

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

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

**THE CHAIRPERSON (Att: Mr Matt Basson)
WINELANDS VILLAGE HOME OWNERS ASSOCIATION**

EMAIL: bassonmatt@gmail.com

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

Application Property Address: **Raithby Road, Winelands Village, Raithby**

Application Property Number: **Erf 386**

Applicant: **Sydney Holden Town Planners/Property Consultants**

Owner: **Jordan SA Trust
t.jordan@yahoo.co.uk / Cell 0727880668**

Application Reference: LU/ **LU/12013**

Application Type: **Application for Subdivision into 2 portions**

Detailed description of land use or development proposal, including it's intent and purpose:

DESCRIPTION OF PROPOSED DEVELOPMENT

An application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Subdivision of Erf 386 Raithby into the following:

- Rem of 386 (1882 m² in extent) and, - Portion 1 of Erf 386 (555 m² in extent).

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:

- o Indicate the facts and circumstances that explain the comments;
- o Where relevant demonstrate the undesirable effect that the application will have if approved;
- o Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows:

Sydney Holden Town Planners/Property Consultants
sholden@telkomsa.net

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date **22 February 2021**.

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 **084 6293328 / 021 8551156** during normal office hours.

Yours faithfully

SYDNEY HOLDEN

AFRIKAANSE WEERGAWE VAN ADVERTENSIE:

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

DIE VOORSITTER (Aandag: Mr Matt Basson)
WINELANDS VILLAGE HUISEIENAARS VERENIGING

EMAIL: bassonmatt@gmail.com

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

Adres van aansoek eiendom: **Raithby Pad, Winelands Village, Raithby**

Aansoek eiendom beskrywing: **Erf 386**

Aansoeker: **Sydney Holden Town Planners/Property Consultants**

Eienaar: **Jordan SA Trust**
t.jordan@yahoo.co.uk / Cell 0727880668

Aansoek Verwysing: LU/ **LU/12013**

Tipe Aansoek: **Onderverdeling van Erf 386, Raithby in 2 dele.**

BESONDERHEDE VAN DIE GRONDGEBRUIKSAANSOEK, INSLUITENDE DIE DOEL EN UITKOMS:

Aansoeke word gemaak in terme van Artikel 15 (2)(d) van die Stellenbos Munisipaliteit se Grondgebruik Beplannings Verordening, 2015 vir die onderverdeling van Erf 386, Raithby in twee dele soos volg:

- Restant van 386 (1882 m² in grote) en Gedeelte 1 van Erf 386 (555 m² in grote).

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 opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende ingting 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:

Sydney Holden Town Planners/Property Consultants
sholden@telkomsa.net

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 **22 Februarie 2021**.

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 **084 6293328 / 021 8551156** gedurende normale kantoor ure

Die uwe

SYDNEY HOLDEN



STELLENBOSCH

STELLENBOSCH • ENDE • FRANSCHHOEK

MUNISIPALITEIT • I MASIPALA • 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)	SYDNEY		
Surname	HOLDEN		
Company name (if applicable)	SYDNEY HOLDEN TOWN PLANNERS / PROPERTY CONSULTANTS		
Postal Address	60 ACACIA STREET, HELOERUIE, SOMERSET WEST		Postal Code 7130
Email	SHOLDEN@TELKOMSA.NET		
Tel	021 8551156	Fax	Cell 0846293328

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

Registered owner(s)	JORDAN SA TRUST		
Physical address	RAITHBY ROAD, WINELANDS VILLAGE, RAITHBY		Postal code 7130
E-mail	E. JORDAAN@YAHOO.CO.4K		
Tel	021 8500507	Fax	Cell 0727880668

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

Erf / Erven / Farm No.	ERF 386	Portion(s) if Farm		Allotment area	RAITHBY
Physical Address	RAITHBY ROAD, WINELANDS VILLAGE, RAITHBY				
Current Zoning	CONVENTIONAL RESIDENTIAL	Extent	2437 m ² /ba	Are there existing buildings?	<input checked="" type="checkbox"/>

Applicable Zoning Scheme	STELLENBOSCH ZONING SCHEME BY-LAW 2019		
Current Land Use	EXISTING CONVENTIONAL DWELLING		
Title Deed number and date	T	50406/2014	
Attached Conveyance's Certificate	<input checked="" type="checkbox"/>	Any Restrictions in 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)?		If Yes, list the party(ies): N/A.	
Is the property encumbered by a bond?	<input checked="" type="checkbox"/>	If Yes, list the bondholder(s):	
Is the property owned by Council?	<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"/>	Is the building older than 60 years?	<input checked="" type="checkbox"/>
		Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)?	<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)?	<input checked="" type="checkbox"/>	If yes, is this application to legalize the building / land use??	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	<input checked="" type="checkbox"/>	Are there any land claim(s) registered on the subject property(ies)?	

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre application consultation?	<input checked="" type="checkbox"/>	If Yes, please attach the minutes of the pre-application consultation.
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PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs³</i>
<input type="checkbox"/>	15(2)(a) Rezoning of Land
<input type="checkbox"/>	15(2)(b) a permanent departure from the development parameters of the zoning scheme
<input type="checkbox"/>	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;
<input checked="" type="checkbox"/>	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;
<input type="checkbox"/>	15(2)(e) a consolidation of land that is not exempted in terms of section 24;

³ All applications triggered by section 91 (b), (c), & (d) of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department.
⁴ No application may be submitted to legalize unauthorised building work and/or use of the property if a notice has been served in terms of Section 8-11(4) and until such time a Section 91 Compliance Certificate has been issued in terms of the Stellenbosch Land Use Planning By-law (2015).
<http://www.stellenbosch.gov.za/16116/116116-3-116116-2-116116-1-116116-1-116116-1>

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)(f) Amendment of Site Development Plan
15(2)(f) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

Deviation from Council Policies/By laws;

R

Other (specify) :

R

TOTAL A:

R

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; data messages	R
	PUBLICATION OF NOTICES	Local Newspaper(s); Provincial Gazette; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	Provincial Gazette	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R

* 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.

BANKING DETAILS

Name:	Stellenbosch Municipality
Bank:	NEDBANK
Branch no.:	198765
Account no.:	1152271679
SWIFT:	NEDSZA11
Payment reference:	
Plot/Farm number:	

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)

S. N HOLDEN

Postal Address

60 ACACIA STREET, HELDERVLE
SOMERSET WEST 7130.

Vat Number (where applicable)

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street	From	m	To	m
	Street	From	m	To	m
	Side	From	m	To	m
	Side	From	m	To	m
	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		From	m	To	m
Exceeding maximum storey height		From	m	To	m
Consent/Conditional Use/Special Development					
To permit. THE SUBDIVISION OF ERF 386 INTO 2 PORTIONS					
in terms of Section 14 of the STELLENBOSCH Zoning Scheme Regulations					
Other (please specify)					

Brief description of proposed development / intent of application:

- TO SUBDIVIDE ERF 386 INTO 2 PORTIONS BEING :
 1. A REMAINDER CONTAINING THE EXISTING DWELLING (MEASURING 1882 m²)
 AND A PORTION 1 BEING VACANT LAND (MEASURING 555 m²)

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.

