



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13142

Our File Reference Number: Erf 3526, 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 REMOVAL OF TITLE DEED CONDITIONS AND SUBDIVISION: ERF 3526, 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 3526 Stellenbosch, namely:

2.1.1 **Suspension** in terms of Section 15(2)(f) of the said by-law of restrictive title deed conditions "*D(1)(6)(a) It shall not be subdivided*", in Title Deed No. T53759/1999 on Erf 3526, Stellenbosch to allow the subdivision of the property.

2.1.2 **Subdivision** in terms of Section 15(2)(d) of the said bylaw of Erf 3526, Stellenbosch into two portions namely;

- (i) Portion A ($\pm 541\text{m}^2$) and
- (ii) a Remainder ($\pm 522\text{m}^2$).

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:

Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject By-Law, before the registration of a subdivided portion, or before the sale, development or transfer of the land:

- 3.1 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of submission of clearance certificates, any building plans or as may be agreed on in writing with the Director Infrastructure Services.

General conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:

- 3.2 The approval only applies to the proposed suspension of a title deed condition and the subdivision under consideration, as indicated on the referenced Plan No. Erf 3526_sub_rev2 dated 25 August 2021, drawn by ahG Town Planning, attached as **ANNEXURE B** 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.

- 3.3 The development must be undertaken generally in accordance with the subdivision plan, as indicated on the referenced Plan No. Erf 3526_sub_rev2 dated 25 August 2021, drawn by ahG Town Planning, attached as **ANNEXURE B**.

- 3.4 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.

- 3.5 An electronic copy (shp, dwg, dxf) of the approved erf diagrams be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:

- 3.5.1 Newly allocated erf/farm numbers
- 3.5.2 Co-ordinates
- 3.5.3 Survey dimensions

- 3.6 The conditions listed in the memorandum dated 16/02/2022 (Civil) and 01/04/2022 (Electrical) from the Municipal Director: Infrastructure Services attached as **ANNEXURE E** be complied with.

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

- 4.1 The proposed subdivision is a moderate form of densification inside an urban edge, which is promoted by the principals of the Stellenbosch Municipal Spatial Development Framework.

- 4.2 No new accesses need to be created and the new municipal service connection could be provided to the satisfaction of the Director: Infrastructure Services.

4.3 The aesthetic appearance of the property and streetscape will not be negatively affected with the construction of a dwelling on the respective land units from approved access points of public roads.

4.4 All zoning scheme bylaw parameters will still be able to be complied with for any new construction.

5. Matters to be noted:

5.1 The approval only comes into effect as contemplated in Section 33(6) of the Stellenbosch Municipal Land Use Planning By-law, October 2015.

5.2 No additional applications are required for the allocation of street numbers, considering that the existing street number of No. 92 Jonkershoek Street will be retained for Portion A and No. 7 Lanzerac Street for the Remainder.

5.3 Building plans submitted for approval must conform to both the zoning scheme bylaw parameters and the title deed building line restriction, unless a relaxation is approved by the competent decision-making authority.

6. 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 1036, Stellenbosch, namely,

6.1 **Removal of restrictive title deed conditions** D(l)(6)(a), D(l)(6)(b) and D(l)(6)(c) of Title Deed No. T53759/1999 on Erf 3526, Stellenbosch in terms of Section 15(2)(f) of the said by-law, prohibiting the subdivision of the property, the construction of a second dwelling and apply restrictive title deed building lines, reading as follows:

a) It shall not be subdivided;

b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;

c) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 6.3 metres to the street line which forms a boundary of this erf, nor within 4,72 metres of the rear or 3,15 metres of the lateral boundary common to any adjoining erf, provided that in the full discretion of the local authority it may permit an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate, to be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 9,45 metres reckoned from the rear boundary

NOT BE APPROVED in terms of Section 60 of the said Bylaw.

