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27 November 2025

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Sir/Madam

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND BUILDING LINE DEPARTURE ON ERF 898, STELLENBOSCH – 1 CRUSE STREET

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

Application Property Address: **Erf 898, Stellenbosch**

Application Property Number: **1 Cruse Street**

Applicant: **Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)**

Owner: **Rumar Trust**

Application Reference: **TP1370/2025**

Description of land development proposal:

Application is made in terms of Section 15(2)(b) and (f) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the following on Erf 898, Stellenbosch:

- **Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the removal of restrictive condition B(c) as contained in Title Deed Nr. T40671/2014 relating to the coverage on Erf 898, Stellenbosch.**
- **Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 for a departure to relax the street building line from 4,0m to 2,0m to accommodate the balcony on Erf 898, 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: carlien@archtownplanners.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 **23 January 2026**.

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 **072 262 5304** during normal office hours.

Yours faithfully

Carlien Coetzee

For Arch Town Planners (Pty) Ltd



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27 November 2025

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

Geagte Mnr./Me.

Die volgende grondgebruiksaanzoek in terme van Stellenbosch se Verordeninge op
Grondgebruikbeplanning verwys:

AANSOEK OM OPHEFFING VAN BEPERKENDE TITELVOORWAARDE EN BOULYNAFWYKING OP ERF 898, STELLENBOSCH – 1 CRUSE STRAAT

Adres van aansoek eiendom: **Erf 898, Stellenbosch**

Aansoek eiendom beskrywing: **1 Cruse Straat**

Aansoeker: **Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)**

Eienaar: **Rumar Trust**

Aansoek Verwysing: **TP1370/2025**

Besonderhede van die grondgebruiksaanzoek:

Aansoek word gedoen in terme van Artikel 15(2)(b) en (f) van die Stellenbosch Munisipaliteit se
Beplanningsverordening (2023) ten einde voorsiening te maak vir die volgende op Erf 898, Stellenbosch:

- **Aansoek word gedoen ingevolge Artikel 15(2)(f), vir die opheffing van beperkende voorwaarde B(c) soos vervat in Titelakte Nr. T40671/2014 met betrekking tot die dekking op Erf 898, Stellenbosch.**
- **Aansoek word gedoen ingevolge Artikel 15(2)(b), vir 'n afwyking om die straatboulyn van 4,0m na 2,0m te verslap om die balkon op Erf 898, Stellenbosch, te akkommodeer.**

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 tydskedule van die publieke
deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, 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 terme van Artikel 50 van die
tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer
van de aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar
lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die
aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: marike@archtownplanners.co.za . 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 **23 Januarie 2026**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien
dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos
voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos
adres of telefonies by **072 262 5304** gedurende normale kantoor ure.

Die uwe

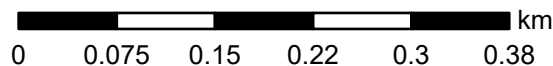
Carlien Coetzee

Vir Arch Town Planners (Pty) Ltd

Erf 898, Stellenbosch - Locality Plan



Date created: 2025/09/10



APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND BUILDING LINE DEPARTURE

ERF 898 STELLENBOSCH, 1 CRUSE STREET



SEPTEMBER 2025

**SUBMITTED TO:
STELLENBOSCH MUNICIPALITY**

PREPARED AND SUBMITTED BY:



Postal Address: 152 Dorp Street
2nd Floor, Bakkershuis
Stellenbosch, 7600

Email: marike@archtownplanners.co.za

Website: www.archtownplanners.co.za

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Annexure A: Application Form

Annexure B: Title Deed

Annexure C: Power of Attorney and Trust Resolution

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Annexure E: Site Development Plan

1. BACKGROUND INFORMATION

The landowner of Erf 898, Stellenbosch, hereafter referred to as the application site wishes to make alterations to the existing approved house. These alterations will increase the building coverage beyond what is permitted in the title deed but will still comply with the coverage restriction from the Stellenbosch Municipal Zoning Scheme By-Law (2023), hereafter referred to as the Zoning Scheme.

The owners wish to add a roof over their carport, and an open balcony and a home gym on the 1st floor. The proposed additions brings the total coverage to 43.8% which is compliant with the Zoning Scheme but more than that allowed for in the Title Deed and therefore an application needs to be submitted to request for the removal of this restrictive title deed condition. The proposed balcony on the first floor exceeds the street building line and requires a street building line departure.

2. APPLICATION TO THE STELLENBOSCH MUNICIPALITY

In light of the above, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality. Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2) (b) and (f) of the Stellenbosch Municipality Land Use By-Law, 2023 (hereafter referred to as 'the By-Law') for the following:

- i. In terms of Section 15(2)(b) **permanent building line departure** to allow for a portion of the proposed balcony on the first floor to be 2m in lieu of 4m
- ii. In terms of Section 15(2)(f) **removal of a restrictive title deed condition**, clause B(c) in deed T000040671/2014, to remove a restrictive title deed condition relating to coverage on Erf 898 Stellenbosch.

This report serves as motivation for the above-mentioned application. The official application form is attached to this report as **Annexure A**.

3. PROPERTY DESCRIPTION

2.1 Ownership Details

Application Site Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions Applicable
Erf 898, Stellenbosch	Rumar Trust	1 094.8m²	T 000040671/2014 See attached as Annexure B	B(c)

Table 1: Ownership Details

The owners have authorised *Arch Town Planners (Pty) Ltd* by means of Power of Attorney, attached as **Annexure C**, to prepare and submit this application. The conveyancer certificate is attached as **Annexure D** which states that clause B(c) is restrictive.

Condition **B(c)** of the title deed stipulates the following:
“Not more than one third of the area of this erf shall be built upon.”

This title deed restriction thus places a restriction on the coverage.

2.2 Locality and Context

The application is situated in Krigeville, east of the R44 in Stellenberg Avenue. Please refer to Figure 1 for the locality of the site. The application site is situated between Bloemhof Girls’ High School and Paul Roos. It is also situated right across from Rhenish Girl’s High School and within walking distance from town and surrounding amenities.

