

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11312

Our File Reference Number: Farm 1018, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR CONSENT USE: FARM 1018, STELLENBOSCH DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application is made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 1018, Stellenbosch Division for the following:
 - i. Consent Use in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, to permit a Tourist Accommodation Establishment with 20 guest suites and associated amenities.
 - ii. Permission in terms of Section 15 (2) (g) of the Stellenbosch Municipality Land Use Planning By-law, for approval of a site development plan as indicated on drawing number: SBP 1018 TP 001A&001B, Drawn by I. Marais, dated June 2020.

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

2.2 Conditions of Approval:

- i. The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- ii. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- iii. The conditions imposed by the Director: Engineering Services as contained in their memo dated 14 July 2020, attached as **Annexure H**, be complied with.
- iv. The conditions imposed by the Senior Inspector: Cape Winelands District as contained in their email dated 16 February 2021, attached as **Annexure I**, be complied with.
- v. The agricultural activities should be subservient or related to the dominant agricultural use of the property.
- vi. The Tourist accommodation establishment shall be limited to 20 guests units.
- vii. Building plans must be submitted to the Municipality for approval, inclusive of existing buildings to indicate its new use, prior to any building on site.
- viii. The approval will lapse if not confirmed within 5 years from date of final notification of approval of the application.

2.3 The reasons for the above decision are as follows:

- (a) The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape;
 - (b) The development proposal will have no negative impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost;
3. 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.


4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
- (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.
5. 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
6. 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.
7. 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>).
8. 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.

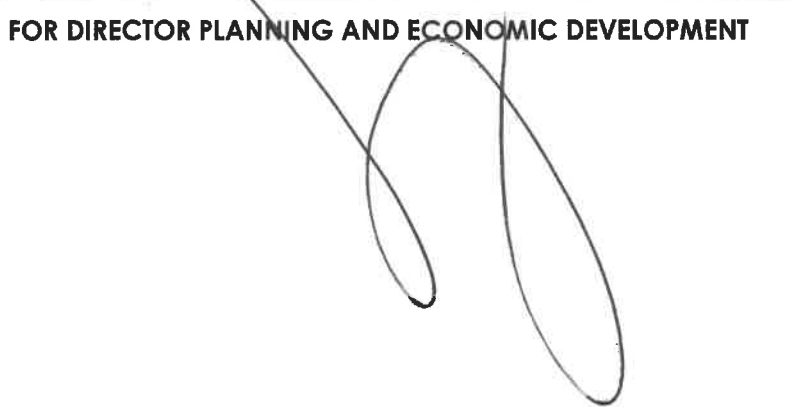
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. Kindly note the above decision is suspended, 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



