



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13785

Our File Reference Number: Farm 1530, Stellenbosch Division

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 AN ADDITIONAL USE (PERMISSION IN TERMS OF THE ZONING SCHEME) AND TEMPORARY DEPARTURE: FARM NO. 1530, 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 following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Bylaw on Land Use Planning (2023) on Farm No. 1530, Stellenbosch Division, namely:
 - 2.1.1 A Permission required in terms of the zoning scheme for a Technical Approval in terms of Section 15(2)(g) of the said Bylaw to allow for an additional use to allow a 50m² tourist facility (coffee shopping) for patrons visiting the community centre in an existing shed.
 - 2.1.2 The temporary departure in terms of Section 15(2)(c) of the said Bylaw to use ±1500m² of an existing shed as a community centre.

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

3. The approval is subject to the following conditions imposed in terms of Section 66 of the Stellenbosch Municipal Bylaw on Land Use Planning (2023) and Section 13(8)(f) of the Zoning Scheme Bylaw (2019):

- 3.1 The approval only applies to the proposed technical approval and temporary departure under consideration 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.
 - 3.2 The development must be undertaken generally in accordance with the floor layout plan Ref Farm 1530 drawn by Emile van Der Merwe dated 2023 and attached as **ANNEXURE B**.
 - 3.3 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.
 - 3.4 Only the existing approved building be used for the community facility to accommodate a coffee shop, music room, dance studio, performing arts space, children play area and general-purpose hall as indicated on the attached as **ANNEXURE B**.
 - 3.5 Solid waste must be managed and be removed from the site to a legal solid waste disposal site to this satisfaction of the Municipal Directorate: Infrastructure Services.
 - 3.6 The quality of the potable water supplied, stored and distributed by the owner of the development has to comply with Drinking Water Quality Standards and to the satisfaction of the Municipal Directorate: Infrastructure Services.
 - 3.7 The existing waste treatment plant must have the approval of competent authority and has to be operated and maintained to produce the final effluent as prescribed by the competent authority.
 - 3.8 Waste water and sewage may not pollute any ground water, stormwater and surface water.
4. The reasons for the above decision are as follows:
 - 4.1 The proposal would not adversely affect the surrounding agricultural environment and would not have detrimental impact on the farming operations on the subject and surrounding property.
 - 4.2 All buildings and access to be used is approved and sufficient services exist to accommodate the proposed uses.
5. Matters to be noted:
 - 5.1 All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
 - 5.2 All electrical requirements be directed to Eskom.

- 5.3 A business license and a liquor license be applied for if required.
- 5.4 Access to the property must at all times be provided to the satisfaction of the competent road's authority.
6. 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.
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:
 - 7.1 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
 - 7.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - 7.3 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.
 - 7.4 Whether the appeal is lodged against the whole decision or a part of the decision.
 - 7.5 If the appeal is lodged against a part of the decision, a description of the part.
 - 7.6 If the appeal is lodged against a condition of approval, a description of the condition.
 - 7.7 The factual or legal findings that the appellant relies on.
 - 7.8 The relief sought by the appellant.
 - 7.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

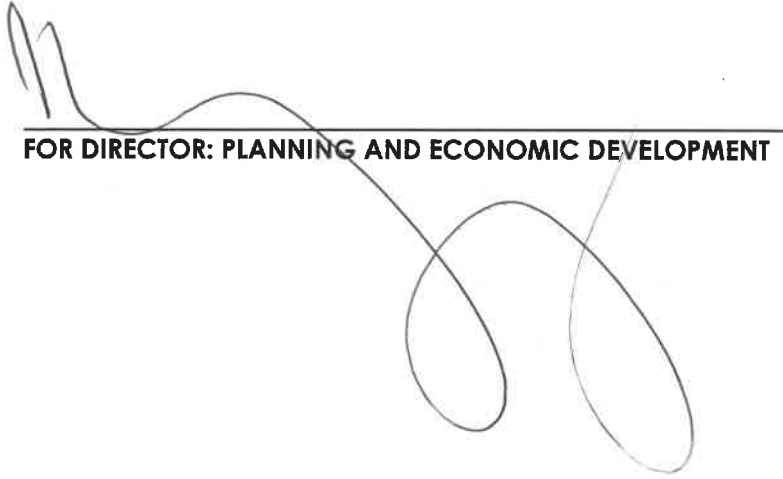
7.10 That the appeal includes the following declaration by the Appellant:

- 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.

