



STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13305

Our File Reference Number: Erf 2681, Franschhoek

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURE: ERF 2681, FRANSCHHOEK

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
 - 2.1 That the following application 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 2681, Franschhoek namely:
 - 2.1.1 **Rezoning** in terms of Section 15(2)(a) of the said by-law of Erf 2681 Franschhoek from Limited Use and Conventional Residential Zone to Subdivisional Area to make provision for one (1) Mixed Use Zone erf, three (3) Conventional Residential Zone erven and two (2) Public Road and Parking Zone erven.
 - 2.1.2 **Subdivision** in terms of Section 5(2)(d) of the Stellenbosch Municipal Land Use Planning By-law (2015) of Erf 2681, Franschhoek into six portions of:
 - i. Portion 1 (±633m² zoned Mixed-Use Zone)
 - ii. Portion 2 (±1388m² zoned Conventional Residential Zone)

- iii. Portion 3 ($\pm 1038\text{m}^2$ zoned Conventional Residential Zone)
 - iv. Portion 4 ($\pm 1827\text{m}^2$ zoned Conventional Residential Zone)
 - v. Portion 5 ($\pm 12\text{m}^2$ zoned Public Road and Parking Zone)
 - vi. Portion 6 ($\pm 12\text{m}^2$ zoned Public Road and Parking Zone)
3. Application is also made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law (2015) for the registration of;
- 3.1 a l, 10m reciprocal services right of way servitude for maintenance purposes, indicated as line a-b, being registered over Portion 1 in favor of Portion 2 and over Portion 2 in favor of Portion 1.
 - 3.2 a 3m wide right of way servitude over the eastern boundary of Portion 3 in favor of Portion 4 for access to Louis Botha Street, indicated as line cd on the subdivision plan.
 - 3.3 a 1,10m sewer servitude to be registered over Portion 1 in favor of Portion 2, indicated as lines ef and gh on the subdivision plan.
4. Departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law (2015 to;
- 4.1 Relax the parking requirements for Portion 1 (Business premises) from 14 parking bays to 6 parking bays.
 - 4.2 Relax the northern street building lines for Portion 2 along Louis Botha Street from 4m to 0.6m to accommodate the existing residential dwelling.
 - 4.3 Relax the southern common building line between Portion 2 and Erf 1704 Franschoek from 2,5m to 1.6m to accommodate the existing braai and patio area.
 - 4.4 Relax the common building line between Portion 1 and Portion 2 from 2.5m to 0.5m as a result of the new subdivisional line.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

5. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject By-Law, before the development of the land:

- 5.1. Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of submission of clearance certificates, any building plans or as may be agreed on in writing with the Director Infrastructure Services.
- 5.2. Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 5.3. All servitude rights be registered in the title deeds of the applicable property/ies on Registration
- 5.4. An electronic copy (shp, dwg, dxf) of the approved erf diagrams be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
- a) Newly allocated erf/farm numbers
 - b) Co-ordinates
 - c) Survey dimensions
- General/ conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:*
- 5.5 The approval only applies to the proposed rezoning, subdivision, and departure under consideration, as indicated on the referenced *Plan No. 2 Rev 4, File No. P1576/80(21)*, dated April 2021 — June 2022, drawn by David Hellig and Abrahamse Professional Land Surveyors, attached as **ANNEXURE B** 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
- 5.6 The development must be undertaken in accordance with, as indicated on the referenced *Plan No. 2 Rev 4, File No. P1576/80(21)*, dated April 2021 — June 2022, drawn by David Hellig and Abrahamse Professional Land Surveyors, attached as **ANNEXURE B**.
- 5.7 The conditions listed in the memorandum dated 13/06/2022 from the Municipal Director: Infrastructure Services attached as **ANNEXURE E** be complied with.

