



STELLENBOSCH

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Application Number: LU/12441

Our File Reference Number: Farm 104/1, 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 TEMPORARY DEPARTURE ON FARM NO. 104/1, 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 for a temporary departure in terms of Section 15(2)(c) of the Stellenbosch Municipality Land Use Planning Bylaw, promulgated by notice number 354/2023, to utilise a portion ($\pm 700\text{m}^2$) of the property as a composting facility on Farm No. 104/1, 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 development must be undertaken generally in accordance with the referenced site plan and attached as **Annexure C**.
 - 3.2 The approval only applies to the application under consideration 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.
 - 3.3 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 submitted for consideration for any proposed permanent structures.

3.5 That a complaints registry be kept on site and that complaints be dealt with accordingly.

3.6 That the onsite sale and collection of final products are not permitted.

3.7 That all potential nuisance causing composting activities and the operation of related machinery on site be restricted to between the hours of 09:00am and 17:00pm weekdays, and that deliveries be scheduled between 10:00am and 14:00pm on weekdays only.

3.8 That vegetation be planted along the southern boundary of the proposed composting compound to the satisfaction of this department.

3.9 That the proposed site be decommissioned and rehabilitated to a state that is to the satisfaction of this department.

3.10 The conditions imposed by **Transport and Public Works: Roads** (Provincial) as contained in their letter dated 28 June 2021, attached as **Annexure I**, be complied with.

3.11 The conditions imposed by the **Health Officer / Inspector** (Cape Winelands District Municipality) as contained in their email dated 30 March 2021, attached as **Annexure K**, be complied with.

3.12 The conditions imposed by the **Directorate: Infrastructure Services** as contained in their memo dated 6 August 2021, attached as **Annexure L**, be complied with.

3.13 The conditions imposed by the **Manager: Community Services (Environmental Planning)** as contained in their memo dated 30 June 2022, attached as **Annexure N**, be complied with.

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

4.1 Any potential negative impacts can be mitigated through the proper management of the proposed composting facility, and the conditions imposed by the relevant authorities.

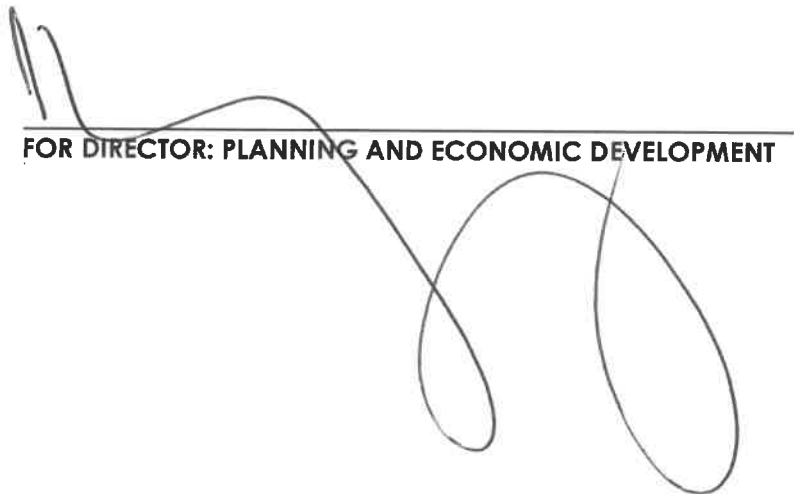
4.2 The approval is temporary in nature and any future application for permanent rights could be assessed against any negative impacts that may potentially occur during operation.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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:
 - a) First names and surname
 - b) ID number
 - c) Company of Legal person's name (if applicable)
 - d) Physical Address
 - e) Contact details, including a Cell number and E-Mail address
7. Reference to this correspondence and the relevant property details on which the appeal is submitted.
8. The grounds of the appeal which may include the following grounds:
 - a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
 - b) 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.
- 8.1 Whether the appeal is lodged against the whole decision or a part of the decision.
- 8.2 If the appeal is lodged against a part of the decision, a description of the part.
- 8.3 If the appeal is lodged against a condition of approval, a description of the condition.
- 8.4 The factual or legal findings that the appellant relies on.
- 8.5 The relief sought by the appellant.
- 8.6 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 8.7 That the appeal includes the following declaration by the Appellant:
 - a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - b) 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.
9. 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
10. 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.

