



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12523

Our File Reference Number: Farm 122/17, Stellenbosch

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 A CONSENT USE FOR A TOURIST FACILITY (WINE TASTING FACILITY) ON FARM 122/17, STELLENBOSCH.

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)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a consent use to accommodate the proposed tourist facility (wine tasting facility) within a new proposed building (151m²) and a deck (70m²) on Farm No. 122/17, Stellenbosch Division.

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:

- i. The approval only applies to the proposed Consent Use under consideration, as indicated on the referenced (17/122-9&11 and dated February 2019 & January 2020) site & floor layout plan, attached as Annexure C 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.

- ii. The development must be undertaken generally in accordance with the site & floor layout plan as referenced (17/122-9&11 and dated February 2019 & January 2020) and attached as **Annexure C**.
- iii. The proposed tourist facility shall be limited to 223m² as indicated on attached Floor Layout Plans in **Annexure C**.
- iv. The tourist facility must be subservient to the dominant agricultural use of the property.
- v. No new septic tanks will be permitted. Only Conservancy tanks will be allowed.
- vi. The conservancy tank must be accessible to the satisfaction of this Municipality for the removal truck and be of a volume to necessitate not more than a fortnightly service.
- vii. The surface/layer works of such an access should be designed to the satisfaction of this Municipality to accommodate a 15ton/10 000l service truck.
- viii. The minimum volume of a conservancy tank shall be 5kl.
- ix. A service contract must be entered into with the Municipality to service the conservancy tanks on a regular basis.
- x. Details of the conservancy tank and the on-site sewer reticulation network must be submitted to the Engineering Services Directorate for approval, prior to approval of any building plans.
- xi. Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to submission of any building plans. Development contributions are attached as **Annexure I**.
- xii. Building plans must be generally in accordance with the site plan & floor layout plan as referenced (17/122-9&11 and dated February 2019 & January 2020) and attached as Annexure C.

2.3 The reasons for the above decision are as follows:

- a. The proposal is in line with the principles and guidelines of the Stellenbosch MSDF
- b. The primary land use of the property will remain agriculture.
- c. The proposal is in line with the land uses found in the area, therefore it will not have a negative impact on the character of the area.
- d. The proposed facility is subservient to the primary use of the property.

3. Matters to be noted:

- 3.1 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.
 - 3.2 Building plans be approved by the Municipality prior to any building work commencing.
 - 3.3 A business license and a liquor license be applied for if required.
 - 3.4 The required volume of the conservancy tank/s must be determined by a suitably qualified professional.
4. 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.
 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:
 - 5.1. 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

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

5.3 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.

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

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

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

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

5.8 The relief sought by the appellant.

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

5.10 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.

6. 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.

7. 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.

8. 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.

9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
11. 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

