



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13345

Our File Reference Number: Erf 3382, Klappmuts

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 FOR REZONING AND AN AMENDMENT OF A CONDITION IN RESPECT OF AN EXISTING APPROVAL: UNREGISTERED ERF 3382, KLAPMUTS

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
 - 2.1 That the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for:
 - i. **Rezoning** in terms of Section 15(2)(a) of the Unregistered Erf 3382, Klappmuts from Local Business Zone to Industrial Zone for industry related purposes; and
 - ii. **Amendment of a condition in respect of an existing approval** in terms of section 15(2)(h) of the said bylaw to amend the approved Design Manual and Architectural Guidelines (December 2014) so as to change the zoning allocation of Portion 1 of Erf 2016 (Unregistered Erf 3382) from Business Zone II to Industrial Zone, and to depict the Industrial Zone development parameters in terms of the Stellenbosch Zoning Scheme By-law, 2019 as well as the alignment thereof with the existing Industrial Zone properties within Simonsberg Park.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

- 2.2.1 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 Council or other legislation or Bylaws or Regulations that may be applicable.
- 2.2.2 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.
- 2.2.3 The conditions imposed by **Director: Engineering Services** as contained in their memo dated 28 January 2022, and attached as **ANNEXURE I**, be complied with.
- 2.2.4 The conditions imposed by the **Manager: Environmental Management** as contained in their memo dated 27 January 2022, and attached as **ANNEXURE J**, be complied with.
- 2.2.5 The conditions imposed by the **Manager: Community Services** as contained in their memo dated 18 February 2022, and attached as **ANNEXURE K**, be complied with.
- 2.2.6 The following condition imposed by **Manager: Spatial Planning** as contained in their memo dated 19 April 2022, and attached as **ANNEXURE L**, be complied with:
 - a. *The streetscape facing the R44 be treated visually pleasing.*
 - b. *No containers/crates for storing purposes allowed within this space between the industrial building and road reserve.*
- 2.2.7 The conditions imposed by the **Manager: Health Services (Cape Winelands District)** as contained in their memo dated 16 May 2022, and attached as **ANNEXURE M**, be complied with.
- 2.2.8 The conditions imposed by the **Department of Transport and Public Works** as contained in their letter dated 12 April 2022, and attached as **ANNEXURE O**, be complied with.
- 2.2.9 The proposed land use must not create any undue noise or be a nuisance to the residential neighbourhood.
- 2.2.10 A Site Development Plan which complies with the parameters of the zoning scheme and the Simonsberg Park Design Manual and Architectural Guidelines; as well as a Landscaping Plan, be submitted to the Municipality for approval prior to the submission of building plans.
- 2.2.11 The amended Architectural Guidelines, which includes the addendum to the Simonsberg Design Manual and Architectural Guidelines, be submitted for adoption by the Authorised Employee.
- 2.2.12 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality **OR** be in line with the signage policy of the Municipality.

2.3 The reasons for the above decision are as follows:

- 2.3.1 The proposed development will not detract from the character of the area and should blend in with the surrounding existing land uses in the area.
- 2.3.2 The proposed land use is desirable as it is consistent with the surrounding land uses.
- 2.3.3 The proposed rezoning will have a positive impact on the local economy and provide economic opportunity and diversification.
- 2.3.4 The traffic impact of the proposed land use will be lower than the original approved proposal, and that no additional road or transport infrastructure will be required to accommodate the proposal.

2.4 Matters to be noted:

- 2.4.1 Building plans be approved by the Municipality prior to any building work commencing.
 - 2.4.2 All electrical requirements be directed to Eskom.
 - 2.4.3 The necessary authorisation (e.g., an amended Environmental Authorisation) be obtained from the Department of Environmental Affairs and Development Planning – Environmental Impact Management Services) prior to the implementation of the land use approval.
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:
- 4.1 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

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

4.3 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.

