

Application Number: LU/15548 (TP370/2023)

Our File Reference Number: Erf 3271, 3844 & 3845, Franschhoek

Your Reference Number: 3899-P Enquiries: Ulrich von Molendorff Contact No: 021 – 808 8682

Email address: Ulrich. Von molendorff@stellenbosch.gov.za

PER E-MAIL:

Sir / Madam

APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING AND CONSENT USE: ERF 3271, ERF 3844 AND ERF 3845, FRANSCHHOEK

- 1. The above application refers.
- 2. The duly authorised decision maker has decided on the above application as follows:
- 2.1 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 3271, Erf 3844 and Erf 3845, Franschhoek, namely:
 - 2.1.1 Application in terms of Section 15(2)(e) for the Consolidation of Erven 3271, 3844 and 3845, Franschhoek to form a single land unit of \pm 1627m² in extent;
 - 2.1.2 Application in terms of Section 15(2)(d) for the Subdivision of consolidated Erven 3271, 3844 and 3845, Franschhoek into two portions namely; Portion A of ±978m² in extent and Portion B of ±649m² in extent;
 - 2.1.3 Application in terms of Section 15(2)(a) for the Rezoning of the Conventional Residential Zoned portion of the proposed subdivided Portion A to Multi-unit Residential Zone (limited to outdoor guesthouse use);
 - 2.1.4 Application in terms of Section 15(2)(o) for Consent use to permit a 5 (five) bedroom guesthouse on proposed subdivided Portion B;

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

- 3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 3.1 The approval only applies to the proposed application under consideration 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 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.
 - 3.3 The development be undertaken in accordance with the consolidation plan as referenced Plan No. 3 and dated 26/04/2023, the subdivision plan as referenced Plan No. 4 and dated 26/04/2023 and the Typical Guest House SDP for Portion B plan as referenced Plan No. 5 and dated 29/08/2023, all drawn by TV3 Architects, and attached as **Annexure B**.
 - 3.4 The consolidation of Erf 3271, Erf 3844 and Erf 3845 must occur simultaneously with the subdivision of the consolidated property into 2 (two) portions.
 - 3.5 The Surveyor General approved diagrams of the newly created units must be submitted to Stellenbosch Municipality for clearance and record purposes.
 - 3.6 The applicant/developer submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:
 - a) Newly allocated Erf Numbers;
 - b) Co-ordinates;
 - c) Survey Dimensions.
 - 3.7 The guesthouse on proposed subdivided Portion B be limited to 5 (five) bedrooms and a maximum of 10 (ten) paying guests or lodgers shall be permitted at any one time.
 - 3.8 The selling or supply of meals and/or refreshments shall be limited to paying overnight guests or lodgers only.
 - 3.9 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

- 3.10 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land and boundary walls or fences, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 3.11 Building plans 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.
- 3.12 A detailed landscaping plan be submitted with the building plans for the subdivided Portion B to soften the impact of the proposed parking area / open paved areas on the streetscape and the surrounding area.
- 3.13 Sufficient on-site parking be provided in accordance with the provisions of the Zoning Scheme Bylaw for both guesthouses to the satisfaction of the Municipality and that onsite parking be provided on the same land unit where the use is located. The parking layout must be indicated on the building plans to be submitted.
- 3.14 Conditions imposed by the Directorate Infrastructure Services as contained in the memorandum dated memorandum dated 18/09/2023 and email dated 31/05/2023, and attached as **Annexure E**, be complied with.
- 3.15 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment as may be agreed on in writing with the Director Infrastructure Services.
- 4. The reasons for the above decision are as follows:
 - 4.1 The proposal for consolidation and subdivision will result in the creation of two properties as per the original general plan approved for the area and the property sizes of the proposed portions will be compatible with that of the properties found in the surrounding area.
 - 4.2 The rezoning will have no material impact on the existing and proposed land uses on the subject portion or the surrounding property owners.
 - 4.3 The proposed consent use adheres to the technical requirements of the Zoning Scheme By-law and the proposed guesthouse will not detract from the residential character of the surrounding area.

