

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

**Rezoning, Departures and Council Approval, Erf 76, Franschhoek**

Application Address: cnr of Akademie and Louis Botha Streets, Franschhoek

Applicant: Tommy Brummer CC, Tel 0215318435, [info@tommybrummer.co.za](mailto:info@tommybrummer.co.za) or [quintus@tommybrummer.co.za](mailto:quintus@tommybrummer.co.za)

Owner: B L Orpen, C/o Tommy Brummer Town Planners

Application Reference: LU/12422

Description of land development application:

Application has been made in terms of the Stellenbosch Municipal Land Use Planning By-Law (the "By-Law"), promulgated by notice number 354/2015, dated 20 October 2015, for the following on Erf 76, Franschhoek:

1. **Rezoning** in terms of Section 15(2)(a) of the By-Law for the rezoning of Erf 76 from Conventional Residential Zone to Multi-Residential Zone to permit the development of flats (three dwelling units) on the property;
2. **Permanente Departures** in terms of Section 15(2)(b) of the By-Law to relax the **street building line** on Louis Botha Street from **4,5m to 1,25m**; the street building line on Akademie Street from **4,5m to 1,75m**; and the **common building line** (adjacent to Erf 658, Franschhoek) from **4,5m to 0m** to accommodate existing structures and new building works;
3. **Permission** in terms of Section 15(2)(g) of the By-Law to **permit additions to the existing building** as well as **the removal of trees** as stipulated in Section 246(1)(a) and (c) of the By-Law; and
4. **Permission** in terms of Section 15(2)(g) of the By-Law to **exceed the height** for the new dwelling unit (which is to be constructed on top of the existing cottage) from **8,5m to 9,2m** as measured from the existing ground level to top of roof or top of parapet as stipulated in Section 252(2)(a) of the By-Law.

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: Tommy Brummer CC, Tel 0215318435, [info@tommybrummer.co.za](mailto:info@tommybrummer.co.za) and [quintus@tommybrummer.co.za](mailto:quintus@tommybrummer.co.za)

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **10 May 2021**

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 021 531 8435 during normal office hours, quoting applicant's reference number; 10495.

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

**Hersonering, Afwykings and Raadsvergunning, Erf 76, Franschhoek**

Adres van eiendom: Hoek van Akademie and Louis Bothastraat, Franschhoek

Aansoeker: Tommy Brummer CC, Tel 0215318435, [info@tommybrummer.co.za](mailto:info@tommybrummer.co.za) en [quintus@tommybrummer.co.za](mailto:quintus@tommybrummer.co.za).

Eienaar: B L Orpen, per adres Tommy Brummer Town Planners

Aansoek Verwysing: LU/12422

Beskrywing van grondontwikkelingsaansoek:

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen in terme van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (die "Verordening"), gepromulgeer in terme van kennisgewing nommer 354/2015, gedateer 20 Oktober 2015, vir die volgende op Erf 76, Franschhoek:

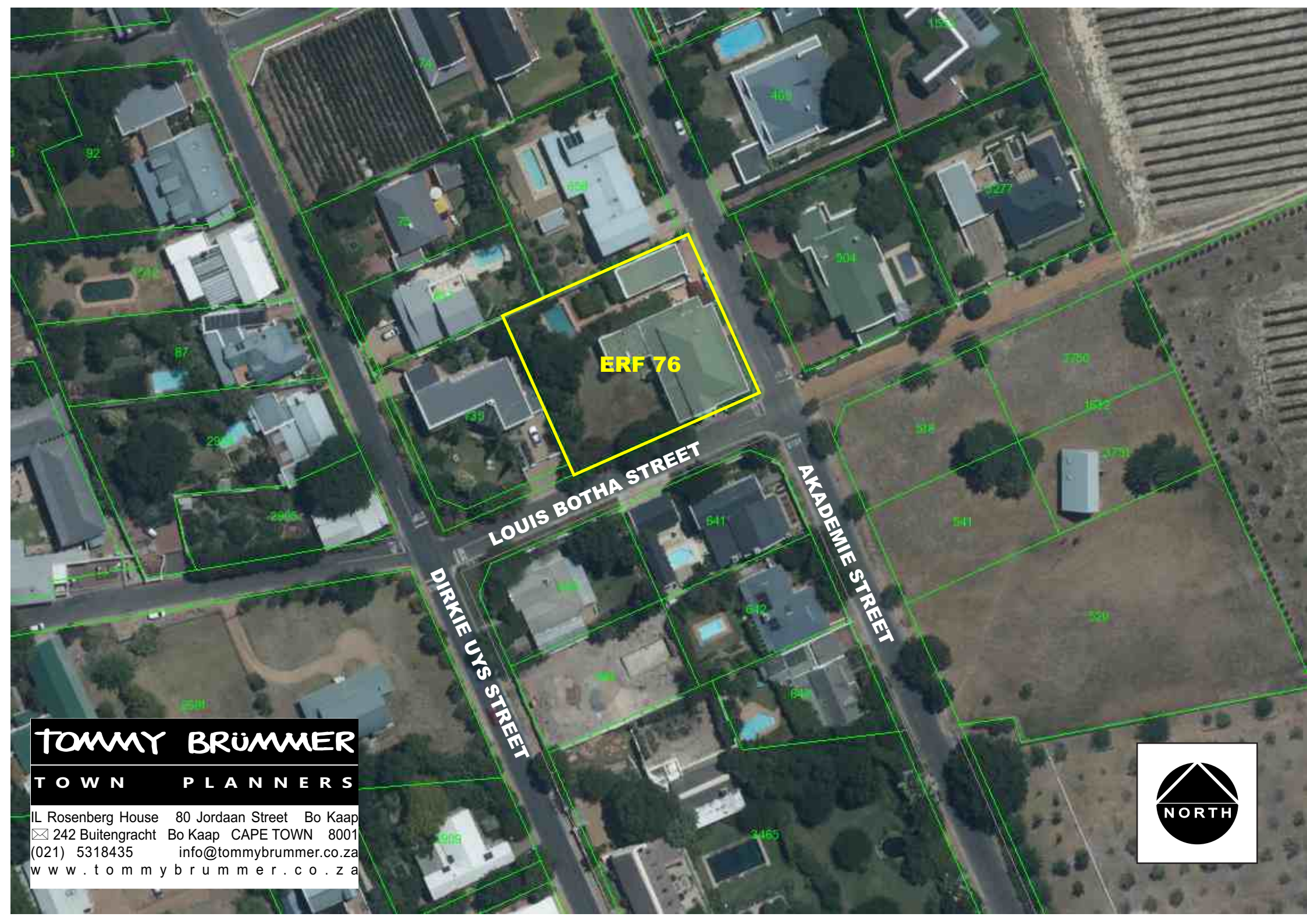
1. **Hersonering** in terme van Artikel 15(2)(a) van die Verordening vir hersonering van Erf 76 vanaf Konvensionele Residensiële Sone to Multi- Residensiële Sone om die ontwikkeling van woonstelle (drie wooneenhede) op die eiendom toe te laat;
2. **Permanente Afwykings** in terme van Artikel 15(2)(b) van die Verordening om die straatboulyn by Louis Bothastraat van **4,5m na 1,25m** te verslap; die staatsboulyn by Akademiestraat van **4,5m na 1,75m** te verslap; en die gemeenskaplike boulyn (met Erf 658, Franschhoek) van **4,5m na 0m** te verslap ten einde bestaande en nuwe bouwerk toe te laat;
3. **Raadsvergunning** in terme van Artikel 15(2)(g) van die Verordening om nuwe bouwerk aan die bestaande gebou, asook die verwydering van bome toe te laat soos voorgeskryf in Artikels 246(1)(a) en (c) van die Verordening; en
4. **Raadsvergunning** in terme van Artikel 15(2)(g) van die Verordening om toe te laat dat die hoogte van die nuwe wooneenheid (bo-op die bestaande woonstel) die toelaatbare hoogte, gemeet van die bestaande grondvlak tot bo-op die dak of borswering van **8,5m na 9,2m** verhoog mag word soos voorgeskryf in Artikel 252(2)(a) van die Verordening.

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 tydskuur van die publieke deelname proses by die volgende adres: [\[https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements\]](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 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: Tommy Brummer CC, Tel 0215318435, [info@tommybrummer.co.za](mailto:info@tommybrummer.co.za) en [quintus@tommybrummer.co.za](mailto:quintus@tommybrummer.co.za)

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **10 Mei 2021**.

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 021 531 8435 gedurende normale kantoor ure, en kwokeer die aansoeker se verwysingsnommer; 10495.



**ERF 76**

**LOUIS BOTHA STREET**

**DIRKIE UYS STREET**

**AKADEMIE STREET**

**TOMMY BRÜMMER**

**TOWN PLANNERS**

IL Rosenberg House 80 Jordaan Street Bo Kaap  
☒ 242 Buitengracht Bo Kaap CAPE TOWN 8001  
(021) 5318435 info@tommybrummer.co.za  
www.tommybrummer.co.za



Date: February 2021

Our ref: 10495

Your ref:



I L Rosenberg House 80 Jordaan Street BO-KAAP  
✉ 242 Buitengracht Bo-Kaap CAPE TOWN 8001  
T: 021 531 8435 E: info@tommybrummer.co.za

## **PROPOSED REZONING, DEPARTURES AND COUNCIL APPROVAL: ERF 76, FRANSCHHOEK**

### **1 INTRODUCTION**

The application is required to permit additions to the current dwelling on Erf 76, Franschoek, that would result in 3 separate dwelling units on the property.

The report will show that the proposed addition of one dwelling unit on the property is desirable, is compliant with current planning policy and can be limited to the proposed SDP by means of a density related condition as required by Section 84 of the SZS. The location of the current historic dwelling on the street corner provides adequate space on the property for parking and landscaping, without compromising the street interface of the dwelling. No additions or new work is proposed to the existing historic dwelling.

### **2 DEVELOPMENT PROPOSAL**

**Sketch plans** for the proposed development of the third dwelling unit on the property have been prepared by **Oliver Dods Architects** (Plans 1904-02,-03 and -04, dated 08/10/2020). The plans propose to add one dwelling unit on top of the existing second dwelling on the property. It also proposes to upgrade the existing bathroom of the outbuilding by adding a shower.

### **3 MOTIVATION**

Section 65 of the By-Law states the general adjudication criteria (*in cursive*) when considering a proposal is as listed below. The supporting motivation or compliance for each criterion is provided where applicable:

(c) *the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;*

Compliance: The development proposal proposes the same use as currently on the site and is permitted in terms of the zoning, being residential use. The rezoning that is required is required to enable the possible future sale and long terms rental of the units separately. By providing smaller units, the residential market in Franschoek is made more accessible to a wider range of people. The proposal remains inside a residential envelope, even though it is termed 'flats' and the approval of a maximum density for the property, as required by the SZS will ensure that it is not 'over developed' in future. The setback departures that are required are all of a technical nature and relate to the change in zoning and not to new development on the site. There are accordingly no negative impacts associated with these. The intensification of existing land uses in developed areas is supported by Provincial and Municipal legislation and guidelines. The additional height is contextually appropriate as there are other buildings in the area of similar height.

(h) *the impact of the proposed land development on municipal engineering services;*

Compliance: The development proposal is for one small additional dwelling unit and should not have any significant additional impact on municipal services.

(i) *the integrated development plan, including the municipal spatial development framework;*

Compliance: The development proposal is compliant with the SDF generally and with the requirements for Franschoek specifically.

(s) *the applicable provisions of the zoning scheme.*

Compliance: The proposal is for a rezoning, permissions in terms of the urban conservation overlay zone and some setback departures. The rezoning is considered appropriate as:

- Is the only mechanism available that will allow 3 dwelling units on the site that can be rented out for long periods and/or can be sold through a sectional title scheme in the future.

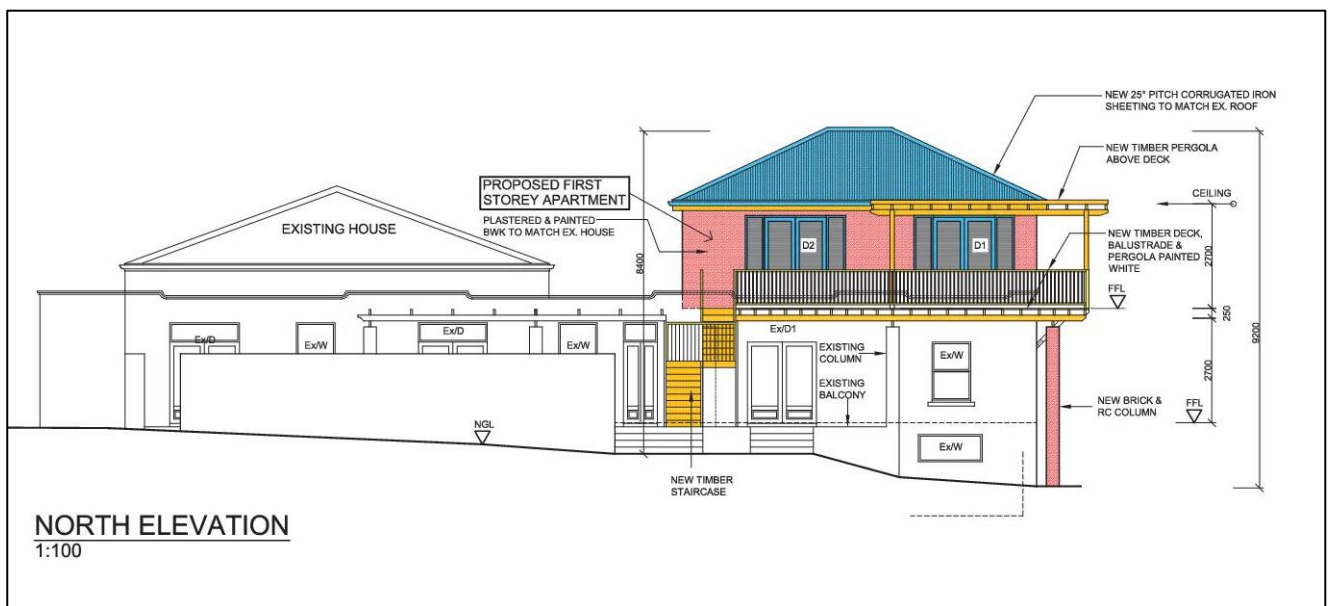
- The proposed density will be restricted through a condition of approval thus preventing the over development of the property.
- The zoning remains a residential zoning and other conventional residential properties, scattered throughout the town, also have this zoning. It is therefore not limited to a specific area and not foreign to Franschhoek.

The setback departures are considered appropriate for the following reasons:

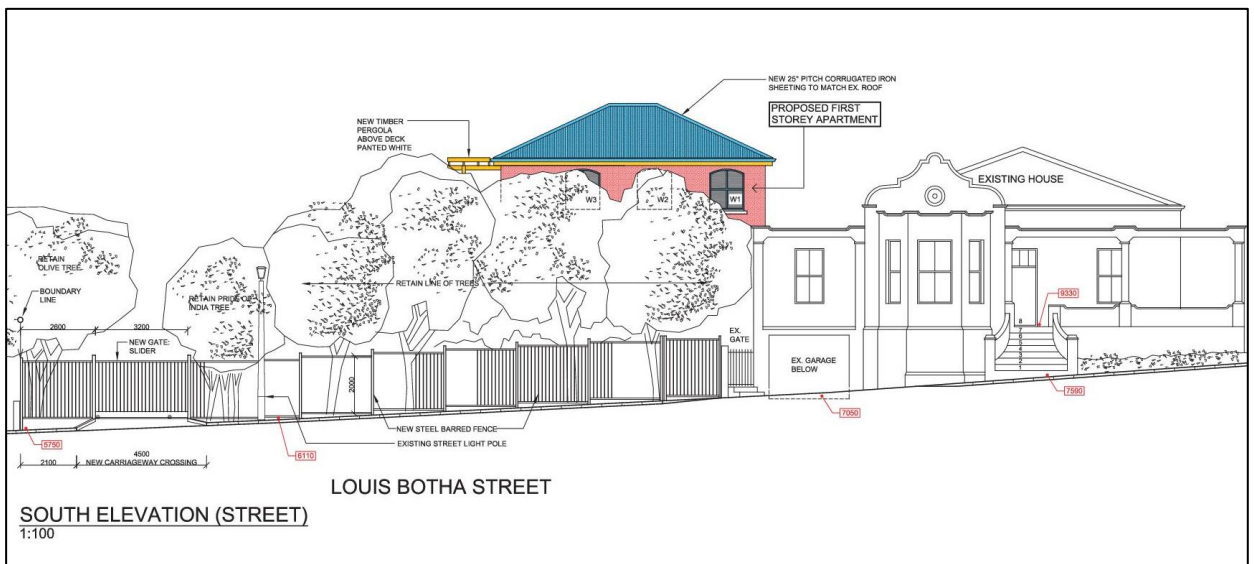
- The departures relate to existing structures on the property and is only required due to the rezoning. The new work to the bathroom at the outbuilding is mostly small work and will not have any negative impacts on the abutting properties. This is the only departure along a common boundary that is for new work – refer to the extract from the SDP, below. Overall, the departures will not impact the existing character or rights of abutting owners.

The permissions required in terms of the Urban Conservation Overlay Zone can be supported as:

- The additional height applies only to a portion of the new unit and not the whole structure. The image below confirms this and shows that the additional height is in fact not significantly more than the existing dwelling roof height.



