

David Hellig and Abrahamse

Land Surveyors • Landmeters

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

**Erf 614 Franschhoek
Amarlo Properties (Pty)
6 Heide Street
Franschhoek
7690
Attention ; Mr Lodewyk Meyer**

Dear Sir

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

Application Property Address: **11 Nerina Street
Franschhoek**

Application Property Number: **Erf 622 Franschhoek**

Applicant: **David Hellig and Abrahamse Professional Land
Surveyors
Tel: 021 872 4086
Email: spencer@dhaa.co.za**

Owner: **Erf 622 Franschhoek (Pty) Ltd
Tel: 0832884985
Email: sam@adept.co.za**

Application Reference: **TP191/2022**

Application Type: **Subdivision**

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

- 1. Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for the subdivision of Erf 622 Franschhoek into the following :**
 - **Ptn A measuring ± 473 square metres in extent.**
 - **Ptn B measuring ± 835 square metres in extent.**
- 2. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for Permanent Departure to relax the common boundaries building line between Portions A and B to zero metres to accommodate a shared internal party wall separating the two residential units.**

Notice is hereby given in terms of the provisions of Section 46 of the said By-Law that the abovementioned 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 By-Law with the following requirements and particulars:

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

The comments must be addressed to the applicant by electronic mail as follows: **David Hellig and Abrahamse Professional Land Surveyors (Email: spencer@dhaa.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 **19-02-2023**.

It should be noted that the Municipality, in terms of Section 50(5) of the said By-Law, 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 **021 872 4086** during normal office hours.

Yours faithfully

DAVID HELLIG AND ABRAHAMSE



PER : S G DREYER
DATE OF NOTIFICATION: 20-01-2023

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

**Erf 614 Franschhoek
Amarlo Properties (Edm) Bpk
Heidestraat 6
Franschhoek
7690
Aandag : Mnr Lodewyk Meyer**

Geagte Meneer

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

Adres van aansoek eiendom:	11 Nerina Straat Franschhoek
Aansoek eiendom beskrywing:	Erf 622 Franschhoek
Aansoeker:	David Hellig en Abrahamse Professionele Landmeters Tel: 021 872 4086 E-pos: spencer@dhaa.co.za
Eienaar:	Erf 622 Franschhoek (Pty) Ltd Tel: 0832884985 E-pos: sam@adept.co.za
Aansoek Verwysing:	TP191/2022
Tipe Aansoek:	Voorgestelde Onderverdeling

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek word gedoen ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, 2015 vir die registrasie vir die onderverdeling van Erf 622 Franschhoek :**
 - Gedeelte A ongeveer 473 vierkantemeter**
 - Gedeelte B ongeveer 835 vierkantemeter**
- Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, 2015 vir 'n permanente afwyking vir die verslapping van die boulyn op die gemeenskaplike onverdeelings lyn na 0 meter om die gemeenskaplike skeidingsmuur te akkomodeer.**

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 tydskuur van die publieke deelname proses by die volgende adres:

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

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

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

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: **David Hellig en Abrahamse Professionele Landmeters (E-pos: spencer@dhaa.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 **19-02-2023**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **021 872 4086** gedurende normale kantoor ure.

Die uwe

DAVID HELLIG AND ABRAHAMSE



PER : S G DREYER

KENNISGEWING DATUM: 20-01-2023

PLANNING REPORT

PROPOSED SUBDIVISION OF ERF 622 FRANSCHHOEK

OUR REF: P3654/22

Compiled by:

David Hellig & Abrahamse

Land Surveyors

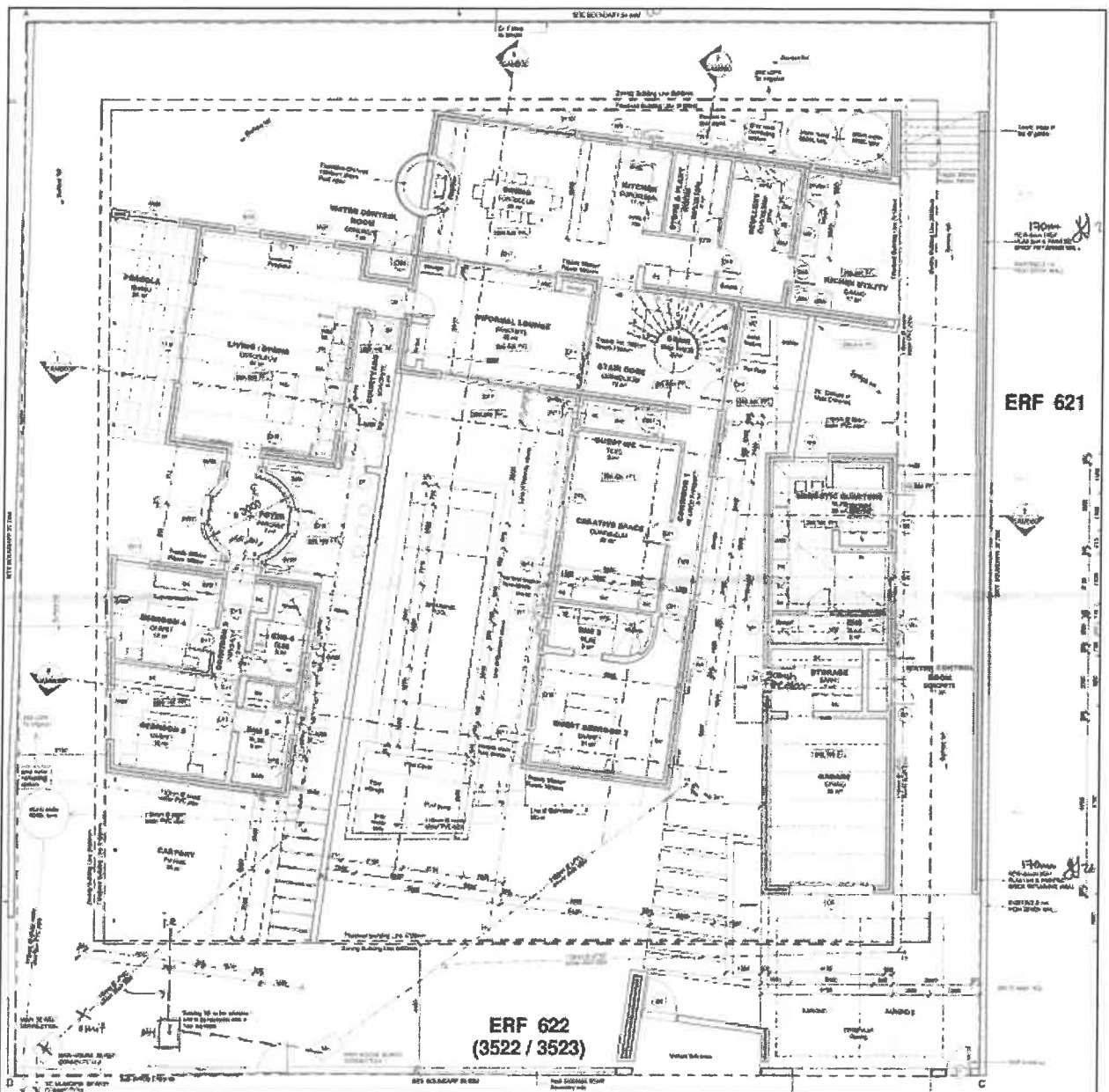
OCTOBER 2022

1. INTRODUCTION

Erf 622 Franschoek measures 1309 square metres in extent being owned by Erf 622 Franschoek (Pty) Ltd vide Deed of Transfer No T22360/2017. The subject land unit is situated in Nerina Street in a residential suburb on the southern outskirts of Franschoek bounded to the south by Lambrechts Street (Franschoek Pass) and the French Huguenote Monument.

The subject land unit comprises a Main Dwelling Unit, Pool Area, Staff Quarters and Garage situate on the southern portion of the land unit with a separate secondary Dwelling Unit and Carport situate on the northing part of the land unit being physically separated by an existing wall with separate access points onto Nerina Street.

The below extract of the approved building plans enclosed with this application submission clearly demonstrates the separate living spaces within the structure :



The purpose of this land use application is for the subdivision of the subject land unit to give effect to the separate alienation and ownership of the two dwelling units by independent parties.

2. PROPERTY DETAILS

SUBJECT LAND UNIT				
PROPERTY DESCRIPTION	EXTENT	REGISTERED LANDOWNER	DEED OF TRANSFER	EXISTING ZONING
Erf 622 Franschhoek	1309 square metres	Erf 622 Franschhoek (Pty) Ltd	T22360/2017	Conventional Residential

3. LOCATION

The red polygon in the figure below indicates the location of the subject land unit.

