



Application Number: LU/9747

Our File Reference Number: Farm 1329/1, Stellenbosch Division

Your Reference Number: Farm 1329/1, Stellenbosch Division

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL:

Sir / Madam

APPLICATION FOR REZONING OF A PORTION OF FARM 1329/1, STELLENBOSCH DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 **Rezoning** (section 15(2)(a)) of a portion of Farm No. 1329/1, Stellenbosch Division (±322m²) from Agricultural Zone I to Open Space Zone II to allow for the establishment of a private cemetery/memorial structure.

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

3. **Conditions of approval:**
 - (a) The approval only applies to the rezoning in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - (b) The approval will lapse if not exercised within **5 years** from date of final notification;
 - (c) The conditions imposed by the **Directorate: Engineering Services** in their memo dated 08 March 2020, attached as **Annexure P** be adhered to.

(d) That a Landscaping Plan be submitted with the building plan for approval and is to be implemented prior to an occupation certificate being granted.

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

4.1 The conditions imposed by the **Department of Water Affairs and Sanitation** in their letter dated 25 October 2019, attached as **ANNEXURE O BE NOTED**.

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

(a) The proposal is desirable as it will have no impact on the existing rural character of the area and will blend in with the surrounding in the area.

(b) The proposed rezoning will not affect any natural habitat, ecological corridors or potential agricultural land and no viable agricultural land will be lost.

(c) The increase in traffic in the area will be insignificant as the private cemetery will not be used by the public.

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: landuse.appeals@stellenbosch.gov.za

9. 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.

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:
 - (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

7/9/2021
DATE:

ANNEXURE O

**APPLICATION FOR
REZONING:**

**FARM NO. 1329/1,
STELLENBOSCH DIVISION**

**DEPARTMENT OF WATER
AND SANITATION**



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION
Private Bag X16, Sanlamhof, 7532
52 Voortrekker Road, Bellville, 7530

☎ 021 941 6039

☎ 021 941 6082

☎ 082 370 2708

✉ Mr. Nkosinathi Mkonto

📁 16/2/7/G200/A/8

✉ mkonton@dws.gov.za

Attention: Nasthasha Dippenaar

Elco Property Development
PO Box 1036
CAPE GATE
7562

Dear Madam

APPLICATION FOR REZONING: FARM NO 1329/1, STELLENBOSCH DIVISION.

The Department acknowledges receipt of your report dated 10 October 2019.

After evaluating the abovementioned application, you are hereby informed that the Department does not object to the proposed activities from going ahead subject to the following conditions:

1. Please note the above activity should not be:
 - Located below the 1:100 year floodline of a river or in close proximity of the water bodies such as wetlands, lakes, pans, estuaries and floodplains
 - Situated on unstable areas, like fault zones, seismic zones, dolomitic or karst areas where sinkholes and subsidence are likely.
 - Situated in or near sensitive ecological areas.
 - Situated in or on areas characterized by flat gradients, shallow or emergent groundwater.
 - Situated in areas characterized by steep gradients, or shallow bedrock with little soil cover, where stability of slopes could be a problem
 - Situated on areas of groundwater recharge on account of topography and/or highly permeable soils;
 - Situated on areas overlaying or adjacent to important or potential important aquifers where such aquifers are to be used for water supply purposes.
 - The cemetery should be situated more than 200m from the surface water resources and more than 300m from boreholes and wells used for human consumption without authorisation from this Department





water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

2 All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management must be adhered to.

Department reserves the right to revise its initial comments and request additional information that may arise from correspondence and/or upon inspection.

Should you have any queries, please do not hesitate to contact Nkosinathi Mkonto at the contact details provided above.

Yours faithfully

REGIONAL HEAD: WESTERN CAPE

Signed by: Nelisa Ndobeni

Designation: Control Environmental Officer

Date: 25 OCTOBER 2019



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

ANNEXURE P

**APPLICATION FOR
REZONING:**

**FARM NO. 1329/1,
STELLENBOSCH DIVISION**

**COMMENT FROM THE
DIRECTOR: ENGINEERING
SERVICES**

file (S)
23



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	N Katts
From ▫ Van:	Abdullah Daniels (Development)
Date ▫ Datum:	08 March 2020
Our Ref ▫ Ons Verw:	Civil Lu 1896
Re ▫ Insake:	Farm 1329-1, Rezoning.

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

19 MAR 2021

RECEIVED

The application is for the following items:

- i. Rezoning of Farm No 1329, Stellenbosch for the establishment of a private family cemetery.

Comments from the Transport, Roads and Stormwater, Water Services, Traffic Engineering and Development Departments will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

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

1. Waste Water and Sewage

- 1.1 The use of septic tanks are not allowed. Conservancy tanks or alternative solution must be provided, details and drainage layout plans must be provided at building plan stage.

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R.
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2. Water

- 2.1 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards. Current proof of compliance must be available on request.

3. Solid Waste

- 3.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

4. Roads

- 4.1 Ensure the cemetery is not within the farm's building lines or any road reserves.

5. Electrical

- 5.1 See annexure A for electrical comments.



ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES).

W:\2.0 DEVELOPMENT\00 Developments\1894 (TK) Farm 1329-1 (Cemetery - Killarney Brickfields)\1894 (AD) Farm 1329-1, Consent, cemetery.doc