



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8439

Our File Reference Number: Erf 208, Raithby

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [REDACTED]

Sir / Madam

## **APPLICATION FOR CONSENT USE ON ERF 208, RAITHBY**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 An application is made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 208, Raithby for the following;
  - 2.2 **Consent Use** in terms of Section 15 (2) (o) of the said by-law, for tourist facility to utilise the existing wine tasting and sales facility as function venue;

**BE APPROVED** in terms of Section 60 of the by law and subject to the following conditions in terms of Section 66 of the said Bylaw:

### **Conditions of approval:**

- 2.2.1 The approval applies only to the application under consideration as indicated on Drawing No: PL004, Project No. K4055, dated 27-08-2018, and Site Development Plan No PL001, dated 28 AUG 2018, drawn by BBS (Dennis Moss Partnership) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 2.2.2 The development shall be implemented substantially in accordance with the Site Development Plan referenced as Drawing No: PL004, Project No. K4055, dated 27-08-2018, and Site Development Plan No PL001, dated 28 AUG 2018, drawn by BBS (Dennis Moss Partnership), and attached as **Annexure C**.

- 2.2.3 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.
- 2.2.4 The conditions imposed by the Director: Infrastructure Services as contained in their memo dated 16 November 2023, attached as **Annexure H**, be complied with.
- 2.2.5 The land use shall not create any undue traffic congestion on the road and those precautionary measures be taken in order to avoid noise congestion.
- 2.2.6 Building plans must be generally in accordance with the layout plans as referenced Drawing No: PL004, Project No. K4055, dated 27-08-2018, and Site Development Plan No PL001, dated 28 AUG 2018, drawn by BBS (Dennis Moss Partnership), and attached as **Annexure C**.
- 2.2.7 The proposed tourist facility shall be limited to **305 m<sup>2</sup>**.
- 2.2.8 No directional signage may be erected without prior approval of the Provincial Road Engineer and Municipality.
- 2.2.9 Development contributions 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 submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

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

- 3.1 The application would not negatively affect aesthetic appearance of the property or surrounding environment and the primary use of the property will still remain agricultural.

4. 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.

5. 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:
  - 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

Reference to this correspondence and the relevant property details on which the appeal is submitted.

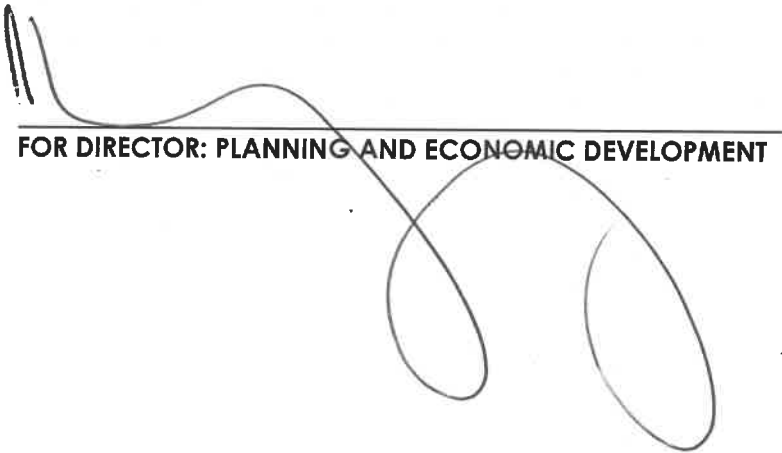
6. The grounds of the appeal which may include the following grounds:
  - a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
  - b) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
  - c) Whether the appeal is lodged against the whole decision or a part of the decision.
    - 6.1 If the appeal is lodged against a part of the decision, a description of the part.
    - 6.2 If the appeal is lodged against a condition of approval, a description of the condition.
    - 6.3 The factual or legal findings that the appellant relies on.
    - 6.4 The relief sought by the appellant.
    - 6.5 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
    - 6.6 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.
7. 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](mailto:landuse.appeals@stellenbosch.gov.za)
8. 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.
9. 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](mailto:landuse.appeals@stellenbosch.gov.za)
10. 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.

