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ONS VERWYSING: J043  
JOU VERWYSING: LU/13715  
DATUM: 7 Julie 2022

## Per Epos / Per Hand

Geagte Mnr / Me

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

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

Adres van aansoek eiendom: [h.v Piet Retief & Jean straat, Kriegerville, Stellenbosch](#)

Aansoek eiendom beskrywing: [Erf 864 Stellenbosch](#)

Aansoeker: [Wilhelm Esterhuizen, Pieterhuizen Planning \(Pty\) Ltd - wilhelm@pieterhuizen.co.za - 083 262 4843](#)

Eienaar: [D. Ramjugernath; P. Naidoo – dereshr@gmail.com](#)

Aansoek Verwysing: [LU/13715](#)

Tipe Aansoek: [Aansoek vir die opheffing van beperkende titelakte voorwaardes.](#)

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen ingevolge Artikel 15(2)(f) van die Stellenbosch Munisipaliteit Grondgebruikbeplanning verordening, 2015, vir die **opheffing van beperkende Titelakte voorwaardes** vervat in Titelakte Nr. 34682/2021: Klousule B.1.(a), B.1.(b), B.1.(c), B.1.(d) & C(k), vir die ontwikkeling van 'n dubbele motorhuis op Erf 864, Stellenbosch. Dit sal ook toekomstige ontwikkeling van die eiendom toelaat ingevolge van die Stellenbosch munisipaliteit soneringskema verordening, 2019.

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

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

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

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: [Wilhelm Esterhuizen – wilhelm@pieterhuizen.co.za](mailto:wilhelm@pieterhuizen.co.za). Deur 'n beswaar, kommentaar of verhoër te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **8 Augustus 2022**.

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


Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by [083 262 4843](tel:0832624843) gedurende normale kantoor ure.

Die uwe



Wilhelm Esterhuizen

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OUR REFERENCE: J043  
YOUR REFERENCE: LU/13715  
DATE: 7 July 2022

## Per Email / Per Hand

Dear Sir / Madam

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

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

Application Property Address: [c/o Piet Retief & Jean street, Kriegerville, Stellenbosch](#)

Application Property Number: [Erf 864 Stellenbosch](#)

Applicant: [Wilhelm Esterhuizen, Pieterhuizen Planning \(Pty\) Ltd - wilhelm@pieterhuizen.co.za - 083 262 4843](#)

Owner: [D. Ramjugernath; P. Naidoo - \[dereshr@gmail.com\]\(mailto:dereshr@gmail.com\) - 0823363925](#)

Application Reference: [LU/13715](#)

Application Type: [Application for the removal of restrictive title deed conditions.](#)

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

Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-Law, 2015, for the **Removal of Restrictive Title Deed Conditions** B.1.(a), B.1.(b), B.1.(c), B.1.(d) and C(k) as contained in Deed of Transfer No. T.34682/2021 to allow for the development of a double garage on Erf 864 Stellenbosch. This will also enable the future development of the property in accordance with the provisions of the Stellenbosch Municipality Zoning Scheme By-Law, 2019.

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

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

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

The comments must be addressed to the applicant by electronic mail as follows: [Wilhelm Esterhuizen - wilhelm@pieterhuizen.co.za](mailto:Wilhelm Esterhuizen - wilhelm@pieterhuizen.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **8 August 2022**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at [083 262 4843](tel:083 262 4843) during normal office hours.

Yours faithfully



Wilhelm Esterhuizen

ANNEXURE A

LOCALITY MAP OF ERF 864 STELLENBOSCH





ACKERMANN ROAD

864

JEAN ROAD

PIET RETIEF STREET

**Krigeville**

CRUSE ROAD

KOCH ROAD

VREDE ROAD

PARK ROAD



863

864

865

PIET RETIEF STREET

JEAN ROAD



ANNEXURE B

SUMMARISED MOTIVATION REPORT BY PIETERHUIZEN PLANNING

**PIETERHUIZEN**  
P L A N N I N G

# REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS (Summary Motivation Report)

## ERF 864 STELLENBOSCH AT THE C/O PIET RETIEF STREET AND JEAN ROAD



**SUBMITTED TO:**

Interested and Affected Parties

**ON:**




23 June 2022

**BY:**

**PIETERHUIZEN**  
P L A N N I N G

PIETERHUIZEN PLANNING (PTY) LTD  
2021/472575/07

OUR REFERENCE: J043  
YOUR REFERENCE: LU/13715  
DATE: 23 June 2022

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## 1. INTRODUCTION AND APPLICATIONS

### 1.1 Introduction

The purpose of this report is to motivate the applications required to allow for the addition of double garage on the western common boundary of Erf 864 Stellenbosch (hereafter referred to as “the property”). Further applications will also allow the future development of the property in accordance with the applicable zoning scheme regulations.

### 1.2 Applications

In terms of Section 15(2)(f) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 (hereafter referred to as “the By-Law”), *Pieterhuizen Planning (Pty) Ltd* hereby officially apply for the **removal of restrictive title deed conditions B.1.(a), B.1.(b), B.1.(c), B.1.(d), and C.(k)** from Deed of Transfer No. T.34682/2021.

## 2. THE PROPERTY

### 2.1 Ownership and Title Deed

Erf 864 Stellenbosch is registered in the name of *Deresh Ramjugernath* and *Paramespri Naidoo* (hereafter referred to as “the owner”), measures 1 170m<sup>2</sup> in extent, and is held by Deed of Transfer No. T.34682/2021.

The owner of the property has duly authorised *Wilhelm Esterhuizen* of *Pieterhuizen Planning (Pty) Ltd* to submit the required land use applications to the Stellenbosch Municipality.

