

**NOTICE OF LAND DEVELOPMENT APPLICATION  
IN THE STELLENBOSCH MUNICIPAL AREA**

**APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 3862  
STELLENBOSCH, SITUATED AT 12 UNIE ROAD, STELLENBOSCH**

**Applicant:** Arch Town Planners (Pty) Ltd – Marike Bolz  
Contact Number: 072 480 5838,  
e-mail: [marike@archtownplanners.co.za](mailto:marike@archtownplanners.co.za)

**Owner:** Mr and Mrs Van Wyk  
Contact Number: 072 8817 984

**Application number:** LU/12818

**Reference number:** Erf 3862 Stellenbosch

**Property Description:** Erf 3862 Stellenbosch

**Physical Address:** 12 Unie Road, Unipark, Stellenbosch

**Description of proposal:**

- a) Application is made in terms of Section 15(2)(f) of the Land Use Planning By-Law for the removal of the restrictive title deed conditions contained in Title Deed No. T15103/2021: Clauses 6(a),(b),(c) and (d) applicable to Erf 3862, Stellenbosch.

Notice is hereby given in terms 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.

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 as follows: **Arch Town Planners (Marike Bolz), [marike@archtownplanners.co.za](mailto:marike@archtownplanners.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 **27 September 2021**.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 072 480 5838 during normal office hours.

**KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK  
IN DIE STELLENBOSCH MUNISIPALE GEBIED**

**AANSOEK VIR DIE VERWYDERING VAN BEPERKENDE TITELAKTE VOORWAARDES OP ERF 3862  
STELLENBOSCH TE UNIE LAAN 12, STELLENBOSCH**

**Aansoeker:** Arch Town Planners (Pty) Ltd – Marike Bolz  
Kontakbesonderhede: 072 480 5838

**Eienaar:** Mnr en Mev van Wyk  
Kontakbesonderhede: 072 8817 984

**Aansoeknommer:** LU/12818

**Verwysingsnommer:** Erf 3862, Stellenbosch

**Eiendomsbeskrywing:** Erf 3862, Stellenbosch

**Fisiese Adres:** 12 Unie Laan, Unipark, Stellenbosch

**Beskrywing van aansoek:**

- a) Die aansoek vir oorweging is 'n aansoek ingevolge artikel 15(2)(f) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning vir die opheffing van die beperkende titelaktevoorwaardes vervat in Titelakte Nr. T15103/2021: Klousules 6(a), (b), (c) en (d) van toepassing op Erf 3862 Stellenbosch.

Kennis word hiermee gegee in terme 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 toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: (Herhaal naam van Applikant en e-pos adres vir stuur van kommentaar). Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **27 September 2021**.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 072 480 5838.

# REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

**ERF 3862, UNIE ROAD  
STELLENBOSCH**



**AUGUST 2021**

**SUBMITTED TO:  
STELLENBOSCH MUNICIPALITY**

**PREPARED AND SUBMITTED BY:**



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## 1. INTRODUCTION

### 1.1 Background Information

Erf 3863 Stellenbosch (hereafter referred to as 'the application site') is a conventional residential erf, within the Stellenbosch Municipal area. The owner of the property seeks to replace the existing carport with a new garage. The Title Deed conditions of the property places restrictions on the street and common boundary building lines of the property which is more restrictive than that of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (hereafter referred to as 'the Zoning Scheme'). This results in the inefficient and costly use of space. As with most of the erven in Unie Park, the Title Deed conditions which was attached to this erf, is considered to be outdated and constricting optimal land use of the site.

### 1.2 Planning Brief

In light of the above information, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality to remove the relevant restrictive title deed conditions.

Please refer to the attached Power of Attorney (**Annexure A**).

### 1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(f) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for the following:

i. The **removal of restrictive title deed conditions** from Deed of Transfer No. T15103/2021, which read as follows:

*C.6 (a) dit mag nie onderverdeel word nie*

*(b) Slegs een woning, tesame met die buitegeboue wat gewoonlik 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 20 voet van die straatlyn wat een of meer grense van hierdie erf uitmaak, opgerig word nie, asook nie binne 10 voet van die agtergrens of sygrens geneem daarvan e naan 'n aangrensende erf nie.*

This report serves as motivation for the above-mentioned application. The official application form is attached to this report as **Annexure B**.

