



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13968

Our File Reference Number: Erf 761, Pniel

Your Reference Number:

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:** [REDACTED]

Sir / Madam

## **APPLICATION FOR REZONING AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 761, PNIEL**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 That the following application in terms of Section 15(2) of the Bylaw on Municipal Land Use Planning (2023) on Erf 761, Pniel namely:
  - 2.2 **Rezoning** in terms of Section 15(2)(a) of the said bylaw of Erf 761, Pniel from Conventional Residential Zone to Mixed Use Zone.
  - 2.3 **Removal of following restrictive title deed conditions** in terms of Section 15(2)(f) of the said bylaw, in Deed of Transfer No. T000019151/2019;

Condition B.3(2)

"3 ALGEMENE VOORWAARDES

(2) Geen gebou mag gebruik word of verander word vir 'n ander doel as in hierdie voorwaardes bepaal nie."

Conditions B.4(a)(i) and (ii)

"4 SPESIALE VOORWAARDES

(a) (i) Die erf mag slegs vir bewoningsdoeleindes gebruik word, met dien verstande dat die Minister die reg sal hê om goed te keur dat die erf vir sodanige ander doeleindes gebruik mag word soos hy mag goeddink.

(b) (ii) Net een woning met buitegeboue mag op die erf opgerig word."

**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 applies only to the rezoning and removal of restrictive title deed conditions and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.

3.2 The development be undertaken generally in accordance with the site plan, as referenced (Project No PN1/2022, Drawing No. VH100, dated 29/09/2022 and drawn by Vernon Head Architects) and attached as **ANNEXURE B**.

3.3 The conditions listed in the letter dated 2002-09-22 from the Cape Winelands District Municipality (Environmental Health Practitioner) attached as **ANNEXURE G** be complied with.

3.4 The conditions listed in the memorandum dated 26 September 2022 from the Municipal Directorate: Infrastructure Services attached as **ANNEXURE H** be complied with.

3.5 The access of Rivier Street be constructed to the satisfaction of the Directorate: Infrastructure Services.

3.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of submission of building plans or as may be agreed on in writing with the Directorate: Infrastructure Services.

3.7 Building plans be submitted to Stellenbosch Municipality for approval for the change in land use from residential to business, including all proposed internal alteration to the buildings.

3.8 That no audio equipment is set-up outside of the business premises building and background music only be allowed within the building, to prevent any negative impacts on the surrounding properties.

3.9 The building height be restricted to the height of the existing historical structures on site and surrounding areas, considering that the existing buildings will be retained.

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

- 4.1 The aesthetic appearance of the site and surrounding environment is not extensively altered by the proposed land uses and the maintenance of the historical structures will in fact enhance the appearance of the buildings from close by scenic routes and surrounding properties.
  - 4.2 The existing services is regarded sufficient by all relevant authorities, to accommodate the proposed use, and safe onsite parking will be provided.
  - 4.3 The rezoning and removal of the title deed conditions does therefore not pose an irreversible risk to the historical value, resources and heritage features of the site and surrounding areas, considering that the existing buildings will be retained.
5. Matters to be noted:
- 5.1 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.
  - 5.2 All alterations and work done to the existing buildings must be approved by the competent heritage authorities.
  - 5.3 The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal of the subject restrictive conditions.
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:
- a. 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

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

8. 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.
  - c) Whether the appeal is lodged against the whole decision or a part of the decision.

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

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

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

8.4 The relief sought by the appellant.

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

8.6 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](mailto:landuse.appeals@stellenbosch.gov.za). 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.
10. 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](mailto:landuse.appeals@stellenbosch.gov.za)
11. 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.

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

13. 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**

15/2/2024,  
\_\_\_\_\_  
DATE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

# **ANNEXURE B**

## **Site Plan**

**NOTE:**  
This drawing is the copyright of the architect. It is not to be used in any way without the written consent of the architect. All dimensions are in millimeters unless otherwise stated. Any discrepancies must be reported to the architect immediately.

REVISIONS	Date	Description	No.

