



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8056

Our File Reference Number: Erf 614, Franschhoek

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: Tristan@headland.co.za

Sir

APPLICATION FOR A RESTRICTIVE TITLE DEED CONDITION, REZONING AND DEPARTURE ON ERF 614, FRANSCHHOEK

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

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

- 2.1 The **rezoning** of the subject property from Single Residential Zone to General Residential Zone (Franschhoek Town Planning Scheme Regulations) in terms of Section 15(2)(a) of the said Bylaw in order to allow the construction of row-housing on Erf 614, Franschhoek as indicated on drawing no. 2016/07, dated Nov 2018, drawn by Moller Argitekte (see **Annexure C**).
- 2.2 The **Departure** in terms of section 15(2)(b) of the said bylaw in order to increase the permissible coverage from 30% to 43% on Erf 614, Franschhoek as indicated on drawing no. 2016/07, dated Nov 2018, drawn by Moller Argitekte (see **Annexure C**).
- 2.3 The removal of a restrictive title deed condition in terms of Section 15(2)(f) of the said bylaw of condition 6(a) as contained in Title Deed Nr. T63324/2016 which reads "Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpekommissie en die plaaslike owerheid, goedkeur, met dien verstande

dat, indien die erf in die gebied van n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat aan die voorwaardes en beperkings wat in die skema bepaal word", in order to allow additional dwelling units on Erf 614 Franschoek as indicated on 2016/07, dated Nov by Moller Argitekto (see **Annexure C**).

- 2.4 The removal of a restrictive title deed condition in terms of Section 15(2)(f) of the said bylaw of condition 6(b) as contained in Title Deed Nr. T63324/2016 which reads "Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe die toestemming van die Administrateur nader as 4.72 meter van die straatlyn wat n grens van hierdie erf uitmaak, asook nie binne 3.15 meter van die agtergrens of 1.57 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie met dien verstande dat met die toestemming van die plaaslike owerheid," in order to allow additional dwelling units on Erf 614 Franschoek as indicated on 2016/07, dated Nov 2018, drawn by (see **Annexure C**).

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

- a) The proposal will develop under utilized land within the urban edge for urban development
- b) The proposed residential development constitutes infill development and is therefore in line with the principles of the SDF.
- c) The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.
- d) The Fransshoek Town Planning Scheme Regulations do not make provision for density requirements and therefore the proposed development does not encroach on any density restrictions. The density of 40 dwelling units per hectare is acceptable.
- e) As the title restrictions are not for the benefit for any specific property or person, and the development parameters will still be governed by the applicable Zoning Scheme the deletion of this condition will not negatively impact on the personal benefits of any surrounding property owner within this township development.

That such approval BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:

- a) The approval only applies to the proposed development in question, as indicated on attached **Site Development Plan (Drawing no. 2016/07, dated Nov 2018)** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- b) The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;
- c) An owners association should be established in terms of Section 29(1) of the said bylaw;
- d) A constitution for the owners association must be submitted for approval to the Municipality and which constitution must take into account the requirements stipulated in Section 29(3) of the said bylaw;
- e) The development guidelines for the development be submitted to this department for approval;
- f) The following conditions imposed by the **Director: Engineering Services** as contained in their memo dated 18 December 2019, attached as **ANNEXURE Q** be complied with;

a) Water

- I. 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

b) Sewer

- I. 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.

c) Development Charges

- I. Based on the information provided in the application, the Development Charges payable by the developer is R247 441.15 (Vat incl) as per attached Development Calculation.
- II. The DC's were calculated for the 2019/2020 financial year. If the account is paid after 30 June 2020 it has to be recalculated using the then applicable tariffs.

- III. DC's are payable prior to the erf or portion thereof being put to the approved use or building plan approval which ever come first.

d) General

- I. Any changes to existing engineering services due to this application will be for the account of the developer.

1.1 That development contributions are payable before the transfer of the property or approval of building plans, whichever occurs first, and which amount will be calculated in accordance with the approved council tariffs in force at the time of payment;

1.2 A formal application be submitted for the erection of advertising signs and that all signage to be in line with the signage policy of the municipality and be approved by the Municipality prior to any signage being erected;

1.3 The applicant must after the publication of a notice in the Provincial Gazette apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal of the restrictive conditions;

1.4 Building plans may be submitted for approved when all relevant conditions have been complied with.

3. 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.

