



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16223 (TP495/2023)

Our File Reference Number: Erf 31, De Zalze

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING 2023 ON ERF 31 DE ZALZE

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following applications in terms of Section 15(2) of the of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023, namely:
 - 2.2 Application in terms of Section 15(2)(o) for consent use for outdoor sport on Erf 31, De Zalze;
 - 2.3 Application in terms of Section 15(2)(o) for consent use for tourist facility in order to use the clubhouse and outdoor serving area as a restaurant/deli on Erf 31, De Zalze;

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:
 - 3.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality or other legislation or By-laws or Regulations that may be applicable.

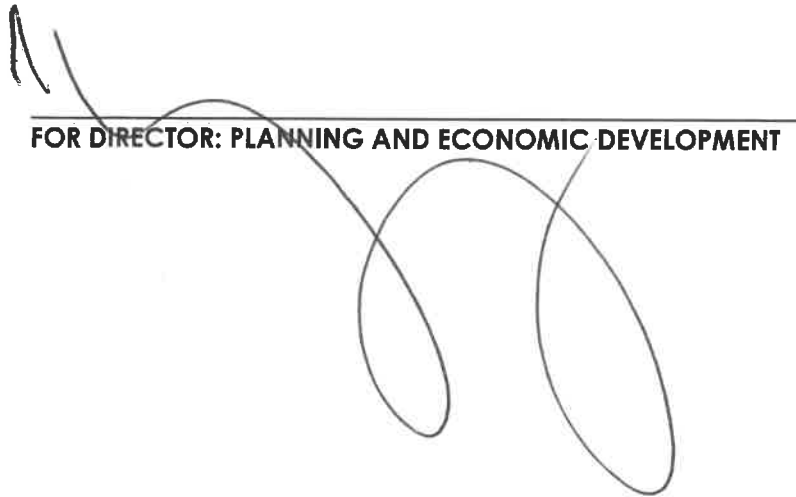
- 3.2 The development must be undertaken generally in accordance with the referenced Geometric layout and existing - and new services layout plan with Plan No. UDS634 GS1, drawn by UDS Africa and dated April 2023 and *Vloerplan met mates* plan with Drawing No. 03-04 Rev1, drawn by Ben Burger Architect and dated 01/09/2022, attached as **Annexure B**.
- 3.3 The outdoor sport is restricted to two (2) padel courts, two (2) tennis courts, and a cricket practice area as indicated on the referenced Geometric layout and existing - and new services layout plan with Plan No. UDS634 GS1, drawn by UDS Africa and dated April 2023, attached as **Annexure B**.
- 3.4 The tourist facility (restaurant/deli) is restricted to the existing clubhouse ($\pm 48.5\text{m}^2$ indoor serving area) and veranda area ($\pm 77.5\text{m}^2$ outdoor serving area) as indicated on the referenced *Vloerplan met mates* plan with Drawing No. 03-04 Rev1, drawn by Ben Burger Architect and dated 01/09/2022, attached as **Annexure B**.
- 3.5 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 3.6 Building plans must be generally in accordance with the referenced Geometric layout and existing - and new services layout plan with Plan No. UDS634 GS1, drawn by UDS Africa and dated April 2023 and Rev. 1 of *Vloerplan met mates* plan with Drawing No. 03-04 Rev1, drawn by Ben Burger Architect and dated 01/09/2022, and attached as **Annexure B**.
- 3.7 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the use.
- 3.8 The use of the restaurant/deli and outdoor sport facilities is restricted and only available to estate members and lodge guests, including their accompanying guests.
- 3.9 The establishment may not cause public nuisance (traffic, parking & noise) to the adjacent and adjoining property owners and may not interfere with their rights.
4. The reasons for the above decision are as follow:
- 4.1 The proposal involves the provision of facilities associated with, and for an existing estate of limited significance to surrounding property owners and with minimal impact on municipal services.

5. Matters to note:
 - 5.1 Any changes to any existing municipal infrastructure due to this application will be for the account of the owner.
 - 5.2 The property is located outside the Stellenbosch Municipality area of electricity supply. All electrical requirements should be directed to Eskom.
 - 5.3 If any food/drinks are to be handled and/or sold, the premises must comply with the requirements for food handling premises as determined in Regulation R638 of 22 June 2018 (Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matter) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, Act 54 of 1972. Applications to obtain the mentioned Certificate can be made at the Cape Winelands District Municipality: Health Office.
6. 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.
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:
 - 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
8. Reference to this correspondence and the relevant property details on which the appeal is submitted.
9. 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.

