STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16042
Our File Reference Number: Erf 3266, Franschhoek
Your Reference Number: None
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL [redacted]

Sir / Madam

APPLICATION FOR THE DELETION OF CONDITION OF APPROVAL IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2023: ERF 3266, 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)(h) Stellenbosch Municipal Land Use Planning Bylaw 2023 for a deletion of a condition of approval, condition no 13.1.2 and 13.2.8 of the approval letter dated 09 September 2011 for rezoning of Erf 3266, Franschhoek from Conventional (Single) Residential Zone to Agriculture in order to accommodate a boutique winery.

   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 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 Bylaws 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 Previous conditions relating to the Rezoning as stipulated in the letter dated 09 May 2011 **(Annexure C)** must be complied with.

3.4 Building plans must be generally in accordance with the site plan / floor layout plan as referenced drawing no. as indicated on building plan no. 1967/01, 02, 03, 05, 06 REV. C; dated June 2023 and drawn by Johan Smit architects attached as **Annexure D**.

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

4.1 The proposal is in line with the zoning rights of the property as well as the provisions of the Zoning Scheme By-Law, 2023.

5. 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.

6. 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.

7. **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**

8. 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.

9. 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 or 021 – 808 8684.

10. 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.

11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

12. 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

23/7/2024.

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

Annexure C:
Approval letter dated 09/09/2011

DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING
Provincial Government of the Western Cape

LAND MANAGEMENT: REGION 1

Nathaneal.Jacobs@pgwc.gov.za
tel: +27 21 483 8105
1 Dorp Street, Cape Town, 8001
www.capegateway.gov.za

REFERENCE: E17/2/2/3/AF3/Erf 3266, Franschhoek
ENQUIRIES: N Jacobs

REGISTERED POST

Bonne Chance (Pty) Ltd
P.O. Box 571
FRANSCHHOEK
7690

Dear Mr Peer Luel

APPEAL: REZONING AND DEPARTURE: ERF 3266, FRANSCHHOEK

1.1 The Competent Authority for the administration of the Land Use Planning Ordinance, 1985(Ordinance 15 of 1985), has resolved that the appeal lodged against Council's decision to approve an application for the rezoning of Erf 3266, Franschhoek, from Single Residential to Agriculture, as well as a departure to construct a second dwelling on the property, **be dismissed** in terms of section 44 of the Land Use Planning Ordinance (Ordinance 15 of 1985).

13.1 The above approval is subject to the following conditions in terms of section 42 of the Land Use Planning Ordinance (Ordinance 15 of 1985):

13.1.1 that the total floor space of the second dwelling unit, inclusive of garaging, shall not exceed 120m²;

13.1.2 that the total floor space of the boutique winery shall not exceed 338m² as per Floor Plans S002 and S003, dated 06 October 09, drawn by SDK Architects;

13.1.3 that the maximum height of the boutique winery shall be 6 meters, measured from the mean ground level to the upper roof plate;

13.2.4 that no development may take place below the 1:50 year flood line;

13.2.5 that the approval applies only to the rezoning and departure as per Site Development Plan No S001 drawn by SDK Architects and shall not be construed as authority to depart from any other legal prescriptions or requirements;

13.2.6 that the utilisation of the properties and buildings must at all times be within the parameters determined by the Franschhoek Town Planning Scheme Regulations;

13.2.7 that building plans be submitted to Council prior to the commencement of any building work;

13.2.8 that any new building to be erected in the Urban Sub-Zone B must be subjected to a Heritage Impact Assessment Transition (HIA), so as to determine any potential visual impact on the surrounding context to the Huguenot Monument, before final building plans are submitted; and

13.2.9 that Council reserves the right to impose any further conditions if deemed necessary.

