



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8542

Our File Reference Number: Erf 2247, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [jesse@concile.co.za](mailto:jesse@concile.co.za)

Sir / Madam

## **APPLICATION FOR PERMANENT DEPARTURE: ERF 2247, STELLENBOSCH**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the proposed development on Erf 2247, Stellenbosch, namely:
    - 2.1.1 A **permanent departure**, in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law (2015), pertaining to the provisions of Section 10.2.3(c) of the Stellenbosch Zoning Scheme Regulations (1996), for a departure to exceed the permissible bulk factor from 0,7 to 0,88 in order to accommodate the proposed additions to the existing building. (Plan No 2247-10-2020, Pg 1 to 4, attached as **Annexure 4**)
    - 2.1.2 A **permanent departure**, in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law (2015), pertaining to the provisions of Section 10.2.3(c) of the Stellenbosch Zoning Scheme Regulations (1996), for a departure to exceed the permissible height to develop a 4 storey building in lieu of a 3 storey building in order to accommodate the proposed additions to the existing building.(As indicated on Plan No 2247-10-2020, Pg 1 to 4, attached as **Annexure 4**)

**BE APPROVED** in terms of Section 60 of the said Bylaw subject to conditions of approval in terms of Section 66 of the said Bylaw:

3. Conditions of Approval.

3.1 The approval only applies to the proposal in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.2 The development be undertaken in accordance with Plan No 2247-10-2020, Pg 1 to 4, attached as **Annexure 4**;

3.3 The fourth floor is to be roofed with a flat roof structure to match the existing buildings profile and this is to be reflected on the building plans that are to be submitted for approval;

3.4 A land surveyor is to be appointed to ensure and certify that the total height of the building is limited to 14.5m and the height restriction is to be measured from the ground floor level of the existing building to the top of the parapet wall of the 4<sup>th</sup> floor / storey and this to be reflected on the building plans that are to be submitted for approval;

3.5 All new building work to match the existing buildings finishes;

3.6 All guttering or storm water collection systems are to be placed at the rear of the building out of sight of the street and this to be reflected on the building plans that are to be submitted for approval;

3.7 All solar geysers to be placed out of view of the street and is to be reflected on the building plans submitted;

3.8 A Service Level Agreement is to be signed with the Directorate: Infrastructure Services prior to submission of building plans for the project;

3.9 Development contributions are applicable and are to be paid prior to approval of the building plans;

4. **REASONS FOR DECISION:**

4.1 The proposal adheres to the general recommendations made in the MSDP pertaining to densification within existing developed areas and specifically the Universiteitsoord residential area which was identified as an area where densification should be facilitated;

- 4.2 The land use and scale of the proposed development is not seen to be foreign to the area as the additional floor area is to be developed for residential purposes and approval has been granted for a number of as high density developments which required departures to be granted to facilitate these developments;
  - 4.3 The subject property has access to higher order roads such as Banghoek and Merriman Streets and is also located within walking distance of the University and CBD area of Stellenbosch;
  - 4.4 The existing building with additional floor is setback from the common boundaries of the adjoining residential properties and the existing streetscape will also not be impacted on as the additional floor is to be setback from the existing buildings façade further ensuring that it has minimal impact on its surroundings;
  - 4.5 The height of the proposed building with its fourth storey and with flat roof will be similar in height to the adjoining residential buildings with pitched roofs;
  - 4.6 The total height of the building will also be restricted to ensure that it has minimal impact on its surroundings.
5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
- (a) The personal particulars of the Appellant, including:
    - (I) First names and surname;
    - (II) ID number;
    - (III) Company of Legal person's name (if applicable)
    - (IV) Physical Address;
    - (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

(i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

(ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(e) if the appeal is lodged against a part of the decision, a description of the part;

(f) if the appeal is lodged against a condition of approval, a description of the condition;

(g) the factual or legal findings that the appellant relies on;

(h) the relief sought by the appellant; and

(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) That the appeal includes the following declaration by the Appellant:

(i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

(ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [Lenacia.Kamineth@ Stellenbosch.gov.za](mailto:Lenacia.Kamineth@ Stellenbosch.gov.za).

