



Application Number: LU/12482

Our File Reference Number: Farm 136, Stellenbosch

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]

Madam,

**APPLICATION FOR CONSENT USE FOR A TOURIST FACILITY (WINE TASTING AND SALES FACILITY) ON  
REMAINDER FARM THELEMA NO. 136, STELLENBOSCH DIVISION**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for a **Consent Use** to allow for a tourist facility (wine tasting and sales facility) within the existing winery building (including deck, terrace and lawn) on Remainder Farm Thelema No. 136, 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:

- 2.2.1 The approval only applies to the consent use under consideration, as indicated on the Drawing No. TMV 04/19, dated April 2019, drawn by Ara Architecture, 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.

- 2.2.2 The development must be undertaken generally in accordance with the site development plan as referenced (Drawing No. TMV 04/19, dated April 2019, drawn by Ara Architecture) 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 **Manager: Health Services (Cape Winelands District)** as contained in their memo dated 26 August 2021, attached as **ANNEXURE G**, be complied with.
- 2.2.5 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 24 June 2021, attached as **ANNEXURE I**, be complied with.
- 2.2.6 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.
- 2.2.7 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.
- 2.2.8 That no event, function, conferences, restaurant, etc. be operated or hosted on the property without the prior written approval of Council.
- 2.2.9 The area for the wine tasting and sales facility be limited to 446m<sup>2</sup>.
- 2.2.10 That a servitude right of way be registered in favour of Farm Thelema No. 136, Stellenbosch Division, over the properties between Farm No. 136, Stellenbosch Division and Main Road 172, to ensure permanent, legal and unfettered access to the said property (see **APPENDIX K** for letter of the Department of Transport and Public Works, dated 31 August 2021).

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

- 3.1 The proposed consent use is ancillary to the existing agricultural activity on the farm and will diversify the existing land use.
- 3.2 The proposal will not have an intrusive impact on the visual landscape and it will not be detrimental to the scenic quality and rural character as it is operated from an existing structure.

- 3.3 The proposal will not interfere with the daily running of the normal farming activities
- 3.4 The proposal is in line with the surrounding land uses and rural character of the area.
- 3.5 The proposal is not in conflict with the principles of the Stellenbosch Municipal Spatial Development Framework.

4. **Matters to be noted:**

- 4.1 Building plans be approved by the Municipality.
  - 4.2 All electrical requirements be directed to Eskom.
  - 4.3 A business license and a liquor license be applied for if required.
5. 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.
6. 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.

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)

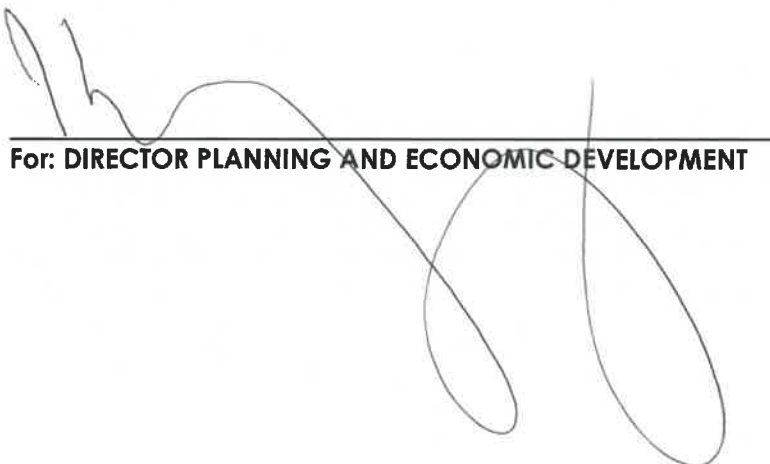
8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

9. The approved tariff structure 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>).

10. 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.
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 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



