



STELLENBOSCH

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Application Number: LU/8331

Our File Reference Number: Farm 1539/1, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR DEPARTURE AND CONSENT USE ON FARM 1539/1, 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 applications in terms of Section 15(2) of the Stellenbosch Municipality Land Use Planning Bylaw promulgated by notice number 354/2015, dated 20 October 2015 on Farm 1539/1, Stellenbosch Division namely:
 - 2.2 A **Consent Use** in terms of Section 15(2)(o) of the said By-Law for the construction of an additional dwelling unit;
 - 2.3 A **Departure** in terms of Section 15(2)(b) of the said By-Law to relax the side building line adjacent to Farm No. 1539, Stellenbosch Division from 30m to 4,5m in order to accommodate the proposed additional dwelling unit.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

- 2.4 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
- 2.5 The approval only applies to the consent use and departure application under consideration, on Portion 1 of Farm No. 1539, Stellenbosch Division and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

- 2.6 The primary use must still remain agricultural with tourist related activities operating as a secondary use.
- 2.7 The development must be undertaken generally in accordance with the Site Development Plans as referenced as drawing no: ANNEXC_A3.DWG, dated 8 August 2018, attached as **Annexure C**.
- 2.8 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.
- 2.9 At least one on-site parking bay must be indicated (on the building plan) for the proposed additional dwelling unit.
- 2.10 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 Wastewater Services Department (for the attention of Mr Bradley Dyers (t) 021 808 8267; email: Bradley.Dyers@ Stellenbosch.gov.za. This agreement must be in place prior to the approval of building plans.
- 2.11 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. This proof is required prior to the approval of building plans.
- 2.12 Wastewater and sewage may not pollute any groundwater, stormwater or surface water.
- 2.13 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.
- 2.14 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).
- 2.15 The applicant must, prior building plan submission, submit to the Department Community & Protection Services proof that there is no alien vegetation on site.
- 2.16 The location and the footprint of the proposed additional dwelling unit may not change and must be developed in accordance to drawing no: ANNEXC_A3.DWG, dated 8 August 2018.
- 2.17 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any

building plans or as may be agreed on in writing with the Director Infrastructure Services.

2.18 Building plans must be generally in accordance with drawing no: ANNEXC_A3.DWG, dated 8 August 2018 (attached as **Annexure C**).

3. Matters to be noted:

3.1 All electrical requirements be directed to Eskom.

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

4.1 The proposal will not have an impact on the agricultural viability of the property due to its location.

4.2 The proposal conforms to the definition of an additional dwelling unit as the size of the property can allow for an additional dwelling unit.

4.3 The current legislation (Stellenbosch Municipality Zoning Scheme By-Law, 2019) allows for a second dwelling as a primary right.

4.4 The primary use of the property will remain agriculture.

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.

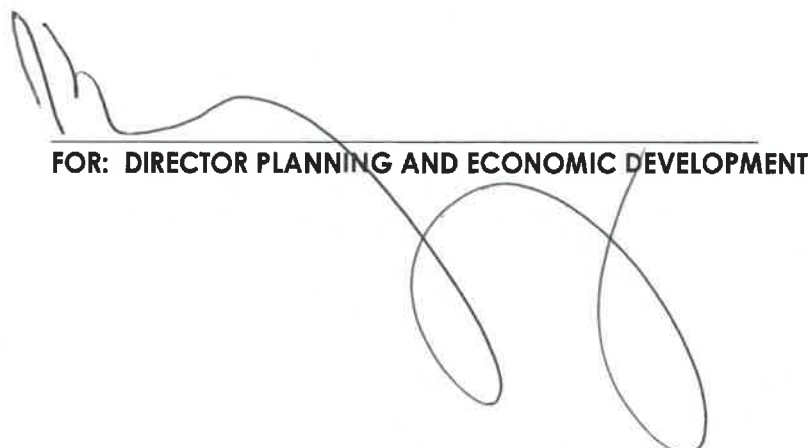
- (c) The grounds of the appeal which may include the following grounds:
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application 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

19/7/2022
DATE:



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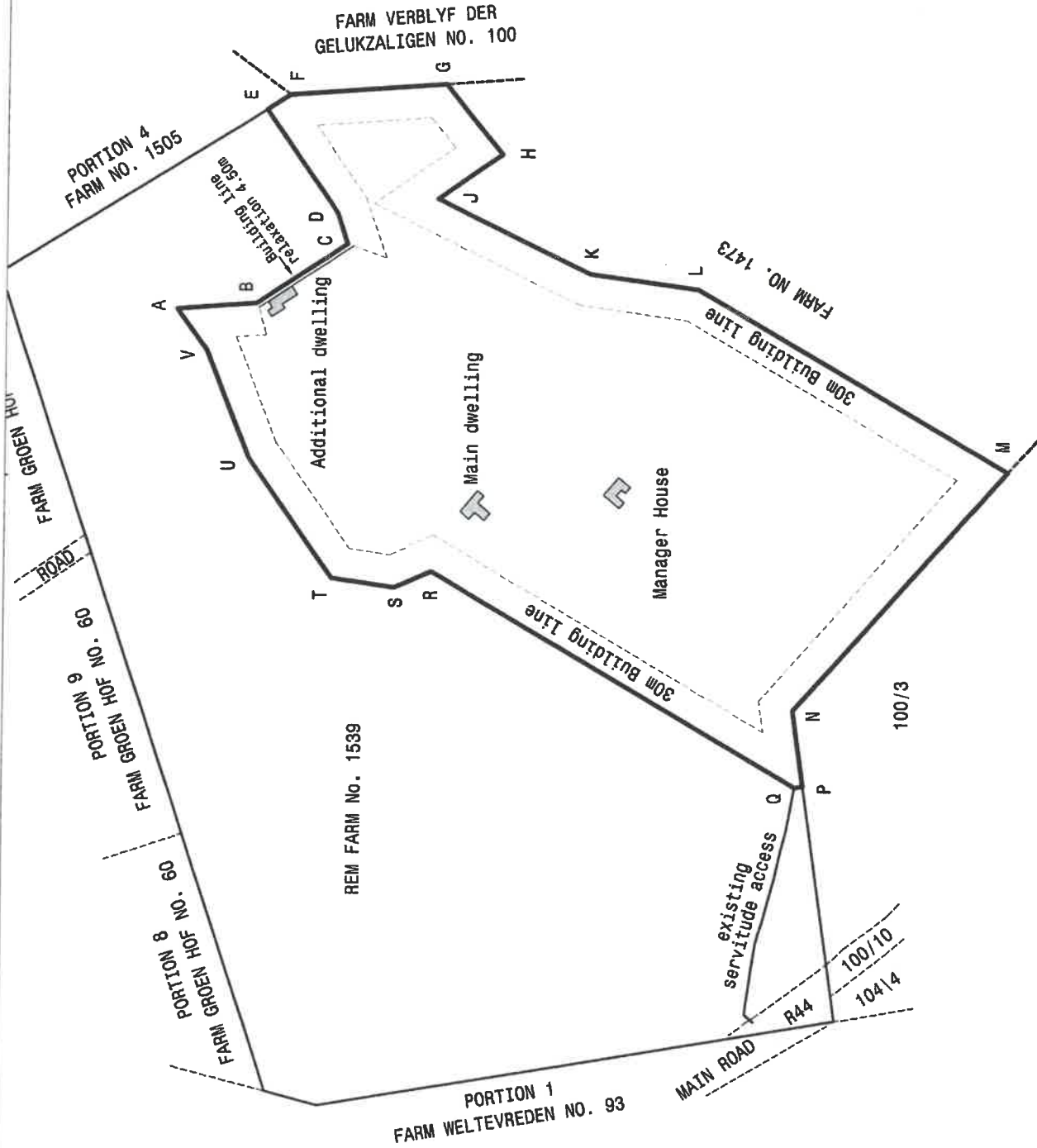
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ANNEXURE C

(CONSENT USE AND DEPARTURE APPLICATION ON FARM No. 1539/1, STELLENBOSCH DIVISION)

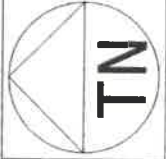
SITE PLAN

ANNEXURE C



Notes

1. Building footprint of additional dwelling not to exceed 300m².
2. Position as indicated, but shape and form to be finalised by architect.
3. Building line BC to be relaxed to 4.50m.



Caaveat
 1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
 2. All levels are to be confirmed prior to construction.

Scale 1:4000 Date:08/08/2018
 ADDITIONAL DWELLING AND BUILDING LINE RELAXATION
 PORTION 1 OF THE FARM NO. 1539
 STELLENBOSCH
 Ref:SA1539-1 Dwg:ANNEXC_A3.DWG

Contours:
FRIEDLAENDER, BURGER & VOLKMANN

System: WG 19