

18 Mountain Fern Crescent
SOMERSET WEST 7130

Tel: +27(0)21-887 0124

Cell: 082 821 6365

Email: Jacques.volschenk10@gmail.com

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, 2023, refers:

Application Property Address:	8 Bosch-en-Dal Road, Stellenbosch
Application Property Number:	Erf 3567, Stellenbosch
Applicant:	JV Planning Consultants 18 Mountain Fern Crescent, Somerset West, 7130 Cel. 0828216365 Email: jacques.volschenk10@gmail.com
Owner:	O Kennedy Investments (Pty) Ltd. 3 Beresford Road, Stellenbosch Tel. 0823318581 Email: caroli@mweb.co.za
Application Reference:	LU/15989 (TP439/2023)

Description of land development proposal:

Application has been made in terms of section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for the removal of a restrictive title condition (clause E.6[b]) to permit the construction of a second dwelling on the property. Simultaneously, application is made in terms of section 15(2)(f) of the By-Law for the suspension of restrictive title conditions (clause E.6[c] and clause E.6[d]) to permit a dwelling house footprint to be $\pm 529\text{m}^2$ in lieu of 379.41m^2 and to permit the dwelling house to be 4m in lieu of 6.3m from the street; 2.5m and 2.8m in lieu of 3.15m from the common boundary and 2.52m in lieu of 4.72m from the rear. Application is furthermore made, in terms of section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for a technical approval to permit the construction of a second dwelling on the property and in terms of section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for a departure to permit a portion of the dwelling house to be three storeys.

Notice is hereby given in terms of the provisions 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 must 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. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: (Att.: JL Volschenk, Jacques.volschenk10@gmail.com). 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 (i.e. by **26 February 2024**).

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 (082 821 6365) during normal office hours.

Yours faithfully

JL VOLSCHENK
JL PLANNING CONSULTANTS

18 Mountain Fern Crescent
SOMERSET WEST 7130

Tel: +27(0)21-887 0124

Cell: 082 821 6365

Email: Jacques.volschenk10@gmail.com

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK AAN GEÏNTERESSEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

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

Adres van aansoek eiendom:	8 Bosch-en-Dal Straat, Stellenbosch
Aansoek eiendom beskrywing:	Erf 3567, Stellenbosch
Aansoeker:	Jacques Volschenk / JV Planning Consultants 18 Mountain Fernsingel, Somerset-Wes, 7130 Sel. 0828216365 Epos: jacques.volschenk10@gmail.com
Eienaar:	O Kennedy Investments (Pty) Ltd. 3 Beresford Road, Stellenbosch Tel. 0823318581 Epos: caroli@mweb.co.za
Aansoek Verwysing:	LU/15989 (TP439/2023)

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen ingevolge artikel 15(2)(f) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, 2023 vir die opheffing van 'n beperkende titelvoorwaarde (klosule E.6[b]) om die konstruksie van 'n tweede woning op die eiendom toe te laat. Terselfdetyd word aansoek gedoen ingevolge artikel 15(2)(f) van die verordening vir die opskorting van beperkende titelvoorwaardes (klosule E.6[c]) en klosule E.6[d]) om 'n woonhuisvoetspoor van $\pm 529\text{m}^2$ toe te laat in plaas van 379.41m^2 en om die woonhuis toe te laat om 4m in plaas van 6.3m van die straat af te wees; 2,5m en 2,8m in plaas van 3,15m van die gemeenskaplike grens en 2,52m in plaas van 4,72m van die agtergrens. Daar word verder aansoek gedoen, ingevolge artikel 15(2)(g) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, 2023 vir 'n tegniese goedkeuring om die konstruksie van 'n tweede woning op die eiendom toe te laat en ingevolge artikel 15(2)(b) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, 2023 vir 'n afwyking om toe te laat vir 'n gedeelte van die woonhuis as 'n derde verdieping.

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplanningsportaal 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. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer

van de aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: (Vir aandag: JL Volschenk, Jacques.volschenk10@gmail.com). Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van (i.e. teen **26 February 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 voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (082 821 6365) gedurende normale kantoor ure.

Die uwe

JL VOLSCHENK
JL PLANNING CONSULTANTS

22 October 2023

EXECUTIVE SUMMARY

APPLICATION FOR REMOVAL AND SUSPENSION OF RESTRICTIVE TITLE CONDITIONS, TECHNICAL APPROVAL AND PERMANENT DEPARTURE: ERF 3567, STELLENBOSCH

The purpose of the application is to allow the construction of a new residential dwelling on the property.

In particular, application is made for the following:

- a) In terms of Section 15(2)(f) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 (hereinafter referred to as the By-Law) to remove the following restrictive condition in respect of the land unit:
Condition E.6(b): *It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith;*
- b) In terms of Section 15(2)(f) of the By-Law to suspend the following restrictive conditions in respect of the land unit:
Condition E.6(c): *No more than one-third of the area thereof shall be built upon;*
Condition E.6(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 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9.45 metres reckoned from the rear boundary.*
- c) In terms of Section 15(2)(g) of the By-Law for a technical approval to permit a second dwelling as an additional use.
- d) In terms of Section 15(2)(b) of the By-Law for a permanent departure to permit a portion of the dwelling house to be three storeys.

1 LOCATION AND CONTEXT

The property is situated at No. 8 Bosch-En-Dal Road in Karindal, Stellenbosch which neighbourhood forms part of the eastern-most residential expansion of Stellenbosch town. The neighbourhood was laid out in the 1960s along the Eerste River and once formed part of the farm Lanzerac – the white-washed entrance to which can still be seen in the neighbourhood park off Jonkershoek Road.

The row of dwellings in which the property is located shares a common boundary with the historic Lanzerac Estate.

The property falls outside the historical core of Stellenbosch town and the Stellenbosch Urban Conservation Area as identified in the Stellenbosch Zoning Scheme By-Law, 2019. Whilst bordering on the farms that form the Jonkershoek Valley, the property also falls outside the Jonkershoek Valley Rural Conservation Area.

Owing to the residential nature of the area and the property in particular, there is a conventional single residential dwelling on site. The dwelling was developed in 1966 and bears resemblance to a typical unassuming 1960s domestic structure with little ornamentation and no special, unique or rare architectural features.

There have been several structural alterations to the property over the years. In 1968, two additional bedrooms were added, and an existing bedroom changed into a study and hallway. In 1975, the living room were expanded, and a pool added, while the kitchen and dining room were altered in 1979. A second garage was also added in 1995.



Figure 1: The street elevation of the dwelling on erf 3567, Stellenbosch.

2 SITE DESCRIPTION AND DEVELOPMENT PARAMETERS

The property is referred to in the title deed as Erf 3567, Stellenbosch, situated in the Municipality and Division Stellenbosch, Western Cape Province.

The property details, as per the title deed and municipal records, are summarised in the table below:

PROPERTY DESCRIPTION	SIZE	TITLE DEED	ZONING	OWNER
Erf 3567, Stellenbosch	1139m ²	T2816/2023	Conventional Residential Zone	O Kennedy Investments (Pty) Ltd.

The property is held under Title Deed No. T2816/2023. In terms of the same there are a number of restrictive title conditions applicable to the property. These are as follows:

- Condition E.6(b): It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith;
- Condition E.6(c): No more than one-third of the area thereof shall be built upon;
- Condition E.6(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 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9.45 metres reckoned from the rear boundary.

Having regard for the project proposal, the above conditions would need to be removed/suspended as it might prevent the new dwelling as proposed.

The property is zoned Conventional Residential Zone as per the Stellenbosch Municipality Zoning Scheme By-Law, 2019. This zoning provides for the intended use of the property as a dwelling house and impose certain building development parameters to adhere to. These include:

PARAMETER	DEVELOPMENT PARAMETER	TITLE RESTRICTION
Zoning	Conventional Residential Zone	
Primary Use	Dwelling house	One dwelling
Additional Use	Second dwelling	
Street Building Line	4.0m	6.3m
Common Boundary Building Line	2.5m	3.15m
Rear Building Line	2.5m	4.72m
Height	2 storeys	
Coverage	The greater of 300m ² or 50%	33%
Parking	2 bays / dwelling house 1 bay / second dwelling	

From the above it is clear that the title deed imposes more restrictive street, common and rear building lines than the applicable zoning scheme. The use of the property and the coverage as per the title deed is also more restrictive. It is therefore the purpose of this application to remove these restrictions and to generally apply the parameters of the zoning scheme to the property.

3 DESCRIPTION OF ACTIVITY

The proposed new residential dwelling will be developed over three levels. At no time will the new building comprise more than two storeys on top of one another.

The lower level will consist of two double garages, a general store room, battery store, laundry room and staff quarters. The lower level will lead to the ground floor via a set of stairs from the laundry.

At ground level, the main entrance will lead into a courtyard from where various rooms could be accessed. The ground floor will accommodate a guest bedroom and en-suite bathroom, a spacious living, dining and covered stoep in close proximity to the kitchen. A home office and studio apartment, respectively, will be developed above the two double garages. The studio is to be used by the owners' parents whenever they come to visit.

The first floor is to be developed along the eastern boundary (back/rear) of the property. This level will exclusively comprise of three bedrooms and en-suite bathrooms.

In total, the new dwelling will comprise approximately 529m² which is a coverage factor of 46.5%.

4 CONCLUSION

In conclusion, the following motivating factors should be considered during the adjudication of the application:

- a) The proposals will contribute to the creation of employment opportunities and to minimise the poverty gap. In addition, the proposal will contribute to the creation of additional business sales and an increased GGP.
- b) The proposal is consistent with municipal policy and the Spatial Development Framework.
- c) The removal/suspension of the restrictive title conditions will facilitate the development of the subject property without having a negative impact on its surroundings.
- d) The restrictive title conditions were not imposed in favour of a third party or other erven. The conditions are intended to protect the character of the area, which is already changing in accordance with adopted municipal policy.
- e) The approval of the application will also not set a negative precedent as several examples of reduced building lines are evident in the area, yet the area remains sought after.
- f) The redevelopment of the property will be of a high architectural standard and will bring back qualitative elements which was lacking in the design of the original dwelling.



CLIENT:
O KENNEDY INVESTMENTS (PTY) LTD.

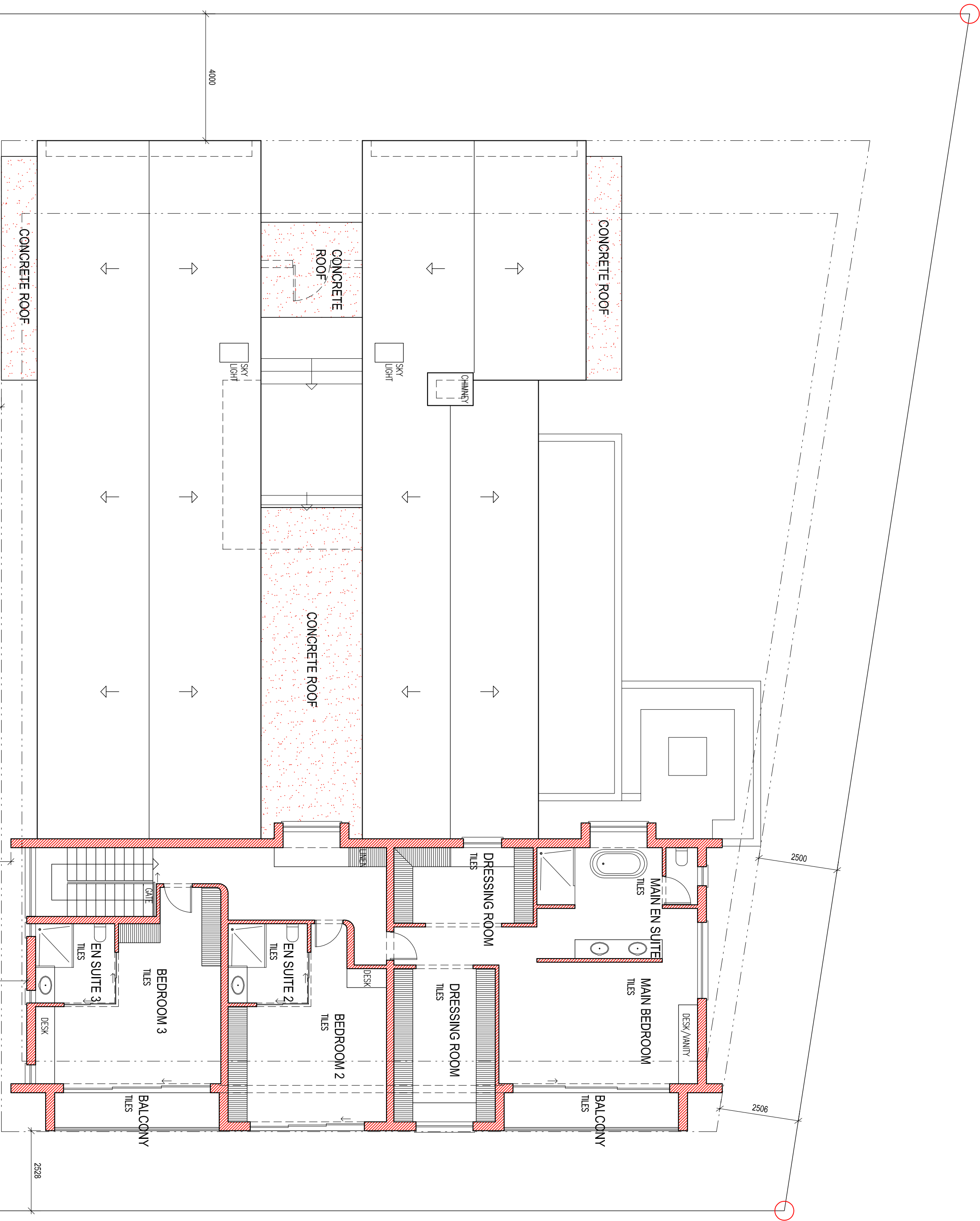
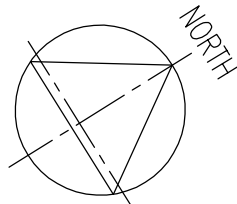
PROJECT TITLE:
NEW RESIDENTIAL DWELLING: ERF 3567,
STELLENBOSCH

DRAWING TITLE:
LOCALITY PLAN

PROJECT NO.:	/	SCALE:	1:20 000
DRAWING NO.:	/	DATE:	2024/01/22
REV.		DRAWN:	CHECKED:

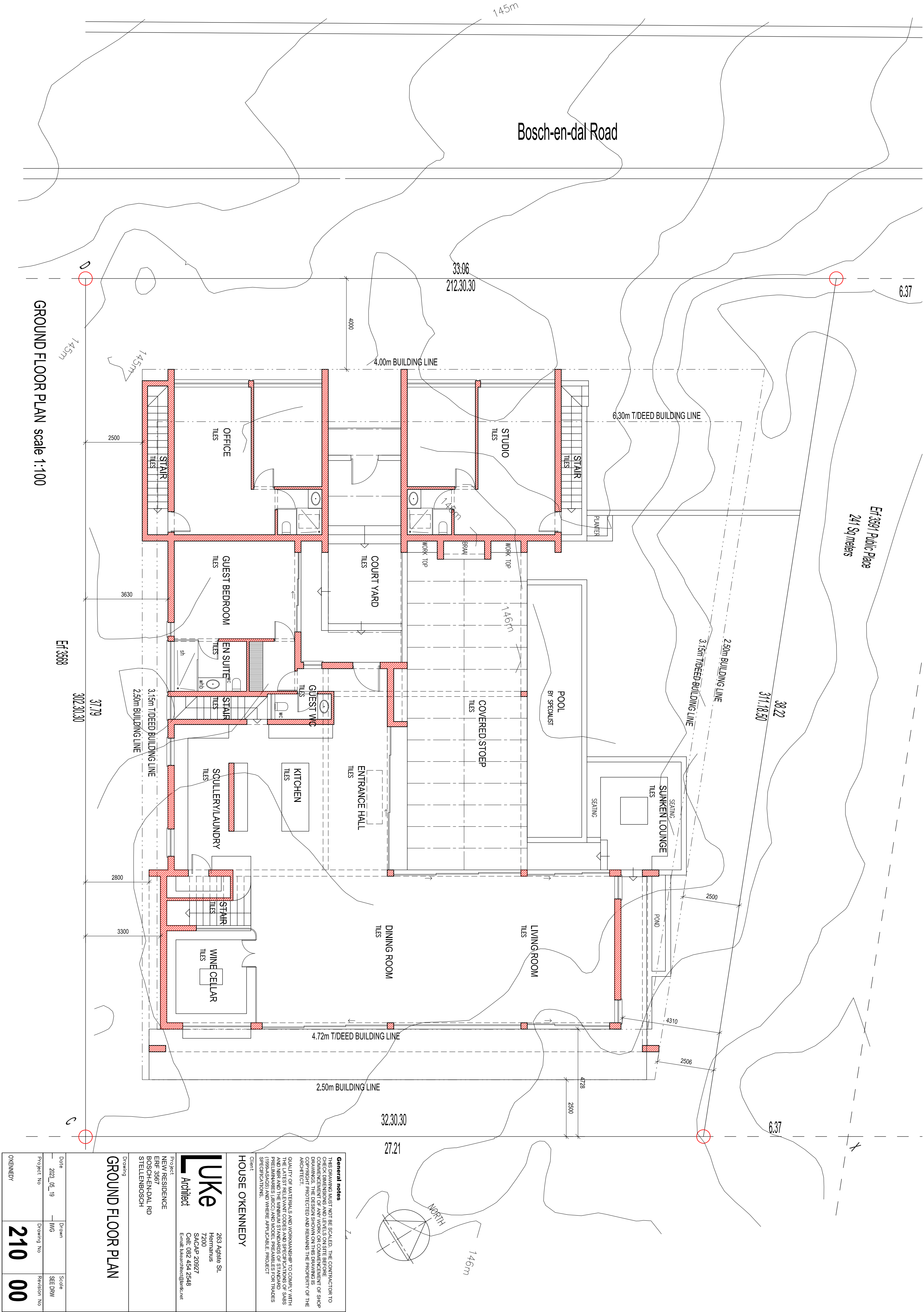
FOR INFORMATION

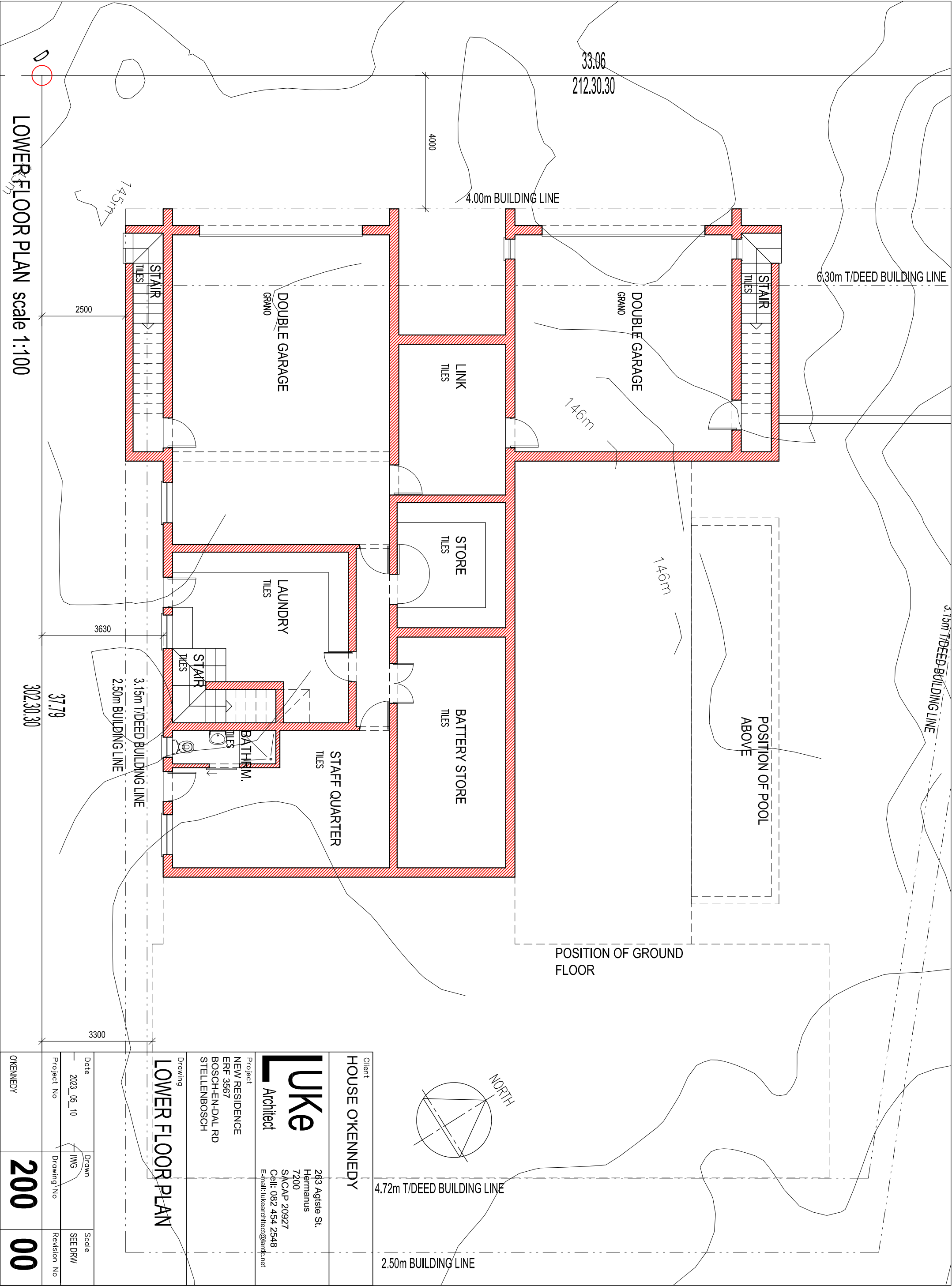
SCHEDULE OF AREAS	
BASEMENT PLAN	259.17
GROUND FLOOR PLAN	447.37
FIRST FLOOR PLAN	198.47
TOTAL NEW (INCL. COVERED STOEP & BALCONIES)	905.01
SITE AREA	1138.25
TOTAL COVERED AREA	529.06
COVERAGE (%)	46.50



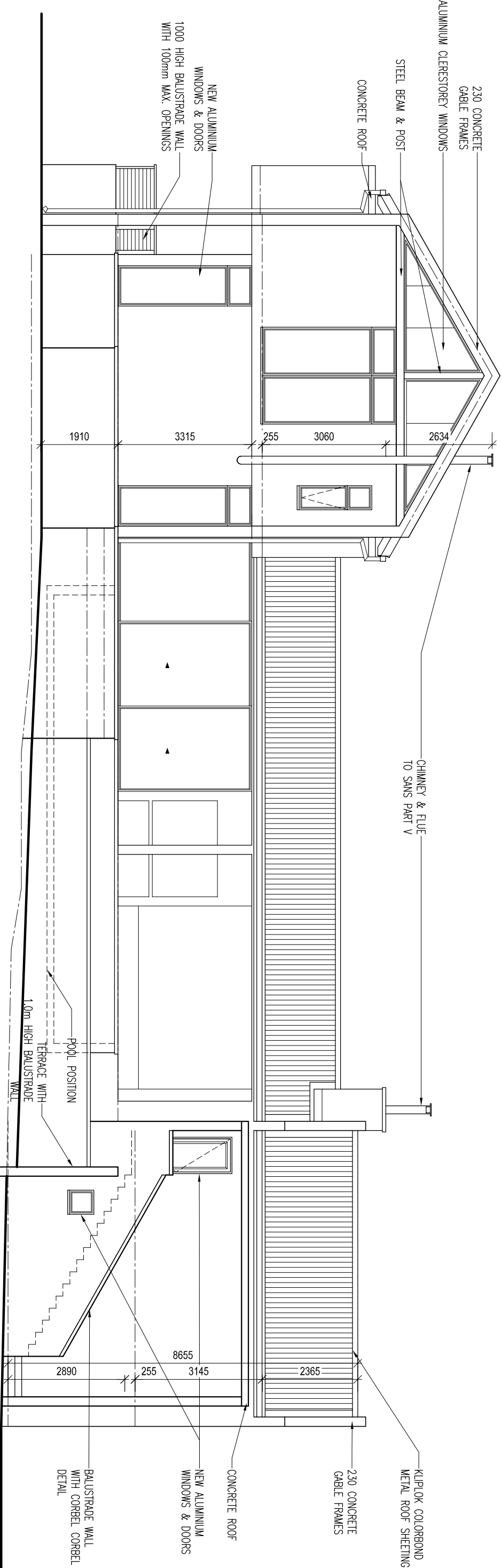
General notes		
THIS DRAWING MUST NOT BE SCALED. THE CONTRACTOR TO OBTAIN DIMENSIONS SHALL REFER TO THE DIMENSIONS OF SHOP DRAWINGS. THE DESIGN SHOWN ON THIS DRAWING IS COPYRIGHT PROTECTED AND REMAINS THE PROPERTY OF THE ARCHITECT.		
QUALITY OF MATERIALS AND WORKMANSHIP TO COMPLY WITH THE LATEST RELEVANT CODES AND SPECIFICATIONS OF SABS PRELIMINARIES (J820) AND MODEL PRELIMINARIES FOR TRADES SPECIFICATIONS.		
Client		
HOUSE OKENNEDY		
283 Agstie St. Hermanus 7200 SACAP 20927 Cell: 082 454 2548 E-mail: lukearchitect@iunet.net		
Project		
NEW RESIDENCE ERF 3567 BOSCH-EN-DAL RD STELLENBOSCH		
Drawing		
FIRST FLOOR PLAN		
Date	Drawn	Scale
2023_06_19	IMG	SEE DWG
Project No	Drawing No	Revision No
OKENNEDY	220	00

FIRST FLOOR PLAN scale 1:100

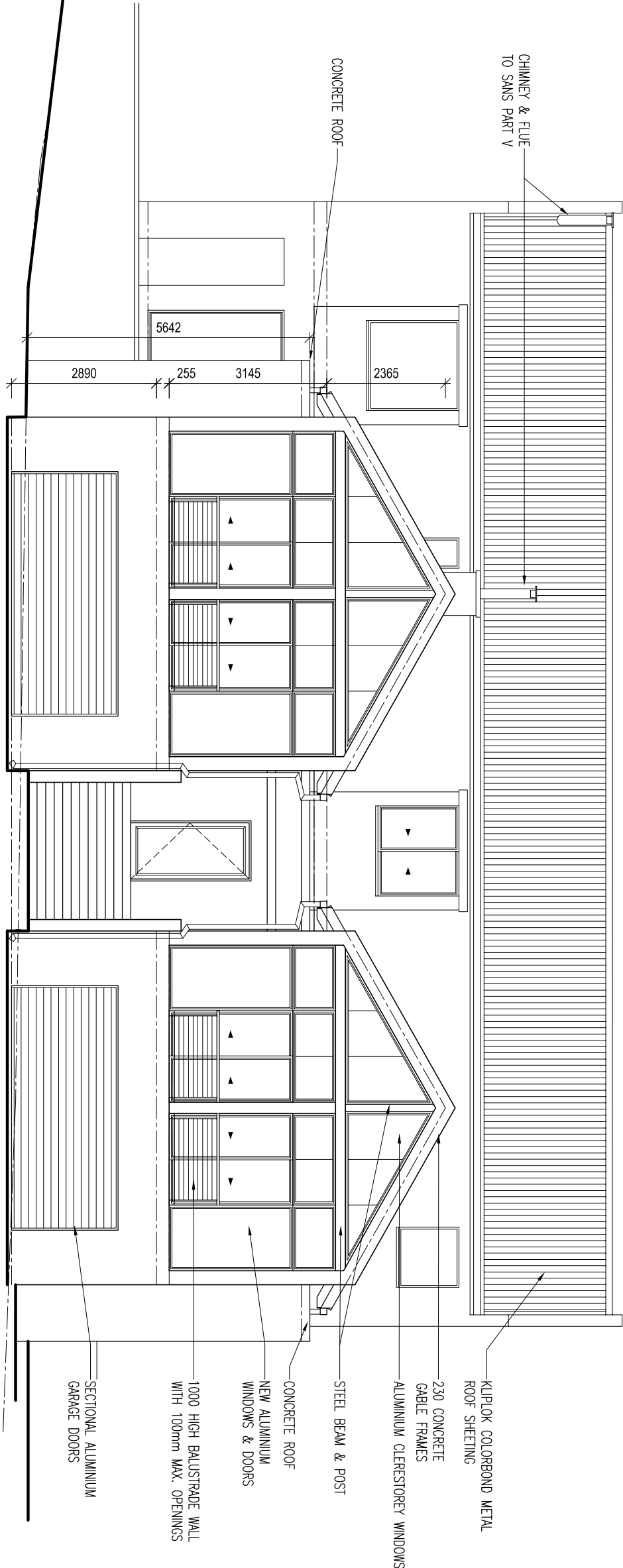




Client HOUSE O'KENNEDY		263 Agiste St. Hermannus 7200 SACAP 20927 Cell: 082 454 2548 E-mail: lukearchitect@lenk.net		
Project NEW RESIDENCE ERF 3567 BOSCH-EN-DAL RD STELLENBOSCH		<div><div>LUKE</div><div>Architect</div></div>		
Drawing LOWER FLOOR PLAN				
Date 2023_05_10	Drawn IWG			Scale SEE DRW
Project No	Drawing No			Revision No
O'KENNEDY	200	00		



NORTH EAST ELEVATION scale 1:100



NORTH WEST ELEVATION scale 1:100

General notes

THIS DRAWING MUST NOT BE SCALED. THE CONTRACTOR TO CHECK DIMENSIONS AND LEVELS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR COMMENCEMENT OF SHOP DRAWINGS. THE DESIGN SHOWN ON THIS DRAWING IS COPYRIGHT PROTECTED AND REMAINS THE PROPERTY OF THE ARCHITECT.