21/8/2021
DATE

Beud Tech

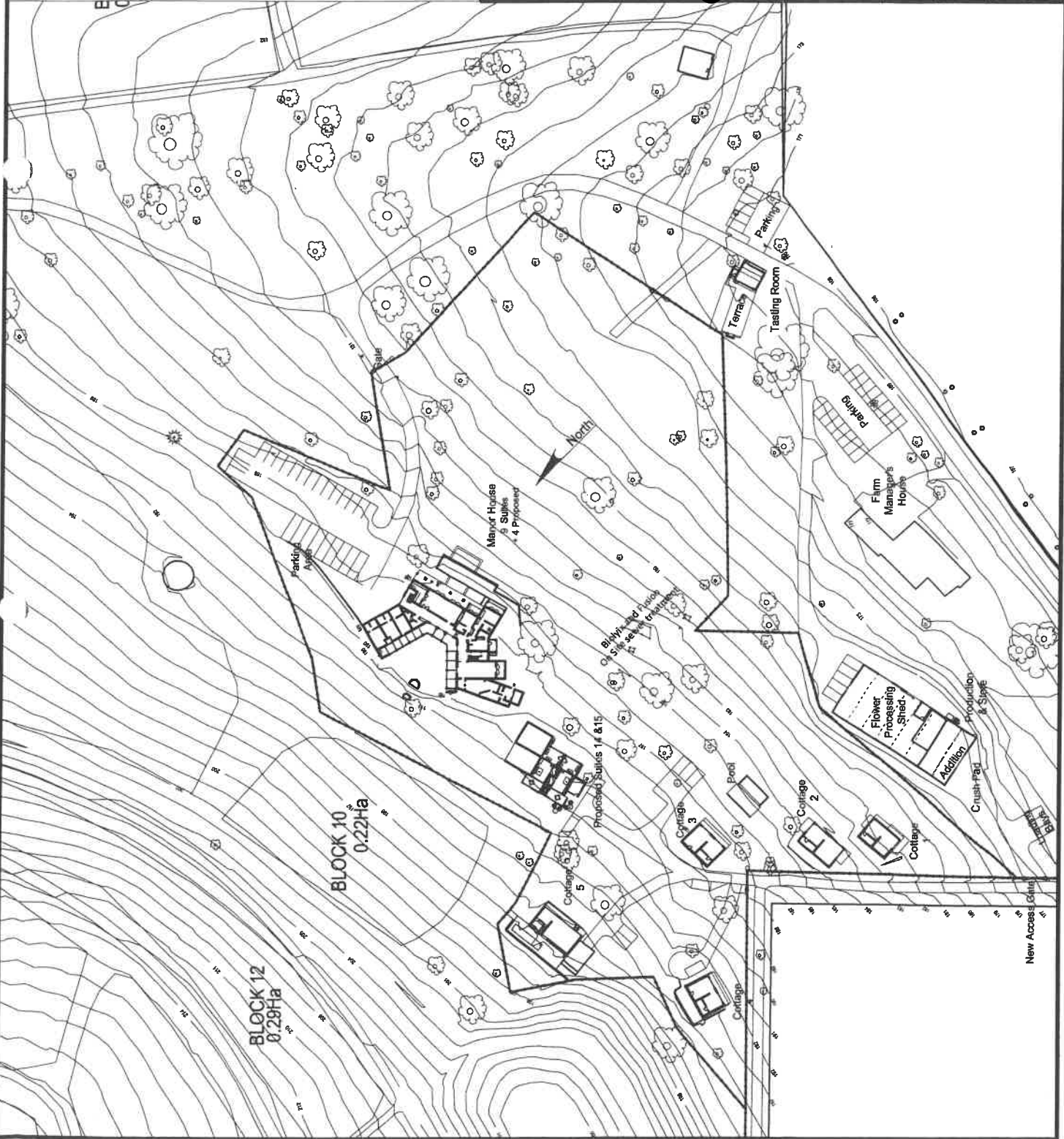
Project: [REDACTED]
Consent Use and Site Development
Plan Approval
Farm Protea Hoogte, No 1018
Stellenbosch Division

