

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Mr/Mrs/Me

ERF 1095, STELLENBOSCH : APPLICATION FOR THE RELAXATION AND REMOVAL OF TITLE DEED RESTRICTIONS, DEPARTURE AND CONSENT USE.

The following land use application in terms of Stellenbosch Land Use Planning By-law refers:

Application Address:	59 Buitekring Street, Dalsig, Stellenbosch (Erf 1095, Stellenbosch)
Applicant:	Alwi Theart t/a Urban Rural SA 082 411 7914 alwi@urbanrural.co.za
Owner:	GE+ A Schutte 082 902 2947 ceschutte@mweb.co.za
Application Reference:	LU/16964

Description of land use application:

1. Application in terms of Section 15(2)(f) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, to remove the following restrictive title deed conditions on Erf 1095, Stellenbosch to permit the construction of a second dwelling.

(a) "Clause D(iii)(b) of T2305/2000: dit mag alleenlik gebruik word vir die doel van een woning tesame met die buitegebou wat gewoonlik in verband daarmee gebruik word daarop te rig"

2. Application in terms of section 15(2)(f) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, to relax the following restrictive title deed condition on Erf 1095, Stellenbosch to increase the permitted coverage from 33% to 43%.

(a) "clause d(iii) (c) of T2305/2000: op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie."

3. Application in terms of section 15(2)(f) of the Stellenbosch Municipal By-law on Municipal Land Use Planning, 2023, to relax the following restrictive title deed conditions on Erf 1095, Stellenbosch to permit the staircase and a section of the second dwelling on the first floor to be 1.15m in lieu of 3.150m from the common(side) boundary and 5.83m in lieu of 6.3m from the street building line (Bergh Street)

(a) "clause D(iii) (d) of T2305/2000: geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 6.3m van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3.15m van die agtergrens of sygrens van aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 3.05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die anker plaat, en mits geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf. "

4. Application in terms of Section 15(2)(b) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, for a permanent departure to allow the relaxation of the common building line from 2.5m to 1.15m to accommodate a staircase leading to the second dwelling on Erf 1095, Stellenbosch

5. Application in terms of section 15(2)(b)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, for a consent use to allow a second dwelling that exceeds the threshold on Erf 1095, Stellenbosch.

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: **Alwi Theart t/a Urban Rural SA (alwi@urbanrural.co.za)**. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **12 August 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 **+27 82 411 7914** during normal office hours.

Yours faithfully

Alwi Theart t/a Urban Rural SA
Planning + Land Use Specialists

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK

Geagte Mnr/ Mev/Me

ERF 1095, STELLENBOSCH : AANSOEK VIR DIE VERSLAPPING EN VERWYDERING VAN TITEL VOORWAARES, AFWYKING EN VERGUNNINGSGEBRUIK

Die volgende grondebruiksaansoek in terme van Stellenbosch se Verordening op Grondgebruiksbeplanning verwys:

Aansoek adress :	59 Buitekring Straat, Dalsig, Stellenbosch (Erf 1095, Stellenbosch)
Aansoeker:	Alwi Theart t/a Urban Rural SA 082 411 7914 alwi@urbanrural.co.za
Eienaar:	GE+ A Schutte 082 902 2947 ceschutte@mweb.co.za
Aansoek Verwysing:	LU16964

Beskrywing van Grondgebruiksaansoek:

1. Aansoek in terme van Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruiksbeplanning, 2023, vir die verwydering van die volgende beperkte titel akte voorwaarde op Erf 1095, ten einde 'n tweede wooneenheid op die eiendom te kan akkommodeer.

(a) "Klousule D(iii)(b) of T2305/2000: dit mag alleenlik gebruik word vir die doel van een woning tesame met die buitegebou wat gewoonlik in verband daarmee gebruik word daarop te rig"

2. Aansoek in terms van Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruiksbeplanning, 2023, ten einde die volgende beperkte titel akte voorwaarde op Erf 1095, Stellenbosch te verslap, ten einde die toegelate dekking te verhoog van 33% to 43%.

(a) "klousule d(iii) (c) of T2305/2000: op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie."

3. Aansoek in terms of Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruiksbeplanning, 2023, ten einde die volgende beperkte titel akte voorwaarde op ER 1095, te verslap, ten einde 'n trap en 'n gedeelte van die voorgestelde tweede wooneenheid te akkommodeer ongeveer 1.15m in lieu van 3.150m vanaf die gemeenskaplike sy grens asook 5.83m in lieu van 6.3m vanaf die straatgrens (Bergh Street)

(a) "klousule D(iii) (d) of T2305/2000: geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 6.3m van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3.15m van die agtergrens of sygrens van aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte lands die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 3.05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die anker plaat, en mits geen gedeelte daarvan vir bewoingsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf. "

4. Aansoek in terme van Artikel 15(2)(b) van die Stellenbosch Munisipale Verordening op Grondgebruiksbeplanning, 2023, vir 'n permanente afwyking ten einde die verslapping op die sygrens van 2.5m tot 1.15m toe te laat ten einde die trap wat lei na die tweede wooneenheid te akkommodeer op Erf 1095, Stellenbosch.

5. Aansoek in terme van Artikel 15(2)(b)(o) van die Stellenbosch Munisipale Verordening op Grondgebruiksbeplanning, 2023, vir 'n vergunningsgebruik ten einde 'n tweede wooneenheid wat die toegelate drempel oorskry op Erf 1095, Stellenbosch.

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 Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, moet 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 die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: (Herhaal naam van Applikant en e-pos adres vir stuur van kommentaar). Deur 'n beswaar, kommentaar of versoë 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 **12 Augustus 2024**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **+27 82 411 7914** gedurende normale kantoor ure.

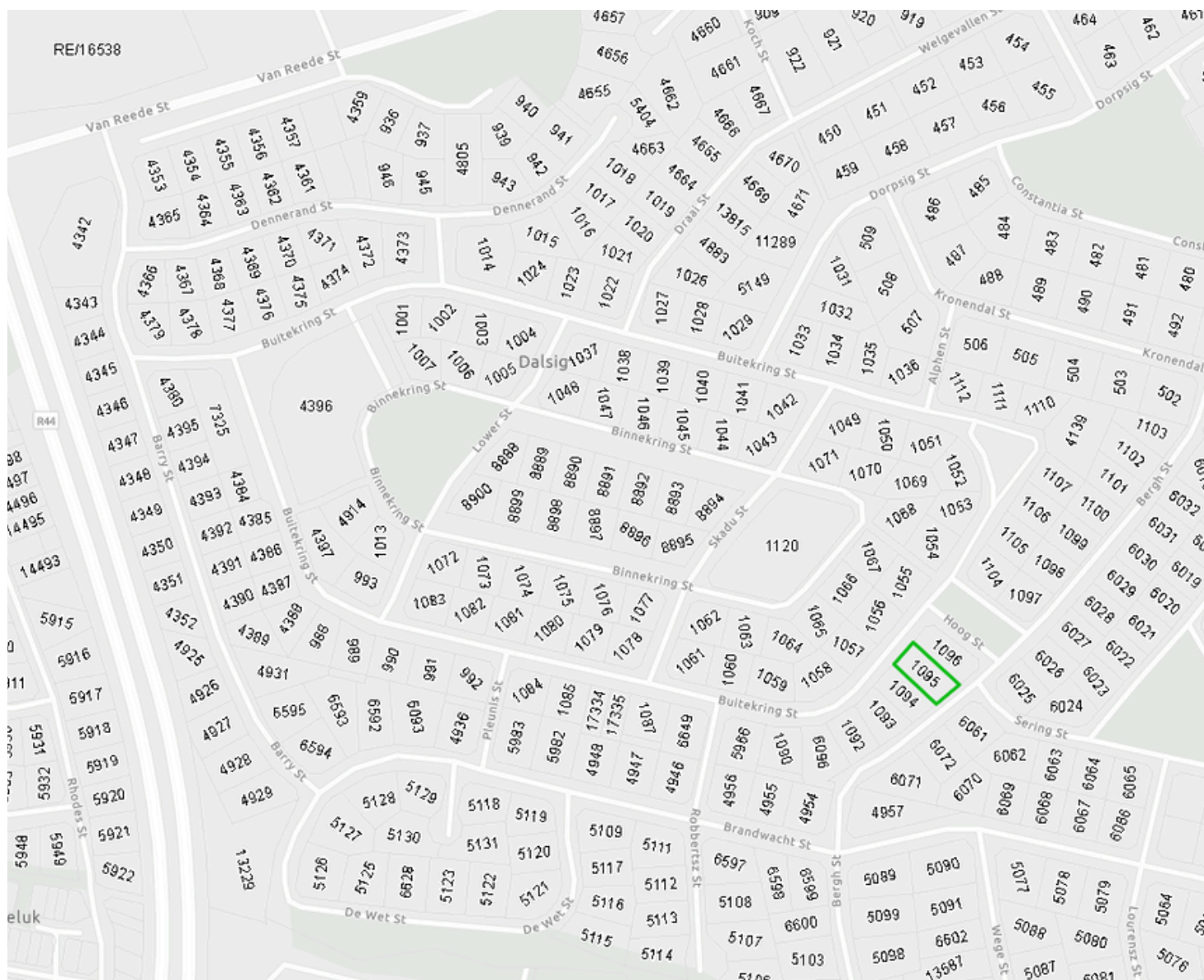
Die uwe

Alwi Theart t/a Urban Rural SA
Planning + Land Use Specialists

Dalsig Stellenbosch

Cadastral Plan

Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : Cape Mapper
Project Nr : 373.2023



05 February 2024
Ref Nr. 373.2023

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

For attention : Land Use Management
landuse.applications@stellenbosch.gov.za

LAND USE APPLICATION

ERF 1095, DALSIG, STELLENBOSCH
REMOVAL OF TITLE DEED CONDITION + CONSENT USE : SECOND DWELLING +
DEPARTURE : BUILDING LINE RELAXATION

An application is hereby formally made in terms of Section 15(2)(f), (g) and (o), of the Stellenbosch Municipal Land Use By-law, to remove and relax certain title deed conditions and for permission in terms of the bylaw for a consent to establish a second dwelling on the property and to relax a building line in order to execute the above on Erf 1095, Stellenbosch.

Attached please find the following information for your perusal:

- Completed application form
- Motivation Report
- Relevant supportive documentation as prescribed.
- All the requirements in the Pre Application Scrutiny email have been addressed.

We trust that the information provided will be sufficient to continue with the advertising and notification process and to make an informed decision in this regard.

We are looking forward to your response.

Yours sincerely



Alwi Theart
Principal Planner
Urban Rural South Africa

LAND USE APPLICATION

ERF 1095, DALSIG, STELLENBOSCH REMOVAL & RELAXATION OF TITLE DEED CONDITIONS CONSENT USE : SECOND DWELLING DEPARTURE : BUILDING LINE RELAXATIONS



URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

A THEART | T.ch.Pl'n (SA) MPhil NHDip NDip PPRE CEA
ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
alwi@urbanrural.co.za | www.urbanrural.co.za

5 EXISTING & PROPOSED DEVELOPMENT

Erf 1095 in Stellenbosch spans an area of 1024 square meters and currently hosts a singular large dwelling along with an outbuilding. The owner has set forth plans to expand the property by constructing a second dwelling on top of the existing outbuilding. This proposed addition will cover an approximate area of 83 square meters and will consist of 2 bedrooms, 2 bathrooms, and a study with an open-plan kitchen living area. A new ensuite bathroom of approximately 13.5 sqm will also be added to the existing main dwelling as indicated on the site plan.

However, certain alterations to the property's building lines are necessary due to the existing outbuilding's proximity to Bergh Street, sitting at a distance of approximately 5.83 meters. This necessitates a relaxation of the title deed building line, reducing it from 6.3 meters to match the current distance from the street. It's important to note that the new second dwelling will be located on top of an existing structure and will not be closer to the boundary than the existing building.

Additionally, to facilitate access to the proposed second dwelling, a new staircase is to be built adjacent to the property's southern boundary. This staircase will encroach upon both the title deed building line (currently set at 3.150 meters) and the municipal building line (set at 2.5 meters). The staircase will be situated at a distance of 1.15 meters from the property boundary. The design of the unit has been done in such a way that it will have the least impact on the adjacent landowners. A formal letter will however be sent to the adjacent landowners as part of the formal advertising process.

To ensure legal compliance and validate the proposed alterations and relaxations, a conveyancer's certificate provided by STBB attorneys (annexure C2) confirms the necessity and appropriateness of the modifications.

This planned expansion signifies a minor additional development for Erf 1095, Stellenbosch, with measures taken to accommodate the new construction while ensuring amicable agreements with adjacent landowners and legal compliance through the conveyancer's certification and other planning legislation.

Property Details :

Existing Coverage

Existing Dwelling	314 sqm
Existing Outbuilding	69.2 sqm
Existing Carport	36 sqm
TOTAL	419.2 sqm

New extension	13.5 sqm	(New ensuite bathroom to main dwelling)
NEW TOTAL coverage	432.8 sqm	

Erf Size	1024 sqm
New Coverage	42.3%

Size of New Second Dwelling	82.7 sqm
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To conclude ,

- The property will still be used for residential purposes and the development will not change the character of the neighbourhood;
 - A minimum impact will be made to the existing streetscape as the second dwelling will form part of an existing structure on the property and will be located in the same line as the existing structure;
 - An additional advantage of the proposed second dwelling is that it is located on a property that is located between two streets, namely Buitekring and Bergh Street. This positioning adds value by providing the second dwelling with access from a different street than the main dwelling;
 - No additional municipal services/connections will be required to accommodate the second dwelling as the second dwelling will only be an extension to the existing service network on the property;
 - This type of development ensures the optimization of the existing services network and can also be seen as the most sufficient way to implement densification in a neighborhood and in line with municipal policy;
 - The relaxation of the building lines to accommodate the structure can be regarded as insignificant changes and should not have a negative impact on the abutting neighbours;
 - The design of the second dwelling has been done in such a way that it has less impact on the neighbours;
 - Second dwellings can be seen as sensible densification;
 - Sufficient on-site parking is available.
- It is evident that several landowners in the Dalsig neighborhood have submitted land use applications to obtain rights for operating a second dwelling on their properties. Some may also be currently doing so without the necessary approval as they are unaware of the title deed restrictions. Given that the Stellenbosch Spatial Development Plan and the Stellenbosch Zoning Scheme promote sensible densification options, allowing second dwellings in the Dalsig neighborhood on suitable properties can definitely be considered a sensible option. This is notwithstanding the outdated township development condition of the 1950s that prohibited such development.

10 CONCLUSION

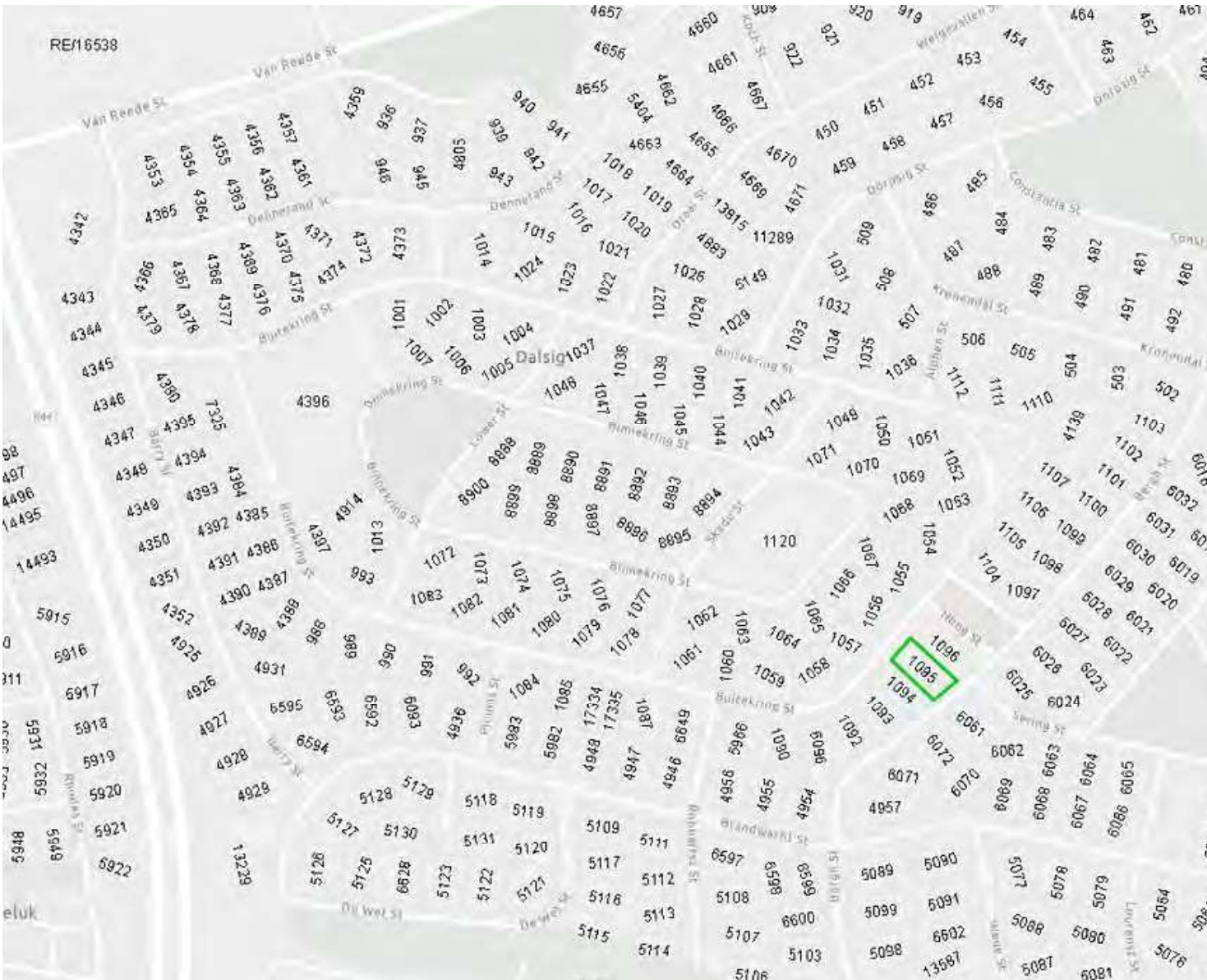
In the light of the abovementioned motivation and arguments put forward in this document, it is our considered opinion that the proposed development will allow the existing land owner's the opportunity to utilise their property to its full potential by allowing them to establish a second dwelling on the property, without harming the environment, adjacent landowners and the general public.

It is therefore our request that the application be approved as set out in the above .