QUALITY OF MATERIALS AND WORKMANSHIP TO COMPLY WITH THE LATEST RELEVANT CODES AND SPECIFICATIONS OF SABS AND NBR AND THE MINIMUM STANDARDS OF STANDARD PRELIMINARIES (JBCO) AND MODEL PREAMBLES FOR TRADES (1996-4-SAOS) AND WHERE APPLICABLE. PROJECT SPECIFICATIONS.

Client

HOUSE O'KENNEDY

Luke
Architect
263 Agiste St.
Hermanus
7200
SACAP 20927
Cell: 082 454 2548
E-mail: lukearchitect@lanth.net

Project
NEW RESIDENCE
ERF. 3567
BOSCH-EN-DAL RD
STELLENBOSCH

Drawing

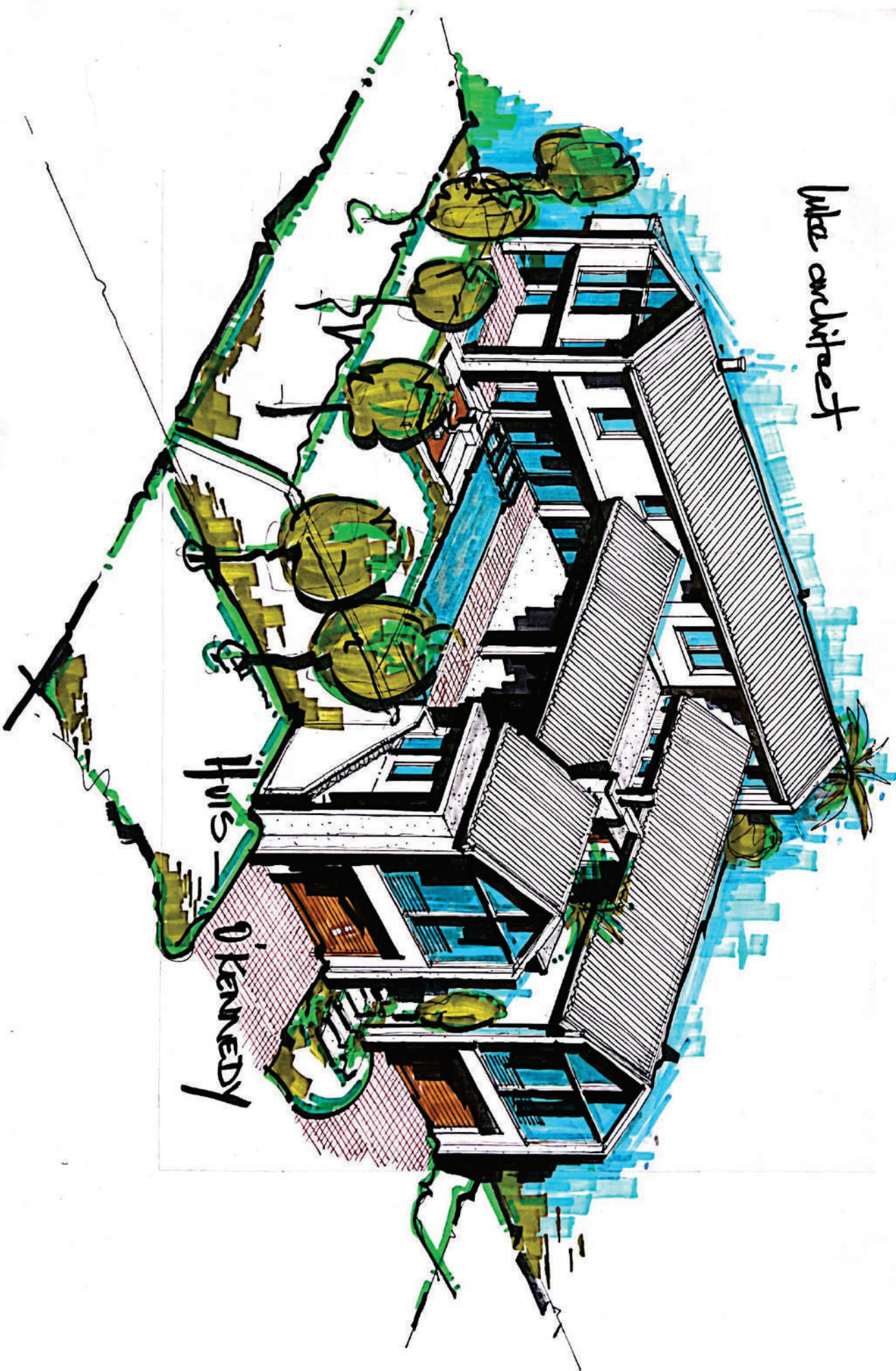
NORTH WEST & NORTH
EAST ELEVATIONS

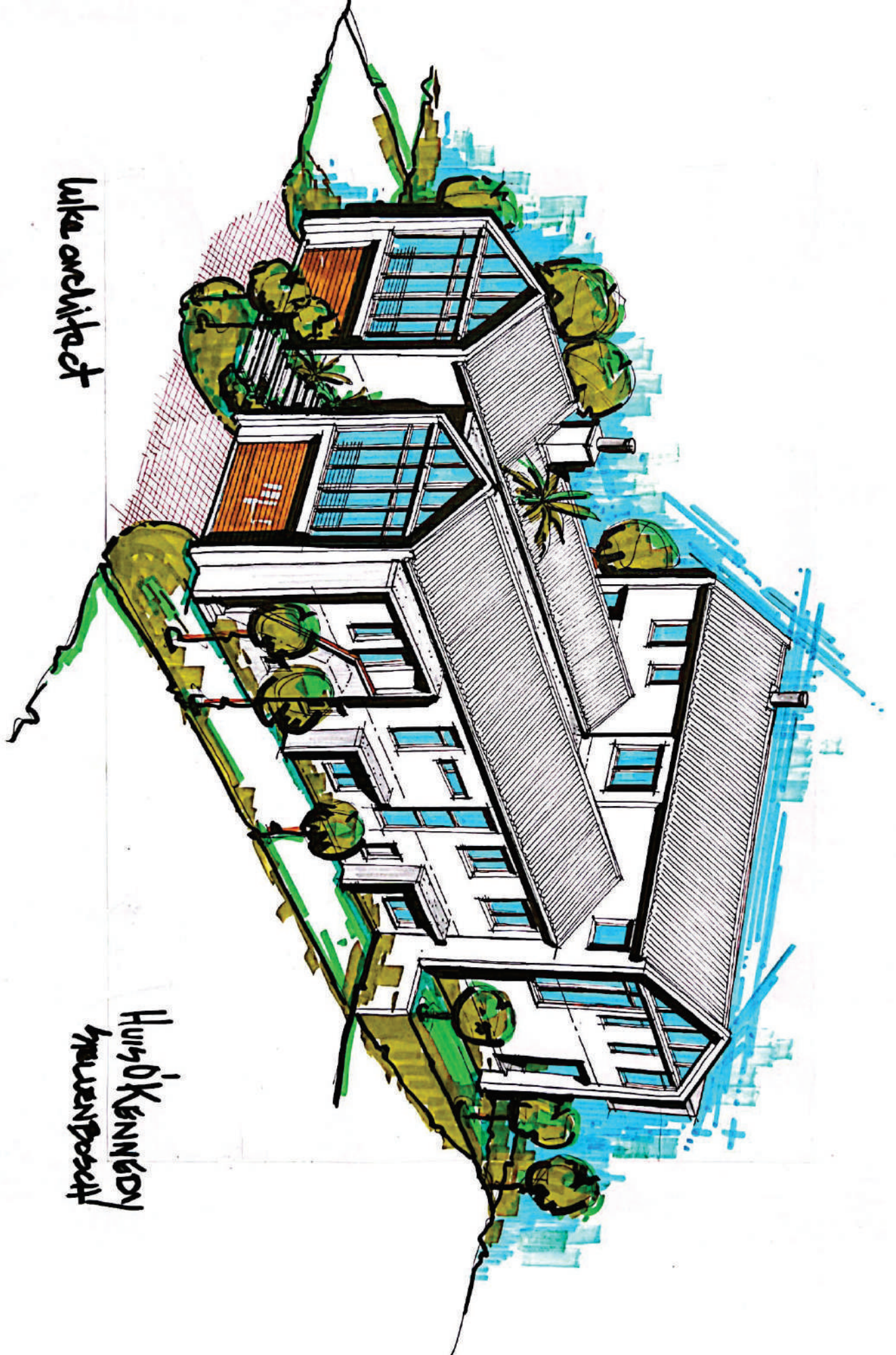
Date 2023_05_10 Drawn IWG Scale SEE DRW

Project No Drawing No Revision No

O'KENNEDY 300 00

luka architect





luke architect

Huib O'Kennedy
huib@oak.com

STELLENBOSCH • PNIEL • FRANSCHHOEK

PO BOX 17, STELLENBOSCH, 7599

PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2023-08-22	DOCUMENT NO:	754725
ERF / FARM NO:	3567	CREATED BY:	Nicole Katts
LOCALITY:	8 Bosch-en-Dal Rd, STELLENBOSCH	APPLICATION NO:	LU/15989
OWNER'S NAME:	O Kennedy Investments Pty Ltd	APPLICATION VAT NO:	0
ADDRESS:	3 Beresford Rd Bloubergstrand	VAT NO:	4700102181
		APPLICANT:	Jacques Louis Volschenk
		TEL NO:	0828216365

[illegible]

CALCULATED BY

NAME: Nicole Katts
SIGNATURE

VERIFIED BY

NAME: _____
SIGNATURE _____

DATE: 22.08.2023

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH
MUNICIPALITY

APPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

DATE:

BANKING DETAILS FOR EFT PAYMENT:

ACCOUNT HOLDER: Stellenbosch Municipality
BANK: First National Bank (FNB)
ACCOUNT NUMBER: 62869253684
BRANCH CODE: 210554
REFERENCE: LU/ and ERF/FARM

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

0.00

0



Receipt Nr: 234767

Enquiries	Phone Number	E-mail
Nicole Katts	021808 8111	Nicole.Katts@stellenbosch.gov.za

BTW/VAT Invoice No: 14367

Invoice VAT Reference: 4700102181

Name: Jacques Volschenk

Invoice Date: 2023/8/22

Reference No: TP439/2023

Payment Due Date: 2023/9/21

Client Street address: 8 Bosch-En-Dal Road Karindal
South Africa Western Cape South Africa 7600

Municipality street address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: PO Box 371 Stellenbosch
Stellenbosch Western Cape South Africa 7599

Municipality postal address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client VAT No:

Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Departure applications including but not limited to building lines, coverage, height, bulk, parking.	1	2 600.00	Per application per property	2 600.00
20220630081392	Temporary Departure, Permission ito Zoning Scheme, Permission ito Title Deed, Occasional use of Land	1	2 600.00	Per application per property	2 600.00
20220630081398	Removal, relaxation, suspension or amendment of restrictive title deed condition	1	2 600.00	Per application per property	2 600.00
Total Excl VAT					6 782.61
VAT					1 017.39
Invoice Total					7 800.00

*VAT Exempt

Created By: Petersen, Nicole

Signature: _____

Verified By: Petersen, Nicole

Signature: _____

Please note that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the

Local Authority : STB Stellenbosch Municipality -
 Financial Year : 2023 Period : 2 Level : 4

Pr	Post.Date	TC	LV	Reference	Amount	Lt.	Comment
2	01/08/2023	11	4	1000233353	478.27-	N A:DIR1	4331 LU/15839 LAN
2	01/08/2023	11	4	0000375721	2260.87-	N A:CASH1	1691B202308030016
2	05/08/2023	11	4	1000233822	521.74-	N A:DIR1	4331 BP3892/2023
2	05/08/2023	11	4	1000233824	478.27-	N A:DIR1	4331 LU/15921-157
2	07/08/2023	11	4	1000233872	7260.87-	N A:DIR1	4331 TP440/2023
2	07/08/2023	11	4	1000233903	478.27-	N A:DIR1	4331 LU/15906 ERF
2	07/08/2023	11	4	1000233959	2260.87-	N A:DIR1	4331 LU/10189
2	08/08/2023	11	4	1000234025	478.27-	N A:DIR1	4331 LU/15921 ERF
2	08/08/2023	11	4	1000234045	478.27-	N A:DIR1	4331 LU/15933 ERF
2	08/08/2023	11	4	1000234046	478.27-	N A:DIR1	4331 LU/15931 ERF
2	08/08/2023	11	4	1000234047	478.27-	N A:DIR1	4331 LU/15927 ERF
2	08/08/2023	11	4	1000234048	478.27-	N A:DIR1	4331 LU/15929 ERF
2	10/08/2023	11	4	1000234099	478.27-	N A:DIR1	4331 LU/15935 ERF
2	10/08/2023	11	4	1000234156	4521.74-	N A:DIR1	4331 TP351/2023 L
2	11/08/2023	11	4	1000234220	2260.87-	N A:DIR1	4331 TP444/2023 L
2	11/08/2023	11	4	1000234221	2260.87-	N A:DIR1	4331 TP450/2023 B
2	14/08/2023	11	4	1000234264	2260.87-	N A:DIR1	4331 TP435/2023 L
2	14/08/2023	11	4	1000234273	478.27-	N A:DIR1	4331 LU/15941 ERF
2	17/08/2023	11	4	1000234525	478.27-	N A:DIR1	4331 LU/15958 ERF
2	17/08/2023	11	4	1000234532	478.27-	N A:DIR1	4331 LU/15962 ERF
2	17/08/2023	11	4	1000234558	478.27-	N A:DIR1	4331 LU/15964 DOC
2	18/08/2023	11	4	1000234608	478.27-	N A:DIR1	4331 LU/15973 PNT
2	21/08/2023	11	4	1000234655	434.79-	N A:DIR1	4331 LU/15982 ERF
2	21/08/2023	11	4	1000234660	43.48-	N A:DIR1	4331 LU/15982 ERF
2	21/08/2023	11	4	1000234661	2260.87-	N A:DIR1	4331 TP411/2023 E
2	21/08/2023	11	4	1000234689	478.27-	N A:DIR1	4331 LU15984/352
2	22/08/2023	11	4	1000234767	6782.61-	N A:DIR1	4331 TP439/2023 L
2	23/08/2023	11	4	1000234786	4521.74-	N A:DIR1	4331 TP407/2023 L
2	23/08/2023	11	4	1000234795	478.27-	N A:DIR1	4331 LU/15996 ERF
2	23/08/2023	11	4	1000234822	2260.87-	N A:DIR1	4331 TP369/2023 E
2	24/08/2023	11	4	1000234847	478.27-	N A:DIR1	4331 LU/15401 ERF
2	24/08/2023	11	4	1000234852	6782.61-	N A:DIR1	4331 TP275/2023
2	24/08/2023	11	4	1000234921	478.27-	N A:DIR1	4331 LU/15092 ERF
2	25/08/2023	11	4	1000235000	478.27-	N A:DIR1	4331 LU/15324 FAR
2	25/08/2023	11	4	1000235115	913.05-	N A:DIR1	4331 LU/16006 ERF
2	25/08/2023	11	4	1000235175	2260.87-	N A:DIR1	4331 TP447/2023 L
2	25/08/2023	11	4	1000235188	2869.57-	N A:DIR1	4331 LU/16004 ERF
2	25/08/2023	11	4	1000235487	2260.87-	N A:DIR1	4331 TP359/2023 L
2	30/08/2023	11	4	1000235600	2260.87-	N A:DIR1	4331 TP486/2023 L
2	30/08/2023	11	4	1000235601	2260.87-	N A:DIR1	4331 LU/16019 ERF
2	30/08/2023	11	4	1000235633	478.27-	N A:DIR1	4331 LU/15813 LAN
2	30/08/2023	11	4	2001167806	478.27-	N A:DIR2	2205 LU/15800 ERF
2	31/08/2023	11	4	1000235705	478.27-	N A:DIR1	4331 LU14500 - TP
2	31/08/2023	11	4	1000235706	478.27-	N A:DIR1	4331 INVOICE75427
2	31/08/2023	11	4	1000235750	478.27-	N A:DIR1	4331 LU/16023 FAR
2	31/08/2023	11	4	1000235806	2260.87-	N A:DIR1	4331 TP415/2023 L
2	31/08/2023	12	4	1000234510	4521.74-	N TP419/2023	FARB202308310013
2	31/08/2023	12	4	1000235673	4521.74-	N TP446/2023	LANDB202308310013
2	01/09/2023	12	4	1000235712	2260.87-	N TP360/2023	LANDB202309010013



application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.

Bank Details: First National Bank Acc# 62869253684 Branch Code 250655

Please use the following as reference number: TP439/2023

To expedite the application, please send proof of payment by e-mail or fax as per the detail above.



Internet Banking
Standard Bank Centre
5 Simmonds Street, Johannesburg, 2001
P.O. Box 7725, Johannesburg, 2000
Telephone: 0860 123 000
International: +27 11 299 4701
Fax: +27 11 631 8550
Website: www.standardbank.co.za

Dear Jacques

We confirm that the following payment has been made into your account from O KENNEDY INVES:

Reference number	2888945808
Listed company name	STELLENBOSCH MUNICIP
Bank name	FIRST NATIONAL BANK
Listed company number	XXXXXXXXXXXXX2387
Listed company branch number	000000
Beneficiary reference	TP439/2023
Amount	R7800.00
Payment date and time	2023-08-22 16h20

If you need more information or have any questions about this payment, please contact:
O KENNEDY INVES

Payments to Standard Bank accounts may take up to one business day to reflect.
Payments to other banks may take up to three business days.

Please check your account to confirm you have received this payment.

Yours sincerely,
The Internet Banking Team

The Standard Bank of South Africa Limited (Reg. No. 1962/000738/06) Authorised financial services provider and registered credit provider (NCRCP15)

Directors: NMC Nyembezi (Chairman) L Fuzile* (Chief Executive) LL Bam PLH Cook A Daehnke* GJ Fraser-Moleketi Xueqing Guan2 GMB Kennealy Li Li2 JH Maree NNA Matyumza NMC Nyembezi ML Oduor-Otieno3 ANA Peterside CON4 SK Tshabalala*

Company Secretary: K Froneman - 2023/06/12

*Executive Director 1British 2Chinese 3Kenyan 4Nigerian



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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(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)	Jacques Louis		
Surname	Volschenk		
Company name (if applicable)			
Postal Address	PO Box 371		
	Stellenbosch	Postal	
Email	Jacques.volschenk10@gmail.com		
Tel		Fax	

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

Registered owner(s)	O Kennedy Investments (Pty) Ltd.		
Physical address	8 Bosch-en-Dal Road		
	Karindal		
E-mail	caroli@mweb.co.za		
Tel		Fax	

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

Erf / Erven / Farm No.	3567	Portion(s) if Farm		Allotment area	KARINDAL
Physical Address	8 Bosch-en-Dal Road				
	Karindal				
Current Zoning	Conventional Residential	Extent	1139m ²	Are there existing buildings?	Y N
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law, 2019				



Current Land Use	Dwelling house										
Title Deed number and date	T	2816/2023									
Attached Conveyance's Certificate	Y	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):								
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Y	N	If yes, is this application to legalize the building / land use ² ?				Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	N	Are there any land claim(s) registered on the subject property(ies)?				Y	N

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y	N	If yes, please attach the written feedback received.

** The submission of a pre-application scrutiny form is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.*

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)

Type of application: Cost are obtainable from the Council Approved tariffs	Tick
15(2)(a) rezoning of land*	
15(2)(b) a permanent departure from the development parameters of the zoning scheme	X
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	
15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	X

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

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

15(2)(g) a permission required in terms of the zoning scheme	X
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	
15(2)(i) an extension of the validity period of an approval	
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme	
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*	
15(2)(l) a permission required in terms of a condition of approval	
15(2)(m) a determination of a zoning*	
15(2)(n) a closure of a public place or part thereof	
15(2)(o) a consent use contemplated in the zoning scheme	
15(2)(p) an occasional use of land	
15(2)(q) to disestablish a home owner's association	
15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services	
15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	
15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity	
15(2)(l) amendment of Site Development Plan	
15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines	

OTHER APPLICATIONS

Deviation from Council Policies/By-laws	R
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	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; electronic communication methods	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

****The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.**

*****All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: Indigent.office@ Stellenbosch.gov.za or 021 808 8501 or 021 808 8579**

****** 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

Account Holder Name: Stellenbosch Municipality
 Bank: FIRST NATIONAL BANK (FNB)
 Branch no.: 210554
 Account no.: 62869253684
 Payment reference: LU/_____ and ERF/FARM _____

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

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	O Kennedy Investments (Pty) Ltd.
Postal Address	3 Beresford Road Bloubergstrand
Vat Number (where applicable)	N/A

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
X	Exceeding maximum storey height			From	2 storeys	To	3 storeys
	Consent/Conditional Use/Special Development						
	To permit..... in terms of Section.....of the.....Zoning Scheme Regulations						
X	Other (please specify)	Removal of restrictive title conditions: E.6(b) – to permit a second dwelling; E.6(c) – to remove the restriction relating to coverage; and E.6(d) – to remove the restriction relating to building lines. Technical approval to permit a second dwelling as an Additional Use					

Brief description of proposed development / intent of application:

The owners of the property intend to demolish the existing dwelling which was established in the late 1960s. In its place, it intends to develop a new residential dwelling.

To this end, it is proposed that the restrictive title conditions relating to use of the property, coverage and building lines be removed to allow for the intended design of the residential dwelling.

Whilst the mentioned restrictions are to be removed, the parameters applicable to Conventional Residential zoning shall largely still apply.

It is however intended to depart from the total permitted number of storeys – from 2 to 3 storeys – to permit a stepped dwelling.

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

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

Y	N	N/A	Proof of lawful use right	Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A	Required number of documentation copies	Y	N	N/A	Other (specify) Confirmation of use by owner.

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

Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))
			Y N/A National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y N/A National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)	Y N/A National Water Act, 1998 (Act 36 of 1998)
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y N/A Other (specify)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
Y	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.	

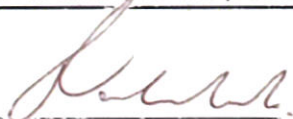
SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.

9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:



Date:

23/08/2023

Full name:

Jacques Louis Volschenk

Professional capacity:

Pr. Pln. A/208/2010

FOR OFFICE USE ONLY

Date received: _____

Received By: _____



PO Box 371
STELLENBOSCH 7599

Tel: +27(0)21-887 0124
Cell: 082 821 6365
Email: Jacques.volschenk10@gmail.com

23 August 2023

The Director: Department of Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH 7599

Dear Sir,

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS, TECHNICAL APPROVAL AND PERMANENT DEPARTURE: ERF 3567, STELLENBOSCH

The pre-application scrutiny process, as it relates to the land use planning application on the above-mentioned property, refer.

1 INTRODUCTION AND APPLICATION DETAILS

The undersigned has been appointed by the owner of erf 3567, Stellenbosch (hereinafter referred to as the property) to prepare and submit, on its behalf, an application which would enable the establishment of a new residential dwelling on the property.

In particular, application is made for the following:

- a) In terms of Section 15(2)(f) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 (hereinafter referred to as the By-Law) to remove the following restrictive conditions in respect of the land unit:

Condition E.6(b):	<i>It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith;</i>
Condition E.6(c):	<i>No more than one-third of the area thereof shall be built upon;</i>
Condition E.6(d):	<i>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 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9.45 metres reckoned from the rear boundary.</i>
- b) In terms of Section 15(2)(g) of the By-Law for a technical approval to permit a second dwelling as an additional use.
- c) In terms of Section 15(2)(b) of the By-Law for a permanent departure to permit a third storey as part of the dwelling house.

The application described in this report is illustrated by the drawings included under Annexure 1.

2 LOCATION AND CONTEXT

The property is situated at No. 8 Bosch-En-Dal Road in Karindal, Stellenbosch which neighbourhood forms part of the eastern-most residential expansion of Stellenbosch town. The neighbourhood was laid out in the 1960s along the Eerste River and once formed part of the farm Lanzerac – the white-washed entrance to which can still be seen in the neighbourhood park off Jonkershoek Road.

The row of dwellings in which the property is located shares a common boundary with the historic Lanzerac Estate.

The property falls outside the historical core of Stellenbosch town and the Stellenbosch Urban Conservation Area as identified in the Stellenbosch Zoning Scheme By-Law, 2019. Whilst bordering on the farms that form the Jonkershoek Valley, the property also falls outside the Jonkershoek Valley Rural Conservation Area.

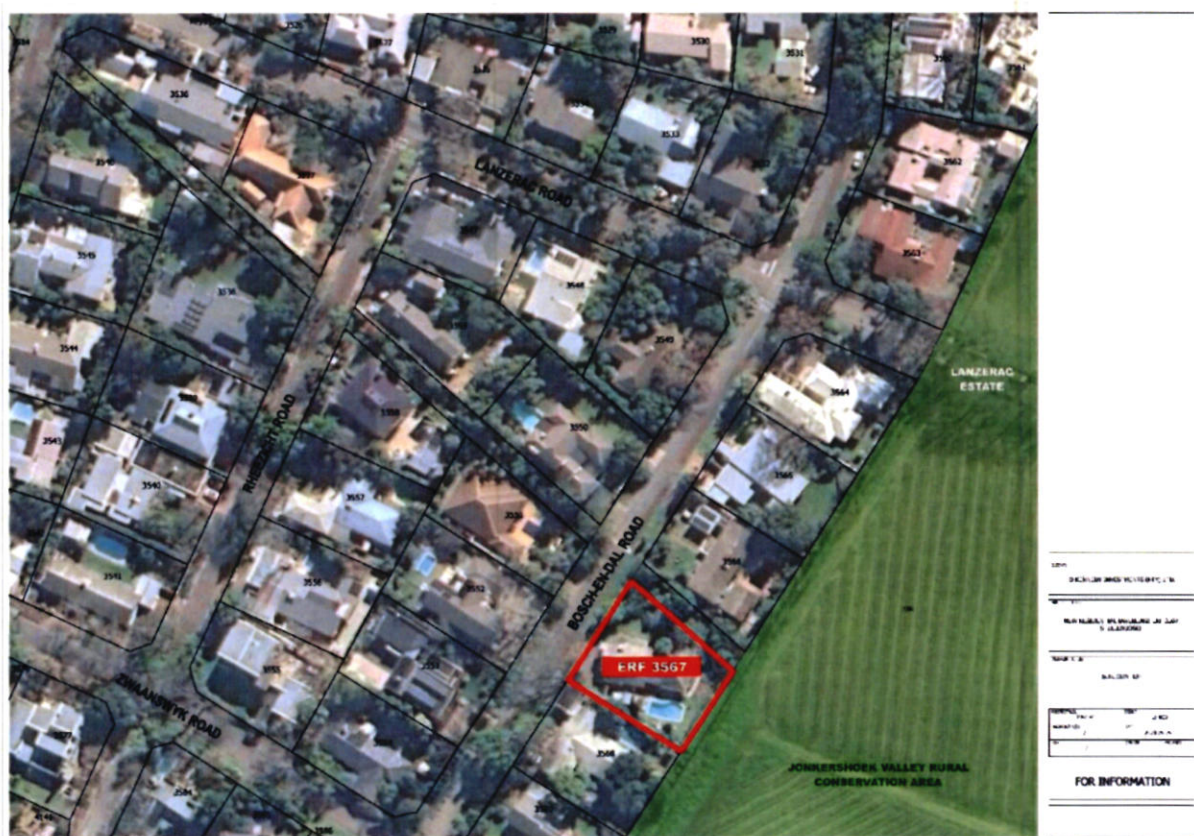


Figure 1: Context of the subject property.

The property slopes from the rear boundary (east) to the street (west).

Many trees and plants are present throughout the property, but none is of any cultural or environmental significance.

Owing to the residential nature of the area and the property in particular, there is a conventional single residential dwelling on site. The dwelling was developed in 1966 and bears resemblance to a typical unassuming 1960s domestic structure with little ornamentation and no special, unique or rare architectural features.

There have been several structural alterations to the property over the years. In 1968, two additional bedrooms were added, and an existing bedroom changed into a study and hallway. In 1975, the living room

were expanded, and a pool added, while the kitchen and dining room were altered in 1979. A second garage was also added in 1995.



Figure 1: Street and rear elevation of the dwelling on erf 3567, Stellenbosch.

3 SITE DESCRIPTION

The property is referred to in the title deed as Erf 3567, Stellenbosch, situated in the Municipality and Division Stellenbosch, Western Cape Province.

The property details, as per the title deed and municipal records, are summarised in the table below:

Table 1: Property Details.

