

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

Sir / Madam

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

Application Property Address: 2 Sultan Street, Die Boord, Stellenbosch

Application Property Number: Erf 5640, Stellenbosch

Applicant: TV3 Projects (Pty) Ltd – W. Hanekom (contact details: 021 861 3800)

Owner: Paul Roos 150 Trustfonds

Application Reference: LU/14663

Application Type: amendment of a restrictive title condition, subdivision and technical approval

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

Description of the proposed development

1. Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following on Erf 5640, Die Boord. Stellenbosch:
 - 1.1 Subdivision in terms of Section 15(2)(d) of the subject property into two portions measuring 512m² for Portion 1 and Portion 2 respectively.
 - 1.2 Permission required in terms of the zoning scheme for an additional use in terms of Section 15(2)(g) to allow for a second dwelling unit on both Portion 1 and Portion 2.
2. The Administrator's consent to relax the restrictive title deed condition(s) contained in Title Deed No. T. 19523/2022, Clause C(5)(b) in order to relax the restrictive title deed street building lines from 4,6m to 4,0m and common building lines from 2,3m to 0m in order to accommodate the proposed dwelling house and second dwelling unit (together with garages) on both Portion 1 and Portion 2.

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

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

- The comments must be made in writing;

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

The comments must be addressed to the applicant by electronic mail as follows: TV3 Projects (Pty) Ltd – W. Hanekom wagener@tv3.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 **12 December 2022**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 861 3800 during normal office hours.

Yours faithfully

**WAGENER HANEKOM
TV3 PROJECTS (PTY) LTD**

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

Meneer / Dame

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

Adres van aansoek eiendom: 2 Sultanstraat, Die Boord, Stellenbosch

Aansoek eiendom beskrywing: Erf 5640, Stellenbosch

Aansoeker: TV3 Projects (Pty) Ltd – W. Hanekom (kontak besonderhede: 021 861 3800)

Eienaar: Paul Roos 150 Trustfonds

Aansoek Verwysing: LU/14663

Tipe Aansoek: wysiging van 'n beperkende titelvoorwaardes, onderverdeling en tegniese goedkeuring

1. Aansoek word hiermee gemaak in terme van die Stellenbosch Munisipaliteit se Beplanning Bywet, gepromulgeer deur kennisgewing nommer 354/2015, gedateer 20 Oktober 2015, vir die volgende op Erf 5640, Die Boord, Stellenbosch:
 - 1.1 Onderverdeling ingevolge Artikel 15(2)(d) van die aansoek eiendom in twee gedeeltes wat elk 512m² groot is vir Gedeelte 1 en Gedeelte 2 onderskeidelik.
 - 1.2 Toestemming vereis ingevolge die soneringskema vir 'n addisionele gebruik ingevolge Artikel 15(2)(g) om voorsiening te maak vir 'n tweede wooneenheid op beide Gedeelte 1 en Gedeelte 2.
2. Die Administrateur se toestemming om die beperkende titelaktevoorwaarde(s) vervat in Titelakte No. T. 19523/2022, Klousule C(5)(b) te verslap ten einde die beperkende titelakte straatboulyne van 4,6m tot 4,0m en gemeenskaplike boulyne van 2,3m tot 0m te verslap ten einde die voorgestelde woonhuise en tweede wooneenhede (saam met motorhuise) op beide Gedeelte 1 en Gedeelte 2 te akkommodeer.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

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

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

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;

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

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: TV3 Projects (Pty) Ltd – W. Hanekom wagener@tv3.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.

