



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8769, LU/8078 & LU/8771

Our File Reference Number: Erven 1616, 3494 and 3747, Franschhoek

Your Reference Number: P3284/07(8)PP

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: [david@dhaa.co.za](mailto:david@dhaa.co.za) / [plan@dhaa.co.za](mailto:plan@dhaa.co.za)

Sir

## APPLICATION FOR THE REZONING OF ERF 1616 AND 3494, FRANSCHHOEK

## APPLICATION FOR A BUILDING LINE DEPARTURE ON ERF 3494, FRANSCHHOEK

## APPLICATION FOR CONSENT USE AND TEMPORARY DEPARTURE ON ERF 3747, FRANSCHHOEK TO FACILITATE THE USE OF THESE THREE PROPERTIES FOR GUEST HOUSE PURPOSES WITH A FUNCTIONS VENUE

1. The above application refers.
2. The duly authorised decision maker has decided that the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on **Erven 1616, 3494 and 3747, Franschhoek**, namely:
  - 2.1 The application in terms of Section 15(2)(a) of the By-Law for the Rezoning of **Erf 1616, Franschhoek** from **Single Residential to General Residential** to permit the use of the existing dwelling on the subject property for Guest House purposes;
  - 2.2 The application in terms of Section 15(2)(a) of the By-Law for the Rezoning of **Erf 3494, Franschhoek** from **Single Residential to General Residential** to permit the use of the existing dwelling on the subject property for Guest House purposes;
  - 2.3 The application in terms of Section 15(2)(b) of the By-Law for Departure on **Erf 3494, Franschhoek** to relax the 4.6m side building line to 0m adjoining erf 877, for the existing outbuildings already located on the subject property;

2.4 The application in terms of Section 15(2)(o) of the By-Law for a Consent Use to utilise the Manor House, Cottage and Winery building footprints for Guest House purposes on **Erf 3747, Franschhoek**;

2.5 The application in terms of Section 15(2)(o) of the By-Law for a Temporary Land Use Departure on **Erf 3747, Franschhoek**, to utilise the existing Store for a Function Venue to be utilised by the patrons of the Guest House only.

**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:

### 3. Conditions of Approval

3.1 The approval only applies to the proposals in question, as indicated on the following Site Development Plan drawn by: Eric Gobbler Architects, dated 18 May 2018, attached as **Annexure 4** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.1.1 Plan No: May 2018-Erf 1616, Franschhoek;

3.1.2 Plan No: May 2018-Erf 3494, Franschhoek,

3.1.3 Plan No: May 2018-Erf 3747, Franschhoek, Page 1 to 4

3.2 The development be undertaken in accordance with the Site Development Plan drawn by: Eric Grobler Architects, dated 18 May 2018 and attached as **Annexure 4**;

3.3 That the rezoning of Erf 1616 and Erf 3494, Franschhoek from Single Residential to General Residential purposes is specifically only to facilitate the use of these properties for guest house purposes only;

3.4 The total number of suites available to guests be limited as follows:

3.4.1 1 Suite on erf 1616; Franschhoek;

3.4.2 5 Suites on erf 3494, Franschhoek;

3.4.3 8 Suites on erf 3747, Franschhoek;

3.5 The Function Venue is to be utilised only by the patrons of the Guest House and is to be limited to 40 guests with a maximum of 6 functions per year;

- 3.6 All services to be provided in accordance with the engineering services report attached to the applications by Norte & De Villiers Consulting Engineers for each property and to the satisfaction of the Directorate: Infrastructure Services;
- 3.7 Development Charges (DC's) are payable on all the applications under consideration in terms of the approved tariff structure and the appropriate tariff will be calculated using the tariff structure applicable at date of payment. (attached as **Annexure 6**);
- 3.8 All DC's are payable before building plan approval or prior to the property / building/s being put to the uses applied for;
- 3.9 DC's will not be charged, for the Temporary Departure, which lapses after a maximum of 5 years. Should a new application be submitted, DC's will be charged as this would constitute a prolonged impact on the bulk services.
- 3.10 Building plans for all the buildings must be submitted to the Municipality for approval prior to any building work commencing onsite and all building plans are to be endorsed by Heritage Western Cape where applicable;

**4. The reasons for the above decisions are as follows:**

- 4.1 The proposed building line relaxation is for existing buildings already located on the subject property and thus the approval of this application will have no impact on the adjoining property as these buildings are already located on the common boundary line;
- 4.2 The proposal is not inconsistent with the principles of the Stellenbosch Integrated Development Plan and the Municipal Spatial Development Framework;
- 4.3 The proposal supports the further development of the town's tourist infrastructure and provides additional tourist accommodation;
- 4.4 The proposed land uses are compatible with the surrounding land uses as the intended use is primarily residential in nature;
- 4.5 The proposal will have a positive impact on the local economy as it will create new employment opportunities (temporary and permanent);
- 4.6 Approval of the proposal will increase the existing rates and taxes base of the Municipality;

4.7 The approval granted for the General Residential Zone is linked to the use of the property for guest house purposes only.

