

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

**APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS, DEPARTURE OF DEVELOPMENT
PARAMETERS AND TECHNICAL APPROVAL FOR ADDITIONAL USE:**

PROPERTY DESCRIPTION : ERF 4765, ROSENDAL, STELLENBOSCH

Application Address: **c/o Water Road and Hendrik Bergh Road, Rosendal, Stellenbosch**

Applicant: **Iana Jordaan of FRAME Consulting – iana.jordaan@framegroup.co.za.**

Owner: **Joppie Mills - jln@absamail.co.za**

Application Reference: **LU/13422**

Description of land development application:

Application for the Removal of Restrictive Title Conditions, Departure of Development Parameters pertaining to building lines and a Technical Approval for a Second Dwelling Unit as an Additional Use right in terms of Sections 15(2)(f), (b) and (g) of the Stellenbosch Municipality: Land Use Planning By-Law, 2015, in order to allow for additions to the existing dwelling, including a second dwelling unit on the property.

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

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: **Iana Jordaan of FRAME Consulting – iana.jordaan@framegroup.co.za**. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **4th of April 2022**.

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 **021 872 4436/076 905 9168** during normal office hours.

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

**AANSOEK VIR DIE OPHEFFING VAN BEPERKENDE TITELVOORWAARDES, AFWYKING VAN DIE
ONTWIKKELINGSPARAMETERS EN TEGNIESE GOEDKEURING VIR 'N ADDISIONELE GEBRUIKSREG
EIENDOMSBEKRYWING : ERF 4765, ROSENDAL, STELLENBOSCH**

Adres van eiendom: **hoek van Water Straat en Hendrik Bergh Straat, Rosendal, Stellenbosch**
Aansoeker: **Iana Jordaan van FRAME Consulting – iana.jordaan@framegroup.co.za**
Eienaar: **Joppie Mills - jln@absamail.co.za**
Aansoek Verwysing: **LU/13422**

Beskrywing van grondontwikkelingsaansoek:

Aansoek vir die Opheffing van Beperkende Titellovoorwaardes, Afwyking van Ontwikkelingsparameters met betrekking tot boulyne en Tegniese Goedkeuring vir 'n Tweede wooneenheid as 'n Addisionele grondgebruiksreg in terme van Artikels 15(2)(f), (b) en (g) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning van 2015, ten einde aanbouings by die huis toe te laat wat ook 'n voorgestelde tweede wooneenheid insluit.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: **Iana Jordaan van FRAME Consulting – iana.jordaan@framegroup.co.za**

Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **4 April 2022**.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **021 872 4436/076 905 9168** gedurende normale kantoor ure.

TAX INVOICE



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599

PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2021-11-11	DOCUMENT NO:	717265
ERF / FARM NO:	4765	CREATED BY:	Bulelwa Mdoda
LOCALITY:	Water Road & Hendrik, STELLENBOSCH	APPLICATION NO:	LU/13422
OWNER'S NAME:	Joppie Louis Mills	APPLICATION VAT NO:	0
ADDRESS:	c/o Water Road and Hendrik Bergh Road	VAT NO:	4700102181
		APPLICANT:	Joppie Louis Mills
		TEL NO:	0218720863

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
PERMANENT DEPARTURE - Departure applications including but not limited to building lines, coverage, height, bulk, parking, Per applications per property	2500.00	1	20180711011484	2500.00
REMOVAL, RELAXATION, SUSPENSION OR AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS - Removal, Suspension or Amendment of Restrictive Title Deed Conditions, Per application	2500.00	1	20180711011484	2500.00
TEMPORARY DEPARTURE/OCCASIONAL USE OF LAND/CONSENT USE IN TERMS OF THE ZONING SCHEME/TECHNICAL APPROVAL/PERMISSION IN TERMS OF ZONING SCHEME/PERMISSION REQUIRED IN TERMS OF THE TITLE DEED: Submitted in urban and rural areas - Submitted in urban and rural areas, Per application per property	2500.00	1	20180711011476	2500.00
	0.00	0		0.00

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES
01 DEC 2021
RECEIVED

TOTAL AMOUNT PAYABLE 7500.00

VAT INCLUDED @ 15% 978.26

ALL TARIFFS INCLUDE 15% VAT FROM 1 JULY 2021 TO 30 JUNE 2022

CALCULATED BY
NAME:
SIGNATURE *Bulelwa Mdoda*

DATE: 11/11/2021

PAYMENTS 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

VERIFIED BY
NAME:
SIGNATURE *E4765 S*

DATE:

BANKING DETAILS FOR EFT PAYMENT:
ACCOUNT HOLDER: Stellenbosch Municipality
BANK: First National Bank (FNB)
ACCOUNT NUMBER: 62869253684
BRANCH CODE: 210554
REFERENCE: 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.

LU/13422

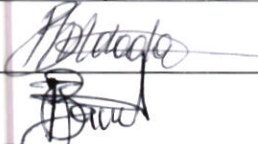


PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015			Date of Submission of Application	09-11-2021
Erf / Erven/ Farm no	4765	Portion(s) if farm	Allotment Area	STELLENBOSCH
Owner / Applicant	Iana Jordaan	Contact number	0769059168	
Email address	iana.jordaan@framegroup.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 and Company Resolution	✓			
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				
17. Street name and numbering 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.

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: BULELWA		
VERIFIED & SIGNED BY PLANNER	NAME: BONGI		

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)].

Nicole Katts

From: Bulelwa Mdoda
Sent: Tuesday, 09 November 2021 08:28
To: Nicole Katts
Subject: FW: RE: Submission of Land Use Application_Removal of restrictive title conditions, Departure of development parameters and Technical Approval for second dwelling_Erf 4765 Stellenbosch

Attachments: F16916_Motivation Report_Removal, Departures and 2nd dwelling_ erf 4765 Stellenbosch_compressed (1).pdf; Municipal Land Use application form 2017 _completed Erf 4765 S.pdf; Erf 4765 S_POA.pdf; Erf 4765 S_Locality.pdf; New Title Deed_T45662_2021_ erf 4765 S.pdf; Erf 4765 S_Gen plan.pdf; Conveyancing Certificate_Erf 4785 S.pdf; Site plan and Building Plans_House Mills - 2021-10-25_Erf 4765 Stellenbosch_compressed.pdf

Importance: High

From: Iana Jordaan | F R A M E <iana.jordaan@framegroup.co.za>
Sent: Monday, 08 November 2021 14:06
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: [EX] RE: Submission of Land Use Application_Removal of restrictive title conditions, Departure of development parameters and Technical Approval for second dwelling_Erf 4765 Stellenbosch
Importance: High

Afternoon Bulelwa

Hope you are well. Please find attached the submission of the Land Use Application for a Removal of restrictive title conditions, Permanent Departure of various Building line parameters for street and common boundaries and Technical Approval for a Second Dwelling on Erf 4765, Stellenbosch. This land use application follows the comments from land use planning during the building plan submission on the subject property.

The application documentation includes the following:

- Motivation Report
- Land Use Application Form
- Power of Attorney
- Locality Plan
- Title Deed
- General Plan
- Conveyancing Certificate
- Site Plan and Building plans

Please confirm receipt of this email and application documentation.

Kind Regards

Iana Jordaan Pr. Pln. 1390/2010

Professional Town Planner

076 905 9168 | iana.jordaan@framegroup.co.za

277 Main Road, Paarl, South Africa, 7646

021 872 4436 | www.framegroup.co.za

F R A M E

STRUCTURAL · BUILDING · & CIVIL ENGINEERING | DEVELOPMENT · & REDEVELOPMENT PLANNING |
BUILDING & PROPERTY INFORMATION MANAGEMENT | ELECTRICAL · & SOLAR PV ENGINEERING



Renier van Jaarsveld
info@redatlantic.co.za
0721964249

12 April 2021

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK, ERF 4765 STELLENBOSCH

1. Your pre-application scrutiny submission on the above property dated **25 March 2021**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:

3.1 Please not that you are required to add the application for the Relaxation of restrictive title deed conditions for the building line restrictive title deed conditions.

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



STELLENBOSCH

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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)	Iana		
Surname	Jordaan		
Company name (if applicable)	Frame Consulting		
Postal Address	Postnet Suite #147, Private Bag X3036		
	PAARL	Postal Code	7620
Email	iana.jordaan@framegroup.co.za		
Tel	021 872 0863	Fax	Cell 076 905 9168

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

Registered owner(s)	Joppie Louis Mills		
Physical address	c/o Water Road and Hendrik Bergh Road		
	Rozendal, Stellenbosch	Postal code	7600
E-mail	jln@absamail.co.za		
Tel		Fax	Cell 0723479245

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

Erf / Erven / Farm No.	4765	Portion(s) if Farm		Allotment area	Rozendal, Stellenbosch
Physical Address	c/o Water Road and Hendrik Bergh Road, Rozendal, Stellenbosch				
Current Zoning	Conventional Residential	Extent	981 m ² / ha	Are there existing buildings?	existing <input checked="" type="checkbox"/> Y <input type="checkbox"/> N

Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law 2019										
Current Land Use	Conventional Residential Zone										
Title Deed number and date	T		45662/2021								
Attached Conveyance's Certificate	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate Conditions B. 6(a) and 6(b)								
Are the restrictive conditions in favour of a third party(ies)?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, list the party(ies):								
Is the property encumbered by a bond?	<input type="checkbox"/> Y	<input type="checkbox"/> N	If Yes, list the bondholder(s):								
Is the property owned by Council?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Is the building older than 60 years?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If yes, is this application to legalize the building / land use ² ?				<input type="checkbox"/> Y	<input type="checkbox"/> N			
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Are there any land claim(s) registered on the subject property(ies)?				<input type="checkbox"/> Y	<input type="checkbox"/> N			
PART D: PRE-APPLICATION CONSULTATION											
Has there been any pre-application consultation?	<input type="checkbox"/> Y	<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										
<input checked="" type="checkbox"/>	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>

✓	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	
* <i>Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.</i>			
** <i>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.</i>			
BANKING DETAILS			
Name:	Stellenbosch Municipality		
Bank:	NEDBANK		
Branch no.:	198765		
Account no.:	1152271679		
SWIFT	NEDSZAJJ		
Payment reference: (Erf/Farm number)		

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	Client - Mr Joppie Mills
Postal Address	c/o Water Road and Hendrik Bergh Road, Rozendal, Stellenbosch
Vat Number (where applicable)	

PART F: DETAILS OF PROPOSAL							
Building line encroachment	Street	Water Rd	From	m4	To	m 1,57	
	Street		From	m	To	m	
	Side	Southern	From	m2,5	To	m 1,309	
	Side	Southern	From	m2,5	To	m0	
	Aggregate side	Eastern	From	m2,5	To	m0,0638	
	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:

Application for **removal of restrictive title condition** that relate to building lines and single dwelling, Application for **permanent departure** of the building line parameters in the Conventional Residential Zone for the street building line (1,57m in lieu of 4m) and the common boundary building lines from 2,5m to 1,309m, 0m and 0,0638m respectively along the southern and eastern boundaries for the addition of a second dwelling unit and open patio as well as an Application for a **Technical Approval** for a Second Dwelling Unit on the subject property.

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

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

Information and documentation required

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

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

Y	<input checked="" type="checkbox"/>	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 <input checked="" type="checkbox"/> National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	<input checked="" type="checkbox"/>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y <input checked="" type="checkbox"/> National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	<input checked="" type="checkbox"/>	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y <input checked="" type="checkbox"/> National Water Act, 1998 (Act 36 of 1998)
Y	<input checked="" type="checkbox"/>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y <input checked="" type="checkbox"/> Other (specify)
Y	<input checked="" type="checkbox"/>	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
Y	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.	


SECTION I: DECLARATION

I hereby wish to confirm the following :

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

declarations made as to his or her qualification as a Competent person and/or registration as a professional.

- 12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
- 13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
- 14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature:		Date:	8 November 2021
	<small>Type text here</small>		
Full name:	Iana Jordaan for FRAME		
Professional capacity:	Professional Town Planner Pr Pln A/1390/2010		

FOR OFFICE USE ONLY

<p>Date received: _____</p> <p>Received By: _____</p>	<div style="border: 1px solid black; width: 80%; height: 80%; margin: auto;"></div>
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Land Use Application

Motivation Report for the
Application for the Removal of Restrictive Title
Conditions, Departure from development parameters and
Application for Technical Approval for second dwelling
unit in terms of Sections 15(b), (f) and (g) of the
Stellenbosch Land Use Planning By-Law
Erf 4765, Stellenbosch

Report Nr. F16916/planning/r001/IJ

Prepared for:

Stellenbosch Municipality

Prepared by:

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Summary

a. Author:

Name

Iana Jordaan
Professional Town Planner
Pr. Pln A/1390/2010

Signature



Date

November 2021

Application Summary	
Erf Number	Erf 4765
Erf size	981m ²
Proposal	Proposal is for the Removal of restrictive title deed conditions and Permanent Departure of development parameters and a Technical Approval to allow for the development of a second dwelling unit, new roof over existing carport and additions to the existing dwelling.
Owner	c/o Water Road and Hendrik Bergh Road, Rozendal, Stellenbosch
Title Deed	T45662/2021
Zoning	Conventional Residential Zone (CR)
Land Use	Existing dwelling unit, with swimming pool and carport
Application	<p>a. A Removal of Restrictive Title Conditions in <i>T45662/2021</i> in terms of Section 15(f) of the Stellenbosch Municipality Land Use Planning By-Law relating to Conditions B. 6(a) and 6(b) which relate to conditions imposed by the Administrator of the Cape of Good Hope with the establishment of the Township.</p> <p>b. Permanent Departure of the Development parameters for a Conventional Residential Zone as contained in the Stellenbosch Zoning Scheme By-Law, 2018 in terms of Section 15(b) of the Stellenbosch Municipality Land Use Planning By-Law relating to:</p> <ul style="list-style-type: none"> o Item 55(1) of Stellenbosch Zoning Scheme By-Law, 2019 for the departure of the street boundary building line for the proposed study, attached to the proposed garage extension, to 1,57m in lieu of 4m. o Item 55(1) Stellenbosch Zoning Scheme By-Law, 2019 for the departure of the common boundary building line along the southern boundary of the property to allow for the extension of a lounge and kitchen to create a second dwelling unit to 1,309m in lieu of 2,5m. o Item 55(1) Stellenbosch Zoning Scheme By-Law, 2019 for the departure of the common boundary building line along the southern eastern corner to allow for the extension of a covered patio for the second dwelling unit to 0,0638m in lieu of 2,5m along the eastern boundary and 0m along the southern boundary. <p>c. Technical Approval for a second dwelling unit as an Additional use right as stipulated in Section 13 of the Stellenbosch Zoning Scheme By-Law in terms of Section 15(g) of the Stellenbosch Municipality Land Use Planning By-Law.</p>
Supporting Documentation	
1.	Power of Attorney
2.	Company Resolution
3.	Pre-Application consultation record
5.	Title Deed
6.	General Plan
7.	Locality Plan
8.	Conveyancing Certificate
10.	Site Development plan and Building Plans

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1. Introduction

Frame was appointed by Mr Joppie Louis Mills, the registered owner of the subject property, to apply for the Removal of the relevant restrictive title conditions and Permanent Departures from the development parameters in terms of Sections 15(2)(b) and (f) of the Stellenbosch Land Use Planning By-Law. The application also includes a Technical Approval in terms of Section 13 of the Stellenbosch Zoning Scheme By-Law to allow for the development of a second dwelling unit.

This land use application follows the comments from Land Use Management received during the building plan submission for additions and alterations on Erf 4765 Stellenbosch. The Power of Attorney signed by the owner is attached.

2. Application Details

The purpose of the application is to apply for the following in terms of Section 15 of the Stellenbosch Municipality Land Use Planning By-Law:

- i. A **Removal of Restrictive Title Conditions** in *T45662/2021* in terms of **Section 15(f) of the Stellenbosch Municipality Land Use Planning By-Law** relating to Conditions B. 6(b) which relate to conditions imposed by the Administrator of the Cape of Good Hope with the establishment of the Township that read as follows:

"B. 6(a) Hierdie erf mag alleen gebruik word vir die oprigting daarop an een woning of ander geboue vir die doeleindes wat die Dorpekommisie en die plaaslike owerheid goedkeur, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema 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.

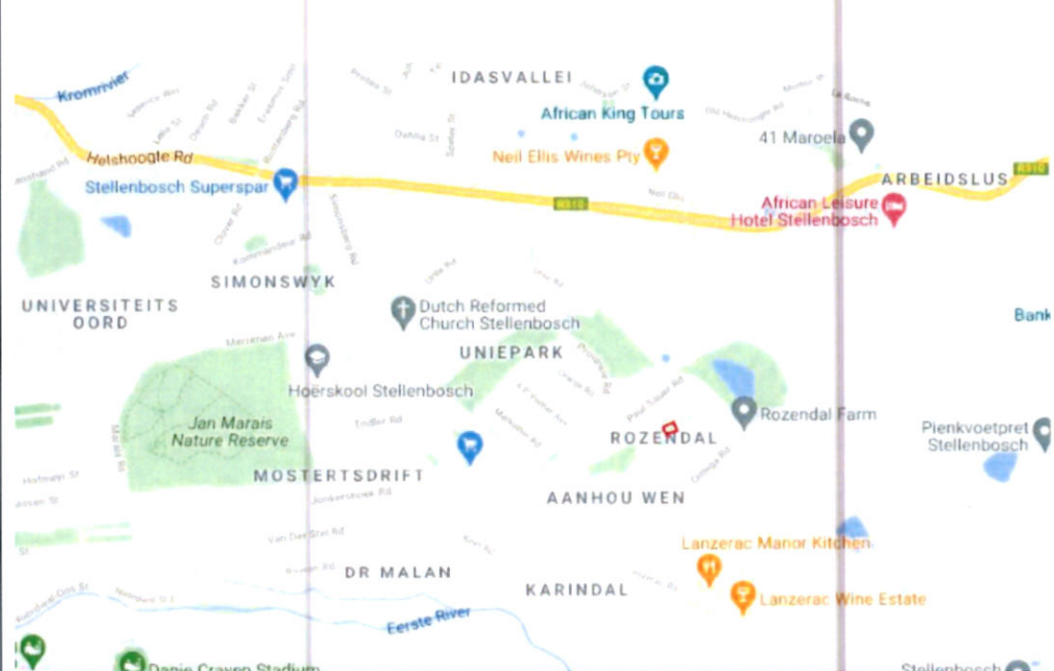
B. 6(b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met toestemming van die Administrateur nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meter van enige ander grens opgerig word nie.