Drawing Name: Site Plan

Drawing No: SBP 1018 TP 001B

Date: June 2020 Scale: 1:1000

Drawn By: I. Marais SACAP Registration no. D1574



Beed Tech

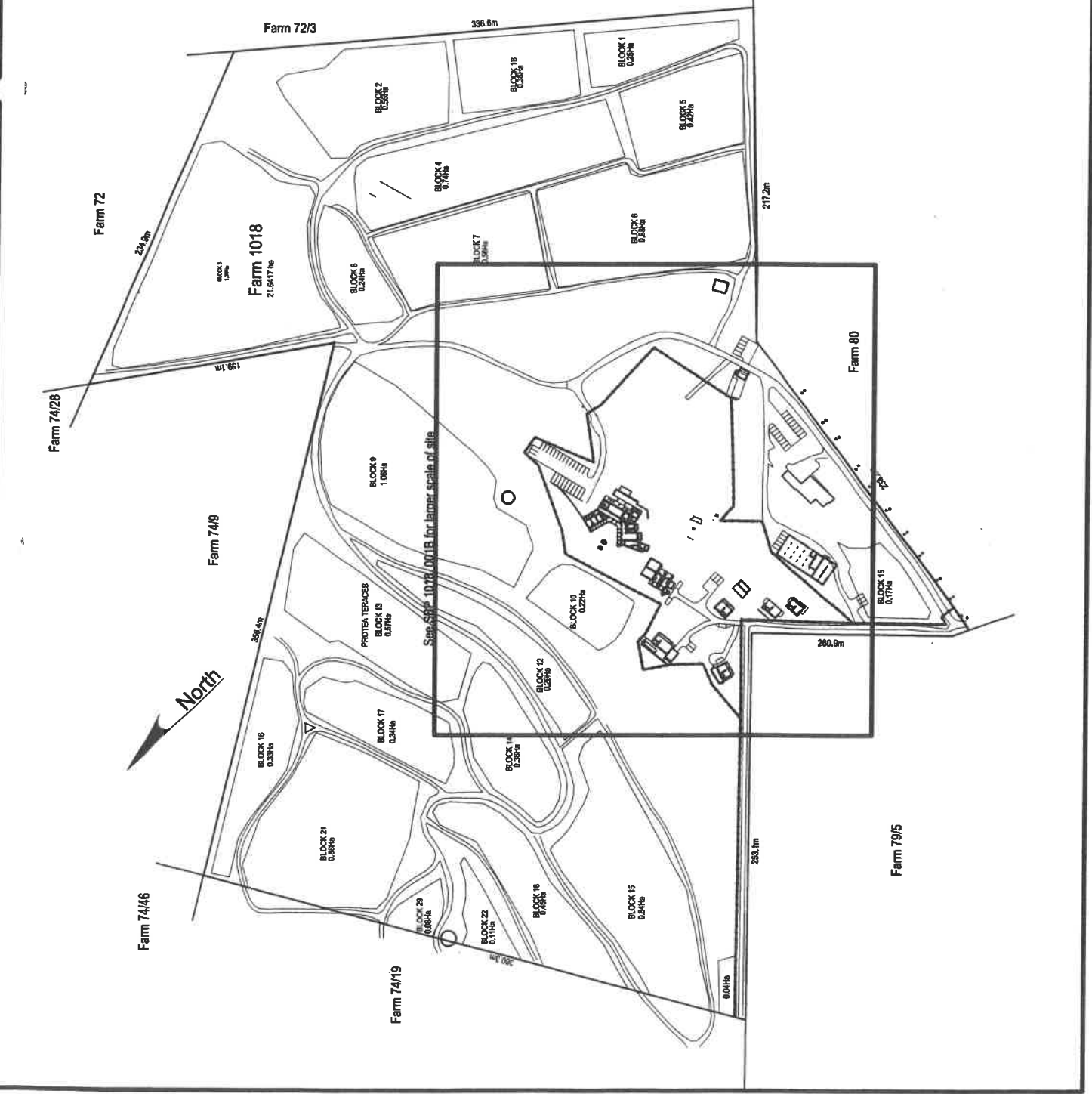
Project: **Consent Use and Site Development Plan Approval**
Farm Protea Hoogte, No 1018
Stellenbosch Division

Drawing Name: **Farm Plan**

Drawing No: **SBP 1018 TP 001A**

Date: **June 2020** Scale: **1:2500**

Drawn By: **J. Marais** SACAP Registration no. **D1574**



ANNEXURE H: COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nolusindiso Momoti (Sindi)
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 14 July 2020
Our Ref ▫ Ons Verw: Civil LU 1997
Your Ref: LU/11312
Re ▫ Insake: Fam 1018: Consent use for Tourist accommodation with 20 guest suites and associated amenities

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

1. **Water**
 - 1.1 No municipal water network exists in the area and the Owner will be responsible for it's own water supply.
 - 1.2 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards.
 - 1.3 All water supply and reticulation infrastructure must be indicated on the building plans submitted for approval.
 - 1.4 A suitable qualified professional must ensure that the water infrastructure is sufficient for firefighting purposes.

2. Sewer

- 2.1 No municipal sewer network exists in the area and the Owner will be responsible for making appropriate arrangements for the safe and proper disposal and/or treatment of sewerage.
- 2.2 Alternative treatment technologies such as conservancy tanks or an on-site treatment plant (package plant) must be considered by the Owner and all sewer disposal and treatment infrastructure must be indicated on the building plans for approval.
- 2.3 Where a conservancy tank is considered, the following guidelines apply – please address as part of the building plan submission:
 - 2.3.1 The conservancy tank must be accessible to the removal truck and of a volume to necessitate not more than a fortnightly service.
 - 2.3.2 The surface / layerworks of such access should be designed to accommodate at least a 15 ton / 10 000litre service vehicle.
 - 2.3.3 The required volume of the conservancy tank/s must be determined by a suitably qualified professional.
 - 2.3.4 The minimum volume of a conservancy tank shall be 5 kiloliter.
 - 2.3.5 Note that only Stellenbosch Municipality is allowed to empty conservancy tanks.
 - 2.3.6 A service contract has to be entered into with the municipality to service the conservancy tanks on a regular basis.
 - 2.3.7 Details of the conservancy tank and the on-site sewer reticulation network has to be submitted to the Engineering Services Directorate for approval, together with the approval of any building plans.
- 2.4 Where a package plant is considered, the following guidelines apply – please address as part of the building plan submission:
 - 2.4.1 Provide details of the proposed treatment and disposal method: Manufacturer, model, type of treatment technology, will disposal be by irrigation, into a watercourse etc.
 - 2.4.2 Please note that where an on-site treatment plant is considered, it should preferably be based on the activated sludge process (Clarus Fusion or similar approved).