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.

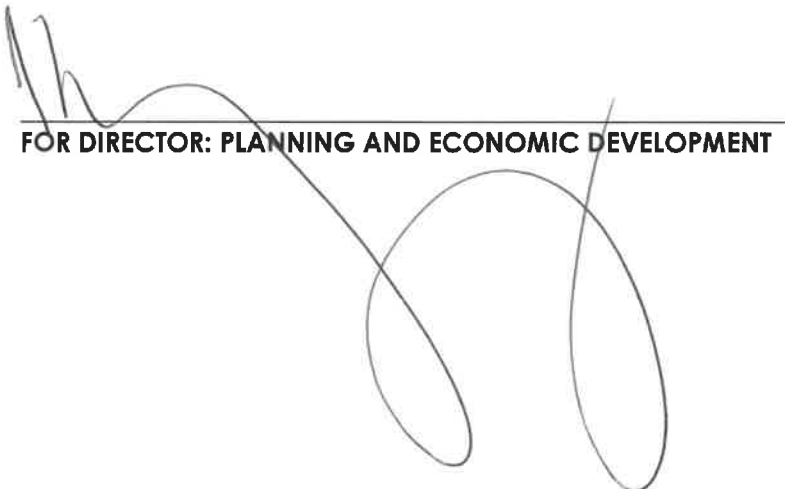
(c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

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**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

