



Application Number: LU/12194

Our File Reference Number: Erf 140, Franschhoek

Your Reference Number:

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

**APPLICATION FOR REGISTRATION OF A SUB-LEASE AREA OVER A PORTION OF THE REMINDER OF ERF 140, FRANSCHHOEK**

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

That the following applications 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, on Erf 140 Franschhoek, namely:

- 2.1 The registration of sub lease area No 4 measuring 6519m<sup>2</sup> in extent over a portion of the remainder of Erf 140, Franschhoek, as indicated on the attached lease area plan attached as **Annexure 3**, Dated October 2019, File No P2434/90(100)N, in terms of the said Bylaw;

**BE APPROVED** in terms of Section 60 of the said Bylaw, **BE SUBJECT** to the following conditions of approval in terms of Section 66 of the said Bylaw:

Conditions of approval.

- 2.2 The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2.3 This approval only comes into effect on registration of the servitude area in the Deeds Office;

2.4 The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the updated SG diagrams, which was preliminary approved by the SG. The following information must be indicated:

Newly allocated Servitude area

Co-ordinates

Survey Dimension

2.5 The sub-lease portion may not obtain access directly onto Main Road 191 over the remainder portion between the sub-lease area no.4 and Main Road 191;

3. The **REASONS** for the above decisions are as follows:

3.1 The proposal will have no impact on the surrounding areas as no additional land use rights will be created by the approval of the application.

3.2 The proposal is not in conflict with any of the Municipality's policies.

3.3 The lease area is separated from the remainder of the subject property by the existing road infrastructure and railway reserve which is located over the subject property.

Conditions to be noted:

- That the condition of approval as noted in the Memo Dated 19 February 2021 from the Manager: Development (infrastructure Services) are applicable to the application under consideration, as attached as **Annexure 5**.
- That the condition of approval as noted in the comment Dated 23 April 2021 from the Department Transport & Public: Work, Roads, Chief Directorate: Road Planning Manager: are applicable to the application under consideration, as attached as **Annexure 6**

4. 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.

5. 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.

6. 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)
7. 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.
8. 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>).
9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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

