



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/7989

Our File Reference Number: Farm 402/19, Stellenbosch Division

Your Reference Number: 306/2018/402-19STE

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [alwi@urbanrural.co.za](mailto:alwi@urbanrural.co.za)

Sir / Madam

## **APPLICATION FOR CONSENT USE AND DEPARTURE: FARM 402/19, 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 following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, 2015:
    - 2.1.1 Consent use in terms of Section 15(2)(o) of the said By-Law in order to allow for the construction of one additional dwelling unit on Farm 402/19, Stellenbosch Division;
    - 2.1.2 Consent use in terms of Section 15(2)(o) of the said By-Law in order to utilize two (2) additional dwelling units (one existing dwelling and one proposed additional dwelling unit) for the purpose of guest accommodation, on Farm 402/19, Stellenbosch Division.
    - 2.1.3 Departure in terms of Section 15(2)(b) of the said By-Law to relax the common building line from 30m to 6m and 13m in order to accommodate the new and existing additional dwelling units on Farm 402/19, Stellenbosch Division and indicated on project number 306/2018/402/19 STEL and 306/2018, dated April 2019, **BE APPROVED** in terms of Section 60 of the said By-Law.

## 2.2 Conditions of approval in terms of Section 66 of the said By-Law:

- 2.2.1 The approval applies only to the consent uses in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2.2.2 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;
- 2.2.3 That building plans must be approved by this municipality, prior to any building work commencing on site;
- 2.2.4 That the following conditions as set out by the **Directorate: Engineering Services** be adhered to (see **Annexure H**);

### 2.2.4.1 Water

- (a) Water supplied from Theewaterskloof Scheme and stored from borehole system and subsequently supplied to the public must conform to SANS 214.

### 2.2.4.2 Waste and Sewerage

- (a) Wastewater and Sewerage may not pollute any groundwater, storm water or surface water.

### 2.2.4.3 Solid Waste

- (a) Solid waste must be removed from 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).

### 2.2.4.4 Development Charges

- (a) DC's are payable R126 422,59 (Incl VAT) (Refer to the attached Development Contribution Calculation Sheets).
- (b) DC's subject to annual, escalation up to date of payment. The final amount payable will be calculated at the time payment is made.
- (c) The appropriate DC's are payable before building plan approval.

- 2.2.5 That the following conditions as set out by the **Manager: Spatial Planning, Heritage & Environment** be adhered to (see **Annexure K**);

- 2.2.5.1 The primary use must still remain agricultural with tourist related activities operating as secondary use;

2.2.5.2 The newly constructed additional dwelling units be limited to ±120m<sup>2</sup> each including a garage;

2.2.5.3 The height be restricted to a single storey.

### 2.3 Reasons for the above Decision

- (a) The use is compatible with the surrounding land uses.
- (b) The facility creates employment opportunities and diversifies the economic base of the local area and region as a whole.
- (c) The facility will enhance the tourism potential of the region.
- (d) The proposed use does not lack desirability and will have minimal impact on the surrounding properties.
- (e) The proposal complies with the principles of the Stellenbosch Spatial Development framework.

### 2.4 Matters to be noted:

2.4.1 It should be noted that the Department of Transport and Public Works recommended that the applicant ensures that the required servitude rights of way over all of the relevant properties between Minor Road 5208 and the subject property have been registered on the title deeds of the properties.

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: [Lenacia.Kamineth@stellenbosch.gov.za](mailto:Lenacia.Kamineth@stellenbosch.gov.za).