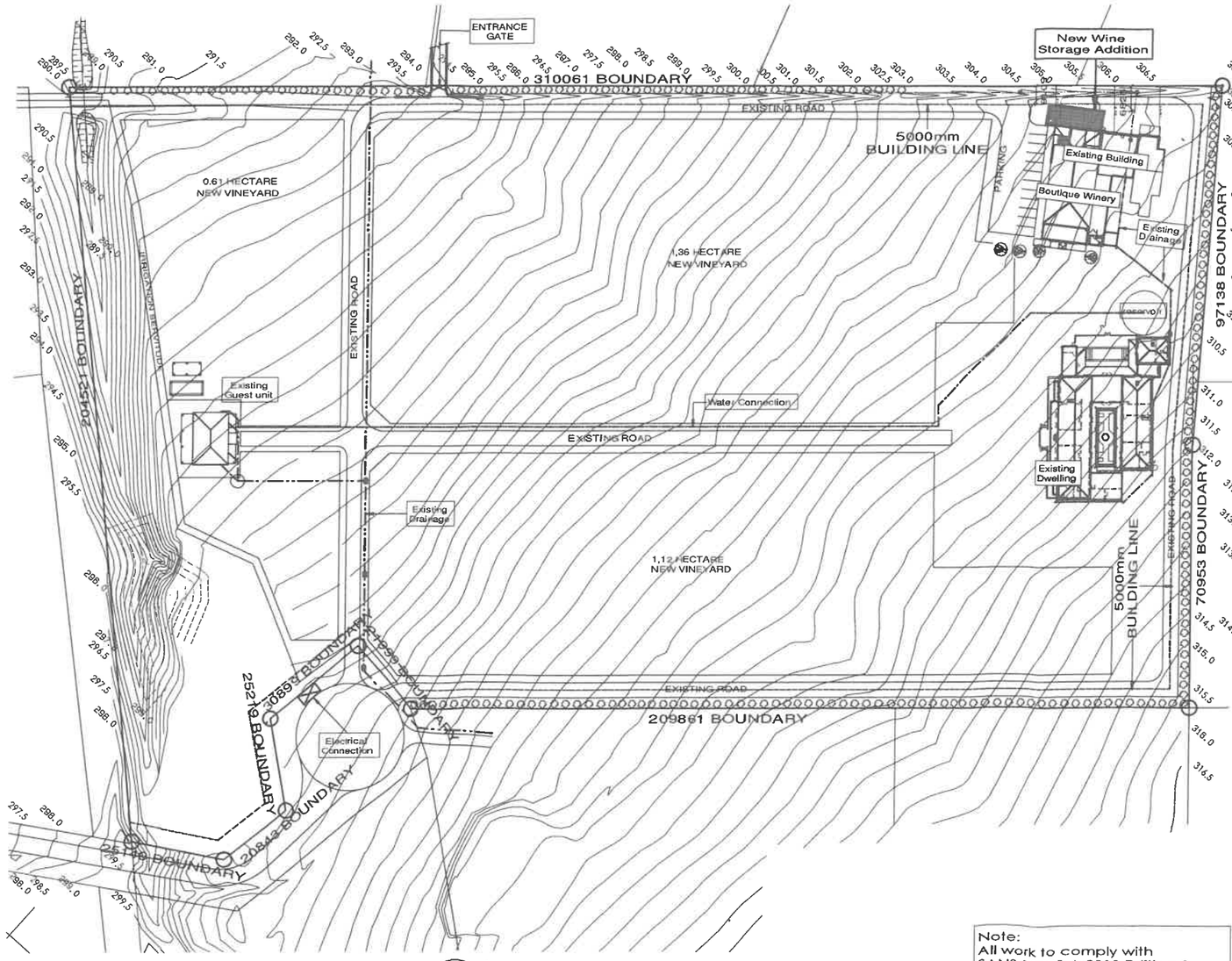
J Benjamin
Chief Land Use Management Regulator

DATE: 09/05/2011

The Afrikaans or Xhosa version of this document is available on request.

Annexure D:

Site Development Plan



1:1000 Site Plan

NEW REVISED PLAN C - 26 JUNE 2023

GENERAL NOTE:

Concrete mixture 1:2:4 (25MPa).
Mortar 1:4.
Plaster 1:6.
Brickforce every 3rd brick course.
All dimensions to be checked on site.
All work to be done according to Municipal regulations.
Any uncertainties must be reported to the architect prior to comencing with the work.

