



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13182

Our File Reference Number: Farm 485, 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 A CONSENT USE: FARM 485, 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 for a Consent Use for a Tourist facility on Farm 485, Stellenbosch in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 to construct a small-scale restaurant as part of the existing wine cellar area.

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

3. Conditions of approval:

- 3.1 The approval only applies to the application under consideration 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.
- 3.2 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.
- 3.3 The development be undertaken generally in accordance with the site development plan drawing no: SDP 009-485-2022 page 1/2 and SDP 009-485-2022 page 2/2, attached as **Annexure C**.

- 3.4 The area of the restaurant be limited to $\pm 117\text{m}^2$ as indicated on the Site development Plan, drawing no: SDP 009-485-2022 page 1/2 and SDP 009-485-2022 page 2/2, attached as **Annexure C**.
- 3.5 Building plans must be generally in accordance with the site development plan drawing no: SDP 009-485-2022 page 1 and SDP 009-485-2022 page 2 attached as **Annexure C**.
- 3.6 Sufficient on-site parking be provided as illustrated on the site development plan drawing no: SDP 009-485-2022 page 1/2 and SDP 009-485-2022 page 2/2, attached as **Annexure C**, to the satisfaction of the Municipality.
- 3.7 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Directorate: Infrastructure Services.
- 3.8 The conditions of approval as noted in the Directorate: Infrastructure Services Memorandum dated 29 November 2021, attached in **Annexure D**, must be complied with.
- 3.9 The conditions of approval as noted in the Transport and Public Works letter dated 17 February 2022, attached in **Annexure D**, must be complied with.

4. The reasons for the above decision are as follows:

- 4.1 It has no impact on surrounding properties as a variety of similar proposals are located in the surrounding agricultural area.
- 4.2 The proposal is subservient to the agricultural activities taking place on the Farm 485.

5. Matters to be noted:

- 5.1 The relevant business and liquor licences needs to be applied for prior to the restaurant coming into operation.
- 5.2 The conditions of approval as noted in the comment received from the Cape Winelands Health Department, dated 24 November 2021, attached in **Annexure D**, are noted.

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:
 - (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.

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 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>).
11. 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.

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 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

23/9/2022

DATE:



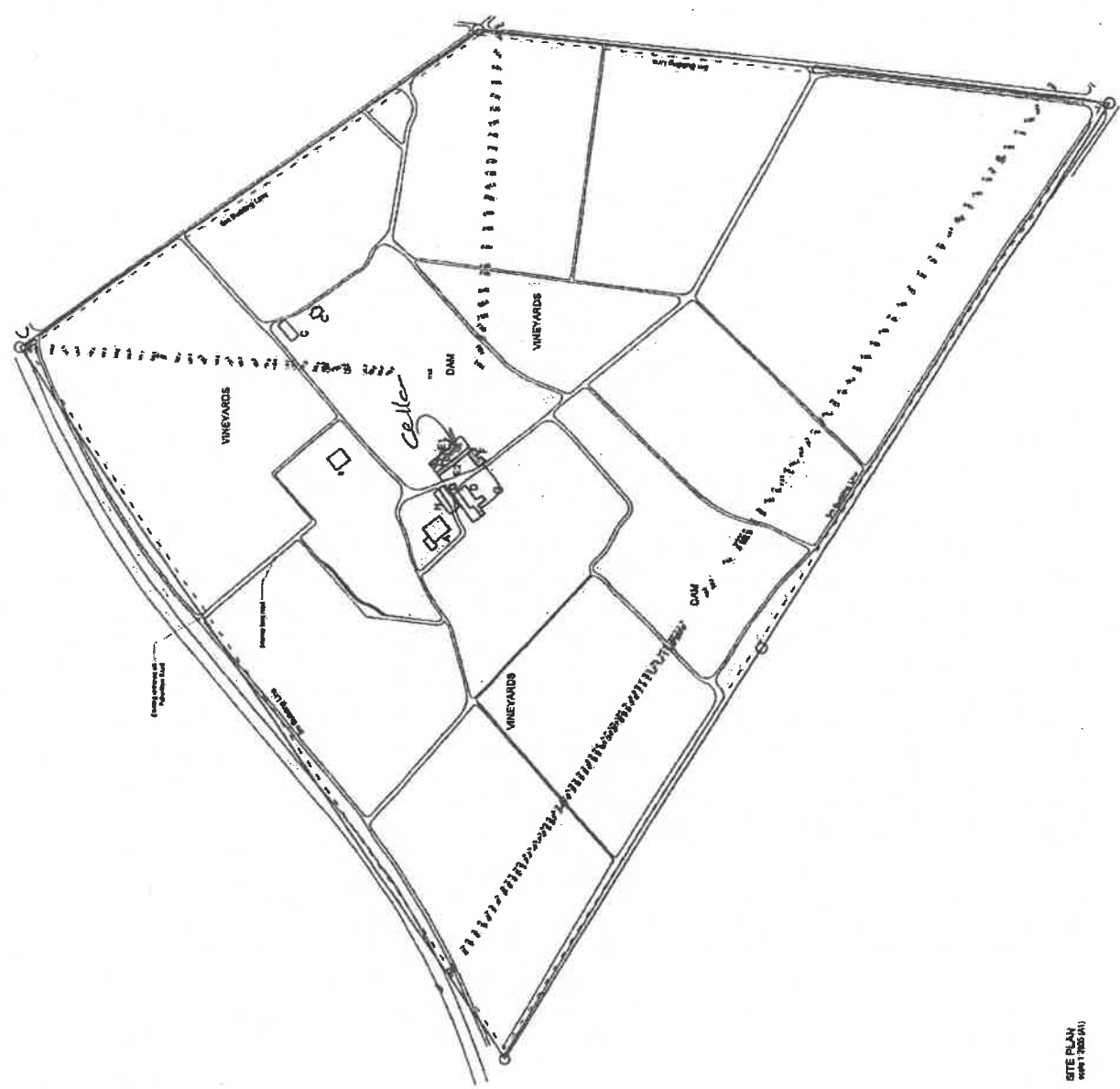
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ANNEXURE C

