

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

Affected person's Name

Affected persons Physical Address

Dear Sir/Madam

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

Application Property Address: 24 Cluver Road Stellenbosch

Application Property Number: Erf 4169 Stellenbosch

Applicant: Emile van der Merwe Town Planning Consultants

Owner: ME Hockey, DW Walker & LA Pampallis

Application Reference: LU/14213

Application Type: Consent Use

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

- Application is made in terms of Section 15 (2) (o) of the Stellenbosch Municipal Land Use Planning By-Law (2015) for Consent Use to utilise four (4) bedrooms of the existing seven (7) bedroom dwelling house as commune on Erf 4169 Stellenbosch.

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

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

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - Indicate the facts and circumstances that explain the comments;
  - Where relevant demonstrate the undesirable effect that the application will have if approved;
  - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
  - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: (Emile van der Merwe Town Planning Consultants: [emilevdm@adept.co.za](mailto:emilevdm@adept.co.za)). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 5 September 2022.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (0845566461/021-8865050) during normal office hours.

Yours faithfully

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Geagte Meneer/Mevrou

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

Adres van aansoek eiendom: 24 Cluverweg Stellenbosch

Aansoek eiendom beskrywing: Erf 4169 Stellenbosch

Aansoeker: Emile van der Merwe Stadsbeplanningskonsultante

Eienaar: ME Hockey DW Walker & LA Pampallis

Aansoek Verwysing: LU/14213

Tipe Aansoek: Vergunningsgebruik

**Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:**

- Aansoek in terme van Artikel 15 (2) (o) van die Stellenbosch Munisipaliteit se Verordening of Grondgebruikbeplanning (2015) ten einde vier (4) slaapkamers van die bestaande sewe (7) slaapkamer woonhuis op Erf 4169 Stellenbosch aan 'n kommune aan te wend.

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:
  - Die feite en omstandighede aantoon wat die die kommentaar toelig;
  - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;

- Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
- Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Emile van der Merwe Stadsbeplanningskonsultante: [emilevdm@adept.co.za](mailto:emilevdm@adept.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 ingedien word en moet ontvang word voor of op die sluitingsdatum van 5 September 2022.

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

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

Die uwe

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE STADSBEPLANNINGSKONSULTANTE**



**EMILE VAN DER MERWE**  
town planning consultants

2022-05-13

My ref: Erf 4169 Stellenbosch

Stellenbosch Municipality  
Department Planning and Development  
PO Box 17  
**STELLENBOSCH**  
7599

Dear Sir/Madam

**APPLICATION FOR CONSENT USE: ERF 4169**

Included hereby please find the formal application that follows on the Pre-Scrutiny application phase to accommodate a commune on the property.

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

Your assistance is appreciated.

Yours faithfully

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

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

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

# **ERF 4169 STELLENBOSCH**

## **1. BRIEF**

Emile van der Merwe Town Planning Consultants have been appointed by the registered owners of Erf 4169 Stellenbosch to prepare and submit the required application to the Stellenbosch Municipality for of the following:

- Application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for Consent Use in order to utilize four (4) bedrooms of the existing dwelling for commune purposes.

## **2. LOCATION – APPENDIX 1**

The property is located on the western periphery of Simonswyk neighbourhood and to the immediate east of Cluver Road. The property gains direct access from Cluver Road approximately 100m to the south of the Simonsrust Shopping Centre. A location map is attached as **Appendix 1**.

**LOCATION MAP**



## **ERF 4169 STELLENBOSCH**

### **3. OWNERSHIP AND SIZE**

The property is owned by Michael Hockey, Wayne Walker and Linda Pampalilis in accordance with the Title Deed attached as **Appendix 2**. The power of attorney is attached as **Appendix 3**.

The property was established with the registration of General Plan 156 - Stellenbosch Extension Nr 12 as per **Appendix 4**. The property is 954m<sup>2</sup> in extent.

### **4. ZONING**

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

#### **49. Land use within this zone**

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

<b>Primary Uses</b>	<b>Additional Uses (not exceeding threshold in this chapter and subject to technical approval)</b>	<b>Consent Uses (application required)</b>
<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>

### **5. DEVELOPMENT PROPOSAL – Appendix 6**

The property accommodates a single dwelling house, tandem carport (north) swimming pool (south) and parking area adjacent to Cluver Road. The application property in light of its proximity to the Stellenbosch University and Simonsrust Shopping Centre has been used as an accommodation establishment for the last number of years. This office previously and in terms of the former Stellenbosch Zoning Scheme Regulations submitted applied for a temporary departure to utilise the dwelling house (9 bedrooms) as an accommodation establishment. The

application however was never finalised given the provision of parking in relation to the number of rooms.

