
Executive Summary

LU/13339: Application for Amendment of a Condition of Approval (Condition 3.5): Erf 290 Franschhoek

Background

Final approval was granted in February 2021 for Rezoning and Permanent Departures on Erven 290 and 292 Franschhoek to facilitate the legalization and expansion of the Akademie Street Boutique Hotel. In terms of the approval the land use rights were granted for Erf 290 to be used for hotel purposes to provide one additional guest suite and additional facilities for the guests. These facilities include a dining area, a guest lounge, a wine bar, a wine store, a kitchen and dry store, a guest wellness centre, manager office and facilities, and a landscaped garden area. The approval granted was subject to numerous conditions including Condition 3.5 which stated the following: *'The facilities located on Erf 290 only be used by patrons of the "Hotel" and not to be used by the general public for any purpose.'*

Due to the negative impact of the worldwide pandemic on the tourism industry that prevailed from the approval in February 2021, the owner did not proceed with the development of Erf 290.

The owner now wishes to proceed to initiate the redevelopment of Erf 290 but to improve the viability, wishes to amend Condition 3.5 of the approval. This application submitted in terms of Section 15 (2) (h) of the Municipal Land Use By-Law, 2015 serves to amend the relevant condition.

Application Details

Application is made i.t.o. Section 15(2)(h) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for an amendment of a condition of a single condition (Condition 3.5) which applies to the rezoning approval granted in February 2021 for a boutique hotel development located on Erven 290, 291,571 and 292 Franschhoek.

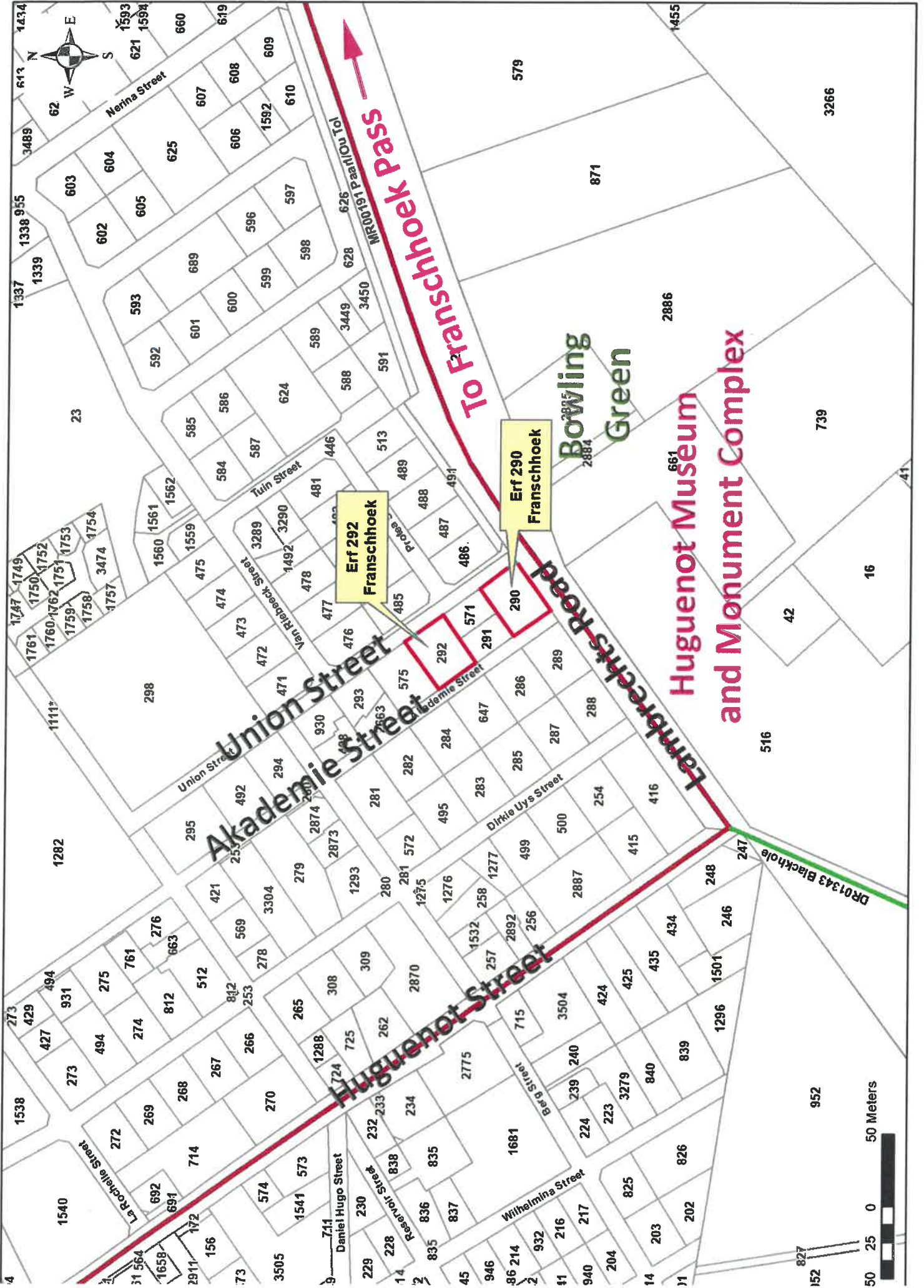
The relevant condition contained in the approval letter dated 1 December 2020 which relates specifically to Erf 290, Franschoek, limits the use of the proposed guest facilities on Erf 290 to patrons of the hotel and not for use by the general public for any purpose. These guest facilities include a dining area, a wine bar and lounge area.

