

## NOTICE OF LAND DEVELOPMENT APPLICATION TO INTRESTED AND AFFECTED PARTIES FOR COMMENT

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

Sir/Madam

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers: **APPLICATION FOR REZONING: ERF 425 FRANSCHHOEK**

Application Property Address: No 8 Huguenot Street, Franschhoek.

Application Property Number: Erf 425 Franschhoek

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

Owner: Capstone 1458(Pty) Ltd, C/o, Georgina Southey Brits. Contact Number: 063 698 0348  
Email: georgina.brits@leeucollection.com

Application Reference: LU/ 12208

Application Type: Application for Rezoning

Detailed description of land use or development proposal, including it's intent and purpose:

Application has been made in terms of Section 15(2)(a) of the Stellenbosch Land Use Planning By-Law, 2015, for the rezoning of Erf 425 Franschhoek from its present zoning of Multi-unit Residential Zone to Mixed-Use Zone in order to accommodate a Wellness Centre. The current building will be upgraded and extended to accommodate the new facility. Parking will be provided and the property will be landscaped.

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-notice/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;

- o Where relevant demonstrate the undesirable effect that the application will have if approved;
- o Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- o Enable the applicant to respond to the comments.

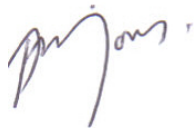
The comments must be addressed to the applicant by electronic mail as follows: Peter Mons, Email: petergm@fibresky.co.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **15 March 2021**.

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 blue ink, appearing to read 'Peter Mons', with a stylized flourish at the end.

PETER MONS Pr. Pln  
11 February 2021.

**AFRIKAANSE WEERGAWE VAN ADVERTENSIE:**

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

**Mnr./Mev.**

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys: **AANSOEK VIR HERSONERING: ERF 425 FRANSCHHOEK**

Adres van aansoek eiendom: Hugenotestraat Nr.8, Franschhoek

Aansoek eiendom beskrywing: Erf 425, Franschhoek

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

Eienaar: Capstone 1458(Pty) Ltd, P/a, Georgina Southey Brits. Kontaknommer: 063 698 0348  
E-pos: georgina.brits@leeucollection.com

Aansoek Verwysing: LU/ 12208

Tipe Aansoek: Aansoek om Hersonerings

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:  
Aansoek word gedoen in terme van Artikel 15(2)(a) van die Stellenbosch Verordeninge op Grondgebruikbeplanning (2015) vir die hersonerings van Erf 425 Franschhoek vanaf sy huidige sonering van Multi-eenheid Residensieel Sone tot 'n sonering van Gemengde gebruiksones ten einde 'n welstandsentrum te akkommodeer. Die huidige gebou sal opgegradeer en uitgebrei word om die nuwe fasiliteit te akkommodeer. Parkering sal voorsien word en die eiendom sal landskapeer word.

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 tydskedule van die publieke deelname proses by die volgende address: [\[https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements\]](https://www.stellenbosch.gov.za/planning/documents/planning-notices/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.

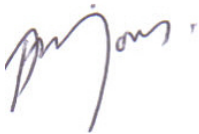
Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: Peter Mons, e-pos: petergm@fibresky.co.za

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 **15 Maart 2021**.

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 voorsienning 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  
11 Februarie 2021.



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## LU/12208 Application for Rezoning: Erf 425 Franschoek

### Executive Summary

The background to the application is that Leeu Properties purchased the Rusthof Guest House situated on Erf 3504 in Huguenot Street and after renovating and upgrading the facilities reopened the guest house as *Leeu House* in 2015. The abutting Erf 424 was purchased to serve as an extension of the guest house and these two properties were subsequently consolidated to form Erf 3748. Erf 425 which abuts Erf 3748 was purchased to provide conveniently located facilities for staff members and an application for such rights was approved in December 2016. The property is currently being consolidated with the Leeu House property.

The owners now wish to make better use of the building and surrounding space as an upmarket wellness centre. The neglected gardens will be landscaped, and the property will be generally upgraded. The intention is to offer the wellness centre facilities to the Leeu House guests but also to the general public to ensure the viability of the undertaking. The wellness centre will be run as *Healing Earth*, being a globally award-winning holistic spa and hospitality wellbeing brand.

The existing building with a footprint of 182,5m<sup>2</sup> will be renovated to contain a reception and waiting room, four treatment rooms, female and male dressing rooms, a storeroom and a staff bathroom and staff kitchen. The existing building will be linked via courtyard to a new extension consisting of a relaxation area and an open deck seating area. The area beyond this will be landscaped to create a restful atmosphere where seating will be made available. Provision is also made for pedestrian access to the facilities on Leeu House property. On-site parking will be provided, and the gardens will be upgraded to create a relaxing atmosphere. A departure is required to permit a relaxation of the parking requirement of 7 parking bays to 5 bays as provided which are considered to be adequate.

The proposal to develop Erf 425 Franschoek as a wellness centre for guests from the *Leeu House* on the abutting property and well as to serve the public is considered to be an appropriate form of development for the property.

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**TAX INVOICE**

**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599

PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2020-11-25	DOCUMENT NO.:	698779
ERF/FARM NO:	425	CREATED BY:	Nicole Katts
LOCALITY:	8 Huguenot Street , FRANSCHHOEK	APPLICATION NO.:	LU/12208
OWNER'S NAME:	Capstone 1458 (Pty) Ltd	APPLICANT VAT NO.:	0828264000
ADDRESS:	PO Box 188 Franschhoek 7690	VAT NO.:	4700102181
		APPLICANT:	Peter Garnet Mons
		TEL NO.:	0236263480

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
PERMANENT DEPARTURE - Departure and applications for second dwelling units, Erven which are 251m <sup>2</sup> and larger	R 2,500.00	1	20180711011484	R 2,500.00
REZONING and DETERMINATION OF A ZONING - Submitted in Urban and Rural Areas, Per application per property	R 10,000.00	1	20180711011484	R 10,000.00
<b>TOTAL AMOUNT PAYABLE</b>				R 12,500.00
VAT included @ 15%				R 1,630.43

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

SCAN NR: E 425 FH

COLLABORATOR NR: \_\_\_\_\_

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES

10 DEC 2020

**RECEIVED**

All Tariffs include 15% VAT  
FROM 1 JULY 2020 TO 30 JUNE 2021

**CALCULATED BY:**  
NAME: Nicole Katts  
SIGNATURE: \_\_\_\_\_  
NKatts

**VERIFIED BY:**  
NAME: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_

DATE: 25.11.2020

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: First National Bank (FNB)  
ACCOUNT NUMBER: 62869253684  
BRANCH CODE: 210554  
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.

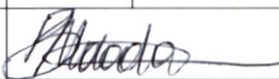



**PLANNING & ECONOMIC DEVELOPMENT**

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	25 November 2020	
Erf / Erven/ Farm no	425	Portion(s) if farm		Allotment Area	FRANSCHHOEK	
Owner / Applicant	PETER MONS		Contact number	0828264000		
Email address	petergm@fibresky.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY <sup>1</sup>		PLANNER TO EVALUATE <sup>2</sup>
				YES	NO	
1. Completed application form that is signed				✓		
2. Power of Attorney / Owners' Consent if the applicant is an agent				✓		
3. Bondholders' consent					✓	
4. Proof that applicant is authorized to act on behalf of an entity				✓		
5. Proof of ownership or rights held in land				✓		
6. Motivation based on criteria in s65				✓		
7. SG diagram or General Plan				✓		
8. Locality plan				✓		
9. Site development plan or plan showing the land development				✓		
10. Subdivision plan					N/A	
11. Permission for required servitude					N/A	
12. Title Deed				✓		
13. Conveyancer's certificate				✓		
14. Feedback on Pre-application scrutiny				✓		
15. Minutes of Pre-consultation Meeting				✘	N/A	
16. Consolidation plan					N/A	
17. Street name and numbering plan					N/A	

<sup>1</sup> Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

<sup>2</sup> Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION		ADMIN TO VERIFY	PLANNER TO VERIFY
18. Land use plan / zoning plan			N/A
19. Landscaping / tree plan			N/A
20. Flood line plan			N/A
21. Neighbours' consent			✓
22. HOA consent			✓
23. Assessments: EIA, HIA, TIA, TIS, MHIA, EA/ROD			✓
24. Services report			✓
25. Previous approvals			✓
26. Proof of failure of HOA			✓
27. Proof of lawful use right / zoning certificate			✓
28. Other documents Specify:.....			
<b>VERIFIED &amp; SIGNED BY ADMIN</b>	<b>NAME: BULELWA</b>		
<b>VERIFIED &amp; SIGNED BY PLANNER</b>	<b>NAME: BONGI</b>		

Outstanding information (to be completed by Planner):

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**NOTES:**

1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment.
2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)].
3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)].
4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].



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

Professional Town  
Planning Consultant



My Ref: Frh425 6/20

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

24 November 2020

Sir

**Application for the Rezoning of Erf 425 Franschoek**

The application form and supporting documents as listed on the contents page for the above-mentioned application have been forwarded to your offices via WeTransfer for processing please.

Please acknowledge receipt of the documentation.

Your prompt attention to processing the application will be appreciated.