8. An applicant who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The

LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

9. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
  - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
  - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
  - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
  - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

  
FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

23/2/2021  
DATE:



# APPENDIX 4

NOTES: DRAWING INTENT TO BE CONSIDERED AS A PRELIMINARY DESIGN. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

**CLIENT**

**PROJECT DESCRIPTION**

**TRACT DESCRIPTION**

**DREIHOEK SECTIONAL TITLE**

**STUDENT FLATS**

**ON ERF 2247**

**STUDENTE OORDE**

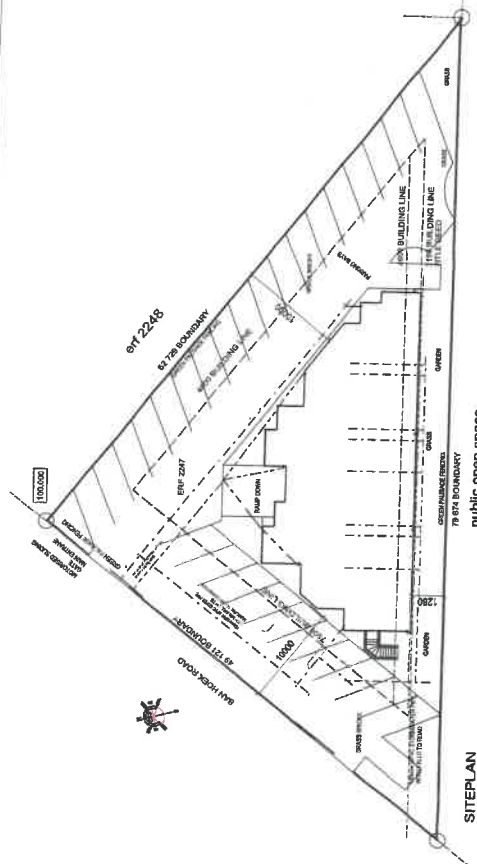
**STELLENBOSCH**

**BASEMENT RECEIVING**

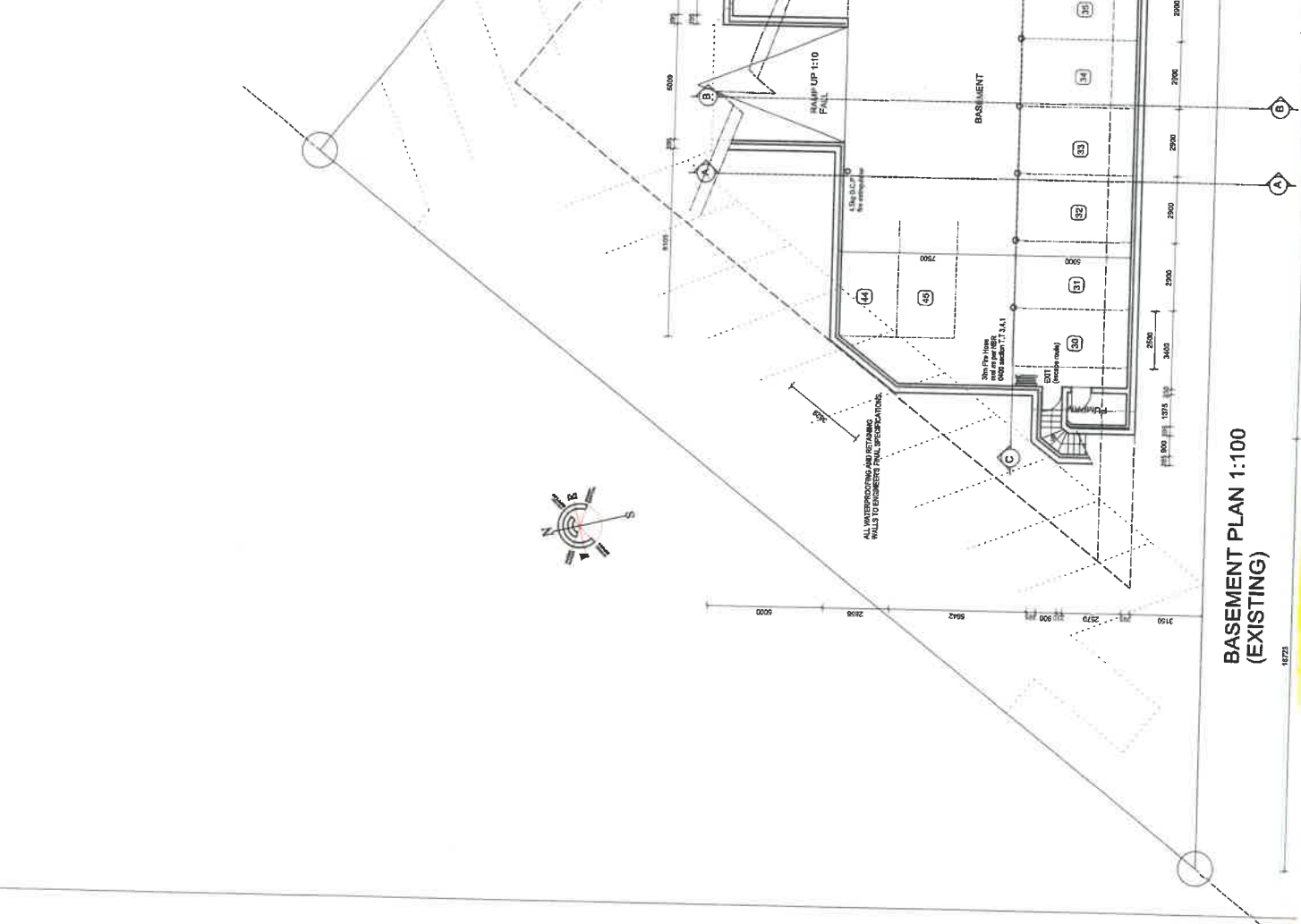
**BASEMENT PLAN**

SCALE	AS INDICATED	DATE	
DRAWN BY	10/05/2020	CHECKED BY	
PROJECT NO	2247-10-2020	REVISION	
PROJECT NO CHANGE IN		REVISION	
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SDP No: 2247-10-2020



