



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]

Dear Mr Hanekom

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR SUBDIVISION, ADMINSTRATOR'S CONSENT TO RELAX A RESTRICTIVE TITLE DEED CONDITION AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: ERF 5640, DIE BOORD, STELLENBOSCH

1. This Municipality's decision letter dated 19 January 2024, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 12 July 2024 that the appeal submitted against the partial refusal of the Authorised Decision Maker dated 05 January 2024, in respect of the application on Erf 5640, Stellenbosch, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 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 By-law and subject to conditions of approval.

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

- 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 By-laws 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 By-law to the satisfaction of the Municipality.

4. The reasons for the above decision are as follows

4.1 The proposal for a second dwelling unit is regarded as a sensible mechanism for densification of the area as it is in keeping with the current land use of the subject property and the surrounding residential area.

4.2 The proposal for a second dwelling unit and development of the property within the zoning scheme development parameters applicable to the property will not have a detrimental impact on the character of the area and will not have any negative impact on the rights currently enjoyed by the surrounding properties.

5. That the application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for the Subdivision of Erf 5640, Die Boord, Stellenbosch into two portions measuring $\pm 512\text{m}^2$ for Portion 1 and Portion 2 respectively,

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

6. The reasons for the refusal are as follows:

6.1 The proposed subdivision of the property, which will also create additional primary rights and consent uses, is not in keeping with the current development context and will be detrimental to the residential character of the area as it is not consistent with the general size of properties located in the area.

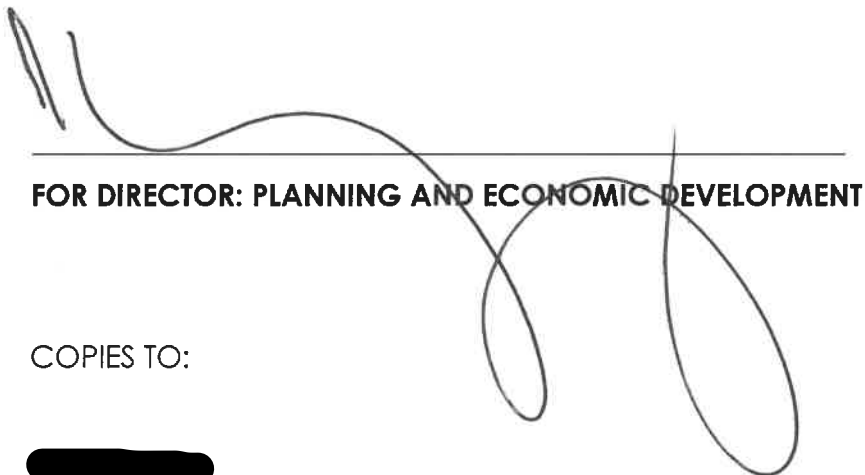
6.2 The property is located on the corner of Van Rhee­de and Formosa Street and the proposed access from Formosa Street will pose as a safety / traffic risk.

7. Matters to be noted:

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

8. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

26/8/2024
DATE

COPIES TO:

[Redacted]
Email: [Redacted]

[Redacted]
Email: [Redacted]

[Redacted]
Email: [Redacted]

ANNEXURE G

**APPLICATION FOR SUBDIVISION, ADMINSTRATION'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, ADMINSTRATION'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:	<p>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.</p>

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

5. Development Charges (DCs) Subdivision

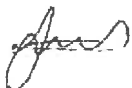
- 5.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage and will be amended prior to clearance.
- 5.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will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

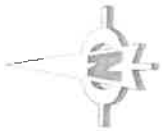


Ilze Fillies
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

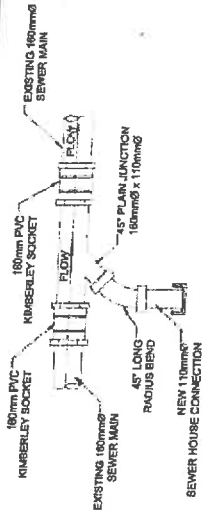
N:\2.0 DEVELOPMENT\01 Land Use applications\2416 (CT) Erf 5640 Stellenbosch (LU-14663)\2416 (IF) Erf 5640 Stellenbosch (LU-14663) - Copy.doc



5581



TYPICAL SEWER ERF CONNECTION



EXISTING SEWER ERF CONNECTION

PROPOSED WATER ERF CONNECTION. CONNECTIONS TO BE DONE BY STEELERSON IN ACCORDANCE WITH THE COST OF THE DEVELOPER

Ptn 1 (512m²)

5640

Ptn 2 (512m²)

5639

5638

PROPOSED SEWER ERF CONNECTION

Subdivision Line

ROW Servitude

800 DROP KERB TO TIE INTO EXISTING

EXISTING WATER ERF CONNECTION EXACT POSITION TO BE DETERMINED ON SITE

800 DROP KERB TO TIE INTO EXISTING

LEGEND

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

5647

BART SENEKAL INC.
Civil & Structural Consulting
Engineers
P.O. Box 1140
7530

BART SENEKAL INC.
DATE OF THIS DRAWING: 2023-07-31

PRG TRUST 150

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

ENGINEERING SERVICES LAYOUT

1 : 250 A2

8459/01



Stellenbosch Municipality

Development Charge Calculation



Application Number:	2416 (CT) Erf 5640 Stellenbosch (LU-14653) IF
Development Name:	
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):	k/day	k/day	ha°C	t/week	trips/day		persons		
Total Increased Services Usage:	0,4	0,6	0,008	0,04	4				
Total Service Usage Reduction:	0	0	0	0	0,0		4		
Total Service Usage after Reduction:	0,40	0,60	0,00800	0,040	4,0		0		
Charges before adjusting for positive only, before Deductions	R 12 535,11	R 20 694,46	R 1 657,33	R 3 912,48	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 3 912,48	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 588,87	R 3 821,14	R 9 441,05	R 2 314,55	R 11 755,59	
Total Development Charges Payable (including VAT):	R 14 415,38	R 23 798,63	R 1 905,93	R 4 499,33	R 27 792,09	R 72 381,38	R 17 744,85	R 90 126,22	

Application Processed by:	Iza Fries
Signature:	<i>Iza Fries</i>
Notes:	

K

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Year	Sever	Stormwater	Development Charges (incl. VAT)			Total
		Area (m²)	Unit Amount	Area (m²)	Unit Amount	Amount				Spill Water	Roads & Transport	Gas Total (Civil Engineering)	
Residential	Single Residential >100m²	du	1			2	R 31 895.33	R 24 143.54	R 9 843.97	R 3 912.46	R 24 140.95	R 99 746.26	R 15 430.31
	Single Residential >50m²	du					R 50 140.44	R 44 335.00	R 11 601.30	R 7 824.93	R 45 281.90	R 102 885.57	R 30 860.61
	Single Residential <250m²	du											
	Second Dwelling	du											
	Low Formal Residential	du											
	Group Residential	du											
	Apartments	du											
	Retirement Village	du											
	Old age home	du											
	Student Accommodation/Communal/Hostels	rooms											
Accommodation	Guest House	rooms											
	Converted Guest House	rooms											
	Hotel, Residential	rooms											
	General Business	rooms											
	Offices	m2 GLA											
	Retail/Shop	m2 GLA											
	Restaurant	m2 GLA											
	Outdoor Function / Picnic Area	m2 GLA											
	Conference Facility/Office of assembly	persons											
	Hospital/Clinic/Medical Rooms	m2 GLA											
Commercial	University/College	m2 GLA											
	School/Day Care	student											
	Industrial - light	m2 GLA											
	Industrial - heavy	m2 GLA											
	Warehousing/Light Manufacturing	m2 GLA											
	Storage Facilities	unit											
	Open Space/Natural Environment/Utility Site	ha											
	Roads and Parking	ha											
	To be calculated	n/a											
	(Based on equivalent demands)	n/a											
Total Area:		0											

Charges before adjusting for positive only, before Deductions

Charges adjusted 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 (excluding VAT)

VAT

Total Development Charges

Product	R 12 535.11	R 20 694.46	R 1 657.33	R 3 912.46	R 24 140.95	R 62 840.32	R 15 430.31	R 78 370.62
Deductions per service (from usage reductions)	R 12 535.11	R 20 694.46	R 1 657.33	R 3 912.46	R 24 140.95	R 62 840.32	R 15 430.31	R 78 370.62
Discount Deduction (%)								
Additional Deduction per service - from Service Agreement (sum)								
Sub Total after Adjustments and Deductions (excluding VAT)	R 12 535.11	R 20 694.46	R 1 657.33	R 3 912.46	R 24 140.95	R 62 840.32	R 15 430.31	R 78 370.62
VAT	R 1 880.27	R 3 104.17	R 248.60	R 596.07	R 3 621.14	R 9 441.05	R 2 314.55	R 11 753.88
Total Development Charges	R 14 415.38	R 23 798.63	R 1 905.93	R 4 508.53	R 27 762.09	R 72 281.37	R 17 744.86	R 90 124.50

JK



Stellenbosch Municipality

Development Charge Calculation



Application Number:		2418 (CT) Erf 5640 Stellenbosch (LU-14663) JF	
Development Name:		APPLICATION INFORMATION	
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 services layout Subdivision of erf 5640 Stellenbosch Bart Seneke Drawing No 8459/01	

SUMMARY OF DC CALCULATION									
Service:	Unit(s):	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total	Community	Totals
Total Increased Services Usage:		k/day	k/day	ha°C	t/week	trips/day			
Total Service Usage Reduction:		0	0	0,036	0,08	5			
Total Service Usage after Reduction:		0,80	0,80	0	0	0,0			
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:									
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 4 528,43	R 15 185,38	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 116 441,07	R 35 489,70	R 151 933,77

Application Processed by:		Ilze Fillos	
Signature:		<i>Ilze Fillos</i>	
Notes:		This is the Development charge calculation for the second dwellings only.	

Stellenbach Town

[illegible]