- The additional height is not considered excessive as the surrounding development has varied heights with some double-storey elements already present.
- The removal of trees will be limited to some trees inside the property with all the trees along the boundary to remain. The impact of the internal removal of trees will be minimal from the streetscape point of view. Additional planting can be made a condition of approval. The Louis Botha Street view shows that the majority of trees along this street will be retained.



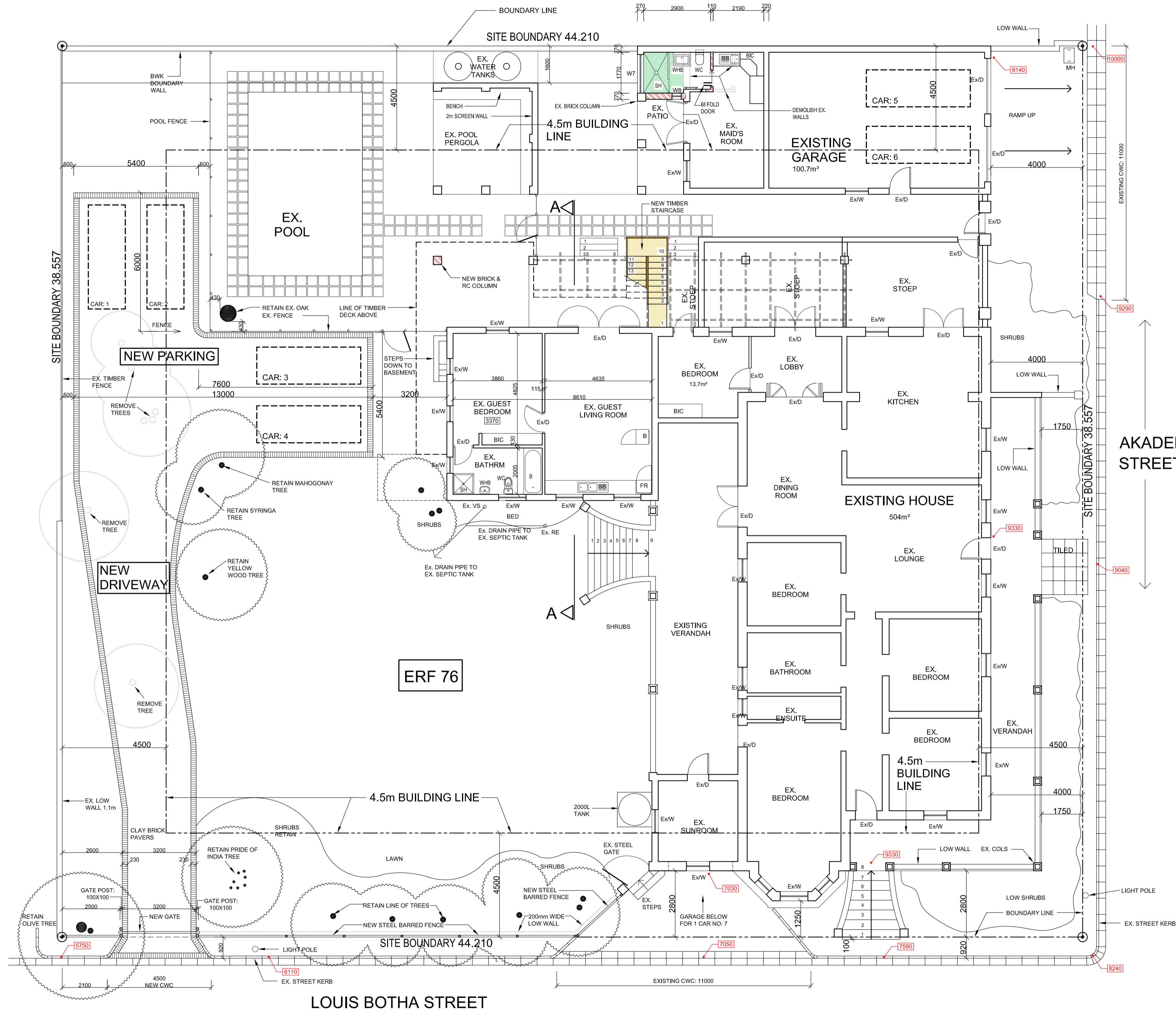
- The heritage dwelling itself is not impacted on and the addition is set back from the street façade, thus limiting the visual impact of the proposed addition.

## 7. CONCLUSION

In conclusion, the proposal requires a rezoning and some other approvals to add one additional dwelling unit on an existing developed footprint. It provides adequate parking whilst retaining a significantly landscaped garden. From a densification and provision of smaller residential unit point of view, it is a good example of in-situ densification in a sensitive manner.

The approval of the application will have very little negative impacts on the abutting properties or on the surrounding residential area and should accordingly be approved.

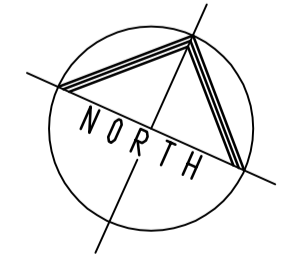
**TOMMY BRÜMMER TOWN PLANNERS – February 2021**



FLOOR AREA CALCULATION:	
1. EX MAIDS ROOM (EXTENDED)	29M <sup>2</sup>
2. EX GUEST BEDROOM & LIVING ROOM	90M <sup>2</sup>
3. NEW GUEST BEDROOM & LIVING ROOM	90M <sup>2</sup>
4. MAIN HOUSE (INCLUDING VERANDAS)	396M <sup>2</sup>
	605M <sup>2</sup>
TOTAL M <sup>2</sup> PROPERTY	1705M <sup>2</sup>
TOTAL M <sup>2</sup> FLOOR COVERAGE	605M <sup>2</sup> OR 35%

COVERAGE CALCULATION:	
1. MAIN GARAGE & MAID'S ROOM (EXTENDED)	90M <sup>2</sup>
2. GUEST BEDROOM & LIVING ROOM	69M <sup>2</sup>
3. MAIN HOUSE (EXCLUDING VERANDAS)	277M <sup>2</sup>
	436M <sup>2</sup>
TOTAL M <sup>2</sup> PROPERTY	1705M <sup>2</sup>
TOTAL M <sup>2</sup> COVERAGE	436M <sup>2</sup> OR 26%

NO PARKING BAYS REQUIRED:	7
NO PARKING BAYS PROVIDED:	7



**SITE PLAN AND GROUND STOREY**  
1:100

CLIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

ARCHITECT: \_\_\_\_\_ DATE: \_\_\_\_\_

NOT FOR CONSTRUCTION

  
**OLIVER DODS**  
 ARCHITECT  
(SACAP 4060)  
-021 790 5927 -082 880 1233  
55 Andrews Road, Hout Bay, 7806 otdods@siafrica.com

CLIENT  
**MR & MRS HATHORN**

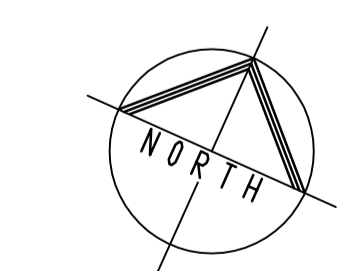
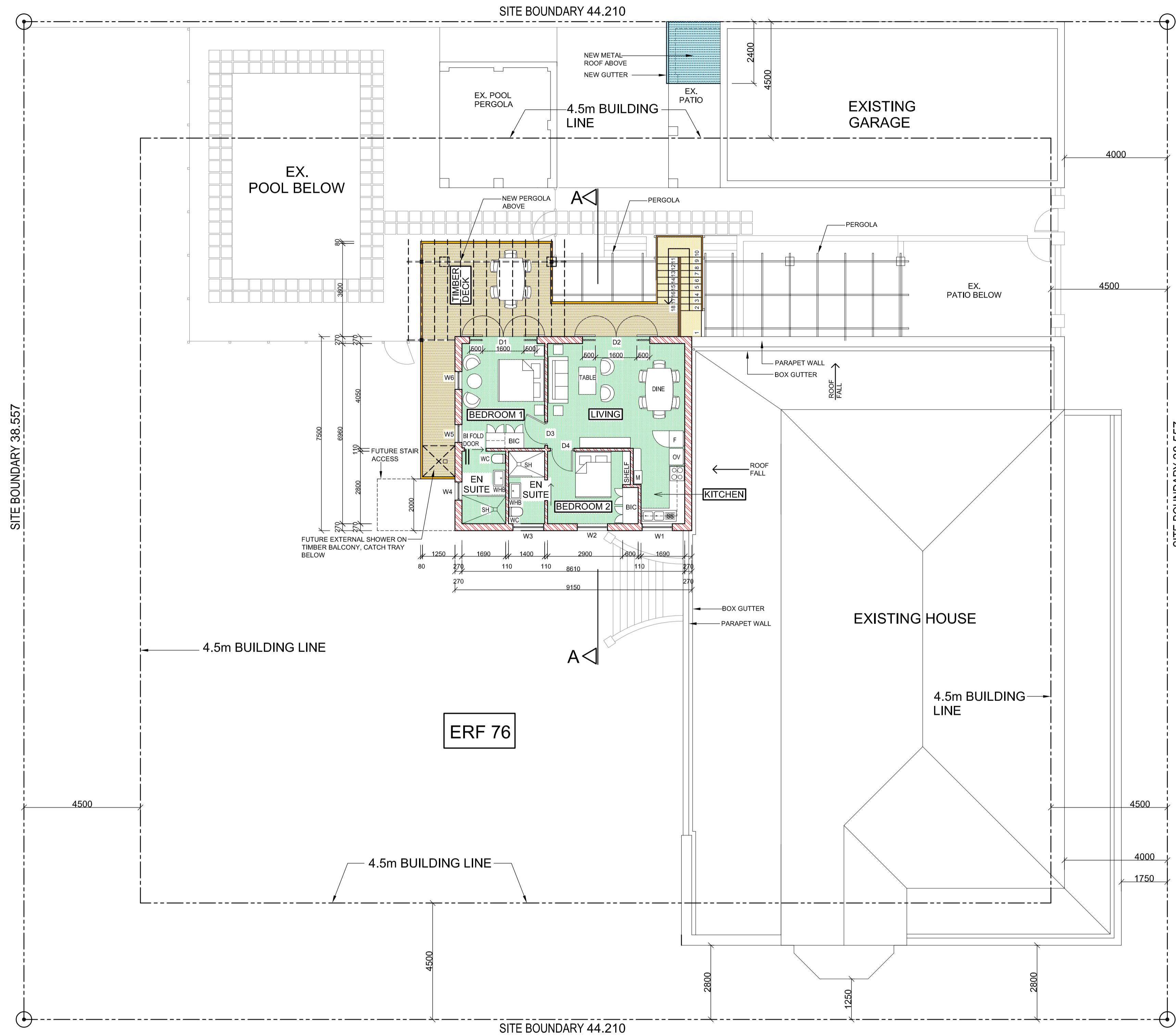
PROJECT  
**HOUSE HATHORN**  
ERF NO. 76  
AKADEMIE STREET  
FRANSCHOEK

TITLE  
**PROPOSED ADDITION**  
**GROUND STOREY LAYOUT**

THIS DRAWING IS PROTECTED BY COPYRIGHT AND REMAINS THE PROPERTY OF OLIVER DODS. COPIES OF THIS DRAWING MAY ONLY BE ISSUED TO A THIRD PARTY WITH THE WRITTEN PERMISSION OF OLIVER DODS.

DESIGNED	O.D.	CHECKED	O.D.
DRAWN	R.J.	DATE	08/10/2020
SCALE	AS SHOWN	CAD REF.	
REVISION			
DESTROY EARLIER ISSUES			

DRAWING No. **1904-02**



**FIRST STOREY**  
1:100

LOUIS BOTHA STREET

ERF 76

AKADEMIE STREET

CLIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

ARCHITECT: \_\_\_\_\_ DATE: \_\_\_\_\_

NOT FOR CONSTRUCTION

  
**OLIVER DODS**  
 ARCHITECT  
(SACAP 4060)  
-021 790 5927 -082 880 1233  
55 Andrews Road, Hout Bay, 7806 otdods@siafrica.com

CLIENT  
MR & MRS HATHORN

PROJECT  
HOUSE HATHORN  
ERF NO. 76  
AKADEMIE STREET  
FRANSCHOEK

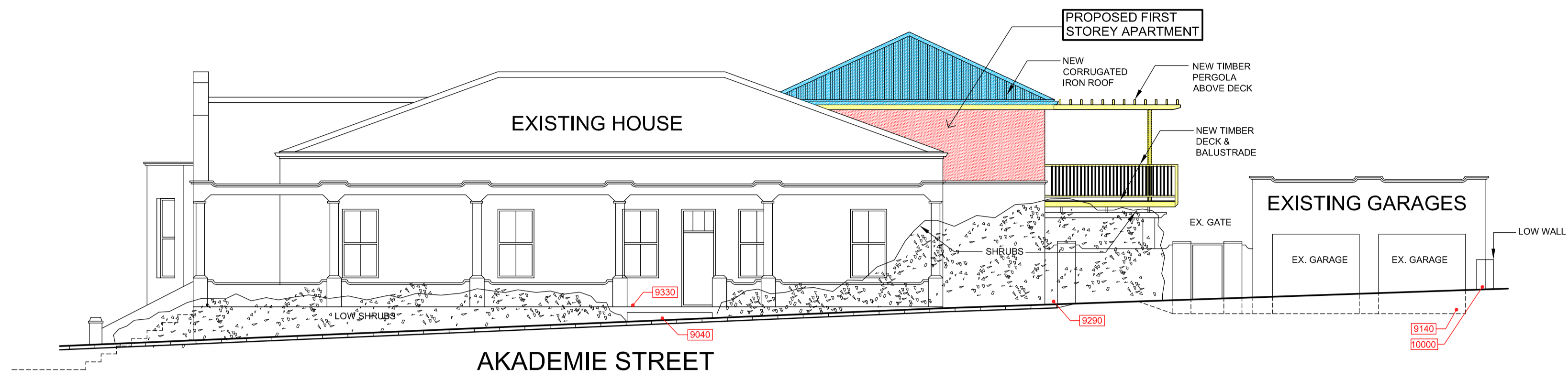
TITLE  
PROPOSED ADDITION  
FIRST STOREY LAYOUT

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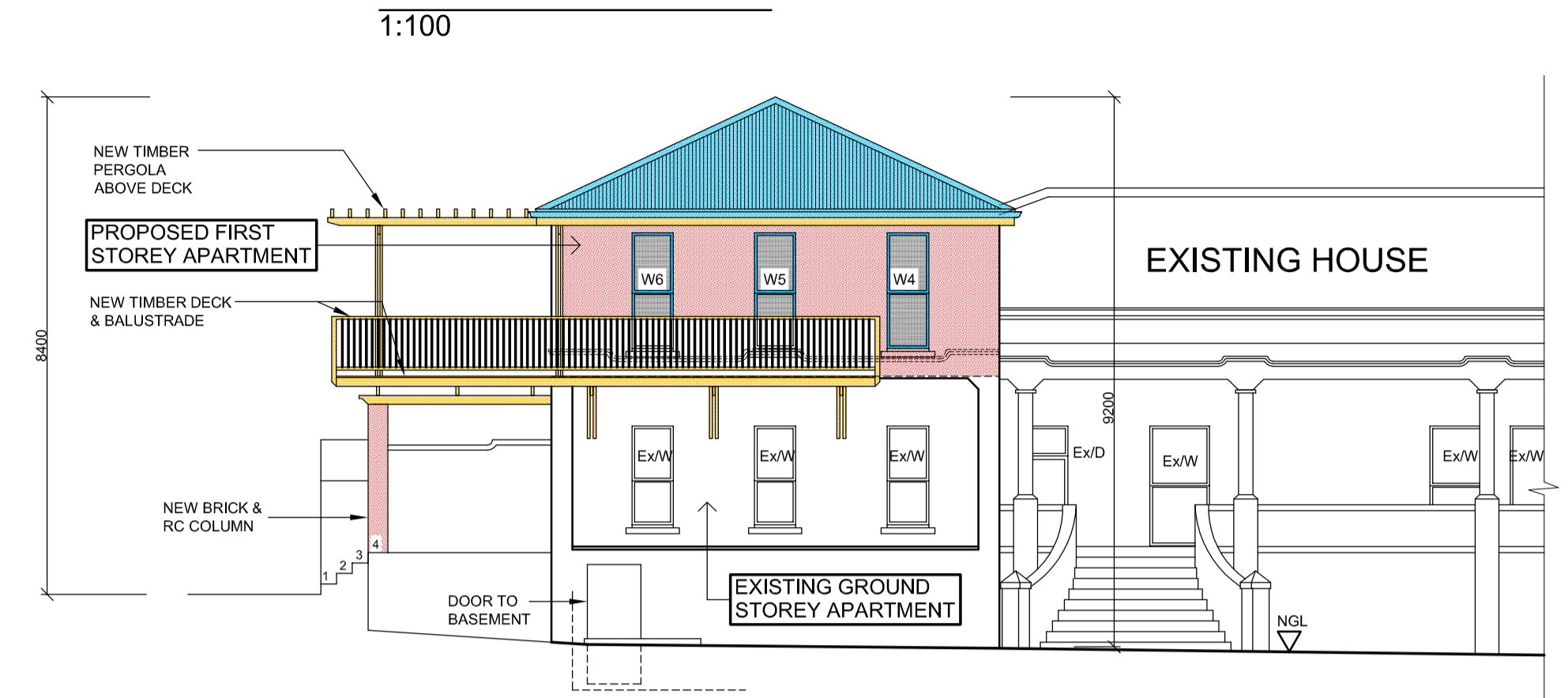
DESIGNED	O.D.	CHECKED	O.D.
DRAWN	R.J.	DATE	08/10/2020
SCALE	AS SHOWN	CAD REF.	
REVISION			
DESTROY EARLIER ISSUES			

