



STELLENBOSCH

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Application Number: LU/10279

Our File Reference Number: Farm 1392, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

Sir / Madam

APPLICATION FOR CONSENT USE TO UTILISE A PORTION OF THE EXISTING BUILDING AS A FARM STORE ON FARM 1392, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 Application in terms of section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Regulations as Promulgated in 2015 for a Consent Use in order to utilise a m²) of the existing structure (previously approved as a guest house) for farm store purposes on Farm 1392, Stellenbosch Division,

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

Conditions of approval:

- 2.2 The approval applies only to the Consent Use in question, as indicated on Plan 1392_StbDiv, dated September 2020 and shall not be construed as authority to any other legal prescriptions or requirements from Council;
- 2.3 Conditions from the Department Transport and Public Works (Roads Network) as imposed in their letter dated 7 December 2020, attached as **Annexure G**, be adhered to;

- 2.4 That formal building plans are to be submitted to the municipality for approval prior to any building work taking place on the property.

The reasons for the above decision are as follows:

- (a) The proposed consent use will not have an impact on the agricultural viability of the farm as the proposed farm store is confined to an existing building;
 - (b) The proposal will not negatively impact the aesthetics of the area since no new buildings are proposed and the rural character is not compromised in any way;
 - (c) The proposed use will help to diversify the land uses on the farm.
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:
- (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.
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 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>).

8. 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.
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 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

14/07/2021

DATE:



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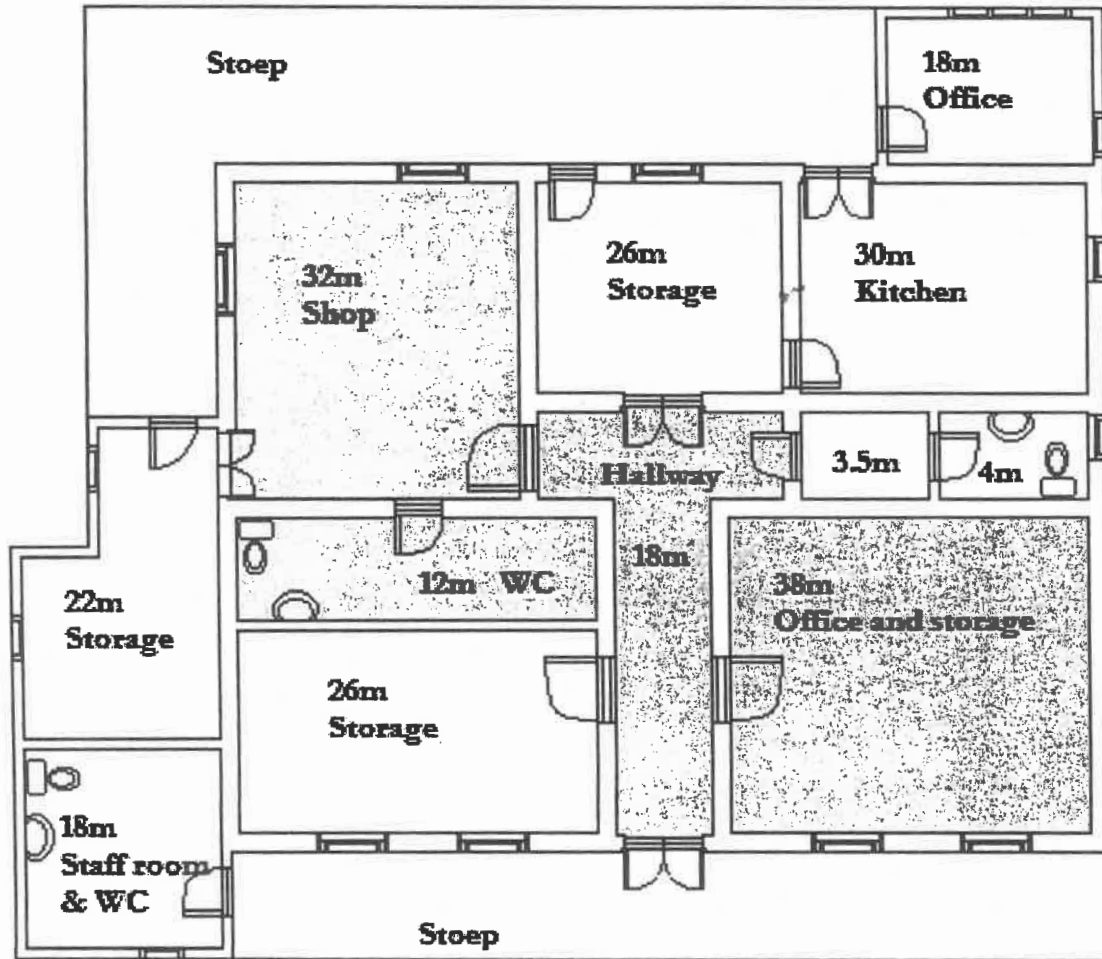
ANNEXURE B

