

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

Dear Sir and/or Mam

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Corner of Helshoogte Road and Rivier Street, Pniel

Application Property Number: Erf 761

Applicant: Arch Town Planners Pty (Ltd) – Marike Bolz

Contact Details: 072 480 58 38/marike@archtownplanners.co.za

Owner: Lenelda, Nathan and Lizel Davids

Application Reference: LU/13968

Application Type: Rezoning and Removal of Restrictive Title Deed Conditions

Description of Proposal:

- (i) Rezoning of land in terms of Section 15(2)(a) from Conventional Residential Zone to Mixed Use Zone to allow a coffee shop on the premises.
- (ii) Removal of the following Restrictive Title Deed Conditions in terms of Section 15(2)(f) from Deed of Transfer No. 000019151/2019 for Erf 761, Pniel:
 - Condition B.3(1) and (2)
 - Conditions B.4(a)(i) and (ii)

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: **Arch Town Planners (Pty) Ltd – marike@archtownplanners.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 **12 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 **072 480 5838** during normal office hours.

Yours faithfully,



Marike Bolz (Director)
Arch Town Planners (Pty) Ltd

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

Beste Mnr. en/of Mev

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Hoek van Helshoogte Road en Rivier Straat, Pniel

Aansoek eiendom beskrywing: Erf 761

Aansoeker: Arch Town Planners Pty (Ltd) – Marike Bolz

Contact Details: 072 480 58 38/marike@archtownplanners.co.za

Eienaar: Lenelda, Nathan and Lizel Davids

Aansoek Verwysing: LU/ 13968

Tipe Aansoek: Hersonerig en Opheffing van beperkende Titel Akte Voorwaardes

Beskrywing van Aansoek:

- (i) Hersonerig van grond ingevolge Artikel 15(2)(a) vanaf Konvensionele Residensiële Sone na Gemengdegebruiksone om 'n koffiewinkel op die perseel toe te laat.
- (ii) Opheffing van die volgende Beperkende Titelaktevoorwaardes ingevolge Artikel 15(2)(f) uit Transportakte No. 000019151/2019 vir Erf 761, Pniel:
 - Voorwaarde B.3(1) en (2)
 - Voorwaardes B.4(a)(i) en (ii)

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 tydsduur 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: **Arch Town Planners (Pty) Ltd – marike@archtownplanners.co.za** Deur 'n beswaar, kommentaar of verhoë 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 **12 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 **072 480 5838** gedurende normale kantoor ure.

Die uwe



Marike Bolz (Director)
Arch Town Planners (Pty) Ltd

**POWER OF ATTORNEY
(REGISTERED OWNER'S CONSENT FORM)**

I / we, Lenelda Davids, Nathan Davids, Lizel Davids
(name(s) of registered owner(s))

registered owner(s) of the following property(ies) :

Erf 761 Pniel

(property description(s))

wish to certify that authority is hereby granted to

Arch Town Planners (Pty) Ltd

(applicant's name)

in terms of the resolution enclosed herewith (applicable if land owner is a registered company / close corporation, trust or other juristic person), to apply for *

- **removal / suspension / amendment of restrictions**
- **rezoning**
- **consent / conditional use**
- **departure (temporary / permanent)**
- **subdivision / subdivision exemption**
- **site development plan approval / amendment**
- **amendment of conditions**
- **township establishment**
- **other (please specify)**

in respect of the above-mentioned property(ies) to enable it to be developed / utilised for the following purpose(s) :

Commercial Use (Restaurant, deli, coffee shop, guest house etc.)

(proposed purpose(s) / development)

(* please delete whichever not applicable).

The undersigned therefore nominates, constitutes and appoints the above applicant with power of substitution to be the registered owner's legal representative / agent and to act in the name, place and stead of the registered owner in the above regard. Power of attorney is accordingly hereby granted to the applicant to sign all correspondence in respect of the matter referred to above.

Owner's name Lenelda Davids Nathan Lizel Davids

Owner's signature [Signatures] Date 11/12/21



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PRE-APPLICATION SCRUTINY FORM

1. This Land Use Pre-Application Scrutiny Form must be submitted prior to the submission of any Land Use and Land Development application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 (SLUPB).
2. Relevant documents can be accessed at: <https://stellenbosch.gov.za/planning-portal/>
3. The applicant will receive feedback per e-mail following a weekly internal technical discussion on the pre-application scrutiny submission.
4. A pre-application consultation meeting may be required in terms of Section 37 of the said Bylaw on receipt and consideration of this Pre-Application Scrutiny.

PART A: APPLICANT, OWNERSHIP & PROPERTY PARTICULARS

Applicant Name	Marike Bolz for Arch Town Planners
E-Mail Address	Marike@archtownplanners.co.za
Tel/ Cell Number	0724805838
Registered Owner	The Trustees for the Time Being the De Wet Centre Trust
Property Description (Erf / Farm Number)	Erf 761 Pniel
Physical / Street Address	47 Hoofstraat Pniel
Suburb & Town	Pniel
Current Zoning	Conventional Res
Current Land Use Activities / Buildings	Vacant building

Are there existing buildings on the subject property(ies)?	Yes	
Are there any existing unauthorized buildings and/or land use on the subject property(ies)?		No
If yes, is this application to legalize the building/ land use?		No
Are there any pending court case(s)/ order(s) relating to the subject property(ies)?		No
Is the property located in a heritage area or contains any heritage significant buildings?	Yes	
Does the property fall inside the urban edge?	Yes	

PART B: APPLICATION

1. WHAT LAND USE PLANNING APPLICATIONS ARE REQUIRED IN TERMS OF SECTION 15(2) OF THE SLUPB?

s15 (2)(a)	Rezoning	s15 (2)(f)	Removal / Suspension Amendment of restrictive conditions	s15 (2)(j)	Permission in terms of condition of approval	s15 (2)(q)	Disestablishment of HOA
s15 (2)(b)	Permanent Departure	s15 (2)(g)	Permission in terms of zoning scheme	s15 (2)(m)	Determination of a zoning	s15 (2)(r)	Rectify failure by HOA
s15 (2)(c)	Temporary Departure	s15 (2)(h)	Amendment of condition(s) of approval	s15 (2)(n)	Closure of a public place	s15 (2)(s)	Permission required for the reconstruction of a building Other:
s15 (2)(d)	Subdivision	s15 (2)(i)	Extension of validity period of approval	s15 (2)(o)	Consent use		
s15 (2)(e)	Consolidation	s15 (2)(k)	Amendment / cancelation of approved subdivision plan	s15 (2)(p)	Occasional use		Other:
OTHER	s13 7SBL Technical Approval	24(2) SLUPB Exemption	Title Deed	Title Deed consent / permissions			

Details of the Proposal: (Brief description of development proposal. List expected land use activities. Short motivation of intended land use. Detail planned outcome. If change of zoning is required, list which zoning is applied for. Describe additional use planned for. List type of consent use applied for.)

The intention is to renovate the building and then to rezone the property to either Local Business / Mixed-Use to allow for a coffee shop/deli on ground floor and maybe guest accommodation in the loft. Parking will be accommodated on-site. The property is situated on a popular cycle route and will provide for a coffee shop/deli (with the aim to sell locally produced products).

The existing building is in a dilapidated state. The building has heritage value, and the intention is to renovate only, no additional structures are proposed on the building.



2. RELEVANCE OF ANY PLANNING LEGISLATION/ POLICIES AND PLANS

RELEVANT PLANNING CONSIDERATIONS		
(a) Are any Municipal plans/policies/guidelines, or any restrictive title conditions, or other legislation / authorizations applicable to the application, and if yes, is the proposal consistent/ compliant with such?	Yes	No
	x	
Details with reference to applicable plans/ policies/ guidelines: Restrictive title deed conditions to be removed		
(b) Does the proposal require the following additional infrastructure / services? e.g. electricity; water; sewerage; road network; other?	YES	NO
		x
Details on required infrastructure:		
(c) Does the development proposal include the provision of residential units, and if so, what is the target market re: range in income bracket/ selling price or rental for the units?	YES	NO
		x
Details on target market:		

(d) In addressing the SPLUMA principle of Spatial Justice and as it relates to prescripts on the provision of inclusionary housing, how will this development proposal target affordable market segments?	YES	NO
Details on inclusionary housing provision: N/A		

PART C: COPIES OF PLANS / DOCUMENTS TO BE SUBMITTED AS PART OF PRE-APPLICATION SCRUTINY

The following minimum documentation **must** be attached to this pre-application scrutiny form:

1. **Locality plan**
2. **Layout Plan of proposal** (e.g. copy of existing building plan, indicating proposal on site plan, etc.)
3. **Full copy of the title deed or Conveyance Certificate**

Note:

- The Municipality may request any other information deemed necessary for the purpose of this pre-application scrutiny.
- If an incomplete pre-application scrutiny form or the required minimum supporting documents are not submitted the pre-application scrutiny form will not be accepted by the Municipality.