DRAWING No. 1904-03

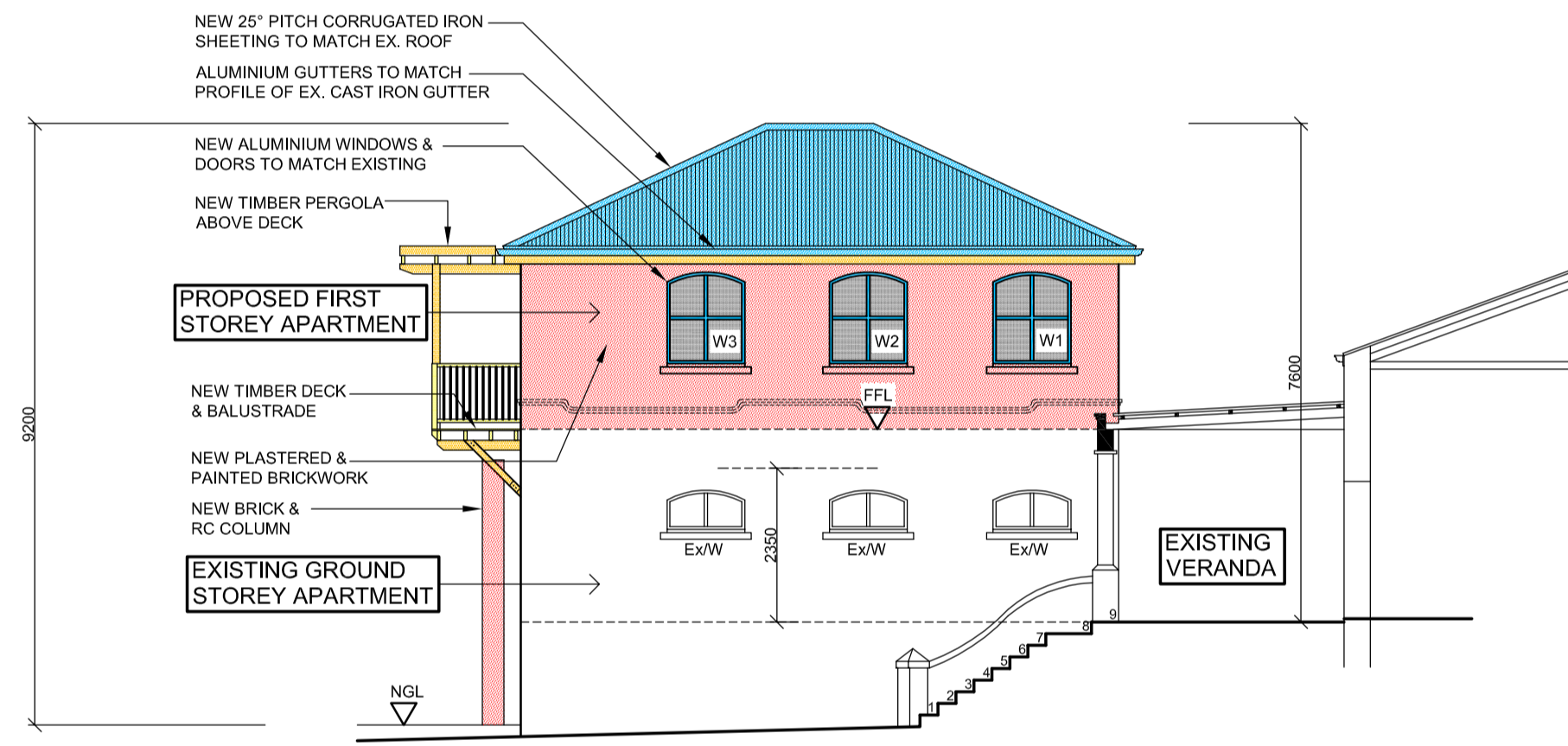




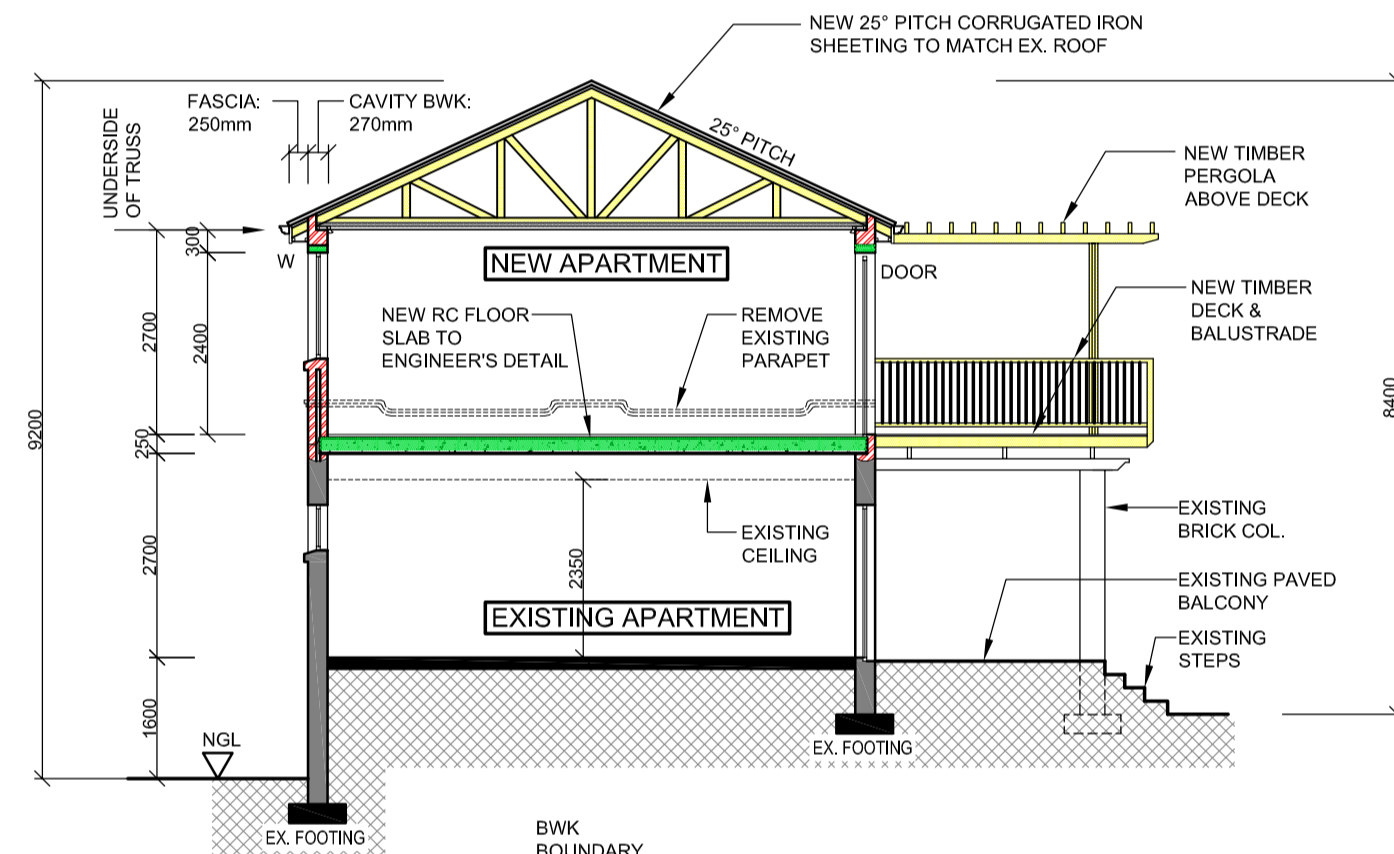
**STREET EAST ELEVATION (STREET)**  
1:100



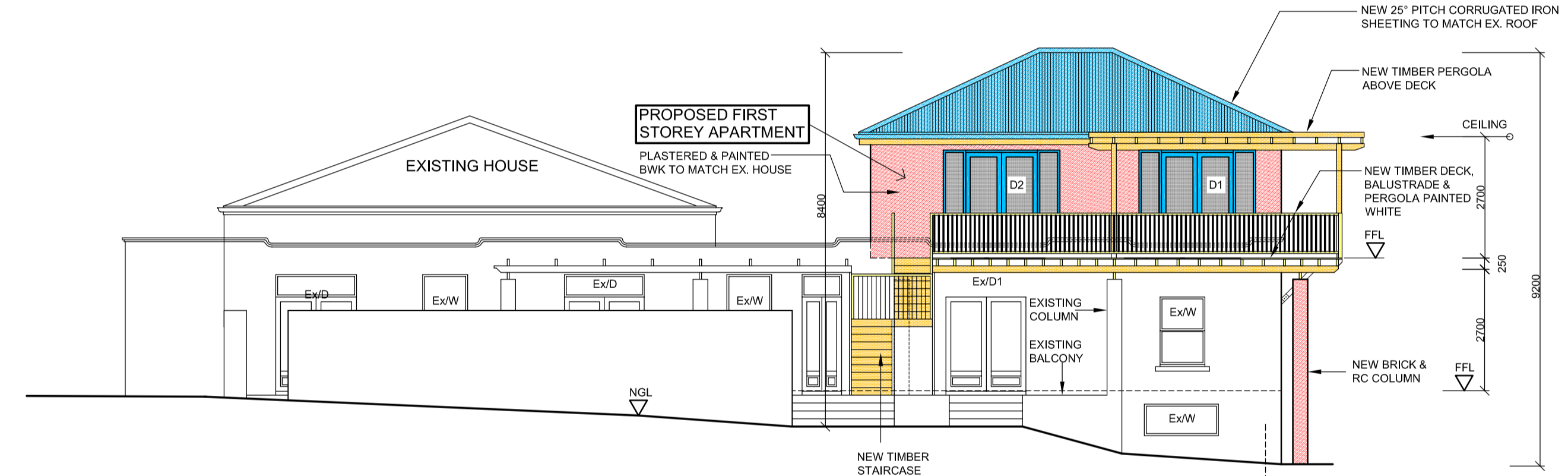
**WEST ELEVATION**  
1:100



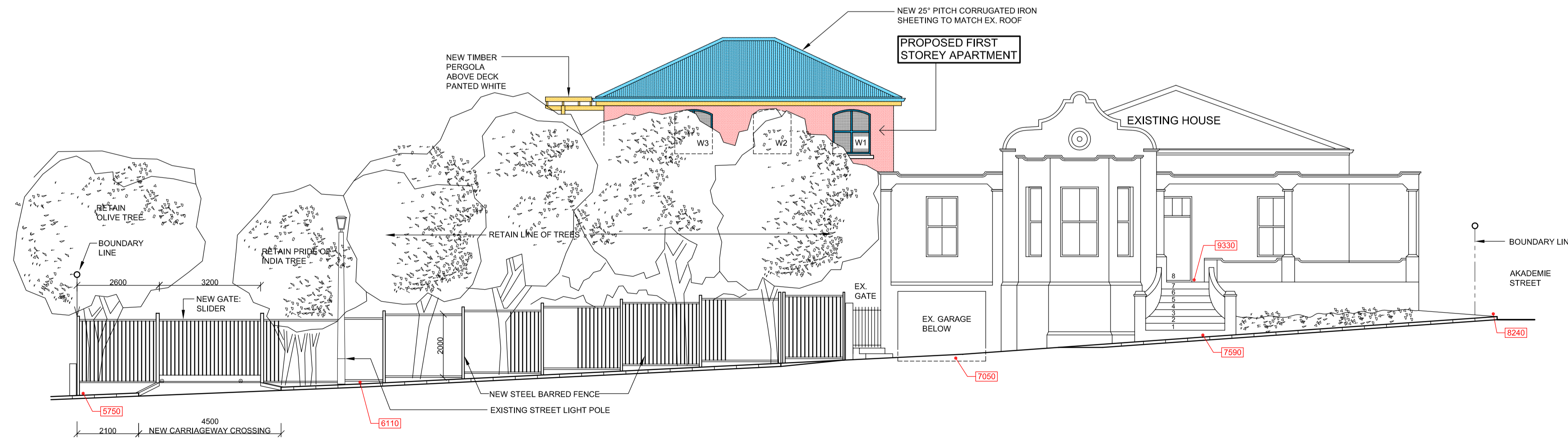
**SOUTH ELEVATION**  
1:100



**SECTION A-A**  
1:100



**NORTH ELEVATION**  
1:100



**SOUTH ELEVATION (STREET)**  
1:100

CLIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

ARCHITECT: \_\_\_\_\_ DATE: \_\_\_\_\_

NOT FOR CONSTRUCTION

  
**OLIVER DODS**  
 ARCHITECT  
(SACAP 4060)  
-021 790 5927 -082 880 1233  
55 Andrews Road, Hout Bay, 7806 otdods@siafrica.com

CLIENT  
**MR & MRS HATHORN**

PROJECT  
**HOUSE HATHORN**  
**ERF NO. 76**  
**AKADEMIE STREET**  
**FRANSCHOEK**

TITLE  
**PROPOSED ADDITION**  
**ELEVATIONS AND SECTIONS**

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DESIGNED	O.D.	CHECKED	O.D.
DRAWN	R.J.	DATE	08/10/2020
SCALE	AS SHOWN	CAD REF.	
REVISION			
DESTROY EARLIER ISSUES			

DRAWING No. **1904-04**



## TAX INVOICE

# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599

PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2021-02-24	DOCUMENT NO.:	702611
ERF/FARM NO:	76	CREATED BY:	Salome NEWMAN
LOCALITY:	AKADEMIE STREET, FRANSCHHOEK	APPLICATION NO.:	LU/12422
OWNER'S NAME:		APPLICANT VAT NO.:	4900146830
ADDRESS:	242 BUITENGRACHT STREET BO-KAAP 8001	VAT NO.:	4700102181
		APPLICANT:	TOMMY BRUMMER CC
		TEL NO.:	021 531 8435

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
PERMANENT DEPARTURE - Departure and applications for second dwelling units, Erven which are 251m <sup>2</sup> and larger	R 2,500.00	1	20180711011484	R 2,500.00
REZONING and DETERMINATION OF A ZONING - Submitted in Urban and Rural Areas, Per application per property	R 10,000.00	1	20180711011484	R 10,000.00
PERMISSION ITO CONDITION OF APPROVAL - New / Amendment of Site Development Plan	R 2,500.00	1	20180711011476	R 2,500.00
PERMISSION ITO CONDITION OF APPROVAL - New / Amendment of Site Development Plan	R 2,500.00	1	20180711011476	R 2,500.00
<b>TOTAL AMOUNT PAYABLE</b>				R 17,500.00
VAT included @ 15%				R 2,282.61

FILE NR: \_\_\_\_\_

SCAN NR: \_\_\_\_\_

GENERATOR NR: \_\_\_\_\_

E-76 FH

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES

09 MAR 2021

RECEIVED

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

**CALCULATED BY:**

**NAME:**

**SIGNATURE:**

**DATE:**

**PAYMENT MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE**

**CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH MUNICIPALITY**

Applicant to return this form to the Advice Centre for

DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

**VERIFIED BY:**

**NAME:**

**SIGNATURE:**

**DATE:**

**BANKING DETAILS FOR EFT PAYMENT:**

ACCOUNT HOLDER: Stellenbosch Municipality

BANK: First National Bank (FNB)

ACCOUNT NUMBER: 62869253684

BRANCH CODE: 210554

REF: LU/\_\_\_\_\_ and ERF/FARM \_\_\_\_\_

Please use both the Land Use Application number and the Erf/Farm number indicated on this invoice as a reference when making EFT payment.

# Standard Bank of South Africa

ComputerGeneratedCopy

The Standard Bank of South Africa Limited Registered Bank Reg. No. 1962/000738/06

## CUSTOMER PAYMENTS PRINT REPORT

**Customer no :** 403254923    **User ID :** QWN34    **User Name :** TOMMY BRUMMER CC  
**Action Date :** 20210226    **Batch Description :** WFS43 20210226 08:30:25.2    **Batch No :** 2021057002

From :

<u>Branch No</u>	<u>Branch Name</u>	<u>Account No</u>	<u>Account Name</u>	<u>Status</u>	<u>Amount</u>	<u>Statement Reference</u>	<u>Description</u>	<u>Sub Batch No</u>
36309	PINELANDS	73038350	TOMMY BRUMMER CC	VALIDATED STRIPPED	17,500.00	2021057002/1	2021057002 C	1

<u>Trans No</u>	<u>Creditor</u>	<u>Acc No / CDI</u>	<u>Account Name</u>	<u>Status</u>	<u>Amount</u>	<u>Statement Reference</u>	<u>RTGS/RTC</u>	<u>MTFR No</u>
1	003STELLENBOSCH	62869253684	STELLENBOSCH MUNICIPALITY	VALIDATED STRIPPED	17,500.00	LU/12422 ERF 76 FRANSCHOEK	N	0

\*\* END OF REPORT \*\*

## Salome Newman

---

**From:** Salome Newman  
**Sent:** 24 February 2021 03:10 PM  
**To:** 'info@tommybrummer.co.za'  
**Cc:** quintus@tommybrummer.co.za  
**Subject:** Erf 76, Franschhoek  
**Attachments:** SMFD-Eikest21022415060.pdf

Good day

Pre-scrutiny of your documentation as submitted on 24 February 2021 has been completed. The documentation is considered complete and you may now pay the following fees into Council's bank account. Please provide this office with a copy of your proof of payment.

See attached invoice for payment.