Dalsig Stellenbosch

Cadastral Plan

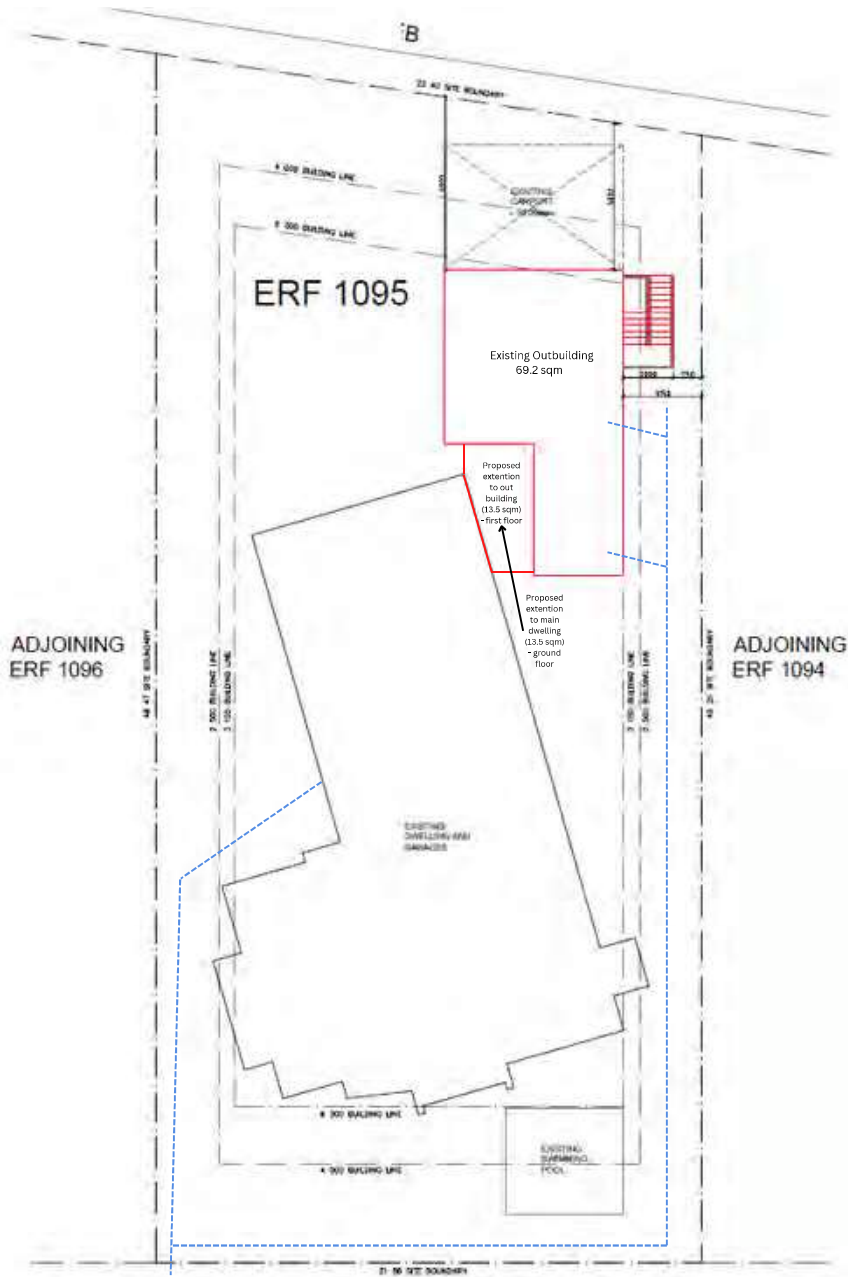
Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : Cape Mapper
Project Nr : 373.2023



Dalsig Stellenbosch

Site Plan (SDP)

Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : I-Design Architecture
Project Nr : 373.2023



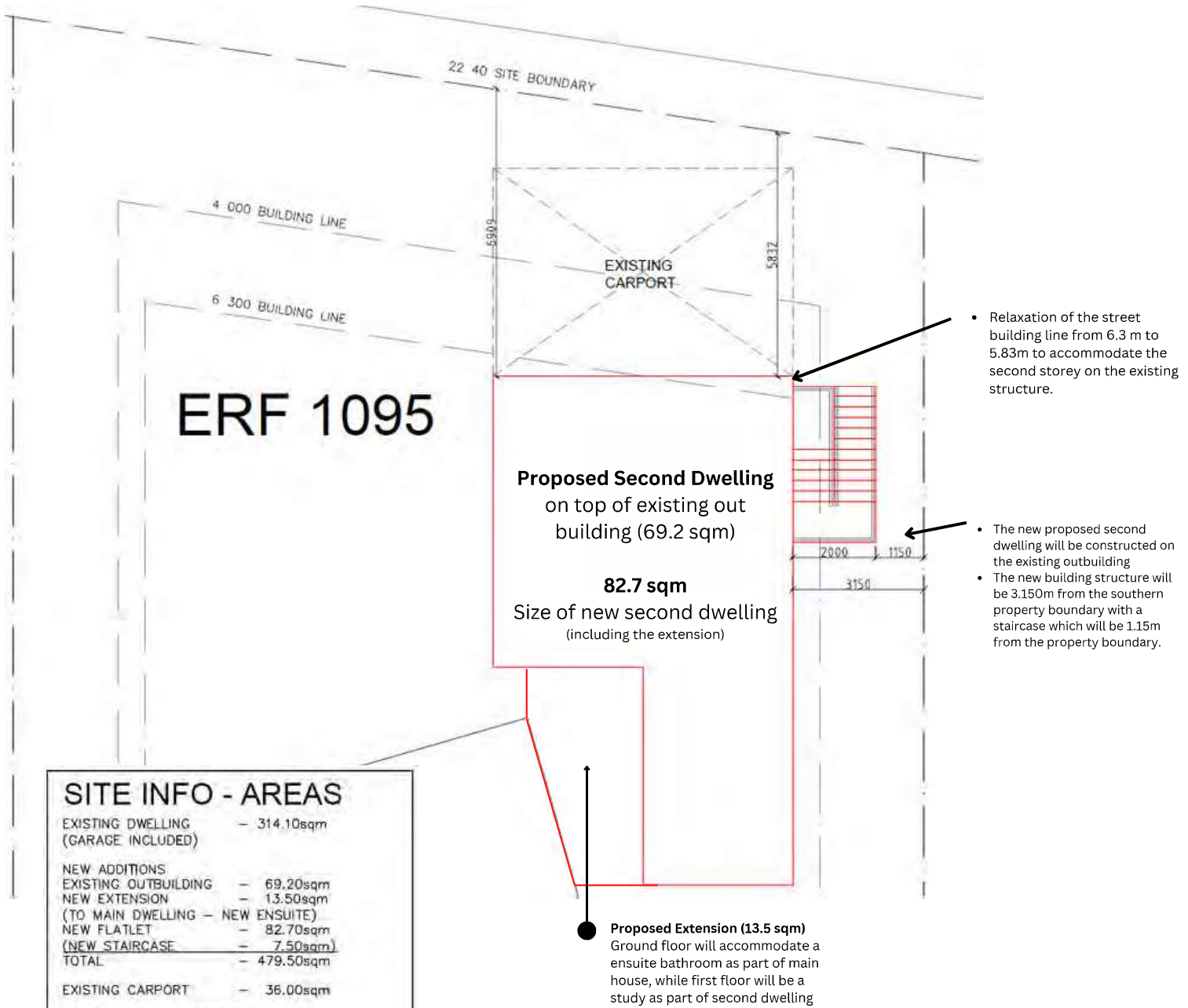
- The new proposed second dwelling (82.7 sqm) will be constructed on top of the existing outbuilding.
- Building line relaxation on the street boundary from 6.3 to 5,83m and on the side from 3.15m to 1.15m respectively. Both are title deed building lines.
- Zoning scheme building line of 2.5m to 1.15m on the southern boundary to accommodate staircase
- ----- Existing sewer lines

SITE INFO - AREAS	
EXISTING DWELLING (GARAGE INCLUDED)	- 314.10sqm
NEW ADDITIONS	
EXISTING OUTBUILDING	- 69.20sqm
NEW EXTENSION (TO MAIN DWELLING - NEW ENSUITE)	- 13.50sqm
NEW FLATLET (NEW STAIRCASE)	- 82.70sqm
TOTAL	- 479.50sqm
EXISTING CARPORT	- 36.00sqm
FOOTPRINT	- 432.80sqm
ERF DETAIL	
- total erf 1095 is 1024sqm	
COVERAGE	- 42.30%
ZONING	- CONVENTIONAL RESIDENTIAL ZONE
BUILDING LINES (TITLE DEED)	
6.3m	- STREET BOUNDARIES
3.15m	- COMMON BOUNDARIES
BUILDING LINES (MUNICIPALITY)	
4.0m	- STREET BOUNDARIES
2.5m	- COMMON BOUNDARIES
COVERAGE	- 50%
HEIGHT RESTRICTION	- TWO STOREY
CLASSIFICATION	
H4	- DWELLING HOUSE, INCLUDING OUTBUILDINGS
J3	- LOW RISK STORAGE (GARAGE)

Drawings have been compiled by



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ARCHITECTURAL DESIGN
ILZE-MERLE ROSSOUW
ARCHITECTURAL TECHNOLOGIST
(SACAP REGISTRATION NR1050)
(NAT (SAXFULL) 2468)
P.O Box 1137
Wellington
Phone: 082 430 6768
Tel/Fax: 021 364 2293
Email: i design@eeylink.co.za



SITE INFO - AREAS	
EXISTING DWELLING (GARAGE INCLUDED)	- 314.10sqm
NEW ADDITIONS:	
EXISTING OUTBUILDING	- 69.20sqm
NEW EXTENSION (TO MAIN DWELLING - NEW ENSUITE)	- 13.50sqm
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NEW STAIRCASE	- 7.50sqm
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BUILDING LINES (TITLE DEED)	
6.3m - STREET BOUNDARIES	
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COVERAGE	- 50%
HEIGHT RESTRICTION	- TWO STOREY
CLASSIFICATION	
H4 - DWELLING HOUSE, INCLUDING OUTBUILDINGS	
J3 - LOW RISK STORAGE (GARAGE)	

Drawings have been compiled by



Detailed SDP

Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : I-Design Architecture
Project Nr : 373.2023

urban rural
urban rural sa

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PLAN

B06

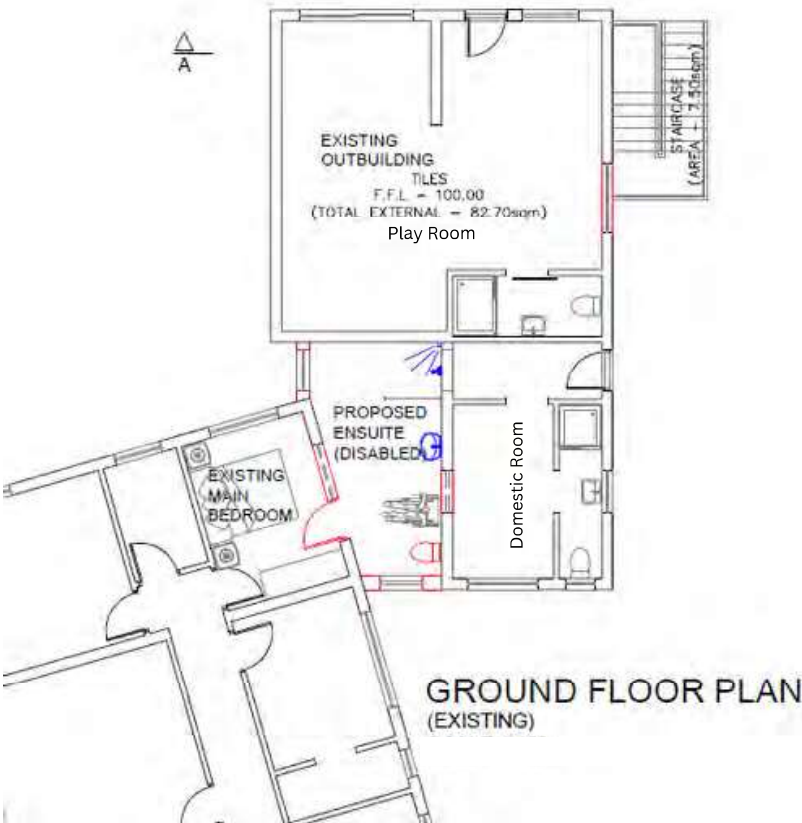
Dalsig Stellenbosch

Floor Plans

Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
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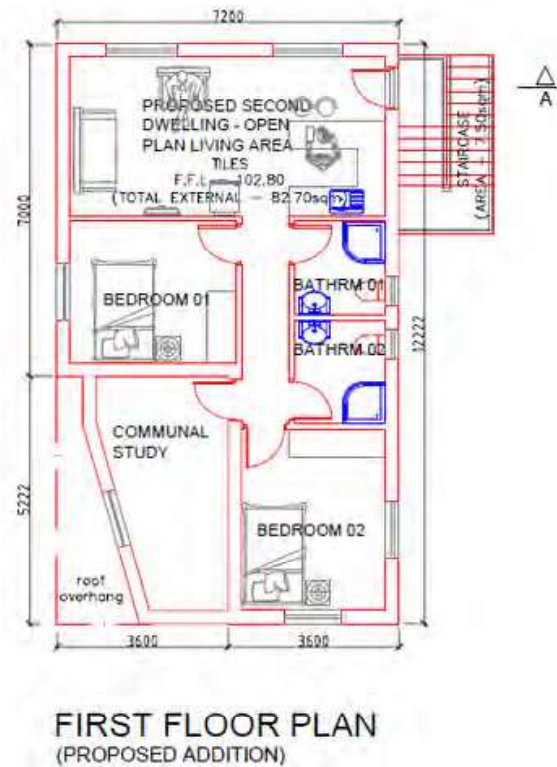
Main dwelling + outbuilding

13.5 sqm will be added to the main house : ensuite
bathroom to one of the bedrooms



Second Dwelling

82.7 sqm will be added on top of the existing
outbuilding to accommodate a second dwelling



Drawings have been compiled by



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Dalsig Stellenbosch

Floor & Elevation Plan

Property : Erf 1095
Town : Stellenbosch
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Location : 59 Buitekring, Dalsig
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Scale : Unknown or as Indicated
Source : I-Design Architecture
Project Nr : 373.2023

Second Dwelling

height restriction = 108.00



Drawings have been compiled by

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PLAN

B08

NOTICE OF LAND DEVELOPMENT APPLICATION APPLICATION FOR THE RELAXATION AND REMOVAL OF TITLE DEED RESTRICTIONS, DEPARTURE AND CONSENT USE: ERF 1095 STELLENBOSCH

Application Address: 59 Buitekring Street, Dalsig, Stellenbosch (Erf 1095, Stellenbosch)
Applicant: Alwi Theart t/a Urban Rural SA
Owner: 082 411 7914 | alwi@urbanrural.co.za
Application Reference: GE+A Schutte | 082 902 2947 | ceschutte@mweb.co.za
LU16964

Description of land use application:

- Application in terms of Section 15(2)(f) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, to remove the following restrictive title deed conditions on Erf 1095, Stellenbosch to permit the construction of a second dwelling.
(a) "Clause D(iii)(b) of T2305/2000: dit mag alleenlik gebruik word vir die doel van een woning tesame met die buitegebou wat gewoonlik in verband daarmee gebruik word daarop te rig".
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(a) "Clause d(iii)(c) of T2305/2000: op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie."
- Application in terms of section 15(2)(f) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, to relax the following restrictive title deed conditions on Erf 1095, Stellenbosch to permit the staircase and a section of the second dwelling on the first floor to be 1.15m in lieu of 3.15m from the common(side) boundary and 5.83m in lieu of 6.3m from the street boundary (Bergh Street)
(a) "clause D(iii)(d) of T2305/2000: geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 6.3m van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3.15m van die agtergrens of sygrens van aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 3.05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die anker plaat, en mits geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf."
- Application in terms of Section 15(2)(b) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, for a permanent departure to allow the relaxation of the common building line from 2.5m to 1.15m to accommodate a staircase Leading to the second dwelling on Erf 1095, Stellenbosch
- Application in terms of section 15(2)(b)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, For a consent use to allow a second dwelling that exceeds the threshold on Erf 1095, Stellenbosch.

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

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: **(Alwi Theart t/a Urban Rural SA : alwi@urbanrural.co.za)**. By lodging an objection, comment, or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **12 Augustus 2023**.

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 **082 411 7914** during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK AANSOEK VIR DIE VERSLAPPING EN VERWYDERING VAN TITEL VOORWAARES, AFWYKING EN VERGUNNINGSGEBRUIK: ERF 1095, STELLENBOSCH

Aansoek address: 59 Buitekring Straat, Dalsig, Stellenbosch (Erf 1095, Stellenbosch)
Aansoeker: Alwi Theart t/a Urban Rural SA
Eienaar: 082 411 7914 | alwi@urbanrural.co.za
Aansoek Verwysing: GE+A Schutte | 082 902 2947 | ceschutte@mweb.co.za
LU16964

Beskrywing van Grondgebruiks aansoek:

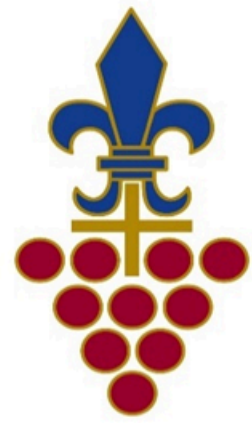
- Aansoek in terme van Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, vir die verwydering van die volgende beperkte titel akte voorwaarde op Erf 1095, Stellenbosch ten einde 'n tweede wooneenheid op die eiendom te kan akkommodeer.
(a) "Klousule D(iii)(b) of T2305/2000: dit mag alleenlik gebruik word vir die doel van een woning tesame met die buitegebou wat gewoonlik in verband daarmee gebruik word daarop te rig".
- Aansoek in terme van Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, ten einde die volgende beperkte titel akte voorwaarde op Erf 1095, Stellenbosch te verslap, ten einde die toegelate dekking te verhoog van 33% tot 43%.
(a) "klousule D(iii)(c) of T2305/2000: op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie."
- Aansoek in terme van Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, ten einde die volgende beperkte titel akte voorwaarde op Erf 1095, Stellenbosch, te verslap, ten einde 'n trap en 'n gedeelte van die voorgestelde tweede wooneenheid te akkommodeer op 1.15m in plaas van 3.15m vanaf die gemeenskaplike sygrens asook 5.83m in plaas van 6.3m vanaf die straatgrens (Bergh Street)
(a) "klousule D(iii)(d) of T2305/2000: geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 6.3m van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3.15m van die agtergrens of sygrens van aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 3.05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die anker plaat, en mits geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf."
- Aansoek in terme van Artikel 15(2)(b) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, vir 'n permanente afwyking ten einde die verslapping op die sygrens van 2.5m tot 1.15m toe te laat ten einde die trap wat lei na die tweede wooneenheid te akkommodeer op Erf 1095, Stellenbosch.
- Aansoek in terme van Artikel 15(2)(b)(o) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, vir 'n vergunningsgebruik ten einde 'n tweede wooneenheid wat die toegelate drempel oorskry op Erf 1095, Stellenbosch.

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

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van die genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: **(Alwi Theart t/a Urban Rural SA : alwi@urbanrural.co.za)**. Deur 'n beswaar, kommentaar of vertoë 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 **12 Augustus 2023**.

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 **082 411 7914** gedurende normale kantoor ure.



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE APPLICATION

PLEASE CONSULT THE PLANNING PORTAL ON
THE MUNICIPAL WEBSITE FOR
FURTHER DETAILS www.stellenbosch.gov.za

Application Reference: **LU/16964**

ERF 1095, Stellenbosch

ADVERTISING PERIOD:

11 July 2024 – 12 August 2024

ENQUIRIES: Alwi Theart t/a Urban Rural SA ,
Land Use Specialists

alwi@urbanrural.co.za | +27 82 411 7914

NOTICE

Description of land use application:

1. Application in terms of Section 15(2)(f) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, to remove the following restrictive title deed conditions on Erf 1095, Stellenbosch to permit the construction of a second dwelling.

(a) "Clause D(iii)(b) of T2305/2000: dit mag alleenlik gebruik word vir die doel van een woning tesame met die buitegebou wat gewoonlik in verband daarmee gebruik word daarop te rig"

2. Application in terms of section 15(2)(f) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, to relax the following restrictive title deed condition on Erf 1095, Stellenbosch to increase the permitted coverage from 33% to 43%.

(a) "clause d(iii) (c) of T2305/2000: op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie."

3. Application in terms of section 15(2)(f) of the Stellenbosch Municipal By-law on Municipal Land Use Planning, 2023, to relax the following restrictive title deed conditions on Erf 1095, Stellenbosch to permit the staircase and a section of the second dwelling on the first floor to be 1.15m in lieu of 3.150m from the common(side) boundary and 5.83m in lieu of 6.3m from the street boundary (Bergh Street)

(a) "clause D(iii) (d) of T2305/2000: geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 6.3m van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3.15m van die agtergrens of sygrens van aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 3.05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die anker plaat, en mits geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf."

4. Application in terms of Section 15(2)(b) of the Stellenbosch Municipality By-law on Land Use Planning, 2023, for a permanent departure to allow the relaxation of the common building line from 2.5m to 1.15m to accommodate a staircase leading to the second dwelling on Erf 1095, Stellenbosch

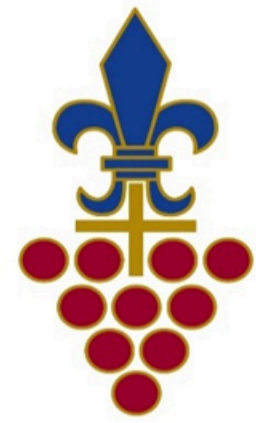
5. Application in terms of section 15(2)(b)(o) of the Stellenbosch Municipality By-law on Land Use Planning, 2023 for a consent use to allow a second dwelling that exceeds the threshold on Erf 1095, Stellenbosch.

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. 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: (Repeat name of applicant and e-mail address for submissions). 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 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 if you are unable to write and / or submit your comments as provided for, you must contact the Applicant for assistance.



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LAND USE APPLICATION

PLEASE CONSULT THE PLANNING PORTAL ON
THE MUNICIPAL WEBSITE FOR
FURTHER DETAILS www.stellenbosch.gov.za

Application Reference: **LU/16964**

ERF 1095, Stellenbosch

ADVERTISING PERIOD:
11 July 2024 – 12 August 2024

ENQUIRIES: Alwi Theart t/a Urban Rural SA ,
Land Use Specialists

alwi@urbanrural.co.za | +27 82 411 7914

NOTICE

Beskrywing van Grondgebruiksaansoek:

1. Aansoek in terme van Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, vir die verwydering van die volgende beperkte titel akte voorwaarde op Erf 1095, Stellenbosch ten einde 'n tweede wooneenheid op die eiendom te kan akkommodeer.

(a) “Klousule D(iii)(b) of T2305/2000: dit mag alleenlik gebruik word vir die doel van een woning tesame met die buitegebou wat gewoonlik in verband daarmee gebruik word daarop te rig”

2. Aansoek in terms van Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, ten einde die volgende beperkte titel akte voorwaarde op Erf 1095, Stellenbosch te verslap, ten einde die toegelate dekking te verhoog van 33% to 43%.

(a) “klousule D(iii)(c) of T2305/2000: op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie.”

3. Aansoek in terms of Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, ten einde die volgende beperkte titel akte voorwaarde op Erf 1095, Stellenbosch, te verslap, ten einde 'n trap en 'n gedeelte van die voorgestelde tweede wooneenheid te akkommodeer op 1.15m in plaas van 3.150m vanaf die gemeenskaplike sygrens asook 5.83m in plaas van 6.3m vanaf die straatgrens (Bergh Street)

(a) “klousule D(iii) (d) of T2305/2000: geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 6.3m van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3.15m van die agtergrens of sygrens van aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte lands die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 3.05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die anker plaat, en mits geen gedeelte daarvan vir bewoingsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf. “

4. Aansoek in terme van Artikel 15(2)(b) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, vir 'n permanente afwyking ten einde die verslapping op die sygrens van 2.5m tot 1.15m toe te laat ten einde die trap wat lei na die tweede wooneenheid te akkommodeer op Erf 1095, Stellenbosch.

5. Aansoek in terme van Artikel 15(2)(b)(o) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, vir 'n vergunningsgebruik ten einde 'n tweede wooneenheid wat die toegelate drempel oorskry op Erf 1095, Stellenbosch.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. 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.

