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Application Number: LU/12594, LU/12650
Our File Reference Number: Erf 621 and 606 Jamestown
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-[redacted]

Dear Mr Booysen

APPEALS LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR TEMPORARY DEPARTURE ON ERF 621, JAMESTOWN AND APPLICATION FOR TEMPRORARY DEPARTURE ON ERF 606 JAMESTOWN.

1. This Municipality's decision letters dated 30 May 2024 and 21 October 2024, refer.

2. The Appeal Authority resolved on 3 April 2025 that the appeals submitted against the decisions of the Authorised Decision-Maker dated 07 May 2024, in respect of the subject application on Erf 621, Jamestown and dated 17 October 2024, in respect of the subject application on Erf 606, Jamestown **BE UPHELD**, and that the subject decisions, **BE REVOKED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law and **BE REPLACED** as follows:

3. That the following applications in terms of the Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law, namely:

   3.1 The application in terms of Section 15(2)(c) of the said By-law for temporary departure to permit the utilization of the existing residential dwelling unit on Erf 621, Jamestown for office purposes;

3.2 The application in terms of Section 15(2)(c) of the said By-law for temporary departure to permit the utilization of the existing residential dwelling unit on Erf 606, Jamestown for office purposes;

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:

4.1 The approval only applies to the proposed applications 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.

4.2 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.

4.3 The activity hereby permitted and use of the properties for office purposes be limited to the existing residential dwelling units located on Erf 621 and Erf 606 as indicated on Site Plan 1 and Site Plan 2.1 & 2.2, attached as **Annexure A**.

4.4 The land use hereby permitted be restricted to office use for the purpose of administrative activities, including but limited to on-site visitor / client meetings or consultations, and that no other business activities are permitted.

4.5 The storage, manufacturing or assembling of any material, goods or equipment on the subject properties are strictly prohibited.

4.6 No trade goods, products or materials are to be received, displayed, sold or dispatched on or from the subject properties.

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4.7 The number of office employees be restricted to a maximum of 10 people at a time for both properties as a collective.

4.8 The activity hereby permitted be allowed to only operate during 07:00am to 17:00pm on weekdays.

4.9 That the permitted temporary office use on Erf 621 and Erf 606 be limited to the applicant business entity and the renting of office space to other business entities or individuals are strictly prohibited.

4.10 No more than a total of 8 vehicles related to the office use activity on the subject properties as a collective are permitted to park on-site at a time and no off-site parking is permitted.

4.11 The on and off-site movement of the vehicles related to the office use activity must be kept to a minimum and must be conducted in such a manner not to cause any undue nuisance to surrounding neighbours or traffic congestion.

4.12 Screening in the form of appropriate landscaping must be provided along the street boundary of Erf 606 to soften the visual impact of the main parking area located on the said property.

4.13 Sufficient parking be provided at a ratio of 1 bay per office employee should one of the properties be sold, and / or should the use of one of the properties revert to residential while the other property continues to be used in accordance with this approval. In such a case parking related to the office use must be provided on the property where the office activity is conducted.

4.14 The parking or storage of any other vehicles not associated with the office or residential use of the subject properties are strictly prohibited.

4.15 The functional use of the building structures as residential units must be retained, and the façade and outdoor appearance of the existing dwelling units must be

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retained and no structural changes which are detrimental to the residential character of the area are permitted.

4.16 No advertising or directional signs may be displayed other than a single on-site non-illuminated sign which does not project over a property boundary and which does not exceed 0.5m. An application for any signage must be submitted to the Stellenbosch Municipality Heritage Resources Section for consideration.

4.17 The conditions of the **Directorate: Infrastructure Services** as specified in the memorandums dated 09 September 2021 and 13 September 2021, attached as **Annexure B**, be complied with.

4.18 The validity period of this temporary departure approval is calculated form the date of final notification of this decision.

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

5.1 Offices are classified as "soft" type of business and are deemed compatible with residential areas due to their low-impact nature, typically involving administrative work with minimal noise and traffic, unlike industries such as manufacturing or warehousing.

5.2 The approval is temporary and valid for only five years. If the proposed four (4) on-site parking bays prove insufficient and cause traffic issues, the Municipality may choose not to extend the approval beyond this period.

5.3 No external alterations or renovations will be made to the building's façade ensuring it retains appearance of the dwelling house and preserves the character of the area and the parking is proposed to be provided at the rear of the property. Only internal modifications will be undertaken to accommodate the office.

5.4 Given the above, if the proposed use discontinues for any reason, the building can easily be reverted to residential use.

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5.5 The approval will not set a precedent for similar uses, as each application is evaluated on its own merits.

5.6 The approval of this proposal will not grant commercial or business rights, as the zoning will remain unchanged, and the approval will be restricted to office use only.

