



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10301

Our File Reference Number: Erf 2751, 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 AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH**

1. The above application refers.
2. The Municipal Planning Tribunal on 22 April 2022 resolved as follows:
  - 2.1 That the 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 2751, Stellenbosch and a portion of the road known as "Die Laan", for a **temporary departure** in terms of Section 15(2)(c) of the said bylaw in order to use portions of the afore-mentioned properties for a one-day event (Heritage festival) on 24 September for five years (2021 – 2026).

**NOT BE APPROVED** in terms of Section 60 of the said Bylaw.

### **The reason for the above decision is as follows:**

- 2.1.1 The temporary departure could not be approved more than once for the same use as previously approved, as in this instance where approval was granted in 2016.
- 2.2 That the following applications 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 2751, Stellenbosch, namely:

- 2.2.1 **Closure of a public place** in order to close a part of the Public Open Space being Lease Area 1 (1020m<sup>2</sup>) and Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch in terms of Section 15(2)(n) of the said bylaw.
- 2.2.2 **Rezoning** of Lease Area 1 (1020m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parking Area) in order to accommodate a public parking area, in terms of Section 15(2)(a) of the said bylaw.
- 2.2.3 **Rezoning** of Lease Area 2 (1517m<sup>2</sup>) over Erf 2751, Stellenbosch from Public Open Space to General Business, in terms of Section 15(2)(a) of the said bylaw, to establish a Local Economic Development (LED) Hub to accommodate a restaurant, tourist craft and art shops and offices in support of entrepreneurs and start-up businesses.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the conditions of approval in terms of Section 66 of the said Bylaw.

### 3. Conditions of approval:

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 approval comes into effect and any required building plans is submitted:

- 3.1 The entrance/exit indicated on Plan 3 (See **ANNEXURE B**) within 5.5m of the Pastorie Street and Die Laan intersection be closed.
- 3.2 A revised parking layout plan be submitted to the satisfaction of the municipal traffic engineering section, only using the entrance/exit indicated at 21.5m from the Pastorie Street and Die Laan intersection and a vehicle circulation plan be present to access parking bays P1-P15 or similar proposed alternative parking layout.
- 3.3 The required parking bays for Lease Area 2 be provided on Lease Area 1 and these requirements be addressed in the revised parking layout plan to ensure that parking provision for the business buildings is always provided on Erf 2751, Stellenbosch.
- 3.4 A detailed site development plan 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 must satisfactorily address, but are not necessarily limited to, all the conditions of this 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 requirements as listed in 3.1 and 3.2 above.

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:

- 3.5 The approval applies only to the rezoning, closure of public space in question 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.
- 3.6 The rezoning of the property is restricted to the current lease areas only and will not include the remainder of the public open space.
- 3.7 Business hours be restricted to normal office working hours from 08h00 till 19h00.
- 3.8 The portion being used for public parking purposes remains attached to the rezoned area and may not be used for unrelated long-term public parking.
- 3.9 The parking area may not be fenced or tarred and should a hard surface be envisaged in future; the surface must consist of laterite or alternatively a material that gives the impression of laterite to preserve the appearance of the original surface to the satisfaction of the Municipal Heritage Section.
- 3.10 No alterations, additions to the structures which is Graded IIIA and the construction of additional building may be done without a permit from Heritage Western Cape (HWC).
- 3.11 The conditions of approval listed in **ANNEXURE F** from the Municipal Directorate: Infrastructure Services be adhered to.
- 3.12 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

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

- 4.1 The proposals are in line with the objectives and principles of the Integrated Development Plans and the Stellenbosch Municipal Spatial Development Framework.
- 4.2 Sufficient services can be provided to the satisfaction of the municipal engineering section.
- 4.3 The portion of a public open space to closed, has always been used for the proposed business uses and this application just regularizing the current use.

5. **Matters to be noted:**
- 5.1 A business license, liquor license and any other applicable activities requiring a separate approval, licence, or permit must be obtained.
  - 5.2 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.
  - 5.3 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
  - 5.4 An application for the erection of advertising signs 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 displayed without the written approval of the municipality.
  - 5.5 Any signage must consider the heritage significance of the buildings and the residential character of the immediate surroundings.
  - 5.6 No directional signage may be erected without the prior approval of the Municipality.
  - 5.7 That the conditions of approval listed in **ANNEXURE G** from the Cape Winelands District Municipalities Health Services be adhered to.
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

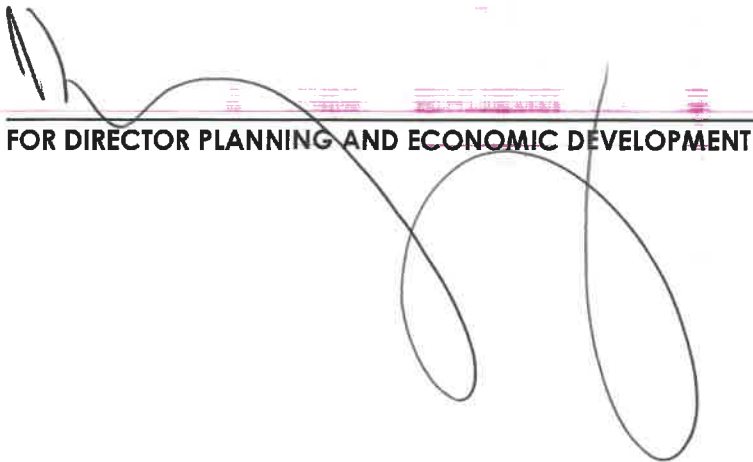
(ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or 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

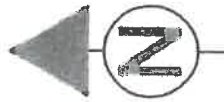
12/5/2022  
DATE:

**ANNEXURE B**

**Existing Building, Parking and Zoning Plan**

THE AVENUE ("DIE LAAN")

53,4



LEGEND	LEGEND NOTES	AREA (m²)
[Pink box]	Erf 2751 Stellenbosch	10,550m²
[Red box]	Area to be rezoned	2,537m²
[Yellow box]	Total Building Area	±413m²
[Green box]	Existing Building 1 (Agricultural Hall)	±378m²
[Blue box]	Existing Building 2	±35m²
[Purple box]	Existing Onsite Parking	±780m²
[Light blue box]	Parking Bay Size (5.5m x 2.5m)	13.75m²
[Light green box]	Existing entrances to & exit from the existing onsite parking on Lease Area 1	
[Light yellow box]	Existing buildings on Lease Area 2 to be used for office/shop purposes.	
[Light purple box]	Lease Area 1 over Erf 2751 to be rezoned to "Local Authority (Public Parking Area)".	1020m²
[Light blue box]	Lease Area 2 over Erf 2751 to be rezoned to "General Business".	1517m²
[Light green box]	The remainder of Erf 2751, Stellenbosch to remain Public Open Space.	±8,013m²

**CLIENT / OWNER INFORMATION**

STELLENBOSCH MUNICIPALITY  
 Mr Widmark Moses  
 Tel: 021-808-8974  
 Mobile: 082-879-4690  
 Email: widmark.moses@stellenbosch.gov.za

**DRAWING TITLE**

TYPICAL SITE LAYOUT PLAN

PLAN NUMBER 3

SCALE Not to scale

SHEET SIZE A4

SHEET NUMBER 1 of 1

PROJECT NAME

LAND USE APPLICATION(S) OVER A PORTION OF ERF 2751 STELLENBOSCH

**DRAWING TITLE CODES**

- CP: Consolidation Plan
- LP: Locality Plan
- LUP: Land Use Plan
- SOP: Site Development Plan
- SLP: Site Layout Plan
- SUB: Subdivision Plan
- ZP: Zoning Plan

**DRAWING DISCIPLINE CODES**

- TRP: Town & Regional Planning
- TP: Transportation Planning

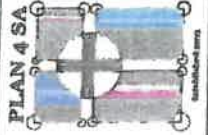
**DRAWING STATUS CODES**

- D: Draft
- F: Final

**DRAWING NUMBER**

18P001-ER2751-STE-TRP-SLP001-F-20180228-Rev 02

**PROFESSIONAL PLANNERS & PROJECT MANAGERS**

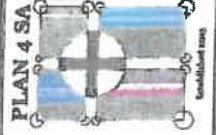


PROJECT NUMBER: 18P001  
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LEGEND	SURROUNDING LAND USES
[Blue Box]	Residential
[Light Blue Box]	Commercial Residential
[Green Box]	Hotel
[Light Green Box]	Business
[Pink Box]	Government Offices
[Light Green Box]	Sports Facility
[Light Blue Box]	Public Transport Facility
[Light Blue Box]	Public Parking
[Light Green Box]	Mixed Use
[Light Blue Box]	Library
[Yellow Box]	Education (University/School)
[Pink Box]	Industrial



