

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

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

Adres van aansoek eiendom: 4 Pelikaan Street, Onder Papegaaiberg, 7600

Aansoek eiendom beskrywing: Erf 4561, Stellenbosch

Aansoeker: M.B. Straughan, Friedlaender, Burger en Volkmann, +27 00701861 of +27 82 8940686, comment@fbvsurvey.co.za

Eienaar: Mnr. F.A. Crafford, +27 61 9991530, suewright@mweb.co.za

Aansoek Verwysing: LU/12657, Erf 4561, Stellenbosch

Tipe Aansoek: Verwydering van beperkende titelakte voorwaarde

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen In terme van Artikel 15(2)(f) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 vir die verwydering van beperkende titelakte voorwaardes vervat in Titelakte Nr. T31997/1997: Klousule E paragraaf 13(b) ten einde voorsiening te maak vir die oopmaak van 'n deeltitelskema op die eiendom, bestaande uit die hoof woning en die tweede woning, op Erf 4561, Stellenbosch

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie 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: M.B. Straughan, Friedlaender, Burger en Volkmann, comment@fbvsurvey.co.za

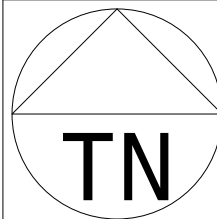
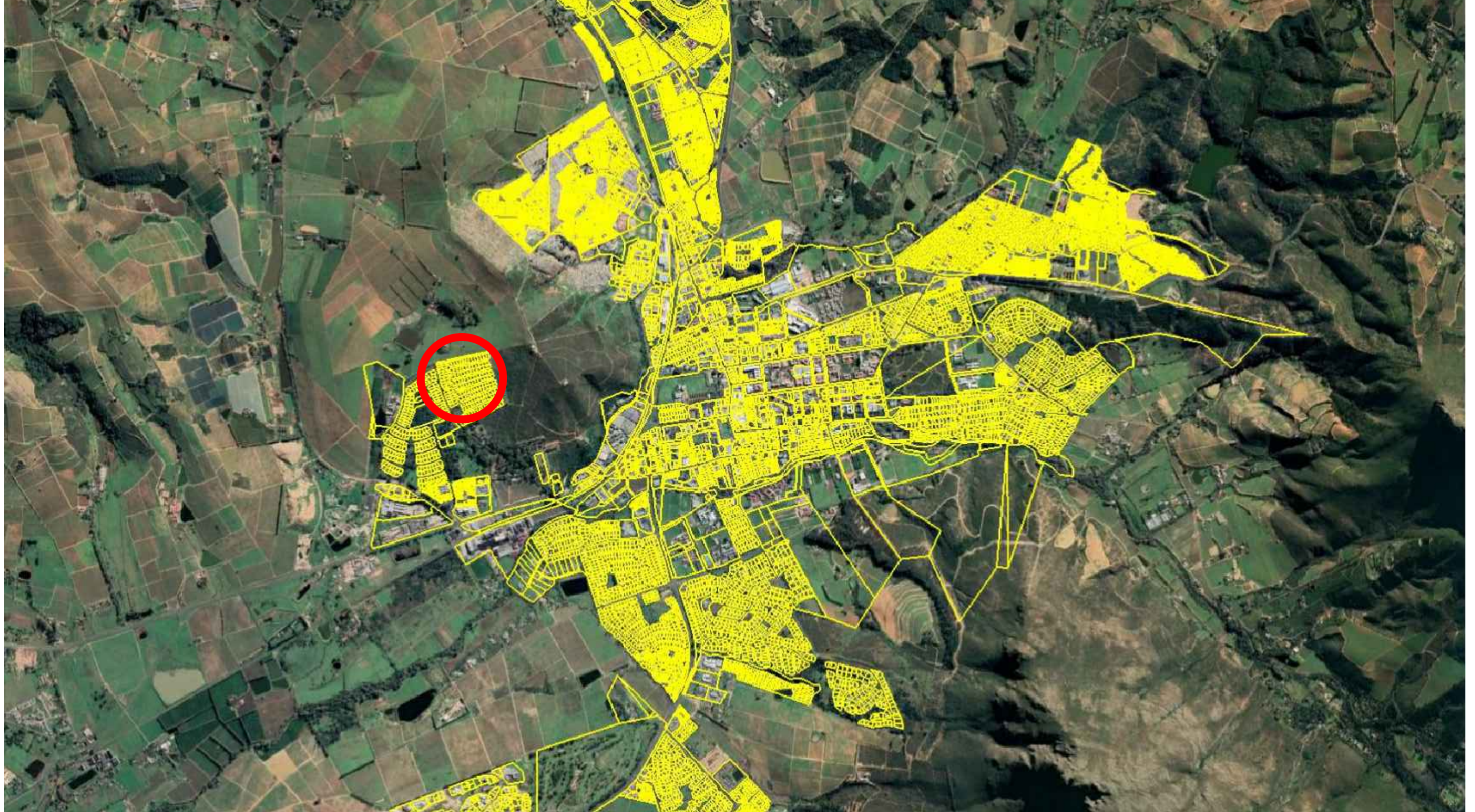
Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **Maandag, 26^{ste} Julie 2021**

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by +27 82 8940686 of +27 21 0071861 gedurende normale kantoor ure.

Die uwe

M.B. Straughan



Caveat
 1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
 2. All levels are to be confirmed prior to construction.

Not to scale

Date: 07 Feb 2020

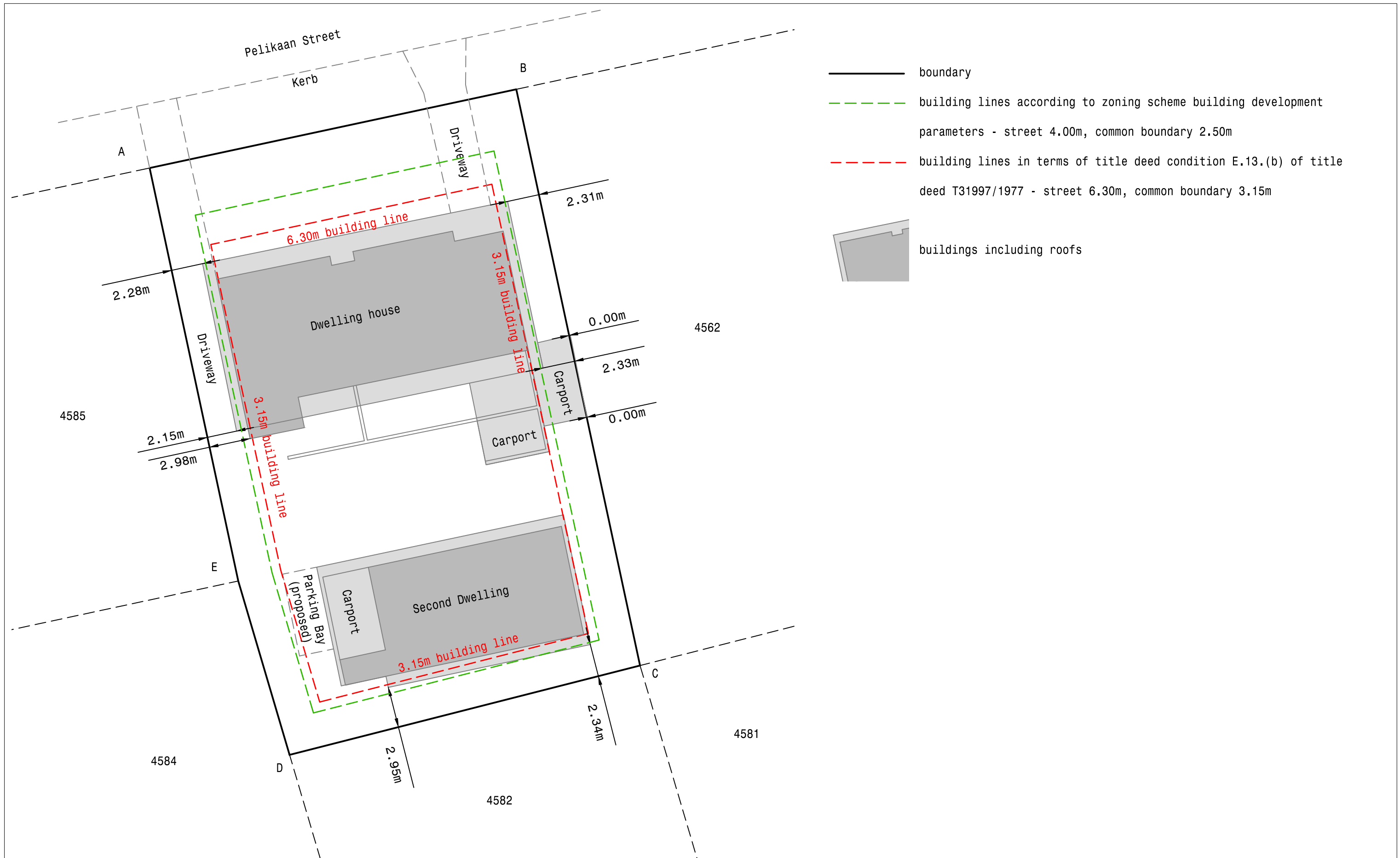
Contours: n/a

System: WG 19

Locality Plan
 Erf 4561, Stellenbosch

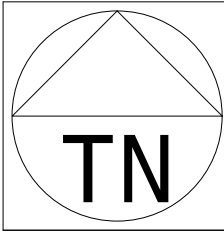
Ref: erf4561 Dwg: application plan-rev1

fbv
 friedlaender, burger & volkmann
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39 Horta Street, Stellenbosch, 7600 • PO Box 154, Stellenbosch, 7599
 Tel +27 21 886 4004 • Email info@fbvsurvey.co.za




Notes

1. The figure ABCDE represents 1149m² of land being Erf 5461, Stellenbosch.
2. Zone: Conventional Residential



Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

Scale 1:250	Date: 07 Feb 2020	Contours: n/a	System: WG 19
Erf 4561, Stellenbosch		 friedlaender, burger & volkmann <small>PROFESSIONAL LAND SURVEYORS, SECTIONAL TITLE CONSULTANTS, MAPPING CONSULTANTS</small> <small>39 Here Street, Stellenbosch, 7600 • PO Box 154, Stellenbosch, 7599</small> <small>Tel +27 21 886 4004 • Email info@fbvsurvey.co.za</small>	
Site Plan			
Proposed suspension of a building line in terms of a condition of title			
Ref: erf4561	Dwg: application plan-rev2		

Motivation report (revision 1)

Erf 4561, Onder Papegaaiberg: Proposed removal of a restrictive title deed condition

Submitted by Friedlaender, Burger and Volkmann
PO Box 154, Stellenbosch, 7599

Tel +27 21 8864004 E-mail enquiries@fbvsurvey.co.za

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1 The property

Erf number	4561, Stellenbosch
Address	4 Pelikaan Street, Onder-Papegaaiberg
Owner	Francois Anton Crafford
Title deed	T31997/1977, dated 13 December 1977
Zoning	Conventional Residential (CR)
Area	1149m ²
Mortgage bond	None
Improvements	Dwelling house and second dwelling

2 Annexures

1	Locality plan
2	Application plan – revision 2
3	Title deed T31997/1977
4	Conveyancer's certificate
5	General Plan
6	Power of attorney from owner
7	Zoning certificate
8	Approved building plans
9	Pre-application scrutiny feedback

3 Background

Erf 4561, Stellenbosch, located at 4 Pelikaan Street, Onder-Papegaaiberg, has a dwelling house and second dwelling.

The owner wishes to open a sectional title scheme on the property comprising 2 sections, being the dwelling house and second dwelling.

We have been appointed to submit draft sectional title plans to the Surveyor-General (SG) for approval.

On carrying out our survey we established minor encroachments by the dwelling house, car port and second dwelling of the 3.15m common boundary building line imposed by a title deed condition. The condition was imposed by the then Administrator.

In terms of the Sectional Titles Act, 1986, no structure on a sectional title plan may be in conflict with a building line imposed in a title deed condition.

We therefore make application for removal of the condition to permit submission of our draft sectional title plan to the SG.

4 Ownership and mortgage bond

The property is by Francois Anton Crafford under title deed T31997/1977. There is no mortgage bond registered over the property.

5 Authority to apply

Mr. Crafford has provided his power of attorney.

6 The property

Erf 4561 is situated in the mature, low density, residential suburb of Onder-Papegaaiberg. Improvements include the dwelling house and a second dwelling. The property is zoned Conventional residential and is used for residential purposes.

7 Restrictive title deed conditions

A conveyancer's certificate is included. Title deed condition E.13.(b) of title deed T31977/1977 imposes a 3.15m common boundary building line on the property. This condition was imposed by the then Administrator.

The condition provides that:

“E. ONDERHEWIG aan die voorwaardes opgelê deur die Administrateur van die Kaap Provinsie by goedkeuring van die Dorp Onder Papegaaiberg Uitbreiding nr. 1, welke voorwaardes as volg lui:-

13. ...

- (b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meters van enige ander grens opgerig word nie.”

8 Application

Please refer to the included application plan, Annexure 2.

Application is made in terms of section 15(1)(f) of the Stellenbosch Municipality Land Use Planning By-law, 2015 (“SPBL”) for the removal of restrictive title deed condition E.13.(b) of title deed T31977/1977, in respect of erf 4561, Stellenbosch

- i. to permit the dwelling house to be within 2.15m, 2.28m and 2.98m of the south-western boundary line AE as shown,
- ii. to permit the dwelling house to be within 2.31m and 2.33m of the north-eastern boundary line BC as shown,
- iii. to permit the carport to be 0.00m from the boundary line BC as shown, and
- iv. to permit the second dwelling to be within 2.34m and 2.95m of the south-eastern boundary line CD as shown.

9 Reason for application

The owner wishes to open a sectional title scheme on the property comprising 2 sections, being the dwelling house and second dwelling.

We have been appointed to submit draft sectional title plans to the Surveyor-General (SG) for approval.

Regulation 6(a) of the regulations in terms of the Sectional Titles Act, 1986 requires as follows:

- (a) a certificate from the land surveyor concerned that the scheme is not in conflict with any building line restriction appearing in the relevant title deed

On carrying out our survey we established minor encroachments by the dwelling house, car port and second dwelling of the 3.15m common boundary building line imposed by title deed condition E13.(b) of title deed T31977/1977. There are no encroachments of any building lines imposed by the development rules applicable to Conventional Residential properties in terms of the Stellenbosch

Municipality Zoning Scheme By-law, 2019 as the encroaching structures are roof eaves and a carport which are permitted.

10 Motivation

The application facilitates the creation of an additional ownership opportunity by means of a sectional title scheme. This is in keeping with the defined purpose of the Conventional Residential Zoning as stated in section 48.(1)(e) of the Zoning Scheme by-law:

“48. Purpose of the zone.—(1) The purpose of this zone is to make provision for—
...
(e) moderate densification through additional dwellings of with a similar built form and character.”

10.1 Other legislation and policy

All current planning legislation and policy applicable to erf 4561 supports, indirectly or directly, minor densification in low density residential areas such as Onder-Papegaaiberg. The existing second dwelling is a minor densification element. The proposal facilitates an additional ownership opportunity in respect of the second dwelling.

10.1.1 Spatial Planning and Land Use Management Act, 2013 (SPLUMA)

The application is not subject to section 52 of SPLUMA and is not in conflict with the development principles prescribed in section 7 of SPLUMA.

10.1.2 Western Cape Land Use Planning Act, 2014 (LUPA)

The application is not subject to section 53 of LUPA and is not in conflict with the land use planning principles prescribed in section 59 of LUPA.

10.1.3 Western Cape Provincial Spatial Development Framework, 2014 (PSDF)

The PSDF is resistive to greenfields development and low density, urban sprawl. The proposal does not contribute to urban sprawl and intrusion into agricultural land.

10.1.4 Cape Winelands District Spatial Development Framework, 2019 (CWDSDF)

The proposal is aligned with the CWDSDF objective of compaction and densification of urban settlements as it facilitates an additional ownership opportunity in respect of an existing second dwelling.

10.1.5 Stellenbosch Municipality Spatial Development Framework, 2019 (MSDF)

The MSDF highlights low densities in urban areas of below 10 dwellings units per hectare as problematic and supports, inter alia, the densification of existing residential areas through second dwellings. The proposal facilitates an additional ownership opportunity in respect of an existing second dwelling.

