



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10259

Our File Reference Number: Erf 510, 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 CONSENT USE ON ERF 510, 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(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 510, Franschhoek namely:

2.1.1 **Consent Use** in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-law, 2015, to utilise a portion measuring 1200m<sup>2</sup> in extent for the purpose of a day care centre.

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

- 2.1.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw.
  - a. The approval applies only to the application under consideration as indicated on plan no: Erf 510 FHK Rez ver.1, drawn by Ahg town and regional planners and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
  - b. 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.

- c. The Day Care Centre shall be limited to 1200m<sup>2</sup> in extent.
- d. The day care centre shall only be used for the Haute Cabriere farm workers and children.
- e. The conditions imposed by the Health Officer/Inspector (Cape Winelands District Municipality) contained in their inspection report dated 20 July 2021, attached as **Annexure F**, be compiled with.
- f. The approval will lapse if not confirmed within 5 years from date of final notification of approval of the application.

## 2.2 The reasons for the above decision are as follows:

- (i) The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.
- (ii) The development proposal will have no negative impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost.

## 2.3 Matters to be noted:

(a) Fire requirements will be given when building plan is submitted.

- 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.

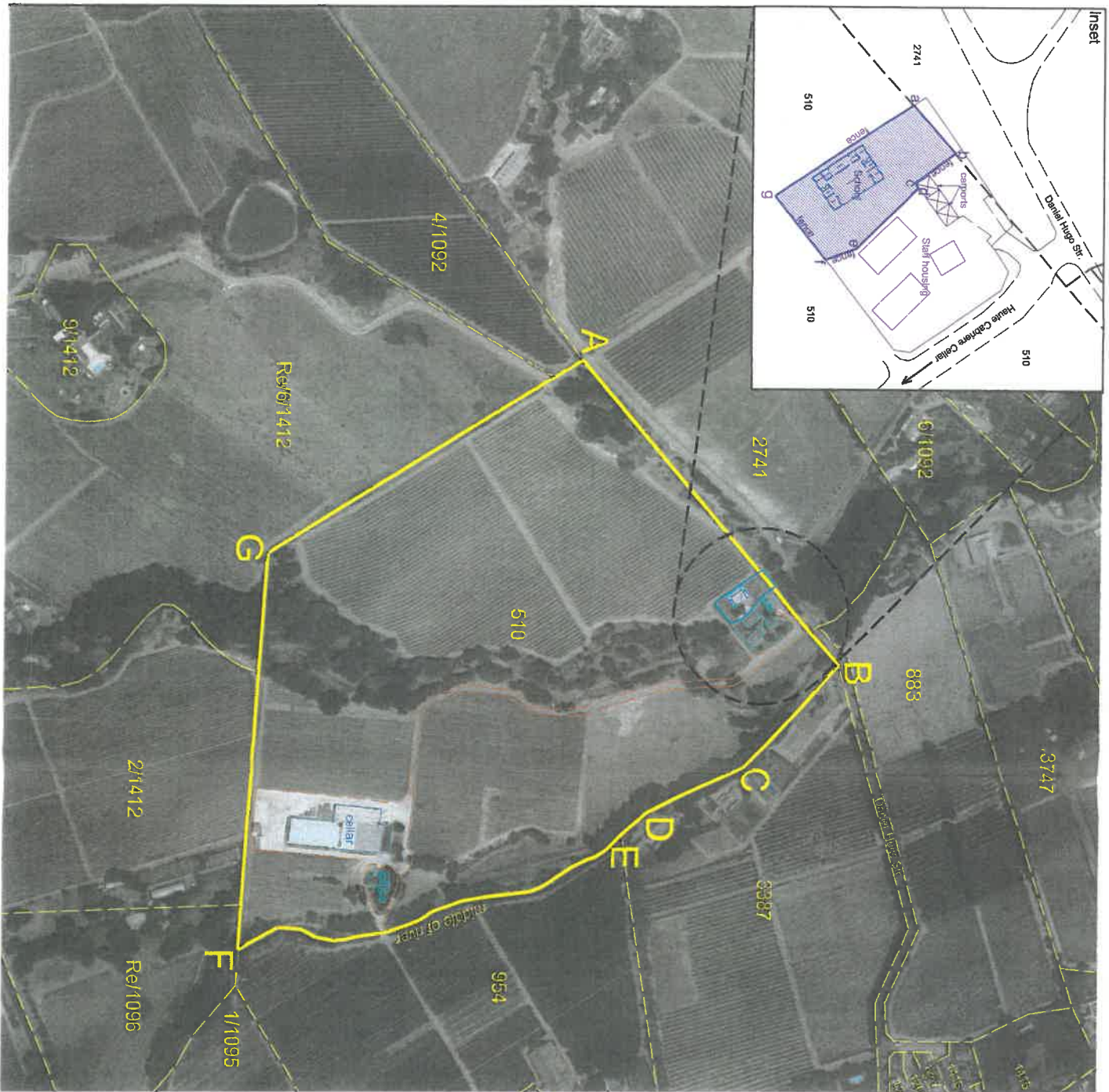
5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)

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

  
FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

20/1/2022.  
DATE:



**PROJECT:**  
 Proposed Rezoning  
 of a portion of  
 Erf 510 Franschoek

**Notes:**

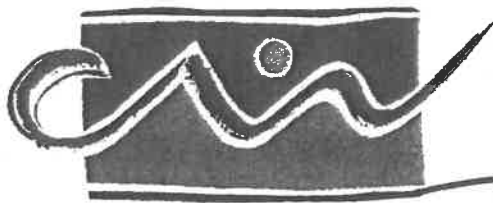
1. The figure marked "ABCDE middle-of-river FGA" represent Erf 510, Franschoek, measuring 17,9029 ha. in extent.
2. The figure marked "abocdefga" represent the fenced area of the existing school, measuring ± 1200 m<sup>2</sup> in extent, to be rezoned to "Educational".

Scale 1: 4 000 (A3)

CLIENT: **Clos Cabriere Pty Ltd.**

PLAN NO: **Erf 510 FHK Rez ver 1**

**ahg** Town Planning  
 Town and Regional Planners  
 PO Box 2992  
 Somerset West  
 7129  
 TEL: [REDACTED]  
 FAX: [REDACTED]  
 CELL: [REDACTED]  
 E-Mail: [REDACTED]



# CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : Ms Momoti  
(Directorate Planning Economic & Development: Stellenbosch Municipality)  
Official / Beampste : Mr F.C. van Wyk  
Your ref/ U vrew. : ERF 510, Franschhoek  
Ref No / Verw. No : 15/2/6/1  
Date / Datum : 2021-07-20

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES  
20 JUL 2021  
**RECEIVED**

### LAND USE APPLICATION: ERF 510, FRANSCHHOEK

There are no objections from an Environmental Health point of view in terms of this application, subject to compliance with the following:

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the residents.
3. In the event where food will be prepared or handled and or served to the public, the applicant **must apply in writing** to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.
4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed. The Early Childhood Development facility must also comply with Chapter 5 of Provincial Gazette Extraordinary of 15 February 2010.
5. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
6. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.

Yours faithfully

**F.C. VAN WYK**  
for MUNICIPAL MANAGER

FILE NR:	OUTGOING POST
REF:	ERF 510 FH
SCAN NR:	
COLLATOR NR:	710323