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

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

	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))	
		<input checked="" type="checkbox"/> National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)	
<input checked="" type="checkbox"/>	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	<input checked="" type="checkbox"/> National Environmental Management: Waste Act, 2008 (Act 59 of 2008)	
	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	<input checked="" type="checkbox"/> National Water Act, 1998 (Act 36 of 1998)	
<input checked="" type="checkbox"/>	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Other (specify)	
	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)		
	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)(c) 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:

Sydney Holden

Date:

7/10/2020

Full name:

SYDNEY HOLDEN

Professional capacity:

TOWN PLANNER

FOR OFFICE USE ONLY

Date received: _____

Received By: _____





CONVEYANCER'S CERTIFICATE

I/we,

GRANT ALASTAIR GREGORY HILL

(Conveyancer's name)

hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town for restrictive conditions affecting the development of the following property(ies) (including title deeds and pivot deeds):

ERF 386 RAITHBY
 In the municipality of and
 Division of Stellenbosch
 Province of the Western Cape

MEASURING: 2437 (Two Thousand Four Hundred and Thirty Seven) square metres

(erf number/s and description/s as it appears in the title deed)

I certify that there are no conditions which prevent the subdivision of the property.

1 CERTIFICATE TYPE (please select only ones option)

The information provided below is a certified record of all restrictive conditions affecting development on the above stated property(ies)

The information provided below is a certified record of all applicable restrictive conditions relating to a specific plan or proposed application of the above stated property(ies) (complete plan no., date and application type below)

Plan no. Date Application type

2.SCHEDULE OF TITLE DEEDS APPLICABLE (List title deed number in full and attach a complete set of copies)

Holding Deed – T50406/2014; Pivot Deed – T12541/1953; Prior Deed(s) – T50405/2014

3. LIST OF RESTRICTIVE TITLE CONDITIONS Please note: If any clause is selected, Addendum A needs to be completed for each property.

Categories	Title deed and clause number of restrictive conditions. Conveyancer provide details of any necessary interpretation of conditions		
	Title deed number	Clause number	Interpretation
Use of Land			
Building Lines			
Height			
Number of dwellings			
Bulk floor area			
Coverage/built upon area			
Subdivision			
Servitudes that may be registered over or in favour of the property			
Other restrictive conditions limited development			

Signed at SOMERSET WEST on this 27th day of AUGUST 20 20

Company name MILLER BOSMAN LE ROUX HILL INC

Postal address P O BOX B80
SOMERSET MALL
7137

Tel 021 840 8000

Signature 
Email grant@mbh.co.za

Special Power of Attorney

I, the undersigned,

THERESA JORDAAN

Being the Authorized Trustee of the JORDANSA TRUST, the Registered Owner of

ERF 386 RAITBY

Do hereby nominate, constitute and appoint

SYDNEY HOLDEN (CONSULTANT)

With power of substitution, to be our lawful representative and agent in our name, place and stead to

- a) Research Council's Building Plan and Registry files pertaining to developments on Erf 386 Raitby and to obtain copies of any building plan and/or correspondence relating thereto
- b) Apply in terms of the Municipal Planning By-Law 2015 for the Subdivision and any related Town Planning Applications on Erf 386, Raitby
- c) Apply in terms of the Municipal Planning Bylaw 2015 for the amendment/removal/relaxation of any title deed condition which may preclude or restrict the Subdivision of the subject property for residential purposes
- d) Sign all documentation necessary for the approval of the applications referred to in b) and c) and the securing of information as referred to in a)
- e) 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 I ought or could do if personally present and acting herein, and I hereby ratify, allow and confirm, and also agree to ratify, allow and confirm, all my said Consultant shall do or cause to be done lawfully by virtue of this document

Signed at

Dunmores West
August
2020

on this

24th

day of

THERESA JORDAAN
THERESA JORDAAN

Diesel & Munns, Land Surveyors, Somerset West. (C5120)

SIDES	METRES	DIRECTIONS	CO-ORDINATES		S.D. No.
			Y	X	
			System : WG 19 ⁸⁴		802/2014
			CONSTANTS	D.OO	+3 700 000,00
A B	69,20	252 50 20	A	+ 17 900,42	+ 65 818,40
B C	33,35	515 50 20	B	+ 17 834,30	+ 65 797,98
C D	82,81	69 46 10	C	+ 17 810,93	+ 65 821,77
D A	34,11	159 46 10	D	+ 17 888,62	+ 65 850,40
INDICATORY DATA					
B E	0,06	315 30 20	E	+ 17 834,26	+ 65 798,02
Stel 3 Δ 67				+ 21 266,03	+ 67 324,40
Held West Δ 148				+ 12 058,73	+ 67 943,05

APPROVED:

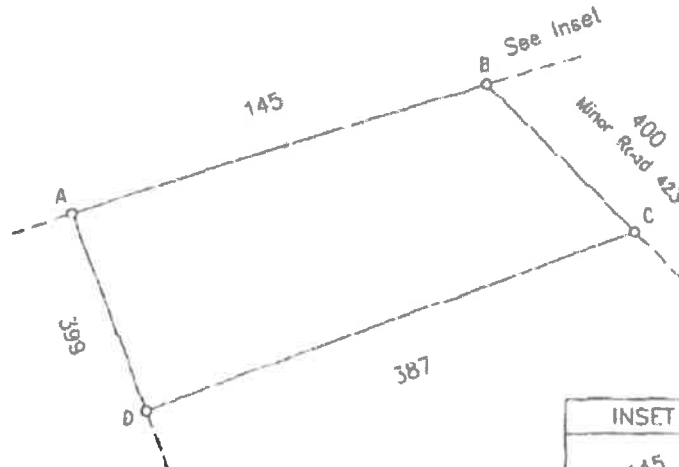
Abel

FOR SURVEYOR GENERAL

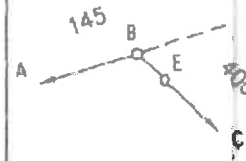
24-4-2014

DESCRIPTION OF BEACONS

- E : NOT BEACONED
- E : 12mm IRON PEG IN TAR
- ALL OTHER BEACONS ARE 12mm IRON PEGS



INSET SCALE 1:10



SCALE 1:1000

The figure A B C D represents 2437 square metres of land being ERF 386 (portion of Erf 151) RATHBY

Situate in the Municipality of Stellenbosch
Administrative District of Stellenbosch
Province Western Cape

Surveyed in October 2012 to April 2014
by me,

D.W. Lambert
D.W. Lambert (PLS 0329)
Professional Land Surveyor

This diagram is annexed to
No. T50405/2014
d.d.
i.f.o.