DECLARATION:

I hereby confirm that the information contained in this pre-application scrutiny form and accompanying documentation is complete and accurate.



FOR OFFICE USE:

Municipal Stamp
Received by: _____
Date: _____

DETERMINATION BY AUTHORISED OFFICIAL

Additional Information	Pre-Application Consultation	Application Ready
Sign: _____		Date: _____

APPLICANT INFORMED BY RESPONSIBLE OFFICIAL

Sign: _____	Date: _____
-------------	-------------

From: Pedro April
To: marike@archtownplanners.co.za
Cc: Bulelwa Mdoda
Subject: Pre-scrutiny application feedback: Erf 761, Pniel: Application for Rezoning and Removal of Restrictive conditions.
Date: 21 February 2022 08:50:09
Attachments: [image003.png](#)
[0.png](#)
[2.png](#)
[3.png](#)

Dear Marike Bolz
Feedback: Pre-Application Scrutiny

1. Your pre-application scrutiny submission, refers.

2. Your submission has been duly scrutinized for your intended land development application.

3. Your intended land use and/ or land development application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB] before the formal application is formally submitted:
 - a. **Indication is given that a removal of restriction condition is application, but no further motivation is given I the motivation.**
 - b. **The property could be rezoned to either Mixed Use Zone or Local Business Zone for the intended need and needs to motivated on the long terms sustainable use of the property for the owner.**
 - c. **Proposed parking provision in terms of the propose zoning category must be provided and indicated on plan.**
 - d. **Its advisable that Heritage Western Cape be engage with and possible approvals be obtained before the submission of an application or simultaneous submission be made to HWC.**
 - e. **The submission of a conveyancers certificate together with the application will be required to determine all required applications to be submitted.**

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://stellenbosch.gov.za/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 authorized decision maker.

6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees where required. 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.

For any enquiries on this correspondence please respond by e-mail to the writer hereof or to the email; landuse.enquiries@ Stellenbosch.gov.za.



Yours faithfully

Pedro April
Senior Town Planner
Department:
Land Use Management
Directorate:
Planning & Economic Development
Stellenbosch Municipality

Departmental Email Addresses:

Landuse.enquiries@ Stellenbosch.gov.za

Landuse.applications@ Stellenbosch.gov.za

Landuse.appeals@ Stellenbosch.gov.za

T: +27 21 808 8683 | Fax: +27 21 886 6899

43 Andringa Str, Eikestad Mall, 3rd Floor,
Stellenbosch, 7600

www.stellenbosch.gov.za

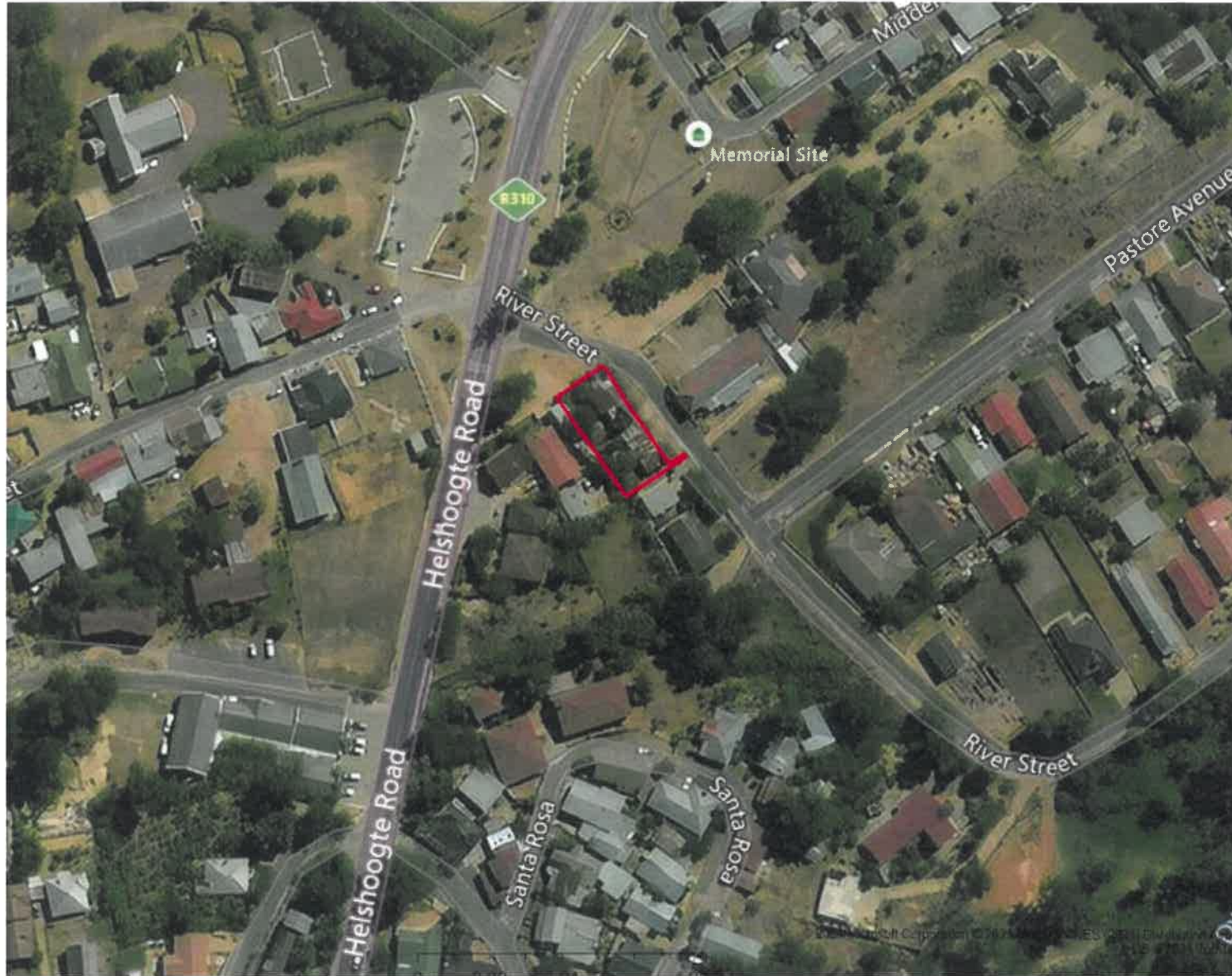


Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:

http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

REZONING AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

ERF 761
PNIEL
STELLENBOSCH



March 2022

SUBMITTED TO:
STELLENBOSCH MUNICIPALITY

PREPARED AND SUBMITTED BY:



Postal Address: 2ND Floor, Bakkershuis
152 Dorp Street
Stellenbosch, 7600
Mobile: +27 (0)72 480 5838
Email: marike@archtownplanners.co.za
Website: www.archtownplanners.co.za

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1. INTRODUCTION

1.1 Background Information

Erf 761, Pniel, in the Stellenbosch Municipal Area, Division Paarl (hereafter referred to as 'the application site') is a conventional residential erf, within the Stellenbosch Municipal area. The existing house on the property is vacant and extremely dilapidated and the owner of the property wishes to renovate the existing historic house and to use it for a coffee shop/deli. The Title Deed conditions of the property places restrictions on the use of the property which would need to be removed to allow for the proposed use.

1.2 Planning Brief

In light of the above information, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit a rezoning and removal of title deed restriction application to the Stellenbosch Municipality for their consideration.

Please refer to the attached Power of Attorney (**Annexure A**).

