

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

Affected person's Name

Affected persons Physical Address

Affected person's Title:

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers: **APPLICATION FOR A CONSENT USE: ERF 3462 FRANSCHHOEK**

Application Property Address: Dassenberg Road, Franschhoek

Application Property Number: Erf 3462, Franschhoek

Applicant: Peter Mons, Professional Planning Consultant, P O Box 851, Robertson. 6705. Contact Number: 082 826 4000. Email: petergm@fibresky.co.za

Owner: Pethra Elma Charlotte Bloos, C/o Norbert Bernitzke, Franschhoek Manor, Dassenberg Road, Franschhoek 7690. Contact Number: 072 194 0493 Email: info@franschhoekmanor.co.za

Application Reference: LU/ 10305

Application Type: Consent Use

Detailed description of land use or development proposal, including its intent and purpose:

Application has been made in terms of Section 15(2)(o) of the Stellenbosch Municipality: Land Use Planning Bylaw 2015, for a Consent use to permit a tourist accommodation establishment on the property within the existing buildings.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
- Indicate the facts and circumstances that explain the comments;
- Where relevant demonstrate the undesirable effect that the application will have if approved;

- Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Peter Mons
E-mail: petergm@fibresky.co.za By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **23 September 2022**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 082 826 4000 during normal office hours.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Mons', with a stylized flourish at the end.

PETER MONS Pr. Pln
24 August 2022

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏTRESSEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys: **VERGUNNINGSGEBRUIK AANSOEK: ERF 3462 FRANSCHHOEK**

Adres van aansoek eiendom: Dassenbergpad, Franschhoek

Aansoek eiendom beskrywing: Erf 3462, Franschhoek

Aansoeker: Peter Mons – Konsultant Stadsbeplanner. Posbus 851, Robertson, 6705. Kontak nommer: 082 826 4000. e-pos: petergm@fibresky.co.za

Eienaar: Pethra Elma Charlotte Bloos, P/a Norbert Bernitzke, Franschhoek Manor, Dassenbergpad, Franschhoek 7690. Kontak nommer: 072 194 0493 Epos: info@franschhoekmanor.co.za

Aansoek Verwysing: LU/ 10305

Tipe Aansoek: Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms: Aansoek word gedoen vir 'n vergunningsgebruik in terme van Artikel 15(2)(o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015, ten einde voorsiening te maak vir die gebruik van die bestaande geboue as 'n toeriste-akkommodasie-onderneming op die eiendom.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.

- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
- Die feite en omstandighede aantoon wat die die kommentaar toelig;
- Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
- Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
- Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: Peter Mons, e-pos: petergm@fibresky.co.za. Deur 'n beswaar, kommentaar of versoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **23 September 2022**

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 082 826 4000 gedurende normale kantoor ure.

Die uwe



PETER MONS Pr. Pln
24 Augustus 2022

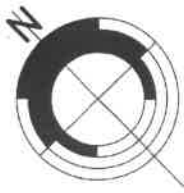
LU/10305 - APPLICATION FOR CONSENT USE, ERF 3462 FRANSCHHOEK

Executive Summary

Franschhoek Manor is a well-established 5-star luxury boutique guest house located on Dassenberg Road on the outskirts of Franschhoek. The guest house has been operating successfully for several years and the owner wishes to obtain the required land use rights for all of the guest suites on offer at the accommodation establishment. This requires an expansion of the current land use rights which restrict the number of guest bedrooms to four. The purpose of the application is to obtain the necessary additional land use rights to permit the expanded land use on the property, which is zoned Agriculture and Rural Zone, to allow for the seven guest suites within the existing structures. The facility with the desired expanded land use rights can best be accommodated as a *tourist accommodation establishment* in terms of the prescriptions of the applicable Zoning Scheme By-Law. Such a use may be permitted as a Consent Use.

The securing of the additional rights for the guest establishment will result in the retention of a substantial number of employment opportunities. In addition, numerous local service providers will also benefit. The expanded land use rights will also help to ensure that the property remains a viable entity.

The proposal to permit the continued utilization of the existing structures as a luxury *tourist accommodation establishment*, is desirable and deserves the council's support.

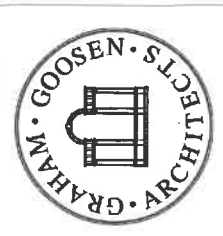


AMENDMENTS
 PROJECT
FRANSCHHOEK MANOR
ERF 346Z
FRANSCHHOEK

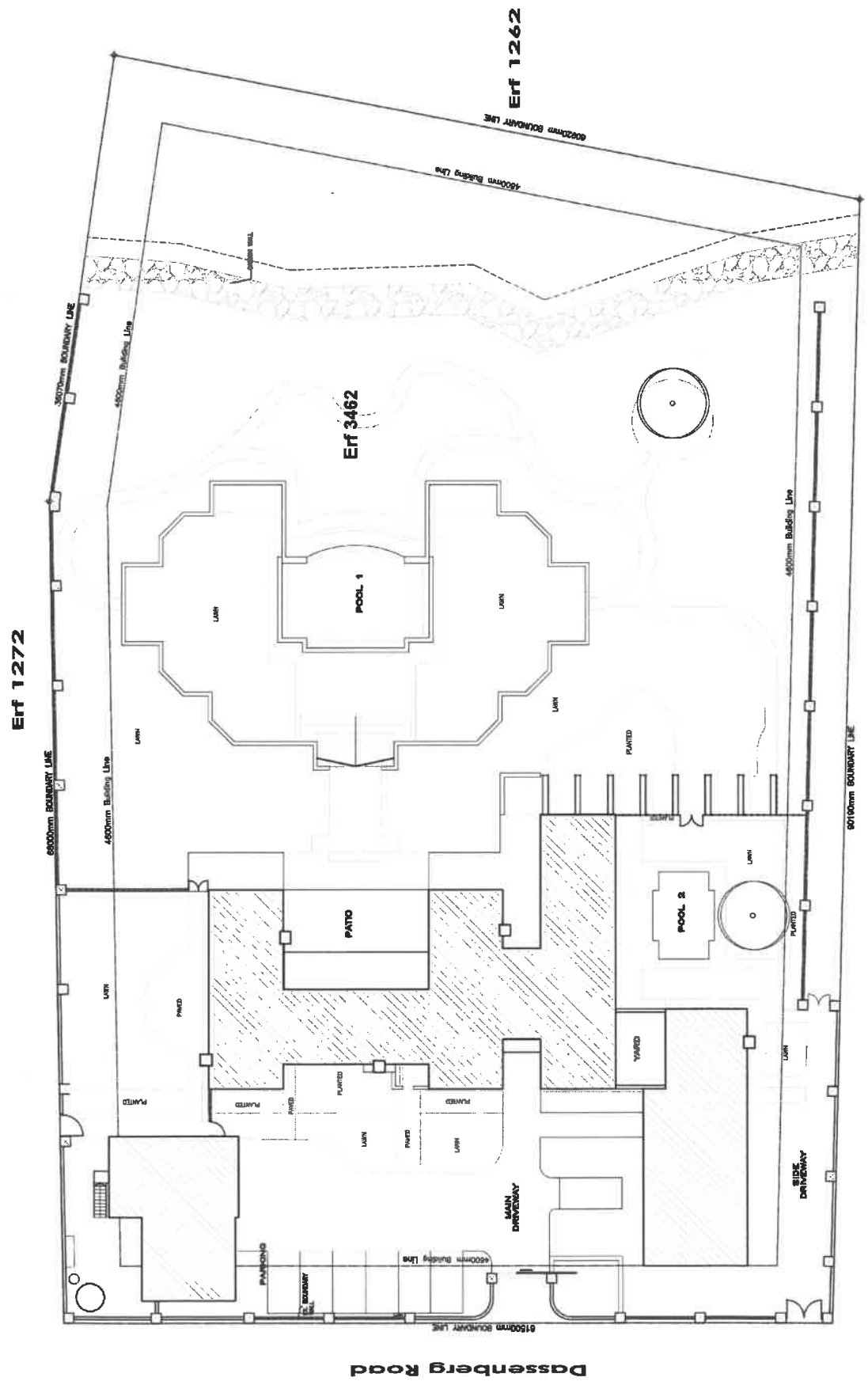
DRAWING TITLE
SITE PLAN

THE DESIGN SHOWN ON THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS DRAWING FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSE. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS EMPLOYEES OR AGENTS.

ARCHITECT	
OWNER	
SCALE	DATE
1:400	SEPTEMBER 2019
DWG NO.	REV
GAS	

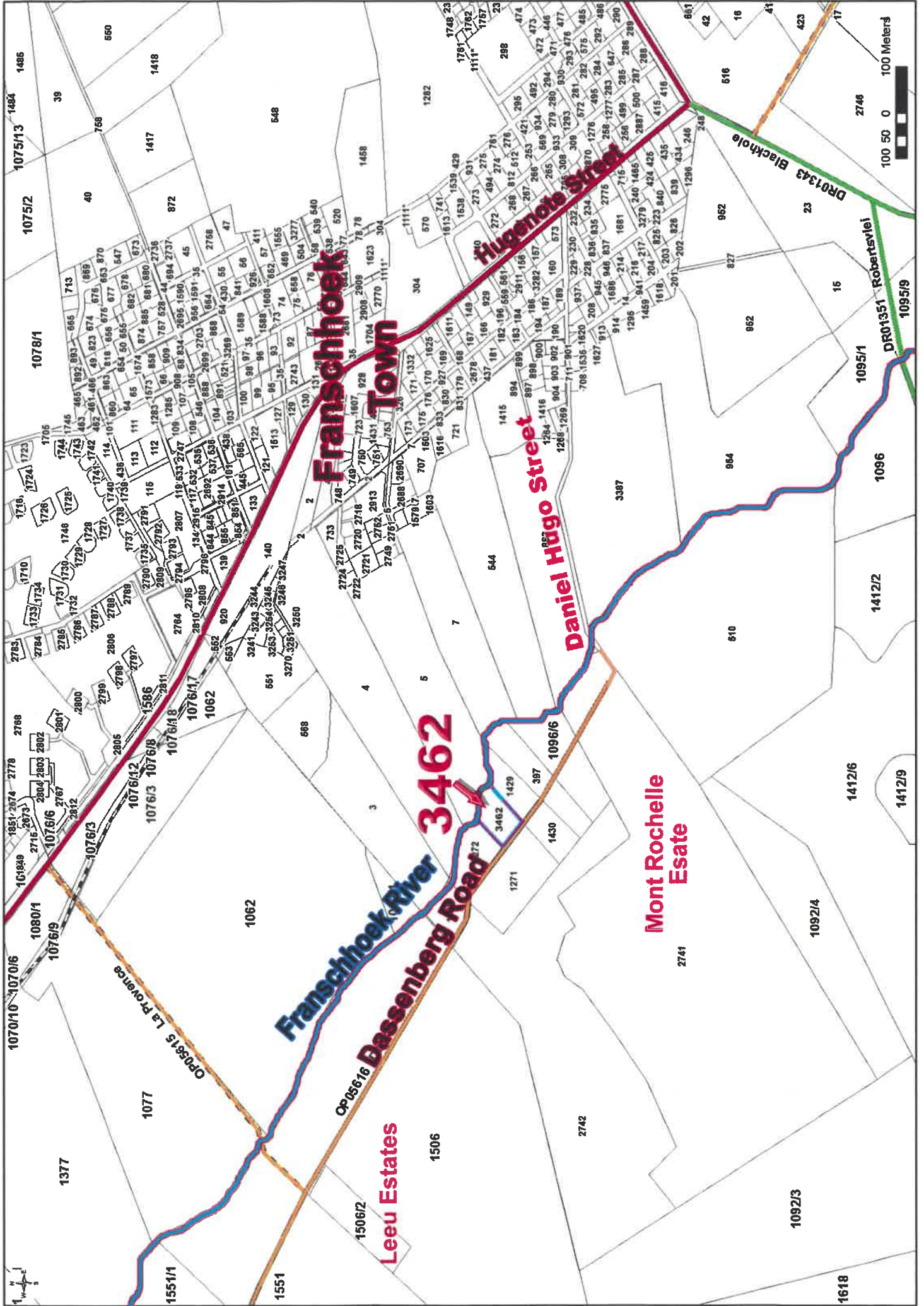


12 D S. BATHA STREET GRAFTON 7233
 CELL 082 7729100 - 99@ghg.co.za



Site Plan 1:400
 Application for Additional Guest Rooms - Franschhoek Manor

Locality Plan





AMENDMENTS

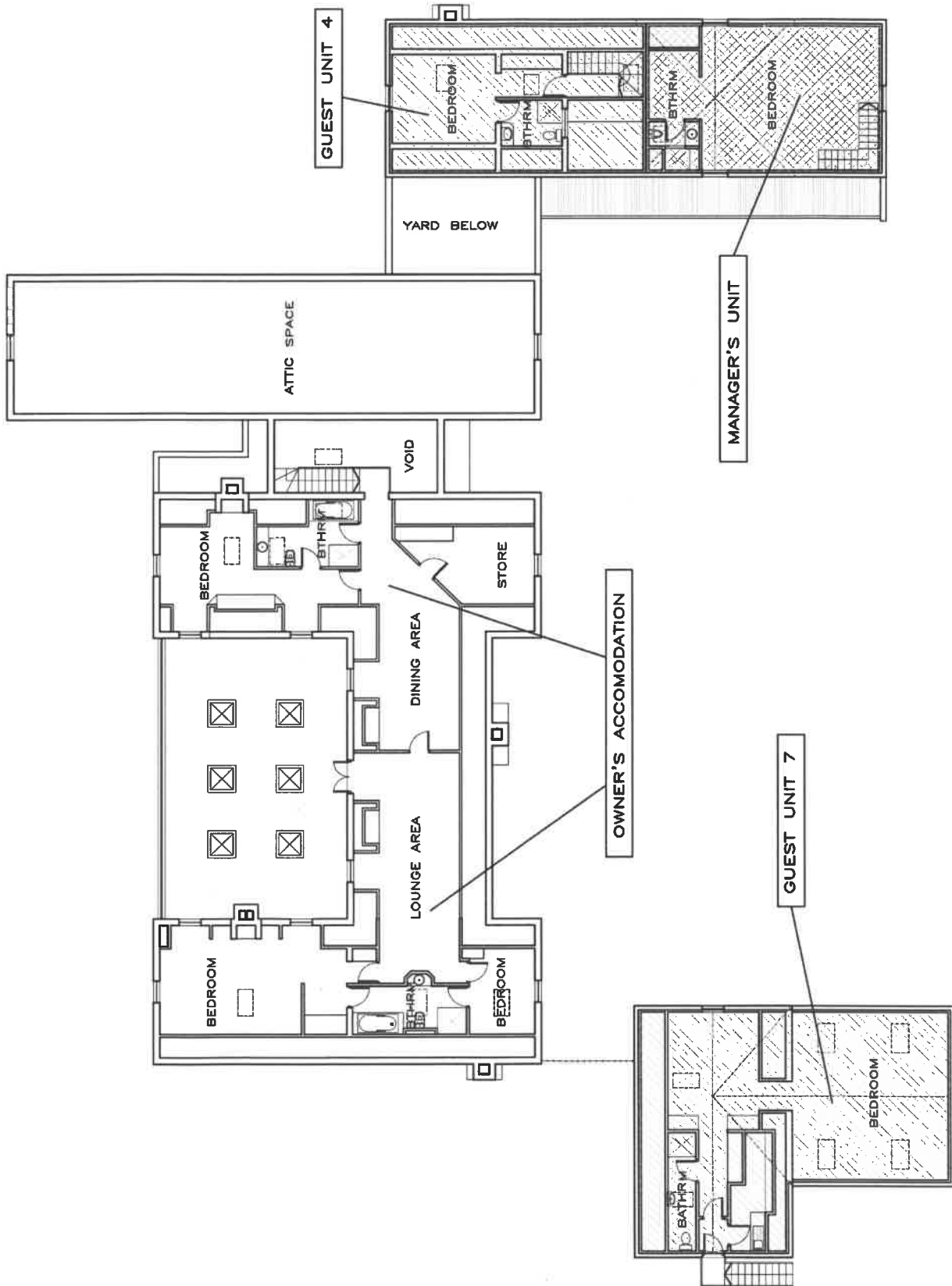
PROJECT	FRANSCHHOEK MANOR ERF 3462 FRANSCHHOEK
DRAWING TITLE	FIRST FLOOR PLAN

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS DRAWING IN ANY MANNER OTHER THAN THAT AUTHORIZED BY THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS FIRM.

ARCHITECT	
OWNER	
SCALE	DATE
1:200	SEPTEMBER 2019
DWG NO.	REV
GAZ	



12 D S BOTHA STREET GREYTON 7233
CELL 082 7729100 - gga@office.com



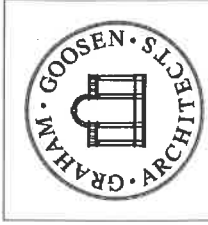
First Floor Plan 1:200
Layout of Guest Rooms - Franschoek Manor



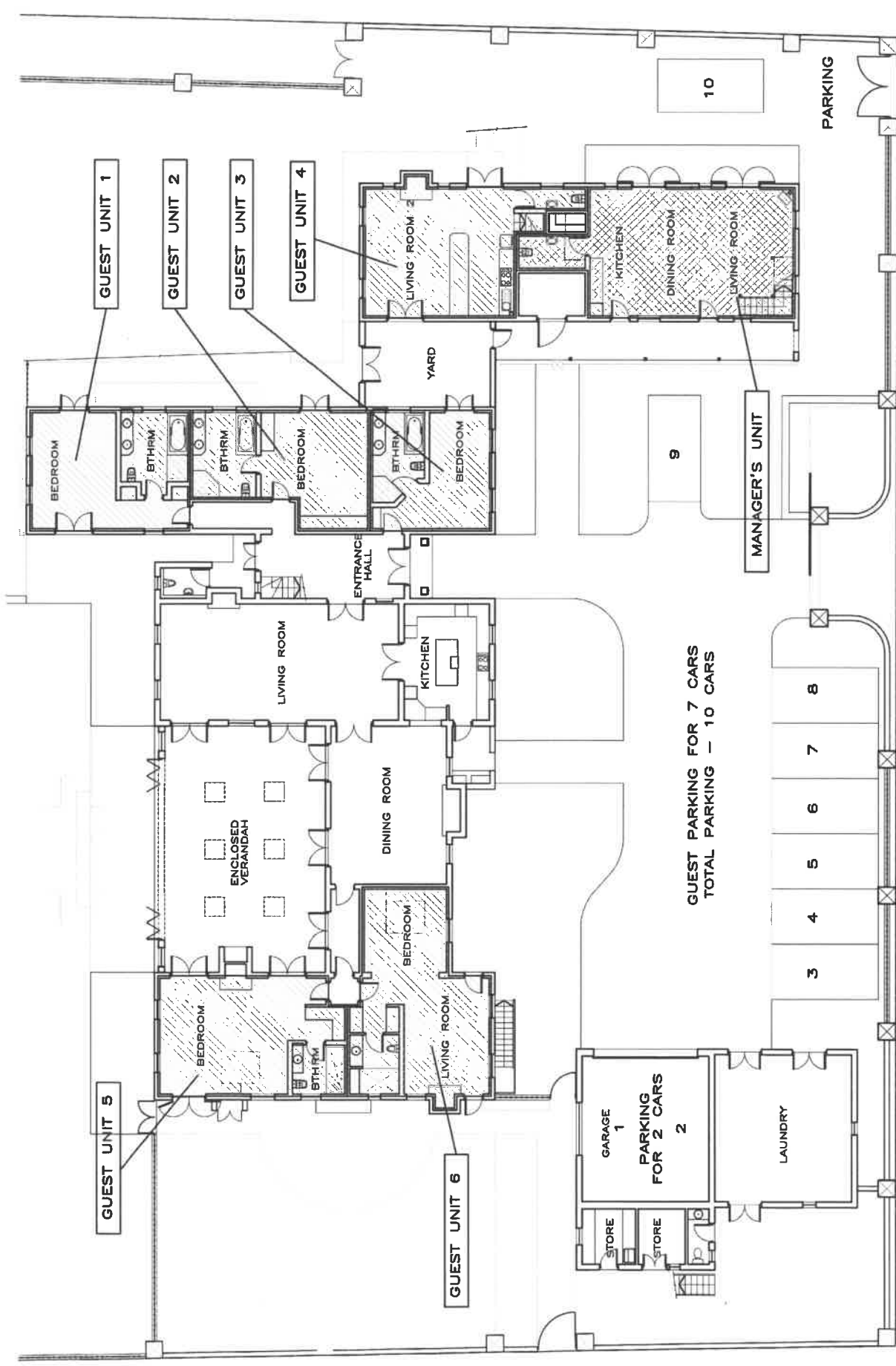
AMENDMENTS
 PROJECT
FRANSCHHOEK MANOR
ERF 3462
FRANSCHHOEK
 DRAWING TITLE
GROUND FLOOR PLAN