10.2 Impact and desirability

10.2.1 Impact

The title deed building line restrictions are more onerous than those of the zoning scheme.

The dwelling house was constructed in 1976 and the second dwelling in 1993. Other than the carport adjacent to the dwelling house, the encroachments are all encroachments largely of the eaves, as shown in Annexure 2.

The proposal therefore has no discernible negative impact on the rights and reasonable expectations of any person, or on the health and safety of any person or community as it is in respect of minor encroachments of a title deed restriction by structures which have been in place for a considerable period of time.

10.2.2 Desirability

The proposal meets the needs of the owner to open a sectional title scheme on the property in respect of the existing dwelling house and second dwelling. There is no change in land use and no rezoning.

The proposal is not in conflict with any national or provincial land use planning legislation.

The proposal is aligned with and not in conflict with any provincial, district or municipal land use planning policy.

10.3 Section 33(5) of the Stellenbosch Municipality Land Use Planning By-law, 2015 ("SPBL")

Section 33 requires consideration of the following matters by the Municipality, in respect of applications to remove restrictive conditions:

10.3.1 Section 33(5)(a): Financial and other value

The applicant is not aware of evidence that the removal of the restrictive condition will negatively affect the financial and other value accruing to any person or entity from the proposed removal of the condition.

The change in any value afforded by building lines in general is small, if the restrictive condition is removed. Common boundary building lines will reduce from 3.15m to 2.50m as imposed by the zoning scheme development rules. This is a change of 0.65m. The street building line will reduce from 6.30m to 4.00m. This is a change of 1.30m.

No loss of value has been alleged by any person or entity in respect of the minor encroachments over the title deed building lines. Any alleged loss of financial or other value may be addressed during the public participation process.

10.3.2 Section 33(5)(b): Personal benefits to rights holder

There is no evidence of significant personal benefit enjoyed by land owners in Onder Papegaaiberg, arising from the restrictive condition. No impairment of any such benefit has ever been alleged by any person or entity in respect of the minor encroachments over the title deed building lines.

10.3.3 Section33(5)(c): Personal benefit to the owner of erf 4561

The personal benefits which will accrue to the owner resultant from removal of the restrictive condition are significant as removal will open the way for the registration of a sectional title scheme and alienation by the owner of one or both units.

10.3.4 Section33(5)(d): Social benefit of retention of the restrictive condition

Planning policy is enacted to maximise social and other benefits. There is not apparent social benefit from a restrictive condition which is not aligned with planning policy and the legislation giving expression to such policy, such as the zoning scheme.

10.3.5 Section33(5)(e): Social benefit of removal of the restrictive condition

The removal of the restriction facilitates provision of an additional ownership opportunity in a sought after residential area.

10.3.6 Section33(5)(f): Complete or partial removal of rights enjoyed

The removal of the restrictive condition will completely remove the rights enjoyed in terms of the title deed restriction. However the building line protections in the zoning scheme remain in place.

11 Conclusion

The proposal is not in conflict with legislation, zoning scheme rules or any applicable land use planning policy. There is no apparent reason for refusal of the application.

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

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

Application Property Address: 4 Pelican Street, Onder Papegaaiberg, Stellenbosch, 7600

Application Property Number: Erf 4561, Stellenbosch

Applicant: M.B. Straughan, Friedlaender, Burger and Volkmann, +27 21 0071861 or +27 82 8940686, comment@fbvsurvey.co.za

Owner: Mr. F. A. Crafford, 061 9991530, suewright@mweb.co.za

Application Reference: LU/12657, Erf 4561, Stellenbosch

Application Type: Removal of restrictive title deed condition

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

Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipality: Land Use Planning By-law, 2015 for the removal of the restrictive title deed conditions contained in Title Deed No. T31997/1977: Clause E paragraph 13(b) in order to open a sectional title scheme on the property, compromising the existing main dwelling and the existing second dwelling on Erf 4561, 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: M.B. Straughan, Friedlaender, Burger and Volkmann, comment@fbvsurvey.co.za

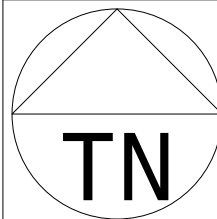
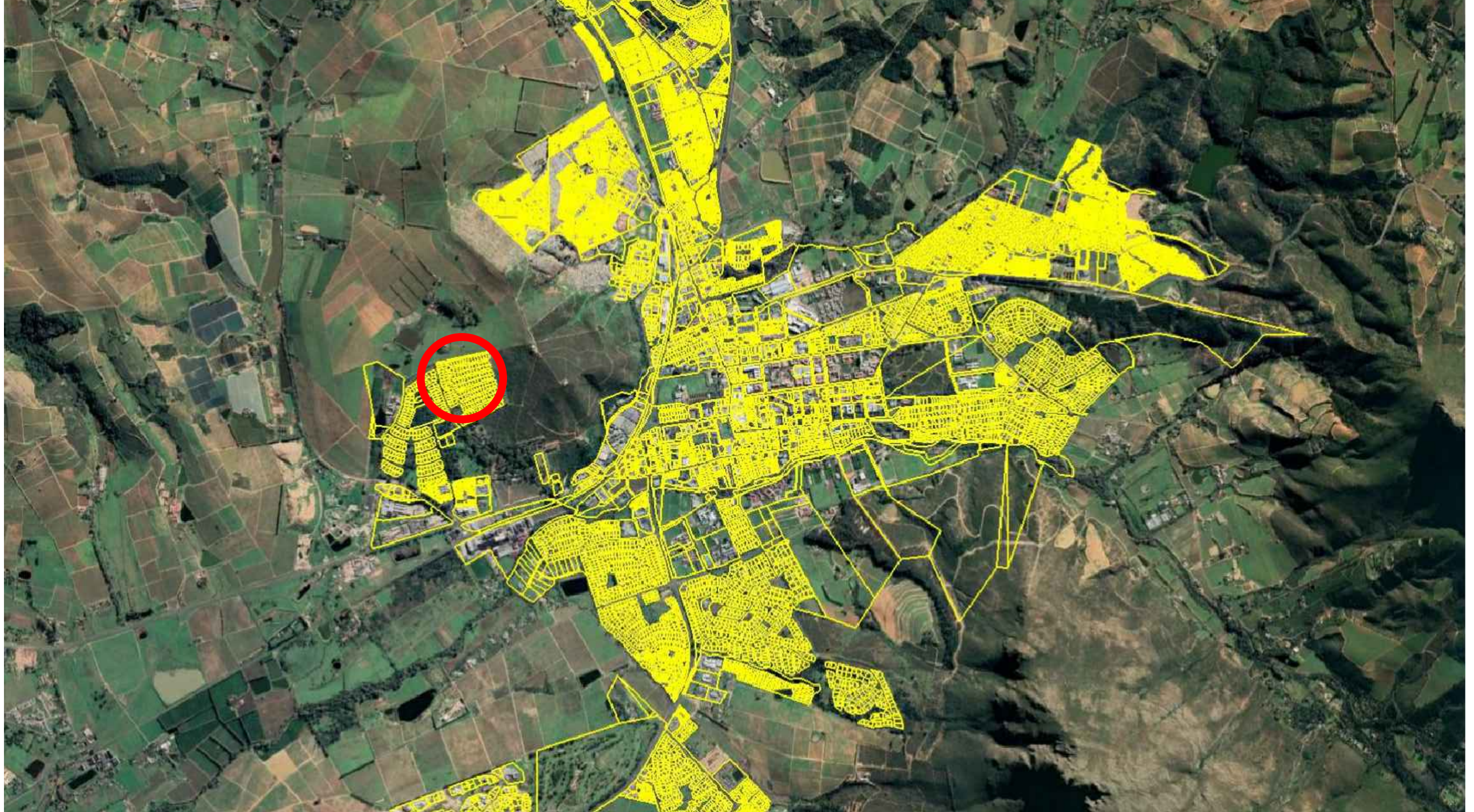
The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **Monday, 26th of July**

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 +27 82 8940686 or +27 21 0071861 during normal office hours.

Yours faithfully

M.B. Straughan



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 1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
 2. All levels are to be confirmed prior to construction.

Not to scale

Date: 07 Feb 2020

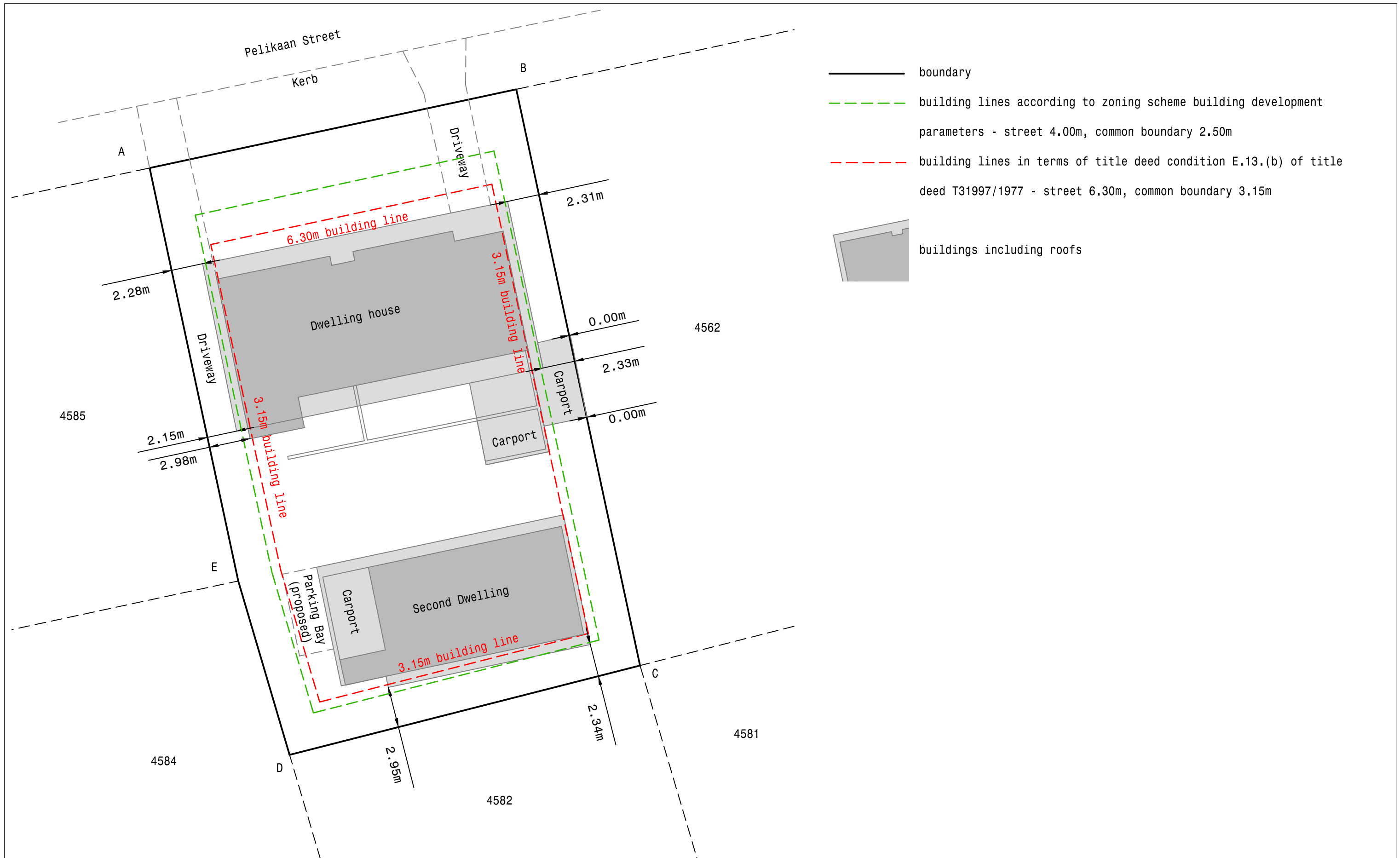
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Locality Plan
 Erf 4561, Stellenbosch

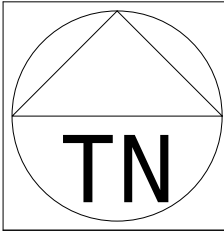
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Notes

- The figure ABCDE represents 1149m² of land being Erf 5461, Stellenbosch.
- Zone: Conventional Residential



Caveat

- Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
- All levels are to be confirmed prior to construction.

Scale 1:250	Date: 07 Feb 2020	Contours: n/a	System: WG 19
Erf 4561, Stellenbosch		 friedlaender, burger & volkmann <small>PROFESSIONAL LAND SURVEYORS, SECTIONAL TITLE CONSULTANTS, MAPPING CONSULTANTS</small> <small>39 Here Street, Stellenbosch, 7600 • PO Box 154, Stellenbosch, 7599</small> <small>Tel +27 21 886 4004 • Email info@fbvsurvey.co.za</small>	
Site Plan			
Proposed suspension of a building line in terms of a condition of title			
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Motivation report (revision 1)

Erf 4561, Onder Papegaaiberg: Proposed removal of a restrictive title deed condition

Submitted by Friedlaender, Burger and Volkmann
PO Box 154, Stellenbosch, 7599

Tel +27 21 8864004 E-mail enquiries@fbvsurvey.co.za

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11	Conclusion.....	6

1 The property

Erf number	4561, Stellenbosch
Address	4 Pelikaan Street, Onder-Papegaaiberg
Owner	Francois Anton Crafford
Title deed	T31997/1977, dated 13 December 1977
Zoning	Conventional Residential (CR)
Area	1149m ²
Mortgage bond	None
Improvements	Dwelling house and second dwelling

2 Annexures

1	Locality plan
2	Application plan – revision 2
3	Title deed T31997/1977
4	Conveyancer's certificate
5	General Plan
6	Power of attorney from owner
7	Zoning certificate
8	Approved building plans
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3 Background

Erf 4561, Stellenbosch, located at 4 Pelikaan Street, Onder-Papegaaiberg, has a dwelling house and second dwelling.

The owner wishes to open a sectional title scheme on the property comprising 2 sections, being the dwelling house and second dwelling.

We have been appointed to submit draft sectional title plans to the Surveyor-General (SG) for approval.

On carrying out our survey we established minor encroachments by the dwelling house, car port and second dwelling of the 3.15m common boundary building line imposed by a title deed condition. The condition was imposed by the then Administrator.

In terms of the Sectional Titles Act, 1986, no structure on a sectional title plan may be in conflict with a building line imposed in a title deed condition.

We therefore make application for removal of the condition to permit submission of our draft sectional title plan to the SG.

4 Ownership and mortgage bond

The property is by Francois Anton Crafford under title deed T31997/1977. There is no mortgage bond registered over the property.

5 Authority to apply

Mr. Crafford has provided his power of attorney.

6 The property

Erf 4561 is situated in the mature, low density, residential suburb of Onder-Papegaaiberg. Improvements include the dwelling house and a second dwelling. The property is zoned Conventional residential and is used for residential purposes.

7 Restrictive title deed conditions

A conveyancer's certificate is included. Title deed condition E.13.(b) of title deed T31977/1977 imposes a 3.15m common boundary building line on the property. This condition was imposed by the then Administrator.

The condition provides that:

“E. ONDERHEWIG aan die voorwaardes opgelê deur die Administrateur van die Kaap Provinsie by goedkeuring van die Dorp Onder Papegaaiberg Uitbreiding nr. 1, welke voorwaardes as volg lui:-

13. ...

- (b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meters van enige ander grens opgerig word nie.”

8 Application

Please refer to the included application plan, Annexure 2.

Application is made in terms of section 15(1)(f) of the Stellenbosch Municipality Land Use Planning By-law, 2015 (“SPBL”) for the removal of restrictive title deed condition E.13.(b) of title deed T31977/1977, in respect of erf 4561, Stellenbosch

- i. to permit the dwelling house to be within 2.15m, 2.28m and 2.98m of the south-western boundary line AE as shown,
- ii. to permit the dwelling house to be within 2.31m and 2.33m of the north-eastern boundary line BC as shown,
- iii. to permit the carport to be 0.00m from the boundary line BC as shown, and
- iv. to permit the second dwelling to be within 2.34m and 2.95m of the south-eastern boundary line CD as shown.