8/9/2021  
DATE

# **ANNEXURE 3**

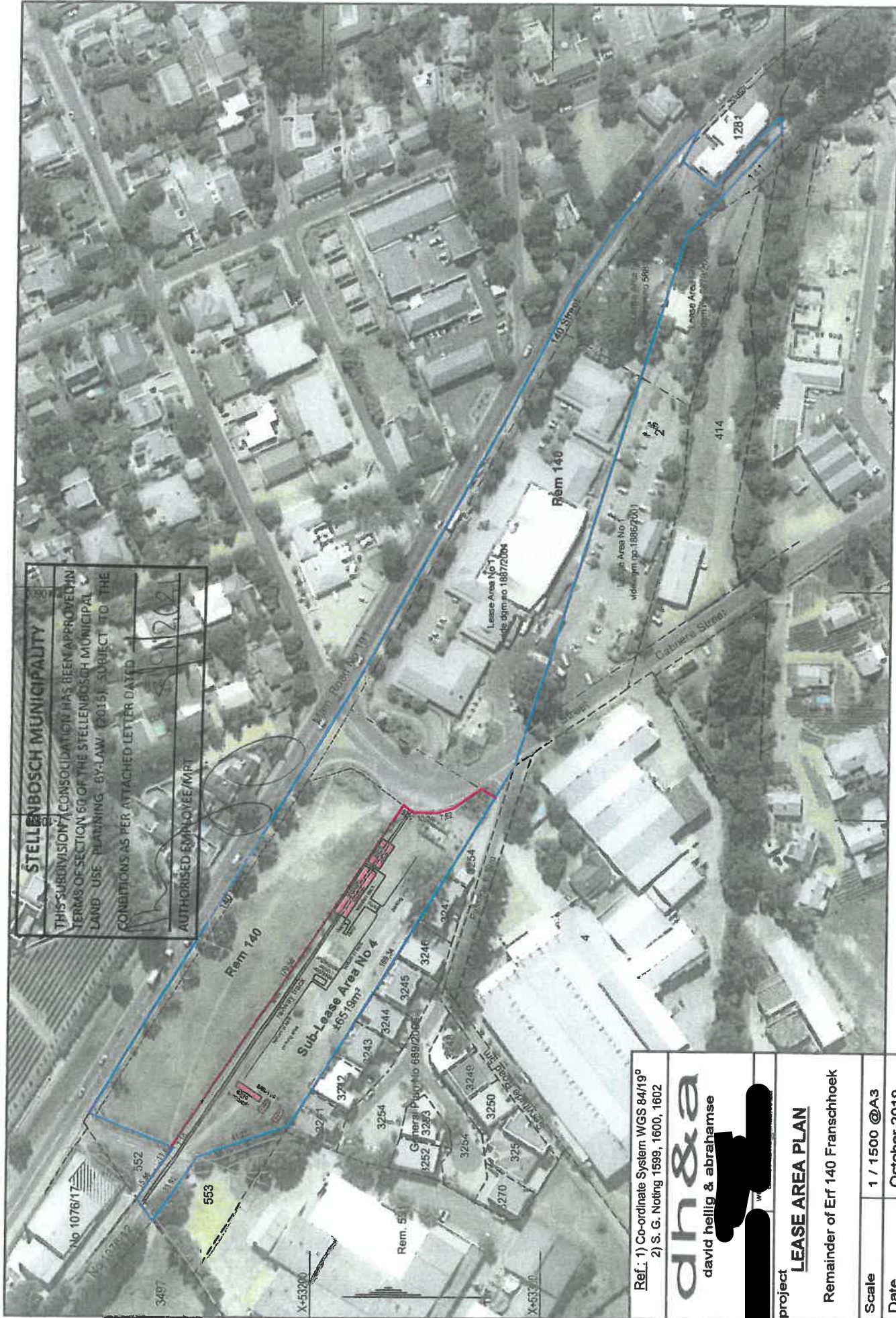




**STELLENBOSCH MUNICIPALITY**

THIS SUBDIVISION/CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 20/12/2021

AUTHORIZED EMPLOYEE/MPT



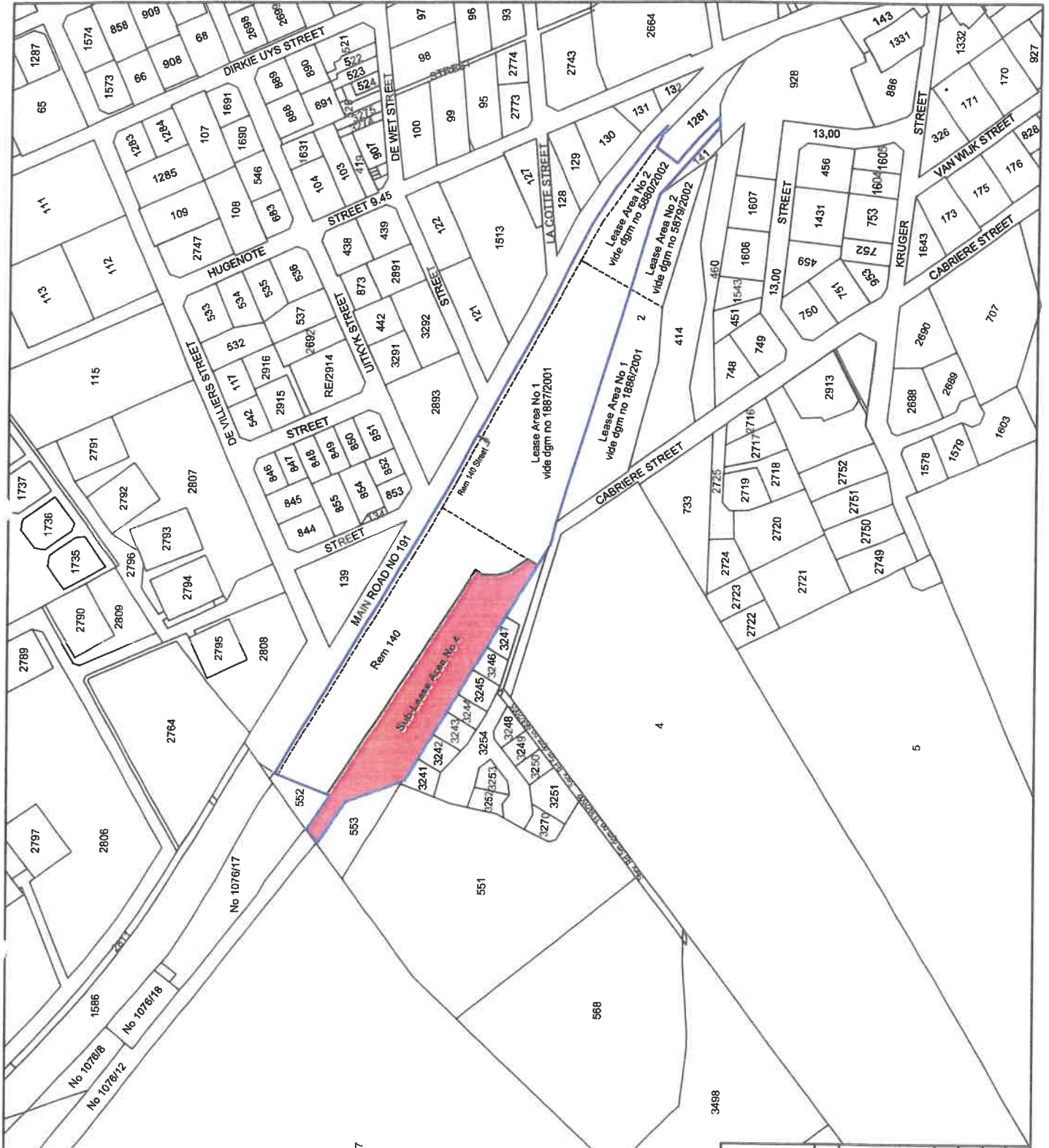
Ref. 1) Co-ordinate System WGS 84/19°  
 2) S. G. Noting 1599, 1600, 1602

