



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13768

Our File Reference Number: Erf 1820, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR A DEPARTURE AND PERMISSION IN TERMS OF THE 2019 STELLENBOSCH ZONING SCHEME BY-LAW (TECHNICAL APPROVAL): ERF 1820, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application in terms of Section 15(2)(b) & (g) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 for a permission in terms of the zoning scheme for a permanent departure of the rear building line adjacent to Erf 1820 from 5m to 1.26m to allow for the construction of the proposed kitchen for the Katjiepieping restaurant in the Stellenbosch Botanical Gardens along with an application for permission required in terms of the zoning scheme as the restaurant is situated within the Stellenbosch Urban Conservation Area.

BE APPROVED in terms of Section 60 of the said Bylaw.

3. Conditions of approval:

- 3.1 The approval only applies to the application under consideration, as indicated on the site development plan drawing no: SP 001 and SK 001, drawn by HB Architects dated 14/02/2022 and 16/01/2022, 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 Bylaws or Regulations that may be applicable.

- 3.2 Approval from Heritage Western Cape has to be obtained **before** any construction work may start as mentioned in the letter dated 13 May 2022, attached as **Annexure C**.
- 3.3 The development must be undertaken generally in accordance with the drawing no: SP 001 and SK 001, drawn by HB Architects dated 14/02/2022 and 16/01/2022, attached as **Annexure B**.
- 3.4 Development charges are payable as noted in the Memo attached as **Annexure C** from the Directorate: Infrastructure Services Dated 29 March 2022.
- 3.5 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.
- 3.6 The relevant liquor / business Licenses be obtained.
- 3.7 Building plans must be generally in accordance with the site plan as referenced (SP 001 and SK 001, dated 14/02/2022 and 16/01/2022) and attached as **Annexure B**.
- 3.8 Building plans must be submitted for all alterations and additions proposed and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

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

- 4.1 The proposal additions are a logical extension of the existing land uses already found on the subject property.
- 4.2 The scale and nature of the departure will have no impact on the character of the area, streetscape, or neighbours.

5. Matters to be noted:

- 5.1 Applicant to obtain a business licence to incorporate the additional facilities proposed as noted in the Health Act.

6. 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.

7. 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.
8. 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
9. 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.
10. 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>).
11. 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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. 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

29/7/2022

DATE:



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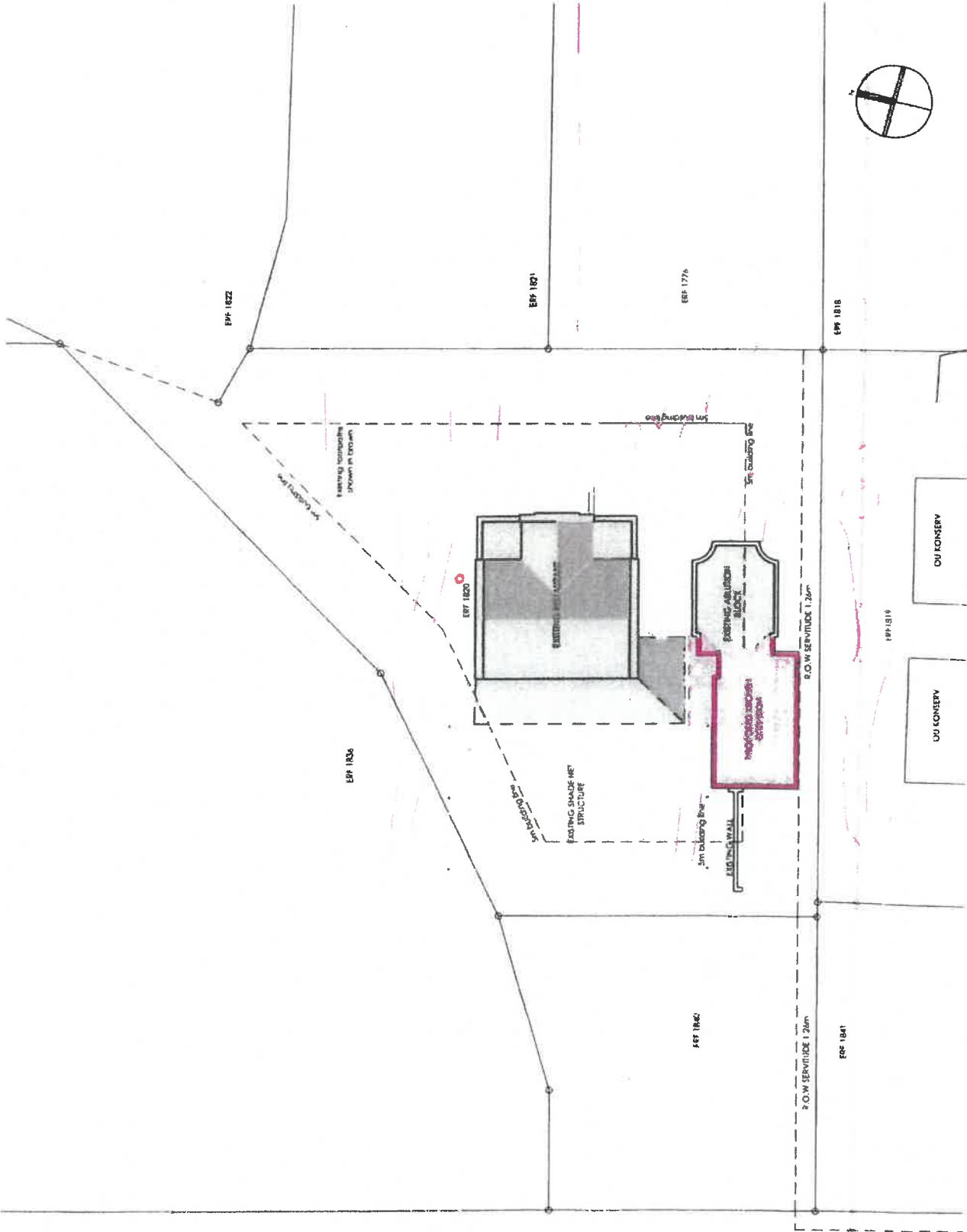
ANNEXURE B

