



STELLENBOSCH

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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2022-05-20 FROM 10:00-15:00**



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2022-05-20 FROM 10:00-15:00**

Ref. no. 3/4/5/2/40

2022-05-20

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delpont

Internal Members

Mr M Williams - Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

Mr C Alexander: Senior Manager - Development Planning

Mrs M Francis: Senior Manager - Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services

Technical Advisor

Mr K Munro - Director Environmental & Spatial Planning: Department of Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be via **MS TEAMS (Virtual Meeting)** on **FRIDAY, 2022-05-20 from 10h00-15:00** to consider the items on the Agenda.*

Dr DJ Du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 22 APRIL 2022**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 22ND OF APRIL 2022 via MS TEAMS**

Ref. no. 3/4/5/2/40

2022-04-22

Deputy Chairperson

Ms C Havenga

External Members

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr E Delpont

Mr J Knight

Internal Members

Mr A van der Merwe: Senior Manager - Community Services

Mr C Alexander: Senior Manager - Development Planning

Ms M Francis: Manager - Project Management Unit & Infrastructure Services

Mr M Williams: Legal Advisor

Technical Advisor

Mr K Munro: Director - Development Management, Department Environmental Affairs and Development Planning

Officials

Mr S Carstens: Senior Manager - Development Management

Mrs C Kriel: Manager - Land Use Management

Mr P April: Senior Town Planner

Ms B Zondo: Senior Town Planner

Ms L Olyn: Senior Town Planner

Ms O Sims: Administrative Officer

Mr Tyrone King: Manager – Development: Infrastructure Services

Mrs C Hauptfleish: Senior Spatial Planner (SMPT 05/04/22)

Applicants

Mr Colin Stevenson: Catwalk Investments 385 (Pty) Ltd (SMPT 05/04/22)

Mr Gideon Roos: First Plan Town Planners (SMPT 05/04/22)

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 22 APRIL 2022

ITEM	SUBJECT
SMPT 01/04/22	OPENING AND WELCOME
	Deputy Chairperson, Ms C Havenga welcomed everyone. She will chair the meeting in the absence of Chairperson Dr Du Plessis who is unable to attend the meeting due to ill health.
SMPT 02/04/22	LEAVE OF ABSENCE
	Dr DJ Du Plessis Mr Chris Rabie Ms L Kamineth
SMPT 03/04/22	DISCLOSURE OF INTERESTS
	a) Ms C Havenga indicated that she has an interest in Item SMPT 05/04/22 and will recuse herself from the discussion of this item. b) Mr C Alexander indicated that he has an interest in Item SMPT 06/04/22 and will recuse himself from the discussion of this item.
SMPT 04/04/22	MINUTES OF THE PREVIOUS MEETING DATED 18 March 2022
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/04/22	APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS: ERF 14601, STELLENBOSCH.
	Discussion: a) Ms C Havenga recused herself from the discussion of this item. b) Dr Pool-Stanvliet nominated Mrs Crooijmans-Lemmer who was appointed by the Meeting as Acting Chairperson for Item SMPT 05/04/22.

Oral presentation & Questions:

- c) Ms Crooijmans-Lemmer introduced Mr Roos as representative of the applicant who made an oral presentation. He was assisted by Mr Colin Stevenson.
- d) Clarity was sought by Mr van der Merwe on the differences between the former and amended Landscaping Plan and it was noted that the planting of Yellow Wood is not preferred in urban areas due to the attraction of bats.
- e) Mr Williams noted that the contents of the legal opinion submitted by the applicant relating to the requirement for an inclusionary housing option by the Municipality was fully considered and taken into consideration in the previous recommendations made by the MPT. The MPT did consider the applicant's voluntary inclusionary housing proposal in its decision at the previous MPT meeting and decided not to accept it for specific reasons.
- f) Clarity was sought around the offer to provide micro units for inclusionary housing and the option to cater for FLISP or a specific income group / price range. Mr Stevenson confirmed that the offer is made in terms of Option 2 of the City of Johannesburg Inclusionary Housing Policy (CJIHP) of which the focus is the provision of micro units.

Discussion continued:

- g) Mr April briefly introduced the item. He indicated that the amendments previously required by the MPT and the subsequent amendments made to the plans, required additional applications for building line and parking departures, which was submitted with the new additional information. The reasoning why no additional advertising was considered necessary was discussed in the report before the MPT.
- h) Mr Delpont asked whether the floodline was considered as it is not indicated on the plans. It was confirmed that the floodline was considered and that the development was aligned thereto.
- i) Members agreed that the matters identified to be addressed by the applicant at the previous MPT meeting relating to the public open space system next to the Plankenberg River, the minimum width of the Distillery public road, the pedestrian bridge and the revision of the proposal to facilitate active public streetscapes and places were all addressed satisfactorily.
- j) The applicant's offer to provide for only one option (i.e. micro units) in addressing the provision of Inclusionary Housing is questioned.
- k) It is noted that there is a conflict between the offer made by the applicant (to provide micro units in terms of the CJIHP) and the conditions as proposed by the Municipality in the item (to provide social housing for a targeted income group).

- l) Mrs C Hauptfleish provided clarity on the reasoning behind imposing the proposed condition of approval relating to the inclusionary housing provision and why the latest option now proposed by the applicant was not acceptable. The proposed condition of approval will allow the municipality and the developer to negotiate the final requirements for the inclusionary housing option in the development. The matter was discussed and the proposal as contained in the conditions of approval was supported.

UNANIMOUSLY RESOLVED:

1. That the following applications made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 14601, Stellenbosch, namely:

- 1.1. **Rezoning** in terms Section 15(2)(a) of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area allowing for;

- 1.1.1. Three (3) Mixed-Use Zone properties for business and flats, inclusive of roads:

(a) Portion 1 ($\pm 20291\text{m}^2$)

(b) Portion 2 ($\pm 1320\text{m}^2$)

(c) Portion 4 ($\pm 2090\text{m}^2$)

- 1.1.2. One (1) Public Road and Parking Zone property for public road purposes (Portion 3 = $\pm 3200\text{m}^2$).

- 1.2. **Subdivision** in terms of Section 15(2)(d) of Erf 14601, Stellenbosch into 4 portions, as depicted in subdivisions plan dated 14 February 2022, File Number FP/0220/977, drawn by First Plan Town Planners, namely;

1.2.1. Portion 1 ($\pm 20291\text{m}^2$ - Mixed-Use Zone),

1.2.2. Portion 2 ($\pm 1320\text{m}^2$ - Mixed-Use Zone),

1.2.3. Portion 3 ($\pm 3200\text{m}^2$ - for a 16m road reserve zoned Public Road and Parking Zone) and

1.2.4. Portion 4 ($\pm 2090\text{m}^2$ - Mixed-Use Zone).

1.2.5. The registration of a 3m wide pedestrian servitude on the southern boundary of Portion 1, in favor of the general public and the municipality.

1.2.6. The registration of a pedestrian access servitude which average from 2.8m to 6m on the western boundary of Portion 1, in favor of the general public and the municipality.

- 1.3. **Departures** in terms of Section 15(2)(b) on Portion 1 (Mixed-Use Zone erf), as indicated on the plans described as

“SDP_OVERALL”, “SDP_RESIDENTIAL”, “SDP_BUSINESS PREMISES” and “SDP_PARKING” dated 15/02/2022 and drawn by Boogerman Partners attached as part of **APPENDIX 13**, to relax on;

Portion 1 (Mixed Use Development – flats and commercial land uses)

1.3.1. To relax the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Block 3, 4 and 6.

1.3.2. To relax the street building line (adjacent to the newly created Portion 3) from 4.5m to 1.5m to allow for the Mill House.

1.3.3. To provide 405 parking bays in lieu of 454 parking bays for the residential (flats) components of the Mixed-Use development on Portion 1.

Portion 2 (Manor House)

1.3.4 To provide only 22 parking bays in lieu of 24 parking bays.

Portion 4 (The Shed)

1.3.5 To provide 22 parking bays in lieu of 27 parking bays.

1.4. **Consent Use** in terms of Section 15(2)(o) of Land Use Planning By-law to allow a Place of Entertainment (pub) in the existing storage facility located on Portion 4.

1.5. A **permission** required in terms of the zoning scheme, in terms of Section 15(g); to allow for flats on the ground floors in a Mixed-Use Zone for Blocks 1, 2, 3 and 4 and partially for blocks 5 and 6 on Portion 1.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval in terms of Section 66 of the said Bylaw.

2. Conditions of approval:

2.1. The approval applies only to the rezoning, subdivision, departures and consent use in question (See **APPENDIX 13 and 14**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.

2.2. The development be undertaken in accordance with the Subdivisional Plan dated 14 February 2022, File Number FP/0220/977 and attached as **APPENDIX 13**.

2.3. An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic

	<p>Development for record purposes, which plan must indicate the following information:</p> <ul style="list-style-type: none"> a) Newly allocated erf numbers b) Co-ordinates c) Survey dimensions d) Street names and numbering <p>2.4. A phasing plan which indicates the spatial phasing and associated timeframe of the development be submitted to the Municipality for approval.</p> <p>2.5. All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.</p> <p>2.6. The servitude rights for pedestrian right of way in favor of the general public and the municipality be registered in the title deeds of the applicable property/ies on registration.</p> <p>2.7. A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter attached as APPENDIX 9.</p> <p>2.8. Development charges be 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.</p> <p>2.9. 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.</p>
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- 2.10. A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 which is substantially in accordance with the plans described as "SDP Overall, SDP Residential, SDP Business Premises and SDP Parking" dated 15 02 22 by Boogertman Partners, be submitted for approval to the Municipality prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and the following specific matters to illustrate the conformity of the development to any prevailing principles of the Adam Tas Corridor development:
- 2.10.1. Development parameters conforming to the zoning scheme provisions and taking the principles of the Adam Tas Corridor into account,
 - 2.10.2. provide and promote strong internal and external public and NMT connections with the surrounding area,
 - 2.10.3. provide adequate social facilities for the daily retail needs of residents,
 - 2.10.4. a 16m road reserve to provide sufficient space for a dedicated NMT to ensure that public transport and NMT routes are addressed pro-actively,
 - 2.10.5. provide a public open space system next to the Plankenberg River with public access points between the public road and open space system.
- 2.11. 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.
- 2.12. The revised Traffic Impact Assessment be submitted to the Western Cape Government: Transport and Public Works for their consideration, their recommendations be considered with the finalization of the service-level agreement with the municipality, if need to, and all conditions be adhered to.
- 2.13. Building plans for any future proposed alterations to the "Manor" House and the warehouse building be submitted to Heritage Western Cape for approval, prior to the submission of final building plans to the Municipality for approval.
- 2.14. Archaeological monitoring of the subsurface excavations when demolition of the large warehouse occurs, to confirm the presence or footprint of the original mill remains.
- 2.15. The retention and display of the mill workings within the Mill House to the satisfaction of Heritage Western Cape.

	<p>2.16. A landscaping plan (as part of the site development plan), which is substantially in accordance with Drawing no LAN/sdp13 Rev 13 dated 12/02/2022 by JDV Landscape Studio be submitted for approval by the Municipality prior to the registration of the first property or the submission of any building plan application, whichever occurs first.</p> <p>2.17. The approved landscaping plan be implemented at the cost of the developer and to the satisfaction of the municipality prior to 50% of the erven be transferred or 50% of building plans be approved, whichever occurs first. Such landscaping plan to illustrate the use of suitable indigenous vegetation.</p> <p>2.18. The developer contacts the Municipal Department: Community Services whilst the site is being prepared for construction and access to the river is imposed, to identify trees and biomass to be removed and implement such maintenance work prior to the implementation of the proposed development.</p> <p>2.19. Blocks 5, 6 and the Manor House may not be fenced in to impede the access of the business interface with Distillery Road.</p> <p>2.20. The developer and the municipality, represented by the Director: Planning and Economic Development or his delegated official, enter into an agreement on the satisfactory provision of inclusionary housing within 12 months from final notification of the approval and prior to the submission of building plans, which agreement must inter alia, but not necessarily limit thereto, address the following matters:</p> <p>2.20.1. The proposed development to contain a fair and reasonable number of dwelling units, of no less than 31%, falling within the affordability thresholds for rental or ownership within the new mixed-use development (i.e. 87 units out of the 285 dwelling units proposed).</p> <p>2.20.2. The inclusionary housing units be provided on-site as part of the market-related development i.e. in the same building or on the same land parcel and should be spread throughout the development as indicated on the subject Site Development Plan.</p> <p>2.20.3. Building plans submitted in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 shall indicate the location of the units.</p> <p>2.20.4. The type of housing typologies of the inclusionary housing units to be bachelor/ studio units with a minimum floor area of 28m², and each unit to include at least one bedroom, a kitchen, and a bathroom.</p>
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	<p>2.20.5. Units to be spread throughout the development and its architectural style of the units be similar to the rest of the development, with differences in the interior allowed.</p> <p>2.20.6. Residents of the inclusionary housing units to have indiscriminate access to all entrances and amenities of the development.</p> <p>2.20.7. The inclusionary housing units are not intended for community residential buildings, communes, employee housing, hostels, and less formal residential. The inclusionary housing units should only be used for permanent residence and excludes any of the land uses associated with transient guest (i.e. home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling units, etc.)</p> <p>2.20.8. The inclusionary housing units will be reserved for qualifying recipients with a total combined monthly household income with a maximum of R15 000 (social housing) for rental, and R3 501 to R22 000 (FLISP subsidy measure) or to a maximum of the Financial Services Charter Measure as defined and updated yearly for ownership (e.g. R26 100 2020 rates);</p> <p>a) Monthly rent or repayments may not be more than 30% of the total monthly household income; and</p> <p>b) The sale price or rental amount may not escalate annually beyond inflation, based on the Consumer Price Index (CPIX) as published by StatsSA.</p> <p>2.20.9 The inclusionary housing units be retained as such in perpetuity using a suitable management mechanism, to the satisfaction of the Director: Planning and Economic Development.</p> <p>a) Prior to the approval of any building plan, the developer shall submit to the Director: Planning and Economic Development for approval, a mechanism to ensure the abovementioned condition (insert condition nr.), as well as the affordability criteria of the qualifying recipients. The approval mechanism shall be implemented to the satisfaction of the Director prior to the occupation of any building on the relevant portion.</p> <p>b) If rented, the qualifying household income criteria and rent may not escalate annually beyond inflation (based on the CPIX). Lease agreements need to ensure that the tenants are subject to annual income certification and the units as allocated remains available to the intended income group; or</p>
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c) If sold, a restrictive condition must be included in the deed of sale capping the sale price to comply with the definition of affordability and must only be sold to pre-approved buyers that meet the affordability criteria.

d) Approval on resale prices of units needs to be sought from the Director: Planning and Economic Development before such a transaction take place.

2.20.10 The developer or managing agent (HOA or Body Corporate) to provide the Director: Planning and Economic Development with the list of registered inclusionary housing units, annually.

2.20.11 If in due course, the Stellenbosch Municipal policy on Inclusionary Zoning is adopted and the provisions and requirements thereof are preferred to the above conditions, the developer/owner has the option (but no obligation) to adopt and adhere to the policy requirements instead.

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

3.1. The development proposal for a high-density mixed-use development on Erf 14601, Stellenbosch, with minor parking shortfalls, is not out of character in the context of the identified Adam Tas Corridor initiative and are subsequently promoted by the principles of the Stellenbosch Municipal Spatial Development Framework.

3.2. Access to the property is obtained over existing public road infrastructure which are in process of being upgraded to standards that will provide safe access to the proposed development, while the proposed development also makes provision for new road infrastructure to improved road linkage, movement collector streets and accesses to the property and the Adam Tas Corridor.

3.3. Provision has been made for Inclusionary Housing as subsidized student rental accommodation.

3.4. The development of a public open space system next to the Plankenberg River with public access points between the public road and open space system and the provision for flats on the ground floor facilitate the development of active public streetscapes and places.

4. Matters to be noted:

	<p>4.1 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.</p> <p>4.2 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.</p> <p>4.3 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.</p> <p>4.4 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.</p> <p>4.5 Development proposal plans, landscaping plans and development names does not represent application requiring an approval in terms of Section 15 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) and could all be finalized with the submission of the Site Development Plans for considering an approval, prior to the building plan submission.</p> <p>4.6 Application for the Approval of the development's name: The Mill and the naming and numbering of streets as per the Street Naming and Numbering Plan, be obtained from the Authorised Official.</p> <p>4.7 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).</p> <p>4.8 The selling or supply of liquor to non-guests of the place of entertainment is prohibited and the operation of video games or pinball tables is not permitted on the premises.</p>
<p>SMPT 06/04/22</p>	<p>APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH.</p> <p>Discussion:</p> <p>a) Mr Alexander recused him from the discussion of this item.</p> <p>b) Mr April briefly introduced the item.</p> <p>a) Mr Delport asked whether the floodline was considered and raised further concerns on the proposal and the risks to allow the operation of a business under the floodline.</p>

- b) The matter was discussed, and based on the fact that an existing building is used, that no additional construction is envisaged and that it will not be used for human habitation, there are no material risk to support the proposal.

Mr Delpont does not support the approval of the application.

RESOLVED:

1. That the application 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 2751, Stellenbosch and a portion of the road known as "Die Laan", for a **temporary departure** in terms of Section 15(2)(c) of the said bylaw in order to use portions of the afore-mentioned properties for a one-day event (Heritage festival) on 24 September for five years (2021 – 2026).

NOT BE APPROVED in terms of Section 60 of the said Bylaw.

2. The reason for the above decision is as follows:

- 2.1 The temporary departure could not be approved more than once for the same use as previously approved, as in this instance where approval was granted in 2016.
3. 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 2751, Stellenbosch, namely:
- 3.1 **Closure of a public place** in order to close a part of the Public Open Space being Lease Area 1 (1020m²) and Lease Area 2 (1517m²) over Erf 2751, Stellenbosch in terms of Section 15(2)(n) of the said bylaw.
- 3.2 **Rezoning** of Lease Area 1 (1020m²) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parking Area) in order to accommodate a public parking area, in terms of Section 15(2)(a) of the said bylaw.
- 3.3 **Rezoning** of Lease Area 2 (1517m²) over Erf 2751, Stellenbosch from Public Open Space to General Business, in terms of Section 15(2)(a) of the said bylaw, to establish a Local Economic Development (LED) Hub to accommodate a restaurant, tourist

craft and art shops and offices in support of entrepreneurs and start-up businesses.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the conditions of approval in terms of Section 66 of the said Bylaw.

4. Conditions of approval:

Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject By-Law, before the approval comes into effect and any required building plans is submitted:

- 4.1 The entrance/exit indicated on Plan 3 (See **ANNEXURE B**) within 5.5m of the Pastorie Street and Die Laan intersection be closed.
- 4.2 A revised parking layout plan be submitted to the satisfaction of the municipal traffic engineering section, only using the entrance/exit indicated at 21.5m from the Pastorie Street and Die Laan intersection and a vehicle circulation plan be present to access parking bays P1-P15 or similar proposed alternative parking layout.
- 4.3 The required parking bays for Lease Area 2 be provided on Lease Area 1 and these requirements be addressed in the revised parking layout plan to ensure that parking provision for the business buildings is always provided on Erf 2751, Stellenbosch.
- 4.4 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the requirements as listed in 4.1 and 4.2 above.

General conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:

- 4.5 The approval applies only to the rezoning, closure of public space in question 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.
- 4.6 The rezoning of the property is restricted to the current lease areas only and will not include the remainder of the public open space.
- 4.7 Business hours be restricted to normal office working hours from 08h00 till 19h00.

- 4.8 The portion being used for public parking purposes remains attached to the rezoned area and may not be used for unrelated long-term public parking.
- 4.9 The parking area may not be fenced or tarred and should a hard surface be envisaged in future; the surface must consist of laterite or alternatively a material that gives the impression of laterite to preserve the appearance of the original surface to the satisfaction of the Municipal Heritage Section.
- 4.10 No alterations, additions to the structures which is Graded IIIA and the construction of additional building may be done without a permit from Heritage Western Cape (HWC).
- 4.11 The conditions of approval listed in **ANNEXURE F** from the Municipal Directorate: Infrastructure Services be adhered to.
- 4.12 Building plans must 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.

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

- 5.1 The proposals are in line with the objectives and principles of the Integrated Development Plans and the Stellenbosch Municipal Spatial Development Framework.
- 5.2 Sufficient services can be provided to the satisfaction of the municipal engineering section.
- 5.3 The portion of a public open space to closed, has always been used for the proposed business uses and this application just regularizing the current use.

6. Matters to be noted:

- 6.1. A business license, liquor license and any other applicable activities requiring a separate approval, licence, or permit must be obtained.
- 6.2. 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.
- 6.3. Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 6.4. An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the

	<p>property be erected to the satisfaction of the Municipality or be in line with the signage policy of the Municipality and no signage may be displayed without the written approval of the municipality.</p> <p>6.5. Any signage must consider the heritage significance of the buildings and the residential character of the immediate surroundings.</p> <p>6.6. No directional signage may be erected without the prior approval of the Municipality.</p> <p>6.7. That the conditions of approval listed in ANNEXURE G from the Cape Winelands District Municipalities Health Services be adhered to.</p>
<p>SMPT 07/04/22</p>	<p>PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING AND SUBDIVISION ON ERF 407, RAITHBY</p> <p>Discussion:</p> <p>a) Ms Zondo briefly introduced the item.</p> <p>b) It was confirmed that no owners' association is to be established and that it will not be a gated development, and therefore it will be difficult to enforce any architectural guidelines.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. That the following applications in terms of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 407, Raithby, namely:</p> <p>1.1 The Rezoning in terms of Section 15 (2)(a) of the said by-law, from Agriculture and Rural Zone to Subdivisional Area in order to allow for the following land uses:</p> <p>a) 9 Conventional Residential Zone erven (dwelling house) b) 1 Public roads and parking zone erven (public road) c) 1 Local Business Zone erven (Restaurant)</p> <p>1.2 The Subdivision of Erf 407, Raithby in terms of Section 15 (2) (d) of the said by-law in accordance with the subdivision plan No: C6035/SubA2 & C6035/SubB3, dated March 2022 to allow for the development in accordance with the subdivisional zone above.</p> <p>BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.</p>

2. Conditions of Approval:

- 2.1 The approval applies only to the proposed development under consideration as indicated on Subdivisional Plans No: C6035/SubA2 & C6035/SubB3, dated March 2022, drawn by Diesel & Munns Inc attached as **Annexure C** 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;
- 2.2 The development be undertaken in accordance with the Subdivisional Plans No: C6035/SubA2 & C6035/SubB3, dated March 2022, drawn by Diesel & Munns Inc, attached as **Annexure C** to this report;
- 2.3 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
 - a) Newly allocated erf numbers
 - b) Co-ordinates
 - c) Survey dimensions
 - d) Street names and numbering
- 2.4 The stormwater and services servitude rights be registered in the title deeds of the applicable property/ies on registration.
- 2.5 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.
- 2.6 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.
- 2.7 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata development contribution 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 Contributions 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.

2.8 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter with reference 2090 CIVIL LU and dated 01 February 2022 and attached as **Annexure J**.

2.9 The conditions imposed by the Department of Transport and Public Work: Western Cape Government as contained in their memo dated 21 January 2021, attached as **Annexure M**, be complied with to the satisfaction of said department.

2.10 The Local Business Zone even is specifically for the existing restaurant, no any other primary uses in the Local Business Zone may be permitted without the Municipality's approval.

3. Matters to be noted:

3.1 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.

3.2 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.

3.3 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.

3.4 The rates clearances will only be granted once the conditions of approval have been complied with,

3.5 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

3.6 That the approval for the naming and numbering of streets as per the proposed subdivision plan, be obtained.

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

4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape

	<p>considering that it will in fact offer residential opportunities in the area;</p> <p>4.2 The proposed development constitutes infill development and is therefore in line with the principles of the SDF.</p> <p>4.3 There will be no negative impact on existing infrastructure and additional traffic can be accommodated on the local road network.</p> <p>4.4 The proposal will result in more efficient utilisation of the subject property which cannot be viably utilised in terms of its current zoning.</p>
<p>SMPT 08/03/22</p>	<p>APPLICATION FOR SUBDIVISION AND DEPARTURE ON FARM NO. 81/29, STELLENBOSCH DIVISION</p> <p>Discussion:</p> <p>a) Ms Ollyn briefly introduced the item.</p> <p>b) The traffic impact of the development and the importance of the dualling of the road was emphasised.</p> <p>c) It is noted that the dualling of the road is a priority for the Municipality and the new access intersection is crucial and included in the conditions of approval.</p> <p>d) The proposal does not specifically include any specific reference to the provision and management of inclusionary housing although the complete development is earmarked towards the targeted social housing income group.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. That, in compliance with condition 3.1 as stipulated in the letter of approval, dated 27 August 2021 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 Farm No. 81/29, Stellenbosch Division, namely:</p> <p>1.1 The Subdivision in terms of Section 15(2)(d) of the said Bylaw in accordance with subdivision plan "Subdivisional Plan Nr 4", dated 30 November 2021, and drawn by TV3 Architects and Town Planners to allow for the following:</p> <p>(a) 119 x Multi-Unit Residential Zone erven (portions 1 – 119), and ±10 398m² in extent, for group housing purposes;</p> <p>(b) 1 x Multi-Unit Residential Zone erf (portion 120), and ±4 548m² in extent, for purposes of a block of flats consisting of 60 units;</p> <p>(c) 5 x Private Open Space erven (portions 121 - 125), and ±1 672m² in extent, for private open space purposes,</p>

- (d) 1 x **Private Open Space** (portion 126), and $\pm 5\,798\text{m}^2$ in extent, for private road purposes.
- (e) registration of a **servitude right of way** over portion 20 for access to the flat component.

1.2 **Departure** in terms of Section 15(2)(b) of the said Bylaw to exceed the maximum density of **50** dwelling units per hectare to **60** dwelling units per hectare.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval imposed in terms of Section 66 of the said Bylaw.