- 9.1 Whether the appeal is lodged against the whole decision or a part of the decision,
- 9.2 If the appeal is lodged against a part of the decision, a description of the part.
- 9.3 If the appeal is lodged against a condition of approval, a description of the condition.
- 9.4 The factual or legal findings that the appellant relies on.
- 9.5 The relief sought by the appellant.
- 9.6 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 9.7 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.
10. 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
11. 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.
12. 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
13. 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.
14. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

15. 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 that underlines the text below.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

29/1/2024,
DATE

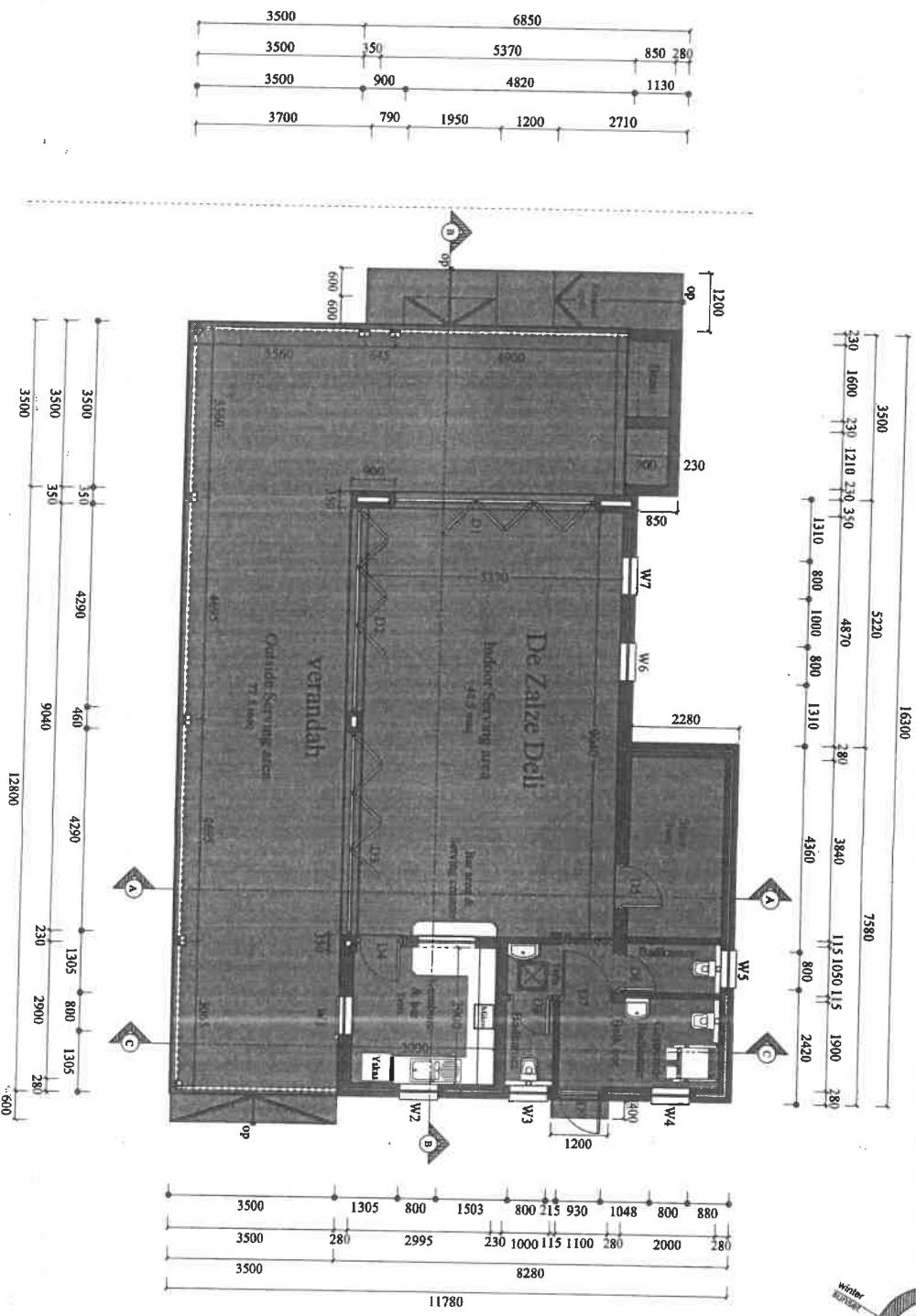
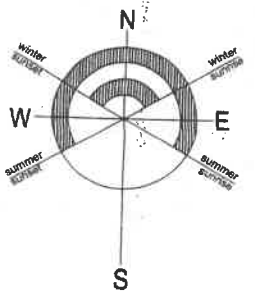


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ANNEXURE B

SITE PLAN



Vloer plan met mates
Schaal 1:1.100

Vloer plan met mates
Schaal 1:1.100

VIR MUNISIPALE GOEDKEURING

REV	DATE	DESCRIPTION
1	01/09/2022	Sleep en stoor verhoogd as ook gebou terug gestuif en nuwe keermuur aangevoerd

PROJECT NUMBER	SCALE	CHECKED	DRAWING DESCRIPTION	PROJECT DESCRIPTION	PROJECT TITLE
2485	1:100	Ben Burger	Vloerplan met mates	Nuwe De Zalze Deli op De Zalze Landgoed Erf 31 De Zalze Stellenbosch	De Zalze Deli
4	DRANK	SACAP			
03 - 04	REV 1	7839			
		22/06/2022			

BEN

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