



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12208

Our File Reference Number: Erf 425, 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 AND DEPARTURE: ERF 425, 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 Municipality Land Use Planning By-law, 2015:
 - (i) The **Departure** in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for under provision of Parking on Erf 425, Franschhoek.

Be **REFUSED** in terms of Section 60 of the said bylaw.

- (i) The reasons for the above decision are as follows:
- (ii) The application for the under provision of parking is not necessary as the parking will provided on Erf 3748 after consolidation is finalised.

2.2 The **Rezoning** in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 on Erf 425, Franschhoek, from Multi-unit Residential Zone to Mixed Use zone limited to Wellness Centre within the existing staff facilities.

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

2.3 Conditions of Approval:

- (i) The approval applies only to the proposed Rezoning application under consideration as indicated on the provided Site Plan with drawing No: 5101, drawn by Malherbe Rust architects, dated 17 March 2021 (See **Annexure D**); and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- (ii) The conditions imposed by the Director: Engineering Services as contained in their memo dated 5 May 2021, attached as **Annexure G**, be complied with;
- (iii) 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;
- (iv) The consolidation of Erf 425 and 3748 must be finalised before any of the proposed facilities on Erf 425 is put to its intended use.
- (v) Building plans to be submitted for all changes of use in the existing buildings or any new structures to be erected, and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- (vi) The approval will lapse if not confirmed within 5 years from date of final notification of approval of the application.

2.4 The reasons for the above decision are as follows:

- (a) The proposed rezoning is not out of character with the current surrounding properties uses, therefore will not compromise the existing character of the surrounding landscape.
3. 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.
4. 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

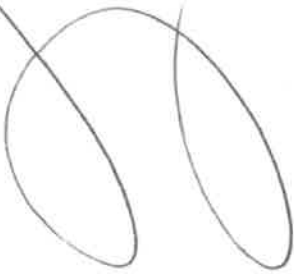
- (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
5. 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
 6. 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.
 7. 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>).
 8. 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.
 9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. 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