**PROFESSIONAL PLANNERS & PROJECT MANAGERS**  
  
 PROJECT NUMBER: 18P001  
 COPYRIGHT RESERVED

**DRAWING DISCIPLINE CODES**  
 TRP: Town & Regional Planning  
 TP: Transportation Planning

**DRAWING STATUS CODES**  
 D: Draft  
 F: Final

**DRAWING NUMBER**  
 18P001-ERF2751STB-TRP-LUP001-F-  
 20180823-Rev 00


**DRAWING TITLE CODES**  
 LP: Locality Plan  
 LUP: Land Use Plan  
 SDP: Site Development Plan  
 SLP: Site Layout Plan  
 SUB: Subdivision Plan  
 ZP: Zoning Plan

**DRAWING TITLE**  
**LAND USE PLAN**

<b>PLAN NUMBER</b>	<b>SCALE</b>	<b>SHEET SIZE</b>	<b>SHEET NUMBER</b>
2	Not to scale	A4	1 of 1

**PROJECT NAME**  
**REZONING A PORTION OF ERF 2751 STBOSCH**

**CLIENT / OWNER INFORMATION**  
 STELLENBOSCH MUNICIPALITY  
 Mr Widmerk Moosa  
 Tel: 021-895-8874  
 Mobile: 082-879-8080  
 Email: widmerk.moosa@stellenbosch.gov.za



**ANNEXURE F**

Directorate: Infrastructure Services  
comments

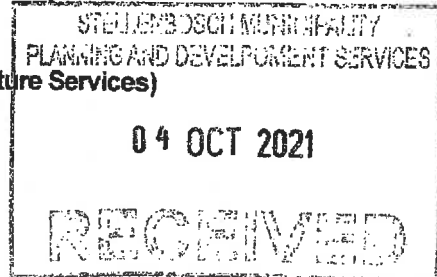


**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

**MEMORANDUM**

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

**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag:** Nicole Katts  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 19 October 2020  
**Our Ref ▫ Ons Verw:** Civil LU 2078  
**Your Ref:** LU/10301  
**Re ▫ Insake:** Erf 2751: LED hub and parking



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

- E 2751 S
1. **Civil Engineering Services**
    - 1.1 No objection, no municipal services are affected 714637
    - 1.2 The formalization of the parking layout: drawings to be submitted to Infrastructure services for approval before construction.
  2. **Traffic Engineering and Parking: Comments from Manager: Traffic Engineering, Mr Nigell Winter (021 808 8223)**
    - 2.1 On Plan 3 "Typical/Concept site layout plan" an entrance\exit is indicated within 5.5m of the Pastorie Street and Die Laan intersection – which is sub-standard and must be closed.
    - 2.2 Only the entrance\exit indicated at 21.5m from the Pastorie Street and Die Laan intersection is accepted and that a vehicle circulation plan must be presented to access parking bays P1-P15.
    - 2.3 These requirements must be addressed and approved by Mr Winter at building plan stage.

**3. Electrical Engineering**

3.1 Refer to **Annexure: Electrical Engineering**



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

W:\2.0 DEVELOPMENT\00 Developments\2078 (TK) Erf 2751 Stellenbosch (LU-10301)\2078 (TK) Erf 2751 Stellenbosch (LU-10301).doc

ERF 2751

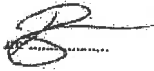
1. No Objection

**CONDITIONS:**

2. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.

Bradley Williams

Date.....23/09/2021.....



Signature

**ANNEXURE G**

Cape Winelands Health Department



**CAPE WINELANDS DISTRICT**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

**MEMORANDUM TO/ AAN** : N. Katta  
(Directorate Planning Economic & Development: Stellenbosch Municipality)  
**Official / Beampite** : Mr F.C. van Wyk  
**Your ref/ U vrew.** : ERF 2751, Stellenbosch  
**Ref No / Verw. No** : 15/2/16/1  
**Date / Datum** : 2020-08-13

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES

24 NOV 2020

**APPLICATION FOR TEMPORARY DEPARTURE: ERF 2751. STELLENBOSCH**

There are no objections from an Environmental Health point of view to this application, subject to compliance with the following:

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. In the event where food will be prepared or handled and or served to the public, the applicant must apply in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.
4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed.
5. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
6. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.

Yours faithfully

**F.C. VAN WYK**  
for MUNICIPAL MANAGER

FILE NR:	
SCAN NR:	E 2751 S
COLLABORATOR NR:	698761