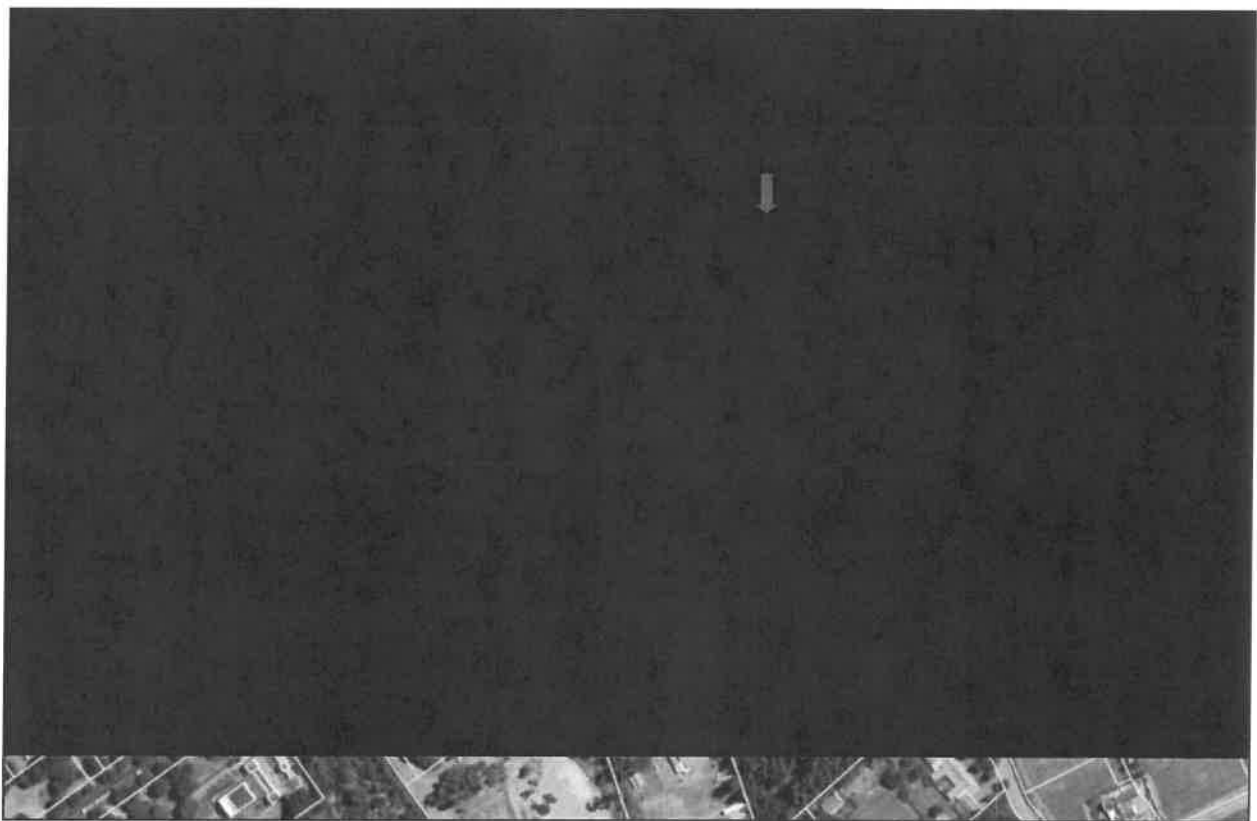


Figure 1: Location of the subject land unit

4. PREVIOUS LAND USE DEVELOPMENT APPLICATION

A land use planning application for the subdivision of the subject land unit into two equal portions was previously approved by the Stellenbosch Municipality in terms of Section 25 of the then Land Use Planning Ordinance No 15/1985 vide Stellenbosch Municipality Ref Erf 622, Franschhoek dated 09-06-2009 and the subdivisional diagrams in respect thereof viz Erven 3522 and 3523 Franschhoek duly approved by the Surveyor-General.

The subdivided portions were however never registered in the Deeds Office and the validity period of the previous approval has since expired, noting that the diagrams of unregistered

Erven 3522 and 3523 Franschoek will need to be cancelled by the Surveyor-General on submission of the new subdivisional diagrams, should the land use application be approved.

The objective of this land use development application aims to essentially reinstate the previous subdivisional approval however in a reconfigured format to suit the current approved as-built status quo.