The purpose of the application is, in the light of the impact of the global pandemic on global tourism, to improve the viability of the project by having the specific condition amended to read: “**patrons and invited guests of the Hotel**”, so that, for example patrons of the Hotel could invite a friend to the Hotel for dinner.

The purpose is not to increase the capacity of the dining and other guest facilities, but to simply improve the occupancy and viability of the approved scheme. Furthermore, the idea is not to open the facilities to the general public but to limit their use to patrons of the hotel and invited guests.

The policing of who and how many persons dine at the hotel facilities will be performed by Hotel Management and reservations will have to be made which will be the means to control who uses the facilities.

Locality Plan



NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

Affected person's Name

Affected persons Physical Address

Affected person's Title:

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

APPLICATION FOR AMENDMENT OF CONDITION OF APPROVAL: ERF 290 FRANSCHHOEK

Application Property Address: No 1 Akademie Street, Franschhoek.

Application Property Number: Erf 290 Franschhoek

Applicant: Peter Mons – Professional Town Planning Consultant, Email: petergm@fibresky.co.za, Cell phone Number: 082 826 4000.

Owner: Whiptail Investment Holdings Pty Ltd, Contact Person: Mr Paul Kinney, Email: pskinney@ishtaragroup.com, Contact Number: +44 7798 871203

Application Reference: LU/ 13339

Application Type: Amendment of a Condition of Approval.

Detailed description of land use or development proposal, including its intent and purpose:

Application is made i.t.o. Section 15(2)(h) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for an amendment of a condition, of a single condition (Condition 3.5) which applies to the rezoning approval granted in February 2021 for a boutique hotel development located on Erven 290, 291, 571 and 292 Franschhoek.

The relevant condition contained in the approval letter dated 1 December 2020 which relates specifically to Erf 290, Franschhoek, limits the use of the proposed guest facilities on Erf 290 to patrons of the hotel and not for use by the general public for any purpose. These facilities include a dining area, a wine bar and lounge area.

The purpose of the application is, in the light of the impact of the global pandemic on global tourism, to improve the viability of the project by having the specific condition amended to read: "**patrons and invited guests of the Hotel**", so that, for example patrons of the Hotel could invite a friend to the Hotel for dinner.

The purpose is not to increase the capacity of the dining and other guest facilities, but to simply improve the occupancy and viability of the approved scheme. Furthermore, the idea is not to open the facilities to the general public.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address;
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Peter Mons, petergm@fibresky.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **16 May 2022**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 082 826 4000 during normal office hours.

Yours faithfully



Peter Mons
14 April 2022

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

AANSOEK VIR WYSIGING VAN GOEDKEURINGS-VOORWAARDE: ERF 290 FRANSCHHOEK

Adres van aansoek eiendom: Akademiestraat 1, Franschhoek.

Aansoek eiendom beskrywing: Erf 290 Franschhoek.

Aansoeker: Peter Mons – Professioneel Konsultant Stadsbeplanner, Epos: petergm@fibresky.co.za, Kontak Nommer: 082 826 4000

Eienaar: Whiptail Investment Holdings Pty Ltd, Kontak Persoon: Mnr Paul Kinney, Epos: pskinney@ishtaragroup.com Kontak Nommer: +44 7798 871203 .

Aansoek Verwysing: LU/ 13339

Tipe Aansoek: Wysiging van Goedkeurings-voorwaarde

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen ingevolge artikel 15(2)(h) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015, vir 'n wysiging van 'n goedkeurings voorwaarde, 'n enkel voorwaarde (Voorwaarde 3.5) wat van toepassing is op 'n hersoneerings goedkeuring toegestaan in Februarie 2021 vir 'n boetiekhotel ontwikkeling op Erwe 290, 291, 571 en 292 Franschhoek.

