



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14663 (TP73/2022)

Our File Reference Number: Erf 5640, 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 SUBDIVISION, ADMINISTRATOR'S CONSENT TO RELAX A RESTRICTIVE TITLE DEED CONDITION AND A PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: ERF 5640, DIE BOORD, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 5640, Die Boord, Stellenbosch, namely:
 - 2.1.1 **Permission required in terms of the zoning scheme** for an additional use in terms of Section 15(2)(g) to allow for the construction of a second dwelling unit; and
 - 2.1.2 The **Administrator's consent** to relax the restrictive title deed condition(s) contained in Title Deed No. T. 19523/2022, Clause C(5)(b). in order to relax the restrictive title deed street building line from **4,6m** to **4,0m** to accommodate the main dwelling and second dwelling unit; and common building lines from **2,3m** to **0m** in order to accommodate the garages/carports.

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 applicable conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 09 November 2022 and attached as **ANNEXURE G**, be complied with.
- 3.4 The applicable conditions imposed by the **Director: Engineering Services** as contained in their memo date 30 October 2023, and attached as **ANNEXURE I**, be complied with.
- 3.5 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.
- 3.6 A revised Site Development plan shall be submitted to the Municipality for approval by the Director: Planning and Economic Development that reflects the approval only. The proposal must adhere to the building lines, coverage, floor area, parking and height as prescribed in the Zoning Scheme.
- 3.7 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw to the satisfaction of the Municipality.

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

- 4.1 The proposal will have no detrimental impact on the character of the existing area as it is in keeping with the current land use of the subject property and the area.
- 4.2 The proposal will result in a sensible increase in density and will not alter the character of the area.
- 4.3 The proposal will not have any negative impact on the rights currently enjoyed by the owners and surrounding property owners.

5. 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 5640, Die Boord, Stellenbosch, namely,

5.1 **Subdivision** in terms of Section 15(2)(d) of the subject property into two portions measuring $\pm 512\text{m}^2$ for Portion 1 and Portion 2 respectively;

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

6. **The reasons for the refusal are as follows:**

6.1 The proposed subdivision would be out of character with the general size of residential properties and will set a precedent within the area to the detriment of the residential area.

6.2 The privacy of the adjacent properties could not be preserved and it would be difficult to provide functional garden area if a dwelling of similar size than the surrounding properties must be constructed on the smaller subdivided portions.

6.3 The fact that the application property is located on the corner of Van Rheeде and Formosa Street with access from Formosa Street, can pose as a safety/traffic risk.

7. **Matters to be noted:**

7.1 Building plans be approved by the Municipality prior to any building work commencing.

8. 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.

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:

9.1 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

10. Reference to this correspondence and the relevant property details on which the appeal is submitted.
11. 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.
 - 11.1 Whether the appeal is lodged against the whole decision or a part of the decision.
 - 11.2 If the appeal is lodged against a part of the decision, a description of the part.
 - 11.3 If the appeal is lodged against a condition of approval, a description of the condition.
 - 11.4 The factual or legal findings that the appellant relies on.
 - 11.5 The relief sought by the appellant.
 - 11.6 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - 11.7 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.
12. 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
13. 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.
14. 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

15. 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.
16. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
17. 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

19/1/2024
DATE

COPIES TO:

1) [Redacted]
Email: [Redacted]

2) [Redacted]
Email: [Redacted]

3) [Redacted]
Email: [Redacted]

ANNEXURE G

**APPLICATION FOR SUBDIVISION, ADMINSTRATOR'S
CONSENT TO RELAX A RESTRICTIVE TITLE DEED
CONDITION AND A PERMISSION REQUIRED IN
TERMS OF THE ZONING SCHEME: ERF 5640, DIE
BOORD, STELLENBOSCH.**

**COMMENT FROM THE MANAGER:
ELECTRICAL SERVICES**

Erf 5640

GENERAL COMMENT:

1. Pro - Rata fees are payable for new connection to proposed portion.

CONDITIONS:

2. The proposed subdivided portion of plot 5640 must have its own electricity supply cable separate of the existing building.
3. Installation cost for the new electrical service cable is the responsibility of the applicant.
4. All electrical wiring for the building on the proposed subdivided portion A should be carried out in accordance with SANS 10142 & SANS104 XA and if -if connecting a generator or solar pannels for backup, the setup needs to comply to SANS10142 and Municipal by-laws
5. No electricity supply will be switched on if the Certificate of Compliance is outstanding.



