



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14183

Our File Reference Number: Erf 4165, 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 CONSENT USE ON ERF 4165, 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 in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for a Consent Use Approval in terms of Section 15(2)(g) of the said Bylaw to allow the existing dwelling unit on erf 4165, Stellenbosch to be used for a commune.

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 proposed application under consideration 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 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.
 - 3.3 The use of the property for a commune be limited to the main dwelling only.
 - 3.4 That a maximum of 6 persons / 1 person per bedroom occupy the main dwelling.

- 3.5 The second dwelling only be occupied by a family as defined in the 2019 Stellenbosch Municipality Zoning Scheme By-Law.
- 3.6 The development be undertaken generally in accordance with the Site Development Plan as Referenced No: 4165-11-2022 and Dated: 2022/03/01 and attached as **Annexure B**.
- 3.7 Building plans be submitted for all changes (Internal & External) to the buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 3.8 The on-site parking bays be clearly demarcated on site in accordance with the approved Site development plan as attached as **Annexure B**.
- 3.9 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Directorate Infrastructure Services.
- 3.10 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first.
- 3.11 The conditions imposed by the Directorate Infrastructure Services as contained in the memorandum dated 1 November 2022 and attached as **Annexure D**, be complied with.

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

- 4.1 The subject property and infrastructure will be optimally utilized.
- 4.2 The proposed use of a portion of the property as a commune will not be out of character with its surroundings as it is located on the edge of Universiteit's Oord a high-density area.
- 4.3 Any additional traffic generated by the proposed use will have no impact on the surrounding area as the property is located on a main collector / distributor road within Stellenbosch Town.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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:
 - 8.1 The personal particulars of the Appellant, including:
 - a) First names and surname
 - b) ID number
 - c) Company of Legal person's name (if applicable)
 - d) Physical Address
 - e) Contact details, including a Cell number and E-Mail address
 - 8.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - 8.3 The grounds of the appeal which may include the following grounds:
 - a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
 - b) 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.
 - 8.4 Whether the appeal is lodged against the whole decision or a part of the decision.
 - 8.5 If the appeal is lodged against a part of the decision, a description of the part.
 - 8.6 If the appeal is lodged against a condition of approval, a description of the condition.
 - 8.7 The factual or legal findings that the appellant relies on.
 - 8.8 The relief sought by the appellant.
 - 8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - 8.10 That the appeal includes the following declaration by the Appellant:
 - a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - b) 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.

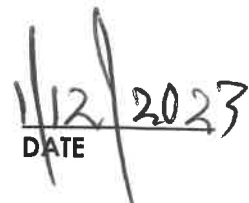
9. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za

10. 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.
11. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za
12. An applicant who lodges 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.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. Kindly note the above decision in the case of any approval, is suspended, and 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


DATE



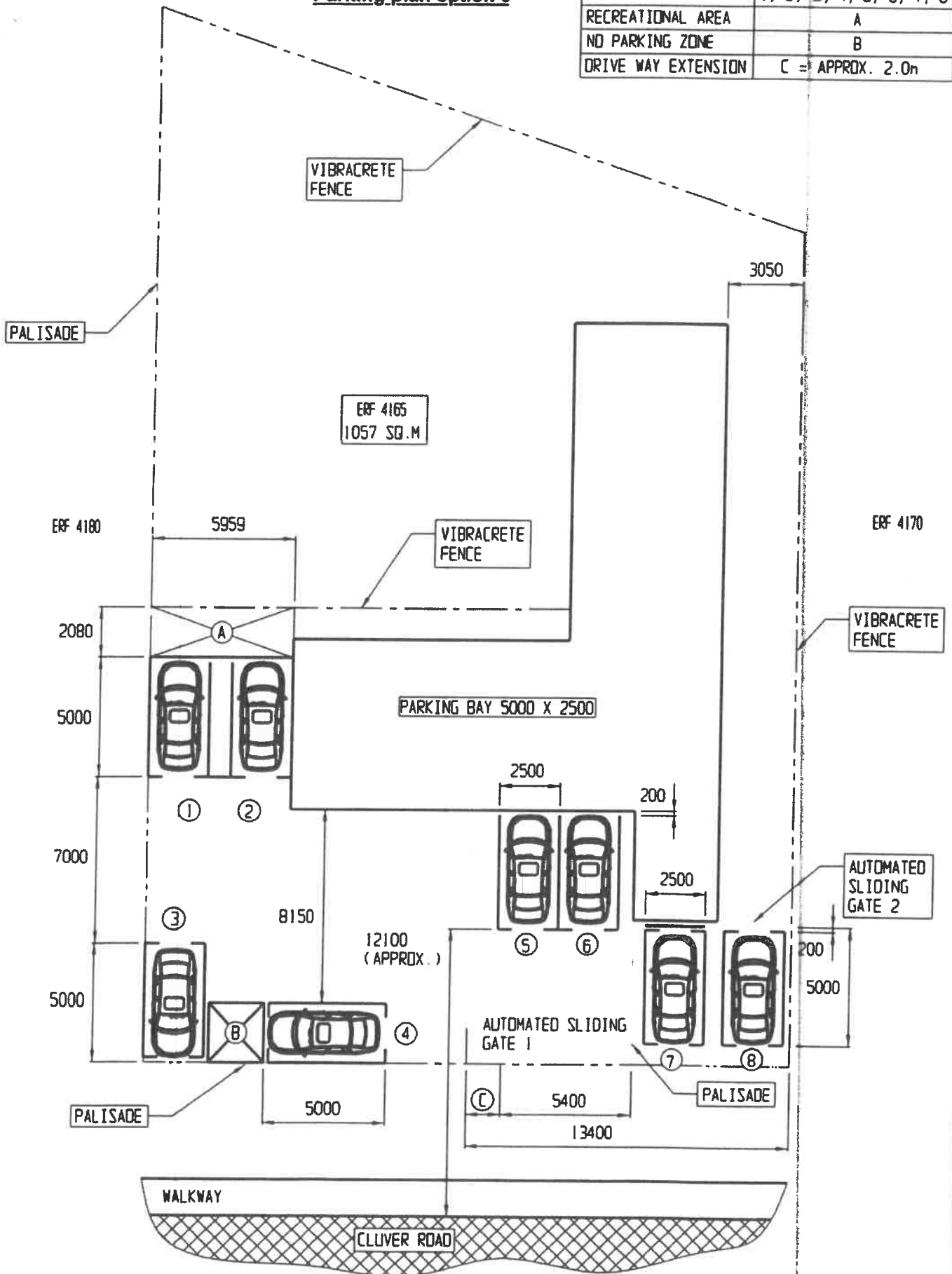
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ANNEXURE B

