



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9498

Our File Reference Number: Farm 398, 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 CONSENT USE ON FARM NO. 398, 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 application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for a **Consent Use** to utilize the existing labourer's cottage as a tourist accommodation establishment on Farm No. 398, Stellenbosch Division,

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

3. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

3.1 The approval only applies to the proposed application under consideration, as indicated on **Drawing Nr 13 082_776, dated 22 February 2018**, attached as **ANNEXURE C** 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.

- 3.2 The development must be undertaken generally in accordance with the site development plan as referenced **Drawing Nr 13 082_776, dated 22 February 2018** and attached as **ANNEXURE C**.
- 3.3 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.
- 3.4 Building plans must be generally in accordance with the site plan as referenced **Drawing Nr 13 082_776, dated 22 February 2018** and attached as **ANNEXURE C**.
- 3.5 The conditions imposed by **Director: Engineering Services** as contained in their memo dated 14 February 2019, be complied with (see **ANNEXURE H**).
- 3.6 The primary use must still remain agricultural with tourist related activities operating as a secondary use.
- 3.7 The current access onto Main Road 177 (±km 24,48LHS) shall remain the only access onto MR177 for Farm No. 398, Stellenbosch Division.
- 3.8 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw.
- 3.9 The tourist accommodation establishment be limited to sixteen (16) bedrooms and a maximum of thirty-eight (38) paying guests shall be permitted at any one time.
- 3.10 Building plans must be submitted for all new buildings and changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

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

- 4.1 The primary use of the property will remain agricultural with no cultivated agricultural land being taken out of production.

- 4.2 The proposed use will help diversify the existing land use on the farm and will be subservient to the agricultural activities on the farm.
- 4.3 The scale and extent of the facility is such that it will not have any detrimental impact on the built and natural environment.
- 4.4 The increase in traffic in the area will be insignificant.
- 4.5 The proposal also complies with the principles of the Stellenbosch Spatial Development Framework.

5. **Matters to be noted:**

- 5.1 Building plans be approved by the Municipality prior to any building work commencing.
- 5.2 All electrical requirements should be directed to Eskom.
- 5.3 The necessary approval be obtained in terms of the applicable liquor act, liquor by-laws or regulations.

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:

7.1 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

7.1 Reference to this correspondence and the relevant property details on which the appeal is submitted.

7.2 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.

7.3 Whether the appeal is lodged against the whole decision or a part of the decision.

7.4 If the appeal is lodged against a part of the decision, a description of the part.

7.5 If the appeal is lodged against a condition of approval, a description of the condition.

7.6 The factual or legal findings that the appellant relies on.

7.7 The relief sought by the appellant.

7.8 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

7.9 That the appeal includes the following declaration by the Appellant:

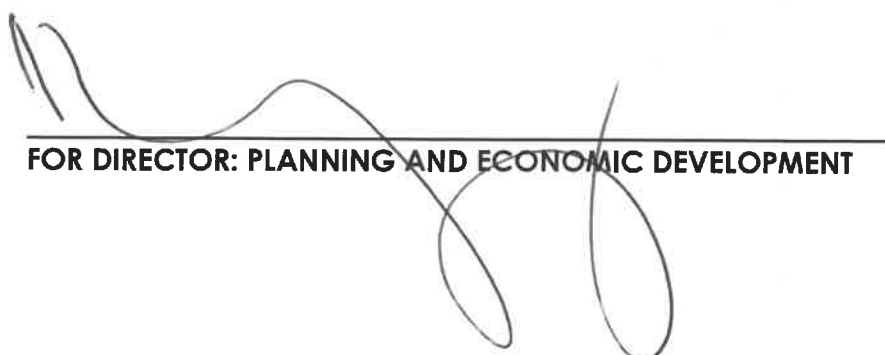
- i. The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- ii. That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers 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 and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za
11. An applicant who lodges 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 in the case of any approval, is suspended, and 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

19/9/2023
DATE:

ANNEXURE C

**APPLICATION FOR CONSENT USE ON FARM NO.
398, STELLENBOSCH DIVISION.**

SITE DEVELOPMENT PLAN/SITE PLAN

THIS DRAWING IS OF A CONFIDENTIAL NATURE AND IS THE PROPERTY OF VDW ARCH-TEC (PTY) LTD. THE INFORMATION CONTAINED IN THIS DRAWING MAY NOT BE USED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF VDW ARCH-TEC (PTY) LTD.