*Regards / Groete,*

**Salome Newman**

Admin Officer

**Planning and Economic Development**

---

T: +27 21 808 8659 | F: +27 21 886 6899

Plein Street, Stellenbosch, 7600

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



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](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)



**PLANNING & ECONOMIC DEVELOPMENT**

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015			Date of Submission of Application	18-02-2021	
<b>Erf / Erven/ Farm no</b>	76	<b>Portion(s) if farm</b>	<b>Allotment Area</b>	Franschhoek	
<b>Owner / Applicant</b>	Tommy Brummer CC	<b>Contact number</b>		0722141656	
<b>Email address</b>	info@tommybrummer.co.za				
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION			ADMIN TO VERIFY <sup>1</sup>		PLANNER TO EVALUATE <sup>2</sup>
			YES	NO	
1. Completed application form that is signed			✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent			✓		✓
3. Bondholders' consent					N/A
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					N/A
11. Permission for required servitude					N/A
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					

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

<sup>2</sup> 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:.....			
<b>VERIFIED &amp; SIGNED BY ADMIN</b>	<b>NAME: SALOME</b>	Salome	
<b>VERIFIED &amp; SIGNED BY PLANNER</b>	<b>NAME: LOUISA</b>	Louisa 24 Feb 2021	

**Outstanding information (to be completed by Planner):**

Application fee = Rezoning = R10 000  
 Disburse = R2 500  
 Permission i.t.o zoning scheme = R2 500  
 " " = R2 500

- 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)].

**Bulelwa Mdoda**

hw/12382

**From:** Quintus Thom <Quintus@tommybrummer.co.za>  
**Sent:** 12 February 2021 09:54 AM  
**To:** Landuse Applications  
**Cc:** Tommy Brummer; Oliver Dods; sue.tipler@iafrica.com  
**Subject:** [EX] Application for Rezoning, Departures and Permission - Erf 76, Franschoek | 10495  
**Attachments:** 10495 Motivation Report 2021 Final for Submission.pdf; Annexure A\_App Form and POA.pdf; Annexure B\_Title Deed\_Ownership.pdf; Annexure C\_Erf Diagram and Noting Sheet.pdf; Annexure D\_SDP February 2021.pdf; Annexure E\_Beacon & Topographic Plan.pdf; Annexure F\_Pre consult note-Eikest20111710520.pdf

Please find attached the following documents in support of our application:

1. Motivation Report
2. Annex A: Application Form & POA
3. Annex B: Title Deed and Ownership
4. Annex C: Erf Diagram and Noting Sheet
5. Annex D: SDP
6. Annex E: Survey
7. Annex F: Pre-submission Record

Thank you  
Quintus Thom  
For Tommy Brummer Town Planners



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## LAND USE PLANNING APPLICATION FORM 2017

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

**KINDLY NOTE:** Please complete this form using BLOCK letters and ticking the appropriate boxes.

### PART A: APPLICANT DETAILS

First name(s)	Thomas Brian				
Surname	Brummer				
Company name (if applicable)	Tommy Brummer CC				
Postal Address	242 Buitengracht Street				
	Bo-Kaap	Postal Code	8001		
Email	quintus@tommybrummer.co.za				
Tel	021 5318435	Fax		Cell	0722141656

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

Registered owner(s)	B L Orpen				
Physical address	C/O Tommy Brummer Town Planners				
		Postal code			
E-mail	info@tommybrummer.co.za				
Tel	021 5318435	Fax		Cell	

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

Erf / Erven / Farm No.	76	Portion(s) if Farm		Allotment area	Franschhoek		
Physical Address	cnr of Akademie and Louis Botha Streets, Franschhoek						
Current Zoning	Conventional Residential	Extent	1825 m <sup>2</sup> / <del>ha</del>	Are there buildings?	existing	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Applicable Zoning Scheme	Stellenbosch										
Current Land Use	Single residential dwelling use										
Title Deed number and date	T		T 24842/2013								
Attached Conveyance's Certificate	Y	<input checked="" type="checkbox"/>	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	<input checked="" type="checkbox"/>	If Yes, list the party(ies):								
Is the property encumbered by a bond?	Y	<input checked="" type="checkbox"/>	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	<input checked="" type="checkbox"/>	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	<input checked="" type="checkbox"/>	N	Is the building older than 60 years?	<input checked="" type="checkbox"/>	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	Y	<input checked="" type="checkbox"/>	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	<input checked="" type="checkbox"/>	If yes, is this application to legalize the building / land use <sup>2</sup> ?			Y	<input checked="" type="checkbox"/>				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	<input checked="" type="checkbox"/>	Are there any land claim(s) registered on the subject property(ies)?			Y	<input checked="" type="checkbox"/>				
<b>PART D: PRE-APPLICATION CONSULTATION</b>											
Has there been any pre-application consultation?	<input checked="" type="checkbox"/>	N	If Yes, please attach the minutes of the pre-application consultation. Copy of outcome document attached								
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>											
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>											
Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs</i> <sup>3</sup>										
<input checked="" type="checkbox"/>	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;										

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

<sup>2</sup> No application may be submitted to legalize unauthorised building work and or land use on the property if a notice 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)

<sup>3</sup> <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		
<b>OTHER APPLICATIONS</b>			
	Deviation from Council Policies/By-laws;	R	
	Other (specify) : _____	R	
<b>TOTAL A:</b>		<b>R</b>	
<b>PRESCRIBED NOTICE AND FEES** (for completion and use by official)</b>			
<b>Tick</b>	<b>Notification of application in media</b>	<b>Type of application</b>	<b>Cost</b>
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; data messages	R
	<b>PUBLICATION OF NOTICES</b>	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	<b>ADDITIONAL PUBLICATION OF NOTICES</b>	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	<b>NOTICE OF DECISION</b>	<i>Provincial Gazette</i>	R
	<b>INTEGRATED PROCEDURES</b>	T.B.C	R
<b>TOTAL B:</b>		<b>R</b>	
<b>TOTAL APPLICATION FEES*</b> (TOTAL A + B)		<b>R</b>	
* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.			
** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.			
<b>BANKING DETAILS</b>			
Name:	Stellenbosch Municipality		
Bank:	NEDBANK		
Branch no.:	198765		
Account no.:	1152271679		
SWIFT	NEDSZAJJ		
<b>Payment reference:</b> (Erf/Farm number)	.....		

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	Tommy Brummer CC
Postal Address	242 Buitengracht Street Bo-Kaap 8001
Vat Number (where applicable)	4900146830

PART F: DETAILS OF PROPOSAL							
Building line encroachment	Street	Akademie		From	m4,5m	To	m1,75
	Street	L Botha		From	m4,5m	To	m1,25
	Side			From	m	To	m
	Side		north	From	m4,5m	To	m0m
	Aggregate side			From	m	To	m
	Rear			From	m	To	m
Exceeding permissible site coverage			From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms			From		To		
Exceeding height restriction	In terms of conservation overlay		From	m8,5m	To	m9,2m	
Exceeding maximum storey height			From	m	To	m	
Consent/Conditional Use/Special Development							
To permit Work in the conservation overlay zone in terms of Section 246 of the Stellenbosch Zoning Scheme Regulations							
Other (please specify)	Rezoning from Conventional Residential Zone to Multi-Unit Res.						

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

Intention of the application is to permit the construction of an additional dwelling unit on the 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 ( <b>Full copy of the title deed</b> )
<input type="checkbox"/>	<input type="checkbox"/>		Conveyancer's certificate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minutes of pre-application consultation meeting (if applicable)
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Consolidation plan (A4 or A3 only) to scale	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Street name and numbering plan (A4 or A3 only) to scale	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Landscaping / Tree plan (A4 or A3 only) to scale	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Abutting owner's consent	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Copy of original approval and conditions of approval	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Proof of lawful use right	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<input type="checkbox"/>	<input type="checkbox"/>	N/A	Required number of documentation copies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A
						Land use plan / Zoning plan (A4 or A3 only) to scale
						1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
						Home Owners' Association consent
						Services Report or indication of all municipal services / registered servitudes
						Proof of failure of Home owner's association
						Any additional documents or information required as listed in the pre-application consultation form / minutes
						Other (specify) Beacon Survey

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

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

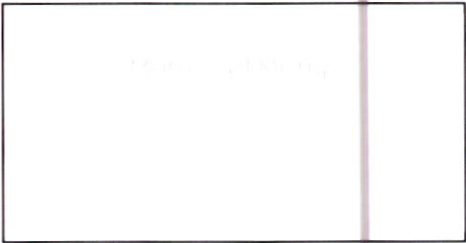
- 12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
- 13. A person 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: 12 February 2021

Full name: Thomas Brian Brummer

Professional capacity: Town Planner

**FOR OFFICE USE ONLY**

Date received: _____  Received By: _____	
--	--

## SPECIAL POWER OF ATTORNEY

Revenue  
Stamp

I/we, the undersigned,

\_\_\_\_\_

Barbara Orpen

In my/our capacity as owner/s of Erf 76 Franschhoek,

do hereby nominate, constitute and appoint Thomas Brian Brummer of Tommy Brummer CC

with power of Substitution, to be my/our lawful Agent in my/our name, place and stead, to:

1. Submit applications and land use related correspondence to the local authority relating to the proposed additions and development on Erf 76, Franschhoek, and

generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as I/we might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said Agent shall lawfully do, or cause to be done, by virtue of these presents.

Signed at Franschhoek

this 10th day of February 2021  
in the presence of the undersigned witnesses.

SIGNATURE: \_\_\_\_\_

AS WITNESSES:

1. \_\_\_\_\_

2. \_\_\_\_\_

**A. VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER'S USE:**

(a) Gelyktydiges met ander registrasiekantore/deeltitels: Simult with other registries/sectional titles:

	Kode	Firma / Firm	Eiendom / Property	Kantoor / Office
1				
2				
3				
4				

(b) Kliënt afskrifte van aktes permanent in Aktekantoor geliasseer:  
Client copies of deed filed permanently in Deeds Office:

Aard en nommer van akte Nature and number of deed	Omslag nr. Cover no.	Parawe van ondersoekers Initials of examiners

(c) Notas / Notes:

**B. VIR AKTEKANTOOR SE GEBRUIK / FOR DEEDS OFFICE USE:**

		Opmerkings Remarks	Paraaf Initials
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>27 MAY 2013</b>  <b>AYINOFU NOZIQAMO</b>                      Interdikte nagesien deur .....                 </div>	Datum Date .....		
	Interdikte nagesien deur Interdicts checked by .....		
Datum Date .....	(1) Dorp goedgekeur (geproklameer) Township approved (proclaimed).....		
	(2) Begifligingserwe Endowment erven.....		
	(3) Begifliging Endowment.....		
	(4) Voorwaardes Conditions.....		
	(5) Mikro Micro.....		
	(6) Algemene plan General Plan.....		
	(7) Titelakte Title deed.....		
	(8) Verbande teen dorpsitel Bonds against township title.....		
	(9) Datum nagesien Date checked.....		

Kantoor instruksies / Office instructions:

Seksie / Section:



Deeds Reg A/C No.

CTN

52

Akte Kant Rek. Nr.

BISSET  
BOEHMKE  
MCBLAIN

TELEPHONE (021) 441-9800 TELEFOON

UITVOERING / EXECUTION

Ref. No./Verw. Nr.

MCS98A

RECEIVED  
09 MAY 2013  
INGEDIEN

Datum van indiening/Date of lodgement

27 MAY

	Onssoekers / Examiners	Kamers/ Rooms	Skakeling / Linking	Verwerp/ Reject	Passeer / Pass
1.	N. DAVHANA 1129		2	1	/
2.	Z SALIE 1166				
3.					

VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER'S USE.

Aard van Akte / Nature of Deed:

TRANSEK  
KESAND INVESTMENTS 1104 CC  
t.g.v./i.f.o.

B.L. ORPEN

REFIN

T 000024841/2013

Skakeling / Linking

Titelaktes, ens. binne / Title deeds, etc. within

2

1

T102997/1999

GELYKTYDIGES / SIMULS

No. in stel/batch	Kode Code	Name van Partye / Names of Parties	Naam van Firma / Name of Firm	Firma/ Firm No.
1	T	KESAND INVEST. 1104 CC   ORPEN	BISSET	52
2	BC	KESAND INVEST 11 FRB	BISSET	52
3			HANDED IN FOR EXECUTION	
4				
5			27 MAY 2013	
6			CAPE TOWN	
7			HANDED IN FOR EXECUTION	
8				
9				
10				



080005419456

Registration versoek deur:  
Registration requested by:

Datum:  
Date:

(Kort beskrywing van eiendom (slegs para 1 in Akte) Brief description of property (merely para 1 in Deed)

REMAINING EXCF 76  
FRANSCHHOEK

52

Bisset Boehmke McBlain  
11th floor Triangle House  
22 Riebeek Street  
Cape Town  
8001

Prepared by me

CONVEYANCER  
Robert Christopher Ferrandi

	Fee endorsement Amount		Stamp fee
Purchase price/Value	R. 6 000 000-00		R. 1500-00
Mortgage capital Amount	R. ....		
Reason for exemption	Exempt i. t. o		
	Cat. ....	section. ....	Act. ....

T000024841 / 2013

### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**RONÉL ELS**

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at FRANSCHHOEK on 3 February 2013 granted to him by

**WESTAND INVESTMENTS 1104 CC**

**REGISTRATION NUMBER 1999/049848/23**

DATA / VERIFIED  
12 JUN 2013  
DEBRA TALJAARD

DATA / CAPTURE  
11 JUN 2013  
NGOGWANA PENELOPE

And the Appearer declared that:-

WHEREAS the undermentioned property is registered in the name of WESTAND INVESTMENTS 1104 CC;

AND WHEREAS BARBARA LYNN ORPEN is a connected person in relation to WESTAND INVESTMENTS 1104 CC;

AND WHEREAS in terms of Section 9 of the Transfer Duty Act 40 of 1949 read with paragraph 51A of the Eighth Schedule to the Income Tax Act 58 of 1962, a Resolution was passed by WESTAND INVESTMENTS 1104 CC on 28 May 2012 to transfer the property as a dividend in species and in pursuance whereof the undermentioned property was to be transferred to BARBARA LYNN ORPEN;

AND WHEREAS the requirements of paragraph 51A of the Eighth Schedule to the Income Tax Act 58 of 1962 have been met;

AND that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer in full and free property to and on behalf of

**BARBARA LYNN ORPEN**  
**Identity Number 601018 0039 086**  
**Married out of community of property**

her Heirs, Executors, Administrators or Assigns,

REMAINDER ERF 76 FRANSCHHOEK IN THE MUNICIPALITY OF  
STELLENBOSCH, DIVISION PAARL, WESTERN CAPE PROVINCE

IN EXTENT 1825 (ONE THOUSAND EIGHT HUNDRED AND TWENTY FIVE)  
SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer No. T222 dated 18 October 1862  
with Diagram relating thereto and held by Deed of Transfer No. T102997/1999

- A. SUBJECT to the conditions referred to in Deed of Transfer No. T2714/1901
- B. SUBJECT FURTHER to the servitude referred to in an endorsement dated 6 July 1905 on Deed of Transfer T2714/1901, which reads as follows :
- "By Deed of 17 June 1905 certain water right is conceded to the Colonial Government subject to conditions as will more fully appear on reference to the copy annexed hereto."
- C. SUBJECT FURTHER to the terms of the following endorsements dated 1 June 1983 on Deed of Transfer No. T32613/1976 :-
- "Kragtens T18664/1983 is die restant van die binnegemelde eiendom onderhewig aan die volgende voorwaardes opgelê deur die Administrateur kragtens Artikel 9 van Ordannansie Nr 33 van 1934 by goedkeuring van hierdie onderverdeling.

1. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat hoofgasleidings, elektrisiteits-, telefoon- en televisiekabels en/of drade, hoof- en ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, oor hierdie erf gevoer word en dat bogrondse installasies soos mini-substasies, meter kiosks en dienspale daarop geïnstalleer word indien dit deur die plaaslike owerheid nodig geag word en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking to bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.
2. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die material 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.



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

**WESTAND INVESTMENTS 1104 CC**  
**1999/049848/23**

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

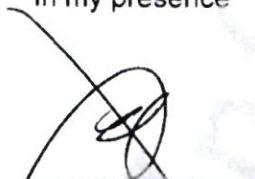
**BARBARA LYNN ORPEN, Married as aforesaid**

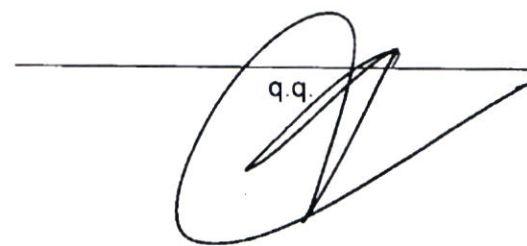
her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging that the value at the date of disposal is deemed to be equal to the fair market value being the sum of R6 000 000,00 (SIX MILLION 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 **28 MAY 2013**

In my presence

  
\_\_\_\_\_  
REGISTRAR OF DEEDS

  
\_\_\_\_\_  
q.q.



