



Application Number: LU/16059 (TP455/2023)

Our File Reference Number: Erf 304, 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 FOR A CONSENT USE: ERF 304, 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)(o) of the Stellenbosch Municipal Land Use Planning By-law for consent use to permit occasional markets on Erf 304, Franschhoek,

**BE APPROVED** in terms of Section 60 of the said By-law.

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 land use hereby permitted be limited to a maximum of 1 (one) market day per week, which excludes the exception of an additional number of 12 (twelve) market days per calendar year allowed for special occasions and days.

- 3.4 An accurate register of the 12 (twelve) additional market days must be kept and presented on request by an authorised official of the Municipality.
- 3.5 The area for the market be limited to an extent of  $\pm 2640\text{m}^2$  and that a maximum number of 106 market stalls are permitted per market day.
- 3.6 The subject land use activity be limited to the area marked on the attached Site Plan with Plan No. FP/0523/1074, drawn by David Hellig and Abrahamse Professional Land Surveyors and dated August 2024, attached as **Annexure A**.
- 3.7 The land use hereby permitted (weekly market) be limited to operating hours of between 09:00am and 15:00pm. The additional number of 12 (twelve) market days per calendar year allowed for special occasions and days may depart from the latter operating hours with the approval in terms of the Stellenbosch Municipality Events By-law.
- 3.8 Preference must be given to local entrepreneurs selling locally produced handmade and handcrafted crafts, food and drinks and no local entrepreneur or business may be rejected or refused to trade on market days by the market organisers on the basis of commercial or trade competition.
- 3.9 Adequate arrangement be made for all electrical, ablution, water, safety, health and other facilities which may be required by the land use hereby permitted.
- 3.10 Sufficient on-site parking be provided in accordance with the provisions of the Zoning Scheme By-law and as illustrated on the Site Plan with Plan No. FP/0523/1074, drawn by David Hellig and Abrahamse Professional Land Surveyors and dated August 2024, attached as **Annexure A**.
- 3.11 Vendors or market stall owners and employees must make use of the onsite parking provided and are not permitted to park any vehicles / trailers or store any equipment in the surrounding road reserve areas.
- 3.12 Effective traffic control measures must be provided for during market days and marshals must be appointed to regulate traffic flow at the entrance and exit points of the property, and also to direct and manage onsite traffic flow and parking.
- 3.13 Development charges are payable in accordance with the prevailing and applicable Council Tariffs and at the time of payment as may be agreed on in writing with the Director Infrastructure Services.

3.14 The conditions imposed by the Directorate: Infrastructure Services (Electrical) as contained in their email comment dated 06/12/2023, attached as **Annexure C** to the satisfaction of the said Department.

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

- 4.1 The market does not extend beyond the boundary of the land unit and is compatible with the surrounding land uses and not detrimental to the character of the area.
- 4.2 The market encourages tourism, provide a platform for local entrepreneurs and contributes to economic growth in Franschhoek.
- 4.3 The scale and occasional nature of the market, together with the conditions imposed adequately mitigate any potential negative impacts.
- 4.4 Sufficient onsite parking can be provided during market days and engineering infrastructure services are not negatively affected as no permanent structures are proposed.
- 4.5 Commercial or trade competition is not considered a definitive reason for refusal or valid reason for objecting.