SIGNATURE

DATE 09/11/22

ANNEXURE I

**APPLICATION FOR SUBDIVISION, ADMINSTRATOR'S
CONSENT TO RELAX A RESTRICTIVE TITLE DEED
CONDITION AND A PERMISSION REQUIRED IN
TERMS OF THE ZONING SCHEME: ERF 5640, DIE
BOORD, 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 Nolusindiso Momoti
From ▫ Van: Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Ilze Fillies
Date ▫ Datum: 30 October 2023
Our Ref ▫ Ons Verw: Civil LU 2416
Your Ref: LU/14663
Re ▫ Insake: Erf 5640, Stellenbosch: 1. Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following on Erf 5640, Die Boord, Stellenbosch: 1.1 Subdivision in terms of Section 15(2)(d) of the subject property into two portions measuring $\pm 512\text{m}^2$ for Portion 1 and Portion 2 respectively. 1.2 Permission required in terms of the zoning scheme for an additional use in terms of Section 15(2)(g) to allow for a second dwelling unit on both Portion 1 and 2. 2. The Administrator's consent to relax the restrictive title deed condition(s) contained in Title Deed No. T. 19523/2022, Clause C(5)(b). in order to relax the restrictive title deed street building line from 4,6m to 4,0m and common building lines from 2,3m to 0m in order to accommodate the proposed dwelling house and second dwelling unit (together with garages) on both Portion 1 and 2.

The above application can be recommended for approval, subject to the following conditions:

1. Water Connections

- 1.1 Each erf must have its own water connection and water meter installed generally in accordance with the Engineering service layout by Bart Senekal Drawing no 9459/01.
- 1.2 Once the subdivision is formally approved, the Municipality can be contacted to install the water connections.
- 1.3 The cost of the installation is for the account of the owner.
- 1.4 The engineers drawing indicating the new water layout and connection point must be submitted for approval.

2. Sewer connection

- 2.1 Each erf must have its own sewer connection.
- 2.2 The cost of the installation of the sewer connection is for the account of the owner.
- 2.3 Once the subdivision is formally approved. The engineers drawing indicating the new sewer layout and connection point must be submitted for approval.
- 2.4 A quotation for the sewer connection inspection can be provided by the Water Services Department.
- 2.5 Installation must be done by a suitable Contractor appointed by the Owner. The cost of the installation of the sewer connection is for the account of the owner.
- 2.6 No Clearance certificate will be issued unless the Water Services Department has confirmed in writing that the sewer connection has been installed to their satisfaction.

3. Roads

- 3.1 Sufficient parking must be provided according to the Zone scheme and indicated at Building plan stage.

4. General

- 4.1 Any changes to any existing civil engineering services of Stellenbosch Municipality are for the account of the owner.
- 4.2 A Civil Engineering service inspection with the municipal engineering must be requested by the responsible civil engineer before clearance will be issued.
- 4.3 Proof of servitude registration to be furnished prior to Section 28 clearance being issued.

5. Development Charges (DCs) Subdivision

- 5.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage and will be amended prior to clearance.
- 5.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 5.3 The appropriate DC's are payable before subdivision clearance.

6. Development Charges (DCs) Second dwellings

- 6.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage and will be amended based on the detail information provided on subsequent applications ie building plans.
- 6.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 6.3 The appropriate DC's are payable before building plan approval.

7. Clearance Certificates

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

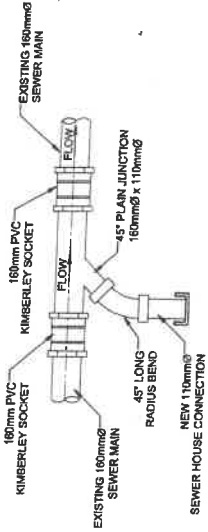


Ilze Fillies
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

N:\2.0 DEVELOPMENT\01 Land Use applications\2416 (CT) Erf 5640 Stellenbosch (LU-14663)\2416 (IF) Erf 5640 Stellenbosch (LU-14663) - Copy.doc