Coverage Of Erf:

Erf Area:	5.1 Hectare
Total Covered Area:	± 1083.45m²
Total Coverage :	2.12%

New Covered Area:	166.43m²

SANS 10400-XA: ENERGY EFFICIENCY
~~IN BUILDINGS~~

1. FLOORS:
If an in-slab heating system is installed, the requirements of SANS 204 for in-slab heating shall apply.
2. WALLS:
The cavity and grouted cavity walling systems exceed the minimum R-value of 0.35 accordance with SANS 10400 - XA: 2011
3. ROOF CONSTRUCTION:
All building in climate zone 4 must have a minimum R-Value of 3.70 to comply with SANS 204

Note:
All work to comply with SANS 10400-A:2010 Edition 3 and all other relevant SANS regulations.
All concrete and steel members to engineers detail and specifications.

johan smit
[redacted]

Projek:/Project:
New Dry Store and Wine Storage to Boutique Winery on erf 3266, Franschhoek, for the Barrow Familietrust

Klient:/Client
Nic Barrow Family Trust
t/a Le Lude MCC

Titel:
Site Plan

Skaal:/Scale:	Datum: /Date
1:1000	June 2023
Tekening no.:/Drawing nr: 1967/01 REV. C	Geteken:/Drawn: FC

SACAP registrasie nommer:/SACAP registration number:
Mr. J.H. Smit
Professional Architect Reg Nr 3512

existing 110 dia. PVC drainage pipeline

existing main sewer pipeline

existing 110 dia. PVC french drain pipeline

Existing building

Existing building

Existing building

basins

existing storm water down pipe

existing manhole

Sub DB

A

2700

2420

280

330

Existing building

1200w x 2100h new purpose-made door to match existing. to be made airtight

3000w x 3000h new roll up door to match existing. to be made airtight

200

50

7ROWS 100x 50 x 20 x 2,5 CFLC

New Dry Storage for bottles and palettes

grano 83.02m²

5400

D

IPE 140 RAFTER

IPE 140 RAFTER

IPE 140 RAFTER

IPE 140 RAFTER

IPE 140 COLUMN

5400

D

5m building line

boundary line

13.81

NORTH

12.76

5m building line

existing main sewer pipeline

existing manhole

9399

100mm thick freezer panels by Cool Maintenance Cape Town or similar

road

boundary line

268 4893 4893 4893 316

230 14750 280

A 15260

5018

1:100 Ground Floor Plan and Electrical Layout

150

40 70 40

220

110

110

IPE 140 COLUMN

220x150x16mm BASE PLATE WITH 2x18mm HOLES

1:10 Base Plate Detail

GENERAL NOTE:

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Plaster 1:6.
Brickforce every 3rd brick course.
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Any uncertainties must be reported to the architect prior to comencing with the work.

Fire Legend :

- Firehose boundary line
- DP 9kg fire extinguishers
- DP 9kg fire extinguishers

Electrical Legend

	hanging light based in concrete slab
	320W industrial base LED freezer light
D	exterior spotlight - exterior day/night Lighting
	lightswitch height 1100mm from F.F.L

NEW REVISED PLAN C - 26 JUNE 2023

New Additions - Mechanically Ventilated and Lighten

Note:
All work to comply with SANS 10400-A:2010 Edition 3 and all other relevant SANS regulations.
All concrete and steel members to engineers detail and specifications.

TUINIQUA CONSULTING

[redacted]

Prepared By	Checked By	Reviewed By

Project
PROPOSED ADDITIONS ON
ERF 3266
FRANSCHHOEK

Description
DETAIL

Scale	Date
AS SHOWN	JULY 2019

Project No	Drg. No	Rev
TQ - 294	01	

johan smit
architects · argitekte
Tel: 044 2723630 Fax: 044 2723642 email: jocmit@mweb.co.za

Projek:/Project:
New Dry Store and Wine Storage to Boutique Winery on erf 3266, Franschhoek, for the Barrow Familietrust