PROPERTY DESCRIPTION	SIZE	TITLE DEED	ZONING	OWNER
Erf 3567, Stellenbosch	1139m ²	T2816/2023	Conventional Residential Zone	O Kennedy Investments (Pty) Ltd.

The property is held under Title Deed No. T2816/2023. In terms of the same there are a number of restrictive title conditions applicable to the property. These are as follows:

Condition E.6(a):	It shall not be subdivided;
Condition E.6(b):	It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith;
Condition E.6(c):	No more than one-third of the area thereof shall be built upon;
Condition E.6(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 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9.45 metres reckoned from the rear boundary.

Having regard for the project proposal, only conditions E.6(b), E.6(c) and E.6(d) are applicable and need to be removed as it might prevent the new dwelling as proposed. This is also verified by the conveyancer certificate attached herewith under Annexure 3.

The title deed is included under Annexure 3.

The Surveyor-General diagram is included under Annexure 4.

3.1 DEVELOPMENT PARAMETERS

The property is zoned Conventional Residential Zone as per the Stellenbosch Municipality Zoning Scheme By-Law, 2019. This zoning provides for the intended use of the property as a dwelling house and impose certain building development parameters to adhere to.

The development parameters, which apply to Conventional Residential Zone, are described in the table below. Also indicated are the development parameters as per the applicable title deed.

Table 2: Development parameters for Conventional Residential Zone.

PARAMETER	DEVELOPMENT PARAMETER	TITLE RESTRICTION
Zoning	Conventional Residential Zone	
Primary Use	Dwelling house	One dwelling
Additional Use	Second dwelling	
Street Building Line	4.0m	6.3m
Common Boundary Building Line	2.5m	3.15m
Rear Building Line	2.5m	4.72m
Height	2 storeys	
Coverage	The greater of 300m ² or 50%	33%

Parking	2 bays / dwelling house 1 bay / second dwelling	
----------------	--	--

From the above it is clear that the title deed imposes more restrictive street, common and rear building lines than the applicable zoning scheme. The use of the property and the coverage as per the title deed is also more restrictive. It is therefore the purpose of this application to remove these restrictions and to generally apply the parameters of the zoning scheme to the property.

4 APPLICABILITY OF OTHER LEGISLATION

4.1 NATIONAL ENVIRONMENTAL MANAGEMENT ACT

The Minister of Environmental Affairs and Tourism has in terms of Section 24(5) read with Section 44 of the National Environmental Management Act (NEMA) 107 of 1998, listed activities in terms of Section 24 and 24D of NEMA in a schedule, which may not commence without environmental authorization.

The EIA Regulations, 2014, which govern the implementation of the above sections of NEMA, outline the activities for which EIAs should apply.

The project proposal has been assessed in terms of the three listing notices (Regulations 324, 325 and 327) as issued in terms of NEMA. None of the activities included in the listing notices would be 'triggered' by the project proposal, hence, NEMA is not applicable.

4.2 NATIONAL HERITAGE RESOURCES ACT

Section 38(1) of the National Heritage Resources Act 25 of 1999 lists several activities which require approval from the responsible heritage resources authority (i.e. Heritage Western Cape) before construction may commence.

Section 34(1) of the National Heritage Resources Act 25 of 1999, also, states that '*no person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority*'.

The project proposals were measured against the activities listed in section 38 of the Act. The building plans were also inspected to determine the age of the building. It was found that none of the listed activities would be 'triggered' or would result in the approval of Heritage Western Cape being sought. Nor is the building of an age that would require a permit from Heritage Western Cape. The National Heritage Resources Act 25 of 1999 is therefore not applicable.

5 DEVELOPMENT PROPOSAL

The proposed new residential dwelling will be developed over three levels. At no time will the new building comprise more than two storeys on top of one another.

The lower level will consist of two double garages, a general store room, battery store, laundry room and staff quarters. The lower level will lead to the ground floor via a set of stairs from the laundry.

At ground level, the main entrance will lead into a courtyard from where various rooms could be accessed. The ground floor will accommodate a guest bedroom and en suite bathroom, a spacious living, dining and covered stoep in close proximity to the kitchen. A home office and studio apartment, respectively, will be developed above the two double garages. The studio is to be used by the owners' parents whenever they come to visit.

The first floor is to be developed along the eastern boundary (back/rear) of the property. This level will exclusively comprise of three bedrooms and en suite bathrooms.

In total, the new dwelling will comprise approximately 529m² which is a coverage factor of 46.5%.

The draft plans and perspective drawings is included under Annexure 1.

6 APPLICATION ITEMS

6.1 REMOVAL OF RESTRICTIVE TITLE CONDITIONS

Application is herewith made, in terms of Section 15(2)(f) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for the complete removal of the following restrictive conditions in respect of the land unit:

- Condition E.6(b): *It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith;*
- Condition E.6(c): *No more than one-third of the area thereof shall be built upon;*
- Condition E.6(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 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9.45 metres reckoned from the rear boundary.*

Having regard for the above-mentioned title deed conditions, it is to be noted that it stands in direct opposition to the applicable zoning scheme. The Stellenbosch Zoning Scheme By-Law was adopted in 2019 as the new Scheme applicable to all land in the Stellenbosch Municipal area. The new zoning scheme By-Law binds every landowner and every land user, including the State.

The purpose of the zoning scheme is to allocate rights to a property with respect to:

- a) the use which may be conducted from the property;
- b) the extent to which buildings may be developed on the property; and
- c) any other related matters, for example heritage, parking etc.

The Stellenbosch Municipality Zoning Scheme By-Law, 2019 was prepared over a couple of years to be in line with the Stellenbosch Municipality: Land Use Planning By-Law, 2015 and the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA). The zoning scheme gives effect to the many new planning policies and recently-adopted planning legislation – all of which have been subject to comprehensive public participation.

The title deed restrictions, in turn, dates back to 1965 when the first property was transferred in the Karindal township. These conditions were not only imposed on the subject property but also on the other properties in the township to achieve a specific development pattern in the township (the Karindal township is illustrated by the diagram included under Annexure 4). Since the introduction, some 58 years ago, the municipal planning tools and the township itself has changed dramatically. It is therefore fair to say that the conditions are not relevant anymore as more recent tools have been developed to steer the orderly development of the municipal area.

The intention of this application is not to remove development parameters altogether but rather only those of the title deed that stand in conflict with the zoning scheme. As such, it is submitted that the zoning scheme development parameters relating to building lines and coverage should, specifically remain in place to guide the orderly development of the property.

6.2 TECHNICAL APPROVAL FOR SECOND DWELLING

Application is also made in terms of Section 15(2)(g) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for a technical approval to permit a second dwelling as an additional use.

As mentioned above and as confirmed by the owner in Annexure 5, the studio is to be used by the owners' parents when visiting. To this end, it is proposed that application be made for the self-sustaining studio to be located on top of one of the double garages. The studio will have direct access to the garage which will stow visitors' vehicles.

In terms of the definition for a second dwelling, as per the zoning scheme, it is to be noted that:

- the studio will be erected on the same land unit as the dwelling house;
- it will be attached to the main dwelling; and
- will be built of similar material and architectural style as the dwelling house.

The planned studio will furthermore comply with the parameters listed in Section 50 of the Zoning Scheme By-Law, 2019 as:

- (1) No more than two dwelling units (one dwelling house which may also include one domestic accommodation unit, and one second dwelling) shall be permitted on the land unit.
- (2) Each dwelling unit in this zone shall only be occupied by a family.
- (3) The second dwelling unit shall not contain a domestic accommodation unit.
- (4) The second dwelling shall have its own dedicated parking which is accessible from Bosch-en-Dal Road.

6.3 PERMANENT DEPARTURE FOR PERMISSIBLE NUMBER OF STOREYS

Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for a permanent departure to permit a dwelling house to be three storeys in lieu of two storeys as per the zoning regulations.

The zoning scheme By-Law states that the height of a dwelling house be limited to 2 storeys. In terms of the same, a storey is defined as follows:

A single level of any building, measured from finished floor level to finished floor level of the storey above, or to the ceiling in the case of the top storey. A roof-space utilised or intended to be utilised for the purpose of human habitation is also regarded as a storey. If the ceiling level varies, the mean ceiling level will be calculated. One storey shall not exceed 4 meters, therefore if a maximum of one storey is permitted, the height of the one storey building may not exceed 4 meters measured from finished floor level to ceiling; if two storeys are permitted, the two-storey building shall not exceed 8 meters measured from finished ground floor level to ceiling of the first floor, and so forth.

A narrow reading of the above would interpret the proposed dwelling as a three storey dwelling. However, it is to be noted that at no stage will the proposed dwelling comprise of more than two storeys on top of one another.

Whilst slight, the proposed dwelling has also been designed with the slope of the property and therefore the proposed dwelling steps away from the road. The highest portion of the building is along the rear boundary where impact on surrounding properties should be least intrusive.

7 ENGINEERING SERVICES

The property receives infrastructural services directly from the municipal network. No additional load or capacity is required, and the proposal will therefore place no undue pressure on any municipal service.

8 COMPLIANCE WITH RELEVANT POLICIES AND LEGISLATION

8.1 NATIONAL DEVELOPMENT PLAN

During November 2011, the National Planning Commission published a document titled; The National Development Plan 2030: Our Future – Make it Work, as a broad strategic framework which sets out a coherent and holistic approach to confronting poverty and inequality.

As its main goals, the National Development Plan (NDP) focuses of the following:

- Eliminate income poverty – Reduce the proportion of households with a monthly income below R419 per person (in 2009 prices) from 39% to zero.
- Reduce inequality – The Gini coefficient should fall from 0.69 to 0.6.

The NDP identifies 15 themes that as objectives and actions that will give effect to the overarching goal. These themes include the following:

- a) Economy and Employment
- b) Economic infrastructure
- c) Environmental sustainability and resilience
- d) Inclusive rural economy
- e) South Africa in the region and the world
- f) Transforming Human Settlements
- g) Improving education, training and innovation
- h) Health care for all
- i) Social protection
- j) Building Safer Communities
- k) Building a capable and developmental state
- l) Fighting corruption
- m) National building and social cohesion

In as far as the proposed development is concerned, the themes concerning *Economy and Employment*, *Environmental Sustainability and Resilience*, and *Inclusive Rural Economy* will be given effect to in the following manner.

(i) Economy and Employment

The proposed development on the property will make a contribution to the local economy both during the construction and operational phases.

The construction phase might lead to the expansion of business sales for existing businesses located in the area. These changes are measured in terms of new business sales, i.e. new sales that will be generated in the economy as a direct result of the capital investment in the development.

The development will furthermore contribute to the GGP. The GGP measures the value of all final goods and services produced/provided within one year of the area's economy. The generation of additional business sales and employment opportunities will initiate an on-going ripple effect through the local area, resulting in an increase in product and service value (measured in GGP).

Finally, the completed dwelling might result in direct jobs being created on site such as gardeners, domestic workers, etc. Indirect jobs might also be created due to the multiplier effect in the economy in industries that provide goods, materials and services.

8.2 WESTERN CAPE SPATIAL DEVELOPMENT FRAMEWORK

The Western Cape Provincial Spatial Development Framework (hereinafter referred to as the PSDF) was approved by the Minister of Local Government, Environmental Affairs and Development Planning and submitted to the Provincial Cabinet for endorsement in April 2014.

The PSDF sets out to put in place a coherent framework for the Province's urban and rural areas that: gives spatial expression to the National and Provincial development agendas;

- a) serves as basis for coordinating, integrating and aligning 'on the ground' delivery of national and Provincial departmental programmes;
- b) supports municipalities fulfil their municipal planning mandate in line with the national and Provincial agendas; and
- c) communicates government's spatial development intentions to the private sector and civil society.

The PSDF seeks to improve the effectiveness of public investment in the Western Cape's built and natural environments by:

- adopting credible spatial planning principles to underpin all capital investment programmes,
- spatially targeting and aligning the various investment programmes, and
- opening-up opportunities for community and business development in targeted areas.

In fulfilment of the mandate ascribed to it in SPLUMA and to take forward the Province's spatial development agenda, the PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. The policy framework covers Provincial spatial planning's three interrelated themes, namely:

- a) Sustainable use of the Western Cape's spatial assets,
- b) Opening-up opportunities in the Provincial space-economy, and
- c) Developing integrated and sustainable settlements.

For each theme key challenges as distilled from the Provincial spatial profile and their spatial implications are noted and Provincial policies for dealing with them are presented. The table below put forward the respective themes, PSDF policies applicable to the development proposal and the manner in which the project will comply with the same.

Table 3: The three interrelated themes and applicable policies.

THEME AND POLICY		RESPONSE
a)	SUSTAINABLE USE OF PROVINCIAL ASSETS	
	<i>Policy R4: Recycle and recover waste, deliver clean sources of energy to urban consumers, shift from private to public transport, and adapt to and mitigate against climate change</i>	The new dwelling will be self-sufficient with regards to electricity provision. Solar panels will be erected on the roofs while a battery bank will be provided in the basement.
	<i>Policy R5: Safeguard cultural and scenic assets</i>	Jonkershoek Valley Road is regarded as a scenic route in terms of the Municipal Spatial Development Framework. Whilst it is not regarded as a scenic route with associated overlay parameters in terms of the zoning scheme, it is also regarded as a Rural Conservation Area which is consistent with the Grade III Landscape classification of the SDF. As mentioned above, the property is situated inside the urban footprint of Stellenbosch town and the proposal will not present a foreign form to the landscape. The new dwelling will therefore be sensitive to the neighbouring area and will not present any negative impacts.

c)	DEVELOPING INTEGRATED AND SUSTAINABLE SETTLEMENTS	
	<i>Policy S1: Protect, manage and enhance sense of place, cultural and scenic landscapes</i>	<p>Refer to Policy R5 above.</p> <p>Although the property does not form part of the Mostertsdraft Township, it is closely associated with it and the same development criteria for this townscape unit, as identified in the Stellenbosch Conservation Management Plan, will be adhered to. The new dwelling will enhance the character of the area by strengthening or reinforcing the characteristic elements and features of the area, most importantly the treelined avenues and garden interfaces between building and street edge.</p>
	<i>Policy S3: Promote compact, mixed use and integrated settlements</i>	<p>The proposal presents a redevelopment of an existing property within an existing township. It is not a greenfield development or development on valuable agricultural land.</p>

8.3 STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The Stellenbosch Municipal Spatial Development Framework (MSDF) was approved by the Council of the Stellenbosch Municipality on 2 August 2019. The MSDF aims to:

- Enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives.
- Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them.
- Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being.
- Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The MSDF outlines plans and written proposals for the municipality as a whole, but also for the major towns and smaller settlements. Broadly – and aligned to the SPLUMA MSDF guidelines – the settlement plans entail three types of actions or initiatives:

- *Protective actions* – things to be protected and maintained to achieve the vision and spatial concept.
- *Change actions* – things that need to be changed, transformed, or enhanced to achieve the vision and spatial concept.
- *New development actions* – new development or initiatives to be undertaken to achieve the vision and spatial concept.

Under these broad types of actions, strategic focus areas and settlement elements are dealt with. The SDF elements and associated spatial proposals as it relates to the new dwelling are as follows:

Table 4: Plan elements and proposals for Stellenbosch town.

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSAL
Protective actions	<i>Urban edge</i>	The property is inside the Stellenbosch urban edge and forms part of the Karindal township.
	<i>Scenic landscapes, scenic routes, special places</i>	The scenic quality of the area will not be negatively impacted as the proposed new dwelling will be set back from the scenic route and Rural Conservation Area. It will also not present a foreign form or intrusive structure in the landscape.

Change actions	Historically and culturally significant precincts and places	The property is not historically or culturally significant and the proposal does not trigger any activities in terms of the National Heritage Resources Act, No. 25 of 1999.
	Areas for residential densification and infill	The proposal presents a redevelopment of an existing property. The property is not located in the town centre where higher density infill development should be encouraged.
	Significant new residential development	The property is not located in an area where significant residential densification could/should be supported. It is submitted that the property already forms part of an existing township of which the edge between built and unbuilt areas are already clearly defined and does not require any rationalization.
New development actions		

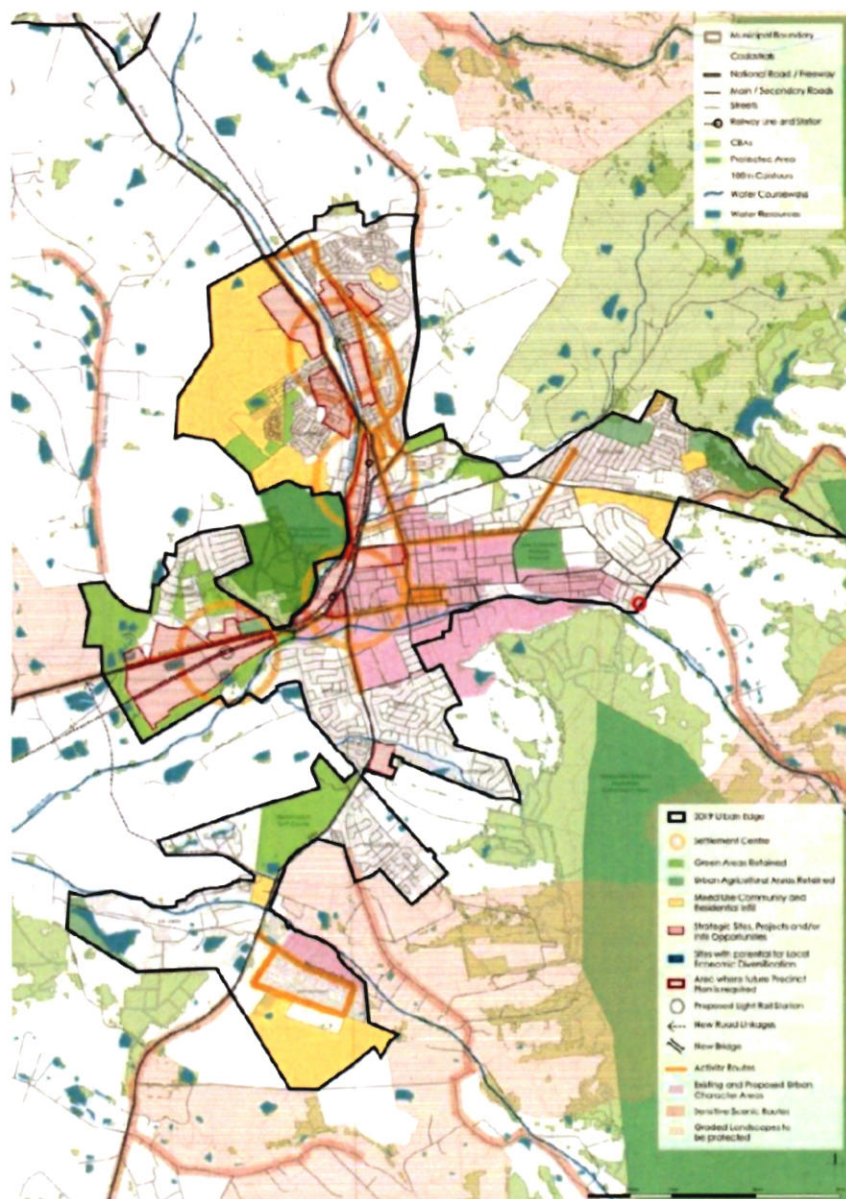


Figure 7: Stellenbosch town spatial plan. Subject property circled in red.

From the above, it is contended that the proposed land use activities are consistent with the provisions of the Stellenbosch Municipality SDF.

8.3.1 POLICIES THAT GUIDE DECISION-MAKING

Stellenbosch Municipality, in partnership with other organisations, has completed a number of investigations and surveys to gather information in support of decision-making. One such example is the work undertaken with regards to historically and culturally significant precincts and places, scenic landscapes and routes.

Heritage resources in Stellenbosch Municipality are outlined in a series of reports under the title Heritage Inventory of the Tangible Heritage Resources in the Stellenbosch Municipality (2018).

In terms of the latter, townscape character units are identified for the major towns in the municipality as well as key urban elements and primary townscape character units.

As far as Stellenbosch town is concerned, the study states that the understanding of the structure of the town, in combination with the assessment of historic maps and aerial photography allowed for the edges of the core of the town to be identified. This boundary incorporates the urban fabric that most clearly adheres to the underpinning and structuring patterns of the place.

However, it is also clear that this 'historic core' is made up of areas of differing character, and that these 'townscape character sub-units' require further identification.

The unique townscape character units in the historic core include the University Core Campus, Mostersdrift and 'Die Vlakte'. The subject property is not included in one of these townscape character units but, due to its location, resonates with Mostersdrift to a large degree. The development criteria of Mostersdrift which is also applicable to the subject property is listed below.

Table 5: Development criteria for Mostersdrift applicable to subject property.

MOSTERTSDRIFT TOWNSCAPE UNIT	
<i>The main aim of the Area is not to protect each and every structure but rather to preserve those character-giving elements that extend beyond each individual property, and are largely common to the neighbourhood as a whole, or to specific parts of it. The intention is to improve land parcels in the area by strengthening or reinforcing these characteristic elements and features, most importantly the treelined avenues and positive, garden interfaces between building and street edge.</i>	
	DEVELOPMENT CRITERIA
Aesthetic	<u>Tree-lined Avenues</u> <ul style="list-style-type: none"> Traditional planting patterns should be protected by ensuring that existing tree alignments are not needlessly destroyed, but reinforced or replaced, thereby enhancing traditional patterns with appropriate species. The felling of mature exotic or indigenous trees within residential areas should be avoided. Instead, continuous tree canopies should be encouraged.
	<u>Interface between streets and buildings</u> <ul style="list-style-type: none"> Ensure that new buildings within the Special Area are generally in sympathy with the scale, massing, layout and idiom of the surrounding buildings. At least 70% of the verge of each property should comprise soft landscaping. High and solid walls that obscure views to the building should not be permitted, as well as precast concrete fencing, exposed blockwork, and facebrick walling. New development should reinforce the pattern of front gardens. New buildings should be set back the same distance as the existing historical buildings to either side (and within the streetscape as a whole),

	<p>and the Municipality should not unreasonably withhold relief for setback departures.</p> <ul style="list-style-type: none"> • New buildings should look to adhere to the same heights as the existing historical buildings to either side (and within the streetscape as a whole). Greater height may be acceptable towards the rear of the site, when not visible from the street edge. • Building materials should be compatible with traditional materials in terms of scale, colour and texture.
Historic/Architectural	<p><u>Opportunities for new structures within environments of historical significance</u></p> <ul style="list-style-type: none"> • New structures should respect and respond to traditional settlement patterns and siting by considering the entire Special Area as the component of significance. This includes its spatial structure, layout, scale, massing, hierarchy, alignments, access, and landscaping setting. • Contemporary designs for infill buildings should not be discouraged, provided they do not destroy significant fabric and are compatible with the size, scale, material and architectural character of the property and Special Area.

It is submitted that the proposed residential dwelling will adhere to the above development criteria for the area.

9 LEGISLATIVE CONTEXT

This application is submitted and will be considered in terms of the Stellenbosch Municipality: Land Use Planning By-Law, 2023. As such, the planning principles as advocated in the Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act, No. 3 of 2014 (LUPA) is also applicable.

Chapter 2 of SPLUMA, and Section 59 of LUPA, lists development principles and norms and standards that shall apply to spatial planning, land development and land use management. These principles are as follows:

9.1 SPATIAL JUSTICE

Spatial justice is primarily concerned with the commitment to redress past spatial and other development imbalances. This is to be achieved by the incorporation of provisions that enable redress in Land Use Management Schemes, by Spatial Development Frameworks that allow for inclusion and integration of disadvantaged communities and general land development procedures that aim to improve the access to and use of land.

Whilst the proposed new dwelling does not aim to directly redress spatial justice, the proposal might result in economic growth and job creation at a local scale.

9.2 SPATIAL SUSTAINABILITY

Spatial sustainability requires land development to be aligned with fiscal and institutional means. The aim is further to promote land development that is spatially compact, resource frugal and within fiscal, institutional and administrative means of the competent authority.

This translates on the ground to development in locations that are sustainable and that limit urban sprawl, that uphold environmental considerations such as the protection of natural vegetation on site, and that ensures that development is feasible and financially viable. The proposal calls for the redevelopment of the property thereby eliminating the need for new greenfield developments.

9.3 EFFICIENCY

Efficiency requires land development to optimally use existing resources and infrastructure.

As mentioned above, the new dwelling will connect to the existing municipal services on site and will thereby not put additional unwanted pressure on any municipal services network.

9.4 SPATIAL RESILIENCE

Spatial resilience provides for flexibility in spatial plans, policies and land use management systems to be accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

The subject property has proven to be resilient in terms of its former and current land use. The proposed redevelopment of the property as described above could easily be accommodated without negatively impacting any existing rights of neighbouring properties.

9.5 GOOD ADMINISTRATION

This principle primarily places an onus on decision-making authorities to ensure that due process is followed. It also requires that legislative and development requirements be met timeously by both applicants and authorities and that public consultation is undertaken, as required.

The principle also refers to application documents and requires of applicants to comply with all the necessary application procedures and requirements to ensure the speedy processing of applications. It is contended that this application complies with all the stated requirements.

10 KEY QUESTIONS TO BE CONSIDERED DURING REMOVAL OF RESTRICTIVE TITLE CONDITIONS

Both SPLUMA and LUPA state that it is the municipality's responsibility to decide on applications for removal, suspension or amendment of restrictive title deed conditions. Section 33(4) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 and Section 39(5) of the Western Cape Land Use Planning Act, No. 3 of 2014, require that a municipality must have regard for, amongst other, the financial and personal benefits to holder and neighbour of the rights when considering the removal, suspension or amendment of a restrictive title condition.

In an effort to aid decision-making in this regard, a set of key questions has been developed by the authorities. Although it only represents some of the questions that should be asked (as these will vary according to the type of application), these key questions should be taken into consideration with the removal/amendment of each and every restrictive condition.

The questions and manner in which the proposal aims to address the same is as follows:

10.1.1 Why was the restrictive condition imposed and how is it beneficial?

The conditions imposed aim to protect the character of the area. It is, however, contended that the orderly development of the area has already been attended to by the Stellenbosch Municipality through the preparation and adoption of the Stellenbosch Spatial Development Framework, the Zoning Scheme By-Law and the various policies and guidelines applicable to the area. Areas where the special historic character of Stellenbosch should be enhanced and supported is also governed by these documents. This property does not fall within any of these areas.

10.1.2 Do the rights have any financial or other value for the holder of those rights (i.e. including any other property owner) and is this value measurable?

The current rights on the property restrict the owners to fully enjoy their property in line with adopted municipal policy. Should the restrictions be removed, it will allow them to maximise the use of the property in terms of the municipal vision for the area whilst enhancing the otherwise stale status of the site.

10.1.3 Why will the restriction remaining in place be in the public interest or benefit?

The restrictive condition is not in the interest of the general public. The restrictions do not refer to public access to or use of any part of the property.

10.1.4 How will the removal, amendment or suspension of the restrictive condition be in the public interest or benefit?

The removal of the restrictive condition will remove any doubt as to the applicable development parameters on the property and in the area at large. The removal will ensure a singular uniform set of parameters to be enforced by the municipality through the zoning scheme By-Law. By removing the applicable conditions, the new dwelling will be able to adhere to the positive place-making principles as intended by the By-Law.

10.1.5 How will the personal benefit to the applicant in the removal or amendment of the restrictive condition impact on the personal benefits currently enjoyed by any other holders of those rights?

As mentioned above, the removal of the restrictive condition will allow the owners to maximise the use of their property. The current restrictions leave little room to enhance the property in accordance with adopted municipal policy.

Furthermore, the neighbouring properties will not suffer a financial or other value loss whilst the amendment of the building lines will not result in a loss of privacy or sunlight or reduced property values. In fact, it is believed that the proposed development will only be beneficial to neighbouring properties in terms of their overall value.

11 CONCLUSION

Section 65 of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 lists the criteria to be taken into consideration on land use applications. The criteria and the section of this report in which those criteria are addressed, is provided in the table below.

Table 5: Criteria taken into consideration.