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(a) and (f) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for the following:

- i. The **Rezoning** of Erf 761 from Conventional Residential Zone to Mixed-Use Zone
- ii. The **Removal of the following Restrictive Title Deed conditions** from Deed of Transfer No. T000019151/2019:
 - Condition B.3(1) and (2)
 - Conditions B.4(a)(i) and (ii)

This report serves as motivation for the above-mentioned application. The official application form is attached to this report as **Annexure B**.

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf size	Title Deed	Restrictive Title Deed Conditions
Erf 761, Pniel, Stellenbosch	Lenelda Violet Davids and Nathan Oscar Davids and Lizel Davids	653 m ²	T000019151/2019	<ul style="list-style-type: none">• Condition B.3(1) and (2)• Conditions B.4(a)(i) and (ii)

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed. As listed in the Title Deed, the following conditions are restricting the proposed development of the property and therefore needs to be removed to be in line with the applicable Stellenbosch Zoning Scheme:

Condition B.3.(1): Die erf mag nie onderverdeel of in gesamentlike besit gehou word nie sonder die voorafverkreë toestemming van die Minisiter.

Condition B.3.(2): Geen gebou mag gebruik of verander word vir n ander doel as in hierdie voorwaardes bepaal nie.

Condition B.4(a)(i): Die erf mag slegs vir bewoningsdoeleindes gebruik word, met dien verstande dat die Minister die reg sal hê om goed te keur dat die erf vir soanige ander doeleindes gebruik mag word soos hy mag goeddink.

Condition B.4(a)(ii): Net een wonig met buitegeboue mag op die erf opgerig word.

2.2 Locality and Context

The application site is situated in Pniel, a small town outside of Stellenbosch adjacent to Helshoogte Road, connecting Stellenbosch to Franschoek and Paarl. There are very limited tourist facilities (such as restaurants, coffee shops, delis, tourist shops and tourist accommodation) within Pniel town itself, however, the surrounding agricultural Banhoek Valley area has a number of very popular restaurants, wine cellars offering wine tasting, coffee shops and tourist accommodation, such as Banhoek Chilli Oil, Boschendal, Tokara, Thelema Mountain Vineyards, Le Pommier, Zorgvliet and Delaire Graff.

With the formalization of the Banhoek Conservancy (with its safe hiking and mountain bike trails), the MTB in the Simonsberg Nature Reserve and Boshendal as well as the popular Skyfall and new Idas Valley MTB trails, the Banhoek Valley has become a very popular mountain biking detitanation which draws an increasing number of tourists to the area. The Stellenbosch Municipality has identified the Banhoek Valley as one of the main cycling destination areas in Stellenbosch and

are considering various ways to establish and promote the area as a safe and preferred MTB area to tap into the tourism potential of the valley. The Helshoogte Road, running through Pniel and connecting with the R45 has also become a popular motorbike and road cycling route between Stellenbosch and Franschhoek. Though there are many farms along the way to tap into and benefit from the growing number of tourists in the area, there are still very limited tourist facilities in Pniel town.

Please refer to Figure 1 below for the location of Simonsberg Nature Reserve and Banhoek Conservancy in relation to Pniel.

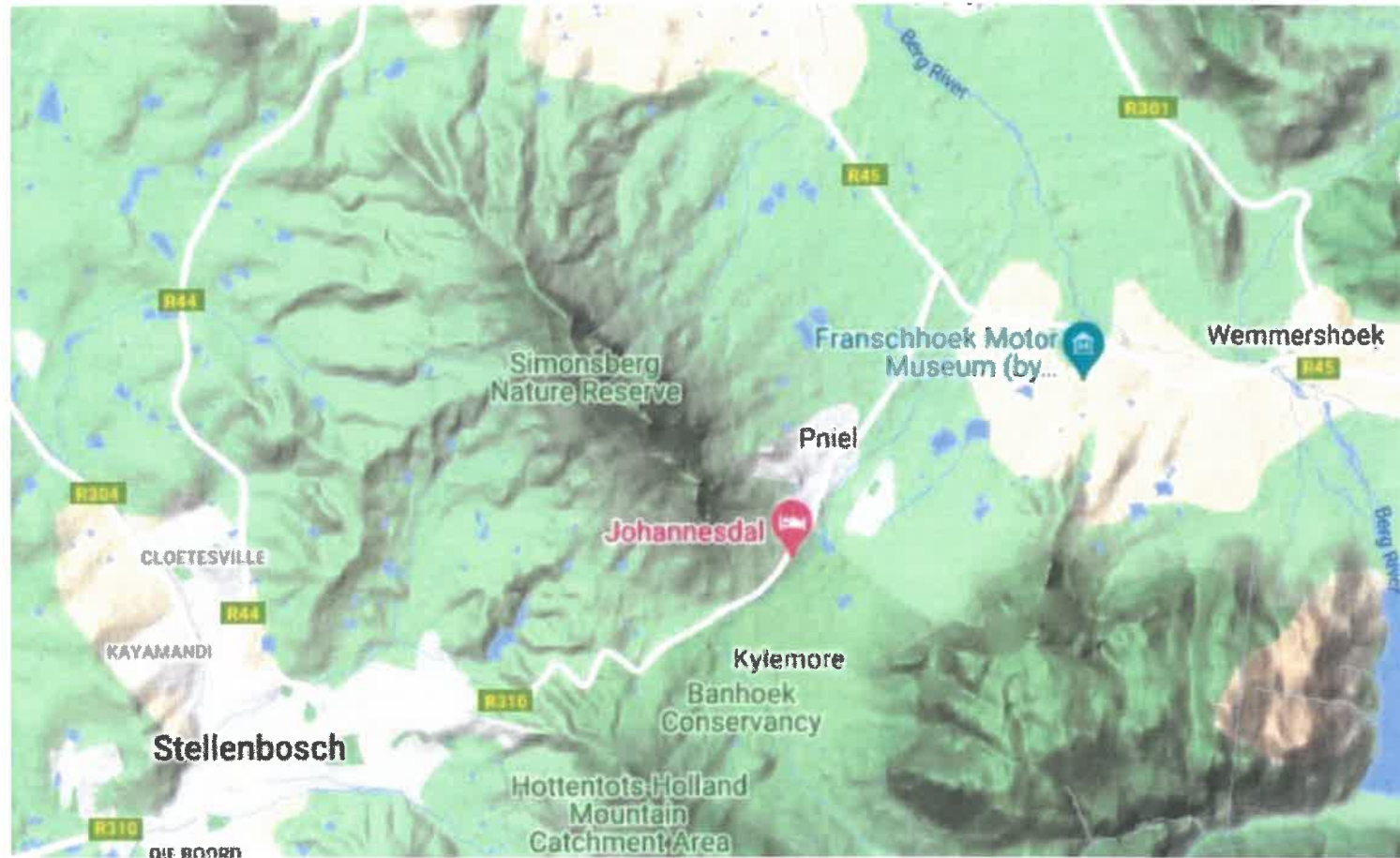


Figure 1 Surrounding Area

Please refer to Figure 2 and Figure 3 on the next page for the locality and aerial view of the application site. The site is situated to the east of Helshoogte Road / Main Road and directly southwest of River Street in Pniel, Stellenbosch. Vehicular access to the site is gained from River Street by driving over the open space directly north of the property. There is an open parking lot directly north of the application site, which provides parking for the Petite Pre-Primary school and the Pniel Museum situated north-east of River Street. Pniel Congregational Church and its parking lot is situated to the north-west of the application site on the other side of Helshoogte Road. Other businesses in the vicinity of the application site include the Caltex Gas Station along Helshoogte Road, Opperman and Son Packaging and Supply Store in Pastorie Avenue and the Pniel Municipal Offices is Hill Street. The other properties towards the east and south of the application site is mainly conventional residential houses.