CONCEPTUAL LAYOUT PLAN



PROJECT
GUEST HOUSING CONSENT APPLICATION
ROZENDAL - FARM 398

ARCHITECTURAL PROFESSIONAL

CLIENT
Exclusive Access Trading 731(PTY)TD - DD Joubert

REV.	REVISION DESCRIPTION	DATE
1		

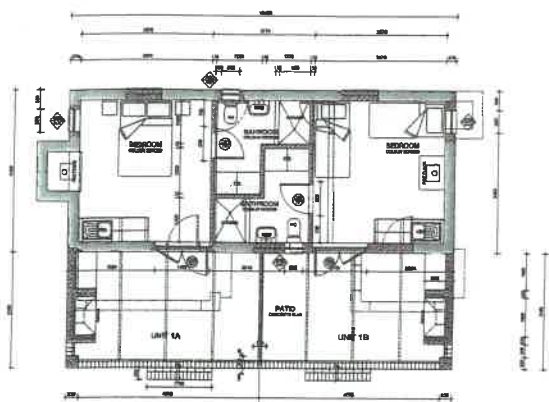
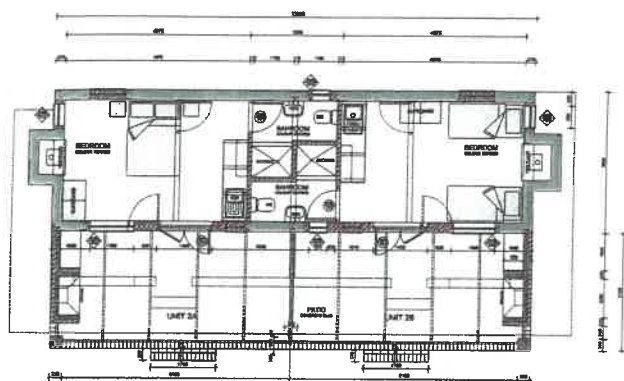
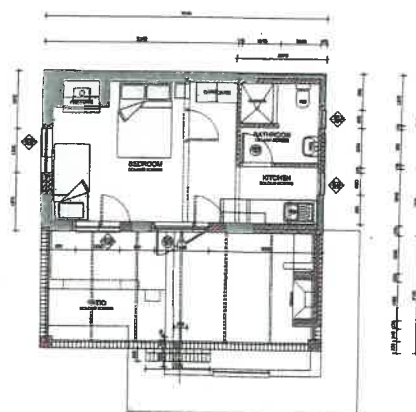
DRAWING
CONCEPTUAL LAYOUT PLAN



SCALE SHEET SIZE	DATE	DRAWN	CHECKED
1:1250/A3	2018-02-22	JP	JP
DRAWING NUMBER	REVISION		
13 082_776			

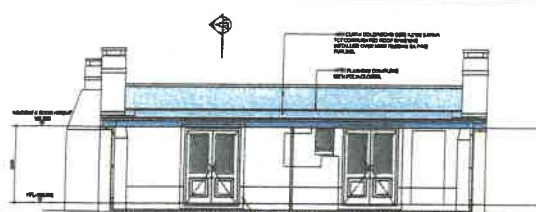
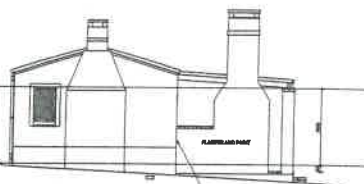
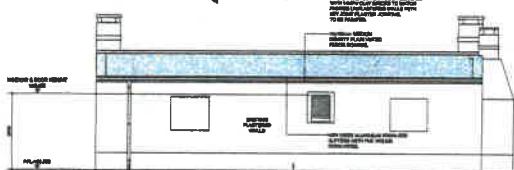
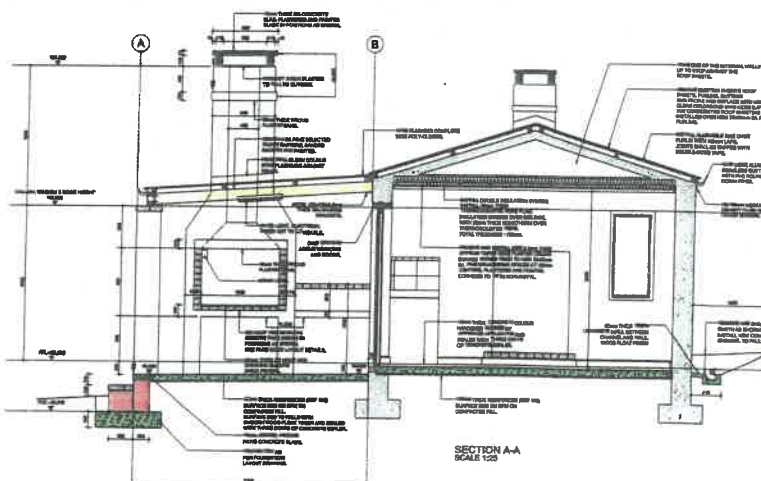
AREA SCHEDULE