2. Conditions of approval:

- 2.1 The development be undertaken in accordance with the Subdivisional Plan Nr 4, dated 30 November 2021, and drawn by TV3 Architects and Town Planners, attached as **ANNEXURE B**.
- 2.2 An electronic copy (shp.dwg.dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
 - a) Newly allocated erf numbers
 - b) Co-ordinates
 - c) Survey dimensions
 - d) Street names and numbering
- 2.3 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.
- 2.4 All common property, inclusive of private road/s and open space/s and land required for services by the owner's association, be transferred at his cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.
- 2.5 A Phasing Plan which indicates the spatial phasing and associated timeframe of the development be submitted to the Municipality for approval together with the Site Development Plan information (as indicted in conditions 2,6, 2.7 and 2.9).
- 2.6 A detailed Site Development Plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted for the development to the Municipality for approval prior to the submission of any building plans which must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw and any relevant matters relating

to Section 16(4) of the said Bylaw, and specifically the following matters:

- 2.6.1 access control gates with associated infrastructure
 - 2.6.2 perimeter boundary wall/fencing for the development
 - 2.6.3 compliance to conditions of Heritage Western Cape
 - 2.6.4 A Landscaping Plan
- 2.7 An updated traffic impact statement and a civil engineering services report (to assist the municipal engineers in calculation the development charges) be submitted with each Site Development Plan.
- 2.8 Architectural/Aesthetic Guidelines be submitted for the group housing component and approved by the Municipality prior to the registration of the first property or the submission of any building plans application. These guidelines must take the conditions of Heritage Western Cape into consideration (see **ANNEXURE J**).
- 2.9 All public places and public streets on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf within the subdivision of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.
- 2.10 Development charges 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 an any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 2.11 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rate Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining Development Charges 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.
- 2.12 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure

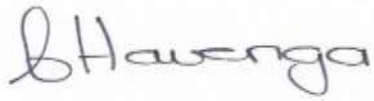
Services in their memo dated 09 February 2022 and attached as **ANNEXURE H.**

- 2.13 The conditions of approval as imposed by the Road Network Management of the Department of Transport and Public Works be complied with to the satisfaction of said department as attached as **ANNEXURE K.**
- 2.14 The servitude rights be registered in the title deeds of the applicable property/ies on registration.
- 2.15 The developer and the municipality, represented by the Director: Planning and Economic Development or his delegated official, enter into an agreement on the satisfactorily provision and management of inclusionary housing within 12 months from final notification of the approval and prior to the submission of building plans which agreement must inter alia, but not necessarily limited thereto, address the following matters:
- 2.15.1 the provision of fair and reasonable number of dwelling units, of no less than 30% falling within the affordability thresholds for rental and/or ownership within the new development;
- 2.15.2 the form of affordable housing options provided on-site as part of the development;
- 2.15.3 the designated income group for either rental and/or ownership;
- 2.15.4 the measures to ensure that the designated inclusionary housing units be retained for the designated income groups;
- 2.15.5 the measures to ensure that affordability be retained over the long term to prevent the units from being traded on the open market;
- 2.16. If in due course, the Stellenbosch Municipal policy on Inclusionary Zoning is adopted and the provisions and requirements thereof are preferred to the above conditions, the developer/owner has the option (but no obligation) to adopt and adhere to the policy requirements instead.

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

- 3.1 The intention of the Adam Tas Corridor is to facilitate higher density developments and promote affordable housing within Stellenbosch. This proposal is therefore compliant with the requirements of the ATC as it allows for different housing typologies.

	<p>3.2 The revised subdivision plan is in line with the requirements of "Precinct 10" of the Adam Tas Corridor in terms of the density that is proposed by the revised subdivision application.</p> <p>3.3 The MPT has already approved the rezoning of the subject property for urban development purposes and the proposed subdivision plan is in line with the approval granted for the rezoning of the subject property.</p> <p>4. Matters to be noted:</p> <p>4.1. Permission required in terms of the title deed condition D(a-e) of the Title Deed No. T52460/99, be obtained from the Authorised Official.</p> <p>4.2. Application for the Approval of the development's name: Redwood Estate and the naming and numbering of streets as per the Street Naming and Numbering Plan, be obtained from the Authorised Official.</p> <p>4.3. 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.</p> <p>4.4. The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.</p> <p>4.5. All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/or relevant authority prior to the issuing of a Section 28 Certification.</p> <p>4.6. Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land which will only be approved when all relevant (or qualified) conditions of approval have been complied with.</p> <p>4.7. The development must comply with the conditions of approval as imposed by Heritage Western Cape as set out in their approval letter of 14 October 2020, as attached as ANNEXURE J of this report.</p> <p>4.8. The conditions stated in the letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) by the Department of Transport and Public Works, dated 19 October 2020 and 14 February 2022, BE NOTED. See ANNEXURE K.</p>
<p>SMPT 10/03/22</p>	<p>OTHER MATTERS The next meeting is scheduled for 20 May 2022.</p>



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs H Crooijmans-Lemmer

ACTING DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING AND DEPARTURES ON ERF 2235 FRANSCHHOEK			
Application Reference	File Ref: LU/10393	Application Date	2019/09/18
		Last day for comments or additional information	10/02/2022

PART A: APPLICANT DETAILS			
First name(s) & Surname	Martin Jonker		
Company name	Plan4SA (Pty) Ltd		
SACPLAN registration number	A/1090/1999		
Registered owner(s)	Stellenbosch Municipality	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Erf 2235	Administrative District	Franschhoek
Physical address	Beaucoup Street, Groendal (See Annexure A)		
Extent (m ² /ha)	6228 m ²	Nearest town	Franschhoek
Existing Development and Current land use	Residential, business and various buildings existing on the property		
Any unauthorised land use/building work	None		
Title Deed Nr.	T 39839/2001 (See Annexure B)		
Current zoning and approved land use rights as per zoning scheme bylaw 2019	Institution Zone		

PART C: APPLICATION DETAILS

Applications(s)	<ol style="list-style-type: none"> 1. An application is made in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Rezoning of a portion of Erf 2235, Franschoek measuring ±5,928 m² from Institution Zone to General Business Zone in order to allow a Local Economic Hub Inclusive offices, shops and related business uses on the property. 2. An application is made in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for a Permanent Departure to allow vehicle entrance/access & exit ways of wider than 6m where they cross the Beaucoup de Leau street boundary of Erf 2235 Franschoek. 3. An application is made in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for a Permanent Departure to allow vehicle entrance/access ways and more than one vehicle exit way along the Beaucoup de Leau street boundary of Erf 2235 Franschoek. 4. An application is made in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for a Permanent Departure to allow more than one vehicle entrance/access & exit ways of wider than 6m where they cross the Protea Street boundary of Erf 2235 Franschoek.
Purpose of Application	<p>The Stellenbosch Municipal Council resolved on 29 March 2017 that approval be granted for the establishment of Local Economic Development (LED) Hubs on several municipal properties located in the Stellenbosch Municipal area.</p> <p>Erf 2235, Franschoek forms part of this group erven. The applicant now wishes to obtain the applicable land use rights to use the subject property zoned Institution to establish Local Economic Hub Inclusive offices, shops and related business uses.</p>
Pre-consultation	No pre-application consultation process was conducted at the time of submission.

PART D: APPLICATION BACKGROUND**1. Location of property**

The subject property is located between Protea Crescent and Beaucoup de Leau street close to the centre of Groendal in Franschoek.

2. The prevailing development context of the subject surrounding/ neighbouring area

The subject property is surrounded by a mix of land uses that included both formal and informal residential and business uses. The Groendal neighbourhood is a lower income area located in Ward 1 to the north of the R45 in the north-western part of the Franschoek urban area. The area is characterised by mainly

residential land uses with supporting business, social and public facilities such as the Groendal community hall, Groendal Primary and secondary school etc.

3. Historic use and development of the property, incl. existing and any illegal uses.

The subject property is currently used for residential and business purposes, there are various existing buildings on the property (See **Annexure D** for table indicating all the existing buildings and uses).

4. The application background

The Stellenbosch Municipality owns various properties in its nodes and central business area, many of which are underutilised or not optimally utilised and/or lying dominant. As part of this strategy for inclusive economic growth, one of the key objectives identified by the municipality is to make it easier for small enterprises to succeed in competitive markets. Therefore, Stellenbosch Municipal council, at its meeting held on 29 March 2017, granted approval for the establishment of Local Economic Development (LED) Hubs on a number of municipal owned properties.

One of these properties is Erf 2235, Franschoek, also known as the Mooiwater Building. The council confirmed at the aforementioned meeting that the property is not require for the provision of minimum level of basic municipal services in the terms of section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act of 56 2003) and furthermore authorised the Municipal Manager to follow the prescribed process for the leasing of the relevant properties.

PART E: APPLICATION OVERVIEW AND MOTIVATION (See Annexure D)

- o The urban development proposal supports the principles and is compliant with the Western Cape Provincial Spatial Development Framework (PSDF), District Spatial Development Framework & Stellenbosch Municipality Spatial Development Framework (MSDF).
- o The proposed development is consistency with relevant national & provincial development principles such as Chapter 2, Section 7 of SPLUMA and Chapter 6, Section 59 of LUPA & the National Development Plan (NDP), 2012.
- o The subject proposal is located within the urban edge and centrally within the Groendal neighbourhood of Franschoek.
- o The property is located on an activity route and on the existing public transport routes which supports and strengthens the land use proposals on this property.
- o The property is located in an area that is already serviced, the increase in demand for services will be negligible.
- o The property and land uses do not affect any Eskom, Telkom, or Transnet servitudes.
- o The subject proposal will make use of the existing buildings and infrastructure, will ensure the optimum utilisation of the entire site.
- o The subject property will not have a negatively impact on environmental and botanical resources and is not located on the historical core of Franschoek.
- o The proposal is compatible with the surrounding area land uses and will create opportunities for entrepreneurs and will improve the well-being of the surrounding community.
- o There is sufficient space to meet the parking requirements in terms of the Franschoek Town Planning scheme Regulations, 1985.

The full applicant's motivation is attached as Annexure D.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

1. Process followed

The applicant has notified the internal and external departments, advertised in the local newspaper and notified (by serving of notices) all interested and affected parties, as well as community organizations and also placed notices on the property. The advertising period was from **10 September 2020** to **12 October 2020**. (See **Annexure E**). No objections received.

2. Public & stakeholder inputs

- a) **Franschhoek Heritage and Ratepayers Association** supported the application (see **Annexure F** for letter dated 14 September 2020)

3. Comments from internal service departments

- a) The **Manager: Spatial Planning** supported the application (see **Annexure G** for memo dated 30 September 2020).
- b) The **Manager: Fire Services** supported the proposal with condition that the fire requirements be given when building plans are submitted (see **Annexure H** for email dated 24 August 2020).
- c) The **Manager: Property Management** supported the application (See **Annexure I** for email dated 05 October 2020).
- d) The **Environmental Planner** supported the application (See **Annexure J** for email dated 11 September 2019).
- e) The **Director: Engineering Services** supported the proposal (see **Annexure K** for memo dated 22 July 2021).

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Legislative and Policy Context of land use and land development application

The legislative, principles, policies, guidelines and plans which are considered as relevant to the application under consideration and land use application, are as follows:

- o Stellenbosch Municipality Land Use Planning Bylaw, 2015
- o Franschhoek Town Planning Scheme Regulations, 1985
- o Stellenbosch Municipality Spatial Development Framework, 2019
- o Provincial Spatial Development Framework, 2019
- o SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

2. Assessment of grounds of the land use and land development application

2.1 Applicable MSDF and LSDF's

The proposed development is located within the approved urban edge of Franschhoek and within the residential area of Groendal. The Municipal Spatial Development Framework sets out strategic perspective such as the *Inclusive economic growth*, which provides SMME's with access to well-located parts of the CBD for retail, service provision and manufacturing. The proposed development aligns with the key strategic focus as the site is located within the centre of Groendal which can provide access to business support for SMME's as it is well located on the existing transport routes and sufficient parking available. The proposed application is therefore consistent with the broad proposal of the Stellenbosch Municipal Spatial Development Framework, complies with the land use planning principles and other policies of the Municipality.

2.2 Applicable planning policies and guidelines

The IDP provides for the following stipulations on LED Hubs: 'Establish local economic development hubs and allow for the outsourcing of the management of the Hubs to improve efficiency and to strengthen local business opportunities. These hubs will provide entrepreneurs, start-up businesses or growth-orientated SMME's access to appropriate rental space, affordable businesses services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratios'. The Stellenbosch Municipality Council granted approval for the establishment of a LED Hub on Erf 2235, Franschhoek also known as the Mooiwater Building.

The subject property falls outside of the historical Special Zone/area of Franschhoek and there are no authorizations required from the National Environmental Management Act 107 of 1998 (NEMA). The application was circulated to the Stellenbosch Municipality Spatial Planning, and they supported the application (See Annexure G).

2.3 Service infrastructure capacity and sustainability

The application was circulated to the Stellenbosch Municipality Engineering Services and they indicated that the engineering services drawings have already been approved and are to be installed in accordance with the approved drawings. The Electrical services department indicated that appropriate cautioned taken when any construction occurs. (See **Annexure K**).

2.4 Any investigations carried out in terms of other laws that are relevant to the consideration of the subject application (e.g. EIA, TIA, HIA etc.)

- 2.4.1 None required for this application, however, should any changes required, all relevant legislation must be taken into consideration and subject applications be submitted where required at the time.

2.5 The proposal (the applicable provisions of the zoning scheme)

The subject property is zoned Institution and in terms of the zoning of the subject property, the land unit must be rezoned to Business zone in order to facilitate the proposed development. Therefore, the application is to rezone a portion ($\pm 5,928 \text{ m}^2$) of the property from Institution to General Business in order

to obtain the rights to use part of the property for business incubator, inclusive of offices, shops and related business uses. The remaining portion ($\pm 300 \text{ m}^2$) will be zoned as Institution for the purposes of a proposed mobile clinic. In terms of the Franschhoek Town Planning Scheme Regulations, 1985, Section 8.3.6.4 (not more than one vehicle access or one vehicle exit respectively shall be provided on any site on any street frontage) and Section 8.3.6.5 (such vehicle access or exit shall not exceed 6 metres in width where it traverses the street boundary) hence the Departure application. The purpose of the Departure application (more than one access/exit and wider) is for the taxis and cars to have separate access and exit in order to avoid traffic or to have flow of traffic in the access and exits.

The building line requirements applicable to the current Institution zoning is that "no building shall be nearer than 9m from all boundaries of the site". Some of the existing buildings on the property are in contravention to the Franschhoek Town Planning Scheme Regulations (1985) pertaining to the aforementioned Institution zone building line requirements. However, the rezoning of a portion of the property from Institution to General Business will correct/legalize the building line contraventions of the existing brick buildings and no departure thus be required. The area of the property that will remain in the institution zone ($\pm 300 \text{ m}^2$) will not have any buildings on it and will be used by a mobile clinic.

In terms of parking requirements, the Franschhoek Town Planning Scheme Regulations permit One (1) bay per 20 m^2 for offices, and 1 bay per 30 m^2 for shops. The area dedicated for offices is $\pm 545 \text{ m}^2$, therefore 27 parking bays required, and the applicant has provided 27 parking bays excluding the circulation. The area dedicated for shops is 350 m^2 , therefore 12 parking bays required, and the applicant has provided 12 parking bays for the shops. The total parking bays provided is 42, therefore there is sufficient parking provided for the proposed development.

3. General desirability in accordance with possible impacts on neighbouring properties and surrounding areas.

3.1 Combability with surrounding properties

The subject property is surrounded by a mix of land uses that included both formal and informal residential and business uses. As mentioned, the site is located on the CBD of Groendal and thus a General Business zoning fits in with the area and previously mentioned goals of the IDP and MSDF. The site is also located in close proximity and in an area with existing and well-established transport routes. The required on-site parking can be provided. It is therefore envisaged that this proposal, would not negatively affect the character of the area and surrounding properties.

3.2 Impact on existing rights

The proposal will not have a detrimental impact on the existing rights of the neighbouring properties as the character of the area, privacy, amenity, views etc will not be compromised.

3.3 Impact on safety, health and wellbeing of the surrounding community

There is no reason to believe that the proposed development will result in any changes to the safety and security in the area since this application will empower the surrounding community and enhance the optimal land uses.

3.4 Positive impact on economy

The intend of LED hubs is to provide entrepreneurs, start-up businesses and SMME's access to appropriate rental space and affordable flexible leases to access the mainstream economic activities. The proposed development will make a significant contribution to the local economy, such as improving access to markets and provide opportunities to improve the success rate of small businesses.

4. Assessment of comments on application

The proposals are in keeping with the relevant prescriptions, policies and guidelines of the municipality and relevant departments. All services could be provided and upgraded to the satisfaction of the relevant departments if needed. All public and stakeholders inputs as well as the internal and department's comments were taken into account and will be imposed as conditions of approval, if necessary. The application is therefore deemed desirable and no negative impact envisaged on surrounding interested and affected parties, who did not object to the application.

5. Additional planning evaluation for removal of restrictions

Not applicable to this application.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that the proposed development as submitted can be supported from a land use planning point of view for the following reasons.

- o The subject property is located within the approved urban edge of Franschoek and will provide access to and the use of facilities, technology and business support services that will enable entrepreneurs, star-ups and SMME's from surrounding communities to grow and develop.
- o The proposed development is not out of character and compatible with the surrounding and current land uses.
- o The proposed development will have a positive impact on the town's local economy as it will create new employment opportunities.

PART I: RECOMMENDATION

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 2235, Franschoek, namely:~~

- 1.1 **Rezoning** of a portion of Erf 2235, Franschoek measuring $\pm 5,928$ m² from Institution Zone to General Business Zone in terms of Section 15 (2)(a) of the said By-law in order to establish a Local Economic Hub and associated uses.

- 1.2 **Permanent Departure** in terms of Section 15 (2)(b) of the said By-law, to allow vehicle entrance/access & exit ways of wider than 6m where they cross the Beaucoup de Leau street boundary.
- 1.3 **Permanent Departure** in terms of Section 15 (2)(b) of the said By-law, to allow vehicle entrance/access ways and more than one vehicle exit way along the Beaucoup de Leau street boundary.
- 1.4 **Permanent Departure** in terms of Section 15 (2)(b) of the said By-law, to allow more than one vehicle entrance/access & exit ways of wider than 6m where they cross the Protea Street boundary.

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

2. Conditions of Approval:

- 2.1 The approval applies only to the proposed development under consideration as indicated on Typical site layout plan Number 3, drawn by Plan4SA (Professional planners & project managers) dated 2019/09/16 attached as **Annexure C** 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;
- 2.2 The development be undertaken in accordance with the Typical site layout plan Number 3, drawn by Plan4SA (Professional planners & project managers) dated 2019/09/16, attached as **Annexure C** to this report;
- 2.3 Engineering Services drawings for Erf 2235, Franschhoek have already been approved by the Stellenbosch Municipality Infrastructure Services Department and services are to be installed in accordance with the approved drawings.

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

- 3.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will in fact offer local economic development opportunities in the area.
- 3.2 The proposal is in line with the objectives and principles of the Integrated Development Plans and the Stellenbosch Municipal Spatial Development Framework.
- 3.3 There will be no negative impact on existing infrastructure and there is sufficient services to support the proposal.
- 3.4 The proposal will result in more efficient utilisation of the subject property which cannot be viably utilised in terms of its current zoning.

4. Matters to be noted:

- 4.1 A business license, liquor license and any other applicable activities requiring a separate approval, license, or permit must be obtained.
- 4.2 An application for erection of advertising signs must be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the municipality or be inline with the signage policy of the municipality and no signage may be displaced without the written approval of the municipality.
- 4.3 No directional signage may be erected without prior approval of the Municipality.

PART J: ANNEXURES

ANNEXURE A:	Locality Plan
ANNEXURE B:	Title Deed
ANNEXURE C:	Proposed typical site layout plan
ANNEXURE D:	Applicants motivation
ANNEXURE E:	Proof of Evidence (Public Participation, General Plan & Affidavit)
ANNEXURE F:	Comment from the Franschhoek Heritage and Ratepayers Association
ANNEXURE G:	Comment from the Manager: Spatial Planning
ANNEXURE H:	Comment from Manager: Fire Services
ANNEXURE I:	Comment from Manager: Property Management
ANNEXURE J:	Comment from Environmental Planner
ANNEXURE J:	Comment from the Director: Engineering Services

PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION**APPLICATION FOR REZONING AND DEPARTURES ON ERF 2235 FRANSCHHOEK****REVIEW AND RECOMMENDED BY PROFESSIONAL TOWN AND REGIONAL PLANNER****NAME:** B. ZONDO**CAPACITY:** SENIOR TOWN PLANNER**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE:** **DATE:** 05/05/2022

PART L: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING AND DEPARTURES ON ERF 2235 FRANSCHHOEK****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

Category: A(b) (1), B (1)

Decision Making Authority: SMPT

Rational: The property is owned by the Stellenbosch Municipality.

Name: C KRIEL

Capacity: MANAGER: LAND USE MANAGEMENT

SACPLAN Registration: A/212/10

Signature: 

Date: 05/05/2022

PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING AND DEPARTURES ON ERF 2235 FRANSCHHOEK****Administrator to Authorised Official / Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: **20 May 2022**











Name: **LENACIA KAMINETA**

Capacity: **SENIOR ADMINISTRATIVE OFFICER**

Signature: **LAMINETA**

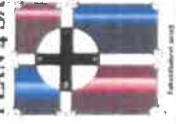
Date: **06.05.2022**

ANNEXURE A: LOCALITY PLAN

LEGEND	SURROUNDING LAND USES
	Residential
	Business
	Government Offices
	Sports Facility
	Public Transport Facility
	Public Parking
	Mixed Use
	Library
	Education (University/School)
	Industrial



CLIENT / OWNER INFORMATION STELLENBOSCH MUNICIPALITY Mr Wdmarm Moses Tel: 021-868-8874 Mobile: 082-375-8480 Email: wdmarm.moses@stellenbosch.gov.za	DRAWING TITLE LAND USE PLAN		DRAWING TITLE CODES LP - Locality Plan LUP - Land Use Plan SDP - Site Development Plan SLP - Site Layout Plan SUB - Subdivision Plan ZP - Zoning Plan		PROFESSIONAL PLANNERS & PROJECT MANAGERS MARTIN JONKER Tel: 064-410-6132 Fax: 066-524-8738 Email: mardij@plan4sa.co.za Web: www.plan4sa.co.za PROJECT NUMBER: 18P001 COPYRIGHT RESERVED
	PLAN NUMBER: 2 SCALE: 1:2 SHEET SIZE: A4 PROJECT NAME: REZONING OF A PORTION OF ERF 2235 FHK	SHEET NUMBER: 1 of 1	DRAWING DISCIPLINE CODES TRP - Town & Regional Planning TP - Transportation Planning	DRAWING STATUS CODES D - Draft F - Final	



ANNEXURE B: TITLE DEED

WinDeed Database Deeds Office Property

windeed
 A LexisNexis Product

FRANSCHHOEK, 2235, 0 (CAPE TOWN)

GENERAL INFORMATION

Date Requested 2019/03/07 14:56
 Deeds Office CAPE TOWN
 Information Source WINDEED DATABASE
 Reference -

**PROPERTY INFORMATION**

Property Type ERF
 Erf Number 2235
 Portion Number 0
 Township FRANSCHHOEK
 Local Authority FRANSCHHOEK MUN
 Registration Division NOT AVAILABLE
 Province WESTERN CAPE
 Diagram Deed DU 1000/800
 Extent 6228.0000SQM
 Previous Description -
 LPI Code C05500030000223500000

OWNER INFORMATION

Owner 1 of 1
 Type LOCAL AUTHORITY
 Name MUN STELLENBOSCH
 ID / Reg. Number -
 Title Deed T39839/2001
 Registration Date 2001/05/29
 Purchase Price (R) G/P
 Purchase Date -
 Share 0.00
 Microfilm 2003 0842 0433
 Multiple Properties NO
 Multiple Owners NO

ENDORSEMENTS (2)

#	Document	Institution	Amount (R)	Microfilm
1	T-9982/2004-I	MUN STELLENBOSCH	800,000.677	0000000*
2	GENERAL PLAN FROM	TOWN FRANSCHHOEK .ERF 1676 .PRTN	UNKNOWN	0000000*

HISTORIC DOCUMENTS

No documents to display

DISCLAIMER

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. LexisNexis will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA)

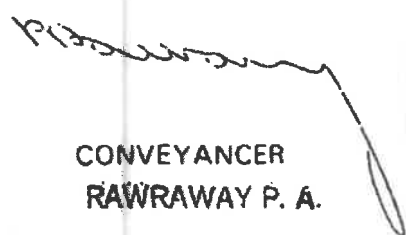
REGISTERED
 DUTY R.....
 UNFOOT
 PER R. 95,02

67

VIR ENLOSSEMENTE KYK BLADSY 8 11 SLO
 FOR ENDORSEMENTS SEE PAGE.....

ABRAHAMS & GROSS INC.
 Attorneys Notaries & Conveyancers
 16th Floor
 2 Long Street
 CAPE TOWN

Prepared by me


 CONVEYANCER
 RAWRAY P. A.

CERTIFICATE OF CONSOLIDATED TITLE

Issued under the Provisions of Section 40
 of the Deeds Registries Act, 1937
 (Act No. 47 of 1937)

T 039839 + 2991

WHEREAS :

THE STELLENBOSCH MUNICIPALITY

has applied for the issue to itself of a Certificate of Consolidated Title under the
 provisions of Section 40 of the Deeds Registries Act 1937



2

AND WHEREAS it is the registered owner of :-

1. ERF 1674 FRANSCHHOEK
STELLENBOSCH MUNICIPALITY
DIVISION OF PAARL
PROVINCE OF THE WESTERN CAPE

HELD by Certificate of Registered Title No. T 039838 + 2991

2. ERF 1675 FRANSCHHOEK
STELLENBOSCH MUNICIPALITY
DIVISION OF PAARL
PROVINCE OF THE WESTERN CAPE

HELD by Deed of Transfer No. T87746/2000

which have been consolidated into the land hereinafter described.

NOW THEREFORE in pursuance of the provisions of the said Act, I, the Registrar of Deeds of Cape Town, do hereby certify that the said

THE STELLENBOSCH MUNICIPALITY

or its Assigns, is the registered owner of :-

ERF 1676 FRANSCHHOEK
STELLENBOSCH MUNICIPALITY
DIVISION OF PAARL
PROVINCE OF THE WESTERN CAPE

MEASURING 22,3806 (TWENTY TWO COMMA THREE EIGHT NOUGHT SIX)
HECTARES

AS WILL APPEAR from Consolidated Diagram S.G. No. 3058/2000

1. **AS REGARDS** the figure A e I C D E F G H J K L M N P Q R S T U V W
g h S1 T1 U1 V1 W1 X1 Y1 on diagram S.G. No. 3058/2000 annexed
hereto.

