



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12400

Our File Reference Number: Erf 3229, Franschhoek

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR TEMPORARY DEPARTURE AND TEMPORARY CLOSURE OF A PUBLIC PLACE: UNREGISTERED ERF 3229, 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 3229, Franschhoek, namely:
 - 2.1.1 a **temporary departure** in terms of Section 15(2)(c) of the said Bylaw for the Temporary Relocation Area, to relocate households that are currently residing in a freshwater dam in the Langrug Informal Settlement to temporary housing for a period of 5 years.
 - 2.1.2 the **closure of a public place** in terms of Section 15(2)(n) of the said Bylaw for a period of 5 years.

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

3. Conditions of approval:

- 3.1 The approval applies only to the temporary departure and temporary closure of a public place in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 3.2 The structures on the Temporary Relocation Area (TRA) be MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 21 JANUARY 2022 Page 8 of 12 removed and the site be rehabilitated after 5 years when this temporary departure lapses and the use of the property revert back to Public Open Space purposes.
- 3.3 The platforms as designed for the TRA should as far as possible be reusable for future public open space purposes and specifically sportfields as is intended for the site.
- 3.4 Detailed measures be put in place by the applicable municipal departments to prevent people from living in the dam site in Langrug during rehabilitation, as well as to prevent the construction of additional shelters on Erf 3229, Franschoek.
- 3.5 Provision be made for a play area on the site at a location accessible and to the benefit of all residents in the area.
- 3.6 Provision be made for the collection of solid waste.
- 3.7 Building plans be submitted to the Municipal Directorate: Planning and Economic Development for consideration and approval, where required.
- 3.8 Conditions of approval listed in **ANNEXURE H** from Cape Winelands Health Department be adhered to.
- 3.9 Infrastructure and services be installed in accordance with the approved engineering drawings and applicable conditions as listed in the letter dated 7 April 2021 attached as **ANNEXURE I**.
- 3.10 The intention of Stellenbosch Municipality to develop the site into a Temporary Relocation Area, as opposed to a sport field, be communicated to the Western Cape Department of Environment Affairs and Development Planning.
- 3.11 The proposed development and its use to not impact negatively on the Stiebeuel River and the surrounding environment.

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

4.1 The temporary relocation of the informal structures of the Langrug residence from a freshwater dam had become an emergency and requires immediate intervention, while MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 21 JANUARY 2022 Page 9 of 12 alternatives are being explored by the municipality to provide safer alternative accommodation.

4.2 The proposed TRA site, although zoned Public Open Space for sport field activities, is not currently a developed and active sporting facility, but an illegal dumping site earmarked for sporting activities in future.

4.3 The proposal is temporary in nature, no rezoning of the property is proposed and the land will revert back to the use for sporting facilities after the 5-year period.

4.4 The proposed temporary use of a property zoned Public Open Space for residential purposes, do not compromise the objectives and principles of the Integrated Development Plan or the Stellenbosch Municipal Spatial Development Framework, as the property will revert back to its original intended use after 5-years.

4.5 Relevant legislative and professional engineering requirements can be complied with.

4.6 Specialist studies to assess the feasibility of developing the property as a TRA have been undertaken by the municipality and the outcome of these studies indicate that the property is developable for the intended land use.

5. 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.

6. 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:

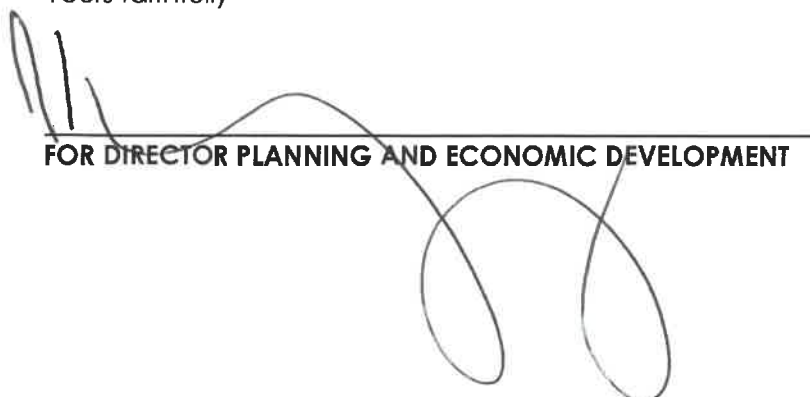
- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)

- (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.

7. 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

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

Cape Winelands Health Department
comments

10



CAPE WINELANDS DISTRICT
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MEMORANDUM TO/ AAN : **N. Katts**
(Directorate Planning Economic & Development: Stellenbosch Municipality)
Official / Beampte : **Mr F.C. van Wyk**
Your ref/ U vrew. : **ERF 3229, Franschhoek**
Ref No / Verw. No : **15/2/6/1**
Date / Datum : **2021-06-14**

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES
21 JUN 2021
RECEIVED

LAND USE APPLICATION: ERF 3229, FRANSCHHOEK

There are no objections from an Environmental Health point of view in terms of 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 residences.
3. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided and an effective storm water management systems must be installed to prevent nuisances in future

Yours faithfully

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

FILE NR:	
SCAN NR:	E 3229 FH
COLLABORATOR NR:	708816

ANNEXURE I

Directorate: Infrastructure Services
comments



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Our Ref/Ons Verw: Drawings 439
Your Ref/U Verw: Erf 3229 Mooiwater
07 April 2021

Mr. Clint Stockwell
EAS Infrastructure Engineers.
Suite 303
The Landing
20 Lower Burg Street
Cape Town

Sir,

RE: ERF 3229 MOOIWATER TEMPORARY RELOCATION AREA UPGRADES

The following drawings were submitted.

Drawing No	Title
C6000 Rev C	Roads & Stormwater Layout
C4000 Rev C	Water reticulation Layout
C2003 Rev C	Toilet Structure details
C2000 Rev C	Sewer Layout
C0001 Rev C	General site plan

The drawings are approved, subject to the following conditions:

1. The standard details as contained in the Stellenbosch Municipality's Design Guidelines and Minimum Standards for Civil Engineering Services (Rev 0 – June 2015) will be applicable
2. Where there is a discrepancy between the drawings submitted and the standard detail of the Municipality as per the Design Guidelines and minimum standards for Civil Engineering Services (as amended), the municipal standard will be applicable. Any deviation should be brought to the specific attention of the Directorate: Infrastructure Services for approval.
3. A wayleave application must be approved by the Municipality before construction of this work may commence.
4. Adequate construction supervision should be conducted, and upon completion, please furnish the Municipality with a Completion Certificate signed by a professionally registered engineer, confirming that the work has been carried out according to the approved specifications.
5. Upon completion, please submit as built drawings, signed by a professionally registered engineer.
6. Precast concrete rings must around the construction of the gullies in drawing C2003 Rev C Toilet Structure details.

Yours faithfully

ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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