SITEPLAN 1:250



BASEMENT PLAN 1:100 (EXISTING)

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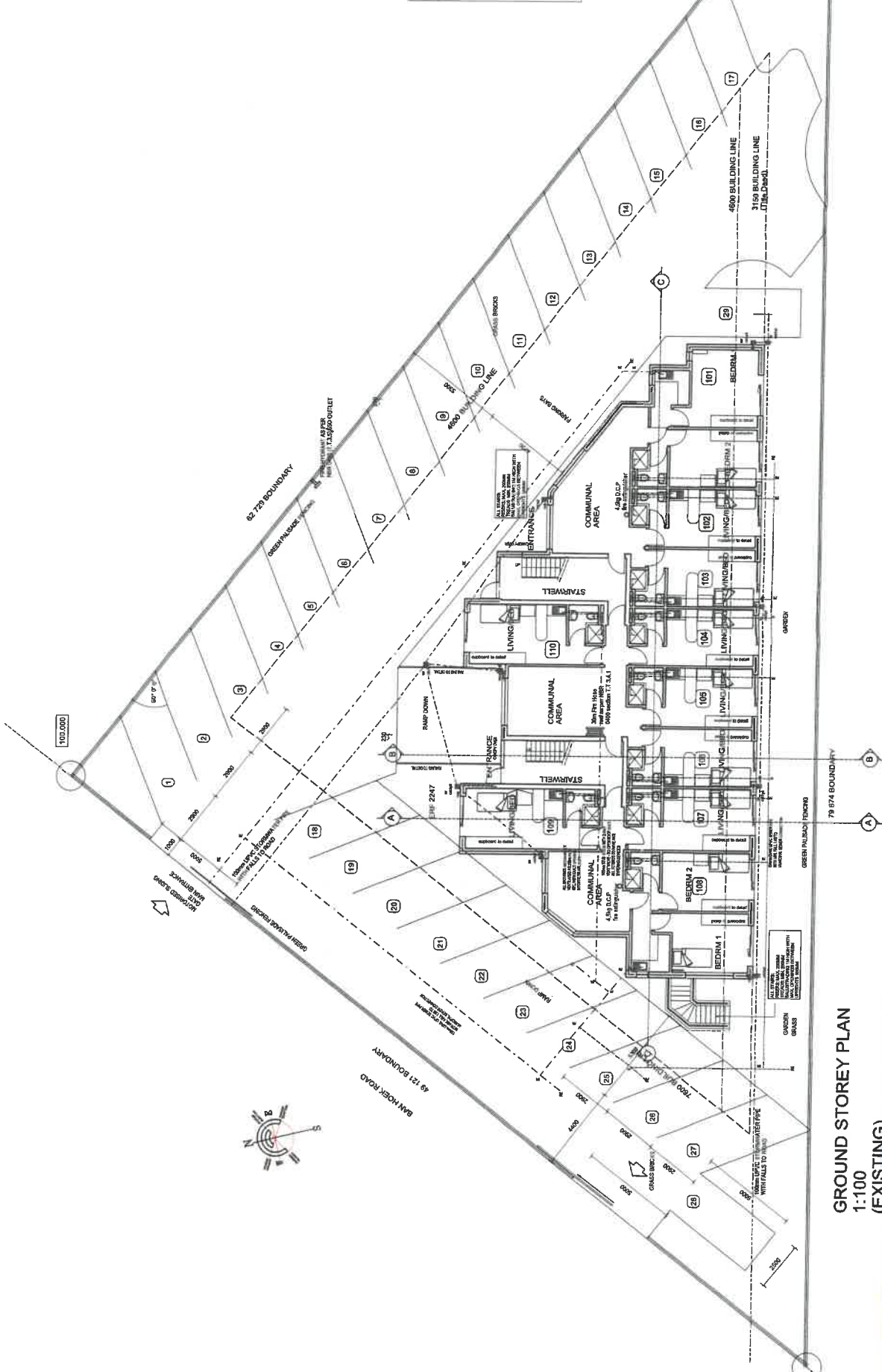
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NOTES:  
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<b>PROJECT DESCRIPTION</b> <b>DIREKOEK SECTIONAL TITLES</b> <b>STUDENT FLATS</b> <b>ON ERF 2247</b> <b>STUDENTE OORD</b> <b>STELLENBOSCH</b> <b>GROUND STOREY PLAN</b>	
SCALE	DATE
IS INDICATED	10/06/2020
DATE	10/06/2020
PROJECT NO.	2247-10-2020
REVISION	