### 2.2 Conveyancer Certificate

As mentioned, the property is held by Deed of Transfer No. T.34682/2021. *Conveyancer Marieke du Toit* from *Cluver Markotter INC* has certified that the following conditions in the said deed, restricts the development of the property:

- B.1.(a): This erf shall be used for residential purposes only.*
- B.1.(b): Only one dwelling together with such outbuildings as are ordinarily required to be used therewith shall be erected on this erf.*
- B.1.(c): Not more than one third of the area of this erf shall be built upon.*
- B.1.(d): No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 6.30 metres to the street line which forms a boundary of this erf, nor within 3.15 metres*

of the lateral or rear boundary common to any adjoining erf, no building, however, to exceed to storeys in height.

C.(k): The roofs of all buildings on this erf must be uniform in regard to material and style. Flat roofs for outbuildings, garages, etc. will only be permitted if the main building also has a flat roof.

### 2.3 Surveyor General Documents and Background

The **General Plan**, below S.G No. 870/1947, illustrates the cadastral identity of the property within the context of the Krigeville Subdivided Estate. The was imposed by the Administrator of the Cape of Good Hope when the subdivision of Krigeville was approved. It is therefore argued that all properties illustrated in Figure 1, below, are (or were at some point) subject to the listed restrictive title deed conditions.

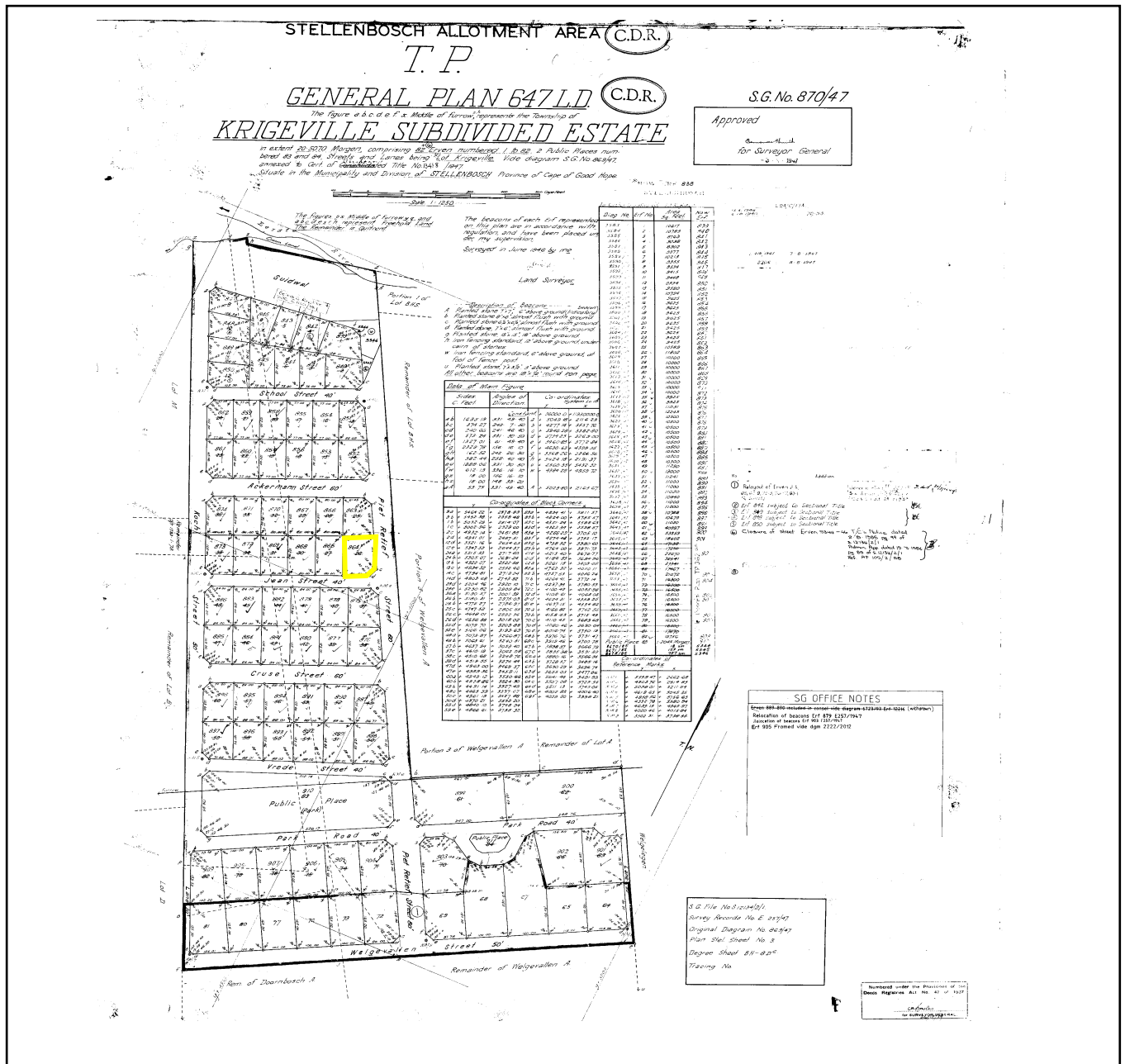


Figure 1 General Plan

## 2.4 Locality and Context

With reference to the **Locality Map**, Figure 2 below, the property is situated in southern residential suburb of Stellenbosch, known as Krigeville. The property is situated within close proximity of various educational institutes such as Paul Roos Gimnasium, Rhenish Primary, Rhenish Girls High School, Bloemhof Girls High and Eikestad Primary. It is also noticeable that the Stellenbosch Central Business District is favourably accessible from the property.

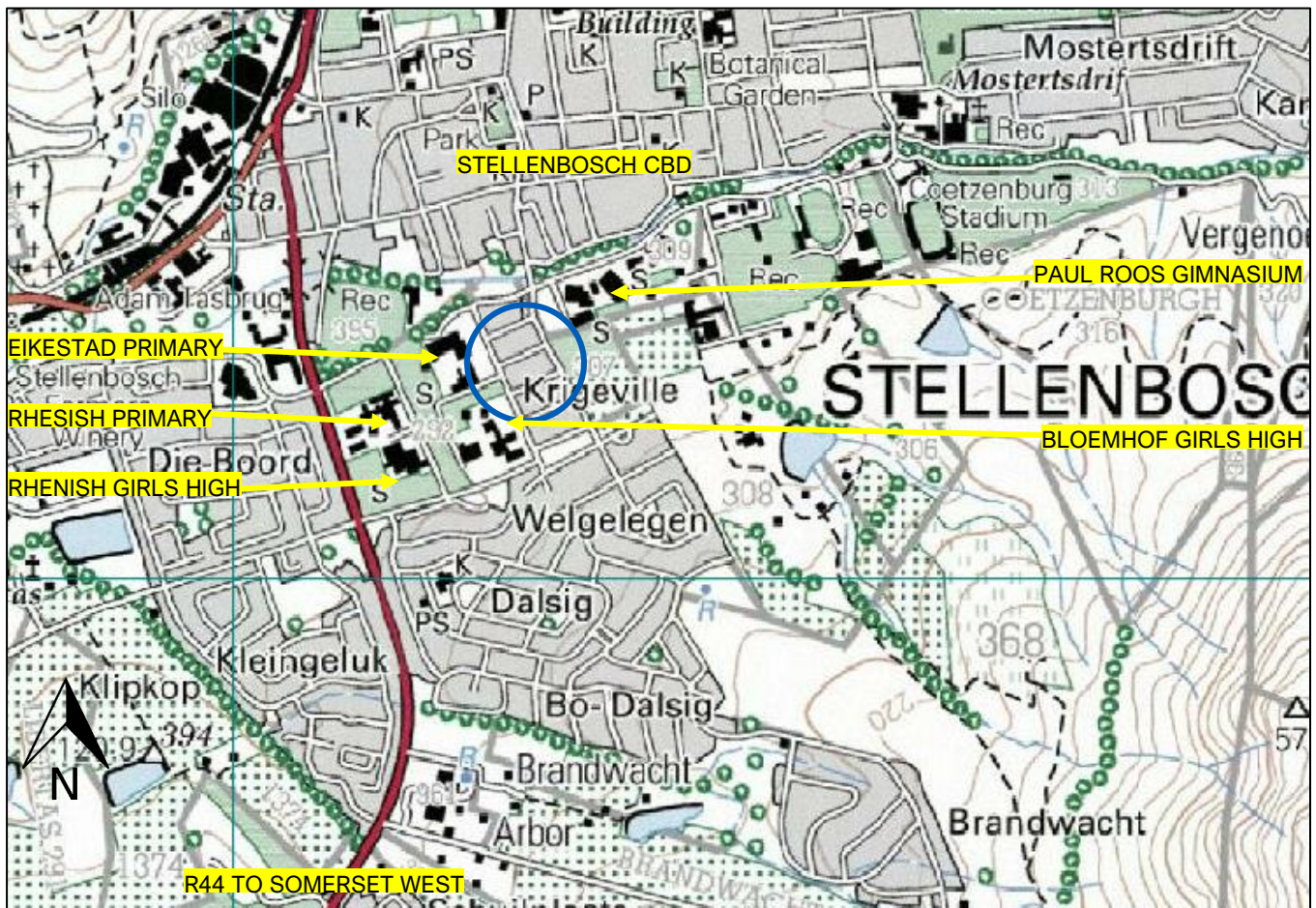


Figure 2 Locality Map of the Property

The **Aerial Photographs**, Figures 3 and 4 below, illustrates that the property is located on the corner of Piet Retief Street and Jean Road. The property is further bounded by Erf 863 (north) and Erf 865 (west). Across Piet Retief Street, from the property, is the sports fields of Paul Roos Gimnasium as well as agricultural land.

Access to the property is from Jean Road via an existing gate.



Figure 3 Aerial Photograph of the Property within the Surrounding Area



Figure 4 Aerial Photograph of the Property

Various properties that form part of the original Krigeville Subdivision, have since been developed in accordance with the provisions of the applicable zoning scheme, rather than the conditions as contained in the Pivot Deed of Transfer of the said properties (Deed of Transfer No. T.18689/1947).

Examples of this includes the following:

- a) Erf 871 Stellenbosch at 3 Ackerman Road:  
Not used for residential purposes only. Business use prevalent on the property (Green Tree Systems).
- b) Erf 887 Stellenbosch at 7 Piet Retief Street:  
Not used for residential purposes only. Home occupation practice prevalent on the property (Pierre Kruger Physiotherapist).  
Second dwelling currently being developed.
- c) Erf 888 Stellenbosch at 5 Piet Retief Street:  
Not used for residential purposes only. Business use prevalent on the property (Protekma Insurance Brokers).
- d) Erf 889 Stellenbosch at 10 Vrede Road.  
Not used for residential purposes only. Home occupation practice prevalent on the property (Dr Dewald Cloete - Dentist)

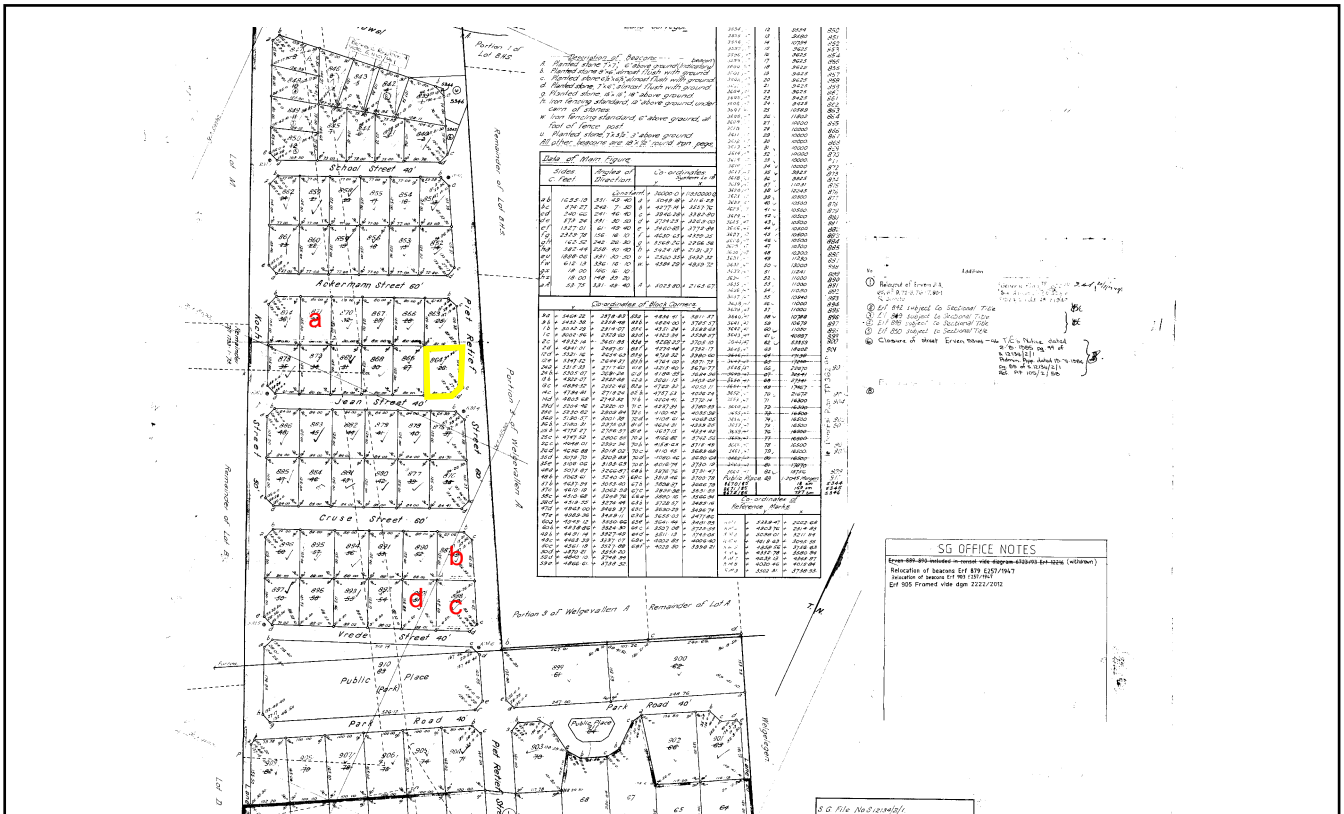


Figure 5 Locality of Properties Developed further than per the Title Deed Conditions



## 2.5 Zoning

The zoning of properties situated in the Stellenbosch Municipality is regulated in terms of the Stellenbosch Zoning Scheme By-Law, 2019 (hereafter referred to as “the Zoning Scheme”). Below is an extract of the Stellenbosch Municipality’s **Zoning Map**, indicating the property zoned Conventional Residential. According to the Zoning Scheme, the purpose of this zone is to, *inter alia*, make provision for moderate densification through additional dwellings with similar character and built form.

