



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9188

Our File Reference Number: Erf 3271, Franschhoek

Your Reference Number: 3592-P

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [Clifford@tv3.co.za](mailto:Clifford@tv3.co.za)

Sir

## APPLICATION FOR REZONING ON ERF 3271, 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)(a) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 for the rezoning of Erf 3271, Franschhoek from Single Residential Zone to General Residential Zone in order to utilize five (5) bedrooms of the existing dwelling unit on the subject property, for the purpose of a guest house as indicated on drawing number 1729-01, drawn by Anathi and dated 17-9-2018 **BE APPROVED** in terms of Section 60 of the said Bylaw subject to conditions in terms of Section 66 of the said Bylaw:

**BE APPROVED** in terms of Section 60 of the said Bylaw and **BE SUBJECT** to the conditions in terms of Section 66 of the said Bylaw:

### 2.2 Conditions of Approval:

- 2.2.1 The approval only applies to the proposed development in question, as indicated on the attached **ANNEXURE B** dated 17-9-2018, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2.2.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;

2.2.3 The following conditions listed below imposed by the **Director: Engineering Services** as contained in their memo dated 17/01/2020, attached as **ANNEXURE F** be complied with:

i. Water

(a) 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.

ii. Sewer

(a) 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

iii. Municipal Infrastructure (Civil Engineering Services)

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

2.2.4 The following condition imposed by the **Manager: Electrical Services** as contained in their memo dated 29/08/2019, attached as **ANNEXURE E** be noted:

(a) If more electricity supply is needed, apply via recoverable cost.

2.2.5 The following condition imposed by the **Manager: Fire Services** as contained in their memo dated 31/07/2019 attached as **ANNEXURE J** be complied with:

(a) To comply with fire regulations for Guest Houses.

2.2.6 That building plans must be approved by this municipality, prior to any building work commencing on site or implementation of the approval in order to record the change in land use.

3. Reasons for the decision:

3.1 The proposal complies with the principles of the Stellenbosch Municipal Spatial Development Framework (MSDF);

- 3.2 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape as the use is compatible with the surrounding uses;
  - 3.3 The proposed facility will create employment opportunities and diversifies the economic base of the local area and region as a whole;
  - 3.4 The proposed land use is not undesirable and will have a minimal impact on the surrounding properties;
  - 3.5 Sufficient on-site parking is provided for the proposed use;
  - 3.6 The proposal will have no visual impact on the surrounding area, as no new buildings will be constructed.
5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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 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:
- (a) The personal particulars of the Appellant, including:
    - (I) First names and surname;
    - (II) ID number;
    - (III) Company of Legal person's name (if applicable)
    - (IV) Physical Address;
    - (V) Contact details, including a Cell number and E-Mail address;
  - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
  - (c) The grounds of the appeal which may include the following grounds:
    - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

- (ii) 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.
  - (d) whether the appeal is lodged against the whole decision or a part of the decision;
  - (e) if the appeal is lodged against a part of the decision, a description of the part;
  - (f) if the appeal is lodged against a condition of approval, a description of the condition;
  - (g) the factual or legal findings that the appellant relies on;
  - (h) the relief sought by the appellant; and
  - (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
  - (j) That the appeal includes the following declaration by the Appellant:
    - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
    - (ii) 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.
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: [Lenacia.Kamineth@stellenbosch.gov.za](mailto:Lenacia.Kamineth@stellenbosch.gov.za)
8. An applicant 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 approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website

<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

10. An applicant who lodge 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 is suspended, and in the case of any approval, 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