Figure 2 Locality of Application Site



Figure 3 Aerial view

2.3 Current Zoning and Land Use

The zoning of property is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the site is zoned as **Conventional Residential Zone**, which allows for the following land uses on the site:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> • Dwelling house 	<ul style="list-style-type: none"> • Bed and breakfast establishment • Home day care centre • Home occupation practice • Home lodging • Second dwelling • Occasional use (one event/year) • Private road 	<ul style="list-style-type: none"> • Commune • Extramural facility • Group housing • Guest house • House shop • Occasional use (>one event/year) • Tourist dwelling unit • Additional uses exceeding parameters in this chapter

Table 2 Summary of land uses

The following building development parameters are applicable to Conventional Residential zoned erven:

Area of Land Unit	Street Boundary Building Lines	Common Boundary Building Lines	Coverage	Height
501m ² - 1 500m ²	4m and 1m for garage	2.5m and 0m for garage	621m ²	2 Storeys

Table 3 Building development parameters

There are two existing buildings on the property, the old historical building on the northern boundary of the site facing Helshoogte Road and a single storey flat roof outbuilding (uses as residential accommodation) at the rear of the property. The historical building is in a very derelict state and is currently empty. The existing historical building is 100m², with the outbuilding being 96.4m².



Figure 4 Existing Historical Building

As mentioned above, access to the property is obtained from Rivier Straat, through an existing gate. Please refer to Figures 4 – 11 below for photos of the existing building and access gate.



Figure 5 View from Helshoogte Road towards application site.



Figure 6 View from corner of Helshoogte Road and River Street towards application site.



**Rear Residential
building**

Figure 7 View from River Street towards application site.



Figure 8 View down River Street



Figure 9 Existing Access gate to property



Figure 10 View from River Street (next to application site) towards Heritage Museum



Figure 11 View from open area in front of application site towards church parking area.

3. DEVELOPMENT PROPOSAL

3.1 Overview

The proposed coffee shop/deli will be aimed at the local community as well as tourists, those visiting the museum the church and town, as well as the increasing number of cyclists cycling past this site.

The intention of the owners is to renovate the historical house, within the existing envelope and to use the house as a coffee shop/deli. The small rooms within the house adds to the charm of the house and no internal walls will be demolished, the intention is to renovate the existing structure, thus to paint, plaster and repair only. The existing outbuilding will be used for storage and bathrooms. Please refer to Annexure E for a copy of the Site Plan on Elevations of existing building which will stay as is.

Vehicular access to the erf will be moved to the eastern boundary of the site, with access between the existing house and the outbuilding. Though it is expected that the majority of customers to the coffee shop/deli will be pedestrians, 4 x on-site parking bays will be provided to comply with the requirements of the zoning scheme.

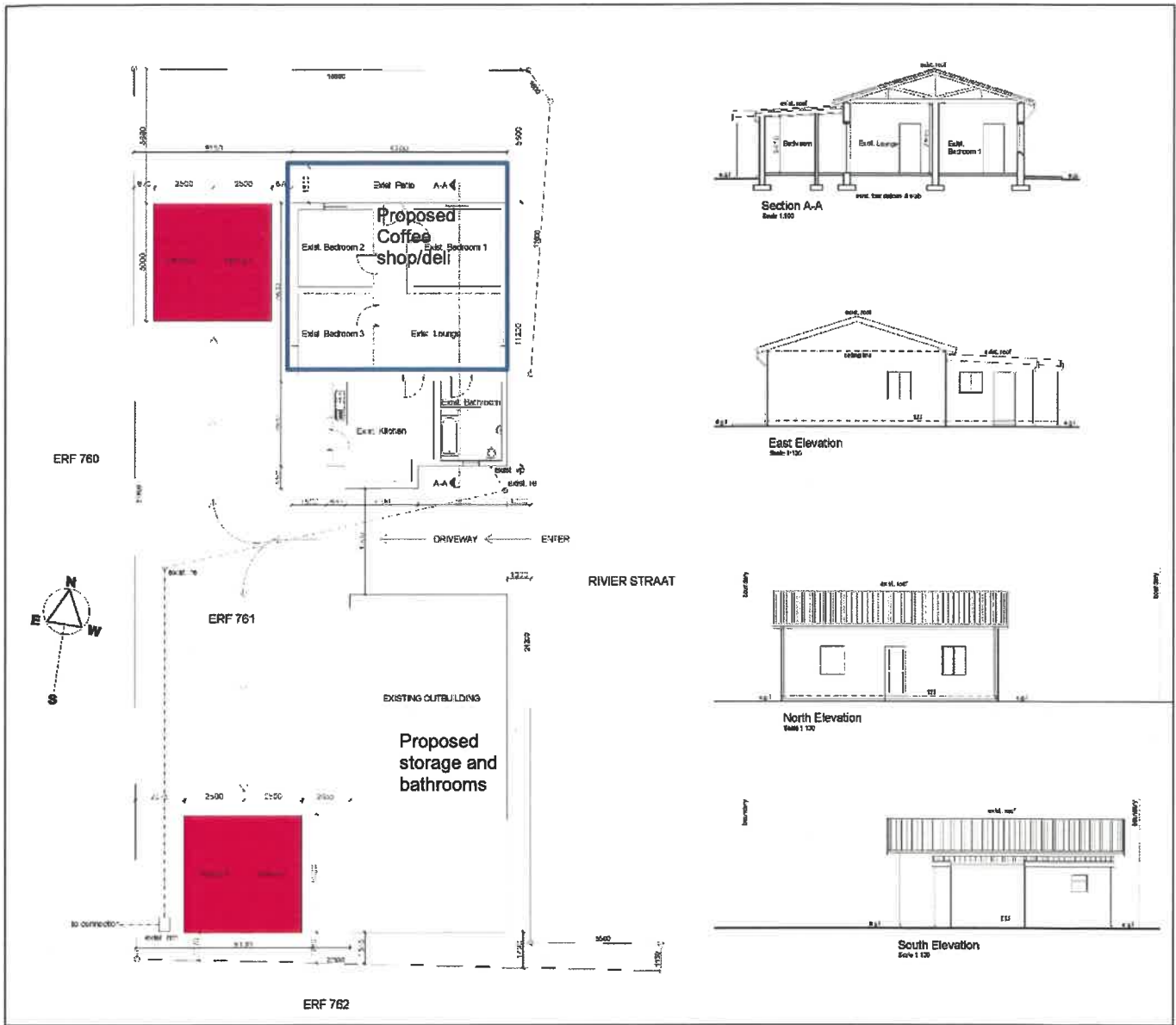


Figure 12 Proposed Site Plan

The existing building already has established service infrastructures on site, including an existing sewage system, water pipelines, and electric points. The proposed conversion from a single residential house to the coffee shop/deli will not result in additional capacity demand and therefore no upgrades are required.

3.2 Development Parameters

Table 4 below provides a comparison between the prescribed development parameters for Mixed-Use of the zoning scheme and the proposed development (which will be in the existing buildings – no new buildings are proposed).

Development Rule	Mixed-Use Zone		
	Zoning Scheme	Proposed (Existing building)	Applications Required
Street Boundary Building Lines	0m	5.7m	Compliant
Common Boundary Building Lines	0m	6.75m	Compliant
Coverage	85% (555m ²)	30% (196m ²)	Compliant
Height	6 Storeys	1 Storey	Compliant

Table 4 Compliance of development with Land Use Parameters

The proposed development complies with all the development parameters of the Zoning Scheme and therefore no departures are required.

Please note that though the title deed does not place restrictions on the building parameters of the erf, it does place restrictions on the land use of the property in terms of ownership, use of the building and the number of dwelling units. These restrictions need be removed in order to allow for the change of land use from residential to commercial (deli/coffee shop).

4. MOTIVATION

It is important to note that prior to the existence of zoning schemes, title deeds were used to govern and guide the development (by way of various conditions) of properties. Title deed conditions were used to regulate and protect the existing rights of all property owners. Without arguing that restrictive title deed conditions are redundant, it is motivated that Zoning Schemes and Municipal Policies now replaces the need for title deeds to govern the development of properties. It should be noted that the application only involves the removal of restrictive title deed conditions to allow for the change in land use, it would not result in any additional rights in terms of building footprint or structure. The character of Pniel has changed considerably since the establishment of the town. Pniel has grown and there is a need for more commercial type of developments such as the proposed, to help stimulate the local economy and to draw more tourists to the area to the benefit of the local community. The application site is located on a very strategic location, opposite the church, museum and on a major cycle route which lends to property to be better utilized as a coffee shop/deli in lieu of a residential building.

