



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12259

Our File Reference Number: Erf 3134, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL [REDACTED]

Sir/Madam

APPLICATION FOR THE REMOVAL OF THE RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND A PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME FOR AN ADDITIONAL USE ON ERF 3134, IDAS VALLEY, 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 application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 3134, Idas Valley, Stellenbosch, namely:
 - 2.1.1 A **Removal of the restrictive title deed conditions** in terms of section 15(2)(f) of Clause F(6)(b)(c)&(d) as contained in Deed of Transfer No. T66529/2013,

The conditions read as follows:

•Paragraph F(6)(b) "...It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily require to be used therewith";

•Paragraph F(6)(c) "...not more than half of the area thereof shall be built upon";

•Paragraph F(6)(d)"...no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72metres to the street line

which forms a boundary of this erf nor within 3,15metres of the rear or 1,26metres of the lateral boundary common to any adjoin erf. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf".

2.1.2 A **permission required in terms of the zoning scheme** for an additional use in terms of section 15(2)(g) to construct a second dwelling unit.

2.1.3 **Consent Use** in terms of section 15(2)(o) to utilize the proposed second dwelling unit for purposes of a commune (student accommodation purposes)

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

3. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

3.1 The approval only applies to the removal of the restrictive title deed conditions, permission required in terms of the zoning scheme and consent use, as indicated on the referenced Site Plan Nr 101revA, dated 19 May 2021, and drawn by Will Hammers, attached as **ANNEXURE C** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

3.2 The development must be undertaken generally in accordance with the site plan as referenced (101revA, dated 19 May 2021) and attached as **ANNEXURE C**.

3.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

3.4 Building plans must be generally in accordance with the site plan / floor layout plan as referenced (101revA, dated 19 May 2021) and attached as **ANNEXURE C**.

3.5 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 02 September 2021, be complied with (see **ANNEXURE H**);

3.6 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

3.7 A maximum of three persons may be accommodated in the commune.

3.8 The required three (3) parking bays for the consent use at all times be provided on-site, as indicated on **ANNEXURE C**.

3.9 No vehicles of the residents or visitors to the property may be parked in the street at any time

3.10 The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions

4. The reasons for the above decision are as follows:

4.1 The proposal will result in a sensible increase in density and will not alter the character of the area.

4.2 The proposal would also be of an appropriate scale that would relate to the surrounding townscape and land use character of the area.

4.3 Sufficient on-site parking is also available

4.4 The fact that a commune is to be considered as a consent use in terms of the Stellenbosch Zoning Scheme Bylaw, 2019 on properties zoned conventional residential zone, highlights the intension of the zoning scheme to accommodate such uses after the necessary application procedure has been followed.

5. Matters to be noted:

5.1 Building plans be approved by the Municipality.

6. 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.

7. 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;

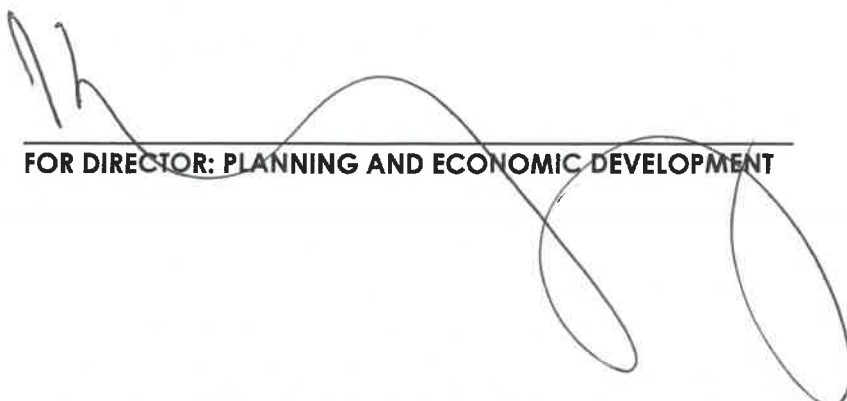
(V) Contact details, including a Cell number and E-Mail address;

- (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.
8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
9. Any party (applicant or other) 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.

