



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9046

Our File Reference Number: Farm 90/20, Stellenbosch Division

Your Reference Number: None

Enquiries: Ulrich von Molendorff

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PER E-MAIL: andre@arouxplanning.co.za

Sir / Madam

APPLICATION FOR THE REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, CONSENT USE FOR A TOURIST FACILITY (RESTAURANT) AND DEPARTURE (UNDER PROVISION OF PARKING) IN TERMS OF THE ZONING SCHEME BY-LAW: FARM NO. 90/20, STELLENBOSCH DIVISION

1. The above applications refer.
2. The duly authorised decision maker has decided on the above applications 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 Farm No. 90/20, Stellenbosch Division, namely:
 - 2.1.1 The application made in terms of Section 15(2)(b) of the Stellenbosch Municipal Zoning Scheme By-law (2015) for a departure to allow an under-provision of parking for the proposed restaurant and the approved wine tasting and sales facility ($\pm 586\text{m}^2$ GLA in total), 20 parking bays in lieu of 24 parking bays.

NOT BE APPROVED in terms of Section 60 of the said Bylaw for the following reasons:

- (a) Sufficient onsite space exists to provide the required amount of parking bays.
- (b) If an overflow of parking will occur on this site due to a lack of sufficient onsite parking, it is envisaged that unauthorized parking will be obtained from an

area already cleared outside the properties access gate, which may influence traffic movement to adjacent properties.

2.2 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 Farm No. 90/20, Stellenbosch Division, namely:

2.2.1 The application made in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law (2015) for the removal of paragraph one of the Tittle Deed condition IIIb1 as contained in title deed T94448/1998 which limits the use of the property for agricultural and residential use only to allow the operation of a restaurant on Farm No. 90/20, Stellenbosch Division,

2.2.2 The application made in terms of Section 15(2)(o) of the Stellenbosch Municipal Zoning Scheme By-law (2015) for a tourist facility to operate a restaurant on Farm No. 90/20, Stellenbosch Division from the ground floor of an approved building.

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:

2.3 Reasons for the above Decision

2.3.1 Notwithstanding the objection received, mitigating measures could be implemented as conditions of approval to minimize the impact of the restaurant activities on surrounding property owner's rights.

2.3.2 Sufficient parking could be provided onsite and addressed by the submission of revised parking layout plans.

2.3.3 The operation timeframes of the restaurant could be regulated by conditions of approval or the liquor licence to be approved.

2.3.4 The proposed restaurant land use on an agricultural property is not prohibit, but encourage by the principles of the Municipal Spatial Development Framework.

2.3.5 Similar tourist related activities exist in the area and this application should add to the tourist industry, without impacting negatively on the cultural landscape of the area if in compliance with conditions of approval.

2.3.6 No municipal services will be impacted.

2.3.7 Sufficient landscaping exists and could be implemented to screen the adjacent properties private space viewed from the restaurant deck.

2.4 That such approval **BE SUBJECT** to the following conditions in terms of Section 66 of the said Bylaw:

- 2.4.1 The approval applies only to the removal of the restrictive title deed condition and the consent use for a restaurant in question (See **APPENDIX B**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 2.4.2 The approval will lapse if not implemented within 5 years from the date of final notification.
- 2.4.3 The floor area of the restaurant and wine tasting and sales area be restricted $\pm 587\text{m}^2$ (See **APPENDIX B** for building plan).
- 2.4.4 That a site development plan be submitted, which indicated the required onsite parking layout, all existing buildings, floor area of the restaurant and its uses and landscaping proposals that will assist with the mitigation of views onto the adjacent property, Farm No. 90/21, Stellenbosch Division for approval by the Authorized Employee.
- 2.4.5 Parking for the restaurant and wine tasting and sales facilities must at all times be provided on site, at the required ratio of 4 bays/100m² gross leasable area, which amounts to 23 parking bays for 587m².
- 2.4.6 Building Plans be submitted for approval for the proposed conversion and alteration to the existing building to also accommodate a restaurant.
- 2.4.7 The floor area of the restaurant area must be clearly indicated on the final building plan to enable the municipal engineering department to calculate the revised development contributions, excluding the existing wine tasting and sales area.
- 2.4.8 The owners hire the services of a registered Acoustics Engineer to design and calculate the required noise barriers and implement it before occupation certificates is issued for the operation of a restaurant on Farm No. 90/20, Stellenbosch, in order for the venue to reduce its overall noise emissions.
- 2.4.9 The operating hours of the restaurant for the preparation of food and refreshments to be served to seated patrons, will be restricted from 08h30 till 22h00 seven days a week.
- 2.4.10 That no audio equipment is set-up outside on the open deck of the facility and background music only be allowed within the building, to prevent any negative impacts on the closest domestic dwelling.
- 2.4.11 No special events and functions may be hosted in the building and on the property without the prior approval of the local authority, unless it is a primary right on the subject property.
- 2.4.12 All electrical requirements must be directed to Eskom, considering that the property is outside the Stellenbosch area of supply.

