

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION FOR THE REMOVAL OF TITLE DEED RESTRICTIONS AND SUBDIVISION: ERF 3890 STELLENBOSCH

Application Address: 1 Oranje Avenue, Stellenbosch
(Erf 3890, Stellenbosch)
Applicant: Alwi Theart t/a Urban Rural SA
082 411 7914 | alwi@urbanrural.co.za
Owner: GJS Kritzinger | 082 551 5517 | snyman@grown4u.co.za
Application Reference: LU/15495

Description of land use application:

1. Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law, 2015 to **remove the following title deed conditions**:
 - i. Clause B(6)(a) of T26613/1980 and clause 6(a) of T19882/1969 not permitting subdivision of the property.
 - ii. Clause B(6)(b) of T26613/1980 and clause 6(b) of T19882/1969 only permitting one dwelling on the erf.
 - iii. Clause B(6)(c) of T26613/1980 and clause 6(c) of T19882/1969 restricting the coverage to not more than half of the erf to be built upon.
 - iv. Clause B(6)(d) of T26613/1980 and clause 6(d) of T19882/1969 restricting that no building or structure, except for boundary walls and fences, shall be erected nearer than 6.3 metres from the street line which forms a boundary of these erven. No such building or structure shall be situated within 3.15m of the lateral or back boundary common to any adjoining erf.
 - v. Clause C(1) of T26613/1980 and clause 1 of T19882/1969 restricting the registered owner to own more than one undeveloped vacant erf in Extention 10, including co-ownership with his wife or minor child.
 - vi. Clause C(4) of T26613/1980 and Clause 4 of T19882/1969 restricting the erf from being used for commercial activities or keeping commercial vehicles onsite.
2. Application is also made in terms of Section 15(2)(d) of the Stellenbosch Municipal Planning Bylaw (2015) for the **subdivision** of Erf 3890, Stellenbosch into two portions of Portion A (+-891sqm) and a Remainder (+-1040sqm)

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: **(Alwi Theart t/a Urban Rural SA : alwi@urbanrural.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 **17 July 2023**.

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 **082 411 7914** during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

AANSOEK VIR DIE VERWYDERING VAN TITEL VOORWAARES EN ONDERVERDELING : ERF 3890, STELLENBOSCH

Aansoek adress : 1 Oranjelaan, Stellenbosch
(Erf 3890, Stellenbosch)
Aansoeker: Alwi Theart t/a Urban Rural SA
082 411 7914 | alwi@urbanrural.co.za
Eienaar: GJS Kritzinger | 082 551 5517 | snyman@grown4u.co.za
Aansoek Verwysing: LU15495

Beskrywing van Grondgebruiksaansoek:

Aansoek in terme van Artikel 15(2)(f) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruiksbeplanning (2015) vir die **verwydering van die volgende titelvoorwaardes**:

- i. Klousule B(6)(a) van T26613/1980 en klousule 6(a) van T19882/1969 wat nie die onderverdeling van die eiendom toelaat nie.
 - ii. Klousule B(6)(b) van T26613/1980 en klousule 6(b) van T19882/1969 wat slegs een woning op die eiendom toelaat.
 - iii. Klousule B(6)(c) van T26613/1980 en klousule 6(c) van T19882/1969 wat die dekking waarop gebou mag word beperk tot nie meer as die helfde van die eiendom nie.
 - iv. Klousule B(6)(d) van T26613/1980 en klousule 6(d) van T19882/1969 wat bepaal dat geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heingsings, mag nader as 6,3 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.
 - iv. Klousule C(1) van T26613/1980 en Klousule 1 van T19882/1969 wat 'n geregistreerde eienaar beperk om meer as een onontwikkelde vakante erf in Uitbreiding 10 te besit, insluitend gesamenentlike eienaarskap met sy eggenoot of minderjarige kind.
 - vi. Klousule C(4) van T26613/1980 en klousule 4 of T19882/1969 wat bepaal dat die erf nie vir kommersiele doeleindes of vir die akkommodering van kommersiele voertuie op die perseel toe laat nie.
2. Aansoek word ook gedoen in terme van Artikel 15(2)(d) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruiksbeplanning (2015) vir die **onderverdeling** van Erf 3890, Stellenbosch in twee gedeeltes naamlik Gedeelte A (+-891sqm) en 'n Restant (+-1040sqm)

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 tydspan van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

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: **(Alwi Theart t/a Urban Rural SA : alwi@urbanrural.co.za)**. Deur 'n beswaar, kommentaar of versoë 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 **17 Julie 2023**.

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 voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **082 411 7914** gedurende normale kantoor ure.

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

Affected person's Name
Affected persons Address

Dear Mr/Mrs/Me

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

Application Property Address: 1 Oranje Avenue, Stellenbosch
Application Property Number: Erf 3890, Stellenbosch
Applicant: Alwi Theart t/a Urban Rural SA
082 411 7914 | alwi@urbanrural.co.za
Owner: GJS Kritzinger | 082 551 5517 | snyman@grown4u.co.za
Application Reference: LU/15495

Application Type: **Removal of Title Deed Restrictions and Subdivision**

Detailed description of land use application :

1. Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law, 2015 to **remove the following title deed conditions;**

- i. Clause B(6)(a) of T26613/1980 and clause 6(a) of T19882/1969 not permitting subdivision of the property.
- ii. Clause B(6)(b) of T26613/1980 and clause 6(b) of T19882/1969 only permitting one dwelling on the erf.
- iii. Clause B(6)(c) of T26613/1980 and clause 6(c) of T19882/1969 restricting the coverage to not more than half of the erf to be built upon.
- iv. Clause B(6)(d) of T26613/1980 and clause 6(d) of T19882/1969 restricting that no building or structure, except for boundary walls and fences, shall be erected nearer than 6.3 meters from the street line which forms a boundary of these erven. No such building or structure shall be situated within 3.15m of the lateral or back boundary common to any adjoining erf.
- v. Clause C(1) of T26613/1980 and clause 1 of T19882/1969 restricting the registered owner to own more than one undeveloped vacant erf in Extention 10, including co-ownership with his wife or minor child.
- vi. Clause C(4) of T26613/1980 and Clause 4 of T19882/1969 restricting the erf from being used for commercial activities or keeping commercial vehicles onsite.

2. Application is also made in terms of Section 15(2)(d) of the Stellenbosch Municipal Planning Bylaw (2015) for the **subdivision** of Erf 3890, Stellenbosch into two portions of Portion A (+-891sqm) and a Remainder (+-1040sqm)

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:
 - o Indicate the facts and circumstances that explain the comments;
 - o Where relevant demonstrate the undesirable effect that the application will have if approved;
 - o Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: (Alwi Theart t/a Urban Rural SA . Email address: **alwi@urbanrural.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 **17 July 2023**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/objections 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 **(082 411 7914)** during normal office hours.

Yours faithfully

Alwi Theart t/a
Urban Rural SA Planning and Land Use Specialists

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

Naam van geaffekteerde persoon
Fisiese adres van geaffekteerde persoon

Geagte Mnr/Mev/Me

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

Adres van aansoek eiendom:	Oranjelaan 1, Stellenbosch
Aansoek eiendom beskrywing:	Erf 3890, Stellenbosch
Aansoeker:	Alwi Theart t/a Urban Rural SA 082 411 7914 alwi@urbanrural.co.za
Eienaar:	GJS Kritzinger 082 551 5517 snyman@grown4u.co.za
Aansoek Verwysing:	LU15495

Tipe Aansoek: **Verwydering van Titlevoorwaardes en Onderverdeling**

Beskrywing van Grondgebruiksaansoek:

Aansoek in terme van Artikel 15(2)(f) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning (2015) vir die **verwydering van die volgende titelvoorwaardes**:

- i. Klousule B(6)(a) van T26613/1980 en klousule 6(a) van T19882/1969 wat nie die onderverdeling van die eiendom toelaat nie.
- ii. Klousule B(6)(b) van T26613/1980 en klousule 6(b) van T19882/1969 wat slegs een woning op die eiendom toelaat.
- iii. Klousule B(6)(c) van T26613/1980 en klousule 6(c) van T19882/1969 wat die dekking waarop gebou mag word beperk tot nie meer as die helfte van die eiendom nie.
- iv. Klousule B(6)(d) van T26613/1980 en klousule 6(d) van T19882/1969 wat bepaal dat geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en hegings, mag nader as 6,3 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.
- v. Klousule C(1) van T26613/1980 en Klousule 1 van T19882/1969 wat 'n geregistreerde eienaar beperk om meer as een onontwikkelde vakante erf in Uitbreiding 10 te besit, insluitend gesamenentlike eienaarskap met sy eggenoot of minderjarige kind.
- vi. Klousule C(4) van T26613/1980 en klousule 4 of T19882/1969 wat bepaal dat die erf nie vir kommersiele doeleindes of vir die akkommodering van kommersiele voertuie op die perseel toe laat nie.

2. Aansoek word ook gedoen in terme van Artikel 15(2)(d) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning (2015) vir die **onderverdeling** van Erf 3890, Stellenbosch in twee gedeeltes naamlik Gedeelte A (+-891sqm) en 'n Restant (+-1040sqm)

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-notice/land-use-applications-advertisements>.

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

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - o Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - o Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - o Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - o Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Alwi Theart t/a Urban Rural SA : Epos adres: alwi@urbanrural.co.za). Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **17 Julie 2023**.

