

EXECUTIVE SUMMARY:

APPLICATION FOR REZONING OF ERF 1197, 4 HELDERBERG STREET, STELLENBOSCH

Detail of development proposal

Application is made in terms of Stellenbosch Municipal Land Use Planning By-Law 2015 on Erf 1197 Stellenbosch for; -

- a) Rezoning in terms of Section 15(2)(a) of the said bylaw from Conventional Residential Zone to Mixed-Use Zone in order to permit a mixed land use development consisting of:
 - (i) Business Premises (Medical Consultation Facility) ($\pm 94\text{m}^2$ in extent)
 - (ii) Guest House (two (2) bedroom);
 - (iii) Two (2) Flat unit (two (2x) bedrooms flat units)
- b) Amendment of condition in terms of Section 15(2)(h) of the said bylaw to facilitate the use of the main dwelling unit as two (2) bedroom guest house in lieu of the nine (9) bedroom guest house approved on 22/02/2024.
- c) Permission in terms of Section 15(2)(g) of the said bylaw in order to erect a new building (3rd storey loft area) within the Urban Conservation Overlay Zone (Stellenbosch Urban Conservation Area).

Erf 1197, Stellenbosch, is situated along Helderberg road, Stellenbosch, where higher density developments, whether commercial or residential could be accommodated without compromising the urban, historical character of the area. The proposed rezoning application is made to optimise the development potential of this well-located site by establishing a high quality optometry along with a well-established guest house and Flats (2x two-bedroom units) for better economic uptake under a mixed-use zone. The purpose of this application is to legalize the eye-care practice which consists of two consulting rooms, two store rooms, preparation room and waiting area (illustrated on the Development Proposal & Building Plans). The purpose of the proposed new building is to add a 2nd floor (3rd storey loft area) to accommodate Unit 2 of the proposed flats consisting of two (2-bedroom) dwelling units.

Motivation Summary

There is a high demand for business premises in a prime location within close proximity of commercial hubs. As a result of the limited availability of business properties in the CBD area it makes more economic sense for the owner to utilize his own exclusive property for a medical practice.

The overarching motivating factor is that the proposed rezoning would allow for development that is consistent with its context (surrounding land uses) and in promoting Stellenbosch Town as an area suitable for an eye-care facility, which does not detract from or negatively impact on the surrounding area and amenities.

There is a need for effective utilisation of the available land and particularly land within close proximity of the Stellenbosch CBD, which is well located in regard to the full range of urban facilities. The owner is a qualified optometrist and would like to expand his career ambitions which is a result of the manifestation of aforementioned surrounding commercial land uses.

Therefore, the proposed optimum commercial use will assist to realise the economic potential of the subject property. This in turn will have positive knock-on economic benefits for the Municipality in terms of bulk service contributions and additional rates and tax income.

The Rezoning proposal is necessary due to the already established availability of mixed-use properties in surrounding area. And so is this an already established mixed use area with single dwellings, guest houses, medical facilities, low-density commercial uses including other multi-unit high density residential accommodation such as flats, hostels, communes, guest houses and tourist dwelling units.

The Height of three-storey buildings is a common phenomenon of the surrounding area. There are three-storey buildings all along both streets of the subject property which makes this application to add a 2nd floor (3rd storey loft area) not a unique situation.

Therefore, the need to rezone Erf 1197 from Conventional Residential Zone to Mixed-Use Zone is to:

- a) Unlock the future potential of the site by providing better uptake of commercial rights, which can lead to improved employment opportunities.
- b) Promote future development within a key strategic location (close proximity to the CBD and other central business nodes), as well as mobility roads and public transport systems which will not undermine the viability and sustainability of the areas' infrastructure (public transport, engineering services, community amenities etc.).
- c) Resolve that the premises is no longer only favourable for "Residential" purposes and the owner wish to resolve the situation.

The proposed land use is consistent with existing planning policies in respect of the area on the basis of Planning Bylaws & Policies, guide maps, structure plans, etc.

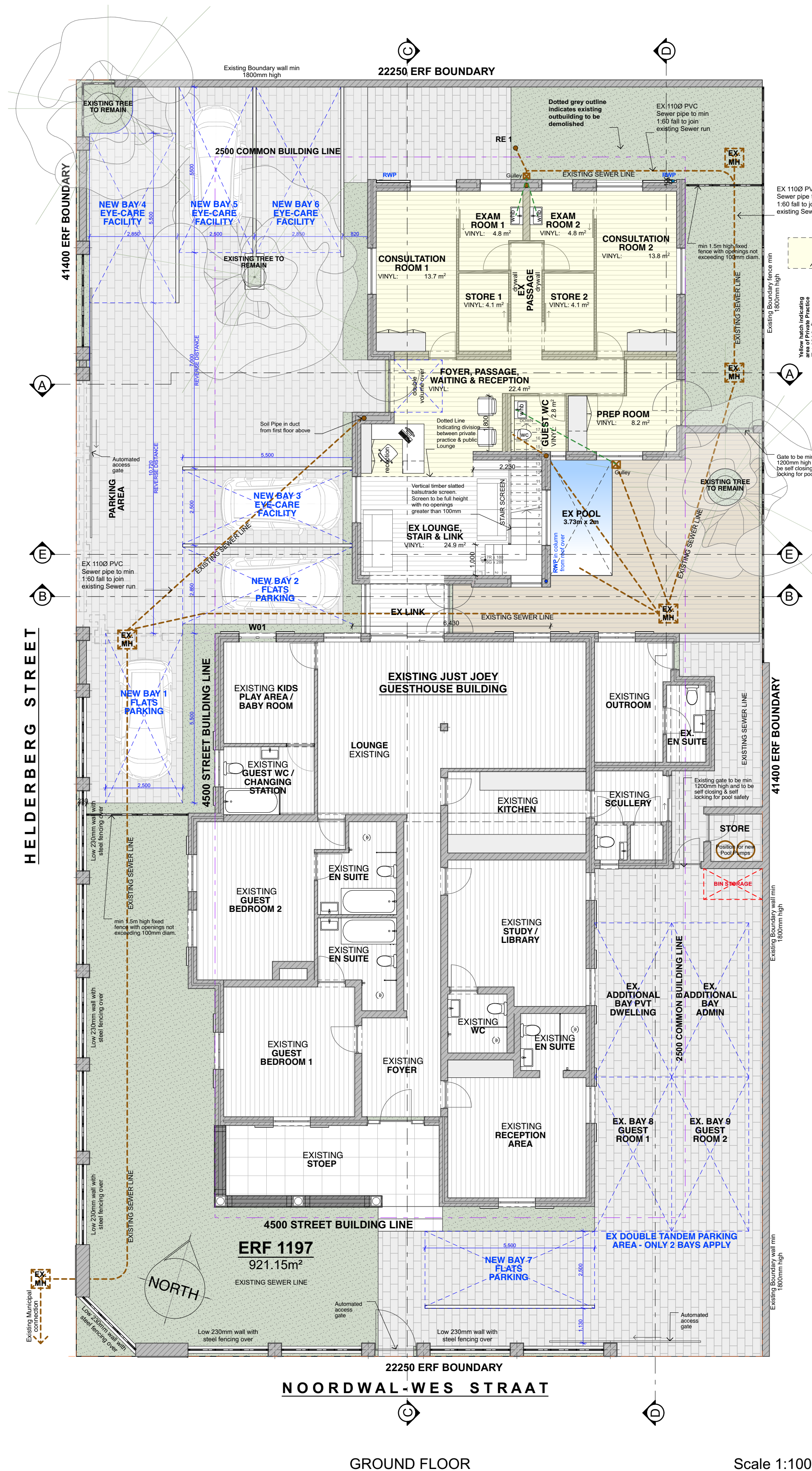
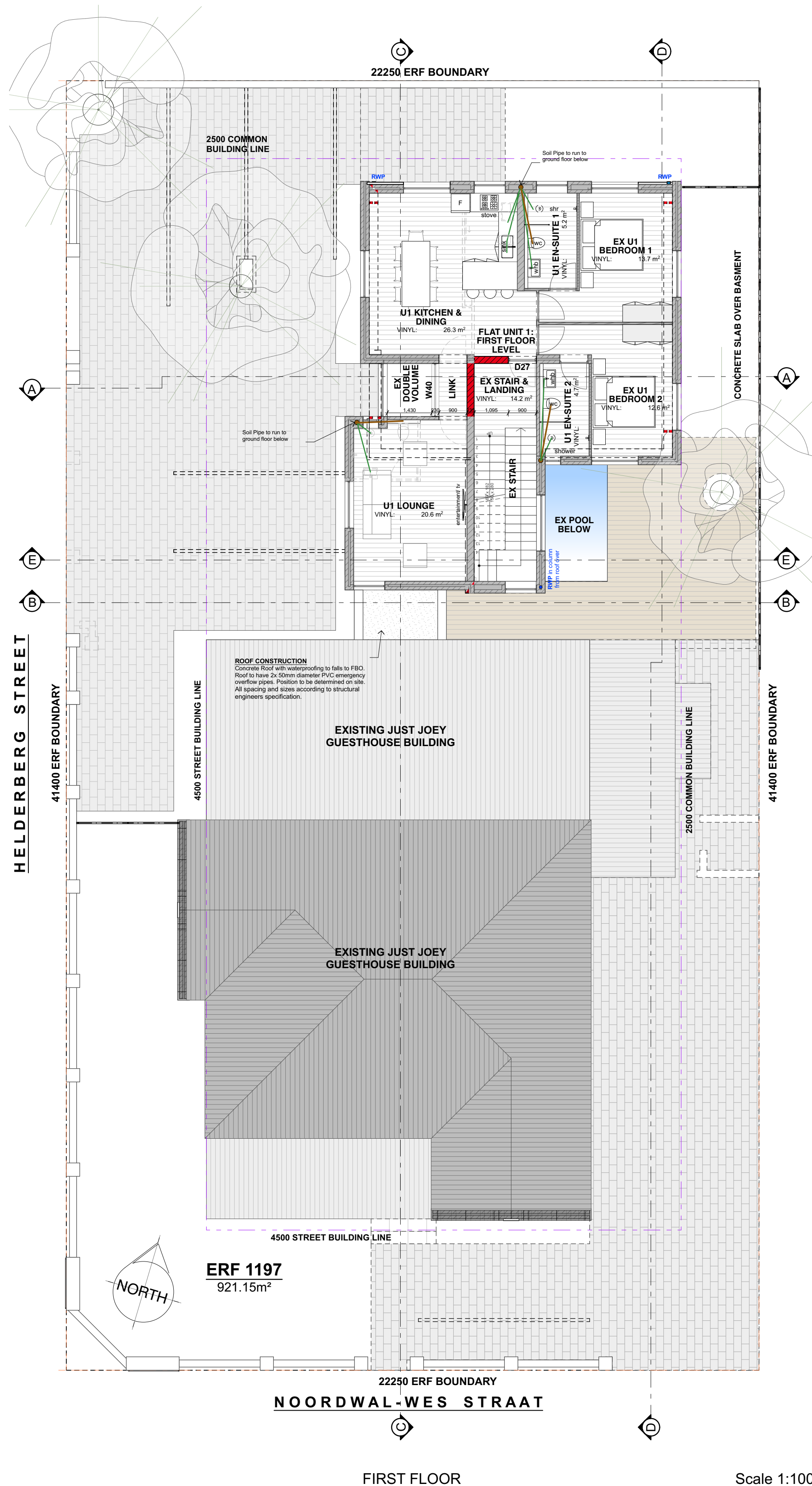
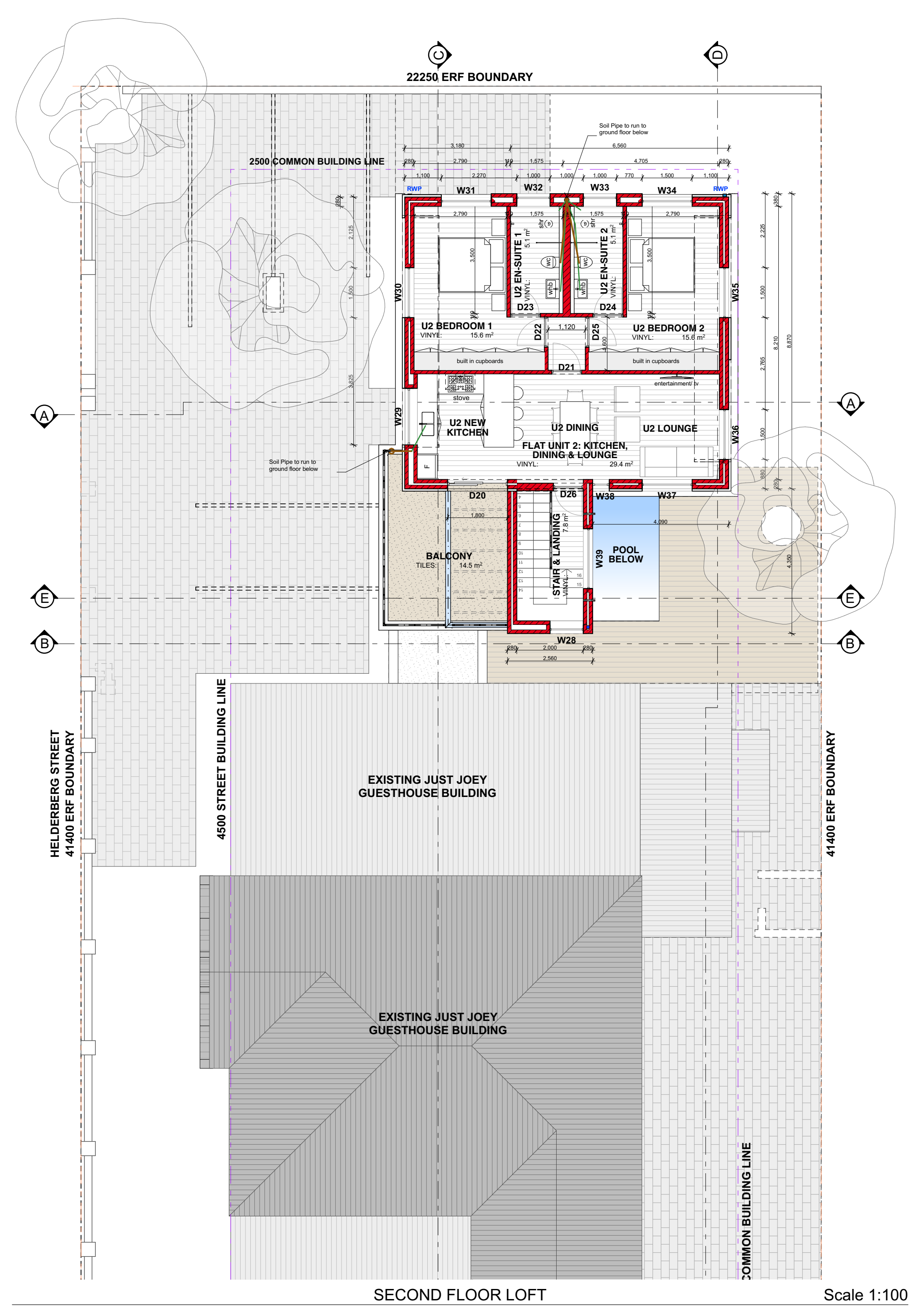
As per the proposed and existing controls, it is evident that the current Conventional Residential zoning does not align with the Municipality's progressive urbanization strategy. Therefore, rezoning to a more appropriate Mixed-Use Zone will create a vibrant and diverse economy that supports local businesses, promote mixed-use development and create liveable resilient cities for all. As can be seen from the surrounding streetscape, the proposed Mixed-Use Zone will blend in with the current context, as there is sufficient precedent for the mixed-use zone to be accommodated.

The application site is located in a serviced area and the site itself is serviced by piped water, electricity and telecommunications infrastructure. Therefor it is projected that the proposal will not require additional bulk infrastructure services.

Locality Plan for Erf 1197, Stb

This aerial photograph shows a residential neighborhood with numerous properties outlined in yellow. The central focus is Erf 1197, which is highlighted in green. It is situated between Heiderberg St to the north and Noordwal-Wes St to the south. To the west of Erf 1197 is a long, narrow white-roofed building, likely a school or community center. The area is densely packed with houses, many of which have swimming pools. The Eerste River flows along the bottom edge of the image, with 'STATE LAND' indicated to its east. Various lot numbers are visible throughout the area, including 1149, 1150, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 1139, 1140, 1143, 1151, 1152, 1153, 1154, 1155, 1170, 1171, 1189, 1194, 1195, 1196, 1197, 1198, 13066, 13270, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13288, 13364, 13460, 13467, 13471, 13472, 13473, 15698, 15701, 15731, 15799, 13768, 13618, 13575, 13583, 1138, 11

This map is a representation of the information currently held by the St. Albans Municipal Council. While every effort has been made to ensure the accuracy of the product, Council accept no responsibility for any errors or omissions or for any loss or damage alleged to be suffered by anyone as a result of the publication of the map and the information on it, or as a result of misuse of the information provided herein.



TOTAL AREAS:

ERF AREA	= 902m²
EX GROUND FLOOR	= 358.7m² *
*(OF WHICH 94.6m² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE)	
EX FIRST FLOOR	= 104.6m²
NEW 2F ADDITION	= 88.5m²
NEW TOTAL	= 551.8m²
NEW BULK	= 0.61
NEW COVERAGE	= 358.7m² / 39.7%

ARCHITECTS' SIGNATURE:
Frederik Lotter | PrArch | 20934 | 0834883191

CLIENT'S SIGNATURE:

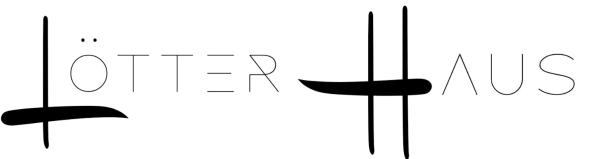
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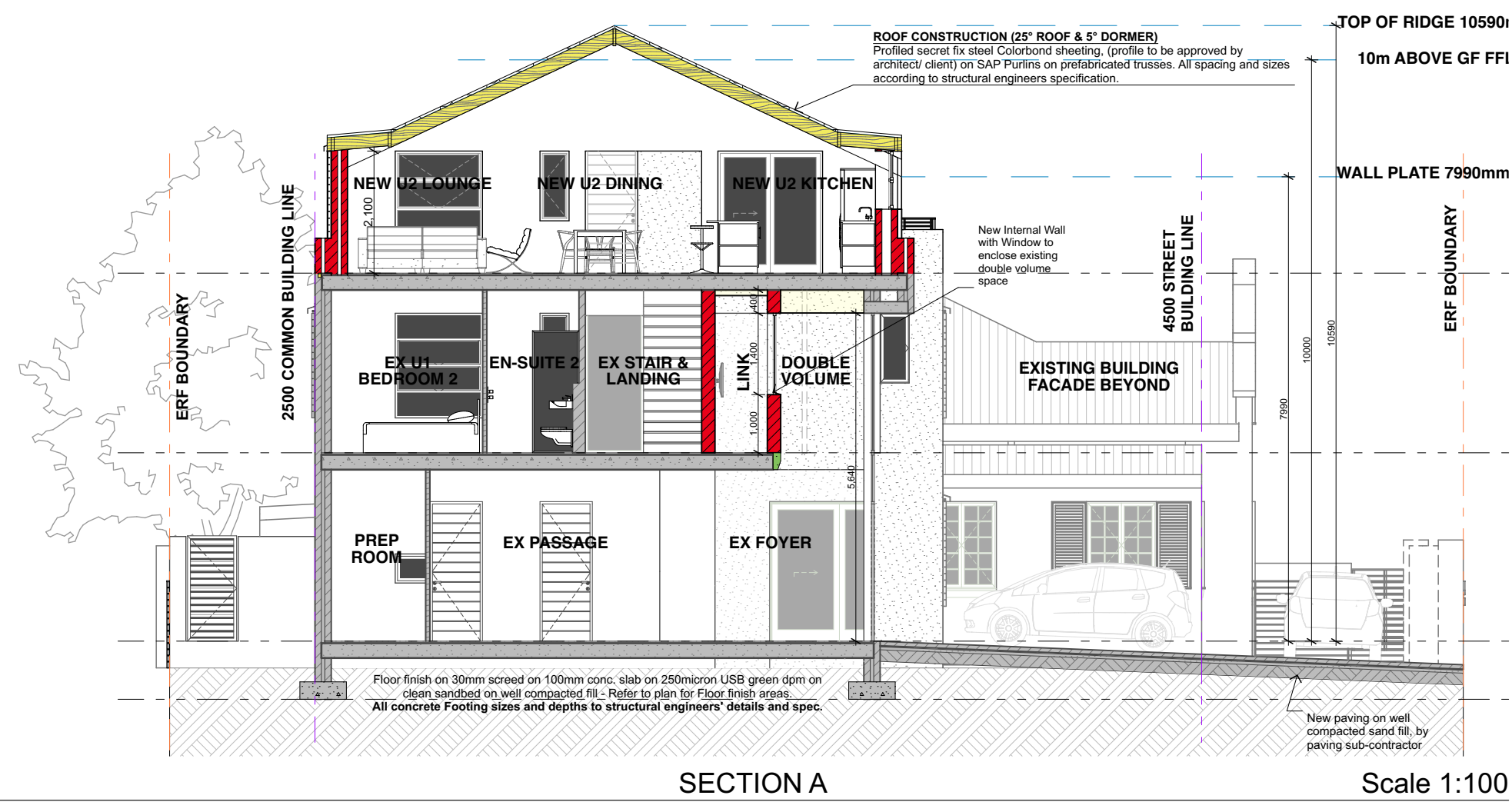
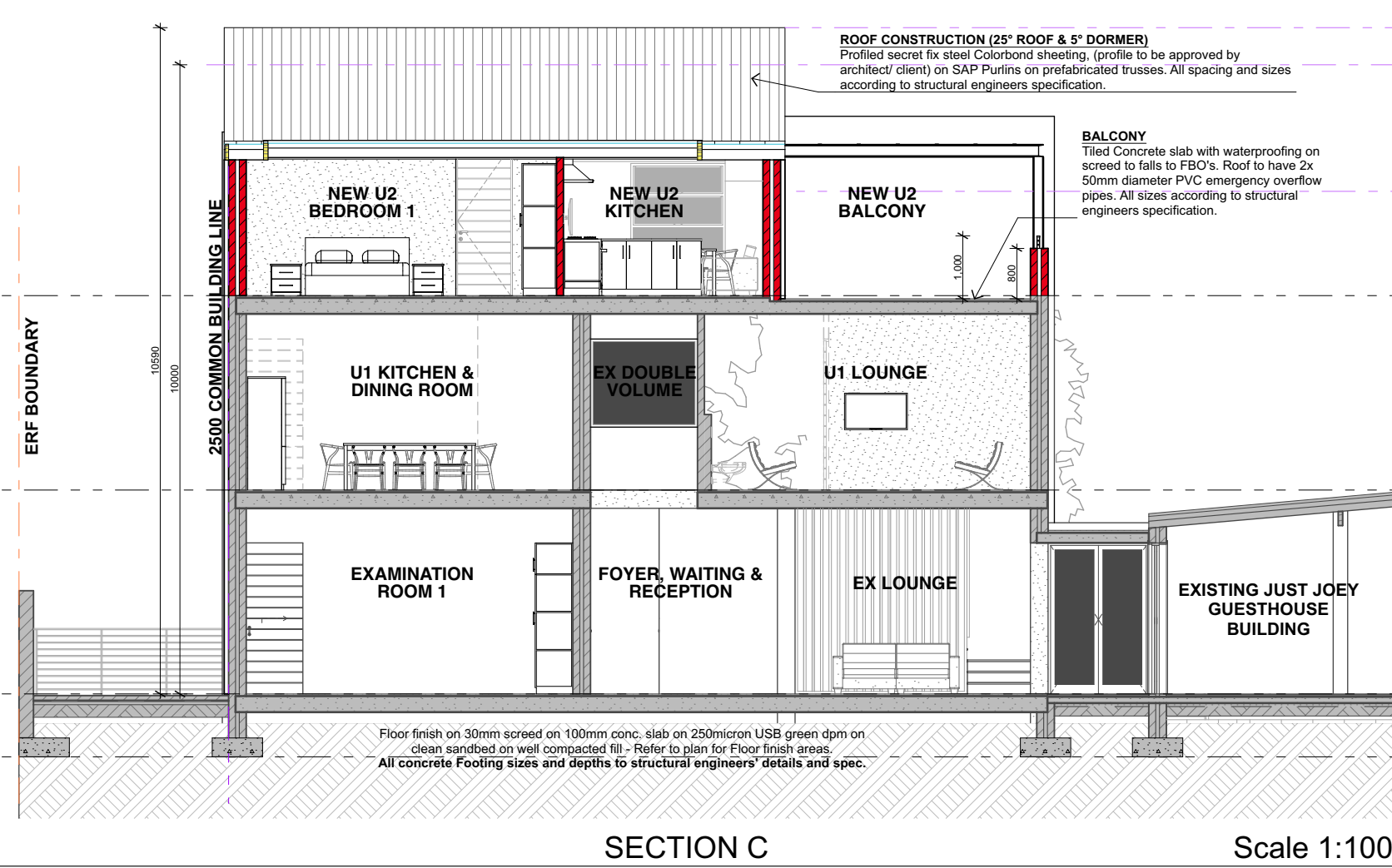
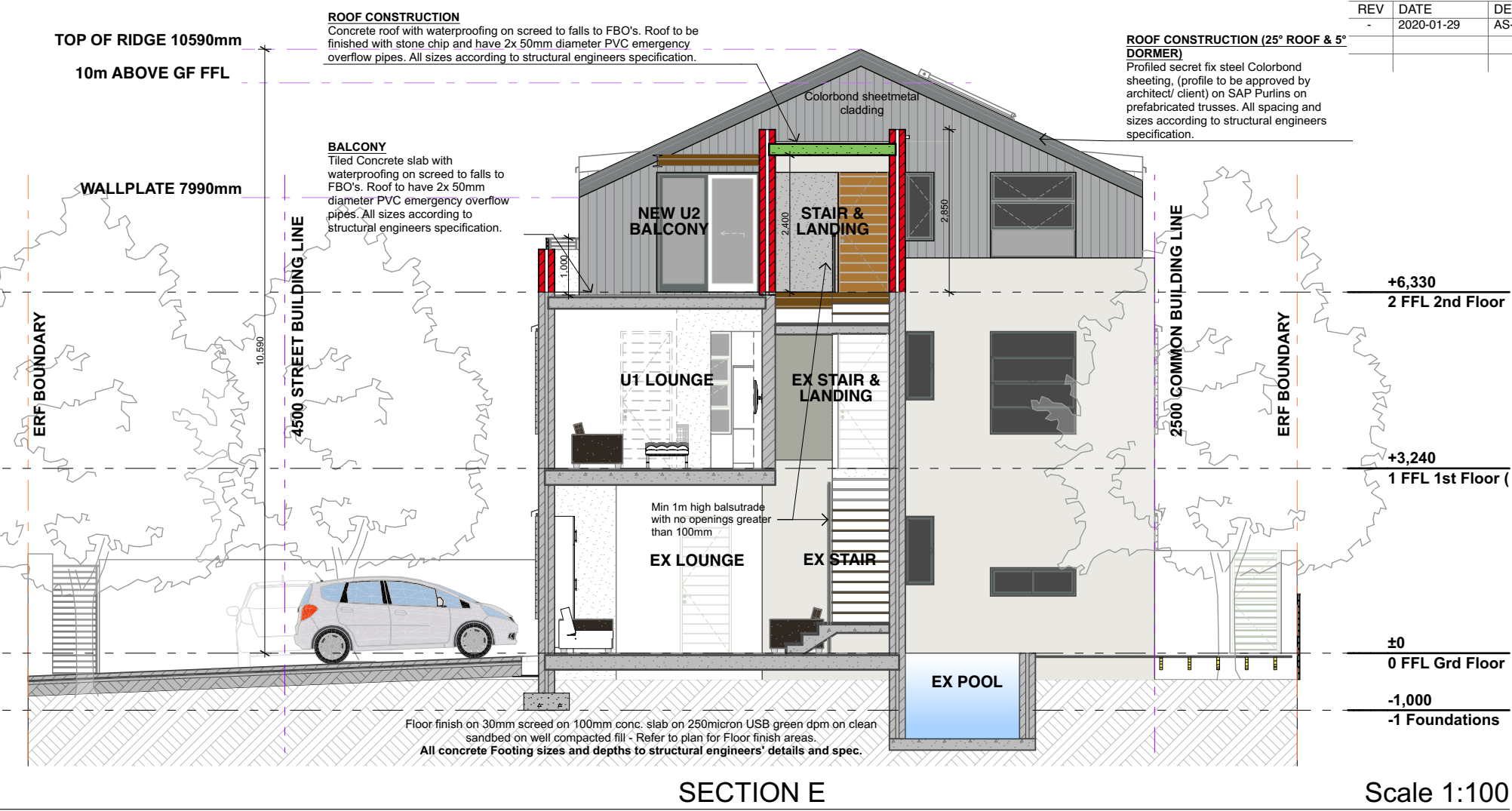
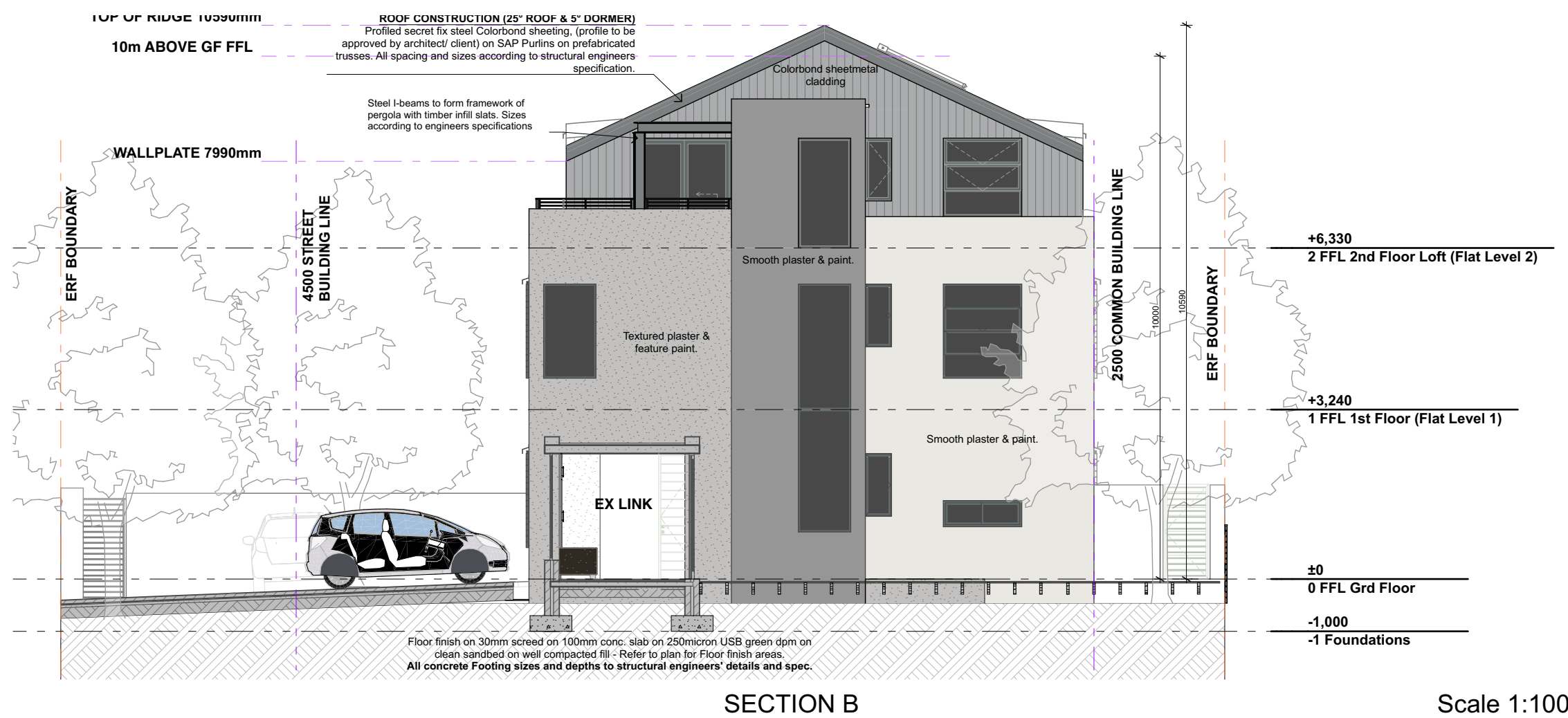
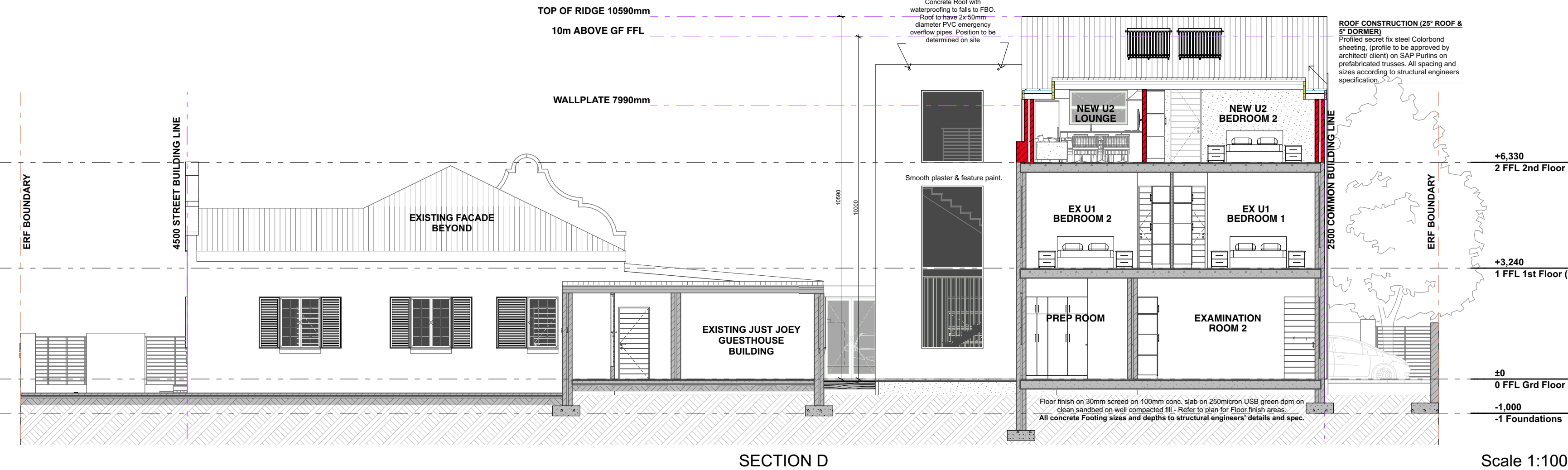
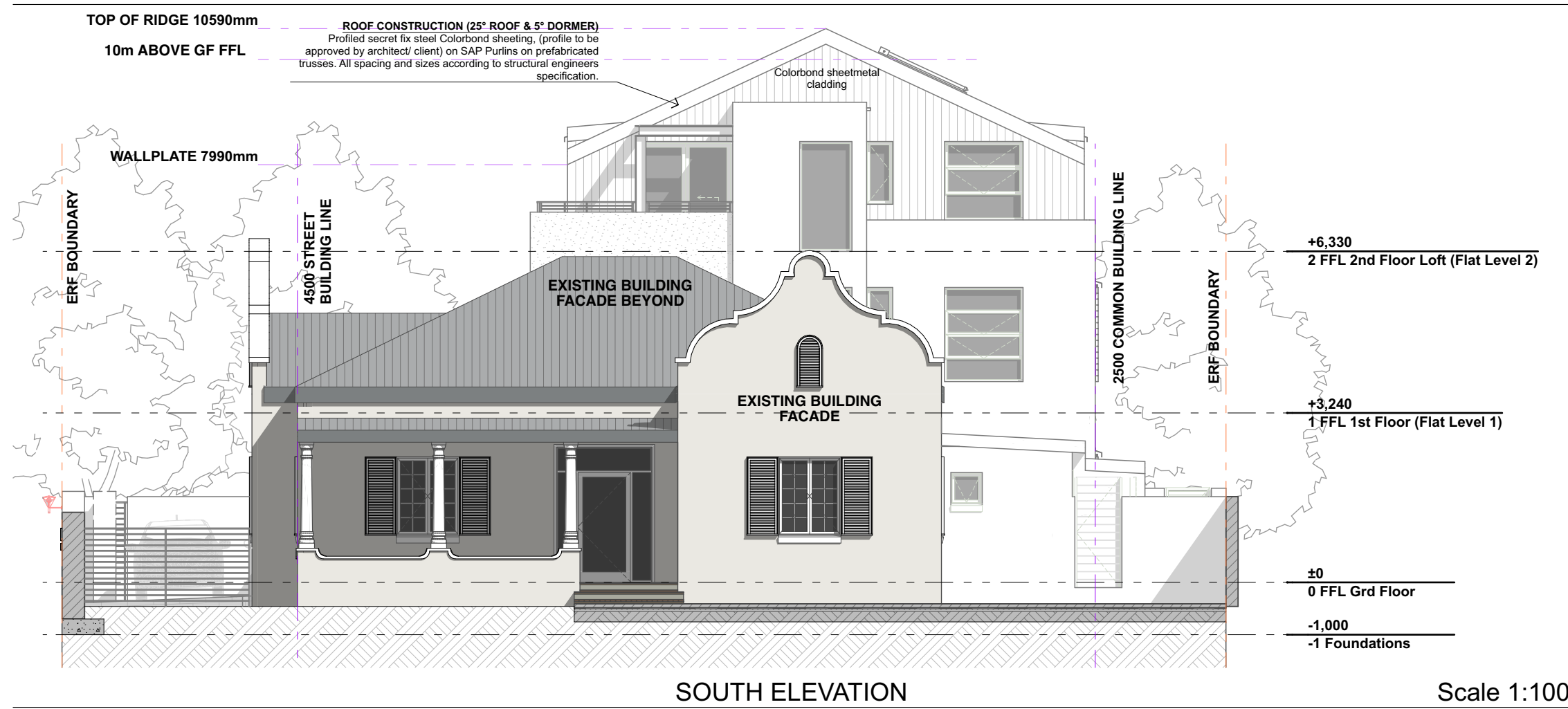
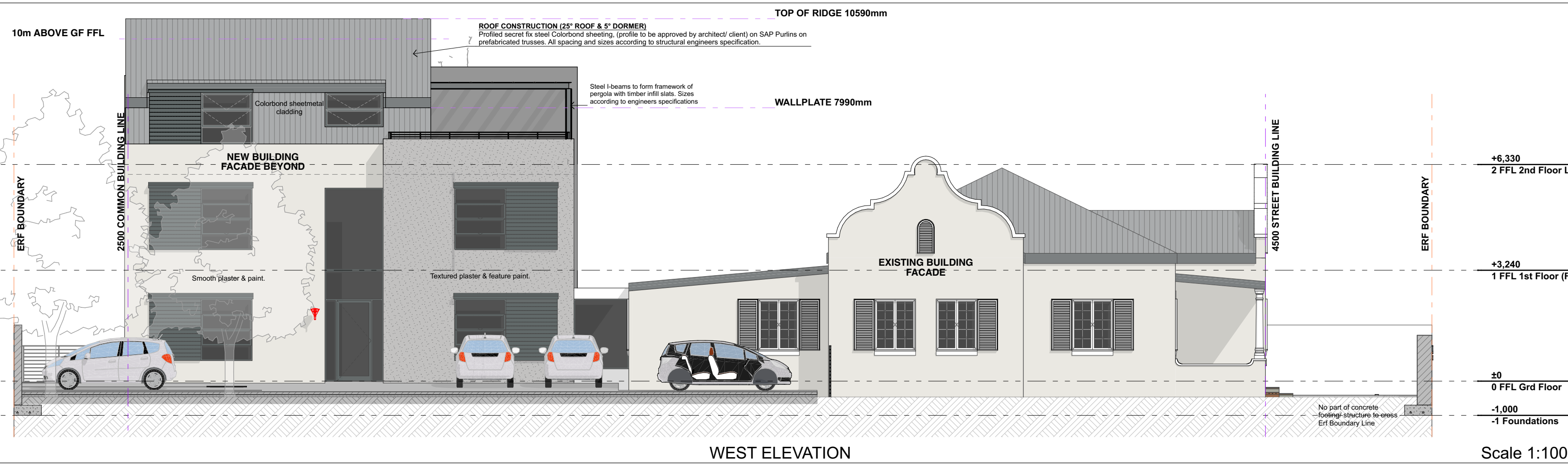
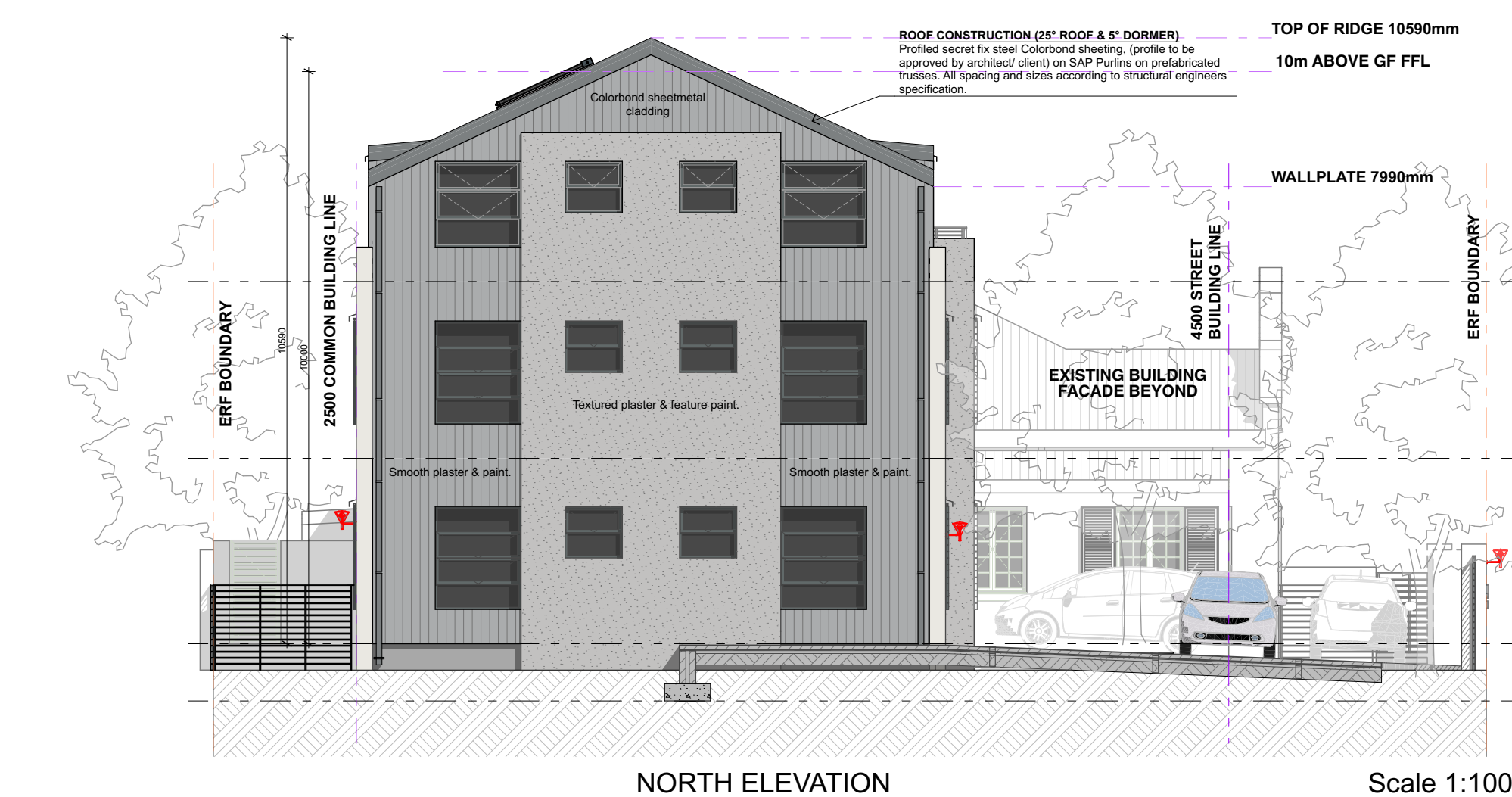
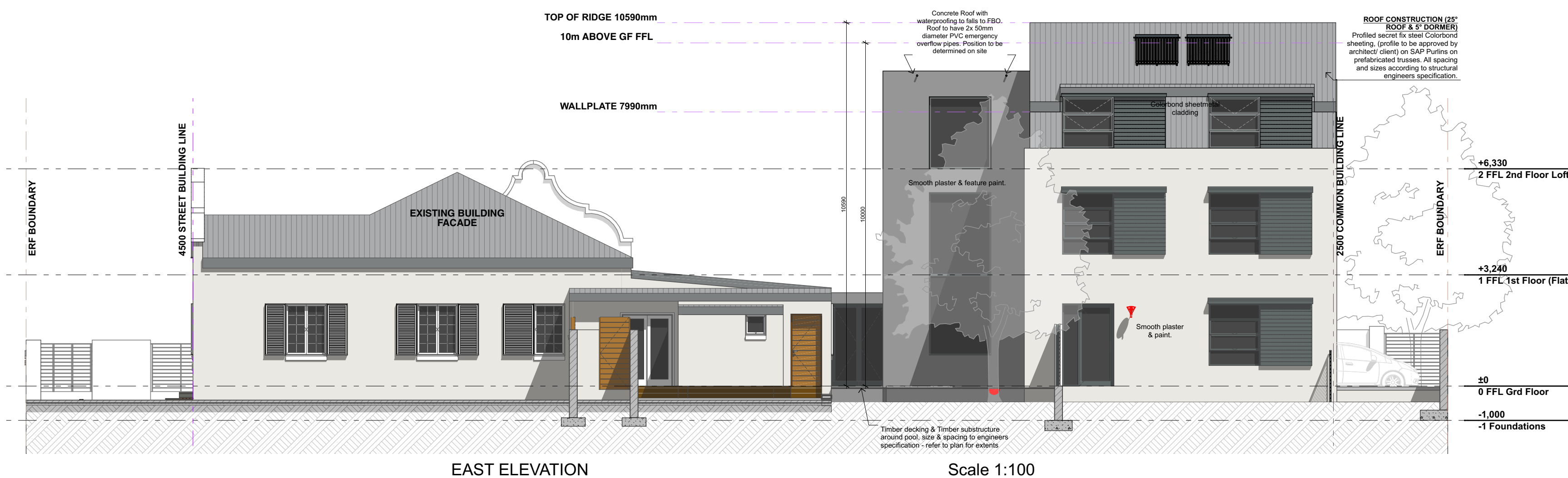
DRAWING: FLOOR PLANS

