



STELLENBOSCH
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3/5/4/1

2018-02-02

**NOTICE OF A
COUNCIL APPEAL COMMITTEE MEETING
FRIDAY 2018-02-09 AT 10:00**

TO Speaker: DD Joubert (Chairperson)
Councillors GN Bakubaku-Vos (Ms)
MB De Wet
MD Oliphant
Q Smit

Notice is hereby given that a Council Appeal Committee Meeting will be held in the Council Chamber, Town House, Plein Street, Stellenbosch, on **Friday, 2018-02-09 at 10:00**, to consider the attached agenda.

KINDLY NOTE: SITE INSPECTION WILL BE CONDUCTED ON SAID PROPERTY ON FRIDAY, 2018-02-09 AT 09:00. (MEMBERS TO MEET AT SAID PROPERTY, OWN TRANSPORT)

**SPEAKER: DD JOUBERT
CHAIRPERSON**

A G E N D A

2018-02-09

COUNCIL APPEAL COMMITTEE MEETING

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1.	APPLICATION FOR LEAVE OF ABSENCE
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2.	COMMUNICATION BY THE CHAIRPERSON
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3.	CONFIRMATION OF MINUTES
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3.1	CONFIRMATION OF THE MINUTES OF THE COUNCIL APPEAL COMMITTEE MEETING HELD ON 2017-05-12
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The minutes of the Council Appeal Committee Meeting held on **2017-09-12** and continued on 2017-11-24, are attached as **APPENDIX 1**.

FOR CONFIRMATION

4.	MATTERS TO BE CONSIDERED
4.1	APPEAL (IN TERMS OF COUNCIL'S INTERNAL APPEAL PROCESS) AGAINST COUNCIL'S DECISION TO APPROVE AN APPLICATION FOR REZONING AND DEPARTURES ON ERVEN 132, 133 AND 134 (TO BE CONSOLIDATED), CNR OF HOFMAN AND PAUL KRUGER STREETS, STELLENBOSCH

File number : 132

Compiled by : Town Planner (L Ollyn)

Report by : Director: Planning and Economic Development

Delegated Authority : Council Appeals Committee

1. EXECUTIVE SUMMARY

1.1 Development Proposal

Application was made in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) in order to remove the restrictive title conditions applicable to Erven 132, 133 & 134, Stellenbosch to enable the owners to consolidate the erven in order to erect a four (4) storey block of flats for residential purposes.

Application was made in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats (consisting of ground floor parking and 3 storeys above).

Application was made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for a departure to:

- (i) relax the street building line (Hofman Street) from **7,6m** to **6,0m**;
- (ii) relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from **4,6m** to **4,2m**;
- (iii) relax the common building line (adjacent to Erf135, Stellenbosch) from **4,6m** to **3,7m**;
- (iv) exceed the permissible coverage of **25%** to **45%**;
- (v) exceed the floor factor from **0.75** to **1.12**; and to
- (vi) provide **10%** of garden space in lieu of the **25%** required.

See **ANNEXURE 2.**

1.2 Council Resolution

On 06-06-2017 the Planning and Economic Development Committee in terms of their delegations resolved as follows:

- *that the application for rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats, **be approved** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached APPENDIX 1; and*
- *that the application for departures as indicated on drawing nr SK100-101-102-103-104-105-106-200-201-300-301-302-303 (Rev No. 9), drawn by MWP Architects, dated 22 June 2015 (Appendix 3), **be approved** in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached APPENDIX 1 to:*
 - *relax the street building line (Paul Kruger) from 7,6m to 5,6m;*
 - *relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from 4,6m to 4,2m;*
 - *relax the common building line (adjacent to Erf135, Stellenbosch) from 4,6m to 3,7m;*
 - *exceed the permissible coverage of 25% to 45%;*
 - *exceed the floor factor from 0.75 to 1.12; and to*
 - *provide 19% of garden space in lieu of the 25% required*

See **ANNEXURE 2** for the report that served before the Planning & Economic Development Committee on the 06-06-2017.

1.3 Decision Criteria:

Section 36 of the Land Use Planning Ordinance No 15 of 1985, which states that an application may be refused solely on the basis of lack of desirability, and that in assessing such desirability regard shall be had only to the safety and welfare of the members of the community concerned, the preservation of the natural and developed environment concerned and the effect of the application on existing rights concerned.

1.4 General Information:

Applicant	Tommy Brummer Town Planners
Appellant(s)	A B Hamman
Date of submission of original application	29 June 2015
Date of Council's decision	06 June 2017
Date of notification of MSA appeal rights	23 June 2017 (registration slip: 27 June 2017) – ANNEXURE 3
Date of submission of appeal	11 July 2017 (Mr A B Hamman) – ANNEXURE 4

1.5 Property Information

Owner	Erf 132 – Magdalene Basson Erf 133 – Francois Retief Pauw Erf 134 – Joseph Usher Bell
Applicant	Tommy Brummer Town Planners
Erf No.	132, 133 & 134
Extent of property	132 – 917m ² 133 – 928m ² 134 – 928m ²
Applicable zoning scheme	Stellenbosch Municipality Zoning Scheme Regulations, July 1996
Current zoning	Single Residential
Title Deed no	Erf 132 – T37755/1989 Erf 133 – T42943/1981 Erf 134 – T106417/2008
Current land use	Residential
Current unauthorised land use/ building works	No
Previous approvals granted	No
Special/conservation area	No
Controlled by SAHRA/PHRA	No

1.6 ANNEXURES

- ANNEXURE 1: Locality Plan
 ANNEXURE 2: The report that served before the Planning and Economic Development Committee
 ANNEXURE 3: Notification of Council's decision
 ANNEXURE 4: Appeal received
 ANNEXURE 5: Comment on appeal
 ANNEXURE 6: Rebate on Appeal Tariff

2. LEGAL REQUIREMENTS

The appeal was received in terms of the appeal process established in terms of The Promotion of Administrative Justice Act, 3 of 2000 and is deemed valid as it was received within the required time frame of 21 days from receipt of the letter of notification. (*Notice was sent on 27 June 2017 by registered post and the appeal was received on 11 July 2017*).

Rebate on the appeal tariff

It is important to note that Council's letter did not reflect the new tariff for an appeal should the applicant/objector wishes to lodge an appeal against council's decision. The letter was sent to the affected parties on 27 June 2017 and the new tariffs came into effect from 01 July 2017. Mr Hamman (appellant) submitted his appeal on 11 July 2017 and insists on paying the old fee (R1500) as stipulated in the decision letter. This rebate on the appeal tariff was approved by the Director: Planning and Economic Development after a meeting was held between the appellant and the relevant council officials (see **ANNEXURE 6**).

3. COMMENT/S ON APPEAL

Appeal from objector and comments from applicant:

The content of the objectors appeal (Erf 146, Stellenbosch) attached as **ANNEXURE 4** and the comments of the applicant attached as **ANNEXURE 5** is self-explanatory, but could be summarized as follows:

	Objectors appeal	Applicants comments on the appeal	Department's response
a	Dennesig is an old established residential area and is currently occupied by people of all age groups, of which many are normal families. Such a development will have a negative impact on the privacy on the remaining single residential properties in Paul Kruger Street and Hofman Street. Residents on the upper floors will look into rooms and outside areas of the adjacent properties	The zoning scheme allows double storey buildings with 2,5m side building lines in single residential zone. The current proposal is for a four storey building setback at 3,7m and 4,2m from the common boundaries. A double storey house at 2,5m will also have a significant overlooking effect and loss of privacy. The issue of overlooking and loss of privacy is accordingly not as a result of the development proposal but could also occur as a result of the normal development of a single residential house.	The current zoning of the property allows for the construction of a double storey dwelling, 2,5m from the common boundary. If windows are placed on the 2.5m building line it will also allow the owner to look onto the property of Erf 135, Stellenbosch. A double storey building and a four storey building will thus have the same impact with regards to privacy.
b	The existing houses on erven 132, 133 and 134 dates back from 1940 to 1950. These types of houses should be preserved and renovated.	No comment given.	Heritage Western Cape has approved the application for the demolition of the existing three dwellings on the application property as the buildings have no cultural value.
c	Access to the proposed development is planned in Paul Kruger Street. I do not support the proposed access as it would lead to more traffic in the street which in turn lead to noise pollution, emission pollution and will also have	The development does not require a parking departure and the correct number of bays as required by the scheme has been provided. In addition, a Transport Impact Assessment (TIA) has	This area is one of a number of residential areas within Stellenbosch that have been identified for densification. The TIA submitted has looked at the additional traffic flow that will be generated

	a negative impact on pedestrians and children.	been prepared and was submitted as part of the application. The TIA concluded that the development of 56 apartments could be supported from a traffic point view.	and the Engineering Department supported the application based on this study.
d	<p>The proposed development will adversely affect the resale value of properties in the area.</p> <p>Dennesig residential area will lose its single residential character, as surrounding landowners will systematically be forced to move to other areas.</p>	The surrounding area is no longer solely a single residential area and a height of 4 storeys is not out of context in the area.	<p>The issue of devaluation is highly subjective and is regarded as speculative.</p> <p>The character of the area is changing as a number of high density developments (flats) have been approved and developed in this area over the last few years. A number of 3-storey and 4-storey buildings have been approved on the adjoining properties.</p>

Land Use Management comment on appeal

The appeals were submitted in terms of the internal appeal process as approved by Council at its meeting held on 29 October 2014 (item 7.1). The appeals are summarized in this report and the issues raised pertaining to the land use application have been previously addressed in the report to the Planning and Economic Development Committee as attached as **ANNEXURE 2**, the contents of which are reiterated.

No new information was submitted by the appellant that could have a significant influence on the decision taken by the Director: Planning and Economic Development on 06 June 2017.

4. INTERVIEW REQUESTED WITH APPEALS AUTHORITY

No.

5. LEGAL IMPLICATIONS

None required.

6. FINANCIAL IMPLICATIONS

None required.

7. RECOMMENDATION

that the Appeals Committee takes a decision on the appeal submitted against the decision taken by the Planning and Economic Development Committee dated 06 June 2017.

ANNEXURE 1

**APPEAL (IN TERMS OF COUNCIL'S INTERNAL
APPEAL PROCESS) AGAINST COUNCIL'S
DECISION TO APPROVE AN APPLICATION
FOR REZONING AND DEPARTURES ON
ERVEN 132, 133 AND 134 (TO BE
CONSOLIDATED)**

LOCALITY PLAN

LOCALITY PLAN

ERVEN 132, 133 & 134, STELLENBOSCH



▲ SUBJECT PROPERTY

ANNEUXRE 2

**APPEAL (IN TERMS OF COUNCIL'S INTERNAL
APPEAL PROCESS) AGAINST COUNCIL'S
DECISION TO APPROVE AN APPLICATION
FOR REZONING AND DEPARTURES ON
ERVEN 132, 133 AND 134 (TO BE
CONSOLIDATED)**

**THE REPORT THAT SERVED BEFORE THE
PLANNING AND ECONOMIC DEVELOPMENT
COMMITTEE**

[Chairperson: Ald JP Serdyn (Ms)]

5.2.2	APPLICATION FOR REZONING AND DEPARTURES ON ERVEN 132, 133 AND 134 (TO BE CONSOLIDATED), STELLENBOSCH
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1. PURPOSE OF REPORT

To enable the Committee to make an informed decision on the proposed rezoning and departure. The application is **recommended for approval**.

2. BACKGROUND

There is no relevant background information that has a bearing on the current application.

ECONOMIC DEVELOPMENT AND PLANNING SERVICES COMMITTEE MEETING: 2017-06-06: ITEM 5.2.2**RESOLVED** (majority vote with abstentions)

- (a) that the application for rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats, be approved in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached **APPENDIX 1**; and
- (b) that the application for departures as indicated on drawing nr SK100-101-102-103-104-105-106-200-201-300-301-302-303 (Rev No. 9), drawn by MWP Architects, dated 22 June 2015 (Appendix 3), be approved in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached **APPENDIX 1** to:
- (i) relax the street building line (Paul Kruger) from 7,6m to 5,6m;
 - (ii) relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from 4,6m to 4,2m;
 - (iii) relax the common building line (adjacent to Erf135, Stellenbosch) from 4,6m to 3,7m;
 - (iv) exceed the permissible coverage of 25% to 45%;
 - (v) exceed the floor factor from 0.75 to 1.12; and to
 - (vi) provide 19% of garden space in lieu of the 25% required

<i>Meeting:</i>	ED & PS Committee: 2017-06-06	<i>Submitted by Directorate:</i>	Economic Development & Planning Services
<i>Ref No:</i>	132	<i>Author:</i>	Director: Planning & Economic Development
<i>Collab:</i>	512117	<i>Referred from:</i>	

[Chairperson: Ald JP Serdyn (Ms)]

APPENDIX 1

FILE NO: 132

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means ERF 132, STELLENBOSCH

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL: Rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats.

Departure as indicated on drawing nr SK100-101-102-103-104-105-106-200-201-300-301-302-303 (Rev No. 9), drawn by MWP Architects, dated 22 June 2015 (APPENDIX 3) to:

- (i) relax the street building line (Paul Kruger) from 7,6m to 5,6m;
- (ii) relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from 4,6m to 4,2m;
- (iii) relax the common building line (adjacent to Erf135, Stellenbosch) from 4,6m to 3,7m;
- (iv) exceed the permissible coverage of 25% to 45%;
- (v) exceed the floor factor from 0.75 to 1.12; and to
- (vi) provide 19% of garden space in lieu of the 25% required.

VALIDITY OF APPROVAL: That the approval for rezoning and departures shall lapse if not exercised within 2 years from date of final notification, which final notification will be issued upon receipt of the certificate of consolidated title.

CONDITIONS IMPOSED: Rezoning and Departure Conditions.

CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985:

- (1) That the approval applies only to the rezoning and departures in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- (2) That a Landscaping Plan be submitted with the building plan for approval and is to be agreed upon with the Director: Planning and Economic Development prior to an occupation certificate being granted;

[Chairperson: Ald JP Serdyn (Ms)]

- (3) That the conditions of the Director: Electrical Engineering Services as specified in their memo dated 27 October 2015 shall be complied with (see **APPENDIX 7**);
- (4) That the conditions of the Director: Traffic Engineering Services as specified in their memo dated 06 November 2015 shall be complied with (see **APPENDIX 8**);
- (5) That the conditions of the Director: Engineering Services as specified in their memo dated 06 September 2016 shall be complied with (see **APPENDIX 9**);
- (6) That the original title deeds, the decision letter, a copy of the Provincial Gazette notice and the applicant's contact details be submitted to the Registrar of Deeds for endorsement and scanning (see **APPENDIX 12**);
- (7) That this approval may not be acted upon prior to the issuing of a certificate of consolidated title;
- (8) That a site development plan generally in keeping with drawing nr SK100-101-102-103-104-105-106-200-201-300-301-302-303 (Rev No. 9), drawn by MWP Architects, dated 22 June 2015, be submitted prior to any development of the site commencing.

The site development plan must address the following issues:

- height of buildings;
 - garaging;
 - access;
 - rain water harvesting;
 - landscaping;
 - aesthetic treatment
- (9) That this Council reserves the right to impose further conditions if deemed necessary.

Ollym Please submit on *Collection* for PED Committee *H. Jansen* 05/05/2017



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FOR OFFICE USE:		ITEM SUBMISSION FORM			
Approval form for submission of an item to MPAC, Portfolio Committee, MAYCO and Council meetings. This form must accompany every item to be submitted to council.					
ITEM HEADING:					
APPLICATION FOR REZONING AND DEPARTURES ON ERVEN 132, 133 AND 134 (TO BE CONSOLIDATED), STELLENBOSCH					
Dates of MPAC, portfolio committee, Mayco and Council meeting where item must be tabled:	MPAC	PORTFOLIO COMMITTEE	MAYCO	COUNCIL	
	SIGNATURE	ITEM APPROVED?	DATE		
OFFICIAL WHO COMPILED ITEM	<i>Ollym</i>		28/03/2017		
MANAGER	<i>H. Jansen</i>	<input checked="" type="radio"/> Yes / <input type="radio"/> No	28/03/2017		
DIRECTOR	<i>[Signature]</i>	<input checked="" type="radio"/> Yes / <input type="radio"/> No	31/03/2017		
LEGAL	<i>External comment included.</i>	Yes / No			
MM	<i>[Signature]</i>	<input checked="" type="radio"/> Yes / <input type="radio"/> No	6/4/2017		
MMC'S		Yes / No			
EXECUTIVE MAYOR	<i>[Signature]</i>	<input checked="" type="radio"/> Yes / <input type="radio"/> No	4/5/17		

For submission

Admin

- Pond file please
- Item was referred to the Planning Committee

Ollym 05/05/17

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 Department: Planning and Economic Development
 Department: Beplanning en Ekonomiese Ontwikkeling

**APPLICATION FOR REZONING AND DEPARTURES ON ERVEN 132, 133
 AND 134 (TO BE CONSOLIDATED), STELLENBOSCH**

File number : 132
Compiled by : TOWN PLANNER (L Ollyn)
Report by : Director: Planning and Economic Development
Delegated Authority : Planning and Economic Development
 Committee

Strategic intent of item

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input checked="" type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To enable the Committee to make an informed decision on the proposed rezoning and departure. The application is **recommended for approval**.

2. BACKGROUND

There is no relevant background information that has a bearing on the current application.

3. DISCUSSION

3.1 Application for consideration

Application is made in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) in order to remove the restrictive title conditions applicable to Erven 132, 133 & 134, Stellenbosch to enable the owners to consolidate the erven in order to erect a four (4) storey block of flats for residential purposes.



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Application is made in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats (consisting of ground floor parking and 3 storeys above). See **Appendix 3**.

Application is made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for a departure to:

- i) relax the street building line (Hofman Street) from 7,6m to 6,0m;
- ii) relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from 4,6m to 4,2m;
- iii) relax the common building line (adjacent to Erf135, Stellenbosch) from 4,6m to 3,7m;
- iv) exceed the permissible coverage of 25% to 45%;
- v) exceed the floor factor from 0.75 to 1.12; and to
- vi) provide 10% of garden space in lieu of the 25% required.

3.2 Property information

Erf numbers	132, 133 & 134
Location	Cnr of Hofman Street and Paul Kruger Street, Stellenbosch. Appendix 2
Zoning/Zoning Scheme	Single Residential / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Property size	Erf 132 – 917m ² Erf 133 – 928m ² Erf 134 – 928m ²
Owner	Erf 132 – Magdalene Basson Erf 133 – Francois Retief Pauw Erf 134 – Joseph Usher Bell
Applicant	Tommy Brummer Town Planners
Unauthorized land use/building work / date when notice served	No

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Title deed conditions	Yes. Erf 132 – Clause D(b), (c) and (d) Erf 133 – Clause F(b), (c) and (d) Erf 134 – Clause F(b) and (c)
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3.3 Site description and immediate environs

The application properties are located on the corner of Hofman Street and Paul Kruger Street and are developed with single residential dwellings. Some of the surrounding existing single residential erven have been consolidated and rezoned to develop flats i.e Plumbago, Monteno Park. The property adjacent to the proposed development, Erf 135, Stellenbosch is zoned for single residential purposes with a special development for a guesthouse.

3.4 Legal requirements

Applicable laws and ordinances:

- Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985)
- Stellenbosch Municipality Zoning Scheme Regulations, July 1996
- Removal of Restrictions Act, 1967 (Act 84 1967)

3.5 Public participation

Advertising was done in terms of Council's Advertising and Public Participation Policy. Notices were published in the Provincial Gazette and in Eikestad Nuus and notices were also served on the affected surrounding property owners. Seven (7) objections have been received against the proposal (See **Appendix 4**). One letter of support was received from the Committee of Ward 11. The application was also circulated to the internal departments and the proposal was not supported by the Manager: Spatial Planning, Heritage and Environment.

3.6 Summary of objections and comments on objections

Issues raised	No	Applicant's comments (Appendix 5)	Departmental response
The proposed development will have a negative impact on the privacy of the single residential erven in the street. A 4-storey building instead of a 3-storey building would create greater issues with	2	The zoning scheme allows double storey buildings at 2,5m from the side building lines in the single residential zone. The current proposal is for a four storey building at 3,7m from the common boundaries. We submit that a double storey house at 2,5m	The current zoning of the property allows for the construction of a double storey dwelling, 2,5m from the common boundary. If windows are placed on the 2.5m building line it will also allow the owner to look unto the property of



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regards to privacy especially if the building lines are being encroached.		also has significant overlooking and loss of privacy. The issue of overlooking and loss of privacy is accordingly not as a result of the development proposal but could also occur as a result of normal development of a single residential house.	Erf 135, Stellenbosch. A double storey building and a four storey building will thus have the same impact with regards to privacy.
The houses on Erf 132, 133 and 134 are old homes and should be renovated and preserved.	1	The applicant is aware that some of the dwellings are older than 60 years. A heritage consultant has been appointed to consider the heritage value of the buildings and submit the required application to Heritage Western Cape.	Heritage Western Cape has approved the application for the demolition of the existing three dwellings on the application property as the buildings have no cultural value.
Higher traffic volumes in an area not originally designed to carry such high volumes of traffic would cause transport delays and additional traffic accidents. The additional 100 cars will cause traffic jams in Molteno Road at peak hours and add to the congestion in Bird Street, Merriman Avenue and Adam Tas. The proposed development consists of 56 apartments, 50 of which are 2-bedrooms units. This means that there will be upward of 100 cars. As there is only provision for parking for 84 vehicles, the rest of the residents and their visitors will be parked on the streets and surrounding pavements.	4	The correct number of bays as required by the zoning scheme has been provided on site. The TIA concluded that the development could be supported from a traffic point of view. The reduction in the number of units will directly reduce the number of vehicle trips. The development does not require a parking departure and the correct number of bays as required by the scheme has been provided.	The proposal complies with the parking parameters for general residential buildings. Access to the proposed development will be taken from Paul Kruger Street and an exit only point has been provided on Hofman Street. This will allow for an easier flow of traffic to and from the site. A Traffic Impact Statement (TIS) was done by ICE Group (Pty) Ltd (see Appendix 10) and the TIS is in support of the development.
The development will adversely affect the resale value of property in the area.	1	No comment given.	The issue of devaluation is highly subjective and is regarded as speculative.



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Dennesig Body Corporate requires a motivation for the departures applied for.	1	The original application contained the motivation for the departures.	The application was available at the municipal office for scrutiny.
The departures applied for would detract from the amenity of the neighbourhood and at the same time set an unacceptable precedent in respect of future developments.	1	No comment given.	The character of the area is changing as a number of flats have been approved and developed in this area over the last few years. A few 3-storey and 4-storey structures were approved in the vicinity of the application property.
<p>General Residential zoning specifically excludes the erection of hostels because of the limited amenities and garden areas generally associated with such structures. Because of the departures applied for it would appear that the proposed development is aimed at the student market. It is essential that such accommodation should also provide adequate areas for recreation and gardening purposes. If the departures were to be granted this would not be possible and the lack of recreational amenities and garden areas could negatively influence the behaviour of the occupants of such accommodation.</p> <p>Very little of the landscaping and greenery in the area seems to remain/reinstated after an apartment block have been completed.</p> <p>Attention needs to be given to issues such as the landscaping of the area set aside for gardening purposes. It is also important to ensure that</p>	3	<p>The overall development density has been reduced. The small building is also pulled back from the road which reduces the visible bulk.</p> <p>The Zoning Scheme allows buildings in a general residential zone to cover 25% of the property and that covered vehicle shelters be allowed to cover a further 25% of the site. When viewed from above, a site could therefore be covered to 50%. The current development proposal covers only 45% of the property with buildings and/or structures.</p> <p>The development proposal has been reduced from 56 to 50 apartments. The building footprint has shrunk accordingly. Landscaping is now 19% in lieu of 25% required. The previous proposal provided 10%.</p>	<p>Open space are required to enhance the positive sense of well-being and to provide a range of recreational facilities.</p> <p>The initial application proposes a 10% open space area. The applicant amended his plan to try and accommodate the objectors concerns. The amended plan shows an open space area of 19%.</p>



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<p>boundaries between the area of private property and public property, occupied by the road reserve are sensitively dealt with. For example by the planting of suitable trees on the sidewalks and ensuring that at least 50% of the perimeter fencing is transparent providing clear views of the gardens on the subject property.</p> <p>The size of the proposed structure and its extended coverage leave no room for green spaces or leisure areas.</p> <p>The applicant is proposing 298m² of open space area which is not in an unbroken unit. With such a proposed high density apartment block it would be irresponsible not to provide sufficient gardening and recreation areas for the potential occupants of the apartment blocks.</p>			
<p>A formal densification policy does not appear for this neighbourhood and or Stellenbosch as a municipal area. Without evidence of such a policy any ad hoc decisions to approve the building of apartment buildings in a previous single storey residential area would not appear to be constitutional and or reasonable. The reference to densification as a general principle in the IDP does not replace the need to have a structured, well thought out and publicly available policy on densification which addresses all the necessary factors.</p>	1	No comment given.	<p>No formal densification policy exists. The Stellenbosch Development Framework promotes the concept of infill and redevelopment with higher densification.</p> <p>It is important to note that all land use applications submitted to Council are evaluated on their own merits and the desirability of such application will determine Council's decision.</p>



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<p>There is not enough space for gardens with shrubs and trees that can mitigate the the impact of the large building. This is detrimental to the neighborhood and environment in which the proposed block is situated.</p>	1	<p>The development will have a heavily landscaped street interface with garden areas. This will improve the street interface and impact positively on the character of the area. The trees on the verge will remain.</p>	<p>A detailed landscaping plan is to be submitted with the building plan for approval and is to be implemented prior to an occupation certificate being granted (a condition will be imposed in this regard).</p>
<p>The plan is clearly aimed to fit in as many dwellings for financial benefit of the developer but to the detriment of the quality of life of residents.</p>	1	<p>No comment given.</p>	<p>Noted.</p>
<p>The proposed four storey structure is too high. The highest building in the area is three storeys with the majority being double storey. The addition of another level will make the structure stick out above the buildings in the area, destroying the character of the area.</p> <p>The proposed structure is yet another ugly box structure with no sensitivity to the town architecture and character of the area.</p> <p>It is visually more intrusive (higher) and having a parking garage as a ground level floor and is aesthetically very unattractive.</p>	3	<p>The surrounding area is no longer solely a single residential area and the height of 4 storeys is not at all out of context in the area.</p>	<p>A site visit revealed that higher density buildings are already constructed in the vicinity of the proposal. Four storey structures are located a block away from the proposal property (see Appendix 11).</p>
<p>The proposed development is intended as student accommodation. Students are temporary residents who are away for four months of the year and don't contribute to the community of the area. Their absence during recess leads to an increase in burglary due to the large number of empty dwellings which are viewed as soft</p>	1	<p>The development is not specifically aimed at students. The developer has specifically provided for a range of apartments sizes to cater for any one, including families.</p>	<p>Crime is a common phenomenon in our society. It can therefore not be argued that the proposal will contribute to an increase in crime.</p>

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target by criminals. Increased security measures further contribute to the breakdown of the community.			
The addition of at least 100 cars and people to the suburb will bring added noise pollution to what is currently a reasonable quiet neighbourhood.	1	No comment given.	Noted.
It is also visually more intrusive (higher) and having a parking garage as a ground level floor is aesthetically very unattractive.	1	No comment given.	The zoning scheme stipulates that where provision for vehicle parking occupies at least 75% of any storey above ground floor level in a block of flats, one extra storey may be allowed. There has been a reduction in height on Paul Kruger Street and Hofman Street corner to improve the building design and three (3) ground floor units have been introduced to improve the street level interface.
Hofman Street is less than 16m wide and if the building line is encroached, privacy is further encroached on, and there is less available area for sidewalks and landscaping.	1	No comment given.	The proposed building was moved back to adhere to the prescribed building line on Hofman Street.

3.7 Comments from internal and external departments

The **Director: Civil Engineering Services** has no objection to the application subject to certain conditions (see **Appendix 6**).

The **Manager: Spatial Planning, Heritage and Environment** has partially approved and partially refused the application (see **Appendix 7**).



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The **Director: Electrical Engineering Services** has no objection to the application subject to certain conditions (see **Appendix 8**).

The **Director: Traffic Engineering Services** has no objection to the application subject to certain conditions (see **Appendix 9**).

Heritage Western Cape did not submit any comment. A registered letter was sent on 14 September 2015 and no comment has been received.

3.8 Planning Assessment

The proposal

The initial proposal consisted of a block of flats with 56 residential units and 84 parking bays but the applicant amended the application by reducing the number of units due to the negative response received from the surrounding property owners.

The application also entailed the removal of the restrictive title conditions applicable to Erven 132, 133 & 134, Stellenbosch to enable the owners to consolidate the erven in order to erect a four (4) storey block of flats. This application was in the meantime however approved by the Department of Environment Affairs and Development Planning on 04 October 2016 (see **Appendix 12**).

It is the intention of the owner to redevelop the property by demolishing the existing buildings and constructing a block of flats on the consolidated erven. The proposed building is a four storey structure (parking on ground floor with 3 storeys above) with a total of 50 units in lieu of the 56 proposed with 75 parking bays. There has been a reduction in height on Paul Kruger Street and Hofman Street corner to improve the building design and three (3) ground floor units have been introduced to improve the street level interface.