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 voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **082 411 7914** gedurende normale kantoor ure (of voorsien ure van toepassing).

Die uwe

Alwi Theart t/a
Urban Rural SA Planning and Land Use Specialists



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE: LAND USE APPLICATION

**PLEASE CONSULT THE PLANNING PORTAL FOR FURTHER DETAILS
STELLENBOSCH MUNICIPAL WEBSITE (www.stellenbosch.gov.za)**

ADVERTISING PERIOD: 15 June 2023 – 17 July 2023

ERF

ERF 3890, Stellenbosch

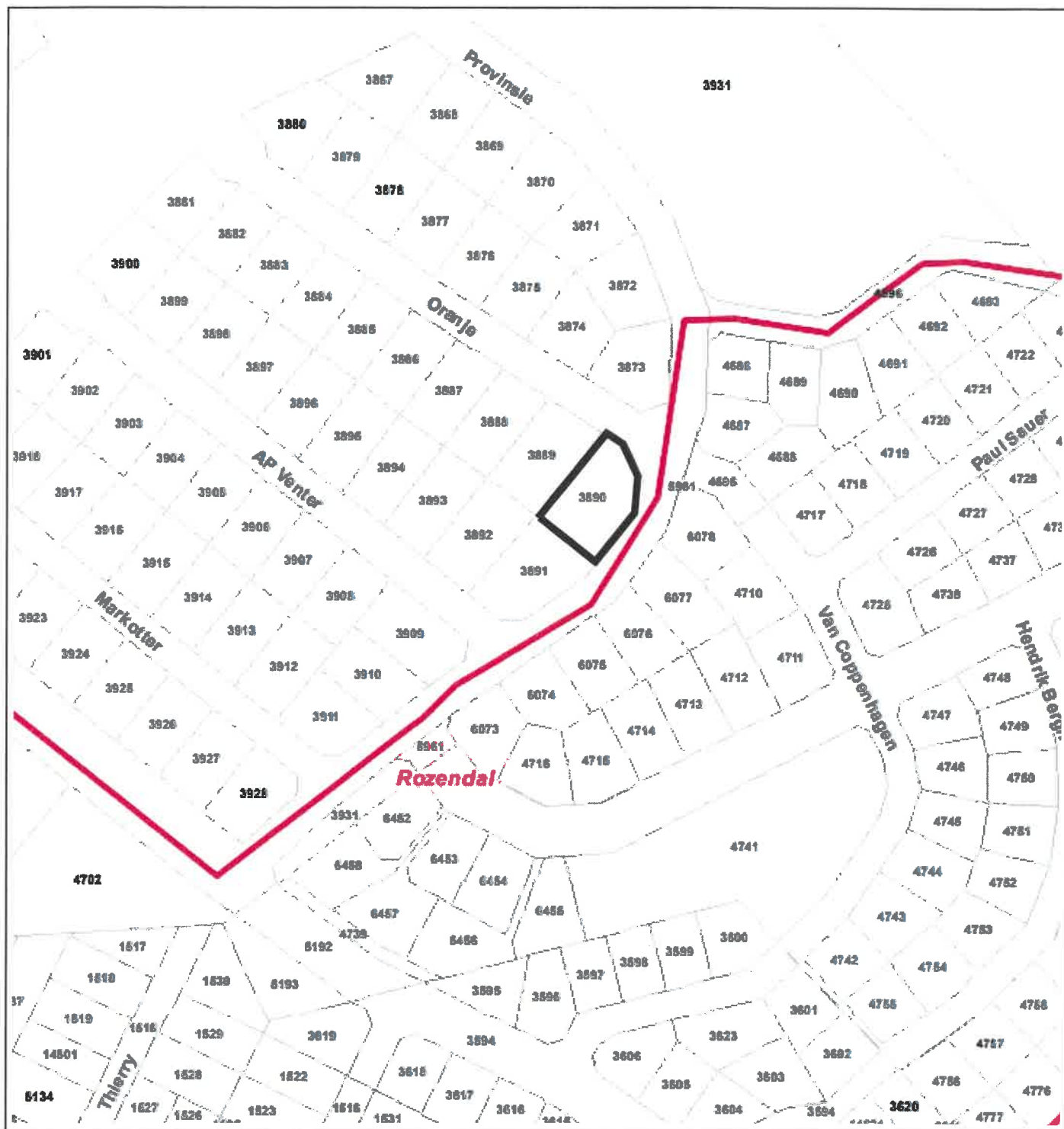
ENQUIRIES:

ALWI THEART

T/A URBAN RURAL SA

PLANNING + LAND USE CONSULTANTS

alwi@urbanrural.co.za : Cell 082 411 7914



- PLAN - CADASTRAL



URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

A THEART | Tsh.Pltn (SA) MPHil NHDip NDip PPPE CEA
ALWIL THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
alwi@urbanrural.co.za | www.urbanrural.co.za

Property : Erf 3890
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 1 Oranje Street , Uniepark
Date : January 2023
Scale : Unknown or as Indicated
Source : Municipality
Project Nr : 366.2022

PLAN

B02



URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

A THEART | TCh,Pln (SA) MPhil NHDip NDip PPRE CEA
ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
alwi@urbanrural.co.za | www.urbanrural.co.za

30 January 2023

Ref Nr. 366.2022

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

For attention : Me Louis Guntz
landuse.applications@stellenbosch.gov.za

LAND USE APPLICATION

ERF 3890, STELLENBOSCH

REMOVAL OF TITLE DEED CONDITIONS + SUBDIVISION

An application is hereby formally made in terms of Section 15(2)(d) and (f), of the Stellenbosch Municipal Land Use By-law, to remove certain title deed conditions and to subdivide Erf 3890, Stellenbosch into two portions.

Attached please find the following information for your perusal:

- Completed application form
- Motivation Report
- Relevant documentation as prescribed

We trust that the information provided will be sufficient to continue with the advertising and notification process and to make an informed decision in this regard.

We are looking forward to your response.

Yours sincerely

Alwi Theart
Principal Planner
Urban Rural South Africa

JANUARY 2023
submission to
Stellenbosch Municipality



LAND USE APPLICATION

ProjectNr : A366.2022
Property : Erf 3890, Stellenbosch
Client : GJS Kritzinger

Removal of Title Deed Conditions Subdivision of Property

LAND USE APPLICATION

ERF 3890, STELLENBOSCH

REMOVAL OF RESTRICTIONS

SUBDIVISION OF PROPERTY



URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

A THEART | Tsh.Pln (SA) MPhil NHDip NDip PPRE CEA
ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
alwi@urbanrural.co.za | www.urbanrural.co.za

A. CONTENT

• Table of Content.....	1
• List of Plans & Supplementary Documentation.....	1
• Property Information.....	2
• Executive Summary	3
1. Introduction.....	4
2. Application	4
3. Stellenbosch Zoning Scheme.....	5
4. Title Deed.....	6
5. Proposed Development	6
6. Subdivision Policy.....	6
7. Section 65 Land Use By-law.....	8
8. Development Principals	9
9. Services.....	10
10. Desirability of Proposed Development	10
11. Conclusion.....	10

B. LIST OF PLANS

B01 : Locality plan	B01
B02 : Cadastral Plan.....	B02
B03 : Zoning Plan	B03
B04 : Subdivision Policy Plan	B04
B05 : Aerial View – Subdivision	B05
B06 : Subdivision Plan	B06
B07 : Services – Water	B07
B08 : Services – Sewerage.....	B08
B09 : Services – Stormwater.....	B09
B10 : General Plan Surveyor General.....	B10

C. SUPPLEMENTARY DOCUMENTATION

C01 : Application Form.....	C01
C02 : Power of Attorney	C02
C03 : Title Deed.....	C03
C04 : Conveyancer's Certificate (STBB).....	C04

PROPERTY INFORMATION

APPLICATION CONSULTANT

Urban Rural SA
Planning + Land Use Specialists

LANDOWNER

GJS Kritzinger

PROPERTY

Erf 3890, Stellenbosch

PROPERTY SIZE

1931sqm

CURRENT ZONING

Conventional Residential Zone

BOND

Not applicable

EXISTING BUILDINGS

Vacant

EXISTING LAND USE

Residential

SPECIALIST STUDIES

Conveyancer's certificate



EXECUTIVE SUMMARY

1. The purpose of this application is to obtain the development rights to subdivide Erf 3890, Stellenbosch into two portions of 891 sqm and 1040 sqm respectively.
2. In order to do the above there are certain title deed conditions that restrict the subdivision of the property, which will have to be removed. With reference to the new densification policy of Stellenbosch, it is clear that the title deed conditions which refer back to 1969 and 1980 respectively can be considered to be outdated and do not reflect the vision of current legislation and planning policies with specific reference to the Stellenbosch Spatial Development Framework.
3. A search was conducted in the Deeds Registry (by STBB Attorneys), regarding the said property (including both current and earlier title deeds/pivot deeds/deeds of transfer) which include Title Deeds T26613/1980 and T19882/1969.
4. The following conditions will have to be removed to move forward with the subdivision application and to ensure further sustainable development on the newly created properties:

Section 6 (a)	The erf may not be used for commercial purposes nor shall the owner keep any commercial vehicles on the erf as per (C) (4) of T 26613/1980 and clause 4 on page 5 of T 19882/1969.
Section 6(b)	Only one dwelling (together with ordinarily required outbuildings) shall be permitted to be constructed/erected on the erf, as per clause B(6)(b) of T26613/1980 and clause 6(b) of T19882/1969
Section 6(c)	Not more than half of the area of the erf shall be built upon, as per clause B(6)(c) of T26613/1980 and clause 6(c) of T19882/1969.
Section 6(d)	No building or structure (except boundary walls and fences) shall be erected nearer than 6.3 metres to the street line which forms the boundary of this erf and also not nearer than 3.15 meters from the rear boundary, lateral boundary, and adjacent erven, as per clause B(6)(d) of T26613/1980 and clause 6(d) of T19882/1969
Section 6(a)	Subdivision not permitted, as per clause B(6)(a) of T26613/1980 and clause 6(a) of T19882/1969.

