

Application Number: LU/10007

Our File Reference Number: Farm 537, Stellenbosch

Your Reference Number: None Enquiries: Louisa Guntz / Nicole Katts Contact No: 021 808 8672 / 8318

Email address: <u>louisa.guntz@stellenbosch.gov.za</u> / <u>Nicole.katts@stellenbosch.gov.za</u>

#### **REGISTERED MAIL**

Daxcan Development Trust PO Box 3639 SOMERSET WEST 7129

Sir / Madam

#### APPLICATION FOR SITE DEVELOPMENT PLAN: REMAINDER FARM NO. 537, STELLENBOSCH DIVISION

- 1. The application in the above regard, refers.
- 2. The Authorised Employee, on 28 January 2020, approved, in whole in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for:
  - 2.1 A **site development plan** to comply with condition 2.1 as stipulated in Council's letter of approval, dated 18 August 2009, to allow for the construction of a tourist facility building (wine tasting, sales, cuisine, art tourism and administration offices with a footprint of ±2800m²) on Remainder Farm No. 537, Stellenbosch Division, as indicated on Drawing Nr. 19-02-01/02/03/04, dated December 2019, and drawn by Dirk Bester Architecture.
- 3. The above approval is subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015:
  - 3.1 The approval applies only to the Site Development Plan in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

- 3.2 The approval granted does not exempt the applicant/operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity;
- 3.3 The conditions imposed by council in its approval letter dated 18 August 2009, are still applicable (see **Appendix 4**);
- 3.4 The conditions imposed by the **Director: Engineering Services** as contained in the memo dated 25 November 2019, be complied with (see **Appendix 5**);
- 3.5 The conditions imposed by the **Department of Transport and Public Works** as contained in their letter dated 26 November 2019, be complied with (see **Appendix 6**);
- 3.6 All electrical requirements should comply with Section 49(3) of SPLUMA;
- 3.7 A business licence and a liquor licence must be applied for if required;
- 3.8 Approval of the site development plan shall lapse if not exercised within **5 years** from date of final notification; and
- 3.9 Building plans to be submitted to the Municipality for approval.

### 4. REASONS FOR THE ABOVE DECISION

The application is supported for the following reasons:

- 4.1 The Site Development Plan was submitted to comply with the condition (condition 2.1) of approval granted on 18 August 2009.
- 4.2 The property will be developed in accordance with the approved land use rights;
- 4.3 The application was previously advertised to all interested and affected parties and all comments were considered during the decision-making process;
- 4.4 Sufficient parking has been provided on site.
- 5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
- 6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at <a href="https://www.stellenbosch.gov.za/planning-portal">www.stellenbosch.gov.za/planning-portal</a>, must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof

of payment of the appeal fee (only applicable to applicant appeals). See the approved tariff structure on the municipal website.

- 7. In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
- 8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- 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 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

