



Application Number: LU/16622(TP502/2023)

Our File Reference Number: Erf 2383, 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 THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND PERMANENT DEPARTURE, ON ERF 2383, 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 By-law on Erf 2383, Stellenbosch for:
 - a) Application for the removal of restrictive title deed conditions in terms of Section 15(f) of the said By-law to removed Clauses A III 1 & 5 and B IV 2 - 4 from Title Deed 10826/86,
 - b) Application for permanent departure in terms of Section 15(2)(b) of the said By-law for the under provision of on-site parking to allow 3 vehicle parking bays to be substituted with 18 bicycle bays (equivalent to 3 vehicle parking bays) or the equivalent of the required motorcycle bays in accordance with Section 36 of the Stellenbosch Municipality Zoning Scheme By-law,

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

- 2.2. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:

- i. 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 By-laws or Regulations that may be applicable.
 - ii. 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.
 - iii. The development and building plans be generally in accordance, but subject to compliance with all Zoning Scheme By-law building lines with the Ground & First Storey Floor Plans, with Project No. 23-131, Sheet No. 001 and Issued Date 2024/05/13, Drawn by Red Atlantic Architecture and Second & Third Storey Floor Plans, with Project No. 23-131, Sheet No. 002 and Issued Date 2023/09/10, Drawn by Red Atlantic Architecture, attached as **Annexure A**.
 - iv. A landscape plan indicating the existing mature trees to be retained on the property and the areas to be landscaped (especially along the street interface of the subject property) be submitted as part of the building plans application for consideration and approval by the Municipality.
 - v. The conditions imposed by the Director: Infrastructure Services as contained in the memorandum dated 19/07/2024 and Electricity Services: Conditions of Approval dated 23/11/2023 attached as **Annexure B**, be complied with.
 - vi. 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 Director Infrastructure Services.
3. That the application for permanent departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law to allow the second and third floor of the proposed flats to be setback 4.5m in lieu of 6m from the common building line on Erf 2383, Stellenbosch,

BE REFUSED in terms of Section 60 of the said By-law

3.1. The **reasons** for the above decisions are as follow:

- 3.3.1. The proposal is consistent with the Stellenbosch Municipality Spatial Development Framework and the higher density residential development is compatible with the character of the area and existing land uses of surrounding properties.
- 3.3.2. The restrictive title deed conditions to be removed are specific township establishment rights that were meant to protect a low-density residential character which is no longer prevalent in the area.

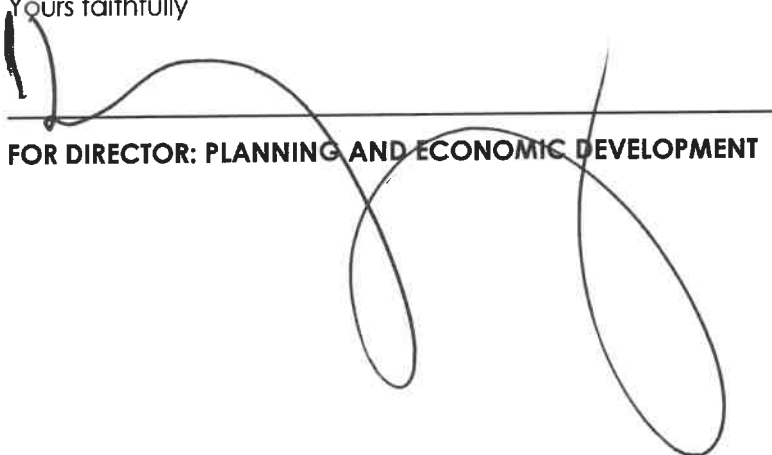
- 3.3.3. The offset to replace vehicle parking bays with bicycle bays is acceptable as it is expected that residents will either walk or cycle to their destinations given the property's proximity to university buildings and other opportunities.
- 3.3.4. The building line departures applied for will have a negative impact on the adjacent property owners / residents in terms of infringement of their privacy.
- 3.3.5. There are no physical barriers or unique circumstances justifying the relaxation of the Zoning Scheme By-law building lines as the existing building and structures on the subject property will be demolished and the property will be redeveloped as a vacant stand.

4. **Matters to be noted:**

- a. Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the demolition of existing buildings or structures, the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
 - b. Building plans can only be approved once proof is provided that the relevant restrictive title deed conditions have been removed.
 - c. The applicant, after publication of a notice in the *Provincial Gazette* to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions.
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 by completing the required form 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.
7. **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**
8. 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.

9. The appeal form and 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 or 021- 808 8684.
10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. 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

15/10/2021
DATE





STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE A

SITE PLAN

Third Strategy Plan

[illegible]

Development date: Site	BULK / FAR 1/25 Proposed	Ground First Second Third	COVERAGE 1/25 Trifle Dead Proposed
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[illegible]

Lateral (Ground and Final)	4.500m
	4.500m
Lateral (Bottom and Final)	4.500m
Street	6.300m
	3.150m
Lateral	4 Slope
	4 Slope

House Van Dijk

Client Signature _____ Date _____

Accepted Signature _____ Date _____

H3 - Domestic Residence

Revised per Approved (2 for each):

1. 27477716-1-1
2. 27477716-1-2
3. 27477716-1-3
4. 27477716-1-4
5. 27477716-1-5
6. 27477716-1-6
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Property description	Er 2393, 3 Haimwelds Street, STELLENBOSCH									
Project description	New Multi-Residential Development									
Sheet description	Second & Third Storey Floor Plans									
Project number	2393-1-1		Sheet no.	1 of 2		Project name				
Project title	2393-1-1		Designed by	Scahill		Scale	As indicated			
Issue date	2022-06-17		Drawn by	R.J. J		Project Size	A1			
2022/06/17 09:14										

Municipal Approval Stamps



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE B

COMMENTS FROM INFRASTRUCTURE SERVICES



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Salome Newman/ Nolusindiso Momoti/Nicole Katts
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Kurt Titus
Date ▫ Datum:	19 July 2024
Our Ref ▫ Ons Verw:	Civil LU 2677
Town Planning Ref:	LU/16622 – TP502/2023
Re ▫ Insake:	Erf 2383, Stellenbosch: 1. Application for permanent departure in terms of section 15(2)(b) of the Stellenbosch Municipal Planning Land Use By-law, 2023 to allow the second and third floor of the proposed flats to be setback 4.5m in lieu of 6m from the common building line on Erf 2383, Stellenbosch. 2. Application for permission in terms of section 15(2)(g) of the Stellenbosch Municipal Planning By-law, 2023 to allow 3 vehicle parking bays to be substituted with 18 bicycle bays (equivalent to 3 vehicle parking bays) in terms of section 36 of the Stellenbosch Municipality Zoning Scheme By-law, 2023 on Erf 2383, Stellenbosch. 3. Application in terms of section 15(f) of the Stellenbosch Municipality Land Use Planning By-law, 2023 for the removal of the following restrictive title deed conditions on Erf 2383, Stellenbosch: Dat hierdie erf slegs bewoningsdoeleindes gerbuik word.

It will be permitted for 3 x motor vehicle parking bays to be substituted with 18 x bicycle bays (equal to 3 motor vehicle bays).

18 bicycle bays (Account for 3 vehicles bays)

Total number of 27 bays required as per the municipal zoning scheme.

All internal services on the said erf will be regarded as private services and will be maintained by the “Developer” and or Owner’s Association.

That the “Developer”, at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided.



Any alterations to existing services necessitated by the new development will be for the Developer's cost.

5. Bulk Water Meter

that the "*Developer*" shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his cost at the entrance gate and that clearance will only be issued if the bulk water meter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid.

6. Engineering Design Drawing Approval

Detailed design plans must be submitted for approval that include all relevant cross sections, long sections, all connection to new and existing infrastructure and layout plans for all proposed civil engineering work.

Designs to be completed by a professionally registered consultant engineer and submitted to Development, Infrastructure Services, Stellenbosch Municipality for approval, prior to construction.

7. Development Charges (DCs)

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 i.e. building plan / A final calculation will be provided prior to payment.

The DC's were calculated by using the 2024/2025 tariff structure. If DC's are paid after 30 June 2025 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.

K Titus

Kurt Titus

Principal Technician: Development (Infrastructure Services)

Dat net een woonhuis of n woongebou, tesame met die nodige buitegeboue op hierdie erf opgerig word. Dat nie meer as een-derde van die oppervlakte van hierdie erf behou mag word nie. Dat geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings binne 20 voet van n straatlyn wat n grens van hierdie erf vormopgerig mag word nie. Geen sodanige gebou of struktuur mag binne 10 voet van die sygrens van n aangrensende erf geleë wees nie.

Details, specifications and information reflected in the following documents refer:

- Proposed Site Development Plans No. 23_131 Red Atlantic Architects, dated 08 October 2023.
- Report on Civil Engineering Services, by Bart Senekal, dated 14 September 2023.

These comments and conditions are based on the following proposed development parameters:

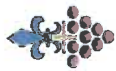
Total Units: 18 Apartments

The land use application has been **recommended for approval** subject to the following conditions:

1. Water

The existing water reticulation system does not have capacity to accommodate the proposed development, the developer to upgrade the existing 75mm AC water pipeline in Kleinewide Close Street to a 100mm HDPE PE 100 PN 16, for ensuring adequate water supply and distribution system resilience.

The cost of the above upgrade will be for the account of the developer.