The original diagram is
S.G.No. A3959/1927
Deed of Transfer No.
1953- -17541

File No. Stel.1162
S.R. No.400/2014
Comp: AH-2BAA(3282)
LPI 00670018

Registrar of Deeds

ERF 386 RATHBY

THIS POSITION IS SUBJECT TO CONDITIONS REFERRED TO IN SECT. 41.01 OF ACT 21/1940.

Act 70/1970 NOT APPLICABLE

APPROVED IN TERMS OF SECT. 28 OF ORD. 15/1986
REF. ERF 151 RATHBY
DATE 2013-11-27

S




TO WHOM IT MAY CONCERN - TRUSTEE RESOLUTION

This is to certify that at a meeting of the Trustees of the JORDANSA TRUST It was resolved that THERESA JORDAAN be authorized to appoint Town Planning Consultants (Sydney Holden) to undertake Town Planning and any related applications on Erf 386 Raithby in order to effect the subdivision thereof.

SIGNED:

 CHRIS HEYMANUS 19.8.2020
TRUSTEE DATE


 NICOLE BRAUN 21/8/2020
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PHOTOGRAPHS – ERF 386 RAITHBY



Existing dwelling



Access servitude to Portion 1



North-eastern boundary of Portion 1



Location of Portion 1 in foreground in relation to existing dwelling



Existing access road to erf 386





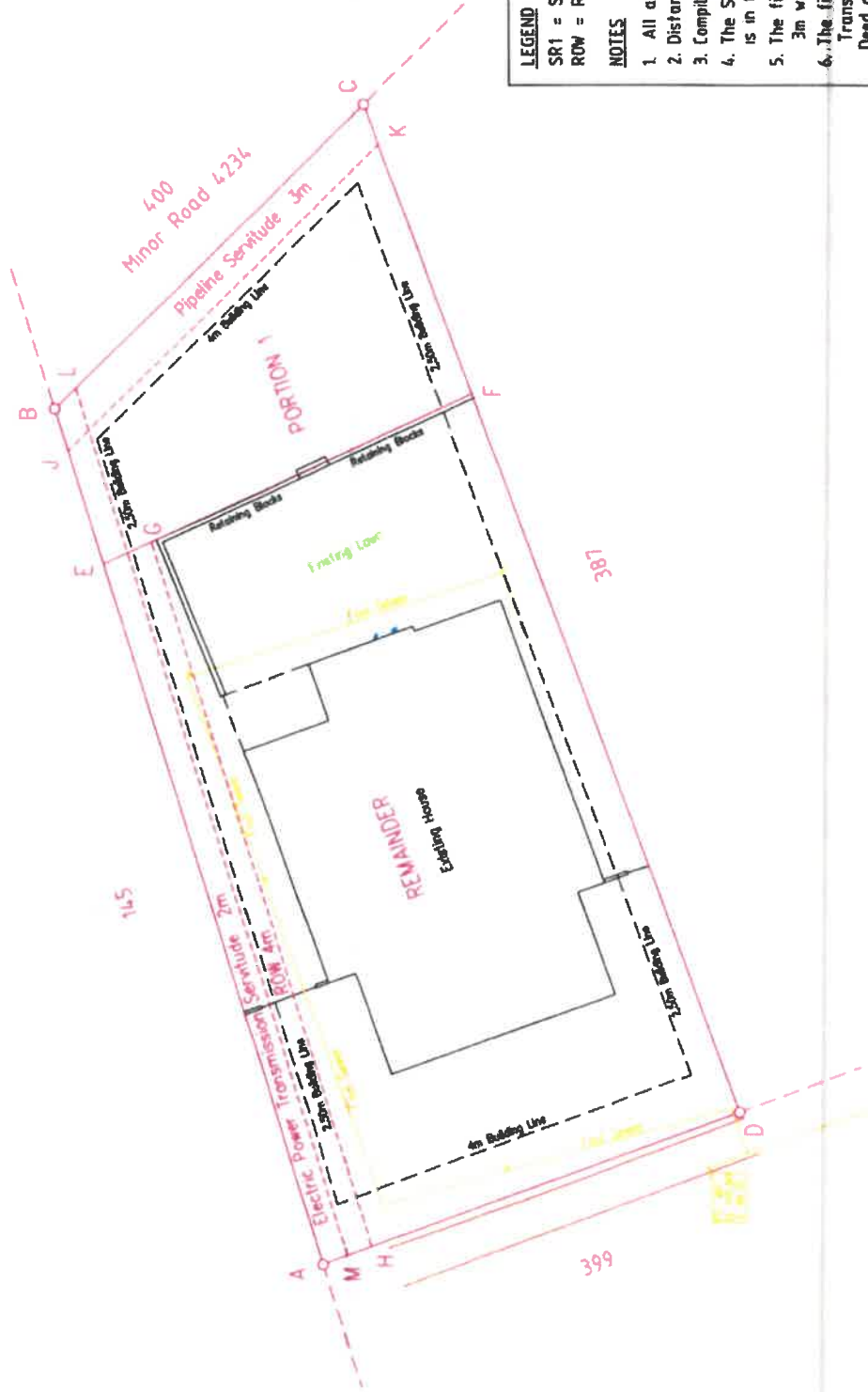
Typical dwellings near to the subject property



New Portion 1 as viewed along southern boundary of the subject property

SUBDIVISION PLAN
ERF 386 RAITHY
 Stellenbosch Municipality
 Administrative District Stellenbosch

FIGURE	PROPERTY DESCRIPTION	AREA (sqm)	ZONING
ABCD	ERF 386	2437	SR1
AEFD	REMAINDER	1882	SR1
EBCF	PORTION 1	555	SR1
SERVITUDE			
AEGH	ROW 4 metres wide	227	



LEGEND
 SR1 = Single Residential 1
 ROW = Right of Way

NOTES

- All areas and dimensions are approximate
- Distances are in metres
- Compilation Sheet : AH-28AA13282)
- The Servitude Right of Way over the REMAINDER is in favour of PORTION 1
- The figure JBCK represents a Pipeline Servitude 3m wide, wide Deed of Servitude No. K906/2014
- The figure ABLM represents an Electric Power Transmission Servitude 2m wide, wide Deed of Transfer No. T50405/2014