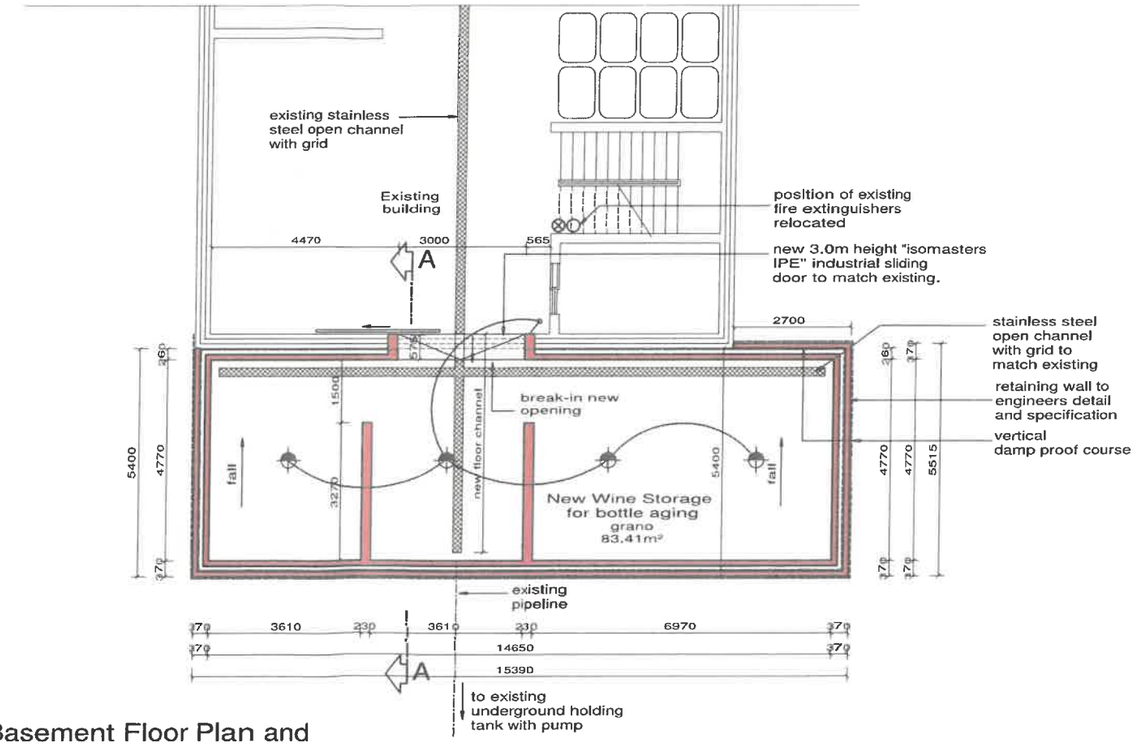
Klient:/Client
Nic Barrow Family Trust
t/a Le Lude MCC

Titel:
Ground Floor Plan, Electrical Layout and Detail

Skaal:/Scale:	Datum: /Date
1:10 en 1:100	June 2023

Tekening no.:/Drawing nr:	Geteken:/Drawn:
1967/02 REV. C	FC

SACAP registrasie nommer:/SACAP registration number:
Mr. J.H. Smit
Professional Architect Reg Nr 3512



1:100 Basement Floor Plan and Electrical Layout

GENERAL NOTE:

Concrete mixture 1:2:4 (25MPa).
Mortar 1:4.
Plaster 1:6.
Brickforce every 3rd brick course.
All dimensions to be checked on site.
All work to be done according to Municipal regulations.
Any uncertainties must be reported to the architect prior to comencing with the work.