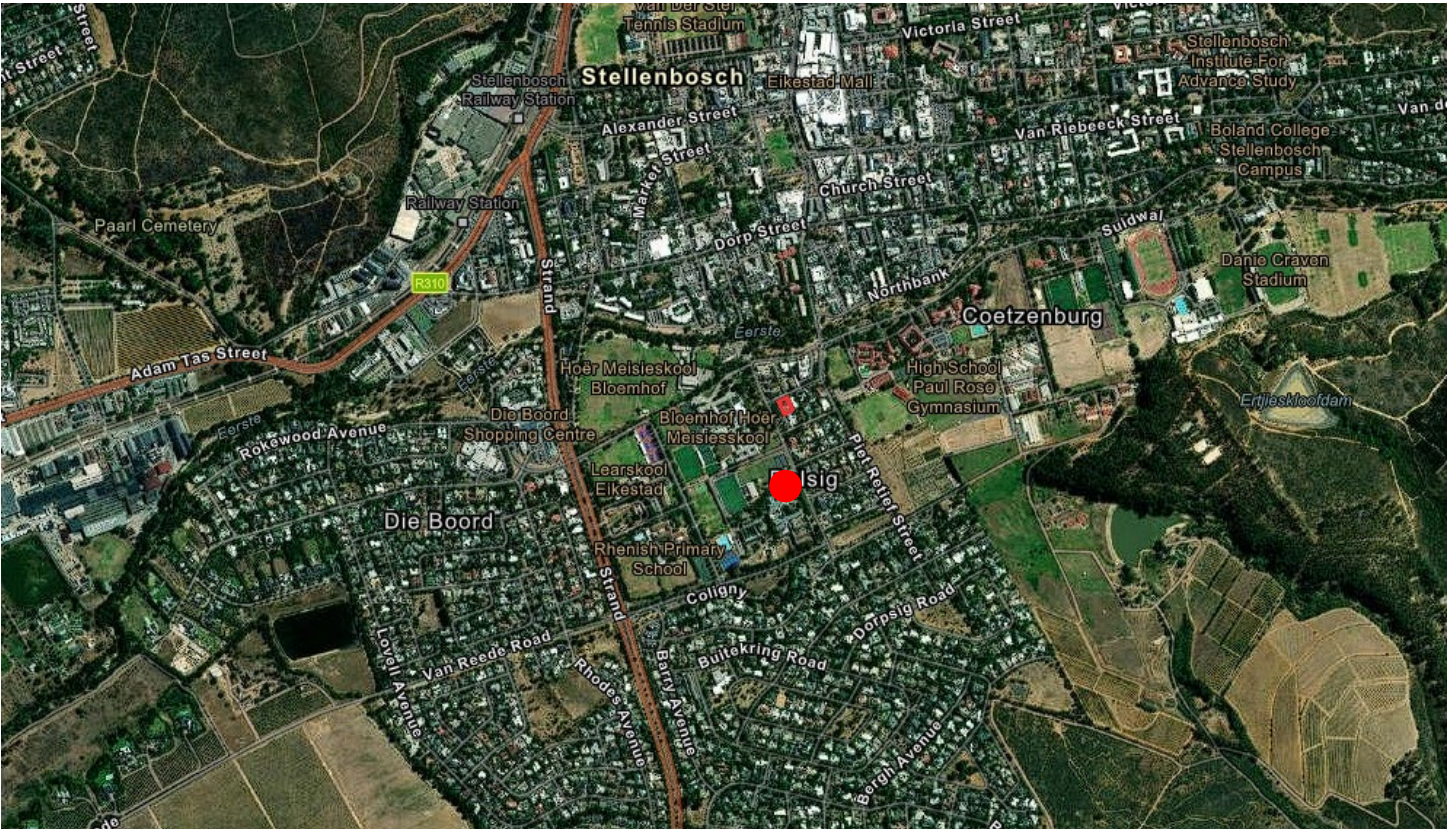


Figure 1 - Locality of Application Site



Figure 2 - The Application Site

2.3 Current Zoning and Existing Land Use

The application site has an existing residential house used for residential purposes. The zoning of property is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2023. According to the zoning scheme the site is zoned as **Conventional Residential Zone**. According to the Zoning Scheme the following land uses are permitted:

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

Table 2: Permitted land uses under the Conventional Residential Zone

Land Use Parameters	Conventional Residential Zone
Street Building Line (BL)	501m ² - 1500m ² - 4m
Common Boundary BL	501m ² - 1500m ² - 2.5m
Max Coverage	The greater of 300m ² or 50%
Max Height	2 storeys

Table 3 Development Parameters

4. DEVELOPMENT PROPOSAL

Kindly see the SDP attached as **Annexure E** to be read with this section. The proposed development entails adding a new roof to cover the carport ($\pm 45\text{m}^2$), a balcony on the first floor ($\pm 90\text{m}^2$), and a home gym on top of an existing garage that increases the coverage by $\pm 8\text{m}^2$ which can be seen in Figure 3. The proposed extensions will increase the coverage to 43.8% which is allowed for in the Zoning Scheme but restricted by the title deed.

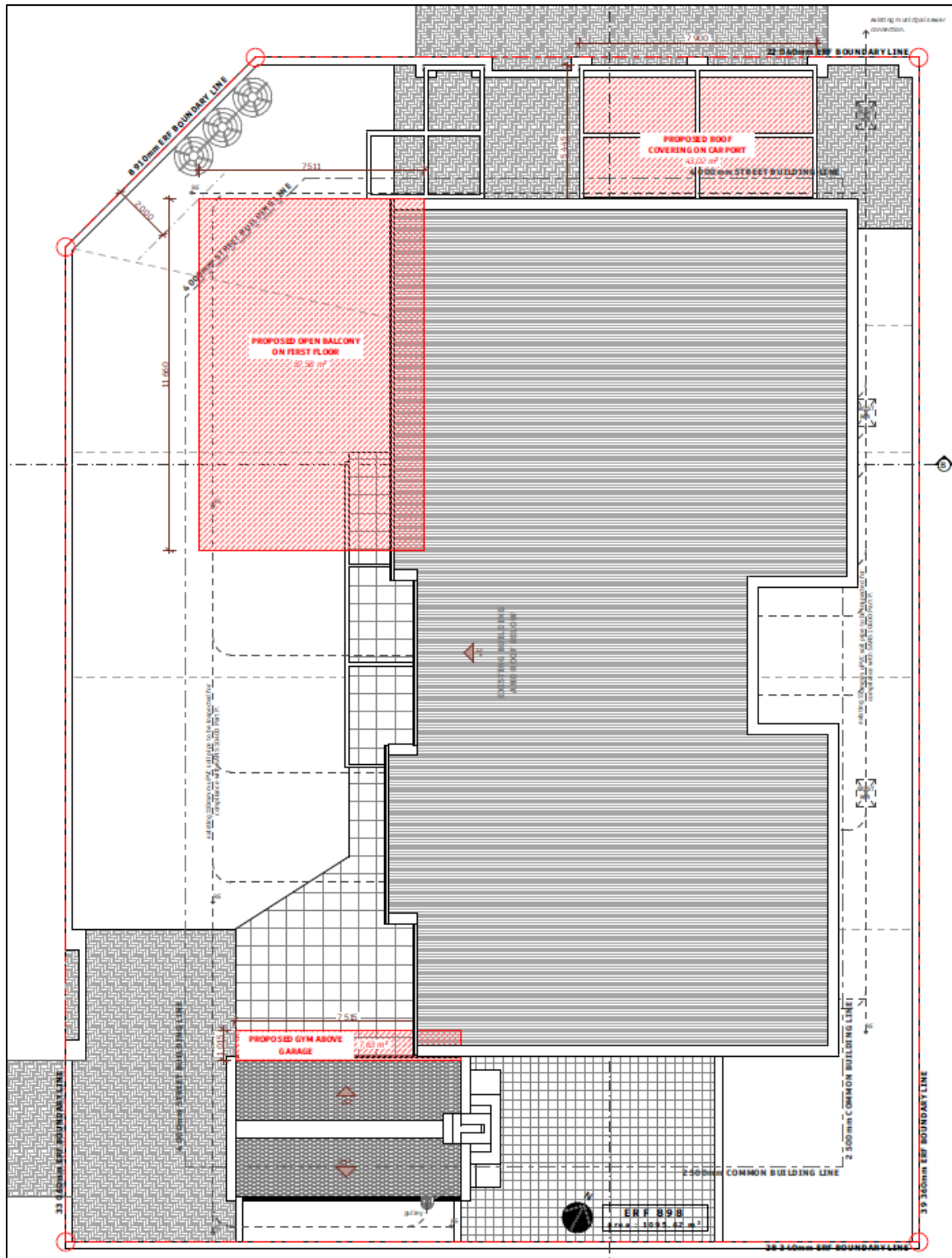


Figure 3 – SDP with Additions on Ground and First Floor

4.1 Roof over Existing Parking on Ground Floor

The proposed carport roof extends beyond the zoning scheme building line, however, it is allowed for under Section 55(2)(a) of the Zoning Scheme which states the following:

S55(2)(a): “carports are permitted up to 0 meters from the street boundary and garages are permitted up to 1 meter from the street boundary”

A building line departure is thus not required for the proposed roof over the existing parking. Please see Figure 4 below of an extract of the portion of the proposed roof covering of the carport.

