



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13339

Our File Reference Number: Erf 290 & 292 Franschhoek

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Dear Mrs Stucke

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR AMENDMENT OF AN CONDITION OF APPROVAL IN RESPECT OF THE APPROVAL FOR THE REZONING OF ERVEN 290 AND 292, FRANSCHHOEK

1. This Municipality's decision letter dated 31 March 2023, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 05 June 2024 that the appeal submitted against the refusal of the Authorised Decision Maker dated 29 March 2023, in respect of the application for the amendment of a condition of approval (Condition 3.5 as contained in the Decision Letter dated 01 December 2020) in respect of the rezoning approval of Erven 290 and 292, Franschhoek, **BE UPHELD** and that the subject decision **BE REVOKED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, and that the decision of the Authorised Decision Maker **BE REPLACED** with the following decision in terms of Section 81(9)(b) of the said By-law as follows:
3. That the application in terms of Section 15(2)(h) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015, for the **amendment of a condition of approval** (Condition 3.5 as contained in the Decision Letter dated 01 December 2020) in respect of the approval of the rezoning of Erven 290 and 292, Franschhoek to read as follows;

3.5 The restaurant located on erf 290 only be used by patrons of the guest accommodation establishment and their invited guest.

BE APPROVED subject to conditions.

4. Conditions of approval:

- 4.1 That all conditions in decision letter Erf 290 & 292 Franschhoek dated 1 December 2020, save for the amendment of condition 3.5 as amended in this approval, will remain in force.
- 4.2 That all other facilities located on Erf 290 & 292, save for the qualification on the restaurant that may also be used by invited guest of patrons of the guest accommodation establishment, may only be used exclusively by patrons of the guest accommodation establishment.
- 4.3 That the restaurant may not be open to, or be used by the general public or any person who are not patrons of the guest accommodation establishment and their invited guest.
- 4.4 That a guest book must be kept and maintained to record the personal details of all invited guest and the patrons of the guest accommodation establishment that they are associated with, and must, on request by the Municipality, be provided for inspection.
- 4.5 The capacity of the restaurant be limited to a maximum of 20 seats and the total number of patrons of the guest accommodation establishment and their invited guest making use of the restaurant may not exceed 20 people at any time.
- 4.6 Invited guest are only permitted in the restaurant area (indicated as "Guest Dining" on the Ground Storey Plan attached as **Annexure B**) and entrance area leading to the restaurant.
- 4.7 Invited guests are only allowed during the normal lunch and dinner operating hours of the restaurant and are not permitted to enter the property before 11h00 and must vacate the property no later than 23h00 on any given day.
- 4.8 The use of the restaurant as a function venue of any kind or as a conference facility is strictly prohibited.

- 4.9 No directorial, advertisement, or any other signs which may be approved and erected for the guest accommodation establishment may include any specific reference to a restaurant use.
- 4.10 This approval to permit invited guest of patrons of the guest accommodation establishment to the restaurant may not result in any undue traffic or parking problems and shall not create any undue noise or be a nuisance to the neighbouring properties. Compliance with the Noise Control Regulations (PN200/2013) in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989) and the Municipal By-law on the Prevention of Public Nuisance and the keeping of animals, must be ensured at all times.

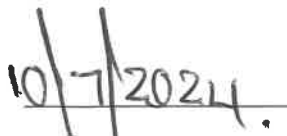
5. Reasons for the decision:

- 5.1. Given the exclusive nature and the extent of the restaurant facility which will remain limited, the allowance for invited guest will not detract from the residential character of the area and surrounding land uses which include a number of similar tourism orientated uses.
- 5.2. Due to the exclusive nature and limited scale of the restaurant facility the permission to allow invited guest will not result in any undue detrimental impacts on the surrounding property owners.
- 5.3. The potential negative impacts that the proposal might have on the surrounding property owners were taken into consideration with due regard to the mitigation measures imposed as conditions of approval to address the potential risks and impacts.

6. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT


DATE

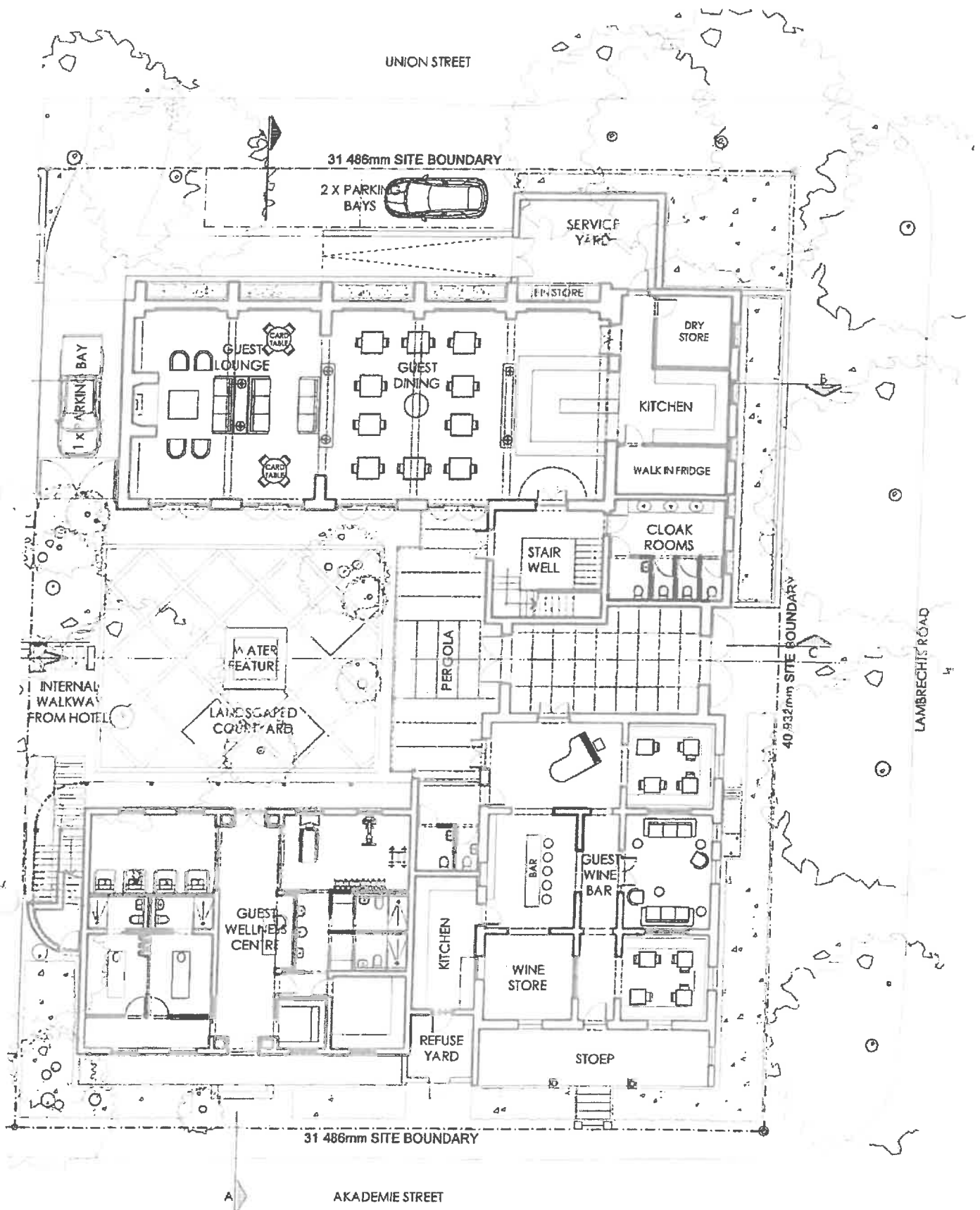
Erf 290 & 292 Franschhoek

Page **3** of **4**

Copies to:

Mr and Mrs Oliver

[REDACTED] & [REDACTED]



AKADEMIE STREET BOUTIQUE HOTEL

ERF 290 FRANSCHHOEK
GROUND STOREY PLAN

