



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10699

Our File Reference Number: Farm 387/10, 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 PERMANENT DEPARTURE AND TEMPORARY DEPARTURE: FARM 387/10 STELLENBOSCH FARMS

1. The above application refers.

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

2.1 An application is made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 387/10, Stellenbosch Farms, for the following;

2.1.1 **Temporary Departure** in terms of Section 15 (2) (c) of the said by-law in order to operate a butchery from the existing structure.

2.1.2 **Permanent Departure** in terms of Section 15 (2) (b) of the said by-law, for the following:

(i) to relax common building line from 5m to 1m in order to accommodate existing second dwelling.

(ii) to increase wall height from 1m to 2.4m in order to mitigate the noise levels.

BE APPROVED in terms of Section 60 of the by law and subject to the following 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 Drawing No: 101revA, drawn by Will Hammers PrsArchT, dated November 2021 and shall not be

construed as authority to depart from any other legal prescriptions or requirements from Council.

3.2 The development shall be implemented substantially in accordance with the Site Development Plan referenced as Drawing No: 101revA, drawn by Will Hammers PrsArchT, dated November 2021 and attached as **Annexure C**.

3.3 The proposed butchery shall be limited to **108 m²**.

3.4 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.

3.5 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 11 April 2022, attached as **Annexure K**, be complied with.

3.6 No directional signage may be erected without the prior approval of the Provincial Roads Engineer and the Municipality.

3.7 The premises must comply with the health regulations at all times.

3.8 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

3.9 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 Director Infrastructure Services.

3.10 Building plans must be generally in accordance with the layout plans as referenced Drawing No: 101revA, drawn by Will Hammers PrsArchT, dated November 2021 and attached as **Annexure C**.

4. Matters to be noted:

4.1 The Municipality reserves the right to withdraw the approval for the butchery should the conditions of approval not be complied with or in the event of the business creating a disturbance or nuisance to the adjacent property owners, and in which case the Council shall not be held responsible for any costs incurred by the applicant.

4.2 The conditions imposed by the **Cape Winelands District Municipality** as contained in their email dated 09 September 2020, attached as **Annexure G**, to be complied with.

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

5.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape;

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:

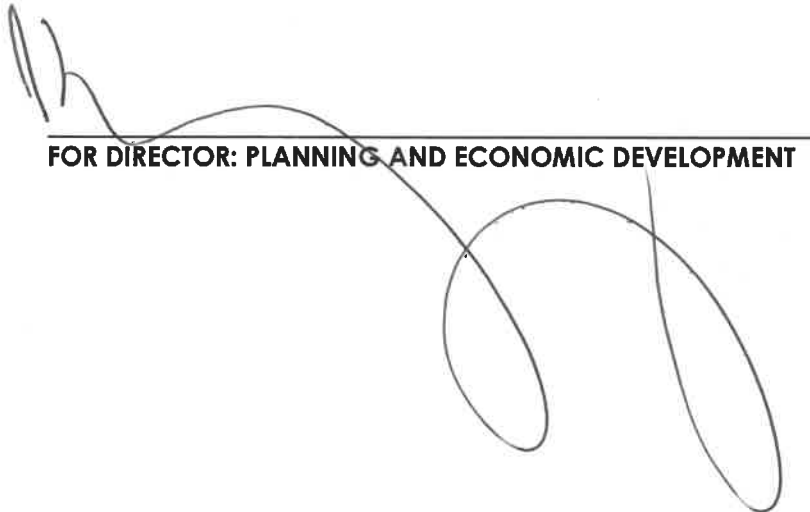
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred 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