11. 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
12. 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.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. 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

17/1/2024
DATE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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ANNEXURE C

SITE PLAN

Site Plan



Current Site A



Current Site B



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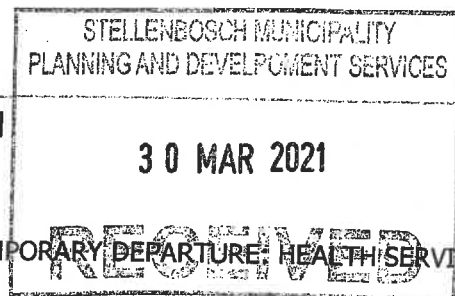
ANNEXURE K

COMMENT FROM THE HEALTH OFFICER / INSPECTOR

Charlene Williams

From: Salome Newman
Sent: 30 March 2021 10:18 AM
To: Charlene Williams
Subject: FW: FARM 104, STELLENBOSCH: APPLICATION FOR TEMPORARY DEPARTURE: HEALTH SERVICES (COMMENTS BY EMAIL)

Print en plaas op die leer asb



From: Leandre Candice Davids [mailto:leandre@capewineland.gov.za]
Sent: 30 March 2021 09:51 AM
To: Salome Newman
Cc: Fabian van Wyk
Subject: [EX] RE: FARM 104, STELLENBOSCH: APPLICATION FOR TEMPORARY DEPARTURE: HEALTH SERVICES (COMMENTS BY EMAIL)

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 104/1, Stellenbosch (LU/12441)

DESCRIPTION OF THE PROPOSAL: Application is made in terms of section 15(2)(c) the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for a Temporary Departure to utilize a portion of the property ($\pm 3000\text{m}^2$) as a composting farm on Farm No. 104/1, Stellenbosch Division.

PROPERTY ADDRESS: R44, Klapmuts Road, Stellenbosch

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.

FILE NR:	
PLAN NR:	F 104/1 S
COLLABORATOR NR:	704482

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 proposed development must be connected to an approved sewerage system according to Stellenbosch Municipality's specifications, conditions and approval.

- 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. General conditions

5.1 This development (composting area) may not cause any health nuisances to the current activities on the farm or to the neighbouring farms.

5.2 This Department reserves the right to set further requirements during the operational phase.

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@capewinelands.gov.za>
Sent: Friday, 26 March 2021 12:28
To: Leandre Candice Davids <leandre@capewinelands.gov.za>
Cc: Salome Newman <Salome.Newman@ Stellenbosch.gov.za>
Subject: FW: FARM 104, STELLENBOSCH: APPLICATION FOR TEMPORARY DEPARTURE: HEALTH SERVICES (COMMENTS BY EMAIL)

Hi ma'm
Attached application for your attention.

Kind regards

From: Salome Newman <Salome.Newman@ Stellenbosch.gov.za>
Sent: Friday, 26 March 2021 11:11
To: Fabian van Wyk <fabian@capewinelands.gov.za>; Ferencia September <ferencia@capewinelands.gov.za>
Subject: FARM 104, STELLENBOSCH: APPLICATION FOR TEMPORARY DEPARTURE: HEALTH SERVICES (COMMENTS BY EMAIL)

I'm using Mimecast to share large files with you. Please see the attached instructions.

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 104/1, Stellenbosch (LU/12441)



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ANNEXURE I

COMMENT FROM TRANSPORT AND PUBLIC WORKS



Western Cape
Government

TRANSPORT & PUBLIC WORKS: ROADS

Chief Directorate: Road Planning

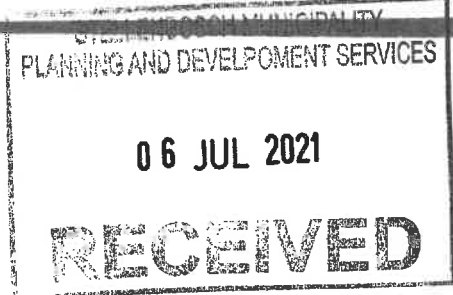
Email: grace.swanepoel@westerncape.gov.za

Tel: +27 21 483 4669

Room 335, 9 Dorp Street, Cape Town, 8001

P.O. Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-25/83 (Job 22977)
ENQUIRIES: Ms G Swanepoel
DATE: 28 June 2021



Director: Planning & Economic Development
Stellenbosch Municipality

PO Box 17

STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

FILE NR:	
SCAN NR:	F 104/1 S
COLLABORATOR NR:	209407

FARM PACKHAM 104/1, STELLENBOSCH: MAIN ROAD 27, (R44 ADAM TAS ROAD): APPLICATION FOR TEMPORARY DEPARTURE

1. Notice of land development application, ref. LU/12441, dated 19 May 2021, refers.
2. Portion 1 of Farm 104. Stellenbosch is located on the west side of Main Road 27, the R44 from Stellenbosch to Klapmuts, ±4km north of Stellenbosch.
3. The application is for a temporary departure to permit the development of a "boutique compost farm" on the property.
4. The applicant has indicated that incoming material would be an estimated two to three vehicle movements per day, which will have minimal impact on the operation of Main Road 27.
5. This Branch offers no objection to the land use application for Farm 104/1 as detailed above.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS



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ANNEXURE L

COMMENT FROM THE DIRECTORATE: INFRASTRUCTURE
SERVICES



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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Salome Newman
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	6 Aug 2021
Our Ref ▫ Ons Verw:	Civil LU 2189
Your Ref:	LU/12441
Re ▫ Insake:	Farm 104: Temporary Departure to utilize a portion of the property (±3000m²) as a composting farm

1. Civil Engineering Services

- 1.1** No objection: the proposed on-site composting facility will have positive outcomes that include the reduction of waste sent to the municipal landfill site.

2. Roads

- 2.1** Access is from a provincial road (R44) – please obtain approval from Provincial Roads Engineer. Any conditions from Province will have to be adhered to.

3. Electrical Engineering

3.1 Refer to Annexure: Electrical



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2169 (TK) Farm 104, Stellenbosch (LU-12441)\2169 (TK) Farm 104, Stellenbosch (LU-12441).doc

ANNEXURE ELECTRICAL

104/1, Stellenbosch (LU/12441)

GENERAL COMMENT:

1. Outside Stellenbosch area of supply.
2. All Electrical requirements should be directed to Eskom.

CONDITIONS

3. All electrical work to comply with SANS142 and Municipal electrical by-laws

Bradley Williams

Date.....13/04/2021.....



Signature



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ANNEXURE N

COMMENT FROM THE MANAGER: COMMUNITY SERVICES
(ENVIRONMENTAL PLANNING)



DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Town Planner: Planning & Economic Development - Gerrit Goosen	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Environmental Management – Tammy Leibrandt	Date:	30 June 2022
Re:	LAND USE APPLICATION FOR TEMPORARY DEPARTURE, PORTION 1 OF FARM 104, STELLENBOSCH (LU/12441)		

The above application, this department's comment (request for information, 15 April 2021) and the response from the applicant (2 September 2021) refers. From an environmental planning point of view this department has no objection to the approval of the application on condition that:

1. All the activities on site comply with the Western Cape Noise Control Regulations PN200/2013.
2. All the activities on site comply with the By-Law on the Prevention of Public Nuisance and the Keeping of Animals.
3. The relevant site be kept, maintained and all necessary operational measures put in place to minimize any odours being created on- or spreading from the site.
4. The relevant site be kept, maintained and all necessary operational measures put in place to prevent the concentration, breeding or spread of any pest on- or from the site.
5. Mitigation measures be put in place to prevent any leachate contaminating the immediate or surrounding environment from any phase or stage of the proposed activity.

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES

INTEROFFICE MEMORANDUM



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DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Planning & Economic Development - Salome Newman	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Community Services Albert van der Merwe	Date:	15 April 2021
Re:	LAND USE APPLICATION FOR TEMPORARY DEPARTURE, PORTION 1 OF FARM 104, STELLENBOSCH (LU/12441)		

The above application refers. This department, from an environmental planning point of view, supports the optimization of waste. However, given the proximity of the proposed activity to the urban edge of Stellenbosch town and existing residential properties (built-up area), more information on how the applicant plan to mitigate expected adverse impacts emanating from the proposed activity is requested in order for this department to prepare a final comment on the application.

The above information must, in detail, address all expected or potential impacts, in particular:

Odour: Which phases of the composting process (from delivery to removal) is expected to create odour that might negatively impact neighbouring landowners? To what degree can these impacts be mitigated (given the proximity of residential properties)? How will these impacts be mitigated?

Noise: Will machinery, such as chippers or those perhaps used to move, mix and turn waste- or composting material, be used in the composting process? What type of noise is associated with the latter machinery? What type of vehicles will be used to deliver raw waste to be used for composting? During what time of day is deliveries of waste material or the removal thereof expected to be made?

Visual: What is the expected visual impact of the proposed activity or land use to the properties towards the south?

Pests: Will the proposed activity attract flies or other pests? How will this be mitigated to ensure that there is no impact on neighbouring properties?

INTEROFFICE MEMORANDUM



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Leaching: Will all surfaces associated with waste storage, handling and composting be impermeable? If not, how will leaching of waste into the soil be mitigated? What is the capacity of the *small leachate collection tanks* that is proposed to be installed on site and will it be sufficient to provide for heavy or extended rain events? What procedures will be put in place in the event that the surrounding area is contaminated by the proposed activity?

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES