STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: TP973/2024
Our File Reference Number: Erf 13975, Stellenbosch
Your Reference Number: None
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER [redacted]

Sir / Madam

APPLICATION FOR DEPARTURE, CONSENT USE AND PERMISSION IN TERMS OF THE ZONING SCHEME: ERF 13975, STELLENBOSCH

1. The above application refers.

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

3. That the application in terms of Section 15(2) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 on Erf 13975, Stellenbosch for the following:

   3.1 A departure in terms of Section 15(2)(b) of the said bylaw to relax the street building line from 2m to 1m to regularise the existing outbuilding (storeroom),
   3.2 In terms of Section 15(2)(g) of the said bylaw for a permission required in terms of the zoning scheme to regularise the existing container in front of the existing dwelling unit,
   3.3 Consent Use in terms of Section 15(2)(o) of the said bylaw for an additional use that exceeds the zoning scheme parameters in order to regularise the existing soup kitchen currently being within the outbuilding(container) that exceeds the street building line.
   3.4 A departure in terms of Section 15(2)(b) of the said bylaw for under provision of parking in order to provide one (1) on-site parking bay in lieu of two (2).

   BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

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

4.1 The approval only applies to the 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.

4.2 Building plans be generally in accordance with the site plan / floor layout plan as referenced 2024/12/01, dated March 2024, drawn by D Lakey Draughting Services and attached as **ANNEXURE A.**

4.3 The subject land use activity (soup kitchen) be limited to the existing container and no additional containers or structures associated with the soup kitchen shall be erected without the necessary Municipal approval.

4.4 No parking will be allowed in the road reserve.

4.5 The soup kitchen shall be permitted to operate on a maximum of three (3) days per week.

4.6 The owner shall ensure that the operation does not obstruct pedestrian movement, vehicular access or safe movement of traffic along the adjacent streets.

4.7 The land use to not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Western Cape Noise Control Regulations, 2013, PN. 200/2013 made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

4.8 The consent use hereby approved be valid for a period of five (5) years from the date of final notification.

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

5.1 The proposed soup kitchen will provide a valuable community-support service to vulnerable and disadvantaged members of Cloetesville.

5.2 The proposed activity is consistent with the broader objectives of the Stellenbosch MSDF to promote inclusive and sustainable communities as it contributes positively towards social upliftment and community development.

5.3 The proposed activity will serve the immediate surrounding area and the beneficiaries will be arriving on foot thereby reducing the need for additional parking for the proposed soup kitchen.

6. **Matters to be noted:**

6.1 Application be made in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability (COA) in terms of Regulation 638 of 22 June 2018, promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972.

6.2 Building plans for all existing unauthorised structures and uses be submitted to and approved by the Municipality and no land uses associated with any unauthorised structures may commence operating before building plan approval.

6.3 The authorised official of the Municipality will, after due process, 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 in line with the primary use of the property, should the following be the case:

6.3.1 The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or

6.3.2 The operational use be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or

6.3.3 The property be used for any unauthorised uses not permitted in terms of this approval.

7. You are hereby informed of your **right to appeal Section 15(2)(a) to (f), (h) to (k), (n), (o) or (r) application decisions in terms of Section 79(2)** of the Stellenbosch Municipal Land Use Planning By-law. The appeal 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. Appeals must be addressed to the Municipal Manager and submitted to the following email address: landuse.appeals@stellenbosch.gov.za.

8. As applicant, you are hereby informed of your **right to appeal Section 15(2)(g), (l), (m), (p) or (q) application decisions in terms of Section 62** of the Local Government Municipal Systems Act, no 32 of 2000 as determined by Section 68(e) of the Stellenbosch Municipal Land Use Planning By-law. The appeal must be submitted by completing the required form with the prescribed information to satisfy the requirements of Section 62 of the Local Government Municipal Systems Act, no 32 of 2000, failing which the appeal will be invalid. Appeals must be addressed to the Municipal Manager and submitted to the following email addresses: municipal.manager@stellenbosch.gov.za and copy to landuse.appeals@stellenbosch.gov.za.

9. Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an

appeal, but rather a new application which should be submitted on the manner prescribed, as only the above decision can be appealed at this stage.

