



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12275

Our File Reference Number: Erf 224, Raithby

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR A CONSENT USE: ERF 224, RAITHBY

1. The above application refers.
 2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 224, Raithby, namely:
 - 2.1.1 **Consent Use** in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-law, 2015, to utilise the existing building (approved cottage) as a Guest house and to allow the use of the outdoor space to the east of the wine cellar as outdoor wine tasting and picnic area.
- BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.
3. **Conditions of approval:**
 - 3.1 The approval applies only to the application under consideration as indicated on site plan drawn by bartel vijoen architect dated 26/11/2020 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

- 3.2 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.
- 3.3 The outdoor wine tasting, and picnic area shall be limited to 800 m² and the guest house (converted cottage together with the main house) shall be limited to 7 bedrooms.
- 3.4 The consent use shall be subservient or related to the dominant agricultural use of the property.
- 3.5 The conditions imposed by the Deputy Director: Western Cape Transport and Public works: Roads as contained in their memo dated 21 June 2021, attached as **Annexure F**, be complied with.
- 3.6 The conditions imposed by the Director: Engineering Services as contained in their memo dated 1 July 2021, attached as **Annexure H**, be complied with.
- 3.7 The approval will lapse if not confirmed within 5 years from date of final notification of approval of the application.

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

- (a) The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape;
- (b) The development proposal will have no negative impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost;

5. **Matters to be noted:**

- (a) Building plans be approved by the Municipality prior to any building work commencing.

6. 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.
7. 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.

8. 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
9. 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.
10. 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>).
11. 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:
 - (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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. 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

24/1/2022
DATE:

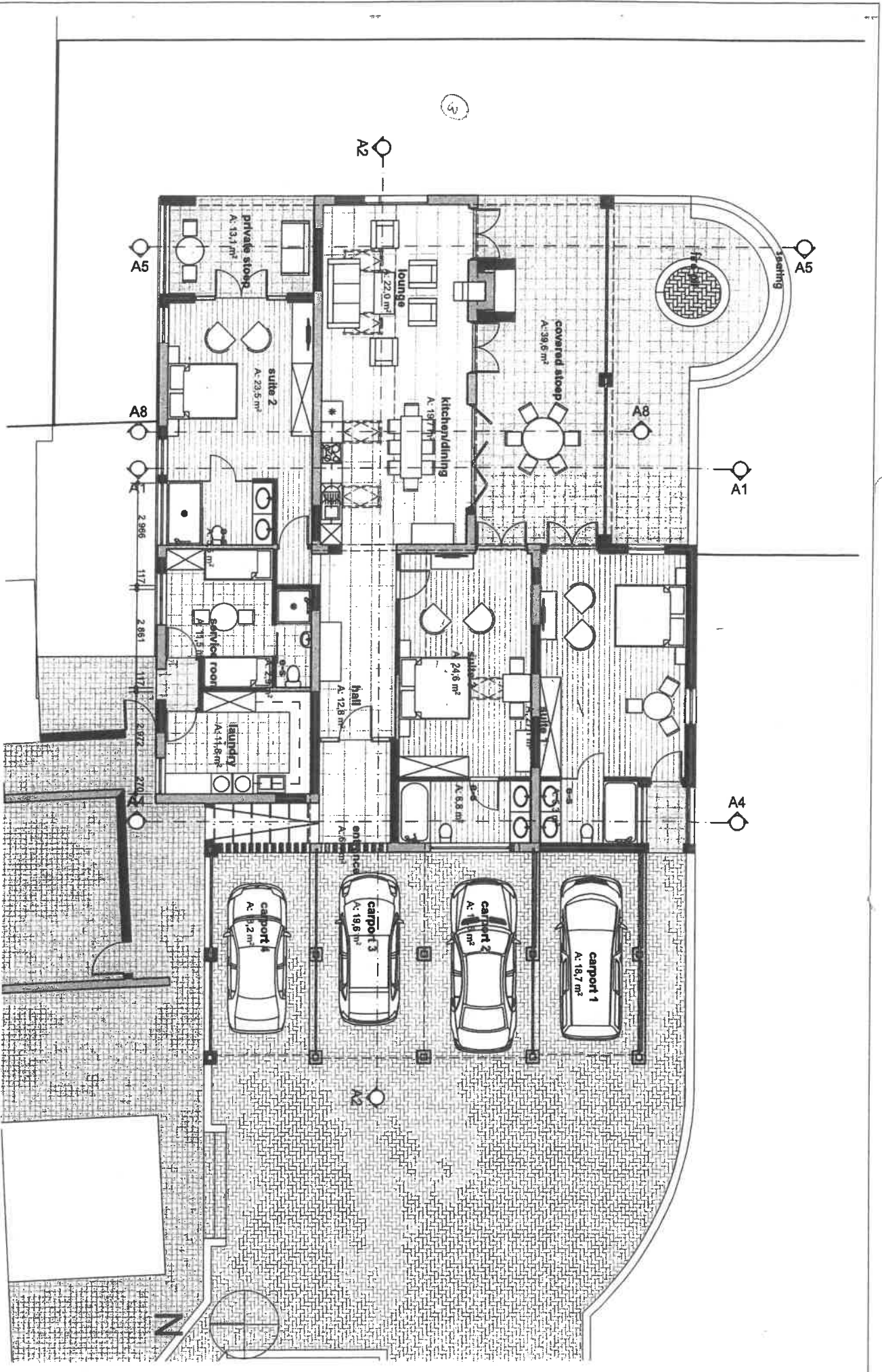
ANNEXURE C: SITE DEVELOPMENT PLAN



Site Plan
SCALE 1:500

Thursday, 26 November 2020
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Proposed alterations to existing building, Yonder Hill, Stellenbosch