ZONING	AGRICULTURE ZONE 1
FARM AREA - 46,1825 HECTARE	
MAIN FARM HOUSE	340m ²
GARAGE	115m ²
POOL	45m ²
FARM STORE	210m ²
WORKSHOP	280m ²
VENUE	640m ²
FOREMAN HOUSE	185m ²
GARAGE	45m ²
LAUNDRY	15m ²
SUBTOTAL	1675m ²
COTTAGES 1 - 3	220m ²
COTTAGES 4 - 8	535m ²
COTTAGE 9	80m ²
SUBTOTAL	825m ²
TOTAL COVERAGE	2700m ²



GENERAL NOTES

1. The first step is to identify the problem. This involves understanding the symptoms and the context in which they are occurring.

[illegible]

GENERAL NOTES

1. The following information is being furnished to you for your information only. It is not intended to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.

[illegible]

13 082-776



PROJECT		ARCHITECTURAL PROFESSIONAL																					
GUEST HOUSING CONSENT APPLICATION ROZENDAL - FARM 398																							
CONCEPTUAL PLAN LAYOUTS OF COTTAGES 4 TO 8																							
REV.	REVISION DESCRIPTION	DATE	DRAWING																				
<table border="1"> <tr> <td colspan="2">CLIENT</td> <td colspan="2">Exclusive Access Trading 731(PTY) LTD - DD Joubert</td> </tr> <tr> <td>SCALE SHEET SIZE</td> <td>DATE</td> <td>DRAWN</td> <td>CHECKED</td> </tr> <tr> <td>1,200/1,200</td> <td>22/10/2014</td> <td>JP</td> <td>JP</td> </tr> <tr> <td>DRAWING NUMBER</td> <td>REVISION</td> <td colspan="2"></td> </tr> <tr> <td>1000</td> <td></td> <td colspan="2"></td> </tr> </table>				CLIENT		Exclusive Access Trading 731(PTY) LTD - DD Joubert		SCALE SHEET SIZE	DATE	DRAWN	CHECKED	1,200/1,200	22/10/2014	JP	JP	DRAWING NUMBER	REVISION			1000			
CLIENT		Exclusive Access Trading 731(PTY) LTD - DD Joubert																					
SCALE SHEET SIZE	DATE	DRAWN	CHECKED																				
1,200/1,200	22/10/2014	JP	JP																				
DRAWING NUMBER	REVISION																						
1000																							

ANNEXURE H

**APPLICATION FOR CONSENT USE ON FARM NO.
398, STELLENBOSCH DIVISION.**

COMMENT FROM THE DIRECTOR:
ENGINEERING SERVICES



STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	S Mathee
From ▫ Van:	Abdullah Daniels (Development)
Date ▫ Datum:	14/02/2019
Our Ref ▫ Ons Verw:	Civil Lu 1939
Re ▫ Insake:	Farm 398 Stellenbosch: Consent use

The application is for the following items:

Consent use to utilize the existing nine staff cottages (total 16 guest bedrooms) for guest accommodation purposes on Farm 398, Stellenbosch.

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. Water

- 1.1 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.
- 1.2 Proposed upgrading of the water connection must be approved by City of Cape Town and proof of this must be provide to the Stellenbosch Municipality.

2. Waste Water and Sewage

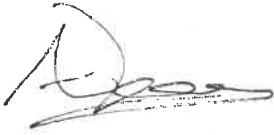
- 2.1 Use of existing septic tanks to collect and treat sewage generated not allowed.
- 2.2 Provide details of conservancy tank and drainage layout at building plan stage.

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 Refer the application to the District Roads Engineer Paarl for comments and approval.
- 4.2 All the conditions set by the District Roads Engineer will be applicable.

**ABDULLAH DANIELS****PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

C:\Users\AbdullahD\Desktop\development folder\1939 (AD) fARM 398, Stellenbosch, Guesthouse cottages\1939 (AD) fARM 398, Stellenbosch, Guesthouse cottages.doc