11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

12. 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



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

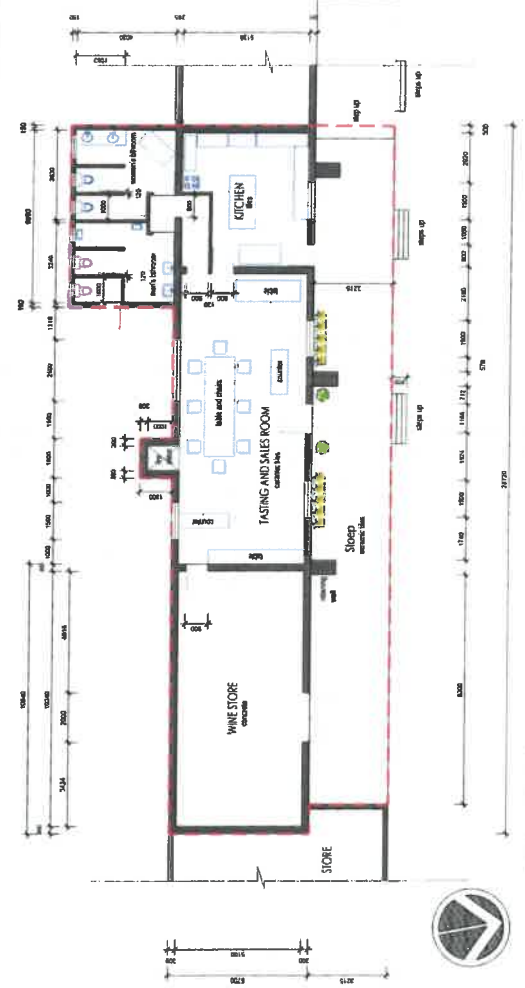
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**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

15/2/2024  
DATE

## **ANNEXURE C: SITE DEVELOPMENT PLAN**

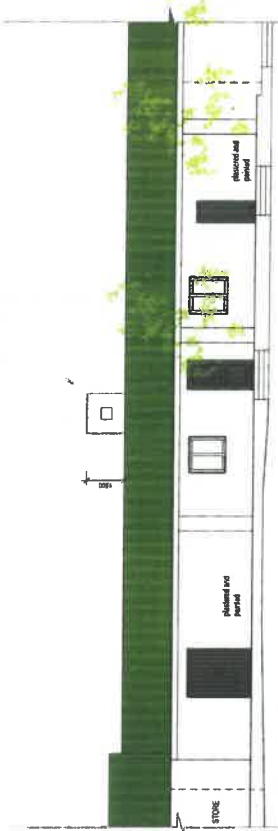
AREAS	
Wine store	54m <sup>2</sup>
Tasting & Sales Room	67m <sup>2</sup>
Kitchen	25m <sup>2</sup>
Bath Rooms	25m <sup>2</sup>
Sloop	104m <sup>2</sup>
<b>TOTAL AREA FOR DEPARTURE</b>	<b>305m<sup>2</sup></b>



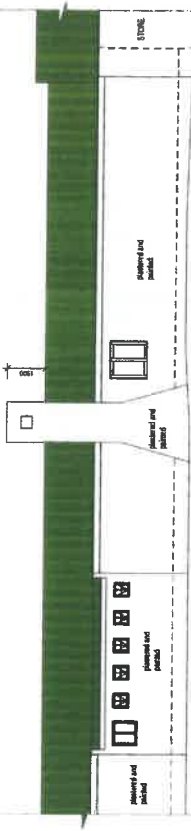
**GROUND FLOOR PLAN**  
SCALE 1:100



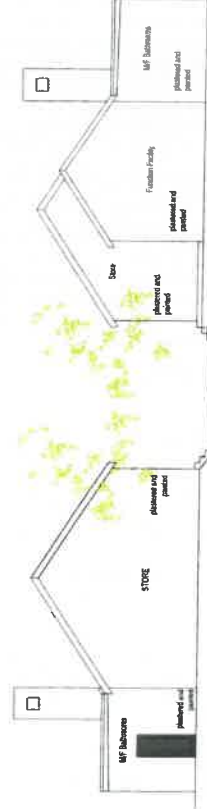
**ROOF PLAN**  
SCALE 1:100



**NORTH ELEVATION**  
SCALE 1:100



**SOUTH ELEVATION**  
SCALE 1:100



**EAST ELEVATION**  
SCALE 1:100

**WEST ELEVATION**  
SCALE 1:100

**DENNIS ADAMS PARTNERSHIP**



**DE WAAL KOCH TRUST**

**TEMPORARY DEPARTURE**  
ERF 208

**RAITHBY STELLENBOSCH**

**EXISTING BUILDING PLAN OF**  
WINE TASTING FACILITY

PROJECT No.	KA005	SCALE	1:100
DATE	27-08-2018	PROJECT No.	KA005
DATE	08-05	PROJECT No.	KA005
DATE	24-11	PROJECT No.	KA005

**FOR SUBMISSION**

The drawing and all the information contained therein is the property of the architect and shall remain confidential and shall not be used for any other purpose without the written consent of the architect.





