STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11506
Our File Reference Number: Erf 13047 Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [redacted]

Dear Mr Truter

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING, CONSENT USE AND PERMANENT DEPARTURES ON ERF 13047, STELLENBOSCH

1. This Municipality's decision letter dated 24 November 2022, refers. The appeal process has now been concluded.

2. The Appeal Authority resolved on 26 April 2024 that the appeal submitted against the approval of the subject application by the Authorised Official on 24 November 2022, **BE UPHELD** and that the subject decision **BE VARIED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law.

3. The application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law, on Erf 13047, Stellenbosch for the following:

   3.1. **Rezoning** of Erf 13047 from Industrial zone to Mixed-use zone in terms of Section 15(2)(a) in terms of the applicable by-law, to accommodate the proposed development.

   3.2. **Consent use** to permit the relocation of the existing filling station in terms of Section 15(2)(o) of the applicable by-law, to accommodate the proposed development.

   3.3. **Permanent departure** for the under provision of 3 onsite parking bays, in terms of Section 15(2)(b) of the applicable by-law, to accommodate the proposed development.

3.4. **Permanent departure** of the prescribed 5m street building line to 3.65m to accommodate the existing building in terms of Section 15(2)(b) of the applicable by-law, to accommodate the proposed development.

3.5. **Permanent departure** of the prescribed 3m side building line to 0m in terms of Section 15(2)(b) of the applicable by-law, to accommodate the proposed filling station kiosk as indicated on the Site Development Plan with drawing no: 3671/A/3103, dated 11/03/2024 and drawn by TV3 Architects, Town Planners & Urban Designers.

IS APPROVED subject to conditions.

4. Conditions of approval:

4.1. The approval only applies to the application under consideration, as indicated on the Site Development Plan with drawing no: 3671/A/3103, dated 11/03/2024 and drawn by TV3 Architects, Town Planners & Urban Designers, attached as **Annexure B** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.

4.2. The development must be undertaken generally in accordance with the Site Development Plan with drawing no: 3671/A/3103, dated 11/03/2024 and drawn by TV3 Architects, Town Planners & Urban Designers, attached as **Annexure B.**

4.3. Building plans must be generally in accordance with the Site Development Plan with drawing no: 3671/A/3103, dated 11/03/2024 and drawn by TV3 Architects, Town Planners & Urban Designers, attached as **Annexure B**.

4.4. The visual impact of the vast parking area must be softened with alternating paved and tarred areas which must be presented for consideration and approval by the Municipality with the submission of the building plan application.

4.5. The aesthetic design of all building structures and the design detail of the boundary wall and associated landscaping treatment of the Stellentia Street interface with the property must be presented for consideration and approval by the Municipality with the submission of the building plan application, which design detail of the filling station, kiosk and boundary wall should be generally in accordance with the subject rendering submission to the Appeal Authority and attached hereto as **Annexure C.**

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4.6. The parking area must be fully developed with demarcated parking bays, boundary walls and treatment, and landscaping provided as per approved site development plan with mature trees to the satisfaction of the Municipality prior to an occupation certificate being issued for the buildings.

4.7. A right of way servitude on Erf 13047 in favour of Erf 7592 and as indicated on the approved site development plan must be registered to secure the shared access point on Stellentia Street.

4.8. The registration of a right of way servitude on Erf 7592 in favour of Erf 13047 and as indicated on the approved site development plan must be secured as per agreement between the applicant and appellant to secure the shared access point on Stellentia Street.

4.9. The conditions of approval as imposed by the Directorate Infrastructure Services in their memo dated 29/07/2022 be complied with, attached as **Annexure D**.

4.10. Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.

4.11. The Electrical Engineer must obtain and submit the written requirements from the Senior Manager Electrical Services on the new power requirements on the project prior to the submission of formal building plans being submitted for approval.

4.12. The conditions imposed by the Western Cape Government Department of Transport and Public Works: Roads Planning as contained in their letter dated 03/06/2021 be complied with, attached as **Annexure E**.

5. Reasons for the decision:

5.1. The proposal will facilitate the redevelopment of the subject property in line with its current land use rights and no additional rights are proposed. The proposed use of the subject property for business purposes is not out of character with its surroundings. The impact of the proposal on the surrounding properties or area is therefore expected to be minimal.

5.2. The proposal is sensitive to the current and future development context of Stellentia Street and the Lower Dorp Street area.

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5.3. The concerns raised by the appellant and Appeal Authority have been adequately addressed. The applicant and appellant have concluded a mutual beneficial agreement which alleviates the concerns raised by the appellant.