10. Any party (applicant or other) who lodges a Section 79(2) 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 approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. The LU and/or TP Reference number on this correspondence must be used as the reference for the payment of the appeal fee.

11. An applicant who lodges a Section 79(2) 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. All appeals must be submitted to the authorised Appeal Authority **within 21 days** from the date of notification of the above decision. Note that no late appeals or an extension of time for the submission of appeals is permitted.

13. The appeal form can be accessed on the municipal website. For any enquiries relating to appeals, the Land Use Management office can be contacted at 021 – 808 8684 or landuse.appeals@stellenbosch.gov.za.

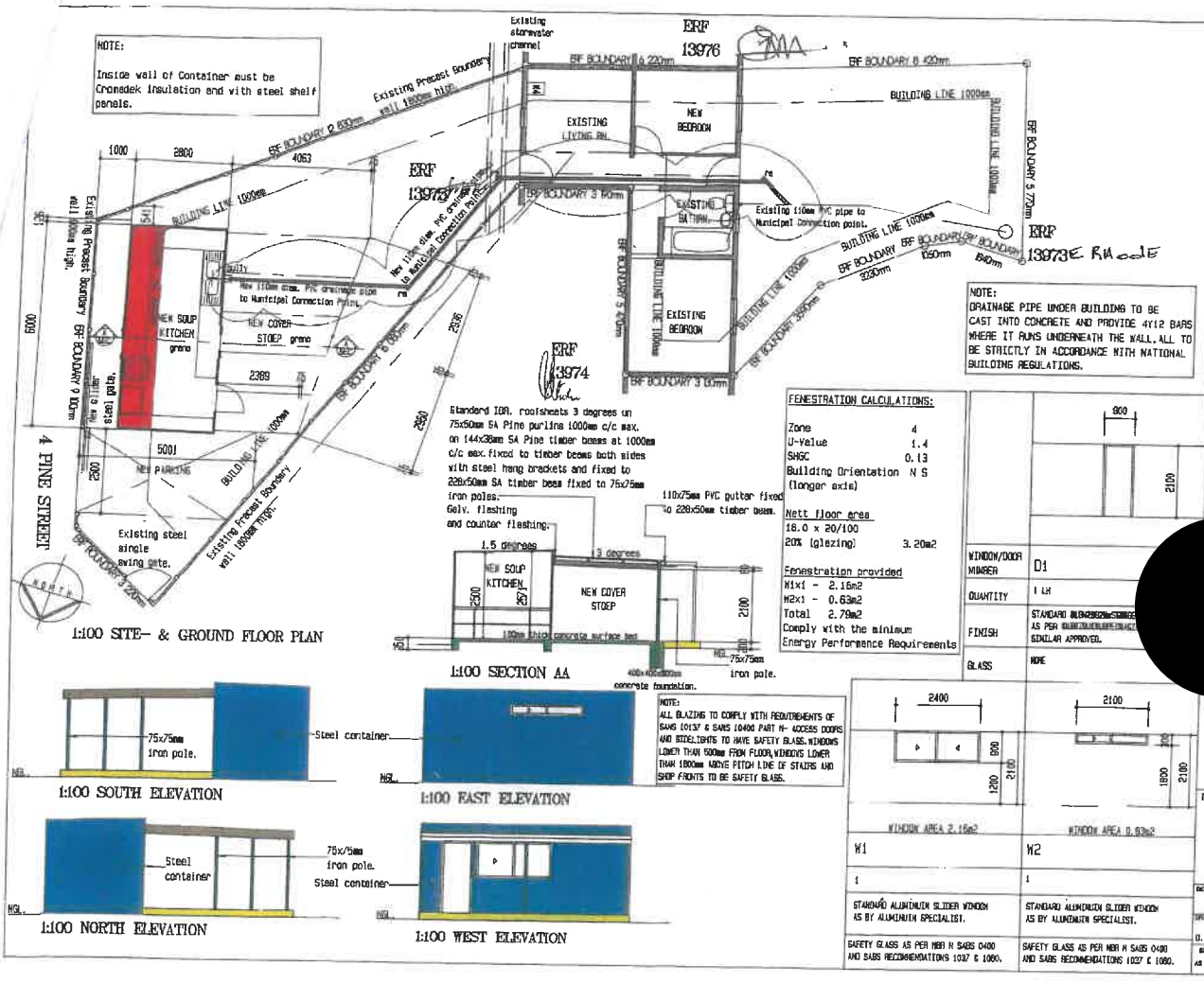
14. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 26/11/2026

