STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16035 (TP484/2023)
Our File Reference Number: Erf 769, Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [redacted]

Sir / Madam

APPLICATION FOR EXTENSION OF VALIDITY PERIOD IN TERMS OF SECTION 15(2)(i) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023: ERF 769, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the application to Extend the Validity period for the Consent Use approval granted to use the property for Guesthouse purposes on Erf 769, Hamman, Street, Stellenbosch in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning Bylaw 2023.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2.2 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:

2.2.1 The approval only applies to the proposed extension of validity period under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.2.3 The consent use shall automatically lapse in the event of the consent use not being acted upon within 5 years from the date of final notification.

2.2.4 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

2.2.5 All conditions of approval as per approval letter dated 14 June 2019 are still applicable.

2.3 The reasons for the above decision are as follows:

2.3.1 The circumstances prevailing at the time of the original approval have not materially changed.

2.3.2 The legislative or policy requirements applicable to the approval that prevailed at the time of the original approval have not materially changed.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

4.1 The personal particulars of the Appellant, including:

a) First names and surname
b) ID number
c) Company of Legal person's name (if applicable)
d) Physical Address
e) Contact details, including a Cell number and E-Mail address

5. Reference to this correspondence and the relevant property details on which the appeal is submitted.

5.1 The grounds of the appeal which may include the following grounds:

a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

b) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

5.2 Whether the appeal is lodged against the whole decision or a part of the decision.

5.3 If the appeal is lodged against a part of the decision, a description of the part.

5.4 If the appeal is lodged against a condition of approval, a description of the condition.

5.5 The factual or legal findings that the appellant relies on.

5.6 The relief sought by the appellant.

5.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

5.8 That the appeal includes the following declaration by the Appellant:

a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

b) That the Appellant is aware that it is and offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

6. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za

7. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

8. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za

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

(a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

(b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

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

(d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

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

11. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

3/5/2024.
DATE

Application Number: LU/7263

Our File Reference Number: Erf 769, Stellenbosch

Your Reference Number: Erf 769 STB

Enquiries: R Fooy / B Mdoda

Email: Robert.Fooy@stellenbosch.gov.za / Bulelwa.Mdoda@stellenbosch.gov.za

Contact No: 021 808 8680 / 8690

Date: 14 June 2019

REGISTERED MAIL

[redacted]

FILE NR: OUTGOING POST
E 769 SB LU/7263
SCAN NR:
COLLABORATOR NR:

Sir

APPLICATION FOR A SPECIAL DEVELOPMENT IN ORDER TO ACCOMMODATE A GUEST HOUSE: ERF 769, 9 HAMMAN STREET, STELLENBOSCH

1. The above application refers.

   (i) The Authorised Employee, on 5 June 2019, **approved, in whole** in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for **Special Development** in order to use the property for guest house purposes as indicated on the Site Development plan attached as **Annexure B.**

2. The above approval granted is subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015:

   (i) The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

   (ii) The guest house is **limited to 6 en-suite guest rooms only;**

P 12-07-19

(iii) The conditions imposed by the Directorate: Engineering Services in their memo **dated 14 May 2018** attached as **Annexure F** be adhered to prior to the guest house coming into operation;

(iv) The special development shall automatically lapse in the event of the special development not being acted upon within 24 months from the date of this approval or in the event of the utilisation of the property for the indicated use being ceased for a period of 12 months or longer;

(v) Building Plans are to be submitted for the proposed additions and alterations to the existing building should any be required;

(vi) Building plans to be endorsed by Heritage Western Cape should the dwelling unit be older than 60 years;

(vii) 6 on-site parking be provided prior to the dwelling units being used for guest house purposes;

(viii) The onsite parking bays be formalized prior to commencement of the use of the property for guest house purposes;

(ix) The property be used for guest house purposes where the rooms are leased on a short term basis as is the norm and that no long term leases are entered into;

(x) That the owner adheres to all regulations regarding noise levels;

(xi) A business licence be applied for as required in terms of the Businesses Act, 1991, Act Nr 71 of 1991 if meals are to be served to guests and that the kitchen area be amended to comply with these regulations;

(xii) The approval will lapse if not implemented within 5 years from date of final notification of approval of the application;

(xiii) The Municipality reserves the right to impose further conditions if deemed necessary.