7. The reasons for the refusal are as follows:

7.1 The applications to suspend specifically title deed conditions D(6)(b) and (c) in the title deed, to allow the construction of a second dwelling and to relax the title deed building lines, contains no grounds or motivation for the proposed suspension or relaxation of the subject title restrictions with building plans, visual presentations and specific distances departing to. The application cannot subsequently be properly considered in the absence of a required detailed proposal associated with the application for removal of title restriction for the construction of new structures and which also impedes effective public participation. New detailed applications to suspend and relax the subject title deed conditions must be submitted for the new land units to be evaluated on its own merits.

8. 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.

9. 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.

10. 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

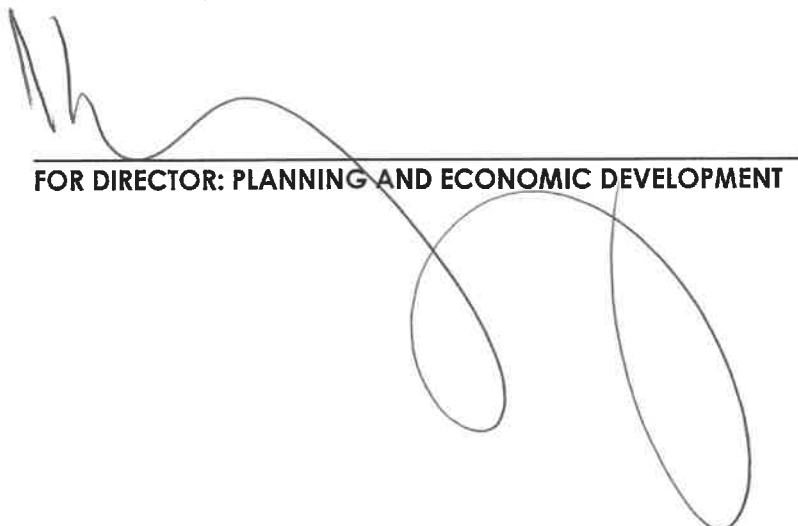
11. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

12. 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>).

13. 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.
14. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
15. 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