5. All the necessary service infrastructures are already in place in the area. The one additional property which will be created by the application, should not have a negative impact on the existing municipal networks and the integration of the additional services should easily be absorbed by the existing networks.
6. A thorough study was done of the proposed development and a report consisting of all the relevant information has been prepared for submission to the relevant authorities. The proposed development has been approached in a holistic manner to ensure that the safety and welfare of the community and the preservation of the natural and developed environment were taken into consideration. It is believed that the comprehensive way in which aspects are addressed in this application will ensure that the impact on the environment is restricted to the minimum and that no adjacent landowners will be negatively affected by the proposal.
7. The proposed subdivision is in line with new planning legislation with regard to functional and sustainable densification and also complies with the Stellenbosch Subdivision Policy (2003).

1. INSTRUCTION

- The owner of Erf 3890, Stellenbosch, namely GJS Kritzinger has appointed Alwi Theart t/a Urban Rural SA, Land Use Specialists to submit a land use application to Stellenbosch Municipality to obtain the necessary land use rights to remove certain title deed conditions that prohibit the subdivision of the property as well as other restrictive conditions which are considered outdated with current planning laws and development frameworks and to subdivide the aforementioned property into two portions.
- The details of the application are set out in the following report.
- Attached also find a Power of Attorney letter from the current land owner. The property has been obtained by the new owner in 2022 and the new title deed was not available at the time of finalising this application.

2. APPLICATION

Application is made in terms of:

Section 15(2)(f) of the Stellenbosch Municipal Planning By-law to **remove certain title deed conditions** in respect of the land unit in order to be able to **subdivide the property** and to construct potential buildings **closer to the boundary** than what is permitted in the Title Deed.

The conditions which are proposed to be removed include the following as indicated in the Conveyancer's certificate namely.

Section 1

The erf may not be used for commercial purposes nor shall the owner keep any commercial vehicles on the erf as per (C) (4) of T 26613/1980 and clause 4 on page 5 of T 19882/1969.

Section 4

Only one dwelling (together with ordinarily required outbuildings) shall be permitted to be constructed/erected on the erf, as per clause B(6)(b) of T26613/1980 and clause 6(b) of T19882/1969

Section 6

Not more than half of the area of the erf shall be built upon, as per clause B(6)(c) of T26613/1980 and clause 6(c) of T19882/1969.

Section 7

Subdivision not permitted, as per clause B(6)(a) of T26613/1980 and clause 6(a) of T19882/1969.

Section 9.1

No building or structure (except boundary walls and fences) shall be erected nearer than 6.3metres to the street line which forms the boundary of this erf and also not nearer than 3.15 meters from the rear boundary, lateral boundary, and adjacent erven, as per clause B(6)(d) of T26613/1980 and clause 6(d) of T19882/1969

Section 9.2

The registered owner shall not be permitted to own more than one undeveloped/vacant erf in the division of Stellenbosch (Extension No10). The aforesaid shall also apply to any co-ownership with his wife or minor child as the case may be, as per clause C(1) of T26613/1980 and clause 1 on page 5 of T19882/1969.

Section 15(2)(d) of the Stellenbosch Municipal Planning By-law to subdivide Erf 3890, Stellenbosch (1931 sqm) into two portions, namely **Portion A (891 sqm)** and a **Remainder Portion (1040 sqm)**. *The smallest of the two newly proposed properties will be approximately 65% of the average size of the surrounding properties and will therefore comply with the subdivision policy of Stellenbosch. The policy accommodates subdivisions up to 50% of the average surrounding property size.)*

Sections 4, 6, 7, 9.1 is directly linked to the subdivision of the property and the construction of any potential houses and outbuildings and will have to be removed in order to provide the owner the opportunity to develop both the newly created properties in a sustainable and functional manner.

Section 1 and 9.2 is considered outdated with no real purpose in today's planning environment and removal of these two conditions is also proposed to be removed.

Both of the newly created properties will be of an acceptable size, and shape and any new development can still be accommodated on both the newly created properties within the prescribed parameters of the conventional residential zoning category.

3. STELLENBOSH ZONING SCHEME

The purpose of a **Conventional Residential Zone** is to make provision for:

- the use of land for the purposes of predominantly single-dwelling houses;
- the welfare and safety of the occupants of dwelling houses within a neighborhood by limiting uses which are likely to give rise to a public nuisance;
- the protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
- controlled opportunities for home employment and income generation through activities that are compatible with the ancillary to residential uses; and
- moderate densification through additional dwellings of with a similar built form and character.

Primary Uses	Additional Uses	Primary Uses
<ul style="list-style-type: none"> • Dwelling house 	<ul style="list-style-type: none"> • Bed and Breakfast establishments • Home day care centre • Home occupation practice • Home lodging • Second dwelling • Occasional use(one event/year) • Private Road 	<ul style="list-style-type: none"> • Commune • Extramural facilities • Group housing • Guest house • House shop • Occasional use (>one event/year) • Tourist dwelling unit • Additional uses exceeding parameters in this chapter

Building Development parameters in this zone

1.The following building lines, coverage and height shall apply to all buildings with this zone

Area of land unit	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
Up to 250 sqm	2m	1m (see 2(e) below)	70%	2 storeys
251 sqm - 500 sqm	3m	1m	The greater of 175 sqm or 60%	2 storeys
501 sqm - 1 500 sqm	4m	2,5m (see 2(c) below)	The greater of 300 sqm or 50%	2 storeys
Greater than 1500sqm	4m	2,5m (see 2(c) below)	The greater of 750 sqm or 40%	2 storeys

4. TITLE DEED

The property is held under T26613/1980.

A Conveyancers Certificate which has been prepared by STBB Attorneys has identified various title deed conditions which have to be removed from the Title Deed in order to accommodate the proposed subdivision of Erf 3890, Stellenbosch, and to ensure a functional and sustainable development opportunity for the current land owner and a potential new land owner. (please see attached conveyancer's certificate – **annexure C04**)

5. PROPOSED DEVELOPMENT

- Erf 3890, Stellenbosch is 1931 sqm in size.
- Currently, the property is vacant and it is the owner's intention to build one dwelling.
- The new landowner is in the process of designing a new dwelling.
- The new dwelling will be positioned on the proposed remainder portion of the erf and will comply with the standard conventional residential zoning parameters.
- The current property is suitable to be subdivided into two properties of 1040 sqm and 891 sqm respectively.
- The proposed new erf sizes are well within the parameters of the Subdivision Policy of Stellenbosch which requires a size limitation of 50% of the 10 adjacent/nearby properties.
- The proposed subdivision portions calculate to approximately 75 % and 65% respectively of the average property sizes and are therefore well within the prescribed minimum erf sizes.
- Both of the newly created properties will gain direct access from the street (no panhandle) and will both be of rectangular shape.
- The smaller portion of the proposed newly created properties will have a development area of approximately 580 sqm which will give any new landowner the opportunity to construct a sizable dwelling.

6. SUBDIVISION POLICY - STELLENBOSCH MUNICIPALITY

The following decision has been made by the First Executive Mayoral Committee meeting on 2003-10-05 Item 4.2.8 which is still applicable and in place today:

- (a) that the new subdivision policy for single residential erven be amended to read as follows and that it be subject to the conditions as stated in (b)(i) and (ii) below:

“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.”

- (b) that this policy can be deviated from if the new erven are 600 sqm or larger (in cases where the the application does not fit the 50% policy) provided that:

- (i) with the evaluation of any subdivision the following are satisfactorily answered:

- (aa) Are the proposed new erven of a regular erf shape and is it possible to erect an appropriate house which is in line with the existing houses?
- (bb) What is the character of the area (erf size, coverage, building lines and house size)?
- (cc) Where is the property situated and how is the accessibility (safe entrances)?
- (dd) What are the physical characteristics of the property? (The slope should not be of such a nature that the new house will influence the privacy of the abutting properties.)
- (ee) What will the impact be on existing rights?
- (ff) Are there services available?
- (gg) What will the impact be on the safety and well-being of the community? (Are there relevant objections to the application?)
- (hh) Will the applicant build within one year?

(ii) that the following provisions are also be taken into account:

- (aa) If a subdivision is allowed no further subdivisions and additional dwellings shall be permitted and the Zoning Scheme Regulations shall be applicable.
- (bb) The privacy of the adjacent properties shall be preserved and a functional garden area must be provided.
- (cc) The original building lines and coverage of the bigger erf shall be applicable
- (dd) If the property is not developed within one year it will be taxed as if a house of R 200 000 has been erected thereon

Calculations have been made and the 10 adjacent properties to the subject property have been calculated. The average size of the properties is 1372 sqm. (see **annexure B04**) The proposed new properties will cover areas of approximately 891 sqm and 1040 sqm respectively, which calculates to approximately 65% and 75% respectively. This is well within the prescribed limits of the Stellenbosch Subdivision Policy which requires a 50% ratio.