4. **REASONS FOR DECISION**

(i) The proposal as approved should have minimal impact on the surrounding residential properties as the scale of the proposal as approved is in line with that of a normal dwelling unit use by a family;

(ii) The dwelling unit can be used by a family with no changes having to be made to the existing dwelling to accommodate the use;

(iii) The number of rooms approved to be used for guest house purposes are in line with those that would be available should the owner have resided on the property with the guests which is the norm in this area,

(iv) The proposal will give effect to the policies and objectives contained in the IDP as a mixed land use is being promoted which does not have a negative impact on the existing residential character of the area as the property is to be used for residential purposes;

(v) The proposal as approved can comply with the parking requirements of the Stellenbosch Zoning Scheme;

(vi) The proposal as approved is consistent with the objectives of the Integrated Development Plan and Spatial Development Framework with emphasis on tourism and local economic development without having a negative on its surroundings.

5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.

6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at www.stellenbosch.gov.za/planning portal, must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof of payment of the appeal fee *(only applicable to applicant appeals)*. See the approved tariff structure on the municipal website: *http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file*

7. In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other

persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.

8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

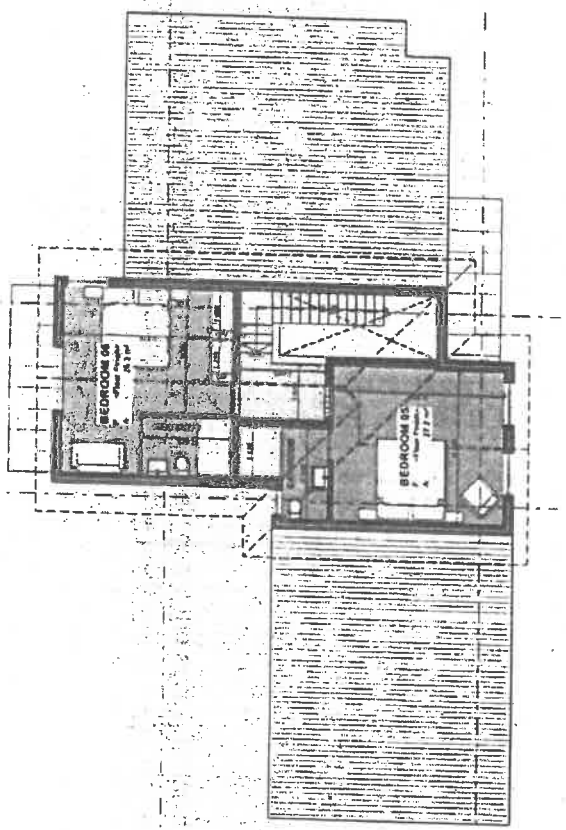
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. Kindly note the above decision is suspended until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

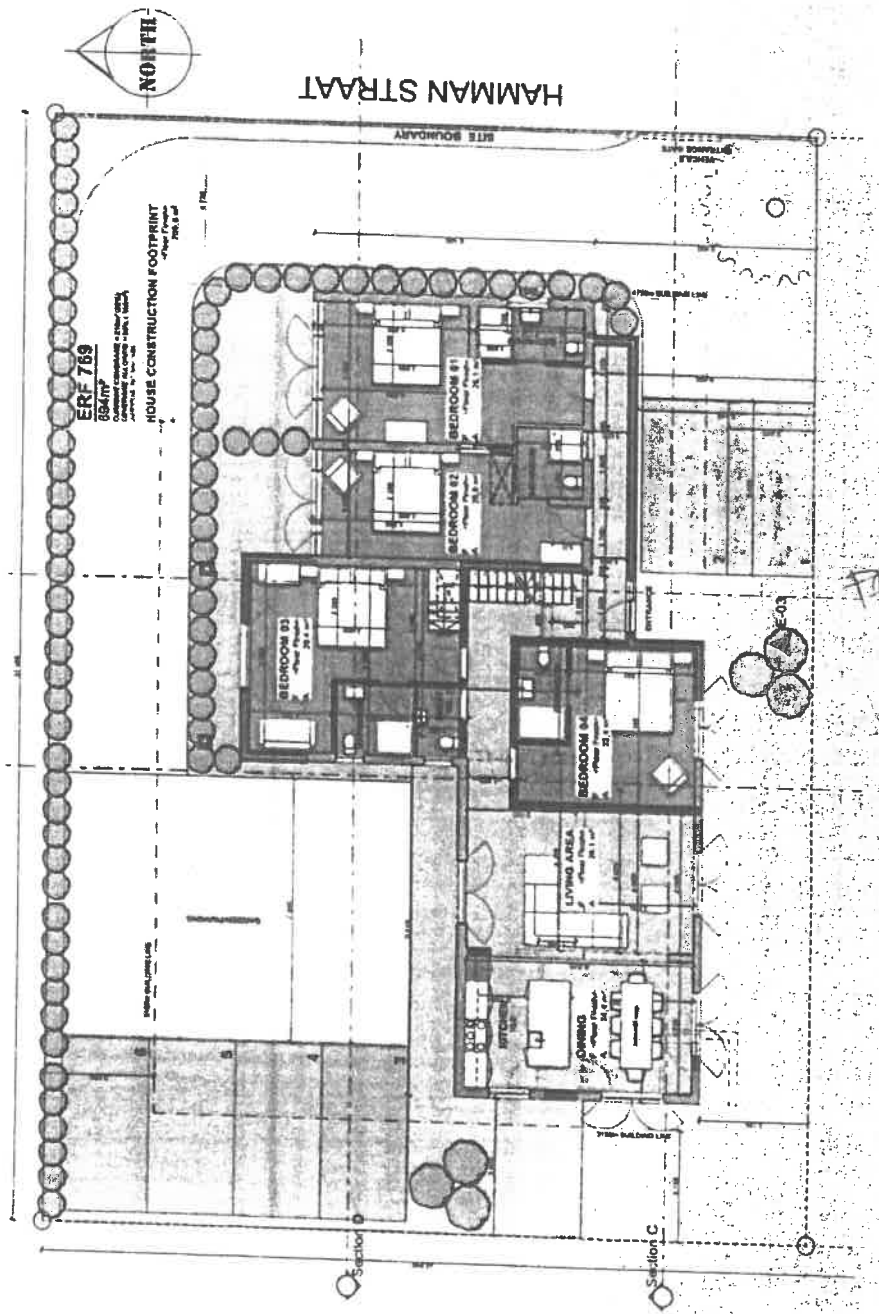
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ANNEXURE B



First floor - New

Scale 1:100



Ground Floor

Scale 1:100

STELLENBOSCH MUNICIPA
THIS SITE DEVELOPMENT PLAN IS
TERMS OF SECTION 60 OF THE
MUNICIPAL LAND USE PLANNING
SUBJECT TO THE CONDITIONS AS PER A
UNICIPAL MANAGER
05/06/2018

ACCOMODATION:
BEDROOMS X 05
PARKING BAYS X 05

SCALE 1:100
DATE 2017/12/19
DRAWING NUMBER SD-SD3371-M201
DRAWN BY AM
REVISION 0

DRAWING
SDP - PLANNING APPLICATIONS 769

PROJECT
TWICE GUEST HOUSE
ERF 769 Hamman Straat, STELLENBOSCH

SDP - PLANNING APPLICATION

SKEP
architecture | interior | design

SKEPdesign

ANNEXURE F

MEMO

DIRECTORATE: ENGINEERING SERVICES
DIREKTORAAT: INGENIEURSDIENSTE

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

The above mentioned application for the following refers.

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

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

The application for special development is recommended for approval subject to the following conditions:

1. Water

1.1 The existing water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

2. Sewer

2.1 The existing sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

3. Development Charges (DCs)

3.1 Based on the information provided in application the Development Charges payable by the developer is R 246 711.26 (Vat incl.) as per attached Development Charges calculation (Annexure A)

3.2 The DC's were calculated for the 2017/2018 financial year. If the account is paid after 30 June 2018 it has to be recalculated using the then applicable tariffs.

3.3 DCs are payable prior to the erf or portion thereof being put to the approved use or building plan approval which ever come first.

4. Municipal Infrastructure (Civil Engineering Services)

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

Colin Taylor
PRINCIPAL TECHNICIAN: PROJECT MANAGEMENT (ENGINEERING SERVICES)
Q:\AAUSERS\Colin\DS\Dev Applications\1634 - Erf 769 Stellenbosch\1634 - Erf 769 Stellenbosch (Special Development).doc

Annexure A

Stellenbosch Municipality - Development Charge Calculation

APPLICATION INFORMATION

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

SUMMARY OF DC CALCULATION

Lot(s)	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
Total Increased Services Usage	kl/day	kl/day	ha*C	t/week	trips/day	person	
	1.500	1.700	0.000	0.200	12.50	12.5	
Total Development Charges before Deductions	R 35 732.83	R 38 840.57	R 00.00	R 9 324.62	R 71 753.39	R 58 880.11	R 214 531.53
Total Deductions							
Total Payable (excluding VAT)	R 35 732.83	R 38 840.57	R 00.00	R 9 324.62	R 71 753.39	R 58 880.11	R 214 531.53
VAT	R 5 359.92	R 5 826.09	R 00.00	R 1 398.69	R 10 763.01	R 8 832.02	R 32 179.73
Total Payable (Including VAT)	R 41 092.76	R 44 666.66	R 00.00	R 10 723.32	R 82 516.39	R 67 712.13	R 246 711.26

APPLICANT INFORMATION

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

Stell... bosch Town

	Land ... Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge levied (excl VAT)						
	Infra... cture Type applicable? (yes/no)									Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Total
										yes	yes	yes	yes	yes	yes	
		du	area (m2)	du	du/ha	area (m2)	du	du/ha	du							
		m2 GLA		m² GLA	% GLA		m2 GLA	% GLA	m2 GLA							
		m2		m²					m2							
Residential	Sing... dential >1000m2	du			0			0	-1	R -28 586.27	R -15 993.18	R -7 176.46	R -1 864.92	R -22 961.08	R -13 776.02	R -88 357.93
	Singl... dential >500m2	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	Sing... dential >250m2	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	Sing... dential <250m2	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	Less... al Residential >250m2	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	Less... al Residential <250m2	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	Group... dential >250m2	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	Grou... dential <250m2	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	Mem... ensity Residential >250m2	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	Medi... ensity Residential <250m2	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	Hig... y Residential - flats	du			0			0	0	R -	R -	R -	R -	R -	R -	R -
	High ... y Residential - student accom...	du			0	6		0	6	R 64 319.10	R 54 833.75	R 7 176.46	R 11 189.55	R 94 714.47	R 70 656.14	R 302 889.46
Commercial	Local ... ness - office	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Local ... ness - retail	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Gener... siness - office	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Gener... siness - retail	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Comm...	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Educ...	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
Industrial	Local ... trial	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Gene... ustrial - light	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Gener... dustrial - heavy	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Noxi... dustrial - heavy	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
Other	Resor...	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Publi... n Space	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Priva... en Space	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Natur... vegetation	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Utility ... ces	m2 GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Public ... ts and Parking	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Trans... Facility	m2						0%	0	R -	R -	R -	R -	R -	R -	R -
	Lens... e							0%	0	R -	R -	R -	R -	R -	R -	R -
Special																
	To be ... ulated															
	base... quivalent demands															
			0			0										

* Complete yel... ngeon cells.

** du = dwelli... nit, GLA=Gross lettable area.

*** displays red if not equal to existing area

Total Develop...	Charges before Deductions	R35 732.83	R38 840.57	R0.00	R9 324.62	R71 753.39	R58 880.11	R214 531.53
% Deduction...	service (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
% Deductions	service (amount)	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
Additional Ch...	m per service - from Service Agreement (s.m)	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
Sub Total ...	ructure (excluding VAT)	R35 732.83	R38 840.57	R0.00	R9 324.62	R71 753.39	58 880.11	R214 531.53
VAT		R5 359.92	R5 826.09	R0.00	R1 398.69	R10 763.01	R 832.02	R32 179.73
Total		R41 092.76	R44 666.66	R0.00	R10 723.32	R82 516.39	67 712.13	R246 711.26

Application Number: LU/7263
Our File Reference Number: Erf 769, Stellenbosch
Your Reference Number: Erf 769 STB
Enquiries: R Fooy / B Mdoda
Email: Robert.Fooy@stellenbosch.gov.za / Bulelwa.Mdoda@stellenbosch.gov.za
Contact No: 021 808 8680 / 8690
Date: 15 July 2019

REGISTERED MAIL

AHG Town Planning
PO Box 2992
Somerset West
7129

NR: OUTGOING POST
Erf 769SB LU 7263
SCAN NR:
COLLABORATOR NR:

Sir

APPLICATION FOR A SPECIAL DEVELOPMENT IN ORDER TO ACCOMMODATE A GUEST HOUSE: ERF 769, 9 HAMMAN STREET, STELLENBOSCH

1. This Municipality's letter dated 14 June 2019, refers.

2. I wish to advise that the appeal process has now been concluded and herewith confirm that no appeal has been lodged with the Municipality as contemplated in section 79(2) of the Stellenbosch Municipal Land Use Planning By-law.

3. Accordingly, you may now act on the decision detailed in my letter dated 14 June 2019, subject to compliance with the conditions of approval.

Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

File

REGISTERED LETTER 769 SB
GEREGISTREERDE BRIEF **Post Office**

(with an insurance option/met 'n versekeringsopsie)

Full tracking and tracing/Volledige volg en spoor

Addressed to/Geadresseer aan

AHG Town Planning
P.O Box 2998
Somerset West

7129 Postcode/Postkode

Postage paid R ____ c
Service fee/Diensgeld R ____ c
Insurance/Versekering R ____ c
Total/Totaal R ____ c

Insured value of contents
Versekerde waarde van inhoud R ____ c

Enquiries/Navrae
Toll-free number
Tolvry nommer
0800 111 502

Initial of accepting officer

Date stamp

701281

The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only.

Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding

ORDINARY PARCEL
ShareCall 0860 111 502 www.sapo.co.za

PE 946 871 136 ZA

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Paraaf van aanneem-