**CLIENT/PROJECT:**  
SANDRI FAMILY TRUST.

**DESCRIPTION:**  
Proposed parking layout to existing residence on erf 761 River Street, Phila.

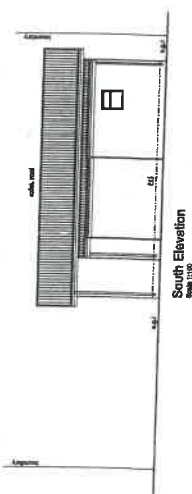
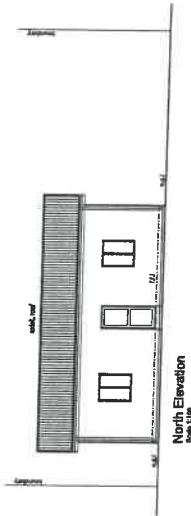
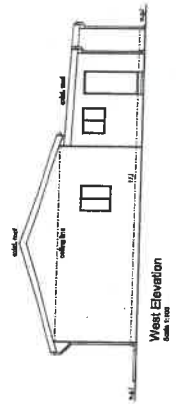
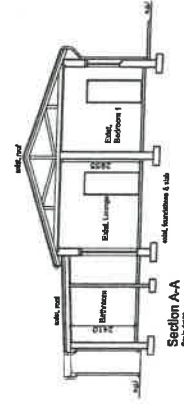
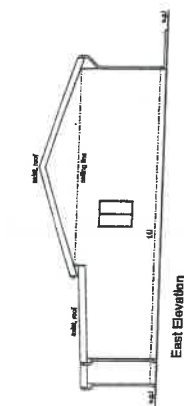
**VERNON HEAD**  
ARCHITECTS

REF: 2021/11/29/2720

**GROUND STOREY & SITE PLAN**

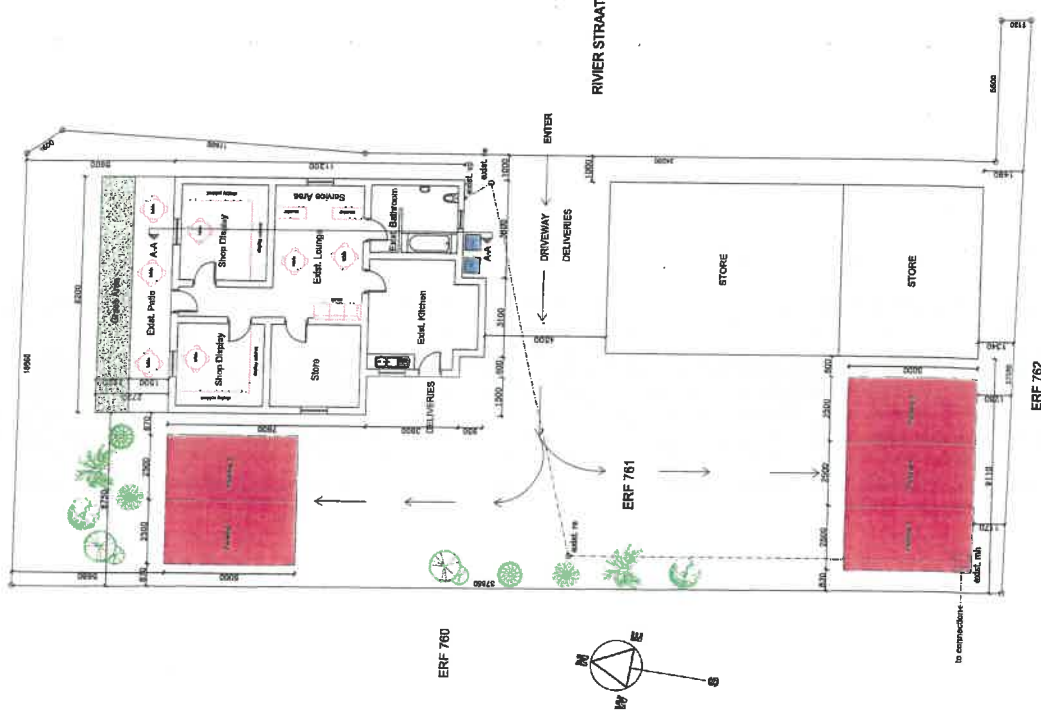
**NOTE:** All dimensions to be checked on site. The architect and drawing make the property of the architect. Copyright reserved.

