

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11575

Our File Reference Number: Erf 3357 Franschhoek

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL [REDACTED]

Dear Sir/Madam

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING AND DEPARTURES ON ERF 3357, FRANSCHHOEK

1. This Municipality's decision letter dated 26 January 2022, refers.
2. The Appeal Authority resolved on 11 August 2025 that the appeal submitted against the decision of the Authorised Decision-Maker dated 3 December 2021, in respect of the subject application LU/11575 **BE DISMISSED**, and that the subject decision **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law as follows:
3. That the following applications for departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015:
 - 3.1 The under provision of onsite parking in order to allow 82 parking bays (including 70 vehicle parking bays, 25 motorcycle bays and 42 bicycle bays) in lieu of the required 87 parking bays.

- 3.2 Increase the permissible coverage from 50% to 54% on Erf 3357, Franschhoek as indicated on drawing no. SD-3467-M101-102 & M301-M302, dated 8 October 2020, drawn by S. Designs (see Annexure C).
- 3.3 Relax the common building lines (northern, eastern and western sides) from 4,5m to 3m in order to accommodate the ground and first floor of the proposed development on Erf 3357, Franschhoek as indicated on drawing no. SD-3467-M101-102 & M301-M302, dated 8 October 2020, drawn by S. Designs.
- 3.4 Relax the side building line (second floor building line) (north east from 6m) to 3m in order to accommodate the proposed block of flats on the second floor on Erf 3357, Franschhoek as indicated on drawing no. SD-3467-M101-102 & M301-M302, dated 8 October 2020, drawn by S. Designs.
- 3.5 Relax the side building line (eastern and northern side) from 4,5m to 0m in order to accommodate the proposed basement storey on Erf 3357, Franschhoek as indicated on drawing no. SD-3467-M101-102 & M301-M302, dated 8 October 2020, drawn by S. Designs.

BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:

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

- 4.1 The Applicant did not submit an Appeal against the decision and did not indicate any objection to the refusal of the departures. The refusal of the departures will require that the Applicant develop the property within the parameters of the Multi-unit Residential Zone. The reasons provided by the Authorised Decision-maker which speaks to guarding against the overdevelopment of the subject property are therefore endorsed and serve as mitigation measure against any potential negative impacts that the development may have on the surrounding area.
- 4.2 The departures applied for in general would facilitate the overdevelopment of the property as additional floor space for onsite parking would be created resulting in a higher number of residential opportunities also being facilitated.

4.3 The fact that the required number of onsite parking bays could not be provided, and the introduction and inclusion of none motorised facilities in the parking calculation (even though the subject property is located in an area where there is no formal NMT facilities or formal public transport system) is further evident of the fact that the initial proposal has not taken its surroundings into consideration and that the departures would result in the overdevelopment of the property.

4.4 The under provision of onsite parking would have a negative impact on the surrounding residential area as no facilities exist within the area to accommodate parking overflow to be caused by the overdevelopment of the subject property.

4.5 The fact that the proposal included several departure applications, exacerbates the impact that the proposed building will have on the privacy of the adjoining properties, which further indicates that the proposal submitted has not taken note of its surroundings and tried to mitigate / minimize the impact that the building / residential units would have on the surrounding properties privacy and in general.

5. 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 3357, Franschhoek, namely:

5.1 The rezoning of the subject property from Local Business Zone to Multi-unit Residential Zone in terms of Section 15(2)(a) of the said Bylaw in order to allow the construction of a block of flats on Erf 3357, Franschhoek -

BE APPROVED in terms of Section 60 subject to conditions.

6. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

6.1 The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

6.2 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality and be approved prior

to the submission of any building plans, which site development plan must comply with all applicable development parameters in accordance with the prevailing zoning of the property as noted in the 2019 Stellenbosch Municipality Zoning Scheme Bylaw.

6.3 The provision of a mix of residential units (1-, 2- & 3-Bedroom units) be provided to cater for a wide range of income groups to the satisfaction of the Municipality.

6.4 The development be limited to a two-storey building with a basement level.

6.5 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.

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

Regarding the merits of the application:

7.1 The subject property is located within the urban edge and in an area designated for "urban development" in the SDF and as an infill development the proposed development will develop underutilised land within the urban edge for urban development.