The current lease agreements with the tenants have terminated and the owners have entered into a long term lease with Mr Luke Holland who permanently will reside on the property (the permanent resident. The lease confirmation is attached as **Appendix 7**.

In order to conform and adhere to the parking requirements of the Zoning Scheme By-Law a maximum of three (3) additional bedrooms can be used for commune purposes. The remaining bedrooms will be closed and will not be used for accommodation purposes. A commune in terms of the Zoning Scheme By-Law is defined as follows:

**“commune” (kommune)** means the use of the entire dwelling house, a second dwelling if one is built on the same land unit or dwelling unit in flats for the accommodation of **boarders**. A dwelling unit is used for a commune if the dwelling house, second dwelling or dwelling unit in flats is not occupied by a family as defined. The accommodation may be rented to boarders furnished or unfurnished. In the case of a dwelling house or second dwelling, the scale of any one building may not exceed that of a dwelling house which would ordinarily accommodate one family and must be able to revert to a dwelling house. Boarders may make use of the dwelling unit’s kitchen facilities and separate kitchens may not be installed for each room in contravention of the permitted number of dwelling units in the zone. At least one communal bathroom, kitchen and lounge/eating area shall be provided for boarders on in each dwelling unit on the land unit;

#### Consistency with zoning scheme requirements

- The residential character of the façade of the dwelling house shall be retained
- No goods, material or equipment in connection with the intended use shall be displayed or be visible from a public road.
- No advertising signs will be displayed
- Sufficient parking (4) is available on the property.
- The proposal will not result in any additions to the dwelling house (coverage and floor area);
- The proposal will have a minimal impact on traffic flow and – volumes as well as the service level capacity of the municipality

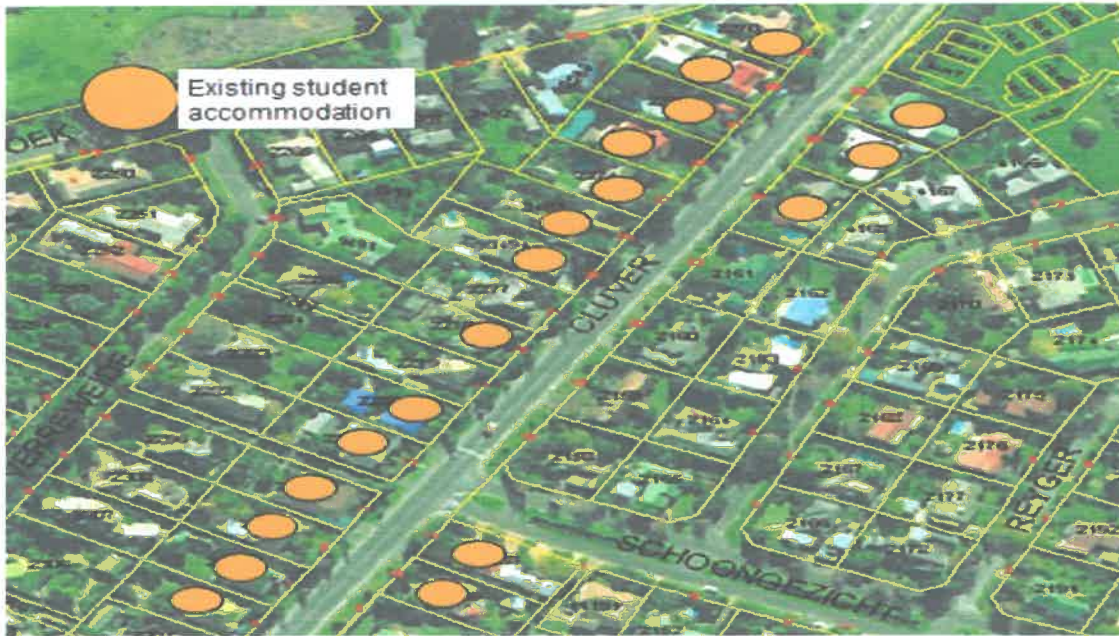
The site and floor plan is attached as **Appendix 6**.



**SURROUNDING ENVIRONMENT**

As mentioned the property is located on the western periphery of the Simonswyk residential neighbourhood and approximately 100m to the south of the Simonsrust Shopping Centre. The properties to the immediate north of the application property is exclusively used for multi-unit residential purposes (student apartments) whilst a number of the properties to the east of Cluver road is also used for student accommodation.

**Surrounding student accommodation**



The proposed use of 4 bedrooms within the existing dwelling house is considered to be compatible with the surrounding land use pattern and not of scale to the single residential character of the properties located to the east of Cluver Road.

**6. LEGISLATIVE AND POLICY CONTEXT**

**6.1 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Western Cape Land Use Management Act (2014)**

The afore-mentioned legislative provides the norms and standards and guiding principles to which development applications must comply and assessed. The application inter-alia is consistent with the following guiding principles.

- Promote land development that is spatially compact, resource –frugal and within the fiscal, institutional and administrative means of the Stellenbosch Municipality.
- Protection of prime unique and high potential agricultural land
- Uphold consistency of land use measures in accordance with environmental management instruments
- Promote land development in locations that are sustainable and limit urban sprawl
- Protection of high biodiversity areas and heritage and tourism resources
- Optimise the use of resources, infrastructure, agriculture and land
- Integrate social, economic and institutional aspects of land development

The Western Cape Land Use Management Act, 2014 and the Spatial Planning and Land Use Management Act, 2013 serves as platform to guide decision-making in relation to land use and development. In this regard the proposal shows consistency with the following land development principles.

**Spatial Justice**

The proposal relates to an existing dwelling in an existing urban area. The development principles of spatial justice therefore is not relevant in evaluating the application

**Spatial sustainability**

The proposal with not have negative impact on the fiscal, institutional and administrative means of the municipality. The property as mentioned above is located within the urban edge of Stellenbosch and the proposal with not result in the loss of prime and unique agricultural land as well as other natural resources. The proposal will not lead and/or stimulate urban sprawl and gives effect to the sustainable use of infrastructure and resources in a just and efficient manner.

**Spatial efficiency**

The proposal promotes the optimal use of existing resources and infrastructure with no negative financial, social, economic or environmental impacts.

**Spatial resilience**

The property is located within an established urban area and is considered with the urban character of the area and the strategic objectives and directive put forward in the Municipal IDP and Spatial development framework.

**Good Administration**

The proposal conforms to the requirements of the Stellenbosch Planning Zoning Scheme By-Law and Stellenbosch Land Use Planning By-Law

Desirability In terms of Section 49 (d) of the Western Cape Land Use Planning Act (2014) is defined as the degree of acceptability of a specific proposal on a property within and existing natural or built environment. An important factor when assessing such a proposal is the extent to which the proposal complies with the overarching national, provincial and local planning guidelines and spatial frameworks. With reference to the development proposal your attentions in this regard is drawn to the following:

**Stellenbosch Spatial Development Framework**

The Stellenbosch SDF has been approved by Council during November 2019 is founded on the principles of the Spatial Planning and Land Use Management Act, the Western Cape Land Use Planning Act, the National Development Plan, the National Heritage Resources Act, the Environmental Management Act, as well as the Stellenbosch Municipal Integrated Development Plan. The SDF places a renewed and key focus on the protection of agricultural and farming land and the conservation of the natural and biodiversity areas. A key focus area relates to the densification of suitable areas that have been earmarked for development inside the urban edge.

The proposal will not jeopardize the principles and objectives of the SDF. It in fact is in support of these principles and it is consistent with the development principles of spatial justice, spatial sustainability, efficiency and spatial resilience.

**. 7. MUNICIPAL SERVICE INFRASTRUCTURE**

The proposal will not result in the intensification of land use since only 4 bedrooms will be used on the property in total. The property is located within an urban area and the scale of

development is as such that it will not have an impact on the bulk service level capacity of the municipality.