9 Reason for application

The owner wishes to open a sectional title scheme on the property comprising 2 sections, being the dwelling house and second dwelling.

We have been appointed to submit draft sectional title plans to the Surveyor-General (SG) for approval.

Regulation 6(a) of the regulations in terms of the Sectional Titles Act, 1986 requires as follows:

- (a) a certificate from the land surveyor concerned that the scheme is not in conflict with any building line restriction appearing in the relevant title deed

On carrying out our survey we established minor encroachments by the dwelling house, car port and second dwelling of the 3.15m common boundary building line imposed by title deed condition E13.(b) of title deed T31977/1977. There are no encroachments of any building lines imposed by the development rules applicable to Conventional Residential properties in terms of the Stellenbosch

Municipality Zoning Scheme By-law, 2019 as the encroaching structures are roof eaves and a carport which are permitted.

10 Motivation

The application facilitates the creation of an additional ownership opportunity by means of a sectional title scheme. This is in keeping with the defined purpose of the Conventional Residential Zoning as stated in section 48.(1)(e) of the Zoning Scheme by-law:

“48. Purpose of the zone.—(1) The purpose of this zone is to make provision for—
...
(e) moderate densification through additional dwellings of with a similar built form and character.”

10.1 Other legislation and policy

All current planning legislation and policy applicable to erf 4561 supports, indirectly or directly, minor densification in low density residential areas such as Onder-Papegaaiberg. The existing second dwelling is a minor densification element. The proposal facilitates an additional ownership opportunity in respect of the second dwelling.

10.1.1 Spatial Planning and Land Use Management Act, 2013 (SPLUMA)

The application is not subject to section 52 of SPLUMA and is not in conflict with the development principles prescribed in section 7 of SPLUMA.

10.1.2 Western Cape Land Use Planning Act, 2014 (LUPA)

The application is not subject to section 53 of LUPA and is not in conflict with the land use planning principles prescribed in section 59 of LUPA.

10.1.3 Western Cape Provincial Spatial Development Framework, 2014 (PSDF)

The PSDF is resistive to greenfields development and low density, urban sprawl. The proposal does not contribute to urban sprawl and intrusion into agricultural land.

10.1.4 Cape Winelands District Spatial Development Framework, 2019 (CWDSDF)

The proposal is aligned with the CWDSDF objective of compaction and densification of urban settlements as it facilitates an additional ownership opportunity in respect of an existing second dwelling.

10.1.5 Stellenbosch Municipality Spatial Development Framework, 2019 (MSDF)

The MSDF highlights low densities in urban areas of below 10 dwellings units per hectare as problematic and supports, inter alia, the densification of existing residential areas through second dwellings. The proposal facilitates an additional ownership opportunity in respect of an existing second dwelling.

10.2 Impact and desirability

10.2.1 Impact

The title deed building line restrictions are more onerous than those of the zoning scheme.

The dwelling house was constructed in 1976 and the second dwelling in 1993. Other than the carport adjacent to the dwelling house, the encroachments are all encroachments largely of the eaves, as shown in Annexure 2.

The proposal therefore has no discernible negative impact on the rights and reasonable expectations of any person, or on the health and safety of any person or community as it is in respect of minor encroachments of a title deed restriction by structures which have been in place for a considerable period of time.

10.2.2 Desirability

The proposal meets the needs of the owner to open a sectional title scheme on the property in respect of the existing dwelling house and second dwelling. There is no change in land use and no rezoning.

The proposal is not in conflict with any national or provincial land use planning legislation.

The proposal is aligned with and not in conflict with any provincial, district or municipal land use planning policy.

10.3 Section 33(5) of the Stellenbosch Municipality Land Use Planning By-law, 2015 ("SPBL")

Section 33 requires consideration of the following matters by the Municipality, in respect of applications to remove restrictive conditions:

10.3.1 Section 33(5)(a): Financial and other value

The applicant is not aware of evidence that the removal of the restrictive condition will negatively affect the financial and other value accruing to any person or entity from the proposed removal of the condition.

The change in any value afforded by building lines in general is small, if the restrictive condition is removed. Common boundary building lines will reduce from 3.15m to 2.50m as imposed by the zoning scheme development rules. This is a change of 0.65m. The street building line will reduce from 6.30m to 4.00m. This is a change of 1.30m.

No loss of value has been alleged by any person or entity in respect of the minor encroachments over the title deed building lines. Any alleged loss of financial or other value may be addressed during the public participation process.

10.3.2 Section 33(5)(b): Personal benefits to rights holder

There is no evidence of significant personal benefit enjoyed by land owners in Onder Papegaaiberg, arising from the restrictive condition. No impairment of any such benefit has ever been alleged by any person or entity in respect of the minor encroachments over the title deed building lines.

10.3.3 Section33(5)(c): Personal benefit to the owner of erf 4561

The personal benefits which will accrue to the owner resultant from removal of the restrictive condition are significant as removal will open the way for the registration of a sectional title scheme and alienation by the owner of one or both units.

10.3.4 Section33(5)(d): Social benefit of retention of the restrictive condition

Planning policy is enacted to maximise social and other benefits. There is not apparent social benefit from a restrictive condition which is not aligned with planning policy and the legislation giving expression to such policy, such as the zoning scheme.

10.3.5 Section33(5)(e): Social benefit of removal of the restrictive condition

The removal of the restriction facilitates provision of an additional ownership opportunity in a sought after residential area.

10.3.6 Section33(5)(f): Complete or partial removal of rights enjoyed

The removal of the restrictive condition will completely remove the rights enjoyed in terms of the title deed restriction. However the building line protections in the zoning scheme remain in place.

11 Conclusion

The proposal is not in conflict with legislation, zoning scheme rules or any applicable land use planning policy. There is no apparent reason for refusal of the application.



TAX INVOICE
STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599
 PLANNING & ECONOMIC DEVELOPMENT: PLANNING

SEARCH NR: _____
 COLLECTOR NR: _____
 AUC/TATOR NR: _____
 E 4561 S

DATE:	2021-05-04	DOCUMENT NO.:	706143
ERF/FARM NO:	4561	CREATED BY:	Nicole Katts
LOCALITY:	4 Pelican Street, STELLENBOSCH	APPLICATION NO.:	LU/12657
OWNER'S NAME:	Francis Anton Crafford	APPLICANT VAT NO.:	4130103692
ADDRESS:	PO Box 154 Stellenbosch 7599	VAT NO.:	4700102181
		APPLICANT:	Mark Straughan
		TEL NO.:	0210071861

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
REMOVAL / SUSPENSION / AMENDMENT - Removal, Suspension or Amendment of Restrictive Title Deed Conditions, Per application	R 2,500.00	1	20180711011484	R 2,500.00
TOTAL AMOUNT PAYABLE				R 2,500.00
VAT included @ 15%				R 326.09

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES
 12 MAY 2021
RECEIVED

All Tariffs include 15% VAT
 FROM 1 JULY 2020 TO 30 JUNE 2021

CALCULATED BY:
NAME: Nicole Katts
SIGNATURE:

DATE: 04.05.2021

VERIFIED BY:
NAME:
SIGNATURE:

DATE:

PAYMENT MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH MUNICIPALITY
 Applicant to return this form to the Advice Centre for
 DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

BANKING DETAILS FOR EFT PAYMENT:
 ACCOUNT HOLDER: Stellenbosch Municipality
 BANK: First National Bank (FNB)
 ACCOUNT NUMBER: 62869253684
 BRANCH CODE: 210554
 REF: LU/_____ and ERF/FARM_____
 Please use both the Land Use Application number and the ERF/Farm number indicated on this invoice as a reference when making EFT payment.

Nicole Katts

From: Nicole Katts
Sent: Tuesday, 04 May 2021 09:13
To: 'Mark Straughan'
Subject: INVOICE: APPLICATION FOR A REMOVAL - ERF 4561 STELLENBOSCH
Attachments: INV - ERF 4561 STELLENBOSCH.pdf

Good day Mark

I trust that you are well.

Pre-scrutiny of your documentation as submitted on 03 May 2021 has been completed. The documentation is considered complete and you may now pay the following fees into Council's bank account within the next two (2) working days. Please provide this office with a copy of your proof of payment.

Application is made for the following:

- Removal of restrictions



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer: Customer
Interface and Administration
Planning & Economic Development

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3rd

Floor

www.stellenbosch.gov.za




PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015			Date of Submission of Application	03/05/2021	
Erf / Erven/ Farm no	4561	Portion(s) if farm	Allotment Area	Stellenbosch	
Owner / Applicant	Friedlaender, Burger & Volkman – Mark Straughan		Contact number	082 894 0686	
Email address	mark@fbvsurvey.co.za				
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION			ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²
			YES	NO	
1. Completed application form that is signed			✓		
2. Power of Attorney / Owners' Consent if the applicant is an agent			✓		
3. Bondholders' consent					
4. Proof that applicant is authorized to act on behalf of an entity					
5. Proof of ownership or rights held in land					
6. Motivation based on criteria in s65			✓		
7. SG diagram or General Plan			✓		
8. Locality plan			✓		
9. Site development plan or plan showing the land development			✓		
10. Subdivision plan					
11. Permission for required servitude					
12. Title Deed			✓		
13. Conveyancer's certificate			✓		
14. Feedback on Pre-application scrutiny			✓		
15. Minutes of Pre-consultation Meeting					
16. Consolidation plan					

¹ Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

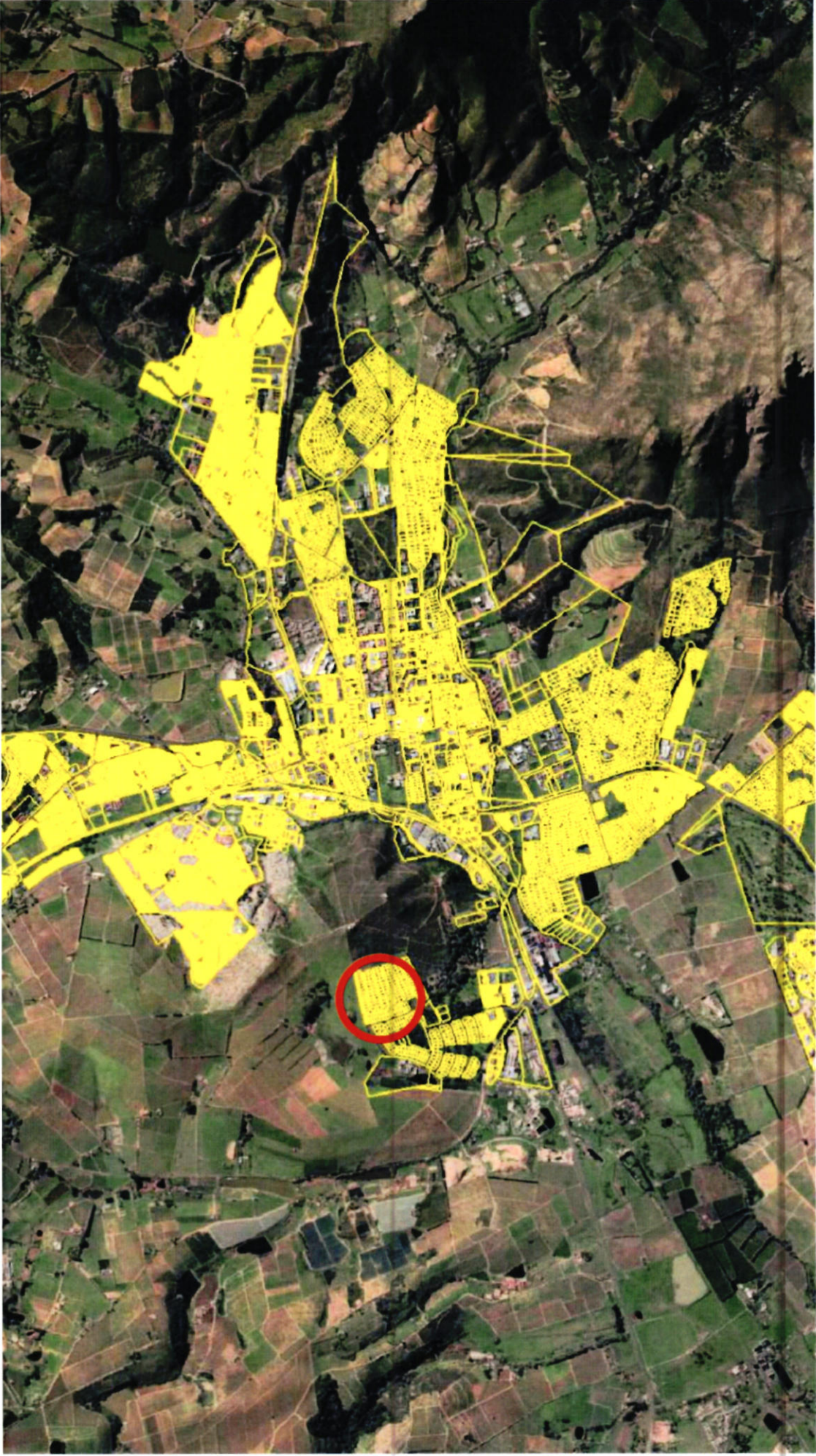
² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

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

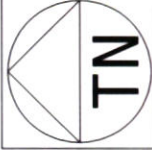
Outstanding information (to be completed by Planner):

NOTES:

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



Caveat
1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.



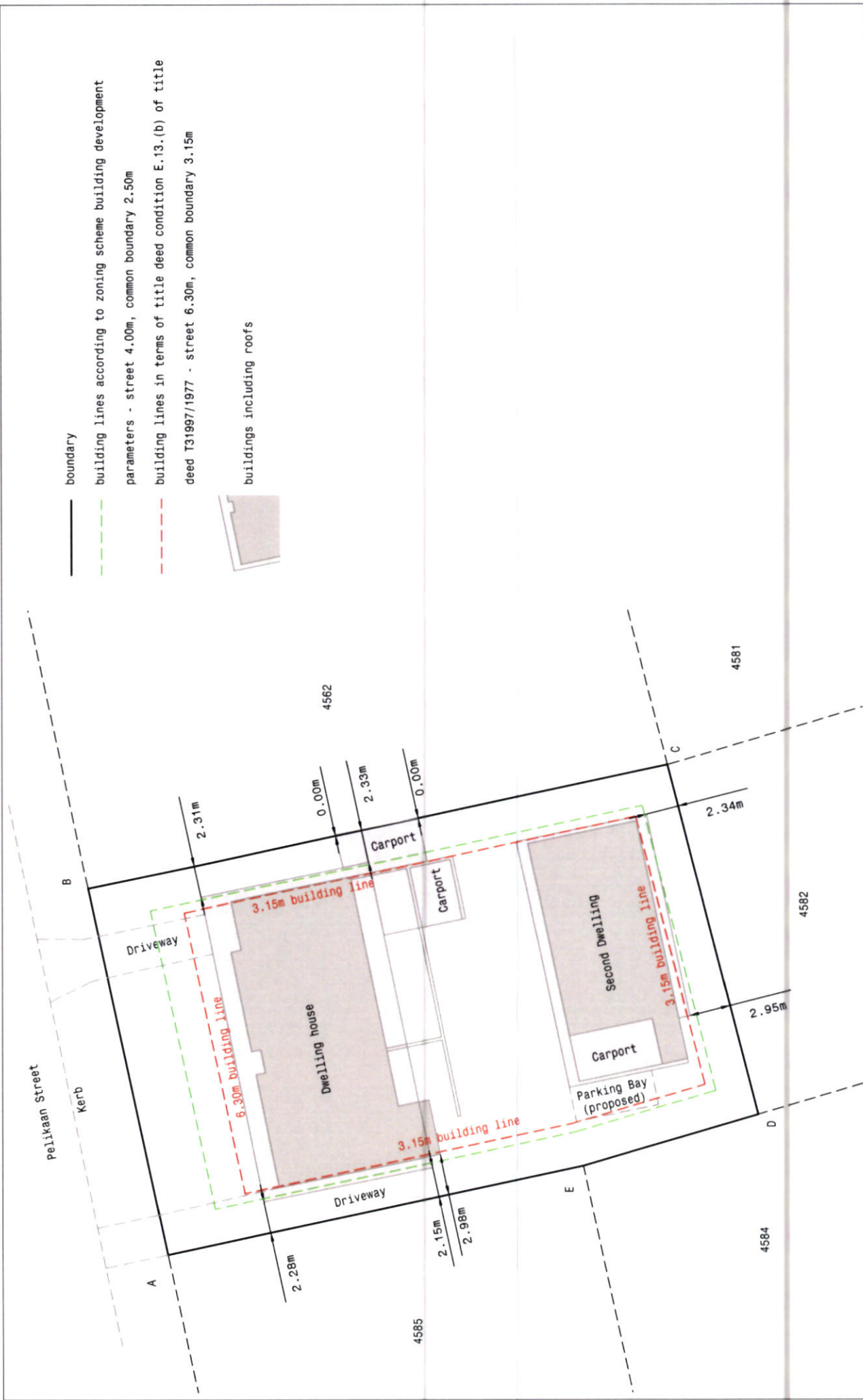
Not to scale | Date: 07 Feb 2020 | System: WG 19
Contours: n/a