## 2. PROPERTY DESCRIPTION

### 2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf size	Title Deed	Restrictive Title Deed Conditions
Erf 3862, Stellenbosch	Carel en Lindie van Wyk	1 263m <sup>2</sup>	T15103/2021	C.6(a) – (d)

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed. As listed under Section C. 6, the following conditions are restricting the proposed and future development of the property and therefore needs to be removed to be in line with the applicable Stellenbosch Zoning Scheme:

C.6 (a) *dit mag nie onderverdeel word nie*

(b) *Slegs een woning, tesame met die buitegeboue wat gewoonlik 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 20 voet van die straatlyn wat een of meer grense van hierdie erf uitmaak, opgerig word nie, asook nie binne 10 voet van die agtergrens of sygrens geneem daarvan e naan 'n aangrensende erf nie.*

### 2.2 Locality and Context

Please refer to Figure 1 below for the locality of the application site. The site is situated directly east of Unie road, in Unie Park, Stellenbosch. (also refer to **Annexure E** attached). Unie Park is one of the older residential suburbs in Stellenbosch with predominantly conventional residential erven. The application site is within walking distance from both Stellenbosch Primary and High Schools. Access to the application site is currently gained from Unie Road.

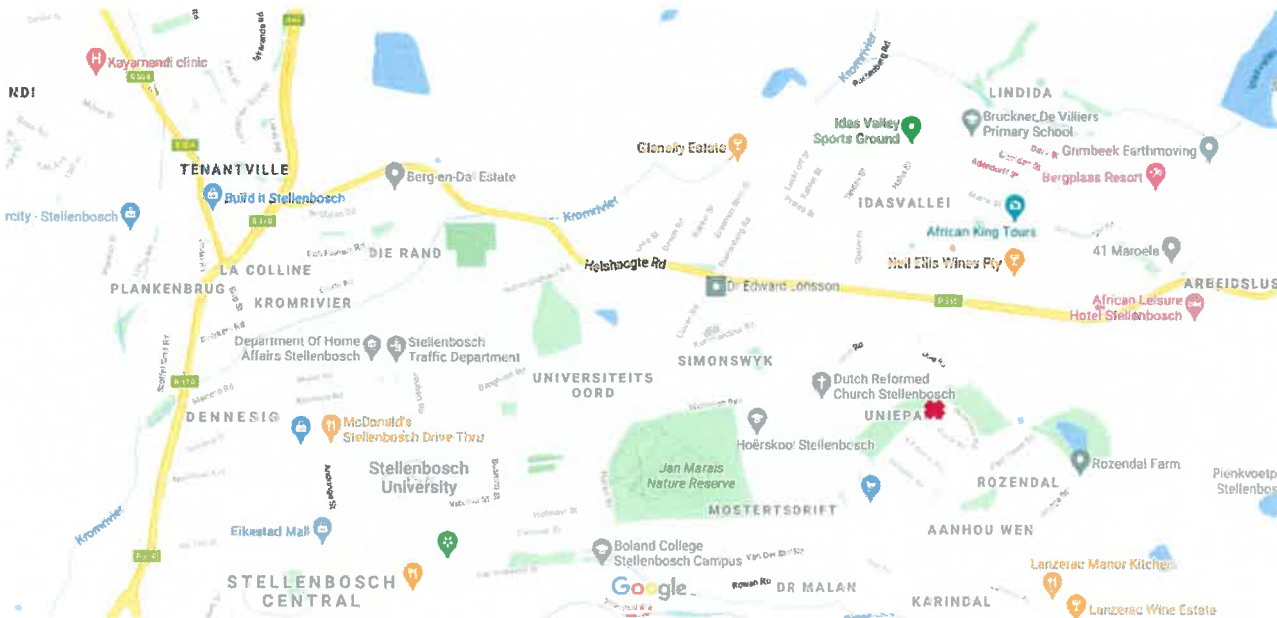


Figure 1 Locality of Application Site





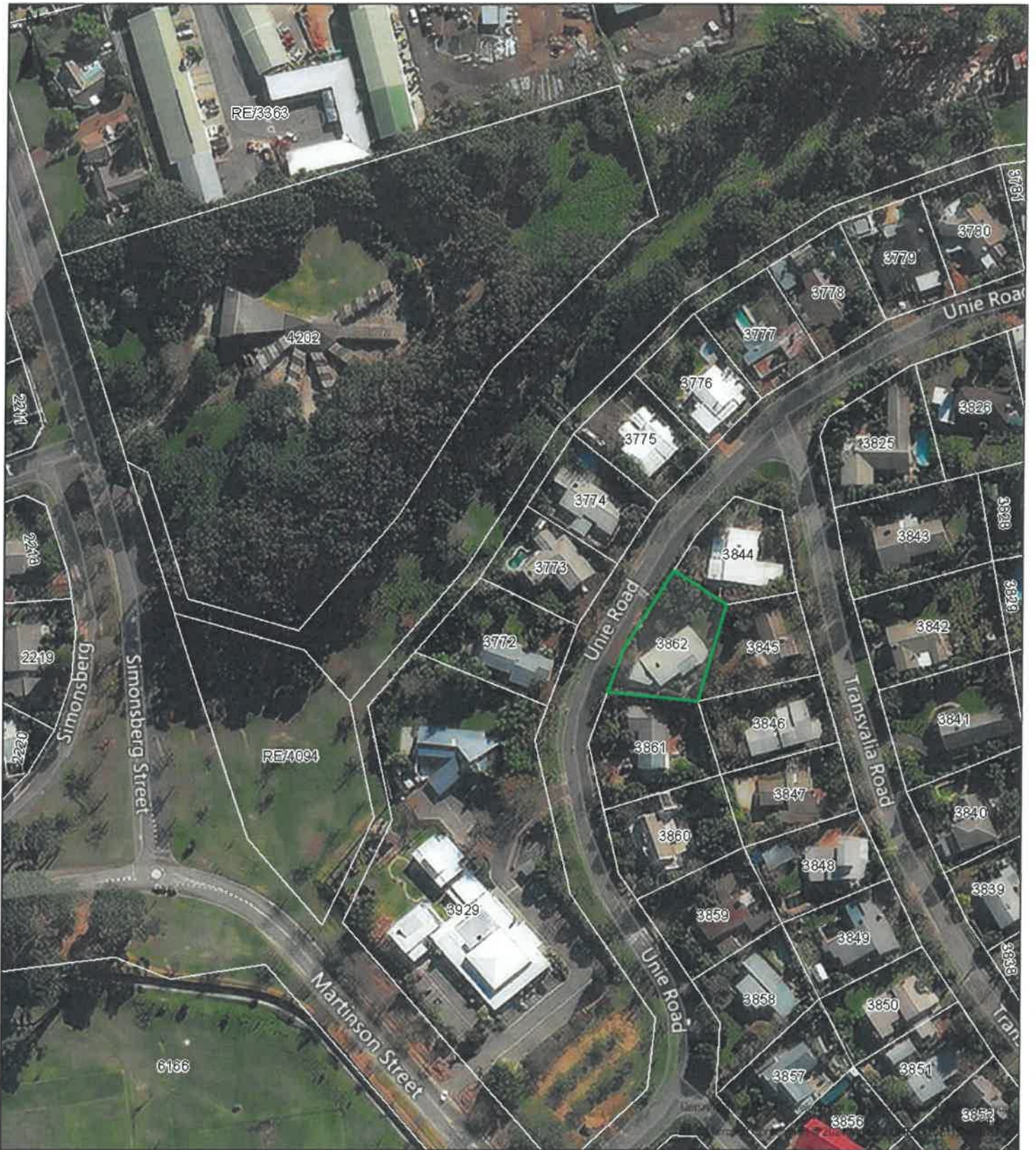
Figure 2 Aerial view

### 2.3 Current Zoning and Land Use

The zoning of properties is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the site is zoned as **Conventional Residential Zone**, which allows for the following land uses on the site:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> <li>• Dwelling house</li> </ul>	<ul style="list-style-type: none"> <li>• Bed and breakfast establishment</li> <li>• Home day care centre</li> <li>• Home occupation practice</li> <li>• Home lodging</li> <li>• Second dwelling</li> <li>• Occasional use (one event/year)</li> <li>• Private road</li> </ul>	<ul style="list-style-type: none"> <li>• Commune</li> <li>• Extramural facility</li> <li>• Group housing</li> <li>• Guest house</li> <li>• House shop</li> <li>• Occasional use (&gt;one event/year)</li> <li>• Tourist dwelling unit</li> <li>• Additional uses exceeding parameters in this chapter</li> </ul>