7.2 The development of the subject property would ensure that the existing infrastructure is optimally used which is currently not the case as the subject property is vacant.

7.3 The proposed residential use of the property will not be out of character with the receiving environment as the subject property is surrounded by residential developments of varying densities.

7.4 The scale and nature of the proposed development will be appropriate in terms of its locational context and thereby not compromise the existing character of the surrounding landscape.

7.5 The Stellenbosch Municipality Zoning Scheme Bylaw, 2019 does not make provision for density requirements for flats and therefore the proposed development does not encroach on any density restrictions.

Regarding the grounds of appeal

7.6 From the historic land use approvals and site plans on record it is common cause that Erf 3357 formed an integral part of a larger development proposal, presented as the Franschhoek Country Club Estate.

7.7 The development concept and associated layout for the original Franschhoek Country Club Estate was designed to provide internal access and services for all the properties that resulted from the approval of the larger development, which later included the Fransche Hoek Estate properties and the subject Erf 3357.

7.8 The provisions on shared internal access and private services were the rationale of the development proposal and the basis on which approval was granted for the development, and clearance was issued that permitted the developer to alienate and/ or register Erf 3357 as a separate property entity, and in accordance with which the then allocated development rights have vested.

7.9 Accordingly, access to the subject property was made available via existing internal private roads and right of way servitudes as part of the larger development in accordance with the original development proposal and approval and existing access roads should provide for and benefit all properties that was part of the development.

7.10 In accordance with the Service Agreements signed between the Municipality and the initial developer, the subject developer is responsible to permit shared access and services to all properties located within the boundaries of the larger development.

7.11 Accordingly, with the clearance of the property that permitted the developer to alienate the subject property, the present landowner has a legitimate right to the

internal access roads and services as provided for in the original development proposal and as approved, and any dispute thereon should be addressed amongst the owners.

8. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.
9. The appeal process has now been concluded.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT



25/8/2025
DATE

COPIES TO:

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2. [REDACTED]
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Email: franschhoek@yahoo.com

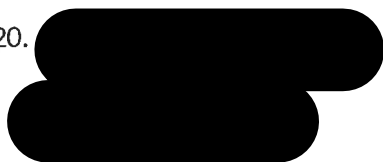
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ANNEXURE C

(REZONING AND DEPARTURES ON ERF 3357, FRANSCHHOEK)

SITE PLAN

PROPOSED SCHEME FOR EIP 4357:

NUMBER OF UNITS: 55
Coverage Allowed: 2171 m² = 5500

was reduced among individuals in position of
 , because they are often in the line of
 and therefore can be seen by the crowd.

Any reduced life indicators like Protein that is critical for most of the living life are therefore counted as Biomass!

COVERAGE BY DEFINITION:
The coverage includes all portions of business that are
in above the sea

1327 and 796 also indicates the position of
cavities that is greater than 1m above EGL
and therefore counts as Ground floor and is
included in the Grossable Area.

9.64 dm² The area indicates average hole's radius (R).

