



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13808

Our File Reference Number: Erf 3023, Kayamandi

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 TEMPORARY DEPARTURE, CONSENT USE AND PERMANENT DEPARTURES: ERF 3023, KAYAMANDI

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 Application in terms of Section 15 of the Stellenbosch Municipality Land Use Planning By-Law promulgated by notice number 8768/2023, dated 9 June 2023 for a Temporary Departure to operate a liquor store (off-site consumption) from the proposed garage/ Storage area (to be built) under Section 15(2)(c) of the applicable By-Law,

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

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

3.1 A liquor outlet for off-site consumption of liquor is not seen to be an essential service such as a spaza shop.

3.2 A liquor outlet for off-site consumption of liquor is not seen to be a desirable use in a predominantly residential area due to the negative impact that these outlets have on the community in general.

4. That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 8768/2023, dated 9 June 2023, for the following:

- 4.1 Consent use for a four (4) bedroom home lodging in terms of Section 15(2)(o) of the applicable By-Law.
- 4.2 Permanent departure from the zoning scheme, Section 15(2)(b) of the applicable By-Law, to allow for the relaxation of the street, side and rear building lines from 1.0m to 0.0m, in order to accommodate the construction of the proposed double storey four (4) bedroom home lodging units, a laundry, domestic accommodation, with two (2) communal bathrooms and a garage.
- 4.3 Departure in terms of Section 15(2)(b) of the applicable By-Law, for the under provision of onsite parking for the residential component of the application.
- 4.4 Departure in terms of Section 15(2)(b), of the applicable By-Law to exceed the allowable coverage applicable to the subject property of 70% to develop a residential building with a footprint of 71%.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

- 5. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 5.1 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.
 - 5.2 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.
 - 5.3 The development be undertaken generally in accordance with the site plan as referenced Z3023R and date 19/01/2022 and attached as **Annexure B**.
 - 5.4 A maximum number of 4 bedrooms be used for the accommodation of paying guests or lodgers.
 - 5.5 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.

5.6 Conditions imposed by the Infrastructure Services Department as contained in the memorandum dated 21 February 2023, Ref No: Civil LU 2368 and attached as **Annexure C**, be complied with.

5.7 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

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

6.1 The approval of the consent use for home lodging and associated departures applied for are not seen to be out of Character with the surrounding residential area.

6.2 The proposed additions are residential in nature and will provide much needed accommodation opportunities within Kayamandi.

6.3 The approval granted will result in the optimal use of the property and is seen as a form of infill development.

7. 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.

8. 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

9. Reference to this correspondence and the relevant property details on which the appeal is submitted.

9.1 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.

9.2 Whether the appeal is lodged against the whole decision or a part of the decision.

9.3 If the appeal is lodged against a part of the decision, a description of the part.

9.4 If the appeal is lodged against a condition of approval, a description of the condition.

9.5 The factual or legal findings that the appellant relies on.

9.6 The relief sought by the appellant.

9.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

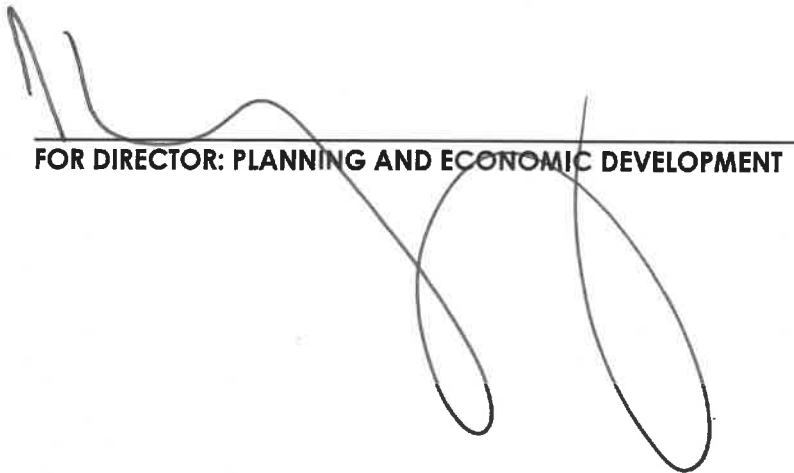
9.8 That the appeal includes the following declaration by the Appellant:

- 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.

- 10. 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
- 11. 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.
- 12. 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
- 13. 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.

