



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12206

Our File Reference Number: Erf 3292, Franschhoek

Your Reference Number: Frh3292 7/20

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, CONSENT USE AND PERMANENT DEPARTURES: ERF 3292 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 application(s) 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 3292, Franschhoek namely:
    - 2.1.1 **Rezoning** of Erf 3292, Franschhoek from Mixed-Use Zone to a Multi-Unit Residential Zone to permit two (2) existing buildings on the property to be converted to seven (7) residential units (flats), and tourist facility in terms of Section 15(2)(a)
    - 2.1.2 **Consent Use** in terms of the Multi Unit Residential Zone to permit a tourist accommodation establishment containing seven (7) tourist rooms on Erf 3292, Franschhoek, in terms of Section 15(2)(o)
    - 2.1.3 **Departures** on Erf 3292, Franschhoek made in terms of Section 15(2)(b) for the following:
      - (i) Departure to exceed the maximum coverage of 50% to allow a coverage of 54.2%.
      - (ii) Departure to relax the rear building line from the required 4.6m to 1.9m for the lodge building and 0,0m to accommodate the garage.
      - (iii) Departure of the eastern lateral building line from the required 4,5m to 4,1m for the flat building and 0,0m to accommodate the garage.

- (iv) Departure of the western lateral building line from the required 4,5m to 0,02m to accommodate the Tourist accommodation establishment building.
- (v) Departure to provide 15% outdoor space instead of the required 20%.

**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 application under consideration for rezoning, consent use and permanent departure, as indicated on the site development plan, drawing no:041/FSH/2020-01 & 041/FSH/2020-02, drawn by KCH Architectural Designers, dated Feb 2019 and attached as **Annexure F** 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 development must be undertaken generally in accordance with the site development plan, drawing no: 041/FSH/2020-01 & 041/FSH/2020-02, drawn by: KCH Architectural Designers, dated: Feb 2019 and attached as **Annexure F**.

3.3 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.

3.4 Building plans submitted for the building work be generally in accordance with the site development plan, drawing no: 041/FSH/2020-01 & 041/FSH/2020-02, drawn by: KCH Architectural Designers, dated: Feb 2019 and attached as **Annexure F**.

3.5 A landscaping plan for the common area and parking area on the street front to soften the impact of this paved area / hard top area on the streetscape and in general to be submitted for approval together with the submission of any building plan application.

3.6 Development charges are payable as noted in the Memorandum attached in **Annexure E** from the Directorate: Infrastructure Services, dated 24 May 2021 and are payable prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.

3.7 The on-site parking bays be demarcated on-site prior to an occupation certificate being issued for the buildings and be a min dimension of 5.5m long X 2.5m wide at any point.

3.8 The approved landscaping plan be implemented prior to any construction work commencing.

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

4.1 The proposal is not out of character with its surroundings and will not set a precedent.

4.2 The concerns listed by the objectors have been addressed by the applicant in his response to the objections.

4.3 The onsite parking provided is in line with the requirements of the 2019 Stellenbosch Municipality Zoning Scheme By-Law.

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.

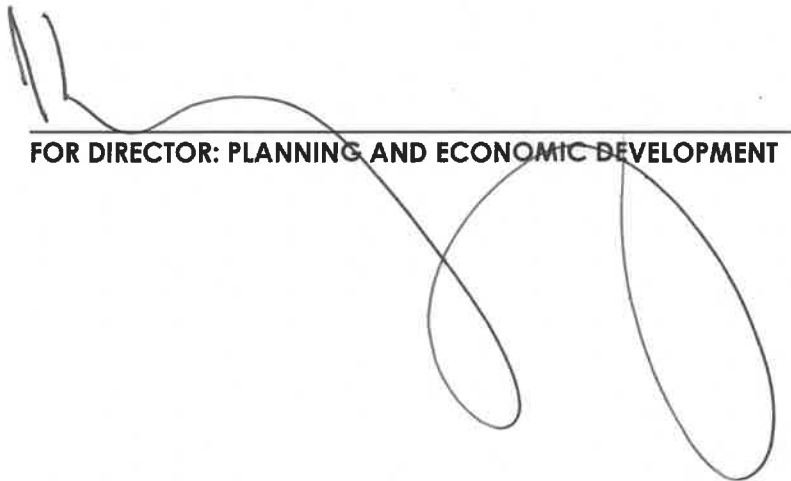
7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)
8. Any party (applicant or other) who lodges an appeal must pay the applicable 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