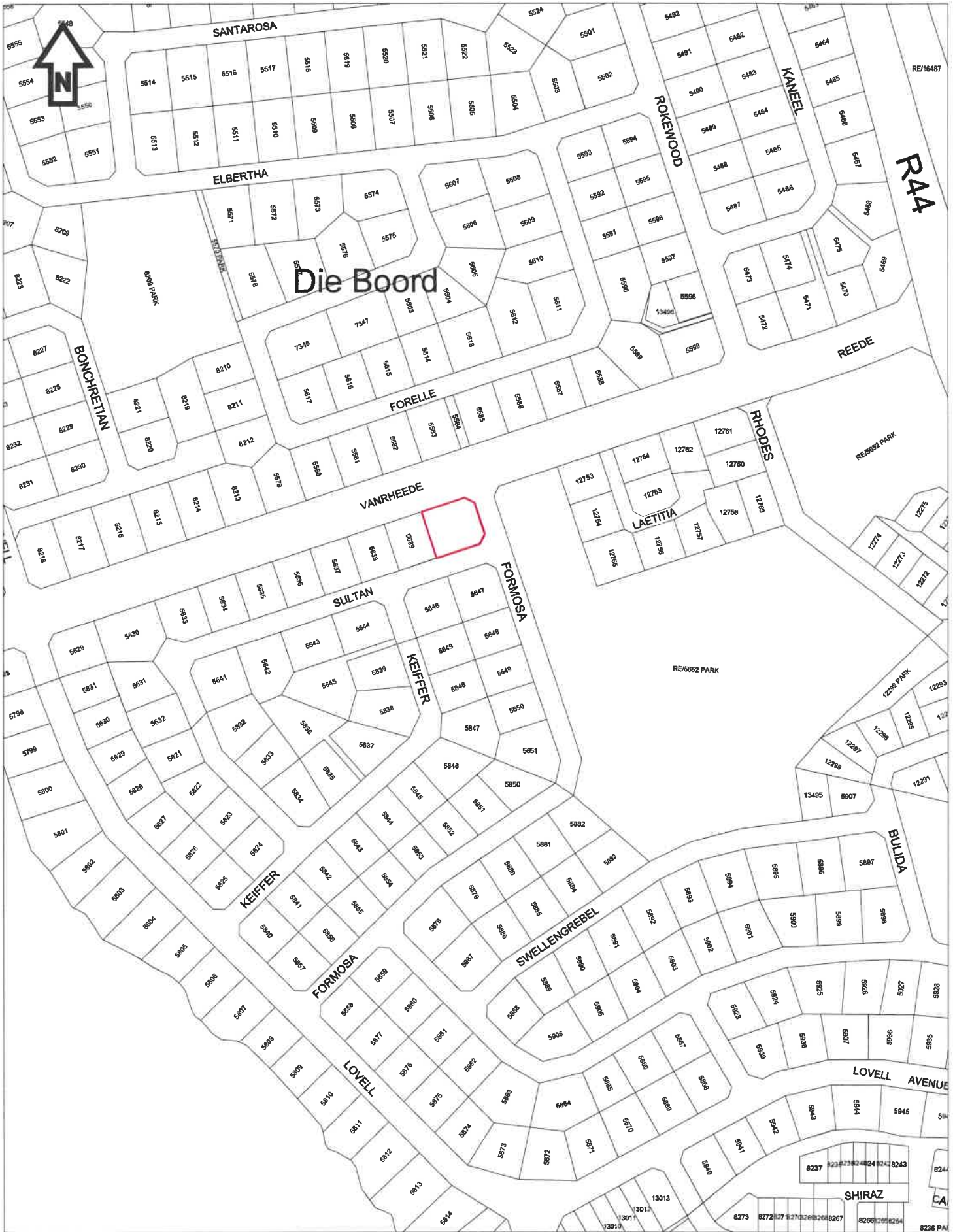
Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **12 Desember 2022**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermeldde elektroniese pos adres of telefonies by 021 861 3800 gedurende normale kantoor ure.

Die uwe

**WAGENER HANEKOM
TV3 PROJECTS (PTY) LTD**



**ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS**

FIRST FLOOR LA GRATITUDE OFFICE BUILDING | 97 DORP STREET
STELLENBOSCH 7600 | TEL +27 (21) 861 3800 | www.tv3.co.za

Erf 5640, Stellenbosch

Drawing:		Plan no.:	
Local Locality		2	
Date:	06/06/2022	Scale:	1:250 (A4)
Project no.:	3764-P	Drawn:	WH
		Checked:	CH

Our Reference: 3764-P
Reference No: LU/14663

11 October 2022

Director: Planning and Development Services
Stellenbosch Municipality
Town House
7600 STELLENBOSCH

Attention: Ms. Chrizelle Kriel

Madam

**APPLICATION FOR THE AMENDMENT OF A RESTRICTIVE TITLE CONDITION,
SUBDIVISION AND TECHNICAL APPROVAL ON ERF 5640, STELLENBOSCH**

1. LAND USE PLANNING APPLICATIONS

We refer to the pre-application scrutiny feedback dated 15 June 2022 and subsequent email and telephonic discussion dated 9 October 2022 with Ms. Louisa Guntz (Planning and Development Services).