TOTAL 22.84 dm³
= 34.14%

GROUND LEVEL PLAN ROOF OF BASEMENT

COVERAGE OF UNITS: 1579 sm²

COVERAGE OF STAINS: 12 m²

	1987-1990	1991-1994	1995-1998	1999-2002	2003-2006	2007-2010	2011-2014	2015-2018	2019-2022	2023-2026	2027-2030	2031-2034	2035-2038	2039-2042	2043-2046	2047-2050	2051-2054	2055-2058	2059-2062	2063-2066	2067-2070	2071-2074	2075-2078	2079-2082	2083-2086	2087-2090	2091-2094	2095-2098	2099-2102	2103-2106	2107-2110	2111-2114	2115-2118	2119-2122	2123-2126	2127-2130	2131-2134	2135-2138	2139-2142	2143-2146	2147-2150	2151-2154	2155-2158	2159-2162	2163-2166	2167-2170	2171-2174	2175-2178	2179-2182	2183-2186	2187-2190	2191-2194	2195-2198	2199-2202	2203-2206	2207-2210	2211-2214	2215-2218	2219-2222	2223-2226	2227-2230	2231-2234	2235-2238	2239-2242	2243-2246	2247-2250	2251-2254	2255-2258	2259-2262	2263-2266	2267-2270	2271-2274	2275-2278	2279-2282	2283-2286	2287-2290	2291-2294	2295-2298	2299-2302	2303-2306	2307-2310	2311-2314	2315-2318	2319-2322	2323-2326	2327-2330	2331-2334	2335-2338	2339-2342	2343-2346	2347-2350	2351-2354	2355-2358	2359-2362	2363-2366	2367-2370	2371-2374	2375-2378	2379-2382	2383-2386	2387-2390	2391-2394	2395-2398	2399-2402	2403-2406	2407-2410	2411-2414	2415-2418	2419-2422	2423-2426	2427-2430	2431-2434	2435-2438	2439-2442	2443-2446	2447-2450	2451-2454	2455-2458	2459-2462	2463-2466	2467-2470	2471-2474	2475-2478	2479-2482	2483-2486	2487-2490	2491-2494	2495-2498	2499-2502	2503-2506	2507-2510	2511-2514	2515-2518	2519-2522	2523-2526	2527-2530	2531-2534	2535-2538	2539-2542	2543-2546	2547-2550	2551-2554	2555-2558	2559-2562	2563-2566	2567-2570	2571-2574	2575-2578	2579-2582	2583-2586	2587-2590	2591-2594	2595-2598	2599-2602	2603-2606	2607-2610	2611-2614	2615-2618	2619-2622	2623-2626	2627-2630	2631-2634	2635-2638	2639-2642	2643-2646	2647-2650	2651-2654	2655-2658	2659-2662	2663-2666	2667-2670	2671-2674	2675-2678	2679-2682	2683-2686	2687-2690	2691-2694	2695-2698	2699-2702	2703-2706	2707-2710	2711-2714	2715-2718	2719-2722	2723-2726	2727-2730	2731-2734	2735-2738	2739-2742	2743-2746	2747-2750	2751-2754	2755-2758	2759-2762	2763-2766	2767-2770	2771-2774	2775-2778	2779-2782	2783-2786	2787-2790	2791-2794	2795-2798	2799-2802	2803-2806	2807-2810	2811-2814	2815-2818	2819-2822	2823-2826	2827-2830	2831-2834	2835-2838	2839-2842	2843-2846	2847-2850	2851-2854	2855-2858	2859-2862	2863-2866	2867-2870	2871-2874	2875-2878	2879-2882	2883-2886	2887-2890	2891-2894	2895-2898	2899-2902	2903-2906	2907-2910	2911-2914	2915-2918	2919-2922	2923-2926	2927-2930	2931-2934	2935-2938	2939-2942	2943-2946	2947-2950	2951-2954	2955-2958	2959-2962	2963-2966	2967-2970	2971-2974	2975-2978	2979-2982	2983-2986	2987-2990	2991-2994	2995-2998	2999-3002	3003-3006	3007-3010	3011-3014	3015-3018	3019-3022	3023-3026	3027-3030	3031-3034	3035-3038	3039-3042	3043-3046	3047-3050	3051-3054	3055-3058	3059-3062	3063-3066	3067-3070	3071-3074
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STOCK ALLOWED = 73%

ACTUAL DUE:
This includes Due Dates & Street
BASEMENT LEVEL =
GROUND LEVEL =

602,344	TRAFFIC
288,444	TOTAL
890,788	

PARKING REQUIRED:
1.5 BAYS per Unit = 12.3 BAYS

PARKING PROVIDED!
 Car Parking Days
 45 DAYS

Motorcycle Days (2d)
= 6 DAYS
= 7 DAYS

TOTAL PAIDING BATS 73 BATS

$\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=0}^{n-1} f(T^k x) = \int_X f d\mu$