Section 65(1) of the By-law, sets out certain criteria which needs be met in consideration of an application by the decision-making authorities. In line with this section, Table 5, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(f) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was presented to the Municipality by means of pre-application consultation. See Annexure F for feedback received during the pre-application scrutiny process. All relevant and required documentation are attached to this application and motivation.
c. Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, it is strongly motivated that it will greatly enhance the quality of the area and provide for local economic growth, based on the following motivation:</p> <ul style="list-style-type: none"> - The existing building is in a greatly decapitated state which distracts from the local historical charm of the area. The proposed development will result in the historical building being renovated which will greatly enhance the visual appearance of the area and will improve and uplift the character of the area. - There are very few coffee shops/deli's in the area to provide for the local tourists, visitors to the church and local residents. The proposed land use will attract tourists to the area and provide for the local community without having to travel to the surrounding wine farms and towns. - The proposed land use will not result in any overlooking and loss of privacy to surrounding owners. - It is motivated that the proposed land use will improve safety and security in the area. It will also result in passive observation towards the open space area in front of the museum and the pre-primary school as well as the pedestrian walkway moving past the property. - The approval of the application will ensure the renovation of the existing historical building. - The proposed land use will result in employment opportunities for the local community in Pniel. - The proposed land use will not result in any substantial increase in traffic as it will be targeted at cyclist and pedestrians.
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.

f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	None
i. The IDP and SDF	<p>Stellenbosch Municipality recently approved a new MSDF, which is used to guide land use decisions in both the short and long term. This document sets out the spatial proposals for Pniel. The section below indicates how the proposed rezoning will comply with these proposals:</p> <ul style="list-style-type: none"> • The proposed development is within the urban edge and will be situated within an existing building, it will therefore not result in urban sprawl. • The proposed development will be situated within a historical building. The historical building is in an excessively dilapidated state which detracts from the character of the area, especially as it is located on strategic location in the settlement centre and urban character area. The proposed development will entail the renovation of the existing building (without any structural changes) which will drastically enhance the appearance of the building and will provide public access to the building. It will also enhance the visual appearance of the street scape and area, and the historical building will be more visible from the Helshoogte road which will add to the charm of the area. • The proposed rezoning will result in the renovation of the building which will help to maintain the historical character of the historical centre of town, opposite the museum and church. This will contribute and strengthen the visual appearance of the historical character of the settlement centre. • No service upgrades are required. • The proposed deli/coffee shop is situated on the main cycle route between Stellenbosch, Pniel and Franschhoek as well as a formal pedestrian walkway linking Pniel town and surrounding areas. It will therefore promote the use of non-motorized transport. • The proposed development will contribute to the establishment of a community cluster within the settlement centre.

j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes densification. Thus, the application is in line with the provincial SDF.
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p>Spatial Justice: Aligned. The proposal will provide for a deli/coffee shop within the settlement centre which is easily accessible to the community and passing tourists. There is currently very few such land uses within the settlement centre and many tourists move through town without stopping. The proposed development will attract tourists to the area which will help with local economic growth.</p> <p>Spatial Sustainability: Aligned. The proposal complies with this principle by ensuring that the development of the property will create a more compact Pniel, with commercial use within the centre of town. It not result in urban sprawl and will provide for better use of an existing building.</p> <p>Efficiency: Aligned. This application entails the utilisation of existing infrastructure on an optimal level. The proposal will allow for the efficient utilisation of land.</p> <p>Good Administration: The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p>Spatial Resilience: Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>

s. Applicable provisions of the zoning scheme	As discussed, the proposed development is in line with the provisions of the Zoning Scheme.
---	---

Table 5 Assessment of Application in terms of Section 65 of the By-law

5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. In light of the above information, Council is respectfully requested to favourably consider the application for the following:

- i. The **Rezoning** of Erf 761 from Conventional Residential Zone to Mixed-Use Zone
- ii. The **Removal of the following Restrictive Title Deed conditions** from Deed of Transfer No. T000019151/2019:
 - a. Condition B.3(1) and (2)
 - b. Conditions B.4(a)(i) and (ii)

Report compiled by:



Marike Bolz

for Arch Town Planners (Pty) Ltd

March 2022

HOOFDFIGUR			BLOKHOEKE			GROOTTES		
KOORDINATE	STELSEL	Co 10°	KOORDINATE	STELSEL	Co 10°	KOORDINATE	STELSEL	Co 10°
X	Y	0,00	X	Y	0,00	X	Y	0,00
A	- 3 721,85	+ 1 452,74	A1	- 3 742,61	+ 1 574,48	B1	- 3 745,45	+ 1 585,12
B	- 3 710,88	+ 1 444,58	A2	- 3 725,87	+ 1 588,88	B2	- 3 730,20	+ 1 594,35
C	- 3 697,69	+ 1 436,84	A3	- 3 716,42	+ 1 578,29	B3	- 3 716,25	+ 1 609,00
D	- 3 682,85	+ 1 425,21	A4	- 3 702,16	+ 1 592,58	B4	- 3 711,41	+ 1 617,25
E	- 3 687,25	+ 1 425,78	A5	- 3 704,59	+ 1 597,23	B5	- 3 706,96	+ 1 625,18
F	- 3 676,25	+ 1 425,71	A6	- 3 706,25	+ 1 572,91	B6	- 3 709,96	+ 1 642,72
G	- 3 662,45	+ 1 455,52	A7	- 3 702,19	+ 1 551,50	B7	- 3 703,89	+ 1 661,27
H	- 3 657,91	+ 1 452,44	A8	- 3 699,29	+ 1 551,67	B8	- 3 724,22	+ 1 680,80
I	- 3 636,51	+ 1 481,58	A9	- 3 697,14	+ 1 568,27	B9	- 3 751,62	+ 1 710,00
J	- 3 559,65	+ 1 553,25	A10	- 3 692,67	+ 1 564,28	B10	- 3 757,98	+ 1 716,69
K	- 3 553,87	+ 1 567,27	A11	- 3 686,81	+ 1 538,97	B11	- 3 762,88	+ 1 724,05
L	- 3 591,64	+ 1 606,68	A12	- 3 674,44	+ 1 539,97	B12	- 3 778,10	+ 1 740,21
M	- 3 603,94	+ 1 616,99	A13	- 3 666,14	+ 1 539,92	B13	- 3 789,18	+ 1 602,93
N	- 3 608,25	+ 1 639,53	A14	- 3 652,74	+ 1 527,73	B14	- 3 783,81	+ 1 591,69
O	- 3 623,33	+ 1 638,57	A15	- 3 641,86	+ 1 552,00	B15	- 3 697,53	+ 1 568,42
P	- 3 619,69	+ 1 642,56	A16	- 3 638,55	+ 1 552,58	B16	- 3 692,56	+ 1 552,12
Q	- 3 637,63	+ 1 657,60	A17	- 3 639,81	+ 1 555,67	B17	- 3 676,72	+ 1 544,19
R	- 3 654,17	+ 1 679,29	A18	- 3 637,55	+ 1 563,84	B18	- 3 668,73	+ 1 545,58
S	- 3 672,76	+ 1 697,42	A19	- 3 645,81	+ 1 581,83	B19	- 3 648,15	+ 1 556,06
T	- 3 678,88	+ 1 705,78	A20	- 3 642,13	+ 1 586,81	B20	- 3 644,18	+ 1 558,99
U	- 3 686,49	+ 1 718,39	A21	- 3 652,02	+ 1 599,28	B21	- 3 642,87	+ 1 563,69
V	- 3 691,90	+ 1 737,88	A22	- 3 658,94	+ 1 614,91	B22	- 3 649,05	+ 1 572,86
W	- 3 693,76	+ 1 742,81	A23	- 3 665,01	+ 1 625,54	B23	- 3 658,86	+ 1 577,48
X	- 3 704,45	+ 1 752,10	A24	- 3 668,19	+ 1 635,75	B24	- 3 663,27	+ 1 610,92
Y	- 3 714,95	+ 1 764,42	A25	- 3 674,56	+ 1 639,85	B25	- 3 669,87	+ 1 624,42
Z	- 3 723,45	+ 1 776,87	A26	- 3 680,56	+ 1 644,10	B26	- 3 672,33	+ 1 629,02
1A	- 3 733,63	+ 1 788,46	A27	- 3 686,48	+ 1 649,54	B27	- 3 677,77	+ 1 633,83
1B	- 3 740,83	+ 1 804,77	A28	- 3 702,84	+ 1 645,78	B28	- 3 683,85	+ 1 636,59
1C	- 3 741,45	+ 1 804,78	A29	- 3 696,42	+ 1 652,91	B29	- 3 701,02	+ 1 623,12
1D	- 3 823,96	+ 1 844,58	A30	- 3 707,97	+ 1 671,80	B30	- 3 704,59	+ 1 608,86
1E	- 3 818,36	+ 1 834,16	A31	- 3 724,52	+ 1 691,00	CW		
1F	- 3 822,88	+ 1 816,41	A32	- 3 739,54	+ 1 707,58	VERSKERINGSMERKE		
1G	- 3 806,29	+ 1 787,76	A33	- 3 754,11	+ 1 723,61	VM19	- 3 697,59	+ 1 635,95
1H	- 3 794,46	+ 1 768,35	A34	- 3 768,97	+ 1 738,82	VM20	- 3 547,60	+ 1 552,57
1I	- 3 780,85	+ 1 759,72	A35	- 3 776,60	+ 1 745,07	TRIGONOMETRIESE BAKENS		
1J	- 3 784,10	+ 1 736,53	A36	- 3 781,44	+ 1 755,39	493 Jobert -5 481,17	- 1 658,98	
1K	- 3 745,68	+ 1 664,16	A37	- 3 785,39	+ 1 760,21	499 DC 236 +3 000,56	+ 4 388,03	
1L	- 3 749,00	+ 1 585,88						
1M	- 3 745,32	+ 1 568,54						
1N	- 3 737,23	+ 1 530,06						
1O	- 3 734,12	+ 1 520,05						
1P	- 3 722,72	+ 1 478,97						

