



Application Number: LU/16615

Our File Reference Number: Erf 76, Franschhoek

Your Reference Number: None

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 IN TERMS OF SECTION 15(2)(L) OF THE MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING 2023 FOR PERMISSION IN TERMS OF A CONDITION OF APPROVAL ON ERF 76, 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 in terms of Section 15(2)(l) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for permission in terms of a condition of approval for the approval of a Site Development Plan on Erf 76, Franschhoek;  
  
**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.
3. **The approval is subject to the following conditions imposed in terms of Section 66 of said By law:**
  - 3.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
  - 3.2 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.
  - 3.3 The development be implemented in accordance with the Site Development Plan drawn by Oliver Dods Architect with the following references, attached as **Annexure B**:
    - a) Proposed Addition Ground Storey Layout plan, with Drawing No. 1904-02 and Rev. C, dated 14/02/2024,

- b) Proposed Addition First Storey Layout plan, with Drawing No. 1904-03 and Rev. C, dated 17/04/2024, and
- c) Proposed Addition Elevations and Sections plan, with Drawing No. 1904-04 and Rev. C dated 17/04/2024.

3.4 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

3.5 Building plans be in accordance with the Site Development Plan attached as **Annexure B**.

3.6 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

3.7 The existing vegetation to be retained and any additional vegetation to be planted along the common boundaries and Louis Botha Street must be maintained by the owner of Erf 76 to ensure an acceptable screening density along the said boundaries.

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

4.1 The nature and scale of the existing buildings and proposed additions will still portray a conventional residential character and street façade and will not detract from the prevailing context of the low-density residential area and aesthetic appeal of the Franschoek Urban Conservation Area.

4.2 The Site Development Plan is compliant with the Heritage Western Cape Approval and contain sufficient measures to mitigate the potential visual impact of the proposal.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning By-law, 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.

6. 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.