Pertaining to Erf 5640, Stellenbosch application is made:

- In terms of Section 15. (2)(f) of the Stellenbosch Municipality Planning By-law, 2015 for the **removal, suspension or amendment of restrictive conditions** in respect of a land unit; i.e., to amend title condition no C.5 (b).
- In terms of Section 15. (2)(d) of the Stellenbosch Municipality Planning By-law, 2015 for the **subdivision** of the subject property into two portions of $\pm 512\text{m}^2$ each.
- In terms of Section 15. (2)(g) of the Stellenbosch Municipality Planning By-law, 2015 for a permission required in terms of the zoning scheme; i.e. for a **technical approval** to permit a second dwelling on the subdivided portions.

A Subdivision Plan and a Site Development Plan clearly illustrating the proposed subdivision and development, are attached hereto for your approval.

2. PROPERTY DETAILS

The subject property is located at 2 Sultan Street, in Die Boord, Stellenbosch – see Figure 1 below.



Figure 1: Erf 5640, Die Boord, Stellenbosch

The subject property is described in the Deed of Transfer No. T19523/2022 as Erf 5640, Stellenbosch.

The Paul Roos 150 Trustfonds is the registered owner of the subject property.

The subject property is 1024m² in extent.

3. DEVELOPMENT PROPOSAL

There is an existing single residential dwelling on the subject property – see Figure 2 below.



Figure 2: Existing dwelling at 2 Sultan Street

The purpose of this land use planning application is to amend the subject property's restrictive title condition to align the development proposal with the Stellenbosch Municipality Zoning Scheme Regulations, to subdivide the subject property into two equal portions and to allow for second dwellings on both subdivided portions.

The approval of this land use planning application will allow the Paul Roos 150 Trustfonds to repurpose the existing dwelling and construct two main dwellings and two second dwellings on the subdivided portions as illustrated on Figures 3 and 4 below.