6. An applicant 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.

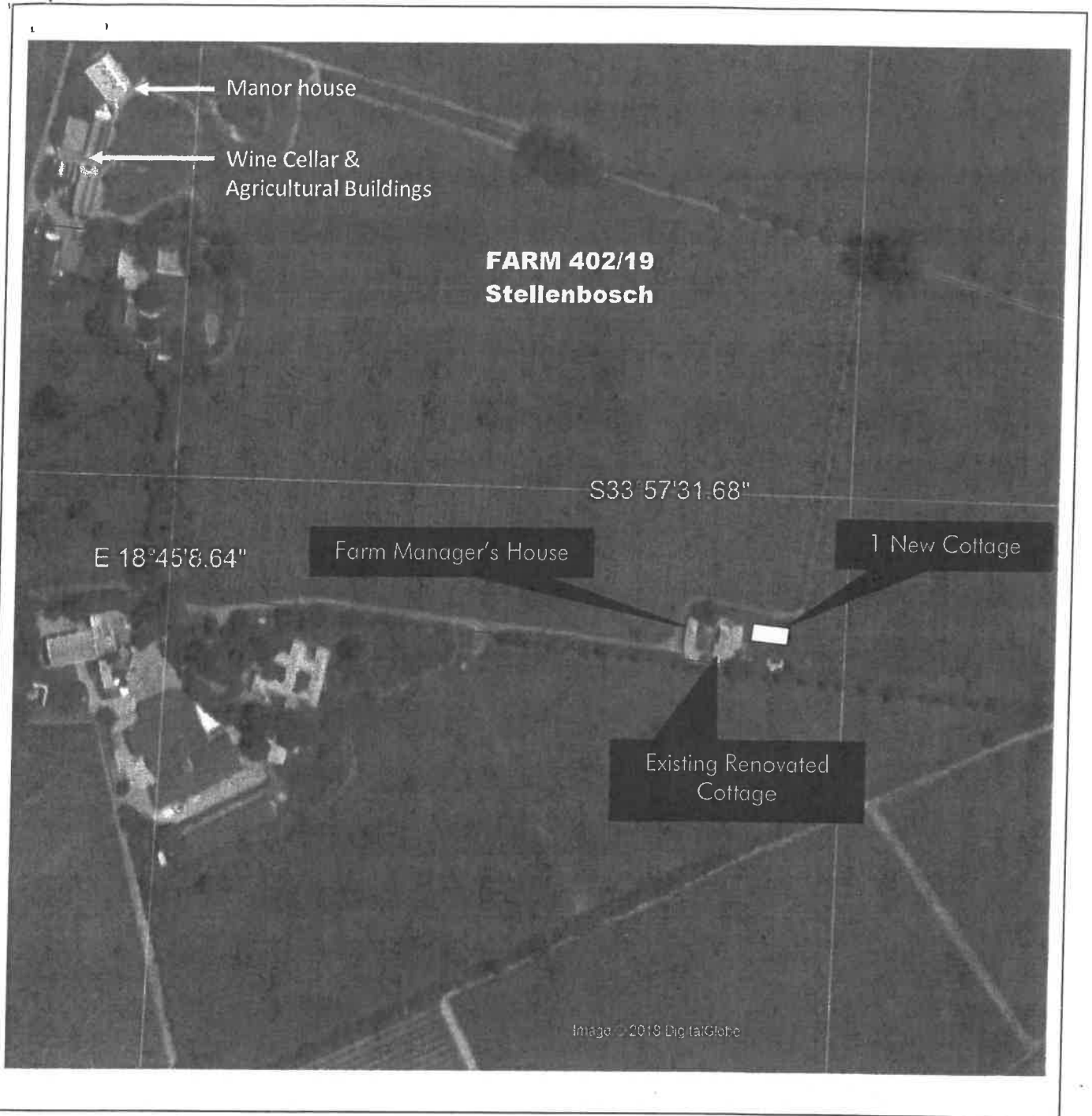
Yours faithfully

  
\_\_\_\_\_  
**FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

21/1/2021  
\_\_\_\_\_  
**DATE**

**ANNEXURE B:**

**Site Development Plan**



DESCRIPTION

# AERIAL/SITE PLAN

PROPERTY  
 FARM 402/19, STELLENBOSCH  
 MUNICIPALITY  
 STELLENBOSCH  
 APPLICATION  
 CONSENT USE  
 UTILISATION  
 ADDITIONAL DWELLINGS

DATE  
 APRIL 2019  
 SCALE  
 AS INDICATED OR UNKNOWN  
 SOURCE  
 GOOLE EARTH  
 PROJECT NR  
 306 | 2018 | 402/19STEL

**urb**  
 urban rural sa  
 www.urbanrural.co.za

Please take note that these plans and drawings were copied into this document and although it is close to scale it is not suitable for physical measurements. Although the dimensions indicated on the plans / maps are considered to be correct, it must be verified on site.  
 082 - 411 7914  
 alwi@urbanrural.co.za

