



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16505 (TP516/2023)

Our File Reference Number: Erf 1780, Franschhoek

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL** [REDACTED]

Sir/Madam

**APPLICATION FOR DEPARTURE IN TERMS OF SECTION 15(2)(b) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023 ERF 1780, LA PETITE PROVENCE ESTATE, FRANSCHHOEK**

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

2.1 That the application made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw 2023 to relax the street building line from 4m to 2.2m for the new open sided covered front porch and the relaxation of a common building line from 2,5m to 0m for the proposed extension of the existing covered patio and the construction of a new storeroom on the property on erf 1780, La Petite Provence Wine Estate – Franschhoek.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.

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

2.2.1 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.

2.2.2 The approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive then the most restrictive conditions will apply.

2.2.3 Building plans must be generally in accordance with the site plan/floor layout plan as referenced in Drawing No. 1780/06/2023, Drawn by Architectural Services and Design, Dated 20-06-2023. attached as **Annexure B**.

2.3 The reasons for the above decision are as follows:

2.3.1 The proposal is subsequently in line with the existing land use of the property and will not have a negative impact on the character of the surrounding area.

2.3.2 The departures will not have a significant impact on the adjoining properties concerning the loss of privacy and will not result in a visually intrusive building due to the location of the property.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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:

4.1 The personal particulars of the Appellant, including:

- a) First names and surname
- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) Contact details, including a Cell number and E-Mail address

5. Reference to this correspondence and the relevant property details on which the appeal is submitted.

5.1 The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) 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.

5.2 Whether the appeal is lodged against the whole decision or a part of the decision.

5.3 If the appeal is lodged against a part of the decision, a description of the part.

5.4 If the appeal is lodged against a condition of approval, a description of the condition.

5.5 The factual or legal findings that the appellant relies on.

5.6 The relief sought by the appellant.

5.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

5.8 That the appeal includes the following declaration by the Appellant:

a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

b) 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.

6. 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](mailto:landuse.appeals@stellenbosch.gov.za)

7. 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.

8. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)

9. An applicant who lodges 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.

10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

11. Kindly note the above decision in the case of any approval, is suspended, and 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**



**DATE** 4/4/2021

**SPECIFICATIONS:**

All work to be completed in accordance with the standard building requirements of the Building Standards Act, 1977, and the relevant SANS codes of practice.

