



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14376 (TP31/2022)

Our File Reference Number: Farm 74/2, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir

APPLICATION FOR CONSENT USES ON FARM NO. 74/2, 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 Municipality Land Use Planning By-Law as Promulgated by Notice No. 354/2015 dated 20 October, 2015 for the following Consent Uses on Farm No. 74/2 Stellenbosch Division:
 - 2.1.1 Tourist facility to utilise the existing wine cellar building and outside lawn as a function venue and reception area.
 - 2.1.2 Tourist accommodation establishment in order to utilize three existing employee houses (house no.6&9 on the site plan) as guest accommodation.
 - 2.1.3 Day care centre within an existing employee house.
 - 2.1.4 For Consent Use in order to allow the subject property to host more than one event per year.

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:

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 3.1 The approval only applies to the consent use 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 development must be generally undertaken in accordance with site plan no.74/2A dated July 2022 and attached as **ANNEXURE C**.
 - 3.3 A maximum number of 10 bedrooms shall be used for the accommodation of 20 paying guests.
 - 3.4 Day-care centre may operate within the existing cottage ($\pm 90\text{m}^2$) and is limited to 35 children.
 - 3.5 The day care centre must serve the local community and enrolment is restricted to the residents of the surrounding area only.
 - 3.6 The function venue be limited to 300 seats with a total floor area of 1160m^2 and 1000m^2 lawn area.
 - 3.7 Amplified music for functions such as wedding events is restricted to indoors/ the function venue building (the wine cellar building) only and not on the lawns.
 - 3.8 The function venue hereby permitted shall only operate between 10:00 – 22:00 between Sunday - Thursdays and 09:00 – 02:00 on Fridays & Saturdays.
 - 3.9 For occasional uses, amplified sounds must be stopped at 21:30 on Mondays – Sunday and occasional uses are limited to twelve (12) events per year.
 - 3.10 Sufficient parking must be provided and indicated on the site plan at building plan submission stage.
 - 3.11 Building plans must be submitted to this Municipality and be generally in accordance with the site plan & floor layout plan referenced as 74/2A-F dated July 2022 and attached as **ANNEXURE C**.
 - 3.12 Conditions as imposed by Directorate: Infrastructure Services in their memo dated 30 January 2023 must be adhered (See **Annexure J**).

3.13 Development Contributions are payable in accordance with the prevailing and applicable council tariffs at the time of payment prior to submission of any building plans. Development contributions are attached as **Annexure J**.

3.14 Any noise emissions from activities on the above property to comply with the Noise Control Regulation PN200/2013 and the By-Law on the Prevention of Public Nuisances & the Keeping of Animals.

3.15 Conditions as imposed by the Directorate: Road Planning – Transport Infrastructure in their letter dated 18 May 2023 must be applied and adhered to (See **Annexure H**).

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

4.1 The proposal will not have an impact on the existing agricultural activities on the property as the proposal and existing buildings are clustered in an area that is not used for vineyards.

4.2 The proposal will diversify the existing uses on the farm without impacting the agricultural viability of the subject property.

4.3 The proposal is in line with the MSDF Guidelines.

4.4 The proposed land uses are in keeping with the existing agricultural and tourist related character of the area.

5. **Matters to be noted:**

5.1 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.

5.2 The conditions set by the Environmental Noise Impact Assessment Report (Ref:72f22022/SF/578103) must always be adhered to and the recommendations be implemented.

5.3 All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance and must be connected to the existing municipal system.

5.4 The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.

- 5.5 Events permit must obtained for any events proposed on the subject property.
 - 5.6 Accommodation establishments must comply with Chapter 4, Section 12 of Provincial Gazette Extraordinary no. 6696 of February 2010. This Section of the Notice outlines the requirements for an accommodation establishment.
 - 5.7 The child care facility must comply with Chapter 5 of the Municipal Health By-Law of the CWDM: Provincial Gazette Extraordinary no 6696 of 15 February 2010.
 - 5.8 In the event where food will be prepared or handled and or served to the public, the applicant must apply in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 638 of 22 June 2018.
 - 5.9 In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003).
 - 5.10 An adequate water supply that complies with the national standards for drinking water (SANS 0241: 2001) must be provided.
 - 5.11 Waste water and sewage may not pollute any ground water, stormwater and surface water.
 - 5.12 Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).
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


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT





26/9/2023
DATE

COPIES TO:

[REDACTED]

Email: [REDACTED]

Annexure C:
Site & Floor layout Plan

-  Tourist accommodation establishment (20 guests)
-  Tourist facility: Venue for functions and receptions (±1160m² and 300 guests)
-  Tourist facility: Outside venue area ±1000m²
-  Day Care Centre (±90m²)

