 S, 3976 T, 3976 U, 3976 V, 3976 W, 3976 X, 3976 Y, 3976 Z, 3977 K, 3977 L, 3977 M, 3977 N, 3977 P, 3977 Q, 3977 R, 3977 S, 3977 T, 3977 U, 3977 V, 3977 W, 3977 X, 3977 Y, 3977 Z, 3978 K, 3978 L, 3978 M, 3978 N, 3978 P, 3978 Q, 3978 R, 3978 S, 3978 T, 3978 U, 3978 V, 3978 W, 3978 X, 3978 Y, 3978 Z, 3979 K, 3979 L, 3979 M, 3979 N, 3979 P, 3979 Q, 3979 R, 3979 S, 3979 T, 3979 U, 3979 V, 3979 W, 3979 X, 3979 Y, 3979 Z, 3980 K, 3980 L, 3980 M, 3980 N, 3980 P, 3980 Q, 3980 R, 3980 S, 3980 T, 3980 U, 3980 V, 3980 W, 3980 X, 3980 Y, 3980 Z, 3981 K, 3981 L, 3981 M, 3981 N, 3981 P, 3981 Q, 3981 R, 3981 S, 3981 T, 3981 U, 3981 V, 3981 W, 3981 X, 3981 Y, 3981 Z, 3982 K, 3982 L, 3982 M, 3982 N, 3982 P, 3982 Q, 3982 R, 3982 S, 3982 T, 3982 U, 3982 V, 3982 W, 3982 X, 3982 Y, 3982 Z	= 12" x 12" yeterpen in beton, rooi geskilder.
Alle ander bakens = RM1 – RM 18	= 12" x 24" yeterpen in beton, 9" ondergrond.




4145
4146
Openbare Plek
4148
Erf 4157
Erf 3980
Erf 2149
Bankmeulstraat
Herwelstraat
Oak Ave
Oak Ave
Oak Ave

APPENDIX 5

PRE-SCRUTINY FEEDBACK

Emile Van Der Merwe Town Planning Consultants
Emile Van Der Merwe
Email: emilevdm@adept.co.za

11 April 2022

PRE-APPLICATION SCRUTINY FEEDBACK

APPLICATION FOR THE RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION: ERF 3837, TRANSVALIA STREET, UNIEPARK, STELLENBOSCH

1. Your pre-application scrutiny submission on the above property dated **24 February 2022**, 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 addresses the requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:

   3.1 The application is ready for formal submission. Please note that the following property owner's consent is required: Erven 3833, 3834, 3835, 3836, 3838, 3851, 3852 & 3853. Or alternatively, the owner can wait for the instruction to advertise.

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.

T: +27 21 808 8111 • F: +27 21 886 6899
Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