The parameters for the proposed block of flats are as follows:

	Required in terms of the Stellenbosch Municipality Zoning Scheme	Amended Proposal	Draft Integrated Zoning Scheme
Street building line (Hofman Street)	7,6m	13,5m	4,5m
(Paul Kruger Street)	7,6m	5,6m	4,5m
Common building line (adjacent to Erven 129 – 131)	4,6m	4,2m	4,5m (ground floor) 4,5m (1 st floor) 6,0m (2 nd floor)
Common building line (adjacent to Erf 135)	4,6m	3,7m	4,5m (ground floor) 4,5m (1 st floor) 6,0m (2 nd floor)



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Number of apartments	-	50	-
Coverage	25%	45%	50%
Floor factor	0.75	1.12	0.7
Height	3 storeys (but Council may permit higher buildings if in its opinion this would not be detrimental to the environment); and where provision for vehicle parking occupies at least 75% of any storey above ground floor level in a block of flats, one extra storey may be allowed.	4 storeys (with partial parking on ground floor and 3 storeys above)	3 storeys
Open Space	25%	19%	20%
Parking	75	75	75

Densification

Densification is the increased use of space both horizontally and vertically within existing areas and new developments accompanied by an increased number of units and/or population thresholds.

The Stellenbosch Development Framework promotes the concept of infill and redevelopment with higher densification. It should be noted that although there are still many single residential properties in Paul Kruger Street, the location of the subject property lends itself towards development of a higher density residential component. The spatial strategy for the town of Stellenbosch includes providing a more dense residential area located close to the CBD and supporting institutions so as to enable residents to walk or cycle to town rather than make use of vehicles. This area has been identified in the Draft Growth Management Strategy as an area for densification. The proposal will result in the optimal utilization of services. Although Council supports densification, proposed development should not have a negative impact on the quality of the environment.

Compatibility of the proposal with the character of the area

A site visit revealed that higher density buildings are already constructed in the vicinity of the proposal. Plumbago is situated in Paul Kruger Street and Molteno Park I and II in Molteno Street. All of which are three storey structures. The following developments are all four storey structures; Nikado, The Acorns and



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Boschen Park (see **Appendix 11**) and are located within close proximity to the proposed development/subject property.

The change in land use will not result in the construction of a structure which will detract from the character of the area, but should complement the existing land uses in the surrounding area.

Impact on existing rights

The encroachment of the common building line on the eastern side will not have a negative impact on the adjacent property due to the scale of the encroachment as the building will be facing onto a block of flats (Molteno Park).

The current zoning of the property allows for the construction of a double storey dwelling, 2,5m from the common boundary. If windows are placed on the 2.5m building line it will also allow the owner to look unto the property of Erf 135, Stellenbosch. A double storey building and a four storey building will thus have the same impact with regards to privacy.

A portion of the proposed building will be placed 5,67m from the boundary of Paul Kruger Street and a portion is stepped back, a distance of 8,9m from the street boundary and 13,5m from Hofman Street. The height of the building has been reduced on the corner of Hofman and Paul Kruger Street and three (3) ground floor units have been introduced to improve the street level interface. The building is set back from the street boundaries and will not have a negative impact on the streetscape.

The zoning scheme allows for a 25% coverage for the main building and 25% for covered vehicle shelters standing apart from the main building, thus having a total coverage of 50%. The proposed development has a coverage of 45% of the property and will therefore have a minimal impact on the surrounding environment.

The additional floor space should have no negative impact on the surrounding even as the height of the building is in line with the Stellenbosch Municipality Zoning Scheme Regulations and its surroundings. The zoning scheme stipulates that where provision for vehicle parking occupies at least 75% of any storey above ground floor level in a block of flats, one extra storey may be allowed.

In the case of a block of flats at least 25% of the erf in an unbroken unit area shall be reserved for gardening and recreation purposes. Open space are required to enhance the positive sense of well-being and to provide a range of recreational opportunities. The applicant has provided 19% of open space which is sufficient for the proposed development.



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Access, Parking and Traffic Impact

Access to the proposed development will be taken from Paul Kruger Street and an exit only point has been provided on Hofman Street. A Traffic Impact Statement (TIS) was done by ICE Group (Pty) Ltd (see **Appendix 10**). The TIS is in support of the development. The zoning scheme requires 1.5 parking bays for every dwelling unit. Sufficient parking will be available on site.

Basis of refusal of applications and particulars applicable at granting thereof:

In terms of Section 36 (1) & (2) of the Land Use Planning Ordinance 1985 (Ordinance 15 of 1985) Chapter V: General Provisions, land use applications shall be refused solely on the basis of a lack of desirability of the contemplated utilization of land concerned, or on the basis of its effect on existing rights concerned (except any alleged right to protection against trade competition). Subsection (2) states that where a land use application is not refused by virtue of the matters referred to in subsection (1), regard shall be had, in considering relevant particulars, to only the safety and welfare of the members of the community concerned, the preservation of the natural and developed environment concerned of the effect of the application on existing rights concerned (with the exception of any alleged right to protection against trade competition). The application at hand does not fit the criteria for refusal in terms of the Land Use Planning Ordinance (Ordinance 15 of 1985) as the application is desirable.

Conclusion

The proposed development will not detract from the character of the area and should blend in with the surrounding existing land uses in the area. The proposed land use is desirable as it is consistent with the surrounding urban uses and furthermore contributes to the effective utilization of land.

In light of the above discussion, the application is supported from a planning point of view.

4. LEGAL IMPLICATIONS

The Land Use Planning Department has obtained a legal opinion from an external legal firm (Smith Tabata Buchanan Boyes Attorneys), regarding the amendment of the proposal by the Director by adding another floor. The legal opinion states that the application submitted be dealt with as is, as an amendment to the application at this stage will leave the Council exposed to the possibility of administrative review in terms of PAJA (see **Appendix 13** for legal comment).



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5. FINANCIAL IMPLICATIONS

None required.

RECOMMENDATION

That the application for rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats, **be approved** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached **Appendix 1**.

That the application for departures as indicated on drawing nr SK100-101-102-103-104-105-106-200-201-300-301-302-303 (Rev No. 9), drawn by MWP Architects, dated 22 June 2015 (**Appendix 3**), **be approved** in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached **Appendix 1** to:

- i) relax the street building line (Paul Kruger) from 7,6m to 5,6m;
- ii) relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from 4,6m to 4,2m;
- iii) relax the common building line (adjacent to Erf135, Stellenbosch) from 4,6m to 3,7m;
- iv) exceed the permissible coverage of 25% to 45%;
- v) exceed the floor factor from 0.75 to 1.12; and to
- vi) provide 19% of garden space in lieu of the 25% required



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APPENDICES

- Appendix 1 : Conditions of Approval
- Appendix 2 : Locality Plan
- Appendix 3 : Site Plan
- Appendix 4 : Objections
- Appendix 5 : Comment on Objection
- Appendix 6 : Manager: Spatial Planning, Heritage and Environment
- Appendix 7 : Director: Electrical Engineering Services
- Appendix 8 : Director: Traffic Engineering Services
- Appendix 9 : Director: Engineering Services
- Appendix 10 : Traffic Impact Assessment (Statement)
- Appendix 11 : Photos
- Appendix 12 : DEADP's approval
- Appendix 13 : Legal comments



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APPENDIX 1
FILE NO: 132

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means ERF 132, STELLENBOSCH

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL:

Rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats.

Departure as indicated on drawing nr SK100-101-102-103-104-105-106-200-201-300-301-302-303 (Rev No. 9), drawn by MWP Architects, dated 22 June 2015 (**Appendix 3**) to:

- i) relax the street building line (Paul Kruger) from 7,6m to 5,6m;
- ii) relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from 4,6m to 4,2m;
- iii) relax the common building line (adjacent to Erf135, Stellenbosch) from 4,6m to 3,7m;
- iv) exceed the permissible coverage of 25% to 45%;
- v) exceed the floor factor from 0.75 to 1.12; and to
- vi) provide 19% of garden space in lieu of the 25% required.

VALIDITY OF APPROVAL:

That the approval for rezoning and departures shall lapse if not exercised within 2 years from date of final notification, which final notification will be issued upon receipt of the certificate of consolidated title.

CONDITIONS IMPOSED:

Rezoning and Departure Conditions.

CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985:

1. That the approval applies only to the rezoning and departures in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That a Landscaping Plan be submitted with the building plan for approval and is to be agreed upon with the Director: Planning and Economic Development prior to an occupation certificate being granted;

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3. That the conditions of the Director: Electrical Engineering Services as specified in their memo dated 27 October 2015 shall be complied with (see **Appendix 7**);
4. That the conditions of the Director: Traffic Engineering Services as specified in their memo dated 06 November 2015 shall be complied with (see **Appendix 8**);
5. That the conditions of the Director: Engineering Services as specified in their memo dated 06 September 2016 shall be complied with (see **Appendix 9**);
6. That the original title deeds, the decision letter, a copy of the Provincial Gazette notice and the applicant's contact details be submitted to the Registrar of Deeds for endorsement and scanning (see **Appendix 12**);
7. That this approval may not be acted upon prior to the issuing of a certificate of consolidated title;
8. That a site development plan generally in keeping with drawing nr SK100-101-102-103-104-105-106-200-201-300-301-302-303 (Rev No. 9), drawn by MWP Architects, dated 22 June 2015, be submitted prior to any development of the site commencing. The site development plan must address the following issues:
 - height of buildings;
 - garaging;
 - access;
 - rain water harvesting;
 - landscaping;
 - aesthetic treatment
9. That this Council reserves the right to impose further conditions if deemed necessary.

RECOMMENDED BY:




R Fooy
 SENIOR TOWN PLANNER

03/04/2017

Date

RECOMMENDATION ACCEPTED BY:



H Dednam
 MANAGER: LAND USE MANAGEMENT

04/04/2017

Date

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In this approval document:

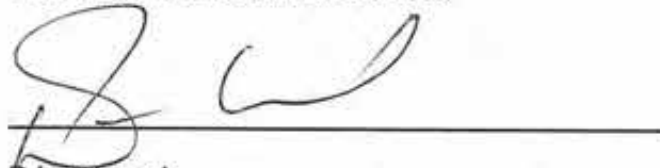
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"the owner" means the registered owner of the property.

"the site" means ERF 132, STELLENBOSCH

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

**THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT HEREBY APPROVES
THE ABOVE RECOMMENDATION:**



D Lombaard

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

03/04/2017

Date

APPENDIX 2

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

LOCALITY PLAN

Map



October 18, 2016

- Highway
- Main Roads
- Secondary Roads
- Streets
- + Railways
- + Railway Stations
- + Airfields
- Rivers
- Dams
- Airfields
- Cadastral
- Ocean

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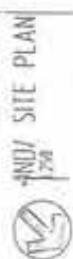
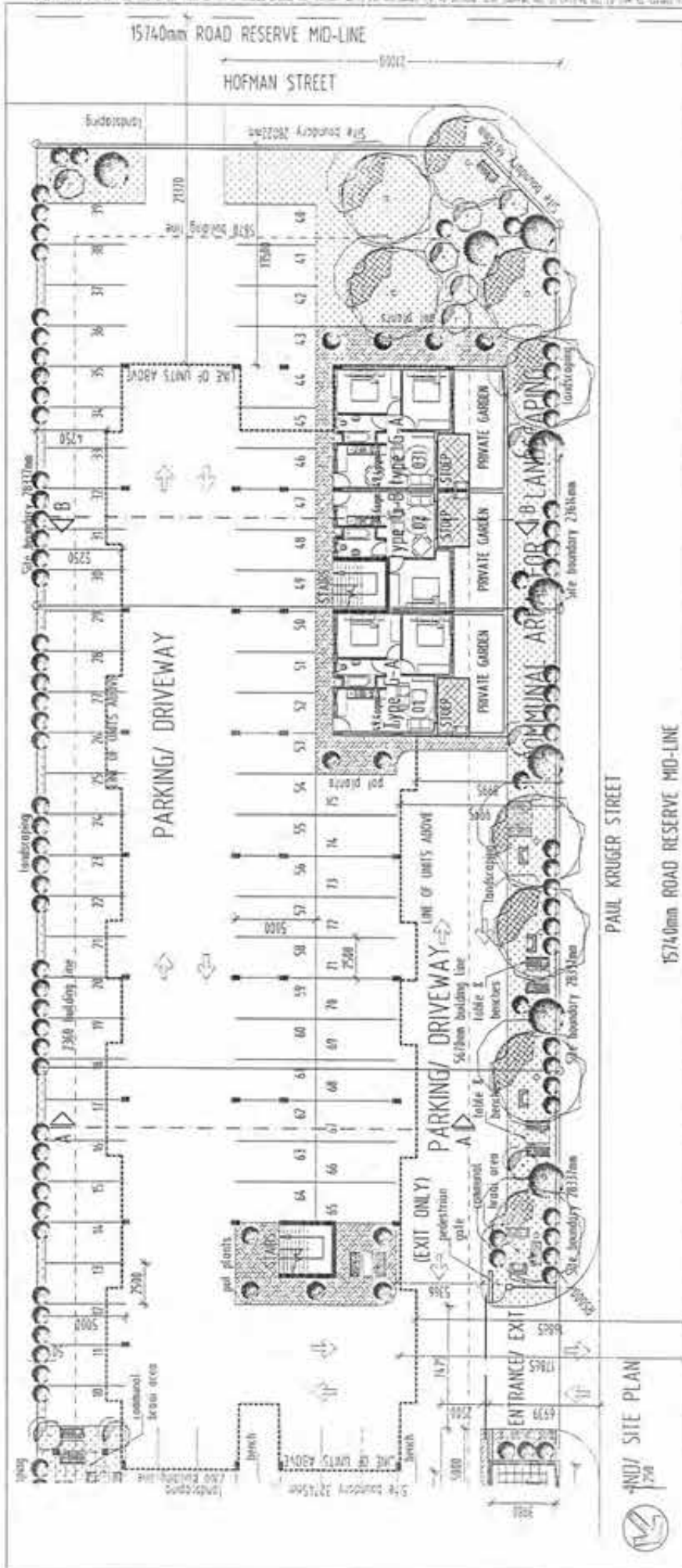
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APPENDIX 3

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

SITE DEVELOPMENT PLAN



NET OF AREAS:

A & B Ground Floor Unit Type G-A	49.6sqm
A & B Ground Floor Unit Type G-B	38.8sqm
C	94.8sqm
no. of units per floor	479.5sqm
Staircases	24.5sqm
RTS	353.5sqm
total	50 UNITS
total	44
total	7
total	4

COVERAGE FOR ERF:

Site Area	2772.5sqm
Allowed Coverage	50%
Actual Coverage (incl. Terrace Roofs)	1248.6sqm
Actual Coverage Percentage	45%

FLOOR FACTOR SCHEDULE:

Allowed floor factor	0.75
Total allowed floor factor @ 0.75 Site Area	2079.3sqm
Total floor factor	3165.9sqm (1130)

PARKING REQUIREMENTS:

15 parking bays per dwelling unit	50 units
TOTAL UNITS	75 parking bays
Total Parking Required	1125 parking bays
Existing bays Provided	75 parking bays

LANDSCAPING:

Required	75% of 2772.5 = 677.8sqm
Provided	578sqm
Provided TOTAL	578sqm (209%)



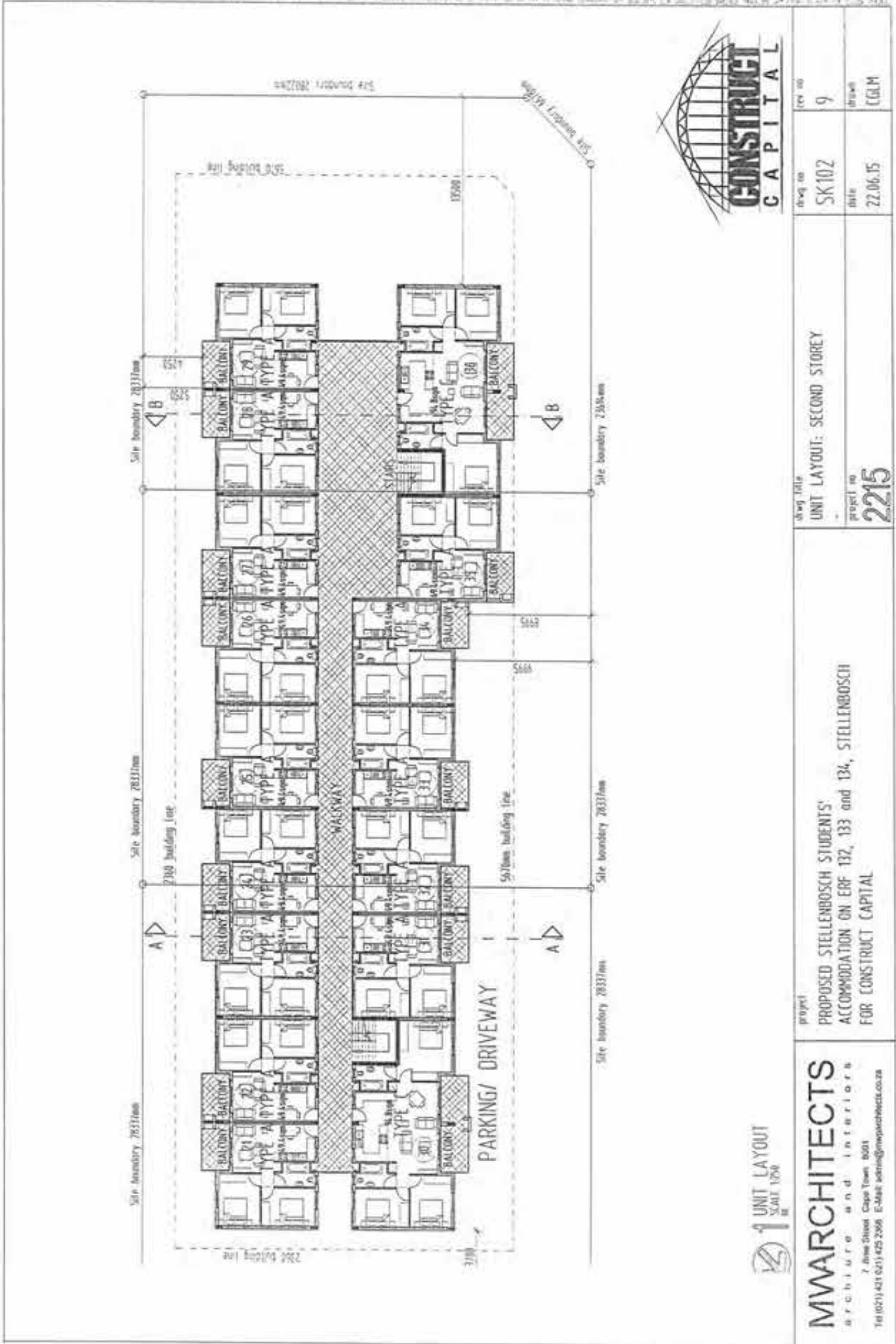
<p>MWARCHITECTS ARCHITURE AND INTERIORS 7 Ilies Street, Cape Town, 8001 Tel (021) 471 1452/2068 E-Mail: admin@mwarchitects.co.za</p>	<p>project PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL</p>	<p>draw title GROUND STOREY/ SITE PLAN</p>	<p>draw no SK100</p>	<p>rev no 9</p>
	<p>date 22.06.15</p>	<p>drawn EOLM</p>	<p>project no 2215</p>	<p>date 22.06.15</p>



UNIT LAYOUT
SCALE 1:250

project PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL	drawing title UNIT LAYOUT: FIRST STOREY	drawing no SK101	rev no 9
	project no 2215	date 27.06.15	drawn CGM

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M ARCHITECTS
SCALE 1:250

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project
PROPOSED STELLENBOSCH STUDENTS'
ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH
FOR CONSTRUCT CAPITAL

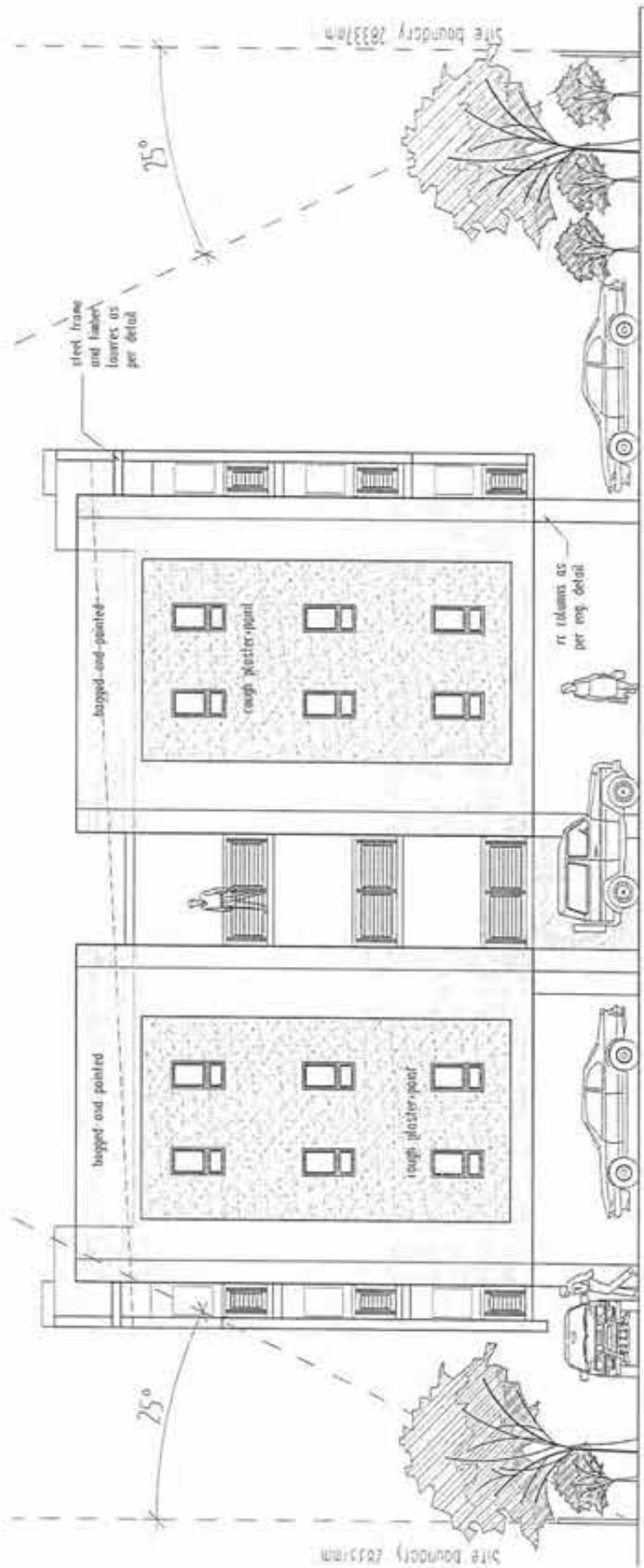
drawing title
UNIT LAYOUT: SECOND STOREY
project no
2215

drawing no
SK102
date
22.06.15
rev no
9
drawn
CGLM



<p>Project</p> <p>PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL</p>	<p>draw title</p> <p>UNIT LAYOUT: THIRD STOREY</p>	<p>draw no</p> <p>SK103</p>	<p>rev no</p> <p>9</p>
	<p>Project no</p> <p>2215</p>	<p>date</p> <p>22.06.15</p>	<p>drawn</p> <p>(GLM)</p>

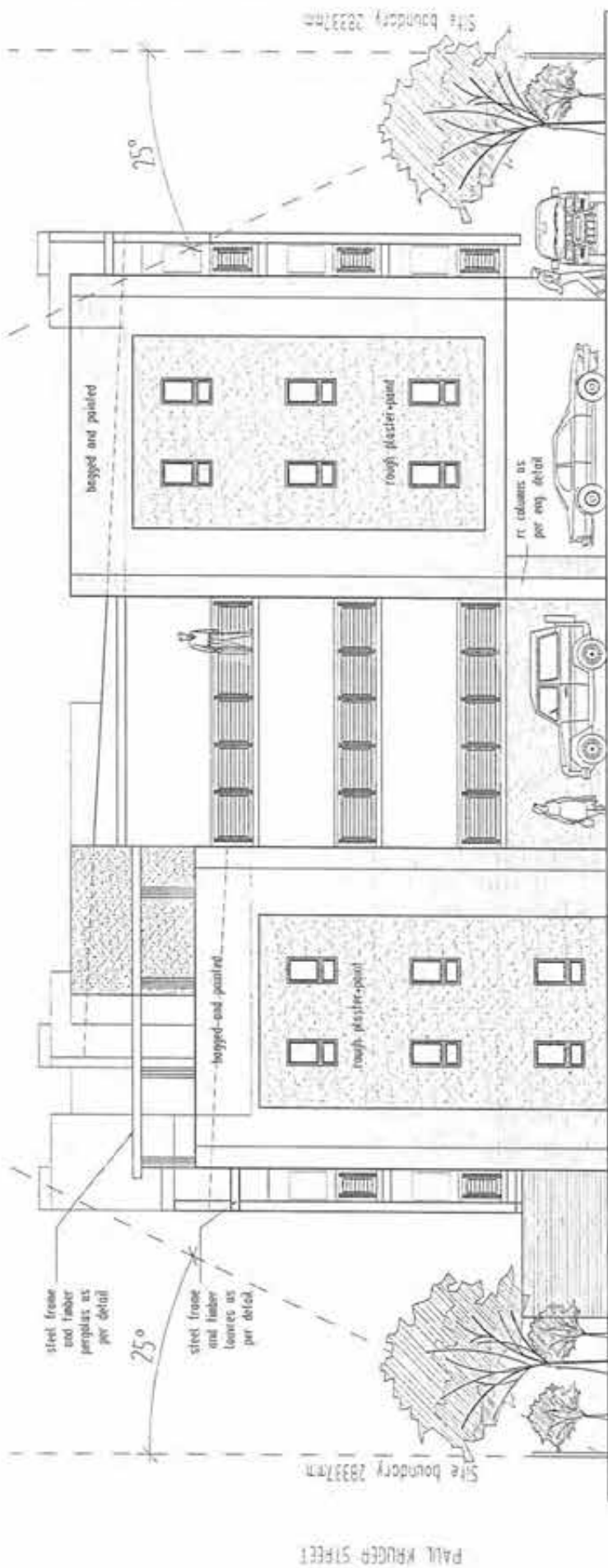
M ARCHITECTS
 ARCHITECTURE and INTERIORS
 7 Beech Street, Cape Town, 8001
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1 NE ELEVATION
SCALE 1:100

project PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL	drawing title NE ELEVATION	drawing no SK303	rev no 9
	project no 2215	date 22.06.15	drawn COLM

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project PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL	drawing title SW ELEVATION	drawing no SK302	rev no 9
	project no 2215	date 22.06.15	drawn CGLM


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 SW ELEVATION

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1 SE ELEVATION
SCALE 1:250

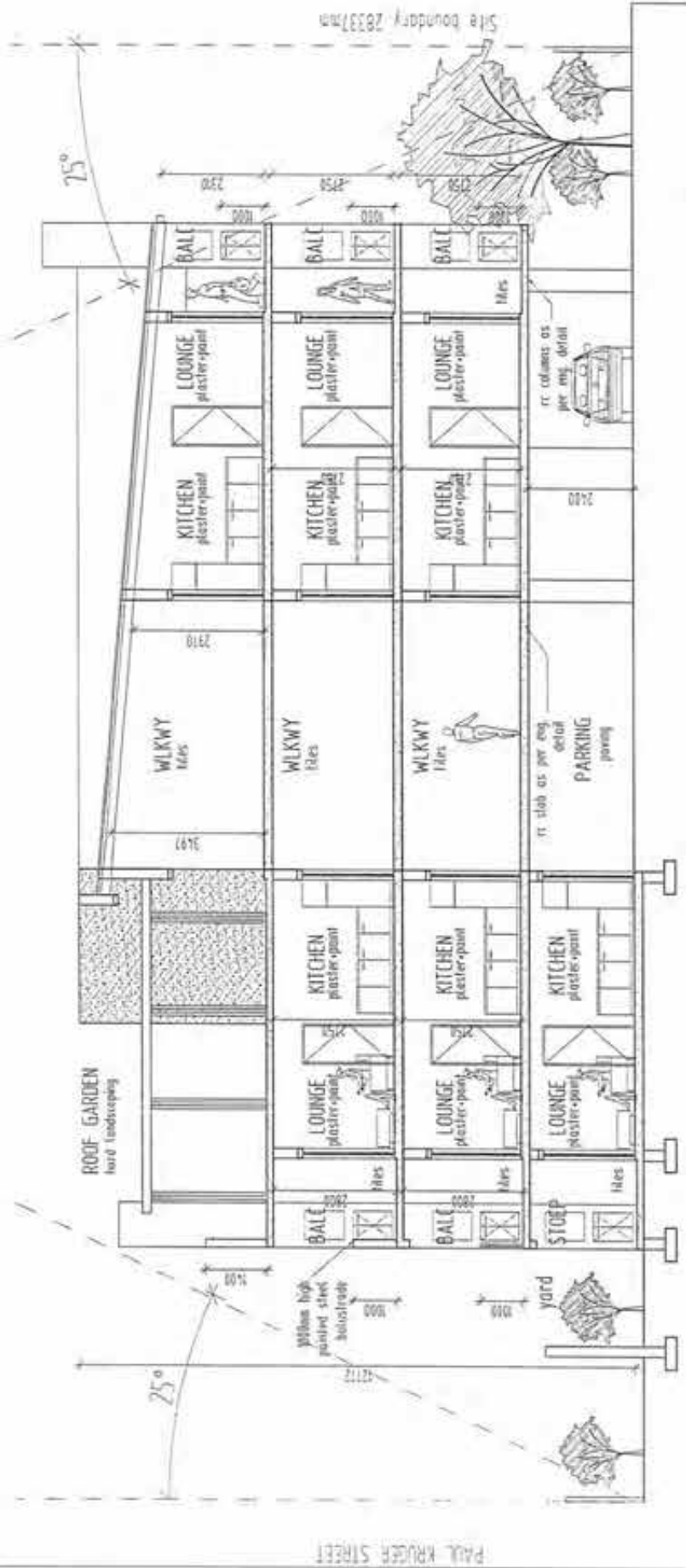
REFER TO DWG SK301



2 NW ELEVATION
SCALE 1:250



<p>Project</p> <p>PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL</p>	<p>Draw Title</p> <p>NW ELEVATION SE ELEVATION</p>	<p>Draw No</p> <p>SK300</p>	<p>Rev No</p> <p>9</p>
	<p>Project no</p> <p>2215</p>	<p>Date</p> <p>22.06.15</p>	<p>Drawn</p> <p>EGLM</p>
<p>MWARCHITECTS</p> <p>Architecture and Interiors</p> <p>7 Ilze Street, Cape Town 8001</p> <p>Tel: (021) 421 0211 425 2308 E-Mail: admin@mwarchitects.co.za</p>			