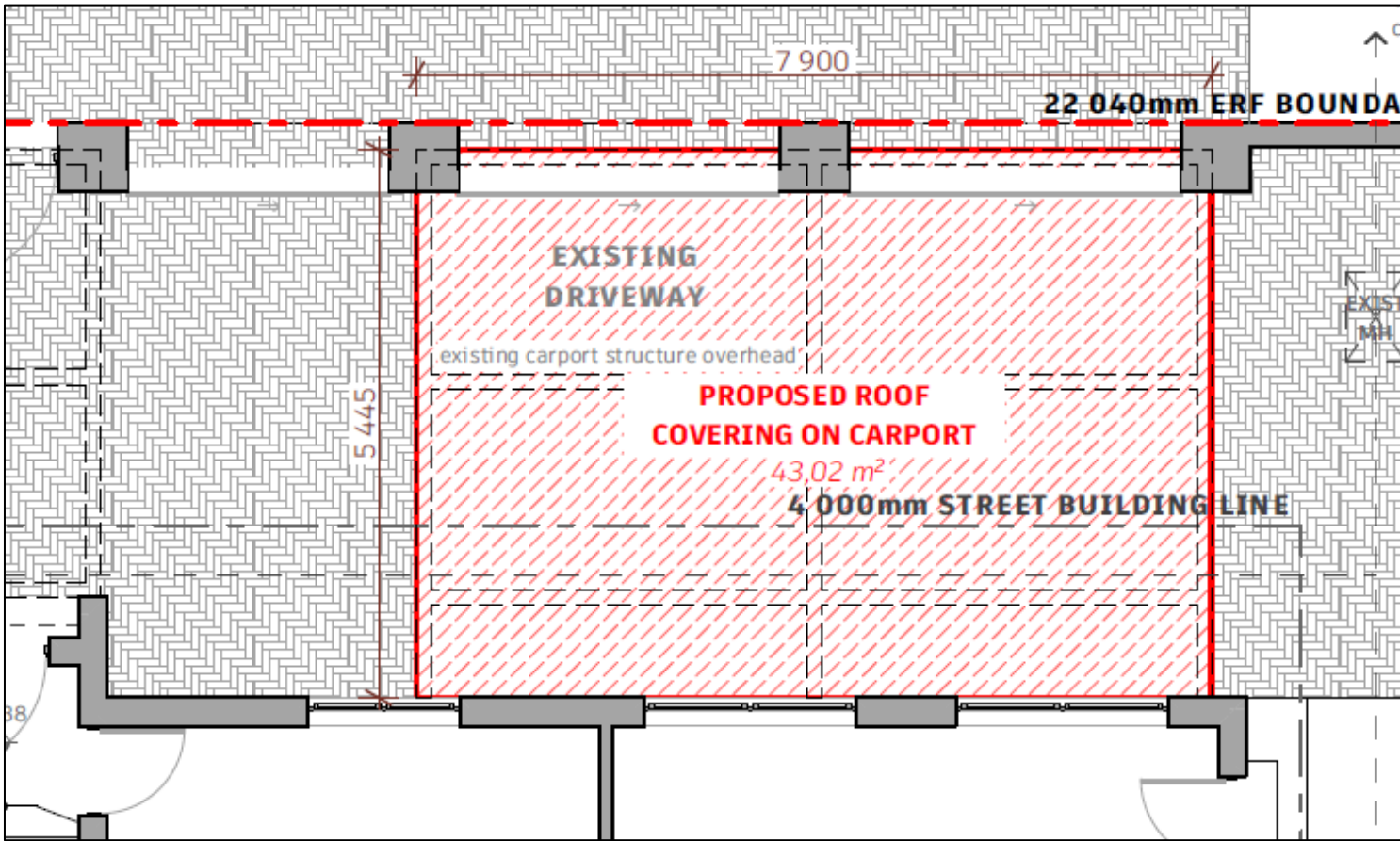


Figure 4 - Extract of Proposed Roof Covering of Carport

4.2 Proposed New Balcony on First Floor

The proposed new balcony on the first floor extends beyond the street building line at a maximum of 2m for only a portion. Figure 5 below indicates the portion of the balcony which will extend beyond the street building line in green. A building line departure from the Zoning Scheme is thus applied for to allow for a portion of the proposed new balcony to extend beyond the street building line.

As the application site is a corner property and the proposed balcony is located on the first floor rather than the ground floor, it is considered that the structure will not impact traffic visibility from either Cruse Street or Koch Street.