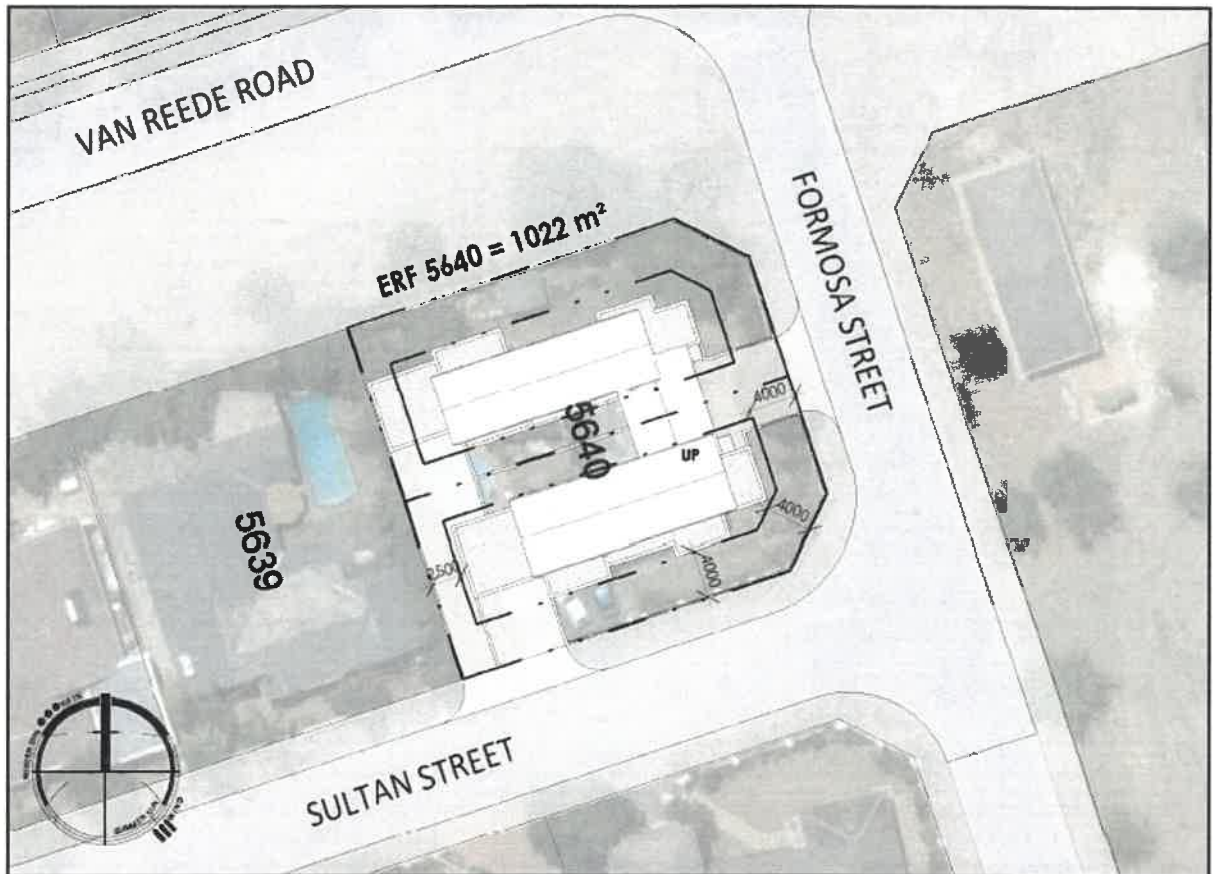


Figure 3: New site plan



Figure 4: New street elevation

A detailed Site Development Plan is included with this submission.

4. PURPOSE OF THE APPLICATION

The purpose of this application and development proposal is to create accommodation for teachers. Stellenbosch property values are very high and too expensive for most teachers to purchase or rent a house or flat in town. The proposed development will lead to the sensible densification of Die Boord (which is in line with the Municipality's densification vision for the town) and the creation of four residential units that will be occupied by teachers from Paul Roos Gymnasium. This will reduce traveling time for the teachers reducing their time spent on the road and monthly traveling costs.

5. MOTIVATION FOR THE AMENDMENT OF A RESTRICTIVE TITLE CONDITION

5.1 Title deed search

A title deed search was undertaken by Cluver Markotter Inc. Attorneys and they have confirmed that there is a title condition that will restrict the proposed development of the subject property, namely the following title deed condition that will have to be amended:

- C.5(b) – *“Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 4.6 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 2.3 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie”* (i.e. a 4.6m street building line, a 3m rear building line and a 2.3m side building line are applicable).

A copy of Cluver Markotter Inc. Attorneys' Conveyancer Certificate is included in the submission.

5.2 Motivation i.to Section 39(5) of LUPA to amend a restrictive title condition

The restrictive title condition will have to be amended to allow buildings closer than 4.6m from the street boundary and 3m from the rear boundary. The building lines in Title deed condition C.5(b) will be amended; street building lines from 4,6m to 4,0m and common building lines from 2,3m to 0m in order to accommodate the proposed dwelling house

and second dwelling unit (together with garages) to coincide with the Stellenbosch Municipality Zoning Scheme Regulations. All developments rules are indicated on the site development plan. The title condition was imposed with the proclamation of the Stellenbosch Dorpsuitbreiding No. 18 in 1973 (owing to an absence of a municipal zoning scheme). It is now almost 50 years later, and Council has adopted in 2019 the Stellenbosch Municipality Zoning Scheme Regulations that clearly details all the development rules of each zoning. In other words, the township establishment development rules (as included in the subject property's Title Deed) have become obsolete and has been replaced by the new Stellenbosch Zoning Scheme Regulations. In order for the subject property to properly use the Stellenbosch Zoning Scheme Regulations this historic township establishment restrictive title condition must be amended.

a) Financial or other value of the rights affected

Paul Roos 150 Trustfonds will benefit by being able to repurpose the existing dwelling and construct two main dwellings and two second dwellings on the subdivided portions.

b) Benefits to the holder of such rights in terms of the restrictive condition

Paul Roos 150 Trustfonds will benefit by being able to create affordable accommodation for the teachers of Paul Roos Gymnasium whom will in turn also benefit by living closer to their place of work and reduced living costs.

c) Personal benefits which will accrue to the applicant

The teachers will personally benefit from the affordable accommodation.

d) Social benefit of the restriction remaining in place

None.

e) Social benefit of the proposal

Education is a very high priority for social growth and this proposal will benefit the teacher whom is a pivotable part of education.

f) Whether the application will completely remove all rights enjoyed by the beneficiary or only some of those rights

none.