SECTION B-B
SCALE 1:100

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project
PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL

draw title
TYPICAL SECTION
 project no
2215

draw no
SK201
 date
22.06.15
 rev no
9
 drawn
COLM



SECTION A-A
SCALE 1:100

MP ARCHITECTS
architecture and interiors
17 Bree Street, Cape Town, 8001
Tel: (021) 425 2206 E-Mail: admin@mparchitects.co.za

project
PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL

draw title
TYPICAL SECTION

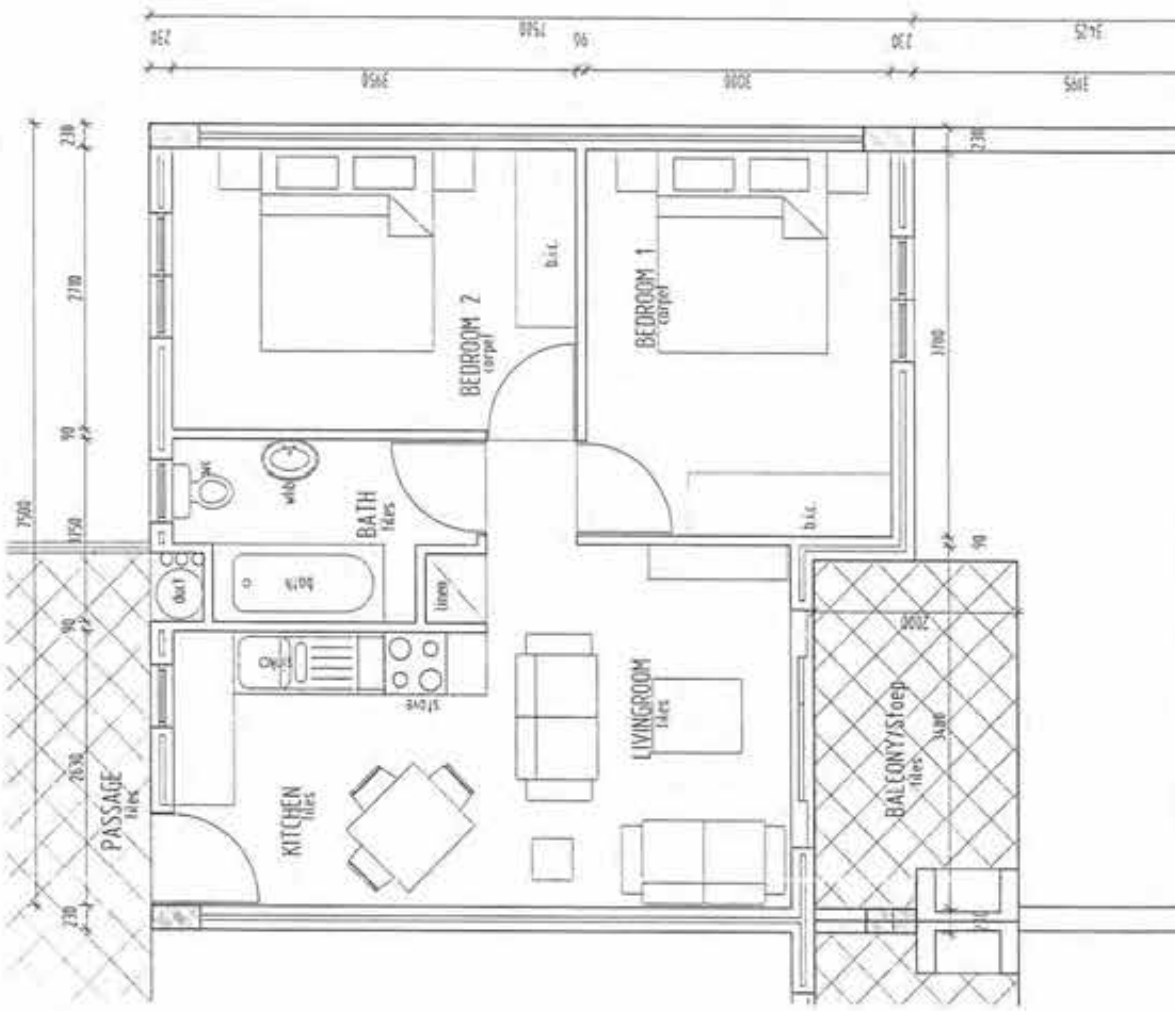
draw no
SK200

rev no
9

date
22.06.15

drawn
COLM

project no
2215



1 UNIT TYPE A
SCALE 1:50

MWARCHITECTS
a r c h i t e c t s a n d i n t e r i o r s
7 Blue Street Cape Town 8001
Tel (021) 421 0271 425 2508 E-Mail: admin@mwarchitects.co.za

project
PROPOSED STELLENBOSCH STUDENTS'
ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH
FOR CONSTRUCT CAPITAL

drawing title
UNIT A LAYOUT and GROUND FLOOR Type G-A
project no
2215

draw no	SK104	rev no	9
date	22.06.15	drawn	COLM



APPENDIX 4

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

OBJECTIONS

U verw: Erf 132 Stellenbosch
Aansoek nr: LU/4183
Erf nrs: 132, 133, 134 Stellenbosch

Wet: Artikel 3 (6) van die Wet op Opheffings van Beperkings, 1967 (Wet 84 van 1967) en Artikels 17 en 15 van die Ordonnansie op Grondgebruik, 1985 (Ordonnansie 15 van 1985)

Van:
AB Hamman
Zwaanswykstraat 7
Karindal
Stellenbosch
7600

Kontak nr: 084 739 6411

21 September 2015

Aan:
Direkteur : Geïntegreerde Omgewingsbestuur
Provinsiale Regering van die Wes-Kaap
Privaatsak X9086
Kaapstad
8000

Afskrif aan:

Direkteur: Beplanning en Ekonomiese Ontwikkeling
Posbus 17
Stellenbosch
7600

Geagte Direkteur



FILE NR:	22 SEP 2015
TEKST: Ekonomiese Ontwikkeling	
SCAN NR:	E 132, 133, 134 S
COLLABORATOR NR:	386471

OPHEFFING VAN BEPERKENDE TITELVOORWAARDES, HERSONERING EN AFWYKINGS: ERWE 132, 133 EN 134 STELLENBOSCH

Ek is die eienaar van erf 146 geleë te Hofmanstraat 9, Stellenbosch. My erf is geleë aan die suidekant van die beoogde ontwikkeling en wel op die hoek van Hofman- en Paul Krugerstrate. Ek maak hiermee beswaar teen die voorgestelde hersonering en ontwikkeling ten einde 'n blok woonstelle op te rig.

Erwe 132, 133 en 134 vorm tans deel van 'n enkel residensiële woonarea, nl. Dennesig. Dit is 'n ou gevestigde woonarea en word tans bewoon deur mense van alle ouderdomsgroepe waarvan heelparty gesinne is. Indien so 'n ontwikkeling sou voortgaan, sal dit die lewensgehalte en verblyf van die inwoners van oorblywende enkel residensiële eiendomme in Paul Krugerstraat en Hofmanstraat negatief beïnvloed. Só 'n ontwikkeling regoor en langsaan 'n woonhuis skend inwoners se privaatheid ernstig. Inwoners van die boonste verdiepings van 'n beoogde ontwikkeling kyk met die grootste gemak tot binne in vertrekke en agterplase/tuine van woonhuise langsaan en oorkant die straat. Wat hierdie aspek verder vererger is die feit dat beoog word om straat-, sy- en agterboullyne op die ontwikkelde area te oorskry. Hierdie aspek is na my mening 'n oortreding van 'n individu se grondwetlike reg op privaatheid op sy eiendom.

Handwritten signatures and dates:
Boc 22/9/15
22/9/15
AB Hamman

Die woonhuise wat tans op erwe 132, 133 en 134 staan is almal karaktervolle ou wonings uit die jare 1940 tot 1950. Soortgelyke karaktervolle eiendomme word in Stellenbosch slegs in die Mostertsdrift-woonarea aangetref, en dan teen baie hoër eiendomspryse. Na my mening behoort sulke huise juis verder opgeknop en bewaar te word as 'n sieraad vir ons argitektoniese erfenis. Hierdie stelling is in pas met munisipale en stadsraad beleide van ander dorpe en stede, waar ou woonareas toenemend restoureer en bewaar word en uiteindelik baie gewilde woonareas word.

Verder beoog die ontwikkelaar 'n toegangsroete na sy ontwikkeling, nl 'n in-en-uitgang na parkeerplekke wat direk uitmond in Paul Krugerstraat, en wel op erf 134. Dit is na my mening skreiend dat 'n pragtige boomryke, rustige, enkel residensiële straat so verkrag kan word. Ek maak ten sterkste beswaar teen so 'n toegangsroete, wat definitief 'n toenemende verkeerslading met gepaardgaande geraas, uitlaatgasbesoedeling en onveiligheid vir kinders en ander voetgangers inhou.

Dit is wel so dat woonstel- en dorpshuisontwikkelings bestaan in Moltenostraat, maar ek keer die oorspoel van sulke ontwikkelings na 'n karaktervolle, rustige, enkel residensiële area ten sterkste af. Die woonhuiseienaars van die Dennesig area spandeer, soos in ander woonareas, jaarliks etlike bedraë geld om hul woonhuise en tuine op te knop en te verbeter. 'n Ontwikkeling soos beoog gaan herverkoopwaarde van eiendomme in die area negatief beïnvloed. 'n Hoë digtheid ontwikkeling met sy toenemende motorverkeer, algemene geraasvlakke wat verhoog en benadeling van omliggende woonhuise se privaatheid sal daartoe lei dat Dennesig woonarea sy residensiële karakter verloor, aangesien omliggende huiseienaars stelselmatig deur hierdie onaangename omstandighede gedwing sal word om te verhuis.

Baie dankie vir die geleentheid om my saak te stel.

Die uwe



AB Hamman

49

NEELSIE EIENDOMME / PROPERTIES

KANTOOR G02 / OFFICE G02
NEELSIE STUDENTESENTRUM
STELLENBOSCH
7600

Tel: 021-8873780
Fax: 021-8866977
E-mail: info@neelsieeiendomme.co.za

E.132 SB

TO: AAN:	Munisipaliteit van Stellenbosch	COMPANY: MAATSKAPPY:	Neelsie Eiendomme		
E-mail: Fax:	021 8866899	PAGES: BLADSYE:	1	OF	1
FROM: VAN:	Dennebosch Regspersoon	DATE: DATUM:	29 September 2015		
BOODSKAP: MESSAGE:	<p>Re: Erf 132</p> <p>Beste Mevrouw Deacon</p> <p>Na aanleiding van ons telefoniese gesprek waarin ek genoem het dat die Dennebosch Regspersoon korrespondensie ontvang het rakende " Opheffing van beperkende titelvoorwaardes, Hersonerings en Afwykings: Erwe 132, 133 en 134, Stellenbosch". Hierdie korrespondensie is aan al die trustees gesirkuleer en die terugvoer was dat daar geen beswaar is nie.</p> <p>Daar is egter versoek dat die redes en motivering waarom afwykings toegestaan behoort te word, verskaf moet word.</p> <p>Die uwe</p> <p>Michelle Le Roux (namens die Dennebosch Regspersoon) Neelsie Eiendomme 0218873780 michelle@neelsieeiendomme.co.za</p>				

PLANNING AND ENVIRONMENT

01 OCT 2015

MUNICIPALITY OF MUNICIPALITY
STELLENBOSCH

DEPARTMENT OF PLANNING AND ENVIRONMENT

FILE NR	
ECN NR	
COLLABORATOR NR	E132S
	387344

52

Aansoek No : LU/4183
 Verwysing : Erf 132
 U Brief aan : Raadslid Serdyn, Wyk 11 – Komitee



Vir Aandag : **Grondgebruik Bestuurs Afdeling**, Advies kantoor, Grondvloer, Munisipale kantore

Pleinstraat, Stellenbosch (voor of op 19 Oktober 2015)

STELLENBOSCH: AANSOEK VIR OPHEFFING VAN BEPERKENDE TITEL VOORWAARDES, HERSONERING EN AFWYKINGS; IN TITEL AKTES, ERWE 132, 133 en 134 - TO THE GRANTING OF DEPARTURES TO PERMIT AN INCREASE IN THE PERMISSIBLE COVERAGE FROM 25% TO 45%; AN INCREASE IN THE FLOOR FACTOR FROM 0.75 TO 1.12; A REDUCTION IN THE GARDEN AREA FROM 25% TO 10% AND AN INCREASE IN THE HEIGHT OF THE BUILDING FROM THREE TO FOUR STOREYS

In terme van Artikel 3(6) van die Wet op Opheffings en beperkinge, 1967 (wet 84 van 1967), en artikels 17 en 15 van die ordonansie op Grondgebruik, 1985 (ordonansie 15 van 1985), wil ons graag ons insae verleen ten opsigte van die voormelde Projek wat beplan word.

Sien asseblief ons antwoord aangaande die brief ontvang, gedateer 10 September 2015.

Hierdie brief word per Hand afgelewer:

Die Direkteur van Beplanning en Ekonomiese Ontwikkeling, Stellenbosch Munisipaliteit.

Nms. Wyk 11, die Bestuurs Komitee, Stellenbosch het die saak onder oë gehad en ons besluit ten opsigte van die saak is soos volg:

- Ons Wyk het geen beswaar teen die voorgestelde projek nie.
- Ons aanvaar die voorstelle soos ge-publiseer.
- Ons is bewus dat die gesamentlike area genoemd, Dennesig in ooreenstemming is dat hoë digtheid aanvaarbaar is en
- dat geen 'gesinne' in die toekoms daar sal wil woon nie.
- Die woongebied het 'n komplekse samestelling van;
 - * Komersieel
 - * Industrieel
 - * Informele besigheid
 - * Studente Behuising - Privaat
 - * Studente Behuising - Woonstel Blokke
- Ons ondersteun die pogings van die ontwikkelaars.

FILE NR:	
SCAN NR:	E 1325
COLLABORATOR NR:	388703

Wvks Komitee Lede: Alwyn Hanekom

Jaco Eckley
 Jaco Eckley

Datum : 9 Oktober 2015

Stellenbosse Belastingbetalersvereniging Stellenbosch Ratepayers' Association

✉ 399 Stellenbosch 7599; F 0866758040; info@stellenboschraters.org

8 October 2015

The Director: Integrated Environmental Management
Department of Environmental Affairs and Development Planning
Private Bag X9086
CAPE TOWN
8000

Fax No. 021 483 3633

The Director of Planning and Economic Development
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

By Hand



Dear Sir/Madam

ERVEN 132, 133 AND 134 STELLENBOSCH: APPLICATION FOR REMOVAL OF RESTRICTIONS IN TITLE (ACT 84 OF 1967) REZONING AND THE GRANTING OF CERTAIN DEPARTURES IN TERMS OF SECTIONS 15 AND 17 OF THE LAND USE PLANNING ORDINANCE (NO. 15 OF 1985): OBJECTION TO THE GRANTING OF DEPARTURES TO PERMIT AN INCREASE IN THE PERMISSIBLE COVERAGE FROM 25% TO 45%; AN INCREASE IN THE FLOOR FACTOR FROM 0,75 TO 1.12; A REDUCTION IN THE GARDEN AREA FROM 25% TO 10% AND AN INCREASE IN THE HEIGHT OF THE BUILDING FROM THREE TO FOUR STOREYS

Handwritten form with fields for:
1
E 132, 133 & 134 S
398490



I refer to the above-mentioned application advertised in terms of Notice No. P37/15 as published in the Eikestad News of 10 September 2015. In terms of this notice comments are required to be submitted on or before 19 October 2015.

The Stellenbosch Ratepayers' Association (SRA) is not opposed in principle to the removal of the restrictive conditions in the title deeds of these erven to permit the erection of a general residential building on the consolidated site. The SRA is also not opposed to the rezoning of the consolidated site for the same purpose. The SRA cannot, however, support the departures applied for in order to increase the coverage of the proposed buildings on the site from 25% to 45%; to increase the floor factor from 0,75 to 1,12; to reduce the area reserved for gardening and recreation from 25% to 10%; and to increase the permissible height of the building from three to four storeys.

The reason for opposing the above-mentioned departures has to do with the need to create sustainable neighbourhoods capable of maintaining acceptable levels of environmental amenity in areas subject to change. In the opinion of the SRA the approval of the departures applied for would irreversibly detract from the amenity of the neighbourhood and at the same time set an unacceptable precedent in respect of further and/or future developments. It needs to be stressed that "*General Residential*" zoning specifically excludes the erection of hostels because of the limited amenities and garden areas generally associated with such structures. Because of the departures applied for, it would appear that the proposed development is aimed at the student market. While this in itself is not a problem it is essential that such accommodation should also provide adequate areas for recreation and gardening purposes. If the departures were to be granted this would not be possible and the lack of recreational amenities and garden areas could negatively influence the behavior of the occupants of such accommodation.

In the light of the above-mentioned reasoning it is trusted that that the departures relating to the permissible coverage, the floor factor and the area reserved for gardening and recreation as well as an increase in the permissible height of the building from three to four storeys will not be approved for this proposed high density development. This being the case it is doubtful that it will be necessary for the applicant to proceed with the application for relaxation of any of the building lines. As it will be preferable to provide

basement parking for the proposed development, the partial relaxation of building lines may need to be considered for such basement.

In the opinion of the SRA, it is important to ensure that high standards are set from an architectural point of view and in doing so particular attention needs to be given to related issues such as the landscaping of the area set aside for gardening purposes. It is also equally important to ensure that boundaries between the area of private property and public property, occupied by the road reserve, are sensitively dealt with. For example, by the planting of suitable trees on the sidewalks and ensuring that that at least 50% of the perimeter fencing is transparent providing clear views of the gardens on the subject property.

Yours sincerely

Pp

A handwritten signature in black ink, appearing to read 'AP', with a long horizontal stroke extending to the right.

Andre Pelser

Chairman: Stellenbosch Ratepayers Association

- Cc The Municipal Manager, Stellenbosch Municipality (by hand)
Cllr Johannie Serdyn, Chairperson; Planning and Economic Development,
Stellenbosch Municipality (by hand)
Cllr Rozette du Toit, Ward Councillor for Ward 10, Stellenbosch (by hand)

DE OUDE SCHUUR BODY CORPORATE
PO BOX 1657
WORCESTER
6849

8 October 2015

Director: Integrated Environment Management
Provincial Government of the Western Cape
Private Bag X9086
CAPE TOWN
8000



And

Director: Planning and Economic Development
PO Box 17
STELLENBOSCH
7599



And

Fax number: 021-886 6899

FILE NR:	
SCAN NR:	
COLLABORATOR NR:	E 132, 133 & 134 S
	390580

Dear Sir

OBJECTION TO REMOVAL OF RESTRICTIVE TITLE CONDITIONS, REZONING AND DEPARTURES: ERVEN 132, 133 AND 134, STELLENBOSCH

I would like to lodge my objections (detailed below) in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) and the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

I am an owner in the scheme De Oude Schuur, Hofman Street, Stellenbosch, Erf (VSTEL) 13263, and refer to the letter from the Director: Planning & Economic Development, Stellenbosch Municipality, dated 10 September 2015, Ref: Erf 132, Application No: LU/4183, relating to Erven 132, 133 and 134, Stellenbosch.

I am objecting to all the items the owners of the relevant erven are applying for, namely the removal of restrictive title conditions, rezoning and specifically to the departures on Erven 132, 133 and 134 in

respect of the relaxation of building lines, exceeding of permissible coverage and bulk, and the decrease to lesser areas of gardening and recreation.

In the process of trying to understand the relevant legislation, municipal policies and rational for the application (I have no prior knowledge or experience in these matters), I have come across the following.

- From the information I can find it appears that the Stellenbosch Municipality ("SM") is applying a densification policy (whether formalized in a policy document or not) and what I gather from a review of the minutes of the last number of years' Stellenbosch Municipality planning meeting minutes it appears that the municipality normally approves these types of applications (apartment buildings) in order to achieve some sort of internal policy (not publicly available), despite relevant objections received.

The minutes indicate that the SM generally approve and encourage densification in this (Dennesig) and surrounding neighborhoods (apartment buildings rather than approving rezoning to allow group housing for students, probably as apartment buildings would mean higher income in sewage, refuse and property tax to the municipality).

I have a feeling of futility therefore in writing this objection letter, but at least it would be on record and if not appropriately considered and responded on by the municipality I would have further recourse.

In respect of this perceived high densification policy I cannot find a formal policy on this matter publicly available for the Stellenbosch Municipality. I have seen a brief mention to densification in SM's draft IDP 2015/2016 (as available on your ("SM") website).

To gain a better understanding on the topic, I have found and read the City of Cape Town Densification policy.

(<https://www.capetown.gov.za/en/Planningportal/Documents/DensificationPolicy%20web.pdf>)

It would be helpful to understand whether the Stellenbosch Municipality has a formal policy on densification, and if so, what it entails. It would be hugely advantageous, even required?, for the Municipal area to have such a formal policy, which would ensure that planning decisions (such as this one) is done in a coherent, structured manner, and that all consequences (intended and not-intended) are addressed in advance / timeously, for example parking and traffic concerns. In terms of trafficeg, City of Cape Town has (and continue to) implemented measures to counter higher transport requirements, egMyCiti busses, cycling routes etc.

I have seen a few chapters relating to SM's CIP (transport plan) on SMs website, but it is not complete and as such I could not make an assessment of it.

When viewing the SM website I was however asked to participate in a survey in respect of Stellenbosch's Transport needs, which is a positive development, but indicates that there isn't yet feasible options for public / alternative transport for all the (potential) additional inhabitants of the proposed development, other than making use of cars, which would contribute to the existing congestion problems in Stellenbosch.


I have noted that in some of your planning meeting minutes, where an objection has been raised on the basis of increased traffic, that your response tend to be that the Department of Transport has not objected and / or responded. A taxpayer would expect that if the municipality allows for rezoning and removing of tried and tested restrictions in order to obtain its goal of densification, it should have a responsibility to ensure that adequate attention is given to a valid objection point, and that something is said as to how an additional 1000's of vehicles would not negatively contribute to the Stellenbosch congestion problems – saying that the Department of Transport didn't object /respond doesn't respond to the objection.

I have found a draft policy done in 2013 by SM "Draft densification policy for Universiteitsoord" (the latter another neighborhood in Stellenbosch)– It appears to be a well thought out document, but it doesn't appear that the policies contained therein and the (draft?) Stellenbosch Zoning Scheme is applied in the approvals that the municipality has given over the last number of years.

<http://www.stellenbosch.gov.za/documents/municipal-policy/planning-and-development/622-densification-strategy-for-universiteitsoord-stellenbosch-1/file>

Nature of Application	Objection – Yes / No	Reason
1. Removal of restrictive title conditions applicable to Erven 132, 133 and 134, c/o Paul Kruger and Hofman Street, Stellenbosch to enable the owners to consolidate the erven in order to	Yes : Objection against this application – Objection against the erection of a block of flats, and Objection against a four story block of flats with a parking area in visible sight as a ground floor.	Objection against the erection of a block of flats A formal and specific densification policy doesn't appear to for this neighborhood and or Stellenbosch as a municipal area. Without the evidence of such a policy any ad hoc decisions to approve the building of (further) apartment buildings in a previous single story residential area would not appear to be constitutional and or reasonable. The reference to densification as a general principle in an IDP doesn't replace the need to have a structured, well thought out and publicly available policy on densification which addresses all the necessary factors (City of Cape Town's policy document as referred to above). From the information available to the public on the SM website it therefore appears that the approval of the removal of restrictions to enable to erection of another block of flats aren't done in accordance with a formal and well thought out policy. Turning Dennesig (as well as neighboring areas eg Central,

<p>erect a four (4) story block of flats for residential purposes. Building lines will be encroached.</p>		<p>KromRivieretc.) in one giant area only consisting of 3-4 story flats doesn't appear to be a reasonable policy, as its advisable to have a mix of accommodation types in a neighborhood. There doesn't appear to be any measures being taken by SM to alleviate the additional vehicle traffic, very limited realistic public transport measures AND AS NOTED EARLIER IN THIS LETTER, SAYING THAT APPROVAL HAS BEEN RECEIVED FROM THE DEPARTMENT OF TRANSPORT WHEN CLEARLY NOTHING HAS BEEN DONE TO ADDRESS THE 1000's OF EXTRA VEHICLES IN CENTRAL STELLENBOSCH AND NEIGHBOURING AREAS IS NOT A VALID OR RESPONSIBLE ARGUMENT).</p> <p><i>Objection against a four story block of flats with a parking area in visible sight as a ground floor.</i></p> <p>As noted in this letter, a 4 story building instead of a 3 story building would create greater issues iro of privacy (especially as its proposed that building lines be encroached). It is also visually more intrusive (higher) and having a parking garage as a ground level floor is esthetically very unattractive (see your previous meetings minutes referring to this, and the example given of other apartment buildings in the vicinity.)</p>
<p>2. The rezoning of Erven 132, 133 and 134, c/o Paul Kruger and Hofman Street, Stellenbosch (to be consolidated) from Single Residential Zone to General Residential Zone for the construction of a block of flats (consisting of ground floor parking and 3 stories above)</p>	<p>Yes : Objection against this application – Objection against the erection of a block of flats, and Objection against a four story block of flats with a parking area in visible sight as a ground floor.</p>	<p><i>Objection against the erection of a block of flats</i></p> <p>A formal and specific densification policy doesn't appear to for this neighborhood and or Stellenbosch as a municipal area. Without the evidence of such a policy any ad hoc decisions to approve the building of (further) apartment buildings in a previous single story residential area would not appear to be constitutional and or reasonable. The reference to densification as a general principle in an IDP doesn't replace the need to have a structured, well thought out and publicly available policy on densification which addresses all the necessary factors (see City of Cape Town's policy document referred to in the earlier part of this letter</p> <p>From the information available to the public on the SM website it therefore appears that the approval of the removal of restrictions to enable to erection of another block of flats aren't done in accordance with a formal and well thought out policy.</p> <p>Turning Dennesig (as well as neighboring areas eg Central, KromRivieretc) in one giant area only consisting of 3-4 story flats doesn't appear to be a reasonable policy, as its advisable to have a mix of accommodation types in a neighborhood. There doesn't appear to be any measures being taken by SM to alleviate the additional vehicle traffic, very limited realistic public transport measures (AND AS NOTED EARLIER IN THIS LETTER, SAYING THAT APPROVAL HAS BEEN RECEIVED FROM THE DEPARTMENT OF TRANSPORT WHEN CLEARLY NOTHING</p>

		<p>HAS BEEN DONE TO ADDRESS THE 1000's OF EXTRA VEHICLES IN CENTRAL STELLENBOSCH AND NEIGHBOURING AREAS IS NOT A VALID OR RESPONSIBLE ARGUMENT).</p> <p><i>Objection against a four story block of flats with a parking area in visible sight as a ground floor.</i></p> <p>As noted earlier in this letter, a 4 story building instead of a 3 story building would create greater issues iro of privacy (especially as its proposed that building lines be encroached). It is also visually more intrusive (higher) and having a parking garage as a ground level floor is esthetically very unattractive (see your previous meetings minutes referring to this, and the example given of other apartment buildings in the vicinity.)</p> 
<p>3. A Departure on Erven 132, 133 and 134, c/o Paul Kruger and</p>	<p>Yes</p>	

Hofman Street, Stellenbosch, to:		
3.1 Relax the street building line (Hofman Street) from 7.6 to 6m (1.6m)	Yes – object to the relaxation of the street building line (Hofman Street) to 6m.	<p>10.4.3.a. i – Building Lines Street: 7.6 m or 16m from the centre of a street which is less than 16m in width.</p> <p>I believe that Hofman Street is less than 16m wide, and then the departure would be even greater than stated (1.6m).</p> <p>If the building line is encroached, privacy is further encroached on, and there is less available area for sidewalks and landscaping.</p> <p>10.4.3.g – Street Services: Where a development scheme is planned for an erf on a street less than 15m wide, the owner shall be compelled to provide a portion of this erf for acquisition by the Council for street widening in order that the new street boundary will be not less than 7.5m away from the centre of the street.</p> <p>As this is a separate requirement in the Scheme Regulations, I cannot see how building lines in respect of Hofman Street could be relaxed.</p>
3.2 Relax the common building line (adjacent to Erven 129 – 131) from 4.6m to 4.2m.	Yes – object to the relaxation of the common building line (adjacent to Erven 129 0 131) from 4.6m to 4.2m.	<p>10.4.3.a. ii – Lateral and rear boundaries; 4.6m or a distance which will ensure that a vertical line between the ground level and any point in any height level visible from the boundary, forms an angle of at least 25% with a line from the same point to the boundary concerned; whichever distance is the greater</p> <p>I am sure that due to the proposed height of the building (and as indicated on the applicants' sketches) the building does not conform to the 25% requirement.</p> <p>If the building line is encroached, privacy is further encroached on, and there is less available area for landscaping.</p>
3.3 Relax the common building line (adjacent to Erf 135) from 4.6m to 3.7m	Yes – object to the relaxation of the common building line (adjacent to Erf 135) from 4.6m to 3.7m.	<p>10.4.3.a. ii – Lateral and rear boundaries; 4.6m or a distance which will ensure that a vertical line between the ground level and any point in any height level visible from the boundary, forms an angle of at least 25% with a line from the same point to the boundary concerned; whichever distance is the greater</p> <p>I am sure that due to the proposed height of the building (and as</p>

		<p>indicated on the applicants' sketches) the building does not conform to the 25% requirement.</p> <p>If the building line is encroached, privacy is further encroached on, and there is less available area for landscaping.</p>
3.4 Exceed the permissible coverage of 25% to 45%	Yes – Object to the increase in permissible coverage of 25% to 45%.	<p>On a property the size of the proposed site (2772sqm), the allowable coverage is 25% or 693sqm. The applicants are planning to cover 1247sqm, or 554sqm more than allowed, almost twice what is allowed and deemed sensible under the Scheme Regulations.</p> <p>Such high density would impact severely on the wellbeing of the neighboring community, and as it is almost 100% higher than the Scheme Regulations allow, it cannot be good for the wellbeing of any future occupants of such an apartment block.</p>
3.5 Exceed the permissible bulk from 0.75 to 1.12.	Yes – Object to the increase in permissible bulk from 0.75 to 1.12.	<p>1560sqm is the allowed bulk for this site (based on 0.75) but the applicants are applying 3105.9sqm, a difference of 1545.9sqm which is double that allowed.</p> <p>Clearly a bulk of double allowed under the Scheme Regulations could not be good for the wellbeing of the neighboring community or potential future occupants.</p>
3.6 Allow for lesser areas for gardening and recreation (10% instead of 25%).	Yes – Object to the lesser areas for gardening and recreation (10% instead of 25%).	<p>10.4.h.iii – In the case of a block of flats at least 25% of the erf in an unbroken unit area shall be reserved for gardening and recreation, physically separated from the parking area, and the layout shall be subject to the approval of the Council.</p> <p>Of the 693sqm that the applicant's site requires, they are only proposing 298sqm, and it's not even in an unbroken unit. With such a proposed high density apartment block, it would be irresponsible not to provide sufficient gardening and recreation areas for the potential occupants of the apartment block, and it would create another eyesore in the neighborhood, impacting negatively on the wellbeing of the neighboring community.</p>

According to the Land Use Planning Ordinance, 1985, the basis of refusal (of the applicants' request) should be tested against:

- *Lack of desirability* – As noted above, clearly the Stellenbosch Municipality deem the construction of an apartment building as desirable. Whether there is a formal policy on this matter is unclear, and it would therefore be difficult to assess whether the SM is applying an approved policy, and whether such a policy has considered all the matters relevant to densification in Stellenbosch.