Die relevante voorwaarde verwat in die goedkeuringsbrief gedaterr 1 Desember 2020, wat spesefieke betrekking het op Erf 290 Franschhoek, beperk die gebruik van die voorgestelde gaste fasiliteite op Erf 290 tot gaste van die hotel alleenlik en is nie vir die gebruik van die algemene publiek nie. The betrokke fasiliteite sluit in 'n eetkamer, 'n wyn kroeg en sitkamer area.

Die doel van die aansoek is, dat in oorweging van die impak van die wereldwye pandemie op wereldwye tourism, om die lewensvatbaarheid van die ontwikkelingsprojek te verbeter deur die spesefieke voorwaarde te wysig om te lees: "**gaste en genooide gaste van die Hotel** ", sodat byvoorbeeld gaste van die hotel 'n vriend kan nooit vir aandete.

Die doel van die aansoek is nie om die kapasiteit van die eetgeriewe en ander gaste geriewe uit te brei, maar eerder om die besetting en lewensvatbaarheid van die beplande projek te verbeter. Verder is die idea nie om die geriewe vir die algemene publiek beskikbaar te stel nie.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: Peter Mons, Epos: petergm@fibresky.co.za. Deur 'n beswaar, kommentaar of versoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **16 Mei 2022**.

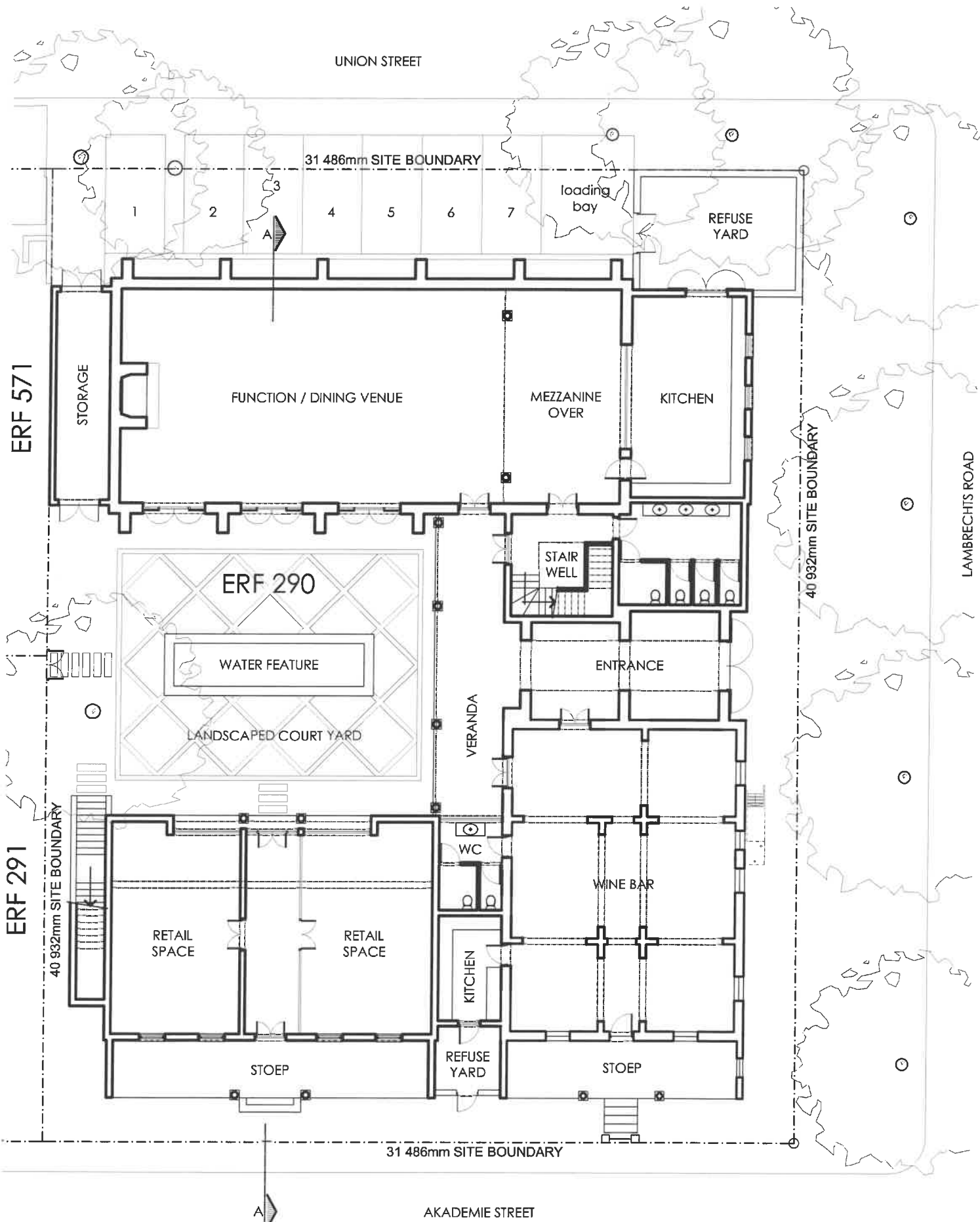
Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermeldde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermeldde elektroniese pos adres of telefonies by 082 826 4000 gedurende normale kantoor ure.