- ii. **Permanent Departure of the Development parameters** for a Conventional Residential Zone as contained in the Stellenbosch Zoning Scheme By-Law, 2018 in terms of **Section 15(b) of the Stellenbosch Municipality Land Use Planning By-Law** relating to:
 - o Item 55(1) of Stellenbosch Zoning Scheme By-Law, 2019 for the departure of the **street boundary building line** for the proposed study, attached to the proposed garage extension, to 1,57m in lieu of 4m.

- Item 55(1) Stellenbosch Zoning Scheme By-Law, 2019 for the departure of the *common boundary building line* along the southern boundary of the property to allow for the extension of a lounge and kitchen to create a second dwelling unit to 1,309m in lieu of 2,5m.
 - Item 55(1) Stellenbosch Zoning Scheme By-Law, 2019 for the departure of the *common boundary building line* along the south eastern corner to allow for the extension of a covered patio for the second dwelling unit to 0m in lieu of 2,5m along the southern boundary and 0,0638m along the eastern boundary.
- iii. **Technical Approval** for a *second dwelling unit* as an **Additional use right** as stipulated in Section 13 of the Stellenbosch Zoning Scheme By-Law in terms of **Section 15(g) of the Stellenbosch Municipality Land Use Planning By-Law**.

3. Property Description

The table below provide the relevant information on Erf 4765, Rozendal, Stellenbosch. A copy of the Title deed and General Plan are attached.

Property details: Erf 4765, Rozendal, Stellenbosch	
SIZE	981m ²
ADDRESS	<p>The property is located at the corner of Water Road and Hendrik Bergh Road, in Rozendal Stellenbosch, a residential neighbourhood in the eastern side of Stellenbosch towards Jonkershoek.</p> 

<p>ZONING</p>	<p><i>Conventional Residential</i></p> <p>The Conventional Residential Zone makes provision for:</p> <ul style="list-style-type: none"> ○ predominantly single dwelling houses; ○ welfare and safety of the occupants of dwelling houses within the neighbourhood by limiting uses which are likely to give rise to a public nuisance or impact adversely on residents' health, safety and welfare ○ protect and improve of quality and character of residential areas to ensure safe and pleasant living environment; ○ controlled opportunities for home employment and income generation that is compatible to residential uses; ○ moderate densification through additional dwellings of similar built form.
<p>LAND USE</p>	<p>Single dwelling house, with carport and swimming pool.</p>
<p>DEVELOPMENT ON SITE</p>	
<p>OWNERSHIP</p>	<p>The property is registered in the name of Joppie Louis Mills.</p>
<p>TITLE DEED</p>	<p>T45662/2021</p>

RESTRICTIONS

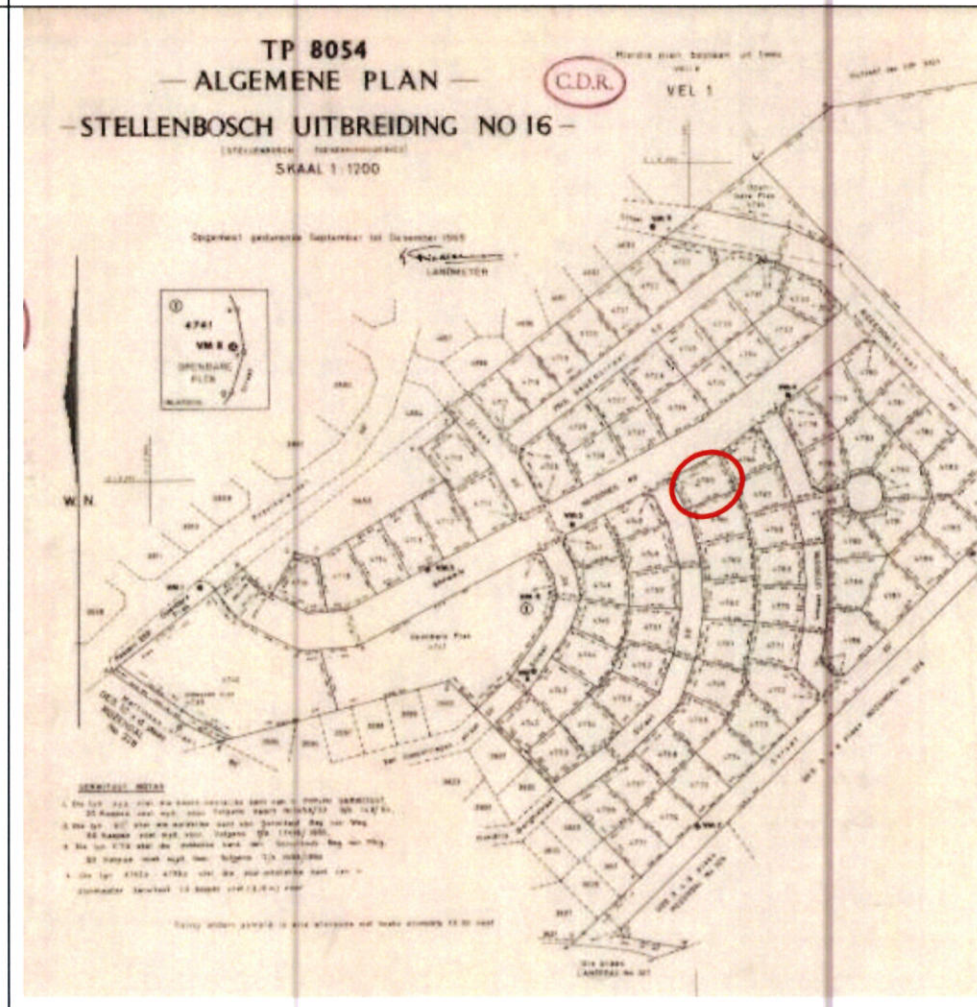
Restrictive title conditions pertaining to the proposed development on the property that will be removed:

Conditions B. 6(a) and (b) on page 3 of the title deed.

- 6(a) Hierdie erf mag alleen gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Dorpekommissie en die plaaslike owerheid goedkeur, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema 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 behalwe met toestemming van die Administrateur nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meter van enige ander grens opgerig word nie.

With the Conveyancing certificate compiled by Martina Tome of Bill Tolken Hendrikse Inc identifying the restrictive title conditions and affected parties.

GENERAL PLAN





BOUNDARIES	North: Water Road and Erven 4737 and 4736 both occupied by dwellings
	West: Hendrik Bergh Road and Erf 4746 that is occupied by a dwelling.
	South: Erf 4764 that is occupied by a dwelling.
	East: Erven 4766 and 4767 that is occupied by dwellings.

3.1 Locality and Surrounding area

The subject property is located in the neighbourhood of Rozendal in the north-eastern part of Stellenbosch. The neighbourhood is located between the Helshoogte Road and Jonkerhoek Road and supported by the Stellenbosch Primary and High Schools and various other commercial and social services. The area is located close to the Helshoogte Road providing easy access to the R301 and R44 as major transport routes in close proximity to the erf.



Figure 1: Locality of subject property in terms of the north-eastern part of Stellenbosch



Figure 2: Locality of the subject erf in terms of Rozendal neighbourhood



Figure 3: Locality of Erf 4756 Stellenbosch in terms of immediate surrounding area

3.2 Current Zoning and Land Use Designation

The subject property is zoned for *Conventional Residential Zone* in terms of the Stellenbosch Zoning Scheme By-Law. The property is currently developed with a main dwelling, carport and swimming pool unit under the Conventional residential zone with approved building plans as attached. The owners have submitted building plans for additions and alteration that include a garage/study, additional dwelling unit, additions of a bedroom above the existing garage and new roof over an existing carport.

The proposed development of an additional unit within the zone supports a form of incremental densification, especially in lower density single residential areas where higher density developments are not supported. The building will retain the look of a single residential dwelling, which is generally found in this area. The necessity for the land use application was identified during the assessment of the building plans and include the Removal of restrictive title conditions and Permanent Departures of development parameters in the scheme to support the building plans.

3.3 Title Deed restrictions

A title deed search was undertaken by Martina Tome of Bill Tolken and Hendrikse Incorporated,

who confirmed in a Conveyancing Certificate that Erf 4765 Stellenbosch is subject to restrictive title condition as contained in title Deed T4662/2021.

The restrictive title conditions include:

- I. **B. 1. 6(a) and (b)** on page 3 of the title deed which reads as follows:
 - 6(a) Hierdie erf mag alleen gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Dorpekommissie en die plaaslike owerheid goedkeur, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema 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 behalwe met toestemming van die Administrateur nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meter van enige ander grens opgerig word nie.

These conditions restrict the proposed development by:

- o not allowing for the development of a *second dwelling*, which is a permitted additional use right under the Conventional Residential Zone.
- o restrict development on the erf with a *6.30m street building line* and *3.15m rear and lateral building line* while the Stellenbosch Zoning Scheme By-Law allow for street building line of 4.5m and common boundary building line of 2.5m, with carports permitted 0m from street and common boundaries and garages permitted 1m from street boundary and 0m from common boundary.

These conditions were imposed with the establishment of the township and is recommended to be removed, with the affected parties as indicated in the Conveyancing certificate being the municipality and local council. Please refer to the Conveyancing Certificate attached.

4. Land Use Application

4.1 Removal of Restrictive Title Condition

A Removal of Restrictive Title Conditions in *T45662/2021* in terms of *Section 15(f) of the Stellenbosch Municipality Land Use Planning By-Law* relate to Conditions B. 6(a) and 6(b) which include conditions imposed by the Administrator of the Cape of Good Hope with the establishment of the Township that read as follows:

"B. 6(a) Hierdie erf mag alleen gebruik word vir die oprigting daarop an een woning of ander geboue vir die doeleindes wat die Dorpekommisie en die plaaslike owerheid goedkeur, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema 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. 6(b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met toestemming van die Administrateur nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meter van enige ander grens opgerig word nie.

In the Western Cape, restrictive conditions are now governed by Western Cape Land Use Planning Act, 2014 ("LUPA"), with section 39 of LUPA empowering a municipality, on application of a competent person, to remove, suspend or amend a restrictive condition. Section 1 of LUPA defines a restrictive condition as meaning any condition registered against the title deed of land restricting the utilisation, development or subdivision of the land concerned, excluding servitudes creating real or personal rights. LUPA is given teeth through The Stellenbosch By-Law on Municipal Planning, 2015.

The specific condition is defined as restrictive condition by the Conveyancing Certificate and not a servitude, with the specific condition imposed by Administrator of the Cape of Good Hope with the establishment of the Township.

In order to ensure that the development as per the building plans is considered the Conveyancer recommended the removal of the title conditions imposed by the Administrator. The conditions pertaining to the one dwelling and building lines was included in the past with township establishment was far more restrictive with residential areas that had a far lower density that what is allowed for today. With the amendment of planning legislation and policies the concept of densification and infill development allowed for higher density development options in the residential areas that include reduced building lines and higher coverage to allow for more compact urban areas with more effective use of services and land. These policies are to ensure more sustainable towns reducing the need for urban expansion. The Stellenbosch Zoning Scheme provide the necessary development parameters for development under the relevant zone, which replace the need for these types of parameters to be contained in the title deed. The Zoning scheme

parameters for building lines will therefore in effect replace the building line parameters of the title deed.

The following potential impact of the removal of these conditions is considered:

- It is not anticipated that the removal of these conditions pertaining to one dwelling and building lines will have any negative impact on the existing rights of surrounding owners, with the scheme regulations still provide building line parameter as well as the vehicle to depart from these with the necessary consent.

4.1.1 Policy guidelines

The local authority must have regards for Section 39(5) of the Western Cape Land Use Planning Act, Act 3 of 2014 (LUPA) and Section 47 of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) when considering whether to remove, amend or suspend a restrictive title condition.

According to the Conveyancing Certificate that was compiled by Martina Tomé, from Bill Tolken and Hendrikse Attorneys, indicate that the only affected parties will be the municipality and local council.

The following motivation for the Removal of restrictive title conditions is provided in accordance with *Section 39(5) of LUPA*:

- (a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of the dominant tenement;*

These specific conditions to be removed pertain to building lines and development on the property that is restricted to one dwelling unit, will not have any negative impact on the existing rights of surrounding owners since the building lines of the scheme regulations will replace the building line regulations of the title deed. With the inclusion of these conditions at the township establishment there were not many other effective development parameters in place with these conditions imposed in the title deeds to create a certain development character. In today's planning realm these conditions are no longer relevant, since the town

planning schemes have incorporated various development parameters for the different zones to allow for better regulation and also to support the planning policies that support more compact cities. The proposed conditions to be removed does not add any financial or other value to the surrounding owners. These conditions therefore do not have any financial or other value for the holders of the rights or any owner in the township area will not gain any financial value from maintaining these conditions as implemented in the past.

The proposed removal of this condition is unlikely to impact on the property values of erven in the area for the following reasons:

- The values of the properties in Rozendal can be accredited to the location in this unique, safe and established neighbourhood providing easy access to major routes and the town with various supporting community and commercial uses in the immediate area. The removal of these outdated and historic conditions will therefore not have any impact on the property values in the area.
- The Zoning Scheme parameters within the Conventional Residential zone already provide for adequate development guidelines to support sustainable development on the erf – protecting the rights of the surrounding owners.
- The Zoning Scheme make provisions for second dwelling units under the Conventional Residential properties – with parameters that guide these uses.
- Maintaining the restriction will rather impact the financial rights of the owners in that it will not allow for them to develop their properties as per their preferred options and within the new parameters allowed for by the Scheme Regulations.

It is believed that the removal of these conditions will not have any negative impact on the financial or other value of the holders of these rights.

(b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition;

This condition on the property was included with township establishment and related to the specific area of Rozendal as included in the General plan. The personal benefits to the holder of the rights relate to the design character of the area, with the character also protected by the existing zoning and the regulations in the Zoning Scheme. These relevant conditions to be removed are no longer relevant and are outdated and no longer applicable within the

Township, since the zoning scheme have incorporated new parameters in line with the new planning legislation and focus. There are therefore no personal benefits that is gained from these specific conditions by the owners. In the past the intention most likely related to maintaining the character of the area ensuring that these areas were developed in a certain manner with a low density and dwellings set away from boundaries. design types that was relevant at the time of the establishment of the township. As indicated the planning policies and strategies have changed over the years and include more sustainable development parameters for the current times, including densification through additional dwelling units and more relaxing building lines. These new more innovative parameters replace these more restrictive types of conditions that does not support increased coverage and opportunities for infill development to allow for more effective use of land and services in established areas.

The personal benefits to the holders of the rights, can therefore be seen as insignificant. The development on the erf will still reflect the same visual character of a single residential dwelling unit as with surrounding properties with the modest scale of the development not to have a negative visual impact on the surrounding area.

(c) The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;

The property owner will be able to allow for a more effective development of the residential property in line with what is allowed for under the Stellenbosch Scheme regulations without being impeded by historic building line restrictions and limit to one dwelling that was imposed during township establishment. The proposal allows for limited internal amendments and additions to the existing building, with the addition of a second dwelling unit to support intensified development on the erf. The proposal is considered as desirable since it will allow for the more effective use of an existing property and building in Rozendal.

(d) The social benefit of the restrictive condition remaining in place in its existing form;

There are no real social benefits if the condition is maintained. The condition relates to the restriction of historic building lines and limitation on number of dwellings, imposed during township establishment. Since township establishment of this area various changes in terms of densities and building lines in residential areas took place with the consolidated scheme regulations implemented for Stellenbosch municipality that govern the zones and development parameters of each zone including more relaxed building lines to allow for more effective use of urban serviced land and second dwelling to support infill development within these established townships.

*(e) The social benefit of the removal, suspension or amendment of the restrictive condition;
and,*

The removal of the relevant restrictive conditions will rather result in a positive social benefit to the broader community, since development will be more in line with current design guidelines and parameters allowing for effective use of residential erven in an established neighbourhood. It will allow for development to be more contemporary and in line with what is applicable today in terms of design and parameters. The removal of the condition will result in an increased development option on this single residential property and allow the owner a more effective development option of his site.

(f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by beneficiary or only some of those rights.

The proposed restrictive condition relates to restriction of building lines and limit on a single dwelling, which does not directly provide any rights to the surrounding owners. New planning legislation also allows for the removal of these historic conditions imposed with township establishment. No reasons are provided for the inclusion of this restriction, which in many cases was historically included prior to the more elaborate zoning scheme parameters. These conditions have also in many cases been removed by other properties in the area – since it does not support any real beneficial right to the homeowners but rather place more restrictions on the owner in terms of development rights on their properties. These types of conditions are not relevant today with Stellenbosch Scheme Regulations development parameters that replaced these historic conditions in title deeds. The surrounding area already providing for a combination of housing types, and renewal of buildings done in more recent times and reduced building lines and properties that include second dwellings. Since the development of Rozendal various scheme regulations have been implemented over the years that provide clear development guidelines in Stellenbosch within the different zoning types.

The Zoning Scheme By-Law and other local municipal by-laws have now superseded this control mechanism that was historically included in the title deeds and are strictly enforceable by the local authority. The need for these types of condition to remain in the title deeds has therefore fallen away.

Section 47 (2) of the Spatial Planning and Land Use Management Act (SPLUMA) outline the removal, amendment or suspension of a recitative condition must be in accordance with Section 25 of the Constitution.

SPLUMA Section 47 "(2) A removal, amendment or suspension of a restrictive condition contemplated in subsection (1) must, in the absence of the contemplated written consent, be effected:

(a) in accordance with section 25 of the Constitution and this Act;

(b) with due regard to the respective rights of all those affected, and to the public interest; and

(c) in the prescribed manner.

if such removal, amendment or suspension will deprive any person of property as contemplated in section 25 of the Constitution."

The applicant must therefore indicate that any removal, amendment, or suspension of a restrictive condition will not deprive any respective rights to any person or their property.

The above-mentioned underwrites the principles set out in SPLUMA and therefore land use applications are in public interest. The restrictive title deed condition that is to be removed does not constitute a private servitude but relate to building lines imposed during township development. Although the surrounding property owners have an interest in the condition, which is similar in their title deeds, the condition does not provide them with any direct private rights to property within the meaning of Section 25 of the Constitution. It is unlikely that the proposed removal of the conditions will have a legally relevant impact on the rights of affected parties in Rozendal. The area is subject to the Stellenbosch Zoning scheme regulations that contain more up to date building lines that support higher densities and more sustainable development.

Where the title deed conditions of development were utilised to set the development parameters for developments in the past, today Stellenbosch Zoning Scheme By-Law regulate the development parameters in each zone. The proposed deletion of the restrictive conditions is specifically permitted and regulated by laws of general application as included in Section 47 of SPLUMA, Section 39 of LUPA and Section 15 of the Stellenbosch Land Use Planning By-Law.

Therefore, the deletion of restrictive condition is constitutional as long as it complies with the applicable legislation.