Yours faithfully,

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

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

A P.O. Box 851  
Robertson  
6705

I 023 626 3480  
M 082 826 4000

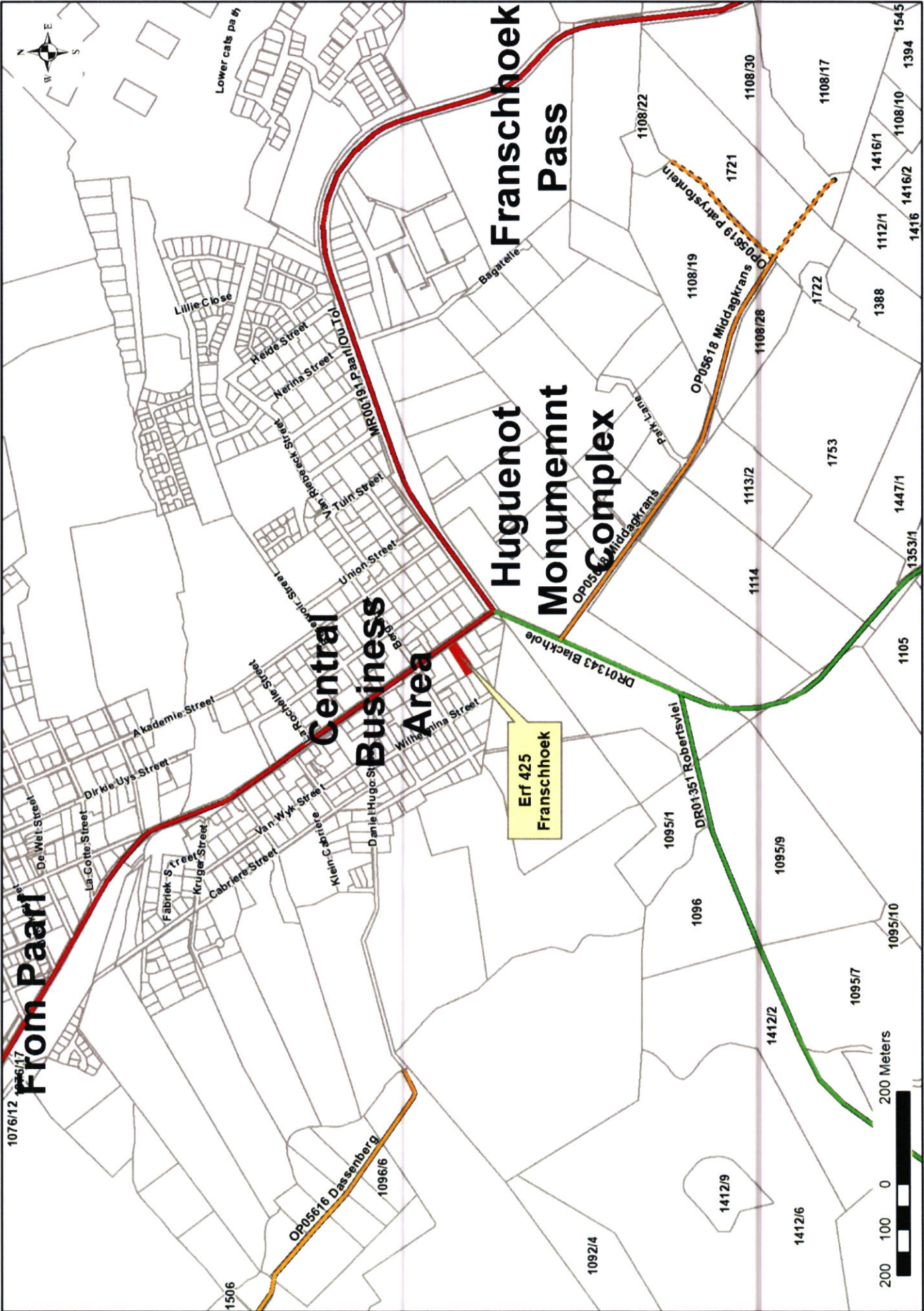
E [petergm@fibresky.co.za](mailto:petergm@fibresky.co.za)

## **Contents:**

1. Application Form
2. Motivation Report
3. Locality Plan
4. Surrounding Land Uses
5. Site Plan
6. Floor Plan
7. Surveyor Generals Diagram
8. Title Deed
9. Conveyancers Certificate
10. Power of Attorney
11. Company Resolution

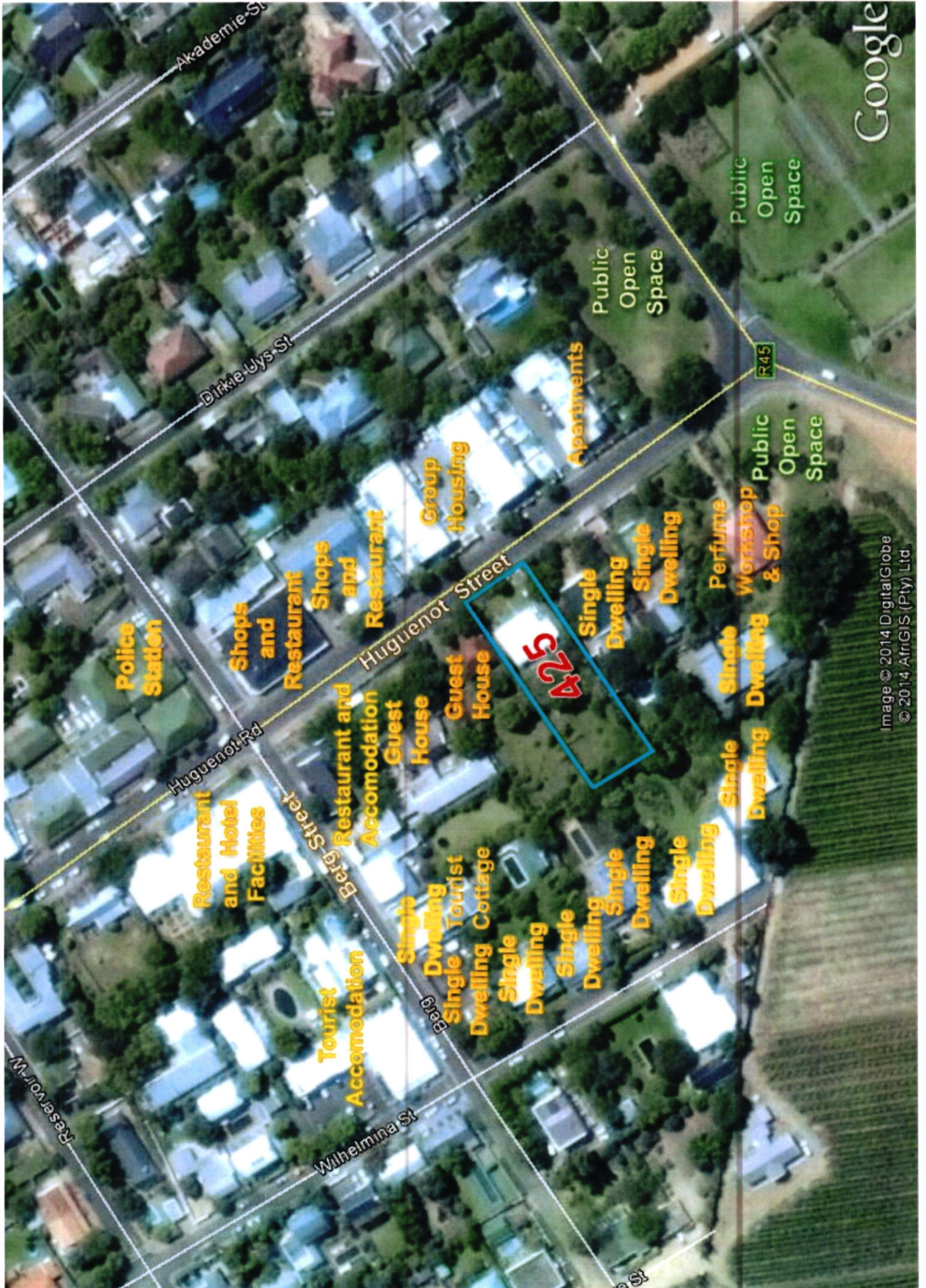
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# Locality Plan





# Surrounding Land Uses







# 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	023 626 3480	Fax	-	Cell	082 826 4000

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

Registered owner(s)	Capstone 1458 (Pty) Ltd - Registratin No2014/077102/07			Contact Person: Georgina Southey Brits	
Physical address	8 Huguenot Street				
	Franschhoek	Postal code	7690		
E-mail	georgina.brits@leeucollection.com				
Tel	021 492 2469	Fax	-	Cell	063 698 0348

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

Erf / Erven / Farm No.	Erf 425	Portion(s) if Farm		Allotment area	Franschhoek		
Physical Address	8 Huguenot Street						
	Franschhoek						
Current Zoning	Multi-Unit Residential Zone	Extent	1523 m <sup>2</sup> / <del>ha</del>	Are there buildings?	existing	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N

Applicable Zoning Scheme	Stellenbosch Municipality Integrated Zoning Scheme By-law 2019										
Current Land Use	Single dwelling converted to serve as staff facilities but currently vacant										
Title Deed number and date	T	T11911 - 2016									
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) <sup>1</sup>	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 <sup>2</sup> ?		Y	N	N/A		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 ✓					
<b>PART D: PRE-APPLICATION CONSULTATION</b>											
Has there been any pre-application consultation?	Y ✓	N	If Yes, please attach the minutes of the pre-application consultation.								
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>											
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>											
<b>Tick</b>	<b>Type of application: Cost are obtainable from the Council Approved tariffs<sup>3</sup></b>										
✓	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;										

<sup>1</sup> 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

<sup>2</sup> 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)

<sup>3</sup> <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;
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
<b>TOTAL A:</b>	<b>R</b>

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

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

\* 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 425 Franschoek

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	Capstone 1458 (Pty) Ltd.
Postal Address	P O Box 188, Franschoek.7690.
Vat Number (where applicable)	4300203983

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.....in terms of Section.....of the.....Zoning Scheme Regulations							
Other (please specify)	Rezoning of property from current zoning of Multi-Unit Residential Zone to a zoning of Mixed Use Zone						

**Brief description of proposed development / intent of application:**

The property which located on Huguenot Street is to be rezoned to Mixed Use Zone to allow it to be utilized as an upmarket Wellness Centre. The existing building will be upgraded be converted into a reception area, treatment rooms, ablutions facilities and staff facilities. A new covered relaxation area will be added and the rear garden area will be landscaped for use by clients. The wellness centre will serve both guests from the abutting Leeu House guest house as well the genral public. Parking will be provided in front of the building with Direct Access off Huguenot Street. The intention of the application is to obtain the required land use rights to permit the wellness centre to operate from the property.



**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) N/A
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 ( <b>Full copy of the title deed</b> )
Y ✓	N		Conveyancer's certificate	Y ✓	N		Minutes of pre-application consultation meeting (if applicable)
Y	N	N/A ✓	Consolidation plan (A4 or A3 only) to scale	Y	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	N/A ✓	Street name and numbering plan (A4 or A3 only) to scale	Y ✓	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y ✓	N	N/A	Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	N/A ✓	Home Owners' Association consent
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)
Y	N	N/A ✓	Required number of documentation copies	Y	N	N/A ✓	



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. N/A	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 ✓	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	N/A ✓	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A ✓	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	N/A ✓	National Water Act, 1998 (Act 36 of 1998)
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**

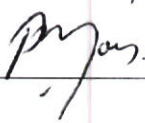
I hereby wish to confirm the following :

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.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
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.