6. **Matters to be noted:**

6.1 The subject properties fall outside of the Stellenbosch Municipal electrical supply area and all electrical requirements must be obtained from Eskom.

6.2 A temporary departure is granted for a maximum period of five years in accordance with Section 18(1)(b) of the Stellenbosch Municipal Land Use Planning By-law whereafter the use of the properties must revert to its Conventional Residential Zone primary use rights. In accordance with Section 18(4) of the said Bylaw may not be approved more than once in respect of a particular use on a specific land unit.

6.3 Should, after following due process –

i. The subject approved land use remains in breach of complying with any of the conditions of approval required for enacting the subject approval, and/ or
ii. The operational use of the offices be in breach of any of the conditions of approval, inclusive of persistent complaints of any undue negative impacts, and/ or
iii. The properties 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 Municipal Land Use Planning By-law to withdraw the subject approval granted and the building structures to be reverted to uses that are in line with the Conventional Residential Zone primary use rights of the properties.

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

6.5 The appeal process has now been concluded.

Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

13/5/2025

DATE

COPIES TO:

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ANNEXURE A

SITE PLANS

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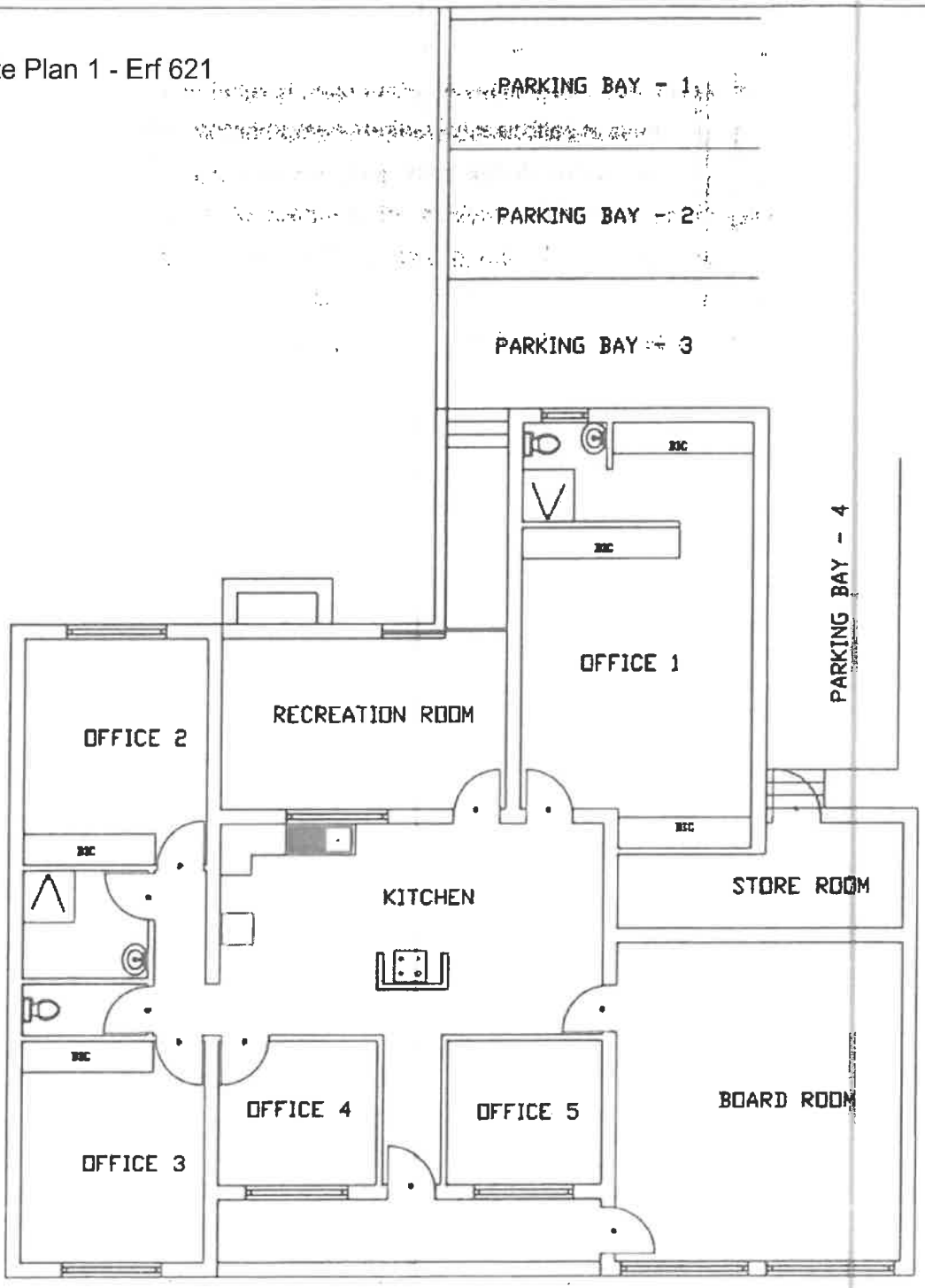
Site Plan 1 - Erf 621