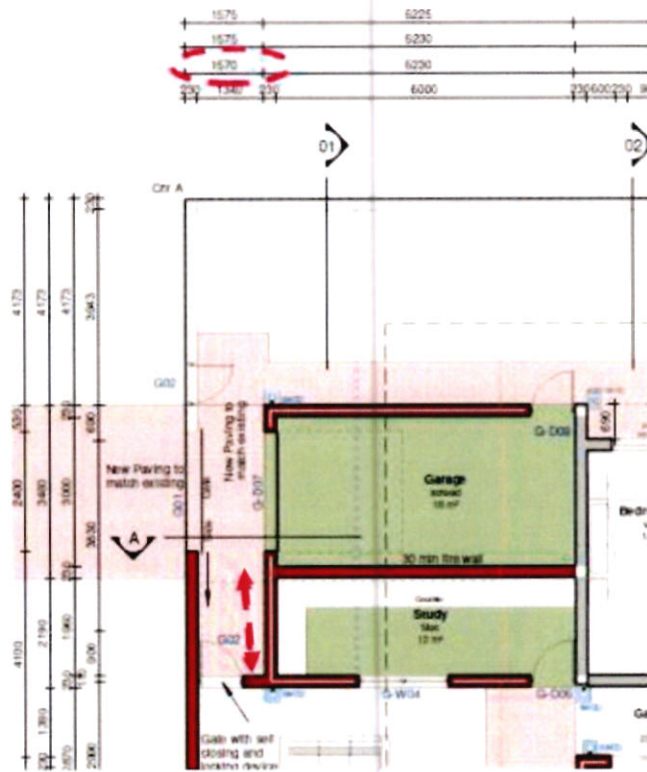
The removal of the relevant conditions will also not deprive any person or their property of any rights. The relevant legislation allows the local authority to remove these conditions should at any time if it becomes expedient to do so with an application by an owner. The removal of restrictive title conditions also do not entitle neighbouring owners to compensation under section 25, since Section 47(3) of SPLUMA specifically excludes any award of compensation: " *A Municipal Planning Tribunal considering an application to remove, amend or suspend a restrictive condition is not liable to compensate any person for any loss arising from or related to a decision made in good faith and in terms of the Act to remove, amend or suspend a restrictive condition.*"

The report proves that the relevant condition has become obsolete in terms of the current planning policies in supporting sustainable development in urban areas, which provides the support to the local authority to allow for its amendment.

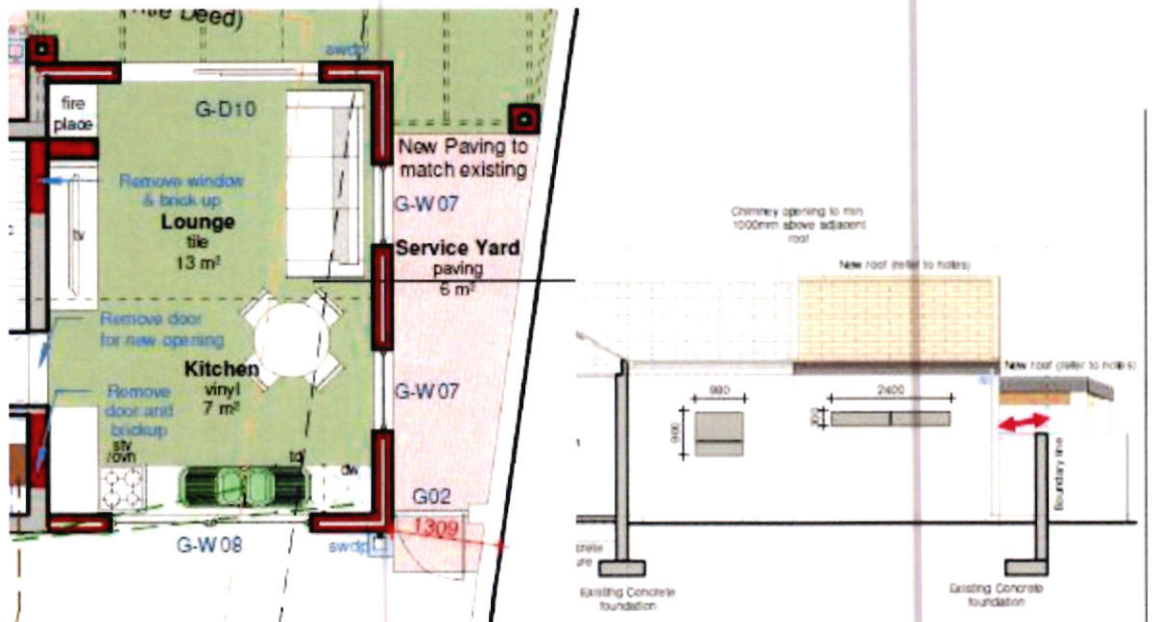
4.2 Permanent Departures of Development parameters

The land use application includes the application for the Permanent Departures from the following development parameters of the Conventional Residential Zone in terms of **Section 15(b)** of the Stellenbosch Land Use Planning By-Law to allow for the building works as is proposed per the Site Plan and Building Plans prepared by Red Atlantic Architecture. that are attached to this application. The permanent departures are mostly for building line departures associated with proposed additions to the existing building.

- A **Permanent Departure of the Development Rules** for a Conventional Residential Zoned erf as contained in the Stellenbosch Zoning Scheme By-Law, 2018 in terms of **Section 15(b) of the Stellenbosch Land Use Planning By-Law** relating to:
 - Item 55(1) of Stellenbosch Zoning Scheme By-Law, 2019 for the departure of the **street boundary building line** for the proposed study, attached to the proposed garage extension, to **1,57m in lieu of 4m**. The section of the study is 1,960m wide along the street interface.

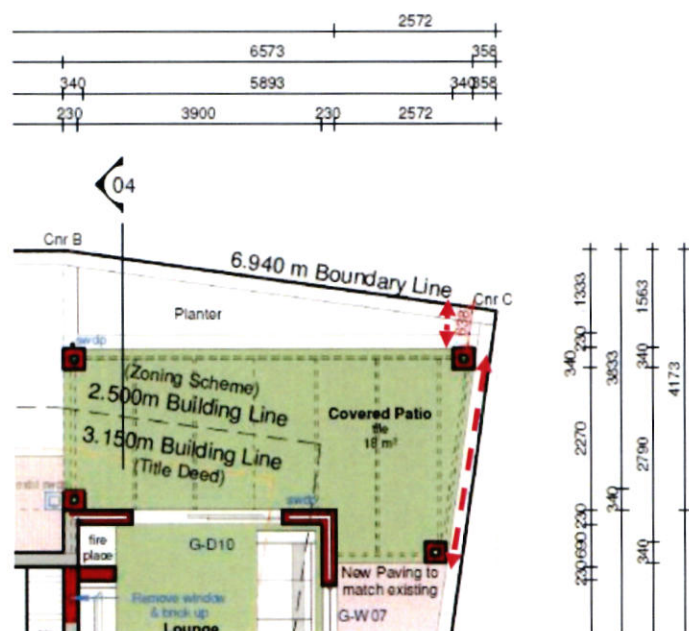


- Item 55(1) Stellenbosch Zoning Scheme By-Law, 2019 for the departure of the *common boundary building line* along the south-eastern corner of the property to allow for the extension of a lounge and kitchen to create a second dwelling unit to *1,309m in lieu of 2,5m*.



- Item 55(1) Stellenbosch Zoning Scheme By-Law, 2019 for the departure of the *common boundary building line* along the southern boundary to allow for the extension of a

covered patio for the second dwelling unit to *0m in lieu of 2,5m* along the southern boundary *and 0,0638m in lieu of 2,5 m* along the eastern boundary.



The departure is to allow for the proposed additions to the existing building for the development of a second dwelling and related garage and study on the property. The additions will be to the existing building along the north-western (street) and south-eastern (common) boundaries. The single storey **additions of the kitchen and lounge** to an existing bedroom will create a second dwelling in the south-eastern corner with a minimum setback of *1,309 meters in lieu of 2,5m* from the common boundary. There are no buildings on any adjoining property close to these common boundaries that directly abuts this section where the departures are applied for, with many mature trees along the boundaries providing screening for added privacy to the subject property and the adjoining properties. It is unlikely that the additions within this corner will have any detrimental impact on any of the surrounding properties. The two small windows along the common boundary looking towards the neighbouring property, are also set back more than 1.7 meter from the boundary limiting any potential impact. The departure for the **proposed covered patio** to *0m and 0,0638m respectively in lieu of 2,5m* is in the south-eastern corner of the site set away from any adjoining building, with the sections on the adjoining properties forming part of their rear gardens and this corner also screened by existing vegetation. The departure for the 0m and 0.0638m building line along the common boundary is for a covered patio and not a building, which is also along the boundary with existing screen planting with a proposed planter box along a section of the boundary – with plants in the planter boxes to assist in the screening of the area and limiting the noise. A new boundary wall within this corner will also assist in increasing the privacy of the future occupants of the second dwelling and the surrounding

residents. The second dwelling is planned for a single grandparent of the couple occupying the main dwelling.

The departures also include the *departure of the street building line* for the *additions of a study* next to the proposed new single garage along the north-western corner of the site *1,57m in lieu of the 4,0m street building line*. The single garage will provide a parking area for the second dwelling with a new driveway access off Water Road. According to the Scheme regulations a garage is allowed for with a 1m street building line with the garage set back 1.57m from the street boundary. In order to optimise the addition a study is proposed to be added along the one side of the garage with a street setback of 1,57m.

The visual aspects this addition will from part of the garage building with no windows facing the street. The building addition will therefore appear to be part of a garage. It is not anticipated that the departure of the street building line for the study adjoining the proposed single garage will have any impact on any neighbouring properties. The road reserve along Water Road is also very wide limiting any potential impact of the street building line departure on adjoining neighbours or the visual quality along the streetscape.



Figure 4: Locality of buildings requiring building line departure on the subject property.

4.3 Technical Approval for a Second Dwelling as an Additional Use Right

The application also includes a Technical Approval for a Second Dwelling Unit that does not exceed the threshold as indicated in the Stellenbosch Zoning Scheme By-Law.



Figure 5: Proposed second dwelling unit with one bedroom.

The following parameters for second dwelling houses in the conventional Residential zone as set out in Item 50 of the By-Law is addressed below:

- *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.*

Comply – the proposal includes an existing main dwelling with additions and alterations to allow for a second dwelling on the property to accommodate the parent of the owner of the property.

- *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.*

Comply – the main dwelling house a young family with the proposed second dwelling to be accommodated by a single parent of the owner of the dwelling.

- *A second dwelling unit shall not contain a domestic accommodation unit, except with the technical approval of the Municipality.*

Comply – the proposed second dwelling is a one bedroom unit with no domestic accommodation unit.

- *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.*

Comply – at this stage there is no sectional title proposed but the second dwelling unit does have a dedicated single garage proposed to serve the unit.

As can be seen from the above the proposed second dwelling unit will comply with all the relevant parameters. The second unit will be developed on the south-eastern corner of the site as an addition to the existing dwelling. The bedroom to be used is currently part of the existing dwelling and will be incorporated into the second dwelling with the addition of a bathroom, kitchen and lounge area as well as a covered patio. The proposed extensions to the existing dwelling for the second dwelling require departure applications to the common boundary building lines that is also addressed and motivated in this application. Please refer to the motivation in Chapter 5 below for more detail.

4.4 Development Parameters

The Stellenbosch Zoning Scheme By-Law, 2019, provided the following specific provisions for the Conventional Residential Zone.

Stellenbosch Zoning Scheme By-Law Development parameters		Proposed additions and alterations including development of a second dwelling unit on Erf 4765 Stellenbosch
Conventional Residential Zone Land unit of 501m ² to 1500m ² and relevant development rules as per Items 33, 50 and 55		
Item 50 Dwelling House and Second Dwelling unit	<ul style="list-style-type: none"> No more than two dwelling units (one dwelling house which might include one domestic accommodation unit, and one second dwelling unit) shall be permitted shall be permitted on any land unit in the zone. Each dwelling unit shall only be accommodated by a family as defined. A second dwelling unit shall not contain a domestic accommodation unit, except with the technical approval of the Municipality. 	<ul style="list-style-type: none"> Comply - the proposed development includes the addition of a second dwelling in the same building as the main dwelling. The title deed restriction limiting development on the property to one dwelling will be removed to allow for the development of a second dwelling Comply Comply
Item 55. Building Development parameters Erven 501m ² tot 1500m ²		
Building lines	Street Building line - 4m	Apply for Departure Apply for a departure for a study that is attached to the proposed single garage to be build <i>1,57m</i> from the street boundary with Water Road <i>in lieu of the 4m</i> street building line.
	Common Building line - 2.5m	Apply for Departure

		<p>Apply for a departure of the common boundary building line:</p> <ul style="list-style-type: none"> • The single storey <i>additions of the kitchen and lounge</i> to an existing bedroom will create a second dwelling in the south-eastern corner with a minimum setback of <i>1,309 meters in lieu of 2,5m</i> from the common boundary. • The departure for the <i>proposed covered patio</i> to <i>0m and 0,0638m respectively in lieu of 2,5m</i> is in the south-eastern corner of the site set away from any adjoining building, with the sections on the adjoining properties forming part of their rear gardens and this corner also screened by existing vegetation.
Height	2 storeys	<p>Comply</p> <p>Dwelling will largely be maintained as a single storey building, with the addition of a small section with a double storey. The double storey addition is however set back from all the surrounding properties and comply with the building line parameters.</p>
Coverage	The greater of 300m ² of 50%	<p>Comply</p> <p>43.17%</p>
Carports	0m from street boundary and 0m from common boundary provided that the wall on the common boundary is not higher than one storey	<p>Comply</p> <p>The additions include the replacement of an existing roof over an existing approved carport with a new roof along the 0m common boundary. The height of the carport will be 2,850m (one storey height)</p>
Garages	1m from the street boundary, and 0m from common boundary provided that the wall on the common boundary is not higher than one storey	<p>Comply</p> <p>The proposed addition of a new single garage along Water Road interface will be set back 1,570m from the street boundary and 4.1m from the common boundary.</p>

<p style="text-align: center;">Off Street Parking</p>	<p style="text-align: center;">Dwelling House (2 or more bedrooms) – 2 bay/dwelling unit</p> <p style="text-align: center;">Second Dwelling –1 bay/second dwelling unit</p> <p style="text-align: center;">Total of 3 bays required on site</p>	<p style="text-align: center;">Comply</p> <p>The development on the site allows for the following off-street parking:</p> <ul style="list-style-type: none"> • existing double garage (2 bays), • a proposed new single garage (1 bay) and, • an existing carport (2 bays). • 3 parking bays in front of the garage and carport on site <p>A total of 8 off street parking bays will be provided on site which is more than adequate to support the development.</p>
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It is evident from the above that the proposed additions can be accommodated on the property with minor departure applications.

Refer to Site Development Plan and Floor Plans attached in Annexure G.

The application is further motivated in the section below.

5. Motivation

In terms of Section 65 of the Stellenbosch By-Law on Municipal Land Use Planning, the Council shall have regard to a number of factors when considering a land use application. These factors include inter alia the following:

- The Municipal IDP and SDF;
- the applicable local spatial development frameworks adopted by the Municipality;
- the applicable policies of the Municipality that guide decision-making;
- the provincial spatial development framework;
- the policies, principles, planning and development norms and criteria set by national and provincial government;
- Desirability of the proposed land use

The proposed development is therefore motivated as follows.

5.1 Planning Policy:

5.1.1 National and Provincial Planning Policy and Principles

SPLUMA (the national Spatial Planning and Land Use Management Act 2013) and LUPA (the provincial Land Use Planning Act 2014) provides planning guidance and policy at national and provincial levels respectively.

In terms of Section 7 of SPLUMA and Section 59 of LUPA, the proposal complies with their development and land use planning principles as follows:

- Spatial Justice: The proposed optimal development of the subject site will be allowed for by the removal of the restrictive condition will contribute to improve the utilisation of the existing developed erven within the urban area of Rozendal, which have very limited vacant areas for infill development available. The Stellenbosch Land Use Planning By-Law also allow for the flexibility to apply for removal and departure of restrictive conditions in order to optimise use of properties in the urban areas and support internal densification.
- Spatial Sustainability: The removal of the condition and departure of the development parameters will allow for additional dwelling unit to be developed on the property within the urban areas thereby representing incremental infill development on a developed erf supporting a more compact urban form. The site is located within a built-up urban area with no potential impact on any sensitive natural environment. The development will promote the infill development on an existing developed erf within existing building with minor amendments thereby promoting sustainable development within an urban environment. There are also very limited departures for the proposed alterations to allow for the conversion of the existing building for the development of a second dwelling.
- Efficiency: It is considered that the infill development within an already development erf within the urban area will result in optimising the use of resources which include land, infrastructure and services that will promote a more effective and efficient utilization of existing resources and land. The deletion of restriction title condition pertains to the restriction on building lines that was imposed in the past with the establishment of the town. These conditions are no longer relevant, since the Zoning scheme provide the relevant more up to date regulations that allow the option for densification and infill development with the addition of a second dwelling. With the deletion of historic conditions and the departure from other imposed by the municipality relating to building lines, it will allow the owner to optimise the development on the single residential erf in line the Stellenbosch Zoning Scheme parameters resulting in a more efficient use of services and infrastructure in the surrounding area. The property will remain within the same zoning being Conventional Residential Zone similar to the surrounding area.
- Good Administration: The application is submitted in terms of the relevant legislation and will be processed accordingly with the relevant public participation process to be followed.

- Spatial Resilience: The Stellenbosch Land Use Planning By-Law allow for the relevant flexibility in the land use management system to accommodate more flexibility within the planning framework that support sustainable development. The By Law allows for the option for the deletion of the restrictive title condition if it becomes expedient to do so. The removal of the restrictive condition will allow for a more flexible development option on the relevant property in line with the current planning policies and the regulations as provided for in the Zoning scheme, such as the development of a second dwelling.

As such, it is considered that the proposal complies with the principles underpinned by national and provincial planning policies.

5.1.2 The Provincial Spatial Development Framework (PSDF), 2014

Although the PSDF does not provide specific proposals at the level of detail of this application, the proposal complies with its overarching spatial and economic objectives. The PSDF support the development of integrated and sustainable settlements which include addressing land use a density in urban settlements. One of the Settlement policy objections is to *"promote an appropriate land use mix and density in settlements"*. The PSDF *Policy S3 promote compact, mixed use an integrated settlement* with the Municipal SDF's to include growth management tools to achieve SPLUMA's spatial principles which include a Densification Strategy and targets appropriate densities to the settlement context – with these tools to include *subdivision, additional dwellings, and sections title developments*. The strategies are also to support higher densities in settlements and the provision of more housing typologies. The proposed amendment will comply with the policy by supporting densification within an established urban area in a manner that conform to the existing settlement context – maintaining the area as a residential conventional housing area with added options for additional housing types (second dwelling units on single residential erven) and optimising development area on the property increasing development area to better support optimum use of urban areas while still maintaining the existing lower density character of the area.