Drawing No: SP 001
Date: 14/02/2022

CLIENT
STELLENBOSCH UNIVERSITY
PROJECT
BOTANICAL GARDEN
RESTAURANT
KITCHEN & ABUTMENT
UPGRADE

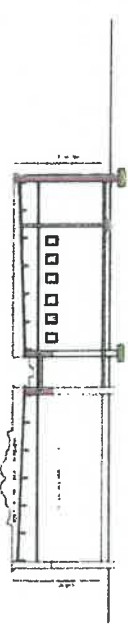
SITE PLAN

DATE	SCALE	NO.
21/32	1:250	0
DRAWN BY		DATE
		SP 001

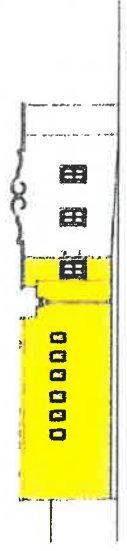


site plan
SCALE 1:250

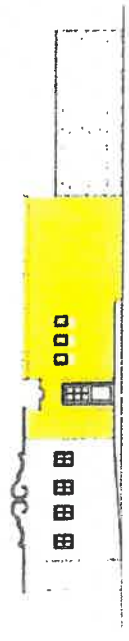
18/01/22 interior wall relocated (floor area sm)
 18/01/22 interior wall relocated (floor area sm)



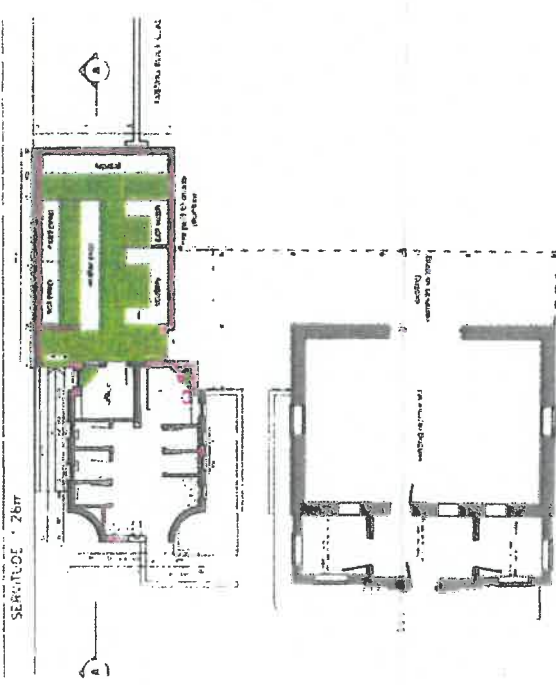
section A - A scale 1:100



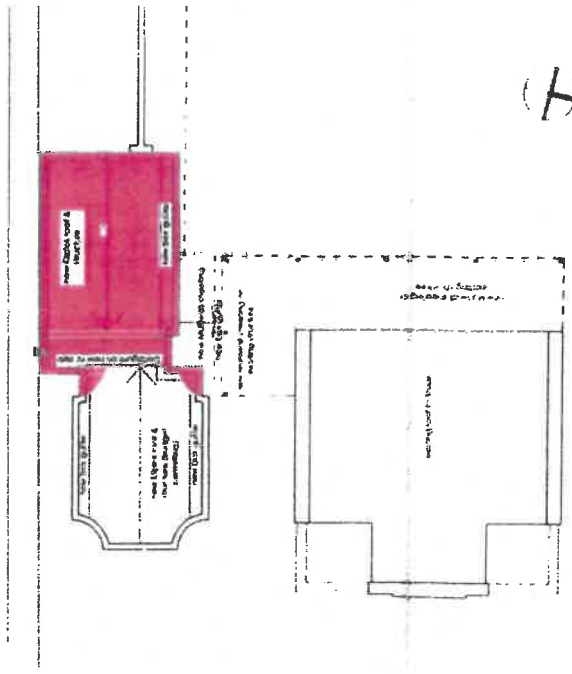
south elevation scale 1:100



north elevation scale 1:100



ground floor plan scale 1:100



roof plan scale 1:100

Drawing No: SK 001
 Dated: 16/01/2022



hb Hochschule Bochum Fachbereich Architektur Professur für Entwurf und Raumplanung	18/01/22 interior wall relocated (floor area sm)
hb Hochschule Bochum Fachbereich Architektur Professur für Entwurf und Raumplanung	18/01/22 interior wall relocated (floor area sm)
hb Hochschule Bochum Fachbereich Architektur Professur für Entwurf und Raumplanung	18/01/22 interior wall relocated (floor area sm)



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ANNEXURE C



Heritage Planner
Heritage Resource Management
Planning & Economic Development

T: +27 21 808 8603 Cell: 060 641 4074
Email: Kaizer.Makati@stellenbosch.gov.za
Eikestad Mall, 3rd Floor, Andringa Street,
Stellenbosch, 7600
www.stellenbosch.gov.za



PLEASE SEND AN EMAIL SHOULD YOU NOT BE ABLE TO CONTACT ME TELEPHONICALLY.

From: Kaizer Makati <>
Sent: Friday, 13 May 2022 14:24
To: Stiaan Carstens <Stiaan.Carstens@stellenbosch.gov.za>
Subject: RE: 3216 071 SO_ Bot Gardens Proposed Kitchen: Town Planning Application: ERF 1820 STELLENBOSCH (LU/13768): APPLICATION FOR PERMANENT DEPARTURE & TECHNICAL APPROVAL: DEPARTMENTAL COMMENTS - HERITAGE (COMMENTS BY E-MAIL)

Dear Stiaan

The Heritage Section does not have any objection to the application, provided that any impact, be alteration or addition to a building older than 60 years, the applicant must obtain a permit from HWC.



Kind regards,
Kaizer Makati
Heritage Planner
Heritage Resource Management
Planning & Economic Development

T: +27 21 808 8603 Cell: 060 641 4074
Email: Kaizer.Makati@stellenbosch.gov.za
Eikestad Mall, 3rd Floor, Andringa Street,
Stellenbosch, 7600
www.stellenbosch.gov.za



PLEASE SEND AN EMAIL SHOULD YOU NOT BE ABLE TO CONTACT ME TELEPHONICALLY.

From: Stiaan Carstens <Stiaan.Carstens@stellenbosch.gov.za>
Sent: Friday, 13 May 2022 13:58
To: Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>
Cc: Marco Fouche <Marco.Fouche@stellenbosch.gov.za>; Kaizer Makati <Kaizer.Makati@stellenbosch.gov.za>
Subject: FW: 3216 071 SO_ Bot Gardens Proposed Kitchen: Town Planning Application: ERF 1820 STELLENBOSCH (LU/13768): APPLICATION FOR PERMANENT DEPARTURE & TECHNICAL APPROVAL: DEPARTMENTAL COMMENTS - HERITAGE (COMMENTS BY E-MAIL)

Dear Katherine;

The request in trailing email, refers.