21/1/2021  
DATE

**ANNEXURE B**  
**SITE DEVELOPMENT PLAN**







**ANNEXURE E**  
**COMMENT FROM THE MANAGER: ELECTRICAL SERVICES**

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File

INTERDEPARTMENTAL CIRCULATION FORM

LEER VERW/ FILE REF: Erf 3271, Franschoek DATE: 26 July 2019

AANSOEKNUMMER/APPLICATION NUMBER: LU/9188

- MEMO AAN/ TO:
- Director : Traffic Engineer / Engineering Services
  - X Manager : Electrical Department
  - Manager : Building Development Management
  - Manager : Fire Services
  - Manager: Spatial Planning / Heritage / Environment / Signage
  - Managers: Health Department (Winelands Health)
  - Manager: Community Services (Parks): Albert Van Der Merwe
  - Manager: Property Management (P Smit)
  - Chief Financial Officer
  - Legal Services
  - Manager: Local Economic Development

LU/Elect 1872

01/08/2019

**Application** Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law, August 2015 for the rezoning of Erf 3271, Franschoek from Single Residential Zone to General Residential Zone in order to permit a guest house on the subject property

**Adres / Address** 67 Reservoir Street

**Aansoek Datum / Application Date** 20 February 2019

**Aansoeker / Applicant** Clifford Heys TV8 Projects



Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Gelieve die memorandum per hand aan my terug te besorg voor of op: 19 Augustus 2019  
Please hand deliver the memorandum to me on or before : 19 August 2019

C Petersen  
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

None

FILE NR: \_\_\_\_\_

SCAN NR: E 3271 FH

COLLABORATOR NR: 66346

VOORWAARDES/CONDITIONS:

If more electricity supply is needed - apply via receivable cost

HANDTEKENING / SIGNATURE

29/08/2019  
DATUM / DATE

[Handwritten signature]



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

# MEMORANDUM

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag:** C Peterson  
**From ▫ Van:** Abdullah (Development)  
**Date ▫ Datum:** 17/01/2020  
**Our Ref ▫ Ons Verw:** Civil LU 1872  
**Re ▫ Insake:** Erf 3271 Stellenbosch: Rezoning

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The application is for the following item:

- i. Rezoning of Erf 3271, Franschhoek from single residential to General Residential in order to permit a guest houses on the subject property.

Comments from the Transport, Roads and Stormwater, Water Services, Traffic Engineering and Development Departments will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

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. Municipal Infrastructure (Civil Engineering Services)**
  - 3.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

**ABDULLAH DANIELS**

**PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\9188 (AD) Erf 3271, Franschhoek, Guest House\9188 (AD) Erf 3271, Franschhoek, Guest House.doc

**ANNEXURE J**  
**COMMENT FROM THE MANAGER: FIRE SERVICES**



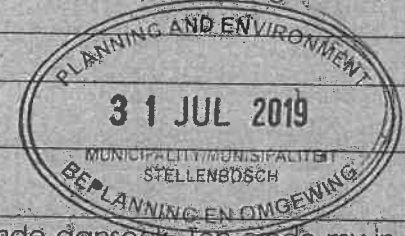
6

File

INTERDEPARTMENTAL CIRCULATION FORM

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AANSOEKNUMMER/APPLICATION NUMBER	LU/9188	
MEMO AAN/ TO :		
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	Manager : Electrical Department	
	Manager : Building Development Management	
X	Manager : Fire Services	
	Manager: Spatial Planning / Heritage / Environment / Signage	
	Manager: Health Department (Winelands Health)	
	Manager: Community Services (Parks): Albert Van Der Merwe	
	Manager: Property Management (P Smit)	
	Chief Financial Officer	
	Legal Services	
	Manager: Local Economic Development	

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Aansoeker / Applicant	Clifford Heys TV3 Projects



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Please hand deliver the memorandum to me on or before : **19 August 2019**

C Petersen  
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

..... *To order* .....

.....

.....

.....

.....

FILE NR:	
SCAN NR:	E 3271 File
COLLABORATION NR:	655126

VOORWAARDES/CONDITIONS:

..... *To comply with fire regulations* .....

..... *for guest house* .....

.....

.....

.....

HANDTEKENING / SIGNATURE	<i>[Signature]</i>
DATUM / DATE	31/07/2019