- *Safety and welfare of the members of the community*– Higher density living areas don't in general add to the welfare of the members of the surrounding community. There is a lack of privacy, a 4 -floor building with even less than published zoning building lines would severely impact on the neighboring properties. Adding a higher than average building to the area (most of the surrounding buildings are between 1 – 3 levels high) would also visually impact negatively on the community.

With the very limited proposed area for gardening and recreation (10% instead of 25%) it would negatively impact on the welfare of the occupants of the building, as well as visually on the wider community.

The proposed development indicates ground floor parking, which is a visually very unattractive (as you have noted yourselves in one of your planning meetings) an example of which can be seen in the picture of Die Eike, another apartment building with parking on the ground floor.


Higher traffic volumes in an area not originally designed to carry such high volumes of traffic would cause transport delays, and additional traffic accidents.

- *Preservation of the natural and developed environment* - The developed environment of the neighborhood is changed from a single residential to multi-story apartment blocks. Very little of the landscaping and greenery in the area seems to remain / re-instated after an apartment block have been completed (see the examples Molteno, The Acorns, Boschenpark etc) and compare it to the lush vegetation that currently exists on the specific erven.
https://www.google.co.za/maps/place/12+Paul+Kruger+Rd,+Stellenbosch,+7600/@-33.9304893,18.8552222,3a,90y,90t/data=!3m6!1e1!3m4!1s6RRmeyfiABYyIOwP_eh8jAl2e0!7i13312!8i6656!4m2!3m1!1s0x1dcdb261df608a8b:0x7e683f944ae3d887!6m1!1e1
- *Effect of the application on existing rights* – right to privacy, safety, encroached on.

I don't therefore believe it would be sensible to approve the application of the applicants in this regard.

Kind regards

CJ Coetzee



②



Belangegroep Stellenbosch Interest Group

Erw 132 SB

16 Oktober 2015

Direkteur: Geïntegreerde Omgewingsbestuur
Wes-Kaapse Provinsiale Regering
Kamer 207
Dorpstraat 1
Kaapstad
Faks no. 021 483 3633



Bewys dat brief aan
Provinsie gefabs is,
is aangeleg.

EN

Direkteur: Beplanning en Ekonomiese Ontwikkeling
Munisipaliteit Stellenbosch
Pleinstraat, Stellenbosch
Stellenbosch

Vir Aandag: L Olyyn



Aansoek vir Opheffing van Beperkende Titelaktes in terme van Artikel 3(6) van die Wet op Opheffing van Beperkings (wet 84 van 1967), en

Aansoek vir Oorskrydings in terme van Artikels 17 en 15 van die Ordonnansie op Grondgebruikbeplanning (LUPO)

Erwe 132, 133 en 134, h/v Paul Kruger- en Hofstraat, Stellenbosch

1. Die Stellenbosch Belangegroep het nie beswaar teen die opheffing van beperkende titelaktes of die hersonering vanaf Enkel Residensiële na Algemene Bewoning nie.
2. Die aansoek om afwykings word teengestaan om die volgende redes:
 - By verdigting van 'n residensiële woonbuurt, is dit die plig van die Munisipaliteit om regulasies af te dwing wat die lewenskwaliteit van inwoners bevorder en die voorkoms van die buurt waarin dit geleë is beskerm.
 - Volgens die huidige aansoek sal die smal strook langs die Paul Krugerstraatgrens die enigste plek vir tuine (met bome) en ontspanning wees. (Die wydte van die strook kan met die wydte van 'n parkeerplek vergelyk word.) Dit is onvoldoende vir 'n blok met 56 woonstelle.

E1325
391077

- Daar is nie genoeg ruimte vir tuine met struik en bome wat kan dien om die impak van die groot gebou te versag nie. Dit is tot nadeel van die woonbuurt en omgewing waarin die voorgestelde blok geleë is.
- Wat lewenskwaliteit betref, word die aandag van die Munisipaliteit spesifiek ook gevestig op die ontwerp van die gebou. Een seksie van die gebou (28 woonstelle) front suid op Paul Krugerstraat, en een seksie front noord (28 woonstelle). Tussen die twee seksies is 'n bedekte gang op elke vlak, ongeveer 2.5m wyd, waarvan die ente oop is. Toegang tot alle woonstelle word vanuit die gange verkry. Kombuisvensters en badkamervensters maak oop op die gang, terwyl 42 van die 114 slaapkamers (dus meer as 'n derde) se enigste vensters uitkyk op die gang. Dit sal 'n gebrek aan natuurlike lig en privaatheid, en ongewenste vlakke van geraas tot gevolg hê, en is nie bevorderlik vir lugsirkulasie nie. Die plan, wat duidelik daarop gemik is om soveel moontlik wooneenhede in te pas, sal tot finansiële voordelig van die ontwikkelaars wees, maar tot nadeel van die lewenskwaliteit van inwoners. Die Belangegroep versoek dus dat hierdie planne nie goedgekeur word nie.
- Indien die Munisipaliteit nie maatreëls afdwing wat 'n aantreklike woonbuurt en gesonde lewenskwaliteit bevorder nie, bestaan die wesenlike gevaar dat die buurt op die lang termyn in 'n agterbuurt ontaard, tot groot nadeel van die dorp.

Vriendelike groete



PP Patricia Botha (Voorsitter)

PO Box 7197
Stellenbosch
7599
Tel: 083 324 5567
15 October 2015

The Director
Land Use Management Branch,
Advice Centre, Ground Floor, Municipal Offices,
Plein Street
Stellenbosch

Dear Sir/Madam

**OBJECTIONS TO THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS, REZONING AND DEPARTURES:
ERVEN 132, 133 AND 134, C/O HOFMAN AND PAUL KRUGER STREETS, STELLENBOSCH**

As the owner of the property, Sectional Title SB553/1998/1, Erf Number 13263 S0001, De Oude Schuur, 12 Hofman Street, Stellenbosch, I would like to voice my objection to the application (Ref: Erf 132; application number: LU/4183) by Messrs Basson, Pauw and Bell for the removal of restrictive title conditions, rezoning and departures on Erven 132, 133 and 134, c/o Hofman and Paul Kruger streets, Stellenbosch.

My objections are as follows:

- Height:** The proposed four-storey structure is too high. The highest building in the area is three storeys with the majority being double-storey. The addition of another level will make the structure stick out above the buildings in the area, destroying the character of the street.
- Aesthetics:** The proposed structure is yet another ugly box structure with no sensitivity to the town architecture and character of the area. We have enough of these in Merriman Avenue and Andringa Street.
- Parking:** The proposed development consists of 56 apartments, 50 of which are 2-bedroom units. Realistically, this means that there will be upward of 100 cars. As there is only provision for parking for 84 vehicles, the rest of the residents' (and their visitors') vehicles will be parked on the streets and surrounding pavements, one of these being in front of my home. I have no wish to live in a car park!
- Traffic:** The addition of 100 or so cars to the area will cause traffic jams in Molteno Road at peak hours and add to the congestion in Bird Street, Merriman Avenue and Adam Tas. The current three erven contribute at most 30 cars to the area (in the unlikely event that there are 10 cars to each erf!); 100 plus is over three times that!
- Community:** The proposed development is intended as student accommodation. Students are temporary residents who are away for four months of the year and don't contribute to the community of an area. Their absence during recess leads to an increase in burglary due to the large number of empty dwellings, which are viewed as a soft target by criminals. Increased security measures further contribute to the breakdown of the community.
- Noise:** The addition of at least 100 cars and people to the suburb will bring added noise pollution to what is currently a reasonably quiet neighbourhood
- Green space:** The size of the proposed structure and its extended coverage leave no room for green spaces or leisure areas. It's just an unattractive box in a parking lot.

While I understand that the shortage of accommodation in Stellenbosch necessitates changes in the land-use and density, in my opinion, the proposed development for the above erven is neither suitable nor desirable. There are already enough apartment blocks in Stellenbosch similar in character to the proposed development. Suitable only for students' itinerant lives, such developments are not desirable residences for the large number of working people who make up the permanent residents of the town and contribute to its economy. In Stellenbosch, there is a greater need for reasonably priced, "liveable" accommodation (with small garden areas) for this sector of the population than there is for yet another dormitory-like, huge-profit-making student development. We need mixed areas, not high-density (ugly) concrete blocks surrounded by traffic jams.

I trust that you will take my objections into account.

Yours faithfully


Jennifer Frost

(Sectional Title SB553/1998/1, Erf Number 13263 S0001, De Oude Schuur, 12 Hofman Street, Stellenbosch)

FILE NO:	
SCHEM:	
COLLECTOR:	Erven 132, 133 & 134
	391303





Belangegroep Stellenbosch Interest Group

19 October 2015

Director: Integrated Development Management
Provincial Government of the Western Cape
Room 207
1 Dorp Street
Cape Town
Fax no. 021 483 3633

AND

Director: Planning and Economic Development
Municipality of Stellenbosch
Plein Street
Stellenbosch

For Attention: L Olyn

Removal of Restrictive Title Conditions in terms of Section 3(6) of the
Removal of Restrictions Act (Act 84 of 1967)
and
Rezoning and Departures in terms of Sections 17 and 15 of the Land Use
Planning Ordinance (Ordinance 15 of 1985)

Erven 132, 133 and 134, c/o Paul Kruger and Hof Street, Stellenbosch

The following comments are in addition to those submitted by the SIG on 16 October 2015. They highlight the realities related to student accommodation provided for in privately owned properties.

Rooms which only have windows bordering on the passage way, such as those shown in the building plans, are generally also priced at a lower rate than other rooms. These rooms are inferior; the lack of natural light and the level of disturbance from activity in and around the passage ways adversely affect the health and well-being of the occupants of these rooms. The reality is that the financially most vulnerable students inevitably end up in these inferior rooms as they cannot afford alternative accommodation.

APPENDIX 5

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

COMMENT ON OBJECTIONS

Date: 11 December 2015
 Our Ref: 9785
 Your ref: Erf 132 (App Nr. LU/4183)



For Attention: H Deacon

The Director; Planning & Development Services
 Stellenbosch Municipality
 PO Box 17
 STELLENBOSCH
 7599

Dear Sir

ERVEN 132, 133 AND 134, STELLENBOSCH : RESPONSE TO OBJECTIONS

We refer to your letter date stamped 26 October 2015. The 7 objections to the proposed development have been considered and we wish to submit this letter in response.

We have summarised the various objections as shown on the attached summary table. The following general issues have been identified and are responded to in the following sections:

1. Loss of Privacy and Overlooking: the objectors are concerned that the setbacks and height of the building will result in a loss of privacy and overlooking into the abutting properties.
2. Inadequate Outdoor Area: the objectors are of the opinion that the departure from the outdoor area is too big and more outdoor space must be provided.
3. Height of the Building: the objectors feel that the proposed building is too high.
4. Parking and Traffic: there is a concern that the development is not providing adequate parking and that the development will generate excessive traffic.
5. Density and Character of the Neighbourhood: the proposed density is too high and the development will have a negative impact on the character of the area. The coverage of the proposed development is excessive.
6. Target Market for Development: the objectors are concerned that the development is targeted at students who are only in residence for some time and not part of the local community.

1. Introduction

We note that the 7 letters as submitted in response to the application are not all objections *per se*. The Dennebosch Body Corporate states that their letter is not an objection but that they require motivation for the departures. Our original application contained the motivation. The Stellenbosch Interest Group states that they do not object to the Removal of Restrictions application.

We also wish to state that the applicants are aware that some of the dwellings are older than 60 years. A heritage consultant has been engaged to consider the heritage value of the buildings and submit the required application to Heritage Western Cape. The Heritage permit will be submitted to you in due course. This was noted in our original application.

2. Revised Scheme

The developers have considered the various objections and have decided to amend the proposed scheme in response to the concerns. We accordingly attach hereto a set of the revised plans, being **Revision 8**, and request that these plans be considered as the final proposal.

Scheme 8 has been amended to specifically address the following concerns:

Objection/ Concern	Amendments	Result
Inadequate outdoor areas/ green space	The development proposal has been reduced from 56 to 50 apartments. 6 apartments have been removed and the building footprint has shrunk accordingly.	Landscaping now at 19% in lieu of 25% required. The previous proposal provided 10%. The new proposal provides almost double the previous proposal.
Development Density	Number of units has been reduced from 56 to 50.	The overall development density has been reduced. The smaller building is also pulled back from the road which reduces the visible bulk.
Character of the Area	Increased outdoor recreation areas are provided. These will be landscaped.	The development will have a heavily landscaped street interface with garden areas. This will improve the street interface and impact positively on the character of the area. Note that the trees on the verge will remain.
Parking and Traffic	Parking bays have been reduced from 84 to 75.	The reduction in the number of units will directly reduce the number of vehicle trips. Note that there is no parking departure required.

In addition to the above positive changes, Revised Scheme 8 has also resulted in the following departures no longer being applicable:

- Street building line from Hofman Street

We submit that Revision 8 has taken considerable account of the objections and that the Council must take these positive changes into consideration.

3. Response to Objections

With reference to the 6 general themes of concern as noted in the introduction, we wish to provide the following responses.

Height and Character

The two images below shows some existing apartment developments in the area. Two facts are clear from these images: firstly that the surrounding area is no longer solely a single residential area and secondly that a height of 4 storeys is not at all out

of context in the area. The objections that alleged that the development proposal is out of context cannot be substantiated, both on the matter of height and character of the area.



Traffic and Parking

We wish to point out that the development does not require a parking departure and the correct number of bays as required by the scheme has been provided. In addition, a Transport Impact Assessment has been prepared and was submitted as part of the application. The TIA concluded that the development of 56 apartments could be supported from a traffic point of view. The Scheme 8 proposal with only 50 apartments is even more acceptable from a traffic point of view.

Coverage

We wish to highlight the fact that the Zoning Scheme allows buildings in a general residential zone to cover 25% of the property and that covered vehicle shelters (carports) be allowed to cover a further 25% of the site. When viewed from above, a site could therefore be 'covered' to 50%. The current development proposal covers only 45% of the property with buildings and or structures.

This is less than the 50% and the objectors who refer to the 25% as the coverage figure must be reminded of the additional 25% for carports. The actual departure is accordingly not as significant as it would appear.

Overlooking and loss of Privacy

We note that the zoning scheme allows double storey buildings at 2,5m from the side building lines in the single residential zone. The current proposal is for a four storey building at 3,7m and 4,2m from the common boundaries. We submit that a double storey house at 2,5m also has significant overlooking and loss of privacy.

The issues of overlooking and loss of privacy is accordingly not as a result of the development proposal but could also occur as a result of normal development of a single residential house. We also refer back to the two images above and note that there will in actual fact be very little loss of privacy and overlooking due to the positioning of the abutting buildings and their entertainment and living areas. Most of these face away from the development proposal.

Accordingly objections relating to these issues should be discarded.

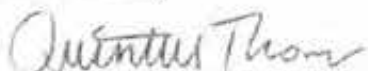
Target Market for Development

The objections relating to the issue that the development is aimed at students must be discarded. The development is not specifically aimed at students. The developer has specifically provided for a range of apartment sizes to cater for any one, including families.

We trust that the above responses will assist the Council in considering the development proposal favourably.

Please contact us should there be any additional information required.

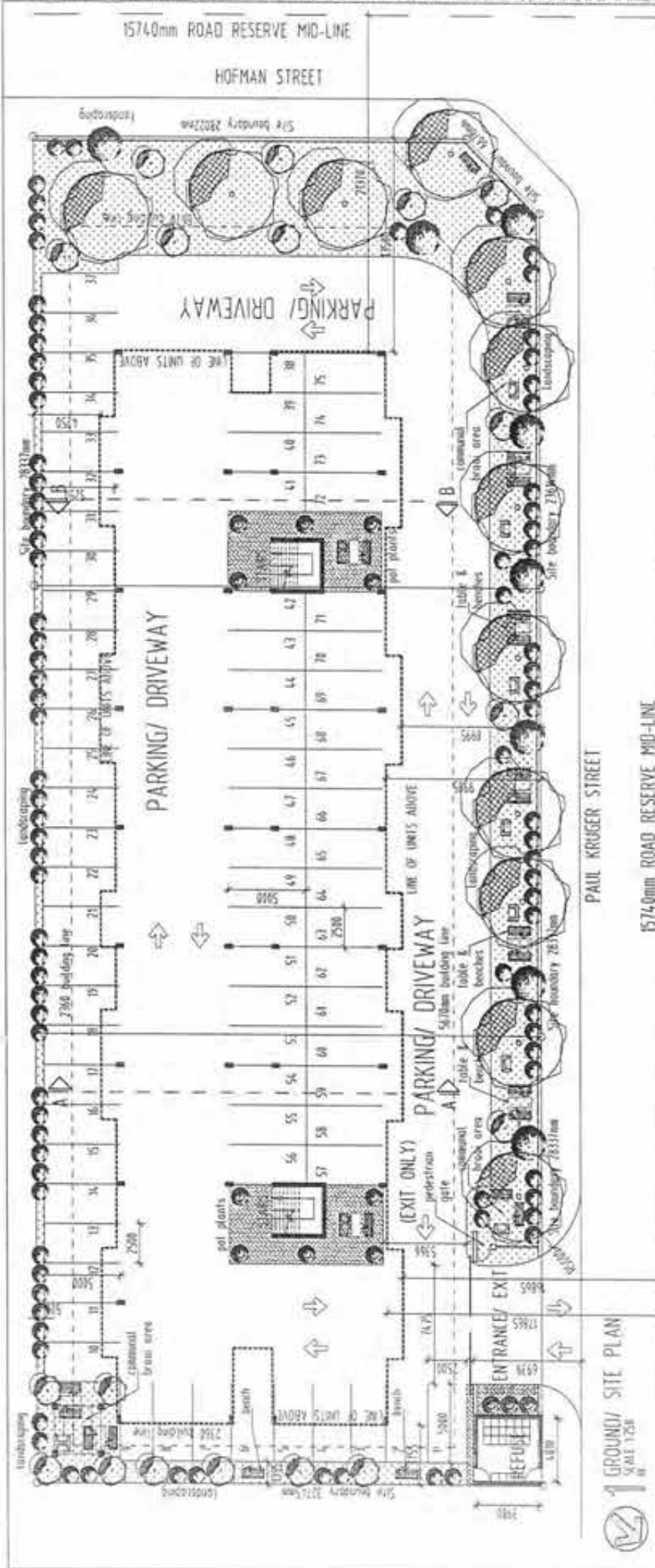
Yours faithfully



Quintus Thom

pp TOMMY BRÜMMER TOWN PLANNERS

Attached: Summary of Objections.



GROUND SITE PLAN
SCALE 1:250

PARKING REQUIREMENTS:

1.5 parking bays per dwelling unit.	50 units
TOTAL UNITS:	75 parking bays
Total Parking Required:	75 parking bays
Provision Made:	75 parking bays

LANDSCAPING:

Required:	25% of 2172.5sqm = 614sqm
Provided:	1568sqm
Exceeded:	538sqm (19%)

COVERAGE FOR ERF:

Site Area:	2172.5sqm
Allowed Coverage:	58%
Actual Coverage (incl. Decks/Pool):	1168sqm
Actual Coverage Percentage:	45%

FLOOR FACTOR SCHEDULE:

Allowed Floor Factor:	0.75
Total allowed floor factor (to 10% Site Area):	1568sqm
Total Floor Factor:	1095sqm (11%)

SCHEDULE OF AREAS:

Unit Type A:	49sqm
Unit Type B:	38sqm
Unit Type C:	44sqm
Total Area of units per floor:	929sqm
Area of Staircases:	24sqm
Total Area:	953sqm
TOTAL UNITS:	50 UNITS
Type A (total):	44
Type B (total):	7
Type C (total):	1



Project Title GROUND STOREY/ SITE PLAN	Draw No. SK100	Rev No. 8
	Date 22.06.15	Drawn CGM
Project No. 2215	Project PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL	
	MWP ARCHITECTS architecture and interiors 17 Bree Street, Cape Town 8001 Tel: (021) 431 0194 Fax: (021) 423 2268 Email: admin@mwparchitects.co.za	



<p>drawn by SK101</p> <p>date 22.06.15</p>	<p>drawn by 8</p> <p>project no 2215</p>	<p>UNIT LAYOUT: FIRST STOREY</p>	<p>project PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL</p>
<p>scale 1:100</p>		<p>project no 2215</p>	
<p>UNIT LAYOUT: FIRST STOREY</p>		<p>MWP ARCHITECTS ARCHITECTS AND INTERIORS 17 Bree Street Cape Town 8001 Tel (021) 421 0154 Fax (021) 425 2269 E-Mail admin@mwparchitects.co.za</p>	

 UNIT LAYOUT
SCALE 1:100

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ARCHITECTS AND INTERIORS
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Tel (021) 421 0154 Fax (021) 425 2269 E-Mail admin@mwparchitects.co.za

project
PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL

UNIT LAYOUT: FIRST STOREY

drawn by
SK101

date
22.06.15

drawn by
8

project no
2215

scale
1:100



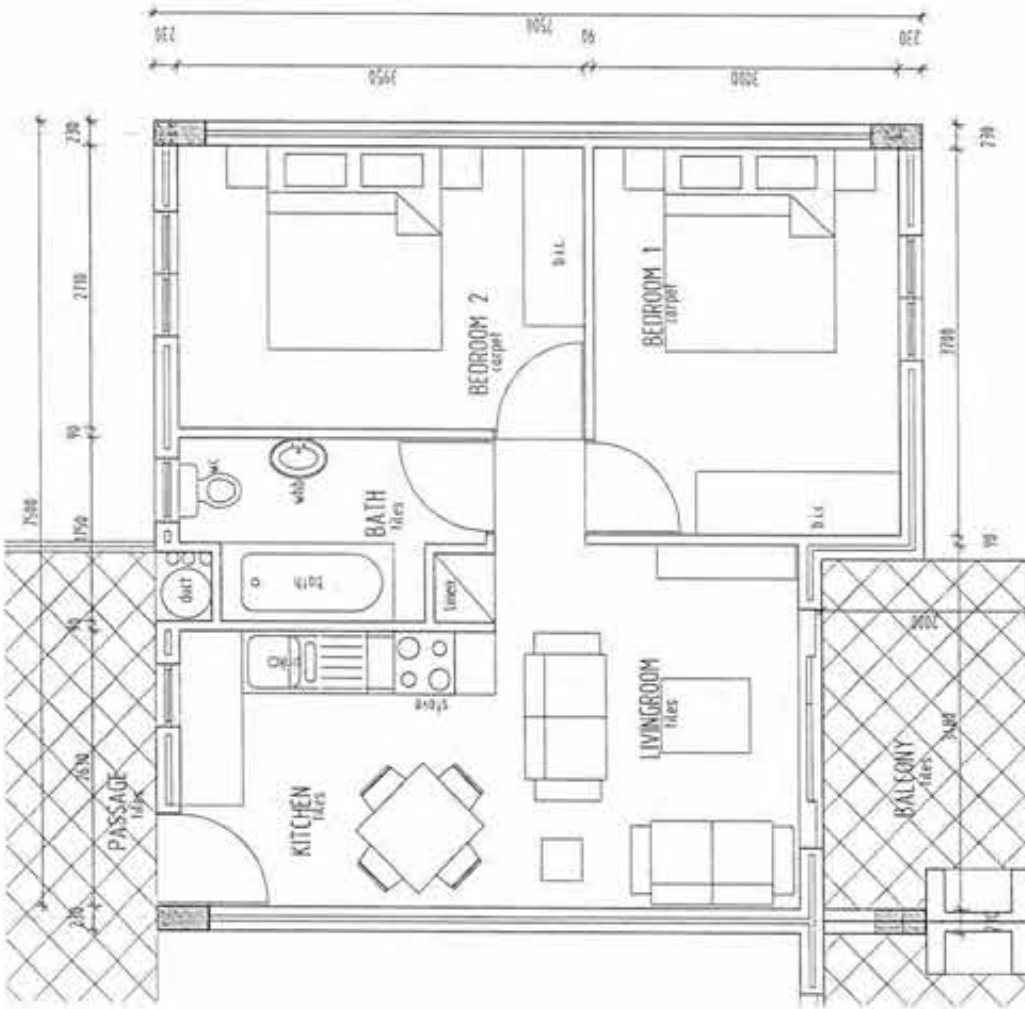
MWP ARCHITECTS
 ARCHITECTURE AND INTERIORS
 17 Bree Street Cape Town 8001
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project
PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL

drawn by
UNIT LAYOUT: SECOND & THIRD STOREY
 project no
2215

drawn by
SK102
 date
22.06.15
 rev no
8
 drawn
COLM





UNIT TYPE A
SCALE 1:50



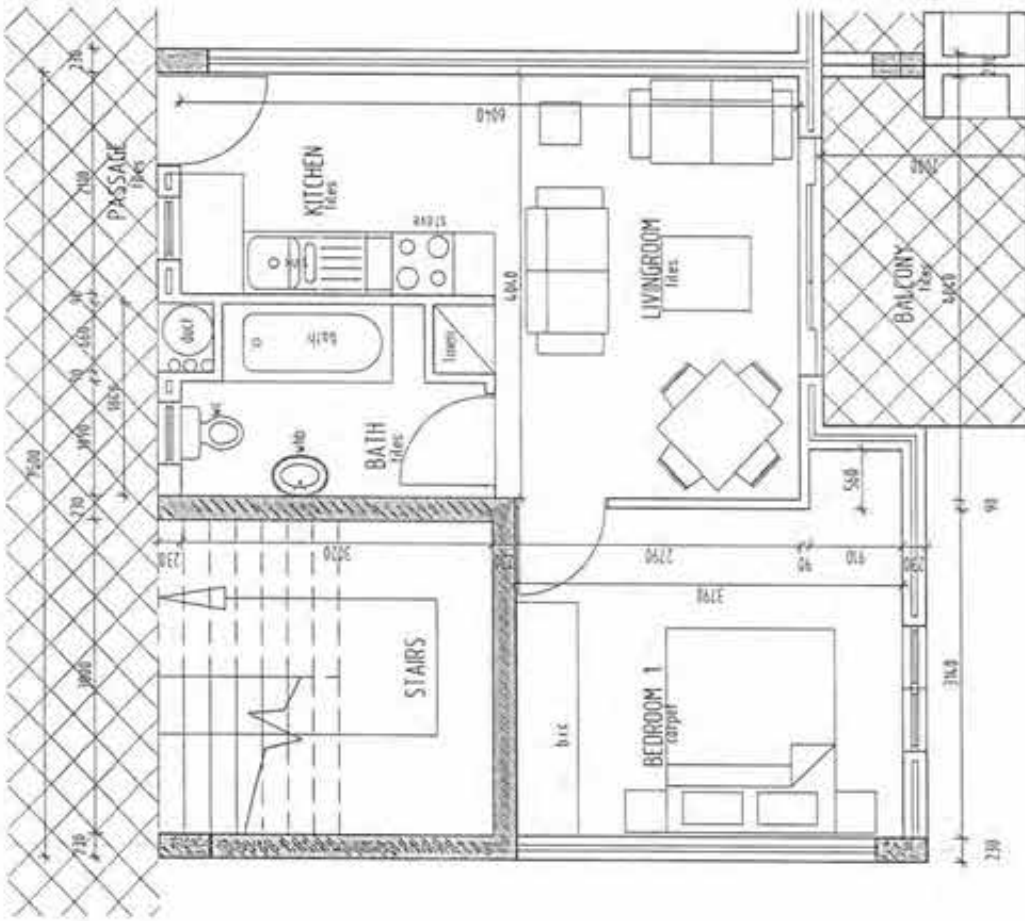
MWP ARCHITECTS
ARCHITECTURE AND INTERIORS
17 Blue Street Cape Town 8001
Tel: 021 421 0154 Fax: 021 421 2268 E-Mail: admin@mwparchitects.co.za

project
PROPOSED STELLENBOSCH STUDENTS'
ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH
FOR CONSTRUCT CAPITAL

draw title
UNIT A LAYOUT
project no
2215

draw no	SK103	rev no	8
date	22.06.15	drawn	COLM





MWP ARCHITECTS
SCALE 1:50

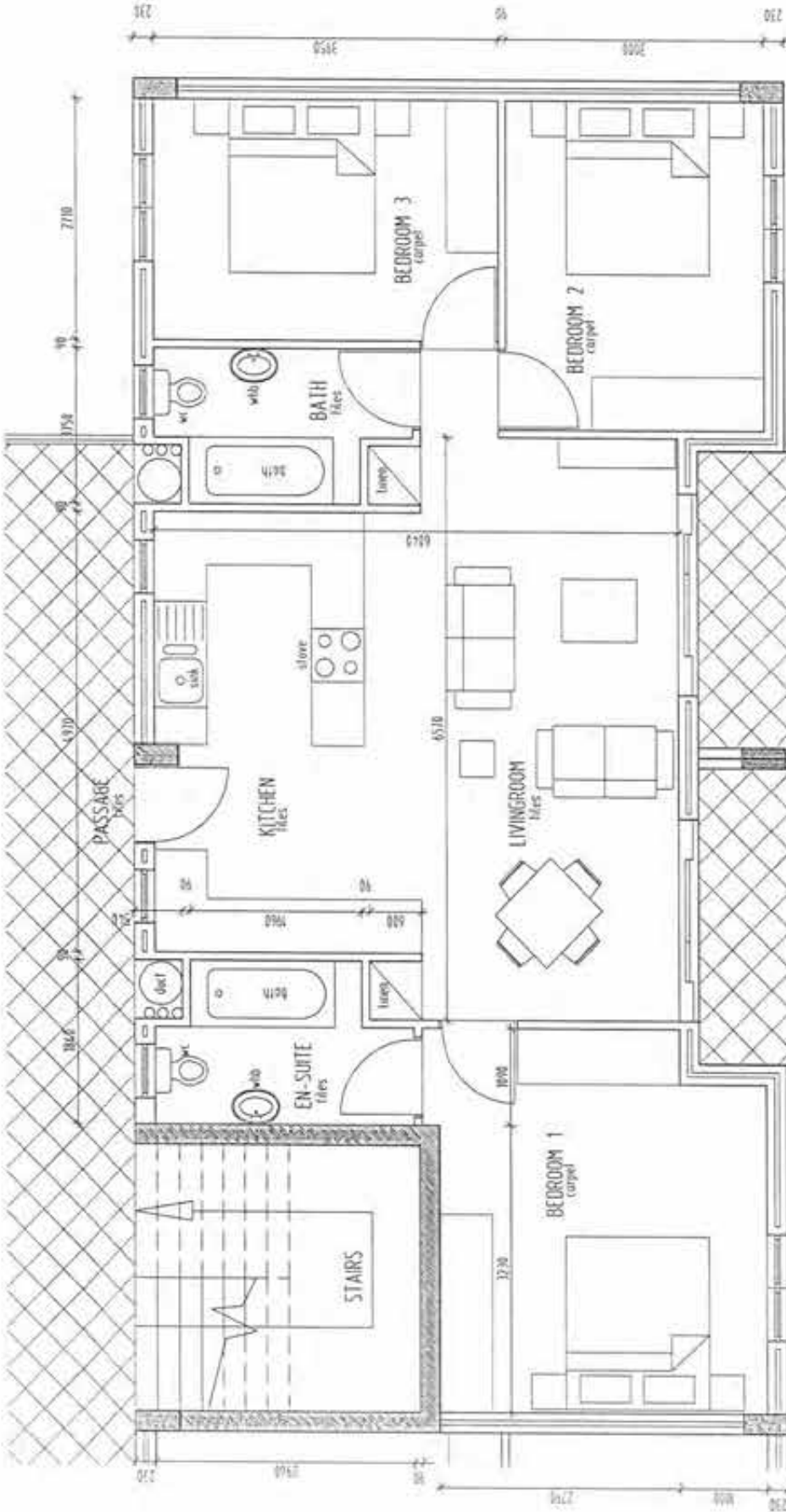
MWP ARCHITECTS
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project
PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL

draw title
UNIT B LAYOUT
project no
2215

draw no
SK104
date
22.06.15
rev no
8
drawn
COLM





draw no	SK105	rev no	8
date	22.06.15	drawn	EGLM
project no	2215		
draw title	UNIT C LAYOUT		

project
 PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL



MWP ARCHITECTS
 architecture and interiors
 17 First Street Cape Town 8001
 Tel (021) 421 0134 Fax (021) 625 2366 E-Mail: mwp@mwparchitects.co.za

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PAUL KRUGER STREET



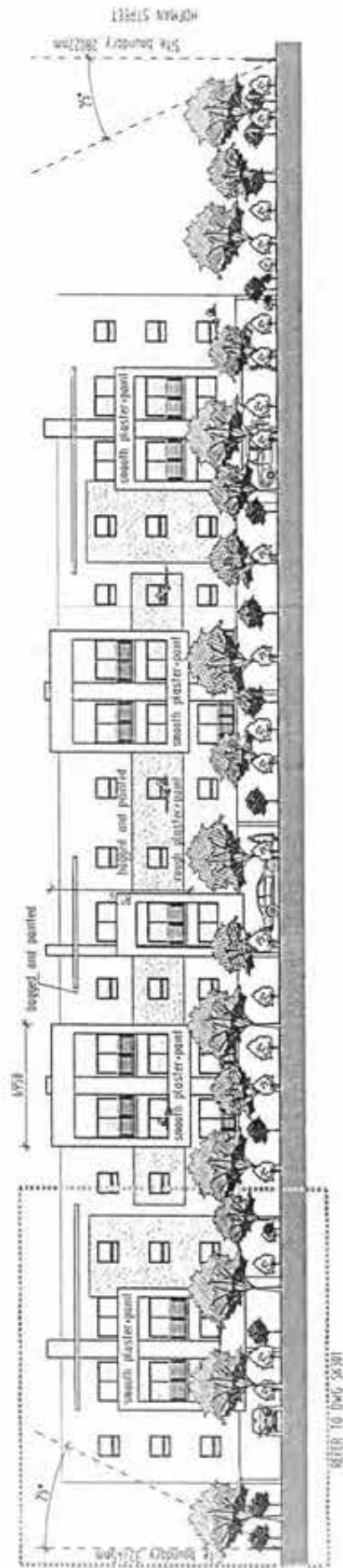
draw title
TYPICAL SECTION
project no
2215

project
PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL



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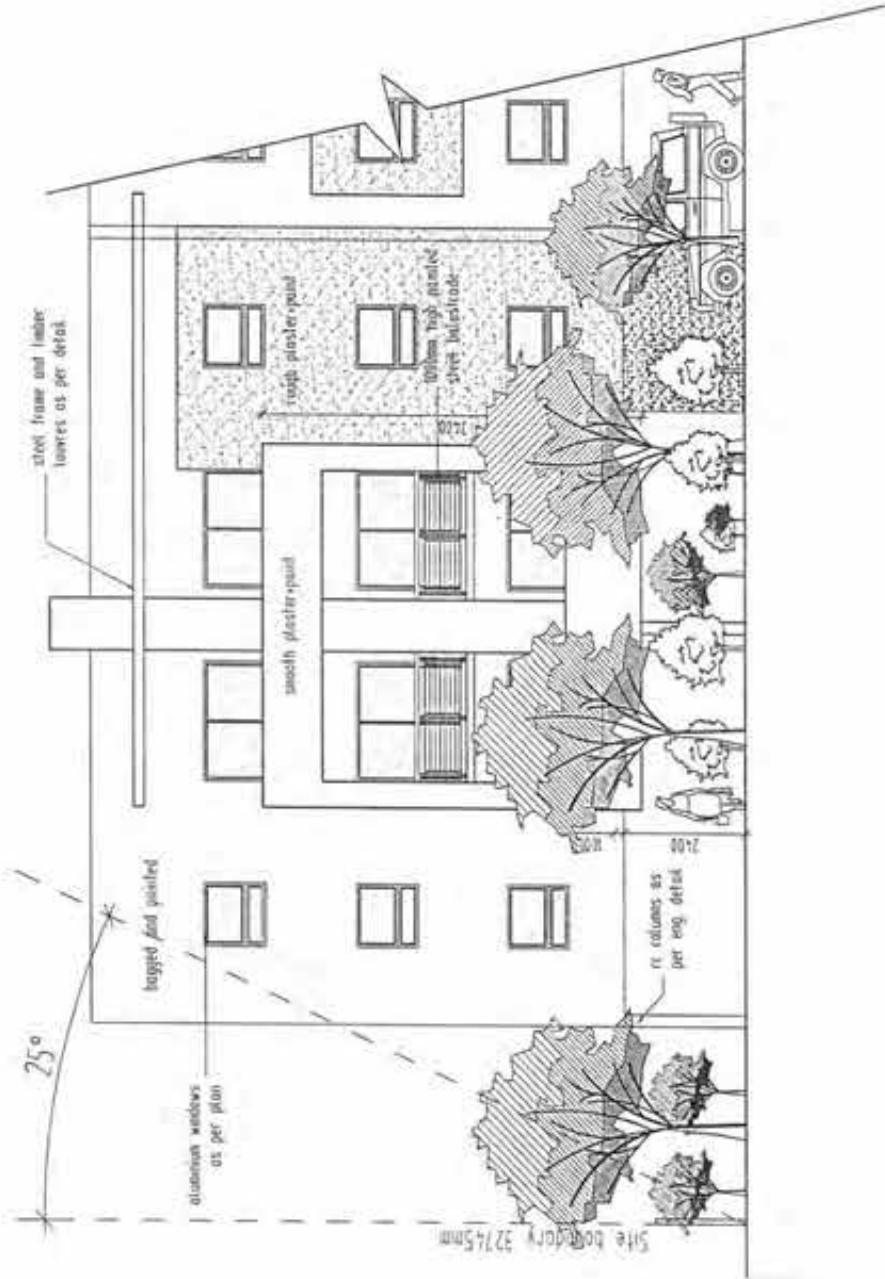
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SK200
date
22.06.15
rev no
8
drawn
CGLM



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	<p>date 22.06.15</p>	<p>drawn COLM</p>
<p>project PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL</p>		
<p>MWP ARCHITECTS architecture and interiors 17 Bina Street Cape Town 8001 Tel (021) 421 0154 Fax (021) 425 2208 E-Mail admin@mwparchitects.co.za</p>		



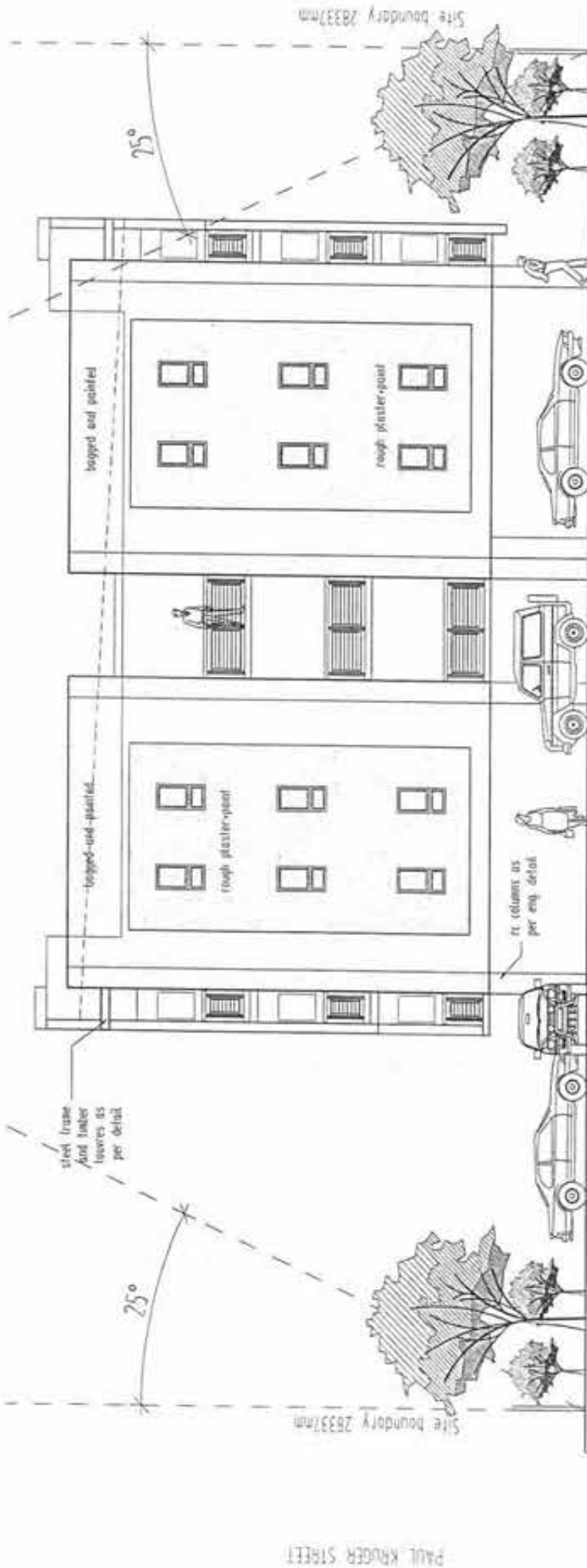
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draw title	PART NW ELEVATION	rev no	8
draw no		date	22.06.15
project no	2215	drawn	COLM


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project
 PROPOSED STELLENBOSCH 'STUDENTS'
 ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH
 FOR CONSTRUCT CAPITAL



PAUL KRUGER STREET



draw title	SW ELEVATION	draw no	SK302	rev no	8
project no	2215	date	22.06.15	drawn	EGLM

project
 PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL



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APPENDIX 6

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

**COMMENT FROM THE MANAGER: SPATIAL
PLANNING, HERITAGE AND ENVIRONMENT**



STELLENBOSCH

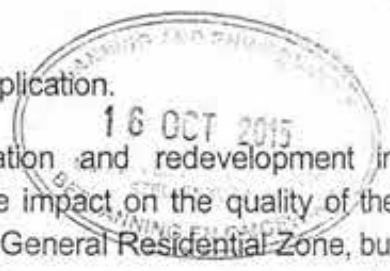
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT *ErF 132-134*
SP
SP

Spatial Planning, Heritage and Environment

To : Head: Customer Interface & Administration
From : Manager: Spatial Planning, Heritage & Environment
Date : 15 October 2015
Re : Application for Removal of Restrictions, Rezoning and Departures: Erven 132-134, Paul Kruger Street, Stellenbosch

I refer to your request for comment on the above application.



This department supports appropriate densification and redevelopment in general. However, this should not have a negative impact on the quality of the environment. We therefore support the rezoning to General Residential Zone, but we object to the scale of the proposed development.

We suggest that the proposal be revised to provide parking in a basement plus 3 storeys of flats with a maximum height of 10m. The suggested 13m is too high for the area.

We do not support the departures to exceed the permissible coverage and bulk, or the departure to allow for lesser areas for gardening and recreation. The prescribed 25% unbroken unit area shall be reserved for gardening and recreation purposes (as prescribed in Stellenbosch Zoning Scheme).

The subject properties are located in a residential area. It is therefore important to respect the quality of the streetscape and we therefore suggest that the building be placed closer to the street to create a courtyard at the back. The area in front of the building should be use predominantly for gardening purposes.

Please note that application must be submitted to Heritage Western Cape to issue a permit as the buildings are older than 60 years. The building plans should also be submitted to the Stellenbosch Planning and Advisory Committee, as the proposal has an impact on the street quality.

B de la Bat
.....

B de la Bat

MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT

FILE NO	
SCALE	
PROJECT NO	E 132-134 S
DATE	39/10/15

B de la Bat
023/16

APPENDIX 7

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

**COMMENT FROM THE DIRECTOR:
ELECTRICAL ENGINEERING SERVICES**

ERF 132
ELECTRICITY SERVICES: CONDITIONS OF APPROVAL

GENERAL COMMENT:

1. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required. (021 8088336)

CONDITIONS

2. Development Bulk Levy Contributions are payable.

3. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval. i.e.

- a) The design of the electrical distribution system
- b) The location of substations(s) and related equipment.

4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.

5. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. **(Street side of property) With no obstruction.**

6. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.

7. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.

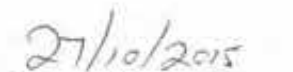
8. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.

9. All new developments and upgrades of supplies to existing projects are subject to SANS 10400-XA energy savings and efficiency implementations such as:

- Solar water Heating or Heat Pumps in Dwellings
- Energy efficient lighting systems
- Roof insulation with right R-value calculations .
- Cooking with gas
- In large building developments;
 - Control Air condition equipment tied to alternative efficiency systems
 - Preheat at least 50% of water with alternative energy saving sources
 - All hot water pipes to be clad with insulation with R-value of 1
 - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.



Signature




Date

APPENDIX 8

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

**COMMENT FROM THE DIRECTOR: TRAFFIC
ENGINEERING SERVICES**

MEMO AAN:	Signage (B de la Bat)
	Corporatè (P Smit)
	Hoof: Gesondheidsdienste / Health Department
	Direkteur: Elek Ing dienste/ Electrical
	Direkteur: Ing en Tegn Dienste / Engineering Dep
	Direkteur: Bosbou / Recreation/Environment
	Direkteur: Brandweerdienste / Fire Department
	Direkteur: Verkeersdienste / Traffic Department
<input checked="" type="checkbox"/>	Traffic Engineer (N Winter/V Harris)

Nigel - herewith attached is the TIS for your comment
 1071. Kuro.
 28/9/2015
 Thanks


Aansoek / Application	Removal, Relocating + Departures
Adres / Address	Even 132, 133 + 134, P. King + Ho/sh
Aansoek Datum / Application Date	2015-06-29
Aansoeker / Application	Tony Brimmer

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die Beplanning- en Ontwikkelingskomitee vir oorwaging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien.


Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. In order to enable us to submit the application to the Planning and Development committee for consideration, we request that you supply us with your written comment, if any.

Please intercept between general comment on the merits of the application and any conditions that your department would like to lay on if the application has been approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op ... 10 Oct 2015
 Please forward the memorandum by hand to me on or before: 10 Oct 2015
 (Datum/Date)

H Deacon 
 DIRECTOR : PLANNING AND DEVELOPMENT SERVICES

ALGEMENE KOMMENTAAR: Recommend for Approval; subject to
 GENERAL COMMENT: all parking bays next to obstructions or walls must ^{add} an extra width
of 0,35m which implies 2,5m + 0,35m = 2,85m width.

2015/11/06

VOORWAARDES/CONDITIONS.....



 HANDTEKENING / SIGNATURE

2015/11/06
 DATUM / DATE

* received on 27 Oct 2015 from John Allard.

E 1323

399368

APPENDIX 9

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

**COMMENT FROM THE DIRECTOR:
ENGINEERING SERVICES**



MEMO

DIRECTORATE: ENGINEERING SERVICES
DIREKTORAAT: INGENIEURSDIENSTE



TO : The Director: Planning and Development
FOR ATTENTION : S Newman
FROM : Tyrone King (Development Services and Project Management)
DATE : 6 September 2016
RE. : LUPO 1065 and 1269
Reference : Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

Details, specifications and information reflected in the following documentation refers:

- Abovementioned application, dated 29 June 2015 and received by our department on 15 September 2015 (Ref 1065);
 - The SDP in above application was amended by submission dated 27 June 2016 and received by our department on 29 June 2016 (Ref 1269)
 - The applicable Site Development Plan on which this comment is based is thus Drawing No SK100 Rev No 9, by Construct Capital, dated 22.06.2015.
- Engineering Services report by ICE Group dated 8 September 2015
- GLS capacity analysis of the bulk water and sewer services dated 25 August 2016
- Traffic Impact Statement by ICE Group dated 4 September 2015

E 132, 133, 134 S

The application is for the following items:

- i. Removal of restrictive title deed conditions D(b)(c)(d) on Erf 132, Stellenbosch, conditions F(b)(c)(d) on Erf 133, Stellenbosch and conditions F(b)(c) on Erf 134, Stellenbosch to enable the owner to construct a block of flats (consisting of ground floor parking and 3 storeys above) on the consolidated erven.
- ii. Application is made in terms of Section 17 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for the rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

Single Residential Zone to General Residential Zone for the construction of a block of flats (consisting of ground floor and 3 storeys above)

- iii. Application is made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure to:
- Relax the street building line (Hofman Street) from 7,6m to 6,0m;
 - Relax the common building line (adjacent to Erven 129-131) from 4,6m to 4,2m;
 - Relax the common building line (adjacent to Erf 135) from 4,6, to 3,7m;
 - Exceed the permissible coverage of 25% to 45%;
 - Exceed the permissible bulk from 0,75 to 1.12; and to
 - Allow lesser areas for gardening and recreation (10% instead of 25%)

Comments from the Directorate: Engineering Services i.e. Roads & Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval. It must be noted that Electrical Services will comment in a separate memo.

The above-mentioned land-use application is recommended for approval, subject to the following conditions:

This recommendation and conditions are based on the following development parameters, as contained in the application documents:

- Erf Size: 2772.5m²
- Units (Flats) 50 No.

General

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:

- (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY a metropolitan municipality, Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

- (b) *"Developer"* means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) *"Engineer"* means an engineer employed by the *"Municipality"* or any person appointed by the *"Municipality"* from time to time, representing the Directorate: Engineering Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the *"Engineer"*;
 3. that no taking up of proposed rights including engineering drawing approval / Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates etc will be allowed until sufficient capacity within the following infrastructure is confirmed by the *"Engineer"*:
 - a. Stellenbosch WWTW (Waste Water Treatment Works): The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). The current capacity of the existing Stellenbosch WWTW does not allow for any new developments at this stage. However, construction for the upgrade of the Stellenbosch WWTW with a design capacity of 20.4 ML/day, to a 35 ML/day treatment works is underway. Commissioning of the first phase to accommodate sewage from new developments is dependent on the Contractor's adherence to the programme and is estimated to be in December 2017.
 - b. Sewer Network: The items as indicated in the GLS capacity analysis of the bulk water and sewer services dated 25 August 2016:
 - i. SSS1.1: Plankenbrug Main Outfall Sewer Phase 1 (WWTW to Plankenbrug River at Bosman's Crossing):
 - ii. SSS1.2, 1.3, 1.4, and 1.5: Plankenbrug Main Outfall Sewer Phase 2 (Plankenbrug River at Bosman's Crossing to Merriman Avenue)

Construction of Phase 1 is underway and completion is expected in December 2017, dependent on the Contractor's adherence to the programme. The detail design for Phase 2 is currently underway, after which the construction phase will follow. Completion is estimated to be in July 2019.

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

- iii. SSS1.18a: Network Upgrades: 62m x 400mm dia upgrade existing outfall sewer in Dorp Street: This project is not currently on the Municipality's approved budget. The "Developer" may however enter into a services agreement with the "Municipality" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Contributions payable in respect of bulk civil engineering services;

Should the "Developer" wish to discuss the possibility of proceeding with construction work of his development parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction;

4. That should the approval for proceeding with construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required;
5. that should the "Developer" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Engineering Services by the "Developer" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will not be supported by the Directorate: Engineering Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
6. that the "Developer" indemnifies and keep the "Municipality" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.

7. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
8. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
9. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
10. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Engineering Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Engineering Services before the approval of internal – and external civil engineering services drawings;
 - f.) that no building plans will be recommended for approval by the Directorate: Engineering Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "*Developer*" obtains the approval mentioned in condition 3.