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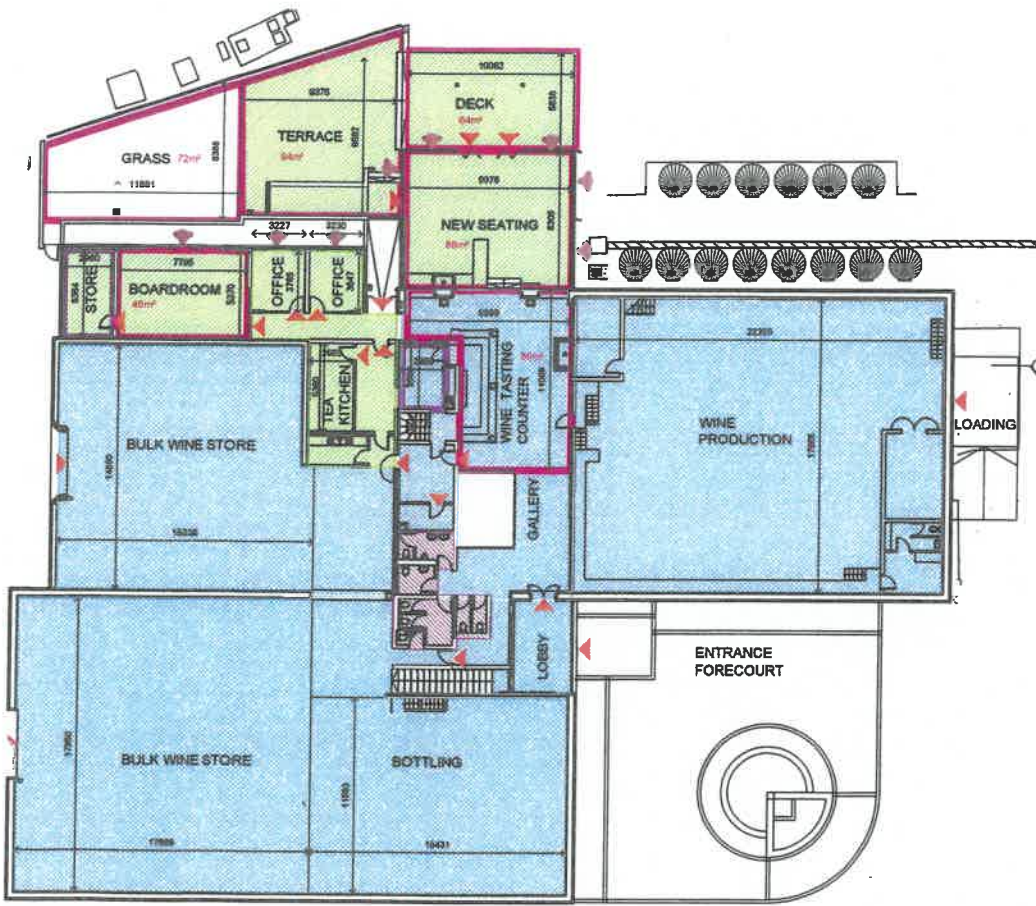
**For: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

26/9/2022  
**DATE**

# **ANNEXURE C**

**APPLICATION FOR CONSENT USE FOR AN  
TOURIST FACILITY (WINE TASTING AND SALES  
FACILITY) ON FARM NO. 136, STELLENBOSCH  
DIVISION**

**SITE PLAN/SITE  
DEVELOPMENT PLAN**



**THELEMA MOUNTAIN VINEYARDS**  
 Rem. Farm Thelema No.136 - District of Stellenbosch  
 Proposed New Areas - Ground Floor - TMV 04/19  
 April 2019

**LEGEND**

|                    |  |                    |
|--------------------|--|--------------------|
| EXISTING AREAS     |  | 1444m <sup>2</sup> |
| NEW AREAS          |  | 379m <sup>2</sup>  |
| LIQUOR CONSUMPTION |  | 446m <sup>2</sup>  |
| LIQUOR STORE       |  | 27m <sup>2</sup>   |
| PUBLIC TOILETS     |  | 31m <sup>2</sup>   |
| WINDOW             |  |                    |
| DOORS              |  |                    |

**ara**  
 architecture | urban design | consultants

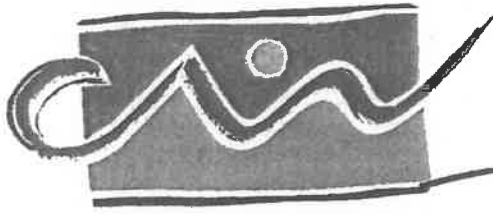


# **ANNEXURE G**

**APPLICATION FOR CONSENT USE FOR AN  
TOURIST FACILITY (WINE TASTING AND SALES  
FACILITY) ON FARM NO. 136, STELLENBOSCH  
DIVISION**

**COMMENT FROM THE  
MANAGER: HEALTH  
SERVICES**





**CAPE WINELANDS DISTRICT**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

DEPARTEMENT/DEPARTMENT/ICANDELO:  
NAVRAE/ENQUIRIES/IMIBUZO:  
TELEFOON/TELEPHONE/UMNXEBA:  
FAKS/FAX/IFEKSI:  
E-POS/E-MAIL/E-MAIL:  
U VERW/YOUR REF/REF YAKHO:  
ONS VERW/OUR REF/REF YETHU:

MUNISIPALE GESONDHEIDSDIENSTE  
Mnr. J Krüger  
021-8885800  
021-8879365  
[julian@capewinelands.gov.za](mailto:julian@capewinelands.gov.za)  
Farm 136(P)  
Plaas 136, Banhoek