5.4. The main concerns of securing a single access point on Stellentia Street to be shared by the applicant and appellant's properties, the repositioning of the filling station kiosk and the incorporation of appropriate landscaping measures are imposed as conditions of approval.

6. Matters to be Noted

6.1. 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.

7. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 2/5/2024

Copies To:

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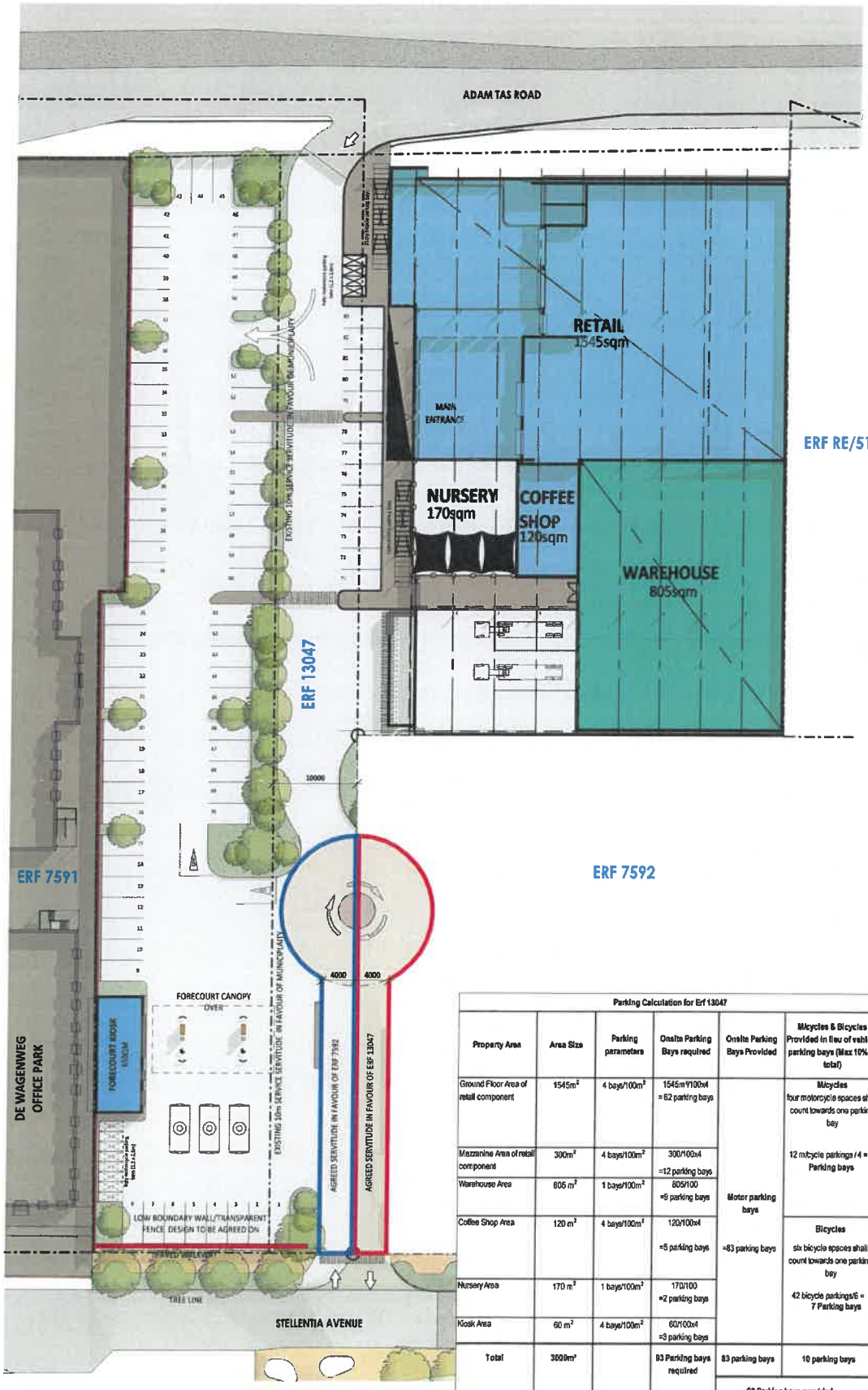
ANNEXURE B