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, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: **(Alwi Theart t/a Urban Rural SA : alwi@urbanrural.co.za)**. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die Munisipaliteit, soos uiteengesit in Artikel 50(5) van die Verordening , mag weier om enige kommentare/ besware wat na die sluitingsdatum ontvang word, te aanvaar.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand.



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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

766436

WJ/16964

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	08/02/2024	
Erf No	1095	Town		Suburb	Stellenbosch	
Farm No	N/A	Farm Portion	N/A	Nearest Town	N/A	
Owner / Applicant	Alwi Theart t/a Urban Rural SA			Contact number	082 411 7914	
Email address	alwi@urbanrural.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²
				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				✓		✓
13. Conveyancer's certificate				✓		✓
14. Feedback on Pre-application scrutiny						
15. Minutes of Pre-consultation Meeting						

FILE NR: E 1095 S

SCAN NR: ✓

COLLABORATOR NR: ✓

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.

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

29 APR 2024 Page 2 of 2

RECEIVED

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 <i>NKatts</i>	DATE 08/02/2024
Outstanding information (to be completed by Planner): - Applicant is required to submit the correct application form. (Land Use Planning application Form A). - Motivation must include Section 39 of the Land Use Planning Act, 2015 as previously required in the pre-application scrutiny dated 29 January 2024.			
Applications to be invoiced (to be completed by Planner): - Removal of restrictive title deed condition - Permanent Departure - Technical Approval.			
EVALUATED & SIGNED BY PLANNER	NAME <i>Thuthula</i>	SIGNATURE <i>MT</i>	DATE (13/02/2024)
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)].			

From: Sharise De Klerk <Sharise.Deklerk@stellenbosch.gov.za>

Sent: Friday, April 26, 2024 8:59 AM

To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>

Subject:

Good day

Invoice please

25/04/2024 148 25900.00 DIR1 1000254289

05236 TP687/2024 TP687/2024

25/04/2024 142 7800.00 DIR1 1000254283 05236 ABSA BANK

BANK Lu16964 Erf 1095 ABSA



Kind regards,

Sharise De Klerk

Electronic Payments

Income/Finance Department

T: +27 21 808 8547 | F: +27 8867318

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

Nicole Katts

From: Nicole Katts
Sent: Friday, 26 April 2024 13:43
To: Sharise De Klerk
Cc: Bulelwa Mdoda; Nolusindiso Momoti
Subject: RE: INVOICE
Attachments: INVOICE - ERF 1095 SB.pdf

Good day Sharise

Please find attached as requested.



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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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>

Sent: Friday, 26 April 2024 09:18

To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>; Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>

Cc: Sharise De Klerk <Sharise.Deklerk@stellenbosch.gov.za>

Subject: FW: INVOICE

Ladies;

Sharise is looking for invoice for LU/16964 (Erf 1095).

I don't have this application on the register

Thank you

Nicole Katts

From: Nicole Katts
Sent: Thursday, 07 March 2024 11:26
To: alwi@urbanrural.co.za
Subject: OUTSTANDING INFORMATION: ERF 1095 STELLENBOSCH
Attachments: Land Use Application Form A Nov23.docx; Land Use Application Form A Nov23.pdf

Good day Alwi

Please see below from the planner for your attention. Once submitted and correct an invoice will follow.

- Applicant is required to submit the correct application form (Land Use Planning Application Form A).
- Motivation must include Section 39 of the Land Use Planning Act, 2015 s previously required in the pre-application scrutiny dated 29 January 2024.

Should you have any further enquiries, please see below contact details of the planner.
Thuthula Mazana / thuthula.mazana@stellenbosch.gov.za / 021 808 8695



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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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

Nicole Katts

From: alwi@urbanrural.co.za
Sent: Thursday, 07 March 2024 19:42
To: Nicole Katts
Cc: Thuthula Mazana
Subject: [EX] RE: OUTSTANDING INFORMATION: ERF 1095 STELLENBOSCH
Attachments: Land Use Application Form A Nov23 - Copy.pdf; LUPA MOTIVATION REPORT 373.2023 ERF 1095 STELLENBOSCH 1.pdf; 20240307 email requesting additional info.pdf

Dear Nicole / Thuthula

Your email from earlier today has reference

Attached please find the Application Form A as requested.

Also find a revised copy of the motivation report (pages 1-13) – The required section regarding Section 39 has been incorporated in Paragraph 9 of the motivation report.

We trust that the application is now complete for further processing.

Should you require any additional information please do not hesitate to contact us.

Regards
Alwi



Alwi Theart – Principal Planner

Tch.Pl(SA) | MPhil NHDip NDip PPPE CEA
Cell: 082 411 7914 | Office: 021 855 1919 | alwi@urbanrural.co.za
Alwi Theart t/a Urban Rural SA | PO Box 7257 Stellenbosch 7599
S A C P L A N Registration nr. B.8133/2005 | www.urbanruralsa.com

From: Nicole Katts [mailto:Nicole.Katts@ Stellenbosch.gov.za]
Sent: Thursday, 07 March 2024 11:26
To: alwi@urbanrural.co.za
Subject: OUTSTANDING INFORMATION: ERF 1095 STELLENBOSCH

Good day Alwi

Please see below from the planner for your attention. Once submitted and correct an invoice will follow.

- Applicant is required to submit the correct application form (Land Use Planning Application Form A).
- Motivation must include Section 39 of the Land Use Planning Act, 2015 as previously required in the pre-application scrutiny dated 29 January 2024.

Should you have any further enquiries, please see below contact details of the planner.
Thuthula Mazana / thuthula.mazana@ Stellenbosch.gov.za / 021 808 8695



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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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



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About Stellenbosch Municipality

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



Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from nicole.katts@stellenbosch.gov.za sent at 2024-03-07 11:25:58 is confidential and may be legally privileged. It is intended solely for use by alwi@urbanrural.co.za and others authorized to receive it. If you are not alwi@urbanrural.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

Nicole Katts

From: alwi@urbanrural.co.za
Sent: Monday, 08 April 2024 10:30
To: Nicole Katts
Cc: Thuthula Mazana; Chrizelle Kriel
Subject: [EX] FW: OUTSTANDING INFORMATION: ERF 1095 STELLENBOSCH
Attachments: LUPA MOTIVATION REPORT 373.2023 ERF 1095 STELLENBOSCH 1.pdf; 20240307 email requesting additional info.pdf; Land Use Application Form A Nov23 - complete.pdf

Dear Nicole / Thuthula

Our abovementioned application as submitted in December 2023 has reference.

I am writing to follow up on the status of our application referenced to above, which was submitted to your department in December 2023.

As per our previous correspondence, we received a letter from your department on 7 March 2023 requesting additional information. Without delay, we promptly provided the requested information on the **same day**.

Since then, we have diligently followed up on the progress of our application. However, to date, we have not received any feedback or updates regarding its status.

Given the importance of this application to us, we kindly request that you expedite the processing and provide us with the necessary feedback at your earliest convenience. We are eager to finalize this matter and would greatly appreciate your assistance in ensuring a timely resolution.

Thank you for your attention to this matter. We look forward to hearing from you soon.

Regards
Alwi



Alwi Theart – Principal Planner

Tch.Pl(SA) | MPhil NHDip NDip PPRE CEA
Cell: 082 411 7914 | Office: 021 855 1919 | alwi@urbanrural.co.za
Alwi Theart t/a Urban Rural SA | PO Box 7257 Stellenbosch 7599
S A C P L A N Registration nr. B.8133/2005 | www.urbanruralsa.com

From: alwi@urbanrural.co.za [mailto:alwi@urbanrural.co.za]
Sent: Thursday, 04 April 2024 09:36
To: 'Nicole Katts' <Nicole.Katts@stellenbosch.gov.za>
Cc: 'Thuthula Mazana' <Thuthula.Mazana@stellenbosch.gov.za>
Subject: FW: OUTSTANDING INFORMATION: ERF 1095 STELLENBOSCH

Dear Nicole / Thuthula

Our previous email dated 8 March 2024 has reference .

Can you please provide us with feedback on the progress made with our application.

We are urgently wish to get this application process as soon as possible.

Your earliest reply will be much appreciated.

Regards
Alwi



Alwi Theart – Principal Planner

Tch.Pl(SA) | MPhil NHDip NDip PPPE CEA
Cell: 082 411 7914 | Office: 021 855 1919 | alwi@urbanrural.co.za
Alwi Theart t/a Urban Rural SA | PO Box 7257 Stellenbosch 7599
S A C P L A N Registration nr. B.8133/2005 | www.urbanruralsa.com

From: alwi@urbanrural.co.za [mailto:alwi@urbanrural.co.za]
Sent: Friday, 08 March 2024 08:53
To: 'Nicole Katts' <Nicole.Katts@stellenbosch.gov.za>
Cc: 'Thuthula Mazana' <Thuthula.Mazana@stellenbosch.gov.za>
Subject: FW: OUTSTANDING INFORMATION: ERF 1095 STELLENBOSCH

Dear All

My email send to you yesterday has reference.

We picked up that we attached the blank application form by accident.

Please find the completed form attached

Regards
Alwi



Alwi Theart – Principal Planner

Tch.Pl(SA) | MPhil NHDip NDip PPPE CEA
Cell: 082 411 7914 | Office: 021 855 1919 | alwi@urbanrural.co.za
Alwi Theart t/a Urban Rural SA | PO Box 7257 Stellenbosch 7599
S A C P L A N Registration nr. B.8133/2005 | www.urbanruralsa.com

From: alwi@urbanrural.co.za [mailto:alwi@urbanrural.co.za]
Sent: Thursday, 07 March 2024 19:42
To: 'Nicole Katts' <Nicole.Katts@stellenbosch.gov.za>
Cc: 'Thuthula Mazana' <Thuthula.Mazana@stellenbosch.gov.za>
Subject: RE: OUTSTANDING INFORMATION: ERF 1095 STELLENBOSCH

Dear Nicole / Thuthula

Your email from earlier today has reference

Attached please find the Application Form A as requested.

Also find a revised copy of the motivation report (pages 1-13) – The required section regarding Section 39 has been incorporated in Paragraph 9 of the motivation report.

We trust that the application is now complete for further processing.

Should you require any additional information please do not hesitate to contact us.

Regards

Alwi



Alwi Theart – Principal Planner

Tch.Pl(SA) | MPhil NHDip NDip PPRE CEA

Cell: 082 411 7914 | Office: 021 855 1919 | alwi@urbanrural.co.za

Alwi Theart t/a Urban Rural SA | PO Box 7257 Stellenbosch 7599

S A C P L A N Registration nr. B.8133/2005 | www.urbanruralsa.com

From: Nicole Katts [<mailto:Nicole.Katts@stellenbosch.gov.za>]

Sent: Thursday, 07 March 2024 11:26

To: alwi@urbanrural.co.za

Subject: OUTSTANDING INFORMATION: ERF 1095 STELLENBOSCH

Good day Alwi

Please see below from the planner for your attention. Once submitted and correct an invoice will follow.

- Applicant is required to submit the correct application form (Land Use Planning Application Form A).
- Motivation must include Section 39 of the Land Use Planning Act, 2015 s previously required in the pre-application scrutiny dated 29 January 2024.

Should you have any further enquiries, please see below contact details of the planner.
Thuthula Mazana / thuthula.mazana@stellenbosch.gov.za / 021 808 8695



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Development Management

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za or 021- 808 8606

SUBMIT APPLICATION TO landuse.applications@stellenbosch.gov.za

NOTE: The Bylaw on Municipal Land Use Planning 2023 in section 68(c) regulates certain types of applications must be decided by the Municipality. If the application is to obtain permission either in terms of the zoning scheme or in terms of a condition of approval or in terms of the title deed, Land Use Application Form C must be completed and submitted via email.

For all other applications, depending on the type of application, Land Use Application Form A or Form B must be completed. Land Use Application Form B can be used if the application ONLY comprises of a permanent departure.

LAND USE PLANNING APPLICATION FORM C

Applications in terms of Sections 15(2)(g) and 15(2)(l) of the Municipal Bylaw on Land Use Planning 2023

Permission in terms of the zoning scheme & Permission in terms of a condition of approval

AND

Applications to obtain consent or **permission in terms of the Title Deed**

Complete this form using BLOCK letters and ticking the appropriate boxes

PART A: APPLICANT DETAILS

First name(s)	Alwi
Surname	Theart
Company name (If applicable)	Alwi Theart t/a Urban Rural SA
Postal Address	PO Box 7257
Email Address	alwi@urbanrural.co.za
Contact Number	+27 82 411 7914

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

Registered owner(s) Name	CE + A Schutte
E-mail Address	ceschutte@mweb.co.za
Contact Number	+27 82 902 2947

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

Erf No	1095	Suburb	Dalsig	Town	Stellenbosch
Farm no		Farm Portion		Nearest Town	
Physical or Street Address	59 Buitekring Street, Dalsig			Property / Business / Farm known as	

Current Zoning	Conventional Residential			
Additional or Consent Uses	n/a			
Current activities	Residential			
Property Size / Extent	1024 sqm	m ² / ha	Are there existing buildings?	☒ Y ☐ N
Title Deed number	T 2405/2000			
PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY (Not compulsory)				
Has there been any pre-application consultation / scrutiny form submitted?	☒ Y ☐ N	If yes, attach the minutes of the pre-application consultation or written feedback received.		
PART E: LAND USE PLANNING APPLICATIONS AND PAYMENT OF FEES				
APPLICATIONS IN TERMS OF SECTION 15 OF THE MUNICIPAL BYLAW ON LAND USE PLANNING 2023				
Type of application				Tick
15(2)(g) a permission required in terms of the zoning scheme				☒
15(2)(l) a permission required in terms of a condition of approval				☐
OTHER APPLICATIONS				
Consent / Permission required in terms of a title deed (includes where permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)				☒
DETAILS FOR INVOICE				
Name & Surname (party responsible for payment)	Water & Wastes Utilisation Solutions (Pty)Ltd			
Postal Address	PO Box 12374, Die Boord, Stellenbosch, 7613			
Vat Number (where applicable)	Vat No 4400190841			
<p>1. Application fees are per the Council Approved Tariffs. 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 as per the Tariff Rules. Once proof of payment is received, the application will be regarded as duly submitted.</p> <p>2. 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.</p>				
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				
PART F: DETAILS OF PROPOSAL (Brief description of intent of development)				
<p>Section 15(2)(b) for a permanent departure to relax the side building line from 2.5m to 1.15m to accommodate a staircase leading to the new second dwelling;</p> <p>Section 15(2)(f) to remove and relax certain title deed conditions from the title deed to accommodate the proposed second dwelling</p> <ul style="list-style-type: none"> - the removal of clause (D)(iii)(b) to accommodate a second dwelling; - the relaxation of clause (D)(iii)(c) to increase the permitted coverage from 33% to 43%; - the relaxation of clause (D)(iii)(d) to relax the side title deed building line from 3.150m to 1.15m and the street building line (Bergh Street) from 6.3m o 5.83m to accommodate the proposed staircase and a section of the new second dwelling on the first floor; <p>Section 15(2)(o) of the Stellenbosch Municipal Planning By-law for a consent use to accommodate a second dwelling (82.7 sqm) on Erf 1095, Stellenbosch.</p>				

PART G: MOTIVATION FOR APPLICATION

When this section is completed and all the relevant documents are attached, it is not necessary to submit a separate report for motivation.

See previous page

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

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

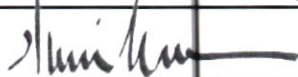
☒	☐	Power of attorney / Owner's consent if applicant is not owner	☐	☐	☒	Copy of original approval and conditions of approval
☒	☐	Resolution or other proof that applicant is authorised to act on behalf of a juristic person	☐	☒	☐	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting
☒	☐	Proof of registered ownership (Full copy of the title deed)	☐	☒	☐	Abutting owner's consent
☒	☐	Locality plan (A4 or A3 only) to scale	☐	☐	☒	Owners' association consent
☒	☐	Site development plan or conceptual layout plan (A4 or A3 only) to scale	☐	☐	☒	Owners' association constitution
☐	☒	Landscaping / Tree plan (A4 or A3 only) to scale	☐	☐	☒	Design guidelines
☐	☒	Other (specify):	☐	☐	☒	Other (specify):

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) of said bylaw 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 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 if 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:

05/02/2024

Full name:

Alwi Theart t/a Urban Rural SA

Professional capacity:

Planning Consultant

urban373.2023



December 2023

LAND USE APPLICATION

Erf 1095, Dalsig, Stellenbosch
Removal + Relaxation of Title Deed Conditions
Consent Use: Additional Dwelling
Departure: Building line Relaxation

Prepared for : CE+A Schutte



URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Pl'n (SA) MPhil NHDip NDip PPPE CEA
ALWI THEART T/A URBAN RURAL SA PLANNING PRACTITIONERS
REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
alwi@urbanrural.co.za | www.urbanruralsa.com

LAND USE APPLICATION

ERF 1095, DALSIG, STELLENBOSCH
REMOVAL & RELAXATION OF TITLE DEED CONDITIONS
CONSENT USE : SECOND DWELLING
DEPARTURE : BUILDING LINE RELAXATIONS



URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Plh (SA) MPhil NHDip NDip PPRE CEA
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C05 : Architectural Plans	C05

PROPERTY INFORMATION

APPLICATION CONSULTANT	Urban Rural SA Planning + Land Use Specialists
LANDOWNER	CE+ A Schutte
PROPERTY	Erf 1095, Stellenbosch
PROPERTY SIZE	1024sqm
CURRENT ZONING	Conventional Residential Zone
BOND	N/a
EXISTING BUILDINGS	Dwelling + Outbuilding
EXISTING LAND USE	Residential
SPECIALIST STUDIES	Conveyancer's Certificate



1 BACKGROUND

- The owners' of Erf 1095, Stellenbosch, namely CE+A Schutte has appointed Alwi Theart t/a Urban Rural SA, Land Use Specialists to submit a land use application to Stellenbosch Municipality.
- The application aims to secure essential land use permissions to modify and ease specific title deed conditions and municipal building lines to establish a second dwelling on the mentioned property.
- Comprehensive details regarding this application are outlined in the accompanying report.
- Furthermore, enclosed is a Power of Attorney letter provided by the landowners, authorizing this appointment.

2 APPLICATION

Application is made in terms of:

1. **Section 15(2)(b)** of the Stellenbosch Municipal Planning By-law for a **permanent departure** to relax the side building line from 2.5m to 1.15m to accommodate a staircase leading to the new second dwelling.
2. **Section 15(2)(f)** to **remove and relax certain title deed conditions** from the property's title deed to accommodate the proposed second dwelling. The changes include the following :
 - the removal of Clause **(D)(iii)(b)** of T2305/2000 to accommodate a second dwelling;
 - the relaxation of Clause **(D)(iii)(c)** of T2305/2000 to increase the permitted coverage from 33% to 43%.
 - the relaxation of Clause **(D)(iii)(d)** of T2305/2000 to relax the side title deed building line from 3.150 m to 1.15m and the street building line (Bergh Street) from 6.3m to 5.83m to accommodate the proposed staircase and a section of the new second dwelling on the first floor.
3. **Section 15(2)(o)** of the Stellenbosch Municipal Planning By-law for a **consent use** to accommodate a **Second dwelling** (82,7 sqm) on Erf 1095, Stellenbosch.

3 STELLENBOSCH ZONING SCHEME

To comprehend and contextualize the proposed application, we will first explore the specifics of a property with conventional residential zoning and the permissible activities on such a property.

The purpose of a **Conventional Residential Zone** is to make provision for:

- the use of land for the purposes of predominantly single-dwelling houses;
- the welfare and safety of the occupants of dwelling houses within a neighborhood by limiting uses which are likely to give rise to a public nuisance;
- the protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
- controlled opportunities for home employment and income generation through activities that are compatible with the ancillary to residential uses; and
- moderate densification through additional dwellings with a similar built form and character.

Land Uses applicable to Conventional Residential Zoning

Primary Uses

- Dwelling house

Additional Uses

- Bed and Breakfast establishments
- Home day care centre
- Home occupation practice
- Home lodging
- **Second dwelling***
- Occasional use (one event/year)
- Private Road

Consent Uses

- Commune
- Extramural facilities
- Group housing
- Guest house
- House shop
- Occasional use (>one event/year)
- Tourist dwelling unit
- **Additional uses exceeding parameters in this chapter**

*A **second dwelling** means a dwelling unit, together with its customary outbuildings, which is erected on a land unit on which a dwelling house already exists provided that a second dwelling: (i) may be attached to or separated from the main dwelling; (ii) is built of similar material and architectural style as the dwelling house on the property; but excludes domestic accommodation unit.

Based on the necessity to eliminate specific conditions and adjust building regulations to accommodate the placement of a second dwelling in this particular area, the Municipality's interpretation in an instance like this is, that the application for additional use transitions to a consent use application. Even though the intent behind the application remains unchanged, the advertising and final approval consequently undergo a more intricate process.

4 TITLE DEED + CONVEYANCER'S CERTIFICATE

The property is held under **Title Deed No T2305/2000**. Attached please find a copy of the title deed under discussion. Based on our assessment there are title deed conditions that either have to be removed or relaxed to accommodate the proposed development.

A **Conveyancer's Certificate** has been compiled by STBB Attorneys, which highlights the aforementioned conditions that have to be removed or relaxed to obtain the rights to establish the proposed second dwelling in the proposed position. (**annexure C03**)

The clauses that have to be removed and or relaxed include the following :

- Clause (D)(iii)(b) of 2305/2000 to accommodate a second dwelling;
- Clause (D)(iii)(c) of T2305/2000 to relax the prescribed coverage restriction of 33.3% to 43%;
- Clause (D)(iii)(d) of T2305/2000 to relax the side title deed building line from 3.150 m 1.15m to accommodate the proposed staircase that leads to the new second dwelling and the street title deed building line from 6.3m to 5.83m to accommodate a small portion of the new second dwelling on top of the existing structure.