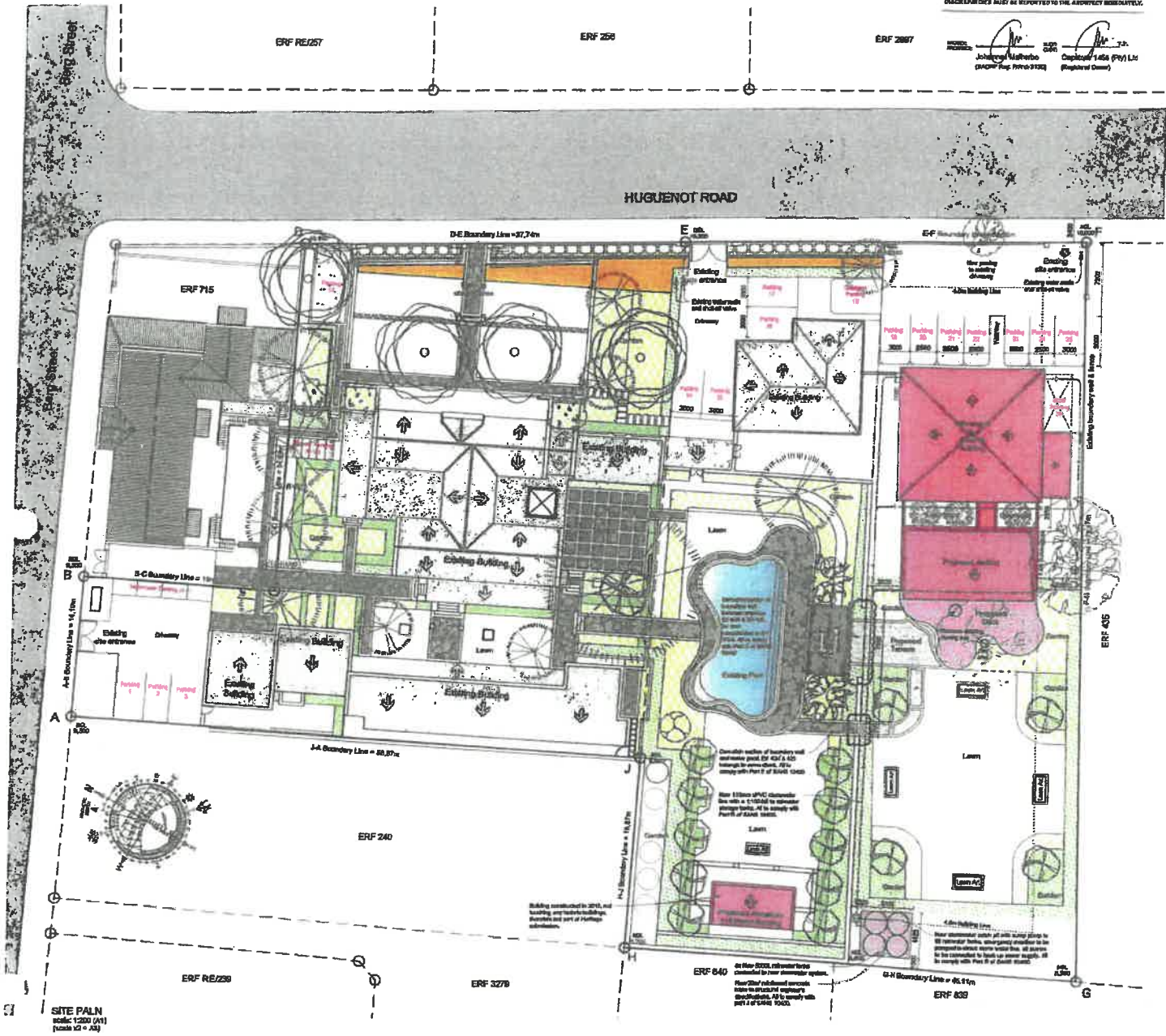


22/10/2021,
DATE:

ANNEXURE D: SITE DEVELOPMENT PLAN

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 Cape Town 8001
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COUNCIL & PERMIT NOTES:

DEMOLITION: - In comply with SANS 10400 Part 11. The resulting material and rubble to be removed from site.

ERECTOR/CONCRETE: - In comply with SANS 10400 Part 12. All concrete must be cast in situ, placed, cured and finished in accordance with the relevant standards.

FOUNDATION: - In comply with SANS 10400 Part 12. Foundations to be cast in situ, placed, cured and finished in accordance with the relevant standards. All foundations to be cast in situ, placed, cured and finished in accordance with the relevant standards.

PLUMBING: - In comply with SANS 10400 Part 12. All plumbing to be installed in accordance with the relevant standards. All plumbing to be installed in accordance with the relevant standards.

ELECTRICAL: - In comply with SANS 10400 Part 12. All electrical to be installed in accordance with the relevant standards. All electrical to be installed in accordance with the relevant standards.

MECHANICAL: - In comply with SANS 10400 Part 12. All mechanical to be installed in accordance with the relevant standards. All mechanical to be installed in accordance with the relevant standards.

PAVING: - In comply with SANS 10400 Part 12. All paving to be installed in accordance with the relevant standards. All paving to be installed in accordance with the relevant standards.

LANDSCAPING: - In comply with SANS 10400 Part 12. All landscaping to be installed in accordance with the relevant standards. All landscaping to be installed in accordance with the relevant standards.

FINISHES: - In comply with SANS 10400 Part 12. All finishes to be installed in accordance with the relevant standards. All finishes to be installed in accordance with the relevant standards.

GENERAL: - In comply with SANS 10400 Part 12. All general to be installed in accordance with the relevant standards. All general to be installed in accordance with the relevant standards.

Category	Description	Quantity	Unit
CONCRETE	Structural	1200	m ³
	Decorative	500	m ³
MASONRY	Brickwork	1500	m ²
	Blockwork	800	m ²
ROOFING	Roofing	1000	m ²
	Cladding	500	m ²
GLAZING	Windows	100	m ²
	Doors	50	m ²
MECHANICAL	Plumbing	100	m
	Electrical	500	m
LANDSCAPING	Planting	100	plants
	Gravel	500	m ³
FINISHES	Paint	100	litres
	Carpet	500	m ²
GENERAL	Roofing	1000	m ²
	Cladding	500	m ²

CONCRETE: - All concrete to be cast in situ, placed, cured and finished in accordance with the relevant standards. All concrete to be cast in situ, placed, cured and finished in accordance with the relevant standards.

MASONRY: - All masonry to be installed in accordance with the relevant standards. All masonry to be installed in accordance with the relevant standards.

ROOFING: - All roofing to be installed in accordance with the relevant standards. All roofing to be installed in accordance with the relevant standards.

GLAZING: - All glazing to be installed in accordance with the relevant standards. All glazing to be installed in accordance with the relevant standards.

MECHANICAL: - All mechanical to be installed in accordance with the relevant standards. All mechanical to be installed in accordance with the relevant standards.