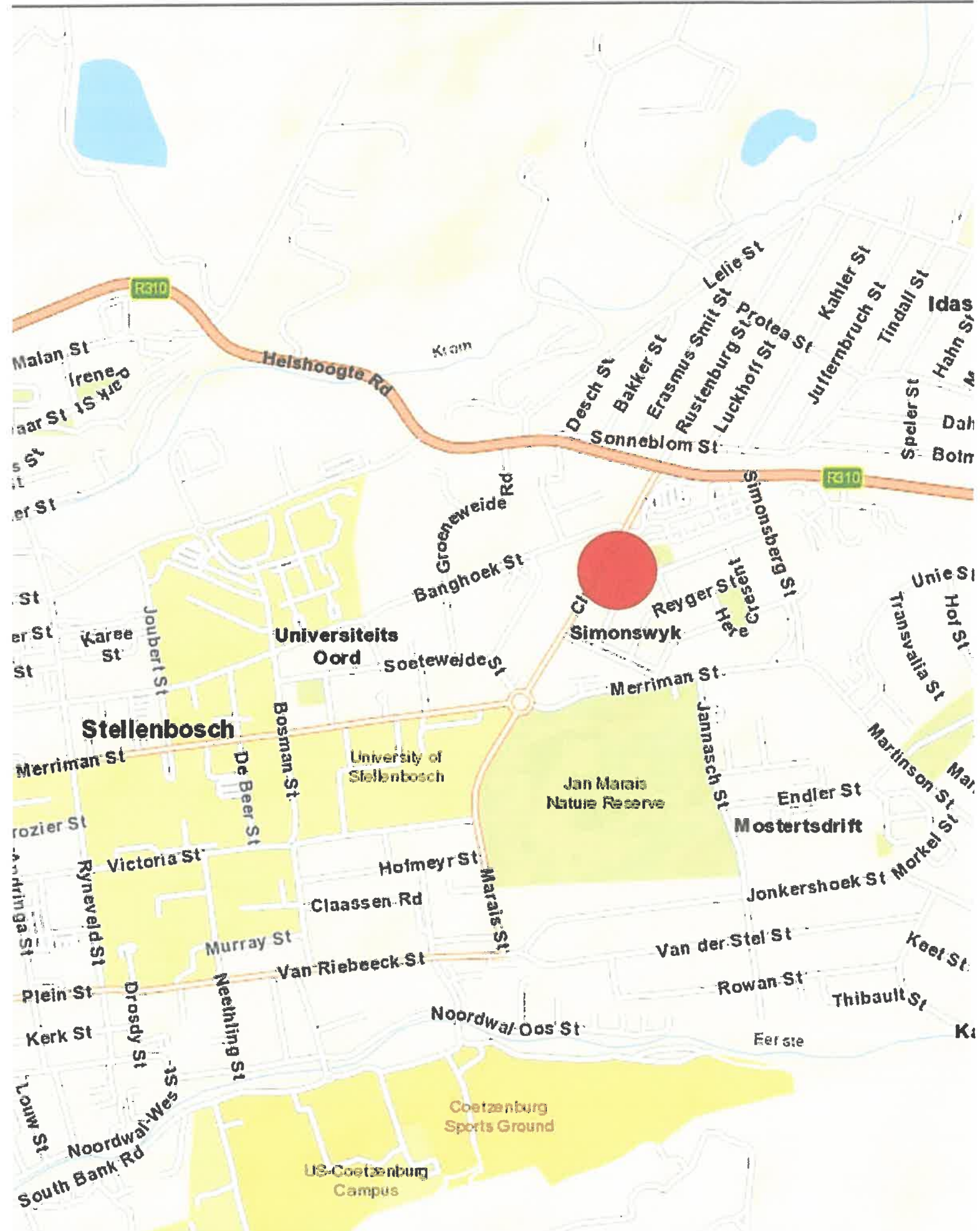
## **6. CONCLUSION**

From a land use management and spatial planning perspective it is evident to note that the residential character of the area will be maintained. The property is favourably located and within easy walking distance of the Stellenbosch University. The utilisation of 4 bedrooms for commune purposes is considered of appropriate scale and not out of character with the wider land use pattern in the area.

It therefore is trusted that the Stellenbosch Municipality favourably will consider the application for consent use on Erf 4169 Stellenbosch.

**APPENDIX 1**  
**LOCATION PLAN**

# ERF 4169 LOCATION MAP



**APPENDIX 2**

**TITLE DEED**

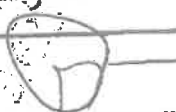
**340**

Dykes van Heerden  
Unit E4/2  
Edward IV  
120-122 Edward Street  
Bellville  
7530

Prepared by me

  
CONVEYANCER  
STEENKAMP MD  
L. COETZEE

**FEE**  
R. 800,00.....

<b>VERBIND</b>		<b>MORTGAGED</b>	
VR		FOR R. 1.300.000,00	
<b>B</b>	072949/08		
23-DEC-2008		REGISTRAR/REGISTRAR	

(H)

**DEED OF TRANSFER**

**T** 081707/08

BE IT HEREBY MADE KNOWN THAT

**AMALIA LOUW**

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at BLOEMFONTEIN on 31 October 2008 granted to him by ✓

**FRANCOIS IGNATIUS MARITZ**  
Identity Number 800427 5078 083  
Married out of community of property

**DATA / CAPTURE**  
19 JAN 2009  
GONCALVES B

**DATA / VERIFY**  
13 JAN 2009  
VAN WYK JENNY



And the appearer declared that his said principal had, on 25 September 2008, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

1. **LINDA ANTOINETTE PAMPALLIS**  
Identity Number 571115 0005 087  
Married out of community of property
2. **MICHAEL ERIC HOCKEY**  
Identity Number 510717 5006 087  
Married out of community of property
3. **DONALD WAYNE WALKER**  
Identity Number 600828 5075 088  
Married out of community of property

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

**ERF 4169 STELLENBOSCH  
IN THE MUNICIPALITY AND DIVISION STELLENBOSCH  
WESTERN CAPE PROVINCE**

**IN EXTENT 948 (NINE HUNDRED AND FORTY EIGHT) SQUARE METRES**

**FIRST TRANSFERRED by Deed of Transfer No. T 18268/1965 with Diagram  
No. 6861/1965 relating thereto and held by Deed of Transfer No. T 84706/08**