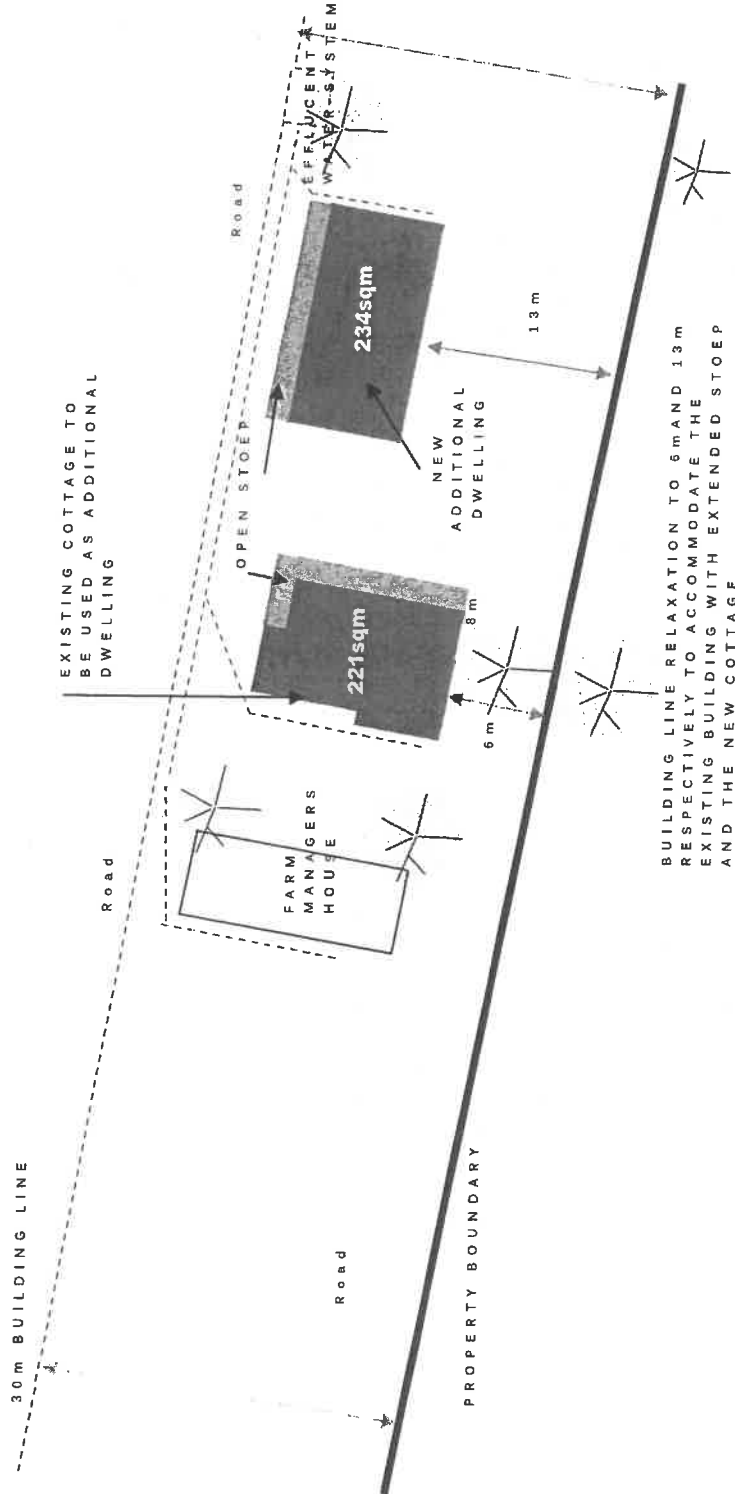
ANNEXURE

# B03



FARM 402/19

VINEYARDS



BUILDING LINE RELAXATION TO 5m AND 13m  
 RESPECTIVELY TO ACCOMMODATE THE  
 EXISTING BUILDING WITH EXTENDED SLOPE  
 AND THE NEW COTTAGE

FARM 402/18

SKETCH PLAN  
 NOT FOR SCALE

PROPERTY

**REYNEKE**

FARM 402/19 STELLENBOSCH

Division Stellenbosch	Municipality Stellenbosch
Application Consent Use	Utilisation Additional Dwellings
Scale as indicated/or unknown	Date April 2019
Source Urban Rural SA Resources	Project Number 306/2018

DESCRIPTION

**SITE PLAN**

SKETCH PLAN  
NOT FOR SCALE



082 - 411 7914  
 alw@urbanrural.co.za  
 www.urbanrural.co.za

Please take note that these plans and drawings were  
 copied into this document and although it is close to  
 scale it is not suitable for physical measurement.  
 Although the dimensions indicated on the plans / maps  
 are considered to be correct, it must be verified on site.