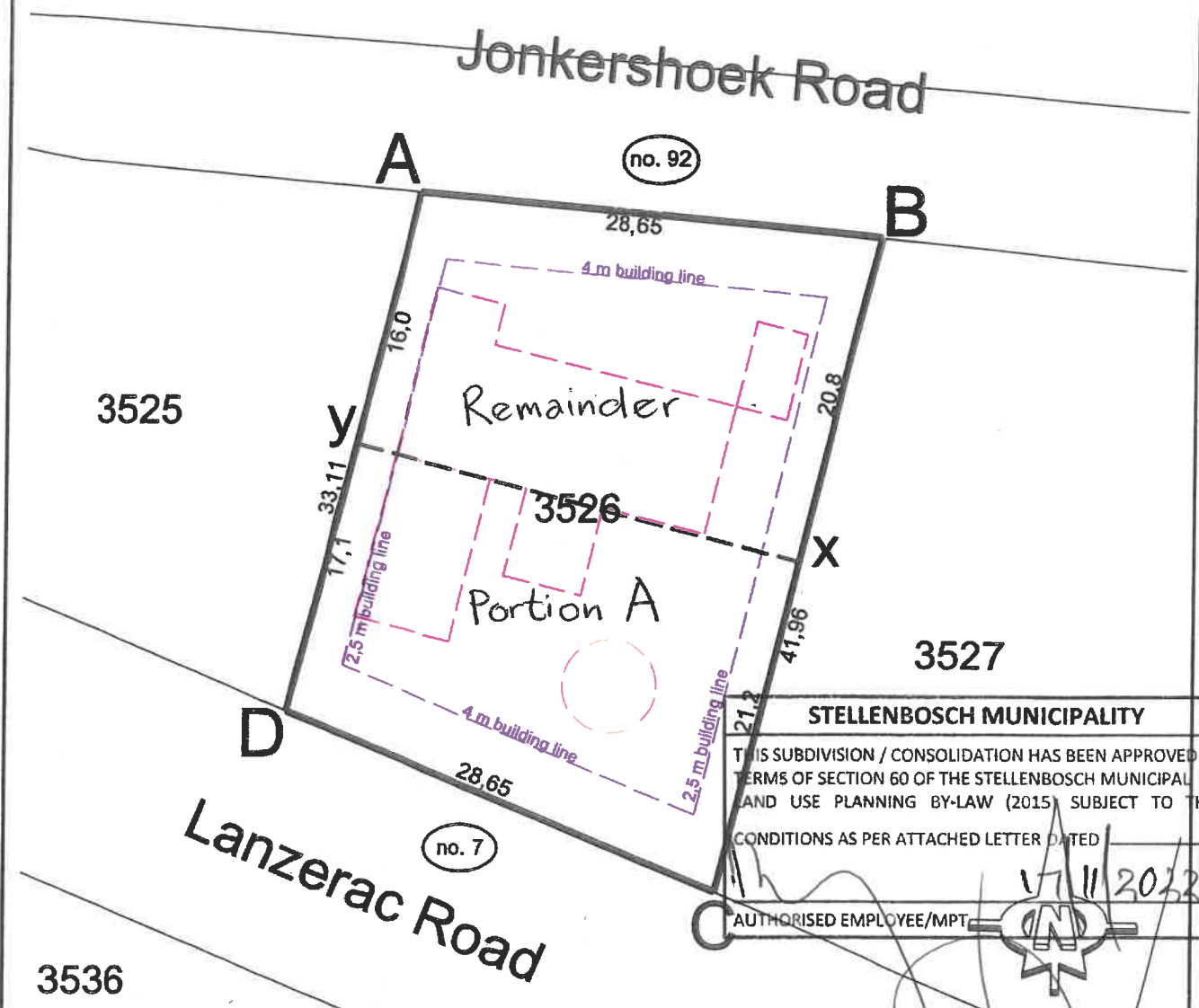


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

17/11/2022
DATE:

ANNEXURE B
Subdivision Plan

SUBDIVISION



STELLENBOSCH MUNICIPALITY
 THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 17/11/2022
 AUTHORIZED EMPLOYEE/MPT

Notes:

1. The figure ABCDA represents Erf 3526 Karindal, Stellenbosch measuring 1 063 m²
2. Proposed subdivision:
 - 2.1.1 The figure indicated as yxCDy represent the proposed Subdivision, measuring 541 m² (Portion A)
 - 2.1.2 The figure indicated as ABxBy represent the proposed Remainder, measuring 522 m²
3. Zoning:

Applicable Zoning Scheme: Stellenbosch Municipality Zoning Scheme By-Law, 2019.
 Proposed zoning Subdivision: Conventional Residential Zone (CR)
 Proposed zoning Remainder: Conventional Residential Zone (CR)
4. All sizes and dimensions are approximate and subject to final survey.

Scale: 1 : 400

Project:

**Proposed Subdivision:
 Erf 3526, Karindal
 Stellenbosch**

Date: 25 August 2021 **Ref:** Erf 3526_sub_rev 2

ahG Town Planning
 Town and Regional Planners



SUBDIVISION

STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL SCHEME BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED

AUTHORISED EMPLOYE / MPT

17/11/2021

(no. 92)

Jonkershoek Road

3525

A

B



3526

3527

Lanzerac Road

(no. 7)

C



3536

Notes:

1. The figure ABCDA represents Erf 3526 Karindal, Stellenbosch measuring 1 063 m²
2. Proposed subdivision:
 - 2.1.1 The figure indicated as yxCyD represent the proposed Subdivision, measuring 541 m²
 - 2.1.2 The figure indicated as ABxYA represent the proposed Remainder, measuring 522 m²
3. Zoning:

Applicable Zoning Scheme: Stellenbosch Municipality Zoning Scheme By-Law, 2019.