5.1.3 The Stellenbosch IDP and Spatial Development Framework (SDF)

The SM Integrated Development Plan 2017-2022 (IDP) is aimed at coordinating the efforts of various municipal departments in achieving the vision for the municipality as a "valley of opportunity and innovation". The efforts to achieve this vision are channelled into five specific focus areas that include:

- *Valley of possibility* – aimed at attracting investment, growing the economy and employment.
- *Green and sustainable valley* – aimed at ensuring that the asset base of the municipality is protected and enhanced.
- *Safe Valley* – aimed at ensuring that its residents are and feel safe.
- *Dignified living* – aimed at improving conditions for residents through access to education and economic opportunities.
- *Good governance* – aimed at ensuring that municipality is managed efficiently and effectively to the benefit of all stakeholders.

All these different focus areas will also have a direct spatial link with the Stellenbosch Spatial Development Framework (SDF) and provide for strategic directions in the SDF that will guide future development. The relation between die the IDP focus area and the way it relates to the SDF and provide for directives.

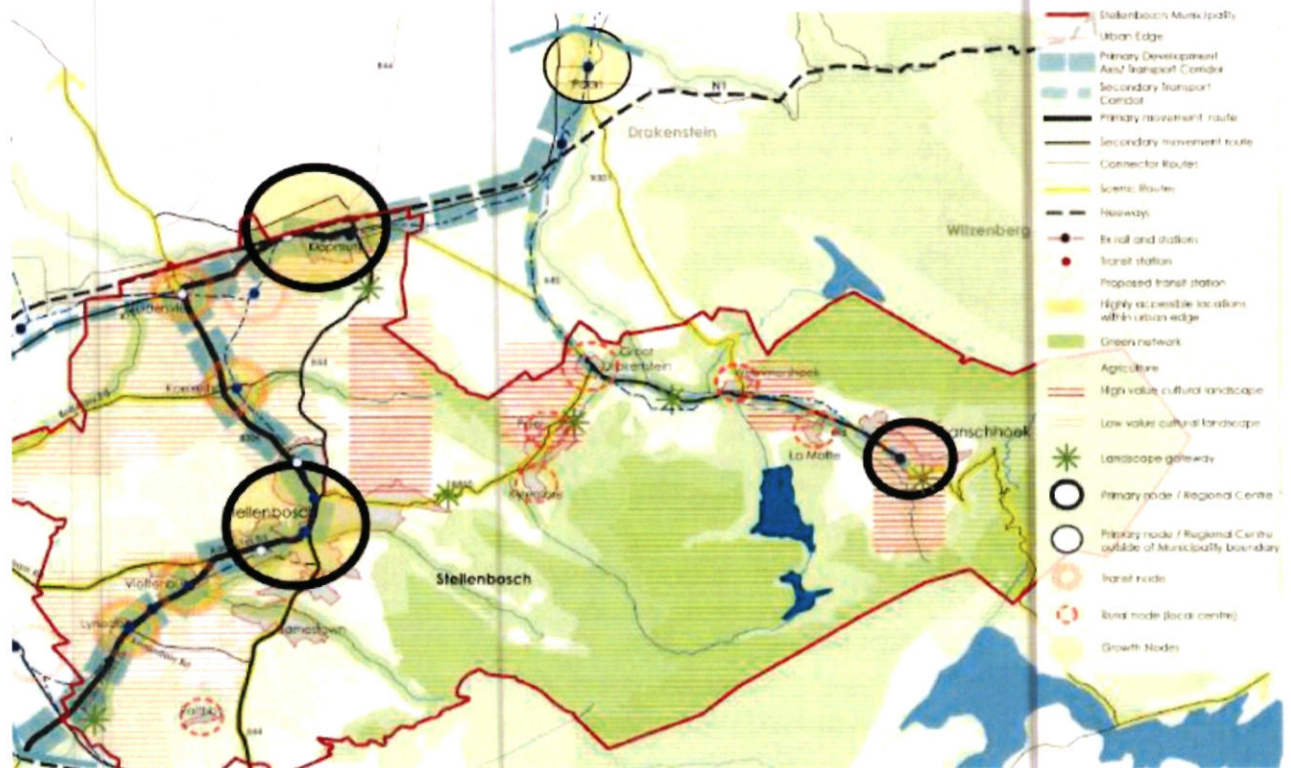


Figure 6: Consolidated Concept SDF Plan for Stellenbosch Municipal Area indicating Stellenbosch as one of the primary nodes in the municipality.

Stellenbosch is identified as a major town within the Stellenbosch municipal area and will remain the major settlement within the municipality, with the town seen as a significant centre comprising extensive education, commercial and government services with a local, regional and national impact. The SDF acknowledge the infill opportunities that exist within the town of

Stellenbosch, allowing the opportunity to change the nature of existing places to become more balanced. The SDF also describe the inclusivity of infill housing opportunities – referring to the extent to which housing options provide more options for different income and demographic groups as critical.

IDP STRATEGIC FOCUS AREA	RELATED CONCERNS OF THE SDF	SDF STRATEGIC DIRECTION
Valley of possibility	The way settlements, nature and agricultural areas are spatially developed and managed to enhance individual and collective livelihood opportunities and enterprise development, and overcome inequity and exclusion.	<ul style="list-style-type: none"> Containment of settlements to protect nature/ agricultural areas and enable public and non-motorized transport and movement. A focus on public and non-motorized transport and movement.
Green and sustainable valley	The way settlements, nature and agricultural areas are spatially developed and managed to maintain and enhance natural resources and ensure future balance between human settlement and its use of natural resources and opportunity.	<ul style="list-style-type: none"> Protection of nature areas, agricultural areas, and river corridors.
Safe valley	The way settlements, nature and agricultural areas are spatially developed and managed to ensure individual and collective safety in living, in movement, at work, institutions, and play.	<ul style="list-style-type: none"> Denser settlements with diverse activity to ensure surveillance.
Dignified living	The way settlements, nature and agricultural areas are spatially developed and managed to ensure equal access to shelter, facilities and services, notwithstanding material wealth, age, gender, or physical ability.	<ul style="list-style-type: none"> A specific focus on the needs of "ordinary" citizens, experiencing limited access to opportunity because of restricted available material resources.
Good governance and compliance	The way settlements, nature and agricultural areas are spatially developed and managed to ensure individual and collective participation – based on accessible information and open processes – in matters related to spatial planning and land use management.	<ul style="list-style-type: none"> Presenting information, including opportunities and choices in a manner that assists its internalization by all.

Figure 7: Extract from the Stellenbosch SDF indicating the relation between die IDP and SDF.

The proposed development responds directly to these matters by way of the following:

- The location of this property within Rozendal as an established neighbourhood within Stellenbosch urban area, a major town within the municipality, provide for various opportunities in terms of infill development.
- The development is also sensitive in terms of agricultural surrounds and natural environment. The property is located within an urban complex and support the diversification and improved utilisation of developed land through incremental densification with second dwelling units.

- Proposed internal densification support the provision of more affordable and inclusive housing options in the developed neighbourhoods of Stellenbosch be it for aging parents, student or young working people.
- The application that will allow for a second dwelling will support diversification of housing types in this established neighbourhood, allowing for more affordable housing options.

The concept for spatial development and management of Stellenbosch Municipality comprises of key views with these views considers in relation to the development of the proposed additions and alterations to the existing dwelling.

1. Maintain and grow our natural assets

Valuable land areas, including critical biodiversity areas, agricultural land, land affecting the maintenance of water resources, and so on, cannot be built upon extensively, it cannot be the focus for significantly accommodating existing or future settlement need spatially.

- The proposed development will not detract from valuable agricultural land and will not impact on any identified natural assets such as CBA's – with the proposal on an existing developed property within an established neighbourhood in the urban edge of Stellenbosch.

2. Respect and grow our cultural heritage

The areas and spaces – built and unbuilt – that embody the cultural heritage and opportunity of SM needs to be preserved and exposed further. Some areas and spaces need to be maintained intact, others provide the opportunity for new activity, in turn exposing and enabling new expressions of culture.

- The proposed development will not have a negative impact on any cultural heritage resource – with the proposals for additions and alterations to an existing building that is not an identified heritage resource.

3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity

Within areas of lesser natural and cultural significance, the focus should be on areas where different modes of transport intersect, specifically places where people on foot – or using nonmotorized transport – can readily engage with public transport.

- The proposal is for additions and alterations to an existing dwelling in the neighbourhood of Rozendal within the urban edge of Stellenbosch, optimising the existing infrastructure and services within an established without impacting on any cultural or natural significance. The additions to the building is of such a small scale that it will have very limited impact on any visual aspects with the property still used for residential purposes.

4. Clarify and respect the different roles and functions of settlements

The role and potentials of different settlements in Stellenbosch require clarification. In broad terms, the role of a settlement is determined by its relationship to natural and cultural assets and the capacity of existing infrastructure to accommodate change and growth.

- The property is located within the identified urban edge of Stellenbosch as a primary node and regional centre. Stellenbosch town will remain the major settlement within the municipality; a significant centre comprising extensive education services which is further supported by the development of this revolutionary educational facility. The proposal will also for a second dwelling that will provide for an additional housing type within this neighbourhood.

5. Clarify and respect the roles and functions of different elements of movement structure

Ensure a balanced approach to transport in SM, appropriately serving regional mobility needs and local level accessibility improvements, aligned with the spatial concept.

- The proposal is in an established neighbourhood that is highly accessible and well located in terms of access routes and established neighbourhood in Stellenbosch.

6. Ensure balanced, sustainable communities

Ensure that all settlements are balanced and sustainable, providing for different groups, maintaining minimal development footprints, walkability, and so on.

- Stellenbosch is identified as the primary node and regional centre where major development in the municipal area is focused. The proposed second dwelling provide for internal densification and alternative housing types in an established neighbourhood.

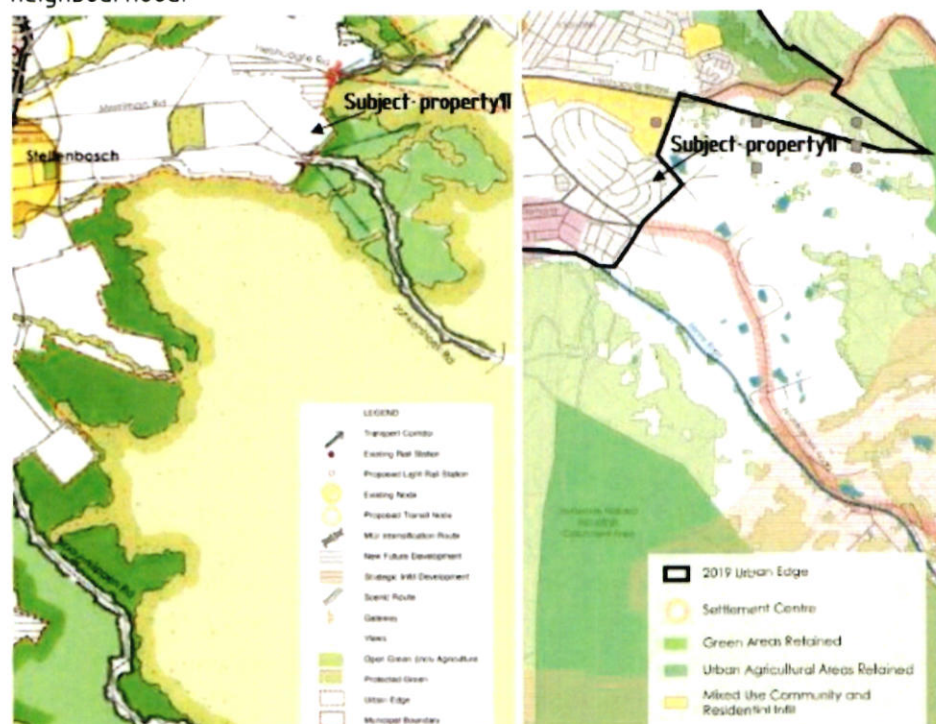


Figure 8: Extracts from Stellenbosch Concept Plan and Framework

The Stellenbosch Concept plan indicate a future development area to the north of Rozendal neighbourhood in which the subject property is located. This vacant area between Helshoogte Road and Rozendal provide ideal opportunity for infill development within the built up urban area. The area is earmarked for mixed use community and residential infill development, which further under right infill development within the urban edge of Stellenbosch and within this neighbourhood.

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSALS	RELATED NON SPATIAL PROPOSALS
Protective Actions	CBAs, ESA's, Protected areas	<ul style="list-style-type: none"> Maintain and improve the nature areas surrounding Stellenbosch town. Work to increasingly connect and integrate nature areas, also with the urban green areas, to form an integrated green web or framework across the town and its hinterland area. 	<ul style="list-style-type: none"> Implement management actions contained in the SEMF.
	Water courses	<ul style="list-style-type: none"> Improve public continuity, access, and space along the Kromrivier, Plankerbrug, Eerste River, and Blaauklippen River corridors. 	<ul style="list-style-type: none"> Improve water quality in the Plankerbrug River (through infrastructure improvements in Kayamandi).
	Agricultural land	<ul style="list-style-type: none"> Retain and improve the relationship between Stellenbosch town and surrounding agricultural land. 	
	Urban edge	<ul style="list-style-type: none"> As a general principle, contain the footprint of Stellenbosch town as far as possible within the existing urban edge (while enabling logical, small extensions). 	
	scenic landscapes, scenic routes, special places	<ul style="list-style-type: none"> Retain the strong sense of transition between agriculture and human settlement at the entrances to the town. 	
Change Actions	Historically and culturally significant precincts and places	<ul style="list-style-type: none"> Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys). Improve public space and movement routes within historically and culturally significant precincts, with a focus on pedestrianism. Work to grow the extent of historically and culturally significant precincts and places in daily use and accessible to the public (through appropriate re-design and use of specifically disused industrial buildings along the Adam Tas Corridor). Define and hold the northern and eastern edges of Kayamandi. 	
	Informal settlements to be upgraded	<ul style="list-style-type: none"> Support land use change along George Blake Road to enable the integration of Kayamandi with the Adam Tas Corridor and Stellenbosch central area. 	<ul style="list-style-type: none"> Utilise government land assets to enable integration between informal settlements and established areas.
	Areas for residential densification and infill	<ul style="list-style-type: none"> Pro-actively support higher density infill residential opportunity in the town centre, areas immediately surrounding it, and along major routes (with consideration of historic areas and structures). 	<ul style="list-style-type: none"> Utilise government land assets to enable residential densification and infill development.
	Areas for mixed land use and improved economic opportunity	<ul style="list-style-type: none"> Retain and actively support mixed use redevelopment and building within the town centre and surrounding areas, comprising living space above active street fronts. Actively support pedestrianism and improved public space within the old town centre. Pro-actively improve conditions for walking and NMI within Stellenbosch town. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements assist with urban management in the town centre.
	Improved access and mobility	<ul style="list-style-type: none"> Improve access to the Techo Park, specifically from the north-west. 	<ul style="list-style-type: none"> Pro-actively, and in partnership with key corporations/institutions, introduce transport mode demand measurements favouring public and NMI. Ensure that the design of all roads within and surrounding the town provides for appropriate NMI movement.
	Community/ institutional use	<ul style="list-style-type: none"> Cluster community facilities together with commercial, transport, informal sector and other activities so as to maximise convenience, safety, and socio-economic potential. Retain, as far as possible, university and other educational uses within Stellenbosch town. 	<ul style="list-style-type: none"> Actively support the shared use of community facilities.
New Development Actions	Improved landscaping and public amenity	<ul style="list-style-type: none"> As far as possible, focus investment in parks, open space, and social facilities accessible by public and NMI in this way also increasing the surveillance of these facilities. 	<ul style="list-style-type: none"> Actively involve local communities in the development and management of public amenities.
	significant new mixed use development	<ul style="list-style-type: none"> Develop the Adam Tas Corridor as a mixed-use, high density urban district with strong internal and external public and NMI connections. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and redevelopment. Support redevelopment by making available government land assets.
	significant new residential development	<ul style="list-style-type: none"> Support inclusive infill development on vacant public land within Cloeteville, Idas Valley, Central Stellenbosch, and Jamestown. Support infill development on private land within Stellenbosch town in a manner which serves to compact the town, expand residential opportunity, and rationalize the edges between built and unbuilt areas. Support the further development of Techo Park as a balanced community, emphasizing residential opportunity. 	
	significant change to access and mobility provision	<ul style="list-style-type: none"> Explore the feasibility of changing/ complementing the taxi service along the Baden Powell Drive-Adam Tas-R304 corridor to a system providing a more frequent, flexible service better integrated into the urban realm. Alternatively, a regular bus service should be explored serving the same route. 	<ul style="list-style-type: none"> Support private sector led institutional arrangements to enable joint planning and unlocking of the opportunity.

Figure 9: Plan Elements and proposals for Stellenbosch

The following elements has relevance to the proposal:

- *Protective Actions – Urban Edge: As a general principle the footprint of Stellenbosch town should be contained within the urban edge as far as possible.*
- *Change Action – Areas for residential densification and infill – pro actively support higher density infill residential opportunities in the town centre, areas immediately surrounding it and along major routes.*
- *New Development Actions – Significant new residential development – Support infill development on private land within Stellenbosch town in a manner which serves to compact the town, expand residential opportunity, and rationalize the edges between built and unbuilt areas.*

The proposed development of a second dwelling in an established neighbourhood of Rozendal within the identified urban edge of Stellenbosch has been addressed in terms of the SDF. The second dwelling will be accommodated in an existing built up property and will not impact on any surrounding properties. The scale and type of the additions will also be supportive of the surrounding area. In conclusion, it is considered that the proposal is consistent with the intent of the SDF to allow for the support of this proposal.

5.1.4 The Stellenbosch Heritage Survey

The Stellenbosch Municipality Heritage Survey provide a digital representation of the Heritage Inventory that was done in the municipal area. The figure below represents the relevant Heritage information that is relevant to the area where the subject property is located.