DATE 2020-10-08

D-3467-M101:-

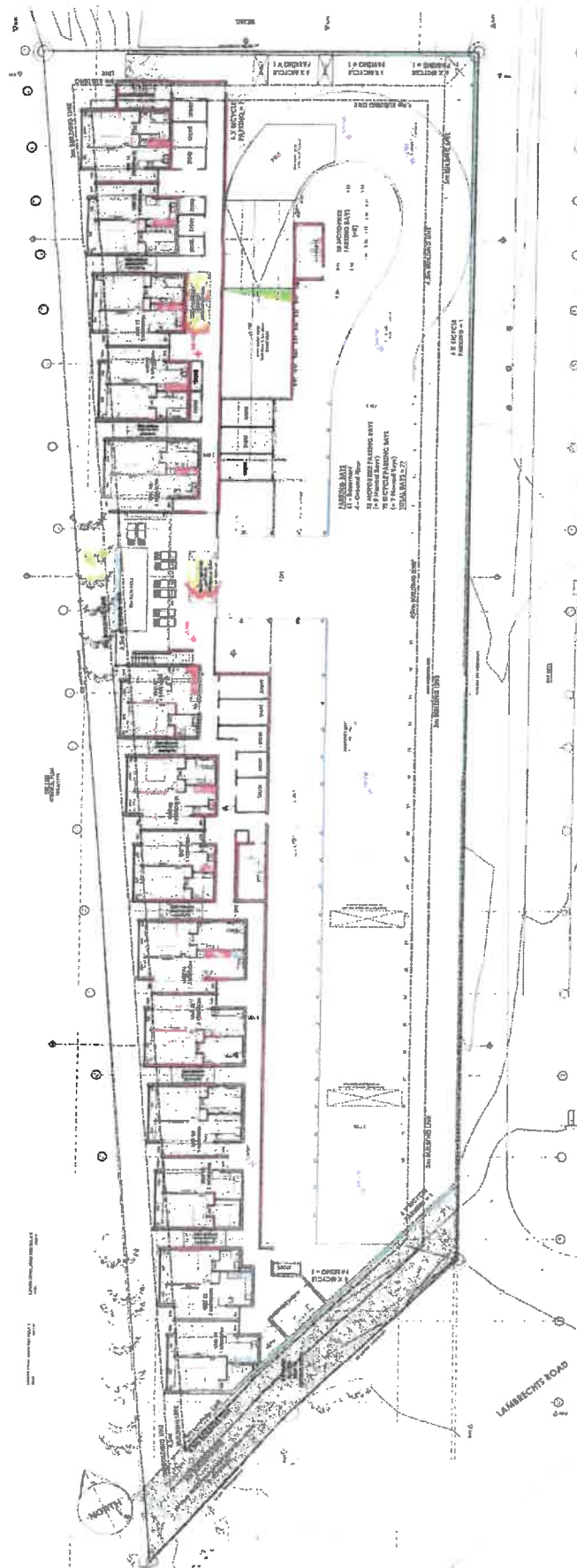
BASEMENT/LOWER LEVEL &
3RD FLOOR

WINK PROJECTS
19 3357 Lombarecht Road
TANESHOE

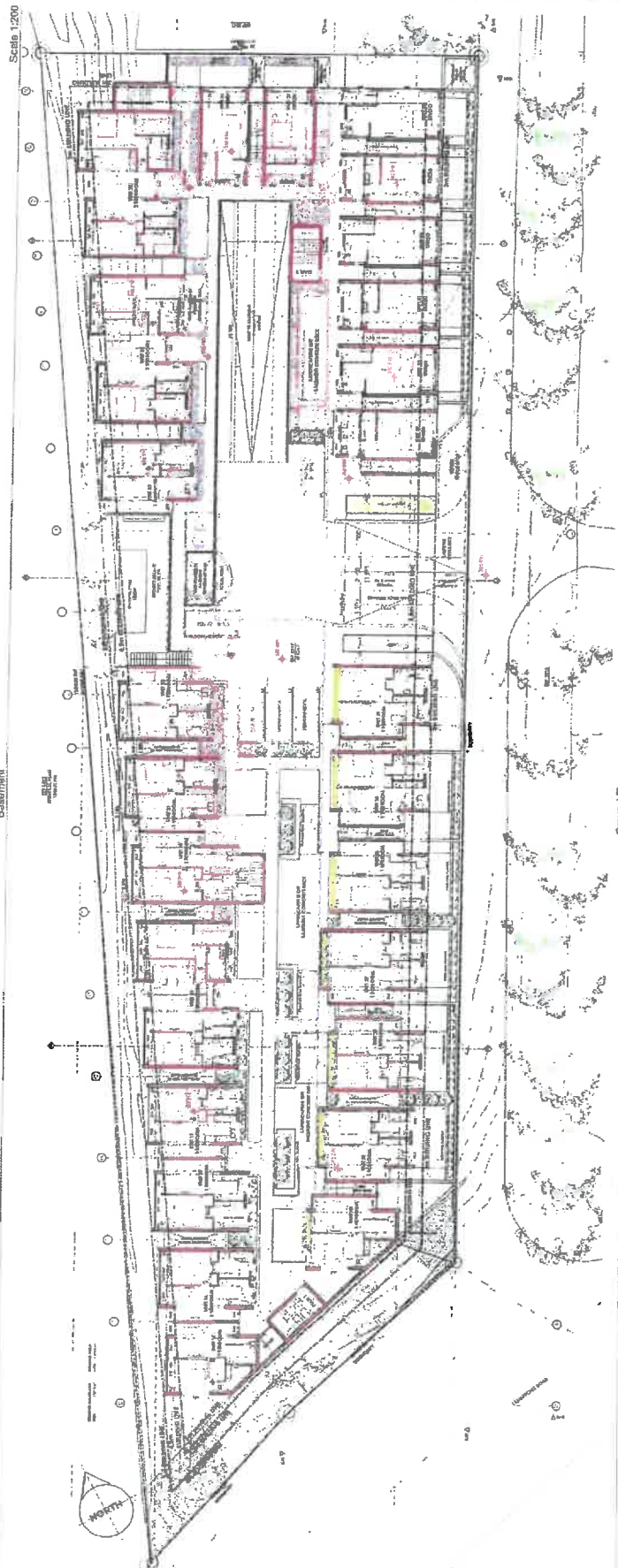