A. **SUBJECT** to such conditions referred to in Deeds of Transfer No
4597 and 4598 both dated 9 June 1898, as well as to the
stipulations of the servitude referred to in various endorsements
thereon dated 5 March 1901, 25 July 1901, 16 December 1901
and 1 March 1907 which said endorsements respectively read as
follows, namely -

"By Deeds of Transfer 1374 to 1402, 25th February 1901, the
owners of the properties thereby conveyed have been granted
certain water and grazing rights and the right to make bricks on
farm La Provence subject to conditions as will more fully appear
on reference to the said Transfers."

"By Deed of Transfer No. 5064 dd 12 July 1901, the owner of
the property thereby conveyed has been granted certain water
rights over the farm La Provence as will more fully appear on
reference to said Transfer."

"By Deed of Transfer No. 9243 dd 9.XII.1901 the distribution of
the water to which certain sixty erven forming part of this
property are entitled is regulated as will more fully appear on
reference to the copy of special conditions annexed to said
transfer."

"Certain sixty erven sold subject to conditions similar to those
referred to in above endorsements."

2. **AS REGARDS** the figures e B F and g X Y Z A1 B1 C1 D1 E1 F1 G1 H1

4

J1 K1 LM1 N1 P1 Q1 R1 c b a d h on diagram S.G. No. 3058/2000 annexed hereto.

B. **SUBJECT FURTHER** to such conditions as are referred to in Deed of Transfer No. T272/1927.

3. **AS REGARDS** the figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 P1 Q1 R1 c b a d S1 T1 U1 V1 W1 X1 Y1 on diagram No. 3058/2000 annexed hereto.

C. **SUBJECT FURTHER** with regard to the whole of the property to the stipulations of an endorsement dated 11 January 1935 endorsed on Deed of Transfer No. T272/1927 and which reads as follows -

"By Deed of Transfer 99/35, the owner and future proprietors of the land thereby conveyed shall be entitled for themselves and their servants to use the 3,78 metres road indicated on the diagram annexed thereto and on original diagram for the purpose of access to and from the 11,33 metres road shown on Diagram thereof, over the remainder held hereunder as will more fully appear on reference to said Transfer."

4. **AS REGARDS** the figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 P1 Q1 R1 c b a d S1 T1 U1 V1 W1 X1 Y1 on diagram No. 3058/2000 annexed hereto.

D. **SUBJECT FURTHER** to the endorsement dated 9 March 1977 endorsed on Deed of Transfer No. T27088/1974 and which reads as follows -

"Kragtens Not. Akte No. K0183/1977S gedateer 9/6/76 is die eiendom hieronder gehou onderhewig aan die volgende regte naamlik -

- (i) Die reg op die gesamentlike gebruik van 'n afloopwal aangedui deur die lyn w.b.x y met uitspoelkraag z en wateruitlaatpyp z2 op die serwituuikaart Nr. 1004/75.
- (ii) Die reg op die gesamentlike gebruik van 'n huishoudelike dam aangedui deur die figure a,b,d, met inlaatpyp e, en uitlaatpyp e2 op die serwituuikaart Nr. 1004/75.
- (iii) Die reg op die gesamentlike gebruik van 'n afloopwal aangedui deur die lyn f,g, met inlaat pyp h, op die serwituuikaart Nr. 1004/75.
- (iv) Die reg op die gesamentlike gebruik van 'n serwituuigebied twee (2) metre wyd die middellyne waarvan aangedui word deur die lyne gemerk A.a.b. en a.c.d e.f.g.h.j.k.l.m.n.p.q.r.s.t.u.v. op die serwituuikaart Nr. 1004/75 ten gunste van die volgende eiendomme
 - a) Ged (2) van die plaas La Provence Nr 1064, Afd. Paarl, groot 20,0366 Ha gehou onder T2521/1963 en
 - b) Ged 1 van die plaas La Provence Nr 1064, Afd. Paarl, groot 27,9124 Ha gehou onder T19126/1968

mer bykomende regte en voorwaardes soos meer ten volle beskryf in die gesegde Not.Akte.

5. **AS REGARDS** the figure a b c S1 d on diagram S.G. No. 3058/2000 annexed hereto.

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T272/1927.

B. **ENTITLED** to certain rights over the remainder of the land held by Deed of Transfer No. T272/1927 and imposed in Deed of Transfer No. T99/1935 which reads as follows -

"that the said Andries Petrus de Villiers and the future proprietors of Lot T of Mooi Water shall be entitled to use for themselves and their servants and any person lawfully entitled to visit the said Lot T the 12 foot road marked h k l m A G on the diagram thereof as means of access to and from the road 36 ft. wide shown on the diagrams of Lot T and Mooi Water."

That portion of the abovementioned land which forms portion of that portion of the farm La Provence which is included in the land described in Deed of Transfer T272/1927 is also subject to the servitudes, references to which are made in the various endorsements on Deeds of Transfer T4597/1898 and T4598/1898 which endorsements read as follows -

"By Deeds of Transfer 1374 to 1402 25th Feb. 1901 the owners of the properties hereby conveyed have been granted certain water and grazing rights and the right to make bricks on farm La Provence subject to conditions as will more fully appear on reference to the said transfers."

"By Deed of Transfer 5064 d.d. 12 July 1901, the owner of the property thereby conveyed has been granted certain water and other rights over the farm La Provence as will more fully appear on reference to the said Transfer."

"By Deed of Transfer No. 9243 d.d. 9.XII. 1901 the distribution of the water to which certain sixty erven forming part of this

7

property are entitled is regulated as will more fully appear on reference to the copy of special conditions annexed to the said transfer."

"Certain sixty erven sold subject to conditions similar to those referred to in above endorsements."

AND THAT by virtue of these presents, the said

THE STELLENBOSCH MUNICIPALITY

or its assigns now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

IN WITNESS WHEREOF, I, the said Registrar, have subscribed to these presents and have caused the seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the office of the Registrar of Deeds at CAPE TOWN on this 22nd day of May in the year of our Lord Two Thousand and One (2001)

REGISTRAR OF DEEDS



VA 000003701 / 2016

- 1 F
①

T 39829 / 2001

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No 68(1)

Deeds Registry
Cape Town

[Signature]
Asst. Registrar of Deeds

26 MAY 2016

ENDORSEMENT IN TERMS OF SECTION 46 ACT 47/1937
ENDORSEMENT KRAGTENS ARTIKEL 46 WET 47/1937

8

The Land herein described has been subdivided

Die Grond hierin beskryf is onderverdeel

in accordance with General Plan No: S.G. No. 3059/2000

in ooreenstemming met Algemene Plan Nr.

approved by the Surveyor-General on 17/7/2000 (Prov. approval)

goedgekeur deur die Landmeter-Generaal op

18 i. t. o. 1900 Section 4 Act 113/91 (FORM DDD)

into erven numbers 1863-1873, 1875-1937, 1939-2007,
in erwe genommer 2009-2253, 2255-2372, 2374-2612, 2614-2650/2652
Public Places number 1874, 1938, 2008, 2254, 2373, 2613
Openbare Plekke genommer 2651

And Thoroughfares.

en Strate. 000027214*2001

Application filed as DC

Aansoek geliasseer as DC

For servitudes see G. Plan

REGISTER OF DEEDS
REGISTRATEUR VAN AKTES

NB: Finally approved
on 11/5/2001

DEEDS OFFICE / AKTEKANTOOR
CAPE TOWN/ KAAPSTAD 2001-05-23

...../19.....

SERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED	
TEN OPSIGTE VAN * IN RESPECT OF *	RESTANT REMAINDER
T 65778/2001	<i>C. J. M. van der Merwe</i> REGISTRAR-GENERAAL
21-08-2001	

- * 1. ERF 2574 MEAS: 643 m²
- 2. ERF 2575 MEAS: 390 m²
- 3. ERF 2617 MEAS 428 m²

SERTIFIKAAT VAN GEREISTREERDE TITEL UITGEREIK CERTIFICATE OF REGISTERED TITLE ISSUED	
TEN OPSIGTE VAN * IN RESPECT OF *	RESTANT REMAINDER
T 95848/2003	<i>S. K. van der Merwe</i> REGISTRAR-GENERAAL
10/10/2003	

- * Erf 2558 = 162 m²
- Erf 2559 = 163 m²

VA00000111/2012

-10-

T39839/2001

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 68

Deeds Registry
Cape Town

05 SEP 2012 Asst. Registrar of Deeds

VR ENDOSSEMENTE KYK BLADSV
FOR ENDORSEMENTS SEE PAGE

11



CONVEYANCER CERTIFICATE

I/We TANIA VAN TOORN

Practising at:

LOUW & COETZEE ATTORNEYS

35 MAIN ROAD

DURBANVILLE

In respect of:

ERF 2235 FRANSCHHOEK, IN THE STELLENBOSCH MUNICIPALITY, DIVISION PAARL
WESTERN CAPE PROVINCE, 6228 SQUARE METRES IN EXTENT AND HELD BY
CERTIFICATE OF CONSOLIDATED TITLE T39839/2001

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. CERTIFICATE OF CONSOLIDATED TITLE T39839/2001

2. DEED OF TRANSFER T4597 DATED 9 JUNE 1898

3. DEED OF TRANSFER T4598 DATED 9 JUNE 1898

4. DEED OF TRANSFER T272/1927

5.

6.

7.

8.



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	N ✓	
2.	Building lines	Y	N ✓	
3.	Height	Y	N ✓	
4.	Number of Dwellings	Y	N ✓	
5.	Bulk floor area	Y	N ✓	
6.	Coverage/built upon area	Y	N ✓	
7.	Subdivision	Y	N ✓	
8.	Servitudes that may be registered over or in favour of the property	Y	N ✓	
9.	Other Restrictive Conditions	Y	N ✓	



B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

a.	Organ(s) of State that might have an interest in the restrictive condition	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	N/A
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
		N/A	

Signed at DURBANVILLE (Place) on this 10th (Day) APRIL (Month) of 2019

Full names and Surname: TANIA VAN TOORN

Signature: X

35 MAIN ROAD
DURBANVILLE
7550

LOUW & COETZEE
HOOPWEG 35 MAIN ROAD
POSBUS 146 PO BOX
DURBANVILLE 7550
TEL 976 3180
PROKUREURS • ATTORNEYS

Tel: 021-9763180

Email: taniav@louwcoetzee.co.za

Cell: 0764310959

POWER OF ATTORNEY

I / we, the undersigned

Petrus Du Plessis Smit

(Name(s) of registered owner(s) / applicant)

ID-number(s)

601209 5093 083

(ID number(s) of registered owner(s) / applicant)

in my / our capacity as the registered owner or authorised representative of the owner(s) of the following property(ies)

Erf 2235 Franschoek (Groendal)(Mooiwater Homestead / Old Youth House)

Erf 2751 & Erf 6314 Stellenbosch (Old Agricultural Hall)

Erf 230 Franschoek (Franschoek Triangle Site)

Erf 6487, Erf 6488, Erf 1956 & Erf 1957 Stellenbosch (Old Clinic Site & LED Office)

Portion 2 of the Consolidated Farm Cloetesdal 81, Portion 9 of the Consolidated Farm Cloetesdal 81, the Remainder of Farm 181 and the Remainder of the Farm Grootvlei 183 (Kayamandi Economic & Tourism Corridor)

(Property descriptions)

hereby nominate, constitute and appoint

PLAN 4 SA (Pty) Ltd or its NOMINEE (Mr Martin Jonker, ID Number 701017 5034 083)

(Agent / Consultant's Name)

with power of substitution to be my lawful agent in my name, place and stead to act on my behalf to apply for the relevant land use rights being sought for the aforementioned property(ies). Furthermore to represent me at any and all enquiries to be held by virtue of such appointment, and generally to do or cause to be done whatever shall be required for all intents and purposes as I might or could do if personally present and acting myself, hereby ratifying everything my Attorney(s) and Agent(s) shall lawfully do or cause to be done by virtue of this Power of Attorney. Accordingly, power of attorney is hereby also granted to the agent to sign and receive all correspondence in respect of the matter referred to above during the application process.

Signed at

Stellenbosch Municipality

(Place)

on

(Date)

in the presence of the undersigned witnesses

For OWNER / APPLICANT / CLIENT

For PLAN 4 SA (Pty) Ltd

Petrus Du Plessis Smit

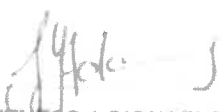
Martin Jonker (A/1090/1999)

FULL NAME

FULL NAME & SACPLAN REGISTRATION NR

OWNER / APPLICANT / CLIENT SIGNATURE

PLAN 4 SA (Pty)Ltd Representative SIGNATURE


WITNESS 1 SIGNATURE


WITNESS 2 SIGNATURE

P. A. P. G. G.



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



SYSTEM OF DELEGATIONS

FINAL ADOPTION BY COUNCIL ON 2015-06-24

EFFECTIVE FROM 2015-05-01

Signed by Director: Strategic and Corporate Services

[Handwritten signature]

Signed by Municipal Manager

EC Liebenberg

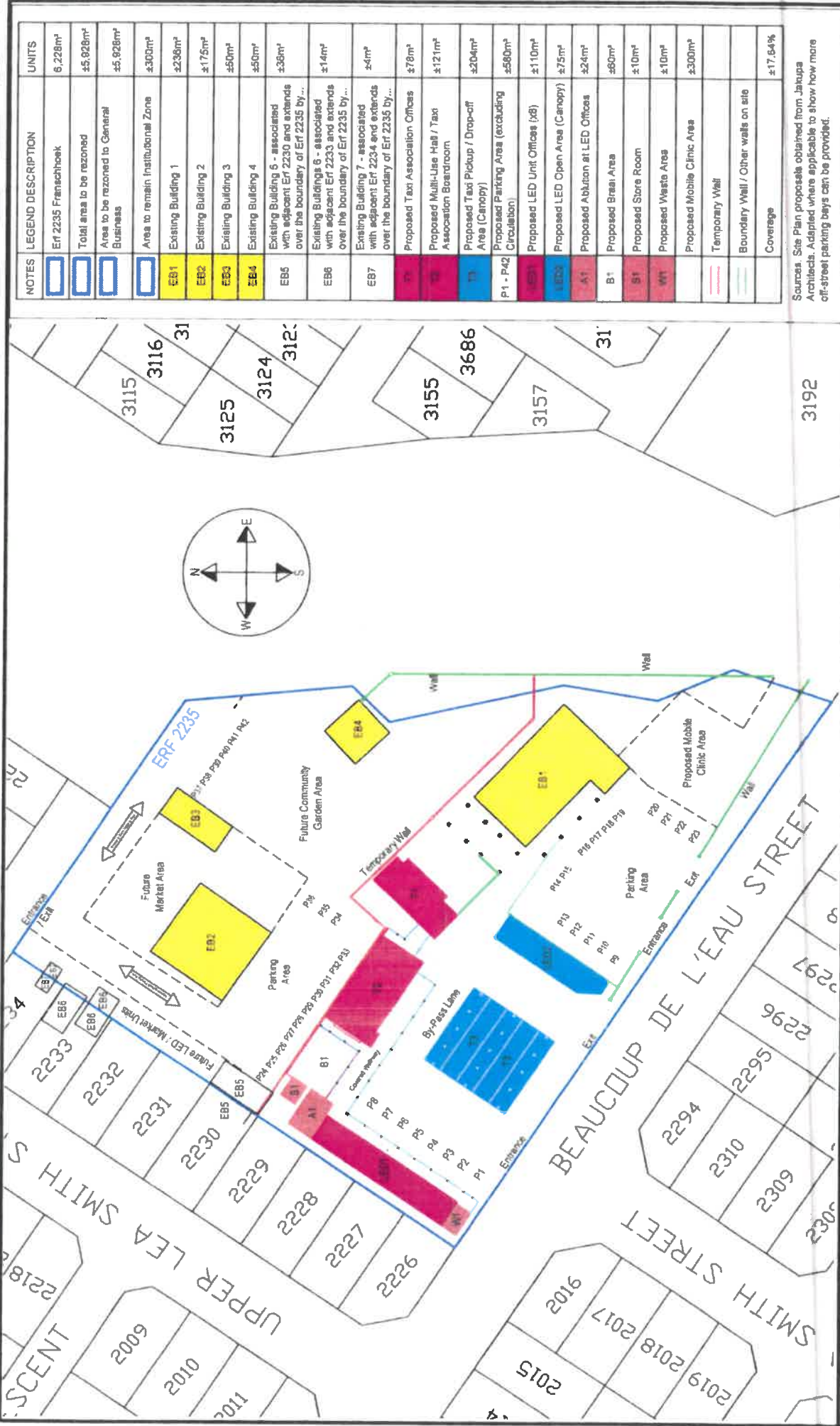
Signed by Executive Mayor

[Handwritten signature]

[Red handwritten signature]


Item	Legislative Measure	Description of power or function	Delegation route					Classification and responsibilities	Risk
			EM	SPM / Council	MIN	DIR	MGR		
537.		To consider applications for the cessation, assignment or sub-letting of leases						EM - Exceeding 10 years in consultation with MAYCO MM - Not exceeding 10 years DIR-HISZPM not exceeding 36 months NOTE: If the lease of immovable property is longer than 10 years, it must be approved by the relevant authority	L
538.		To approve the renewal of lease agreements, where the agreement provides for such renewal						EM - Exceeding 10 years MM - Not exceeding 10 years DIR-HISZPM not exceeding 36 months NOTE: This delegation may only be exercised on condition that new market related rental be approved by the CFO in terms of the approved term structure NOTE: If the lease of immovable property is longer than 10 years, it must be approved by the relevant authority	L
539.		Issuing of Special Power of Attorney to 3rd parties to obtain rights in Council-owned property, i.e. land use rights, building plans, EIA, Heritage, ect						MGR - MPM After consultation with relevant Director	L
540.		Consider applications for the placement of posters and banners on municipal property in terms of Council's policy						MGR - MPM in consultation with MGR-MTR&S	L
541.		To exercise all the rights and obligations of the Municipality as lessor or principal in respect of agreements of lease, servitudes and other legal instruments related to the incumbent's area of jurisdiction.						MGR - MPM	L
542.		To appoint valuers on such terms and conditions as he/she may deem fit in the event of it being considered necessary and in the interest of the Council to obtain independent valuations advice regarding the acquisition or disposal of Council land or rights in such land						MGR - MPM subject to budget requirements and Supply Management.	L
543.	S 31 of the Deeds Registries Act	To authorise the refunding of the pro-rata share of the rates paid in respect of the land acquired by way of expropriation as from the date of transfer to or occupation by the Council whichever be the earlier						MGR - MTO and may be sub-delegated to Heat, Revenue	L
544.	S 140(1) Municipal Ordinances	Give notice to owners of private property of Council's intention to construct or do maintenance work on municipal services on, over or under their property						MGR - MPM (at the request of the DES)	L

ANNEXURE C: PROPOSED TYPICAL SITE LAYOUT PLAN



NOTES	LEGEND DESCRIPTION	UNITS
□	Erf 2235 Franschoek	6,228m ²
□	Total area to be rezoned	±5,828m ²
□	Area to be rezoned to General Business	±5,828m ²
□	Area to remain Institutional Zone	±300m ²
EB1	Existing Building 1	±238m ²
EB2	Existing Building 2	±175m ²
EB3	Existing Building 3	±50m ²
EB4	Existing Building 4	±50m ²
EB5	Existing Building 5 - associated with adjacent Erf 2230 and extends over the boundary of Erf 2235 by...	±38m ²
EB6	Existing Buildings 6 - associated with adjacent Erf 2233 and extends over the boundary of Erf 2235 by...	±14m ²
EB7	Existing Building 7 - associated with adjacent Erf 2234 and extends over the boundary of Erf 2235 by...	±4m ²
P1	Proposed Taxi Association Offices	±78m ²
P2	Proposed Multi-Use Hall / Taxi Association Boardroom	±121m ²
P3	Proposed Taxi Pickup / Drop-off Area (Canopy)	±204m ²
P1 + P4	Proposed Parking Area (excluding Circulation)	±580m ²
EB8	Proposed LED Unit Offices (x8)	±110m ²
EB9	Proposed LED Open Area (Canopy)	±75m ²
A1	Proposed Abolition at LED Offices	±24m ²
B1	Proposed Braai Area	±60m ²
B2	Proposed Store Room	±10m ²
B3	Proposed Waste Area	±10m ²
B4	Proposed Mobile Clinic Area	±300m ²
---	Temporary Wall	
---	Boundary Wall / Other walls on site	
---	Coverage	±17,64%

Sources: Site Plan proposals obtained from Jarupa Architects. Adapted where applicable to show how more off-street parking bays can be provided.

CLIENT / OWNER INFORMATION STELLENBOSCH MUNICIPALITY Mr. Wilmink Moses Tel: 021-808-8974 Mobile: 082-979-8490 Email: wdmink.moses@stellenbosch.gov.za	DRAWING TITLE TYPICAL SITE LAYOUT PLAN		DRAWING DISCIPLINE CODES TRP - Town & Regional Planning TP - Transportation Planning		PROFESSIONAL PLANNERS & PROJECT MANAGERS PLAN 4 SA  MARTIN JONKER Tel: 084-410-8132 Fax: 086-524-9738 Email: martin@plan4sa.co.za Web: www.plan4sa.co.za
	PLAN NUMBER 3	SHEET SIZE A4 / A3	DRAWING STATUS CODES D - Draft F - Final	DRAWING NUMBER 19P001 - ERF2235FHK - TRP - SLP01 - F - 20190816 - Rev00	
PROJECT NAME REZONING OF ERF 2235 FRANSCHHOEK		DRAWING TITLE CODES CP - Consolidation Plan LP - Locality Plan LUP - Land Use Plan SDP - Site Development Plan SLP - Site Layout Plan SUB - Subdivision Plan ZP - Zoning Plan	COPYRIGHT RESERVED		

ANNEXURE D: APPLICANTS MOTIVATION

**Land Use Application(s)
for
Erf 2235, Franschhoek**

PLANNING MOTIVATION REPORT

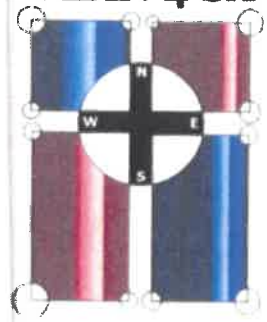


**Prepared
For**

**STELLENBOSCH MUNICIPALITY
Department of Planning and Economic Development
58 Andringa Street, Stellenbosch, 7600
PO Box 17
Stellenbosch
7599**

**Report Date:
16 September 2019**

PLAN 4 SA



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HEAD OFFICE

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Cape Gate,
7562

Unit 5, Stellen Villa,
Kronendal Crescent,
Stellenberg,
7550

CONTROL SHEET

PARTIES TO THE CONTRACT / SERVICE LEVEL AGREEMENT

CLIENT	:	Stellenbosch Municipality
<i>Client Contact Person</i>	:	Mr Widmark Moses
<i>Client Tel</i>	:	021-808-8173
<i>Client Mobile</i>	:	082-879-8490
<i>Client Email</i>	:	Widmark.moses@stellenbosch.gov.za
LEAD CONSULTANT	:	Plan 4 SA (Pty) Ltd
<i>Consultant Project Manager</i>	:	Martin Jonker
<i>Consultant Email</i>	:	martinj@plan4sa.co.za
<i>Consultant Mobile</i>	:	084-410-6132
SUB-CONSULTANTS	:	N/A

PROJECT

PROJECT NAME	:	PREPARE & SUBMIT A LAND USE APPLICATION TO REMOVE RESTRICTIVE TITLE DEED CONDITIONS AND REZONE SEVERAL PROPERTIES IN THE STELLENBOSCH MUNICIPAL AREA TO BE USED AS LOCAL ECONOMIC DEVELOPMENT HUBS
Contract / Order Number	:	352666
Consultant Project Number	:	19P001

REPORT

REPORT NAME	:	PLANNING MOTIVATION REPORT
Prepared By	:	Martin Jonker

REPORT REVISIONS

REVISION NR	DATE	DESCRIPTION
Rev 00	11 September 2019	Draft Planning Motivation Report
Rev 01	16 September 2019	Final Planning Motivation Report

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1. INTRODUCTION

1.1 BACKGROUND AND APPOINTMENT

The Stellenbosch Municipal Council resolved on 29 March 2017 that approval be granted for the establishment of Local Economic Development (LED) Hubs on several municipal properties located in the Stellenbosch municipal area.

The municipality's LED department identified five (5) suitable locations for this purpose and issued a Request for Quotations for Professional Planners to assist with the preparation and submission of land use applications on each property. **PLAN 4 SA (Pty) Ltd** was subsequently appointed to assist with obtaining the relevant land use rights on each identified property.

1.2 POWER OF ATTORNEY

The owner of the property gave Power of Attorney to **PLAN 4 SA (Pty) Ltd** or its nominee (**Mr Martin Jonker**; ID 7010175034083 and SACPLAN Registration Number A/1090/1999).

The aforesaid Power of Attorney is attached to the land use application as **ANNEXURE 1**.

1.3 REPORT LAYOUT

The report has been structured as follows:

- **Section 1: Introduction:** This section gives the background to the appointment and shows to whom power of attorney has been given to deal with this application.
- **Section 2: Land Use Application:** This section describes the purpose of the application; identifies the applicable by-law, zoning scheme and overlay zones; describes the type of land use application and finally indicates whether any national and provincial legislation are triggered by the application.
- **Section 3: Property Information:** This section provides basic information about the property such as its cadastral description, its extent, the title deed number of the property and whether there are any restrictive conditions in the title deed. Other information includes its current zoning, current land uses, whether there is a bond registered against the property, and whether there are any pending land claims or court cases/orders.
- **Section 4: Contextual Analysis:** This section analyses the site in terms of the characteristics of the surrounding area, its location and the surrounding zonings and land uses.
- **Section 5: Site Analysis:** In this section the site is analysed in terms of the availability of engineering services, roads & transport, servitudes, geotechnical status, topography and environmental characteristics.
- **Section 6: Development Proposal:** The proposed development or land use is described in more detail in this section including the planning parameters proposed.
- **Section 7: Planning Motivation in Support of the Application:** This section motivates the application from a planning perspective. It looks at, amongst others, the consistency of the application in terms of planning policies and frameworks.
- **Section 8: Conclusion:** Provides concluding remarks and recommendations regarding the application.