TUINIQUA CONSULTING ENGINEERS
TEL (044) 272-5374 FAKS (044) 272-5227

Prepared By	Checked By	Reviewed By
GR	GR	GR

Project
PROPOSED ADDITIONS ON
ERF 3266
FRANSCHHOEK

Description
DETAIL

Scale	Date
AS SHOWN	JULY 2019

Project No	Drg. No	Rev
TQ - 294	02	

Fire Legend :

- Firehose
- DP 9kg fire extinguishers
- DP 9kg fire extinguishers

NEW REVISED PLAN C - 26 JUNE 2023

New Additions - Mechanically Ventilated and Lighten

Electrical Legend

	hanging light based in concrete slab
	320W industrial base LED freezer light
D	exterior spotlight - exterior day/night Lighting
	lightswitch height 1100mm from F.F.L

Note:
All work to comply with SANS 10400-A:2010 Edition 3 and all other relevant SANS regulations.
All concrete and steel members to engineers detail and specifications.

johan smit
architects : argitekte
[redacted]

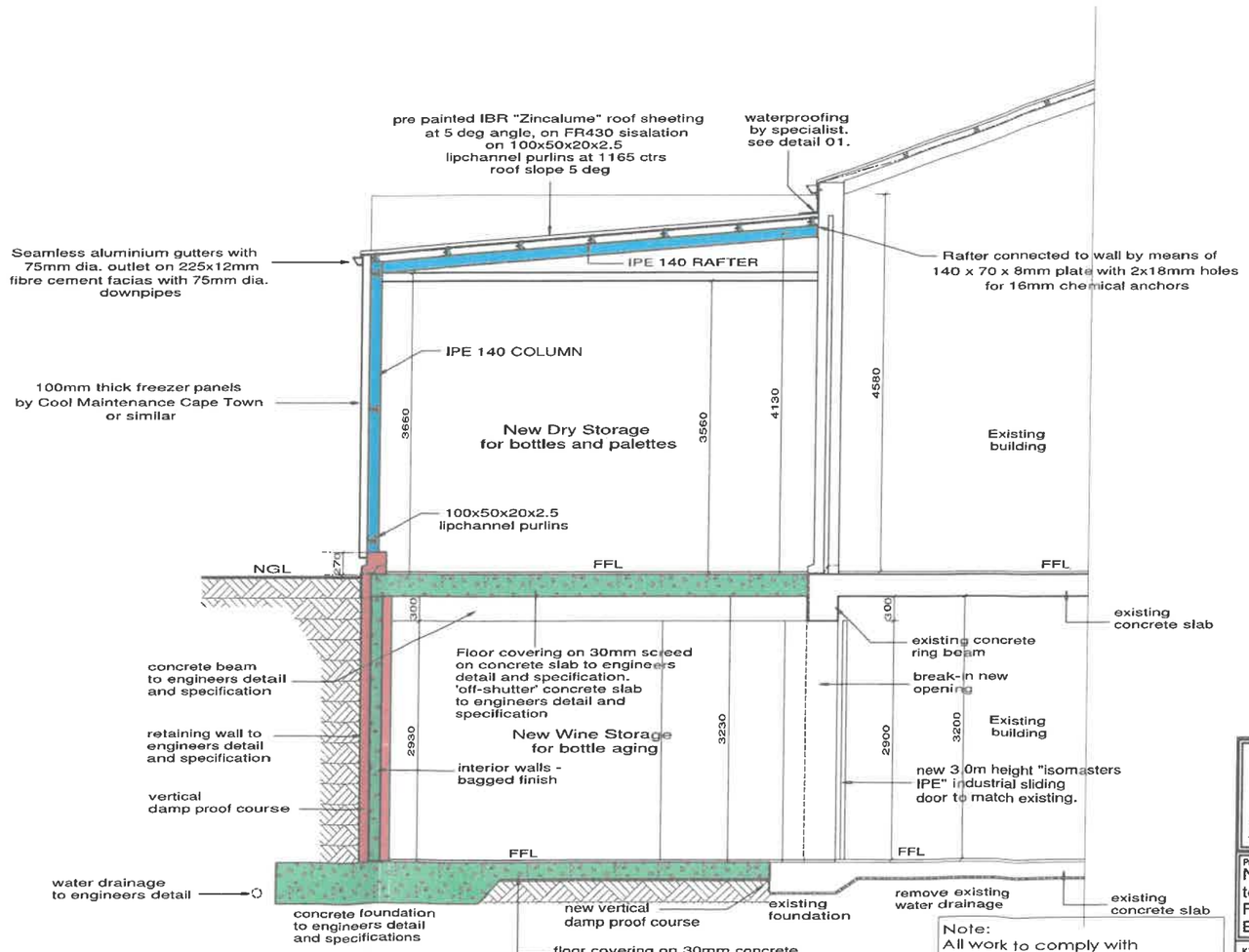
Projek:/Project:
New Dry Store and Wine Storage to Boutique Winery on erf 3266, Franschhoek, for the Barrow Familietrust