PROJECT: JUST JOEY
ERF 1197, JUST JOEY GUESTHOUSE, STELLENBOSCH

LUM APPLICATION



ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART
Directors: G.F. Lotter, Pr. Arch. SACAP 20034 - 4 Kogman Str. Strand, 7140
LOTTERHAUS (Pty) Ltd - Registration no: 2021166018807



ARCHITECT'S SIGNATURE:

fraserick lotter | PrArch | 120934 | 0834883191

CLIENT'S SIGNATURE:

SCALE: 1:100

DATE: 2025/02/18

DRAWING NUMBER: SD-3422-M301

DRAWN BY: GFL

REVISION: 0

DRAWING: SECTIONS & ELEVATIONS

PROJECT: JUST JOEY

ERF 1197, JUST JOEY GUESTHOUSE, STELLENBOSCH

LUM APPLICATION

LÖTTER HAUS

ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART

Directors: G.F. Lotter, Pr. Arch, SACAP 20034 - 4 Koopman Str, Strand, 7140

LÖTTERHAUS (Pty) Ltd - Registration no: 2021166018807

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PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2024-10-14	DOCUMENT NO:	775365
ERF / FARM NO:	1197	CREATED BY:	Nicole Katts
LOCALITY:	4 Helderberg Street, STELLENBOSCH	APPLICATION NO:	LU/17635
OWNER'S NAME:	Biljoen Designs Pty Ltd	APPLICATION VAT NO:	0
ADDRESS:	24 Kleinsmith Street Klapmuts	VAT NO:	4700102181
		APPLICANT:	Denny Jason - Stellengate Projects
		TEL NO:	0761760707

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
REZONING & DETERMINATION OF A ZONING - Rezoning, inclusive of a determination of a zoning submitted in Urban and Rural Areas, Per application per property	10800.00	1	20220630081398	10800.00
AMENDMENT, DELETION OR IMPOSITION OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL - Amendment of conditions of approval (by the deletion, imposition or amendment of conditions), Per application	5450.00		20220630081392	0.00
TEMPORARY DEPARTURE, CONSENT USE, PERMISSION IN TERMS OF ZONING SCHEME, PERMISSION REQUIRED IN TERMS OF THE TITLE DEED - Submitted in urban and rural areas, Per application per property	2700.00		20220630081392	0.00
TOTAL AMOUNT PAYABLE				10800.00
VAT INCLUDED @ 15%				1408.70

NEW TARIFFS IMPLEMENTED ON 1 JULY ANUALLY OF NR:

NAME: Nicole Katts
SIGNATURE

SIGNATURE

DATE:

BANKING DETAILS FOR EFT PAYMENT:

ACCOUNT HOLDER: Stellenbosch Municipality
BANK: First National Bank (FNB)
ACCOUNT NUMBER: 62869253684
BRANCH CODE: 210554
REFERENCE: LU/ and ERF/FARM

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

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

24 OCT 2024

RECEIVED

OR EFT PAYMENT

0



Enquiries

Nicole Katts

Phone Number

0218080000

E-mail

nicole.katts@stellenbosch.gov.za

BTW/VAT Invoice No: 16266

Invoice VAT Reference: 4700102181

Name: Biljon Designs Luzanne Crerstner

Invoice Date: 2024/10/14

Reference No: TP833/2024

Payment Due Date: 2024/10/28

Client Street address: 24 Kleinsmit Street Klapmuts
Stellenbosch Western Cape South Africa 7625

Municipality street address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: 24 Kleinsmit Street Klapmuts
Stellenbosch Western Cape South Africa 7625

Municipality postal address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client VAT No:

Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Rezoning, inclusive of a determination of a zoning	1	10 800.00	Per application per property	10 800.00
20220630081392	Amendment, deletion, or imposition of conditions of existing approval	1	5 450.00	Per application	5 450.00
20220630081392	Permission ito Zoning Scheme and ito Condition in Title Deed in urban and rural areas	1	2 700.00	Per application per property	2 700.00
Total Excl VAT					16 478.26
VAT					2 471.74
Invoice Total					18 950.00

*VAT Exempt

Created By: Petersen, Nicole

Signature: N Katts

Verified By: Petersen, Nicole

Signature: _____

Please note that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.

Nicole Katts

From: Sharise De Klerk
Sent: Wednesday, 23 October 2024 09:31
To: Nolusindiso Momoti; Bulelwa Mdoda; Nicole Katts
Subject: RE: Receipt Numbers

14/10/23

Local Authority : STB Stellenbosch Municipality LIVE Vote : 12200103450000
Financial Year : 2024 Period : 4 Level : 4

Pr	Post.Date	IC	LV	Reference	Amount	Lt.	Comment
4	01/10/2024	11	4	1000269143	2347.83-	N A:DIR1	4334 LU/16059 LAN
4	02/10/2024	11	4	1000269318	504.35-	N A:DIR1	4334 ERF 184 ZONI
4	02/10/2024	11	4	1000269395	2347.83-	N A:DIR1	4334 TP860/2024 T
4	03/10/2024	11	4	1000269455	1008.70-	N A:DIR1	4334 LU/17591 DOC
4	04/10/2024	11	4	1000270485	504.35-	N A:DIR1	4334 FARM1293 ZON
4	04/10/2024	11	4	1000270486	504.35-	N A:DIR1	4334 ERF 6219 SBO
4	04/10/2024	11	4	1000270541	2347.83-	N A:DIR1	4334 TP877/2024 T
4	07/10/2024	11	4	1000270657	504.35-	N A:DIR1	4334 LU/17608 LAN
4	08/10/2024	11	4	1000270814	504.35-	N A:DIR1	4334 ERF 1329 ZON
4	08/10/2024	11	4	2001338174	2347.83-	N A:DIR2	2206 TP879/2024 T
4	09/10/2024	11	4	1000270955	2347.83-	N A:DIR1	4334 LU/16327 FAR
4	10/10/2024	11	4	1000270986	504.35-	N A:DIR1	4334 LU/17616 ERF
4	10/10/2024	11	4	2001338756	2347.83-	N A:DIR2	2206 TP881/2024 L
4	14/10/2024	11	4	1000271147	504.35-	N A:DIR1	4334 LU/17614 ERF
4	14/10/2024	11	4	1000271160	2347.83-	N A:DIR1	4334 TP895/2024 T
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4	14/10/2024	11	4	1000271165	7043.48-	N A:DIR1	4334 TP797/2024 T
4	14/10/2024	11	4	1000271178	2347.83-	N A:DIR1	4334 TP891/2024 T
4	15/10/2024	12	4	1000269117	8626.10-	N TP882 TOWN	PLANB202410150016
4	15/10/2024	12	4	1000271034	4695.66-	N TP788/2024	TOWNB202410150016
4	15/10/2024	12	4	1000270884	2347.83-	N TP907/2024	TOWNB202410150016
4	16/10/2024	11	4	1000271312	2347.83-	N A:DIR1	4334 TP887/2024 T
4	16/10/2024	11	4	1000271325	16478.27-	N A:DIR1	4334 TP833/2024 T*
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Total:					91191.43-		
Grand Total:					91191.43-		

From: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Sent: 23 October 2024 09:01 AM
To: Sharise De Klerk <Sharise.Deklerk@ Stellenbosch.gov.za>
Subject: Receipt Numbers

Hi Sharise,

Please provide receipt numbers , thanks.



To whom it may concern

Investec hereby confirms that the following payment instruction has been made:

Payment from	Just Joey Lodge (Pty) Ltd
Amount	18,950.00
Payment date from Investec	2024-10-16
Payment reference	UP0039679027
Beneficiary account name	Stellenbosch Municipal
Beneficiary bank	FIRST NATIONAL BANK
Beneficiary branch number	250655
Beneficiary bank account number	62869253684
Beneficiary reference	TP833/2024



DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	14-08-2024	
Erf No	1197	Town		Suburb	Stellenbosch	
Farm No		Farm Portion		Nearest Town		
Owner / Applicant	Denny Jason – Stellengate Projects		Contact number		076 176 0707	
Email address	Dennyj31@gmail.com					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65				✓		✓
7. SG diagram or General Plan						
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development				✓		✓
10. Subdivision plan						
11. Permission for required servitude						
12. Title Deed				✓		✓

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

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

13. Conveyancer's certificate	✓		✓
14. Feedback on Pre-application scrutiny	✓		✓
15. Minutes of Pre-consultation Meeting			
16. Consolidation plan			
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY	PLANNER TO EVALUATE	
18. Land use plan / zoning plan	✓		✓
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent			
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA , TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals	✓		✓
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
VERIFIED & SIGNED BY ADMIN	NAME Nicole Katts	SIGNATURE <i>NKatts</i>	DATE 14-08-2024
Outstanding information (to be completed by Planner): * See email outstanding info.			
Applications to be invoiced (to be completed by Planner): 1. Retoning 2. Amendment of Conditions of Approval 3. Permission in terms of the Zoning Scheme			
EVALUATED & SIGNED BY PLANNER	NAME Bongwe Zondo (19.08.2024)	SIGNATURE <i>Bongwe Zondo</i>	DATE 26/08/2024
NOTES: 1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment. 2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)]. 3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)]. 4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].			

Nicole Katts

From: Denny jason <dennyj31@gmail.com>
Sent: Tuesday, 10 September 2024 15:31
To: Nicole Katts
Subject: [EX] Re: OUTSTANDING INFORMATION: ERF 1197 STELLENBOSCH - TP833/2024
Attachments: REZONING OF ERF 1197_09 Sept. 2024.pdf

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day Nicole

Please see the revised document attached as requested.

Please let me know if this is in order.

Kind regards

On Mon, Aug 26, 2024 at 2:36 PM Nicole Katts <Nicole.Katts@stellenbosch.gov.za> wrote:

Good day Denny

Please find below outstanding information requested by the planner.

Outstanding information:

1. Applicant to note that the property falls within the urban and rural conservation overlay zone, therefore an application for Permission in terms of the scheme must be made.
2. Applicant to clarify the Departure application in compliance with the proposed mixed-use zone.
3. Applicant to note that a dwelling unit or second dwelling unit is not a primary use in a mixed-use zone, appropriate uses are required to be applied for.
4. Revised/amended parking calculations be submitted for mixed-use zone land uses.

Should you have any technical enquiries pertaining to the attached outstanding information you are welcome to contact the planner, see details below.

Bongiwe Zondo – 021 808 8951 / Bongiwe.zondo@stellenbosch.gov.za



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Development Management

Planning & Economic Development

T: +27 21 808 8318

NPK Building, 20 Plein Street

Stellenbosch, 7600

www.stellenbosch.gov.za



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

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TID ROLLOVER

DEADLINE

24 NOV 2024

→ www.tidrollover.com

The Municipality has been visiting all residents within the Municipality's electricity supply areas to reset prepayment meters to meet the November 2024 deadline, after which meters will not be able to accept electricity tokens if meters are not reset.

STELLENBOSCH
MUNICIPALITY



STELLENBOSCH

STELLENBOSCH • PHIL • FRANKENBERG
MUNICIPALITEIT • ELIZABETH • MUNICIPIALITEIT



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens. Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from nicole.katts@stellenbosch.gov.za sent at 2024-08-26 14:36:26 is confidential and may be legally privileged. It is intended solely for use by dennyj31@gmail.com and others authorized to receive it. If you are not dennyj31@gmail.com you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

**REZONING OF ERF 1197
STELLENBOSCH FROM
CONVENTIONAL RESIDENTIAL
ZONE TO MIXED-USE ZONE**

2024

MOTIVATION REPORT



**ON BEHALF OF
BILJON DESIGNS (PTY) LTD**

**COMPILED BY
DENNY JASON Pr. Plnr A/3318/2023**

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Documentation List

INFORMATION REQUIRED IN TERMS OF SECTION 38 OF THE BY-LAW		
REZONING INFORMATION AND DOCUMENTATION REQUIRED		
Application in terms of Section 15(2)(a)	REZONING	ANNEXURE
Completed & Signed Application Form	✓	Annexure A
Power of Attorney / Owner's Consent	✓	Annexure B
Company Resolution	✓	Annexure C
Copy of Title Deed	✓	Annexure D
Bondholder's Consent (if applicable)	✓	Annexure E
Written Motivation	✓	Main document
S.G. Diagram / Extract of General Plan	X	N/A
Locality Plan	✓	Annexure F
SDP / Conceptual Layout Plan	✓	Annexure G
Revised SDP – Floor Layout	✓	Annexure P
Subdivision Plan [incl. building lines]	X	N/A
Proof of Payment of Application Fees		
Conveyancer Certificate	✓	Annexure H
Pre-Application Feedback Letter		Annexure I
SUPPORTING INFORMATION AND DOCUMENTATION REQUIRED		
Zoning Map	✓	Annexure J
Phasing plan	X	N/A
Consolidation plan	X	N/A
ADDITIONAL INFORMATION		
Previous Land Use Approval (s)	✓	Annexure K
Previous approval for Densification of Group Housing	X	N/A
HWC Approval Letter	X	Annexure L
Notice of Decision of Appeal Authority	✓	Annexure M
Home Practice-Pre-Application Feedback	X	Annexure N
Heritage Report		
Traffic Engineering Dept. Previous Approval	✓	Annexure O
Environmental Impact Assessment Report	X	N/A

1. Introduction

The intend of this document is to motivate the rezoning of Erf 1197 Stellenbosch, herein after referred to as “the subject property”. The application is made in terms of the provisions of the Stellenbosch Municipal Planning By-Law, 2015 read together with the Stellenbosch Municipal Zoning Scheme By-Law, 2019. The proposed rezoning application is made to optimise the development potential of this well-located site by establishing a high quality optometry along with a well-established guest house and Flat unit for better economic uptake under a mixed-use zone as the subject property is no longer suitable for residential purposes only due to all the commercial properties surrounding the site.

1.1 Applicant Detail

Mr Anton van Biljon the representative of Biljon Designs (Pty) Ltd and owner of Erf 1197 Stellenbosch, appointed Denny Jason (See Power of Attorney (*Annexure B*) and Company Resolution (*Annexure C*) to prepare and submit the required Rezoning land use application documentation (refer to *Annexure A: Application Form*).

1.2 Application Detail

The proposed development requires application in terms of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the following:

- a) The **rezoning** of Erf 1197, in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), from Conventional Residential Zone to “Mixed-Use Zone” to permit a mixed land use development consisting of (i) eye care facility ($\pm 94\text{m}^2$ in extent) located on the ground floor of the approved 2nd dwelling unit; (ii) adding a 2nd floor on top of 2nd dwelling to form the proposed Flat unit; (iii) and a three-bedroom guest house confined and limited to the existing house (heritage building)
- b) **Amendment** in terms of Section 15(2)(h) of the approval conditions (letter dated 2024/02/22), to facilitate the use of the main dwelling for a 3-bedroom guest house with 3 onsite parking bays in lieu of the 9-bedroom guest house with 9 onsite parking bays which was approved in 2020;
- c) **Permission** required in terms of Section 246(1)(a) of the Stellenbosch Municipal Zoning Scheme By-Law which requires the permission of the Municipality to erect a new building (3rd storey loft area) or structure within an urban conservation area.

1.3 Property Detail and Ownership

The subject property is described in the deeds of transfer, as follows:

Title Deed Description	Erf 1197, Stellenbosch Division
Title Deed Number	T000056357/2018
Registered Owner	Biljon Designs (Pty) Ltd
Property Size	902m ²
SG Diagram No.	4691/1962
Mortgage Bondholder	Investec
Current Land Use	Guest House
Current Zoning	Conventional Residential
Title Deed Restrictions	None

Table 1: Property Details and Ownership.

The aforementioned Title Deed (*Annexure D*) were reviewed by a registered conveyancing attorney, to identify any potential restrictive title deed conditions that may restrict the proposed development. A conveyancer certificate (*Annexure H*) for the subject property was issued by Louis Johannes Smith, practising Attorney at Marais, Muller Hendricks Inc. (MMH), confirming that there are no title deed restrictions held in Title Deed T56357/2018 read together with Title Deed T7662/1922 that may restrict the subject property to be rezoned from conventional residential zone to mixed-use zone. The conveyancer certificate indicates two restrictions as follows:

- a) Restrictive condition Clause B.2 as contained in Deed of Transfer No. T56357/2018, which stipulates “that only one dwelling house shall be erected on the above land, which building shall be a single dwelling house and not semi-detached The removal of this restriction **was approved** as part of the previous land use approval (*Annexure K*).
- b) Restrictive condition Clause B.3 (Subdivision) as contained in Deed of Transfer No. T56357/2018 is **not applicable** to the rezoning application.

There is a bond attached to the subject property of which Investec Bank is the bondholder. The bondholders consent letter is annexed hereto as *Annexure E*.

2. Background

Erf 1197, Stellenbosch, is situated along Helderberg road, Stellenbosch, where higher density developments, whether commercial or residential could be accommodated without compromising the urban, historical character of the area. On 25 August 2020 (Revised SDP approved on 22 February 2024) the Stellenbosch Municipality approved a special development for a two storey Additional Dwelling Unit and a consent use to allow for four additional guest rooms added to the existing Guest House on Erf 1197. The owner has shown that with the development of the existing guest house and 2nd dwelling unit on the subject property, an aesthetically pleasing building reflecting a residential scale and character, is indeed possible. The majority of properties along Helderberg road is mainly used for residential and/or quasi – residential (group housing) and commercial purposes.

The following applications in terms of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 1197, Stellenbosch was **approved** (letter dated 25 August 2020) as follows:

1. **Removal of restrictive title deed condition**, Clause B.2 as contained in Deed of Transfer No. T56357/2018, which stipulates “that only one dwelling house shall be erected on the above land, which building shall be a single dwelling house and not semi-detached.
2. **Special development** in terms of Section 15(2)(o) to allow for:
 - (a) the extension to the guest house by adding four (4) additional guest house bedrooms to the existing five (5) guest house bedrooms (total of 9 guest rooms);
 - (b) The construction of an additional dwelling unit ($\pm 103,3\text{m}^2$)

As part of the same application submission as aforementioned the following applications was **refused** namely:

1. **Special development** for the utilization of a portion of the dwelling house for purposes of a home enterprise of $\pm 45,1\text{m}^2$ (medical consulting rooms).
2. **Permanent departure** to:
 - (a) permit a portion of the building to be 3 storeys’ in lieu of 2 storeys;
 - (b) permit a floor factor of 0,65 in lieu of 0,63.

The abovementioned letter dated 25 August 2020 communicating the outcome of the previous land use applications is annexed hereto as **Annexure K**.

The subject property falls within the Stellenbosch historical centre and the existing house is older than 60 years. The following application was lodged with the Heritage Western Cape Council:

APPLICATION FOR A PERMIT IN TERMS OF SECTION 34 OF THE NATIONAL HERITAGE RESOURCES ACTS (ACT 25 OF 1999): ERF 1197, 13 NOORDWAL WEST STREET, STELLENBOSCH.

CASE NUMBER 20040702KB0420E

RECORD OF DECISION: Approval Letter dated 19 May 2021

Decision communicated that the Committee makes the following recommendations:

1. That no further legal action be taken against the applicant on condition that the **attic/second floor** as indicated on drawings number SD-3422-M202, SD-3422-M101 & SD3422-M301 dated 2nd February 2021 (pitched-roof option) **be pursued**.
2. The Committee will not be recommending that the previous permit dated 26th November 2018 be revoked. See approval letter from HWC attached as *Annexure L*.

An appeal submitted against the refusal by the Authorised Official on 25 August 2020 of the application for a special development to use a portion of the 2nd dwelling for a home enterprise and departures in terms of height (allow 3 storeys) and floor factor was dismissed (letter dated 13 August 2021 – attached hereto as *Annexure M*).

Subsequently a new application for a home occupation practice was submitted and the following feedback (refer to email correspondence *Annexure N*) were received on 4 April 2023:

Before a new application can be considered, the owner applicant first needs to comply with the conditions of approval of Council's decision letter dated 25 August 2020

Condition 4.3 of approval letter dated 25 August 2020 reads as follows:

"A revised site development plan shall be submitted to the Municipality for approval by the Director: Planning and Economic Development that reflects the approved land uses (extension to guest house and additional dwelling unit) only. The proposal must adhere to the building lines, coverage, floor area, parking and height as prescribed in the Zoning Scheme".

In order to comply with the above condition a revised Site Development Plan was submitted and approved by the Municipality on 22 February 2024 (final letter dated 25 March 2024).

Subsequent thereto, in order to accommodate the 2nd floor and Optometry Practice as originally intended the client decided to rezone the said property to facilitate the mixed development which is a primary right under the proposed mixed-use zone which will further be motivated in the following sections below (See Pre-Scrutiny feedback letter, *Annexure I*).

3: Site Context

3.1 Site Locality

The subject property is a corner plot located along Helderberg Road and Noordwal Oos Road within the Stellenbosch CBD area and next to the Eerste River on the southern side (See **Figure 1** below: Aerial photo image). The site can be easily accessed from abovementioned roads.

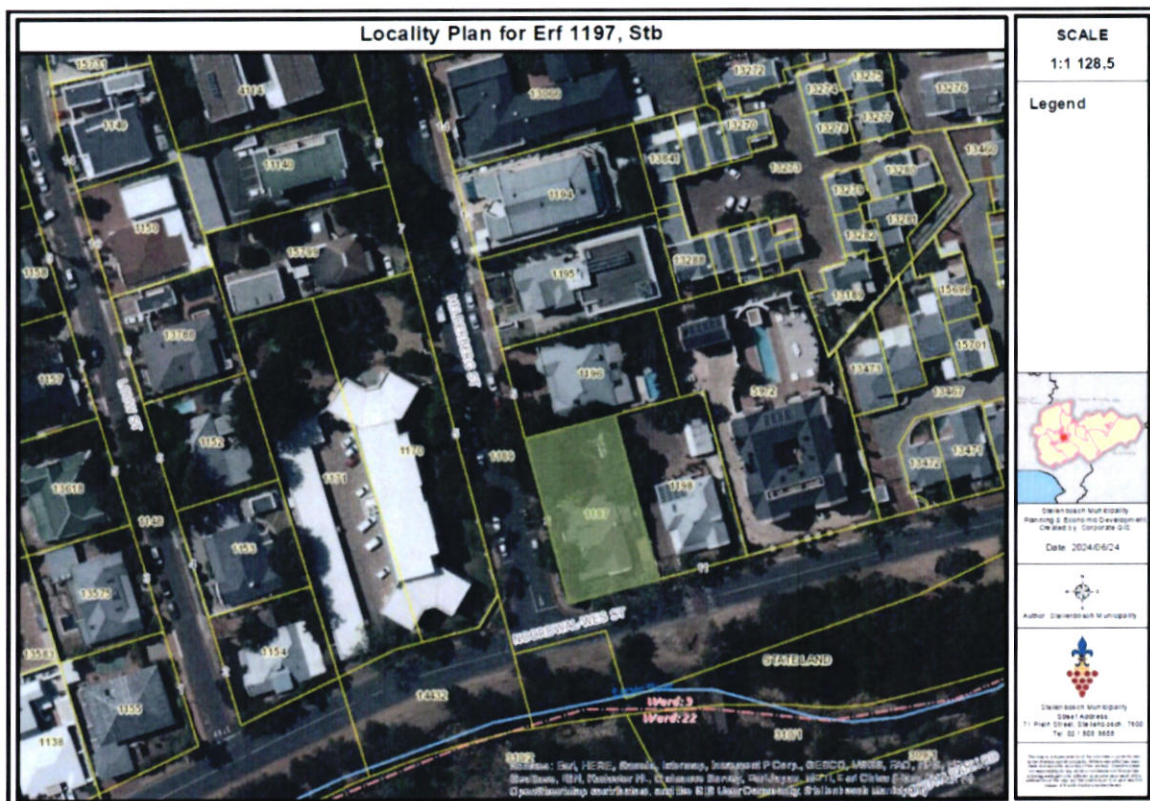


Figure 1: Locality Map (Attached hereto as *Annexure F*).

The site is currently occupied by existing built structures and is located within an established context subject to an existing Town Planning Scheme. The applicant site is situated in a familiar mixed development growth node and within close proximity of the CBD and will not negatively impact on the surrounding environment, in terms of visual character but would rather enhance it. The site is currently zoned Conventional Residential and this report motivates the proposed rezoning to accommodate the current illegal eye-care facility, existing approved Guest House and newly proposed 4-bedroom Flat unit under the appropriate zoning (Mixed-Use Zone) suitable for such development proposal.

3.2 Current Zoning

Erf 1197 is currently zoned Conventional Residential Zone (CRZ)

The following table describes land uses permitted under this zoning:

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: Land Uses Permitted under Conventional Residential Zone.

3.3 Surrounding Zoning

The Zoning Map (**Figure 2**) indicates that there are several “Business Premises” in the direct vicinity of the site. The proposed zoning will therefore not create a new precedent in the area. The physical development on the property will be restricted to the development parameters applicable to the “Mixed-Use” zone. The proposed rezoning of the residential land parcel will therefore not have any physical impact on the privacy or views of the surrounding properties. The application will without doubt promote the principle of efficiency as the land development optimises the use of existing resources and infrastructure.



Figure 2: Surrounding Zoning (refer to Annexure J).

3.4 Current Land Use

There is currently an existing Guest house and a 2nd dwelling of which both were approved as part of previous land use applications as mentioned under the background section. With the restrictions of the Covid-19 pandemic the guest house suffered tremendous economic losses and the owner who is also a qualified optometrist decided to start his own eye-care practice from home as a better financial uptake. Therefore, the purpose of this application is to legalize the medical practice which consists of two consulting rooms, two store rooms, preparation room and waiting area which will be detailed in the development proposal section. It is also proposed that the intended land uses (eye-care facility, guest house & Flat) will comply with the mixed-use zoning parameters in terms of the Stellenbosch Municipal Zoning Scheme By-Law (2019).

3.5 Surrounding Land Uses

The character of the surrounding area can best be described as a mixed-use area typical associated with the Stellenbosch CBD. Land uses in the area is depicted on the Land Use Map below (**Figure 3**) and include; dwelling houses, medium to high density residential developments, medical practices, tourist facilities, shops, offices, and churches. The proposed rezoning for business premises will not have any physical impact on the surrounding properties or the character of the neighbourhood, as it will not result in any physical changes to the footprint of the buildings.

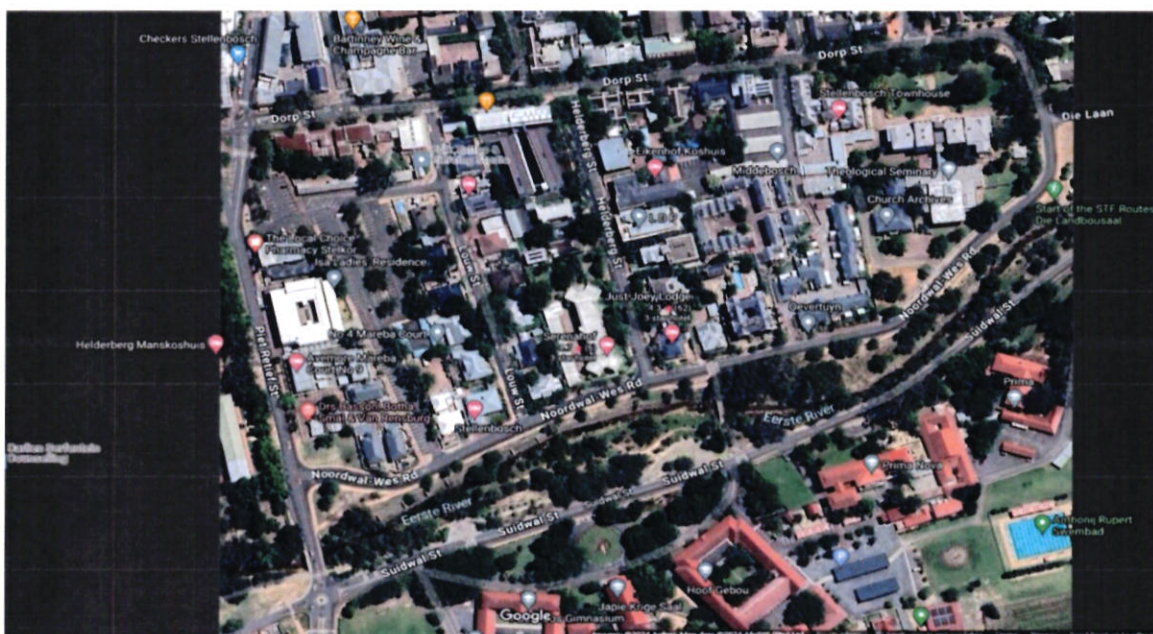


Figure 3: Surrounding Land Uses

Character of the Surrounding Built Environment

The Height of three-storey buildings is a common phenomenon of the surrounding area. There are three-storey buildings all along both streets of the subject property which makes this application to add a 2nd floor to the 2nd dwelling not a unique situation. The combined 1st floor and 2nd floor loft area will form a 4-bedroom Flat Unit.

Erf 1195 at no. 8 Helderberg Road developed almost the same concept like this proposal i.e. they retained the existing heritage building and added a new three-storey element at the back of the property. Notably the area is characterised by mix of uses, mix of building styles and a mix of building ages. Especially along Helderberg Road where there is an abundance of mixed-uses, mixed heights and setbacks and an assortment of architectural styles. As such the proposed building would be of similar height as that of the other buildings in Helderberg Road. The site photos below illustrate the character of the surrounding area.

3.6 Site Photos:



Erf 5972 – (Portchie) Noordwal-Wes Road: The above photo illustrates a view of the momentous three-storey modern dwelling along Noordwal-Wes Road – Also mixed but streetscape of site catches the eye immediately. The site is just around the corner of the subject property and reveals the diverse characteristics of the area which support the idea of thoughtfully mixing the old with somewhat new and modern urban aesthetics.



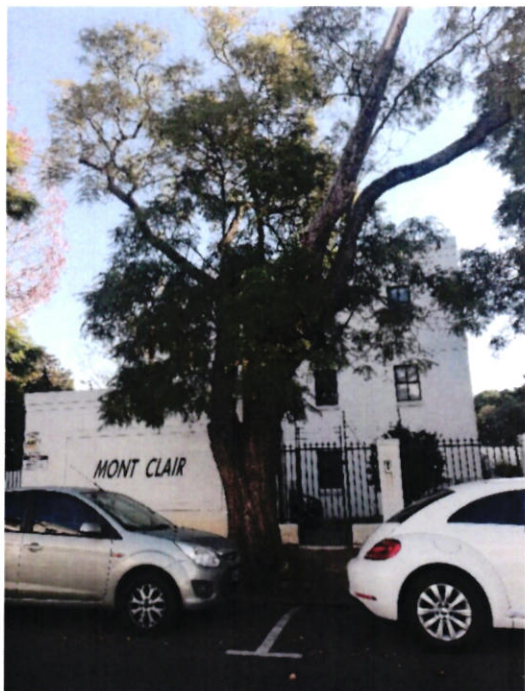
Erf 1170 & 1171-1 Helderberg Road: Above photo shows a Three Storey Apartment Block directly opposite the subject property corner of Noordwal Wes Road and Helderberg Street. The above and below pictures shows the zoning trend of the surrounding area characterised by multi-unit residential properties accommodating students, privately-owned apartments, flats and commercial premises including medical practices.

The motivation for rezoning is supported by several themes outlined in this report. The overarching motivating factor is that the rezoning would allow for development that is consistent with its context (surrounding land uses) and in promoting Stellenbosch Town as an area suitable for an eye-care facility, which does not detract from or negatively impact on the surrounding area and amenities.

As per the proposed and existing controls, it is evident that Conventional Residential zone does not align with the current densification strategy. Therefore, rezoning to a more appropriate Mixed-Use Zone will align with this strategy. As can be seen from the accompanying pictures illustrating the current streetscape, the proposed Mixed-Use Zone will blend in with the current context, as there is sufficient precedent for the mixed-use zone to be accommodated.



10 Helderberg Road – Erf 1194: LDP Tax Consultants & Accountants Firm (Mixed-Use)



Erf 15799-Multi-Unit Residential Three storey buildings & Erf 1140 in Helderberg Road



Examples of Three Storey Buildings in Helderberg Road - Multi-Unit Residential Zoning



Medical Facilities: Erf 4114, Helderberg Road and Erf 1198, Noordwal-Wes Road

The above photos illustrate street characters mixed styles, use and heights. Clearly showing medical practices are accepted within close proximity of the subject property and surrounding area. The streetscape is characterized by three-storey buildings which accommodate a combination of residential dwelling units and businesses.

The application for the Rezoning of Erf 1197, Stellenbosch and formalization of the already operational Optometry Practice will not have a negative impact on the urban character of this area but should rather be seen as complementing and strengthening the long-term planning philosophy of densification and mixed use in the CBD area. There is medical consulting rooms (Dermatologist) right next to the subject property and also other medical consulting rooms (General Practitioner) within 50m from the subject property. And so is this an already established mixed use area with single dwellings, guest houses, medical consulting rooms, low-density commercial uses including other multi-unit high or density residential accommodation such as flats, hostels, communes, guest houses and tourist dwelling units.

The proposed use of Erf 1197, Stellenbosch for Medical Consulting Rooms (Eye-Care Practice) is not only considered to be appropriate, but also due to the residential scale and design, complement the character of the area. The application intent to limit urban sprawl and promote development within a key strategic location (close proximity to the CBD and other central business nodes), as well as mobility roads and public transport systems and that will help contribute to the viability and sustainability of the areas' infrastructure (public transport, engineering services, community amenities etc.).

Heritage Character:

As part of the previous land use application a Heritage Consultant (Lize Malan) was appointed. The heritage character assessed by independent Heritage Practitioner – concludes that:

“It is the author’s opinion that the proposed additional storey to the new addition at the back of Just Joey is sufficiently set back from this house and other heritage resources and this combined with the screening provided by trees, so that the impact on the house and its context is acceptable”.

The proposed additional floor (2nd floor loft) was already approved by Heritage Western Cape on condition that same be pursued as indicated on drawings number SD-3422-M202, SD-3422-M101 & SD3422-M301 dated 2nd February 2021 (pitched-roof option). The building form is within the diverse heritage character of the area as confirmed above in heritage report by an independent Heritage Practitioner. As such there is no uniform heritage character that requires protection but rather will enhance a diverse built environment mixing the old with the new.

Since the buildings will retain its residential character and appearance, the proposal is consistent with the visual character of the area. The proposed development complies with most of the development controls as reflected in the current Stellenbosch Zoning Scheme (2019) for properties under mixed-use zoning.

4. DEVELOPMENT PROPOSAL

(Refer to Drawing SD-3422-M203 below: Site Development Plan drawn by Architect, 'Frederik Lotter') dated 27/08/2024 (revised SDP attached hereto as *Annexure P*).

The owner desires to rezone erf 1197 from residential zone to mixed-use zone to allow for an Optometry Practice with two consulting rooms, a 3-bedroom Guest House and proposed 4-bedroom Flat unit. Only the ground floor of the 2nd dwelling will be converted and used for optometry purposes.

4.1. Medical Consulting Rooms (See SDP below p.17)

The proposal entails the conversion of the ground floor of the proposed Flat to allow for (2x) medical consulting rooms. No physical alternations will be done to the building externally nor the footprint, all alteration work will be done internally. The total area to be used for the proposed medical practice is approximately $\pm 94\text{m}^2$ in extent.

All internal changes (indicated by yellow rendering on SDP) for the Optometry Practice will be done on the Ground Floor of the proposed Flat as follows:

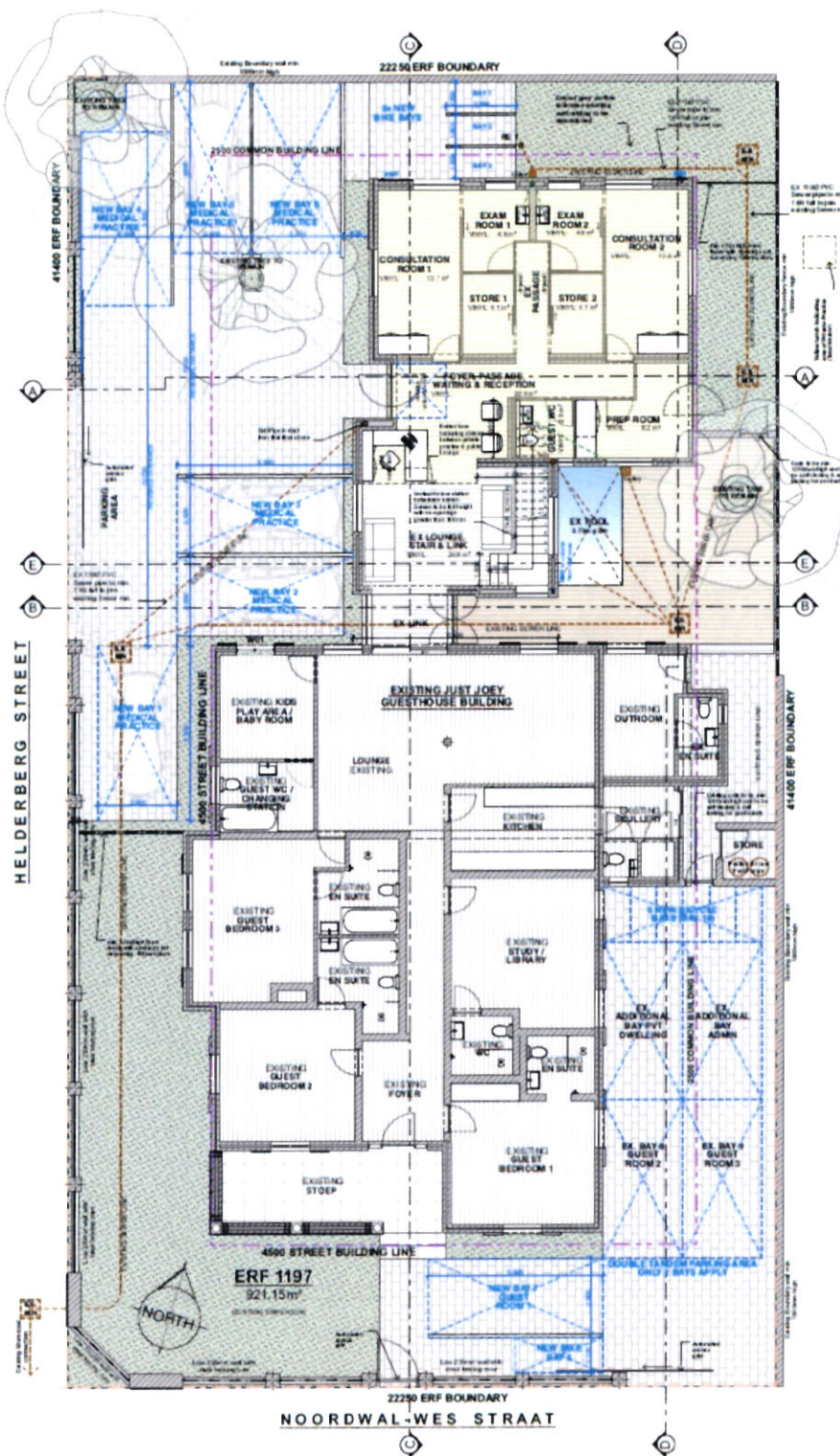
- Bedroom 1 to be converted into Consulting Room 1
- Bedroom 2 to be converted into Consulting Room 2
- The bathroom En-Suites of Bedroom 1 and 2 will be altered to examination rooms for the two consulting rooms respectively.
- The study will be converted to a preparation room
- The entrance/foyer area will be utilized as the reception and waiting area as indicated.

The optometry practice will be utilized under the proposed zoning as **business premises** and will be operated during normal office hours from 08:00 am – 18:00 pm Monday to Friday and from 09:00 am – 14:00 pm on Saturdays and will be closed on Sundays and public holidays.

The building will retain its current form and aesthetical appearance as illustrated on the Architectural drawings annexed hereto as *Annexure P*.

4.2 Second Floor Addition (Flat), 3rd storey (See SDP below p.18)

An additional floor (**2nd floor loft**) is proposed on top of the existing first floor to form a 4-bedroom Flat unit. The second floor and the first floor of the proposed Flat unit will be utilized by the owner for residential purposes. The proposed 2nd floor measures a height of approximately 10.590m from existing ground level to top of roof. The proposed three storey building will not exceed the proposed three storeys in any way or form (proposed zoning allows for 6 storeys).



Scale 1:120

GROUND FLOOR



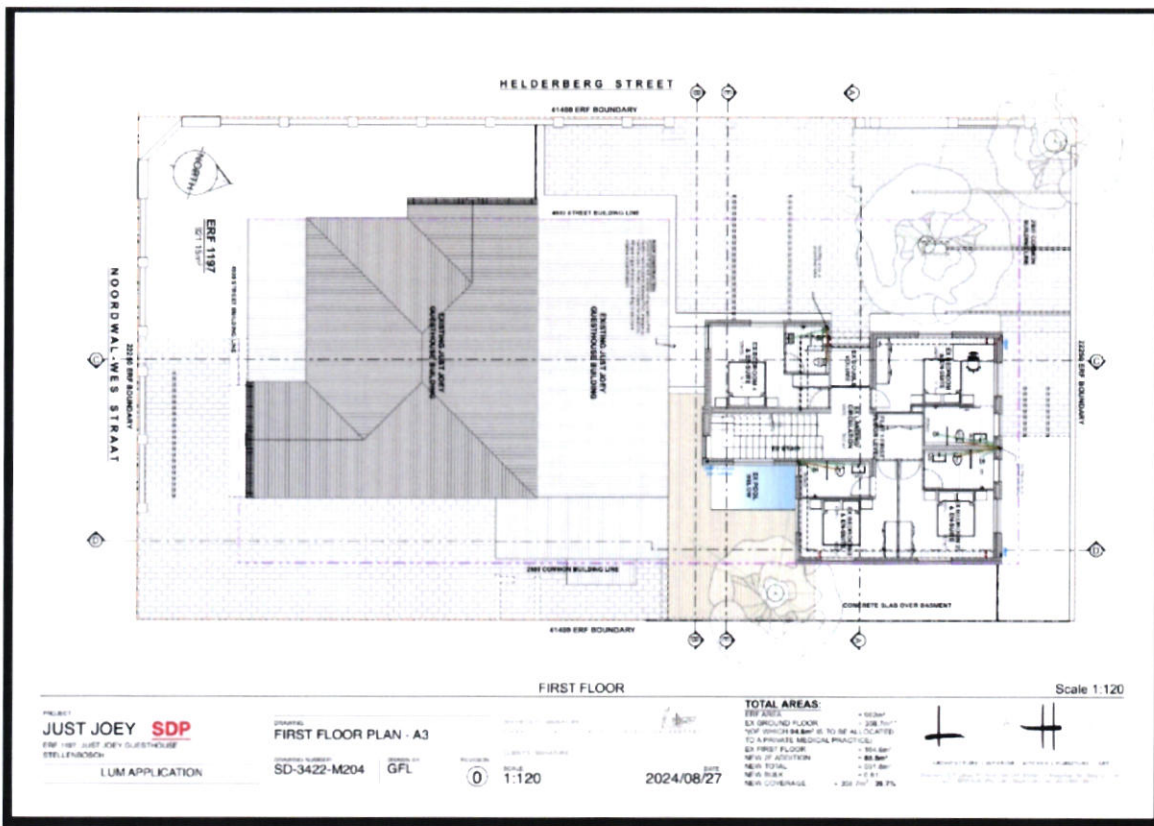
TOTAL AREAS:
 EXISTING BUILDING AREA = 921.15m²
 EX GROUND FLOOR TO A PRIVATE MEDICAL PRACTICE = 358.7m²
 EX 1ST FLOOR TO A PRIVATE MEDICAL PRACTICE = 88.8m²
 EX 2ND FLOOR TO A PRIVATE MEDICAL PRACTICE = 551.8m²
 NEW TOTAL = 921.15m²
 NEW BULK = 358.7m² / 38.7%

ARCHITECT'S SIGNATURE: *[Signature]* DATE: 2024/06/13
 CLIENT'S SIGNATURE: *[Signature]* SCALE: 1:120
 REVISION: ①

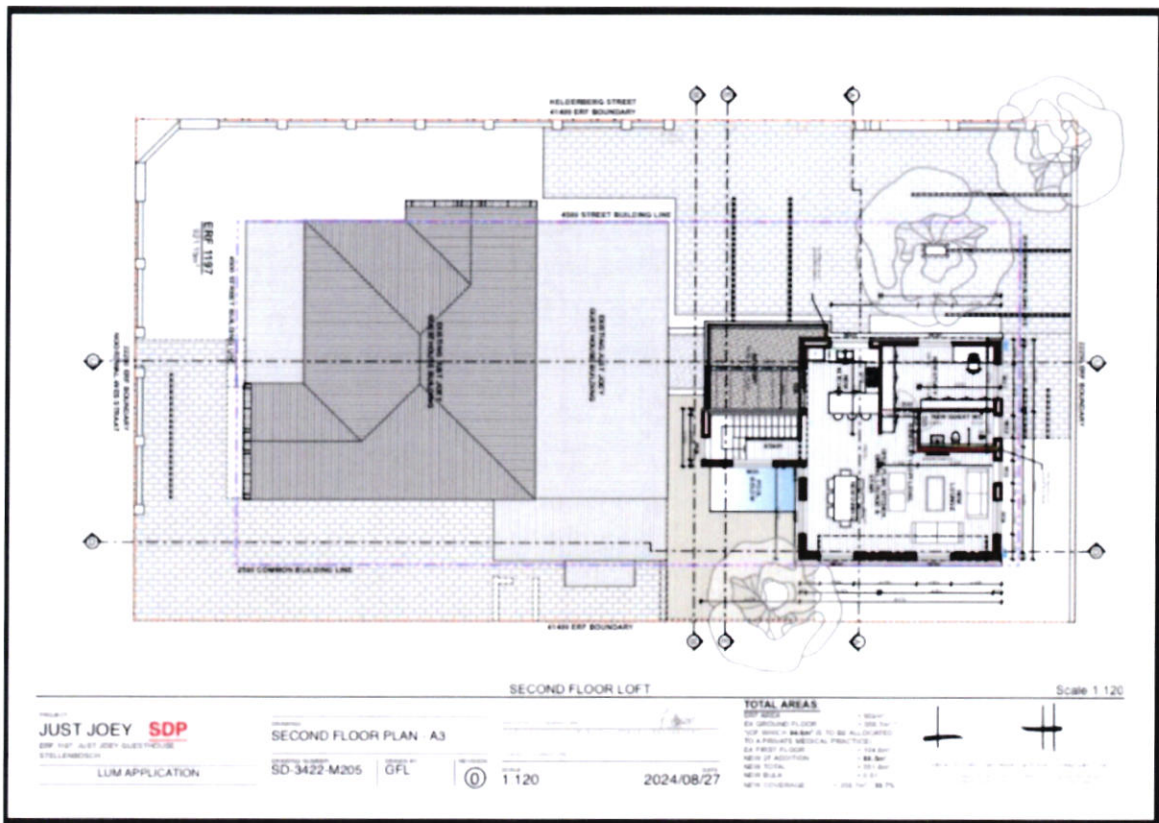
PROJECT: JUST JOEY SDP
 ERF 1197 JUST JOEY GUESTHOUSE
 STELLENBOSCH
 DRAWING: GROUND FLOOR PLAN - A3
 DRAWING NUMBER: SD-3422-M203
 DATE: 2024/06/13
 SCALE: 1:120
 REVISION: ①

PROJECT: JUST JOEY SDP
 ERF 1197 JUST JOEY GUESTHOUSE
 STELLENBOSCH
 DRAWING: GROUND FLOOR PLAN - A3
 DRAWING NUMBER: SD-3422-M203
 DATE: 2024/06/13
 SCALE: 1:120
 REVISION: ①

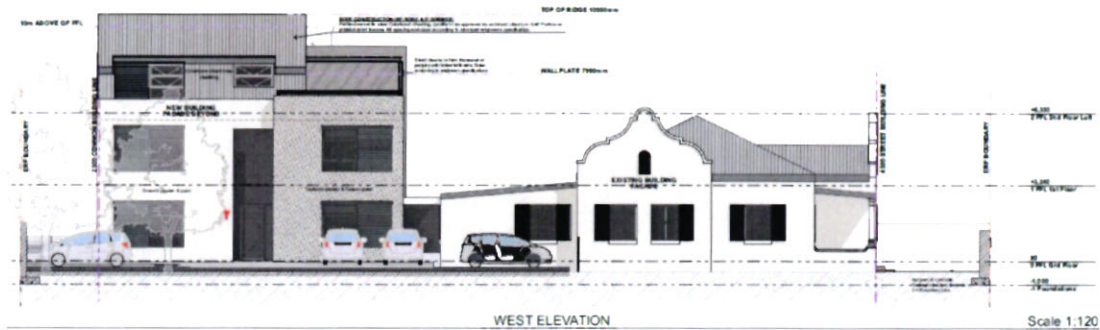
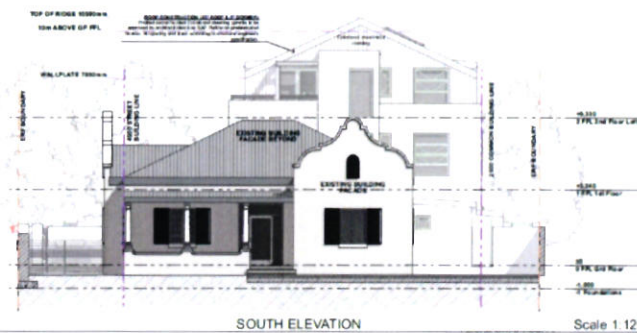
Proposed Site Development Plan (SDP) for proposed Medical Practice (*Annexure P*)



Existing first floor (remains as built): 4-bedroom Flat



Second Floor Addition: (2nd floor loft) Proposed 4-bedroom Flat



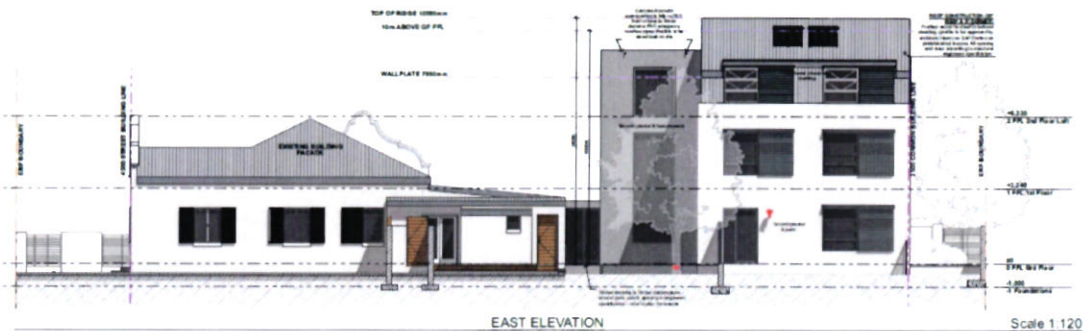
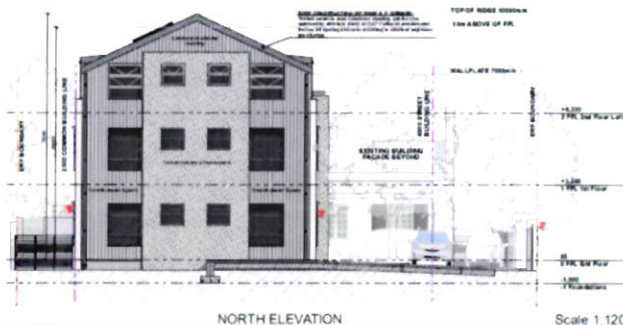
PROJECT
JUST JOEY SDP
BDF 1187, JUST JOEY GUESTHOUSE
STELLENBOSCH
LUM APPLICATION

DATE
ELEVATIONS 1 - A3
DRAWING NUMBER
SD-3422-M305
DRAWN BY
GFL

REVISION
①
SCALE
1:120
DATE
2024/06/13

TOTAL AREAS:
BDF AREA
EX GROUND FLOOR
TOP WHICH BDF IS TO BE ALLOCATED
TO A PRIVATE MEDICAL PRACTICE
EX FIRST FLOOR
NEW 2ND ADDITION
NEW TOTAL
NEW BULK
NEW COVERAGE

• 802m²
• 358.7m²
• 104.8m²
• 88.8m²
• 88.8m²
• 88.8m²
• 358.7m² 39.7%



PROJECT
JUST JOEY SDP
BDF 1187, JUST JOEY GUESTHOUSE
STELLENBOSCH
LUM APPLICATION

DATE
ELEVATIONS 2 - A3
DRAWING NUMBER
SD-3422-M306
DRAWN BY
GFL

REVISION
①
SCALE
1:120
DATE
2024/06/13

TOTAL AREAS:
BDF AREA
EX GROUND FLOOR
TOP WHICH BDF IS TO BE ALLOCATED
TO A PRIVATE MEDICAL PRACTICE
EX FIRST FLOOR
NEW 2ND ADDITION
NEW TOTAL
NEW BULK
NEW COVERAGE

• 802m²
• 358.7m²
• 104.8m²
• 88.8m²
• 88.8m²
• 88.8m²
• 358.7m² 39.7%

Schematic illustration of Building Elevations indicating heights and site levels

5: Motivation for the Application

There is not any more vacant land available in such a prime location within the Stellenbosch CBD. And as such there is a high demand for business premises in a prime location within close proximity of commercial hubs. As a result of the limited availability of business properties in the CBD area it makes more economic sense for the owner to utilize his own exclusive property for a medical practice.

5.1 Need

There is a need for effective utilisation of the available land and particularly land within close proximity of the Stellenbosch CBD, which is well located in regard to the full range of urban facilities. The owner is a qualified optometrist and would like to expand his career ambitions which is a result of the manifestation of aforementioned surrounding commercial land uses.

Land is one of the scarce urban resources; therefore, the shift towards more intense land use developments is an inevitable necessity. Supplementary land uses will balance the economic urban fabric which in turn will create more jobs in or close to dense, urban townships. The subject property is located in a mixed land use area consisting of medical facilities, shops, offices, restaurants, schools and residential facilities and there exists a need for additional professional space (eye-care facility) to support these existing amenities.

In addition to the abovementioned aspects, the need to rezone Erf 1197 from Conventional Residential Zone to Mixed-Use Zone is to:

- a) Unlock the future potential of the site by providing better uptake of commercial rights, which can lead to improved employment opportunities.
- b) Promote future development within a key strategic location (close proximity to the CBD and other central business nodes), as well as mobility roads and public transport systems which will help contribute to the viability and sustainability of the areas' infrastructure (public transport, engineering services, community amenities etc.).
- c) Resolve that the premises is no longer conducive for "Residential" purposes only and the owner seeks to rectify the situation.

5.2 Desirability

5.2.1 Physical characteristics of the property

The subject property has a gently sloping even gradient, making it suitable for such development, in terms of topography. The subject property is located within the Stellenbosch Urban Conservation Area, however, the proposed development has no significant adverse impact on heritage resources or environmental resources (refer to HWC approval letter *Annexure M*). Given the land use rights and its location the site will have the opportunity to achieve a better uptake in terms of the proposed development interventions.

5.2.2 The potential of the property

The Rezoning proposal is necessary due to the already established availability of mixed-use properties in surrounding area. SPLUMA redress existing imbalances in the distribution of different types of commercial/business development, and actively pursue integration outcomes in future decision-making. SPLUMA also address spatial economic imbalances and aims to unlock employment-generating and livelihood opportunities within the town's CBD area. Projected success of approved commercial development will support employment generation and economic opportunity for local residents. Support private sector development initiatives in Integration Zones and areas of economic potential that are easily accessible from the town's main linking roads. Thus the proposed optimum commercial use will assist to realise the economic potential of the subject property. This in turn will have positive knock-on economic benefits for the Municipality in terms of bulk service contributions and additional rates and tax income.

Therefore, as previously mentioned the subject property is surrounded by a number of social, commercial and multi-unit residential facilities and open spaces that will further compliment the proposed property's business rights.

5.2.3 The location and accessibility of the property

The subject property is a corner plot and is easily accessible from Noordwal-Wes Road and Helderberg Road and the Eerste River stream flows along Noordwal-Wes and Noordwal –Oos roads opposite the subject property. Supplementary to that there is a limited number of residential properties along aforementioned roads and the Coetzenburg Stadium is located right opposite the subject property.

5.2.4 Provision of services

The application site is located in a serviced area and the site itself is serviced by piped water, electricity and telecommunications infrastructure. Therefore the proposal will not require any additional services. The impact on sewerage, water connections, storm water and power supply on the development is very minimal and there is no need for any additional capacity change for the provision of these municipal services. This is due to the fact that the existing buildings will be used for the proposed development.

5.3 Statutory Requirements and Policies

The proposed land use is consistent with existing planning policies in respect of the area on the basis of Planning Bylaws & Policies, guide maps, structure plans, etc. which are set out below.

5.3.1 Stellenbosch Zoning Scheme

The proposed optometry practice (medical consulting rooms) falls within the definition of **business premises** which is one of the primary uses within a Mixed-Use Zone and is defined as per the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 as follows:

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

Land use within this zone

The following land uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> • Commune • Business premises (including shops, markets, restaurants, office) • Clinic • Community residential building • Extramural facility • Flats • Guest house • Hostel • Hotel • Occasional use (one event/year) • Plant nursery • Public institution • Public parking area • Private road • Tourist dwelling unit • Tourist accommodation establishment • Welfare institution 	None	<ul style="list-style-type: none"> • Adult Entertainment • Builders yard • Commercial gymnasium • Conference facility • Day care • Filling station • Freestanding base telecommunication station • Funeral parlour • Gambling place • Helicopter landing pad • Hospital • Indoor sport • Liquor Store • Motor vehicle fitment centre • Motor showroom • Occasional use (> one event/year) • Parking garage • Place of assembly • Place of education • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution • Warehouse

Table 3: Mixed-Use Zone land uses, Stellenbosch Municipality Zoning Scheme (2019).

The rezoning of the property to a mixed-used zone will comply with the zoning parameters in terms of the Zoning Scheme parameters outlined in the table below.

Building development parameters in this zone

The following building lines, coverage and height shall apply to all buildings within this zone:

Building type	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
Business premises	0m	0m	85%	6 storeys
Filling station	3m	3m	85%	2 storeys
Guest house, hostel, hotel, tourist accommodation	All levels 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	6 storeys
All other buildings	4,5m	4,5m	85%	6 storeys

Table 4: Building Development Parameters (Mixed-Use Zone).

The proposed business premises comply with the proposed mixed-use zoning parameters outlined in the (Zoning scheme parameters versus the proposal) table below. The respective common building lines will have no negative impact on the adjacent properties as the footprint of the already existing buildings will not change. The proposed Second Floor Loft Area (3rd storey) will be erected on top of the existing footprint of the first floor (2nd storey) of the proposed new Flat unit. See above development proposal and ancillary drawings (*Annexure P*) for ease of reference.

As part of the advertisement process the rezoning application will also be advertised in the newspapers to allow interested and affected parties to comment on the development proposal.

BUILDING LINES	REQUIREMENTS		PROPOSAL	COMPLIANT
BUSINESS PREMISES (Consulting Rooms)	Street boundary Hederberg Street	0m	4.5m	Yes
	Street boundary Noordwal Wes	0m	4.5m	Yes
	Common boundaries	0m	2.5m	Yes
FLAT (above ground floor)	Street boundary – Hederberg Street	4,5m	2.5m	Yes
	Street boundary – Noordwal Wes	4,5m	2,5m	Yes
	Common boundaries S. 110(2)(i) • Adjacent to Erf 1196 - CRZ • Adjacent to Erf 1198 - CRZ	0m 0m	2,5m 2,5m	Yes
GUEST HOUSE	Street boundary – Hederberg Street	4,5m	4,5m	Yes
	Street boundary – Noordwal Wes	4,5m	4,5m	Yes
	Common boundaries	4,5m	4,5m	Yes
HEIGHT	Stellenbosch Urban Conservation Area Overlay Zone	10m	10,590m	Yes (refer to HWC letter)
	Storeys	6 Storeys	3 Storeys	Yes
COVERAGE	All buildings	85%	39,7%	Yes
	Floor Area	766.7m ²	551.8m ²	Yes
	Floor Factor (FAR)	0.85	0.61	Yes

Zoning scheme parameters versus the proposal.

Parking Requirements (refer to Table below)

The Stellenbosch Municipality Zoning Scheme By-Law, 2019 prescribes 4 parking bays per 100m² gross leasable area for business premises. The application proposes 4 on-site parking bays demarcated for the two medical consulting rooms. A total of 9 onsite parking bays are required i.e. 4 for the medical practice + 3 parking bays for the 3 guest house rooms = 7 parking bays and 2x additional parking bays for the proposed Flat = **9 parking bays**. As indicated on the SDP a total of nine (9) on-site parking bays will be provided to comply with the requisite parking needed under the proposed mixed-use zone.

Notwithstanding the requirements of section 22 related to parking ratios, the Municipality may waive or reduce parking ratios and/or loading requirements on a land unit in this overlay zone or may impose a requirement for the provision of non-motorised transport provision in lieu of the provision of parking (Section 252, Provisions for Stellenbosch Urban Conservation Area).

PARKING	REQUIREMENTS		PROPOSAL	COMPLIANT
Section 33 Table A	Business Premises (Medical consulting rooms)	4 bays/100m ² gross leasable area	94m² = 4 bays to be provided	Yes
	Flat	1,5 bays/dwelling unit = 1,5 bays to be provided. Visitors parking 0,5 bays/dwelling unit = 0,5 bays to be provided.	2 bays to be provided	Yes
	Guest House	1 bay/bedroom (3 bedrooms) =	3 bays to be provided	Yes
		A total of 9 bays to be provided		

Parking Requirements

5.3.2 The Stellenbosch Municipal Spatial Development Frame Work (2019) (MSDF)

The MSDF encourage integrated settlement patterns, support the intensification and diversification of land use in areas supportive of transit-oriented development. The property is situated within an area that has been identified in the MSDF as a Primary Node for economic opportunities. The proposal is therefore compatible with the vision of the MSDF (**Figure 4**).

The proposed re-development of the subject property will comply with and support the principles of the approved Stellenbosch Municipality's Spatial Development Framework (2019), namely:

- Car free living: The proposed redevelopment will be located in town, walking distance from the central business district and public transport facilities.
- Inclusive economic growth: The proposed redevelopment will create new economic opportunities.
- Optimal land use: The proposed redevelopment will support Council's vision of infill development and the more effectively use of land.

The following themes outlined in the Stellenbosch SDF (2019) are accentuated to further support the proposed rezoning application.

THEME - Socio-Economic Environment

- Focus on undeveloped and underdeveloped land in proximity to existing concentrations of activity and people and as far as possible within the existing footprint of settlements.
- The protection and expansion of tourism assets.
- The expansion of entrepreneurial opportunity (also for emergent entrepreneurs).

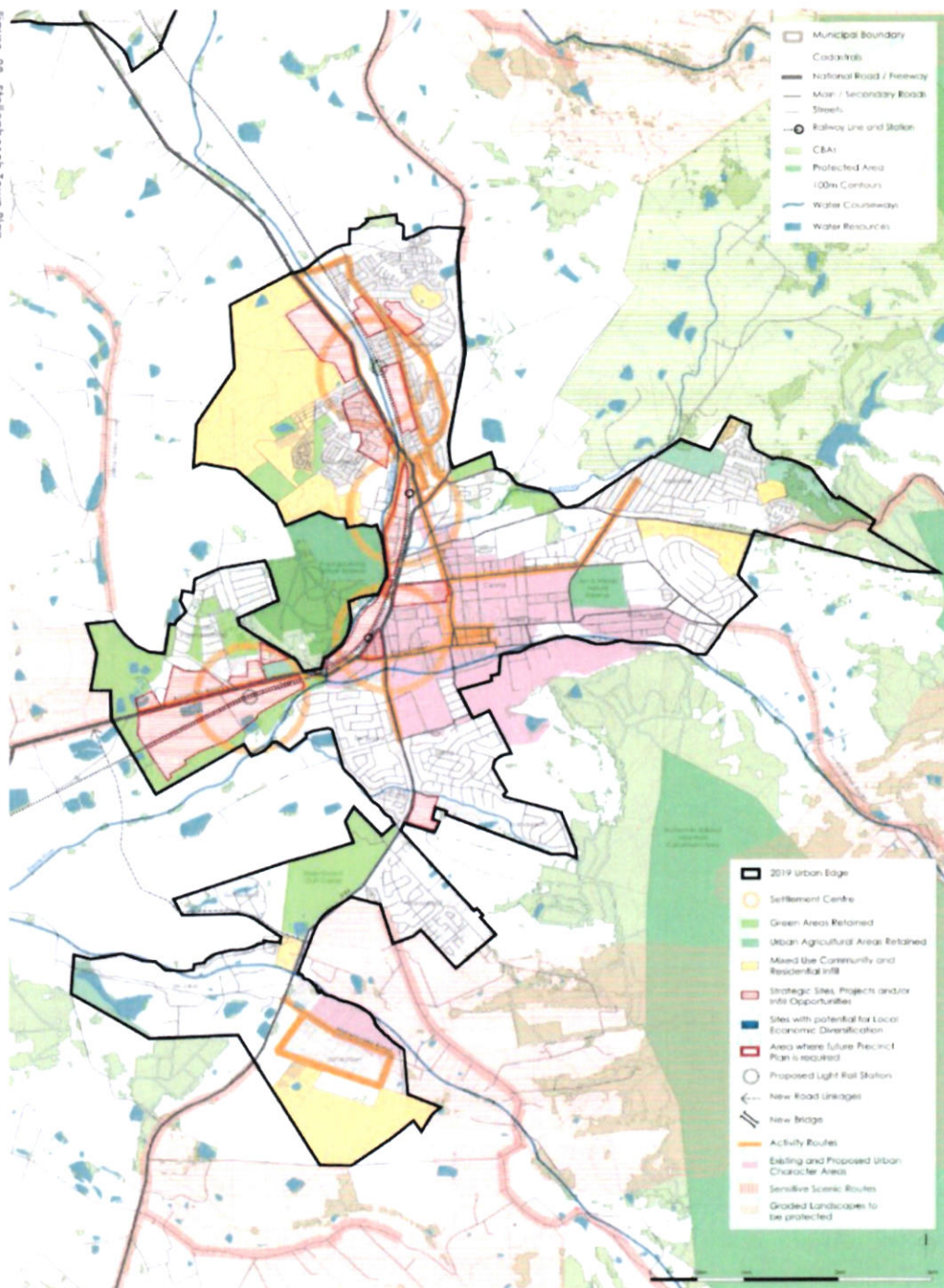
THEME - Built Environment

- The protection of places and buildings of heritage/ cultural value (while ensuring reasonable public access, also as a means of economic development).
- Compact, denser development.
- Pedestrian friendly development.

SDF ELEMENT

- Areas for mixed land use and improved economic opportunity.
- Ensure adequate provision for small and emerging entrepreneurs at good locations in all settlements.
- Support private sector led institutional arrangements to assist with urban management in town centres.

Figure 28. Stellenbosch Town Plan



STELLENBOSCH FRAMEWORK

Figure 4: Stellenbosch SDF (2019) focus area for intervention.

5.3.3 Stellenbosch Town Spatial Development Framework 2019

The subject property falls within the Stellenbosch urban edge which is also the focus area for development intervention in the CBD. Therefore, policies guiding development in Stellenbosch Town encourage commercial usages within the business node area (CBD) as outlined in the Stellenbosch Town SDF which is demarcated on the SDF focus area map (**Figure 5**) and the Stellenbosch zoning map. And as such, the rezoning proposal is essential due to the limited availability of commercial property within the Stellenbosch Town SDF focus area.

The **Stellenbosch Town SDF** focuses on the identification of what needs to be redressed, addressed and mitigated in order to overcome the key spatial challenges and unlock opportunities while aiming to achieve the spatial vision. It is stated that the focus of new development is on brownfield (infill development) and greenfield sites more or less located within the urban edge of the core town of Stellenbosch. The Planning Profession has always adopted a proactive approach to zoning and rezoning to achieve strategic objectives pertaining to spatial transformation envisaged in MSDF.

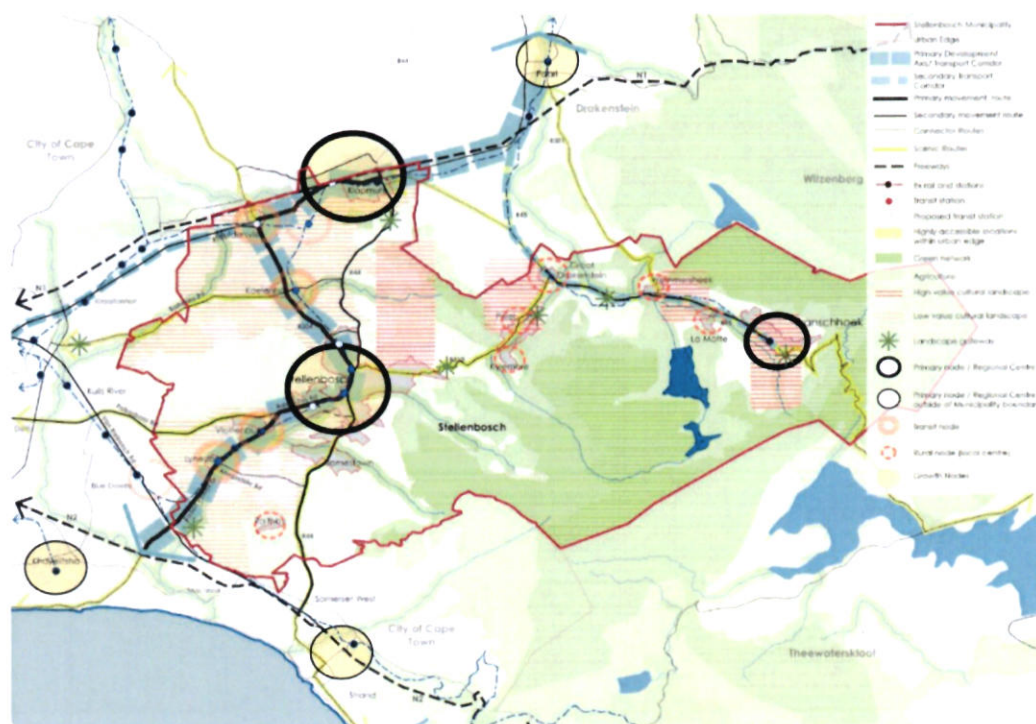


Figure 5: Stellenbosch Growth Node Map (SDF 2019).

The following SDF Elements outlined for the Stellenbosch Town are further accentuated to support the proposed rezoning application.

Refer to SDF 2019, Table 20: Plan Elements and Proposals for Stellenbosch Town

SDF ELEMENT - Areas for mixed land use and improved economic opportunity

- Ensure adequate provision for small and emerging entrepreneurs at good locations in all settlements.
- Support private sector led institutional arrangements assist with urban management in town centres

SDF ELEMENT - Areas for residential densification and infill

- **Pro-actively** support higher density infill residential opportunity in the town centre, areas immediately surrounding it, and along major routes (with consideration of historic areas and structures).

SDF ELEMENT - Areas for mixed land use and improved economic opportunity

- Retain and actively support mixed use redevelopment and building within the town centre and surrounding areas, comprising living space above active street fronts.

SDF ELEMENT - Significant new residential development

- Support infill development on private land within Stellenbosch town in a manner which serves to compact the town, expand residential opportunity, and rationalize the edges between built and unbuilt areas.

Consistency with Municipal Spatial Planning Policies

As discussed above, the proposal is consistent with the relevant spatial planning policies, for the following reasons:

- i. The proposed development complies with the strategic objectives as set out in the Stellenbosch Municipal SDF (2019) as it aims to ensure compact, balanced and strategically aligned activities and land uses that are in line with the character of the surrounding area.
- ii. The Application area is located inside the urban edge of the Stellenbosch Municipal area. The proposal is consistent with the character of the surrounding area. The property is located in an existing and growing mixed development node and suitable for the proposed development.
- (iii) The development will provide much-needed additional health care facilities to the Stellenbosch Area and the rezoning will mean the property falls in a higher rates and tax bracket. The proposal will not impact on service delivery of the local municipality and is consistent with ward-based IDP priorities and strategic objectives.

6. Planning Policies & Legal Framework

6.1 SPLUMA COMPLIANCE (Development Principles)

The Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013 and Land Use Planning Act (LUPA), Act 3 of 2014 provides for spatial planning and land use management on a National level. These acts includes five development principles for spatial planning which are summarized in the following table in support of the application.

No.	Principle	Response
1.	Spatial Justice	The proposal is consistent with the concept of zoning integration as initially intended. The remedy of the commercial component of the subject property is consistent with the surrounding properties which the owner rightfully wants to rezone and is justified from a business perspective.
2.	Spatial Sustainability	The principle of sustainability calls for the protection of historical and environmentally valuable land whilst ensuring that land markets are well-functioning. The site is located within the historical core and Central Business District area. Underutilization of such zoned land is unsustainable, therefore, the object of the proposed rezoning is for better utilization of the subject property which are similarly compatible with the surrounding properties.
3.	Spatial Efficiency	The principle of efficiency dictates that optimum use of existing resources and infrastructure are ensured and that negative financial, social, economic and environmental impacts are minimized whilst ensuring compactness and optimum utilization of undeveloped land. By providing a more logical zoning arrangement the uptake of commercial rights in the development will ensue, ensuring more efficient utilization of land.
4.	Spatial Resilience	Spatial resilience allows for more flexibility in terms of spatial plans, policies and land use systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The proposal will not limit any future benefits of the proposed rezoned property or surrounding properties.
5.	Good Governance	The procedural requirements of the application and decision-making protocols will be followed in terms of the Stellenbosch Municipal Planning By-Law, 2015, the Stellenbosch Municipality's Zoning Scheme Bylaw, 2019 and other applicable legislation. All stakeholders and affected parties will be afforded the opportunity to comment on the rezoning application as prescribed in terms of the Stellenbosch Municipal Planning By-Law.

Table 5: SPLUMA Development Principles Compliance.

In light of the above table it is clear that the rezoning proposal complies with the five development principles contemplated in terms of SPLUMA and LUPA.

6.2 National Development Plan (NDP, 2030)

The National Development Plan (NDP), developed by the National Planning Commission was adopted in 2012. This plan serves as the centrepiece of government policy and as strategic framework for guiding and structuring the country's development imperatives, e.g. spatial transformation.

The objectives of the Vision 2030 with regard to spatial planning are the following:

- Tackle inherited spatial divisions that perpetuate exclusion,
- Unlock development potential through targeted investment in economic and social infrastructure and institutional support,
- Guide and inform infrastructure investment and prioritization to support growth and
- inform the long-term infrastructure investment strategy,
- Manage contemporary economic and demographic shifts, and
- Facilitate coordination between government and other agents.

The NDP places significant emphasis on the Municipal IDP 'to be used more strategically to focus attention on critical priorities that relate to the mandate of local government such as spatial planning, infrastructure and basic services'

6.3 Integrated Urban Development Framework (IUDF)

The Integrated Urban Development Framework is a response to present-day urbanisation trends and a product of the NDP. It serves as an urban development policy to address the increasing numbers of the urban population by ensuring proper planning and the necessary infrastructure to support this growth steering urban growth towards a sustainable growth model of compact, connected and coordinated cities and towns.

To achieve this transformative vision, the IUDF sets four strategic goals:

1. Spatial integration: To forge new spatial forms in settlement, transport, social and economic areas,
2. Inclusion and access: To ensure people have access to social and economic services, opportunities and choices,
3. Growth: To harness urban dynamism for inclusive, sustainable economic growth and development, and
4. Governance: To enhance the capacity of the state and its citizens to work together to achieve spatial and social integration.

6.4 Western Cape Land Use Planning Act (LUPA), 2014 (Act 3 of 2014)

The most significant outcome of LUPA was the primary responsibility of local government in decision-making regarding the development and use of land. This meant that municipalities had to, inter alia, establish Municipal Planning Tribunals to decide on applications, with the Council dealing with appeals on decisions made by the Tribunal. The Western Cape Government would be a commenting authority in matters that have a provincial interest and that fall within the provincial government's functional competencies as set out in schedules 4 and 5 of the Constitution of South Africa. The only commenting governmental authority relevant to this application is HWC (See attached HWC approval letter)

In the Provincial Act, the importance of Spatial Development Frameworks is emphasised, purpose outlined and procedural and content requirement specified. In this regard, an MSDF must be compiled, adopted and amended as part of the drafting, adoption and amendment process of the Municipal IDP.

In line with the National Act, the Provincial Act also does not determine or translate the development principles into quantifiable outcomes. In LUPA, the status of spatial development frameworks, i.e. compliance or consistency with, and deviation from, is also specified. In this regard, the use or development of land as proposed in a land development application, is regarded as being consistent with a Spatial Development Framework, if the proposed utilisation and development is not in conflict with the purpose of the relevant designation in the Spatial Development Framework (irrespective of whether the plan specifically provides for the proposed use and development of land or not). Therefor the proposed rezoning is consistent as visualized in the local SDF with regards to optimal use of prime land, densification strategies and local urbanisation trends (infill development).

7. Concluding Remarks

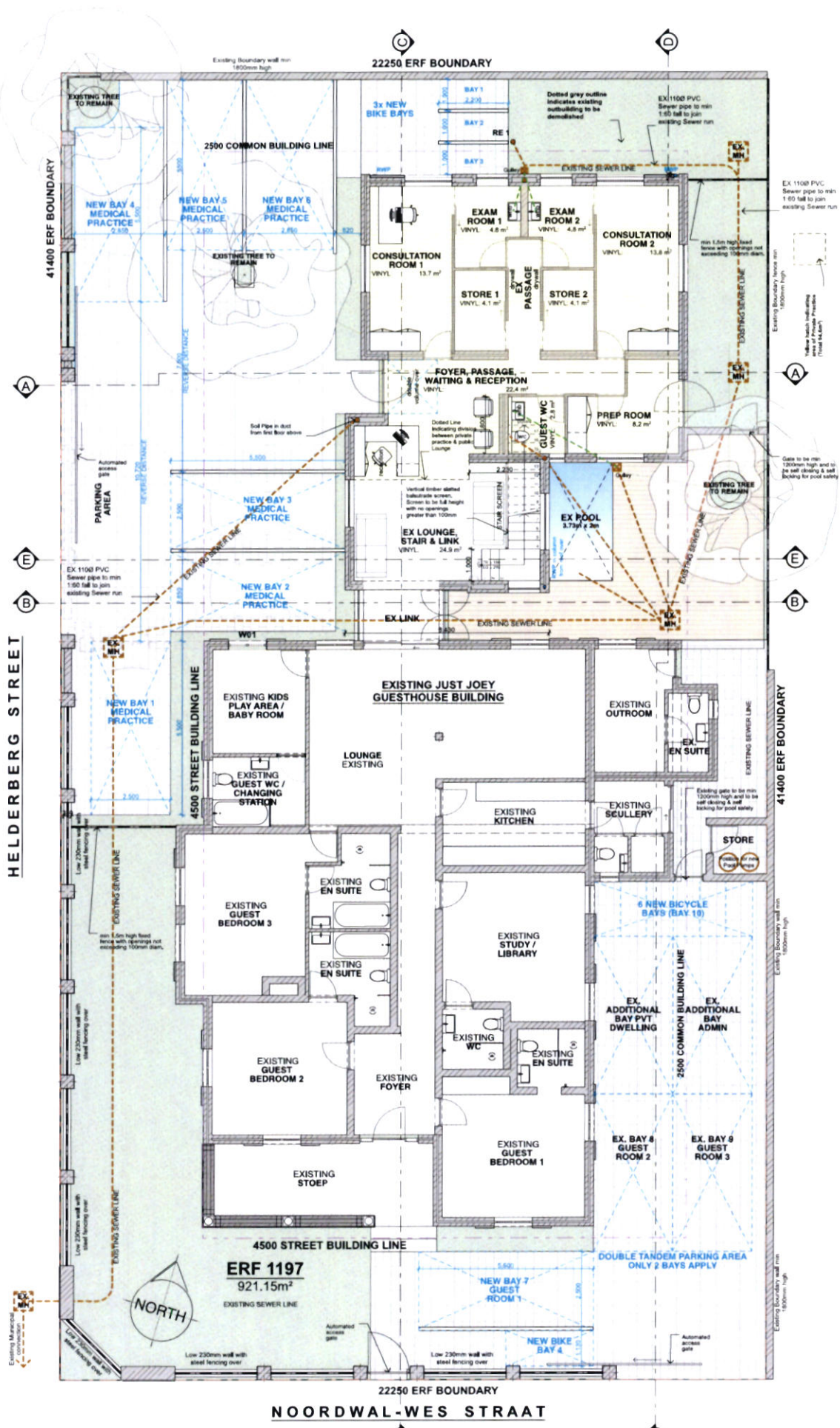
Ownership of land is one of the economic pillars of the South African economy. In many instances the possession of land represents the largest portion of an individual's estate. The free trading of land parcels is an acknowledged means of accumulating wealth for investment opportunities and accumulation of wealth. Hence the South African property market offers investors the opportunity to rezone, subdivide and consolidate land as the market dictates. The freedom or right to rezone, consolidate or subdivide properties gives access to new entrance into the property market. It makes more logical sense to rezone the property to a mixed-use environment site for commercial usage complementary to the usage of the 2nd dwelling house for the owner and his family and usage of the existing house as a guest house.

The application to obtain new rights to allow for the development of an eye-care facility is clearly a response from the property owner's needs for such rights. It is a product of continued urban growth and development within the area and an ever increasing need to make better use of the existing property's optimum potential.

The development of the proposed land use activities on the subject property will result in a more optimal use of the available land in the area –evidenced by the success of other related mixed-used activities in the area.

The key consideration for an application for rezoning in an existing mixed-use area is to ensure that such development does not result in negative effects on the area's urban character and if it would positively contribute to the area by upgrading and attracting new investment and providing a much-needed community service. It is very important to give support to such applications in the light of combating urban sprawl, promoting entrepreneurship and catering for sustainable, flexible and resilient neighbourhoods.

It is therefore submitted that the rezoning application is desirable given the fact that it will provide a much-needed addition to an already established mixed-use neighbourhood which is undergoing a progressive march towards urban densification and spatial transformation.



Scale 1:120

GROUND FLOOR

PROJECT
JUST JOEY SDP
ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH

DRAWING
GROUND FLOOR PLAN - A3

DRAWING NUMBER
SD-3422-M203

DRAWN BY
GFL

REVISION
0

DATE
2024/08/27

ARCHITECT'S SIGNATURE
Frederia J. J. J. J.

CLIENT'S SIGNATURE
Just Joey

SCALE
1:120

DATE
2024/08/27

ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART

LOT 1197 (Pty) Ltd - Registration No. 2021/166516/06

TOTAL AREAS:

ERF AREA	= 902m ²
EX GROUND FLOOR	= 358.7m ²
*OF WHICH 94.6m ² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE	
EX FIRST FLOOR	= 104.6m ²
NEW 2 nd ADDITION	= 88.5m ²
NEW TOTAL	= 551.8m ²
NEW BUILD	= 0.61
NEW COVERAGE	= 358.7m ² / 39.7%

HEIDERBERG STREET

41400 ERF BOUNDARY

4500 STREET BUILDING LINE

EXISTING JUST JOEY GUESTHOUSE BUILDING

EXISTING JUST JOEY GUESTHOUSE BUILDING

4500 STREET BUILDING LINE

ERF 1197
921.15m²

NORTH

22250 ERF BOUNDARY

NOORDWAL-WES STRAAT

22250 ERF BOUNDARY

2500 COMMON BUILDING LINE

2500 COMMON BUILDING LINE

CONCRETE SLAB OVER BASMENT

41400 ERF BOUNDARY

2500 COMMON BUILDING LINE

FIRST FLOOR

Scale 1:120

PROJECT
JUST JOEY SDP
ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH

DRAWING
FIRST FLOOR PLAN - A3

LUM APPLICATION

DRAWING NUMBER
SD-3422-M204

DRAWN BY
GFL

REVISION
0

SCALE
1:120

DATE
2024/08/27

TOTAL AREAS:

ERF AREA = 902m²
EX GROUND FLOOR = 358.7m²
*OF WHICH 94.6m² IS TO BE ALLOCATED
TO A PRIVATE MEDICAL PRACTICE)
EX FIRST FLOOR = 104.6m²
NEW 2F ADDITION = 88.5m²
NEW TOTAL = 551.8m²
NEW BULK = 0.61
NEW COVERAGE = 358.7m² / 39.7%

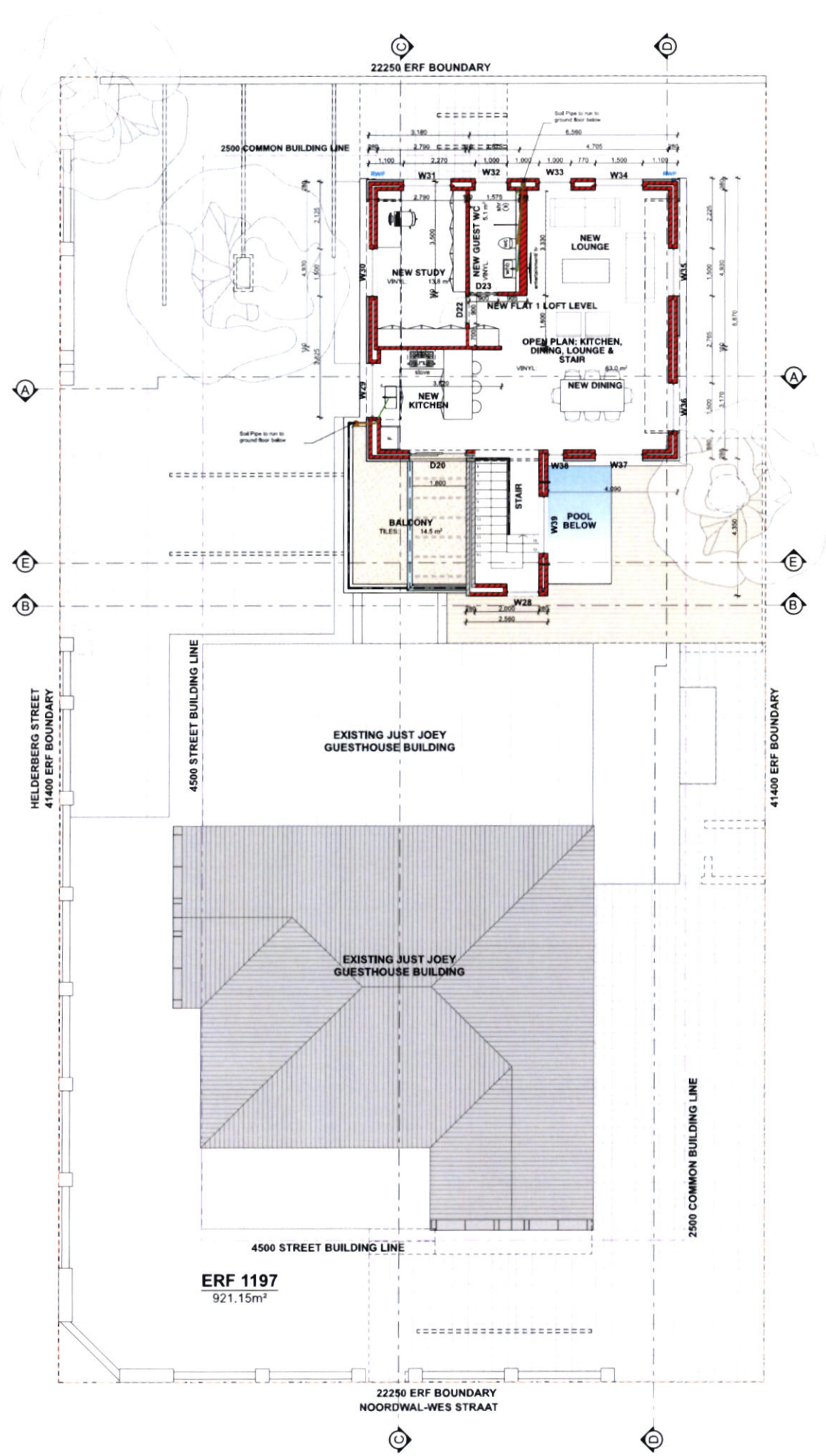
ARCHITECT'S SIGNATURE
Frederik Lotter | 20534 | 0834863191

CLIENT'S SIGNATURE

1:120

LOTTER AUS

ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART
Directors: G.F. Lotter, P. van der Merwe, J. van der Merwe, P. van der Merwe, P. van der Merwe
LOTTERHAUS (Pty) Ltd. Registration no. 2022/1607180/OT



Scale 1:120

SECOND FLOOR LOFT

TOTAL AREAS:

ERF AREA	= 902m ²
EX GROUND FLOOR	= 358.7m ²
TOF WHICH 94.6m ² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE	
EX FIRST FLOOR	= 104.6m ²
NEW 2 nd ADDITION	= 88.5m ²
NEW TOTAL	= 551.8m ²
NEW BULK	= 0.61
NEW COVERAGE	= 358.7m ² / 39.7%



ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART
Directors: G.F. Lotter, Dr. Arch. SACAP 2003/4 - a Kogelman Str. Square 7140
LOTTERHAUS (Pty) Ltd - Registration No. 2021/068057

ARCHITECT'S SIGNATURE
Frederica Lotter | Dra. Arch. 120934 | 0832883191

CLIENT'S SIGNATURE

SCALE: 1:120

DATE 2024/08/27

DRAWING
SECOND FLOOR PLAN - A3

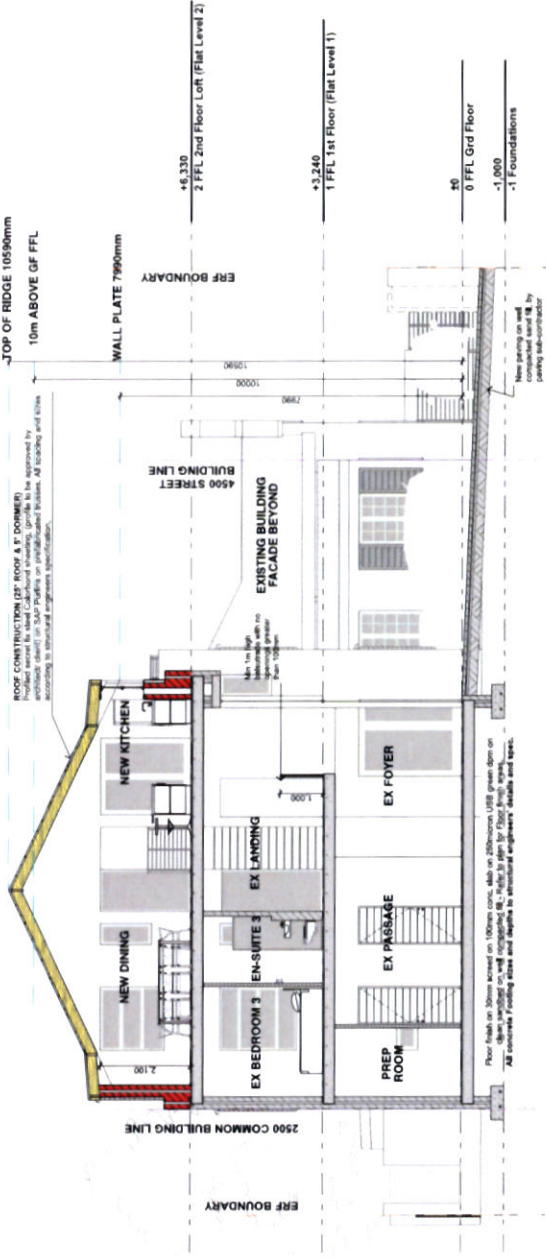
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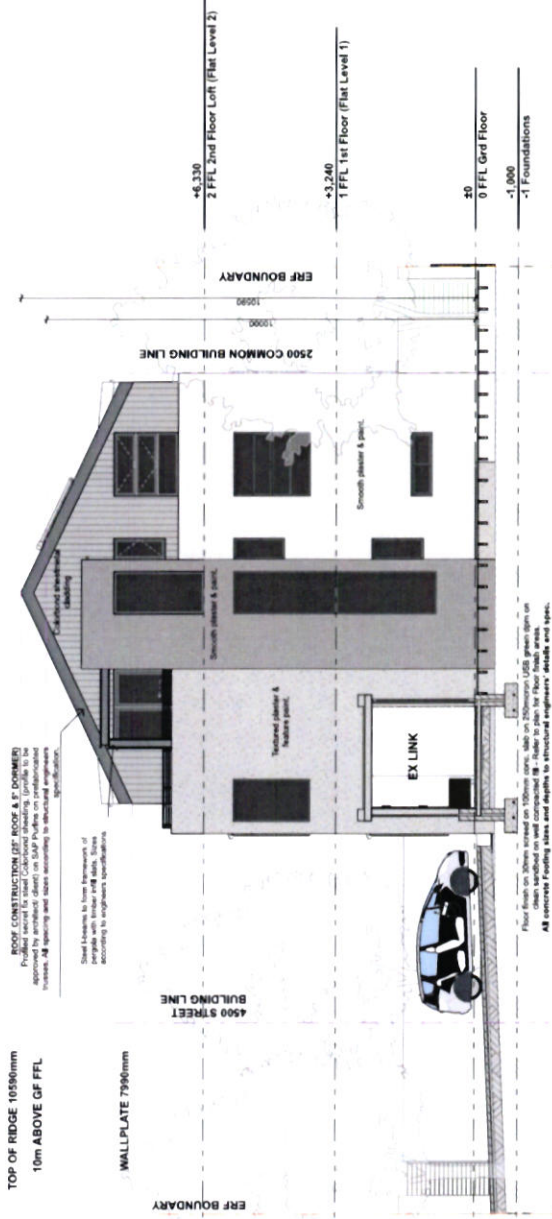
PROJECT
JUST JOEY SDP
ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH

LUM APPLICATION



Scale 1:120

SECTION A



Scale 1:120

SECTION B

TOTAL AREAS:

ERF AREA = 902m²
EX GROUND FLOOR = 358.7m²
TOF WHICH 94.6m² IS TO BE ALLOCATED
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NEW COVERAGE = 358.7m² / 39.7%

ARCHITECT'S SIGNATURE
1768814 101817 | D/A/C/H | 20934 | 0834883191
CLIENT'S SIGNATURE
DATE
2024/08/27

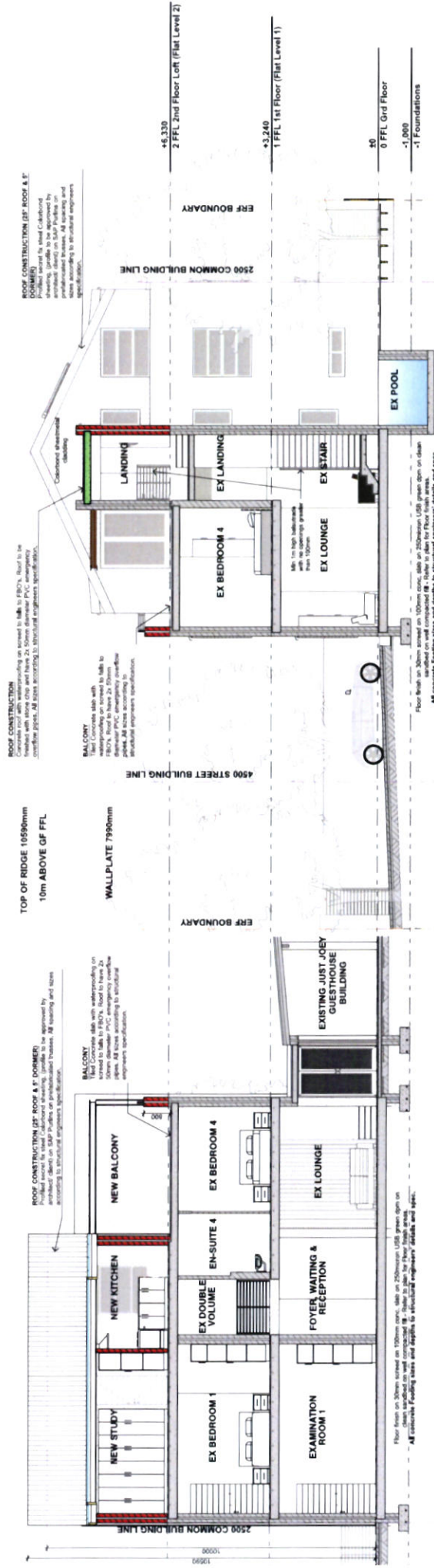
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REVISION
0

DRAWN BY
GFL

DRAWING NUMBER
SD-3422-M303

PROJECT
JUST JOEY SDP
ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH
LUM APPLICATION



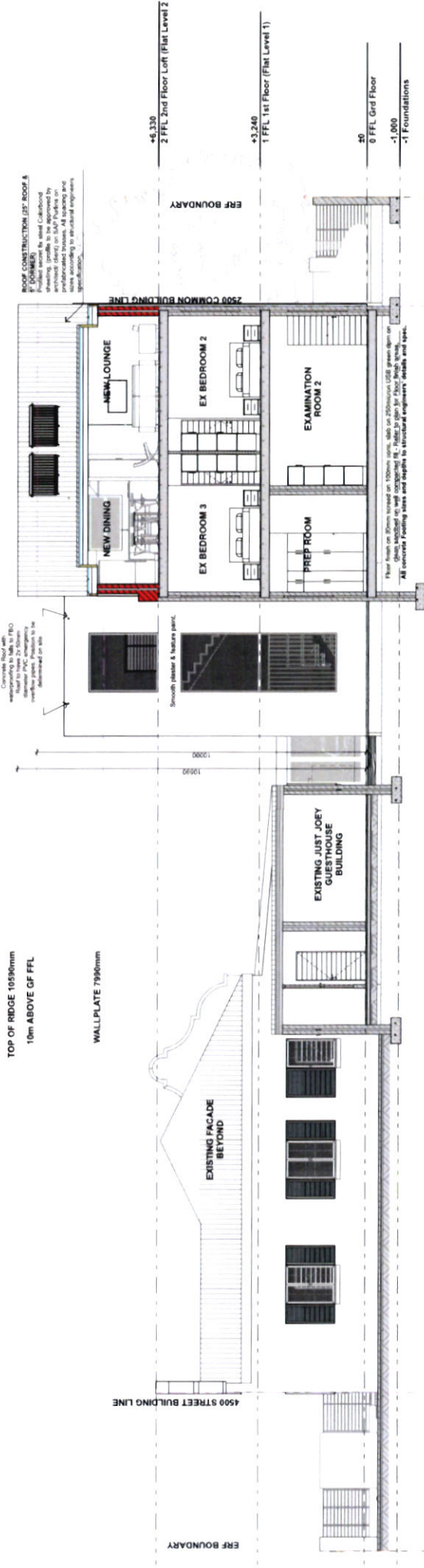
SECTION C

Scale 1:120

Scale 1:120

Scale 1:120

Scale 1:120



SECTION D

Scale 1:120

Scale 1:120

Scale 1:120

Scale 1:120

PROJECT

JUST JOEY SDP

ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH

DRAWING

SECTIONS 2 - A3

DRAWING NUMBER
SD-3422-M304

REVISION

0

DRAWN BY
GFL

DATE

2024/08/27

SCALE

1:120

ARCHITECT'S SIGNATURE

CLIENT'S SIGNATURE

TOTAL AREAS:

ERF AREA = 902m²

EX GROUND FLOOR = 358.7m²

*OF WHICH 94.6m² IS TO BE ALLOCATED
TO A PRIVATE MEDICAL PRACTICE

EX FIRST FLOOR = 104.6m²

NEW 2ND ADDITION = 88.5m²

NEW TOTAL = 551.8m²

NEW BULK = 0.61

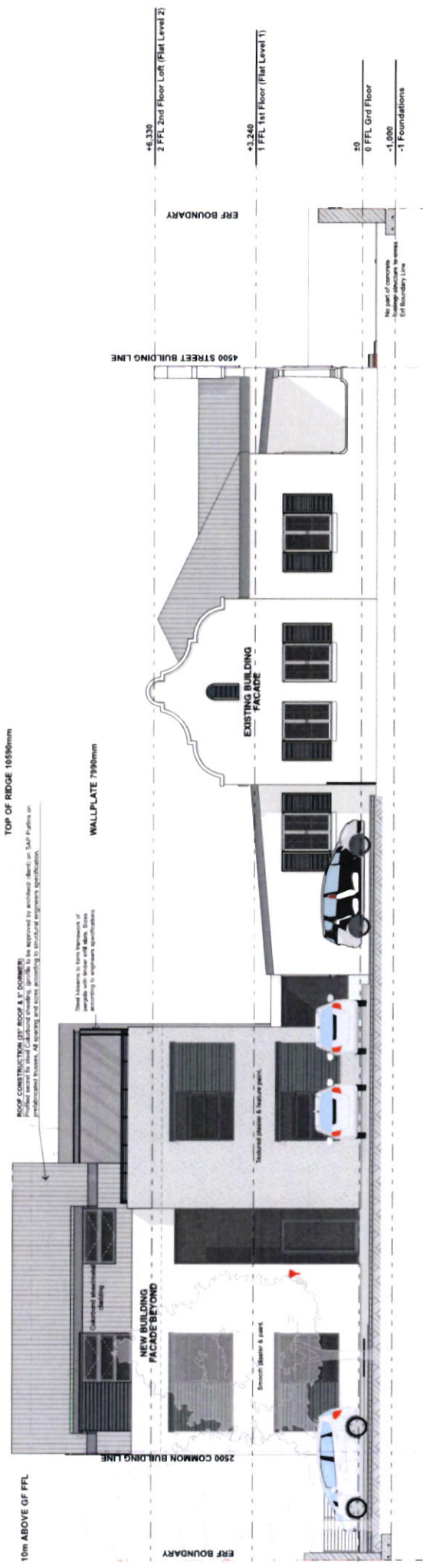
NEW COVERAGE = 358.7m² / 39.7%

ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART

Directors: G.F. Lötter, P. Arch. SACAP 20934 - 4 Kogman, Dr. Sigurd 7140

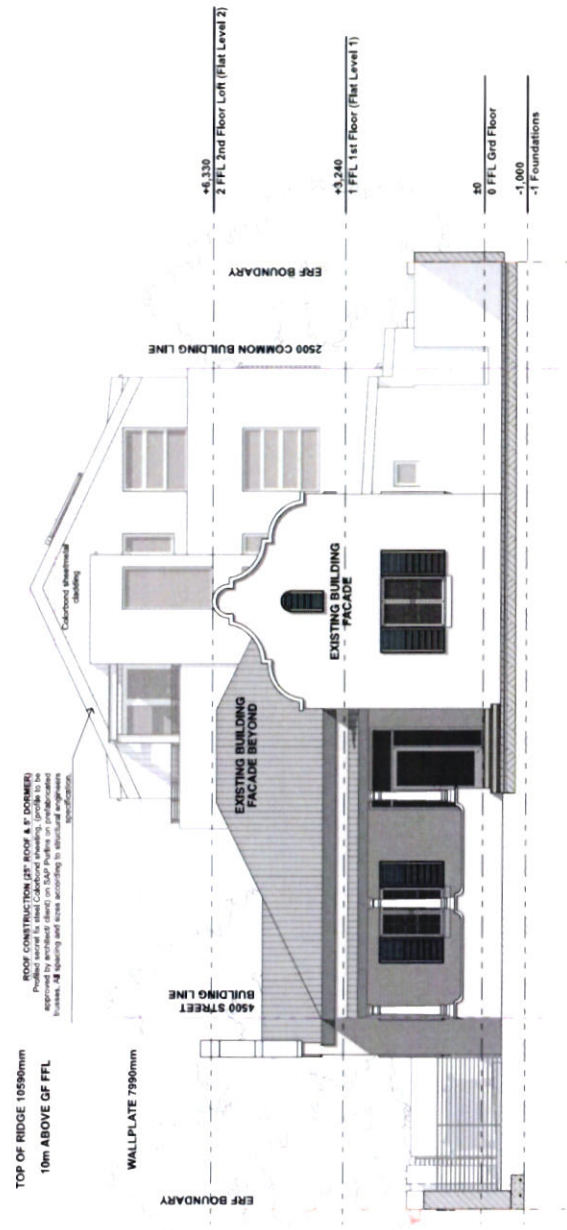
LÖTTER + AUS

LOTTERHAUS (Pty) Ltd - Registration no. 202766578607



WEST ELEVATION

Scale 1:120



SOUTH ELEVATION

Scale 1:120

PROJECT

JUST JOEY SDP

ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH

DRAWING

ELEVATIONS 1 - A3

DRAWING NUMBER

SD-3422-M305

DRAWN BY

GFL

REVISION

0

DATE

2024/08/27

SCALE

1:120

CLIENT'S SIGNATURE

[Signature]

ARCHITECT'S SIGNATURE

[Signature]

PROJECT

JUST JOEY SDP

DRAWING

ELEVATIONS 1 - A3

DRAWING NUMBER

SD-3422-M305

DRAWN BY

GFL

REVISION

0

DATE

2024/08/27

SCALE

1:120

CLIENT'S SIGNATURE

[Signature]

ARCHITECT'S SIGNATURE

[Signature]

TÖTTER + AUS

ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART

Directors: G.F. Lötter, P. Arch. SAJAP 2023/4 - 4 Koopman Str. Strand 7140
(TÖTTER+AUS (Pty) Ltd - Registration no. 2021/6601/6867)

TOTAL AREAS:

ERE AREA = 902m²

EX GROUND FLOOR = 358.7m²

*OF WHICH 94.6m² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE

EX FIRST FLOOR = 104.6m²

NEW 2nd FLOOR = 88.5m²

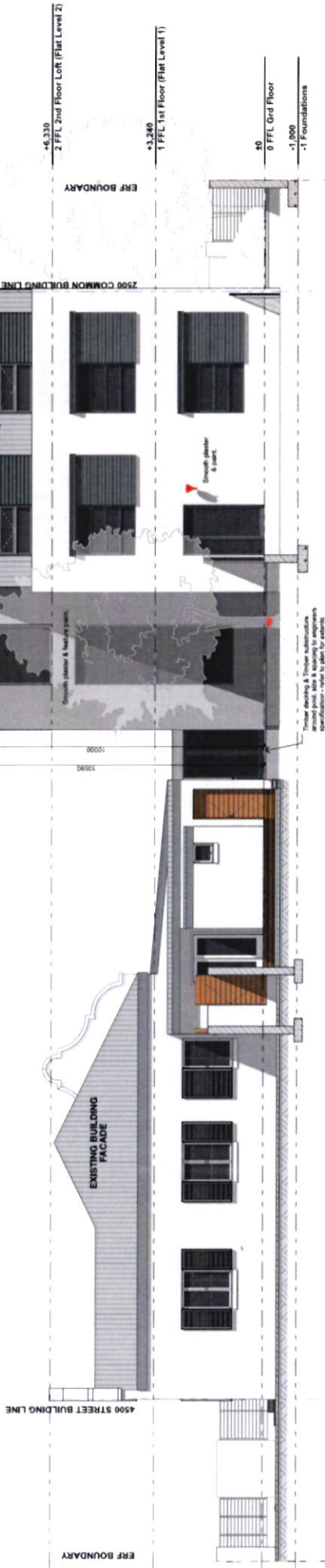
NEW TOTAL = 551.8m²

NEW BULK = 0.61

NEW COVERAGE = 358.7m² / 39.7%

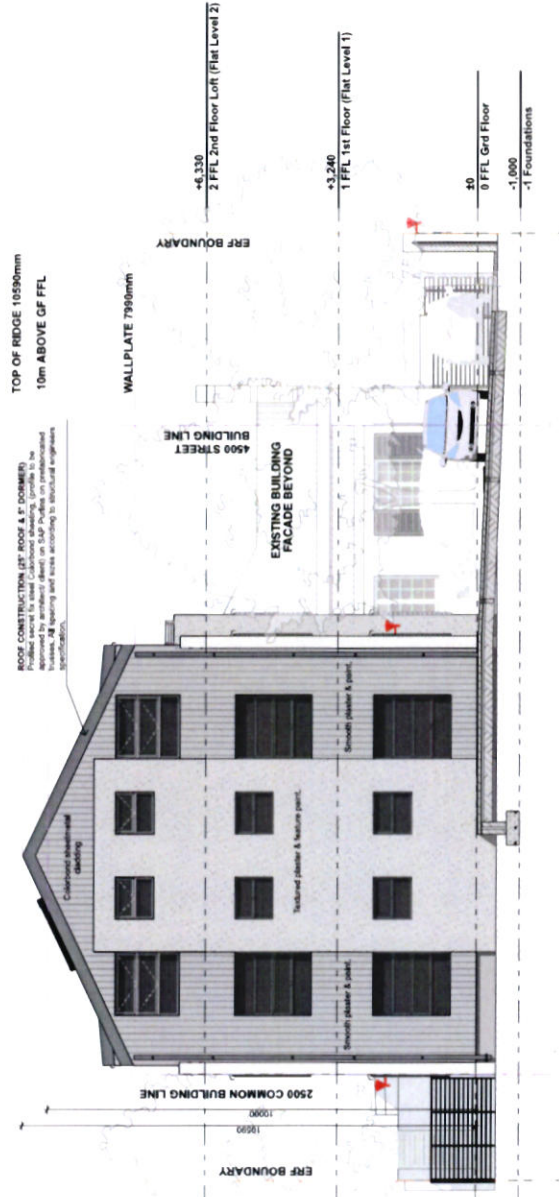
TOP OF RIDGE 10590mm
10m ABOVE GF FFL

WALLPLATE 7990mm



EAST ELEVATION

Scale 1:120



NORTH ELEVATION

Scale 1:120

TOTAL AREAS:

ERE AREA	= 902m ²
EX GROUND FLOOR	= 355.7m ² *
*OF WHICH 94.6m ² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE	
EX FIRST FLOOR	= 104.6m ²
NEW 2F ADDITION	= 88.5m ²
NEW TOTAL	= 551.8m ²
NEW BULK	= 0.61
NEW COVERAGE	= 358.7m ² / 39.7%

ARCHITECT'S SIGNATURE
TREVOR TOTTEN | P1A1CH | 20934 | 0834863191

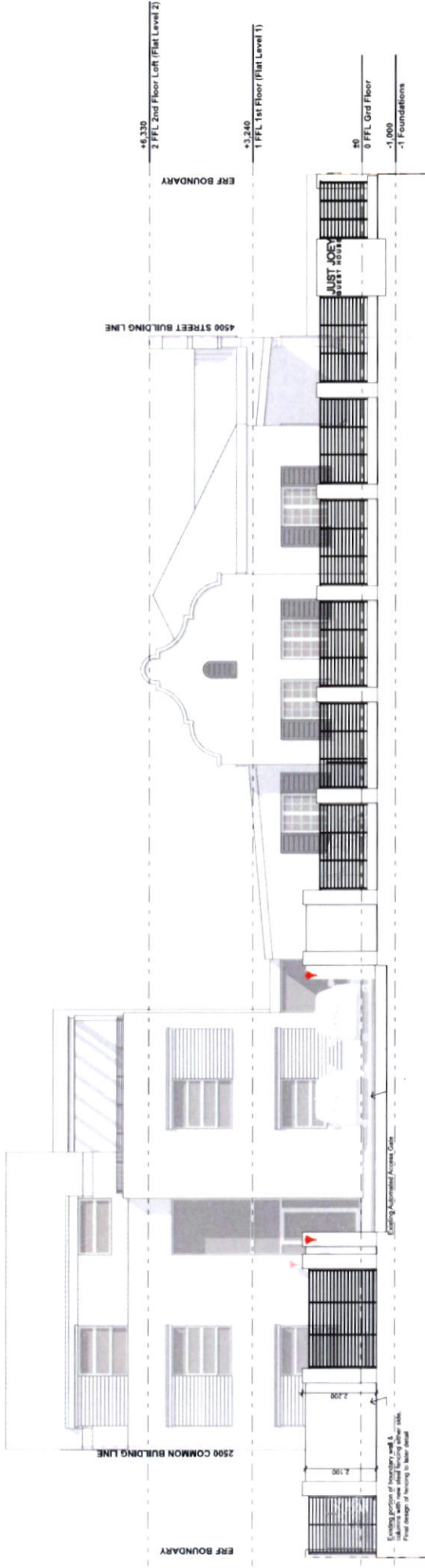
CLIENT'S SIGNATURE
SCALE: 1:120
DATE: 2024/08/27