DATE

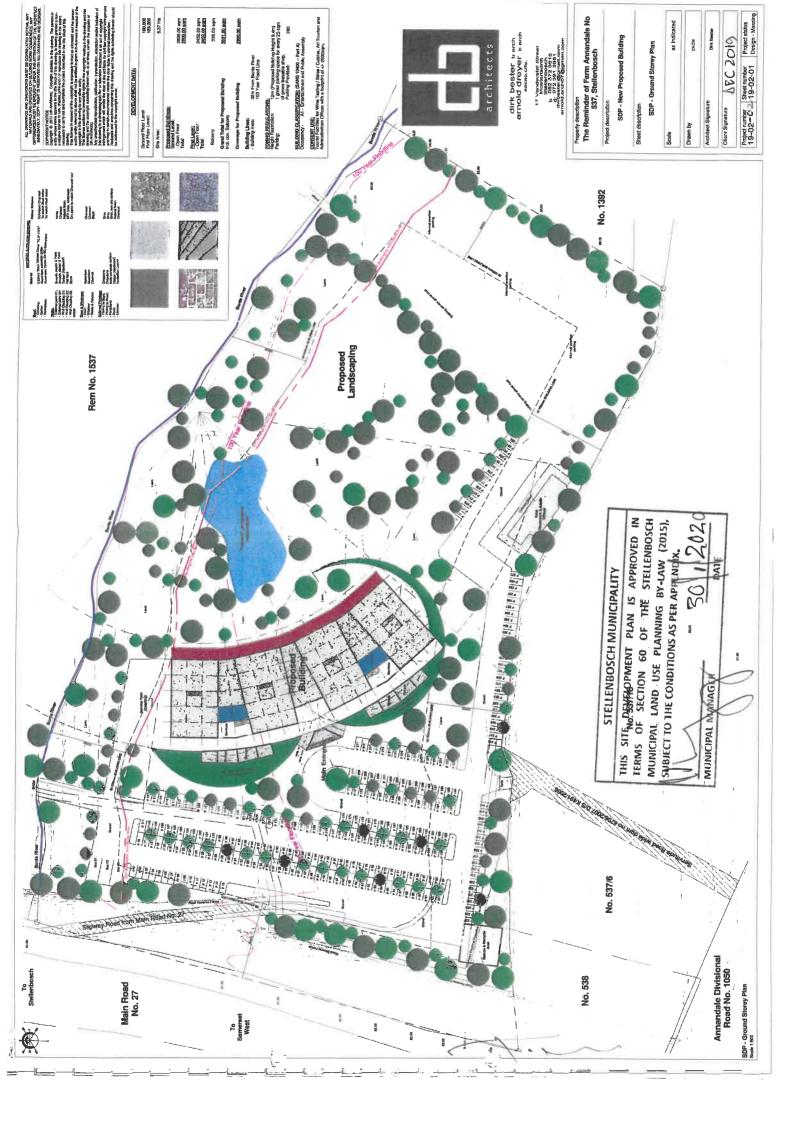
## **APPENDIX 2**

## APPROVAL OF SITE DEVELOPMENT PLAN: REMAINDER FARM NO. 537, STELLENBOSCH DIVISION

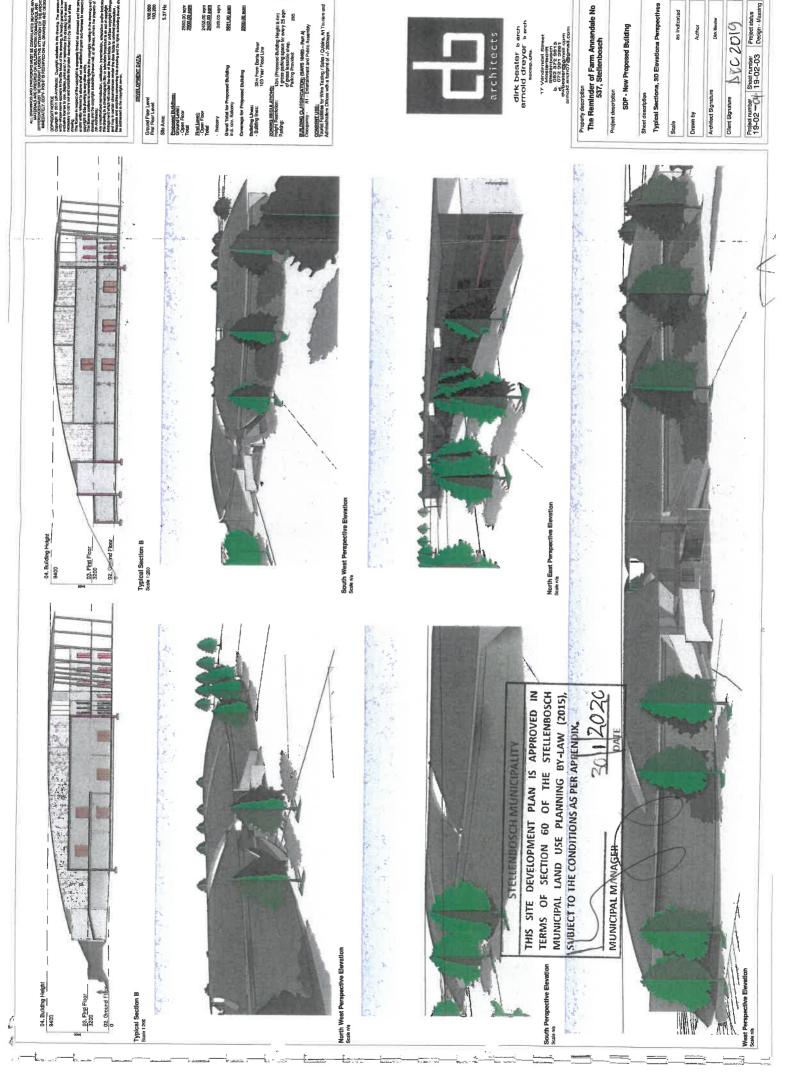
### SITE PLAN/SITE DEVELOPMENT PLAN

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## **APPENDIX 4**

## APPROVAL OF SITE DEVELOPMENT PLAN: REMAINDER FARM NO. 537, STELLENBOSCH DIVISION

**PREVIOUS APPROVAL** 



## STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

(10)

Navrae / Enquiries U verwysing / Your ref. Ons verwysing / Our Ref. Datum / Date Telefoon / Telephone Faks / Fax O Peters / U Von Molendorff

Farm 537, Stellenbosch 2009-08-18 021-808 8645 / 8682 021-808 8651

### **REGISTERED POST**

P Mons Planning & Development Services 59 Acasia Streat Heldervue Somerset West 7130

Sir

### APPLICATION FOR CONSENT USE ON FARM 537, STELLENBOSCH

Your application in the above regard, refers. This letter replaces my letter dated 20 July 2009.

The Planning and Development Services Committe at a meeting held on 23 June 2009 resolved as follows:

(a) That in terms of Regulation 4.7 of the Scheme Regulations in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and promulgated by PN 1048/1988 the application for a **Consent Use** for tourist facilities for wine tasting/sales/cuisine, art tourism and administration offices with a footprint of ±2800m², be approved subject to the conditions in APPENDIX 1 attached to this report.

Yours faithfully

for DIRECTOR: PLANNING AND DEVELOPMENT SERVICES

18/8/2009

## PLANNING AND DEVELOPMENT SERVICES COMMITTEE MEETING

2009-06-23

#### **APPENDIX 1**

**FILE NO: 537S** 

in this approval document:

"Council" means the Stellenbosch Municipality

"The owner" means the registered owner of the property.