4. 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.
4. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za
5. An applicant 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.

6. 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>).
7. 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.
8. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
9. 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

23/9/20
DATE

OBJECTORS ON ERF 614, FRANSCHHOEK

Graham & Rebecca Sheward

27 Paris Crescent

FRANSCHHOEK

7690

Patrick Hamilton Brigg

13 Nerina Street

FRANSCHHOEK

7690

H Naude

08 Paris Crescent

FRANSCHHOEK

7690

Samatha Burgin

11 Nerina Street

FRANSCHHOEK

7690

Carol Thorns

01 Paris Crescent

FRANSCHHOEK

7690

Fred van Alphen LL.M MRE

12 Heide Street

FRANSCHHOEK

7690

B S Kramer

10 Paris Crescent

FRANSCHHOEK

Jan Hoon
10 Heide Street
FRANSCHHOEK
7690

J & C Smit
02 Paris, Crescent
FRANSCHHOEK
7690

N & E Smit
02 Paris Crescent
FRANSCHHOEK
7690

S & G Brown
02 Paris Crescent
FRANSCHHOEK
7690

L Smit
02 Paris Crescent
FRANSCHHOEK
7690

LF & MA Meyer
04 Heide Street
FRANSCHHOEK
7690

LF & MA Meyer
09 Nerina Street
FRANSCHHOEK
7690

ANNEXURE C

SITE DEVELOPMENT PLAN



Ground Floor Plan 1:200
Erf 614 Heide Street Franschhoek

New Proposed Residential Units on ERF 614, FRANSCHHOEK.

Drawn: **Moller Argitekta** - Pr Arch 21414
 13 Dorensly Gt.,
 Stellenbosch 7600
 j.moller@mollerargitekta.com
 cell: 082 458 4943
 Org no: 2016/07
 Date: Nov 2018
 Drawing Title: Ground Floor and Site Plan
 Sheet - 01



Street Elevation 1:100

CT.

Cull 1832

INTERDEPARTMENTAL CIRCULATION FORM

LÊER VERW/ FILE REF	Erf 614, Franschoek	DATUM DATE	2019-04-15
AANSOEKNUMMER / APPLICATION NUMBER	LU/8056		
MEMO AAN/ TO :	> Manager : Engineering Services Manager : Electrical Department Manager : LED (Widmark Moses) Manager : Fire Services Manager : Chief Financial Officer Manager: Spatial Planning / Heritage / Environment / Signage Manager: Health Department (Winelands Health) Manager: Building Development Manager : Community Services		
Application	Application Rezoning & Removal of Restriction		
Adres / Address	06 Heide Street, Franschoek		
Aansoek Datum / Application Date	01 August 2018		
Aansoeker / Applicant	Headland Planners (Tristan Sandwith)		

16/4/19



SCAN NR: E614 FH

652560

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: **2019-05-15**
 Please hand deliver the memorandum to me on or before : **2019-05-15**

S Newman

For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

Traffic Engineering: Re comment for approval; subject to the

- All Franschoek zoning scheme regulations are adhere to.*
- All proposed activities must be accommodate within approved erf boundary.*

MW
16/4/19

VOORWAARDES/CONDITIONS :

Refer to attach comments in our memo dated 4/7/2019.

[Signature]
 HANDTEKENING / SIGNATURE

4/7/2019
 DATUM / DATE



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To • Aan: Director: Planning + Economic Development
Att Aandag S Newman
From • Van: Colin Taylor (Development)
Date • Datum: 4/07/2019
Our Ref • Ons Verw: CIVIL LU 1832
Re • Insake: Erf 614 Fransshhoek: Application Rezoning & Removal Restriction

The above mentioned application for the following refers.