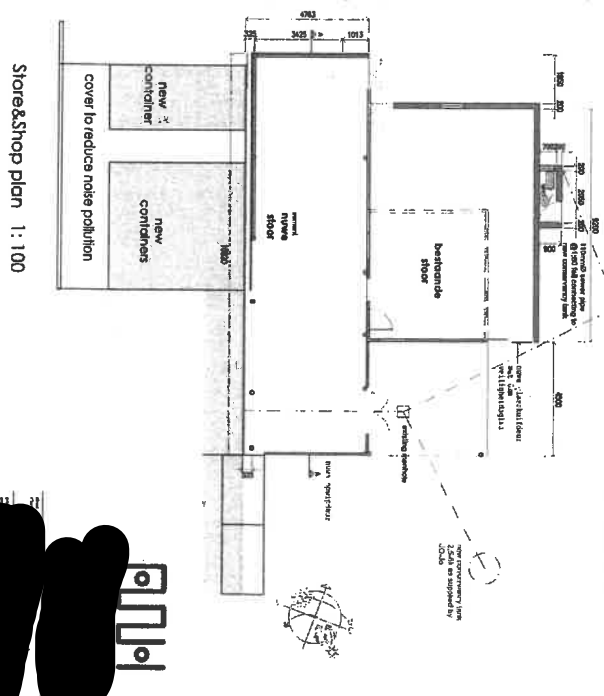
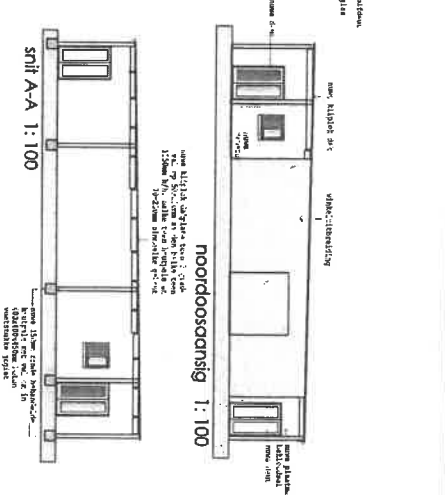
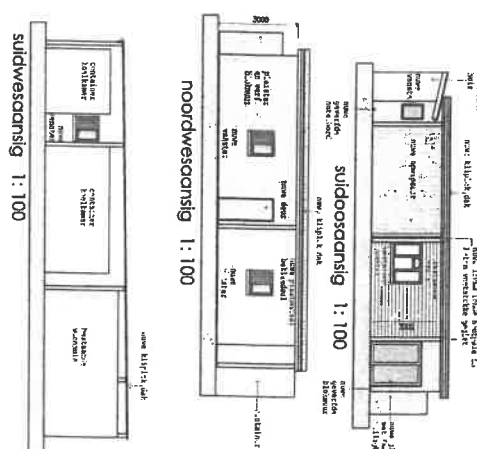
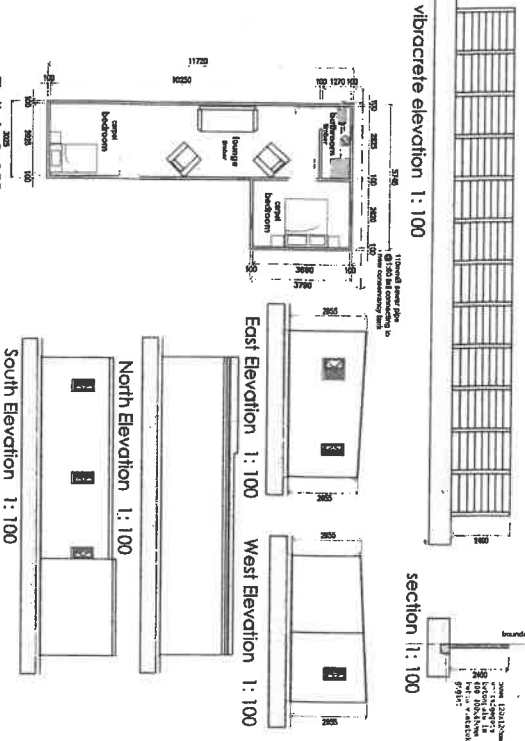
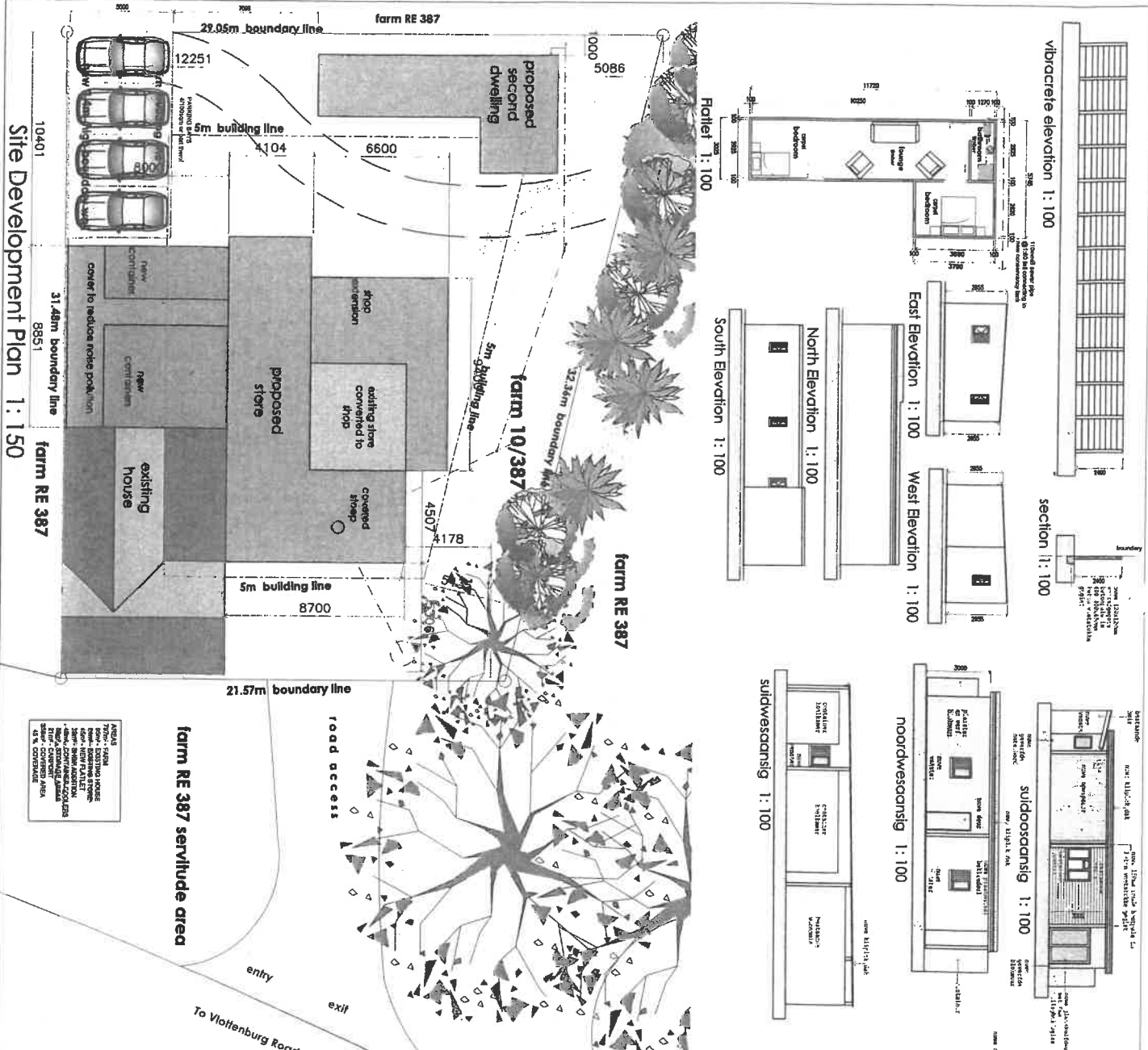


