



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14252

Our File Reference Number: Erf 13226, Stellenbosch

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 ON ERF 13226, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker hereby decides on the above application as follows.

2.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for a **Consent Use** to utilize a portion of the existing building for a commercial gymnasium on Erf 13226, Stellenbosch.

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

2.2 The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:

2.2.1 The approval only applies to the consent use under consideration, as indicated on the referenced, **Plan Nr. M001, dated 10 March 2022**, Site Plan, 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.

- 2.2.2 The development must be undertaken in accordance with the site plan as referenced, Plan Nr. M001, dated 10 March 2022, and attached as **ANNEXURE C**.
- 2.2.3 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.
- 2.2.4 The subject development be restricted for the exclusive use of a gymnasium and with a gross leasable area of 510m².
- 2.2.5 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw as illustrated on the subject site plan of the development to the satisfaction of the Municipality.
- 2.2.6 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality
- 2.2.7 The conditions of the **Manager: Electrical Services** as specified in their memo dated 09 November 2022, attached as **ANNEXURE H**, be complied with.
- 2.2.8 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- 2.2.9 No loud music and disturbing noise to be played between 20h00 – 06h00 every day.
- 2.2.10 Building plans must 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.

2.3 The reasons for the above decision are as follows:

- 2.3.1 The proposed use will not detract from the character of the area as no additions are proposed.
- 2.3.2 The proposal is in line with the surrounding land uses of the area.
- 2.2.4 The existing parking will be sufficient.

2.2.5 The fact that a commercial gym is to be considered as a consent use in terms of the Stellenbosch Zoning Scheme Bylaw on properties zoned Mixed-Use zone, highlights the intension of the zoning scheme to allow such uses after the necessary application procedure has been followed.

2.4 Matters to be noted:

i. Fire safety and electrical connection requirements shall be addressed in the building plan application process.

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:

4.1. 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

4.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

4.3 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.

4.4 Whether the appeal is lodged against the whole decision or a part of the decision.

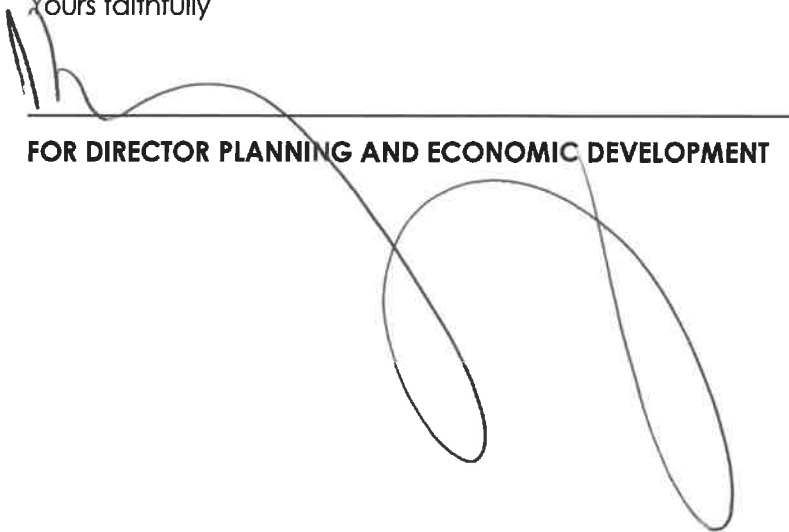
- 4.5 If the appeal is lodged against a part of the decision, a description of the part.
- 4.6 If the appeal is lodged against a condition of approval, a description of the condition.
- 4.7 The factual or legal findings that the appellant relies on.
- 4.8 The relief sought by the appellant.
- 4.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 4.10 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 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.
8. 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.

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 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over a horizontal line.

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

4/5/2023
DATE:

ANNEXURE C

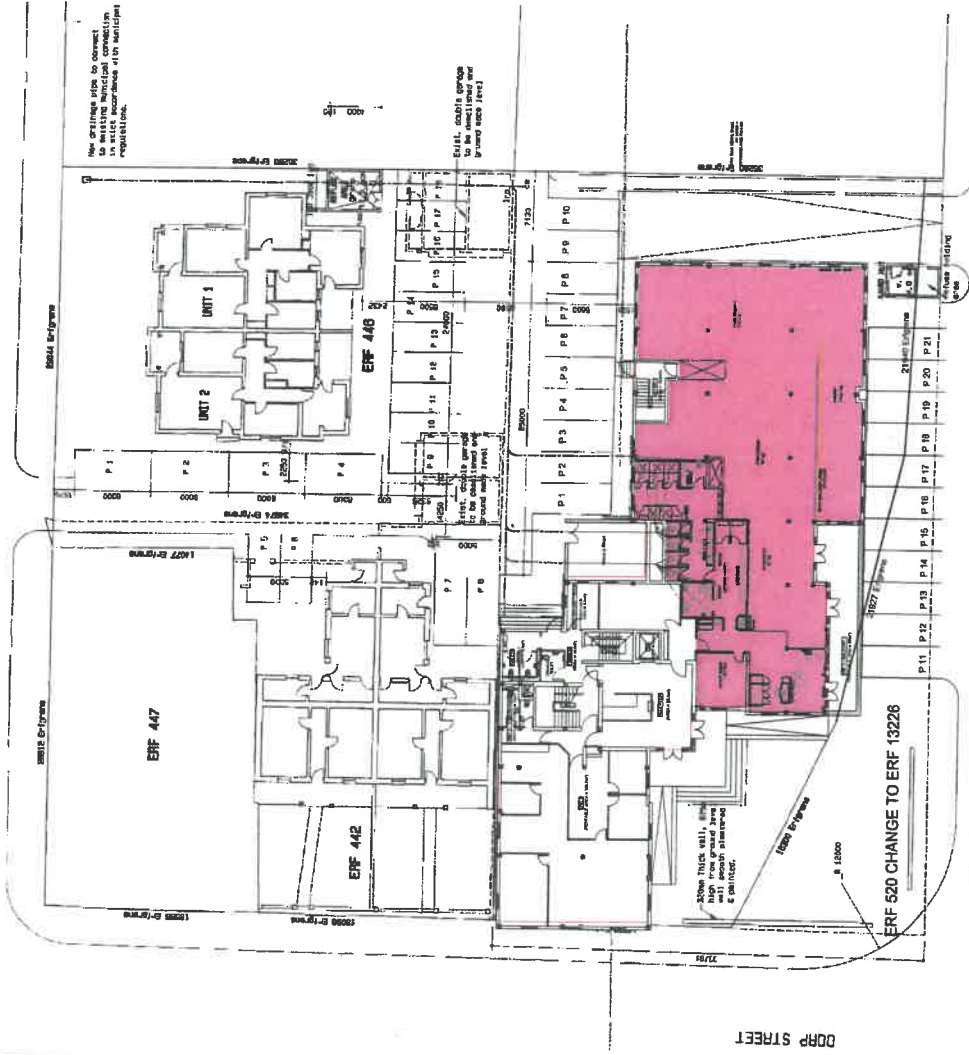
**APPLICATION FOR CONSENT USE ON
ERF 13226, STELLENBOSCH**

SITE DEVELOPMENT/SITE PLAN

THESE PLANS HAVE BEEN PREPARED BY THE ARCHITECT FOR THE PURPOSES OF THE APPLICABLE ACTS AND REGULATIONS. THE ARCHITECT DOES NOT ACCEPT ANY LIABILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON, NOR FOR THE CONSEQUENCES OF ANY ACTION OR INACTION TAKEN IN RELIANCE THEREON. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND ITS STRUCTURE, AND THE ARCHITECT DOES NOT ACCEPT ANY LIABILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON, NOR FOR THE CONSEQUENCES OF ANY ACTION OR INACTION TAKEN IN RELIANCE THEREON.

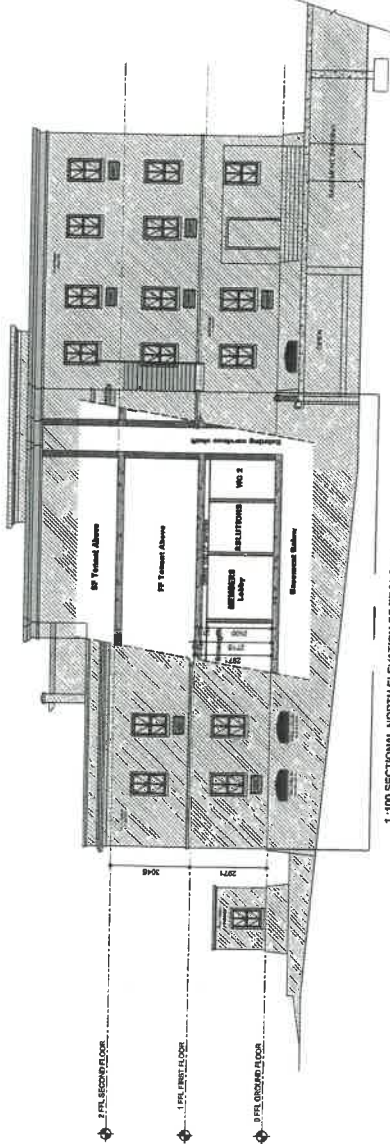
Name: _____

HEROLD STREET



Site & Ground Floor Plan Of Proposed New Tenant SCALE 1:100 (1:100m)