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 FAX: 021 885 1114 / 021 885 1115 / 021 885 1116

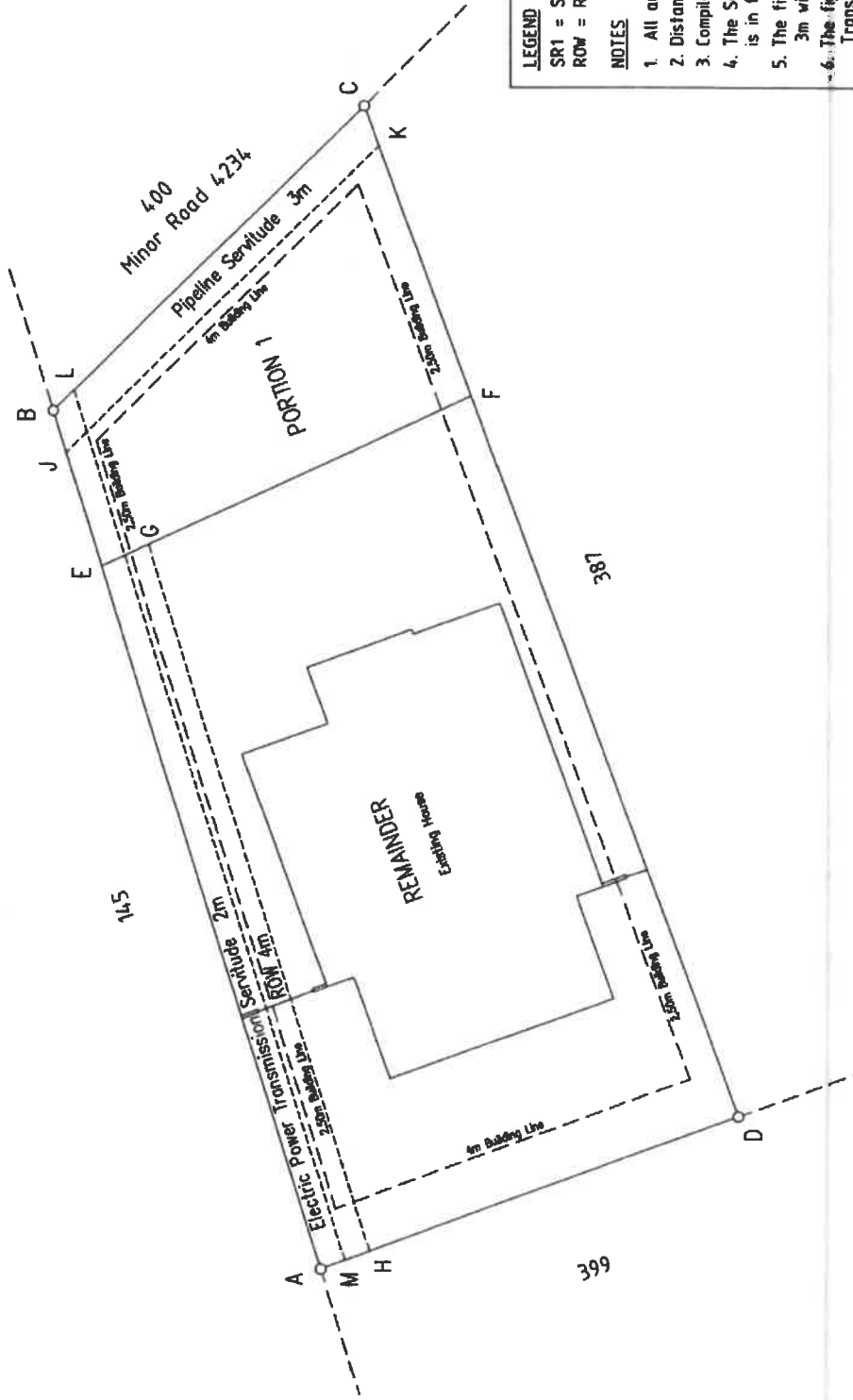
DATE: SEPTEMBER 2020 PLAN C5128-SUB386

SUBDIVISION PLAN

ERF 386 RAITHYB

Stellenbosch Municipality
Administrative District Stellenbosch

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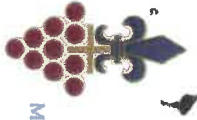
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DATE: SEPTEMBER 2020

PLAN C5128-SUB386



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021 809-8578 / 8547 / 8546
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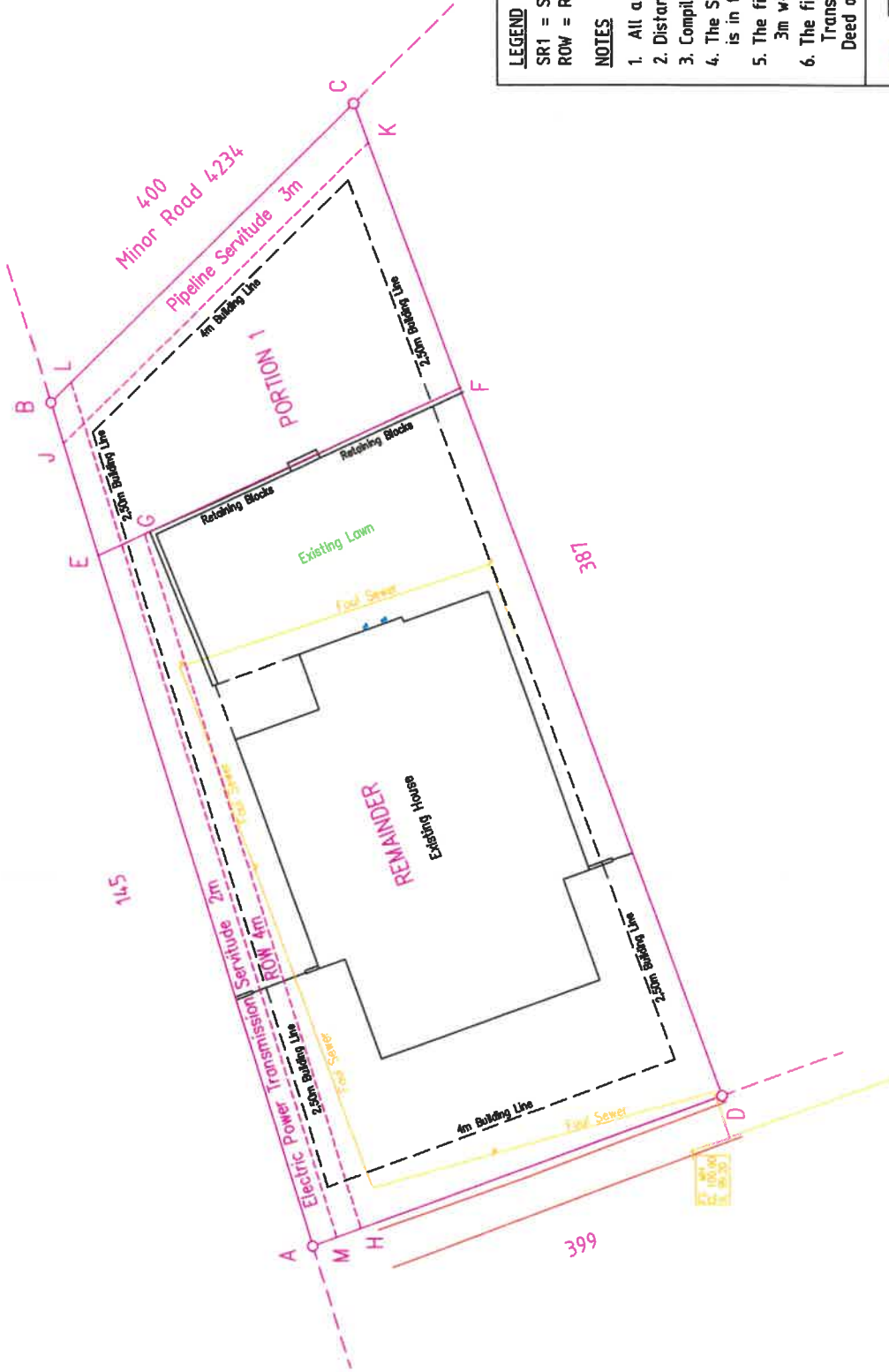
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SUBDIVISION PLAN

