



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16839 (TP673/2024)

Our File Reference Number: Farm 490/2, 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 PERMISSION REQUIRED IN TERMS OF CONDITION OF APPROVAL IN TERMS OF SECTION 15(2)(I) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023: FARM 490/2, 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 Permission in terms of a condition of approval, for the approval (26/05/2020) of the Site Development Plan for the gate house with associated infrastructure and boundary walls / fencing for the Botmanskop Estate, on Farm 490 Portion 2, Stellenbosch in terms of Section 15(2)(I) of the Stellenbosch Municipal Land Use Planning By-Law 2023.

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

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

- 2.2.1 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.
- 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 Development charges 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 approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

2.2.4 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first.

2.2.5 Building plans be generally in accordance with the Site Development Plan, Drawing No LA100 – LA102, LA201, LA400, LA600 and Dated 15/05/2023, attached as **Annexure B**.

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

3.1 The approval of the proposed Site Development Plan for the gate house with associated infrastructure and boundary walls / fencing and club house will not result in any additional land use rights being granted as the applicant is complying with the conditions of approval applicable to the subject property.

3.2 The Site Development plan is consistent with the conditions of approval and development parameters applicable to the development in terms of the zoning scheme and design guidelines.

4. Matter to be noted.

4.1 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

4.2 In accordance with the approval granted on the 28/11/2022, the construction of only the entrance gate, associated infrastructure and boundary walls be completed prior to rates clearance being granted for the 1st phase of the development. (Refer to **Annexure C**).

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:
 - 6.1 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.
 - 7.1 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.
 - 7.2 Whether the appeal is lodged against the whole decision or a part of the decision.
 - 7.3 If the appeal is lodged against a part of the decision, a description of the part.
 - 7.4 If the appeal is lodged against a condition of approval, a description of the condition.
 - 7.5 The factual or legal findings that the appellant relies on.
 - 7.6 The relief sought by the appellant.
 - 7.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - 7.8 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.

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

7/6/2024
DATE



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ANNEXURE B

[illegible]

THIS SITE DEVELOPMENT PLAN IS APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH
MUNICIPAL LAND USE PLANNING BY-LAW (2015),
SUBJECT TO THE CONDITIONS AS PER APPENDIX.

DATE 7/6/2024

No.	Date	Circle
A	2023.04.08	
B	2023.04.14	
C	2023.05.05	
D	2024.02.23	
E	2024.04.08	
F	2024.05.29	

