



# STELLENBOSCH

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Application Number: LU/11506

Our File Reference Number: Erf 13047, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

PER E-MAIL [REDACTED]

Sir/Madam

## APPLICATION FOR REZONING, CONSENT USE AND PERMANENT DEPARTURE: ERF 13047, 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 Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 13047, Stellenbosch for the following:
    - 2.1.1 **Rezoning** of Erf 13047 from Industrial zone to Mixed-use zone in terms of Section 15(2)(a) in terms of the applicable by-law, to accommodate the proposed development.
    - 2.1.2 **Consent use** to accommodate the existing filling station in terms of Section 15(2)(o) of the applicable by-law, to accommodate the proposed development.
    - 2.1.3 **Permanent departure** for the under provision of 3 onsite parking bays, in terms of Section 15(2)(b) of the applicable by-law, to accommodate the proposed development.
    - 2.1.4 **Permanent departure** of the prescribed 5m street building line to 3.65m to accommodate the existing building in terms of Section 15(2)(b) of the applicable by-law, to accommodate the proposed development.

**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 only to the application under consideration, as indicated on the Site Development Plan, Drawn by De Kock & Associates, Drawing No: 13047-Stell-11-2022 date: 27 May 2022, attached as **Annexure F** 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.
  - 3.2 The development must be undertaken generally in accordance with the Site Development Plan, Drawn by De Kock & Associates, Drawing No: 13047-Stell-11-2022 date: 27 May 2022: Sheet 01 SP, drawn by J Hoffman, date: 27 May 22, attached as **Annexure F**.
  - 3.3 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.
  - 3.4 Building plans must be generally in accordance with the Site Development Plan, : Drawn by De Kock & Associates, Drawing No: 13047-Stell-11-2022 date: 27 May 2022, attached as **Annexure F**.
  - 3.5 The parking bays be demarcated prior to an occupation certificate being issued for the buildings.
  - 3.6 A detailed landscaping plan be submitted with the building plans for the subject property to address softening the impact of the parking area / open paved areas on their surroundings, as well as the impact of the kiosk building and existing boundary wall on Stellentia Street.
  - 3.7 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.
  - 3.8 The Electrical Engineer appointed for this project must schedule an appointment with the Manager Electrical Services to discuss the new power requirements for the project, prior to the submission of formal building plans being submitted for approval.
  - 3.9 The conditions of approval as imposed by the Directorate Infrastructure Services in their memo dated 29 July 2022, be complied with, as attached as **Annexure E**.

3.10 The conditions of approval as imposed by the Deputy Director General: Roads, Western Cape Department: Transport and Public Works in their memo dated 3 June 2021, be complied with, as attached as **Annexure G**.

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

4.1 The proposal will facilitate the redevelopment of the subject property in line with its surroundings.

4.2 The proposed alterations will have no negative impact on the surround properties or area as the proposed use of the subject property for business purposes is not out of character with its surroundings.

5. 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.

6. 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 of 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.

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](mailto: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 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>).

10. An applicant who lodge 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 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

24/11/2022.  
DATE:

**COPIES TO:**

1. [Redacted]
2. [Redacted]
3. [Redacted]
4. [Redacted]
5. [Redacted]
6. [Redacted]
7. [Redacted]
8. [Redacted]
9. [Redacted]



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## **ANNEXURE E**



**STELLENBOSCH MUNICIPALITY**  
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# **MEMORANDUM**

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

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**To ◻ Aan:** Director: Planning + Economic Development  
**Att Aandag** Salome Newman  
**From ◻ Van:** Principal Technician: Development (Infrastructure Services)  
**Author ◻ Skrywer:** Colin Taylor  
**Date ◻ Datum:** 29 July 2022  
**Our Ref ◻ Ons Verw:** Civil LU 2074  
**Your Ref:** LU/11506  
**Re ◻ Insake:** Rezoning of Erf 13047 in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law from Industrial zone to Mixed-use zone to accommodate the proposed development, Consent use on Erf 13047 in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law to accommodate the existing Filling Station on the property, which is currently a primary right under Industrial Zone. Permanent departure from the development parameters of the zoning scheme in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law to provide 91 parking bays in lieu of the required 98 parking bays.

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This memo supersedes the one dated 29 March 2022.

The application is recommended for approval, subject to the following:

- 1. Civil Engineering Services**
  - 1.1 On-site services already exist – GLA is reduced and no upgrade to services are proposed.



## 2. Roads

- 2.1 Road markings and warning signs is needed to prohibited motorists to enter the R310 from the Agrimark site.
- 2.2 Access is from a provincial road Adam Tas – please obtain approval from Provincial Roads Engineer.