ERF 386 RAITHBY

Stellenbosch Municipality
Administrative District Stellenbosch

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PROFESSIONAL LAND SURVEYORS - GRADE-ENGINTEERS, SURVEYORS
PROFESSIONAL TITLE CONSULTANTS, ENGINEERS AND TOPOGRAPHICAL SURVEYORS
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DR. ST. JAMES STREET/STRAAT - P. O. BOX/POS 215 - SOMERSET WEST 7800
TEL: 0281 883-8800/883-8378 FAX: 0281 883-8899

DATE: SEPTEMBER 2020

PLAN C5128-SUB386



Sydney Holden Town Planners/Property Consultants - Cape Town
Sydney Holden

E-mail: sholden@telkomsa.net
Cell: 084 629 3328

Tel: 021 855 1156



**APPLICATION
FOR SUBDIVISION OF
ERF 386 RAITHBY,
(RAITHBY ROAD, WINELANDS VILLAGE, RAITHBY)**



October 2020

TABLE OF CONTENT

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- Planning (Zoning, Policy, Land use)
- Parking/Access/Traffic
- Services
- Desirability and Public Interest
- Compliance with Land Use Planning Principles contained in LUPA and SPLUMA

VI. CONCLUSION**VII. RECOMMENDATION****VIII. APPENDICES**

- A Locality
- B Zoning Plan
- C Title Deed
- D Conveyancer's Certificate
- E Property Diagram/General Plan
- F Power of Attorney
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APPLICATION FOR SUBDIVISION OF ERF 386 Raithby, (RAITHBY ROAD, WINELANDS VILLAGE, RAITHBY)**I PREAMBLE/BACKGROUND**

It is proposed to **subdivide erf 386** (which has an **extent of 2437 m²**) into **2 portions** to enable the alienation of **Portion 1** (measuring **555 m²**) for **Conventional Residential purposes**. The current parent property is zoned **Conventional Residential**. The **Remainder** portion of the property which contains the **existing dwelling** will have an extent of **1882 m²**.

In terms of the **Winelands Village Home Owners Constitution (Section 4.3.11)**, erf 386 may be subdivided into **2 portions**. The extent of **Portion 1** will be similar to that of other erven adjacent; as an example, erf 425 to the south of the subject property has an extent of **557 m²** whilst erf 424 (adjacent thereto) has an extent of **560 m²**.

The **building lines** that will be applicable to **Portion 1** will be **4 m** from the street boundary and **2.5 m** from the common boundaries. An electric power transmission servitude (of **2 m**) will be accommodated on the northern boundary whilst a **3.0 m pipeline servitude** is provided for on the north-eastern boundary. These servitudes are to be accommodated in the relevant building lines.

Access to Portion 1 will be obtained via a **4.0 m wide right of way servitude** on the northern boundary of the subject property. The intention is to alienate **Portion 1** and its development will have to comply with the **Architectural and Building Guidelines** of the **Winelands Village**.

Notwithstanding the services servitudes and building lines, the effective development area (coverage) of **Portion 1** will still be **±253 m²** which in terms of the existing development parameters contained in the **Zoning Scheme** is **±24 m²** less than the maximum permissible coverage (Clause 55 (1)).

II PROPERTY DETAILS

SUBJECT PROPERTY: Erf 386 Raithby

LOCATION: Raithby Road, Winelands Village, Raithby

EXTENT: 2437 m²

TITLE DEED: T50406/2014. There are **no restrictions** contained in the Title Deed **precluding subdivision** or **number of dwelling units**. The Conveyancer has researched the current and all the pivot deeds. The relevant **conveyancer's certificate is attached as Appendix D**.

OWNER: Jordansa Trust

CURRENT ZONING: Conventional Residential



Zoning Plan for Raithby

III LOCALITY



Locality Plan

The subject property (erf 386) forms part of the secure Winelands Village residential enclave in Raithby and is located at the northern extremity of the Village.

Raithby is accessible via Winery Road which links both the Stellenbosch Road (R44) to the north-east and Somerset West Main Road (M9) to the south-west. Raithby Road which flows from Winery Road provides access to Winelands Village and such road borders the north-eastern frontage of Erf 386.

Access to Erf 386 is not obtainable directly from Raithby Road, but via an internal road system which terminates in a cul-de-sac.

The subject property therefore has good connectivity to significant distributor/collector traffic routes.

The property is in **close proximity to numerous group housing dwellings and erven.**

The balance of the **surrounding properties are zoned Conventional Residential and Conventional Residential with consent for group housing.** It should be noted that **several subdivisions of single residential properties have taken place in the vicinity of the subject property.**

The above and attached **Zoning Plan and Locality/Subdivision Plan** of the immediate surrounds **places the subject property in its development context.**

Being located in **relative close proximity and accessibility to the road network of Winery Road, the R44 and the M9 and associated community and service-orientated facilities,** makes the subdivision of the subject property both viable and desirable.

IV PROPOSAL

It is proposed to:

- **Subdivide Erf 386 into 2 portions** – being a Remainder Erf measuring $\pm 1822 \text{ m}^2$ and Portion 1, measuring $\pm 555 \text{ m}^2$.