**General:**  
All materials to be of good quality and suitable for the intended use.

**Structural:**  
All structural work to be in accordance with the relevant SANS codes of practice.

**Services:**  
All services to be installed in accordance with the relevant SANS codes of practice.

**Finishes:**  
All finishes to be in accordance with the relevant SANS codes of practice.

**Roofs:**  
All roofs to be in accordance with the relevant SANS codes of practice.

**Windows and Doors:**  
All windows and doors to be in accordance with the relevant SANS codes of practice.

**Paints:**  
All paints to be in accordance with the relevant SANS codes of practice.

**Lighting:**  
All lighting to be in accordance with the relevant SANS codes of practice.

**Sanitation:**  
All sanitation to be in accordance with the relevant SANS codes of practice.

**Water Supply:**  
All water supply to be in accordance with the relevant SANS codes of practice.

**Drainage:**  
All drainage to be in accordance with the relevant SANS codes of practice.

**Gas Supply:**  
All gas supply to be in accordance with the relevant SANS codes of practice.

**Electrical:**  
All electrical to be in accordance with the relevant SANS codes of practice.

**Telephone:**  
All telephone to be in accordance with the relevant SANS codes of practice.

**Television:**  
All television to be in accordance with the relevant SANS codes of practice.

**Sound:**  
All sound to be in accordance with the relevant SANS codes of practice.

**Security:**  
All security to be in accordance with the relevant SANS codes of practice.

**Accessibility:**  
All accessibility to be in accordance with the relevant SANS codes of practice.

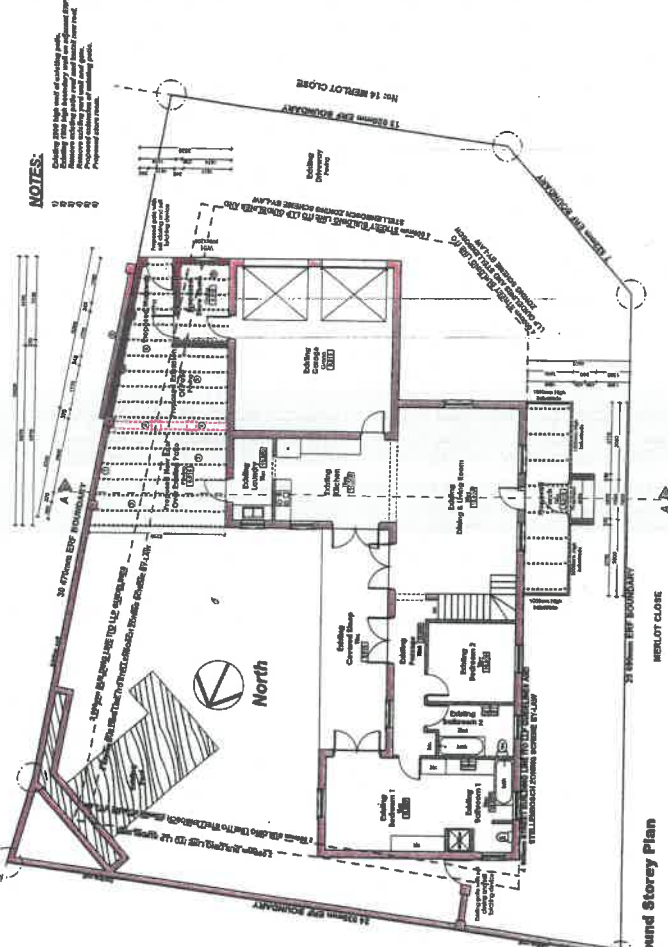
**Energy Efficiency:**  
All energy efficiency to be in accordance with the relevant SANS codes of practice.

**Health and Safety:**  
All health and safety to be in accordance with the relevant SANS codes of practice.

**Environmental:**  
All environmental to be in accordance with the relevant SANS codes of practice.

**LA PETITE PROVINCE WINE ESTATE, FRANSCHOEK  
BROAD ARCHITECTURAL GUIDELINES REQUIREMENTS:**

- All work to be completed in accordance with the standard building requirements of the Building Standards Act, 1977, and the relevant SANS codes of practice.
- All materials to be of good quality and suitable for the intended use.
- All structural work to be in accordance with the relevant SANS codes of practice.
- All services to be installed in accordance with the relevant SANS codes of practice.
- All finishes to be in accordance with the relevant SANS codes of practice.
- All roofs to be in accordance with the relevant SANS codes of practice.
- All windows and doors to be in accordance with the relevant SANS codes of practice.
- All paints to be in accordance with the relevant SANS codes of practice.
- All lighting to be in accordance with the relevant SANS codes of practice.
- All sanitation to be in accordance with the relevant SANS codes of practice.
- All water supply to be in accordance with the relevant SANS codes of practice.
- All drainage to be in accordance with the relevant SANS codes of practice.
- All gas supply to be in accordance with the relevant SANS codes of practice.
- All electrical to be in accordance with the relevant SANS codes of practice.
- All telephone to be in accordance with the relevant SANS codes of practice.
- All television to be in accordance with the relevant SANS codes of practice.
- All sound to be in accordance with the relevant SANS codes of practice.
- All security to be in accordance with the relevant SANS codes of practice.
- All accessibility to be in accordance with the relevant SANS codes of practice.
- All energy efficiency to be in accordance with the relevant SANS codes of practice.
- All health and safety to be in accordance with the relevant SANS codes of practice.
- All environmental to be in accordance with the relevant SANS codes of practice.



Site / Ground Storey Plan  
scale 1:100

**NOTES:**

1. All work to be completed in accordance with the standard building requirements of the Building Standards Act, 1977, and the relevant SANS codes of practice.