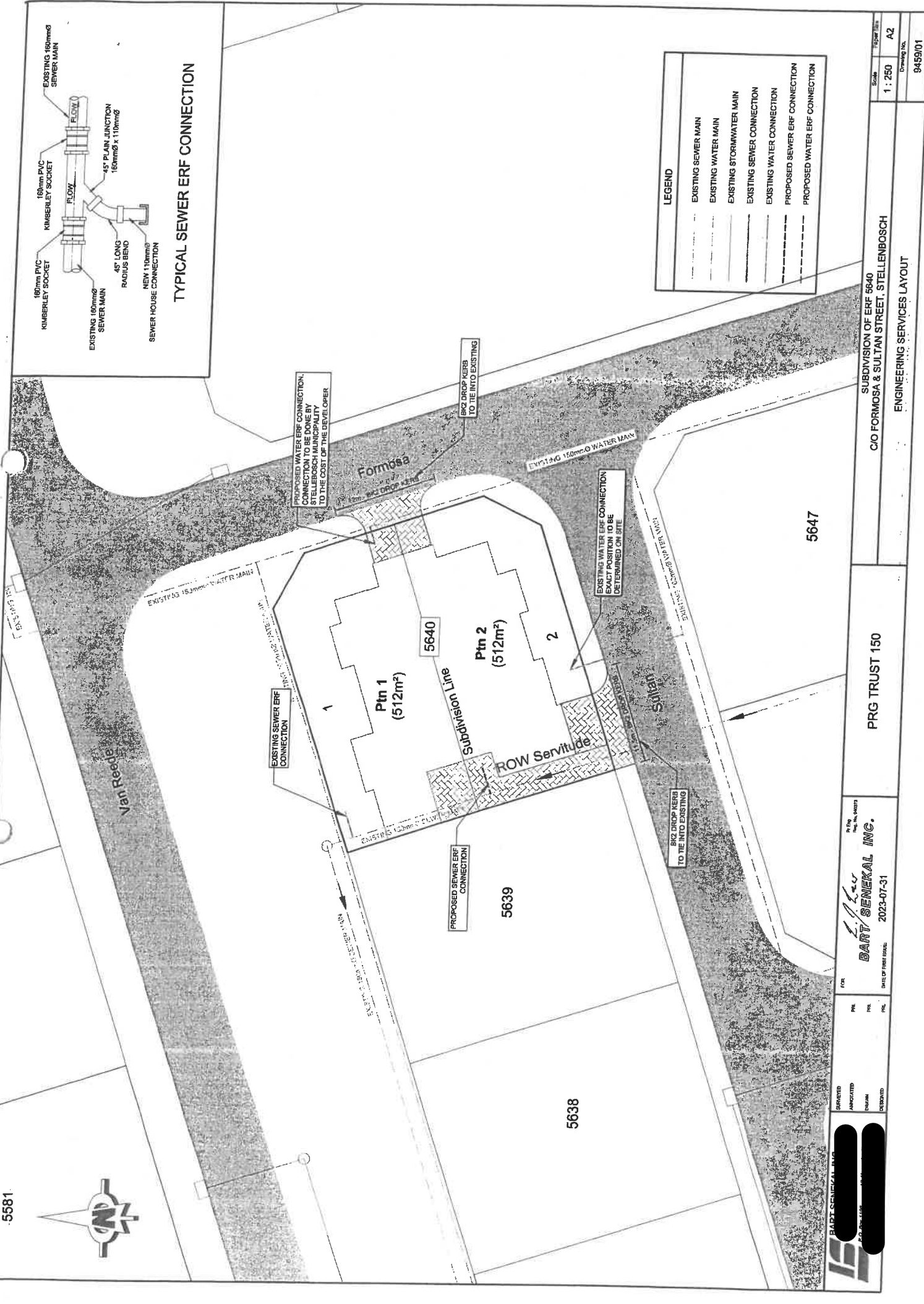


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TYPICAL SEWER ERF CONNECTION

LEGEND	
---	EXISTING SEWER MAIN
---	EXISTING WATER MAIN
---	EXISTING STORMWATER MAIN
---	EXISTING SEWER CONNECTION
---	EXISTING WATER CONNECTION
---	PROPOSED SEWER ERF CONNECTION
---	PROPOSED WATER ERF CONNECTION



