# NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Mr/Mrs/Me

## ERF 1470, FRANSCHHOEK: APPLICATION FOR CONSENT USE TO EXTEND AN EXISTING TOURIST ACCOMMODATION ESTABLISHMENT

The following land use application in terms of the Stellenbosch Land Use Planning By-law refers:

| | |
|---|---|
| Application Address: | 2 Park Lane, Franschhoek, (Erf 1470, Franschhoek) |
| Applicant: | Alwi Theart t/a Urban Rural SA<br>082 411 7914 \| alwi@urbanrural.co.za |
| Owner: | La Gabriere Hospitality (Pty) Ltd \| +27 82 884 0593<br>marc.waeterschoot@wp.de |
| Application Reference: | LU/17173(TP759/2024) |

**Description of land use application:**

Application in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 1470, Franschhoek, for the following :

Consent Use in terms of Section 15(2)(o) of the said by-law, for tourist accommodation establishment to extend the existing ten (10) bedrooms by four (4) more guestrooms ( 3 bedrooms self-catering units (rooms 1, 2 & 4) and one (1) bedroom (room 3), all within the current building footprint of the property.

Notice is hereby given in terms of the provisions 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 must 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. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: **Alwi Theart t/a Urban Rural SA (alwi@urbanrural.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 **30 September 2024.**

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 **+27 82 411 7914** during normal office hours.

Yours faithfully

Alwi Theart t/a Urban Rural SA
Planning + Land Use Specialists

# KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK

Geagte Mnr/ Mev/Me

## ERF 1470, FRANSCHHOEK: AANSOEK OM VERGUNNINGSGEBRUIK VIR DIE UITBREIDING VAN 'N BESTAANDE TOURISTE AKKOMMODASIE FASILITEIT

Die volgende grondebruiksaansoek in terme van Stellenbosch se Verordening op Grondgebruiksbeplanning verwys:

| | |
|---|---|
| Aansoek adress : | 2 Park Lane, Franschhoek (Erf 1470, Franschhoek) |
| Aansoeker: | Alwi Theart t/a Urban Rural SA<br>082 411 7914 \| alwi@urbanrural.co.za |
| Eienaar: | La Gabriere Hospitality (Pty) Ltd \| +27 82 884 0593<br>marc.waeterschoot@wp.de |
| Aansoek Verwysing: | LU/17173(TP759/2024) |

**Beskrywing van Grondgebruiksaansoek:**

Aansoek in terme van die Stellenbosch Munisipale Verordening op Grondgebruik, 2023, op Erf 1470, Franschhoek vir die volgende :

**Vergunningsgebruik** in terme van Artikel 15(2)(o) van die voorgenoemde Veroderening, om 'n bestaande 10 slaapkamer touriste akkommodasie fasiliteit met 'n verder 4 gastekamers uit te brei, waarvan 3 slaapkamers (kamer 1, 2 & 4) as deel van self-sorgeenhede gebruik gaan word en 1 verdere slaapkamer ( kamer 3), wat beide binne die bestaande gebouvolume op die eiendom geakkommodeer gaan word.

Kennis word hiermee gegee in terme van die voorskrifte 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-notices/land-use-applications-advertisements. Indien die webtuiste of tersaaklike dokumente nie toeganglik is nie, moet 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. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van de aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: **Alwi Theart t/a Urban Rural SA (alwi@urbanrural.co.za).** Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

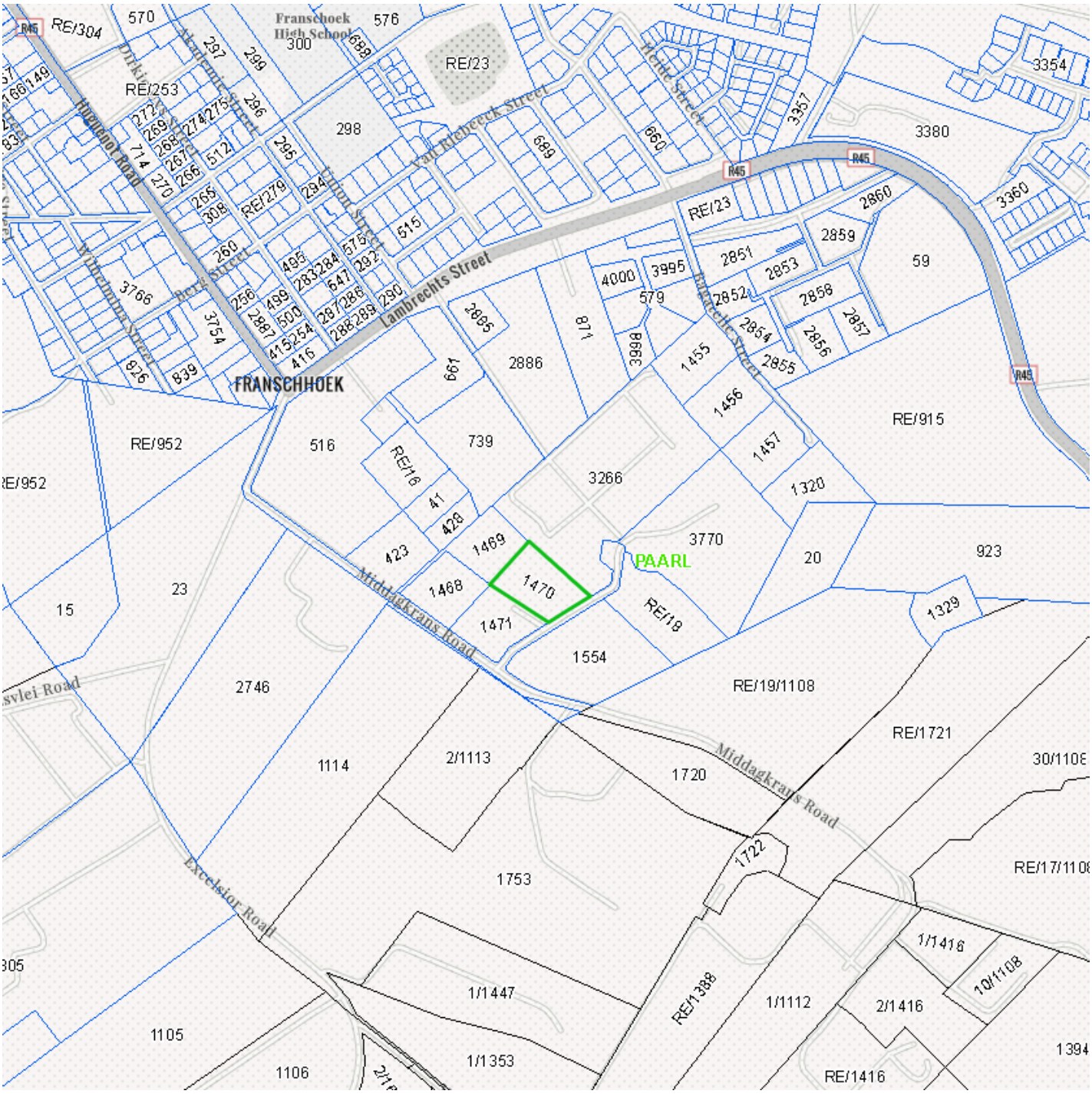
Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **30 September 2024**.

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 +27 82 411 7914 gedurende normale kantoor ure.

Die uwe

Alwi Theart t/a Urban Rural SA
Planning + Land Use Specialists




urban rural sa

**URBAN RURAL SOUTH AFRICA**
PLANNING + LAND USE SPECIALISTS

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**alwi@urbanrural.co.za | www.urbanruralsa.com**

# CADASTRAL PLAN

## Tourist Accommodation Establishment

| | |
|---|---|
| Property : | Erf 1470 |
| Town : | Franschhoek |
| Municipality : | Stellenbosch Municipality |
| Location : | 2 Park Lane Avenue, Franschhoek |
| Date : | May 2024 |
| Scale : | Unknown or as Indicated |
| Source : | Cape Mapper |
| Project Nr : | 381.2024 |

PLAN

B02

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30 May 2024
Ref Nr. 381.2024

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

For attention : Land Use Management
landuse.applications@stellenbosch.gov.za

## LAND USE APPLICATION

ERF 1470, FRANSCHHOEK (STELLENBOSCH)
CONSENT USE FOR AN EXTENSION TO AN EXISTING TOURIST ACCOMMODATION ESTABLISHMENT

An application is hereby formally made in terms of Section 15(2)(o), of the Stellenbosch Municipal Land Use By-law, to increase the amount of guest accommodation rooms with an additional 4 bedrooms within existing buildings and to operate it as part of the existing tourist accommdation establishment already present on Erf 1470, Stellenbosch.