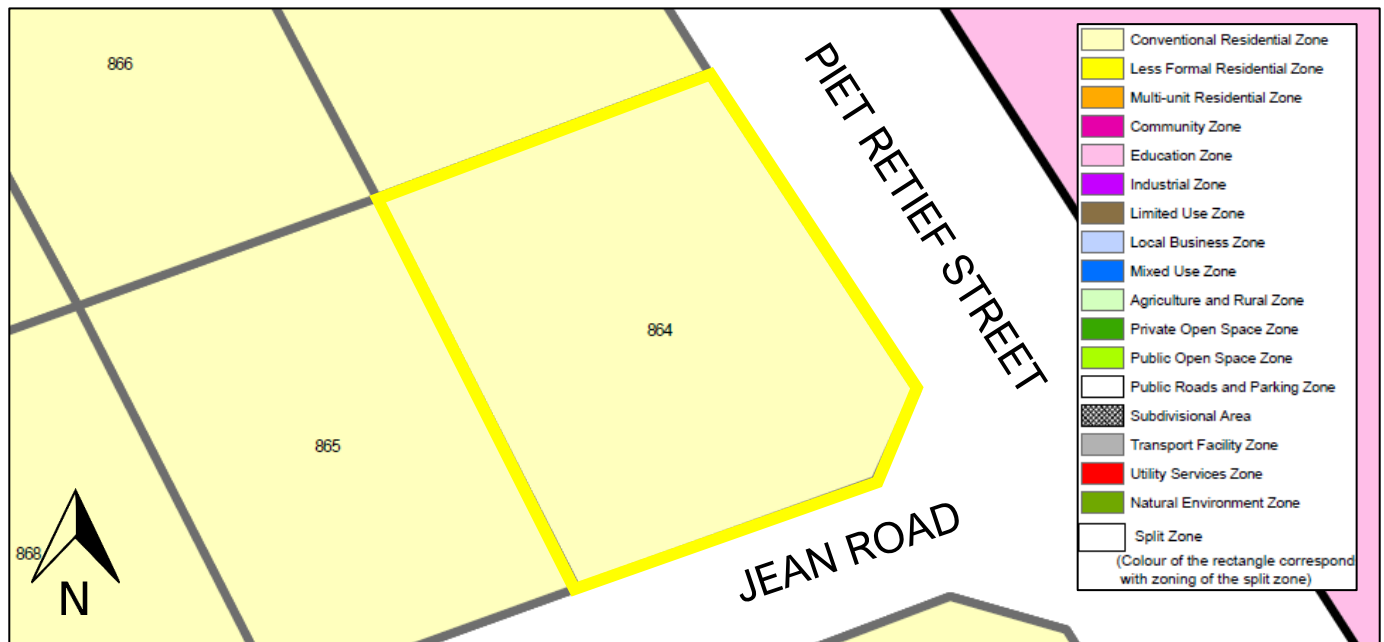


Figure 6 Extract of the Zoning Map

The following land uses and development parameters, in terms of the Zoning Scheme, are applicable to the property:

ERF 864 STELLENBOSCH   CONVENTIONAL RESIDENTIAL ZONE   1 170M <sup>2</sup>	
Land Uses / Development Parameters	Zoning Scheme Permissions
Primary Uses	<b>Dwelling House</b>
Additional Uses (Technical Approval Required)	Bed and breakfast establishment; Home day care centre; Home occupation practice; Home lodging; Second dwelling; Occasional use (one event/year); Private road.
Consent Uses (Consent Use Application Required)	Commune; Extramural facility; Group housing; Guest house; House shop; Occasional use (>one event/year); Tourist dwelling unit; Additional uses exceeding parameters in this chapter.
Street Boundary Building Lines	4m
Common Boundary Building Lines	2.5m (0m for garages and carports not higher than one storey)
Coverage	50% (547m <sup>2</sup> )
Height	2 Storeys
Parking: - Dwelling House	2 Bays

Table 1 Zoning Scheme Land Uses and Development Parameters

### 3. PROPOSED DEVELOPMENT

#### 3.1 Summary of Proposal

The property was previously being used as a guest house. The current owners purchased the property with the intention of utilising it as a single residential dwelling house for their family of 6 people. During the period when the property was used as a guest house, no garage was available for parking and only open parking bays was used by the guests.

Therefore, the current owner of the property requires a double façade garage to be developed on the western common boundary of the property. This location of the proposed garage is favourable due to the position of the existing gate that provides access to the property from Jean Road. It should be noted that a flat roofed garage is proposed.