6. MOTIVATION FOR THE DEVELOPMENT PROPOSAL

6.1 Compliance with the Stellenbosch Municipality's Spatial Development Framework (2019)

According to the Stellenbosch Municipality's Spatial Development Framework (MSDF), the "*current densities [in Stellenbosch] remain below 10du/ha . . . densities are still significantly lower than the targeted density of 25du/ha . . . provision should also be made for redevelopment and densification as a means to accommodate market demand*". In other words, the Stellenbosch Municipality has identified the densification of Stellenbosch's urban areas (by way of infill developments and strategic subdivisions) as a priority. The proposed subdivision of the subject property can therefore be deemed desirable as it complies with the principles of the MSDF and supports Council's vision of densification.

6.2 Compliance with the Stellenbosch Municipality's subdivision policy (2003)

According to the Stellenbosch Municipality's subdivision policy a conventional residential erf may be subdivided if none of the portions that will be formed will be smaller than 50% of the existing average size of the 10 surrounding properties. The proposed subdivision of the subject property will create two new erven of $\pm 512\text{m}^2$ each which is larger than 50% of the existing average size of the 10 surrounding properties and is therefore in line and consistent with Council's subdivision policy. It can therefore be considered desirable.

6.3 Compliance with the Stellenbosch Municipality's Zoning Scheme By-law (2019)

This application – if approved – will allow the construction of new dwellings on new conventional residential erven. All of the new dwellings will comply with the Conventional Residential Zone's development rules (land use, coverage, height, building lines, etc.) The existing structure will be demolished to make way for better and more efficient design.

6.4 Compliance with the draft Western Cape Inclusionary Housing Policy Framework (2021)

The draft Western Cape Inclusionary Housing Policy Framework aims to provide more affordable housing opportunities in well located areas. According the draft Western Cape Inclusionary Housing Policy Framework the intended beneficiaries for inclusionary housing are households earning between R3 501 and R22 000 a month – the “gap” market – able to pay rent or a mortgage. Many of our key workers (including teachers) earn salaries in this region and will benefit from living closer to better opportunities and spending less time and money travelling to work. The purpose of this application and development proposal is to create affordable accommodation for the teachers of Paul Roos Gymnasium.

6.5 Compatibility with the area

Similar land use planning applications for subdivisions and / or second dwellings on conventional residential erven in the area, have been approved. For example, Erf 5598 was subdivided into two portions of 610m² each, approval was granted for the subdivision of Erven 5647 – 5649 into five erven of ±500m² each, a townhouse development was built on Erf 5343 consisting of 5 units, etc.

Furthermore, the creation of two new conventional residential erven of ±521m² each, will not change the character of the area. It will however support the Municipality’s vision to densify the urban areas of Stellenbosch.

The development proposal is therefore not foreign to the area and is deemed to be compatible with the area.

7. IMPACT ON ENGINEERING SERVICES

The proposed development will create four residential units. The impact of the four residential units on municipal bulk infrastructure (roads, sewerage, stormwater and electricity) will be limited and the necessary Development Charges (DCs) – for upgrades to municipal bulk infrastructure – will be paid to the Stellenbosch Municipality in accordance with the DC policy.

8. CONCLUSION

The purpose of this land use planning application is to obtain the Stellenbosch Municipality's planning approval for the amendment of the outdated and restrictive title condition, for the subdivision of the subject property into two portions and for second dwellings. This will allow the landowner to construct main and second dwellings on the subdivided portions which is permissible i.t.o. the erf's zoning (i.e. a second dwelling is a permissible additional land use right). The impact of the subdivision and second dwellings are deemed to be desirable and will contribute to the sensible densification of Stellenbosch in line with the Stellenbosch Municipality's spatial planning policies (i.e. the MSDF and the subdivision policy for conventional residential erven).

Paul Roos Gymnasium has a need for affordable teacher accommodation in Stellenbosch, and this development proposal – to create four residential units for teachers – will not undermine the conventional residential character of the area. It will however benefit the broader community of Stellenbosch by providing more teacher accommodation in town.

We deem the development proposal to be desirable and we respectfully request the applications be granted.

If you have any queries or require any additional information to process the application, you may contact the undersigned at 021 861 3800 or at wagener@tv3.co.za.