**5. Matters to be noted:**

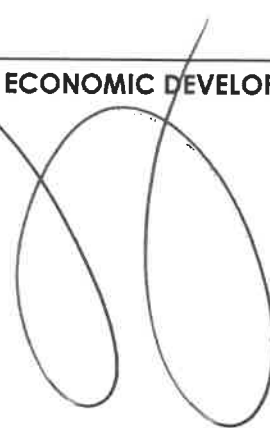
- 5.1 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 5.2 No directorial, advertisement, or any other signs or flags may be erected on the subject property or in any road reserve prior to the approval of Stellenbosch Municipality or the competent authority.
- 5.3 Compliance with the conditions imposed by the Directorate: Infrastructure Services (Civil) as contained in their memorandum dated 08/04/2024, attached as **Annexure C** to the satisfaction of the said Department.
- 5.4 Compliance with the conditions imposed by the Cape Winelands District Municipality: Environmental Health as contained in their letter dated 11/03/2024, attached as **Annexure D** to the satisfaction of the said Department.
- 5.5 Compliance with the conditions imposed by the Western Cape Province Department of Infrastructure: Directorate Road Planning as contained in their letter dated 11/07/2024, attached as **Annexure E** to the satisfaction of the said Department.
- 5.6 A business license and a liquor license be applied for if required.
- 5.7 Should, after following due process -
  - a) The subject approval remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
  - b) The operational use of the market be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
  - c) The market operates outside of its permitted days and hours, and/ or
  - d) The traffic levels with ineffective control along surrounding streets become a potential traffic nuisance or safety hazard, and/ or

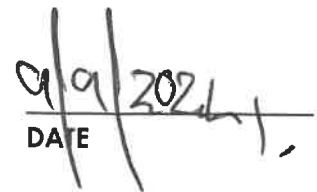
- e) The market be used for any unauthorised uses not permitted in terms of this approval,
  - the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Stellenbosch Municipal Land Use Planning By-law to withdraw the subject approval granted and the use of the property to be reverted to its original use.
- 6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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 by completing the required form 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.
- 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](mailto: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 appeal form and 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) or 021 – 808 8684.
- 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

  
\_\_\_\_\_  
**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**



  
\_\_\_\_\_  
**DATE**

COMMENTS/OBJECTIONS

- E [REDACTED]
1. T [REDACTED]  
E-mail: [REDACTED]  
and [REDACTED]
2. T [REDACTED]  
E-mail: [REDACTED]
3. [REDACTED]  
E-mail: [REDACTED]
4. I [REDACTED]  
E-mail: [REDACTED]
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E-mail: [REDACTED]
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[REDACTED]  
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E-mail: [REDACTED]



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# **ANNEXURE A**

SITE PLAN

# SITE PLAN

Remainder Erf 304  
Franschhoek Village Market  
Franschhoek

| TABLE 1 : MARKET AREA BREAKDOWN                                          |                    |
|--------------------------------------------------------------------------|--------------------|
| Description                                                              | Area               |
| Area covered by stalls @ $\pm 12\text{m}^2$ per stall x 106 stalls (max) | 1 260 $\text{m}^2$ |
| Area available for circulation by visitors in-between stalls             | 1 380 $\text{m}^2$ |
| Total Area                                                               | 2 640 $\text{m}^2$ |

| TABLE 2 : SUGGESTED PARKING PROVISION |             |             |                                                                                     |
|---------------------------------------|-------------|-------------|-------------------------------------------------------------------------------------|
| Type of Bays                          | Dimensions  | No. of Bays | Comments                                                                            |
| 60° parking                           | 2.5 x 5.0m  | 13          | Predominantly used by vendors & simultaneously serves as loading bays               |
| 90° parking                           | 2.5 x 5.0m  | 81          | Market visitors                                                                     |
| Parallel parking                      | 3.0 x 5.0m* | 2           | Market visitors                                                                     |
|                                       | 2.5 x 6.0m  | 9           | Market visitors                                                                     |
| Disabled bays                         | 3.5 x 5.0m  | 2           | Market visitors, Located adjacent to City Hall building to be near the market area. |
| 90° Large bus parking                 | 3.5 x 14.0m | 2           | Tour bus parking                                                                    |
| Total bays including disabled         |             | 107         |                                                                                     |
| Large bus parking                     |             | 2           |                                                                                     |
|                                       |             |             | * limited aisle width (6.3m wide)                                                   |

## GENERAL NOTES

1. All dimensions are approximate and subject to a detailed site survey and Local Authority input.
2. The Copyright of this drawing, including the design and details shown herein, is reserved by First Plan.