ARCHITECT
 OWNER
 SCALE
 DATE
 DNG NO.
 REV

THE CLIENT AGREES TO HOLD ARCHITECT IN FULL COMPENSATION OF THE ARCHITECT'S SERVICES AND TO HOLD ARCHITECT HARMLESS FROM ALL CLAIMS, DAMAGES AND LOSSES, INCLUDING REASONABLE ATTORNEY'S FEES, IN CONNECTION WITH THIS AGREEMENT. THIS AGREEMENT SHALL BE GOVERNED BY THE LAWS OF THE REPUBLIC OF SOUTH AFRICA. THE ARCHITECT'S OFFICE IS LOCATED AT 12 D S BUTHA STREET, GREYTON 7233. THE ARCHITECT'S CONTACT INFORMATION IS: CELL 082 7729100 - g@grahmgoosen.com



12 D S BUTHA STREET GREYTON 7233
 CELL 082 7729100 - g@grahmgoosen.com



Ground Floor Plan 1:200
 Layout of Guest Rooms - Franschoek Manor



TAX INVOICE

STELLENBOSCH


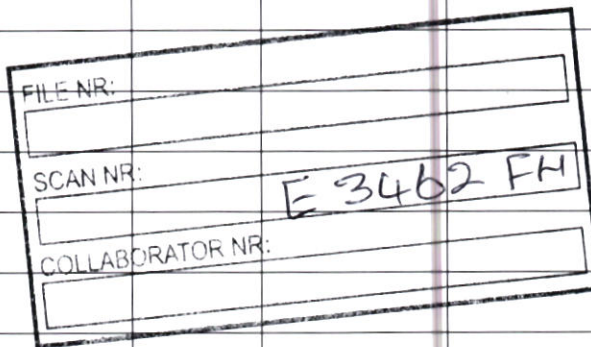
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599

PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2019-09-09	DOCUMENT NO.:	660319
ERF/FARM NO:	3462	CREATED BY:	Annecke Hardouin
LOCALITY:	Off Dassenberg Road, FRANSCHHOEK	APPLICATION NO.:	LU/10305
OWNER'S NAME:	Pethra Elma Charlotte Bloos	APPLICANT VAT NO.:	4640230779
ADDRESS:	PO Box 851 Robertson 6705	VAT NO.:	4700102181
		APPLICANT:	Peter Garnet Mons
		TEL NO.:	023 626 3480

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
TEMPORARY DEPARTURE / PERMISSION - Temporary Departure / Permission into Zoning Scheme (Special Development) / Permission into	R 2,500.00	1	20180711011476	R 2,500.00
				
				
TOTAL AMOUNT PAYABLE				R 2,500.00
VAT included @ 15%				R 326.09

All Tariffs include 15% VAT

FROM 1 JULY 2019 TO 30 JUNE 2020

CALCULATED BY:

NAME:

SIGNATURE:

C Peter Ben

DATE: 09.09.2019

VERIFIED BY:

NAME:

SIGNATURE:

DATE:

PAYMENT MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE

CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH MUNICIPALITY

Applicant to return this form to the Advice Centre for

DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

BANKING DETAILS FOR EFT PAYMENT:

ACCOUNT HOLDER: Stellenbosch Municipality

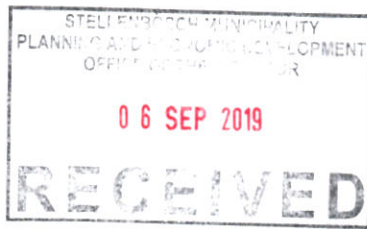
BANK: Nedbank

ACCOUNT NUMBER: 1152271679

BRANCH CODE: 198765

REF: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on this invoice as a reference when making EFT payment.



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 MUNISIPALITEIT • UMANTSIYA • MUNICIPALITY

PLANNING & ECONOMIC DEVELOPMENT

LU/10305

LAND USE APPLICATION – CHECKLIST			Date	
Erf/Erven/ Farm no	ERF 3462	Portion(s) if farm	6/09/2019 FRANSCHHOEK	
Owner/ Applicant	PETER MONS	Contact number	082 826 4600	
Email address	petergm@fibosky.co.za			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION		OWNER/APPLICANT TO INDICATE		CUSTOMER INTERFACE VERIFY
		YES	NO	VERIFY <input checked="" type="checkbox"/>
1. Application form completed in full and signed?		✓		✓
2. Correct copy of the Title Deed of the property?		✓		✓
3. Motivation attached?		✓		✓
4. Site Development Plan / Subdivision Plan / Consolidation Plan (A4/A3 size in colour?)		✓		✓
5. Property Registered in a Trust or Company – Power of Attorney as well as Trust / Company Resolution		✓		✓
6. Neighbours' Consent Forms (completed in full and signed) / Locality Plan indicating advertising to be undertaken			✓	
7. Five (5) sets of copies of all documentation (One set for permanent departure applications)		✓		✓
8. Proof of payment		✓		✓
SIGNED BY OWNER/APPLICANT		<i>[Signature]</i>		
VERIFIED & SIGNED BY CUSTOMER INTERFACE OFFICER		<i>[Signature]</i>		

*Verification only of the documentation attached and not the completeness or correctness of that documentation.

**Please note that your documentation is not considered as a submitted application until such time as it has been scrutinized, all initial outstanding information (if any) has been submitted and payment is reflected in Council's bank account.

***Should the initial outstanding information and/or payment of fees not be received, all documentation will be discarded.

Outstanding information (to be completed by planner):

Consent Use = R2500 (EFT is attached)

[Signature]
 Planner

09/09/19
 Date

Peter G. Mons
Pr. Pln - A/116/2009

Professional Town
Planning Consultant



My Ref: Frh 1273 5/19

Director: Planning & Economic Development
Stellenbosch Municipality
P. O. Box 17
Stellenbosch.
7599.

6 September 2019



Sir

**Application for a Consent Use for a Guest House on Erf 3462
Franschhoek - *Franschhoek Manor***

Attached please find the following with regard to the above-mentioned application:

- (a) 5 Copies of the application consisting of the relevant application form together with the required Motivation Report and supporting documents.
- (b) Proof of Payment of the required fee of **R2500.00** being the application fee for a Consent Use application.

Your prompt assessment of the application will be greatly appreciated. Should you require any further information or clarity with regard to any aspects of the application please contact the writer.

Yours faithfully,

P. G. Mons -Pr. Pln. A/116/2009

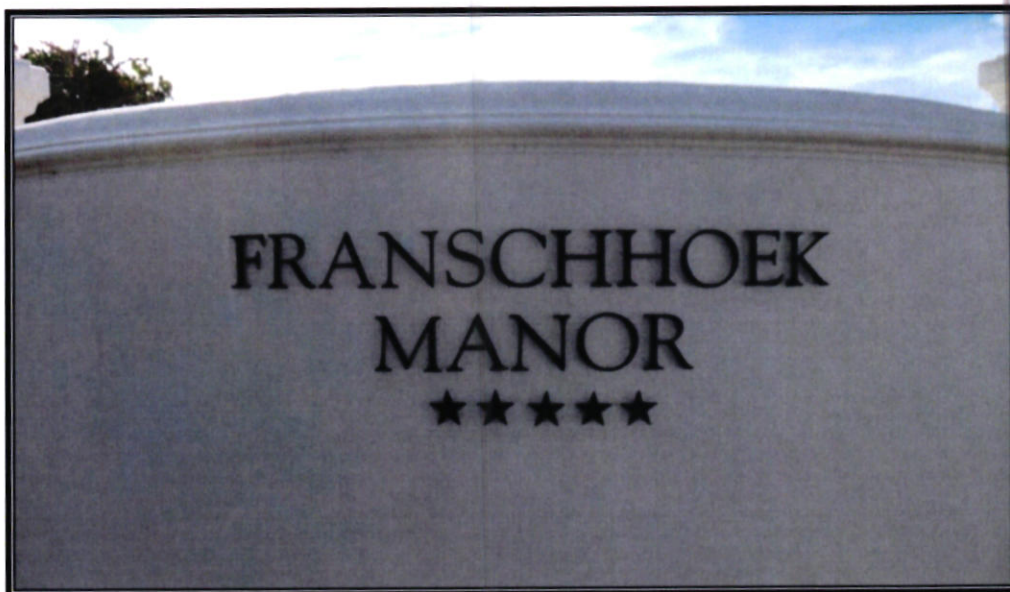
Peter G. Mons
Pr. Pln - A/116/2009
B Sc, M (T&RP), MSAPI

▲ P.O. Box 851
Robertson
6705

☎ 023 626 3480
☎ 082 826 4000

✉ petergm@fibresky.co.za

**Application for a Consent Use for a Guest House on
Erf 3462 Franschoek - *Franschoek Manor***



Compiled by Peter Mons – Professional Town Planning Consultant – September 2019



Contents

- *Application Form*
 - *Locality Plan*
 - *Motivation Report*
 - *Site Plan & Floor Plans*
 - *Approval Letter for Previous Special Consent*
 - *Power of Attorney*
 - *Deed of Transfer*
 - *S.G. Diagram*
-





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LAND USE PLANNING APPLICATION FORM 2017

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	PETER GARNET				
Surname	MONS				
Company name (if applicable)	N/A				
Postal Address	P O BOX 851			Postal Code	6705
	ROBERTSON				
Email	petergm@fibresky.co.za				
Tel	0236263480	Fax	-	Cell	0828264000

PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner(s)	Pethra Elma Charlotte Bloos				
Physical address	Franschhoek Manor, Dassenberg Road,			Postal code	7690
	Franschhoek.				
E-mail	info@franschhoekmanor.co.za				
Tel	021 876 4455	Fax	021 876 4454	Cell	0674095083

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	Erf 3462	Portion(s) if Farm		Allotment area	Franschhoek	
Physical Address	Off Dassenberg Road					
	Franschhoek					
Current Zoning	Agriculture	Extent	6111sqm ² / ha	Are there buildings?	existing	<input checked="" type="checkbox"/> N



Applicable Zoning Scheme	Section 7 Franschoek Zoning Scheme										
Current Land Use	Guest House, Manager's Unit & Owner's Residence										
Title number and date	T		45599/2015								
Attached Conveyance's Certificate	Y	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies): N/A								
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Y	N	If yes, is this application to legalize the building / land use ² ?				Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	N	Are there any land claim(s) registered on the subject property(ies)?				Y	N

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	Y	N	If Yes, please attach the minutes of the pre-application consultation.
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PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs³</i>
	15(2)(a) Rezoning of Land
	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;

¹ All applications triggered by section 38(1)(a)-(e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice have been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

³ <http://www.stellenbosch.gov.za/documents/idp-budget1/2017-2/4873-appendix-3-tariff-book-2017-2018/file>



	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;
	15(2)(g) a permission required in terms of the zoning scheme;
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval;
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme;
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;
	15(2)(l) a permission required in terms of a condition of approval;
	15(2)(m) a determination of a zoning;
	15(2)(n) a closure of a public place or part thereof;
✓	15(2)(o) a consent use contemplated in the zoning scheme; R2500.00
	15(2)(p) an occasional use of land;
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.
	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) Amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

	Deviation from Council Policies/By-laws;	R
	Other (specify) : _____	R
TOTAL A:		R 2 500.00

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; data messages	R
	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R 2 500.00

* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

BANKING DETAILS

Name:	Stellenbosch Municipality
Bank:	NEDBANK
Branch no.:	198765
Account no.:	1152271679
SWIFT	NEDSZAJJ
Payment reference: (Erf/Farm number)	Erf 3462 Franschoek



DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	Eben Niemann, Finest Monetary Solutions (Pty) Ltd
Postal Address	1st Floor, Thembani Building, Caledon Street, Somerset West. 7130.
Vat Number (where applicable)	4640230779

PART F: DETAILS OF PROPOSAL						
Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
To permit To expand the current Bed & Breakfast to a Guest House						
in terms of Section 1.G of the PN 359/2009 Zoning Scheme Regulations						
Other (please specify)	<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:

The owner wishes to expand the number of guest suites on offer at the accomodation establishment known as Franschoek Manor. In terms of an earlier special consent approval, rights were granted for two guest suites containing four bedrooms. The owner now wishes to expand the total number of guest bedrooms to seven while still retaining a portion of the dwelling for the owner's use. A manager's single-bedroom unit will also be provided as well as communal areas for the guests. Parking for guest's and the owner's vehicles is provided.



PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

Y ✓	N		Power of attorney / Owner's consent if applicant is not owner	Y	N ✓		Bondholder's consent (if applicable)
Y	N		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	N		Proof of any other relevant right held in the land concerned N/A
Y ✓	N		Written motivation pertaining to the need and desirability of the proposal	Y ✓	N		S.G. diagram / General plan extract (A4 or A3 only)
Y ✓	N		Locality plan (A4 or A3 only) to scale	Y ✓	N		Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y	N		Proposed subdivision plan (A4 or A3 only) to scale N/A	Y	N		Proof of agreement or permission for required servitude N/A
Y ✓	N		Proof of payment of application fees	Y ✓	N		Proof of registered ownership (Full copy of the title deed)
Y	N ✓		Conveyancer's certificate	Y	N		Minutes of pre-application consultation meeting (if applicable)
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Y	N	N/A ✓	Abutting owner's consent	Y ✓	N	N/A	Services Report or indication of all municipal services / registered servitudes
Y	N	N/A ✓	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	N/A ✓	Proof of failure of Home owner's association
Y	N	N/A ✓	Copy of original approval and conditions of approval	Y	N	N/A ✓	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A ✓	Proof of lawful use right	Y ✓	N	N/A	Other (specify) Floor Plans and Illustrations
Y ✓	N	N/A	Required number of documentation copies				



PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))		
			Y	N/A ✓	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
			Y	N/A ✓	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
			Y	N/A ✓	National Water Act, 1998 (Act 36 of 1998)
			Y	N/A ✓	Other (specify)
Y	N/A ✓	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)			
Y	N/A ✓	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)			
Y	N/A ✓	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			
Y	N/A ✓	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	N ✓	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
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9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or




declarations made as to his or her qualification as a Competent person and/or registration as a professional.

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13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
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Applicant's signature: _____	Date: 6 September 2019
Full name: PETER GARNET MONS	
Professional capacity: PROFESSIONAL TOWN PLANNER - REG NO: A/116/2009	

FOR OFFICE USE ONLY

<p>Date received: _____</p> <p>Received By: _____</p>	<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;">  </div>
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STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE PLANNING APPLICATION FORM 2017

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	PETER GARNET			
Surname	MONS			
Company name (if applicable)	N/A			
Postal Address	P O BOX 851			
	ROBERTSON	Postal Code	6705	
Email	petergm@fibresky.co.za			
Tel	0236263480	Fax	-	Cell 0828264000

PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner(s)	Pethra Elma Charlotte Bloos			
Physical address	Franschhoek Manor, Dassenberg Road,			
	Franschhoek.	Postal code	7690	
E-mail	info@franschhoekmanor.co.za			
Tel	021 876 4455	Fax	021 876 4454	Cell 0674095083

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	Erf 3462	Portion(s) if Farm		Allotment area	Franschhoek
Physical Address	Off Dassenberg Road				
	Franschhoek				
Current Zoning	Agriculture	Extent	6111sqm ² / ha	Are there existing buildings?	<input checked="" type="checkbox"/> N



Applicable Zoning Scheme	Section 7 Franschoek Zoning Scheme										
Current Land Use	Guest House, Manager's Unit & Owner's Residence										
Title number and date	Deed and	T	45599/2015								
Attached Conveyance's Certificate	Y	N	Any Restrictions into the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies): N/A								
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):								
Is the property owned by Council?	Y	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	Y	N	Is the building older than 60 years?	Y	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.		
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Y	N	If yes, is this application to legalize the building / land use??				Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	N	Are there any land claim(s) registered on the subject property(ies)?				Y	N
PART D: PRE-APPLICATION CONSULTATION											
Has there been any pre-application consultation?			Y	N	If Yes, please attach the minutes of the pre-application consultation.						
PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE											
APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)											
Tick	Type of application: <i>Cost are obtainable from the Council Approved tariffs³</i>										
	15(2)(a) Rezoning of Land										
	15(2)(b) a permanent departure from the development parameters of the zoning scheme										
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;										
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;										
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;										

¹ All applications triggered by section 38(1)(a)-(e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice have been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

³ <http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>



	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;
	15(2)(g) a permission required in terms of the zoning scheme;
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval;
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme;
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;
	15(2)(l) a permission required in terms of a condition of approval;
	15(2)(m) a determination of a zoning;
	15(2)(n) a closure of a public place or part thereof;
✓	15(2)(o) a consent use contemplated in the zoning scheme; R2500.00
	15(2)(p) an occasional use of land;
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.
	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) Amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

	Deviation from Council Policies/By-laws;	R
	Other (specify) : _____	R
TOTAL A:		R 2 500.00

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; data messages	R
	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R 2 500.00

* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

BANKING DETAILS

Name:	Stellenbosch Municipality
Bank:	NEDBANK
Branch no.:	198765
Account no.:	1152271679
SWIFT	NESZAJJ
Payment reference: (Erf/Farm number)	Erf 3462 Franschoek

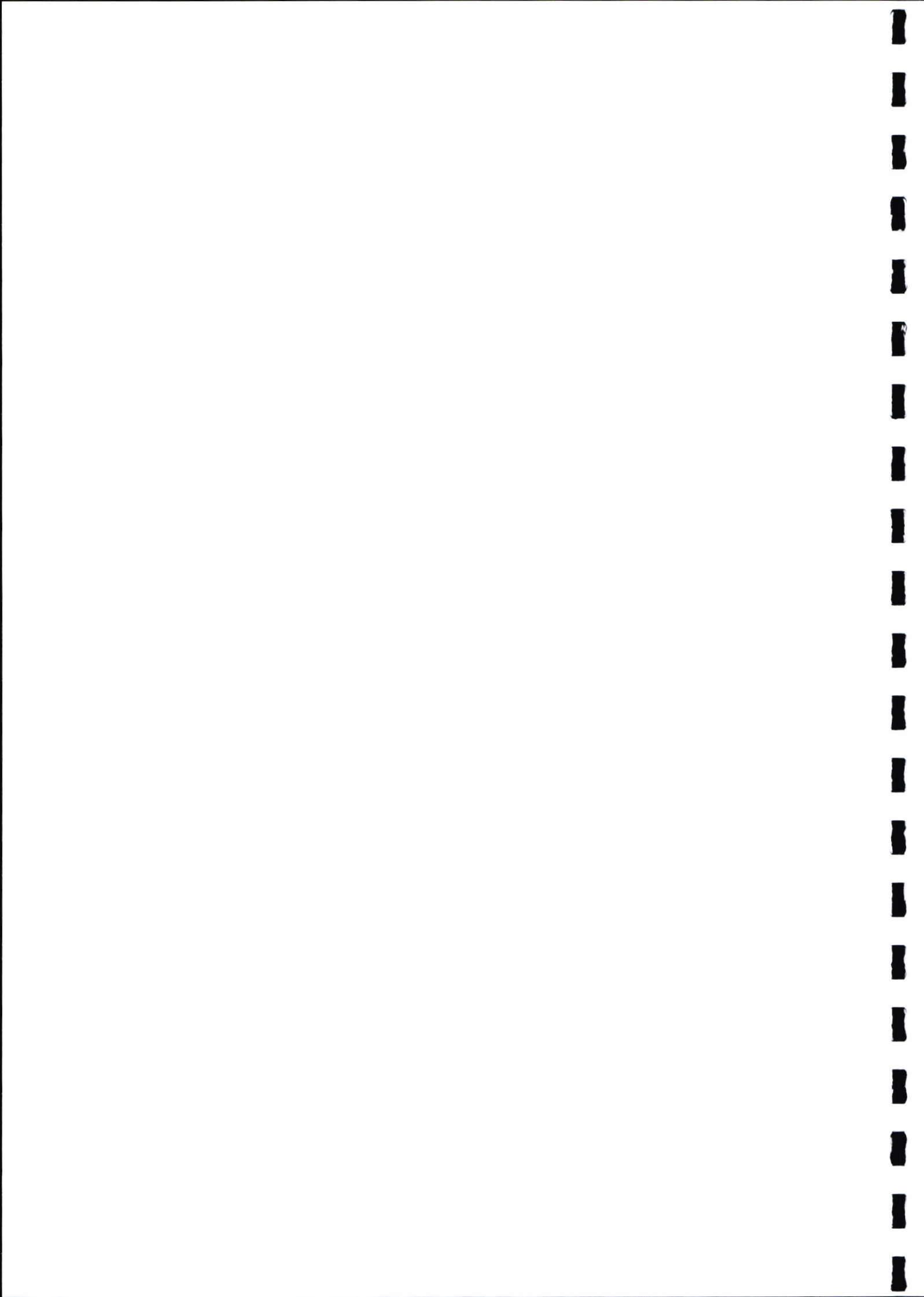


DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	Eben Niemann, Finest Monetary Solutions (Pty) Ltd
Postal Address	1st Floor, Thembani Building, Caledon Street, Somerset West. 7130.
Vat Number (where applicable)	4640230779

PART F: DETAILS OF PROPOSAL						
Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
To permit To expand the current Bed & Breakfast to a Guest House						
in terms of Section 1.G of the PN 359/2009 Zoning Scheme Regulations						
Other (please specify)	<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:

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Y	N/A ✓	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A	Other (specify)
Y	N/A ✓	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	N ✓	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

SECTION I: DECLARATION

I hereby wish to confirm the following :

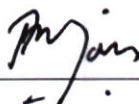
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Applicant's signature:



Date:

6 September 2019

Full name:

PETER GARNET MONS

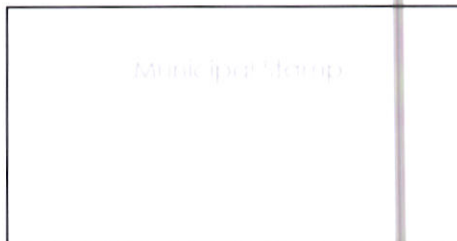
Professional capacity:

PROFESSIONAL TOWN PLANNER - REG NO: A/116/2009

FOR OFFICE USE ONLY

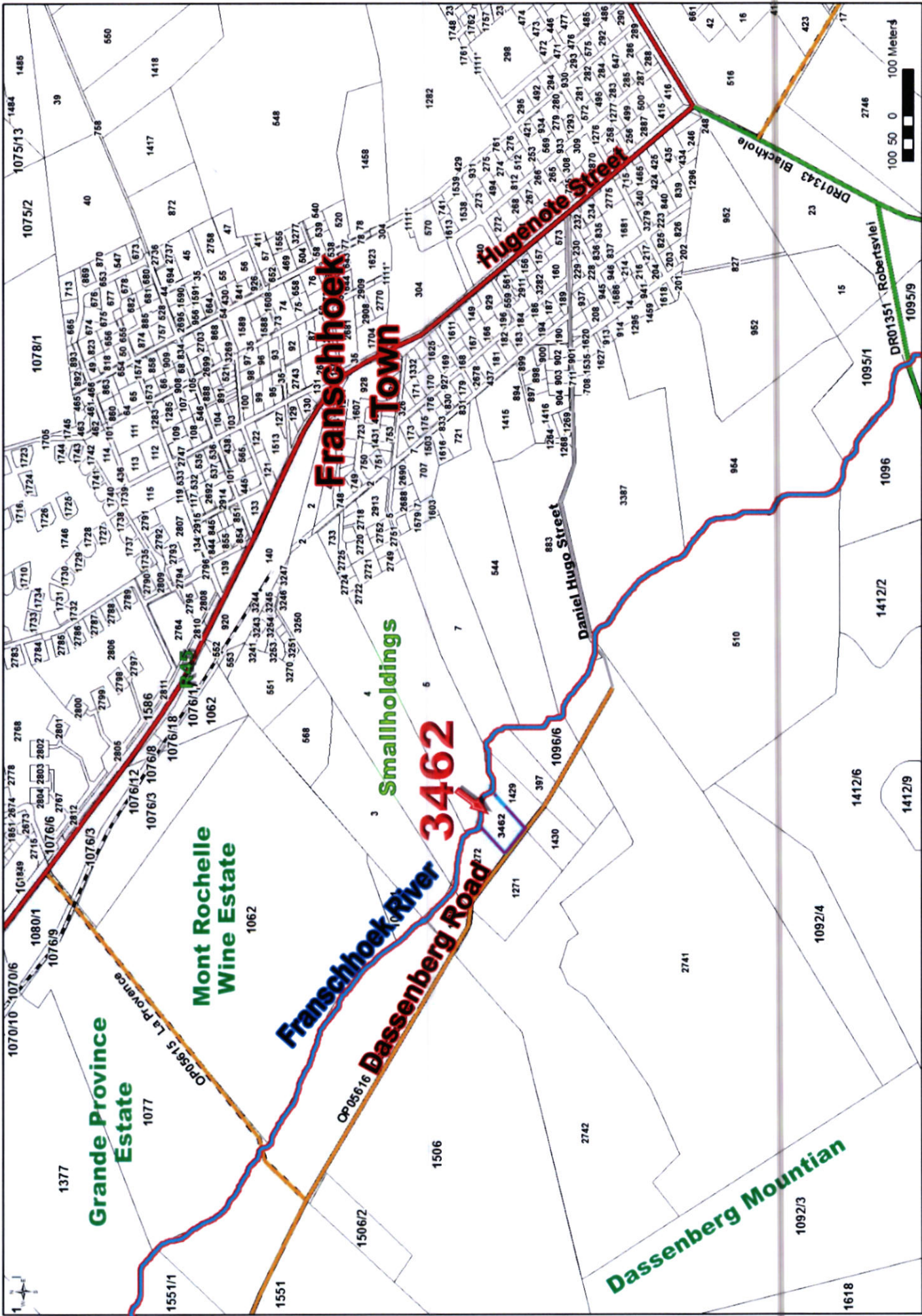
Date received: _____

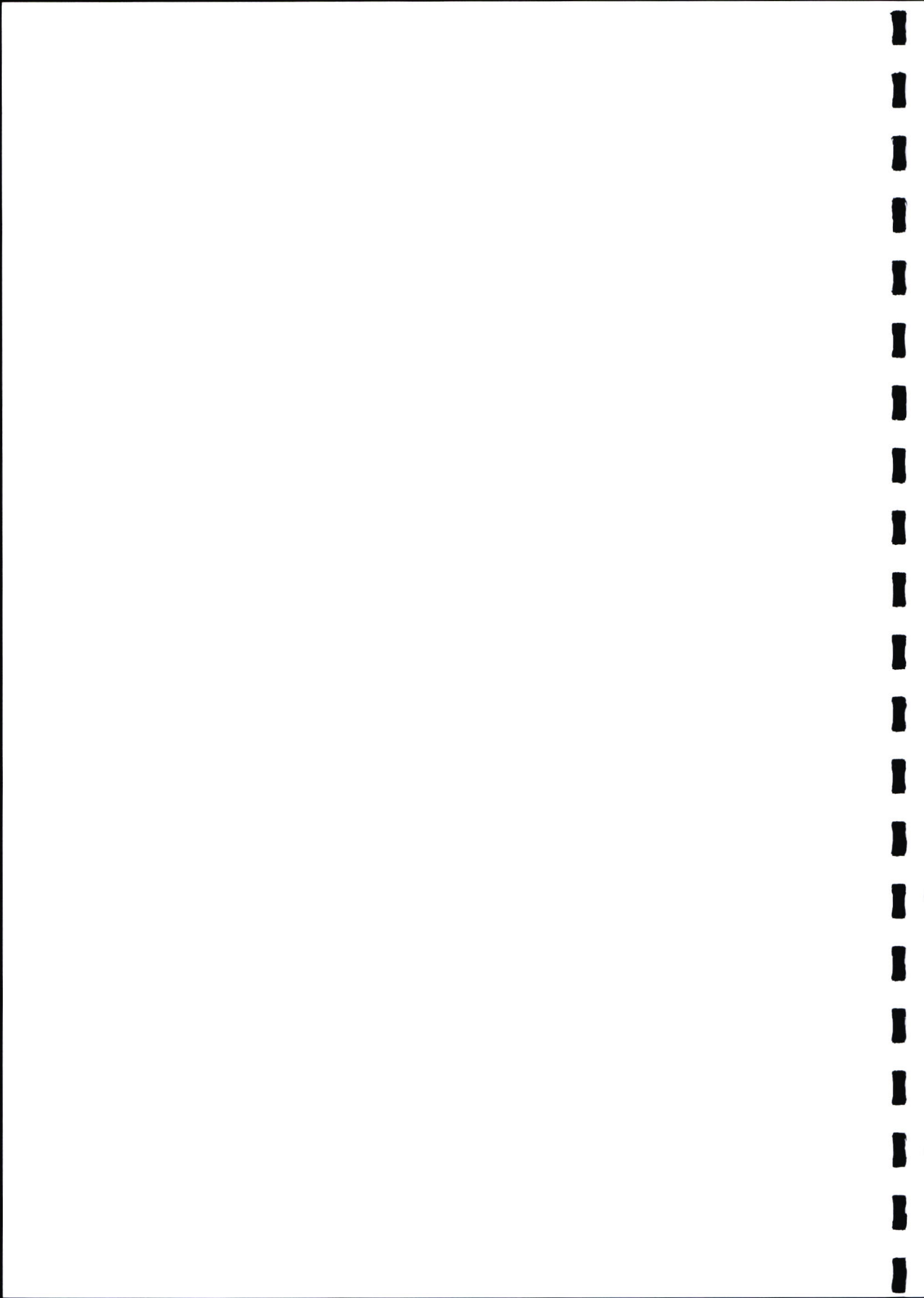
Received By: _____





Locality Plan





Application for a Consent Use for a Guest House on Erf 3462 Franschoek - *Franschoek Manor*

Motivation Report

Contents

- 1) Purpose of the application
- 2) Property Details
- 3) Property Owner
- 4) Applicant
- 5) Background
- 6) Desired Action and Statutory Requirements
- 7) Surrounding Uses and Character of the Immediate Area.
- 8) Statutory Application
- 9) Detail Description of the Proposal
- 10) Motivation
- 11) Concluding Summary

1) Purpose of the Application

The owner of Erf 3462 Franschoek wishes to expand the number of guest suites on offer at the accommodation establishment known as *Franschoek Manor*. This will require an expansion of the current land use rights which restricts the number of guest bedrooms to four. The purpose of the application is to obtain the necessary additional land use rights to permit the desired expanded use on the property which is zoned Agriculture.

2) Property Details

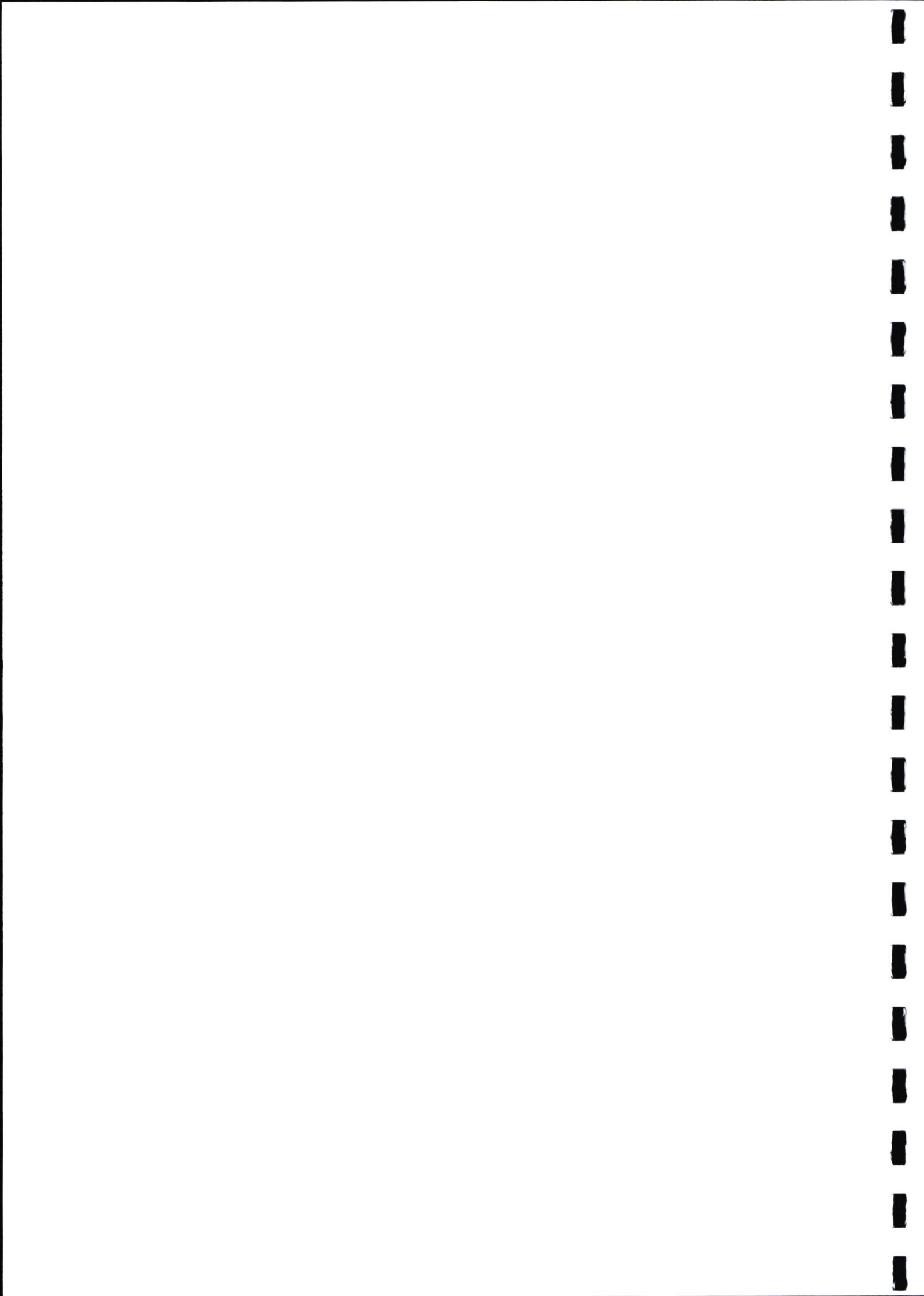
Description : Erf 3462 Franschoek, in the Municipality of Stellenbosch, Division of Paarl, Western Cape Province.



- Location : The property is located on the south west outskirts of Franschoek town bordering on the Franschoek River with access off Dassenberg Road (See Locality Plan).
- Zoning : Agriculture (Section 7- Franschoek Zoning Scheme)
- Extent : 6111m²
- Present Use : Residential smallholding with a main dwelling a portion of which operates as a guest house, an outbuilding which includes a double garage/laundry with a guest unit above, 2 swimming pools and landscaped gardens.



Land Uses on the Property





Front of Main Building



Rear of Main Building



Outbuilding containing Garage, Laundry and first floor Guest Unit





Landscaped gardens and pool

3) Property Owner

Pethra Elma Charlotte Bloos

Contact Person: Christina Schallhorn.

Tel No : 021-876 4455

Fax No : 021- 876 4454

Cell No : 0674095083

E-mail : info@franschhoekmanor.co.za

Address : Franschhoek Manor, Dassenberg Road, Franschhoek 7690.

4) Applicant

Peter Mons-Professional Town Planning Consultant

Tel No : 023 626 3480

Cell No : 082 826 4000

Email : petergm@fibresky.co.za

Address : P O Box 851, Robertson, 6705.



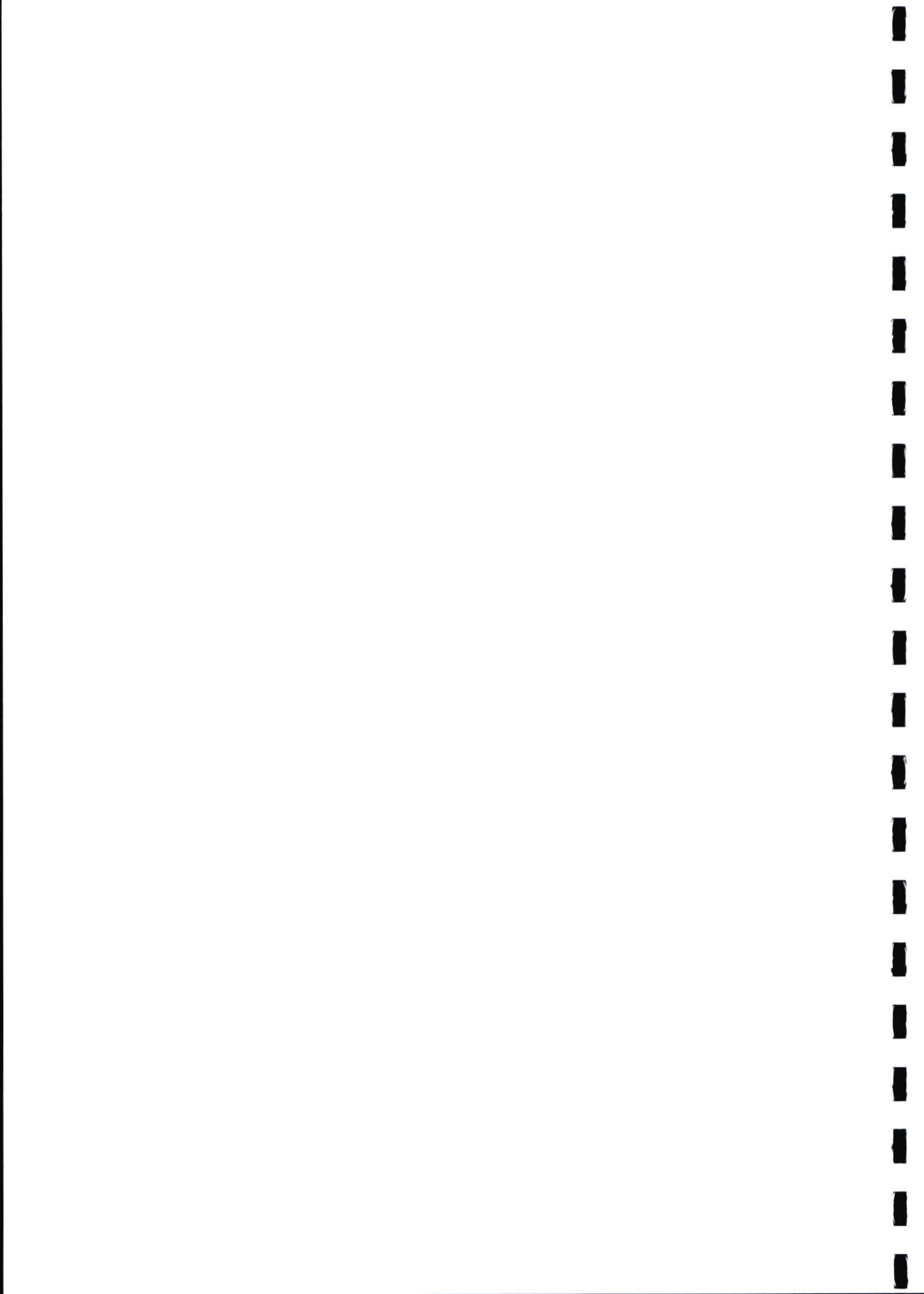
5) Background

The previous owner purchased the property in 2008 and proceeded to upgrade the property by introducing extensive landscaping. Minor internal changes were made to the extensive dwelling to suite the needs of the owner and an application was subsequently lodged in October 2009 to utilize a wing of the main building as a bed and breakfast establishment. Approval was granted in June 2010 for this right consisting of two guest units containing two bedrooms each (see previous letter of approval). The balance of the building was retained for the owner's use with the exception of an area occupied by employees of the owner who resided in a portion of the residence on a permanent basis.

The current owner purchased the property in 2015 as a going concern namely the *Franschhoek Manor Guesthouse* and has continued to operate the guesthouse establishment as such with the assistance on an on-site manager. The number of guest rooms has however increased over time to the current seven as advertised on the establishment's official website. These are referred to as Black Room, Blue Room, Master Bedroom, Garden Cottage, Purple Room, Junior Suite and The Loft). See www.franschhoekmanor.co.za for further details.

In May 2019 the current owner was issued with a notice in terms of Section 87 of the Stellenbosch Municipal Land Use Planning By-law to cease operating the extended guest house as the required land use rights were allegedly not in place or were being exceeded. The owner subsequently submitted an objection to the compliance notice and was granted a 3-month period to lodge an application for the required land use rights for the additional guest facilities for which no approval had been granted. This period expires on 5 September 2019. The compliance notice will only be withdrawn, when the application has been approved and the rights have been granted to regularize the current land uses on site.

This application seeks to gain approval for the required additional land use rights.



6) Desired Action and Statutory Requirements

The current approved additional rights are restricted to a Special Consent to utilize a portion of the existing buildings consisting of two guest suites with 2 bedrooms each for Bed and Breakfast purposes as depicted on the drawings which accompanied the approval (see copy of approval letter dated 2010-05-26). The balance of the dwelling was to remain as the residence of the owner and her employees who ran the facility.

The owner now wishes to obtain approval to expand the guest facilities to include two additional bedrooms in the main building on ground floor level and a one-bedroom guest suite located on top of the garage/laundry outbuilding. This will increase the total number of bedrooms to seven. Sections of the dwelling complex will be retained for use by the owner while other areas on the ground floor are available for guests. A one-bedroom unit is available for the resident manager.

In terms of the applicable Franschhoek Town Planning Scheme regulations the agricultural zoning of the property only permits the erection of agricultural buildings which are defined as follows: *'agricultural building means a building used or intended to be used in connection with, and which would ordinarily be incidental to, or reasonable necessary in connection with the use of the site of that building as agricultural land and **includes a dwelling house.**'*

In the absence of the new Zoning Scheme By-law, the desired expanded guest accommodation facility can best be accommodated as a guest house for which provision is made for as a Consent Use on land zoned for agriculture in the Amendment of Scheme Regulations proclaimed in PN 359/2009 of 2 October 2009.