- 2.4.3 The design and construction supervision of the facility must be undertaken by a suitably qualified professional (i.e. ECSA registered professional engineer), who at the completion of the work, certifies that the installation is complete and to the required standard in all respects.
- 2.4.4 An operation and maintenance manual must be supplied with the installed plant.
- 2.4.5 A maintenance agreement must be entered into between the owner and the waste water treatment system service provider and proof thereof be furnished to the Municipality's Water Services Department (for the attention of Mr Bradley Dyers (t) 021 808 8267; email: bradley.dyers@stellenbosch.gov.za).
- 2.4.6 Approval of the proposed decentralized wastewater treatment plant will only be granted until such time that a municipal sewer network is constructed in the vicinity of the proposed development and which would allow connection of the development to such network. All costs associated with such connection will be for the account of the Developer/Owner.
- 2.4.7 Provide proof of approval from the Department of Water and Sanitation for disposal of treated effluent by irrigation / discharge of treated effluent into a water course.
- 2.5 Use of any existing septic tanks to collect and treat sewage generated by the proposed development is not allowed.
- 2.6 Waste water and sewage may not pollute any ground water, stormwater and surface water.
- 3. Solid Waste**
- 3.1 The Developer will be responsible for the removal of solid waste from the Development. Solid waste must be removed from the site to a legal solid waste disposal site in accordance with the requirements of section 20 of the Environmental Conservation Act 1989 (Act 73 of 1989).
- 4. Roads**
- 4.1 The application has to be referred to the District Roads Engineer for comments and conditions.
- 4.2 All the conditions set by the District Roads Engineer will be applicable.

- 4.3 Sufficient parking must be provided and indicated on the drawings at building plan submission stage.
- 4.4 Where applicable, right of way servitudes must be registered to allow access to the proposed development. This needs to be clearly indicated on the site plans at building plan submission stage.

- 5. **Stormwater**
 - 5.1 Any additional stormwater generated by the proposed development must be managed on-site.

- 6. **Development Charges (DCs)**
 - 6.1 The following DC's are payable: See **Development Charge Calculation** attached.
 - 6.2 The DC's were calculated by using the 2020/2021 tariff structure. If DC's are paid after 30 June 2021 it will have to be recalculated by using the tariff structure applicable at date of payment.
 - 6.3 The appropriate DC's are payable before building plan approval.

- 7. **Electrical Engineering**
 - 7.1 Refer to **Annexure: Electrical** for comments and conditions.

TYRONE KING Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\1997 (TK) Farm 1018 Stellenbosch (LU - 11312), C1997 (TK) Farm 1018 Stellenbosch (LU - 11312).doc

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number: Cwt LU 1997 (LU/11312)
 Date: Tuesday, 14/Jul/2020
 Financial Year: 2020/21
 Erf Location: Stellenbosch Town
 Erf No: Farm 1018
 Erf Size (m²):
 Suburb:
 Applicant:

Approved Building Plan No.: Par 5.1 of Motivation report by Headland Planners dated 14 Feb 2020

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Solid Waste	Storm-water	Road	Community Facilities	Totals
	k/day	ha°C	ha°C	ha°C	ha°C	ha°C	
Total Increased Services Usage	1,000	0,000	0,000	0,024	7,50	7,5	
Total Development Charges before Deductions			R 4 645,90		R 47 668,16	R 19 558,01	R 71 872,15
Total Deductions							
Total Payable (including VAT)							
VAT							
Total Payable (including VAT)							R 82 652,08

APPLICANT INFORMATION

Application Proposed by:	Tyrone King
Signature:	4 additional guest suites added to existing manor house 5 existing staff cottages (farm workers) converted to 5 guest guest suites (give credit for 5 ex cottages) 2 new guest suites in footprint of existing chicken coop and crate room
Date:	As above
Amount Paid:	
Date Payment Received:	
Receipt Number:	

Tyrone King

From: Martin Slabber
Sent: Thursday, 04 February 2021 10:38
To: Tyrone King; Bulelwa Mdoda; Bongiwe Zondo
Cc: Colin Taylor; Chrizelle Kriel; Nolusindiso Momoti; Bradley Williams
Subject: RE: 1997 (TK) Farm 1018 Stellenbosch (LU - 11312)

GENERAL: None

COMMENTS: If moving- removing or increase of electrical services is required, apply via recoverable cost application.