Table 2 Summary of land uses



**Legend**

Erf



**Scale:** 1:2 257

**Date created:** August 26, 2021

Compiled with CapeFarmMapper



**Western Cape  
Government**

Agriculture

The following building development parameters are applicable to Conventional Residential zoned erven:

Area of Land Unit	Street Boundary Building Lines	Common Boundary Building Lines	Coverage	Height
501m <sup>2</sup> - 1 500m <sup>2</sup>	4m and 1m for garage	2.5m and 0m for garage	621m <sup>2</sup>	2 Storeys

Table 3 Building development parameters

As can be seen from the above two tables and the title deed conditions listed under Section 2.1 above, the title deed conditions are much more restrictive than the Zoning Scheme.

### 3. DEVELOPMENT PROPOSAL

#### 3.1 Overview

The proposed development entails replacing the existing carport with a new garage (approximately 91m<sup>2</sup> in size). Please refer to Figure x below for a schematic representation of the proposed garage extension indicated in red:

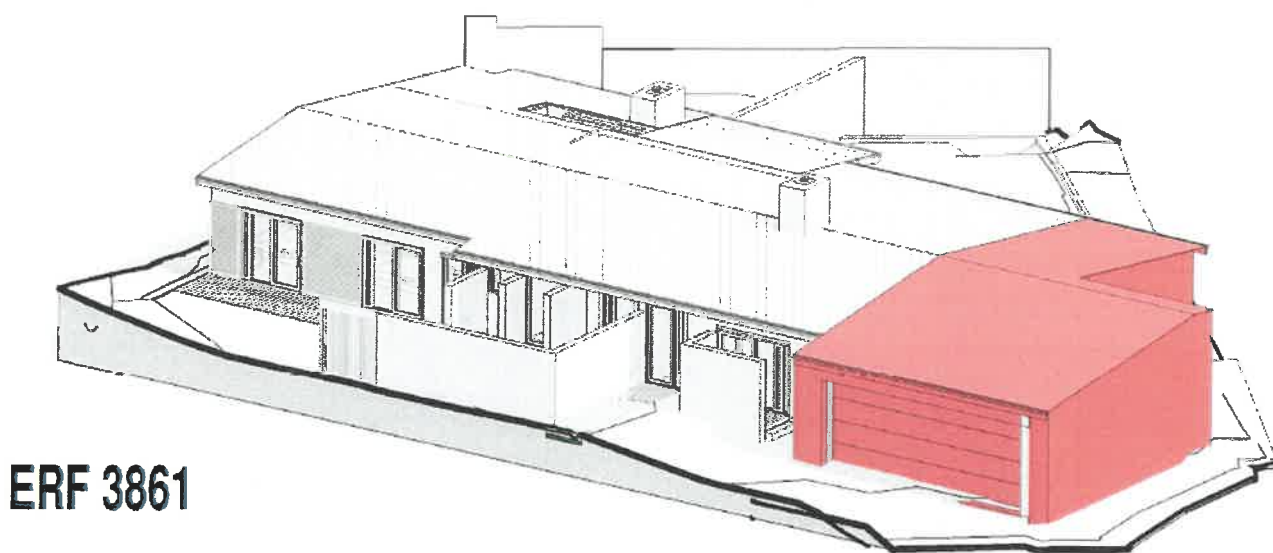
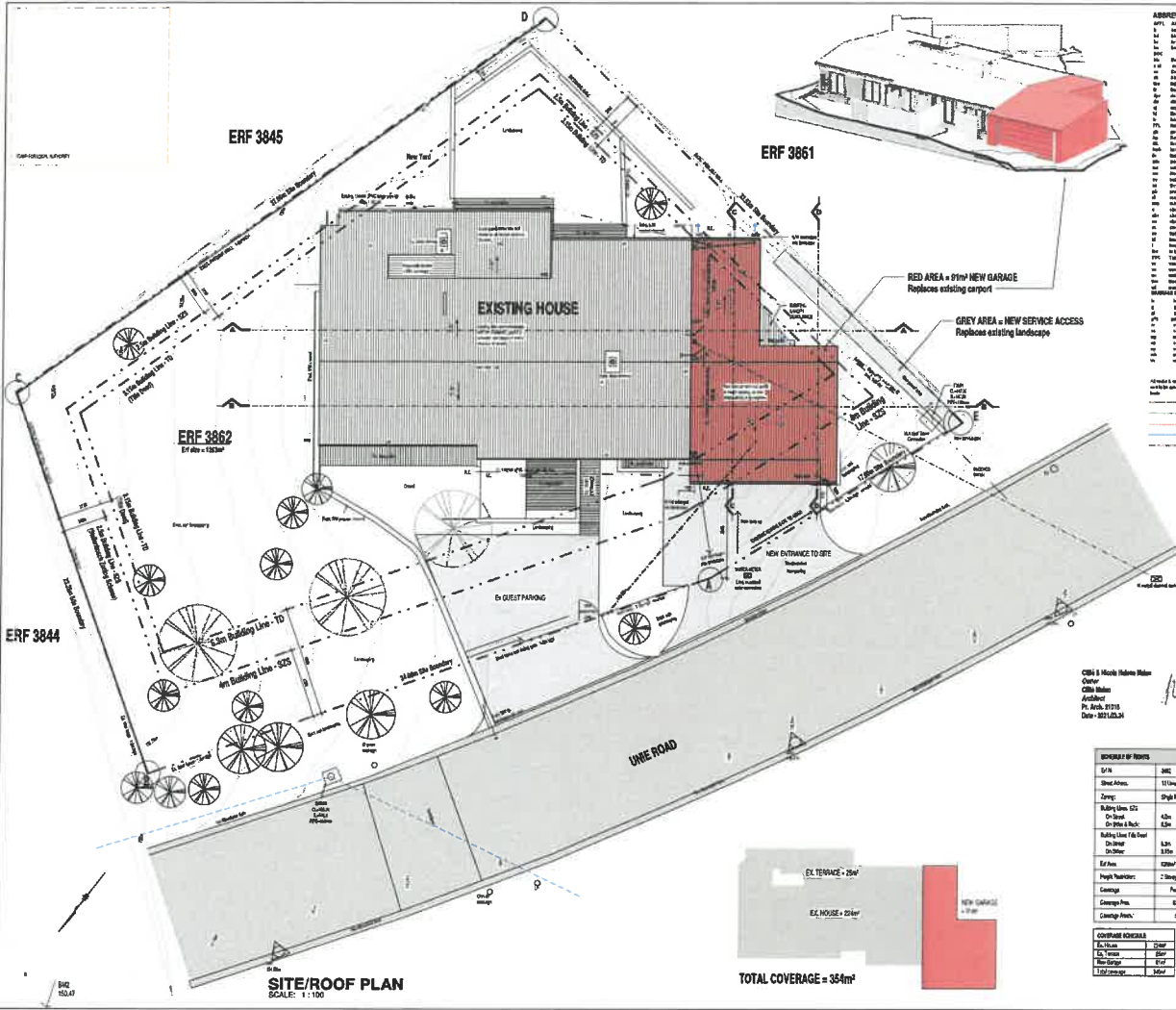