The same Provincial Notice defines a Guest House as follows:



“Guest House” means a dwelling house which is used for the purpose of letting individual rooms for residential accommodation, with or without meals, and which exceeds the restrictions of a bed and breakfast establishment, provided that —

- (a) the dwelling house is retained in a form which can easily be re-used by a family as a single dwelling house, and
- (b) all amenities and provision of meals shall be for the sole benefit of bona fide lodgers, and

It is therefore the intention of this application to gain approval in terms of the Municipal Land Use Planning By-law, 2015 for a Consent Use to operate a guest house from the existing structures on the property.

The nature and scale of the proposed land use does not require Environmental Authorization in terms of the regulations promulgated in terms of the National Environment Management Act, Act 107 of 1988 nor an application in terms of the National Heritage Resources Act, Act 25 of 1999.

7) Surrounding Uses and Character of the Immediate Area.

Erf 3462 is located in an area characterized by agricultural smallholdings of a various sizes located along Dassenberg Road, many of which are being farmed on a small scale. Very little natural vegetation remains except along the French Hoek River. Most of the properties contain a main dwelling and agricultural buildings. Several of the surrounding properties offer tourist accommodation in the form of cottages and guest houses.

The prevailing character of the immediate area is rural agricultural interspersed with tourist accommodation and other facilities such as wine-tasting/sales and restaurants.

The surrounding properties and land uses are illustrated on the Google map below:



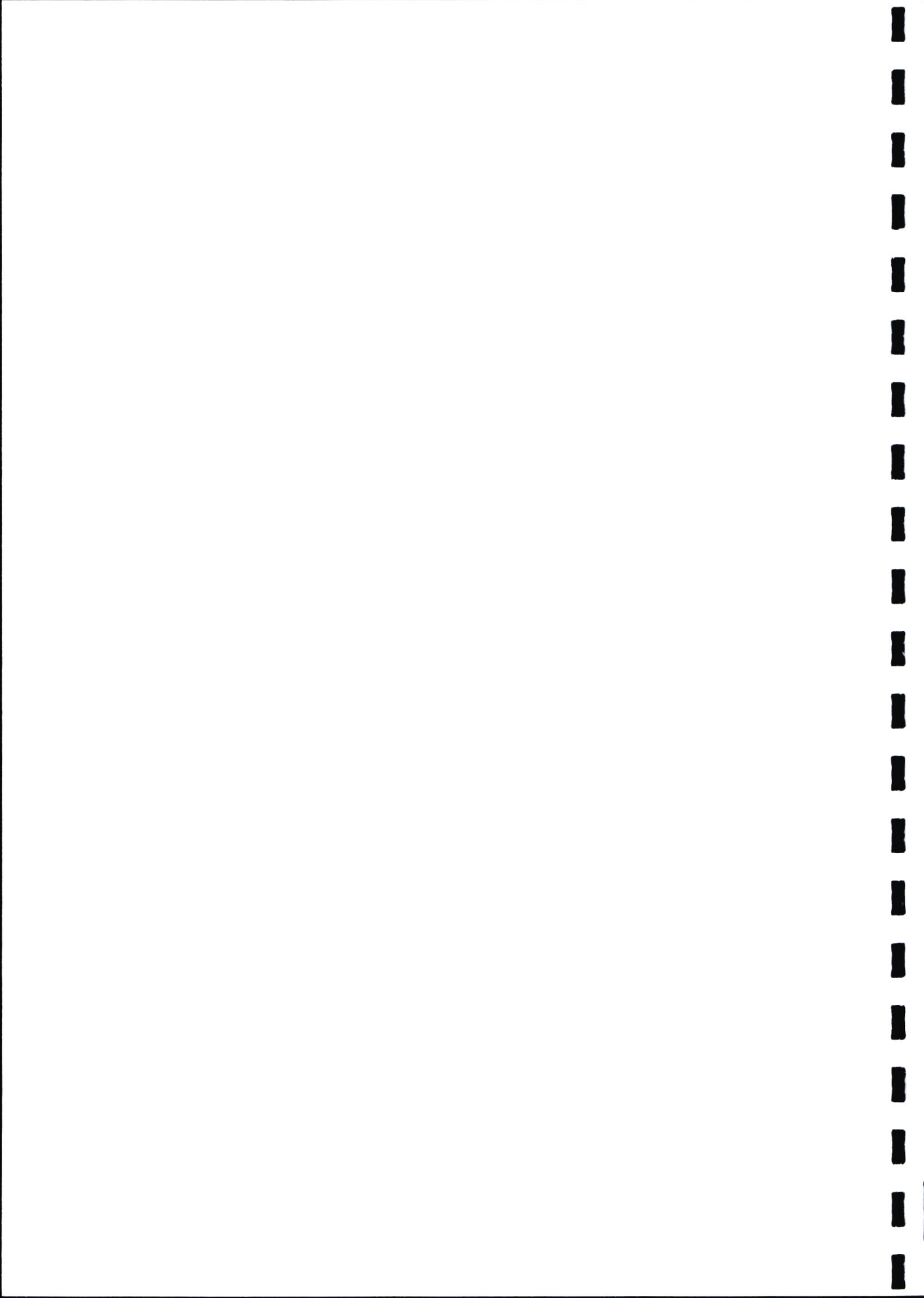


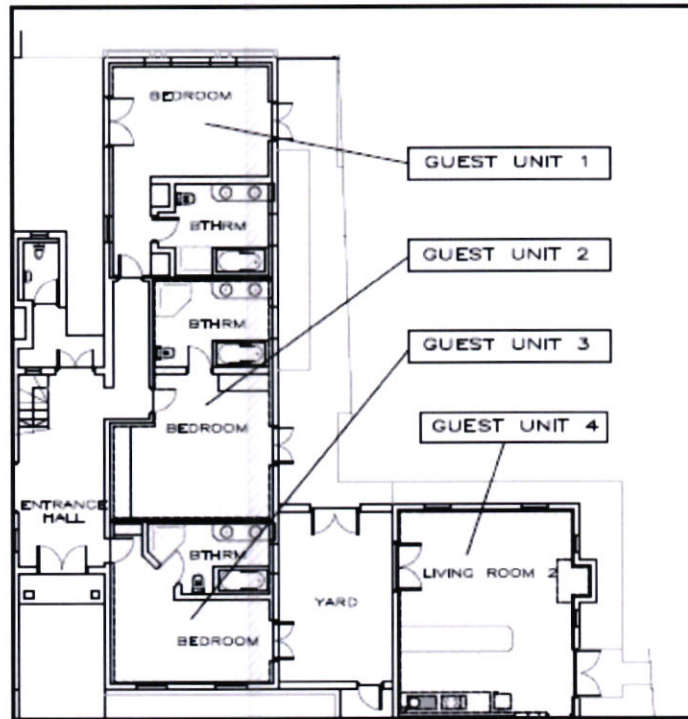
8) Statutory Application

Application is made in terms of Section 15.2(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a **consent use** to permit the use of the existing buildings on Erf 3462 Franschhoek as a guest house with seven guest bedrooms.

9) Detailed Description of the Proposal

The two guest suites units containing two bedrooms each, for which the necessary rights were granted in May 2010, are retained as four one-bedroom units. These are indicated as guest units 1 to 4 on the plans provided. Guest unit 4 is double story with the bedroom at first floor level and a living area downstairs. These guests have access to a separate pool and garden area to the south east of the building.





An extract from the ground floor plan illustrating Units 1 to 4

These previously approved units are shown in the photographs below:

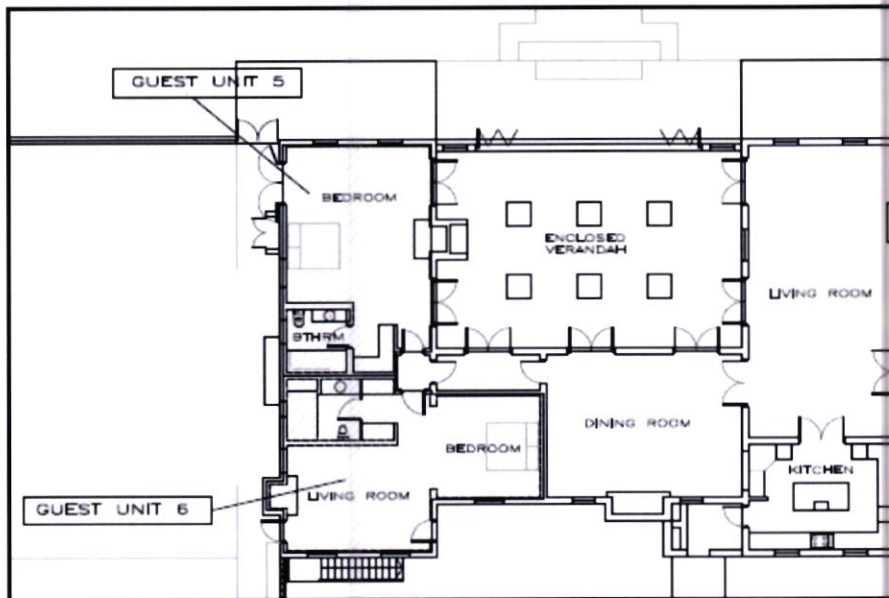


Portion of the buildings containing one of the approved guest suites consisting of two bedrooms with a guest pool in the foreground





Double story section with living room downstairs and bedroom above which makes up a portion of the second guest suite



An extract from the ground floor plan illustrating Units 5 & 6, kitchen, dining area, living room and enclosed verandah





Section of the buildings containing proposed guest facilities on the ground floor

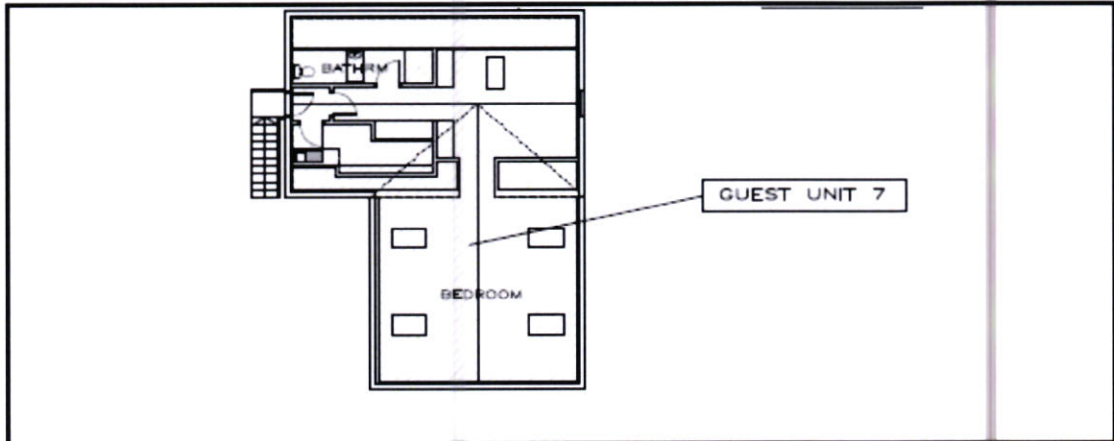


The front porch and pool area available for guests.

The first-floor area of the central section of the building will be retained the owner's exclusive accommodation.

The area at first-floor level above the garage and laundry will form the seventh guest suit containing one bedroom. This unit is indicated as guest unit 7 on the plans provided.



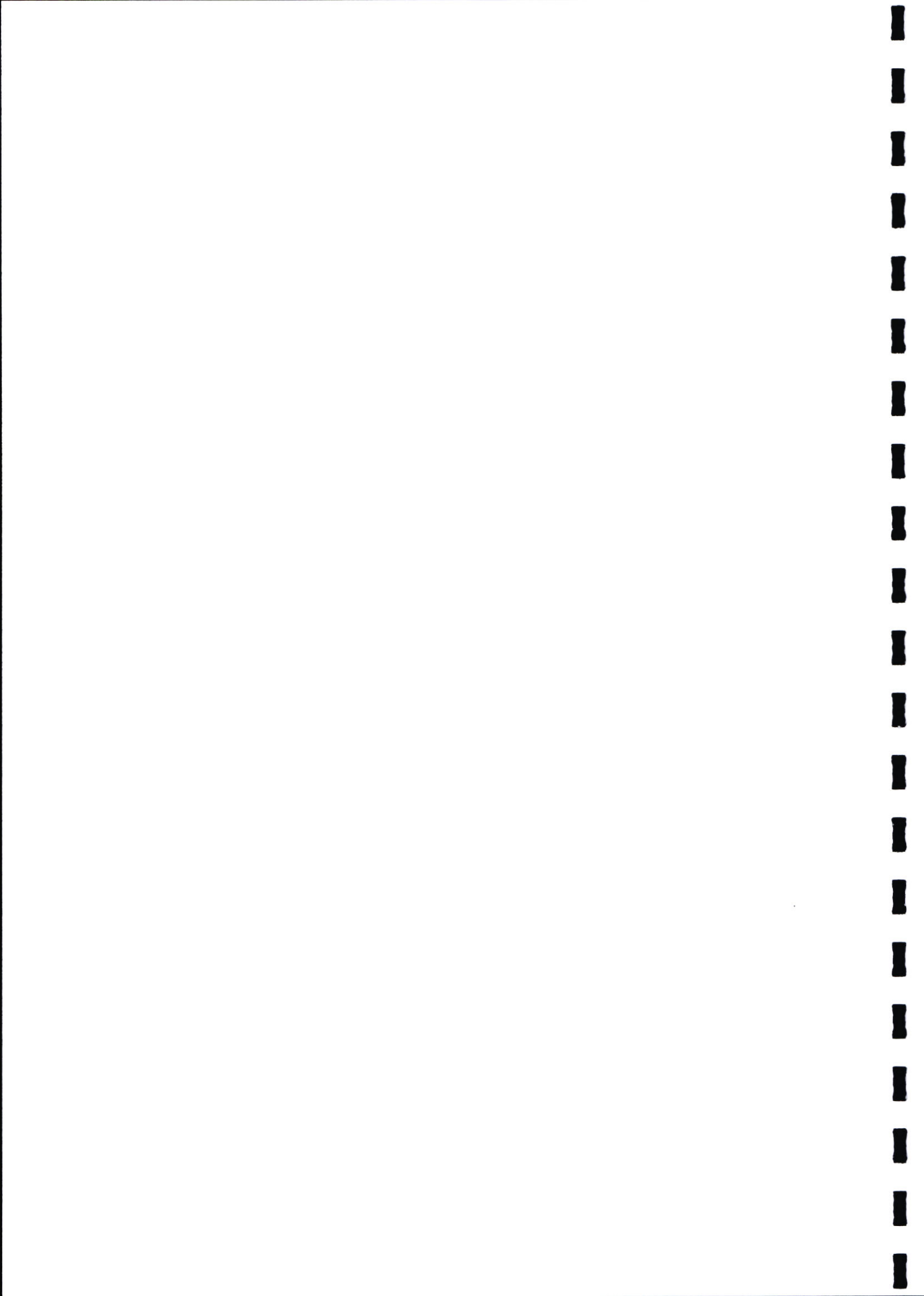


Extract from the first-floor plan indicating guest unit 7



The garage/laundry building above which the seventh guest unit is located

Guests will also have access to the patio area on north east side of the primary building, a swimming pool and the extensive gardens.



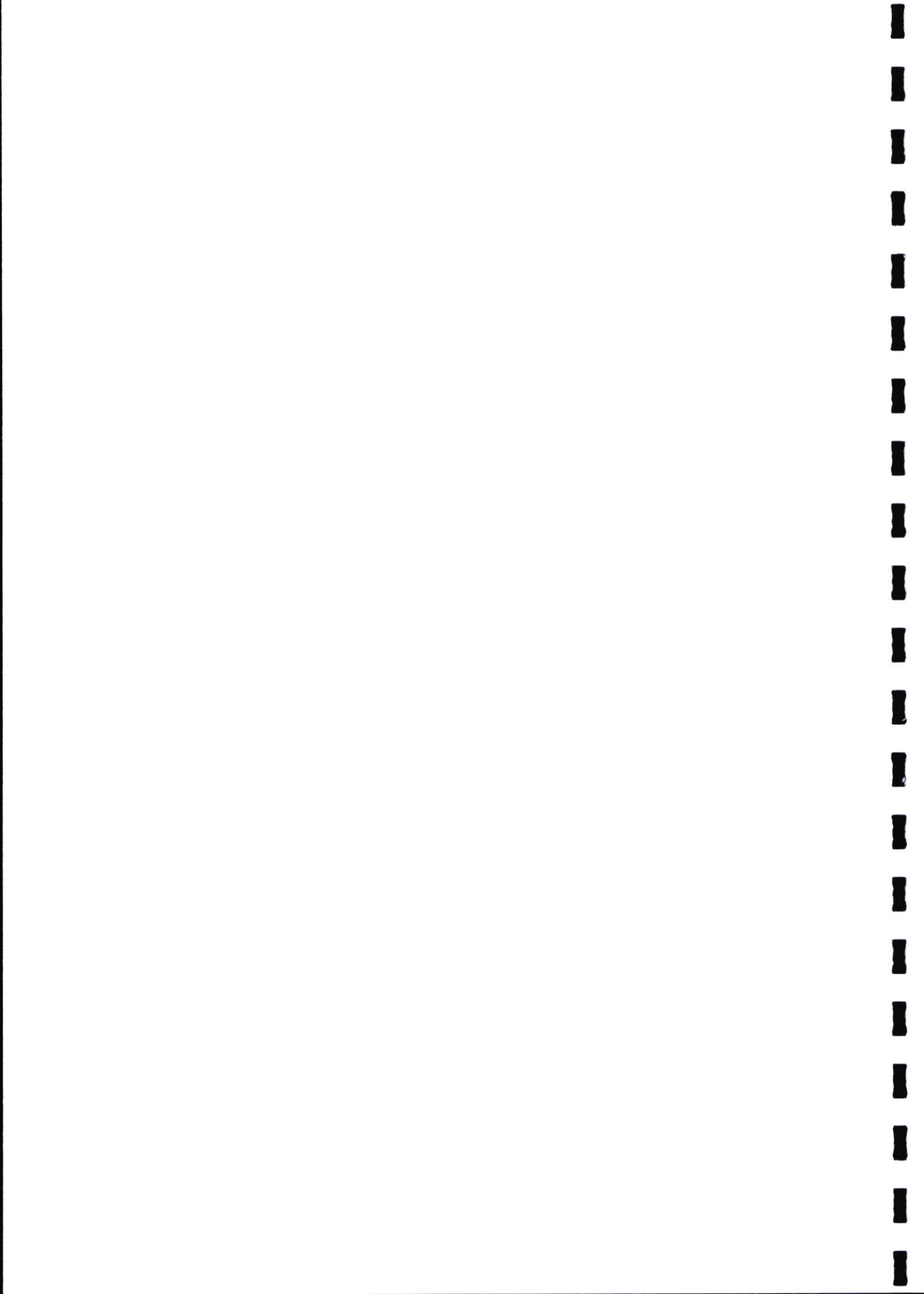


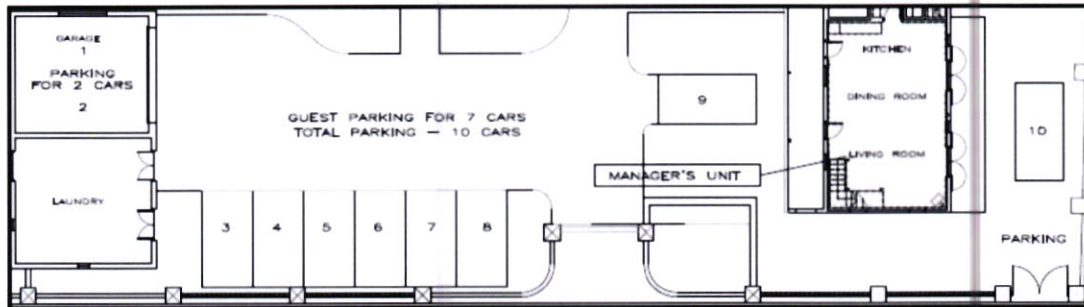
The main swimming pool and garden area



A section of the landscaped gardens

Provision has been made for adequate parking for guests, the one-site manager and the owners as illustrated on the site plan.





Extract from the ground floor plan indicating the parking provision



Parking area available for guest vehicles

In summary the proposal entails expanding the approved guest facility by increasing number of guest bedrooms from four to seven, adding an area for guest facilities, a manager's one-bedroom unit and the retention of the first floor on the central building as the owner's accommodation. No new construction is involved and adequate parking is provided.

10) **Motivation**

The application is motivated as follows:

10.1) **Desirability of the Proposal**



Section 49 (d) of the Western Cape Land Use Planning Act (LUPA), Act 3 of 2014 requires that the desirability of the proposed land use should be one of the factors forming the basis of assessment of land use applications.

The concept of **desirability** may be defined as the degree of acceptability of a specific proposal on a property within an existing natural or man- made environment.

The desirability of this application is illustrated in terms of the relevant factors.

10.2) **Relevant Guidelines**

An important consideration when assessing the desirability of a new planning proposal is the extent to which the proposal complies with the available planning guidelines compiled to manage the development of the applicable area. In terms of Sections 49 (a) and (b) of LUPA the applicable spatial development frameworks and structure plans must be considered when a municipality considers a land use application. In the case of the proposed use of Erf 3462 various guidelines at different levels need to be considered.