2. LAND USE APPLICATION

2.1 PURPOSE OF THE APPLICATION

The purpose of this application is to obtain the applicable land use rights to use the subject property as a Local Economic Development Hub.

2.2 APPLICABLE BY-LAW, ZONING SCHEME & OVERLAY ZONES

The following by-law and zoning scheme(s) are applicable to this land use application:

- Stellenbosch Municipal Land Use Planning By-Law, 2015; and the
- Franschhoek Town Planning Scheme Regulations, 1985

There are no overlay zones applicable to the subject property. The subject property falls outside the Historical Special Zone/Area of Franschhoek.

2.3 TYPE OF LAND USE APPLICATION

Application is made in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for the following:

TABLE 1: LAND USE APPLICATION(S) MADE

IN TERMS OF SECTION	APPLICATION IS MADE FOR
15(2)(a)	The rezoning of a portion ($\pm 5,928\text{m}^2$) of Erf 2235 Franschhoek from Institution to General Business in terms of the Franschhoek Town Planning Scheme Regulations, 1985.
15(2)(b)	A permanent departure to allow vehicle entrance/access & exit ways of wider than 6m where they cross the Beaucoup De L'eau Street boundary of Erf 2235 Franschhoek.
15(2)(b)	A permanent departure to allow vehicle entrance/access & exit ways of wider than 6m where they cross the Protea Crescent street boundary of Erf 2235 Franschhoek.
15(2)(b)	A permanent departure to allow more than one vehicle entrance/access way and more than one vehicle exit way along the Beaucoup De L'eau Street boundary of Erf 2235 Franschhoek.

2.4 APPROVAL REQUIRED IN TERMS OF OTHER LEGISLATION (IF APPLICABLE)

The following table indicates whether the proposed land use triggers any approvals required in terms of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013.

TABLE 2: SPLUMA (Act 16 of 2013) TRIGGERS

APPLICABLE SECTIONS OF SPLUMA	TRIGGERED (YES / NO)	COMMENTS
<p>Development application affecting national interest S52.(1)</p> <p>Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), a land development application must be referred to the Minister where such an application materially impacts on –</p> <p>(a) matters within the exclusive functional area of the national sphere in terms of the Constitution;</p> <p>(b) strategic national policy objectives, principles or priorities, including food security, international relations and co-operation, defence and economic unity; or</p> <p>(c) land use for a purpose which falls within the functional area of the national sphere of government.</p>	No	This section is not triggered.
<p>S52.(2)</p> <p>A land development application must be referred to the Minister where the outcome of the application –</p> <p>(a) may be prejudicial to the economic, health or security interests of one or more provinces or the Republic as a whole; or</p> <p>(b) may impede the effective performance of the functions by one or more municipalities or provinces relating to matters within their functional area of legislative competence.</p>	No	This section is not triggered.
<p>S52.(3)</p> <p>Where an applicant believes that his or her application is likely to affect the national interest, he or she must submit a copy of that application to the Minister.</p>	No	This section is not triggered.

The following table indicates whether any other national legislation is triggered by the proposed change in land use.

TABLE 3: OTHER NATIONAL LEGISLATIVE TRIGGERS

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
National Heritage Resource Act, 1999 (Act 25 of 1999)	Sections that triggers the need to submit a Notification of Intent to Develop		
	S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length	No	This section is not triggered.
	S38(1)(b) Construction of a bridge or similar structure exceeding 50m in length	No	This section is not triggered.

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	S38(1)(c) Any development or activity that will change the character of a site – <ul style="list-style-type: none"> i. Exceeding 5,000m² in extent; or ii. Involving three or more existing erven or subdivisions thereof; or iii. Involving three or more divisions thereof which have been consolidated within the past five years. 	Yes	The site is 6,228m ² in size. The proposed uses will change the character of the site. An email (including a Draft Planning Motivation, Locality Plan and Typical Site Layout Plan) was submitted to HWC on 12 September 2019 (refer to ANNEXURE 8). The application will also be submitted to HWC for comments during the advertisement period if no response have been received on the aforementioned email prior to that date.
	S38(1)(d) Rezoning of a site exceeding 10,000m ² in extent.	No	This section is not triggered.
	S38(1)(e) Any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.	No	This section is not triggered.
National Environmental Management Act, 1998 (Act 107 of 1998)		No	This Act is not triggered.
Environmental Conservation Act, 1989 (Act 73 of 1989)		No	This Act is not triggered.
National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)		No	This Act is not triggered.
National Environmental Management: Waste Act, 2008 (Act 59 of 2008)		No	This Act is not triggered.
National Water Act, 1998 (Act 36 of 1998)		No	This Act is not triggered.
Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		No	This Act is not triggered.
Advertising on Roads & Ribbon Development Act, 1940 (Act 21 of 1940)		No	This Act is not triggered.
Occupational Health & Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		No	This Act is not triggered.

The following table indicates whether the proposed use triggers any provincial legislative approvals.

TABLE 4: PROVINCIAL LEGISLATIVE TRIGGERS

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)	<p>Compliance or consistency with, and deviation from, spatial development frameworks or structure plans</p> <p>S19(1)</p> <p>If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan.</p>	No	N/A
	<p>S19(2)</p> <p>If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.</p>	Yes	Although the 2018 SDF and the Final Draft 2019 SDF do not specifically discuss the use of this property and do not provide a specific land use designation for the area, the proposed land use is within the urban edge and not in conflict with normal uses associated with an urban area. The Final Draft 2019 SDF indicated that the property falls within the "Urban Development" Spatial Planning Category (SDF, Figure 26, p64)
	<p>S19(3)</p> <p>If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.</p>	No	N/A
	<p>Provincial comment on land use applications</p> <p>S45(1)</p> <p>A municipality must refer a land use application relating to the following to the Head of Department for written provincial comment once the application is complete in accordance with the requirements of the municipality and section 42:</p>	N/A	N/A
	<p>S45(1)(a)</p> <p>a development outside the municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;</p>	No	The proposed development is located within the urban edge.
	<p>S45(1)(b)</p> <p>if the municipality has no approved municipal spatial development framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;</p>	No	N/A
	<p>S45(1)(c)</p> <p>a rezoning of land zoned for agricultural or conservation purposes;</p>	No	N/A

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	S45(1)(d) any development as determined by the municipal manager;	No	N/A
	S45(1)(e) development as prescribed that affects a provincial functional area;	No	N/A
	S45(1)(f) any other category of land use applications as may be prescribed for the purpose of supporting and strengthening the capacity of municipalities.	No	N/A
	Provincial approval of land development S53(1) No person may without an approval under subsection (2) or an exemption under subsection (3) develop land that will have a substantial effect on— (a) the orderly, coordinated or harmonious development of a region or the Province; (b) the general welfare of the inhabitants of a region or the Province; or (c) agriculture, due to— (i) the nature or scale of the proposed land use; or (ii) the cumulative effect of multiple developments.	No	N/A
	S53(2) The owner of the land concerned or a person authorised by the owner may apply to the Head of Department for approval to develop land that will have the effect contemplated in subsection (1).	No	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.
	S53(3) “(3) The Provincial Minister may exempt categories of land development from requiring approval under subsection (1) in one or more of the following circumstances: (a) where the land development complies with the applicable spatial development frameworks; (b) where the land development is consistent with other provincial policy; (c) to provide for government infrastructure projects; or (d) where provincial approval was granted in terms of other legislation.”	No	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
<p>Western Cape Land Use Planning Regulations, 2015 (Provincial Gazette 7412 dated 26 June 2015)(P.N. 203/2015)</p> <p>Western Cape Land Use Planning Regulations, 2015: Amendment, 2019 (Provincial Gazette 8083 dated 15 April 2019)(P.N. 51/2019)</p>	<p>Land development requiring provincial approval and exempted categories of land development Reg 10.(1)</p> <p>Subject to subregulation (2), land development contemplated in section 53(1) read with section 53(4) of the Act consists of the following categories:</p> <p>(a) proposed land development—</p> <p>(i) in respect of which an approval in terms of the Ordinance does not exist immediately before the commencement of the Act; and</p> <p>(ii) that falls within a category of land development that has been listed in the Provincial Gazette as a category that requires approval under section 53(1) of the Act;</p> <p>(b) proposed land development that utilises an area of five hectares or more of agricultural land that has been cultivated or irrigated during the 10-year period immediately preceding the proposed land development that involves urban development or urban expansion, including residential, resort, business, industrial and community development, utility services or transport uses, but excluding agricultural land uses or land development ordinarily associated with agricultural use such as agricultural storing and packing facilities, agricultural industries or accommodation for bona fide agricultural workers;"</p> <p>(c) proposed land development for prospecting, mining or quarrying that utilises an area of five hectares or more of agricultural land;</p> <p>(d) proposed land development for any shale gas mining activity, but excluding any exploration activities involving seismic testing and stratified drilling;</p> <p>and</p> <p>(e) proposed land development for any nuclear electricity generation facility.</p>	No	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	<p>Reg 10.(2)</p> <p>The following categories of land development contemplated in subregulation (1) are exempted under section 53(3) of the Act from requiring approval under section 53(1) of the Act:</p> <p>(a) proposed land development in respect of which a provincial approval exists immediately before the commencement of the Act in terms of any of the following legislation:</p> <ul style="list-style-type: none"> (i) section 24(2) of the National Environmental Management Act, 1998 (Act 107 of 1998), excluding an approval that is suspended in terms of section 43(7) of that Act; (ii) section 3 or 14 of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991); (iii) regulations 2 to 7 of the regulations made under section 66(1) of the Black Communities Development Act, 1984 (Act 4 of 1984), published under Government Notice R.1897/1986 in Government Gazette 10431 of 12 September 1986; (iv) regulation 16, 17, 19(5) or 19(7) of the regulations made under section 66(1) of the Black Communities Development Act, 1984, published under Provincial Notice 733/1989 in Provincial Gazette 4606 of 22 September 1989; (v) section 20 of the Rural Areas Act, 1987 (Act 9 of 1987); <p>(b) proposed land development that is specifically provided for in the applicable local municipal spatial development framework that was submitted to the Provincial Minister as contemplated in section 14 of the Act.</p>	No	N/A because S53(1) of LUPA (Act 3 of 2014) is not triggered.

3. PROPERTY INFORMATION

3.1 PROPERTY DESCRIPTION & EXTENT

TABLE 5: PROPERTY CADASTRAL INFORMATION

PROPERTY DESCRIPTION	SG DIAGRAM	EXTENT
Erf 2235, Franschoek	SG3059/2000	6,228m ²

The SG Diagram is attached to the land use application as ANNEXURE 2.

3.2 OWNERSHIP & TITLE DEED

The property is owned by the Stellenbosch Municipality and is held by certificate of consolidated title T39839/2001. Proof of registered ownership is attached to the land use application as ANNEXURE 3. The Title Deed is attached to the land use application as ANNEXURE 4.

3.3 CONVEYANCING CERTIFICATE & TITLE DEED RESTRICTIONS

A Conveyancing Certificate has been issued and is attached to the land use application as ANNEXURE 5. A search was conducted on the following title deeds:

- Certificate of consolidated title T39839/2001
- Deed of transfer T4597 dated 9 June 1898
- Deed of transfer T4598 dated 9 June 1898
- Deed of transfer T272/1927

The Conveyancing Certificate confirms that there are no restrictive conditions in the current or earlier title deeds.

3.4 CURRENT ZONING

The application property is currently zoned as follows in terms of the Franschoek Town Planning Scheme Regulations, 1985.

TABLE 6: CURRENT ZONING

USE ZONE	PRIMARY USES	CONSENT USES <i>(Allowed with consent of the Council)</i>
Institution	Institution, Free standing base telecommunication, Rooftop base telecommunication.	Educational building, Place of public worship, Institution which have been omitted from the definition.

The Franschoek Zoning Scheme, 1985 defines "*institutional building*" as follows:

"... means a building or portion of a building used or intended to be used as a charitable institution and/or the administration thereof, and includes hospital, clinic or dispensary, whether private or public, used in connection therewith, but does not include:

- (a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;*

(b) premises licensed under Act No. 38 of 1916 for the detention of mentally disordered persons, or
 (c) a mental hospital."

The Zoning Certificate is attached to the land use application as ANNEXURE 6.

3.5 EXISTING BUILDINGS & LAND USES

The property is currently used for residential and business purposes and has various buildings on it.

TABLE 7: EXISTING BUILDINGS & LAND USES

EXISTING BUILDINGS	EXISTING LAND USES	LEGAL STATUS (Authorised or Unauthorised)	IF "UNAUTHORISED", IS THIS APPLICATION TO LEGALIZE THE LAND USE?
1 x Single storey main building (±236m ²)	Offices	Authorised	N/A
1 x Single storey building (±175m ²)	Business	Unauthorised	Yes
2 x Outbuildings (±50m ² each)	Outbuildings	Authorised	N/A
11 x Smaller single storey temporary structures (±20m ² each)	Temporary Residential	Unauthorised	No

Photos of the existing buildings and land uses are shown below.



PHOTO 1: BUILDINGS ON ERF2235 FRANSCHHOEK



PHOTO 2: AERIAL VIEW FROM THE NORTH-EAST



PHOTO 3: AERIAL VIEW FROM THE NORTH



PHOTO 4: AERIAL VIEW FROM THE WEST



PHOTO 5: AERIAL VIEW FROM THE SOUTH-EAST



PHOTO 6: MAIN ACCESS TO EXISTING MAIN BUILDING



PHOTO 7: EXISTING MAIN BUILDING FROM THE SOUTH



PHOTO 8: EXISTING MAIN BUILDING FROM THE EAST



PHOTO 9: VIEW OF OTHER BUILDINGS FROM THE EAST

3.6 BOND HOLDER

There is no bond registered against the subject property(ies).

3.7 PENDING LAND CLAIMS

The Office of the Regional Land Claims Commissioner: Western Cape confirmed in a letter dated 9 April 2019 that "*as at the date of this letter no land claims appear on our database in respect ERF 2235 FRANSCHHOEK, ...*".

The aforementioned letter from the Regional Land Claims Commissioner is attached to the land use application as **ANNEXURE 7**.

3.8 PENDING COURT CASES / ORDERS

The conveyancer confirmed that at the time of their enquiries/search, they did not detect any Caveats or Interdicts noted against the property at the Deeds Office.

To the best of our knowledge, there are no pending court cases or orders relating to or registered against the subject property(ies).

4. CONTEXTUAL ANALYSIS

4.1 LOCATION & PHYSICAL ADDRESS

The property is located close to the center of the Groendal neighbourhood in Franschhoek. It is situated between Protea Crescent which forms its northern boundary and Beaucoup de L'eau Street (the southern boundary) at its intersection with Lower Lea Smith Street and Upper Lea Smith Street in Groendal, Franschhoek.

The Groendal neighbourhood is a lower income area located in Ward 1 to the north of the R45 in the north-western part of the Franschhoek urban area. The area is characterised by mainly residential land uses with supporting business (e.g. cafés, superettes, etc.), social (e.g. Groendal Primary & Secondary School, etc.) and public (e.g. Groendal Community Hall, etc.) uses / facilities in the neighbourhood.

The location is shown in the images below and on **PLAN 1: LOCALITY PLAN**.



IMAGE 1: LOCATION OF ERF 2235 IN GROENDAL, FRANSCHHOEK

When travelling to Franschhoek from Paarl, access to the property can be obtained from the R45 by turning left (north) in Leroux Street, right in Santa Rosa Street and left in Lower Lea Smith Street.

4.2 SURROUNDING ZONINGS AND LAND USES

The subject property is surrounded by a mix of land uses that includes both formal and informal shops and residential uses.

The existing land uses in the immediate vicinity of the subject property is summarised in the following table.

TABLE 8: LAND USES ON SURROUNDING PROPERTIES

ERF NUMBERS	STREET NAMES	EXISTING LAND USES
1993	Cnr of Upper Lea Smith Street & Protea Crescent	Residential & Business (Shop)
2009, 2010, 2011, 2012	Cnr of Upper Lea Smith Street & Protea Crescent	Residential
2013	Upper Lea Smith Street	Business (Shop)
2014, 2015	Upper Lea Smith Street	Residential
2016	Cnr of Lower Lea Smith Street & Upper Lea Smith Street	Residential
2017, 2018, 2019	Lower Lea Smith Street	Residential
2206	Cnr of Upper Lea Smith Street & Protea Crescent	Residential
2207, 2208, 2209	Protea Crescent	Residential
2215	Cnr of Upper Lea Smith Street & Protea Crescent	Residential
2216, 2217	Upper Lea Smith Street	Residential
2218	Cnr of Upper Lea Smith Street & Protea Crescent	Residential
2226, 2227, 2228, 2229	Upper Lea Smith Street	Residential
2230	Upper Lea Smith Street	Residential & Business (Estate Agent Office)
2231, 2232, 2233	Upper Lea Smith Street	Residential
2234	Cnr of Upper Lea Smith Street & Protea Crescent	Residential
2294	Cnr of Lower Lea Smith Street & Beaucoup De L'eau Street	Business (Shop)
2295	Beaucoup De L'eau Street	Residential
2296	Beaucoup De L'eau Street	Business (Shop) & Residential
2297, 2298, 2299, 2300	Beaucoup De L'eau Street	Residential
2308, 2309, 2310	Lower Lea Smith Street	Residential

The surrounding land uses are shown on **PLAN 2: LAND USE PLAN**. Some of the surrounding land uses are shown on the photos below.



PHOTO 10: VIEW FROM ERF 2235 PARKING AREA TO ERF 2296 (RESIDENTIAL & SHOP)



PHOTO 11: VIEW FROM ERF 2235 PARKING AREA TO ERF 2294 (SHOP)



PHOTO 12: VIEW FROM ERF 2235 PARKING AREA DOWN LOWER LEA SMITH STREET



PHOTO 13: VIEW FROM ERF 2235 PARKING AREA TO ERF 2016 (RESIDENTIAL)



PHOTO 14: CONTAINER SHOP ON CORNER OF ERF 2235



PHOTO 15: VIEW FROM ERF 2235 PARKING AREA TO ADJACENT ERVEN 2227 & 2228 (RESIDENTIAL)



PHOTO 16: ERF 2230 (RESIDENTIAL & ESTATE AGENT)



PHOTO 17: ERF 1993 (RESIDENTIAL & SHOP)



PHOTO 18: ERF 2013 (BUSINESS, SHOP)

5. SITE ANALYSIS

An analysis of the key site characteristics is summarised in the table below.

TABLE 9: SITE ANALYSIS

	ANALYSIS ASPECT	COMMENTS
1	Engineering Services Availability	The property is located in an established urban area within the urban edge and already has direct access to all engineering services.
2	Roads & Transport	The property is well served by paved roads (Protea Crescent on its northern boundary, Beaucoup de L'eau and Lower Lea Smith Street on its southern boundary and Upper Lea Smith Street to the west) and close to public transport routes. The Final Draft 2019 SDF indicates that the property is located on a designated "Activity Route" which runs through the Groendal neighbourhood. Huguenot Road (R45) which is the main arterial through Franschhoek and a Provincial Road is located approximately 860m south of the property.
3	Servitudes	There are no servitudes affecting the proposed land uses on the property
4	Topography	The property has a gentle slope from the mountains in the north to the R45 south of the subject property.
5	Geotechnical Status	The proposed use is on an already developed property and does not require a geotechnical report to be prepared.
6	Environmental Characteristics	The subject property is located in an urban area and is already transformed and built-up. A tributary / branch of the Franschhoek river (Stiebeuel River) is located to the east of the property. The Stellenbosch Environmental Management Framework (January 2017, Figure B18, p49) shows the state of the Franschhoek River as "Largely modified".
7	Heritage Characteristics	The property is not on the Stellenbosch Municipality's list of Historical Buildings and is located outside the historical core of Franschhoek.



IMAGE 2: EXISTING RIVER / TRIBUTARY TO THE EAST OF THE PROPERTY

6. DEVELOPMENT PROPOSAL

6.1 BACKGROUND

The Stellenbosch Municipality owns various properties in its nodes and central business areas, many of which are underutilised or not optimally utilised and/or lying dormant. As part of its strategy for inclusive economic growth, one of the key objectives identified by the municipality is to "make it easier for small enterprises to succeed in competitive markets"¹.

Small businesses have numerous challenges, especially in its establishment and early development phases. Some of these challenges include access to market opportunities, financial capital, human resources, and land and/or facilities. Having access to these markets and inputs means the difference between growing a small business or closing its doors. The municipality has an enabling role which is to assist small businesses and entrepreneurs to not only establish themselves but also to create an environment for them to grow.

As such, the Stellenbosch Municipal Council, at its 7th meeting held on 29 March 2017, granted approval for the establishment of Local Economic Development (LED) Hubs on a number of municipal owned properties. One of these properties is Erf 2235, Franschoek, also known as the "Mooiwater Building". The Council confirmed at the aforementioned meeting that the property is not required for the provision of the minimum level of basic municipal services in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003); and furthermore authorised the Municipal Manager to follow the prescribed process for the leasing of the relevant properties.

A Call for Proposals for the lease of the LED Hubs were subsequently advertised and closed on 19 September 2017. A total of three applicants submitted proposals to lease the facilities on Erf 2235, Franschoek. At its 18th meeting held on 25 July 2018, the Council adopted the following resolutions relating to the LED Hubs:

"(a) that Council adopts the recommendation to award the leases of the Local Economic Development Hubs to the entities that scored the highest points for each property, as follows:

Property	Applicant
1. The Old Clinic Building (Erven 6487 & 6488)	Ranyaka
2. Triangle Building (Erf 228) ²	Hugenote Fine Chocolates
3. Mooiwater Building (Erf 2253)	ABC Empowerment

(b) that once Council approves and awards the leasing rights to the highest scoring applicant, the Director Corporate Services be mandated to draft and sign lease agreements with the successful applicants;

(c) that the contract must make provision for termination on non-performance in terms of the agreement;

(d) that the contract be awarded for a period of 9 years and 11 months; and

(e) that the awarding of rights of the Old Agricultural Hall to the Stellenbosch Craft Alive and Stellenbosch Trail Fund be awarded, conditional to the settlement of the outstanding legal dispute."

¹ Stellenbosch LED Strategy & Action Plan, June 2014.

² Hugenote Fine Chocolates will be leasing Erf 230 and not Erf 228 as mistakenly reflected in the council decisions

6.2 OBJECTIVE(S)

The economic objectives of the proposed land uses are as follows:

- To provide access to strategically located and valuable land;
- To empower historically disadvantaged individuals through training, mentoring, guidance and support in business administration;
- To promote the development of small, medium and micro enterprises;
- To promote and enable job creation;
- To promote and enable the feasible, sustainable and competitive enterprises that can support existing economic activities in the local community.

The planning and land use objectives are as follows:

- To further the aims of the IDP, LED Strategy, SDF and the relevant Town Planning Scheme;
- To adhere to the municipality's land use management requirements;
- To create an activity that is compatible with, and complements the surrounding already developed areas;
- To optimise the utilisation of the property in order to maximise its economic potential;
- To enhance the overall public benefit derived from the use of and access to the property.

The following key design objectives have been identified:

- Ensure that any future remodelling and renovations will encompass, retain and conform to the architectural features and character of the surrounding area;
- To provide universal public access to people with disabilities;
- To promote pedestrian movement through safe access and appropriate facilities;
- To comply with any design guidelines required by municipal departments and other relevant authorities;
- To comply with all heritage requirements, if and where applicable.

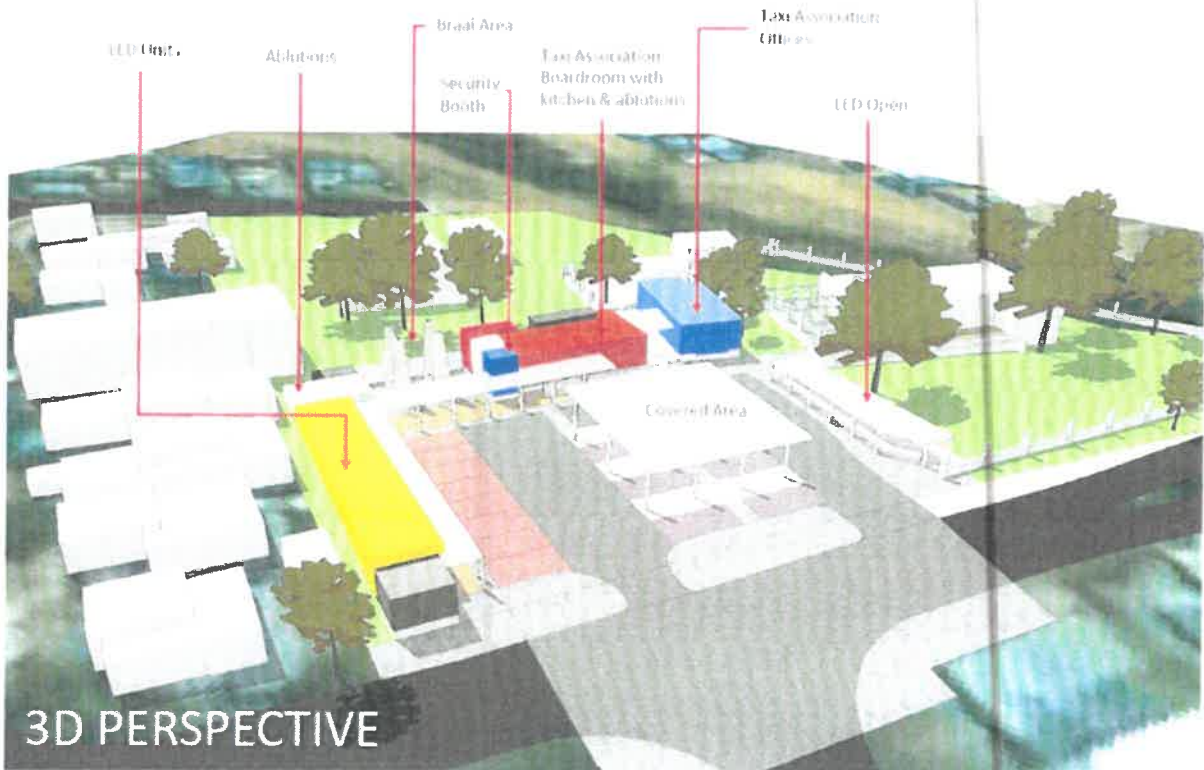
6.3 PROPOSED LAND USES AND ZONING(S)

The property and its existing facilities will be used as a Multi-Purpose Center which will include a Business Incubator, a Public Transport Facility and a mobile clinic. The Business Incubator will provide entrepreneurs, start-up businesses and SMME's access to rental space, shared basic business services and equipment as well as technology support services. The proposed uses include the following:

- Shop space, inclusive (amongst others) of:
 - LED Open Areas (covered with canopies) to be used by informal traders.
- Office space, inclusive (amongst others) of:
 - Taxi Association (Admin) Offices with associated facilities (A lounge, Passage area and Toilet);
 - A 60-seater Multi-Use Hall / Boardroom with associated facilities (Kitchen, Pantry, Water Closet, Ablutions, Storage, Security Office & Security WC);
 - LED Unit Offices with associated facilities (Refuse Yard, Ablutions).
- A Public Transport Interchange inclusive of the following uses & facilities:
 - Parking bays that can also be used as a Taxi Holding Area;
 - Taxi pick-up & drop-off area covered with a canopy.

