



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10601

Our File Reference Number: Erf 2746, Franschhoek

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR CONSENT USE: ERF 2746, MIDDAGKRANS ROAD, FRANSCHHOEK

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application in terms of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 2746 Franschhoek namely;
 - i. Consent Use in terms of Section 15(2)(o) of the said Bylaw to convert the existing outbuilding into guest rooms to be used as a guest house.

BE APPROVED in terms of Section 60 of the said Bylaw subject to conditions and be subject to conditions in terms of the Section 66 of the said By-Law:

2.2 Condition of Approval

- a. The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- b. That formal building plans, generally in accordance with Drawing Proposed Floorplan and dated 17/02/2020, and attached as **(ANNEXURE B)**, be submitted to the municipality for approval prior to any building work taking place.

- c. That the guest house be restricted to 10 guest rooms only.
- d. Access to Erf 2746 shall be from Minor Road 5618 (Middagkrans Rd) and any existing access off Divisional Road 1343 (Excelsior Rd) shall be permanently closed and fenced.
- e. Compliance to the satisfaction of the Director Infrastructure Services to conditions of the Directorate Engineering Services as depicted in Memorandum Reference Civil Lu 2073 dated 24/02/2021 and attached as **(ANNEXURE H)**
- f. 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;

2.2.1 The reasons for the decision.

- a) The proposed development will comply with the vision of the Stellenbosch Municipal Spatial Development Framework;
- b) The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape;
- c) The development proposal will have no impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost;
- d) There will be no impact on heritage or the bio-physical environment;
- e) There will be limited impact on existing infrastructure and limited additional traffic will be generated.

2.2.3 Matters to be noted.

- a. That the approval shall lapse if not acted upon within a period of 5 years from the date of final notification of approval of the application.

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:

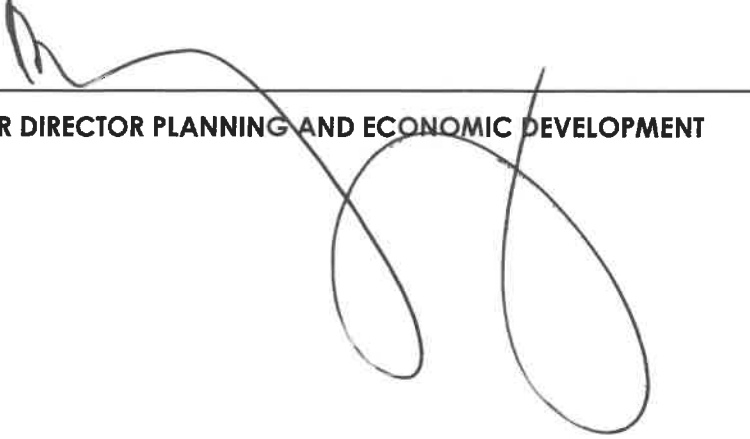
- (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (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.

- 5 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
- 6 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.
- 7 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>).
- 8 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.
- 9 Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10 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



A handwritten signature in black ink, consisting of a series of loops and curves, positioned above a horizontal line.

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

2/8/2021,
DATE:

ANNEXURE B:
SITE PLAN

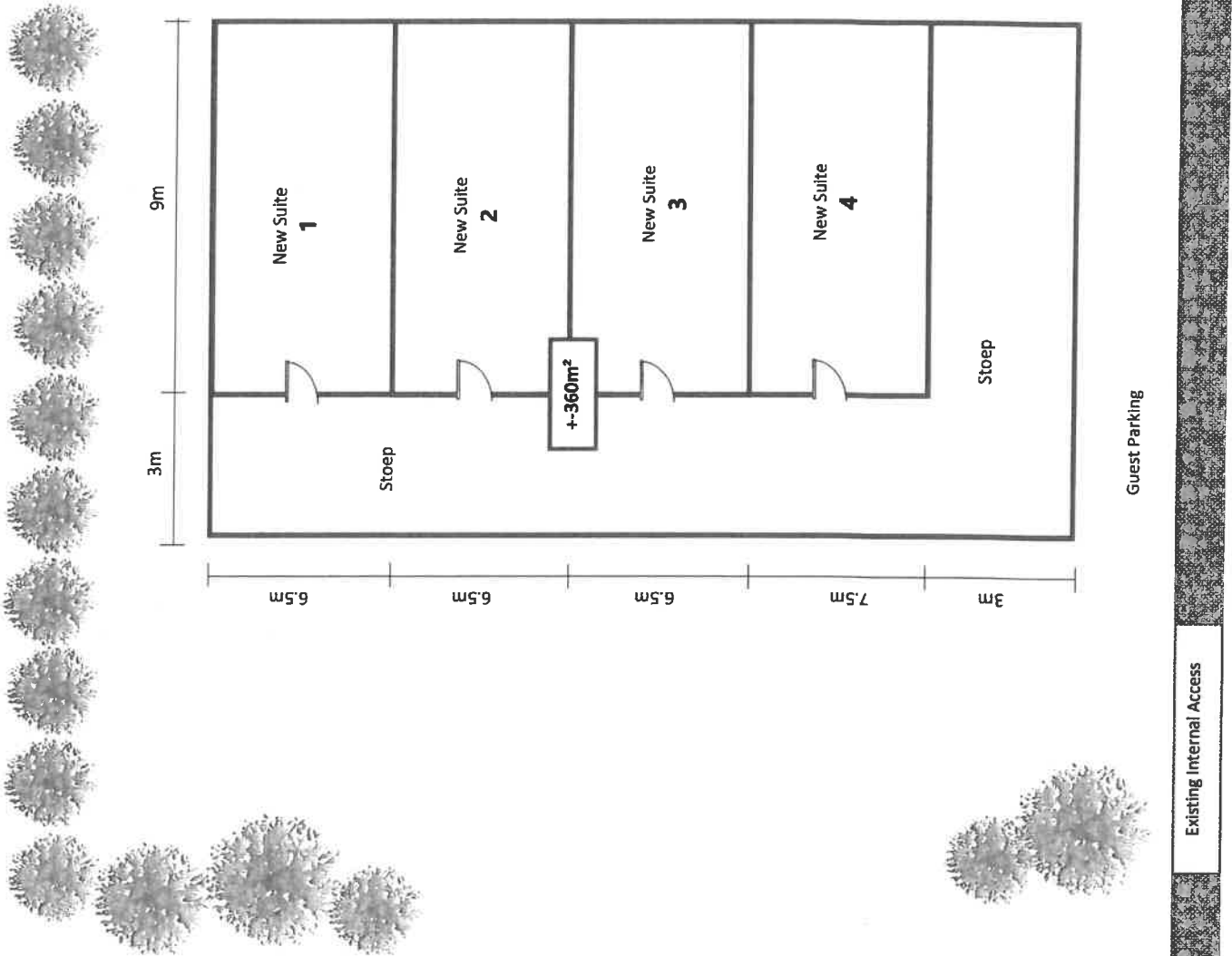
CLIENT
 MIND GARDEN GROUP HOLDINGS (PTY) LTD
 ERF 2746 ALICE SPRINGS PIPE COUNTRY
 HOUSE, 1 MIDBURGANS ROAD, FRANSCHHOEK,
 7890

PROJECT
 APPLICATION FOR TECHNICAL APPROVAL
 AND CONSENT USE FOR ERF 2746
 FRANSCHHOEK

DRAWING

**GUEST SUITES
 (EXISTING BUILDING)**

| | |
|-----------------------------|-----------------------|
| DESIGNED THE LICENSEE CO | DATE 11/07/2019 |
| DRAWN THE LICENSEE CO | SCALE NOT TO SCALE |
| PROJECT NO. CAP 106 | SHEET 01 |