5 EXISTING & PROPOSED DEVELOPMENT

Erf 1095 in Stellenbosch spans an area of 1024 square meters and currently hosts a singular large dwelling along with an outbuilding. The owner has set forth plans to expand the property by constructing a second dwelling on top of the existing outbuilding. This proposed addition will cover an approximate area of 83 square meters and will consist of 2 bedrooms, 2 bathrooms, and a study with an open-plan kitchen living area. A new ensuite bathroom of approximately 13.5 sqm will also be added to the existing main dwelling as indicated on the site plan.

However, certain alterations to the property's building lines are necessary due to the existing outbuilding's proximity to Bergh Street, sitting at a distance of approximately 5.83 meters. This necessitates a relaxation of the title deed building line, reducing it from 6.3 meters to match the current distance from the street. It's important to note that the new second dwelling will be located on top of an existing structure and will not be closer to the boundary than the existing building.

Additionally, to facilitate access to the proposed second dwelling, a new staircase is to be built adjacent to the property's southern boundary. This staircase will encroach upon both the title deed building line (currently set at 3.150 meters) and the municipal building line (set at 2.5 meters). The staircase will be situated at a distance of 1.15 meters from the property boundary. The design of the unit has been done in such a way that it will have the least impact on the adjacent landowners. A formal letter will however be sent to the adjacent landowners as part of the formal advertising process.

To ensure legal compliance and validate the proposed alterations and relaxations, a conveyancer's certificate provided by STBB attorneys (annexure C2) confirms the necessity and appropriateness of the modifications.

This planned expansion signifies a minor additional development for Erf 1095, Stellenbosch, with measures taken to accommodate the new construction while ensuring amicable agreements with adjacent landowners and legal compliance through the conveyancer's certification and other planning legislation.

Property Details :

Existing Coverage

Existing Dwelling	314 sqm
Existing Outbuilding	69.2 sqm
Existing Carport	36 sqm
TOTAL	419.2 sqm

New extension	13.5 sqm	(New ensuite bathroom to main dwelling)
NEW TOTAL coverage	432.8 sqm	

Erf Size	1024 sqm
New Coverage	42.3%

Size of New Second Dwelling	82.7 sqm
-----------------------------	-----------------

6 SERVICE INFRASTRUCTURE

The property is currently connected to the service infrastructure network of Stellenbosch. The proposed new second dwelling will form part of the existing outbuilding and will be linked up with the infrastructure (water, sewerage and electricity) already present in the outbuilding.

The main dwelling and second dwelling will remain on the same property and no additional connections of any services will be required at this stage. Sufficient parking is available on the property.

7 CRITERIA FOR DECISION-MAKING

We do believe that we submitted a complete application with all the necessary documentation and motivations as prescribed in the relevant legislation which will put the Municipality in a position to evaluate the application based on Section 65 (Stellenbosch Land Use Planning Bylaw Regulations, 2023).

The scale of the application is of such a nature that we think that it will not have an impact on the environment or the wider Stellenbosch community and that the only persons who might be affected will be the direct neighbours. However, as mentioned before the proposed second dwelling will be accommodated mostly on an existing building footprint. We are of the opinion that the Municipality and all the relevant parties will come to the conclusion that the proposed development will be suitable and that the relevant approval be issued in this regard.

8 DEVELOPMENT PRINCIPLES

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) also known as SPLUMA has identified certain development principles which should be considered when development takes place and this has been adopted in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014 (LUPA) and was also included in the Land Use Planning Bylaws of all the Local Municipalities. These principles include aspects such as Spatial Justice, Spatial Sustainability, Spatial Sufficiency, Spatial Resilience, and Good Governance.

Spatial Sustainability

Land development that is within the fiscal, institutional and administrative means of the country must be promoted. Prime and unique agricultural land must be protected and environmental management instruments applied to development. The effective and equal functioning of the land market and development in locations that are suitable and limiting urban sprawl must be promoted.

The proposed additional dwelling represents the more optimal use of the subject property and appropriate densification within an urban area. The proposal is on a residential property within a neighbourhood and therefore does not impact on any agricultural or natural resources or greenfields. The development does not encourage urban sprawl.

Spatial Justice

The principle of equality requires that everyone affected by spatial planning, land use management, and land development actions or decisions must enjoy equal protection and benefits, and no unfair discrimination should be allowed.

The proposed development does not impede the principle as the proposal does not exclude anyone from equitable access to the resources and opportunities that the Municipality has to offer.

Spatial Efficiency

Land development that optimizes the use of existing resources/infrastructure while minimising the negative financial, social economic or environmental impacts, must be encouraged.

Adding an extra dwelling on the property can be seen as the optimal means to increase neighborhood density, enabling landowners to generate supplementary income by renting out the unit. Simultaneously, the Municipality can generate additional revenue by imposing development contributions. This additional development will further maximize the utilization of existing infrastructure, thereby generating additional revenue for the Municipality.

Spatial Resilience

Flexibility in Spatial Plans, Policies, and development management systems must be accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks

The proposed additional dwelling will provide the landowner with the opportunity to either house additional family members on the property or rent out the second dwelling to generate income. This will ensure that the property is well-maintained and cared for, particularly in the face of the economic challenges of modern-day living.

Good Administration

Inter-governmental coordination at all spheres is vital to ensure an integrated approach to spatial planning and development management. Transparent procedures and processes of public participation are required for spatial plans, policies, zoning schemes and for development applications.

The application has been submitted and is being considered in terms of the Municipal applicable laws and regulations. The application will be advertised to all the relevant departments and the general public based on a prescribed public participation process that is open and transparent to all.

The proposed development can be considered to be in line with most of the applicable development principles, as the proposed development will (1) not deviate to much from the parameters of the zoning scheme, (2) it will make optimal use of the existing service infrastructure available. It will further ensure that (3) sustainable densification takes place, which will limit urban sprawl in the long term. The application will be taken through a (4) prescribed application process which will inform all the relevant parties and roleplayers and will give them the (5) opportunity to comment/respond to the proposed development, which promotes (6) inclusivity and (7) good governance.

9 DESIRABILITY OF PROPOSED DEVELOPMENT

Outdated Township Development Conditions vs new development

When a township undergoes development, specific conditions are typically set to ensure that the developer creates a particular style, ambiance, and lifestyle that appeal to potential buyers. The Dalsig neighborhood, which began around 1950 (the first registration of the subject property), has experienced significant lifestyle changes since its inception. New demands have arisen to adapt to the evolving needs of contemporary life, including densification, approval of second dwellings, and subdivision, in order to stay relevant.

While recognizing that residents were initially drawn to the neighbourhood based on the prescribed development rules and the associated lifestyle, township development regulations need to be reevaluated and updated to suit present times.

The Stellenbosch Municipal By-law, enacted in 2019 and revised in 2023, aims to keep up with modern developments by offering greater flexibility and adaptability to accommodate innovative changes. However, many neighborhoods are still governed by outdated development regulations (in old title deeds) that no longer meet current living standards. Despite the newly introduced zoning schemes being more flexible, the process of amending the old township development conditions (through title deed removal and relaxations) burdens landowners, proving to be both costly and time-consuming.

Beneficial Use of Second Dwellings in Neighbourhoods

The addition of a second dwelling on my client's property holds significant potential as a positive and beneficial extension, aligning with several crucial aspects:

1. By emphasizing the neighborhood's primary designation for single dwelling houses, a second dwelling designed in harmony with the existing architecture promises a seamless expansion within these established guidelines.
2. Ensuring the welfare and safety of residents in a neighborhood is typically a priority for inhabitants. Adding a second dwelling will increase surveillance and community presence, augmenting the value of surrounding properties. As the second dwelling is residential, it won't create public nuisances.
3. Preserving and enhancing the neighborhood's quality and character stands as a paramount objective. The proposed second dwelling is anticipated to contribute positively to the area's aesthetics and overall appeal, fostering an even more inviting and pleasant living environment and giving more people the opportunity of a neighbourhood life.
4. Offering controlled opportunities, such as a second dwelling, to generate income will certainly be an added advantage in maintaining the property and fostering a positive ambiance in the neighborhood. The second dwelling can support such activities without compromising the residential essence of the area.
5. Introducing extra dwellings in a manner that echoes the existing built form and character represents a moderate, harmonious densification strategy. This new structure will seamlessly integrate, enhancing the neighborhood's development without excessively altering its essential fabric.

In advocating for the addition of a second dwelling of my client's property underscores its potential to positively impact the neighborhood. It aligns with established guidelines, prioritizes safety and welfare, enhances the area's character, supports complementary activities, and contributes to moderate, harmonious development without any negative repercussions.

To conclude ,

- The property will still be used for residential purposes and the development will not change the character of the neighbourhood;
 - A minimum impact will be made to the existing streetscape as the second dwelling will form part of an existing structure on the property and will be located in the same line as the existing structure;
 - An additional advantage of the proposed second dwelling is that it is located on a property that is located between two streets, namely Buitekring and Bergh Street. This positioning adds value by providing the second dwelling with access from a different street than the main dwelling;
 - No additional municipal services/connections will be required to accommodate the second dwelling as the second dwelling will only be an extension to the existing service network on the property;
 - This type of development ensures the optimization of the existing services network and can also be seen as the most sufficient way to implement densification in a neighborhood and in line with municipal policy;
 - The relaxation of the building lines to accommodate the structure can be regarded as insignificant changes and should not have a negative impact on the abutting neighbours;
 - The design of the second dwelling has been done in such a way that it has less impact on the neighbours;
 - Second dwellings can be seen as sensible densification;
 - Sufficient on-site parking is available.
- It is evident that several landowners in the Dalsig neighborhood have submitted land use applications to obtain rights for operating a second dwelling on their properties. Some may also be currently doing so without the necessary approval as they are unaware of the title deed restrictions. Given that the Stellenbosch Spatial Development Plan and the Stellenbosch Zoning Scheme promote sensible densification options, allowing second dwellings in the Dalsig neighborhood on suitable properties can definitely be considered a sensible option. This is notwithstanding the outdated township development condition of the 1950s that prohibited such development.

10 CONCLUSION

In the light of the abovementioned motivation and arguments put forward in this document, it is our considered opinion that the proposed development will allow the existing land owner's the opportunity to utilise their property to its full potential by allowing them to establish a second dwelling on the property, without harming the environment, adjacent landowners and the general public.

It is therefore our request that the application be approved as set out in the above .



URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

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alwi@urbanrural.co.za | www.urbanruralsa.com

05 February 2024

Ref Nr. 373.2023

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

For attention : Land Use Management
landuse.applications@stellenbosch.gov.za

LAND USE APPLICATION

ERF 1095, DALSIG, STELLENBOSCH

REMOVAL OF TITLE DEED CONDITION + CONSENT USE : SECOND DWELLING +
DEPARTURE : BUILDING LINE RELAXATION

An application is hereby formally made in terms of Section 15(2)(f), (g) and (o), of the Stellenbosch Municipal Land Use By-law, to remove and relax certain title deed conditions and for permission in terms of the bylaw for a consent to establish a second dwelling on the property and to relax a building line in order to execute the above on Erf 1095, Stellenbosch.

Attached please find the following information for your perusal:

- Completed application form
- Motivation Report
- Relevant supportive documentation as prescribed.
- All the requirements in the Pre Application Scrutiny email have been addressed.

We trust that the information provided will be sufficient to continue with the advertising and notification process and to make an informed decision in this regard.

We are looking forward to your response.

Yours sincerely

Alwi Theart
Principal Planner
Urban Rural South Africa

urban373.2023



December 2023

LAND USE APPLICATION

Erf 1095, Dalsig, Stellenbosch
Removal + Relaxation of Title Deed Conditions
Consent Use: Additional Dwelling
Departure: Building line Relaxation

Prepared for : CE+A Schutte



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LAND USE APPLICATION

ERF 1095, DALSIG, STELLENBOSCH REMOVAL & RELAXATION OF TITLE DEED CONDITIONS CONSENT USE : SECOND DWELLING DEPARTURE : BUILDING LINE RELAXATIONS



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PROPERTY INFORMATION

APPLICATION CONSULTANT

Urban Rural SA
Planning + Land Use Specialists

LANDOWNER

CE+ A Schutte

PROPERTY

Erf 1095, Stellenbosch

PROPERTY SIZE

1024sqm

CURRENT ZONING

Conventional Residential Zone

BOND

N/a

EXISTING BUILDINGS

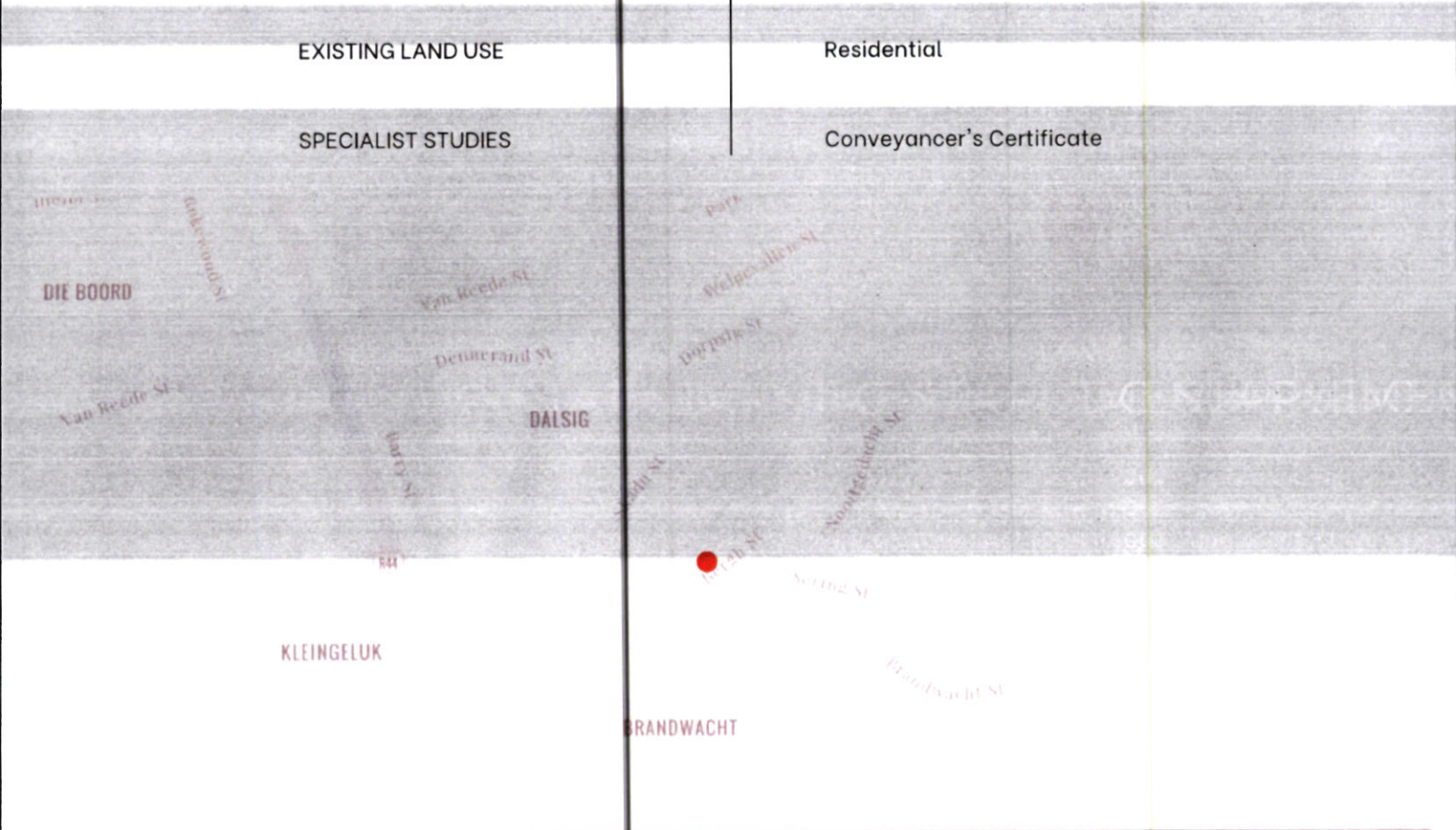
Dwelling + Outbuilding

EXISTING LAND USE

Residential

SPECIALIST STUDIES

Conveyancer's Certificate



1 BACKGROUND

- The owners' of Erf 1095, Stellenbosch, namely CE+A Schutte has appointed Alwi Theart t/a Urban Rural SA, Land Use Specialists to submit a land use application to Stellenbosch Municipality.
- The application aims to secure essential land use permissions to modify and ease specific title deed conditions and municipal building lines to establish a second dwelling on the mentioned property.
- Comprehensive details regarding this application are outlined in the accompanying report.
- Furthermore, enclosed is a Power of Attorney letter provided by the landowners, authorizing this appointment.

2 APPLICATION

Application is made in terms of:

1. **Section 15(2)(b)** of the Stellenbosch Municipal Planning By-law for a **permanent departure** to relax the side building line from 2.5m to 1.15m to accommodate a staircase leading to the new second dwelling.
2. **Section 15(2)(f)** to **remove and relax certain title deed conditions** from the property's title deed to accommodate the proposed second dwelling. The changes include the following :
 - the removal of Clause **(D)(iii)(b)** of T2305/2000 to accommodate a second dwelling;
 - the relaxation of Clause **(D)(iii)(c)** of T2305/2000 to increase the permitted coverage from 33% to 43%.
 - the relaxation of Clause **(D)(ii)(d)** of T2305/2000 to relax the side title deed building line from 3.150 m to 1.15m and the street building line (Bergh Street) from 6.3m to 5.83m to accommodate the proposed staircase and a section of the new second dwelling on the first floor.
3. **Section 15(2)(o)** of the Stellenbosch Municipal Planning By-law for a **consent use** to accommodate a **Second dwelling** (82,7 sqm) on Erf 1095, Stellenbosch.

3 S STELLENBOSCH ZONING SCHEME

To comprehend and contextualize the proposed application, we will first explore the specifics of a property with conventional residential zoning and the permissible activities on such a property.

The purpose of a **Conventional Residential Zone** is to make provision for:

- the use of land for the purposes of predominantly single-dwelling houses;
- the welfare and safety of the occupants of dwelling houses within a neighborhood by limiting uses which are likely to give rise to a public nuisance;
- the protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
- controlled opportunities for home employment and income generation through activities that are compatible with the ancillary to residential uses; and
- moderate densification through additional dwellings with a similar built form and character.

Land Uses applicable to Conventional Residential Zoning

Primary Uses

- Dwelling house

Additional Uses

- Bed and Breakfast establishments
- Home day care centre
- Home occupation practice
- Home lodging
- **Second dwelling***
- Occasional use (one event/year)
- Private Road

Consent Uses

- Commune
- Extramural facilities
- Group housing
- Guest house
- House shop
- Occasional use (>one event/year)
- Tourist dwelling unit
- **Additional uses exceeding parameters in this chapter**

*A **second dwelling** means a dwelling unit, together with its customary outbuildings, which is erected on a land unit on which a dwelling house already exists provided that a second dwelling : (i) may be attached to or separated from the main dwelling; (ii) is built of similar material and architectural style as the dwelling house on the property; but excludes domestic accommodation unit.

Based on the necessity to eliminate specific conditions and adjust building regulations to accommodate the placement of a second dwelling in this particular area, the Municipality's interpretation in an instance like this is, that the application for additional use transitions to a consent use application. Even though the intent behind the application remains unchanged, the advertising and final approval consequently undergo a more intricate process.

4 TITLE DEED + CONVEYANCER'S CERTIFICATE

The property is held under **Title Deed No T2305/2000**. Attached please find a copy of the title deed under discussion. Based on our assessment there are title deed conditions that either have to be removed or relaxed to accommodate the proposed development.

A **Conveyancer's Certificate** has been compiled by STBB Attorneys, which highlights the aforementioned conditions that have to be removed or relaxed to obtain the rights to establish the proposed second dwelling in the proposed position. (**annexure C03**)

The clauses that have to be removed and or relaxed include the following :

- Clause (D)(iii)(b) of 2305/2000 to accommodate a second dwelling;
- Clause (D)(iii)(c) of T2305/2000 to relax the prescribed coverage restriction of 33.3% to 43%;
- Clause (D)(iii)(d) of T2305/2000 to relax the side title deed building line from 3.150 m 1.15m to accommodate the proposed staircase that leads to the new second dwelling and the street title deed building line from 6.3m to 5.83m to accommodate a small portion of the new second dwelling on top of the existing structure.

5 EXISTING & PROPOSED DEVELOPMENT

Erf 1095 in Stellenbosch spans an area of 1024 square meters and currently hosts a singular large dwelling along with an outbuilding. The owner has set forth plans to expand the property by constructing a second dwelling on top of the existing outbuilding. This proposed addition will cover an approximate area of 83 square meters and will consist of 2 bedrooms, 2 bathrooms, and a study with an open-plan kitchen living area. A new ensuite bathroom of approximately 13.5 sqm will also be added to the existing main dwelling as indicated on the site plan.

However, certain alterations to the property's building lines are necessary due to the existing outbuilding's proximity to Bergh Street, sitting at a distance of approximately 5.83 meters. This necessitates a relaxation of the title deed building line, reducing it from 6.3 meters to match the current distance from the street. It's important to note that the new second dwelling will be located on top of an existing structure and will not be closer to the boundary than the existing building.