 Parking

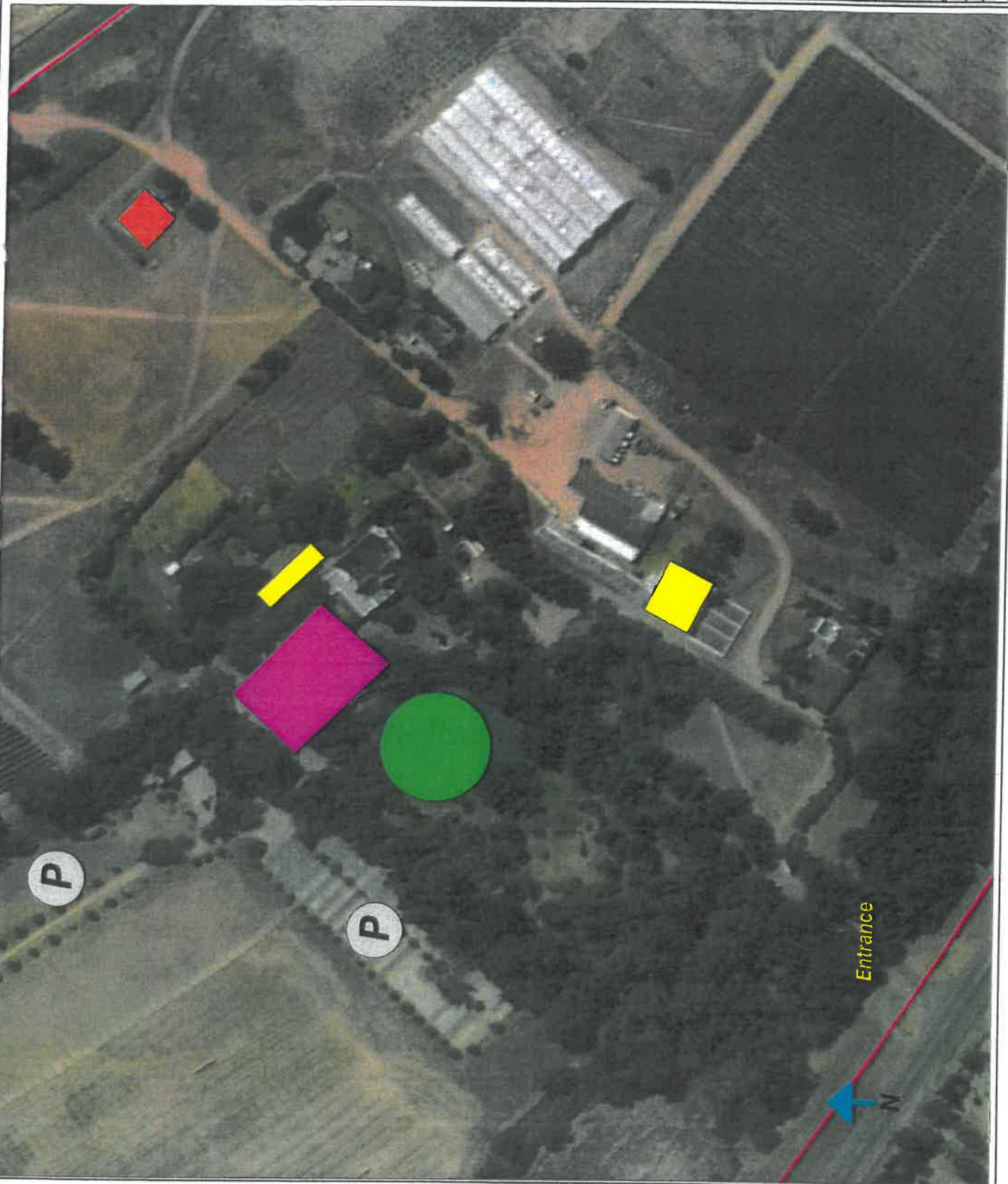
Drawing No
7412 A

 P-J Le Roux
[Redacted]
[Redacted]
[Redacted]

Project:
Application for
Consent Use:
Portion 2 of Farm
No. 74
Stellenbosch

Description:
**Site
Development
Plan**

NOOITGEDACHT			
Drawn	N.T.S	License	V 30-108
Table	P.J.R	Issue	JULY 2022
Rev	P.J.R	Revisions	4



3 GUEST ROOM FLOOR PLAN

APPLICANT :
 P-J LE ROUX TOWN
 PLANNERS PTY LTD ON
 BEHALF OF FRITZ WIRTH
 TRUST

PROJECT :
 PORTION 2 OF FARM
 NOOITGEDACHT NO. 74
 STELLENBOSCH, WESTERN
 CAPE PROVINCE

APPLICATION :
 CONSENT USE (TOURIST
 FACILITY, TOURIST
 ACCOMMODATION
 ESTABLISHMENT AND DAY
 CARE)

DESIGNER: THE LICENCE CO
DATE : JULY /2022
OFFICE : CAPE TOWN



DRAW NG NO. 74/2B



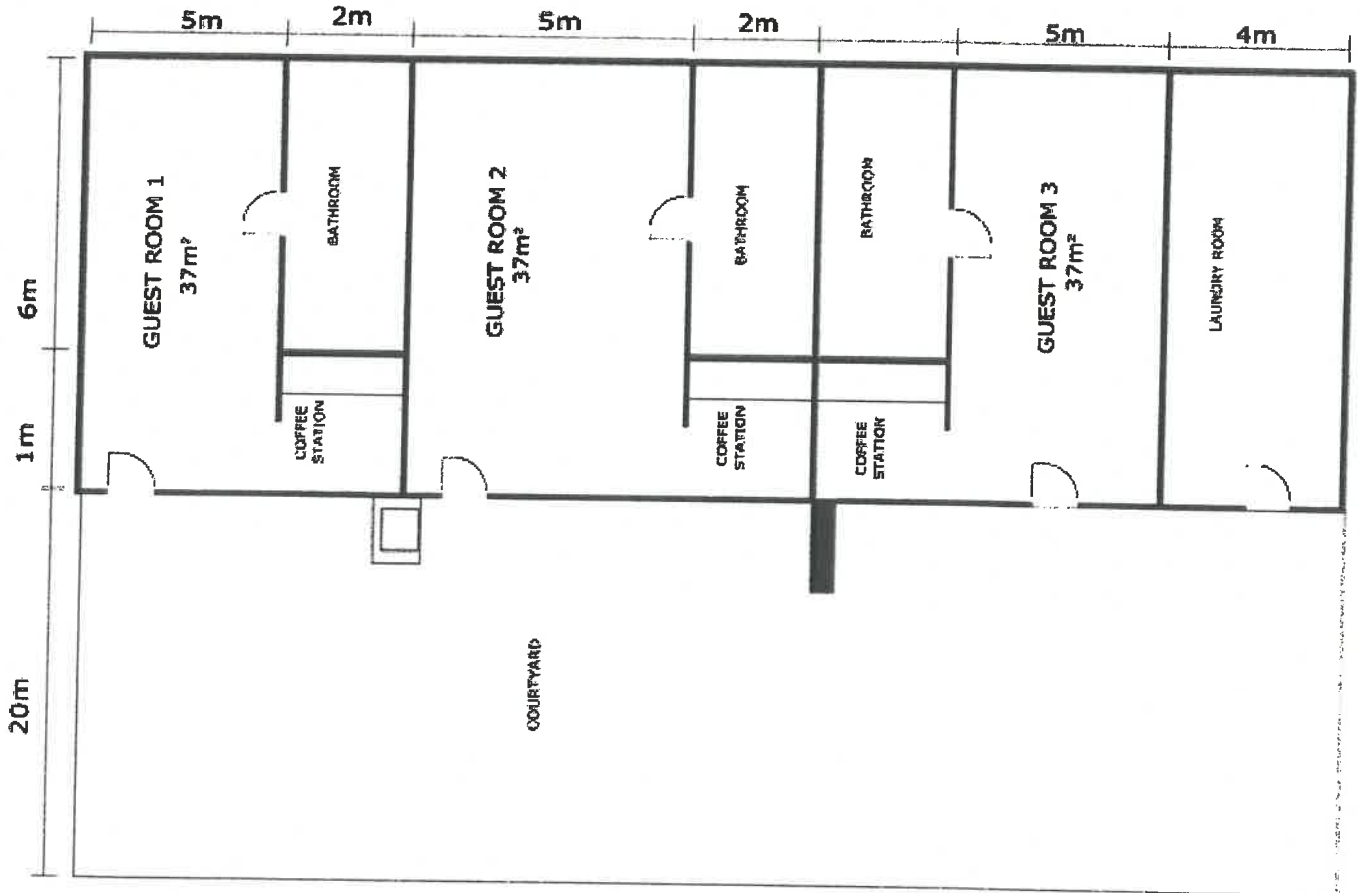
GUEST ROOMS WITH COURTYARD



STOEP AREA



PARKING AREA



FUNCTION VENUE FLOOR PLAN

APPLICANT :
 P-J LE ROUX TOWN
 PLANNERS PTY LTD ON
 BEHALF OF FRITZ WIRTH
 TRUST

PROJECT :
 PORTION 2 OF FARM
 NOOITGEDACHT NO. 74
 STELLENBOSCH, WESTERN
 CAPE PROVINCE

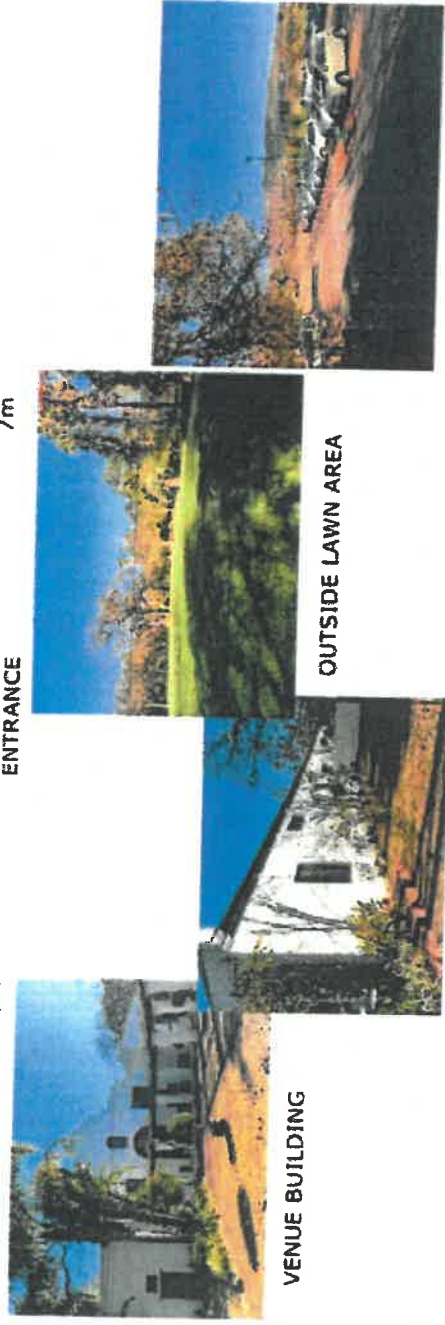
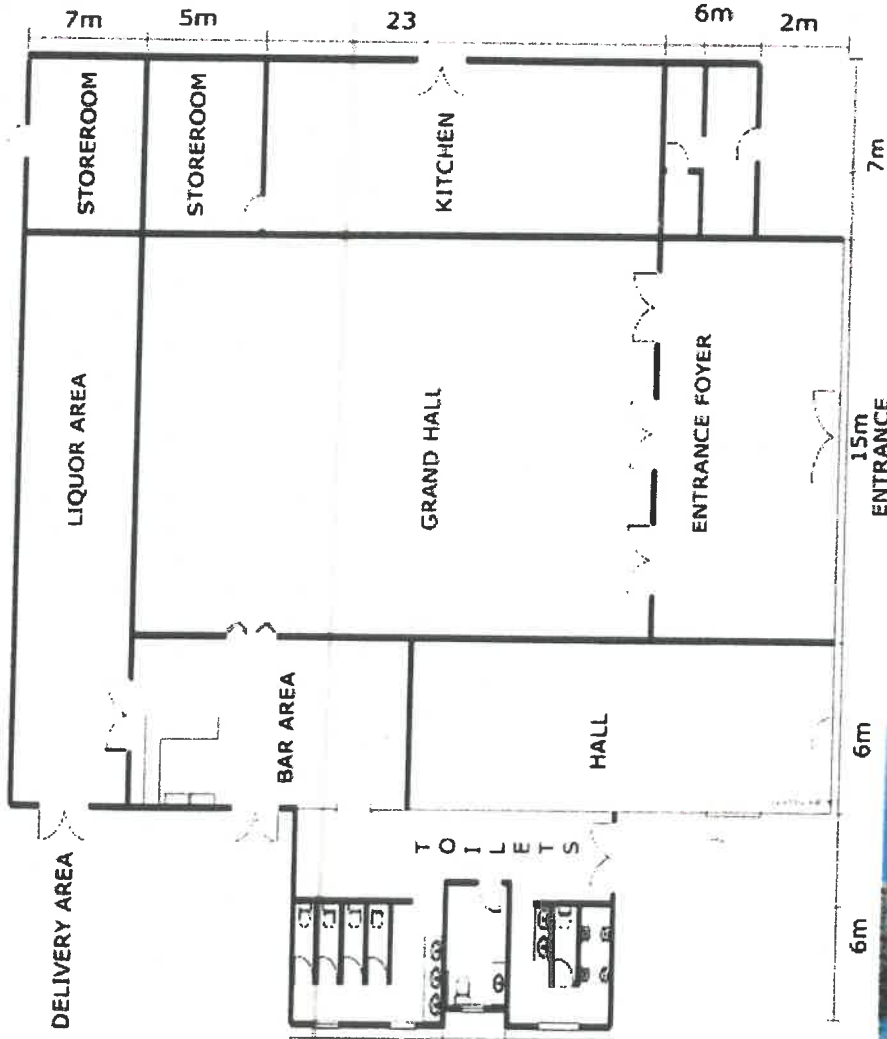
APPLICATION :
 CONSENT USE (TOURIST
 FACILITY, TOURIST
 ACCOMMODATION
 ESTABLISHMENT AND DAY
 CARE)

**DESIGNER: THE LICENCE
 CO**

DATE : JULY /2022
OFFICE : CAPE TOWN



DRAWING NO. 74/2C



PARKING

OUTSIDE LAWN AREA

VENUE BUILDING

DAY CARE FLOOR PLAN LAYOUT

APPLICANT :
P-J LE ROUX TOWN
PLANNERS PTY LTD ON
BEHALF OF FRITZ WIRTH
TRUST

PROJECT :
PORTION 2 OF FARM
NOOITGEDACHT NO. 74
STELLENBOSCH, WESTERN
CAPE PROVINCE

APPLICATION :
CONSENT USE (TOURIST
FACILITY, TOURIST
ACCOMMODATION
ESTABLISHMENT AND DAY
CARE)