A typical site layout plan of the proposed use and development of the site is shown on **PLAN 3: TYPICAL SITE LAYOUT PLAN**. The intention is to develop the property in phases. Existing buildings will be used for office or shop purposes whilst new buildings will be constructed over time.

The images below (sourced from Jakupa Architects) provides examples of the proposed first phase of the development of Erf 2235 Franschoek.



Source: Jakupa Architects

IMAGE 3: 3D EXAMPLE OF THE 1ST PHASE OF DEVELOPMENT ON ERF 2235 FRANSCHOEK

CIRCULATION



Source: Jakupa Architects

IMAGE 4: PROPOSED CIRCULATION IN THE PUBLIC TRANSPORT FACILITY

This application therefore intends to:

- **Rezone** a portion ($\pm 5,928\text{m}^2$) of the property from "Institution" to "**General Business**" in order to obtain the rights to use that part of the property for a business incubator, inclusive of offices, shops and related business uses.
- Maintain the existing zoning (i.e. Institution) on the remainder of the property (an area of approximately 300m^2) in order to allow the area to be used by a mobile clinic.
- Obtain a **permanent departure** to allow vehicle entrance/access & exit ways of wider than 6m where they cross the Beaucoup De L'eau Street boundary of Erf 2235 Franschoek.
- Obtain a **permanent departure** to allow vehicle entrance/access & exit ways of wider than 6m where they cross the Protea Crescent street boundary of Erf 2235 Franschoek.
- Obtain a **permanent departure** to allow more than one vehicle entrance/access way and more than one vehicle exit way along the Beaucoup De L'eau Street boundary of Erf 2235 Franschoek.

The total area to be rezoned is thus approximately $5,928\text{m}^2$ in size. The provisions for "Combined Buildings" (Section 8.5.5.2 of the Franschoek Zoning Scheme Regulations, 1985) have not been applied in this application. A summary of area sizes is provided in the following table.

TABLE 10: SUMMARY OF AREA SIZES

DESCRIPTION	SIZE / EXTENT (m^2)
Erf 2235, Franschoek	$6,228\text{m}^2$
Area to be rezoned to General Business	$5,928\text{m}^2$
Existing Building 1 (EB1)	$\pm 236\text{m}^2$
Existing Building 2 (EB2)	$\pm 175\text{m}^2$
Existing Building 3 (EB3)	$\pm 50\text{m}^2$
Existing Building 4 (EB4)	$\pm 50\text{m}^2$
Existing Building 5 (EB5) - building is associated with the adjacent Erf 2230 and extends over the boundary of Erf 2235	$\pm 36\text{m}^2$ falls within the boundary of Erf 2235
Existing Building 6 (EB6) - buildings are associated with the adjacent Erf 2233 and extends over the boundary of Erf 2235	$\pm 14\text{m}^2$ falls within the boundary of Erf 2235
Existing Building 7 (EB7) - building is associated with the adjacent Erf 2234 and extends over the boundary of Erf 2235	$\pm 4\text{m}^2$ falls within the boundary of Erf 2235
Proposed Taxi Association Offices (T1)	$\pm 78\text{m}^2$
Proposed 60-seater Multi-Use Hall (T2)	$\pm 121\text{m}^2$
Proposed Braai Area (B1)	$\pm 60\text{m}^2$
Proposed Store Room at braai area (S1)	$\pm 10\text{m}^2$
8 x Proposed LED Unit Offices (LED1)	$\pm 110\text{m}^2$
Ablutions at LED Unit Offices (A1)	$\pm 24\text{m}^2$
Waste area next to LED Unit Offices (W1)	$\pm 11\text{m}^2$
Proposed LED Open Area (LED2)(Covered with Canopy)	$\pm 75\text{m}^2$
Proposed Taxi Pickup/Drop-off Area (T3)(Covered with Canopy)	$\pm 204\text{m}^2$
Proposed Mobile Clinic Area	$\pm 300\text{m}^2$

DESCRIPTION	SIZE / EXTENT (m ²)
Proposed Taxi Holding Area / Parking Area (P1-P8)(excluding Circulation)	±112m ²
Parking Area (P9-P23)(excluding Circulation)	±208m ²
Parking Area (P24-P36)(excluding Circulation)	±179m ²
Parking Area (P37-P42)(excluding Circulation)	±83m ²

The following table describes the proposed zoning(s), the proposed primary land uses and the extent thereof.

TABLE 11: PROPOSED ZONING(S) IN TERMS OF THE FRANSCHHOEK TOWN PLANNING SCHEME REGULATIONS

PROPOSED ZONING	PRIMARY LAND USE(S)		
	PROPOSED USES	SIZE / EXTENT	
		m ²	% of Building Area
General Business	Offices (inclusive of Boardroom / Multi-Use Hall (T2))	±545	50%
	Shops (including LED Open Area covered with a Canopy)	±350	32%
	Public Transport Facility: Proposed Taxi Pickup/Drop-off Area (T3)(Covered with Canopy)	±204	19%
TOTAL		±1,099	100%

6.4 PROPOSED DEVELOPMENT PARAMETERS

A summary of the proposed planning parameters is provided in the table below.

TABLE 12: SUMMARY OF PLANNING PARAMETERS FOR ERF 2235 FRANSCHHOEK

PLANNING PARAMETER	PROPOSED LAND USES				COMMENTS
	OFFICES (Inclusive of Boardroom / Multi-Use Hall)	SHOPS	PUBLIC TRANSPORT FACILITY	TOTAL	
Coverage	±8.75%	±5.62%	±3.28%	±17.64%	No change / amendment to zoning scheme parameters required
Bulk / Floor Factor	±0.09	±0.06	±0.03	±0.19	Requirements not specified in zoning scheme
Height	Single Storey (Ground Floor)	Single Storey (Ground Floor)	Single Storey (Ground Floor)	Single Storey (Ground Floor)	No change / amendment to zoning scheme parameters required
Building Line - Street	0m	0m	0m	0m	No change / amendment to zoning scheme parameters required
Building Line - Lateral	0m	0m	0m	0m	No change / amendment to zoning scheme parameters required
Parking	27	12	0	39	No change / amendment to zoning scheme parameters required

The following tables describes the planning parameters (coverage, height, bulk / floor factor, building lines, and parking) for each of the proposed land uses as it will apply to this site.

6.4.1 Coverage

TABLE 13: PROPOSED ZONING PARAMETERS: COVERAGE

PROPOSED ZONING	PRIMARY LAND USE(S)	COVERAGE							
		MAX PERMITTED BY ZONING SCHEME			PROPOSED			CHANGE / AMEND	
		Parameter	On this Site (m ²)	On the Rezoned Area (m ²)	Size / Area (m ²)	% of Erf/Site Area	% of Rezoned Area	From	To
General Business	Offices (including Boardroom / Multi-Use Hall (T2))	85%	5,294	5,039	±545	±8.75%	±9.19%	N/A	N/A
	Shops (including LED Open Area covered with a Canopy)	85%	5,294	5,039	±350	±5.62%	±5.90%	N/A	N/A
	Public Transport Facility. Proposed Taxi Pickup / Dropoff Area (T3)(Covered with Canopy)				±204	±3.28%	±3.44%	N/A	N/A
TOTAL		85%	5,294	5,039	±1,099	±17.64%	±18.54%	N/A	N/A

The coverage of the proposed land uses does not exceed to permissible coverage for the site and therefore no application for change or amendment of this parameter is thus required.

6.4.2 Height

TABLE 14: PROPOSED ZONING PARAMETERS: HEIGHT

PROPOSED ZONING	PRIMARY LAND USE(S)	HEIGHT					
		MAX PERMITTED BY ZONING SCHEME			PROPOSED		
		Parameter	Meters	No of Floors	Meters	From	To
General Business	Offices (including Boardroom / Multi-Use Hall (T2))	3 Floors	10m	Ground Floor	Single Storey	N/A	N/A
	Shops (including LED Open Area covered with a Canopy)	3 Floors	10m	Ground Floor	Single Storey	N/A	N/A
	Public Transport Facility. Proposed Taxi Pickup / Dropoff Area (T3)(Covered with Canopy)			Ground Floor	Single Storey	N/A	N/A
TOTAL		3 Floors	10m	Ground Floor	Single Storey	N/A	N/A

The height of the existing and proposed buildings on Erf 2235 Franschoek does not exceed the permissible height in terms of the proposed zonings and therefore no application for the change or amendment of this parameter is required.

6.4.3 Floor Factor & Bulk

The current Franschoek Zoning Scheme Regulations does not specify what the floor factor and bulk in a General Business Zone should be. The table below provides a summary of the proposed floor factor and bulk for the proposed rezoned area of this property.

TABLE 15: PROPOSED ZONING PARAMETERS: FLOOR FACTOR & BULK

PROPOSED ZONING	PRIMARY LAND USE(S)	FLOOR FACTOR & BULK					
		MAX PERMITTED BY ZONING SCHEME		PROPOSED		CHANGE / AMEND	
		Floor Factor	Bulk	Floor Factor	Max Bulk (m ²)	From	To
General Business	Offices (including Boardroom / Multi-Use Hall (T2))	Not specified	Not specified	±0.09	±545	N/A	N/A
	Shops (including LED Open Area covered with a Canopy)	Not specified	Not specified	±0.06	±350	N/A	N/A
	Public Transport Facility. Proposed Taxi Pickup / Dropoff Area (T3)(Covered with Canopy)	Not specified	Not specified	±0.3	±204	N/A	N/A
TOTAL				±0.19	±1,099	N/A	N/A

6.4.4 Building Lines

The building line parameters for the proposed General Business Zone is shown in the table below.

TABLE 16: PROPOSED ZONING PARAMETERS: BUILDING LINES

BOUNDARY	FLOOR	BUILDING LINES					
		ZONING SCHEME REQUIREMENTS FOR BUSINESS ZONE			PROPOSED		
		Meters	Comments	Meters	Comments	From	To
Street	Ground	0	"Subject to the provisions of any other legal provisions shops, offices, buildings for recreation and residential buildings above the ground floor may be erected on the street boundary. All other buildings shall be set back 4,6 m from the street boundary."	0	From Beauccoup de L'eau Street on the southern boundary and Protea Crescent on the northern boundary of the property.	m	m
Lateral	Ground	0	"Buildings on the ground floor may be erected on the lateral boundary of an erf."	0	From eastern (riverside) boundary of the property	m	m
Lateral	Ground	0	"Buildings on the ground floor may be erected on the lateral boundary of an erf."	0	From western boundary of the property	m	m
Rear	Ground	0	"Buildings on the ground floor may be erected on the rear boundary of an erf."	N/A	Not applicable to this property	m	m

The area of the property that will remain in the Institutional Zone ($\pm 300m^2$) will not have any buildings on it and will be used by a mobile clinic.

The building line requirements applicable to the current Institutional zoning is that "no building shall be nearer than 9m from all boundaries of the site". Some of the existing buildings on the property are in contravention to the Franschoek Town Planning Scheme Regulations (1985) pertaining to the aforementioned Institutional Zone building line requirements. However, the rezoning of a portion of the property from Institutional to General Business will correct / legalize the building line contraventions of the existing brick buildings and no departure would thus be required.

The existing temporary residential structures on the northern part of the property will be removed.

6.4.5 Parking

The minimum requirements for parking spaces in terms of the Franschhoek Town Planning Scheme Regulations, 1985 are shown in the following table.

TABLE 17: PROPOSED ZONING PARAMETERS: PARKING

PROPOSED ZONING	PRIMARY LAND USE(S)	PARKING									
		ZONING SCHEME REQUIREMENTS				SPACE / GBA		PROPOSED		CHANGE / AMEND	
		Parameter	Minimum Number of Bays	Per m ² Area	Seats		No of Bays	This Site (m ² parking)	From	To	
General Business	Offices (including Boardroom / Multi-Use Hall (T2))	1 bay per 20m ² excluding circulation	1	20		±545	±27	±375	N/A	N/A	
	Shops (including LED Open Area covered with a Canopy)	1 bay per 30m ² excluding circulation	1	30		±350	±12	±160	N/A	N/A	
Institution	Mobile Clinic	No specification for mobile clinics in the Franschhoek Town Planning Scheme	1		0	0		0	N/A	N/A	
TOTAL						±895	±39	±535	N/A	N/A	

There is sufficient space on the property to meet the minimum parking requirements in terms of the Franschhoek Town Planning Scheme Regulations, 1985, and therefore no application for the change or amendment of this parameter is required. An example of how parking can be accommodated on the property is shown in **PLAN 3: TYPICAL SITE LAYOUT PLAN**.

7. PLANNING MOTIVATION IN SUPPORT OF THE APPLICATION

7.1 LAND USE DECISION CRITERIA

Section 65 of the Stellenbosch Land Use Planning By-Law, 2015, sets out the general criteria that needs to be considered when a land use application is submitted. Section 38(1)(f) indicates that the written motivation of the application must be based on the criteria in Section 65.

7.2 CONSISTENCY WITH RELEVANT NATIONAL & PROVINCIAL DEVELOPMENT PRINCIPLES

The proposed land use is consistent with the development principles contained in Chapter 2, Section 7 of SPLUMA and Chapter 6, Section 59 of LUPA.

TABLE 18: CONSISTENCY WITH SPLUMA (Act 16 of 2013) AND LUPA (Act 3 of 2014)

APPLICABLE SECTIONS	DEVELOPMENT PRINCIPLES	COMMENTS
SPLUMA, Section 7(a) LUPA, Section 59(1)	Spatial Justice	The proposed land use will provide access to and the use of facilities, technology and business support services that will enable entrepreneurs, start-ups and SMME's from surrounding communities to grow and develop.
SPLUMA, Section 7(b) LUPA, Section 59(2)	Spatial Sustainability	The proposed land use is consistent with the principle of spatial sustainability: <ul style="list-style-type: none"> • The property is located within the existing approved urban edge and the proposed land use does not encourage urban sprawl. • It will make use of existing available infrastructure services capacity. • The proposed land use will improve the viability of the community by providing access to business development incubator facilities, technology and services.
SPLUMA, Section 7(c) LUPA, Section 59(3)	Efficiency	Existing under-utilised municipal facilities and infrastructure will be used whilst underutilised space on the property will be more optimally used with the addition of a public transport facility and LED market areas. The proposed land use improves the integration of economic opportunities in close proximity to the surrounding residential areas. The proposed land use will also improve the quality and functionality of the existing under-utilised public facilities.
SPLUMA, Section 7(d) LUPA, Section 59(5)	Spatial Resilience	A key objective of the proposed land use in this application is to improve the livelihoods of the surrounding communities to ensure sustainable growth and development. According to the principle of spatial resilience (S59(5) of LUPA), <i>"flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks"</i> .
SPLUMA, Section 7(e) LUPA, Section 59(4)	Good Administration	The application complies with and is submitted in accordance with the legislated land development processes and procedures.

7.3 CONSISTENCY WITH RELEVANT NATIONAL & PROVINCIAL PLANNING FRAMEWORKS AND POLICIES

7.3.1 National Development Plan (NDP), 2012

The National Development Plan identified nine (9) main challenges that need to be addressed in South Africa. The proposed land use(s) in this application contributes as a response to some of those national challenges. The national challenges, the suggested national responses and the relevance to this land use application is highlighted in the table below.

TABLE 19: CONSISTENCY WITH NATIONAL DEVELOPMENT PLAN (NDP), 2012

NDP CHALLENGES		NDP RESPONSE	HOW THIS PROPOSED DEVELOPMENT RESPONDS
1	Unemployment	Create jobs and livelihoods	This proposed land use responds directly to this national challenge by aiming to provide business opportunities and support services for entrepreneurs in the local community which can eventually create jobs and improve the livelihoods of the community. It responds to the following proposal contained on page 12 of the NDP: <i>"Support small businesses through better coordination of activities in small business agencies, development finance institutions, and public and private incubators".</i>
2	Infrastructure poorly located and inadequate	Expand infrastructure	Not applicable to this application. Existing available infrastructure is adequate and will be more optimally used.
3	Exclusive spatial patterns	Transform urban and rural spaces	This proposed land use will take place within the existing urban edge and is aimed at assisting young entrepreneurs and small businesses. It helps to reverse the spatial effects of apartheid by <i>"Moving jobs and investments towards dense townships that are on the margins of cities"</i> (NDP, p16).
4	Resource consumptive economy	Transition to a low-carbon economy	Not applicable to this application.
5	Poor quality education	Improve education and training	Not applicable to this application.
6	Widespread disease burden and poor services	Provide quality health care	Not applicable to this application.
7	Poor quality public service	Build a capable state	Not applicable to this application.
8	Corruption	Fight corruption and increase accountability	Not applicable to this application.
9	Divided society	Transform society and unite the nation.	This proposed land use contributes to the transformation of society because one of its key aims is <i>"Reducing poverty and inequality by broadening opportunity through economic inclusion, education and skills, and specific redress measures"</i> (NDP, p25).

7.3.2 OneCape 2040

The OneCape 2040 strategy is a Western Cape initiative that aims to *"scope a long-term economic vision and plan involving all key Western Cape economic leaders as well as citizens for the next 30 to 40 years"*. Its primary goal is to create *"a resilient, inclusive and competitive Western Cape with higher rates of employment producing growing*

incomes, greater equality and an improved quality of life". Its vision is to have "a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society".

Local government's role in achieving this vision is as follows:

- Integrated neighbourhoods and upgrading the built environment;
- Integrated services planning and provision

One of the six transitional areas identified in this strategy relates to "**Economic Access Transition (Working Cape)**". The aim is to change from a currently "*Factor and efficiency-driven economy with high barriers to entry and low productivity and entrepreneurship rates*" to a "*Innovation-driven economy with low barriers to entry, high productivity and entrepreneurship rates*".

This proposed land use aims to contribute to this transitional change and is part of the municipality's initiatives to fulfil its role in the OneCape 2040 vision.

7.3.3 WC Provincial Spatial Development Framework (PSDF), 2014

The latest approved PSDF is dated March 2014. The Western Cape PSDF aims to:

- Give spatial expression to the National and Provincial development agendas;
- Serve as a basis for coordinating, integrating and aligning 'on the ground' delivery of National and Provincial departmental programmes;
- Support municipalities to fulfil their municipal planning mandate in line with the National and Provincial agendas; and
- Communicates government's spatial development intentions to the private sector and civil society.

The 2014 PSDF applies five (5) key principles to achieve its spatial vision for the province. These five principles are aligned with the development principles contained in Section 7 of SPLUMA (Act 16 of 2013) and Section 59 of LUPA (Act 3 of 2014) and talks about Spatial Efficiency, Spatial Justice, Sustainability & Resilience, Quality & Liveability and Accessibility. This proposed land use's consistency with these principles have already been highlighted in a previous section. This proposed land use is also consistent with the three spatial themes of the Western Cape PSDF:

- **Resources:** The proposed land use will use existing resources within the urban edge. It also does not threaten or impact negatively on any scenic and unique cultural landscapes.
- **Space Economy:** It aims to revitalise and strengthen the urban space economy in the local area by providing opportunities for small business development within the existing local neighbourhood by using existing underutilised economic assets.
- **Settlement:** It promotes an integrated and sustainable settlement by connecting economic opportunities with local neighbourhoods. It promotes the sustainable use of resources by optimising the use of existing underutilised municipal facilities within the urban edge.

7.4 CONSISTENCY WITH RELEVANT LOCAL PLANNING FRAMEWORKS AND POLICIES

7.4.1 Municipal IDP

The Municipality's IDP dated May 2019 identified various projects and priorities for all its Wards. It also highlights the policies and strategies of the different sector plans.

The municipality identified 5 strategic focus areas, the first being "Valley of Possibility". Under this strategic focus area there are 4 predetermined objectives of which the first objective is to "Create and environment conducive to business development and job creation". There are furthermore three (3) 5-year programmes identified to achieve the aforementioned objective of which the second programme is "Develop local economic development hubs" (IDP, p80).

IDP Table 33 (page 97) looks at the priorities for Ward 1 and identified as its first priority in the 2018/19 and 2019/20 financial years, the following:

- "Priority 1: Planning and Development – Upgrading of the existing Mooiwater Building for a multi-purpose centre and 24-hour clinic."

The LED Hubs has also been identified as one of the Legacy Projects in Chapter 6 of the IDP (p125 and p179). The IDP provided the following description of these LED Hubs: "Establish local economic development hubs and allow for the outsourcing of the management of the Hubs to improve efficiency and to strengthen local business opportunities. These hubs will provide to provide entrepreneurs, start-up businesses or growth-orientated SMME's access to appropriate rental space, affordable businesses services, flexible leases and access to the mainstream economic activities, where better market access could improve their success ratios".

The Stellenbosch Municipal Council furthermore took a resolution on 29 March 2017 that approval be granted for the establishment of Local Economic Development (LED) Hubs on several municipal properties located in the Stellenbosch municipal area.

7.4.2 Municipal SDF

Section 22 of SPLUMA (Act 16 of 2013) indicates the following:

"22. (1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.

22. (2) Subject to section 42, a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of such municipal spatial development framework."

Similar to SPLUMA, Section 19 of the Western Cape Land Use Planning Act (LUPA), Act 3 of 2014 states the following:

"19. (1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan.
(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial

development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.

(3) If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan."

The current approved MSDF is dated 28 May 2018. At the time of preparation of this report the new final draft 2019 MSDF has not been published yet.

The municipality's SDF identified seven (7) "strategic perspectives" to guide spatial development in the area of jurisdiction of Stellenbosch with clearly identified development principles under each of perspective. The seven strategic perspectives and the development principles applicable to this application are summarised in the following table.

TABLE 20: MSDF STRATEGIC PERSPECTIVES & DEVELOPMENT PRINCIPLES IN SUPPORT OF THIS APPLICATION

STRATEGIC PERSPECTIVE	DEVELOPMENT PRINCIPLES CONSISTENT WITH THE PROPOSED LAND USE(S) IN THIS APPLICATION	COMMENTS
Interconnected Nodes	<ul style="list-style-type: none"> The usage of land should be based on its highest and best long-term sustainable use as opposed to its best long term financial return. New development applications should be encouraged to focus on locations within existing settlement nodes rather than greenfields land. 	The site is located within an existing urban settlement. It is currently underutilised, and the proposed use is believed to be the "best long term sustainable use" of the site.
Car Free Living	<ul style="list-style-type: none"> The primary measure of access is appropriate walking distance. At least 50% of activities found within the urban area (e.g. employment, shopping, public transport, social & recreational) should be within 1 km of where people live. 	The proposed LED Hub and Public Transport Facility is centrally located in Groendal and is located on public transport routes and within walking distance to the surrounding residential neighbourhood.
Inclusive Economic Growth	<ul style="list-style-type: none"> Areas of land should be set aside, and if necessary expropriated to provide SMMEs with access to well-located parts of the CBDs for retail, service provision and manufacturing. Marketplaces should be created in central locations that are able to intercept significant pedestrian flows, preferably linked to public transport interchanges. 	The central location of the site within Groendal provides access to business support and other services and opportunities for entrepreneurs and SMME's in the local community. It is also located on existing public transport routes and pedestrian flows in the area. A public transport facility is proposed to be established on this property.
Optimal Land Use	<ul style="list-style-type: none"> Land should be used for its most sustainable and appropriate use whether publicly or privately owned. 	The property is currently underutilised, and the proposed land use is believed to be a more appropriate and sustainable use.
Resource Custodianship	<ul style="list-style-type: none"> Achieving a sustainable future for Stellenbosch will depend on its ability to make best use of available resources for the benefit of all. 	The property is located in an established urban area. It will have an insignificant impact on the demand for existing available resources.
Food and Agriculture		Not applicable to this application
Heritage	Building heights and architectural styles should be controlled within 200m of any prominent road so as to preserve the heritage of the built environment.	The heritage value of the existing buildings will be maintained as a minimum and improved within the relevant heritage guidelines. Any new buildings will conform the all applicable guidelines for this area.

The following table provides an interpretation on whether the proposed land use is consistent with the provisions of the current approved 2018 MSDF and the new Final Draft 2019 MSDF.

TABLE 21: CONSISTENCY OF THE PROPOSED LAND USE WITH THE MSDF

PROPERTY	CURRENT APPROVED 2018 MSDF	FINAL DRAFT 2019 MSDF (JUNE 2019)
Erf 2235, Franschoek	The property is located within the urban edge within an area designated for "Urban Development" MSDF (MSDF, p39, Franschoek Analysis). The Franschoek Proposals Map (MSDF, p39) does not provide a designation to the existing areas within the urban edge except for identifying "New Development Areas".	The property is located within the urban edge within an area allocated to the "Urban Development" spatial planning category (SPC)(MSDF Figure 26, p64). In terms of the Franschoek Framework no specific designation has been given to this site. The MSDF shows that the site is located on an "Activity Route" (MSDF Figure 32, p75).

In conclusion, the following can be noted about the proposed land use(s) in this application:

- It is consistent with the SDF's strategic perspectives, development principles and settlement proposals.
- A motivation to deviate from and amend the SDF is not necessary and therefore arguments for site specific circumstances are not required in this planning motivation.

