



# STELLENBOSCH

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Application Number: LU/8315

Our File Reference Number: 1538, Stellenbosch

Your Reference Number: DWE3

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**PER E-MAIL:** [williesteyn1960@gmail.com](mailto:williesteyn1960@gmail.com)

Sir / Madam

## **APPLICATION FOR CONSENT USE AND DEPARTURE: FARM 1538, 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 applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 3738, Stellenbosch, namely:
    - 2.1.1 A consent use in terms of Section 15(2)(c) on Farm 1538, Stellenbosch, for a tourist facility consisting of a restaurant and gift shop;
    - 2.1.2 Permanent departure
    - 2.1.3 in terms of Section 15(2)(b) of the said Bylaw on Farm 1538, Stellenbosch, to relax the 30m side building line in order to erect the building 8.5m from the eastern boundary of the farm.

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

3. Conditions of approval:

3.1 Approval applies only to the approval granted above and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.2 Restaurant and Shop be limited to a single storey flat roof structure that has a maximum floor area of 1000m<sup>2</sup> in total with seating for 214 guests (±54 tables @ 4 patrons per table);

3.3 Onsite parking be provided in the form of open parking bays and that no basement parking bays, or facilities be provided onsite;

3.4 The height of the building be restricted to one storey;

3.5 A revised Site Development plan be submitted that indicates the revised building with open air parking areas as approved with specific reference to:

a) A detailed landscaping plan for the additional area of the farm to be used in association with the restaurant (new parking area);

b) The internal road that runs along the common boundary and the objector (Farm 116 Ptn 8) which is to be landscaped to mitigate any impact that the traffic using this road could have on the adjoining property;

c) A lighting plan to further mitigate the impact that the building and parking areas will have on the surrounding landscape during the day and at night. (Light Pollution within the rural area)

3.6 The internal road that runs along the common boundary with the objector (Farm 116 Ptn 8) may only be used by delivery vehicles that service the restaurant and not by patrons of the facility;

3.7 That Development Contributions will be applicable and will be payable prior to building plan approval being granted;

4. Reasons for the above decision:

4.1 The area used for the proposed and existing tourist related activities has no impact on the existing agricultural activities;

4.2 The existing infrastructure on the farm will be used optimally and no additional infrastructure will need to be provided;

4.3 The tourist related consent uses are subservient to the agricultural activities taking place on the property;

4.4 The proposal will be beneficial to the local economy as additional employment opportunities will be created;

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:

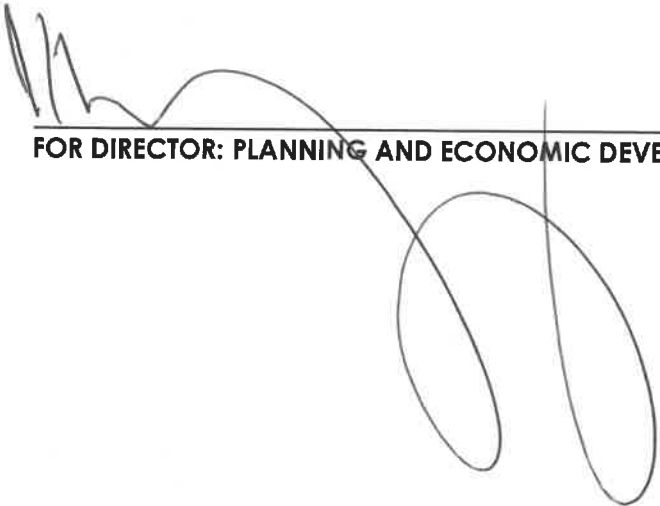
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers 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. An applicant 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



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

16/3/2021  
DATE:

**COPIES TO:**

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