- A. **SUBJECT to the following conditions referred to in said Deed of Transfer No. T18268/1965.**
- B. **SUBJECT to the following special conditions marked II and III contained in Deed of Grant issued in terms of the provisions of Act 15 of 1887 on 8<sup>th</sup> January 1908 (Stellenbosch Freeholds Volumes 8 No. 5), namely:**
  - II. **That all road and thoroughfares being or existing on the said land described in the plan or diagram of the same, shall remain free and uninterrupted, unless the same be closed or altered by competent authority.**
  - III. **That all rights to gold, silver and precious stones found or discovered at any time on or in the said land, shall be reserved to the State, together with a right of ingress to and egress from any mines or works undertaken for mining or prospecting purposes by any person or persons authorised by Minister; but subject always to the provisions of any law for the time being regulating the prospecting and mining for precious stones and minerals.**
- C. **SUBJECT to the following further conditions contained in said Deed of Grant, namely:**

**"subject, however, to all such duties and Regulations as are either already or shall in future be established with regard to such lands."**
- D. **ENTITLED to the benefit of the conditions referred to in the five (5) endorsements on said Deed of Grant, which reads as follows:**

Endorsement dated 11 March 1925:

**"REMR.  
REGISTRATION OF SERVITUDE**

In terms of special condition 8 Transfer No. 2230 & 2231 dated 11<sup>th</sup> March 1925, certain portion of portions of this land and the land held by Grant dated 22<sup>nd</sup> March 1905 made in favour of the Municipality of Stellenbosch shall be sold on similar conditions to those set out in the said transfers and numbered 1 to 7, as will more fully appear from the said transfers."

Endorsement dated 25 June 1938:

**"REMAINDER  
REGISTRATION OF SERVITUDE**

In terms of special condition 8 of Transfer Nos. 6379/1938 dd 25.6.1938; 19332/40 dd 19.10.1940; 11335 dd 10.11.1940; 10308 dd 8.10.1941; 10307 dd 8.10.1941; 2249 dd 5.3.1942; 9297/1943; 13280/1943; 13281/1943; 14521/1943; 15797/1943; T16622/1943; 2065/1944; 2066/1944; 7703/1944; T12491/1944; 12492/44; 17366/1944; T12161/45; T12162/1945; T13897/1945; T17915/1945; T2164/46; T7949/1946; T21259/46; T21260/46; T10324/47; T21508/47; T8946/1948; T19309/49; T4507/52; T11408/53; No. T11415/53. Certain portion of portions of this land and the land held by Grant dated 22<sup>nd</sup> March 1905 made in favour of the Municipality of Stellenbosch shall be sold on similar conditions as set out in the said transfer and numbered 1 to 7, as will more fully appear from the said transfers."

Endorsement dated 26 March 1952:

"By Deed of Transfer 4507/52 the property thereby transferred, namely Lot 79, is subject to a certain building restrictions in favour of the remainder within, as will more fully appear from the said Deed."

Endorsement dated 17 April 1955:

"By Deed of Transfer 5270/53 the property thereby transferred, namely Lot 49, is subject to certain building restrictions in favour of the remainder within, as will more fully appear from the said Deed."

Endorsement dated 22 March 1955:

**"(REMAINDER)**

By Deed of Transfer No. 3840/55 dated this day Portion 9 of Lot LIII Portion of Lot LIII and Portion 9 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 of damages in lieu, restraint against sale of said land, fences etc, the construction and maintenance of water, sewerage & 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 Lot LIII held hereunder and other land. As will more fully appear from said Deed of Transfer."

e

E. SUBJECT to the following special conditions as mentioned in said Deed of Transfer No. T18266/1965, imposed by Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934, on the approval of the aforementioned Township, namely:

1. 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 riele, mangate, vore, waterleidings en ander werke wat daarmee in verband staan, aan te lê, te onderhou, te verander, te verwyder of te ondersoek.
2. 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 skyns gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangeleë en die erf tensy hy verkies om steunmure te bou tot genoë van en binne 'n tydperk wat die plaaslike owerheid bepaal.
3. Hierdie erf mag alleenlik gebruik word vir die doeleindes wat deur die dorpsaanlegskema van die plaaslike owerheid toegelaat word en onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.