52

Bisset Boehmke McBlain  
11th floor Triangle House  
22 Riebeek Street  
Cape Town  
8001



Prepared by me



CONVEYANCER

~~Ferrandi RC~~

ROBERT CHRISTOPHER FERRANDI

## POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

**BARBARA LYNN ORPEN**  
duly authorised hereto by a resolution of the members of  
**WESTAND INVESTMENTS 1104 C C**  
**1999/049848/23**

do hereby nominate and appoint Rene-Lynne Barry-Kleynhans and/or Roald Hubert Besselaar and/or Carl Christiaan Burger and/or Robert Christopher Ferrandi and/or Michelle Van Wyk and/or Ronel Els and/or Johanna Philna Phillips and/or Lisa Ann Visagie

with power of substitution to be my true and lawful Attorney and Agent in my name, place and stead to appear at the Office of the REGISTRAR OF DEEDS at Cape Town or any other competent official in the Republic of South Africa and then and there to act as my Attorney and Agent and to pass transfer to:

**BARBARA LYNN ORPEN**  
Identity Number 601018 0039 086  
Married out of community of property

the property described as:

**REMAINDER ERF 76 FRANSCHHOEK IN THE MUNICIPALITY OF  
STELLENBOSCH, DIVISION PAARL, WESTERN CAPE PROVINCE**

**IN EXTENT 1825 (ONE THOUSAND EIGHT HUNDRED AND TWENTY  
FIVE) SQUARE METRES**

**HELD BY Deed of Transfer Number T102997/1999**

GhostConvey 14.0.10.11

BA MH BUO

AND TO DECLARE THAT WHEREAS the abovementioned property is registered in the name of WESTAND INVESTMENTS 1104 CC;

AND WHEREAS BARBARA LYNN ORPEN is a connected person in relation to WESTAND INVESTMENTS 1104 CC;

AND WHEREAS in terms of Section 9 of the Transfer Duty Act 40 of 1949 read with paragraph 51A of the Eighth Schedule to the Income Tax Act 58 of 1962, a Resolution was passed by WESTAND INVESTMENTS 1104 CC on 28 May 2012 to transfer the property as a dividend in specie and in pursuance whereof the undermentioned property was to be transferred to BARBARA LYNN ORPEN;



AND WHEREAS the requirements of paragraph 51A of the Eighth Schedule to the Income Tax Act 58 of 1962 have been met;

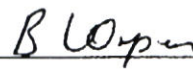
NOW THEREFORE transfer is passed in pursuance thereof, of which the value at the date of disposal is deemed to be the fair market value being the sum of R6 000 000,00 (SIX MILLION RAND);

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at Franschhoek on 3 FEBRUARY 2013  
in the presence of the undersigned witnesses.

AS WITNESSES:

1. 
2. 

  
On behalf of WESTAND INVESTMENTS 1104 CC





**Details****Calculation of VAT Payable**

VAT Rate		Including VAT	
VAT Payable	R	Tax period when output tax will be declared on the VAT201 Declaration	
Output Tax	R	Supply is that of a going concern which is subject to the zero rate	R

**Transaction Status**

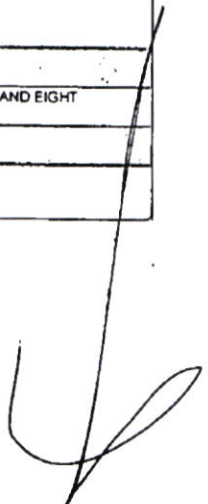
Exempt in terms of Section 9 of the Transfer Duty Act	Exemptions allowed by another Act
SECTION 9(20)	

**Property Description**

1	REMAINDER ERF 76 FRANSCHHOEK IN THE MUNICIPALITY OF S TELLENBOCH, DIVISION PAARL, WESTERN CAPE PROVINCE IN EXTENT 1825 (ONE THOUSAND EIGHT HUNDRED AND TWENTY FIVE) SQUARE METRES
---	---

**Voluntary Disclosure Programme**

Is this declaration made in respect of a VDP agreement with SARS?	NO	VDP Application No.	
---	----	---------------------	--



For Information



**Transfer Duty  
Declaration**

**TDREP**

Transfer Duty Reference Number: TDE0032CAF

**Exemption Certificate**

**Exemption Certificate Details**

Transfer Duty Reference No. TDE0032CAF

Exempt in terms of Section 9 of the Transfer Duty Act SECTION 9(20)

Exemptions allowed by another Act

**Declaration by Conveyancer / Attorney**

I certify that this is a true copy of the transfer duty declaration / receipt / exemption certificate drawn from the SARS eFiling site, which will be retained by me for 5 years from the date of registration of transfer.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Please ensure you sign over the 2 lines of 'X's above

0469c3c5ce63d99be40d0  
72e99a2c4aa7805534d

Date (CCYYMMDD)

03-05-2013

For enquiries go to  
[www.sars.gov.za](http://www.sars.gov.za) or call  
0800 00 SARS (7277)

**52**

Bisset Boehmke McBlain  
11th floor Triangle House  
22 Riebeek Street  
Cape Town  
8001

Prepared by me

CONVEYANCER  
Ferrandi RC

## POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

**BARBARA LYNN ORPEN**  
duly authorised hereto by a resolution of the members of  
**WESTAND INVESTMENTS 1104 C C**  
1999/049848/23

do hereby nominate and appoint **Rene-Lynne Barry-Kleynhans** and/or **Roald Hubert Besselaar** and/or **Carl Christiaan Burger** and/or **Robert Christopher Ferrandi** and/or **Michelle Van Wyk** and/or **Ronel Els** and/or **Johanna Philina Phillips** and/or **Lisa Ann Visagie**

with power of substitution to be my true and lawful Attorney and Agent in my name, place and stead to appear at the Office of the REGISTRAR OF DEEDS at Cape Town or any other competent official in the Republic of South Africa and then and there to act as my Attorney and Agent and to pass transfer to:

**BARBARA LYNN ORPEN**  
Identity Number 601018 0039 088  
Married out of community of property

the property described as:

**REMAINDER ERF 76 FRANSCHHOEK IN THE MUNICIPALITY OF  
STELLENBOSCH, DIVISION PAARL, WESTERN CAPE PROVINCE**

**IN EXTENT 1825 (ONE THOUSAND EIGHT HUNDRED AND TWENTY  
FIVE) SQUARE METRES**

**HELD BY Deed of Transfer Number T102997/1999**

*[Handwritten signature]*

*[Handwritten signature]*

REMAINDER ORF 76 FRANSCHHOEK.

<b>CLEARANCE CERTIFICATE</b>	
<b>STELLENBOSCH MUNICIPALITY</b>	
Authority is hereby granted in terms of Section 118 of The Local Government: Municipal Systems Act, 2000 (32/2000) for the registration of the transfer of the property mentioned herein.	
This clearance is valid until	03.07.2013
<i>[Signature]</i>	03.05.2013
DIRECTOR: FINANCE	DATE

FOR INFORMATION ONLY

AND TO DECLARE THAT WHEREAS the abovementioned property is registered in the name of WESTAND INVESTMENTS 1104 CC;

AND WHEREAS BARBARA LYNN ORPEN is a connected person in relation to WESTAND INVESTMENTS 1104 CC;

AND WHEREAS in terms of Section 9 of the Transfer Duty Act 40 of 1949 read with paragraph 51A of the Eighth Schedule to the Income Tax Act 58 of 1962, a Resolution was passed by WESTAND INVESTMENTS 1104 CC on 28 May 2012 to transfer the property as a dividend in specie and in pursuance whereof the undermentioned property was to be transferred to BARBARA LYNN ORPEN;

AND WHEREAS the requirements of paragraph 51A of the Eighth Schedule to the Income Tax Act 58 of 1962 have been met;

NOW THEREFORE transfer is passed in pursuance thereof, of which the value at the date of disposal is deemed to be the fair market value being the sum of R6 000 000,00 (SIX MILLION RAND);

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at \_\_\_\_\_ on \_\_\_\_\_  
in the presence of the undersigned witnesses.

AS WITNESSES:

1. \_\_\_\_\_

2. \_\_\_\_\_

On behalf of WESTAND  
INVESTMENTS 1104 CC

**CLEARANCE CERTIFICATE  
STELLENBOSCH MUNICIPALITY**

Authority is hereby granted in terms of Section 118 of  
The Local Government: Municipal Systems Act, 2000  
(32/2000) for the registration of the transfer of the  
property mentioned herein.

This clearance is valid until 03.07.2013

  
.....  
DIRECTOR: FINANCE

03.05.2013  
.....  
DATE

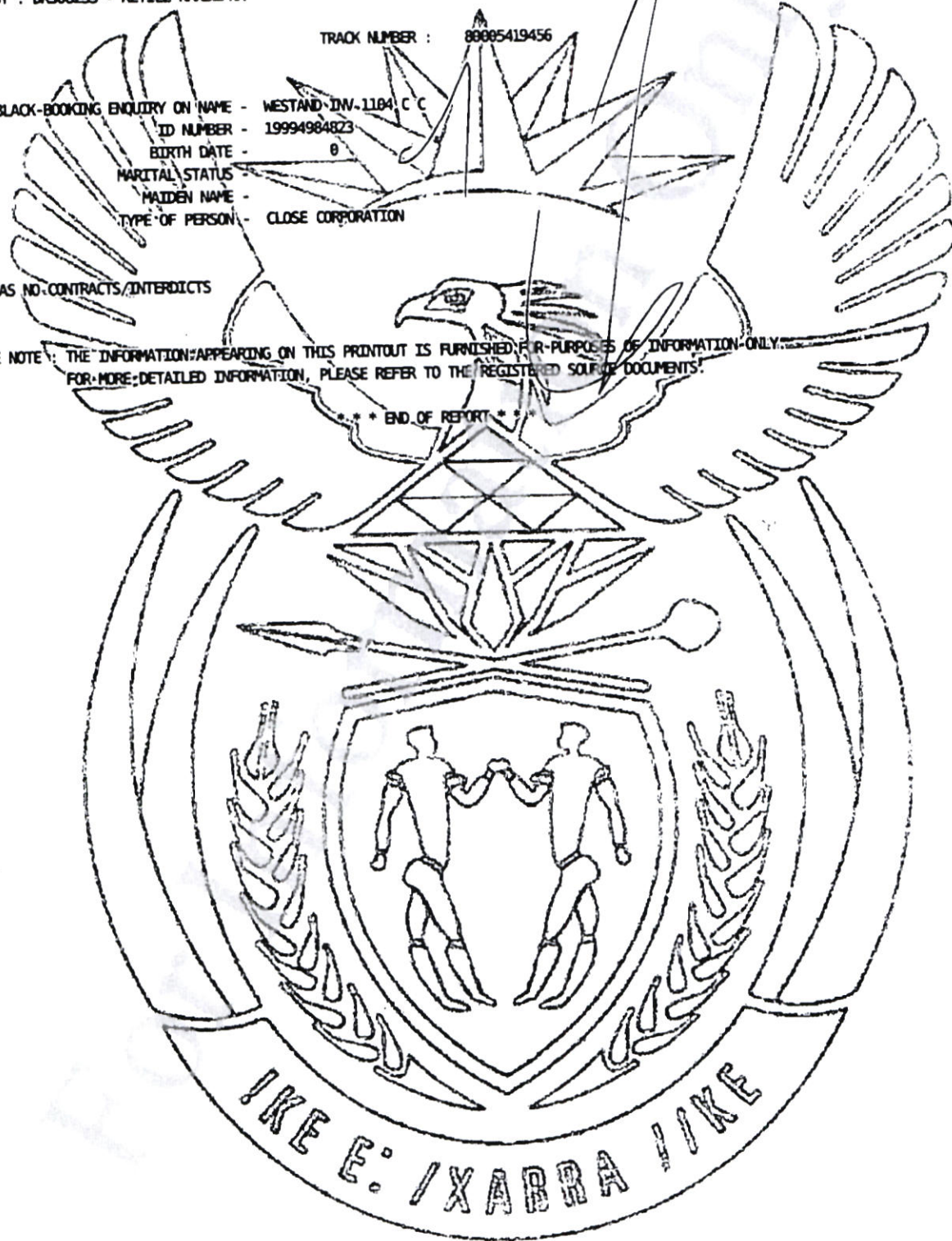
TRACK NUMBER : 88885419456

BLACK-BOOKING ENQUIRY ON NAME - WESTAND INV-1184 C C  
ID NUMBER - 19994984823  
BIRTH DATE - 0  
MARITAL STATUS  
MAIDEN NAME  
TYPE OF PERSON - CLOSE CORPORATION

PERSON HAS NO CONTRACTS/INTERDICTS

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

\*\*\* END OF REPORT \*\*\*



TRACK NUMBER : 88085419456

PROPERTY DETAILS: PRINT FOR PORTION 8 (R/E)  
ERF NO 76  
TOWNSHIP FRANSCHHOEK  
REG DIV PAARL RD

PROVINCE WESTERN CAPE  
PREV DESCRIPTION  
DIAGRAM DEED NO T222/10/1862  
EXTENT 1825 SQM  
CLEARANCE FRANSCHHOEK MUN

NO INTERDICTS

DOCUMENTS  
BS8561/1999

HOLDER & SHARE  
FIRSTSTRAND BANK LTD

AMOUNT  
R250000.00

O/P/A

SCAN/MICRO REF  
2000 0051 2468

MDD  
1222

OWNER DETAILS

FULL NAME & SHARE  
WESTAND INV 1104 C C

PURCH DATE AMOUNT/REASON  
19991011 R750000.00

O/P/A-IDENTITY  
19994984823

TITLE DEED  
T182997/1999

MDD  
1222

MICROFILM REF  
2000 0051 2447

\* O/P/A - 0 - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

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

\*\*\* END OF REPORT \*\*\*

!KE E: /XARRA /KE



## WinDeed Database Deeds Office Property

FRANSCHHOEK, 76, 0 (REMAINING EXTENT) (CAPE TOWN)

**GENERAL INFORMATION**

Date Requested 2021/02/08 14:42  
 Deeds Office CAPE TOWN  
 Information Source WINDEED DATABASE  
 Reference 10495

**PROPERTY INFORMATION**

Property Type ERF  
 Erf Number 76  
 Portion Number 0 (REMAINING EXTENT)  
 Township FRANSCHHOEK  
 Local Authority FRANSCHHOEK MUN  
 Registration Division FRANSCHHOEK  
 Province WESTERN CAPE  
 Diagram Deed T222/10/1862  
 Extent 1825.000SQM  
 Previous Description -  
 LPI Code C05500030000007600000

**OWNER INFORMATION****Owner 1 of 1**

Type PRIVATE PERSON  
 Name ORPEN BARBARA LYNN  
 ID / Reg. Number 6010180039086  
 Title Deed T24841/2013  
 Registration Date 2013/05/28  
 Purchase Price (R) VESTING  
 Purchase Date -  
 Share 0.00  
 Microfilm -  
 Multiple Properties NO  
 Multiple Owners NO

**ENDORSEMENTS**

No documents to display

**HISTORIC DOCUMENTS (7)**

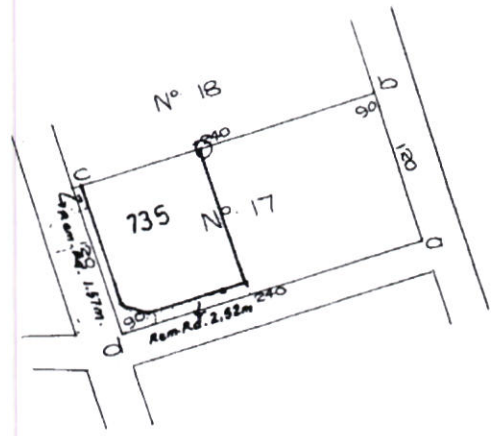
#	Document	Owner	Amount (R)	Microfilm
1	T32613/1976	BAKKES JANNIE MICHAEL	UNKNOWN	-
2	T102997/1999	WESTAND INV 1104 C C	750,000	2000 0051 2447
3	B58561/1999	FIRSTRAND BANK LTD	250,000	2000 0051 2468
4	B4573/1998	A B S A BANK	200,000	2000 0051 2467
5	T816/1984	MARAIS ELIZABETH ISABELLA	UNKNOWN	-
6	T14361/1985	LOTTER LINDA MARY	100,000	2000 0051 2439
7	T14361/1985	LOTTER JOHANNES CASPARUS	100,000	2000 0051 2439

**DISCLAIMER**

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

The numerical data of this diagram are mutually consistent.  
(Sgd) L. Marquard.  
Examiner.

GP F-13



Scale: 120 Cape Feet - 1 Inch.

\* NOW ERF NO. 76 FRANSCHHOEK.

The above Diagram a b c d represents 200 Square Roods of Freehold land, marked No. 17 on the General Plan, situate at & Surveyed for the Village Fransche Hoek, Division of the Paarl, \* being there part of the place "La Cotte", transferred in favor of Abraham Paul Hugo on the 21st December 1852.

Bounded N. by No. 18  
S. }  
E. } " Public Road  
W. }

Framed from actual survey by me,  
(Sgd) R.J. Moll  
Sworn Surveyor  
August, 1860.

222

Transfer

dated 18/10/1862.

W. Foster.

CHECKED *FlP*  
DATE CHECKED *14/7/10*

S  
B

NS 1602  
No Plan F-13

*Letradhope*

C

FOR ENDORSEMENTS  
SEE BACK DIAGRAM

ERF 76  
Comp. *BI-709/5A*  
Ref.

