

ANNEXURE 2

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Department: Planning and Economic Development

APPLICATION FOR REZONING: ERF 412, Le Roux, FRANSCHHOEK.

File number : FH 412
Compiled by : S. Zangqa
Report by : Manager: Land Use Management
Delegated Authority : Director: Planning & Economic Development

1. PURPOSE OF REPORT

To enable the Director: Planning & Economic Development to make a decision on the abovementioned application for rezoning on Erf 412, Le Roux, Franschhoek. The application is recommended for approval.

2. BACKGROUND

The subject property was originally transferred from the Provincial Housing Board to the Stellenbosch Municipality. In the early 1990's a number of families started occupying the property to capacity. On 16 February 1998 a Social Accord was signed by various stakeholders, paving the way for various development initiatives including the relocation of the families on Erf 412, as well as the development of the property.

During 2001/2002 most of the families on Erf 412 were relocated to Mooiwater and the remaining families were relocated to Klein Mooiwater. In December 2009 a report recommending the site to be used for business purposes, housing opportunities and further tourism related business was submitted to Council. The process was never finalized and the application never considered by the Department of Planning & Economic Development.

Application for Consideration

Application is made in terms of Section 17(1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Erf 412, Le Roux, Franschhoek from Group Housing to a Subdivisional area for General Business of 3300m², General Residential of 2250m², Local Authority of 1417m² and Local Authority (Public Road) of 3000m² in order to accommodate a mixed-use development. See Appendix 3.

3. PROPERTY INFORMATION

Erf numbers	412, Le Roux, Franschhoek.
Location	Cnr La Provence and Stiebeul Street, Franschhoek. (APPENDIX 2)
Zoning/Zoning Scheme	Group housing / Franschhoek Town Planning



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	Scheme Regulation.
Current Land Use	Vacant
Property size	1.1204ha
Applicant	Stellenbosch Municipality

4. DISCUSSION

4.1 Legal requirements and Public Participation

The application for rezoning was submitted in terms of Section 17(1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985). Notices were served on the surrounding property owners, the ward Councillor, internal and external departments. The application was also published in the local press (Paarl Post) and the Provincial Gazette. No objections or comments were received within the prescribed period for comments and objections. The application was supported by all the internal and external departments it was circulated to.

4.2 Site Description and Assessment

The subject property is located in the residential area of Groendal in Franschhoek and is currently vacant. The subject property is zoned for Group Housing in terms of the Franschhoek Zoning Scheme Regulations.

The surrounding zonings are General Business, Single residential, Local Authority, Institution and Agriculture. The property is located along the R45 which is a major scenic tourism route. A stream runs through Erf 368, zoned as Public Open Space which abuts the northern- eastern edge of Erf 412. A brick paved pedestrian path runs the length of Erf 368, parallel to Mark Street.

The proposal entails the rezoning of a vacant plot from Group Housing to a Subdivisional area for General Business, General Residential and Local Authority for the purpose of accommodating a mixed-use development. The proposed development will happen in phases. Phase 1 entails the rezoning of a portion measuring approximately 1417m² from Group Housing to Local Authority in order to construct a library. Access to the property will be taken from Stebeul Street and 8 parking bays shall be provided for the library, the additional 125 parking bays will form part of phase 2. An application will be made in future for consideration of the site development plan in order to accommodate the phase 2 for residential and business use.

The 2013 Municipal Spatial Development Framework advocates for land above the current urban boundary of the town between Franschhoek North and South is to be promoted for mixed use, mixed income development including social and gap housing. The proposed development complies with the proposal for the subject property in the Franschhoek Spatial Development Plan (Nov.2000), which states that *"the intention with Erf 412 (marked "A3" on the plan) is to relocate the families living there currently to*



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alternative land (Mooiwater) to allow other appropriate developments to take place. The property is well positioned on the Main Road for high density residential development. It has been suggested that part of the land be used for apartments for single people or small families who may prefer the option of renting accommodation. The remainder of the property could be used for commercial and bee-hive type light industrial use". It is therefore evident that the Franschhoek Spatial Development Plan proposes a mixed use development for Erf 412, Le Roux, Franschhoek.

The subject application is also a form of moderate urban densification, which is supported by the Franschhoek Spatial Development Plan. The proposal will be an improvement on the current status of the site and will not detract from the existing character of its surrounding environment.

5. RECOMMENDATION

That approval be granted in terms of Section 16(1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Erf 412, Le Roux, Franschhoek from Group Housing to a Subdivisional area for General Business of 3300m², General Residential of 2250m², Local Authority of 1417m² and Local Authority (Public Road) of 3000m² in order to accommodate a mixed-use development, as indicated on Drawings No. 01, dated May 2015 and Drawn by Unknown, attached as Appendix 3.