A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the typed name.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

22/7/2022
DATE

ANNEXURE C: SITE DEVELOPMENT PLAN



GENERAL NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. THE PROPOSED SECOND DWELLING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL ELECTRICAL REGULATIONS.
3. THE PROPOSED STORE AND SHED ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.
4. THE PROPOSED SHED IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.
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10. THE PROPOSED SHED IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS.

PLANS & ELEVATIONS FOR APPROVAL

10/REVA November 2021

**ANNEXURE K: COMMENT FROM DIRECTOR:
ENGINEERING SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag S Newman
From ▫ Van: A Daniels (Development)
Date ▫ Datum: 11/04/2022
Our Ref ▫ Ons Verw: Civil LU 2065
Re ▫ Insake: Farm 387-10 Stellenbosch: Relaxation of building line, second dwelling and meat market Revised SDP

The above mentioned application for the following refers.

- 1) Relaxation of 5m common boundary to allow a second dwelling 1m from north facing boundary.
- 2) To permit the establishment of a daily market to sell meat products.

The above 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 Conservancy tanks indicated must comply with Stellenbosch municipality standards.
- 2.2 Conservancy tank details must be provided at building plan stage

3. Development Charges (DCs)

- 3.1 Based on the information provided, the Development Charges payable by the developer is R 91875,21 (Vat incl.) as per attached Development Charges calculation.
- 3.2 The DC's were calculated for the 2021/2022 financial year. If the account is paid after 30 June 2022 it has to be recalculated using the then applicable tariffs.
- 3.3 The appropriate DC's are payable before a building plan approval.