Alexanderstraat 46 Alexander Street  
☒100  
STELLENBOSCH  
7600

*Alle korrespondensie moet aan die Munisipale Bestuurder gerig word!*  
*All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyelwe kuMlawuli kaMasipala*

26-08-2021

Munisipale Bestuurder  
Munisipaliteit Stellenbosch  
Posbus 17  
Stellenbosch  
7599

Vir aandag: Bepanning en Ekonomiese Ontwikkelingsdienste

Meneer

**AANSOEK OM VERGUNNINGSGEBRUIK: PLAAS THELEMA, NO. 136,  
AFDELING STELLENBOSCH**

Daar is geen beswaar vanuit 'n gesondheidsoogpunt ten opsigte van die aansoek nie,  
onderworpe aan die volgende voorwaardes :

1. Daar moet voldoende toiletgeriewe vir die aantal gaste voorsien word.
2. In die geriewe vir dames moet voorsiening gemaak word vir die wegdoen van sanitêre doekies.
3. Alle riool –en afloop/ waswater moet so beskik word dat dit nie 'n oorlas veroorsaak nie.
4. Die applikant moet aansluit by die Stellenbosch Munisipaliteit se vullis verwyderingsdiens.
5. Indien voedsel op die perseel voorberei word vir verkoop aan die publiek moet die applikant aansoek doen by Stellenbosch Munisipaliteit vir die nodige lisensie asook by die Kaapse Wynland Distriksmunisipaliteit vir 'n geskikheidsertifikaat in gevolg van R638 van 22 Junie 2018 .
6. 'n Voldoende voorraad veilige skoon gepypde drinkwater moet voorsien word.
7. Geen klankversterkende toerusting mag buite in die tuin gebruik word nie.

2.

8. Indien enige aktiwiteit op die perseel geraas genereer berus die onus by die eienaar om die nodige klanktoetse te laat neem en die uitslae aan hierdie Departement voor te lê. (Die SABS Gebruikskode 0103 van 1994 asook die Regulasies van die Wet op Omgewingsbewaring Nr.73 van 1989 moet as riglyn dien.)

Die uwe

  
**nms. Munisipale Bestuurder**

# **ANNEXURE I**

**APPLICATION FOR CONSENT USE FOR AN  
TOURIST FACILITY (WINE TASTING AND SALES  
FACILITY) ON FARM NO. 136, STELLENBOSCH  
DIVISION**

**COMMENT FROM THE  
DIRECTOR: ENGINEERING  
SERVICES**



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

# **MEMORANDUM**

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE 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:** 24 June 2021  
**Our Ref ▫ Ons Verw:** Civil LU 2179  
**Your Ref:** LU/12482  
**Re ▫ Insake:** Farm 136: Consent Use to allow for a tourist facility (wine tasting and sales facility) of approximately 446m<sup>2</sup> in extent within the existing winery building

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

**1. Civil Engineering Services**

- 1.1 No objection: no connection to municipal water and sewer networks are proposed. Existing water and sewer infrastructure will be utilized.
- 1.2 The Owner will be responsible for water provision:
  - 1.2.1 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.
- 1.3 No municipal sewer network exists in the vicinity:
  - 1.3.1 The Owner will be responsible for sewer disposal infrastructure provision.
  - 1.3.2 No septic tanks will be allowed, but conservancy tanks are allowable and must be indicated on any building plans that are submitted for approval.

**2. Roads**

- 2.1 Access is from a provincial road (Helshoogte Road) – please obtain approval from Provincial Roads Engineer.**
- 2.2 Access to the subject property is from Main Road 172, (the R310 Helshoogte Road), at the top of the Helshoogte Road via an access that serves a number of wine farms with a range of facilities. If the servitude is not already registered, the applicant needs to consider this to ensure legal access.
- 2.3 Sufficient parking must be provided on site. The applicant has motivated that sufficient space is available to comply with the parking requirements. Parking layouts must be indicated on any building plans submitted.

**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 2022/2023 tariff structure. If DC's are paid after 30 June 2023 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 or if BP's are not applicable, before the facility being put to it's intended use.

**4. Electrical Engineering**

- 4.1 Refer to **Annexure: Electrical**



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

Farm 136

**GENERAL COMMENT**

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

**CONDITIONS**

3. No conditions.

Bradley Williams

Date.....25/06/2021.....