- 5.8 Any future proposed building work and specifically building work within the determined 1:50 and 1:100-year flood lines for *all* four newly created erven, must be approved by the competent authorities before final building plans is submitted to Stellenbosch Municipality.
- 5.9 The parking layout plan be clearly marked & painted onsite for the liquor store, with minimum parking bay dimensions of 2,5m wide by 5m long unless otherwise require and approved by the Municipal Traffic Engineering Section and no tandem parking bays be provided for business activities.
- 5.10 All parking bays shall remain accessible for use as parking and may not be otherwise used or encroached upon.
- 5.11 Portion 5 and Portion 6 zoned Public Roads and Parking Zone be transferred to the Stellenbosch Municipality upon confirmation of the subdivision or part thereof, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.

6. The reasons for the above decision ore as follows:

- 6.1 No new structures are proposed and all existing approved access points for the newly created units will be used.
- 6.2 The Mixed-Use Zoned property will mainly have access of the Hugenate Street, which is the main business street on Franschoek and will subsequently not detract from the character of the street scope.
- 6.3 Two of the three (3) residential units, have existing dwellings on it and will all be accessible of existing residential street from existing access point.
- 6.4 The residential character of Louis Botha Street will also not be altered by the proposal.
7. 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.
8. 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:
- 8.1 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

8.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

8.3 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.

8.4 Whether the appeal is lodged against the whole decision or a part of the decision.

8.5 If the appeal is lodged against a part of the decision, a description of the part.

8.6 If the appeal is lodged against a condition of approval, a description of the condition.

8.7 The factual or legal findings that the appellant relies on.

8.8 The relief sought by the appellant.

8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

8.10 That the appeal includes the following declaration by the Appellant:

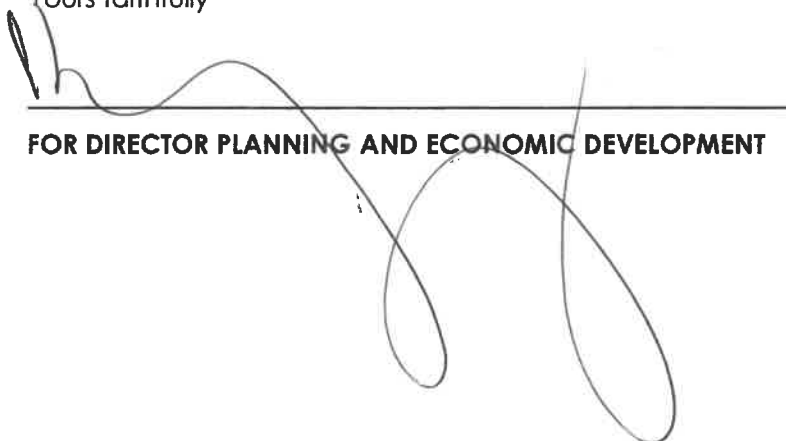
- i. The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- ii. That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information, or answers 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.

9. 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.

10. 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.

11. The 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.
12. 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.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. 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



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

29/3/2023
DATE:

ANNEXURE B

Zoning and Subdivisional Plan

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

29/3/2023
 AUTHORIZED EMPLOYEE/MPT

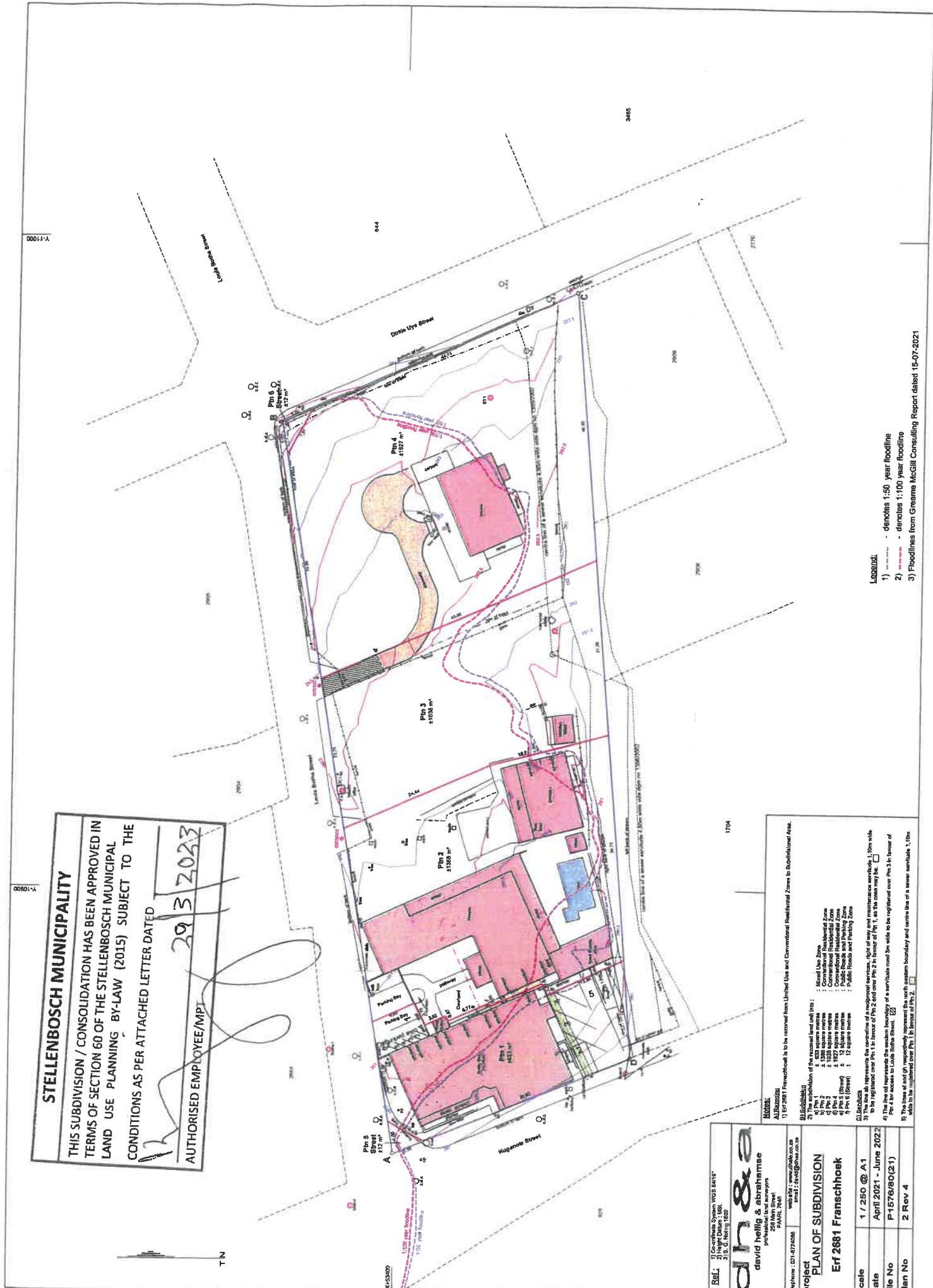
Ref: 1) Co-ordinate System WGS 84/19
 2) Erf 2681
 3) Erf 2681/1/2
 4) Erf 2681/1/2

dh&a
 david hallig & abrahamse
 professional services
 259 Mah Street
 PHOLEN, 7601

Telephone: 021-8742486
 website: www.dhanda.co.za
 email: info@dhanda.co.za

Project: PLAN OF SUBDIVISION
 Erf 2681 Franschoek

Scale	1 / 250 @ A1
Date	April 2021 - June 2022
File No	P1576/80(21)
Plan No	2 Rev 4



- NOTES:**
- 1) Erf 2681 Franschoek is to be rezoned from Limited Use and Commercial Residential Zone to Subdivisional Area.
 - 2) The subdivision of the rezoned land into:
 - a) Plot 1
 - b) Plot 2
 - c) Plot 3
 - d) Plot 4
 - e) Plot 5
 - 3) The rezoning of the rezoned land into:
 - a) Plot 1: 4 1288 square metres
 - b) Plot 2: 4 1287 square metres
 - c) Plot 3: 12 square metres
 - d) Plot 4: 12 square metres
 - e) Plot 5: 12 square metres
 - 4) The lines of and/or respectively represent the north western boundary and centre line of a sewer servitude 1,0m wide to be registered over Plot 1 in favour of Plot 2.
 - 5) The lines of and/or respectively represent the north eastern boundary and centre line of a sewer servitude 1,0m wide to be registered over Plot 1 in favour of Plot 2.

