



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8589

Our File Reference Number: Erf 140, Raithby

Your Reference Number: 2019 613

Enquiries: Pedro April / Nicole Katts

Contact No: 021 808 8683 / 8318

Email address: pedro.april@stellenbosch.gov.za / Nicole.petersen@stellenbosch.gov.za

REGISTERED MAIL

Allen Goosen
MLH Architects & Planners
3rd Floor, 199 Loop Street
Graphic Centre
CAPE TOWN
8000

Sir / Madam

APPLICATION FOR A CONSENT USE: ERF 140, RAITHBY

1. The application in the above regard, refers.
2. The Authorised Employee, on 10 October 2019, **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 **consent use** in order to utilise an additional 68m² of the property to accommodate additional seating arrangements for the existing 300m² restaurant building on Erf No. 140, Raithby (See **Appendix 2**).
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 consent use in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external departments.
 - 3.2 The conditions of the Directorate; Engineering Services, in **Appendix 4** at all times be adhered.

- 3.3 The conditions of the Department of Water & Sanitation, in **Appendix 5** at all times be adhered ;
- 3.4 That application must be made for a certificate of acceptability from the Cape Winelands District Municipalities Health Department for all food preparation premises, if not already obtained.
- 3.5 The existing and proposed buildings must at all times comply with SANS 10400 – Part S “Facilities for disable persons” and to the satisfaction of the municipal building management department.
- 3.6 All electrical requirements should be directed to Eskom, considering that the property falls outside the Stellenbosch area of supply.
- 3.7 That development of the property must at all-time be in conformance with the Zoning and land use parameters, unless otherwise approved by the municipal decision maker.
- 3.8 Should any new access road and access or alteration the existing access point be required by the competent roads authority at any time, it will be for the developer/owners private cost, unless otherwise required by the competent roads authority.
- 3.9 That building plans must be submitted to this Municipality for consideration and approval;
- 3.10 Should landscaping be required in future to soften the visual impact of the proposed structures from the Winery Road, it must be implemented at the cost of the owners.
- 3.11 The approval will lapse if not implemented within the 5 years from date of final notification;

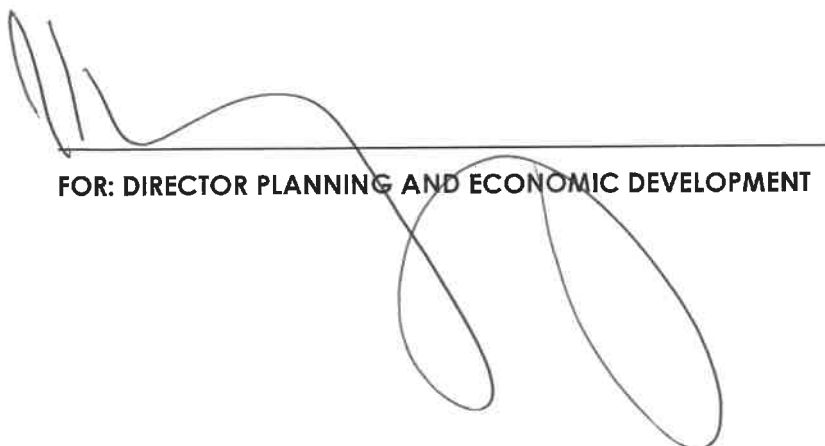
4. REASONS FOR THE ABOVE DECISION

The application is supported for the following reasons:

- 4.1 The proposed land use is in conformance with the principles of the Stellenbosch Municipal Spatial Development Framework relation to agri-tourism activities.
- 4.2 The intended facilities and its location on the property will be of a nature that should not be detrimental to the immediate and surrounding areas, if all conditions of approval are complied with.
- 4.3 No significant heritage and environment impacts are envisaged by the development.
- 4.4 Existing access point and access road to the property will be used.
- 4.5 No objections were raised against the possible impact of the development.
- 4.6 All parking to be provided will be onsite.
- 4.7 Existing services will be used, upgraded or newly built to the satisfaction of the engineering department for the development.
- 4.8 There are no restrictive title deed conditions registered against the title deed that prohibit the proposed development of the property.
- 4.9 The proposed land uses are low intensity tourist activities which would not impact negatively on the property and area.