3. **Matters to be noted.**

3.1 After the publication of a notice by the municipality in the Provincial Gazette in terms of section 33(7) of the Stellenbosch Municipal Land Use Planning By-law (2015), the owners must apply to the Register of Deeds to make the appropriate entries in, and endorsement on, any relevant register or title deed to reflect the removal of the restrictive condition III B1 as contained in title deed T94448/1998.

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:

(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);

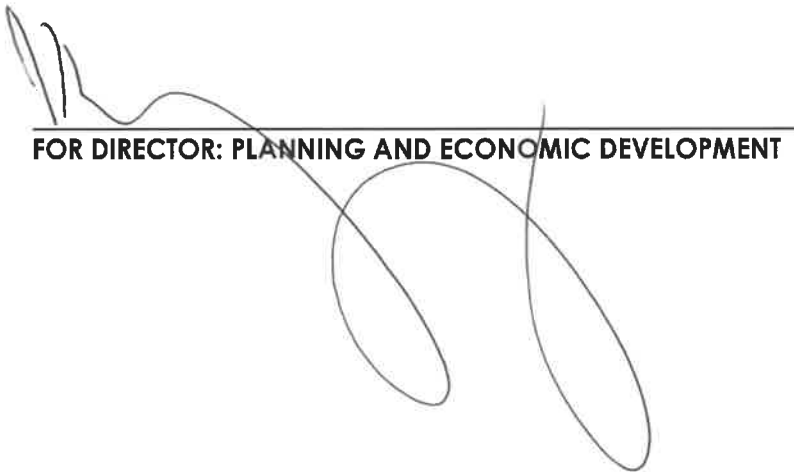
(ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

(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.
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.
7. 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.
8. 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>).
9. 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.
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 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

18/5/2021
DATE:

CC: OBJECTORS

1. BDP Attorneys

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Docex 5 Tygerberg

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2. Marius Sullwald

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APPENDIX B

Site and Building Plan

- General Notes:**
- Contractor and Sub-Contractors to check all levels and dimensions on site before any construction commences. All measurements to be reported to be As-Built immediately.
 - Planned dimensions to be taken in preference to scaled measurements and large scale detail expansion small scale drawings.
 - All work to be done in accordance National Building Regulations SANS 10400 and all requirements of Municipal and Local Authorities concerned are to be adhered to.
 - Natural light and ventilation areas of all openings in accordance of floor area and SANS 10400 Part D natural light areas. All openings and related ventilation: min 5% of floor area.
 - All glazing to comply with requirements of SANS 0137 - access egress and safeguards to safety glass. Windows lower than 900mm above floor level to be protected with 1800mm above glass line of stairs and shop-fronts to have safety glass.
 - All safety glazing panels to be marked with safety marking and then to be visible to all fires.
 - All voids below floor level to be filled with concrete and open to be inspected.
 - No part of building to encroach the bulk line.
 - All materials to be installed strictly in accordance with manufacturers specifications.

DENNIS MOSS PARTNERSHIP
 ARCHITECTS & INTERIORS
 111 FORD ROAD, 1017, SANDHURST, 7700
 021 533 1111

PJA WATERMEYER

**KAP VINO ESTATE
 WINE TASTING FACILITY
 & MANAGERS COTTAGE
 PTN 90 OF FARM 20**

**UPDATED SITE AND ROOF PLAN
 WITH PROPOSED PARKING
 LAYOUT FOR RESTAURANT
 PLANNING APPLICATION**

PROJECT NO: HA023 DATE: 1/2020
 DRAWING NO: 100 DATE: 31/07/2020
 REV: 001 REVISION: RUC DRAWN BY: ABB

FOR PLANNING APPLICATION

This drawing and all the information contained therein is the property of Dennis Moss Partnership and may not be copied or reproduced in any form without the written consent.