Site Development Plan

11. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "*Developer*";

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

12. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
13. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
14. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Internal- and Link Services

15. that it be noted that as per Site Development Plan Drawing No SK100 Rev No 9, by Construct Capital, dated 22.06.15, the roads are reflected as private roads. Therefor all internal services on the said erf will be regarded as private services and will be maintained by the "Developer" and or HOA;
16. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
17. that the Directorate: Engineering Services may require the "Developer" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Contributions payable in respect of bulk civil engineering services if approved by the Directorate: Engineering Services;

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

18. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;
19. that plans of all the internal civil services and such municipal link services as required by the Directorate: Engineering Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
20. that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with the Standard Conditions imposed by the Directorate: Engineering Services in this respect or as otherwise agreed. The Standard Conditions is available in electronic format and available on request;
21. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
22. that the "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services and that his/her design engineer will comply to the mentioned document or as otherwise agreed in writing with the Directorate: Engineering Services;
23. that engineering design drawings will only be approved once approval for this application in terms of the Stellenbosch Municipal Land Use Planning By-law is issued;
24. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Engineering Services;
25. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2010 Clause 5.14.1, all link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
26. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued prior to transfer of individual units or utilization of buildings;
27. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider. Copies of all correspondence with Telkom shall be handed over to the "Engineer";

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

28. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
29. that the "Developer" be liable for all damages caused to existing civil and electrical services of the "Municipality" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "Developer" to determine the location of existing civil and electrical services;
30. that all connections to the existing services be made by the "Developer" under direct supervision of the "Engineer" or as otherwise agreed and all cost will be for the account of the "Developer".
31. that the "Developer" shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his cost at the entrance gate of all private developments before the practical completion inspection is carried out;
32. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
33. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
34. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
35. that the "Developer", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the HOA, in respect of private services, and to the Municipality in respect of public services;
36. that only one sewer connection will be allowed for the consolidated erf and that the remaining two connections are to be blocked off;
37. that only one water connection will be allowed for the consolidated erf and that the remaining two connections are to be blocked off;

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

Servitudes

38. that the "*Developer*" ensures that all main services to be taken over by the Directorate: Engineering Services, all existing municipal – and or private services crossing private - and or other institutional property and any other services crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;
39. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "*Developer*" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
40. that the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

41. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
42. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "*Developer*", at his/her cost, to the standards of the Directorate: Engineering Services;
43. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;
44. that it is agreed that due to the limited additional impact of the development on stormwater run-off, that no detention facilities are required, but that a SW pipe shall be laid along Paul Kruger Street from the catchpit at the Paul Kruger/R44 intersection to the development site;
45. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

46. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

47. that provision be made for acceptable stacking distances in front of access control gates;
48. that any amendments to cadastral erven to accommodate access control gates will be for the cost of the "Developer" as these configurations were not available at rezoning and subdivision stage;
49. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development;
50. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
51. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Engineering Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services;
52. that during the construction stage, access to the site be strictly via the following route only:
Hofman and Paul Kruger Street;
53. that the "Developer" will be held liable for any damage to municipal infrastructure within the road reserves of the roads mentioned in Condition 52 above, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Engineering Services;
54. that, after the construction work on site has been completed, the sidewalk, kerbs and channeling in Paul Kruger Street, over the length of the road reserve abutting Erven 132, 133 and 134, be re-established / constructed by the "Developer" and to the cost of the "Developer" in compliance with the Design and Construction Standards of the Directorate: Engineering Services;

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55. that access to the property concerned shall be via Paul Kruger Street;
56. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;
57. that on-site parking be provided by the owner of the property in the ratio of 1.5 bays per dwelling unit;
58. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Engineering Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Engineering Services;
59. that no parking be allowed in the road reserve;
60. that provision be made for a stacking distance of 7 metres for a dual entrance, measured from the public road kerb to the entrance gate;
61. that the "*Developer*", at his/her cost, implement the recommendations of the approved Traffic Impact Statement by ICE Group, dated 4 September 2015, including the following condition as stated by the Head: Traffic Engineering (Mr Nigell Winter):

"All parking bays next to obstructions of walls must add an extra width of 0.35m which implies $2.5\text{m} + 0.35\text{m} = 2.85\text{m}$ width";

62. and that where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Engineering Services and the approved management plan shall be implemented by the "*Developer*", at his/her cost;

Wayleaves

63. that way-leaves / work permits be obtained from the Directorate: Engineering Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;
64. that wayleaves will only be issued after approval of relevant engineering design drawings;

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

Development Contributions

65. that the "*Developer*" hereby acknowledges that development contributions are payable towards the following bulk civil services: water, sewerage, roads, stormwater and solid waste as per Council's Policy;
66. that the "*Developer*" hereby acknowledges that the development contribution levy as determined by the "*Municipality*" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
67. that the "*Developer*" immediately familiarise himself with the latest development contributions applicable to his/her development;
68. that the "*Developer*" accepts that the development contributions will be subject to annual escalation up to date of payment. The amount payable will therefore be the amount as calculated at the time that payment is made;
69. that the "*Developer*" may enter into a services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Contributions payable in respect of bulk civil engineering services;
70. that the "*Developer*" accepts the average amount, as reflected in this document as the amount required for the provision of municipal services in the event that the development is approved;
71. that the Development Contribution levy to the amount of R 1 622 639 (Excluding VAT) as reflected on the DC Contribution calculation sheet, dated 6 Sep 2016, and attached herewith as Annexure DC, be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

Based on the 2016/2017 tariff structure and the proposed SDP lay-out, the following amounts are payable:

Water	:	R 372 055, 00
Sewerage	:	R 328 372, 00
Roads	:	R 878 190, 00
Stormwater	:	R 11 100, 00
Solid Waste	:	R 32 922, 00
Total (Civil Services) exclusive of VAT	:	<u>R 1 622 639, 00</u>

72. that the Development Contribution levy be paid by the "Developer" per phase –
- prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase and or;
 - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or;
 - prior to the erf or portion thereof being put to the approved use;
73. that it be noted that the Development Contributions as reflected on the DC Contribution calculation sheet will be subject to annual escalation up to date of payment. The final amount payable will therefore be the amount as calculated at the time that payment is made;
74. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than 50 units, will result in the recalculation of the Development Contributions;
75. Bulk infrastructure contribution levies and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

Home Owners Association

76. that a Home Owners Association (HOA) be established in accordance with the provisions of section 29 of the Land Use Planning Ordinance no 15 of 1985 and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
77. that the HOA take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

78. that in addition to the responsibilities set out in section 29, the HOA also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;
79. that the Constitution of the HOA specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;

Green Technologies

80. Peak water demand should be accommodated with supplementary storage and recycling (e.g. rainwater tanks, grey water recycling) of water so that municipal water only be used to satisfy the base demand;
81. Technologies that facilitate the efficient use of irrigation water must be used;
82. Planting of waterwise flora is encouraged;

Solid Waste

83. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
84. that the "Developer" will enter into a service agreement with the "Municipality" for the removal of refuse;
85. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality";
86. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
87. Refuse storage areas are to be provided for all premises other than single residential erven;
88. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

89. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
90. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 l Municipal wheelee bin;
91. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;
92. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
93. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

Commercial and Domestic : 585 mm wide x 730 mm deep x 1100 mm high

94. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;
95. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224
96. Building specifications for refuse storage area:

Floor

The floor shall be concrete, screened to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage).

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

Walls and Roof

The Refuse Storage Area shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light color high gloss enamel. The height of the room to the ceiling shall be not less than 2.21 meters.

Ventilation and Lighting

The refuse storage area shall be adequately lit and ventilated. The room shall be provided with a lockable door which shall be fitted with an efficient self-closing devise. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.

Water Supply and Drainage

A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

97. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
98. The TIS has recommended that a refuse embayment is not necessary and that municipal refuse vehicles can collect from the street as is the current practice in the area and that this recommendation is accepted;
99. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Engineering Services, to ensure their compatibility with the servicing equipment and lifting attachments;
100. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
101. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
102. All refuse storage areas shall be approved by the Directorate: Engineering Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

AS-BUILTs (for municipal assets created during the implementation of this development)

103. The "*Developer*" shall provide the "*Municipality*" with:

- a. a complete set of as-built paper plans, signed by a professional registered engineer;
- b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;
- c. a completed Asset Verification Sheet in Excell format, reflecting the compositization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "*Engineer*", and is to be verified as correct by a professional registered engineer;
- d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
- e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "*Municipality*" are fully paid;

104. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "*Engineer*" and approved by the "*Engineer*" before any application for Certificate of Clearance will be supported by the "*Engineer*";

105. The Consulting Civil Engineer of the "*Developer*" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;

106. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;

107. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "*Engineer*" and written clearance given, by the "*Engineer*";

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

Section 28 Certification / Building Plan approval in terms of the Stellenbosch Municipal Land Use Planning By-law

108. It is specifically agreed that the "*Developer*" undertakes to comply with all conditions of subdivision and rezoning as laid down by the "*Municipality*" before clearance certificates / building plan approval shall be issued, unless otherwise agreed herein;
109. It is specifically agreed that the "*Developer*" undertakes to ensure that ALL applicable development conditions and requirements are met before submitting an application for Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval. A list stipulating ALL conditions must be attached to the application and ALL conditions to the list must be ticked, indicating that it has been complied to, and evidence of such compliance also needs to be attached;
110. that the "*Municipality*" reserves the right to withhold any clearance certificate / building plan approval until such time as the "*Developer*" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
111. The onus will be on the "*Developer*" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval. Verifying documentation (proof of payment in respect of development contributions, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;
112. that any application for Certificate of Clearance / building plan approval will only be supported by the "*Engineer*" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "*Engineer*" and approved by the "*Engineer*";

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

Avoidance of waste, nuisance and risk

113. Where in the opinion of the "Municipality" a lack of maintenance of any service constitutes a nuisance, health or other risk to the public the "Municipality" may give the "Developer" and or HOA written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or HOA.



TYRONE KING Pr Tech Eng
HEAD: DEVELOPMENT SERVICES AND PROJECT MANAGEMENT (ENGINEERING SERVICES)

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

In drawing up the As-build Plans relating to this development, the consultant must create the following separate layers in ESRI .shp, electronic file format in order for the data to reflect spatially correct.

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc. that it is kept separate from one another. When new properties are added as part of a development, a list of erf numbers with its associated SG numbers must be provided in an electronic format like .txt, .xls or .csv format.

For road layer shapefiles; the road name, the from_street and to_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch Municipality standard as follows:

Erven 132, 133, 134, Paul Kruger Street: Removal of title deed conditions, rezoning and departures

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter



STELLENBOSCH

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE DC: BASED ON SDP DWG NO
SK100 REV 9 DATED 22.06.15 BY MW
ARCHITECTS / CONSTRUCT CAPITAL

2016-09-06

Development Contributions (Services Summary)

Project No: 2015/007/00
Alt Project Ref: Erf 132, 133, 134 Paul Kruger Str
Town Plan Ref:
Project Name: Erf 132, 133, 134 Paul Kruger Str
Location: Stellenbosch
Developer: The Developer / Owner / Applicant
Contact:
Tel No's:
Ref No:
VAT No:

Registration Date: 06-Sep-16
BICLS FY: 2015/6
BICLS Date: 06-Sep-16
Project Status: Estimate

Active:

Address:

Area (m²)

Contribution + VAT = TOTAL

TOTAL CONTRIBUTION:

2 773

1 622 639 + 227 168 = 1 849 807

Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	183,300	trips/day	878 190	122 946	1 001 136
Solid Waste	1,880	t/week	32 922	4 609	37 531
Stormwater	0,083	ha * C	11 100	1 554	12 654
Sewerage	22,750	kl/day	328 372	45 971	374 343
Water	25,730	kl/day	372 055	52 088	424 143

SubTotal Contribution for New:

2 773

1 793 509 + 251 091 = 2 044 600

Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	195,000	trips/day	934 245	130 794	1 065 039
Solid Waste	2,000	t/week	35 022	4 903	39 925
Stormwater	0,222	ha * C	29 592	4 143	33 735
Sewerage	25,000	kl/day	360 850	50 519	411 369
Water	30,000	kl/day	433 800	60 732	494 532

SubTotal Contribution for Existing:

-2 773

-170 870 + -23 923 = -194 793

Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	-11,700	trips/day	-56 055	-7 848	-63 903
Solid Waste	-0,120	t/week	-2 100	-294	-2 394
Stormwater	-0,139	ha * C	-18 492	-2 589	-21 081
Sewerage	-2,250	kl/day	-32 478	-4 548	-37 026
Water	-4,270	kl/day	-61 745	-8 644	-70 389



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2016-09-06

Development Contributions

Project No: 2015/007/00
Alt Project Ref: Erf 132, 133, 134 Paul Kruger Str
Town Plan Ref:
Project Name: Erf 132, 133, 134 Paul Kruger Str
Location: Stellenbosch
Developer: The Developer / Owner / Applicant
Contact:
Tel No's:
Developer Ref:
VAT No:

Registration Date: 06-Sep-16 Active:
BICLS FY: 2015/6
BICLS Date: 06-Sep-16
Project Status: Estimate
Address:

New/Existing	Development	Usage Category	Area (m ²)	Units	UOM	Contribution	VAT
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TOTAL CONTRIBUTION: 2 773 1 622 639 227 168

GRAND TOTAL (VAT Incl): **R 1 849 807**

SubTotal Contribution for New: 2 773 1 793 509 251 091

New	Erf 132,133,134	Flats (Med/high income)	2 773	50	Flat	1 793 509	251 091
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per Each	Flat	3.900	195.000	trips/day	4 791	934 245	130 794	1 065 039
Solid Waste	per Each	Flat	0.040	2.000	t/week	17 511	35 022	4 903	39 925
Stormwater	per Ha	C	0.800	0.222	ha * C	133 417	29 592	4 143	33 735
Sewerage	per Each	Flat	0.500	25.000	kl/day	14 434	360 850	50 519	411 369
Water	per Each	Flat	0.600	30.000	kl/day	14 460	433 800	60 732	494 532

SubTotal Contribution for Existing: -2 773 -170 870 -23 923

Existing	Erf 132	Single (Med/high income)	-917	1	Erf	-56 710	-7 939
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per Each	Erf	3.900	-3.900	trips/day	4 791	-18 685	-2 616	-21 301
Solid Waste	per Each	Erf	0.040	-0.040	t/week	17 511	-700	-98	-798
Stormwater	per Ha	C	0.500	-0.046	ha * C	133 417	-6 110	-855	-6 965
Sewerage	per Each	Erf	0.750	-0.750	kl/day	14 434	-10 826	-1 516	-12 342
Water	Graph Erf to kl/da	Erf	1.410	-1.410	kl/day	14 460	-20 389	-2 854	-23 243

Existing	Erf 133	Single (Med/high income)	-928	1	Erf	-57 080	-7 992
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per Each	Erf	3.900	-3.900	trips/day	4 791	-18 685	-2 616	-21 301
Solid Waste	per Each	Erf	0.040	-0.040	t/week	17 511	-700	-98	-798
Stormwater	per Ha	C	0.500	-0.046	ha * C	133 417	-6 191	-867	-7 058
Sewerage	per Each	Erf	0.750	-0.750	kl/day	14 434	-10 826	-1 516	-12 342
Water	Graph Erf to kl/da	Erf	1.430	-1.430	kl/day	14 460	-20 678	-2 895	-23 573

New/Existing	Development	Usage Category	Area (m ²)	Units	UOM	Contribution			
Existing	Erf 134	Single (Med/high income)	-928	1	Erf	-57 080 -7 992			
Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per Each	Erf	3.900	-3.900	trips/day	4 791	-18 685	-2 616	-21 301
Solid Waste	per Each	Erf	0.040	-0.040	t/week	17 511	-700	-98	-798
Stormwater	per Ha	C	0.500	-0.046	ha * C	133 417	-6 191	-867	-7 058
Sewerage	per Each	Erf	0.750	-0.750	kl/day	14 434	-10 826	-1 516	-12 342
Water	Graph Erf to kl/da	Erf	1.430	-1.430	kl/day	14 460	-20 678	-2 895	-23 573

APPENDIX 10

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

**TRAFFIC IMPACT ASSESSMENT
(STATEMENT)**

Contact Address:
ICE Group (Stellenbosch),
P O Box 131,
Stellenbosch, 7599

Tel No: +27 (0) 21 880 0443
Fax No: +27 (0) 21 880 0390
e-mail: piet@icegroup.co.za



Consulting Services

- Civil Engineering Services
- Roads
- Traffic Engineering

Contact Person: Piet van Blerk
Your Ref: Erven 132, 133 & 134, Stellenbosch
Our Ref: ICE/B/1090

Date: 4 September 2015

Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Nigell Winter

Sir

APPLICATION FOR CONSOLIDATION AND REZONING FROM SINGLE RESIDENTIAL TO GENERAL RESIDENTIAL OF ERVEN 132, 133 AND 134, STELLENBOSCH: TRAFFIC IMPACT STATEMENT

This company was appointed to prepare a Traffic Impact Statement (TIS) for the proposed student apartments on Erven 132, 133 and 134, Stellenbosch.

1. BACKGROUND

Erven 132, 133 and 134 are bordered by Paul Kruger Street to the south, with Erf 134 bordered by Hofman Road to the east. The property is situated in the Dennesig residential area in Stellenbosch in close proximity of various general residential buildings all being used as student accommodation. See the **Locality Plan** attached.

According to information obtained from the municipality the municipality intend closing the intersections of Paul Kruger Street and Dennesig Street with the R44 in the near future.

This TIS is in support of the Consolidation and Rezoning from Single Residential to General Residential of Erven 132, 133 & 134, Stellenbosch.

2. PROPOSED DEVELOPMENT

2.1 Proposed Development

Single residential units currently exist on each of the three erven. It is thus proposed to demolish these buildings and develop 56 student apartments on the consolidated erf. Parking will be provided on ground level, with the 56 apartment units accommodated on three floors above.

See the attached **Ground/Site Plan** (drawing no SK100, dated 22.06.15, rev 2) prepared by **MWP Architects**.

2.2 Access to the Property

Access to the three properties is currently obtained from Paul Kruger Street (Erven 134 and 133) and Hofman Road (Erf 132), respectively. See the photos below. Access to this section of Paul Kruger Street is currently obtained from the R44 or Hofman Road, with the intersection of Paul Kruger Street with the R44 due to be

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Tel: 021 8800 443
Fax: 021 8800 390

Directors:
P.J. Van Blerk, Pi-Eng.

CE Group (Overberg) Inc
CE Group (Stellenbosch)
Reg No: 2006/133238/23



closed in the near future. Hofman Road is accessed via Molteno Road (to the north) or Merriman Avenue (to the south).



Photo 1 : Paul Kruger Street looking west towards the R44 – existing accesses to Erven 134 and 133 to the right

The three existing accesses will thus, with development, be closed and replaced with only one access to Paul Kruger Street, approximately 80 metres west of the edge of Hofman Road.

3. TRAFFIC

3.1 Existing Traffic and Traffic Growth

Available peak hour traffic volumes were obtained from counts conducted at the Bird Street/Molteno Road and Merriman Avenue/Bird Street intersections on Wednesday, 17 April 2013 and at the R44/Molteno Road intersection Wednesday, 11 February 2015. These available AM/PM peak hour traffic volumes are indicated in **Figure 1** attached.

For the purpose of traffic analyses, it was assumed that the proposed development will be in operation by 2017 and that a 3% per annum growth in traffic would be applicable. The existing peak hour traffic volumes were thus increased for four years and two years, respectively, to obtain the estimated 2017 peak hour traffic volumes (excluding the proposed development) – **Figure 2** attached.

3.2 Traffic Generation and Distribution

Trip generation rates were obtained from a TIA conducted for the Boschenberg student accommodation development (similar development) on Banghoek Road. The trip generation rate used in the Boschenberg TIA was based on a study done by *BKS Engineers* for the Metanoia university residence in Klaassen Street. It was found that the AM peak hour for residences generally occur later than the peak hour on the surrounding road network. The PM peak hour coincided with the normal PM peak hour. A vehicle trip generation rate of 0,13 trips per student was measured for the AM peak hour and 0,14 trips per student was measured for the PM peak hour, with a 40/60 in/out split during the AM peak hour and vice versa during the PM peak hour.

As the proposed student accommodation is situated further away from the Stellenbosch University campus centre, retail centres and sporting facilities than the Metanoia university residence, the rates were increased to 0,2 trips per student for

the AM peak hour and 0,3 trips per student for the PM peak hour (as used in the Boschenberg TIA). The Metanoia residence has a cafeteria with a meal plan option, thus the PM peak hour trip generation rate was increased more than the AM peak hour rate. These trip generation rates correspond with those suggested in the *TMH 17, South African Trip Data Manual (September 2013)* which suggests 0,2 and 0,3 trips per student apartment/flat during the AM and PM peak hours, respectively.

In accordance with the above, the peak hour traffic potentially generated by the proposed development can be expected in the order of 11 AM peak hour trips (5 in, 6 out) and 17 PM peak hour trips (10 in, 7 out).

The traffic generated as discussed above was distributed to the road network based on the assumption that the majority of traffic generated will be attracted to the Stellenbosch University campus centre, as the apartments are aimed at students. See the attached *Proximity of Proposed Development to Stellenbosch University* plan. It was thus allowed that $\pm 40\%$ will travel to Molteno Road and $\pm 60\%$ will travel south towards Merriman Avenue. It was assumed that the $\pm 40\%$ will travel east towards Bird Street/Molteno Road (Jan Cilliers Street), where $\pm 20\%$ was assumed to travel via Jan Cilliers Street (Molteno Road) to campus and the remaining 20% via Bird Street. The distribution of traffic generated by the proposed development is indicated in *Figure 3* attached.

3.3 Traffic Analysis

3.3.1 Analysis of Existing and Estimated Traffic Volumes (excluding proposed development)

The traffic analyses were done by means of the Sidra Intersection 6.1 software. Service levels A to D are considered acceptable, with D the critical.

According to the Sidra analysis of the signalised Bird Street/Molteno Road and Merriman Avenue/Bird Street intersections, these intersections experienced acceptable service levels during the available peak hours and can be expected to remain experiencing acceptable service levels during the estimated 2017 peak hours (excluding the proposed development). Congested conditions are however experienced on site, especially during the PM peak hour, as a result of queuing on Bird Street from the vicinity of the R44/Bird Street intersection beyond the Molteno Road intersection.

The R44/Molteno Road intersection is stop-controlled on the Molteno Road approach – the southern R44 approach currently consists of a through lane and a shared through and right-turn lane which is wide enough to function as a through lane with a narrow dedicated right-turn lane. The upgrade of the R44/Molteno Road intersection by means of the addition of a dedicated right-turn lane on the southern R44 approach is currently being considered by the road authority. According to the Sidra analysis this intersection currently experiences acceptable service levels during both peak hours and can be expected to remain experiencing acceptable service levels during the estimated 2017 peak hours (excluding the proposed development). The addition of the dedicated right-turn lane will result in safer conditions at the said intersection.

3.3.2 Impact of Proposed Development Traffic

The distribution of traffic generated by the proposed development as discussed above will account for approximately 0,3% and 0,4% of the total AM and PM peak hour traffic through the Bird Street/Molteno Road intersection and approximately 0,3% and 0,5% through the Merriman Avenue/Bird Street intersection. Therefore, the peak hour traffic expected to be generated by the proposed development will have an insignificant impact on the surrounding roads.

4. GEOMETRY

The access to the proposed development will be ± 80 metres west of the edge of Hofman Road. According to the *Site Plan* a 7,475 metre access will be provided which should be sufficient in accommodating the two-way traffic at the access. A security gate is indicated which is set back 6,939 metres from the edge of Paul Kruger Street. This is sufficient to accommodate at least one vehicle. Normal practice would be providing space for approximately two passenger vehicles (± 12 metres), but as the peak hour trip generation rate is significantly lower than that of a general residential complex and Paul Kruger Street will soon be a cul-de-sac, this should be acceptable.

Bell mouth radii at the access measure at 5,0 metres which should be acceptable (6,0 metres usually preferred).

A refuse room is indicated adjacent to the access. It is the opinion that a refuse embayment is not necessary as municipal refuse vehicles collect from the street as is the current practice in the area.

5. PARKING

A total of 84 parking bays for the 56 apartments are indicated on the *Site Plan*. Parking is thus provided at a rate of 1,5 bays per apartment which is in line with the Stellenbosch Municipality minimum requirement of 1,25 bays per flat (including visitors).

All 90-degree parking bays measure at widths and depths in line with normal parking standards (2,5 metres by 5,0 metres). Isle widths provided behind the majority of 90-degree parking bays are 7,5 metres with the remainder provided with 7,0 metre isle widths. Normal parking standards dictate a 7,5 metre minimum, but it has been found that 7,0 metres operate acceptably – no problems are anticipated with the 7,0 metres as it can be expected that residents will travel at staggered times throughout the day also keeping in mind the low peak hour trip generation.

6. PUBLIC AND NON-MOTORISED TRANSPORT (NMT)

As far as could be established no formal public transport facilities exist in the immediate vicinity of the proposed development and no additional public transport facilities are deemed necessary as result of the proposed development.

Informal sidewalks exist along Paul Kruger Street and Hofman Road and paved NMT-facilities exist along Bird Street, Molteno Road and Merriman Avenue. No additional facilities are considered necessary as a result of the proposed development but should the municipality decide to provide a sidewalk, sufficient space exist for such a sidewalk.

7. CONCLUSIONS

The following can be concluded from the report:

- 1) That the TIS is in support of the development of 56 student apartments on Erven 132, 133 and 134, Paul Kruger Street, east of the R44, west of Bird Street, south of Molteno Road and north of Merriman Avenue in Stellenbosch;
- 2) That access to the consolidated property will be obtained from Paul Kruger Street approximately 80 metres west of the edge of Hofman Road;
- 3) That the proposed development can be expected to generate 11 AM peak hour trips (5 in, 6 out) and 17 PM peak hour trips (10 in, 7 out) based on trip generation rates obtained from a similar development in Stellenbosch (Boschenberg student housing on Banghoek Road) and is expected to be

attracted towards the Stellenbosch University campus centre during peak hours;

- 4) That the traffic expected to be generated by the proposed development and distributed towards campus will only account for approximately 0,3% and 0,4% of the total AM and PM peak hour traffic through the Bird Street/Molteno Road intersection and approximately 0,3% and 0,5% through the Merriman Avenue/Bird Street intersection and will thus have an insignificant impact on the surrounding roads;
- 5) That the access to/from Paul Kruger Street will accommodate one lane in and one lane out measuring at a total width of 7,475 metres, with the gate set back 6,939 metres from the edge of the road (which should be sufficient) and that bell mouth radii at the access measure at 5,0 metres which should also be sufficient;
- 6) That a refuse room is indicated adjacent to the access which should operate in line with current practice in the area (municipal collection from the street);
- 7) That sufficient parking will be provided (84 bays at a rate of 1,5 bays per unit which is in accordance with Stellenbosch Municipality requirements) and that parking bay dimensions are in line with normal parking standards except for a few 90-degree parking bays consisting of only 7,0 metre isle widths (as opposed to the 7,5 metre standard) but that it should operate acceptably; and
- 8) That no additional public- or non-motorised transport facilities are considered necessary as a result of the proposed development and that should the municipality decide to provide a sidewalk, sufficient space exists.

8. RECOMMENDATIONS

From the above it is recommended that this application be supported based on the layout indicated on the *Site Plan*.

We trust that the Traffic Impact Statement will be to your satisfaction and will gladly provide any additional information required on request.

Yours faithfully



Yolandi Lewis (B. Eng Civil, US)
ICE GROUP (STELLENBOSCH)



Piet van Blerk Pr. Eng
ICE GROUP (STELLENBOSCH)

Attachments

Figure 1 – Existing and Available AM/PM Peak Hour Traffic Volumes (Wednesday, 17 April 2013 and Wednesday, 11 February 2015)

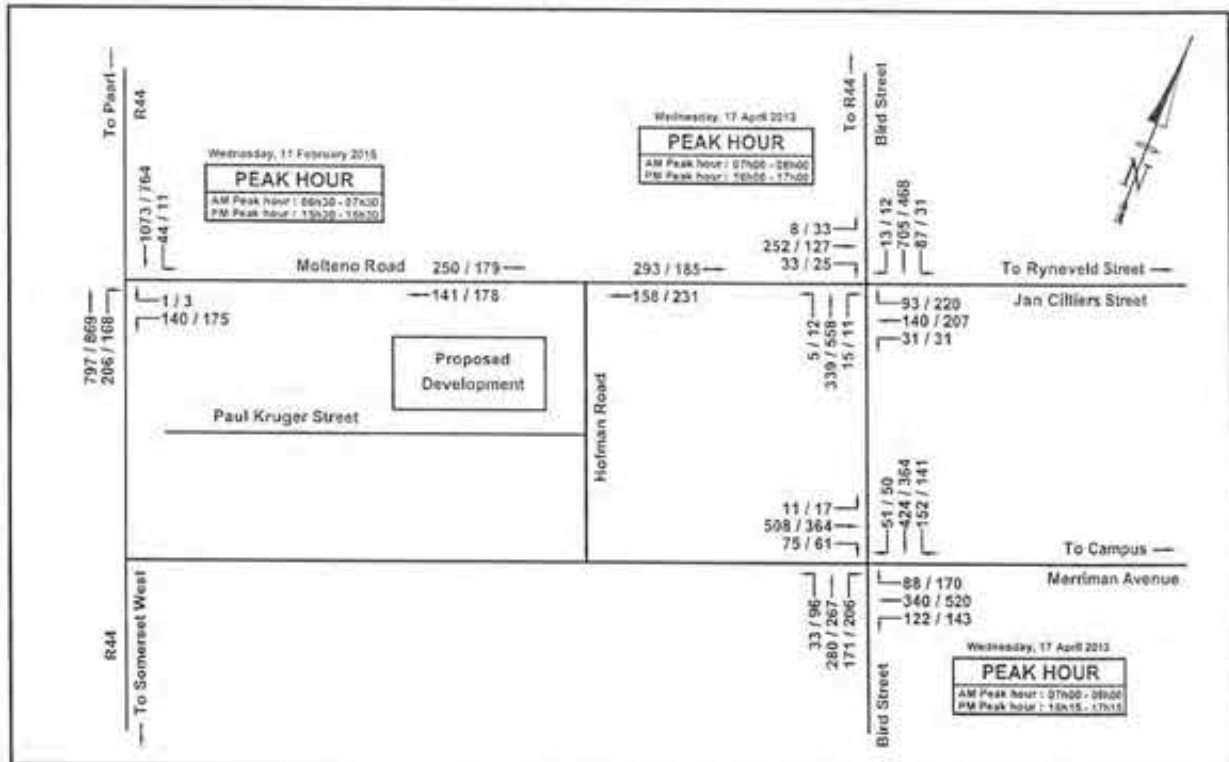
Figure 2 – Estimated 2017 AM/PM Peak Hour Traffic Volumes (including 3% per annum traffic growth)

Figure 3 – Distribution of Traffic Generated by Proposed Development

Locality Plan

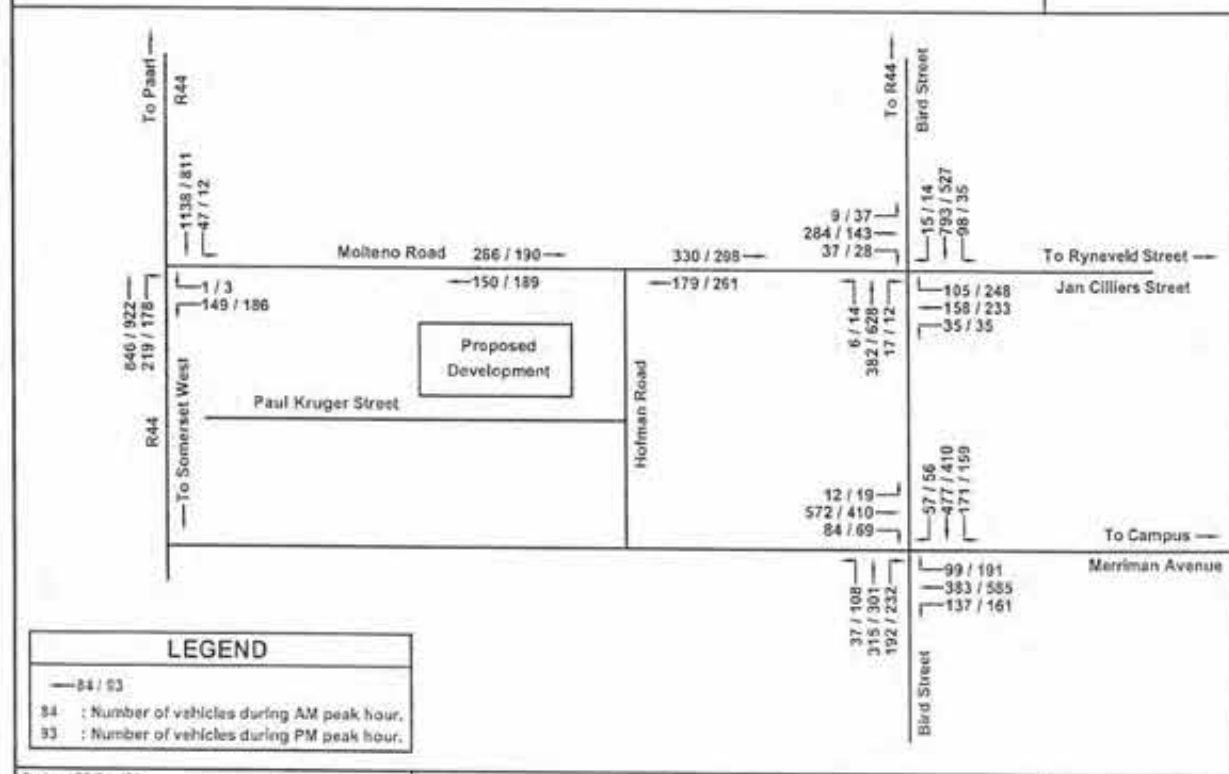
Ground/Site Plan (*MWP Architects*)