<b>AREA SCHEDULE:</b>	
EXISTING:	452.00 m <sup>2</sup>
GROUND FLOOR:	398.00 m <sup>2</sup>
1ST FLOOR:	398.00 m <sup>2</sup>
2ND FLOOR:	398.00 m <sup>2</sup>
MEZZANINE LEVEL:	324.00 m <sup>2</sup>
STAIRS:	324.00 m <sup>2</sup>
TOTAL:	1008.00 m <sup>2</sup>
COVERAGE:	360/1560(100%): 23.7%



**GROUND STOREY PLAN**  
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 (EXISTING)

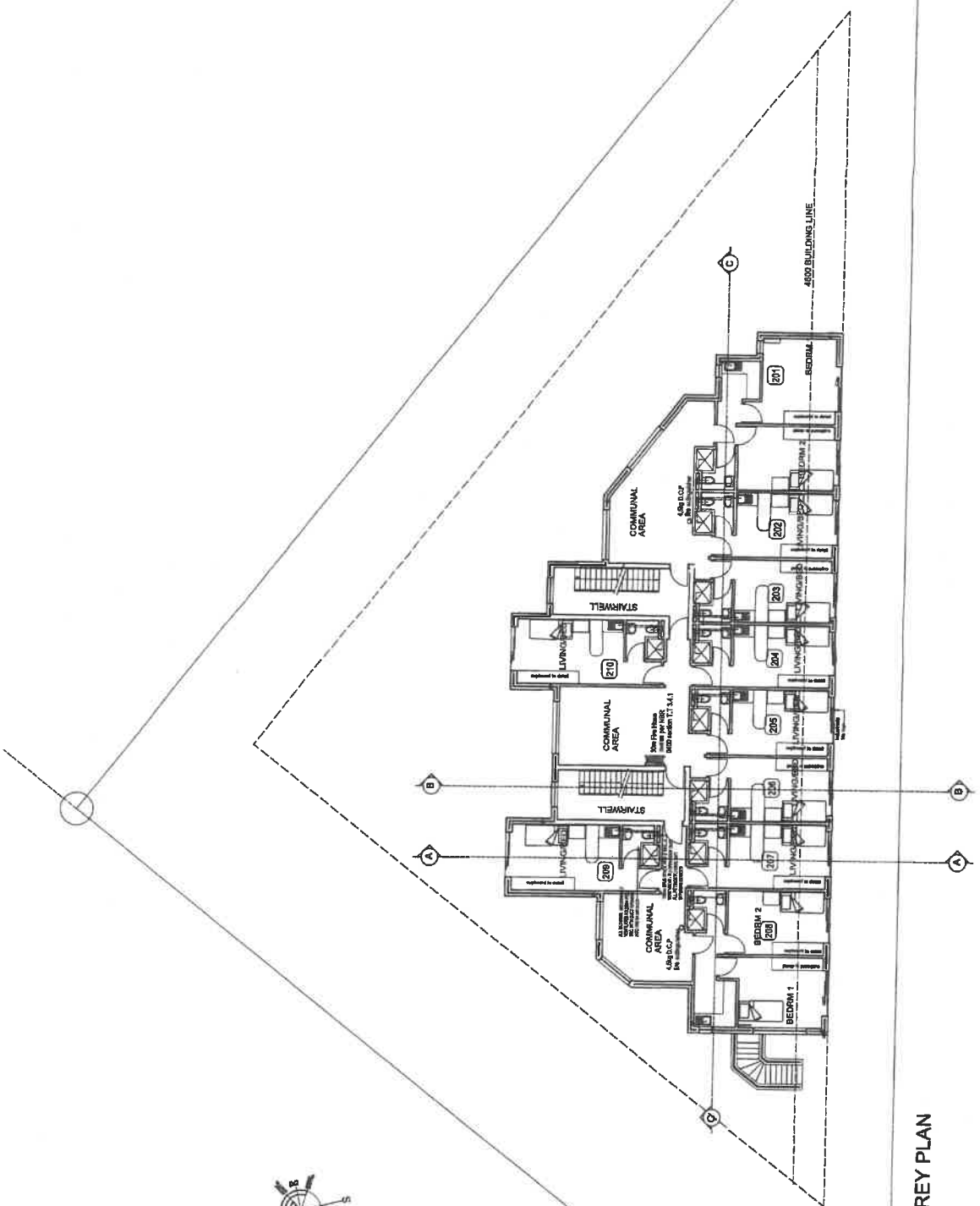
**NOTES:**  
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CLIENT




**PROJECT DESCRIPTION**  
**DREHOEK SECTIONAL FLATS**  
**STUDENT FLATS**  
**ON ERF 2247**  
**STUDENTE OORD**  
**STELLENBOSCH**  
**ARCHITECT**  
**FIRST STOREY PLAN**

DATE	SCALE	PROJECT NO.	DATE
16/05/2010	AS INDICATED	2247	16/05/2010
BY: [Signature]	BY: [Signature]		
PROJECT NO. 2247	DATE	PROJECT NO. 2247	DATE
MUN 3		MUN 3	