22/5/1957

B.B. 76

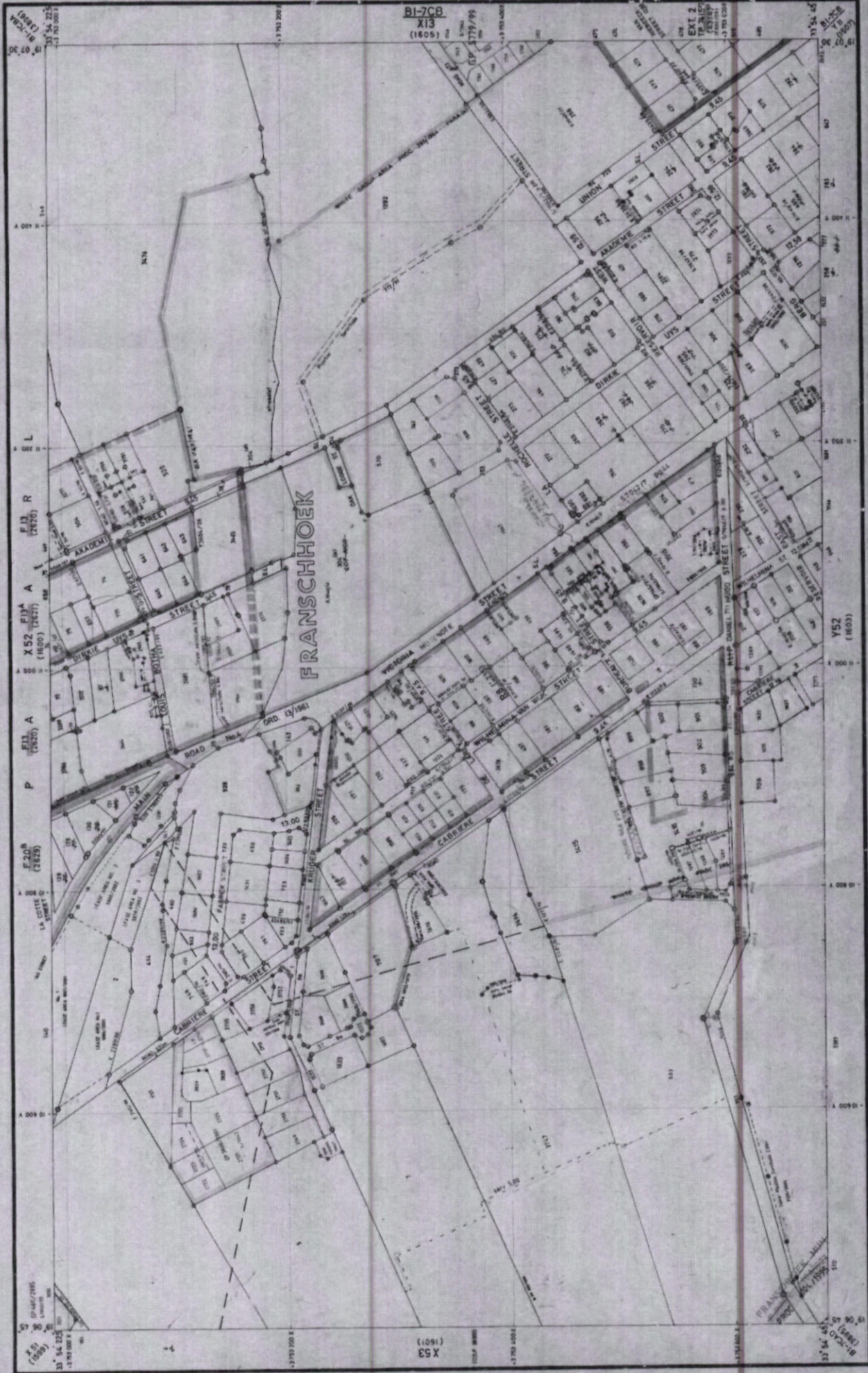
THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM

SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMR.
E 671/82	2322/82	E <sup>11</sup> 735	1030	18664/83	EK	

BI-7CA  
X54

FRANSCHHOEK

1:1250



BI-7CA  
X54



1602

Copyright in the office of the Surveyor General, Cape Town, March, 1915.  
 Reprinted, September, 1915, with alterations, by the  
 King Street Press.  
 Reprinted March, 1916, by the King Street Press (1250 4/10).

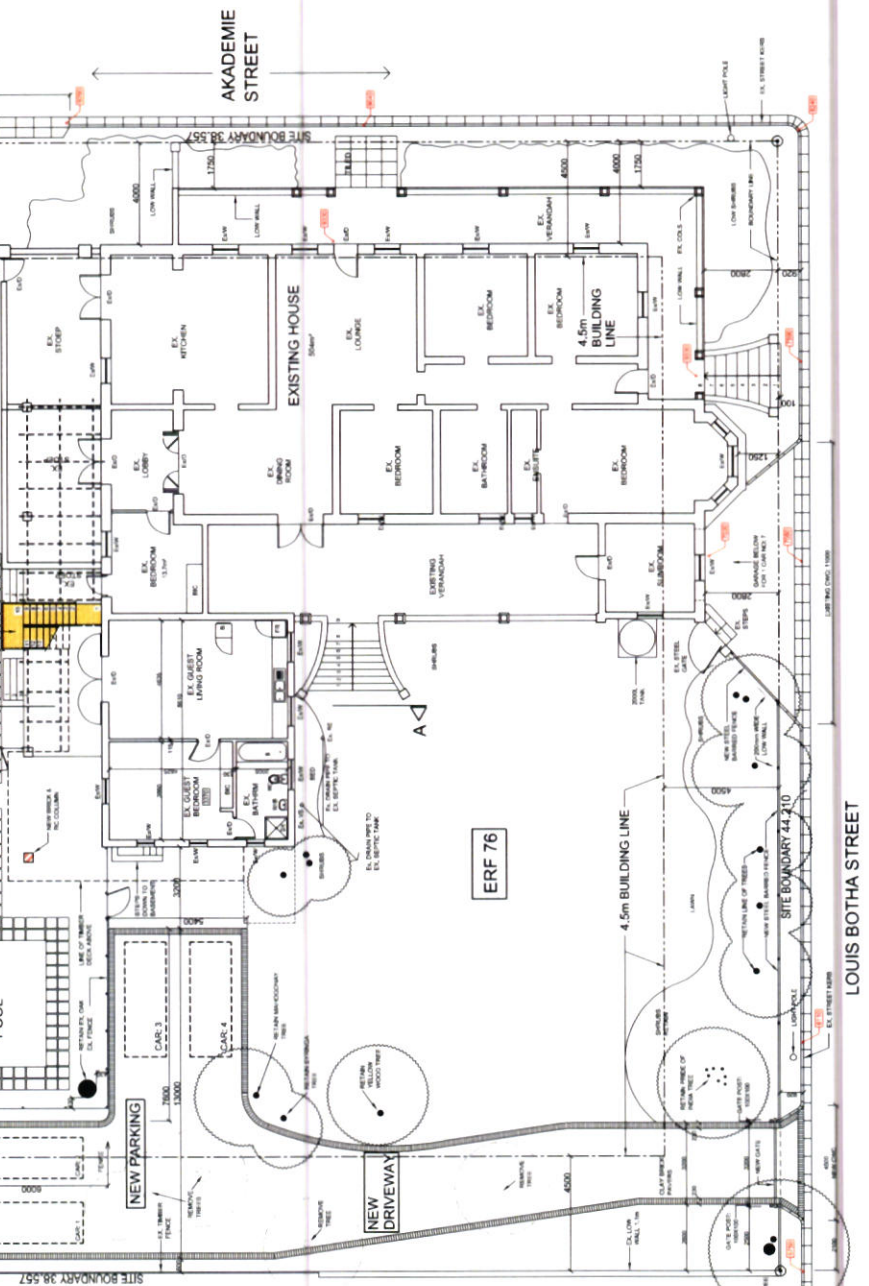
FLOOR AREA CALCULATION:	
1. EX MAIDS ROOM (EXTENDED)	29MP
2. EX GUEST BEDROOM & LIVING ROOM	90MP
3. NEW GUEST BEDROOM & LIVING ROOM	90MP
4. MAIN HOUSE (INCLUDING VERANDAS)	2526MP
	600MP
<b>TOTAL M<sup>2</sup> PROPERTY</b>	<b>1705MP</b>
<b>TOTAL M<sup>2</sup> FLOOR COVERAGE</b>	<b>600MP OR 35%</b>

COVERAGE CALCULATION:	
1. MAIN GARAGE & MAID'S ROOM (EXTENDED)	90MP
2. GUEST BEDROOM & LIVING ROOM	69MP
3. MAIN HOUSE (EXCLUDING VERANDAS)	277MP
	496MP
<b>TOTAL M<sup>2</sup> PROPERTY</b>	<b>1705MP</b>
<b>TOTAL M<sup>2</sup> FLOOR COVERAGE</b>	<b>496MP OR 29%</b>

NO PARKING BAYS REQUIRED	7
NO PARKING BAYS PROVIDED	7



CLIENT: MR & MRS HATHORN  
 PROJECT: HOUSE HATHORN  
 ERF NO. 76  
 AKADEMIE STREET  
 FRANSCHOEK

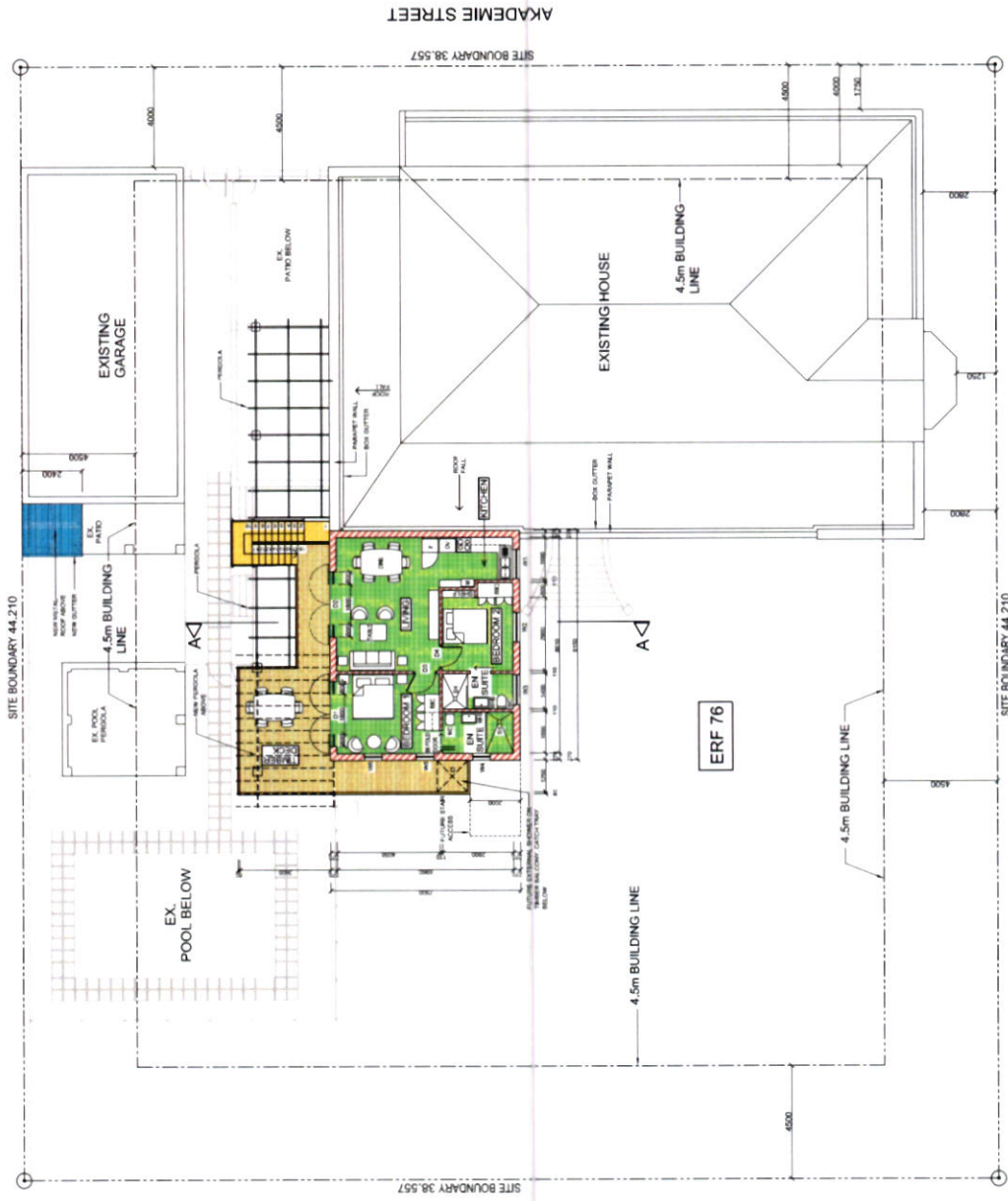
ARCHITECT: OLIVER DODS ARCHITECT  
 4011 100th Street, Unit 101  
 1904-02

DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

NOT FOR CONSTRUCTION

TITLE: PROPOSED ADDITION  
 GROUND STOREY LAYOUT

DRAWING NO. 1904-02



CLIENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ARCHITECT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 NOT FOR CONSTRUCTION

**OLIVER DODS**  
 ARCHITECT  
38 Hoopwood Road, Midway, 2008 oliv@odads.com

**CLIENT**  
 MR & MRS HATHORN  
**PROJECT**  
 HOUSE HATHORN  
 ERF NO. 76  
 AKADEMIE STREET  
 FRANSCHOEK  
**TITLE**  
 PROPOSED ADDITION  
 FIRST STOREY LAYOUT

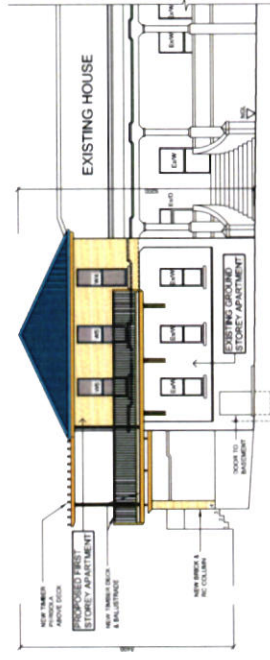
NO. OF SHEETS	1 OF 1	DATE	08/12/2020
DESIGNED BY	PLJ	CHECKED BY	DAI
DRAWN BY	PLJ	DATE	08/12/2020
SCALE	AS SHOWN	PROJECT NO.	1904-03
REVISION		PROJECT NAME	
DATE		PROJECT NO.	
DRAWING No.		PROJECT NAME	
		PROJECT NO.	

LOUIS BOTHA STREET

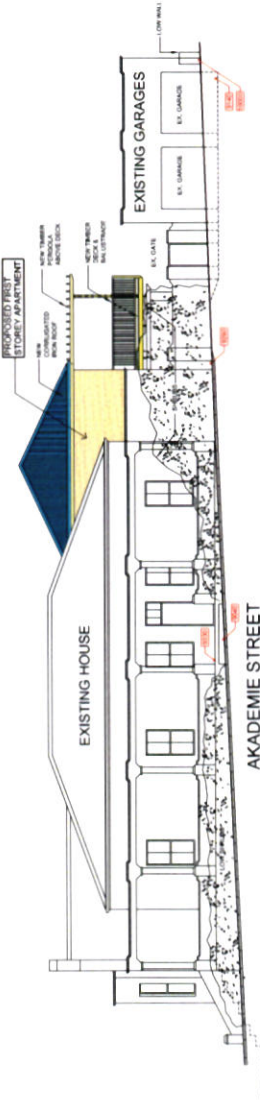
**FIRST STOREY**  
 1:100



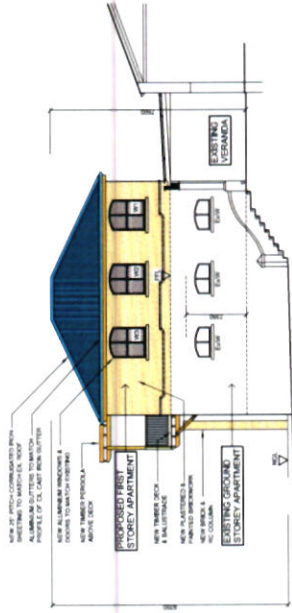
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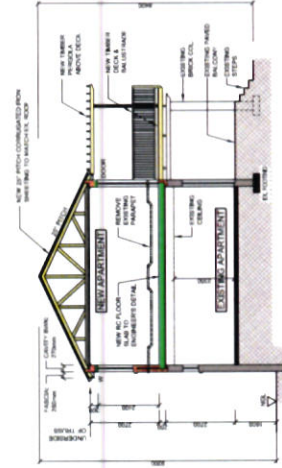
WEST ELEVATION  
1:100