Proposed zoning Subdivision: Conventional Residential Zone (CR)

Proposed zoning Remainder: Conventional Residential Zone (CR)
4. All sizes and dimensions are approximate and subject to final survey.

Scale: 1 : 400

Project:

**Proposed Subdivision:
Erf 3526, Karindal
Stellenbosch**

Date:

25 August 2021

Ref: Erf 3526_sub_rev 2

ahG

Town Planning

Town and Regional Planners

Somerset west
7129

E-Mail

TEL: 021 762 0374

ANNEXURE E

Comments from Director: Infrastructure Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nicole Katts
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 16 Feb 2022
Our Ref ▫ Ons Verw: Civil LU 2231
Your Ref: LU/13142
Re ▫ Insake: Erf 3526: subdivision of Erf 3526, Stellenbosch into two portions of 541m² and a 522m²

Approval conditions:

1. Civil Engineering Services

- 1.1 Each erf must have its own water and sewer connection generally in accordance with dwg 9433-1 by Bart Senekal - attached. Please submit drawing for formal approval prior to construction. Additional comments / changes may be required by the water services department.
- 1.2 Wayleaves must be applied for before construction commences.

2. Development Charges (DCs)

- 2.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 2.2 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 2.3 The appropriate DC's are payable before a Section 28 Clearance certificate can be issued.

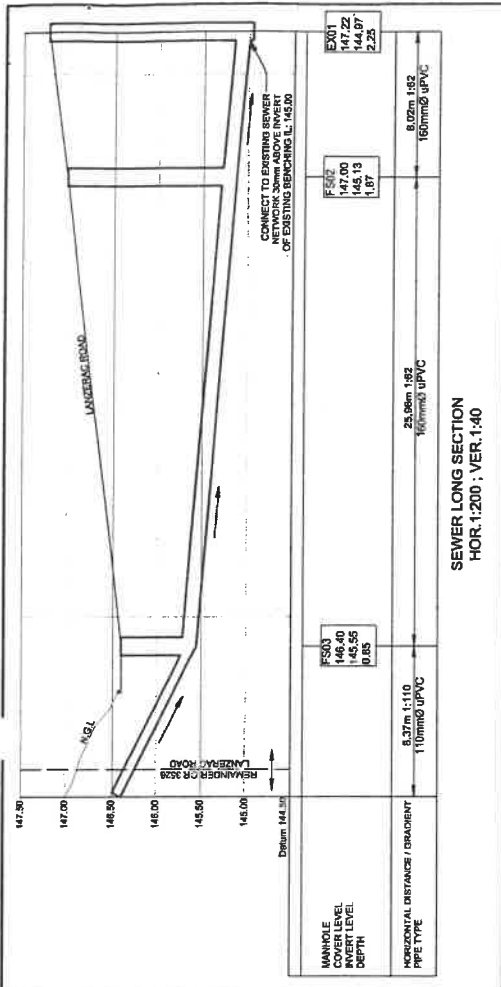
3. Electrical Engineering – see comments attached