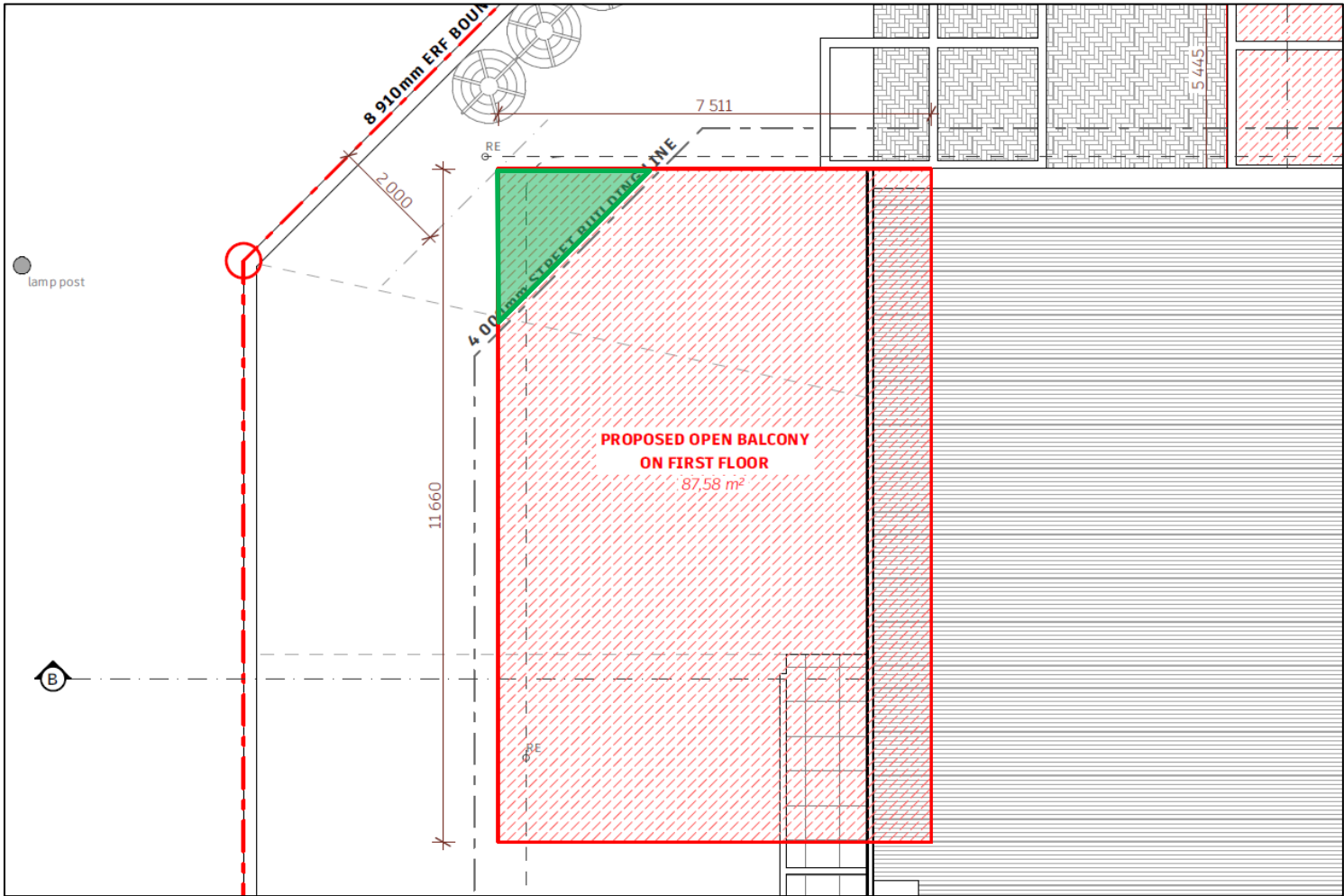


Figure 5 - Extract of Proposed Balcony

4.3 Proposed New Gym on First Floor

The proposed new home gym will be on the first floor on top of the existing garage. A small portion of the proposed new gym will be over the garage which slightly increases the coverage. The proposed new gym complies with the building lines. Please refer to Figure 6 below for an extract of the proposed new home gym area.

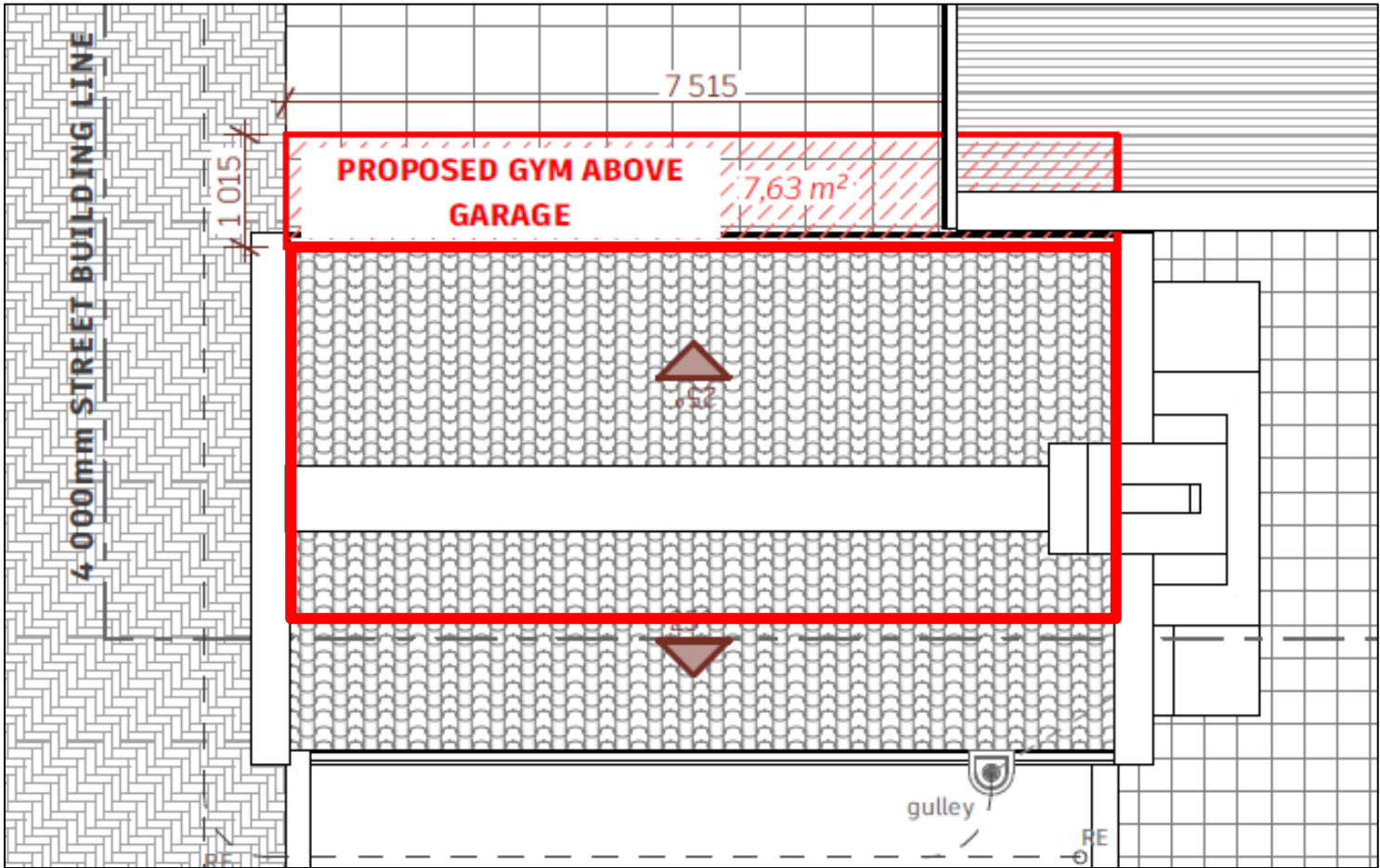


Figure 6 - Extract of Proposed New Home Gym

Table 3 outlines the development parameters applicable to Conventional Residential zoned properties. As indicated in the table, all structures on the application site, complies with the development parameters of the zoning scheme.

Land Use Parameters	Conventional Residential Zone	Proposed Development	Compliance/ Application Required
Street Building Line (BL)	501m² - 1500m² - 4m	2m (only a small portion of the proposed 1 st floor balcony)	Departs
Common Boundary BL	501m² - 1500m² - 2.5m	2.5m	Complies
Max Coverage	The greater of 300m² or 50%	43.8%	Complies
Max Height	2 storeys	2 storeys	Complies

Table 4 Compliance with Development Parameters

5. MOTIVATION

It is important to note that prior to the existence of zoning schemes, title deeds were used to govern and guide the development (by way of various conditions) of properties. Title deed conditions were used to regulate and protect the existing rights of all property owners. Without arguing that restrictive title deed conditions are redundant, it is motivated that Zoning Schemes and Municipal Policies now replaces the need for title deeds to govern the development of properties.

Even with the approval for the removal of restrictive title deed conditions, any further development on the application site will still be regulated by the development parameters of the Conventional Residential Zone (as listed in Tables 2 and 3 of this report).