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	CIVIL LU 2877
Development Name:	Banghoek Development
Date:	22 July 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	ERF 2383
DC Parameters Reference:	DC Calc_ Ref: SDP_ Red Atlantic_ DRW No: 23_131_ RVJ

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:	6.9	6.5	0.096	0.68	45.5		68		
Total Service Usage Reduction:	0	0	0	0	0.0		0		
Total Service Usage after Reduction:	6.90	6.50	0.09600	0.680	45.5		68		
Charges before adjusting for positive only, before Deductions	R 227 258.40	R 235 623.72	R -	R 69 904.01	R 288 608.06	R 821 394.18	R 275 693.28	R 1 097 087.47	
Charges adjusted for positive only, before Deductions	R 227 258.40	R 235 623.72	R -	R 69 904.01	R 288 608.06	R 821 394.18	R 275 693.28	R 1 097 087.47	
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -	
Total Development Charges Payable (excluding VAT):	R 227 258.40	R 235 623.72	R -	R 69 904.01	R 288 608.06	R 821 394.18	R 275 693.28	R 1 097 087.47	
VAT:	R 34 088.76	R 35 343.56	R -	R 10 485.60	R 43 291.21	R 123 209.13	R 41 353.99	R 164 563.12	
Total Development Charges Payable (including VAT):	R 261 347.16	R 270 967.27	R -	R 80 389.61	R 331 899.27	R 944 603.31	R 317 047.28	R 1 261 650.59	

APPLICANT INFORMATION	
Application Processed by:	Kurt Titus
Signature:	<i>Kurtus</i>
Notes:	Credit for single residential property > 1000

K

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Development Charge Level (see VAI 1)															
		Area (m2)	Unit Amount	Result	Area (m2)		Unit Amount	Result	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civl Eng Services)	Community	Total						
	Unit		1			Amount		Yes	Yes	No	Yes	Yes	Yes	Yes								
Residential	Single Residential >1000m2	du				-1	-R	38 523.20	-R	23 374.86	R	-	-R	4 112.00	-R	25 372.14	-R	94 382.20	-R	16 217.25	-R	110 609.45
	Single Residential >500m2	du				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential >250m2	du				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential <250m2	du				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Second Dwelling	du				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Less Formal Residential	du				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Accommodation	Group Residential	du				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Apartments	du				18	R	265 751.50	R	260 998.58	R	-	R	74 016.01	R	313 980.20	R	915 776.38	R	291 910.54	R	1 207 686.92
	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	-
	Student Accommodation/Communa/Hostels	rooms				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Guest House	rooms				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Commercial	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	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Office	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Retail/Shop	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Restaurant	m2 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	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Hospital/Clinic/Medical Rooms	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	University/College	student				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Industrial	School/Day Care	student				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Industrial - light	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Industrial - heavy	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Warehousing/Light Manufacturing	m2 GLA				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Storage Facilities	unit				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Open Space/Natural Environment/Utility Site	ha				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Non demand	Roads and Parking	ha				0.0000	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	To be calculated	n/a				0.0000	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Other	(Based on equivalent demands)	n/a				0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Total Area:		0			0																

Charges before adjusting for positive only, before Deductions		R	227 258.40	R	235 623.72	R	-	R	69 904.01	R	286 608.06	R	921 394.18	R	275 693.28	R	1 097 087.47
Charges adjusted for positive only, before Deductions		R	227 258.40	R	235 623.72	R	-	R	69 904.01	R	286 608.06	R	921 394.18	R	275 693.28	R	1 097 087.47
Deductions per service (from usage reductions)		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Discount Deduction (%)		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Additional Deduction per service - from Service Agreement (sum)		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Sub Total after Adjustments and Deductions (excluding VAT)		R	227 258.40	R	235 623.72	R	-	R	69 904.01	R	286 608.06	R	921 394.18	R	275 693.28	R	1 097 087.47
VAT		R	34 088.76	R	35 343.56	R	-	R	10 485.60	R	43 291.21	R	123 209.13	R	41 355.99	R	164 543.12
Total Development Charges		R	261 347.16	R	270 967.27	R	-	R	80 389.61	R	331 699.27	R	944 603.31	R	317 047.28	R	1 261 630.59

K

ELETRICITY SERVICES: CONDITIONS OF APPROVAL
Erf 2383 (LU-16622)

GENERAL COMMENT:

1. Recommended for approval

CONDITIONS

2. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Infrastructure Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.
3. The development's specifications must be submitted to Stellenbosch Municipality (Infrastructure Services) for approval. i.e.
 - a) The design of the electrical distribution system
 - b) The location of substations(s) and related equipment.
4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable).
5. Metering panel box to build in boundary wall.
6. 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 for repairing damages.
7. On completion of the development, Stellenbosch Municipality (Electrical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.
8. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.
9. All new developments and upgrades of supplies to existing projects are subject to **SANS 10400-XA** energy savings and efficiency implementations such as:
 - Solar water Heating or Heat Pumps in building
 - Energy efficient lighting systems
 - Roof insulation with right R-value.
 - In large building developments;
 - Control Air condition equipment tied to alternative efficiency systems
 - Preheat at least 50% of hot water with alternative energy saving sources
 - All new hot water pipes to be clad with insulation with R-value of 1
 - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
10. If connecting a generator or solar panels for backup, the generator or solar panels needs to comply to SANS10142



Signature

23/11/2023

Date