LANDSCAPING: - All landscaping to be installed in accordance with the relevant standards. All landscaping to be installed in accordance with the relevant standards.

FINISHES: - All finishes to be installed in accordance with the relevant standards. All finishes to be installed in accordance with the relevant standards.

GENERAL: - All general to be installed in accordance with the relevant standards. All general to be installed in accordance with the relevant standards.

17.03.2021	14.12.2020	17.03.2021	14.12.2020
1541	6101	1541	6101



Malherbe Rust Architects

Lesu House
 Address & Alterations

Site Plan
 -HAC & Council Submission-

ME 17.03.2021 1:200 (A1)
 1541 6101 B

ANNEXURE G: COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO : **The Director: Planning and Development**

FOR ATTENTION : **Salome Newman**

FROM : **Manager: Development (Infrastructure Services)**

AUTHOR : **Tyrone King**

DATE : **5 May 2021**

RE. : **Erf 425, FH: Rezoning of Erf 425, Franschoek from Multi-unit Residential Zone to Mixed Use Zone in order to accommodate a Wellness Centre.**

YOUR REF : **LU/12208**

OUR REF : **LU Civil 2129**

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

- 1. Civil Engineering Services:**
 - 1.1 Existing services connections will be utilized. Should the Owner require any alterations to municipal and/or private services it will be for the Owner's account.
 - 1.2 Please note that there is an existing municipal sewer line at the back of the property and no structures will be approved on or within 2m thereof. The exact position of the sewer line must be investigated by the Owner and indicated on any Building Plans submitted for approval.

Erf 425, FH: Rezoning of Erf 425, Franschhoek from Multi-unit Residential Zone to Mixed Use Zone in order to accommodate a Wellness Centre.



2. Parking:

- 2.1 The parking layout as proposed on the Site Plan (Drawing No 5101 Rev B) by Malherbe Rust Architects, dated 17.03.2021 (**Annexure: Parking and Consolidation**) is supported, on condition that Erf 425 is consolidated with Erf 3754 before any of the proposed facilities on Erf 425 is put to its intended use.
- 2.2 This consolidation must be finalized before any further development approvals (ie building plans approval) will be issued by this Directorate.

3. Development Charges (DCs)

- 3.1 The following DC's are payable for the increased demand on municipal services: See **Development Charge Calculation** attached.
- 3.2 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.
- 3.3 The appropriate DC's are payable before any building plan approval or before the site is put to its intended use, whichever comes first.

Erf 425, FH: Rezoning of Erf 425, Franschhoek from Multi-unit Residential Zone to Mixed Use Zone in order to accommodate a Wellness Centre.

4. Electrical Engineering

4.1 Refer to Annexure: Electrical



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

W:\2.0 DEVELOPMENT\00 Developments\2129 (TK) Erf 425 Franschhoek (LU-12208)\2129 (TK) Erf 425 Franschhoek (LU-12208).doc

Tyrone King

From: Martin Slabber
Sent: Sunday, 31 January 2021 18:28
To: Joy Julius
Subject: RE: Erf 425, FRANSCHHOEK: APPLICATION REZONING: DEPARTMENTAL ENGINEERING SERVICES (COMMENTS BY EMAIL)

Importance: High

COMENTS: None

GENERAL: If moving – removing, or changes and larger demand of electrical services are required, apply via recoverable cost application.

TX

Groete:

Martin Slabber
Supt. Dwarsrivier Elect.
Engineering Services



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PO Box 18, Franschhoek, 7690

PO Box 17, Stellenbosch, 7599

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Published at the following link: <http://www.stellenbosch.gov.za/main/pages/disclaimerpage.htm>

From: Joy Julius
Sent: Friday, 29 January 2021 12:15
To: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>
Subject: FW: Erf 425, FRANSCHHOEK: APPLICATION REZONING: DEPARTMENTAL ENGINEERING SERVICES (COMMENTS BY EMAIL)

From: Salome Newman [<mailto:Salome.Newman@stellenbosch.gov.za>]
Sent: 29 January 2021 09:40 AM
To: Abdullah Daniels <Abdullah.Daniels@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Joy

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	2128 (R1) DM425 Procehbook (11-12201)
Date	Friday, 05/feb/2021
Financial Year	2020/21
Erf Location	
Erf No	435
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	Peter Moss Planning report dated Nov 2020. Page 14 of 20 gives calculation of ex house = 382.5m ² and proposed GLA = 175m ²