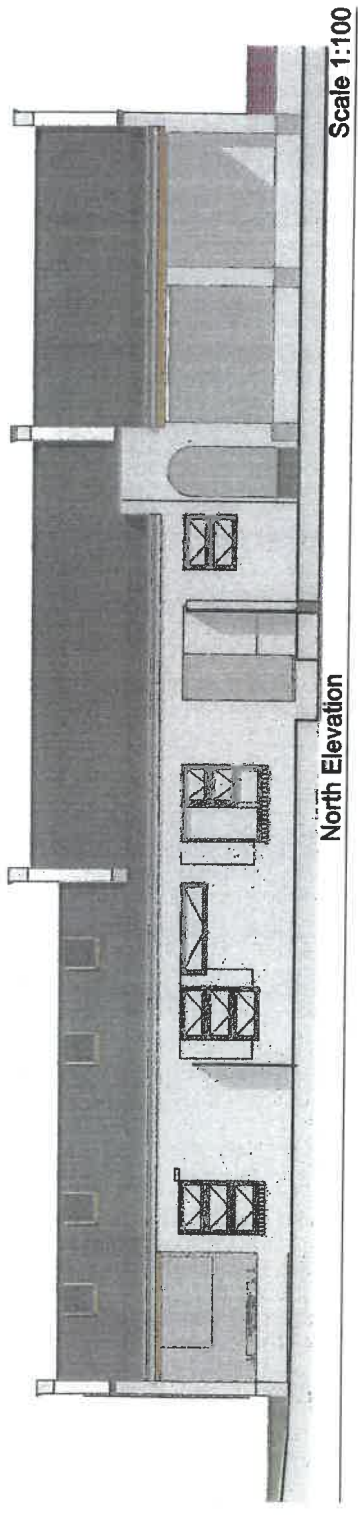
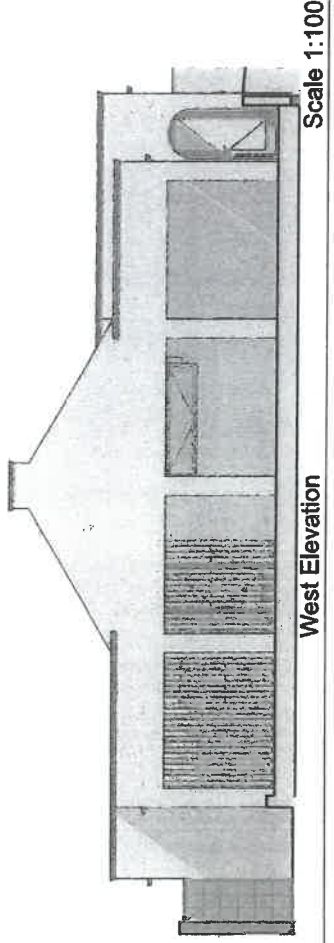
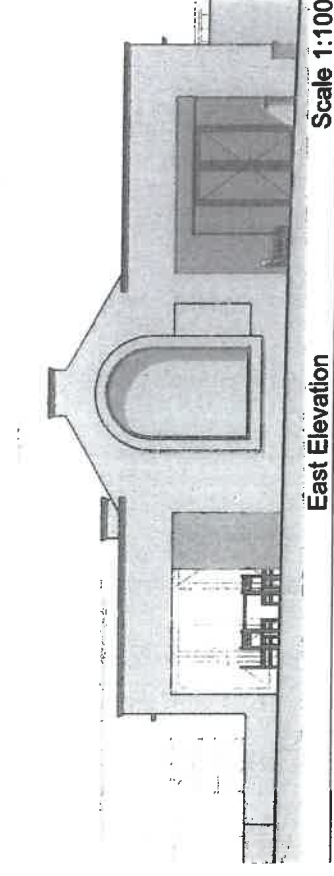
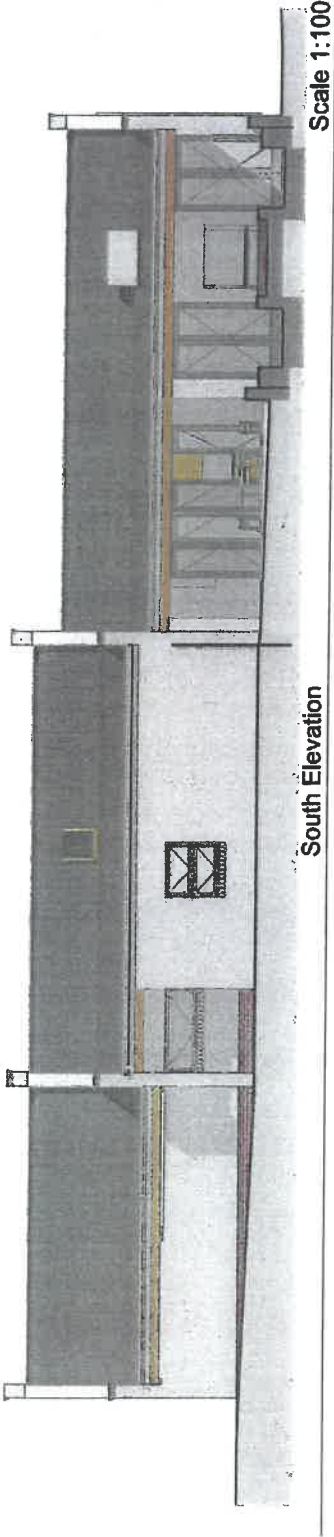
Ground Storey

SCALE 1:100

Thursday, 26 November 2020
 /Volumes/GoogleDrive/My Drive/Projects/1178 Yonder Hill/1178 In-House/Arch/Cad/Modeling/1190 Yonder Hill copy.rvt

Proposed alterations to existing building, Yonder Hill, Stellenbosch





Elevations
SCALE 1:100

Thursday, 26 November 2020
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Proposed alterations to existing building, Yonder Hill, Stellenbosch



ANNEXURE F: COMMENT FROM THE WESTERN CAPE GOVERNMENT:
DEPARTMENT OF TRANSPORT AND PUBLIC WORKS.



REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-25/40 (Job 21033)

ENQUIRIES: Ms G Swanepoel

DATE: 21 June 2021

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

ERF 224, RAITHBY: MAIN ROAD 27: APPLICATION FOR CONSENT USE

1. The following refer:
 - 1.1. The e-mail from Viridus Works dated 26 February 2021;
 - 1.2. The letter from Viridus Works dated 28 February 2021 (Municipal Reference LU 12275);
 - 1.3. The Land Development Application dated December 2020 prepared by Viridus Works; and
 - 1.4. This Branch's letter 13/3/5/1-25/242 (Job 21033) dated 15 October 2013.
2. The application entails the following:
 - 2.1. The improved use of the existing cottage as a guest house and
 - 2.2. The use of the wooden deck and outside lawn east of the existing winery and wine tasting facility for open air wine tasting and picnics.
3. Erf 224 currently gains access off Main Road 27 at \pm km21.59 and \pm km 21.74 right hand side (RHS).
4. This Branch offers no objection to the application subject to the following conditions:
 - 4.1. The development must be limited to the consent use as stipulated in the application;
 - 4.2. The main access to the farm must remain at Main Road 27 \pm km 21.74 and