Yours faithfully



WAGENER HANEKOM / TV3 PROJECTS (PTY) LTD

Nicole Katts

From: Bulelwa Mdoda
Sent: Thursday, 12 May 2022 10:28
To: rieyaad.abrahams@gmail.com
Cc: Landuse Applications; Nicole Katts
Subject: LAND USE APPLICATION: ERF 4121 STELLENBOSCH
Attachments: Land Use Application Form 2022v1.docx; Consent Form Jan 2022v1.doc

Dear Rieyaad;

We never received your application in December 2021.

Please complete the attached land use application form and submit to this email: Landuse.Applications@stellenbosch.gov.za

Please submit your application form with the following documents:

- Motivation for your proposal
- Title deed
- Copy of existing building plan, indicating proposal on site
- Consent from affected neighbours (consent form is attached)



Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



Van Reede

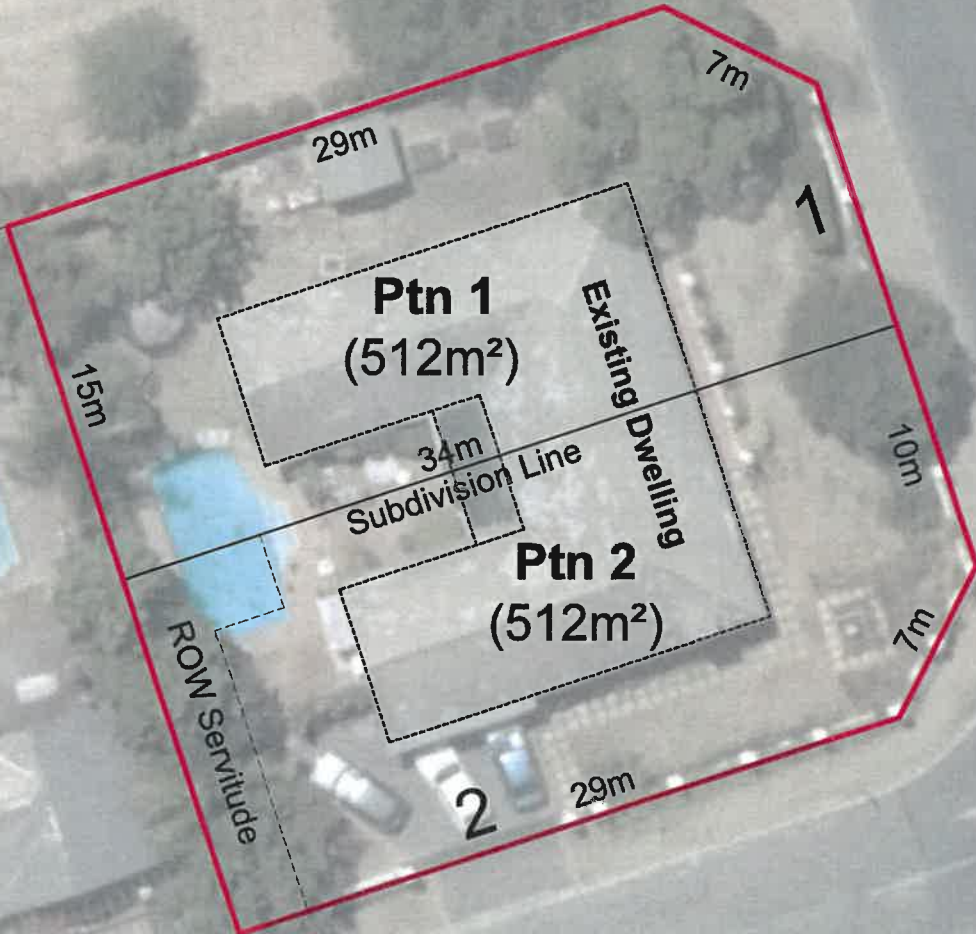
Fornosa

Sultan

5639

5647

5646



Notation:

The proposed subdivision of the subject property will create two new erven of ±512m² each which is larger than 50% of the existing average size of the 10 surrounding properties and is therefore in line and consistent with Council's subdivision policy.

Registration of a Right of Way Servitude over Portion 2 in favour of Portion 1.

All areas and dimensions are approximate and should be verified by a professional land surveyor.

