

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

Affected person's Name

Affected persons Physical Address

Affected person's Title:

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw (2023), refers:

|                              |                                                                                                             |
|------------------------------|-------------------------------------------------------------------------------------------------------------|
| Application Property Address | No 9B Park Street Stellenbosch                                                                              |
| Application Property Number  | Erf 15841 Stellenbosch                                                                                      |
| Applicant                    | Emile van der Merwe Town Planning Consultants                                                               |
| Owner                        | Nigtevegt 1693 Family Trust                                                                                 |
| Application Reference        | LU/16052 (TP432/2023)                                                                                       |
| Application Type             | Amendment of condition of approval, removal of title deed condition and permanent departure (building line) |

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

- Application in terms of Section 15(2)(h) of the Stellenbosch Municipal Planning By-law, 2023 for the amendment of a condition of approval (condition 3d) imposed in terms of the municipal letter of approval dated 2012-03-16 (building lines) applicable to the subdivided portion, Erf 15841
- Application in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the removal of a restrictive title deed condition (Clause 5, pg.4) contained in Deed of Transfer T53695/2018 of Erf 15841 Stellenbosch.
- Application in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a permanent departure to allow for a zero meter building line (northern) in lieu of a 3m building line to accommodate the pool, open deck and storeroom on the subject property, Erf 15841

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: (Emile van der Merwe Town Planning Consultants: [emilevdm@adept.co.za](mailto:emilevdm@adept.co.za). By lodging an objection,

comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 19 August 2024.

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 (0845566461/021-8865050) during normal office hours.

**YOURS FAITHFULLY**

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2023, verwys:

|                            |                                                                                        |
|----------------------------|----------------------------------------------------------------------------------------|
| Adres van aansoek eiendom  | 9 B Park straat, Stellenbosch                                                          |
| Aansoek eiendom beskrywing | Erf 15841 Stellenbosch                                                                 |
| Aansoeker                  | Emile van der Merwe Stadsbeplanningskonsultante                                        |
| Eienaar                    | Nietgevegt 1693 Familie Trust                                                          |
| Aansoek Verwysing          | LU/16052 (TP432/2023)                                                                  |
| Tipe Aansoek               | Wysiging van voorwaarde, Opheffing van Titelvoorwaarde en permanente afwyking (boulyn) |

### **Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:**

- Aansoek in terme van Artikel 15(2)(h) of the Stellenbosch Munisipaliteit se Verordening of Grondgebruikbeplanning, 2023 vir die wysiging van 'n voorwaarde (voorwaarde 3d) soos vervat in die munisipale skrywe gedateer 2012-03-16 (boulyne) van toepassing on onderverdeelte gedeelte Erf 15841.
- Aansoek in terme van Artikel 15(2)(f) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2023 vir die opheffing van 'n beperkende voorwaarde (klousule 5, bl. 4) vervat in Titelakte T 53695/2018 van Erf 15841.
- Aansoek in terme van Artikel 15(2)(b) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2023 vir 'n permanente afwyking van die drie meter noordelike boulyn na nul meter ten einde die swembad, oop stoep en stoorkamer op Erf 15841 te akkommodeer.

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

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/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: (Emile van der Merwe Stadsbeplanningskonsultante: [emilevdm@adept.co.za](mailto:emilevdm@adept.co.za). Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing ingedien word en moet ontvang word voor of op die sluitingsdatum van 19 Augustus 2024.

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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461/ 886 5050) gedurende normale kantoor ure.

**Die uwe**

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE STADSBEPLANNINGS KONSULTANTE**

## **ERF 15841 STELLENBOSCH**

### **1. BRIEF**

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Erf 15841 Stellenbosch to prepare and submit the required application to the Stellenbosch Municipality for of the following:

- Application in terms of Section 15 (2) (h) of the Land Use Planning By-Law (2015) for amendment of conditions of approval (condition 3d) imposed in terms of the Municipal letter of approval dated 2012/03/16 (building lines) applicable to the subdivided portion;
- Application in terms of Section 15 (2) (f) of the Land Use Planning By-Law (2015) for the removal of a restrictive title deed condition (Clause 5) contained in Deed of Transfer T 53695/2018; and
- Application in terms of Section 15 (2) (b) of the Land Use Planning By-Law (2015) for a permanent departure to allow for a zero meter common building line (northern) in lieu of 3m to accommodate the existing pool , open deck and store room on the property

### **2. LOCATION – APPENDIX 1**

The property is located in the Welgevallen residential neighbourhood approximately 1 km to the south of the Stellenbosch Central Business area and approximately 50m to the west of the intersection of Park and Piet Retief Street. The property is located at 9B Park street.