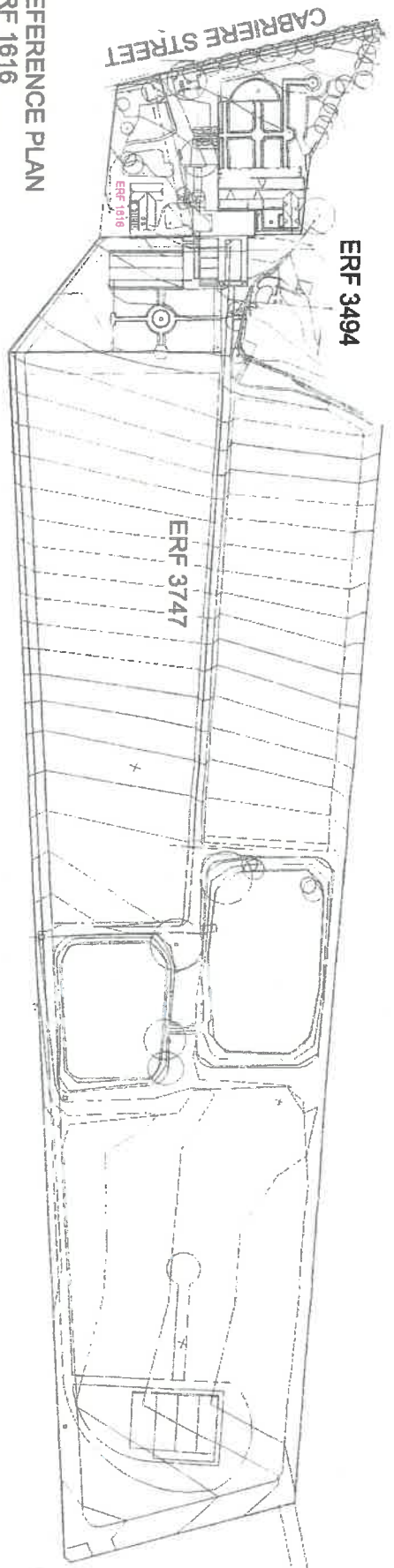
21/1/2021  
DATE

**COPIES TO:**

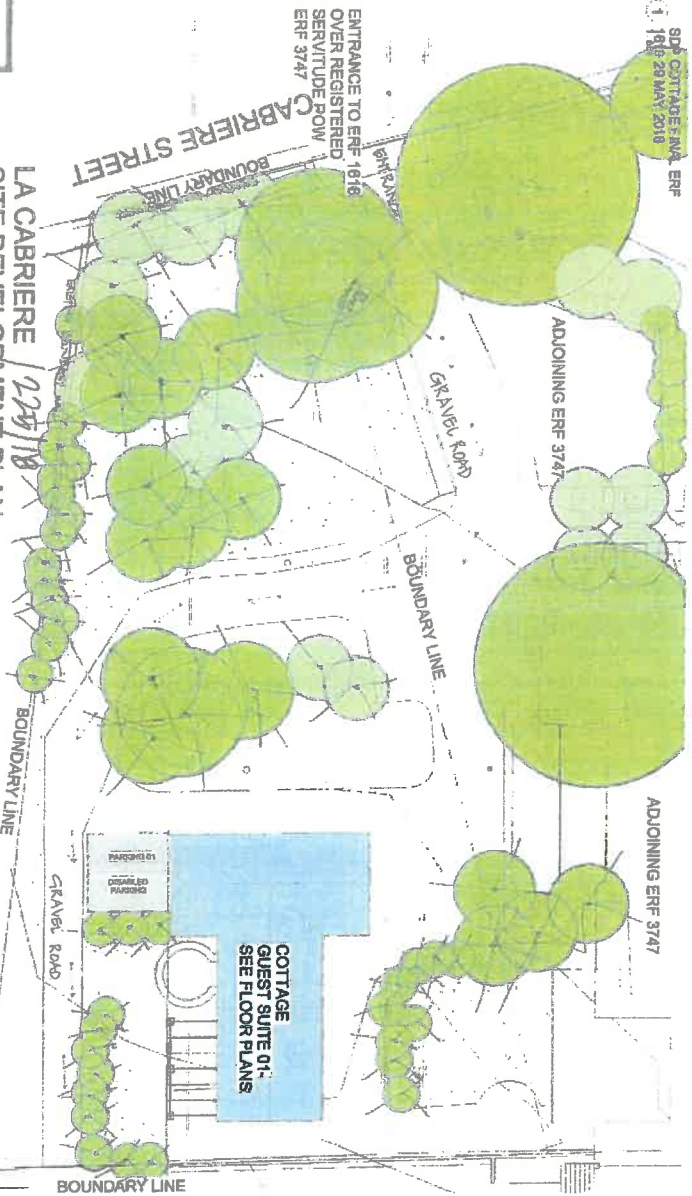
1. Brian Howard /Siegfried Schafer  
Franschhoek Heritage and Ratepayers Association  
Email: [brian@bharch.co.za](mailto:brian@bharch.co.za) / [Siegfried.schafer@gmail.com](mailto:Siegfried.schafer@gmail.com) / [franschhoek.trust@gmail.com](mailto:franschhoek.trust@gmail.com)
  
2. Matthew & Nicky Gordon  
Email: [matt@gordonsa.com](mailto:matt@gordonsa.com)
  
3. Phillip Lund  
Email: [philiplund2@icloud.com](mailto:philiplund2@icloud.com)

# ANNEXURE 4



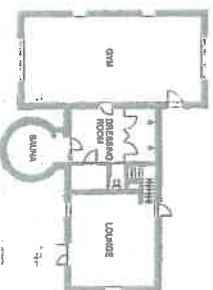


REFERENCE PLAN  
ERF 1616  
SCALE 1 : 550



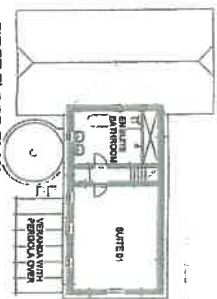
LA CABRIERE / 225/18  
SITE DEVELOPMENT PLAN  
ERF 1616  
SCALE 1:100

SDP COTTAGE FINAL ERF  
1616 29 MAY 2018  
2 ROADPRINT



GROUND FLOOR PLAN  
SCALE 1:100

COTTAGE - GUEST SUITE 01  
ERF SIZE : 1512 m2  
G.L.A : 224m2  
PARKING : 1 Standard Bay  
1 Disabled Parking

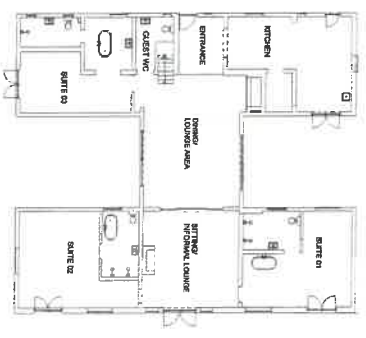


FIRST FLOOR PLAN  
SCALE 1:100

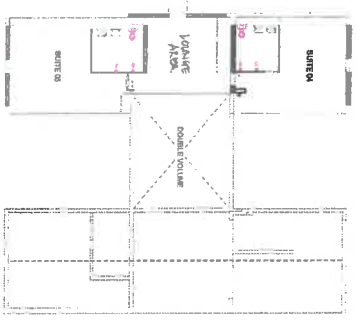
Drawn By: Eric Grobler Architects  
Date: 18 May 2018  
SDP - May 2018-Erf 1616, Franschoek