(CONSENT USE TO UTILISE A PORTION OF THE EXISTING BUILDING AS A FARM STORE:
FARM 1392, STELLENBOSCH DIVISION)

SITE & FLOOR PLAN

2 4 6 8 10 12 14 16 18 20

0
2
4
6
8
10
12
14
16
18



Aansoeknommer: LU/10279
 Munisipale Lêerverwysingsnommer: Farm 1392, Stellenbosch
 Aansoeker Verwysingsnommer: Farm 1392, Stellenbosch
 Navrae: Willem Briedenhann
 Kontaknommer: [REDACTED]
 E-pos adres: [REDACTED]

Building Lay out

DRAWING NO. 1392_Skb Div

DATE : September 2020

MLD



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ANNEXURE G

**(CONSENT USE TO UTILISE A PORTION OF THE EXISTING BUILDING AS A FARM STORE:
FARM 1392, STELLENBOSCH DIVISION)**

COMMENTS FROM THE DEPARTMENT: TRANSPORT & PUBLIC WORKS



Western Cape
Government

Transport and Public Works

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

Tel. +27 21 483 4669

Rm 335 9 Dorp Street, Cape Town 8001

PO Box 2803, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB/1-25/359 (Job 20021)

ENQUIRIES: Ms GD Swanepoel

DATE: 7 December 2020

19 DEC 2020

Stellenbosch Municipality

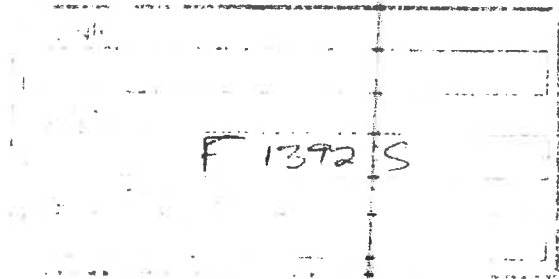
PO Box 17

STELLENBOSCH

7599

Attention: Mr U von Molendorff

Dear Sir



FARM 1392, STELLENBOSCH: DIVISIONAL ROAD 1050: APPLICATION FOR FARM STALL (TOURISM FACILITY)

1. The following refer:
 - 1.1. The letter LU/10279 from Anandale Wine Farm dated 17 February 2020;
 - 1.2. This Branch's letter 13/3/5/1-25/202 (Job 20021) dated 15 April 2013 and
 - 1.3. This Branch's letter 13/3/5/1-25/202 (job 20021) dated 20 May 2013.
2. The application entails converting an existing building (zoned as a guesthouse) into a farm stall (tourism facility).
3. Access to the facility is proposed via an existing farm road off Divisional Road 1050 (DR1050) at ±km5.81 left hand side. The road crosses Portion 18 of Farm 537.
4. This Branch offers no objection to this application subject to the following conditions:
 - 4.1. The only access to the facility must be at the existing main access off DR1050 at ±km5.81 left hand side;
 - 4.2. A right of way servitude must be registered over Portion 18 of Farm 537 in favour of Farm 1392 and Portion 9 of Farm 537 to ensure legal and unfettered access to the facility and farm.

- 4.3. No additional accesses may be created without the approval of this Branch and
- 4.4. To obtain the required shoulder sight distance to the east at the existing access the existing illegal advertisement signs must be removed and the existing tourism sign should be relocated to the standard advance position and approved by the District Roads Engineer, Paarl (Mr Elroy Smith - 021 863 2020). Should the tourism sign qualify to be amended application in this regard should be directed through the local tourism office to the Regional Tourism Liaison Committee (RTLCL).

Yours faithfully



SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff)

2. Anandale Wine Farm
Attention: Mr W Briedenhann

3. District Roads Engineer
Paarl

4. Mr Elroy Smith (e-mail)

5. Mr SW Carstens (e-mail)

6. Mr B du Preez (e-mail)