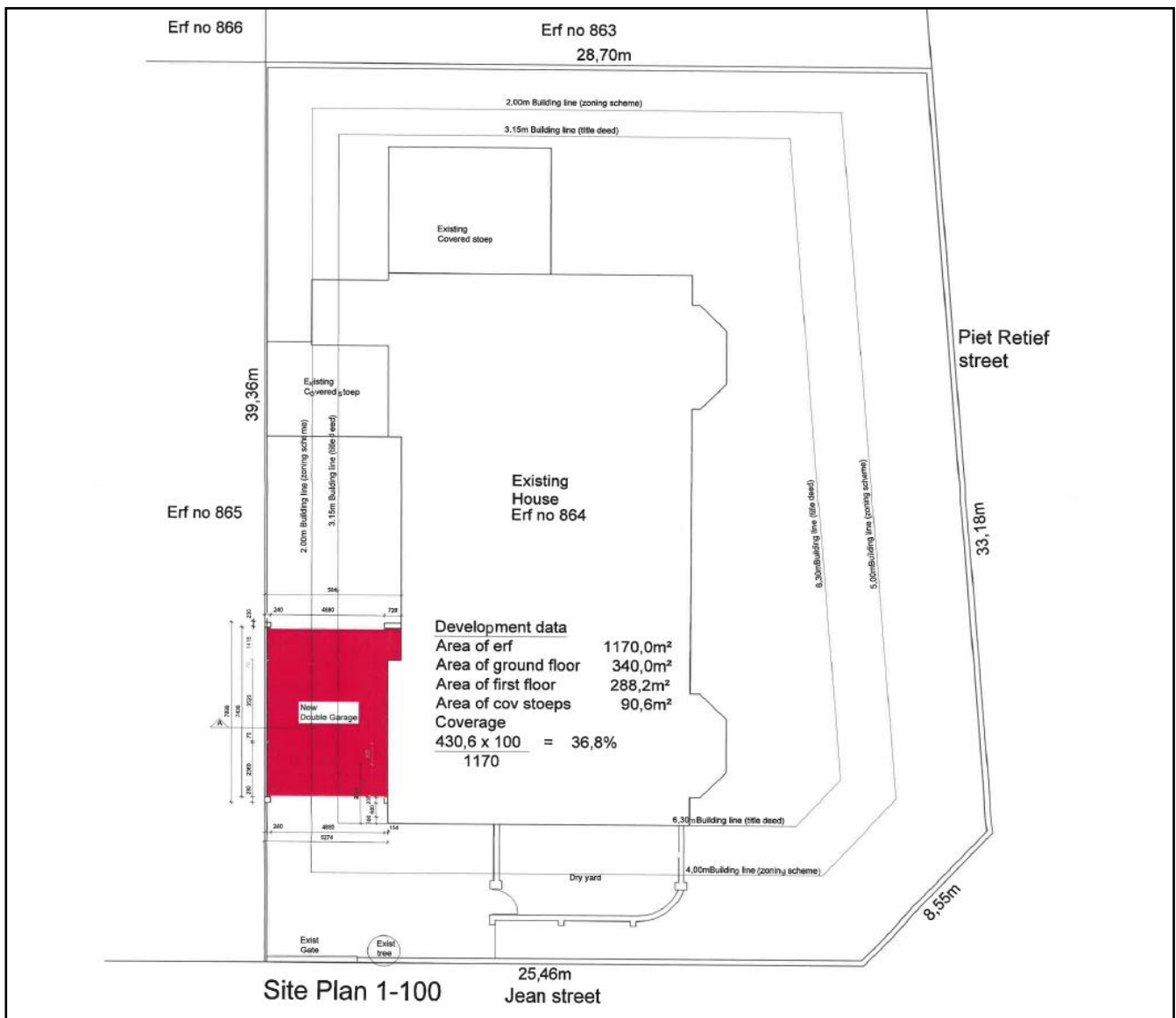


Figure 7 Extract the Site Development Plan (Site Plan)

### 3.2 Assessment of Proposed Development

In order to assess the proposed development, cognisance should be taken of the identified restrictive title deed conditions as well as the land uses and development parameters pertaining to properties zoned Conventional Residential as per the Zoning Scheme.

Accordingly, the proposed additions and alterations is assessed in Table 2 below:

ERF 864 STELLENBOSCH   CONVENTIONAL RESIDENTIAL ZONE   1 170M <sup>2</sup>			
Land Uses / Development Parameters	Zoning Scheme Permissions	Restrictive Title Deed Conditions	Proposal
Primary Uses	Dwelling House	B.1.(a): Residential Use Only B.1.(b): One Dwelling Only	<b>Dwelling House</b>
Additional Uses	Second dwelling		
Street Boundary Building Lines	4m (Garages = 1m)	B.1.(d): 6.3m	<b>6.3m (from Jean Road) &gt;6.3m (from Piet Retief Street)</b>
Common Boundary Building Lines	2.5m (0m for garages and carports not higher than one storey)	B.1.(d): 3.15m	<b>&gt;3.15m (northern common boundary) 0m (Garage and Covered Stoep on western common boundary)</b>
Coverage	50% (547m <sup>2</sup> )	B.1.(c): One Third Built Upon (390m <sup>2</sup> )	<b>36.8% (430.6m<sup>2</sup>)</b>
Height	2 Storeys	N/A	<b>2 Storeys</b>
Parking: - Dwelling House	2 Bays	N/A	<b>Double Garage</b>
Roof Type	N/A	C.(k): Flat roofs on garages will only be permitted if the main building also has a flat roof	<b>Flat Roof Garage</b>

Table 2 Assessment of Proposal

## 4. APPLICATIONS

From Table 2, above, it should be noted that the proposal requires the removal of restrictive title deed conditions B.1.(c) and B.1.(d) and C.(k). Although the proposal conforms with the restrictive title deed conditions in terms of the residential use and number of dwellings, it is proposed to also remove these conditions {B.1.(a) and B.1.(b)}. This will assist to make provision for the future development of the property in accordance with the provisions of the Zoning Scheme.

Therefore, formal applications are hereby made for the following:

- i. In terms of Section 15(2)(f) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for the **removal of the following restrictive title deed conditions:**

*B.1.(a): This erf shall be used for residential purposes only.*

*B.1.(b): Only one dwelling, together with such outbuildings as are ordinarily required to be used therewith shall be erected on this erf.*

*B.1.(c): Not more than one third of the area of this erf shall be built upon.*

*B.1.(d): No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 6.30 metres to the street line which forms a boundary of this erf, nor within 3.15 metres of the lateral or rear boundary common to any adjoining erf, no building, however, to exceed to storeys in height.*

*C.(k): The roofs of all buildings on this erf must be uniform in regard to material and style. Flat roofs for outbuildings, garages, etc. will only be permitted if the main building also has a flat roof.*

## **5. ADJUDICATION AND MOTIVATION**

### **5.1 Motivation in Terms of Section 39.(5) of the Western Cape Land Use Planning Act, 2014**

Section 33.(5) of the By-Law states that the Municipality must have regard to certain considerations which is derived from Section 39.(5) of the Western Cape Land Use Planning Act, 2014 (hereafter referred to as "LUPA"). The motivation, in terms of the said consideration, follows:

*Section 33.(5)(a): the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;*

It is unlikely that the restrictions currently add any financial value to the owners of properties within the Krigeville Subdivision. The deletion of the restrictive conditions will allow for the development of the property largely in line with the provisions of the Zoning Scheme. The proposed garage is designed to respect the surrounding built environment of the area. The proposal will be in character with and be compatible with the surrounding, existing urban single residential landscape. It is not believed that the proposed deletion of the conditions will have any undesirable impact on the character or property values of the erven in this sought-after and popular area.

The proposed investment through the construction of the proposal is considered desirable, and it can be expected that it will have a positive impact on the surrounding property values.

*Section 33.(5)(b): the personal benefits which accrue to the holder of rights in terms of the restrictive condition;*

It is not believed that the “holders” of these rights currently enjoy any personal benefits. As mentioned above, the proposal will be in character with the surrounding natural and built environment, while a number of the property owners in the area already went through the same process to allow those erven to be developed with a dwelling house and second dwelling.

*Section 33.(5)(c): the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;*

The proposal will enable the owner of the property to develop it in response to the market demand for additional housing options in Stellenbosch Town. This is due to the property being well located from educational institutes and the town centre.