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nicole Katts
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 29 March 2022
Our Ref ▫ Ons Verw: Civil LU 2285
Your Ref: LU/13768
Re ▫ Insake: Erf 1820, Stellenbosch: Permanent Departure in terms of Section 15 of the Stellenbosch Municipality: Land Use Planning By-Law for the relaxation of the 5m building line (adjoining Erf 1819, Stellenbosch) to +/-1.26m to allow the addition of a new kitchen to the existing restaurant. Permission/Councils consent required in terms of Section 15. (2) of the Stellenbosch Municipality Land Use Planning By-Law to allow the addition of a the kitchen within the Urban Conservation Overlay Zone.

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

- 1. Civil Engineering Services**
 - 1.1 No objection, no municipal services are affected.

- 2. Development Charges (DCs)**
 - 2.1 DCs only for water, sewer, solid waste. No additional trips generated by kitchen.
 - 2.2 The following DC's are payable: See **Development Charge Calculation** attached.

- 2.3 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 2.4 The appropriate DC's are payable before building plan approval.

3. Electrical Engineering

- 3.1 Refer to **Annexure: Electrical**



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	2285 (J Erf 1820 Stellenbosch (LU-13766))
Date	Tuesday, 29/Mar/2022
Financial Year	2021/22
Erf Location	[REDACTED]
Erf No	[REDACTED]
Erf Size (m ²)	[REDACTED]
Suburb	[REDACTED]
Applicant	[REDACTED]
Approved Building Plan No.	Plans Sections and Elevations 2132.Dwg No SK001 - Rev 01 by MB architects

SUMMARY OF DC CALCULATION

Unit(s)	Water k/l/day	Sewer k/l/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	0.212	0.186	0.004	0.021	4.77	4.8	
Total Development Charges before Deductions	R 5 754.48	R 4 829.20		R 1 126.24			R 11 709.92
Total Deductions							
Total Payable (excluding VAT)	R 5 754.48	R 4 829.20		R 1 126.24			R 11 709.92
VAT	R 863.17	R 724.38		R 168.94			R 1 756.49
Total Payable (including VAT)	R 6 617.66	R 5 553.58		R 1 295.18			R 13 466.41

APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	
Date	9.208 x 5.710 New kitchen = 53m2. DCs charged for water, sewer, solid waste - new kitchen will not attract additions
Amount Paid:	As above
Date Payment Received	
Receipt Number	

Seelensbosch Town

Infrastructure Category	Development Charges Involved (incl VAT)	Community Facilities	Roads	Solid-Waste	Storm-water	Sewer	Water	Increased Usage		Proposed New Usage		Existing Usage		Dirt Type	Infrastructure Type applicable? (yes/no)																																																																																																																																													
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Residential	Group Residential >250m2	R	R	R	R	R	R	0	0	0	0	0	0	0	0																																																																																																																																													
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Residential	Medium Density Residential >250m2	R	R	R	R	R	R	0	0	0	0	0	0	0	0																																																																																																																																													
Residential	Medium Density Residential <250m2	R	R	R	R	R	R	0	0	0	0	0	0	0	0																																																																																																																																													
Residential	High Density Residential - flats	R	R	R	R	R	R	0	0	0	0	0	0	0	0																																																																																																																																													
Residential	High Density Residential - student rooms	R	R	R	R	R	R	0	0	0	0	0	0	0	0																																																																																																																																													
Commercial	Local Business - office	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
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Commercial	General Industrial - light	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
Commercial	Warehousing	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
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Commercial	Noxious Industrial - heavy	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
Commercial	Resort	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
Commercial	Public Open Space	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
Commercial	Private Open Space	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
Commercial	Natural Environment	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
Commercial	Utility Services	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
Commercial	Public Roads and Parking	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
Commercial	Transport Facility	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
Commercial	Limited Use	R	R	R	R	R	R	0%	0%	0%	0%	0%	0%	0%	0%																																																																																																																																													
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* Complete yellow/green cells.

du = dwelling unit, GLA=Gross lettable area.

Total Development Charges before Deductions

% Deductions per service (%)

Additional Deduction per service - from Service Agreement (sum)

Sub Total after Deductions (excluding VAT)

VAT

Total

ERF 1820

. No Comment

1.

CONDITIONS:

2. All electrical work to comply with SANS142 and Municipal Bylaws.

Bradley Williams

Date.....04/05/2022.....



Signature