ERF 3357 - SDP SUBMISSION

S·DESIGN

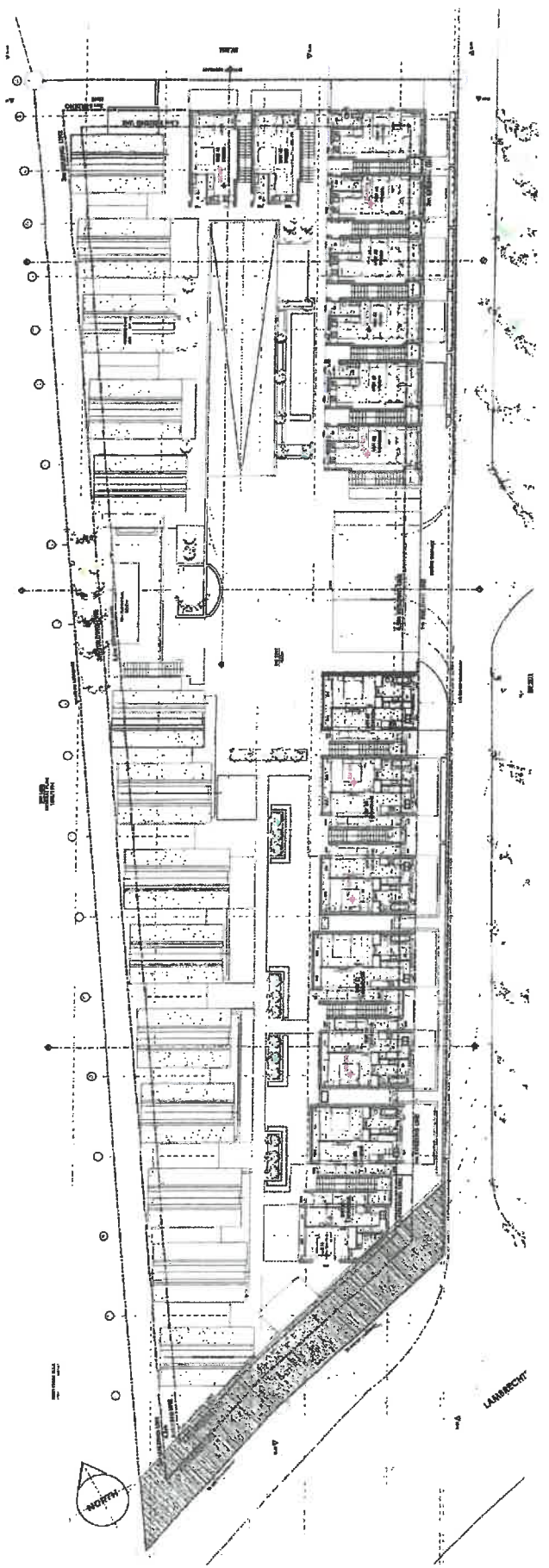
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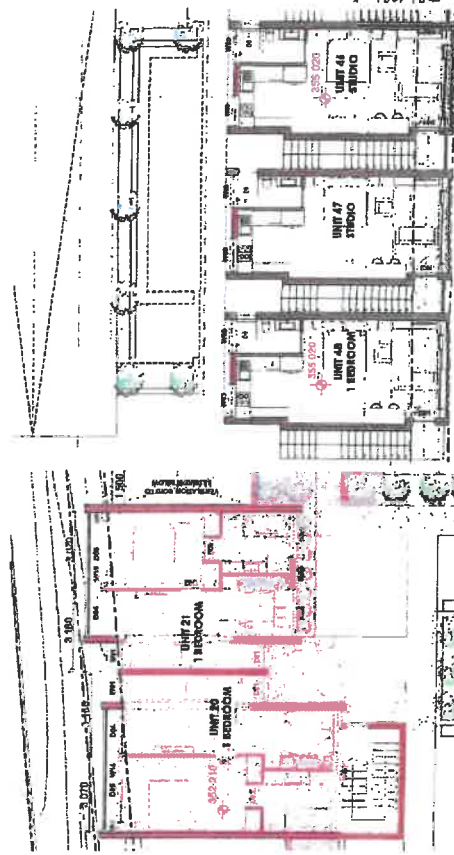
basement