DE WAAL KOCH TRUST

TEMPORARY DEPARTURE  
ERF 208  
RAITHBY, STELLENBOSCH

SITE PLAN

PROJECT NO.	K025	SCALE	1:500
ISSUED TO	PL001	DATE	23 AUG 2018
BY		DRAWN	BBS
		CHECKED	JLV

FOR SUBMISSION

The drawing and all the information contained therein is the property of the author and shall remain his or her sole property. It is not to be used for any other purpose without the author's written consent.

**ANNEXURE H: COMMENT FROM DIRECTOR: INFRASTRUCTURE  
SERVICES**





**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

# **MEMORANDUM**

**DIREKTORAAT: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

**CIVIL ENGINEERING SERVICES**

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag:** Salome Newman  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 16 Nov 2023  
**Our Ref ▫ Ons Verw:** Civil LU 2602  
**Town Planning Ref:** LU/8439  
**Re ▫ Insake:** Erf 208, Raithby: Application is made for consent use in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, in order to use the existing wine tasting and sales facility on Erf 208, Raithby as a function venue.

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

- 1. Civil Engineering services**
  - 1.1 Existing septic tanks (page 6 of motivation report) to be replaced with conservancy tanks. This must be indicated on building plans and implemented before the facility is put to use.
  
- 2. Roads**
  - 2.1 Access is from a provincial road – all conditions by the Provincial Roads Engineer will be applicable.

**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 and invoice 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.
- 3.4 Where building plans are not applicable, the appropriate DC's are payable immediately after land use approval is granted.



**Tyrone King Pr Tech Eng**  
**Manager: Development (Infrastructure Services)**



# Stellenbosch Municipality

## Development Charge Calculation



APPLICATION INFORMATION	
Application Number	2602 (1 Erf 208 Raaihy (LU-8439))
Development Name	
Date	26 October 2023
Financial Year	2023/2024
Erf Location (Select from 7 Locations)	Raaihy
Erf Region (Select Urban or Rural)	Rural
Erf No / Farm No	Erf 208
DC Parameters Reference	Drawing No PLO04 Rev 0 by Dennis Moss dated 27-08-2018

SUMMARY OF DC CALCULATION								
Service	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civl Eng Services)	Community	Totals
Unit(s)	k/day	k/day	ha °C	t/week	trns/day		persons	
Total Increased Services Usage	1 22	1 0675	0,04575	0,061	27,45		3,05	
Total Service Usage Reduction	0	0	0	0	13,7		0	
Total Service Usage after Reduction	1 22	1 07	0,04575	0,061	13,7		3	
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 5 966,51	R 361 253,56	R 367 220,07	R 5 227,46	R 372 447,53
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 5 966,51	R 361 253,56	R 367 220,07	R 5 227,46	R 372 447,53
Total Deductions	R -	R -	R -	R -	R 180 626,78	R 180 626,78	R -	R 180 626,78
Total Development Charges Payable (excluding VAT)	R -	R -	R -	R 5 966,51	R 180 626,78	R 186 593,29	R 5 227,46	R 191 820,75
VAT	R -	R -	R -	R 894,88	R 27 094,02	R 27 988,99	R 784,12	R 28 773,11
Total Development Charges Payable (including VAT)	R -	R -	R -	R 6 861,49	R 207 720,80	R 214 582,28	R 6 011,58	R 220 893,86

APPLICANT INFORMATION	
Application Processed by	Tryone King
Signature	Indicative DC - Final will be provided based on Building Plans.
Notes	<p>Application is for a Function Venue.  Water - non municipal sources  Sewer - not connected to municipal network (conservancy tanks)</p> <p style="text-align: right;"><b>AREAS</b>  Wine store 54m<sup>2</sup>  Lodging &amp; Solar Room 57m<sup>2</sup>  Kitchen 25m<sup>2</sup>  Bath Rooms 25m<sup>2</sup>  Storage (Garage) 154m<sup>2</sup></p> <p style="text-align: right;"><b>TOTAL AREA FOR DEPARTURE 305m<sup>2</sup></b></p>