SUMMARY OF DC CALCULATION

Unit(s)	Water l/d/yr	Sewer l/d/yr	Storm-water ha°C	Solid-Waste t/week	Roads trip/day	Community Facilities person	Total
Total Increased Services Usage	0.100	0.193	0.000	0.030	11.75	11.0	
Total Development Charges before Deductions	R 2 487.45	R 1 828.94		R 1 677.12	R 87 811.51		R 93 776.02
Total Deductions							
Total Payable (excluding VAT)	R 2 487.45	R 1 828.94		R 1 677.12	R 87 811.51		R 93 776.02
VAT	R 388.52	R 274.40		R 251.57	R 13 171.73		R 14 086.22
Total Payable (including VAT)	R 2 875.97	R 2 103.34		R 1 928.69	R 100 983.24		R 107 848.24

APPLICANT INFORMATION

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

Franchisebank

Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage		Development Charges (total per unit)							
		area (sqm)	% GLA	area (sqm)	% GLA	area (sqm)	% GLA	Value	Costs	Stormwater	Septic/Water	Roads	Community Facilities	Total	
* Infrastructure Type applicable? (peak)															
	sq														
Residential	>100sq														
Residential	>60sq														
Residential	>50sq														
Residential	>25sq														
Formal Residential	>25sq														
Formal Residential	<25sq														
Group Residential	>25sq														
Group Residential	<25sq														
Medium Density Residential	>25sq														
Medium Density Residential	<25sq														
High Density Residential - row															
High Density Residential - student rooms															
Hotel Business - other	sq GLA														
Hotel Business - retail	sq GLA														
General Business - other	sq GLA														
General Business - retail	sq GLA														
Community	sq GLA														
Education	sq GLA														
Light Industrial	sq GLA														
General Industrial - light	sq GLA														
General Industrial - heavy	sq GLA														
General Industrial - heavy	sq GLA														
Warehouse	sq GLA														
Work	sq GLA														
Public Open Space	sq														
Private Open Space	sq														
Natural Environment	sq														
Utility Services	sq GLA														
Public Roads and Parking	sq														
Transport Facility	sq														
Special Use	sq														
Other															
to be calculated															
based on equivalent classes															

* Complete yellow program only.

** sq = existing unit, sqGLA=total building area.

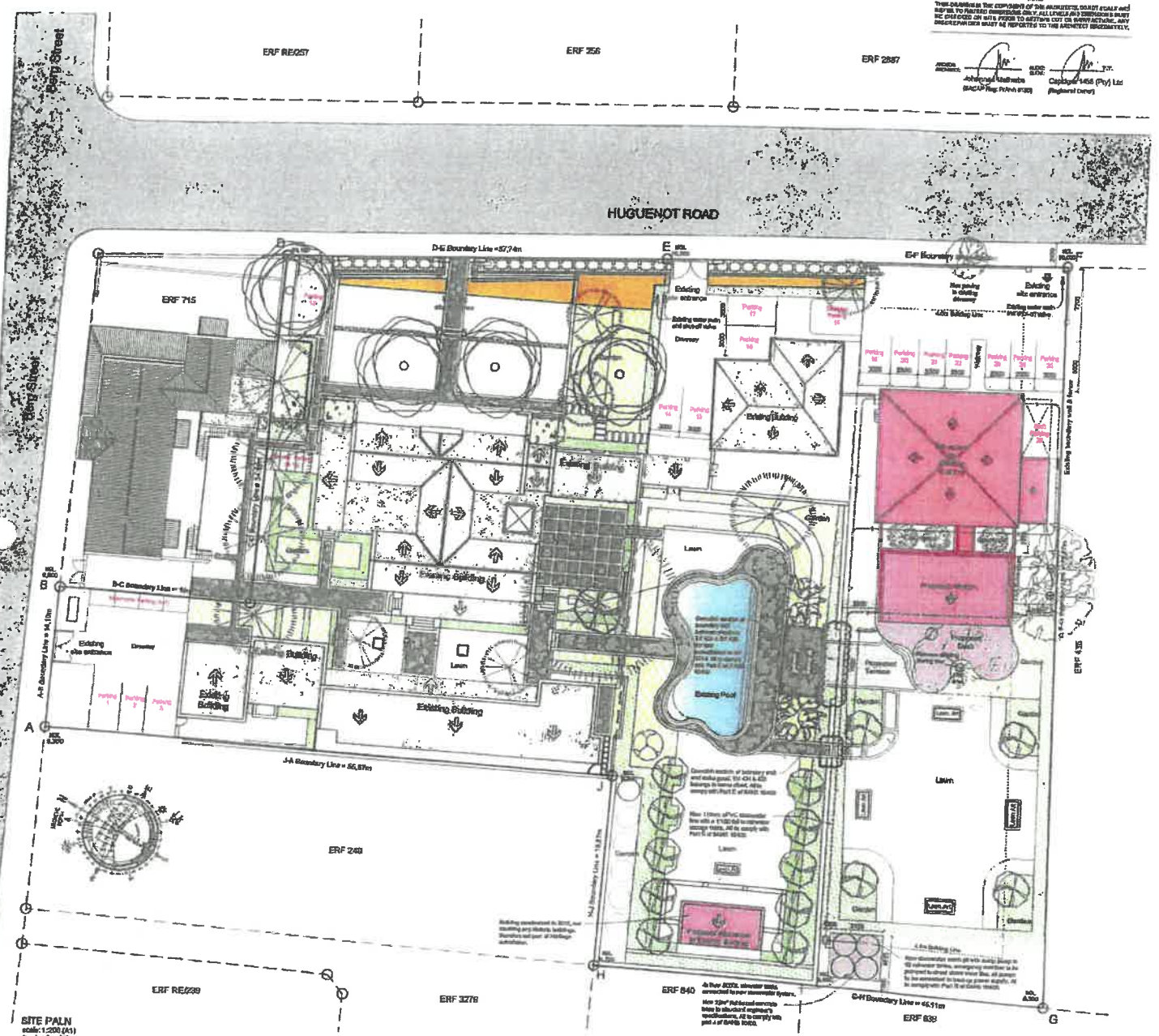
*** always use if not equal to existing use.