DETAIL PARKING LAYOUT
 scale 1:200

BUILDING HEIGHT LEVELS	
Base Level	Level = 2000.00 = 0m
Windows Level	Level = 2000.00 = 2000m
Roof Area Level	Level = 2005.00 = 0.750m
CONSTRUCTION AREAS:	
Existing Lower Ground Floor	- 371.00 m ²
Existing Ground floor (enclosed balconies)	- 312.00 m ²
TOTAL COVERED AREAS	- 683.00 m²
GROSS LEASABLE AREA:	
Lower Ground Floor	- 82.00 m ²
Managers Cottage	- 191.00 m ²
Implement Store	- 78.00 m ²
Wine Store	- 65.00 m ²
Ground Floor:	
Wine Bank & Private Tasting	- 150.00 m ²
Restaurant (Tasting Area)	- 25.00 m ²
Kitchen	- 13.00 m ²
Admin Office	- 15.00 m ²
Outside Seating Areas (balconies)	- 144.00 m ²
TOTAL - G.L.A.	- 880.00 m²
COVERAGE	
ERC AREA	- 3.21ha
COVERED AREA	- 380.00m ²
COVERAGE AREA	- 1.1%

KAP VINO WINE TASTING FACILITY - PTN 90 OF FARM 20
SITE & ROOF PLAN
 scale 1:350

General Notes:

- 1. Counters and Sub-Counters to be checked and approved...
2. Figures dimensions to be shown to large scale details...
3. All work to be done in accordance National Building Regulations...
4. Natural light and ventilation area of all rooms...
5. All glazing to comply with requirements of New Zealand Building Code...
6. All safety glazing panels to be checked with glazing markings...
7. All ceilings below floor level to be filled with concrete and up to be stopped...
8. No part of building to be encroached the built line...
9. All materials to be installed safely in accordance with manufacturers specifications.

Table with 2 columns: Specification and Quantity. Includes items like 1.5mm thick stainless steel sheet piling, 20mm thick stainless steel sheet piling, etc.

Project information section including DENNIS MOSS PARTNERSHIP logo, PROJECT TITLE: NEW SERVICE KITCHEN EXT TO EXISTING WINE TASTING FACILITY KAP VINO ESTATE PTN 90 OF FARM 20, PROJECT FILE: 14-633, SCALE: 1:100, DATE: 02.10.2017, and FOR COUNCIL APPROVAL stamp.

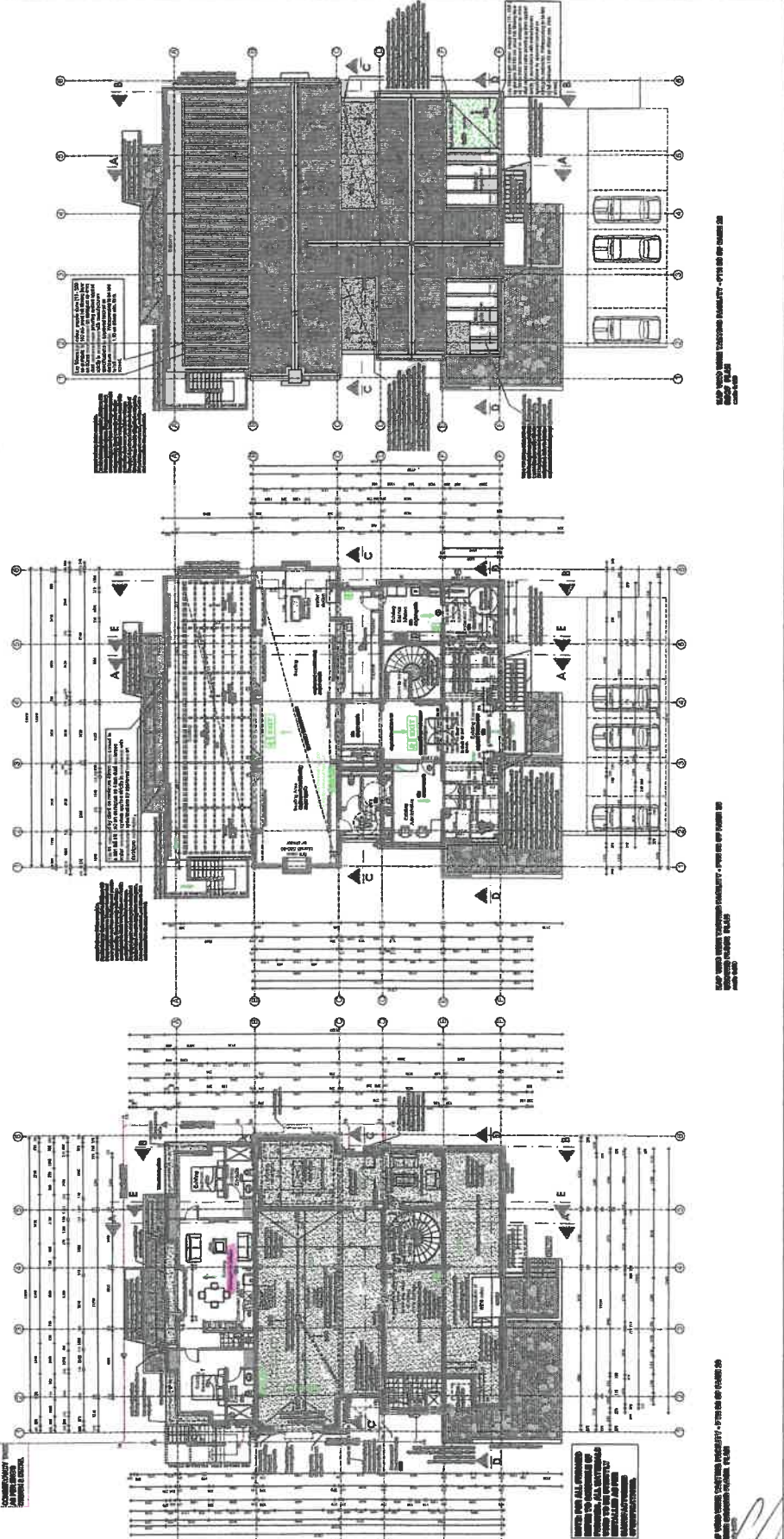
- EMERG. ROUTE: All routes to be identified in accordance with SANS 10400 - T724. - Emergency lighting to be provided in accordance with SANS 10400 - T730. - Signage indicating floor level, escape level and direction of travel to be provided in accordance with SANS 10400 - T729. - Ventilation - as per mechanical engineers specs.