Figure 3 Proposed garage

The proposed garage will be set back approximately 1m from the street and between 1m – 2m from the southern common boundary, as allowed for in the Zoning Scheme. The proposed garage will increase the coverage on the site to 354m<sup>2</sup> (28%) which is well below the allowable coverage of 631m<sup>2</sup>. Please refer to Annexure G for a copy of the proposed Site Development Plan and Elevation drawings.





**ABBREVIATION LEGEND**

AP1	Alarm Point
A1	Access
A2	Alarm
A3	Alarm
A4	Alarm
A5	Alarm
A6	Alarm
A7	Alarm
A8	Alarm
A9	Alarm
A10	Alarm
A11	Alarm
A12	Alarm
A13	Alarm
A14	Alarm
A15	Alarm
A16	Alarm
A17	Alarm
A18	Alarm
A19	Alarm
A20	Alarm
A21	Alarm
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A24	Alarm
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A29	Alarm
A30	Alarm
A31	Alarm
A32	Alarm
A33	Alarm
A34	Alarm
A35	Alarm
A36	Alarm
A37	Alarm
A38	Alarm
A39	Alarm
A40	Alarm
A41	Alarm
A42	Alarm
A43	Alarm
A44	Alarm
A45	Alarm
A46	Alarm
A47	Alarm
A48	Alarm
A49	Alarm
A50	Alarm