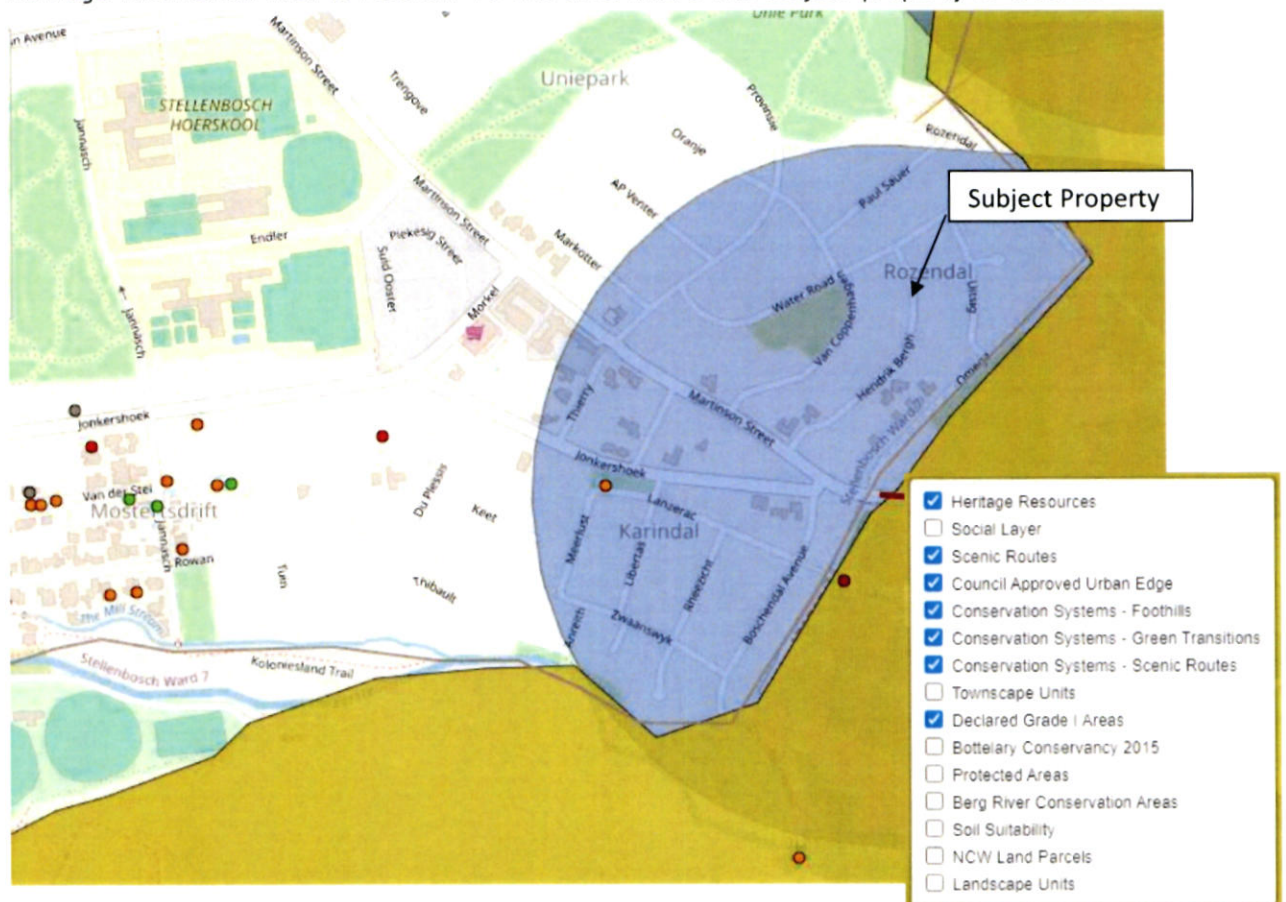


Figure 10: Extract from the Stellenbosch Heritage Inventory

There is no heritage resource locate on the property or in close proximity to the property. Rozendal is located next to the Foothills and Green Transition conservation area that is located around the Jonkershoek Road and surrounding the urban edge. The subject area where the property is located is included in the conservation system relating to the Scenic Route along Jonkershoek Road, with an area of influence of this scenic route also identified in the surrounding area to the property.



Photo 1: The view along Jonkershoek Road with Rozendal in the distance.

It is unlikely that the minor additions and alterations at the subject property to include a second dwelling will have any detrimental impact on the Scenic Route along Jonkershoek Road or its area of influence. The neighbourhood with its characteristic tree lined streets and gardens and not the subject property is visible from the identified scenic route. There are no additions to the dwelling that will be visible from the scenic route or which will have any impact on the visual quality of the route.

It is therefore anticipated that the proposal will have no impact on any Heritage resources of landscape.

5.2 Desirability:

The desirability of the proposal can be assessed in accordance with the following criteria:

5.2.1 Socio Economic Impact

The proposal will have a positive socio-economic impact, in that the development will further support the provision for more alternative housing options in Stellenbosch and surrounds, by providing for a second dwelling unit on an established property and neighbourhood. The densification will support increased investment and might increase the viability of the existing neighbourhoods in Stellenbosch with large erven. The development will also allow for a more effective use of existing infrastructure and services in the area and support a form of incremental densification providing for more affordable housing options in a secure environment that is more cost effective and sustainable with more people responsible to contribute to the maintenance and the general upkeep in the area.

5.2.2 Compatibility with Surrounding uses

The subject property is located within the identified urban area of Stellenbosch and within an established neighbourhood that is highly accessible in terms of Stellenbosch and surrounding area. Most of the properties in the surrounding area is already developed for residential purposes, within the Conventional residential zone. The SDF support

densification and provision of more types of housing options with one of the means the allowance in the Scheme regulations for additional dwelling units on single residential properties. There are no vacant erven in the immediate surrounding area and very limited vacant erven in Rozendal – limiting further development and densification in the area. The application will allow for the development of an additional dwelling unit, in line with the Stellenbosch Zoning Scheme. The development parameters set out for the additional use rights in the Zoning Scheme for a second dwelling unit stipulate developments parameters will still be compatible with the surrounding residential area. The proposed development of a second dwelling will be accommodated in the existing residential building, with relevant alterations and extensions as required and indicated on the building plans. The look of the development will therefore remain that of a single residential property with no increased heights and therefore no additional impact on views or overlooking. The departures relate to building lines with the departures in an area where surrounding dwelling area set back and will not be impacted on due to existing dense vegetation. It is therefore anticipated that there will be minimal impact of the proposal on the surrounding area which is already occupied by larger single residential buildings.

The neighbourhood and surrounding area already provide for various supporting commercial and social services that will be more effectively utilised though internal densification as is proposed with the development of a second dwelling with minor departures. It can therefore be argued that the proposal which include additions and alterations of a second dwelling can be supported by the surrounding area.

5.2.3 Impact on External Engineering Services

The existing dwelling on the property is already connected to services with these services to also support the proposed second dwelling. It is not envisaged that the one additional dwelling unit with one bedroom and bathroom will place an excessive additional demand on the services. The development of additional units will take within the existing building that is located on the property, which is already connected to all services. The relevant internal alterations and additions will be made as is required. No additional erf is created, and the size of the building is not different to the size of the larger single residential buildings in the immediate surrounding area that in general allow for larger dwellings with more bedrooms, bathrooms and living areas.

It is not anticipated that proposed additional second unit in the existing dwelling, with a total of 5 bedrooms (two added to existing building), 3 bathrooms (all existing), two guest toilets (one additional) and two kitchens (one added) on the property will have such an excessive additional demand on service infrastructure. The subject property already has access to the existing road network with no need for the creation of any additional road network with an additional access point off Water Road to a single garage to server the second dwelling. As previously indicated the application for the removal of the restrictive

title condition and relevant departures to allow for the development of a second dwelling units within one building resembling a single dwelling, will support infill development and incremental densification in an established residential area with limited additional demand on the existing service infrastructure and more effective use of infrastructure and services.

5.2.4 Impact on Safety, Health and Wellbeing of the surrounding community

It is not considered that the removal of restrictive title condition and departures, which will allow for the development of additional dwelling unit on the subject erf within the existing building will have any significant impact on the safety, health and wellbeing of occupiers of the surrounding properties. Living in close proximity to each other create a more communal environment which is perceived by many to create a more secure environment. The proposed infill development with the additional dwelling unit in the area will rather have a positive impact on the surrounding area with increases surveillance of the area that will improve safety in the area.

5.2.5 Impact on Heritage

According to the Stellenbosch Heritage Inventory and Management plan of 2018 the subject property is not identified as having a heritage resource on the property or in close proximity to the property. Rozendal is located next to the Foothills and Green Transition conservation area that is located around the Jonkershoek Road and surrounding the urban edge. The subject area where the property is located is included in the conservation system relating to the Scenic Route along Jonkershoek Road, with an area of influence of this scenic route also identified in the surrounding area to the property.

It is unlikely that the minor additions and alterations at the subject property to include a second dwelling will have any detrimental impact on the Scenic Route along Jonkershoek Road or its area of influence. The neighbourhood with its characteristic tree lined streets and gardens and not the subject property is visible from the identified scenic route. There are no additions to the dwelling that will be visible from the scenic route or which will have any impact on the visual quality of the route. It is therefore anticipated that the proposal will have no impact on any Heritage resources of landscape.

5.2.6 Impact on the Biophysical Environment

It is not considered that the proposed development of additional dwelling unit within an existing building on a developed erf will have any adverse impact on the biophysical environment. The subject site is located within an urban developed area and was previously disturbed. There is no identified CBA area on the subject site.

5.2.7 Traffic and Parking Consideration

Vehicular access to the property will be off existing access point off Hendrik Bergh Road, with an additional access point off Water Road to be created for access to a single garage to serve the second dwelling. The new carriageway crossing to the single garage is set away from the crossing, with the road reserve of Water Road wide enough to allow for safe entry and exit from and to the road. The development will allow for more than adequate off-street parking to support the additional second dwelling on the property. It is highly unlikely that the removal of restrictive condition and relevant departure will result in any negative impact on the traffic movement and parking in the area.

5.2.8 Mitigation by imposition of conditions

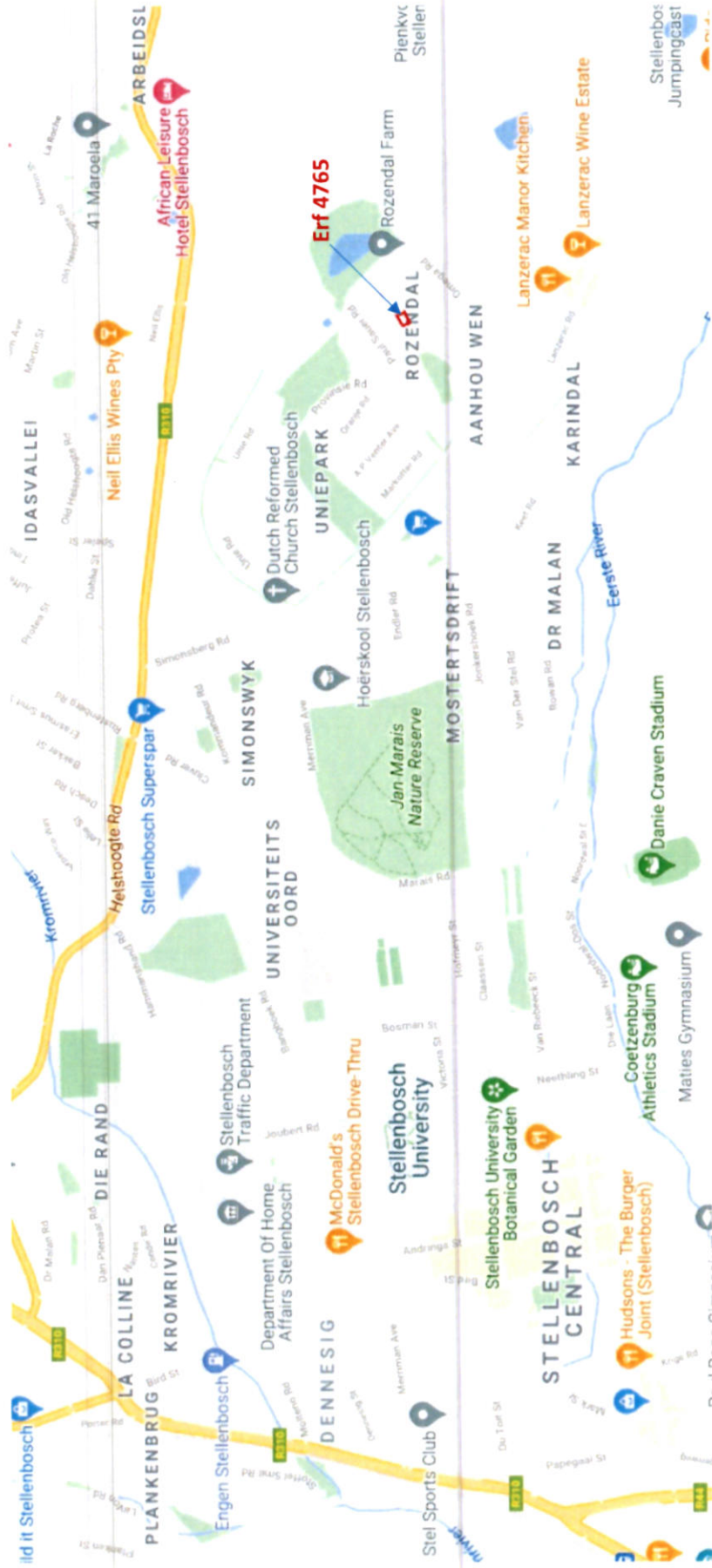
It is not considered that the proposed development of any future additional dwelling unit on the subject property within the existing building will result in any adverse impacts on the surrounding properties that will need any mitigation to be imposed. The departures applied for are limited and not envisaged to result in any adverse impact on the surrounding properties, with the relevant motivation for the departures that is provided in the report.

6. Conclusion

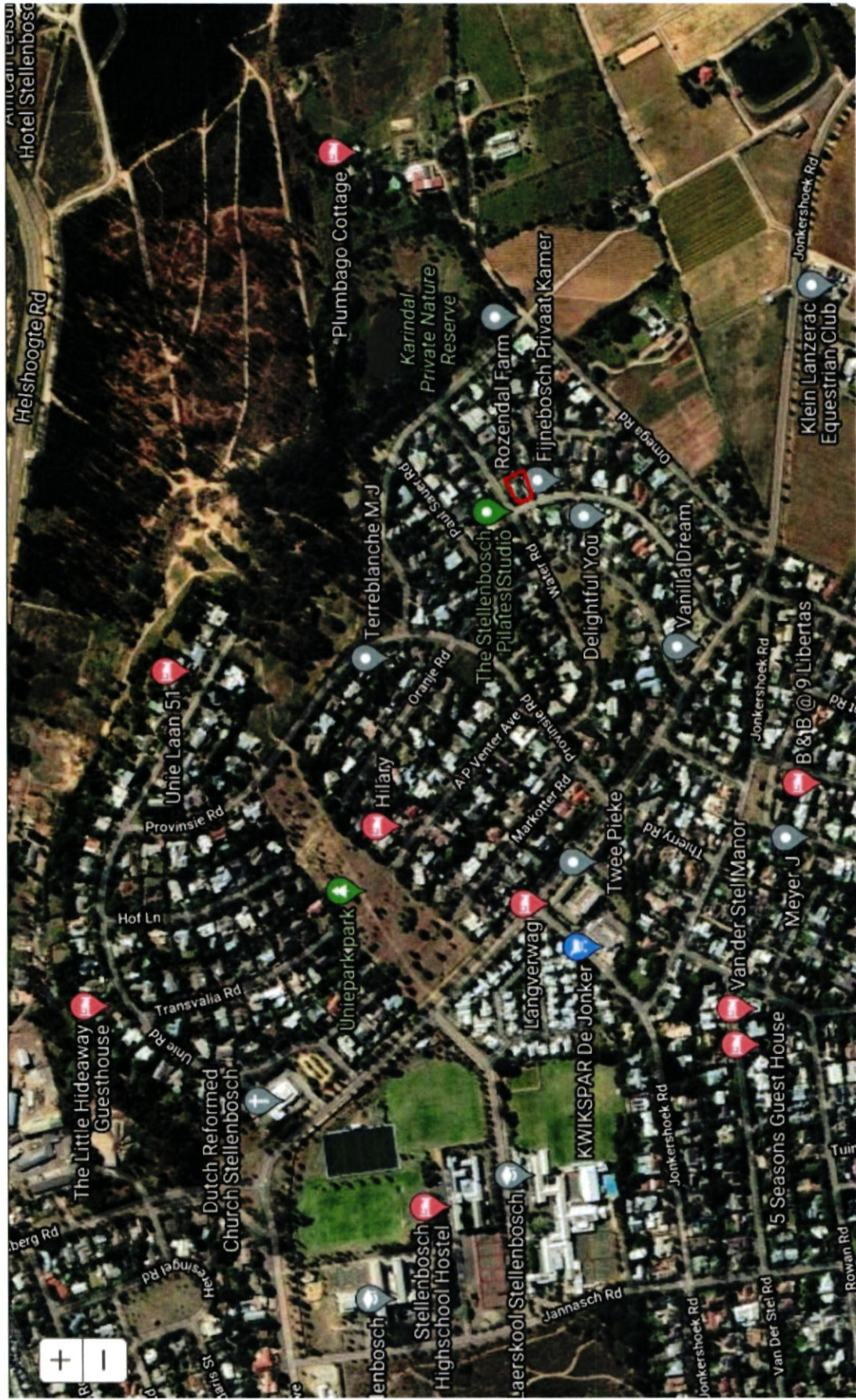
It is evident from the motivation that the proposed application for the removal of the restrictive title condition and the relevant departures, which will allow for future development of a second dwelling units on the property within the existing building, as is allowed for in the Conventional Residential Zone of the Stellenbosch Zoning Scheme, will not result in an adverse impact on any adjoining property. It is not anticipated that the removal of the restrictive title conditions will have any direct impact on any third parties' rights, the relevant Zoning Scheme By-Law still provide for adequate regulations to ensure development is done in an orderly manner with limited impact on the neighbouring properties, with the documentation to allow for the opportunity to depart from these regulations should the need exist and with due consideration of surrounding area. The future development of additional dwelling unit that will result from this application is seen as compatible with the surrounding urban area. The approval of the application will support infill development and incremental densification in an area that have limited expansion potential – allowing for more housing options within an area that is highly accessible and served by various social and commercial services.

The desirability of the removal of restrictive title conditions and departures is extensively demonstrated and supported in the report at the hand of the relevant planning legislation (SPLUMA & LUPA) and policies (SDF's, policies and By Law). The Stellenbosch Municipality can therefore consider the relevant application in a favourable manner.