Locality plan
Erf 4561, Stellenbosch

Ref: erf4561 Dwg: application plan-rev1

friedlaender, burger & volkmann
fb/

10 Nieuwe Kruis, Stellenbosch, 7130 • P.O. Box 134, Stellenbosch, 7130
Tel: +27 21 885 4000 • Email: info@friedlaender.com



- boundary
- - - building lines according to zoning scheme building development
- - - parameters - street 4.00m, common boundary 2.50m
- - - building lines in terms of title deed condition E.13.(b) of title
- - - deed T31997/1977 - street 6.30m, common boundary 3.15m



<p>Notes</p> <ol style="list-style-type: none"> The figure ABCDE represents 1149m² of land being Erf 5461, Stellenbosch. Zone: Conventional Residential 		<p>Caveat</p> <ol style="list-style-type: none"> Any areas and dimensions are provisional and will be finalized at time of subdivision survey. All levels are to be confirmed prior to construction. 	<p>Scale 1:250</p> <p>Date: 07 Feb 2020</p> <p>Erf 4561, Stellenbosch</p> <p>Site Plan</p> <p>Proposed suspension of a building line in terms of a condition of title</p> <p>Ref: erf4561 Dwg: application plan-rev2</p>	<p>Contours: n/a</p> <p>System: WG 19</p> <p>friedlaender, burger & volkmann</p> <p><small>101 New Road, Stellenbosch, 7601 • P.O. Box 104, Stellenbosch, 7601 Tel: +27 21 885 0000 • Fax: +27 21 885 0001 • Email: info@friedlaender.co.za</small></p>
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PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN
PREPARED BY : DRS08863 - AMANDA MEKO

DATE : 20191021 TIME : 08:42:49.3 PAGE : 1

PROPERTY DETAILS PRINT FOR PORTION 0
ERF NO 4561
TOWNSHIP STELLENBOSCH
REG DIV STELLENBOSCH RD

PROVINCE WESTERN CAPE
PREV DESCRIPTION
DIAGRAM DEED NO T31997/1977
EXTENT 1149 SQM
CLEARANCE STELLENBOSCH MUN

FIRM NR : 999
FIRM NAME : AKTEKANTOOR KAAPSTAD
FILE NR : PREP
FEE AMOUNT: R .00

NO INTERDICTS

NO DOCUMENTS

OWNER DETAILS

FULL NAME & SHARE	PURCH DATE	AMOUNT/REASON	O/P/A IDENTITY	DATE OF BIRTH	TITLE DEED	MMD	SCAN/MICRO REF
CRAFFORD FRANCOIS ANTON			5505135042086	55/05/13	T31997/1977	1213	2002 0391 0445

* O/P/A - O - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*** END OF REPORT ***

CLUVER & MARKOTTER

117

MICRO FILMED—MIKROVERFILM	
DATUM—DATUM	
22-12-1977	<i>[Handwritten initials]</i>

WATERSKAP EN DOORSTROMINGSWERK W. S. 8

T. 31997	1977
----------	------

TRANSPORTAKTE

HT
KRAGTENS 'N PROKURASIE

Opgetel deur my,
[Handwritten signature]
Transportbesorger.

SY DIT KENNELIK AAN ALMAL WIE DIT MAG AANGAAN

DAT JACOBUS ADRIAAN LOUW DE WAAL

verskyn het voor my, Registrateur van Aktes, Hy die gesegde Komparant synde daartoe behoorlik gemagtig deur 'n volmag uitgevoer te STELLENBOSCH

op die 30ste dag van SEPTEMBER 1977, deur

PETRUS JOHANNES LOMBARD en MATTHYS JOHANNES SMITH in hul hoedanigheid as Burgemeester en Stadsklerk onderskeidelik van die

MUNISIPALITEIT STELLENBOSCH

1
welke volmag, geteken in die teenwoordigheid van getule ooreenkomstig die Wet, my hede getoon is;

EN/...

En die Komparant het verklaar dat sy voorsegde Prinsipaal

werklik en wettiglik verkoop het op 19 Julie 1974 en dat
Hy, in sy hoedanigheid as voorsegde Prokureur, deur hierdie Akte,
gesedeer en getranspoteer het in volle en vrye eiendom aan en ten
behoewe van

FRANCOIS ANTON CRAFFORD
gebore op 13 Mei 1955
BLANKE GROEP

sy Erfgename, Eksekuteure Administrateure of Gemagtigdes

SEKER stuk grond geleë in Onder Papegaaiberg Uit-
breiding Nommer 1, in die Munisipaliteit en
Afdeling Stellenbosch synde Erf Nommer 4561
Stellenbosch;

GEHOU kragtens Sertifikaat van Dorpstitel gedateer
22 Februarie 1974, nr. 4385;

GROOT 1149 (Eenduisend eenhonderd nege en veertig)
Vierkante Meter;

SOOS meer volledig sal blyk uit die Algemene Plan
van die Dorpsgebied Nr. TP 8314.

A. ONDERHEWIG aan die voorwaardes waarna verwys word
in Sertifikaat van Dorpstitel nr. 4385 gedateer 22
Februarie 1974.

B. ONDERHEWIG/...

24

B. ONDERHEWIG aan die voorwaarde Nr. III vervat in Stellenbosch Grondbrief Boekdeel 8 nr. 15, gedateer 22 Junie 1908, wat as volg lees:

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 the 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. ONDERHEWIG aan die volgende voorwaarde vervat in Stellenbosch Grondbrief Boekdeel 8 nr. 15 gedateer 22 Junie 1908, wat as volg lees:-

"Subject, however to all such Duties and regulations as either are already or shall in future be established with regard to such lands."

D. GEREKTIG op die voordele van die twee Serwituut endos- semente gedateer 20 September 1938 op voormelde Stellen- bosch Grondbrief Boekdeel 8 nr. 15, wat as volg lees:-

"REMAINDER

REGISTRATION OF SERVITUDE:

Transfer 9729/1938 dated 20/9/1938 (a) a right of way 24 feet wide over property thereby conveyed and numbered zhg and 1.2 on the diagram thereto annexed joining up with the right of way from g to l indicated on the said diagram has been

/ granted

~~A~~
B

granted in favour of the owner and his successors in title of the property held hereunder; (b) a strip of land 20 feet wide along the boundary marked gp on the said diagram shall not be cultivated by the owner of the property thereby conveyed but only be used for road purposes, as will more fully appear on reference to the said Transfer:

REMAINDER:

REGISTRATION OF SERVITUDE:

Transfer 9730 dated 20/9/1938 a right of way 24 feet wide from the beacon h to the beacon j on the property held hereunder and indicated on the diagram thereof is granted in favour of the remainder of the land held hereunder.
as will more fully appear on reference to the said Transfer."

/ E. ONDERHEWIG

A
B

E. ONDERHEWIG aan die voorwaardes opgelê deur die Administrateur van die Kaap Provinsie by goedkeuring van die Dorp Onder Papegaaiberg Uitbreiding nr. 1, welke voorwaardes as volg lui:-

8. 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 nr. 383 van 13 Junie 1958.
9. 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 die bepalinge van artikel 146 van Ordonnansie nr. 15 van 1952 soos gewysig, vervang nie.
10. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteitskabels of -drade en hoof- en/of ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie dorp, 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 enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.
11. 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.
12. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.

/13(a) Hierdie ...

AA
B

13. (a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd na oorleg met die Dorpekommissie en die plaaslike owerheid, goedkeur, met dien verstande dat, indien die erf in die gebied van 'n dorps-aanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.
- (b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meters van enige ander grens opgerig word nie.
- (c) By die konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfde voorwaardes as dié wat hierin uiteengesit word, is hierdie voorwaardes op die gekonsolideerde eiendom van toepassing asof dit geen erf is.
- (d) Ingeval hierdie erf onderverdeel word, is elke onderverdeelde gedeelte, uitgesonderd 'n gedeelte afgesny vir pad- of dergelike doeleindes, onderworpe aan die voorwaardes hierin uiteengesit asof dit die oorspronklike erf is.

/ DIE

Handwritten initials and scribbles in the top right corner.

DIE Komparant doen dus hiermee afstand van al die regte, aanspraak en titel wat die transportgewer

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

sy Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat; en ten slotte erken hy dat die hele Koopsom ten bedrae van R4 378,00 (VIERDUISEND DRIE HONDERD AGT EN SEWENTIG RAND) behoorlik betaal of versker is

~~x behoort te betaal of versker x~~

Handwritten initials 'gm'.

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

ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes, te KAAPSTAD op hede die 13de dag van Desember in die jaar van ons Heer, Eenduisend Negehonderd en SEWENTIG (1977).

Handwritten initials 'gm'.

Certified a true copy of the original filed of record in this Registry in terms of
Reg. 66
Deeds Registry
Cape Town
21 OCT 2019
Registrar of Deeds

Handwritten signature of the Registrar of Deeds.
e.g. st/Prinsipaalgk

In my teenwoordigheid,

Handwritten signature of the Registrar of Deeds.

REGISTRATEUR VAN AKTES.

Geregistreer in die Register van Boekdeel

Folio 4564

Klerk-in-Bevel.

Handwritten signature of the Clerk-in-Bevel.

Handwritten initials 'mky'.

ENDOSSEMENT. ARTIKEL 6 (1) VAN WET 85 VAN 1982
 ENDORSEMENT. SECTION 6 (1) OF ACT 85 OF 1982

Voorwaardes
 Conditions F. B. (a)

~~gevoelig / opgeskort / opgehef~~ kragtens 1.1
~~afgehef / suspended / removed~~ in terms of Act 85

Proklamasie Nr. M.N. 90/1992 gemaak op 27 March 1992
 in Offisiele Koerant Nr. 4741
 in Official Gazette No. 4741

onderwerp aan voorwaardes daarin gemeld
 subject to conditions mentioned therein

Datum 1992-04-01
 Date

[Signature]
 Registrateur van Aktes.
 Registrar of Deeds.

VERBIND		MORTGAGED	
VIR FOR R <u>58061350.42</u>		<i>[Signature]</i>	
B		REGISTRAR	

VERBIND		MORTGAGED	
VIR FOR R <u>413 000.00</u>		<i>[Signature]</i>	
B	<u>24049.2002</u>	REGISTRAR	
	<u>2002-04-30</u>		



CONVEYANCER CERTIFICATE

I/We Sherine Geraldine Roberts
.....
.....

(to be completed by the conveyancer)

Practising at:

Cluver Markotter Inc.
.....
Cluver Markotter Building, Mill Street
.....
Stellenbosch
.....

(to be completed by the conveyancer)

In respect of:

Erf 4561, Stellenbosch
.....
Situate in the Municipality and Division Stellenbosch, Western Cape Province
.....
Measuring 1149 (One Thousand One Hundred and Forty Nine) square meters
.....
Held by deed of Transfer number T31997/1977
.....

(full property description per formula as it appears in the deed of transfer)

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. Deed of Transfer T31997/1977
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.



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	Y	<input checked="" type="radio"/> N	
2.	Building lines	<input checked="" type="radio"/> Y	N	Clause E Paragraph 13(b) of Deed of Transfer T31997/1977
3.	Height	Y	<input checked="" type="radio"/> N	
4.	Number of Dwellings	Y	<input checked="" type="radio"/> N	
5.	Bulk floor area	Y	<input checked="" type="radio"/> N	
6.	Coverage/built upon area	Y	<input checked="" type="radio"/> N	
7.	Subdivision	Y	<input checked="" type="radio"/> N	
8.	Servitudes that may be registered over or in favour of the property	<input checked="" type="radio"/> Y	N	Clause D of Deed of Transfer T31997/1977, servitudes in favour of the property
9.	Other Restrictive Conditions	<input checked="" type="radio"/> Y	N	Clause E Paragraphs 9 and 12 of Deed of Transfer T31997/1977



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

(Please tick appropriate box)

a.	Organ(s) of State that might have an interest in the restrictive condition	Municipal Authority
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	

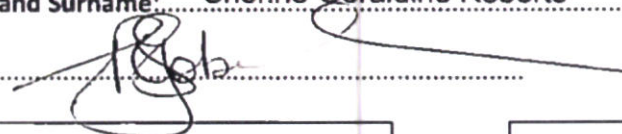
C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(Please tick appropriate box)

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (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... Stellenbosch..... (Place) on this... 07..... (Day) November..... (Month) of 2019.....

Full names and Surname: Sherine Geraldine Roberts.....

Signature: 

CLUVER MARKOTTER INC/ING.

 Cluver Markotter Building/Gebou
 Mill Street / Meulstraat
 Docex 6, STELLENBOSCH, 7600
 t (021) 808 5600 f (021) 886 5420
 info@cm.law.za

SHERINE GERALDINE ROBERTS
 KOMMISSAR S VAN EDE
 COMMISSIONER OF OATHS
 CLUVER MARKOTTER INC/ING
 PRAKTISERENDE PROKUREUR RSA, PRACTICING ATTORNEY RSA
 NR 12823
 CLUVER MARKOTTER GEBOU BUILDING
 MEULSTRAAT / MILL STREET
 STELLENBOSCH

Tel: 021 808 5600.....

Email: sheriner@cluvermarkotter.law.....

Cell:

L. G. M. van der
Goudgekeur
Landmeter-gewest:
A. 13. 7.

VEET 1

TP
ALGEMENE PLAN NR 8314
ONDER-PAPEGAAI BERG UITBREIDING NRI CDR.

SCAAL 1:250



CDR

8314 sht1

B

L. G. M. van der
Goudgekeur
Landmeter-gewest:
A. 13. 7.

VEET 1

TP
ALGEMENE PLAN NR 8314
ONDER-PAPEGAAI BERG UITBREIDING NRI CDR.

SCAAL 1:250

CDR

8314 sht1

SPECIAL POWER OF ATTORNEY

I / We, the undersigned

Mr. F. A Crafford

Address 16 Bayridge Villas, S/West Postal Code 7130

Telephone _____ Cell 061 - 999 1530

in my capacity as the lawful Agent of the registered owner(s) (duly authorized thereto) of

the property: Erf 4561, Stellenbosch

do hereby nominate, constitute and appoint Damien Pieter Burger and / or Mark Bernard Straughan and / or Matthew Stuart-Fox of the firm Friedlaender, Burger and Volkmann, Land Surveyors with the power of Substitution, to be my / our lawful Agent(s) in my / our name, place and stead, to make the necessary applications for the following:

proposed

- i. proposed permanent departure from the development parameters of the zoning scheme; and/or
- ii. removal, suspension, amendment or relaxation of restrictive title deed conditions; and/or
- iii. an amendment, deletion or imposition of conditions in respect of an existing approval; and/or
- iv. a permission required in terms of a condition of approval; and/or
- v. a second dwelling

on the abovementioned property and to proceed with any required survey work to the final end and termination thereof and generally for effecting the purposes 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.

