



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14064

Our File Reference Number: Erven 1080 - 1112, Kayamandi

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL: martini@plan4sa.co.za

Sir/Madam

APPLICATION FOR REZONING, CONSOLIDATION, CONSENT USE AND THE AMENDMENT OF GENERAL PLAN; ERVEN 1080-1112, PROJECT 4A, KAYAMANDI, STELLENBOSCH

1. The above application refers.
2. The Municipal Planning Tribunal on 27 January 2023 resolved 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 Erven 1080 – 1112, Project 4A, Kayamandi, namely:
 - 2.1.1 The **Rezoning** in terms of Section 15(2)(a) of the said Bylaw of Erven 1080 – 1112, Kayamandi from Multi-Unit Residential zone to zone Less Formal Residential Zone to allow for the establishment of the existing 148 flats.
 - 2.1.2 The **Consolidation** in terms of section 15(2)(e) of the said bylaw of Erven 1080 to 1090, Kayamandi to form one erf namely Portion A (±3 314m² in extent).
 - 2.1.3 The **Consolidation** in terms of section 15(2)(e) of the said bylaw of Erven 1091 to 1112, Kayamandi to form one erf namely Portion B (±6 041m² in extent).
 - 2.1.4 The **Consent Use** in terms of section 15(2)(o) of the said bylaw to allow for the accommodation of 48 flats on Portion A and 100 flats on Portion B.

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 development under consideration and 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 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 development be implemented in accordance with the Rezoning Plan and Consolidation Plan with reference:
 - 3.3.1 Zoning Plan - **21P004(4A)-TRP-ZP-20220118-Rev D00, Plan Nr 4**
 - 3.3.2 Consolidation Plan - **21P004(4A)-TRP-CP-20220118-Rev D00, Plan Nr 3;** attached as **ANNEXURE C1** and **C2**.
- 3.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes.
- 3.5 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 28 September 2022, be complied to the satisfaction of the Department (see **ANNEXURE H**).

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

- 4.1 The development is compatible with the surrounding land uses and built environment.
- 4.2 The proposal will provide for security of tenure and to give effect to the existing situation.
- 4.3 The properties are located in an established urban area within the urban edge of Kayamandi.
- 4.4 The properties have already been developed and no additional units will be constructed.

5. **Matters to be noted:**

5.1 Building plans be approved by the Municipality.

5.2 A **Street Name and Numbering Plan** to be submitted to the delegated official for approval.

5.3 Condonation required from the Municipality for the nine minor encroachments of the existing staircases into 10th Street, 13th Street and School Street.

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:

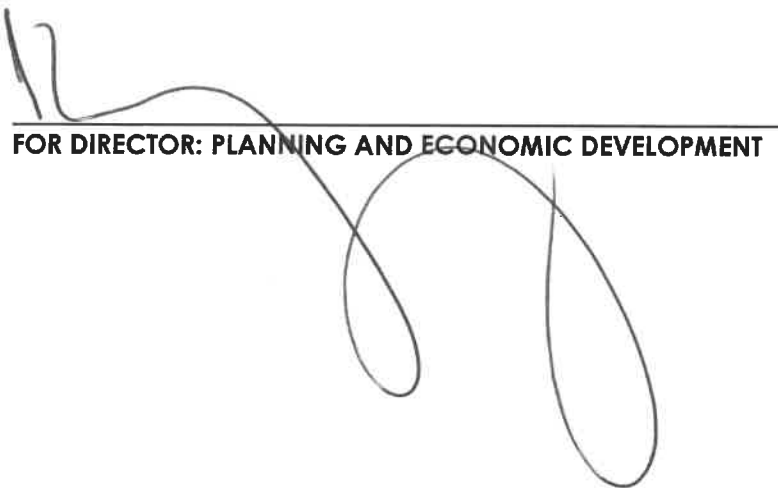
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers 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

8/3/2023
DATE:

ANNEXURE C

**APPLICATION FOR REZONING,
CONSOLIDATION, CONSENT USE AND THE
AMENDMENT OF GENERAL PLAN: ERVEN 1080 -
1112, PROJECT 4A, KAYAMANDI,
STELLENBOSCH.**

**ZONING & CONSOLIDATION
PLAN**

ZONING PLAN
Kayamandi Housing Project 4A

DESCRIPTION	COMMENTS
Kayamandi Project 4A	±0.8354 ha
Current Number of Even	33 even
Current Erf Numbers	1080 to 1112
Proposed Number of Even	2 even
Proposed "Portion A"	±3334m ²
Proposed "Portion B"	±6041m ²
Less Formal Residential Zone (LFR)	±6354m ²

Notes:

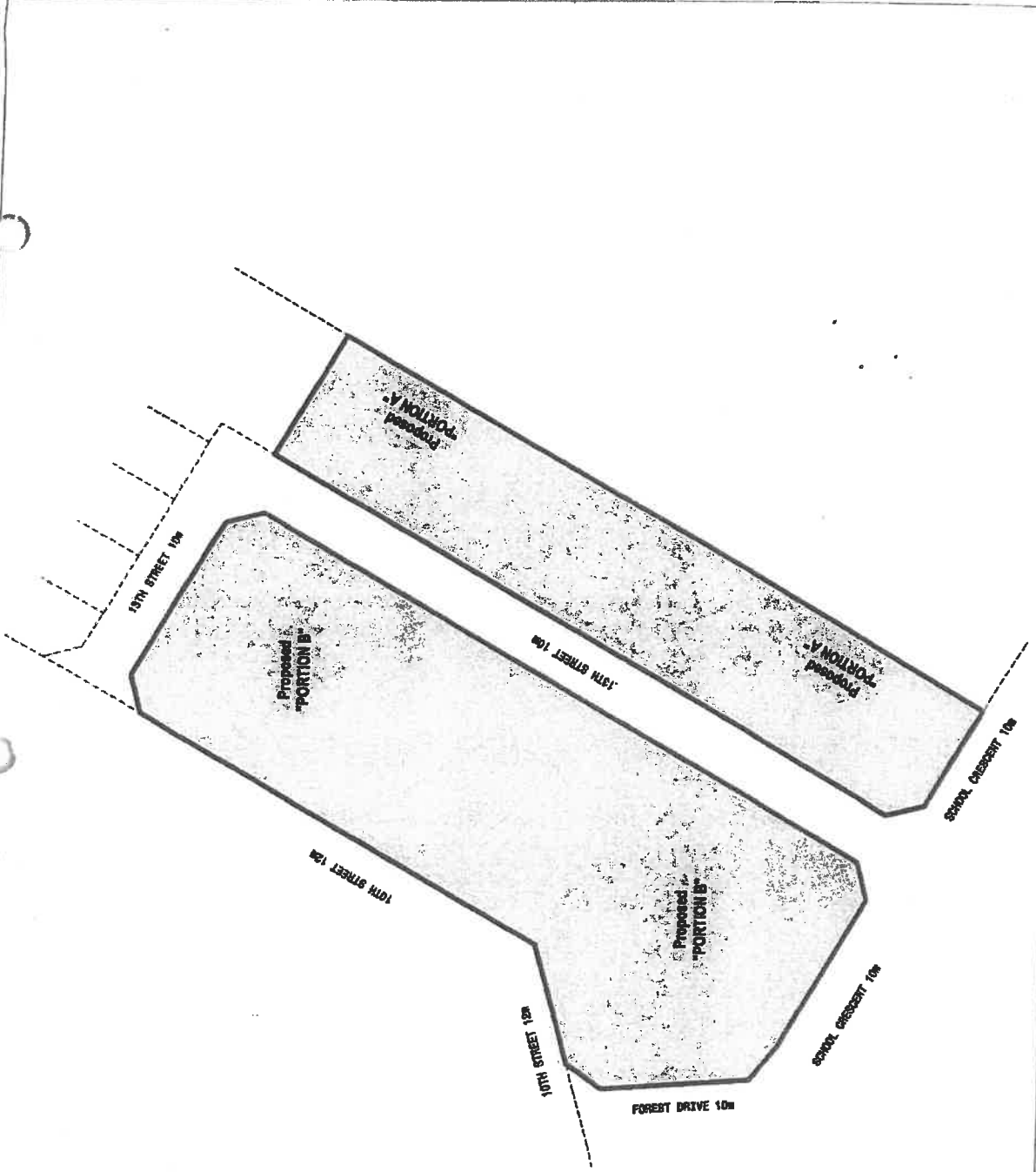
- Project 4A is located between 10th Street, 13th Street, School Street and the School in Ward 12, Kayamandi.
- The intention is to establish a Sectional Title Scheme on the consolidated even.
- Existing Erf Numbers 1080 to 1090 is proposed to be consolidated to 1 x Erf, namely, proposed "Portion A".
- Existing Erf Numbers 1091 to 1112 is proposed to be consolidated to 1 x Erf, namely, proposed "Portion B".
- Existing Number of Dwelling Units on:
 - Proposed "Portion A": 48 dwelling units
 - Proposed "Portion B": 100 dwelling units
- Proposed Zoning:
 - Proposed "Portion A" and "Portion B": Less Formal Residential Zone (LFR)
- Coverage:
 - 7.1. Estimated actual coverage on proposed "Portion A" is ±22% which is below the maximum permitted coverage in the LFR Zone.
 - 7.2. Estimated actual coverage on proposed "Portion B" is ±25% which is below the maximum permitted coverage in the LFR Zone.
 - 7.3. No departure is therefore required on Coverage.
- Height:
 - 8.1. Existing buildings are 2-storey buildings which is below the maximum permitted height in the LFR Zone.
 - 8.2. No departure is therefore required on Height.
- Permitting:
 - 9.1. 1 x bay per dwelling house is required in the LFR Zone.
 - 9.2. 148 x off-street parking bays can be accommodated on the consolidated portions.
 - 9.3. No departure is therefore required on Permitting.
- Building Lines:
 - 10.1. There are 5 x minor encroachments of encroachment into the road reserve as indicated in RED (ENC-1 to ENC-5) on the consolidation plan.
 - 10.2. Except for the aforementioned setbacks encroachments, the existing buildings do not exceed the permissible building lines in the LFR Zone.
 - 10.3. The zoning scheme says in the definition of "building line" that "...setbacks, setbacks, setbacks, setbacks and setbacks, which are at ground level, external to the building, and not covered by a roof..." are excluded from affecting to building lines.
 - 10.4. No departure is therefore required on Building Lines.



PLAN 4 SA

PROFESSIONAL PLANNERS & PROJECT MANAGERS
MARTIN JONKER
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 Fax: 086-324-8738
 Email: martin@plan4sa.co.za
 Web: www.plan4sa.co.za

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DRAWING DISCIPLINE CODES TRP: Town & Regional Planning TP: Transportation Planning	DRAWING STATUS CODES D: Draft F: Final
DRAWING TITLE CODES CP: Consolidation Plan DF: Development Framework LP: Locality Plan LUP: Land Use Plan SDP: Site Development Plan SLP: Site Layout Plan SUB: Subdivision Plan ZP: Zoning Plan	DRAWING NUMBER 21PD04 (4A)-TRP-ZP-20220118-Rev D00

DRAWING TITLE ZONING PLAN	SCALE NTS	SHEET SIZE A3	SHEET NUMBER 1 of 1
PLAN NUMBER 4	PROJECT NAME LAND USE RIGHTS: KAYAMANDI HOUSING PROJECTS		

CLIENT / OWNER INFORMATION STELLENBOSCH MUNICIPALITY Contact: Mr. Lester van Stavel Position: Manager: Housing Development Tel: 021-808-8462 Cell: 082-442-7709 Email: lester.vanstavel@stellenbosch.gov.za Web: www.stellenbosch.gov.za
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CONSOLIDATION PLAN
Kayamandi Housing Project 4A

DESCRIPTION	COMMENTS
Keyamandi Project 4A	±0.8354 ha
Current Number of Even	33 even
Current Erf Numbers	1080 to 1112
Proposed Number of Even	2 even
Proposed "Portion A"	±5314m ²
Proposed "Portion B"	±6041m ²

Notes:

- Project 4A is located between 10th Street, 13th Street, School Crescent and the School in Ward 12, Kayamandi.
- The intention is to establish a Sectional Title Scheme on the consolidated even.
- Existing Erf Numbers 1080 to 1090 is proposed to be consolidated to 1 x Erf, namely, proposed "Portion A".
- Existing Erf Numbers 1091 to 1112 is proposed to be consolidated to 1 x Erf, namely, proposed "Portion B".
- Existing Number of Dwelling Units on:
 - Proposed "Portion A": 48 dwelling units
 - Proposed "Portion B": 100 dwelling units
- Proposed Zoning:
 - Less Formal Residential Zone (LFR) for both proposed "Portion A" and "Portion B"
- Coverage:
 - Estimated actual coverage on proposed "Portion A" is 52.2% which is below the maximum permitted coverage in the LFR Zone.
 - Estimated actual coverage on proposed "Portion B" is 52.9% which is below the maximum permitted coverage in the LFR Zone.
 - No departure is therefore required on Coverage.
 - Height:
 - Existing buildings and 2-storey buildings which is below the maximum permitted height in the LFR Zone.
 - No departure is therefore required on height.
 - Parking:
 - 1 x bay per dwelling house is required in the LFR Zone.
 - 148 x off-street parking bays can be accommodated on the consolidated portions.
 - No departure is therefore required on Parking.
 - Building Lines:
 - There are 3 minor encroachments of structures into the road reserve as indicated in RED (ENC1 to ENC3) on the consolidation plan.
 - Except for the aforementioned encroachments, the existing buildings do not exceed the permissible building lines in the LFR Zone.
 - The 3 minor encroachments are:
 - ENC1: which is the structure of a building which is at ground level, and is not covered by a roof, and is situated from adjoining to building lines.
 - ENC2: which is a structure of a building which is at ground level, and is not covered by a roof, and is situated from adjoining to building lines.
 - ENC3: which is a structure of a building which is at ground level, and is not covered by a roof, and is situated from adjoining to building lines.
 - No departure is therefore required on Building Lines.

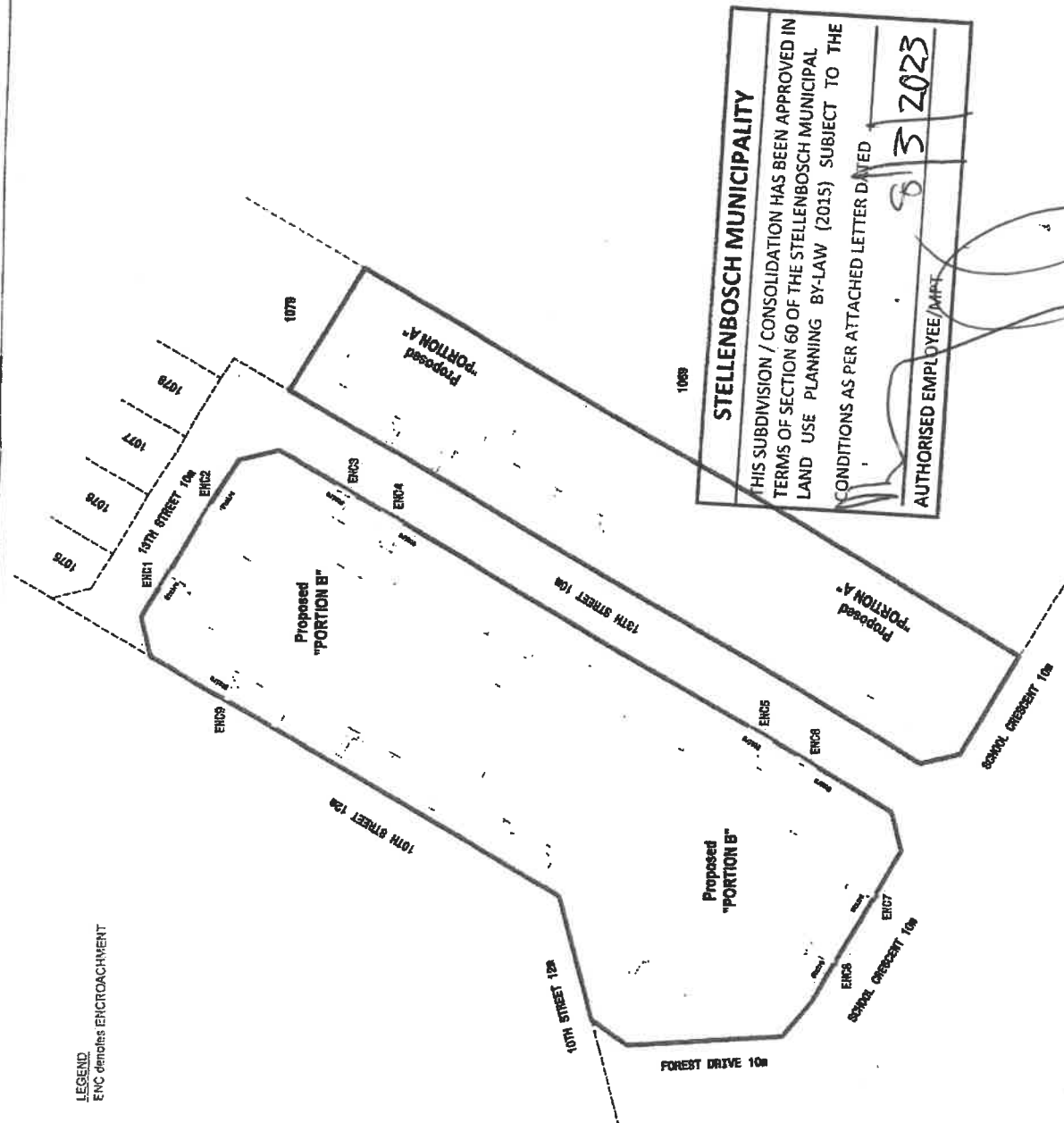


PLAN 4 SA

PROFESSIONAL PLANNERS & PROJECT MANAGERS

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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 8/3/2023

AUTHORISED EMPLOYEE/AMPT

LEGEND:
ENC denotes ENCROACHMENT

CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY
Contact: Mr Lester van Stavel
Position: Manager: Housing Development
Tel: 021-805-8452
Cell: 082-442-7709
Email: lester.vanstavel@stellenbosch.gov.za
Web: www.stellenbosch.gov.za

DRAWING TITLE

CONSOLIDATION PLAN

LAND USE RIGHTS: KAYAMANDI HOUSING PROJECTS

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
3	NTS	A3	1 of 1

PROJECT NAME

LAND USE RIGHTS: KAYAMANDI HOUSING PROJECTS

DRAWING DISCIPLINE CODES
TRP: Town & Regional Planning
TP: Transportation Planning

DRAWING STATUS CODES
D: Draft
F: Final

DRAWING NUMBER

24/P004 (4A)-TRP-CF-20220118-Rev

DRAWING TITLE CODES
CP: Consolidation Plan
DF: Development Framework
LP: Locality Plan
LUP: Land Use Plan
SDP: Site Development Plan
SLP: Site Layout Plan
SUB: Subdivision Plan
ZP: Zoning Plan

ANNEXURE H

**APPLICATION FOR REZONING,
CONSOLIDATION, CONSENT USE AND THE
AMENDMENT OF GENERAL PLAN: ERVEN 1080 -
1112, PROJECT 4A, KAYAMANDI,
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 Salome Newman

From - Van: Principal Technician Development (Infrastructure Services)

Author - Skrywer: Abdullah Daniels

Date - Datum: 28 September 2022

Our Ref - Ons Verw: Civil LU 2346

Your Ref: LU/14064

Re - Insake: Erf 1080, Kayamandi: The 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: 1. Rezoning in terms of section 15(2)(a) of the said bylaw of Erven 1080 to 1112, Kayamandi from Multi-Unit Residential Zone to Less Formal Residential Zone. 2. Consolidation in terms of section 15(2)(e) of the said bylaw of Erven 1080 to 1090, Kayamandi to form one erf namely Portion A (±3 314m² in extent). 3. Consolidation in terms of section 15(2)(e) of Erven 1091 to 1112, Kayamandi to form one erf namely Portion B (±6 041m² in extent). 4. Subdivision in terms of section 15(2)(d) of the said bylaw of Portion A and Portion B to enable the registration of a Sectional Title Scheme for the existing 148 flats. 5. Consent Use in terms of section 15(2)(o) of the said bylaw to allow for the accommodation of 148 flats on Portion A and Portion B. 6. Amendment of General Plan GP 3443/1993 in terms of section 15(2)(k) of the said bylaw. 7. Departure in terms of section 15(2)(b) of the said bylaw to relax the street building line on the consolidated Portion B (consolidated from erven 1091 – 1112) from 1,0m to 0m to allow 9 minor encroachments of staircases into the street.

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

1. Water Connections

1.1 Each erf must have its own water connection and water meter installed.

2. Sewer Connections

2.1 Each erf must have its own sewer connection.

3. Electrical Engineering

3.1 Refer to **Annexure: Electrical**



Abdullah Daniels

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\2346 (AD) Erf 1080 Kayamandi (LU-14064) Project 4A\2346 (AD) Erf 1080 Kayamandi (LU-14064).doc

Kayamandi 1080

1. No Objection

CONDITIONS:

2. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.
3. All electrical work to comply with SANS142 and Municipal electrical by-laws

Bradley Williams

Date.....17/08/2022.....



Signature