Furthermore, in relation to the Subdivision Policy, the proposed newly formed properties will be :

- of rectangular shape;
- both will have direct access to a road/ street and both new access points can be regarded as safe;
- the property slope from north to south and the slope is of such a nature that development can be done without extensive adjustments.
- the installation of services should be considered standard procedure for the proposed properties;
- both properties will have substantial space available to construct a sizeable dwelling without having to depart from the normal development parameters applicable to a conventional residential property;
- Functional garden space will be available on both properties;
- the character of the neighbourhood will not be impacted negatively by the proposed subdivision.

7. SECTION 65 OF THE STELLENBOSCH LAND USE PLANNING BY-LAW

Section 65 prescribe general criteria for consideration of an application and highlights certain aspects which are important when considering an application. These aspects include :

- the application must be submitted in **terms of the aforementioned bylaw**;
- the **procedures as set out in the bylaw** should be followed in processing the application;
- the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of the proposed land uses;
- the **comments in response to the notice** of the application including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act.
- the **response by the applicant**, if any to the comments referred to in the aforementioned paragraph;
- **investigations** carried out in terms of other laws that are relevant to the consideration of the application;
- a registered planner's written assessment in respect of an application for –
 - a rezoning;
 - a subdivision of more than 20 cadastral units;
 - a removal, suspension, or amendment of a restrictive condition if it relates to a change of land use;
 - an amendment, deletion or imposition of additional conditions in respect of an existing use right;
 - an approval of an overlay zone contemplated in the zoning scheme;
 - a phasing, amendment or cancellation of a subdivision plan or part thereof;
 - a determination of a zoning;
 - a closure of public place or part thereof;
- the impact of the proposed land development on **municipal engineering services**;
- the **integrated development plan**, including the municipal spatial development framework;
- the integrated development plan and spatial development framework of the district municipality, where applicable;
- the applicable structure plans;
- the applicable policies of the Municipality that guide decision-making;
- the provincial spatial development framework;
- where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;
- the policies, principles and the planning and development norms and criteria set by the national and provincial governments;
- the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;
- the principles referred to in Chapter VI of the Land Use Planning Act, and;
- the applicable provisions of the zoning scheme.

We do believe that we submitted a complete application with all the necessary documentation and motivations as prescribed in the relevant legislation which will put the Municipality in a position to evaluate the application based on Section 65 as set out above.

The scale of the application is of such a nature that we are of the opinion that it will not have an impact on the environment or the wider Stellenbosch community and that the only persons who might be affected will be the direct neighbours. The application will however be advertised and circulated to all the relevant parties, including affected neighbours, municipal departments, and all other interested and effective parties identified in the public participation process and who need to be informed.

The subdivision can be considered to be a textbook subdivision. The proposed subdivision will create rectangular properties, easy access to streets, available services, enough space on both properties to develop a sizable house and the opportunity to densify the neighbourhood in a sustainable and functional manner. We are of the opinion that the municipality and all the relevant parties will come to the conclusion that the proposed subdivision can be considered suitable and that approval in this regard can be issued.

8. DEVELOPMENT PRINCIPLES

The Land Use Planning Act builds on the development principles, set out in the Spatial Planning and Land Use Management Act. These principles are categorised as Spatial Justice, Spatial Sustainability, Efficiency, Spatial Resilience, and Good Administration.

Spatial Justice

Plans must include everybody. Past spatial and other development imbalances must be redressed through the improved access to and use of land and development systems must include all areas of a municipality.

Sustainability

Land development that is within the fiscal, institutional, and administrative means of the country must be promoted. Prime and unique agricultural land must be protected and environmental management instruments applied to development. The effective and equitable functioning of the land market and development in locations that are sustainable and limit urban sprawl must be promoted.

Efficiency

Land development that optimises the use of existing resources/infrastructure, while minimising the negative financial, social, economic, and environmental impacts, must be encouraged.

Spatial Resilience

Flexibility in spatial plans, policies, and development management systems must be accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

Good Administration

Inter-governmental coordination in all spheres is vital to ensure an integrated approach to spatial planning and development management. Transparent procedures and processes of public participation are required for spatial plans, policies, zoning schemes, and for development applications.

Compliance

We have assessed the proposed application with the abovementioned development principles in mind and we are of the opinion that the proposed subdivision is in line with the relevant principles.

- A new property will be created which will be available for sale to any willing buyer and will give the buyer the opportunity to live in a well-established neighbourhood of Stellenbosch;
- The creation of an additional land unit is in line with the Stellenbosch densification policy and falls within the subdivision policy sizes.
- The additional created property will increase the municipal property tax base and will also ensure that the municipal service infrastructure is utilised to its optimal.
- The proposed subdivision is on a corner, which will lead to a functional subdivision, of rectangular shapes and reasonable sizes without having a negative impact on the character of the neighbourhood.
- The application will be advertised and circulated to all the relevant interested parties in order to give everybody an equal opportunity to comment on the proposed application.
- The proposed sizes of the newly created properties can be considered reasonable and will give any new land owner the opportunity to develop the properties in a sustainable manner.
- The proposed application falls within the scope of the Subdivision Policy and the Spatial Development Framework (sustainable and practical densification). It will also be possible to comply with the zoning development parameters applicable to conventional residential zoned properties.

9. SERVICES

The service infrastructure (see attached annexures B07. 08, and 08) give an indication of the existing water, sewerage and stormwater networks available in the area. The creation of one additional property is not considered to put a burden on the existing municipal networks. The newly created property will also lead to an increase in the municipal property tax base without changing the character of the neighbourhood.

The newly created portion will obtain direct access to Province Avenue, while the remainder will be able to have access from either Provinsie Avenue or Oranje Avenue, depending on the design of the new dwelling.

10. DESIRABLE OF PROPOSED DEVELOPMENT

The proposed subdivision is in line with the subdivision policy of Stellenbosch Municipality and can also be seen as a functional subdivision without having a negative impact on the neighborhood or the adjacent land owners.

- The smallest of the two newly created properties is 891 sqm in size, which is approximately 65 % of the average adjacent properties. The Subdivision policy permitted a percentage of 50% with a further possible deviation should the newly created property is larger than 600 sqm.
- The subdivision will create two rectangular properties, which is suitable for development.
- Both the newly established properties will have direct access to the street and no pan handle properties will be created.
- The services are considered to be easily accessible and connections to the existing networks should not be considered problematic.
- the applicable development parameters associated with conventional residential properties will be adhered to which will protect the privacy of the adjacent landowners. The normal building lines applicable of 4m (street) and 2.5m (rear /back) can stay applicable to both properties as sufficient space will be available to accommodate sizeable houses.
- Portion A will obtain access from Provinsie Ave, while the Remainder property can either take access from Provinsie or Oranje Avenue.
- Accommodating the proposed subdivision will ensure that the municipal infrastructure is utilised to its optimal, with sustainable densification taking place, while it will also assist in releasing some pressure on urban sprawl.