CRITERIA (65)		SECTION ADDRESSED
a)	the application submitted in terms of this By-law	6
b)	the procedure followed in processing the application	Municipality
c)	the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses	2 & 3
d)	the comments received	N/A
e)	the response by the applicant, if any, to the comments referred to in paragraph (d)	N/A
f)	investigations carried out in terms of other laws that are relevant to the consideration of the application	4
g)	a registered planner's written assessment	Municipality

h)	the impact of the proposed land development on municipal engineering services	7
i)	the integrated development plan, including the municipal spatial development framework	8.3
j)	the integrated development plan and spatial development framework of the district municipality, where applicable	N/A
k)	the applicable local spatial development frameworks adopted by the Municipality	8.3
l)	the applicable structure plans	N/A
m)	the applicable policies of the Municipality that guide decision-making	8.3.1
n)	the provincial spatial development framework	8.2
o)	where applicable, a regional spatial development framework	N/A
p)	the policies, principles and the planning and development norms and criteria set by the national and provincial government	9
q)	the matters referred to in section 42 of the Spatial Planning and Land Use Management Act	Municipality
r)	the principles referred to in Chapter VI of the Land Use Planning Act	9
s)	the applicable provisions of the zoning scheme	3.1
t)	any restrictive condition applicable to the land concerned	3
u)	the impact on heritage resources.	2 & 4.2

In conclusion, the following motivating factors should be considered during the adjudication of the application:

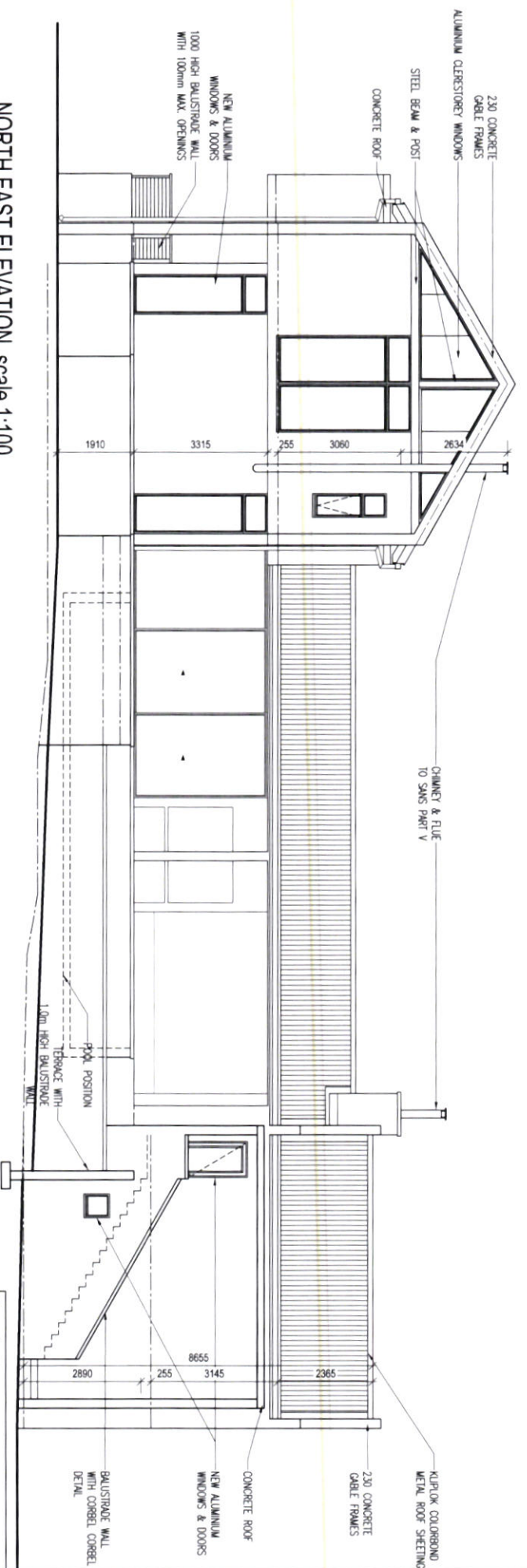
- a) The proposals will contribute to the creation of employment opportunities and to minimise the poverty gap. In addition, the proposal will contribute to the creation of additional business sales and an increased GGP.
- b) The proposal is consistent with municipal policy and the Spatial Development Framework.
- c) The removal of the restrictive title conditions will facilitate the development of the subject property without having a negative impact on its surroundings.
- d) The restrictive title conditions were not imposed in favour of a third party or other erven. The conditions are intended to protect the character of the area, which is already changing in accordance with adopted municipal policy.
- e) The approval of the application will also not set a negative precedent as several examples of reduced building lines are evident in the area, yet the area remains sought after.
- f) The redevelopment of the property will be of a high architectural standard and will bring back qualitative elements which was lacking in the design of the original dwelling.

It is therefore herewith requested the Council will recognize the importance of the proposals and that it will find in favour of the application.

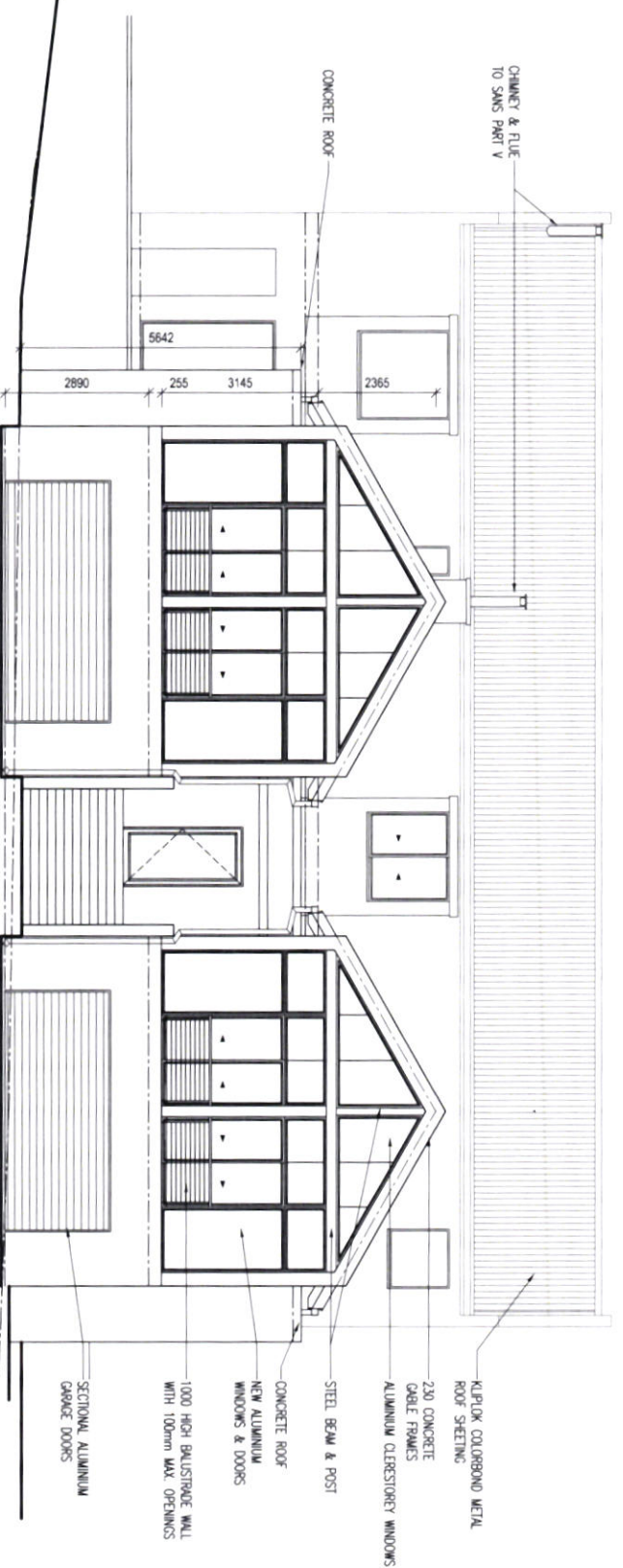
Yours sincerely



JL VOLSCHENK
Pr Pln A/208/2010



NORTH EAST ELEVATION scale 1:100



NORTH WEST ELEVATION scale 1:100

General notes

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QUALITY OF MATERIALS AND WORKMANSHIP TO COMPLY WITH THE LATEST RELEVANT CODES AND SPECIFICATIONS OF SABS AND NBR AND THE MINIMUM STANDARDS OF STANDARD PRELIMINARIES (LBC) AND MODEL PRELIMINARIES FOR TRADES (1999-ASAS) AND WHERE APPLICABLE, PROJECT SPECIFICATIONS.

Client

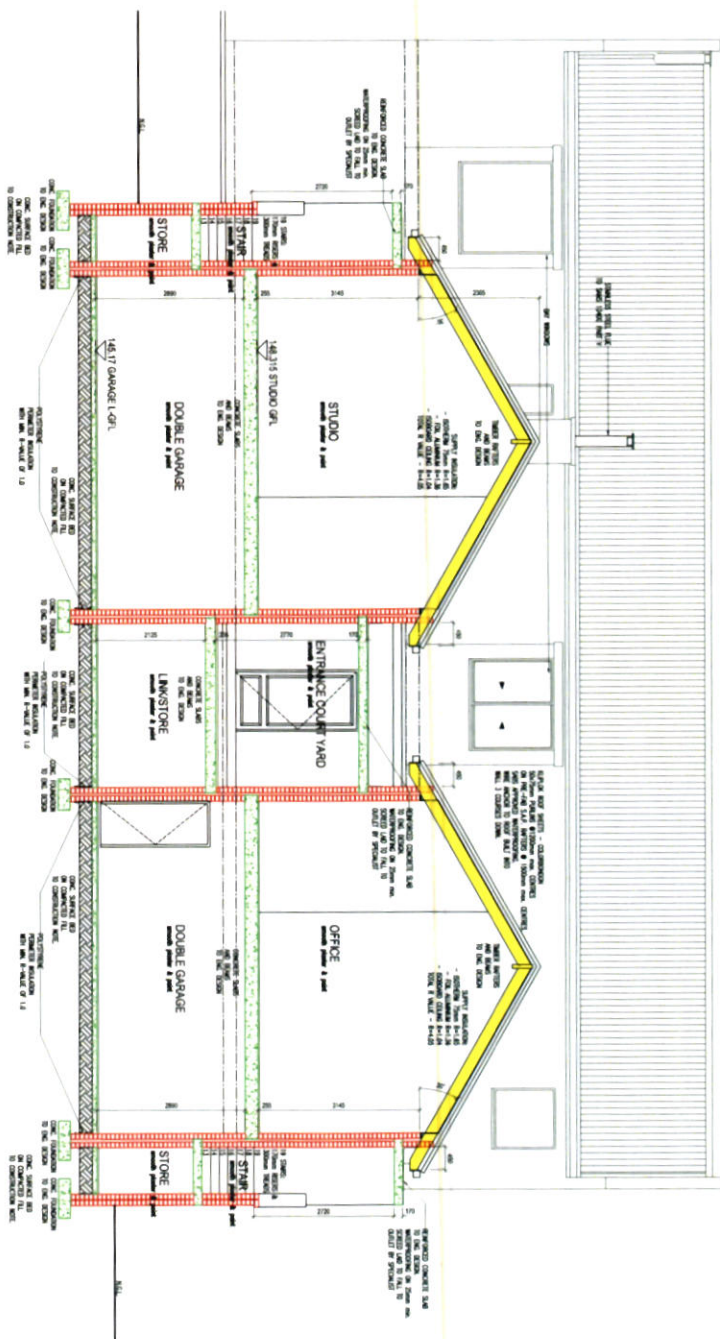
HOUSE O'KENNEDY

Luke
Architect
263 Agiste St.
Hermansburg
7200
SACAP 20927
Cell 082 454 2548
Email: luke@lukearchitect.co.za

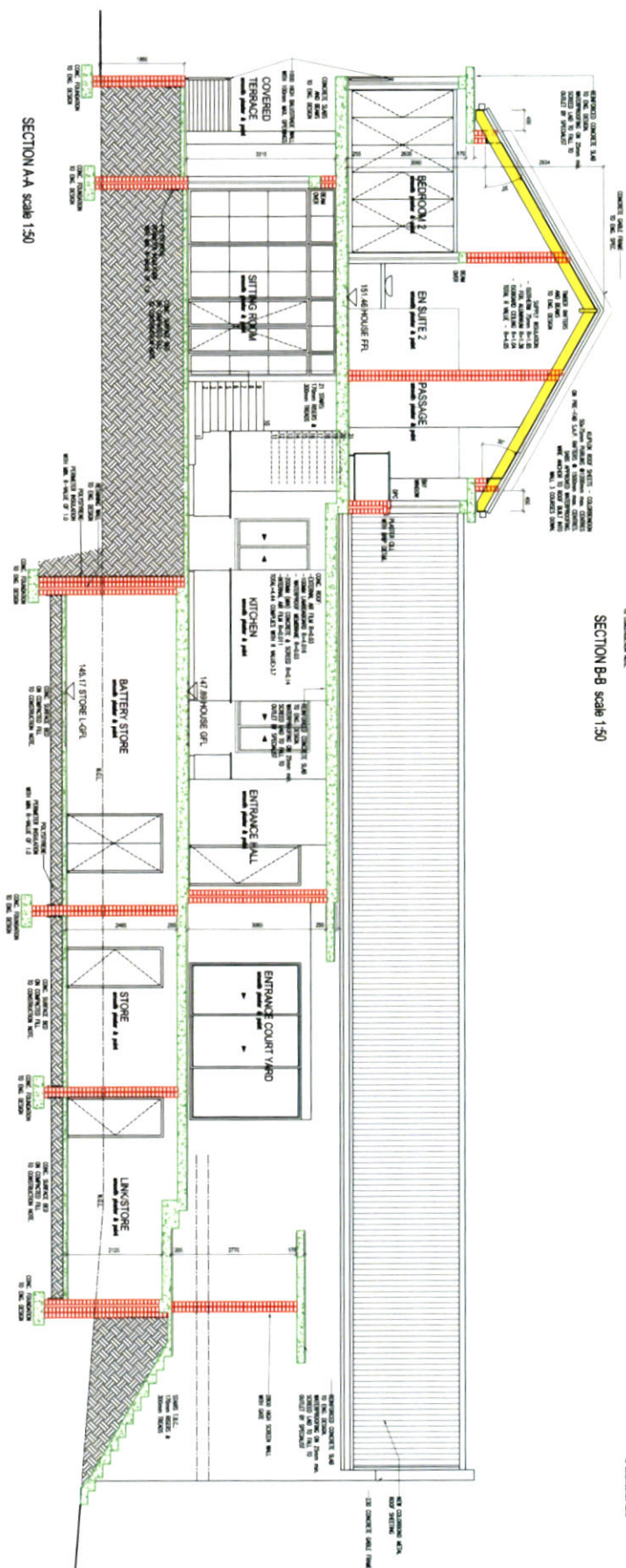
NEW RESIDENCE
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STELLENBOSCH

Drawing
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EAST ELEVATIONS

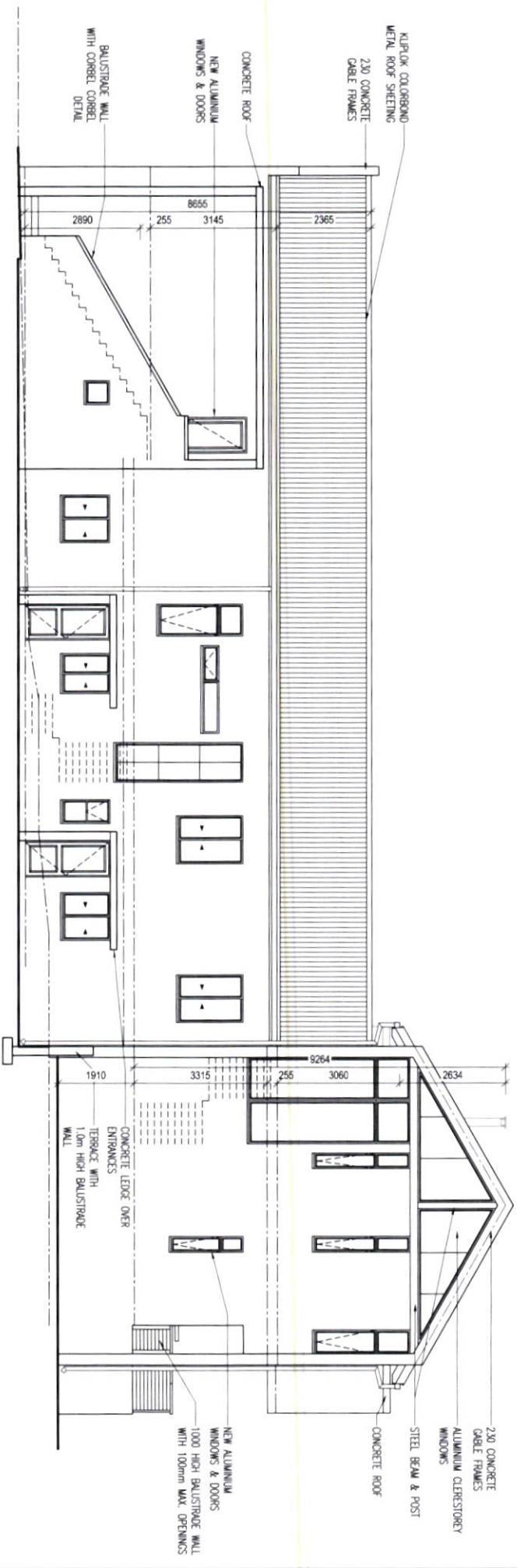
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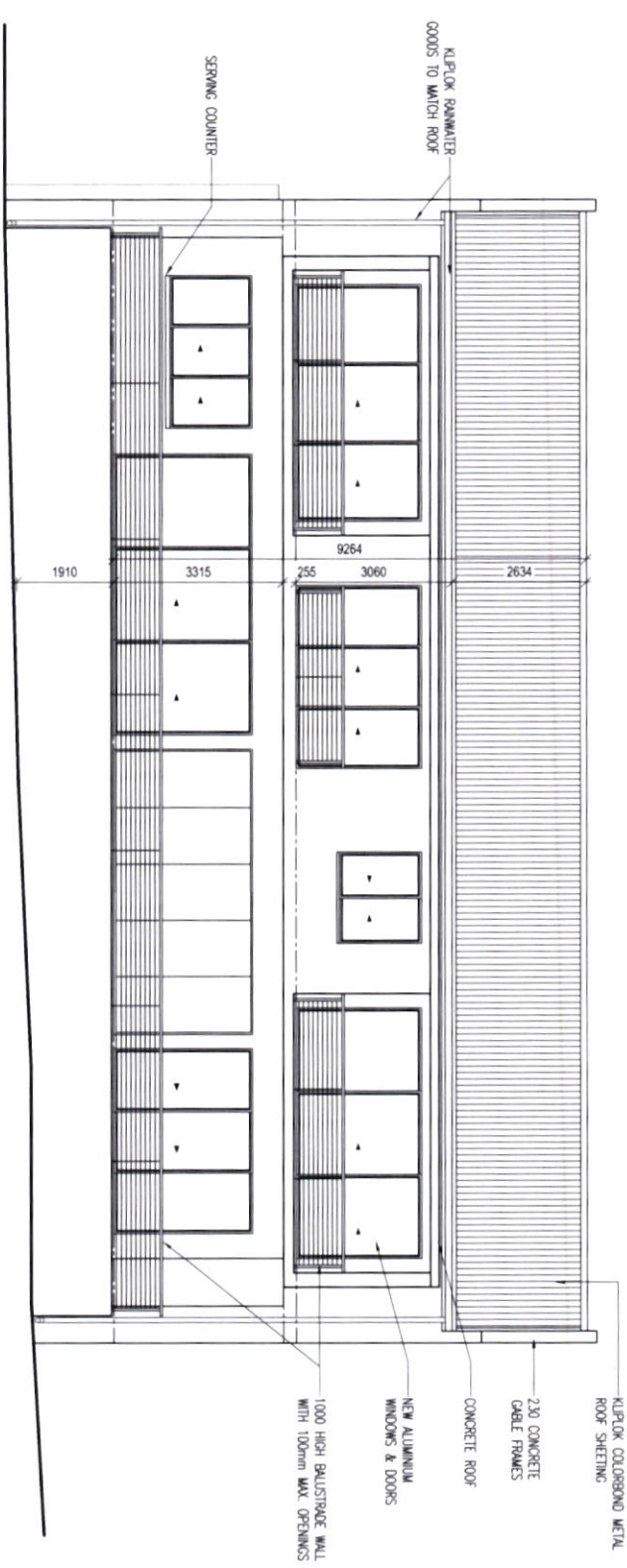
SECTION B-B scale 1:50



SECTION A-A scale 1:50



SOUTH WEST ELEVATION scale 1:100



SOUTH EAST ELEVATION scale 1:100

General notes

THIS DRAWING MUST NOT BE SCALED. THE CONTRACTOR TO CHECK DIMENSIONS AND LEVELS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR CONSTRUCTION OF SHOP FRONT. THE CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND OTHER RELEVANT AUTHORITIES. THE CONTRACTOR TO PROTECT AND MAINTAIN ALL EXISTING SERVICES AND UTILITIES. THE CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND OTHER RELEVANT AUTHORITIES. THE CONTRACTOR TO PROTECT AND MAINTAIN ALL EXISTING SERVICES AND UTILITIES.

QUALITY OF MATERIALS AND WORKMANSHIP TO COMPLY WITH THE REQUIREMENTS OF THE NATIONAL BUILDING STANDARDS AND THE NATIONAL STANDARDS OF STANDARD PRACTICES (AS/NZS 1170:2002) AND WHERE APPLICABLE, PROJECT SPECIFICATIONS.

Client
HOUSE O'KENNEDY

Project
NEW RESIDENCE
ERP 3567
BOSCHENDAL RD
STELLENBOSCH

Luke
Architect
263 Agiste St.
Hermanus
7200
SACAP 20927
Cell: 082 454 2548
E-mail: lukearchitect@luke.net

Drawing
SOUTH WEST & SOUTH EAST ELEVATIONS

Date	Drawn	Scale
2023_06_10	AKG	SEE DRW
Project No	Drawing No	Revision No
O'KENNEDY	310	00

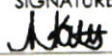


DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	10 July 2023	
Erf No	3567	Town		Suburb	Stellenbosch	
Farm No	N/A	Farm Portion	N/A	Nearest Town	N/A	
Owner / Applicant	Jacques Volschenk		Contact number		082 821 8581	
Email address	Jacques.volschenk10@gmail.com					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY¹		PLANNER TO EVALUATE²
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65						
7. SG diagram or General Plan				✓		✓
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development				✓		✓
10. Subdivision plan						
11. Permission for required servitude						
12. Title Deed				✓		✓

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

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

13. Conveyancer's certificate	✓		✓
14. Feedback on Pre-application scrutiny	✓		✓
15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY	PLANNER TO EVALUATE	
18. Land use plan / zoning plan	✓		✓
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA, TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals			
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
VERIFIED & SIGNED BY ADMIN	NAME Nicole Katts	SIGNATURE 	DATE 14/07/2023
Outstanding Information (to be completed by Planner): - Building plan needs to include elevations for the proposed structures, including the basement. The elevation of the basement is required to determine whether the proposed basement qualifies as a basement in terms of the Stellenbosch Municipality Zoning Scheme. Please refer to the definition of a basement stipulated in chapter 1 of the Stellenbosch Municipality Zoning Scheme. - Applicant is required to get Land Surveyor to confirm that the basement complies with the definition of a basement. - Owner is required to confirm in writing what the proposed studio and office is going to be used for on the property.			
Applications to be invoiced (to be completed by Planner): Remova of restrictive title deed condition; Permanent departure Technical approval			
EVALUATED & SIGNED BY PLANNER	NAME T. Mazana	SIGNATURE 	DATE 04/08/2023
NOTES: 1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment. 2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)]. 3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(ii)] and will receive instructions to advertise [s48(4)]. 4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].			

**STELLENBOSCH**

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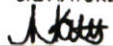
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

March 2022

TP439/2023**DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT**

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	10 July 2023	
Erf No	3567	Town		Suburb	Stellenbosch	
Farm No	N/A	Farm Portion	N/A	Nearest Town	N/A	
Owner / Applicant	Jacques Volschenk		Contact number		082 821 8581	
Email address	Jacques.volschenk10@gmail.com					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY¹		PLANNER TO EVALUATE²
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65						
7. SG diagram or General Plan				✓		✓
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development				✓		✓
10. Subdivision plan						
11. Permission for required servitude						
12. Title Deed				✓		✓

¹ Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

13. Conveyancer's certificate	✓		✓
14. Feedback on Pre-application scrutiny	✓		✓
15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY	PLANNER TO EVALUATE	
18. Land use plan / zoning plan	✓		✓
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA, TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals			
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
VERIFIED & SIGNED BY ADMIN	NAME Nicole Katts	SIGNATURE 	DATE 14/07/2023
Outstanding information (to be completed by Planner):			
<ul style="list-style-type: none"> - Building plan needs to include elevations for the proposed structures, including the basement. The elevation of the basement is required to determine whether the proposed basement qualifies as a basement in terms of the Stellenbosch Municipality Zoning Scheme. Please refer to the definition of a basement stipulated in chapter 1 of the Stellenbosch Municipality Zoning Scheme. - Applicant is required to get Land Surveyor to confirm that the basement complies with the definition of a basement. - Owner is required to confirm in writing what the proposed studio and office is going to be used for on the property. 			
Applications to be invoiced (to be completed by Planner):			
EVALUATED & SIGNED BY PLANNER	NAME T. Mazana	SIGNATURE 	DATE 04/08/2023
NOTES:			
<ol style="list-style-type: none"> 1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment. 2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)]. 3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(ii)] and will receive instructions to advertise [s48(4)]. 4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)]. 			

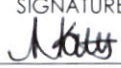


DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	10 July 2023	
Erf No	3567	Town		Suburb	Stellenbosch	
Farm No	N/A	Farm Portion	N/A	Nearest Town	N/A	
Owner / Applicant	Jacques Volschenk		Contact number		082 821 8581	
Email address	Jacques.volschenk10@gmail.com					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY¹		PLANNER TO EVALUATE²
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65						
7. SG diagram or General Plan				✓		✓
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development				✓		✓
10. Subdivision plan						
11. Permission for required servitude						
12. Title Deed				✓		✓

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

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

13. Conveyancer's certificate	✓		✓
14. Feedback on Pre-application scrutiny	✓		✓
15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY	PLANNER TO EVALUATE	
18. Land use plan / zoning plan	✓		✓
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA , TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals			
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
VERIFIED & SIGNED BY ADMIN	NAME Nicole Katts	SIGNATURE 	DATE 14/07/2023
Outstanding information (to be completed by Planner):			
Applications to be invoiced (to be completed by Planner):			
EVALUATED & SIGNED BY PLANNER	NAME Thuthuk Mazona (19.07.2023)	SIGNATURE	DATE
NOTES: 1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment. 2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)]. 3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)]. 4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].			



Jacques Volschenk
Jacques.volschenk10@gmail.com
0828216365

19 June 2023

FEEDBACK: PRE-APPLICATION SCRUTINY FEEDBACK, ERF 3567, STELLENBOSCH

1. Your pre-application scrutiny submission on the above property, dated 31 May 2023 refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:
 - ✓ 3.1 **Building plan needs to include elevations for the proposed structures, including the basement. The elevation of the basement is required to determine whether the proposed basement qualifies as a basement in terms of the Stellenbosch Municipality Zoning Scheme. Please refer to the definition of a basement stipulated in chapter 1 of the Stellenbosch Municipality Zoning Scheme.**
 - 3.2 **Applicant is required to get Land Surveyor to confirm that the basement complies with the definition of a basement.**
 - ✓ 3.3 **Owner is required to confirm in writing what the proposed studio and office is going to be used for on the property.**
 - ✓ 3.4 **A written motivation will be required upon formal submission of the said application. The motivation must also address factors listed in section 39 of the Land Use Planning Act, 2015 (LUPA).**
 - 3.5 **Please be advised that the proposal will be re-evaluated, and further information may be requested upon receipt of the additional information requested.**
4. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.

6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards,

Thuthula Mazana

Thuthula.Mazana@ Stellenbosch.gov.za



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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(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)	Jacques Louis				
Surname	Volschenk				
Company name (if applicable)					
Postal Address	PO Box 371				
	Stellenbosch	Postal Code	7599		
Email	Jacques.volschenk10@gmail.com				
Tel		Fax		Cell	082 821 6365

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

Registered owner(s)	O Kennedy Investments (Pty) Ltd.				
Physical address	8 Bosch-en-Dal Road				
	Karindal	Postal code	7600		
E-mail	caroli@mweb.co.za				
Tel		Fax		Cell	082 331 8581

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

Erf / Erven / Farm No.	3567	Portion(s) if Farm		Allotment area	KARINDAL		
Physical Address	8 Bosch-en-Dal Road						
	Karindal						
Current Zoning	Conventional Residential	Extent	1139m ²	Are there existing buildings?	Y	N	
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law, 2019						

Current Land Use	Dwelling house									
Title Deed number and date	T	2816/2023								
Attached Conveyance's Certificate	Y	N	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate							
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies):							
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.	
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Y	N	If yes, is this application to legalize the building / land use ² ?			Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	N	Are there any land claim(s) registered on the subject property(ies)?			Y	N

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y	N	If yes, please attach the written feedback received.

* The submission of a pre-application scrutiny form is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.

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)	
Type of application: Cost are obtainable from the Council Approved tariffs	Tick
15(2)(a) rezoning of land*	
15(2)(b) a permanent departure from the development parameters of the zoning scheme	
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	
15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	X

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

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

15(2)(g) a permission required in terms of the zoning scheme	X
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	
15(2)(i) an extension of the validity period of an approval	
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme	
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*	
15(2)(l) a permission required in terms of a condition of approval	
15(2)(m) a determination of a zoning*	
15(2)(n) a closure of a public place or part thereof	
15(2)(o) a consent use contemplated in the zoning scheme	
15(2)(p) an occasional use of land	
15(2)(q) to disestablish a home owner's association	
15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services	
15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	
15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity	
15(2)(l) amendment of Site Development Plan	
15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines	

OTHER APPLICATIONS

Deviation from Council Policies/By-laws	R
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	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; electronic communication methods	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

**The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.

***All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: indigent.office@ Stellenbosch.gov.za or 021 808 8501 or 021 808 8579

**** 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

Account Holder Name: Stellenbosch Municipality
 Bank: FIRST NATIONAL BANK (FNB)
 Branch no.: 210554
 Account no.: 62869253684
 Payment reference: LU/_____ and ERF/FARM _____

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

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	O Kennedy Investments (Pty) Ltd.
Postal Address	3 Beresford Road Bloubergstrand
Vat Number (where applicable)	N/A

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..... in terms of Section.....of the.....Zoning Scheme Regulations						
☒ Other (please specify)	Removal of restrictive title conditions: E.6(b) – to permit a second dwelling; E.6(c) – to remove the restriction relating to coverage; and E.6(d) – to remove the restriction relating to building lines. Technical approval to permit a second dwelling as an Additional Use					

Brief description of proposed development / intent of application:

The owners of the property intend to demolish the existing dwelling which was established in the late 1960s. In its place, it intends to develop a new residential dwelling.

