



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13300

Our File Reference Number: Unregistered Erf 3993 Franschhoek (portion of Erf 619 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 A CONSENT USE FOR TOURIST DWELLING UNITS ON UNREGISTERED ERF 3993, FRANSCHHOEK (A PORTION OF ERF 619, 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 Unregistered Erf 3993, Franschhoek (a portion of Erf 619), namely:

2.1.1 The Consent Use in terms of Section 15(2)(o) of the said bylaw to utilize the two proposed dwelling units as tourist dwelling units.

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 the said Bylaw:

3.1 The approval only applies to the consent use under consideration, as indicated on the referenced **Drawing Nr. 01-00-001 & 2, dated the 3 November 2020**, attached as **ANNEXURE C** 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 The development must be undertaken generally in accordance with the site development plan, as referenced **Drawing Nr. 01-00-001 & 2, dated the 3 November 2020** and attached as **ANNEXURE C**.
- 3.3 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.
- 3.4 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 8 March 2022, attached as **ANNEXURE I**, be complied with.
- 3.5 The conditions imposed by the **Cape Winelands District: Health Department** as contained in their memo dated 13 June 2022, attached as **ANNEXURE M**, be complied with.
- 3.6 A maximum of two persons, per dwelling unit, may be accommodated on the property.
- 3.7 The required four (4) parking bays for the consent use at all times be provided on-site, as indicated on **ANNEXURE C**
- 3.8 No parking will be allowed in the road reserve and the operation of the establishment must under no circumstances lead to a parking demand in excess of the parking bays provided on the property.
- 3.9 No name or advertising sign shall be erected on the property, except one which complies with Council's approved policy on outdoor advertising and signage.
- 3.10 Should the establishment be operated in a manner which in the opinion of Council constitutes a nuisance, Council shall take legal action against the owner for contravening the provisions of the Zoning Scheme and not adhering to the conditions of approval.
- 3.11 All relevant conditions imposed by council in its approval letter dated 18 May 2021, are still applicable.
- 3.12 Building plans for Unregistered Erf 3993, Franschoek may only be submitted once the property has been registered in the Deeds Office.

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

- 4.1 The residential character of the area will not be impacted on by the proposed use as the primary use of the property will still be residential.

- 4.2 Adequate onsite parking has been provided for the proposed use without impacting on the existing residential character of the property or surrounding area.
- 4.3 The increase in traffic will be minimal and as such it will not create a nuisance to the neighbourhood.
- 4.4 The proposal is consistent with the zoning requirements (tourist dwelling unit) of the Zoning Scheme Bylaw.

5. **Matters to be noted:**

5.1 Building plans be approved by the Municipality prior to any building work commencing.

5.2 A business and liquor licence be applied for should it be required.

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

1/12/2022

DATE:

COPIES TO OBJECTORS

1. [REDACTED]
[REDACTED]
2. [REDACTED]
[REDACTED]
3. [REDACTED]
[REDACTED]
4. [REDACTED]
[REDACTED]

ANNEXURE C

**APPLICATION FOR CONSENT USE FOR TOURIST
DWELLING UNITS ON UNREGISTERED ERF 3993,
FRANSCHHOEK (A PORTION OF ERF 619,
FRANSCHHOEK)**

SITE DEVELOPMENT PLAN

LEGAL REQUIREMENTS
 THE CLIENT IS ADVISED THAT THE DRAWINGS AND ANY INFORMATION CONTAINED HEREIN ARE FOR INFORMATION ONLY AND DO NOT CONSTITUTE A CONTRACT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND FOR ENSURING THAT ALL APPLICABLE REGULATIONS AND STANDARDS ARE COMPLIED WITH. THE CLIENT IS ADVISED THAT THE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE SERVICES PROVIDED IN THE AGREEMENT AND DOES NOT EXTEND TO ANY OTHER MATTER.

REVISIONS

No.	Description	Date	By	To
A	Substitution Layout	2023/11/03	PA	AK

Zone classification: Project Stage
Occupation classification:
Developer/Development:

Client:

Client Represent: Client Name
Date: Issue Date
Client signature:

Design Architect:



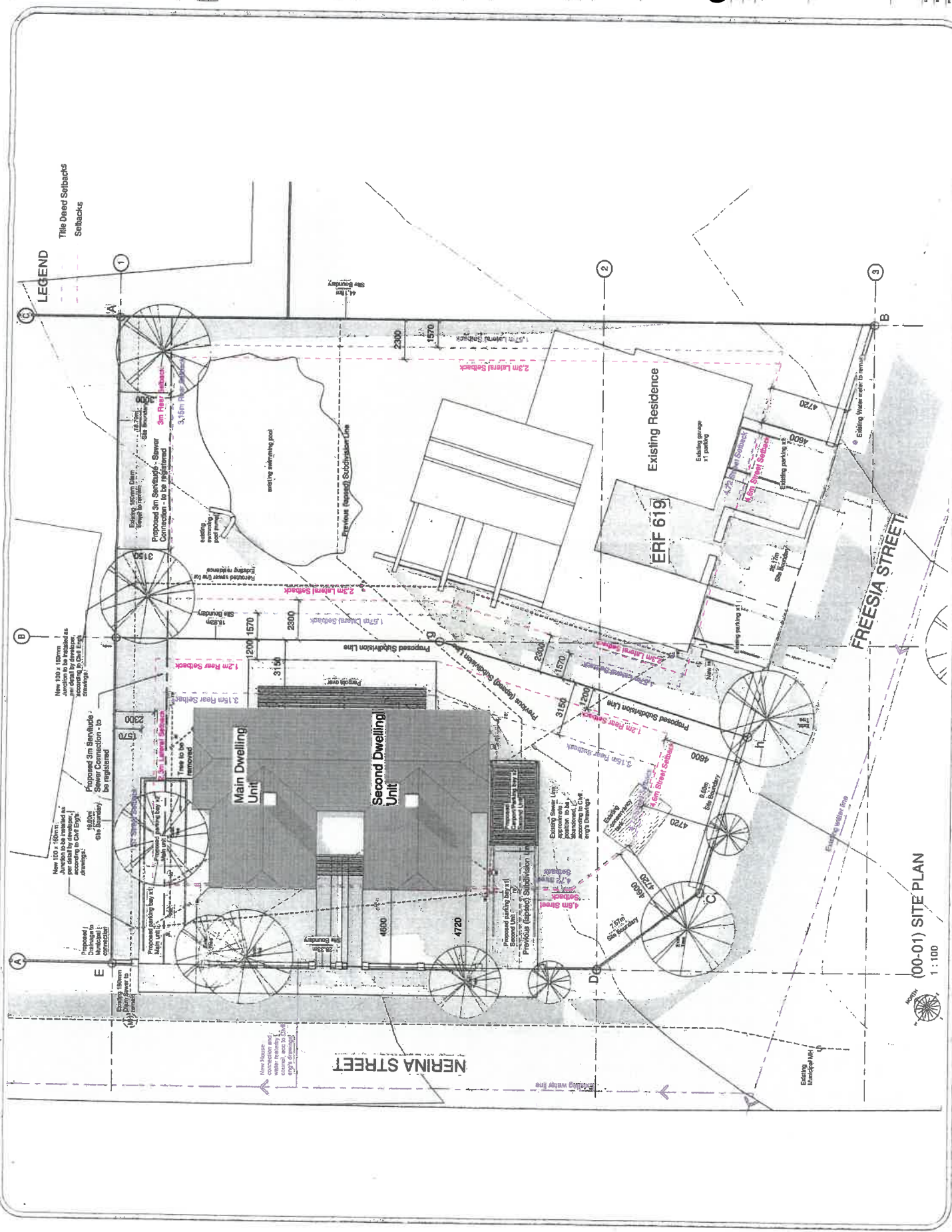
Production:
SACAP no.:
Architect signature:

Project:
Proposed New building on Erf 619, Franschoek

Drawing: SITE INFORMATION

DATE	NO.	BY	REVISION
2023/11/03	01	PA	A1
1:100			

405 01-00-001 A



ANNEXURE I

**APPLICATION FOR CONSENT USE FOR TOURIST
DWELLING UNITS ON UNREGISTERED ERF 3993,
FRANSCHHOEK (A PORTION OF ERF 619,
FRANSCHHOEK)**

**COMMENT FROM THE
MANAGER: ELECTRICAL
SERVICES**

From: Martin Slabber
Sent: Tuesday, 08 March 2022 09:58
To: Development Admin
Subject: RE: ERF 619 FRANSCHHOEK (LU/13300): APPLICATION FOR CONSENT USE: DEPARTMENTAL COMMENTS - ENGINEERING SERVICES (COMMENTS BY E-MAIL)

GENERAL: None

CONDITIONS: If any electrical services have to move-, remove-, change or upgrade - apply via recoverable cost application, for applicants cost.

Subject to SANS 10142,204-1-2008, energy savings and efficiency implementation and Municipal bylaws - Only existing electrical connection is available.

1.Installation of 10A electrical contole units 2.Solar water heating/heat pump intallation 3.Energy efficient lighting
4.Roof insulation 5.Cooking with gas
fired appliances 6.Controle air condition equipment with energy saving devices 7.Preat at least 50% of hot water with alternative energy savings devices

TX

Groete:
Martin Slabber
Supt. Dwarsrivier Elect.
Engineering Services



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Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions
Published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

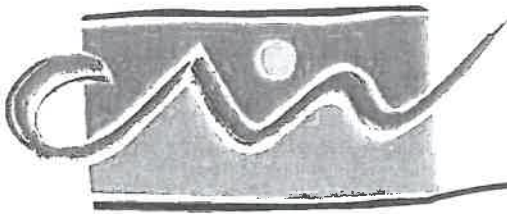
From: Development Admin <Development.Admin@ Stellenbosch.gov.za>
Sent: Friday, 04 March 2022 08:56
To: Martin Slabber <Martin.Slabber@ Stellenbosch.gov.za>
Subject: FW: ERF 619 FRANSCHHOEK (LU/13300): APPLICATION FOR CONSENT USE: DEPARTMENTAL COMMENTS - ENGINEERING SERVICES (COMMENTS BY E-MAIL)

Goeie More Martin,

ANNEXURE M

**APPLICATION FOR CONSENT USE FOR TOURIST
DWELLING UNITS ON UNREGISTERED ERF 3993,
FRANSCHHOEK (A PORTION OF ERF 619,
FRANSCHHOEK)**

**COMMENT FROM THE
HEALTH DEPARTMENT (CAPE
WINELANDS DISTRICT)**



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : N. Katts
(Directorate Planning Economic &
Development: Stellenbosch Municipality)
Official / Beampste : Mr F.C. van Wyk
Your ref/ U vrew. : ERF 619 Franschhoek (LU/13300)
Ref No / Verw. No : 15/2/6/1
Date / Datum : 2022-06-13

APPLICATION FOR CONSENT USE: ERF 619, 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 and 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 public.
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 638 of 22 June 2018.
4. 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)
5. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided.
6. Accommodation establishments must comply with Chapter 4, Section 12 of Provincial Gazette Extraordinary no. 6696 of February 2010.
This Section of the Notice outlines the requirements for an accommodation establishment.

Yours faithfully

F.C. VAN WYK
for MUNICIPAL MANAGER