5. APPLICATION PROPOSAL

A land use planning application is hereby submitted in terms of Sections 15(2)(b) and 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 as follows :

A. SUBDIVISION

Erf 622 Franschoek is to be subdivided into:

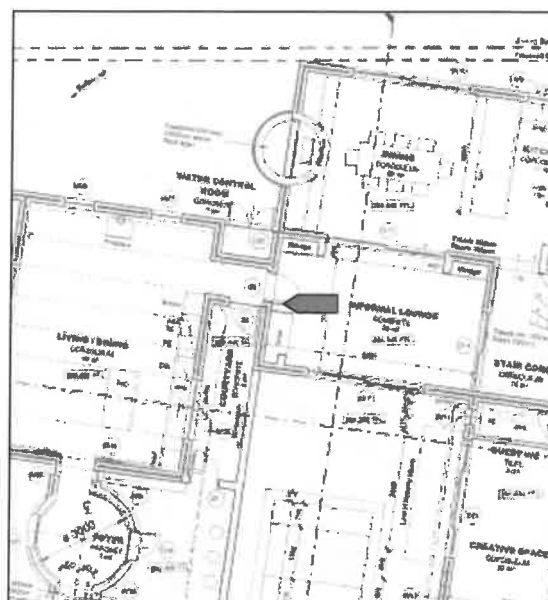
- a) **Portion A** measuring 473 square metres in extent comprising the Secondary Dwelling unit and Carport.
- b) **Portion B** measuring 835 square metres in extent comprising the Main Dwelling Unit, Garage, Staff Quarters and Pool Area.

B. LAND USE DEPARTURE

The relaxation of the building line in respect of the common boundary between Portions A and B to zero to accommodate a shared internal party wall separating the two residential units as indicated on the enclosed Plan of Subdivision.

6. BUILDING WORK

The subdivision of the subject land unit into two separate portions will necessitate the existing door opening in the party wall to be bricked up as indicated in the below extract of the approved building plans :



7. MUNICIPAL PLANNING POLICY

7.1 STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2019

The purpose of the Stellenbosch Municipal Spatial Development Framework (MSDF) is to guide the future growth and development of the municipality based on an agreed vision and principles which are aimed at addressing problems and creating opportunities for sustainable socio-economic development. The MSDF provides overarching spatial development principles which underpin the Municipality's approach to the integrated spatial planning and management of land use and economic development for the municipal area as a whole.

The subject land unit is situated in **Franschoek**, which is regarded as the second most significant settlement in the Municipality as identified by the MSDF, 2019. In terms of the **Franschoek Framework Plan** (Figure 32 on page 77), the subject land unit is situated within the existing 'Urban edge' and within an existing residential area.