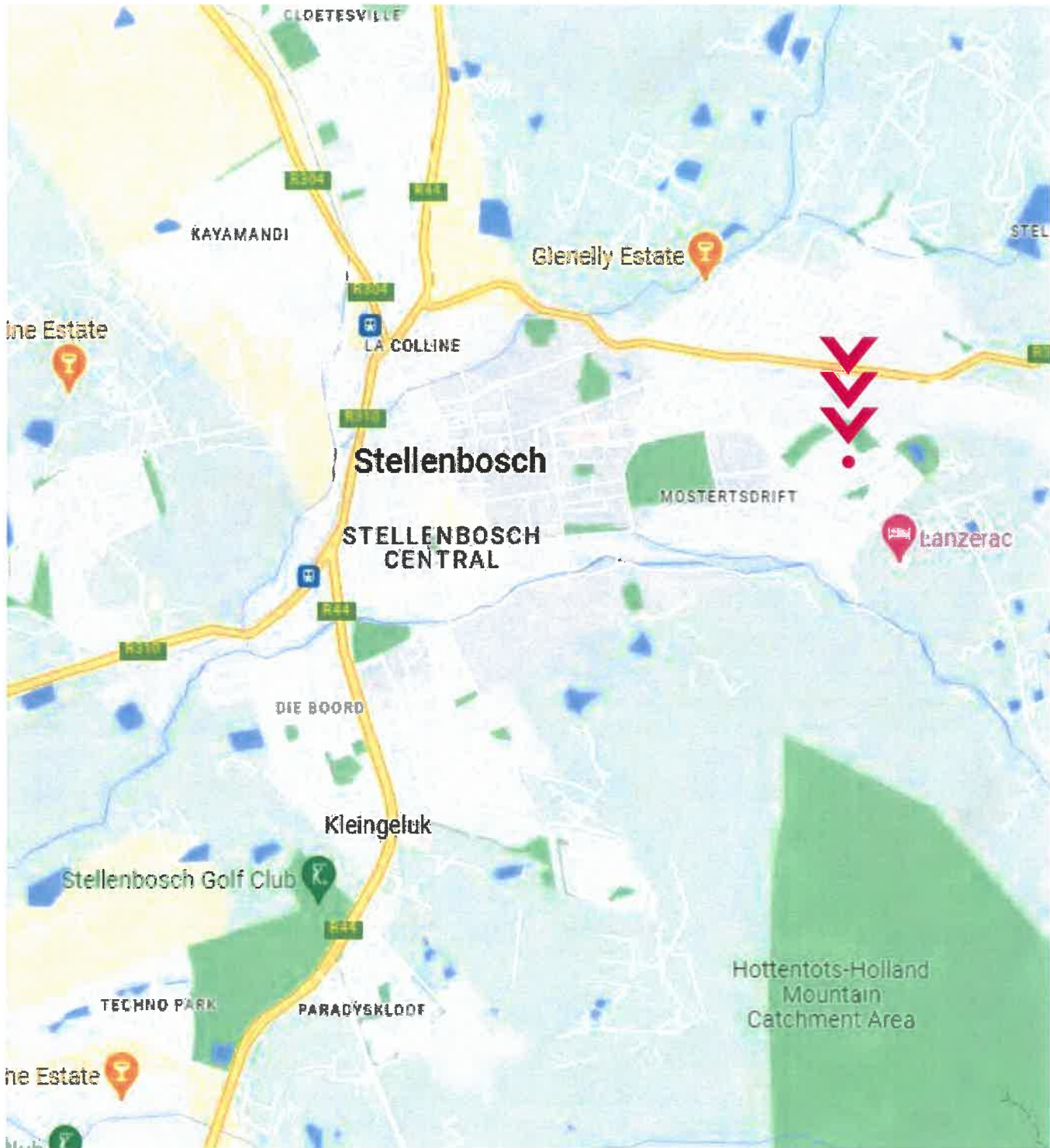
11. CONCLUSION

In the light of the abovementioned motivation and arguments putting forward in this document, it is our considered opinion that the proposed subdivision together the the removal of the required title deed conditions will allow the existing land owner the opportunity to utilise his property to its full potential without having a negative impact on the environment, adjacent landowners and the general public.

It is therefore our request that the application be approved by the authorized person/council timelessly.



LIST OF PLANS



PLAN LOCALITY

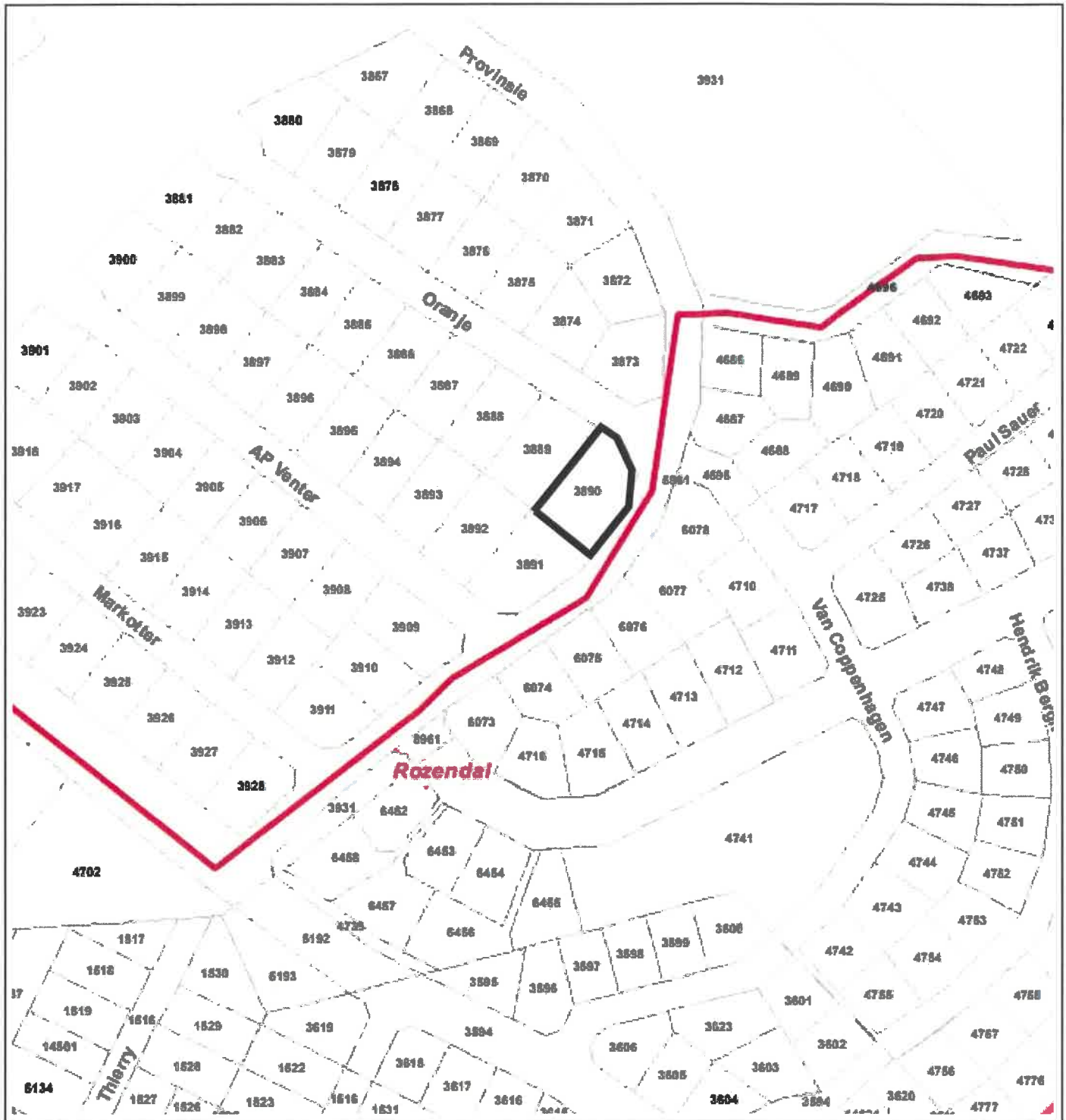


URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS
A THEART | Tch.Pln (SA) MPhil NHDip NDip PPPE CEA
ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
alwi@urbanrural.co.za | www.urbanrural.co.za

Property : Erf 3890
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 1 Oranje Street , Uniepark
Date : January 2023
Scale : Unknown or as Indicated
Source : Google Maps
Project Nr : 366.2022

PLAN

B01



- PLAN- CADASTRAL

urh
 urban rural sa

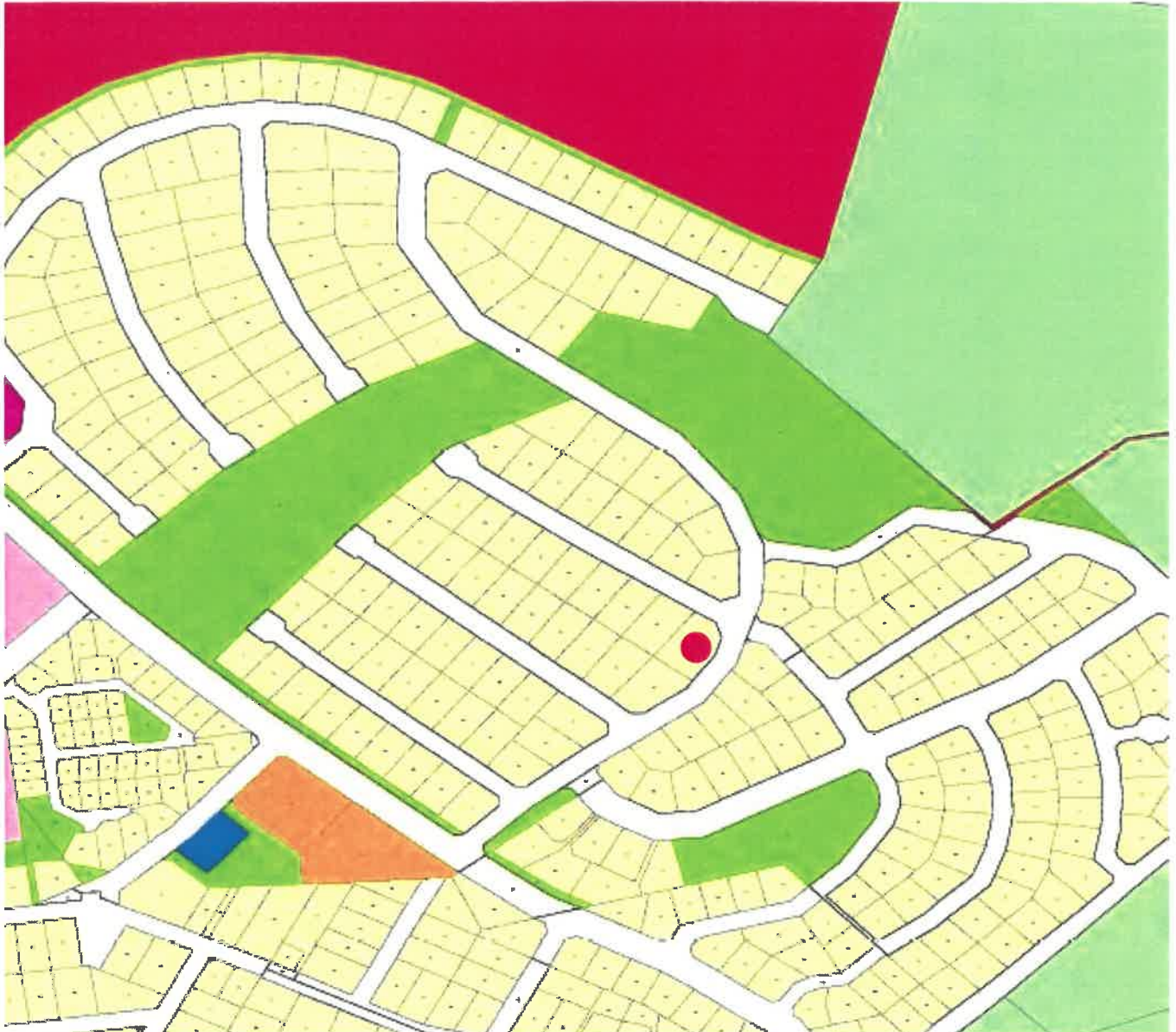
URBAN RURAL SOUTH AFRICA
 PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Plh (SA) MPHl NHDip NDip PPPE CEA
 ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
 REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
 SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
 PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
 alwi@urbanrural.co.za | www.urbanrural.co.za

