



Application Number: LU/7725

Our File Reference Number: Erf 171, Raithby

Your Reference Number: None

Enquiries: Ulrich von Molendorff

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PER E-MAIL: Tristan@headland.co.za

Sir / Madam

APPLICATION FOR CONSENT USE: ERF 171, WINERY ROAD, RAITHBY

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 Consent Use is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, dated 20 October 2015, to operate a nursery on Erf 171, Raithby, **BE APPROVED** in terms of Section 60 of the said By-Law.

2.2 Reasons for the above Decision

The application is supported for the following reasons:

- (a) No agricultural land will be taken out of production, but rather enhance with the cultivation of plants for nursery activities.
- (b) All existing on-site services, access roads and parking areas exists and will be sufficient for the proposed nursery activities, although upgrading of the servitude road will require maintenance from time to time by all users of the road.

- (c) The proposal is in compliance with the zoning scheme regulations and consistent with the principles of the IDP and the Municipal SDF.
- (d) Similar nursery activities has been approved in the area and it did not adversely impact on the cultural landscape or the surrounding properties, but rather enhance and being a catalyst for the approval of similar activities in the area consisting mainly of agricultural small holdings.
- (e) The competent roads authorities supported the application and did not envisaged any road safety or capacity problems at the intersection with winery road. Maintenance and traffic calming measure on the servitude road could be arranged between all road users.

2.3 That such approval BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:

- (a) 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;
- (b) That should building alterations and extensions be required, that building plans be submitted to this Municipality for consideration and approval;
- (c) That all required parking to nursery is provided on-site to the satisfaction of the municipal engineering department at all times.
- (d) All electrical requirements should be directed to Eskom, considering that the property falls outside the Stellenbosch area of supply.
- (e) The servitude right of way access road may at all-times be used in compliance with the notarial deed agreement for all road users.
- (f) The approval will lapse if not implemented within the stipulated timeframe of the said By-Law.

2.4 Matters on the application TO BE NOTED

- (a) Compliance monitoring relating to the maintenance agreement of the right of way servitude road is a private matter and needs to be monitored, agreed and completed between all owners making use of the road.

3. 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.

4. 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:

- (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.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(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.

5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za.
6. An applicant 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.
7. 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>).
8. 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:

(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.

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 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



FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

2/6/20
DATE:

COPY OF LETTER TO OBJECTOR

teresa@kenforresterwines.com

ANNEXURE 2

Site Plan

Figure ABCDE represents erf 171, milliboy, measuring 3,37 ha and zoned agricultural zone 1 in terms of the LUPO section 8 zoning scheme;

- Application is made for consent for an existing nursery with existing buildings.
- Built area amounts to 2743m² as follows:
 - existing 2528m² nursery buildings
 - existing 215m² sheds
- all dimensions are in metres
- final figures are approximate and subject to survey and field checking

notes	
amenagements	date _____ revision _____
project	consent use application erf 171 raitby
drawing	consent use plan
file	raitby 171
figure	17/1/1/01
client	sonnestraal nursery (pty) ltd
date	april 2018
scale	1/1200 (A3)