NOTES:

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SITE PLAN
Scale 1" = 200'

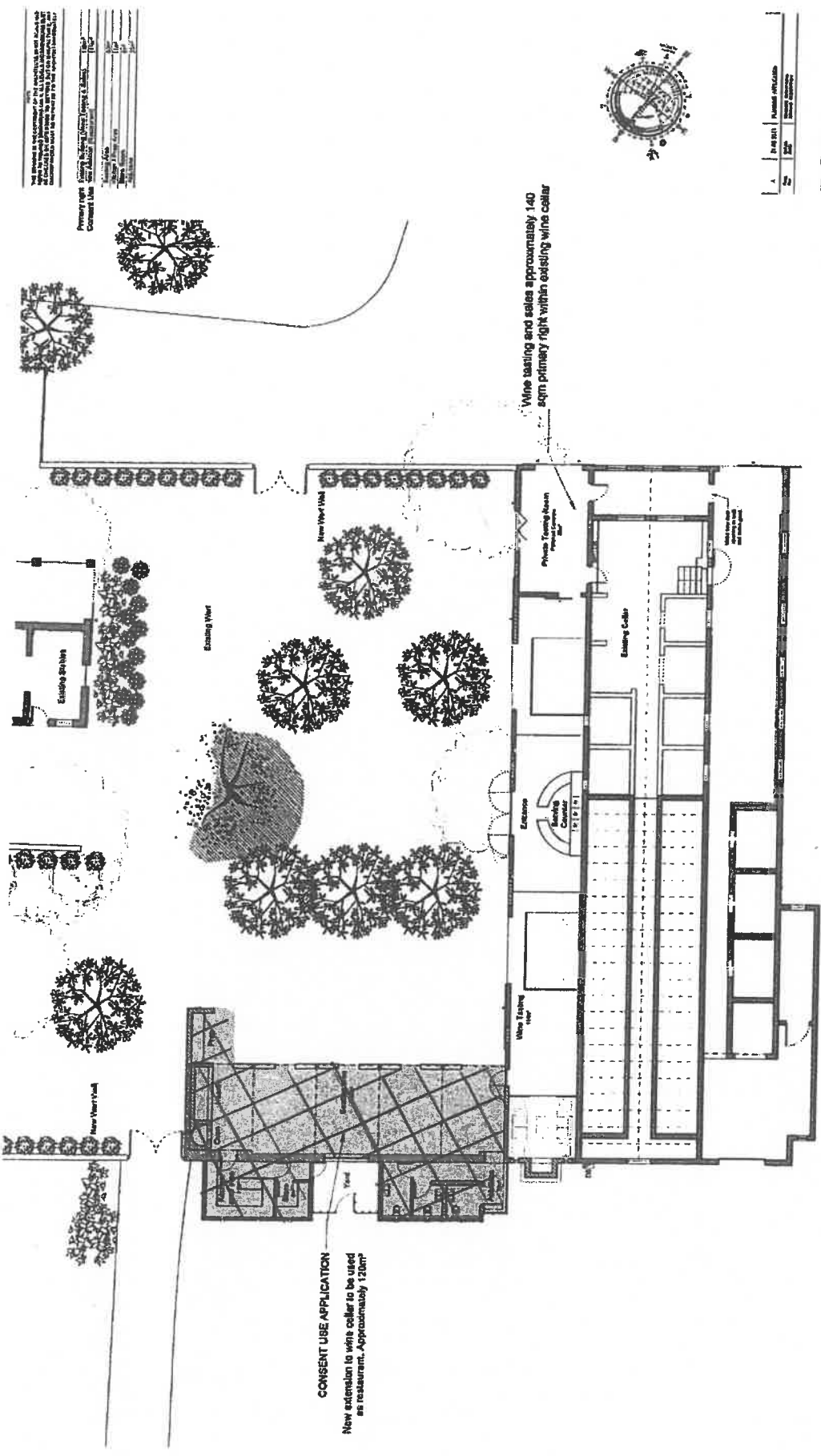


DATE	BY	REVISION
10/1/2021	MM	1.00

Maiherbe Rust Architects

PROJECT	JOHNSTON TRACT VENTURES (P) LLC
LOCATION	1000 N. 1000 E., Palmdale, CA 93550
OWNER	JOHNSTON TRACT VENTURES (P) LLC
DESIGNER	MAIHERBE RUST ARCHITECTS
DATE	10/1/2021
SCALE	1" = 200'
SHEET	1005
TOTAL	1001
DATE	10/1/2021
BY	MM
CHECKED	MM
DATE	10/1/2021

SDP 009-485-2022
Pc 1-2



Address	City	State
1234 Main St	Springfield	MA

Malherbe Rust Architects

PROJECT NAME	JOUBERT TRUSSITY VENTURES (Pty) Ltd
PROJECT ADDRESS	Plot 401, Peka Road, Peka, KwaZulu-Natal
PROJECT TYPE	Wine Tasting & Sales + Restaurant
PROJECT VALUE	R 1 200 000
PROJECT DATE	August 2021
PROJECT STATUS	100%
PROJECT OWNER	JOUBERT TRUSSITY VENTURES (Pty) Ltd
PROJECT CONTACT	1201
PROJECT PHONE	1201
PROJECT EMAIL	A

FLOOR PLAN
Scale: 1:100 (A1)
Date: 1/20/2021

SDP 009-485-2022
Di 7-7



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ANNEXURE D



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nicole Katts
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 29 Nov 2021
Our Ref ▫ Ons Verw: Civil LU 2233
Your Ref: LU/13182
Re ▫ Insake: Farm 485, Stellenbosch: consent use (tourist facility) to
construct a proposed restaurant (117m²)

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

1. Civil Engineering Services

1.1 No objection, no municipal services are affected.

2. Roads

2.1 Access is from a provincial road: Polkadraai Road – please obtain approval 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 2021/2022 tariff structure. If DC's are paid after 30 June 2022 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 a Section 28 Clearance certificate can be issued.