Additionally, to facilitate access to the proposed second dwelling, a new staircase is to be built adjacent to the property's southern boundary. This staircase will encroach upon both the title deed building line (currently set at 3.150 meters) and the municipal building line (set at 2.5 meters). The staircase will be situated at a distance of 1.15 meters from the property boundary. The design of the unit has been done in such a way that it will have the least impact on the adjacent landowners. A formal letter will however be sent to the adjacent landowners as part of the formal advertising process.

To ensure legal compliance and validate the proposed alterations and relaxations, a conveyancer's certificate provided by STBB attorneys (annexure C2) confirms the necessity and appropriateness of the modifications.

This planned expansion signifies a minor additional development for Erf 1095, Stellenbosch, with measures taken to accommodate the new construction while ensuring amicable agreements with adjacent landowners and legal compliance through the conveyancer's certification and other planning legislation.

Property Details :

Existing Coverage

Existing Dwelling	314 sqm
Existing Outbuilding	69.2 sqm
Existing Carport	36 sqm
TOTAL	419.2 sqm

New extension	13.5 sqm	(New ensuite bathroom to main dwelling)
NEW TOTAL coverage	432.8 sqm	

Erf Size	1024 sqm
New Coverage	42.3%

Size of New Second Dwelling	82.7 sqm
-----------------------------	-----------------

6 SERVICE INFRASTRUCTURE

The property is currently connected to the service infrastructure network of Stellenbosch. The proposed new second dwelling will form part of the existing outbuilding and will be linked up with the infrastructure (water, sewerage and electricity) already present in the outbuilding.

The main dwelling and second dwelling will remain on the same property and no additional connections of any services will be required at this stage. Sufficient parking is available on the property.

7 CRITERIA FOR DECISION-MAKING

We do believe that we submitted a complete application with all the necessary documentation and motivations as prescribed in the relevant legislation which will put the Municipality in a position to evaluate the application based on Section 65 (Stellenbosch Land Use Planning Bylaw Regulations, 2023).

The scale of the application is of such a nature that we think that it will not have an impact on the environment or the wider Stellenbosch community and that the only persons who might be affected will be the direct neighbours. However, as mentioned before the proposed second dwelling will be accommodated mostly on an existing building footprint. We are of the opinion that the Municipality and all the relevant parties will come to the conclusion that the proposed development will be suitable and that the relevant approval be issued in this regard.

8 DEVELOPMENT PRINCIPLES

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) also known as SPLUMA has identified certain development principles which should be considered when development takes place and this has been adopted in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014 (LUPA) and was also included in the Land Use Planning Bylaws of all the Local Municipalities. These principles include aspects such as Spatial Justice, Spatial Sustainability, Spatial Sufficiency, Spatial Resilience, and Good Governance.

Spatial Sustainability

Land development that is within the fiscal, institutional and administrative means of the country must be promoted. Prime and unique agricultural land must be protected and environmental management instruments applied to development. The effective and equal functioning of the land market and development in locations that are suitable and limiting urban sprawl must be promoted.

The proposed additional dwelling represents the more optimal use of the subject property and appropriate densification within an urban area. The proposal is on a residential property within a neighbourhood and therefore does not impact on any agricultural or natural resources or greenfields. The development does not encourage urban sprawl.

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The principle of equality requires that everyone affected by spatial planning, land use management, and land development actions or decisions must enjoy equal protection and benefits, and no unfair discrimination should be allowed.

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Adding an extra dwelling on the property can be seen as the optimal means to increase neighborhood density, enabling landowners to generate supplementary income by renting out the unit. Simultaneously, the Municipality can generate additional revenue by imposing development contributions. This additional development will further maximize the utilization of existing infrastructure, thereby generating additional revenue for the Municipality.

Spatial Resilience

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The proposed additional dwelling will provide the landowner with the opportunity to either house additional family members on the property or rent out the second dwelling to generate income. This will ensure that the property is well-maintained and cared for, particularly in the face of the economic challenges of modern-day living.

Good Administration

Inter-governmental coordination at all spheres is vital to ensure an integrated approach to spatial planning and development management. Transparent procedures and processes of public participation are required for spatial plans, policies, zoning schemes and for development applications.

The application has been submitted and is being considered in terms of the Municipal applicable laws and regulations. The application will be advertised to all the relevant departments and the general public based on a prescribed public participation process that is open and transparent to all.

The proposed development can be considered to be in line with most of the applicable development principles, as the proposed development will (1) not deviate to much from the parameters of the zoning scheme, (2) it will make optimal use of the existing service infrastructure available. It will further ensure that (3) sustainable densification takes place, which will limit urban sprawl in the long term. The application will be taken through a (4) prescribed application process which will inform all the relevant parties and roleplayers and will give them the (5) opportunity to comment/respond to the proposed development, which promotes (6) inclusivity and (7) good governance.

9 DESIRABILITY OF PROPOSED DEVELOPMENT

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While recognizing that residents were initially drawn to the neighbourhood based on the prescribed development rules and the associated lifestyle, township development regulations need to be reevaluated and updated to suit present times.

The Stellenbosch Municipal By-law, enacted in 2019 and revised in 2023, aims to keep up with modern developments by offering greater flexibility and adaptability to accommodate innovative changes. However, many neighborhoods are still governed by outdated development regulations (in old title deeds) that no longer meet current living standards. Despite the newly introduced zoning schemes being more flexible, the process of amending the old township development conditions (through title deed removal and relaxations) burdens landowners, proving to be both costly and time-consuming.

Section 39 of Land Use Planning Act, 2014

With reference to Section 39 of the Land Use Planning Act, 2014, the Municipality is obligated to ensure that the removal or amendment of a title deed condition benefits not only the applicant owner but also the other surrounding properties affected by the same condition. As mentioned, the applicable title deed conditions may be considered outdated as they now conflict with the intentions of the new zoning scheme in the Stellenbosch area, which promotes densification in the region. The relevant title deed condition restricts land owner from having a second dwelling on their property. Given the Municipality's emphasis on densification strategies and policies aimed at restricting urban sprawl and optimizing the use of existing infrastructure, the removal of these restrictions will benefit both the applicant and the municipality. This action will allow the applicant and other landowners to utilize their properties optimally within certain guidelines. Consequently, we argue that the removal of these restrictions will yield positive outcomes for both the applicant and adjacent landowners.

Removing the restrictions will enable the applicant to optimize property usage by creating a second dwelling, thus offering the opportunity to generate additional income while preserving the residential character of the area. The approval of this application would also bring significant social and economic benefits to the neighborhood as a whole, as it would create an opportunity for other landowners to follow suit and benefit from similar applications.

Beneficial Use of Second Dwellings in Neighbourhoods

The addition of a second dwelling on my client's property holds significant potential as a positive and beneficial extension, aligning with several crucial aspects:

1. By emphasizing the neighborhood's primary designation for single dwelling houses, a second dwelling designed in harmony with the existing architecture promises a seamless expansion within these established guidelines.
2. Ensuring the welfare and safety of residents in a neighborhood is typically a priority for inhabitants. Adding a second dwelling will increase surveillance and community presence, augmenting the value of surrounding properties. As the second dwelling is residential, it won't create public nuisances.
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5. Introducing extra dwellings in a manner that echoes the existing built form and character represents a moderate, harmonious densification strategy. This new structure will seamlessly integrate, enhancing the neighborhood's development without excessively altering its essential fabric.

In advocating for the addition of a second dwelling of my client's property underscores its potential to positively impact the neighborhood. It aligns with established guidelines, prioritizes safety and welfare, enhances the area's character, supports complementary activities, and contributes to moderate, harmonious development without any negative repercussions.

To conclude ,

- The property will still be used for residential purposes and the development will not change the character of the neighbourhood;
 - A minimum impact will be made to the existing streetscape as the second dwelling will form part of an existing structure on the property and will be located in the same line as the existing structure;
 - An additional advantage of the proposed second dwelling is that it is located on a property that is located between two streets, namely Buitekring and Bergh Street. This positioning adds value by providing the second dwelling with access from a different street than the main dwelling;
 - No additional municipal services/connections will be required to accommodate the second dwelling as the second dwelling will only be an extension to the existing service network on the property;
 - This type of development ensures the optimization of the existing services network and can also be seen as the most sufficient way to implement densification in a neighborhood and in line with municipal policy;
 - The relaxation of the building lines to accommodate the structure can be regarded as insignificant changes and should not have a negative impact on the abutting neighbours;
 - The design of the second dwelling has been done in such a way that it has less impact on the neighbours;
 - Second dwellings can be seen as sensible densification;
 - Sufficient on-site parking is available.
- It is evident that several landowners in the Dalsig neighborhood have submitted land use applications to obtain rights for operating a second dwelling on their properties. Some may also be currently doing so without the necessary approval as they are unaware of the title deed restrictions. Given that the Stellenbosch Spatial Development Plan and the Stellenbosch Zoning Scheme promote sensible densification options, allowing second dwellings in the Dalsig neighborhood on suitable properties can definitely be considered a sensible option. This is notwithstanding the outdated township development condition of the 1950s that prohibited such development.

10 CONCLUSION

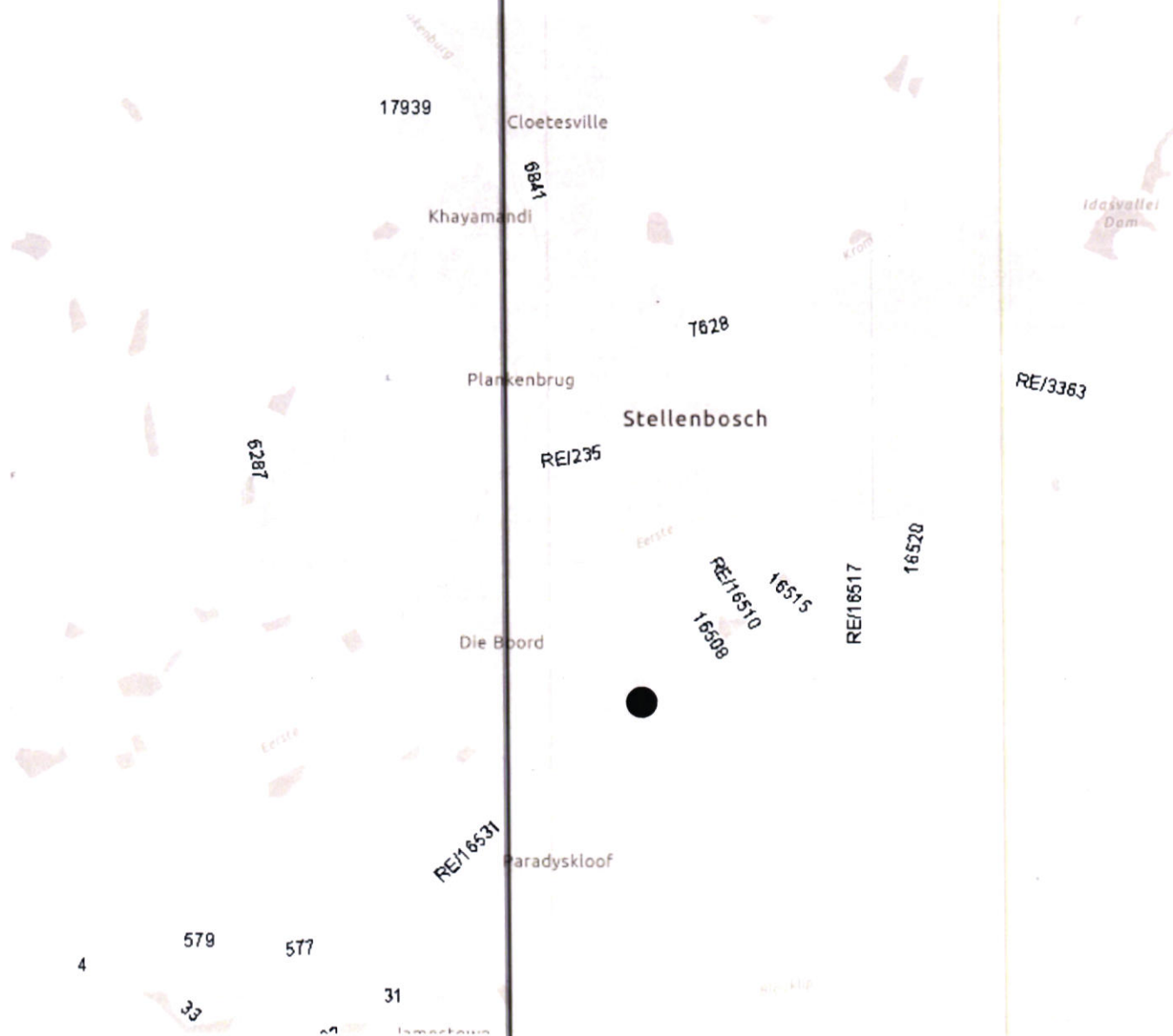
In the light of the abovementioned motivation and arguments put forward in this document, it is our considered opinion that the proposed development will allow the existing land owner's the opportunity to utilise their property to its full potential by allowing them to establish a second dwelling on the property, without harming the environment, adjacent landowners and the general public.

It is therefore our request that the application be approved as set out in the above .

Dalsig Stellenbosch

Locality Plan

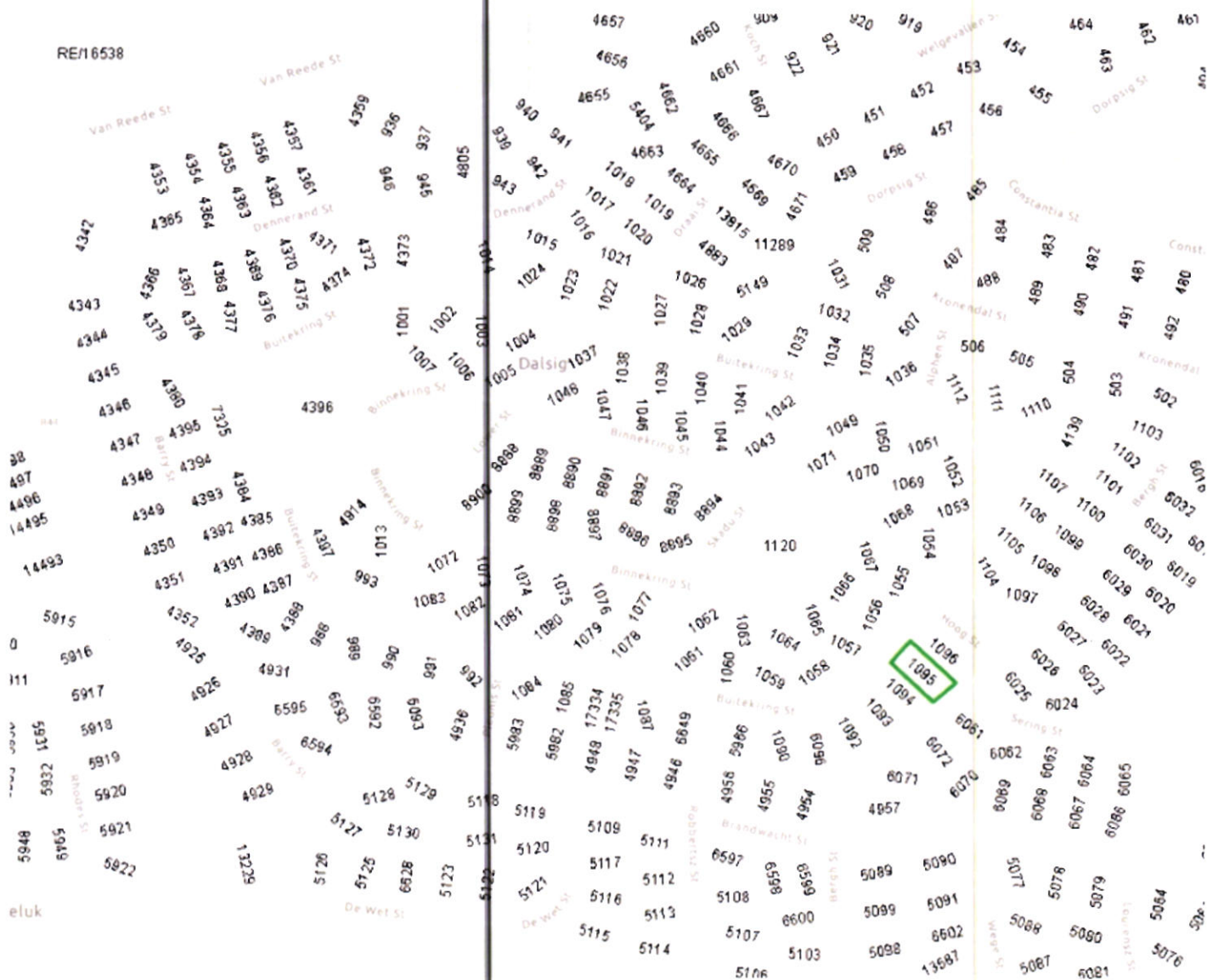
Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : Cape Mapper
Project Nr : 373.2023



Dalsig Stellenbosch

Cadastral Plan

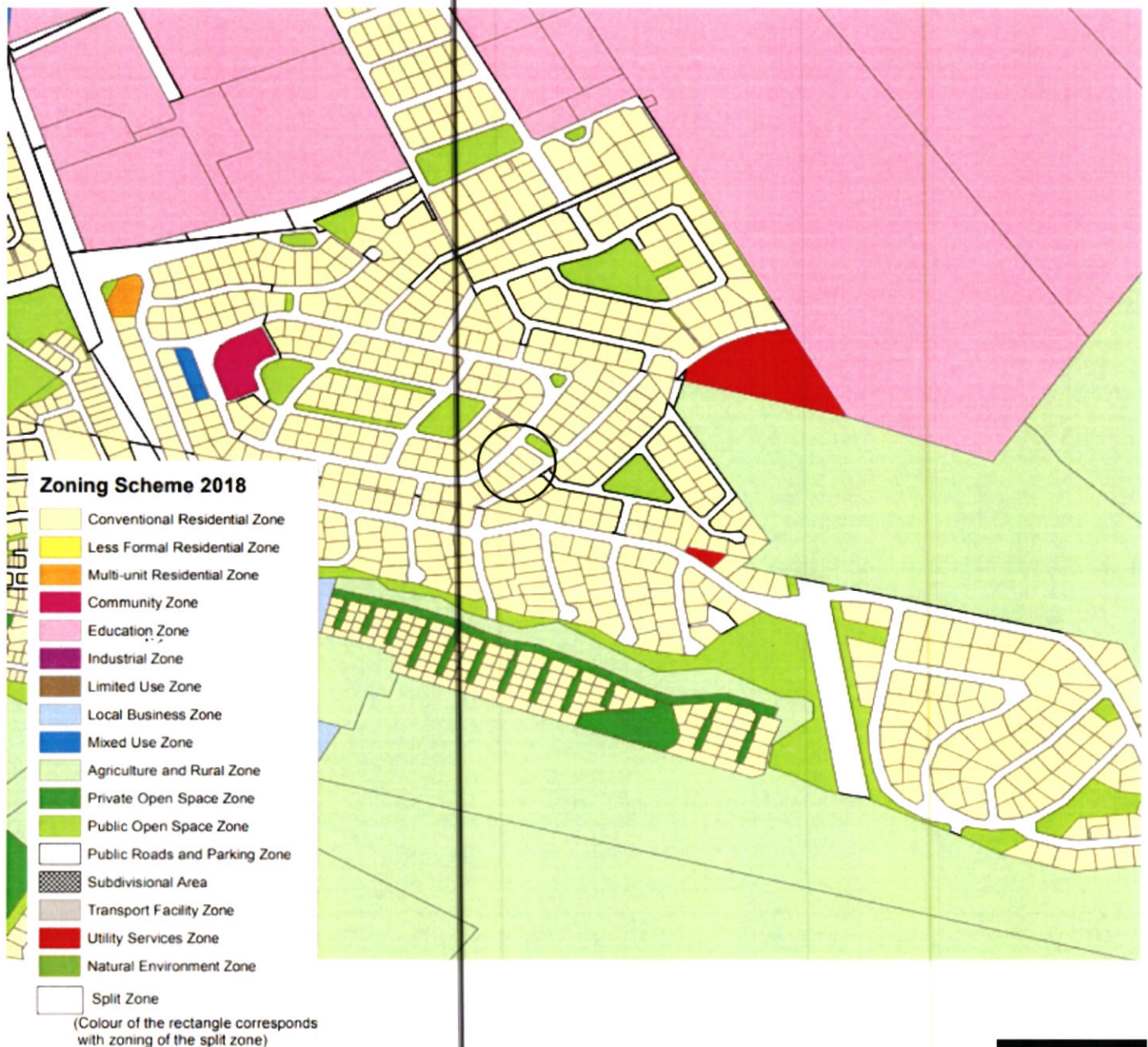
Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : Cape Mapper
Project Nr : 373.2023