ANNEXURE

**B3.1**



**ANNEXURE H:**

**Comment from the Manager: Engineering Services**

# INTERDEPARTMENTAL CIRCULATION FORM

WS. 10  
26/11/18

<b>L&amp;ER/VERW/ FILE REF</b>	FARM 402/19 STELLENBOSCH	<b>DATUM DATE</b>	2018-11-06
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<b>AANSOEKNOMMER/APPLICATION NUMBER</b>	LU/7989
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**MEMO AAN/ TO :**

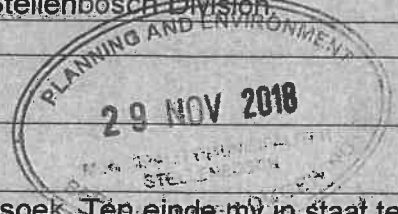
>	Director : Engineering Services Manager : Electrical Department Manager : Building Development Management Manager : Fire Services Director : Corporate Services Manager: Spatial Planning / Heritage / Environment / Signage Manager: Health Department (Winelands Health) Manager: Local Economic Development Manager : Property Management	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;">1737.</p> <p style="text-align: center; margin: 0;">Civil LU # BS</p> <p style="text-align: center; margin: 0;"><b>STELLENBOSCH MUNISIPALITEIT</b>  <b>STELLENBOSCH MUNICIPALITY</b>                      DIREKTORAAT: INGENIEURSDIENSTE                      DIRECTORATE: ENGINEERING SERVICES</p> <p style="text-align: center; margin: 0;">08 NOV 2018</p> <p style="text-align: center; margin: 0;"><i>[Handwritten Signature]</i></p> </div>
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**Application**

Application is made in terms of Section 15(2)(O) of the Stellenbosch Municipal Land Use Planning By-Law, August 2015 for a consent use to allow for the construction of two additional dwelling units on Farm 402/19, Stellenbosch Division.

Application is made in terms of Section 15(2)(O) of the Stellenbosch Municipal Land Use Planning By-Law, August 2015 for a consent use to utilize 3 additional dwelling units (one existing additional dwelling unit and two proposed additional dwelling units ) for the purpose of a guest house. The guest house will provide accommodation to fourteen (14) people at any given time on Farm 402/19, Stellenbosch Division.

<b>Adres / Address</b>	Polkadraai Main Road
<b>Aansoek Datum Application Date</b>	27 June
<b>Aansoeker Applicant</b>	Alwi Theart t/a Urban Rural SA



Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 2018-12-07  
 Please hand deliver the memorandum to me on or before : 2018-12-07

**N Petersen**  
 For **DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

**ALGEMENE KOMMENTAAR / GENERAL COMMENT:**

*See Memo*

FILE NR:
SCAN NR: F402/19S
COLLABORATOR NR: 620217

**VOORWAARDES/CONDITIONS :**

.....

.....

<b>HANDTEKENING / SIGNATURE</b>	<b>DATUM / DATE</b>
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# STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

## MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE  
DIRECTORATE: INFRASTRUCTURE SERVICES

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag** N Petersen  
**From ▫ Van:** Mr. William Smith  
**Date ▫ Datum:** 28 November 2018  
**Our Ref ▫ Ons Verw:** LU 1737  
**Re ▫ Insake:** Farm 402/19: Consent use to allow the construction of 2 additional dwellings and the use of the 3 dwellings for the purpose of guesthouses

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The application is in reference to:

- (1) Section 15 (2) (o) of the Stellenbosch Land Use Planning Bylaw of 2015 for the consent use to allow the construction of 2 additional dwellings
- (2) Section 15 (2) (o) of the Stellenbosch Land Use Planning Bylaw of 2015 for the consent use to allow the use of the 3 dwellings for the purpose of guesthouses

Comments from the Directorate Engineering Services i.e Roads + Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo.