4.4 Whether the appeal is lodged against the whole decision or a part of the decision.

4.5 If the appeal is lodged against a part of the decision, a description of the part.

4.6 If the appeal is lodged against a condition of approval, a description of the condition.

4.7 The factual or legal findings that the appellant relies on.

4.8 The relief sought by the appellant.

4.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

4.10 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: landuse.appeals@stellenbosch.gov.za.

6. 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.

7. 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.

8. 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.
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 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



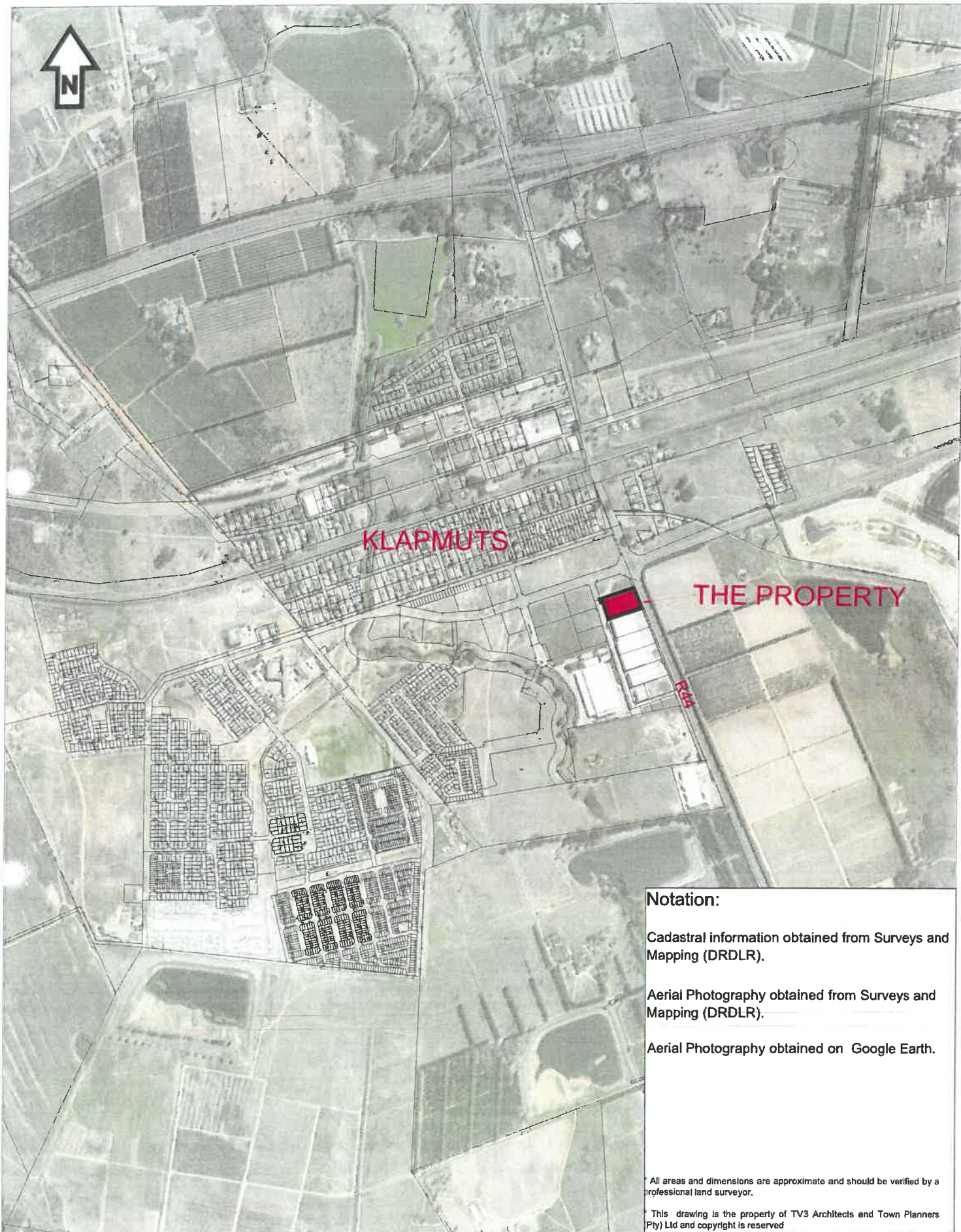
FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE:

ANNEXURE A

**APPLICATION FOR REZONING AND AN AMENDMENT OF A
CONDITION IN RESPECT OF AN EXISTING APPROVAL:
UNREGISTERED ERF 3382, KLAPMUTS**

LOCALITY PLAN



ANNEXURE I

**APPLICATION FOR REZONING AND AN AMENDMENT OF A
CONDITION IN RESPECT OF AN EXISTING APPROVAL:
UNREGISTERED ERF 3382, KLAPMUTS**

**COMMENT FROM THE DIRECTOR:
ENGINEERING SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nolusindiso Momoti
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 28 Jan 2022
Our Ref ▫ Ons Verw: Civil LU 2252
Your Ref: LU/13345
Re ▫ Insake: Erf 3382, Klapmuts: Rezoning of Unregistered Erf 3382,
Klapmuts from Local Business to Industrial Zone

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICE

28 JAN 2022

RECEIVED

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

1. Civil Engineering Services

- 1.1 No objection, the Industrial Zoning has a lower impact on services and roads than the original Industrial zone. This is confirmed in the Engineering Services Report as well as the TIS.

2. Development Charges

- 2.1 The GLA for this erf (previously Erf 2106/1) on which DCs were originally based was indicated as 2000m² as per Vincent Harris memo 2014-11-26 (condition 59). If building plans are submitted with GLA > 2000m², a DC will be applicable to the area in excess of 2000m². This DC will be payable prior to building plan approval. Also see background of Vincent Harris Memo:

FILE NR:

SCAN NR:

COLLABORATOR NR:

E 3382 KL

722796

The development contributions payable in terms of this application will be calculated on the coverage and GLA as reflected below, supplied to this Directorate by the applicant. Building plan approval will only be in respect of development up to the coverage and GLA as reflected below, unless a process is followed whereby the Developer or his successor-in-title wishes to increase the coverage or GLA and a recalculation of development contributions is done to cover the higher coverage and GLA.

This Directorate will not support any building plan or engineering drawing that will reflect a development with more coverage and GLA as below without payment of development contributions for the higher coverage or GLA.

3. Electrical Engineering

- 3.1 Outside Stellenbosch area of supply.
- 3.2 All Electrical requirements should be directed to Eskom.
- 3.3 No conditions.



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

ANNEXURE J

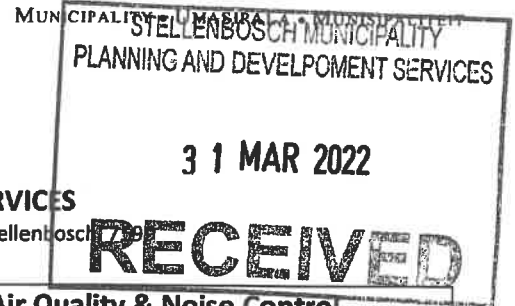
**APPLICATION FOR REZONING AND AN AMENDMENT OF A
CONDITION IN RESPECT OF AN EXISTING APPROVAL:
UNREGISTERED ERF 3382, KLAPMUTS**

**COMMENT FROM THE MANAGER:
ENVIRONMENTAL MANAGEMENT
(AIR QUALITY & NOISE CONTROL)**

INTEROFFICE MEMORANDUM



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK



DEPARTMENT: COMMUNITY SERVICES
Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch 7600

To:	Administrative Officer: Land Use Management – Nicole Katts	From:	Air Quality & Noise Control Officer: Martin van As
CC:	Manager: Environmental Management: Tammy Leibrandt	Date:	27 January 2022
Re:	APPLICATION FOR REZONING & AMENDMENT OF CONDITIONS OF APPROVAL, ERF 3382 STELLENBOSCH (LU/13345) (Klopnuts)		

The above application refers. From a Noise Control point of view this department has no objection to the approval of the application subject to the following:

1. Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.
2. During construction the owner, developer or any agent acting on his/her behalf, must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.