PAPEGAAI STREET



1:100 SECTIONAL NORTH ELEVATION OF PROPOSED NEW TENANT LAYOUT

CLIENT: Anytime Fitness

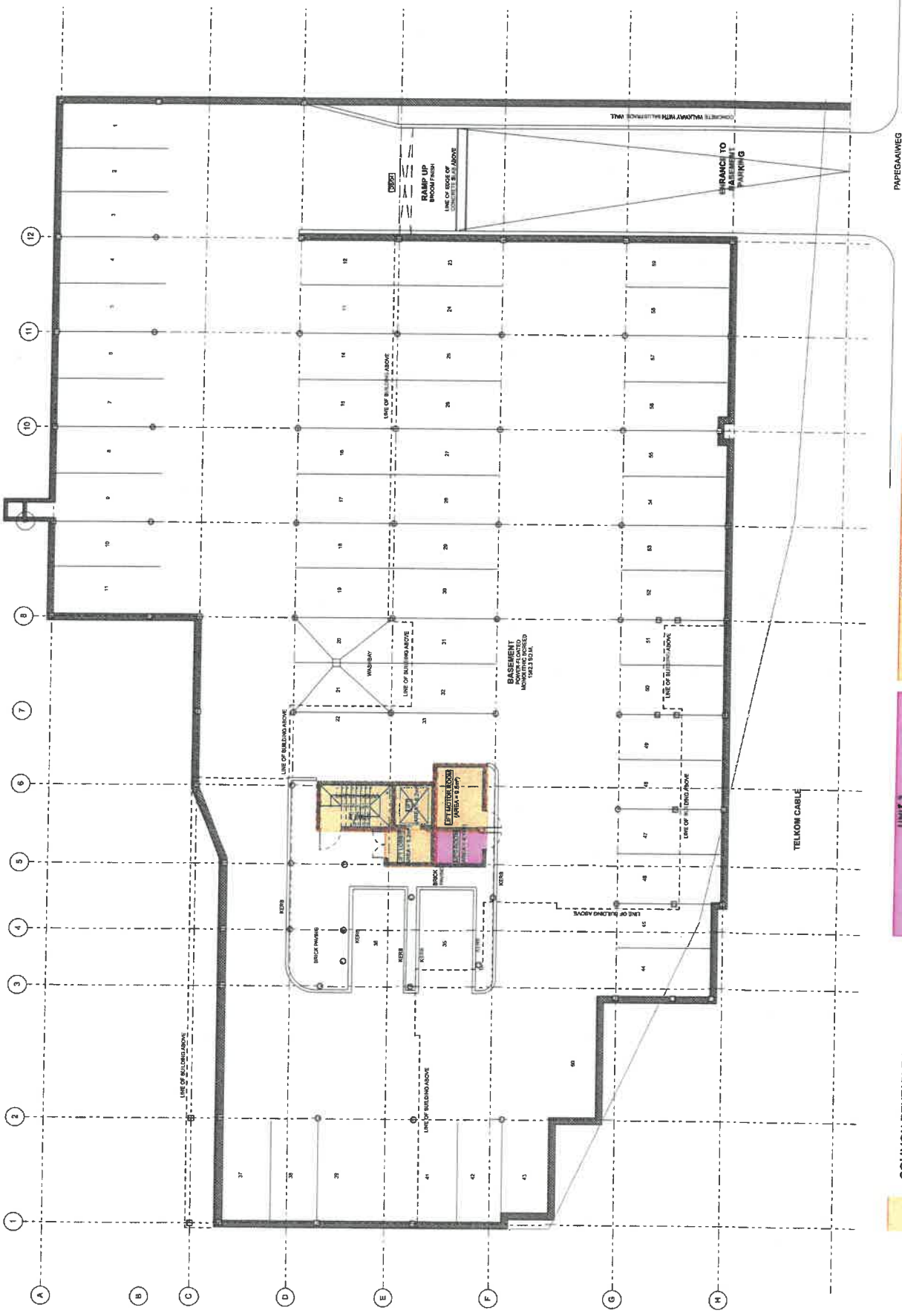
PROPOSED New Tenant layout
Site Plan & Section

ERF 13228
Stellenbosch

PRELIMINARY	☐	TERMS DRAWINGS	☐
CONCEPT	☐	PROPOSED DRAWINGS	☐
FINAL	☐	FINAL DRAWINGS	☐
AS BUILT	☐	AS BUILT DRAWINGS	☐
AS SHOWN	☐	AS SHOWN DRAWINGS	☐
AS NOTED	☐	AS NOTED DRAWINGS	☐
AS NOTED & AS SHOWN	☐	AS NOTED & AS SHOWN DRAWINGS	☐
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Project Name	Anytime Fitness
Client Name	Anytime Fitness
Project Address	ERF 13228, Stellenbosch
Project Date	1/1/2021
Project No.	1



COMMON RENTABLE AREA

UNIT 3	
TENANT	m²
UPS ROOM	4.1
TOTAL RENTABLE AREA	
	4.1

TENANT RENTABLE AREA - UNIT 3

COMMON AREAS	
TENANT	m²
STAIR 2	10.5
LIFT LOBBY	5.2
LIFT	8.2
LIFT MOTOR ROOM	9.8
TOTAL RENTABLE AREA	
	31.7

No.	Revisory Issue	Date
1		

Project: OYV INVESTMENTS PTY LTD
 40 DORRIS STREET
 PRETORIA 0001
 STREETSIDE 100

Description: 40 DORRIS STREET
 PRETORIA 0001
 RENTABLE AREA
 Date: 10/10/2021
 Drawn By: [Blank]
 Project No.: [Blank]
 Checked By: [Blank]

USED FOR
 RENTAL ONLY

COPYRIGHT NOTICE
Copyright © 2011 (All in name of practice). Copyright subsists in this drawing. The person or entity whose name appears in the title block of this drawing, hereby granted a non-exclusive license to use, distribute, print and / or reproduce this drawing to the extent necessary to carry out and complete the project described in the title block of this drawing.

[illegible]

Contractors and subcontractors to verify all levels, heights and dimensions on site, and to check frame against the drawings, before putting any work in hand.

Quality of all materials and workmanship to comply with the relevant BS440 and BS595 specifications.

Contractors are to ensure that all bids shown on this drawing are in complete compliance with local authority by-laws and regulations.

Contractors shall be responsible for ensuring the structural stability of all components of their work, and ascertain that the main structure is capable of supporting all loads applied thereto. Considerations are to ensure that their work, on site, is adequate to resist the effects of the following:

Contractors and subcontractors are to ensure that all components, including pavers and plasticizer, are in place at all times, during construction, and the responsibility for any damages incurred lies with the contractor until final hand over of the site.

All dimensions must be checked on site prior to commencement of work.

the commitment of any party

Journal of Management Inquiry 20(4) 403-419

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	Text block added	28/03/2021
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Subject:	GW INVESTMENT (PTV) LTD	Date:
	REVISION ONLY ISSUE	