"The site " means FARM 537 STELLENBOSCH

"Scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985

### **EXTENT OF APPROVALS:**

### 1. CONSENT USE

To permit a two storey building to be used as a wine tasting/sales/cuisine, art, tourism and administration offices (±2800m²) on the property.

- 2. CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE 15 OF 1985 IN RESPECT OF THE PROPERTY CONCERNED:
- 2.1 Prior to building plan approval, the developer shall submit a Site Development Plan (SDP) to Council for consideration and such SDP shall include:
  - Detailed elevations of all structures, access and parking layout including loading areas, any proposed signage, colour schemes of all structures and the proposed land uses per building.
- 2.2 No further extensions of any facility will be allowed without the approval of Council.
- 2.3 All outside lighting, if needed should be done in such a way that it will have the minimum impact on the environment and the views from the surrounding properties and roads.
- 2.4 That sufficient landscaping be implemented to screen or soften any visual impact of the existing and proposed buildings and parking area from the surrounding properties and roads.
- 2.5 Building plans for the proposed building work must be submitted to this Council for approval prior to the commencement of any building work.
- 2.6 The conditions imposed by **Eskom** shall be adhered to:
  - Eskom must at all times have unrestricted access to the property to enable maintenance to existing installations.
  - Should it be necessary to move or support any of the services, at least 3
    months notice in writing is required and the costs will be for the account of
    the Developer / Applicant.

