



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9325

Our File Reference Number: Erf 619, Franschhoek

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: andre@arouxplanning.co.za

Sir

**APPLICATION FOR REMOVAL OF RESTRICTIONS, SUBDIVISION AND PERMANENT DEPARTURE ON
ERF 619, 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 the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 619, cnr of Nerina Street and Freesia Street, namely:
 - 2.1.1 The **Removal of the restrictive title deed conditions**, Clause B13(a) as contained in Deed of Transfer No. T34281/2016 in terms of Section 15(2)(f) of the said Bylaw. The condition reads as follows:

"...this erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme".

2.1.2 The **Subdivision** of the subject property into two portions namely Portion 1 ($\pm 833\text{m}^2$) and Portion 2 ($\pm 616\text{m}^2$) as indicated on subdivisional plan 18091-001C, dated 28 October 2020 and drawn by ARoux Town Planning in terms of Section 15(2)(d) of the said Bylaw;

2.1.3 **Permanent Departure** in terms of the Section 15(2)(b) of the said Bylaw to permit the construction of an **additional dwelling unit** of $\pm 80\text{m}^2$ on proposed Portion 2;

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:

- (a) The approval applies only to the application in question, as indicated on **ANNEXURE C**, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- (b) The approval granted does not exempt the applicant/operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity;
- (c) The approval shall lapse if not exercised within **5 years** from date of final notification;
- (d) The Surveyor General approved diagrams of the newly created units must be submitted to this Local Authority (Stellenbosch Municipality) for clearance and record purposes;
- (e) The second dwelling unit must not exceed the total floor area of $\pm 80\text{m}^2$;
- (f) All servitudes must reflect on the title deeds of the affected properties;
- (g) The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 13 August 2019 be complied with (see **ANNEXURE L**).
- (h) The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 26 November 2020 be complied with (see **ANNEXURE M**);
- (i) Building plans must be submitted to this municipality for approval.

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

- (a) The zoning and land use will remain the same.
- (b) The proposed subdivision will result in the creation of land portions that are in line with the existing character of the surrounding area.
- (c) The proposal will result in a sensible increase in density and will not alter the character of the area.
- (d) The proposal is not in conflict with the principles of the Stellenbosch Municipal Spatial Development Framework.
- (e) The removal of the restrictive title deed conditions as applied for will allow the owner to maximise the use of the property and facilitate the redevelopment.

4. **Matters to be noted:**

- 4.1 The applicant must after the publication of a notice in the Provincial gazette apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions.

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. An applicant 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

18/5/2021

DATE:

COPIES TO:

Tom and Heidi Clode

22 Nerina Street

FRANSCHHOEK

7690

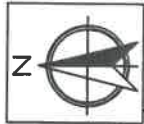
Email: tomc@fineandcountry.com

ANNEXURE C

**REMOVAL OF RESTRICTIONS, SUBDIVISION
AND PERMANENT DEPARTURE:**

ERF 619, NERINA STREET, FRANSCHHOEK

**SUBDIVISIONAL PLAN & SITE DEVELOPMENT
PLAN**



1594

1595

660

NERINA STREET

608

618

PORTION 1
(±833m²)

PORTION 2
(±616m²)

FREESIA STREET

609

STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER APPENDIX.

18/5/2022
DATE

MUNICIPAL MANAGER

REVISION HISTORY:

- Rev A: Proposed Subdivision Plan of Erf 619, Franschhoek.
- Rev B: Add 3m Sewer Servitude in favor of Stellenbosch Municipality
- Rev C: Extend 3m Sewer Servitude in favor of Stellenbosch Municipality

NOTES:

- Figure ABCDE represents Erf 619, Franschhoek.
- Line FGH represents proposed subdivision line.
- All distances and areas are provisional and will be verified on survey by the appointed land surveyor.
- Figure AFab represents a 3m Sewer Servitude in favor of Stellenbosch Municipality
- 3m Sewer Servitude in favor of Stellenbosch Municipality

TITLE:

PROPOSED SUBDIVISION PLAN

SCALE:

1:500 (A4)

PROPERTY DESCRIPTION:

ERF 619, FRANSCHHOEK

PROJECT DETAILS:

Project Name: Honeypot, Franschhoek
 Project No: 18081
 Client: Barry Wyse
 Municipality: Stellenbosch Municipality
 Administration: Franschhoek

PLAN DETAILS:

Plan No: 18081-001
 Revision: C
 Date: 2020-10-28
 Drawn by: AR
 Checked by: BV



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ANNEXURE L

**REMOVAL OF RESTRICTIONS, SUBDIVISION
AND PERMANENT DEPARTURE:**

ERF 619, NERINA STREET, FRANSCHHOEK

**COMMENT FROM THE MANAGER:
ELECTRICAL SERVICES**

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF Erf 619, Franschhoek DATUM DATE 2019-07-10

AANSOEKKNOMMER / APPLICATION NUMBER LU/9325 Elect 1866

- MEMO AAN/ TO : Manager : Engineering Services > Manager : Electrical Department Manager : Property Management (P Smit) Manager : Fire Services Manager : Chief Financial Officer Manager: Spatial Planning / Heritage / Environment / Signage Manager: Health Department (Winelands Health) Manager: Building Development Manager : Parks

12/07/2019

Aansoek Application Removal of Restriction, Consent Use, Subdivision and Departure Adres Address 17 Nerina Street, Franschhoek Aansoek Datum Application Date 02 April 2019 Aansoeker Applicant Aroux Town Planning



Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 2019-08-09 Please hand deliver the memorandum to me on or before : 2019-08-09

S Newman

For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

FILE NR: [] KANTOR NR: E 619 FH COLLABORATOR NR: 663789

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

None.

VOORWAARDES/CONDITIONS: If elect. services have to move it will be for applicant self. If additional elect supply is needed; apply via recoverable cost-opt.

HANDTEKENING / SIGNATURE

13/08/2019 DATUM / DATE

ANNEXURE M

**REMOVAL OF RESTRICTIONS, SUBDIVISION
AND PERMANENT DEPARTURE:**

ERF 619, NERINA STREET, FRANSCHHOEK

**COMMENT FROM THE DIRECTOR:
ENGINEERING SERVICES**



MEMO

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

03 DEC 2020

DIRECTORATE: ENGINEERING SERVICES
DIREKTORAAT: INGENIEURSDIENSTE

RECEIVED

13

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: B Mdoda
From ▫ Van: Colin Taylor (Development)
Date ▫ Datum: 26/11/2020
Our Ref ▫ Ons Verw: Civil Lu 1866
Re ▫ Insake: Erf 619, Franschhoek: Application for Removal of Restriction, Consent Use, Subdivision and Departure

FILE NR:	
SCAN NR:	E 619 FH
COLLABORATOR NR:	699204

This memo supersedes the one dated 28/08/2019

The application is for the following item:

- i. The subdivision of Erf 619, Franschhoek into two portions;
- ii. Removal of restrictive title deed conditions (for proposed Portion 1 and 2);
- iii. Consent to permit guest accommodation (for Portion 1 and 2);
- iv. Permanent departure to permit a second dwelling unit on proposed Portion 2; and
- v. Permanent departure to permit an encroachment on the northern lateral building line.

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

- 1. Water Connections**
 - 1.1 Each erf must have its own water connection and water meter installed.
 - 1.2 Once the subdivision is formally approved, the Municipality can be contacted to install the water connections.
 - 1.3 The cost of the installation is for the account of the owner.
- 2. Sewer Connections**
 - 2.1 A 3m wide servitude must be registered over Portion 1 and 2 as indicated on proposed subdivision plan in favor of Stellenbosch Municipality.
 - 2.2 Each erf must have its own sewer connection.
 - 2.3 The cost of the installation of the sewer connection is for the account of the owner.
 - 2.4 Once the subdivision is formally approved. The engineers drawing indicating the new sewer layout and connection point must be submitted for approval.
 - 2.5 A quotation for the sewer connection inspection can be provided by the Water Services Department.
 - 2.6 Installation must be done by a suitable Contractor appointed by the Owner. The cost of the installation of the sewer connection is for the account of the owner.

2.7 No Clearance certificate will be issued unless the Water Services Department has confirmed in writing that the sewer connection has been installed to their satisfaction.

3. Development Charges (DCs)

3.1 Based on the information provided, the Development Charges payable by the developer is R 70 658.55 (Vat incl.) as per attached Development Charges calculation.

3.2 The DC's were calculated for the 2020/2021 financial year. If the account is paid after 30 June 2021 it has to be recalculated using the then applicable tariffs.

3.3 The appropriate DC's are payable before a Clearance certificate can be issued.

4. General

4.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

5. Clearance Certificates

5.1 The Municipality reserves the right to withhold any clearance certificates until such time as the applicant has complied with the above mentioned conditions.