Parking Calculation for Erf 13047					
Property Area	Area Size	Parking parameters	Onsite Parking Bays required	Onsite Parking Bays Provided	Bicycles & Bicycles Provided in lieu of vehicle parking bays (Max 10% in total)
Ground Floor Area of retail component	1545m²	4 bays/100m²	1545m²/100x4 = 62 parking bays	Motor parking bays =83 parking bays	Bicycles four motorcycle spaces shall count towards one parking bay 12 m/cycle parkings / 4 = 3 Parking bays
Mezzanine Area of retail component	300m²	4 bays/100m²	300/100x4 =12 parking bays		
Warehouse Area	805 m²	1 bays/100m²	805/100 =8 parking bays		
Coffee Shop Area	120 m²	4 bays/100m²	120/100x4 =5 parking bays		Bicycles six bicycle spaces shall count towards one parking bay 42 bicycle parkings/6 = 7 Parking bays
Nursery Area	170 m²	1 bays/100m²	170/100 =2 parking bays		
Kiosk Area	60 m²	4 bays/100m²	60/100x4 =3 parking bays		
Total	3000m²		83 Parking bays required	83 parking bays	10 parking bays
				93 Parking bays provided	

SITE DEVELOPMENT PLAN

SCALE: 1 : 350

ORIGINAL DOCUMENT DATE: March 2023

DOCUMENT VARIATIONS REGISTER:

NO	DATE	DESCRIPTION
	2024-03-11	Issued for information

PROJECT DESCRIPTION:

ERF 13047, Stellentia Avenue, Stellenbosch

PROJECT / CLIENT:

KAAP AGRI SDP

DATE: 2024-03-11
DRAWN: A. GOUWS
CHECKED: E. SWANEPOEL
SIZE / SCALE: A2 / 1 : 350
DRAWING No: **3671/A/3103**
REV

MUNICIPAL

[redacted]

DE KOCK & ASSOCIATES VENNOTE
RAADGEWEND : SIVIEL, STRUKTUREEL, ARGITEKTUUR EN PROJEKBESTUUR
ADVISING : CIVIL, STRUCTURAL, ARCHITECTURE AND PROJECT MANAGEMENT

tv3 ARCHITECTS TOWN PLANNERS URBAN DESIGNERS

FIRST FLOOR | 1A GRATITUDE OFFICE BUILDING | 97 DORP STREET
STELLENBOSCH 7600 | [redacted] | www.tv3.co.za

ANNEXURE C

DE KOCK & ASSOCIATES

[redacted] | [redacted] | [redacted] | [redacted]

DE KOCK & ASSOCIATES

[redacted] | [redacted] | [redacted] | [redacted]

DE KOCK & ASSOCIATES

[redacted] | [redacted] | [redacted] | [redacted]

ANNEXURE D

STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag	**Salome Newman**
From ▫ Van:	**Principal Technician: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Colin Taylor**
Date ▫ Datum:	**29 July 2022**
Our Ref ▫ Ons Verw:	**Civil LU 2074**
Your Ref:	**LU/11506**
Re ▫ Insake:	**Rezoning of Erf 13047 in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law from Industrial zone to Mixed-use zone to accommodate the proposed development, Consent use on Erf 13047 in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law to accommodate the existing Filling Station on the property, which is currently a primary right under Industrial Zone. Permanent departure from the development parameters of the zoning scheme in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law to provide 91 parking bays in lieu of the required 98 parking bays.**

This memo supersedes the one dated 29 March 2022.

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

1. Civil Engineering Services

1.1 On-site services already exist – GLA is reduced and no upgrade to services are proposed.

2. Roads

2.1 Road markings and warning signs is needed to prohibited motorists to enter the R310 from the Agrimark site.

2.2 Access is from a provincial road Adam Tas – please obtain approval from Provincial Roads Engineer.

3. Development Charges (DCs) - Parking

3.1 Based on the information provided in application the Development Charges payable by the developer is R 591 823.80 (Vat incl.) as per Parking DC's calculation bellow.

3.2 The following Parking DC's are payable based on the updated Site Development Plan dated 11 March 2022:

Parking bay short fall = 3

Parking DC's per bay = R 197 274.60 (Incl Vat)

Total Parking DC's R 197 274.60 x 3 = R 591 823.80 (Incl Vat)

STELLENBOSCH MUNICIPALITY

SUNDRY TARIFFS FOR THE PERIOD 1 JULY 2022 TO 30 JUNE 2023
Applicable to services rendered from 1 July 2022

DIREKTORAAT: INFRASTRUKTUUR DIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