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### PLANNING AND DEVELOPMENT SERVICES COMMITTEE MEETING

2009-06-23

- Eskom's right on the properties not to be affected.
- All services indicated on included drawing to be verified on site.
- No trees or any structure to be planted or built under / close to existing Eskom Overhead lines without prior consent from Eskom.
- Compliance with the Occupational Health and Safety Act (Act No 85 of 1993).
- 2.7 The conditions imposed by the **Department of Water Affairs & Forestry** contained in Appendix 15 shall be adhered to.
- 2.8 The conditions imposed by the **Department of Environmental Affairs and Development Planning (Western Cape)** contained in their Environmental Authorisation dated 2009-05-15 (Appendix 9) shall be adhered to.
- 2.9 The conditions imposed by **Heritage Western Cape** shall be adhered to:
  - The height of the building to be reduced to 12m;
  - A landscape plan be prepared to mitigate the impact of the parking by softening and screening the parking area, and by dividing it into primary parking closer to the building and soft-landscaped, informal "overflow" parking closer to the road.
- 2.10 The conditions imposed by the **District Roads Engineer** shall be adhered to:
  - The necessary servitude right of way are registered.
  - All site development drawings must be submitted to this Branch for approval before any construction activities may commence. Relevant drawings must conform to Africon Consulting Engineers' letter 82120\COR\06\SB dated 16 February 2009.
  - A written undertaking from the developer to abide by the requirements of the Provincial Road Authority, As per Africon Consulting Engineers' letter mentioned above.
- 2.11 The conditions imposed by the Cape Winelands District Municipality: Environmental Health shall be adhered to:
  - All sewerage and water requirements must be disposed of in such a manner that it will not pose a nuisance.
  - The applicant must apply to the Stellenbosch Municipality for refuse removal.
  - If food is prepared on the premises and sold to the public, the owner shall apply to the Stellenbosch Municipality for the necessary license as well as for a compliance certificate in terms of the regulations applicable to general hygiene requirements for food premises and the conveying of food, R918 of 1999, with the Cape Winelands District Municipality.
  - All food preparation and handling premises shall comply with the requirements of R918 with regard to food premises.
    - An adequate supply of drinking water shall be provided.
  - In the event where any noise generating activity will be conducted on the premises, the onus lies with the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to the Cape

Time

**AGENDA** 

## PLANNING AND DEVELOPMENT SERVICES COMMITTEE MEETING

2009-06-23

Winelands District Municipality (SANS 10103 of 2003 and Environmental Conservation Act, 1989 shall serve as guidelines).

 All washing water from the kitchen should go through a grease trap before entering into the sewer system.

2.12 The conditions imposed by the **Director: Technical Services** shall be adhered to:

### Water supply:

 The bulk water supply from the Jamestown reservoir is approved in principle. Detail engineering drawings has to be submitted for approval.

### Waste Water and Sewerage

The proposed sewage pump station and pip line is approved in principle.
 Detail engineering drawings has to be submitted for approval.

### Solid Waste

- The Refuse has to be stored in a building designed for the storage of refuse in 240l bins. The 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).
- 2.13 That Council reserves the right to impose further conditions if needed.

## **APPENDIX 5**

## APPROVAL OF SITE DEVELOPMENT PLAN: REMAINDER FARM NO. 537, STELLENBOSCH DIVISION

# COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES

1:



### STELLENBOSCH MUNICIPALITY

STELLENBOSCH-PNIEL-FRANSCHHOEK

## **MEMORANDUM**

DIREKTEUR: INGENIEURSDIENSTE DIRECTORATE: INFRASTRUCTURE SERVICES

To • Aan:

**Director: Planning + Economic Development** 

Att Aandag

N Katts

From - Van:

**Colin Taylor (Development)** 

Date • Datum:

25/11/2019

Our Ref ons Verw:

Civil Lu 1901

Re • Insake:

Farm 537 Stellenbosch: Site Development Plan

26 NOV 2019

The application is for the following items:

 Approval of a Site Development Plan to comply with condition 2.1 as stipulated in Council's letter of approval, dated 18 August 2009, to allow the construction of a tourist facility building (wine tasting, sales, cuisine, art tourism and administration offices) on Farm No. 537, Stellenbosch Division

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

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- 1.1 The proposed development may not exceed the existing water supply allocation of 15 kl/day (Not currently used, as water supply is via boreholes and storage tanks). No development leading to usage beyond the aforementioned allocation is allowed without further application.
- 1.2 The existing water connection to Farm 537 must be utilized. The arrangement for the water connection of both farms 1537 and Remainder 537 must be reflected in their respective title deeds.
- 1.3 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.

#### 2. Waste Water and Sewage

- 2.1 No new septic tanks and soak-aways are permitted to be built.
- 2.2 Use of existing septic tanks to collect and treat sewage generated by the proposed development is not allowed.
- 2.3 The sewer system of the development must connect to the existing pump station situated on Farm 1537.
- 2.4 The arrangement for the sewer connection of both farms 1537 and Remainder 537 must be reflected in their respective title deeds.