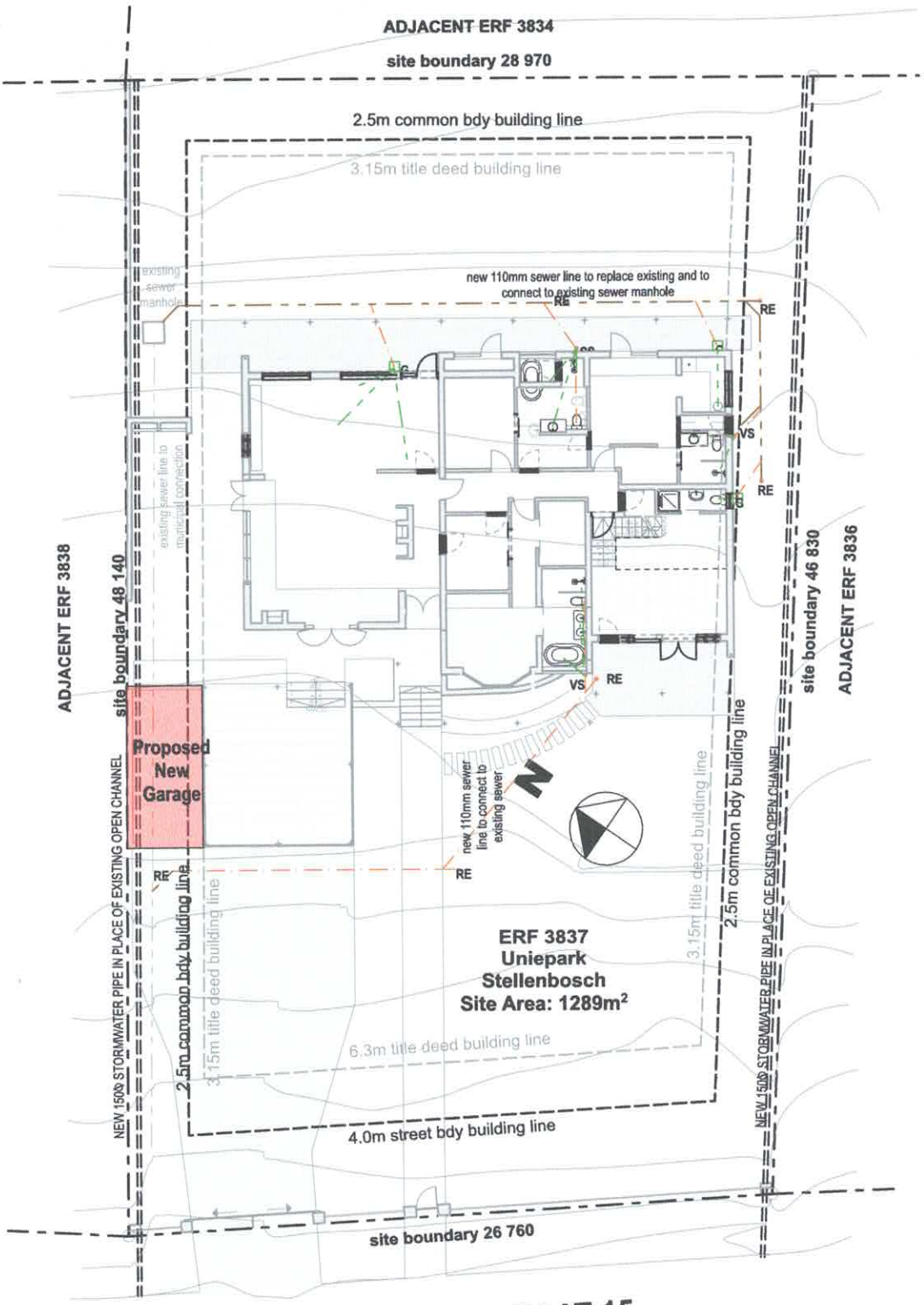
Kind regards

Louisa Guntz
Senior Town Planner
Louisa.Ollyn@stellenbosch.gov.za

T: +27 21 808 8111 • F: +27 21 886 6899
Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

APPENDIX 6

SITE PLAN



Site Plan

1:250

Siteplan

www. argitek.co.za
25 Herold Street Stellenbosch
Phone: 082 492 4625 -E_mail:cois@argitek.co.za
SACAP: 7653

Home Van der Horst

Proposed Garage on Erf 3837
Stellenbosch for Belle Beau
Botanicals Edms Bpk

PROJECT NUMBER: 2023
DRAWING NUMBER: SK07

Plan Type: VDH-Plan 4.pln

2022/01/27

APPENDIX 7
APPLICATION FORM

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/
SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

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

PART A: APPLICANT DETAILS

First name(s)	Emile				
Surname	van der Merwe				
Company name *(if applicable)*	Emile van der Merwe Town Planning				
Postal Address	PO Box 204				
	Stellenbosch			Postal Code	7599
Email	emilevdm@adept.co.za				
Tel	021 886 5050	Fax	021 8838965	Cell	0845566461

PART B: REGISTERED OWNER(S) DETAILS *(If different from applicant)*

Registered owner(s)	Belle Beau Botanicals Pty Ltd				
Physical address	No 15 Transvalia Street				
	Stellenbosch			Postal code	7600
E-mail	evdh@yahoo.com				
Tel		Fax		Cell	0761958282

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

Erf / Erven / Farm No.	Erf 3837	Portion(s) if Farm		Allotment area	Stellenbosch		
Physical Address	As above						
Current Zoning	Conventional Residential	Extent	1320sqm m^2 / ha	Are there existing buildings?	Y	N	
Applicable Zoning Scheme	Stellenbosch zoning scheme by-law						

Current Land Use	**Dwelling house**										
Title Deed number and date	T	**5922/2020**									
Attached Conveyance's Certificate	**Y**	N	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate **- No formal removal required**								
Are the restrictive conditions in favour of a third party(ies)?	Y	**N**	If Yes, list the party(ies):								
Is the property encumbered by a bond?	Y	**N**	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	**N**	If Yes, kindly attach a power of attorney 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)[1]	Y	**N**	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?				**Y**	N	If yes, is this application to legalize the building / land use[2]?				**Y**	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	**N**	Are there any land claim(s) registered on the subject property(ies)?				Y	**N**

PART D: PRE-APPLICATION CONSULTATION

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

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)

Tick	**Type of application: *Cost are obtainable from the Council Approved tariffs***
	15(2)(a) rezoning of Land
	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
	15(2)(e) a consolidation of land that is not exempted in terms of section 24
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

[1] All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

[2] No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

	15(2)(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
X	Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
	Other (specify): _____	R
	TOTAL A:	**R**

PRESCRIBED NOTICE AND FEES** *(for completion and use by official)*

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); *Provincial Gazette*; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	*Provincial Gazette*	R
	INTEGRATED PROCEDURES	T.B.C	R
		TOTAL B:	**R**
		TOTAL APPLICATION FEES* (TOTAL A + B)	R2500

**** 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 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)	EVDM Town Planning Services
Postal Address	PO Box 204, Stellenbosch, 7599
Vat Number (where applicable)	4740239944

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)	_____ _____ _____					

Brief description of proposed development / intent of application:

See motivation attached

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

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

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

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

Y	N ●	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989)		
			Y	● N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	● N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	● N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	● N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	● N/A	National Water Act, 1998 (Act 36 of 1998)
Y	● N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A	Other (specify)
Y	● N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	● 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: 2022-04-20

Full name: Emile van der Merwe

Professional capacity: PROFESSIONAL PLANNER (REG 1149/1996)

FOR OFFICE USE ONLY

Date received: _____

Received By: _____