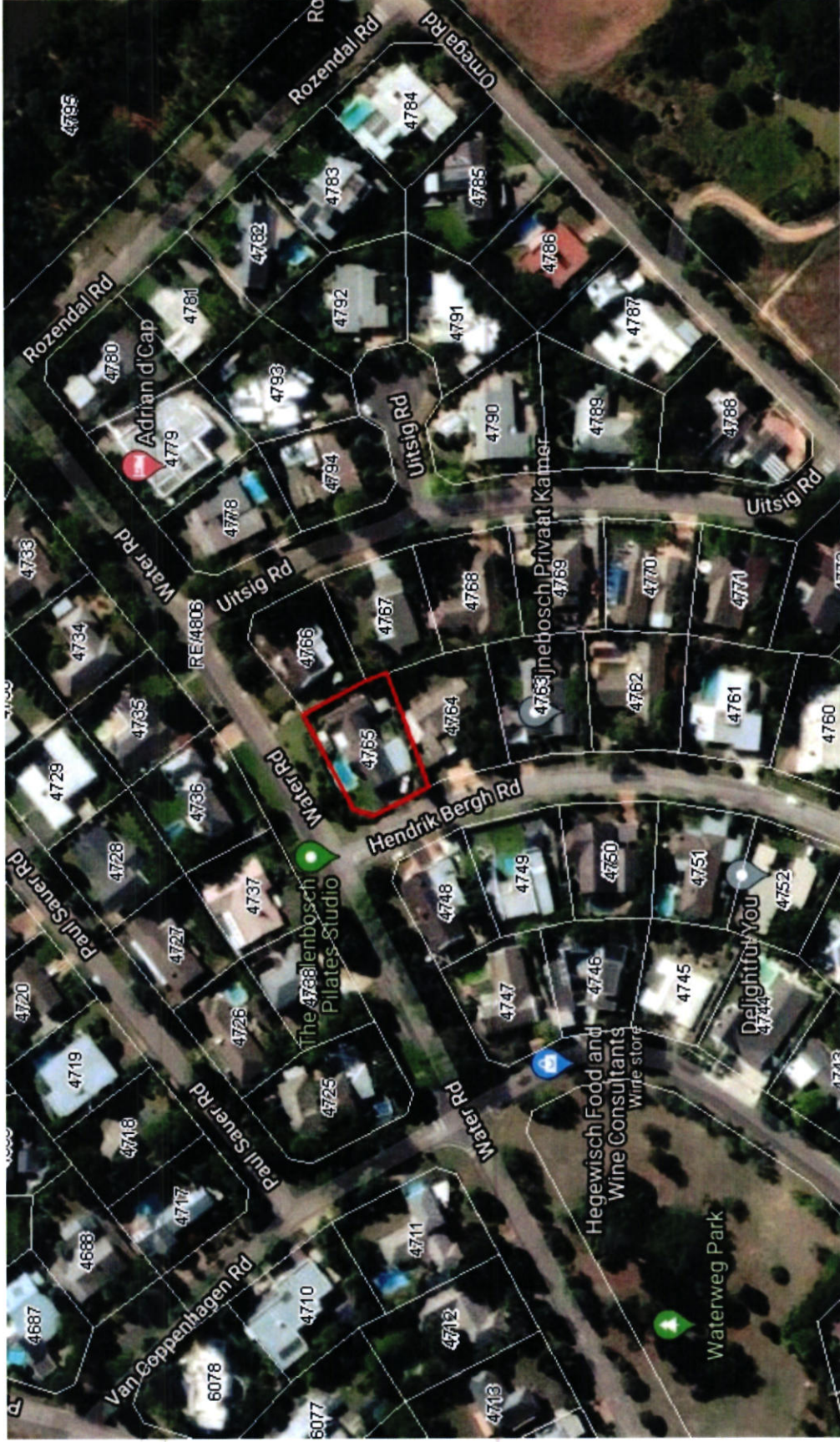
Locality



Locality of Erf 4765 Rozendal in terms of the larger Stellenbosch – located on the eastern periphery of the town between Jonkershoek Road/Martinson Road and Helshoogte Road (R301).



Rozendal and surrounding neighbourhoods with various social and commercial services.



Erf 4765 in terms of the immediate area of Rozendal

POWER OF ATTORNEY (REGISTERED OWNER'S CONSENT FORM)

I / we,Joppie Louis Mills.....(name of registered owner(s))

registered owner of the following property:

Erf 4765, Stellenbosch

c/o Water Road and Hendrik Bergh Road, Rozendal, Stellenbosch

in respect of the above-mentioned property, wish to certify that authority is hereby granted to

F R A M E to apply for:

- A Removal of Restrictive Title Conditions in *T45662/2021* in terms of *Section 15(f)* of the *Stellenbosch Municipality Land Use Planning By-Law*.
- Permanent Departure of the Development parameters for a Conventional Residential Zone in terms of *Section 15(b)* of the *Stellenbosch Municipality Land Use Planning By-Law*.
- Technical Approval for a second dwelling unit as an Additional use right in terms of Section 13 of the Stellenbosch Zoning Scheme By-Law.

The undersigned therefore nominates, constitutes and appoints the above applicant with power of substitution to be the registered owner's legal representative / agent and to act in the name, place and stead of the registered owner in the above regard. Power of attorney is accordingly hereby granted to the applicant to sign all correspondence in respect of the matter referred to above.

Owner's name *Joppie Louis Mills*

Owner's signature  Date *8/11/21*



CONVEYANCER CERTIFICATE

I/We MARTINA TOMÉ

(conveyancer's name and surname)

Practising at:

..... 1 SAPEL CILLIERS STREET
..... BELLVILLE
..... 7530

(firm and place of practice)

In respect of:

..... ERF 4765 STELLENBOSCH

(full property description (erf / farm) as it appear in title deed of same)

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

1. T 23916 | 1973
2. T 2907 | 1914
3. T 45662 | 2021
4.
5.
6.
7.
8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title: ST1234/2000 (description of title deed number and date)



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	N	
2.	Building lines	Y	N	T 45662 / 2021 Cond. 6 (b)
3.	Height	Y	N	
4.	Number of Dwellings	Y	N	T 45662 / 2021 Cond. 6 (a)
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	Y	N	
7.	Subdivision	Y	N	
8.	Servitudes that may be registered over or in favour of the property	Y	N	
9.	Other Restrictive Conditions	Y	N	

M



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

*In respect of which it was found that there *are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):*

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

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signed at Bellville (Place) on this 29 (Day) October (Month) of 2021.

Full names and Surname: MARTINA TOMÉ

Signature: [Handwritten Signature]

BILL TOLKEN HENDRIKSE ING/INC
 1 SAREL CILLIERS STREET / STRAAT 1
 BELLVILLE 7530
 TEL: 021 944 3000

MARTINA TOMÉ
 Kommissaris van Ede / Commissioner of Oaths
 Kindly endorse certificate by affixing official stamp
 Praktiserende Prokureur R.S.A. / Practising Attorney R.S.A.
 SAREL CILLIERSSTRAAT 1 / 1 SAREL CILLIERS STREET
 BELLVILLE : BELLVILLE

Tel: 021 944 3000

Email: martina@billtolken.co.za

Cell: 082 3402056

10

BILL TOLKEN HENDRIKSE INC.
1 SAREL CILLIERS STREET
BELLVILLE
TEL: (021) 944 3000

Prepared by me

CONVEYANCER
MARTINA TOMÉ (88152)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3200000,00	R. 1778,00
Reason for exemption	Category Exemption.....	Exemption i to. Sec/Reg..... Act/Proc.....

DATA / VERIFY
30 -09- 2021
YOLANDI OLIVE

T 00004562 / 2021

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

PETRUS JOHANNES GILLIE (LPC No. 81207)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

PETRA MILLS
Identity Number 530101 0141 08 0
Unmarried

DATA / CAPTURE
20 -09- 2021
VUYELWA LAMANI

which said Power of Attorney was signed at BELLVILLE on 18th AUGUST 2021.

And the appearer declared that his/her said principal had, on **25 September 2020**, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

JOPPIE LOUIS MILLS
Identity Number 791105 5070 08 1
Married out of community of property

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

ERF 4765 STELLENBOSCH
IN THE MUNICIPALITY STELLENBOSCH
DIVISION STELLENBOSCH
PROVINCE OF THE WESTERN CAPE

IN EXTENT 981 (NINE HUNDRED AND EIGHTY ONE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T23916/1973 with General Plan Number T.P. 8054 relating thereto and held by Deed of Transfer Number T19998/2010.

A. SUBJECT to the conditions referred to in Deed of Transfer Number T2907/1914.

B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T23916/1973 and imposed by the Administrator of the Cape of Good Hope when he approved the establishment of the said Township.

1. Alle woorde en uitdrukkings wat in die volgende voorwaarde gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nommer 383 van 13 Junie 1958.
2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepalings van hierdie voorwaardes moet nie opgevat word as sou dit nie bepalings van Artikel 146 van Ordonnansie Nommer 15 van 1952, soos gewysig, vervang nie.
3. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteitskabels of drade en hoof en/of ander waterpype op 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 redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verander of te inspekteer.
4. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word, omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf, tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.




H. J. J.



5. 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.
6. (a) Hierdie erf mag alleen gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Dorpekommissie en die plaaslike owerheid goedkeur, met dien verstande dat indien die erf in die gebied van 'n dorpsaanlegskema 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 behalwe met toestemming van die Administrateur nader as 6,30 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meter van enige ander grens opgerig word nie.
- (c) By konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfde voorwaardes as die wat hierin uiteengesit word, is hierdie voorwaardes op die gekonsolideerde eiendom van toepassing asof dit een 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.

C.

|



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

PETRA MILLS, Unmarried

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

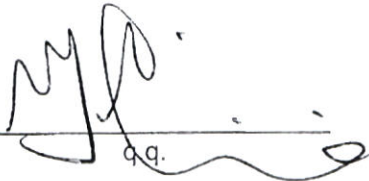
JOPPIE LOUIS MILLS, Married as aforesaid

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R3 200 000,00 (THREE MILLION TWO HUNDRED THOUSAND RAND)**.

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

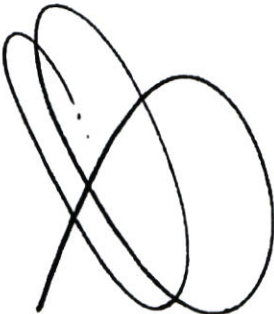
15 SEP 2021


_____ q.q.

In my presence



REGISTRAR OF DEEDS







TP 8054

— ALGEMENE PLAN —

C.D.R.

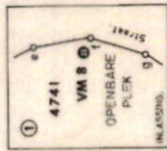
— STELLENBOSCH UITBREIDING NO 16 —

(STELLENBOSCH TOEKENNINGSGBIED)

SKAAL 1:1200

Opgemeet gedurende September tot Desember 1969

LANDMETER



8054 SHT1

C.D.R.

Hierdie plan bestaan uit twee velde

VEL 1

L.G. No. 10625/69.
Goedgekeur

Landmeter-generaal

10.10.1969

L.G. KANTOOR NOTAS

GED 7-1-6 RIJNS
ROZENDAL No 328

GED 4-1-6 RIJNS
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GED 10-1-6 RIJNS
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GED 93-1-6 RIJNS
ROZENDAL No 328

GED 94-1-6 RIJNS
ROZENDAL No 328

GED 95-1-6 RIJNS
ROZENDAL No 328

GED 96-1-6 RIJNS
ROZENDAL No 328

GED 97-1-6 RIJNS
ROZENDAL No 328

GED 98-1-6 RIJNS
ROZENDAL No 328

GED 99-1-6 RIJNS
ROZENDAL No 328

GED 100-1-6 RIJNS
ROZENDAL No 328

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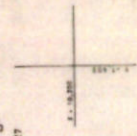
SEMPTUIT NOTAS

- Die lyn 4741 stel die noord-oostelike kant van 'n OPENBARE SEMPTUIT.
- 20 kappas voet syd. 4741, volgens Kaart No 1458/53 SA 143/54.
- Die lyn 4742 stel die noord-oostelike kant van Semptuit Weg van Weg.
- Die lyn 4743 stel die oostelike kant van Semptuit Weg van Weg.
- 50 kappas voet syd. voor 'n volgende T/A 1000/1000.
- Die lyn 4744 - 4745 stel die suid-oostelike kant van 'n Stormwater Semptuit 10 kappas voet (3,10m) voor.

Tanky anders gemeld is alle afstande wat heuse stompung 15 00 voet

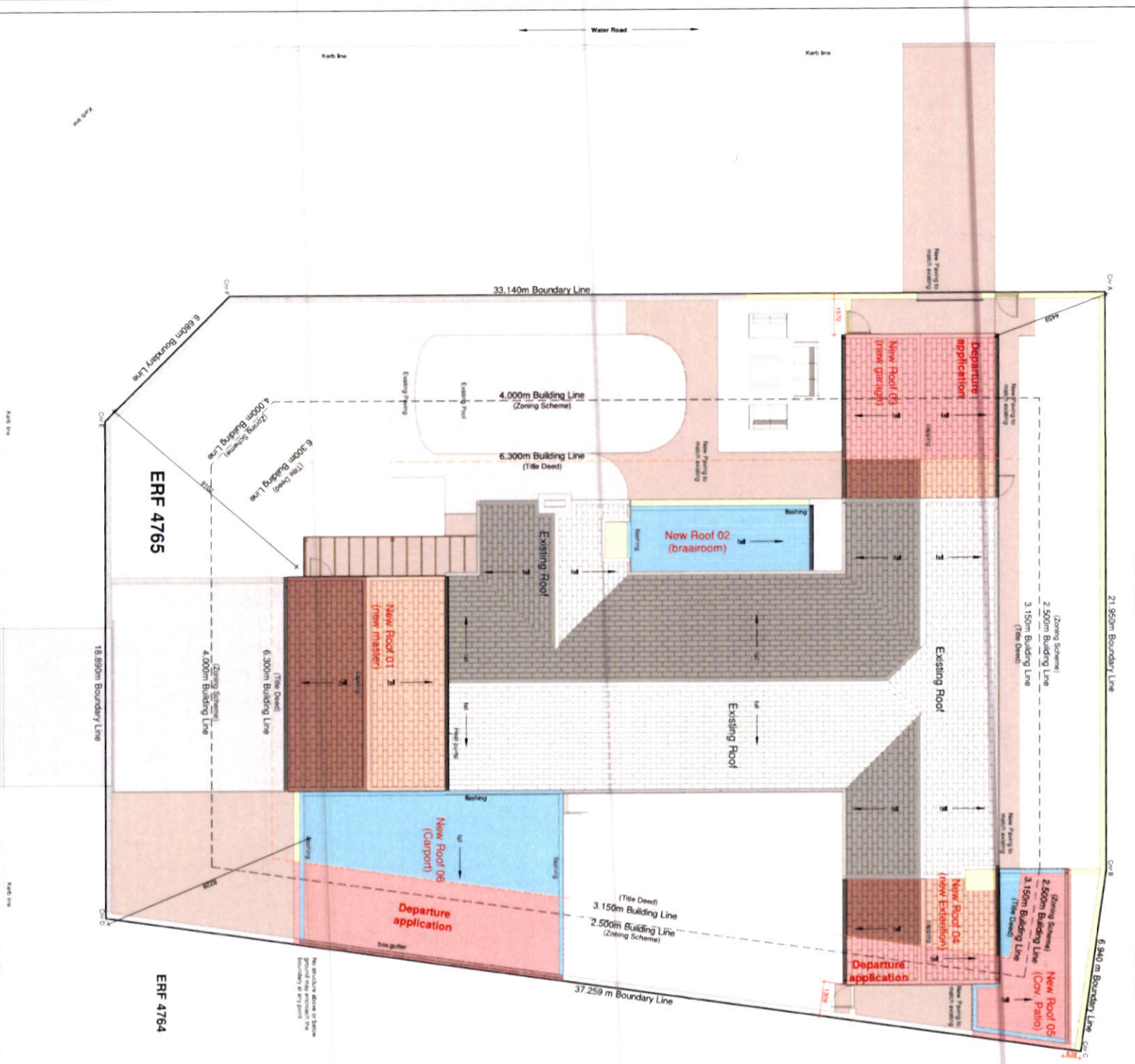
L.G. Leer No. STEL 328.
Meetstukke No. E. 2802/69.
Komplisie: BH-8 DB / 2.14. - 2 / 2
Kaart: No 3116 / 1913

(032723)
(032724)
(032725)



Die plaaie LANZERAC No 327

Development Data:	
Site Area	962,00 sqm
Ground Storey (Existing):	240,00 sqm
House	201,00 sqm
Garage	39,00 sqm
Existing Covered (Used proposed):	27,00 sqm
Covered entrance (proposed stairs and entrance)	12,00 sqm
Covered entrance (proposed stairs and entrance)	12,00 sqm
Ground Storey (Proposed)	
Garage	62,00 sqm
Stairs	9,00 sqm
Braairoom	27,00 sqm
Carport	21,00 sqm
Study	14,00 sqm
Garage	22,00 sqm
Covered patio	
Entrance	18,00 sqm
Carport	3,00 sqm
Bedroom	45,00 sqm
Bedroom	45,00 sqm
First Storey (Proposed):	
Bedroom	49,00 sqm
Bedroom	45,00 sqm
Grand Total:	
Coverage (43,17%)	424,00 sqm



Site and Roof Plan
Scale: 1:100



Ground Storey Gross Area Plan
Scale: 1:250



Ground Storey Net Floor Area Plan
Scale: 1:250

First Storey Gross Area Plan
Scale: 1:250

First Storey Net Floor Area Plan
Scale: 1:250

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Owner: [Signature]

ERF Number:

Signature: [Signature] **Date:**

ERF Number:

Municipal Approval Stamp:

Property description: H4 - Dwelling House
ERF 4765, Rozendal, Stellenbosch
c/o Water Road and Hendrik Bergh Road

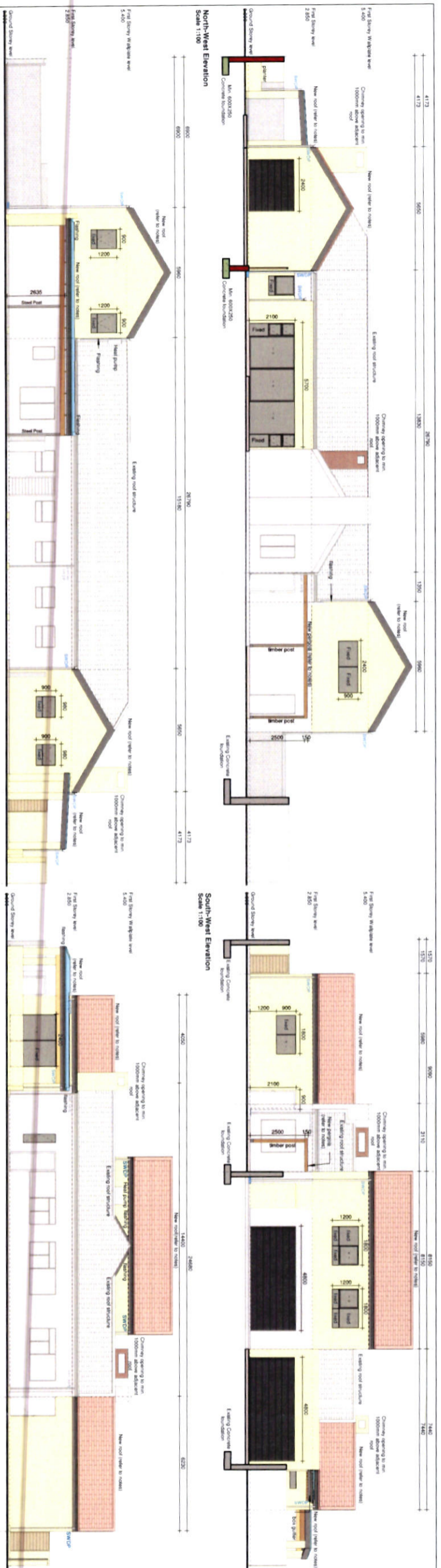
Project description: Additions and Alterations, Boundary Wall, Pergola