Ti C

2.5 Due to the proposed craft beer microbrewery and cidery and associated wastewater discharge, an agreement is to be signed with the municipality for the discharge of industrial effluent into sewer system. Details of any treatment processes to be provided at building plan approval stage and any proposal must be to the satisfaction of the municipality. Contact Mr Bradley Dyers (t) 021 808 8267; email: bradley.dyers@stellenbosch.gov.za in this regard. 2.6

The proposed development may not exceed the existing sewerage allocation of 15 kl/day (usage including proposed development = 7kl/day). No development leading to usage

beyond the aforementioned allocation is allowed without further application.

#### 3. Roads

- The application has to be referred to the District Roads Engineer for comments and 3.1 3.2
- All the conditions set by the District Roads Engineer will be applicable.
- Parking requirements must be in accordance with applicable zoning scheme regulations. 3.3

#### 4. **Development Charges (DCs)**

- Based on the information provided in application the Development Charges payable by the 4.1 developer is R 4 019 675.43 (Vat incl.) as per attached Development Charges Calculation.
- Water and Sewer allocation have already been obtained and therefore development charges 4.2 are not applicable to these services.
- The DC's were calculated for the 2019/2020 financial year. If the account is paid after 30 4.3 June 2020 it has to be recalculated using the then applicable tariffs.
- DCs are payable prior to the erf or portion thereof being put to the approved use or building 13/12/20 plan approval which ever come first.

  Development Charges can be recolculated at hadding also plan 4.4

plan approval which ever come first.

Development Charges can be recalculated at building plan

### **COLIN TAYLOR**

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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## **MEMO**

DIRECTORATE: ENGINEERING SERVICES DIREKTORAAT: INGENIEURSDIENSTE

To - Aan:

**Director: Planning + Economic Development** 

Att Aandag

U von Molendorff

From - Van:

**Tyrone King (Development Services)** 

Date - Datum:

24 Jan 2018

Our Ref ons Verw:

Farm 537, Stellenbosch

Re - Insake:

Consent Use (Root 44 tourist market, Building line departure and temporary departure (functions out of market trading hours)

Details, specifications and information reflected in the following documentation refers:

- Application i.t.o. Stellenbosch Municipality Land Use Planning By-law, dated 17 August 2017;
- SDP by Stander Orchard Architects (undated), included in the application letter dated 1 Nov 2017 by Peter Mons;
- Engineering Services reports dated 8 Nov 2011 and 7 Aug 2017, by Bart Senekal Civil and Structural Engineers.
- Traffic Statement dated 2 Aug 2017, by Aurecon.

The application is recommended for approval subject to the following conditions (refer to **Annexure A**) for water and sewer layout:

- 1. The sewer system of the development must connect to the existing pump station situated on Farm 1537.
- The arrangement for the sewer connection of both farms 1537 and Remainder 537 must be reflected in their respective title deeds.



- 3. Due to the proposed craft beer microbrewery and cidery and associated wastewater discharge, an agreement is to be signed with the municipality for the discharge of industrial effluent into sewer system. Details of any treatment processes to be provided at building plan approval stage and any proposal must be to the satisfaction of the municipality. Contact Mr Bradley Dyers (t) 021 808 8267; email: <a href="mailto:bradley.dyers@stellenbosch.gov.za">bradley.dyers@stellenbosch.gov.za</a> in this regard.
- The existing water connection to Farm 537 must be utilized. The arrangement for the water connection of both farms 1537 and Remainder 537 must be reflected in their respective title deeds.
- 5. According to the engineering services report, the proposed development will operate within the existing water and sewer allocation. No development leading to usage beyond these allocations is allowed without further application:
  - Water Supply allocation: 15 kl/day (Not currently used, as water supply is via boreholes and storage tanks)
  - b. Sewerage allocation: 15 kl/day (usage including proposed development = 7kl/day)
- 6. Comments from Traffic Engineering Department:
  - Parking requirements must be in accordance with applicable zoning scheme regulations
  - b. Application must be circulated to District Road Engineer Paarl for comment and approval.
- Development Charges: The Development Charges (DCs) are attached as Annexure B.
   Water and Sewer allocations have already been obtained and therefore development charges are not applicable to these services.
  - a. The DC's were calculated by using the 2017/2018 tariff structure. If DC's are paid after 30 June 2018 it will have to be recalculated by using the tariff structure applicable at date of payment.
  - b. The appropriate DC's are payable before building plan approval.