### **3. OWNERSHIP AND SIZE**

The property is owned by Nigtevegt – 1693 Family Trust in accordance with Deed of Transfer T 53695/2018.

The property is 975m<sup>2</sup> in extent as shown on SG diagram 2223/2012.

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### **4. ZONING**

The property is zoned Conventional Residential in terms of the Stellenbosch Zoning Scheme By-Law (2019). The permissible land uses as per Table 49 (Chapter 7) for your easy reference is provided below

#### **49. Land use within this zone**

(1) The following land uses are permitted in this zone:

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

The property accommodates a single dwelling house and is being utilised in terms of the provisions of the zoning scheme.

### **5. DEVELOPMENT PROPOSAL – Plan attached**

The Stellenbosch Municipality during 2012 granted approval of the subdivision of Erf 905 Stellenbosch into two portions namely Remainder Erf 905 and Portion 1. The subdivided portion has been registered and is shown on the Surveyor Diagram (2223/2012) attached hereto. The property is 975m<sup>2</sup> in extent and is held by Deed of Transfer T53695/2018.

The Stellenbosch Municipality as part of the approval imposed the following building line conditions:

- Street: 5m,
- Common: 3m
- Coverage: 30%

## **ERF 15841 STELLENBOSCH**

The said conditions of approval was put forward in the corresponding Title Deeds as per Clause 5 of the Title Deed (application for removal).

The owner of the property has since per building plan approval constructed a new dwelling on the property. In light of the extensive cut and fill that occurred during the construction process and given the slope and site-specific characteristics of the property the owner simultaneously erected a new swimming pool and open timber deck on the same level as the ground storey of the dwelling house. The application under consideration is to formalize the said additions on the zero-meter northern building line.

From a planning and aesthetic point of view the proposal is considered desirable for the following reasons:

- The swimming pool, open deck and store room (basement level) is normal extensions associated and in support of the conventional zoning that applies to the property;
- The proposed extension will not be used for habitable purposes and complies with the requirements of the zoning scheme by-law
- The site-specific characteristics and slope of the property warrant the encroachments
- It is envisaged that the privacy of the immediate neighbours will not be affected
- The dwelling and associated structures are located at the back of an existing dwelling located on the Remainder Erf 905
- The aesthetic quality of the dwelling house and impact on the immediate surroundings will not be negatively affected
- The developmental space on the property is limited due to the panhandle and slope of the property.
- The proposal will not have any impact on the service level capacity of the municipality (water, sewerage, storm water, electricity and parking) as the property is already serviced.
- The total height of the retaining structure and boundary wall (northern building line) (refer to the sections on the plan) does not exceed 4.6m (retaining structure 2.5 and boundary wall 2.1 = 4.6m)

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### **6. CONCLUSION**

From a land use management and spatial planning perspective is it envisaged that the proposal will not have an adverse impact on the residential character of the area and that is conforms to the criteria of desirability set out in the Planning By-Law. It therefore is trusted that the Stellenbosch Municipality favourably will consider the application on Erf 15841 Stellenbosch.

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## Stellenbosch: Location

The map displays the N1 highway running horizontally across the middle. To the north, the University of Stellenbosch is visible, along with several residential streets. To the south, the R102 runs vertically, and the area is labeled 'Onderstepoort'. A red circle is placed on the N1 highway, just north of the R102 intersection. A scale bar at the bottom right shows distances of 0, 0.23, 0.45, and 0.9 km. A north arrow is located in the bottom left corner.

**Date created:** November 14, 2022



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