WHEREFORE the said Appearer, renouncing all right and title which the said

**FRANCOIS IGNATIUS MARITZ, Married as aforesaid :**

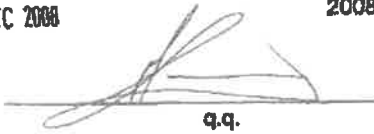
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said


1. **LINDA ANTOINETTE PAMPALLIS, Married as aforesaid**
2. **MICHAEL ERIC HOCKEY, Married as aforesaid**
3. **DONALD WAYNE WALKER, Married as aforesaid**

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 500 000,00 (TWO MILLION FIVE HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on 23 DEC 2008 2008

  
q.q.

In my presence  
  
REGISTRAR OF DEEDS

**APPENDIX 3**  
**POWER OF ATTORNEY**

## POWER OF ATTORNEY

Donald Wayne Walker, Michael Eric Hockey and Linda Antoniette Pampallis, the registered owners of Erf 4169 Stellenbosch

Do hereby nominate and constitute and appoint

**Emile van der Merwe Town Planning Consultants**

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

- **APPLICATION FOR CONSENT USE (COMMUNE) IN TERMS OF SECTION 15 OF THE STELLENBOSCH LAND USE PLANNING BY-LAW (2015)**

On the above mentioned property and to proceed with any required work to the final end and termination thereof and generally of effecting the purpose aforesaid, to do our cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I/we might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said Agent(s) shall lawfully do, or cause to be done ; by virtue of these present.

SIGNED AT EAST LONDON ON THIS 19<sup>TH</sup> DAY OF MAY 2022.

OWNER .....  
Michael Eric Hockey

Owner.....  
Donald Wayne Walker

Owner.....  
Linda Antoniette Pampallis

**APPENDIX 4**  
**GENERAL PLAN**

T.P

C.D.R.

# ALGEMENE PLAN N: 156

1947

## STELLENBOSCH DORP UITBREIDING N: 12

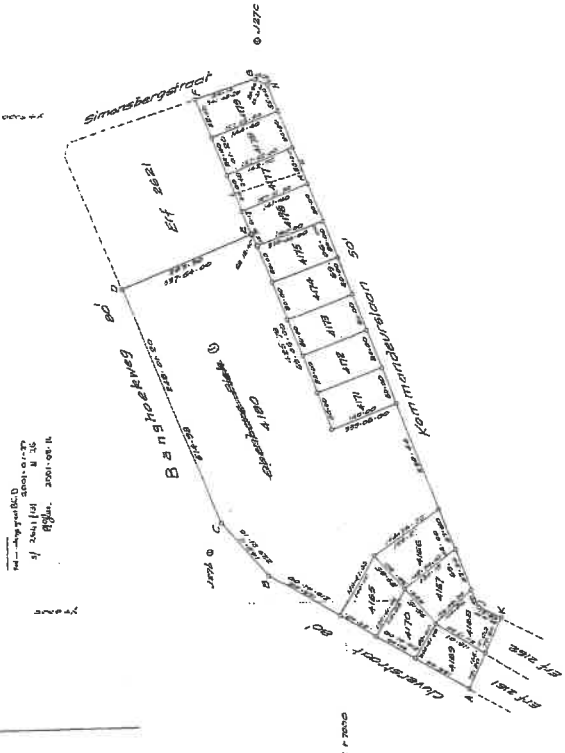
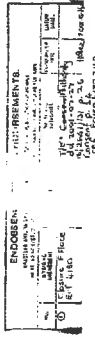
① Invertoende is zins gesommere diens N: 4179, 1. Oktober 1946 gesommere 4180, piece op Erf 4199 skoolgebou, verspreid in die Administratiewe Distrik Stellenbosch, Province Kaap die Groot. Hoop.

Start N: 4181 N: 4182 N: 4183 N: 4184 N: 4185 N: 4186 N: 4187 N: 4188 N: 4189 N: 4190 N: 4191 N: 4192 N: 4193 N: 4194 N: 4195 N: 4196 N: 4197 N: 4198 N: 4199 N: 4200

Skaal 1:1250



L.G. N: 1947/44  
Gesindeur  
1, 1/2  
" Landmeter - Generaal  
29 7 1944



Algemeen Aantal	Algemeen Aantal	Algemeen Aantal	Algemeen Aantal
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

U.S.G. OFFICE INDEX  
T. 101.100 France No. 101.100

Handwritten notes and signatures, including 'L. J. J. J.', 'L. J. J. J.', and 'L. J. J. J.'.