Scale	1 : 250
Sheet No.	A2
Drawing No.	9459/01

SUBDIVISION OF ERF 5640
 C/O FORMOSA & SULTAN STREET, STELLENBOSCH
 ENGINEERING SERVICES LAYOUT

PRG TRUST 150

By the way, we mean
BART SENEKAL INC.
 2023-07-31
 DATE OF FIRST ISSUE

BART SENEKAL INC.
 ENGINEERING SERVICES LAYOUT
 150 PRG TRUST 150
 C/O FORMOSA & SULTAN STREET, STELLENBOSCH

Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION

Application Number: 2416 (CT) Erf 5640 Stellenbosch (LU-14663) IF
 Development Name: 2023/2024
 Date: 30 October 2023
 Financial Year: 2023/2024
 Erf Location (Select from 7 Locations): Stellenbosch Town
 Erf Region (Select Urban or Rural): Urban
 Erf No. / Farm No.: 5640
 DC Parameters Reference: Engineering service layout Subdivision of erf 5640 Stellenbosch Bart Senekal Drawing No 9459/01

SUMMARY OF DC CALCULATION

Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day		persons	
Total Increased Services Usage:	0,4	0,6	0,008	0,04	4		4	
Total Service Usage Reduction:	0	0	0	0	0,0		0	
Total Service Usage after Reduction:	0,40	0,60	0,00800	0,040	4,0		4	
Charges before adjusting for positive only, before Deductions	R 12 535,11	R 20 694,46	R 1 657,33	R 3 912,46	R 24 140,95	R 62 940,32	R 15 430,31	R 78 370,62
Charges adjusted for positive only, before Deductions	R 12 535,11	R 20 694,46	R 1 657,33	R 3 912,46	R 24 140,95	R 62 940,32	R 15 430,31	R 78 370,62
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 12 535,11	R 20 694,46	R 1 657,33	R 3 912,46	R 24 140,95	R 62 940,32	R 15 430,31	R 78 370,62
VAT:	R 1 880,27	R 3 104,17	R 248,60	R 586,87	R 3 621,14	R 9 441,05	R 2 314,55	R 11 756,59
Total Development Charges Payable (including VAT):	R 14 415,38	R 23 798,63	R 1 905,93	R 4 499,33	R 27 762,09	R 72 381,38	R 17 744,85	R 90 126,22

APPLICANT INFORMATION

Application Processed by: Iize Filles

Signature: *I Filles*

Notes:

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Stellenbosch Municipality

Development Charge Calculation



Application Number: 2416 (CT) Erf 5640 Stellenbosch (LU-14663) IF

Development Name: 2023/2024

Date: 30 October 2023

Financial Year: 2023/2024

Erf Location (Select from 7 Locations): Stellenbosch Town

Erf Region (Select Urban or Rural): Urban

Erf No. / Farm No.: 5640

DC Parameters Reference: Engineering service layout Subdivision of erf 5640 Stellenbosch Bart Senekeal Drawing No 9459/01

Service:

SUMMARY OF DC CALCULATION

Unit(s)	Water k/day	Sewer k/day	Stormwater ha°C	Solid Waste t/week	Roads & Transport trips/day	Sub Total (Civil Eng Services)	Community persons	Totals
Total Increased Services Usage:	0,9	0,8	0,036	0,08	5		8	
Total Service Usage Reduction:	0	0	0	0	0,0		0	
Total Service Usage after Reduction:	0,90	0,80	0,03600	0,080	5,0		8	
Charges before adjusting for positive only, before Deductions	R 28 204,00	R 27 592,62	R 7 457,98	R 7 824,93	R 30 176,19	R 101 255,71	R 30 860,61	R 132 116,32
Charges adjusted for positive only, before Deductions	R 28 204,00	R 27 592,62	R 7 457,98	R 7 824,93	R 30 176,19	R 101 255,71	R 30 860,61	R 132 116,32
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 28 204,00	R 27 592,62	R 7 457,98	R 7 824,93	R 30 176,19	R 101 255,71	R 30 860,61	R 132 116,32
VAT:	R 4 230,60	R 4 138,89	R 1 118,70	R 1 173,74	R 4 526,43	R 15 186,36	R 4 629,09	R 19 817,45
Total Development Charges Payable (including VAT):	R 32 434,60	R 31 731,51	R 8 576,68	R 8 998,67	R 34 702,61	R 116 444,07	R 35 489,70	R 151 933,77

Application Processed by:

Ilze Filias

Signature:

Ilze Filias

Notes:

This is the Development charge calculation for the second dwellings only.