Alarms in response to fire or burglar alarm of 100  
 100% fire protection  
 100% burglar protection  
 100% fire and burglar protection  
 100% fire and burglar protection  
 100% fire and burglar protection

**10- LEGEND OF MATERIALS**

1	Concrete
2	Brickwork
3	Blockwork
4	Plaster
5	Paint
6	Roofing
7	Flooring
8	Landscaping
9	Drainage
10	Structural Steel
11	Structural Timber
12	Structural Glass
13	Structural Aluminium
14	Structural Steel Decking
15	Structural Steel Joists
16	Structural Steel Beams
17	Structural Steel Columns
18	Structural Steel Bracing
19	Structural Steel Connections
20	Structural Steel Details
21	Structural Steel Fabrication
22	Structural Steel Erection
23	Structural Steel Painting
24	Structural Steel Inspection
25	Structural Steel Acceptance
26	Structural Steel Completion
27	Structural Steel Maintenance
28	Structural Steel Repairs
29	Structural Steel Replacement
30	Structural Steel Demolition

**GENERAL NOTES**

1. All work to be done in accordance with the specifications and drawings.

2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

3. All materials and workmanship shall be subject to inspection and approval by the relevant authorities.

4. The contractor shall be responsible for the safety of all workers and the public during the construction process.

5. The contractor shall be responsible for the protection of all existing structures and services on the site.

6. The contractor shall be responsible for the disposal of all waste materials in accordance with the relevant regulations.

7. The contractor shall be responsible for the maintenance of access to all services and utilities throughout the construction process.

8. The contractor shall be responsible for the maintenance of all site boundaries and enclosures throughout the construction process.

9. The contractor shall be responsible for the maintenance of all site security measures throughout the construction process.

10. The contractor shall be responsible for the maintenance of all site safety measures throughout the construction process.

11. The contractor shall be responsible for the maintenance of all site environmental measures throughout the construction process.

12. The contractor shall be responsible for the maintenance of all site health and safety measures throughout the construction process.

13. The contractor shall be responsible for the maintenance of all site quality control measures throughout the construction process.

14. The contractor shall be responsible for the maintenance of all site record keeping measures throughout the construction process.

15. The contractor shall be responsible for the maintenance of all site communication measures throughout the construction process.

16. The contractor shall be responsible for the maintenance of all site reporting measures throughout the construction process.

17. The contractor shall be responsible for the maintenance of all site documentation measures throughout the construction process.

18. The contractor shall be responsible for the maintenance of all site compliance measures throughout the construction process.

19. The contractor shall be responsible for the maintenance of all site legal measures throughout the construction process.

20. The contractor shall be responsible for the maintenance of all site ethical measures throughout the construction process.

**PROJECTIONS**

1	Site Plan
2	Site/roof Plan
3	Section
4	Detail
5	Structural Drawings
6	Electrical Drawings
7	Mechanical Drawings
8	Plumbing Drawings
9	Sanitary Drawings
10	Fire Drawings
11	Energy Drawings
12	Accessibility Drawings
13	Other Drawings

**FOR LOCAL AUTHORITY APPROVAL**

1. This drawing is submitted for the approval of the relevant local authority.

2. The applicant shall be responsible for providing all necessary information and documentation to support the application.

3. The applicant shall be responsible for the payment of all relevant fees and charges.

4. The applicant shall be responsible for the completion of all conditions of approval.

5. The applicant shall be responsible for the maintenance of all site access and services throughout the construction process.

6. The applicant shall be responsible for the maintenance of all site safety and security measures throughout the construction process.

7. The applicant shall be responsible for the maintenance of all site environmental and health and safety measures throughout the construction process.

8. The applicant shall be responsible for the maintenance of all site quality control measures throughout the construction process.

9. The applicant shall be responsible for the maintenance of all site record keeping measures throughout the construction process.

10. The applicant shall be responsible for the maintenance of all site communication measures throughout the construction process.

11. The applicant shall be responsible for the maintenance of all site reporting measures throughout the construction process.

12. The applicant shall be responsible for the maintenance of all site documentation measures throughout the construction process.

13. The applicant shall be responsible for the maintenance of all site compliance measures throughout the construction process.