FILE NR:

SCAN NR:

COLLABORATOR NR:

STELLENBOSCH MUNICIPALITY
PLANNING + ECONOMIC DEVELOPMENT SERVICES

25 FEB 2022

3.4 The appropriate DC's are payable before building plan approval (consent use/sectional title).

4. Electrical Engineering

4.1 Refer to Annexure: Electrical



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

W:\2.0 DEVELOPMENT\00 Developments\2233 (TK) Farm 485 Stellenbosch (LU- 13182)\2233 (TK) Farm 485 Stellenbosch (LU- 13182).doc

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION	
Application Number	DC 2233 (TM) Farm 485 Stellenbosch (LU-13182)
Date	Monday, 29 Nov/2021
Financial Year	2021/22
Erf Location	[REDACTED]
Erf No	Farm 485
Erf Size (m ²)	[REDACTED]
Suburb	[REDACTED]
Applicant	[REDACTED]
Approved Building Plan No.	[REDACTED]
Land use application report - page 2	

SUMMARY OF DC CALCULATION									
Units	Water	Sewer	Storm-water	ha ² G	Solid/Waste	Week	Roads	Community Facilities	Totals
	kl-day	kl-day					tips/day	person	
Total Increased Services Usage	0.458	0.410		0.009		0.047	10.53	10.5	
Total Development Charges before Deductions							R 76 526.64	R 1 744.36	R 80 757.23
Total Deductions									
Total Payable (excluding VAT)							R 76 526.64	R 1 744.36	R 80 757.23
VAT							R 372.93	R 261.68	R 12 113.59
Total Payable (including VAT)							R 88 005.64	R 2 006.02	R 92 870.82

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature	
Date	29 Nov 2021
Amount Paid	
Date Payment Received	
Receipt Number	

Stellenbosch Town

[illegible]

Farm 485

GENERAL COMMENT:

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

CONDITIONS

3. No conditions.

.....
SIGNATURE



DATE...22/2/2022.....



Ref: TPW/CFS/RP/LUD/REZ/SUB- 25/413 (Job 29181)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

FARM 485 STELLENBOSCH MUNICIPAL AREA: MAIN ROAD 177: APPLICATION FOR CONSENT USE:

1. The following refer:
 - 1.1. The e-mail from Emile van der Merwe Town Planning Consultants to this Branch dated 10 December 2021 and
 - 1.2. The letter LU/13182 from Emile van der Merwe Town Planning Consultants dated 17 September 2021.
2. Main Road 177 (MR177) is affected by this application at \pm km23.64 (right hand side) RHS directly opposite Cairngorm Road (Minor Road 5209).
3. This application is for Consent Use to establish a wine tasting and sales facility (151m²) with an open deck (72m²). A 117m² new structure is planned to consist of an 80m² main seating area, 17m² kitchen and storeroom, 20m² ablution and 20 parking bays. The current infrastructure consists of a main homestead, farm managers home, labourer's cottages, wine cellar and stables. The property is currently zoned as Agricultural and Rural.
4. The current internal private road network and access at \pm km23.64 RHS will be used as the main access. The existing access onto MR177 is already upgraded (\pm 15m radius, \pm 6m road width and surfaced). The applicable shoulder sight distances are adequate for the access road. The current speed limit past the access on MR177 is 80km/h.
5. This Branch offers no objection to the application for consent use on Farm 485, Stellenbosch subject to the following conditions:
 - 5.1. A standard stop sign (R1) must be erected at the access, for the cost of the applicant.
 - 5.2. The current warning signs for Cairngorm Road to be replaced with 2 x W102 crossroad ahead without priority, to accommodate the traffic impact for this application at the current access onto Main Road 177 (\pm km 23.64 RHS), for the cost of the applicant.

- 5.3. The current access onto Main Road 177 (\pm km23.64 RHS) shall remain the only access for farm 485, including this application.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 17 February 2022

From an environmental health perspective, this application may be recommended for approval; provided that the following conditions are complied with:

1. Environmental pollution

- 1.1 No pollution such as water, air, dust or noise pollution may occur on any part of the premises during the operational phase of the proposed development. Proper preventative measures must be put in place beforehand.

2. Potable water/Storm water

- 2.1 The quality of the potable water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

3. Solid waste disposal

- 3.1 Refuse collection and storage must be done in a way that will not cause a health nuisance.

4. Sewerage/Sanitary facilities

- 4.1 The sewerage system from the proposed development must be connected to an approved sewerage system according to Stellenbosch Municipality's specifications, conditions and approval.
- 4.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility.

5. Food Control

- 5.1 All planned food premises (including wine cellars/tastings rooms/restaurants) must apply for a Certificate of Acceptability at this Department before any operation.

6. General conditions

- 6.1 This Department reserves the right to set further requirements during the operational phase.