The property will be developed in line with the Stellenbosch Municipality’s approved policies. Furthermore, the deletion of the title deed conditions will allow for the owner to develop the property in accordance with the primary and additional use rights (subject to a technical approval).

The optimising of the use of the erven will also assist with the maintenance costs of the properties and the building, which is considered desirable from an aesthetic, practical and financial point of view.

*Section 33.(5)(d): the social benefit of the restrictive condition remaining in place in its existing form;*

It is not believed that there is any social benefit (including to the broader society) in the restrictive conditions being retained in their existing form, e.g. it does not concern a public open space or community facility used or accessible to the general public. On the contrary, there is sufficient reason to motivate that the proposed deletion of the restrictive conditions is indeed considered to have a social benefit, as explained in the paragraphs below.

If the conditions are not deleted, the erf will lose the opportunity of being developed to its full potential and within the envisaged provisions of the current zoning scheme.

*Section 33.(5)(e): the social benefit of the removal, suspension or amendment of the restrictive condition; and*

The deletion of the restrictions will have a positive social benefit given that it will enable a development that is desirable within an existing residential urban area.

The removal of the restrictive title deed conditions will also allow for an additional housing option within close proximity of the Stellenbosch Central business District and various educational institutes. This will result in the residents of the dwelling house and second dwelling to be closer to economic, social, and educational opportunities.

Furthermore, and given the character of the area, it is believed that the proposed deletion of the conditions will have a positive social impact (benefit).

The deletion of the restrictive conditions will enable the future addition of extra housing stock that may be added to an existing urban area where there is a relatively high demand for residential properties.

The proposal is considered desirable as it constitutes a sensitive and incremental form of densification which will ensure more compact and sustainable cities, curb urban sprawl and reduce the impact on agricultural land and the costs pertaining to the provision of new services. This clearly has social benefits for the broader public.

Lastly, the removal of the restrictive title deed conditions will not result in the overdevelopment of the property which might result in a negative social impact. In fact, any further development will be regulated by the applicable Zoning Scheme.

*Section 33.(5)(f): whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.*

The proposal will not remove the beneficiaries' right completely as applicable Zoning Scheme, with its development rules, will remain in place to regulate the further development of the property.

The proposed deletion is seen as a reasonable and acceptable way to allow for the development of the property.

## 5.2 Motivation in Terms of Section 65 of the By-Law

Section 65 of the By-Law relates to the adjudication of applications submitted in terms of the By-Law. The applications required, as set out in Section 4 of this report, are assessed in Table 3 below, against the general criteria for the consideration of applications as set out in Section 65(1) of the MPBL:

Assessment of Applications in terms of Section 65(1) of the By-Law	
Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(f) of the By-law.
b. Procedure followed in processing the application.	All relevant and required documentation are attached to this application and motivation.
c. Desirability of land use	<p>The applications for the removal of restrictive title deed conditions and technical approval to allow for a dwelling house and second dwelling on the property, are considered desirable. The reasons for the desirability of the applications may be summarised as follows:</p> <ul style="list-style-type: none"> <li>- The approval of the applications will not have a negative impact on the surrounding properties. This is due to the land use (residential) being in character with the immediate surrounding area.</li> <li>- The approval of the removal of restrictive title deed conditions will not result in an unusual advantage for the owners of the property. Any future development will have to comply with the provisions of the applicable Zoning Scheme.</li> <li>- The proposed land use, resulting in a marginal increase in density, is appropriate in the context of the area and will contribute to a more compact urban environment.</li> <li>- The existing rights of the surrounding neighbours will not be significantly impacted in a negative way.</li> <li>- The proposed land use will not negatively impact the existing infrastructure in the area.</li> </ul>
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	The proposed garage will not have a negative impact on the Stellenbosch municipal engineering services.
i. The IDP and SDF	The Stellenbosch Municipality's Spatial Development Framework guides land use decisions in both the short and long term. This document conceptualizes seven core principles. While not all these principles are of pertinence to this application, the relevant principles are indicated below.

*Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas:* This application will not have any impact on the Municipality's natural environment and farming areas as the proposed development is located well within the urban edge.

*Respect and grow cultural heritage:* In line with the Stellenbosch Municipality's SDF, the proposed development will contribute to sensitive densification of an established conventional residential area.

*Direct growth to area of lesser natural and cultural significance as well as movement opportunity:* The proposed development is regarded as a brown field development, making more efficient use of existing municipal infrastructure.

*Clarify and respect the different roles and potentials of existing settlements:* As identified throughout this report, the property is located within an area earmarked for conventional residential development. The proposed development contributes to this since the approval thereof will contribute to realising the potential of conventional residential properties to be sensitively densified.

*Address human needs for housing, infrastructure, and facilities:* As mentioned, the proposed development will enable an additional family to utilise the existing municipal infrastructure of the area, whilst providing them with a residence close to various amenities and facilities.

*Ensure balanced, sustainable communities:* It is required that future development within Stellenbosch take cognisance of the fact that the municipality is experiencing increased congestion. Development and densification must be prioritised within a radius of 1km of residential areas. It is essential to position work opportunities as well as services, within proximity from where people live. Settlement densities needs to be encouraged in order to make public transport viable. Considering the location of the property together with the possible land uses, this application is contributing to a less congested municipality.

*Optimal Land Use:* The Stellenbosch Municipality SDF states that the municipal area faces a shortage of around 20 000 housing units. In order to respect the character of the municipality, it is required to promote and support infill development.