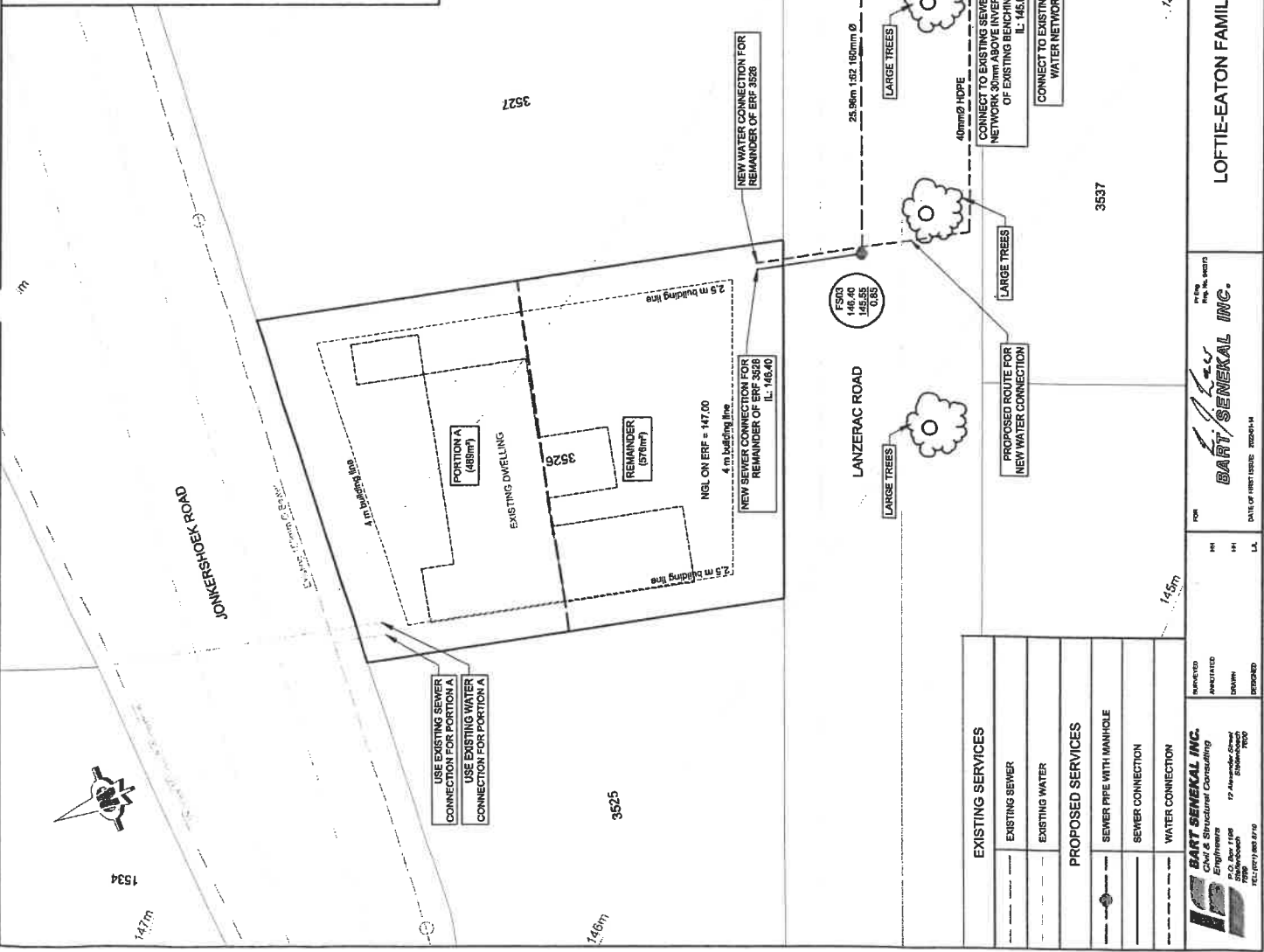
**Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\2231 (TK) Erf 3526 Stellenbosch (LU-13142)\2231 (TK) Erf 3526 Stellenbosch (LU-13142)_1.doc





SEWER LONG SECTION
HOR. 1:200 ; VER. 1:40



EXISTING SERVICES	
EXISTING SEWER	---
EXISTING WATER	---
PROPOSED SERVICES	
SEWER PIPE WITH MANHOLE	---
SEWER CONNECTION	---
WATER CONNECTION	---

BART SENEKAL INC.
Engineers
17 Jonkershoek Street
Stellenbosch
7600
Tel: (027) 883 8710