Stellenbosch Municipality Land Use By-Law (2023):

As set out in Section 33(4) and 65(1) of the By-law, certain criteria need be met in consideration of an application by the decision-making authorities. In line with this section, Table 5 and 6, below, sets out the criteria and assesses the application accordingly:

Section 33(4) Criteria	Assessment of Proposal
(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;	With the removal of the condition relating to coverage, the landowner can add a cover over the carport, balcony, and home gym to the existing house which will increase the value of the property.
(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;	It does not impact the benefits of the holder of rights as the restriction was put in place to protect the character of the area, however, many of the surrounding properties already exceeds 33% coverage.
(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;	With the removal of the condition relating to coverage, the landowner can add a cover over the carport, balcony, and home gym to the existing house which will increase the value of the property and will contribute to efficient use of the property.
(d) the social benefit of the restrictive condition remaining in place in its existing form;	There is no social benefit for the restriction to remain in place.
(e) the social benefit of the removal, suspension or	The landowner wishes to add a few extensions to the existing house in line with their needs. Additionally, it may promote economic growth by facilitating property

amendment of the restrictive condition;	improvements and investments, which could benefit the local community through increased property values.
(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.	The removal of the restrictive condition will not remove all the rights enjoyed by the beneficiary, only relating to coverage.

Table 5 Assessment of Application in terms of Section 65 (1) of the By-Law

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15 (f) of the By-law.
b. Procedure followed in processing the application.	To be decided.
c. Desirability of land use	<p>The application for the removal of the restrictive title deed condition and street building line departure will not negatively affect the existing or future land use of the site. The land use will stay as is, being conventional residential. In terms of the removal of restrictive title deed conditions and building line departure, it is further motivated that:</p> <ul style="list-style-type: none"> - The approval of the application will not have a negative impact on the surrounding properties as it is in character with similar developments in the immediate and surrounding residential neighbourhood. - As the application site is a corner property and the proposed balcony is located on the first floor rather than the ground floor, it is considered that the structure will not impact traffic visibility from either Cruse Street or Koch Street. - The approval of this application will not result in an unusual advantage for the owners of the application site. Any future development will have to comply with the provisions of the applicable Zoning Scheme. - The existing additions to the existing house, resulting in a marginal increase in coverage is still within the permissible coverage and will not result in the overdevelopment of the site. It is appropriate in the context of the area. - The existing rights of the surrounding neighbours will not be impacted in a negative way if the title deed restrictions are removed. <p>The removal of the title deed restriction and building line departure will have no impact on any of the infrastructure services in the area.</p>
d. The IDP and SDF	Stellenbosch Municipality recently approved a new MSDF, which is used to guide

	<p>land use decisions in both the short and long term. This document conceptualizes seven core principles. While not all these principles are of pertinence to this application, the relevant principles are indicated below.</p> <p><i>Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas:</i> This application will not have any impact on the Municipality's natural environment and farming areas as the proposed development is located well within the urban edge.</p> <p><i>Respect and grow cultural heritage:</i> In line with the Stellenbosch Municipality's SDF, the proposed development will contribute to sensitive densification of an established conventional residential area.</p> <p><i>Clarify and respect the different roles and potentials of existing settlements:</i> As identified throughout this report, the application site is located within an area earmarked for conventional residential development. By allowing for the removal of the restrictive title deed conditions, the approval thereof will contribute to realising the potential of the conventional residential property to be sensitively densified.</p> <p><i>Ensure balanced, sustainable communities:</i> As per the SDF, development and densification must be prioritised within a radius of 1km of residential areas. It is important that the sensible densification in Stellenbosch should be supported to allow for the optimal use of land, services and infrastructure (including public transport).</p> <p>Furthermore, some of the main principles of the SDF relevant to this application includes:</p> <ul style="list-style-type: none"> • The principle of appropriate densification, <p>The application promotes all the above highlighted principles of the SDF.</p>
e. The principles referred to in Chapter VI of the Land Use Planning Act.	The five principles relates to spatial justice, spatial sustainability, efficiency, good administration, and spatial resilience. The proposed extensions and the application for the removal of the coverage restrictive title deed condition aligns with the principles as it allows for efficient land use through sensible densification and infill within the urban edge of Stellenbosch. It allows for optimal use of the property within the urban edge and does not place additional use on the engineering services.
f. The applicable provisions of the zoning scheme.	As discussed, the proposal is in line with the provisions of the Zoning Scheme
g. Any restrictive condition applicable to the land concerned.	Yes, condition B(c). This application serves to remove this restrictive condition.

Table 6 Assessment of Application in terms of Section 65 (1) of the By-Law

6. CONCLUSION

In light of the above information, Council is respectfully requested to favourably consider the application for the following in terms of the Stellenbosch Municipality Land Use By-Law to allow for the following:

- i. In terms of Section 15(2)(b) permanent building line departure to allow for a portion of the proposed balcony on the first floor to be 2m in lieu of 4m
 - ii. In terms of Section 15(2)(f) removal of a restrictive title deed condition, clause B(c) in deed T000040671/2014, to remove a restrictive title deed condition relating to coverage on Erf 898 Stellenbosch.
-

Report compiled by:

Carlien Coetzee (C/9982/2024)



Report reviewed by:

Marike Bolz (Director)



for Arch Town Planners (Pty) Ltd

- notes
- All statutory requirements shall be adhered to (including national building regulations and municipal zoning scheme by-laws)
 - All work to be carried out in strict compliance with relevant sans 10400 regulations and national building regulations.
 - Contractors are to check and verify all dimensions and levels on site prior to any work being carried out.
 - This drawing is not to be scaled, only figured dimensions are to be used.
 - Any discrepancies are to be brought to the attention of the architect or other responsible consultant/agent.
 - The design & detail on this drawing remains the property of studio limn and copyright is reserved (explicit written permission to be obtained for any reproduction or use of core essence of the drawings illustrated)
 - Contractor to first obtain written confirmation of any contract instructions before work is to be carried out.

erf details:

1 Cruse Street
Krigeville
Stellenbosch
ERF 898

application information

revision history:

REV	DESCRIPTION	DATE
01	TOWN PLANNING APPLICATION	2025/08/27

status: **TOWN PLANNING APPLICATION**

client details:

Botha Family
1 Cruse Street
Krigeville
Stellenbosch

project name:

Town Planning Application
Drawings for ERF 898

drawing title:

SITE PLAN & GROUND FLOOR

revision: **01**

modified by: **DB**

approved by: **ATP**

published date: **2025/08/28**

project number: **SL-A-25-007**

drawing scale: **1:100**

original drawing at A1

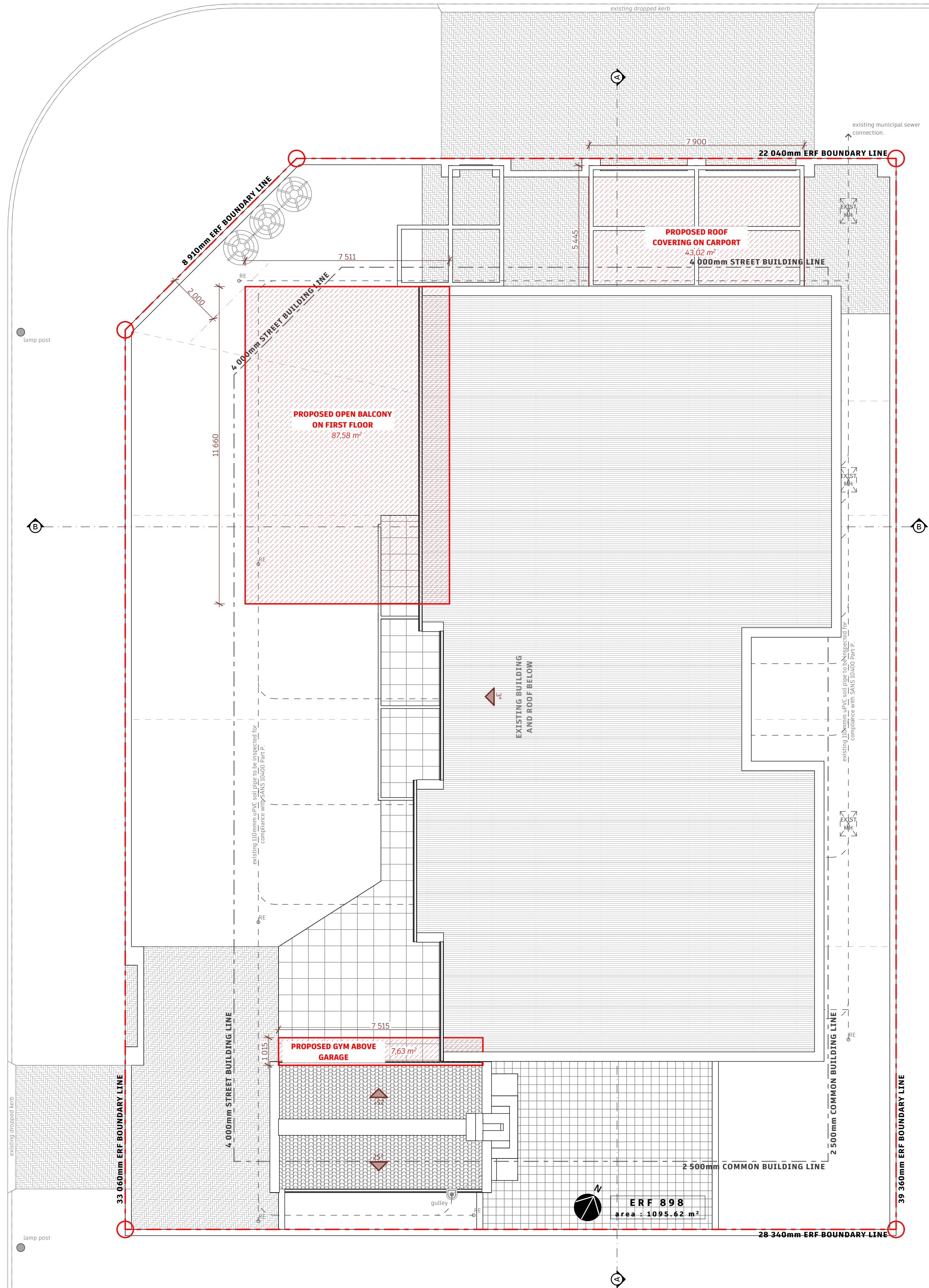
A (00) 001

1 CRUSE STREET

KOCH STREET

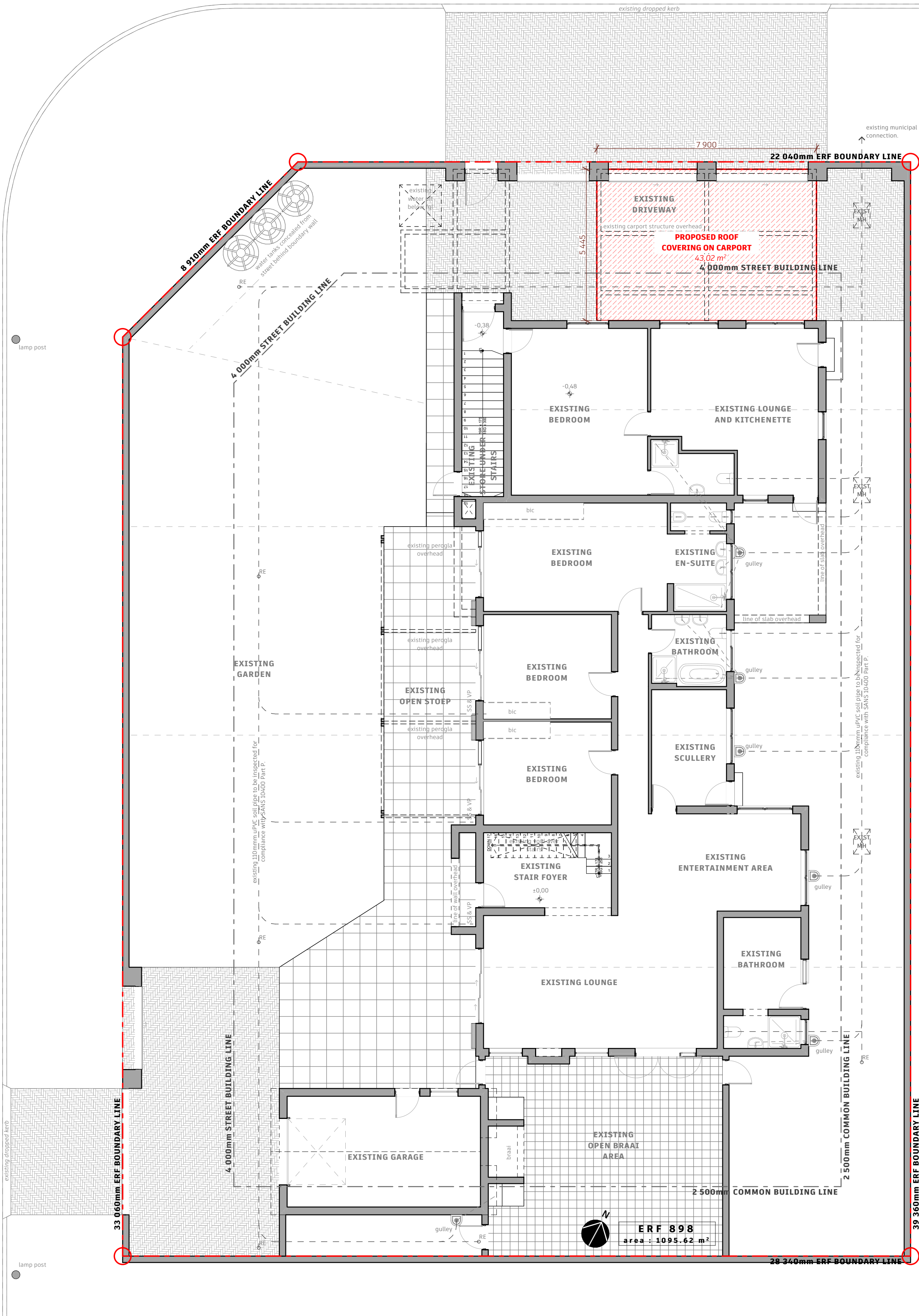
SITE & ROOF PLAN

1:100



GROUND FLOOR PLAN

1:100



- notes
- All statutory requirements shall be adhered to (including national building regulations and municipal zoning scheme by-laws)
 - All work to be carried out in strict compliance with relevant sans 10400 regulations and national building regulations.
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erf details:

1 Cruse Street
Krigeville
Stellenbosch
ERF 898

application information

revision history:		
REV	DESCRIPTION	DATE
01	TOWN PLANNING APPLICATION	2025/08/27

status: **TOWN PLANNING APPLICATION**
client details:

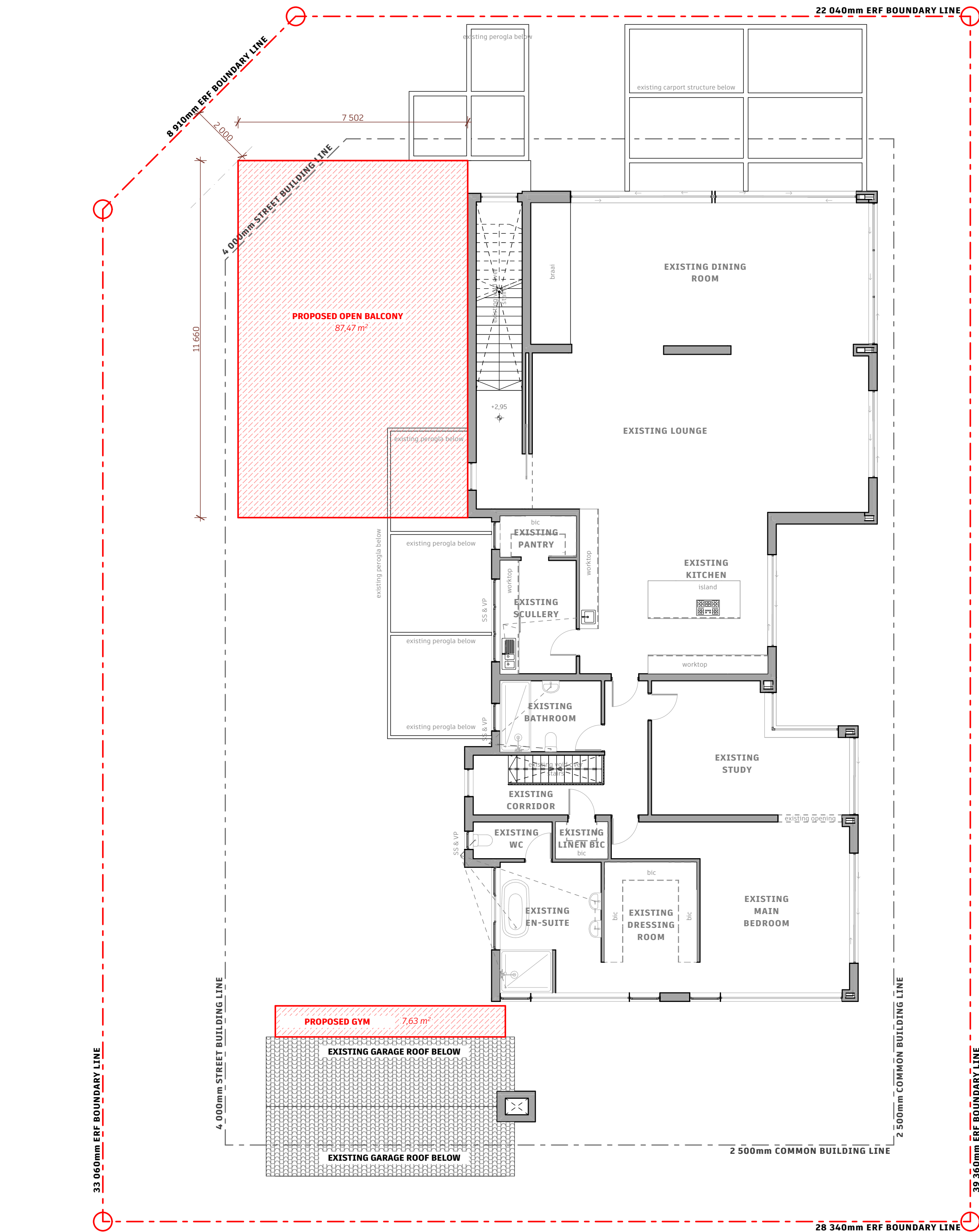
Botha Family
1 Cruse Street
Krigeville
Stellenbosch

project name:
Town Planning Application
Drawings for ERF 898

drawing title:
FIRST FLOOR & STREET ELEVATIONS

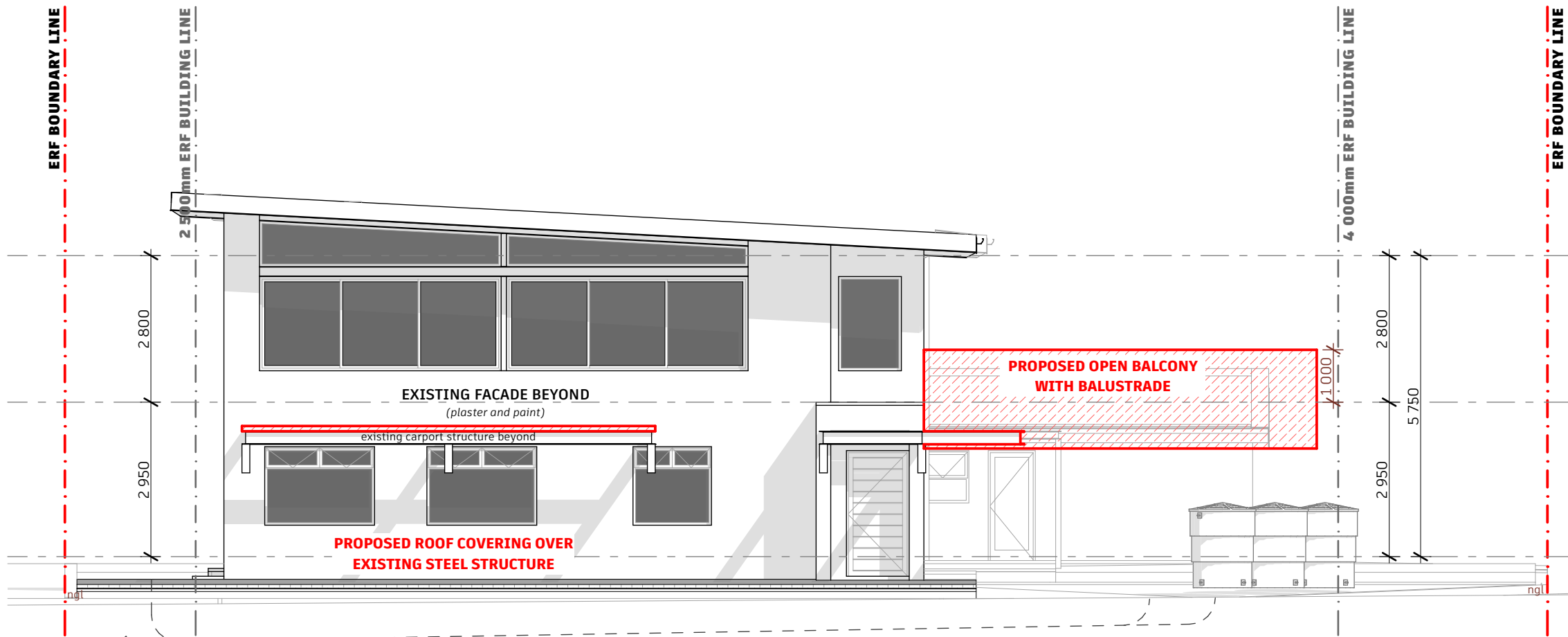
revision: **01**
modified by: **DB**
approved by: **ATP**
published date: **2025/08/28**
project number: **SL-A-25-007**
drawing scale: **1:100, 1:200**