SIGNED at Stellenbosch . this 22 day of October . 2019

Signature (Owner(s) or Lawful Agent)

Crafford

WITNESS 1:

[Signature]

WITNESS 2:



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Annexure 7

Our Ref: 4561
Contact number: (021) 808 8680
Contact Person: N Dafeti
Date: 6 November 2019

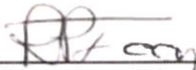
ZONING CERTIFICATE – ERF 4561, STELLENBOSCH

It is hereby certified that the zoning of Erf 4561, 4 Pelican Street, Stellenbosch in terms of the Stellenbosch Municipality Zoning Scheme By-Law, November 2019 is:

CONVENTIONAL RESIDENTIAL

With Special Development for an additional dwelling unit (one)

PRIMARY USES	ADDITIONAL USES (Not exceeding threshold in this chapter and subject to technical approval)	CONSENT USES (Application required).
Dwelling house	Bed and breakfast establishment Home daycare centre Home occupation practice Home lodging Second dwelling Occasional use (one event/year) Private road	Commune Extramural facility Group housing Guest house House shop Occasional use (>one event/year) Tourist dwelling unit Additional uses exceeding parameters in this chapter)

pp 
Director: Planning and Economic Development

Please Note: Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate.



CHAPTER 7: CONVENTIONAL RESIDENTIAL ZONE

47. Zone name and designation on map

- (1) The Conventional Residential zone may be referred to by the code (CR) and shall be indicated on the zoning map in pale yellow (Colour code 255,255,191).

48. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
 - (a) the use of land for the purposes of predominantly single dwelling houses;
 - (b) the welfare and safety of the occupants of dwelling houses within a neighbourhood by limiting uses which are likely to give rise to a public nuisance;
 - (c) the protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
 - (d) controlled opportunities for home employment and income generation through activities which are compatible with and ancillary to residential uses; and
 - (e) moderate densification through additional dwellings of with a similar built form and character.

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"> • Dwelling house 	<ul style="list-style-type: none"> • Bed and breakfast establishment • 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 facility • Group housing • Guest house • House shop • Occasional use (>one event/year) • Tourist dwelling unit • Additional uses exceeding parameters in this chapter

- (2) Additional uses are only permitted in a dwelling house and second dwelling house once technical approval is granted by the Municipality.
- (3) Additional uses are only permitted in group houses only once the owners' association has granted permission and thereafter the Municipality has granted a technical approval.
- (4) Except for a second dwelling, only one additional use per land unit is permitted.
- (5) A second dwelling and group housing units may be registered separately by sectional title.

50. Dwelling houses and second dwelling houses in this zone

- (1) No more than two dwelling units (one dwelling house which may also include one domestic accommodation unit, and one second dwelling) shall be permitted on any land unit in this zone, unless the land is developed for group housing.
- (2) Each dwelling unit in this zone shall only be occupied by a family as defined, and/or be utilised for a single additional use or consent use in accordance with the provisions of this chapter of the Scheme or any conditions of approval.

- (3) A second dwelling unit shall not contain a domestic accommodation unit, except with the technical approval of the Municipality.
- (4) A second dwelling which is to be registered via Sectional Title shall have its own dedicated parking which is accessible from a public road and not tandem with parking for another dwelling unit.
- (5) Aviaries and/or hothouses ancillary to a dwelling house in this zone shall not exceed 15m² in total, and if both are constructed on the land unit the maximum in total is 15m² and shall comply with building lines.

51. Additional uses in a dwelling house or second dwelling house

- (1) A technical approval of an additional use in a dwelling house or second dwelling house shall not be issued in terms of section 13(8)(f) unless all the applicable parameters in this section are complied with. Any deviation from these parameters requires a consent use application in terms of Planning Law.
- (2) The operator of an additional use activity shall reside on the land unit from which the additional use activity is conducted, and the dominant use of the land unit shall remain the operator's residence.
- (3) Apart from a second dwelling, only one additional use may be conducted on any property at any given time.
- (4) An operator of an additional use may either use a portion of the dwelling house in which he resides or a portion of, or the entire second dwelling for an additional use. If the additional use is conducted from the same dwelling in which the operator resides, a family, other than the operator's family, may reside in the other dwelling unit on the land unit.
- (5) The nature of any alterations to the dwelling house or second dwelling to accommodate additional use shall be such that the building can at any time revert to its use as a dwelling house or second dwelling, and additional uses, other than a second dwelling, may not be reflected on a building plan.
- (6) The residential character of the façade of the dwelling house or second dwelling shall be retained to the satisfaction of the Municipality.
- (7) No goods, material or equipment in connection with the additional use shall be displayed or be visible from a public road. Any such goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling house, second dwelling or its normal outbuildings.
- (8) The additional use may not cause a public nuisance.
- (9) No noxious trade, risk activity, escort agency or adult entertainment business shall be permitted as an additional use in this zone.
- (10) Additional uses may not cause any excessive fumes or smell to be emitted, cause any noise disturbance, be harmful or a disturbance to the neighbours, may not cause excessive congregation of people, disturbing after-hours activity, excessive parking in the public road or an excessive increase in the number and frequency of visitors to the land unit so as to be a nuisance, in the sole opinion of the Municipality.
- (11) No advertising sign may be displayed other than a single non-illuminated sign which does not project over a public road and which does not exceed 0,5m².
- (12) No more than one vehicle not exceeding 3500kg may be used in connection with the additional use and may be stored on the land unit.
- (13) An affected party may lodge a complaint if an additional use is causing a disturbance, affects their health, welfare or safety, or does not comply with the provisions in this section. Upon receiving a complaint, the Municipality shall investigate the matter, and if necessary serve a compliance notice in terms of the Planning By-law if the conditions in the Scheme are not adhered to. The Municipality may also order that the activity be ceased if it causes a public nuisance or interferes with the health, welfare or rights of a neighbour (particularly with regard to noise, emissions or traffic). The complainant shall be notified of the outcome of the complaint.

- (14) For a bed and breakfast establishment or home lodging in this zone, the following further parameters shall apply, together with the provisions in subsections (1) to (13):
- for a bed and breakfast establishment no more than three bedrooms on the land unit, with a maximum of two persons per bedroom totalling six people per land unit, may be utilised;
 - for home lodging no more than three bedrooms on the land unit, with a maximum of three persons per land unit, may be utilised;
 - a bed and breakfast establishment or Home lodging may not be conducted from a land unit where independent persons reside as defined in paragraph iii) of the definition of family;
 - no more than two additional full-time persons may be employed in connection with home lodging or a bed and breakfast.
- (15) For a home day care centre in this zone, the following further parameters shall apply together with the provisions in subsections (1) to (13):
- the home day care centre may not accommodate more than six children (including any children of the resident family who also attend the facility);
 - the hours of operation shall be limited to between 07:00 to 18:00 Mondays to Fridays;
 - no more than one person may be employed full time for a home day care centre of up to six children;
 - at least one flush toilet shall be provided on the premises.
- (16) For a home occupation practice in this zone, the following further parameters shall apply together with the provisions in subsections (1) to (13):
- the activity should be of such a limited nature that the operator shall employ no more than two persons;
 - the hours of operation shall be limited to between 07:30 to 18:00 Mondays to Saturdays;
 - the maximum floor area for a home occupation practice (including storage) shall be no more than 30% of the floor area of the buildings on the land unit up to a maximum of 50m².

52. Occasional use

- A once-off occasional use may only take place with the Municipality's technical approval.
- Notwithstanding the provisions of section 30, attendance of an approved occasional use shall not exceed 100 persons, whilst all other parameters in section 30 shall apply.
- The Municipality may waive the on-site parking requirement provided that enough parking is available elsewhere, to the Municipality's satisfaction.

53. Guest houses and communes in this zone

- A guest house or commune in this zone may only be established if a consent use is approved by the Municipality.
- A guest house or commune in this zone shall only be conducted from a dwelling house, and/or a second dwelling house and the total extent of buildings on the land unit shall not exceed the scale of a dwelling house and/or second dwelling together with its normal outbuildings and shall be capable of reverting back to normal use as a dwelling house.
- Upon granting a consent use, the Municipality shall impose a condition which restricts the number of bedrooms which may be used for accommodation, provided that the number of bedrooms shall not exceed eight bedrooms and parking shall be provided in accordance with section 33. If enough parking cannot be accommodated for the number of proposed rooms, the Municipality shall limit the number of bedrooms which may be used for the accommodation to be commensurate with the parking that can be provided on the land unit.

- (4) The site development plan as approved by the Municipality with the consent use application shall constitute the development rules for the consent use and any expansion to or alteration in the land use will require a further consent use application.
- (5) Landscaping shall be provided to the Municipality's satisfaction which may include provisions, for the screening of parking areas to ensure visual impacts are mitigated.
- (6) A guest house in this zone may not contain a meeting room, wellness centre or beauty treatment rooms.
- (7) Meals and beverages may only be served to bona fide guests who reside at the guest house or commune.
- (8) The Municipality may impose any conditions required to mitigate the potential impact of a guest house or commune on adjoining properties and the area.

54. Group housing in this zone

- (1) Group housing in this zone may only be established if a consent use is approved by the Municipality.
- (2) Group housing developments shall be controlled by architectural guidelines or typical unit plans and elevations. *- when you have single Res (consolidated) & you would like to have more than one group house - as a consent*
- (3) More than one group housing unit may be constructed on a cadastral entity and may be subdivided at the same time or at a later stage.
- (4) The Municipality shall determine the appropriate density for group housing in this zone and development exceeding 25 dwelling units per hectare shall require a rezoning to Multi-Unit Residential zone.

55. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to all buildings within this zone:

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

- (2) The following additional parameters apply in respect of building lines:
 - (a) carports are permitted up to 0 meters from the street boundary and garages are permitted up to 1 meter from the street boundary;
 - (b) garages and carports are permitted 0 meters from the common boundary provided that the wall on the common boundary is no higher than one storey, the height of the entire garage may not exceed one storey and no stormwater may be discharged directly from the building roof onto the neighbouring property other than the adjacent public or private road;
 - (c) the common boundary building lines for buildings and structures on the ground floor shall be deemed to be automatically relaxed if the neighbouring owner of the land unit or land units of the shared abutting common boundary grants permission in writing by signing both the relaxation form as prescribed by the Municipality and the accompanying building plan. Such relaxation may not be closer than 1 meter from the common boundary. If the proponent is unable to obtain the neighbour's written permission for any reason whatsoever, an application for departure may be duly submitted to and considered by the Municipality;

- (d) projecting eaves may exceed the common building line or street building line by at most 1 meter but may not exceed the land unit boundary unless a servitude is registered in favour thereof;
 - (e) in respect of land units of 250m² or less, the building line on one of the common boundaries shall be 0 meter, provided no stormwater run-off shall be permitted directly from the building roof onto the neighbouring property other than the abutting public or private road;
 - (f) a balcony projecting from the face of the building, or positioned on the roof of a building below, shall comply with all building lines applicable to the land unit, but may in any event not be closer than 1 meter from the common boundary whichever is the most restrictive;
 - (g) notwithstanding the building lines in this section, the Municipality may require a common boundary building line and/or servitude for the protection of any municipal services provided along land unit boundaries;
 - (h) notwithstanding the building lines in this section, a 5 meter building line is required where the street boundary abuts a proclaimed road;
 - (i) notwithstanding the building lines in this section, the regulations promulgated in terms of the National Building Regulations may require greater setbacks from common boundaries for fire safety purposes, in which case such greater setbacks will prevail over this Scheme.
- (3) The general development parameters as set out in Chapter 5 of this Scheme, shall, where applicable, be complied with.

56. Boundary walls and fences

- (1) The height of any wall or fence shall be as follows:
 - (a) on a street boundary: no more than 1,8 meters high;
 - (b) on a common boundary: no more than 2,1 meters high.
- (2) On a street boundary at least 50% of the area of the boundary wall, including gates, shall consist of visually permeable sections, which may be fencing, painted palisade, wire mesh or cast-iron work, steel railings, wooden slats, or any other material to the Municipality's satisfaction.
- (3) The general development parameters relating to boundary walls and fences in section 23 shall also apply.

57. Site development plan

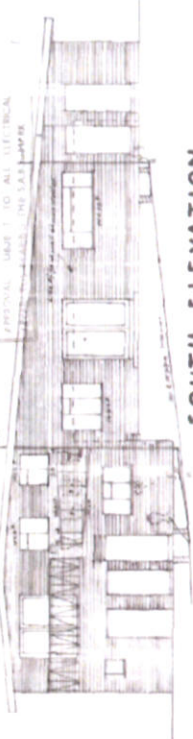
- (1) An additional use application accompanied by a site development plan shall be submitted for all additional uses apart from a second dwelling, and shall be submitted in terms of section 13 of this Scheme prior to the commencement of an additional use activity on the site.
- (2) A site development plan may be required for a consent use application and shall serve as the development parameters for such use once approved.

58. Development charges in this zone

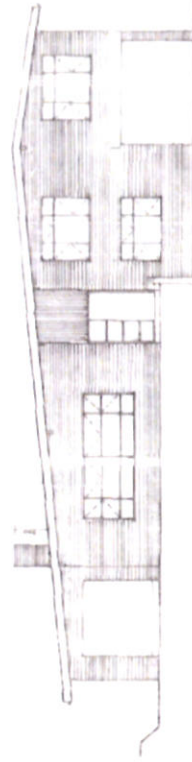
- (1) The Municipality may impose development charges for any additional use or consent use application in accordance with Planning Law.

9753A
8.6.76
10.7.76

FOR THE ARCHITECT'S OFFICE
100, WEST BROADWAY
LONDON, W.C.2
PREPARED BY THE ARCHITECT
100, WEST BROADWAY
LONDON, W.C.2

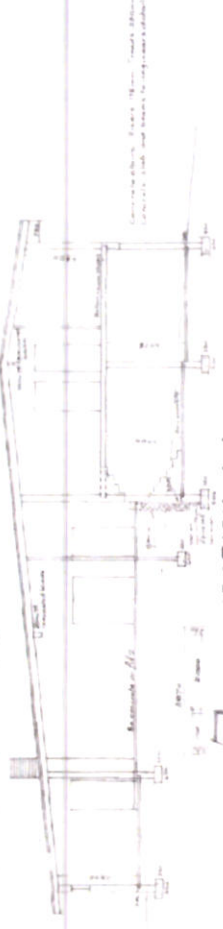


SOUTH ELEVATION



NORTH ELEVATION

NOTE: CONTRACTOR TO CHECK ALL DIMENSIONS AND LEVELS AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY.



SECTION A-A



LOWER FLOOR PLAN

WEST ELEVATION

PROPOSED DWELLING ERF 4561 PELIKAAN STREET

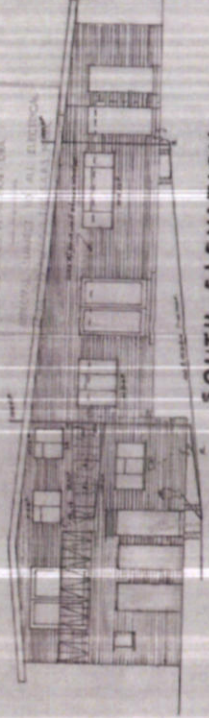
FOR MR. F.A. CRAFFORD

PELIKAAN STREET

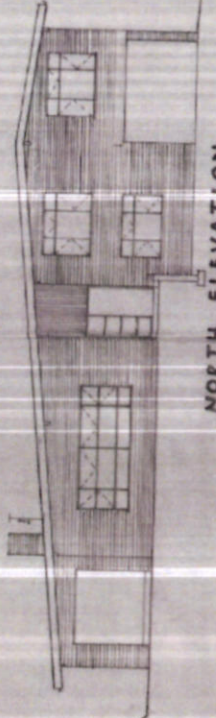
REGULATIONS MUST BE CONSIDERED IN EVERY CASE BY THE ARCHITECT AND THE BUILDING INSPECTOR FOR THE MUNICIPAL CONTRACTOR'S INFORMATION.

9753A 4561
 4561
 8.6.76
 10.7.76

ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE CITY OF JOHANNESBURG ACTS. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE CITY OF JOHANNESBURG ACTS. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE CITY OF JOHANNESBURG ACTS.