19/9/2022  
DATE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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## **ANNEXURE E**



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# MEMORANDUM

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

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag** Nicole Katts  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 24 May 2021  
**Our Ref ▫ Ons Verw:** Civil LU 2158  
**Your Ref:** LU/12206  
**Re ▫ Insake:** Erf 392, FH: 7 flats and 7 tourist accommodation units

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

**1. Civil Engineering Services**

- 1.1 It is noted that the proposed buildings already exist and that the application is to obtain the required land use rights to the property to be used for the desired purposes.
- 1.2 There is no objection to the application, no municipal services are affected.
- 1.3 DCs are payable for the impact on the municipal bulk networks – see below.

**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 2020/2021 tariff structure. If DC's are paid after 30 June 2021 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 building plan approval (consent use/sectional title).



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

3.1 Comment:

3.2 General:

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

W:\2.0 DEVELOPMENT\00 Developments\2158 (TK) Erf 3292 Franschoek (LU-12206)\2158 (TK) Erf 3292 Franschoek (LU-12206).doc

**APPLICATION INFORMATION**

2158 (TK) Erf 3292 Franschoek (LU-12206)

Monday, 17/May/2021

2020/21

Franschoek

3292, Stellenbosch

**D. Site and floor layout plans 041/FSH/2020-01 Rev B dated Feb 2019 by KCH Architectural designs**

**SUMMARY OF DC CALCULATION**

	Water		Sewer		Storm-water		Solid-Waste		Roads		Community Facilities	
	kl/day	R	kl/day	R	ha°C	t/week	trips/day	person	trips/day	person	trips/day	person
Usage	4.410		3.850		0.084	0.385	28.00		28.00		28.00	
before Deductions	R 108 373.54		R 62 624.73		R 5 876.45	R 21 523.02			R 182 127.58		R 114 088.38	
VAT)	R 108 373.54		R 62 624.73		R 5 876.45	R 21 523.02			R 182 127.58		R 114 088.38	
AT)	R 16 256.03		R 9 393.71		R 881.47	R 3 228.45			R 27 319.14		R 17 113.26	
	R 124 629.57		R 72 018.43		R 6 757.92	R 24 751.48			R 209 446.71		R 131 201.64	

**APPLICANT INFORMATION**

Tyrone King

7 Tourist accomodation units + 7 flats

As above





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## **ANNEXURE F**

**GENERAL NOTES:**

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS (NBR) 1999.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
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- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

**CONSTRUCTION NOTES:**

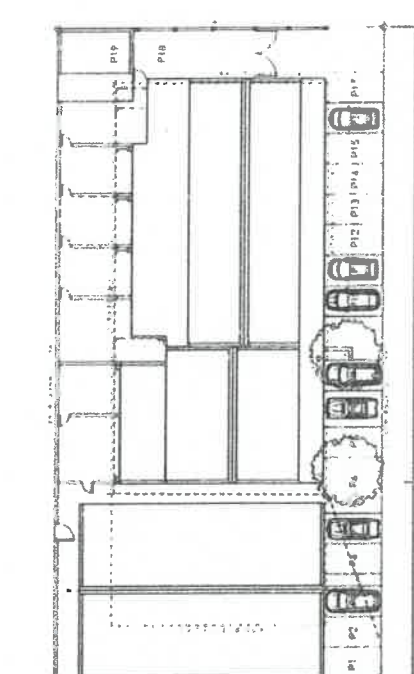
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FOR INFORMATION ONLY	DATE	FEB 2019
CLIENT	SCALE	1:100/200
PROJECT	DRAWING NO.	001/2019/200-01
PROPOSED APTS & ADDS AND NEW STRUCTURE ON ER 39/2, BANSCHOFI	REV	
COUNCIL SUBMISSION	DATE	
SEE & FLOOR LAYOUT	BY	
PLANS	CHKD BY	
DATE	REV	