PROJECT NO. - PN1/2022	DATE: 2022/02/28
DRAWING NO. - VH 100	SCALE: 1:100
REVISION NO. -	REF: PH
DRAWN BY: FM	



**Notes - Existing Building**

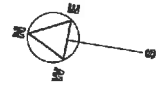
- Roof:**
  - Exist. Roof
  - Exist. Flood pitch 17.8 degrees.
  - Exist. timber trusses.
- Exter. Walls:**
  - Exist. brick walls painted.
  - Exist. stone masonry.
- Doors and Windows:**
  - Exist. timber doors & windows.
- Floor:**
  - Exist. Stone Slabbed on soil. 100mm concrete slab.
  - Exist. stone render slabs.
  - Exist. drainage.
- New Existing Bays:**
  - 5 Parking bays provided. Floor finish as per client's specifications.
- Furniture:**
  - Tables, chairs, counters and display cabinets added.
  - Reflex to be added.



**GROUND STOREY & SITE PLAN**  
Scale 1:100

Area of site = 655 sqm  
Area of exist. dwelling = 100 sqm  
Area of exist. outbuilding = 80 sqm  
Coverage = 20%

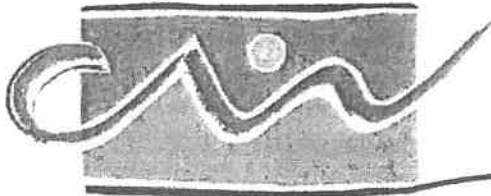
GLA CALCULATION:  
GLA (EXISTING HOUSE) = 100 sqm  
TOTAL GLA = 125 sqm  
GLA PROVIDED = 125 sqm  
PARKING PROVIDED = 5 Bays





# **ANNEXURE G**

## **Comments from External Departments**



**CAPE WINELANDS DISTRICT**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : S. Newman  
(Directorate Planning Economic &  
Development: Stellenbosch Municipality)  
Official / Beampste : Mr F.C. van Wyk  
Your ref/ U vrew. : ERF 761, Pniel (LU/13968)  
Ref No / Verw. No : 15/2/6/1  
Date / Datum : 2022-09-22

**APPLICATION FOR REZONING AND REMOVAL OF RESTRICTIONS: ERF 761, PNIEL**

**There are no objections from an Environmental Health point of view in terms of this application, subject to compliance with the following:**

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance and must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. In the event where food will be prepared or handled and or served to the public, the applicant **must apply in writing** to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 638 of 22 June 2018.
4. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
5. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided.

Yours faithfully

**F.C. VAN WYK**  
for MUNICIPAL MANAGER

## **ANNEXURE H**

### **Comments from Internal Departments**



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# MEMORANDUM

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

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag:** Salome Newman  
**From ▫ Van:** Principal Technician: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Abdullah Daniels  
**Date ▫ Datum:** 26 September 2022  
**Our Ref ▫ Ons Verw:** Civil LU 2355  
**Your Ref:** LU/13968  
**Re ▫ Insake:** Erf 761, Pniel: Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) for the rezoning of Erf 761, Pniel from Conventional Residential Zone to Mixed Use Zone. Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) for the removal of the following restrictive title deed condition in Deed of Transfer No. T000019151/2019;

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

1. **Civil Engineering Services**
  - 1.1 No objection, no municipal services are affected.
  
2. **Roads**
  - 2.1 All required parking must be provided within the erf boundary.
  - 2.2 This must be indicated on the building plan.

**3. Development Charges (DCs)**

3.1 The appropriate DC's are payable before building plan approval.

**4. Electrical Engineering**

4.1 Refer to Annexure: Electrical



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

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