



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10397

Our File Reference Number: Erf 230, Franschhoek

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL



Sir / Madam

APPLICATION FOR REZONING, SPECIAL CONSENT AND DEPARTURES: ERF 230, FRANSCHHOEK

1. The above application refers.
2. The Municipal Planning Tribunal on 21 January 2022 resolved as follows:
 - 2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 230, Franschhoek, namely:
 - 2.1.1 **rezoning** in terms of section 15(2)(a) of the said Bylaw of the property from Single Residential Zone to General Business for purposes of a local economic development hub/business incubator.
 - 2.1.2 **special consent** in terms of section 15(2)(o) of the said Bylaw to use a portion of Erf 230, Franschhoek for institutional (training) purposes.
 - 2.1.3 **Departure** in terms of Section 15(2)(b) of the said Bylaw for the under-provision of parking (8 bays instead of 16,06 bays).

BE APPROVED in terms of Section 66 of the said Bylaw subject to conditions.

2.1.4 **Departure** in terms of Section 15(2)(b) of the said Bylaw to allow a vehicle entrance/ access & exit of wider than 6m where they cross the Daniel Hugo boundary of Erf 230, Franschhoek.

BE REFUSED in terms of Section 66 of the said Bylaw

3. **Conditions of Approval:**

3.1 The approval applies only to the proposed application, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw.

3.3 A Site Development Plan which illustrates the overall proposed development be submitted for approval by the Authorised Official prior to the submission of building plans. The Site Development Plan must include the following:

- i) All relevant information about the extent of the proposed development, floor area allocations and parking supply to illustrate compliance with the development parameters of the scheme;
- ii) Elevations and cross sections of the new development;
- iii) The details of proposed vehicle access, parking areas on the western side of the property (including bicycle facilities) and pedestrian footpaths;
- iv) Details of proposed fencing or walls around the perimeter of the land unit (if applicable);
- v) Landscape proposals;
- vi) Cognisance be taken of the provisions of the Franschhoek Conservation Overlay Zone.

3.4 The following condition of the Manager: Electrical Services as contained in their memo dated 03 June 2020, attached as **ANNEXURE L**, be complied with:

- i) All charges and re-rating of services as well as upgrades is for the applicant's cost via a rechargeable cost application.

3.5 Building plans to be submitted to the Municipality for approval.

4. Matters on the application **TO BE NOTED:**

4.1 Business licence and a liquor licence be applied for, if required.

- 4.2 The consultant must provide the department with a permit from Heritage Western Cape for any additions and alterations to the existing structure older than 60 years before a building plan can be approved.
5. The reasons for the above decision are as follows:
 - 5.1 The proposal will not have a negative impact on the surrounding properties and their rights as it is in keeping with the character of the area.
 - 5.2 The proposed land use will also improve the quality and functionality of the existing under-utilized public facilities.
 - 5.3 The proposed LED hub is within walking distance to public transport routes and other businesses and will not increase vehicular movement in town.
 - 5.4 The under-provision of parking will not have a negative impact on the environment since the property is situated in close proximity to the municipal parking area.
 - 5.5 The business incubator (LED Hub) will provide entrepreneurs, start-up businesses and SMME'S access to rental space, shared basic business services and equipment as well as technology support services.
 - 5.6 The departure for an access wider than 6m is not supported as the site is located in the historic area (Urban Conservation Overlay Zone) with a limited number of vehicles visiting the site. Pedestrian movement should receive preference in this area.
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

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

15/2/2022
DATE:

ANNEXURE L

**APPLICATION FOR REZONING, SPECIAL CONSENT
AND DEPARTURES: ERF 230, FRANSCHHOEK**

**COMMENT FROM THE
MANAGER: ELECTRICAL
SERVICES**

| | | |
|---|---|--------------------|
| L&ER VERW/ FILE REF | Erf 230, Franschhoek | DATE: 5 March 2020 |
| AANSOEKNUMMER/APPLICATION NUMBER | LU/10397 | |
| MEMO AAN/ TO : | Director : Infrastructure Services (Traffic Engineer / Engineering Services) | |
| X | Manager: Electrical Services | |
| | Manager : Building Development Management | |
| | Manager : Fire Services | |
| | Manager: Spatial Planning / Heritage / Signage | |
| | Manager: Health Department (Winelands Health) | |
| | Manager: Community Services (Environmental Planner / Air Quality & Noise Control Officer) | |
| | Manager: Community Services (Parks/Greening Services) : Albert Van Der Merwe | |
| | Manager: Property Management (P Smit) | |
| | Manager: Local Economic Development | |
| Application | <p>(i) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law for Rezoning of Erf 230, Franschhoek from Single Residential to General Business for purposes of a local economic development hub/business incubator.</p> <p>(ii) Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law for a special consent to use a portion of Erf 230, Franschhoek for institutional (training) purposes.</p> <p>(iii) Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw for a departure for the under-provision of on-site parking (8 parking bays in lieu of 16,06 parking bays).</p> <p>(iv) Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law for a departure to allow a vehicle entrance/access & exit of wider than 6m where they cross the Daniel Hugo boundary of Erf 230, Franschhoek.</p> | |
| Adres / Address | 2 Reservoir Street, Franschhoek | |
| Aansoek Datum / Application Date | 19 September 2019 | |
| Aansoeker Applicant | Plan4 SA (Pty) Ltd (Martin Jonker) | |

LU/10397
 STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES
 25 MARCH 2020
RECEIVED

angeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of **23 MARCH 2020**
 Please hand deliver the memorandum to me on or before : **31 March 2020**

For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

M. Jonker

FILE NR:

2020

SCAN NR:

E 230 FH

COLLABORATOR NR:

68-6804

VOORWAARDES/CONDITIONS:

All charges and re-roling of services as well
to applicant in electrical supplies - for applicants cost
and the complete cost application.


HANDTEKENING / SIGNATURE3/6/2020
DATUM / DATE