Drawing:		Plan no.:
Proposed Subdivision		3
Date:	Scale:	
06/06/2022	1:250 (A4)	
Project no.:	Drawn:	Checked:
3764-P	WH	CH

tv3 ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

FIRST FLOOR LA GRATITUDE OFFICE BUILDING | 97 DORP STREET
STELLENBOSCH 7600 | TEL +27 (21) 861 3800 | www.tv3.co.za

**Erf 5640,
Stellenbosch**



Van Reede

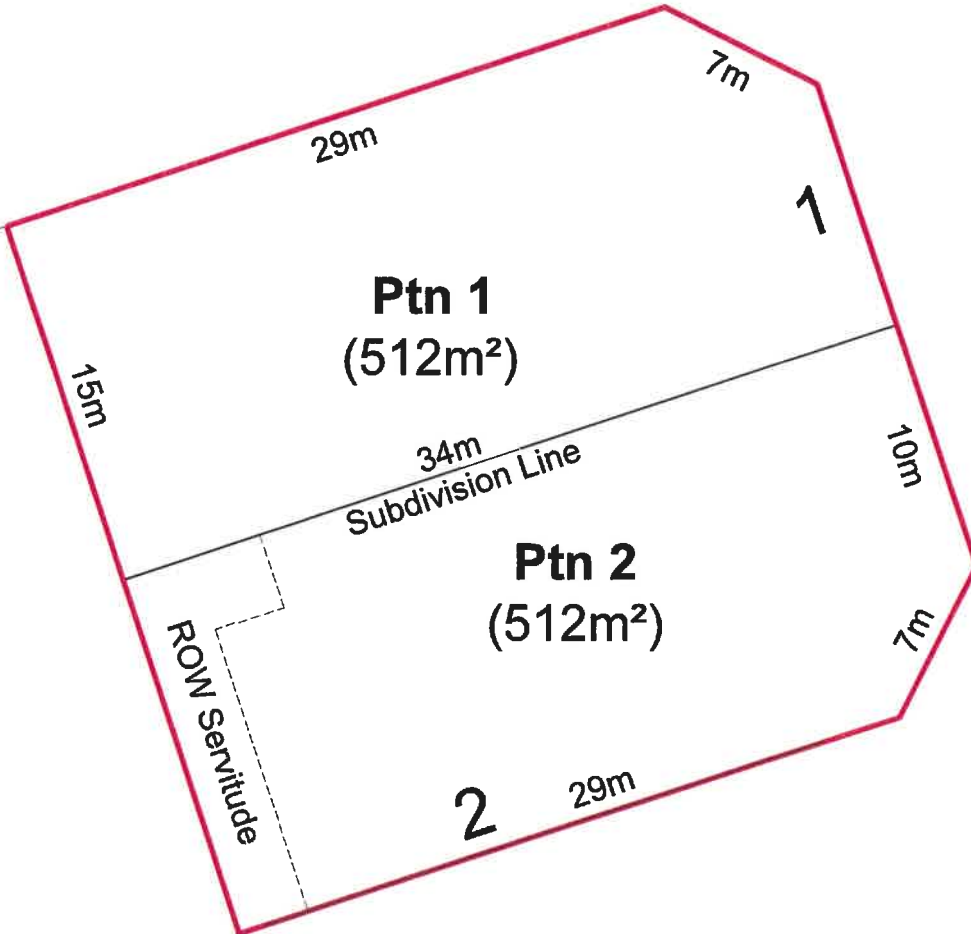
Formosa

Sultan

5639

5647

5646



Notation:

Registration of a Right of Way Servitude over Portion 2 in favour of Portion 1.

All areas and dimensions are approximate and should be verified by a professional land surveyor.