Klient:/Client
Nic Barrow Family Trust
t/a Le Lude MCC

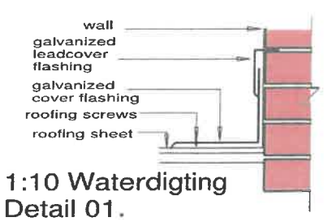
Titel:
Basement Floor Plan and Electrical Layout

Skaal:/Scale:	Datum: /Date
1:100	June 2023
Tekening no.:/Drawing nr:	Geteken:/Drawn:
1967/03 REV. C	FC

SACAP registrasie nommer:/SACAP registration number:
Mr. J.H. Smit
Professional Architect Reg Nr 3512



1:50 Section A-A



1:10 Waterdigting Detail 01.

NEW REVISED PLAN C - 26 JUNE 2023

GENERAL NOTE:

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Note:
All work to comply with SANS 10400-A:2010 Edition 3 and all other relevant SANS regulations.
All concrete and steel members to engineers detail and specifications.

Minimum R-Values: Steel Roof Construction

1. External Walls :
1.1) Masonry Walls Complies with SANS 10400-XA:2011 regulations

1.2) Non-masonry Walls Complies with Climate Zone 4 = 1.9m².K/W

1.2a) 100mm freezer panels = 4.54m².K/W

2. Roof construction : Complies with Climate Zone 4 = 3.70m².K/W

2.a) "outdoor air" = 0.03m².K/W
2.b) IBR "Zincalume" roof sheeting = 0.00m².K/W
2.c) FR430 sisalation = 1.30m².K/W
2.d) 100mm freezer panels = 4.54m².K/W
2.e) "inside still air" = 0.11m².K/W

TUINIQUA CONSULTING
[redacted]

Prepared By	Checked By	Reviewed By
GH	GH	GH

Project
PROPOSED ADDITIONS ON
ERF 3266
FRANSCHHOEK

Description
DETAIL

Scale: AS SHOWN | Date: JULY 2019

Project No: TQ - 294 | Drg. No: 04 | Rev:

johan smit
architects · argitekte
Tel: 044 2723630 Fax: 044 2723642 email: joesmit@mweb.co.za