Please note: The local authority, furthermore, reserves the right to impose any other measures that may be found hereafter, or during operations, which may be deemed reasonable to apply to reduce noise, either as determined by the applicant and / or the local authority.

Martin van As

AIR QUALITY & NOISE CONTROL OFFICER
COMMUNITY & PROTECTION SERVICES



FILE NR:	
SCAN NR:	E 3382 S
COLLABORATOR NR:	727586

ANNEXURE K

**APPLICATION FOR REZONING AND AN AMENDMENT OF A
CONDITION IN RESPECT OF AN EXISTING APPROVAL:
UNREGISTERED ERF 3382, KLAPMUTS**

**COMMENT FROM THE MANAGER:
COMMUNITY SERVICES**

INTEROFFICE MEMORANDUM



11

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Nolusindiso Momoti	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Community Services Albert van der Merwe	Date:	18 February 2022
Re:	APPLICATION FOR REZONING & AMENDMENT OF CONDITION OF APPROVAL: ERF 3382, KLAPMUTS		

The above application refers. From an environmental planning point of view this department has no objection to the approval of the application on condition that:

1. The conditions set out in the applicable Environmental Authorization (issued in terms of the National Environmental Management Act [107 of 1998]) must be implemented and adhered to.
2. All the activities on site, during construction and thereafter, comply with the Western Cape Noise Control Regulations.
3. During construction the owner, developer or any agent acting on his/her behalf, must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.

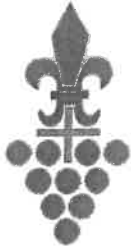

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES

FILE NR:	STELLENBOSCH MUNICIPALITY
	PLANNING AND DEVELOPMENT SERVICES
SCAN NR:	
	E 3382 KL
COLLABORATOR NR:	
	728498
	19 APR 2022
	RECEIVED

ANNEXURE L

**APPLICATION FOR REZONING AND AN AMENDMENT OF A
CONDITION IN RESPECT OF AN EXISTING APPROVAL:
UNREGISTERED ERF 3382, KLAPMUTS**

**COMMENT FROM THE MANAGER:
SPATIAL PLANNING**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Erf 3382, Klappmuts
LU No : LU/13345
Date : 19 April 2022
Re : Application for rezoning and amendment of condition on Erf 3382, Klappmuts

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

20 APR 2022

RECEIVED

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

Application is made for the following:

- **Rezoning** from Local Business to Industrial Zone.
- **Amendment of condition** in respect of an existing approval to amend the approved Design Manual and Architectural Guidelines (December 2014) so as to change the zoning allocation of portion 1 of Erf 2016 (unregistered Erf 3382) from Business Zone II to Industrial Zone, and to depict the Industrial Zone Development parameters in terms of the Stellenbosch Zoning Scheme By-law, 2019.

FILE NR:

SCAN NR:

COLLABORATOR NR:

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 inside the urban edge of the Klapmuts node and in terms of the approved MSDF the following guidelines are applicable to this specific application:

- Klapmuts is identified as a spatial area for priority development over the MSDF planning period and the development of an "innovation precinct" or "smart city" in Klapmuts South should be supported.
- The subject property is located within an area identified as sites with the potential for Local Economic Diversification.
- As a general principle, contain the footprint of Klapmuts as far as possible within the existing urban edge.
- Retain and actively support mixed use redevelopment and building within the town centre and surrounding areas, comprising living space above active street fronts.

2) Supported / not supported:

The department supports the application, subject to the condition that the streetscape facing the R44 be treated visually pleasing. No containers/crates for storing purposes allowed within this space between the industrial building and road reserve.