Groete:
Martin Slabber
Supt. Dwarsrivier Elect.
Engineering Services



Martin.slabber@stellenbosch.gov.za

C: +27 83603 3431

T: + 27 21 808 8338

www.stellenbosch.gov.za



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twitter.com/StellMun

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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>

From: Tyrone King
Sent: Tuesday, 18 August 2020 08:26
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>; Bongiwe Zondo
<Bongiwe.Zondo@stellenbosch.gov.za>
Cc: Colin Taylor <Colin.Taylor@stellenbosch.gov.za>; Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>;
Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>; Bradley Williams
<Bradley.Williams@stellenbosch.gov.za>
Subject: 1997 (TK) Farm 1018 Stellenbosch (LU - 11312)

Hi Bulelwa

See attached the preliminary memo. I am still awaiting Electrical Eng comments from Bradley Williams in order to finalise.

**ANNEXURE I: COMMENT FROM THE SENIOR INSPECTOR: CAPE
WINELANDS DISTRICT**

From: Fabian van Wyk [mailto:fabian@capewinelands.gov.za]
Sent: Tuesday, 16 February 2021 16:21 ✕
To: Nolusindiso Momoti
Subject: [EX] FW: nolusindiso.momoti@stellenbosch.gov.za sent you files via WeTransfer FARM 1018 LU/11312
STELLENBOSCH

Good day Madam
Please note that the feedback to above application was given through to you in December last year as well as last month.

See below.

Kind regards

From: Leandre Candice Davids <leandre@capewinelands.gov.za>
Sent: Tuesday, 16 February 2021 16:13
To: Fabian van Wyk <fabian@capewinelands.gov.za>
Subject: FW: nolusindiso.momoti@stellenbosch.gov.za sent you files via WeTransfer FARM 1018 LU/11312
STELLENBOSCH

From: Leandre Candice Davids
Sent: Wednesday, 27 January 2021 10:15
To: Fabian van Wyk <fabian@capewinelands.gov.za>
Subject: FW: nolusindiso.momoti@stellenbosch.gov.za sent you files via WeTransfer FARM 1018 LU/11312
STELLENBOSCH

Hi Fabian

Die kommentaar was in Desember aangestuur vir Stellenbosch

Maak gou net seker dis dieselfde 1 as die wat jy veogend gestuur het asseblief.

Groete
Leandre

From: Leandre Candice Davids
Sent: Monday, 21 December 2020 10:35
To: Nolusindiso Nqola <nolusindiso@capewinelands.gov.za>*
Cc: Fabian van Wyk <fabian@capewinelands.gov.za>
Subject: RE: nolusindiso.momoti@stellenbosch.gov.za sent you files via WeTransfer FARM 1018 LU/11312
STELLENBOSCH

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 1018 LU/11312) Stellenbosch

DESCRIPTION OF THE PROPOSAL:

Application made in terms of 15 (2)(o) of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015 for Consent use for Tourist accommodation with 20 guest suites and associated amenities on Farm 1018, Stellenbosch.

From an environmental health perspective, this application may be recommended for approval; provided that the following conditions are complied with:

1. Environmental pollution

1.1 No pollution such as water, air, dust or noise pollution may occur on any part of the premises during the operational phase of the proposed development. Proper preventative measures must be put in place beforehand.

2. Potable water/Storm water

2.1 The quality of the potable water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

3. Solid waste disposal

3.1 Refuse collection and storage must be done in a way that will not cause a health nuisance.

4. Sewerage/Sanitary facilities

4.1 The sewerage system from the existing and proposed development must be connected to a closed sewerage system in accordance with Stellenbosch Municipality's specifications, conditions and approval.

4.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility.

5. The business must always comply with Regulation 638 and all relevant health requirements.

6. General conditions

6.1 This Department reserves the right to set further requirements during the course of operations

Please contact me if you have any further questions or comments in this regard

Yours faithfully

Leandre Davids
HEALTH OFFICER/INSPECTOR
for MUNICIPAL MANAGER

From: Fabian van Wyk <fabian@capewineland.gov.za>
Sent: Tuesday, 01 December 2020 08:02
To: Leandre Candice Davids <leandre@capewineland.gov.za>
Subject: FW: nolusindiso.momoti@stellenbosch.gov.za sent you files via WeTransfer