STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11926
Our File Reference Number: Erf 1396
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 TEMPORARY DEPARTURE ERF 1396, 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 for a Temporary Departure in terms of Section 15(2)(c) of the said Bylaw to allow for a coffee shop within the existing Guest House on erf 1396, Stellenbosch.

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 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 Bylaws or Regulations that may be applicable.

3.2 The coffee shop be operated from the breakfast room and covered veranda of the existing guest house as indicated on the Site Development Plan, dated 2020-09-16, Drawing No 20_08_100.

3.3 The conditions imposed by the Cape Winelands District Municipality (Health Department) in its memo dated 2020-12-07 be complied with.

3.4 All patrons of the guest house and coffee shop to make use of the existing onsite park bays, as indicated on the Site Development Plan, dated 2020-09-16, Drawing No 20_08_100.

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

4.1. The coffee shop is subservient to the use of the property for guest house purposes.
4.2. The coffee shop will ensure optimal use is made of the existing building on the property.
4.3. Adequate onsite parking is available as patrons of both establishments will make use of the facility applied for.

5. Matters to be noted:

5.1. The Temporary Departure approval for the guest house is only ***valid for 5 years*** from date of final letter.

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:
   7.1. 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
   7.2. Reference to this correspondence and the relevant property details on which the appeal is submitted.
   7.3. 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.
   7.4. Whether the appeal is lodged against the whole decision or a part of the decision.
   7.5. If the appeal is lodged against a part of the decision, a description of the part.
   7.6. If the appeal is lodged against a condition of approval, a description of the condition.
   7.7. The factual or legal findings that the appellant relies on.
   7.8. The relief sought by the appellant.
   7.9. Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
   7.10. 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 and 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.

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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 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.

11. 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.

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 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

MANAGER: LAND USE MANGEMENT

DATE: 20.10.2023

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VAN RIEBEECK STREET

NEETHLING STREET

EXISTING PEDESTRIAN GATE

EXISTING TREE TO REMAIN

EXISTING TREE TO REMAIN

35,593 m SITE BOUNDARY

EXISTING TREE TO REMAIN

43,772 m SITE BOUNDARY

EXISTING GARDEN

ERF 1396

EXISTING GARDEN

EXISTING GARDEN

Existing pedestrian walkway

EXISTING GARDEN

EXISTING GARDEN

PAVING TO DISABLED PARKING BAY

11

12

Parking bay allocated for coffee shop

EXISTING VEHICULAR ACCESS

EXISTING PAVED PARKING AREA

COVERED VERANDAH 49 m²

BREAKFAST ROOM 48m²

FOYER

BEDROOM 1

RECEPTION

Parking bays allocated for coffee shop

7

6

9

10

LOBBY

LOUNGE

GUESTHOUSE KITCHEN

BEDROOM 3

CLOSET etc

BEDROOM 2

Existing lamp pole

8

5

4

STORE RM

BEDROOM 4

STOEP

44,192 m SITE BOUNDARY

ADJACENT ERF 1397

EXISTING VEHICULAR ACCESS

EXISTING PAVED PARKING AREA

EARLY 1960'S 'COACH HOUSE' ADDITION

EXISTING SWIMMING POOL

1

2

3

35,717 m SITE BOUNDARY

ADJACENT ERF 4682

LEGEND:

50m² INTERNAL AREA TO BE USED AS COFFEE SHOP

49m² EXTERNAL COVERED AREA TO BE USED AS COFFEE SHOP

TOTAL AREA TO BE USED AS COFFEE SHOP = 99 m²

4 NO. PARKING BAYS ALLOCATED TO COFFEE SHOP (REQUIREMENT OF 4 BAYS / 100SQM OF GROSS LEASABLE AREA)

STELLENBOSCH MUNICIPALITY

THIS SITE DEVELOPMENT PLAN IS APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015), SUBJECT TO THE CONDITIONS AS PER APPENDIX.

MUNICIPAL MANAGER

20-10-2023

DATE

North

SITE PLAN

Scale 1:200

ERF SIZE = 1570 m²

OCCUPANCY: H1

B	2020-09-16	ISSUED FOR COUNCIL APPROVAL	LT
No	Date	Revision Description	By

Registered owner of property:
Ebenezer Guest Lodge (Pty) Ltd

Signature of client / owner:

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Project

BONNE ESPERANCE GUESTHOUSE
LAND USE APPLICATION (TEMPORARY DEPARTURE)
ERF 1396, STELLENBOSCH
(Cnr of Van Riebeeck St & Neethling St)

Drawing title

SITE PLAN INDICATING AREA OF EXISTING GUESTHOUSE TO BE USED AS COFFEE SHOP

Date	2020-09-16	Drawn	LT
Scale	1:200 @ A3	Checked	LT
		Approved	

Workstage

FOR COUNCIL SUBMISSION

Drawing number: 20_08_100

Revision: B

CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN	:	**Salome Newman (Directorate Planning Economic & Development: Stellenbosch Municipality)**
Official / Beampte	:	**Mr F.C. van Wyk**
Your ref/ U vrew.	:	**ERF 1396, Stellenbosch**
Ref No / Verw. No	:	**15/2/6/1**
Date / Datum	:	**2020-12-07**

APPLICATION FOR TEMPORARY DEPARTURE: ERF 1396, STELLENBOSCH

There are no objections from an Environmental Health point of view ito 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 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 962 of 23 November 2012.

4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed.

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