To this end, it is proposed that the restrictive title conditions relating to use of the property, coverage and building lines be removed to allow for the intended design of the residential dwelling.

Whilst the mentioned restrictions are to be removed, the parameters applicable to Conventional Residential zoning shall still apply and will not be departed from.

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

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

Y	N	N/A	Required number of documentation copies	Y	N	N/A	Other (specify) Confirmation of use by owner.
PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION							
Y	N		If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))			
				Y	N/A		National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A		Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	N/A		National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A		Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	N/A		National Water Act, 1998 (Act 36 of 1998)
Y	N/A		Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A		Other (specify)
Y	N/A		Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)				
Y	N		Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.				

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.

11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature: _____

Date: 11/07/2023

Full name: _____

Jacques Louis Volschenk

Professional capacity: _____

Pr. Pln. A/208/2010

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

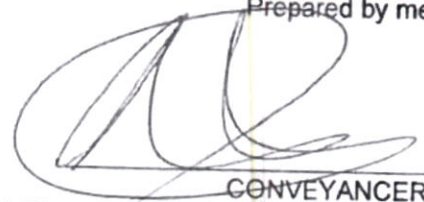
Municipal stamp

DEED OF TRANSFER NUMBER
T2816/2023

333

B LUBBE & ASSOCIATES
9E SANDOWN ROAD
BLOUBERGSANDS
7443

Prepared by me



CONVEYANCER
NICOLA PETRONELLA LE ROUX (93782)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 8700 000.00	R. 3209.00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....



T 002816 / 23

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS (80715)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

**The Executors in the Estate Late
ANN ELIZABETH CLOETE
Number 017850/2022**

which said Power of Attorney was signed at Bloubergsands on 21 November 2022.

And the appearer declared that his/her said principal had, on 4 November 2022, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

O KENNEDY INVESTMENTS (PTY (LTD)
Registration Number 2018/429410/07

or its Successors in Title or assigns, in full and free property

ERF 3567 STELLENBOSCH
MUNICIPALITY AND DIVISION STELLENBOSCH
WESTERN CAPE PROVINCE

IN EXTENT 1139 (ONE THOUSAND ONE HUNDRED AND THIRTY NINE)
Square metres

FIRST TRANSFERRED by Deed of Transfer Number T 24951/1965 with Diagram SG No. 4855/65 relating thereto and held by Deed of Transfer Number T29396/2013 and T3139/1979

- A. SUBJECT to the conditions referred to in said Deed of Transfer No.24951/1965.
- B. SUBJECT in so far as the figure xbcy on said Diagram No. 4855/65 annexed, to said Deed of Transfer No. 24951/1965 to the terms of the servitude referred to in the endorsement dated 7th December 1909, on Deed of Transfer No. 3832 dated 1st of August 1892, which reads as follows:-
- "By Deed of the 15th September and 20th October 1909, a right of way over this property 4,72 metres wide has been granted to the Municipality of Stellenbosch for the purpose of inspection and maintaining a line of pipes, as will more fully appear on reference to the copy annexed hereto".
- C. In so far as the figure axyd on said Diagram No. 4855/65 annexed to said Deed of Transfer No.24951/1965 to the terms of a servitude referred to in the endorsement dated 7th December 1909 on Deed of Transfer No.3749 dated 13th July 1893, reading as follows:
- "By Deed of the 15th September and 20th October 1909, a right of way over this property 4,72 metres wide has been granted to the Municipality of Stellenbosch for the purpose of inspection and maintaining a line of pipes, as will more fully appear on reference to the copy annexed to Transfer No. 3832 , August 1892."
- D.
- E. SUBJECT to the following conditions contained in said Deed of Transfer dated 30th September 1965, No24951, imposed by the Administrator of the Province of the Cape of Good Hope when approving of the establishment of the said Township: which conditions are applicable to the whole erf:

1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No.383 dated 13th June 1958.
2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.
3. The owner of this erf shall without compensation be obliged to allow electricity and water pipes and mains and sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required; this shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit, or other works pertaining thereto.
4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
5. No building on this erf shall be used or converted to use for any purpose other than that stipulated in these conditions.
6. This erf shall be subject to the following conditions, provided that on consolidation of any two or more erven these conditions shall apply to the consolidated area as one erf, and provided further that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorize the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-
 - (a) It shall not be subdivided;
 - (b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith;
 - (c) Not more than one-third of the area thereof shall be built upon;
 - (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 4,72 metres of the rear or 3,15 metres of the lateral boundary common to any adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not

exceeding 3,05 meters in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9,45 metres reckoned from the rear boundary.

F. SUBJECT to the following special conditions, which are applicable to the whole erf, contained in said Deed of Transfer No.24951/1965, imposed by Karindal Estates (Proprietary) Limited as owner of the remainder of Karindal Township under Deed of transfer No.15962 dated 3rd November 1958, for its benefit and for the benefit of its successors in title thereto, viz:-

1. Plans of all dwelling houses and outbuildings to be erected on this erf and of alterations to any buildings already erected, including separate drainage and sewerage plans, elevations and specifications in duplicate, with an architect's or quantity surveyor's estimate of cost of construction, must be submitted to the said Company and the Local Authority, and the Company's written approval obtained before any such buildings or erections or structures are commenced by the owner of any erf. The approval of the aforesaid plans shall be subject to any conditions in regard thereto which the Company may wish to impose so as to ensure the harmonious and attractive development of the entire Township. The Company shall have the right to decide as to the suitability of any design and the elevation and location of any proposed building and of the soundness of the proposed construction. The Company, however, does not in any way whatsoever accept any legal responsibility arising directly or indirectly from plans which it approves, nor shall the Company make any charge for scrutinising such plans. In the event of the Company refusing to sanction a proposed erection in terms of the foregoing provisions, the owner shall have the right to refer the matter to the Local Authority whose decision shall be final.
2. The amount of the final cost for the erection of any dwelling house and outbuildings on this erf shall not be less than £3,500 unless the written consent of the said Company has been obtained for the erection of such house and outbuildings at a lesser cost.
3. No night-soil, refuse, slopwater or other waste or offensive matter shall be allowed to accumulate on any portion of this erf. If the Purchaser fails to comply with this condition, the Company shall be entitled to remove such night-soil, refuse, slopwater or other waste or offensive matter as it may deem desirable and to recover the cost for the removal thereof from the Purchaser.
4. No sand, soil, gravel or other similar material shall be removed from this erf without the written consent of the Company.
5. No electric generating plant, windmill, or windoperated machinery shall be established on this erf without the written consent of the Company.

6. No galvanized iron or corrugated asbestos shall be used to enclose or fence the said erf, nor shall it be used for the construction of the roof or any portion of the building erected on the said erf. In the event of any fence or wall being erected on this erf, plans for such fence shall be submitted to the Company and the erection of the fence or wall shall be subject to the Company's approval of such plans, always provided that the Company makes no charge for scrutinising the aforesaid plans. The owner shall furthermore have the right to appeal to the Local Authority whose decision shall be final. If the Purchaser fails to comply with this condition, the Company shall be entitled to remove any fence which it may deem undesirable and not in keeping with the general standard of the Township and erect such fence as it deems desirable and recover the costs of such removal and the provision of the new fence from the owner.
7. The Transferee and his successors in title shall not be permitted to keep or maintain any fowls, ducks, or other animal which by reason of their smell or noise are liable to create a nuisance to the neighbourhood. Domestic pets of an inoffensive nature may be kept on the land.
8. The Transferee and his successors in title undertake to assist the Company in its efforts to maintain the high standard of the Township and, in particular, to assist in keeping the grass verge along the pavement immediately adjoining this erf in a neat and tidy condition and to protect such trees as may be planted on the pavement immediately adjoining this erf.
9.
10. The said land or any buildings hereafter erected thereon shall not be used for the purpose of advertising or display nor shall the purchaser permit to be displayed thereon any advertisements without the written consent of the Company. Such consent, if given, may be withdrawn by the Company, in which event the Purchaser shall at once remove and discontinue the use of any advertisements to which the Company may object.
11. Washing mat not be hung on boundary fences, but shall at all times be reasonably concealed from public view and hung on neatly constructed washing lines.
12. The above conditions may be enforced against the owner by the Company as registered owner of the remainder of the Karindal Township or by the registered owner of any land forming part of the said Township whose transfer is subject to similar conditions.

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

Estate Late ANN ELIZABETH CLOETE

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

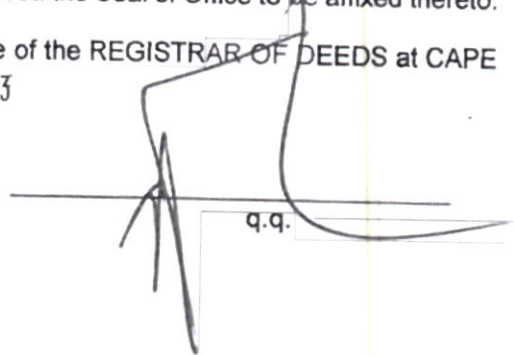
O KENNEDY INVESTMENTS (PTY) LTD
Registration Number 2018/429410/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R8 700 000,00 (EIGHT MILLION SEVEN HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

31 JAN 2023


q.q.

In my presence



REGISTRAR OF DEEDS



CONVEYANCER CERTIFICATE

I/We TANIA VOLSCHENK

(conveyancer's name and surname)

Practising at:

WERKSMANS ATTORNEYS

2nd Floor, Block B, De Wagenweg Office Park, Stellantia Street, Stellenbosch

(firm and place of practice)

In respect of:

ERF 3567 STELLENBOSCH

MUNICIPALITY AND DIVISION STELLENBOSCH

WESTERN CAPE PROVINCE

IN EXTENT 1139 (ONE THOUSAND ONE HUNDRED AND THIRTY NINE) M2

(full property description (erf / farm) as it appear in title deed of same)

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current ~~and earlier title deeds/pivot deeds/deeds of transfer~~):

1. Deed of Transfer Number T2816/2023

2.

3.

4.

5.

6.

7.

8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	☒ Y	N	E.2, E.5: Will however not prohibit or prevent the proposed development.
2.	Building lines	☒ Y	N	E.6(d)
3.	Height	Y	☒ N	
4.	Number of Dwellings	☒ Y	N	E.6(b)
5.	Bulk floor area	Y	☒ N	
6.	Coverage/built upon area	☒ Y	N	E.6(c)
7.	Subdivision	☒ Y	N	E.6(a): Application is not subdividing. Condition will thus not prohibit or prevent the proposed development.
8.	Servitudes that may be registered over or in favour of the property	☒ Y	N	B & C: Will however not prohibit or prevent the proposed development.
9.	Other Restrictive Conditions	☒ Y	N	F: General conditions pertaining to management of Karindal Estates. Will not prohibit or prevent the proposed development.



B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

In respect of which it was found that there "are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):

a.	Organ(s) of State that might have an interest in the restrictive condition	Stellenbosch Municipality
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	Karindal Township, in particular adjacent owners.
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	Karindal Estates Pty Ltd as owner of Remainder of Karindal Township: note that there is no remainder, all erven transferred, thus not applicable.

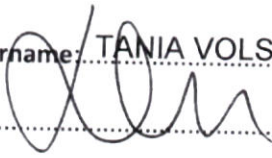
C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
☒	☐	☐	☐

Signed at STELLENBOSCH (Place) on this 12th (Day) JULY (Month) of 2023.....

Full names and Surname: TANIA VOLSCHENK

Signature: 

Firm Postal Address:

PO Box 1008
Stellenbosch
7599

Kindly endorse certificate by affixing official stamp here and initial here

TANIA VOLSCHENK
LPCM 93559



Tel: 021 809 6000

Email: tvolschenk@werksmans.com

Cell: 084 424 0925

PO Box 371
STELLENBOSCH 7599

Tel: +27(0)21-887 0124

Cell: 082 821 6365

Email: Jacques.volschenk10@gmail.com

11 July 2023

The Director: Department of Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH 7599

Dear Sir,

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND TECHNICAL APPROVAL: ERF 3567, STELLENBOSCH

The pre-application scrutiny process, as it relates to the land use planning application on the above-mentioned property, refer.

1 INTRODUCTION AND APPLICATION DETAILS

The undersigned has been appointed by the owner of erf 3567, Stellenbosch (hereinafter referred to as the property) to prepare and submit, on its behalf, an application which would enable the establishment of a new residential dwelling on the property.

In particular, application is made for the following:

- a) In terms of Section 15(2)(f) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 (hereinafter referred to as the By-Law) to remove the following restrictive conditions in respect of the land unit:
- | | |
|-------------------|---|
| Condition E.6(b): | <i>It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith;</i> |
| Condition E.6(c): | <i>No more than one-third of the area thereof shall be built upon;</i> |
| Condition E.6(d): | <i>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 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9.45 metres reckoned from the rear boundary.</i> |
- b) In terms of Section 15(2)(g) of the By-Law for a technical approval to permit a second dwelling as an additional use.

The application described in this report is illustrated by the drawings included under Annexure 1.

2 LOCATION AND CONTEXT

The property is situated at No. 8 Bosch-En-Dal Road in Karindal, Stellenbosch which neighbourhood forms part of the eastern-most residential expansion of Stellenbosch town. The neighbourhood was laid out in the 1960s along the Eerste River and once formed part of the farm Lanzerac – the white-washed entrance to which can still be seen in the neighbourhood park off Jonkershoek Road.

The row of dwellings in which the property is located shares a common boundary with the historic Lanzerac Estate.

The property falls outside the historical core of Stellenbosch town and the Stellenbosch Urban Conservation Area as identified in the Stellenbosch Zoning Scheme By-Law, 2019. Whilst bordering on the farms that form the Jonkershoek Valley, the property also falls outside the Jonkershoek Valley Rural Conservation Area.



Figure 1: Context of the subject property.

The property is relatively flat but slopes from the rear boundary (east) to the street (west).

Many trees and plants are present throughout the property, but none is of any cultural or environmental significance.

Owing to the residential nature of the area and the property in particular, there is a conventional single residential dwelling on site. The dwelling was developed in 1966 and bears resemblance to a typical unassuming 1960s domestic structure with little ornamentation and no special, unique or rare architectural features.

There have been several structural alterations to the property over the years. In 1968, two additional bedrooms were added, and an existing bedroom changed into a study and hallway. In 1975, the living room

were expanded, and a pool added, while the kitchen and dining room were altered in 1979. A second garage was also added in 1995.



Figure 1: Street and rear elevation of the dwelling on erf 3567, Stellenbosch.

3 SITE DESCRIPTION

The property is referred to in the title deed as Erf 3567, Stellenbosch, situated in the Municipality and Division Stellenbosch, Western Cape Province.

The property details, as per the title deed and municipal records, are summarised in the table below:

Table 1: Property Details.

PROPERTY DESCRIPTION	SIZE	TITLE DEED	ZONING	OWNER
Erf 3567, Stellenbosch	1139m ²	T2816/2023	Conventional Residential Zone	O Kennedy Investments (Pty) Ltd.

The property is held under Title Deed No. T2816/2023. In terms of the same there are a number of restrictive title conditions applicable to the property. These are as follows:

Condition E.6(a):	It shall not be subdivided;
Condition E.6(b):	It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith;
Condition E.6(c):	No more than one-third of the area thereof shall be built upon;
Condition E.6(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 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9.45 metres reckoned from the rear boundary.

Having regard for the project proposal, only conditions E.6(b), E.6(c) and E.6(d) are applicable and need to be removed as it might prevent the new dwelling as proposed. This is also verified by the conveyancer certificate attached herewith under Annexure 3.

The title deed is included under Annexure 3.

The Surveyor-General diagram is included under Annexure 4.

3.1 DEVELOPMENT PARAMETERS

The property is zoned Conventional Residential Zone as per the Stellenbosch Municipality Zoning Scheme By-Law, 2019. This zoning provides for the intended use of the property as a dwelling house and impose certain building development parameters to adhere to.

The development parameters, which apply to Conventional Residential Zone, are described in the table below. Also indicated are the development parameters as per the applicable title deed.

Table 2: Development parameters for Conventional Residential Zone.

PARAMETER	DEVELOPMENT PARAMETER	TITLE RESTRICTION
Zoning	Conventional Residential Zone	
Primary Use	Dwelling house	One dwelling
Additional Use	Second dwelling	
Street Building Line	4.0m	6.3m
Common Boundary Building Line	2.5m	3.15m
Rear Building Line	2.5m	4.72m
Height	2 storeys	
Coverage	The greater of 300m ² or 50%	33%

Parking	2 bays / dwelling house 1 bay / second dwelling	
----------------	--	--

From the above it is clear that the title deed imposes more restrictive street, common and rear building lines than the applicable zoning scheme. The use of the property and the coverage as per the title deed is also more restrictive. It is therefore the purpose of this application to remove these restrictions and to generally apply the parameters of the zoning scheme to the property.

4 APPLICABILITY OF OTHER LEGISLATION

4.1 NATIONAL ENVIRONMENTAL MANAGEMENT ACT

The Minister of Environmental Affairs and Tourism has in terms of Section 24(5) read with Section 44 of the National Environmental Management Act (NEMA) 107 of 1998, listed activities in terms of Section 24 and 24D of NEMA in a schedule, which may not commence without environmental authorization.

The EIA Regulations, 2014, which govern the implementation of the above sections of NEMA, outline the activities for which EIAs should apply.

The project proposal has been assessed in terms of the three listing notices (Regulations 324, 325 and 327) as issued in terms of NEMA. None of the activities included in the listing notices would be 'triggered' by the project proposal, hence, NEMA is not applicable.

4.2 NATIONAL HERITAGE RESOURCES ACT

Section 38(1) of the National Heritage Resources Act 25 of 1999 lists several activities which require approval from the responsible heritage resources authority (i.e. Heritage Western Cape) before construction may commence.

Section 34(1) of the National Heritage Resources Act 25 of 1999, also, states that '*no person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority*'.

The project proposals were measured against the activities listed in section 38 of the Act. The building plans were also inspected to determine the age of the building. It was found that none of the listed activities would be 'triggered' or would result in the approval of Heritage Western Cape being sought. Nor is the building of an age that would require a permit from Heritage Western Cape. The National Heritage Resources Act 25 of 1999 is therefore not applicable.

5 DEVELOPMENT PROPOSAL

The proposed new residential dwelling will be developed over three levels. At no time will the new building comprise more than two storeys, as required in the zoning scheme.

The lower level will consist of two double garages, a general store room, battery store, laundry room and staff quarters. The lower level will lead to the ground floor via a set of stairs from the laundry.

At ground level, the main entrance will lead into a courtyard from where various rooms could be accessed. The ground floor will accommodate a guest bedroom and en suite bathroom, a spacious living, dining and covered stoep in close proximity to the kitchen. A home office and studio apartment, respectively, will be developed above the two double garages. The studio is to be used by the owners' parents whenever they come to visit.

The first floor is to be developed along the eastern boundary (rear) of the property. This level will exclusively comprise of three bedrooms and en suite bathrooms.

In total, the new dwelling will comprise approximately 529m² which is a coverage factor of 46.5%.

The draft plans and perspective drawings is included under Annexure 1.

6 APPLICATION ITEMS

6.1 REMOVAL OF RESTRICTIVE TITLE CONDITIONS

Application is herewith made, in terms of Section 15(2)(f) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for the complete removal of the following restrictive conditions in respect of the land unit:

- | | |
|-------------------|---|
| Condition E.6(b): | <i>It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as ordinarily required to be used therewith;</i> |
| Condition E.6(c): | <i>No more than one-third of the area thereof shall be built upon;</i> |
| Condition E.6(d): | <i>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 4.72 metres of the rear or 3.15 metres of the lateral boundary common to any adjoining erf provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9.45 metres reckoned from the rear boundary.</i> |

Having regard for the above-mentioned title deed conditions, it is to be noted that it stands in direct opposition to the applicable zoning scheme. The Stellenbosch Zoning Scheme By-Law was adopted in 2019 as the new Scheme applicable to all land in the Stellenbosch Municipal area. The new zoning scheme By-Law binds every landowner and every land user, including the State.

The purpose of the zoning scheme is to allocate rights to a property with respect to:

- a) the use which may be conducted from the property;
- b) the extent to which buildings may be developed on the property; and
- c) any other related matters, for example heritage, parking etc.

The Stellenbosch Municipality Zoning Scheme By-Law, 2019 was prepared over a couple of years to be in line with the Stellenbosch Municipality: Land Use Planning By-Law, 2015 and the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA). The zoning scheme gives effect to the many new planning policies and recently-adopted planning legislation – all of which have been subject to comprehensive public participation.

The title deed restrictions, in turn, dates back to 1965 when the first property was transferred in the Karindal township. These conditions were not only imposed on the subject property but also on the other properties in the township to achieve a specific development pattern in the township (the Karindal township is illustrated by the diagram included under Annexure 4). Since the introduction, some 58 years ago, the municipal planning tools and the township itself has changed dramatically. It is therefore fair to say that the conditions are not relevant anymore as more recent tools have been developed to steer the orderly development of the municipal area.

The intention of this application is not to remove development parameters altogether but rather only those of the title deed that stand in conflict with the zoning scheme. As such, it is submitted that the zoning scheme development parameters relating to building lines and coverage should, specifically remain in place to guide the orderly development of the property.

6.1.2 TECHNICAL APPROVAL FOR SECOND DWELLING

Application is also made in terms of Section 15(2)(g) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 for a technical approval to permit a second dwelling as an additional use.

As mentioned above and as confirmed by the owner in Annexure 5, the studio is to be used by the owners' parents when visiting. To this end, it is proposed that application be made for the self-sustaining studio to be located on top of one of the double garages. The studio will have direct access to the garage which will stow visitors' vehicles.

In terms of the definition for a second dwelling, as per the zoning scheme, it is to be noted that:

- the studio will be erected on the same land unit as the dwelling house;
- it will be attached to the main dwelling; and
- will be built of similar material and architectural style as the dwelling house.

The planned studio will furthermore comply with the parameters listed in Section 50 of the Zoning Scheme By-Law, 2019 as:

- (1) No more than two dwelling units (one dwelling house which may also include one domestic accommodation unit, and one second dwelling) shall be permitted on the land unit.
- (2) Each dwelling unit in this zone shall only be occupied by a family.
- (3) The second dwelling unit shall not contain a domestic accommodation unit.
- (4) The second dwelling shall have its own dedicated parking which is accessible from Bosch-en-Dal Road.

7 ENGINEERING SERVICES

The property receives infrastructural services directly from the municipal network. No additional load or capacity is required, and the proposal will therefore place no undue pressure on any municipal service.

8 COMPLIANCE WITH RELEVANT POLICIES AND LEGISLATION

8.1 NATIONAL DEVELOPMENT PLAN

During November 2011, the National Planning Commission published a document titled; The National Development Plan 2030: Our Future – Make it Work, as a broad strategic framework which sets out a coherent and holistic approach to confronting poverty and inequality.

As its main goals, the National Development Plan (NDP) focuses on the following:

- Eliminate income poverty – Reduce the proportion of households with a monthly income below R419 per person (in 2009 prices) from 39% to zero.
- Reduce inequality – The Gini coefficient should fall from 0.69 to 0.6.

The NDP identifies 15 themes that as objectives and actions that will give effect to the overarching goal. These themes include the following:

- a) Economy and Employment
- b) Economic infrastructure
- c) Environmental sustainability and resilience
- d) Inclusive rural economy
- e) South Africa in the region and the world
- f) Transforming Human Settlements
- g) Improving education, training and innovation
- h) Health care for all
- i) Social protection
- j) Building Safer Communities

- k) Building a capable and developmental state
- l) Fighting corruption
- m) National building and social cohesion

In as far as the proposed development is concerned, the themes concerning *Economy and Employment*, *Environmental Sustainability and Resilience*, and *Inclusive Rural Economy* will be given effect to in the following manner.

(i) Economy and Employment

The proposed development on the property will make a contribution to the local economy both during the construction and operational phases.

The construction phase might lead to the expansion of business sales for existing businesses located in the area. These changes are measured in terms of new business sales, i.e. new sales that will be generated in the economy as a direct result of the capital investment in the development.

The development will furthermore contribute to the GGP. The GGP measures the value of all final goods and services produced/provided within one year of the area's economy. The generation of additional business sales and employment opportunities will initiate an on-going ripple effect through the local area, resulting in an increase in product and service value (measured in GGP).

Finally, the completed dwelling might result in direct jobs being created on site such as gardeners, domestic workers, etc. Indirect jobs might also be created due to the multiplier effect in the economy in industries that provide goods, materials and services.

8.2 WESTERN CAPE SPATIAL DEVELOPMENT FRAMEWORK

The Western Cape Provincial Spatial Development Framework (hereinafter referred to as the PSDF) was approved by the Minister of Local Government, Environmental Affairs and Development Planning and submitted to the Provincial Cabinet for endorsement in April 2014.

The PSDF sets out to put in place a coherent framework for the Province's urban and rural areas that: gives spatial expression to the National and Provincial development agendas;

- a) serves as basis for coordinating, integrating and aligning 'on the ground' delivery of national and Provincial departmental programmes;
- b) supports municipalities fulfil their municipal planning mandate in line with the national and Provincial agendas; and
- c) communicates government's spatial development intentions to the private sector and civil society.

The PSDF seeks to improve the effectiveness of public investment in the Western Cape's built and natural environments by:

- adopting credible spatial planning principles to underpin all capital investment programmes,
- spatially targeting and aligning the various investment programmes, and
- opening-up opportunities for community and business development in targeted areas.

In fulfilment of the mandate ascribed to it in SPLUMA and to take forward the Province's spatial development agenda, the PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. The policy framework covers Provincial spatial planning's three interrelated themes, namely:

- a) Sustainable use of the Western Cape's spatial assets,
- b) Opening-up opportunities in the Provincial space-economy, and
- c) Developing integrated and sustainable settlements.

For each theme key challenges as distilled from the Provincial spatial profile and their spatial implications are noted and Provincial policies for dealing with them are presented. The table below put forward the respective themes, PSDF policies applicable to the development proposal and the manner in which the project will comply with the same.

Table 3: The three interrelated themes and applicable policies.

THEME AND POLICY		RESPONSE
a)	SUSTAINABLE USE OF PROVINCIAL ASSETS	
	<i>Policy R4: Recycle and recover waste, deliver clean sources of energy to urban consumers, shift from private to public transport, and adapt to and mitigate against climate change</i>	The new dwelling will be self-sufficient with regards to electricity provision. Solar panels will be erected on the roofs while a battery bank will be provided in the basement.
	<i>Policy R5: Safeguard cultural and scenic assets</i>	Jonkershoek Valley Road is regarded as a scenic route in terms of the Municipal Spatial Development Framework. Whilst it is not regarded as a scenic route with associated overlay parameters in terms of the zoning scheme, it is also regarded as a Rural Conservation Area which is consistent with the Grade III Landscape classification of the SDF. As mentioned above, the property is situated inside the urban footprint of Stellenbosch town and the proposal will not present a foreign form to the landscape. The new dwelling will therefore be sensitive to the neighbouring area and will not present any negative impacts.
c)	DEVELOPING INTEGRATED AND SUSTAINABLE SETTLEMENTS	
	<i>Policy S1: Protect, manage and enhance sense of place, cultural and scenic landscapes</i>	Refer to Policy R5 above. Although the property does not form part of the Mostertsdraif Township, it is closely associated with it and the same development criteria for this townscape unit, as identified in the Stellenbosch Conservation Management Plan, will be adhered to. The new dwelling will enhance the character of the area by strengthening or reinforcing the characteristic elements and features of the area, most importantly the treelined avenues and garden interfaces between building and street edge.
	<i>Policy S3: Promote compact, mixed use and integrated settlements</i>	The proposal presents a redevelopment of an existing property within an existing township. It is not a greenfield development or development on valuable agricultural land.

8.3 STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The Stellenbosch Municipal Spatial Development Framework (MSDF) was approved by the Council of the Stellenbosch Municipality on 2 August 2019. The MSDF aims to:

- Enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives.
- Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them.
- Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being.
- Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The MSDF outlines plans and written proposals for the municipality as a whole, but also for the major towns and smaller settlements. Broadly – and aligned to the SPLUMA MSDF guidelines – the settlement plans entail three types of actions or initiatives:

- *Protective actions* – things to be protected and maintained to achieve the vision and spatial concept.
- *Change actions* – things that need to be changed, transformed, or enhanced to achieve the vision and spatial concept.
- *New development actions* – new development or initiatives to be undertaken to achieve the vision and spatial concept.

