



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14899 (TP199/2022)

Our File Reference Number: Erf 622, Franschhoek

Your Reference Number: P3694/22

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir

APPLICATION FOR SUBDIVISION AND DEPARTURE ON ERF 622 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 in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Erf 622 Franschhoek, namely:
 - 2.1.1 **Subdivision** in terms of Section 15 (2) (d) of the said By-law, 2015, into:
 - i. Portion A (473 m² in extent) and
 - ii. Portion B (835 m² in extent)
 - 2.1.2 **Departure** in terms of Section 15 (2) (b) of the said by-law, 2015 to relax the common boundaries building line between Portion A and B in order to accommodate a shared internal party wall separating the two residential units.

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

3. Conditions of Approval:

- 3.1 The approval applies only to the proposed subdivision under consideration as indicated on Subdivisional Plan as referenced (Plan 1, file no: P3694/22), drawn by Dh & a professional land surveyors, dated July 2022 (See **Annexure D**); and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - 3.2 The development must be undertaken in accordance with the Subdivisional Plan as referenced (Plan 1, file no: P3694/22), drawn by Dh & a professional land surveyors, dated July 2022 attached as **Annexure D**.
 - 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 The Surveyor General approved diagrams of the newly created units must be submitted to this Local Authority (Stellenbosch Municipality) for clearance and record purposes.
 - 3.5 The conditions imposed by the Directorate: Infrastructure services as contained in their memo dated 06 February 2022, attached as Annexure H, be complied with.
 - 3.6 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
 - 3.7 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services as per memo dated 06/02/2022 attached as **Annexure H**.
4. The reasons for the above decision are as follows:
- 4.1 The proposed subdivision will not have any impact in terms of visual aesthetics therefore will not compromise the existing character of the surrounding landscape.
 - 4.2 Sufficient services and safe access could be provided to the proposed subdivided units.

4.3 The permanent departure is already deemed to be granted with the approval of this subdivision in terms of the zoning scheme.

5. Matters to be noted:

5.1 Building plans be approved by the Municipality prior to any building work commencing.

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. 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.

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)
- 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.

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.

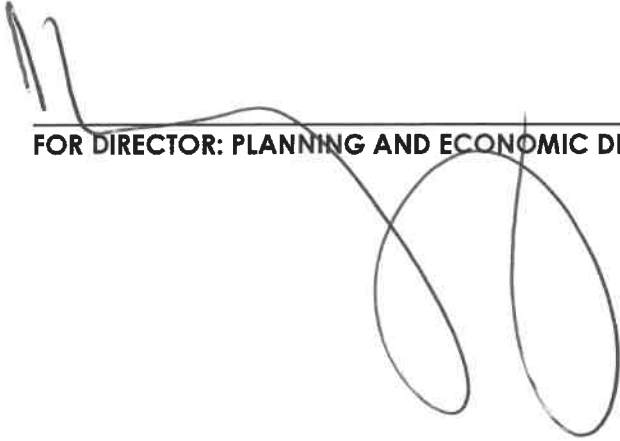
7.10 That the appeal includes the following declaration by the Appellant:

- 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 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.

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



A handwritten signature in black ink, consisting of a series of loops and curves, is written over a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

22/9/2023
DATE: _____

ANNEXURE D: PROPOSED SUBDIVISIONAL PLAN

Y-11850

X+53700

X+53730

604

TIN

625 Public Place

Nerina Street 15,74m

623

37,78

Carport

House

Pin B
2835m²

entrance wall 10,02

8,28

Wall

24,61

entrance

Wall

House

Pin A
2473m²

Deck and Pool Area

Party wall

21,88

Gate

Courtyard

House

House

Shed

Garage

Shed

Shed

Shed

(3523)

Gate

Courtyard

Shed

Shed

Shed

Shed

Shed

Shed

Shed

Shed

Shed

Shed

15,11

Pin A

Pin B

Pin C

Pin D

Pin E

Pin F

Pin G

Pin H

Pin I

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.
 MUNICIPAL MANAGER
 22/07/2023
 DATE