**dn&a**  
 david hellig & abrahamse

project	<b>LEASE AREA PLAN</b>		
	Remainder of Erf 140 Franschoek		
Scale	1 / 1500 @A3		
Date	October 2019		
File No	P2434/90(100)N		
Plan No	1P		

Note:  
 Sub-Lease Area No 4, measuring 16519m² in extent, is to be registered over the Remainder of Erf 140 Franschoek.





T N

**dh&a**  
 david hollis & abrahamse  
 [REDACTED]

project  
**LOCALITY PLAN**  
 Sub-Lease Area No 4 over  
 Remainder of Erf 140 Franschoek

Scale	1 / 2500 @A3
Date	October 2019
File No	P2434/90(100)N
Plan No	2



# **ANNEXURE 5**



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

# MEMORANDUM

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

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**To - Aan:** Director: Planning + Economic Development  
**Att Aandag** Salome Newman / Nolusindiso Momoti / Nicole Katts  
**From - Van:** Manager: Development (Infrastructure Services)  
**Author - Skrywer:** Tyrone King  
**Date - Datum:** 19 February 2021  
**Our Ref - Ons Verw:** Civil LU 2137  
**Your Ref:** LU/12194  
**Re - Insake:** Erf 140, FH: Sub lease registration over the property in favour of the Franschhoek wine tram

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The application does not include any further development on the property and is merely for a sub-lease. No existing municipal services are affected and therefore we have no objection, subject to the following conditions:

- 1. Civil Engineering Services**
  - 1.1 Should any development (building work) occur on the site in future, an application must be made and further conditions may be set by this Directorate at that stage.
  
- 2. Electrical Engineering (Martin Slabber – Supt Dwarsrivier Elect)**
  - 2.1 GENERAL: None
  - 2.2 COMMENTS: If any moving-, removing-, changes- or upgrading's on electrical services are required, all costs will be for applicant, via recoverable cost application.

**Tyrone King Pr Tech Eng**  
**MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

# **ANNEXURE 6**



**REFERENCE:** 16/9/6/1-25/305 (Job 26732)

**ENQUIRIES:** Ms G Swanepoel

**DATE:** 23 April 2021

Director: Planning & Economic Development

Stellenbosch Municipality

PO Box 17

**STELLENBOSCH**

7599

Attention: Mr Ulrich von Molendorff

Dear Sir

**ERF 140 FRANSCHHOEK: MAIN ROAD 191: PROPOSED REGISTRATION OF A SUB-LEASE OVER A PORTION OF THE REMAINDER OF ERF 140, FRANSCHHOEK**

1. E-mail from Mr Marnus Botha of David Hellig & Abrahamse to this Branch, ref. P2434/90(100)N2(PP) dated 17 February 2021 and attached planning application refer.
2. Erf 140 is located on the south side of Main Road 191, the R45 Main Road, towards the western edge of the town of Franschhoek. The relevant portion of the subject property is located between the railway line to the north, Cabriere Street to the east, the access road to Franschhoek Cellars to the west and a row of private properties to the south.
3. The subject portion of Remainder Erf 140 is currently used by Franschhoek Trams as the station and starting point of the tourist tram route accessing various wine estates. The western portion is accessed from the Franschhoek Cellars service road and serves as the parking area for the buses used by Franschhoek Trams on routes not accessible to the trams. The much larger eastern section is occupied by the tram station, associated tourist facilities and parking for passengers.
4. The proposal is for a sub-lease of this parcel of land, to give Franschhoek Trams relatively long-term security of occupation (to 2048) and increase the viability of providing other tourist facilities on the site.
5. This Branch offers no objection to the proposed sub-lease, subject to the following:
  - 5.1 The sub-lease portion may not obtain servitude or informal access directly onto Main Road 191 over the portion between sub-lease area no.4 and Main Road 191;



- 5.2 Any site development plan (SDP) for sub-lease area 4 which proposes re-assigning traffic such that additional traffic is routed onto the Franschoek Cellars access road shall first be submitted to this Branch for approval.

Yours Sincerely



**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: ROADS**

## ENDORSEMENTS

1. Stellenbosch Municipality  
Attention: Mr U von Molendorff (e-mail: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za))
2. David Hellig & Abrahamse  
Attention: Mr M Botha (e-mail: [REDACTED])
3. District Roads Engineer  
Paarl
4. Mr E Smith (e-mail)
5. Mr H Thompson (e-mail)
6. Mr SW Carstens (e-mail)