Zoning Scheme: Subdivision

Application is made in terms of **Section 15 (2) (d)** of the Land Use Planning By-Law for the **subdivision of the property into 2 portions**, measuring $\pm 1822 \text{ m}^2$ and $\pm 555 \text{ m}^2$, respectively. The subdivision diagram is attached as **Appendix J. (Reference: Plan C 5128-sub 386 dated September 2020)**

The property has a **level gradient** with the **position of the existing dwelling** on the Remainder Portion being **depicted**. **Existing services connections** are also depicted. (See Appendix K: Plan C 5128-SUB 386 dated September 2020).

The property is **well vegetated with small trees and shrubs as well as an extensive lawned area.**

V MOTIVATION

❖ SUBDIVISION

The **subdivision of the subject property into 2 portions** measuring $\pm 1822 \text{ m}^2$ (Remainder) and 555 m^2 (Portion 1) is **fully merited** for the following reasons:

- The subject property is **in close proximity to several subdivided properties which range in extent from $\pm 550 \text{ m}^2$ – 560 m^2 .**
- The subject property is **located in relative close proximity to prominent distributor/collector traffic routes** (Raithby/Winery Road) which link to both Stellenbosch Road (R44) and Main Road (M9), respectively. These latter roads in turn link to the CBD of Stellenbosch and Somerset West.
- Several **subdivisions have taken place in the immediate vicinity** of the subject property which **display similar subdivided extents;** for example, Erven 425 and 424 which has extents of 557 m^2 and 560 m^2 , respectively.

It is also important to realize that the configuration of the subdivision is such that dwelling placement can easily be achieved whilst adhering to building lines and accommodating vegetation. The shape and effective area for development on Portion 1 ($\pm 253 \text{ m}^2$) is substantial whilst the Remainder Portion has already been developed with an existing dwelling. A subdivision density of 2 cadastrally subdivided erven in this locality is fully merited.

- The configuration of the subdivision is necessitated by the location of the existing dwelling on the property, as well as to achieve access to the rear (northern portion) of the property. The extent of portion 1, namely, 555 m^2 , has an adequate effective extent to accommodate a dwelling with outbuildings.
- The fact that the subdivision configuration is slightly different from the conventional is in view of the position of the existing dwelling. However, such configuration is still highly practical and does not undermine or preclude dwelling placement, whilst still adhering to the provisions of section 55 contained in the Zoning Scheme By-Law 2019. With subdivision, the common building lines (for all components of the subdivision) will be 2.5 m.

The act of cadastral subdivision does, in this instance, not change the nature of the surrounding built environment or in any way undermine the character of the neighbourhood.

- Due consideration has been given to existing vegetation.
- The subdivision proposal is consistent with Councils densification/compact urban form policy and is regarded as incremental densification which is defined as “small-scale densification” that has a relatively low impact on the character of the area: e.g. “the subdivision of a residential property”.

It is clearly evident that there is no substantive reason why the subdivision cannot be approved given the new legislative environment within the Municipality and clearer policy direction relating to incremental densification.

The approval of the subdivision indicates no adverse or material impact on the surrounding built environment. Such subdivision proposal is not only policy compliant but is consistent with numerous subdivisions and the subdivision pattern that has occurred and is occurring in the immediate vicinity.

❖ PLANNING POLICY



Spatial Development Framework for Raithby

In terms of the **Stellenbosch Spatial Development Framework (2019)** the subject property falls within the **Urban Edge of Raithby**.

A specific change action in terms of **spatial policy** is the focus of **infill development on undeveloped land within the Urban Edge of Raithby**.

The proposal therefor **complies with the broader vision and goals of the Spatial Development Framework** inasmuch as it will allow for **improved urban efficiency (through incremental densification)**. The proposed increase in densification will lead to better access to opportunities, the provision of a **quality urban environment** and a **more compact urban form** that will enhance **resource efficiency**.

The subdivision of the subject property would **not be inconsistent with Council's Spatial Development Framework (SDF)**. The approach towards **incremental densification** has gained considerable traction in the assessment of development applications.

The **Conventional Residential Zoned** subject property lends itself physically to subdivision and the proximity to community related facilities (**Place of Worship/School**), as well as similarly sized residential properties in the immediate vicinity, bears testimony to the suitability of the subject property for cadastral subdivision.

The subdivision of the subject property into 2 Portions is **regarded as being aligned and consistent with the SDF**.

There are **relevant policy or strategy documentation** approved by the Municipality to **guide decision-making** and which are **relevant to this particular application**:

Policy Compliance

In terms of **Policy** the subdivision of the subject property aligns with the SDF in the following respects:

Strategy 4: Clarity/Respect the different roles and potentials of settlements and maintain the identity of each.

Policy: Maximize livelihood opportunity through building on the availability of existing public facilities.

Response: The subdivision and the creation of a new erf/dwelling opportunity improves the efficiency of existing services and promotes housing opportunities.

Strategy 6: Develop all settlements as balanced, inclusive, appropriately serviced communities.

Policy: Work towards and maintain a compact form and structure to achieve greater efficiency in service delivery and resource use.

Response: The subdivision of the property does contribute to facilitating a more compact urban environment.

Furthermore, as the property is located in **Winelands Village**, any development of the vacant portion will have to accord with of the **Architectural and Building Guidelines for the Village** which was approved by Council on 23/11/2016.

It should also be noted that the **subdivision proposal** accords with **Section 4.3.11** of the **Winelands Village Home Owners Association Constitution** which specifically permits the subdivision of Erf 386 into 2 portions.

❖ **PARKING/ACCESS/TRAFFIC**

With the **subdivision and eventual development** of Portion 1 **adequate provision is available for on-site parking** in accordance with zoning scheme prescriptions. The remainder portion is already improved with driveway parking.

The impact on traffic is not regarded as being material given the **locational context and nature of the development proposal (subdivision into 2 portions)**. The access to the erven will be from the abutting roadway. The **existing dwelling obtains access via the extension of Oaklands Avenue at the south-west corner** of the property whereas a 4 m wide servitude right of way will provide access to Portion 1.

❖ **SERVICES**

All municipal services are available in the area. The municipal services which cross the subject property are depicted on the attached Appendix K.

❖ **PUBLIC INTEREST**

It should be noted that there are **no onerous subdivision conditions contained in the title deed** (attached as Appendix C). **Subdivision of the property is regarded as being in the public interest.**

The subdivision of this property is an enhancement of the public interest and beneficial to the interest of the area and that of the township. Job creation, skills development, employment and socio-economic upliftment is being promoted (albeit at a small-scale) through this application. **The proposal contributes to the efficient utilization of both land resources and services infrastructure.**

The promotion of a more compact urban form in well-located residential areas within the urban edge is much-needed in order to counter a proliferation of urban sprawl to decentralised localities.