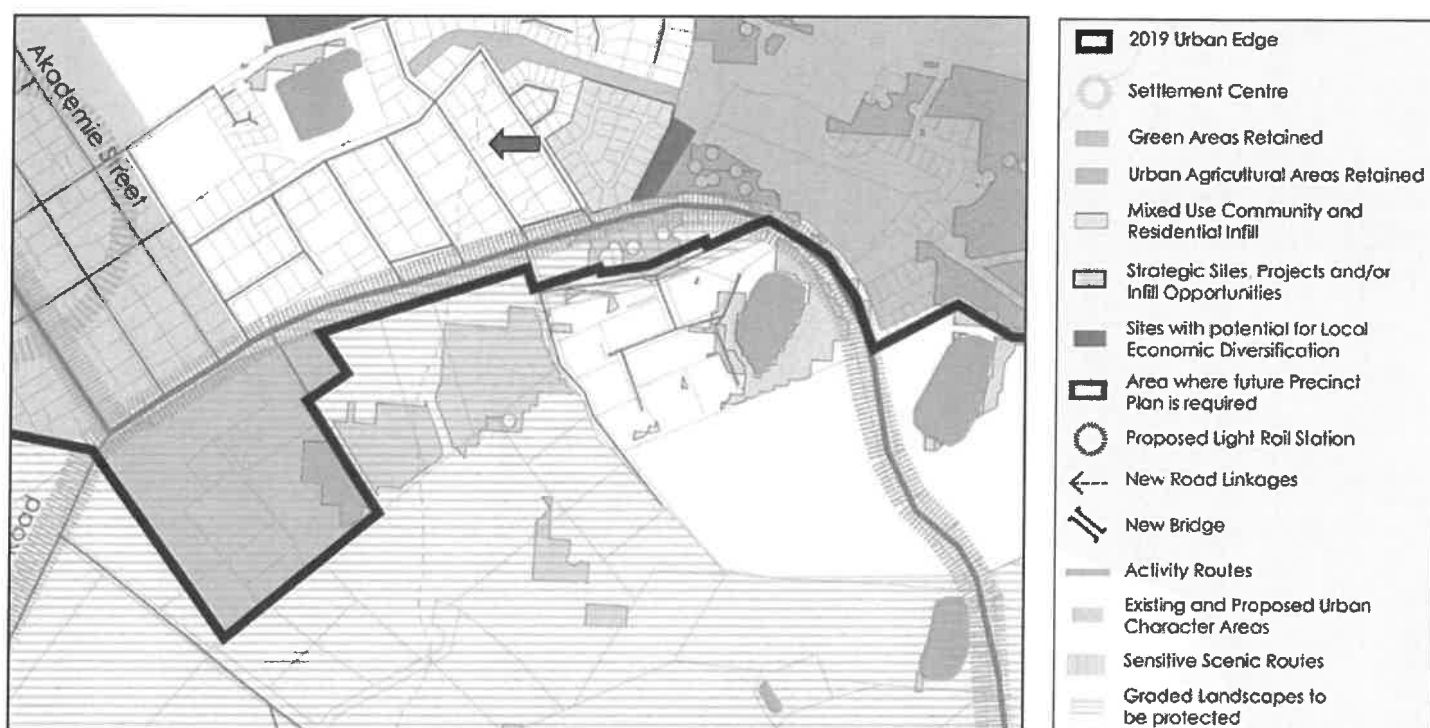


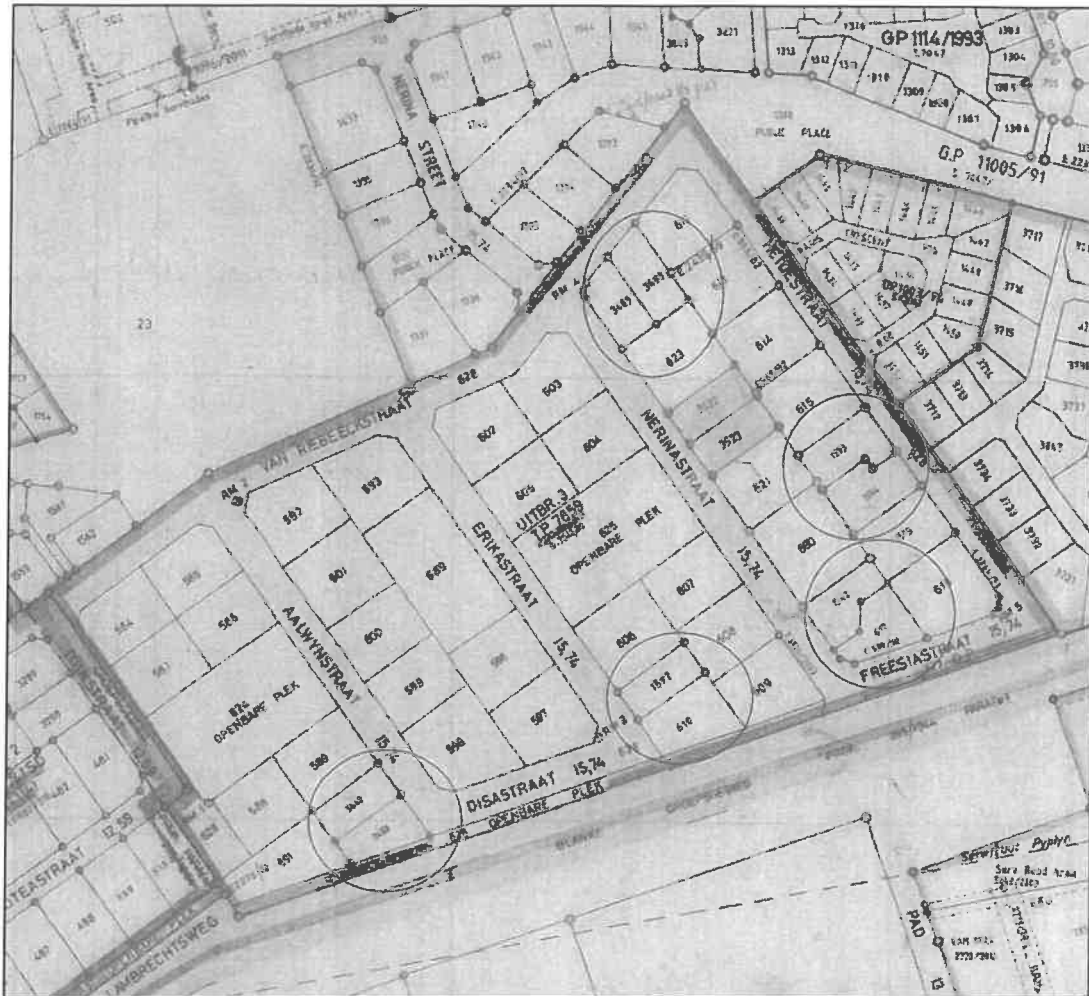
Figure 3: Franschoek Framework Plan (Stellenbosch MSDF, 2019)

The subdivisional proposal is consistent with and underpins the aims and objectives as set out in the MSDF, 2019 in terms of densification within existing urban areas and the urban edge.