4. Electrical

- 6.1 See annexure for electrical comments.



ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\2065 (AD) Farm 387-10 Stellenbosch (LU-10699)\2065 (AD) Farm 387-10 STELLENBOSCH (LU-10699)RELAXATION OF BUILDING LINE TO ALLOW SECOND DWELLING signed - Revised SDP.doc

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	
Date	Monday, 11/Apr/2022
Financial Year	2021/22
Erf Location	Stellenbosch, Stellenbosch
Erf No	Farm 387-10
Erf Size (m ²)	
Suburb	
Applicant	Will Hammers
Approved Building Plan No.	Meat market consent use application ProjBct 10:387 drawing:101RevD November 2021

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
	kl/day	kl/day	ha°C	t/week	trips/day	person	
Total Increased Services Usage	0,396	0,347	0,008	0,040	8,91	8,9	
Total Development Charges before Deductions	R 10 748,94		R 809,54	R 2 103,73	R 64 753,31	R 1 476,00	R 79 891,53
Total Deductions							
Total Payable (excluding VAT)	R 10 748,94		R 809,54	R 2 103,73	R 64 753,31	R 1 476,00	R 79 891,53
VAT	R 1 612,34		R 121,43	R 315,56	R 9 713,00	R 221,40	R 11 983,73
Total Payable (including VAT)	R 12 361,29		R 930,97	R 2 419,29	R 74 466,31	R 1 697,40	R 91 875,26

APPLICANT INFORMATION

Application Processed by:	Abdullah Daniels
Signature	
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

Stellenbosch Town

Land Use Category	Use Type	Existing Usage			Proposed New Usage			Increased Usage	Water	Sewer	Stormwater	Development Charges (incl VAT)		Total
		du	area (m2)	du/ha	du	area (m2)	du/ha					du	area (m2)	
Residential	Single Residential >1000m2	du		0					yes	no	yes			
	Single Residential >500m2	du		0					yes	no	yes			
	Single Residential >250m2	du		0					yes	no	yes			
	Single Residential <250m2	du		0					yes	no	yes			
	Less Formal Residential >250m2	du		0					yes	no	yes			
	Less Formal Residential <250m2	du		0					yes	no	yes			
	Group Residential >250m2	du		0					yes	no	yes			
	Group Residential <250m2	du		0					yes	no	yes			
	Medium Density Residential >250m2	du		0					yes	no	yes			
	Medium Density Residential <250m2	du		0					yes	no	yes			
Commercial	High Density Residential - flats	du		0					yes	no	yes			
	High Density Residential - student rooms	du		0					yes	no	yes			
	Local Business - office	m2 GLA		0%					yes	no	yes			
	Local Business - retail	m2 GLA		0%					yes	no	yes			
	General Business - office	m2 GLA		0%					yes	no	yes			
	General Business - retail	m2 GLA		0%					yes	no	yes			
	Community	m2 GLA		0%					yes	no	yes			
	Education	m2 GLA		0%					yes	no	yes			
	Light Industrial	m2 GLA		0%					yes	no	yes			
	General Industrial - light	m2 GLA		0%					yes	no	yes			
Industrial	Warehousing	m2 GLA		0%					yes	no	yes			
	General Industrial - heavy	m2 GLA		0%					yes	no	yes			
	Noxious Industrial - heavy	m2 GLA		0%					yes	no	yes			
	Resort	m2 GLA		0%					yes	no	yes			
	Public Open Space	m2		0%					yes	no	yes			
	Private Open Space	m2		0%					yes	no	yes			
	Natural Environment	m2		0%					yes	no	yes			
	Utility Services	m2 GLA		0%					yes	no	yes			
	Public Roads and Parking	m2		0%					yes	no	yes			
	Transport Facility	m2		0%					yes	no	yes			
Special	Limited Use	m2		0%					yes	no	yes			
	To be calculated based on equivalent demands								yes	no	yes			
									yes	no	yes			
									yes	no	yes			
									yes	no	yes			
									yes	no	yes			
									yes	no	yes			
									yes	no	yes			
									yes	no	yes			
									yes	no	yes			
Total									yes	no	yes			