The subdivision as proposed is seen as **complementing Councils' strategic initiatives** in this regard in not only **contributing** (albeit in a small measure) to **promoting a more compact urban environment**, but also **creating sustainable living environments.**

The subdivision proposal is in the interests of the public, the area and the township with **no negative implication for the public or private realm.**

❖ **DESIRABILITY AND PUBLIC INTEREST**

The subdivision proposal is in conformity with typical subdivisions in the area and in close proximity to conventional developments and community facilities including Open Space, School and Place of Worship. The proposal has **no negative impacts on the streetscape, character and urban design/aesthetic of the surrounding properties, neighbourhood, services or traffic.**

The proposal **does not compromise the safety, amenity or privacy** of abutting properties and has **no negative impact on existing rights.**

The proposal **contributes to the policy of localised incremental densification without impacting negatively on the amenity or character of the neighbourhood or village.**

It is noted that **several erven in the vicinity of the subject property have also been subdivided to extents similar to that being proposed.**

The subdivision proposal is regarded as being desirable in terms of the prescriptions contained in legislation.

IN THE ABOVE REGARD, THE FOLLOWING:

- (i) the proposal is **consistent with the Spatial Development Framework for Raithby** as is evidenced by the intensification of residential uses surrounding the subject property.

- (ii) **the subdivision of the property has no negative impact on surrounding properties or their existing rights.**
- (iii) **the subdivision of the property has significant (albeit small-scale) socio-economic benefit for the owner who will be able to sustain herself economically by either disposing of the property or developing it. Job creation (albeit on a small-scale) in the construction industry will be promoted through this particular proposal.**
- (iv) **the residential subdivision proposal is regarded as being highly compatible with the nature of the surrounding properties/land uses.**
- (v) **the proposal has no negative impact on external engineering services. All bulk services are available to the property.**
- (vi) **the proposal promotes both the safety and well-being of the surrounding community in that the current vacant portion will in time be developed. The nature of the proposal is deemed to be an enhancement of the well-being of the surrounding community.**
- (vii) **the existing building does not trigger any requirements for a Heritage Permit and there is no negative impact on the bio-physical environment. Significant vegetation is being retained.**
- (viii) **the subdivision proposal is small-scale and has no negative impact on traffic circulation, ingress/egress or parking. On-site parking could be adequately provided for. Sightlines are furthermore not impeded in any way. The access to the subdivided portions of the property will be such as to facilitate safe vehicle movement, with such access to be taken from the existing Oakland Avenue extension.**

❖ **COMPLIANCE WITH LAND USE PLANNING PRINCIPLES**

Although the subdivision of property into 2 Portions may not be directly relevant to achieving the land use planning principles stipulated in Section 59 of the Land Use Planning Act, 2014 and Section 7 of the Spatial Planning and Land Use Management Act 2013; a few salient comments in this regard is made, namely,

Spatial Justice

The subdivision of the property will facilitate access to land in this locality and promote its use for residential opportunities.

Spatial Sustainability

The subdivision of the property does promote land development that is more spatially compliant and within the fiscal means (services provision) of the local authority. The subdivision will furthermore promote and stimulate the current land market for available erven in this locality. The low-key increase in density does contribute indirectly to the viability of the community in which the property is located.

Principle of Efficiency

The subdivision of the property would contribute in a small way to the more optimal use of resources and infrastructure. More people would be brought closer to existing community facilities and good road-based transport infrastructure.

Contextually appropriate intensification and densification, as is the case in this instance, results in more efficient use of land and municipal services.

Good Administration

Such principle is contained within the administrative and implementation processes of Council where stated urban compaction/densification policies are applied consistently and transparently.

VI CONCLUSION

The above proposal has merit and is not only in keeping with and complementary to the surrounding developments but does not compromise the integrity of adjoining properties or negatively impact on the public or private realm – the proposal is considered an enhancement of the public interest, the interest of the area and that of the township.

The proposal supports the notion of promoting a more compact urban environment and is policy compliant.

The impacts are considered to be positive and the proposal fully merited and in compliance with desirability criteria.

VII RECOMMENDATION

It is therefore recommended that: –

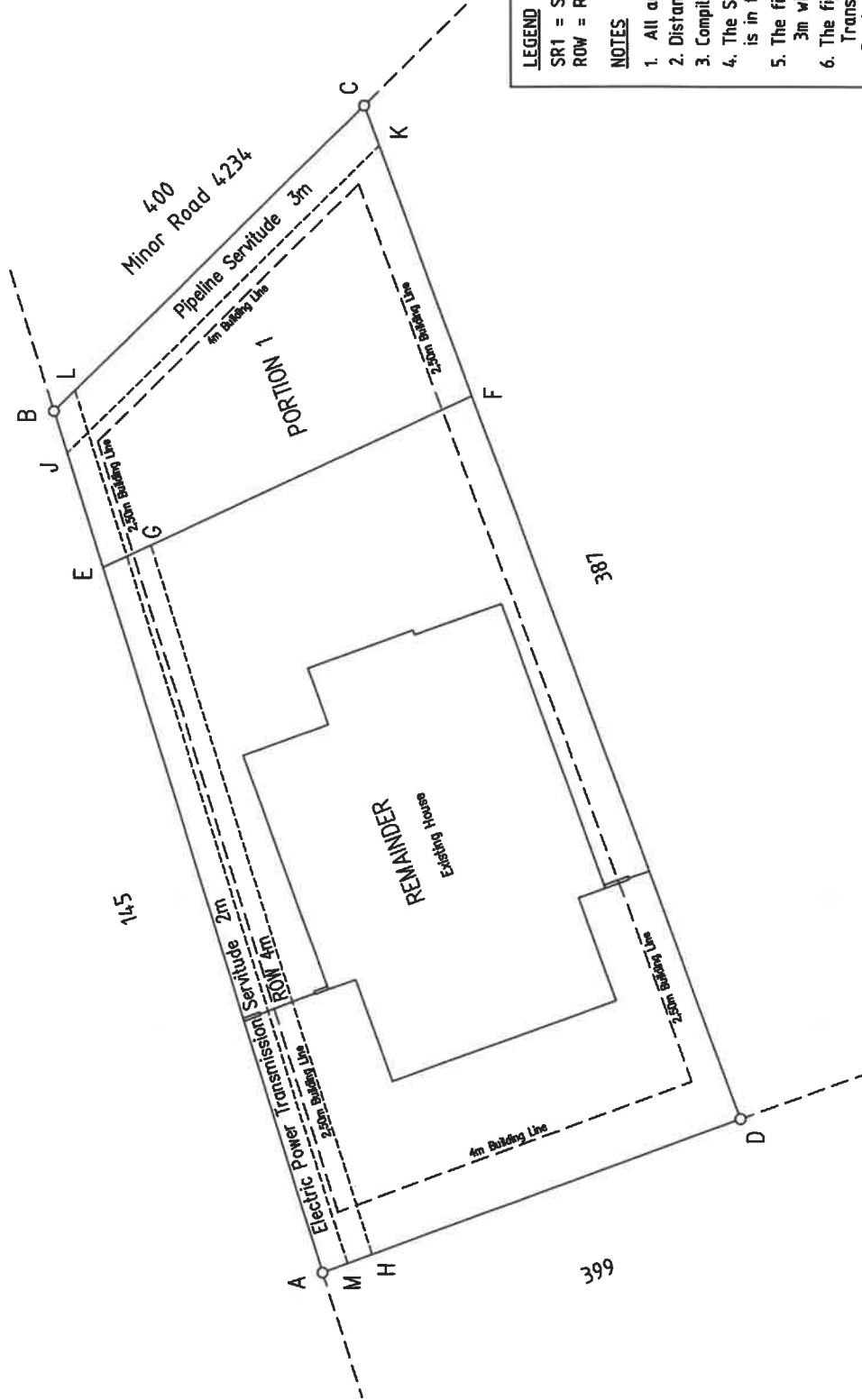
- The property be approved for subdivision into 2 portions measuring ±1882 m² (Remainder), and 555 m² (Portion 1); respectively.