original drawing of A1
A (00) 002



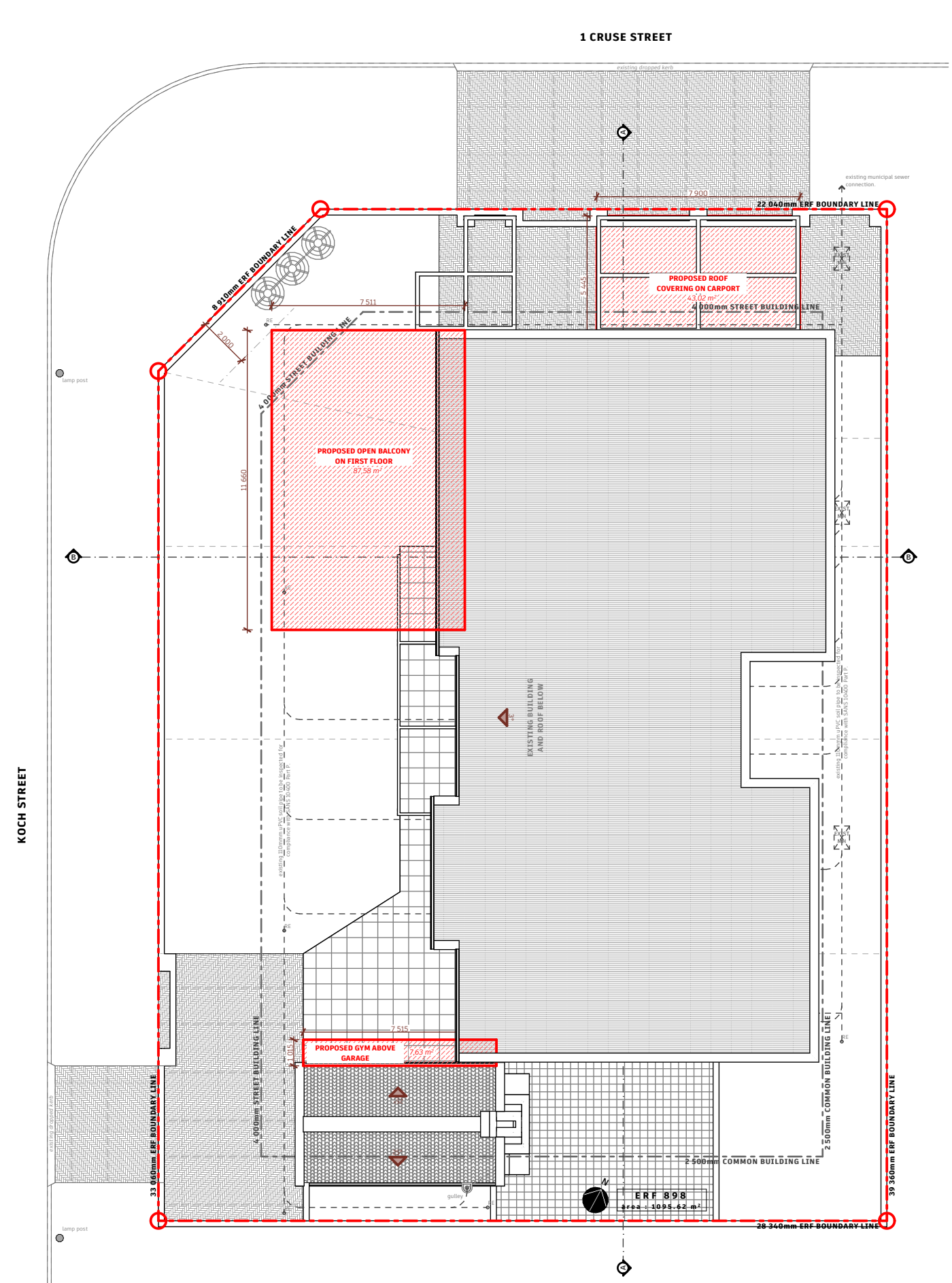
FIRST FLOOR PLAN

1:100



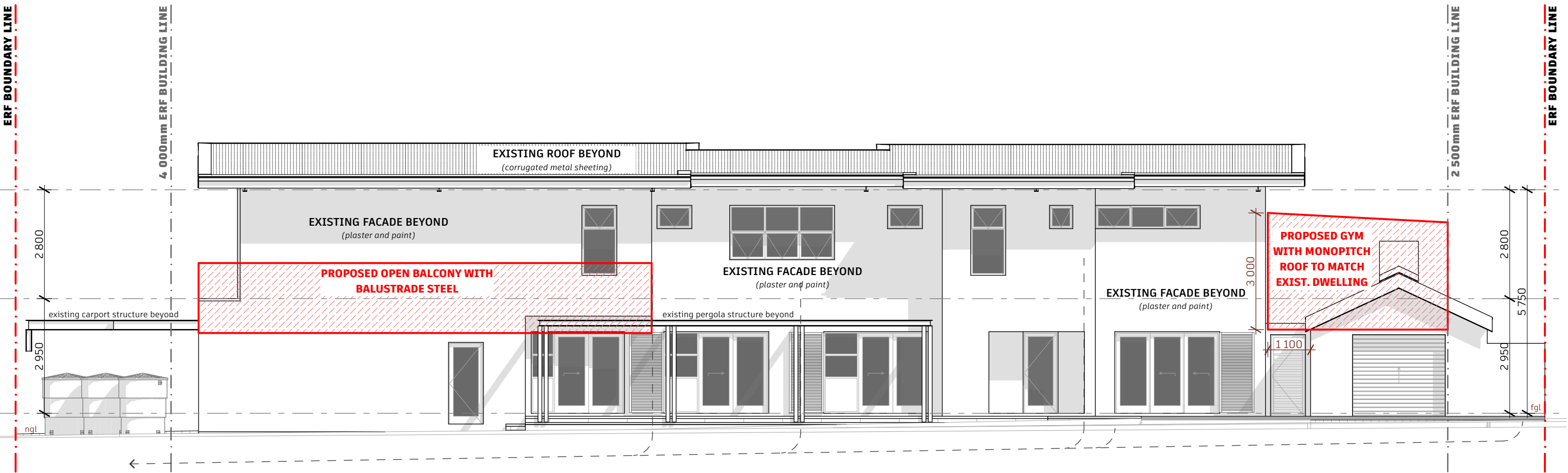
North (Cruse Street) Elevation

1:100



Site (Key Plan)

1:200



West (Kock Street) Elevation

1:100

building development parameters

TITLE DEED		ZONING SCHEME BYLAWS	
permissible coverage		permissible coverage	
area (m²)	percentage	area (m²)	percentage
365 m²	33.3 %	547.5 m²	50 %
erf 989 gross area		1095.62 m²	

DESCRIPTION	COVERAGE	
	area (m²)	percentage
EXISTING	340 m²	31 %
ADDITIONS	138 m²	12.6 %
TOTAL	478 m²	43.8 %