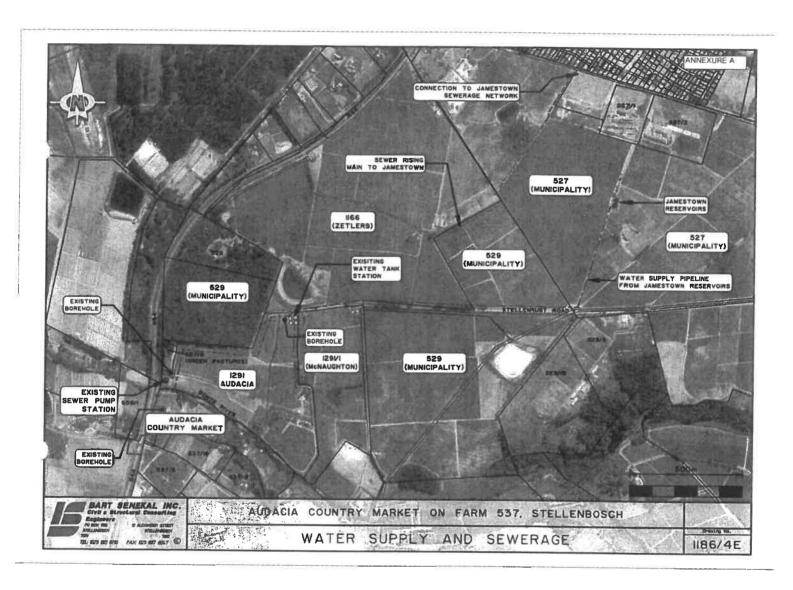
**TYRONE KING** 

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HEAD: DEVELOPMENT SERVICES (ENGINEERING SERVICES)

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Total Deductions								
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VAT				R 4 688.62		R 225 018.62		
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Application Processed by:					Tyrone King			
Signature								
Date			24 Jan 2018					
Amount Paid:								
Date Payment Received								
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- 3	Local Business - retail	m2 GLA	6.00	1000		9/15/5	-	0%	0	R -	R		R	R		R +	R .	R
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- 1	Community	m2 GLA	71.00		0%	7.10		0%	0	R -	R	-	R	- R		R	R .	R
- 2	Education	m2 GLA	1000		0%	8.5		.0%	0	R -	R		Я	- R		R -	R -	R
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2021-8088208 2021-8088215 Department: Civil Engineering Services
Departement: Siviele Ingenieursdienste

epos/email: Anics@stellenbosch.órg

Ref: 16/1/6/2

(Mr A Smith)

25 June 2008

Bart Senekal ING PO Box 1196 STELLENBOSCH 7600

Fax no 021-887 6547

Attention: Lucas Louw

AVAILABILITY OF WATER AND SANITATION SERVICES TO PROPOSED DEVELOPMENT ON REM. OF FARM ANNANDALE NO 537, STELLENBOSCH

Your letter ref 1186/A3 dated 10 June 2008.

1. Sewerage system and Waste Water Treatment capacity

The Jamestown sewerage system flows via the Jamestown, Techno-Park and Die Boord pump stations, to the Stellenbosch Waste Water Treatement Works (WWTW).

The master plan requires a future gravity network extension in a westerly direction towards Stellenbosch WWTW.

For the proposed development's runoff of 15Kl/day, sufficient capacity is available in the existing sewer system and treatment of waste water. Council reserves the right to divert the flow to any future system.

Normal development contribution will be applicable and the developer is responsible for the costs of the connection.

2. Water supply

Water demand of 15Kl/day is available from the Jamestown reservoir.

Normal development contributions will be applicable.

The developer is responsible for costs of the connection.