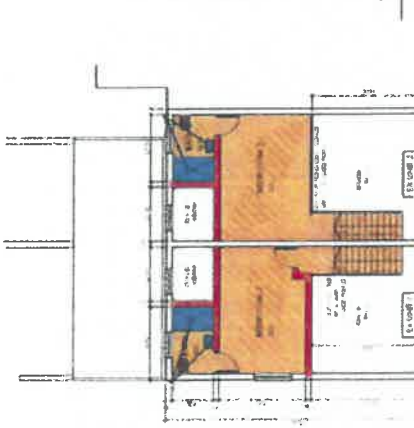
**VINYL INV.**

**DESIGNS**

05 NOVEMBER 2020



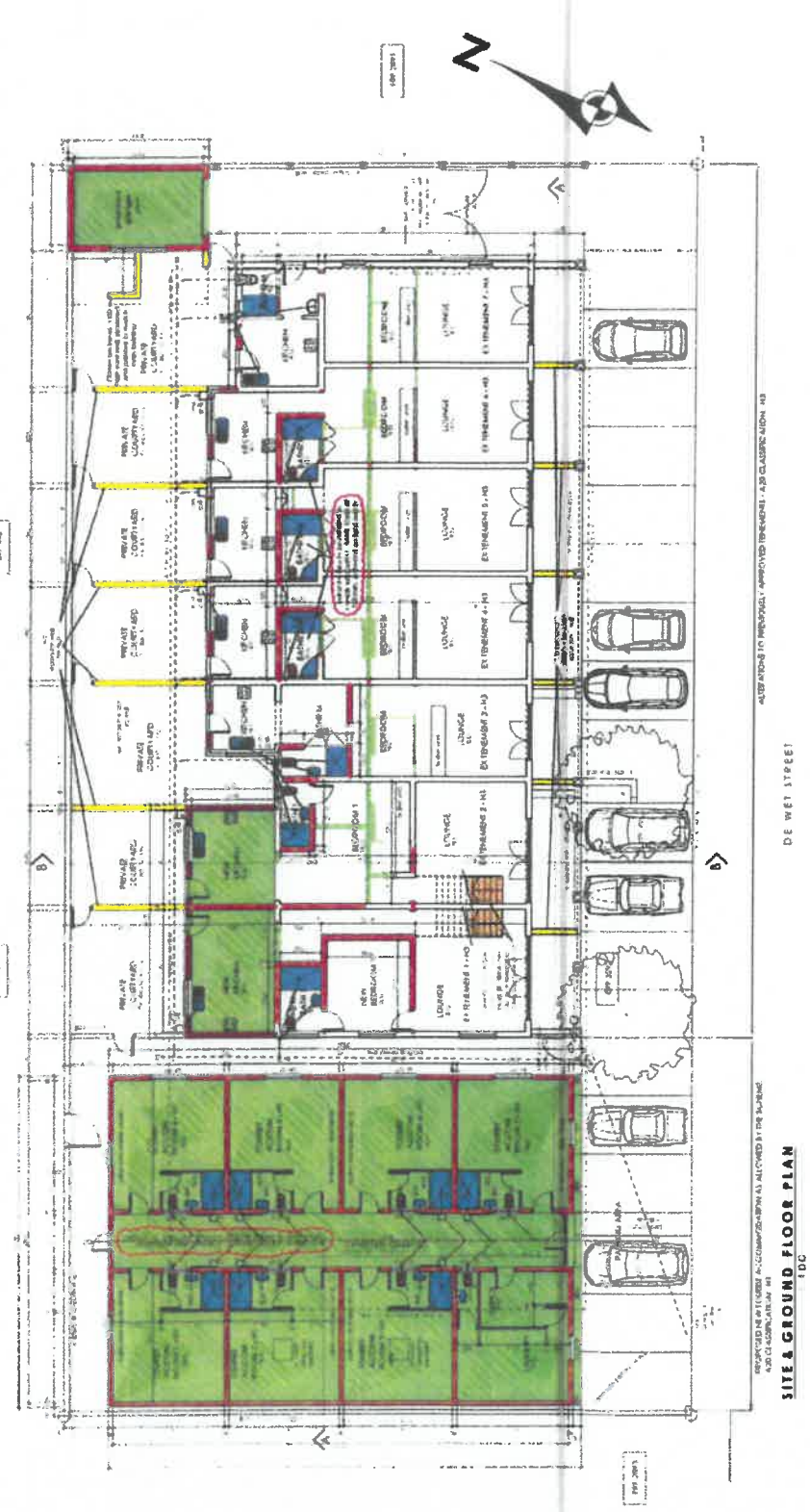
**SITE & ROOF PLAN**  
1:200



**FIRST FLOOR PLAN**  
1:100



**SITE & GROUND FLOOR PLAN**  
1:100



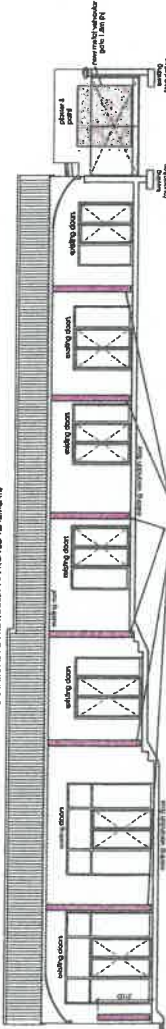
PROPOSED NEW STRUCTURE ALLOWED BY THE LOCAL AUTHORITY

**PROPOSED NEW TOURIST ACCOMMODATION AS ALLOWED BY THE SCHEME**

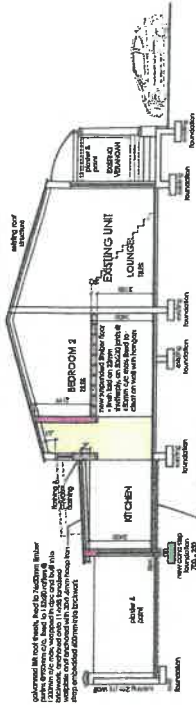


**SECTION A-A**  
1:100

**ALTERATIONS TO PREVIOUSLY APPROVED TREATMENTS**

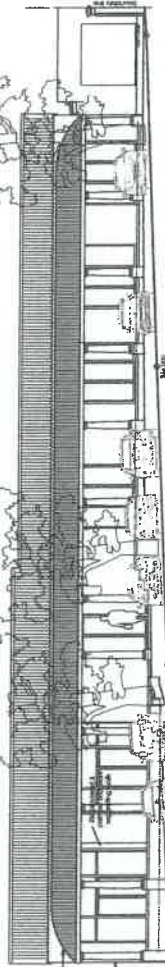


**ALTERATIONS TO PREVIOUSLY APPROVED TREATMENTS**



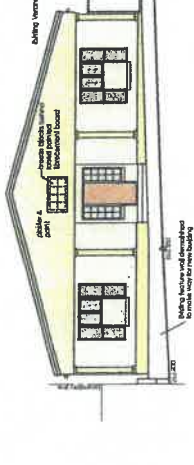
**SECTION B-B**  
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**ALTERATIONS TO PREVIOUSLY APPROVED TREATMENTS**