- 12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
- 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.
- 14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature:



Date:

16/11/2020

Full name:

Peter Garnet Mons

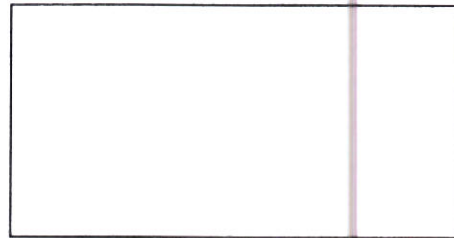
Professional capacity:

Professional Town Planner - Reg No: A/116/2009

**FOR OFFICE USE ONLY**

Date received: \_\_\_\_\_

Received By: \_\_\_\_\_





205

Chambers on Church  
2nd Floor The Piazza Offices  
39 Adderley Street  
CAPE TOWN  
8001

Prepared by me

Price/Value	Amount R. 6798000-00	Transfer fee R. 1900-00
Mortgage capital Amount	R. ....	R. ....
Reason for exemption	Exempt i.t. o	Act..... section..... Act.....

*Elfride van Staden*  
 \_\_\_\_\_  
 CONVEYANCER  
 Elfride van Staden

T000011911 / 2016

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**Elfride van Staden**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by Powers of Attorney which were signed respectively at Cape Town on 13 January 2016 and at Brussels on 5 January 2016 granted to her by

- BYRON KYRITSIS**  
Identity Number 6909295319087  
Unmarried
- ALEXANDRA KYRITSIS**  
Identity Number 7205160303085  
Married, which marriage is governed by the laws of GERMANY and duly assisted therein by her spouse Stefan Klaus Spitzmesser Born on 20 December 1970 insofar as needs be

DATA / CAPTURE  
 2016 -03- 09  
 PUMELELA MNAMATA

DATA / VERIFY  
 10 MAR 2016  
 ZAWULA THULANI



And the appearer declared that her said principal had, on 10 December 2015, truly and legally sold by Private Treaty, and that she, the said Appearer, in her capacity aforesaid, did by virtue of these presents cede and transfer to and on behalf of:

**CAPSTONE 1458 PROPRIETARY LIMITED**  
**Registration Number 2014/077102/07**

its Successors in Title or assigns, in full and free property

**ERF 425 FRANSCHHOEK** in the Stellenbosch Municipality, Paarl Division,  
Western Cape Province

**IN EXTENT 1523 (ONE THOUSAND FIVE HUNDRED AND TWENTY THREE)**  
Square metres

**FIRST TRANSFERRED** by Deed of Transfer Number T 17744/1954 with  
Diagram SG No. 8069/1954 relating thereto and held by Deed of Transfer  
T48441/2014

**SUBJECT** to the conditions referred to in Deed of Transfer No T5617/1918.



WHEREFORE the said Appearer, renouncing all right and title which the said

1. **BYRON KYRITSIS, Unmarried**
2. **ALEXANDRA KYRITSIS, Married as aforesaid**

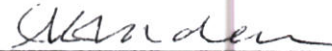
heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**CAPSTONE 1458 PROPRIETARY LIMITED**  
**Registration Number 2014/077102/07**

or its Successors in Title 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 to be the sum of R6 600 000,00 (SIX MILLION SIX HUNDRED THOUSAND RAND), transfer duty having been paid on a total consideration of R6 798 000,00 (SIX MILLION SEVEN HUNDRED AND NINETY EIGHT THOUSAND RAND) being the purchase price plus estate agent's commission of R198 000,00 (ONE HUNDRED AND NINETY EIGHT THOUSAND RAND)

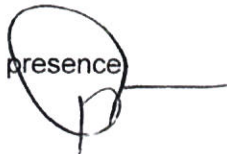
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 1 MARCH 2016.



q.q.

In my presence



REGISTRAR OF DEEDS

# COMPANY RESOLUTION

At a meeting of **Capstone 1458 (Pty) Ltd** held at Franschhoek it was resolved as follows:

**A)** To make Application in terms of

- 1) Stellenbosch Municipality Land Use Planning By-Law**
- 2) Act No 21/1940**
- 3) Any other applicable Acts/Ordinances**

with respect to a **Rezoning Application** to secure the land use of Erf 425 Franschhoek, situated in the **Stellenbosch Municipality, Paarl Division, Western Cape Province**, as a Wellness Centre;

**B)** To authorise Armand Sinclair Stemmett to sign the necessary Power of Attorney in favour of:

**Peter G Mons, Professional Town Planning Consultant.**



---

Brian John Dowden

DATE: 2 NOVEMBER 2020

# POWER OF ATTORNEY

I, the undersigned,

Armand Sinclair Stemmett

duly authorised by Capstone 1458 (Pty) Ltd

do hereby nominate, constitute and appoint

**Peter G Mons, Professional Town Planning Consultant.**

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) **Act No 21/1940**
- 3) **Any other applicable Acts/Ordinances**

with respect to a **Rezoning Application** to secure the land use of Erf 425 Franschhoek, situate in **the Stellenbosch Municipality, Paarl Division, Western Cape Province**, as a Wellness Centre;

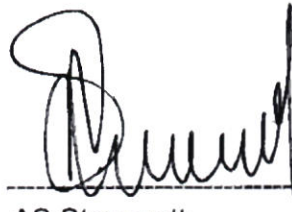
and generally for effecting the purposes aforesaid, to do, or cause to be done, whatsoever shall be requisite, as fully and effectually to all intents and purposes, as I might or could do if personally present and acting herein, hereby ratifying, allowing and confirming, and promising and agreeing to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

Executed at **Franschhoek** in the **Western Cape Province** on this 3rd day of **NOVEMBER 2020**, in the presence of the undersigned Witnesses.

**Witnesses:**

1. \_\_\_\_\_

2. \_\_\_\_\_



AS Stemmett





**CONVEYANCER CERTIFICATE**

I/We Monique Christina Schreuder

*(conveyancer's name and surname)*

Practising at:

Boy Louw Incorporated

188 Main Road, Paarl 7646

*(firm and place of practice)*

In respect of:

Erf 425 Franschoek, in the Stellenbosch Municipality, Paarl Division, Western Cape Province

which property is notorially tied to

Remainder of Erf 715, in the Stellenbosch Municipality, Paarl Division, Western Cape Province

in terms of Notarial Deed No. K667/2016S

*(full property description (erf / farm) as it appear in title deed of same)*

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. T11911/2016
2. T5617/1918 - pivot deed
3. T67667/2014
4. T4106/1917 - pivot deed
5. K667/2016S - Notarial Tie Agreement
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

*For example: Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)*

*MJS*



**A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)**

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	<input checked="" type="checkbox"/>	
2.	Building lines	Y	<input checked="" type="checkbox"/>	
3.	Height	Y	<input checked="" type="checkbox"/>	
4.	Number of Dwellings	Y	<input checked="" type="checkbox"/>	
5.	Bulk floor area	Y	<input checked="" type="checkbox"/>	
6.	Coverage/built upon area	Y	<input checked="" type="checkbox"/>	
7.	Subdivision	Y	<input checked="" type="checkbox"/>	
8.	Servitudes that may be registered over or in favour of the property	Y	<input checked="" type="checkbox"/>	
9.	Other Restrictive Conditions	Y	<input checked="" type="checkbox"/>	

MS



# STELLENBOSCH

STELLENBOSCH • ENLIE • FRANSCHHOEK

MUNISIPALITEIT • UMASIPATA • MUNICIPALITY

## B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

*in respect of which it was found that there \*are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):*

a.	Organ(s) of State that might have an interest in the restrictive condition	
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	

## C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

*(please tick appropriate box)*

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at Paarl (Place) on this 23<sup>rd</sup> (Day) November (Month) of 2020.....

Full names and Surname: Monique Christina Schreuder

Signature:

**Monique Christina Schreuder**  
 Kommissaris van Ede / Commissioner of Oaths (RSA)  
 Praktiserende Prokureur / Practising Attorney  
 Aktesonderer / Conveyancer  
 Notaris Publik / Notary Public, RSA  
 Boy Louw Ingelyf / Boy Louw Incorporated  
 186 Main Street, Paarl

Firm Postal Address: *Commissioner of Oaths certificate by affixing official stamp here and initial here*

Tel: 021 860 3500

Email: mschreuder@boylouw.com

Cell: 072 6499 135

# Planning Report

## Application for the Rezoning of Erf 425 Franschhoek to Mixed Use Zone to Accommodate a Wellness Centre

### Contents:

- 1) Purpose of the Application
- 2) Property Details
- 3) Applicant
- 4) Owner
- 5) Background
- 6) Surrounding Land Uses and Character of the immediate area
- 7) Desired Action and Statutory Requirements
- 8) Detailed Description of the Proposal
- 9) Statutory Application
- 10) Motivation
- 11) Concluding Summary

### 1) Purpose of the Application

The owner of Erf 425 which previously served as staff facilities for the staff employed at the *Leeu House* guest house located on the abutting consolidated Erf 3748, wishes to use the property to accommodate a wellness centre. The application seeks to obtain the required land use rights for the property to be used for this purpose which will require it to be rezoned.

### 2) Property Details

**Description:**

Erf 425 Franschhoek, situate in the Stellenbosch Municipality, Division Paarl, Province Western Cape.

**Location:**

No 8 Huguenot Street, Franschhoek (see Locality Plan).



**Zoning:**

Multi-Unit Residential Zone with restrictions.

**Extent:**

1523 m<sup>2</sup>

**Present Infrastructure and Use:**

The property contains a former single dwelling which was converted to serve a staff facility but is currently not being utilized.

**Owner:**

Capstone 1458 (Pty) Ltd



**The property viewed from Huguenot Street**

**3) Applicant**

Peter Mons-Professional Town Planning Consultant

Tel No : 082 826 4000  
Fax No : 023 626 3480  
e-mail : petergm@fibresky.co.za  
Address : P O Box 851, Robertson, 6705.