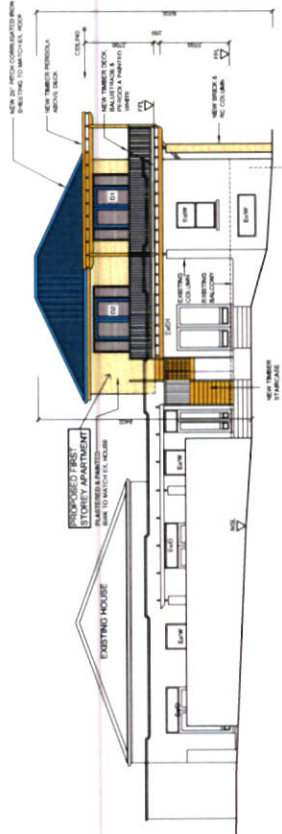
STREET EAST ELEVATION (STREET)  
1:100



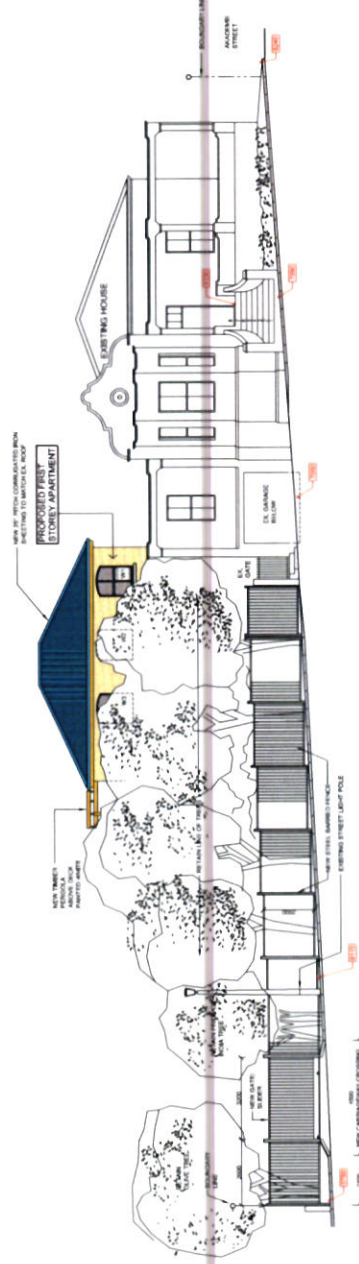
SOUTH ELEVATION  
1:100



SECTION A-A  
1:100



NORTH ELEVATION  
1:100



SOUTH ELEVATION (STREET)  
1:100

LOUIS BOTHA STREET

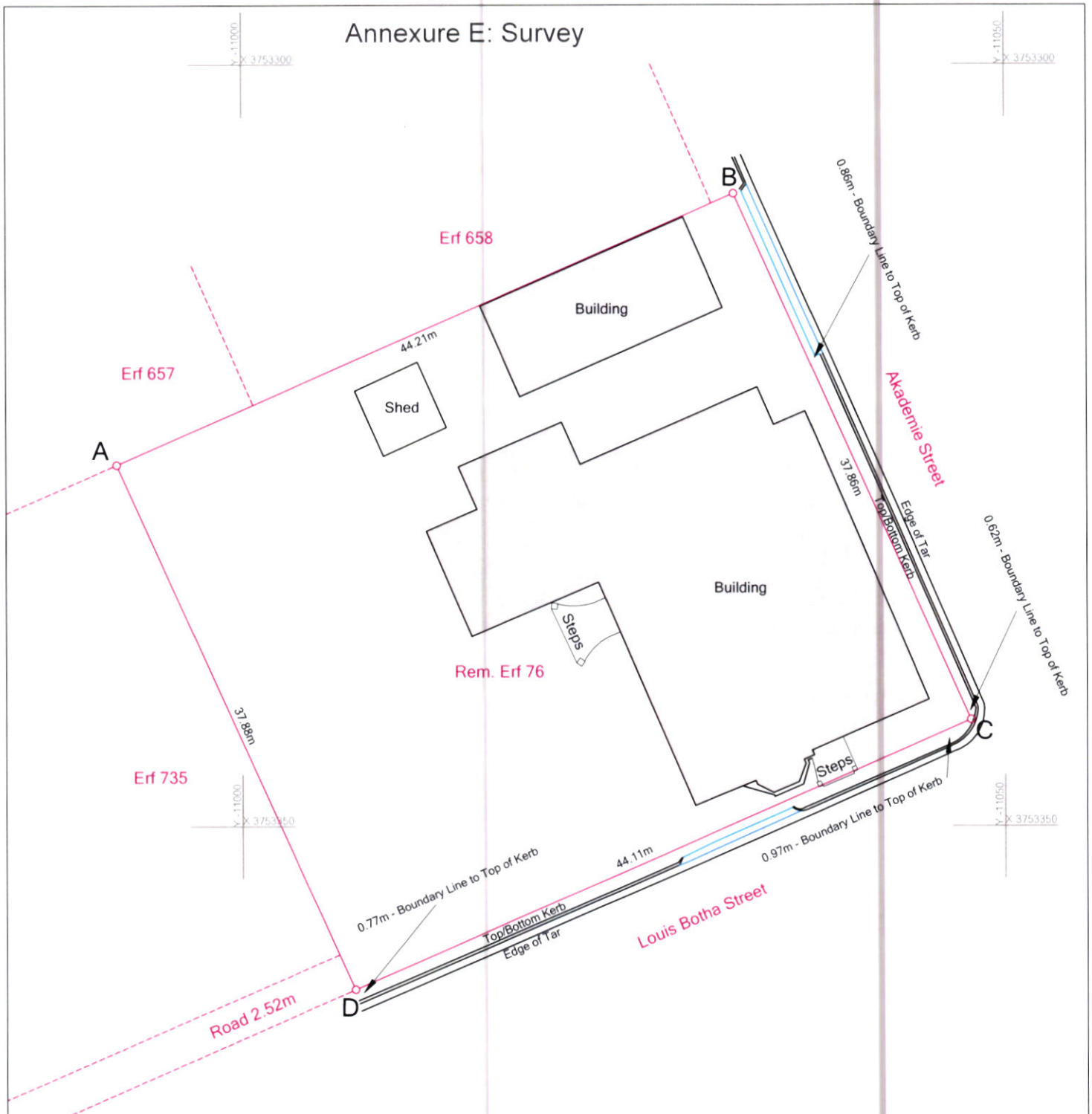
CLIENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ARCHITECT: \_\_\_\_\_ DATE: \_\_\_\_\_

NOT FOR CONSTRUCTION

OLIVER DODS ARCHITECT  
 PROJECT: MR & MRS HATHORN HOUSE HATHORN ERF NO. 76 AKADEMIE STREET FRANSCHOEK  
 TITLE: PROPOSED ADDITION ELEVATIONS AND SECTIONS  
 DRAWING NO.: 1904-04

DATE:	08/10/2020
DRAWN BY:	AS SHOWN
CHECKED BY:	
DATE:	
DRAWING NO.:	1904-04

# Annexure E: Survey



**Legend:**

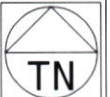
- Confirmed Cadastral Boundary
- - - Adjoining Cadastral
- Top of Channel
- Bottom of Channel

**Beacons::**

- A - Drill Hole in Wall
- B - Rail Section
- C - 12mm Round Iron Peg
- D - Drill Hole in Concrete

## Caveat

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



Scale 1: 250 @ A3	Date: November 2019	Contours: N/A	System: WG 19
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<b>Beacon &amp; Topographic Plan</b> Erf 76 Franschhoek		friedlaender, burger & volkmann <small>PROFESSIONAL LAND SURVEYORS, SECTIONAL TITLE CONSULTANTS, MAPPING CONSULTANTS</small> 39 Marie Street, Stellenbosch, 7600 • PO Box 154, Stellenbosch, 7599 Tel +27 21 888 4004 • Email info@fbv.co.za
Ref: FR76	Dwg: Beacon Plan.dwg	





Tommy Brummer Town Planners  
[quintus@tommybrummer.co.za](mailto:quintus@tommybrummer.co.za)

17 November 2020

**SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK**

**APPLICATION FOR REZONING, PERMANENT DEPARTURE AND PERMISSION IN TERMS OF THE ZONING SCHEME – ERF 76, FRANSCHHOEK**

1. Your pre-application scrutiny submission on the above property dated **05 November 2020**, refers.
2. Your submission has been duly scrutinized for your intended land use and / or land development application.
3. Your intended land use and/ or land development 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 ***Give an indication of the use the property will be rezoned to (i.e rezoning of subject property from Conventional Residential Zone to Multi-Unit Residential Zone for commune/flats/group housing/guest house, etc) as well as the intent of the three dwellings.***
4. The intended land use and/ or land development application also needs to fulfill 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



Louisa Guntz  
Senior Town Planner  
[Louisa.Olyn@stellenbosch.gov.za](mailto:Louisa.Olyn@stellenbosch.gov.za)



## LAND USE PRE-APPLICATION SCRUTINY FORM

### KINDLY NOTE:

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

### PART A: APPLICANT, OWNERSHIP & PROPERTY PARTICULARS

Applicant Name	Tommy Brummer Town Planners
E-Mail	quintus@tommybrummer.co.za
Tel/ Cell	0722141656
Registered Owner:	B L Orpen / Westand Investments 1104 CC
Property Description	Erf 76, Franschoek
Physical Address:	Cnr Louis Botha and Akademie Streets
Suburb & Town	Franschoek
Current Zoning	Single Res
Current land use	Single Dwelling

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

## PART B: APPLICATION

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

<b>X</b>	Rezoning		Subdivision		Removal/Suspension Amendment of restrictive conditions		Consent use
<b>X</b>	Permanent Departure		Consolidation		Closure of public place		Rectification/ disestablishment of HOA
	Temporary Departure		Amendment of condition(s) of approval		Extension of validity period of approval		Amendment/cancel ation of approved subdivision plan
	Determination of a zoning		Occasional use	<b>X</b>	Permission in terms of zoning scheme		Permission in terms of condition of approval

**OTHER**
 Technical Approval
  Exemption
  Permission for encroachment onto street

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

Additions and alterations to the existing dwelling as per attached draft plans prepared by Oliver Dods Architects. Rezoning the property to Multi-unit residential to permit the number of units as proposed (3 dwellings).

Building line and parking departures required.

Also existing historic steps encroach into Louis Botha street by 100mm.

**2. RELEVANCE OF ANY PLANNING LEGISLATION/ POLICIES AND PLANS**

<b>RELEVANT PLANNING CONSIDERATIONS</b>		
<b>(a) Are any Municipal plans/policies/guidelines, or any restrictive title conditions, or other legislation / authorizations applicable to the application, and if yes, is the proposal consistent/ compliant with such?</b>	<b>Yes</b>	<b>No</b>
		<b>X</b>
Details with reference to applicable plans/ policies/ guidelines:		
<b>(b) Does the proposal require the following additional infrastructure / services? e.g. electricity; water; sewerage; road network; other?</b>	<b>YES</b>	<b>NO</b>
		<b>X</b>
Details on required infrastructure:		
<b>(c) Does the development proposal include the provision of residential units, and if so, what is the target market re: range in income bracket/ selling price or rental for the units ?</b>	<b>YES</b>	<b>NO</b>
	<b>X</b>	
Details on target market: The additional residential unit will not be for sale and will be for guests of the owners.		
<b>(d) In addressing the SPLUMA principle of Spatial Justice and as it relates to prescripts on the provision of inclusionary housing, how will this development proposal target affordable market segments?</b>	<b>YES</b>	<b>NO</b>
Details on inclusionary housing provision: N/A – the proposal is for a private dwelling that has 3 dwellings per definition – not a residential development for sale in the property market.		

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

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

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

**Please Note:**

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

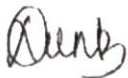
**DECLARATION:** I hereby confirm that the information contained in this pre-application scrutiny form and accompanying documentation is complete and accurate.

Applicant's signature:  Date: 5 November 2020  
Tommy Brummer

**FOR OFFICE USE:**

Municipal Stamp
Received by: _____
Date: _____

**DETERMINATION BY AUTHORISED OFFICIAL**

<b>Additional Information</b>	✓	<b>Pre-Application Consultation</b>		<b>Application Ready</b>	✓
<b>Sign:</b>		<b>Date:</b>	17/11/2020		

**APPLICANT INFORMED BY RESPONSIBLE OFFICIAL**

<b>Sign:</b>		<b>Date:</b>	17/11/2020		
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Date: February 2021

Our ref: 10495

Your ref:



I L Rosenberg House 80 Jordaan Street BO-KAAP  
242 Buitengracht Bo-Kaap CAPE TOWN 8001  
T: 021 531 8435 E: info@tommybrummer.co.za

## **PROPOSED REZONING, DEPARTURES AND COUNCIL APPROVAL: ERF 76, FRANSCHHOEK**

### **1 INTRODUCTION**

This report motivates the applications required to permit additions to the current dwelling on Erf 76, Franschhoek, that would result in 3 separate dwelling units on the property. The separate units may in time be let out on long term basis or be alienated separately as part of a sectional title scheme. Thus, by definition in the Stellenbosch Zoning Scheme By-Law (2019) (the "SZS"), the three units on the property have to be classified as "flats". "Flats" are not permitted in the current zone, and therefore a rezoning application is required. As a result of the proposed change in zoning, some technical departures are also required. Furthermore, the property is located in the Franschhoek Urban Conservation overlay zone (map URCO2) and the proposed addition therefore requires permission in terms of this overlay zone.

The report will show that the proposed addition of one dwelling unit on the property is desirable, is compliant with current planning policy and can be limited to the proposed SDP by means of a density related condition as required by Section 84 of the SZS. The location of the current historic dwelling on the street corner provides adequate space on the property for parking and landscaping, without compromising the street interface of the dwelling. No additions or new work is proposed to the existing historic dwelling.



*Current view of dwelling on the corner of Akademie and Louis Botha Streets*

The owner appointed **Thomas Brian Brummer** of Tommy Brummer CC to submit the required applications on their behalf. The required Power of Attorney are attached hereto. In addition to the motivation report and application form, the following documents are attached in support of the application:

<b>Application Form &amp; Power of Attorney</b>	Annexure A
<b>Title Deed and Ownership Printout</b>	Annexure B
<b>Erf Diagram and Noting Sheet</b>	Annexure C
<b>Site Development Plan (Oliver Dods Architects)</b>	Annexure D
<b>Beacon and Topo Survey Diagram (Friedlaender, Burger &amp; Volkmann Surveyors)</b>	Annexure E
<b>Pre-submission consultation document</b>	Annexure F

## 2 APPLICATIONS

In order to permit the proposed additions to the dwelling, resulting in 3 dwelling units on the property ('flats'), the following applications are required and accordingly made in terms of Section 15(2) of the Stellenbosch Municipality Land Use Planning By-Law: 2015 ("the Planning By-Law") for the following:

1. Sub-section (a): Rezoning of Erf 76, Franschhoek from *Conventional Residential Zone* to *Multi-Unit Residential Zone* to permit the development of "Flats" on the property.
2. Sub-section (b): A permanent departure from Section 83 (2) to permit new work to the existing outbuilding at 0m from the northern common boundary in lieu of 4,5m.
3. Sub-section (b): Permanent technical departures from Section 83 (2) to permit the existing outbuilding at 0m from the northern common boundary in lieu of 4,5m; the existing building at 1,75m from Akademie Street and 1,25m from Louis Botha Street in lieu of 4,5m.
4. Sub-section (g): For Councils permission to permit additions to the existing building as well as removal of trees in terms of Section 246 (1) as depicted on the Site Development Plan.
5. Sub-section (g): For Councils permission in terms of Section 252 (2)(a) to permit a portion of the new dwelling unit top of roof to be at 9,2m above existing ground level in lieu of 8,5m.

## 3 PROPERTY DETAILS

<b>Erf number</b>	76, Franschhoek
<b>Street address</b>	Corner of Akademie and Louis Botha Streets
<b>Deed of Transfer</b>	T24841/2013
<b>Extent</b>	1825 m <sup>2</sup> per deed
<b>Combined Extent</b>	4917 m <sup>2</sup>
<b>Current zoning (dwelling units existing)</b>	<i>Conventional Residential Zone (two existing dwelling units)</i>
<b>Proposed zoning (dwelling units proposed)</b>	<i>Multi-Unit Residential Zone (three dwelling units)</i>
<b>Registered owner</b>	Barbara Lynn Orpen

## 4 LOCALITY and ZONING

Figure 1 shows the location of the property, to the north of Huguenot Road on the corner of Akademie and Louis Botha Streets. The property is within easy walking distance of the commercial area.

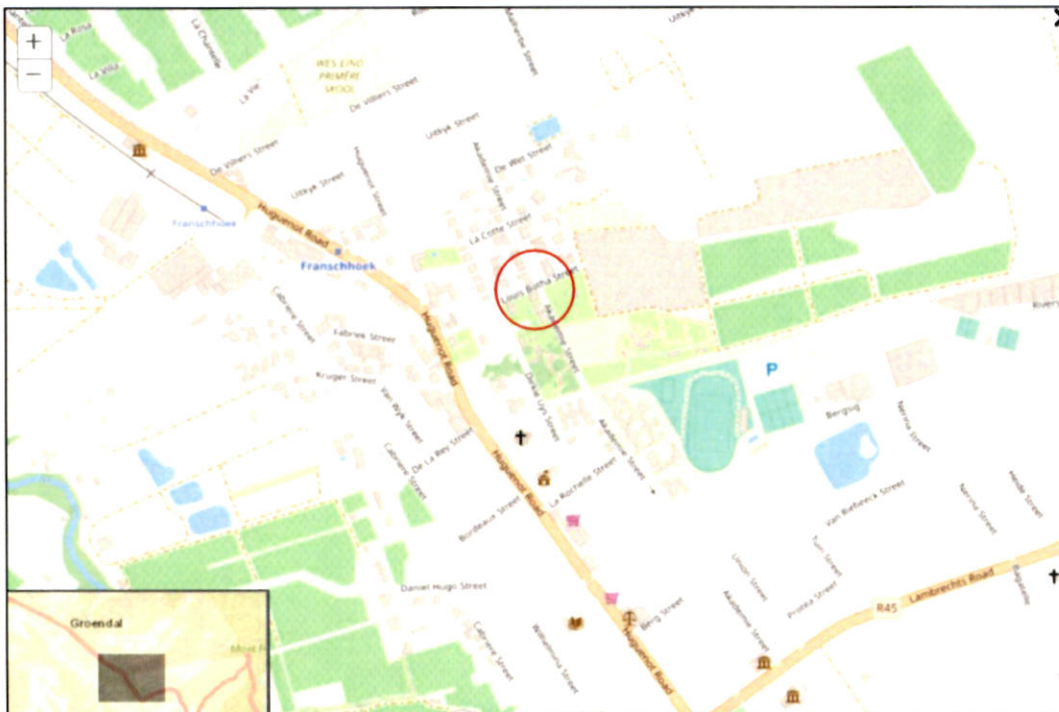


Figure 1: Location



As indicated by the aerial photo below, the property is developed with a dwelling house and outbuildings. The original dwelling is located close to the street boundaries, with a large garden, flanked by trees and vegetation. Access to the garage is off Akademie Street. As confirmed by the boundary survey (see **Annexure E**), a small portion of the existing entrance step along Louis Botha Street protrudes into the road reserve but not into the actual road surface.