	Tariff 2021/22 (Excl. VAT)	2021/22 VAT 15%	Tariff 2021/22 (Incl. VAT)	Tariff 2022/23 (Excl. VAT)	2022/23 VAT 15%	Tariff 2022/23 (Incl. VAT)
ROADS TRANSPORT & STORMWATER						
Lowering of kerbs	595 05	89.26	684 31	595 05	89 26	684 31
Inspection fee for the construction of facility signs	278 93	41 84	320 77	278 93	41 84	320 77
Construction of facility sign	991 76	148 76	1140 52	991 76	148 76	1140 52
Construction of vehicle access over stormwater/irrigation channels	Actual Cost/Werklike koste + 10%			Actual Cost/Werklike koste + 10%		
Temporary road closures undertaken by the Municipality (12 hours)	7 500 00	978 26	8 478 26	7 500 00	978 26	8 478 26
Development Charge (DC) - Parking Per parking bay	174 512 15	22 762 45	197 274 60	174 512 15	22 762 45	197 274 60

3.3 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.

3.4 The appropriate DC's are payable before building plan approval.

4. Electrical Engineering

4.1 Refer to **Annexure: Electrical**

Colin Taylor Pr Tech Eng
Principal Technician: DEVELOPMENT (INFRASTRUCTURE SERVICES)
V:\2.0 DEVELOPMENT\00 Developments\2074 (CT) Erf 13047 Stellenbosch (LU-11506)\2074 (CT) Erf 13047 Stellenbosch (LU-11506)_4.doc

ANNEXURE E

Western Cape Government
Transport and Public Works

ROADS
Email: Grace.Swanepoel@westerncape.gov.za
tel: +27 21 483 2419
Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-25/377 (Job 28074)
ENQUIRIES: Ms GD Swanepoel
DATE: 3 June 2021

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

Attention: Mr U von Molendorff

Dear Sir

ERF 13047 STELLENBOSCH: MAIN ROAD 177 (ADAM TAS ROAD): APPLICATION FOR REZONING, CONSENT USE AND PERMANENT DEPARTURE OF DEVELOPMENT PARAMETERS

1. The following refer:

1.1 E-mail from Mr NJ de Kock of CK Rumboll & Partners dated 15 October 2020 and attached land use application for Erf 13047 Stellenbosch;

1.2 Letter TPW/CFS/RP/LUD/REZ/SUB-25/377 (Job 28074) of comment from this Branch dated 21 January 2021;

1.3 Access assessment/motivation by Sturgeon Consulting dated May 2021, sent by e-mail to Harry Thompson of this Branch on 24 May 2021. This report includes a revised site development plan;

1.4 E-mail in support of Sturgeon findings and recommendations, sent by Mr Nigell Winter to Mr Tyrone King, both of Stellenbosch Municipality, on 24 May 2021.

2. In our letter of 21 January 2021, this Branch set as a condition the closure of the left slip off Main Road 177 Adam Tas Road (MR177). One of this Branch's main concerns was the location of the goods receiving area immediately adjacent to the entrance. The access assessment/motivation report presents a revised site plan, with the receiving area relocated a significant distance from the left slip access point.

3. The access assessment also included speed measurements and a study of conflicts. From this data it is apparent that speeds within the area of the slip lane are not excessive and few conflicts are the result of the access. It is therefore considered that a well-designed left slip access can safely be retained.

4. The recommendations of the access assessment that regular enforcement activities be carried out to minimise the stopping of mini-bus taxis in the off-slip lane, which may have contributed to conflicts, is supported.

5. Random pedestrian crossing movements of MR177 were observed and the recommendation to erect barrier fencing in the median to channelise pedestrian crossing movements of MR177 to the signalised Dorp Street intersection is supported.

6. Large trucks will not be able to turn safely within the property if entering from MR177, and signage restricting trucks entering at that access to a maximum of 10 tons is supported.

7. In light of the above, this Branch withdraws its condition contained in paragraph 9.1 of our 21 January 2021 letter, subject to the conditions listed in paragraph 8 below.

8. This Branch offers no objection to the proposed development as shown in the revised site plan contained in Sturgeon Consulting's access assessment/motivation, subject to the following:

8.1 The upgrade design of the left slip off Main Road 177 Adam Tas Road shall be approved by the Municipality's Traffic Engineer / Infrastructure Services Department, and shall ensure that:

8.1.1 Egress movements by vehicles from the property onto MR177 are not possible;

8.1.2 Signage restricting trucks to 10 tons is erected in an appropriate location;

8.1.3 A sidewalk of adequate width is provided adjacent to the relocated slip lane, with sufficient space for pedestrians to move past sign poles; and

8.1.4 A safe, well signed and marked pedestrian crossing of the slip road, with dropped kerbs, is provided.

Yours faithfully

pp

SW CARSTENS
For **DEPUTY DIRECTOR-GENERAL: ROADS**