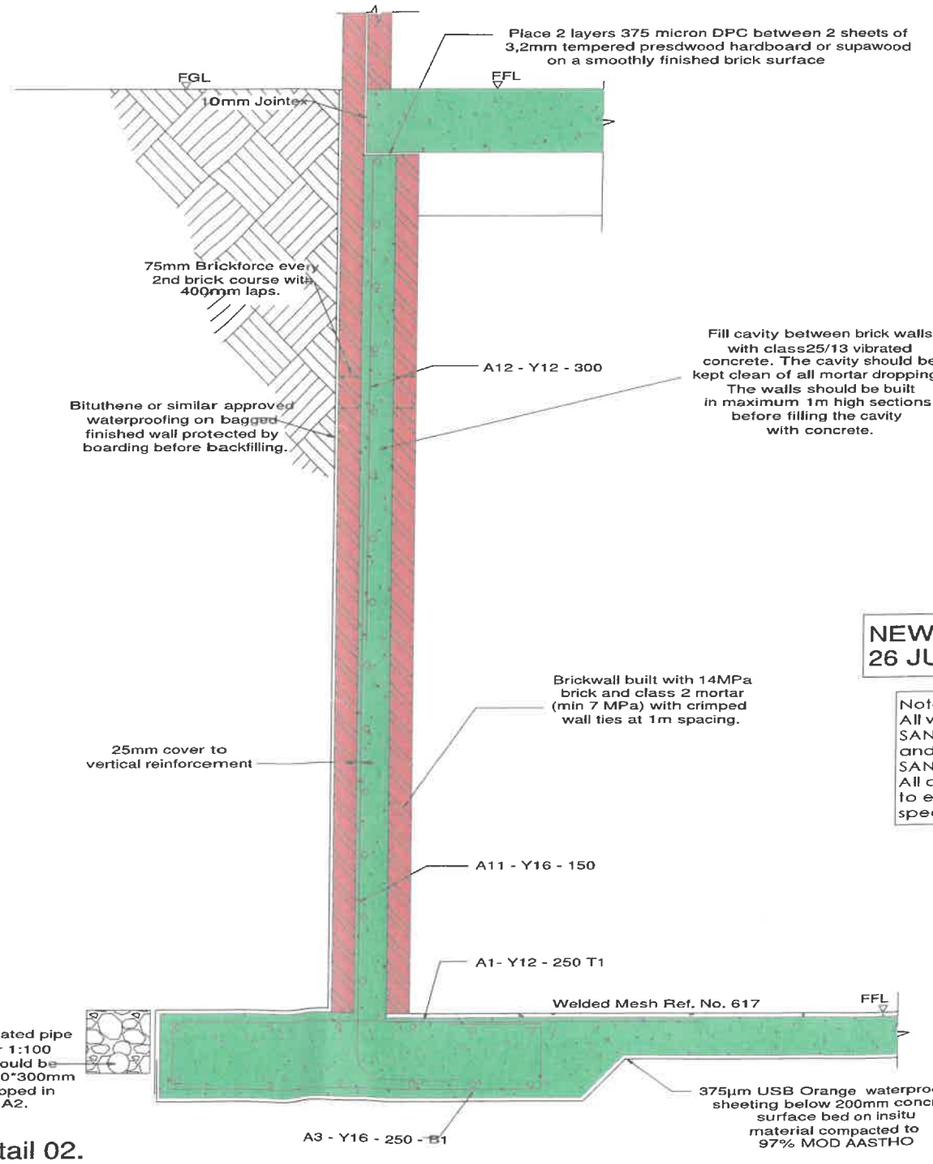
Projek: /Project:
New Dry Store and Wine Storage to Boutique Winery on erf 3266, Franschhoek, for the Barrow Familietrust

Klient: /Client
Nic Barrow Family Trust
t/a Le Lude MCC

Titel:
Section A-A

Skaal: /Scale:	Datum: /Date
1:50	June 2023
Tekening no.: /Drawing nr: 1967/05 REV. C	Getekan: /Drawn: FC

SACAP registrasie nommer: /SACAP registration number:
Mr. J.H. Smit
Professional Architect Reg Nr 3512



1:25 Detail 02.

GENERAL NOTE:

Concrete mixture 1:2:4 (25MPa).
Mortar 1:4.
Plaster 1:6.
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Any uncertainties must be reported to the architect prior to comencing with the work.

TUINIQUA CONSULTING ENGINEERS
TEL (044) 272-5374 FAKS (044) 272-5227

Prepared By	Checked By	Reviewed By
GR	GR	GR

Project
PROPOSED ADDITIONS ON
ERF 3266
FRANSCHHOEK

Description
DETAIL

Scale	Date
AS SHOWN	JULY 2019

Project No	Drg. No	Rev
TO - 294	05	

NEW REVISED PLAN C - 26 JUNE 2023

Note:
All work to comply with SANS 10400-A:2010 Edition 3 and all other relevant SANS regulations.
All concrete and steel members to engineers detail and specifications.

johan smit
[redacted]

Projek:/Project:
New Dry Store and Wine Storage to Boutique Winery on erf 3266, Franschhoek, for the Barrow Familietrust

Klient:/Client
Nic Barrow Family Trust
t/a Le Lude MCC

Titel:
Detail

Skaal:/Scale:	Datum: /Date
1:25	June 2023
Tekening no.:/Drawing nr: 1967/06 REV. C	Getek en:/Drawn: FC

SACAP registrasie nommer:/SACAP registration number:
Mr. J.H. Smit
Professional Architect Reg Nr 3512