



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10393

Our File Reference Number: Erf 2235, 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/Madam

## APPLICATION FOR REZONING AND DEPARTURES: ERF 2235, FRANSCHHOEK

1. The above application refers.
2. The Municipal Planning Tribunal on 20 May 2022 resolved as follows:
  - 2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 2235, Franschhoek, namely:
    - 2.1.1 **Rezoning** of a portion of Erf 2235, Franschhoek measuring  $\pm 5,928$  m<sup>2</sup> from Institution Zone to General Business Zone in terms of Section 15 (2)(a) of the said By-law in order to establish a Local Economic Hub and associated uses.
    - 2.1.2 **Permanent Departure** in terms of Section 15 (2)(b) of the said By-law, to allow vehicle entrance/access and exit ways of wider than 6m where they cross the Beaucoup de Leau street boundary.
    - 2.1.3 **Permanent Departure** in terms of Section 15 (2)(b) of the said By-law, to allow vehicle entrance/access ways and more than one vehicle exit way along the Beaucoup de Leau street boundary.
    - 2.1.4 **Permanent Departure** in terms of Section 15 (2)(b) of the said By-law, to allow more than one vehicle entrance/access and exit ways of wider than 6m where they cross the Protea Street boundary.

**BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw:

**3. Conditions of Approval:**

3.1 The approval applies only to the proposed development under consideration as indicated on the Typical site layout plan Number 3, drawn by Plan4SA (Professional planners and project managers) dated 2019/09/16 attached as **Annexure C** 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 be undertaken in accordance with the Typical site layout plan Number 3, drawn by Plan4SA (Professional planners and, project managers) dated 2019/09/16, attached as **Annexure C**.

3.3 Services be installed in accordance with the approved engineering services drawings to the satisfaction of the Department Infrastructure Services.

3.4 A detailed site development plan, for the whole of Erf 2235, as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan satisfactorily addresses, but are not necessarily limited to, all the conditions of the approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters:

3.4.1 a detailed landscaping plan taking into consideration the existing trees on the site and indicating the planting of more trees,

3.4.2 future access to the market and garden area (northern portion of property),

3.4.3 considering relocating the future market and garden area to the south and the parking area to the north.

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

4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will in fact offer local economic development opportunities in the area.

4.2 The proposal is in line with the objectives and principles of the Integrated Development Plan and the Stellenbosch Municipal Spatial Development Framework.

4.3 There will be no negative impact on existing infrastructure and there are sufficient services to support the proposal.

4.4 The proposal will result in more efficient utilisation of the subject property which cannot be viably utilised in terms of its current zoning.

**5. Matters to be noted:**

5.1 A business license, liquor license and any other applicable activities requiring a separate approval, license, or permit must be obtained.

5.2 An application for erection of advertising signs must be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the municipality or be in line with the signage policy of the municipality and no signage may be displaced without the written approval of the municipality.

5.3 No directional signage may be erected without prior approval of the Municipality.

6. 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.

7. 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.

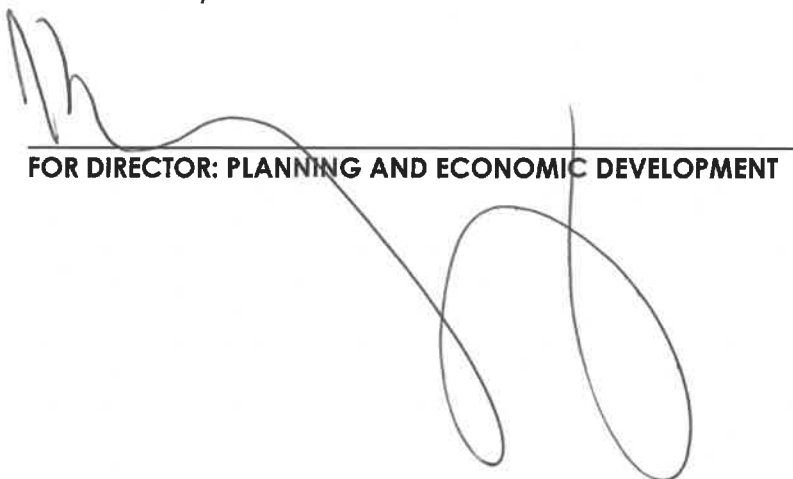
8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)

9. 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.

10. 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>).

11. 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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
13. 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**

19/7/2022.  
DATE:

**ANNEXURE C: PROPOSED TYPICAL SITE LAYOUT PLAN**

