



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14925 (TP155/2022)

Our File Reference Number: Erf 3291, Franschhoek

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR DEPARTURES AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 3291, FRANSCHHOEK

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the following applications in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015 on Erf 3291 Franschhoek:

2.1.1 Permission required in terms of the zoning scheme in terms of Section 15 (2) (g) of the said bylaw to allow flats on the ground floor.

2.1.2 Permanent Departure in terms of Section 15 (2) (b) of the said by-law to allow the following; -

a) To allow flats on the ground floor and first floor to be 1.6m in lieu of 4.5m from the northeast common boundary adjacent to Erf 422 Franschhoek.

b) To allow flats on the ground floor and first floor (including balconies) to be 0m in lieu of 4.5m from the southwest common boundary adjacent to Erf 2893, Franschhoek.

c) To allow for the first-floor balcony to be 1.19m in lieu of 4.5m from the southeast common boundary adjacent to Erf 3292 Franschhoek.

- d) To allow for the balconies on the first floor to be 0m in lieu of 1m from the southwest common boundary adjacent to Erf 2893 Franschhoek.

BE APPROVED in terms of Section 60 of the by law and subject to the following conditions in terms of Section 66 of the said Bylaw:

3. Conditions of approval

- 3.1 The approval applies only to the application under consideration referenced as Drawing Number 3 001, dated 18-Oct-22, drawn by CW (Tim Ziehl Architects), and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.2 The development shall be implemented substantially in accordance with the Site Development Plan referenced as Drawing Number 3 001, dated 18-Oct-22, drawn by CW (Tim Ziehl Architects), and attached as **Annexure C**.
- 3.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 3.4 Building plans must be generally in accordance with the plans as referenced as Drawing Number 3 001, dated 18-Oct-22, drawn by CW (Tim Ziehl Architects), and attached as **Annexure C**.
- 3.5 The conditions imposed by the Directorate: Infrastructure Services as contained in their memo dated 10 May 2023, attached as **Annexure F**, be complied with.
- 3.6 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.7 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first

property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

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

4.1 The subject property is located within the approved urban edge of Stellenbosch, and infill development and densification are encouraged in terms of the MSDF.

4.2 The proposed development is not out of character and compatible with the surrounding and current land uses.

4.3 The parking requirements proposal is considered valid as each unit will have one (1) parking bay for vehicle, plus an additional two (2) parking bays for visitors, as well sufficient parking for business premises is provided.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

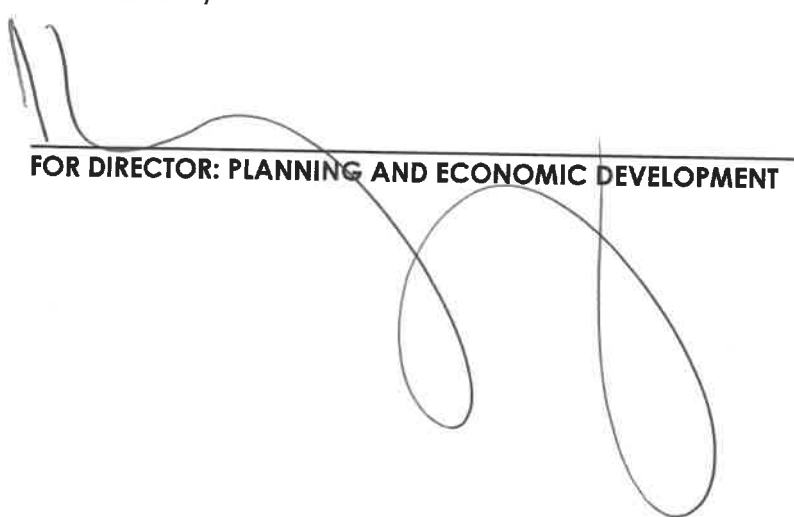
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
 - (e) if the appeal is lodged against a part of the decision, a description of the part;
 - (f) if the appeal is lodged against a condition of approval, a description of the condition;
 - (g) the factual or legal findings that the appellant relies on;
 - (h) the relief sought by the appellant; and
 - (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
 - (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
9. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking

details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

2/8/2023
DATE:

ANNEXURE C: SITE DEVELOPMENT PLAN

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



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To • Aan:	Director: Planning + Economic Development
Att Aandag	Bulehwa Mdoda
From • Van:	Technician: Development (Infrastructure Services)
Author • Skrywer:	Ilze Fillies
Date • Datum:	10 May 2023
Our Ref • Ons Verw:	Civil LU 2442
Your Ref:	LU/14925 – TP155/2022
Re • Insake:	<p>Erf 3291, Franschhoek: An application is made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Erf 3291 Franschhoek for the following; • Permission required in terms of Section 15(2)(g) of the said by-law to allow flats on the ground floor. • Permanent Departure in terms of Section 15 (2)(b) of the said by-law to allow flats on the ground floor and first floor to be 1.6m in lieu of 4.5m from the northeast common boundary adjacent to Erf 442 Franschhoek. • Permanent Departure in terms of Section 15 (2)(b) of the said by-law to allow flats on the ground floor and first floor (including balconies) to be 0m in lieu of 4.5m from the southwest common boundary adjacent to Erf 2893 Franschhoek. • Permanent Departure in terms of Section 15 (2)(b) of the said by-law to allow for the first floor balcony to be 1.19 m in lieu of 4.5m from the southeast common boundary adjacent to Erf 3292 Franschhoek.</p>

• **Permanent Departure in terms of Section 15 (2)(b) of the said by-law to allow for the balconies on the first floor to be 0m in lieu of 1m from the southwest common boundary adjacent to Erf 2893 Franschhoek.**

The application can be recommended for approval, subject to the following:

- 1. Water**
 - 1.1 The existing water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.
- 2. Sewer**
 - 2.1 The existing sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.
- 3. Roads**
 - 3.1 Sufficient parking must be provided as indicated on the SDP at the building plan submission stage.
- 4. Municipal Infrastructure (Civil Engineering Services)**
 - 4.1 Any changes to any existing civil engineering services of Stellenbosch Municipality are for the account of the owner.
- 5. Development Charges (DCs)**
 - 5.1 The following DC's are payable: See **Development Charge Calculation** attached.
 - 5.2 The DC's were calculated by using the 2022/2023 tariff structure. If DC's are paid after 30 June 2023 it will have to be recalculated by using the tariff structure applicable at date of payment.
 - 5.3 The appropriate DC's are payable before building plan approval.



ILZE FILLIES
TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

N:\2.0 DEVELOPMENT\01 Land Use applications\2442 (IF) Erf 3291 Franschoek (LU-14825 TP155-2022)\2442 (IF) Erf 3291 Franschoek (LU-14825 TP155-2022) NOT APP.doc



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2442 (IF) Er 3291 Franschoek (LU-14926 TP165-2023)
Development Name:	
Date:	10 May 2023
Financial Year:	2022/2023
Erf Location (Select from 7 Locations):	Franschoek
Vehicle Ownership (Select Normal or Low):	Normal
Erf Region (Select Urban or Rural):	Urban
Erf No:	3291
DC Parameters Reference:	3291 Franschoek

SUMMARY OF DC CALCULATION							
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community	Totals
Unit(s):	k/day	k/day	ha°C	l/week	trips/day	persons	
Total Increased Services Usage:	0.0	0.0	0.016	0.08	5.5	8	
Total Service Usage Reduction:	0	0	0	0	0.0	0	
Total Service Usage after Reduction:	0.00	0.00	0.01600	0.080	5.5	8	
Charges before adjusting for positive only, before Deductions	R 23 928.95	R 28 054.89	R 2 165.63	R 7 008.32	R 38 204.10	R 27 640.00	R 125 001.95
Charges adjusted for positive only, before Deductions	R 23 928.95	R 28 054.89	R 2 165.68	R 7 008.32	R 38 204.10	R 27 640.00	R 125 001.95
Total Deductions:	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 23 928.95	R 28 054.89	R 2 165.68	R 7 008.32	R 38 204.10	R 27 640.00	R 125 001.95
VAT:	R 3 589.34	R 3 908.23	R 324.85	R 1 051.25	R 5 730.82	R 4 146.00	R 18 750.29
Total Development Charges Payable (including VAT):	R 27 518.30	R 29 963.12	R 2 490.54	R 8 059.57	R 43 934.72	R 31 786.00	R 143 752.24

APPLICANT INFORMATION	
Application Processed by:	Kza Files
Signature:	
Notes:	