Ground Floor



First Floor Scale 1:200



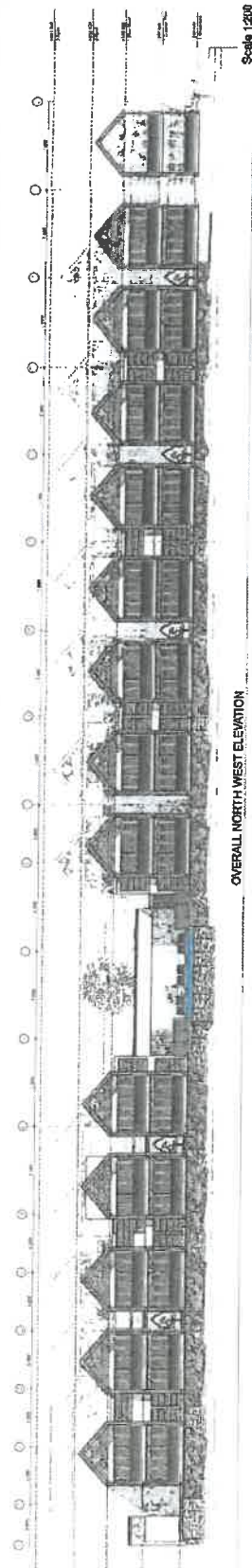
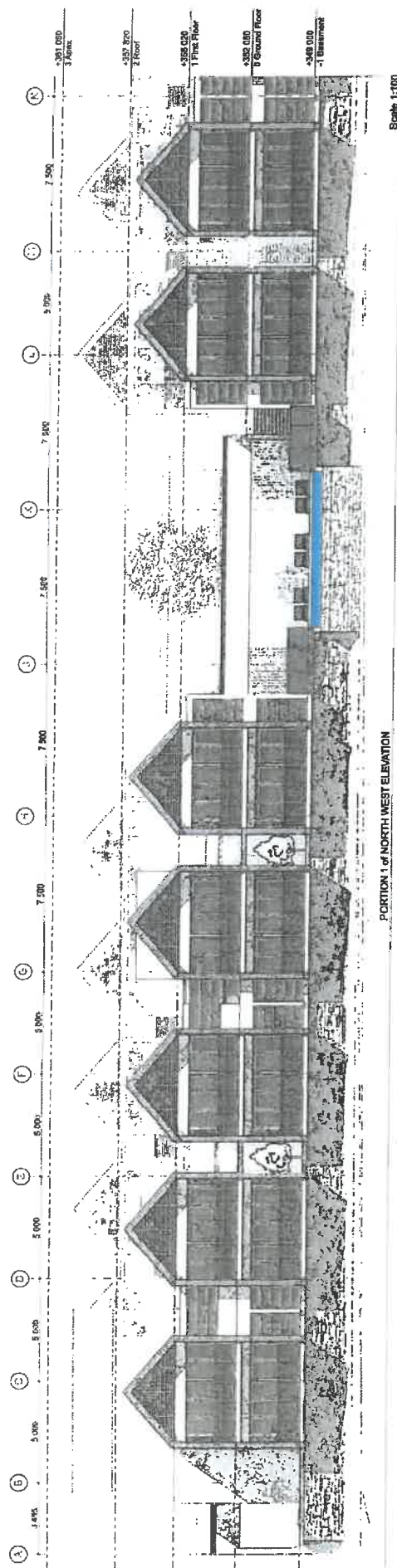
Typical 1 Bedroom Apartments Scale 1:100