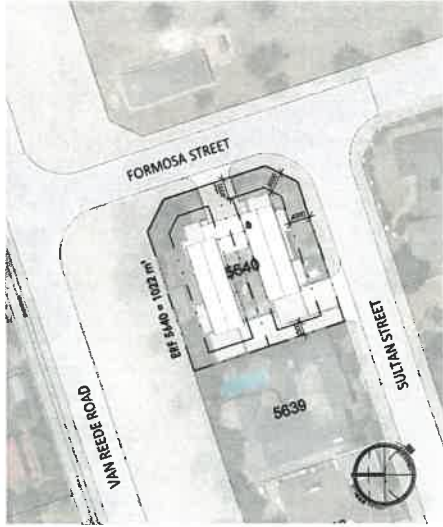


ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

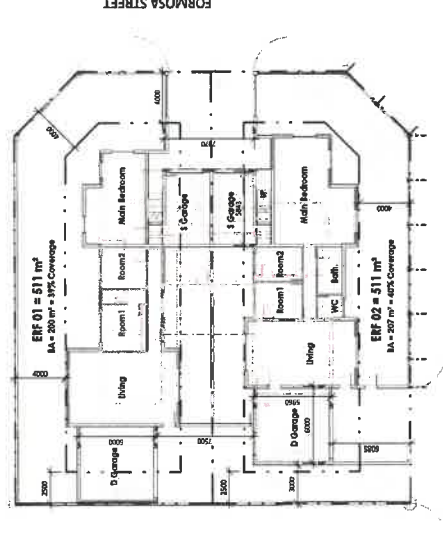
FIRST FLOOR LA GRATITUDE OFFICE BUILDING | 97 DORP STREET
STELLENBOSCH 7600 | TEL +27 (21) 861 3800 | www.tv3.co.za

Erf 5640,
Stellenbosch

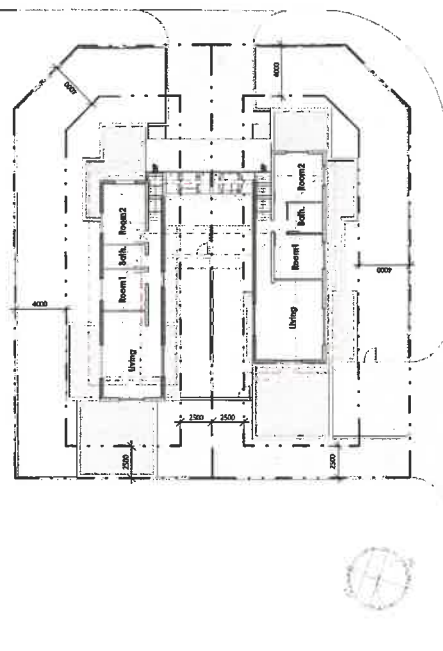
Drawing:		Plan no.:
Proposed Subdivision		3
Date:	Scale:	
06/06/2022	1:250 (A4)	
Project no.:	Drawn:	Checked:
3764-P	WH	CH



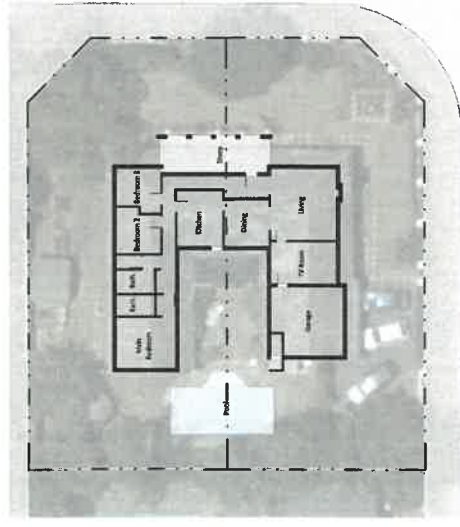
PLAN: NEW SITE PLAN
SCALE: 1:200



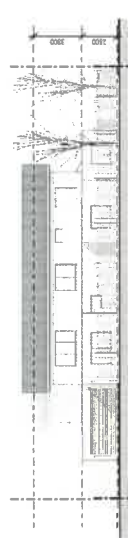
PLAN: GROUND FLOOR PLAN
SCALE: 1:200



PLAN: FIRST FLOOR PLAN
SCALE: 1:200



PLAN: EXIST GROUND FLOOR PLAN
SCALE: 1:200



ELEVATION: South Elevation
SCALE: 1:200



ELEVATION: West Elevation
SCALE: 1:200



ELEVATION: East Elevation
SCALE: 1:200



3D VIEW: Eastern Street View
NOT TO SCALE



ELEVATION: North Elevation
SCALE: 1:200



3D VIEW: South Eastern Street
NOT TO SCALE

NO.	DATE	DESCRIPTION
A	20-02-2020	ISSUED FOR INFORMATION

DRAWING DESCRIPTION:
Subdivision of Erf 5640, c/o Formosa & Sultan Street, Die Boord, Stellenbosch

PROJECT / CLIENT:
PRG TRUST 150

CV3 ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

7 BURG STREET
STELLENBOSCH 7600 | TEL: +27 (0)21 965 3900 | WWW.CV3.CO.ZA

PROJECT DESCRIPTION:
SDP Submission For the PRG Trust

DATE: 20-02-2020
SCALE: A1 / A3 (Horizontal)
CLIENT: PRG TRUST 150

3819/A/100

MUNICIPAL