The application for consent use is supported and recommended for approval with the following conditions:

### 1. Water

- 1.1 Water supplied from the Theewaterskloof Scheme and stored from borehole system and subsequently supplied to the public must conform to SANS 214.

### 2. Waste Water and Sewage


- 1.1 Wastewater and sewage may not pollute any groundwater, stormwater or surface water.
- 

### **3. Solid Waste**

- 3.1 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. Development Charges**

- 4.1 DC's are payable **R 126 422.59 (Incl. VAT)** (Refer to the attached Development Contribution Calculation Sheets).
- 4.2 DC's is subject to annual, escalation up to date of payment. The final amount payable will be calculated at the time payment is made.
- 4.3 The appropriate DC's are payable before building plan approval.

 28/11/2018  
WILLIAM SMITH Pr CPM

**PROJECTS MANAGER: DEVELOPMENT SERVICES AND PROJECT MANAGEMENT**

**TYRONE KING Pr TECH ENG**

**MANAGER: DEVELOPMENT**

# Stellenbosch Municipality - Development Charge Calculation



## APPLICATION INFORMATION

Application Number: LU 1737  
 Date: Wednesday, 28/Nov/2018  
 Financial Year: 2018-2019  
 Erf Location: [REDACTED]  
 Erf No: Farm 402/19  
 Erf Size (m<sup>2</sup>): [REDACTED]  
 Suburb: [REDACTED]  
 Applicant: Urban Rural SA  
 Approved Building Plan No.: [REDACTED]

## SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
	k/day	k/day	ha °C	t/week	trips/day	person	
Total Increased Services Usage	1.260	1.050	0.028	0.105	8.75	8.8	
Total Development Charges before Deductions	R 30 015.58		R 4 186.27	R 4 895.43	R 50 227.37	R 20 608.04	R 109 932.68
Total Deductions							
Total Payable (excluding VAT)	R 30 015.58		R 4 186.27	R 4 895.43	R 50 227.37	R 20 608.04	R 109 932.68
VAT	R 4 502.34		R 627.94	R 734.31	R 7 534.11	R 3 091.21	R 16 489.90
Total Payable (including VAT)	R 34 517.92		R 4 814.21	R 5 629.74	R 57 761.48	R 23 699.25	R 126 422.59

## APPLICANT INFORMATION

Application Processed by: *William Smith*  
 Signature: *[Signature]*  
 Date: 28/11/2018  
 Amount Paid:  
 Date Payment Received:  
 Receipt Number

Infrastructure Type applicable? (yes/no)	Existing Usage		Proposed Usage		Increased Usage		Water	Sewer	Solid Waste	Roads	Community Facilities		
	area (m2)	du/ha % GLA	area (m2)	du/ha % GLA	du m2 GLA	du m2 GLA					Yes	No	Yes
Residential	du m2 GLA	du/ha % GLA	du m2 GLA	du/ha % GLA	du m2 GLA	du m2 GLA	Yes	No	Yes	Yes	Yes	Total	
Single Residential >100m2	du m2 GLA	0		0	0	0	R			R		R	
Single Residential >500m2	du m2 GLA	0		0	0	0	R			R		R	
Single Residential >250m2	du m2 GLA	0		0	0	0	R			R		R	
Single Residential <250m2	du m2 GLA	0		0	0	0	R			R		R	
Less Formal Residential >250m2	du m2 GLA	0		0	0	0	R			R		R	
Less Formal Residential <250m2	du m2 GLA	0		0	0	0	R			R		R	
Group Residential >250m2	du m2 GLA	0		0	0	0	R			R		R	
Group Residential <250m2	du m2 GLA	0		0	0	0	R			R		R	
Medium Density Residential >250m2	du m2 GLA	0		0	0	0	R			R		R	
Medium Density Residential <250m2	du m2 GLA	0		0	0	0	R			R		R	
High Density Residential - flats	du m2 GLA	0		0	0	0	R			R		R	
High Density Residential - student rooms	du m2 GLA	0		0	0	0	R			R		R	
Local Business - office	du m2 GLA	0%		0%	0	7	R	30 015.58		R	4 186.27	R	4 895.43
Local Business - retail	du m2 GLA	0%		0%	0	0	R			R		R	
General Business - office	du m2 GLA	0%		0%	0	0	R			R		R	
General Business - retail	du m2 GLA	0%		0%	0	0	R			R		R	
Community	du m2 GLA	0%		0%	0	0	R			R		R	
Education	du m2 GLA	0%		0%	0	0	R			R		R	
Light Industrial	du m2 GLA	0%		0%	0	0	R			R		R	
General Industrial - light	du m2 GLA	0%		0%	0	0	R			R		R	
General Industrial - heavy	du m2 GLA	0%		0%	0	0	R			R		R	
Noxious Industrial - heavy	du m2 GLA	0%		0%	0	0	R			R		R	
Resort	du m2 GLA	0%		0%	0	0	R			R		R	
Public Open Space	m2				0	0	R			R		R	
Private Open Space	m2				0	0	R			R		R	
Natural Environment	m2				0	0	R			R		R	
Utility Services	m2				0	0	R			R		R	
Public Roads and Parking	m2				0	0	R			R		R	
Transport Facility	m2				0	0	R			R		R	
Limited Use	m2				0	0	R			R		R	
To be calculated based on equivalent demands													
Commercial	du m2 GLA	0		0	0	0	R			R		R	
Industrial	du m2 GLA	0		0	0	0	R			R		R	
Other	du m2 GLA	0		0	0	0	R			R		R	
Special	du m2 GLA	0		0	0	0	R			R		R	
Total													

