



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11849

Our File Reference Number: Farm 537, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

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PER E-MAIL: [REDACTED]

Sir

## APPLICATION FOR CONSENT USE ON FARM NO. 537, 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 expand Council's approval (tourist facility) to permit the sale of other alcohol products e.g. craft beer, craft gin, etc (*in addition to their wine*) on Farm No. 537, Stellenbosch Division,

**BE REFUSED** in terms of Section 60 of the said Bylaw.

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

3.1 The objective of the tourist facility was to create a wine emporium which showcases the locally produced wines, and the proposal to permit the sale of other alcohol products as part of the original approval does not fall within the scope of the approved wine emporium and will therefore result therein that such permission will contribute to erode the concept of the wine emporium.

3.2 With due regard to the current bias for cuisine at the wine emporium and the resulting high clientele that it generates, the existing access (MR27/DR1050) is substandard for the current operation of the wine emporium and cannot accommodate the existing traffic, and any

approval that will result in even higher numbers of visitors, and with no foreseen upgrading of the roads infrastructure in the near future to address this matter, will aggravate the existing traffic problem.

3.3 With the existing parking facilities already being inadequate for the current operation of the wine emporium, any approval that would result in higher visitor numbers will require even more parking and with the existing parking area that already occupies a large portion of the property with no bona fide agricultural activity, the expansion of the parking area that will be required and the visual impact thereof will further erode the rural character and be detrimental to the surrounding agricultural area.

3.4 If it is the endeavour to continue to increase the types of land use activities that will increasingly erode the original concept of the wine emporium that was approved, proper application needs to be made to change the development rights on the property that would enable a different type of tourist facility to accommodate such array of land use activities, together with addressing the appropriate level of infrastructure and mitigating measures to accommodate such type of development.

4. 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.

5. 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:

5.1 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

5.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

5.3 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.

5.4 Whether the appeal is lodged against the whole decision or a part of the decision.

5.5 If the appeal is lodged against a part of the decision, a description of the part.

5.6 If the appeal is lodged against a condition of approval, a description of the condition.

5.7 The factual or legal findings that the appellant relies on.

5.8 The relief sought by the appellant.

5.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

5.10 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.

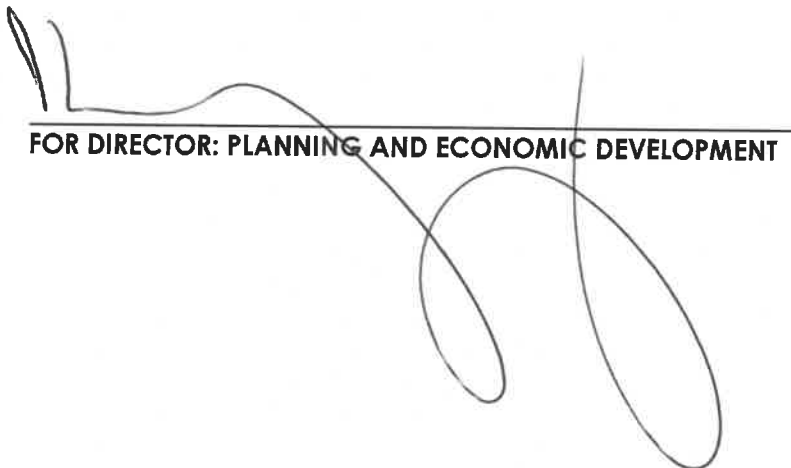
- 6. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)
- 7. Any party (applicant or other) who lodges an appeal must pay the applicable 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.
- 8. 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](mailto:landuse.appeals@stellenbosch.gov.za)
- 9. 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.

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

11. 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



**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

26/9/2023  
DATE: \_\_\_\_\_

**COPIES TO:**

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