## AMENDMENTS

| REV | DESCRIPTION | BY | DATE |
|-----|-------------|----|------|
|     |             |    |      |
|     |             |    |      |

## CLIENT:

DUTCH REFORMED CHURCH FRANSCHHOEK

PLAN NO FP/0523/1074

SCALE

DATE AUGUST 2024

A4=1:1000

BASE INFORMATION SUPPLIED BY:



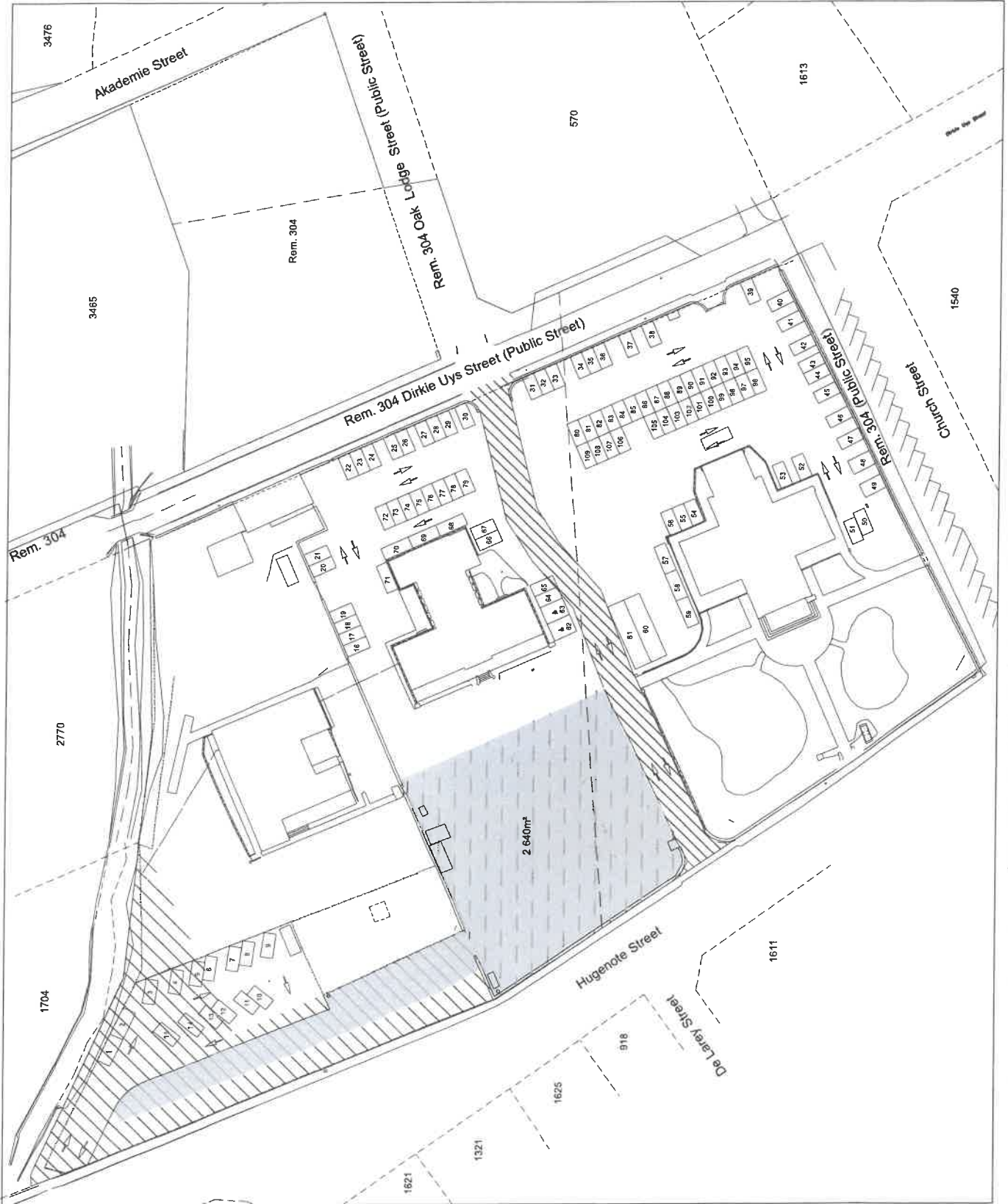
Telephone: 021 930 2718 Email: info@firstplan.co.za Website: www.firstplan.co.za