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 www.stellenbosch.gov.za/planning_portal, 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

16/10/19
DATE

Appendix 2:
Proposed building plan.



Appendix 4:
Comment from Director: Engineering
Services

T. J. [Signature]



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag B Mdoda
From ▫ Van: Colin Taylor (Development)
Date ▫ Datum: 27/02/2019
Our Ref ▫ Ons Verw: Civil Lu 1780
Re ▫ Insake: Erf 140 Raithby: Consent use

The application is for the following items:

- i. Consent use for additional 68m² of the existing restaurant

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 All potable water supplied to all consumers on the farm shall comply with SANS Drinking Water Quality Standards. Current proof of compliance must be available on request.
- 1.2 A suitable qualified professional must ensure that the water infrastructure is sufficient for firefighting purposes.

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.

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 The application has to be referred to the District Roads Engineer for comments and conditions.
- 4.2 All the conditions set by the District Roads Engineer will be applicable.
- 4.3 Sufficient parking must be provided and indicated on the SDP at building plan submission stage.

5. Development Charges (DCs)

- 5.1 DC's will be charged as this application would constitute a prolonged impact on the bulk services
- 5.2 Based on the information provided in application, the Development Charges payable by the developer is R 47 370.49 (Vat incl.) as per attached Development Charges calculation (Annexure A).
- 5.3 The DC's were calculated for the 2018/2019 financial year. If the account is paid after 30 June 2019 it has to be recalculated using the then applicable tariffs.
- 5.4 DCs are payable prior to building plan approval.

6. Municipal Infrastructure (Civil Engineering Services)

- 6.1 Any changes to existing municipal infrastructure due to this application will be for the account of the owner.

**COLIN TAYLOR****PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

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Annexure A

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	
Date	Thursday, 28/Feb/2019
Financial Year	2018-2019
Erf Location	
Erf No	Erf 140 Raithby
Erf Size (m ²)	
Suburb	
Applicant	MLH Architects & Planner (Luke Williams)
Approved Building Plan No.	

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	k/day	Storm-water	ha°C	Solid-Waste	trips/day	Roads	Community Facilities	Totals
Total Increased Services Usage	0.272	0.238	0.005	0.027			6.12		person	
Total Development Charges before Deductions				R 1 268.15			R 39 033.84		R 889.74	R 41 191.73
Total Deductions:										
Total Payable (excluding VAT)				R 1 268.15			R 39 033.84		R 889.74	R 41 191.73
VAT				R 190.22			R 5 855.08		R 133.46	R 6 178.76
Total Payable (including VAT)				R 1 458.37			R 44 888.92		R 1 023.21	R 47 370.49

APPLICANT INFORMATION

Application Processed by:	C. Taylor
Signature	
Date	26 February 2019
Amount Paid:	
Date Payment Received	
Receipt Number	