Please contact me if you have any further questions or comments in this regard.

Yours faithfully



Leandre Davids
HEALTH OFFICER/INSPECTOR
for MUNICIPAL MANAGER

6

Charlene Williams

From: Nicole Katts
Sent: 15 December 2021 03:26 PM
To: 'Leandre Candice Davids'; Charlene Williams
Cc: Fabian van Wyk
Subject: RE: FARM 485 STELLENBOSCH DIVISION: APPLICATION FOR CONSENT USE - DEPARTMENTAL COMMENTS - HEALTH (COMMENTS BY E-MAIL)

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

15 DEC 2021

RECEIVED

Dear Leandre

I trust that you are well.

I hereby acknowledge receipt of your e-mail and your comment is noted.

Thank you.



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer

Land Use Management

Planning & Economic Development

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3rd

Floor

www.stellenbosch.gov.za



FILE NR:	F 485 SB
PLAN NR:	
CO-OPERATOR NR:	720574

Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Leandre Candice Davids <leandre@capewinelandsgov.za>

Sent: Wednesday, 15 December 2021 15:01

To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

Cc: Fabian van Wyk <fabian@capewinelandsgov.za>

Subject: [EX] RE: FARM 485 STELLENBOSCH DIVISION: APPLICATION FOR CONSENT USE - DEPARTMENTAL COMMENTS - HEALTH (COMMENTS BY E-MAIL)

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 485, Stellenbosch Division

DESCRIPTION OF THE PROPOSAL:

- Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a consent use (tourist facility) to construct a proposed restaurant (117m²) on Farm 485/0, Stellenbosch Division.

From an environmental health perspective, this application may be recommended for approval; provided that the following conditions are complied with:

1. Environmental pollution

- 1.1 No pollution such as water, air, dust or noise pollution may occur on any part of the premises during the operational phase of the proposed development. Proper preventative measures must be put in place beforehand.

2. Potable water/Storm water

- 2.1 The quality of the potable water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

3. Solid waste disposal

- 3.1 Refuse collection and storage must be done in a way that will not cause a health nuisance.

4. Sewerage/Sanitary facilities

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6. General conditions

- 6.1 This Department reserves the right to set further requirements during the operational phase.

Please contact me if you have any further questions or comments in this regard.

Yours faithfully



Leandre Davids
HEALTH OFFICER/INSPECTOR
for MUNICIPAL MANAGER

From: Fabian van Wyk <fabian@capewinelands.gov.za>

Sent: Wednesday, 24 November 2021 14:27

To: Leandre Candice Davids <leandre@capewinelands.gov.za>

Cc: nicole.katts@stellenbosch.gov.za

Subject: FW: FARM 485 STELLENBOSCH DIVISION: APPLICATION FOR CONSENT USE - DEPARTMENTAL COMMENTS - HEALTH (COMMENTS BY E-MAIL)

Good day Ms Davids

Attached land use application for your attention.

Thanks

From: Ferencia September <ferencia@capewinelands.gov.za>

Sent: Wednesday, 24 November 2021 08:52

To: Fabian van Wyk <fabian@capewinelands.gov.za>

Subject: FW: FARM 485 STELLENBOSCH DIVISION: APPLICATION FOR CONSENT USE - DEPARTMENTAL COMMENTS - HEALTH (COMMENTS BY E-MAIL)

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

Sent: Tuesday, 23 November 2021 10:52

To: Ferencia September <ferencia@capewinelands.gov.za>

Subject: FARM 485 STELLENBOSCH DIVISION: APPLICATION FOR CONSENT USE - DEPARTMENTAL COMMENTS - HEALTH (COMMENTS BY E-MAIL)

I'm using Mimecast to share large files with you. Please see the attached instructions.

Good day;

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your comment by email, if any, in order to enable me to submit the application to the decision making authority for consideration.

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 485, Stellenbosch Division

DESCRIPTION OF THE PROPOSAL:

- Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a consent use (tourist facility) to construct a proposed restaurant (117m²) on Farm 485/0, Stellenbosch Division.

APPLICANT: Emile van der Merwe Town Planning Services CC

PROPERTY ADDRESS: Polkadraai Road, Stellenbosch

Please note that your comments must be submitted on or before 23 December 2021 from the date of this email.

Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer