



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15395 (TP182/2022)

Our File Reference Number: Erf 17363, Stellenbosch

Your Reference Number:

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PER E-MAIL [REDACTED]

Sir /Madam

APPLICATION FOR REZONING; PERMANENT DEPARTURE; CONSOLIDATION; REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 17363(UNREGISTERED), 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 applications in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-Law (2023):
 - 2.1.1. Section 15(2)(e): The **consolidation** of Erven 282 – 289, 295 & 299 to create unregistered Erf 17363.
 - 2.1.2. Section 15(2)(a): The **rezoning** of unregistered Erf 17363 (A Consolidation of Erven 282 – 289, 295 & 299) Stellenbosch from Conventional Residential Zone to Mixed-Use Zone to allow for a private student hostel and business premises.
 - 2.1.3. Section 15(2)(b): The following **permanent departures** from the parameters of a Mixed-Use property containing a business premises with a hostel component:

i. **Building lines**

Ground Storey

- a) Street building line of 0.78m in lieu of 4.5m on Du Toit Street (north) (Stellenbosch Zoning Scheme)

- b) Common boundary at the rear (Erven 292, 293, 294, 296, 297 and 298) of 3.15m in lieu of 4.5m (Stellenbosch Zoning Scheme)
- c) Common boundary at the side (Erven 296) of 0m in lieu of 3m (section 110(2)(i) of Stellenbosch Zoning Scheme)
- d) Common boundary at the side (Erven 296) of 0m in lieu of 4.5m (Stellenbosch Zoning Scheme)
- e) Common boundary at the side (Erven 290) of 1.35m in lieu of 4.5m (Stellenbosch Zoning Scheme).

First Storey

- Street building line of 0.5m in lieu of 4.5m on Du Toit Street (north) (Stellenbosch Zoning Scheme) for the hostel component.
- Street building line of 0.0m in lieu of 4.5m on Du Toit Street (west) (Stellenbosch Zoning Scheme) for the hostel component.
- Street building line of 0.0m in lieu of 4.5m (Stellenbosch Zoning Scheme) on the most western portion of Alexander Street for the hostel component.
- Common boundary at the side (Erf 294) of 0m in lieu of 4.5m (Stellenbosch Zoning Scheme)
- Common boundary at the side (Erf 296) of 3m in lieu of 4.5m (Stellenbosch Zoning Scheme) for the hostel component.
- Common boundary at the side (Erf 296) of 1m in lieu of 3m (section 110(2)(i) of Stellenbosch Zoning Scheme) for the office component.
- Common boundary at the side (Erven 298) of 3m in lieu of 4.5m (Stellenbosch Zoning Scheme) for the hostel component.
- Common boundary at the side (Erven 290) of 1.35m in lieu of 4.5m (Stellenbosch Zoning Scheme) for the hostel component.

Second Storey

- Street building line of 0m in lieu of 4.5m on Du Toit Street (north) (Stellenbosch Zoning Scheme) for the hostel component.
- Street building line of 0.0m in lieu of 4.5m on Du Toit Street (west) (Stellenbosch Zoning Scheme) for the hostel component.
- Street building line of 0.0m in lieu of 4.5m (Stellenbosch Zoning Scheme) on the most western portion of Alexander Street for the hostel component.
- Common boundary at the rear (Erven 292, 293, 294, 296, 297 and 298) of 3.15m in lieu of 6m (Stellenbosch Zoning Scheme) for the hostel component.
- Common boundary at the side (Erf 294) of 4m in lieu of 6m (Stellenbosch Zoning Scheme) for the hostel component.

- Common boundary at the side (Erf 296) of 1m in lieu of 6m (Stellenbosch Zoning Scheme) and for the hostel component.
- Common boundary at the side (Erf 296) of 1m in lieu of 3m (section 110(2)(i) of Stellenbosch Zoning Scheme) for the office component.
- Common boundary at the side (Erven 298) of 3,025m in lieu of 6m (Stellenbosch Zoning Scheme) for the hostel component.
- Common boundary at the side (Erven 290) of 1.38m in lieu of 6m (Stellenbosch Zoning Scheme) for the hostel component.

Third Storey

- Street building line of 0m in lieu of 4.5m on Du Toit Street (north) (Stellenbosch Zoning Scheme) for the hostel component.
- Street building line of 0.0m in lieu of 4.5m on Du Toit Street (west) (Stellenbosch Zoning Scheme) for the hostel component.
- Street building line of 0.0m in lieu of 4.5m (Stellenbosch Zoning Scheme) on the most western portion of Alexander Street for the hostel component.
- Common boundary at the rear (Erven 292, 293, 294, 296, 297 and 298) of 3.15m in lieu of 6m (Stellenbosch Zoning Scheme) for the hostel component.
- Common boundary at the side (Erf 294) of 4m in lieu of 6m (Stellenbosch Zoning Scheme) for the hostel component.
- Common boundary at the side (Erven 298) of 3,025m in lieu of 6m (Stellenbosch Zoning Scheme) for the hostel component.
- Common boundary at the side (Erven 290) of 1.38m in lieu of 6m (Stellenbosch Zoning Scheme) for the hostel component.