Proximity of Proposed Development to Stellenbosch University



Existing and Available AM/PM Peak Hour Traffic Volumes
 (Wednesday, 17 April 2013 and Wednesday, 11 February 2015)

Figure 1



Fedus / PO Box 131
 Stellenbosch 7526

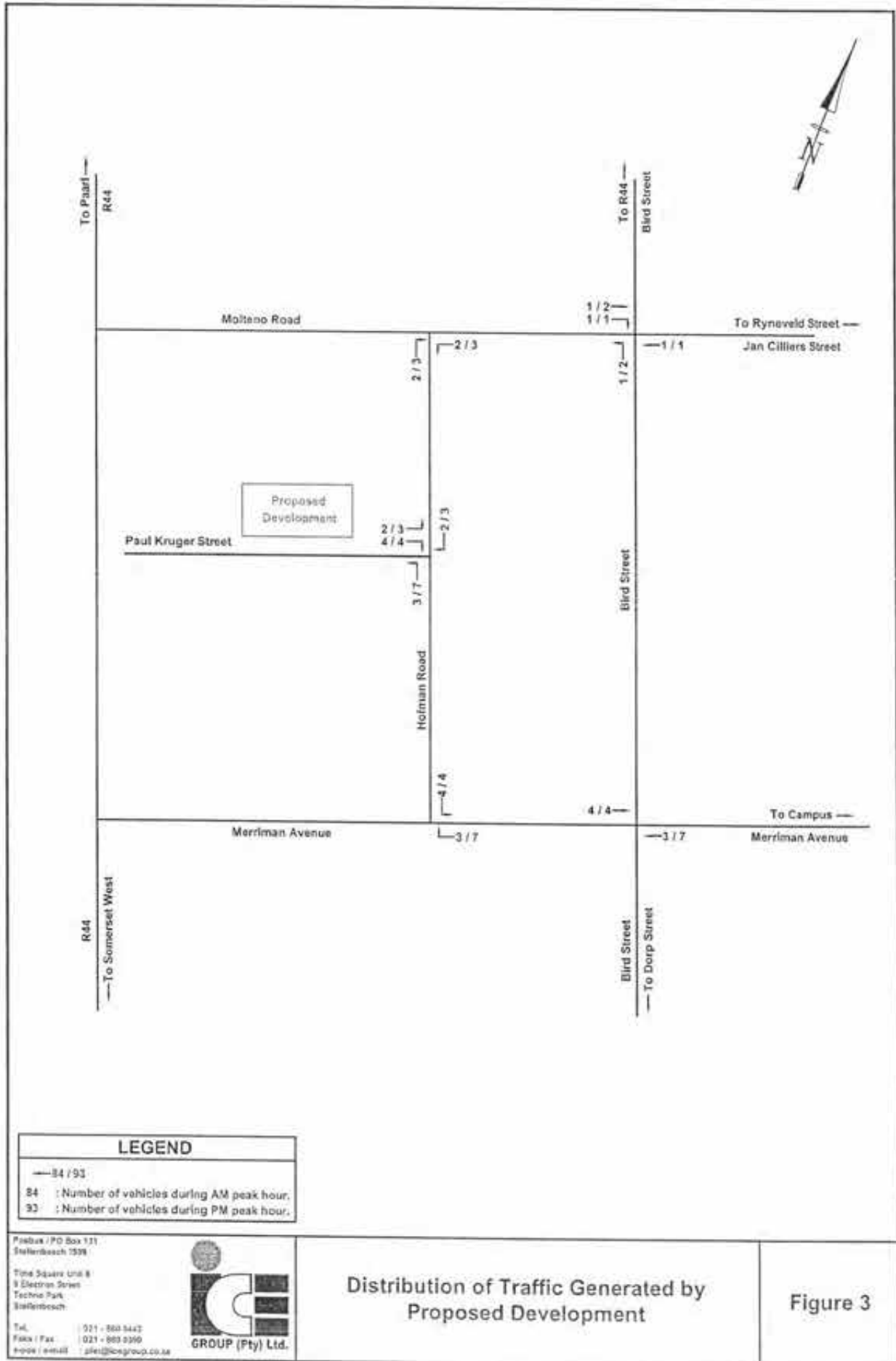
Time Square Unit 5
 5 Electron Street
 Techno Park
 Stellenbosch

Tel : 021-880 9443
 Fax / Fsa : 021-880 3390
 egnk / email : info@ecgroup.co.za



Estimated 2017 AM/PM Peak Hour Traffic
 Volumes (including 3% per annum
 traffic growth)

Figure 2





Postbus / PO Box 131
Stellenbosch 7599

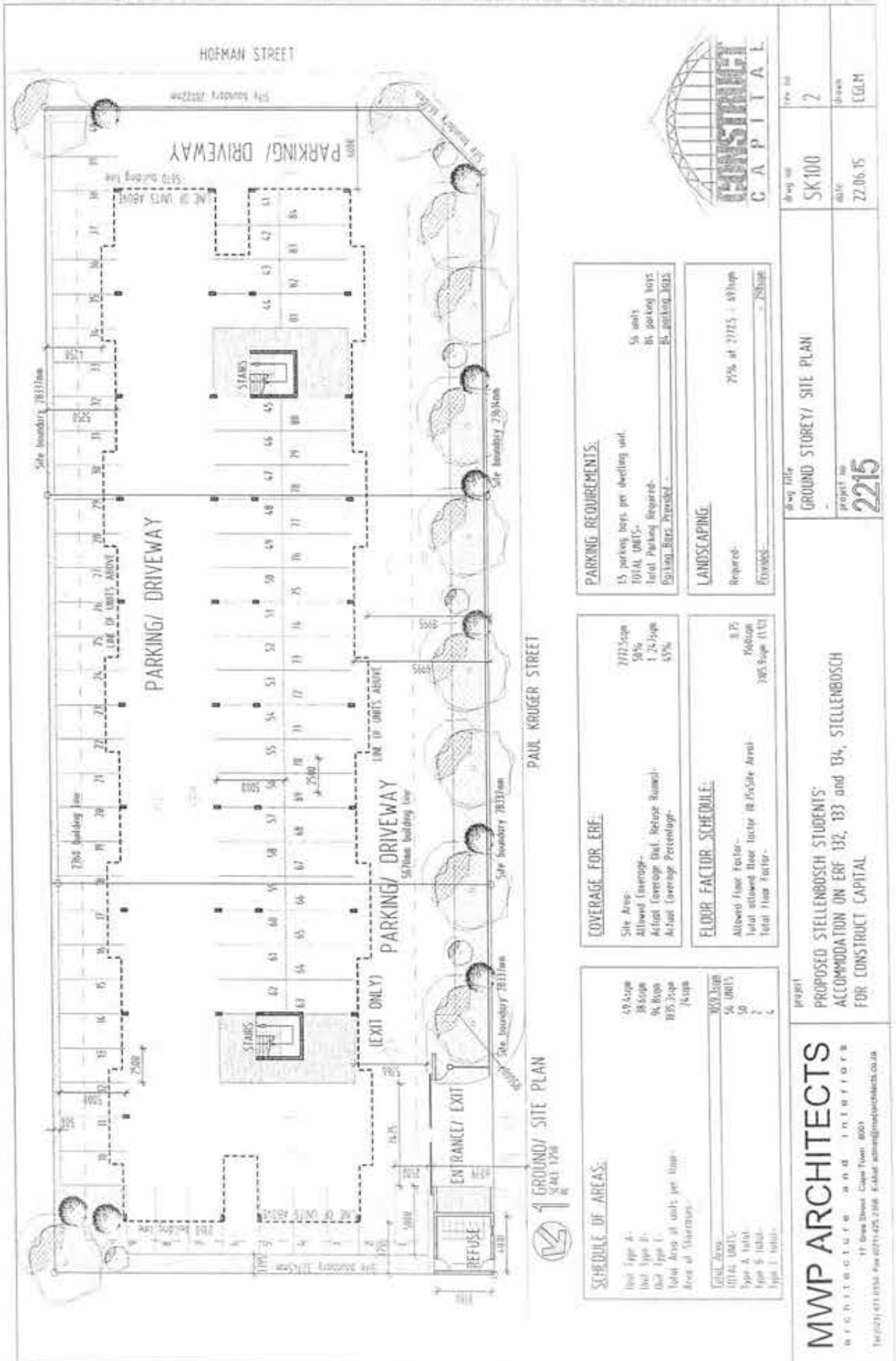
Time Square Unit 8
8 Electron Street
Techno Park
Stellenbosch 7600

Tel. : 021 - 880 0443
Fax / Fax : 021 - 880 0390
e-mail : gret@icagroup.co.za



GROUP (Pty) Ltd.

Locality Plan



PARKING REQUIREMENTS:

15 parking bays per dwelling unit.
 TOTAL UNITS - 56 units
 Total Parking Required - 84 parking bays
 Existing Bays Provided -

LANDSCAPING:

Required: 75% of 2115 = 483sqm
 Provided: 283sqm

COVERAGES FOR ERF:

Site Area: 7772.5sqm
 Allowed Coverage: 50%
 Actual Coverage (incl. Release Room): 124.5sqm
 Actual Coverage Percentage: 45%

FLOOR FACTOR SCHEDULE:

Allowed Floor Factor: 8.75
 Total allowed floor factor @ 1/5 Site Area: 706.5sqm (11.01)
 Total floor Factor:

SCHEDULE OF AREAS:

474.5sqm
 38.5sqm
 94.5sqm
 885.5sqm
 74sqm

889.5sqm
 56 UNITS
 50
 2
 4

Legend:
 Type A -
 Type B -
 Type C -
 Type A total
 Type B total
 Type C total



Draw no	SK100	Rev no	2
Project no	2215	Date	22.06.15
Project title	GROUND STOREY/ SITE PLAN		
Project	PROPOSED STELLENBOSCH STUDENTS' ACCOMMODATION ON ERF 132, 133 and 134, STELLENBOSCH FOR CONSTRUCT CAPITAL		
<p>MWP ARCHITECTS 11, Grey Street, Cape Town 8001 Tel: (021) 411 0754 Fax: (021) 425 2708 E-Mail: admin@mwparchitects.co.za</p>			



Proximity of Proposed Development to Stellenbosch University



Provision 170 Block 151
Stellenbosch 7450
Four Square Unit 9
4 Church Street
Trafalgar Park
Stellenbosch 7450
Tel: 021-888 9842
Fax: 021-888 0398
e: info@icgroup.co.za

APPENDIX 11

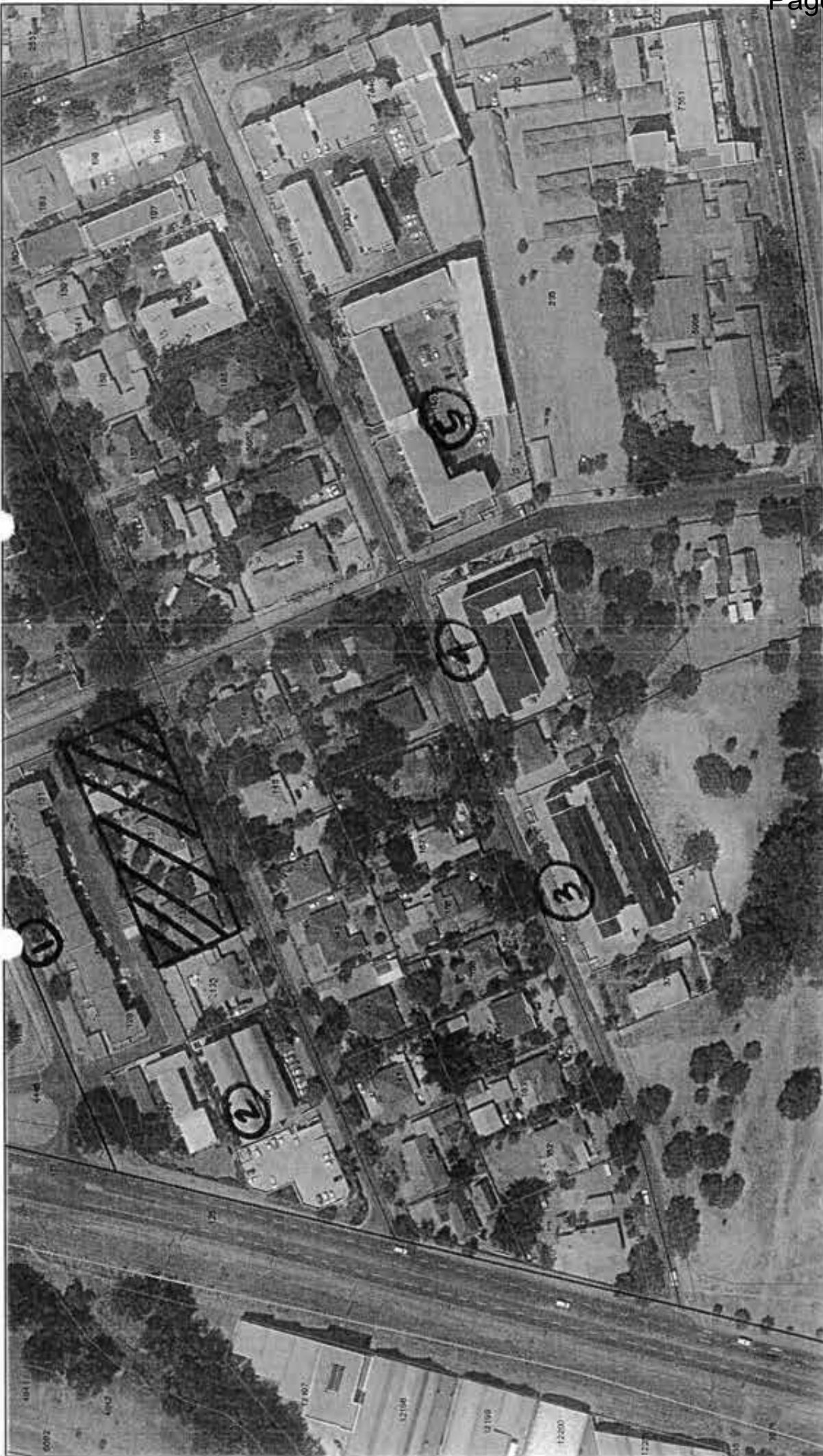
**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING
AND DEPARTURES ON ERVEN 132, 133 AND
134 (TO BE CONSOLIDATED),
STELLENBOSCH**

PHOTOS



→ SUBJECT PROPERTIES

Map



October 18, 2015

- Highway
- Main Roads
- Secondary Roads
- Streets
- Railways
- Rivers
- Dams
- Railway Stations
- Airfields
- Cadastral
- Ocean

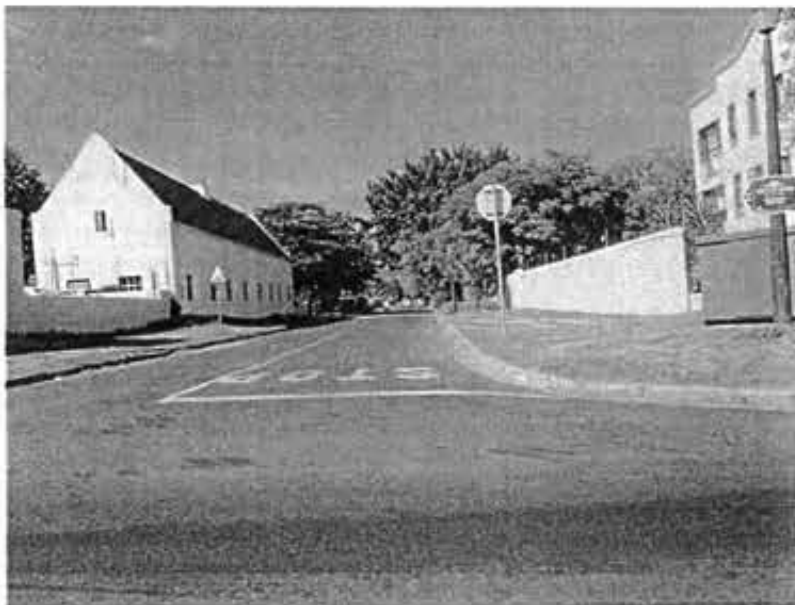
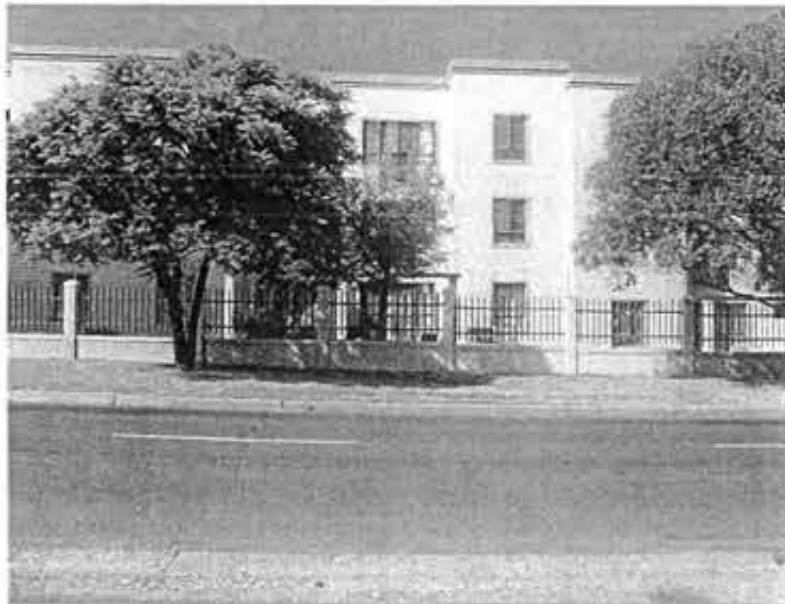
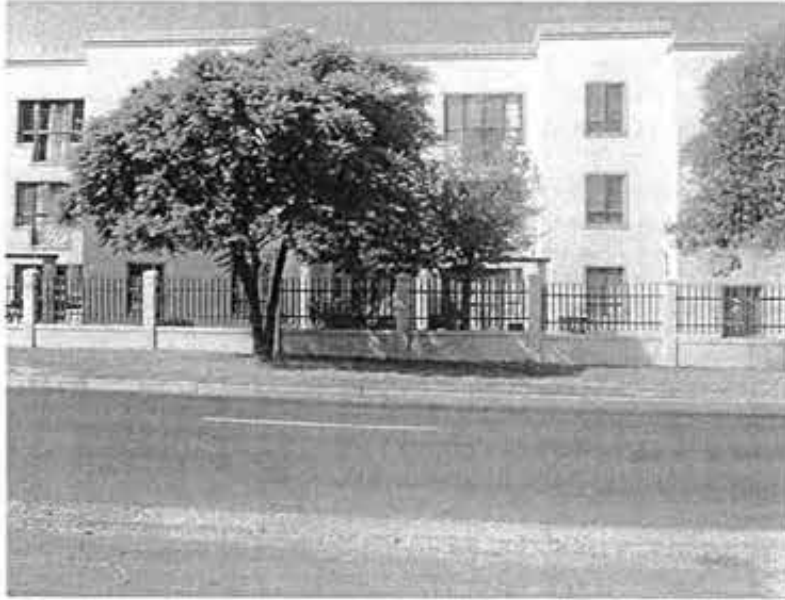
1:2 257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

MOLTENO PARK ①



KUMBAGO

②



NIKABO

③



THE ACORNS

④





APPENDIX 12

APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING AND
DEPARTURES ON ERVEN 132, 133 & 134 (TO BE
CONSOLIDATED), STELLENBOSCH

DEADP'S APPROVAL



DEVELOPMENT MANAGEMENT: REGION 2

rainer.chambeau@westerncape.gov.za
Tel: +27 21 483 2729 Fax: +27 21 483 3633
Private Bag X9086, Cape Town, 8000
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

REFERENCE: 15/3/1/4/B4/45/Erven 132, 133 and 134, Stellenbosch
ENQUIRIES: Rainer Chambeau

Tommy Brummer
Town Planners
7 Woodlands Close
Pinelands
7405

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967): ERVEN 132, 133 AND 134, STELLENBOSCH

1. Your letter dated 29 June 2015, refers.
2. The relevant conditions in Deeds of Transfer No. T. 37755 of 1989, T. 42943 of 1981 and T. 106417 of 2000 have been removed and amended by Provincial Notice No. 385 of 30 September 2016, a copy of which is enclosed for your information.
3. Your attention is drawn to transitional provisions contained in section 39(2) of the Regulations prescribed in terms of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) which stipulates that *"The applicant or holder of the title deed in respect of an application contemplated in subregulation (1) must apply to the Registrar of Deeds and Surveyor-General to make the appropriate entries in and endorsements on any relevant register, title deed, diagram or plan and submit to the Registrar of Deeds the title deed for the purpose of this subregulation."*
4. In accordance with the above provision, you are now required to submit the original title deeds, this decision letter, a copy of the Provincial Gazette Notice (attached hereto) and your contact details to the Registrar of Deeds for endorsement and scanning. These documents should be submitted by hand to the Human Resources Department on the 12th Floor of the New Revenue Building, 90 Plein Street, Cape Town for the attention of Mr. Francious Waneburg. Further clarification in this regard can be obtained from him on 021 464 7725 or Francious.Waneburg@drdlr.gov.za.
5. Please bear in mind that this endorsement should be undertaken expeditiously, failing which may result in the delay of future applications, building plans submissions or approvals and the transfer of property or portions thereof.
6. In view of the above, this Department's file is now closed.

[Signature]
HEAD OF DEPARTMENT
DATE: 10/10/16

APPENDIX 13

**APPLICATION FOR THE REMOVAL OF
RESTRICTIVE TITLE CONDITIONS, REZONING AND
DEPARTURES ON ERVEN 132, 133 & 134 (TO BE
CONSOLIDATED), STELLENBOSCH**

LEGAL COMMENT

t: +27 (0) 21 001 1170
f: +27 (0) 21 001 1170
1st Floor, F2 Block A, Stellenpark Business Park
R44 Jamestown, Stellenbosch
PO Box 1097, Stellenbosch, 7599
DX 15 Somerset West Stellenbosch
stephano@stbb.co.za | www.stbb.co.za

Stellenbosch Municipality

Your Ref:

Our Ref: WH014888/GB/AR

Date: 9 February 2017

Dear Sir / Madam,

RE : PROPOSED DEVELOPMENT OF ERVEN 132, 133 AND 134, STELLENBOSCH

We refer to the above mentioned instructions received by your offices and confirm that we have scrutinised the documents handed over to us and herewith provide our formal legal opinion.

LEGAL QUESTION

- [1] Must a public participation process be undertaken afresh if the existing application for a three storey block of flats (excluding the basement storey) on the above mentioned properties ("the property") is amended to provide for a four storeys instead of three?

SHORT SUMMARY

- [2] Application was made in term of *the Removal of Restrictions Act, 1967 (Act 84 of 1967)* with the aim of removing the restrictive title conditions applicable to Erven 132, 133 and 134, Stellenbosch to enable the owners to consolidate the erven in order to erect a four (4) story block of flats for residential purposes.
- [3] Application was made in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Erven 132,133 & 134 (to be consolidated),

Attorneys Notaries & Conveyancers

Directors: Jonathan Steytler (Managing) | Stoffel Ackermann | Martin Bee | Jacques Bignaut | Maryna Botha | Darren Brander | Luthfeya Cassim | Tim Chase | Melanie Coetzee | Thabizile Dlamini | Refqah Fataar Ho-Yee | Henrie Ferreira | Niel Grundlingh | Bev l'Ors-Raeburn | Van Wyk Jooste | Gerhard Kotze | Belinda Lewis | Robert Matlhare | Corlene Mostert | Hannie Mouton | Martine Newman | James Phillipson | Chris Riego de Dios | Martin Sheard | Roshana Solomon | Nicole Stevens | Philip Steyn | Lauren Sullivan | Marlice Swart | Dumisani Tabata | June Theron | Annetjie van Rooyen | Shereen Volk | Allan White
Senior Associates: D Du Plessis | H Dyssel | J Foxcroft | A Taangaraki | A Van Vuuren | C Wansbury | A Wiese
Associates: G Barends | T Boshoff | S Sutler | L Daniels | C Dippenaar | D Els | C Goosen | J Grayling | J Hamers | S Harvey | M Hennig | S Hougaard | L Howell | L Mace | N Mentoor | B Mostert | N Munsamy | G Pongietier | K Richards | C Robbarts | L Thorpe | L Van Zyl | L Verbeek | M Williams
Executive Consultants: Peter Annot | Kevin Daniel | Harry Friedland | Lizelle Kilbourn | Graham Liebenberg | Andy McPherson | Kristo Scholtz | Pieter Smith | Andre Swart | Colin Traub | Richard Volks
Financial Manager: Cullen Penny

Cape Town: 021 406 9100 | Bedfordview: 011 458 0577 | Bloubaai: 021 521 4000 | Century City: 021 001 1544 | Claremont: 021 673 4700 | Fish Hoek: 021 734 1380 | Fourways: 011 001 2692 | Illovo: 011 219 6200 | Somerset Mall: 021 850 6400 | Stellenbosch: 021 001 1170 | Tyger Valley: 021 943 8900

Registration No: 1992/003318/21
VAT Reg No: 4870133877

Stellenbosch from Single Residential to General Residential for the construction of a block of flats (consisting of ground floor parking and three storeys above).

- [4] Application is made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for a departure to:
- i) relax the street building line (Hofman Street) from 7,6m to 6,0m;
 - ii) relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from 4,6m to 4,2m;
 - iii) relax the common building line (adjacent to Erf 135, Stellenbosch) from 4,6m to 3,7m;
 - iv) exceed the permissible coverage of 15% to 45%;
 - v) exceed the floor factor from 0.75 to 1.12; and to
 - vi) provide 10% of garden space in lieu of the 25% required.

WHAT THE CURRENT APPLICATION ENTAILS

- [5] The current application entails the consolidation of the properties, the rezoning thereof from single residential to general residential and the erection of a block of flats of three storeys and basement storey, together with various applications for departures.
- [6] It is important to take note that the current application is made in terms of the *Land Use Planning Ordinance* No. 15 of 1985 (hereafter LUPO) and that the provisions of *the Land Use Planning Act* No 3 of 2014 (hereafter LUPA) and the *Stellenbosch Municipality; Land Use Planning By-Law* do not find application in the instant matter. This is evident when regard is had to section 78(2) of the LUPA.¹

RELEVANT PROVISIONS OF APPLICABLE LEGISLATION

- [7] *Land Use Planning Ordinance No 15 of 1985*

The first relevant provision of the LUPO that one needs to take into consideration in the application for departure in terms of section 15(2)(a) which reads that:

"15. Application for departure.

(2) The said town clerk or secretary shall –

(a) cause the said application to be advertised if in his opinion any person may be adversely affected thereby;"

1. Section 78(2) of the LUPA provides that *"any action taken or application made before the commencement of this Act, being the 01st of December 2015, in terms of a law repealed by this Act and that has not been finalised immediately before the commencement of this Act must be finalised as if this Act is not in force."*

In the event of departure applications, the Municipality has to exercise a discretion pertaining to whether any person may be adversely affected.

The second relevant provision of the LUPO that needs to be taken into consideration is that of section 17(2) which requires that:

"17. *Application for rezoning.*

(2) *The said town clerk or secretary shall –*

(a) *cause such application to be advertised;*

(b) *where objections against the said application are received, submit them to the said owner for his comment;*

(c) *obtain the relevant comment of any person who in his opinion has an interest in the application;*

The word "shall" in Section 17(2) of LUPO places a clear obligation on the Municipality (town clerk / secretary) and accordingly Section 17(2)(a) must be complied with in that all rezoning applications must be advertised and the Municipality does not have any discretionary powers in this regard.

Section 17(2)(c) further requires that the relevant commentary of any person who may have an interest in the land development application must be obtained before a final decision is made. Again the Municipality is bound by the wording of Section 17(2) of LUPO.

From the above mentioned section of LUPO it is evident that there is a strict framework in place pertaining to the required public participation in the event of rezoning and departure applications. Consequently, should the Municipality act outside the scope of this framework, its conduct would constitute solid grounds for review / appeal or even an application for an interdict by members of the public.

