



Application Number: LU/11444

Our File Reference Number: Erf 867, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL** [REDACTED]

Sir/Madam

#### **APPLICATION FOR A CONSENT USE ON ERF 867, STELLENBOSCH**

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

That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for a **consent use** to permit a guest house on Erf 867, Ackermann Street, Stellenbosch:

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

#### **Conditions**

- 2.1 The approval only applies to the consent use in question as indicated on the site and floor plan attached as **ANNEXURE C** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2.2 The guest house be limited to six bedrooms as depicted on the site and floor plan attached as **ANNEXURE C**;
- 2.3 The property be solely used for short term accommodation purposes and comply with the definition of a guest house at all times;

2.4 That the following conditions as imposed by the **Manager: Health Department (Cape Winelands Health)** in their memo dated 19 August 2020, attached as **ANNEXURE G**, be adhered to.

- a) *All sewage/wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.*
- b) *The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternatively an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.*
- c) *In the event where food will be prepared or handled and or served to the public, the applicant must apply in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.*
- d) *Strict adherence to all COVID-19 related guidelines and regulations to be observed.*
- e) *In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)*
- f) *An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.*
- g) *The applicant must also take cognizance of the Municipal Health By-Law of the Cape Winelands District Municipality Chapter 4, Section 12 of Provincial Gazette Extraordinary no. 6696 of February 2010. This section of the notice outlines the requirements for an accommodation establishment.*

2.5 That the following conditions as imposed by the **Manager: Electrical Services** in their memo dated 25 September 2020, attached as **Annexure H** be adhered to.

- a) *If the current electricity supply is not adequate, an application for an increase in electricity supply must be submitted to Stellenbosch Municipality: Electrical Engineering Services.*
- b) *Appropriate caution shall be taken during construction to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.*
- c) *All electrical work to comply with SANS142, SANS 10400 XA and Municipal Bylaws.*

2.6 That the following conditions as imposed by the **Director: Engineering Services** in their memo dated 30 September 2020, attached as **ANNEXURE I** be adhered to

a) Water

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

b) Sewer

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

c) Roads

*Sufficient parking must be provided and indicated on the SDP at building plan submission stage.*

d) Development Charges (DCs)

*Development contributions are payable in accordance with the prevailing and applicable Council tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Directorate Infrastructure Services*

*The DC's were calculated for the 2020/2021 financial year. If the account is paid after 30 June 2021 it has to be recalculated using the then applicable tariffs.*

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

e) Municipal Infrastructure (Civil Engineering Services)

*Any charges to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.*

2.7 All relevant conditions imposed by council in its approval letter dated 18 September 2017, are still applicable.

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

a) The residential character of the area will not be impacted on by the proposed use as the primary use of the property will still be residential

b) Adequate onsite parking has been provided for the proposed use without impacting on the existing residential character of the property or surrounding area;

- c) The proposed use is accommodated within the existing dwelling without alterations and additions being made to the existing building.
  - d) The proposal is consistent with the zoning requirements (guest house) of the Zoning Scheme Bylaw.
4. 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.
5. 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.

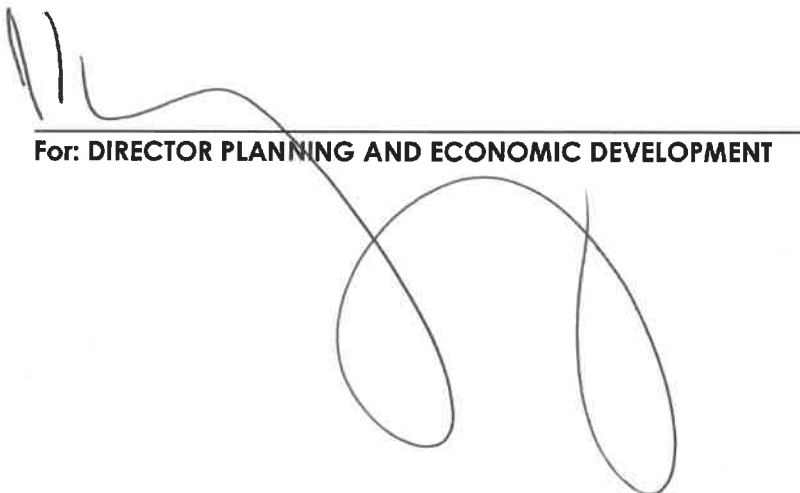
6. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address:  
[landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)
7. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
8. The approved tariff structure 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>).
9. 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:
  - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

- (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
- (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

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

11. Kindly note the above decision 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

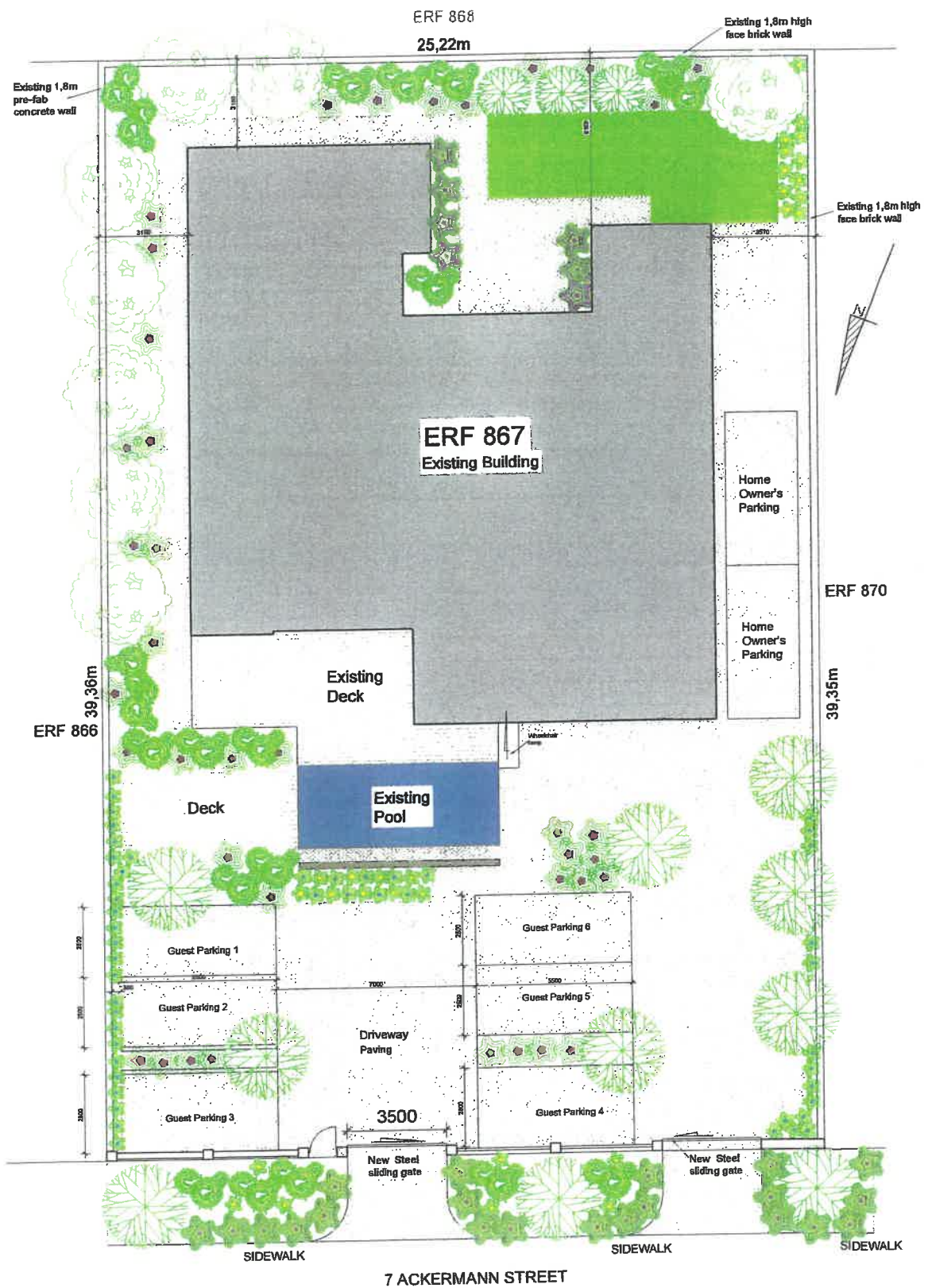
**For: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

18/2/2022  
DATE:

# **ANNEXURE C**

**APPLICATION FOR A CONSENT USE:  
ERF 867, ACKERMAN STREET, STELLENBOSCH**

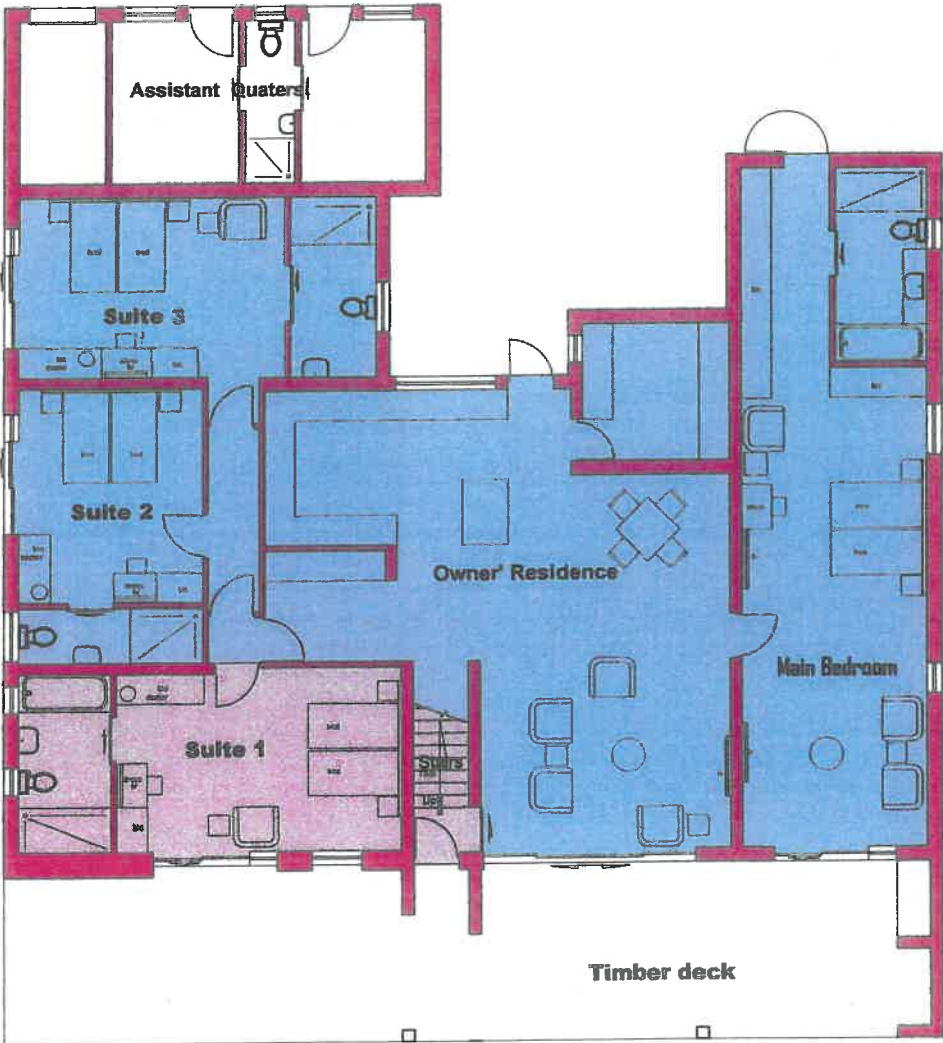
**SITE DEVELOPMENT  
PLAN/SITE PLAN**



1:100 SITE PLAN



**GROUND FLOOR**

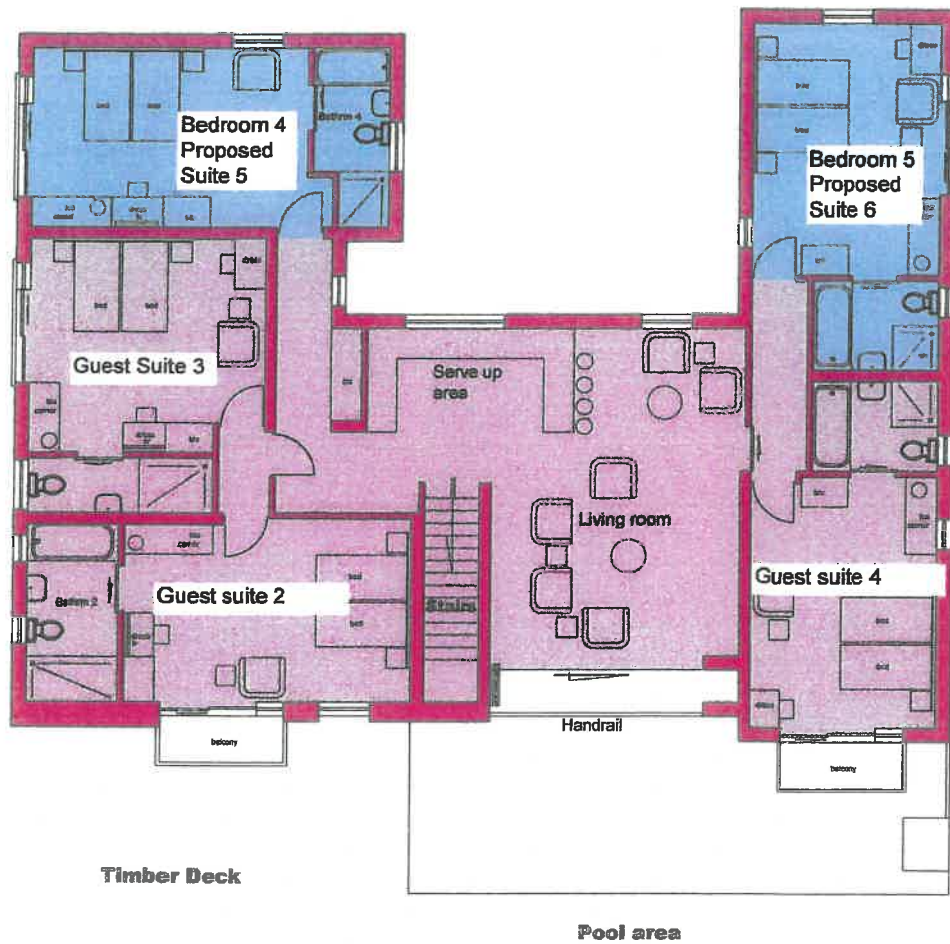


**Timber deck**

**Pool area**

**SUITE 1 - For use for Guests**

## FIRST FLOOR



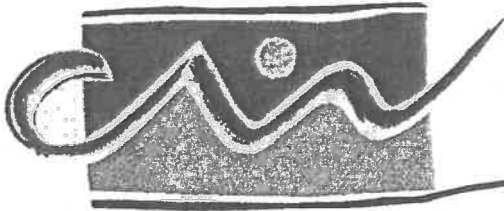
PROPOSED TWO (2) ADDITIONAL GUEST SUITES ON THE FIRST FLOOR  
NO NEW BUILDING WORK - TWO EXISTING BEDROOMS TO BE USED AS GUEST ROOMS

TOTAL NUMBER OF GUEST ROOMS = 6

# **ANNEXURE G**

**APPLICATION FOR A CONSENT USE:  
ERF 867, ACKERMAN STREET, STELLENBOSCH**

**COMMENT FROM THE  
MANANGER: HEALTH  
DEPARTMENT (CAPE  
WINELANDS)**



# CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : N. Katts  
(Directorate Planning Economic &  
Development: Stellenbosch Municipality)  
Official / Beampste : Mr F.C. van Wyk  
Your ref/ U vrew. : ERF 867, Stellenbosch  
Ref No / Verw. No : 15/2/6/1  
Date / Datum : 2020-08-19

## APPLICATION FOR SPECIAL DEVELOPMENT: ERF 867, STELLENBOSCH

**There are no objections from an Environmental Health point of view into this application, subject to compliance with the following:**

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. In the event where food will be prepared or handled and or served to the public, the applicant **must apply in writing** to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.
4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed.
5. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
6. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.
7. The applicant must also take cognizance of the Municipal Health By-Law of the Cape Winelands District Municipality Chapter 4, Section 12 of Provincial Gazette Extraordinary no. 6696 of February 2010.  
This Section of the Notice outlines the requirements for an accommodation establishment.

Yours faithfully

A handwritten signature in black ink, appearing to be 'F.C. VAN WYK', written over a horizontal line.

**F.C. VAN WYK**  
for **MUNICIPAL MANAGER**

# **ANNEXURE H**

**APPLICATION FOR A CONSENT USE:  
ERF 867, ACKERMAN STREET, STELLENBOSCH**

**COMMENT FROM THE  
MANAGER: ELECTRICAL  
SERVICES**

# Annexure A

ERF 867

No Comment

1.

**CONDITIONS:**

1. If the current electricity supply is not adequate, an application for an increase in electricity supply must be submitted to Stellenbosch Municipality: Electrical Engineering Services.

2. Appropriate caution shall be taken during construction, to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages?

3. All electrical work to comply with SANS142, SANS 10400 XA and Municipal Bylaws.

Bradley Williams

Date.....25/09/2020.....

Signature  .....

# **ANNEXURE I**

**APPLICATION FOR A CONSENT USE:  
ERF 867, ACKERMAN STREET, STELLENBOSCH**

**COMMENT FROM THE  
DIRECTORE: ENGINEERING  
SERVICES**





STELLENBOSCH MUNICIPALITY  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE  
DIRECTORATE: INFRASTRUCTURE SERVICES

30 SEP 2020

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES

RECEIVED

To ▫ Aan: Director: Planning + Economic Development  
Att Aandag N Katts  
From ▫ Van: Colin Taylor (Development)  
Date ▫ Datum: 30/09/2020  
Our Ref ▫ Ons Verw: Civil LU 2034  
Re ▫ Insake: Erf 867 Stellenbosch: Special Development

FILE NR:

SCAN NR:

E 867 S

COLLABORATOR NR:

694223

The application is for the following items:

- i. Special Development application is to increase the number of approved guest rooms from four (4) to six (6).

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

1. **Water**
  - 1.1 The existing water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.
2. **Sewer**
  - 2.1 The existing sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.
3. **Roads**
  - 3.1 Sufficient parking must be provided and indicated on the SDP at building plan submission stage.
4. **Development Charges (DCs)**
  - 4.1 Based on the information provided in application the Development Charges payable by the developer is R 48 112.00 (Vat incl.) as per attached Development Charges Calculation.
  - 4.2 The DC's were calculated for the 2020/2021 financial year. If the account is paid after 30 June 2021 it has to be recalculated using the then applicable tariffs.
  - 4.3 DCs are payable prior to the erf or portion thereof being put to the approved use or building plan approval which ever come first.
5. **Municipal Infrastructure (Civil Engineering Services)**
  - 5.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

# Stellenbosch Municipality - Development Charge Calculation



## APPLICATION INFORMATION

Application Number	
Date	Wednesday, 30-Sep-2020
Financial Year	2020/21
Erf Location	
Erf No	967
Erf Size (m <sup>2</sup> )	991
Suburb	Krigeville Stellenbosch
Applicant	Emile Vd Merwe
Approved Building Plan No.	

## SUMMARY OF DC CALCULATION

Unit(s)	Water kilday	Sewer kilday	Storm-water ha °C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	0,360	0,300	0,008	0,030	2,50	2,5	
Total Development Charges before Deductions	R 9 495,40	R 7 589,14	R 794,59	R 1 548,66	R 15 889,39	R 6 519,34	R 41 836,52
Total Deductions							
Total Payable (excluding VAT)	R 9 495,40	R 7 589,14	R 794,59	R 1 548,66	R 15 889,39	R 6 519,34	R 41 836,52
VAT	R 1 424,31	R 1 138,37	R 119,19	R 232,30	R 2 383,41	R 977,90	R 6 275,48
Total Payable (including VAT)	R 10 919,71	R 8 727,51	R 913,78	R 1 780,96	R 18 272,79	R 7 497,24	R 48 112,00

## APPLICANT INFORMATION

Application Processed by:	Colin Taylor
Signature	
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