Issue status

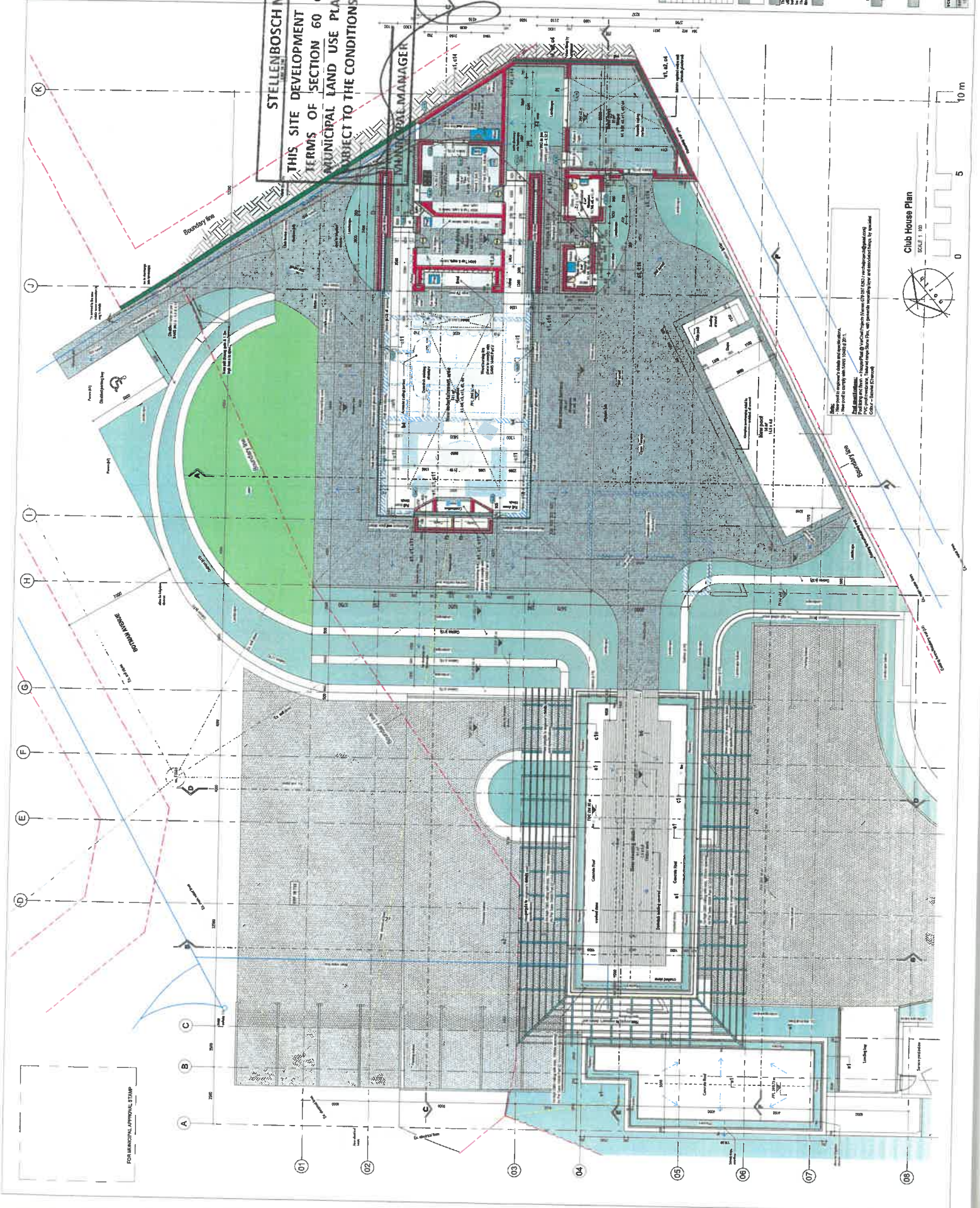
FOR LOCAL AUTHORITY APPROVAL

no108

company
SOLVATION

CLUB HOUSE FLOOR PLAN

1024 1:100 1024 1:100



FOR MUNICIPAL APPROVAL STAMP

FOR LOCAL AUTHORITY APPROVAL

DATE: 2023/07/16

PROJECT: J024 LA400 B

STELLENBOSCH MUNICIPALITY

THIS SITE DEVELOPMENT PLAN IS APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015), 2023