DESIGNER: THE LICENCE CO
DATE : JULY /2022
OFFICE : CAPE TOWN



TEL: 021 953 1111
WWW.PJLEROUX.CO.ZA



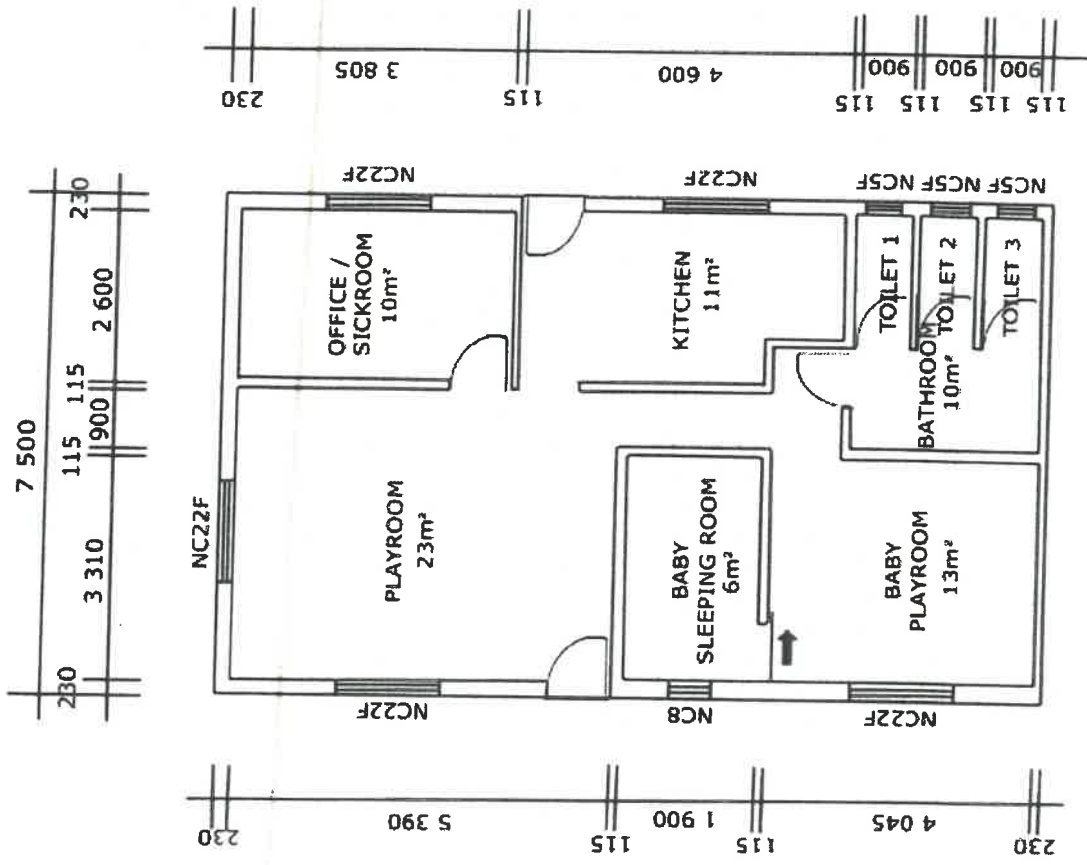
WEST VIEW



SOUTH VIEW



SOUTH-EAST VIEW



Drawings No. 74/20



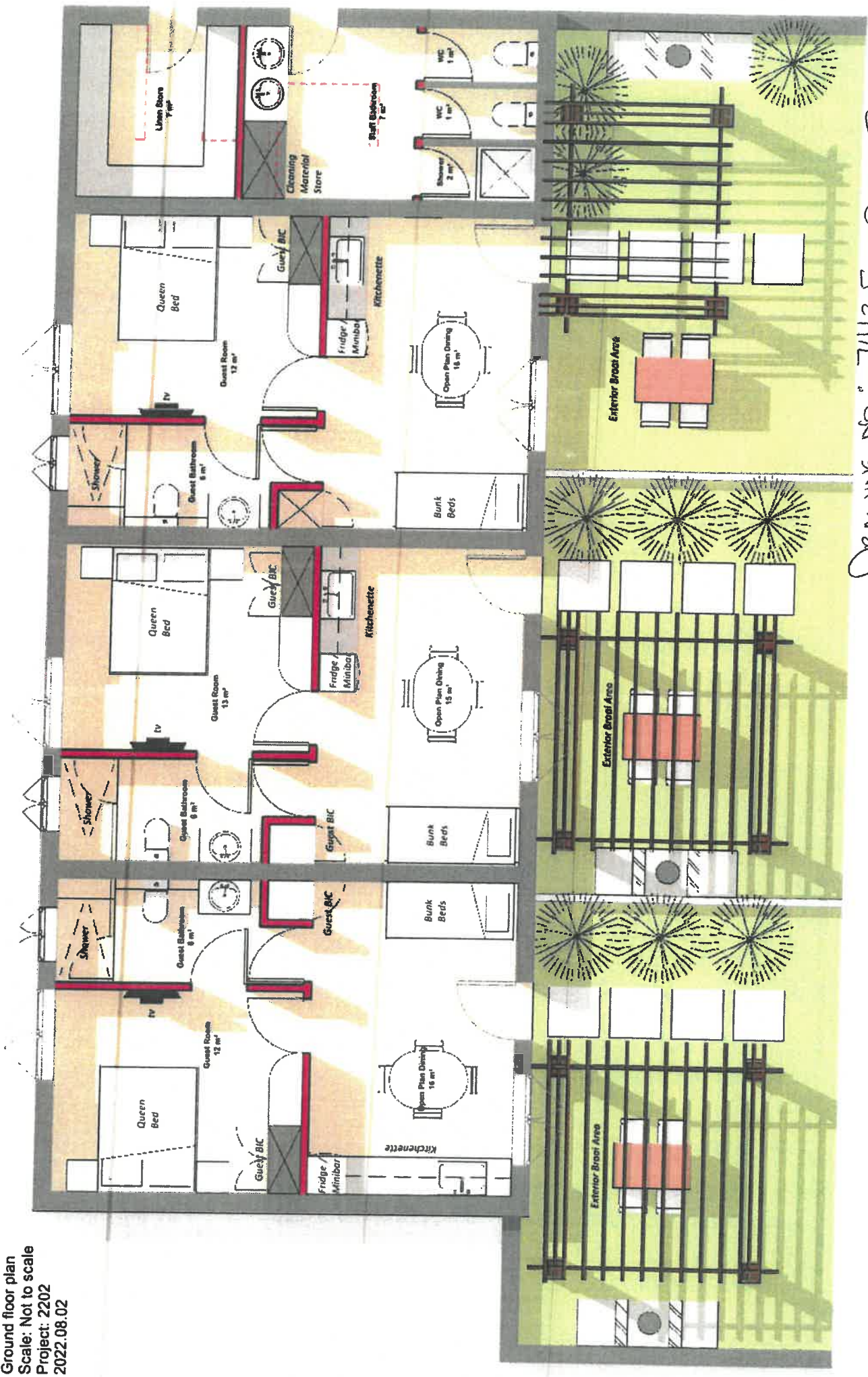
R-CHITECT
STUDIO

Cottages 1-3
Ground floor plan
Scale: Not to scale
Project: 2202
2022.08.02



DRAWING NO. 74/2E DATE: JULY 2022

Cottages 4-6
Ground floor plan
Scale: Not to scale
Project: 2202
2022.08.02



Planning No: 7447 E

FUNCTION VENUE PARKING PLAN



Parking ratio i.t.o Stellenbosch Zoning Scheme By-Law, 2019:

Function venue parking ratio: 4 bays per 100m²

Total area: 1160m² (inside) + 1000m² (outside) = 87 parking bays required

Total parking bays provided: 112 parking bays

GUEST ROOMS PARKING PLAN



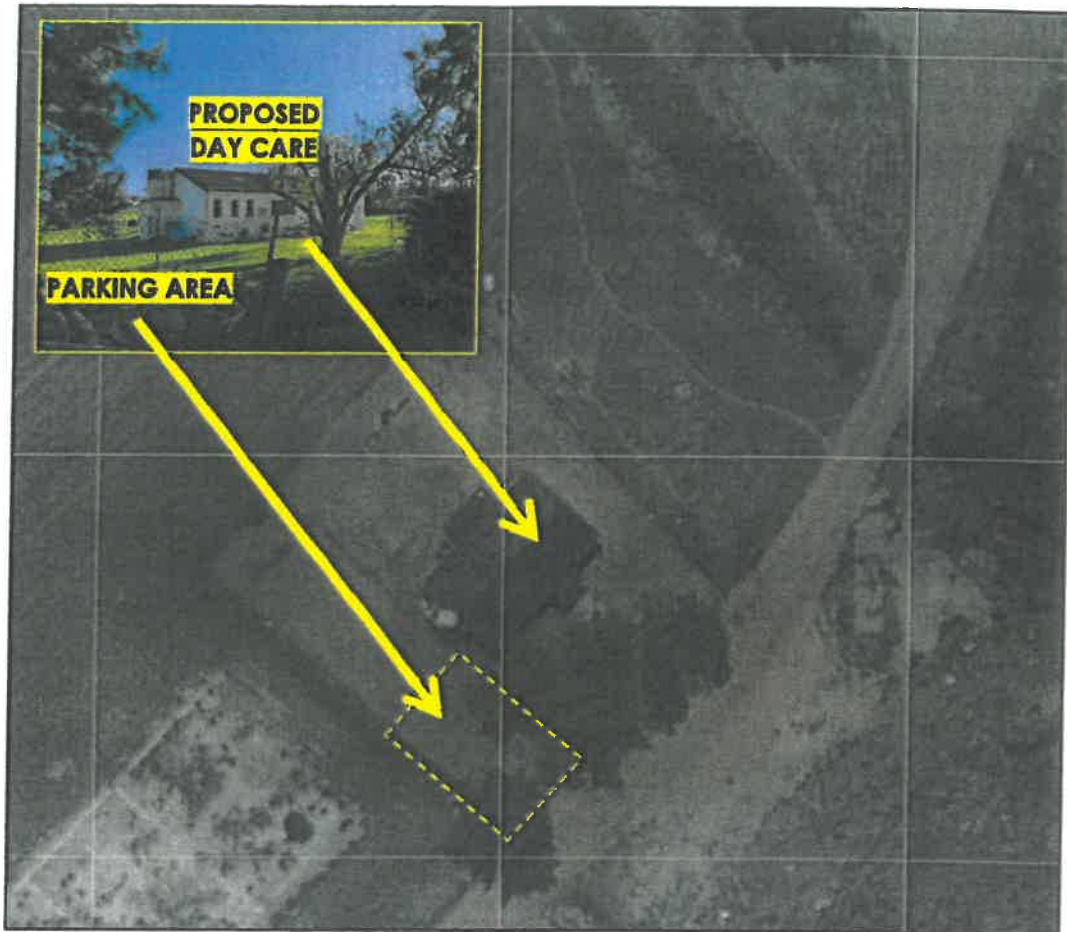
Parking ratio i.t.o Stellenbosch Zoning Scheme By-Law, 2019:

Guest Rooms parking ratio: *0,7 bays per room*

Parking required: 2,1 parking bays

Total parking bays provided: 3 parking bays

PROPOSED DAY CARE PARKING PLAN



Parking ratio i.t.o Stellenbosch Zoning Scheme By-Law, 2019:

Day Care parking ratio: *1 parking bay per classroom*

Total parking bays provided: 1 parking bay

PROPOSED GUEST ROOMS PARKING PLAN



Parking ratio i.t.o Stellenbosch Zoning Scheme By-Law, 2019:
Tourist Accommodation Establishment parking ratio: 0,7 bays per room

Parking required: 4,3 parking bays

Total parking bays provided: 6 parking bays

Annexure J:
Comments from Engineering Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nicole Katts
From ▫ Van: Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Colin Taylor
Date ▫ Datum: 30 January 2023
Our Ref ▫ Ons Verw: Civil LU 2382
Your Ref: LU/14376 – TP31/2022
Re ▫ Insake: Farm 74/2, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the following Consent Uses on Portion 2 of the Consolidated Farm Nooitgedacht No. 74 Stellenbosch Division: - Tourist facilities for a function venue and receptions inside an existing building ($\pm 1160\text{m}^2$) on the farmstead and outside lawn area ($\pm 1000\text{m}^2$) with maximum capacity of 300 guests. - Tourist accommodation establishment for a guest accommodation inside existing buildings with a maximum capacity of 20 guests in total and - to operate a day care centre within the existing dwelling ($\pm 90\text{m}^2$)

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

- 1. Roads**
 - 1.1 The application has to be referred to the District Roads Engineer for comments and conditions.
 - 1.2 All the conditions set by the District Roads Engineer will be applicable.
 - 1.3 Sufficient parking must be provided and indicated on the SDP at building plan submission stage.
- 2. Water**
 - 2.1 The quality of the water. The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards. Current proof of compliance must be available on request.
- 3. Waste Water and Sewage**

- 3.1 No new septic tanks and soak-aways are permitted to be built.
- 3.2 Use of existing septic tanks to collect and treat sewage generated by the proposed development is not allowed.
- 3.3 Waste water and sewage may not pollute any ground water, stormwater and surface water.

4. Solid Waste

- 4.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

5. Development Charges

- 5.1 The following DC's are payable: See Development Charge Calculation attached.
- 5.2 The DC's were calculated for the 2022/2023 financial year. If the account is paid after 30 June 2020 it has to be recalculated using the then applicable tariffs.
- 5.3 DCs are payable prior to the erf or portion thereof being put to the approved use or building plan approval which ever come first.

6. Electrical Engineering

- 6.1 Refer to ~~Annexure: Electrical~~



Colin Taylor Pr Tech Eng

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:12.0 DEVELOPMENT00 Developments\2382 (CT) Farm 74-2 Stellenbosch (LU-14376 TP31-2022)\2382 (CT) Farm 74-2 Stellenbosch (LU-14376 TP31-2022).doc

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge Levied (incl VAT)						Total	
		Unit Amount	Area (m ²)	Value	Unit Amount	Area (m ²)	Value		Water	Street	Stormwater	Solid Waste	Roads & Transport	Community		
Single Residential >1000m ²	dw															
Single Residential >500m ²	dw															
Single Residential <500m ²	dw															
General Dwelling	dw															
Large Formal Residential	dw															
Other Residential	dw															
Apartment	dw															
Retirement Village	dw															
Old age home	dw															
Student Accommodation/Commune	rooms															
Guest House	rooms															
Converted Guest House	rooms															
Hotel Residential	rooms															
General Business	m2 G.A.															
Office	m2 G.A.															
Shop/Store	m2 G.A.															
Restaurant	m2 G.A.															
Conference Facility/Office of assembly	m2 G.A.															
Hospital/Clinic/Medical Rooms	m2 G.A.															
School/University/College/City Care	student															
Industrial Light	m2 G.A.															
Industrial Heavy	m2 G.A.															
Warehouse/light Manufacturing	m2 G.A.															
Public Open Space	ha															
Private Open Space	ha															
General Employment	ha															
Public Roads and Parking	ha															
Is to be retained	ha															
Based on equivalent demands	ha															
Total Area	ha															