DRAWING: ELEVATIONS 2 - A3
DRAWING NUMBER: SD-3422-M306
DRAWN BY: GFL

PROJECT: JUST JOEY SDP
ERF 1197, JUST JOEY GUESTHOUSE, STELLENBOSCH
LUM APPLICATION



ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART
Directors: G.F. LUM, P. ARCH. SACAP 20934 - 4 ROOMS, 1197-1198
TOTTEN AUS (Pty) Ltd - Registration No. 2021/6601860/7



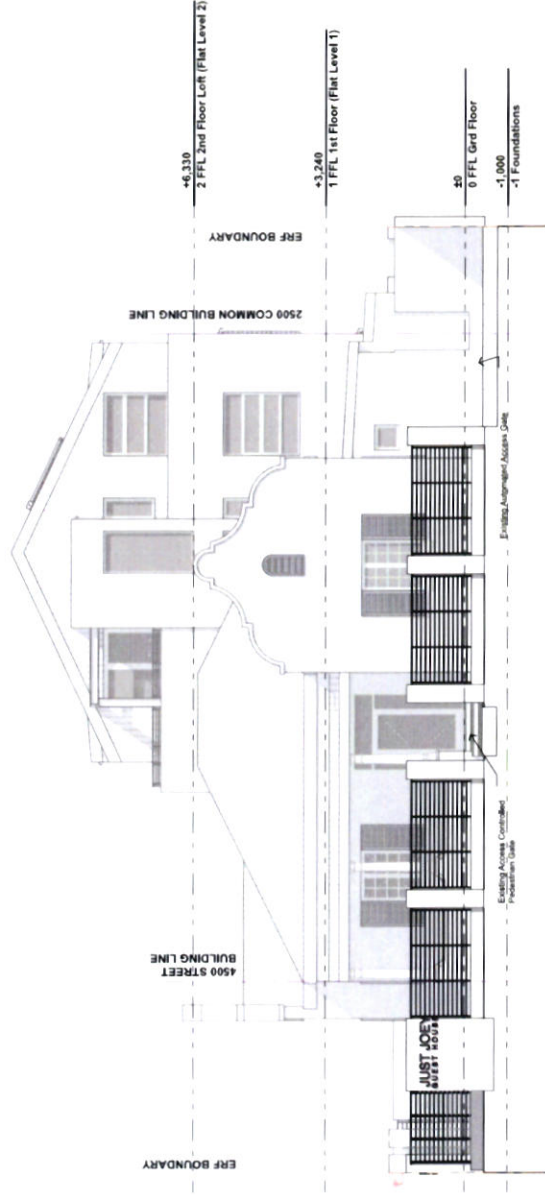
WEST BOUNDARY WALL ELEVATION

Scale 1:120



SOUTH BOUNDARY WALL ELEVATION

Scale 1:120



BOUNDARY ELEVATIONS - A3

Scale 1:120

PROJECT
JUST JOE SDP
ERF 1197, JUST JOE GUESTHOUSE,
STELLENBOSCH

DRAWING
BOUNDARY ELEVATIONS - A3

DRAWING NUMBER
SD-3422-M307

DRAWN BY
GFL

REVISION
0

ARCHITECT'S SIGNATURE
Frederick Inghel' | P14111 | 20934 | 083483191

CLIENT'S SIGNATURE

SCALE
1:120

DATE
2024/08/27

REVISION
0

BOUNDARY ELEVATIONS - A3

REVISION
0

ARCHITECT'S SIGNATURE
Frederick Inghel' | P14111 | 20934 | 083483191

CLIENT'S SIGNATURE

SCALE
1:120

DATE
2024/08/27

PROJECT
JUST JOE SDP
ERF 1197, JUST JOE GUESTHOUSE,
STELLENBOSCH

DRAWING
BOUNDARY ELEVATIONS - A3

DRAWING NUMBER
SD-3422-M307

DRAWN BY
GFL

REVISION
0

ARCHITECT'S SIGNATURE
Frederick Inghel' | P14111 | 20934 | 083483191

CLIENT'S SIGNATURE

SCALE
1:120

DATE
2024/08/27

REVISION
0

BOUNDARY ELEVATIONS - A3

REVISION
0

ARCHITECT'S SIGNATURE
Frederick Inghel' | P14111 | 20934 | 083483191

CLIENT'S SIGNATURE

SCALE
1:120

DATE
2024/08/27

PROJECT
JUST JOE SDP
ERF 1197, JUST JOE GUESTHOUSE,
STELLENBOSCH

DRAWING
BOUNDARY ELEVATIONS - A3

DRAWING NUMBER
SD-3422-M307

DRAWN BY
GFL

REVISION
0

ARCHITECT'S SIGNATURE
Frederick Inghel' | P14111 | 20934 | 083483191

CLIENT'S SIGNATURE

SCALE
1:120

DATE
2024/08/27

REVISION
0

BOUNDARY ELEVATIONS - A3

REVISION
0

ARCHITECT'S SIGNATURE
Frederick Inghel' | P14111 | 20934 | 083483191

CLIENT'S SIGNATURE

SCALE
1:120

DATE
2024/08/27

PROJECT
JUST JOE SDP
ERF 1197, JUST JOE GUESTHOUSE,
STELLENBOSCH

DRAWING
BOUNDARY ELEVATIONS - A3

DRAWING NUMBER
SD-3422-M307

DRAWN BY
GFL

REVISION
0

ARCHITECT'S SIGNATURE
Frederick Inghel' | P14111 | 20934 | 083483191

CLIENT'S SIGNATURE

SCALE
1:120

DATE
2024/08/27

REVISION
0

BOUNDARY ELEVATIONS - A3

REVISION
0

ARCHITECT'S SIGNATURE
Frederick Inghel' | P14111 | 20934 | 083483191

CLIENT'S SIGNATURE

SCALE
1:120

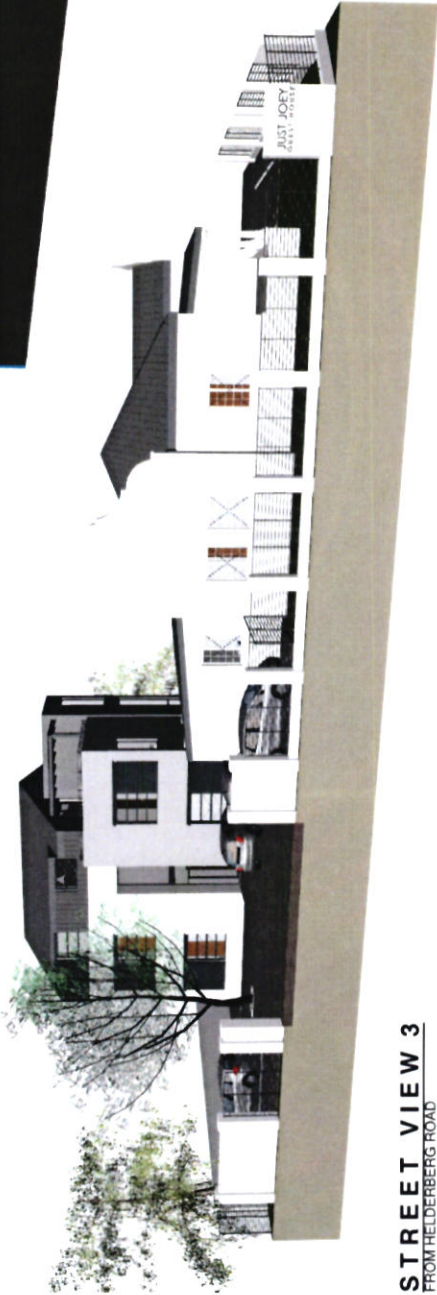
DATE
2024/08/27



STREET VIEW 1
FROM C/O HELDERBERG & NOORDWAL WES ROAD



STREET VIEW 2
FROM NOORDWAL WES ROAD



STREET VIEW 3
FROM HELDERBERG ROAD

TOTAL AREAS:
GROSS AREA = 902m²
EX GROUND FLOOR = 551.7m²
*OF WHICH 84.6m² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE
EX FIRST FLOOR = 104.6m²
NEW 2nd FLOOR ADDITION = 88.5m²
NEW TOTAL = 551.8m²
NEW BULK = 0.61
NEW COVERAGE = 358.7m² / 39.7%

LOTTER AUS
ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART
Directors: G. & L. Lotter, Arch. SA 44/2 20334 - 4, Koozemans 179, Steyns 7140
LOTTER AUS (Pty) Ltd - Registration No. 2021/0665188/07

PROJECT	DRAWING	ARCHITECT'S SIGNATURE	DATE
JUST JOEY SDP	3D VIEWS - A3		2024/08/27
ERF 1197, JUST JOEY GUESTHOUSE, STELLENBOSCH	DRAWING NUMBER	CLIENT'S SIGNATURE	SCALE
LUM APPLICATION	SD-3422-M308		
	DRAWN BY	REVISION	
	GFL	0	

Nicole Katts

From: Nicole Katts
Sent: Monday, 26 August 2024 14:36
To: Denny Jason
Subject: OUTSTANDING INFORMATION: ERF 1197 STELLENBOSCH - TP833/2024

Good day Denny

Please find below outstanding information requested by the planner.

Outstanding information:

1. Applicant to note that the property falls within the urban and rural conservation overlay zone, therefore an application for Permission in terms of the scheme must be made.
2. Applicant to clarify the Departure application in compliance with the proposed mixed-use zone.
3. Applicant to note that a dwelling unit or second dwelling unit is not a primary use in a mixed-use zone, appropriate uses are required to be applied for.
4. Revised/amended parking calculations be submitted for mixed-use zone land uses.

Should you have any technical enquiries pertaining to the attached outstanding information you are welcome to contact the planner, see details below.

Bongiwe Zondo – 021 808 8951 / Bongiwe.zondo@stellnbosch.gov.za



Kind regards / Vriendelike Groete
Nicole Katts
Administrative Officer
Development Management
Planning & Economic Development

T: +27 21 808 8318
NPK Building, 20 Plein Street
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



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITEIT • UMASHIYELA • 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)

AFIA Portal (stellenbosch.gov.za)

<https://citymaps.stellenbosch.gov.za/afiaportal/home>

NOTE: This form is to be completed by the applicant and submitted to the Municipal Planning Department. The form must be completed in BLOCK CAPITALS and must be signed by the applicant. The form must be submitted to the Municipal Planning Department along with the required fees and supporting documents. The form must be submitted to the Municipal Planning Department along with the required fees and supporting documents. The form must be submitted to the Municipal Planning Department along with the required fees and supporting documents.

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)	Denny				
Surname	Jason				
Company name (if applicable)	Stellengate Projects				
Postal Address	24 Kleinsmith Street Klapmuts				
Email Address	dennyj31@gmail.com				
Contact Number(s)	076 176 0707				
PART B: REGISTERED LANDOWNER(S) DETAILS (If different from applicant)					
Registered owner(s) Name	Biljon Designis (PTY) LTD				
E-mail Address	luzanne@vanbiljon.co.za				
Contact Number	071 484 0248				
PART C: PROPERTY DETAILS (In accordance with title deed)					
Erf No	1197	Suburb	CBD	Town	Stellenbosch
Farm no	—	Farm Portion	—	Nearest Town	Central

Physical or Street Address	4 Helderberg Street		Property / Business / Farm known as	Just Joey	
Current Zoning	Conventional Residential				
Additional or Consent Uses	<ul style="list-style-type: none"> • Additional Guest House Bedrooms • Additional Dwelling Unit ($\pm 103.3 \text{ m}^2$) 				
Current activities	Guest House				
Property Size / Extent	902 m^2 / ha			Are there existing buildings?	☒
Title Deed number	T 0000 56357 / 2018				
Any restrictions in the Conveyance's Certificate?	☒	If yes, list condition(s) as per certificate: • Number of Dwellings, T56357-1-2018- Clause B.2 • Subdivision, T56357/2018- Clause B.3			
Are the restrictive conditions in favour of a third party?	☒	If yes, list the party(ies).			
Is the property owned by Council?	☒	If yes, attach a power of attorney signed by the Municipal Manager or delegated authority			
Is the building located within the historical core?	☒	Is the building older than 60 years?	☒	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)?	☒
				If yes, indicate which section are triggered and attach relevant permit.	S. 34
Any existing unauthorized buildings and/or land use on the subject property(ies)?			☒	If yes, is this application to legalise the building / land use?	☒
Are there any pending court case(s) / order(s) relating to the subject property(ies)?			☒	Are there any land claim(s) registered on the subject property(ies)?	☒
PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY					
Has there been any pre-application consultation?		☒	If yes, attach the minutes of the pre-application consultation.		
Has the pre-application scrutiny form been submitted?		☒	If yes, attach the written feedback received. ✓		
The submission of a pre-application scrutiny form for Land Use Applications in 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.					

*All applications triggered by section 36(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.

*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)	Luzanne Gierstner
Postal Address	4 Helderberg Rd.
Vat Number (where applicable)	luzanne@vanbiljan.co.za
<p>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.</p> <p>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</p> <p>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.</p>	
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)

The proposed development requires application to Stellenbosch Municipal Land Use Planning By-Law (2016) for the following:

- a) Rezoning of Erf 1197 (S.15(2)(a)) from Conventional Residential Zone to Mixed-Use Zone to permit a mixed land use development (Eye-care facility + Guest House) with an approved Additional Dwelling Unit.
- b) Amendment (S.15(2)(h)) of the approval of conditions to facilitate the use of the main ex. dwelling for a 3-bedroom guest house in lieu of the approved 9-bedroom guest house.
- c) Permanent Departure (S.15(2)(b)) of the two corner building lines from 4.5m to 2.5m in order to comply with the applicable parameters of the proposed new mixed-use zone related to "Business Premises" for all other building and structures.

Name and Date of design guidelines (if applicable)

N/A

		Adjoining erf number				
Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side	1197	From	4.5 m	To	2.5 m
	Side	1196	From	4.5 m	To	2.5 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

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.

Yes	No	Comments	Yes	No	Comments
☒	☐	Power of attorney / Owner's consent if applicant is not owner	☐	☐	Proof of any other relevant right held in the land concerned
☒	☐	Resolution or other proof that applicant is authorised to act on behalf of a juristic person	☐	☐	S.G. diagram / General plan extract (A4 or A3 only)
☒	☐	Written motivation pertaining to the need and desirability of the proposal	☒	☐	Site development plan or conceptual layout plan (A4 or A3 only) to scale
☒	☐	Locality plan (A4 or A3 only) to scale	☐	☐	Proof of agreement or permission for required servitude
☐	☐	Proposed subdivision plan (A4 or A3 only) to scale	☒	☐	Proof of registered ownership (Full copy of the title deed)
☒	☐	Conveyancer's certificate	☒	☐	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
☐	☐	Consolidation plan (A4 or A3 only) to scale	☒	☐	Land use plan / Zoning plan (A4 or A3 only) to scale
☐	☐	Street name and numbering plan (A4 or A3 only) to scale	☐	☐	1: 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
☐	☐	Landscaping / Tree plan (A4 or A3 only) to scale	☐	☐	Owners' Association consent
☐	☐	Abutting owner's consent	☐	☐	Services Report or indication of all municipal services / registered servitudes
☐	☐	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)	☐	☐	Proof of failure of owner's association
☐	☐	Copy of original approval and conditions of approval	☐	☐	Any additional documents or information required as listed in the pre-application consultation form / minutes
☐	☐	Proof of lawful use right	☐	☐	Other (specify):
☐	☐	Required number of documentation copies	☐	☐	

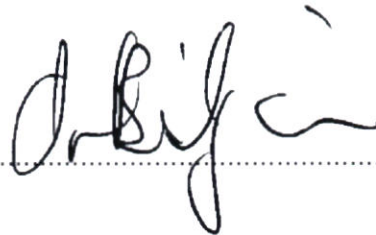
PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION			
	☐	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g., Environmental Conservation Act, 1989 (Act 73 of 1989):
	☐		☐ National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
	☐	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	☐ National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
	☐	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)	☐ National Water Act, 1998 (Act 36 of 1998)
	☐	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	☒ Other (specify) HWC
	☐	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	
	☐	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.
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.

Applicant's signature:		Date:	19/07/2024
Full name:	Denny Jason Pr. Pln A/3318/2023		
Professional capacity:	Professional Planner (SACPLAN)		

POWER OF ATTORNEY

I, Anton van Biljon (ID no: 6312145128081), the undersigned, duly authorised representative of Biljon Designs (Pty) Ltd (Reg no 2009/022895/07) owner of Erf 1197, Stellenbosch, do hereby appoint and authorise Denny Jason (ID 7202145140088) as my agent with full power of attorney to, on our behalf and in my place and stead, prepare and submit an application for additions to structures and rezoning and additional use on the said property, and to sign the said application form(s) and any and all other documents that may be required for such application to be submitted and adjudicated and to appear at any meeting of Stellenbosch Municipality on my behalf.

Signed  Date 2023-03-15

JUST JOEY LODGE (PTY) LTD

REG NR: 2009/022895/07

13 Noordwal-Wes Street
Stellenbosch
7600

VAT: 4670254947

Tel: 021 887 1799

Email: finance@vanbiljon.co.za

RESOLUTION

Meeting of the directors of Just Joey lodge (Pty) Ltd held on 11 July 2024 at Stellenbosch.

RESOLVED THAT:

1. A Land Use application be submitted to Stellenbosch Municipality for the:
 - a) **Rezoning** of Erf 1197, Stellenbosch from Conventional Residential Zone to Mixed Use Zone;
 - b) **Permanent Departure** of the applicable common building lines to comply with the proposed new zoning parameters;
 - c) **Amendment** of the approval conditions to facilitate the use of the main dwelling for a 3-bedroom guest house in lieu of the current 9-bedroom guest house.
2. Denny Jason ID 7202145140088 be appointed and hereby authorized to sign all necessary documentation and papers to enable the above application to be proceeded with.

Chairperson of the meeting



Anton van Biljon
ID: 631214 5128 081
Director



Luzanne Gerstner
Witness

01 August 2024

Jason Denny
Dennyj31@gmail.com

Our ref: Leigh Williams

Client Name: BILJON DESIGNS PTY LTD
Client Number: 360875/007
Property: ERF 1197 STELLENBOSCH

Bondholders Consent

Investec Bank Limited, in its capacity as the holder of a mortgage bond registered over the aforementioned property, consents to the:

- a) The **rezoning** of Erf 1197, in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), from Conventional Residential Zone to "Mixed-Use Zone" to permit a mixed land use development (consisting of an eye care facility) ±94m² in extent located on the ground floor of the approved Additional Dwelling Unit, a three-bedroom guest house confined and limited to the existing house (heritage building), and adding a 2nd floor on top of the 1st floor of the approved Additional Dwelling Unit for residential purposes;
- b) **Amendment** [Section 15(2)(h)] of the approval conditions (letter dated 2024/02/22), to facilitate the use of the main dwelling for a 3-bedroom guest house with 3 on-site parking bays in lieu of the 9-bedroom guest house with 9 on-site parking bays which was approved in 2020;
- c) **Permanent Departure** [Section 15(2)(b)] of the relevant common building lines in order to comply with the applicable proposed new zoning building lines required in terms of the Stellenbosch Municipality Zoning Scheme (2019).

The views expressed in this letter are expressed in good faith, based solely on information available to Investec as at the date of this letter. Investec does not accept responsibility for any loss or damage that you or any third party may suffer as a result of this letter being issued.



This letter is to be treated in the strictest of confidence and may only be used in the context in which it is given. Furthermore, the information provided in no way constitutes a guarantee on the part of Investec or its holding companies, subsidiaries or any affiliated companies or divisions.

Contact Charnelle Fredericks on 021 809 0713 should for any queries.

Yours Faithfully

Investec Bank Limited



Authorised Signatory



Authorised Signatory

Locality Plan for Erf 1197, Stb

1:1 128,5

An aerial photograph of a residential street. Yellow lines are overlaid on the image to delineate individual property lots. A yellow number '10000' is placed on the street, indicating a specific address. The street is paved, and there are some trees and buildings visible in the background.

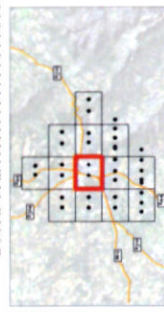


Date: 2024/06/24



Stellenbosch Municipality
Street Address:
71 Plein Street, Stellenbosch, 7600
Tel: 021 808 8658

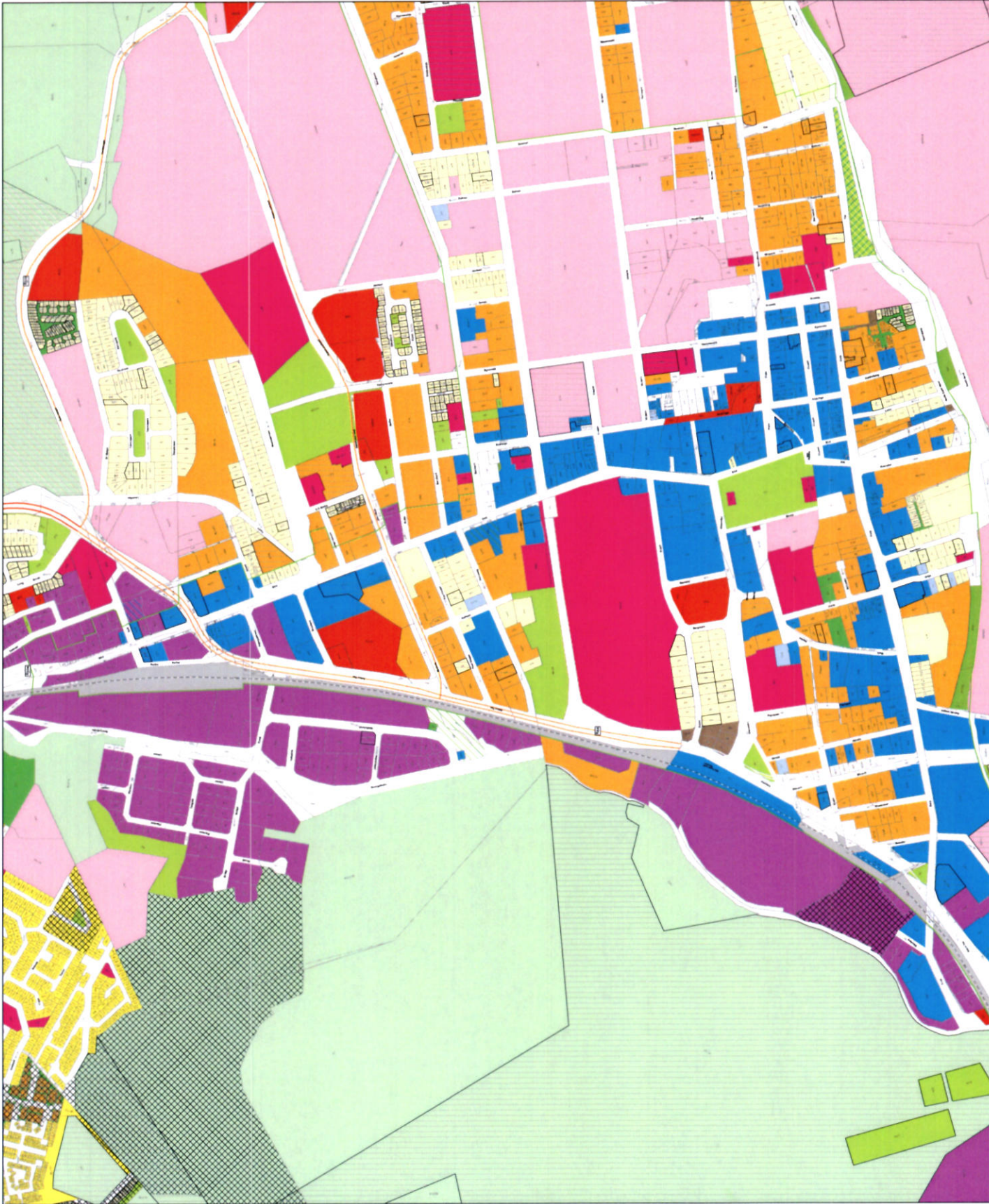
There may be a positive correlation of this behavior with our use by itself. The 19 authors could not identify it in the data. Every day I have been made to read the actual data of the journal. Council is composed of no more than 10 members. For any one of our members, or for a few, it is important to be able to be fully met by the group as a result of the publication of the map, and the data in the journal, or as a result of

[illegible]

PLEASE NOTE All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor	REF C:\Users\userOne\Drive - Urban Dynamics\Documents\PROJECTS\StellenboschTender_Zoning_Register_Maps\Plans
COMPILED BY Urban Dynamics South Cape	
INDENTITY	

DATE: JUNE 2023	MAP NO: MAP 6 OF 13	
	SCALE: 1:3 000	

 **URBAN DYNAMICS SOUTH CAPE**
South Gate Office Park
Ground Floor, Unit 2
Carl Cronje Drive
South Gate 1 Upper Waterfront,
Bathville 7520
PO Box 2445, Bathville 7520
Tel: (021) 9448 1545
Website: www.udsc.co.za





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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9814
Our File Reference Number: Erf 1197, Stellenbosch
Your Reference Number: None
Enquiries: Ulrich von Molendortf
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendortf@stellenbosch.gov.za

E-MAIL: wilhelm@archtownplanners.co.za

Sir

**APPLICATION FOR A REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, SPECIAL DEVELOPMENT
AND A DEPARTURES ON ERF 1197, STELLENBOSCH**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 1197, Stellenbosch, namely:
 - 2.2 **special development** in terms of Section 15(2)(a) of the said bylaw for the utilization of a portion of the dwelling house for purposes of a **home-enterprise of ±45,1m²** (medical consulting rooms);
 - 2.3 The **departure** in terms Section 15(2)(b) of the said Bylaw to:
 - a) permit a portion of the building to be 3 storeys in lieu of 2 storeys;
 - b) permit a floor factor of 0.65 in lieu of 0.63

NOT BE APPROVED in terms of Section 60 of the said Bylaw for the following reasons:

- a) The proposed development (home-enterprise) does not conform to all the special conditions listed in the zoning scheme for special developments of this nature as the

medical consulting rooms will not only be operated by the owner/resident of the property.

- b) The use of the property for medical consultation rooms, which is not operated by the owner, is best suited on a property which is zoned for business purposes.
 - c) The proposed activity will have a detrimental impact on the character of the surrounding area as patients/clients will parked in the street due to the fact that no sufficient parking will be available on the subject property.
 - d) The height restriction of buildings on single residential zone properties is two storeys (ground floor plus first floor) only and the applicant failed to motivate the need for a third storey.
 - e) The departure for the increase in height and total floor area, as well as the home-enterprise, represents an overdevelopment of a single residential zone property which will have a detrimental impact on the character of the area (overspill of parking in the street).
3. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 1197, Stellenbosch, namely:
- 3.1 **Removal of the restrictive title deed condition** (Section 15)(2)(f) Clause B.2 as contained in Deed of Transfer No. T56357/2018, which stipulates *"that only one dwelling house shall be erected on the above land, which building shall be a single dwelling house and not semi-attached"*.
 - 3.2 special development in terms of Section 15(2)(a) of the said bylaw to allow for
 - a) The extension to the existing guest house by adding four **additional guest house bedrooms** to the exiting guest house (total of 9 bedrooms).
 - b) The construction of an **additional dwelling unit (±103,3m²)**

BE APPROVED in terms of Section 60 of the said Bylaw for the following reasons:

- a) The proposal is in support of tourism related development with positive local economic benefits.

- b) The proposed development will not detract from the character of the area and will blend in with the surrounding existing land uses in the area.
- c) The proposal (additional dwelling unit) will result in a sensible increase in density and will not detract from the character of the area and there will be no negative impact on existing rights of neighbouring properties with regards to views, privacy, sunlight and daylight as it will be accommodated within the parameters of the zoning scheme.
- d) The removal of the restrictive title deed conditions as applied for will allow the owner to maximise the use of the property.

4. **That such approval BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:**

- 4.1 The approval applies only to the proposal as indicated above, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 4.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;
- 4.3 A revised site development plan shall be submitted to the Municipality for approval by the Director: Planning and Economic Development that reflects the approved land uses (extension to guest house and additional dwelling unit) only. The proposal must adhere to the building lines, coverage, floor area, parking and height as prescribed in the Zoning Scheme;
- 4.4 Development contributions are payable before the approval of building plans and which amount will be calculated in accordance with the council tariffs in force at the time of payment;
- 4.5 The existing water and sewer connections 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;
- 4.6 No guests may be allowed to park in the road reserve (off-site) and the operation of the guest house facility must under no circumstances lead to a parking demand in excess of the parking bays provided on the property;
- 4.7 The owner or his agent must stay on the property to manage the guest house;

- 4.8 No name or advertising sign shall be erected on the property, except one which complies with Council's approved policy on outdoor advertising and signage;
- 4.9 The electrical consulting engineer responsible for the development shall schedule an appointment with the Manager: Electricity Services (Engineering Services) before commencing with the construction of the development (as well as to discuss new power requirements if required);
- 4.10 The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval i.e
- a) The design of the electrical distribution system;
 - b) The location of substations(s) and related equipment.
- 4.11 A separate distribution board/s shall be provided for municipal switchgear and metering (shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings;
- 4.12 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services (on street boundary);
- 4.13 Appropriate caution shall be taken during construction to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.
- 4.14 On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection;
- 4.15 No electricity supply will be switched on (energised) if the development contributions, take-over inspection and certificate(s) of compliance are outstanding;
- 4.16 All new developments and upgrades of supplies to existing projects are subject to SANS 10400-XA energy savings and efficiency implementations such as:
- a) Solar water heating or heat pumps in dwellings;
 - b) Energy efficient lighting systems;
 - c) Roof insulation with right R-value calculations:
 - i) In large building developments;
 - ii) Control air condition equipment tied to alternative efficiency systems;

- iii) Preheat at least 50% of hot water with alternative energy saving sources;
- iv) All hot water pipes to be clad with insulation with R-value of 1
- v) Provide a professional engineer's certificate to proof that energy saving measures is not feasible.

4.17 After the publication of a notice in the Provincial gazette the applicant must apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions;

4.18 An experienced conservation architect be appointed by the applicant to redesign the new building so far as to improve alignment with the architectural guidelines contained in the Conservation Strategy but also based on best practise to the satisfaction of the Director, Planning and Economic Development;

4.19 The same architect to be appointed ensure that the public interface, on-site parking and fencing around the property be designed in an appropriate manner in order to ensure that the character of the area be taken into account.

4.20 Building plans to be submitted to the Municipality for approval.

5. **Matters on the application TO BE NOTED:**

5.1 A business licence and a liquor licence be applied for, if required.

5.2 The main building is older than 60 years and the necessary permission needs to **BE OBTAINED** from Heritage Western Cape for any proposed alterations to the main building.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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.

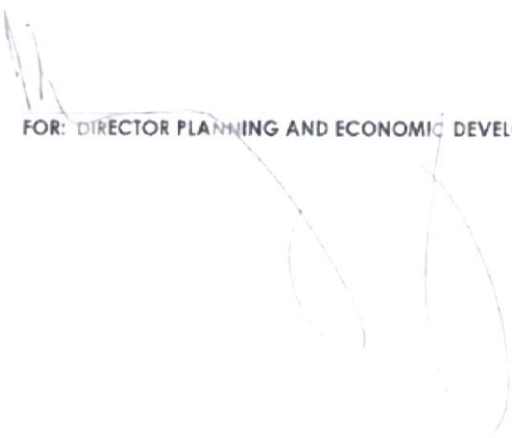
7. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

- (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) 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.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an 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.

8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kaminieth@stellenbosch.gov.za
9. An applicant 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.
10. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (https://www.stellenbosch.gov.za/documents/_general/8314-stellenbosch-municipality-banking-details-1_file).
11. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said ^{By-law} 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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. Kindly note the above decision is suspended, and in the case of any approval, 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

25/8/20
DATE:

Our Ref: HM/CAPE WINELANDS/STELLENBOSCH/ERF 1197
Case No.: 20040702KB0420E
Enquiries: Khanyisile Bonile
E-mail: Khanyisile.Bonile@westerncape.gov.za
Tel: 021 483 5959

Ms Lize Malan
C/o The Owner
13 Noordwal West Street
Stellenbosch
7600



APPLICATION FOR A PERMIT IN TERMS OF SECTION 34 OF THE NATIONAL HERITAGE RESOURCES ACTS (ACT 25 OF 1999): ERF 1197, 13 NOORDWAL WEST STREET, STELLENBOSCH.

CASE NUMBER 20040702KB0420E

The matters above have reference.

Heritage Western Cape is in receipt of your application for the above matter. This matter was discussed Built Environment and Landscape Committee (BELCom) held on 24 February 2021.

RECORD OF DECISION:

The Committee cannot approve unauthorized work. However, given the additional information provided by the applicant as requested, and which is regarded as satisfactorily meeting this requirement, the Committee makes the following recommendations:

1. That no further legal action be taken against the applicant on condition that the attic/second floor as indicated on drawings number SD-3422-M202, SD-3422-M101 & SD3422-M301 dated 2nd February 2021 (pitched-roof option) be pursued.
2. The Committee will not be recommending that the previous permit dated 26th November 2018 be revoked.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

.....
Colette Scheermeyer
Acting Chief Executive Officer



www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 1665, Cape Town, 8000
• **Tel:** +27 (0)21 483 5959 • **E-mail:** ceoheritage@westerncape.gov.za

Straatadres: Protea Assuransie-gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Posbus 1665, Kaapstad, 8000
• **Tel:** +27 (0)21 483 5959 • **E-pos:** ceoheritage@westerncape.gov.za

Idilesi yendawo: kumgangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, eKapa, 8000 • **Idilesi yeposi:** Inombolo yebhokisi yeposi 1665, eKapa, 8000 • **Iinombolo zomnxeba:** +27 (0)21 483 5959 • **Idilesi ye-imeyile:** ceoheritage@westerncape.gov.za



NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR A REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, SPECIAL DEVELOPMENT AND DEPARTURES ON ERF 1197, STELLENBOSCH

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

CONFIRM	X	VARY	REVOKE
THE DECISION OF THE AUTHORISED OFFICIAL OF 25 AUGUST 2020 TO REFUSE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW DATED 20 OCTOBER 2015, AN APPLICATION FOR A SPECIAL DEVELOPMENT AND VARIOUS DEPARTURES ON ERF 1197, STELLENBOSCH			
A: BACKGROUND			
<p>1. The abovementioned appeal refers.</p> <p>2. The Authorised Official on 25 August 2020, refused, 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 a special development to use a portion of the dwelling for a home-enterprise and departures in terms of the height and floor factor (Annexure A).</p> <p>3. The Municipality received an appeal in respect of the abovementioned application in terms of Section 79(2) of the Stellenbosch Municipality By-Law against the decision of the Municipal Planning Tribunal.</p> <p>4. The appeal assessment report was drafted based on all documentation provided.</p>			



5. In order to comply with section 81(6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), an inspection of the documents must be held before the handover to the Appeal Authority for consideration and decision making and the report was forwarded electronically to all relevant parties on the 8th of February 2021.
6. The applicant, Arch Town Planners submitted their comments in respect of the appeal assessment report where after all documentation was handed over to the Appeal Authority for consideration and decision making.
7. Arch Town Planners requested an oral hearing which was held on 21 May 2021.
8. A site inspection of the property took place on the 6th of July 2021.
9. After careful consideration of the written appeal, as well as all the relevant documents, information and submissions made available to me as Appeal Authority, I have taken the following decision.

B. APPEAL RESOLUTION

1. The appeal submitted against the refusal by the Authorised Official on 25 August 2020 of the application for a special development to use a portion of the dwelling for a home-enterprise and departures in terms of height and floor factor on Erf 1197, Stellenbosch, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015, as follows:



- a) The special development in terms of Section 15(2)(a) of the said Bylaw for the utilization of a portion of the dwelling house for purpose of a home-enterprise of $\pm 45,1 \text{ m}^2$ (medical consulting rooms); and
- b) The departure in terms of Section 15(2)(b) of the said Bylaw to permit a portion of the building to be 3 storeys in lieu of 2 storeys and to permit a floor factor of 0.65 in lieu of 0.63.

NOT BE APPROVED in terms of Section 60 of the said Bylaw.

2. The above decision was made for the following reason(s) in terms of section 81(7)(c) of the said By-law:
- a) The proposed development (home-enterprise) does not conform to all the special conditions listed in the zoning scheme for special developments of this nature as the medical consulting rooms will not only be operated by the owner/resident of the property.
 - b) The use of the property for medical consultation rooms, which is not operated by the owner, is best suited on a property which is zoned for business purposes.
 - c) The proposed activity will have a detrimental impact on the character of the surrounding area as patients/clients will parked in the street due to the fact that no sufficient parking will be available on the subject property.
 - d) The height restriction of buildings on single residential zone properties is two storeys (ground floor plus first floor) only and the applicant failed to motivate the need for a third storey.
 - e) The departure for the increase in height and total floor area, as well as the home-enterprise, represents an overdevelopment of a single residential zone property which will have a detrimental impact on the character of the area (overspill of parking in the street).



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- f) Such use does not fall within the ambit of a home occupation but rather office use and such scale of use will also result in parking requirements which can readily not be accommodated on the site.
- g) It is thus held that the original municipal assessment in respect of these grounds of appeal was accurate and rational and that the appeal does not provide compelling grounds to review this decision.

SIGNATURE: Adv. Gesle van Deventer DATE: 13 08 2021

Adv. Gesle van Deventer
EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)



Denny jason <dennyj31@gmail.com>

Feedback on pre-scrutiny application on Erf 1197, Stb

7 messages

Louisa Guntz <Louisa.Ollyn@ Stellenbosch.gov.za>
To: "dennyj31@gmail.com" <dennyj31@gmail.com>
Cc: Landuse Applications <Landuse.Applications@ Stellenbosch.gov.za>

Tue, Apr 4, 2023 at 12:37 PM

Good day Mr Jason

PRE-APPLICATION SCRUTINY FEEDBACK

APPLICATION FOR AN ADDITIONAL USE FOR A HOME OCCUPATION PRACTICE: ERF 1197, STELLENBOSCH

1. Your pre-application scrutiny submission on the above property dated **20 March 2023**, refers.
2. Your submission has been duly scrutinized for your intended land use and / or 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]:

3.1 Before a new application can be considered, the owner/applicant first needs to comply with the conditions of approval of Council's decision letter dated 25 August 2020.

**3.2 Condition 4.3 of letter dated 25 August 2020 reads as follows:
"A revised site development plan shall be submitted to the Municipality for approval by the Director: Planning and Economic Development that reflects the approved land uses (extension to guest house and additional dwelling unit) only. The proposal must adhere to the building lines,**

coverage, floor area, parking and height as prescribed in the Zoning Scheme".

3.3 A revised Site Development Plan (as mentioned in paragraph 3.2 above) first needs to be submitted and approved by the Municipality, where after an application for additional use (technical approval) for a home occupation practice can 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://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.
6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards



Louisa Guntz

Senior Town Planner

Planning and Economic Development

T: +27 21 808 8672

1st Floor, NPK Building, cnr of Plein
Street and Ryneveld Street,
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.
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STELLENBOSCH
MUNICIPALITY
Munisipaliteit Stellenbosch



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most
enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, [Plein Street, Stellenbosch, 7600, South Africa](#).

For more information about Stellenbosch Municipality, please call +2721-808-8111, or
visit www.stellenbosch.gov.za

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Tue, Apr 4, 2023 at 1:15 PM

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(C7)

26

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF	Erf 1197, Stellenbosch	DATUM DATE	2019-08-15
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AANSOEKONOMMER / APPLICATION NUMBER

LU/9814

MEMO AAN/ TO :

> Manager : Engineering Services
 Manager : Electrical Department
 Manager : Property Management (P Smit)
 Manager : Fire Services
 Manager : Chief Financial Officer
 Manager: Spatial Planning / Heritage / Environment / Signage
 Manager: Health Department (Winelands Health)
 Manager: Building Development
 Manager : Parks

UL / Civil 1888

16/08/2019

Aansoek Application	Departure, Removal of Restrictions and Departure
Adres Address	13 Noordwal-Wes Road, Stellenbosch
Aansoek Datum Application Date	24 June 2019
Aansoeker Applicant	Pieter Wilhelm (Arch Town Planners)



Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 2019-09-15
 Please hand deliver the memorandum to me on or before : 2019-09-15

S Newman

For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT



ALGEMENE KOMMENTAAR / GENERAL COMMENT:

Probleem Eng: Application is recommended for Approval sent 29/10/19

VOORWAARDES/CONDITIONS :

FILE NR:	OUTGOING POST
SCAN NR:	Incoming Post
COLLABORATOR NR:	66082

HANDTEKENING / SIGNATURE

DATUM / DATE

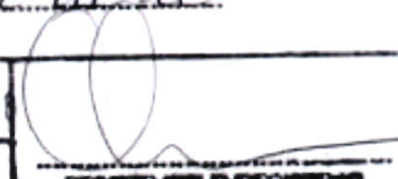
236

VAN ZYL & HOFMEYR
Badstraat 32
Montagu
6720

Opgestel deur my,

TRANSPORTBESORGER
BAREND CHRISTIAAN
ESTERHUYSE

Fsc. endorsement		
Particulars	Amount	Office fee
Particulars price/value	R. 11 900 000.00	3057.00
Storage deposit/Amount	R.	R.
Reason for suspension	Det.	Reason L.L.O.

VERBIND MORTGAGED	
VER FOR R. 10 000 000.00	
B 000027155 / 2018	 REGISTRAR
2018-12-03	

T 000056357 / 2018

AKTE VAN TRANSPORT

HIERMEE WORD BEKEND GEMAAK

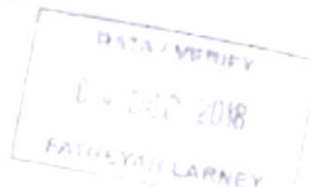
DAT MARTHINUS CHRISTOFFEL COETZER

voor my die REGISTRATEUR VAN AKTES te **KAAPSTAD** verskyn het, die genoemde
Komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom/haar verleen
deur

Die Trustees van die
D J ESTERHUYSEN FAMILIE TRUST
Registrasienommer 1292/1993

gedateer 18 September 2018
en geteken te STELLENBOSCH

VAN ZYL & HOFMEYR



EN genoemde Komparant het verklaar dat sy/haar lasgewer die ondergemelde eiendom op **15 Junie 2018** waarlik en wettiglik verkoop het per Private Ooreenkoms en dat hy/sy in sy/haar voornoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van:

BILJON DESIGNS (PTY) LTD
Registrasie Nommer 2009/022895/07

die ampsopvolgers in titel of regsverkrygendes in volkome en vrye eiendom:

ERF 1197 STELLENBOSCH
in die Munisipaliteit en Afdeling van Stellenbosch
Wes-Kaap Provinsie
GROOT: 902 (NEGE HONDERD EN TWEE) VIERKANTE METER

Aanvanklik oorgedra kragtens Transportakte Nr T 11416/1923 met Kaart Nr 3646/1923 wat daarop betrekking het en gehou kragtens Transportakte Nr T 48599/2003

- A. Onderhewig aan die voorwaardes verwys na in Transportakte Nr T 7667/1922.
- B. Onderhewig verder aan die volgende spesiale voorwaardes opgelê vir die voordeel van die eienaars van al die onderverdelings van Perseel J J B vervat in Transportakte Nr T 11416/1923, naamlik:

- "1. No dwelling house shall be put up on the above land of less value than One Thousand Five Hundred Rand (R1 500,00)
2. That only one dwelling house shall be erected on the above land, which building shall be a single dwelling house and not semi-attached.
3. The said Transferee and her successors in title shall not have the right to sub-divide the said land, but the same shall be kept intact and as a whole."

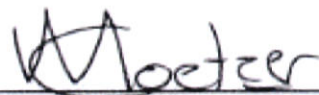
- C. Onderhewig verder aan die voorwaardes van die endossement gedateer 10 November 1961 op Transportakte Nr T 19731/1960, welke endossement soos volg lui:

"Kragtens Notariële Akte Nr 778/1961 gedateer 15.8.1961 is die beperking uitgestel teen Perseel 10 gehou onder Transportakte Nr T 6845/1934, soos daarin onder voorwaarde 2 uiteengesit en afdwingbaar deur al die onderverdelings van Perseel J J B gekanselleer. Soos meer volledig uit 'n afskrif van gesegde Notariële Akte hieraangeheg sal blyk."

WESHALWE die Komparant afstand doen van al die regte, titel en belang wat die gesegde **D J ESTERHUYSEN FAMILIE TRUST** voorheen op genoemde eiendom gehad het en gevolglik ook erken dat hulle geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat, kragtens hierdie akte, bogenoemde **BILJON DESIGNS (PTY) LTD**, die ampsopvolgers in titel of regsverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en erken hulle ten slotte dat die koopprys van die eiendom wat hiermee getransporeer word die bedrag van **R11 900 000.00 (ELF MILJOEN NEGE HONDERD DUISEND RAND)** is.

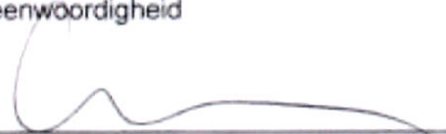
TEN BEWYSE WAARVAN EK, die genoemde Registrateur van Aktes, tesame met die Komparant hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN EN VERLY by die kantoor van die REGISTRATEUR VAN AKTES te **KAAPSTAD** op **3 Desember 2018**.



q.q. Handtekening van komparant

In my teenwoordigheid


Registrateur van Aktes

**REZONING OF ERF 1197
STELLENBOSCH FROM
CONVENTIONAL RESIDENTIAL
ZONE TO MIXED-USE ZONE**

2024

MOTIVATION REPORT



**ON BEHALF OF
BILJON DESIGNS (PTY) LTD**

**COMPILED BY
DENNY JASON Pr. Plnr A/3318/2023**

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Documentation List

INFORMATION REQUIRED IN TERMS OF SECTION 38 OF THE BY-LAW		
REZONING INFORMATION AND DOCUMENTATION REQUIRED		
Application in terms of Section 15(2)(a)	REZONING	ANNEXURE
Completed & Signed Application Form	✓	Annexure A
Power of Attorney / Owner's Consent	✓	Annexure B
Company Resolution	✓	Annexure C
Copy of Title Deed	✓	Annexure D
Bondholder's Consent (if applicable)	✓	Annexure E
Written Motivation	✓	Main document
S.G. Diagram / Extract of General Plan	X	N/A
Locality Plan	✓	Annexure F
SDP / Conceptual Layout Plan	✓	Annexure G
Subdivision Plan [incl. building lines]	X	N/A
Proof of Payment of Application Fees		
Conveyancer Certificate	✓	Annexure H
Pre-Application Feedback Letter		Annexure I
SUPPORTING INFORMATION AND DOCUMENTATION REQUIRED		
Zoning Map	✓	Annexure J
Phasing plan	X	N/A
Consolidation plan	X	N/A
ADDITIONAL INFORMATION		
Previous Land Use Approval (s)	✓	Annexure K
Previous approval for Densification of Group Housing	X	N/A
HWC Approval Letter	X	Annexure L
Notice of Decision of Appeal Authority	✓	Annexure M
Home Practice-Pre-Application Feedback	X	Annexure N
Heritage Report		
Traffic Engineering Dept. Previous Approval	✓	Annexure O
Environmental Impact Assessment Report	X	N/A

1. Introduction

The intend of this document is to motivate the rezoning of Erf 1197 Stellenbosch, herein after referred to as “the subject property”. The application is made in terms of the provisions of the Stellenbosch Municipal Planning By-Law, 2015 read together with the Stellenbosch Municipal Zoning Scheme By-Law, 2019. The proposed rezoning application is made to optimise the development potential of this well-located site by establishing a high quality optometry along with a well-established guest house for better economic uptake under a mixed-use zone as the subject property is no longer suitable for residential purposes only due to all the commercial properties surrounding the site.

1.1 Applicant Detail

Mr Anton van Biljon the representative of Biljon Designs (Pty) Ltd and owner of Erf 1197 Stellenbosch, appointed Denny Jason (See Power of Attorney (*Annexure B*) and Company Resolution (*Annexure C*) to prepare and submit the required Rezoning land use application documentation (refer to *Annexure A: Application Form*).

1.2 Application Detail

The proposed development requires application in terms of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the following:

- a) The **rezoning** of Erf 1197, in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), from Conventional Residential Zone to “Mixed-Use Zone” to permit a mixed land use development (consisting of an eye care facility) ±94m² in extent located on the ground floor of the approved 2nd dwelling unit, a three-bedroom guest house confined and limited to the existing house (heritage building), and adding a 2nd floor to the ground floor and 1st floor of the approved 2nd dwelling unit;
- b) **Amendment** in terms of Section 15(2)(h) of the approval conditions (letter dated 2024/02/22), to facilitate the use of the main dwelling for a 3-bedroom guest house with 3 onsite parking bays in lieu of the 9-bedroom guest house with 9 onsite parking bays which was approved in 2020;
- c) **Permanent Departure** in terms of Section 15(2)(b) of the northern and southern common building lines (from 4.5m to 2.5m respectively) in order to comply with the applicable proposed new zoning parameters required in terms of the Stellenbosch Municipality Zoning Scheme (2019).

1.3 Property Detail and Ownership

The subject property is described in the deeds of transfer, as follows:

Title Deed Description	Erf 1197, Stellenbosch Division
Title Deed Number	T000056357/2018
Registered Owner	Biljon Designs (Pty) Ltd
Property Size	902m²
SG Diagram No.	4691/1962
Mortgage Bondholder	Investec
Current Land Use	Guest House
Current Zoning	Conventional Residential
Title Deed Restrictions	None

Table 1: Property Details and Ownership.

The aforementioned Title Deed (*Annexure D*) were reviewed by a registered conveyancing attorney, to identify any potential restrictive title deed conditions that may restrict the proposed development. A conveyancer certificate (*Annexure H*) for the subject property was issued by Louis Johannes Smith, practising Attorney at Marais, Muller Hendricks Inc. (MMH), confirming that there are no title deed restrictions held in Title Deed T56357/2018 read together with Title Deed T7662/1922 that may restrict the subject property to be rezoned from conventional residential zone to mixed-use zone. The conveyancer certificate indicates two restrictions as follows:

- a) Restrictive condition Clause B.2 as contained in Deed of Transfer No. T56357/2018, which stipulates “that only one dwelling house shall be erected on the above land, which building shall be a single dwelling house and not semi-detached The removal of this restriction **was approved** as part of the previous land use approval (*Annexure K*).
- b) Restrictive condition Clause B.3 (Subdivision) as contained in Deed of Transfer No. T56357/2018 is **not applicable** to the rezoning application.

There is a bond attached to the subject property of which Investec Bank is the bondholder. The bondholders consent letter is annexed hereto as *Annexure E*.

2. Background

Erf 1197, Stellenbosch, is situated along Helderberg road, Stellenbosch, where higher density developments, whether commercial or residential could be accommodated without compromising the urban, historical character of the area. On 25 August 2020 (Revised SDP approved on 22 February 2024) the Stellenbosch Municipality approved a special development for a two storey Additional Dwelling Unit and a consent use to allow for four additional guest rooms added to the existing Guest House on Erf 1197. The owner has shown that with the development of the existing guest house and 2nd dwelling on the subject property, an aesthetically pleasing building reflecting a residential scale and character, is indeed possible. The majority of properties along the road is mainly used for residential and/or quasi – residential (group housing) and commercial purposes.

The following applications in terms of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 1197, Stellenbosch was **approved** (letter dated 25 August 2020) as follows:

1. **Removal of restrictive title deed condition**, Clause B.2 as contained in Deed of Transfer No. T56357/2018, which stipulates “that only one dwelling house shall be erected on the above land, which building shall be a single dwelling house and not semi-detached.
2. **Special development** in terms of Section 15(2)(o) to allow for:
 - (a) the extension to the guest house by adding four (4) additional guest house bedrooms to the existing five (5) guest house bedrooms (total of 9 guest rooms);
 - (b) The construction of an additional dwelling unit ($\pm 103,3\text{m}^2$)

As part of the same application submission as aforementioned the following applications was **refused** namely:

1. **Special development** for the utilization of a portion of the dwelling house for purposes of a home enterprise of $\pm 45,1\text{m}^2$ (medical consulting rooms).
2. **Permanent departure** to:
 - (a) permit a portion of the building to be 3 storeys’ in lieu of 2 storeys;
 - (b) permit a floor factor of 0,65 in lieu of 0,63.

The abovementioned letter dated 25 August 2020 communicating the outcome of the previous land use applications is annexed hereto as **Annexure K**.

The subject property falls within the Stellenbosch historical centre and the existing house is older than 60 years. The following application was lodged with the Heritage Western Cape Council:

APPLICATION FOR A PERMIT IN TERMS OF SECTION 34 OF THE NATIONAL HERITAGE RESOURCES ACTS (ACT 25 OF 1999): ERF 1197, 13 NOORDWAL WEST STREET, STELLENBOSCH.

CASE NUMBER 20040702KB0420E

RECORD OF DECISION: Approval Letter dated 19 May 2021

Decision communicated that the Committee makes the following recommendations:

1. That no further legal action be taken against the applicant on condition that the **attic/second floor** as indicated on drawings number SD-3422-M202, SD-3422-M101 & SD3422-M301 dated 2nd February 2021 (pitched-roof option) **be pursued**.
2. The Committee will not be recommending that the previous permit dated 26th November 2018 be revoked. See approval letter from HWC attached as *Annexure L*.

An appeal submitted against the refusal by the Authorised Official on 25 August 2020 of the application for a special development to use a portion of the 2nd dwelling for a home enterprise and departures in terms of height (allow 3 storeys) and floor factor was dismissed (letter dated 13 August 2021 – attached hereto as *Annexure M*).

Subsequently a new application for a home occupation practice was submitted and the following feedback (refer to email correspondence *Annexure N*) were received on 4 April 2023:

Before a new application can be considered, the owner applicant first needs to comply with the conditions of approval of Council's decision letter dated 25 August 2020

Condition 4.3 of approval letter dated 25 August 2020 reads as follows:

"A revised site development plan shall be submitted to the Municipality for approval by the Director: Planning and Economic Development that reflects the approved land uses (extension to guest house and additional dwelling unit) only. The proposal must adhere to the building lines, coverage, floor area, parking and height as prescribed in the Zoning Scheme".

In order to comply with the above condition a revised Site Development Plan was submitted and approved by the Municipality on 22 February 2024 (final letter dated 25 March 2024).

Subsequent thereto, in order to accommodate the 2nd floor and Optometry Practice as originally intended the client decided to rezone the said property to facilitate the mixed development which is a primary right under the proposed mixed-use zone which will further be motivated in the following sections below (See Pre-Scrutiny feedback letter, *Annexure I*).

3: Site Context

3.1 Site Locality

The subject property is a corner plot located along Helderberg Road and Noordwal Oos Road within the Stellenbosch CBD area and next to the Eerste River on the southern side (See **Figure 1** below: Aerial photo image). The site can be easily accessed from abovementioned roads.

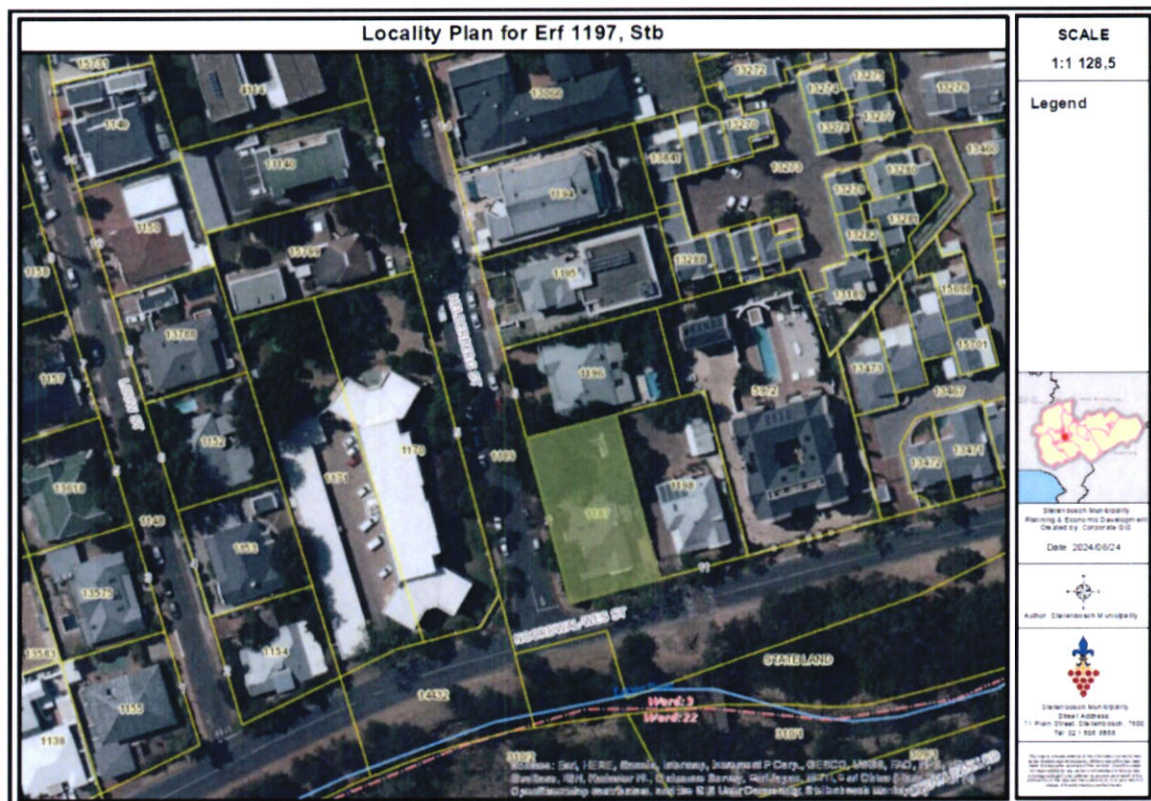


Figure 1: Locality Map (Attached hereto as *Annexure F*).

The site is currently occupied by existing built structures and is located within an established context subject to an existing Town Planning Scheme. The applicant site is situated in a familiar mixed development growth node and within close proximity of the CBD and will not negatively impact on the surrounding environment, in terms of visual character but would rather enhance it. The site is currently zoned Conventional Residential and this report motivates the proposed rezoning to accommodate the current eye-care facility under the appropriate zoning (Mixed-Use Zone) suitable for such development proposal.

3.2 Current Zoning

Erf 1197 is currently zoned Conventional Residential Zone (CRZ)

The following table describes land uses permitted in this zone:

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: Land Uses Permitted under Conventional Residential Zone.

3.3 Surrounding Zoning

The Zoning Map (**Figure 2**) indicates that there are several “Business Premises” in the direct vicinity of the site. The proposed zoning will therefore not create a new precedent in the area. The physical development on the property will be restricted to the development parameters applicable to the “Mixed-Use” zone. The proposed rezoning of the residential land parcel will therefore not have any physical impact on the privacy or views of the surrounding properties. The application will without doubt promote the principle of efficiency as the land development optimises the use of existing resources and infrastructure.



Figure 2: Surrounding Zoning (refer to Annexure J).

3.4 Current Land Use

There is currently an existing Guest house and a 2nd dwelling of which both were approved as part of previous land use applications as mentioned under the background section.

With the restrictions of the Covid-19 pandemic the guest house suffered tremendous economic losses and the owner who is also a qualified optometrist decided to start his own eye-care practice from home as a better financial uptake. Therefore, the purpose of this application is to legalize the medical practice which consists of two consulting rooms, two store rooms, preparation room and waiting area which will be detailed in the development proposal section.

3.5 Surrounding Land Uses

The character of the surrounding area can best be described as a mixed-use area typical associated with the Stellenbosch CBD. Land uses in the area is depicted on the Land Use Map below (**Figure 3**) and include; dwelling houses, medium to high density residential developments, medical practices, tourist facilities, shops, offices, and churches. The proposed rezoning for business premises will not have any physical impact on the surrounding properties or the character of the neighbourhood, as it will not result in any physical changes to the footprint of the buildings. It is also proposed that the intended uses will comply with the mixed-use zoning parameters in terms of the Stellenbosch Municipal Zoning Scheme By-Law (2019).

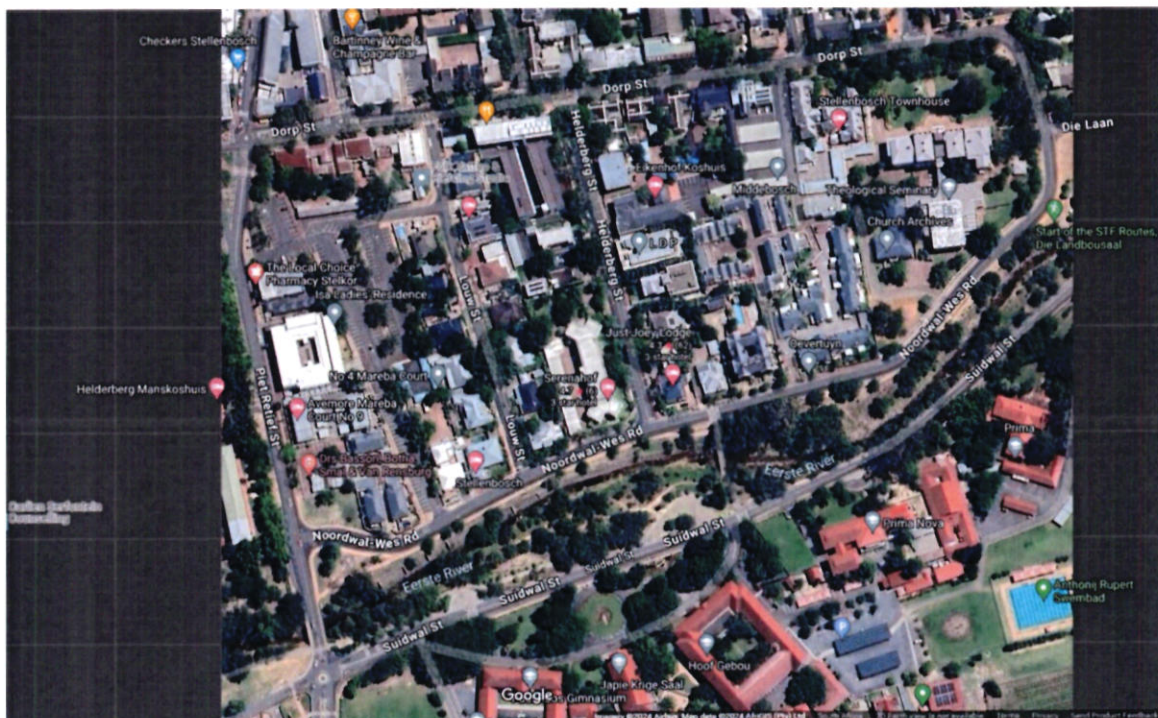


Figure 3: Surrounding Land Uses

Character of the Surrounding Built Environment

The Height of three-storey buildings is a common phenomenon of the surrounding area. There are three-storey buildings all along both streets of the subject property which makes this application to add a 2nd floor to the 2nd dwelling not a unique situation. Erf 1195 at no. 8 Helderberg Road developed exactly the same concept like this proposal i.e. they retained the existing heritage building and added a new three-storey element at the back of the property. Notably the area is characterised by mix of uses, mix of building styles and a mix of building ages. Especially along Helderberg Road where there is an abundance of mixed-uses, mixed heights and setbacks and an assortment of architectural styles. As such the proposed building would be of similar height as that of the other buildings in Helderberg Road. The site photos below illustrate the character of the surrounding area.

3.6 Site Photos:



Erf 5972 – (Portchie) Noordwal-Wes Road: The above photo illustrates a view of the momentous three-storey modern dwelling along Noordwal-Wes Road – Also mixed but streetscape of site catches the eye immediately. The site is just around the corner of the subject property and reveals the diverse characteristics of the area which support the idea of thoughtfully mixing the old with somewhat new and modern urban aesthetics.



Erf 1170 & 1171-1 Helderberg Road: Above photo shows a Three Storey Apartment Block directly opposite the subject property corner of Noordwal Wes Road and Helderberg Street. The above and below pictures shows the zoning trend of the surrounding area characterised by multi-unit residential properties accommodating students, privately-owned apartments, flats and commercial premises including medical practices.

The motivation for rezoning is supported by several themes outlined in this report. The overarching motivating factor is that the rezoning would allow for development that is consistent with its context (surrounding land uses) and in promoting Stellenbosch Town as an area suitable for an eye-care facility, which does not detract from or negatively impact on the surrounding area and amenities.

As per the proposed and existing controls, it is evident that Conventional Residential zone does not align with the current densification strategy. Therefore, rezoning to a more appropriate Mixed-Use Zone will align with this strategy. As can be seen from the accompanying pictures illustrating the current streetscape, the proposed Mixed-Use Zone will blend in with the current context, as there is sufficient precedent for the mixed-use zone to be accommodated.



10 Helderberg Road – Erf 1194: LDP Tax Consultants & Accountants Firm (Mixed-Use)



Erf 15799-Multi-Unit Residential Three storey buildings & Erf 1140 in Helderberg Road



Examples of Three Storey Buildings in Helderberg Road - Multi-Unit Residential Zoning



Medical Facilities: Erf 4114, Helderberg Road and Erf 1198, Noordwal-Wes Road

The above photos illustrate street characters mixed styles, use and heights. Clearly showing medical practices are accepted within close proximity of the subject property and surrounding area. The streetscape is characterized by three-storey buildings which accommodate a combination of residential dwelling units and businesses.

The application for the Rezoning of Erf 1197, Stellenbosch and formalization of the already operational Optometry Practice will not have a negative impact on the urban character of this area but should rather be seen as complementing and strengthening the long-term planning philosophy of densification and mixed use in the CBD area. There is medical consulting rooms (Dermatologist) right next to the subject property and also other medical consulting rooms (General Practitioner) within 50m from the subject property. And so is this an already established mixed use area with single dwellings, guest houses, medical consulting rooms, low-density commercial uses including other multi-unit high or density residential accommodation such as flats, hostels, communes, guest houses and tourist dwelling units.

The proposed use of Erf 1197, Stellenbosch for Medical Consulting Rooms (Eye-Care Practice) is not only considered to be appropriate but also, due to the residential scale and design, complement the character of the area. The application site should limit urban sprawl and promote development within a key strategic location (close proximity to the CBD and other central business nodes), as well as mobility roads and public transport systems and that will help contribute to the viability and sustainability of the areas' infrastructure (public transport, engineering services, community amenities etc.).

Heritage Character:

As part of the previous land use application a Heritage Consultant (Lize Malan) was appointed. The heritage character assessed by independent Heritage Practitioner – concludes that:

“It is the author’s opinion that the proposed additional storey to the new addition at the back of Just Joey is sufficiently set back from this house and other heritage resources and this combined with the screening provided by trees, so that the impact on the house and its context is acceptable”.

The proposed additional floor (2nd floor loft) was already approved by Heritage Western Cape on condition that same be pursued as indicated on drawings number SD-3422-M202, SD-3422-M101 & SD3422-M301 dated 2nd February 2021 (pitched-roof option). The building form is within the diverse heritage character of the area as confirmed above in heritage report by an independent Heritage Practitioner. As such there is no uniform heritage character that requires protection but rather will enhance a diverse built environment mixing the old with the new.

Since the buildings will retain its residential character and appearance, the proposal is consistent with the visual character of the area. The proposed development complies with most of the development controls as reflected in the current Stellenbosch Zoning Scheme (2019) for properties under mixed-use zoning.

4. DEVELOPMENT PROPOSAL

(Refer to Drawing SD-3422-M203 below: Site Development Plan drawn by Architect, 'Frederik Lotter') dated 03/06/2024 (SDP attached hereto as *Annexure G*).

The owner desires to rezone erf 1197 from residential zone to mixed-use zone to allow for an Optometry Practice with two consulting rooms, a 2nd Dwelling and 3-bedroom Guest House. Only the ground floor of the 2nd dwelling will be converted and used for optometry purposes. The owner is a medical professional (optometrist) and will utilise the consulting rooms for optometry purposes only.

4.1. Medical Consulting Rooms (See SDP below p.17)

The proposal entails the conversion of the ground floor of the additional dwelling house to allow for (2x) medical consulting rooms. No physical alternations will be done to the building externally nor the footprint, all alteration work will be done internally. The total area to be used for the proposed medical practice is approximately ±94m² in extent.

All internal changes (indicated by yellow rendering on SDP) for the Optometry Practice will be done on the Ground Floor of the 2nd Dwelling as follows:

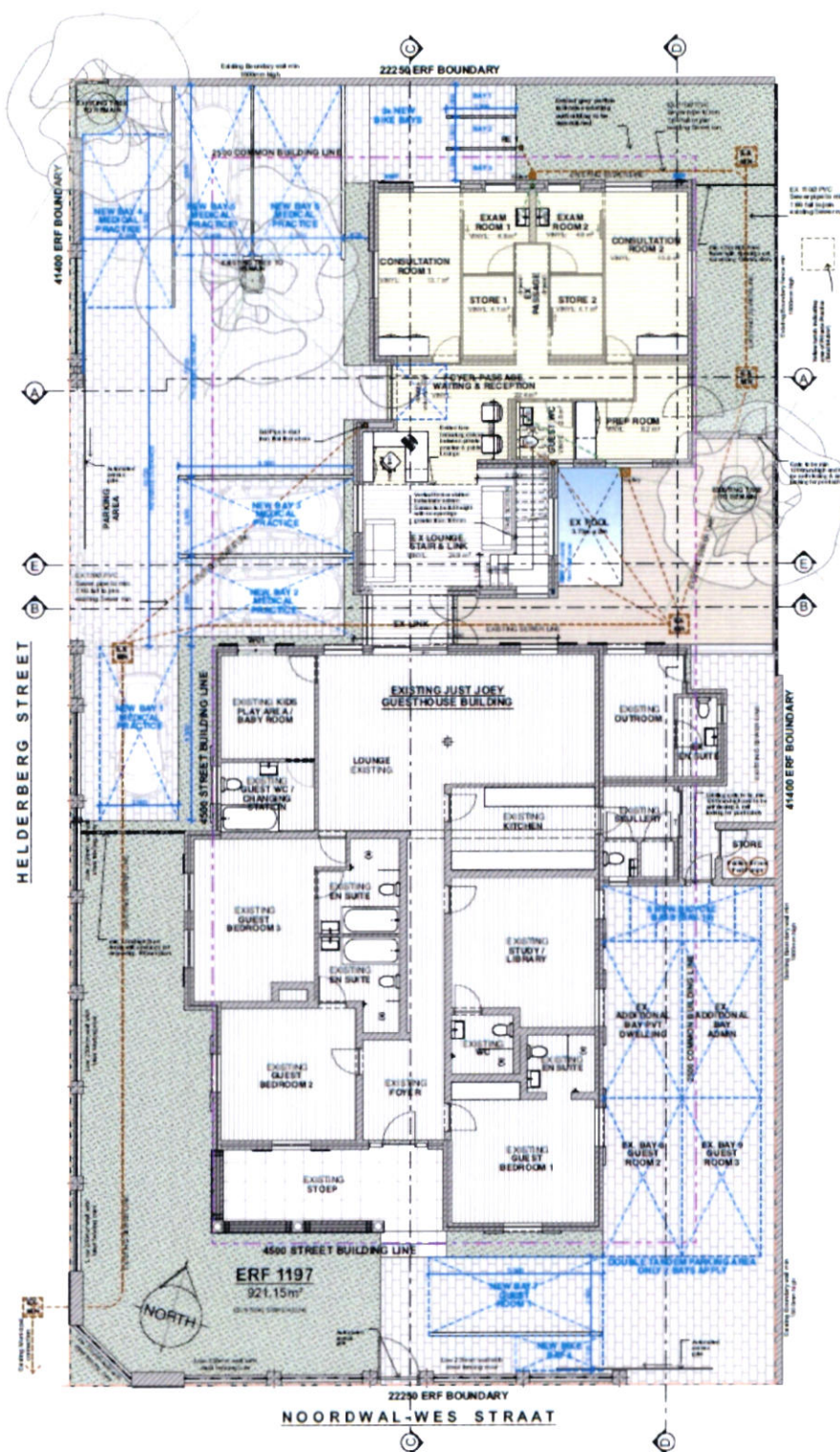
- Bedroom 1 to be converted into Consulting Room 1
- Bedroom 2 to be converted into Consulting Room 2
- The bathroom En-Suites of Bedroom 1 and 2 will be altered to examination rooms for the two consulting rooms respectively.
- The study will be converted to a preparation room
- The entrance/foyer area will be utilized as the reception and waiting area as indicated.

The optometry practice will be utilized under the proposed zoning as **business premises** and will be operated during normal office hours from 08:00 am – 18:00 pm Monday to Friday and from 09:00 am – 14:00 pm on Saturdays and will be closed on Sundays and public holidays.

The building will retain its current form and aesthetical appearance as illustrated on the Architectural drawings annexed hereto as *Annexure G*.

4.2 Second Floor Addition, 3rd storey (See SDP below p.18)

An additional floor (**2nd floor loft**) is proposed on top of the existing first floor of the 2nd dwelling. The second floor and the first floor of the additional dwelling unit will be utilized by the owner to accommodate his family. The proposed 2nd floor measures a height of approximately 10.590m from existing ground level to top of roof. The proposed 2nd floor building will not exceed the proposed three storeys in any way or form.



Scale 1:120

GROUND FLOOR

TOTAL AREAS:
 EX GROUND FLOOR
 TO WHICH 84.8m² IS TO BE ALLOCATED
 TO A PRIVATE MEDICAL PRACTICE
 NEW 2ND ADDITION
 NEW TOTAL
 NEW BULK
 NEW COVERAGE

ARCHITECT'S SIGNATURE
 DATE
 2024/06/13

CLIENT'S SIGNATURE
 SCALE
 1:120

REVISION
 ①

DRAWING
 GROUND FLOOR PLAN - A3

DRAWING NUMBER
 SD-3422-M203

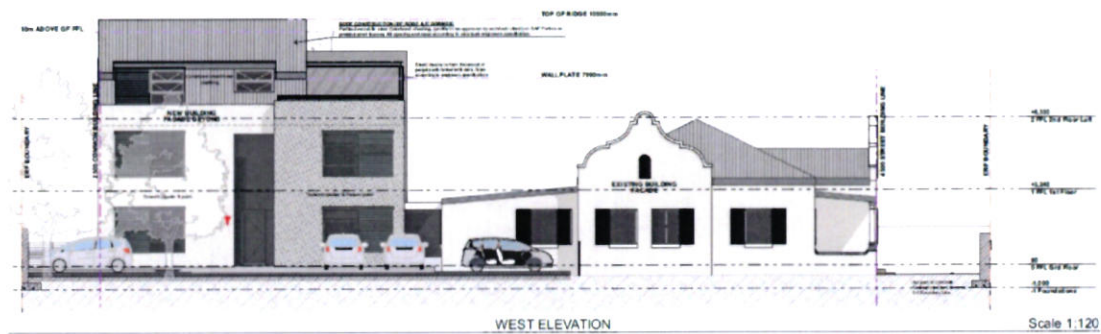
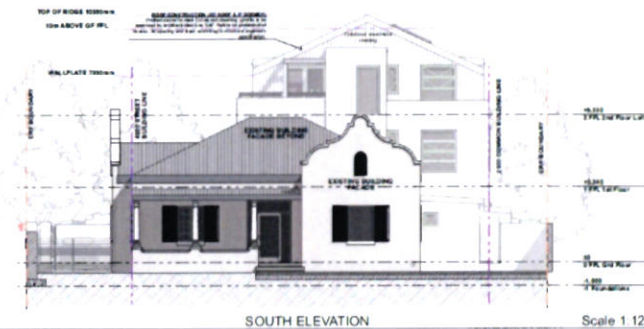
DATE BY
 GFL

PROJECT
 JUST JOEY
 ERF 1197 JUST JOEY GUESTHOUSE
 STELLENBOSCH

LUM APPLICATION

Proposed Site Development Plan (SDP) for proposed Medical Practice (*Annexure G*)





PROJECT
JUST JOEY SDP
BRF 1187 JUST JOEY GUESTHOUSE,
STELLENBOSCH
LUM APPLICATION

DRAWN BY
ELEVATIONS 1 - A3

CLIENT'S NUMBER
SD-3422-M305

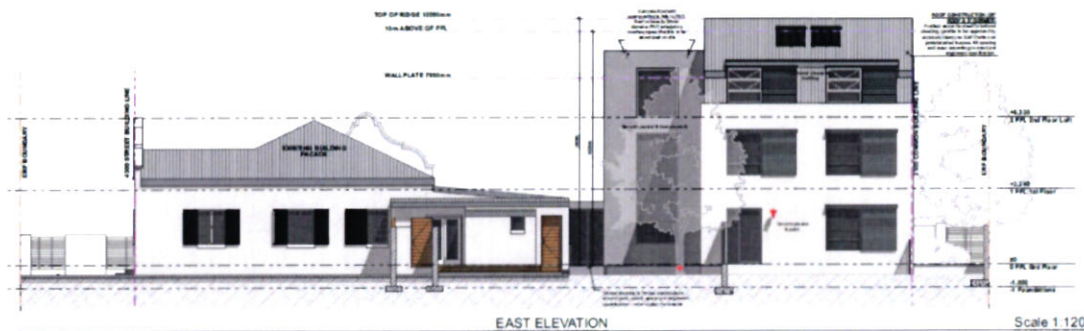
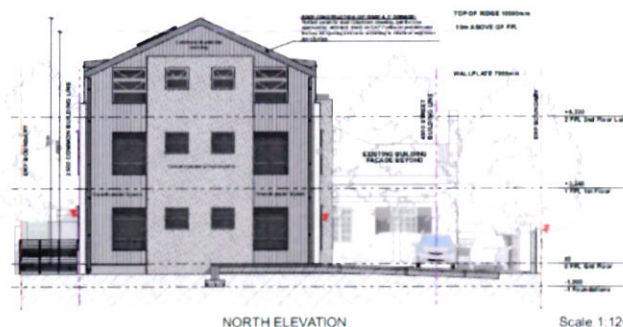
DATE
2024/06/13

SCALE
1:120

REVISION
①

DATE
2024/06/13

TOTAL AREAS:
EXISTING
EX GROUND FLOOR
TOP WHICH 84.8m² IS TO BE ALLOCATED
TO A PRIVATE MEDICAL PRACTICE
EX FIRST FLOOR
NEW OF ADDITION
NEW TOTAL
NEW COVERAGE
+ 80.8m²
+ 358.7m²
+ 104.8m²
+ 88.8m²
+ 551.8m²
+ 5.51
+ 358.7m² 39.7%



PROJECT
JUST JOEY SDP
BRF 1187 JUST JOEY GUESTHOUSE,
STELLENBOSCH
LUM APPLICATION

DRAWN BY
ELEVATIONS 2 - A3

CLIENT'S NUMBER
SD-3422-M306

SCALE
1:120

REVISION
①

DATE
2024/06/13

TOTAL AREAS:
EXISTING
EX GROUND FLOOR
TOP WHICH 84.8m² IS TO BE ALLOCATED
TO A PRIVATE MEDICAL PRACTICE
EX FIRST FLOOR
NEW OF ADDITION
NEW TOTAL
NEW COVERAGE
+ 80.8m²
+ 358.7m²
+ 104.8m²
+ 88.8m²
+ 551.8m²
+ 5.51
+ 358.7m² 39.7%



Schematic illustration of Building Elevations indicating heights and site levels

5: Motivation for the Application

There isn't any more vacant land available in such a prime location within the Stellenbosch CBD. And as such there is a high demand for business premises in a prime location within close proximity of commercial hubs. As a result of the limited availability of business properties in the CBD area it makes more economic sense for the owner to utilize his own exclusive property for a medical practice.

5.1 Need

There is a need for effective utilisation of the available land and particularly land within close proximity of the Stellenbosch CBD, which is well located in regard to the full range of urban facilities. The owner is a qualified optometrist and would like to expand his career ambitions which is a result of the manifestation of aforementioned surrounding commercial land uses.

Land is one of the scarce urban resources; therefore, the shift towards more intense land use developments is an inevitable necessity. Supplementary land uses will balance the economic urban fabric which in turn will create more jobs in or close to dense, urban townships. The subject property is located in a mixed land use area consisting of medical facilities, shops, offices, restaurants, schools and residential facilities and there exists a need for additional professional space (eye-care facility) to support these existing amenities.

In addition to the abovementioned aspects, the need to rezone Erf 1197 from Conventional Residential Zone to Mixed-Use Zone is to:

- a) Unlock the future potential of the site by providing better uptake of commercial rights, which can lead to improved employment opportunities.
- b) Promote future development within a key strategic location (close proximity to the CBD and other central business nodes), as well as mobility roads and public transport systems which will help contribute to the viability and sustainability of the areas' infrastructure (public transport, engineering services, community amenities etc.).
- c) Resolve that the premises is no longer conducive for "Residential" purposes only and the owner seeks to rectify the situation.

5.2 Desirability

5.2.1 Physical characteristics of the property

The subject property has a gently sloping even gradient, making it suitable for such development, in terms of topography. The subject property is located within the Stellenbosch Urban Conservation Area, however, the proposed development has no significant adverse impact on heritage resources or environmental resources (refer to HWC approval letter *Annexure M*). Given the land use rights and its location the site will have the opportunity to achieve a better uptake in terms of the proposed development interventions.

5.2.2 The potential of the property

The Rezoning proposal is necessary due to the already established availability of mixed-use properties in surrounding area. SPLUMA redress existing imbalances in the distribution of different types of commercial/business development, and actively pursue integration outcomes in future decision-making. SPLUMA also address spatial economic imbalances and aims to unlock employment-generating and livelihood opportunities within the town's CBD area. Projected success of approved commercial development will support employment generation and economic opportunity for local residents. Support private sector development initiatives in Integration Zones and areas of economic potential that are easily accessible from the town's main linking roads. Thus the proposed optimum commercial use will assist to realise the economic potential of the subject property. This in turn will have positive knock-on economic benefits for the Municipality in terms of bulk service contributions and additional rates and tax income.

Therefore, as previously mentioned the subject property is surrounded by a number of social, commercial and multi-unit residential facilities and open spaces that will further compliment the proposed property's business rights.

5.2.3 The location and accessibility of the property

The subject property is a corner plot and is easily accessible from Noordwal-Wes Road and Helderberg Road and the Eerste River stream flows along Noordwal-Wes and Noordwal –Oos roads opposite the subject property. Supplementary to that there is a limited number of residential properties along aforementioned roads and the Coetzenburg Stadium is located right opposite the subject property.

5.2.4 Provision of services

The application site is located in a serviced area and the site itself is serviced by piped water, electricity and telecommunications infrastructure. Therefor the proposal will not require any additional services. The impact on sewerage, water connections, storm water and power supply on the development is very minimal and there is no need for any additional capacity change for the provision of these municipal services. This is due to the fact that the existing buildings will be used for the proposed development.

5.3 Statutory Requirements and Policies

The proposed land use is consistent with existing planning policies in respect of the area on the basis of Planning Bylaws & Policies, guide maps, structure plans, etc. which are set out below.

5.3.1 Stellenbosch Zoning Scheme

The proposed optometry practice (medical consulting rooms) falls within the definition of **business premises** which is one of the primary uses within a Mixed-Use Zone and is defined as per the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 as follows:

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

Land use within this zone

The following land uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> • Commune • Business premises (including shops, markets, restaurants, office) • Clinic • Community residential building • Extramural facility • Flats • Guest house • Hostel • Hotel • Occasional use (one event/year) • Plant nursery • Public institution • Public parking area • Private road • Tourist dwelling unit • Tourist accommodation establishment • Welfare institution 	None	<ul style="list-style-type: none"> • Adult Entertainment • Builders yard • Commercial gymnasium • Conference facility • Day care • Filling station • Freestanding base telecommunication station • Funeral parlour • Gambling place • Helicopter landing pad • Hospital • Indoor sport • Liquor Store • Motor vehicle fitment centre • Motor showroom • Occasional use (> one event/year) • Parking garage • Place of assembly • Place of education • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution • Warehouse

Table 3: Mixed-Use Zone land uses, Stellenbosch Municipality Zoning Scheme (2019).

The rezoning of the property to a mixed-used zone will comply with the zoning parameters in terms of the Zoning Scheme parameters outlined in the table below.

Building development parameters in this zone

The following building lines, coverage and height shall apply to all buildings within this zone:

Building type	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
Business premises	0m	0m	85%	6 storeys
Filling station	3m	3m	85%	2 storeys
Guest house, hostel, hotel, tourist accommodation	All levels 4,5m	Ground floor: 4,5m First floor: 4,5m Second floor: 6m	50%	6 storeys
All other buildings	4,5m	4,5m	85%	6 storeys

Table 4: Building Development Parameters (Mixed-Use Zone).

Permanent departure common building lines:

To comply with the proposed mixed-use zoning parameters, application is also being made for the relaxation of the northern & eastern building lines from 4.5m to 2.5m respectively.

This will also be applicable for the existing Guest House and all other buildings or structures.

The relaxation of the respective common building lines will have no negative impact on the adjacent properties as the footprint of the already existing buildings will not change. The proposed Second Floor Loft Area (3rd storey) will be erected precisely on top of the existing footprint of the first floor (2nd storey) of the additional dwelling unit. See abovementioned development proposal and ancillary drawings (*Annexure G*) for ease of reference.

Parking Requirements

The Stellenbosch Municipality Zoning Scheme By-Law, 2019 prescribes 6 parking bays per 100m² gross leasable area for medical consulting rooms. The application proposes 6 on-site parking bays demarcated for the two medical consulting rooms as prescribed for a medical practice. A total of 11 onsite parking bays are required i.e. 6 for the medical practice + 3 parking bays for the 3 guest house rooms = 9 parking bays and 2x additional parking bays for the 2nd dwelling. As indicated on the SDP 11 on-site parking bays will be provided to comply with the requisite parking needed under the proposed mixed-use zone. Notwithstanding the requirements of section 22 related to parking ratios, the Municipality may waive or reduce parking ratios and/or loading requirements on a land unit in this overlay zone or may impose a requirement for the provision of non-motorised transport provision in lieu of the provision of parking (Section 252, Provisions for Stellenbosch Urban Conservation Area).

5.3.2 The Stellenbosch Municipal Spatial Development Frame Work (2019) (MSDF)

The MSDF encourage integrated settlement patterns, support the intensification and diversification of land use in areas supportive of transit-oriented development. The property is situated within an area that has been identified in the MSDF as a Primary Node for economic opportunities. The proposal is therefore compatible with the vision of the MSDF (**Figure 4**). The proposed re-development of the subject property will comply with and support the principles of the approved Stellenbosch Municipality's Spatial Development Framework (2019), namely:

- Car free living: The proposed redevelopment will be located in town, walking distance from the central business district and public transport facilities.
- Inclusive economic growth: The proposed redevelopment will create new economic opportunities.
- Optimal land use: The proposed redevelopment will support Council's vision of infill development and the more effectively use of land.

The following themes outlined in the Stellenbosch SDF (2019) are accentuated to further support the proposed rezoning application.

THEME - Socio-Economic Environment

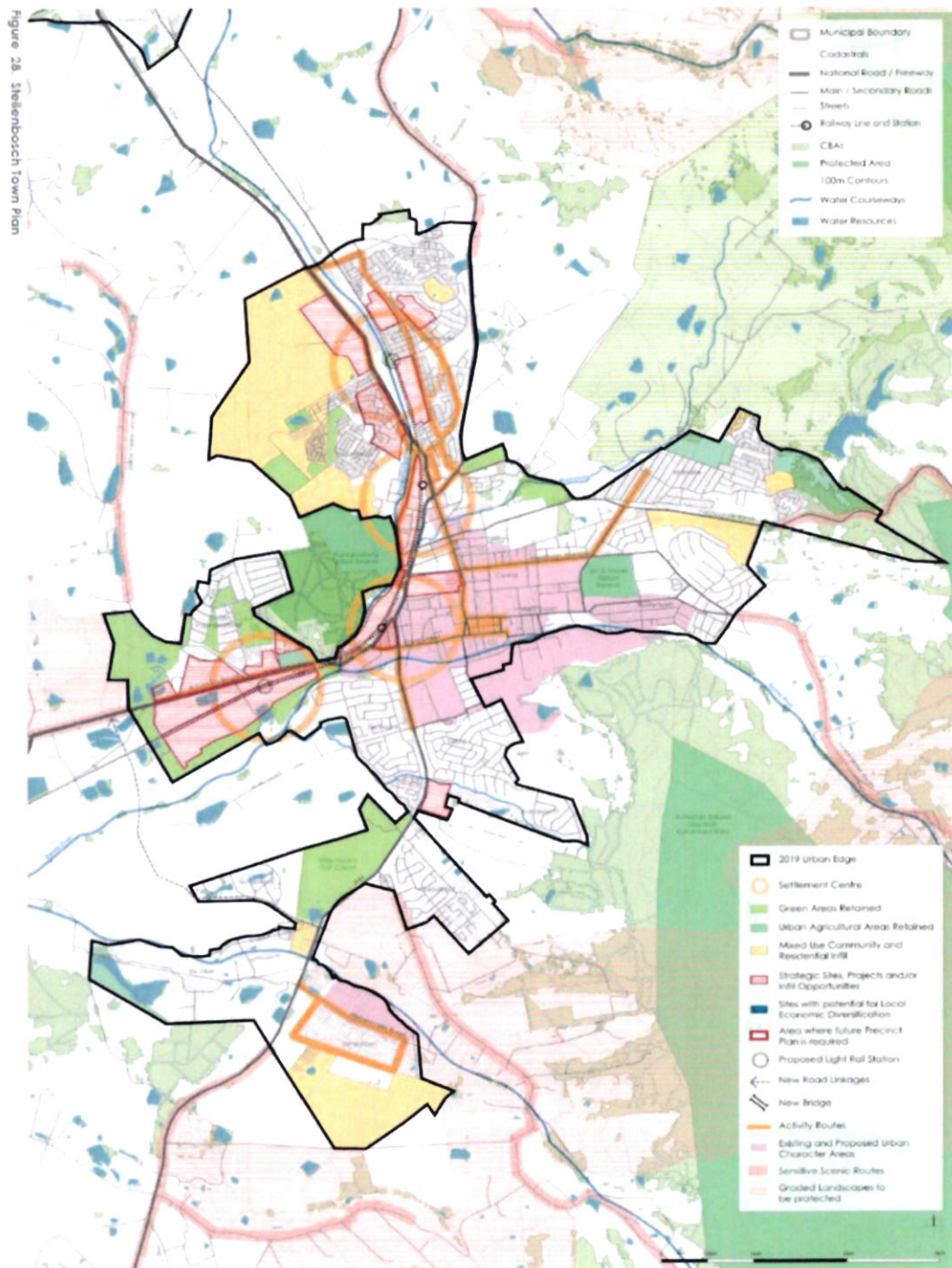
- Focus on undeveloped and underdeveloped land in proximity to existing concentrations of activity and people and as far as possible within the existing footprint of settlements.
- The protection and expansion of tourism assets.
- The expansion of entrepreneurial opportunity (also for emergent entrepreneurs).

THEME - Built Environment

- The protection of places and buildings of heritage/ cultural value (while ensuring reasonable public access, also as a means of economic development).
- Compact, denser development.
- Pedestrian friendly development.

SDF ELEMENT

- Areas for mixed land use and improved economic opportunity.
- Ensure adequate provision for small and emerging entrepreneurs at good locations in all settlements.
- Support private sector led institutional arrangements to assist with urban management in town centres.



STELLENBOSCH FRAMEWORK

Figure 4: Stellenbosch SDF (2019) focus area for intervention.

5.3.3 Stellenbosch Town Spatial Development Framework 2019

The subject property falls within the Stellenbosch urban edge which is also the focus area for development intervention in the CBD. Therefore, policies guiding development in Stellenbosch Town encourage commercial usages within the business node area (CBD) as outlined in the Stellenbosch Town SDF which is demarcated on the SDF focus area map (**Figure 5**) and the Stellenbosch zoning map. And as such, the rezoning proposal is essential due to the limited availability of commercial property within the Stellenbosch Town SDF focus area.

The **Stellenbosch Town SDF** focuses on the identification of what needs to be redressed, addressed and mitigated in order to overcome the key spatial challenges and unlock opportunities while aiming to achieve the spatial vision. It is stated that the focus of new development is on brownfield (infill development) and greenfield sites more or less located within the urban edge of the core town of Stellenbosch. The Planning Profession has always adopted a proactive approach to zoning and rezoning to achieve strategic objectives pertaining to spatial transformation envisaged in MSDF.

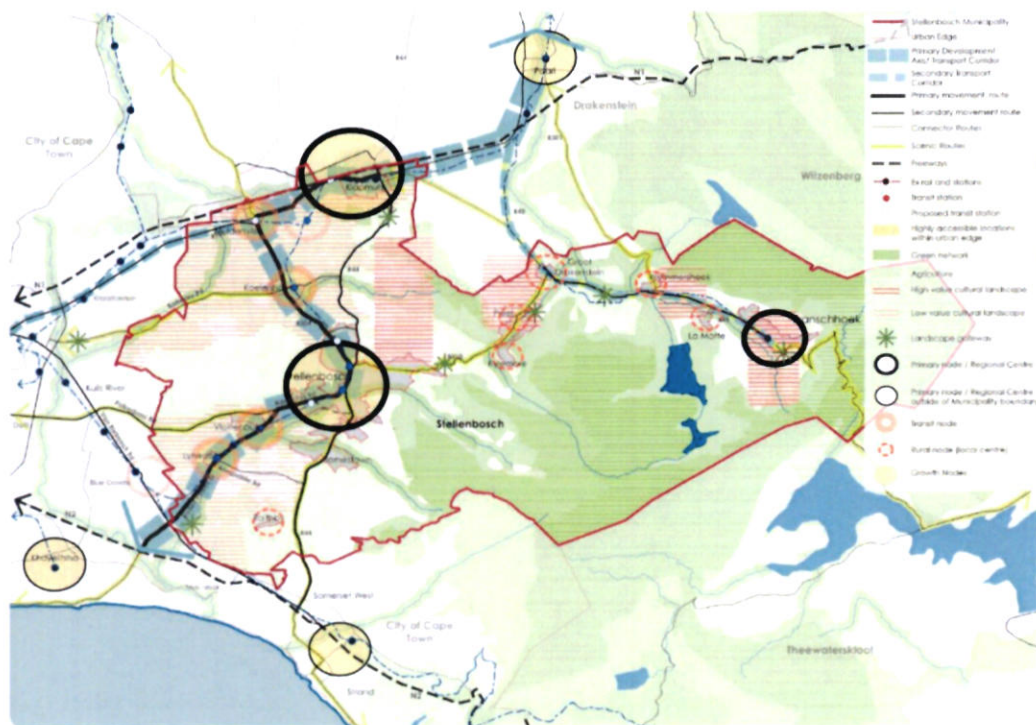


Figure 5: Stellenbosch Growth Node Map (SDF 2019).

The following SDF Elements outlined for the Stellenbosch Town are further accentuated to support the proposed rezoning application.

Refer to SDF 2019, Table 20: Plan Elements and Proposals for Stellenbosch Town

SDF ELEMENT - Areas for mixed land use and improved economic opportunity

- Ensure adequate provision for small and emerging entrepreneurs at good locations in all settlements.
- Support private sector led institutional arrangements assist with urban management in town centres

SDF ELEMENT - Areas for residential densification and infill

- **Pro-actively** support higher density infill residential opportunity in the town centre, areas immediately surrounding it, and along major routes (with consideration of historic areas and structures).

SDF ELEMENT - Areas for mixed land use and improved economic opportunity

- Retain and actively support mixed use redevelopment and building within the town centre and surrounding areas, comprising living space above active street fronts.

SDF ELEMENT - Significant new residential development

- Support infill development on private land within Stellenbosch town in a manner which serves to compact the town, expand residential opportunity, and rationalize the edges between built and unbuilt areas.

Consistency with Municipal Spatial Planning Policies

As discussed above, the proposal is consistent with the relevant spatial planning policies, for the following reasons:

- i. The proposed development complies with the strategic objectives as set out in the Stellenbosch Municipal SDF (2019) as it aims to ensure compact, balanced and strategically aligned activities and land uses that are in line with the character of the surrounding area.
- ii. The Application area is located inside the urban edge of the Stellenbosch Municipal area. The proposal is consistent with the character of the surrounding area. The property is located in an existing and growing mixed development node and suitable for the proposed development.
- (iii) The development will provide much-needed additional health care facilities to the Stellenbosch Area and the rezoning will mean the property falls in a higher rates and tax bracket. The proposal will not impact on service delivery of the local municipality and is consistent with ward-based IDP priorities and strategic objectives.

6. Planning Policies & Legal Framework

6.1 SPLUMA COMPLIANCE (Development Principles)

The Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013 and Land Use Planning Act (LUPA), Act 3 of 2014 provides for spatial planning and land use management on a National level. These acts includes five development principles for spatial planning which are summarized in the following table in support of the application.

No.	Principle	Response
1.	Spatial Justice	The proposal is consistent with the concept of zoning integration as initially intended. The remedy of the commercial component of the subject property is consistent with the surrounding properties which the owner rightfully wants to rezone and is justified from a business perspective.
2.	Spatial Sustainability	The principle of sustainability calls for the protection of historical and environmentally valuable land whilst ensuring that land markets are well-functioning. The site is located within the historical core and Central Business District area. Underutilization of such zoned land is unsustainable, therefore, the object of the proposed rezoning is for better utilization of the subject property which are similarly compatible with the surrounding properties.
3.	Spatial Efficiency	The principle of efficiency dictates that optimum use of existing resources and infrastructure are ensured and that negative financial, social, economic and environmental impacts are minimized whilst ensuring 'compactness' and optimum utilization of undeveloped land. By providing a more logical zoning arrangement the uptake of commercial rights in the development will ensue, ensuring more efficient utilization of land.
4.	Spatial Resilience	Spatial resilience allows for more flexibility in terms of spatial plans, policies and land use systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The proposal will not limit any future benefits of the proposed rezoned property or surrounding properties.
5.	Good Governance	The procedural requirements of the application and decision-making protocols will be followed in terms of the Stellenbosch Municipal Planning By-Law, 2015, the Stellenbosch Municipality's Zoning Scheme Bylaw, 2019 and other applicable legislation. All stakeholders and affected parties will be afforded the opportunity to comment on the rezoning application as prescribed in terms of the Stellenbosch Municipal Planning By-Law.

Table 5: SPLUMA Development Principles Compliance.

In light of the above table it is clear that the rezoning proposal complies with the five development principles contemplated in terms of SPLUMA and LUPA.

6.2 National Development Plan (NDP, 2030)

The National Development Plan (NDP), developed by the National Planning Commission was adopted in 2012. This plan serves as the centrepiece of government policy and as strategic framework for guiding and structuring the country's development imperatives, e.g. spatial transformation.

The objectives of the Vision 2030 with regard to spatial planning are the following:

- Tackle inherited spatial divisions that perpetuate exclusion,
- Unlock development potential through targeted investment in economic and social infrastructure and institutional support,
- Guide and inform infrastructure investment and prioritization to support growth and
- inform the long-term infrastructure investment strategy,
- Manage contemporary economic and demographic shifts, and
- Facilitate coordination between government and other agents.

The NDP places significant emphasis on the Municipal IDP 'to be used more strategically to focus attention on critical priorities that relate to the mandate of local government such as spatial planning, infrastructure and basic services'

6.3 Integrated Urban Development Framework (IUDF)

The Integrated Urban Development Framework is a response to present-day urbanisation trends and a product of the NDP. It serves as an urban development policy to address the increasing numbers of the urban population by ensuring proper planning and the necessary infrastructure to support this growth steering urban growth towards a sustainable growth model of compact, connected and coordinated cities and towns.

To achieve this transformative vision, the IUDF sets four strategic goals:

1. Spatial integration: To forge new spatial forms in settlement, transport, social and economic areas,
2. Inclusion and access: To ensure people have access to social and economic services, opportunities and choices,
3. Growth: To harness urban dynamism for inclusive, sustainable economic growth and development, and
4. Governance: To enhance the capacity of the state and its citizens to work together to achieve spatial and social integration.

6.4 Western Cape Land Use Planning Act (LUPA), 2014 (Act 3 of 2014)

The most significant outcome of LUPA was the primary responsibility of local government in decision-making regarding the development and use of land. This meant that municipalities had to, inter alia, establish Municipal Planning Tribunals to decide on applications, with the Council dealing with appeals on decisions made by the Tribunal. The Western Cape Government would be a commenting authority in matters that have a provincial interest and that fall within the provincial government's functional competencies as set out in schedules 4 and 5 of the Constitution of South Africa. The only commenting governmental authority relevant to this application is HWC (See attached HWC approval letter)

In the Provincial Act, the importance of Spatial Development Frameworks is emphasised, purpose outlined and procedural and content requirement specified. In this regard, an MSDf must be compiled, adopted and amended as part of the drafting, adoption and amendment process of the Municipal IDP.

In line with the National Act, the Provincial Act also does not determine or translate the development principles into quantifiable outcomes. In LUPA, the status of spatial development frameworks, i.e. compliance or consistency with, and deviation from, is also specified. In this regard, the use or development of land as proposed in a land development application, is regarded as being consistent with a Spatial Development Framework, if the proposed utilisation and development is not in conflict with the purpose of the relevant designation in the Spatial Development Framework (irrespective of whether the plan specifically provides for the proposed use and development of land or not). Therefore the proposed rezoning is consistent as visualized in the local SDF with regards to optimal use of prime land, densification strategies and local urbanisation trends (infill development).

7. Concluding Remarks

Ownership of land is one of the economic pillars of the South African economy. In many instances the possession of land represents the largest portion of an individual's estate. The free trading of land parcels is an acknowledged means of accumulating wealth for investment opportunities and accumulation of wealth. Hence the South African property market offers investors the opportunity to rezone, subdivide and consolidate land as the market dictates. The freedom or right to rezone, consolidate or subdivide properties gives access to new entrance into the property market. It makes more logical sense to rezone the property to a mixed-use environment site for commercial usage complementary to the usage of the 2nd dwelling house for the owner and his family and usage of the existing house as a guest house.

The application to obtain new rights to allow for the development of an eye-care facility is clearly a response from the property owner's needs for such rights. It is a product of continued urban growth and development within the area and an ever increasing need to make better use of the existing property's optimum potential.

The development of the proposed land use activities on the subject property will result in a more optimal use of the available land in the area –evidenced by the success of other related mixed-used activities in the area.

The key consideration for an application for rezoning in an existing mixed-use area is to ensure that such development does not result in negative effects on the area's urban character and if it would positively contribute to the area by upgrading and attracting new investment and providing a much-needed community service. It is very important to give support to such applications in the light of combating urban sprawl, promoting entrepreneurship and catering for sustainable, flexible and resilient neighbourhoods.

It is therefor submitted that the rezoning application is desirable given the fact that it will provide a much-needed addition to an already established mixed-use neighbourhood which is undergoing a progressive march towards urban densification and spatial transformation.



PROJECT:

ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH

LUM APPLICATION

DRAWING:

SITE DEVELOPMENT PLAN - A3

DRAWING NUMBER

SD-3422-M102

DRAWN BY:
GFL

REVISION:

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1:120

2024/06/13

5/13

TOTAL AREAS:

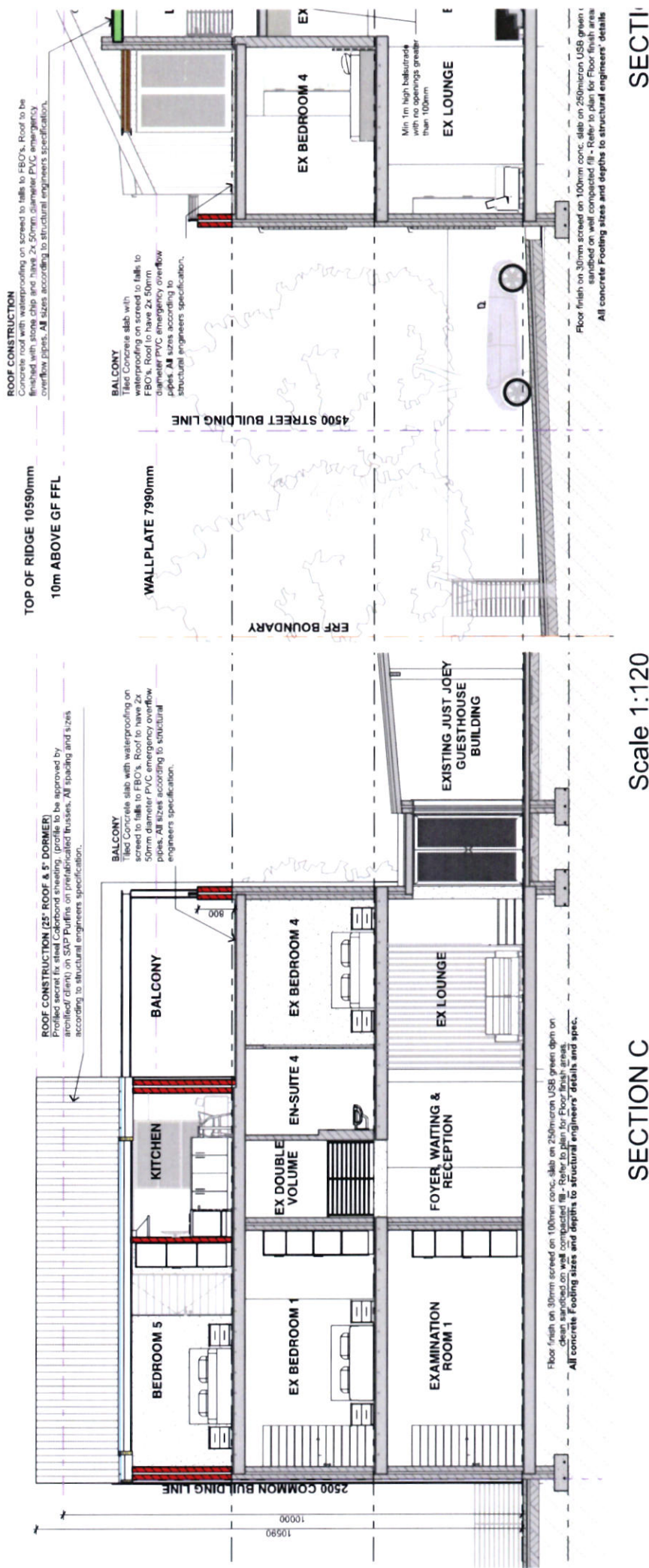
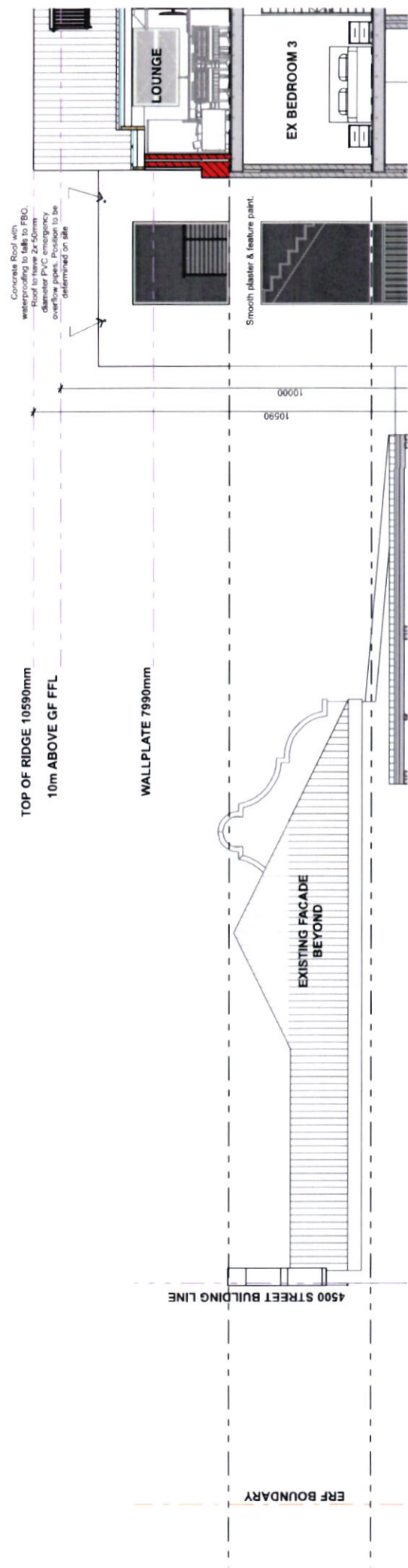
ERF AREA	= 902m ²
EX GROUND FLOOR	= 358.7m ²
*OF WHICH 94.6m ² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE	
EX FIRST FLOOR	= 104.6m ²
NEW 2F ADDITION	= 88.5m ²
NEW TOTAL	= 551.8m ²
NEW BULK	= 0.61
NEW COVERAGE	= 358.7m ² / 39.7%

= 902m²
 = 358.7m²*
 TO BE ALLOCATED
 - PRACTICE)
 = 104.6m²
 = 88.5m²
 = 551.8m²
 = 0.61
 = 358.7m² / 39.7%

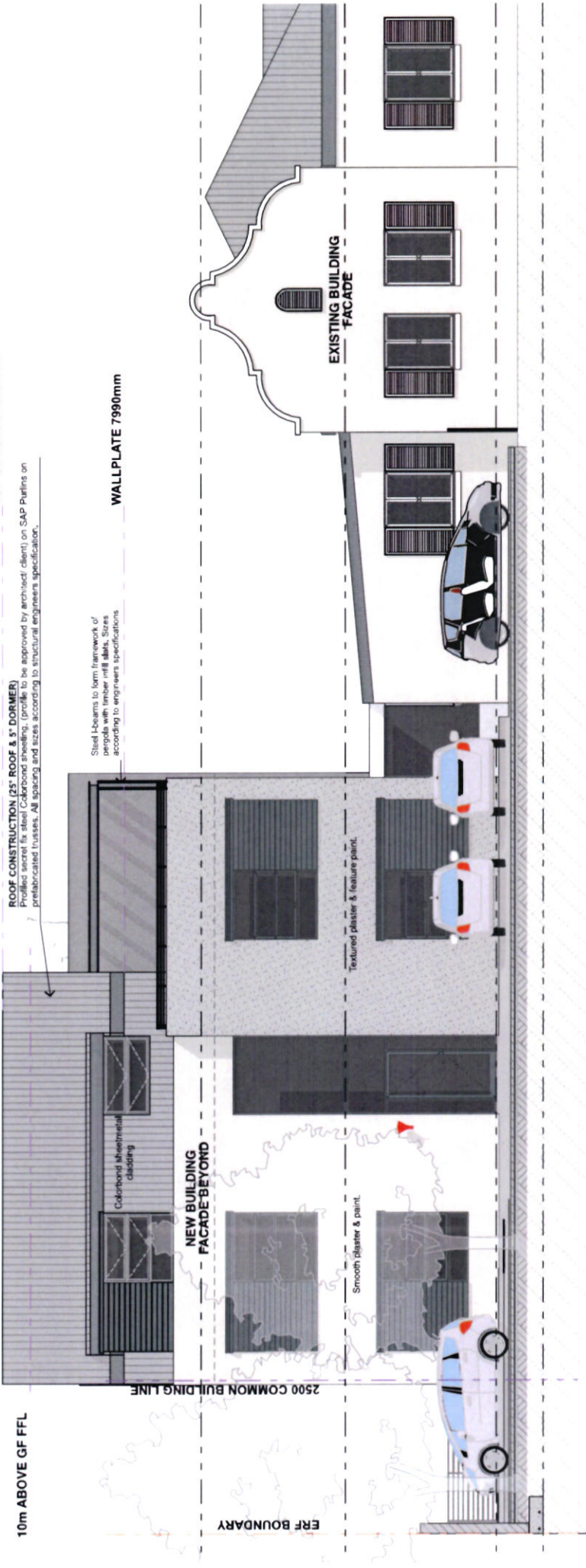


 ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART

ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART
Directors G.F. Lotter Pty, Arch SACAP 20934 - 4 Koopman Str Strand 7140
LOTTERHAUS (Pty) Ltd - Registration no 2021/660189/07



TOP OF RIDGE 10590mm



WEST ELEVATION

TOP OF RIDGE 10590mm

10m ABOVE GF FFL

ROOF CONSTRUCTION (25° ROOF & 5° DORMER)

Profiled secret fix steel Colorbond sheeting (profile to be approved by architect/ client) on SAP Purlins on prefabricated trusses. All spacing and sizes according to structural engineers specification.