Handwritten notes in a box: 'L. J. J. J. N: 4181 N: 4182 N: 4183 N: 4184 N: 4185 N: 4186 N: 4187 N: 4188 N: 4189 N: 4190 N: 4191 N: 4192 N: 4193 N: 4194 N: 4195 N: 4196 N: 4197 N: 4198 N: 4199 N: 4200'



B

156 C.D.R.



**APPENDIX 5**  
**PRE-SCRUTINY FEEDBACK**

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Emile van der Merwe Town Planning Consultants

emilevdm@adept.co.za

084 5566 461

22 November 2021

**SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK, ERF 4169, STELLENBOSCH**

1. Your pre-application scrutiny submission on the above property dated **12 November 2021**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [ZSB]:

**3.1 The attached application requires the following amendments.**

- **As the property will only accommodate 3 persons and no family, the application needs to be amended to a Consent Use for a Commune.**

**“commune” (kommune)** means the use of the entire dwelling house, a second dwelling if one is built on the same land unit or dwelling unit in flats for the accommodation of boarders. A dwelling unit is used for a commune if the dwelling house, second dwelling or dwelling unit in flats is not occupied by a family as defined. The accommodation may be rented to boarders furnished or unfurnished. In the case of a dwelling house or second dwelling, the scale of any one building may not exceed that of a dwelling house which would ordinarily accommodate one family and must be able to revert to a dwelling house. Boarders may make use of the dwelling unit’s kitchen facilities and separate kitchens may not be installed for each room in contravention of the permitted number of dwelling units in the zone. At least one communal bathroom, kitchen and lounge/eating area shall be provided for boarders on in each dwelling unit on the land unit;

**“family” (gesin)** means:

- i) one person maintaining a common household, with or without dependent family members who are either parents and/or children and who are financially and otherwise supported by such person, or
- ii) two or more persons who are married in one civil union, maintaining one common household, with or without dependent family members who are either parents and/or children and who are financially and otherwise supported by such persons, or
- iii) no more than two unrelated and independent persons (with no dependents) who earn or receive independent income and who maintain a common household;

#### 49. Land use within this zone

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

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (application required)
<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>

- The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
- Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.
- It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
- For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

Bongiwe Zondo

[bongiwe.zondo@stellenbosch.gov.za](mailto:bongiwe.zondo@stellenbosch.gov.za)

**APPENDIX 6**  
**PLANS**



## **APPENDIX 7**

# **CONFIRMATION OF LEASE AND CONDITIONS**

2021-11-04

ME Hockey  
PO Box 98371  
Sloane Park  
2151

Email: [hockey@iafrica.com](mailto:hockey@iafrica.com)

Stellenbosch Municipality  
Department Planning  
PO Box 17  
Stellenbosch  
7599

Dear Sir/Madam

**ERF 4169, CLUVER ROAD NO 24, STELLENBOSCH: ADDITIONAL USE/TECHNICAL APPROVAL FOR HOME LODGING**

I Michael Eric Hockey the appointed representative and co-owner of Erf 4169 Stellenbosch hereby confirms that we, as current owners, has signed a lease agreement with Luke Holland (the Lessee) in respect of the above-mentioned property. Mr Holland will use the dwelling house for living accommodation for at least 75% of the days of a calendar year commencing from 1 December 2021.

Mr Holland as permanent resident will be entitled to sub-lease a maximum of three bedrooms to boarders as per Clause 9.3 of the Lease Agreement attached hereto. It is also confirmed that the Lessee may not enter into a sub-lease without the prior written approval of the Lessor. It however is imperative to note that not more than three (3) bedrooms will be used for home lodging purposes.

We subsequently have appointed Emile van der Merwe Town Planning Consultants to submit the required application to the Stellenbosch Municipality in terms of the provisions of the Stellenbosch Planning By-Law and provisions of the zoning scheme.

Yours faithfully



**ME HOCKEY**

**APPENDIX 8**  
**APPLICATION FORM**





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

SUBMIT COMPLETED FORM TO [landuse.applications@stellenbosch.gov.za](mailto:landuse.applications@stellenbosch.gov.za)

<b>LAND USE PLANNING APPLICATION FORM</b>										
(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)										
<b>KINDLY NOTE:</b> Please complete this form using BLOCK letters and ticking the appropriate boxes.										
<b>PART A: APPLICANT DETAILS</b>										
First name(s)	Emile									
Surname	van der Merwe									
Company name (if applicable)	Emile van der Merwe Town Planning									
Postal Address	PO Box 204						Postal Code	7559		
	Stellenbosch									
Email	emilevdm@adept.co.za									
Tel	021 886 5050			Fax	021 8838965			Cell	0845566461	
<b>PART B: REGISTERED OWNER(S) DETAILS</b> (If different from applicant)										
Registered owner(s)	M Hockey, DW Walker, LA Pampallis									
Physical address	24 Cluver Road						Postal code	7600		
	Stellenbosch									
E-mail	mike@meter.co.za									
Tel				Fax				Cell	0825687672	
<b>PART C: PROPERTY DETAILS</b> (in accordance with title deed)										
Erf / Erven / Farm No.	Erf 4169		Portion(s) if Farm			Allotment area	Stellenbosch			
Physical Address	As above									
Current Zoning	Conventional Residential Zone		Extent	948m <sup>2</sup> / ha		Are there existing buildings?	Y	N		
Applicable Zoning Scheme	Stellenbosch zoning scheme by-law									