**LA CABRIERE  
SITE DEVELOPMENT PLAN  
ERF 3949 FRANSCHHOEK  
SCALE 1:200  
ERF 3494, FRANSCHHOEK**



**GROUND FLOOR PLAN  
SCALE 1:100**



**FIRST FLOOR PLAN  
SCALE 1:100**

**GUEST HOUSE: 5 GUEST SUITES  
ERF SIZE : 4477.0m2  
GLA : 398.0m2  
PARKING : STANDARD BAYS : 05  
DISABLED BAYS : 01  
STAFF BAYS : 03  
EXTRA BAYS: 05**

**Drawn By: Eric Grobler Architects  
Date: 18 May 2018  
SDP - May 2018-Erf 3494, Franschoek**



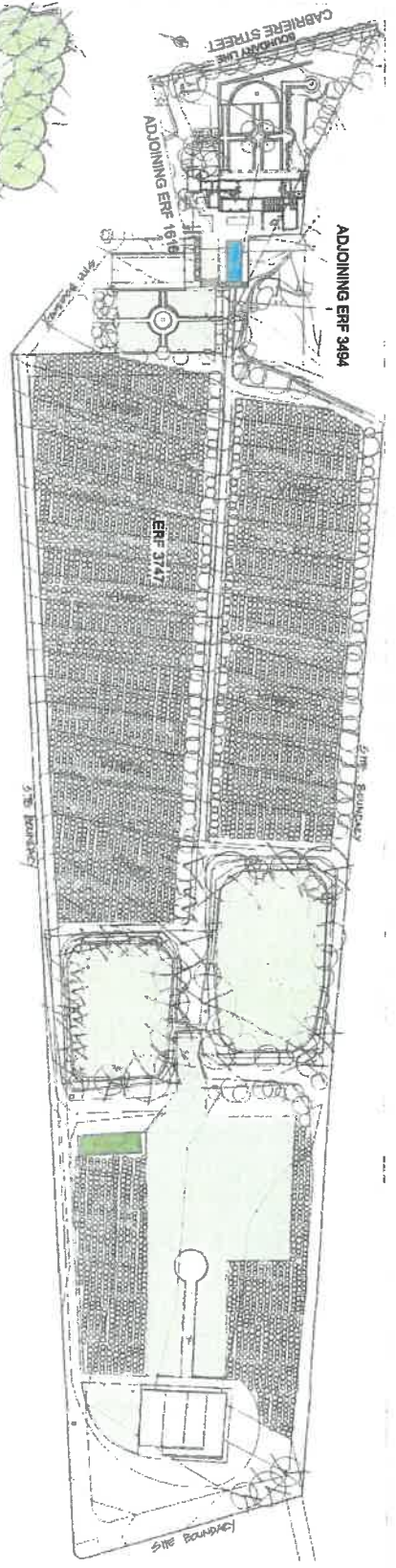


LA CABRIERE 225/18		BREAKDOWN FOR GUEST HOUSE CONSENT USE APPLICATION	
1 .EXISTING MANOR HOUSE and COTTAGE	GLA : 145,0m2	STANDARD PARKING BAYS	06
		DISABLED PARKING BAYS	01
		ADDITIONAL PARKING BAYS	04
2 .EXISTING WINERY	GLA : 581,0m2	STANDARD PARKING BAYS	02
		DISABLED PARKING BAYS	01
		ADDITIONAL PARKING BAYS	01
3. EXISTING HANGAR	GLA : 257,0m2	STANDARD PARKING BAYS	28
	AREA: 180,0m2	DISABLED PARKING BAYS	02
		ADDITIONAL PARKING BAYS	02 - STAFF PARKING
	TOTAL GLA : 1883,0m2	TOTAL : STANDARD PARKING BAYS :	36
		TOTAL : DISABLED PARKING BAYS :	04
		TOTAL : ADDITIONAL PARKING	05
		TOTAL : LIVE IN STAFF PARKING	02