FRIESLAND FARM
BLAUWAKLIPPEN ROAD
STELLENBOSCH, 7600

40 DORP STREET
1ST STOREY
ISRAEL AREA

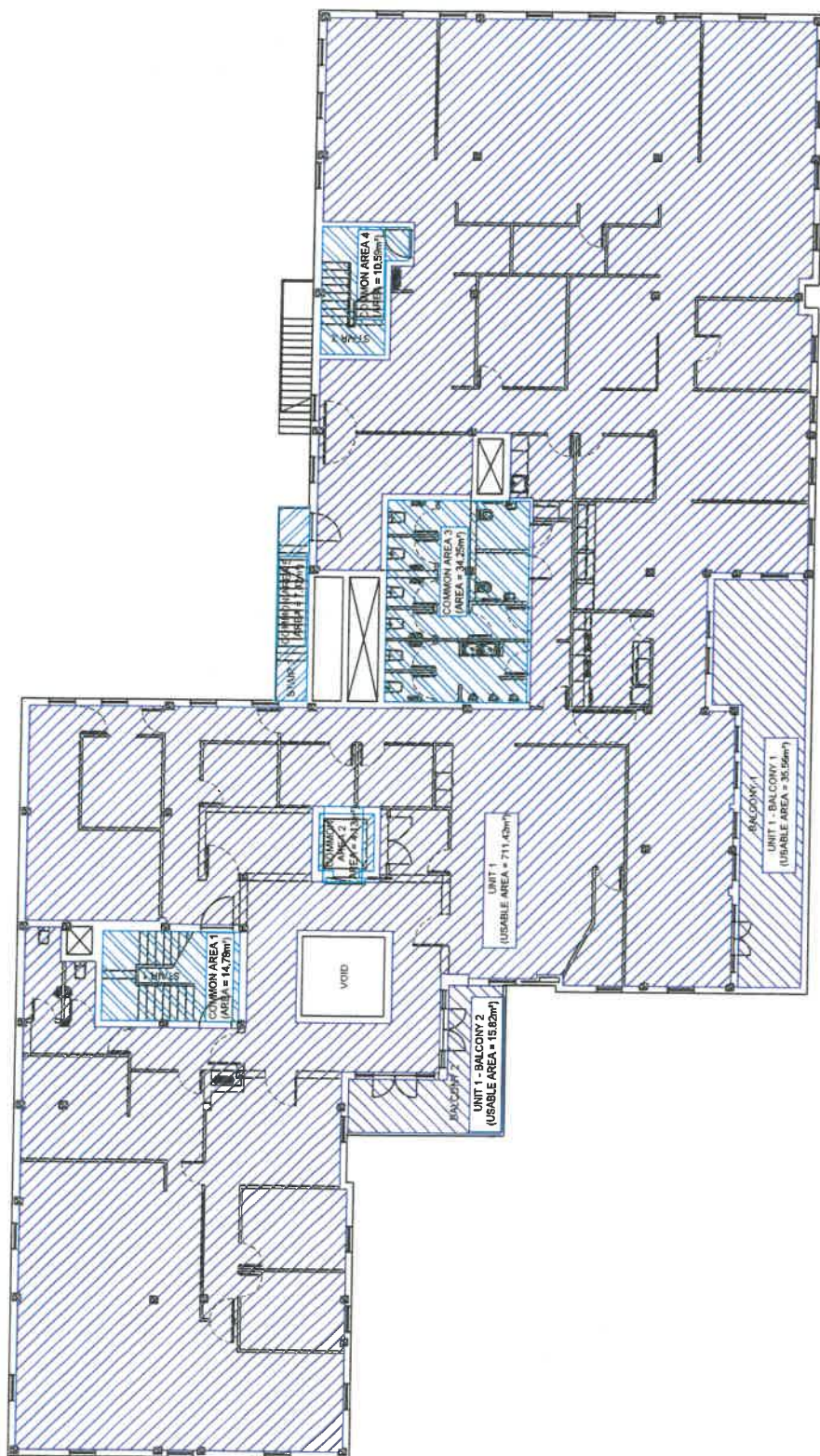
23/08/2021	DWG No.: GVV 003/1-01
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Project No.: GVV 0142/003	
Checked By: KJD	

1

UNIVERSITY of Bath

43 Vredenveld Street
Durban
South Africa
Tel: 084 457 2100
Fax: 086 419 9403
(Email: info@citycitypride.com)



Alexander Forbes	
TENANT	m ²
Unit 1	711.42
Balcony 1	35.56
Balcony 2	15.82
Common Area 3	342.5
Total Usable Area:	797.05

Common Areas	
TENANT	m ²
Common Area 1	14,79
Common Area 2	4,13
Common Area 4	10,59
Common Area 5	7,42
Total Usable Area:	36,93

COMMON USEABLE AREA

TENANT USEABLE AREA

NOT TO BE USED FOR RENTAL

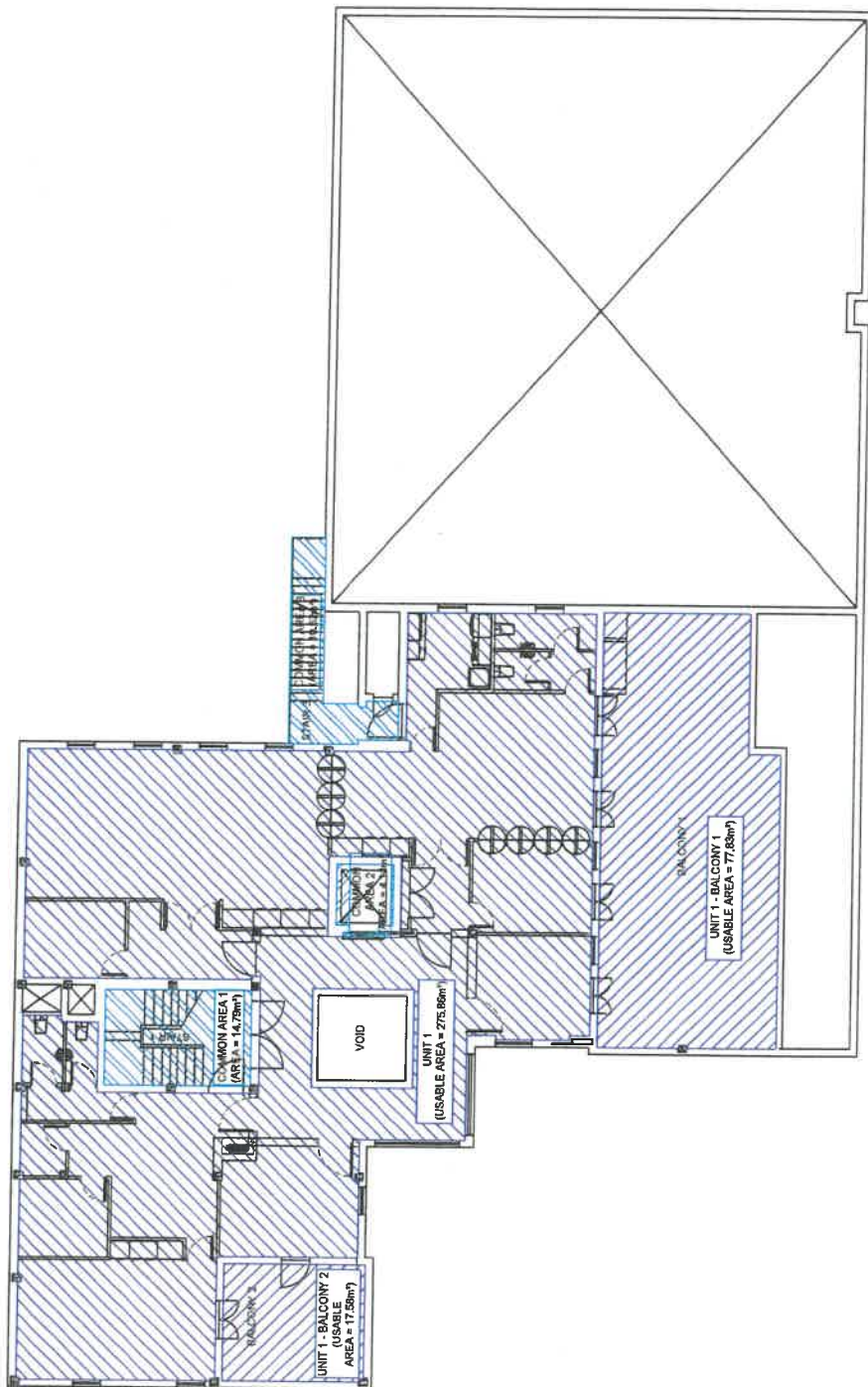
No.	Revision/ Issue	Date:
A	Text block added	08/02/2021

Project: GVV INVESTMENT (PTY) LTD
FRIESLAND FARM
BLAUNWILIPPEN ROAD
STELLENBOSCH, 7800

Description: 40 DORP STREET
2ND STOREY
USABLE AREA

Date: 23/09/2021	DWG No.: GVV 003/2-01
Scale: NTS	Project No.: GVV 014/003
Drawn By: KJD	Checked By: KJD

Wendell Bird
Selling
the Chemical



Common Areas	
TENANT	m ²
Common Area 1	14,79
Common Area 3	4,13
Common Area 4	10,52
Total Usable Area:	29,44

 TENANT USEABLE AREA

NOT TO BE USED FOR RENTAL

ANNEXURE H

**APPLICATION FOR CONSENT USE ON
ERF 13226, STELLENBOSCH**

**COMMENT FROM THE MANAGER:
ELECTRICAL SERVICES**

ERF 13226

1. No Objection

CONDITIONS:

2. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.
3. **All electrical work to comply with SANS142 and Municipal electrical by-laws**
4. If connecting a generator for backup, the generator needs to comply to SANS10142

Bradley Williams

Date.....09/11/2022.....



Signature