FIRST PLAN

TOWN PLANNERS  
STAGE PLANNERS

27 (21) 930 2718 info@firstplan.co.za www.firstplan.co.za





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## **ANNEXURE C**

COMMENT FORM INFRASTRUCTURE SERVICES  
(CIVIL AND ELECTRICAL)



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

# **MEMORANDUM**

**DIREKTORAAT: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

**CIVIL ENGINEERING SERVICES**

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|                            |                                                                                                                                                                                                                                   |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>To ▫ Aan:</b>           | <b>Director: Planning + Economic Development</b>                                                                                                                                                                                  |
| <b>Att Aandag:</b>         | <b>Nicole Katts</b>                                                                                                                                                                                                               |
| <b>From ▫ Van:</b>         | <b>Principal Technician: Development (Infrastructure Services)</b>                                                                                                                                                                |
| <b>Author ▫ Skrywer:</b>   | <b>Ilze Fillies</b>                                                                                                                                                                                                               |
| <b>Date ▫ Datum:</b>       | <b>08 April 2024</b>                                                                                                                                                                                                              |
| <b>Our Ref ▫ Ons Verw:</b> | <b>Civil LU 2598</b>                                                                                                                                                                                                              |
| <b>Town Planning Ref:</b>  | <b>LU/16059– TP455/2023</b>                                                                                                                                                                                                       |
| <b>Re ▫ Insake:</b>        | <b>Erf 304, Franschhoek: • Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for consent use to permit occasional markets on Erf 304, Franschhoek.</b> |

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The application is recommended for approval, subject to the following conditions:

Please see the conditions from our Roads, Stormwater and Traffic Engineering department.

- 1.1 With each event – the parking bays must be demarcated with chalk or a similar measure to guide visitors to park as depicted on figures 9,10 and 11 – to ensure optimal usage of the gravel surface.
- 1.2 Final comments and recommendations must also be obtained from WCG Infrastructure Services before approval can be issued.

**2. Development Charges (DCs)**

- 2.1 The following DC's are payable: See **Development Charge Calculation** attached.



# Stellenbosch Municipality

## Development Charge Calculation



| APPLICATION INFORMATION                 |                                                                                                                             |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Application Number:                     | 2598 (F) Erf 304 Franschoek (LU-16059 - TP455-2023)                                                                         |
| Development Name:                       |                                                                                                                             |
| Date:                                   | 08 April 2023                                                                                                               |
| Financial Year:                         | 2022/2023                                                                                                                   |
| Erf Location (Select from 7 Locations): | Stellenbosch Town                                                                                                           |
| Erf Region (Select Urban or Rural):     | Urban                                                                                                                       |
| Erf No. / Farm No.:                     | Erf 304                                                                                                                     |
| DC Parameters Reference:                | Remainder erf 304 Franschoek land use motivation report by First Plan town Planners ref FP/0523/1074 dated Aug 2024 page 12 |

| SUMMARY OF DC CALCULATION                                     |                |                |              |                |                   |                                   |              |
|---------------------------------------------------------------|----------------|----------------|--------------|----------------|-------------------|-----------------------------------|--------------|
| Service:                                                      | Water          | Sewer          | Stormwater   | Solid Waste    | Roads & Transport | Sub Total<br>(Civil Eng Services) | Totals       |
| Unit(s):                                                      | kl/day         | kl/day         | ha°C         | l/week         | trips/day         |                                   | persons      |
| Total Increased Services Usage:                               | 150            | 105            | 3            | 9              | 1500              |                                   | 390          |
| Total Service Usage Reduction:                                | 0              | 0              | 0            | 0              | 0,0               |                                   | 0            |
| Total Service Usage after Reduction:                          | 150,00         | 105,00         | 3,00000      | 9,000          | 1500,0            |                                   | 390          |
| Charges before adjusting for positive only, before Deductions | R 4 700 666,06 | R 3 621 531,16 | R 621 498,40 | R 880 304,56   | R 10 058 728,68   | R 19 882 728,85                   | R 668 429,30 |
| Charges adjusted for positive only, before Deductions         | R 4 700 666,06 | R 3 621 531,16 | R 621 498,40 | R 880 304,56   | R 10 058 728,68   | R 19 882 728,85                   | R 668 429,30 |
| Total Deductions:                                             | R -            | R -            | R -          | R -            | R -               | R -                               | R -          |
| Total Development Charges Payable (excluding VAT):            | R 4 700 666,06 | R 3 621 531,16 | R 621 498,40 | R 880 304,56   | R 10 058 728,68   | R 19 882 728,85                   | R 668 429,30 |
| VAT:                                                          | R 705 099,91   | R 543 229,67   | R 93 224,76  | R 132 045,68   | R 1 508 809,30    | R 2 982 409,33                    | R 100 264,40 |
| Total Development Charges Payable (including VAT):            | R 5 405 765,96 | R 4 164 760,83 | R 714 723,16 | R 1 012 350,25 | R 11 567 537,98   | R 22 865 138,18                   | R 768 693,70 |