P-J Le Roux

Project: Application for
 Rezoning &
 Consent Use:
 Erf 2746
 Franschhoek

Description:
**Agricultural
 Plan**

| | |
|-----------------|---------------------|
| CAPE VUE | |
| Scale: 1:50 000 | Lot no: H 10-139 |
| Drawn: PJLR | Date: FEBRUARY 2020 |
| Check: PJLR | Tabling no: 4 |

ANNEXURE H:

COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag N Momoto
From ▫ Van: Abdullah Daniels (Development)
Date ▫ Datum: 24/02/2021
Our Ref ▫ Ons Verw: Civil Lu 2073
Re ▫ Insake: Farm 2746 Franschhoek: Technical Approval/Consent use

The application is for the following items:

- i. Technical Approval to permit an Agricultural Industry(<2000m²) for a wine cellar/distillery on erf 2467 Franschhoek; and
- ii. Consent use to permit the utilization of an existing out building on the subject property for 4 additional Guestrooms resulting in the exceeding to the permitted 14 guest limitation in this zone.

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 All potable water supplied to all consumers on the farm shall comply with SANS 241 Drinking Water Quality Standards. Current proof of compliance must be available on request.
- 1.2 If farm does connect to the municipal waterline

2. Waste Water and Sewage

- 2.1 No new septic tanks and soak-aways are permitted to be built or used for additional sewage generation.
- 2.2 The use of conservancy tank to collect and treat sewage generated is permitted.
- 2.3 Details of the sewer layout for the additional and new use must be provided at building plan stage.

3. Solid Waste

- 3.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

4. Roads

- 4.1 Refer to the District Roads Engineer Paarl for comments and approval.
4.2 All the conditions set by the District Roads Engineer will be applicable.

5. Development Charges (DCs)

- 5.1 Based on the information provided in application the Development Charges payable by the developer is R 118,286.36 (Vat incl.) as per attached Development Charges Calculation.
5.2 The DC's were calculated for the 2020/2021 financial year. If the account is paid after 30 June 2019 it has to be recalculated using the then applicable tariffs.
5.3 DCs are payable prior to the erf or portion thereof being put to the approved use or building plan approval which ever come first.

6. Electrical

- 6.1 Refer to annexure A for electrical comments



ABDULLAH DANIELS
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2073 (AD) Erf 2746 Franschoek (LU-10601)\2073 (AD) - erf 2746, Franschoek.doc

Stellenbosch Municipality - Development Charge Calculation

STELLENBOSCH MUNICIPALITY



APPLICATION INFORMATION

| | |
|-------------------------------|-----------------------|
| Application Number | |
| Date | Wednesday, 24/11/2022 |
| Phonetic Name | 2020/03 |
| ErF Location | |
| ErF No. | |
| ErF Size (m ²) | |
| Suburb | Frenchhoek |
| Applicant | |
| Applicant's Building Plan No. | |

SUMMARY OF D.C. CALCULATION

| | Water | Sewer | Stormwater | Soil-roads | Highway | Community Facilities | Total |
|--|--------|--------|------------|------------|-------------|----------------------|---------------------|
| Water | R1,880 | | | | | | |
| Sewer | | R1,440 | | | | | |
| Stormwater | | | R 0,352 | | | | |
| Soil-roads | | | | R 872,032 | | | |
| Highway | | | | | R 77 821,04 | | |
| Community Facilities | | | | | | R 10 519,95 | |
| Total Development Charges before Deductions | | | | | | | R 102 887,71 |
| Total Deductions | | | | | | | |
| Total Payable (excluding VAT) | | | | | | | R 102 887,71 |
| VAT | | | | | | | R 13 263,15 |
| Total Payable (including VAT) | | | | | | | R 116 150,86 |
| | | | | | | | R 2 477,35 |
| | | | | | | | R 118 628,20 |
| | | | | | | | R 119 289,29 |

APPLICANT INFORMATION

| | |
|---------------------------|------------------|
| Application Processed by: | Abdullah Daniels |
| Signature | |
| Date | At above |
| Amount Paid: | |
| Date Payment Received | |
| Receipt Number | |