

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14053

Our File Reference Number: Erven 112, 114, 115 & 116, Kayamandi

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

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

Sir/Madam

**APPLICATION FOR REZONING, CONSOLIDATION, SUBDIVISION, AMENDMENT OF GENERAL PLAN &
DEPARTURES: ERVEN 112, 114, 115 & 116 KAYAMANDI (ALSO KNOWN AS RED BRICKS HOSTELS, PROJECT
4B)**

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 for Erven 112, 114, 115 & 116, Kayamandi (Project 4B) namely:

2.1.1 The **Consolidation** in terms of section 15(2)(e) of the said bylaw of Erven 112, 114, 115 & 116 Kayamandi to create one erf namely Portion A which is ±7072m² in extent.

2.1.2 The **rezoning** in terms of section 15(2)(a) of the said bylaw of the subject properties from Multi-Unit Residential Zone to Subdivisional Area to allow for the following uses (and in accordance with the land use framework plan as depicted in plan referenced **Zoning Plan 21P004(4B)-TRP-ZP-20220125-Rev D01, Plan Nr 4**, drawn by Plan4SA Professional Planners and Project Managers):

a) 51 x **Less Formal Residential Zone** erven and ±5 954,14m² in extent for less formal housing purposes.

- b) 5 x **Public Road and Parking Zone** and ±1 112,72m² in extent for road and parking purposes.
- 2.1.3 **Subdivision** in terms of section 15(2)(d) of the said bylaw of Portion A (±7 072m²) into 56 erven and in accordance with **Zoning Plan 21P004(4B)-TRP-ZP-20220125-Rev D01, Plan Nr 4**, drawn by Plan4SA Professional Planners and Project Managers, to allow for the residential development in accordance with the subdivisional zone above.
- 2.1.4 **Departure** in terms of section 15(2)(b) of the said bylaw:
- a) on unregistered Erf 2332 from **80%** to **94%**;
 - b) on unregistered Erf 2336 from **80%** to **91%**;
 - c) on unregistered Erf 2344 from **80%** to **84%**;
 - d) on unregistered Erf 2359 from **80%** to **83%**;
- 2.1.5 **Departure** in terms of section 15(2)(b) of the said bylaw by reducing the minimum required on-site parking bays from one (1) parking bay per dwelling house to 0 bays per dwelling house on all residential erven.
- 2.1.6 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building lines (for all other buildings) as follows:
- a) *the street building line from **1,0m** to **0m** on one of the streets for the following unregistered erven: 2327, 2329, 2332, 2334, 2336, 2337, 2342, 2346, 2348, 2352, 2363, 2366, 2367, 2374, 2375 & 2378;*
 - b) *the street building line from **1,0m** to **0m** on two of the streets for the following unregistered erven: 2344;*
 - c) *the common building lines from **1,0m** to **0m** on the following unregistered erven: 2324, 2325, 2328, 2331, 2335, 2336, 2338, 2339, 2341, 2345, 2347, 2348, 2350, 25353, 2355, 2356, 2361, 2364, 2366, 2367, 2371, 2372, & 2377.*
- 2.1.7 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building line (for shelters) as follows:

- a) the street building lines from **1,0** to **0m** on one street building line for the following unregistered erven: 2325, 2331, 2335, 2339, 2347, 2349, 2350, 2356, 2366, 2367, 2372 & 2373;
- b) the street building line from **1,0m** to **0m** on two streets for the following erven: 2334, 2337, 2352, 2368 & 2378;
- c) the street building line from **1,0** to **0m** on three streets for unregistered erven 2332 & 2363;
- d) the common building line from **1,0m** to **0m** for the following unregistered erven: 2326, 2334, 2337, 2341, 2347, 2349, 2350, 2352, 2356, 2361, 2363, 2367, 2375 & 2378;
- e) the common building lines from **1,0m** to **0m** on two common building lines for the following unregistered erven: 2325, 2327, 2330, 2331, 2335, 2336, 2339, 2358, 2366, 2372 & 2373;
- f) the common building lines from **1,0m** to **0m** on three common building lines for the following unregistered erven: 2357, 2359 & 2368

See **ANNEXURE C** for Consolidation, Zoning and Subdivisional Plan

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 Consolidation Plan, Subdivisional Plan and Zoning Plan with reference:

3.3.1 Consolidation Plan - **21P004(4B)-TRP-CP- 20220120-Rev D01- Plan nr 2**

3.3.2 Subdivisional Plan - **21P004(4B)-TRP-ECP-20220125-Rev D01 – Plan Nr 3**

3.3.3 Zoning Plan - **21P004(4B)-TRP-ZP-20220125-Rev D01- Plan Nr 4**, attached as **ANNEXURE C1, C2 and C3**.

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 applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information be indicated:

- a) Newly allocated Erf Numbers
- b) Co-ordinates
- c) Survey Dimensions

3.6 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 26 October 2022, attached as **ANNEXURE H**, be complied with to the satisfaction of the said Department.

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

4.1 The proposal will not have a negative impact on the surrounding properties and their rights as it is in keeping with the character of the area.

4.2 The development is compatible with the surrounding land uses and built environment.

4.3 The proposal will provide for security of tenure and give effect to the existing situation.

4.4 The properties are located in an established urban area within the urban edge of Kayamandi.

5. Matters to be noted:

5.1 Building plans of all structures within the erf boundaries of the new residential erven, to be submitted to the Municipality for approval.

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

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 or 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.

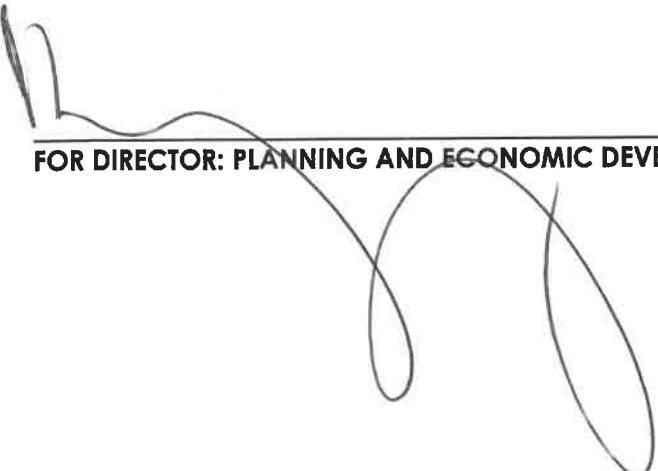
(c) The grounds of the appeal which may include the following grounds:

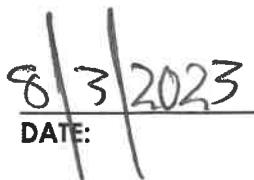
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred 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 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.
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


DATE:

ANNEXURE C

**APPLICATION FOR REZONING,
CONSOLIDATION, SUDIVISION, AMENDMENT
OF GENERAL PLAN & DEPARTURES: ERVEN 112,
114, 115 & 116, KAYAMANDI (ALSO KNOWN
AS RED BRICKS HOSTELS, PROJECT 4B)**

**CONSOLIDATION PLAN/REZONING
PLAN/SUBDIVISIONAL
PLAN/DEPARTURE PLAN**

**CONSOLIDATION PLAN
Kayamandi Housing Project 4B**

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DESCRIPTION	COMMENTS
Project 4B	40,370.7 ha
Previously Consolidated "Portion A"	40,370.7 ha
Current Number of Everts	4,000+
Current Ert Numbers	112, 114, 115, 116
Total Area (m²) of Ert 112	33,455m²
Total Area (m²) of Ert 114	32,265m²
Total Area (m²) of Ert 115	15,975m²
Total Area (m²) of Ert 116	45,651m²
Demolition Plans / Site Drawings	L14697
Current Owner	Stellenbosch Municipality
Title Deed of Ert 112	T10102/009
Title Deed of Ert 114	T1012/2005
Title Deed of Ert 115	T1012/2009
Title Deed of Ert 116	T1024/2008

