



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10657

Our File Reference Number: Farm 1353/1, Paarl Division

Your Reference Number: P1353/1 4/19

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR A CONSENT USE: FARM 1353/1, PAARL DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 The application made in terms of Section 15 (2) (o) of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 1353/1, Paarl Division, for **Consent Use** for Tourist Accommodation Establishment to convert the existing farm shed into five guest suites;

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:**
 - 3.1 The approval applies only to the application under consideration as indicated on drawings Number: SK01 & SK04 drawn by Adonic (Eustace J. Adonis), dated August 2019 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - 3.2 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;

- 3.3 The conditions imposed by the Director: Engineering Services as contained in their memo dated 14 May 2021, attached as **Annexure L**, be complied with;
- 3.4 The conditions imposed by the Cape Winelands District: Environmental health as contained in their letter dated 16 July 2020, attached as **Annexure I**, be complied with;
- 3.5 The tourist accommodation establishment for this approval shall be limited to 5 bedrooms (16] guests).
- 3.6 Building plans with landscaping and lighting plan must be submitted, and be approved by this Municipality, prior to any building work commencing on site;
- 3.7 The approval will lapse if not confirmed within 5 years from date of final notification of approval of the application.

4. The reasons for the above decision are as follows:

- 4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape;
- 4.2 The development proposal will have limited impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost;
- 4.3 There will be limited impact on the existing infrastructure and limited additional traffic will be generated.

5. 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.

6. 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.

7. 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

8. 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.
9. 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>).
10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. 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

24/8/2021

DATE:

ANNEXURE D: SITE DEVELOPMENT PLAN



01 Ground Storey

1 : 100



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No.	Date	Description

ADONIC

BRASHELE PROPERTIES & PTY LTD
7/1 LAVENDER ROAD

PROPOSED ALTERATIONS AND ADDITIONS
TO EXISTING BUILDINGS

PORTION 1 OF FABRI 133, FRANKENBERG
GROUND STOREY PLAN - NEW QUART UNITS

Project Name	01 Ground Storey
Client	BRASHELE PROPERTIES & PTY LTD
Project No.	MS9
Revision No.	SK01
Scale	1 : 100
Date	AUGUST 2024
Sheet No.	A1

NO BUILDING WORK TO BE DONE ON EXISTING BUILDINGS, WORK TO COME IN WITH LOCAL AUTHORITY AND BEING 1.5 WALL AND PER WALL SURFACE SQUARE METRE. FROM 7.5 TO 2.00. PROPOSED ALTERATIONS COVER ALL COVERS WITH PROVISION BETWEEN ALL COVERS ALONG OVERHEADS. ALL MATERIALS TO BE APPROVED FROM TO OCCUR.

ANNEXURE L: 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 Nicole Katts
From - Van: Manager: Development (Infrastructure Services)
Author - Skrywer: Tyrone King
Date - Datum: 14 May 2021
Our Ref - Ons Verw: Civil LU 1994
Your Ref: LU/10657
Re - Insake: Farm 1353 Pt 1: Consent Use for Tourist Accommodation
Establishment to convert the existing farm shed into five guest
suites

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

- 1. Water**
 - 1.1 The proposed water supply is via a borehole. The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.
 - 1.2 The onus is on the "Developer" to ensure a sustainable water source to the said development and that the "Municipality" be exempted from any claims whatsoever should the natural water source not be sufficient;

- 2. Sewer**
 - 2.1 Sewer will be catered for by upgrading the existing conservancy tank which is serviced by the Municipality on demand by the Owner.
 - 2.2 Wastewater and sewage may not pollute any groundwater, stormwater or surface water.

3. Solid Waste

- 3.1 The current refuse removal service provided by the Municipality will be retained.

4. Roads

- 4.1 Sufficient parking must be provided and indicated on the plans at building plan submission stage.