DATE OF FIRST ISSUE: 2020-14

FOR: **LOTTIE-EATON FAMILY**

PROJECT: **SUBDIVISION OF ERF 3526, KARINDAL STELLENBOSCH**

PROPOSED SERVICES CONNECTIONS

Scale	1:200	Figure No.	A2
Drawing No.	9453101		

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	DC 2231 (TK) Erf 3526 Stellenbosch (LU-13142)_1
Date	Wednesday, 16/Feb/2022
Financial Year	2021/22
Erf Location	Stellenbosch Town
Erf No	3526
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	Erf 3526_sub_rev 2 by AHG dated 25 Aug 2021

SUMMARY OF DC CALCULATION

Unit(s)	Water kl/day	Sewer kl/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	0.400	0.600	0.008	0.040	4.00	4.0	
Total Development Charges before Deductions	R 10 857.52	R 15 620.05	R 817.72	R 2 124.98	R 26 162.95	R 13 418.16	R 69 001.39
Total Deductions							
Total Payable (excluding VAT)	R 10 857.52	R 15 620.05	R 817.72	R 2 124.98	R 26 162.95	R 13 418.16	R 69 001.39
VAT	R 1 628.53	R 2 343.01	R 122.66	R 318.75	R 3 924.44	R 2 012.72	R 10 350.21
Total Payable (including VAT)	R 12 486.15	R 17 963.05	R 940.38	R 2 443.73	R 30 087.40	R 15 430.89	R 79 351.60

APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Water		Storm-water		Solid Waste		Roads		Community Facilities		Total	
		area (m2)	du/ha m2 GLA % GLA	area (m2)	du/ha m2 GLA % GLA		du	yes	no	yes	no	yes	no	yes	no			
Residential	Single Residential >1000m2	0	0	0	0	-1	R -32 572.56	R -18 223.39	R -4 906.32	R -2 124.98	R -13 418.16	R -26 162.95	R -13 418.16	R -26 162.95	R -13 418.16	R -26 162.95	R -13 418.16	R -97 408.37
	Single Residential >500m2	0	0	0	0	2	R 43 430.08	R 33 843.44	R 5 724.04	R 4 249.97	R 26 836.33	R 52 325.91	R 26 836.33	R 52 325.91	R 26 836.33	R 52 325.91	R 26 836.33	R 166 409.76
	Single Residential >250m2	0	0	0	0	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	0	0	0	0	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential <250m2	0	0	0	0	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Group Residential >250m2	0	0	0	0	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Group Residential <250m2	0	0	0	0	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Medium Density Residential >250m2	0	0	0	0	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Medium Density Residential <250m2	0	0	0	0	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	High Density Residential - flats	0	0	0	0	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
High Density Residential - student rooms	0	0	0	0	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	
Commercial	Local Business - office	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Local Business - retail	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	General Business - office	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	General Business - retail	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Community	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Education	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Light Industrial	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	General Industrial - light	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Warehousing	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	General Industrial - heavy	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
Industrial	Noxious Industrial - heavy	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Resort	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Public Open Space	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Private Open Space	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Natural Environment	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Utility Services	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Public Roads and Parking	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Transport Facility	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	
	Limited Uses	0	0%	0	0%	0	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
	Special	To be calculated based on equivalent demands	0		0													

Category	du	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha	du/ha
Residential	1000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Commercial	1000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Industrial	1000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	1000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Special	1000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	5000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* Complete yellow/green cells
 ** du = dwelling unit, GLA=Gross leasable area.
 Total Development Charges before Deductions
 % Deductions per service (%)
 Deductions per service (R/m2)
 Sub Total after Deductions (excluding VAT)
 VAT
 Total

Erf 3526

1. No Objection
- 2.

CONDITIONS:

1. The proposed subdivided portion of plot 3526 must have its own electricity supply cable separate of the existing building. Installation cost is the responsibility of the applicant.
2. Pro – Rata fee is payable.
3. All electrical wiring for the building on the proposed subdivided portion of plot 479 should be carried out in accordance with SANS 0142 Municipal by-laws and SANS 10400XA Energy Efficiency

General Comment:

No Comment



SIGNATURE

DATE 01/04/22