5. Matters to note:

- 5.1 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.
- 5.2 No directorial, advertisement, or any other signs may be erected prior to the approval of Stellenbosch Municipality or the competent authority.
- 5.3 This approval does not replace any previous approvals and the conditions contained in the decision letter dated 21/01/2021 remains valid.
- 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. <u>Please note</u> 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:
 - 7.1 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
 - 7.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - 7.3 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) 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.
 - 7.4 Whether the appeal is lodged against the whole decision or a part of the decision.
 - 7.5 If the appeal is lodged against a part of the decision, a description of the part.

- 7.6 If the appeal is lodged against a condition of approval, a description of the condition.
- 7.7 The factual or legal findings that the appellant relies on.
- 7.8 The relief sought by the appellant.
- 7.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 7.10 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 and 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 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
- 11. 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.

- 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 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

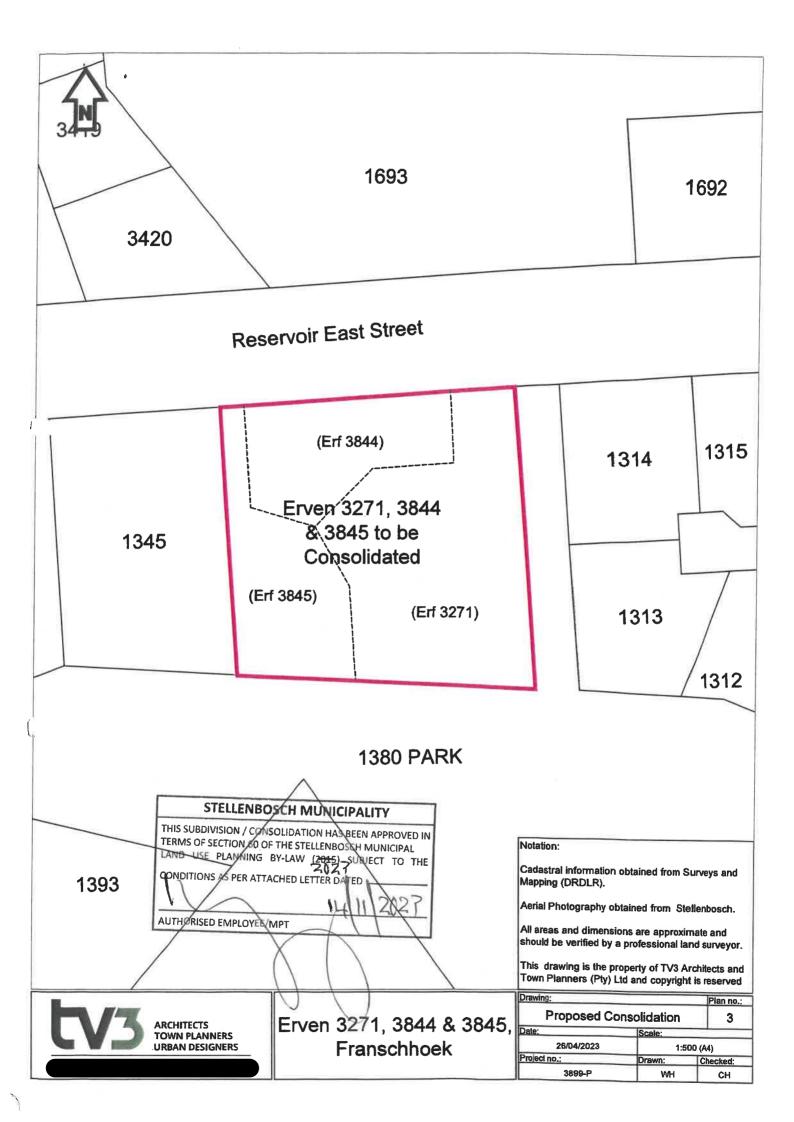
FOR DIRECTOR: PLANNING AND ECONOMIC/DEVELOPMENT

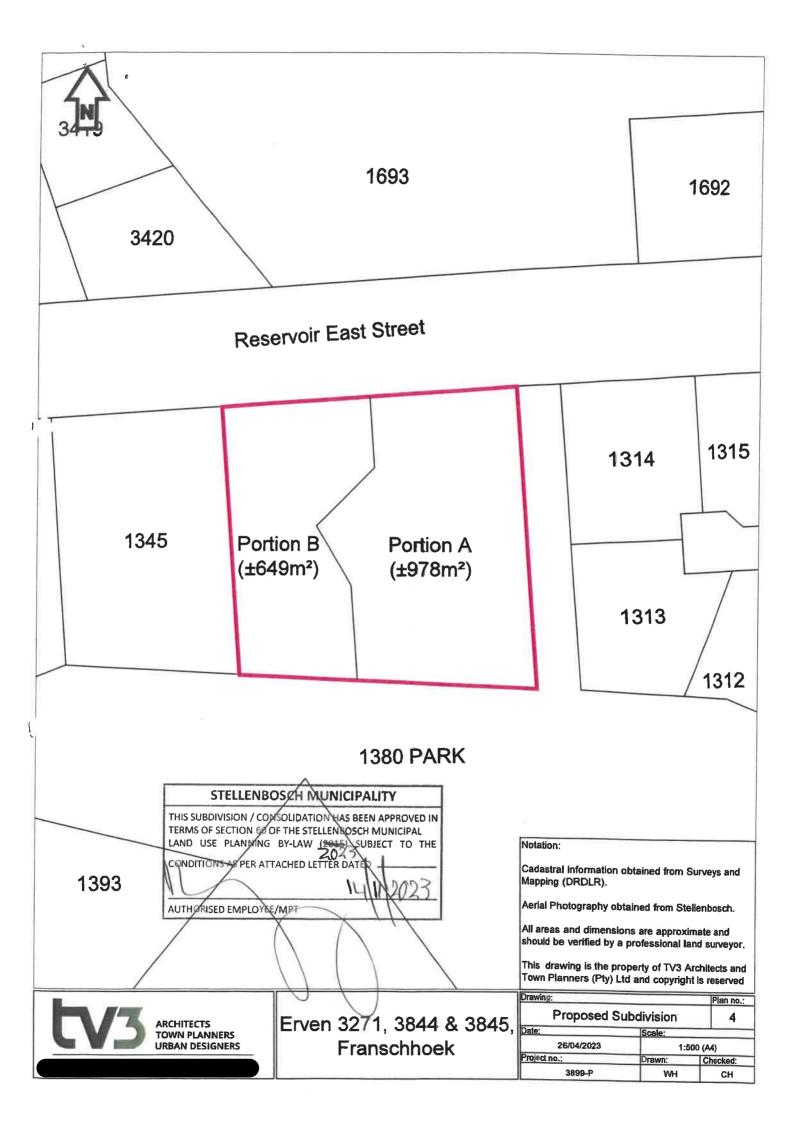


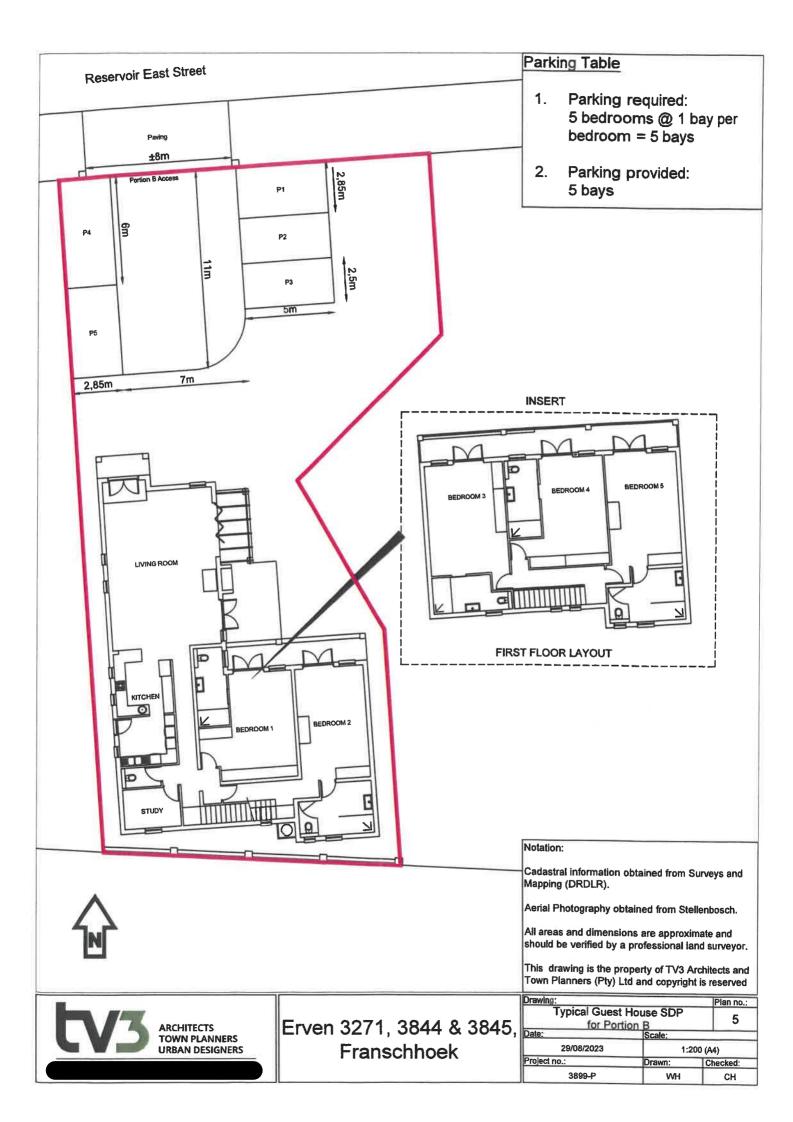
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ANNEXURE B