#### **4) Property Owner**

Capstone 1458(Pty) Ltd - Registration Number: 2014/077102/07.  
Contact person: Georgina Southey Brits – Group Legal Advisor  
Tel No: 021 492 2469  
Mobile: 063 698 0348  
Email: georgina.brits@leeucollection.com  
Address: Leeu Estates P. O. Box 341, Franschhoek. 7690.

#### **5) Background**

Leeu Properties purchased the Rusthof Guest House situated on Erf 3504 in Huguenot Street and after renovating and upgrading the facilities reopened the guest house as *Leeu House* in 2015. The abutting Erf 424 was purchased to serve as an extension of the guest house to provide back of house facilities and a swimming pool, for which approval was granted. These two properties were subsequently consolidated to form Erf 3748. Erf 425 which abuts Erf 3748 was purchased to provide conveniently located facilities for staff members and an application to obtain the required land use rights in order for the property to be used as facilities for the staff was approved in December 2016. The property was initially to be linked by a notarial tie, but it was decided to consolidate the property with the Leeu House property. This consolidation is currently in process. The owners now wish to make better use of the building and surrounding space as an upmarket wellness centre to serve the needs of the Leeu House guests as well as the public.

#### **6) Surrounding Land Uses and Character of the immediate area**

As illustrated on the Google image below Erf 425 is in an area where the predominant land uses are both residential at varying densities and businesses many of which are tourist orientated. The immediate area therefore has a mixed-use urban character being located on the main through road through the Franschhoek business area, namely Huguenot Street.





**Google image illustrating the surrounding land uses**

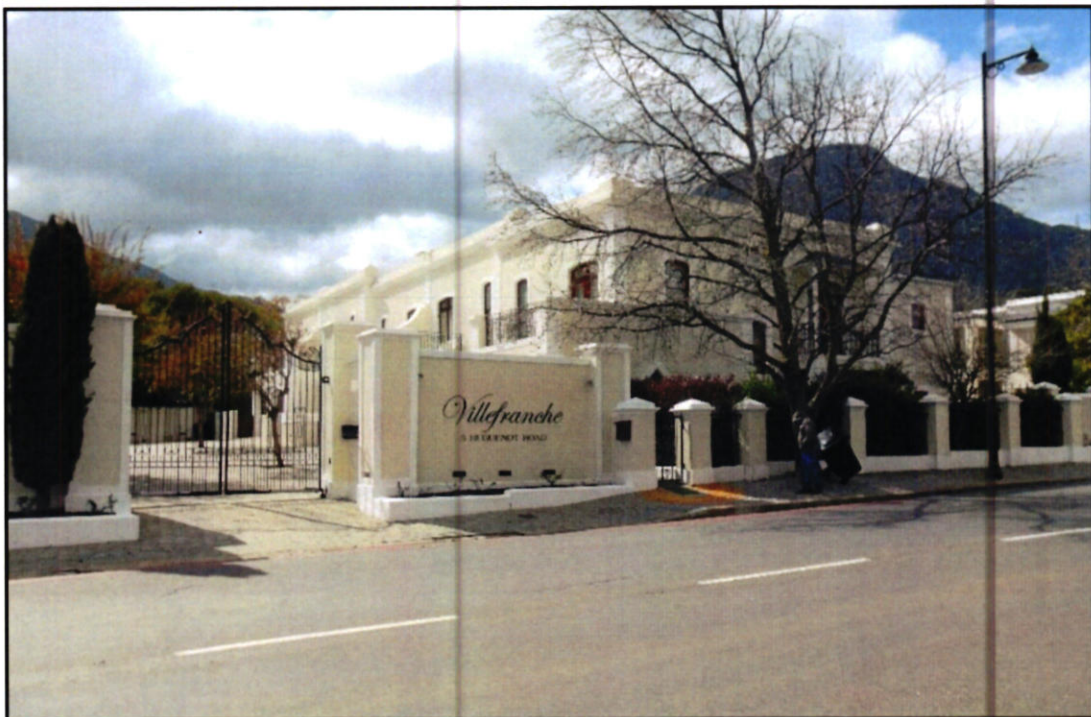


**Leeu House on Erf 3748**





**Guest House Annex on Erf 3748**



**Higher Density Housing on Erf 2887 on opposite side of Huguenot Street**





**Frontage of abutting Erf 435 on Huguenot Street**



**Restaurants and Shops diagonally across from Erf 425**





**Illustration of the urban character of Huguenot Street in the immediate vicinity**

## **7) Desired Actions and Statutory Requirements**

The owner wishes to apply for the rezoning of the property to a zoning which will permit the property to be utilized as a wellness centre to cater for the needs of the Leeu House guest house visitors as well as the general public. The existing building will be upgraded and extended to provide four treatment rooms, a reception and waiting room, a relaxation area, toilet facilities and staff facilities. On-site parking will be provided, and the gardens will be upgraded to create a relaxing atmosphere.

As the current zoning of Multi-Unit Residential Zone precludes the use of the property as a wellness centre, it will be necessary to **rezone** the property to a new zoning of *Mixed Use Zone* which permits business premises, the definition of which includes a wellness centre, as a primary right. A Wellness Centre is defined as follows in the Zoning Scheme By-law 2019:



*“Wellness Centre” gesondheidsentrum)* means a **business** where health and beauty treatments are offered, and, with the Municipality’s permission in terms of the Scheme may include live-in accommodation for patrons, but may not involve medical treatment, surgery or post-operative recuperation or care and **‘hydro/spa’** has a similar meaning.

To obtain the desired new land use rights approvals in terms of the following legislation need to be considered:

**Town Planning:** An application will be required for a rezoning to Mixed Use Zone in terms of subsection 2(a) of Section 15 of the **Stellenbosch Municipality Land Use Planning By-Law, 2015**.

**Title Restrictions:** It is not considered necessary to apply for the removal of any restrictive Title Deed conditions in terms of the **Removal of Restrictions Act, Act 84 of 1967** as it appears that there are no conditions in the Title Deed which restrict the use of the property for the purpose involved, as confirmed in the Conveyancers Certificate provided.

**Heritage:** The parameters of the proposal do not require that a Notice of Intent to Develop be submitted in terms of Section 38 of the National Heritage Resources Act, Act 25 of 1999.

**Environmental:** It is contended that the desired change of land use does not require an Environmental Authorization in terms of the regulations promulgated in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998.

## **7) Detailed Description of the Proposal**

The details of the proposal are illustrated on the Site and Floor plans provided. The guest house on the consolidated Erf 3748 known as *Leeu House* consists of eight en-suite bedrooms together with associated facilities while the main dwelling on the previous Erf 424 was converted for use as a back of house facility for the guest house. The properties have been landscaped and are maintained to a high standard in keeping with the upmarket nature of the guesthouse.

The owner who originally purchased Erf 425 to serve as facilities for the staff members employed by the guest house, has now opted to better utilize the property as a wellness centre. The neglected gardens will be landscaped and the property will be generally upgraded. The intention is to offer the wellness centre facilities to *Leeu House* guests but also to the general public to ensure the viability of the undertaking. The wellness centre will be run as *Healing Earth* being a globally award-winning holistic spa and hospitality wellbeing brand. Extracts

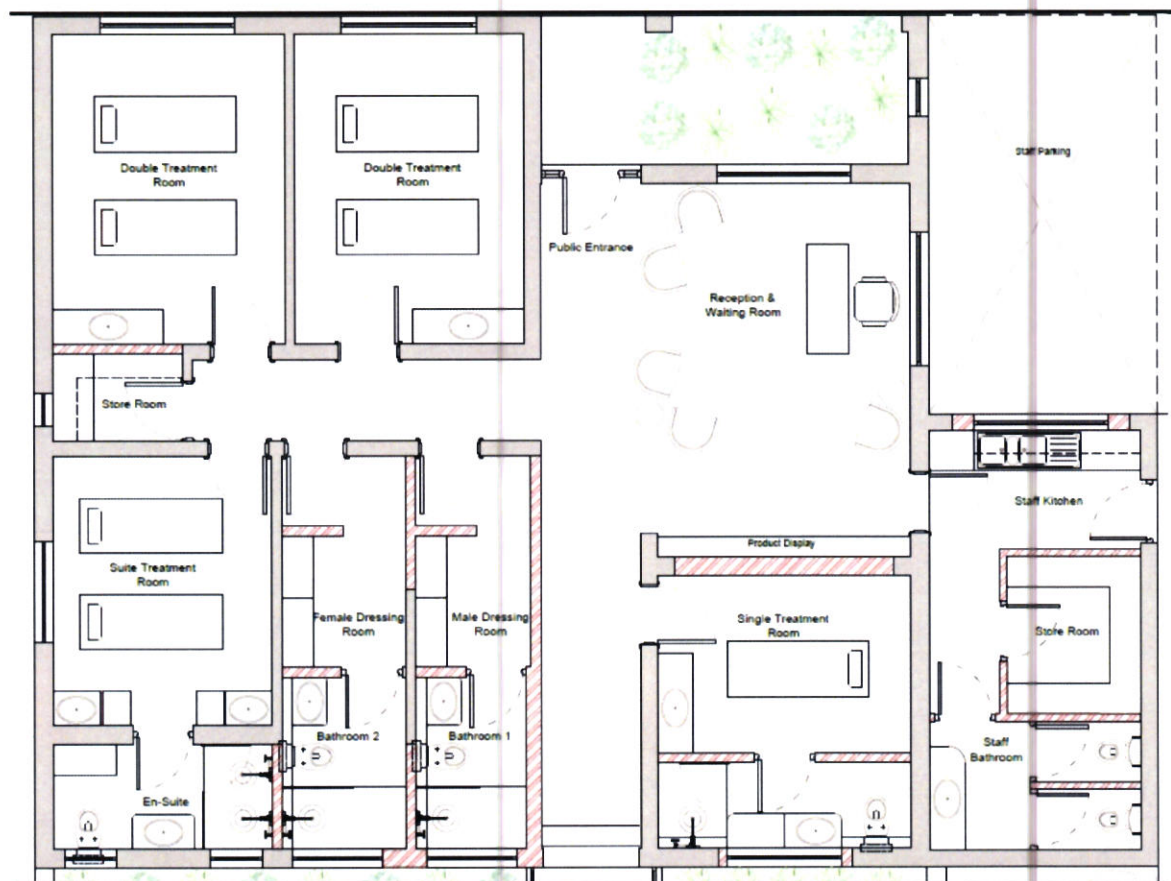
from the vision for the centre read as follows: *Through exquisite interiors and beautiful displays that merge seamlessly with the natural surrounds, we aim to create a space for quiet contemplation and the total revival of body and mind, where guests can escape from the stressors of daily life and turn inward.*

*The entire concept will be based on organic, natural, local and sustainable products, practices and protocols, and we will take the utmost care in supporting the local community and natural resources while promoting beauty and wellbeing from within for guests.*

*The carefully designed interiors and gardens will create a sense of healing and tranquillity, and add great value to Franschhoek, the winelands and surrounds.*

Details of the proposed wellness centre are as follows:

The existing building with a footprint of 182,5m<sup>2</sup> will be renovated to contain a reception and waiting room, four treatment rooms, female and male dressing rooms, a storeroom and a staff bathroom and staff kitchen.



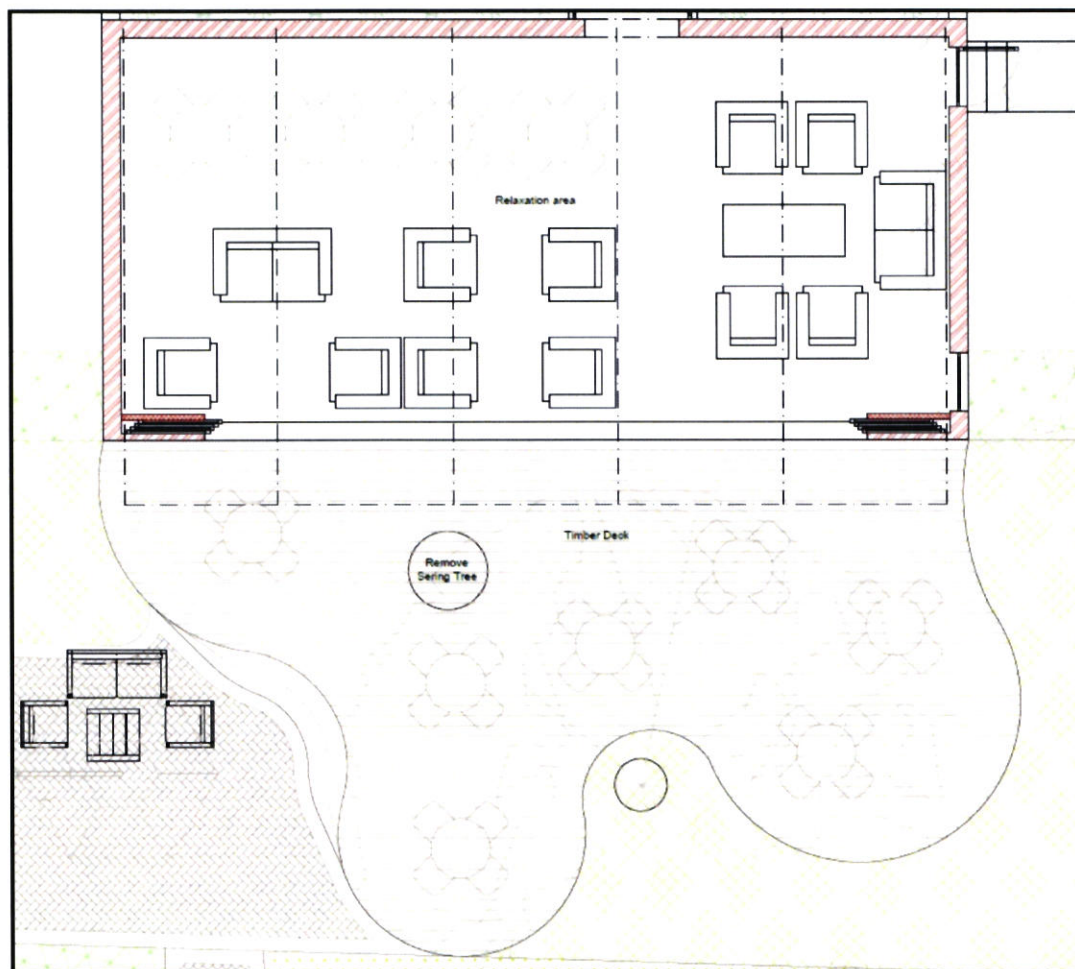
Source: Malherbe Rust Architects

**An extract from the floor plan**



The existing building will be linked via a courtyard to a new extension consisting of a relaxation area and an open deck seating area. The area beyond this will be landscaped to create a restful atmosphere where seating will be made available.

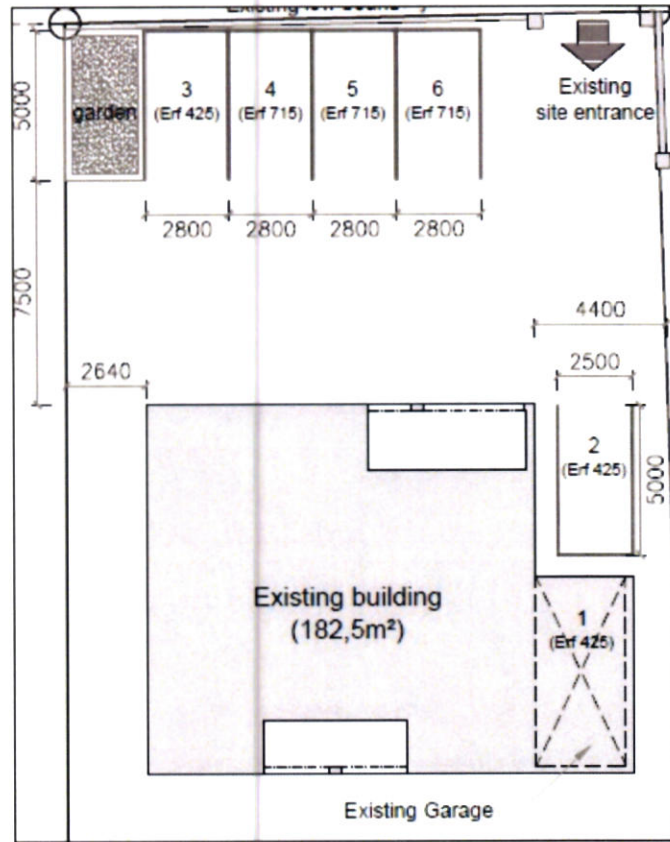
Provision is also made for pedestrian access to the facilities on the abutting Leeu House property.



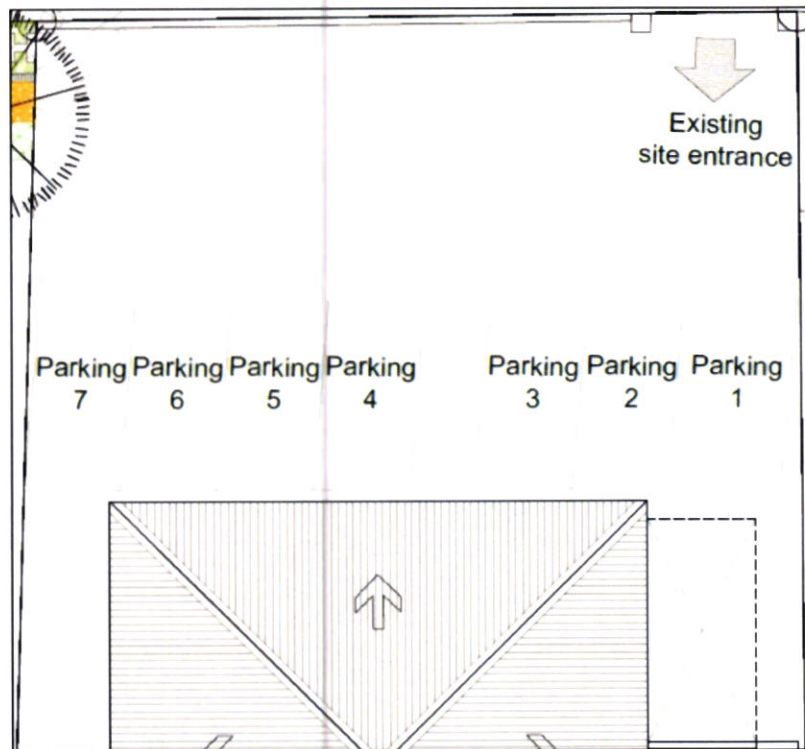
Source: Malherbe Rust Architects

### **The relaxation area and outdoor seating deck**

On-site parking will be provided, and the gardens will be upgraded to create a relaxing atmosphere. There is currently parking available for six vehicles, three of which are dedicated to Erf 715. The parking will be rearranged to provide seven bays three of which are allocated to Erf 715, leaving four bays available for the wellness centre. An eight bay which will serve as staff parking is available alongside the existing building in front of the current garage. The proposed parking layout is shown on the Site Plan.