Stellenbosch Town

Infrastructure Type applicable? (yes/no)	Unit type	Existing Usage	Proposed New Usage	Increase in Floor Area	Sewer	Stormwater	Development Charge levied (incl VAT)		Community Facilities	Total
							yes	no		
Residential	du	area (m2)	% GLA	du	m2 GLA	% GLA	du	m2 GLA	du	m2 GLA
Single Residential >1000m2	du	0	0%	0	0	0%	R	0	R	0
Single Residential >500m2	du	0	0%	0	0	0%	R	0	R	0
Single Residential >250m2	du	0	0%	0	0	0%	R	0	R	0
Single Residential <250m2	du	0	0%	0	0	0%	R	0	R	0
Less Formal Residential >250m2	du	0	0%	0	0	0%	R	0	R	0
Less Formal Residential <250m2	du	0	0%	0	0	0%	R	0	R	0
Group Residential >250m2	du	0	0%	0	0	0%	R	0	R	0
Group Residential <250m2	du	0	0%	0	0	0%	R	0	R	0
Medium Density Residential >280m2	du	0	0%	0	0	0%	R	0	R	0
Medium Density Residential <250m2	du	0	0%	0	0	0%	R	0	R	0
High Density Residential - flats	du	0	0%	0	0	0%	R	0	R	0
High Density Residential - student rooms	du	0	0%	0	0	0%	R	0	R	0
Local Business - office	m2 GLA	68	0%	68	0	0%	R	1 268.15	R	889.74
General Business - retail	m2 GLA	0	0%	0	0	0%	R	0	R	0
General Business - office	m2 GLA	0	0%	0	0	0%	R	0	R	0
General Business - retail	m2 GLA	0	0%	0	0	0%	R	0	R	0
Community	m2 GLA	0	0%	0	0	0%	R	0	R	0
Education	m2 GLA	0	0%	0	0	0%	R	0	R	0
Light Industrial	m2 GLA	0	0%	0	0	0%	R	0	R	0
General Industrial - light	m2 GLA	0	0%	0	0	0%	R	0	R	0
General Industrial - heavy	m2 GLA	0	0%	0	0	0%	R	0	R	0
Noxious Industrial - heavy	m2 GLA	0	0%	0	0	0%	R	0	R	0
Resort	m2 GLA	0	0%	0	0	0%	R	0	R	0
Public Open Space	m2	0	0%	0	0	0%	R	0	R	0
Private Open Space	m2	0	0%	0	0	0%	R	0	R	0
Natural Environment	m2	0	0%	0	0	0%	R	0	R	0
Utility Services	m2 GLA	0	0%	0	0	0%	R	0	R	0
Public Roads and Parking	m2	0	0%	0	0	0%	R	0	R	0
Transport Facility	m2	0	0%	0	0	0%	R	0	R	0
Limited Use	m2	0	0%	0	0	0%	R	0	R	0
Special	To be calculated based on equivalent demands									
*** display red if not equal to existing area * Complete yellow/green cells. du = dwelling unit, GLA=Gross letable area. Total Development Charges before Deductions R41 194.73 % Deductions per service (%) R 0.00 Additional Deduction per service - from Service Agreement (sum) R 0.00 Sub Total after Deductions (excluding VAT) R41 194.73 VAT R 0.00 Total R41 194.73										

Development Charge levied (incl VAT)	yes	no	yes	no
Development Charge levied (incl VAT)	R 39 033.84	R 0.00	R 1 268.15	R 0.00
Community Facilities	R 889.74	R 0.00	R 0.00	R 0.00
Total	R 41 194.73	R 0.00	R 1 268.15	R 0.00
Sub Total after Deductions (excluding VAT)	R 41 194.73	R 0.00	R 1 268.15	R 0.00
VAT	R 0.00	R 0.00	R 133.46	R 0.00
Total	R 41 194.73	R 0.00	R 1 401.61	R 0.00