Property : Erf 3890
 Town : Stellenbosch
 Municipality : Stellenbosch Municipality
 Location : 1 Oranje Street , Uniepark
 Date : January 2023
 Scale : Unknown or as Indicated
 Source : Municipality
 Project Nr : 366.2022

PLAN

B02



Zoning Scheme 2018

- Conventional Residential Zone
- Less Formal Residential Zone
- Multi-unit Residential Zone
- Community Zone
- Education Zone
- Industrial Zone
- Limited Use Zone
- Local Business Zone
- Mixed Use Zone
- Agriculture and Rural Zone
- Private Open Space Zone
- Public Open Space Zone
- Public Roads and Parking Zone
- Subdivisional Area
- Transport Facility Zone
- Utility Services Zone
- Natural Environment Zone
- Split Zone
 (Colour of the rectangle corresponds with zoning of the split zone)

PLAN ZONING

Property : Erf 3890
 Town : Stellenbosch
 Municipality : Stellenbosch Municipality
 Location : 1 Oranje Street, Uniepark
 Date : January 2023
 Scale : Unknown or as Indicated
 Source : Municipality
 Project Nr : 366.2022

URBAN RURAL SOUTH AFRICA
 PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Pl (SA) MPhil NHDip NDip PPRE CEA
 ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
 REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
 SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
 PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
 alwi@urbanrural.co.za | www.urbanrural.co.za

PLAN

B03



Property	Size	sqm
3891	1828.8	sqm
3892	1 555.20	sqm
3889	1 654.30	sqm
3874	1233.8	sqm
3873	1 427.50	sqm
4687	1 033.00	sqm
4688	1089.4	sqm
6078	1 293.70	sqm
6077	1 415.70	sqm
6076	1 194.40	sqm
TOTAL	13725.80	sqm
AVG	1372.58	sqm
Rem 3890	75.73	%
PorA 3890	64.91	%

POLICY SUBDIVISION

Property : Erf 3890
 Town : Stellenbosch
 Municipality : Stellenbosch Municipality
 Location : 1 Oranje Street , Uniepark
 Date : January 2023
 Scale : Unknown or as Indicated
 Source : Cape Mapper
 Project Nr : 366.2022

URBAN RURAL SOUTH AFRICA
 PLANNING + LAND USE SPECIALISTS

urh
 urban rural sa

A THEART | Tch.Pln (SA) MPhil NHDip NDip PPPE CEA
 ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
 REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
 SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
 PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
 alwi@urbanrural.co.za | www.urbanrural.co.za

PLAN

B04



PROPOSED SUBDIVISION

Property :	Erf 3890
Town :	Stellenbosch
Municipality :	Stellenbosch Municipality
Location :	1 Oranje Street , Uniepark
Date :	January 2023
Scale :	Unknown or as Indicated
Source :	Google Maps
Project Nr :	366.2022

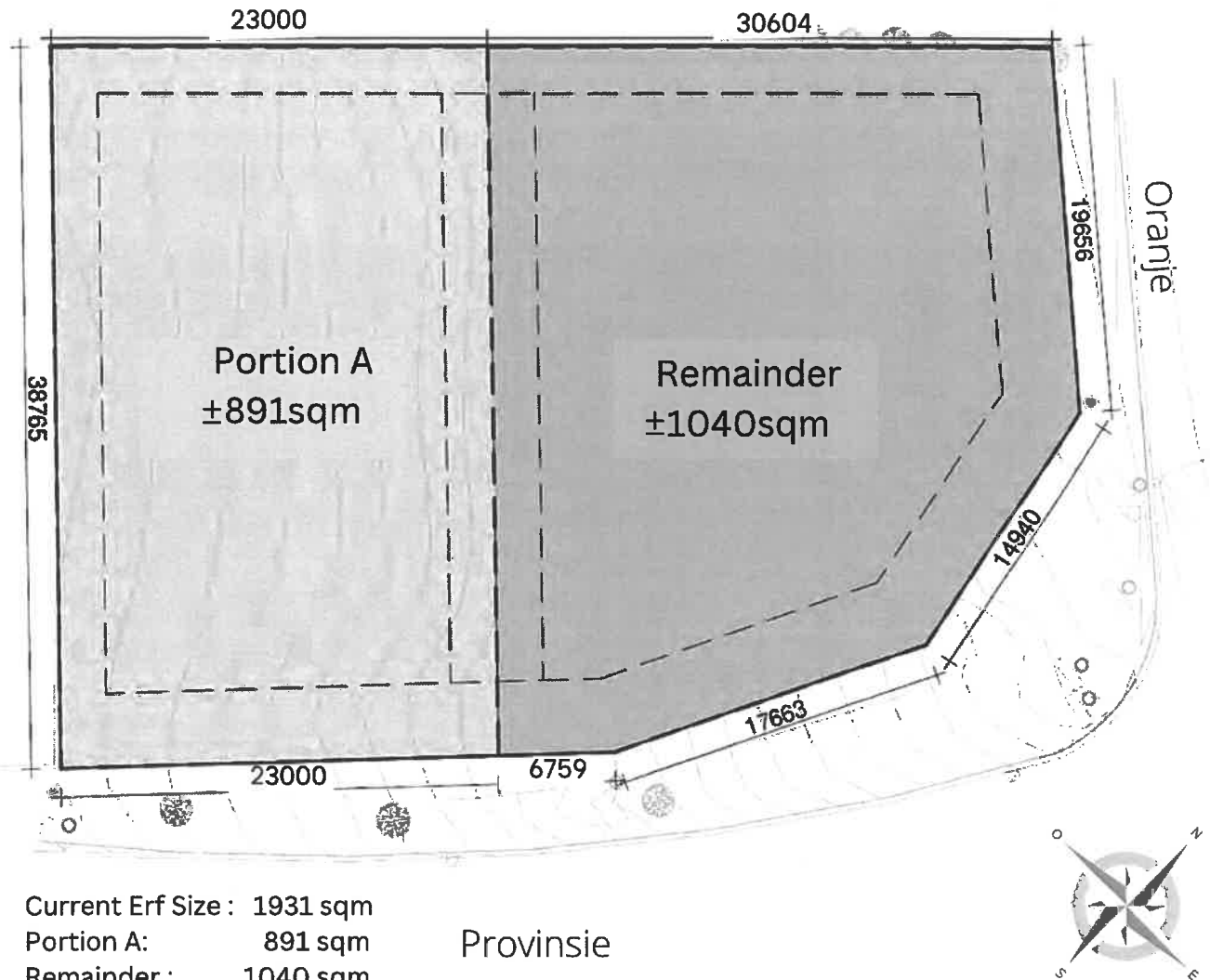
URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Plh (SA) MPhil NHDip NDip PPPE CEA
ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
alwi@urbanrural.co.za | www.urbanrural.co.za

urh
urban rural sa

PLAN

B05



The area available to develop on the smaller Portion A, calculates to approximately 580 sqm, which can be considered sufficient for a sizable house to be erected.

The above is achievable without relaxing the standard building lines of 4m (street) and 2.5m (side and rear) on a conventional residential zone property.