Under these broad types of actions, strategic focus areas and settlement elements are dealt with. The SDF elements and associated spatial proposals as it relates to the new dwelling are as follows:

Table 4: Plan elements and proposals for Stellenbosch town.

TYPE OF ACTION	SDF ELEMENT	SPATIAL PROPOSAL
Protective actions	<i>Urban edge</i>	The property is inside the Stellenbosch urban edge and forms part of the Karindal township.
	<i>Scenic landscapes, scenic routes, special places</i>	The scenic quality of the area will not be negatively impacted as the proposed new dwelling will be set back from the scenic route and Rural Conservation Area. It will also not present a foreign form or intrusive structure in the landscape.
	<i>Historically and culturally significant precincts and places</i>	The property is not historically or culturally significant and the proposal does not trigger any activities in terms of the National Heritage Resources Act, No. 25 of 1999.
Change actions	<i>Areas for residential densification and infill</i>	The proposal presents a redevelopment of an existing property. The property is not located in the town centre where higher density infill development should be encouraged.
New development actions	<i>Significant new residential development</i>	The property is not located in an area where significant residential densification could/should be supported. It is submitted that the property already forms part of an existing township of which the edge between built and unbuilt areas are already clearly defined and does not require any rationalization.

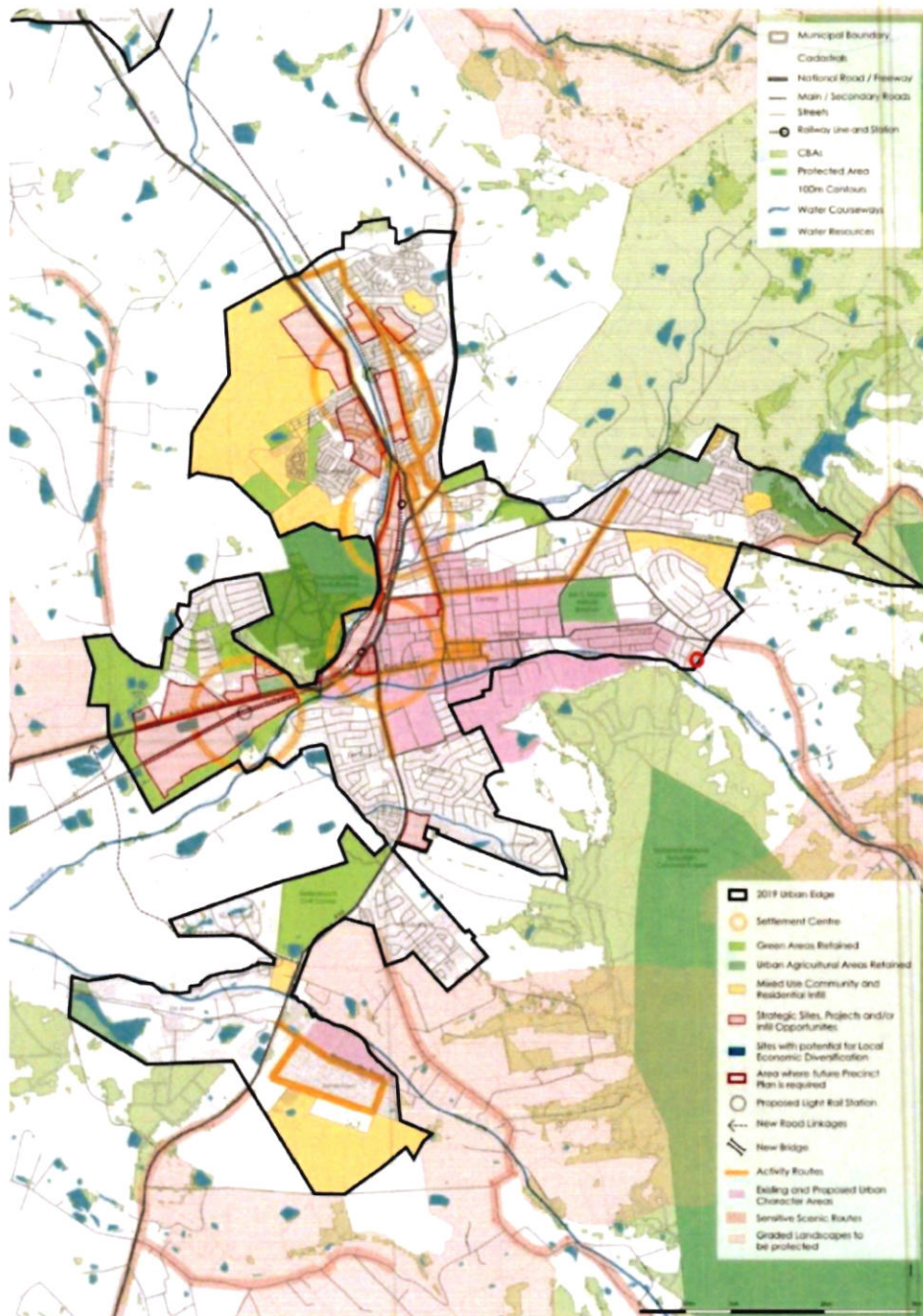


Figure 7: Stellenbosch town spatial plan. Subject property circled in red.

From the above, it is contended that the proposed land use activities are consistent with the provisions of the Stellenbosch Municipality SDF.

8.3.1 POLICIES THAT GUIDE DECISION-MAKING

Stellenbosch Municipality, in partnership with other organisations, has completed a number of investigations and surveys to gather information in support of decision-making. One such example is the work undertaken with regards to historically and culturally significant precincts and places, scenic landscapes and routes.

Heritage resources in Stellenbosch Municipality are outlined in a series of reports under the title Heritage Inventory of the Tangible Heritage Resources in the Stellenbosch Municipality (2018).

In terms of the latter, townscape character units are identified for the major towns in the municipality as well as key urban elements and primary townscape character units.

As far as Stellenbosch town is concerned, the study states that the understanding of the structure of the town, in combination with the assessment of historic maps and aerial photography allowed for the edges of the core of the town to be identified. This boundary incorporates the urban fabric that most clearly adheres to the underpinning and structuring patterns of the place.

However, it is also clear that this 'historic core' is made up of areas of differing character, and that these 'townscape character sub-units' require further identification.

The unique townscape character units in the historic core include the University Core Campus, Mostersdrift and 'Die Vlakte'. The subject property is not included in one of these townscape character units but, due to its location, resonates with Mostersdrift to a large degree. The development criteria of Mostersdrift which is also applicable to the subject property is listed below.

Table 5: Development criteria for Mostersdrift applicable to subject property.

MOSTERTSDRIFT TOWNSCAPE UNIT	
<p><i>The main aim of the Area is not to protect each and every structure but rather to preserve those character-giving elements that extend beyond each individual property, and are largely common to the neighbourhood as a whole, or to specific parts of it. The intention is to improve land parcels in the area by strengthening or reinforcing these characteristic elements and features, most importantly the treelined avenues and positive, garden interfaces between building and street edge.</i></p>	
	DEVELOPMENT CRITERIA
Aesthetic	<p><u>Tree-lined Avenues</u></p> <ul style="list-style-type: none"> Traditional planting patterns should be protected by ensuring that existing tree alignments are not needlessly destroyed, but reinforced or replaced, thereby enhancing traditional patterns with appropriate species. The felling of mature exotic or indigenous trees within residential areas should be avoided. Instead, continuous tree canopies should be encouraged. <p><u>Interface between streets and buildings</u></p> <ul style="list-style-type: none"> Ensure that new buildings within the Special Area are generally in sympathy with the scale, massing, layout and idiom of the surrounding buildings. At least 70% of the verge of each property should comprise soft landscaping. High and solid walls that obscure views to the building should not be permitted, as well as precast concrete fencing, exposed blockwork, and facebrick walling. New development should reinforce the pattern of front gardens. New buildings should be set back the same distance as the existing historical buildings to either side (and within the streetscape as a whole), and the Municipality should not unreasonably withhold relief for setback departures. New buildings should look to adhere to the same heights as the existing historical buildings to either side (and within the streetscape as a whole). Greater height may be acceptable towards the rear of the site, when not visible from the street edge. Building materials should be compatible with traditional materials in terms of scale, colour and texture.

Historic/Architectural	<p><u>Opportunities for new structures within environments of historical significance</u></p> <ul style="list-style-type: none"> • New structures should respect and respond to traditional settlement patterns and siting by considering the entire Special Area as the component of significance. This includes its spatial structure, layout, scale, massing, hierarchy, alignments, access, and landscaping setting. • Contemporary designs for infill buildings should not be discouraged, provided they do not destroy significant fabric and are compatible with the size, scale, material and architectural character of the property and Special Area.
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It is submitted that the proposed residential dwelling will adhere to the above development criteria for the area.

9 LEGISLATIVE CONTEXT

This application is submitted and will be considered in terms of the Stellenbosch Municipality: Land Use Planning By-Law, 2023. As such, the planning principles as advocated in the Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act, No. 3 of 2014 (LUPA) is also applicable.

Chapter 2 of SPLUMA, and Section 59 of LUPA, lists development principles and norms and standards that shall apply to spatial planning, land development and land use management. These principles are as follows:

9.1 SPATIAL JUSTICE

Spatial justice is primarily concerned with the commitment to redress past spatial and other development imbalances. This is to be achieved by the incorporation of provisions that enable redress in Land Use Management Schemes, by Spatial Development Frameworks that allow for inclusion and integration of disadvantaged communities and general land development procedures that aim to improve the access to and use of land.

Whilst the proposed new dwelling does not aim to directly redress spatial justice, the proposal might result in economic growth and job creation at a local scale.

9.2 SPATIAL SUSTAINABILITY

Spatial sustainability requires land development to be aligned with fiscal and institutional means. The aim is further to promote land development that is spatially compact, resource frugal and within fiscal, institutional and administrative means of the competent authority.

This translates on the ground to development in locations that are sustainable and that limit urban sprawl, that uphold environmental considerations such as the protection of natural vegetation on site, and that ensures that development is feasible and financially viable. The proposal calls for the redevelopment of the property thereby eliminating the need for new greenfield developments.

9.3 EFFICIENCY

Efficiency requires land development to optimally use existing resources and infrastructure.

As mentioned above, the new dwelling will connect to the existing municipal services on site and will thereby not put additional unwanted pressure on any municipal services network.

9.4 SPATIAL RESILIENCE

Spatial resilience provides for flexibility in spatial plans, policies and land use management systems to be accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

The subject property has proven to be resilient in terms of its former and current land use. The proposed redevelopment of the property as described above could easily be accommodated without negatively impacting any existing rights of neighbouring properties.

9.5 GOOD ADMINISTRATION

This principle primarily places an onus on decision-making authorities to ensure that due process is followed. It also requires that legislative and development requirements be met timeously by both applicants and authorities and that public consultation is undertaken, as required.

The principle also refers to application documents and requires of applicants to comply with all the necessary application procedures and requirements to ensure the speedy processing of applications. It is contended that this application complies with all the stated requirements.

10 KEY QUESTIONS TO BE CONSIDERED DURING REMOVAL OF RESTRICTIVE TITLE CONDITIONS

Both SPLUMA and LUPA state that it is the municipality's responsibility to decide on applications for removal, suspension or amendment of restrictive title deed conditions. Section 33(4) of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 and Section 39(5) of the Western Cape Land Use Planning Act, No. 3 of 2014, require that a municipality must have regard for, amongst other, the financial and personal benefits to holder and neighbour of the rights when considering the removal, suspension or amendment of a restrictive title condition.

In an effort to aid decision-making in this regard, a set of key questions has been developed by the authorities. Although it only represents some of the questions that should be asked (as these will vary according to the type of application), these key questions should be taken into consideration with the removal/amendment of each and every restrictive condition.

The questions and manner in which the proposal aims to address the same is as follows:

10.1.1 *Why was the restrictive condition imposed and how is it beneficial?*

The conditions imposed aim to protect the character of the area. It is, however, contended that the orderly development of the area has already been attended to by the Stellenbosch Municipality through the preparation and adoption of the Stellenbosch Spatial Development Framework, the Zoning Scheme By-Law and the various policies and guidelines applicable to the area. Areas where the special historic character of Stellenbosch should be enhanced and supported is also governed by these documents. This property does not fall within any of these areas.

10.1.2 *Do the rights have any financial or other value for the holder of those rights (i.e. including any other property owner) and is this value measurable?*

The current rights on the property restrict the owners to fully enjoy their property in line with adopted municipal policy. Should the restrictions be removed, it will allow them to maximise the use of the property in terms of the municipal vision for the area whilst enhancing the otherwise stale status of the site.

10.1.3 *Why will the restriction remaining in place be in the public interest or benefit?*

The restrictive condition is not in the interest of the general public. The restrictions do not refer to public access to or use of any part of the property.

10.1.4 How will the removal, amendment or suspension of the restrictive condition be in the public interest or benefit?

The removal of the restrictive condition will remove any doubt as to the applicable development parameters on the property and in the area at large. The removal will ensure a singular uniform set of parameters to be enforced by the municipality through the zoning scheme By-Law. By removing the applicable conditions, the new dwelling will be able to adhere to the positive place-making principles as intended by the By-Law.

10.1.5 How will the personal benefit to the applicant in the removal or amendment of the restrictive condition impact on the personal benefits currently enjoyed by any other holders of those rights?

As mentioned above, the removal of the restrictive condition will allow the owners to maximise the use of their property. The current restrictions leave little room to enhance the property in accordance with adopted municipal policy.

Furthermore, the neighbouring properties will not suffer a financial or other value loss whilst the amendment of the building lines will not result in a loss of privacy or sunlight or reduced property values. In fact, it is believed that the proposed development will only be beneficial to neighbouring properties in terms of their overall value.

11 CONCLUSION

Section 65 of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 lists the criteria to be taken into consideration on land use applications. The criteria and the section of this report in which those criteria are addressed, is provided in the table below.

Table 5: Criteria taken into consideration.

CRITERIA (65)		SECTION ADDRESSED
a)	the application submitted in terms of this By-law	6
b)	the procedure followed in processing the application	Municipality
c)	the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses	2 & 3
d)	the comments received	N/A
e)	the response by the applicant, if any, to the comments referred to in paragraph (d)	N/A
f)	investigations carried out in terms of other laws that are relevant to the consideration of the application	4
g)	a registered planner's written assessment	Municipality
h)	the impact of the proposed land development on municipal engineering services	7
i)	the integrated development plan, including the municipal spatial development framework	8.3
j)	the integrated development plan and spatial development framework of the district municipality, where applicable	N/A
k)	the applicable local spatial development frameworks adopted by the Municipality	8.3
l)	the applicable structure plans	N/A
m)	the applicable policies of the Municipality that guide decision-making	8.3.1

n)	the provincial spatial development framework	8.2
o)	where applicable, a regional spatial development framework	N/A
p)	the policies, principles and the planning and development norms and criteria set by the national and provincial government	9
q)	the matters referred to in section 42 of the Spatial Planning and Land Use Management Act	Municipality
r)	the principles referred to in Chapter VI of the Land Use Planning Act	9
s)	the applicable provisions of the zoning scheme	3.1
t)	any restrictive condition applicable to the land concerned	3
u)	the impact on heritage resources.	2 & 4.2

In conclusion, the following motivating factors should be considered during the adjudication of the application:

- a) The proposals will contribute to the creation of employment opportunities and to minimise the poverty gap. In addition, the proposal will contribute to the creation of additional business sales and an increased GGP.
- b) The proposal is consistent with municipal policy and the Spatial Development Framework.
- c) The removal of the restrictive title conditions will facilitate the development of the subject property without having a negative impact on its surroundings.
- d) The restrictive title conditions were not imposed in favour of a third party or other erven. The conditions are intended to protect the character of the area, which is already changing in accordance with adopted municipal policy.
- e) The approval of the application will also not set a negative precedent as several examples of reduced building lines are evident in the area, yet the area remains sought after.
- f) The redevelopment of the property will be of a high architectural standard and will bring back qualitative elements which was lacking in the design of the original dwelling.

It is therefore herewith requested the Council will recognize the importance of the proposals and that it will find in favour of the application.

Yours sincerely



JL VOLSCHENK
Pr Pln A/208/2010

**CERTIFIED EXTRACT OF MINUTES/RESOLUTION OF A MEETING OF THE COMPANY
O'KENNEDY INVESTMENTS (PTY) LTD (NO. 2018/429410/07)**

The meeting having been duly convened it is hereby unanimously resolved that:

**JACQUES LOUIS VOLSCHENK
(Pr Pln A/208/2010)**

- a) be nominated, constituted and appointed with power of substitution to be my/our lawful agent and in my/our name, place and stead, to apply to the relevant authorities for the necessary land use planning approvals and associated building plan inspections as it relates to the application on the following property:

ERF 3567, STELLENBOSCH

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

It is resolved further that:

Caroli O'Kennedy (Full name)  (Signature)

In his/her capacity as owner

Is hereto authorized to sign all such documents in order to implement this resolution.

This done and signed at Bloubaerg stand on this 9th day of May



Compose

23 of 1,784

Inbox

3

Starred

Snoozed

Sent

Drafts

2

More

Labels

Use of rooms Inbox x



Caroli O'Kennedy

to me

Fri, 23 Jun, 12:07

Jacques

Thank you for the telephonic discussion. Just to confirm that the rooms above the garages will be used as a home office and a room for my mother to use when she comes to visit.

Kind regards

Caroli O'Kennedy
Director O'Kennedy Investments Pty



Jacques Volschenk <jacques.volschenk10@gmail.co... Fri, 23 Jun, 12:08
to Caroli

Dankie Caroli.

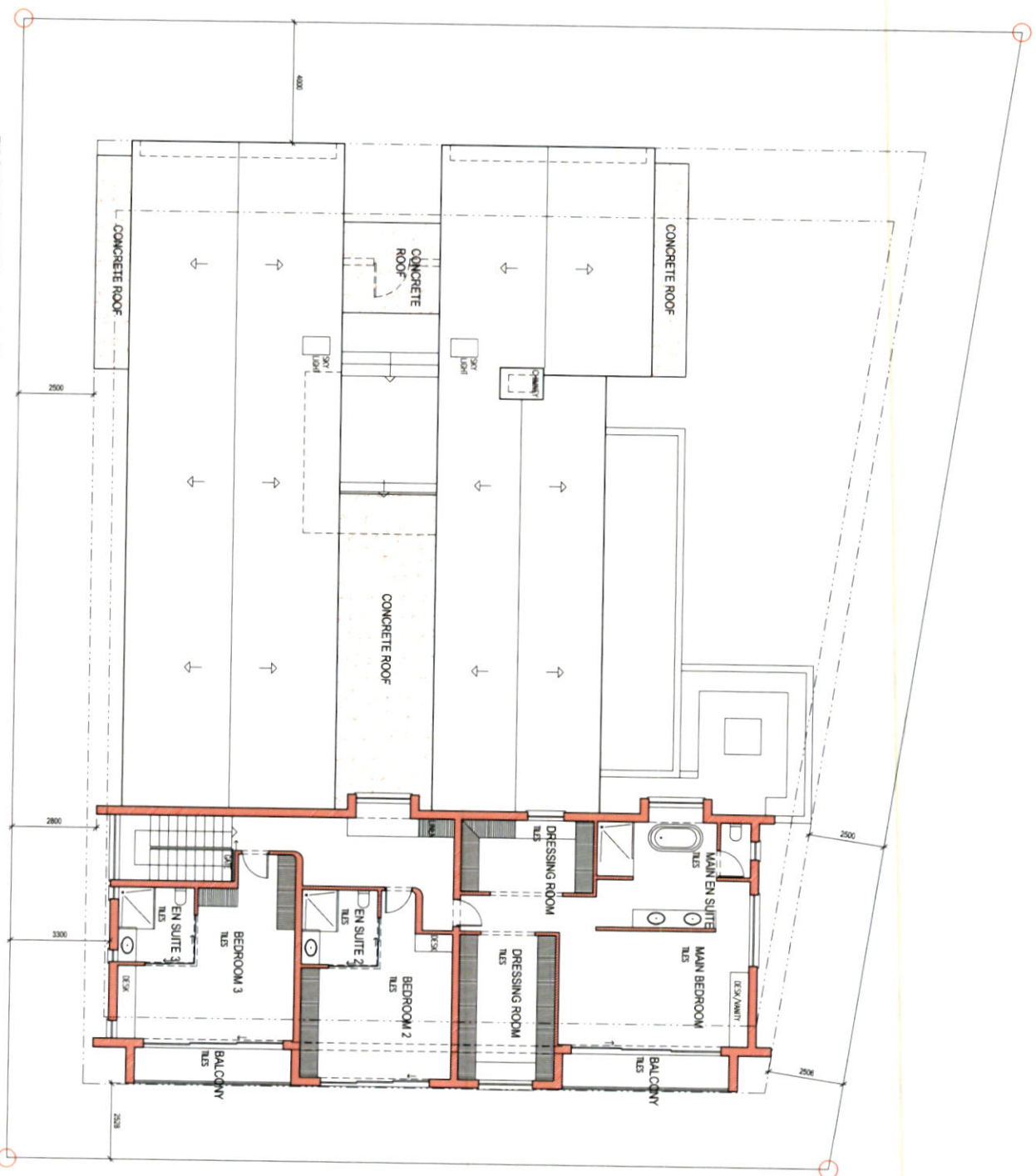
Groete
Jacques

Reply

Forward



SCHEDULE OF AREAS	
BASEMENT PLAN	259.17
GROUND FLOOR PLAN	447.37
FIRST FLOOR PLAN	198.47
TOTAL NEW INCL. COVERED STOPS & BALCONIES	905.01
SITE AREA	1138.25
TOTAL COVERED AREA	529.06
COVERAGE (%)	46.50



FIRST FLOOR PLAN scale 1:100



General notes

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.

2. ALL WORK IS TO BE IN ACCORDANCE WITH THE SOUTH AFRICAN NATIONAL BUILDING REGULATIONS (NBR) AND THE NATIONAL STANDARDS FOR BUILDING.

3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STRUCTURAL DESIGN OF THE BUILDING.

5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ELECTRICAL AND MECHANICAL DESIGN OF THE BUILDING.

6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE LANDSCAPE DESIGN OF THE BUILDING.

7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE INTERIOR FINISHES OF THE BUILDING.

8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE EXTERIOR FINISHES OF THE BUILDING.

9. THE ARCHITECT IS NOT RESPONSIBLE FOR THE FURNITURE AND FITTINGS OF THE BUILDING.

10. THE ARCHITECT IS NOT RESPONSIBLE FOR THE PLANT AND EQUIPMENT OF THE BUILDING.

11. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SERVICES OF THE BUILDING.

12. THE ARCHITECT IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE BUILDING.

13. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REPAIRS OF THE BUILDING.

14. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DEMOLITION OF THE BUILDING.

15. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DISPOSAL OF THE BUILDING.

16. THE ARCHITECT IS NOT RESPONSIBLE FOR THE RECYCLING OF THE BUILDING.

17. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ENERGY EFFICIENCY OF THE BUILDING.

18. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SUSTAINABILITY OF THE BUILDING.

19. THE ARCHITECT IS NOT RESPONSIBLE FOR THE WELLBEING OF THE BUILDING.

20. THE ARCHITECT IS NOT RESPONSIBLE FOR THE QUALITY OF THE BUILDING.

21. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SAFETY OF THE BUILDING.

22. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SECURITY OF THE BUILDING.

23. THE ARCHITECT IS NOT RESPONSIBLE FOR THE PRIVACY OF THE BUILDING.

24. THE ARCHITECT IS NOT RESPONSIBLE FOR THE COMFORT OF THE BUILDING.

25. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONVENIENCE OF THE BUILDING.

26. THE ARCHITECT IS NOT RESPONSIBLE FOR THE BEAUTY OF THE BUILDING.

27. THE ARCHITECT IS NOT RESPONSIBLE FOR THE HEALTH OF THE BUILDING.

28. THE ARCHITECT IS NOT RESPONSIBLE FOR THE WEALTH OF THE BUILDING.

29. THE ARCHITECT IS NOT RESPONSIBLE FOR THE POWER OF THE BUILDING.

30. THE ARCHITECT IS NOT RESPONSIBLE FOR THE FUTURE OF THE BUILDING.

31. THE ARCHITECT IS NOT RESPONSIBLE FOR THE LEGACY OF THE BUILDING.

32. THE ARCHITECT IS NOT RESPONSIBLE FOR THE IMPACT OF THE BUILDING.

33. THE ARCHITECT IS NOT RESPONSIBLE FOR THE INHERITANCE OF THE BUILDING.

34. THE ARCHITECT IS NOT RESPONSIBLE FOR THE TRADITION OF THE BUILDING.

35. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CULTURE OF THE BUILDING.

36. THE ARCHITECT IS NOT RESPONSIBLE FOR THE IDENTITY OF THE BUILDING.

37. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CHARACTER OF THE BUILDING.

38. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SPIRIT OF THE BUILDING.

39. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SOUL OF THE BUILDING.

40. THE ARCHITECT IS NOT RESPONSIBLE FOR THE HEART OF THE BUILDING.

41. THE ARCHITECT IS NOT RESPONSIBLE FOR THE MIND OF THE BUILDING.

42. THE ARCHITECT IS NOT RESPONSIBLE FOR THE BODY OF THE BUILDING.

43. THE ARCHITECT IS NOT RESPONSIBLE FOR THE BLOOD OF THE BUILDING.

44. THE ARCHITECT IS NOT RESPONSIBLE FOR THE BONES OF THE BUILDING.

45. THE ARCHITECT IS NOT RESPONSIBLE FOR THE BRAIN OF THE BUILDING.

46. THE ARCHITECT IS NOT RESPONSIBLE FOR THE NERVES OF THE BUILDING.

47. THE ARCHITECT IS NOT RESPONSIBLE FOR THE MUSCLES OF THE BUILDING.

48. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SKIN OF THE BUILDING.

49. THE ARCHITECT IS NOT RESPONSIBLE FOR THE HAIR OF THE BUILDING.

50. THE ARCHITECT IS NOT RESPONSIBLE FOR THE NAILS OF THE BUILDING.

51. THE ARCHITECT IS NOT RESPONSIBLE FOR THE TEETH OF THE BUILDING.

52. THE ARCHITECT IS NOT RESPONSIBLE FOR THE EYES OF THE BUILDING.

53. THE ARCHITECT IS NOT RESPONSIBLE FOR THE EARS OF THE BUILDING.

54. THE ARCHITECT IS NOT RESPONSIBLE FOR THE NOSE OF THE BUILDING.

55. THE ARCHITECT IS NOT RESPONSIBLE FOR THE MOUTH OF THE BUILDING.

56. THE ARCHITECT IS NOT RESPONSIBLE FOR THE THROAT OF THE BUILDING.

57. THE ARCHITECT IS NOT RESPONSIBLE FOR THE LUNGS OF THE BUILDING.

58. THE ARCHITECT IS NOT RESPONSIBLE FOR THE STOMACH OF THE BUILDING.

59. THE ARCHITECT IS NOT RESPONSIBLE FOR THE LIVER OF THE BUILDING.

60. THE ARCHITECT IS NOT RESPONSIBLE FOR THE PANCREAS OF THE BUILDING.

61. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SPLEEN OF THE BUILDING.

62. THE ARCHITECT IS NOT RESPONSIBLE FOR THE GALLBLADDER OF THE BUILDING.

63. THE ARCHITECT IS NOT RESPONSIBLE FOR THE BLADDER OF THE BUILDING.

64. THE ARCHITECT IS NOT RESPONSIBLE FOR THE UTERUS OF THE BUILDING.

65. THE ARCHITECT IS NOT RESPONSIBLE FOR THE VAGINA OF THE BUILDING.

66. THE ARCHITECT IS NOT RESPONSIBLE FOR THE PENIS OF THE BUILDING.

67. THE ARCHITECT IS NOT RESPONSIBLE FOR THE TESTES OF THE BUILDING.

68. THE ARCHITECT IS NOT RESPONSIBLE FOR THE PROSTATE OF THE BUILDING.

69. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SEMEN OF THE BUILDING.

70. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SPERM OF THE BUILDING.

71. THE ARCHITECT IS NOT RESPONSIBLE FOR THE EGG OF THE BUILDING.

72. THE ARCHITECT IS NOT RESPONSIBLE FOR THE OVUM OF THE BUILDING.

73. THE ARCHITECT IS NOT RESPONSIBLE FOR THE FETUS OF THE BUILDING.

74. THE ARCHITECT IS NOT RESPONSIBLE FOR THE INFANT OF THE BUILDING.

75. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CHILD OF THE BUILDING.

76. THE ARCHITECT IS NOT RESPONSIBLE FOR THE YOUTH OF THE BUILDING.

77. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ADULTHOOD OF THE BUILDING.

78. THE ARCHITECT IS NOT RESPONSIBLE FOR THE MIDDLE AGE OF THE BUILDING.

79. THE ARCHITECT IS NOT RESPONSIBLE FOR THE OLD AGE OF THE BUILDING.

80. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DEATH OF THE BUILDING.

81. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REBIRTH OF THE BUILDING.

82. THE ARCHITECT IS NOT RESPONSIBLE FOR THE RESURRECTION OF THE BUILDING.

83. THE ARCHITECT IS NOT RESPONSIBLE FOR THE RENEWAL OF THE BUILDING.

84. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REGENERATION OF THE BUILDING.

85. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REFORMATION OF THE BUILDING.

86. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REFORMATION OF THE BUILDING.

87. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REFORMATION OF THE BUILDING.

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99. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REFORMATION OF THE BUILDING.

100. THE ARCHITECT IS NOT RESPONSIBLE FOR THE REFORMATION OF THE BUILDING.

HOUSE OKKENEDY

LUKE

Architect

203 Agatha St.
Johannesburg
7700
SACAP 20067
Cell 082 464 2448
Email: luke@luke.co.za

Client: BOCHENKOW, PO
STELLENBOSCH

Project: NEW RESIDENCE
REF: 3067

Drawing: FIRST FLOOR PLAN

Scale: 1:100

Project No: 220

Drawing No: 00

Revision No:

Drawn by:

Checked by:

Approved by:

Date: 2020.06.19

Project No: 220

Drawing No: 00

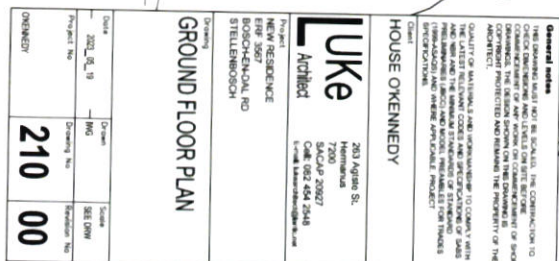
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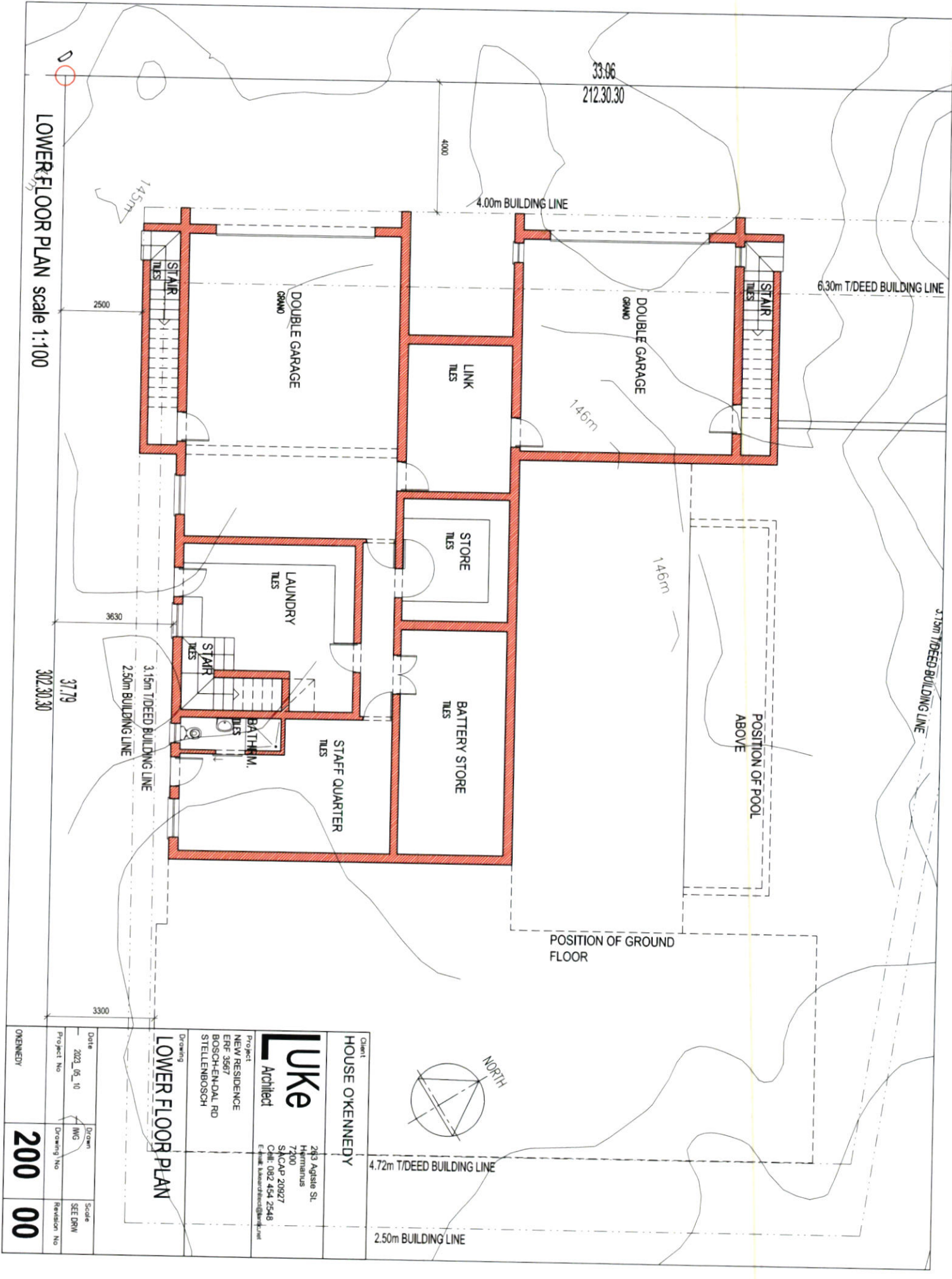
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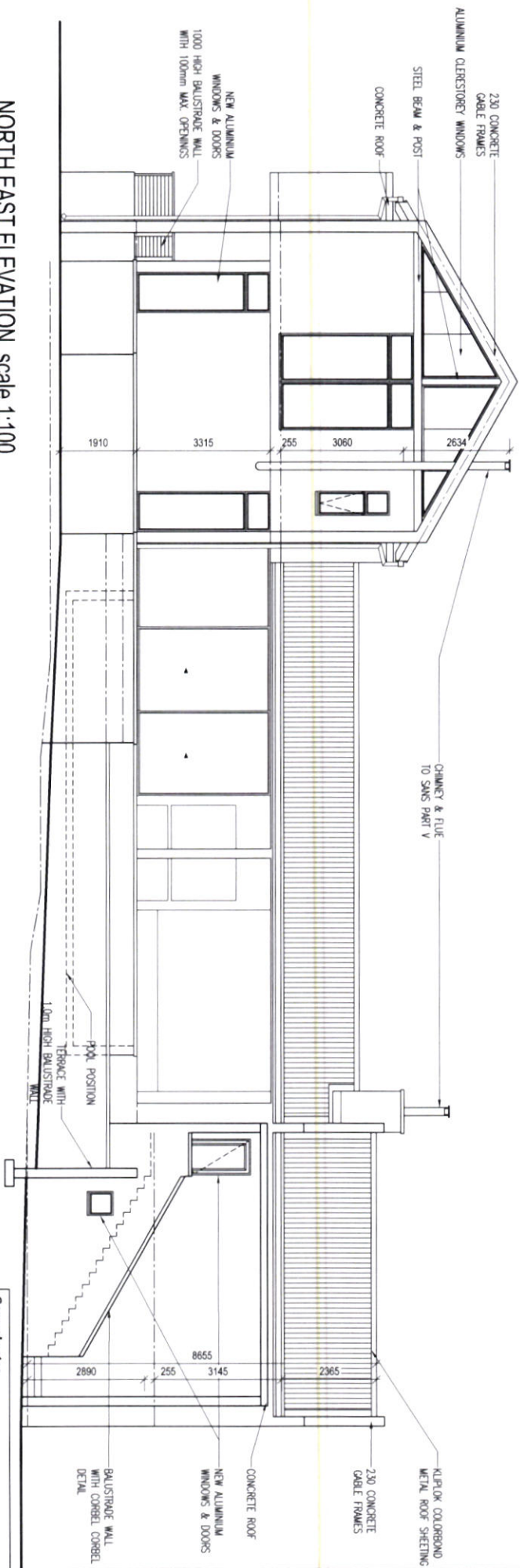
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Date: 2020.06.19

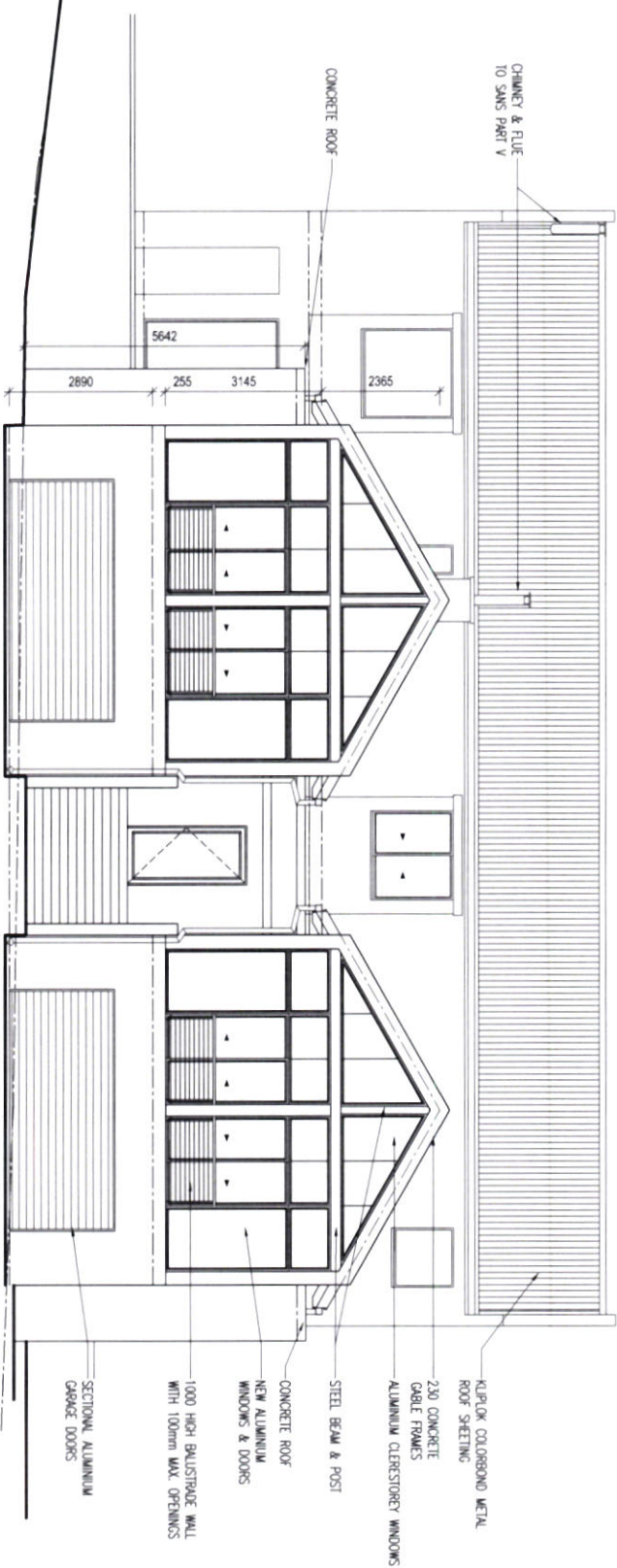




Client			
HOUSE O'KENNEDY			
Client			
249 Agste Sl.			
Herminius			
7200			
SACAP 20927			
Cell: 082 454 2548			
E: luke.lukearchitect@gmail.com			
Project			
NEW RESIDENCE			
ERF 3587			
BOSCH-EN-DAL RD			
STELLENBOSCH			
Drawing			
LOWER FLOOR PLAN			
Date	Drawn	Scale	
2023_05_10	WIG	SEE DRW	
Project No	Drawing No	Revision No	
00KENNEDY	200	00	



NORTH EAST ELEVATION scale 1:100



NORTH WEST ELEVATION scale 1:100

General notes
THIS DRAWING MUST NOT BE SCALED. THE CONTRACTOR TO CHECK DIMENSIONS AND LEVELS ON SITE BEFORE COMMENCEMENT OF ANY WORK ON THE DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE DRAWING IS COPYRIGHT PROTECTED AND REMAINS THE PROPERTY OF THE ARCHITECT.
QUALITY OF MATERIALS AND WORKMANSHIP TO COMPLY WITH THE NATIONAL BUILDING REGULATIONS AND STANDARDS OF SAWS AND NER AND THE MINIMUM STANDARDS OF STANDARD PRELIMINARIES (JBCI) AND MODEL PRELIMINARIES FOR TRADES (1999/ASAS) AND WHERE APPLICABLE, PROJECT SPECIFICATIONS.

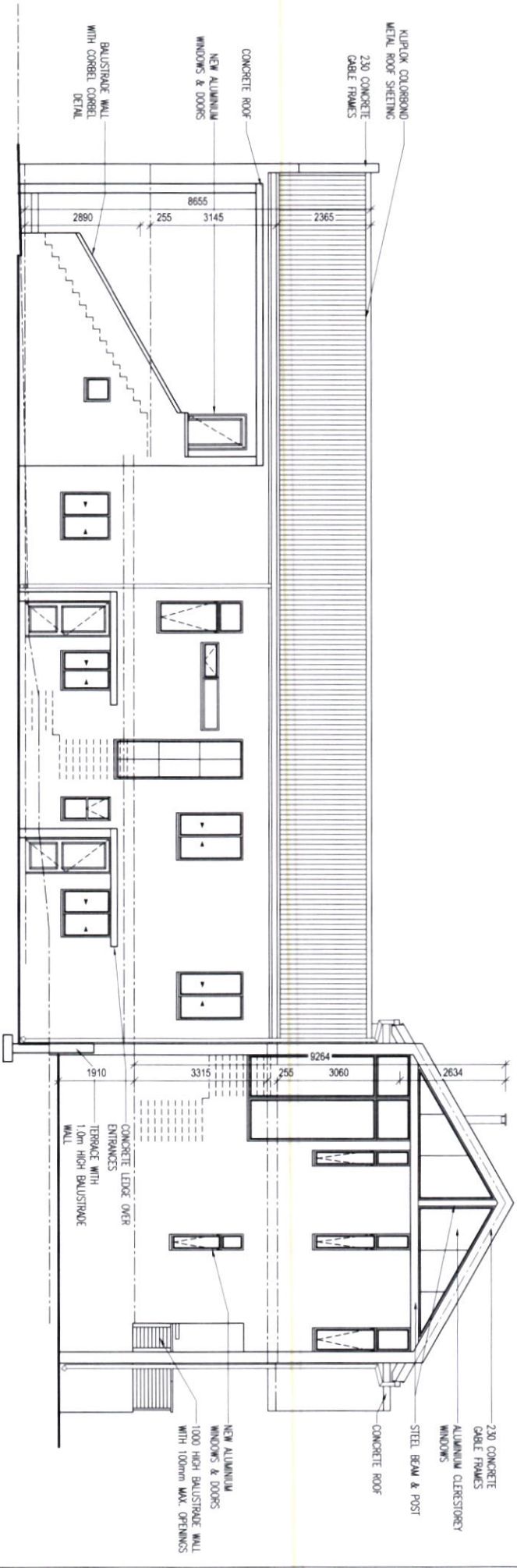
Client
HOUSE O'KENNEDY

Luke
Architect
263 Agiste St.
Hermansburg
7200
SACAP 20927
Cell: 082 454 2548
E-mail: lukearchitect@live.co.za

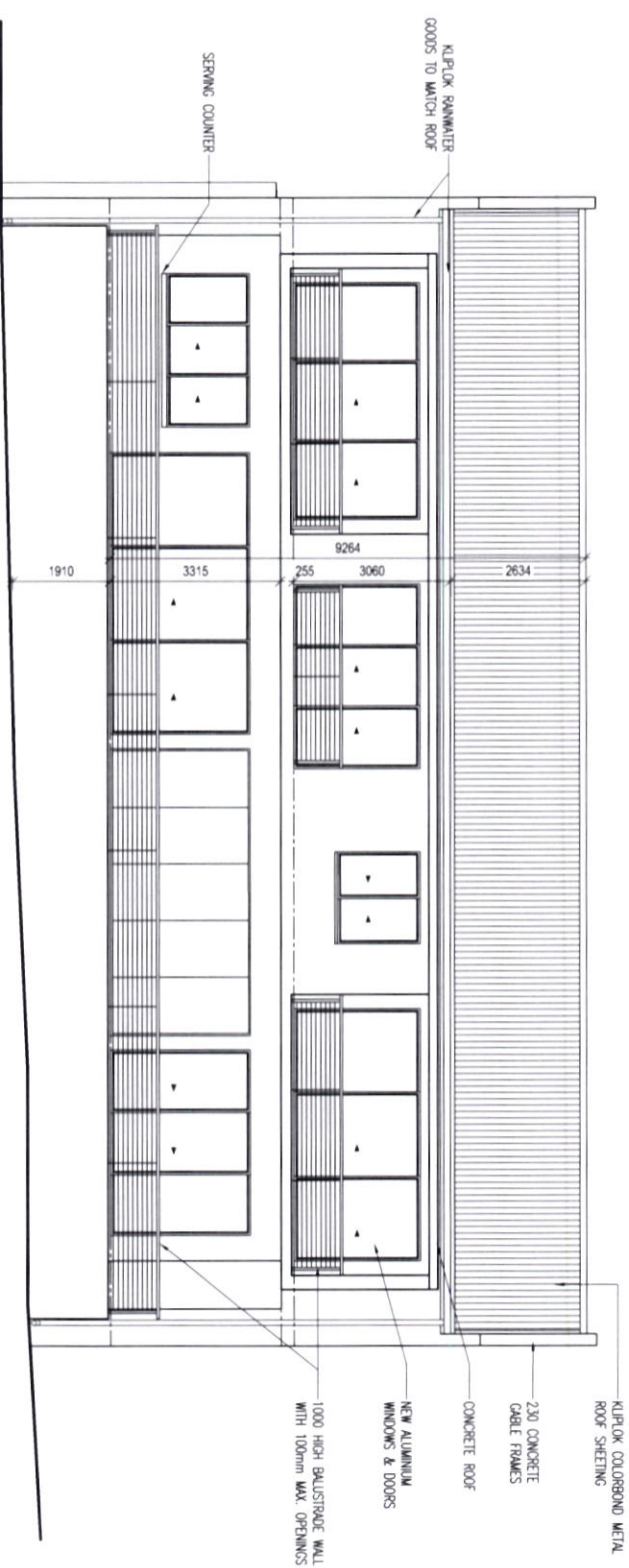
Project
NEW RESIDENCE
ERP 3587
BOSCHEN-DAL RD
STELLENBOSCH

Drawing
**NORTH WEST & NORTH
EAST ELEVATIONS**

Date	Drawn	Scale
2023_05_10	MG	SEE DRW
Project No	Drawing No	Revision No
O'KENNEDY	300	00



SOUTH WEST ELEVATION scale 1:100



SOUTH EAST ELEVATION scale 1:100

General notes

THIS DRAWING MUST NOT BE SCALED. THE CONTRACTOR TO CHECK DIMENSIONS AND LEVELS ON SITE BEFORE COMMENCEMENT OF ANY WORK ON THIS DRAWING IS SHOWN. THE DESIGN SHOWN ON THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE DESIGN IS THE PROPERTY OF THE ARCHITECT AND IS TO BE PROTECTED AND RELAINED TO THE PROPERTY OF THE ARCHITECT.

THE LATEST RELEVANT CODES AND SPECIFICATIONS OF SABS (SOUTH AFRICAN BUREAU OF STANDARDS) AND MODEL PRELIMINARIES FOR TRADES (1999-SABS) AND WHERE APPLICABLE, PROJECT SPECIFICATIONS.

Client

HOUSE OKKENEDY

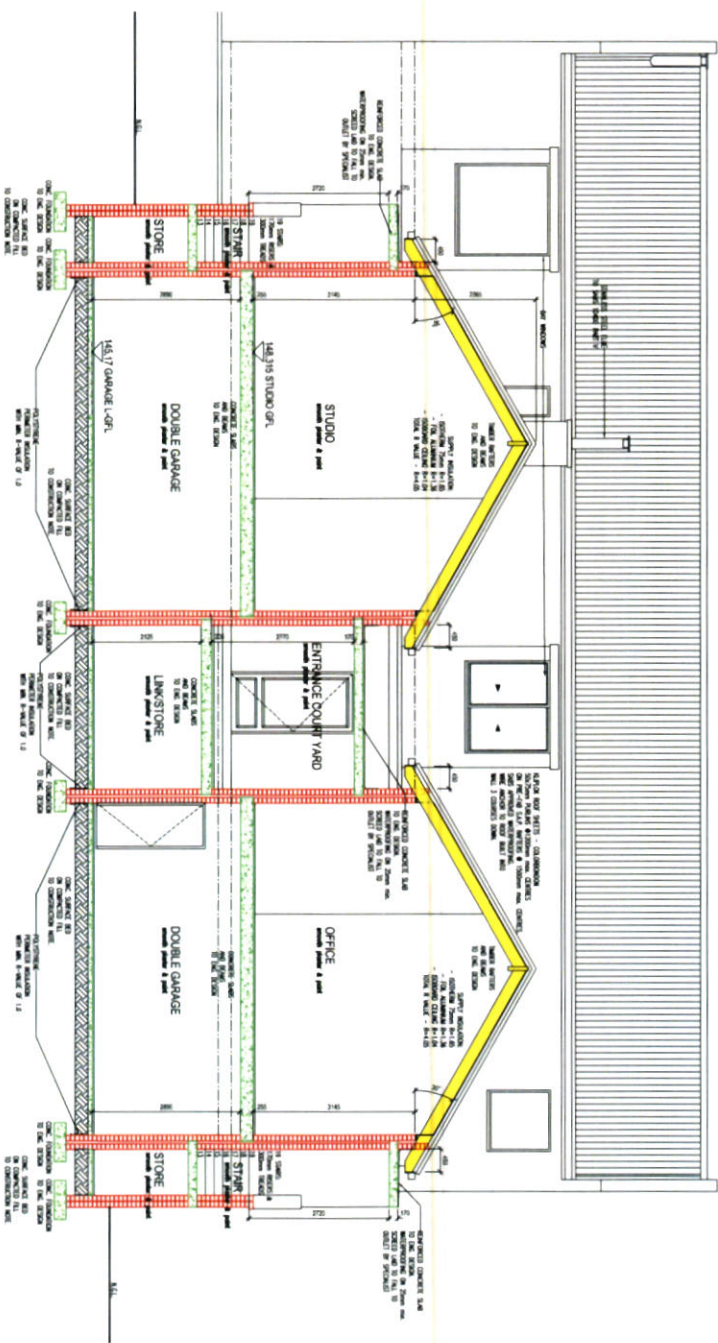
263 Agate St.
Hermanus
7200
SACAP 20927
Cell: 082 454 2548
E-mail: lukewebster@luke.net

Project
NEW RESIDENCE
ERF 3567
BOSCH-EN-DAL RD
STELLENBOSCH

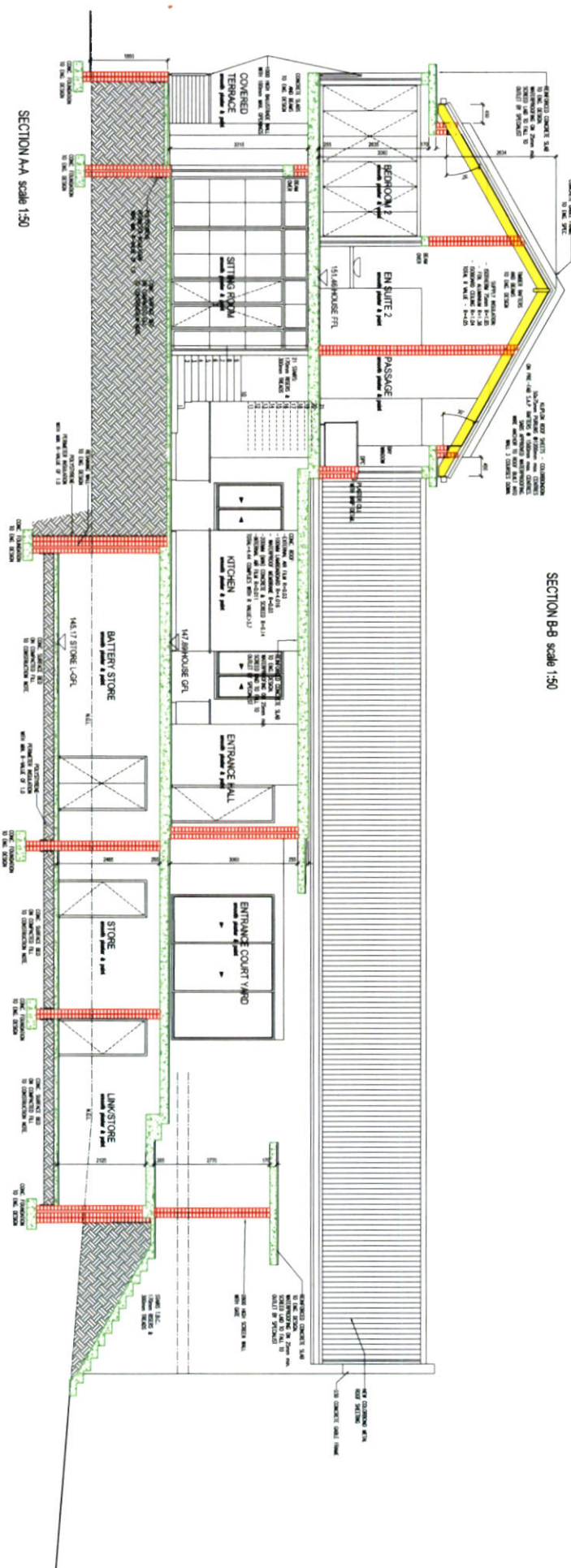
Drawing
SOUTH WEST & SOUTH
EAST ELEVATIONS

Date	Drawn	Scale
2023_05_10	MMC	SEE DWG
Project No	Drawing No	Revision No
OKKENEDY	310	00