- 1) To rezone Erf 614, Franschhoek from single Residential Zone to General Residential Zone in order to accommodate the construction of row-housing on the property.
- 2) Departure to increase the permissible coverage from 30% to 43% on Erf 614, Fransshhoek.
- 3) Removal of title deed condition 6(b) in order to allow additional dwelling units on Erf 614, Franschhoek; and
- 4) Removal of title deed condition 6(b) in order to allow for the proposed buildings to encroach the street building line from 3.5 to 3m on Erf 614, Franschhoek

Comments from the Transport, Roads and Stormwater, Water Services, Traffic Engineering and Development Departments will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

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

- 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. Development Charges (DCs)**
 - 3.1 Based on the information provided in application the Development Charges payable by the developer is R 247 441,15 (Vat incl.) as per attached Development Charges Calculation.
 - 3.2 The DC's were calculated for the 2019/2020 financial year. If the account is paid after 30 June 2020 it has to be recalculated using the then applicable tariffs.

3.3 DCs are payable prior to the erf or portion thereof being put to the approved use or building plan approval which ever come first.

4. General

4.1 Any changes to existing engineering services due to this application will be for the account of the developer.



Colin Taylor

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\1832 (CT) Erf 614. Franschoek\1832 - Erf 614 Franschoek Stellenbosch (Rezoning & Removal of Restriction)\v1.doc

Franchisebook

Infrastructure Type applicable? (yes/no)	Development Characteristics		Development Characteristics		Development Characteristics		Development Characteristics		Development Characteristics		Development Characteristics	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Single Residential - 100sqft	R	R	R	R	R	R	R	R	R	R	R	R
Single Residential - 200sqft	R	R	R	R	R	R	R	R	R	R	R	R
Single Residential - 250sqft	R	R	R	R	R	R	R	R	R	R	R	R
Single Residential - 300sqft	R	R	R	R	R	R	R	R	R	R	R	R
Low Density Residential - 250sqft	R	R	R	R	R	R	R	R	R	R	R	R
Low Density Residential - 300sqft	R	R	R	R	R	R	R	R	R	R	R	R
Medium Density Residential - 250sqft	R	R	R	R	R	R	R	R	R	R	R	R
Medium Density Residential - 300sqft	R	R	R	R	R	R	R	R	R	R	R	R
High Density Residential - 250sqft	R	R	R	R	R	R	R	R	R	R	R	R
High Density Residential - 300sqft	R	R	R	R	R	R	R	R	R	R	R	R
Local Business - retail	R	R	R	R	R	R	R	R	R	R	R	R
General Business - retail	R	R	R	R	R	R	R	R	R	R	R	R
General Business - office	R	R	R	R	R	R	R	R	R	R	R	R
General Business - retail	R	R	R	R	R	R	R	R	R	R	R	R
Community	R	R	R	R	R	R	R	R	R	R	R	R
Education	R	R	R	R	R	R	R	R	R	R	R	R
Light Industrial	R	R	R	R	R	R	R	R	R	R	R	R
General Industrial - light	R	R	R	R	R	R	R	R	R	R	R	R
General Industrial - heavy	R	R	R	R	R	R	R	R	R	R	R	R
Nonresidential - heavy	R	R	R	R	R	R	R	R	R	R	R	R
Resort	R	R	R	R	R	R	R	R	R	R	R	R
Public Open Space	R	R	R	R	R	R	R	R	R	R	R	R
Private Open Space	R	R	R	R	R	R	R	R	R	R	R	R
Natural Environment	R	R	R	R	R	R	R	R	R	R	R	R
Utility Services	R	R	R	R	R	R	R	R	R	R	R	R
Public Roads and Parkway	R	R	R	R	R	R	R	R	R	R	R	R
Transport Facility	R	R	R	R	R	R	R	R	R	R	R	R
Unlimited Use	R	R	R	R	R	R	R	R	R	R	R	R
To be calculated based on established demands												

Development Characteristics	Development Characteristics	Development Characteristics	Development Characteristics	Development Characteristics	Development Characteristics	Development Characteristics	Development Characteristics	Development Characteristics	Development Characteristics	
R 29 261.63	R -11 298.57	R -3 332.03	R -2 218.89	R -25 817.26	R -42 937.96	R -84 866.16	R 40 351.31	R 104 881.63	R 94 530.32	R 300 419.82
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* Complete yellow/green cells.
 ** See column 104 for more available areas.
 *** Development Charges/Incentive Deductions
 % Deductions per service (amount)
 Sub. from other jurisdictions (including VAT)
 VAT
 Total