Sheet description: Site and roof plan & Area plans

Project number: 20-055
Sheet number: 001
Project status: Council Submission

Project Date: [Date]
Designed by: [Name]
Drawn by: [Name]
Issue Date: [Date]
Scale: As indicated
Page Size: A1

REMIER VAN JAARSVELD
RED ATLANTIC architecture



OWNER

ERF Number

Signature

Date

South-East Elevation

Scale 1:100

North-West Elevation

Scale 1:100

GENERAL NOTES:

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

2. The contractor shall be responsible for obtaining all necessary permits and approvals.

3. The contractor shall be responsible for the safety of all workers and the public.

4. The contractor shall be responsible for the protection of all existing structures and utilities.

5. The contractor shall be responsible for the disposal of all waste materials.

6. The contractor shall be responsible for the completion of all work within the specified time frame.

7. The contractor shall be responsible for the maintenance of all work until the final inspection.

8. The contractor shall be responsible for the payment of all subcontractors and suppliers.

9. The contractor shall be responsible for the payment of all taxes and levies.

10. The contractor shall be responsible for the payment of all insurance premiums.

11. The contractor shall be responsible for the payment of all other charges.

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Item No.	Description	Quantity	Unit	Notes
0-001	Roofing - Asphalt/Flt Shingles	1	Sq. M	As per drawings
0-002	Roofing - Gypsum Board	1	Sq. M	As per drawings
0-003	Roofing - Insulation	1	Sq. M	As per drawings
0-004	Roofing - Ridge Cap	1	Sq. M	As per drawings
0-005	Roofing - Flashing	1	Sq. M	As per drawings
0-006	Roofing - Drip Edge	1	Sq. M	As per drawings
0-007	Roofing - Ventilation	1	Sq. M	As per drawings
0-008	Roofing - Eave Trim	1	Sq. M	As per drawings
0-009	Roofing - Gutter	1	Sq. M	As per drawings
0-010	Roofing - Downspout	1	Sq. M	As per drawings
0-011	Roofing - Fascia	1	Sq. M	As per drawings
0-012	Roofing - Soffit	1	Sq. M	As per drawings
0-013	Roofing - Batten	1	Sq. M	As per drawings
0-014	Roofing - Ridge Beam	1	Sq. M	As per drawings
0-015	Roofing - Truss	1	Sq. M	As per drawings
0-016	Roofing - Rafters	1	Sq. M	As per drawings
0-017	Roofing - Joists	1	Sq. M	As per drawings
0-018	Roofing - Decking	1	Sq. M	As per drawings
0-019	Roofing - Parquet	1	Sq. M	As per drawings
0-020	Roofing - Tiles	1	Sq. M	As per drawings
0-021	Roofing - Slate	1	Sq. M	As per drawings
0-022	Roofing - Copper	1	Sq. M	As per drawings
0-023	Roofing - Zinc	1	Sq. M	As per drawings
0-024	Roofing - Lead	1	Sq. M	As per drawings
0-025	Roofing - Slate	1	Sq. M	As per drawings
0-026	Roofing - Slate	1	Sq. M	As per drawings
0-027	Roofing - Slate	1	Sq. M	As per drawings
0-028	Roofing - Slate	1	Sq. M	As per drawings
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0-049	Roofing - Slate	1	Sq. M	As per drawings
0-050	Roofing - Slate	1	Sq. M	As per drawings

RED ATLANTIC architecture

House Mills

REMIER VAN JAARSVELD

House Mills

Property description

ERF 4765, Rozendal, Stellenbosch

c/o Water Road and Hendrik Bergh Road

Project description

Additions and Alterations, Boundary Wall, Pergola

Sheet description

Elevations, Notes & Window and door schedule

Project number 20-055

Sheet number 201

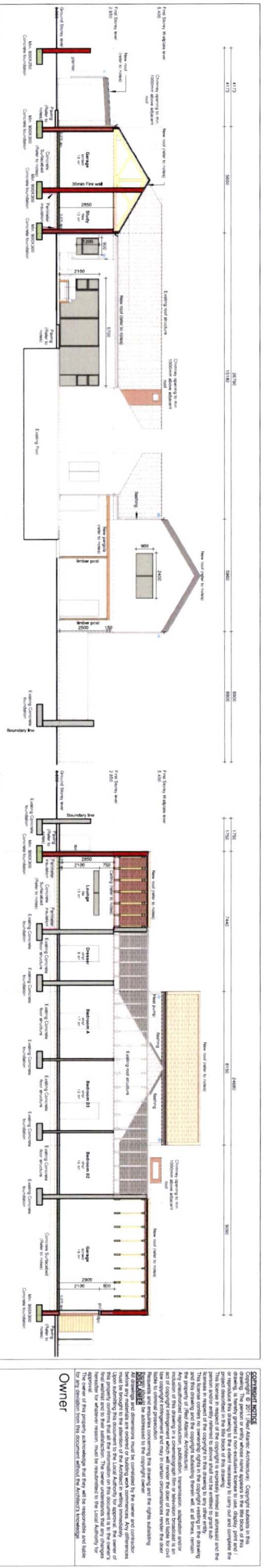
Project status Drawn by

Designed by [Name]

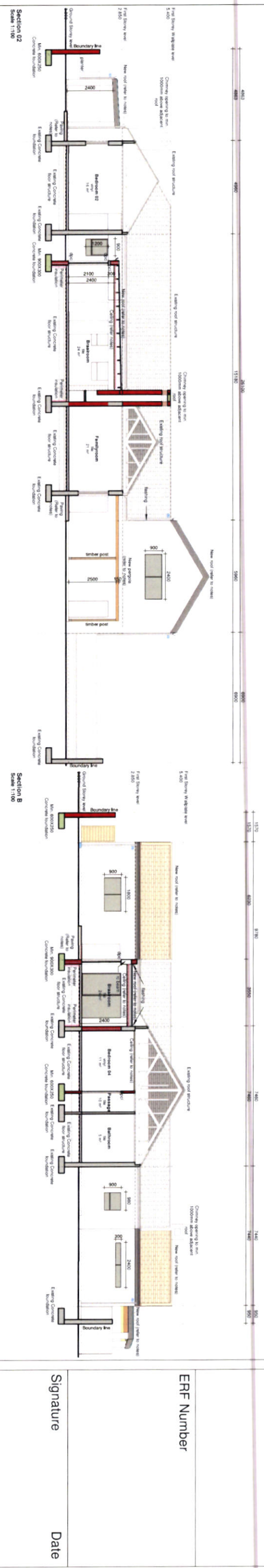
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Issue Date 2020/10/25 15:45:41

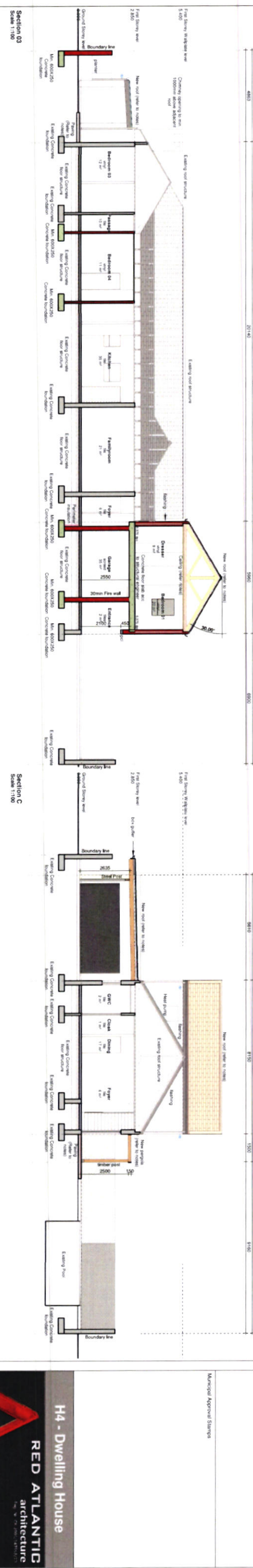
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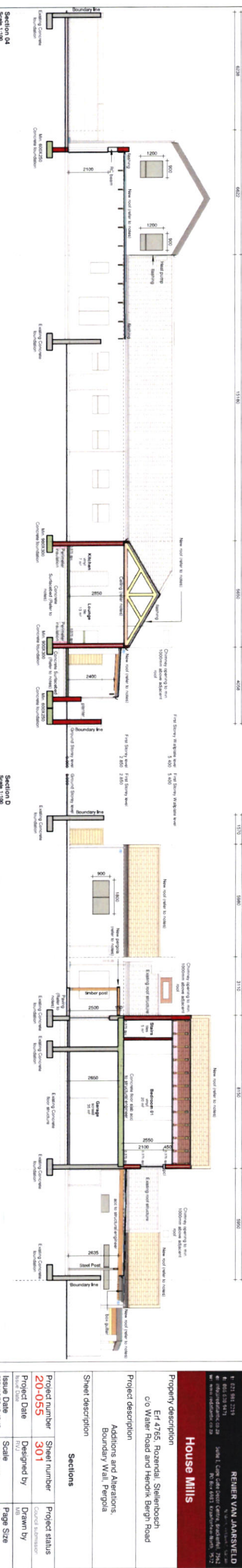
Section 01
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Section 02
Scale 1:100



Section 03
Scale 1:100



Section 04
Scale 1:100

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Owner

ERF Number

Signature Date

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architecture

H4 - Dwelling House

House Mills

Property description
Erf 4765, Rozendal, Stellenbosch
Co Water Road and Heroldk Bergh Road

Project description
Additions and Alterations,
Boundary Wall, Pergola

Sheet description
Sections

Project number	20-055	Sheet number	301	Project status	Final
Project Date	2021/05/15	Designed by	FVJ	Drawn by	MB
Issue Date	2021/05/15	Scale	as indicated	Page Size	A1

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R: Red Atlantic Architecture, 79/2



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DUPLICATE RECEIPT

Receipt M/c: DIRI Duplicate Rec.No: 185960 Date: 22/11/2021

Local Authority: Stellenbosch Municipality

1 STB N 7500.00

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DIRECT 030111060201 LU/13422 ERF 4765

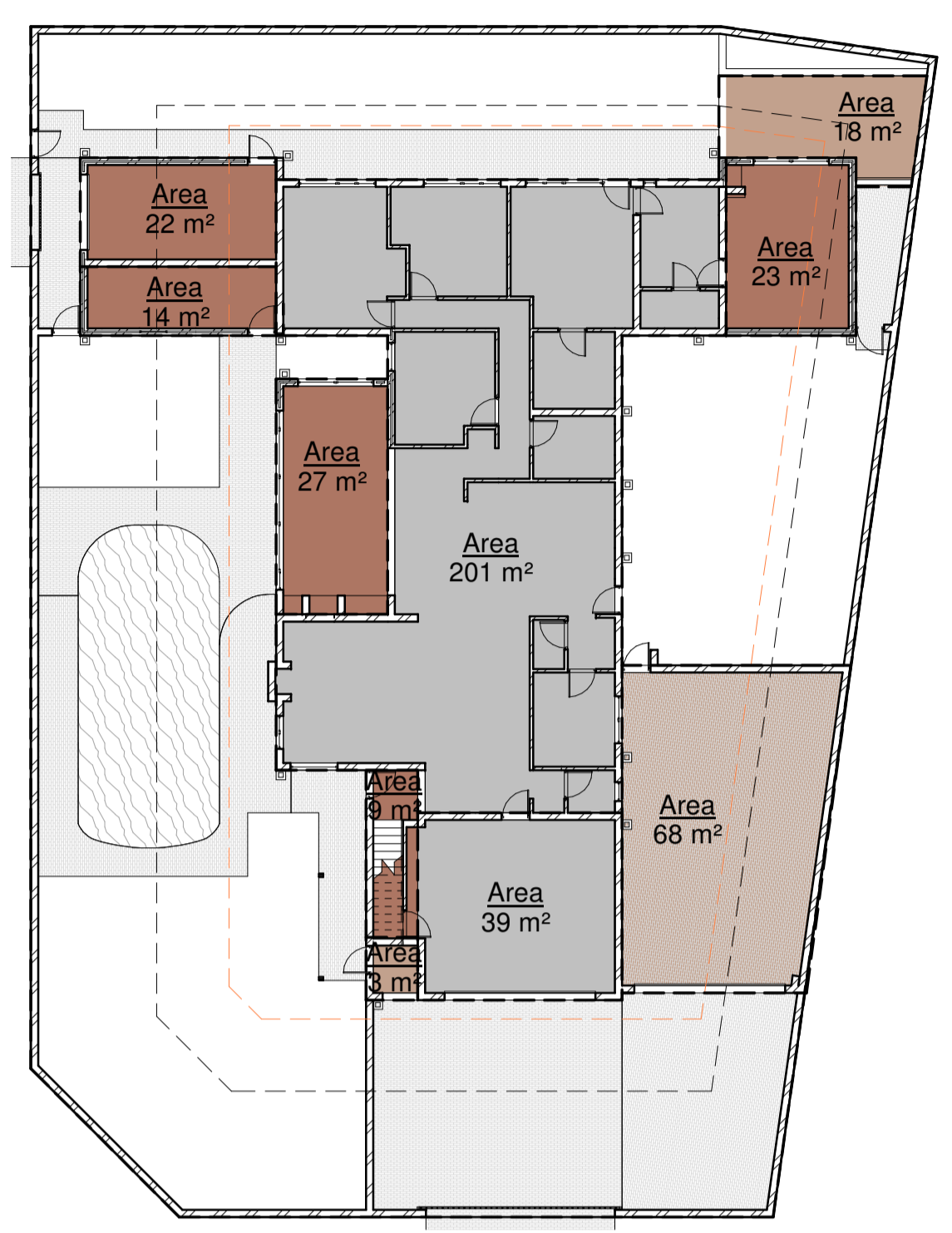
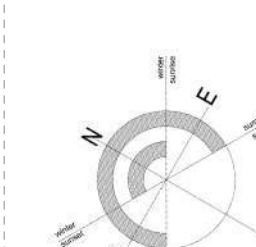
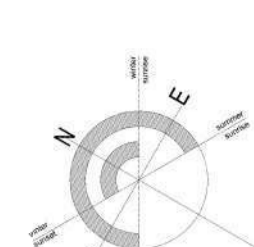
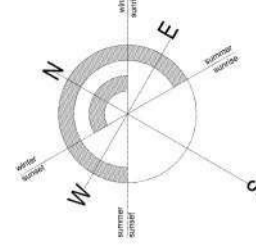
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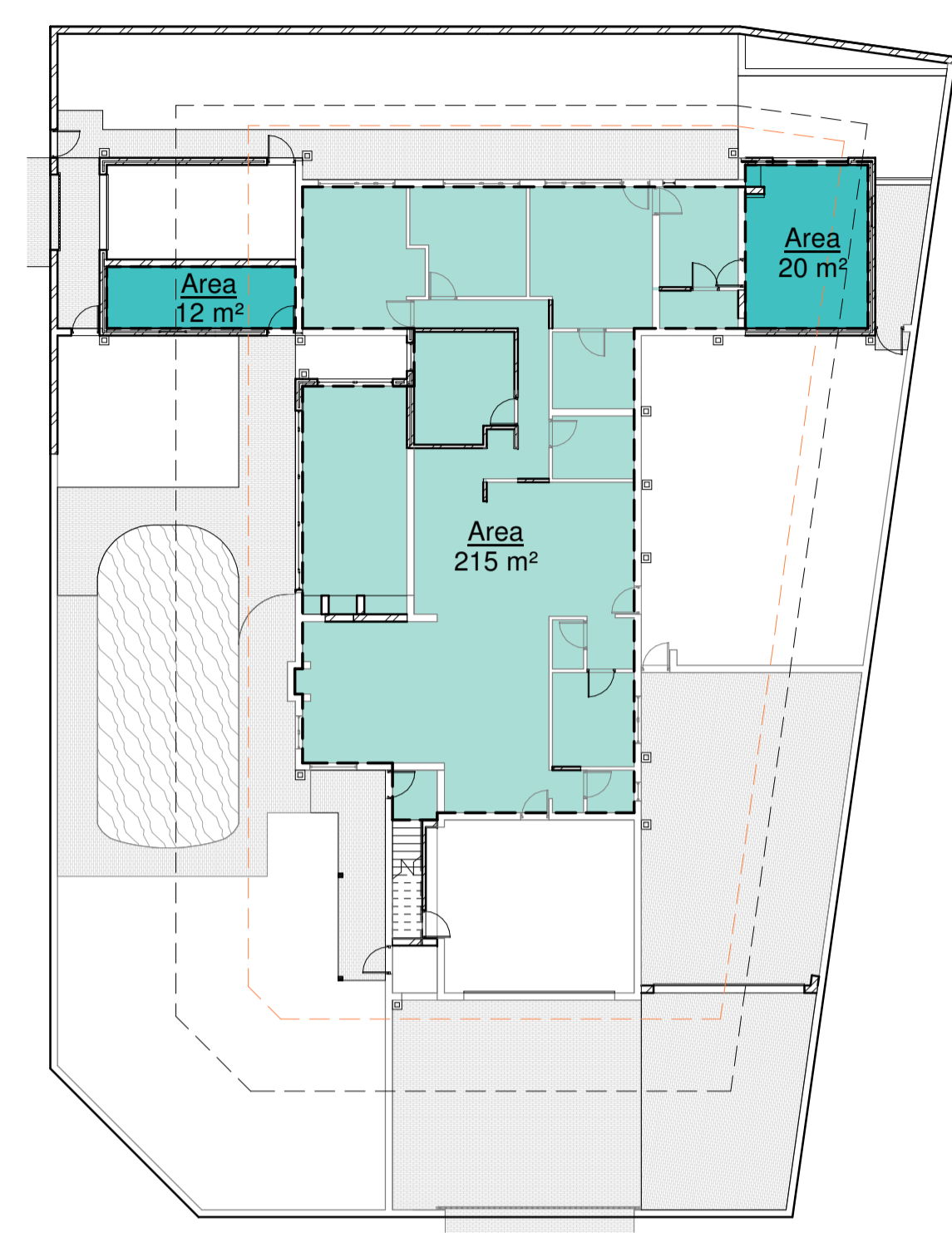
AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