Figure 2: Aerial Photo

The property is zoned for Conventional Residential purposes as indicated on the zoning map extract Figure 3. Note that the proposed zone, Multi-unit Residential, is represented in a number of properties, scattered throughout the residential area. The proposed zone is accordingly not alien to the existing zoning pattern in the town.



Figure 3: Zoning

## 5 DEVELOPMENT PROPOSAL

The current owners wish to add a third dwelling unit to the property. The property will accordingly have three dwelling units which is not permitted as of right in the current conventional residential zone. The owners may rent out the existing dwelling on a long term basis, and may in future wish to alienate the dwelling, second dwelling or proposed third dwelling. The only mechanism available in terms of the SZS to permit this, is to classify the three dwelling units as "flats". Flats are defined as:

*"Flats" (woonstelle) means a building which consist of two or more dwelling units which may be let or sold separately, and may consist of more than one building, together with such outbuildings as are ordinarily associated therewith.*

The definition allows for the proposed development and also permits the current outbuildings on the property.

**Sketch plans** for the proposed development of the third dwelling unit on the property have been prepared by **Oliver Dods Architects** (Plans 1904-02;-03 and -04, dated 08/10/2020). The plans propose to add one dwelling unit on top of the existing second dwelling on the property. It also proposes to upgrade the existing bathroom of the outbuilding by adding a shower.

In terms of the proposed zoning, the maximum permitted height is 4 storeys and the proposed two-storey building is therefore compliant. Due to the slope of the site, a portion of the top of roof of the new dwelling unit will be more than the permitted 8,5m above existing ground level permitted in the Conservation Overlay Zone. However, the other portion of the roof is compliant at 7,6m and 8,4m. The Google street view image below shows that the abutting property to the north (Erf 658) already contains a double storey portion. The proposed addition is therefore not out of character in terms of height of buildings in the area.

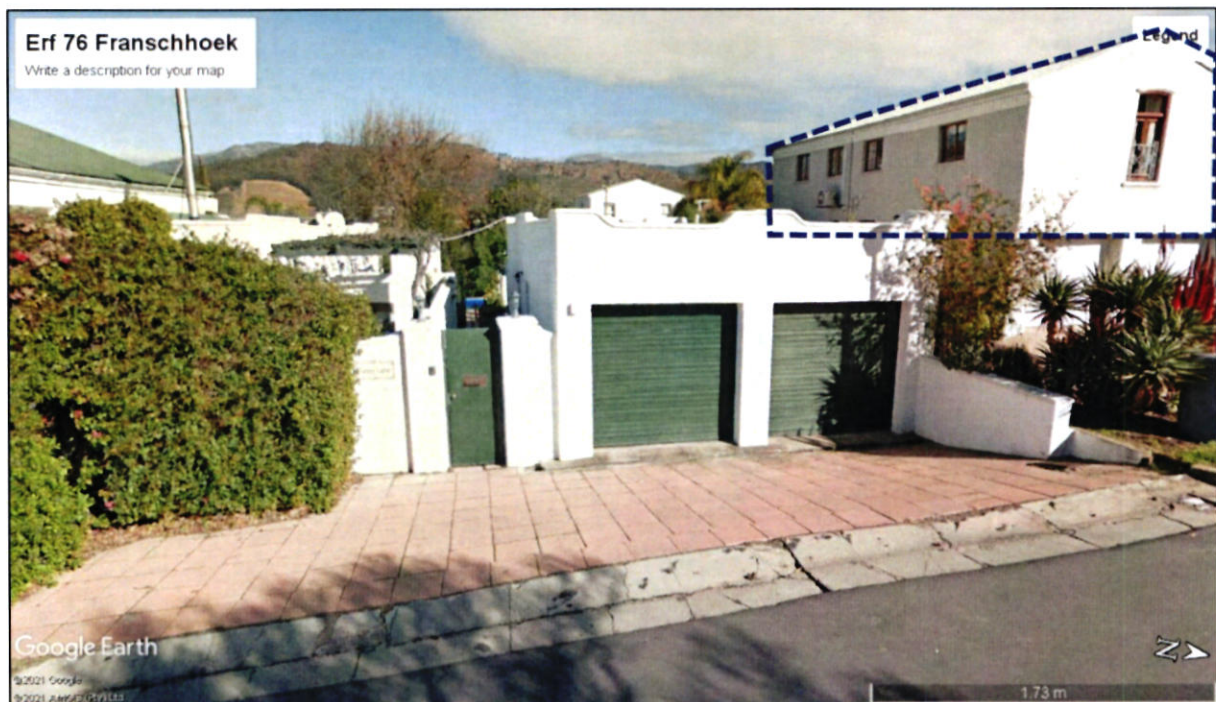


Figure 4: Existing double storey structure on abutting erf.

In terms of the zoning compliance with floor area and coverage as indicated on the SDP, the development proposal can be summarised as follows:

Floor Permitted	Area:	Coverage: Permitted	Compliant
50%		75%	Yes
Proposed		Proposed	
35%		26%	Yes

In terms of **parking provision**, the parking requirement for flats are shown below and the proposal provides adequate parking in the form of 4 new outside parking bays, taking access off Louis Botha Street and in 3 existing garages on the property. Note that the proposed access point is taken between two existing trees, which will remain, thus reducing the impact of loss of vegetation.

	Parking requirement	Visitors bays	Parking required	Parking provided
1 / 2 bed units (2 units)	1 bay/unit	+ 0,5 bay/unit	3 bays	4 bays
4+ bed units (1 unit)	1,5 bay/unit	+ 0,5 bay/unit	2 bays	3 bays
			5 bays required	7 bays provided

The proposal does not require any new work or alterations to the existing heritage dwelling on the site. The addition is proposed on the non-heritage extension to the back of the dwelling.

As noted, the existing staircase protrudes over the property boundary into the Louis Botha Street reserve. It is proposed that this encroachment be condoned by Council and that a formal encroachment agreement be entered into as a condition of approval of this application.

In terms of the density of the proposed development as required by S. 84 of the SZS, the 3 units on the property equates to approximately 16 du/ha. The imposition of this density limit as a condition of approval will permit the 3 units as proposed.

## 6 POLICY AND LEGISLATION

The following policy documents and planning related legislation are relevant in considering the development proposal and adjudicating the application:

### 6.1 Stellenbosch Municipality Spatial Development Framework (November 2019)

The following principles as contained in the SDF generally support the proposal to develop the property with additional dwelling units:

- *Restrict outward growth of settlements to protect agricultural land and natural environments.*  
Compliance: The proposed development is located inside the urban area of Franschhoek in a well-established residential area.
- *Make efficient use of well-located land in existing urban areas. Promote NMT and pedestrianisation.*  
Compliance: The development is located within the existing settlement and in the residential area close to existing amenities and the business zone. A wide range of facilities can be reach within walking distance of the property
- *Land should be used for its most sustainable and appropriate use whether publicly or privately owned.*  
Compliance: The proposed addition of a 3<sup>rd</sup> residential unit will result in the better utilisation of the site for more intensive residential purposes. It also provides more affordable rental or for purchase accommodation in the very expensive property market of Franschhoek.

In terms of specific proposals for Franschhoek, the development proposal complies as follows:

- It contributes in providing a range of housing types in the town.
- It blends additional dwelling units into the existing urban fabric.
- It is contained inside the urban edge.

### 6.2 Land Use Planning Act (LUPA)

- The proposal is also considered to comply with Chapter VI, Sections 58 and 59 of LUPA in terms of the following:

- It is considered a sustainable development with positive impacts on the environment as the proposal uses existing developed land in an urban area already served with infrastructure.
- The addition of a smaller residential unit provides opportunities for entry into the residential market at a more affordable rate.
- The proposal is spatially compact, protects prime and high potential agricultural land by utilising the existing buildings to expand vertically rather than horizontally.
- The proposal is for a residential development which optimises existing resources, infrastructure and land. The additional unit will not place unreasonable further burden on water, electricity or sewerage infrastructure, but will provide additional residential accommodation.

### 6.3 Spatial Planning and Land Use Management Act

- In terms of Section 42 (c) of the Spatial Planning and Land Use Management Act the application:
  - Is in the public interest as it provides additional residential opportunities in walking distance from amenities.
  - Allows the owner to provide additional accommodation facilities on the existing property without utilising additional land.
  - Provides for additional rates to be collect with assists in sustainable municipal provision of services.

## 7 MOTIVATION

Section 65 of the By-Law states the general adjudication criteria (*in cursive*) when considering a proposal is as listed below. The supporting motivation or compliance for each criterion is provided where applicable:

*(c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;*

Compliance: The development proposal proposes the same use as currently on the site and is permitted in terms of the zoning, being residential use. The rezoning that is required is required to enable the possible future sale and long terms rental of the units separately. By providing smaller units, the residential market in Franschhoek is made more accessible to a wider range of people. The proposal remains inside a residential envelope, even though it is termed 'flats' and the approval of a maximum density for the property, as required by the SZS will ensure that it is not 'over developed' in future. The setback departures that are required are all of a technical nature and relate to the change in zoning and not to new development on the site. There is accordingly no negative impacts associated with these. The intensification of existing land uses in developed areas is supported by Provincial and Municipal legislation and guidelines. The additional height is contextually appropriate as there are other buildings in the area of similar height.

*(h) the impact of the proposed land development on municipal engineering services;*

Compliance: The development proposal is for one small additional dwelling unit and should not have any significant additional impact on municipal services.

*(i) the integrated development plan, including the municipal spatial development framework;*

Compliance: The development proposal is compliant with the SDF generally and with the requirements for Franschhoek specifically.

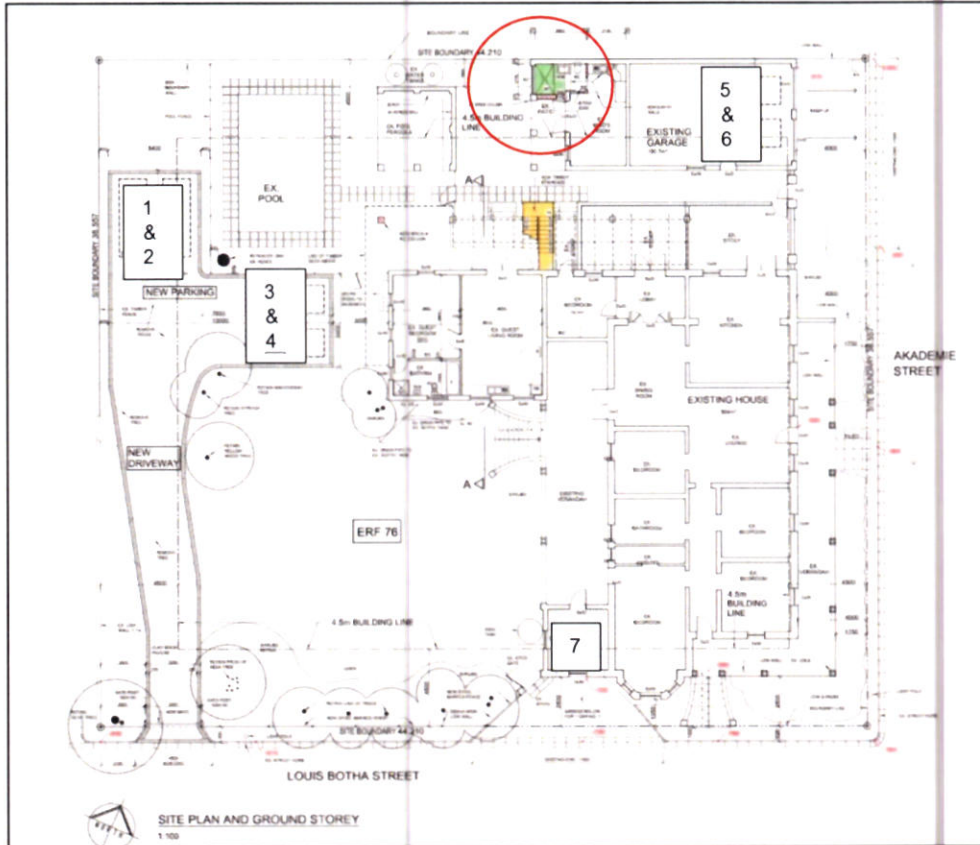
*(s) the applicable provisions of the zoning scheme.*

Compliance: The proposal is for a rezoning, permissions in terms of the urban conservation overlay zone and some setback departures. The rezoning is considered appropriate as:

- Is the only mechanism available that will allow 3 dwelling units on the site that can be rented out for long periods and/or can be sold through a sectional title scheme in the future.
- The proposed density will be restricted through a condition of approval thus preventing the over development of the property.
- The zoning remains a residential zoning and other conventional residential properties, scattered throughout the town, also have this zoning. It is therefore not limited to a specific area and not foreign to Franschhoek.

The setback departures are considered appropriate for the following reasons:

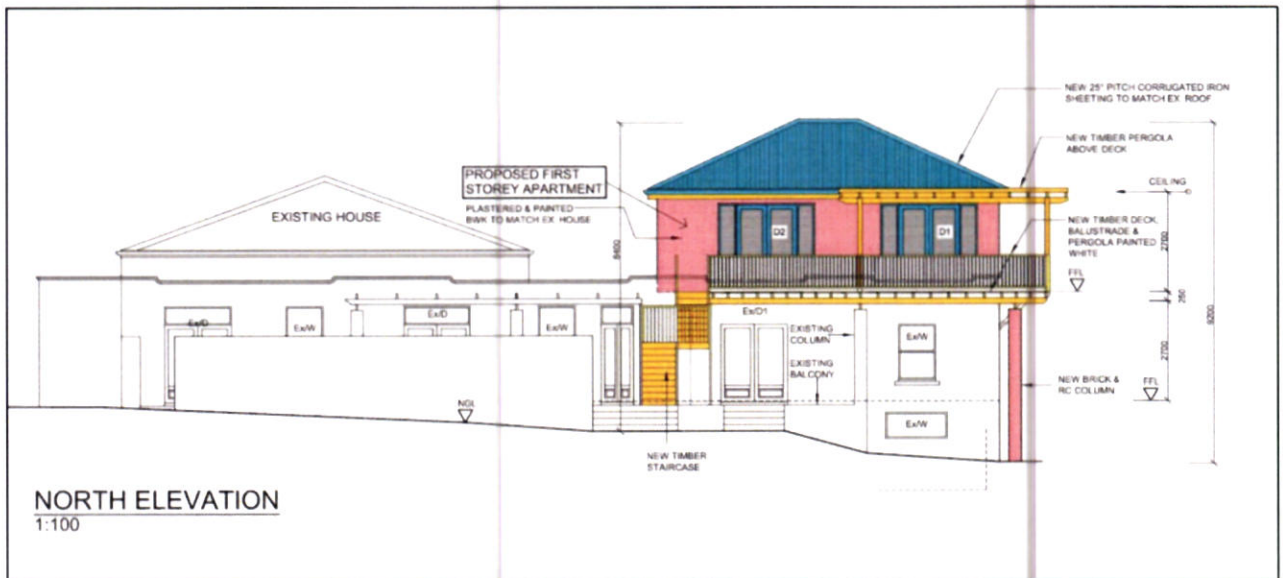
- The departures relate to existing structures on the property and is only required due to the rezoning. The new work to the bathroom at the outbuilding is mostly small work and will not have any negative impacts on the abutting properties. This is the only departure along a common boundary that is for new work – refer to the extract from the SDP, below. Overall, the departures will not impact the existing character or rights of abutting owners.



Ground floor plan showing new work on northern common boundary and parking provision (numbers 1-7)

The permissions required in terms of the Urban Conservation Overlay Zone can be supported as:

- The additional height applies only to a portion of the new unit and not the whole structure. The image below confirms this and shows that the additional height is in fact not significantly more than the existing dwelling roof height.



- The additional height is not considered excessive as the surrounding development has varied heights with some double-storey elements already present.
- The removal of trees will be limited to some trees inside the property with all the trees along the boundary to remain. The impact of the internal removal of trees will be minimal from the streetscape point of view. Additional planting can be made a condition of approval. The Louis Botha Street view shows that the majority of trees along this street will be retained.



- The heritage dwelling itself is not impacted on and the addition is set back from the street façade, thus limiting the visual impact of the proposed addition.

## 7. CONCLUSION

In conclusion, the proposal requires a rezoning and some other approvals to add one additional dwelling unit on an existing developed footprint. It provides adequate parking whilst retaining a significantly landscaped garden. From a densification and provision of smaller residential unit point of view, it is a good example of in-situ densification in a sensitive manner.

The approval of the application will have very little negative impacts on the abutting properties or on the surrounding residential area and should accordingly be approved.

**TOMMY BRÜMMER TOWN PLANNERS – February 2021**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

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

## DUPPLICATE RECEIPT

Receipt M/c: DIR1 Duplicate Rec.No: 175323 Date: 26/02/2021

Local Authority: Stellenbosch Municipality

1 STB N 17500.00

30111060201 05236 LU/12422

DIRECT 030111060201 LU/12422 ERF 76 FRA

X100 Key: STB -009-20210226-00000039

X10 Key : STB 0000017532300002