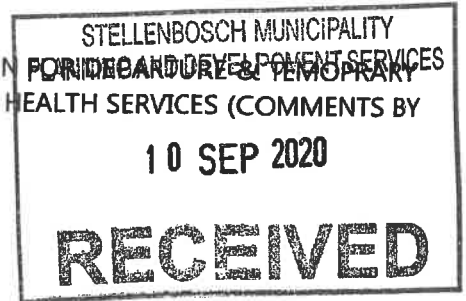
Category	du	area (m2)	du/ha	% GLA	du	area (m2)	du/ha	% GLA	du	area (m2)	du/ha	% GLA	Water	Sewer	Stormwater	Development Charges (incl VAT)	Community Facilities	Total	
Residential	10 748,94		0%		99		0%		10 748,94		0%		yes	no	yes	2 103,73	64 753,31	1 476,00	79 891,53
Commercial			0%				0%				0%		yes	no	yes				
Industrial			0%				0%				0%		yes	no	yes				
Other			0%				0%				0%		yes	no	yes				
Special			0%				0%				0%		yes	no	yes				
Total	10 748,94		0%		99		0%		10 748,94		0%		yes	no	yes	2 103,73	64 753,31	1 476,00	79 891,53
* du = dwelling unit, GLA=Gross leasable area.																			
** du = dwelling unit, GLA=Gross leasable area.																			
*** displays red if not equal to existing area																			
Total Development Charges before Deductions																			
% Deductions per service (%)																			
Additional Deduction per service - from Service Agreement (sum)																			
Sub Total after Deductions (excluding VAT)																			
VAT																			
Total																			

**ANNEXURE G: COMMENT FROM CAPE WINELANDS
DISTRICT MUNICIPALITY (HEALTH
SERVICES)**

17

Charlene Williams

From: Salome Newman
Sent: 10 September 2020 07:59 AM
To: Charlene Williams
Subject: FW: Farm 387/10 Stellenbosch :APPLICATION FOR DEPARTURE & TEMPORARY DEPARTURE: DEPARTMENTAL COMMENT - HEALTH SERVICES (COMMENTS BY EMAIL)



More C

Print en plaas op leer merk uit na my

From: Leandre Candice Davids [mailto:leandre@capewineland.gov.za]
Sent: 09 September 2020 04:13 PM
To: Salome Newman
Cc: Fabian van Wyk; Ferencia September
Subject: [EX] RE: Farm 387/10 Stellenbosch :APPLICATION FOR DEPARTURE & TEMPORARY DEPARTURE: DEPARTMENTAL COMMENT - HEALTH SERVICES (COMMENTS BY EMAIL)

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 387/10, Stellenbosch (LU/10699)

DESCRIPTION OF THE PROPOSAL: Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law for a departure to relax the side building line from 5m to 1m in order to accommodate the existing second dwelling unit. Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipality Land Use Planning By-Law for a temporary departure in order to operate a butchery from the existing structure.

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.

FILE NR:	
SCAN NR:	F 387/10 S
COLLABORATION NR:	692842

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/market 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@capewinelandsgov.za>
Sent: Wednesday, 19 August 2020 15:52
To: Leandre Candice Davids <leandre@capewinelandsgov.za>
Cc: Ferencia September <ferencia@capewinelandsgov.za>
Subject: FW: Farm 387/10 Stellenbosch :APPLICATION FOR DEPARTURE & TEMOPRRARY DEPARTURE: DEPARTMENTAL COMMENT - HEALTH SERVICES (COMMENTS BY EMAIL)

From: Salome Newman <Salome.Newman@stellenbosch.gov.za>
Sent: Wednesday, 19 August 2020 15:22
To: Fabian van Wyk <fabian@capewinelandsgov.za>; Ferencia September <ferencia@capewinelandsgov.za>
Subject: FW: Farm 387/10 Stellenbosch :APPLICATION FOR DEPARTURE & TEMOPRRARY DEPARTURE: DEPARTMENTAL COMMENT - HEALTH SERVICES (COMMENTS BY EMAIL)

Good day;

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your comment by email, if any, in order to enable me to submit the application to the decision making authority for consideration.

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 387/10, Stellenbosch (LU/10699)

DESCRIPTION OF THE PROPOSAL: Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law for a departure to relax the side building line from 5m to 1m in order to accommodate the existing second dwelling unit. Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipality Land Use Planning By-Law for a temporary departure in order to operate a butchery from the existing structure.

APPLICANT: Ateljee Will Hammers