Parking plan option 3

PARKING BAY:	1; 2; 3; 4; 5; 6; 7; 8
RECREATIONAL AREA	A
NO PARKING ZONE	B
DRIVE WAY EXTENSION	C = APPROX. 2.0m



Referenced No: 4165-11-2022 and Dated: 2022/03/01



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ANNEXURE D



STELLENBOSCH MUNICIPALITY

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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nolusindiso Momoti
From ▫ Van: Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Colin Taylor
Date ▫ Datum: 1 November 2022
Our Ref ▫ Ons Verw: Civil LU 2377
Your Ref: LU/14183
Re ▫ Insake: Erf 4165, Stellenbosch: The application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law (2015) for: Consent Use to use the main dwelling on Erf 4165, Stellenbosch, for six (6) room commune with the additional unit dwelling being rented out to a family.

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

1. **Civil Engineering Services**
 - 1.1 No objection, no municipal services are affected.
 - 1.2 Any changes to existing municipal infrastructure due to this application will be for the account of the developer.
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 2022/2023 tariff structure. If DC's are paid after 30 June 2023 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

3.1 Refer to **Annexure: Electrical**



Colin Taylor Pr Tech Eng
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2027 CI 4165 Stellenbosch 6.1 14163
Development Name:	GM Other
Date:	20 November 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Localities):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	4165
DC Parameter Reference:	Non Other CI 4165 Stellenbosch Archiving Including pins

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub-Totals (Civil Eng. Services)	Community	Totals	
Units:	litres/day	litres/day	litres/day	litres/day	litres/day		persons		
Total Increased Services Usage:	0,18	0,15	0,004	0,015	1,25		1		
Total Service Usage Reduction:	0	0	0	0	0,0		0		
Total Service Usage after Reduction:	0,18	0,15	0,00400	0,015	0,0		1		
Charges before adjusting for positive only, before Deductions	R 5 640,80	R 5 173,62	R 429,69	R 1 467,17	R 7 544,05	R 20 654,30	R 3 857,56	R 24 511,88	
Charges adjusted for positive only, before Deductions	R 5 640,80	R 5 173,62	R 429,68	R 1 467,17	R 7 544,05	R 20 654,30	R 3 857,56	R 24 511,88	
Total Deductions:	R -	R -	R -	R -	R 3 772,02	R 3 772,02	R -	R 3 772,02	
Total Development Charges Payable (excluding VAT):	R 5 640,80	R 5 173,62	R 429,68	R 1 467,17	R 3 772,02	R 16 882,26	R 3 857,56	R 20 739,85	
VAT:	R 846,12	R 776,04	R 124,30	R 220,08	R 565,80	R 2 532,34	R 578,84	R 3 110,98	
Total Development Charges Payable (including VAT):	R 6 486,92	R 5 949,66	R 553,98	R 1 687,25	R 4 337,83	R 19 414,62	R 4 436,21	R 23 850,83	

APPLICANT INFORMATION	
Application Processed by:	Ms Filia
Signature:	<i>F. Filia</i>
Notes:	This is a calculation for the approved EUD2077