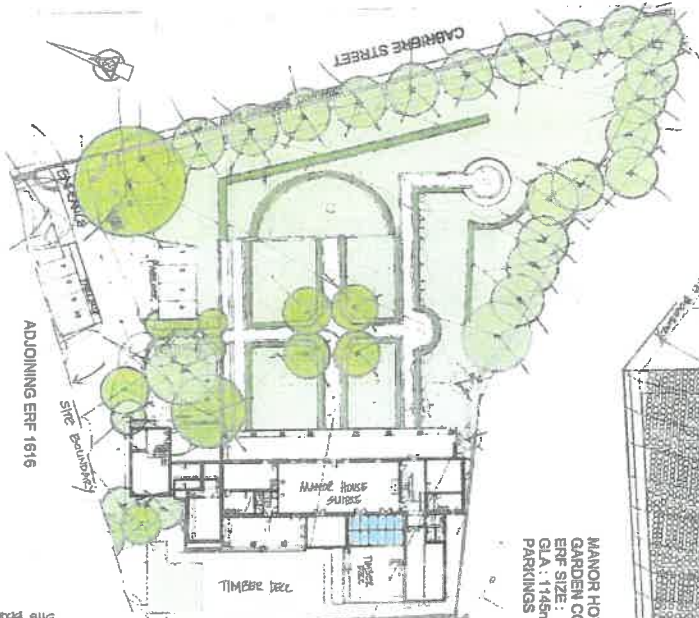


LA CABRIERE 225/18  
 SITE DEVELOPMENT PLAN : ERF 3747 - OVERALL LAYOUT  
 SCALE 1 : 550

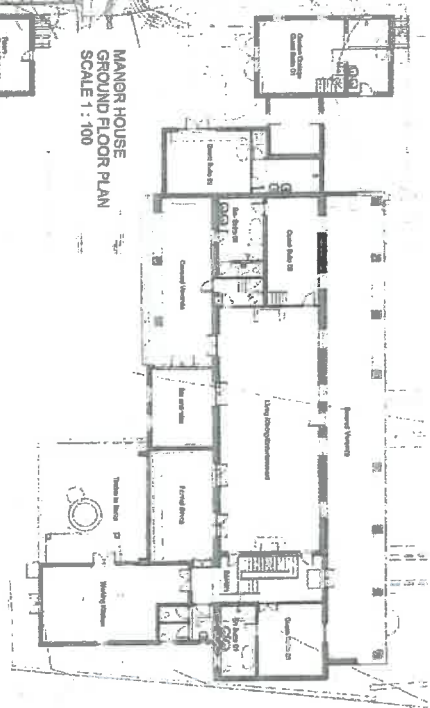
Drawn By: Eric Grobler Architects  
 Dated : 18 May 2018  
 Plan No: May 2018-Erf 3747, Franschoek  
 Page: 1 of 4



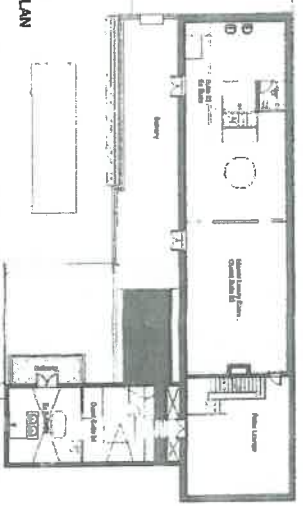
MANOR HOUSE : 5 GUEST SUITES  
GARDEN COTTAGE: 1 GUEST SUITE  
ERF SIZE : 6,0429 HA  
G.L.A : 1145m<sup>2</sup>  
PARKINGS : STANDARD BAYS - 06  
DISABLED BAYS - 01