14. The applicant shall be responsible for the maintenance of all site legal measures throughout the construction process.

15. The applicant shall be responsible for the maintenance of all site ethical measures throughout the construction process.

**SOLUTION**

12 ERNE ROAD, LAMPFARK, STELLA BOSCH

**CFJ & VAN WYK - DRF 3863**

**SITE AND ROOF PLAN**

**J011 100 C**

CFJ & VAN WYK  
 CFJ & VAN WYK  
 Architect  
 P.O. Box 12128  
 Date: 2021.03.24

**REQUIREMENTS**

Site	200
Street Access	11.1m (Front), 10.0m (Side)
Zone	Single Residential
Building Line - 2/1	4.0m
On Street	8.0m
Building Line - 1/2 Street	8.0m
On Street	8.0m
Setback	8.0m
Height	2.0m
Garage Area	20.0m <sup>2</sup>
Garage Height	2.0m
Garage Area	20.0m <sup>2</sup>
Garage Height	2.0m
Garage Area	20.0m <sup>2</sup>
Garage Height	2.0m



**SITE/ROOF PLAN**  
 SCALE: 1:100

### 3.2 Development Parameters

Table 4 below provides a comparison between the prescribed development parameters (for a garage) of the zoning scheme and those specified in the Title Deed:

COMPARISON OF DEVELOPMENT PARAMETERS OF: CONVENTIONAL RESIDENTIAL ZONE (GARAGE) VS TITLE DEED:					
Development Rule	Permissible		Proposed	Applications Required	
	Zoning Scheme	Title Deed		Zoning Scheme	Title Deed
Street Boundary Building Lines	1m	6.3m	1m	Compliant	Remove
Common Boundary Building Lines	0m	3.15m	1m	Compliant	Remove
Coverage	631m <sup>2</sup>	50% (631 m <sup>2</sup> )	28% (354m <sup>2</sup> )	Compliant	Compliant
Height	2 Storeys	n/a	2 Storeys	Compliant	n/a

**Table 4** Compliance of Proposed Garage with Land Use Parameters

The proposed development complies with all the development parameters of the Zoning Scheme, but it extends beyond the building lines prescribed in the Title Deed. Though the proposed development complies with the title deed conditions in terms of coverage and number of dwelling units (being only one) it is proposed to remove all the restrictive title deed conditions which is more restrictive than the Zoning Scheme. This will enable the owners to develop the application site in line with the latest land use management legislation, in the foreseeable future. Any future additional development of the application site, will however, be subject to building plan scrutiny and approval.

### 4. MOTIVATION

It is important to note that prior to the existence of zoning schemes, title deeds were used to govern and guide the development (by way of various conditions) of properties. Title deed conditions were used to regulate and protect the existing rights of all property owners. Without arguing that restrictive title deed conditions are redundant, it is motivated that Zoning Schemes and Municipal Policies now replaces the need for title deeds to govern the development of properties.

It should be noted that the application only involves the removal of restrictive title deed conditions to allow for the proposed garage to be built on the building lines as allowed for in the Zoning Scheme. Though the proposed garage does not impact on or contravene the restrictions referring to coverage, only one building and no subdivision of the erf, it is motivated that these conditions should also be removed as part of this application, to allow for future development (if any) to be in line with and governed by the applicable Zoning Scheme. The removal of restrictive title deed conditions is a very costly and lengthy application process, and it is sensible for the landowner to address all issues in this application. This application is

therefore merely to align the development rights of the application site with the more relevant and current Zoning Scheme and Policies of the Stellenbosch Municipality.

Even with the approval of the removal of restrictive title deed conditions, any further development on the application site will still be regulated by the development parameters of the Conventional Residential zone a (as listed in Tables 2 and 3 of this report).