INTERDEPARTMENTAL CIRCULATION FORM

13

LêER VERW/ FILE REF	Erf 140, Raithby	DATE: 25 January 2019						
AANSOEKNUMMER/APPLICATION NUMBER	LU/8589							
MEMO AAN/ TO :								
X	Director : Traffic Engineer / Engineering Services	Civil 1780 JMF 28/01/2019						
	Manager : Electrical Department							
	Manager : Building Development Management							
	Manager : Fire Services							
	Manager: Spatial Planning / Heritage / Environment / Signage							
	Manager: Health Department (Winelands Health)							
	Manager: Community Services: Albert Van Der Merwe							
	Manager: Property Management (P Smit)							
	Chief Financial Officer							
	Legal Services							
	Manager: Local Economic Development							
Application	Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 for Consent Use in order to utilize 500m ² of the property to accommodate the existing 300m ² restaurant building, proposed (68m ²), future restaurant extensions and outside area on Erf No. 140, Raithby.							
Adres / Address	Erf 140, Zandberg Farm, Winery Road, Raithby							
Aansoek Datum / Application Date	17 October 2018							
Aansoeker / Applicant	MLH Architects & Planners (Luke Williams)							
<p>Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.</p> <p>Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.</p> <p>Geliewe die memorandum <u>per hand</u> aan my terug te besorg voor of op: Please <u>hand deliver</u> the memorandum to me on or before : 28 February 2019</p>								
B Mdoda	For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT							
ALGEMENE KOMMENTAAR / GENERAL COMMENT:	<table border="1"> <tr> <td>TITLE NR:</td> <td></td> </tr> <tr> <td>SCAN NR:</td> <td>E 140 RB</td> </tr> <tr> <td>COLLABORATOR NR:</td> <td>635773</td> </tr> </table>		TITLE NR:		SCAN NR:	E 140 RB	COLLABORATOR NR:	635773
TITLE NR:								
SCAN NR:	E 140 RB							
COLLABORATOR NR:	635773							
VOORWAARDES/CONDITIONS:	<p>- Water to start</p> <p>- The application has allowed for</p> <p>- ACS for 2018 is not in place</p> <p>Refer to attached memo dated 21/2/2019</p>							
HANDTEKENING / SIGNATURE	DATUM / DATE							
<i>[Signature]</i>	27/2/2019							

↑

Appendix 5:
Comment from Department of Water
& Sanitation

A handwritten mark or signature in black ink, consisting of a horizontal line with a vertical stroke intersecting it, and a wavy line below.



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE PROVINCIAL OPERATIONS

Private Bag X16, Sanlamhof, 7532
52 Voortrekker Road, Bellville, 7530

☎ 021 941 6039
📠 021 941 6082
📞 082 370 2708

✉ Mr. Nkosinathi Mkonto
📁 16/2/7/G200/A/8
📧 mkonton@dws.gov.za

Attention: Allen Goosen

MLH Architects and Planners
199 Loop Street, 3rd floor Graphic Centre
CAPE TOWN
8001

Dear Sir

APPLICATION FOR CONSENT FOR A 368M² RESTAURANT ERF 140, RAITHBY

The Department acknowledges receipt of your report dated September 2018 for the above mentioned activity.

After evaluating the above mentioned application, you are hereby informed that the Department does not object to your proposed activities from going ahead subject to the following conditions:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management must be adhered to.
2. All relevant sections and regulations of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) must be adhered to.
3. No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained an authorisation from this Department in terms of Section 22 of the National Water Act (Act 36 of 1998).
4. No activities may take place within a buffer area of 500m of any wetland system without formal authorisation thereto obtained from this Department.

RT	AL
FTBL	AG
BM	FV
02 APR 2019	
FILE	



NATIONAL DEVELOPMENT PLAN
Our Future - make it work



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

CONTINUATION PAGE: (page. 2/2).

5. No permanent structures may be constructed within the 1:100 year flood line of a watercourse and/or wetland without Water Use Licence Application obtained prior.
6. If any property that receives water from an Irrigation Board or Water User Association is subdivided, sold or consolidated, the Board or Association and this Department must be notified within sixty (60) days after the said transaction took place.
7. Please note that if the subdivision will affect the allocation of a water use as registered by this Department, the owner(s) of the new property(ies) must enter into a written mutual agreement to determine each property's share in any allocated water or water use and this must be communicated to this Department.
8. If this subdivision (or consolidation) will affect the allocation of a water use as licenced by this Department, the Licencee must contact the Department for the amendment of this licence. This will also be necessary if the property description changes. The Licencee must provide full details of all changes with respect to the properties to the Responsible Authority within 60 days of the said change/s taking place.

The Department reserves the right to revise its initial comments and request additional information that may arise from correspondence and/or upon inspection.

Should you have any queries, please do not hesitate to contact Nkosinathi Mkonto at the contact details provided above.

Yours faithfully

REGIONAL HEAD: WESTERN CAPE

Signed by: Nelisa Ndobeni

Designation: Control Environmental Officer (Acting)

Date: 19 MARCH 2019

*



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