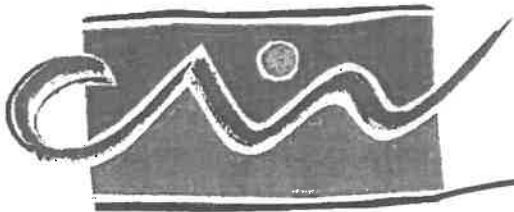


BJG de la Bat
MANAGER: SPATIAL PLANNING

ANNEXURE M

**APPLICATION FOR REZONING AND AN AMENDMENT OF A
CONDITION IN RESPECT OF AN EXISTING APPROVAL:
UNREGISTERED ERF 3382, KLAPMUTS**

**COMMENT FROM THE MANAGER:
HEALTH SERVICES (CAPE WINELANDS
DISTRICT)**



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

14

MEMORANDUM TO/ AAN :

Nolusindiso Momoti

(Directorate Planning Economic & Development: Stellenbosch Municipality)

Official / Beampte :

M F.C. van Wyk

Your ref/ U vrew. :

ERE 3382, Klappmuts

Ref No / Verw. No :

15609/1 NR:

Date / Datum :

2022-05-16

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

16 MAY 2022

LAND USE APPLICATION: ERE 3382, KLAPMUTS

RECEIVED

There are no objections from an Environmental Health point of view in terms of this application, subject to compliance with the following:

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the residents.
3. In the event where food will be prepared or handled and or served to the public, the applicant **must apply in writing** to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.
4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed to all guests.
5. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
6. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.

Yours faithfully

F.C. VAN WYK
for MUNICIPAL MANAGER

ANNEXURE O

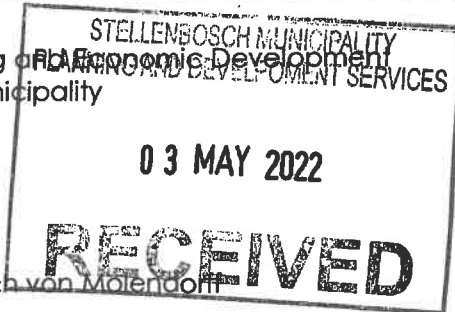
**APPLICATION FOR REZONING AND AN AMENDMENT OF A
CONDITION IN RESPECT OF AN EXISTING APPROVAL:
UNREGISTERED ERF 3382, KLAPMUTS**

**COMMENT FROM THE DEPARTMENT
OF TRANSPORT AND PUBLIC WORKS**



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/418 (Job 29342)

Director: Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599



Attention: Mr Ulrich von Mollendorff

Dear Sir

FILE NR:	
SCAN NR:	2022 E 3382 KL
COLLABORATOR NR:	729/46

UNREGISTERED ERF 3382, KLAPMUTS: MAIN ROAD 27: APPLICATION FOR REZONING:

1. Letter from Mr Anton Prinsloo of TV3 Projects to this Branch dated 24 February 2022 and attached land use application refer.
2. Unregistered Erf 3382, Klapmuts (approved subdivided portion of Erf 2106, Klapmuts) is located between Main Road 27 (the R44 Adam Tas Road) and the parallel access road, Simonsberg Crescent, off Stellengate Boulevard.
3. The application is for the rezoning of unregistered Erf 3382 from Local Business Zone, to Industrial Zone, to be used for wine processing and storage.
4. The rezoned use is unlikely to generate more traffic than the current zoning. While more heavy vehicles may access the property, Simonsberg Crescent already serves the Simonsberg Business Park, with significant industrial uses and therefore heavy vehicle uses. The impact of the amended use is therefore likely to be minimal at the intersection of Stellengate Boulevard with Main Road 27 (the R44), where generated traffic obtains access to the proclaimed provincial road network.
5. This Branch offers no objection to the land use application for unregistered Erf 3382 Klapmuts, subject to the following conditions:
 - 5.1 No direct access will be permitted onto Main Road 27 (the R44) and
 - 5.2 Property access shall be from Simonsberg Crescent only.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 12 April 2022