**ANNEXURE G: COMMENT FROM THE MANAGER: SPATIAL
PLANNING**



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Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Erf 224, Raithby
LU No : LU/12275
Date : 22 March 2021
Re : Application for consent use on Erf 224 Raithby



I refer to your request for comment on the above application.

Application is made for the following:

- Consent Use on Erf 224 Raithby to utilise the existing buildings (approved cottages) as a Guest house and to allow the use of the outdoor space to the east of the wine cellar as outdoor wine tasting and picnic area.

1) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the

principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is located outside the urban edge of the Raithby node. In terms of the approved MSDF the following guidelines are applicable to this specific application:

- Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.
- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
- All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area.
- Industry in rural areas should not adversely affect the agricultural potential of the property.

- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.
- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities.
- Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short term tourism accommodation across the rural landscape that is in keeping with the local character is supported.
- Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
- Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

2) Supported / not supported:

This department therefore supports the application subject to the following condition:

- The agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms;
- In Terms of Section 34 of the National Resources Heritage Act 1999 the following is applicable:
 - No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.



BJG de la Bat
MANAGER: SPATIAL PLANNING

ANNEXURE H: COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES



STELLENBOSCH MUNICIPALITY OUTGOING POST
STELLENBOSCH-PNIEL-FRANSCHHOEK Erf 224 RB

SCAN NR:

MEMORANDUM

COLLABORATOR NR: 709329

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nicole Katts
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 1 July 2021
Our Ref ▫ Ons Verw: Civil LU 2139
Your Ref: LU/12275
Re ▫ Insaake: Erf 224, Raithby: 800m² outdoor tourist facility (wine tasting);

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

02 JUL 2021

RECEIVED

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

1. Civil Engineering Services

- 1.1 The municipality does not have water and sewer networks in this area.
- 1.2 Water and sewer provision are via borehole and conservancy tanks, therefore no additional impact on municipal services.
- 1.3 The Owner is responsible to ensure that potable water is stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.
- 1.4 Provincial Roads must provide comment on the application. Any conditions from provincial roads authority will be applicable.

2. Development Charges (DCs)

- 2.1 The 800m² outdoor wine tasting area is additional to the existing indoor wine tasting room and will attract more visitors (50 – 80 visitors, page 8 motivation report).
- 2.2 There will thus be an additional impact on roads (in terms of trip generation) and solid waste which triggers the payment of DCs. See DC calculation sheet attached.

2.3 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.

2.4 The appropriate DC's are payable before any building plan approval (if applicable), or before the new facility is put to its intended use.

3. Electrical Engineering

3.1 Refer to Annexure: Electrical



**Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\2139 (TK) Erf 224 Raithby (LU-12275), Du Preez\2139 (TK) Erf 224 Raithby (LU-12275)_2.doc

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	2139 (TK) Erf 224 Naithby (LU-32275)
Date	Thursday, 01/Jul/2021
Financial Year	2021/22
Erf Location	Stellenbosch Town
Erf No	
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
	k/day	k/day	ha°C	t/week	trips/day	person	
Total Increased Services Usage	3.200	2.800	0.064	0.320	72.00	72.0	
Total Development Charges before Deductions				R 16 999.87	R 523 259.09	R 11 927.26	R 552 186.22
Total Deductions							
Total Payable (excluding VAT)				R 16 999.87	R 523 259.09	R 11 927.26	R 552 186.22
VAT				R 2 549.98	R 78 488.96	R 1 789.09	R 82 827.93
Total Payable (including VAT)				R 19 549.85	R 601 747.95	R 13 716.34	R 635 014.15

APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

Raith 2139

Annexure Electrical

GENERAL COMMENT:

1. Outside Stellenbosch area of supply.
2. All Electrical requirements should be directed to Eskom.

CONDITIONS

3. No conditions.



SIGNATURE

DATE 1/7/21