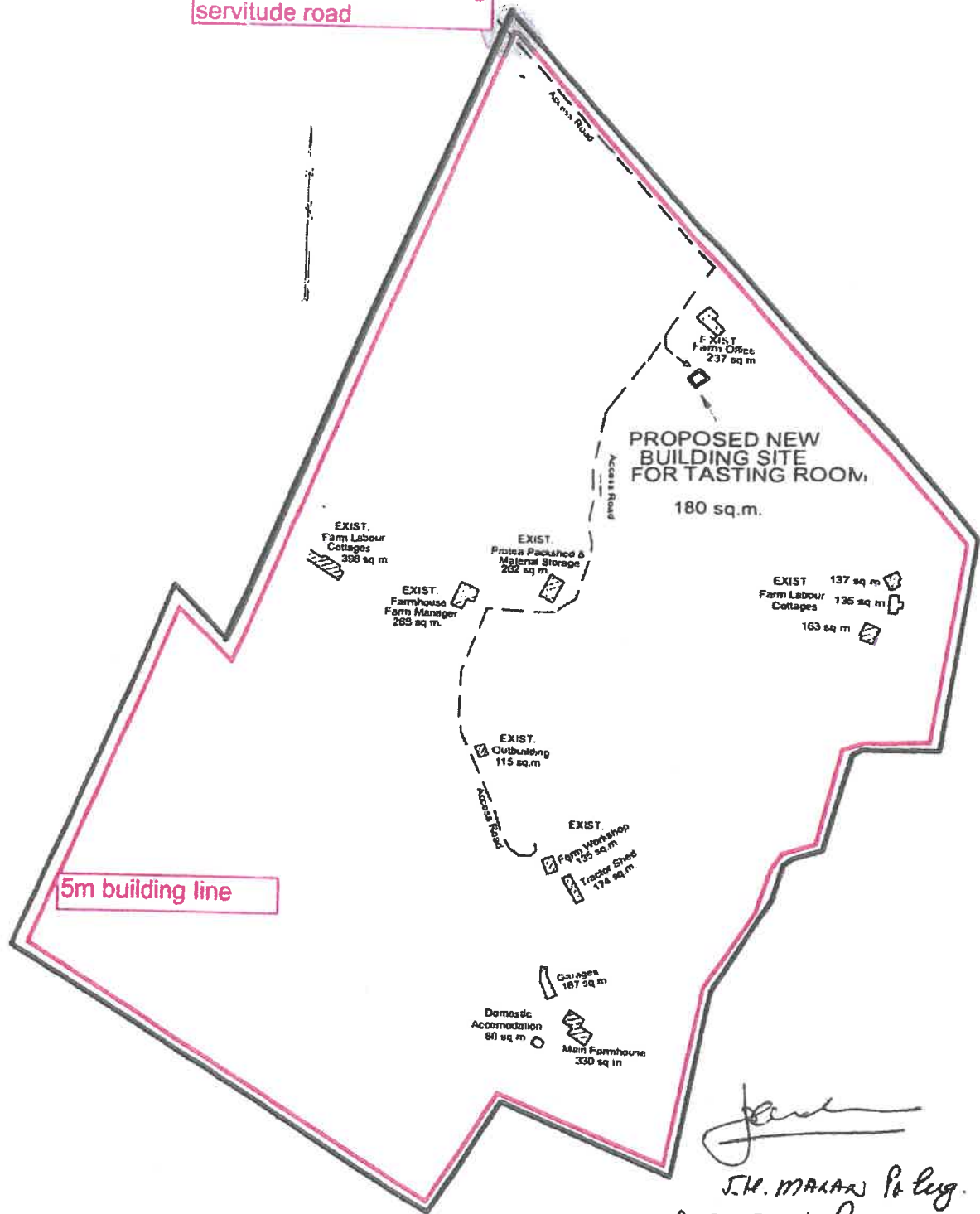


FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

17/7/2023
DATE:

Annexure C: Site Plan

Farm entrance via existing servitude road



5m building line

J.H. MARIAN
 J.H. MARIAN P. Eng.
 P. Eng. ECSA Reg
 No. 750630

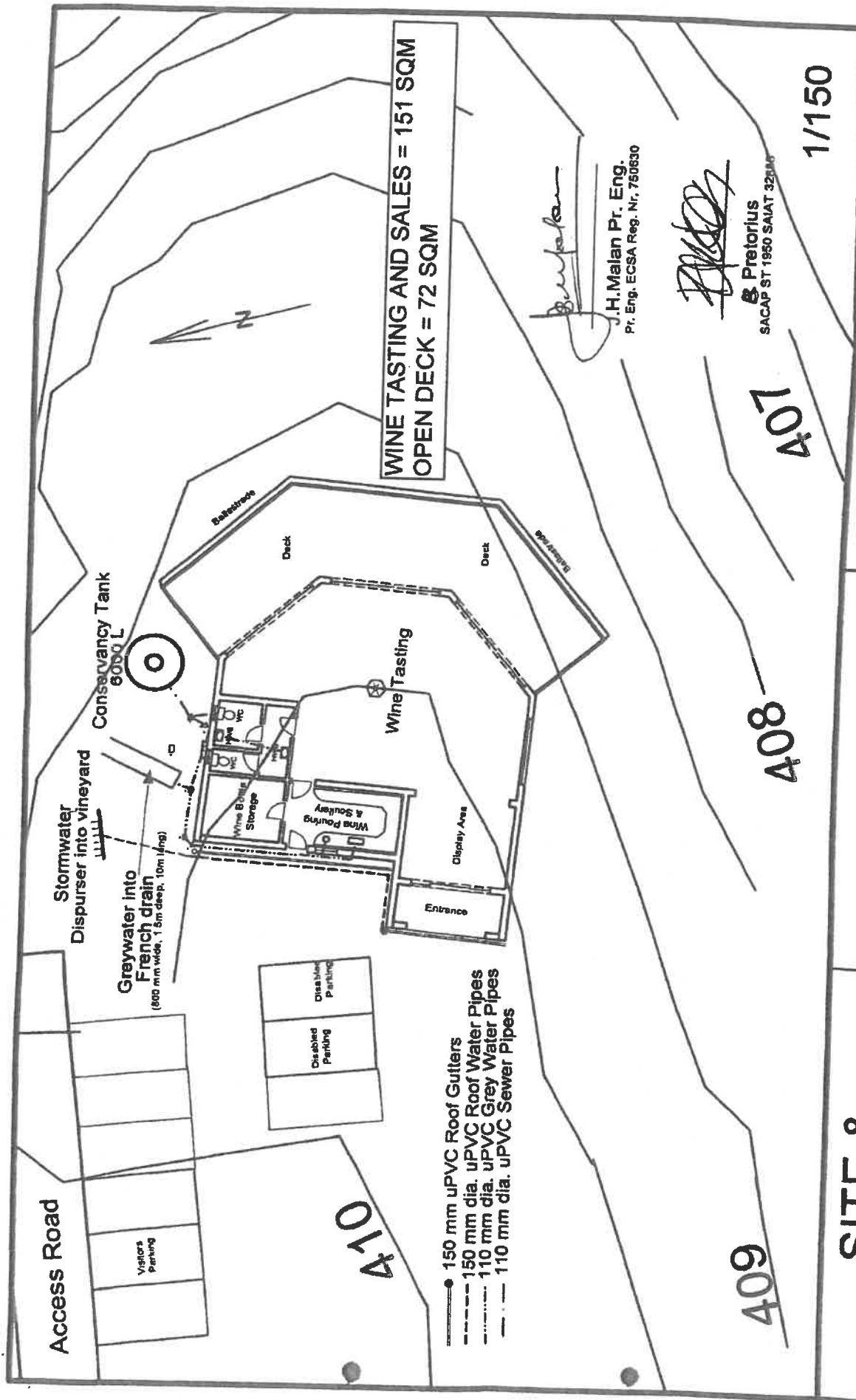
1 : 3500

PROPERTY DIAGRAM
 WINE TASTING ROOM

For: RAINBOW'S END (Pty) Ltd
 Portion 17 of the Farm
 Dwarsriviershoek No. 122
 Stellenbosch

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Date:
 February 2019
 Dwg. No.
 17/122 - 9



SITE & DRAINAGE PLAN WINE TASTING ROOM

For: RAINBOW'S END (Pty) Ltd
Portion 17 of the Farm
Dwarsriviershoek No. 122
Stellenbosch

Designed and Drawn by:

Date:
January
2020
Dwg. No.
17/122 - 11

Annexure I: Comments from the 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:	24 May 2021
Our Ref ▫ Ons Verw:	Civil LU 2161
Your Ref:	LU/12523
Re ▫ Insake:	Farm 122-17: Consent use for a Wine tasting facility (151m²) + Open deck area (72m²) Total development area = 223m²

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

1. Civil Engineering Services

- 1.1 Water will be supplied by the Owner, via boreholes. The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards.
- 1.2 No new septic tanks are allowed. Only conservancy tanks will be allowed:
 - 1.2.1 The conservancy tank must be accessible to the removal truck and of a volume to necessitate not more than a fortnightly service, unless agreed otherwise by the Directorate: Infrastructure Services.
 - 1.2.2 The surface / layerworks of such access should be designed to accommodate at least a 15 ton / 10 000litre service vehicle.
 - 1.2.3 The required volume of the conservancy tank/s must be determined by a suitably qualified professional.
 - 1.2.4 The minimum volume of a conservancy tank shall be 5 kiloliter.

- 1.2.5 Note that only Stellenbosch Municipality is allowed to empty conservancy tanks, unless otherwise agreed with the Solid Waste department.
- 1.2.6 A service contract has to be entered into with the municipality to service the conservancy tanks on a regular basis.
- 1.2.7 Details of the conservancy tank and the on-site sewer reticulation network has to be submitted to the Engineering Services Directorate for approval, prior to the approval of any building plans.

2. Roads

- 2.1 Access is from a provincial road – please obtain approval and conditions from Provincial Roads Engineer.

3. Development Charges (DCs)

- 3.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 3.2 The DC's were calculated by using the 2020/2021 tariff structure. If DC's are paid after 30 June 2021 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 3.3 The appropriate DC's are payable before building plan approval.

4. Electrical Engineering

- 4.1 Refer to **Annexure: Electrical Engineering**



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

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	2161 (7K) Farm 122-17 Stellenbosch (LU-12523)
Date	Monday, 17/May/2021
Financial Year	2020/21
Erf Location	Stellenbosch Town
Erf No	Farm 122-17
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	Site & Drainage Plan Dated January 2020 Dwg No 17/122-11 by JH Malan Pr Eng

SUMMARY OF DC CALCULATION

Unit(s)	Water kl/day	Sewer kl/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	0.892	0.781	0.018	0.089	20.07	20.1	
Total Development Charges before Deductions				R 4 604.69	R 141 733.32	R 3 230.69	R 149 568.71
Total Deductions							
Total Payable (excluding VAT)				R 4 604.69	R 141 733.32	R 3 230.69	R 149 568.71
VAT				R 690.70	R 21 260.00	R 484.60	R 22 435.31
Total Payable (including VAT)				R 5 295.40	R 162 993.32	R 3 715.30	R 172 004.02

APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	Wine tasting and sales = 151m ² + Open deck = 72m ² ; Total = 223m ² . Water and sewer - not connected to Munic
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

Stellenbosch Town

Land Use Category		Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Development Charges based on VAT							Total	
Infrastructure Type applicable? (yes/no)									Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities		
									no	no	no	yes	yes	yes		
		du	area (m2)	% GLA	du/ha	area (m2)	% GLA	du								
		m2	m2	% GLA	m2 GLA	% GLA	m2 GLA	m2								
Residential	Single Residential >1000m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Single Residential >500m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Single Residential >250m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Single Residential <250m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Less Formal Residential >250m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Less Formal Residential <250m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Group Residential >250m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Group Residential <250m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Medium Density Residential >250m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Medium Density Residential <250m2	du		0	0	0	0	0	R	-	R	-	R	-	R	-
Commercial	High Density Residential - flats	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	High Density Residential - student rooms	du		0	0	0	0	0	R	-	R	-	R	-	R	-
	Local Business - office	m2 GLA		0%	0%	0%	0%	0	R	-	R	-	R	-	R	-
	Local Business - retail	m2 GLA		0%	0%	0%	223	0	R	-	R	-	R	-	R	-
	General Business - office	m2 GLA		0%	0%	0%	0	0	R	-	R	-	R	-	R	-
	General Business - retail	m2 GLA		0%	0%	0%	0	0	R	-	R	-	R	-	R	-
	Community	m2 GLA		0%	0%	0%	0	0	R	-	R	-	R	-	R	-
	Education	m2 GLA		0%	0%	0%	0	0	R	-	R	-	R	-	R	-
	Light Industrial	m2 GLA		0%	0%	0%	0	0	R	-	R	-	R	-	R	-
	General Industrial - light	m2 GLA		0%	0%	0%	0	0	R	-	R	-	R	-	R	-
Industrial	General Industrial - heavy	m2 GLA		0%	0%	0	0	0	R	-	R	-	R	-	R	-
	Various Industrial - heavy	m2 GLA		0%	0%	0	0	0	R	-	R	-	R	-	R	-
	Recreation	m2 GLA		0%	0%	0	0	0	R	-	R	-	R	-	R	-
	Public Open Space	m2		0%	0%	0	0	0	R	-	R	-	R	-	R	-
	Private Open Space	m2		0%	0%	0	0	0	R	-	R	-	R	-	R	-
	Natural Environment	m2		0%	0%	0	0	0	R	-	R	-	R	-	R	-
	Utility Services	m2 GLA		0%	0%	0	0	0	R	-	R	-	R	-	R	-
	Public Roads and Parking	m2		0%	0%	0	0	0	R	-	R	-	R	-	R	-
	Transport Facility	m2		0%	0%	0	0	0	R	-	R	-	R	-	R	-
	Limited Use	m2		0%	0%	0	0	0	R	-	R	-	R	-	R	-
Special	To be calculated															
	Based on equivalent demands															
* Complete yellow/green cells.		0			0											
du = dwelling unit, GLA=Gross Lettable Area.																
*** displays red if not equal to existing area																
Total Development Charges before Deductions									R0.00	R0.00	R0.00	R4 604.69	R141 733.32	3 230.69	R149 568.71	
% Deductions per service (%)									0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
% Deductions per service (amount)									R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00		
Additional Deduction per service - from Service Agreement (sum)																
Sub Total after Deductions (including VAT)									R0.00	R0.00	R0.00	R4 604.69	R141 733.32	3 230.69	R149 568.71	
VAT									R0.00	R0.00	R0.00	R690.70	R21 260.00	494.60	R22 435.31	
Total									R0.00	R0.00	R0.00	R5 295.40	R162 993.32	3 715.30	R171 004.02	

* Complete yellow/green cells.

** du = dwelling unit, GLA=Gross Lettable area.

*** displays red if not equal to existing area

Total Development Charges before Deductions

% Deductions per service (%)

% Deductions per service (amount)

Additional Deduction per service - from Service Agreement (sum)

Sub Total after Deductions (including VAT)

VAT

Total

R0.00	R0.00	R0.00	R4 604.69	R141 733.32	3 230.69	R149 568.71
0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	R 0.00
R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
R0.00	R0.00	R0.00	R4 604.69	R141 733.32	3 230.69	R149 568.71
R0.00	R0.00	R0.00	R690.70	R21 260.00	484.60	R22 435.31
R0.00	R0.00	R0.00	R5 295.40	R162 993.32	3 715.30	R177 006.02