The following documents are considered to be relevant to the application:

10.2.1) **Western Cape Government Spatial Development Framework**

Objectives of PSDF

The Western Cape 2014 PSDF puts in place a coherent framework for the Province's urban and rural areas that:

- i. gives spatial expression to the National and Provincial development agendas;
- ii. serves as basis for coordinating, integrating and aligning 'on the ground' delivery of National and Provincial departmental programmes;
- iii. supports municipalities to fulfil their municipal planning mandate in line with the National and Provincial agendas; and
- iv. communicates government's spatial development intentions to the private sector and civil society.



The following extracts are considered to be of relevance to this application:

Opening-up opportunities in the Provincial space-economy

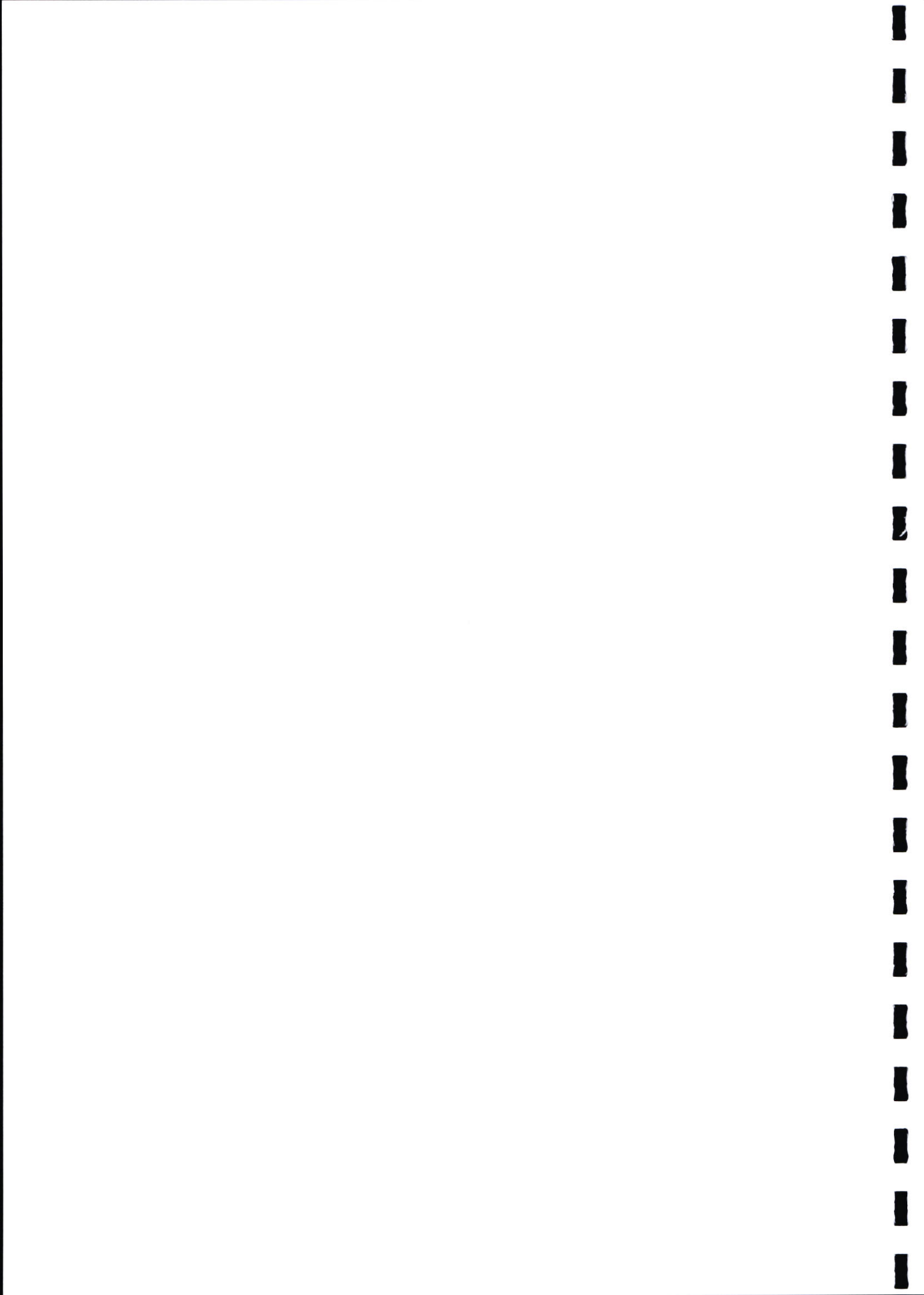
The province's economy is made up of the diverse economic activities in the provinces urban centres and its rural areas, and the relationship of these places and spaces to the infrastructure that connects and supports them. A space-economy that opens-up livelihood and income earning opportunities, attracts private investment, and promotes inclusive growth, is a focus area of the PSDF.

Note: It is contended that the proposed addition to the tourist facilities in the form of additional guest rooms on Erf 3462 known as Franschhoek Manor Guest House is consistent with the type of activities promoted by the PSDF.

Policy E2 under Paragraph 3.2.3.3 deals with how to **Diversify and Strengthen the Rural Economy**. Policy 4 says the following with regard to development outside the Urban Edge: *Compatible and sustainable rural activities (i.e. activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate) and are of an appropriate scale and form can be accommodated outside the urban edge (except in bona fide wilderness areas).*

This policy acknowledges the role which the rural economy can play in the overall economy and is of particular relevance to the greater Stellenbosch area. It is contended that the proposal on the property under consideration presents an opportunity where this policy to allow compatible and sustainable activities, can be applied to promote appropriate development outside the urban edge.

The proposal for Erf 3462 as outlined in the application where an addition to an appropriate tourist facility will be provided in a manner which will not be detrimental to the surrounding area, can be considered to be consistent with the approach promulgated in the PSDF in that it strives to ensure the **sustainability** of the property by contributing to **tourism** in a manner which will not be detrimental to the wider area and the surrounding property owners.



10.2.2) Western Cape Land Use Planning Guidelines Rural Areas - March 2019

The background to the guidelines stems from a recommendation in the Provincial Spatial Development Framework of 2014, that the draft Western Cape PSDF Rural Land Use Planning and Management Guidelines, 2009 to support and guide the implementation of the Provincial agenda in rural areas, be reviewed. The Western Cape Department of Environmental Affairs and Development Planning initiated the review process in 2017, which resulted into the guideline document.

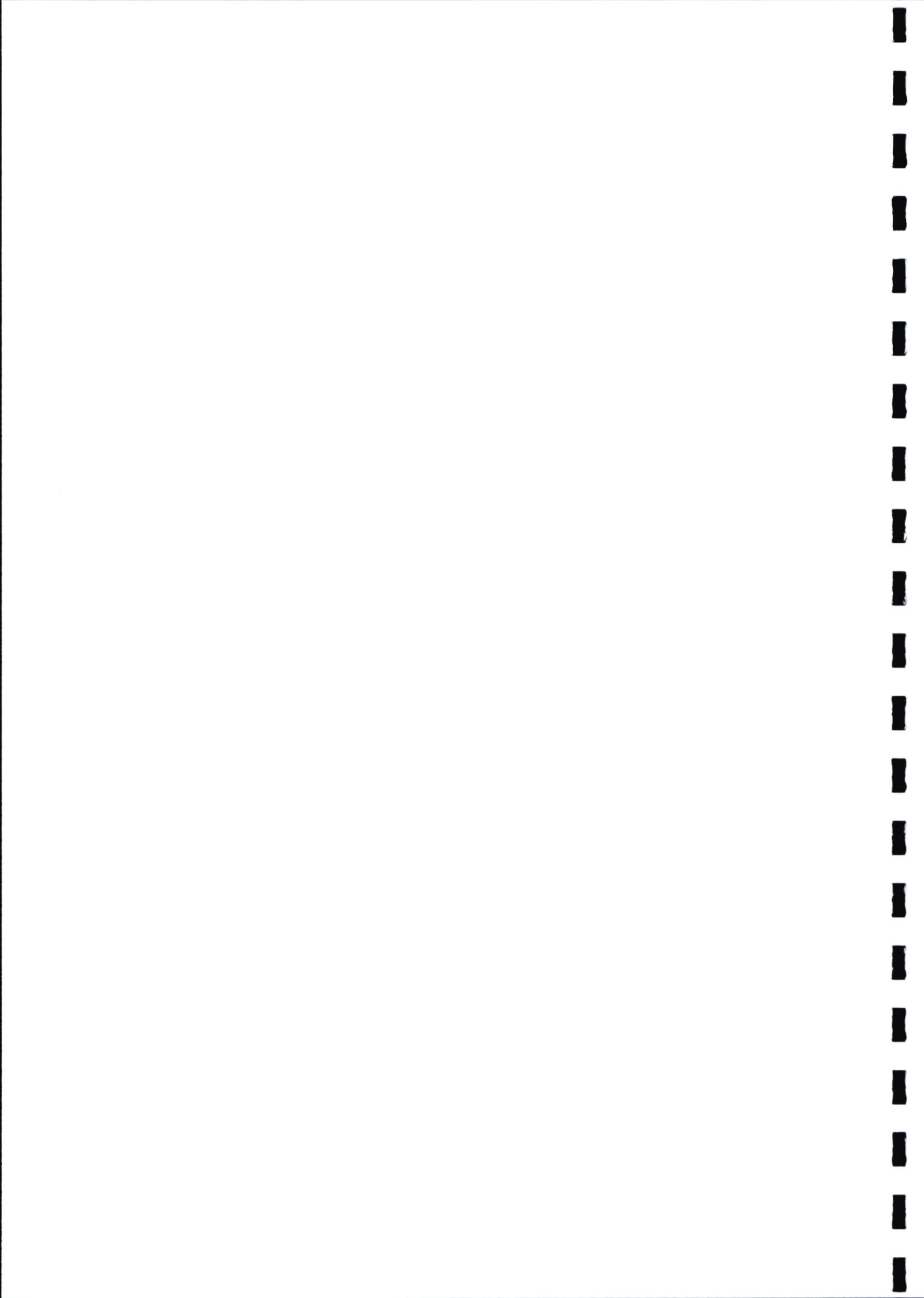
The following extracts are relevant to the application under consideration:

In brief the OBJECTIVES OF THE RURAL AREAS GUIDELINES may be summarized as follows:

- Promote sustainable development in appropriate rural locations and ensure the inclusive growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecological infrastructure and ecosystem services.
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to plan and manage their rural areas more effectively.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate beyond the current built-up areas, suitable locations where it could take place, and the desirable form and scale of such development.
- Be viewed as a gender mainstreaming tool.

The Rural Areas Guideline supports the roll-out of the implementation of the PSDF and its call to open up opportunities in the rural space-economy.

The following extracts from the guidelines document deals more specifically with Rural Accommodation:



Chapter 10: **Rural Accommodation**

Guideline Summary: Given the Western Cape's unique rural communities and landscapes, tourism offers exciting prospects to diversify and strengthen the rural economy. Accordingly, the WCG approach to Rural Accommodation, is to facilitate the provision of a variety of short-term tourism accommodation across the rural landscape, that is in keeping with the local character.

TOURIST ACCOMMODATION

OBJECTIVES

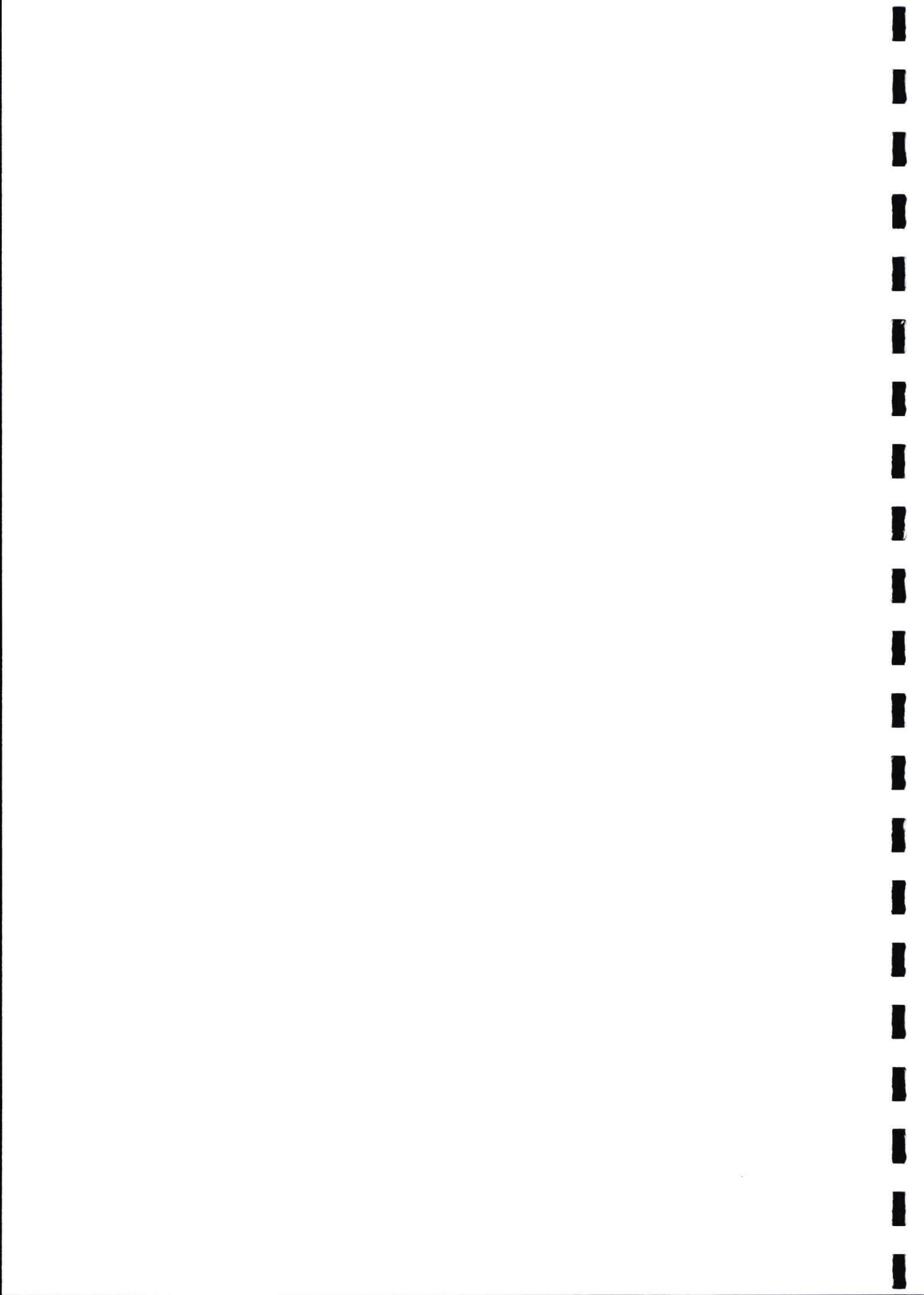
- To provide a range of opportunities, including different typologies, for tourists and visitors to experience the Western Cape's unique rural landscapes; e.g. additional dwelling units on farms, B&Bs, guesthouses, backpacker lodges, lodges, resorts, hotels, and camping sites.
- To offer more people access to unique tourism and recreational resources in sought-after natural areas, where it would not otherwise have been possible.
- To contribute towards the sustainability and well-being of the relevant areas where tourist accommodation is considered.
- To align the scale and form of overnight facilities with the character and qualities of the Western Cape's diverse rural areas.
- To diversify farm income.
- To provide accommodation in proclaimed nature reserves.

GUIDANCE FOR IMPLEMENTATION

Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.

Tourist accommodation in the rural landscape should be clustered in visually discreet nodes.

Tourist accommodation in the rural landscape should cater exclusively for the temporary accommodation for in-transit visitors.



The form and scale of tourist accommodation should reinforce rural landscape qualities. Information on the architectural design must be provided, for the purposes of heritage and visual assessments.

Buildings should include appropriate buffers, landscaping and screening to reduce their visual impact on the rural landscape.

The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities.

Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.

Tourist accommodation facilities where appropriate, should be located within or peripheral to the farmstead. The buildings should complement the farm's vernacular.

A site development plan must be submitted to the municipality for consideration. The exact proposed footprint must be shown on the site development plan, it should illustrate the placement of the facility in relation to existing buildings on the farm, and provide details on infrastructure provision, engineering services, access and parking arrangements and the position and nature of all proposed signage and landscaping.

Comment:

The guidelines for tourist accommodation in rural areas, encourage and make specific provision for such accommodation in order to achieve certain objectives including to diversify farm income and to contribute towards the sustainability and well-being of the relevant areas. The current proposal to expand the tourist accommodation facilities of Erf 3462 in the form of seven guest rooms contained in the existing building infrastructure is consistent with the prescriptions of the guidelines in that:

- The buildings are clustered visually;
- The guest rooms will cater exclusively for the temporary accommodation for in-transit visitors.



- There is landscaping and screening to reduce the visual impact on the rural landscape.
- The cumulative effect of all ancillary and non-agricultural land uses do not detract from the rural character of the landscape, given that existing buildings are being utilized.
- Use is being made of existing buildings in preference to erecting a new building.
- A Site Development Plan for the property as a whole is submitted in support of the application.

It is consequently concluded that the proposal is consistent with the guidelines for rural areas.

10.2.3) Stellenbosch Municipality Spatial Development Framework – June 2019

The previously approved version of this plan of May 2017 has been revised and a final draft dated June 2019 was advertised for comment. This document which covers the entire Stellenbosch Municipal area deals with a wide variety of subjects related to spatial planning and the future path of development for the greater Stellenbosch area.

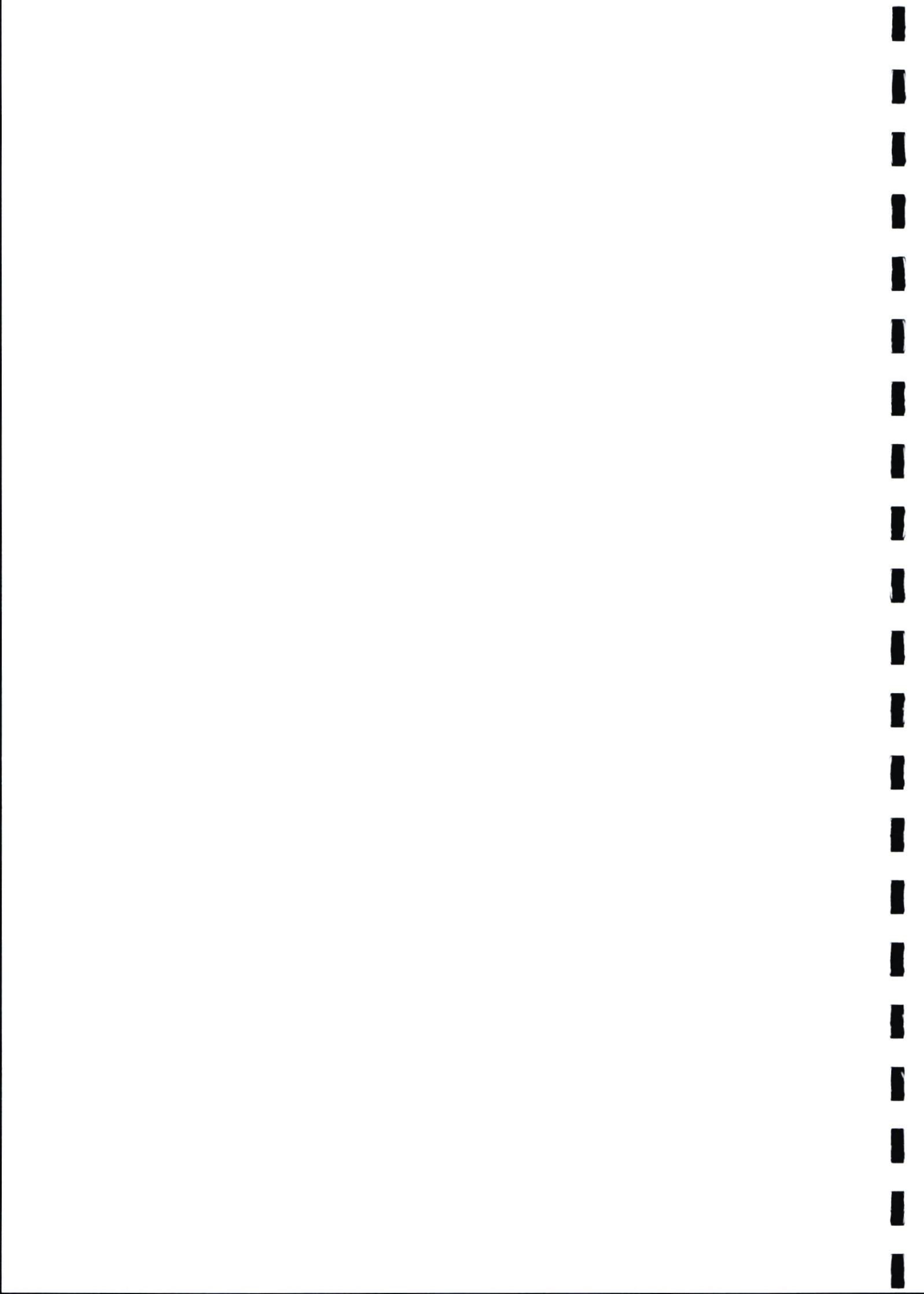
As the Stellenbosch municipal area is sought after for the opportunity and quality of living it offers, much of the municipal area is constantly under pressure for development. The Municipal Spatial Development Framework seeks to play a key role in managing these pressures.

The following extracts are considered to be relevant to this application:

Part 5 deals with Plans and Settlement Proposals for the various settlements, sub-areas and for the area as a whole.

The following is stated regarding the plan for the area as a whole:

The overall plan indicates a municipal area largely set aside as protected and managed areas of nature and high value agricultural land. These areas of nature and agriculture are critical in delivering various ecological and economic services and opportunity. Significant change in use and land development is not envisaged in the nature and agricultural areas. Only non-



consumptive activities are permitted (for example, passive outdoor recreation and tourism, traditional ceremonies, research and environmental education) in core nature areas. In agricultural areas, associated building structures are permitted, as well as dwelling units to support rural tourism, and ancillary rural activities that serves to diversify farm income. However, these should not undermine the sustainability of agricultural production, and adhere to the guidelines contained in the SEMF and “Western Cape Land Use Planning: Rural Guidelines”.

Comment:

It is argued that the proposal for Erf 3264 is consistent with the Spatial Framework guidelines in that it supports rural tourism in an appropriate form.

10.2.4) General Compliance with Spatial Plans.

No specific approved detailed spatial plan exists for the area in which the subject property is located. The proposal must therefore be assessed in terms of the available policy documents applicable to the greater Stellenbosch municipal area.

From the contents of the above paragraphs it is evident that the introduction of additional guest bedrooms in the existing buildings on Erf 3462 Franschhoek will be in compliance with the policies and guidelines as contained in the relevant forward planning documents.

10.3) Development Principles as contained in the relevant Planning Legislation

Planning proposals are required to comply with certain **development principles** as spelt out in the current planning legislation including the Spatial Planning Land Management Act, Act 16 of 2013 and the Land Use Planning Act, Act 3 of 2014. These principles including spatial justice, spatial sustainability, principles of efficiency, good administration and spatial resilience are generally overarching principles applying to planning at a wider scale.

The principles of **Spatial Sustainability** and **Efficiency** can be applied to the proposal for Erf 3462. Spatial sustainability requires that land development should be promoted in locations that are sustainable while the



principle of efficiency requires that land development optimizes the use of existing resources and infrastructure.

The proposal for Erf 3462 is considered to be compliant with these principles in that the property is located in an area where tourism facilities are appropriate and due to the fact that the proposed new activities will contribute towards maximizing the use of the existing infrastructure, namely the buildings, parking areas and services which have been installed.

10.4) Potential Impact on the Existing Character of the Area and on the Rights of Surrounding Landowners.

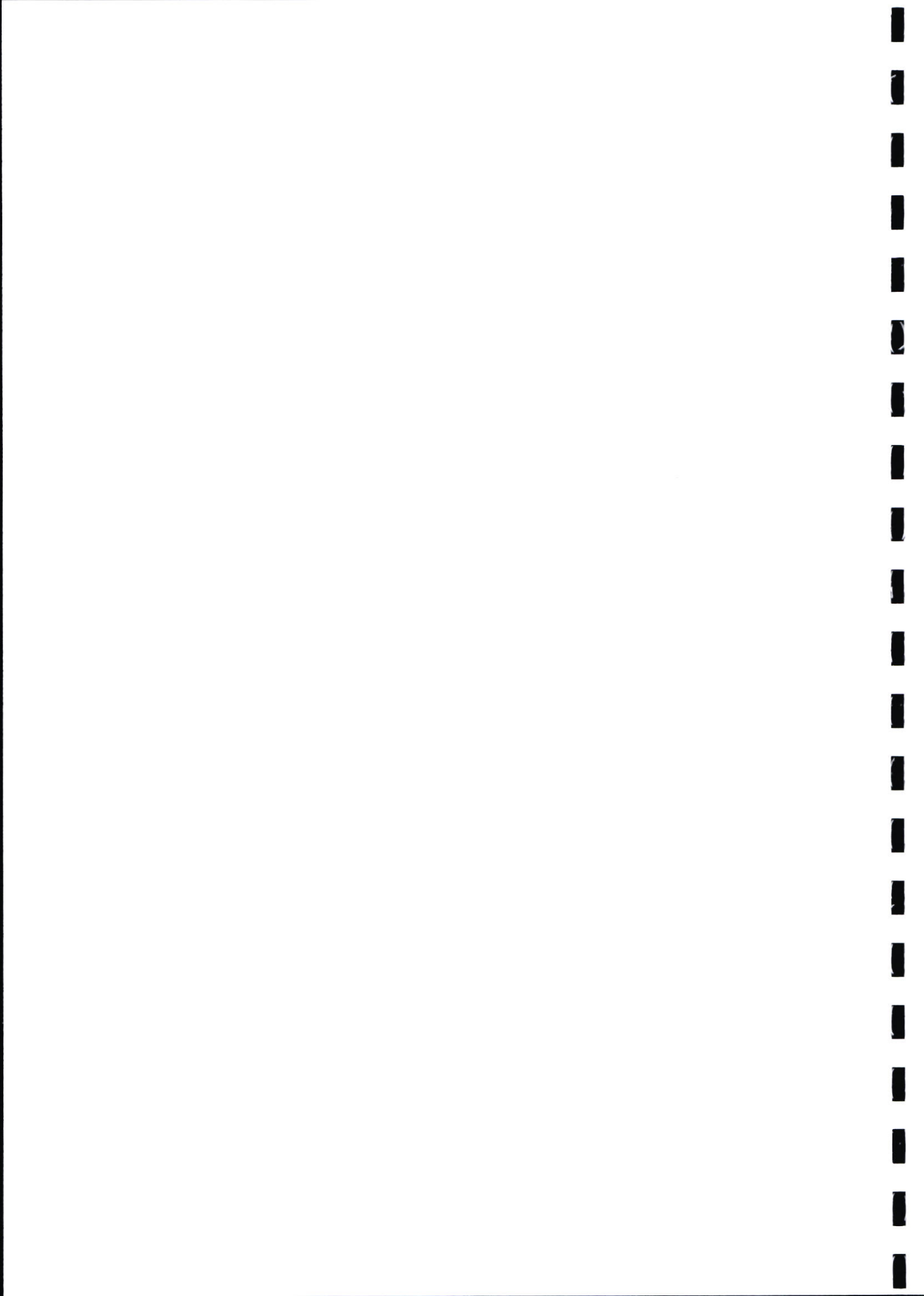
As can be seen from the orthophoto provided of the surrounding area, the property concerned is located in an area of agricultural smallholdings and small farms most of which contain a main dwelling and outbuildings. Due to the limited size of the properties they are mostly used for residential purposes and in some cases for 'hobby' farming on a small scale. The provision of tourist accommodation to supplement income is a common occurrence on numerous Franschhoek smallholdings. The attractive rural nature of the area is conducive to promoting tourist accommodation facilities of a limited scale. The proposed extended use of the facilities within the existing buildings on Erf 3462 should not be in conflict with character of the surrounding area.

The buildings on the property to be used by visiting tourists are situated a reasonable distance from the surrounding dwellings. Any impact on the surrounding properties will be further reduced by the existing vegetation and boundary walls. Furthermore, the property borders on the Franschhoek River with dense vegetation which forms an effective barrier to properties to the north.

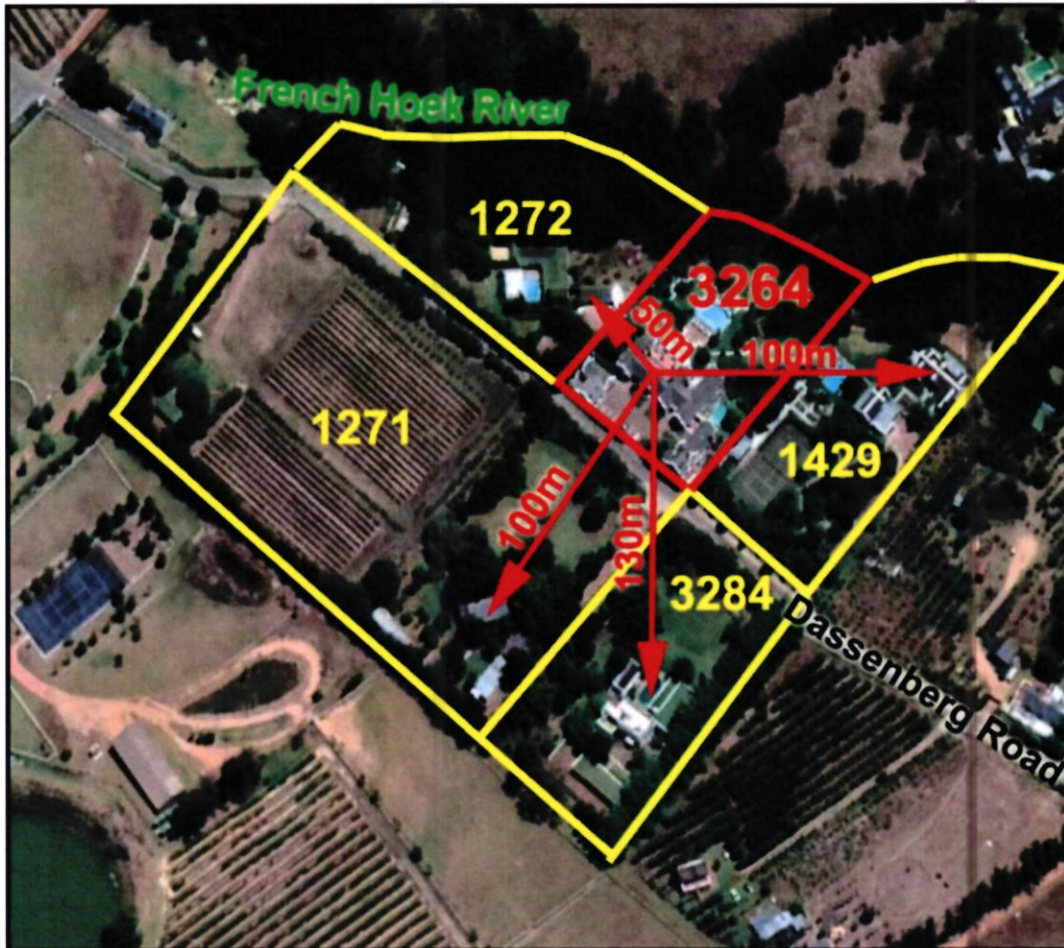
To a certain extent the guest house facility will be self-regulating in that it will be in the interest of the operator to ensure that a quiet rural/agricultural atmosphere is maintained as this is one of the primary attractions for visitors.

It is therefore concluded that the Guest House facility will be compatible with the character of surrounding area and will not impact detrimentally on the surrounding landowners.

Access is obtained directly off Dassenberg Road which is a tarred local road



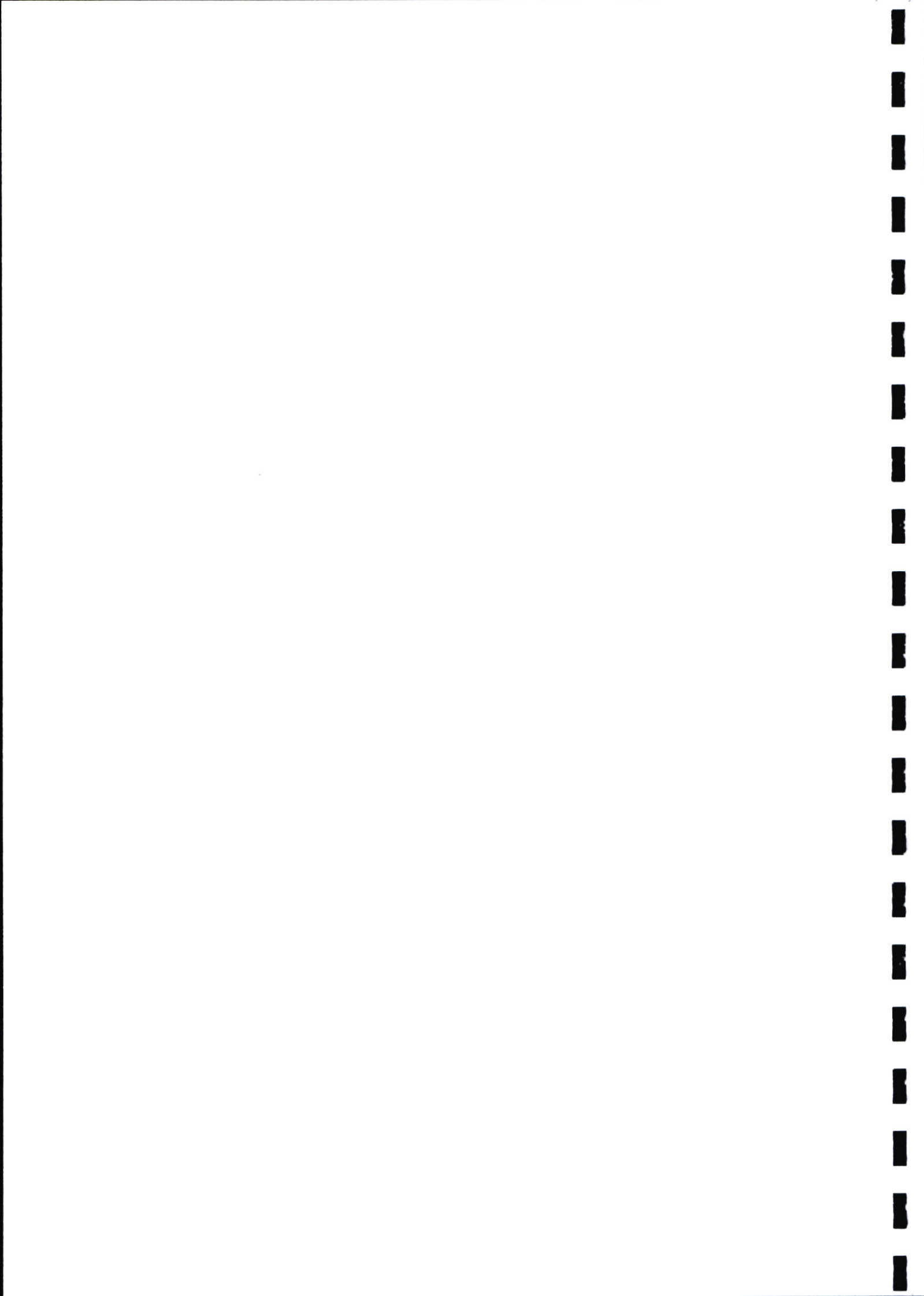
which carries a relatively low volume of traffic. Consequently, no significant inconvenience is likely to result from the limited number of guest's vehicles visiting the facility.



Orthophoto indicating the distance of the Guest House facility from the dwellings on the abutting properties.

9.4) Potential Environmental Impact of the Proposal

Given that the proposal involves the use of the existing buildings and infrastructure, no additional environmental impact is envisaged. The improvements made to the gardens and buildings have made a positive contribution to improving the surrounding environment. No areas of natural vegetation which could be impacted upon remain on the property.



9.5) Economic Benefits

The expanded guest house facility will ensure that several employment opportunities for staff from the local community are retained. The current full-time staff compliment is as follows:

- 2 managers, one of whom resides on the property;
- 2 kitchen staff;
- 3 cleaning staff who also handle laundry;
- 1 Gardner.

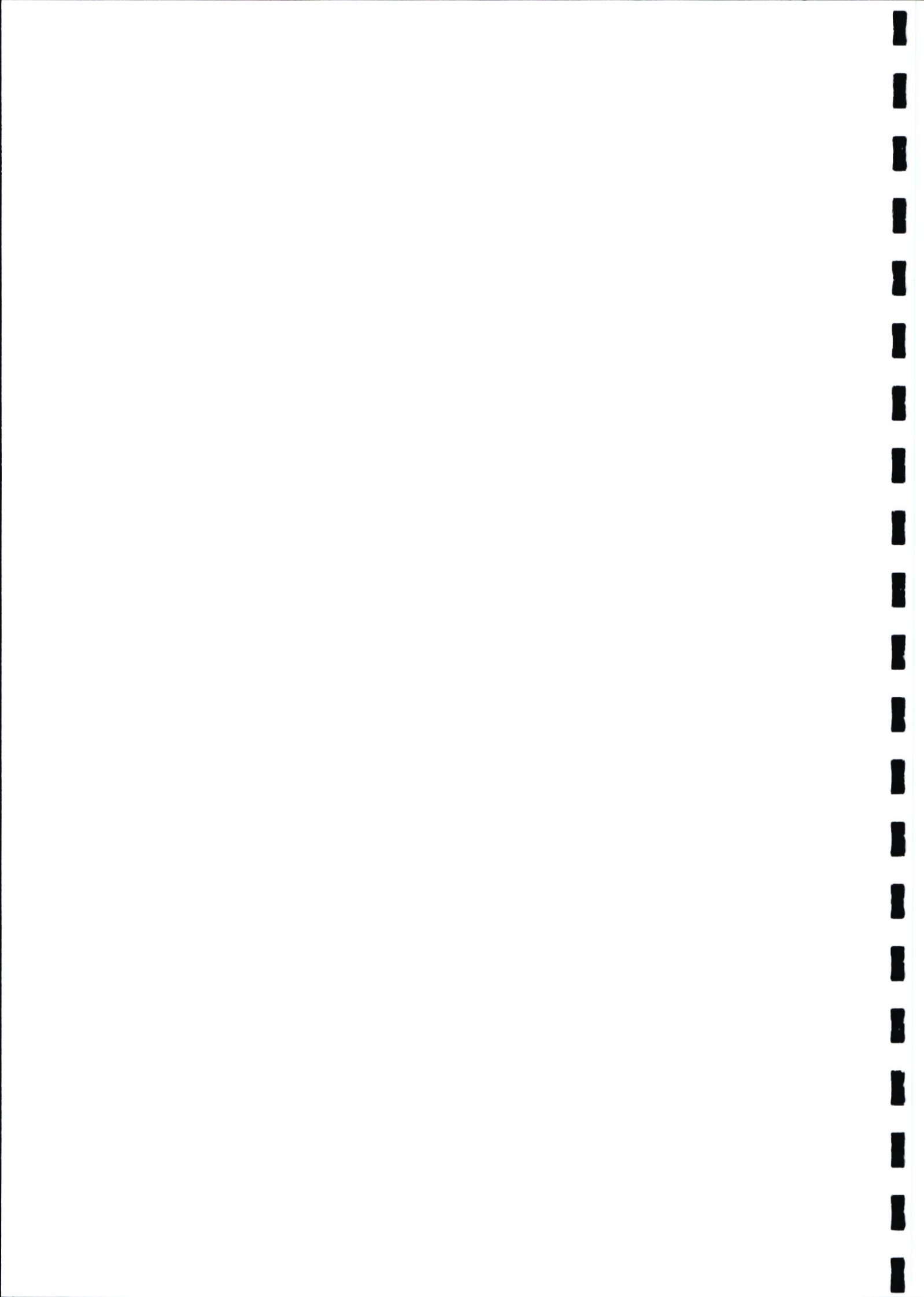
In addition, certain service providers and caterers will also benefit. The benefits of tourism for the Franschoek area are well known. The facility will also help to ensure that the smallholding remains a viable entity.

9.6) Potential Impact on Traffic and Parking in the Area

The property currently obtains direct access off the relatively quiet Dassenberg Road. The expanded guest house facility which will operate from the existing buildings is not expected to generate substantially more traffic. Many of the guests visiting the facilities are international visitors who are conveyed by a transport service offered and do not drive their own vehicles.

The access way and designated parking areas are however adequate to cater for visitors traveling in private vehicles. The guests visiting the property will come and go at intervals dispersed over a period of time and therefore no 'peak' period will be created. A total of 7 bays are set aside for visitors parking in addition to the owner's/staff parking in the double garage and one additional bay.

The existing access off Dassenberg Road is considered to be safe with fair sight distances in both an easterly and westerly direction. See photographs below.





Access gate off Dassenberg Road



Sight distance in a westerly direction from entrance gate





Sight distance in an easterly direction from the entrance gate

9.7) Provision of Services

The existing buildings are currently provided with the full spectrum of municipal services with the exception of potable water, which should be adequate to serve the needs of the expanded guest facilities given that only existing buildings are to be utilized. Water is provided from an on-site borehole with a storage tank with adequate capacity. The water is also treated to ensure its suitability for human consumption.