ALGEMENE PLAN NO. 5106/1994



VAN
ONDERVERDELING VAN ERF 600 PNIEL
Sien Kaart No. 5105/94 T/A
Bevattende 60 erwe genummer 758 - 817 en die strate
GELEË IN DIE ADMIN. DISTRIK PAARL
PROVINSIE VAN KAAP DIE GOEIE HOOP

L. G. No. 5106/94
GOEDGEKEUR
nms LANDMETER-GENERAAL
Datum: 1994-09-06
GOEDGEKEUR KRAGTENS Art 48(1) van WET NO. 9 VAN 1987
VERWYSING: 25/12/0.37 Datum: 1994-05-27

Opgemaak in Mei en Okt. 1988, Junie 1993 - Febr. 1994
deur ons
PLS 0354 CH Loubser
PLS 0892 N Loubser

Bakenbeskrywing
C, U, V
G, J
18, 772d
BS, 804b
IS
782d, 784d
F
784j
Alie ander

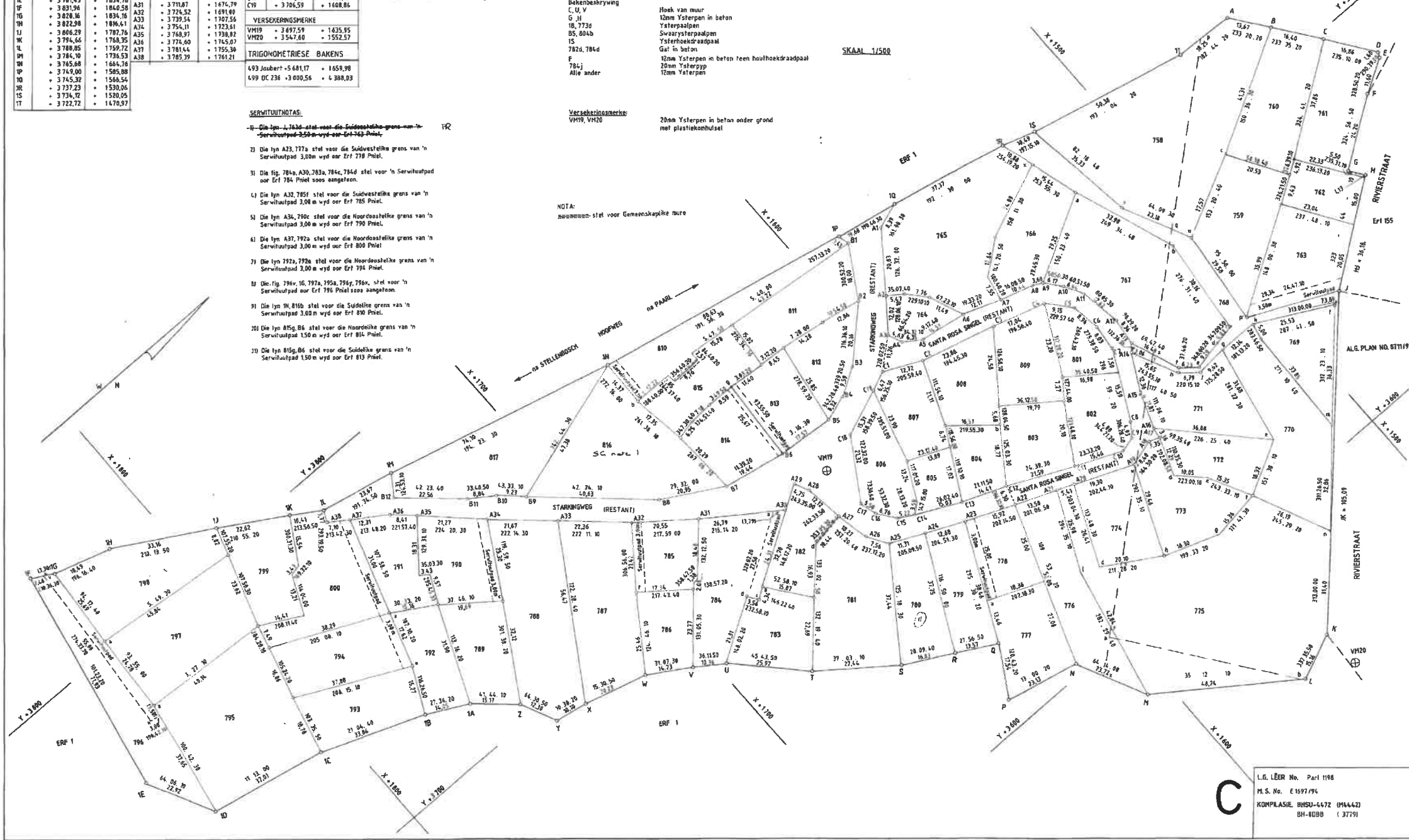
Hoek van muur
12mm Ysterpen in beton
Ysterpaalpaan
Swazysteerpaalpaan
Ysterhoerpaalpaan
Gef. in beton
12mm Ysterpen in beton teen houthoerpaalpaan
20mm Ysterpen
12mm Ysterpen

SKAAL 1/500

Versekeringsmerke
VH19, VH20

20mm Ysterpen in beton onder grond met plastiekhoes!

NOTA:
sawaneen-stel voor Gemeenskapkepte mare



N ^r	ENDOSSEMENTE			
	WYSIGING	BYVOEGING	MAGTING	GET.

L.G. KANTOORNOTAS
Erf 816 vervaardig sien Dgm No.3027/2003
Erf 763 vervaardig sien Dgm No.3237/2003
Erf 781 vervaardig sien Dgm No.3238/2003
Erf 780 ingesluit in konsol. sien kaart no.3235/2003,Er772
Erf 797 vervaardig sien Dgm. 5432/2007
Erf 798 vervaardig sien Dgm. 5432/2007
Erf 794 vervaardig sien kaart 7257/2007
Erf 775 vervaardig sien kaart No.1509/2009
Erf 774 ingesluit in konsol kaart No.1512/2009; Er188

L.G. LEER No. Part 1198
M.S. No. E 1897/94
KOMPLASIE. BHSU-4472 (M6443)
BH-808B (3779)

NOTE:
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 All dimensions and levels must be checked on site prior to setting out.
 Any discrepancies must be reported to the Architects immediately.