✉ 17, STELLENBOSCH 7599
☎ 021 808-8578 / 8547 / 8546
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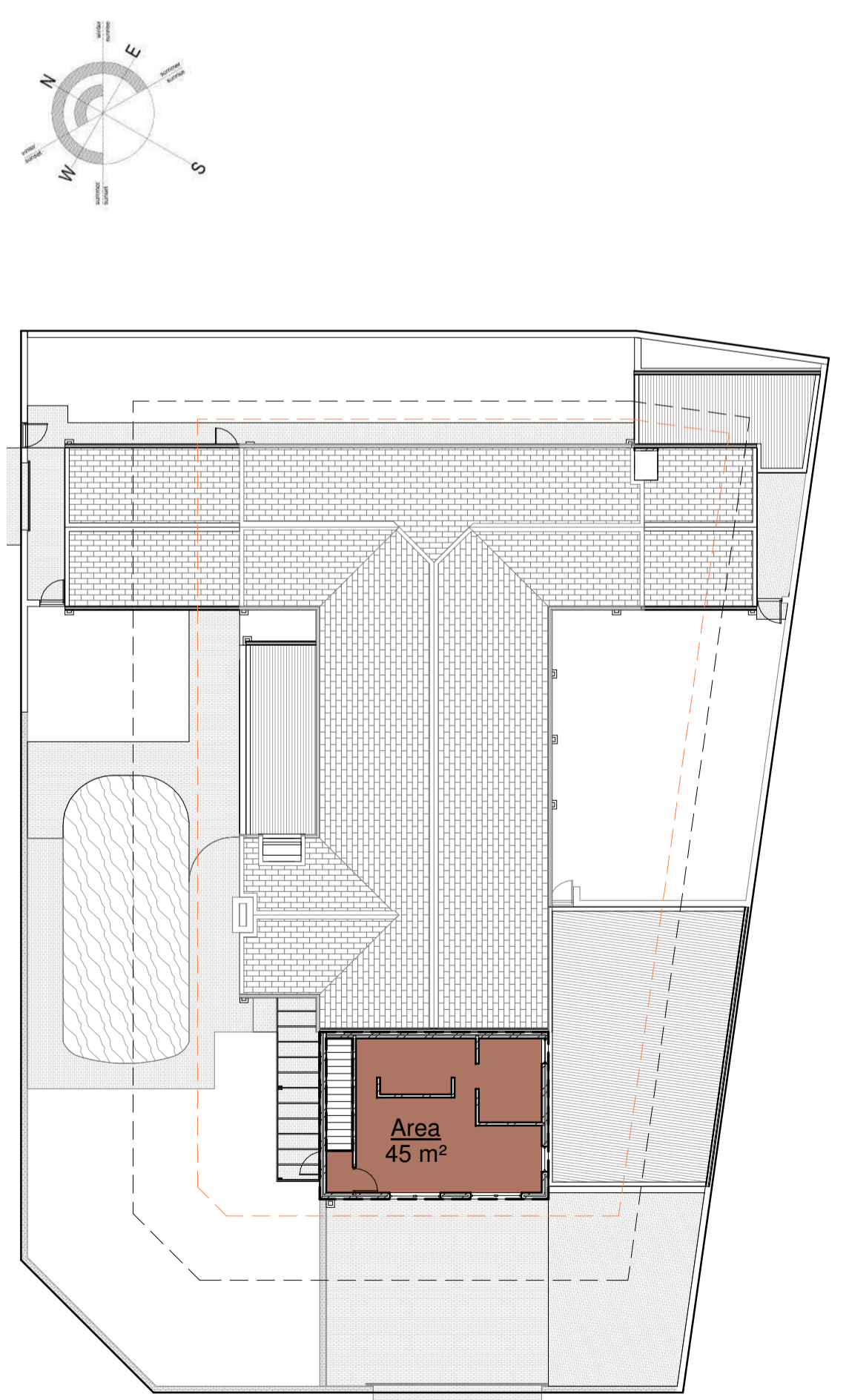
Development Data:	982.00 sqm
Site Area	
Ground Storey (Existing):	240.00 sqm
House	201.00 sqm
Garage	39.00 sqm
Existing converted (See proposed):	
Covered patio (proposed braairoom)	27.00 sqm
Covered entrance (proposed stairs and entrance)	12.00 sqm
Ground Storey (Proposed):	95.00 sqm
Braairoom	27.00 sqm
Stairs	9.00 sqm
Extension	23.00 sqm
Study	14.00 sqm
Garage	22.00 sqm
99.00 sqm	
Covered patio	18.00 sqm
Entrance	3.00 sqm
Carport	68.00 sqm
First Storey (Proposed):	45.00 sqm
Bedroom	45.00 sqm
Grand Total	469.00 sqm
Coverage (43.17%)	424.00 sqm



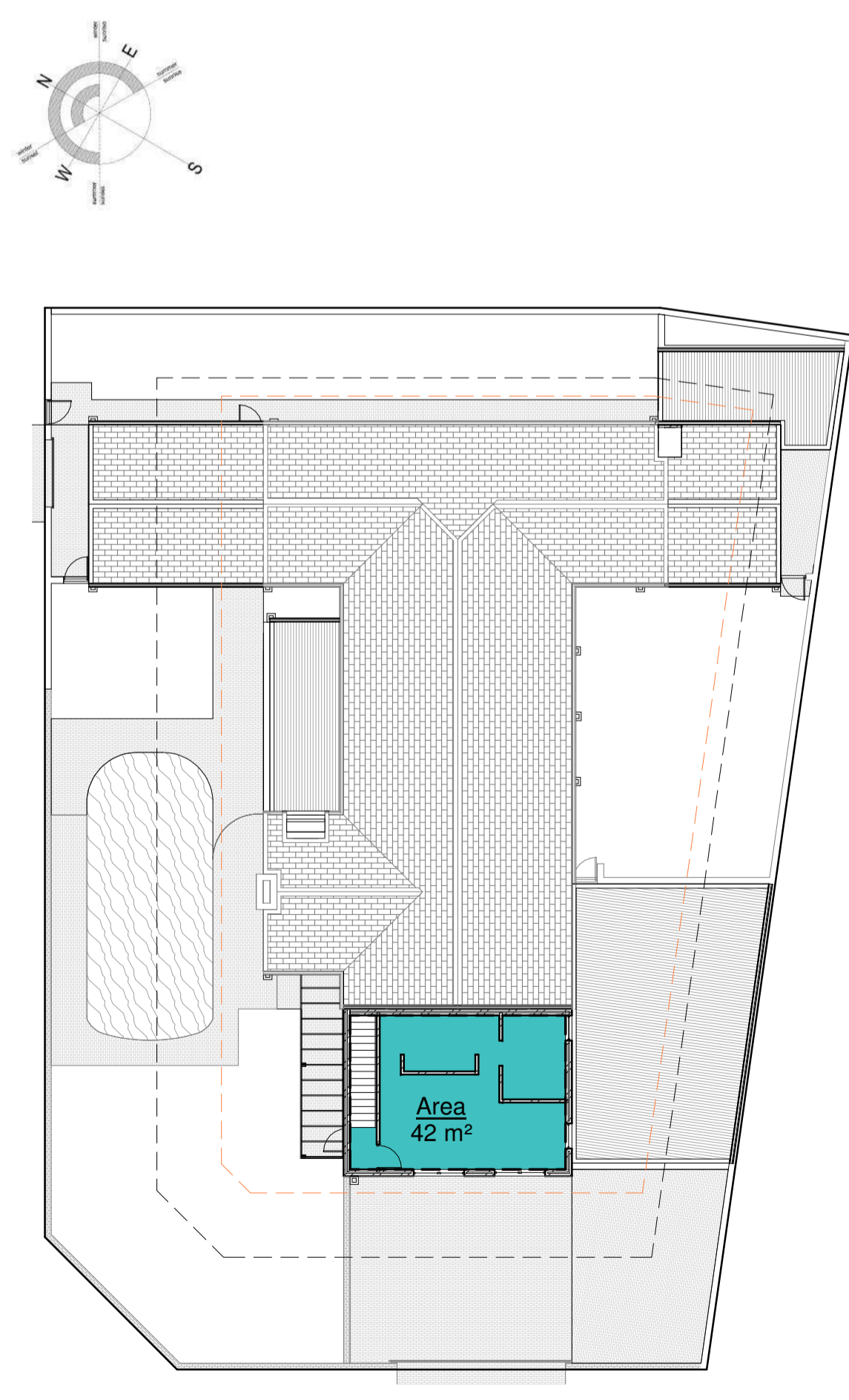
Ground Storey Gross Area Plan
Scale 1:250



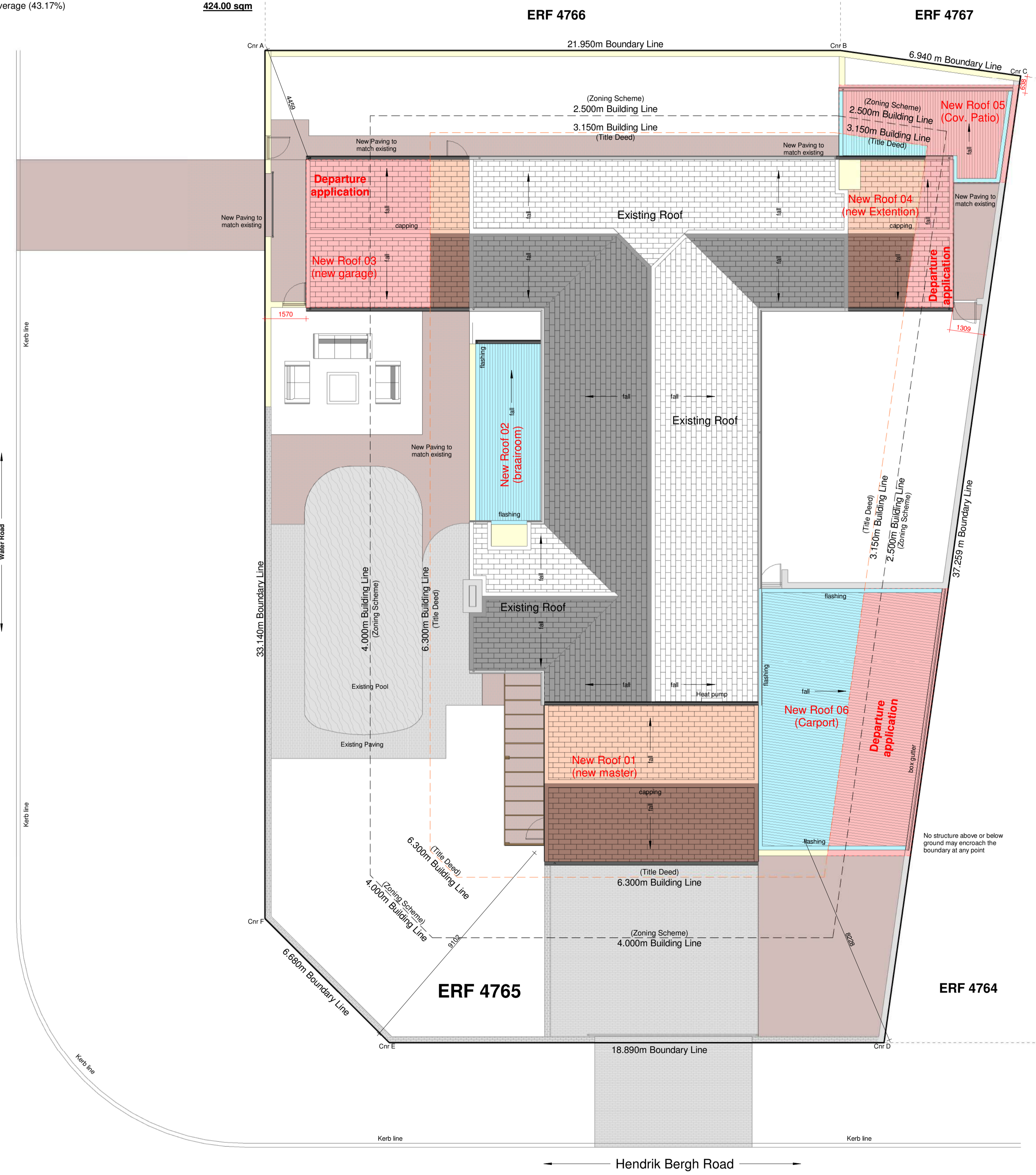
Ground Storey Nett Floor Area Plan
Scale 1:250



First Storey Gross Area Plan
Scale 1:250



First Storey Nett Floor Area Plan
Scale 1:250



Site and Roof Plan
Scale 1:100

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Owner

ERF Number

Signature **Date**

Municipal Approval Stamps

H4 - Dwelling House
RED ATLANTIC architecture
Reg. Nr. CK 2006/147566/23

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w: www.redatlantic.co.za

NDArch, PrSArchT, SAACP
Suite 1, Cape Gate Decor Centre, Brackenfell, 7562
PO Box 6983, Kraaifontein-North, 7572

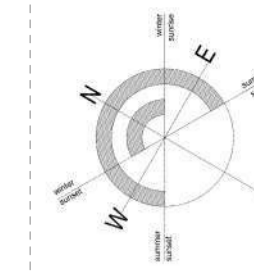
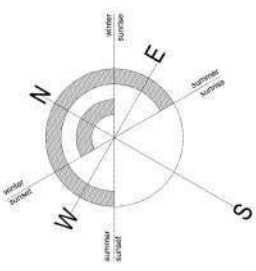
House Mills

Property description
Erf 4765, Rozendal, Stellenbosch
c/o Water Road and Hendrik Bergh Road

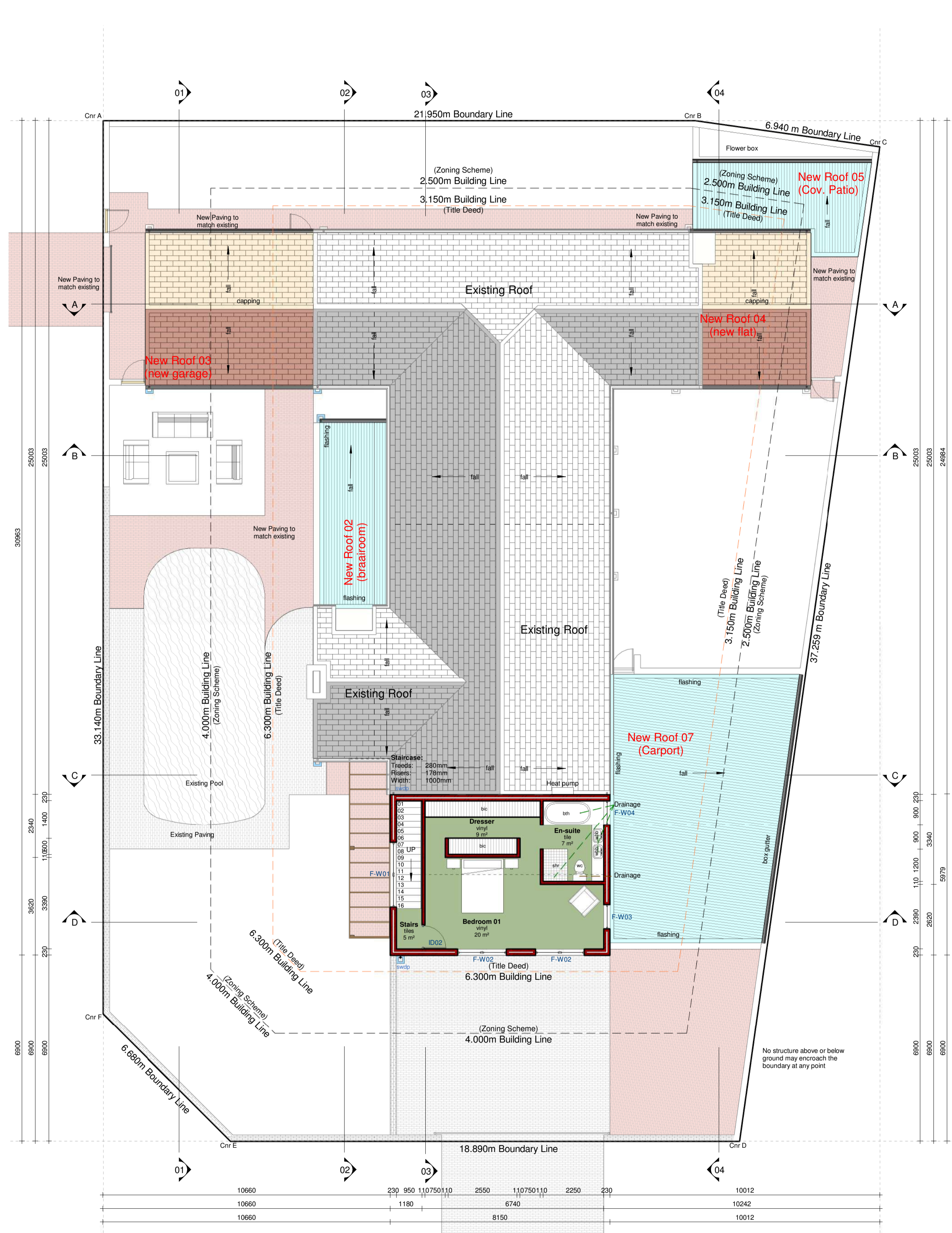
Project description
Additions and Alterations,
Boundary Wall, Pergola

Sheet description
Site and Roof plan & Area plans

Project number 20-055	Sheet number 001	Project status Council submission
Project Date Issue Date 2021/10/25 15:45:33	Designed by RVJ	Drawn by MB
Issue Date 2021/10/25 15:45:33	Scale as indicated	Page Size A1



Ground Storey Plan
Scale 1:100



First Storey Plan
Scale 1:100

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Owner

ERF Number

Signature

Date

Municipal Approval Stamps

H4 - Dwelling House
RED ATLANTIC
architecture
Reg. Nr. CK 2005/147566/23

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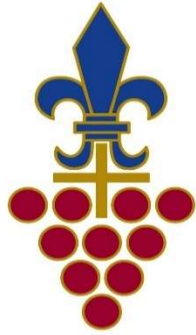
House Mills

Property description
Erf 4765, Rozendal, Stellenbosch
c/o Water Road and Hendrik Bergh Road

Project description
Additions and Alterations,
Boundary Wall, Pergola

Sheet description
Floor Plans

Project number 20-055	Sheet number 101	Project status Council submission
Project Date Issue Date	Designed by RVJ	Drawn by MB
Issue Date 2021/10/25 15:45:36	Scale as indicated	Page Size A1



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STELLENBOSCH MUNICIPAL WEBSITE (www.stellenbosch.gov.za)**

**ADVERTISING PERIOD: e.g. 3 March 2022 until 4th of April 2022
Erf 4765, Rosendal, Stellenbosch**

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