CONSOLIDATION, SUBDIVISION AND SITE PLANS









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ANNEXURE E

COMMENTS FROM DEPARTMENTS



MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To - Aan:

Director: Planning + Economic Development

Att - Aandag:

Bulelwa Mdoda

From • Van:

Principal Technician: Development (Infrastructure Services)

Author - Skrywer:

Kurt Titus

Date - Datum:

18 September 2023

Our Ref o Ons Verw:

Civil LU 2516

Town Planning Ref:

LU/15548 - TP 370/2023

Re - Insake:

Erf 3271, 3844 and 3845, Franschhoek: Application is made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the Consolidation of Erven 3271, 3844, and 3845, Franschhoek to form a single land unit of ±1627m² in extent. Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the Subdivision of consolidated Erven 3271, 3844, and 3845, Franschhoek into two portions namely, Portion

A of ±978m² in extent and Portion B of ±649m² in extent. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw.

promulgated by notice number 354/2015, dated 20 October 2015 for Consent use to permit a 5-bedroom guest house on

subdivided Portion B.

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

1. Civil Engineering Services

a. It is mandatory to block off the existing sewer and water connection points of erf 3844, refer to proposed consolidation drawing plan no 3 attached. The developer is responsible for covering the expense of closing off these connecting points.

- b. The developer must engage the Stellenbosch Municipality Water Services Department Leandro Hendricks – 021 808 8209 for the removal of the existing water meter for erf 3844.
- c. The developer must ensure that the two existing sewer and water connections are not negatively affected as a result of the above disconnections/blocking off.
- d. Additionally, any expenses incurred as a result of damage to municipal infrastructure are the developer's liability.

2 Development Charges (DCs)

- a. The following DC's are payable, see attached DC calculation.
- b. The DC's will be calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- c. The appropriate DC's are payable before subdivision clearance or immediately after consent use is approved or before any construction work commence of the new guest house on **Portion B**, irrespective of the already approved building plans, whichever comes first.
- d. In the event where the developer intends on making any changes to the current approved building plans, amended plans must be submitted for approval.