MANOR HOUSE  
GROUND FLOOR PLAN  
SCALE 1 : 100



MANOR HOUSE  
FIRST FLOOR PLAN  
SCALE 1 : 100



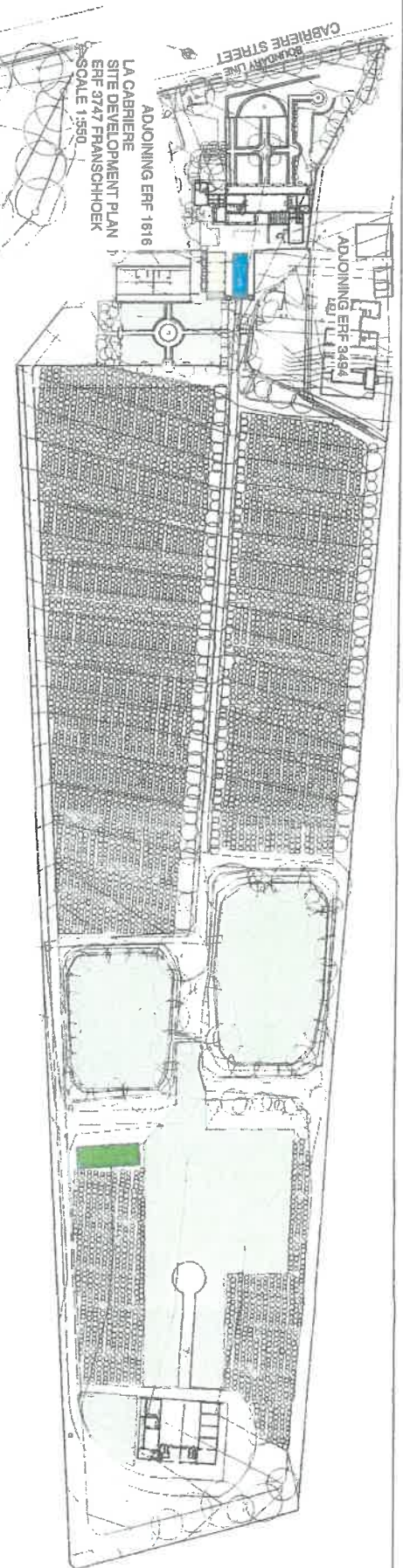
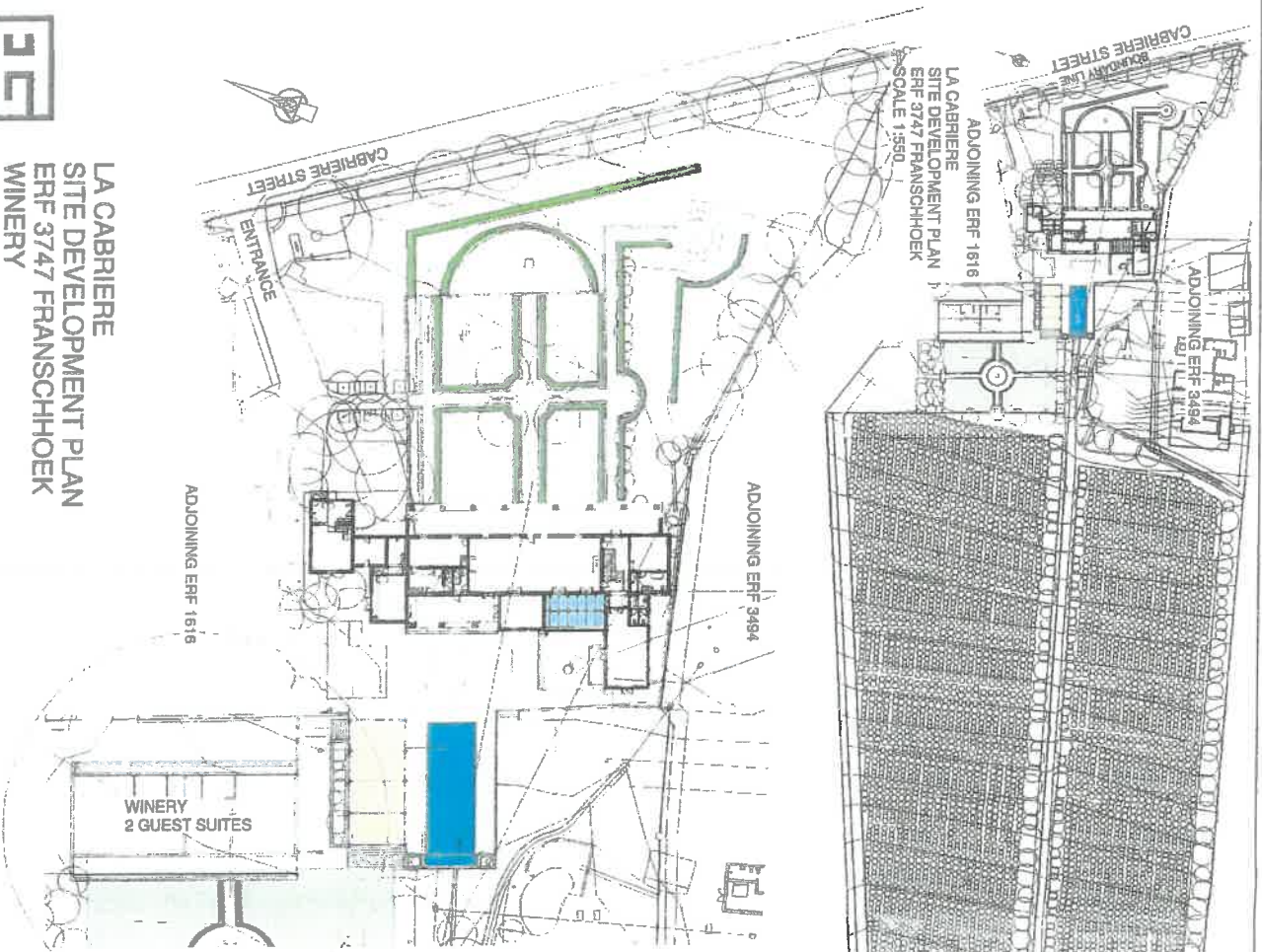
LA CABRIERE / 229/18  
SITE DEVELOPMENT PLAN  
ERF 3747, FRANSCHHOEK  
SCALE 1:550 MANOR HOUSE



Drawn By: Eric Grebler Architects  
Dated : 18 May 2018  
Plan No: May 2018-Erf 3747, Franschoek  
Page: 2 of 4

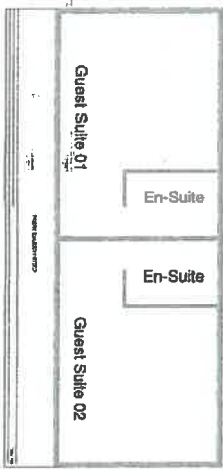


**LA CABRIERE  
SITE DEVELOPMENT PLAN  
ERF 3747 FRANSCHHOEK  
WINERY  
SCALE 1:200**

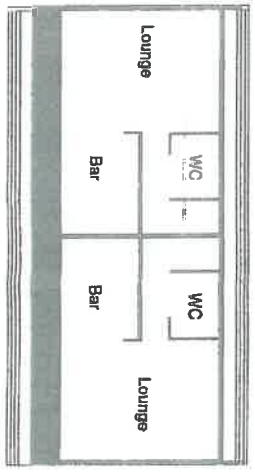


**WINERY : 2 GUEST SUITES**  
**ERF SIZE : 8,0429HA**  
**GLA : 581,0m2**  
**PARKING :**

**Standing Parking Bays : 02**  
**Disabled Parking : 01**



**Winery First Floor  
First Floor Layout  
Scale 1:100**



**Winery Ground Floor  
Ground Floor Layout  
Scale 1:100**



# **ANNEXURE 6**

**INTERDEPARTMENTAL CIRCULATION FORM**

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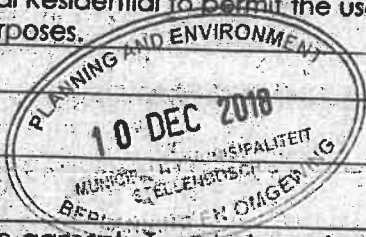
<b>L&amp;ER VERW/ FILE REF</b>	Erf 1616, Franschoek	<b>DATE:</b> 12 November 2018
<b>AANSOEKNOMMER/APPLICATION NUMBER</b>		LU/8769

**MEMO AAN/ TO :**

<input checked="" type="checkbox"/>	Director : Traffic Engineer / Engineering Services	CIVILU 1744 Jaf 16/11/2018
	Manager : Electrical Department	
	Manager : Building Development Management	
	Manager : Fire Services	
	Manager: Spatial Planning / Heritage / Environment / Signage	
	Manager: Health Department (Winelands Health)	
	Manager: Community Services: <b>Albert Van Der Merwe</b>	
	Manager: Property Management (P Smit)	
	Chief Financial Officer	
	Manager: Local Economic Development	

<b>Application</b>	Application is made in terms of Section 15(2)(a) of the By-Law for the rezoning of erf. 1616, Franschoek from Single Residential to General Residential to permit the use of the dwelling on the subject property for guest house purposes.
<b>Adres / Address</b>	32 Cabriere Street, Franschoek

<b>Aansoek Datum / Application Date</b>	24 July 2018
<b>Aansoeker / Applicant</b>	David Hellig & Abrahamse Land Surveyors



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.

Geliewe die memorandum per hand aan my terug te besorg voor op:  
 Please hand deliver the memorandum to me on or before : 14 Dec 2018

**A Hardouin**  
 For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

COLLABORATOR NR:	E 1616 FH
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**ALGEMENE KOMMENTAAR / GENERAL COMMENT:**  
 Traffic Engineering: Recommend for Approval

ENG: Recommend for approval - see memo dated 5 Dec 2018

**VOORWAARDES / CONDITIONS:** See para 5 see 2018

<b>HANDTEKENING / SIGNATURE</b>	<i>[Signature]</i>
<b>DATUM / DATE</b>	5 DEC 2018





**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# **MEMORANDUM**

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

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag** A Hardouin  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 5 December 2018  
**Our Ref ▫ Ons Verw:** Civil LU 1744  
**Re ▫ Insake:** Erf 1616, FH: Rezoning