du m2 GLA	du/ha % GLA	du m2 GLA	du/ha % GLA	du m2 GLA	du m2 GLA	du m2 GLA	du m2 GLA	du m2 GLA	du m2 GLA	du m2 GLA	du m2 GLA	du m2 GLA	du m2 GLA
R30 015.58	0.00%	R0.00	0.00%	R4 186.27	0.00%	R4 895.43	0.00%	R50 227.37	0.00%	R20 608.04	0.00%	R109 932.68	
R0.00	0.00%	R0.00	0.00%	R0.00	0.00%	R0.00	0.00%	R0.00	0.00%	R0.00	0.00%	R0.00	
R0.00	0.00%	R0.00	0.00%	R0.00	0.00%	R0.00	0.00%	R0.00	0.00%	R0.00	0.00%	R0.00	
R4 502.34	0.00%	R4 186.27	0.00%	R4 895.43	0.00%	R734.31	0.00%	R7 554.11	0.00%	R3 091.21	0.00%	R109 932.68	
R34 517.92	0.00%	R4 814.21	0.00%	R5 629.74	0.00%	R57 761.48	0.00%	R23 699.25	0.00%	R126 422.59	0.00%	R16 489.90	
Total													

\*\*\* displays red if not equal to existing area

\* Complete yellow/green cells.

\*\* du = dwelling unit, GLA=Gross lettable 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 K:**

**Comment from the Manager: Spatial Planning, Heritage & Environment**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

*Spatial Planning, Heritage and Environment*

**To : Head: Customer Interface & Administration (N Petersen)**  
**From : Manager: Spatial Planning, Heritage & Environment**  
**Date : 19 December 2018**  
**Re : Application for consent use on Farm 402/19, Polkadraai Road, Stellenbosch**

I refer to your request for comment on the above application.

**1) Opinion / reasoning:**

In terms of the approved Stellenbosch Municipality MSDF, the subject property is located outside of the approved urban edge. The following principles apply to properties that fall outside the urban edge:

- Land outside of existing and proposed urban settlements should be used for agricultural production, biodiversity conservation, scenic quality and **agri-tourism**;
- Intensification of agriculture, biodiversity conservation and agri-tourism should be promoted in farming areas outside of urban settlements.

The subject property is located outside the urban edge and in principle this department supports agri-tourism uses if it is related to the farm and if the agricultural activities remain the primary use. Tourist related activities can be used as secondary use.

**2) Supported / not supported:**

This department therefore supports the proposal subject to the following conditions:

- The primary use must still remain agricultural with tourist related activities operating as a secondary use;
- The newly constructed additional dwelling units be limited to ±120m<sup>2</sup> each including a garage;
- The height be restricted to a single storey;

*pp. Blenny*

**B de la Bat**  
**MANAGER: SPATIAL**

FILE NR:	
SCAN NR:	F 402/19 S
COLLABORATOR NR:	622237