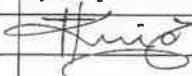
Signature

# Stellenbosch Municipality

## Development Charge Calculation

| APPLICATION INFORMATION                   |   |
|---|---|
| Application Number:                       | DC 2179 (TK) Farm 136 Stellenbosch (LU-12482)   |
| Development Name:                         |   |
| Date:                                     | 20 July 2022  |
| Financial Year:                           | 2022/2023   |
| Erf Location (Select from 7 Locations):   | Stellenbosch Town   |
| Vehicle Ownership (Select Normal or Low): | Normal  |
| Erf Region (Select Urban or Rural):       | Rural   |
| Erf No:                                   |   |
| DC Parameters Reference:                  | SDP : Annexure F of application and Page 8 of motivation report (c. Desirability of land use) |

| SUMMARY OF DC CALCULATION                    |        |        |            |             |                   |            |              |
|--|--------|--------|------------|-------------|-------------------|------------|--------------|
| Service:                                     | Water  | Sewer  | Stormwater | Solid Waste | Roads & Transport | Community  | Totals       |
| Unit(s):                                     | kl/day | kl/day | ha°C       | t/week      | trips/day         | persons    |              |
| Total Increased Services Usage:              | 3.568  | 3.122  | 0.0889     | 0.0892      | 89.2              | 4.48       |              |
| Total Service Usage Reduction:               | 0      | 0      | 0          | 0           | 44.8              | 0          |              |
| Total Service Usage after Reduction:         | 3.57   | 3.12   | 0.08890    | 0.089       | 44.8              | 4          |              |
| Total Development Charges before Deductions: | R -    | R -    | R -        | R 7 814.28  | R 535 735.20      | R 6 846.35 | R 550 395.83 |
| Total Deductions:                            | R -    | R -    | R -        | R -         | R 267 867.60      | R -        | R 267 867.60 |
| Total Payable (excluding VAT):               | R -    | R -    | R -        | R 7 814.28  | R 267 867.60      | R 6 846.35 | R 282 528.23 |
| VAT:   | R -    | R -    | R -        | R 1 172.14  | R 40 180.14       | R 1 026.95 | R 42 379.23  |
| Total Payable (including VAT):               | R -    | R -    | R -        | R 8 986.42  | R 308 047.74      | R 7 873.30 | R 324 907.46 |

| APPLICANT INFORMATION     |   |
|---------------------------|---|
| Application Processed by: | Tyrone King   |
| Signature:                |                            |
| Notes:                    | Maïke Botz email : Wed 2022/07/20 12:30:<br>Own water supply - no DC<br>Own sewer treatment/discharge - no DC |





# **ANNEXURE K**

**APPLICATION FOR CONSENT USE FOR AN  
TOURIST FACILITY (WINE TASTING AND SALES  
FACILITY) ON FARM NO. 136, STELLENBOSCH  
DIVISION**

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

**REFERENCE:** TPW/CFS/RP/LUD/REZ/SUB-25/398 (Job 28610)  
**ENQUIRIES:** Ms G Swanepoel  
**DATE:** 31 August 2021

Director: Planning & Economic Development  
Stellenbosch Municipality  
PO Box 17

**STELLENBOSCH**  
7599

Attention: Mr Ulrich von Molendorff

Dear Sir



FILE NR: 7136 S  
SCANTER:  
COLLABORATOR NR: 71376 S

**REMAINDER FARM THELEMA 136, STELLENBOSCH: MAIN ROAD 172 (HELSHOOGTE ROAD): CONSENT USE APPLICATION**

1. E-mail to this Branch from Ms Marike Bolz of Arch Town Planners dated 4 June 2021 and attached land use application refer.
2. The Farm Thelema 136, Stellenbosch is located on the slopes of Simonsberg, ±6km north-east of the centre of Stellenbosch.
3. Access to the subject property is from Main Road 172, (the R310 Helshoogte Road), at the top of the Helshoogte Road via an access that serves a number of wine farms with a range of facilities.
4. The application is for Consent Use to allow a Tourist Facility (Wine Tasting Facility) with a coverage of 446m<sup>2</sup>. This includes an outdoor area, while the indoor areas are located within an existing building.
5. The proposed changes are primarily to regularise the use of outdoor areas as part of the wine tasting facility and are not expected to generate significant increases in traffic to Thelema. Trips to the subject property will likely be spread throughout the day, and mostly be off-peak.
6. The access road from Main Road 172 traverses other properties and it is unclear whether servitude access has been registered over those properties that do not belong to the owners of Remainder Farm Thelema 136.

7. This Branch offers no objection to the proposed consent use, but strongly recommends that the applicant arranges for servitude access over the properties between Farm 136 and Main Road 172 to be registered in favour of Farm 136, to ensure permanent, legal and unfettered access.

Yours Sincerely



**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: ROADS**