Attached please find the following information for your perusal:

- Completed application form
- Motivation Report
- Relevant supportive documentation as prescribed.
- Pre Application Scrutiny email

We trust that the information provided will be sufficient to continue with the advertising and notification process and to make an informed decision in this regard.

We are looking forward to your response.

Yours sincerely

**Alwi Theart**
Principal Planner
**Urban Rural South Africa**

urban381.2024

*May 2024*

# LAND USE APPLICATION

*Erf 1470, Franschhoek (Stellenbosch Municipality)*
*Consent Use : Extension to an existing Tourist Accommodation Establishment*

*Prepared for :*
*La Cabriere Hopitality (Pty) Ltd*

P.381.2024

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# LAND USE APPLICATION

## ERF 1470, FRANSCHHOEK

### CONSENT USE : TOURIST ACCOMMODATION ESTABLISHMENT

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# PROPERTY INFORMATION

| | |
|---|---|
| APPLICATION CONSULTANT | Urban Rural SA<br>Planning + Land Use Specialists |
| LANDOWNER | La Cabriere Hospitality (Pty) Ltd |
| PROPERTY | Erf 1470, Franschhoek |
| PROPERTY SIZE | 9122 sqm |
| CURRENT ZONING | Multi-Unit Residential Zone |
| BOND | N/a |
| EXISTING BUILDINGS | Main Dwelling<br>10 Bedroom Guesthouse<br>Outbuilding |
| EXISTING LAND USE | Residential : Tourist Accommodation |
| SPECIALIST STUDIES | none |

# 1 BACKGROUND

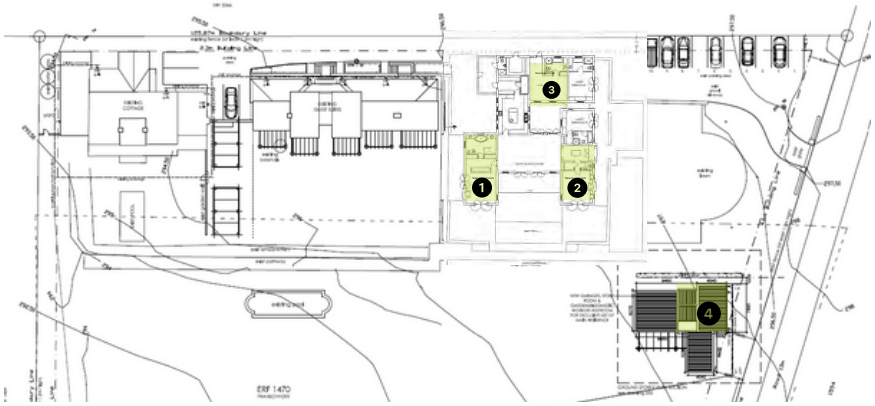
- The owners of Erf 1470, Franschhoek, namely La Cabrière Hospitality (Pty) Ltd, represented by Mr. Marc Waeterschoot, have appointed Alwi Theart, trading as Urban Rural SA, Land Use Specialists, to submit a land use application to the Stellenbosch Municipality.
- The application aims to secure essential land use permissions to extend the existing 10-bedroom tourist accommodation establishment by adding 4 more guest rooms within the current building footprint on the property.
- Comprehensive details regarding this application are outlined in the accompanying report.
- Additionally, a Power of Attorney letter from the landowners, together with a Company Resolution, authorizing this appointment, is enclosed.

# 2 APPLICATION

1. Application is made in terms of:

   **Section 15(2)(o)** of the Stellenbosch Municipal Planning By-law for a **consent use** to make an extension to an existing tourist accommodation establishment of 10 bedrooms by adding another 4 guest rooms . The bedrooms will be accommodated as follows :

   - 2 Bedroom self-catering unit (rooms 1+2)
   - 1 Guest Bedroom (room 3)
   - 1 Bedroom self-catering unit (room 4)




Additional rooms to form part of existing tourist accommodation establishment - all the rooms are already existing

# 3 STELLENBOSCH ZONING SCHEME

To comprehend and contextualize the proposed application, we will first explore the specifics of a property with a multi-unit residential Zone and the permissible activities on such a property.

The purpose of a **Multi-unit Residential Zone** is to make provision for:

- group housing development of medium or high density with a uniformed group character and shared private servics and access, which may eihter be subdivided or on one cadastral land unit;
- development of medium and high density conventional dwelling houses, semi-detached or row houses;
- high-density residential development such as flats;
- other multi-unit or density residential accommodation such as student, retirement and community residentaial buildings and limited tourist accommodation.

Land Uses applicable to Multi-Unit Residential Zone

**Primary Uses**

- Commune
- Dwelling house
- Flats
- Group housing
- Hostel
- Retirement village
- Second dwelling
- Tourist dwelling unit
- Private Road

**Additional Uses in dwelling house, 2nd dwelling and other dwelling units (not exceeding threshold in this chapter and subject to techical approval)**

- Bed and Breakfast establishments
- Home day care centre
- Home occupation practice
- Home lodging
- Occasional use(one event/year)

**Consent Uses**

- Community residential building
- Guesthouse (meeting & beauty treatment room)
- Occasional use (>one event/year)
- Renewable energy structure
- Rooftop base telecommunication station
- **Tourist accommodation establishment**
- Welfare institution
- Additional uses exceeding parameters in this chapter

*A **tourist accommodation establishment** means an enterprise which provides the accommodation for transient guests which exceeds the scale and extent of a tourist dwelling unit or guesthouse, and which is also not a hotel with its ancillary public facilities, and :

i) may have an informal, clustered layout that takes cognizance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards;
ii) **may consist of self-catering units;**
iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the particular zone;
iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not:

(a) additional facilities for day visitors;
(b) wellness center and meeting rooms that serve resident guests;
(c) camping sites with ancillary facilities;
(d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are not ordinarily used.

## 4 **TITLE DEED** + CONVEYANCER'S CERTIFICATE

The property is held under **Title Deed No T71658/2015**. Attached please find a copy of the title deed under discussion. Based on our assessment there are no title deed conditions that wiht have to be reomoved to accommodate the proposed additional rooms.

We do not consider it necessary to obtain a **Conveyancer's Certificate** for the proposed application. However, should the Municipality should find a reason to provide such a certificate the necessary the certificate will be obtained.

# 5 EXISTING DEVELOPMENT

An application to establish a 10-bedroom guesthouse was originally submitted in 2001. The application was approved, and various small changes to the original approval were made over the years with the relevant permission.

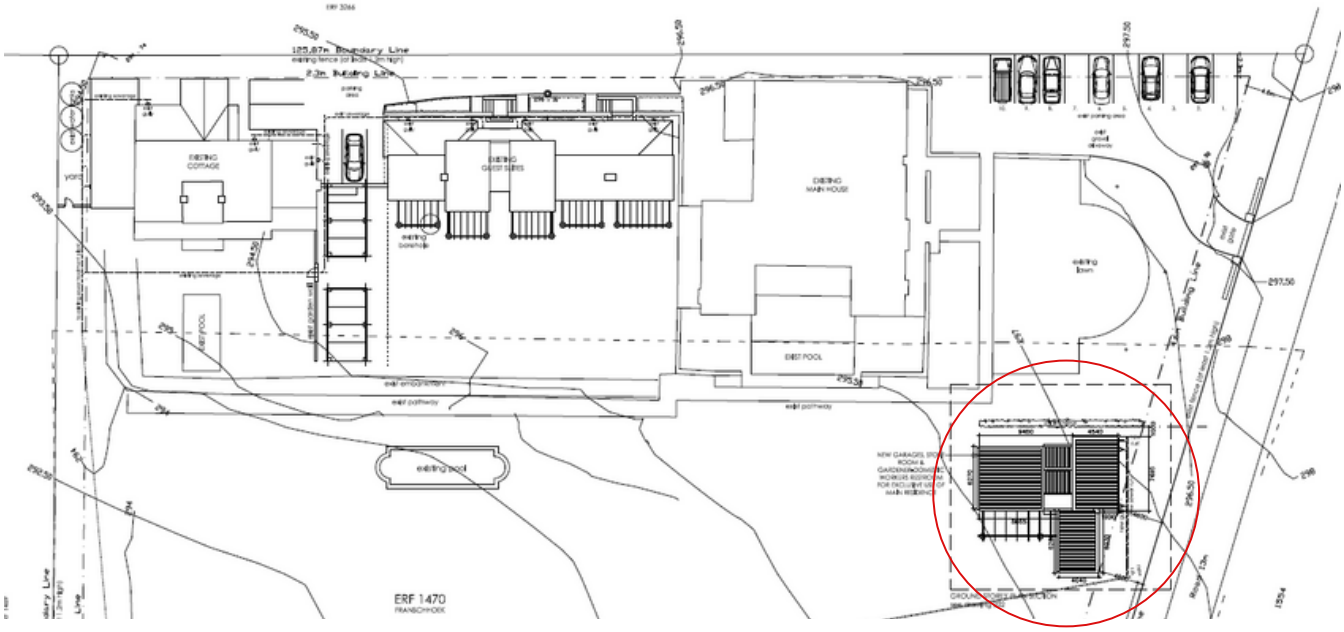
In November 2013, further changes to the approval and site development plan were proposed, and an application for the amendment of the site development plan was submitted to the Municipality. These changes, which involved relocating some of the bedrooms to new locations, were subsequently approved by the Municipality on 10 March 2014 (approval letter attached as Annexure C04).

The current development on the property consists of:

- A 10-bedroom tourist accommodation establishment (rooms 1-10) , including a kitchen, dining areas, auxiliary services (reception, laundry room, staff room), swimming pools, luxurious gardens, and sufficient parking.
- An owner's dwelling consisting of 2 bedrooms.
- A housekeeper's unit.
- An outbuilding accommodating staff services and garages.

*Existing Building footprint on ERf 1470, Franschhoek

In 2016, building plans for an outbuilding to accommodate a staff service area and garages were compiled and submitted, by the owner.




*Existing Building footprint on ERf 1470, Franschhoek

## **PROPOSED** DEVELOPMENT

The owner of Erf 1470, Franschhoek, decided to make changes to the existing tourist accommodation establishment due to changes to the economy, tourism in Franschhoek as well as the owner's own personal conditions to visit the property from time to time. A request for a zoning certificate from Stellenbosch Municipality was requested to ensure that his proposed changes would comply with the property's zoning. He obtained a zoning certificate, dated May 2023, which stipulates that the property is zoned as **Multi-Unit Residential Zone** in terms of the Stellenbosch Zoning Scheme, 2019, with a consent for a tourist accommodation establishment limited to 10 rooms. The zoning has been confirmed by the Planning Department in a preliminary consultation and in an email dated 2 Feburary 2024.(annexure C06)

The owner of Erf 1470, Franschhoek, approached our office to submit the necessary land use application to increase the existing 10 bedrooms to 14 bedrooms.

We set up a pre-application meeting with the Planning Department of Stellenbosch, and after various discussions with the Senior Municipal Planner, Mr. Gerrit Goosen, we were advised to submit an application for the extension of the existing tourist accommodation establishment by means of a **consent use application.**

The additional bedrooms will be accommodate as follows:

- The existing owners dwelling will be used as a 2 bedroom self-catering unit, as part of the existing tourist accommodation establishment. (Rooms 1+2 and auxiliary uses)
- The housekeepers unit which is under the same roof as the owners dwelling will be used as a guest unit as part of the tourist accommodation establishment;(Room 3)
- The existing outbuilding which currently accommodates the staff service facility and garages will be resused as a one bedroom self catering unit as part of the existing tourist accommodation establishment. (Room 4)

"A portion of the current site plan illustrates the existing 10 guest bedrooms (indicated in green), which currently comprise part of the approved tourist accommodation facility. The rooms indicated in blue represent the new rooms that are considered to be amalgamating with the existing tourist accommodation facility. Rooms 1 and 2 were previously part of the owner's dwelling, while Room 3 was used by a housekeeper.

## 6 SERVICE INFRASTRUCTURE

All the necessary services and infrastructure are already available on the property. **Electricity** is supplied by Eskom, and the owner is also investigating alternative sources.

**Water** is sourced from a municipal connection and a registered borehole on the property.

**Sewage** from all facilities is channeled through pipelines to two conservancy tanks located on the western boundary of the property. Access to the tanks is via the adjacent property. The tanks are serviced monthly by a service provider.

Although we are requesting four additional rooms for the tourist accommodation establishment, all the rooms were previously used by the owner and staff, so the impact on the service infrastructure should remain about the same and no additional capacity will required.

## 7 CRITERIA FOR DECISION-MAKING

We do believe that we submitted a complete application with all the necessary documentation and motivations as prescribed in the relevant legislation which will put the Municipality in a position to evaluate the application based on Section 65 (Stellenbosch Land Use Planning Bylaw Regulations, 2023 with specific reference to desirablity.

We consider the application to be desirable. The existing property has been used as a tourist accommodation establishment since 2001 with great success. The property is surrounded primarily by residential and lifestyle properties, many of which are large houses running accommodation facilities. These are in high demand due to the prominence of Franschhoek town, the surrounding wine farms, and the various tourist activities in the area, making this area a highly prominent tourist destination. The property is well-maintained with beautiful gardens, which can only be considered an asset for the area.

With the proposed changes to the facility, no new buildings will need to be constructed, as the rooms already exist and will simply be converted on paper to be part of the existing tourist accommodation facility. The property has direct access to Park Lane Drive, which connects to Middagkrans Road, ensuring sufficient accessibility. There are 14 designated parking bays on the property, along with 4 informal parking bays in front of three existing garages, making parking on the property sufficient.

Since the 4 additional bedrooms we propose to be include in the tourist accommodation establishment already have access to the necessary infrastructure, including electricity, water, and sewerage, this change should not place an additional burden on the infrastructure network. The status quo can thus continue as it is.

Tourism is one of Franschhoek's major economic generators and job opportunity providers. Accommodating existing establishments to extend their footprint and continue providing excellent service should be permitted without resistance.

The scale of the application is of such a nature and we are of the opinion that the extension will not have an impact on the environment or the wider Franschhoek community and that the only persons who might be affected will be the direct neighbours. However, as mentioned before the proposed rooms located within the existing building infrasructure, and no new buildings will have to be constructed for this propose. We are of the opinion that the Municipality and all the relevant parties will come to the conclusion that the proposed development will be suitable and that the relevant approval be issued in this regard.

# 8 DEVELOPMENT PRINCIPLES

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) also known as SPLUMA has identified certain development principles which should be considered when development takes place and this has been adopted in the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014 (LUPA) and was also included in the Land Use Planning Bylaws of all the Local Municipalities. These principles include aspects such as Spatial Justice, Spatial Sustainability, Spatial Sufficiency, Spatial Resilience, and Good Governance.

## Spatial Sustainability

*Land development that is within the fiscal, institutional and administrative means of the country must be promoted. Prime and unique agricultural land must be protected and environmental management instruments applied to development. The effective and equal functioning of the land market and development in locations that are suitable and limiting urban sprawl must be promoted.*

The proposed additional bedrooms will be accommodated within existing structures which will reduce any potential visual impact that would normally be created by an extension to such a facility. The buildings are already linked up with the service infrastructure of the property and no additional intervention will be necessary. Based on the fact that the rooms already exist will not require additional service capacities from the service networks. It is merely a change in use.

## Spatial Justice

*The principle of equality requires that everyone affected by spatial planning, land use management, and land development actions or decisions must enjoy equal protection and benefits, and no unfair discrimination should be allowed.*

The proposed development does not impede the principle as the proposal does not exclude anyone from equitable access to the resources and opportunities that the Municipality has to offer.

## Spatial Efficiency

*Land development that optimizes the use of existing resources/infrastructure while minimising the negative financial, social economic or environmental impacts, must be encouraged.*

Adding the additional bedrooms will optimise the property's ability to generate an income for the land owner as well as for the tourism market as a whole. Simultaneously, the Municipality can generate additional revenue by imposing development contributions. This additional development will further maximize the utilization of existing infrastructure, thereby also generating additional revenue for the Municipality.

## Spatial Resilience

*Flexibility in Spatial Plans, Policies, and development management systems must be accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks*

The additional rooms compliment the existing tourist facility and will provide additional accommdation to accommodate tourist visiting the beautiful Franschhoek town and surrounding countryside. The additional income that will be generated by the additions will ensure that the spectacular property will be maintained and care for, particularly in the face of the economic challenges of modern-day business. It wil further ensure work security for the existing staff and may also lead to additional job opportunities.

## Good Administration

*Inter-governmental coordination at all spheres is vital to ensure an integrated approach to spatial planning and development management. Transparent procedures and processes of public participation are required for spatial plans, policies, zoning schemes and for development applications.*

The application has been submitted and is being considered in terms of the Municipal applicable laws and regulations. The application will be advertised to all the relevant departments and the general public based on a prescribed public participation process that is open and transparent to all.

The proposed development can be considered to be in line with the applicable development principles, as the proposed development will (1) not deviate from the existing zoning of the property and can be accommodated as a consent use within the applicable zoning, (2) it will make optimal use of the existing service infrastructure available. It will further ensure that (3) sustainable densification takes place, which will limit urban sprawl in the long term and the construction of additional buildings. The application will be taken through a (4) prescribed application process which will inform all the relevant parties and roleplayers and will give them the (5) opportunity to comment/respond to the proposed development, which promotes (6) inclusivity and (7) good govenance.

# 9 **DESIRABILITY** OF PROPOSED DEVELOPMENT

**Positive Impacts for increasing the facility's capacity**

- The addition of four rooms in a tourist accommodation establishment can significantly bolster the local socio-economic environment and can add additional revenue to the landowner and also supporting local businesses for providing supplementary services.

- Economically, the increased capacity can attract more tourists, leading to higher revenue for the establishment and potentially greater tax income for the local government. This influx of visitors can also spur job creation, as more rooms typically necessitate additional staff for cleaning, maintenance, and guest services. The ripple effect extends to local businesses, with tourists spending money on restaurants, shops, and tour operators, thereby stimulating the local economy.

- Furthermore, the increased demand for tourist services might lead to improved infrastructure, such as better roads, enhanced public transportation, and more reliable utilities. In terms of cultural benefits, more tourists can lead to increased cultural interactions, fostering mutual understanding and appreciation between locals and visitors.

- This cultural exchange with visitors from outside, can enrich the local community, providing opportunities for sharing traditions and broadening perspectives. Overall, the expansion of tourist accommodations can act as a catalyst for economic growth and cultural enrichment, contributing positively to the socio-economic fabric of the area.

# 10 CONCLUSION

- The property is zoned for multi-unit residential use and is currently utilized primarily as a tourist accommodation establishment, along with its auxiliary uses.
- Given that the landowner lives abroad and his staff reside mostly in Franschhoek or nearby properties, the current facilities are underutilized. These facilities can be managed in a more sustainable and economically beneficial manner, if it is incorporated with the existing tourist accommodation establishment.
- Making small alterations to the existing buildings to accommodate four additional guest rooms will not change the character of the property or the neighborhood.
- The existing infrastructure on the property will facilitate an easy transition to accommodate tourist guests.
- Utilizing the proposed facilities within existing structures will ensure that there is no additional impact on the neighboring properties.
- The property has direct access to a public road, Park Lane, and any additional traffic generated should not affect the neighbours.
- The service infrastructure on the property is already in place, and no construction work is needed to incorporate the additional guest rooms.
- This type of development ensures the optimization of the existing services network and can also seen as the most sufficient way to implement densification in a neighborhood and in line with municipal policy;
- By using existing building and infrastructure to accommodate an extension to the existing guest establishment can be seen as sensible densification;
- Sufficient on-site parking is available.

In the light of the abovementioned motivation and arguments put forward in this document, it is our considered opinion that the proposed development will allow the existing land owner's the opportunity to utilise their property to its full potential by allowing them to establish the additional rooms on the property, without having a negative impact on the environment, adjacent landowners and the general public.

It is therefore our request that the consent use application for the extension of the existing tourist accommodation establishment with a further 4 bedrooms be approved as set out aove

# LIST OF PLANS

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**URBAN RURAL SOUTH AFRICA**
PLANNING + LAND USE SPECIALISTS

A THEART | Tch.Pln (SA) MPhil NHDip NDip PPRE CEA
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REGISTERED WITH THE SOUTH AFRICAN COUNCIL FOR PLANNERS
SOUTH AFRICAN COUNCIL FOR PLANNERS | REG NR B.8133.2005
PO Box 7257 STELLENBOSCH 7599 | Cell: 082 411 7914
**alwi@urbanrural.co.za | www.urbanruralsa.com**

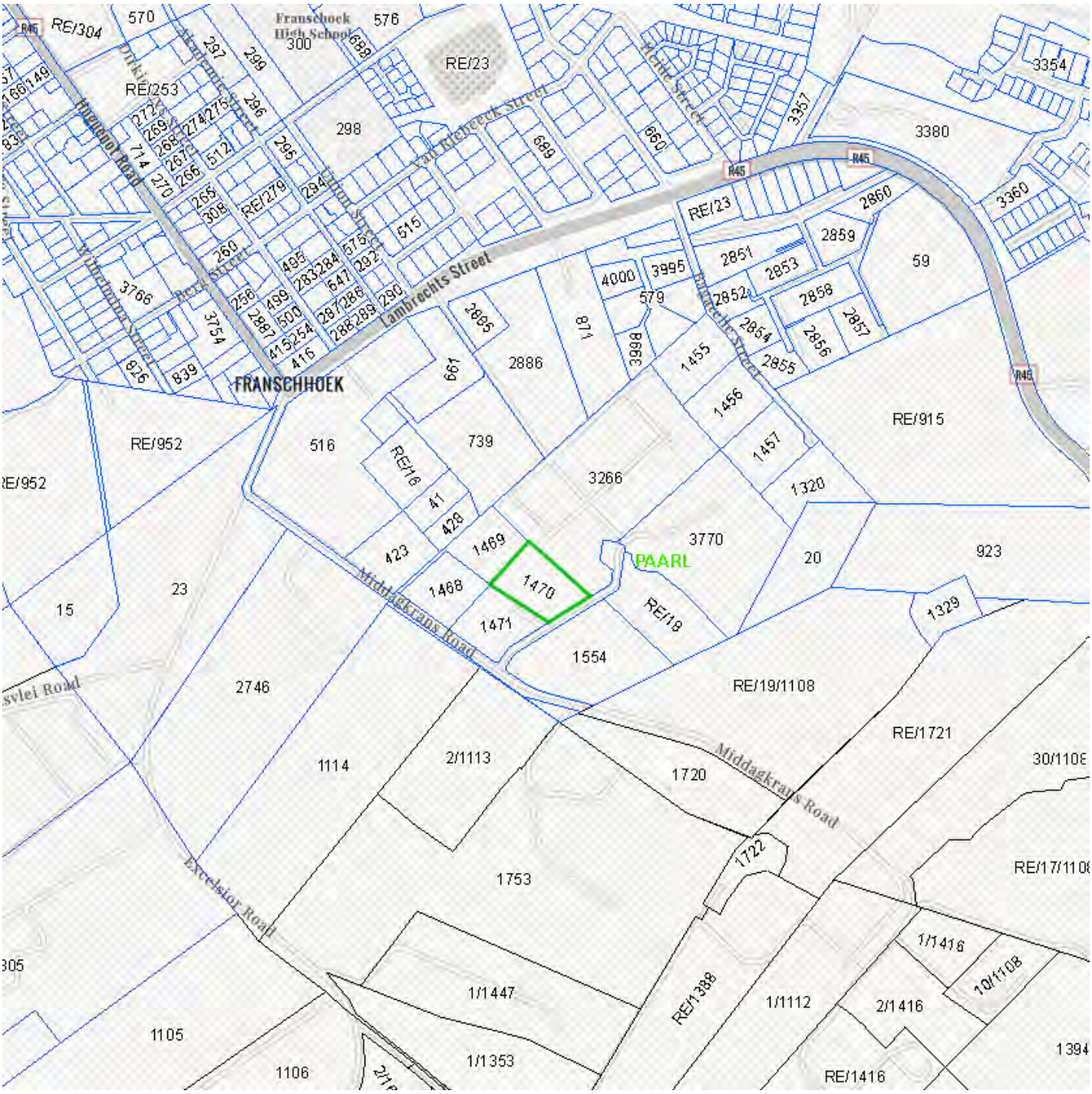
# LOCALITY PLAN

## Tourist Accommodation Establishment

| | |
|---|---|
| Property : | Erf 1470 |
| Town : | Franschhoek |
| Municipality : | Stellenbosch Municipality |
| Location : | 2 Park Lane Avenue, Franschhoek |
| Date : | May 2024 |
| Scale : | Unknown or as Indicated |
| Source : | Cape Mapper |
| Project Nr : | 381.2024 |

PLAN

B01

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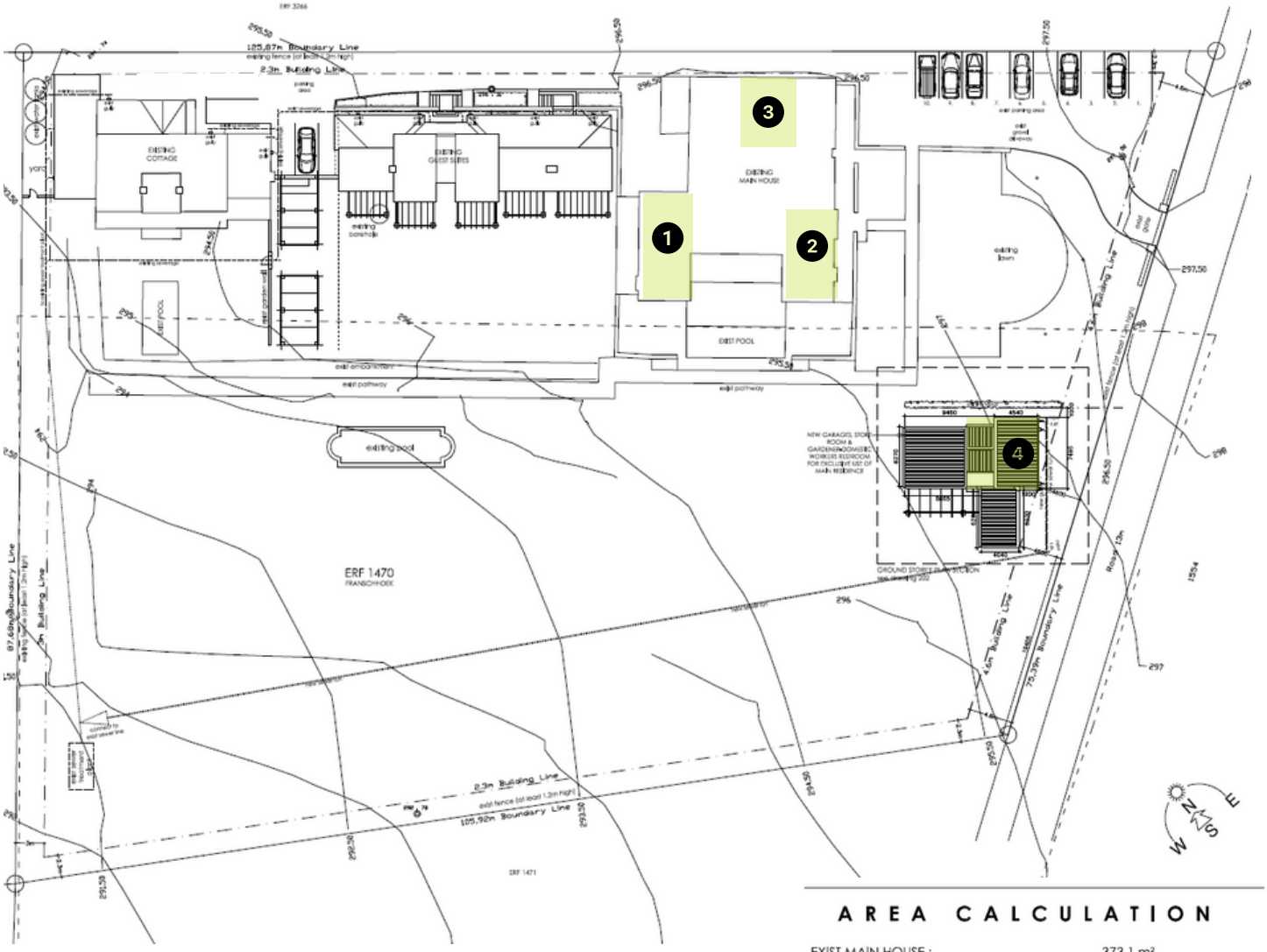
# CADASTRAL PLAN

## Tourist Accommodation Establishment

| | |
|---|---|
| Property : | Erf 1470 |
| Town : | Franschhoek |
| Municipality : | Stellenbosch Municipality |
| Location : | 2 Park Lane Avenue, Franschhoek |
| Date : | May 2024 |
| Scale : | Unknown or as Indicated |
| Source : | Cape Mapper |
| Project Nr : | 381.2024 |

PLAN

B02




## AREA CALCULATION

| | | |
|---|---|---|
| EXIST MAIN HOUSE : | 373.1 m² | |
| EXISTING COTTAGE : | 238.5 m² | |
| EXISTING GUEST SUITES : | 240.6 m² | |
| EXISTING TOTAL: | | 852.2 m² |
| NEW GARAGES AND STAFF SERVICE AREA : | 121.1 m² | |
| | | 121.1 m² |
| TOTAL: | | 973.3 m² |
| EXISTING POOL: | | 50.5 m² |
| SITE AREA: | | 9 121.8 m² |
| COVERED AREA: | | 973.3 m² |
| COVERAGE: | | 10.67 % |

4 New bedrooms to be added to the existing Tourist Accommodation Establishment. No changes will be made to any of the buildings.

- The owner's dwelling will be used as a 2 bedroom self-catering unit (Rooms 1+2)
- The staff unit will be utilised as a guest unit (Room 3)
- The outbuilding (which accommodates the staff service area and garages will be reused as a 1 bedroom self-catering unit.(Room4)
- All the above new rooms will form part of the existing tourist establishment

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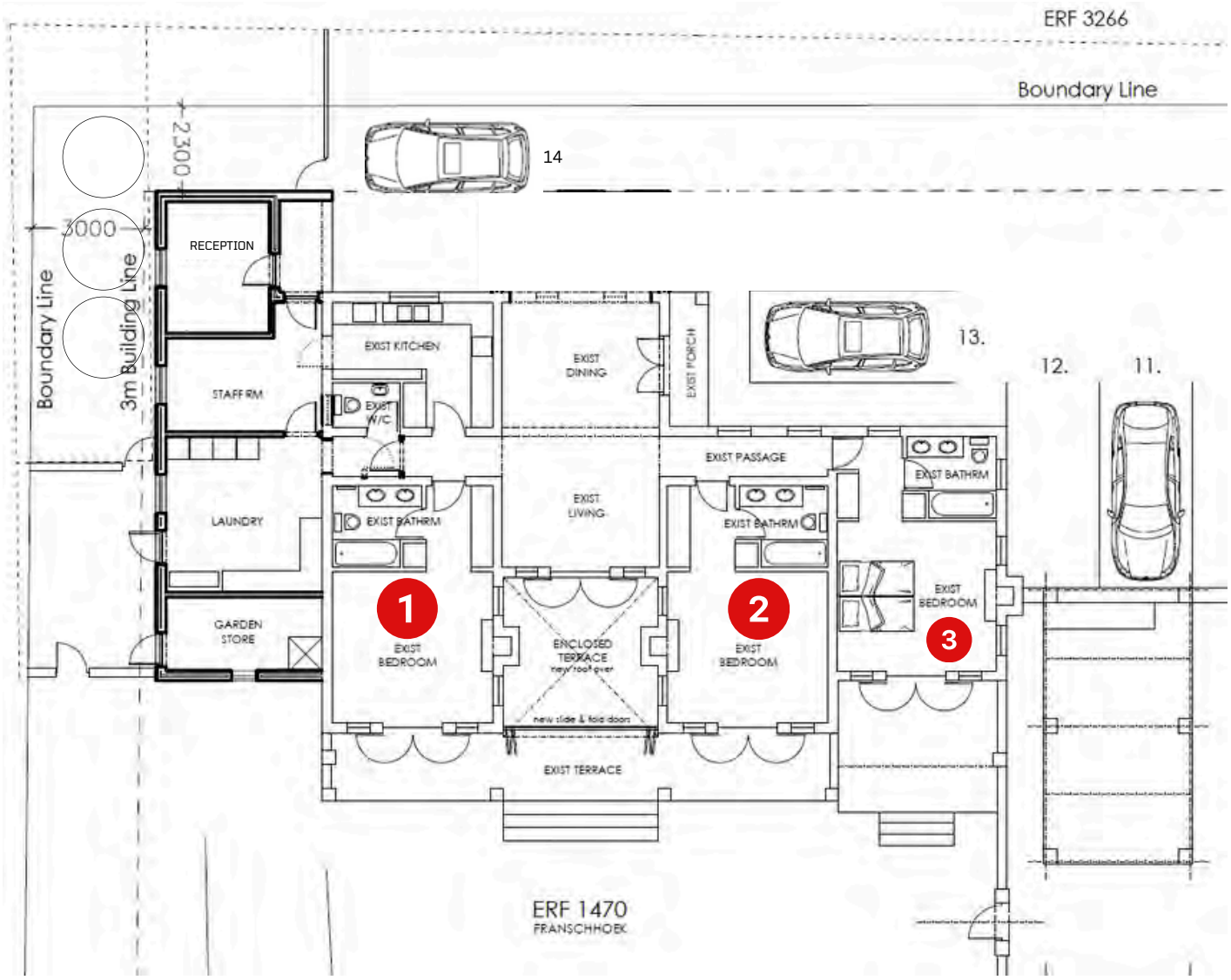
# SITE DEVELOPMENT PLAN

| | |
|---|---|
| Property : | Erf 1470 |
| Town : | Franschhoek |
| Municipality : | Stellenbosch Municipality |
| Location : | 2 Park Lane Avenue, Franschhoek |
| Date : | May 2024 |
| Scale : | Unknown or as Indicated |
| Source : | JDArchitects |
| Project Nr : | 381.2024 |

PLAN

B03




# Existing

Tourist Accommodation Establishment | Rooms 1-3+ Kitchen, Dining + Utility services

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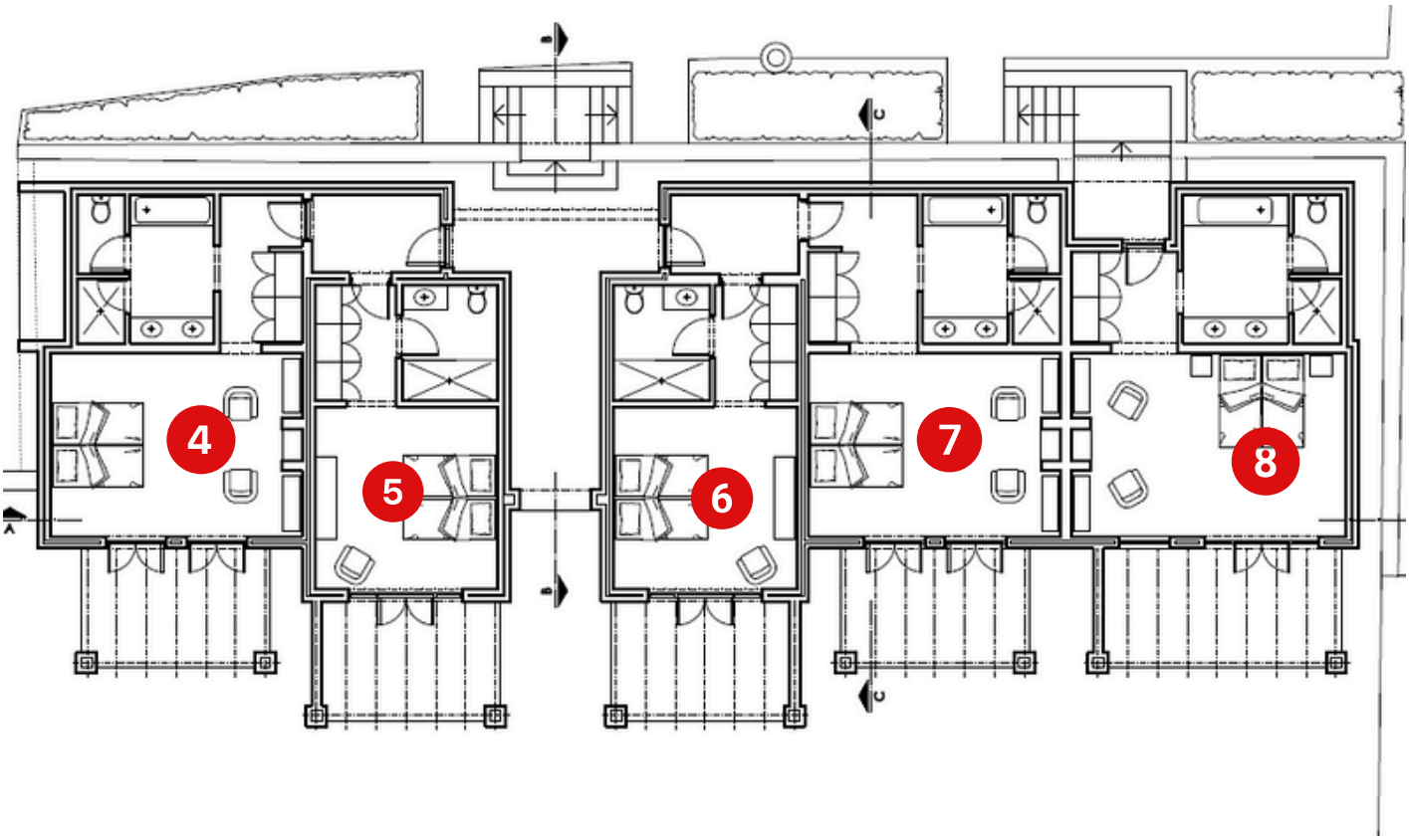
## Floor Plan

**Existing Tourist Accommodation Establishment**

| | |
|---|---|
| Property : | Erf 1470 |
| Town : | Franschhoek |
| Municipality : | Stellenbosch Municipality |
| Location : | 2 Park Lane Avenue, Franschhoek |
| Date : | May 2024 |
| Scale : | Unknown or as Indicated |
| Source : | JDArchitects |
| Project Nr : | 381.2024 |

PLAN

B04




# Existing

## Tourist Accommodation Establishment | Rooms 4-8

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## Floor Plan

**Existing Tourist Accommodation Establishment**

| | |
|---|---|
| Property : | Erf 1470 |
| Town : | Franschhoek |
| Municipality : | Stellenbosch Municipality |
| Location : | 2 Park Lane Avenue, Franschhoek |
| Date : | May 2024 |
| Scale : | Unknown or as Indicated |
| Source : | JDArchitects |
| Project Nr : | 381.2024 |

PLAN

B05

# Existing Structure

No changes will be made to the existing structure

"Existing landowners dwelling which will be used as a New" Self catering Unit with 2 bedrooms as part of the existing tourist accommodation establishment

3 existing bedrooms will now form part of existing 10 bedrooms tourist accommodation establishment

Guest bedroom 1+2 which are part of the part of existing 10 bedroom tourist accommodation establishment

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# Floor Plan

## Existing Tourist Accommodation Establishment

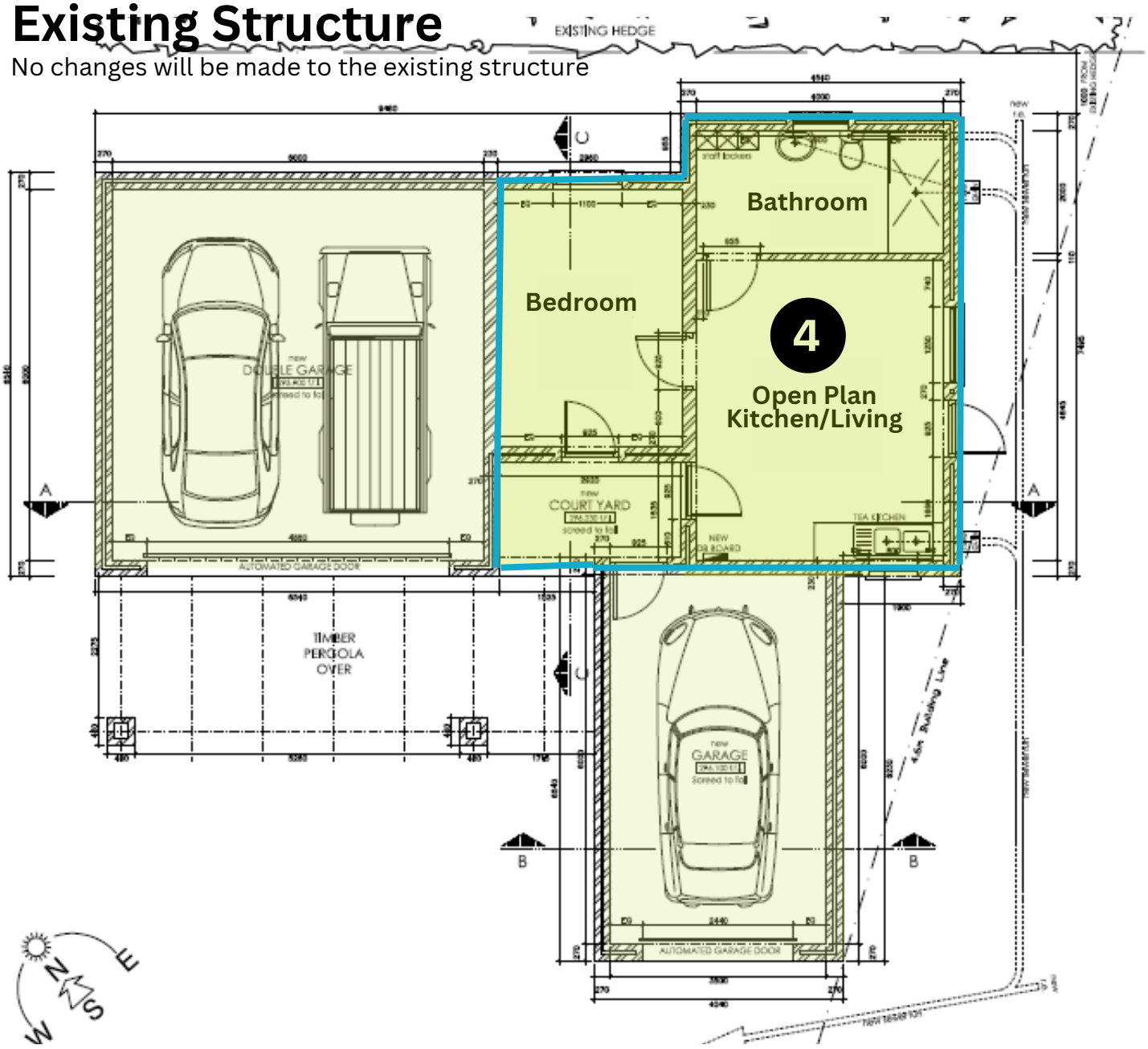
| | |
|---|---|
| Property : | Erf 1470 |
| Town : | Franschhoek |
| Municipality : | Stellenbosch Municipality |
| Location : | 2 Park Lane Avenue, Franschhoek |
| Date : | May 2024 |
| Scale : | Unknown or as Indicated |
| Source : | JDArgitects |
| Project Nr : | 381.2024 |

PLAN

B06

# Existing Structure

No changes will be made to the existing structure




Existing Staff refreshment area with garages which will be converted into a self catering unit which will from part of the existing tourist accommodation establishment

""Proposed new One bedroom self-catering unit

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# Floor Plan
## Self Catering Unit

| | |
|---|---|
| Property : | Erf 1470 |
| Town : | Franschhoek |
| Municipality : | Stellenbosch Municipality |
| Location : | 2 Park Lane Avenue, Franschhoek |
| Date : | April 2024 |
| Scale : | Unknown or as Indicated |
| Source : | JDArchitects |
| Project Nr : | 381.2024 |

PLAN

B07

# Aerial view Property

1 2 3 4 Location of the 4 bedrooms which will be used as part of the tourist accommodation establishment

1 — 10 Location of the existing bedrooms (tourist accommodation establishment )

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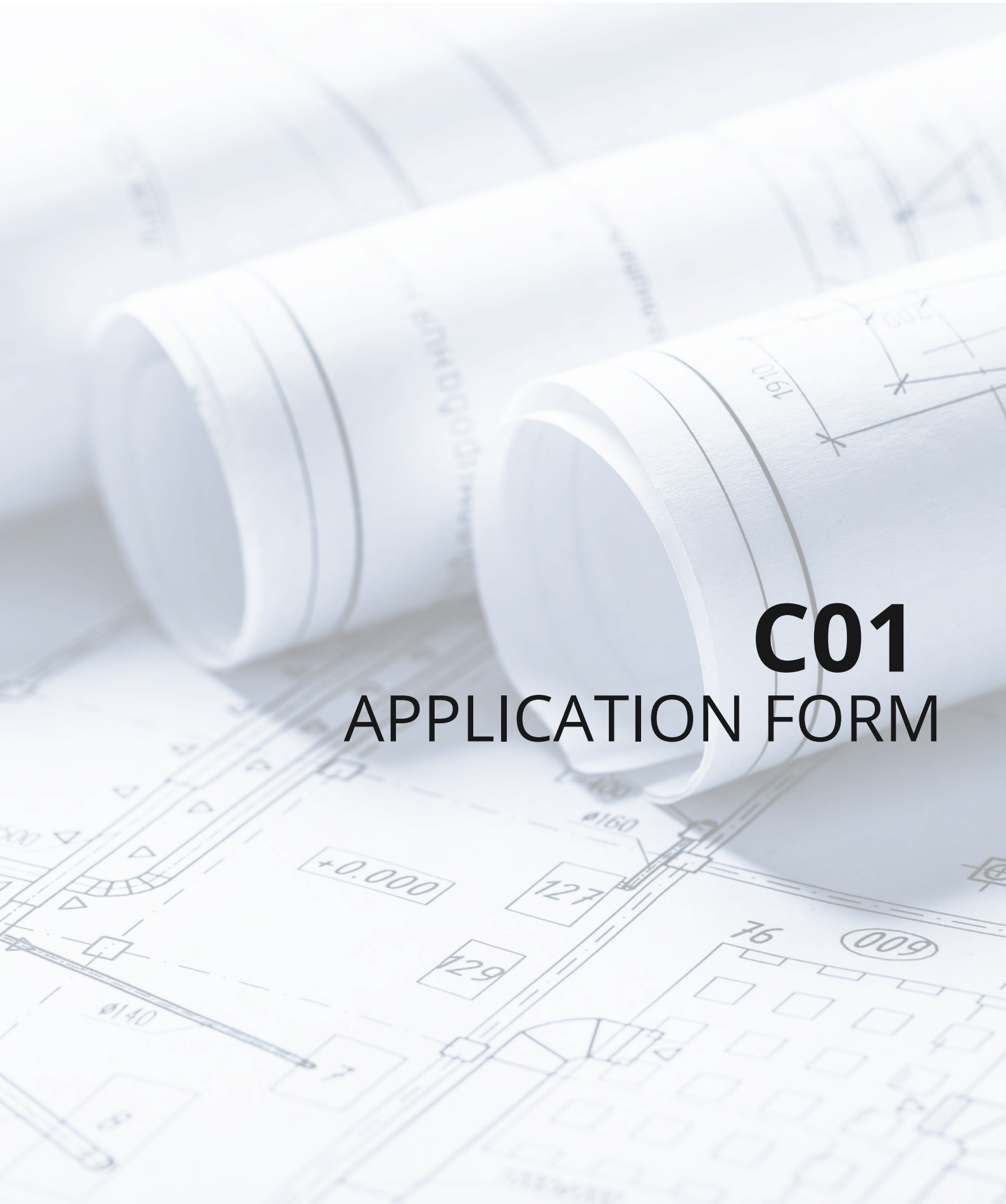
**alwi@urbanrural.co.za | www.urbanruralsa.com**

## Aerial View
### Existing Buildings

| | |
|---|---|
| Property : | Erf 1470 |
| Town : | Franschhoek |
| Municipality : | Stellenbosch Municipality |
| Location : | 2 Park Lane Avenue, Franschhoek |
| Date : | May 2024 |
| Scale : | Unknown or as Indicated |
| Source : | Urban Rural SA Library |
| Project Nr : | 381.2024 |

PLAN

B08



# C01
# APPLICATION FORM

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/
FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za or 021- 808 8606

SUBMIT APPLICATION BY UPLOADING COMPLETED FORM AND RELEVANT INFO TO THE
**Town Planning Application Management System (TPAMS)**
AFLA Portal (stellenbosch.gov.za) /
https://citymaps.stellenbosch.gov.za/aflaportal/home

**NOTE:** In terms of section 69 of the Bylaw on Municipal Land Use Planning 2023 the Municipality may categorise applications for consideration by either an authorised employee or the Municipal Planning Tribunal (Categorisation Model for Decision-making July 2023). These land use applications are subject to prescribed administrative and public participation processes and depending on the type of application, *Land Use Application Form A or Form B* must be completed. *Land Use Application Form B* can be used if the application ONLY comprises of a permanent departure. If any other type of application is also required, *Land Use Application Form A* must be completed. *Land Use Application Form C* must be used if the application comprises of an application for permission either in terms of the zoning scheme or in terms of a condition of approval or in terms of the title deed.

## LAND USE PLANNING APPLICATION FORM A

Section 15 of the Municipal Bylaw on Land Use Planning 2023 and other relevant legislation

Complete form using BLOCK letters and ticking the appropriate boxes

**PART A: APPLICANT DETAILS**

| | |
|---|---|
| First name(s) | Alwi |
| Surname | Theart |
| Company name *(if applicable)* | Alwi Theart t/a Urban Rural SA |
| Postal Address | n/a |
| Email Address | alwi@urbanrural.co.za |
| Contact Number(s) | 082 411 7914 |

**PART B: REGISTERED LANDOWNER(S) DETAILS** *(If different from applicant)*

| | |
|---|---|
| Registered owner(s) Name | La Cabriere Hospitality (Pty) Ltd |
| E-mail Address | marc.waeterschoot@wp.be |
| Contact Number | 021 876 4780 |

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

| | | | | | |
|---|---|---|---|---|---|
| Erf No | 1470 | Suburb | | Town | Franschhoek |
| Farm no | | Farm Portion | | Nearest Town | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Physical or Street Address | 2 Park Lane Avenue | | | Property / Business / Farm known as | | | | |
| Current Zoning | Multi-Unit Residential Zone | | | | | | | |
| Additional or Consent Uses | Consent use for Tourist Accommodation Establishment (10 bedrooms) | | | | | | | |
| Current activities | Tourist Accommodation Establishment | | | | | | | |
| Property Size / Extent | 9122 m² / ~~ha~~ | | | | Are there existing buildings? | ✓ Y | N | |
| Title Deed number | T71658/2015 | | | | | | | |
| Any restrictions ito Conveyance's Certificate? | Y | ✓ N | If yes, list condition(s) as per certificate. | | | | | |
| Are the restrictive conditions in favour of a third party? | Y | ✓ N | If yes, list the party(ies). | | | | | |
| Is the property owned by Council? | Y | ✓ N | If yes, attach a power of attorney signed by the Municipal Manager or delegated authority | | | | | |
| Is the building located within the historical core? | Y | ✓ N | Is the building older than 60 years? | Y | ✓ N | Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)[1] | Y | ✓ N | If yes, indicate which section are triggered and attach relevant permit. |
| Any existing unauthorized buildings and/or land use on the subject property(ies)? | | | | Y | ✓ N | If yes, is this application to legalise the building / land use[2]? | Y | ✓ N |
| Are there any pending court case(s) / order(s) relating to the subject property(ies)? | | | | Y | ✓ N | Are there any land claim(s) registered on the subject property(ies)? | Y | ✓ N |

**PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY**

| | | | |
|---|---|---|---|
| Has there been any pre-application consultation? | ✓ Y | N | If yes, attach the minutes of the pre-application consultation. |
| Has the pre-application scrutiny form been submitted? | Y | ✓ N | If yes, attach the written feedback received. |

*The submission of a pre-application scrutiny form to Landuse.Applications@stellenbosch.gov.za is compulsory for the following type of applications* and written feedback must be attached to the land use planning application form: rezoning, subdivision and consolidation of land, removal, suspension or amendment of restrictive title deed conditions, the amendment, deletion, or imposition of conditions of approval and the cancellation of an approved subdivision plan.*

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

[2] No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has 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

## PART E: LAND USE PLANNING APPLICATIONS AND PAYMENT OF FEES

### APPLICATIONS IN TERMS OF SECTION 15 OF THE MUNICIPAL BYLAW ON LAND USE PLANNING 2023

| Type of application | Tick |
|---|---|
| 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* | |
| 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) to disestablish a homeowners' association | |
| 15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services | |
| 15(2)(r) 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 | |

### OTHER APPLICATIONS

| | |
|---|---|
| Deviation from Council Policies/By-laws | |
| Consent / Permission required in terms of a title deed (includes where permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940) | |

### DETAILS FOR INVOICE

| | |
|---|---|
| Name & Surname (party responsible for payment) | La Cabriere Hospitality (Pty) Ltd |
| Postal Address | marc.waeterschoot@wp.be |
| Vat Number (where applicable) | Vat Nr 413 017 7944 |

1. ***Application fees are per the Council Approved Tariffs. 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. Application fees that are paid to the Municipality are non-refundable as per the Tariff Rules. Once proof of payment is received, the application will be regarded as duly submitted.***
2. ***All indigent residents who are registered as such with the Municipality and <u>with proof submitted together</u> with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, parking. Contact: Indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579***
3. ***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

| | |
|---|---|
| Account Holder Name: | Stellenbosch Municipality |
| Bank: | FIRST NATIONAL BANK (FNB) |
| Branch no.: | 210554 |
| Account no.: | 62869253684 |
| **Payment reference:** | LU/_____ and ERF/FARM _____ |

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

**PART F: DETAILS OF PROPOSAL** *(Brief description of intent of development)*

Consent use to make an extention to an existing 10 bedroom Tourist Accommodation Establishment by adding an addtional 4 bedrooms .

The existing main dwelling will be converted into a 2 Bedroom self-catering unit .
An outbuilding, currently accomodating a staff service area will be converted into a 1 Bedroom self catering unit
An house keepers unit will be convert into a guest accommodation unit.

All the above will take place from existing structures and no new building(s) will be constructed.
No internal changes will be necessary to convert the buildings - it is only the usage that will change.
The buildings and existing facilities are already connected to all the service infrastructure on the property.

There are 14 designated parking bays , three garages and also three informal parking available in front of the existing garages.The parking provision is considered sufficient for the propose facility.

| **Name and Date of design guidelines (if applicable)** | |
|---|---|

| | | Adjoining erf number | | | | |
|---|---|---|---|---|---|---|
| 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 / footprint | | | From | % | To | % |
| Exceeding maximum permitted bulk / floor factor / habitable rooms | | | From | | To | |
| Exceeding height restriction | | | From | m | To | m |
| Exceeding maximum storey height | | | From | m | To | m |

2 Lane Avenue

**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

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | N | | Power of attorney / Owner's consent if applicant is not owner | Y | ✓ | | Proof of any other relevant right held in the land concerned |
| ✓ | N | | Resolution or other proof that applicant is authorised to act on behalf of a juristic person | ✓ | N | | S.G. diagram / General plan extract (A4 or A3 only) |
| ✓ | N | | Written motivation pertaining to the need and desirability of the proposal | ✓ | N | | Site development plan or conceptual layout plan (A4 or A3 only) to scale |
| ✓ | N | | Locality plan (A4 or A3 only) to scale | Y | ✓ | | Proof of agreement or permission for required servitude |
| Y | ✓ | | Proposed subdivision plan (A4 or A3 only) to scale | ✓ | N | | Proof of registered ownership **(Full copy of the title deed)** |
| Y | ✓ | | Conveyancer's certificate | ✓ | N | | Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable) |
| Y | N | ✓ | Consolidation plan (A4 or A3 only) to scale | Y | ✓ | N/A | Land use plan / Zoning plan (A4 or A3 only) to scale |
| Y | N | ✓ | Street name and numbering plan (A4 or A3 only) to scale | | | | |
| Y | N | ✓ | Landscaping / Tree plan (A4 or A3 only) to scale | Y | N | ✓ | 1: 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale |
| Y | ✓ | N/A | Abutting owner's consent | Y | N | ✓ | Owners' Association consent |
| Y | N | ✓ | 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/A | Services Report or indication of all municipal services / registered servitudes |
| ✓ | N | N/A | Copy of original approval and conditions of approval | Y | N | ✓ | Proof of failure of owner's association |
| Y | N | ✓ | Proof of lawful use right | Y | N | ✓ | Any additional documents or information required as listed in the pre-application consultation form / minutes |
| Y | N | ✓ | Required number of documentation copies | Y | N | ✓ | Other (specify): |

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

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | | Specific Environmental Management Act(s) (SEMA) (e.g., Environmental Conservation Act, 1989 (Act 73 of 1989): | | |
| Y | N ✓ | If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. | | 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, 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) of said bylaw 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 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.*Mul
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 if it has reason to believe that information submitted, or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.*
15. *I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.*

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| Applicant's signature: | | Date: | 30/05/2024 |
| Full name: | Alwi Theart t/a Urban Rural SA | | |
| Professional capacity: | Planning Consultant | | |