DATE: 2023/07/16

MUNICIPAL MANAGER

FOR LOCAL AUTHORITY APPROVAL

DATE: 2023/07/16

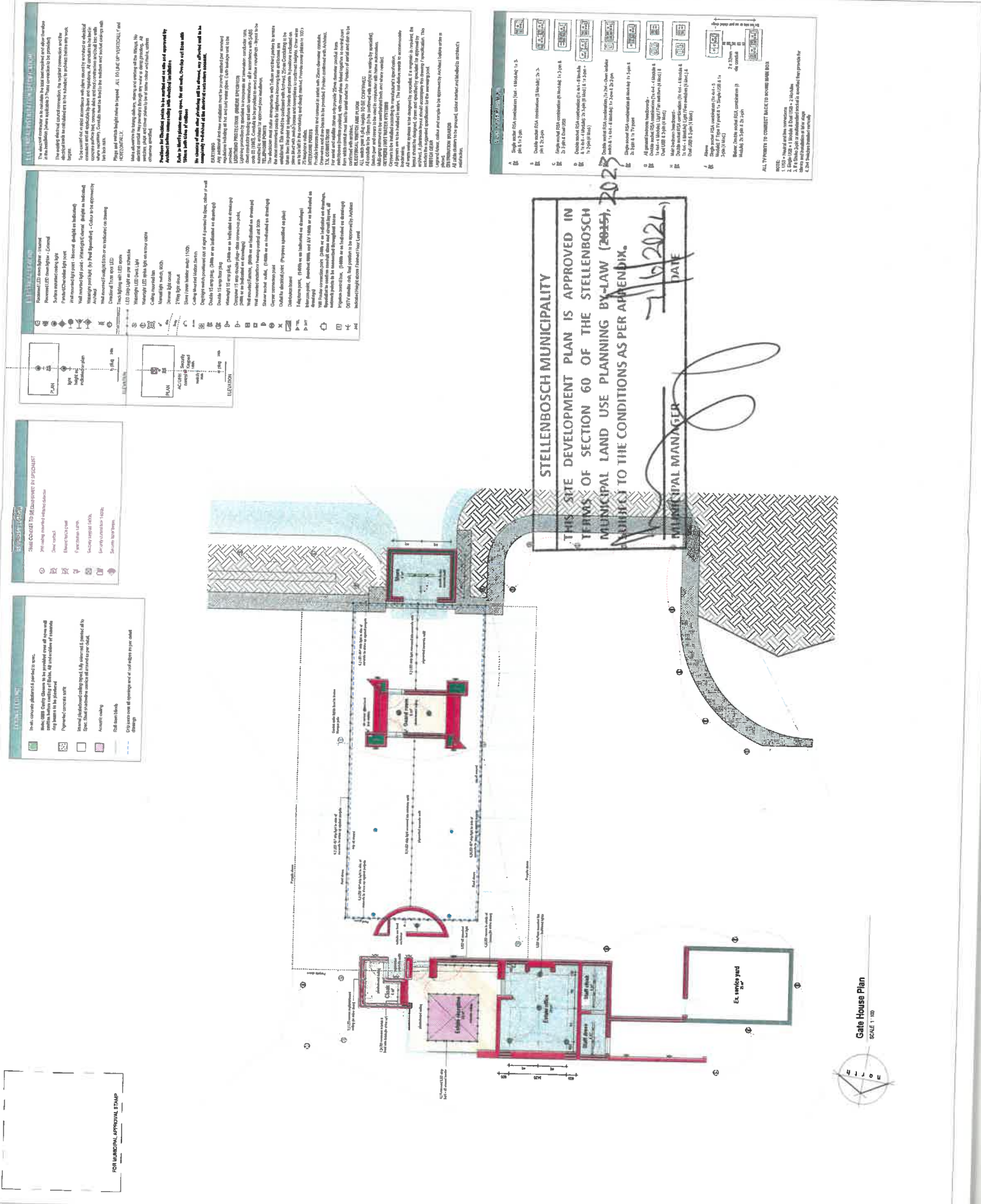
PROJECT: J024 LA400 B

STELLENBOSCH MUNICIPALITY

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DATE: 2023/07/16

MUNICIPAL MANAGER



FOR MUNICIPAL APPROVAL STAMP

FOR LOCAL AUTHORITY APPROVAL

DATE: 2023/07/16

PROJECT: J024 LA400 B

STELLENBOSCH MUNICIPALITY

THIS SITE DEVELOPMENT PLAN IS APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015), 2023

DATE: 2023/07/16

MUNICIPAL MANAGER



STELLENBOSCH
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ANNEXURE C

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

3.1 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.

3.2 The approval applies only to the application under consideration, as indicated on the amended Subdivision Plan, Plan No: FP/0622/1046, Dated: August 2022, attached as **Annexure B** 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 development be undertaken in accordance with the amended Subdivision Plan, Plan No: FP/0622/1046, Dated: August 2022, attached as **Annexure B**.

3.4 The development be undertaken in accordance with the amended Phasing Plan, Plan No: FP/0618/903, Dated: August 2022, attached as **Annexure C**.

3.5 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.

3.6 The conditions of approval as imposed by the Directorate Infrastructure Services, in their memorandum dated 19 October 2022, be complied with, as attached as **Annexure F**.

3.7 The proposed subdivided portions within each phase be provided with an electrical connection and pro-rata electrical fees are payable per phase prior to these erven being connected to the electrical grid.

3.8 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:

- a. Newly allocated erf numbers
- b. Co-ordinates
- c. Survey dimensions
- d. Street names & numbers

3.9 The first AGM of the Homeowners Association be held within 12 months from approval of the said Constitution to the satisfaction of the Director Planning and Development.

3.10 The development be undertaken generally in accordance with the Botmanskop Mountain Estate Landscape Master Plan, attached as **Annexure H**.

- 3.11 The landscaping plan be implemented within the common areas such as the private open space and road reserves within each phase of the development prior to rates clearance being granted for the first property in that phase.
- 3.12 The development be undertaken in accordance with the Botmanskop Architectural Guidelines, attached as **Annexure G**.
- 3.13 Only one dwelling unit with associated outbuildings be allowed on the Conventional Residential Zone even with a deemed Consent for Group Housing.
- 3.14 Building plans be submitted for the entrance gate and boundary wall / fencing.
- 3.15 That the construction of the entrance gates and boundary wall be completed prior to rates clearance being granted for the 1st phase of the development.
- 3.16 No building plan be submitted for approval prior to the applicable conditions of approval being adhered to in totality by the developer for each phase of the development.

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

- 4.1 The proposed amendment of the Subdivision Plan is to create a number of additional residential even within the development, without increasing the total number of residential units initially approved.
- 4.2 The proposal will only facilitate a change in ownership type, from sectional title units to single title units.
- 4.3 The approval will also have no impact on the traffic volumes as initially approved as the number of residential units will not be increased by the approval of the proposal.
- 4.4 The amendments proposed are in response to the demand within the property market and to ensure a more appropriate and environmentally sensitive "fit".

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.

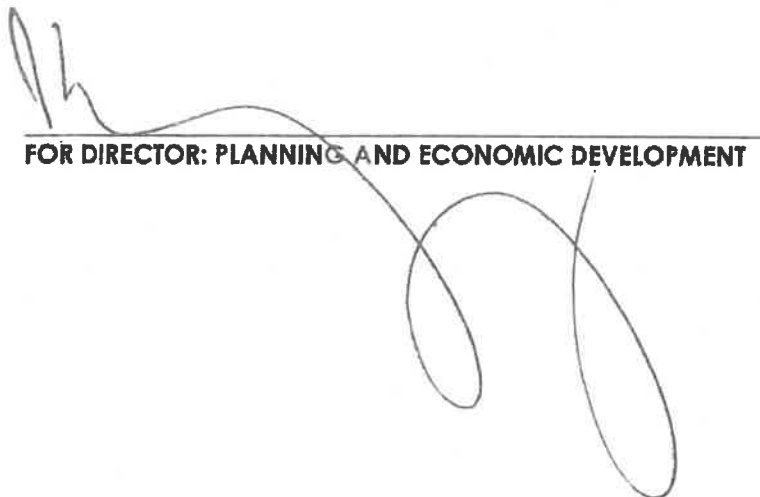
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- (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail 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.
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- (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.
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- 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:
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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



A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

28/11/2022
DATE:



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ANNEXURE B

