STELLENBOSCH
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Application Number: LU/17635 (TP833/2024)
Our File Reference Number: Erf 1197, Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email add[redacted]lenbosch.gov.za

PER [redacted]

Sir/Madam

APPLICATION FOR REZONING, AMENDMENT OF CONDITION OF APPROVAL & PERMISSION IN TERMS OF THE ZONING SCHEME 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 application(s) in terms of the Stellenbosch Municipal Land Use Planning Bylaw, 2023, namely the:

   2.1.1 **Rezoning** in terms of Section 15(2)(a) of the said By-Law of Erf 1197, Stellenbosch from Multi-Unit Residential Zone to Mixed-Use Zone in order to permit a mixed-use development consisting of:

   a) Business Premises (medical consulting facility)
   b) Guest house (2x bedrooms)
   c) Two (2) Flats (2x bedrooms flat unit)

   2.1.2 **Amendment of condition of approval** in terms of Section 15 (2)(h) of the said By-Law to facilitate the use of the main dwelling unit as 2x bedrooms guest house in lieu of the nine (9) bedrooms guest house approved on 16 August 2021;

   2.1.3 **Permission in terms of the Zoning Scheme** in terms Section 15(2)(g) of the said By-Law to erect a 3rd storey on the existing double storey structure within the Stellenbosch Urban Conservation Overlay Zone area.

   BE REFUSED in terms of Section 60 of the said By-law.

3. **The reasons for the above decision are as follows:**

3.1 The proposed combination of a medical consulting facility, a guesthouse and two residential flats on a relatively small property is considered excessive in relation to the available site area and the physical capacity of the property.

3.2 Although the proposal complies with the minimum parking requirements, existing site constraints raise concerns regarding the practical functionality of the parking arrangement, particularly in terms of vehicle access, manoeuvrability and circulation. The proposed development does not adequately demonstrate that the site can accommodate the cumulative operational demands of the various land uses in a practical and functional manner.

3.3 The cumulative intensity of the proposed development and the associated increase in activity, vehicle movements and potential noise and disturbance may adversely affect the character and residential amenity of the surrounding area.

3.4 The proposed development has not adequately demonstrated that it would respond sensitively to the historic character of the surrounding area or the objectives of the Urban Conservation Overlay Zone.

3.5 Notwithstanding the general compatibility of the proposed land uses with the surrounding area and their alignment with the broader spatial objectives of the MSDF, the cumulative scale and intensity of the development are considered undesirable. The anticipated socio-economic benefits do not sufficiently outweigh the concerns regarding overdevelopment, site functionality and the potential impact on the surrounding area's character and amenity.

4. You are hereby informed of your **right to appeal Section 15(2)(a) to (f), (h) to (k), (n), (o) or (r) application decisions in terms of Section 79(2)** of the Stellenbosch Municipal Land Use Planning By-law. The appeal must be submitted by completing the required form 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. Appeals must be addressed to the Municipal Manager and submitted to the following email address: landuse.appeals@stellenbosch.gov.za.

5. As applicant, you are hereby informed of your **right to appeal Section 15(2)(g), (l), (m), (p) or (q) application decisions in terms of Section 62** of the Local Government Municipal Systems Act, no 32 of 2000 as determined by Section 68(e) of the Stellenbosch Municipal Land Use Planning By-law. The appeal must be submitted by completing the required form with the prescribed information to satisfy the requirements of Section 62 of the Local Government Municipal Systems Act, no 32 of 2000, failing which the appeal will be invalid. Appeals must be addressed to the

Municipal Manager and submitted to the following email addresses: municipal.manager@stellenbosch.gov.za and copy to landuse.appeals@stellenbosch.gov.za.

6. Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted on the manner prescribed, as only the above decision can be appealed at this stage.

7. Any party (applicant or other) who lodges a Section 79(2) 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 approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. The LU and/or TP Reference number on this correspondence must be used as the reference for the payment of the appeal fee.

8. An applicant who lodges a Section 79(2) appeal must also adhere to the following requirements stipulated in terms of Section 80(3) to (7) of the said By-law:
   (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
   (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
   (c) The notice must be served in accordance with Section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
   (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

9. All appeals must be submitted to the authorised Appeal Authority **within 21 days** from the date of notification of the above decision. Note that no late appeals or an extension of time for the submission of appeals is permitted.

10. The appeal form can be accessed on the municipal website. For any enquiries relating to appeals, the Land Use Management office can be contacted at 021 – 808 8684 or landuse.appeals@stellenbosch.gov.za.

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

Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

DATE 24/11/2026.

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