7.4.3 District SDF

At the time of preparation of this report the Cape Winelands District Municipality's latest approved SDF is dated 2019/2024. The Cape Winelands District Municipality adopted the spatial development principles of SPLUMA (Act 16 of 2013) which is also consistent with the core principles in LUPA (Act 3 of 2014) and the Stellenbosch Municipality's SDF.

The purpose of the District SDF is to provide a "set of guidelines" to:

- *"Interpret and apply higher-order spatial policy within the Cape Winelands district;*
- *Guide regional and local policy interventions;*
- *Act as a strategic forward-planning tool to guide planning and decisions on land use and land development;*
- *Develop a spatial logic that guides public and private-sector investment;*
- *Ensure the social, economic, built and environmental sustainability of the area, and*
- *Formulate proposals to redress the spatial legacy of apartheid"*

The District SDF identified the following objectives:

- *"To improve the quality of life for the people of the region by ensuring principle led responses*
- *To plan in advance by considering future population growth, economic and climatic changes*
- *To manage the impact and exposure of external and internal threats to growth and development*
- *To restructure urban settlements through compaction and densification*
- *To promote sustainable resource use and responsible rural development*
- *To improve and conserve the district's natural environment"*

The District SDF furthermore identified strategic implementation proposals. Some of these strategic implementation proposals that is aligned with and/or support the proposals in this land use application are as follows:

- SDF p27:
 - *"Integrate disadvantaged communities into the urban fabric through infill development on strategically located vacant land and corridor development along the main linkages between these communities and the major concentrations of job opportunities (where possible)"*
- SDF p35:
 - *"Focus on improving functioning of settlements and achieving design standards; create and apply urban design guidelines for historic precincts within urban areas.*

- *Create sustainable and liveable urban environments by ensuring access and choice to urban markets, services, amenities and provisions.*
- *Create integration of urban areas through physical (if possible) and socio-economic integration.*
- *Locate high density residential accommodation and business opportunities, from informal street trading to formal shops, offices and factories at the appropriate scale, around clusters of community facilities grouped at the appropriate scale.*
- *Buildings that accommodate community activities, as well as education, health and entrepreneurial development and business and skills training, should be located at points of highest access in urban settlements.*
- *50% of the five major urban activities (public transport access points, residence, recreation, shopping and employment) should be accessible within walking distance (1000m) of residential dwellings*

The scale of the proposals in this land use application is low-key and does not affect District Interest:

- It does not have a direct or material impact on matters within the exclusive functional area of the District;
- It is not prejudicial to the economic, health, environmental, heritage and safety & security interests of the District;
- It does not impede the effective performance of the functions of the District and neighbouring municipalities; and
- It is not in conflict with the vision, mission, principles, objectives, programmes and projects contained in the latest District SDF.

It can therefore be said that this application is consistent with the District SDF. A motivation to deviate from and amend the District SDF is not necessary and therefore arguments for site specific circumstances are not required in this planning motivation.

7.5 SUITABILITY OF THE SITE

The suitability of the site in terms of its location, accessibility and physical characteristics is discussed in the table below.

TABLE 22: MOTIVATION IN TERMS OF SITE SUITABILITY

SUITABILITY IN TERMS OF	MOTIVATION / COMMENTS
Location	The site is within the urban edge and centrally within the Groendal neighbourhood of Franschoek.
Roads & Transport	Access to the property is obtained from Beaucoup De L'eau Street. The surrounding streets are paved and in a good condition. The traffic that the proposed land uses will generate will originate from the existing community in the Groendal area and will be negligible. The property is located on an Activity Route and on existing public transport routes which supports and strengthens the land use proposals on this property. This property and the proposed land uses on the property do not affect any Provincial or National Roads. The R45 is located approximately 860m south of the property.
Parking	Parking is available on the street and sufficient space exist onsite to provide parking.
Engineering Services	The property is located in an area that is already serviced. The increase in demand for services will be negligible.
Servitudes	There are no servitudes affecting the property and the proposed land uses on the property. The property and the proposed land uses on the property do not affect any Eskom owned land and/or servitudes.

SUITABILITY IN TERMS OF	MOTIVATION / COMMENTS
	The property and the proposed land uses on the property do not affect any Telkom owned land and/or servitudes. The property and the proposed land uses on the property will not affect any Transnet / PRASA owned land and/or servitudes.
Topography	The site does not have any topographical restrictions for the proposed use(s). The proposed land use(s) will be accommodated on an existing developed property and will therefore not have a negative impact on the topographical characteristics of the site.
Geotechnical Conditions	The proposed land use(s) will be accommodated on an existing developed property and will not have a negative impact on the geotechnical characteristics of the site.
Flood Lines	There are no flood lines affecting the property and the proposed land uses on the property.
Alternative Uses	The site does have the potential for other alternative uses, however, given the prioritised needs identified within this community and the municipality's IDP, the proposed use would be the most suitable.

7.6 OTHER IMPLICATIONS OF THE PROPOSED LAND USE(S)

Comments on other possible implications of the proposed land uses are provided in the table below.

TABLE 23: OTHER IMPLICATIONS OF THE PROPOSED LAND USE(S)

IMPACT	MOTIVATION / COMMENT
Environmental & Botanical Impact	The site is already developed, and the proposed land use(s) will make use of the existing buildings and infrastructure. Additional facilities will be constructed over time to ensure optimum utilisation of the entire site. The proposed land use(s) will not have a negative impact on environmental and botanical resources and the river tributary on the eastern boundary of the site..
Heritage Impact	The site is not located within the historical core of Franschhoek and the building is not on the Municipality's list of Historical Buildings. The nature of the land uses will not have a negative impact on the existing heritage and cultural value of the surrounding area. The heritage value of the existing buildings will furthermore be protected and maintained in accordance with relevant heritage legislation, policies and guidelines. Any new buildings will take cognisance with the heritage value and design standards in the neighbouring area.
Compatibility with the Surrounding Area	The property is located centrally in the Groendal neighbourhood. A mix of residential, social, institutional and business uses are already found in the surrounding area. The proposed land uses are thus compatible with the surrounding area.
Socio-Economic Impact	The community identified the need for a LED Hub (Business Incubator) on the site as a priority in the municipality's IDP. The proposed land uses aim to improve access to markets and provide opportunities to improve the success rate of small businesses. This will have a positive impact on the socio-economic development of the community.
Social & Public Facilities	This proposal does not lead to densification and will thus have no impact on the existing number of social and public facilities in the area.
Surrounding Property Values	The proposed land uses will not devalue the surrounding property values. In fact, the optimal use of the current underutilised facilities may more than likely improve the value of this property and subsequently have a positive impact on the surrounding property values.
Safety & well-being of the Surrounding Community	The proposed land uses create opportunities for entrepreneurs which will improve the well-being of the surrounding community. Access to economic opportunities furthermore creates jobs which is one of the "tools" to fight crime and eventually improves the safety of communities.

8. CONCLUSION

In conclusion, the proposed land uses will be accommodated on a property which is:

- Already developed and serviced;
- Currently underutilised;
- Located in an established area within the urban edge; and
- Identified by the Stellenbosch Municipal Council as the preferred location for the establishment of an LED Hub.

The proposed land uses are furthermore consistent with the relevant local planning policies and frameworks. It is therefore recommended that this application be approved.

**ANNEXURE E: PROOF OF EVIDENCE (PUBLIC PARTICIPATION,
GENERAL PLAN & AFFIDAVIT)**

PLAN 4 SA

PROFESSIONAL PLANNERS & PROJECT MANAGERS
 Town & Regional Planning
 Transportation Planning
 Business Planning & Development
 Project Management

PO Box 1152, Cape Gate, 7562
 Unit 5 Stellen Villa, Kronendal Cr., Stellenberg, 7550, WC
 Tel: +27(0)84-410-6132
 Fax: +27 (0)86-524-8738
 Email: marlinj@plan4sa.co.za
 Web: www.plan4sa.co.za

Application Number: LU/10393
Municipal File Reference Number: Erf 2235, Franschoek
Applicant Reference Number: 19P001/Erf 2235 FHK

Date: 14 November 2020

MAIL TO:

The Director: Planning & Economic Development
 Stellenbosch Municipality
 PO Box 17
STELLENBOSCH
 7599

16 NOV 2020

Attention: Siyanda Zangqa / Bulelwa Mdoda
 Email: siyanda.zangqa@stellenbosch.gov.za / bulelwa.mdoda@stellenbosch.gov.za
 Copy to: Widmark Moses
 Email: Widmark.moses@stellenbosch.gov.za

Dear Sir / Madam

LAND USE APPLICATION NUMBER: LU/10393
ADVERTISEMENT PERIOD: PORTFOLIO OF EVIDENCE

Your letter dated 17 August 2020 in the abovementioned regard has reference.

The advertisement and comment period for the abovementioned land use application have been concluded. As per your instruction, please find attached hereto the following portfolio of evidence:

- Annexure 1: Portfolio of Evidence Checklist and Signed Declaration
- Annexure 2: Stellenbosch Municipality Notice Approval
- Annexure 3: Newspaper Publication(s)
- Annexure 4: Site Notice Photos
- Annexure 5: Email Notices
- Annexure 6: Registered Mail Slips & Letters
- Annexure 7: Comments / objections received
- Annexure 8: Emails sent / received

NEWSPAPER PUBLICATIONS

Two advertisements (1 x English and 1 x Afrikaans) were published in the Eikestad Nuus/News (Ms Fran van Niekerk) on 10 September 2020. The closing date for public comments (30-days) was 12 October 2020. The 60-day comment period for state entities ended on 9 November 2020. Relevant officials of Stellenbosch Municipality's Planning Department were copied in all email correspondence with the Eikestad Nuus/News and they were fully aware of the publication date.

SITE NOTICES

Two A3 notices were put up on the site on 9 September 2020. A site visit was conducted on 6 October 2020 during which it was found that the original two notices were removed. Another A3 notice was then put up at the location of the removed notice in Beaucoup de L'eau Street, which is the main access to the property.

NOTICES SENT VIA EMAIL

In an email dated 19 August 2020, Ms Bulelwa Mdoda was asked to clarify whether notices via registered mail were allowed and a suggestion was made to sent notices via email where people (interested and affected parties, property owners and external departments) have email addresses.

Ms Mdoda replied via email on 19 August 2020 as follows:

"... First option is to notify affected property owners electronically, if no email address is available you can send by registered mail, all of this must be served concurrently on the same day in order to align the timeframes of the notices. ..."

Of the 23 affected property owners that were identified only three (3) had email addresses. Email notifications, in the format prescribed by the Municipality, were thus sent (on 10 September 2020) to the owners of the following properties:

- Erf 2208 Franschhoek
- Erf 2226 Franschhoek
- Erf 2230 Franschhoek

Email notifications were also sent (on 10 September 2020) to the following Interested & Affected Parties:

- Franschhoek Heritage & Ratepayers Association
- Van Wyk and Cabriere Street Residents' Association

The Stellenbosch Municipality's Instruction Letter indicated that it is not necessary to send any notices to External Departments. Relevant officials of Stellenbosch Municipality's Planning Department were copied in all email correspondence.

REGISTERED MAIL: SLIPS AND LETTERS

Notices/letters were sent via registered mail on 9 September 2020 to the affected property owners who could not receive an electronic notice via email.

The Stellenbosch Municipality's Instruction Letter indicated that it is not necessary to send any notices to External Departments.

UNCLAIMED / RETURNED REGISTERED MAIL

At the time of compilation of this Portfolio of Evidence, no registered mail letters were returned as unclaimed.

COMMENTS / OBJECTIONS RECEIVED

No objections were received against the application.

At the time of preparation of this letter and portfolio of evidence, comments in **SUPPORT** of the application were received from the following parties / stakeholders:

- Franschhoek Heritage & Ratepayers Association
- Stellenbosch Municipality Fire Department
- Stellenbosch Municipality Spatial Planning Department
- Stellenbosch Municipality Property Management Department

APPLICANT'S RESPONSE ON OBJECTIONS RECEIVED

No objections were received against the application and therefore no response is required in this regard.

Mr Barry Phillips of the Franschhoek Heritage & Ratepayers Association did make some constructive proposals regarding the use of the property which he forwarded to the ward councillor in an email. The aforesaid email was forwarded to the relevant officials in charge of this application and is also included in the portfolio of evidence.

It is proposed that the Municipality take note of the aforementioned suggestions made by Mr Barry Phillips

IN CONCLUSION

I believe that the advertisement process was done in accordance with the requirements set out in the Municipal Instruction Letter and the Stellenbosch Municipal Land Use Planning By-Law (2015).

Regards

**MARTIN JONKER****Director****For PLAN 4 SA (Pty) Ltd**

C:\Users\Martin\Documents\Business\Plan 4 SA\Projects\2019\19P001_STB LED HUB LUAs_20190117\Submission\LUA1_FHK_Erf 2235 (Groendal)\4 Advertisements\1 POE Letter\Letter (LU10393) STB MUN-POE 20201112_Rev 00.docx

AFFECTED / INTERESTED PROPERTY OWNERS LIST

ADVERTISING INSTRUCTION	YES	NO
Advertise in press (Paarl Post)	✓	
Notice on the property	✓	
Registered letters to affected property owners	✓	
Registered letters to community organizations	✓	
External departments		✓

30 DAYS TO COMMENT

Erf 2014
 Erf 2015
 Erf 2016
 Erf 2206
 Erf 2207
 Erf 2208
 Erf 2209
 Erf 2226
 Erf 2227
 Erf 2228
 Erf 2229
 Erf 2230
 Erf 2231
 Erf 2232
 Erf 2233
 Erf 2234
 Erf 2294
 Erf 2295
 Erf 2296
 Erf 2297
 Erf 2298
 Erf 2299
 Erf 2300

Franschhoek Heritage and Ratepayers Association
 The Garden House

29 De Wet Street

FRANSCHHOEK

7690

Email: barry.hilligjs@atrihost.co.za / Siegfried.schafer@gmail.com

Van Wyk and Cabriere Street Residents' Association

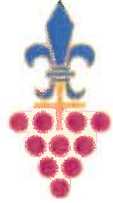
37 Van Wyk Street

FRANSCHHOEK

7690

Attn: Jackie Loubser

Email: Jackie@vincosteel.co.za



DEPARTMENT OF DEVELOPMENT MANAGEMENT

LAND DEVELOPMENT APPLICATION:

PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

Erf/Erven Farm no	2235	Portion(s) if farm		Allotment Area	Franschhoek		
Owner/ Applicant	Stellenbosch Municipality			LU/#	LU/10393		
Notice Period	From:	10 September 2020		To:	12 October 2020		
CONFIRMATION OR DOCUMENTATION SUBMITTED				OWNER/APPLICANT			ADMIN VERIFY
				YES	NO	N/A	
1. The declaration is duly signed				YES			
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached to this POE.				YES			
3. Approval for notices were obtained prior to the public participation process and attached to this POE.				YES			
4. Municipality informed of the start date and closure date.				YES			
5. The advertisement period complies with the required 30 days (60 days for state entities).				YES			
6. If applicable, confirms that the site notice was placed and kept on site for the duration of the public participation process.				YES			
7. All communications (other than notices) in respect of the public participation process attached.				YES			
Proof of notices published							
8. If applicable, photo evidence to confirm site notice.				YES			
9. Wording of the advertisement accurate as approved & attached.				YES			
10. Proof of notices published (Publication date visible)				YES			
Proof of notices served							
11. Wording of notice accurate as approved and attached				YES			
12. Proof of all notices served to neighbouring properties attached				YES			
13. Proof of all notices to Interest & Community Groups attached				YES			
14. Proof of all notices to Govt. Dept's and Entities attached						N/A	
Comments received							
15. All objections/comments received attached				YES			
16. All comments from internal Municipal Departments received (must also be attached to POE).				YES			
17. Applicant's comments on all the objections attached				YES			

Please complete and sign the following declaration on above:

DECLARATION

I, (full names & surname) **MARTIN JONKER**

and ID #: **773002472313**, as the Applicant for the above application,

hereby confirms that the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw, and that the information contained in the above checklist and the accompanied information and documentation in the portfolio of evidence for the concluded public participation process, are accurate and complete:

Duly signed by the APPLICANT **MARTIN JONKER (PLAN 4 SA (PTY) LTD)** on this date/ month/ year

14 NOVEMBER 2020 at place **STELLENBERG, DURBANVILLE**



14 NOVEMBER 2020

Signature Applicant

Date

<i>For office use only</i>	
CHECKED BY ADMINISTRATIVE OFFICER	
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:

**NOTICE OF LAND DEVELOPMENT APPLICATION
IN THE STELLENBOSCH MUNICIPAL AREA**

APPLICATION FOR REZONING AND PERMANENT DEPARTURE: ERF 2235 FRANSSCHHOEK

Application Address: Intersection of Beaucoup De L'eau Street and Lower Lea Smith Street, Groendael, Franschhoek.

Applicant: Plan 4 SA (Pty) Ltd
Mr Martin Jonker.
Telephone: 084-410-6132
Email: martinj@plan4sa.co.za

Owner: Stellenbosch Municipality;
Mr Piet Smit or Mr Widmark Moses.
Telephone: 021-808-8189 or 084-506-5065 (Mr Piet Smit) / 021-808-8974 or 082-879-8490 (Mr Widmark Moses)
Email: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

Application Reference: LU/10393

Description of land development application:

1. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for the rezoning of a portion of Erf 2235, Franschhoek measuring ±5,928m² from Institution Zone to General Business Zone in order to allow a Local Economic Hub inclusive of offices, shops and related business uses on the property.
2. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Beaucoup de Léau Street boundary of Erf 2235, Franschhoek.
3. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Protea Street boundary of Erf 2235, Franschhoek.
4. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow more than one vehicle entrance / access ways and more than one vehicle exit way along the Beaucoup de Léau Street boundary of Erf 2235, Franschhoek.

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows:

- **Plan 4 SA (Pty) Ltd**
- **Contact:** Mr Martin Jonker
- **Email:** martinj@plan4sa.co.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **12 OCTOBER 2020**

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 084-410-6132 during normal office hours (09h00 to 17h00, Mondays to Fridays, excluding Public Holidays).

**KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK
IN DIE STELLENBOSCH MUNISIPALE AREA**

AANSOEK VIR HERSONERING EN PERMANENTE AFWYKING: ERF 2235 FRANSSCHHOEK

Adres van eiendom: Interseksie van Beaucoup De L'eau Straat en Laer Lea Smith Straat, Groendael, Franschhoek.

Aansoeker: Plan 4 SA (Edms) Bpk
Mnr Martin Jonker.
Telefoon: 084-410-6132
Epos: martinj@plan4sa.co.za

Eienaar: Stellenbosch Munisipaliteit;
Mnr Piet Smit of Mnr Widmark Moses;
Telefoon: 021-808-8189 of 084-506-5065 (Mnr Piet Smit) / 021-808-8974 of 082-879-8490 (Mnr Widmark Moses)
Epos: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za

Aansoek Verwysing: LU/10393

Beskrywing van grondontwikkelingsaansoek:

1. Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van 'n gedeelte (±5,928m²) van Erf 2235 Franschhoek vanaf institusioneel na Algemene Besigheid vir die doeleindes van 'n Plaaslike Ekonomiese Hub/Node wat kantoor, winkel en verwante gebruike op die perseel sal toelaat.
2. Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsvereistes (ingang en uitgang) vir Erf 2235 Franschhoek deur 'n voertuigingang en -uitgang van wyer as 6m oor die Beaucoup De L'eau straatgrens van Erf 2235 Franschhoek toe te laat.
3. Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsvereistes (ingang en uitgang) vir Erf 2235 Franschhoek deur 'n voertuigingang en -uitgang van wyer as 6m oor die Protea Singel straatgrens van Erf 2235 Franschhoek toe te laat.
4. Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsvereistes (ingang en uitgang) vir Erf 2235 Franschhoek deur meer as een voertuigingang en meer as een voertuiguitgang oor die Beaucoup De L'eau straatgrens van Erf 2235 Franschhoek toe te laat.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van die genoemde Verordeninge aan die Aansoeker by Wysa.van.elektroniese.pos@stel.gov.za.

- **Plan 4 SA (Edms) Bpk**
- **Kontak:** Mr Martin Jonker
- **Epos:** martinj@plan4sa.co.za

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **12 OKTOBER 2020**

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 084-410-6132 gedurende normale kantoor ure (09h00 tot 17h00, Maandae tot Vrydae, uitgesluit: Publieke Vakansie Dae).

9 SEPTEMBER 2020





6 OCTOBER 2020



Martin Jonker

From: Martin Jonker <martinj@plan4sa.co.za>
Sent: 10 September, 2020 8:13 AM
To: 'frans.bou23@gmail.com'
Cc: Bulelwa Mdoda (bulelwa.mdoda@stellenbosch.gov.za); Nicole Katts (nicole.katts@stellenbosch.gov.za); 'Siyanda Zangqa'; Widmark Moses (widmark.moses@stellenbosch.gov.za)
Subject: LU/10393: ERF 2235 FRANSCHHOEK
Attachments: Email(LU10393)_FHK, Erf 2235-BOUGAARDT_20200826_FINAL.pdf
Importance: High

Dear Sir / Madam

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT: APPLICATION FOR REZONING AND PERMANENT DEPARTURE: ERF 2235 FRANSCHHOEK

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans na die Engelse weergawe volg. The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers.

Application Property Address: Intersection of Beaucoup De L'eau Street and Lower Lea Smith Street, Groëndal, Franschhoek.
Application Property Number: Erf 2235 Franschhoek
Applicant: Plan 4 SA (Pty) Ltd
 Mr Martin Jonker;
Telephone: 084-410-6132
Email: martinj@plan4sa.co.za
Owner: Stellenbosch Municipality;
 Mr Piet Smit or Mr Widmark Moses;
Telephone: 021-808-8189 or 084-506-5065 (Mr Piet Smit)
Telephone: 021-808-8974 or 082-879-8490 (Mr Widmark Moses)
Email: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za
Application Reference: LU/10393
Application Type: Rezoning and permanent departures of/on Erf 2235 Franschhoek.

Detail description of land use or development proposal, including its intent and purpose:

1. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for the rezoning of a portion of Erf 2235, Franschoek measuring $\pm 5.928\text{m}^2$ from Institution Zone to General Business Zone in order to allow a Local Economic Hub inclusive of offices, shops and related business uses on the property.
2. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Beaucoup de Léau Street boundary of Erf 2235, Franschoek.
3. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Protea Street boundary of Erf 2235, Franschoek.
4. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a departure to allow more than one vehicle entrance / access ways and more than one vehicle exit way along the Beaucoup de Léau Street boundary of Erf 2235, Franschoek.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:
[\[https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements\]](https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements). If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - ⦿ Indicate the facts and circumstances that explain the comments;
 - ⦿ Where relevant demonstrate the undesirable effect that the application will have if approved;
 - ⦿ Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - ⦿ Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows:

- **Plan 4 SA (Pty) Ltd**
- **Contact:** Mr Martin Jonker
- **Email:** martinj@plan4sa.co.za

The comments must be submitted within **30 days** from the date of this notice to be received on or before the closing date of **12 OCTOBER 2020**

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **084-410-6132** during normal office hours (09h00-17h00, Mondays to Fridays).

Regards

MARTIN JONKER

Director

For PLAN 4 SA (Pty) Ltd

COPIES TO:

The Director: Planning & Economic Development
Stellenbosch Municipality
PO Box 17
Stellenbosch
7599

Geagte Meneer / Mevrouw / Mejuffrou

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEINTERESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR: AANSOEK OM HERSONERING EN PERMANENTE AFWYKING: ERF 2235 FRANSCHHOEK

Die volgende grondgebruiksaanseke in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys.

Adres van Aansoek Eiendom:	Interseksie van Beaucoup De L'eau Straat en Laer Lea Smith Straat, Groendal, Franschhoek
Aansoek Eiendom Beskrywing:	Erf 2235 Franschhoek
Aansoeker:	Plan 4 SA (Edms) Bpk Mnr Martin Jonker; Telefoon: 084-410-6132 Epos: martinj@plan4sa.co.za
Eienaar:	Stellenbosch Munisipaliteit; Mnr Piet Smit of Mnr Widmark Moses; Telefoon: 021-808-8189 or 084-506-5065 (Mr Piet Smit) Telefoon: 021-808-8974 or 082-879-8490 (Mr Widmark Moses) Epos: piet.smit@stellenbosch.gov.za / Widmark.moses@stellenbosch.gov.za
Aansoek Verwysing:	LU/10393
Tipe Aansoek:	Aansoek om hersonering en permanente afwyking op Erf 2235 Franschhoek

Besonderhede van die grondgebruiksaansoek insluitende die doel en uitkoms:

1. Aansoek word gedoen ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir die hersonering van 'n gedeelte ($\pm 5,928\text{m}^2$) van Erf 2235 Franschhoek vanaf Institusioneel na Algemene Besigheid vir die doeleindes van 'n Plaaslike Ekonomiese Hub/Node wat kantoor, winkel en verwante gebruike op die perseel sal toelaat.
2. Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsvereistes (ingang en uitgang) vir Erf 2235 Franschhoek deur 'n voertuigingang en -uitgang van wyer as 6m oor die Beaucoup De L'eau straatgrens van Erf 2235 Franschhoek toe te laat.
3. Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsvereistes (ingang en uitgang) vir Erf 2235 Franschhoek deur 'n voertuigingang en -uitgang van wyer as 6m oor die Protea Singel straatgrens van Erf 2235 Franschhoek toe te laat.
4. Aansoek word gedoen ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (gedateer 20 Oktober 2015) vir 'n permanente afwyking van die toegangsvereistes (ingang en uitgang) vir Erf 2235 Franschhoek deur meer as een voertuigingang en meer as een voertuiguitgang oor die Beaucoup De L'eau straatgrens van Erf 2235 Franschhoek toe te laat.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

[<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>]. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer,
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsite van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg:

- **Plan 4 SA (Edms) Bpk**
- **Kontak: Mr Martin Jonker**
- **Epos: martinj@plan4sa.co.za**

Die kommentaar moet binne **30 dae** vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **12 OKTOBER 2020**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **084-410-6132** gedurende normale kantoor ure (09h00 tot 17h00, Maandae tot Vrydae, uitgesluit publieke vakansie dae).