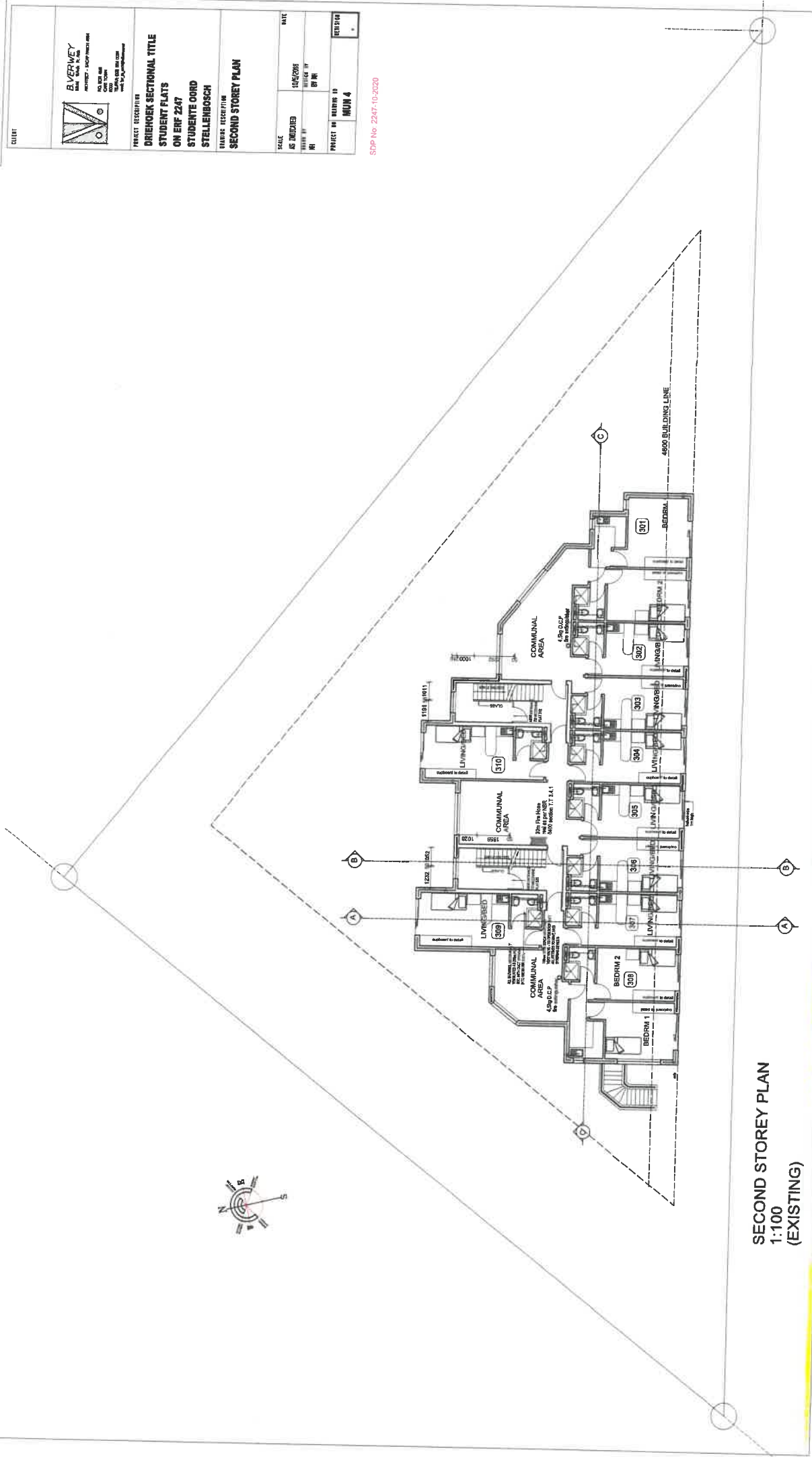


**FIRST STOREY PLAN**  
**1:100**  
**(EXISTING)**

THIS DOCUMENT IS TO BE CONSIDERED THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AND NOT TO THE PERFORMANCE OF THE BUILDING OR THE FITNESS OF THE BUILDING FOR ANY PARTICULAR PURPOSE. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AND NOT TO THE PERFORMANCE OF THE BUILDING OR THE FITNESS OF THE BUILDING FOR ANY PARTICULAR PURPOSE. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AND NOT TO THE PERFORMANCE OF THE BUILDING OR THE FITNESS OF THE BUILDING FOR ANY PARTICULAR PURPOSE.

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 <b>BEVERWEY</b> ARCHITECTS - INTERIORS 1001 10th Ave Cape Town 7701 Tel: +27 21 447 4444 Fax: +27 21 447 4445 www.beverwey.co.za	
PROJECT DESCRIPTION	
<b>ORIENTOER SECTIONAL TITLE</b>	
<b>STUDENT FLATS</b>	
<b>ON ERF 2247</b>	
<b>STUDENTE OORD</b>	
<b>STELLENBOSCH</b>	
<b>SECOND STOREY PLAN</b>	
SCALE	DATE
AS INDICATED	10/02/2018
DRAWN BY	REVIEWED BY
PH	PH
PROJECT NO	REVISION NO
1001 10th Ave	04
Cape Town	

SOP No. 2247-10-2020



**SECOND STOREY PLAN**  
 1:100  
 (EXISTING)