7.2 STELLENBOSCH MUNICIPAL POLICY ON SUBDIVISION

A further refinement is the Municipality's policy on subdivision adopted in 2003 which provides for the subdivision of single residential erven in cases where the subdivided portions should generally be larger than 50 % of the average size of 10 of the surrounding land units.

Several of the erven originally laid out on Township Extension 3 vide General Plan TP7859 have been subdivided over the years as shown in the figure below (including the subject land unit) :



For comparative purposes the extents of the previously approved subdivided portions within the Township Extension 3 vide General Plan No TP7859 have been tabulated below :

No	Erf Number	Extent (square metres)
1.	Erf 3489 Franschoek	662
2.	Erf 3490 Franschoek	762
3.	Erf 1593 Franschoek	799
4.	Erf 1594 Franschoek	817
5.	Erf 1595 Franschoek	1001
6.	Erf 1542 Franschoek	711
7.	Erf 1592 Franschoek	629
8.	Remainder of Erf 610 Franschoek	949
9.	Erf 3449 Franschoek	665
10.	Erf 3450 Franschoek	665
TOTAL		7660
AVERAGE		766

Both the extents of the proposed subdivided land units are indeed larger than 50% of the above average, noting that Portion A is slightly smaller than the extents of previously approved subdivisions being a requirement to fit the configuration of the existing as-built form.

8. THE STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019

The subject land unit is zoned Conventional Residential as per the below zoning map.

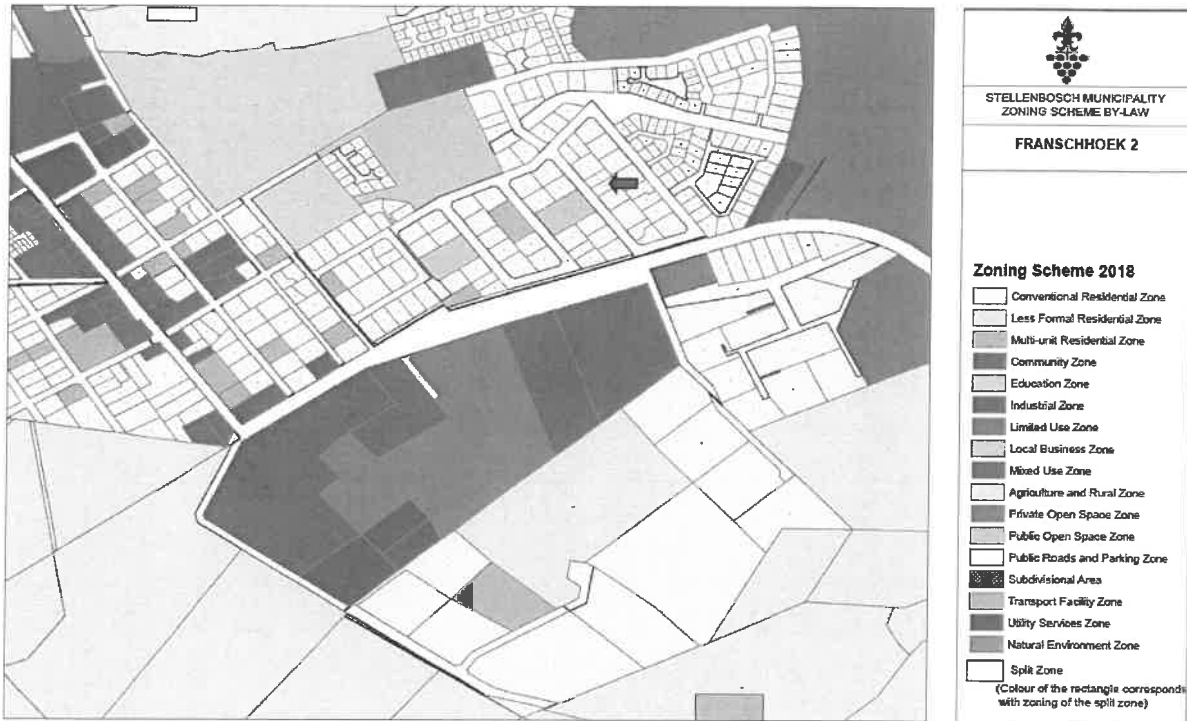


Figure 1: Extract of the Stellenbosch Municipality Zoning Map for Franschhoek

The following land use development parameters / restrictions being applicable :