5. Stormwater

- 5.1 Any additional run-off 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 (Comments by Mr Martin Slabber – Supt. Dwarsrivier elec)

- 7.1 General comments: None
- 7.2 Conditions: Outside electrical network area – ESKOM



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

W:\2.0 DEVELOPMENT\00 Developments\1994 (TK) Farm 1353 Ptn1 Paarl Division (LU-10657), C11994 (TK) Farm 1353 Ptn1 Paarl Division (LU-10657).doc

APPLICATION INFORMATION

Civil LU 1994 (LU/10657)

Wednesday, 12/May/2021

2020/21

Franschhoek

Farm 1353/1

Franschhoek

D. Parameters as per Pages 11-12 of the motivation report Nov 2019 by Peter Mons

SUMMARY OF DC CALCULATION

Usage	Water		Sewer		Storm-water		Solid-Waste		Roads		Community Facilities	
	kl/day	kl/day	kl/day	ha°C	t/week	trips/day	trips/day	person				
before Deductions	0.900	0.750	0.020	0.075	R 4 192.80	R 40 653.48	R 16 298.34					
VAT)					R 4 192.80	R 40 653.48	R 16 298.34					
AT)					R 628.92	R 6 098.02	R 2 444.75					
					R 4 821.72	R 46 751.50	R 18 743.09					

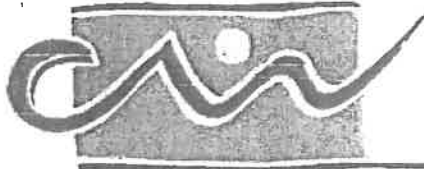
APPLICANT INFORMATION

Tyrone King

Existing shed (292.1m2 agricultural building) converted to 5 new guest rooms

As above

**ANNEXURE I: COMMENT FROM THE CAPE WINELANDS DISTRICT:
ENVIRONMENTAL HEALTH**



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMIBUZO:
TELEFOON/TELEPHONE/UMNXEBA:
FAKS/FAX/IFEKSI:
E-POS/E-MAIL/IE-MAIL:
U VERW/YOUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

Mnr. M. Mathee
021-8711001
021-8721277
mathee@capewinelands.gov.za
Farm 1353/1, Paarl (LUn0657)
Plaas No. 1353/1

Alexanderstraat 46 Alexander Street
☒ 100
STELLENBOSCH
7599

16 July 2020

The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599

Director: Planning & Economic Development

Dear Sir / Madam

APPLICATION FOR CONSENT USE: FARM 1353/1, PAARL DIVISION

Your email dated 10 July 2020 refers.

From an environmental health perspective, this application is recommended for approval on condition that the accommodation facilities (guest suites) comply, at all time, with all the following requirements as stipulated in the Municipal Health By-laws: Cape Winelands District Municipality No.6696 of 15 February 2010.

No person shall use any building as an accommodation establishment unless—

- (a) it is in good structural condition outside and inside and in a proper state of repair;
- (b) not less than one bathroom is provided for the first eight lodgers, with one additional bathroom for every additional twelve lodgers or part thereof;
- (c) every bathroom—
 - (i) is provided with a hand wash-basin;
 - (ii) is provided with a bath or shower; and
 - (iii) is provided with an adequate supply of cold and or hot running water.
- (d) sanitary conveniences are provided on the basis of one convenience for the first eight lodgers and thereafter one convenience for every additional twelve lodgers or part thereof: provided that a sanitary convenience shall not be installed in the same room as a bath or shower, en-suite bathrooms excluded.

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/

All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyelwe kuMlawuli kaMasipala
Telefoon/Telephone/Umnxeba: 0861 265 263 • E-pos/E-mail/IE-mail: admin@capewinelands.gov.za • Faks/Fax/IFeksi: 023 342 8442

(e) the faecal matter arising in respect of the accommodation is properly stored and, except where pit latrines or a method for the adequate treatment of such matter by means of an enzymatic or chemical process is provided, is properly removed and disposed of;

(f) a receptacle with a close-fitting lid is provided in a latrine.

(g) the household refuse arising in respect of the accommodation is properly removed and disposed of at least once a week;

(h) all water supply fittings and fittings that relate to sanitation and ablution are in a working order.

Preparation and serving of food A proprietor who prepares or serves food on the premises for consumption by a guest, irrespective if the guest pays separately for the food or if a charge for the food is included in the accommodation costs, must comply with the provisions of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, published under Government Notice No. R638 of 22 June 2018.

A proprietor must ensure that his premises has access to safe and adequate potable water, sanitation and refuse removal, and that household facilities, eating utensils, linen and bedding is kept in a clean and hygienic condition.

Yours faithfully



for MUNICIPAL MANAGER

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/

All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyelwe kuMlawuli kaMasipala
Telefoon/Telephone/Umnxeba: 0861 265 263 • E-pos/E-mail/iE-mail: admin@capewinejands.gov.za • Faks/Fax/iFeksi: 023 342 8442