SUBDIVISION PLAN

ERF 386 RAITHYB

Stellenbosch Municipality
Administrative District Stellenbosch

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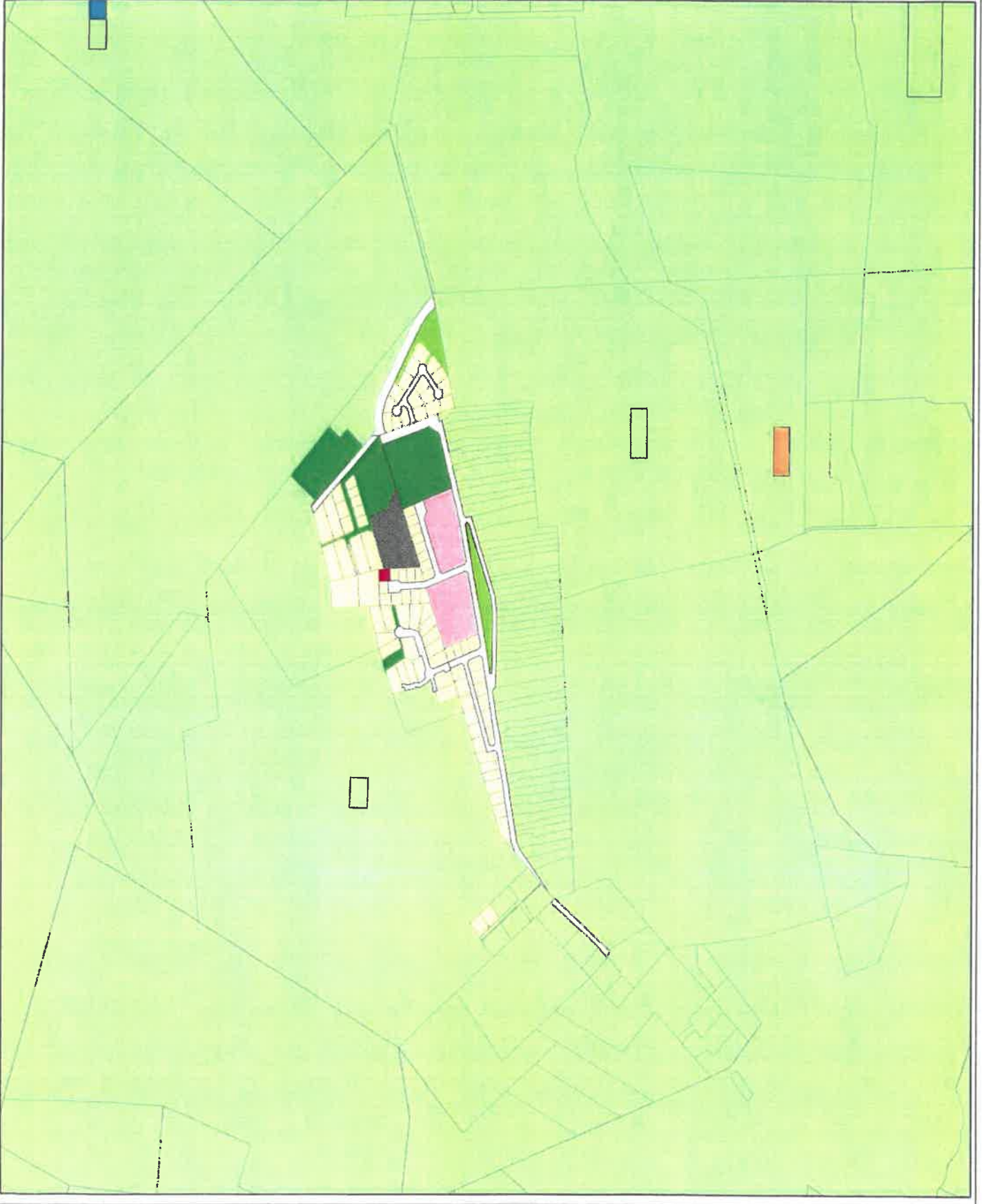
DATE: SEPTEMBER 2020

PLAN C5128-SUB386



Zoning Scheme 2018

- Conventional Residential Zone
 - Less Formal Residential Zone
 - Multi-Unit Residential Zone
 - Community Zone
 - Industrial Zone
 - Limited Use Zone
 - Local Business Zone
 - Mixed Use Zone
 - Agriculture and Rural Zone
 - Private Open Space Zone
 - Public Open Space Zone
 - Public Roads and Parking Zone
 - Subdivisional Area
 - Transport Facility Zone
 - Utility Services Zone
 - Natural Environment Zone
 - Spill Zone
- (Colour of the rectangle corresponds with zoning of the spill zone)



Revision: 01/18

Date: All data retrieved from City's consultants (GP/2018/01)

File No: 0008/2018/2018

Date: October 2018

Plan No: 0002

Scale: 1:2 500



0 500 1000 1500 2000

0,71 0,18 0,22

Stellenbosch Municipality

Street Address: Stellenbosch

Postal Address: Stellenbosch

P.O. Box 171 Stellenbosch, 7120

Phone: 021 888 0889

www.stellenbosch.gov.za



Disclaimer:
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