**The current parking layout**



Source: Malherbe Rust Architects

**The proposed parking layout**





**The layout of the property**



**Front view of the building on Erf 425**





**Rear view of the building on Erf 425**



**The rear garden section of the property which is to be landscaped**

### **Compliance with zoning scheme regulations**

The Stellenbosch Municipality Zoning Scheme By-Law, 2019 makes provision for Business Premises as a Primary Use on a property with a Mixed Use Zone zoning. The definition of “business premises” lists a wellness centre as one of the uses permitted. The definitions read as follows:



*“business premises” (besigheidperseel) means a place from which business is conducted and may consist of a wide range of commercial, professional and/or retail uses such as, but not limited to shops, offices, conference facilities, wellness centres, banks, postal agencies, professional services, liquor stores, conference facilities, beauty salons, restaurants, supermarkets, shopping centres, stand-alone medical consulting rooms, motor showrooms, but excludes any land use which is an additional or consent use in that zone or for which the Municipality’s permission in terms of the Scheme is required in that zone;*

*“wellness’ centre” (gesondheidsentrum) means a business where health and beauty treatments are offered, and, with the Municipality’s permission in terms of the Scheme may include live-in accommodation for patrons, but may not involve medical treatment, surgery or post-operative recuperation or care and “hydro/spa” has a similar meaning.*

It is contended that the proposed development of Erf 245 fits the definition of a wellness centre as contained in the By-Law. Consequently, the following building development parameters as contained in the zoning scheme By-Law are applicable:

<b>Development Parameter</b>	<b>Requirement</b>	<b>Provision</b>
<b>Street Building Line</b>	<b>0m</b>	<b>12.6m</b>
<b>Common Boundary Building Line</b>	<b>0m</b>	<b>1.1m</b>
<b>Coverage</b>	<b>85%</b>	<b>18.6%</b>
<b>Height</b>	<b>6 storeys</b>	<b>Single storey</b>
<b>Parking Requirement</b>	<b>4bays/100m<sup>2</sup> gross leasable area</b>	<b>5 bays provided for the 175m<sup>2</sup>GLA instead of the prescribed 7 bays</b>

*‘gross leasable area”(GLA) (bruto verhuurbare area) means the total area designed for or capable of occupancy by tenants for their exclusive use, including storage areas which are leased, and external areas which are used for business (for example outdoor trading and dining areas) but excludes internal parking or loading bays, vehicular circulation areas and communal spaces which are used by more than one tenant, such as communal passages, toilets, kitchens, entrance lobbies, lift shafts, stairwells, service ducts, service areas and vertical penetration of floors and also excludes all spaces which are used by the same staff who work elsewhere in the building, for example staff changing rooms, staff canteens and recreational areas used exclusively for staff;*

#### Calculation of GLA

Current building has a floor area of 182.5m<sup>2</sup> to which a passageway of 4.6m<sup>2</sup> and a covered seating area of 96,5m<sup>2</sup> will be added resulting in a total floor area of 279m<sup>2</sup>. However only certain areas qualify as GLA as other areas will be used by staff. The combined area of the four treatment rooms is approximately 58m<sup>2</sup>. The rest of the floor area is taken up by an open stoep, the reception & waiting room, storerooms, dressing room/bathrooms and staff kitchen and bathroom. The available GLA has been calculated at 175m<sup>2</sup> which requires 7 parking bays. The parking provision is 5 bays, one for each treatment room plus one staff parking bay. A departure is therefore required to deviate from the required parking provision.



## **8) Statutory Application**

Application is made in terms of subsection of Section 15.2(a) of the **Stellenbosch Municipality Land Use Planning By-Law, 2015** for the rezoning of Erf 425 Franschhoek from its current zoning of Multi-Unit Residential Zone to a zoning of Mixed Use Zone to permit the use of the property as a wellness centre.

Application is made in terms of Section 15.2(b) of the **Stellenbosch Municipality Land Use Planning By-Law, 2015** for a departure to permit a relaxation of the parking requirement of 7 parking bays required for the 175m<sup>2</sup>GLA to 5 bays as provided.

## **9) 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 will be illustrated in terms of the relevant factors.

### **10.2 Applicable Land Use 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 redevelopment of Erf 425 various guidelines at different levels need to be considered. The following documents are relevant to the application.

### 10.2.1) **Western Cape Provincial Spatial Development Framework (WCPSDF)**

At a provincial level the **Western Cape Provincial Spatial Development Framework (WCPSDF)** served as a guideline and puts forward proposals and strategies aimed at achieving certain provincial wide goals. The framework emphasizes the **important role of tourism** in the Western Cape economy. The tourism sectors potential for future growth is acknowledged and it is stated that tourism is likely to provide the bulk of investment inflow in the areas outside of the metropolitan area. The WCSDF is a strategic document which strives to ensure that future development in the Province takes place in a manner which is sustainable. The proposal for **Erf 425** as outlined in the application where mainly existing infrastructure is to be utilized can be considered to be consistent with the approach promulgated in that it strives to ensure the **sustainability** of the property by contributing to **tourism** as a support service in a manner which will not be detrimental to the wider area and the surrounding property owners.

### 10.2.2) **Stellenbosch Municipality Spatial Development Framework (November 2019)**

The latest revision of this plan which covers the entire Stellenbosch Municipality area deals with a wide variety of subjects related to spatial planning and the future path of development for the greater Stellenbosch area, was approved by the municipal council in November 2019.

It is stated that the MSDF has been drafted to guide the future spatial form of the greater Stellenbosch area. It outlines a set of seven principles which guide development and development rights of property owners.

At a more local scale the proposal is consistent with the Municipal Spatial Development Framework which states as follows with regards to development in Franschhoek:

- Focus new mixed use development as far as possible along Main Road.
- The property is within the urban edge and located on the Activity Route along Main Road (Huguenot Street) within an identified Settlement Centre where infill opportunities are promoted.



It is contended that the proposal put forwarded in this application is compliant with the principles promoted due to the fact that it will make a contribution towards tourism and will be in line with the desirable upgrading of the main street.

#### **10.2.4 General Compliance with Spatial Plans.**

From the contents of the above paragraphs it is evident that the proposal to develop the property as a support facility for an existing guest house as well as a facility for the general public which is tourism orientated as proposed, will be in compliance with the guidelines and policies as contained in the relevant forward planning documents.

#### **10.3 Compatibility of the Proposal with the Surrounding Land Uses and Character of the Area.**

The property involved in the application namely Erf 425 is located at the southern edge of the commercial center of Franschoek which is focused along Huguenot Street. This is evident from the zoning and land use maps which show the concentration of commercially zoned properties on either side of Huguenot Street. The property in question abuts a guest house on Erf 3748 and is in close proximity to higher density group housing developments on the opposite side of Huguenot Street as well as restaurants and tourist shops while two single dwellings remain to the south east of the property. The nature of Huguenot Street which serves as the main thoroughfare through town makes it less suitable for a single residential lifestyle due to factors such as traffic noise and tourist activities. The introduction of the intended wellness centre both as a facility for the guest house guests next door as well as serving other patrons, will not be out of character with the general appearance of the buildings along the streetscape as the existing building is to be upgraded and retained. The area in general will be improved by the upgrading of the building and by suitable landscaping.

It is therefore contended that the proposal in the specific location at the interface of commercial development with lower density residential uses will be compatible with the surrounding land uses and the character of the immediate area.





Google image illustrating the surrounding land uses

#### 10.4 Visual and Potential Heritage and Environmental Impact.

There will be positive visual impact on Huguénol Street as the existing building will be upgraded and landscaping will be introduced. The neglected garden area at the rear of the property will also be upgraded.

The location of the property at the edge of the commercial hub of Franschoek implies that the environment is a man-made one where no natural vegetation or elements exist. From a heritage perspective the impact should be minimal as the existing building which is not historically significant will be upgraded. The front façade of the building will not be substantially altered. The development is therefore expected to have a positive impact on the immediate environment.

#### 10.5 Economic Benefits

The economic benefits of the proposal will be significant in terms of the substantial investment to be made to improve the property and in the longer term through the fact that the property will be linked to the guest house which provides a substantial economic boost to the local economy. The upmarket nature of the wellness centre will attract both local and international tourists to Franschoek

resulting in increased economic activity. There will also be a substantial increase in property taxes to the benefit of the local authority.

Several new employment opportunities will be created in the wellness centre and to maintain the property in a pristine state.

### **10.6 Proposed Access and Traffic Impact.**

The development is situated on Huguenot Street from which it will continue to obtain access to the parking bays on site. A number of the patrons visiting the site will do so on foot while staying at the guest house next door. No substantial increase in traffic generation is envisaged.

### **10.7 Provision of Services**

The property is currently served with the full spectrum of municipal services which should be adequate to serve the needs of the new use which will occupy essentially the same footprint except for a new relaxation area.

### **10.8 Motivation for Departure**

In terms of the By-Law prescriptions seven parking bays are required for the calculated 175m<sup>2</sup> of GLA at a rate of 4 bays/100m<sup>2</sup>GLA. In terms of the proposal only for bays will be provided for patrons and a further bay will be provided for staff, resulting in a shortfall of two parking bays.

The parking bays provided should be adequate as many of the wellness centre patrons will be guests from the abutting *Leeu House* and will thus walk to the facility as it will be offered as a guest house attraction. Provision has been made for pedestrian access to the rear of the building as illustrated on the Site Plan. The parking will thus only serve patrons not staying at *Leeu House*. The provision of one bay for each of the four treatment rooms, with an additional bay for staff parking is therefore considered to be adequate.

## **11) Concluding Summary**

The proposal to develop Erf 425 Franschoek as a wellness centre for guests from the *Leeu House* on the abutting property and well as to serve the public is considered to be an appropriate form of development for the property. The proposal is **desirable** for the following reasons:



- The proposal is considered to be **consistent with the policies and guidelines** of the relevant policy documents in that it will play a role to promote tourism in Huguenot Street while having a minimal impact as existing infrastructure is to be utilized.
- The proposal is consistent with the appropriate development principles of **Spatial Sustainability and Efficiency**.
- The proposal should be **compatible** with the surrounding land uses and mixed urban use character of the immediate area.
- The rezoned site will **form an entity** by being consolidated with the abutting property Erf 3748 which is zoned for a guest house purposes.
- The proposal will present an **appropriate attractive facade** along the Huguenot Street as the existing building will be upgraded and landscaping introduced.
- The **nature of Huguenot Street** which serves as the main thoroughfare through town make it more suited for tourist associated uses than single dwelling living.
- The proposal represents a substantial **capital investment** with associated economic advantages to the local authority and the local economy.
- The proposal will contribute towards creating **employment opportunities** for the local community.
- The proposal should not impact negatively on **traffic** in Huguenot Street.
- The property is fully **serviced**.

It is consequently concluded that the proposal as set out in the application is **desirable** and should therefore enjoy the **full support** of the Council.