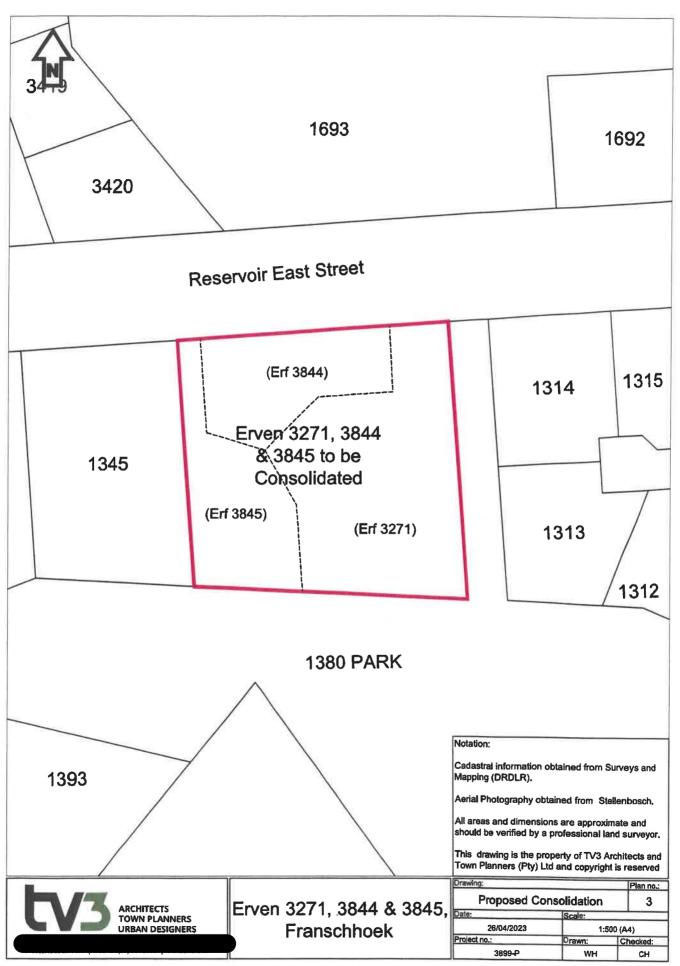
Ktitus

Kurt Titue

Principal Technician: Development (Infrastructure Services)

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Stellenbosch Municipality Development Charge Calculation

	APPLICATION INFORMATION
Application Number:	CMI LU ZETEKINI, LU175548-TP370/2023
Development Name:	Franschloek Development (Guest House)
Date:	OT September 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Franchhoek
Erf Reglon (Select Urban or Rural):	Victor
Erf No. / Farm No.:	Er 3271, 3644 and 3845
DC Parameters Reference:	DC Consent use application LUZ516 Typical Guest House SDP for portion B. Plan no 5:28 Aug 2023. Proposed Subdivision Plan no 4:26 Mair 2023. In:3. Project no 3900.D.

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Total Service Usage after Reduction:	1.10		0.90	0.02000	0.075	15.0		10		
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Charges adjusted for positive only, before Deductions	R 32	32 654.30	R 32 727.16	R 3 022.54	R 7 335.87	R 116 333.57	R 192 073.43	R 19 287.88	8	211 361.32
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Total Development Charges Payable (excluding VAT):	R 32	32 654.30	R 32.727.16.	R 3 022.54	R 7 335.87	R 116 333.57	R 192 073.43	R 19 287.88	8 2	211 361.32
VAT:	R	4 898,15	R 4 909.07	R 453.38	R 1 100,38	R 17 450.04	R 28 811,02	R 2 893.18	œ	31 704.20
Total Development Charges Payable (including VAT):	R 33	37 552.45	R 37 636.23 R	R 3 475.92	R 8 438.25	R 133 783.60	R 220 884.45	R 22 181.07	8	243 065,51

	APPLICANT INFORMATION
Application Processed by:	-Kuri Titus
Signature:	Ktitue
Motes:	



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Electrical comments

Bulelwa Mdoda

File

From:

Martin Slabber

Sent:

Wednesday, 31 May 2023 08:40

To:

Bulelwa Mdoda

Subject:

RE: COMMENTS ON LAND USE APPLICATION: ERF 3271, 3844 AND 3845

FRANSCHHOEK

GENERAL: NONE

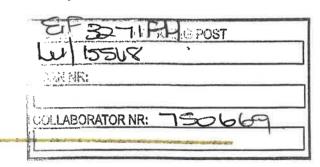
CONDITIONS: If any electrical services must move, remove, change or upgrade – apply via recoverable cost application, for applicants cost.

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

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

TX

Groete:
Martin Slabber
Sin. Supt. Dwarsrivier Elect.
Engineering Services





Martin.slabber@stellenbosch.gov.za

www.stellenbosch.gov.za

www.facebook.com/stellenboschmunicipality



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From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>

Sent: Monday, 29 May 2023 15:09