PROPOSED SUBDIVISION PLAN

Property : Erf 3890
 Town : Stellenbosch
 Municipality : Stellenbosch Municipality
 Location : 1 Oranje Street , Uniepark
 Date : January 2023
 Scale : Unknown or as Indicated
 Source : Client
 Project Nr : 366.2022

URBAN RURAL SOUTH AFRICA
 PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Pln (SA) MPhil NHDip NDip PPRE CEA
 ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
 REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
 SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
 PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
 alwi@urbanrural.co.za | www.urbanrural.co.za

urh
 urban rural sa

PLAN

B06



----- Proposed Subdivision

EXTRACT WATER SUPPLY

Property : Erf 3890
 Town : Stellenbosch
 Municipality : Stellenbosch Municipality
 Location : 1 Oranje Street , Uniepark
 Date : January 2023
 Scale : Unknown or as Indicated
 Source : Municipality
 Project Nr : 366.2022

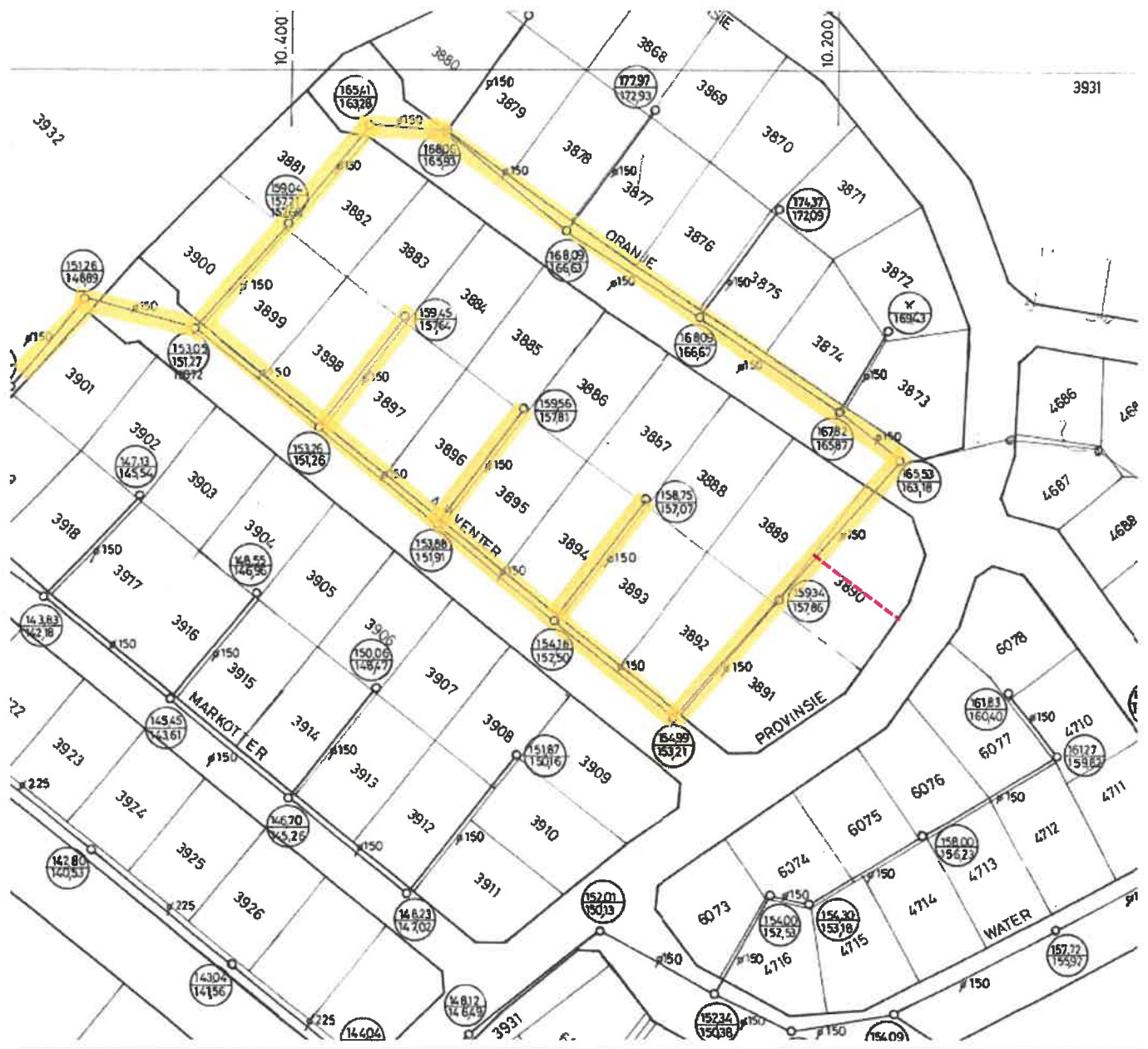
URBAN RURAL SOUTH AFRICA
 PLANNING + LAND USE SPECIALISTS

A THEART | Tsh.Pl'n (SA) MPhil NHDip NDip PPRE CEA
 ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
 REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
 SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
 PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
 alwi@urbanrural.co.za | www.urbanrural.co.za

urh
 urban rural sa

PLAN

B07



----- Proposed Subdivision

EXTRACT SEWERAGE PLAN

Property : Erf 3890
 Town : Stellenbosch
 Municipality : Stellenbosch Municipality
 Location : 1 Oranje Street , Uniepark
 Date : January 2023
 Scale : Unknown or as Indicated
 Source : Municipality
 Project Nr : 366.2022

URBAN RURAL SOUTH AFRICA
 PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Pl'n (SA) MPhil NHDip NDip PPPE CEA
 ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
 REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
 SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
 PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
 alwi@urbanrural.co.za | www.urbanrural.co.za

PLAN

B08



----- Proposed Subdivision

EXTRACT STORMWATER PLAN

Property : Erf 3890
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 1 Oranje Street, Uniepark
Date : January 2023
Scale : Unknown or as Indicated
Source : Municipality
Project Nr : 366.2022

URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Pln (SA) MPhil NHDip NDip PPPE CEA
ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
alwi@urbanrural.co.za | www.urbanrural.co.za

urh
urban rural sa

PLAN

B09

C1

LAND USE 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)	Alwi				
Surname	Theart				
Company name (if applicable)	Alwi Theart t/a Urban Rural SA				
Postal Address	PO Box 7257			Postal Code	7599
	Stellenbosch				
Email	alwi@urbanrural.co.za				
Tel		Fax		Cell	082 411 7914

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

Registered owner(s)	GJS Kritzingier				
Physical address	1 Oranje Street, Uniepark, Stellenbosch			Postal code	7600
E-mail	snyman@grown4u.co.za				
Tel		Fax		Cell	082 551 5517

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

Erf / Erven / Farm No.	Erf 3890	Portion(s) if Farm		Allotment area	Stellenbosch		
Physical Address	1 Oranje Street, Uniepark, Stellenbosch						
Current Zoning	Conventional Residential	Extent	1931	m ² / ha	Are there existing buildings?	Y	<input checked="" type="checkbox"/>
Applicable Zoning Scheme	Stellenbosch Zoning Scheme, 2015						

Current Land Use	Residential / Vacant										
Title Deed number and date	T	26613/1980									
Attached Conveyance's Certificate	✓	N	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate See Certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	✓	If Yes, list the party(ies):								
Is the property encumbered by a bond?	Y	✓	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	✓	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	Y	✓	Is the building older than 60 years?	Y	✓	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	✓	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	✓	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	✓	Are there any land claim(s) registered on the subject property(ies)?				Y	✓

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	Y	✓	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	✓	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: <i>Cost are obtainable from the Council Approved tariffs</i>
	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 <u>primary rights</u> of the zoning applicable to the land
✓	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
	15(2)(e) a consolidation of land that is not exempted in terms of section 24
✓	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit
	15(2)(g) a permission required in terms of the zoning scheme

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
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)****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 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)	GJS Kritzingner
Postal Address	snyman@grown4u.co.za
Vat Number (where applicable)	

PART F: DETAILS OF PROPOSAL

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

Brief description of proposed development / intent of application:

Removal of Title Deed Conditions - see Conveyancer's certificate for detail regarding conditions to be removed

Subdivision of Erf 3890 into two portions , namely Portion A (approximately 891 sqm) and a Remainder (approximately 1040 sqm)

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
Y	<input checked="" type="checkbox"/>	Proof of payment of application fees	<input checked="" type="checkbox"/>	N	Proof of registered ownership (Full copy of the title deed)
<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"/> Consolidation plan (A4 or A3 only) to scale	<input checked="" type="checkbox"/>	N	<input checked="" type="checkbox"/> Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	<input checked="" type="checkbox"/> Street name and numbering plan (A4 or A3 only) to scale	Y	N	<input checked="" type="checkbox"/> 1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	N	<input checked="" type="checkbox"/> Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	<input checked="" type="checkbox"/> Home Owners' Association consent
Y	<input checked="" type="checkbox"/>	N/A Abutting owner's consent	Y	<input checked="" type="checkbox"/>	N/A Services Report or indication of all municipal services / registered servitudes
Y	N	<input checked="" type="checkbox"/> Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	<input checked="" type="checkbox"/> Proof of failure of Home owner's association
Y	N	<input checked="" type="checkbox"/> Copy of original approval and conditions of approval	Y	N	<input checked="" type="checkbox"/>

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	✓	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	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y N/A National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y N/A National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y N/A National Water Act, 1998 (Act 36 of 1998)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	Y N/A Other (specify)
Y	✓	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:

30/01/2023

Full name:

Alwi Theart t/a Urban Rural SA

Professional capacity:

Planning Consultant

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

Municipal Stamp

C2

POWER OF ATTORNEY

SPECIAL POWER OF ATTORNEY

I/We the undersigned
registered land owner of :
do hereby nominate/
constitute and appoint :

Gabriel Johannes Snyman Kritzinger
Erf 3890, Stellenbosch :
Alwi Theart ta
Urban Rural SA Land Use Consultants

with special power of attorney, to be my lawful agent in my name, place, and stead, to prepare and to submit:

- a land use application for the removal of certain title deed conditions applicable to Erf 3890, Stellenbosch and to ;
- Subdivide Erf 3890, Stellenbosch into two portions, namely Portion A and Remainder.

-to sign on my behalf all documents which may be required for the said application and to submit any documents for the said application and generally for effecting the processes aforesaid, to do or cause to be done, whatsoever shall be requisite-, as fully and effectively, for all intents and purposes as I might or could do it personally present, and acting herein;

-hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our said agent shall lawfully do, or cause to be done by virtue of these present:

signed at Kirkwood on this 30/01/2023 day of January 2023.

Signature



Full name

Gabriel Johannes Kritzinger

ID Number

7602175175088

Witness Signature



Witness Name

THOMAS STRYDOM POTGIETER

C3

TITLE DEED

117

MICRO FILMED—МИКРОФИЛМ	
DATE—DATUM	OPERATOR—OPERATEUR
1980-08-11	<i>[Signature]</i>

REKORDE: BUREAUREGISTRASIE	13-8-80
17/8/80	08/8/80

T	26613	1980
---	-------	------

TRANSPORTAKTE

M.A.

CLIVER EN MARKOTTER
PROKUREURS
STELLENBOSCH

Opgestel deur my

[Signature: Meaker]
Aktebesorger

HIERBY WORD BEKEND GEMAAK

PAUL OLIVER SAUER MEAKER

DAT

Aktebesorger, voor my, Registrateur van Aktes in Kaapstad, verskyn het, behoorlik daartoe gemagtig deur 'n volmag geteken te **STELLENBOSCH**

van **JUNIE** 1980 op die 17de dag en aan hom verleen deur

CLIVE VICKERS BUNDY
gebore 7 September 1950

EN/.....

-2-

EN die Komparant het verklaar dat sy voorsegde prinsipaal werklik en wettiglik verkoop het op 17 JUNIE 1980 en dat hy in sy hoedanigheid as voorsegde Prokureur deur hierdie akte gesedeer en getransporeer het in volle en vrye eiendom aan en ten behoewe van

ROELOF PETRUS VAN DER MERWE
gebore 4 Januarie 1954

Blanke Groep

sy Erfgename, Eksekuteurs, Administrateurs of Gemagtigdes:

SEKER stuk eiendomsgrond geleë in die Munisipaliteit en Afdeling van Stellenbosch, synde Erf 3890 Stellenbosch

GROOT 1931 (EENDUISEND NEGEHONDERD EEN EN DERTIG) vierkante meter

WHITE GROUP
BLANKE GROEP

UITSTREKKEND soos blyk uit Transportakte No 19882 gedateer 29 Julie 1969 met Kaart No 1963/69 daarby aangeheg gemaak ten gunste van André Pieter du Plessis en gehou deur Komparant se prinsipaal kragtens Transportakte No T22481 gedateer 2 September 1977.

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No 19882 gedateer 29 Julie 1969.

B. ONDERHEWIG VERDER aan die voorwaardes opgelê deur Administrateur kragtens die bepalinge van Artikel 18(3) van Ordonnansie No 33 van 1934 soos vervat in Transportakte No 19882 gedateer 29 Julie 1969, ten opsigte van Stellenbosch Dorp Uitbreiding No 10, naamlik:

1. Alle/....

1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing No 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 bepalinge 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 nie bepalinge van artikel 146 van Ordonnansie No 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 dreinerings insluitende stormwater van enige ander erf of 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 erf 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 wal 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, hierdie voorwaardes op die gekonsolideerde oppervlakte as een erf van toepassing is, en

voorts/....

-4-

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 buitegeboue wat gewoonlik 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 h aangrensende erf nie.

C. BOGEMELDE erf is verder onderhewig aan die volgende voorwaardes opgelê deur die Munisipaliteit van Stellenbosch in sy guns en soos vervat in Transportakte No 19882 gedateer 29 Julie 1969.

1. Dat geen persoon te enige tyd deur homself of tesame met sy vrou of enige minderjarige kind of kinders meer as een onbeboude erf in die dorp Stellenbosch Uitbreiding No 10 mag bekom of die geregistreerde eienaar daarvan word nie.
2. Dat die eienaar van hierdie erf verplig is om te sorg dat die geboue wat hy op hierdie erf gaan oprig wat die boukundige hoedanighede daarvan betref, aan die vereistes van die Bouregulasies van die Munisipaliteit van Stellenbosch voldoen wat van toepassing is wanneer die gebou opgerig word en ook voldoen aan die beleid van die Raad wat betref die ontwerp, konstruksie en aansigte van geboue. Geen gebou mag op hierdie erf opgerig word wat nie volgens die opinie van die Raad by die geboue in die omgewing pas nie, en wat, in die opinie van die Stadsraad, van h minderwaardiger gehalte is wat betref vertoning en materiaal as ander geboue in die omgewing.

3. Dat/.....

3. Dat planne vir alle omheinings van hierdie erf, van watter materiaal dit ook al mag wees, aan die Stadsraad van Stellenbosch vir goedkeuring voorgelê moet word en geen aangebring word nie.
4. Dat die eienaar van hierdie erf geen bedrywigheid aanvaar wat deur geraas of in enige ander opsigte 'n oorlas vir ander bewoners van erwe sal veroorsaak nie, en hy mag ook nie die perseel vir enige kommersiële doeleindes gebruik nie, of voertuie wat vir kommersiële doeleindes gebruik word, daarop laat staan nie.

D. VERDER ONDERHEWIG aan die volgende spesiale voorwaarde gemerk II vervat in Grondbrief uitgereik kragtens die bepalings van Artikel XIII van Wet No 14 van 1878 op 24 Maart 1887 (Stellenbosch Eiendomsbriewe Boekdeel 5 No 35) wat as volg lui:

"II. That all roads and thoroughfares existing over the land hereby granted, whether they are described in the diagram or not shall remain free and uninterrupted, 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."

E. GEREKTIG op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 22 Maart 1955 op gemelde Grondbrief, welke endossement as 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 to XXXVII thereby transferred, are subject to conditions relative to use thereof for accommodation 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 conditions are in favour of the remainder of Lots XXVI to XXXVII in extent as such 220 mgn. 43,594 sq ft held hereunder and other land.

As will more fully appear from said Deed of Transfer."

WESHALWE/....

-6-

WESHALWE die Komparant, q.q., afstand doen 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

sy 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 hele koopsom ten bedrae van
R14 000,00 (VEERTIENDUISEND 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 Ampsetel 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 30

dag van die maand JULIE

in die jaar van onse Heer Eenduisend
Nogehonderd en Tagtig (1980)

In my teenwoordigheid,

Registrateur van Aktes.

Geregistreer in die Erwe

Register van

Stellenbosch

Folio 3890

v.d.Stel

Klerk.

C4

CONVEYANCER'S CERTIFICATE



CONVEYANCER CERTIFICATE

I, **Daniël Frederik Els** (Legal Practice Council Number 94258)

Practising at:

STBB | Smith Tabata Buchanan Boyes

1st Floor, Titanium House

19 Gardner Williams Avenue

Paardevelei, Somerset West, 7130

In respect of:

ERF 3890 STELLENBOSCH

IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH

WESTERN CAPE PROVINCE

(For example: Erf 12345, 12345/1998, 12345/1998/12345 or 12345/1998/12345/12345 title deed of same)

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. **T26613/1980; and**
2. **T19882/1969.**

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title T12345/2000/12345



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	<u>Y</u>	N	The erf may not be used for commercial purposes nor shall the owner keep any commercial vehicles on the erf, as per clause (C)(4) of T26613/1980 and clause 4 on page 5 of T19882/1969.
2.	Building lines	Y	N	
3.	Height	Y	N	
4.	Number of Dwellings	<u>Y</u>	N	Only one dwelling (together with ordinarily required outbuildings) shall be permitted to be constructed/erected on the erf, as per clause B(6)(b) of T26613/1980 and Clause 6(b) of T19882/1969.
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	<u>Y</u>	N	Not more than half of the area of the erf shall be built upon, as per clause B(6)(c) of T26613/1980 and clause 6(c) of T19882/1969.
7.	Subdivision	<u>Y</u>	N	Subdivision not permitted, as per clause B(6)(a) of T26613/1980 and clause 6(a) of T19882/1969.



8.	Servitudes that may be registered over or in favour of the property	Y	N	
9.	Other Restrictive Conditions	Y	N	<p>1. No building or structure (except boundary walls and fences) shall be erected nearer than 6.30 metres to the street line which forms a boundary to this erf and also not nearer than 3.15 metres from the rear boundary, lateral boundary and adjacent erven , as per clause B(6)(d) of T 26613/1980 and clause 6(d) of T19882/1969.</p> <p>2. The registered owner shall not be permitted to own more than one undeveloped/vacant erf in the municipality and division of Stellenbosch (Extension No 10). The aforesaid shall also apply to any co-ownership with his wife or minor children as the case may be, as per clause C(1) of T26613/1980 and clause 1 on page 5 of T19882/1969.</p> <p>3. No corrugated iron fences of any nature are permitted on this erf as per clause (C)(3) of T26613/1980 and and clause 3 on page 5 of T19882/1969.</p>

B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

Indicate the parties affected by the restrictive condition in the title deed, and indicate the nature of the interest in the property affected by the restrictive condition. Indicate the nature of the interest in the property affected by the restrictive condition.

a.	Organ(s) of State that might have an interest in the restrictive condition	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	



C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning ByLaw (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify

Signed at Somerset West on this 11th July 2022

Full names and Surname: Daniël Frederik Els

Signature:

DANIËL FREDERIK ELS
SMITH TABATA BUCHANAN BOYES
Commissioner of Deeds:
Practising Attorney, R.S.A.
1st Floor Titanium House
19 Gardner Williams Avenue
Paardevlei, Somerset West

**Daniël Frederik Els
Conveyancer**

Tel: 021 850 6400

Email: daniële@stbb.co.za

Cell: 082 663 664 6