| APPLICANT INFORMATION     |              |
|---------------------------|--------------|
| Application Processed by: | Iize Fillies |
| Signature:                |              |
| Notes:                    |              |

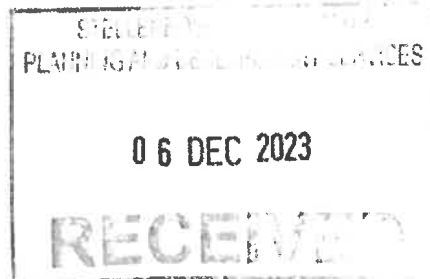
## Charlène Williams

**From:** Nicole Katts  
**Sent:** Wednesday, 06 December 2023 13:09  
**To:** Charlene Williams  
**Subject:** FW: ERF 304 FRANSCHHOEK - LU/16059 - TP455/2023 (FOLLOW UP)

Hi Charlene

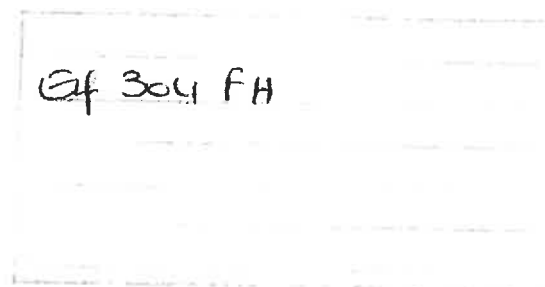
Please place on file for my attention.

Thank you.



*Kind regards / Vriendelike Groete*  
**Nicole Katts**  
Administrative Officer  
Development Management  
Planning & Economic Development

T: +27 21 808 8318  
NPK Building, 20 Plein Street  
Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)

**From:** Martin Slabber <Martin.Slabber@stellenbosch.gov.za>  
**Sent:** Wednesday, 06 December 2023 12:43  
**To:** Bradley Williams <Bradley.Williams@stellenbosch.gov.za>; Nicole Katts <Nicole.Katts@stellenbosch.gov.za>  
**Subject:** RE: ERF 304 FRANSCHHOEK - LU/16059 - TP455/2023 (FOLLOW UP)

**GENERAL: NONE**

**CONDITIONS:** If any electrical services must 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 control units
2. Solar water heating/heat pump installation
3. Energy efficient lightning
4. Roof insulation
5. Cooking with gas fired appliances
6. Control air condition equipment with energy saving devices.
7. Preheat at least 50% of hot water with alternative energy savings devices.

TX

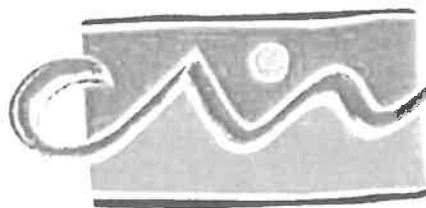


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## **ANNEXURE D**

CAPE WINELANDS DISTRICT MUNICIPALITY:  
ENVIRONMENTAL HEALTH



## CAPE WINELANDS DISTRICT

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MEMORANDUM TO/ AAN : N. Katts  
(Directorate Planning Economic &  
Development: Stellenbosch Municipality)  
Official / Beampje : Mr F.C. van Wyk  
Your ref/ U vrew. : ERF 304 Franschhoek  
Ref No / Verw. No : 15/2/6/1  
Date / Datum : 2024-03-11