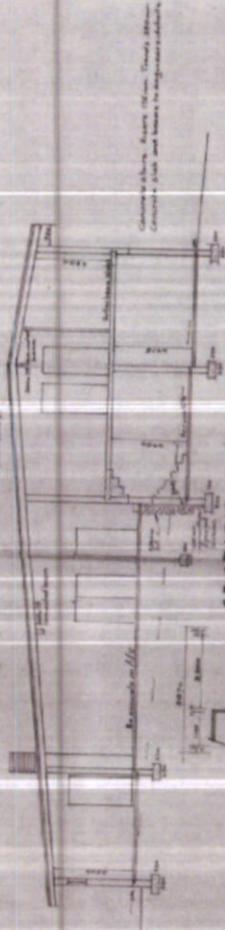


SOUTH ELEVATION



NORTH ELEVATION

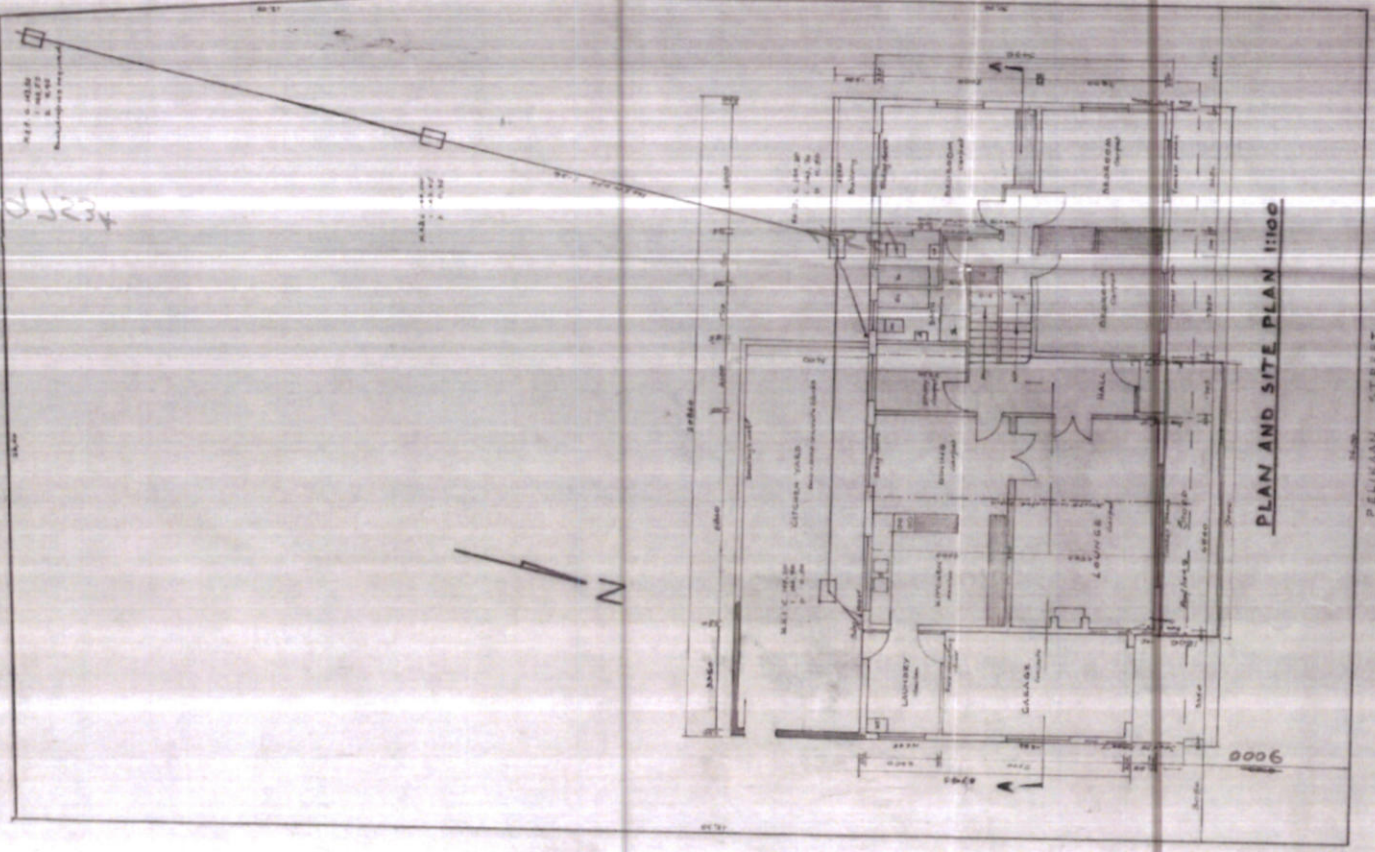
Note: construction to be in accordance with the drawings. All work to be done in accordance with the drawings. All work to be done in accordance with the drawings.



SECTION A-A



WEST ELEVATION



LOWER FLOOR PLAN

PROPOSED DWELLING ERF 4561 PELIKAN STREET FOR MR. F.A. CRAFFORD.

PELIKAN STREET

4753 4561
27 176
4-3-76

Notes of reference made to the architect
for door to be installed
between garage and
rest of house.



SOUTH ELEVATION



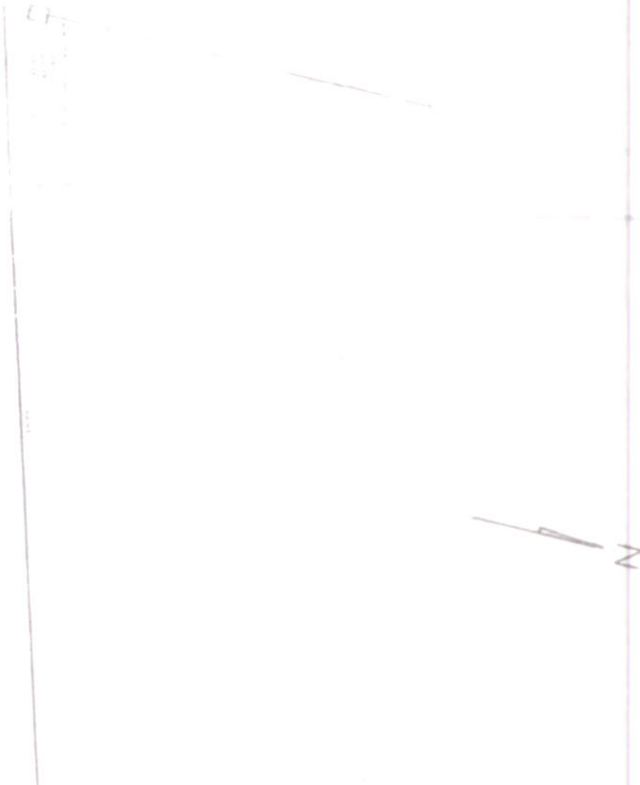
NORTH ELEVATION



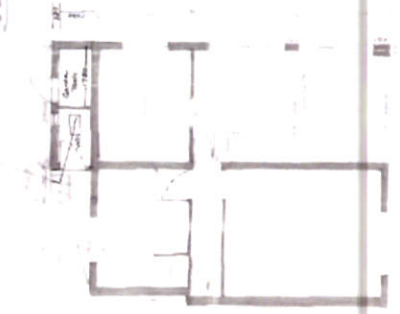
SECTION A-A



WEST ELEVATION



PLAN AND SITE PLAN



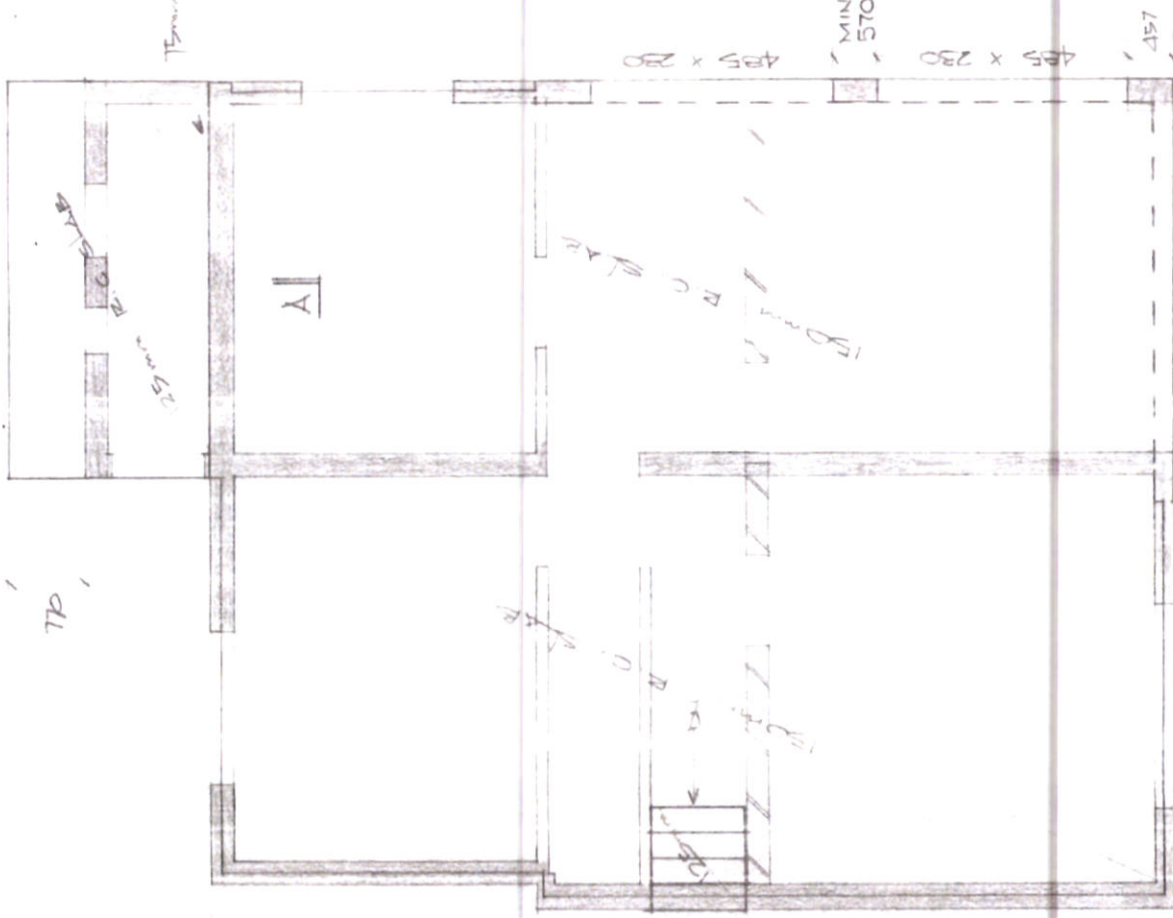
LOWER FLOOR PLAN

4561
27 176
4-3-76

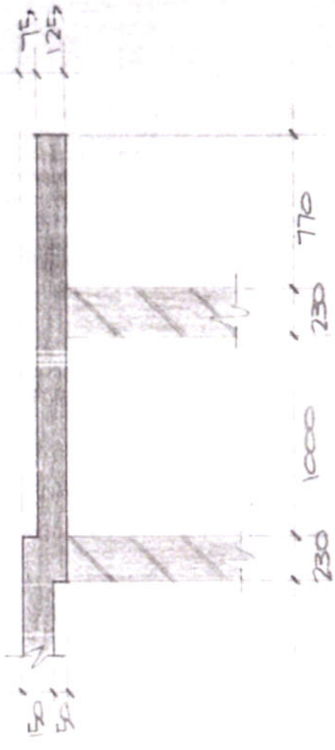
Handwritten notes and signatures in the top right corner.

PROPOSED DWELLING ERF 4561 PELIKAAN STREET
FOR MR. F. A. CRAFFORD.

A



1:25 PLAN SHOWING 1ST FLOOR COLS



1:25 SECTION A-A

SATZ BROS SIE
 REINFORCED CONCRETE ENGINEERS

2nd FLOOR, SHORE PLAZA
 FORESHORE, CAPE TOWN.
 OFFICE 45-5168
 PHONE: WORKSHOP 97-6289

JOB: F. A. GAFFOORD

REF 4561, PULIKAN STR

STELLENSBOS

PART: R.C. COLS

NOTES:

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTS DWG.

CONCRETE SIZES ARE NETT. FINISH TO BE ADDED.

DEPTH OF BEAMS INCLUDES SLAB THICKNESS.

ARCHITECT:

CONC. MIX: 21/19 @ 28 DAYS

LIVE LOAD: 2.5 kN/m²

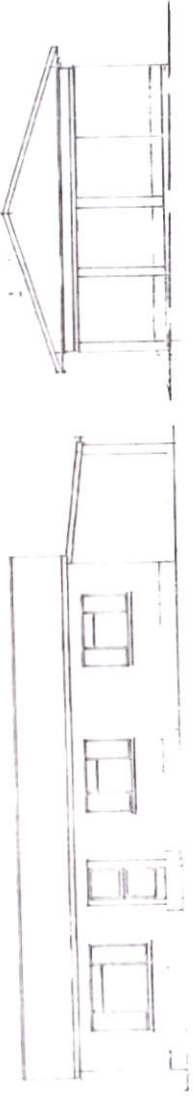
GROUND PRESS: 50 kN/m²
(MAY BE REVISED UPON INSPECTION)

FUTURE EXT. J.L.

DRAWN BY I E DATE 25/2/76

SCALE 1:50 DATE 30/10/75

DRG. No. 3010-1



WES AANSIG

NOORD



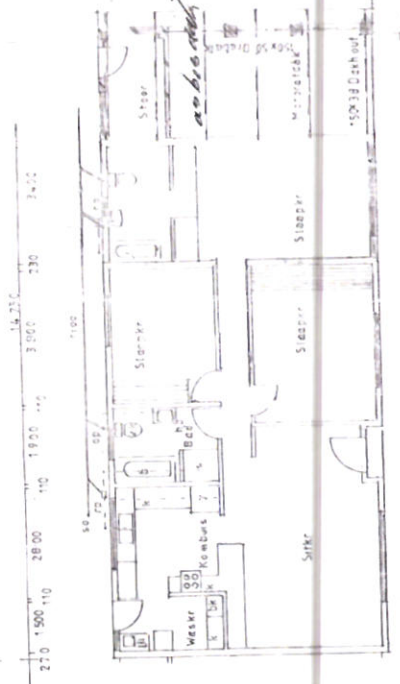
PRUUKASTR.
TERREINPLAN

GEWYSIGE PLAN VAN 2de WONING ERF 4561
VIR MNR. J. CRAFFORD.



700/173
555/230
790/173

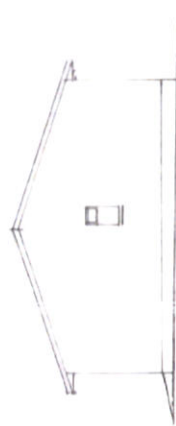
SNIT



PLA

5/35/9/26.
M.V.P.
P.30

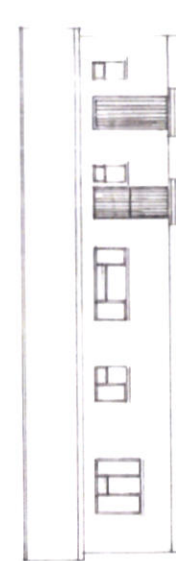
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WES AANSIG

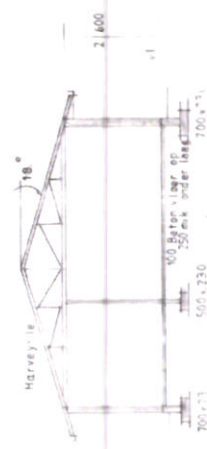


NOORD



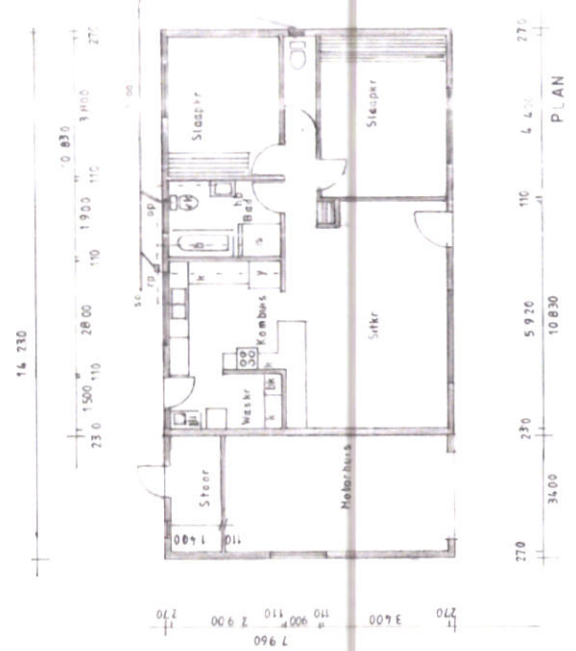
SUID

Handwritten note: Naby van die oewerloop

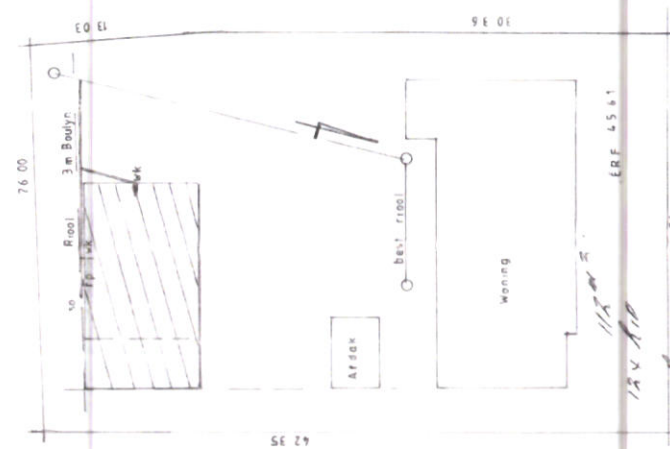


SNIT

Notes:
 Dak Harvyle op 18° se latte met onderlaag, dakhout 114 x 38 @ 930 mm, muurplaat 114 x 38. Gespleetde Rhino platen. Suite mure siensteen. Goud en kassie. Vert grondlaag on 2 lae verb.