Annexure A
Building Plan



NOTE:
DRAINAGE PIPE UNDER BUILDING TO BE CAST INTO CONCRETE AND PROVIDE 4Y12 BARS WHERE IT RUNS UNDERNEATH THE WALL. ALL TO BE STRICTLY IN ACCORDANCE WITH NATIONAL BUILDING REGULATIONS.

FENESTRATION CALCULATIONS:

Zone	4
U-Value	1.4
SHGC	0.13
Building Orientation (longer axis)	N S

Nett floor area
18.0 x 20/100
20% (glazing) 3.20m2

Fenestration provided
W1x1 - 2.16m2
W2x1 - 0.63m2
Total 2.79m2
Comply with the minimum Energy Performance Requirements

NOTE:
ALL GLAZING TO COMPLY WITH REQUIREMENTS OF SANS 10137 & SANS 10400 PART N- ACCESS DOORS AND SIDELIGHTS TO HAVE SAFETY GLASS. WINDOWS LOWER THAN 500mm FROM FLOOR, WINDOWS LOWER THAN 1800mm ABOVE PITCH LINE OF STAIRS AND SHOP FRONTS TO BE SAFETY GLASS.

WINDOW/DOOR NUMBER	D1
QUANTITY	1 LH
FINISH	STANDARD [redacted] AS PER [redacted] SIMILAR APPROVED.
GLASS	NONE

WINDOW AREA 2.16m2	WINDOW AREA 0.63m2
W1	W2
1	1
STANDARD ALUMINIUM SLIDER WINDOW AS BY ALUMINIUM SPECIALIST.	STANDARD ALUMINIUM SLIDER WINDOW AS BY ALUMINIUM SPECIALIST.
SAFETY GLASS AS PER NBR N SABS 0400 AND SABS RECOMMENDATIONS 1037 & 1080.	SAFETY GLASS AS PER NBR N SABS 0400 AND SABS RECOMMENDATIONS 1037 & 1080.

ALLE TEKENINGE EN AFMETINGS MOET NAGESIEN VERGELYK WORD VOOR MATERIAAL BESTEL EN EN BOUWERK BEGIN WORD. VERSKILLE MOET DADELI DIE AANDAG VAN ARGITEK GEBRING WORD. KOPIE WORD VOORBEHOU OP ALLE TEKENINGE EN ONTWE

ALL DRAWINGS AND DIMENSIONS MUST BE CORRE BEFORE ANY MATERIALS ARE ORDERED OR BUILD COMMENCES. ANY DIFFERENCES MUST BE BROUGH THE ATTENTION OF THE ARCHITECT IMMEDIATELY RIGHT IS RESERVED ON ALL DRAWINGS ANDGEGI

REVISIONS:

REV.	DATE	
A	08/09/2024	UPDATE DRAWINGS FOR MUNIC AMENDMENTS SEE CLOUDS.

DEVELOPMENT DATA:

SITE AREA	19
NEW ADDITIONS:	
NEW SOUP KITCHEN & NEW COVER STOEP	3
EXISTING DWELLING	3
OVERALL TOTAL	7
COVERAGE PER SQM	7
EXISTING COVERAGE	2
	19

[redacted]

NEW ADDITIONS(SOUP KITCHEN)
FOR MRS THERESA MORRIS
NO.4 PINE STREET
ERF 13975 CLOETESVILLE
STELLENBOSCH

TEKENING / DRAWING
MUNICIPAL DRAWINGS:
PLANS,SECTION & ELEVATIONS

DESIGNED	REV.	TEKENING Nr. DRAWING No.
DRAWN D. LAKEY	A	2024/12/01
SCALE AS SHOWN	DATE MARCH, 2024	CHECKED / ISSUED