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Report compiled by Peter Mons - Pr. Pln - November 2020



No. 8069/54

Goedgekeur

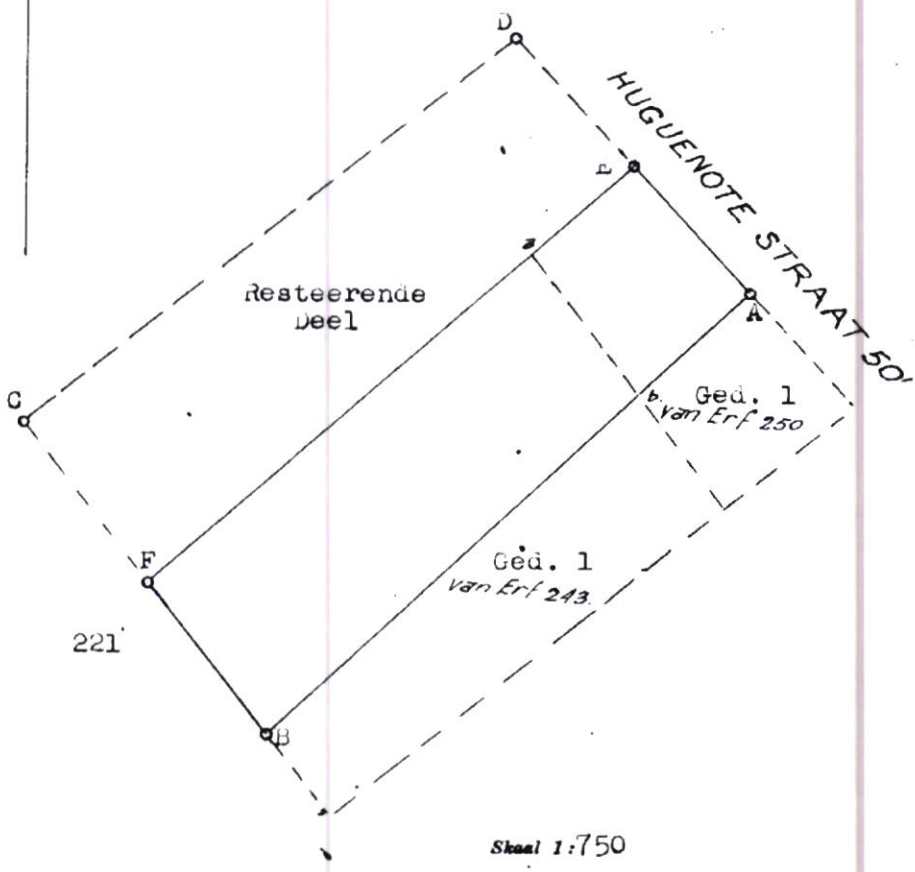
*G. J. Stewart*

Landmeter-generaal.

SYE Kaapse Voet		HOEKE	
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BF	69.80	B	65 35 40
FE	230.04	F	92 36 30
EA	62.40	E	91 44 40
FC	72.71		
ED	62.41		



- A, B 1" x 18" yster pen
- E, F 1" x 36" yster pen
- C gat in konkreet sloot geboor
- D gat in bokant steen pilaar geboor



Die figuur A.B.F.E.

stel voor 15359 Vierkante Voet grond synde Erf 225 Gedeelte 2 van Erf No. 243 424. Franschoek

geleë in die Munisipaliteit van Franschoek

Afdeling PAARL

Provinsie Kaap die Goeie Hoop.

Opgemeet in Julie 1954 deur my

*G. J. Stewart*  
Landmeter.

Hierdie kaart is geheg aan T/A. 17744/54.

Die oorspronklike kaart is No. 8068/1954 geheg aan

L.G. Lær No. 7042/13. Meetstukke No. E.1550/34

18/10.

Registrateur van Aktes

C

ERF 425  
Comp. B1-7CA/52  
Ref.



# STELLENBOSCH

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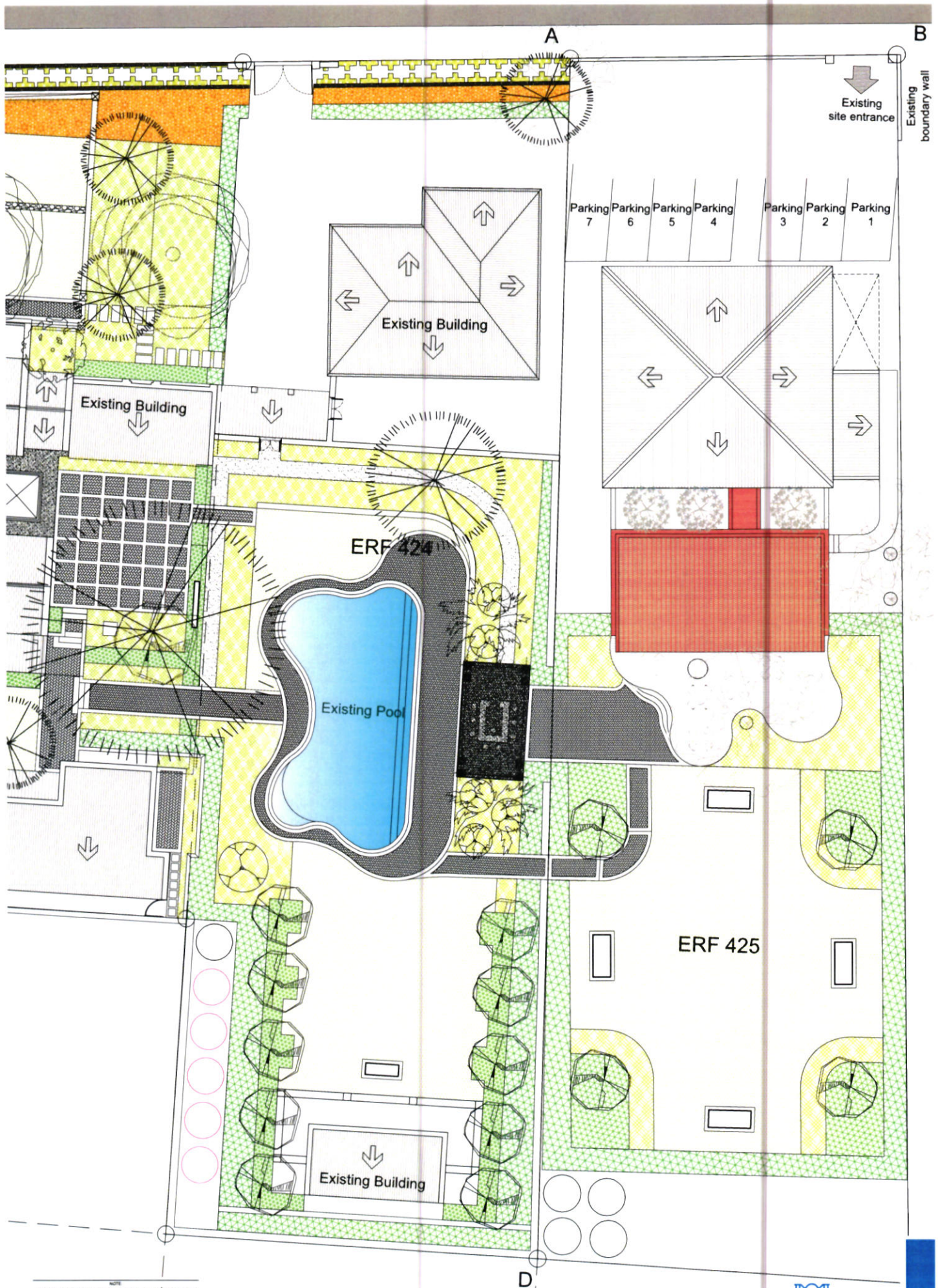
12 October 2020

**SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK, ERF 425, FRANSCHHOEK**

1. Your pre-application scrutiny submission on the above property dated **05 October 2020**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land use application as depicted in the submission represents on face value an accurate approach to the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB].
4. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>).
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.
6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards  
Bongiwe Zondo  
[bongiwe.zondo@stellenbosch.gov.za](mailto:bongiwe.zondo@stellenbosch.gov.za)

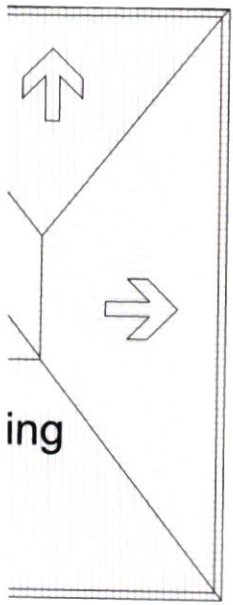




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# STELLENBOSCH

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AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