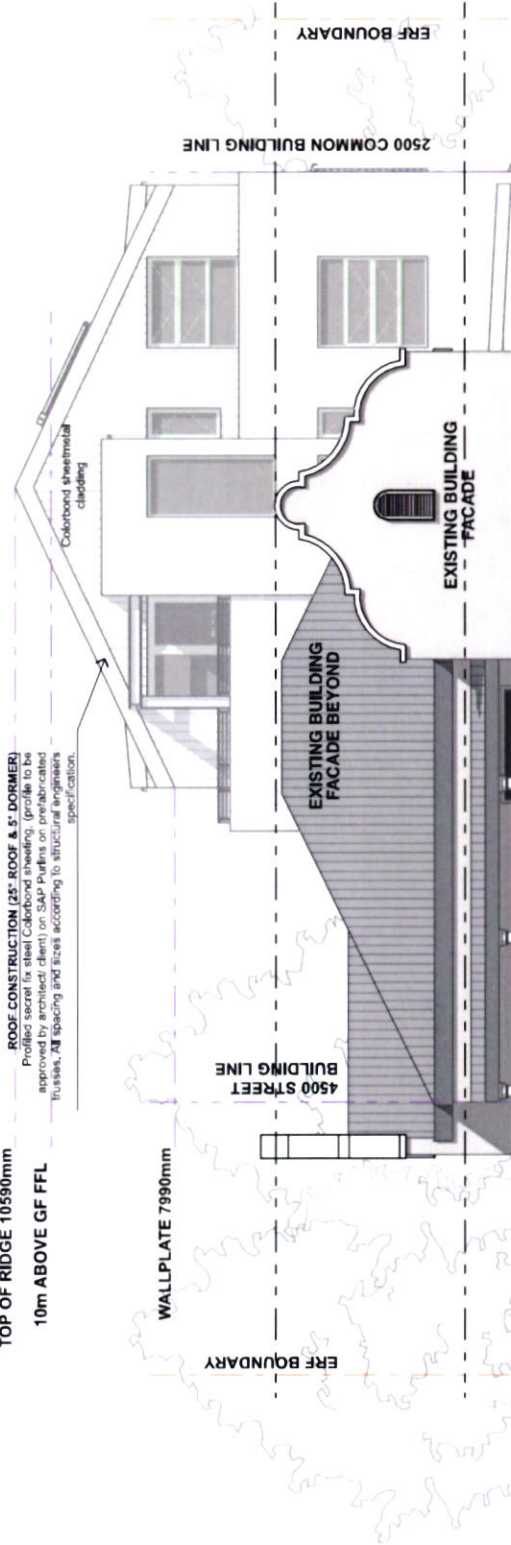
WALLPLATE 7990mm

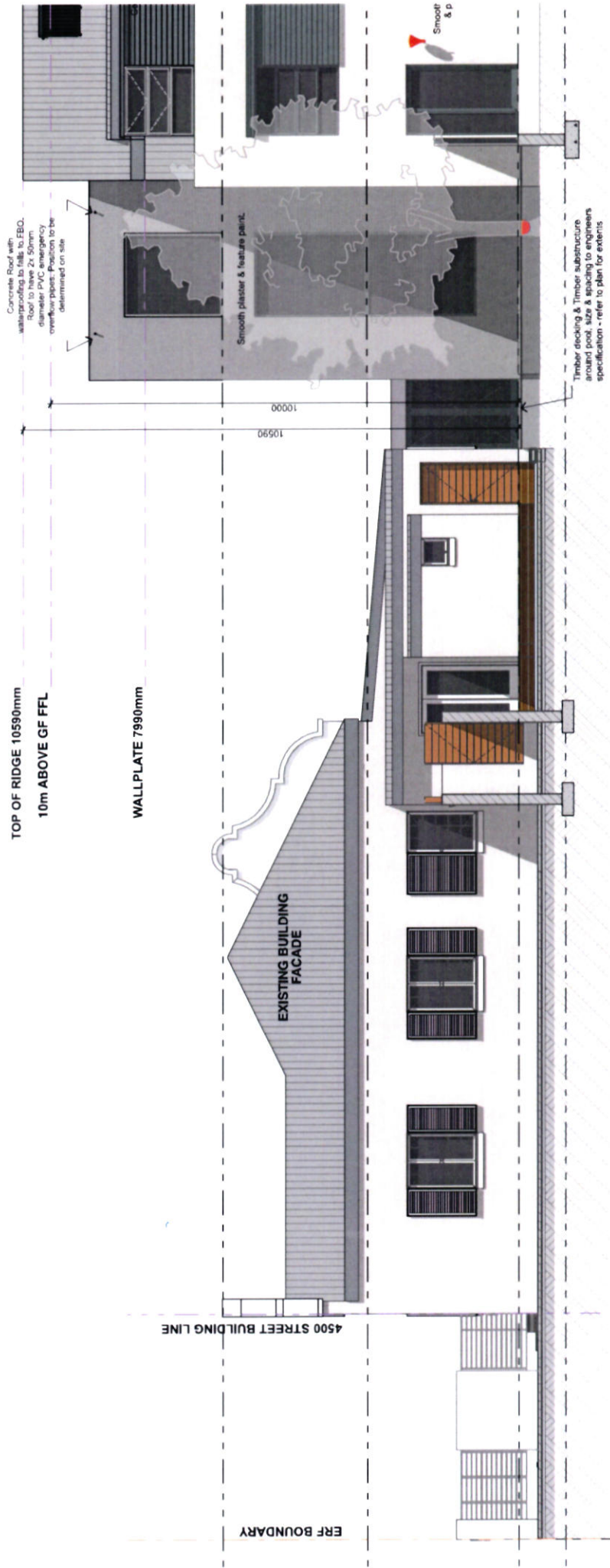
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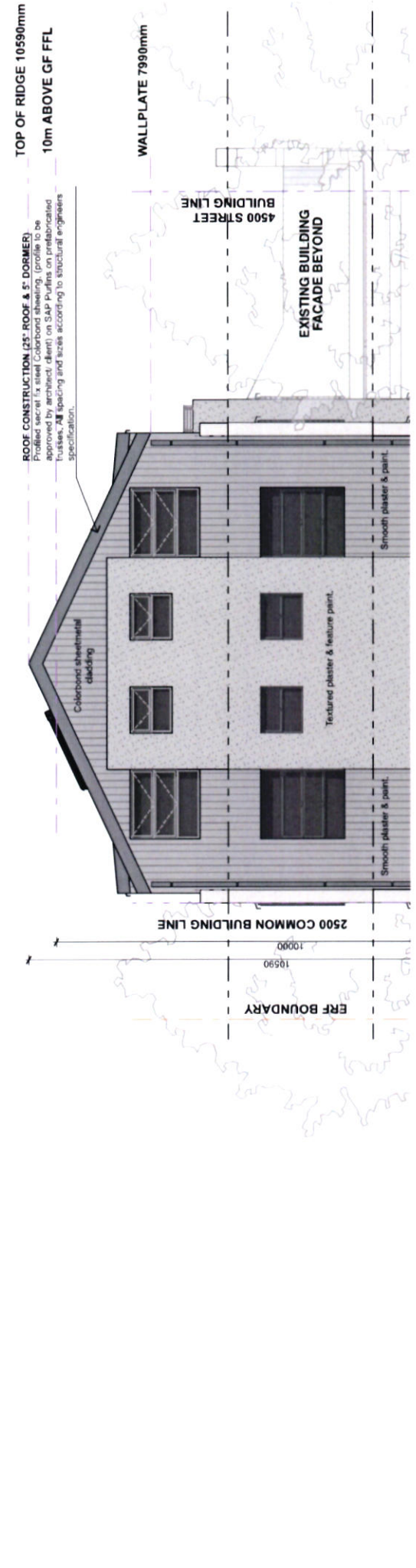
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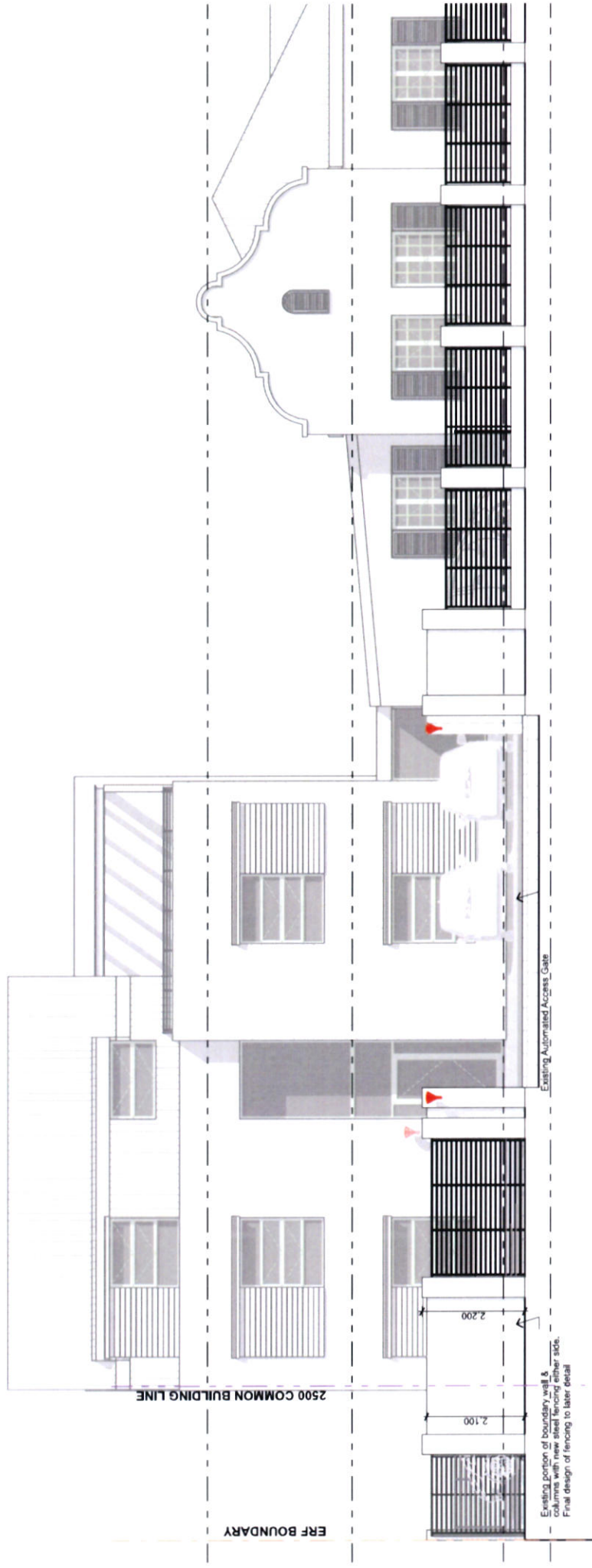
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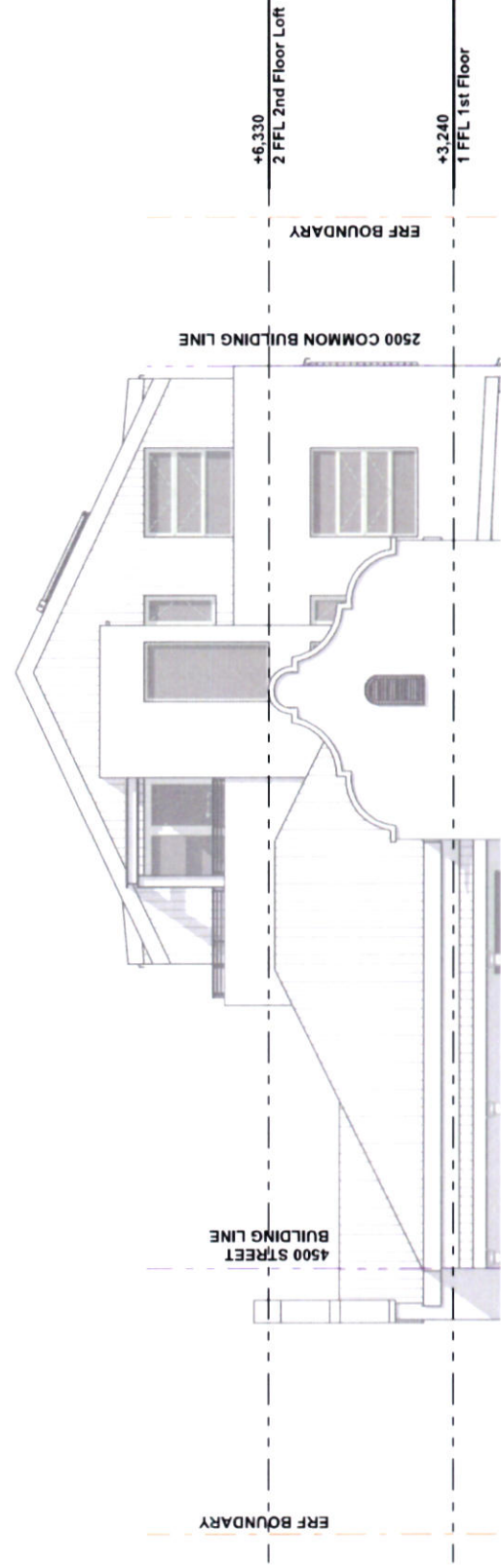


EAST ELEVATION





WEST BOUNDARY WALL ELEVATION





CONVEYANCER CERTIFICATE

I/We Louis Johannes Smith

(conveyancer's name and surname)

Practising at:

Marais Müller Hendricks Ing
21 Oewer Park, Rokewood Avenue,
Die Boord, Stellenbosch

(firm and place of practice)

In respect of:

Erf 1197 Stellenbosch
Municipality & Division of Stellenbosch
Western Cape Province
Extent 902 Square Metres

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

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

1. Deed of Transfer T56357/2018
2. Deed of Transfer T7662/1922
3.
4.
5.
6.
7.
8.

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



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	N	
2.	Building lines	Y	X	
3.	Height	Y	X	
4.	Number of Dwellings	(Y)	N	T56357/2018 clause B.2
5.	Bulk floor area	Y	X	
6.	Coverage/built upon area	Y	X	
7.	Subdivision	(Y)	N	T56357/2018 clause B.3
8.	Servitudes that may be registered over or in favour of the property	Y	X	
9.	Other Restrictive Conditions	Y	X	



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

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

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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

Signed at Stellenbosch (Place) on this 12 (Day) July (Month) of 2024

Full names and Surname: Louis Johannes Smith

Signature: [Signature]

MARAIS MÜLLER HENDRICKS ING.
OEWERPARK 21
DIE BOORD
STELLENBOSCH
7600

Kindly endorse certificate by affixing official stamp.
MARAI MULLER HENDRICKS ING.
OEWERPARK 21
DIE BOORD
STELLENBOSCH
7600

Tel: 021 887 1021

Email: louis@mmh.law

Cell: 083 2845944

AUG 1922

OLD GEE

31 AUG. 1922

Mortgaged this 6th day of Sept 1922
for £2000-
a further sum of £100-
to
secure 00365, etc.
In. T.A.
Pol. Ass. Registrar of Deeds.

17905
17909
9226

J. B. Wyburg h.

(No 9107)

(No 9108)

No 6035

27.10.1922

DEED OF TRANSFER.

RECEIVED
7.10.1922

DEMPERS & VAN RYNEVELD,
Attorneys, Notaries
and Conveyancers,
Kent Chambers, 32, Church
Street,
CAPE TOWN.

Prepared by me

C. B. Groenwald
27.10.1922
Conveyancer,

I know all Men whom it may concern,

That *Anthony van Ryneveld* CORNELIUS NICOLAAS GROENWALD appeared before me, Registrar of Deeds, in Cape Town, Province of the Cape of Good Hope, he, the said appearer, being duly authorised thereto by a Power of Attorney dated the 6th day of May 1922 and drawn up at HEILBRON and granted to him by

LUCIA CHRISTINA
Venter, widow.

Share of P. H. Martinson & Co. E. J. Wyburg

TRANSFERRED

Shares of J. B. Wyburg h.

A Certificate of...
in accordance with Section 19 of Act 13 of 1922
substituted for this Deed in respect of...
J. B. Wyburg h.

which Power of Attorney was exhibited to me on this day, who declared that his said Constituent

had truly and legally sold, and that he in his said capacity as Attorney aforesaid, did, by these presents Cede and Transfer, in full and free Property to and on behalf of

JACOBUS JOHANNES BASSON MYBURGH, PIETER MARAIS
MARTINSON and CHRISTOFFEL HERMANUS ENGELBERTUS
LATSKY, in equal third shares.

Their Heirs, Executors, Administrators, or Assigns 1. Certain piece of land situate off Dorp Street, in the Municipality and Division of Stellenbosch being Lot V. B.

MEASURING:- Three Hundred and ten square Roods One hundred and nineteen square Feet.

Extending as the Deed of Grant with a Diagram annexed made in favour of the Municipality of Stellenbosch on the 31st July 1914, and subsequent Deeds of Transfer the last whereof made in favour of the Appearer's Constituent on this day No., 7666 will more fully point out and further subject to such conditions as are therein mentioned and referred to.

2. Certain House and premises situate as above, in Blok No. 1 being part of La J.

MEASURING:- Three Hundred and ninety five square Roods one hundred and forty square Feet.

Extending as the Deed of Transfer with a Diagram annexed made in favour of W. E. Wium on the 1st June 1799 and subsequent Deeds of Transfer the last whereof made in favour of the Appearer's Constituent on this day No., 7666 will more fully point out and further subject to such conditions as are therein mentioned and referred to.

3. The remaining extent of certain house and Erf situate as above, in Blok No. 1 being part of La H.

MEASURING as such:- Ninety seven square Roods seventy nine square Feet.

Extending as the Deed of Transfer with a Diagram annexed made in favour of C.E. Akkerman on the 15th November 1799 and subsequent Deeds of Transfer the last whereof made in favour of the Appearer's Constituent on this day No., 7666 will more fully point out and further subject to such conditions as are therein mentioned and referred to.

4. Certain piece of land situate as above, in Dorp Street adjoining the aforesaid House and Erf.

MEASURING:- One Hundred and forty eight square Roods One hundred and twenty square Feet.

Extending as the Deed of Transfer with a Diagram annexed made in favour of F.R.L. Neethling on the 22nd December 1820 and subsequent Deeds of Transfer the last whereof made in favour of the Appearer's Constituent on this day No., 7666 will more fully point out and further subject to such conditions

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For Mortgages, if any, see heading of Deed.

conditions as are therein mentioned and referred to.

5. Certain piece of land situate as above, being part of the Drostdy Lands.

MEASURING as such:- Five Hundred and seventy two square Roods sixty seven square Feet.

Extending as the Deed of Grant with a Diagram thereon made in favour of Daniel Joh. van Ryneveld and others on the 15th August 1846, and subsequent Deeds of Transfer the last whereof made in favour of the Appearer's Constituent on this day No., 7666 will more fully point out and further subject to such conditions as are therein mentioned and referred to.

Wherefore the said Appearer, q.q., renouncing all the Right and Title his said Principal heretofore had to the Premises, on behalf as aforesaid, did in consequence, also acknowledge his said Principal to to be entirely dispossessed of, and disentitled to the same; and that by virtue of these Presents, the said **Transferees**

Their Heirs, Executors, Administrators, or Assigns, now and henceforth shall be entitled thereto, conformably to local custom; moreover promising to free and warrant the property thus sold and transferred, as also to clear it from all Encumbrances and Hypothecations according to the Laws respecting the Purchase and Sale of Landed Property;— Government however, reserving its Rights; **And finally**, acknowledging to be satisfactorily paid the whole of the Purchase Money, amounting to a sum of TWO THOUSAND EIGHT HUNDRED POUNDS STERLING.

In Witness whereof, I the said Registrar, together with the Appearer, q.q. have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds in CAPE TOWN, Province of the Cape of Good Hope, on the 22 Day of the Month of September in the Year of Our Lord One Thousand Nine Hundred and twenty two (1922)
Dan Ryneveld

Before me

W. J. ...
Registrar of Deeds.

For Mortgages, if any, see heading of Deed.

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VAN ZYL & HOFMEYR
Badstraat 32
Montagu
6720

Ongestel deur my.

TRANSPORTBESORGER
BAREND CHRISTIAAN
ESTERHUYSE

FAC. BYSTREKING	
Part. des. gelyktydig	Offise fee
R. 11 900 000.00	305.00
Intergekapte kapitaal	R.
R.	R.
Rekening vir	Rekening L.L.O.
Rekening	Rekening

VERLEEN		MORTGAGED	
VER FOR R. 10 000 000.00			
B 000027155 / 2018			
2018-12-03		REGISTRAR	

T 000056357 / 2018

AKTE VAN TRANSPORT

HIERMEE WORD BEKEND GEMAAK

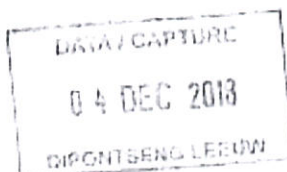
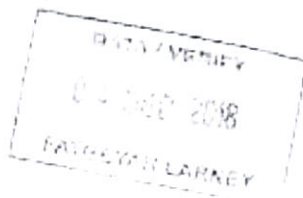
DAT MARTHINUS CHRISTOFFEL COETZER

voor my die REGISTRATEUR VAN AKTES te KAAPSTAD verskyn het, die genoemde
Komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom/haar verleen
deur

Die Trustees van die
D J ESTERHUYSEN FAMILIE TRUST
Registrasienommer 1292/1993

gedateer 18 September 2018
en geteken te STELLENBOSCH

VAN ZYL & HOFMEYR



EN genoemde Komparant het verklaar dat sy/haar lasgewer die ondergemelde eiendom op **15 Junie 2018** waarlik en wettiglik verkoop het per Private Ooreenkoms en dat hy/sy in sy/haar voornoemde hoedanigheid hierby sedgeer en transporteer aan en ten gunste van:

BILJON DESIGNS (PTY) LTD
Registrasie Nommer 2009/022895/07

die ampsopvolgers in titel of regsverkrygendes in volkome en vrye eiendom:

ERF 1197 STELLENBOSCH
in die Munisipaliteit en Afdeling van Stellenbosch
Wes-Kaap Provinsie
GROOT: 902 (NEGE HONDERD EN TWEE) VIERKANTE METER

Aanvanklik oorgedra kragtens Transportakte Nr T 11416/1923 met Kaart Nr 3646/1923 wat daarop betrekking het en gehou kragtens Transportakte Nr T 48599/2003

A. Onderhewig aan die voorwaardes verwys na in Transportakte Nr T 7667/1922.

B. Onderhewig verder aan die volgende spesiale voorwaardes opgelê vir die voordeel van die eienaars van al die onderverdelings van Perseel J J B vervat in Transportakte Nr T 11416/1923, naamlik:

- "1. No dwelling house shall be put up on the above land of less value than One Thousand Five Hundred Rand (R1 500,00)
2. That only one dwelling house shall be erected on the above land, which building shall be a single dwelling house and not semi-attached.
3. The said Transferee and her successors in title shall not have the right to sub-divide the said land, but the same shall be kept intact and as a whole."

C. Onderhewig verder aan die voorwaardes van die endossement gedateer 10 November 1961 op Transportakte Nr T 19731/1960, welke endossement soos volg lui:

"Kragtens Notariële Akte Nr 778/1961 gedateer 15.8.1961 is die beperking uitgestel teen Perseel 10 gehou onder Transportakte Nr T 6845/1934, soos daarin onder voorwaarde 2 uiteengesit en afdwingbaar deur al die onderverdelings van Perseel J J B gekanselleer. Soos meer volledig uit 'n afskrif van gesegde Notariële Akte hieraangeheg sal blyk."

WESHALWE die Komparant afstand doen van al die regte, titel en belang wat die gesegde **D J ESTERHUYSEN FAMILIE TRUST** voorheen op genoemde eiendom gehad het en gevolglik ook erken dat hulle geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat, kragtens hierdie akte, bogenoemde **BILJON DESIGNS (PTY) LTD**, die ampsopvolgers in titel of regsverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en erken hulle ten slotte dat die koopprys van die eiendom wat hiermee getranspoteer word die bedrag van **R11 900 000.00 (ELF MILJOEN NEGE HONDERD DUISEND RAND)** is.

TEN BEWYSE WAARVAN EK, die genoemde Registrateur van Aktes, tesame met die Komparant hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN EN VERLY by die kantoor van die REGISTRATEUR VAN AKTES te **KAAPSTAD** op **3 Desember 2018**.

Moetzer

q.q. Handtekening van komparant

In my teenwoordigheid

[Signature]
Registrateur van Aktes



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Denny Jason
STELLENBOSCH
7600

Email: dennyj31@gmail.com

13 May 2024

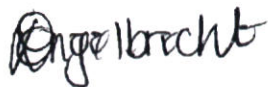
SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK

**APPLICATION FOR REZONING, AMENDMENT OF CONDITION OF APPROVAL AND DEPARTURE
FOR UNDER-PROVISION OF PARKING: ERF 1197, STELLENBOSCH**

1. Your pre-application scrutiny submission on the above property dated **27 April 2024**, refers.
2. Your submission has been duly scrutinized for your intended land use and / or land development application.
3. Your intended land use and/ or land development application as depicted in the submission represents on face value an accurate approach to the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2023) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB].
4. The proposed application must be accompanied by the following information and documentation:
 - 4.1 *Site Development Plan to show relevant information about the extent of the development; floor area allocation and parking supply to illustrate compliance with the development parameters of the Zoning Scheme.*
5. The intended land use and/ or land development application also needs to fulfill the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website.
(<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
6. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.

7. It should also be noted that **the complete application should first be submitted without the payment of any applicable application fees.** Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
8. The public participation process will follow once the complete application has been submitted.
9. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards



Louisa Engelbrecht (Guntz)
Senior Town Planner
Louisa.Engelbrecht@stellenbosch.gov.za



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

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** is to be submitted prior to the submission of a Land Use and Land Development application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw (LUPB).
2. It is compulsory to submit a Pre-application Scrutiny Form for any rezoning, subdivision or consolidation of land, the amendment or cancellation of a subdivision plan, the removal of restrictive conditions or an amendment of conditions of approval.
3. It is not a requirement to submit a Pre-Application Scrutiny Form for the other types of applications, although you are advised to do so when any form of guidance is required.
4. Relevant documents can be accessed at the [Planning Portal – Stellenbosch Municipality](https://stellenbosch.gov.za/planning-portal/) <https://stellenbosch.gov.za/planning-portal/>.
5. A signed copy of the form must be submitted by email to landuse.applications@stellenbosch.gov.za.
6. The applicant will receive feedback per e-mail following a weekly internal technical discussion on the pre-application scrutiny submission.
7. A pre-application consultation meeting may be required in terms of Section 37 of the said Bylaw on receipt and consideration of a **Pre-Application Consultation Form**.

PART A: APPLICANT, OWNERSHIP & PROPERTY PARTICULARS

Applicant Name	Denny Jason
E-Mail Address	dennyj31@gmail.com
Tel/ Cell Number	0761760707
Registered Owner	Biljon Design (Pty) Ltd

Property Description (Erf / Farm Number)	Erf 1197, Stellenbosch
Street Address / Farm or Building Name (known as)	Onrof Noordwal W 9 4 Helderberg Street, Stellenbosch
Suburb & Town	Stellenbosch CBD
Current Zoning	CRZ
Current Land Use Activities / Buildings	Guest House and 2 nd Dwelling

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

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		Permission in terms of condition of approval*	(2)(g)	Rectify failure by HOA*
(2)(b)	Permanent Departure*	s15	Permission in terms of zoning scheme*		Determination of a zoning		Permission required for the reconstruction of a building*
s15	Temporary Departure*	s15 (2)(h)	Amendment of condition(s) of approval		Closure of a public place*		Exemption*
s15 (2)(d)	Subdivision		Extension of validity period of approval*		Consent use*		Street naming and numbering*
s15 (2)(e)	Consolidation	s15 (2)(k)	Amendment / cancellation of approved subdivision plan	s15 (2)(p)	Disestablishment of HOA*	Consent	Consent / Permission in terms of title deed*

*The submission of a pre-application scrutiny is not compulsory for these types of land use applications and a land use planning application form can be submitted, without completing the pre-application scrutiny form.

Details of the Proposal: (Brief description of development proposal. List expected land use activities. Short motivation of intended land use. Detailed 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.)

Application is made in terms of the Stellenbosch Municipality Planning By-Law (2015):

1. For the rezoning of Erf 1197, Stellenbosch [Section 15(2)(a)] from Conventional Residential Zoning to Mixed-Used Zone to permit a mixed land use development (consisting of an eye care facility ±50m² in extent located on the ground floor of the approved 2nd dwelling unit, a four-bedroom guest house confined and limited to the existing house (heritage building), and adding a 2nd floor to the ground floor and 1st floor of the approved 2nd dwelling unit.
2. To amend the approval conditions [Section 15(2)(h)] of the approval of conditions letter dated 2024/02/22, to facilitate the use of the existing house for a 5-bedroom guest house with 5 onsite parking bays in lieu of the 9-bedroom guest house with 9 onsite parking bays which was approved in 2023.
3. A permanent departure, in terms of Section 15(2)(b) to permit a parking ratio of 4 bays in lieu of 6 parking bays per 100sqm for a medical practice.

The development proposal is not out of character and scale with the surrounding area as various land uses like guest houses, mixed-use businesses, and other tourism facilities and home occupation practices are located in the immediate vicinity of and/or in close proximity to the subject property and has therefore been deemed to be acceptable

The proposal comprises of 5 parking bays for the 5-bedroom guest house, 4 parking bays for the medical practice in lieu of 6 parking bays per 100sqm for a medical practice and 1 parking bay for the 2nd dwelling unit in terms of the Stellenbosch Municipal Zoning Scheme 2019. On-site Parking will be sufficient as patients will be accommodated by appointments only and there will be no more than 3 patients on-site at any given time. The proposed building matches the existing building and is in keeping with the character of the surrounding areas. There will be no influence on the provision of services in the area.

The proposed medical practice will not cause a public nuisance as the operating hours will be conducted during office hours i.e. from 07:30 to 18:00 Mondays to Saturdays.

2. RELEVANCE OF ANY PLANNING LEGISLATION/ POLICIES AND PLANS

RELEVANT PLANNING CONSIDERATIONS		
(a) Is the proposal consistent / compliant with municipal plans, policies and guidelines, or any national or provincial policies (e.g., Western Cape Land Use Planning Guidelines: Rural Areas), restrictive title conditions, other legislation / authorisations?	Yes	No
	X	
List applicable plans/ policies/ guidelines that are relevant.		
(b) Is the proposal consistent with the Municipal Spatial Development Framework (MSDF)?	Yes	No
	X	
If not, site specific circumstance to be motivated.		
(c) Does the proposal require additional infrastructure / services e.g., electricity; water; sewerage; road network etc.?	YES	NO
		X
Provide details on available / required infrastructure.		

(d) 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
If yes, provide details on target market.		
(e) Does the proposal fall within a priority development area as defined in the Municipal Spatial Development Framework where the provision of inclusionary housing is mandatory in terms of the Stellenbosch Inclusionary Zoning Policy?	YES	NO
		X
Provide details on inclusionary housing provision.		
(f) Does the subject property fall within the Adam Tas Corridor as outlined in the Local Spatial Development Framework (ATC LSDF)?	YES	NO
		X
Provide details on proposed densities and alignment with the Adam Tas Corridor Local Area Overlay Zone.		

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. **Proposed subdivision or consolidation plan (if applicable)**
4. **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.

Applicant's signature: _____



Date: 27 April 2024

Existing Municipal connection



PROJECT:

ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH

DRAWING:
GROUND FLOOR PLAN - A3

DRAWING NUMBER:
SD-3422-M203

DRAWN BY:
GFL

REVISION:

SCALE:
1:120

DATE: 2024/06/13

DATE: 6/13

TOTAL AREAS:
EPC AREA

ERF AREA	= 902.7m ² *
EX GROUND FLOOR	= 358.7m ² *
1 st OF WHICH 94.6m ² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE)	
EX FIRST FLOOR	= 104.6m ²
NEW 2 nd ADDITION	= 88.5m ²
NEW TOTAL	= 551.8m ²
NEW BULK	= 0.61
NEW COVERAGE	= 358.7m ² / 39.7%

= 902m²
 = 358.7m² *
 O BE ALLOCATED
 PRACTICE)
 = 104.6m²
 = 88.5m²
 = 551.8m²
 = 0.61
 = 358.7m² / 39.7%

ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART

ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART

ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART

HELDERBERG STREET

41400 ERF BOUNDARY



ERF 1197
921.15m²

NOORDWAL-WES STRAAT
22250 ERF BOUNDARY

4500 STREET BUILDING LINE

EXISTING JUST JOEY
GUESTHOUSE BUILDING

EXISTING JUST JOEY
GUESTHOUSE BUILDING

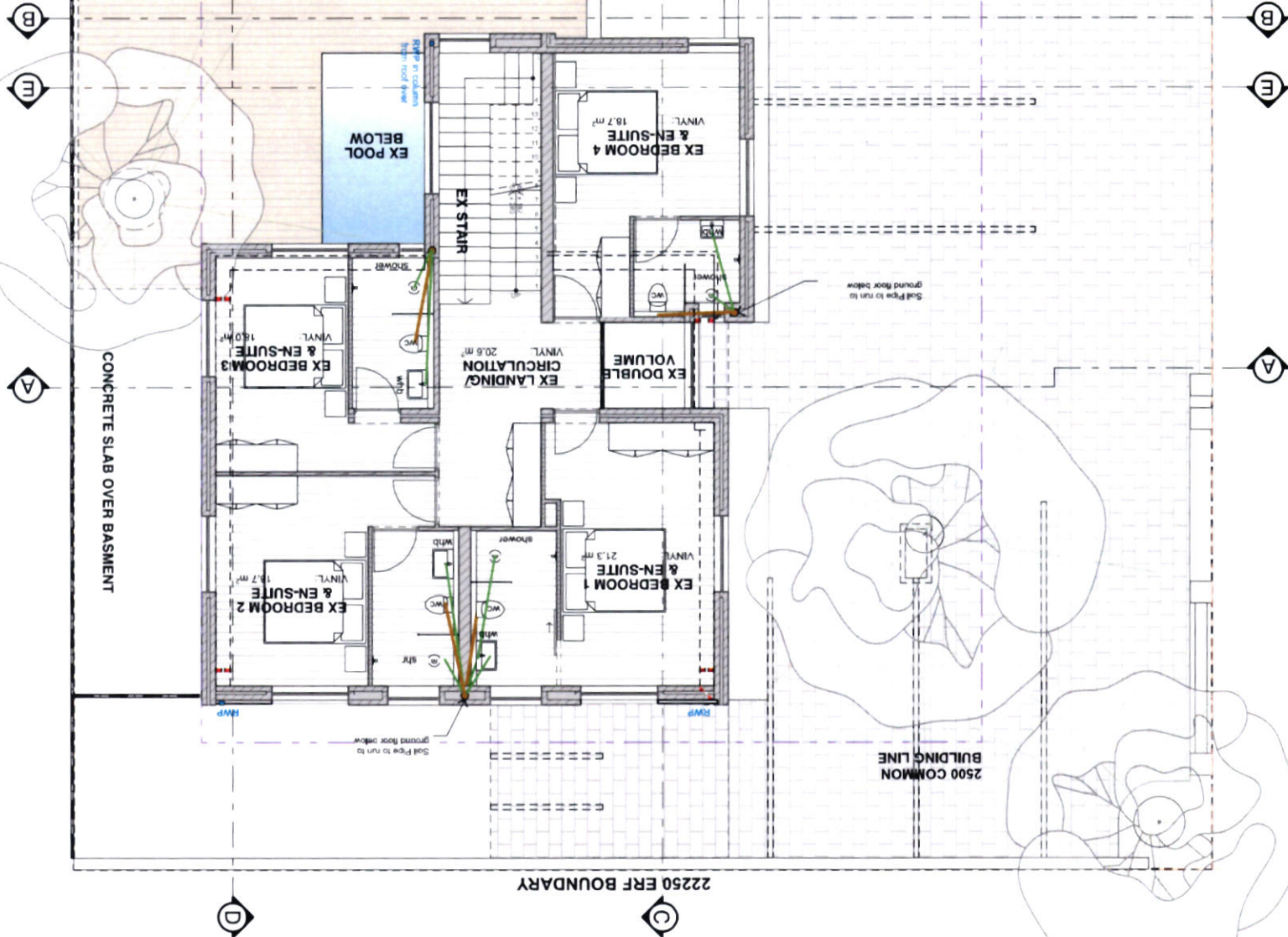
4500 STREET BUILDING LINE

ROOF CONSTRUCTION
Concrete roof with waterproofing to fall to F.R.O.
Roof to have 2x 50mm diameter PVC emergency
overflow pipes. Position to be determined on site.
All spacing and sizes according to structural
engineers specification.

2500 COMMON BUILDING LINE

41400 ERF BOUNDARY

FIRST FLOOR



TOTAL AREAS:

ERF AREA	= 902m ²
EX GROUND FLOOR *OF WHICH 94.6m ² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE)	= 358.7m ² *
EX FIRST FLOOR	= 104.6m ²
NEW 2F ADDITION	= 88.5m ²
NEW TOTAL	= 551.8m ²
NEW BULK	= 0.61
NEW COVERAGE	= 358.7m ² / 39.7%

Scale 1:120

PROJECT:

JUST JOEY **SDP**

ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH

LUM APPLICATION

DRAWING:

FIRST FLOOR PLAN - A3

DRAWING NUMBER:

SD-3422-M204

DRAWN BY:

GFL

REVISION:

0

SCALE:

1:120

CLIENT'S SIGNATURE:

ARCHITECT'S SIGNATURE:
Frederik Lotter | Pr. Arch | 20934 | 0834883191
[Signature]

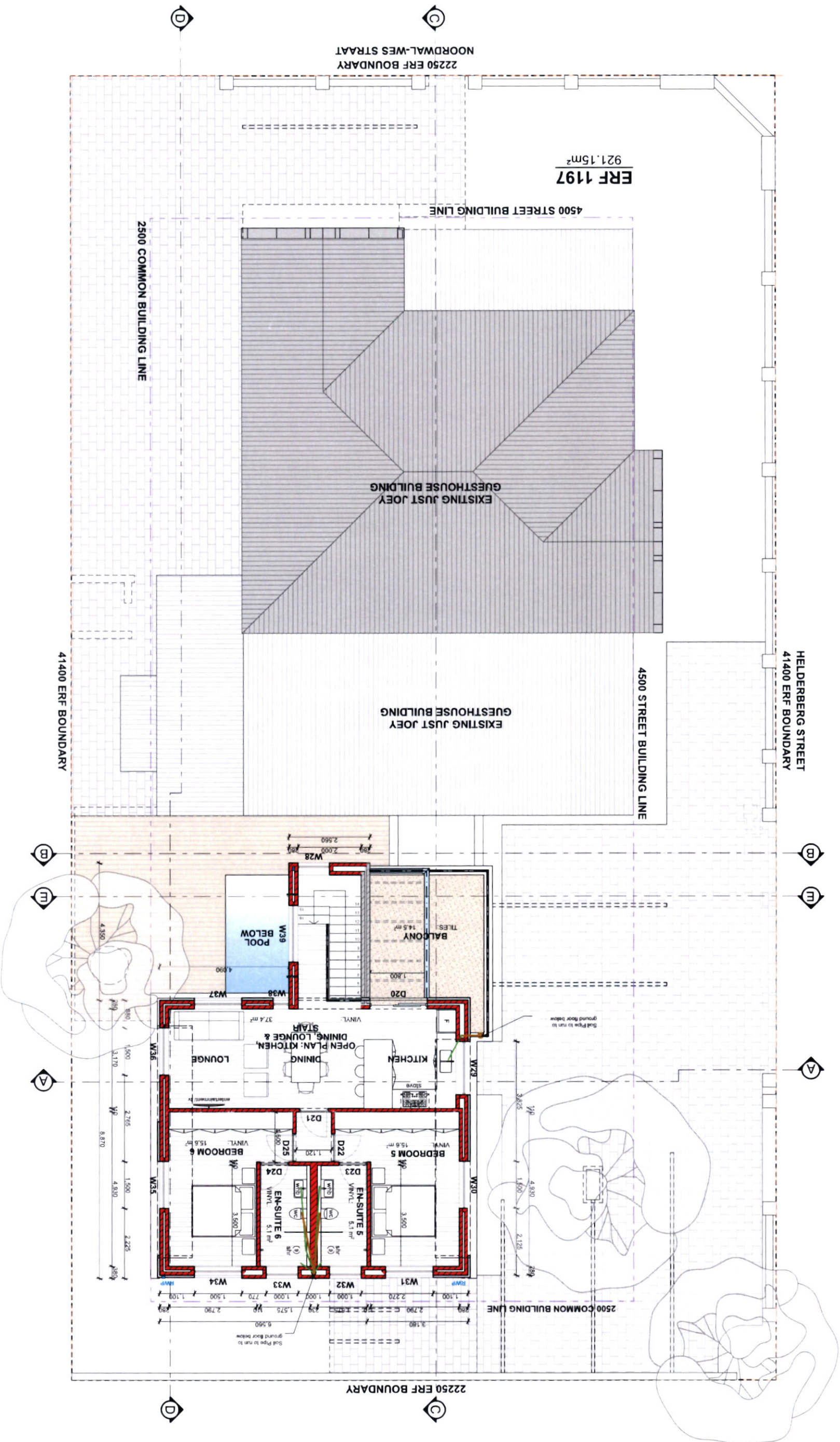
DATE:

2024/06/13



ARCHITECTURE | INTERIOR | KITCHEN | FURNITURE | ART

Directors G.F. Lotter Pr. Arch SACAP 20934 - 4 Koegeman Str. Strand 7140
LOTTERHAUS (PTY) LTD - Registration no 2027/1660188/07



SECOND FLOOR LOFT

Scale 1:120

TOTAL AREAS:

ERF AREA	= 902m²
EX GROUND FLOOR	= 358.7m²*
*OF WHICH 94.6m² IS TO BE ALLOCATED TO A PRIVATE MEDICAL PRACTICE	
EX FIRST FLOOR	= 104.6m²
NEW 2F ADDITION	= 88.5m²
NEW TOTAL	= 551.8m²
NEW BULK	= 0.61
NEW COVERAGE	= 358.7m² / 39.7%

PROJECT:

JUST JOEY **SDP**
ERF 1197, JUST JOEY GUESTHOUSE,
STELLENBOSCH

LUM APPLICATION

DRAWING:

SECOND FLOOR PLAN - A3

DRAWING NUMBER:

SD-3422-M205

DRAWN BY:

GFL

REVISION:

0

ARCHITECT'S SIGNATURE:

Frederik Lötter | Pratch | 20934 | 0834883191

CLIENT'S SIGNATURE:

[Signature]

SCALE:

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DATE:

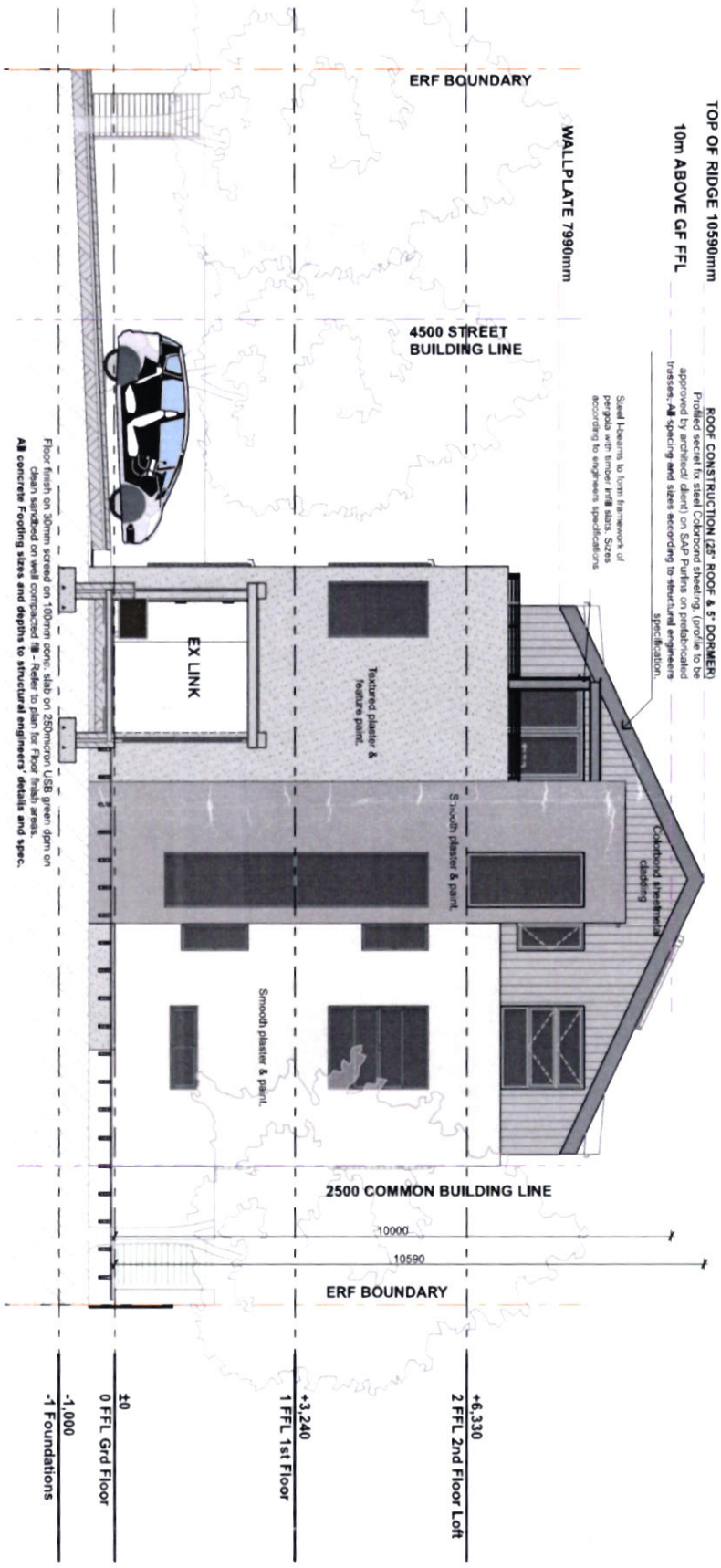
2024/06/13

Directors G.F. Lötter, P. Arch. SACAP 20934 - 4 Koopman Str. Strand 7140
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SECTION B

Scale 1:120



SECTION A

Scale 1:120