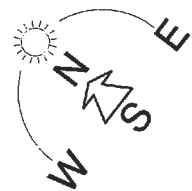
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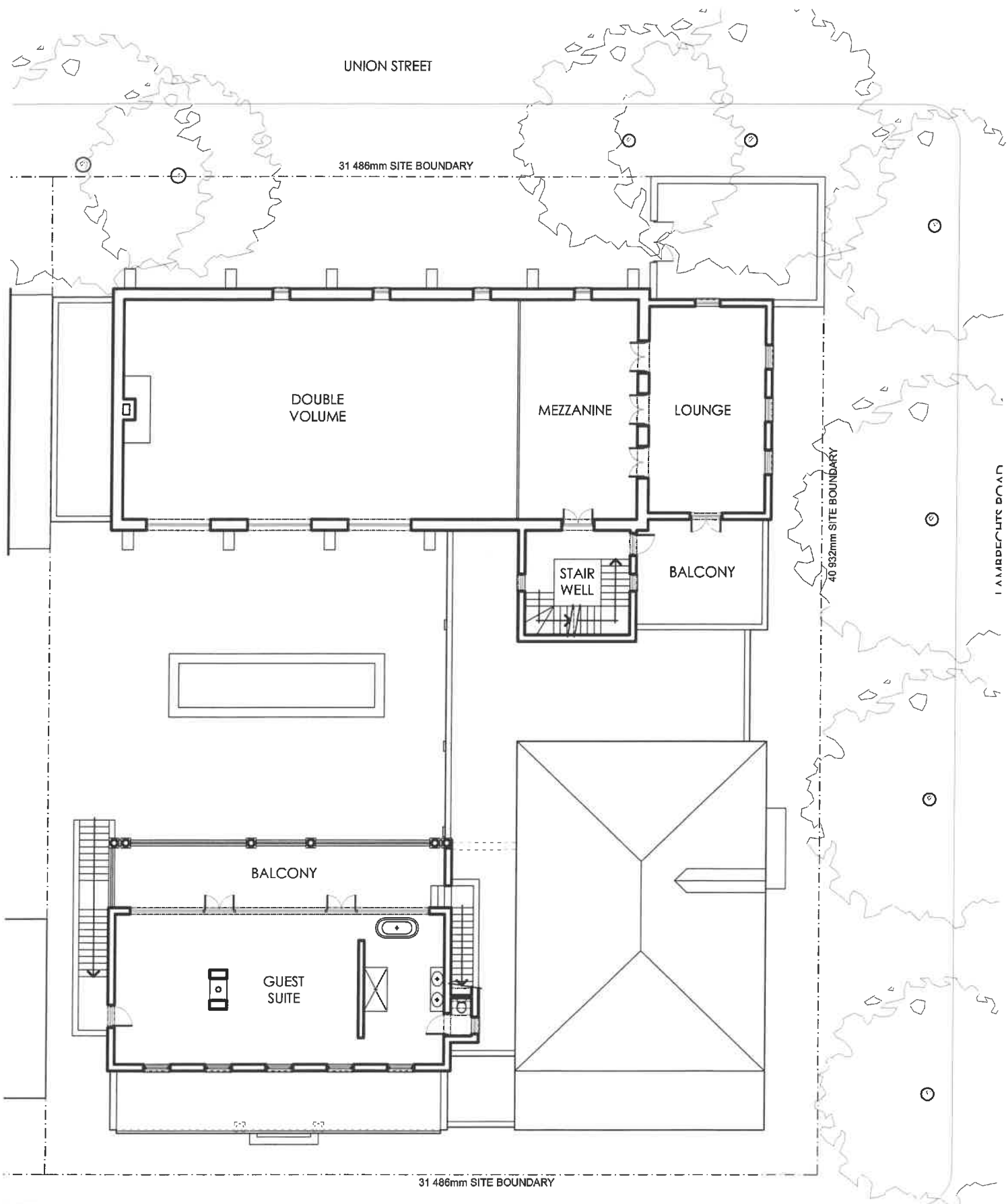


Peter Mons
14 April 2022



ISHTARA PROPERTIES
 ERF 290 FRANSCHHOEK
 GROUND STOREY PLAN





ISHTARA PROPERTIES
 ERF 290 FRANSCHHOEK
 FIRST STOREY PLAN