PLAN

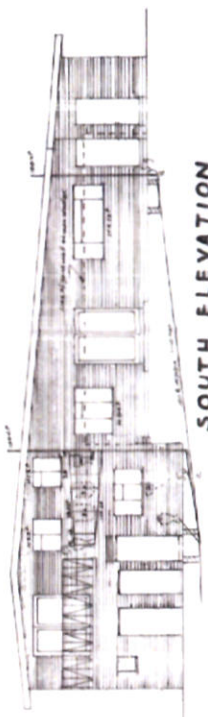


TERREINPLAN

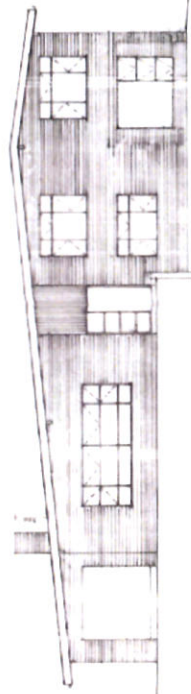
VOORGESTELDE 2de WONING OP ERF 4561
 VIR MNR. J. CRAFFORD.

Skaal 1:100

197538
 4561
 3-17-76
 5-9-76

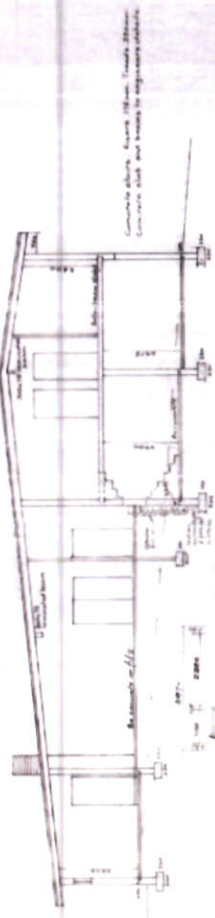


SOUTH ELEVATION



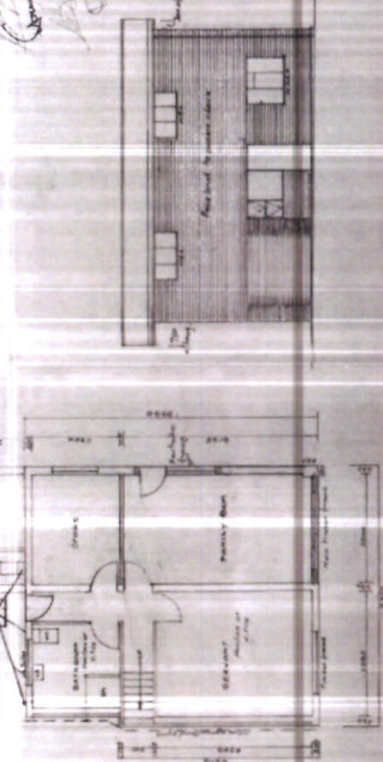
NORTH ELEVATION

Notes: 1. All elevations are to be constructed in accordance with the standards of the Department of Public Works, Planning and Construction. 2. All elevations are to be constructed in accordance with the standards of the Department of Public Works, Planning and Construction.

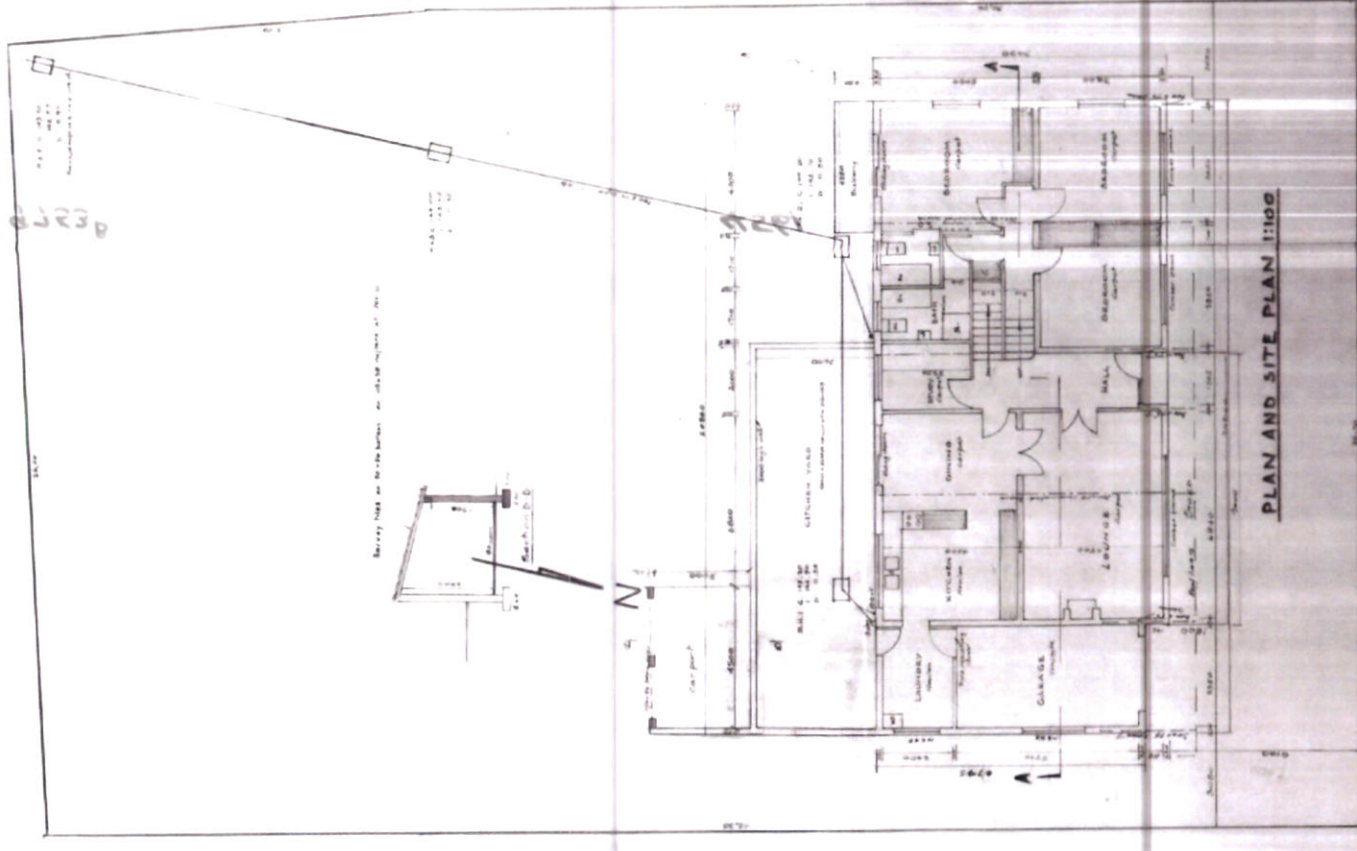


SECTION A-A

Concrete slabs, beams, floors, walls, foundations. Concrete slab and beams to be reinforced with steel.



WEST ELEVATION



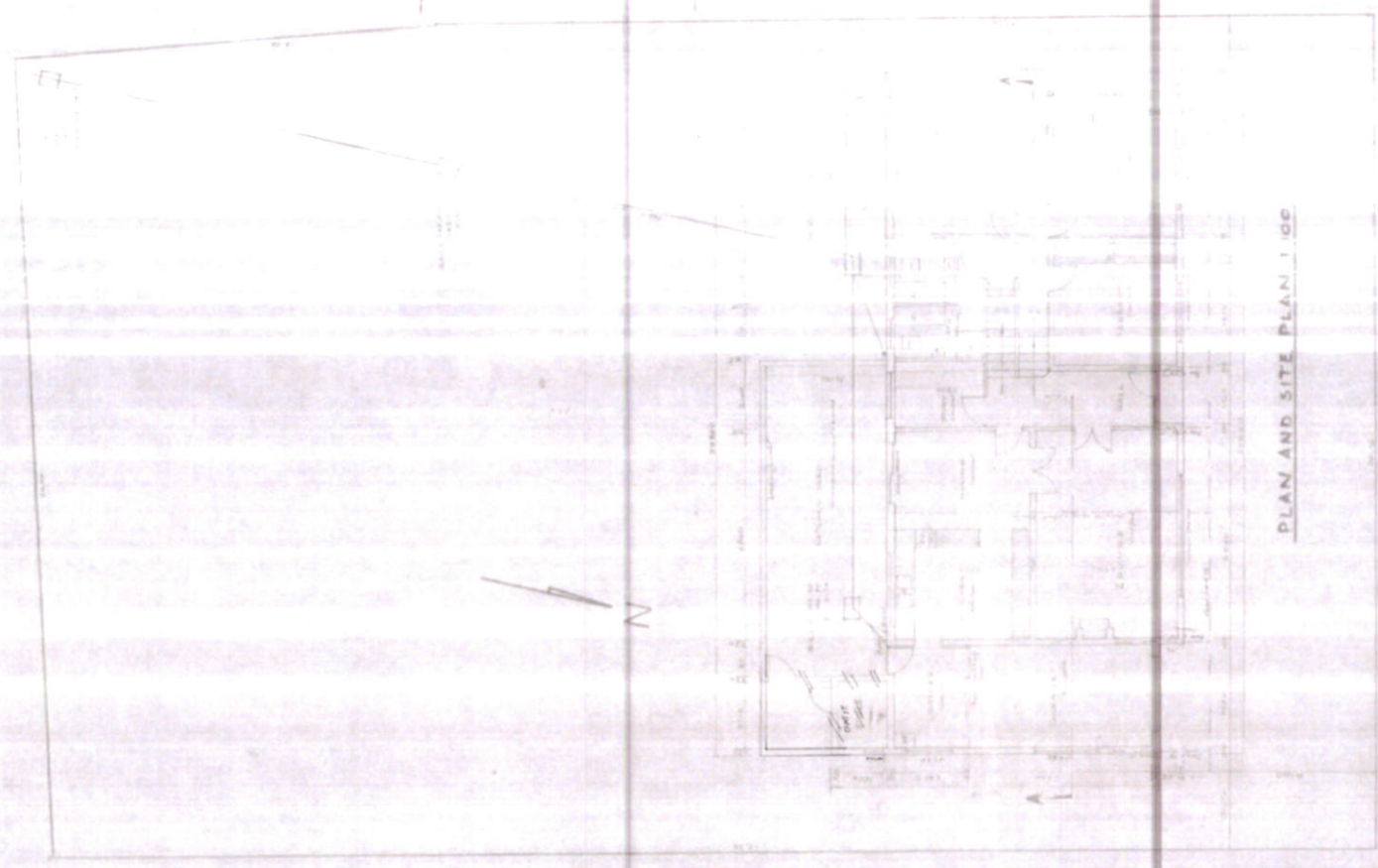
LOWER FLOOR PLAN

PROPOSED DWELLING ERF 4561 PELIKAN STREET
 FOR MR. F.A. CRAFFORD.

PELIKAN STREET.

DATE: 1953
DRAWN BY: J. J. G.
NO. 72
S. J. G.
UNIVERSITY OF TORONTO
SCHOOL OF ARCHITECTURE

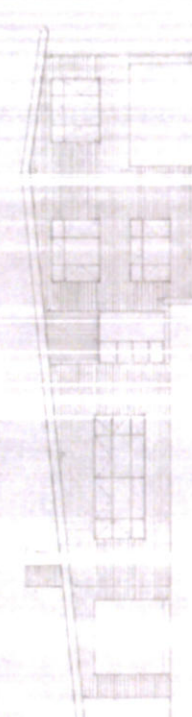
Structural consultant
Schubert



PLAN AND SITE PLAN 1:100



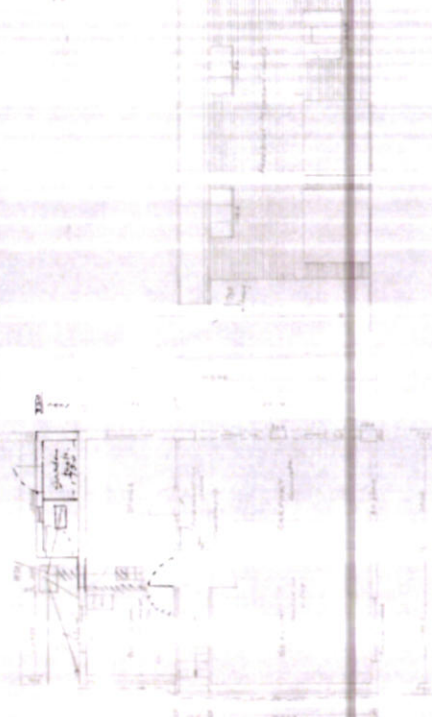
SOUTH ELEVATION



NORTH ELEVATION



SECTION A-A



WEST ELEVATION

PROPOSED DWELLING ERF 4561 PELIKAN STREET
FOR MR. F. A. CRAFFORD.



M. B. Straughan
4 Pelikaan Street
Onder-Papegaaiberg
mark@fbvsurvey.co.za
021 886 4004/ 082 894 0686

21 October 2020

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK, ERF 4561, ONDER-PAPEGAAIBERG STELLENBOSCH

1. Your pre-application scrutiny submission on the above property dated **25 September 2020**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use application as depicted in the submission represents on face value an accurate approach to the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB], but also needs to address the following requirements:
 - 3.1 You are kindly advised to submit building plans approval for the second dwelling unit, if not, the full land use application must include a Technical approval application to accommodate the second dwelling unit as well as the removal of the restrictive title deed condition for the second dwelling unit.**
 - 3.2 Please also note that if the intention is to sectionalize the second dwelling unit, then the restrictive conditions must be removed and not relaxed/suspend.**
4. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.
6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

Bongiwe Zondo

bongiwe.zondo@stellenbosch.gov.za

Motivation report

Erf 4561, Onder Papegaaiberg: Proposed suspension of a restrictive title deed condition

Submitted by Friedlaender, Burger and Volkmann
PO Box 154, Stellenbosch, 7599

Tel +27 21 8864004 E-mail enquiries@fbvsurvey.co.za

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1 The property

Erf number	4561, Stellenbosch
Address	4 Pelikaan Street, Onder-Papegaaiberg
Owner	Francois Anton Crafford
Title deed	T31997/1977, dated 13 December 1977
Zoning	Conventional Residential (CR)
Area	1149m ²
Mortgage bond	None
Improvements	Dwelling house and second dwelling

2 Annexures

1	Locality plan
2	Application plan – revision 2
3	Title deed T31997/1977
4	Conveyancer's certificate
5	General Plan
6	Power of attorney from owner
7	Zoning certificate
8	Approved building plans
9	Pre-application scrutiny feedback

3 Background

Erf 4561, Stellenbosch, located at 4 Pelikaan Street, Onder-Papegaaiberg, has a dwelling house and second dwelling.

The owner wishes to open a sectional title scheme on the property comprising 2 sections, being the dwelling house and second dwelling.

We have been appointed to submit draft sectional title plans to the Surveyor-General (SG) for approval.

Regulation 6(a) of the regulations in terms of the Sectional Titles Act, 1986 requires as follows:

- (a) a certificate from the land surveyor concerned that the scheme is not in conflict with any building line restriction appearing in the relevant title deed

On carrying out our survey we established minor encroachments by the dwelling house, car port and second dwelling of the 3.15m common boundary building line imposed by a title deed condition.

The condition was imposed by the then Administrator.

We therefore make application for suspension of the condition to permit submission of our draft sectional title plan to the SG.

4 Ownership and mortgage bond

The property is by Francois Anton Crafford under title deed T31997/1977. There is no mortgage bond registered over the property.

5 Authority to apply

Mr. Crafford has provided his power of attorney.

6 The property

Erf 4561 is situated in the mature, low density, residential suburb of Onder-Papegaaiberg. Improvements include the dwelling house and a second dwelling. The property is zoned Conventional residential and is used for residential purposes.

7 Restrictive title deed conditions

A conveyancer's certificate is included. Title deed condition E.13.(b) of title deed T31977/1977 imposes a 3.15m common boundary building line on the property. This condition was imposed by the then Administrator.

The condition provides that:

“E. ONDERHEWIG aan die voorwaardes opgelê deur die Administrateur van die Kaap Provinsie by goedkeuring van die Dorp Onder Papegaaiberg Uitbreiding nr. 1, welke voorwaardes as volg lui:-

13. ...

- (b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meters van enige ander grens opgerig word nie.”

8 Application

Please refer to the included application plan, Annexure 2.

Application is made in terms of section 15(1)(f) of the Stellenbosch Municipality Land Use Planning By-law for the removal of restrictive title deed condition E.13.(b) of title deed T31977/1977, in respect of erf 4561, Stellenbosch

- i. to permit the dwelling house to be within 2.15m, 2.28m and 2.98m of the south-western boundary line AE as shown,
- ii. to permit the dwelling house to be within 2.31m and 2.33m of the north-eastern boundary line BC as shown,
- iii. to permit the carport to be 0.00m from the boundary line BC as shown, and
- iv. to permit the second dwelling to be within 2.34m 2.95m of the south-eastern boundary line CD as shown.

9 Reason for application

The owner wishes to open a sectional title scheme on the property comprising 2 sections, being the dwelling house and second dwelling.

We have been appointed to submit draft sectional title plans to the Surveyor-General (SG) for approval.

Regulation 6(a) of the regulations in terms of the Sectional Titles Act, 1986 requires as follows:

- (a) a certificate from the land surveyor concerned that the scheme is not in conflict with any building line restriction appearing in the relevant title deed

On carrying out our survey we established minor encroachments by the dwelling house, car port and second dwelling of the 3.15m common boundary building line imposed by title deed condition E13.(b) of title deed T31997/1977. There are no encroachments of any building lines imposed by the development rules applicable to Conventional Residential properties in terms of the Stellenbosch Municipality Zoning Scheme By-law, 2019.

10 Motivation

The application facilitates the creation of an additional ownership opportunity by means of a sectional title scheme. This is in keeping with the defined purpose of the Conventional Residential Zoning as stated in section 48.(1)(e) of the Zoning Scheme by-law:

“48. Purpose of the zone.—(1) The purpose of this zone is to make provision for—

...

(e) moderate densification through additional dwellings of with a similar built form and character.”

10.1 Other legislation and policy

All current planning legislation and policy applicable to erf 4561 supports, indirectly or directly, minor densification in low density residential areas such as Onder-Papegaaiberg. The existing second dwelling is a minor densification element. The proposal facilitates an additional ownership opportunity in respect of the second dwelling.

10.1.1 Spatial Planning and Land Use Management Act, 2013 (SPLUMA)

The application is not subject to section 52 of SPLUMA and is not in conflict with the development principles prescribed in section 7 of SPLUMA.

10.1.2 Western Cape Land Use Planning Act, 2014 (LUPA)

The application is not subject to section 53 of LUPA and is not in conflict with the land use planning principles prescribed in section 59 of LUPA.

10.1.3 Western Cape Provincial Spatial Development Framework, 2014 (PSDF)

The PSDF is resistive to greenfields development and low density, urban sprawl. The proposal does not contribute to urban sprawl and intrusion into agricultural land.

10.1.4 Cape Winelands District Spatial Development Framework, 2019 (CWDSDF)

The proposal is aligned with the CWDSDF objective of compaction and densification of urban settlements as it facilitates an additional ownership opportunity in respect of an existing second dwelling.

10.1.5 Stellenbosch Municipality Spatial Development Framework, 2019 (MSDF)

The MSDF highlights low densities in urban areas of below 10 dwellings units per hectare as problematic and supports, inter alia, the densification of existing residential areas through second dwellings. The proposal facilitates an additional ownership opportunity in respect of an existing second dwelling.

10.2 Impact and desirability

10.2.1 Impact

The title deed building line restrictions are more onerous than those of the zoning scheme.

The dwelling house was constructed in 1976 and the second dwelling in 1993. Other than the carport adjacent to the dwelling house, the encroachments are all encroachments largely of the eaves, as shown in Annexure 2.

The proposal therefore has no discernible negative impact on the rights and reasonable expectations of any person, or on the health and safety of any person or community as it is in respect of minor encroachments of a title deed restriction by structures which have been in place for a considerable period of time.

10.2.2 Desirability

The proposal meets the needs of the owner to open a sectional title scheme on the property in respect of the existing dwelling house and second dwelling. There is no change in land use and no rezoning.

The proposal is not in conflict with any national or provincial land use planning legislation.

The proposal is aligned with and not in conflict with any provincial, district or municipal land use planning policy.

10.3 General

The proposal facilitates provision of an additional ownership opportunity in a sought after residential area.

11 Conclusion

The proposal is not in conflict with legislation, zoning scheme rules or any applicable land use planning policy. There is no apparent reason for refusal of the application.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE PLANNING APPLICATION FORM 2017

(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)	Mark				
Surname	Straughan				
Company name (if applicable)	Friedlaender, Burger and Volkmann				
Postal Address	P.O. Box 154				
	Stellenbosch	Postal Code	7599		
Email	mark@fbvsurvey.co.za				
Tel	021 007 1861	Fax		Cell	082 8940686

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

Registered owner(s)	Mr. Francis Anton Crafford				
Physical address	4 Pelican Street				
	Onder Papegaaiberg, Stellenbosch	Postal code	7600		
E-mail	suewright@mweb.co.za				
Tel		Fax		Cell	061 9991530

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

Erf / Erven / Farm No.	4561	Portion(s) if Farm		Allotment area	Stellenbosch			
Physical Address	4 Pelican Street							
	Onder Papegaaiberg							
	Stellenbosch							
Current Zoning	Conventional residential	Extent	1149	m ² / ha	Are there buildings?	existing	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Applicable Zoning Scheme	Stellenbosch											
Current Land Use	Residential											
Title Deed number and date	T	31997/1977										
Attached Conveyance's Certificate	<input checked="" type="checkbox"/>	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate									
Are the restrictive conditions in favour of a third party(ies)?	<input checked="" type="checkbox"/>	N	If Yes, list the party(ies): Stellenbosch Municipality (formerly the Administrator of the Cape Province)									
Is the property encumbered by a bond?	Y	<input checked="" type="checkbox"/>	If Yes, list the bondholder(s):									
Is the property owned by Council?	Y	<input checked="" type="checkbox"/>	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management									
Is the building located within the historical core?	Y	<input checked="" type="checkbox"/>	Is the building older than 60 years?	Y	<input checked="" type="checkbox"/>	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	<input checked="" type="checkbox"/>	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	<input checked="" type="checkbox"/>	If yes, is this application to legalize the building / land use ² ?				Y	<input checked="" type="checkbox"/>				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	<input checked="" type="checkbox"/>	Are there any land claim(s) registered on the subject property(ies)?				Y	<input checked="" type="checkbox"/>				
PART D: PRE-APPLICATION CONSULTATION												
Has there been any pre-application consultation?	<input checked="" type="checkbox"/>	N	If Yes, please attach the minutes of the pre-application consultation.									
PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE												
APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)												
Tick	Type of application: Cost are obtainable from the Council Approved tariffs³											
	15(2)(a) Rezoning of Land											
	15(2)(b) a permanent departure from the development parameters of the zoning scheme											
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;											
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;											
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;											

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 have 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)

³ <http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>

X	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;		
	15(2)(g) a permission required in terms of the zoning scheme;		
	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
	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; data messages	R
	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; 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	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R
* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.			
** 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			
Name:	Stellenbosch Municipality		
Bank:	NEDBANK		
Branch no.:	198765		
Account no.:	1152271679		
SWIFT	NEDSZAJJ		
Payment reference: (Erf/Farm number)	ERF4561		

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	Friedlaender, Burger and Volkmann
Postal Address	P.O. Box 154, Stellenbosch, 7599
Vat Number (where applicable)	4130103692

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:

There are minor encroachments by the existing structures over building lines imposed by a restrictive title conditions.
The owner wishes to open a sectional title scheme on the property in respect of the dwelling and additional dwelling.
Sectional title plans cannot be submitted to the Surveyor-General, Cape Town for approval until the title deed building line encroachments are removed. To do this the restrictive condition imposing the building line must be removed from the title deed.

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

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

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

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

Applicant's signature:		Date:	22 April 2021
Full name:	Mark Straughan		
Professional capacity:	Pr. Land Surveyor		

FOR OFFICE USE ONLY

Date received: _____	
Received By: _____	



LAND USE PRE-APPLICATION SCRUTINY FORM

KINDLY NOTE:

1. This Pre-Application Scrutiny form must be submitted prior to the submission of any Land Use and Land Development application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015. (SLUPB)
2. Relevant documents can be accessed at:
<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal/legislation/3116-stellenbosch-municipality-land-use-planning-by-law-2015/file>
3. The applicant will receive feedback per e-mail following a weekly internal technical discussion on the pre-application scrutiny submission.
4. A pre-application consultation meeting may be required in terms of Section 37 of the said Bylaw on receipt and consideration of this Pre-Application Scrutiny.

PART A: APPLICANT, OWNERSHIP & PROPERTY PARTICULARS

Applicant Name	M.B. Straughan for Friedlaender, Burger and Volkmann
E-Mail	mark@fbvsurvey.co.za
Tel/ Cell	021 8864004 / 082 8940686
Registered Owner:	Francois Anton Crafford
Property Description	Erf 4561, Stellenbosch
Physical Address:	4 Pelikaan Street, Onder-Papegaaiberg
Suburb & Town	Onder-Papegaaiberg, Stellenbosch
Current Zoning	Conventional Residential
Current land use	Residential

Are there existing buildings on the subject property(ies)?	Yes	No
Are there any existing unauthorized buildings and/or land use on the subject property(ies)?	Yes	No
If yes, is this application to legalize the building/ land use?	Yes	No
Are there any pending court case(s)/ order(s) relating to the subject property(ies)?	Yes	No
Is the property located in a heritage area or contains any heritage significant buildings?	Yes	No
Does the property fall inside the urban edge ?	Yes	No

PART B: APPLICATION

1. WHAT LAND USE PLANNING APPLICATIONS ARE REQUIRED IN TERMS OF SECTION 15(2) OF THE SLUPB?

<input type="checkbox"/>	Rezoning	<input type="checkbox"/>	Subdivision	<input checked="" type="checkbox"/>	Removal/Suspension Amendment of restrictive conditions	<input type="checkbox"/>	Consent use
<input type="checkbox"/>	Permanent Departure	<input type="checkbox"/>	Consolidation	<input type="checkbox"/>	Closure of public place	<input type="checkbox"/>	Rectification/ disestablishment of HOA
<input type="checkbox"/>	Temporary Departure	<input type="checkbox"/>	Amendment of condition(s) of approval	<input type="checkbox"/>	Extension of validity period of approval	<input type="checkbox"/>	Amendment/cancel ation of approved subdivision plan
<input type="checkbox"/>	Determination of a zoning	<input type="checkbox"/>	Occasional use	<input type="checkbox"/>	Permission in terms of zoning scheme	<input type="checkbox"/>	Permission in terms of condition of approval
<input type="checkbox"/> OTHER		<input type="checkbox"/>	Technical Approval	<input type="checkbox"/>	Exemption	<input type="checkbox"/>	

Details of the Proposal: (Brief description of proposal (not a full motivation))

The owner wishes to open a sectional title scheme on the erf, in respect of the dwelling house and second dwelling.

There are minor encroachments of the 3.15m common boundary building line imposed in terms of clause E.13.(b) of title deed T31977/1977.

Before we may sign our certificates in respect of our draft sectional plans it is necessary to suspend or remove the above restrictive title deed condition.

There is no need to remove the condition as suspension in respect of the existing minor encroachments, as shown on the accompanying plan, is sufficient to meet the needs of the Sectional Titles Act, 1986 and allow the scheme to proceed.

Accordingly, we will submit an application in terms of Section 15(1)(f) of the Land Use Planning By-law, 2015 for suspension of the above restrictive conditions in respect of erf 4561, Stellenbosch

- i. to permit the dwelling house to be within 2.15m and 2.28m of the south-western boundary line AE as shown,
- ii. to permit the dwelling house to be within 2.31m and 2.33m of the north-eastern boundary line BC as shown,
- iii. to permit the carport to be 0.00m from the boundary line BC as shown, and
- iv. to permit the second dwelling to be within 2.34m 2.95m of the south-eastern boundary line CD as shown.

2. RELEVANCE OF ANY PLANNING LEGISLATION/ POLICIES AND PLANS

RELEVANT PLANNING CONSIDERATIONS		
<p>(a) Are any Municipal plans/policies/guidelines, or any restrictive title conditions, or other legislation / authorizations applicable to the application, and if yes, is the proposal consistent/ compliant with such?</p>	Yes	No
	X	
<p>Details with reference to applicable plans/ policies/ guidelines:</p>		
<p>(b) Does the proposal require the following additional infrastructure / services? e.g. electricity; water; sewerage; road network; other?</p>	YES	NO
		X
<p>Details on required infrastructure:</p>		
<p>(c) Does the development proposal include the provision of residential units, and if so, what is the target market re: range in income bracket/ selling price or rental for the units ?</p>	YES	NO
		X
<p>Details on target market:</p>		
<p>(d) In addressing the SPLUMA principle of Spatial Justice and as it relates to prescripts on the provision of inclusionary housing, how will this development proposal target affordable market segments?</p>	YES	NO
<p>Details on inclusionary housing provision: not applicable</p>		

PART C: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF PRE-APPLICATION SCRUTINY

The following minimum documentation **must** be attached to this pre-application scrutiny form:

1. **Locality plan**
2. **Layout Plan of proposal** (e.g. copy of existing building plan, indicating proposal on site plan, etc.)
3. **Full copy of the title deed or Conveyance Certificate**

Please Note:

- The Municipality may request any other information deemed necessary for the purpose of this pre-application scrutiny.
- If an incomplete pre-application scrutiny form or the required minimum supporting documents are not submitted the pre-application scrutiny form will not be accepted by the Municipality.

DECLARATION: I hereby confirm that the information contained in this pre-application scrutiny form and accompanying documentation is complete and accurate.

Applicant's signature:



Date: 25th September 2020

FOR OFFICE USE:

Municipal Stamp

Received by: _____

Date: _____

DETERMINATION BY AUTHORISED OFFICIAL

Additional Information		Pre-Application Consultation		Application Ready	
Sign:		Date:			

APPLICANT INFORMED BY RESPONSIBLE OFFICIAL

Sign:		Date:			
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STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

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

DUPLICATE RECEIPT

Receipt M/c: DIR1 Duplicate Rec.No: 177919 Date: 04/05/2021

Local Authority: Stellenbosch Municipality

1 STB N 2500.00

12200103520000 05236 LU/12657 E

DIRECT 200103520000 LU/12657 ERF 4561 LU/12657 ERF 4561

X100 Key: STB -009-20210504-00000054

X10 Key: STB D000017791900001