Dalsig Stellenbosch

Zoning Plan

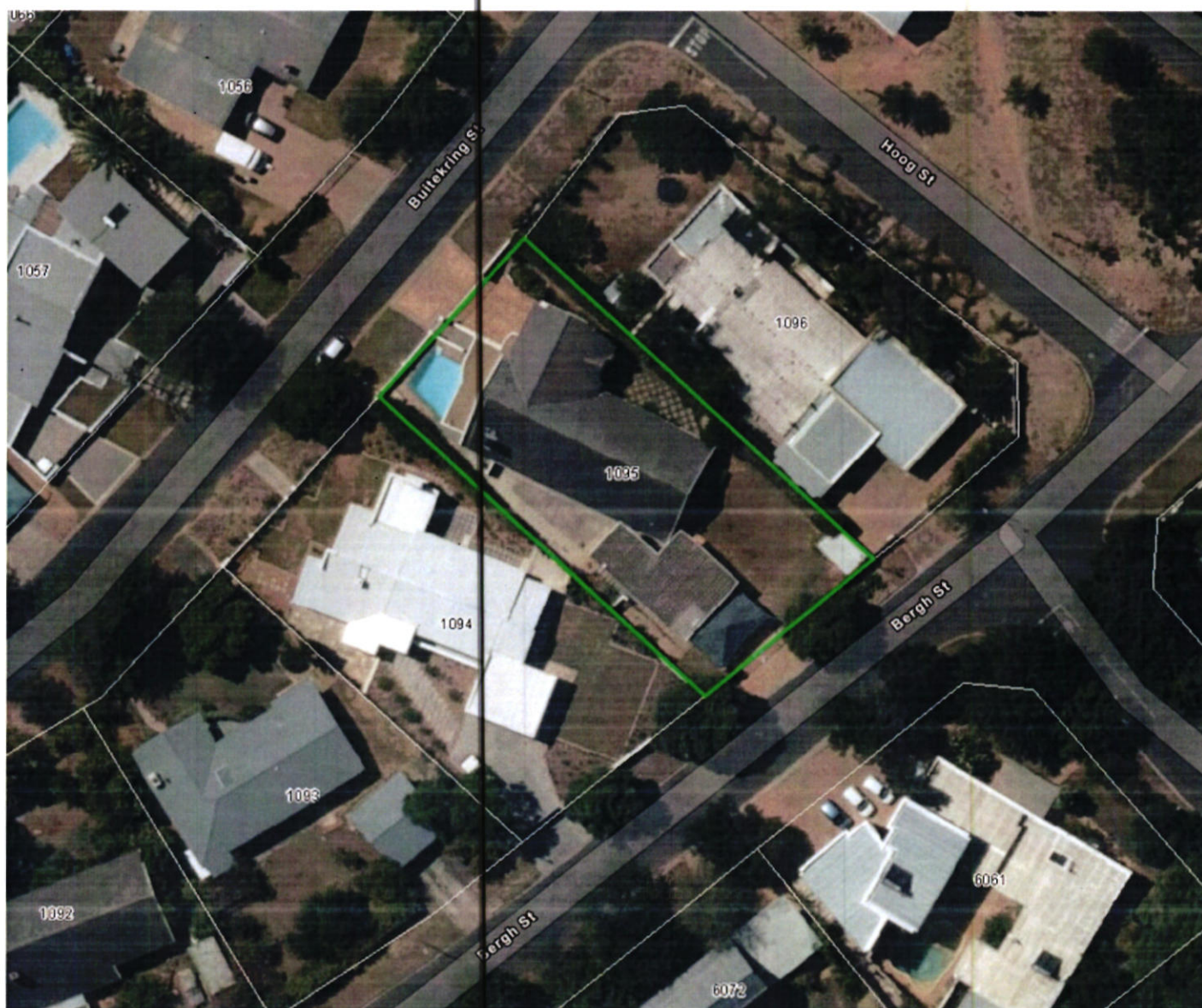
Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : Extract - Stellenbosch Zoning Plan
Project Nr : 373.2023



Dalsig Stellenbosch

Aerial View

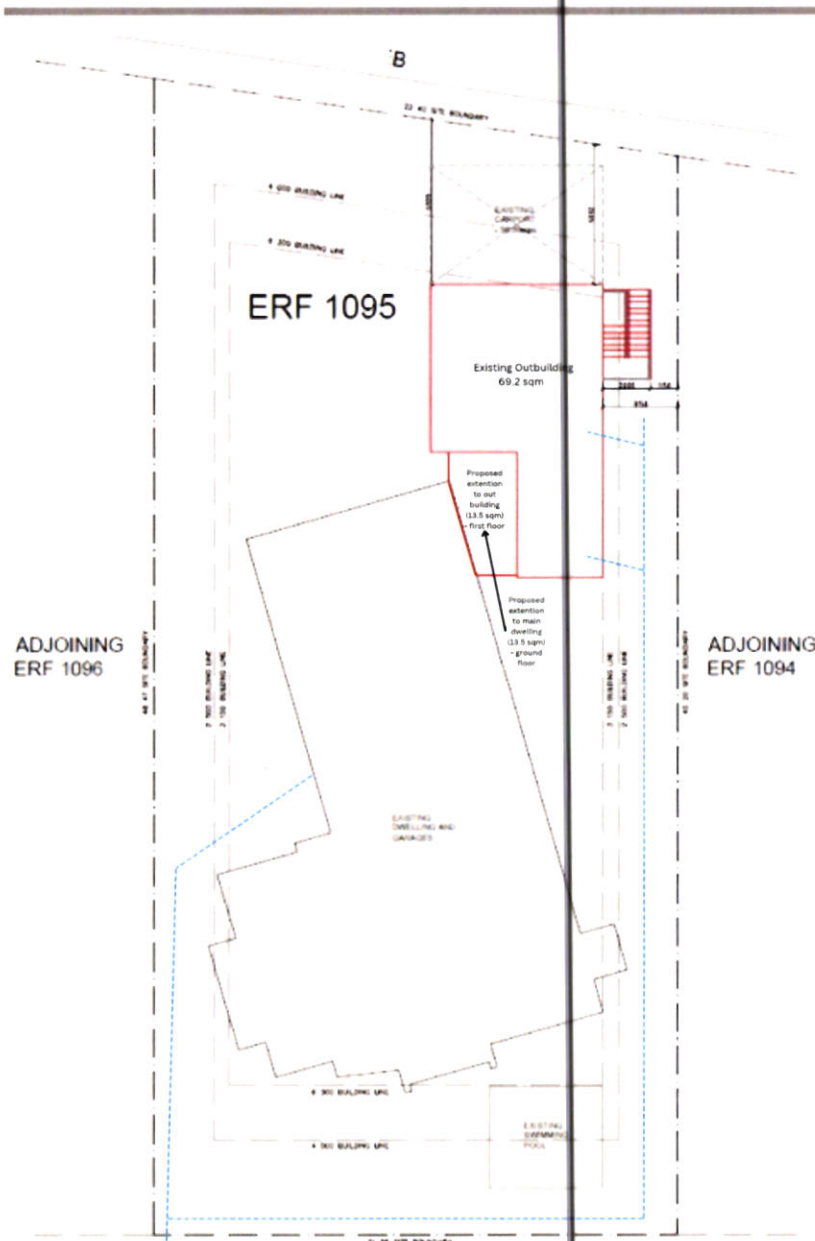
Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : Cape Mapper
Project Nr : 373.2023



Dalsig Stellenbosch

Site Plan (SDP)

Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : I-Design Architecture
Project Nr : 373.2023



- The new proposed second dwelling (82.7 sqm) will be constructed on top of the existing outbuilding.
- Building line relaxation on the street boundary from 6.3 to 5,83m and on the side from 3.15m to 1.15m respectively. Both are title deed building lines.
- Zoning scheme building line of 2.5m to 1.15m on the southern boundary to accommodate staircase
- Existing sewer lines

SITE INFO - AREAS

EXISTING DWELLING (GARAGE INCLUDED) - 314.10sqm

NEW ADDITIONS
EXISTING OUTBUILDING - 69.20sqm
NEW EXTENSION (TO MAIN DWELLING - NEW ENSUITE) - 13.50sqm
NEW FLATLET - 82.70sqm
(NEW STAIRCASE) - 7.50sqm
TOTAL - 479.50sqm

EXISTING CARPORT - 36.00sqm

FOOTPRINT - 432.80sqm

ERF DETAIL
- total erf 1095 is 1024sqm
COVERAGE - 42.30%

ZONING - CONVENTIONAL RESIDENTIAL ZONE
BUILDING LINES (TITLE DEED)
6.3m - STREET BOUNDARIES
3.15m - COMMON BOUNDARIES
BUILDING LINES (MUNICIPALITY)
4.0m - STREET BOUNDARIES
2.5m - COMMON BOUNDARIES
COVERAGE - 50%
HEIGHT RESTRICTION - TWO STOREY

CLASSIFICATION
H4 - DWELLING HOUSE, INCLUDING OUTBUILDINGS
J3 - LOW RISK STORAGE (GARAGE)

Drawings have been compiled by



I-DESIGN
ARCHITECTURAL DESIGN

ILZE-MERIE ROSSOUW

ARCHITECTURAL TECHNOLOGIST

(SACAP REGISTRATION NUMBER)

(MLET 545711111)

P.O. Box 1137

Wellington

Phone: (021) 430 6768

Tel Fax: 021 864 7793

Email: i-design@eaylink.co.za

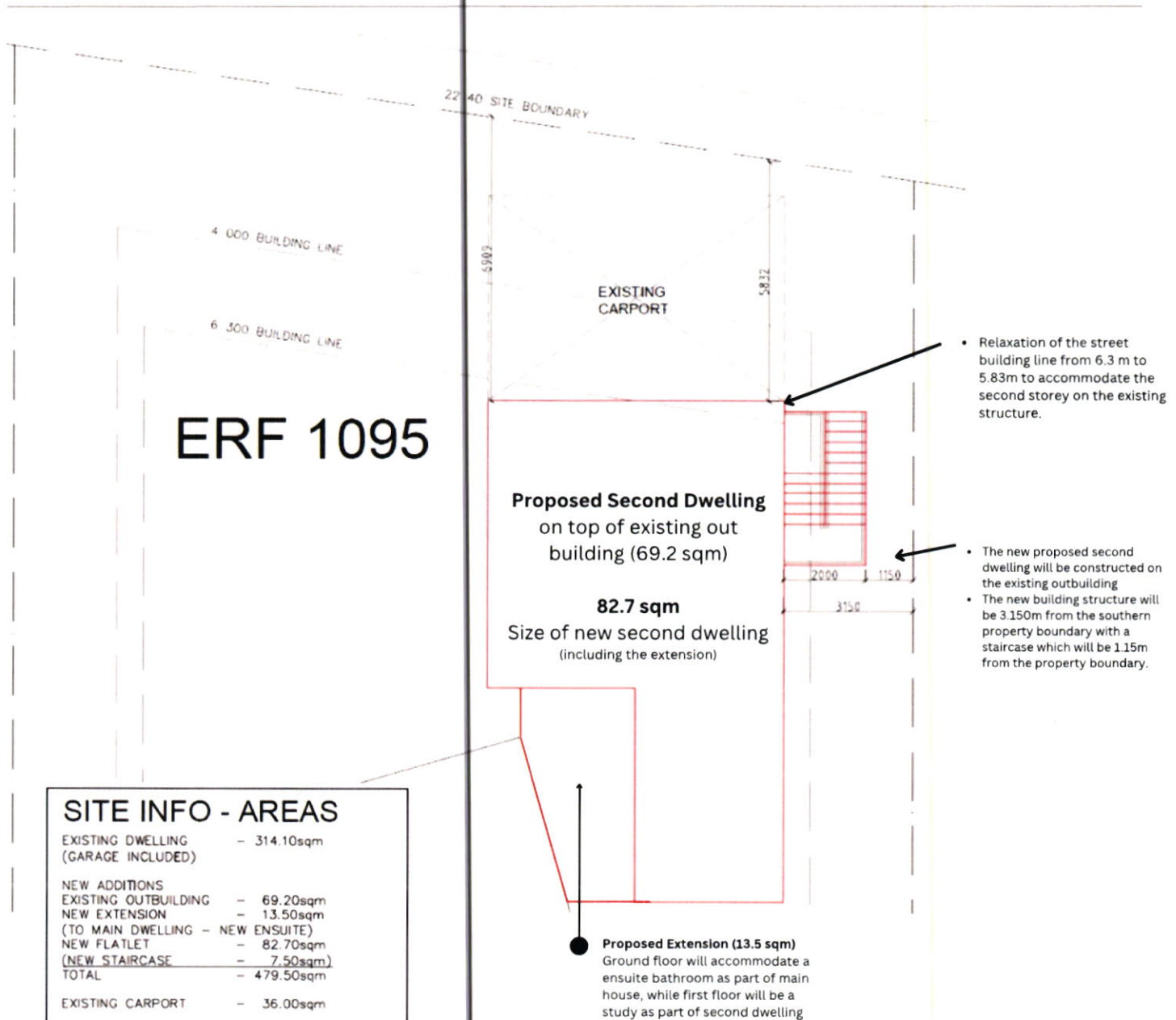
urh
urban rural sa

URBAN RURAL SOUTH AFRICA
PLANNING + LAND USE SPECIALISTS

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PLAN

B05



Drawings have been compiled by



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Willingham

Phone: 021 430 0740

Tel Fax: 021 864 7793

Email: i-design@i-design.co.za

Detailed SDP

Property: Erf 1095
Town: Stellenbosch
Municipality: Stellenbosch Municipality
Location: 59 Buitekring, Dalsig
Date: December 2023
Scale: Unknown or as Indicated
Source: I-Design Architecture
Project Nr: 373.2023

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PLAN

B06

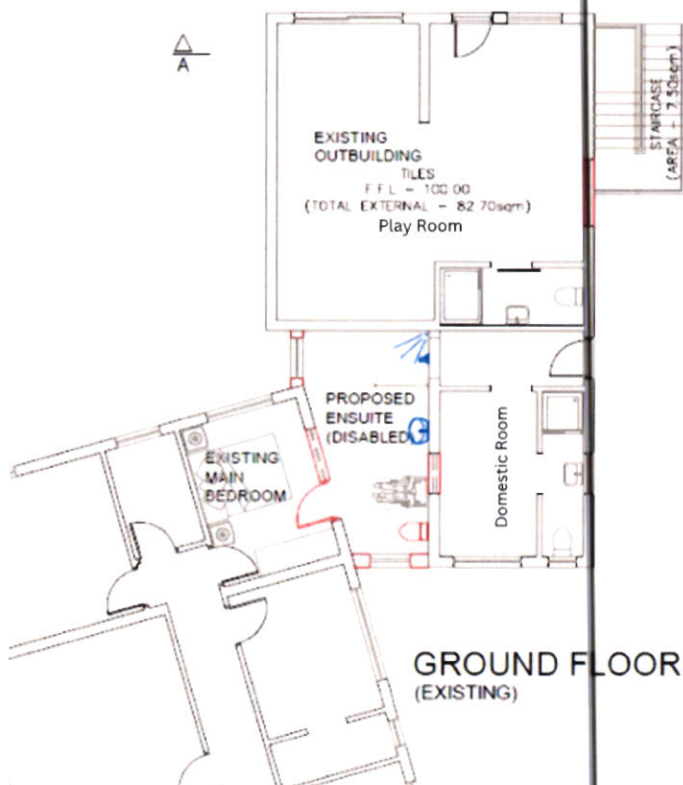
Dalsig Stellenbosch

Floor Plans

Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : I-Design Architecture
Project Nr : 373.2023

Main dwelling + outbuilding

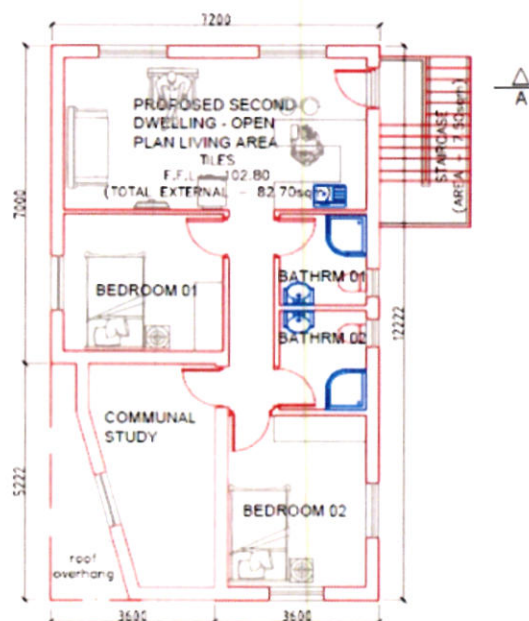
13.5 sqm will be added to the main house : ensuite
bathroom to one of the bedrooms



GROUND FLOOR PLAN
(EXISTING)

Second Dwelling

82.7 sqm will be added on top of the existing
outbuilding to accommodate a second dwelling



FIRST FLOOR PLAN
(PROPOSED ADDITION)

Drawings have been compiled by



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ARCHITECTURAL DESIGN
ILZE-MIEKE ROSSOUW
ARCHITECTURAL DESIGNER
100% OF REMUNERATION FOR THIS
PROJECT
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urban rural sa

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alwi@urbanrural.co.za | www.urbanruralsa.com

PLAN

B07

Dalsig Stellenbosch

Floor & Elevation Plan

Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekkring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : I-Design Architecture
Project Nr : 373.2023

Second Dwelling

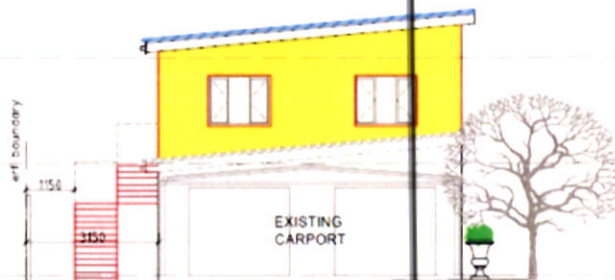
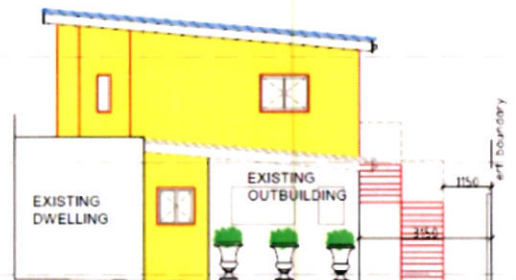
Height restriction = 108.00

ceiling = 105.20

F.F.L. = 102.80

F.F.L. = 100.00

SOUTH EAST ELEVATION
(EXISTING AND PROPOSED)
SCALE 1:50



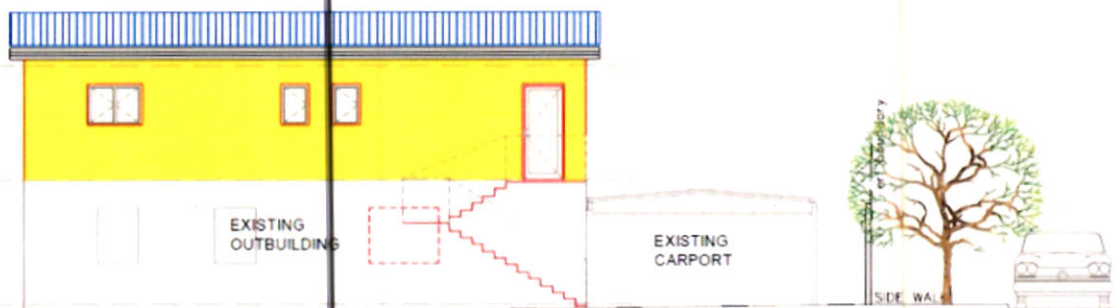
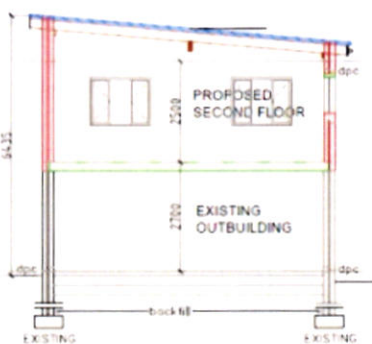
NORTH EAST ELEVATION
(EXISTING AND PROPOSED)
SCALE 1:50

ceiling = 105.20

F.F.L. = 102.80

F.F.L. = 100.00

SOUTH WEST ELEVATION
(EXISTING AND PROPOSED)
SCALE 1:50



TYPICAL SECTION A-A
(EXISTING AND PROPOSED)
SCALE 1:50

Drawings have been compiled by



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Email: i-design@i-design.co.za

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urban rural sa

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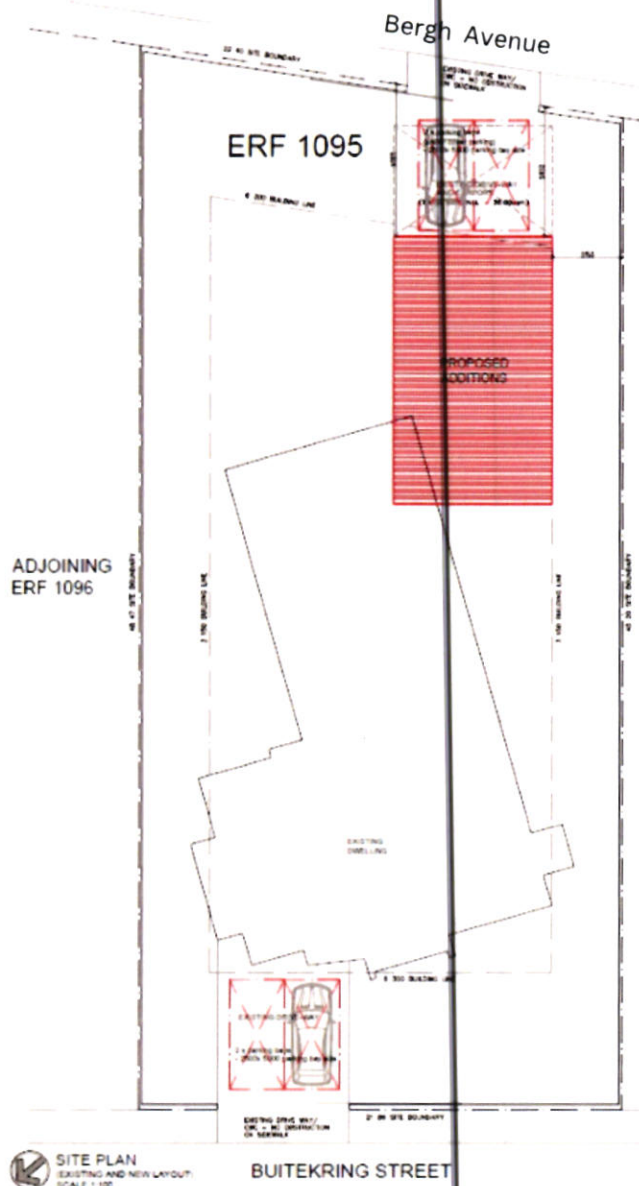
PLAN