- Legend:**
- 1) denotes 1:50 year flooding
 - 2) denotes 1:100 year flooding
 - 3) Floodlines from Gresham McGill Consulting Report dated 15-07-2021



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Nolusindiso Momoti
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	13 June 2022
Our Ref ▫ Ons Verw:	Civil LU 2258
Your Ref:	LU/13305
Re ▫ Insake:	Erf 2681 FH: REZONING -SUBDIVISION AND REGISTRISTRATION OF RIGHT OF WAY SERVITUDES AND DEPARTURES

The application for parking departure is recommended for approval, subject to the following conditions

1. **Civil Engineering Services**
 - 1.1 There is no capacity at the Wemmershoek WWTW at the moment. The Municipality is currently busy upgrading the WWTW. No subdivision clearance will be approved before capacity has been confirmed by the Municipality's Water Services Dept.
 - 1.2 Water and sewer connections for erven: The proposal (K21-11 Rev 1 dated Mar 2022 by Endecon **attached**) by the Engineer is acceptable in principle, but detail design drawings need to be submitted **at which stage our Water Services department could request amendments to the proposal.**
 - 1.3 All servitudes must be indicated on detail design drawings and registered if not already done so before subdivision clearance.

1.4 No further development will be allowed under the 1:100 floodline.

2. Development Charges (DCs)

- 2.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 2.2 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 2.3 The appropriate DC's are payable before a Section 28 Clearance certificate can be issued.
- 2.4 DCs are payable for the one erf – Portion 3 – which has not yet been developed. The other erven have already been developed. Should additional GLA or buildings be applied for, it will lead to additional DCs that will be calculated at that stage.

3. Electrical Engineering conditions (Martin Slabber – Supt Dwarsrivier Elect)

GENERAL: None

CONDITIONS: If any electrical services have to move-, remove-, change or upgrade - apply via recoverable cost application, for applicants cost.

Subject to SANS 10142,204-1-2008, energy savings and efficiency implimentation and Municipal bylaws - Only existing electrical connection is available.

- 1.Installation of 10A electrical contole units
- 2.Solar water heating/heat pump intallation
- 3.Energy efficient lighting
- 4.Roof insulation
- 5.Cooking with gas fired appliances
- 6.Controle air condition equipment with energy saving devices
- 7.Preat at least 50% of hot water with alternative energy savings devices



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

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	2258 () Erf 2681 Franschoek (LU-13305)
Date	
Financial Year	
Erf Location	
Erf No	
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	

Project	PLAN OF SUBDIVISION
Erf 2681 Franschoek	
Scale	1 / 250 @ A1
Date	April 2021 - Sept. 202
File No	P157680(21)
Plan No	2 Rev3

SUMMARY OF DC CALCULATION

Unit(s)	Water		Sewer		Storm-water		Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
	k/day	l/day	k/day	l/day	ha°C	ha°C				
Total Increased Services Usage	1.200		0.700		0.048		0.040	4.00		
Total Development Charges before Deductions	R 25 531.44		R 21 230.35		R 4 681.44		R 1 837.85	R 14 747.82		R 81 447.06
Total Deductions										
Total Payable (excluding VAT)	R 25 531.44		R 21 230.35		R 4 681.44		R 1 837.85	R 14 747.82		R 81 447.06
VAT			R 3 829.72		R 702.22		R 275.68	R 2 212.17		R 12 217.06
Total Payable (including VAT)	R 29 361.16		R 24 414.91		R 5 383.66		R 2 113.52	R 16 959.99		R 93 664.12

APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	
Date	
Amount Paid:	As above
Date Payment Received	
Receipt Number	