10. 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>).
11. 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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
13. 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

26/7/2022
DATE:

ANNEXURE C

**APPLICATION FOR THE REMOVAL OF
THE RESTRICTIVE TITLE DEED
CONDITIONS, CONSENT USE AND A
PERMISSION REQUIRED IN TERMS OF
THE ZONING SCHEME FOR AN
ADDITIONAL USE ON ERF 3134, IDAS
VALLEY, STELLENBOSCH**

**SITE DEVELOPMENT
PLAN/SITE PLAN**

ANNEXURE H

**APPLICATION FOR THE REMOVAL OF
THE RESTRICTIVE TITLE DEED
CONDITIONS, CONSENT USE AND A
PERMISSION REQUIRED IN TERMS OF
THE ZONING SCHEME FOR AN
ADDITIONAL USE ON ERF 3134, IDAS
VALLEY, STELLENBOSCH**

**COMMENT FROM THE
DIRECTOR: ENGINEERING
SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ◦ Aan: Director: Planning + Economic Development
Att Aandag N Katts
From ◦ Van: Colin Taylor (Development)
Date ◦ Datum: 02/9/2021
Our Ref ◦ Ons Verw: Civil LU 2208
Re ◦ Insaak: Erf 3134 Stellenbosch: Application for departure

The above mentioned application for the following refers.

- 1) Departure in order to allow for the construction of additional dwelling unit.

The application is recommended for approval, subject to the following conditions:

1. Water

- 1.1 The existing water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

2. Sewer

- 2.1 The existing sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

3. Roads

3.1 The current parking provided is sufficient and must be indicated at building plan stage.

4. Development Charges (DCs)

4.1 Based on the information provided, the Development Charges payable by the developer is R24 756.15 (Vat incl.) as per attached Development Charges calculation.

4.2 The DC's were calculated for the 2021/2022 financial year. If the account is paid after 30 June 2022 it has to be recalculated using the then applicable tariffs.

4.3 The appropriate DC's are payable prior to building plan approval.

5. Municipal Infrastructure (Civil Engineering Services)

5.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

6. Clearance Certificates

6.1 The Municipality reserves the right to withhold any clearance certificates until such time as the applicant has complied with the above mentioned conditions.

7. Electrical

7.1 Refer to annexure A for electrical comments



ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\2208 (AD) Erf 3134 Stellenbosch (LU-12259)\2208- Erf 3134 Stellenbosch (LU-12259).doc

3134, (LU/12259)

GENERAL COMMENT:

. No Comment

1.

CONDITIONS:

1. Electricity Supply to new Additional Dwelling should be fed from the main Distribution Board, which is situated outside the main building.
2. If the current electricity supply is not adequate, an application for an increase in electricity supply must be submitted to Stellenbosch Municipality: Electrical Engineering Services

Bradley Williams

Date.....30/08/2021.....

Signature



Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	
Date	Thursday, 02/Sep/2021
Financial Year	
Erf Location	
Erf No	
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	

SUMMARY OF DC CALCULATION

Units	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
	kl/day	kl/day	ha°C	t/week	trips/day	person	
Total Increased Services Usage	0.180	0.150	0.004	0.015	1.25	1.3	
Total Development Charges before Deductions	R 4 885.88	R 3 905.01	R 408.86	R 796.87	R 8 175.92	R 3 354.54	R 21 527.09
Total Deductions							
Total Payable (excluding VAT)	R 4 885.88	R 3 905.01	R 408.86	R 796.87	R 8 175.92	R 3 354.54	R 21 527.09
VAT	R 732.88	R 585.75	R 61.33	R 119.53	R 1 226.39	R 503.18	R 3 229.06
Total Payable (including VAT)	R 5 618.77	R 4 490.76	R 470.19	R 916.40	R 9 402.31	R 3 857.72	R 29 756.15

APPLICANT INFORMATION

Application Processed by:	A Daniels
Signature	
Date	2 September 2021
Amount Paid	
Date Payment Received	
Receipt Number	