	<p>The removal of the restrictive title deed conditions will enable the future development of a second dwelling unit and as a result will assist in addressing the need for housing opportunities within the municipality without causing any harm to agricultural land or the character of the municipal area. The removal of the restrictive title deed conditions will also enable the current (and future) owners to develop the property generally in accordance with the development rules and parameters as set out in the applicable zoning scheme.</p> <p>Furthermore, the main principles of the SDF include the following:</p> <ul style="list-style-type: none"> <li>- The principles of walking distance, functional integration, socio-economic integration, appropriate densification, and the urban edge should inform settlement design.</li> <li>- The usage of land should be based on its highest and best long-term sustainable use as opposed to its long-term financial return.</li> <li>- A balanced supply of low, middle- and high-income housing should be ensured in each settlement node to promote integration and minimize the need for travel.</li> <li>- Development approvals should be guided by the need to achieve the settlement densities needed to make the public transport system financially and operationally viable.</li> <li>- Subdivisions, second dwellings, sectional title, re-development of existing low-density areas, infill and brownfield land opportunities should be prioritized over greenfield sites, as guided by the SDF.</li> </ul> <p>The application promotes all the above highlighted principles of the SDF.</p>
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes densification. Thus, the application is in line with the provincial SDF.

o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p><b><u>Spatial Justice:</u></b> Aligned. The proposal includes an opportunity of a second dwelling within proximity of various schools and other points of interest.</p> <p>Considering the location of the property, it may be justified that the property owner deserves the opportunity of developing the property to its maximum potential, whilst being sensitive towards the character of the area.</p> <p><b><u>Spatial Sustainability:</u></b> Aligned. The proposal complies with this principle by ensuring that the development of the property will create a more compact Stellenbosch. It will also contribute to the promotion of land development in a location that will limit urban sprawl.</p> <p><b><u>Efficiency:</u></b> Aligned. This application entails the utilisation of existing infrastructure on an optimal level.</p> <p><b><u>Good Administration:</u></b> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><b><u>Spatial Resilience:</u></b> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the zoning scheme	As discussed, the proposed development is in line with the provisions of the Zoning Scheme. The scheme makes provision for a second dwelling on Conventional Residential zoned properties, subject to the Technical Approval from the Stellenbosch Municipality.

**Table 3** Motivation of the Applications

## 6. CONCLUSION

The applications have been made in terms of Section 15(2) of the By-Law for the removal of restrictive title deed conditions to allow for a garage to be developed on the property. The approval of this application will also allow for the future development of the property in accordance with the Zoning Scheme. This report has demonstrated that the proposed applications will not have a material impact on the surrounding property owners and that the proposal is considerate towards the existing built environment. It is therefore recommended that these applications should be approved.

PIETERHUIZEN PLANNING (PTY) LTD

7 July 2022

ANNEXURE C  
SITE DEVELOPMENT PLAN

Erf no 866

Erf no 863

28,70m

2.50m Building line (zoning scheme)  
3.15m Building line (title deed)

Existing  
Covered stoep

Existing  
Covered stoep

2.50m Building line (zoning scheme)  
3.15m Building line (title deed)

Existing  
House  
Erf no 864

6,30m Building line (title deed)

4,00m Building line (zoning scheme)

Piet Retief  
street

33,18m

Erf no 865

39,36m

Development data

Area of erf 1170,0m<sup>2</sup>

Area of ground floor 340,0m<sup>2</sup>

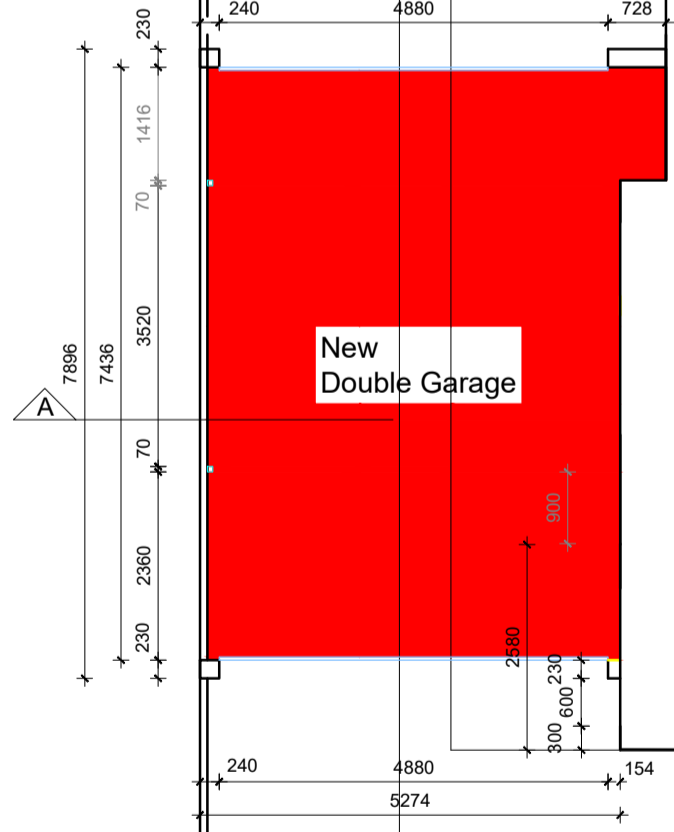
Area of first floor 288,2m<sup>2</sup>

Area of cov stoeps 90,6m<sup>2</sup>

Coverage

$$\frac{430,6 \times 100}{1170} = 36,8\%$$

New  
Double Garage



6,30m Building line (title deed)

4,00m Building line (zoning scheme)

Dry yard

Exist  
Gate

Exist  
tree

25,46m  
Jean street

8,55m

Site Plan 1-100