Yours faithfully

K Ketterer

Director: Civil Engineering Services

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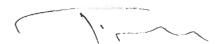
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## **APPENDIX 6**

## APPROVAL OF SITE DEVELOPMENT PLAN: REMAINDER FARM NO. 537, STELLENBOSCH DIVISION

# COMMENT FROM THE DEPARTMENT OF TRANSPORT & PUBLIC WORKS







### ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za tel: +27 21 483 4669 Rm 335, 9 Dorp Street, Cape Town, 8001 PO Box 2603, Cape Town, 8000

REFERENCE: 19/9/6/1-25/249 (Job 16840)

ENQUIRIES: Ms GD Swanepoel DATE: 26 November 2019

Stellenbosch Municipality
PO Box 17

STELLENBOSCH
7599

Attention: Mr U von Molend Offillaborator Nr:

Dear Sir

FILE NR:

FILE NR:

SCAN NR:

FILE NR:

NOV 2019

## FARM 537, STELLENBOSCH: MAIN ROAD 27 AND DIVISIONAL ROAD 1050: COMPLIANCE WITH MUNICIPAL CONDITIONS OF APPROVAL

- 1. The following refer:
- 1.1. Your letter LU/10007dated 18 September 2019;
- 1.2. Your letter LU/6601 to Du Plessis Hofmeyer Malan Attorneys dated 19 August 2019;
- 1.3. This Branch's letter 16/9/6/1-25/249 (Job 16840) to Peter Mons Planning dated 21 May 2018;
- Servitude Plan No. 31 Rev2 prepared by David Hellig and Abrahamse Professional Land Surveyors dated July 2016;
- 1.5. This Branch's letter 13/3/5/1-25/58 (Job 16840) dated 26 February 2009 and
- 1.6. The letter 82120\COR\06\SB from Africon (now Aurecon) 19 February 2009.
- This application entails the request for the approval of the Site Development Plan in terms of Condition 2.1 as stipulated in your letter of approval dated 18 August 2009.
- 3. In this Branch's letter 13/3/5/1-25/58 (Job 16840) dated 26 February 2009 the following conditions were listed:
- The necessary right of way servitudes is registered;

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- 3.2. All site development drawings must be submitted to this Branch for approval before any construction activities may commence. Relevant drawings must conform to Africon's letter mention in Paragraph 1.6 above and
- 3.3. A written undertaking from the developer to abide by the requirements of the Provincial Road Authority, as per Africon's letter mentioned in Paragraph 1.6 above.
- 4. In the Notice of Decision of the Appeal Authority, a condition is listed that the consent use for tourist facility in the form of a tourist market be granted for a period of 2 years or until the occupation certificate for the wine emporium is issued by the Municipality, whichever is the latter date. Should any additional buildings be planned, normal approval process be followed.
- 5. Herewith this Branch confirms that all the conditions listed in our letter 13/3/5/1-25/58(Job 16840) dated 26 February 2009 has been adhered to.
- 6. This Branch offers no objection to the proposed Site Development Plan as presented on Drawing No. 19-02-00 prepared by DB architects subject to the following conditions:
- 6.1. This Branch be informed when the occupation certificate for the wine emporium is issued;
- 6.2. A traffic management plan be prepared to accommodate the Route 44 tourist market while the construction of the wine emporium is taking place to ensure that adequate and safe parking will always be provided;
- 6.3. Under no circumstances will parking be allowed within the road reserve of Main Road 27 and Divisional Road 1050;
- 6.4. Any extension of the new facility once completed must be approved by this Branch subject to a Traffic Impact Assessment being submitted and
- 6.5. That all the conditions listed in our letter 16/9/6/1-25/249 (Job 16840) to Peter Mons Planning dated 21 May 2018 be adhered to.
- 7. A huge concern to this Branch is the illegal parking in the road reserve of both Main Road 27 and Divisional Road 1050. We urge you to provide law enforcement to ensure that this does not happen.
- 8. Please note that once approved the R44 road safety upgrades will be implemented at the Main Road 27/Divisional Road 1050 intersection that may have an impact on the access to Farm 537 depending on the type of interchange to be constructed.

Yours faithfully

S CARSTENS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

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### **ENDORSEMENTS**

1.	Stellenbosch Municipality
	Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2.	Aurecon
	Attention: Mr J Conradie (e-mail: johanb@itsglobal.co.za)
3.	Henk Jansen van Rensburg Attorney
	Attention: Mr H Jansen van Rensburg (e-mail: henk@hvrattorneys.co.za)
4.	Mr SW Carstens (e-mail)
5.	Mr H Thompson (e-mail)
6.	Mr E Burger (e-mail)

7. Mr B du Preez (e-mail)