Current Land Use	Agriculture, restaurant, guest house, functions and children play area									
Title Deed number and date	T	081707/2008								
Attached Conveyance's Certificate	Y	N	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate Conditions (II) Nrs 1 and 3							
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):							
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.	
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y					If yes, is this application to legalize the building / land use <sup>2</sup> ?	Y	N		
Are there any pending court case(s) / order(s) relating to the subject property(ies)?					N	Are there any land claim(s) registered on the subject property(ies)?	Y	N		
<b>PART D: PRE-APPLICATION CONSULTATION</b>										
Has there been any pre-application consultation?		N	If Yes, please attach the minutes of the pre-application consultation.							
Has the pre-application scrutiny form been submitted?	Y		If yes, please attach the written feedback received.							
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>										
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>										
Tick	<b>Type of application: Cost are obtainable from the Council Approved tariffs</b>									
	15(2)(a) rezoning of Land									
	15(2)(b) a permanent departure from the development parameters of the zoning scheme									
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the <u>primary rights of the zoning applicable to the land</u>									
	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									

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

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

	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval		
	15(2)(i) an extension of the validity period of an approval		
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme		
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram		
	15(2)(l) a permission required in terms of a condition of approval		
	15(2)(m) a determination of a zoning		
	15(2)(n) a closure of a public place or part thereof		
●	15(2)(o) a consent use contemplated in the zoning scheme		
	15(2)(p) an occasional use of land		
	15(2)(q) to disestablish a home owner's association		
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services		
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building		
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity		
	15(2)(l) amendment of Site Development Plan		
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines		
<b>OTHER APPLICATIONS</b>			
	Deviation from Council Policies/By-laws	R	
	Consent / Permission required in terms of a title deed	R	
	Technical approval in terms of the Zoning Scheme Bylaw, 2019	R	
	Other (specify): _____	R	
	<b>TOTAL A:</b>	<b>R</b>	
<b>PRESCRIBED NOTICE AND FEES** (for completion and use by official)</b>			
<b>Tick</b>	<b>Notification of application in media</b>	<b>Type of application</b>	<b>Cost</b>
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; electronic communication methods	R
	<b>PUBLICATION OF NOTICES</b>	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	<b>ADDITIONAL PUBLICATION OF NOTICES</b>	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	<b>NOTICE OF DECISION</b>	<i>Provincial Gazette</i>	R
	<b>INTEGRATED PROCEDURES</b>	T.B.C	R
		<b>TOTAL B:</b>	<b>R</b>
		<b>TOTAL APPLICATION FEES* (TOTAL A + B)</b>	<b>R2500</b>
<p>* 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.</p> <p>**All indigent residents who are registered as such with the Municipality and <u>with proof submitted together</u> with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: <a href="mailto:indigent.office@stellenbosch.gov.za">indigent.office@stellenbosch.gov.za</a> or 021 808 8501 or 021 808 8579</p> <p>*** 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.</p>			

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

**PART F: DETAILS OF PROPOSAL**

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

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

\_\_\_\_\_

**See motivation attached**

\_\_\_\_\_

\_\_\_\_\_


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

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

Information and documentation required

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

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

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

<input checked="" type="radio"/> Y	<input type="radio"/> N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))		
<input type="radio"/> Y	<input checked="" type="radio"/> N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	<input type="radio"/> Y	<input checked="" type="radio"/> N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
<input type="radio"/> Y	<input checked="" type="radio"/> N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	<input type="radio"/> Y	<input checked="" type="radio"/> N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
<input type="radio"/> Y	<input checked="" type="radio"/> N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	<input type="radio"/> Y	<input checked="" type="radio"/> N/A	National Water Act, 1998 (Act 36 of 1998)
<input type="radio"/> Y	<input checked="" type="radio"/> N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	<input type="radio"/> Y	<input type="radio"/> N/A	Other (specify)
<input type="radio"/> Y	<input checked="" type="radio"/> N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

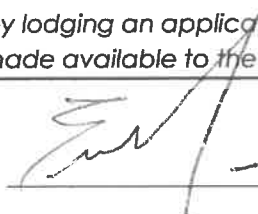
**SECTION I: DECLARATION**

I hereby wish to confirm the following :

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

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

Applicant's signature:



Date:

2022-06-14

Full name:

Emile van der Merwe

Professional capacity:

PROFESSIONAL PLANNER (REG 1149/1996)

**FOR OFFICE USE ONLY**

Date received: \_\_\_\_\_

Received By: \_\_\_\_\_