Total Development Charges before Deductions	R2 457.45	R1 825.94	R0.00	R1 677.12	R87 811.51	0.00	R83 776.02
% Deductions per service (A)	R0.00	R0.00	R0.00	R0.00	R0.00	0.00	R0.00
Additional Deduction per service - from Service Agreement (B)							
Total Development Charges (including 10%)	R2 457.45	R1 825.94	R0.00	R1 677.12	R87 811.51	0.00	R83 776.02
	R368.62	R274.49	R0.00	R251.57	R13 271.73	0.00	R14 865.40
	R2 826.07	R2 100.43	R0.00	R1 928.69	R101 083.24	0.00	R98 641.42

NOTE: THIS DESIGN IS THE PROPERTY OF THE ARCHITECTS, SCOTT STALKER AND PARTNERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY DESCRIBED. ANY REUSE OR MODIFICATION WITHOUT THE ARCHITECTS' PERMISSION IS STRICTLY PROHIBITED.

ARCHITECTS: SCOTT STALKER AND PARTNERS
 1400 W. 10th Street, Suite 100, Portland, OR 97204
 (503) 241-1111
 www.scottstalker.com

DATE: 17.03.2021
 SCALE: 1:200 (A1)



GENERAL NOTES:

CONSTRUCTION: To comply with SANS 10400 Part E. The remaining structure and services to be provided from drawings.

FOUNDATION: To comply with SANS 10400 Part F. All foundations to be cast in situ. Deep foundations to be cast in situ.

FLOORING: To comply with SANS 10400 Part G. Floor finish to be as indicated on drawings. All floors to be finished to the level of the adjacent finished ground. All floors to be finished to the level of the adjacent finished ground. All floors to be finished to the level of the adjacent finished ground.

WALLS: To comply with SANS 10400 Part H. External walls to be as indicated on drawings. Internal walls to be as indicated on drawings. All walls to be finished to the level of the adjacent finished ground.

ROOFING: To comply with SANS 10400 Part I. Roof finish to be as indicated on drawings. All roofs to be finished to the level of the adjacent finished ground.

CLADDING AND FINISHES: To comply with SANS 10400 Part J. External finishes to be as indicated on drawings. Internal finishes to be as indicated on drawings. All finishes to be finished to the level of the adjacent finished ground.

GLAZING: To comply with SANS 10400 Part K. Glazing to be as indicated on drawings. All glazing to be finished to the level of the adjacent finished ground.

MECHANICAL AND ELECTRICAL: To comply with SANS 10400 Part L. Mechanical and electrical services to be as indicated on drawings. All services to be finished to the level of the adjacent finished ground.

WATER SUPPLY AND SANITATION: To comply with SANS 10400 Part M. Water supply and sanitation services to be as indicated on drawings. All services to be finished to the level of the adjacent finished ground.