Die uwe

MARTIN JONKER

Direkteur

Namens **PLAN 4 SA (Edms) Bpk**

AFSKRIF AAN:

The Director: Planning & Economic Development

Stellenbosch Municipality

PO Box 17

Stellenbosch

7599

**ANNEXURE F: COMMENT FROM THE FRANSCHHOEK HERITAGE
AND RATEPAYERS' ASSOCIATION**



Franschhoek Heritage and Ratepayers Association

MARTIN JONKER
Director
For PLAN 4 SA (Pty) Ltd

By email only to: martin@plan4sa.co.za

14th September 2020

Dear Martin

APPLICATION FOR REZONING AND PERMANENT DEPARTURE: ERF 2235 FRANSCHHOEK

Thank you for giving notice of this application to the Franschhoek Heritage & Ratepayers Association (FHRPA).

The Application Reference Number is LU/10393

The application property is at the intersection of Beaucoup De L'eau Street and Lower Lea Smith Street, Groendal, Franschhoek.

I am the person submitting the comments on behalf of the FHRPA.

My physical address is The Garden House, 29 De Wet Street, Franschhoek.

The interest of the FHRPA in this application is that of an interest group with over 300 members registered with the municipality with an area of interest extending to the whole of the Franschhoek Valley.

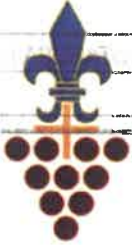
The FHRPA has no objection to the approval of this application. A commercial hub and taxi terminus in this location may be expected to enable and generate more much needed economic activity in the Groendal/Moowater area and has the full support of the FHRPA.

Kind regards

A handwritten signature in black ink, appearing to read 'Barry Phillips', with a long horizontal flourish extending to the right.

Barry Phillips
For and on behalf of the Franschhoek Heritage & Ratepayers Association

**ANNEXURE G: COMMENT FROM THE MANAGER: SPATIAL
PLANNING**



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : **Manager: Land Use Management**
From : **Manager: Spatial Planning**
Reference : **Erf 2235 Franschhoek**
LU No : **LU/10393**
Date : **30 September 2020**
Re : **Application for rezoning and departures on Erf 2235, Franschhoek**

12 OCT 2020

I refer to your request for comment on the above application.

Application is made for the following:

- **Rezoning** of a portion of Erf 2235, Franschhoek measuring $\pm 5.928\text{m}^2$ from Institution Zone to General Business Zone in order to allow a **Local Economic Hub** inclusive of offices, shops and related business uses on the property.
- **Departure** to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Beaucoup de Léau Street boundary of Erf 2235, Franschhoek.
- **Departure** to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Protea Street boundary of Erf 2235, Franschhoek.
- **Departure** to allow more than one vehicle entrance / access ways and more than one vehicle exit way along the Beaucoup de Léau Street boundary of Erf 2235, Franschhoek.

1) Opinion/reasoning:

Stellenbosch Municipality granted approval for the establishment of Local Economic Development (LED) hubs on a number of municipal owned properties. One of these properties is Erf 2235, Franschhoek also known as the "Mooiwater building".

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;

3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is located within the urban edge of Franschhoek and within the residential area of Groendal. In terms of the approved MSDF the following guidelines are applicable to this specific application:

- The MSDF urges that care be taken to control development so as to retain the sense of place in Franschhoek.
- Franschhoek is identified as a secondary service centre, significant tourist destination, and place of residence.
- Sensitive infill within urban edge providing inclusive housing and extended commercial opportunity (also for small and emerging entrepreneurs)
- Retention of historic character
- Maintain Franschhoek as a centre for tourism and culture with limited growth potential.
- Franschhoek maintaining a focus on commercial uses serving local residents and the tourism economy.
- A precautionary approach to the municipality's assets of nature, agricultural land, scenic landscapes and routes, and historically and culturally significant precincts and places, which underlies critical livelihood processes, including a strong tourism economy.

- Franschhoek maintaining a focus on commercial uses serving local residents and the tourism economy.
- Small rural settlements should contain commercial activities meeting the daily needs of residents and work spaces enabling livelihood opportunity.
- The location, planning, and design of commercial and office developments to compliment and assist in improving the economic performance, usability, attractiveness and experiential quality of existing town centres. "In centre" and "edge of centre" developments are the recommended location for new large scale commercial/ retail developments, having the least negative and most positive impacts to the town centre and town as a whole (as indicated in evidence gathered in support of developing the PSDF).
- Active support for non-residential development integrating fragmented parts of settlements and specifically integrating and offering access and opportunity to poorer settlements.

2) Supported / not supported:

This department therefore supports the proposal as the proposed land use will provide access to and the use of facilities, technology and business support services that will enable entrepreneurs, start-ups and SMMEs from surrounding communities to grow and develop.



BJG de la Bat
MANAGER: SPATIAL PLANNING

ANNEXURE H: COMMENT FROM MANAGER: FIRE SERVICES

FILE

FILE COMMENTS

Bulelwa Mdoda

From: Bulelwa Mdoda
Sent: 24 August 2020 08:53 AM
To: martinj@plan4sa.co.za
Cc: Widmark Moses
Subject: FW: COMMENTS ON LAND USE APPLICATION: ERF 2235 FRANSCHHOEK

Dear Martin;

See email below, comments from Fire.

Kind regards
 Bulelwa

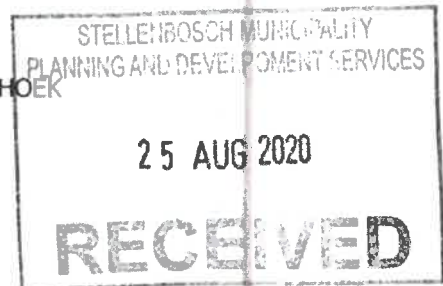
FILE NR:	
SCAN NR:	E 2235 FH
COLLABORATOR NR:	

From: John Aaron
Sent: 24 August 2020 08:41 AM
To: Bulelwa Mdoda
Cc: Bertie Brandsen
Subject: RE: COMMENTS ON LAND USE APPLICATION: ERF 2235 FRANSCHHOEK

Good day Bulelwa

Land use application is in order.
 Fire requirements will be given when plans are submitted to council.

Regards
 John Aaron.



From: Bulelwa Mdoda [mailto:Bulelwa.Mdoda@stellenbosch.gov.za]
Sent: 19 August 2020 10:32 AM
To: John Aaron
Cc: Bertie Brandsen
Subject: COMMENTS ON LAND USE APPLICATION: ERF 2235 FRANSCHHOEK

I'm using Mimecast to share large files with you. Please see the attached instructions.

Morning John;

Attached please find the relevant documentation regarding the abovementioned application.

Kindly furnish me with your comment by email, if any, in order to enable me to submit the application to the decision making authority for consideration.

ERF NUMBER & APPLICATION NUMBER:

Erf 2235, Franschhoek (LU/10393)

DESCRIPTION OF THE PROPOSAL

1. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for the **rezoning** of a portion of Erf 2235, Franschhoek measuring

File

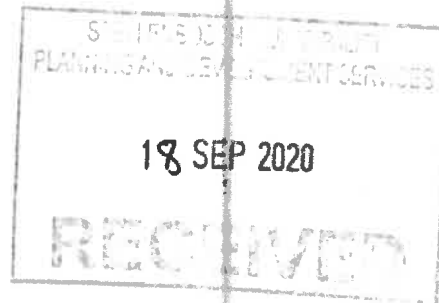
2235 S

Nolusindiso Momoti

From: Bertie Brandsen
Sent: Monday, 20 July 2020 08:46
To: Nolusindiso Momoti
Cc: John Aaron
Subject: RE: You've been sent large files

Good morning,

Approved by Fire Services



Kind regards,
Bertie Brandsen
Head: Fire Safety
Fire and Rescue Services

Tel: +27 21 808 8881 | Fax: +27 84 516 5252
Plein Street, Stellenbosch, 7800
www.stellenbosch.gov.za



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FILE NR.	
SCAN NR.	E 2235 S
COLLABORATOR NR.	

From: Nolusindiso Momoti
Sent: 17 July 2020 10:16 AM
To: Nolusindiso Momoti
Subject: You've been sent large files



You've been sent large files

Nolusindiso Momoti sent you large files. Download them before Fri, 24 Jul 2020 23:59 +0200

Files

ERF 2235 STELLENBOSCH.pdf (20.8 MB)

Download File



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**ANNEXURE I: COMMENT FROM MANAGER: PROPERTY
MANAGEMENT**

Property Management
comment.

File

Bulelwa Mdoda

From: Bulelwa Mdoda
Sent: 05 October 2020 02:04 PM
To: Piet Smit
Subject: RE: COMMENTS ON LAND USE APPLICATION: ERF 2235 FRANSCHHOEK

Thank you.

From: Piet Smit
Sent: 05 October 2020 01:21 PM
To: Bulelwa Mdoda
Subject: RE: COMMENTS ON LAND USE APPLICATION: ERF 2235 FRANSCHHOEK

Application is supported

Piet

From: Bulelwa Mdoda [mailto:Bulelwa.Mdoda@ Stellenbosch.gov.za]
Sent: 05 October 2020 11:51 AM
To: Piet Smit
Subject: COMMENTS ON LAND USE APPLICATION: ERF 2235 FRANSCHHOEK

I'm using Mimecast to share large files with you. Please see the attached instructions.

Dear Mr Smit;

Attached please find the relevant documentation regarding the abovementioned application.

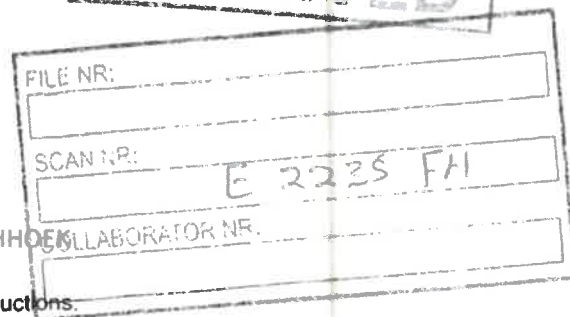
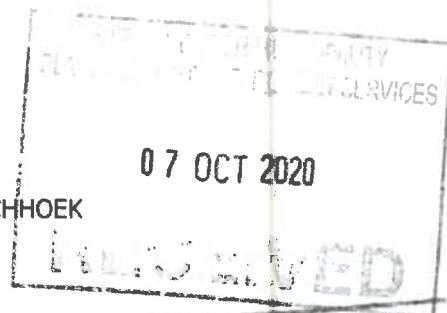
Kindly furnish me with your comment by email, if any, in order to enable me to submit the application to the decision making authority for consideration.

ERF NUMBER & APPLICATION NUMBER:

Erf 2235, Franschhoek (LU/10393)

DESCRIPTION OF THE PROPOSAL

1. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for the **rezoning** of a portion of Erf 2235, Franschhoek measuring $\pm 5.928\text{m}^2$ from Institution Zone to General Business Zone in order to allow a Local Economic Hub inclusive of offices, shops and related business uses on the property.
2. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a **departure** to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Beaucoup de Léau Street boundary of Erf 2235, Franschhoek.
3. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, for a **departure** to allow vehicle entrance / access & exit ways of wider than 6m where they cross the Protea Street boundary of Erf 2235, Franschhoek.



ANNEXURE J: COMMENT FROM ENVIRONMENTAL PLANNER

Martin Jonker

From: Schalk Van der Merwe <Schalk.VanderMerwe@stellenbosch.gov.za>
Sent: 11 September, 2019 2:34 PM
To: 'Martin Jonker'
Cc: Widmark Moses; Robert Fooy; Pedro April; Kaylin Coetzee
Subject: RE: [EX] PROPOSED LED HUB: ERF 2235 FRANSCHHOEK (GROENDAL)

Martin, good day.

Without studying the application in depth my initial response is no, there should not be any issue. Because the relevant property is located in an urban area you are exempted from the NEMA trigger that speaks to the development of 100m² within 32m of a watercourse. What would still apply is the trigger that prohibits an activity that would entail the dredging or filling in of the river or its banks with 10m³ or with of any material without authorization. As long as you refrain from the latter you should be fine.

Regards



Schalk van der Merwe
 Environmental Planner

Community & Protection Services:
Stellenbosch Municipality

T: +27 21 808 8679
 Plein Street, Stellenbosch, 7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



STELLENBOSCH
 MUNICIPALITY
 www.stellenbosch.gov.za



About Stellenbosch Municipality

It's a new & beautiful and a perfect location that will ensure the most
 successful business and investment opportunities.

www.stellenbosch.gov.za

schalk.vandermerwe@stellenbosch.gov.za

[Afrovation](#)

From: Martin Jonker [mailto:martinj@plan4sa.co.za]
Sent: 11 September 2019 02:20 PM
To: Schalk Van der Merwe
Cc: Widmark Moses; Robert Fooy; Pedro April; Kaylin Coetzee
Subject: [EX] PROPOSED LED HUB: ERF 2235 FRANSCHHOEK (GROENDAL)
Importance: High

Hi Schalk

ANNEXURE J: COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES

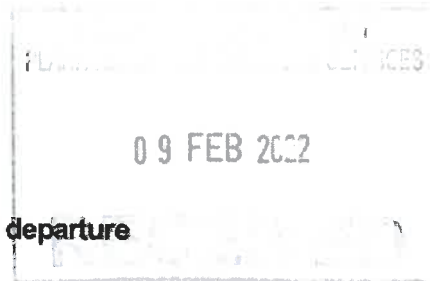


STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

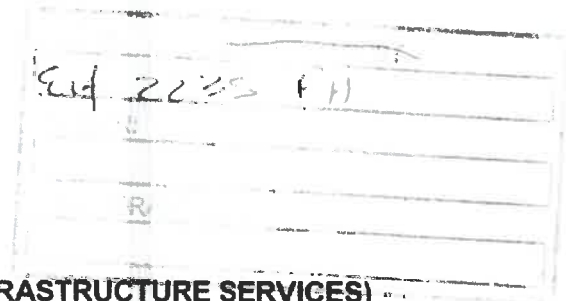
To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	S Newman
From ▫ Van:	Principal technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Abdullah Daniels
Date ▫ Datum:	22 July 2021
Our Ref ▫ Ons Verw:	Civil LU 2059
Your Ref:	LU/10393
Re ▫ Insake:	Erf 2235, FH Rezoning and Permanent departure



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

- 1. Civil Engineering Services**
 - 1.1 The application is hereby supported.
 - 1.2 Engineering services drawings for the erf 2235 have already been approved and services are to be installed in accordance with the approved drawings. See copy of approval letter attached.
- 2. Electrical Engineering (Martin Slabber – Supt Dwarsrivier Elect)**
 - 2.1 Comment:
 - 2.2 General:

Abdullah Daniels
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)



Bulelwa Mdoda*Electrical*

From: Development Admin
Sent: 08 February 2022 11:31 AM
To: Bulelwa Mdoda
Cc: Abdullah Daniels
Subject: FW: COMMENTS ON LAND USE APPLICATION: ERF 2235 FRANSCHHOEK
Attachments: 2235 (AD) Erf 2235 Franschoek (LU-10393).doc.pdf; Franchhoek taxi rank Erf 2235.pdf

Good day Bulelwa,

I trust you well,

Kindly find attached comments for the above application

FILE NR:

SCAN NR:

COLLABORATOR NR:

From: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>
Sent: Friday, 04 February 2022 11:56
To: Development Admin <Development.Admin@stellenbosch.gov.za>
Subject: RE: COMMENTS ON LAND USE APPLICATION: ERF 2235 FRANSCHHOEK

GENERAL: None

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

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

1.Installation of 10A electrical contole units 2.Solar water heating/heat pump intallation 3.Energy efficient lighting
 4.Roof insulation 5.Cooking with gas
 fired appliances 6.Controle air condition equipment with energy saving devices 7.Preat at least 50% of hot water with alternative energy savings devices

TX

Groete:

Martin Slabber
 Supt. Dwarsrivier Elect.
 Engineering Services

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES

09 FEB 2022

RECEIVED



Martin.slabber@stellenbosch.gov.za

C: +27 83603 3431

T: + 27 21 808 8338

www.stellenbosch.gov.za



www.facebook.com/stellenboschmunicipality



twitter.com/StellMun

Hugenote Road 23 Franschoek 7690

PO Box 18, Franschoek, 7690

ANNEXURE: ELECTRICAL
ENGINEERING

ERF 2235

GENERAL COMMENT:

. No Comment

1.

CONDITIONS:

2. Appropriate caution shall be taken during construction, to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.

Bradley Williams

DATE 05/08/2020

SIGNATURE





STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPATA • MUNICIPALITY

OCCUPATION CERTIFICATE

OWNER: STELLENBOSCH MUNICIPALITY
AUTHORISED AGENT: BAMBANA MANAGEMENT SERVICES (PTY) LTD.
 GIUSEPPE D' AMBROSIO. 082 8807 303
ERF / FARM NUMBER: GD 2235
ADDRESS: BEAUCOUP DE LEAU STREET
 GROENDAL
 FRANSCHHOEK
 7600
SUBURB: GROENDAL
TYPE OF UNIT: NEW TAXI RANK & LED FACILITIES
BUILDING PLAN NUMBER: BP / 19 / 1806
DATE: 02 - 12 - 2021
BUILDING INSPECTOR: ENRICO DU PREEZ & SHAFIQ VALENTYN

ERF / FARM NUMBER	GD 2235
ADDRESS	BEAUCOUP DE LEAU STREET GROENDAL FRANSCHHOEK 7600
SUBURB	GROENDAL
TYPE OF UNIT	NEW TAXI RANK & LED FACILITIES
BUILDING PLAN NUMBER	BP / 19 / 1806
DATE	02 - 12 - 2021
BUILDING INSPECTOR	ENRICO DU PREEZ & SHAFIQ VALENTYN

**Issued in terms of section 14(1)(a) of Act 103 of 1977
 Uitgereik ingevolge artikel 14(1)(a) van Wet 103 van 1977**

I hereby certify that a building(s) / dwelling / garage in respect of which application is made in the Stellenbosch district (Stellenbosch) has been erected in accordance with the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, as amended.

Hiermee sertifiseer ek dat 'n gebou(e) / woning / motorhuis ens, afhangend van watter aansoek gemaak is in die Stellenbosch distrik (Stellenbosch) opgerig is in ooreenstemming met die bepalings van die Nasionale Bouregulasies en Boustandaarde Wet, Nr 103 van 1977, soos gewysig.

This certificate does not exempt the applicant from any other legal requirements which must be complied with, or the approval of any other Authority which must be obtained.

Hierdie sertifikaat skeld die aansoeker nie kwyt van enige ander wettige vereistes wat aan vodoen moet word, of goedkeuring van ander Owerhede wat verkry moet word nie.

Conditions: ONLY FOR FASE 2: MULTI PURPOSE HALL & OFFICES

Geteken / Signed:


MANAGER:
BUILDING DEVELOPMENT



BUILDING DEVELOPMENT

OCCUPATION CERTIFICATE – CHECK LIST

Building Plan No: BP / 19 / 1806 **Erf Number :** GD 2235 **Date:** 02 / 12 / 2021

Address : 54 BEAUCOUP DE LEAU STREET. GROENDAL. FRANSCHHOEK.

Inspector: Enrico du Preez. Shafiq Valentyn

Certificate required: (if applicable)

Written application – Act 103 of 1977 – Section 14 – (14 days Notice to Local Authority)	
SACAP rational designs – Form 4 for each appointment in Form 2 (including SANS XA)	✓
Plumbing Certificate	✓
Electrical Certificate	✓
Gas Certificate	N.A.
Glazing Certificate	✓
Lift Certificate	N.A.
Fire Certificate	✓
A 19 Certificate	✓
Inspection requirements : (if applicable)	
Approved plans on-site	✓
Access to all areas for inspection	✓
Building work in accordance with approved plans	✓
Parking (demarcated) completed	✓
Facilities for disable persons completed (bath rooms, parking, signs, ramps)	✓
Storm Water control completed	✓
Balustrades and Handrails in accordance with SANS – Part M	✓
Refuse yards / areas completed	✓
Builders rubble removed from site and pavements	✓
All scaffolding removed from building	✓
Structural Engineers drawings submitted – (stairs, foundations, slabs, rc beams, steel)	✓
Mechanical Engineers drawings submitted – Ventilation system	N.A.
PART D – SAFETY - Change in levels	✓
- Pool Protection	N.A.
- Ramps & Driveways	✓
OTHER	

CHECKED: BUILDING CONTROL OFFICER:

SIGNATURE

DATE

STELLENBOSCH MUNISIPALITEIT
STELLENBOSCH MUNICIPALITY

**KENNISGEWING VIR GOEDKEURING VAN BOUPLAN
NOTICE OF APPROVAL OF BUILDING PLAN**

Stellenbosch Municipality
C/o Piet Smit
P.O.Box 17
Stellenbosch
7599

Erf Number: GD2235
Building Plan number: BP/19/1806
Situated at: Groendal
Description of application: New offices
Approval date: 19/03/2021

**APPROVED IN TERMS OF SECTION 7 OF THE NATIONAL BUILDING REGULATION
AND BUILDING STANDARDS, ACT 103 OF 1977.**

BUILDING CONTROL OFFICER – RODNEY ADAMS

**CONDITIONS: PROVIDE ADEQUATE PARKING (WITH SIGNAGE) FOR PERSONS WITH
DISABILITIES, AS TO COMPLY WITH PART S, SANS 10400.**

Recommended for approval subject to the following conditions:-

1. All work to be done in accordance with the National Building Regulations and standards Act 103 of 1977.
2. This approval does not exempt the owner from complying with any relevant legislation.
3. The approval granted in terms of Section 7 (4) of the Act 103 of 1977, shall lapse after the expiry of a period of 12 months unless the construction started prior to the said period or unless the applicant make application in writing to extend such period.
4. Where, in the opinion of the local authority, the location of any boundary of a site has not been accurately determined such local authority may, require the owner, at his own cost, to engage a professional land surveyor and to submit to the local authority a certificate, in an approved form and signed by such professional land surveyor


MANAGER BUILDING DEVELOPMENT MANAGEMENT

NOTES:

1. The site plan is shown with the proposed building footprint and the existing site plan.
2. The site plan is shown with the proposed building footprint and the existing site plan.
3. The site plan is shown with the proposed building footprint and the existing site plan.
4. The site plan is shown with the proposed building footprint and the existing site plan.
5. The site plan is shown with the proposed building footprint and the existing site plan.
6. The site plan is shown with the proposed building footprint and the existing site plan.
7. The site plan is shown with the proposed building footprint and the existing site plan.
8. The site plan is shown with the proposed building footprint and the existing site plan.
9. The site plan is shown with the proposed building footprint and the existing site plan.
10. The site plan is shown with the proposed building footprint and the existing site plan.

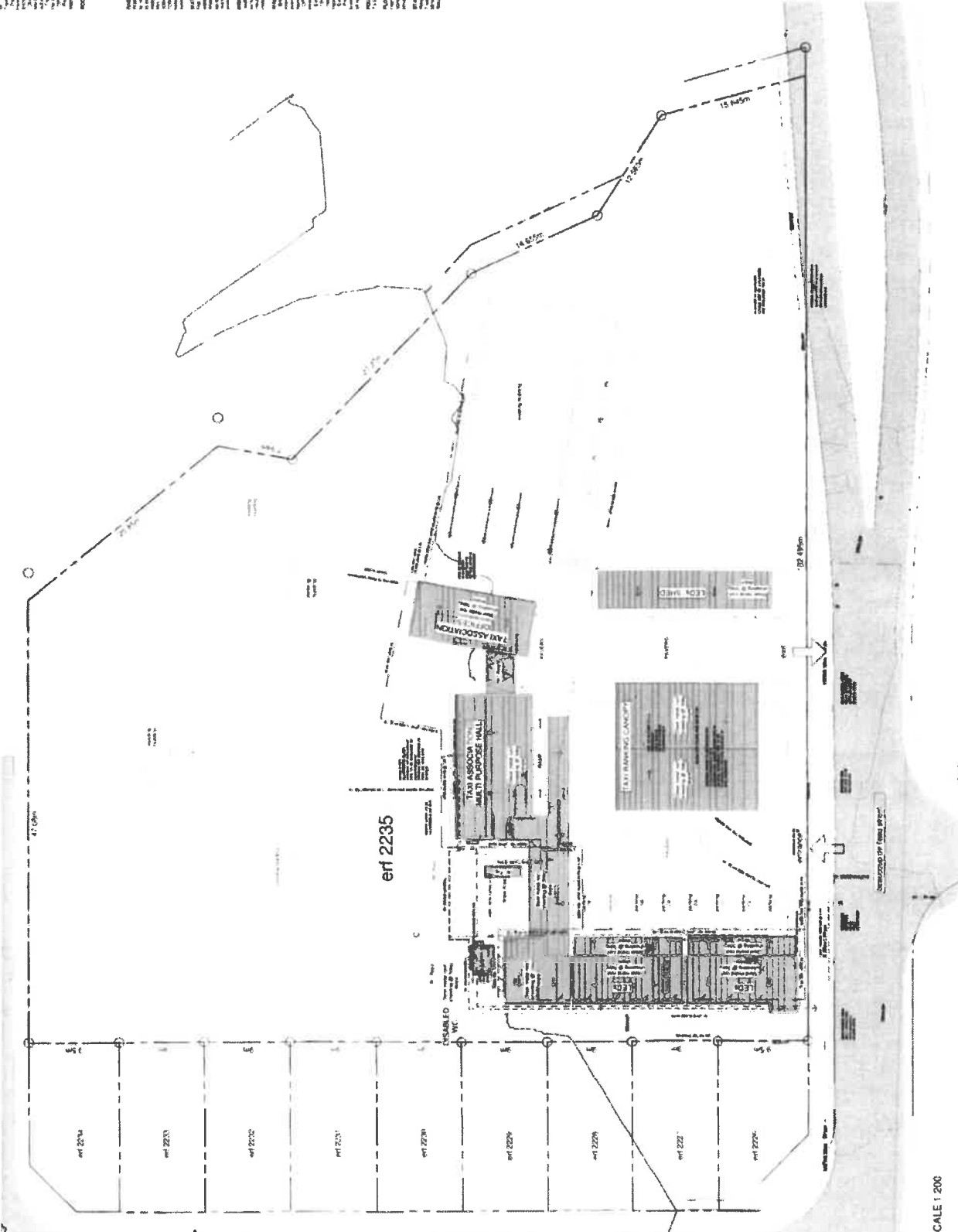
LEGEND:

- Proposed Building Footprint
- Existing Building Footprint
- Proposed Site Plan
- Existing Site Plan
- Proposed Site Plan
- Existing Site Plan
- Proposed Site Plan
- Existing Site Plan
- Proposed Site Plan
- Existing Site Plan

REVISIONS:

ID	Revision Category	Date	By	As
1	Initial	2019-08-01	J.P.	J.P.
2	Revised	2019-08-01	J.P.	J.P.
3	Revised	2019-08-01	J.P.	J.P.
4	Revised	2019-08-01	J.P.	J.P.
5	Revised	2019-08-01	J.P.	J.P.
6	Revised	2019-08-01	J.P.	J.P.
7	Revised	2019-08-01	J.P.	J.P.
8	Revised	2019-08-01	J.P.	J.P.
9	Revised	2019-08-01	J.P.	J.P.
10	Revised	2019-08-01	J.P.	J.P.