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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

4/3/2024
DATE



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ANNEXURE B



Development Rules	
FLOOR FACTOR	170 SQM
ERF SIZE	170 SQM
EXISTING DWELLING	28 SQM
LODGING UNITS & BATH	67 SQM
TOTAL FLOOR AREA	128 SQM
FLOOR FACTOR	0.74
COVERAGE CALCULATIONS	
ERF SIZE	170 SQM
PROPOSED ADDITION	86 SQM
EXISTING BUILDINGS	35 SQM
COVERAGE	71 %

Project

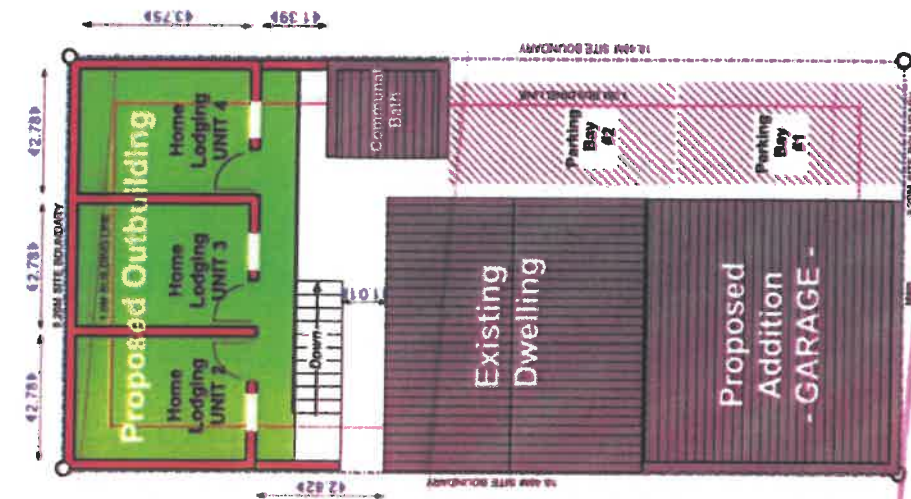
SITE DEVELOPMENT PLAN
ERF 3023 KAYAMANDI

Date: 19/01/2022 Scale: 1:100

Checked by: D. Pender

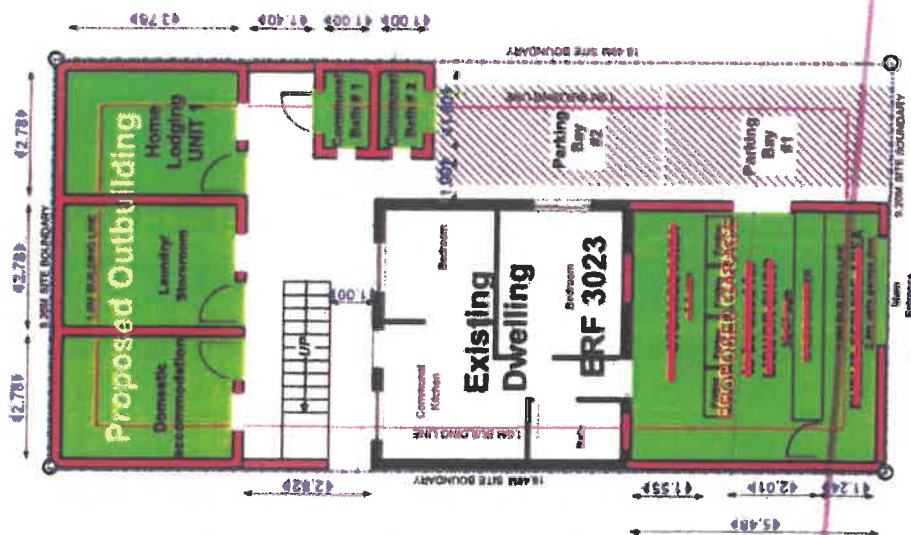
Drawn by: E.P.

Draw # Z3023R (1 of 1)



Watergang Street

FIRST STOREY LAYOUT PLAN



Watergang Street

GROUND STOREY LAYOUT PLAN



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ANNEXURE C



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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

21 APR 2023

RECEIVED

To ▫ Aan:

Director: Planning + Economic Development

Att Aandag

Bulelwa Mdoda

From ▫ Van:

Technician: Development (Infrastructure Services)

Author ▫ Skrywer:

Ilze Fillies

Date ▫ Datum:

21 February 2023

Our Ref ▫ Ons Verw:

Civil LU 2368

Your Ref:

LU/13808

Re ▫ Insake:

Erf 3023, Kayamandi: Application in terms of Section 15 of the

Stellenbosch Municipality Land Use Planning By-Law (2015) for:

(i) Consent use for a double story four (4) bedroom home lodging under Section 15(2)(o), (ii) Temporary departure to operate a liquor store (off-site consumption) out of the proposed garage (to be built) under Section 15(2)(c) and for, (iii) Permanent departure from the zoning scheme, Section 15(2)(c) to allow for the relaxation of the street, side and rear building lines from 1.0m to 0.0m, in order to accommodate the construction of the proposed double storey four (4) bedroom home lodging units, a laundry, domestic accommodation, with two (2) communal bathrooms and a garage to be used as a liquor store for off-site consumption of alcohol. (iv) Departure in terms of Section 15(2)(b) for the under provision of onsite parking as required by the By-Law Zoning Scheme (Number still to be determined by applicant) (v) Departure in terms of Section 15(2)(b) to exceed the allowable coverage applicable to the subject property of 70% to develop a building with a footprint of 71% (if applicable.)

FILE NR:

SCAN NR:

COLLABORATOR NR:

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

1. Civil Engineering Services

- 1.1 No objection, no municipal services are affected.

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.
- 2.4 The appropriate DC's are payable before building plan approval (consent use/sectional title).