Category	Value	Value	Value	Value	Value	Value	Value
Total Development Charges before Deductions	R 185,285	R 129,126	R -	R -	R 21,620	R 669,488	R 7,443
Deductions per service (amount)	R -	R -	R -	R -	R -	R 328,720	R -
Additional Deduction per service - from Service Agreement (sum)	R -	R -	R -	R -	R -	R -	R -
Sub Total after Deductions (excluding VAT)	R 185,285	R 129,126	R -	R -	R 21,620	R 340,768	R 7,443
VAT	R 20,381,70	R 139,136,70	R -	R -	R 2,418,19	R 379,728,40	R 7,441,86
Total	R 20,567,00	R 139,265,80	R -	R -	R 2,439,81	R 720,496,40	R 14,885,30

Annexure H:
Comments from the Roads Engineer



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/434 (Job 29889)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

PORTION 2 OF CONSOLIDATED FARM NOOITGEDACHT 74, STELLENBOSCH: MAIN ROAD 174 AND DIVISIONAL ROAD 1083: APPLICATION FOR CONSENT USE (FUNCTION VENUE, GUEST ACCOMMODATION AND A DAY CARE CENTRE)

1. The following refer:
 - 1.1. The application V30-108 received from PJ le Roux Town and Regional Planners on 23 September 2022 including various e-mail correspondence to this Branch;
 - 1.2. The Site Traffic Assessment prepared by Liesl Stodart dated November 2022;
 - 1.3. Our email to Mr D Louwrens dated 19 February 2023; and
 - 1.4. The reply email from Mr D Louwrens dated 22 February 2023.
2. The application entails the following:
 - 2.1. A function venue and reception area inside an existing building ($\pm 1\ 160\text{m}^2$) on the farmstead with an outside lawn area ($\pm 1\ 000\text{m}^2$) with maximum capacity of 300 guests;
 - 2.2. Guest accommodation inside existing buildings on the farmstead with a maximum capacity of 20 guests in total; and
 - 2.3. A "Day care centre" in an existing dwelling ($\pm 90\text{m}^2$) to be utilized for children on the farm and other.
3. Main Road 174 (MR174) is affected by this application at $\pm\text{km}55.52$ and at the Divisional Road 1083 (DR1083, Eisenburg Road) intersection on MR174 ($\pm\text{km}54.26$).

4. The Traffic Impact Statement (TIS) highlighted the following:
 - 4.1. The facilities involved is expected to operate outside peak hours and mainly over weekends and no additional road infrastructure is required on MR174;
 - 4.2. Site visits were conducted on Friday 28 November 2022 before and during a wedding with 230 guests and on Sunday 30th October 2022 before and during a music festival with approximately 2 300 visitors;
 - 4.3. Proposals to improve the current signage and road markings for the internal private road network on the property to assist in vehicle movement;
 - 4.4. To provide parking bay markings on the current paved parking area and to provide temporary chalked parking bay parking area for major functions on the area being used for overflow parking;
 - 4.5. Existing traffic management measures should be retained during large events and should include a traffic officer on MR174 with the current security sliding gate open;
 - 4.6. Enough stacking space is available on the access road; and
 - 4.7. Internally the narrow bridge creates conflict between pedestrians moving from the parking area to the venue;
5. During a site visit and the attendance of a major function by this Branch, the following were observed:
 - 5.1. The posted speed limit on this section of MR174 is 100 km/h requiring 300m sight lines in both directions at the entrance;
 - 5.2. The affected access adheres to the minimum safe shoulder sight distances for a stop condition for the posted speed limit;
 - 5.3. Shoulder sight distances at the MR174/DR1083 intersection is also adequate.
 - 5.4. Stacking distance of approximately 100m is provided from the security gate with and opened old historic gate structure also present closest to the road reserve;
 - 5.5. The access complies with the geometric and surface requirements of this Branch;
 - 5.6. For a large event traffic enters the farm at the main access at ±km55.52;
 - 5.7. Once the event has finished traffic were directed to exit the farm via either the main access or through the farm onto DR1083. Long vehicle queues were observed at the MR174/DR1083 intersection caused by the high demand for right turning movements from DR1083 onto MR174, travelling northbound.
6. Considering all the above and the current traffic challenges of this section of Main Road 174 that carries high volumes of traffic over weekends, the main concern to this Branch is the right turning movements for larger events such as music festivals.
7. This Branch offers no objection to the application for Consent Use for Portion 12 of Consolidated Farm Nooitgedacht 74, Stellenbosch subject to the following conditions:



- 7.1. On-site parking must be in accordance with the Scheme Regulations of Stellenbosch Municipality and all bays clearly marked including overflow parking area needed at large events;
- 7.2. A traffic official must control traffic at the MR174/DR1083 intersection after a large event;
- 7.3. A traffic official must control traffic at the main access during the peak arrival time before a large event commences;
- 7.4. The old historic gate closest to the MR174 road reserve must remain open for the duration of all functions to provide enough stacking distance for vehicles when entering the farm from MR174; and
- 7.5. Under no circumstances will parking be allowed within the road reserve of MR174.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 18 MAY 2023