8. 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
9. 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.
10. 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
11. 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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

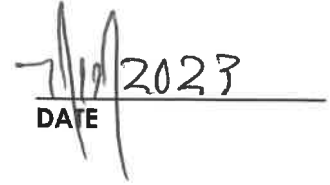
13. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



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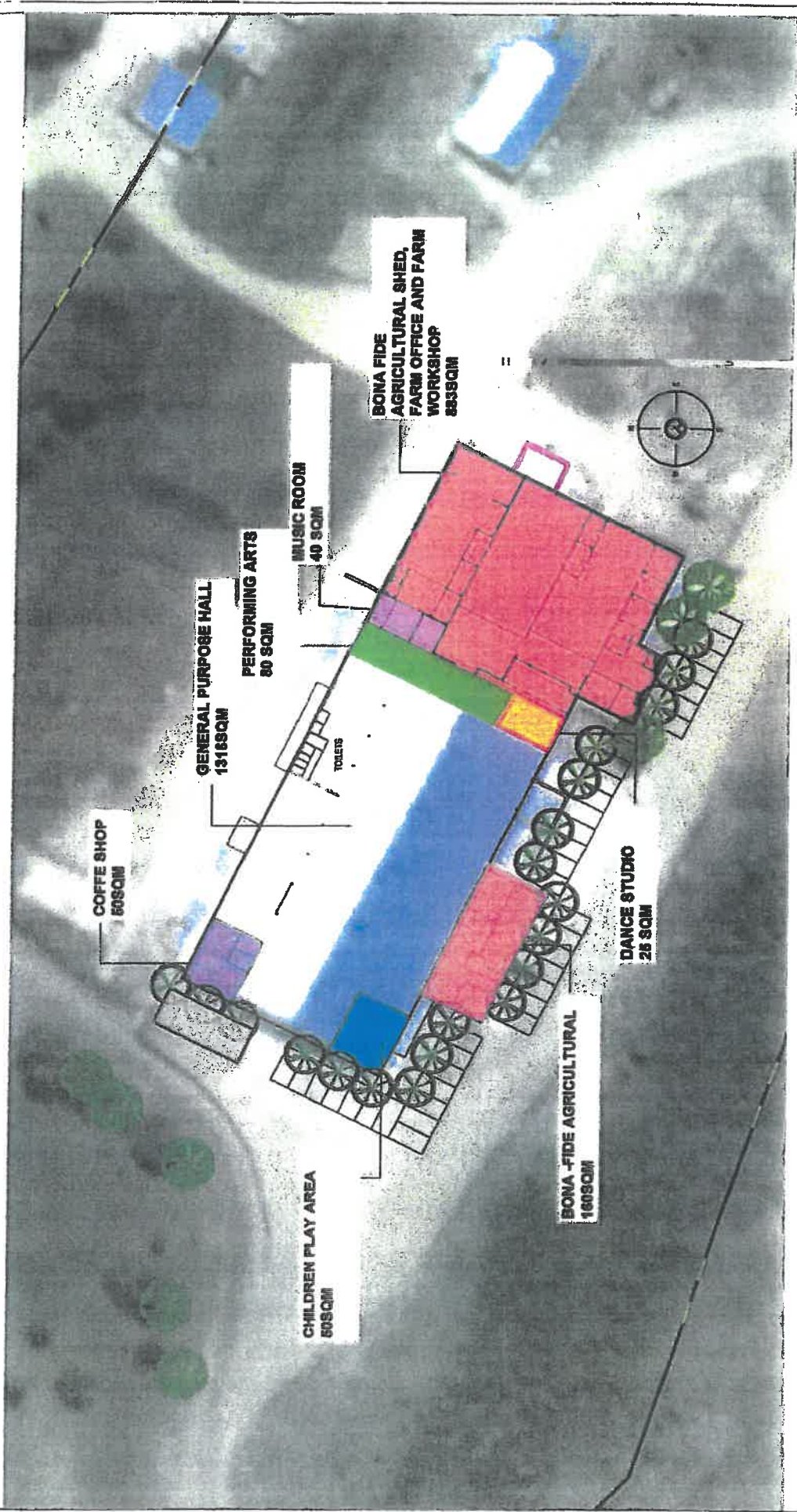
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT



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DATE

ANNEXURE B
Floor layout Plan



FLOOR LAYOUT PLAN 1:500

Ref: SPT/18 P/18/1500 Dated: 2023		PROJECT No. 1-2023	DATE 1-2023
FLOOR LAYOUT PLAN			