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> • Dwelling house 	<ul style="list-style-type: none"> • Bed and breakfast establishment • Home day care centre • Home occupation practice • Home lodging • Second dwelling • Occasional use (one event/year) • Private road 	<ul style="list-style-type: none"> • Commune • Extramural facility • Group housing • Guest house • House shop • Occasional use (>one event/year) • Tourist dwelling unit • Additional uses exceeding parameters in this chapter

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

The dwelling unit situate on Portion A measures 122 square metres in extent representing a coverage of approximately 26% and the building footprint on Portion B measures 326 square metres representing a coverage of 39%; both compliant in respect of the above development parameters.

Sufficient on site parking is provided on both Portions A and B in compliance with the Zoning Scheme provisions.

The only land use departure required is in respect of the relaxation of the building lines with respect to the newly proposed subdivisional boundary in respect of the shared party wall as shown on the Plan of Subdivision.

9. ACCESS AND SERVICES

- Access to both the proposed subdivided land units is from two existing independent and separate entrances onto Nerina Street.
- The buildings were initially designed in such a manner to accommodate the separation of services connections without too much difficulty which will be installed in accordance with Municipal requirements.

10. RESTRICTIONS

The title deed of the subject land unit contains no restrictive conditions prohibiting the development proposal, noting the endorsement on page 7) of Deed of Transfer No T22360/2017 confirming the upliftment of Conditions C5(a) and (b)(i) and (ii).

A Conveyancers Certificate prepared by Ms Susan Charlesworth, Attorney is included in the application submission.

11. MOTIVATION

11.2 Section 59 of the Western Cape Land Use Planning Act No 3/2014

The following land use planning principles prescribed in Section 59 of the Western Cape Land Use Planning Act, being indicators of desirability which in turn is one of the criteria for decision making, are complied with as follows:

- Spatial sustainability: The development proposal is compatible with the aims and objectives as promoted in the MSDF, 2019 and seeks to realise the full development potential of the

existing land unit by creating an additional residential opportunity within the urban edge by utilising and optimising existing approved building structures.

- Protection of the environment: The subdivisional proposal promotes the concept of densification within the urban edge thereby alleviating development pressure on more sensitive agricultural and ecological areas on the periphery of the Town.
- Efficiency: The approval of the development proposal will enable the subject land unit to be developed to its full potential.
- Good administration: The land use planning application has been comprehensively prepared and will be subjected to a rigorous Public Participation process and together with engagement from all internal and external stakeholders, will ensure that the Municipality is in a position to take an informed decision in execution of their constitutional and legislative powers with respect to municipal planning.

11.3 Neighbourhood and Surroundings

- The proposed subdivided land units are of a similar extent to those previously approved within the same neighbourhood, noting that other development precincts to the north and east of Township Extension 2 comprise smaller residential erven.
- The size, configuration and scale of the proposed subdivided land units are appropriate within its local context also considering that the building infrastructure and land uses already exist.