## 3. Development Charges (DCs) - Parking

- 3.1 Based on the information provided in application the Development Charges payable by the developer is R 591 823.80 (Vat incl.) as per Parking DC's calculation bellow.
- 3.2 The following Parking DC's are payable based on the updated Site Development Plan dated 11 March 2022:

**Parking bay short fall = 3**

Parking DC's per bay = R 197 274.60 (Incl Vat)

Total Parking DC's R 197 274.60 x 3 = R 591 823.80 (Incl Vat)

STELLENBOSCH MUNICIPALITY						
SUNDRY TARIFFS FOR THE PERIOD 1 JULY 2022 TO 30 JUNE 2023 Applicable to services rendered from 1 July 2022						
DIREKTORAAT: INFRASTRUKTUUR DIENSTE DIRECTORATE: INFRASTRUCTURE SERVICES						
	Tariff 2021/22 (Excl. VAT)	2021/22 VAT 15%	Tariff 2021/22 (Incl. VAT)	Tariff 2022/23 (Excl. VAT)	2022/23 VAT 15%	Tariff 2022/23 (Incl. VAT)
<b>ROADS TRANSPORT &amp; STORMWATER</b>						
Lowering of kerbs	595 05	89 26	684 31	595 05	89 26	684 31
Inspection fee for the construction of facility signs	278 93	41 84	320 77	278 93	41 84	320 77
Construction of facility sign	991 76	148 76	1140 52	991 76	148 76	1140 52
Construction of vehicle access over stormwater/irrigation channels	Actual Cost/Werklike koste + 10%		Actual Cost/Werklike koste + 10%			
Temporary road closures undertaken by the Municipality (12 hours)	7 500 00	978 26	8 478 26	7 500 00	978 26	8 478 26
Development Charge (DC) - Parking Per parking bay	174 512 15	22 762 45	197 274 60	174 512 15	22 762 45	197 274 60

- 3.3 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.
- 3.4 The appropriate DC's are payable before building plan approval.

**4. Electrical Engineering**

4.1 Refer to Annexure: Electrical

A handwritten signature in cursive script, appearing to read 'C Taylor'.

**Colin Taylor Pr Tech Eng**

**Principal Technician: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

V:\2.0 DEVELOPMENT\00 Developments\2074 (CT) Erf 13047 Stellenbosch (LU-11506)\2074 (CT) Erf 13047 Stellenbosch (LU-11506)\_4.doc



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## **ANNEXURE F**





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## **ANNEXURE G**



**REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-25/377 (Job 28074)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 3 June 2021**

Director: Planning and Economic Development  
Stellenbosch Municipality  
PO Box 17  
**STELLENBOSCH**  
7599

Attention: Mr U von Molendorff

Dear Sir

**ERF 13047 STELLENBOSCH: MAIN ROAD 177 (ADAM TAS ROAD): APPLICATION FOR REZONING, CONSENT USE AND PERMANENT DEPARTURE OF DEVELOPMENT PARAMETERS**

1. The following refer:
  - 1.1 E-mail from Mr NJ de Kock of CK Rumboll & Partners dated 15 October 2020 and attached land use application for Erf 13047 Stellenbosch;
  - 1.2 Letter TPW/CFS/RP/LUD/REZ/SUB-25/377 (Job 28074) of comment from this Branch dated 21 January 2021;
  - 1.3 Access assessment/motivation by Sturgeon Consulting dated May 2021, sent by e-mail to Harry Thompson of this Branch on 24 May 2021. This report includes a revised site development plan;
  - 1.4 E-mail in support of Sturgeon findings and recommendations, sent by Mr Nigell Winter to Mr Tyrone King, both of Stellenbosch Municipality, on 24 May 2021.
2. In our letter of 21 January 2021, this Branch set as a condition the closure of the left slip off Main Road 177 Adam Tas Road (MR177). One of this Branch's main concerns was the location of the goods receiving area immediately adjacent to the entrance. The access assessment/motivation report presents a revised site plan, with the receiving area relocated a significant distance from the left slip access point.

3. The access assessment also included speed measurements and a study of conflicts. From this data it is apparent that speeds within the area of the slip lane are not excessive and few conflicts are the result of the access. It is therefore considered that a well-designed left slip access can safely be retained.
4. The recommendations of the access assessment that regular enforcement activities be carried out to minimise the stopping of mini-bus taxis in the off-slip lane, which may have contributed to conflicts, is supported.
5. Random pedestrian crossing movements of MR177 were observed and the recommendation to erect barrier fencing in the median to channelise pedestrian crossing movements of MR177 to the signalised Dorp Street intersection is supported.
6. Large trucks will not be able to turn safely within the property if entering from MR177, and signage restricting trucks entering at that access to a maximum of 10 tons is supported.
7. In light of the above, this Branch withdraws its condition contained in paragraph 9.1 of our 21 January 2021 letter, subject to the conditions listed in paragraph 8 below.
8. This Branch offers no objection to the proposed development as shown in the revised site plan contained in Sturgeon Consulting's access assessment/motivation, subject to the following:
  - 8.1 The upgrade design of the left slip off Main Road 177 Adam Tas Road shall be approved by the Municipality's Traffic Engineer / Infrastructure Services Department, and shall ensure that:
    - 8.1.1 Egress movements by vehicles from the property onto MR177 are not possible;
    - 8.1.2 Signage restricting trucks to 10 tons is erected in an appropriate location;
    - 8.1.3 A sidewalk of adequate width is provided adjacent to the relocated slip lane, with sufficient space for pedestrians to move past sign poles; and
    - 8.1.4 A safe, well signed and marked pedestrian crossing of the slip road, with dropped kerbs, is provided.

Yours faithfully



**SW CARSTENS**

For **DEPUTY DIRECTOR-GENERAL: ROADS**