EXTERNAL WALL CALCULATION DATA				
WALL TYPE	WALL AREA	WALL PERIMETER	WALL HEIGHT	WALL THICKNESS
WALL TYPE 1	10.00	10.00	2.50	0.20
WALL TYPE 2	10.00	10.00	2.50	0.20
WALL TYPE 3	10.00	10.00	2.50	0.20
WALL TYPE 4	10.00	10.00	2.50	0.20
WALL TYPE 5	10.00	10.00	2.50	0.20
WALL TYPE 6	10.00	10.00	2.50	0.20
WALL TYPE 7	10.00	10.00	2.50	0.20
WALL TYPE 8	10.00	10.00	2.50	0.20
WALL TYPE 9	10.00	10.00	2.50	0.20
WALL TYPE 10	10.00	10.00	2.50	0.20
WALL TYPE 11	10.00	10.00	2.50	0.20
WALL TYPE 12	10.00	10.00	2.50	0.20
WALL TYPE 13	10.00	10.00	2.50	0.20
WALL TYPE 14	10.00	10.00	2.50	0.20
WALL TYPE 15	10.00	10.00	2.50	0.20
WALL TYPE 16	10.00	10.00	2.50	0.20
WALL TYPE 17	10.00	10.00	2.50	0.20
WALL TYPE 18	10.00	10.00	2.50	0.20
WALL TYPE 19	10.00	10.00	2.50	0.20
WALL TYPE 20	10.00	10.00	2.50	0.20
WALL TYPE 21	10.00	10.00	2.50	0.20
WALL TYPE 22	10.00	10.00	2.50	0.20
WALL TYPE 23	10.00	10.00	2.50	0.20
WALL TYPE 24	10.00	10.00	2.50	0.20
WALL TYPE 25	10.00	10.00	2.50	0.20
WALL TYPE 26	10.00	10.00	2.50	0.20
WALL TYPE 27	10.00	10.00	2.50	0.20
WALL TYPE 28	10.00	10.00	2.50	0.20
WALL TYPE 29	10.00	10.00	2.50	0.20
WALL TYPE 30	10.00	10.00	2.50	0.20
WALL TYPE 31	10.00	10.00	2.50	0.20
WALL TYPE 32	10.00	10.00	2.50	0.20
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WALL TYPE 44	10.00	10.00	2.50	0.20
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WALL TYPE 55	10.00	10.00	2.50	0.20
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WALL TYPE 57	10.00	10.00	2.50	0.20
WALL TYPE 58	10.00	10.00	2.50	0.20
WALL TYPE 59	10.00	10.00	2.50	0.20
WALL TYPE 60	10.00	10.00	2.50	0.20
WALL TYPE 61	10.00	10.00	2.50	0.20
WALL TYPE 62	10.00	10.00	2.50	0.20
WALL TYPE 63	10.00	10.00	2.50	0.20
WALL TYPE 64	10.00	10.00	2.50	0.20
WALL TYPE 65	10.00	10.00	2.50	0.20
WALL TYPE 66	10.00	10.00	2.50	0.20
WALL TYPE 67	10.00	10.00	2.50	0.20
WALL TYPE 68	10.00	10.00	2.50	0.20
WALL TYPE 69	10.00	10.00	2.50	0.20
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WALL TYPE 82	10.00	10.00	2.50	0.20
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WALL TYPE 84	10.00	10.00	2.50	0.20
WALL TYPE 85	10.00	10.00	2.50	0.20
WALL TYPE 86	10.00	10.00	2.50	0.20
WALL TYPE 87	10.00	10.00	2.50	0.20
WALL TYPE 88	10.00	10.00	2.50	0.20
WALL TYPE 89	10.00	10.00	2.50	0.20
WALL TYPE 90	10.00	10.00	2.50	0.20
WALL TYPE 91	10.00	10.00	2.50	0.20
WALL TYPE 92	10.00	10.00	2.50	0.20
WALL TYPE 93	10.00	10.00	2.50	0.20
WALL TYPE 94	10.00	10.00	2.50	0.20
WALL TYPE 95	10.00	10.00	2.50	0.20
WALL TYPE 96	10.00	10.00	2.50	0.20
WALL TYPE 97	10.00	10.00	2.50	0.20
WALL TYPE 98	10.00	10.00	2.50	0.20
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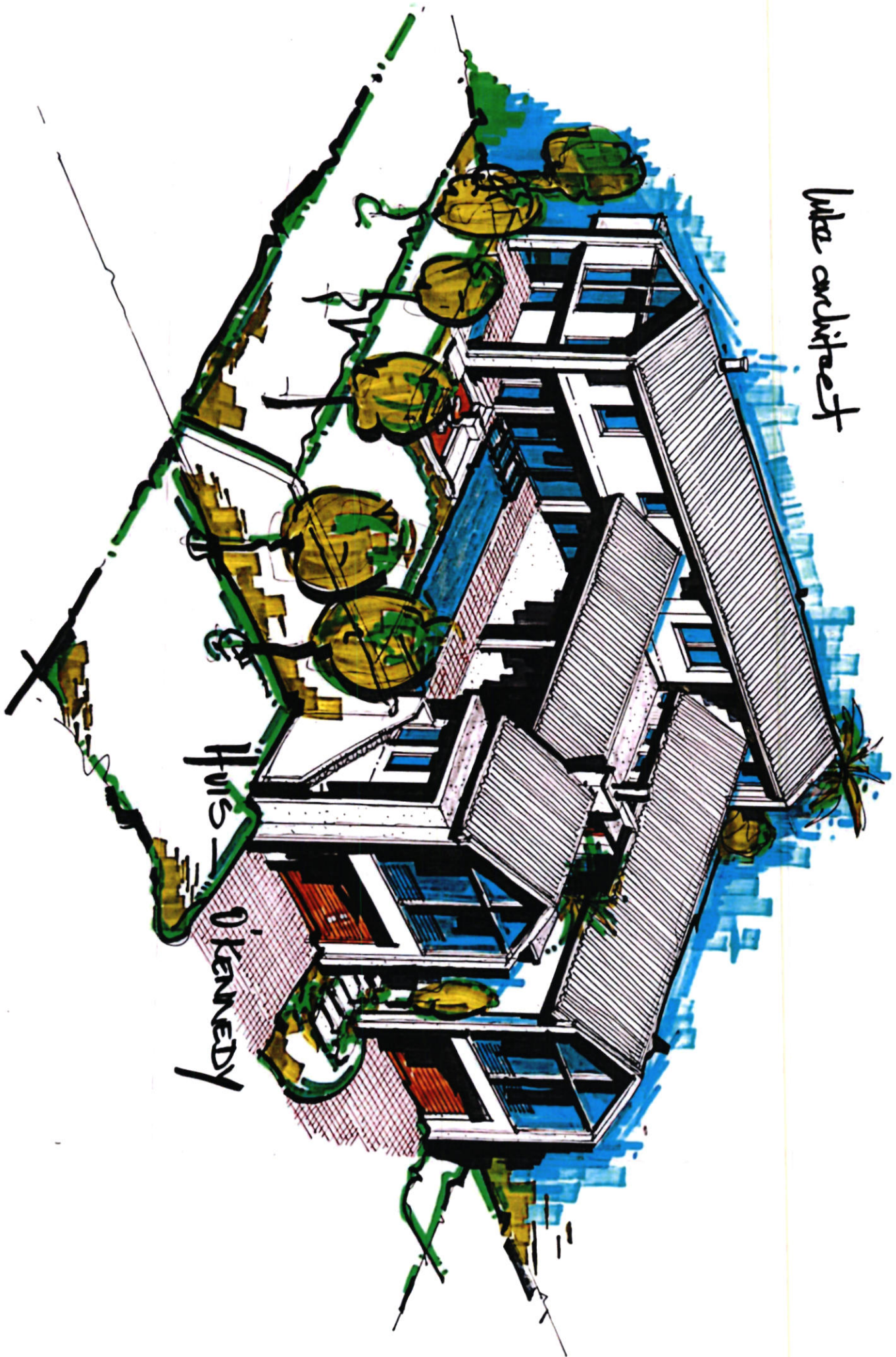


SECTION B-B scale 1:50

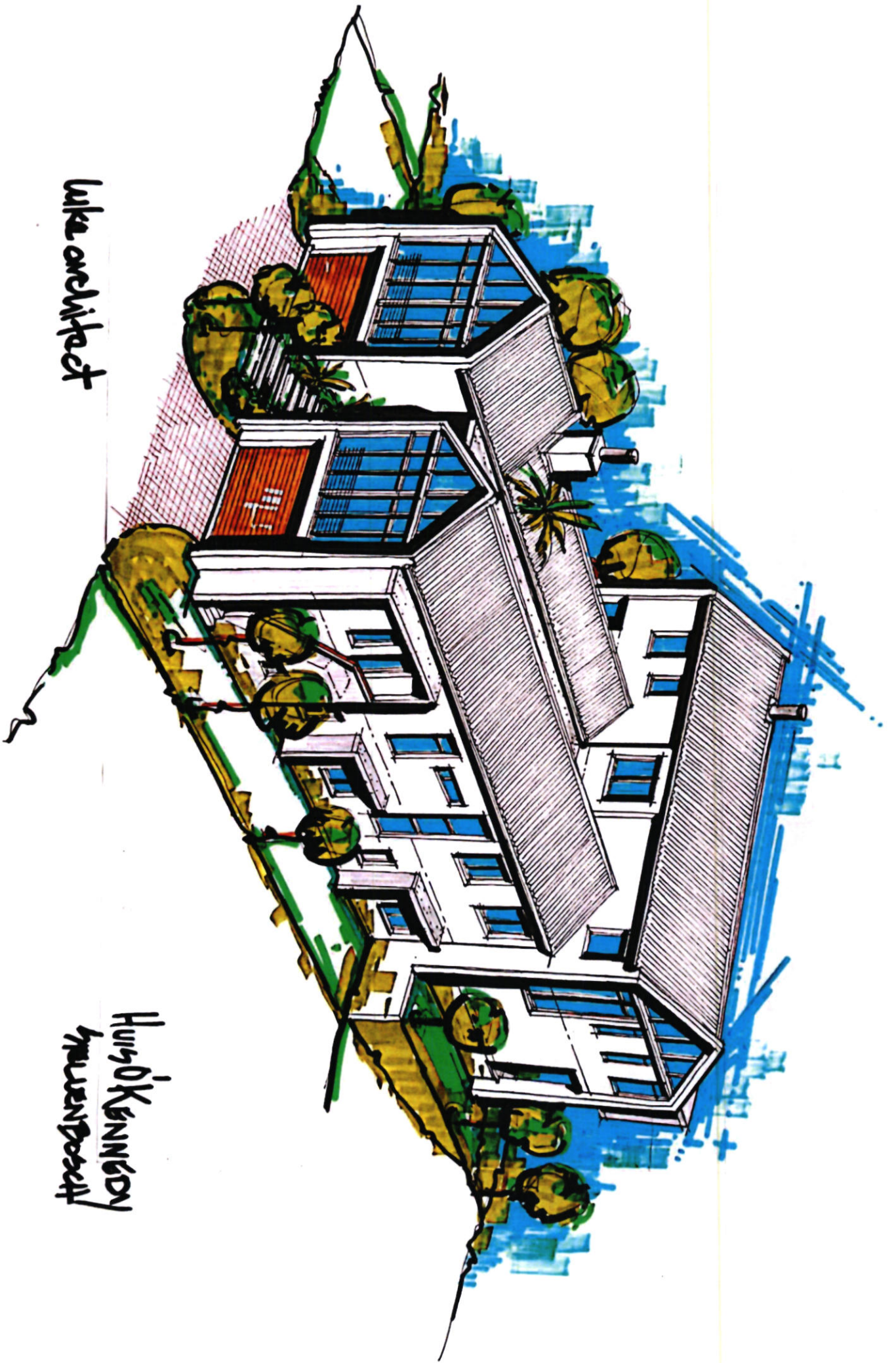


SECTION A-A scale 1:50

like architect



luke architect



Hugh O'Kennedy
by muenpocall

WPA architect

Hugh O'Kennedy
Greensboro





Wes - Hous

Wes - Hous

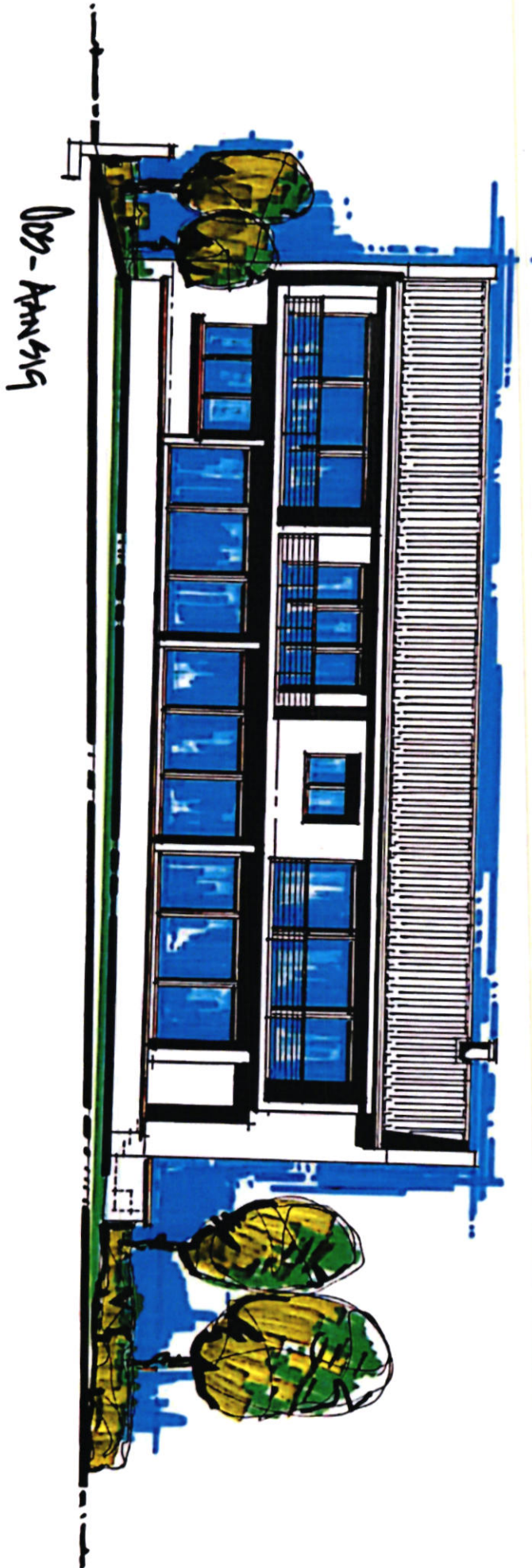
Hous O' Kennedy
Steuernbrak



Noorj-Ann

Mike Architects

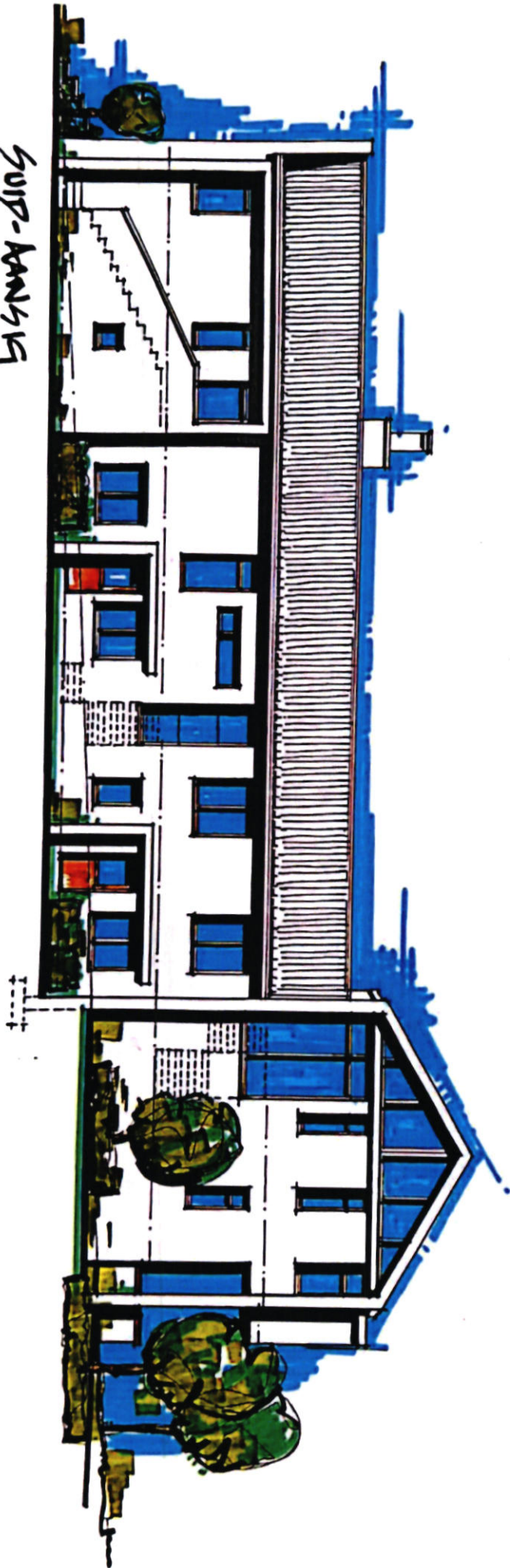
Hugh O'Kennedy
Steven Boyd



003-Ann 519

Mike Aquilino

Hugh O'Kennedy
-Greenwood



5017-Annals
Wickham

Huis O'Kennedy
Stellenbosch



CLIENT	
O KENNEDY INVESTMENTS (PTY) LTD.	
PROJECT TITLE	
NEW RESIDENTIAL DWELLING: ERF 350, STELLENBOSCH	
DRAWING TITLE	
LOCALITY MAP	
PROJECT NO. 0067 A1	SCALE 1:4000
DRAWING NO. /	DATE 2023-06-05
REV. /	REVISION / CHECKED
FOR INFORMATION	

C.D.R.

3064/00

Approved

PLD van den Heuvel
P. Surveyor-General
30.9.1960

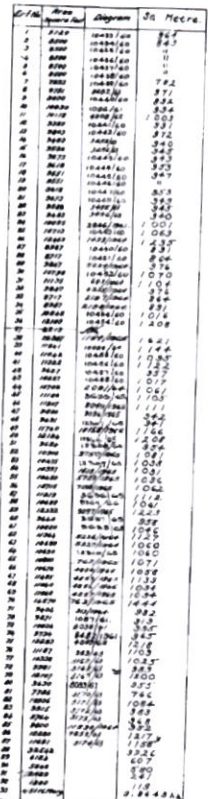
KARINDAL TOWNSHIP

(C.D.R.

Comprising 86 Erven Numbered 1 to 87, excluding Number 37, and Public Places Numbered 88 to 93 and the thoroughfares situate on the Ward of Portion I of the Farm Lenzburg, in the Division of Stellenbosch Province of the Cape of Good Hope.

Vide Diagram No 4464/1950 annexed to D.T. 1953, 320, 15942.

[Handwritten:] Erf 3501 Stollenbach



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- 1) The blue line 01 and 02 represent the center of the Stellenbosch pine line identified from 1800-1870 range.
- 2) The blue line 03 represents a serotinous survivor in an infertile and 0-1% recovering soil fire regime in 0-100% recovery in 0-100% recovery.
- 3) The brown line 04 represents a serotinous survivor in 0-100% recovery in 0-100% recovery.

Description of Breeders.

- 1808000 Iron standard pgs.
 1 Iron standard pgs in earth
 2 Rail fence post
 3 Light rail corner fence post in concrete.
 7a 15 round rail fence posts
 2 40 beams but 2 in 1 corner iron pgs in
 earth indicator 7a
 44 Rail corner fence posts in concrete
- Burrows of Company of Irons & 8 round iron pgs under slabs
 6 66a, 66d 120m up in concrete
 64d 120m up

The beams of each crib represented on this plan are in accordance with regulation and have been placed by me
Surveyed in May 1853 by me

The figures 'MAIN' matrix of the road 'a'g'f'e'd'e';
'a'p' and 'a'j'k'f' matrix of the river 'G'H'j'a'n'
represents Fishable Land. The trapezoid is Quilman

ENDORSEMENTS		ENDORSEMENTS	
No	Remarks	Remarks	Remarks
1	Gebruik van openbare plaats	Erregering ad 2002-03-23 S/004-A/M.80 Tweelsting in 14.7 Verv. Eit 2003 ad 2003-03-23	Ad 2002-03-23 S/004-A/M.80 Tweelsting in 14.7 Verv. Eit 2003 ad 2003-03-23

100 CAMEL NOTES
 100 BONE replaced (EVEN 3885 + 3886) (in Reg 18(s))
 wide 8/1946/4 p 128 + 126
 100 BONE replaced on 8/1 3881 wide 8/1047/2000
 100 BONE replaced (REF 3880) (in Reg 18(s))
 wide 8/1946/4 p 128 + 120
 100 BONE replaced (EVEN 3598 + 3599) (in Reg 18(s))

РБГУ 760 23/4/60
Вам [unclear] [unclear]

File No. 11111 5/1946/4
Survey Records No. 20000 E 590/38
Compilation BY 0000/2/1946
BY 0000/1/11 M 0001
BY 0000

NF 100/1960

24/2/1960 NF 100/1960 A

NF 100/1960 NF 11 1960

2000 - L. 20.8.1960

VN 222 TN-81

Lithuanian Travel

NF 100/1960

B

S

m

(m 2776)

**DEED SEARCH IRO ERF 3501
STELLENBOSCH
ON WHICH KARINDAL TOWNSHIP
WAS DEVELOPED**



ERF 3501, STELLENBOSCH, P:0 (CAPE TOWN)

Deeds Office Property Erf

Suite G01 Waterview 2 Waterview Close, Century City
Tel: +27 86 044 3333
Website: <https://www.searchworks.co.za>

SEARCH INFORMATION

Summary

Search Type	DEEDS OFFICE PROPERTY ERF
Search Description	ERF 3501, STELLENBOSCH, P:0 (CAPE TOWN)
Reference	TANIA
Date	12/07/2023

ERF INFORMATION

Summary

Deeds Office	CAPE TOWN
Property Type	ERF
Township	STELLENBOSCH
Erf Number	3501
Portion Number	0
Remainder	YES
Previous Description	-
Registration Division	STELLENBOSCH RD
Municipality	STELLENBOSCH MUN
Province	WESTERN CAPE
Diagram Deed	T15962/958
Size	0.0000 DUM
LPI Code	C06700220000350100000
Street Address	-

OWNER SUMMARY

Owner Name	ID / Reg. Number	Purchase Price	Purchase Date
KARINDAL ESTATES PTY LTD	-	-	-

OWNER INFORMATION

Owner 1 of 1

Owner Name	KARINDAL ESTATES PTY LTD
ID / Reg. Number	-
Owner Type	UNKNOWN
Title Deed	T15962/1958
Purchase Date	-
Registration Date	03/11/1958
Purchase Price	-
Multiple Owners	NO
Multiple Properties	-
Share	-
Microfilm Reference No.	20230310 16:17:18

ENDORSEMENT(S)

Document Number	Microfilm Reference Number	Institution	Value
TP-1565-LD-(-ERVEN-3		502-3593)	

HISTORY INFORMATION

Document Number	Microfilm Reference Number	Owner	Value
No information available.			

REPORT INFORMATION

Date of Information	12/07/2023 09:21
Print Date	12/07/2023 09:21
Generated By	TANIA VOLSCHENK
Reference	TANIA
Report Type	DEEDS OFFICE PROPERTY ERF



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Nicole Katts

From: Jacques Volschenk <jacques.volschenk10@gmail.com>
Sent: Tuesday, 08 August 2023 15:11
To: Chrizelle Kriel
Cc: Thuthula Mazana; Nicole Katts
Subject: Re: [EX] Re: ACKNOWLEDGEMENT (LAND USE APPLICATION): TP439/2023 – ERF 3567 STELLENBOSCH
Attachments: KENNEDY_2023_08_08_A3_ELEV2.pdf; KENNEDY_2023_08_08_A3_ELEV3.pdf; KENNEDY_2023_08_08_A1_SECT.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Thuthula and team,

Attached herewith please find the elevations and sections for the proposed new dwelling as per your request for additional information.

Further to the above, we herewith confirm that the office will be used by the owner as a personal home office. This was also confirmed in the application and included as an annexure to the motivation report.

We trust that the above and attached will suffice and that the invoice can now be issued.

Kind regards
Jacques Volschenk
Pr. Pln. A/208/2010
(C) 0828216365

On Tue, 8 Aug 2023 at 08:57, Jacques Volschenk <jacques.volschenk10@gmail.com> wrote:
Thank you Chrizelle,

We will attend to it immediately.

Kind regards
Jacques

On Tue, 8 Aug 2023 at 08:37, Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za> wrote:
Dear Jacques

I asked another planner to assist by verifying the application and information. Please see his assessment attached.

If we missed something, please let us know. Otherwise, please attend to the outstanding matters as listed. Thank you.

Vriendelike Groete / Kind Regards

Chrizelle Kriel (Pr. Pln.)
Manager: Land Use Management
Development Management
Planning & Economic Development

T: +27 21 808 8660 | Fax: +27 21 886 6899

Email: Chrizelle.Kriel@ Stellenbosch.gov.za

1st floor, NPK Building

Cnr Plein and Ryneveld Street

PO Box 17, Stellenbosch, 7599 www.stellenbosch.gov.za



STELLENBOSCH
STELLENBOSCH • KRIEL • FRANSCHÖOER
MUNICIPALITEIT • UMAMPAALA • MUNICIPALITY



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

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From: Jacques Volschenk <jacques.volschenk10@gmail.com>

Sent: Monday, August 7, 2023 13:56

To: Chrizelle Kriel <Chrizelle.Kriel@ Stellenbosch.gov.za>

Cc: Thuthula Mazana <Thuthula.Mazana@ Stellenbosch.gov.za>; Nicole Katts <Nicole.Katts@ Stellenbosch.gov.za>

Subject: Re: [EX] Re: ACKNOWLEDGEMENT (LAND USE APPLICATION): TP439/2023 – ERF 3567 STELLENBOSCH

Thank you Chrizelle,

Kind regards

Jacques

On Mon, 07 Aug 2023, 13:24 Chrizelle Kriel, <Chrizelle.Kriel@ Stellenbosch.gov.za> wrote:

Dear Jacques

I will investigate and address the matter and will see if another planner can attend to it while Thuthula is on leave.

Vriendelike Groete / Kind Regards

Chrizelle Kriel (Pr. Pln.)
Manager: Land Use Management
Development Management
Planning & Economic Development

T: +27 21 808 8660 | Fax: +27 21 886 6899

Email: Chrizelle.Kriel@ Stellenbosch.gov.za

1st floor, NPK Building

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From: Jacques Volschenk <jacques.volschenk10@gmail.com>

Sent: Sunday, August 6, 2023 18:19

To: Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>; Thuthula Mazana

<Thuthula.Mazana@stellenbosch.gov.za>; Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

Subject: Fwd: [EX] Re: ACKNOWLEDGEMENT (LAND USE APPLICATION): TP439/2023 – ERF 3567 STELLENBOSCH

Dear Chrizelle,

The below refer.

I have responded to Thuthula's email but note that she is on leave until 14 August 2023.

Can you please advance this matter as the information requested by Thuthula had already been addressed as pointed out in my email.

The matter has been coming on from 12 July and the client is losing patience with the lack of progress.

Kind regards

Jacques Volschenk

Pr. Pln. A/208/2010

(C) 0828216365

----- Forwarded message -----

From: Jacques Volschenk <jacques.volschenk10@gmail.com>

Date: Sun, 6 Aug 2023 at 18:13

Subject: Re: [EX] Re: ACKNOWLEDGEMENT (LAND USE APPLICATION): TP439/2023 – ERF 3567 STELLENBOSCH

To: Thuthula Mazana <Thuthula.Mazana@stellenbosch.gov.za>

Cc: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

Dead Thuthula,

The information required is consistent with the information presented following the pre-submission scrutiny. To this extent we have considered the same and have addressed it in the application in the following manner:

1. Elevations of the proposed structure were submitted. Following feedback of the pre-submission scrutiny, it was agreed that the 'basement' does not qualify as the same in terms of the zoning scheme. Yet, the structure will at no point be more than 2 storeys, thereby still complying with the height parameter of the applicable zoning. Plans were accordingly reworded.
2. No need for land surveyor confirmation as no basement is present (see #1 above).
3. Confirmation of the owner was included in the application. Moreover, the application was amended to include a technical approval for a second dwelling as well.
4. Your urgent feedback is required as the requirements were submitted with the original application.

Kind regards

Jacques Volschenk
Pr. Pln. A/208/2010
(C) 0828216365

On Fri, 4 Aug 2023 at 15:05, Thuthula Mazana <Thuthula.Mazana@ Stellenbosch.gov.za> wrote:

Good day Jacque,

I have perused the submitted documents however there is additional information required prior to the issuing of the invoice. Below are the items that need to be addressed prior to the submission documents to be deemed to be adequate.

1. Building plan needs to include elevations for the proposed structures, including the basement. The elevation of the basement is required to determine whether the proposed basement qualifies as a basement in terms of the Stellenbosch Municipality Zoning Scheme. Please refer to the definition of a basement stipulated in chapter 1 of the Stellenbosch Municipality Zoning Scheme.
2. Applicant is required to get Land Surveyor to confirm that the basement complies with the definition of a basement.
3. Owner is required to confirm in writing what the proposed studio and office is going to be used for on the property.
4. Please be advised that the proposal will be re-evaluated, and further information may be requested upon receipt of the additional information requested.

Kind regards

Thuthula Mazana (Pr. Pln.)

Town Planner

Land Use Management

Planning & Economic Development

T: +27 21 808 8695

3rd Floor, Eikestad Mall, 43 Andringa
Street, Stellenbosch, 7600

www.stellenbosch.gov.za

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From: Jacques Volschenk <jacques.volschenk10@gmail.com>

Sent: Monday, July 31, 2023 8:37 AM

To: Thuthula Mazana <Thuthula.Mazana@stellenbosch.gov.za>; Nicole Katts

<Nicole.Katts@stellenbosch.gov.za>

Subject: [EX] Re: ACKNOWLEDGEMENT (LAND USE APPLICATION): TP439/2023 – ERF 3567 STELLENBOSCH

Dear Thuthula,

It has been more than two weeks since the acknowledgement of our submission TP439/2023 - ERF 3567 STELLENBOSCH, yet we are still awaiting the invoice for the application.

Can you please prioritise the matter as we need to get going with the process as quickly as possible.

Kind regards

Jacques Volschenk

Pr. Pln. A/208/2010

(C) 0828216365

On Mon, 24 Jul 2023 at 09:49, Jacques Volschenk <jacques.volschenk10@gmail.com> wrote:

Dear Thuthula,

I have spoken to Nicole about the above-mentioned application who has confirmed that the same is still with you to do the initial checklist.

May I ask that this is given priority as we need to commence with the process as soon as possible.

Kind regards

Jacques Volschenk

Pr. Pln. A/208/2010

(C) 0828216365

----- Forwarded message -----

From: **Nicole Katts** <Nicole.Katts@stellenbosch.gov.za>

Date: Fri, 14 Jul 2023 at 11:55

Subject: ACKNOWLEDGEMENT (LAND USE APPLICATION): TP439/2023 – ERF 3567 STELLENBOSCH

To: Jacques Volschenk <jacques.volschenk10@gmail.com>

Cc: Landuse Applications <Landuse.Applications@stellenbosch.gov.za>

Good day Jacques

I hereby acknowledge receipt of your formal submission TP439/2023 – ERF 3567 STELLENBOSCH as submitted via the Portal.

Your application will be processed accordingly.

Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Development Management

Planning & Economic Development

T: +27 21 808 8318

NPK Building, 20 Plein Street

Stellenbosch, 7600

www.stellenbosch.gov.za

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Nicole Katts

From: Nicole Katts
Sent: Friday, 04 August 2023 13:50
To: Jacques Volschenk
Subject: OUTSTANDING INFORMATION: ERF 3567 STELLENBOSCH (TP439/2023)
Attachments: OUTSTANDING INFORMATION_Erf 3567 Stellenbosch.pdf

Good day Jacques

I trust that you are well.

Please find attached outstanding information requested from the planner. Once the necessary information is provided an invoice will be issued.

Should you have any technical enquiries with regards to the abovementioned information, you are welcome to contact Thuthula Mazana, see details below.

Thuthula Mazana – 021 808 8695 / thuthula.mazana@stellenbosch.gov.za.



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Development Management

Planning & Economic Development

T: +27 21 808 8318

NPK Building, 20 Plein Street

Stellenbosch, 7600

www.stellenbosch.gov.za



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