6. REASONS FOR RECOMMENDATION

The proposed rezoning is desirable and would in all probability not have a detrimental effect on the aesthetic quality of the surrounding properties, the character of the area, and will not adversely affect any person or the environment.

7. APPENDICES

- Appendix 1 : Conditions of Approval
- Appendix 2 : Locality Map
- Appendix 3 : Site Plan
- Appendix 4 : Comments from Directorate: Engineering Services (Stellenbosch Municipality)
- Appendix 5 : Comments from the Manager: Building Control (Stellenbosch Municipality)
- Appendix 6 : Comments from the Manager: Spatial Planning, Heritage & Environment (Stellenbosch Municipality)
- Appendix 7 : Comments from the Department of Health (Cape Winelands District)
- Appendix 8 : Comments from the Department of Transport and Public Works



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APPENDIX 1
FILE NO: FH 412

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means ERF 412, LE ROUX, FRANSCHHOEK.

"scheme regulation" has the meaning assigned thereto by the Land Use Planning Ordinance (15 of 1985).

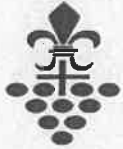
EXTENT OF APPROVAL: The rezoning of Erf 412, Le Roux, Franschhoek from Group Housing to a Subdivisional area for General Business of 3300m², General Residential of 2250m², Local Authority of 1417m² and Local Authority (Public Road) of 3000m² in order to accommodate a mixed-use development, as indicated on Drawings No. 01, dated May 2015 and Drawn by Unknown, attached as **Appendix 3**.

VALIDITY OF APPROVAL: That the approval for the rezoning shall lapse if not exercised within 2 years.

CONDITIONS IMPOSED: Rezoning conditions

CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985:

1. That the approval applies only to the rezoning in question as indicated on **APPENDIX 3** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That the conditions as set out by the Directorate: Engineering Services (Stellenbosch Municipality), attached as **Appendix 4**, must be complied with;
3. That the conditions as set out by the Manager: Building Control (Stellenbosch Municipality), attached as **Appendix 5**, must be complied with;
4. That the conditions as set out by the Manager: Spatial Planning, Heritage & Environment (Stellenbosch Municipality), attached as **Appendix 6**, must be complied with;
5. That the conditions as set out by the Department of Health (Cape Winelands District), attached as **Appendix 7**, must be complied with;
6. That the conditions as set out by the Department of Transport and Public Works, attached as **Appendix 8**, must be complied with;
7. That building plans be submitted for approval prior to the commencement of any building work;
8. That a site development plan be approved by Council prior to commencement of phase 2 of the development;
9. That this Council reserves the right to impose further conditions if deemed necessary.



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APPLICATION FOR REZONING: ERF 412, Le Roux, FRANSCHHOEK.

COMPILED BY:


L. Ramakuwela
SENIOR TOWN PLANNER

21/11/2016
Date

RECOMMENDED BY:


H. Dednam
MANAGER: LAND USE MANAGEMENT

22/11/2016
Date

THE DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT HEREBY APPROVES THE ABOVE RECOMMENDATION UNDER DELEGATED AUTHORITY:


D. Lombaard
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

22/11/2016
Date

Viola Swartz (Planning Admin)

From: Nomie Tshefu <Nomie.Tshefu@stellenbosch.gov.za>
Sent: Monday, 02 March 2020 10:10
To: Directors Group; Mayco Group; Directors PAs; Mayco Support; Karin Ebrahim; Elton Klaasen; Creditors Accounts; Amanda Sondlo; Johru Robyn; Craig Alexander; Rotanda Swartbooi; Janine Stanfield; Scm Admin (Ingrid Thesen); Widmark Moses; Stiaan Carstens; Lester Vanstavel; Bernabe De La Bat; Dalleel Jacobs
Cc: Marina Lubbe; Sharon Pedro; Viola Swartz (Planning Admin); Michelle Moses; Jacky Adonis; Kaylin Coetzee
Subject: ACTING DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT: 01 MARCH 2020 - 31 MAY 2020

Good morning all

Kindly note that Mr Craig Alexander is acting in the capacity as Director Planning and Economic Development from 01 March 2020 until 31 May 2020 with full delegation.

He may be contacted on X8196 or per email at craig.alexander@stellenbosch.gov.za



Kind regards,

Nomie Tshefu

Chief Administrative Officer

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