



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16920 (TP695/2024)

Our File Reference Number: Erf 181, Devonbosch Estate, Koelenhof

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 AND DEPARTURE ON ERF 181, DEVONBOSCH ESTATE, KOELENHOF, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the applications in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 on Erf 181, Deveonbosch Estate, Koelenhof, Stellenbosch for a,

2.2 **Consent Use** in terms Section 15(2)(o) of the said bylaw to utilize a portion of the existing building for a commercial gymnasium; and a

2.3 **Departure** in terms of Section (15)(2)(b) of the said bylaw to permit a parking ratio of 3,8 bays/100m² total floor space in lieu of 6 bays/100m².

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 consent use and departure under consideration, as indicated on the referenced, **Plan Nr. P114-A-101 REV: G, dated 22 January 2023, and drawn by Rchitecture**, attached as **ANNEXURE B** 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 development must be undertaken in accordance with the site plan as referenced, **Plan Nr. P114-A-101 REV: G, dated 22 January 2023, and drawn by Rchitecture**, and attached as **ANNEXURE B**.

3.3 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.

3.4 The area of the proposed gym will be limited to Unit 5 ($\pm 209\text{m}^2$ in extent) as indicated on the **Site Development Plan Nr. P114-A-101 REV: G, dated 22 January 2023, and drawn by Rchitecture**.

3.5 Sufficient parking must be provided at all times within the Devonbosch Estate Development.

3.6 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.

3.7 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).

3.8 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.

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

4.1 The proposed use will not detract from the character of the area as no additions are proposed.

4.2 The proposal is in line with the surrounding land uses of the area.

4.3 The existing parking will be sufficient as people who work and live in the area would make use of the gym.

4.4 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.

5. Matters to be noted:

5.1 Building plans be approved by the Municipality prior to any building work commencing.

5.2 A business license be applied for if required.

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 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:

- a) First names and surname
- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) Contact details, including a Cell number and E-Mail address

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

8.1 The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) 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.

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

8.3 If the appeal is lodged against a part of the decision, a description of the part.

8.4 If the appeal is lodged against a condition of approval, a description of the condition.

8.5 The factual or legal findings that the appellant relies on.

8.6 The relief sought by the appellant.

8.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

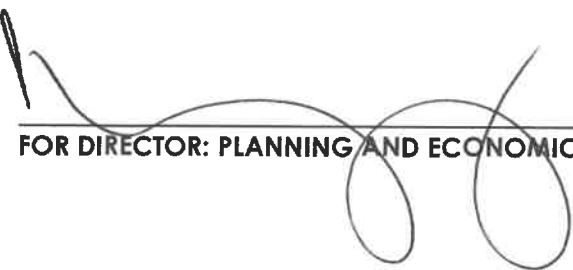
8.8 That the appeal includes the following declaration by the Appellant:

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) 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.

9. 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
10. 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.
11. 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
12. 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.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. 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

27/6/2024
DATE

ANNEXURE B

**APPLICATION FOR A CONSENT USE AND
DEPARTURE ON ERF 181, DEVONBOSCH ESTATE,
KOELENHOF, STELLENBOSCH**

SITE DEVELOPMENT PLAN/SITE PLAN

GENERAL NOTES

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UNLOCKED FITNESS STUDIO

INTERNAL FITOUT IN EXISTING BUILDING
FUNCTIONAL PRIVATE TRAINING CLASSES
BASED ON 40MIN TRAINING
20MIN SWITCH TIMING BEFORE NEXT CLASS

OCCUPANCY: A2 INDOOR SPORT
AREA 2118QM
PEOPLE MAX 20
CONTROLLED ACCESS FOR 15 MEMBERS
12 COACHES
1 RECEPTIONIST

ROOM AREAS		
Name	Area	
RECEPTION	22 m²	
EXERCISE AREA	85 m²	
RIG AREA	46 m²	
OFFICE 01	7 m²	
OFFICE 02	8 m²	
WC 01	2 m²	
PASSAGE	21 m²	
URINAL	2 m²	
WC 02	2 m²	
WC 03	2 m²	
WC 04	2 m²	
WC 05	2 m²	
WC 06	2 m²	
WC 07	2 m²	
WC 08	2 m²	
WC 09	2 m²	
WC 10	2 m²	
WC 11	2 m²	
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WC 193	2 m²	
WC 194	2 m²	
WC 195	2 m²	
WC 196	2 m²	
WC 197	2 m²	
WC 198	2 m²	
WC 199	2 m²	
WC 200	2 m²	
Grand total	15	209 m²