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage Amount	Water	Sewer	Stormwater	Development Charge Levied (est VAT)		Sub Total (Civ/Eng Services)	Community	Total
		Area (m ²)	Unit Amount	Area (m ²)	Unit Amount					Solid Waste	Roads & Transport			
Residential	Single Residential >100m ²	du				0	R	R	R	R	R	R	R	R
	Single Residential >50m ²	du				0	R	R	R	R	R	R	R	R
	Single Residential >25m ²	du				0	R	R	R	R	R	R	R	R
	Single Residential <25m ²	du				0	R	R	R	R	R	R	R	R
	Second Dwelling	du				2	R	R	R	R	R	R	R	R
	Less Formal Residential	du				0	R	R	R	R	R	R	R	R
	Group Residential	du				0	R	R	R	R	R	R	R	R
	Apartments	du				0	R	R	R	R	R	R	R	R
	Retirement Village	du				0	R	R	R	R	R	R	R	R
	Old age home	du				0	R	R	R	R	R	R	R	R
Accommodation	Student Accommodation/Commune/Hostels	rooms				0	R	R	R	R	R	R	R	R
	Guest House	rooms				0	R	R	R	R	R	R	R	R
	Converted Guest House	rooms				0	R	R	R	R	R	R	R	R
	Hotel, Residential	rooms				0	R	R	R	R	R	R	R	R
	General Business	rooms				0	R	R	R	R	R	R	R	R
	Office	m ² GLA				0	R	R	R	R	R	R	R	R
	Retail/Shop	m ² GLA				0	R	R	R	R	R	R	R	R
	Restaurant	m ² GLA				0	R	R	R	R	R	R	R	R
	Outdoor Function / Picnic Area	persons				0	R	R	R	R	R	R	R	R
	Conference Facility/Place of assembly	m ² GLA				0	R	R	R	R	R	R	R	R
Commercial	Hospital/Clinic/Medical Rooms	m ² GLA				0	R	R	R	R	R	R	R	R
	University/College	m ² GLA				0	R	R	R	R	R	R	R	R
	School/Day Care	student				0	R	R	R	R	R	R	R	R
	Industrial - light	m ² GLA				0	R	R	R	R	R	R	R	R
	Industrial - heavy	m ² GLA				0	R	R	R	R	R	R	R	R
	Warehousing/Light Manufacturing	m ² GLA				0	R	R	R	R	R	R	R	R
	Storage Facilities	m ² GLA				0	R	R	R	R	R	R	R	R
	Open Space/Natural Environment/Utility Site	unit				0	R	R	R	R	R	R	R	R
	Roads and Parking	ha				0	R	R	R	R	R	R	R	R
	To be calculated	ha				0	R	R	R	R	R	R	R	R
Other	Other	m ²				0,0000	R	R	R	R	R	R	R	R
	(Based on equivalent demands)	m ²				0,0000	R	R	R	R	R	R	R	R
		Total Area:	0											

Charges before adjusting for positive only, before Deductions													
Deductions per service (from usage reductions)													
Discount Deduction (%)													
Additional Deduction per service - from Service Agreement (sum)													
Sub Total after Adjustments and Deductions (including VAT)													
VAT													
Total Development Charges													
Charges before adjusting for positive only, before Deductions													
Deductions per service (from usage reductions)													
Discount Deduction (%)													
Additional Deduction per service - from Service Agreement (sum)													
Sub Total after Adjustments and Deductions (including VAT)													
VAT													
Total Development Charges													
Charges before adjusting for positive only, before Deductions													
Deductions per service (from usage reductions)													
Discount Deduction (%)													
Additional Deduction per service - from Service Agreement (sum)													
Sub Total after Adjustments and Deductions (including VAT)													
VAT													
Total Development Charges													
Charges before adjusting for positive only, before Deductions													
Deductions per service (from usage reductions)													
Discount Deduction (%)													
Additional Deduction per service - from Service Agreement (sum)													
Sub Total after Adjustments and Deductions (including VAT)													
VAT													
Total Development Charges													