PROPOSED AMENDMENT TO THE APPLICATION

[8] The proposed amendment to the current application (the "proposed amendment") entails that an additional storey be added. The block of flats will accordingly consist of a ground floor parking with four storeys above.

[9] The proposed additional fourth storey will *inter alia* have the following effects :

9.1 A deviation from the height restrictions contained in the *Stellenbosch Municipality Zoning Scheme Regulation, 1996* (hereafter the Zoning Scheme). Will be discussed below.

- 9.2 A deviation from the floor factor restriction as contained in the Zoning Scheme. Will be discussed below.
- 9.3 The number of occupants in the block of flats would be significantly more.
- 9.4 The possible impact of traffic would be uncertain.
- 9.5 The requirement pertaining to parking. Will be discussed below.
- [10] The above mentioned are all uncertain as they were not evaluated as part of the initial application process.
- [11] It should be borne in mind that all the following factors were undertaken or conducted with specific reference to a three storey building and not a four storey building.
- 11.1 All objections that were lodged;
- 11.2 The evaluation of the proposed height;
- 11.3 Comments received from the various departments of the Municipality;
- 11.4 The Traffic Impact Statement dated 4 September 2015 undertaken by ICE Group (Pty) Ltd.
- [12] It is consequently unclear to what extent the rights of interested and effected parties, including parties whom may have an interest in the proposed amendment (as envisaged in Section 17) will be effected should a fourth storey be added.

THE RELEVANT PROVISIONS OF THE STELLENBOSCH MUNICIPALITY ZONING SCHEME REGULATIONS, 1996

- [13] The current application entails *inter alia* an application in terms of Section 17 of the LUPO for the rezoning of the properties from single residential to general residential. The Zoning Scheme defines "general residential", which is the applicable in this application, as follows:

"general residential building (algemene woongebou) means a building which consists of a number of dwelling units or rooms which can be let separately and includes a block of flats, an accommodation establishment and a home for aged persons, but does not include any hostel, hotel institution and dwelling house."

- [14] The proposed amendment will *inter alia* entail an amendment to the departure application in terms of section 15 of the LUPO. Specifically the applications for departure, with reference to the heights, floor factor and parking.

- [15] Sub-regulation 10(4)(3)(e)(i) of the *Zoning Scheme* contains the height restrictions pertaining to general residential zoning and reads that:

“(e)(i) The restrictions vary according to erf size viz,

1 000 – 1 499 m² : 2 storeys

1 500 – 1 999 m² : 3 storeys; and

2 000 m² and greater : 3 storeys, but the Council may permit higher building if in its opinion this would not be detrimental to the environment. [emphasis added]

- [16] According to the information provided by the municipality, the three erven², once consolidated, will comprise 2 773 m². It is thus clear that the provisions in the Zoning Scheme pertaining to erf size of 2 000m² and greater are applicable.

- [17] Sub-regulation 10(4)(3)(e)(i) authorize the Municipal Council to permit higher buildings (more than three storeys as in the instant matter) if in its opinion it would not be detrimental to the environment. This is a discretion which is granted to the Municipal Council and although the Council may approve higher buildings, a formal application for departure in terms of section 15 of the LUPO is, fortunately, not required. Sufficient information, however, should be available to the Council to determine whether an additional storey would in fact be detrimental to the environment. In this instant matter, such information would be absent in light of the fact that a fourth storey was not evaluated during the application process to date.

- [18] The Zoning Scheme further contains the following definition of “*floor factor*”:

“floor factor” (vloerfaktor) means the factor (expressed as a point of 1) which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on an erf; it is the maximum floor space as proportion of the net erf area.”

- [19] The Zoning Scheme deals with permissible floor factor at sub-regulations 10(4)(3)(f)(i), the relevant provisions of which reads as follows:

“(f)(i) The restrictions vary accordingly to the size of the erf, viz-

1 000 – 1 499 m² : 0,4

1 500 – 1 749 m² : 0,5

1 750 – 1 999 m² : 0,6

2 000 m² and over : 0,75

2. Erf 132 – 917m², Erf 133 – 928m² and Erf - 134m² which has a total of 2 773m².

But if an erf is smaller by not more than 1% of 1 500 m², 1 750 m² or 2 000m², the Council may approve the factor permissible for an erf measuring 1 500 m², 1 750 m² or 2 000 m², as the case may be.

- [20] As is the case with regards to height restrictions, in terms of the provisions of the *Zoning Scheme* quoted above pertaining to erf sizes of 2 000m² and greater are applicable. The proposed amendment will entail an amendment of the current application for departure relating to floor factor. Currently application is made for a departure in terms of Section 15 of the LUPO to exceed the floor factor from 0.75 to 1.12. The applied for floor factor would have to be increased.
- [21] Reference must also be made to sub-regulation (10)(4)(3)(h)(i) which relates to restrictions and requirements pertaining *inter alia* to parking. Its relevant provisions read that:

"(h) Requirements pertaining to parking, garden and recreational space:

- (i) Parking shall be provided on the premises for the exclusive use of the residents concerned and their visitors to the satisfaction of the Council in the following ratios:*

- Block of flats: 1,25 parking bays for every dwelling unit with a floor area greater than 30 m²;

OR

1 parking bay for every dwelling unit with a floor area of not more than 30 m²;

PLUS

0,25 parking bay for every dwelling unit for visitors."

- [22] An increase in the number of flats would result in a higher number of parking pays being required, which would require an amendment to the current application.
- [23] In light of the above provisions of the LUPO pertaining to applications for departure and rezoning, as well as the provisions referred to contained in the *Zoning Scheme*, the addition of a fourth storey would constitutes substantial amendment to the current application.

PROVISIONS OF THE PROMOTIONS OF ADMINISTRATIVE JUSTICE ACT NO. 3 OF 2000 (PAJA)

- [24] It is also imperative to take note of the following provisions in the above mentioned Act which is applicable in the instant matter:

"3. Procedurally fair administrative action affecting any person-

- (1) Administrative action which materially and adversely affect the rights or legitimate*

Expectations of any person must be procedurally fair.

(2) *In order to give effect to the right to procedurally fair administrative action, an administrator, subject to subsection (4), must give a person referred to in subsection (1) –*

- (i) *adequate notice of the nature and purpose of the proposed administrative action;*
- (ii) *a reasonable opportunity to make representations;*
- (iii) *a clear statement of the administrative action;*
- (iv) *adequate notice of any right of review or internal appeal, where applicable; and*
- (v) *adequate notice of the right to request reasons in terms of section 5."*

[25] As the proposed amendment may adversely affect the rights of *inter alia* neighboring land owners, should a public participation not be undertaken, it could be argued that the administrative action which constitutes the approval of the application falls short of being procedurally fair in terms of Section 3(2)(b)(ii) of their right to reasonable opportunity to make representation pertaining to the proposed fourth floor.

PROVISIONS OF THE MUNICIPAL COUNCIL'S ADVERTISING AND PUBLIC PARTICIPATION POLICY

[26] It must be emphasized that the public participation to date only related to the application in its current form.

[27] In its report, the Municipality states with regards to public participation that advertising was done in terms of Council's Advertising and Public Participation Policy (hereafter the APPP). At Section 2 of the APPP, the primary purpose for advertising of land development applications is set out as follows:

"The primary purpose for advertising land development applications is to provide members of the general public, land owners, tenants and community organizations who have an interest in a development application or whose rights or interests may be affected, with an opportunity to provide comment on the development applications before the competent authority takes a decision on the development proposal." [emphasis added]

[28] When taking into consideration of the above extract from the APPP, as well as the remainder of such policy document, it is clear that it is in line with the comments made above relating to public participation in the context of the LUPO, Zoning Scheme and PAJA. It is also noteworthy that the APPP refers to all of the above legislation and incorporates it in the Municipality's policy.

THE AMBIT AND NATURE OF SECTION 42 OF THE LUPO

- [29] A suggestion has been made that to circumvent another full public participation process, the current application be approved and that the Municipality then imposes a condition permitting a fourth storey, as a condition to the acceptance of the application in terms of Section 42 of LUPO.
- [30] Once the properties have been consolidated and zoned as general residential, in terms of the Zoning Scheme, the primary land use permitted is that of a general residential building and an existing dwelling house.³
- [31] Conditions imposed in terms of Section 42 of the LUPO are ancillary to- and dependent upon the main decision(s) (rezoning in terms of Section 17 and departures in terms of Section 15 of the LUPO in this instant matter). Conditions imposed in terms of Section 42 do not have any existence independent of the main decision(s), in other words, the decision regarding rezoning and departure.
- [32] It would be problematic to purport to expand or amend the scope of the main decision(s) imposed in terms of Section 15 or 17. The conditions imposed in terms of Section 42 are conditions which owe their very existence exclusively to the main decision(s) and are conditions to ancillary to it. It is not open for an applicant to apply in terms of Section 42 for conditions which will have the effect of amending and expanding or changing the scope of the main decision(s).
- [33] It is consequently submitted that the Municipality is not authorized to approve a three storey building and to include a right of expansion to a four storey building in terms of Section 42 of the LUPO.

APPLICABLE CASE LAW

- [34] It is further imperative that consideration is given to applicable case law on the matter. In the reported case of the *Premier of the Province of the Western Cape v Fair Cape Property Developers (Pty) Ltd [2003] 2 All SA 465 (SCA)* certain important recommendations, as already dealt with above relating to public participation, was confirmed. The relevant paragraphs of the case will accordingly be highlighted.
- [35] The Respondent purchased a property from Diekmann. At the time of the purchase an application for removal of restrictions on the title deed of the property was underway and was the matter that had been considered by the relevant local authority. Up until the time that the Respondent

3. See sub-regulation 10.4.1 of the Zoning Scheme.

purchased the property, the application had been advertised and considered on the basis of the proposed construction of a two-storey townhouses. The Respondent, however, intended to construct a five storey block of flats on the property. The application that was considered by the local authority and the residents of the area was that of two-storey townhouses, which application was accordingly approved. A notice was also published in the Provincial Gazette and in two newspapers, which stated that the purpose of the removal of the restrictions was for "the erection of townhouses".

- [29] It was accordingly argued that to permit the erection of a five-storey block of flats, was entirely different from the purpose of the application that had initially been made, advertised, objected to and then approved by the local authority; [para 14].
- [30] Once it became apparent that the building was going to be a block of flats, rather than double storey townhouses, a number of residents in the area objected, but the local and provincial authorities refused to intervene or to stop construction of the block of flats. However, several individuals brought two applications in the Cape High Court simultaneously, the second of which for urgent interim relief by way of a temporary interdict restraining further work on the construction of the block of flats. An order that, pending the outcome of the review proceedings, the Respondent be restrained from proceeding with the construction of the block of flats, was accordingly granted by Judge Conradie; [para 16].
- [31] As the rights or interests of other property owners or residents in the area could adversely be affected by such an application, proper notice to interested persons was essential; [para 19].
- [32] The above case differs somewhat from the matter at hand in that should the proposed amendment be successful, only an additional storey will be added and will there be an departure of the floor factor and parking. The proposed amendment will not, however, diverge the proposed development in its entirety. What the above extracts from the case emphasize, is the importance of public participation together with the legal remedies to the public's disposal.

CONCLUSION / LEGAL OPINION

- [33] It is clear that the proposed additional fourth storey constitutes a substantial deviation from the original application.
- [34] In the current circumstances, it is unclear to what extent the rights of interested and effected parties, neighbors and the community as a whole would be affected by the amendment to the current application. The departure in height might be the aspect that will receive the most objections as this will further infringe on the privacy of the single residential owners in the vicinity.

- [36] What is clear, however, is the legislative framework pertaining to public participation, together with the APP which clearly provides for public participation in certain circumstances as outlined above. Due to the lack of further information pertaining to the proposed amendment of the current application, it would be prudent to undertake a full public participation process to ensure compliance with said legislative framework.
- [37] In conclusion and in the light of all the above commentary and remarks, it would be sensible that all parties should be afforded the legal entitled opportunity to evaluate the proposed amendment and to make representation in relation hereto, so as to comply with the provisions of the PAJA. Should the Municipality not follow the public participation process, it will leave itself exposed to the possibility of administrative review in terms of the PAJA.

Yours faithfully,

STBB | SMITH TABATA BUCHANAN BOYES

ANNEXURE 3

**APPEAL (IN TERMS OF COUNCIL'S INTERNAL
APPEAL PROCESS) AGAINST COUNCIL'S
DECISION TO APPROVE AN APPLICATION
FOR REZONING AND DEPARTURES ON
ERVEN 132, 133 AND 134 (TO BE
CONSOLIDATED)**

NOTIFICATION OF COUNCIL'S DECISION

Enquiries	L Olyn / S Newman
Our ref	Erf 132, Stellenbosch
Application No	LU/4183
Date	2017-06-23
Telephone	021-808 8672 / 8659
Fax	021-886 6899

REGISTERED MAIL

P. 27. 7. 2017

Sir/Madam

APPLICATION FOR REZONING AND DEPARTURES ON ERF 132, STELLENBOSCH

Your comments/objections in the above regard, refers.

The Economic Development and Planning Services Committee at a recent meeting held on 6 June 2017 resolved as follows:

- (a) That the application for rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats, be approved in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached **APPENDIX 1**; and
- (b) That the application for departures as indicated on drawing nr SK100-101-102-103-104-105-106-200-201-300-301-302-303 (Rev No. 9), drawn by MWP Architects, dated 22 June 2015 (Appendix 3), be approved in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached **APPENDIX 1** to:
 - (i) relax the street building line (Paul Kruger) from 7,6m to 5,6m;
 - (ii) relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from 4,6m to 4,2m;
 - (iii) relax the common building line (adjacent to Erf135, Stellenbosch) from 4,6m to 3,7m;
 - (iv) exceed the permissible coverage of 25% to 45%;
 - (v) exceed the floor factor from 0.75 to 1.12; and to
 - (vi) provide 19% of garden space in lieu of the 25% required

Kindly be advised that you may now appeal against the above-mentioned decision in terms of the internal appeal process as approved by Council at its meeting held on 29 October 2014. In terms of the aforesaid Council decision, an objector aggrieved by a decision of Council in respect of an application in terms of the Ordinance, Zoning Scheme Regulations or applicable By-Law, may appeal against such decision to the Municipal Manager, by giving written notice of such appeal.

A detailed motivated appeal with reasons therefore (and not only the intention to appeal), as well as payment of the appeal fee to the amount of R1500,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, PO Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, or faxed to fax number 021 886 6899 within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority. **Kindly be advised that no appeal will be accepted via email.**

Please note, an appellant is not permitted to canvass the Municipal Manager or members of Council before or after the matter is heard.

Kindly ensure any appeal clearly indicates that it is made in terms of the internal appeal process as approved by Council at its meeting held on 29 October 2014, the erf number of the subject property concerned, the reasons for such appeal, as well as your contact telephone number, address and erf number. Also note, Council's previous decision remains suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalized and all parties have been advised accordingly.

Yours faithfully



for DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

REGISTERED MAIL: ERF 132 STELLENBOSCH

A B Hamman
7 Zwaanswyk
Karindal
STELLENBOSCH
7600

Neelsie Properties
Office G02
Neelsie Centre
STELLENBOSCH
7600

Stellenbosch Ratepayers Association
P.O Box 339
STELLENBOSCH
7599

De Oude Schuur Body Corporate
P.O Box 1657
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6849

Stellenbosch Interest Group
P.O Box 2217
DENNESIG
7601

Jennifer Frost
P.O Box 7197
STELLENBOSCH
7599

Cllr: Johannie Serdyn
09 Kwikstert Avenue
STELLENBOSCH
7600

REGISTERED MAIL: ERF 132 STELLENBOSCH

A B Hamman
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STELLENBOSCH
7600

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
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Neelsie Properties
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Neelsie Centre
STELLENBOSCH
7600

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Stellenbosch Ratepayers Association
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REGISTERED LETTER
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RC236003401ZA
CUSTOMER COPY 301028R

Cllr: Johannie Serdyn
09 Kwikstert Avenue
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(with a domestic insurance option)
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ANNEXURE 4

**APPEAL (IN TERMS OF COUNCIL'S INTERNAL
APPEAL PROCESS) AGAINST COUNCIL'S
DECISION TO APPROVE AN APPLICATION
FOR REZONING AND DEPARTURES ON
ERVEN 132, 133 AND 134 (TO BE
CONSOLIDATED)**

APPEAL RECEIVED

U verw: Erf 132 Stellenbosch
Aansoek nr: LU/4183
Erf nrs: 132, 133, 134 Stellenbosch

Van:
 AB Hamman
 Zwaanswykstraat 7
 Karindal
 Stellenbosch
 7600

E 132 SB

525263

Kontak nr: 084 739 6411

11 Julie 2017

Aan:
 Munisipale Bestuurder
 Stellenbosch Munisipaliteit
 Posbus 17
 Stellenbosch
 7599



Geagte Munisipale Bestuurder

AANSOEK VIR HERSONERING EN AFWYKINGS, ERF 132, STELLENBOSCH

Die registreerde brief, datum 23 Junie 2017, ontvang vanaf die Direkteur: Ekonomiese Ontwikkeling en Beplanning, verwys.

Hiermee teken ek appèl aan teen die aansoek vir hersonering en afwykings, erf 132, Stellenbosch. Hierdie appèl word aangeteken ingevolge die interne appèl prosedure soos goedgekeur deur die Raad by 'n Raadsvergadering gehou op 29 Oktober 2014.

Ek is die eienaar van erf 146 geleë te Hofmanstraat 9, Stellenbosch. My erf is geleë aan die suidekant van die beoogde ontwikkeling en wel op die hoek van Hofman- en Paul Krugerstrate. Ek teken hiermee appèl aan teen die voorgestelde hersonering en ontwikkeling ten einde 'n blok woonstelle op te rig.

Erwe 132, 133 en 134 vorm tans deel van 'n enkel residensiële woonarea, nl. Dennesig. Dit is 'n ou gevestigde woonarea en word tans bewoon deur mense van alle ouderdomsgroepe waarvan heelparty gesinne is. Indien so 'n ontwikkeling sou voortgaan, sal dit die lewensgehalte en verblyf van die inwoners van oorblywende enkel residensiële eiendomme in Paul Krugerstraat en Hofmanstraat negatief beïnvloed. Só 'n ontwikkeling regoor en langsaan 'n woonhuis skend inwoners se privaatheid ernstig. Inwoners van die boonste verdiepings van 'n beoogde ontwikkeling kyk met die grootste gemak tot binne in vertrekke en agterplase/tuine van woonhuise langsaan en oorkant die straat. Wat hierdie aspek verder vererger is die feit dat beoog word om straat-, sy- en agterboulyne op die ontwikkelde area te oorskry. Hierdie aspek is na my mening 'n oortreding van 'n individu se grondwetlike reg op privaatheid op sy eiendom.

Die woonhuise wat tans op erwe 132, 133 en 134 staan is almal karaktervolle ou wonings uit die jare 1940 tot 1950. Soortgelyke karaktervolle eiendomme word in Stellenbosch slegs in die

AB Hamman

Mostertsdrift-woonarea aangetref, en dan teen baie hoër eiendomspryse. Na my mening behoort sulke huise juis verder opgeknop en bewaar te word as 'n sieraad vir ons argitektoniese erfenis. Hierdie stelling is in pas met munisipale en stadsraad beleide van ander dorpe en stede, waar ou woonareas toenemend restoureer en bewaar word en uiteindelik baie gewilde woonareas word.

Verder beoog die ontwikkelaar 'n toegangsroete na sy ontwikkeling, nl 'n in-en-uitgang na parkeerplekke wat direk uitmond in Paul Krugerstaat, en wel op erf 134. Dit is na my mening skreiend dat 'n pragtige boomryke, rustige, enkel residensiële straat so verkrag kan word. Ek maak ten sterkste beswaar teen so 'n toegangsroete, wat definitief 'n toenemende verkeerslading met gepaardgaande geraas, uitlaatgasbesoedeling en onveiligheid vir kinders en ander voetgangers inhou.

Dit is wel so dat woonstel- en dorpshuisontwikkelings bestaan in Moltenostrat, maar ek keer die oorspoel van sulke ontwikkelings na 'n karaktervolle, rustige, enkel residensiële area ten sterkste af. Die woonhuiseienaars van die Dennesig area spandeer, soos in ander woonareas, jaarliks etlike bedrae geld om hul woonhuise en tuine op te knop en te verbeter. 'n Ontwikkeling soos beoog gaan herverkoopwaarde van eiendomme in die area negatief beïnvloed. 'n Hoë digtheid ontwikkeling met sy toenemende motorverkeer, algemene geraasvlakke wat verhoog en benadeling van omliggende woonhuise se privaatheid sal daartoe lei dat Dennesig woonarea sy residensiële karakter verloor, aangesien omliggende huiseienaars stelselmatig deur hierdie onaangename omstandighede gedwing sal word om te verhuis.

Baie dankie vir die geleentheid om my saak te stel.

Die uwe



AB Hamman



Ons Lêerverwysing: ERF 132 , STELLENBOSCH
 U Lêerverwysing:
 Datum: 2017-07-12

**BEPLANNING & EKONOMIESE
 ONTWIKKELING**
 KLIENTEDIENS & ADMINISTRASIE

A B HAMMAN
 ZWAANSWYKSTRAAT 7
 KARINDAL
 STELLENBOSCH
 7600

Geagte Meneer/Dame

ERF 132 , STELLENBOSCH : AANSOEK VIR HERSONERING EN AFWYKINGS.

Ek erken ontvangs van u skrywe gedateer 2017-07-11.

Ek neem kennis van die inhoud van u skrywe en bevestig dat die saak aandag geniet. 'n Verdere skrywe, indien nodig, sal ter geleger tyd aan u gerig word.

Vir toekomstige navrae in hierdie verband word u aanbeveel om die onderstaande verwysingsnommer te meld. Die verwysingsnommer toegeken aan u korrespondensie is : 525263

Die uwe

DIREKTEUR BEPLANNING & EKONOMIESE ONTWIKKELING

APPENDIX 5

**APPEAL (IN TERMS OF COUNCIL'S INTERNAL
APPEAL PROCESS) AGAINST COUNCIL'S
DECISION TO APPROVE AN APPLICATION
FOR REZONING AND DEPARTURES ON
ERVEN 132, 133 AND 134 (TO BE
CONSOLIDATED)**

COMMENT ON APPEAL

Date: 18 August 2017
 Our Ref: 9785
 Your ref: Erf 132 (App Nr. LU/4183)
 For Attention: L Ollyn / S Newman



The Director: Planning & Economic Development
 Stellenbosch Municipality
 PO Box 17
 STELLENBOSCH
 7599

Dear Sir

ERVEN 132, 133 AND 134, STELLENBOSCH : RESPONSE TO APPEAL

We refer to your letter received on 16 August 2017 via email. We wish to respond as follows to the appeal as submitted by Mr A B Hamman against the approval of the application.

We note that the appeal motivation is a copy of the objection which Mr Hamman submitted on 12 September 2015, as part of the public participation process during advertising of the application. No new or substantially different issues were added.

Mr Hamman's issues relating to traffic, the character of the area and privacy have accordingly already been addressed. However, we repeat our responses in Annexure A to this letter.

Significantly since 2015, the Stellenbosch Municipality Spatial Development Framework (SDF) was approved in May 2017. This document contains amongst other clear directives to support infill development and densification of the existing urban areas, development of brownfields sites and the provision of a range of accommodation options within the existing residential areas.

The proposal to re-develop Erven 132, 133 and 134 is an outstanding example of how these goals can be met within Stellenbosch. Both the concept, scale and the location of the proposal is compliant with the SDF goals and must therefore be approved if the Municipality is serious about the conservation of the overall town character, the provision of well-located accommodation and the densification of the current urban area.

We trust that the above responses will assist the Council in considering the merits of the appeal.

Yours faithfully

Quintus Thom

pp TOMMY BRÜMMER TOWN PLANNERS

Annexure A: Responses to Character and Traffic Issues in original response to objections letter

Height and Character

The two images below shows some existing apartment developments in the area. Two facts are clear from these images; firstly that the surrounding area is no longer solely a single residential area and secondly that a height of 4 storeys is not at all out of context in the area. The objections that alleged that the development proposal is out of context cannot be substantiated, both on the matter of height and character of the area.



Traffic and Parking

We wish to point out that the development does not require a parking departure and the correct number of bays as required by the scheme has been provided. In addition, a Transport Impact Assessment has been prepared and was submitted as part of the application. The TIA concluded that the development of 56 apartments could be supported from a traffic point of view. The Scheme 8 proposal with only 50 apartments is even more acceptable from a traffic point of view.

Overlooking and loss of Privacy

We note that the zoning scheme allows double storey buildings at 2,5m from the side building lines in the single residential zone. The current proposal is for a four storey building at 3,7m and 4,2m from the common boundaries. We submit that a double storey house at 2,5m also has significant overlooking and loss of privacy.

The issues of overlooking and loss of privacy is accordingly not as a result of the development proposal but could also occur as a result of normal development of a single residential house. We refer back to the two images above and note that there will in actual fact be very little loss of privacy and overlooking due to the positioning of the abutting buildings and their entertainment and living areas. Most of these face away from the development proposal.

APPENDIX 6

**APPEAL (IN TERMS OF COUNCIL'S INTERNAL
APPEAL PROCESS) AGAINST COUNCIL'S
DECISION TO APPROVE AN APPLICATION
FOR REZONING AND DEPARTURES ON
ERVEN 132, 133 AND 134 (TO BE
CONSOLIDATED)**

REBATE ON APPEAL TARIFF

Daniel Meyer

From: Sonita Matthee on behalf of Dupre Lombaard
Sent: 24 July 2017 07:35 PM
To: Hannelie Lategan
Cc: Hedre Dednam; Lenacia Kamineth; Daniel Meyer; Marius Wust
Subject: RE: Emailing - Skrywe vanaf mnr Hamman Erf 132 Stellenbosch.pdf
Attachments: Skrywe vanaf mnr Hamman Erf 132 Stellenbosch.pdf

Beste Hannelie

Sal jy asseblief aan Mnr Hamman bevestig dat sy brief 'n ware en korrekte rekord van die vergadering is. Ek sal sorg dat ons appélverslag ook motiveer vir die laer tarief (2016/17) soos in ons skrywe uiteengesit.



Groete
Dupré Lombaard
 Director: Planning and Economic
 Development / Direkteur: Beplanning
 en Ekonomiese Ontwikkeling

T: +27 21 808 8676 | C: +27 82 895 6362
 3rd Floor, Eikestad Mall, Andringa Street,
 Stellenbosch, 7600
www.stellenbosch.gov.za



E 132 SB

527655

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

From: Hannelie Lategan
Sent: 24 July 2017 12:00 PM
To: Sonita Matthee
Subject: Emailing - Skrywe vanaf mnr Hamman Erf 132 Stellenbosch.pdf
Importance: High

Middag Sonita,

Kan jy hierdie dringend opvolg asb.

Dupré en Hedré het hier met hom vergadering en Dupré het hom versoek om aís wat hul bespreek het op skryf te sit en hy sou terugvoer voorsien wat mnr Hamman kan aanheg aan sy appél.



Kind regards,
Hannelie Lategan
 Personal Assistant: Municipal Manager
 Office of the Municipal Manager

U verw: Erf 132 Stellenbosch
Aansoek nr: LU/4183
Erf nrs: 132,133,134 Stellenbosch

Van:
AB Hamman
Zwaanswykstraat 7
Karindal
Stellenbosch
7600

Kontak nr: 084 739 6411

Epos: elaine@moederkerk.co.za

13 Julie 2017

Aan:
Direkteur: Beplanning en Ekonomiese Ontwikkeling
Stellenbosch Munisipaliteit
Posbus 17
Stellenbosch
7599

Geagte mnr Lombaard

AANSOEK VIR HERSONERING EN AFWYKINGS, ERF 132, STELLENBOSCH

Die vergadering gehou met u en me. H. Dednam, te kantoor van die Munisipale Bestuurder, op 11 Julie 2017, verwys.

Die brief ontvang vanaf u department, dateer 23 Junie 2017, verwys ook. Ter volledigheid heg ek 'n afskrif daarvan aan.

By die vergadering het u as volg besluit:

- Die inligting in die brief aangaande die appèlfooi is foutief
- Die brief moes as volg stipuleer het:
Indien die appèlfooi teen 30 Junie 2017 betaal word, is die bedrag R1500;
Indien die appèlfooi na 30 Junie 2017 betaal word, is die bedrag R2500(as gevolg van die jaarlikse verhoging in fooie op 1 Julie 2017)
- Dat dit in orde is as ek 'n appèlfooi van R1500 betaal by die indien van my appèl
- Dat die verminderde fooi van R1500 (ou tarief) soos deur u toegestaan, **geensins my appèl sal benadeel of ongeldig maak nie**
- U neem verantwoordelikheid om die korting van R1000, soos deur u toegestaan (verskil tussen ou en nuwe tarief), verder aan die Tesourier en die Raad te verduidelik.

Ek versoek hiermee dat u ontvangs van hierdie skrywe erken en dat u die inligting, soos uiteengesit, sal bevestig.

U kan per epos antwoord of u kan 'n skrywe aan my laat by me. H. Lategan (kantoor van Munisipale Bestuurder) waar ek dit sal afhaal.

Dankie vir u aandag hieraan.

Die uwe



A.B. Hamman



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Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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