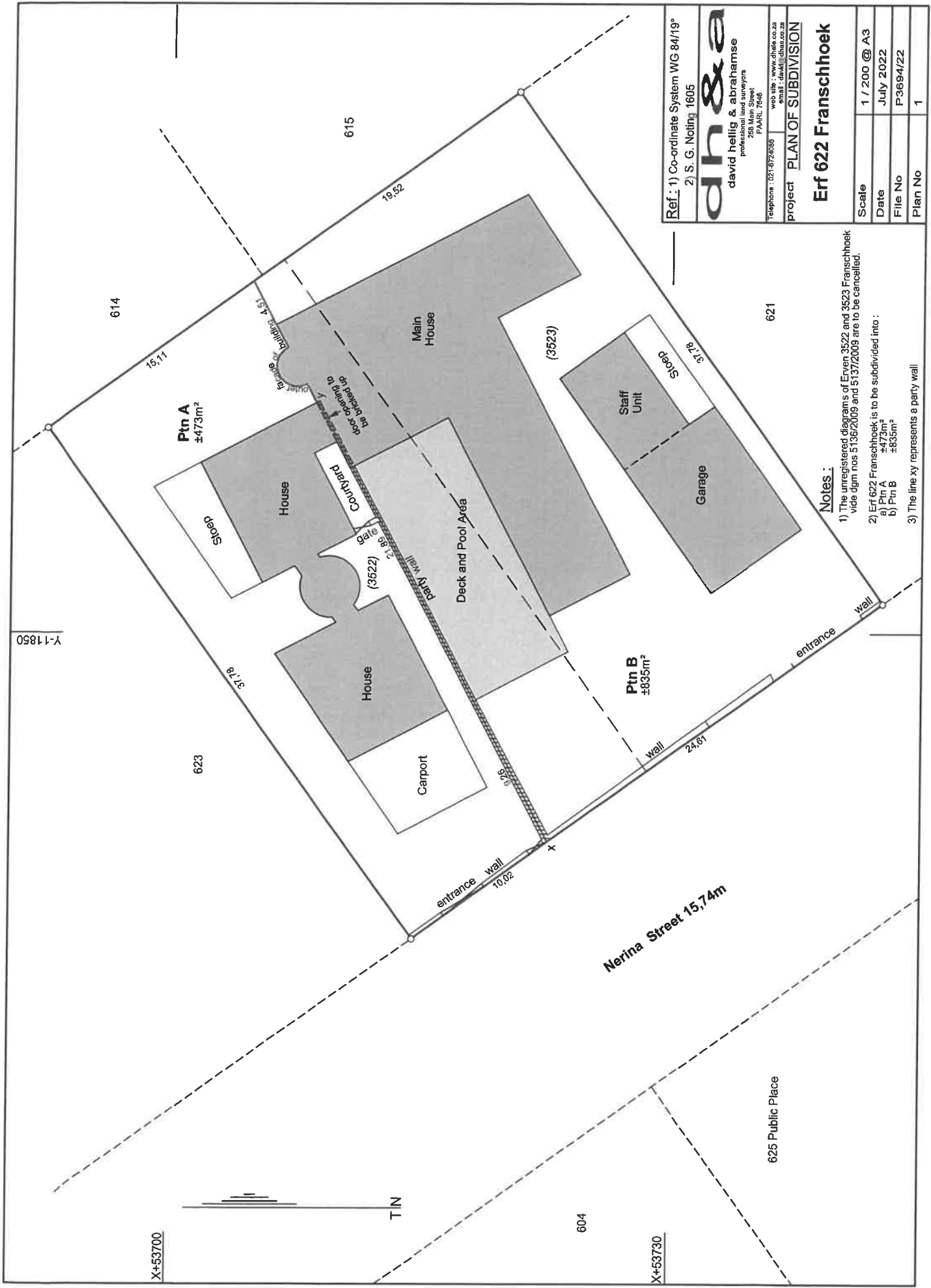
11.4 Need, Desirability and Demand

- The development proposal presents the opportunity to provide suitable and appropriate residential opportunities fit for purpose for the housing demand in Franschhoek.
- The development proposal supports diversification within the Franschhoek property market through the creation of a variety of residential opportunities.
- It should also be noted that it is possible to grant separate ownership by means of a Sectional Title development obviating the need to obtain planning permission approvals. The landowner however would prefer to formally subdivide and grant ownership by means of separate title rather than open a Sectional Title register and create a Sectional Title Scheme, which may not be fit for purpose.
- The approval of the subdivision will have no impact in terms of visual aesthetics and urban form whilst the act of subdivision and the accruing benefits of security of title will add value to Franschhoek in general.

DAVID HELLIG & ABRAHAMSE



PER : S G DREYER



Ref: 1) Co-ordinate System WG 84/19°
 2) S. G. Noting 1605

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 david heilig & abrahamse
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Telephone : 021-8724985
 web site : www.dha.co.za
 email : david@dha.co.za

project **PLAN OF SUBDIVISION**

Erf 622 Franschoek

Scale	1 / 200 @ A3
Date	July 2022
File No	P3694/22
Plan No	1

Notes:

- 1) The unregistered diagrams of Erven 3522 and 3523 Franschoek vide dgm nos 5136/2009 and 5137/2009 are to be cancelled.
- 2) Erf 622 Franschoek is to be subdivided into :
 a) Ptin A ±473m²
 b) Ptin B ±835m²
- 3) The line xy represents a party wall

Y-11850

X+53700

X+53730



Nerina Street 15,74m

625 Public Place