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**The application entails the following:**

- i. Rezoning of Erf 1616 Franschhoek from Single Residential to General Residential form the purposes of utilizing the land unit for the operation of a Guest House establishment for tourist accommodation. The existing cottage situated on Erf 1616 Franschhoek is to be converted into one guest suite.
- ii. Approval of the SDP

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

- 1. Provision of civil engineering services**
  - 1.1 All services to be provided as per the engineering services report dated 2018-06-19 by Nortje & De Villiers Consulting Engineers (Ref 18114/SR3).
- 2. Development Charges (DCs)**
  - 2.1 The following DC's are payable: See **Development Charge Calculation** attached.

# Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION	
Application Number	1744
Date	Wednesday, 05/Dec/2018
Financial Year	2018/19
Erf Location	[REDACTED]
Erf No	1616
Erf Size (m <sup>2</sup> )	3 512
Suburb	
Applicant	
Approved Building Plan No.	SDP Erf 1616 (In Application)

SUMMARY OF DC CALCULATION								
Units	Water	Sewer	Storm-water	ha°C	Solid-Waste	Roads	Community Facilities	Totals
	kl/day	kl/day	kl/day	ha°C	U/week	trips/day	person	
Total Increased Services Usage	0.000	0.084	0.000	0.000	0.050	18.16	16.2	
Total Development Charges before Deductions		R 1 236.04			R 2 504.32	R 108 093.80		R 111 832.16
Total Deductions								
Total Payables (excluding VAT)		R 1 236.04			R 2 504.32	R 108 093.80		R 111 832.16
VAT		R 186.11			R 375.83	R 16 214.07		R 16 774.82
Total Payable (including VAT)		R 1 419.15			R 2 879.97	R 124 307.87		R 128 606.98

APPLICANT INFORMATION	
Application Processed by:	Tyrene King
Notes	
Date	5 Dec 2018
Amount Paid:	
Date Payment Received	
Receipt Number	

Franschhoek

Infrastructure Type applicable? (yes/no)	Yes		No		Yes		No		Yes		No	
	du	m2 GLA	du	m2 GLA	du	m2 GLA	du	m2 GLA	du	m2 GLA	du	m2 GLA
Single Residential >1000m2	du		du		du		du		du		du	
Single Residential >500m2	du		du		du		du		du		du	
Single Residential >250m2	du		du		du		du		du		du	
Single Residential <250m2	du		du		du		du		du		du	
Less Formal Residential >250m2	du		du		du		du		du		du	
Less Formal Residential <250m2	du		du		du		du		du		du	
Group Residential >250m2	du		du		du		du		du		du	
Group Residential <250m2	du		du		du		du		du		du	
Medium Density Residential >250m2	du		du		du		du		du		du	
Medium Density Residential <250m2	du		du		du		du		du		du	
High Density Residential - flats	du		du		du		du		du		du	
High Density Residential - student rooms	du		du		du		du		du		du	
Local Business - office	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
Local Business - retail	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
General Business - office	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
General Business - retail	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
Community	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
Education	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
Light Industrial	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
General Industrial - light	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
General Industrial - heavy	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
Noxious Industrial - heavy	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
Resort	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
Public Open Space	m2		m2		m2		m2		m2		m2	
Private Open Space	m2		m2		m2		m2		m2		m2	
Natural Environment	m2		m2		m2		m2		m2		m2	
Utility Services	m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA		m2 GLA	
Public Roads and Parking	m2		m2		m2		m2		m2		m2	
Transport Facility	m2		m2		m2		m2		m2		m2	
Limited Use	m2		m2		m2		m2		m2		m2	
To be calculated based on equivalent demands												

\* Complete yellow/green cells.

\*\* du = dwelling unit, GLA=Gross lettable area.

Total Development Charges before Deductions

% Deductions per service (%)

Additional Deduction per service - from Services Agreement (sum)

Sub Total after Deductions (excluding VAT)

VAT

Total

	R0.00	R1 234.04	R0.00	R2 504.32	R108 093.80	R0.00	R11 832.16
	R0.00	R0.00	R0.00	R0.00	R0.00	R0.00	R0.00
	R0.00	R1 234.04	R0.00	R2 504.32	R108 093.80	R0.00	R11 832.16
	R0.00	R1 185.51	R0.00	R2 504.32	R116 214.07	R0.00	R11 774.92
	R0.00	R1 419.15	R0.00	R2 979.97	R124 307.87	R0.00	R14 066.98