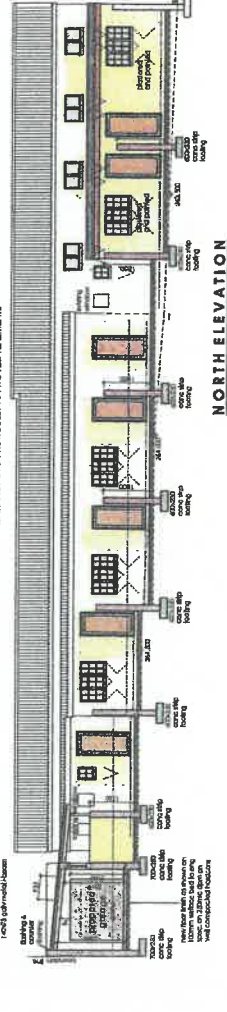
**SOUTH ELEVATION**  
1:100

**PROPOSED NEW TOURIST ACCOMMODATION AS ALLOWED BY THE SCHEME**



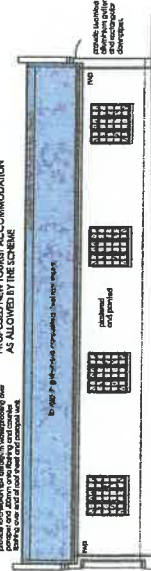
proposed new tourist accommodation as allowed by the scheme. The drawing shows the exterior of a building with a pitched roof. Key features include a living area with a sofa and a television, a kitchen, and a bedroom. Annotations describe the materials and construction details.

**ALTERATIONS TO PREVIOUSLY APPROVED TREATMENTS**



**NORTH ELEVATION**  
1:100

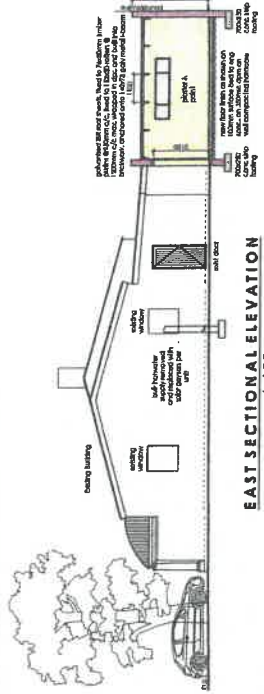
**PROPOSED NEW TOURIST ACCOMMODATION AS ALLOWED BY THE SCHEME**



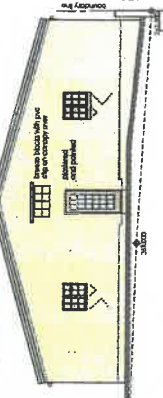
**NEW STRUCTURE - EAST ELEVATION**  
1:100

DE WET STREET

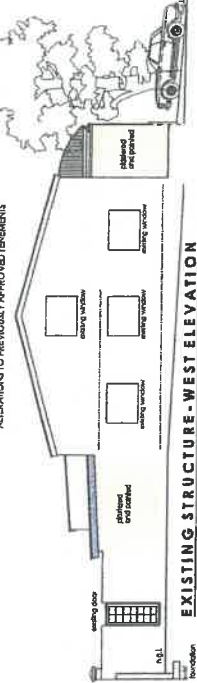
**EAST SECTIONAL ELEVATION**  
1:100



**PROPOSED NEW TOURIST ACCOMMODATION AS ALLOWED BY THE SCHEME**



**ALTERATIONS TO PREVIOUSLY APPROVED TREATMENTS**



**EXISTING STRUCTURE - WEST ELEVATION**  
1:100

FOR INFORMATION ONLY	
SKETCH DESIGN	
COUNCIL SUBMISSION	
FOR TENDER	
FOR CONSTRUCTION	
<b>VINYL INV.</b>	
PROJECT	
PROPOSED ALT'S & ADDS AND NEW STRUCTURE ON EFF 3292, FRANSCHHOEK	
DRAWING TITLE	
COUNCIL SUBMISSION SECTIONS AND ELEVATIONS PLANS	
ARCHITECT	
OWNER	
SCALE	DATE
1:100	FEB 2019
DWG NO.	REV
041/FSH/2020-02	B