50.7 SQM PER UNIT

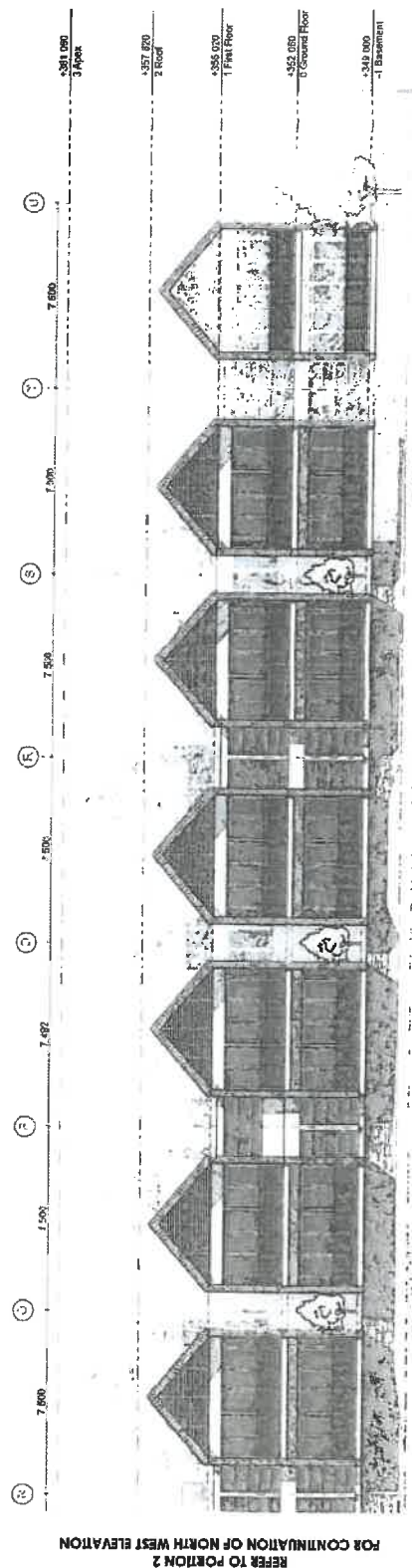
41.8 SQM PER UNIT

PORION 1 of NORTH WEST ELEVATION

PORION 2 of NORTH WEST ELEVATION



REFER TO PORTION 2
FOR CONTINUATION OF NORTH WEST ELEVATION



REFER TO PORTION 1
FOR CONTINUATION OF NORTH WEST ELEVATION

DATE: 2020-10-08
PROJECT: SD-3467-A302 -
DRAWING: ELEVATIONS 1 of 3
CLIENT: MNK PROJECTS
ADDRESS: 88-3357, Lonsdale Road,
BRANDERHURST
REF: 3357 - SDF SUBMISSION