✉ 17, STELLENBOSCH 7599  
 ☎ 021 808-8578 / 8547 / 8546  
 📠 021 886 7318

## DUPLICATE RECEIPT

Receipt M/c: DIRI Duplicate Rec.No: 171224 Date: 27/11/2020

Local Authority: Stellenbosch Municipality

1 STB N 12500.00

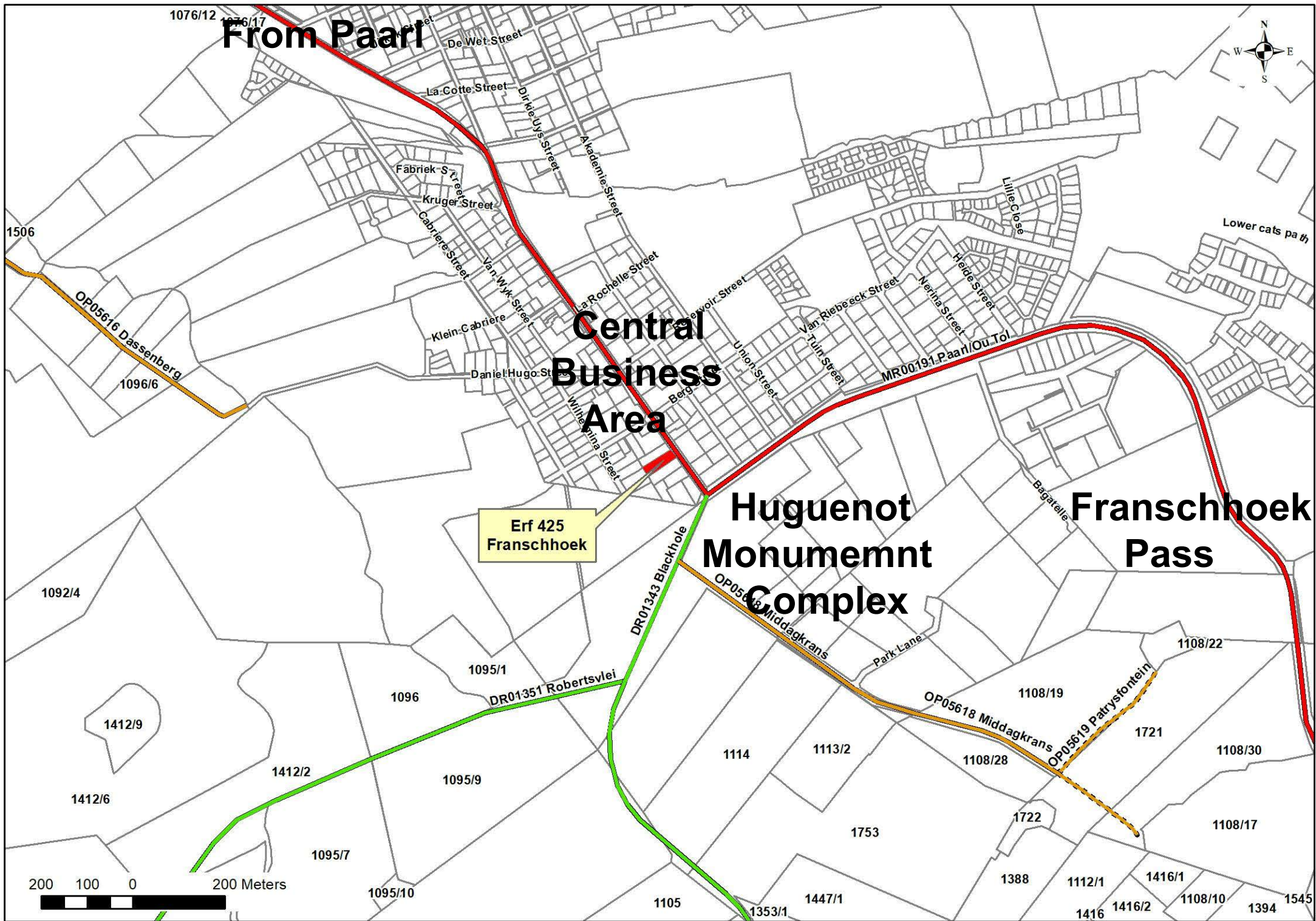
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**From Paarl**

**Central Business Area**

**Erf 425 Franschoek**

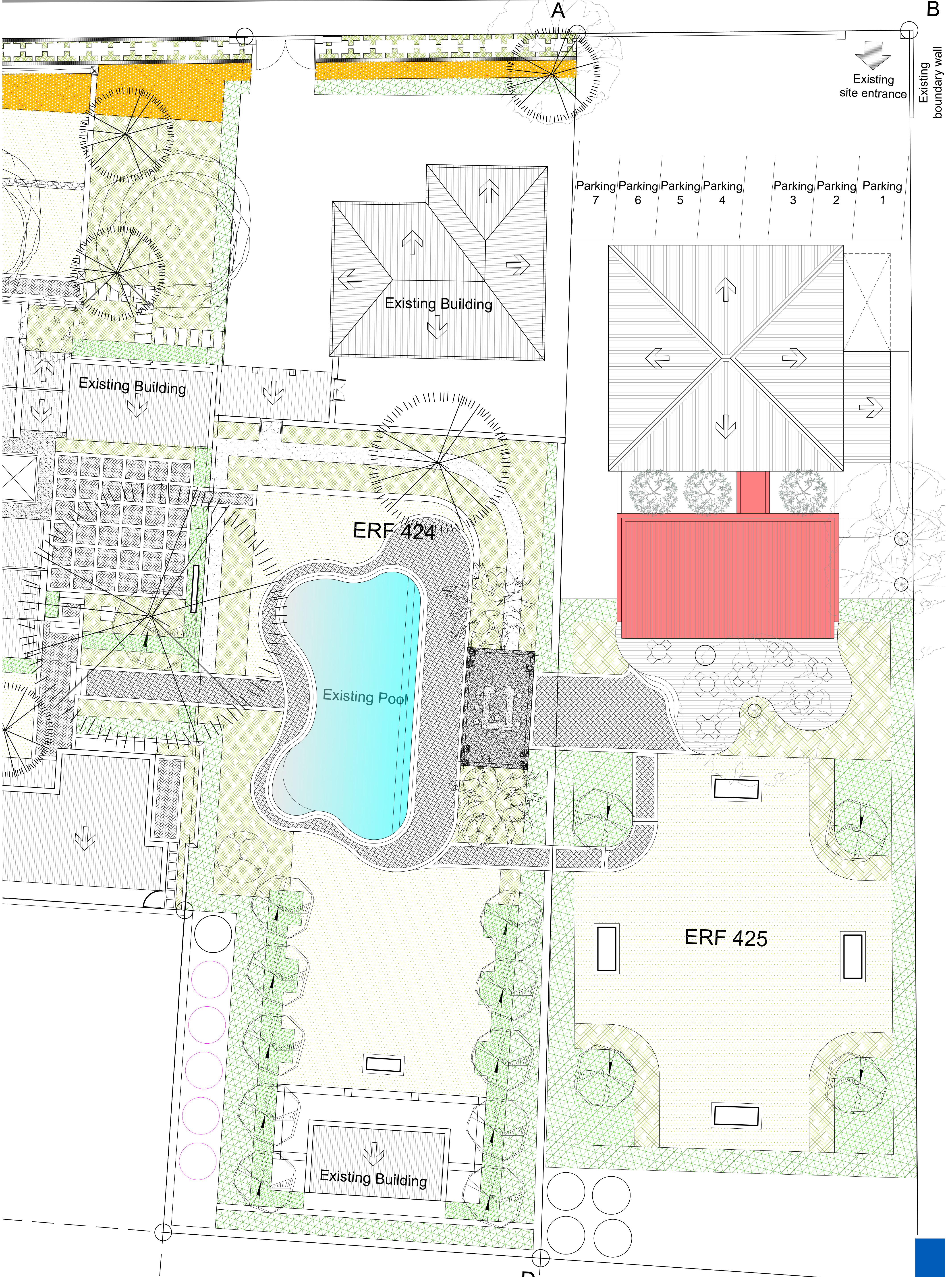
**Huguenot Monument Complex**

**Franschhoek Pass**

*Locality Plan*





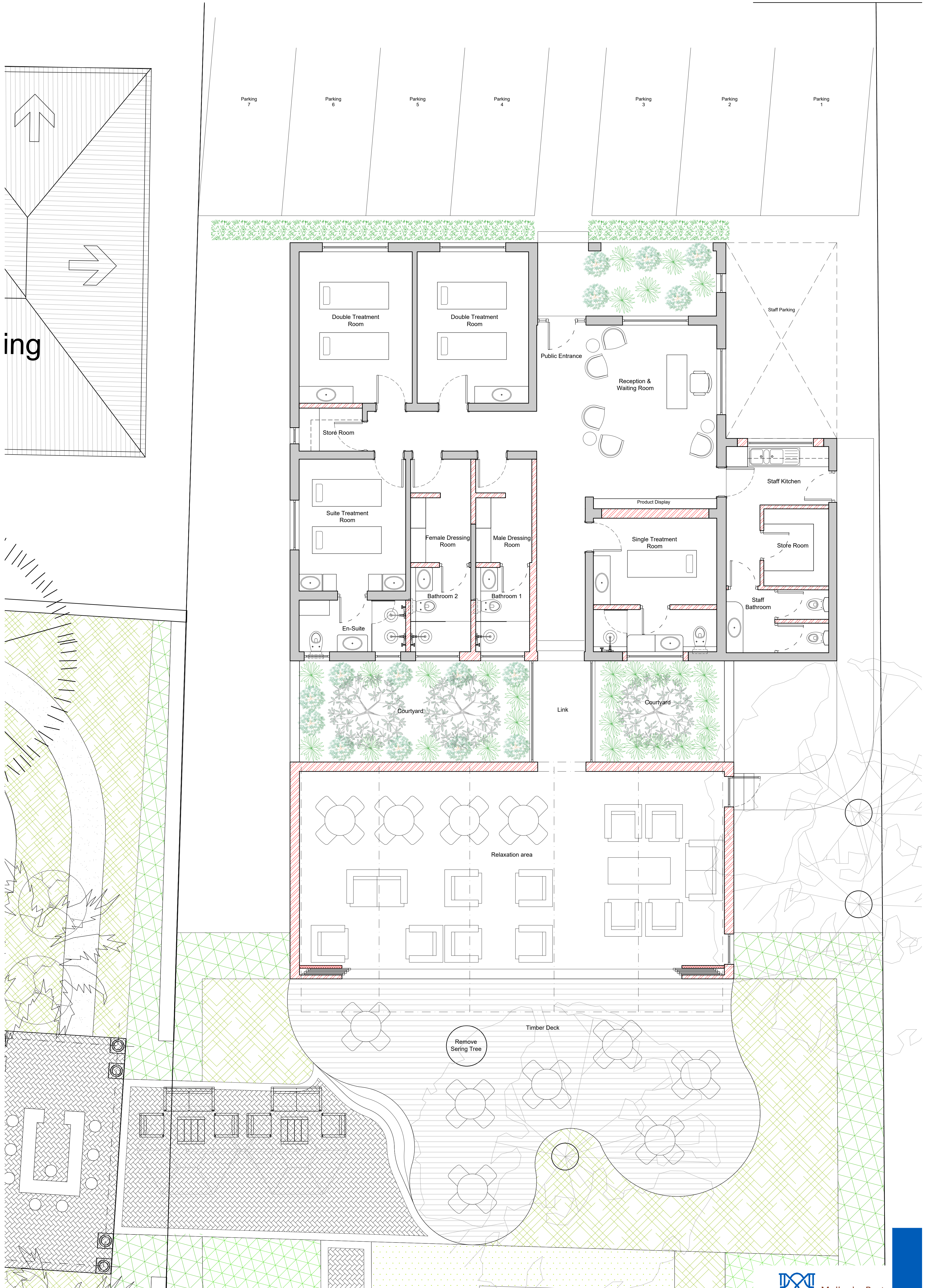


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8 Huguenot Street - 15-09-2020



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