3. General

- 3.1 This approval is based on drawing Z3023R date 19/01/2023.
- 3.2 Refer to Annexure: **Building Plan**

4. Electrical Engineering

- 4.1 Refer to **Annexure: Electrical**



ILZE FILLIES

TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

N:\2.0 DEVELOPMENT\00 Developments\2368 (AD) Erf 3023 Kayamandi (LU-13808)\2368 (AD) Erf 3023 Kayamandi (LU-13808) - Copy.doc



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	
Development Name:	Land use 2368 Erf 3023
Date:	21 February 2023
Financial Year:	2022/2023
Erf Location (Select from 7 Localities):	Stellenbosch Town
Vehicle Ownership (Select Normal or Low):	Low
Erf Region (Select Urban or Rural):	Urban
Erf No:	3023 Kayamandi
DC Parameters Reference:	Land use 2368 Erf 3023

SUMMARY OF DC CALCULATION						
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day	persons
Total Increased Services Usage:	0.12	0.105	0.0045	0.006	6	0.3
Total Service Usage Reduction:	0	0	0	0	0.0	0
Total Service Usage after Reduction:	0.12	0.11	0.00450	0.006	6.0	0
Total Development Charges before Deductions:	R 3,368.08	R 3,243.59	R 834.96	R 525.62	R 36,036.00	R 480.52
Total Deductions:	R -	R -	R -	R -	R -	R -
Total Payable (excluding VAT):	R 3,368.08	R 3,243.59	R 834.96	R 525.62	R 36,036.00	R 480.52
VAT:	R 505.21	R 486.54	R 125.24	R 78.84	R 5,405.40	R 69.08
Total Payable (including VAT):	R 3,873.30	R 3,730.13	R 960.20	R 604.47	R 41,441.40	R 529.59
						R 51,139.09

APPLICANT INFORMATION	
Application Processed by:	Izize Fillies
Signature:	
Notes:	

Land Use Category	Unit Type	Existing Usage		Area (m ²)	Proposed New Usage		Increased Usage Amount	Waste		Sheet	Stormwater		Development Charge (per 1/2 Acre)		Roads & Transport	Community	Total
		Unit Amount	Result		Unit Amount	Result		Yes	No		Yes	No	Yes	No			
Residential	Single Residential - 4500m ²	du					0	R	-	R	-	R	-	R	-	R	-
	Single Residential - 500m ²	du					0	R	-	R	-	R	-	R	-	R	-
	Single Residential - 250m ²	du					0	R	-	R	-	R	-	R	-	R	-
	Single Residential - 250m ²	du					0	R	-	R	-	R	-	R	-	R	-
	Group Dwelling	du					0	R	-	R	-	R	-	R	-	R	-
	Low Formal Residential	du					0	R	-	R	-	R	-	R	-	R	-
	Group Residential	du					0	R	-	R	-	R	-	R	-	R	-
	Retirement	du					0	R	-	R	-	R	-	R	-	R	-
	Retirement Village	du					0	R	-	R	-	R	-	R	-	R	-
	Old age home	du					0	R	-	R	-	R	-	R	-	R	-
Accom.	Student Accommodation/Commune	rooms					0	R	-	R	-	R	-	R	-	R	-
	Daniel House	rooms					0	R	-	R	-	R	-	R	-	R	-
	Converted Guest House	rooms					0	R	-	R	-	R	-	R	-	R	-
	Hotel - Residential	rooms					0	R	-	R	-	R	-	R	-	R	-
General Business	Office	rooms					0	R	-	R	-	R	-	R	-	R	-
	Realestate Shop	m2 GUA					0	R	-	R	-	R	-	R	-	R	-
Commercial	Restaurant	m2 GUA					0	R	-	R	-	R	-	R	-	R	-
	Conference Facility/Place of assembly	m2 GUA					30	R	3,358	R	3,244	R	935	R	508	R	36,036
	Hospital/Clinic/Medical Rooms	m2 GUA					0	R	-	R	-	R	-	R	-	R	-
	School/University/College/Day Care	student					0	R	-	R	-	R	-	R	-	R	-
Industrial	Industrial - light	m2 GUA					0	R	-	R	-	R	-	R	-	R	-
	Industrial - heavy	m2 GUA					0	R	-	R	-	R	-	R	-	R	-
	Warehousing/Light Manufacturing	m2 GUA					0	R	-	R	-	R	-	R	-	R	-
	Public Open Space	ha					0	R	-	R	-	R	-	R	-	R	-
Non-dominant	Private Open Space	ha					0.0000	R	-	R	-	R	-	R	-	R	-
	Natural Environment	ha					0.0000	R	-	R	-	R	-	R	-	R	-
	Public Roads and Parking	ha					0.0000	R	-	R	-	R	-	R	-	R	-
	To be calculated	m2					0.0000	R	-	R	-	R	-	R	-	R	-
Other	(Based on equivalent demands)	m2					0	R	-	R	-	R	-	R	-	R	-
	Total Area:	0					0										
Total Development Charge before Deductions																	

[illegible]