Water storage tank fed from an on-site borehole



Part of the filtration/purification system



11) Concluding Summary

The proposal to permit the operation of an expanded guest house facility containing seven guest bedrooms from the existing buildings on Erf 3462 Franschoek is considered to be **desirable** for the following reasons:

- ❖ The proposal is in keeping with the relevant guideline documents for the Franschoek area which considers tourist accommodation of an appropriate scale to be an acceptable land use within a smallholding/rural area;
- ❖ The proposed land use is not expected to have any significant negative impact on the surrounding properties or the character of the wider area;
- ❖ The location of the expanded facility is sufficiently isolated from the surrounding dwellings and farmsteads so as not to have any significant impact on them.
- ❖ The boundary walls and the well-established vegetation minimizes the chances of any disturbance to the neighbors;
- ❖ The continued successful operation of the facility is largely dependant on the rural/agricultural character and atmosphere being maintained. Any actions by the operators of the facility which are in conflict with maintaining the prevailing character will be to their own detriment and will therefore preferably be avoided.
- ❖ The introduction of the expanded facility will contribute towards promoting tourism in the area thereby boosting the local economy.
- ❖ The future of several direct and indirect work opportunities will be secured and as such will help to reduce unemployment.
- ❖ The guest house facility will be operated from the existing buildings on the property which have been upgraded;
- ❖ The intended scale of the facility with seven on-suite bedrooms



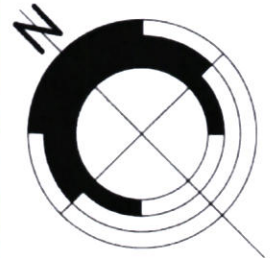
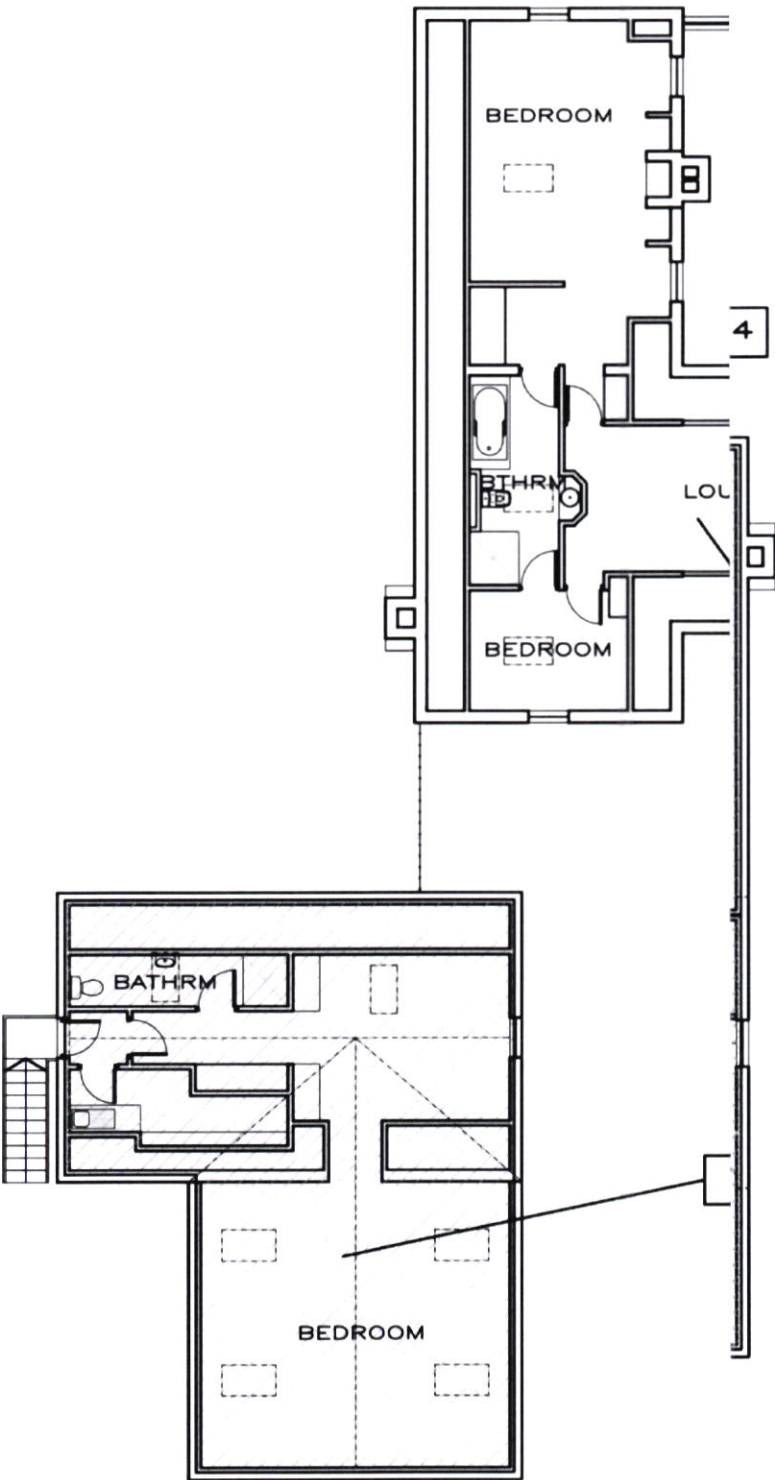
catering for a maximum of fourteen guests is not excessive given the size of the property and the nature of the area;

- ❖ The operator of the guest facility will reside on the property;
- ❖ Suitable and sufficient on-site parking for guests is provided;
- ❖ Access to the guesthouse is obtained via an acceptable existing access way with adequate sight distances in both directions;
- ❖ No significant impact on traffic in the area is envisaged;
- ❖ Use will be made of the existing services and therefore no additional demands will be placed on the local services infrastructure;
- ❖ The guest house facility will make a contribution towards accommodating international tourists who bring in much needed foreign capital into the country.

It is consequently concluded that the application for a consent use to permit an expanded guest house facility on Erf 3462 Franschoek as set out in the application be deemed to be **desirable** and should be **supported** by Council.

Report compiled by Peter Mons Pr Pln– Professional Planning Consultant –September
2019.





AMENDMENTS

PROJECT	FRANSCHHOEK MANOR ERF 3462 FRANSCHHOEK
DRAWING TITLE	FIRST FLOOR PLAN

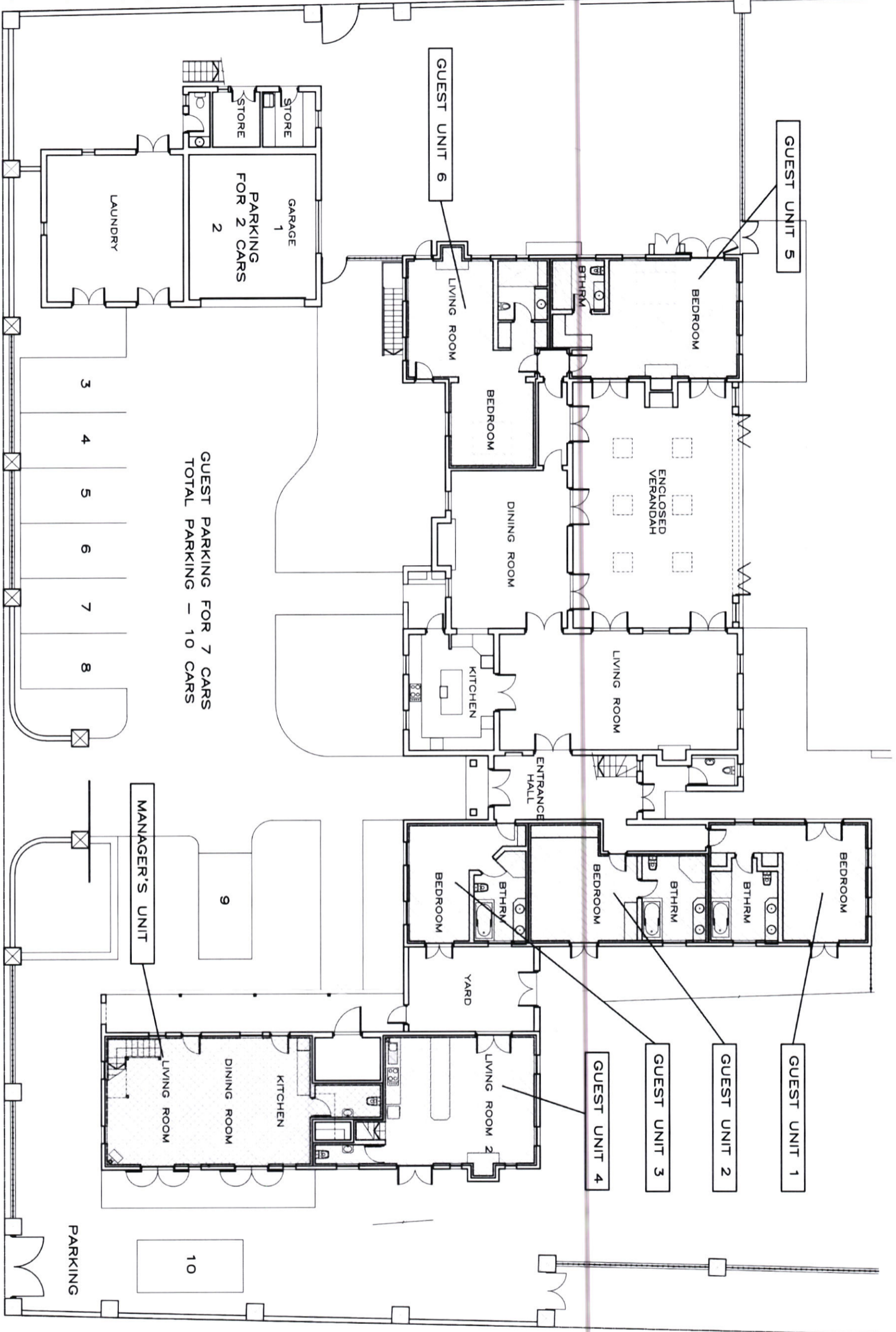
THE DESIGN SHOWN ON THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECT. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS. THE CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. SUB-CONTRACTORS MUST VERIFY ALL DIMENSIONS ON THE JOB AND SUBMIT SHOP DRAWINGS TO THE ARCHITECT BEFORE COMMENCING ANY WORK. FOR REINFORCING CONCRETE AND STRUCTURAL STEEL WORK SEE ENGINEER'S DRAWINGS

ARCHITECT	
OWNER	
SCALE	DATE
1:200	SEPTEMBER 2019
DWG NO.	REV
GA2	



Layout of

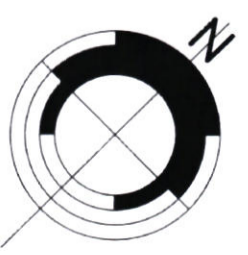




Ground Floor Plan 1:200

Layout of Guest Rooms - Franschohoek Manor

GUEST PARKING FOR 7 CARS
TOTAL PARKING - 10 CARS



AMENDMENTS	
PROJECT	FRANSCHHOEK MANOR
	ERF 3462
	FRANSCHHOEK
DRAWING TITLE	GROUND FLOOR PLAN
ARCHITECT	
OWNER	
SCALE	DATE
1:200	SEPTEMBER 2019
DWG NO.	REV
GA1	

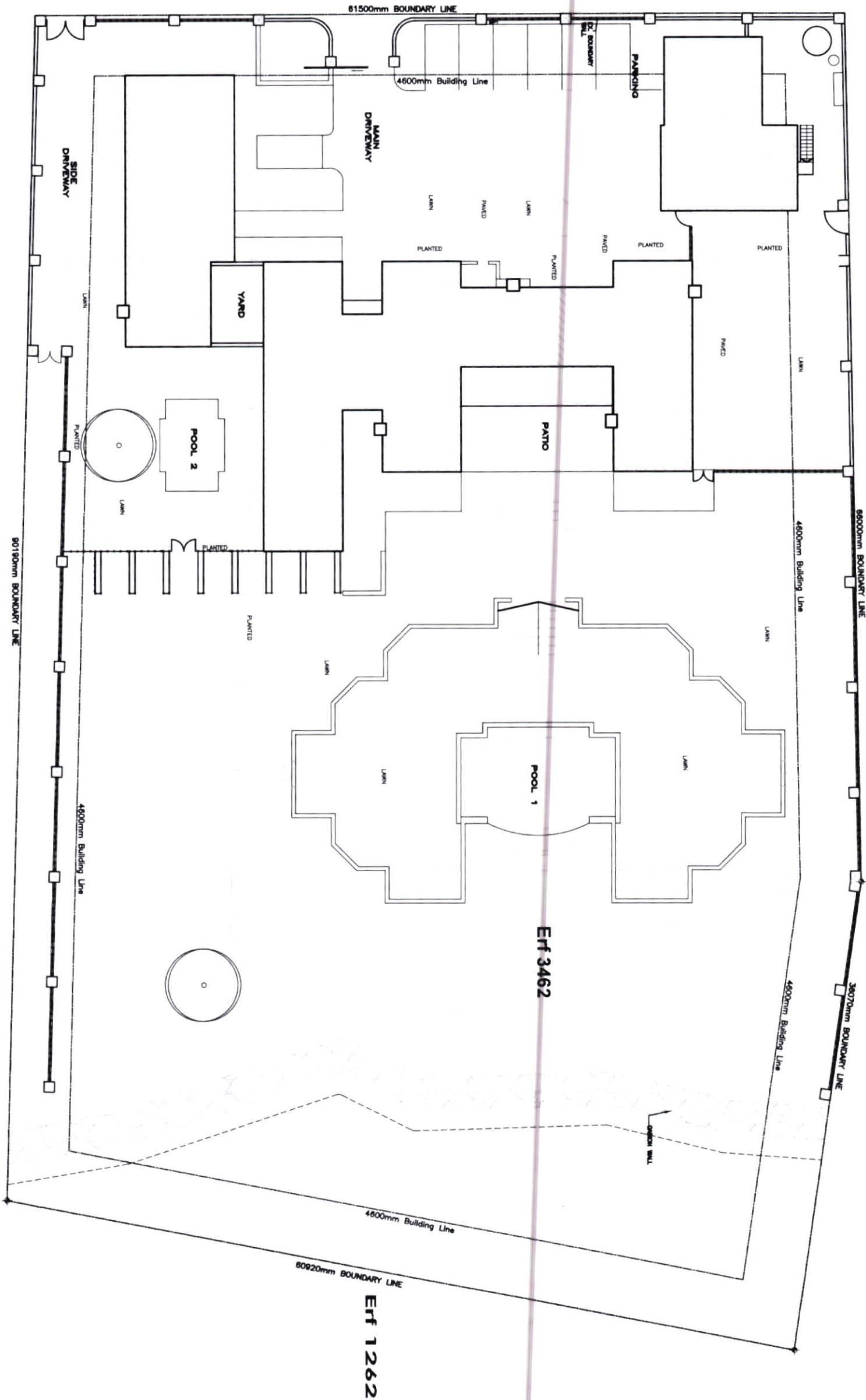
THE DESIGN SHOWN ON THIS DRAWING IS THE PROPERTY OF THE ARCHITECT. ANY REVISIONS TO BE MADE IN ACCORDANCE TO THE CLIENT'S REQUIREMENTS SHALL BE MADE BY THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THIS DRAWING. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THIS DRAWING. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THIS DRAWING.



12 D S BOTHA STREET GREYTON 7233
CELL 082 7729100 - g9@office.com



Erf 1272



Site Plan 1:400

Application for Additional Guest Rooms - Franschhoek Manor



AMENDMENTS	
PROJECT	FRANSCHHOEK MANOR
	ERF 3462
	FRANSCHHOEK
DRAWING TITLE	SITE PLAN

THE DESIGN SHOWN ON THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECT. THE CLIENT ACCEPTS THE RESPONSIBILITY FOR THE DESIGN AND LIVES WITH THE CONSEQUENCES. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO THE PROPERTY OR PERSONS AND/OR THINGS CAUSED BY THE ARCHITECT BEFORE COMMENCING WORK. SEE ENGINEER'S DRAWINGS.

ARCHITECT	
OWNER	
SCALE	DATE
1:400	SEPTEMBER 2019
DWG NO.	REV
GAS	







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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Enquiries
Your ref
Our ref
Application no
Date
Telephone
Fax

R Fooy / S Matthee

Erf 1273, Franschhoek
LU/889
2010-06-24
021 808 8660 / 8665
021 808 8651

Peter G Mons – TRP (SA)
59 Acasia Street
Heldervue
SOMERSET WEST
7130

FINAL NOTIFICATION LETTER

Dear Sir / Madam

APPLICATION FOR SPECIAL CONSENT ON ERF 1273, FRANSCHHOEK

My previous correspondence dated 26 May 2010 and your fax dated 7 June 2010 refer.

I wish to advise that the appeal process has now been concluded and that the decision as per Council's previous letter of approval is therefore now considered final. Accordingly, you may now act on the decision, subject to compliance with the conditions detailed in my letter dated 26 May 2010.

Yours faithfully

for ACTING DIRECTOR : PLANNING & DEVELOPMENT SERVICES





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Navrae / Enquiries
U verwysing / Your ref.
Ons verwysing / Our Ref.
Aansoek/Application no:
Datum / Date
Telefoon / Telephone
Faks / Fax

R Fooy / S Matthee
-
Erf 1273, Franschhoek
LU/889
2010-05-26
021-808 8660 / 8665
021-808 8651

REGISTERED POST

Peter G Mons Planning and Development Consultant
59 Acasia Street
Heldervue
SOMERSET WEST
7130

Sir/Madam

APPLICATION FOR SPECIAL CONSENT ON ERF 1273, FRANSCHHOEK

Your application in the abovementioned regard, refers.

The Acting Director Planning and Development Services at a recent meeting resolved as follows:

1. That **approval be granted** in terms of Franschhoek Zoning Scheme for a Special Consent to utilize a portion of the existing buildings on Erf 1273, Franschhoek for Bed and Breakfast purposes as indicated on Drawing No 1273-01-2010, dated 15-10-2010, attached as Appendix C, subject to the conditions contained in Appendix A.

In terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal, in which case you may upon request be given the opportunity to appear in person before the Appeal authority to state your case. A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R291,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to Town Planning, ground floor, municipal building, Plein Street, Stellenbosch, within 21 days of the date of registration at the Post office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council's Appeals Committee before or after the matter is heard. Should no appeal be received within such appeal period, or upon conclusion of this appeal process, you (as well as any objectors, if any) will be advised of a further right of appeal in terms of Section 44 of Land Use Planning Ordinance, No 15 of 1985 in due course.



Kindly note the above Council decision 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

A handwritten signature in black ink, appearing to read 'S. J. ...'.

p ACTING DIRECTOR : PLANNING AND DEVELOPMENT SERVICES

/sm





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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT
Department: Planning and Development
Department: Beplanning en Ontwikkeling

APPENDIX A

FILE NO: 1273FH

in this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site " means Erf 1273

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL: **Special Consent** to utilize a portion of the existing buildings on Erf 1273, for Bed and Breakfast purposes as indicated on Drawing No. 1273-01-2010, dated 15-10-2010, attached as **Appendix C**.

CONDITIONS IMPOSED: Special Consent Use Conditions.

CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985:

1. The approval applies only to the special consent use applied for, as per Drawing No.1273-01-2010, dated 15-10-2010, attached as Appendix C and shall not be construed as authority to depart from any other legal prescriptions or requirements of Council.
2. That the existing outbuilding be used for the B & B purposes only;
3. That the B & B be limited to four (4) guestrooms;
4. That owner of the property must apply for the applicable business licenses in terms of the Business Act, No 71 of 1991;
5. That Council reserves the right to impose any further conditions if needed


Z. Duze

Assistant Director: Land Use Management

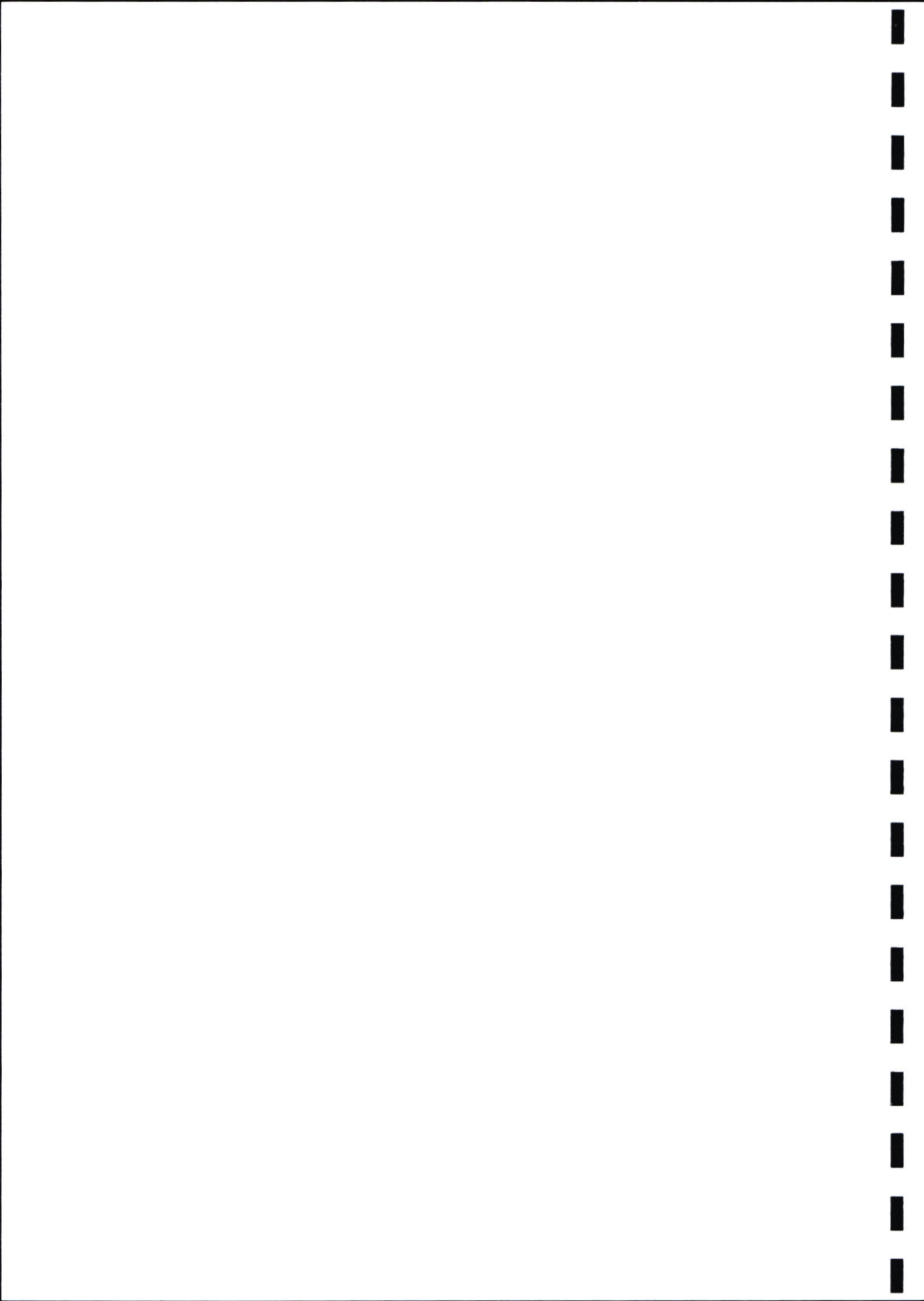
11/10/2010
Date

THE DIRECTOR: PLANNING AND DEVELOPMENT HEREBY APPROVES THE ABOVE RECOMMENDATION UNDER DELEGATED AUTHORITY:


B. De La Bat

Acting Director: Planning and Development

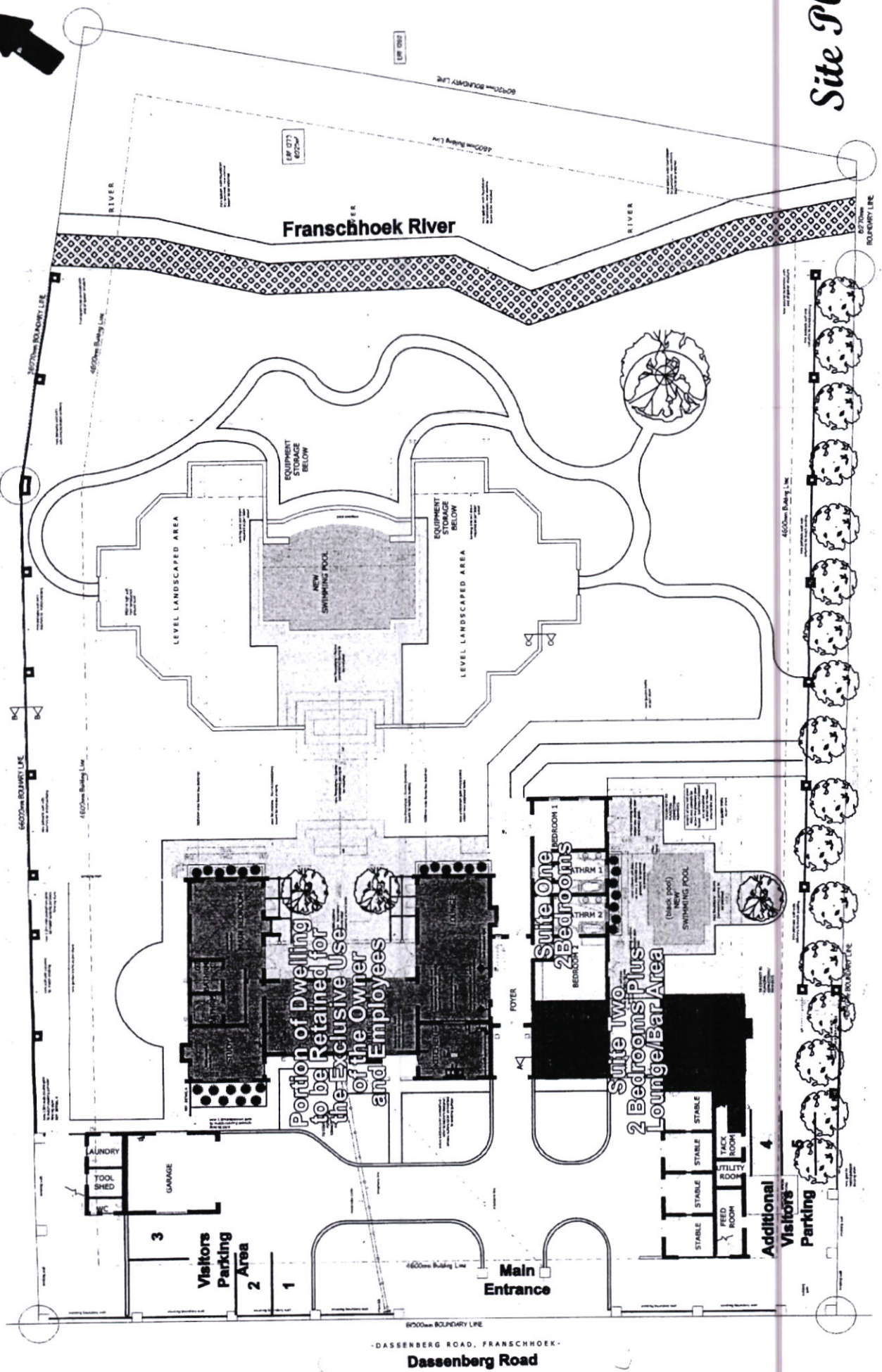
20/5/2010
Date



Annexure C
000

Site Plan

Drawing No. : 1275-01-204
Date : 15-10-2009



Portion of Dwelling
to be Retained for
the Exclusive Use
of the Owner
and Employees

Suite One
2 Bedrooms

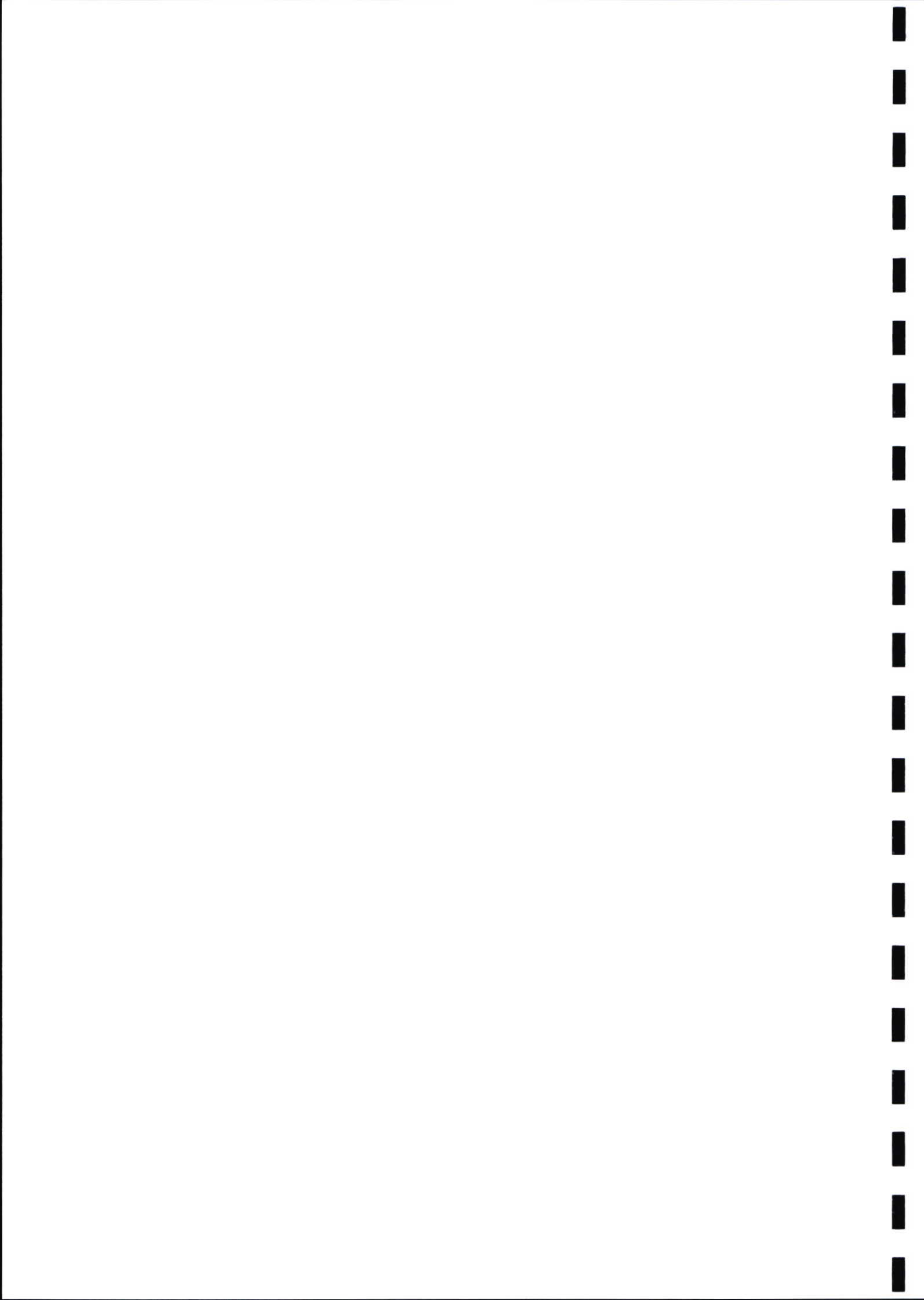
Suite Two
2 Bedrooms Plus
Lounge/Bar Area

Visitors
Parking
Area

Additional
Visitors
Parking

DASSENBERG ROAD, FRANSCHÖEK.
Dassenberg Road

1:100 SITE/GROUND FLOOR PLAN



POWER OF ATTORNEY

I the undersigned,

Pethra Elma Charlotte Bloos

Being the owner of Erf 1273 Franschhoek

do hereby nominate, constitute and appoint **Peter G Mons, Professional Town Planner** with power of Substitution, to be my lawful Attorney and Agent.

To make Application and sign the necessary Application Forms in terms of

- 1) **Stellenbosch Municipality Land Use Planning By-Law, 2015**
- 2) **Any other applicable Acts/Ordinances**

with respect to a Consent Use to expand and operate the Guest House on Erf 1273 Franschhoek, situate in the Municipality of Stellenbosch, Division Paarl, Western Cape Province.

and generally for effecting the purposes aforesaid, to do or cause to be done, whatsoever shall be requisite as fully and effectually, to all intents and purposes, as I might or could do if personally present and acting herein – hereby ratifying, allowing and confirming, and promising and agreeing to ratify, allow and confirm all and whatsoever my said Attorney shall lawfully do or cause to be done by virtue of these present.

Executed at ----- in Germany on this **27th** day of **August 2019** in the presence of the undersigned Witnesses.

Witnesses:







PETHRA BLOOS



101 Schliemann Incorporated
 Attorneys, Notaries & Conveyancers
 P.O Box: 1503, Somerset West 7129

Fee endorsement	
	Amount
Purchase price/Value	R 16.000.000,00
Mortgage capital Amount	R 3.170,00
Reason for exemption	Exempt i.t.o. section.....Act.....

PREPARED BY ME
M. Crous
 CONVEYANCER
 CROUS, NINETTE ANNELIZE

DATA / CAPTURE
 24 AUG 2015
 KETILE N

000045599/2015

DEED OF TRANSFER

KNOW ALL MEN WHOM IT MAY CONCERN

JACOBUS PETRUS VAN DER MERWE

THAT
 appeared before me, Registrar of Deeds, at CAPE TOWN, he/she the said
 Appearer, being duly authorised thereto by a Power of Attorney, granted to
 him/her by

AGNC LIMITED
 Registration Number 2008/000332/10

dated 3 MARCH 2015
 signed at SOMERSET WEST

and witnessed in accordance with law which Power has been lodged with me;

DATA / VERIFY
 26 AUG 2015
 CONVEYANCER BELINDA






2.

And the said Appearer declared that the transferor had on the 30 JANUARY 2015 truly and legally sold by PRIVATE TREATY, and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

PETHRA ELMA CHARLOTTE BLOOS
Born on 13 May 1957
Married, which marriage is governed by the Laws of Germany

Her heirs, executors, administrators or assigns in full and free property:

ERF 3462 FRANSCHHOEK
In the STELLENBOSCH MUNICIPALITY
PAARL DIVISION
WESTERN CAPE Province

IN EXTENT: 6111 (Six Thousand One Hundred and Eleven) Square Metres

FIRST TRANSFERRED and STILL HELD BY Certificate of Consolidated Title Number T16809/2010 with Diagram S.G. Number 4462/2009 relating thereto.

- I. As regards the figure A B C x on Diagram S.G. Number 4462/2009: ✓
- A. SUBJECT to the conditions referred to in Deed of Transfer Number T14802/1920. ✓
 - B. SUBJECT to the terms of a servitude with regard to apportionment of water referred to in endorsement dated 29 July 1930 on Deed of Transfer Number T2256/1920, which endorsement reads as follows:

The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District Number 1) dated 18, 19, 20 and 24 March 1930, as will more fully appear on reference to the copy of said Order annexed hereto.





3.

- II. As regards the figure j h A x on Diagram S.G. Number 4462/2009:
- A. SUBJECT TO the conditions referred to in Deed of Transfer Number T11662/1921.
- B. SUBJECT FURTHER to the terms of a servitude referred to in endorsement dated 29 July 1930 on Deed of Transfer Number T2604/1929, which endorsement reads as follows:-

REGISTRATION OF SERVITUDE

The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District Number 1) dated 18, 19, 20 and 24 March 1930, as will more fully appear on reference to the copy of the said Order annexed hereto.

- III. As regards the figure A B C j h on Diagram S.G. Number 4462/2009:

ENTITLED together with Erf 1272 FRANSCHHOEK, in extent 8078 square metres, held by Deed of Transfer Number T77907/1990, to all the water rights referred in the endorsement dated 29 July 1930 on Deeds of Transfer Numbers T2604/1929 and T2256/1920 as defined in the apportionment granted in terms of Water Court Order (Water Court District Number 1) dated 18, 19, 20 and 24 March 1930, as will more fully appear in said Order, to which the Transferor, JAN PETRUS ALBERTUS DU PREEZ, was previously entitled as owner of Erf 1271 FRANSCHHOEK, in extent 3,3847 hectares and to which he and his successors in title as owner of REMAINDER ERF 1271 FRANSCHHOEK, in the Municipality of Stellenbosch, Division Paarl, Western Cape Province, in extent 1,9744 hectares, held by Certificate of Consolidated Title Number T77908/1990 shall not be entitled.

- IV. As regards the figure D E f Middle of French Hoek River g h j on Diagram S.G. Number 4462/2009:

A

C



4.

- A. SUBJECT to the conditions referred to in Deed of Transfer Number T11662/1921.
- B. SUBJECT the terms of a servitude referred to in endorsement dated 29 July 1930 on Deed of Transfer Number T11662/1921 which endorsement reads as follows:

REGISTRATION OF SERVITUDE

The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District Number 1) dated 18, 19, 20 and 24 March 1930, as will more fully appear on reference to the copy of the said Order annexed hereto.

- C. ENTITLED, together with Erf 1273 FRANSCHHOEK, in Extent 6 025 square metres, Held by Deed of Transfer Number T77907/1990, to all the water rights referred to in the endorsement dated 29th July 1930 on Deeds of Transfer Numbers T2604/1929 and T11662/1921 as defined in the apportionment granted in terms of Water Court Order (Water Court District Number 1) dated 18, 19, 20 and 24 March 1930, as will more fully appear in said Order, to which the Transferor, JAN PETRUS ALBERTUS DU PREEZ, was previously entitled as owner of Erf 1271 FRANSCHHOEK, In Extent 3,3847 hectares and to which he and his Successors in Title as owner of

REMAINDER OF ERF 1271 FRANSCHHOEK

In the Division of Paarl

In Extent 1,9744 Hectares

HELD by Certificate of Consolidated Title Number T77906/1990

shall not be entitled.





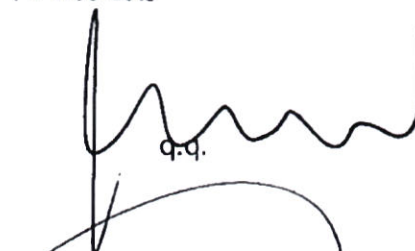
5.

WHEREFORE the Appearer, renouncing all the right and title the said Transferor heretofore had to the premises, did, in consequence, also acknowledge the Transferor to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents the said Transferee, her heirs, executors, administrators or assigns, now is and henceforth shall be entitled thereto, conformably to local custom; The State, however, reserving its rights, and finally acknowledging the purchase price of the property hereby transferred to be the sum of **R16,000,000.00 (SIXTEEN MILLION RAND)**.

IN WITNESS whereof I, the said Registrar, together with the Appearer, q.q. have subscribed to theses presents and have caused my Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds, at CAPE TOWN on

14 AUG 2015



q.q.

In my presence,

REGISTRAR OF DEEDS

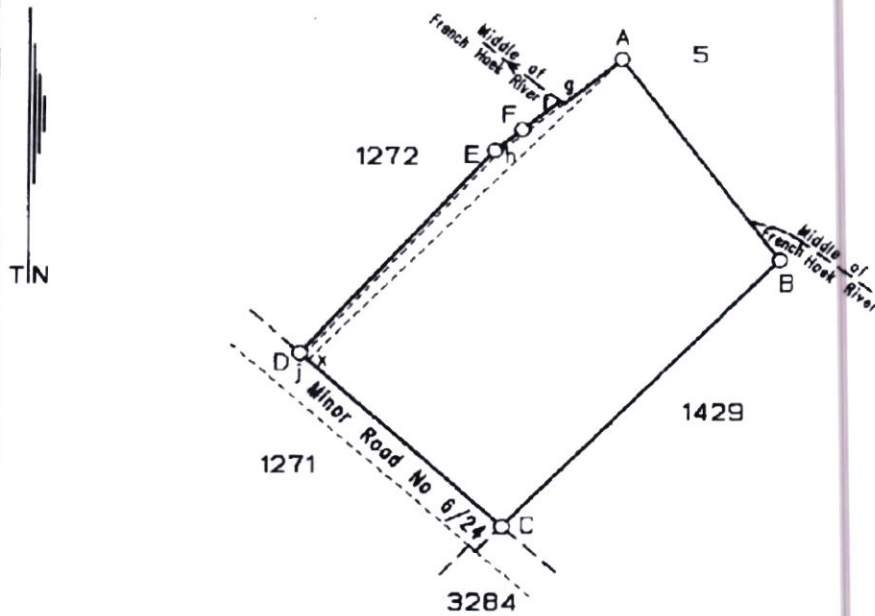




Components :

- 1) The figure A B C h represents Erf 1273 Franschoek vide dgm no 1452/1990 D/T 1990. 77907
- 2) The figure D E f Middle of French Hoek River g h j represents Erf 3461 a portion of Erf 1272 Franschoek vide dgm no 4461 /2009 D/T

S.G. No
4462/2009
Approved
[Signature]
for Surveyor-General
2009-10-05



Scale 1: 1000

The figure **A B C D E f Middle of French Hoek River g.** of land being
 represents **6111 square metres**
Erf 3462 Franschoek and comprising 1) - 2) as enumerated above
 situate in **the Stellenbosch Municipality**

Administrative District of **Paarl** Province of the Western Cape

Compiled in **March 2009**

by me,

[Signature]
S G DREYER
Land Surveyor
PLS 1028

This diagram is annexed to
No. **C.C.T 16809/2010**
dated
i.f.o.

The original diagrams are as
enumerated above

File No. **Sf7042/11**

S.R. No. Compiled
Comp.
BI - 5CA/X53 (1601)
LPI. C0550003

Registrar of Deeds

Erf 3462 Franschoek

S





STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

AMPTELIKE KWITANSIE / OFFICIAL RECEIPT



17, STELLENBOSCH 7599



021 808-8578 / 8547 / 8546



021 886 7318

DUPLICATE RECEIPT

Receipt M/c: DIR1 Duplicate Rec.No: 153235 Date: 30/08/2019

Local Authority: Stellenbosch Municipality

1 STB ZZZZZ U A 2500.00

10748657 PEC BLOOS

DIRECT 000010748657

Total Allocations : 2500.00

Credit Transfer : 2500.00