B08

Dalsig Stellenbosch

Parking Layout

Property : Erf 1095
Town : Stellenbosch
Municipality : Stellenbosch Municipality
Location : 59 Buitekring, Dalsig
Date : December 2023
Scale : Unknown or as Indicated
Source : I-Design Architecture
Project Nr : 373.2023



Drawings have been compiled by

I-DESIGN

ARCHITECTURAL DESIGN

ILZE-MERLE ROSSOUW

ARCHITECTURAL TECHNOLOGIST

(SACAP REGISTRATION NUMBER)

(MAT. 05/01/2010)

P.O. Box 1137

Wellington

Phone: 021 430 6768

Tel/Fax: 021 864 2793

Email: i-design@easylink.co.za



SITE PLAN
(EXISTING AND NEW LAYOUT)
SCALE 1:100

BUITEKRING STREET

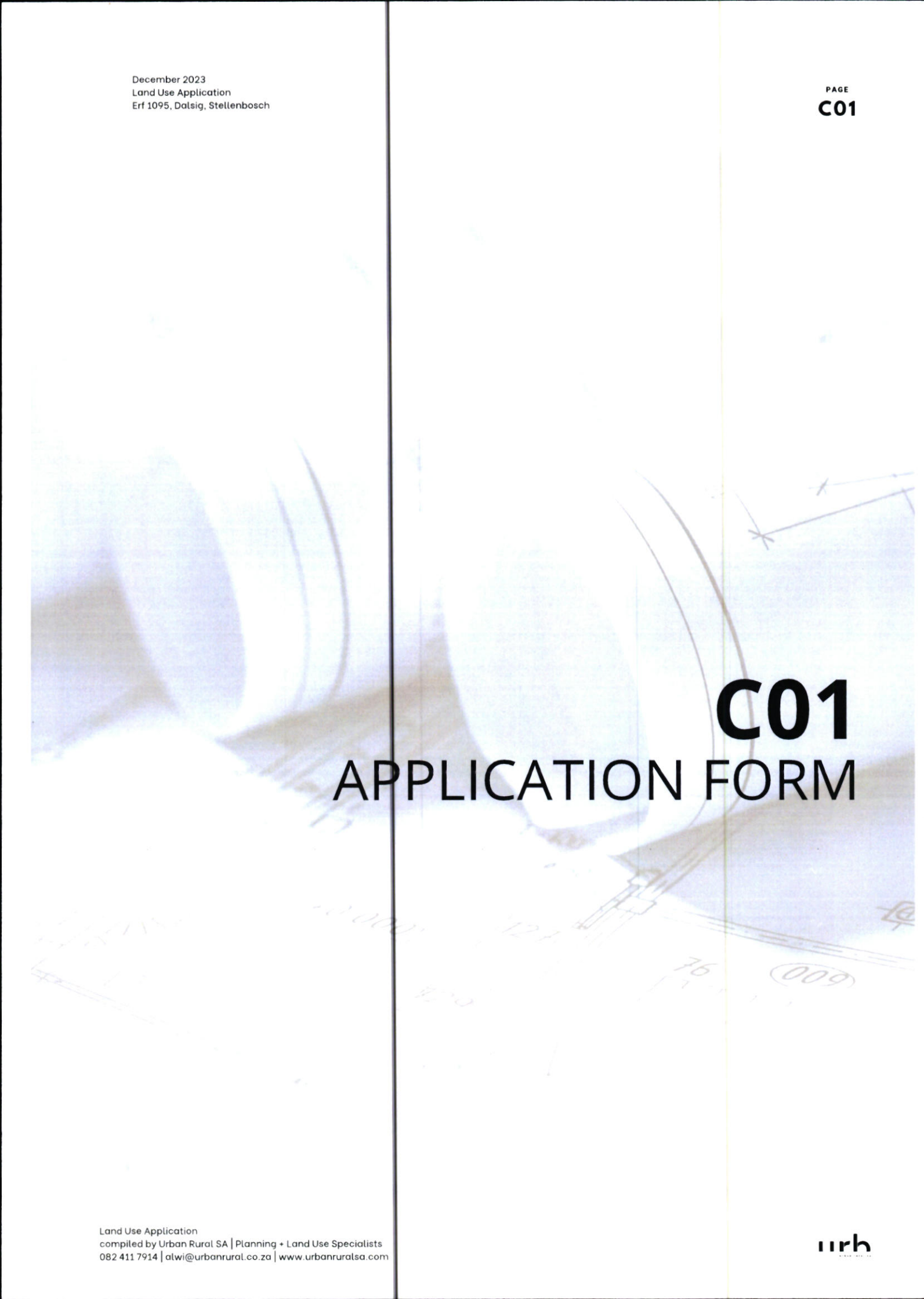
urh
urban rural south africa

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PLAN

B09



C01 APPLICATION FORM



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

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

FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za or 021- 808 8606

SUBMIT APPLICATION BY UPLOADING COMPLETED FORM AND RELEVANT INFO TO THE

Town Planning Application Management System (TPAMS)

[AFLA Portal \(stellenbosch.gov.za\) /](http://AFLA Portal (stellenbosch.gov.za) /)

<https://citymaps.stellenbosch.gov.za/aflaportal/home>

NOTE: In terms of section 69 of the Bylaw on Municipal Land Use Planning 2023 the Municipality may categorise applications for consideration by either an authorised employee or the Municipal Planning Tribunal (Categorisation Model for Decision-making July 2023). These land use applications are subject to prescribed administrative and public participation processes and depending on the type of application, *Land Use Application Form A or Form B* must be completed. *Land Use Application Form B* can be used if the application ONLY comprises of a permanent departure. If any other type of application is also required, *Land Use Application Form A* must be completed. *Land Use Application Form C* must be used if the application comprises of an application for permission either in terms of the zoning scheme or in terms of a condition of approval or in terms of the title deed.

LAND USE PLANNING APPLICATION FORM A

Section 15 of the Municipal Bylaw on Land Use Planning 2023 and other relevant legislation

Complete form using BLOCK letters and ticking the appropriate boxes

PART A: APPLICANT DETAILS

First name(s)	Alwi
Surname	Theart
Company name (if applicable)	Alwi Theart t/a Urban Rural SA
Street or Postal Address	PO Box 7257, Stellenbosch, 7599
Email Address	alwi@urbanrural.co.za
Contact Number(s)	082 411 7914

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

Registered owner(s) Name	CE + A Schutte
Street or Postal Address	59 Buitekring Street, Dalsig Somerset West
E-mail Address	ceschutte@mweb.co.za
Contact Number	+27 82 902 2947

PART C: PROPERTY DETAILS (in accordance with title deed)										
Erf No	1095	Suburb	Dalsig	Town	Stellenbosch					
Farm no		Farm Portion		Nearest Town						
Physical or Street Address	59 Buitekring Street, Dalsig		Property / Business / Farm known as							
Current Zoning	Conventional Residential									
Additional or Consent Uses	n/a									
Current activities	Residential									
Property Size / Extent	1024 sqm	m ² / ha			Are there existing buildings?	☒	N			
Title Deed number	T 2405/2000									
Any restrictions to Conveyance's Certificate?	☒	N	If yes, list condition(s) as per certificate. See attached title deed and Conveyancer's Certificate							
Are the restrictive conditions in favour of a third party?	Y	☒	If yes, list the party(ies).							
Is the property owned by Council?	Y	☒	If yes, <u>attach a power of attorney</u> signed by the Municipal Manager or delegated authority							
Is the building located within the historical core?	Y	☒	Is the building older than 60 years?	Y	☒	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)? ¹	Y	☒	If yes, indicate which section are triggered and attach relevant permit.	
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Y	☒	If yes, is this application to legalise the building / land use? ²		Y	☒	
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	☒	Are there any land claim(s) registered on the subject property(ies)?		Y	☒	
PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY										
Has there been any pre-application consultation?		☒	If yes, attach the minutes of the pre-application consultation.							
Has the pre-application scrutiny form been submitted?		☒	If yes, attach the written feedback received.							
<p><i>The submission of a pre-application scrutiny form to Landuse.Applications@ Stellenbosch.gov.za is compulsory for the following type of applications* and written feedback must be attached to the land use planning application form: rezoning, subdivision and consolidation of land, removal, suspension or amendment of restrictive title deed conditions, the amendment, deletion, or imposition of conditions of approval and the cancellation of an approved subdivision plan.</i></p>										

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

PART E: LAND USE PLANNING APPLICATIONS AND PAYMENT OF FEES		
APPLICATIONS IN TERMS OF SECTION 15 OF THE MUNICIPAL BYLAW ON LAND USE PLANNING 2023		
Type of application		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*		✓
15(2)(g) a permission required in terms of the zoning scheme		
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*		
15(2)(i) an extension of the validity period of an approval		
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme		
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*		
15(2)(l) a permission required in terms of a condition of approval		
15(2)(m) a determination of a zoning		
15(2)(n) a closure of a public place or part thereof		
15(2)(o) a consent use contemplated in the zoning scheme		✓
15(2)(p) to disestablish a homeowners' association		
15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services		
15(2)(r) 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		
OTHER APPLICATIONS		
Approval required in terms of Council policies or by-laws, e.g., for street naming and numbering		
Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)		
DETAILS FOR INVOICE		
Name & Surname (party responsible for payment)	Vat reg: 4400190841 Water & Wastes Utilisation Solutions (Pty) Ltd PO Box 12374 Die Boord Stellenbosch 7613	
Street or Postal Address		
Vat Number (where applicable)	Mr Buks Schutte ceschutte@mweb.co.za	
<p>1. Application fees are per the Council Approved Tariffs. 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 as per the Tariff Rules. Once proof of payment is received, the application will be regarded as duly submitted.</p> <p>2. All indigent residents who are registered as such with the Municipality and <u>with proof submitted together with application</u> will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, parking. Contact: Indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579</p> <p>3. 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.</p>		
BANKING DETAILS		
Account Holder Name:	Stellenbosch Municipality	
Bank:	FIRST NATIONAL BANK (FNB)	
Branch no.:	210554	
Account no.:	62869253684	
Payment reference:	LU/_____ and ERF/FARM _____	
<p>Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment</p>		

PART F: DETAILS OF PROPOSAL *(Brief description of intent of development)*

Section 15(2) of Stellenbosch Municipal Planning By-law for a permanent departure to relax the side building line from 2.5m to 1.15 m to accommodate a staircase leading to the new second dwelling.

Section 15(2)(f) to remove and relax certain title deed conditions from the property's title deed to accommodate the proposed second dwelling. The changes include the following :

- the removal of Clause (D) (iii)(b) for T2305/2000 to accommodate a second dwelling
- the relaxation of Clause (D) (iii)(c) of T2305/2000 to increase the permitted coverage from 33 to 43%
- the relaxation of Clause (D) (iii)(d) of T2305/2000 to relax the side title deed building line from 3.150 m to 1.15m and the street building line (Bergh Street) from 6.3m to 5.83m to accommodate the proposed staircase and a section of the new second dwelling on the first floor.

Section 15(2)(o) of the Stellenbosch Municipal Planning By-law for a consent use to accommodate a Second Dwelling (82,7sqm) on Erf 1095, Stellenbosch

Name and Date of design guidelines (if applicable)						
		Adjoining erf number		Zoning Scheme / Title Deed		
Building line encroachment	Street Title deed		From	6.3 m	To	5.83 m
	Street		From	m	To	m
	Side Title deed	1094	From	3.15 m	To	1.15 m
	Side	1094	From	2.5 m	To	1.15 m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage / footprint			From	33 %	To	43 %
Exceeding maximum permitted bulk / floor factor / habitable rooms			From		To	
Exceeding height restriction			From	m	To	m
Exceeding maximum storey height			From	m	To	m

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

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

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

Y	☒	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):															
			<table border="1"> <tr> <td>Y</td> <td>☒</td> <td>National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)</td> </tr> <tr> <td>Y</td> <td>☒</td> <td>National Environmental Management: Waste Act, 2008 (Act 59 of 2008)</td> </tr> <tr> <td>Y</td> <td>☒</td> <td>National Water Act, 1998 (Act 36 of 1998)</td> </tr> <tr> <td>Y</td> <td>☒</td> <td>Other (specify)</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	Y	☒	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)	Y	☒	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)	Y	☒	National Water Act, 1998 (Act 36 of 1998)	Y	☒	Other (specify)			
Y	☒	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)																
Y	☒	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)																
Y	☒	National Water Act, 1998 (Act 36 of 1998)																
Y	☒	Other (specify)																
Y	☒	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)																
Y	☒	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)																
Y	☒	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations																
Y	☒	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)																
Y	☒	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, 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) of said bylaw 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 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 if 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:

07/03/2024

Full name:

Alwi Theart t/a Urban Rural SA

Professional capacity:

Planning Consultant

C02 **POWER OF ATTORNEY**

Special Power of Attorney

I / We

CE + A Schutte

The representative of
(company/trust/partnership name)

n/a

Owner(s) of

Erf 1095, Stellenbosch

Do hereby nominate/constitute and appoint Alwi Theart t/a Urban Rural SA Land Use Specialists

With power of attorney/ substitution to be my lawful Agents in my/our name, place and stead, to

1. Make the necessary land use application to Stellenbosch Municipality for the following :

- o Application for the Removal and Relaxation of specific title deed conditions pertaining to Erf 1095, Stellenbosch, to accommodate a Second Dwelling on the property.
- o Application for the relaxation of certain Municipal building lines associated with Erf 1095, Stellenbosch, to facilitate the construction of a second dwelling.
- o Application for a Consent Use to establish a second dwelling on Erf 1095, Stellenbosch.
- o To submit any supplementary applications to the Municipality to facilitate the establishment of a second dwelling on Erf 1095, Stellenbosch.

2. To obtain any relevant information/documentation from the Municipality, Government Department, or any other third parties that may be relevant in executing the above.

To duly sign, on my behalf, any necessary documents essential for the aforementioned application and associated processes, and to undertake the submission of any such documents. Furthermore, to efficiently execute all activities requisite for the aforementioned purposes, exercising all necessary actions as comprehensively and effectively as I could personally do if present, thus acting herein. I hereby ratify all actions undertaken in pursuit of these objectives.

Signature of Land Owner
(fully authorised to sign)

Date 12/12/23

Date 12/12/23

Full Name

Christiaan Erenst Schutte

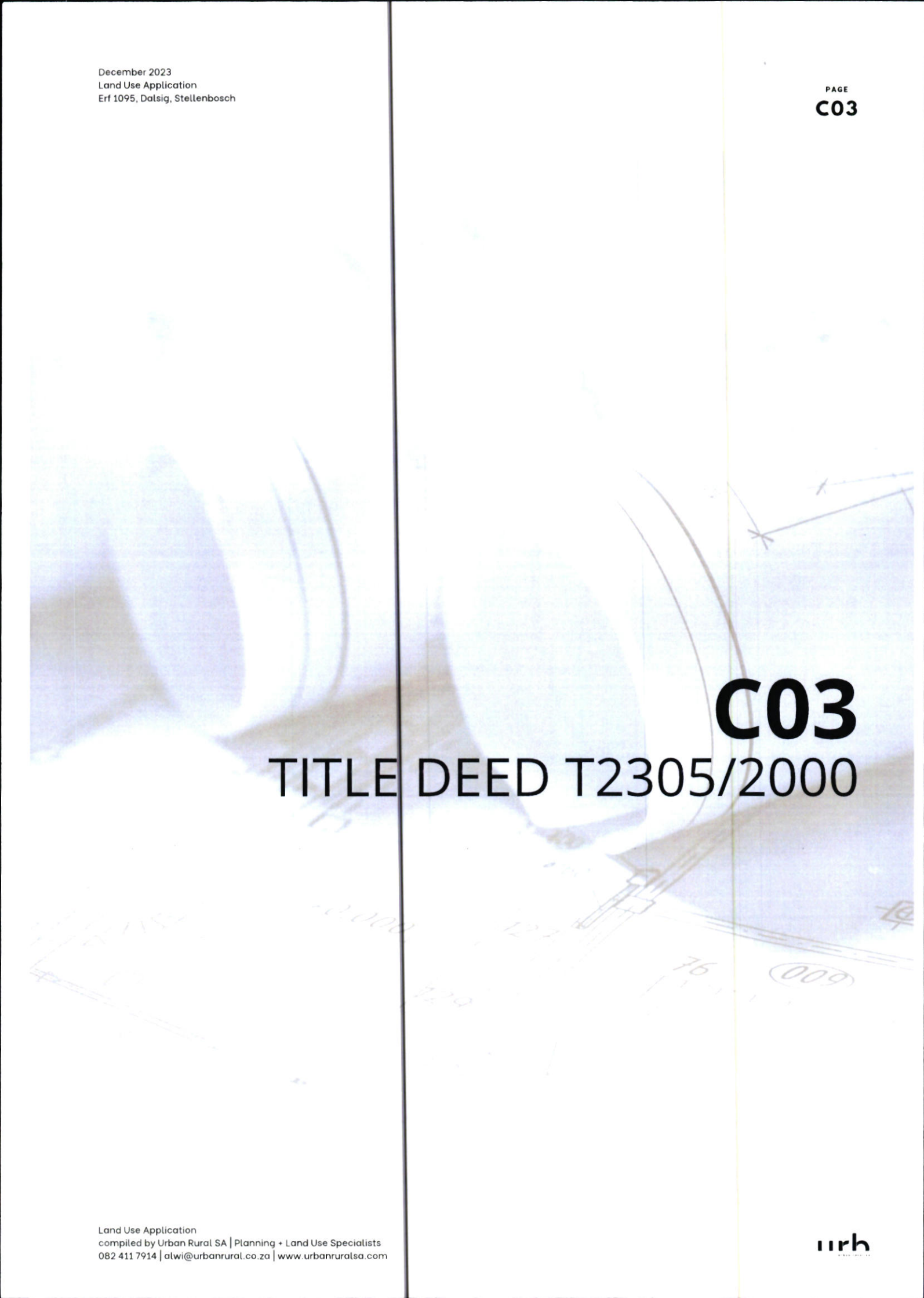
Anna Marie Schutte

ID Number

620813 5169 087

620523 0175 084

Signature of Witness



C03

TITLE DEED T2305/2000



STELLENBOSCH
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MUNISIPALITEIT • UMASHIPALA • MUNICIPIO

CONVEYANCER CERTIFICATE

I, **Daniël Frederik Els** (Legal Practice Council Number 94258)

(conveyancer's name and surname)

Practising at:

STBB | Smith Tabata Buchanan Boyes

1st Floor, Titanium House

19 Gardner Williams Avenue

Paardevelei, Somerset West, 7130

(firm and place of practice)

In respect of:

ERF 1095 STELLENBOSCH

IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH

WESTERN CAPE PROVINCE

(full property description (erf / farm) as it appears 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. T2305/2000

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	<u>Y</u>	N	
2.	Building lines	<u>Y</u>	N	Condition (iii) (d): <i>Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne as 6,30 meter van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3,15 meter van die agtergrens of sygrens van aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 3,05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat, en mits geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf.</i>
3.	Height	<u>Y</u>	N	Refer to condition (iii) (d) above.
4.	Number of Dwellings	<u>Y</u>	N	Condition (iii) (b): <i>Dit mag alleen gebruik word vir die doel van een woning tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word daarop te rig.</i>
5.	Bulk floor area	<u>Y</u>	N	Condition (iii) (c): <i>Op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie.</i>



6.	Coverage/built upon area	<u>Y</u>	N	Refer to condition (iii) (c) above.
7.	Subdivision	<u>Y</u>	N	Condition (iii) (a): <i>Dit mag nie onderverdeel word nie.</i>
8.	Servitudes that may be registered over or in favour of the property	<u>Y</u>	N	
9.	Other Restrictive Conditions	<u>Y</u>	N	<p>General restrictive conditions as per Condition D of Title Deed:</p> <p>(i) Enige woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekeniise as wat daaraan geheg word by die regulasies afgekondig by Kennisgewing van die Provinsiale Administrasie No. 401 van 17 Oktober 1935, en in die memorandum wat genoemde regulasies vergesel het.</p> <p>(ii) Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteitskabels en waterpype en die rioolvuil en dreinerings insluitende reënwater van enige ander erf of erwe, binne of buite hierdie onderverdeling, oor hierdie erf of erwe gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en ligging wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle</p>



redelike tye tot die eiendom in met die doel om riole, inspeksieputte, vore, waterleidings en ander werke behorende daartoe te boud, te onderhou, te verander, verwyder of te inspekteer.