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

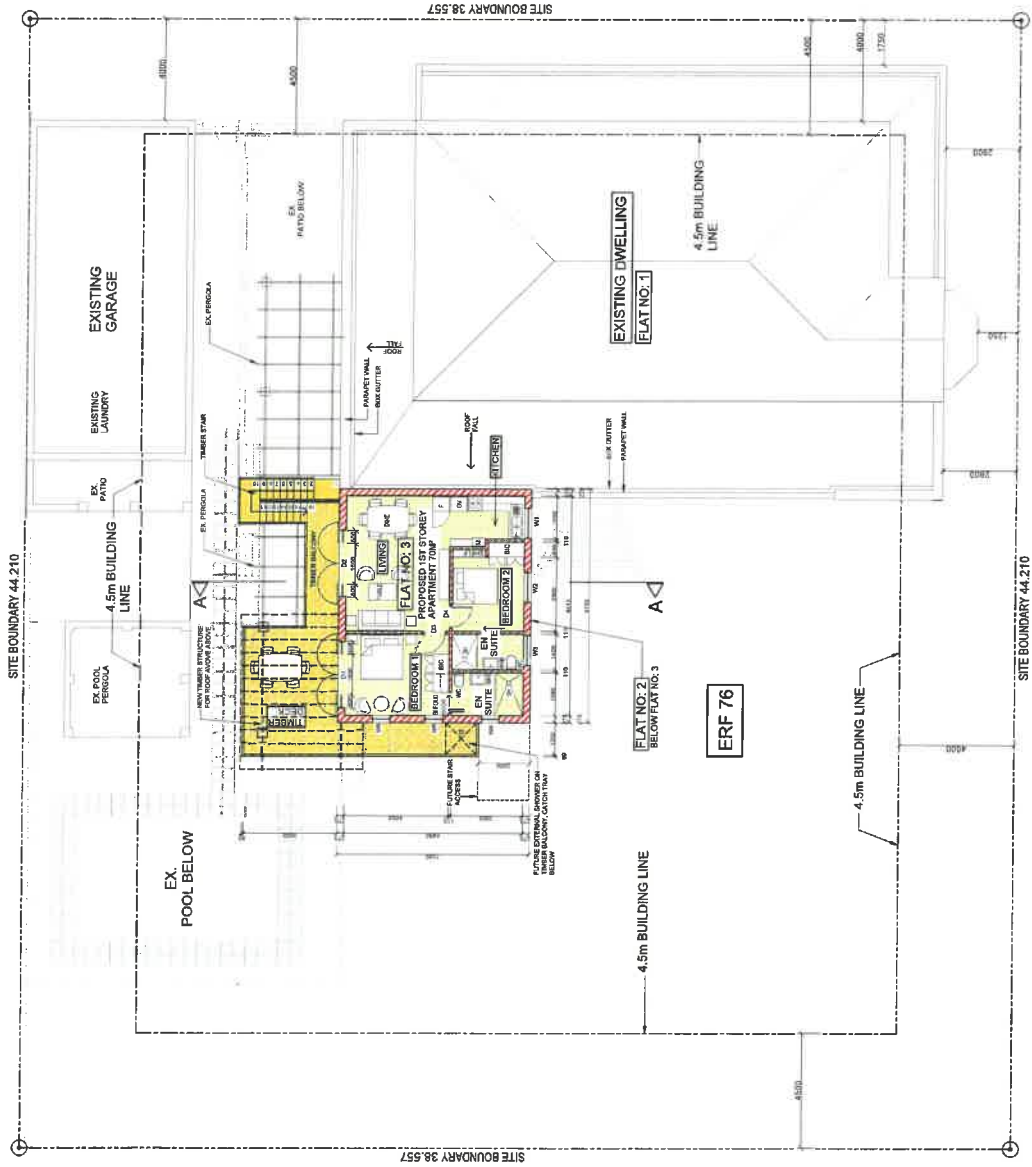
Yours faithfully

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**FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

3/5/2024  
DATE:





AKADEMIE STREET

SITE BOUNDARY 38.557

STELLENBOSCH MUNICIPALITY  
 THIS SITE DEVELOPMENT PLAN IS APPROVED IN  
 TERMS OF SECTION 60 OF THE STELLENBOSCH  
 MUNICIPAL LAND USE PLANNING BY-LAW (2011), 2023  
 SUBJECT TO THE CONDITIONS AS PER APPENDIX.  
 MUNICIPAL MANAGER  
 3/5/2024  
 DATE

REV "A" - 12/12/2023:  
 REWORKING OF ROOF PLAN TO  
 EXISTING LAUNDRY ON NORTH BOUNDARY.  
 ADD ROOF PLAN  
 REV "B" - 14/02/2024:  
 ADD FLAT NOS 1, 2 & 3  
 REV "C" - 17/04/2024:  
 OMIT POLYCARBONATE SHEETING ABOVE  
 1ST STOREY PERGOLA

CLIENT: \_\_\_\_\_ DATE: \_\_\_\_\_  
 ARCHITECT: \_\_\_\_\_ DATE: \_\_\_\_\_

NOT FOR CONSTRUCTION

OLIVER DODDS

CLIENT: MR & MRS HATHORN	O.D. CHECKED
PROJECT: HOUSE HATHORN ERF NO. 76 AKADEMIE STREET FRANSCHHOEK	R.I. DATE 17/04/2024
TITLE: PROPOSED ADDITION FIRST STOREY LAYOUT	SCALE AS SHOWN
<small>THIS DRAWING IS FOR THE USE OF THE CLIENT ONLY. IT IS THE PROPERTY OF OLIVER DODDS ARCHITECTS AND ENGINEERS. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF OLIVER DODDS ARCHITECTS AND ENGINEERS.</small>	
DRAWN AS SHOWN REVISION DATE: _____ BY: _____	O.D. CHECKED DATE 17/04/2024 SCALE AS SHOWN REVISION DATE: _____ BY: _____
DRAWING No.	1904-03

LOUIS BOTHA STREET

FIRST STOREY  
 1:100