Section 65(1) of the By-law, sets out certain criteria which needs be met in consideration of an application by the decision- making authorities. In line with this section, Table 5, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(f) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was presented to the Municipality by means of pre-application consultation. See <b>Annexure G</b> for feedback received during the pre- application scrutiny process. All relevant and required documentation are attached to this application and motivation.
c. Desirability of land use	<p>The applications for the removal of restrictive title deed conditions will not affect the existing or future land use of the site. The land use will stay as is, being conventional residential. It is further motivated that:</p> <ul style="list-style-type: none"> <li>- The approval of the application will not have a negative impact on the surrounding properties as it is in character with similar developments in the immediate and surrounding residential neighbourhood.</li> <li>- The approval of this application will not result in an unusual advantage for the owners of the application site. Any future development will have to comply with the provisions of the applicable Zoning Scheme.</li> <li>- The proposed garage, resulting in a marginal increase in coverage is still way below the permissible coverage and will not result in the overdevelopment of the site. It is appropriate in the context of the area.</li> <li>- The existing rights of the surrounding neighbours will not be impacted in a negative way if the title deed restrictions are removed.</li> <li>- The removal of the title deed restrictions will have no impact on any of the infrastructure services in the area.</li> </ul>
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.

e. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.



h. Impact on municipal engineering services.	None
i. The IDP and SDF	<p>Stellenbosch Municipality recently approved a new MSDF, which is used to guide land use decisions in both the short and long term. This document conceptualizes seven core principles. While not all these principles are of pertinence to this application, the relevant principles are indicated below.</p> <p><i>Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas:</i> This application will not have any impact on the Municipality's natural environment and farming areas as the proposed development is located well within the urban edge.</p> <p><i>Respect and grow cultural heritage:</i> In line with the Stellenbosch Municipality's SDF, the proposed development will contribute to sensitive densification of an established conventional residential area.</p> <p><i>Clarify and respect the different roles and potentials of existing settlements:</i> As identified throughout this report, the application site is located within an area earmarked for conventional residential development. By allowing for the removal of the restrictive title deed conditions, the approval thereof will contribute to realising the potential of the conventional residential property to be sensitively densified.</p> <p><i>Ensure balanced, sustainable communities:</i></p> <p>It is required that future development within Stellenbosch take cognisance of the fact that the municipality is experiencing increased congestion. The removal of the title deed restrictions could allow for a second dwelling unit to be developed on the erf (with Council's consent). As per the SDF, development and densification must be prioritised within a radius of 1km of residential areas. It is important that the sensible densification in Stellenbosch should be supported to allow for the optimal use of land, services and infrastructure (including public transport).</p> <p>Furthermore, some of the main principles of the SDF relevant to this application includes:</p> <ul style="list-style-type: none"> <li>- The principle of appropriate densification,</li> <li>- Development approvals should be guided by the need to achieve the settlement densities needed to make the public transport system financially and operationally viable.</li> <li>- Subdivisions, second dwellings, sectional title, re-development of existing low-density areas, infill and brownfield land opportunities should be prioritized over greenfield sites, as guided by the SDF.</li> </ul> <p>The application promotes all the above highlighted principles of the SDF.</p>

j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes densification. Thus, the application is in line with the provincial SDF.
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p><b><u>Spatial Justice:</u></b> Aligned. The proposal includes an opportunity of a second dwelling within proximity of various schools, health facilities and other points of interest.</p> <p>Considering the location of the property, it may be justified that the property owner deserves the opportunity of developing the property to its maximum potential, whilst being sensitive towards the character of the area.</p> <p><b><u>Spatial Sustainability:</u></b> Aligned. The proposal complies with this principle by ensuring that the development of the property will create a more compact Stellenbosch. It will also contribute to the promotion of land development in a location that will limit urban sprawl.</p> <p><b><u>Efficiency:</u></b> Aligned. This application entails the utilisation of existing infrastructure on an optimal level. The proposal will allow for the efficient utilisation of land.</p> <p><b><u>Good Administration:</u></b> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><b><u>Spatial Resilience:</u></b> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>

s. Applicable provisions of the zoning scheme	As discussed, the proposed development is in line with the provisions of the Zoning Scheme.
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Table 5 Assessment of Application in terms of Section 65 of the By-law

## 5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. In light of the above information, Council is respectfully requested to favourably consider the application for the following:

i. The **removal of restrictive title deed conditions** from Deed of Transfer No. T15103/2021, which read as follows:

*C.6 (a) dit mag nie onderverdeel word nie*

*(b) Slegs een woning, tesame met die buitegeboue wat gewoonlik 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 20 voet van die straatlyn wat een of meer grense van hierdie erf uitmaak, opgerig word nie, asook nie binne 10 voet van die agtergrens of sygrens geneem daarvan e naan 'n aangrensende erf nie.*

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August 2021