Site Plan for
FRANSCHHOEK TAXI RANK_LED Facilities
 erf 2235, Franschoek
 August 2019
 As prepared by: JANCIPA BC
 1901_4.1 PL 000 C

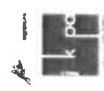


SCALE 1:200

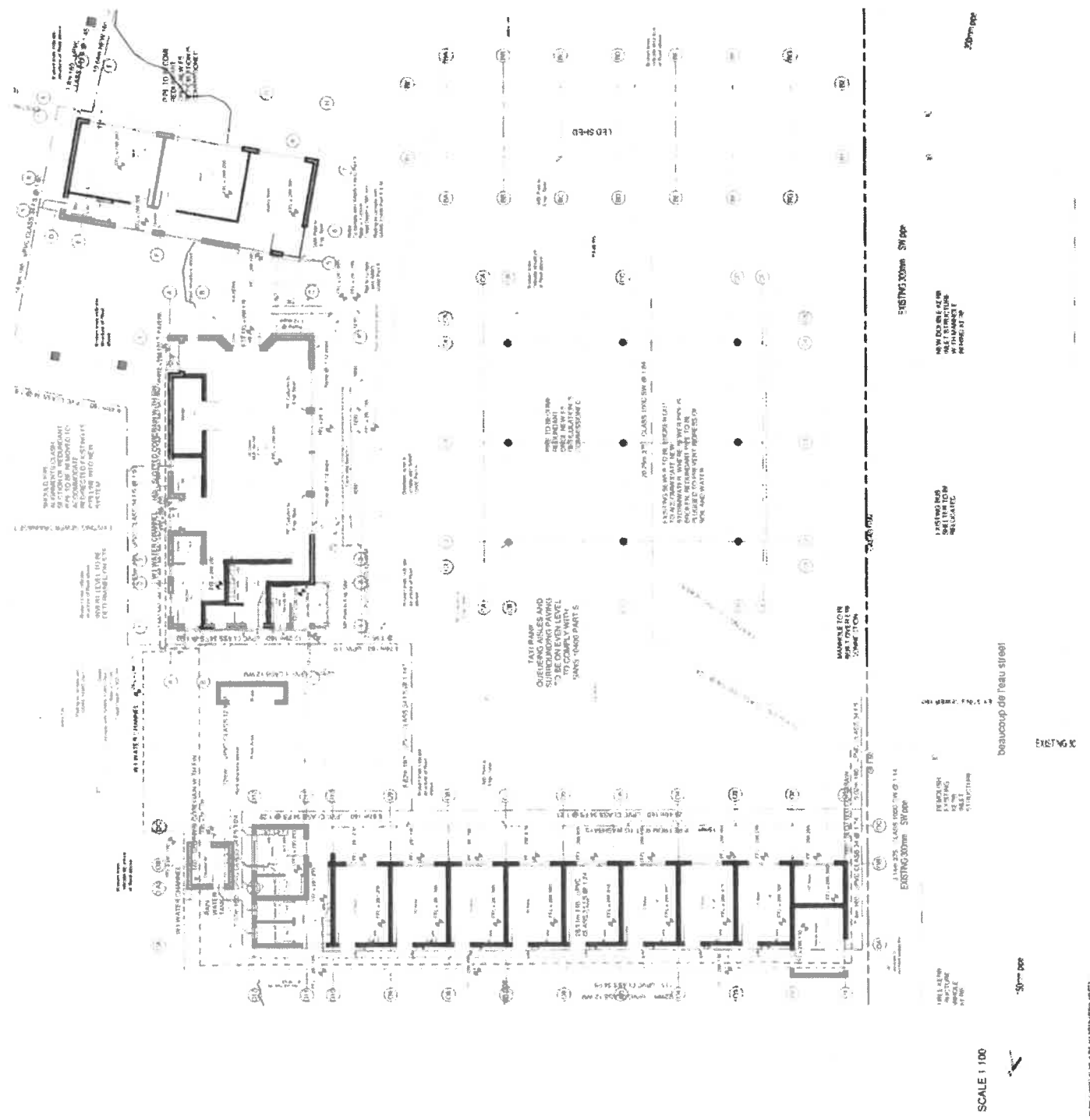
General Notes

- 1. All work shall be in accordance with the Building Code of the City of Shelburne, Vermont.
- 2. All work shall be in accordance with the State of Vermont Building Code.
- 3. All work shall be in accordance with the International Building Code, 2015 Edition.
- 4. All work shall be in accordance with the International Mechanical Code, 2015 Edition.
- 5. All work shall be in accordance with the International Fire Code, 2015 Edition.
- 6. All work shall be in accordance with the International Energy Conservation Code, 2015 Edition.
- 7. All work shall be in accordance with the International Plumbing Code, 2015 Edition.
- 8. All work shall be in accordance with the International Electrical Code, 2014 Edition.
- 9. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 10. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 11. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 12. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 13. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 14. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 15. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 16. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 17. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 18. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 19. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.
- 20. All work shall be in accordance with the International Fire and Safety Code, 2015 Edition.

IC	Revision Category	Date	Revised by	Issued to
1	Initial	08/20/19	J. K. P.	Client
2	Revisions	08/20/19	J. K. P.	Client



Shelburne Municipality
 Project No. 1901.4.1 PL 100 C
 Project Name: FRANSCHHOEK TAXI RANK_LED Facilities
 Project Location: Shelburne, VT
 Project Date: August 2019
 Project Status: Final
 Project Manager: J. K. P.
 Project Engineer: J. K. P.



SCALE 1/8" = 1'-0"

beaucoup de l'eau street

EXISTING

REMOVAL OF EXISTING STRUCTURE AND RECONSTRUCTION OF NEW STRUCTURE

EXISTING 3000W SW

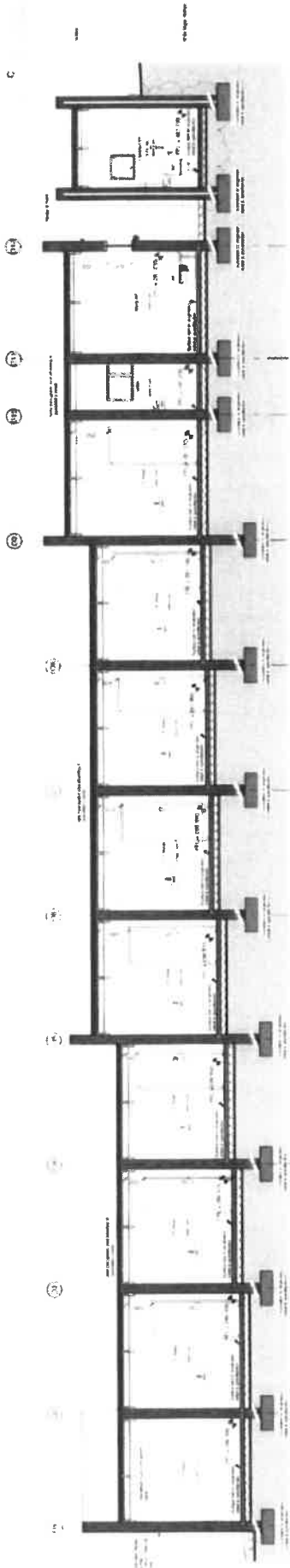
EXISTING 3000W SW

EXISTING 3000W SW

50'-0" app

50'-0" app

EXISTING



Section A-A
Scale 1/4" = 1'-0"
1
300

General Notes

1. All work shall be in accordance with the latest edition of the Building Code of the City of Franschhoek, and the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

3. The contractor shall ensure that all work is completed in accordance with the approved drawings and specifications.

4. The contractor shall maintain access to all services and structures existing on the site.

5. The contractor shall be responsible for the safety of all workers and the public during the construction process.

6. The contractor shall ensure that all materials and workmanship are of a high standard and meet the requirements of the relevant codes and standards.

7. The contractor shall be responsible for the removal and disposal of all waste materials in accordance with the relevant regulations.

8. The contractor shall ensure that the site is kept clean and free of debris throughout the construction process.

9. The contractor shall be responsible for the protection of all existing structures and services on the site.

10. The contractor shall ensure that all work is completed in a timely manner and within the agreed budget.

11. The contractor shall be responsible for the completion of all necessary documentation and records.

12. The contractor shall ensure that all work is completed in accordance with the approved drawings and specifications.

13. The contractor shall be responsible for the safety of all workers and the public during the construction process.

14. The contractor shall ensure that all materials and workmanship are of a high standard and meet the requirements of the relevant codes and standards.

15. The contractor shall be responsible for the removal and disposal of all waste materials in accordance with the relevant regulations.

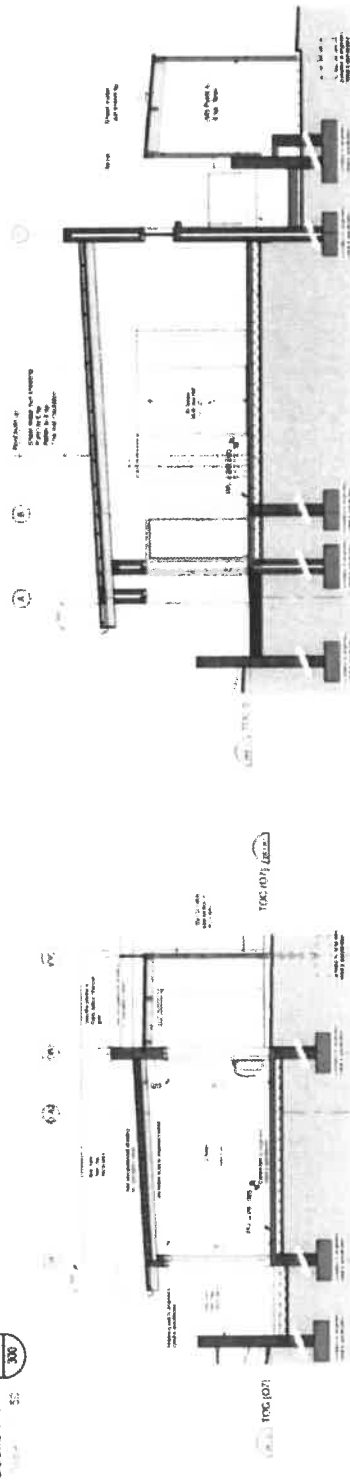
16. The contractor shall ensure that the site is kept clean and free of debris throughout the construction process.

17. The contractor shall be responsible for the protection of all existing structures and services on the site.

18. The contractor shall ensure that all work is completed in a timely manner and within the agreed budget.

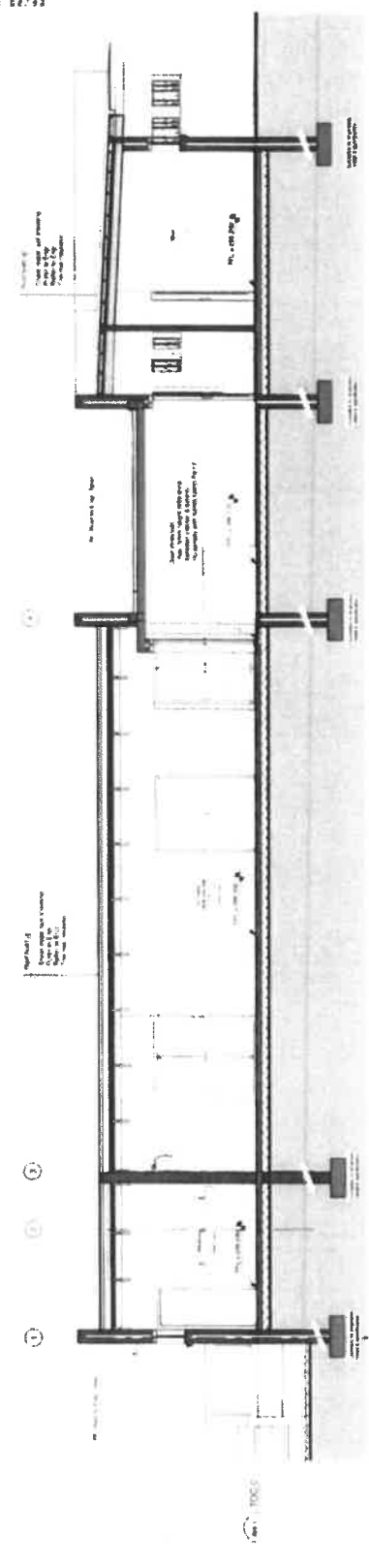
19. The contractor shall be responsible for the completion of all necessary documentation and records.

20. The contractor shall ensure that all work is completed in accordance with the approved drawings and specifications.



Section B-B
Scale 1/4" = 1'-0"
2
300

Section C-C
Scale 1/4" = 1'-0"
4
300



Section D-D
Scale 1/4" = 1'-0"
3
300

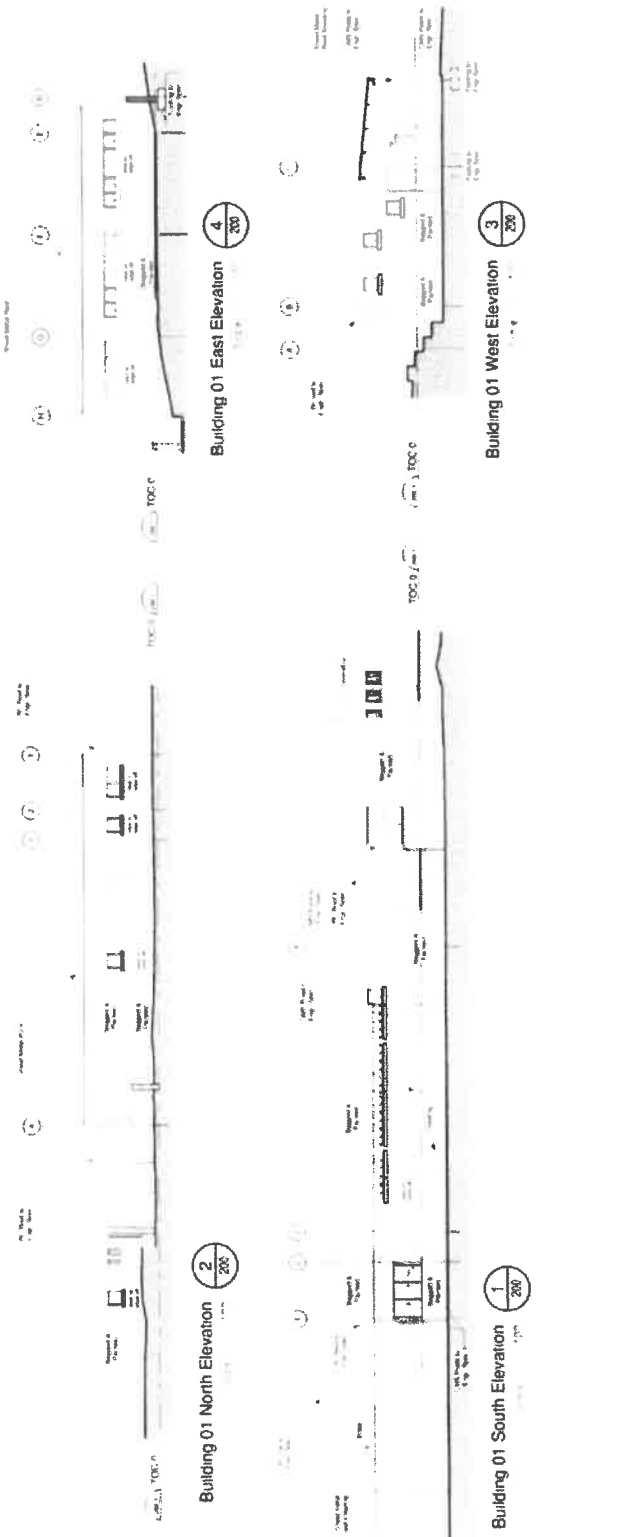
Item	Description	Quantity	Unit	Value
1	Excavation	100	m ³	10000
2	Foundation	50	m ²	5000
3	Structural Steel	100	kg	10000
4	Roofing	100	m ²	10000
5	Interior Finishes	100	m ²	10000
6	Exterior Finishes	100	m ²	10000
7	Electrical	100	hr	10000
8	Plumbing	100	hr	10000
9	Mechanical	100	hr	10000
10	Painting	100	m ²	10000
11	Site Preparation	100	hr	10000
12	Site Clearance	100	hr	10000
13	Site Access	100	hr	10000
14	Site Security	100	hr	10000
15	Site Maintenance	100	hr	10000
16	Site Restoration	100	hr	10000
17	Site Handover	100	hr	10000
18	Site Inspection	100	hr	10000
19	Site Documentation	100	hr	10000
20	Site Completion	100	hr	10000



Client: Franschhoek Municipality
FRANSCHHOEK TAXI RANK_LED Facilities
 Project No: 1901_4.1 ES 300 C
 Date: August 2013

General Notes

1. The design is based on the information provided and does not constitute a warranty of any kind. The contractor shall be responsible for verifying all field conditions and for obtaining all necessary permits. The contractor shall be responsible for coordinating with all other trades and for ensuring that all work is completed in accordance with the applicable building codes and standards. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities. The contractor shall be responsible for ensuring that all work is completed in a timely and efficient manner. The contractor shall be responsible for ensuring that all work is completed in accordance with the applicable building codes and standards. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities. The contractor shall be responsible for ensuring that all work is completed in a timely and efficient manner.

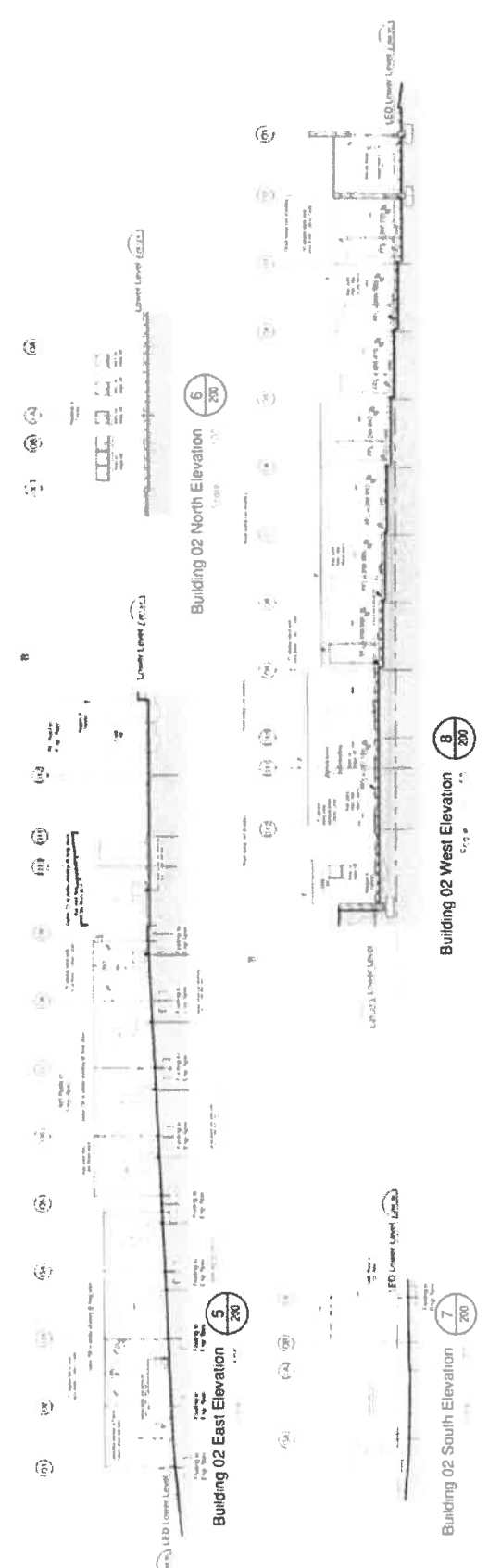


ID	Revision Category	Date	Iss by	Iss to
1	Initial	2019-08-01	BC	BC
2	Revised	2019-08-01	BC	BC
3	Revised	2019-08-01	BC	BC
4	Revised	2019-08-01	BC	BC

Revising

Project: Stillebergh Municipality
 Project Name: FRANSCHHOEK TAXI RANK_LED Facilities
 Discipline: Elevators
 Version: v1 2019-08-01
 Date: August 2019

Approved by: BC
 Designer: BC
 Date: 1901 4.1 ES 200 B



General Notes

General Conditions:
 1. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
 2. The contractor shall be responsible for coordinating with all other trades and subcontractors.
 3. The contractor shall be responsible for maintaining access to all existing utilities and structures.
 4. The contractor shall be responsible for protecting all existing structures and utilities.
 5. The contractor shall be responsible for maintaining site security and safety.
 6. The contractor shall be responsible for maintaining site cleanliness and debris removal.
 7. The contractor shall be responsible for maintaining site access for all personnel and equipment.
 8. The contractor shall be responsible for maintaining site access for all materials and equipment.
 9. The contractor shall be responsible for maintaining site access for all personnel and equipment.
 10. The contractor shall be responsible for maintaining site access for all materials and equipment.



Fire Plan Key:



Fire Alarm Pull Station



Fire Alarm Bell



Fire Alarm Horn



Fire Alarm Strobe

FIRE SERVICES DESIGN SUMMARY SCHEDULE

1.1	Fire Alarm Control Panel	1
1.2	Fire Alarm Pull Station	1
1.3	Fire Alarm Bell	1
1.4	Fire Alarm Horn	1
1.5	Fire Alarm Strobe	1
1.6	Fire Alarm Control Panel	1
1.7	Fire Alarm Pull Station	1
1.8	Fire Alarm Bell	1
1.9	Fire Alarm Horn	1
1.10	Fire Alarm Strobe	1
1.11	Fire Alarm Control Panel	1
1.12	Fire Alarm Pull Station	1
1.13	Fire Alarm Bell	1
1.14	Fire Alarm Horn	1
1.15	Fire Alarm Strobe	1
1.16	Fire Alarm Control Panel	1
1.17	Fire Alarm Pull Station	1
1.18	Fire Alarm Bell	1
1.19	Fire Alarm Horn	1
1.20	Fire Alarm Strobe	1

FIRE SERVICES DESIGN SUMMARY SCHEDULE

1.1	Fire Alarm Control Panel	1
1.2	Fire Alarm Pull Station	1
1.3	Fire Alarm Bell	1
1.4	Fire Alarm Horn	1
1.5	Fire Alarm Strobe	1
1.6	Fire Alarm Control Panel	1
1.7	Fire Alarm Pull Station	1
1.8	Fire Alarm Bell	1
1.9	Fire Alarm Horn	1
1.10	Fire Alarm Strobe	1
1.11	Fire Alarm Control Panel	1
1.12	Fire Alarm Pull Station	1
1.13	Fire Alarm Bell	1
1.14	Fire Alarm Horn	1
1.15	Fire Alarm Strobe	1
1.16	Fire Alarm Control Panel	1
1.17	Fire Alarm Pull Station	1
1.18	Fire Alarm Bell	1
1.19	Fire Alarm Horn	1
1.20	Fire Alarm Strobe	1

FIRE SERVICES DESIGN SUMMARY SCHEDULE

1.1	Fire Alarm Control Panel	1
1.2	Fire Alarm Pull Station	1
1.3	Fire Alarm Bell	1
1.4	Fire Alarm Horn	1
1.5	Fire Alarm Strobe	1
1.6	Fire Alarm Control Panel	1
1.7	Fire Alarm Pull Station	1
1.8	Fire Alarm Bell	1
1.9	Fire Alarm Horn	1
1.10	Fire Alarm Strobe	1
1.11	Fire Alarm Control Panel	1
1.12	Fire Alarm Pull Station	1
1.13	Fire Alarm Bell	1
1.14	Fire Alarm Horn	1
1.15	Fire Alarm Strobe	1
1.16	Fire Alarm Control Panel	1
1.17	Fire Alarm Pull Station	1
1.18	Fire Alarm Bell	1
1.19	Fire Alarm Horn	1
1.20	Fire Alarm Strobe	1

Revision Category Date Issued By Issued To

1.0 Initial Design 08/11/2019 JH OT

1.1 Revised Design 08/11/2019 JH OT

1.2 Revised Design 08/11/2019 JH OT

1.3 Revised Design 08/11/2019 JH OT

1.4 Revised Design 08/11/2019 JH OT

1.5 Revised Design 08/11/2019 JH OT

1.6 Revised Design 08/11/2019 JH OT

1.7 Revised Design 08/11/2019 JH OT

1.8 Revised Design 08/11/2019 JH OT

1.9 Revised Design 08/11/2019 JH OT

1.10 Revised Design 08/11/2019 JH OT

1.11 Revised Design 08/11/2019 JH OT

1.12 Revised Design 08/11/2019 JH OT

1.13 Revised Design 08/11/2019 JH OT

1.14 Revised Design 08/11/2019 JH OT

1.15 Revised Design 08/11/2019 JH OT

1.16 Revised Design 08/11/2019 JH OT

1.17 Revised Design 08/11/2019 JH OT

1.18 Revised Design 08/11/2019 JH OT



STELLENBOSCH

STELLENBOSCH FIRE SAFETY

FIRE CERTIFICATE

16/11/2021

The Manager
Erf 2235
Transport Facility
Groendal
Franschhoek
7690.

This is to certify that during a fire safety inspection carried out at the above premises, it was found that **New Building** complies with all the Fire Safety Requirements as stated by The National Building Regulations, SANS 10400-T:2011.

* The Fire Certificate is valid for one year only.

Yours truly

JD AARON
STATION COMMANDER: FIRE SAFETY