



Application Number: LU/12838

Our File Reference Number: Erf 769, Stellenbosch

Your Reference Number: Erf 769 STB

Enquiries: R Fooy / B Mdoda

Contact No: 021 808 8680 / 8690

Email: [Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za) / [Bulelwa.Mdoda@stellenbosch.gov.za](mailto:Bulelwa.Mdoda@stellenbosch.gov.za)

**PER E-MAIL:** [leon.jubilius@ahg-property.co.za](mailto:leon.jubilius@ahg-property.co.za)

Sir

**APPLICATION FOR EXTENSION OF THE VALIDITY PERIOD OF AN APPROVAL IN TERMS OF SECTION 15(2)(I) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015: ERF 769, STELLENBOSCH**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - (i) That the application for an extension of the validity period of an approval in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning By-Law, dated 20 October 2015, on Erf 769, Hamman Street, Stellenbosch for a Special Development to use the property for guest house purposes.

**BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw:

3. **Conditions of approval**

- (i) The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- (ii) The guest house is **limited to 6 en-suite guest rooms only**;

- (iii) The conditions imposed by the Directorate: Engineering Services in their memo **dated 14 May 2018** attached as **Annexure F** be adhered to prior to the guest house coming into operation;
  - (iv) The special development shall automatically lapse in the event of the special development not being acted upon within 24 months from the date of the final notification or in the event of the utilisation of the property for the indicated use being ceased for a period of 12 months or longer;
  - (v) Building Plans are to be submitted for the proposed additions and alterations to the existing building should any be required;
  - (vi) Building plans to be endorsed by Heritage Western Cape should the dwelling unit be older than 60 years;
  - (vii) 6 on-site parking be provided prior to the dwelling units being used for guest house purposes;
  - (viii) The onsite parking bays be formalized prior to commencement of the use of the property for guest house purposes;
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- (ix) That the owner adheres to all regulations regarding noise levels;
  - (x) A business licence be applied for as required in terms of the Businesses Act, 1991, Act Nr 71 of 1991 if meals are to be served to guests and that the kitchen area be amended to comply with these regulations;
  - (xi) The Municipality reserves the right to impose further conditions if deemed necessary.

## **REASONS FOR DECISION**

- (i) The Covid-19 pandemic had a negative impact on the implementation of the approval over the past 14 months.
- (ii) The prevailing circumstances at the time of the original approval have not materially changed.

4. 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.

5. 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.

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(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 and 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.

6. 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)

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7. 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.

8. 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>).

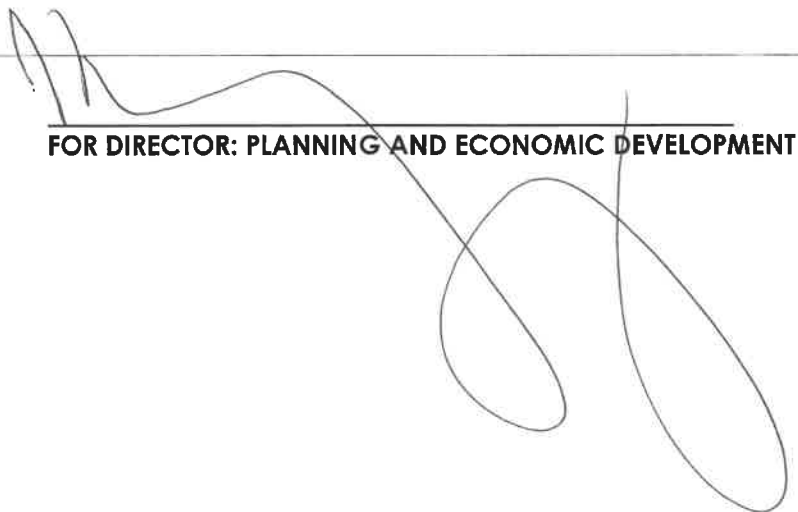
9. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

- (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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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

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**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

30/6/2021  
DATE: \_\_\_\_\_

# ANNEXURE F

A handwritten signature in black ink, appearing to be the initials 'AM' followed by a wavy line.



# MEMO

DIRECTORATE: ENGINEERING SERVICES  
DIREKTORAAT: INGENIEURSDIENSTE

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To ▫ Aan: Director: Planning + Economic Development  
Att Aandag A Hardouin  
From ▫ Van: C. Taylor (Development Services and Project Management)  
Date ▫ Datum: 14/05/2018  
Our Ref ▫ Ons Verw: Civil LU 1634  
Re ▫ Insake: Erf 769 Stellenbosch: Application for special development

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The above mentioned application for the following refers.

- 1) Special development to use the existing dwelling with additions and alterations as a 6 room guest house.

Comments from the Directorate Engineering Services i.e Roads + Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo.

**The application for special development 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. Development Charges (DCs)**

- 3.1 Based on the information provided in application the Development Charges payable by the developer is R 246 711.26 (Vat incl.) as per attached Development Charges calculation (Annexure A)
- 3.2 The DC's were calculated for the 2017/2018 financial year. If the account is paid after 30 June 2018 it has to be recalculated using the then applicable tariffs.
- 3.3 DCs are payable prior to the erf or portion thereof being put to the approved use or building plan approval which ever come first.

**4. Municipal Infrastructure (Civil Engineering Services)**

- 4.1 Any changes to existing municipal infrastructure due to the special development will be for the account of the owner.



**Colin Taylor**

**PRINCIPAL TECHNICIAN; PROJECT MANAGEMENT (ENGINEERING SERVICES)**

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Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION	
Application Number	
Date	Wednesday, 09/May/2018
Financial Year	2017-2018
Erf Location	769 Stellenbosch
Erf No	
Erf Size (m <sup>2</sup> )	
Suburb	
Applicant	AHG Town Planning
Approved Building Plan No.	

SUMMARY OF DC CALCULATION							Totals
	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	
	kl/day	kl/day	ha°C	t/week	trips/day	person	
Total Increased Services Usage	1.500	1.700	0.000	0.200	12.50	12.5	
Total Development Charges before Deductions	R 35 732.83	R 38 940.57	R 00.00	R 9 324.62	R 71 753.39	R 58 880.11	R 214 531.53
Total Deductions							
Total Payable (excluding VAT)	R 35 732.83	R 38 940.57	R 00.00	R 9 324.62	R 71 753.39	R 58 880.11	R 214 531.53
VAT	R 5 359.92	R 5 826.09	R 00.00	R 1 398.69	R 10 763.01	R 8 832.02	R 32 179.73
Total Payable (including VAT)	R 41 092.76	R 44 666.66	R 00.00	R 10 723.32	R 82 516.39	R 67 712.13	R 246 711.26

APPLICANT INFORMATION	
Application Processed by:	C. Taylor
Signature	
Date	9 May 2018
Amount Paid:	
Date Payment Received	
Receipt Number	