2. All materials to be of good quality and suitable for the intended use.

3. All structural work to be in accordance with the relevant SANS codes of practice.

4. All services to be installed in accordance with the relevant SANS codes of practice.

5. All finishes to be in accordance with the relevant SANS codes of practice.

6. All roofs to be in accordance with the relevant SANS codes of practice.

7. All windows and doors to be in accordance with the relevant SANS codes of practice.

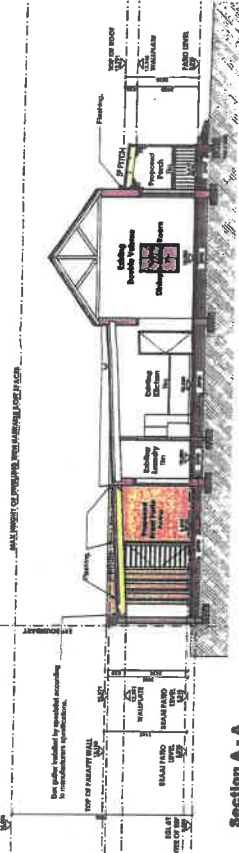
8. All paints to be in accordance with the relevant SANS codes of practice.

9. All lighting to be in accordance with the relevant SANS codes of practice.

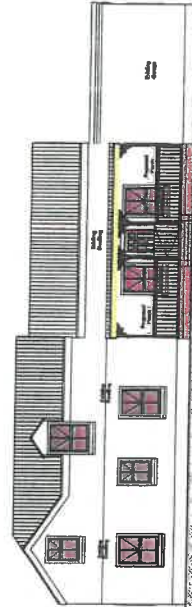
10. All sanitation to be in accordance with the relevant SANS codes of practice.

11. All water supply to be in accordance with the relevant SANS codes of practice.

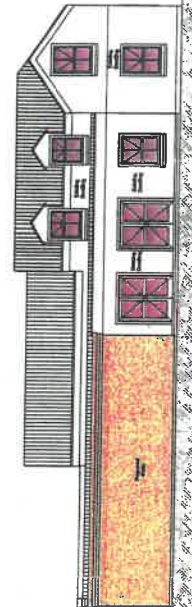
12. All drainage to be in accordance with the relevant SANS codes of practice.



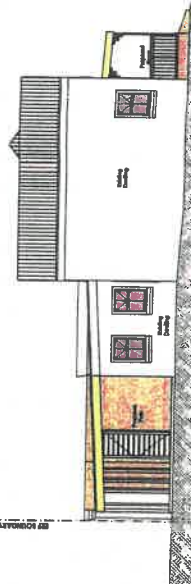
Section A - A  
scale 1:100



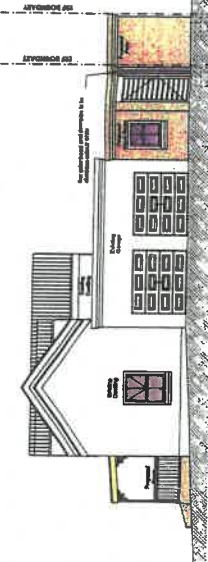
West Elevation  
scale 1:100



East Elevation  
scale 1:100



North Elevation  
scale 1:100



South Elevation  
scale 1:100

**GENERAL NOTES:**  
1. All work to be completed in accordance with the standard building requirements of the Building Standards Act, 1977, and the relevant SANS codes of practice.

NO.	DATE	DESCRIPTION
1	1977	...
2	1978	...
3	1979	...
4	1980	...
5	1981	...
6	1982	...
7	1983	...
8	1984	...
9	1985	...
10	1986	...
11	1987	...
12	1988	...
13	1989	...
14	1990	...
15	1991	...
16	1992	...
17	1993	...
18	1994	...
19	1995	...
20	1996	...

**LA PETITE PROVINCE WINE ESTATE**  
RESIDENTIAL ESTATE  
FRANSCHOEK  
MOUNTAINTOP DRIVE  
FRANSCHOEK  
WEST CAPE PROVINCE  
SOUTH AFRICA

**HOUSE TITLES**  
[Redacted]  
[Redacted]

**LA PETITE PROVINCE WINE ESTATE**  
RESIDENTIAL ESTATE  
FRANSCHOEK  
MOUNTAINTOP DRIVE  
FRANSCHOEK  
WEST CAPE PROVINCE  
SOUTH AFRICA

OWNER: [Redacted]  
DATE: 2011-01-01

Signed Neighbouring Owners / No Objection:  
Erif 1775, Jonathan Bailton  
Erif 1776, Jonathan Bailton  
Erif 1777, Septimus Mapheto  
Erif 1781, Simon Buckle  
Erif 1803, Nemo Venough  
Erif 2576, Graham, Julius