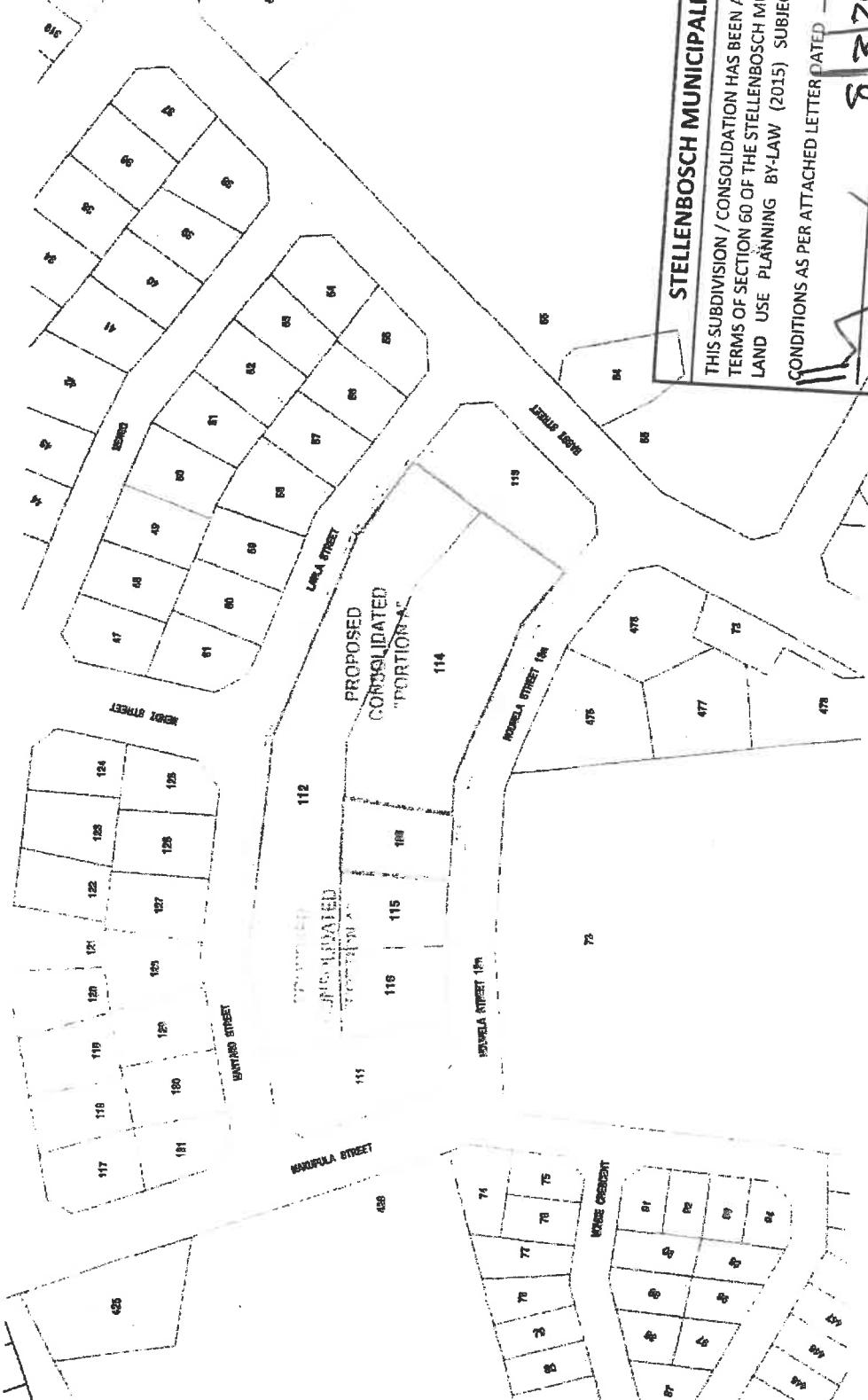
Notes:

1. Project 4B is located between Maryano, Lamia, Basit and Noumea Streets in Ward 13, in the Old Township Area of Kayamandi, Stellenbosch.
2. It is proposed to consolidate Evert 112, 114, 115 and 116 into proposed "Portion A" and then to subdivision the proposed "Portion A" as shown in the Subdivision Plan (Plan 2).
3. The existing properties contain 51 formal dwelling units.
4. In addition to the 51 formal dwelling units, there are approximately 61 informal structures on the existing properties. This was scanned from an undated aerial image obtained from Messrs Tys. Should the municipality require an exact number of informal structures, it is recommended that quotes be obtained for new aerial footage and/or the conducting of physical surveys.
5. Any areas and dimensions are provisional and will be finalised by the Land Surveyor at the time of the subdivision survey.

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/MPT



CLIENT / OWNER INFORMATION

STELLENBOSCH MUNICIPALITY
Contact: Mr Lester van Stievel
Position: Manager Housing Development
Tel: 021-808-8462
Cell: 082-442-7709
Email: lester.vanstievel@stellenbosch.gov.za
Web: www.stellenbosch.gov.za

CONSOLIDATION PLAN (4B)

PLAN 4 SA		PLAN 4 SA	
PROJECT NAME	2	SCALE	NTS

PROFESSIONAL PLANNERS & PROJECT MANAGERS	
MARTIN JONKER Tel: 084-41048132 Fax: 086-324-87738 Email: martin@plan4sa.co.za Web: www.plan4sa.co.za	

DRAWING DISCIPLINE CODES	
TRP: Town & Regional Planning	
TP: Transportation Planning	
DRAWING STATUS CODES	
D: Draft	
F: Final	
DRAWING NUMBER	
21P04 (4B)-TRP-CP-20220120-Rv 001	

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ANNEXURE H

**APPLICATION FOR REZONING,
CONSOLIDATION, SUBDIVISION, AMENDMENT
OF GENERAL PLAN & DEPARTURES: ERVEN 112,
114, 115 & 116, KAYAMANDI (ALSO KNOWN
AS RED BRICKS HOSTELS, PROJECT 4B)**

**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: Abdullah Daniels
 Date □ Datum: 26 October 2022
 Our Ref □ Ons Verw: Civil LU 2348
 Your Ref: LU/14053
 Re □ Insake:

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

31 OCT 2021

RECEIVED

E NR: OUTGOING POST
Erf 112 1cm
IN NR:
LABORATORIUM NR: 737507
 Erf 112, 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 Erven 112, 114, 115 & 16, Kayamandi from Multi-Unit Residential Zone to Subdivisional Area to accommodate Less Formal Zone and Public Road & Parking Zone. 2. Consolidation in terms of section 15(2)(e) of the said bylaw of Erven 112, 114, 115 & 116 Kayamandi to form one erf namely Portion A which is ±7072m² in extent. 3. Subdivision in terms of section 15(2)(d) of the said bylaw of Portion A (±7 072m²) into the following: (a) 51 x Less Formal Residential Zone erven; b) 5 x Public Road and Parking Zone area. 4. Amendment of General Plan GP L149/1987 in terms of section 15(2)(k) of the said bylaw. 5. Departure in terms of section 15(2)(b) of the said bylaw to increase the permissible coverage as follows: (a) on unregistered Erf 2332 from 80% to 94%; (b) on unregistered Erf 2336 from 80% to 91%; (c) on unregistered Erf 2344 from 80% to 84%; (d) on unregistered Erf 2359 from 80% to 83%;

6. Departure in terms of section 15(2)(b) of the said bylaw by reducing the minimum required on-site parking bays from one (1) parking bay per dwelling house to 0 bays per dwelling house relaxation of the building lines (for all other buildings) as following unregistered erven: - 2327, 2329, 2332, 2334, 2336, 2337, 2342, 2346, 2348, 2352, 2363, 2366, 2367, 2374, 2375 & 2378; (b) the street building line from 1,0m to 0m on two of the streets for the following unregistered erven: - 2344; (c) the common building lines from 1,0m to 0m on the following unregistered erven: - 2324, 2325, 2328, 2331, 2335, 2336, 2338, 2339, 2341, 2345, 2347, 2348, 2350, 25353, 2355, 2356, 2361, 2364, 2366, 2367, 2371, 2372, & 2377. 8. Departure in terms of section 15(2)(b) of the said bylaw for the relaxation of the building line (for shelters) as follows: (a) the street building lines from 1,0 to 0m on one street building line for the following unregistered erven: - 2325, 2331, 2335, 2339, 2347, 2349, 2350, 2356, 2366, 2367, 2372 & 2373; (b) the street building line from 1,0m to 0m on two streets for the following erven: - 2334, 2337, 2352, 2368 & 2378; (c) the street building line from 1,0 to 0m on three streets for unregistered erven 2332 & 2363; (d) the common building line from 1,0m to 0m for the following unregistered erven: - 2326, 2334, 2337, 2341, 2347, 2349, 2350, 2352, 2356, 2361, 2363, 2367, 2375 & 2378; (e) the common building lines from 1,0m to 0m on two common building lines for the following unregistered erven: - 2325, 2327, 2330, 2331, 2335, 2336, 2339, 2358, 2366, 2372 & 2373; (f) the common building lines from 1,0m to 0m on three common building lines for the following unregistered erven: - 2357, 2359 & 2368.

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

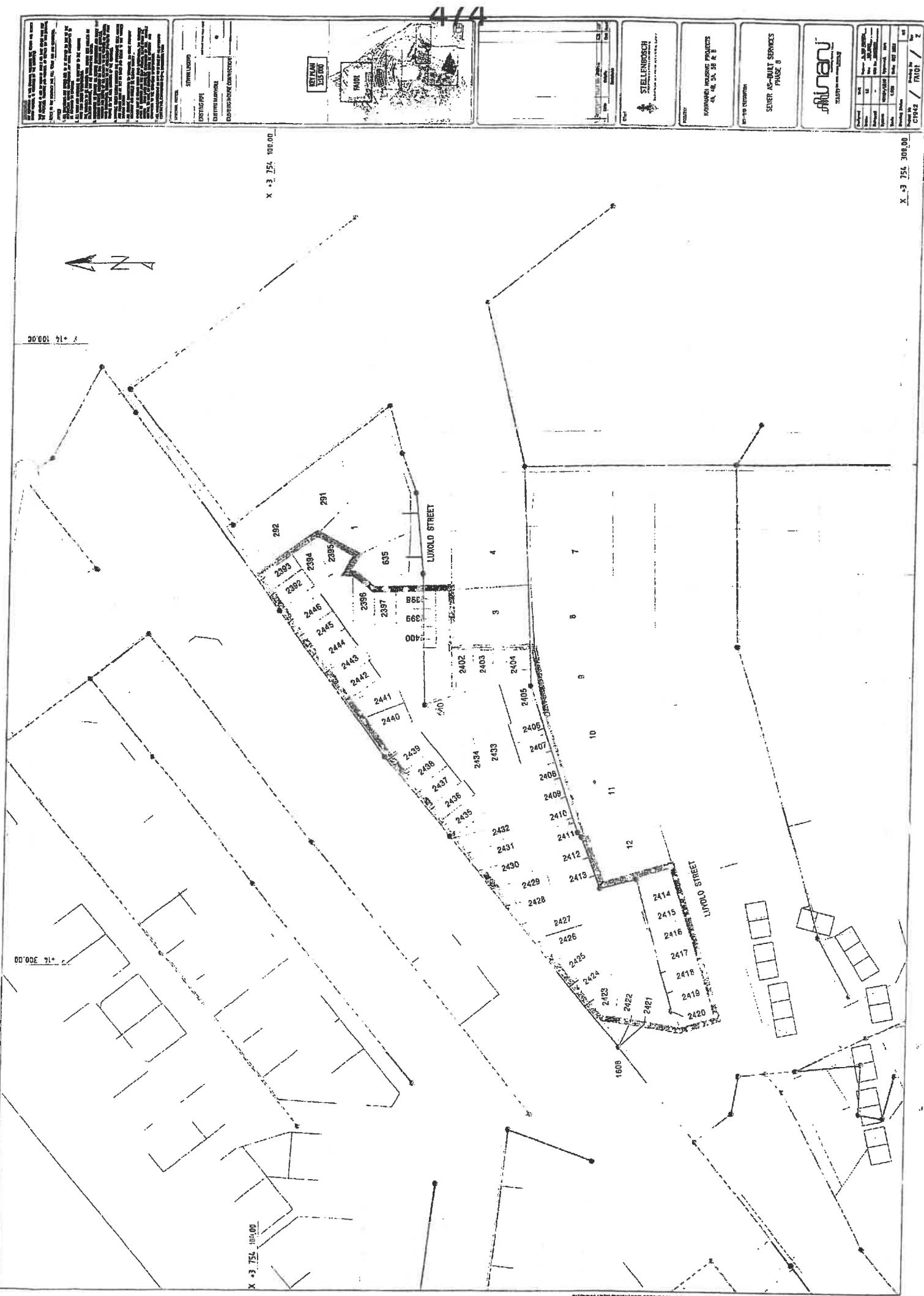
- 3.1 Refer to Annexure: Electrical



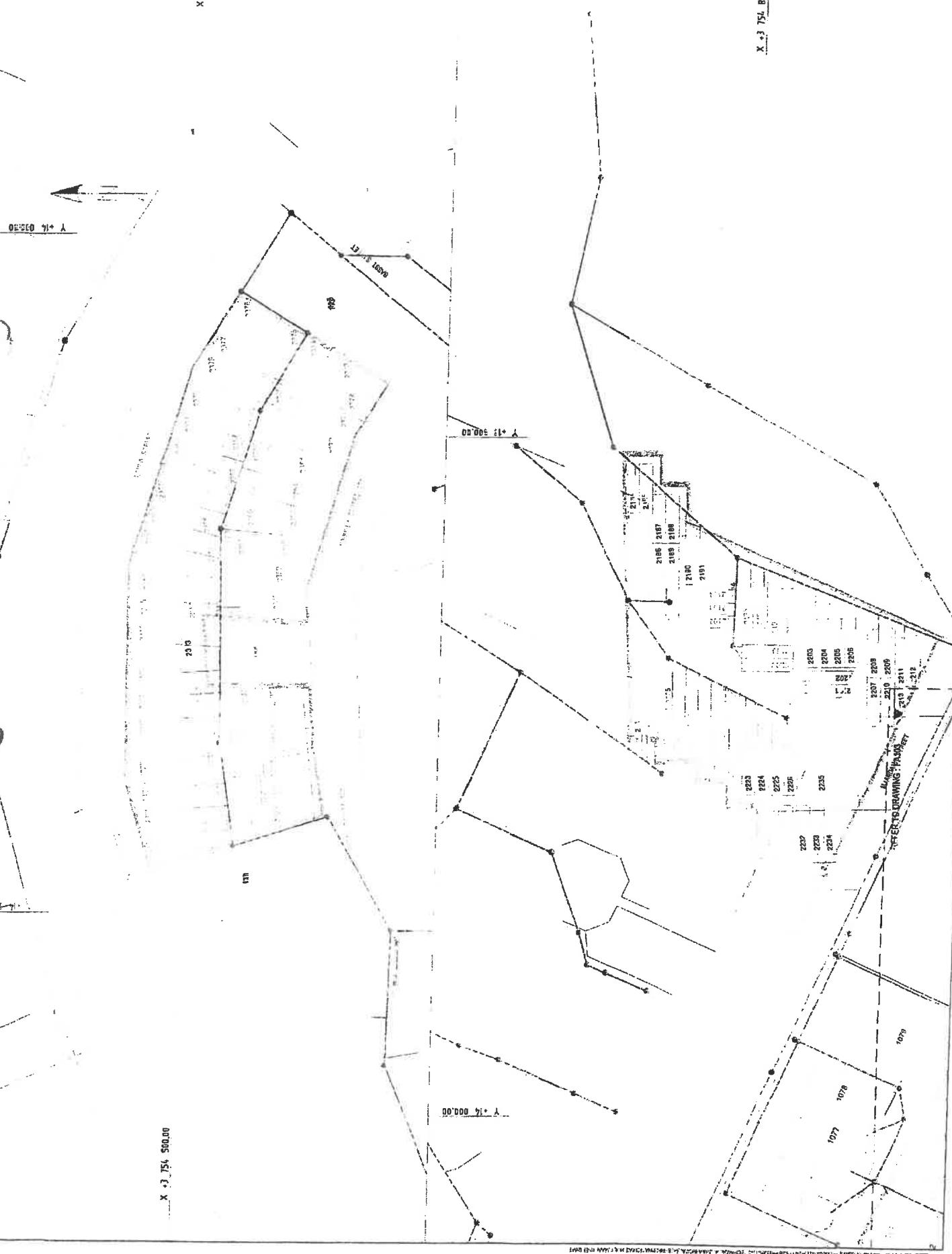
Abdullah Daniels

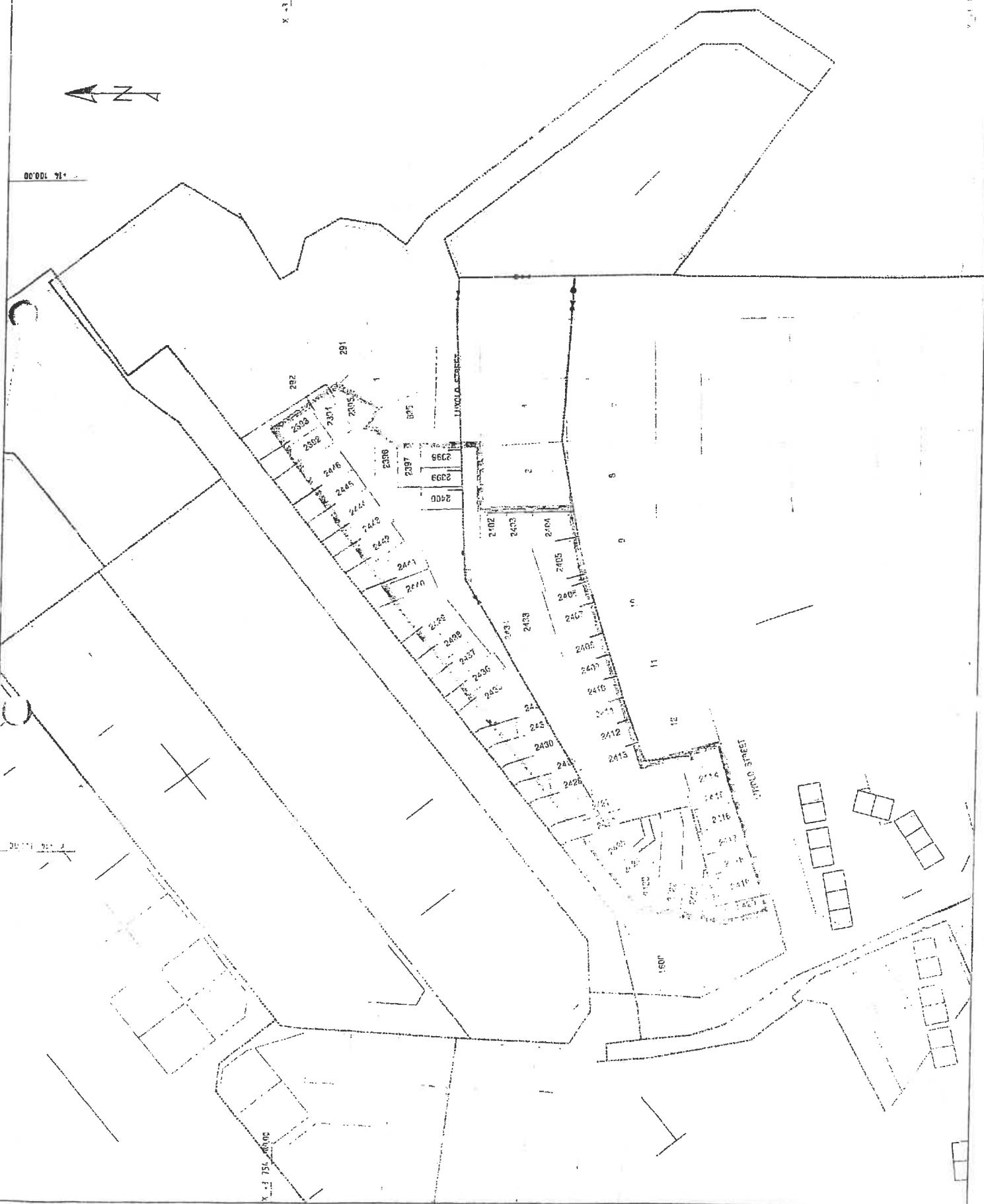
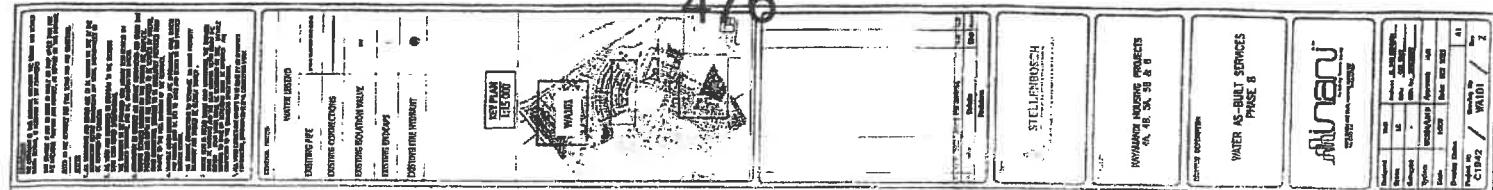
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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Project 4B.doc



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