Coverage

- A total coverage of 89% (9 310m²) in lieu of 50% in terms
- **A departure from the parking provisions of a private hostel**, 117 bays in lieu of 593 bays. (Please see Basement Drawing Sheet 10-03-001 contained in **Annexure 12, Site Development Plan**)
- **A departure to construct a building with a height of 18 m** in lieu of 10 m for the first 15 meters measured from a public road, applicable to properties in the **Stellenbosch Urban Conservation Area**:

2.2. Section 15(2)(f): **Removal of the following restrictive title deed conditions** in respect of the following title deeds of the land units listed below.

Erf 282: T39388/1997
Erf 283: T12577/2017
Erf 284: T69496/2001
Erf 285: T45796/2011
Erf 286: T22604/1997
Erf 287: T10803/2013
Erf 288: T12390/1999
Er 289: T13064/1942
Erf 295: T64497/1990
Erf 299: T4706/1996
Erf 282: SG 3674/1941
Erf 283: SG 2752/1945
Erf 284: SG 2753/1945
Erf 285: SG 825/1943
Erf 286: SG 2754/1945
Erf 287: SG 2051/1943
Erf 288: SG 20582/1943
Er 289: SG 4861/1945
Erf 295: SG 4860/1945
Erf 299: SG 4862/1945

2.2.1 Condition E1(a): *That this erf be used for residential purposes only.*

The property will be used for mixed-uses (business premises and hostel)

2.2.2 Condition E1(b): *That only one dwelling together with such outbuildings as are ordinarily required to be used herewith be erected on this erf.*

The property will be used for mixed-use purposes (business premises and a hostel containing 261 units)

2.2.3 Condition E1(c): *That not more than one-third the area of this erf shall be built upon.*

A total coverage of 89% (9 310m²) in lieu of one third built upon area in the Title Deed Conditions.

2.2.4 Condition E1(d): *That no building or structure or any portion thereof except boundary walls and fences be erected nearer than 6.30 metres to the street line which forms a boundary of this erf. No such buildings or structure shall be situated*

within 3.15 metres of the lateral boundary common to any adjoining erf, and within 4.72 metres of the rear of this erf.

BE REFUSED in terms of Section 60 of the said Bylaw.

2.3 The **reasons** for the above decision are as follows:

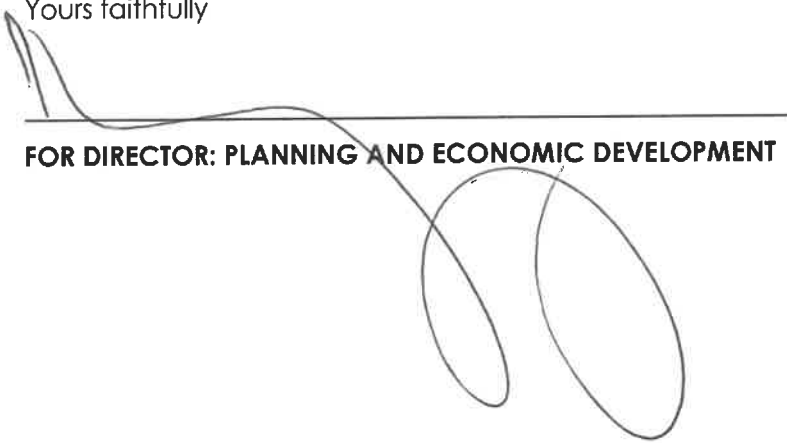
- 2.3.1 The designated Dennesig precinct has been specifically earmarked for the targeted development of student accommodation with supporting facilities and amenities and the receiving environment for the proposed development is not located in the Dennesig designated area and not earmarked for student accommodation.
- 2.3.2 With the available development potential of the designated Dennesig precinct for dedicated student accommodation, allowance for student accommodation with a dedicated development on the scale as proposed in this location, and in the absence of an overall planning framework for this area for redevelopment, will sterilise this well-located receiving environment for other types of development, which may include much needed affordable accommodation for young professionals and families.
- 2.3.3 The extent of the required departures to enable the proposed development is absolutely excessive and will result in the overdevelopment of the property with a consequent monolithic-like structure not befitting the aesthetic character promoted in terms of the urban conservation overlay zone and a negative impact on the receiving environment.
- 2.3.4 The proposed large-scale development and studentification in particular will have a detrimental impact on the historic character and spatial identity of the receiving environment in general and specifically on the continued use of the remaining neighbouring residential properties with resultant consequence of the unwarranted transformation of the area.
- 2.3.5 The proposed development undermines the spatial development objectives of the inner city and receiving environment in particular and the extensive scope of the development is also generally in conflict with the prevailing provisions of the zoning scheme.
- 2.3.6 The development property is not part of the Atam Tas Corridor (ATC) and the planning rationale applicable to the targeted ATC development can consequently not be applied to the proposed development.
- 2.3.7 There are not mitigating factors for the impact of the additional traffic generation of this proposed development on the applicable road intersections which are

already over capacity, as well as the drastic departure on parking provision without any available alternative remedy to alleviate such impact.

3. 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.
4. 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.
5. **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
6. 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.
7. 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.
8. 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.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. 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 handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

7/2/2025
DATE