Notes:

- 1) The unregistered diagrams of Erfen 3522 and 3523 Franschoek vide dgn nos 513652/09 and 513720/09 are to be cancelled.
- 2) Erf 622 Franschoek is to be subdivided into:
 a) Pin A 2473m²
 b) Pin B 2835m²
- 3) The line xy represents a party wall

621

19,82

615

Ref: 1) Co-ordinate System WG 84/19°
 2) S. G. Noding 1605

dh&a
 david heilig & abrahamse
 professional land surveyors
 288 Main Street
 Paarl, 7600

Telephone: 021 121 7428
 web site: www.dh&a.co.za
 email: david@dh&a.co.za

Project **PLAN OF SUBDIVISION**

Erf 622 Franschoek

Scale	1 / 200 @ A3
Date	July 2023
File No	P3894/22
Plan No	1

**ANNEXURE H: COMMENT FROM THE DIRECTORATE:
INFRASTRUCTURE SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Bulelwa Mdoda
From ▫ Van: Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Ilze Fillies
Date ▫ Datum: 6 February 2022
Our Ref ▫ Ons Verw: Civil LU 2441
Your Ref: LU/14899 – TP191/2022
Re ▫ Insake: Erf 622, Franschhoek: 1. Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law, 2015 for the Subdivision of Erf 622, Franschhoek into the following: Portion A (473 sqm in extent) Remainder (835 sqm in extent) 2. An application is made in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for Permanent Departure to relax the common boundaries building line between Portion A and B to 0m in order to accommodate a shared internal party wall separating the two residential units.

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

- 1. Sewer**
 - 1.1 Each erf must have its own sewer connection.
 - 1.2 No private sewer pipes may cross an internal erf boundary.
 - 1.3 Please submit an engineering drawing by an ECSA professionally registered Engineer for approval prior to construction of the sewer connection.
 - 1.4 All servitudes must be clearly indicated on the engineering services drawing.

- 1.5 Once the engineering drawing has been approved, a quotation for the sewer connection inspection can be provided by the Water Services Department. This is generally in the range of R 1 834. 83. 46 incl VAT (2022-23 tariffs).
- 1.6 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 applicant.
- 1.7 No Section 28 Clearance will be issued unless the Water Services Department has confirmed in writing that the sewer connection has been installed to their satisfaction.

2. Water

- 2.1 Each erf must have its own water connection. The Municipality can be contacted to install the water connection.
- 2.2 The cost of the installation of the water connection for the second property is for the account of the applicant. A quotation for the installation of the water connection can be provided by the Water Services Department Tanya Carstens – 021 808 8209.
- 2.3 Estimated installation cost for a 20mm connection (road crossing) at 2022/23 tariff is: R 25 501. 67 incl VAT and R 7 005. 82 incl VAT (no road crossing).
- 2.4 No private water pipes may cross an internal boundary. A site development plan must be submitted for approval in this regard.
- 2.5 No Section 28 Clearance will be issued unless the Water Services Department has confirmed in writing that the water connection has been installed, or proof of installation such as water meter registration (account) is provided.

3. Roads

- 3.1 Each erf must have its own access to a public/private street.
- 3.2 The cost of the installation of the access is for the account of the applicant.
- 3.3 Sufficient parking must be indicated on the SDP.

4. Development Charges (DCs)

- 4.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 4.2 The DC's were calculated by using the 2022/2023 tariff structure. If DC's are paid after 30 June 2023 it will have to be recalculated by using the tariff structure applicable at date of payment.

4.3 The appropriate DC's are payable before a Section 28 Clearance certificate can be issued.

5. Electrical Engineering (Martin Slabber – Supt Dwarsrivier Elect)

5.1 Refer to **Annexure: Electrical**



Ilze Fillies
TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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