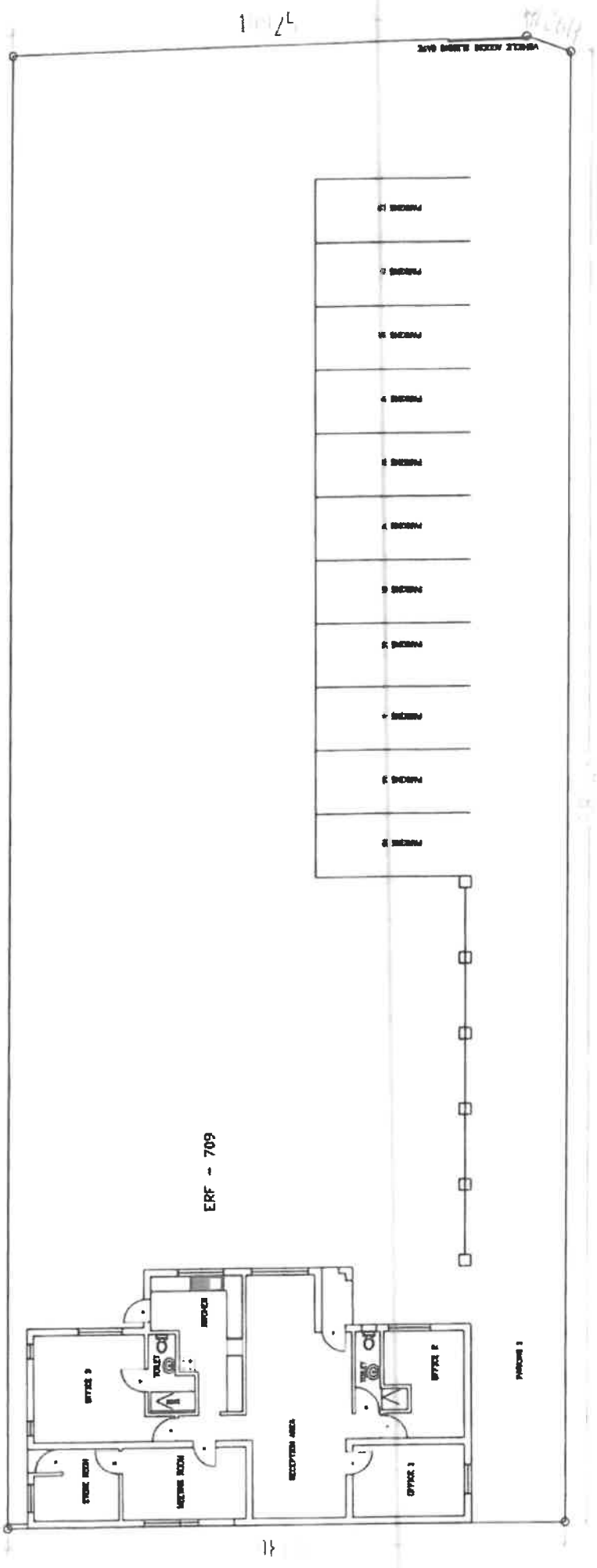
ERF 510/653

VEHICLE ACCESS SLIDING GATE

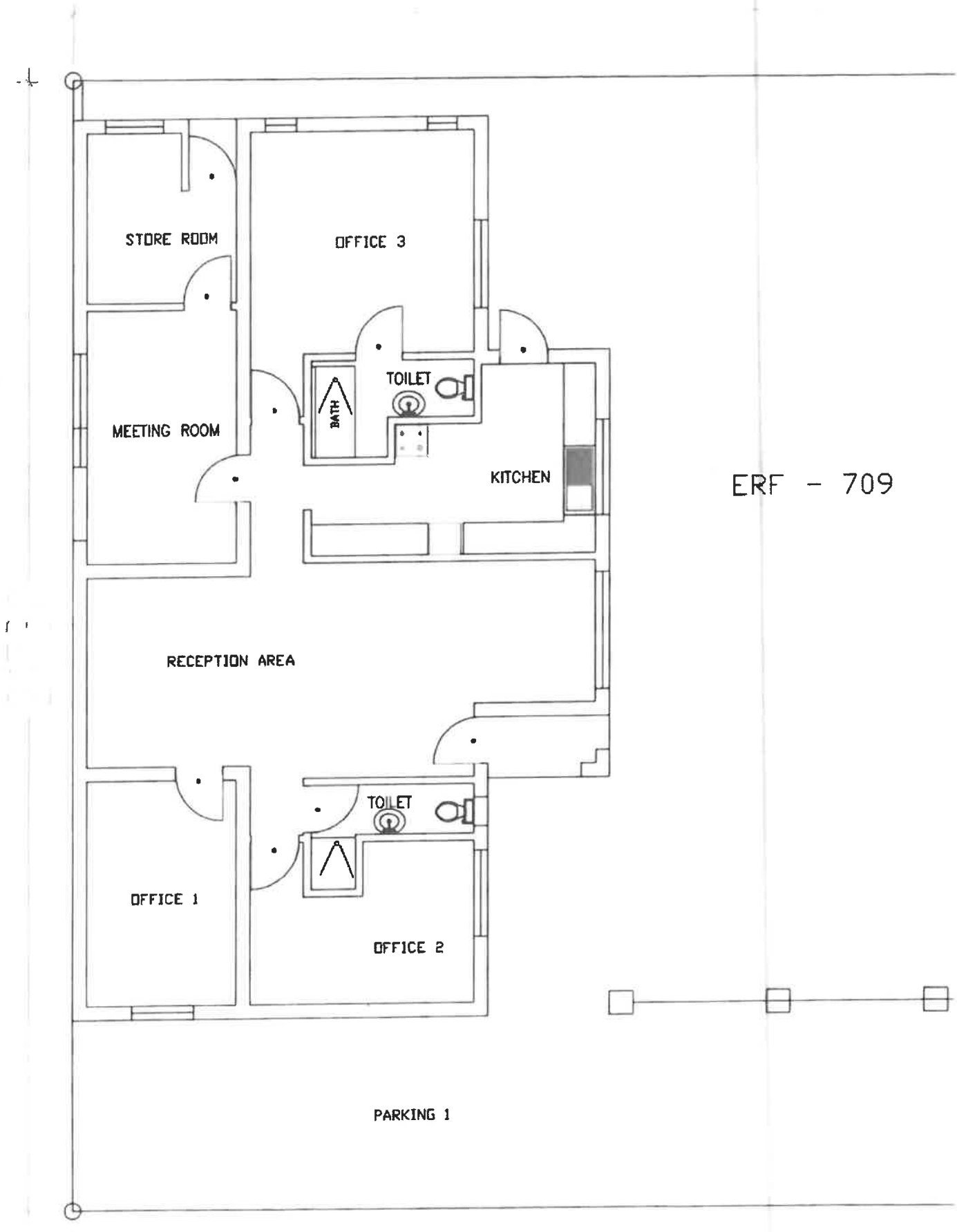
30000

21170

Site Plan 2.1 - Erf 606



Site Plan 2.2 - Erf 606



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ANNEXURE B

COMMENT FORM DIRECTORATE: INFRASTRUCTURE SERVICES

STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag	**N Katts**
From ▫ Van:	**Abdullah Daniels (Development)**
Date ▫ Datum:	**09/09/2021**
Our Ref ▫ Ons Verw:	**Civil LU 2186**
Re ▫ Insake:	**Erf 606 Jamestown: Temporary departure**

12 OCT 2021

The above mentioned application for the following refers.

1) TEMPORARY LAND USE DEPARTURE APPLICATION TO ALLOW OFFICE USE ON PORTION 606 OF THE FARM BLAAUW KLIP NO. 510. JAMESTOWN.

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

1. Water

1.1 The existing water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

2. Sewer

2.1 The existing sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

E 606 JT

3. Roads

3.1 Sufficient parking must be provided that complies with the integrated zoning scheme of 2019.

4. Municipal Infrastructure (Civil Engineering Services)

4.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

5. **Electrical**

6.1 Refer to annexure A for electrical comments

ABDULLAH DANIELS
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)
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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag	**N Katts**
From ▫ Van:	**Abdullah Daniels (Development)**
Date ▫ Datum:	**13/09/2021**
Our Ref ▫ Ons Verw:	**Civil LU 2186**
Re ▫ Insake:	**Erf 621 Jamestown: Temporary departure**

The above mentioned application for the following refers.

1) Temporary Departure in order to allow for residential dwelling for office use.

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

1. Water

1.1 The existing water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

2. Sewer

2.1 The existing sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

3. Roads

3.1 Sufficient parking must be provided that complies with the integrated zoning scheme of 2019.

4. Municipal Infrastructure (Civil Engineering Services)

4.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

5. Electrical

5.1 Refer to annexure A for electrical comments

ABDULLAH DANIELS
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)
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