REVISIONS

Date	Description	No.

CLIENT / PROJECT :
SANDRI FAMILY TRUST.

DESCRIPTION :
 Proposed parking layout to existing residence on erf 761 Rivier Straat, Pniel.

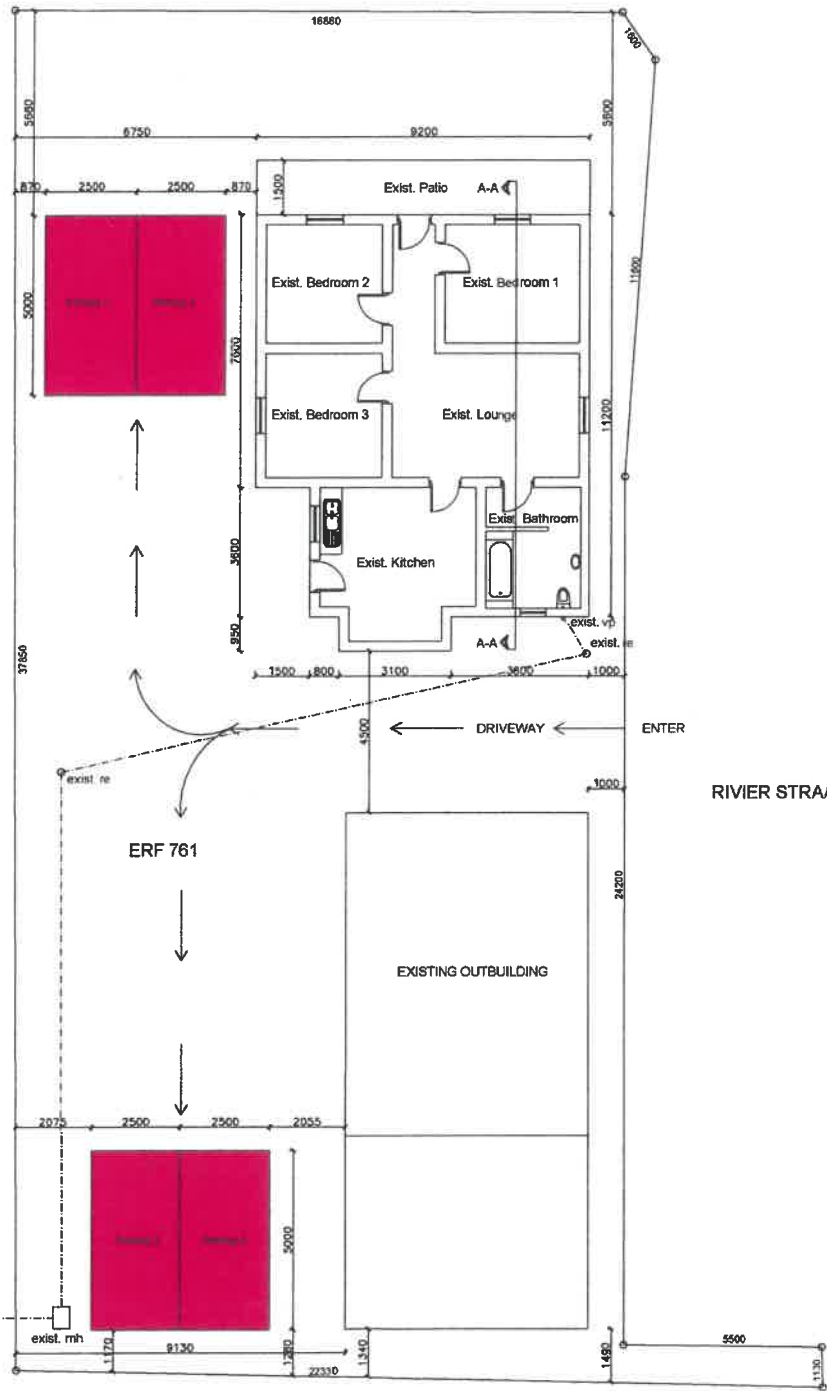
VERNON HEAD
 ARCHITECTS

109 CNR. COMMERCIAL & PLEIN STREET, CAPE TOWN, 8001
 TEL : (021) 4247209
 EMAIL: vhead@kingsley.co.za
 REG. NO. 7020

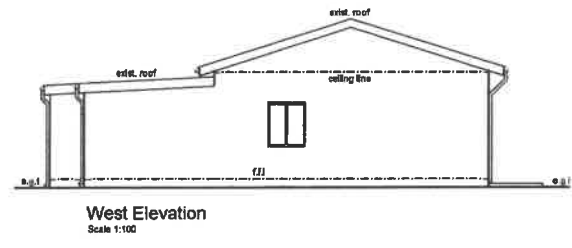
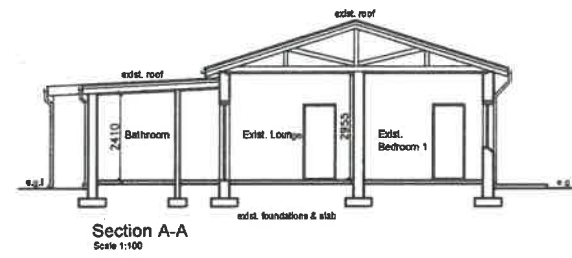
DRAWING
GROUND STOREY & SITE PLAN

NOTE - All dimensions to be checked on site.
 - This design and drawing remains the property of the architect, copyright reserved.

PROJECT NO. - PN1/2022	DATE- 01/02/2022
DRAWING NO. - VH 100	SCALE- 1:100
REVISION NO. -	ERF 761
DRAWN BY- FM	



GROUND STOREY & SITE PLAN
 Scale 1:100
 Area of site = 663 sqm
 Area of exist. dwelling = 100 sqm
 Area of exist. outbuilding = 96,4 sqm
 Coverage = 30 %
 4 Parking bays provided



Notes - Existing Building

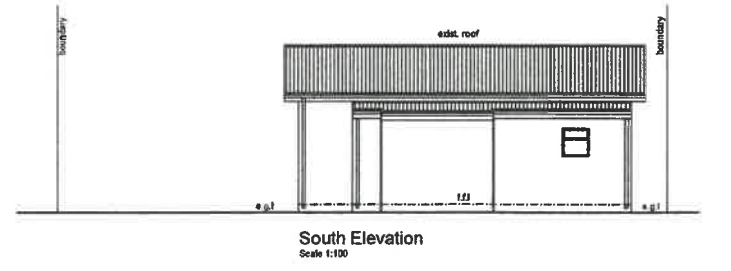
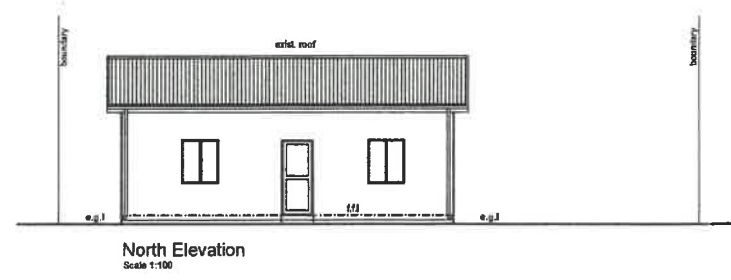
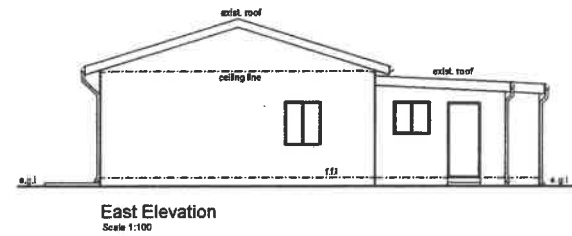
Exist. Roof
 Exist. Roof pitch 17,5 degree.
 Exist. timber trusses.

Exist. Walls
 Exist. brick walls painted.

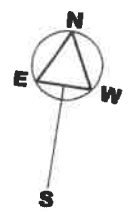
Doors and Windows
 Exist. timber doors & windows.

Floors
 Exist. 30mm Screed on exist. 100mm concrete slab.
 Exist. storm water disposal.
 Exist. drainage.

New Parking Bays
 4 Parking bays provided. Floor finish as per client's specification.