Conditions imposed in favour of *Dalsig Landgoed (Eiendoms) Beperk*, as per Condition E of Tite Deed:

1. *Geen gebou van welke aard ookal mag op die erf opgerig word alvorens die planne en spesifikasies nie aan die Eienaars van die dorpsaanleg of hul opvolgers in regte voorgelê is nie, welke planne en spesifikasies binne 21 dae na voorlegging daarvan goed of afgekeur moet word.*
2. *Geen skadelike, raserige of enige ander bedrygheid waarteen die inwoners van die dorpsgebied redelikerwys beswaar mag maak as synde 'n oorlas vir die bure of vir diegene wat die openbare plekke of weë begaan mag op die erf uitgevoer word nie. Voorts mag geen hout vir wins op enige erf gesaag of gekap word nie en ook mag die okkupeerder van die erf nie material wat hy vir enige besigheidsonderneming buite die erf gebruik, op die erf bêre nie. Die toestand van die erf moet te alle tye sodanig wees dat dit geen oorlas vir die inwoners van die dorpsaanleg of vir diegene wat die openbare plekke of weë begaan daarstel nie.*
3. *Geen dak of enige bouwerk op die erf mag van sinkplaat van enige aard gemaak word nie behalwe as sodanige dak nie van die straat sigbaar is nie. Alle dakke op die erf moet van dieselfde material en konstruksie wees behalwe as die betrokke dak nie van die straat sigbaar is nie.*
4. *Die omheining van die erf mag alleen opgerig word nadat die volle besonderhede in verband met die beplanning daarvan aan die eienaars*



				<i>van die dorpsaanleg voorgelê is en dit deur hul goedgekeur is, dog in geen geval mag enige omheining van enige soort sinkplaat gebou word nie.</i>
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B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

		er y (ies	r
		t n co	
a.	Organ(s) of State that might have an interest in the restrictive condition	Condition C: <i>Onderhewig aan die voorbehoud soos vervat in Sertifikaat van Eenvormige Titel No. 15796 gedateer 20 Oktober 1950, en volledig uiteengesit in Sertifikaat van Minerale Regte No 157 gedateer 20 Oktober 1950, ten gunste van die Staat van alle regte op goud, silwer en edelgesteentes.*</i> <i>*This condition will be omitted from from all subsequent deeds of transfer, as per Chief Registrar's Circular No 3 of 2017.</i>	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.		
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	Dalsig Landgoed (Eiendoms) Beperk	

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning ByLaw (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
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STELLENBOSCH
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MUNISIPALITEIT • UMASHIPALA • MUNICIPALITY

Signed at Somerset West on this 4 December 2023

Full names and Surname: Daniël Frederik Els

Signature:

DANIËL FREDERIK ELS
SMITH TABATA BUCHANAN BOYES
Commissioner of Oaths
Practising Attorney, R.S.A.
1st Floor Titanium House
19 Gardner Williams Avenue
Paardevlei, Somerset West

DANIËL FREDERIK ELS
LPCM NUMBER 94258

Tel: 021 850 6400

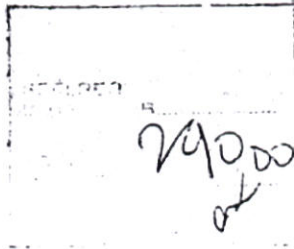
Email: daniële@stbb.co.za

Cell: 082 663 664 6

170 P.D. CARINUS PROKUREURS
POSBL 5535 STELLENBOSCH 7599

Opgestel deur my.

Transportbesorger
CARINUS P D



VERSIND	MORTGAGED
VR	500 000,00
1437	2000
2001-01-13	hduy

2305 2000

TRANSPORTAKTE

SY DIT KENNELIK AAN ALMAL WIE DIT MAG AANGAAN

Dat DANIEL JACOBUS SIEBRITS

verskyn het voor my, Registrateur van Aktes te KAAPSTAD, Hy die gesesde Komparant synde daartoe behoorlik gemagtig deur 'n volmag geteken te STELLENBOSCH op die 30ste dag van November 1999 aan hom verleen deur

DIE APOSTOLIESE GELOOF SENDING VAN SUID-AFRIKA
GEMEENTE STELLENBOSCH

welke volmag, geteken in die teenwoordigheid van getuie ooreenkomstig die Wet, my hede getoon is,

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ALLEEN VIR INFORMATIE DOELLENDE UITGEEREK

EN DIE KOMPARANT het verklaar dat voormelde TRANSPORTGEWER waarlik en wettiglik verkoop het op 16 OKTOBER 1999 en dat Hy, in sy hoedanigheid as voormeld hiermee in volle en vrye eiendom sodeer en transporteer aan en ten behoeve van

1. **CHRISTIAAN ERENST SCHUTTE**
Identiteitsnommer: 620813 5169 08 7
Getroud buite gemeenskap van goedere

en

2. **ANNA-MARIE SCHUTTE**
Identiteitsnommer: 620523 0175 08 4
Getroud buite gemeenskap van goedere

in gelyke dele

Hul Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes

ERF 1095 **STELLENBOSCH**, IN DIE MUNISIPALITEIT EN
AFDELING VAN STELLENBOSCH, PROVINSIE WES-KAAP

GROOT: 1024 (EEN DUISEND EN VIER EN TWINTIG)
VIERKANTE METER

OORSPRONKLIK GEREGISTREER en kragtens Transportakte Nr T 26870/1964 met
Kaart Nr. 1972/1961 wat daarop betrekking het en GEHOU kragtens Transportakte Nr
T.25117/1993.

ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte
Nr.T.10536/1953.

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B. GEREKTIG OP die voordeel van die spesiale voorwaardes waarna verwys word in die endossement gedateer 17 Desember 1914, op Transportakte Nr. T.312 gedateer 30 September 1870 (asook Transportakte Nr. 12 gedateer 2 Oktober 1869) in Transportakte Nr. 9327 gedateer 11 Desember 1914 uiteengesit, in die plek van die spesiale voorwaardes vervat in Transportakte Nr. 7596, gedateer 9 Julie 1904 (met kaart) (van Perseel D) met betrekking tot 'n reg van 4,72 meter wyd langs 'n seker pad wat in 1914 bestaan het en wat nog bestaan, en W X Y Z gemerk op die kaart wat aan Transportakte Nr. 206 gedateer 15 Desember 1964, behoort; die deel XY van gemelde pad is ook aangedui op die kaart wat behoort aan die Grondbrief gedateer 1 Januarie 1817 (Stellenbosch Erfpagbrief Boekdeel 2 No.55).

C. ONDERHEWIG aan die voorbehoud soos vervat in Sertifikaat van Eenvormige Titel No. 15796 gedateer 20 Oktober 1950, en volledig uiteengesit in Sertifikaat van Minerale Regte No. 157 gedateer 20 Oktober 1950, ten gunste van die Staat van alle regte op goud, silwer en edelgesteentes.

D. ONDERHEWIG VERDER aan die volgende voorwaardes vervat in Transportakte Nr. T26870/1964, opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop kragtens Ordonansie 33 van 1934 by die goedkeuring van die DALSIG DORP, naamlik:

- (i) Enige woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Kennisgewing van die Provinsiale Administrasie No. 401 van 17 Oktober 1935, en in die memorandum wat genoemde regulasies vergesel het.
- (ii) Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteitskabels en waterpype en die rioolvuil en dreinerings insluitende reënwater van enige ander erf of erwe, binne of buite

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ALLEEN VIR INFORMATIELE DOELSTREKE

hierdie onderverdeling, oor hierdie erf of erwe gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en ligging wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om riele, inspeksieputte, vore, waterleidings en ander werke behorende daartoe te boud, te onderhou, te verander, verwyder of te inspekter.

(iii) Hierdie erf is onderhewig aan die volgende voorwaardes met dien verstande dat indien die Administrateur na oorleg met die Dorpekommissie en die plaaslike owerheid dit raadsaam ag, dat die beperking in enige sodanige voorwaarde te eniger tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan sodanige voorwaardes as wat hy mag ophê:

- (a) Dit mag nie onder verdeel word nie.
- (b) Dit mag alleen gebruik word vir die doel van een woning tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word daarop te rig.
- (c) Op nie meer as een-derde van die oppervlakte daarvan mag gebou word nie. (241)
- (d) Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne as 6,30 meter van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3,15 meter van die agtergrens of sygrens van aangrensende erf nie, met dien verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid op die voorgeskrewe ruimte langs die agtergrens opgerig mag word, mits sodanige buitegebou nie 'n hoogte van 3,05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat, en mits geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie. By konsolidering van enige twee of meer erwe sal hierdie voorwaardes van toepassing wees op die gekonsolideerde gebied as een erf.

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E. ONDERHEWIG aan die spesiale voorwaardes vervat in Transportakte Nr. T25117/1993, opgelê deur en ten gunste van DALSIG LANDGOED (EIENDOMS) BEPERK en hul opvolgers regte as eienaars van die restant van die grond gehou deur hulle kragtens Transportakte Nr. 10536/1953, in hul guns uitgereik en ten gunste van die geregistreerde eienaar en sy opvolgers in title van enige erf in DALSIG DORP:-

- (b) Geen gebou van welke aard ookal mag op die erf opgerig word alvorens die planne en spesifikasies nie aan die Eienaars van die dorpsaanleg of hul opvolgers in regte voorgelê is nie, welke planne en spesifikasies binne 21 dae na voorlegging daarvan goed of afgekeur moet word.
- (c) Geen sakdelike, raserige of enige ander bedrywigheid waarteen die inwoners van die dorpsgebied redelikerwys beswaar mag maak as synde 'n oorlas vir die bure of vir diegene wat die openbare plekke of weë begaan, mag ofp die erf uitgevoer word nie. Voorts mag geen hout vir wins op enige erf gesaak of gekap word nie en ook mag die okkupeerder van die erf nie materiaal wat hy vir enige besigheidsonderneming buite die erf gebruik, op die erf bêre nie. Die toestand van die erf moet te alle tye sodanig wees dat dit geen oorlas vir die inwoners van die dorpsaanleg of vir diegene wat die openbare plekke of weë begaan daarstel nie.
- (d) Geen dak of enige bouwerk op die erf mag van sinkplaat van enige aard mag gemaak word nie behalwe as sodanige dak nie van die straat sigbaar is nie. Alle dakke op die erf moet van dieselfde materiaal en konstruksie wees behalwe as die betrokke dak nie van die straat sigbaar is nie.
- (e) Die omheining van die erf mag alleen opgerig word nadat die volle besonderhede in verband met die beplanning daarvan aan die eienaars van die dorpsaanleg voorgelê is en dit deur hul goedgekeur is, dog in geen geval mag enige omheining van enige soort sinkplaat gebou word nie.

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WESHALWE/...

ND

WESHALWE DIE KOMPARANT afstand doen van al die regte en titel wat die TRANSPORTGEWER voorheen op genoemde eiendom gehad het, en gevolglik ook erken dat die TRANSPORTGEWER geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie;

en dat kragtens hierdie akte, bogenoemde TRANSPORTNEMERS, HUL Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat;

en ten slotte erken hy dat die hele koopsom die bedrag van **R630 000,00 (SESHONDERD EN DERTIGDUISEND RAND)** bedra, wat ten volle betaal of verseker is.

TEN BEWYSE WAARVAN EK, die genoemde Registrateur, tesame met die Komparant, hierdie Akte onderteken en dit met die Ampseël bekragtig het.

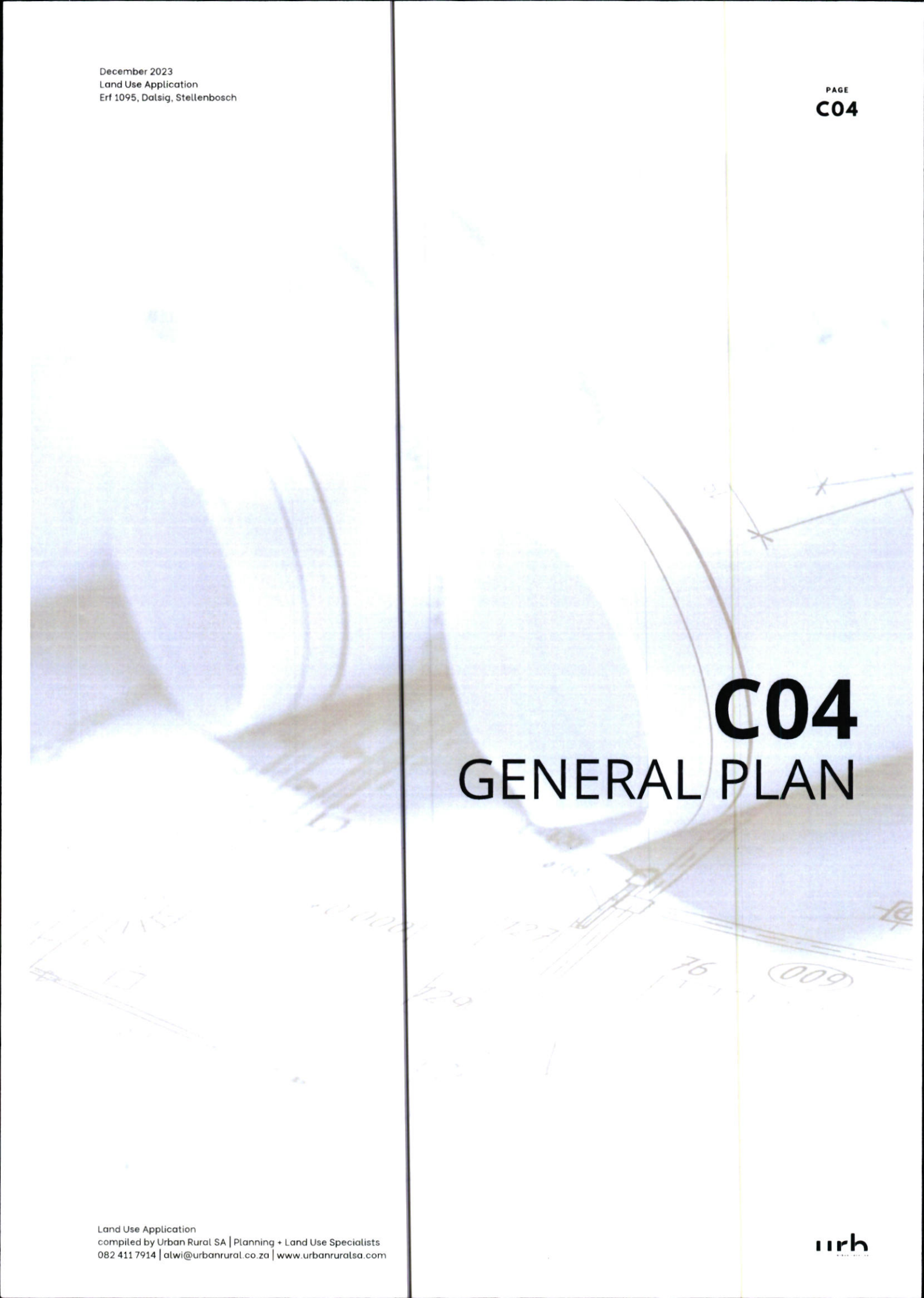
ALDUS GEDOEN en verly op die Kantoor van die Registrateur van Aktes. te KAAPSTAD op hierdie 13^e dag van *Januarie* 2000.

[Handwritten Signature]
q.q. sy Prinsipaal/ale

In my teenwoordigheid,

[Handwritten Signature]
REGISTRATEUR VAN AKTES.

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ALLEEN VIR INFORMASIEDELEINDES UITREIK



C04 GENERAL PLAN



C5 ARCHITECTURAL PLANS

EUNEVA HGREB

22 40 SITE BOUNDARY

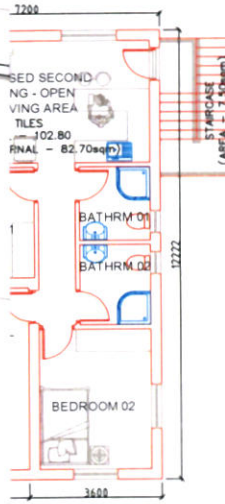
ERF 1095

6 300 BUILDING LINE

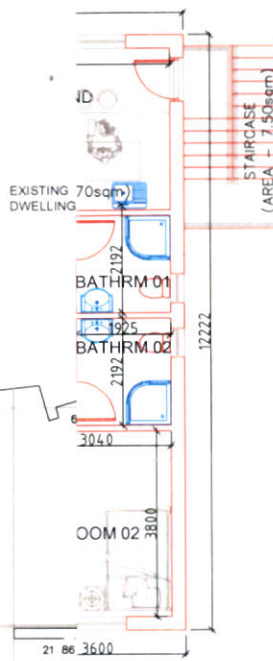
ADJOINING
ERF 1096

48 47 SITE BOUNDARY

3 150 BUILDING LINE



LOOR PLAN
(ADDITION)



EXISTING DRIVE WAY/
CWC - NO OBSTRUCTION
ON SIDEWALK



SITE PLAN
(EXISTING AND NEW LAYOUT)
SCALE 1:100

BUITEKRING S

GENERAL NOTES

- ALL THE MEASUREMENTS AND LEVELS MUST BE CHECKED ON SITE BEFORE BUILDINGWORK STARTS
- ANY DIFFERENCES MUST BE DISCUSSED WITH THE DRAFTSMAN AND ADJUSTED AS DISCUSSED
- ALL MATERIALS USED DURING BUILDINGWORK MUST BE SABS APPROVED AND CERTIFIED
- 50% OF HOT WATER RETICULATION MUST BE SOLAR OR ANY ALTERNATIVE SYSTEM - SYSTEM/INSTALLMENT AND INSULATION AS PER SPECIALIST/MANUFACTURERS DETAIL - ACCORDING TO SANS 10252
- PROVISION OF SANITARY FACILITIES IS IN ACCORDANCE WITH SANS 10400 D AND F - TOILET
- DCP TESTS TO BE CARRIED OUT BEFORE BUILDINGWORK
- STARTS AND COMPACTION DONE ACCORDINGLY
- WALL TIES MUST BE DISTRIBUTED AND INSTALLED EVENLY IN A PATTERN IN A CAVITY WALL IN AN AMOUNT OF 25 TIES PER SQUARE METRE FROM THE OUTSIDE SKIN WHERE THE CAVITY DOES NOT EXCEED 75mm AND IN A AMOUNT OF 3 TIES PER SQUARE METRE WHERE THE CAVITY EXCEEDS 75mm AS PER PART K
- OF NBR AND SANS 10400
- WEEPHOLES MUST BE ALLOWED FOR IN THE OUTSIDE SKIN OF ALL CAVITY WALLS AT SPACINGS OF MAXIMUM 1m IN THE BRICK LAYER DIRECTLY ABOVE THE DPC
- NO BUILDINGWORK MAY EXCEED THE ERF BOUNDARY
- BOUNDARY PEGS TO BE INDICATED BY LAND SURVEYOR IF NOT FOUND ON SITE, BEFORE BUILDINGWORK STARTS
- ALL FOUNDATIONS ON SOLID SOIL - AS PER PART B/H OF SANS 10400
- STORMWATER LAYOUT AND DISCHARGE ON ERF AS PER PART R OF NBR AND SANS 10400 AND BS (ACT 103/1977)
- AIRTIGHT INSPECTION EYES AT ALL SANITARY FIXTURES (WATER CLOSETTES) AS PER PART P OF NBR AND SANS 10400
- ALL SEWERPIES THAT PROJECT UNDER CONCRETE WORK MUST BE INCASED IN A CONCRETE CASING - AS PER ATTACHED DETAIL
- PRECAST CONCRETE LINTOLS OVER ALL INTERNAL OF EXTERNAL OPENINGS EXCEEDING 600mm - AS PER PART K OF NBR AND SANS 10400
- CHIMNEY TOP TO BE MIN 1000mm ABOVE ADJOINING ROOFLINE (1000mm DETERMINED FROM LOWEST ADJOINING ROOFPALL) - FIRE PLACE AS PER DETAIL
- HEIGHTS TO CHECKED ON SITE AND ADJUSTED WHERE NEEDED
- FIRE EQUIPMENT - INSTALLATION AS PER SANS 1910 AND UPKEEP AS PER SANS 1475-1 AND SANS 10105-1
- BOUNDARY WALLS - WALL TO STEP AS PER NATURAL GROUND FALL, DETERMINED ON SITE AND DISTANCE OF COLUMNS TO BE ADJUSTED IF NEEDED - NOT TO EXCEED 2500mm c/c

REVISION/HERSIENING
REV - 01 - PARKING BAYS
INDICATED

CLIENT/KLIENT
Rose (POA)

I ROSSOUW
Rose



I-DESIGN
ARCHITECTURAL DESIGN
ILZE-MER ROSSOUW
ARCHITECTURAL TECHNOLOGIST
(SAPS REGISTRATION NUMBER)
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JOB/PROJEK
PROPOSED ADDITIONS TO EXISTING
DWELLING ON ERF 1095, BUITEKRING
ROAD, STELLENBOSCH
FOR MR AND MRS SCHUTTE

DESCRIPTION/BESKRYWING PROPOSED SKETCH PLANS - SECOND DWELLING UNIT	SCALE/ SKAAL 1 : 100
DATE/DATUM 12 - 10 - 2023	DRAWING NO/TEK NO 0643-SP01b
DRAWN BY/GETEKEN DEUR I ROSSOUW	REVISION/HERSIENING REV - 01



Alwi Theart
alwi@urbanrural.co.za
0824117914

29 January 2024

FEEDBACK: PRE-APPLICATION SCRUTINY FEEDBACK, ERF 1095, STELLENBOSCH

1. Your pre-application scrutiny submission on the above property, dated 23 August 2022 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) [ZSB]:
 - 3.1 The building plan must indicate the on-site parking for both the main dwelling and proposed second dwelling. Please refer to table-A contained in section 33 of the Stellenbosch Municipality Zoning Scheme By-law.**
 - 3.2 A written motivation will be required upon formal submission of the said application. The motivation must also address factors listed in section 65(c)(i) – (viii) of the Stellenbosch Municipal Land Use Planning By-law, 2023 and section 39 of the Land Use Planning Act, 2015 (LUPA).**
 - 3.3 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

