



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/ 16296 (TP 503/2023)

Our File Reference Number: Farm 124/11, Stellenbosch Division

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL

Dear Sir/Madam

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE ON FARM NO. 124/11, STELLENBOSCH DIVISION

1. This Municipality's decision letter dated 2 December 2024, refers.
2. The Appeal Authority resolved on 16 January 2026 that the appeal submitted against the decision of the Municipal Planning Tribunal of the 29th of November 2024, in respect of the subject application **BE UPHELD**, and that the subject decision **BE REVOKED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law and **BE REPLACED** as follows:
3. That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law for a consent use to permit a tourist accommodation establishment by converting the existing designated structures into ten (10) self-catering units on Farm No. 124/11, Stellenbosch Division,

BE APPROVED in terms of Section 60 of the said By-law.

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:

Farm 74/9, Stellenbosch Division - LU/(16565)

- 4.1 The approval only applies to the proposed 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 By-laws or Regulations that may be applicable.
- 4.2 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.
- 4.3 The development be undertaken in accordance with the revised site development plan with reference A414/23/06, drawn by Collin Sherriff Architecture and dated 01/02/2024, attached as **Annexure A**.
- 4.4 Building plans be submitted and approved by the Municipality for all existing unauthorised building works and/or changes of use in the existing buildings, as well as for any new or additional building works in accordance with this land use approval prior to the commencement of any building works, including the preparation of land, which building plans will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.5 The non-agricultural land uses hereby permitted must remain subservient to and not adversely impact the primary agricultural land use activities or natural environment on the subject property or surrounding properties.
- 4.6 The tourist accommodation establishment is supported on the basis of the use of existing buildings and the approval is restricted to the existing buildings and no extension in the number of units or the size of its footprints are permitted, and the land use right for the tourist accommodation establishment may not be repurposed into any newly build or redeveloped structures, and the existing structures may also not be repurposed for any other non-agricultural use.
- 4.7 The self-catering units of the tourist accommodation establishment is restricted for the use as tourist dwelling units for transient guest and it is prohibited that the subject units be utilised as additional dwelling units to accommodate permanent residents.

- 4.8 The tourist accommodation establishment and all associated facilities is for the exclusive use of overnight transient guests and may not be used as a function venue or the hosting of events and for any such use or other purpose by any other visitors to the property.
- 4.9 Sufficient onsite parking be provided in accordance with the provisions of the Zoning Scheme By-law to the satisfaction of the Municipality and that onsite parking be provided on the same land unit where the land use is located.
- 4.10 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.
- 4.11 Conditions imposed by the Infrastructure Services Department as contained in the memorandum dated 28/05/2024, and attached as **Annexure B**, be complied with.
- 4.12 The payment of a contravention penalty in accordance with the approved Council Tariffs within 30 days from this approval being issued for the unauthorised utilisation of land in pursuance of facilitating the approval of the land use activity.

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

- 3.1 Given that this was existing structures which was repurpose no new and or additional structures will be permitted.
- 3.2 The property lends itself to this type of use and is in line with the surroundings especially the environmental considerations and fauna and flora.
- 3.3 No functions and events will be allowed and thus will contribute to tranquillity and not disturb the environment and surrounding uses.

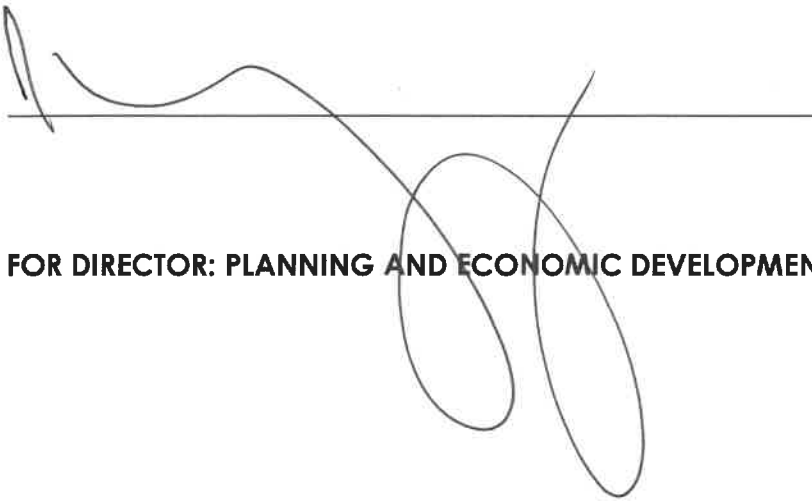
6. **Matters** to be noted:

- 6.1 No directorial, advertisement, or any other signs or flags may be erected on the subject property or in any road reserve prior to the approval of Stellenbosch Municipality or the authorised authority.
- 6.2 All electrical requirements be directed to Eskom.
- 6.3 Should the premises be used for a category of business which is required to be licensed in terms of the Business Act, No 71 of 1991 i.e. sale and supply of meals, health and entertainment, etc, then application must be made for the relevant business license.
- 6.4 Should food be prepared or handled, then application must also be made in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability for food premises in terms Regulation 638 of 22 June 2018 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972. These requirements come into effect once the Municipality has approved the land use application.
- 6.5 A liquor license be obtained from the authorised authority if required.
- 6.6 Should, after following due process –
 - a. The subject approval remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
 - b. The use of the property be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
 - c. The traffic levels with ineffective control in surrounding roads and the right of way servitude become a potential traffic nuisance or safety hazard, and/ or
 - d. The property be used for any unauthorised uses not permitted in terms of this approval,the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Stellenbosch Municipal Land Use Planning By-law to

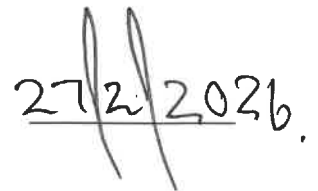
withdraw the subject approval granted and the use of the property to be reverted to its original use.

7. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.
8. The appeal process has now been concluded.

Yours faithfully

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

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

A handwritten date in black ink, written as '27/2/2026' with a period at the end, positioned above a solid horizontal line.

DATE:

ANNEXURE A

ANNEXURE B



STELLENBOSCH MUNICIPALITY
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MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Salome Newman
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Kurt Titus
Date ▫ Datum:	28 May 2024
Our Ref ▫ Ons Verw:	Civil LU 2685
Town Planning Ref:	LU/16296
Re ▫ Insake:	Farm 124/11, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning 2023 for a Consent Use for a tourist accommodation establish to allow ten (10) self-catering units with a total of 14 bedrooms.

The application is **recommended for approval**, subject to the following conditions:

- 1. Water and Sewer Services**
 - 1.1 Ensure that all boreholes and conservancy tanks are indicated on the site layout plan when submitting building plans for approval.
- 2. Roads**
 - 2.1 Access is from a provincial road – final approval to be granted by the WCD Infrastructure Services (Roads Authority).

3. Development Charges (DCs)

- 3.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage and will be amended based on the detail information provided on subsequent applications ie building plans / A final calculation will be provided prior to payment.
- 3.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 3.3 The appropriate DC's are payable before building plan approval (where subdivision clearance is not applicable).

K Titus

Kurt Titus

Principal Technician: Development (Infrastructure Services)

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Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	Land use 2685
Development Name:	Rust en Vrede
Date:	04 June 2024
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Farm 124/11
DC Parameters Reference:	DC_Motivation Report Page 3_ Rev 1_ ARCH Town Planner_ Marika Boltz

SUMMARY OF DC CALCULATION								
Service	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	M/day	M/day	ha°C	U/week	tp/day		persons	
Total Increased Services Usage:	1.1	0.9	0.02	0.075	15		5	
Total Service Usage Reduction:	0	0	0	0	0.0		0	
Total Service Usage after Reduction:	1.10	0.90	0.02000	0.075	15.0		5	
Charges before adjusting for positive only, before Deductions	R -	R -	R 4 143.32	R 7 335.87	R 90 528.56	R 102 007.75	R 18 287.88	R 121 295.64
Charges adjusted for positive only, before Deductions	R -	R -	R 4 143.32	R 7 335.87	R 90 528.56	R 102 007.75	R 19 287.88	R 121 295.64
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R -	R -	R 4 143.32	R 7 335.87	R 90 528.56	R 102 007.75	R 19 287.88	R 121 295.64
VAT:	R -	R -	R 621.50	R 1 100.38	R 13 579.28	R 15 301.15	R 2 893.18	R 18 194.35
Total Development Charges Payable (including VAT):	R -	R -	R 4 764.82	R 8 436.25	R 104 107.84	R 117 308.91	R 22 181.07	R 139 489.98

APPLICANT INFORMATION	
Application Processed by:	Kurt Titus
Signature:	<i>Kurt Titus</i>
Notes:	Planning motivation Report_ Page 3

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Bioscience Farm		Land Use Category		Sub Area	Building Group	Assessment Area Type		Category	Area		Volume		Value		Value		Value		Value		Value		Value		Value		Value	
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