### APPLICATION FOR CONSENT USE: ERF 304, 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



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## **ANNEXURE E**

WESTERN CAPE PROVINCE DEPARTMENT OF  
INFRASTRUCTURE: DIRECTORATE ROAD PLANNING

**Ref:** DOI/CFS/RN/LU/REZ/SUB-25/507 (APPLICATION NO: 2024-07-0004)

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The Director: Planning and Development

Stellenbosch Municipality

PO Box 17

**STELLENBOSCH**

7600

Attention: Mr Ulrich van Molendorff

Dear Sir

**ERF 304, FRANSCHHOEK: MAIN ROAD 191: APPLICATION FOR CONSENT USE TO PERMIT OCCASIONAL MARKETS**

1. The following refer:
  - 1.1. Our letter 16/9/6/1-25/209 to Snipelisky & Kilian dated 16 August 2017;
  - 1.2. The internal Memorandum from the Director: Planning and Economic Development to the Principal Technician: Development (Infrastructure Services) dated 15 November 2023 requesting additional information which included the TIA.
  - 1.3. The Traffic Impact Statement (TIS) prepared by EFG Engineers dated 22 February 2024; and
  - 1.4. The internal Memorandum from the Director: Planning and Economic Development to the Principal Technician: Development (Infrastructure Services) dated 8 April 2024 listing the conditions of approval from the Roads, Stormwater and Traffic Engineering Department.
2. The application seeks consent to permit occasional markets on Erf 304 in Franschhoek.
3. Stellenbosch Municipality is the road authority for Main Road 191 (MR191) through Franschhoek.
4. Erf 304 currently has two access points off MR191 at approximately km24.15 and km24.60 on the left-hand side (LHS).
5. Although Stellenbosch Municipality only required the demarcation of parking as a condition of approval, this Branch is not in favour of the existing access off MR191 at approximately km24.15 LHS.
6. The access at approximately km24.15 LHS off MR191 interferes with the pedestrian crossing, which is unacceptable. Relocating it to the east, opposite Kruger Street at approximately km24.42 LHS, would be a much better location.

7. This Branch has no objection to the application for consent to permit occasional markets on Erf 304 in Franschhoek, subject to the following conditions:
  - 7.1. The closure of the existing access at approximately km24.15 LHS and its relocation to approximately km24.42 LHS opposite Kruger Street;
  - 7.2. The closure of the existing access and the design of the new access should be coordinated with the District Roads Engineer in Paarl (Elroy Smith - 021 863 2020);
  - 7.3. Marshalls should be employed on market days to regulate and manage the two access points off MR191 as recommended in the TIS; and
  - 7.4. The market management must ensure that vendors and stall owners do not park along MR191 as recommended in the TIS.
8. Paragraph 8 in our letter 16/9/6/1-25/209 to Snipelisky & Kilian dated 16 August 2017 has been addressed through a letter from Falck Attorneys to First Plan Town Planners dated 5 May 2023.

Yours Sincerely

pp 

**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH**

**DATE: 11 JULY 2024**

## ENDORSEMENTS

1. Stellenbosch Municipality  
Attention: Mr U von Molendorff (e-mail: [ulrich.vonmolendorff@stellenbosch.gov.za](mailto:ulrich.vonmolendorff@stellenbosch.gov.za))
2. First Plan Town Planner  
Attention: Me C Havenga (e-mail: [christine.havenga@firstplan.co.za](mailto:christine.havenga@firstplan.co.za))
3. EFG Engineers  
Attention: Me A de Bruin (e-mail: [andri@efgeng.co.za](mailto:andri@efgeng.co.za))
4. Mr SW Carstens (e-mail)
5. S Bothma (e-mail)
6. Mr E Smith (e-mail)
7. Mr B du Preez (e-mail)
8. Paarl Dre
9. Mr E Smith (e-mail)