ERF 760



ERF 761



ERF 762

RIVIER STRAAT

EXISTING OUTBUILDING

DRIVEWAY ENTER

to connection

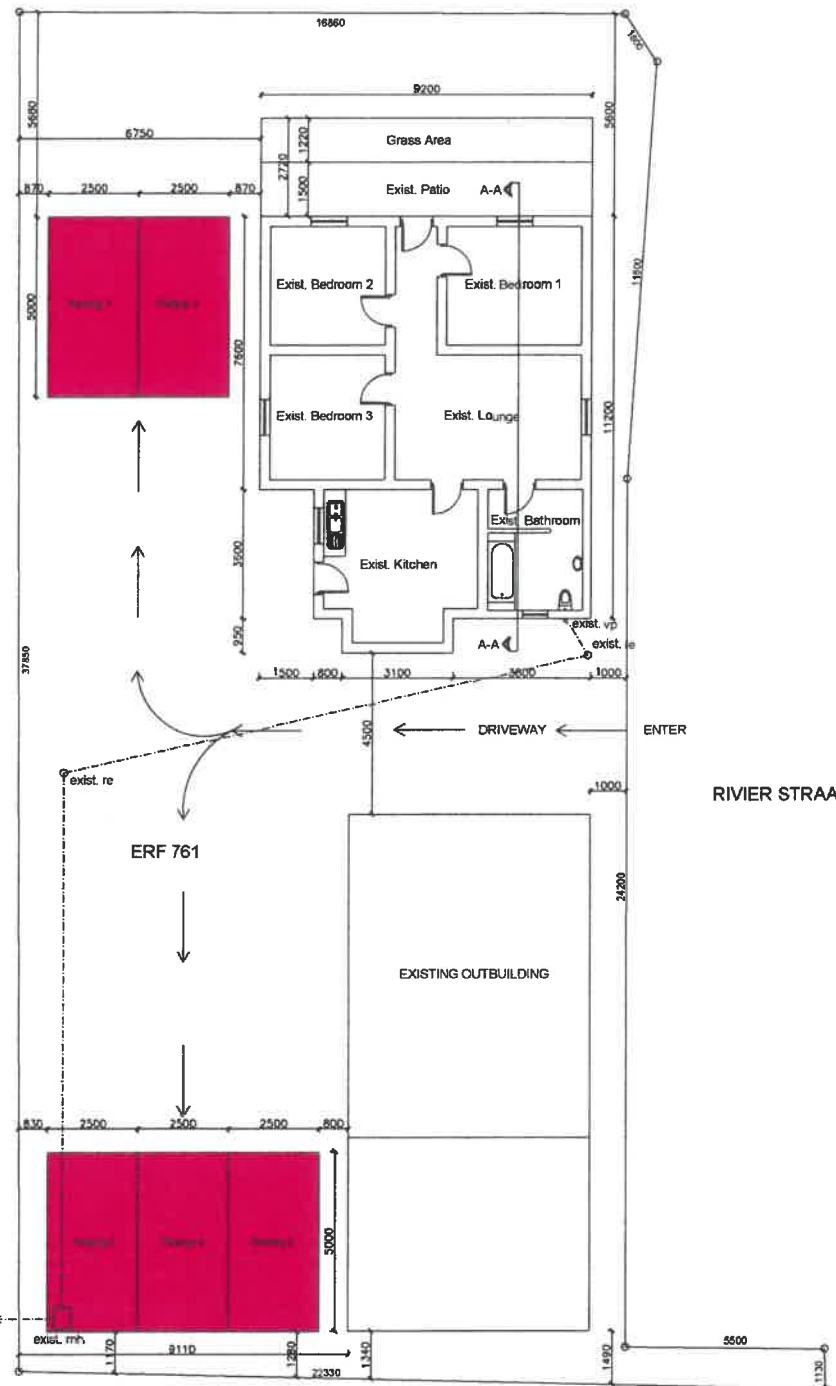
GROUND STOREY & SITE PLAN

Scale 1:100
 Area of site = 663 sqm
 Area of exist. dwelling = 100 sqm
 Area of exist. outbuilding = 96,4 sqm
 Coverage = 30 %
 4 Parking bays provided

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REVISIONS

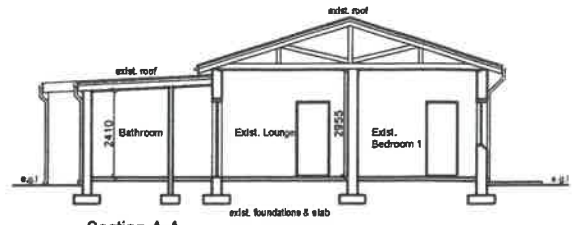
Date	Description	No.



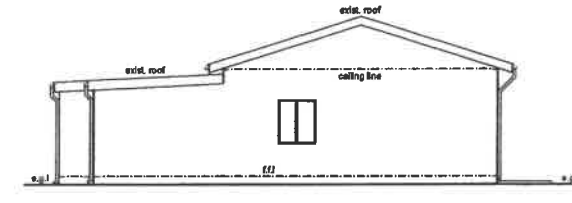
GROUND STOREY & SITE PLAN
 Scale 1:100

Area of site = 653 sqm
 Area of exist. dwelling = 100 sqm
 Area of exist. outbuilding = 98,4 sqm
 Coverage = 30 %

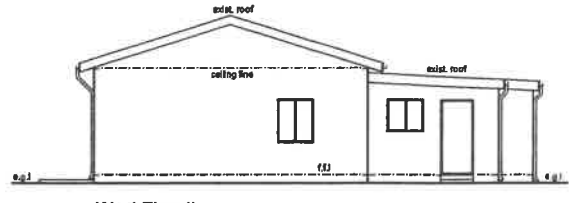
GLA CALCULATIONS:
 GLA (PATIO) = 25 sqm
 GLA (EXISTING HOUSE) = 100 sqm
 TOTAL GLA = 125 sqm
 PARKING REQUIRED = 5 bays
 PARKING PROVIDED = 5 bays



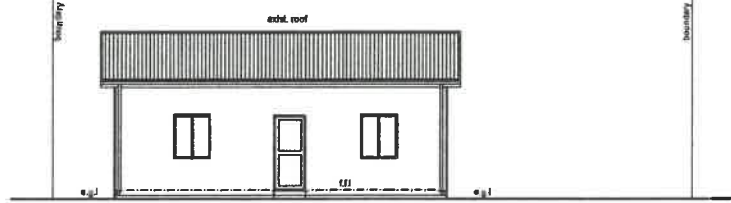
Section A-A
 Scale 1:100



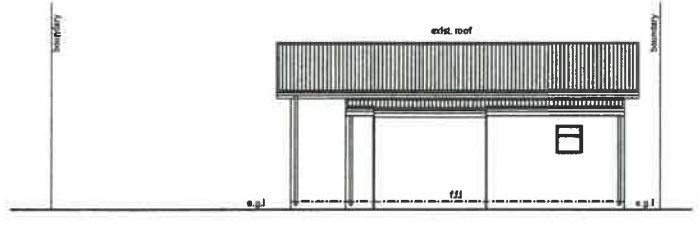
East Elevation
 Scale 1:100



West Elevation
 Scale 1:100



North Elevation
 Scale 1:100



South Elevation
 Scale 1:100

Notes - Existing Building

- Exist. Roof**
 Exist. Roof pitch 17,5 degree.
 Exist. timber trusses.
- Exist. Walls**
 Exist. brick walls painted.
- Doors and Windows**
 Exist. timber doors & windows.
- Floors**
 Exist. 30mm Screed on exist. 100mm concrete slab.
 Exist. storm water disposal.
 Exist. drainage.
- New Parking Bays**
 4 Parking bays provided. Floor finish as per client's specification.

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DESCRIPTION :
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 EMAIL. vhjarch@kingakoy.co.za
 REG. NO. 7020

DRAWING
 GROUND STOREY & SITE PLAN

NOTE - All dimensions to be checked on site.
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PROJECT NO.- PN1/2022	DATE- 12/04/2022
DRAWING NO.- VH 100	SCALE- 1:100
REVISION NO.-	ERF 761
DRAWN BY- FM	