COLIN TAYLOR Pr Technl Eng

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\1866 (CT) Erf 619 Franschoek (Nerina Street)\Memo Erf 619 Franschoek_1.doc

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	
Date	Wednesday, 25-Nov-2020
Financial Year	2020/21
Erf Location	Prinsbuitershoek
Erf No	619
Erf Size (m ²)	1.449
Suburb	
Applicant	André Roux
Approved Building Plan No.	

SUMMARY OF DC CALCULATION

Unit (s)	Water k/day	Sewer k/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	0,400	0,600	0,008	0,040	4,00	4,0	
Total Development Charges before Deductions	R 9 829,80	R 9 759,70	R 559,66	R 2 236,16	R 26 018,23	R 13 038,67	R 61 442,21
Total Deductions							
Total Payable (excluding VAT)	R 9 829,80	R 9 759,70	R 559,66	R 2 236,16	R 26 018,23	R 13 038,67	R 61 442,21
VAT	R 1 474,47	R 1 463,95	R 83,95	R 335,42	R 3 902,73	R 1 955,80	R 9 216,33
Total Payable (including VAT)	R 11 304,27	R 11 223,65	R 643,61	R 2 571,58	R 29 920,96	R 14 994,47	R 70 658,55

APPLICANT INFORMATION

Application Processed by:	Colin Taylor
Signature	
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage		Sewer		Storm-water		Solid-Waste		Roads		Community Facilities		Total	
		du	m2 GLA	du	m2 GLA	du	m2 GLA	du	m2 GLA	du	m2 GLA	du	m2 GLA	du	m2 GLA	du	m2 GLA		
Residential	Single Residential >1000m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-11 386,31	R	-3 357,97	R	-2 236,16	R	-13 038,67	R	-85 526,74
	Single Residential >500m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	39 319,20	R	3 917,63	R	4 472,32	R	26 018,23	R	26 077,34
	Single Residential >250m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
	Single Residential <250m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
	Less Formal Residential >250m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
	Less Formal Residential <250m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
	Group Residential >250m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
	Group Residential <250m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
	Medium Density Residential >250m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
	Medium Density Residential <250m2	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
Commercial	High Density Residential - flats	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
	High Density Residential - student rooms	du	m2 GLA	du/ha	% GLA	du	m2 GLA	du/ha	% GLA	R	-	R	-	R	-	R	-	R	-
	Local Business - office	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	Local Business - retail	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	General Business - office	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	General Business - retail	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	Community	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	Education	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	Light Industrial	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	General Industrial - light	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
Industrial	General Industrial - heavy	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	Nonious Industrial - heavy	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	Report	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	Public Open Space	m2			0%					R	-	R	-	R	-	R	-	R	-
	Private Open Space	m2			0%					R	-	R	-	R	-	R	-	R	-
	Natural Environment	m2			0%					R	-	R	-	R	-	R	-	R	-
	Utility Services	m2 GLA			0%					R	-	R	-	R	-	R	-	R	-
	Public Roads and Parking	m2			0%					R	-	R	-	R	-	R	-	R	-
	Transport Facility	m2			0%					R	-	R	-	R	-	R	-	R	-
	Limited Use	m2			0%					R	-	R	-	R	-	R	-	R	-
Special	To be calculated																		
	based on equivalent demands																		
			1 449				1 449												

Development Changes before Deductions	du	m2 GLA	% Deductions	du	m2 GLA	% Deductions	du	m2 GLA	% Deductions	du	m2 GLA	% Deductions	du	m2 GLA	% Deductions	du	m2 GLA	% Deductions	du	m2 GLA	% Deductions
R9 829,80	0,00%	R0,00	0,00%	R9 759,70	0,00%	R0,00	R559,66	0,00%	R0,00	R2 236,16	0,00%	R0,00	R26 018,23	0,00%	R0,00	R26 018,23	0,00%	R13 038,67	0,00%	R0,00	R61 442,21
R9 829,80	0,00%	R0,00	0,00%	R9 759,70	0,00%	R0,00	R559,66	0,00%	R0,00	R2 236,16	0,00%	R0,00	R26 018,23	0,00%	R0,00	R26 018,23	0,00%	R13 038,67	0,00%	R0,00	R61 442,21
R1 474,47				R1 465,95			R83,95			R335,42			R3 902,73			R3 902,73		R1 955,80			R9 216,33
R11 304,27				R11 223,65			R643,61			R2 571,58			R29 920,96			R29 920,96		R14 994,47			R70 659,55

* Complete yellow/green cells.
 du = dwelling unit, GLA= Gross lettable area.
 Total Development Changes before Deductions
 % Deductions per service (%)
 Additional Deduction per service - from Service Agreement (sum)
 Sub Total after Deductions (excluding VAT)
 VAT
 Total