TELECOMMUNICATIONS: To comply with SANS 10400 Part N. Telecommunications services to be as indicated on drawings. All services to be finished to the level of the adjacent finished ground.

ENERGY EFFICIENCY: To comply with SANS 10400 Part O. Energy efficiency measures to be as indicated on drawings. All measures to be finished to the level of the adjacent finished ground.

Category	Description	Value
Boundary Classification	ERF 287	0.1121
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Boundary Classification	ERF 400	0.1121

Malherbe Rust Architects

Site Plan
 -HWG & Council Submission-

Scale: 1:200 (A1)

Date: 17.03.2021

Sheet: 1541 of 1541



Peter G. Mons - Pr. Pln - A/116/2009
B Sc, M (T&RP), MSAPI

P.O. Box 851
Robertson
6705

I 023 626 3480
M 082 826 4000

Professional Town Planning
Consultant

E petergm@fibresky.co.za

From: petergm@fibresky.co.za <petergm@fibresky.co.za>
Sent: Tuesday, 13 April 2021 16:19
To: 'Tyrone King' <Tyrone.King@stellenbosch.gov.za>; 'Nigell Winter' <Nigell.Winter@stellenbosch.gov.za>
Cc: 'Salome Newman' <Salome.Newman@stellenbosch.gov.za>; 'Georgina Brits' <georgina.brits@leeucollection.com>
Subject: RE: [EX] RE: 2129 (TK) Erf 425 Franschhoek (LU-12208)

Hi Tyrone and Nigell,

Thank you for the prompt response.

As an additional explanation it should be noted that parking was provided according the requirements on the abutting Erf 3754 which is in the process of being consolidated with Erf 425. The parking can therefore be assessed over the consolidated property. As guided by the department, the architects decided to provide for the two bay shortfall on Erf 425 in the form of 6 bicycle bays and 4 motorcycle bays which can be comfortable accommodated on the Erf 3754 portion. This is in addition to the 4 conveniently located parking bays which are provided on the Erf 425 portion to service the four wellness treatment rooms. It should also be borne in mind that many of the clients using the wellness centre will be from the guest house for which parking has been provided.

I hope this serves as sufficient explanation. If not, I will be happy to discuss this further.

Regards,

Peter



Peter G. Mons - Pr. Pln - A/116/2009
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Professional Town Planning
Consultant

E petergm@fibresky.co.za

From: Tyrone King <Tyrone.King@stellenbosch.gov.za>
Sent: Tuesday, 13 April 2021 13:58
To: petergm@fibresky.co.za
Cc: Nigell Winter <Nigell.Winter@stellenbosch.gov.za>; Salome Newman <Salome.Newman@stellenbosch.gov.za>
Subject: FW: [EX] RE: 2129 (TK) Erf 425 Franschhoek (LU-12208)

Hi Peter

Thanks for your e-mail.

I will wait for Nigell to respond, as he has to give approval for the parking proposal.

I suggest that you also give him a call to explain your proposal, in order to expedite the process.

Regards

Salome Newman

From: Nigell Winter <Nigell.Winter@stellenbosch.gov.za>
Sent: 05 May 2021 10:45 AM
To: petergm@fibresky.co.za; Tyrone King
Cc: Salome Newman; 'Georgina Brits'
Subject: RE: [EX] RE: 2129 (TK) Erf 425 Franschhoek (LU-12208)
Attachments: 8 Hugeunot_20210317.pdf

Dear Peter and Tyrone, I am satisfied with the parking proposal.

The application is recommended for approval.



Kind regards,

Nigell Winter

Manager: Traffic Engineering
Infrastructure Services

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<http://www.stellenbosch.gov.za/main/pages/disclaimerpage.htm>

From: petergm@fibresky.co.za [mailto:petergm@fibresky.co.za]
Sent: 26 April 2021 10:07 AM
To: Tyrone King; Nigell Winter
Cc: Salome Newman; 'Georgina Brits'
Subject: RE: [EX] RE: 2129 (TK) Erf 425 Franschhoek (LU-12208)

Dear Tyrone and Nigel,

I trust you are both well.

I will be grateful to hear if you consider the proposed provision of parking for the consolidated site as depicted on the attached plan acceptable. As previously mentioned your department's support can be made subject to consolidation as this process is already being implemented.

The Engineering department's comment is the last outstanding comment and I would like to finalise the commenting process.

I look forward to receiving your comment shortly.

Regards,

Peter