- FIRE ESCAPE DIMENSIONS: All staircases to be constructed in accordance with SANS 10400 - T724. - Emergency lighting to be provided in accordance with SANS 10400 - T730. - Signage indicating floor level, escape level and direction of travel to be provided in accordance with SANS 10400 - T729. - Ventilation - as per mechanical engineers specs.

- Drainage & Gas: 1. All levels to be checked on site and find adjustment to be made... 2. All pipe in wells complete with cleaning and rodding eyes... 3. All pipes in wells complete with cleaning and rodding eyes... 4. Sewer & Stormwater pipes below building to be encased in min. 100mm concrete... 5. Minimum fall of all sewer pipes to be 1:50... 6. 100mm dia. upvc stack with ventilator... 7. 100mm dia. upvc stack with ventilator... 8. 100mm dia. upvc stack with ventilator... 9. 100mm dia. upvc stack with ventilator...

Table with 2 columns: Description and Quantity. Includes items like 1. 100mm dia. upvc stack with ventilator, 2. 100mm dia. upvc stack with ventilator, etc.

- 1. 100mm dia. upvc stack with ventilator, 2. 100mm dia. upvc stack with ventilator, 3. 100mm dia. upvc stack with ventilator, 4. 100mm dia. upvc stack with ventilator, 5. 100mm dia. upvc stack with ventilator, 6. 100mm dia. upvc stack with ventilator, 7. 100mm dia. upvc stack with ventilator, 8. 100mm dia. upvc stack with ventilator, 9. 100mm dia. upvc stack with ventilator, 10. 100mm dia. upvc stack with ventilator, 11. 100mm dia. upvc stack with ventilator, 12. 100mm dia. upvc stack with ventilator, 13. 100mm dia. upvc stack with ventilator, 14. 100mm dia. upvc stack with ventilator, 15. 100mm dia. upvc stack with ventilator, 16. 100mm dia. upvc stack with ventilator, 17. 100mm dia. upvc stack with ventilator, 18. 100mm dia. upvc stack with ventilator, 19. 100mm dia. upvc stack with ventilator, 20. 100mm dia. upvc stack with ventilator.



Vertical text on the right side of the page: FOR COUNCIL APPROVAL, 14-633, 1:100, 02.10.2017, RDC, ASB.

General Notes:

1. Contractor and Sub-Contractors to check all work is completed and any discrepancies to be reported to the Architect immediately.
2. Figure dimensions to be taken in accordance with the drawings. Dimensions are given in metric units unless otherwise stated. Large scale details supersede small scale drawings.
3. All work to be done in accordance with the relevant standards and all requirements of Municipal and Local Authorities concerned are to be achieved to.
4. Natural light and ventilation area of all windows to be in accordance with SANS 10400 Part 4 and Part 5 and min. 10% of floor area and natural ventilation min. 5% of floor area.
5. All doors to comply with requirements of SANS 10400 Part 4 and Part 5. Windows to have safety glass. Windows lower than 500mm from floor, windows lower than 1500mm above ebb line of stairs and steps to have safety glass.
6. All safety glazing panels to be marked with glazing marking and this is to be visible at all times.
7. All cables below floor level to be filled with concrete and open to be stopped.
8. No part of buildings to overstep the build line.
9. All materials to be installed strictly in accordance with manufacturers specifications.



CORPORATE
PIA WATERMEYER

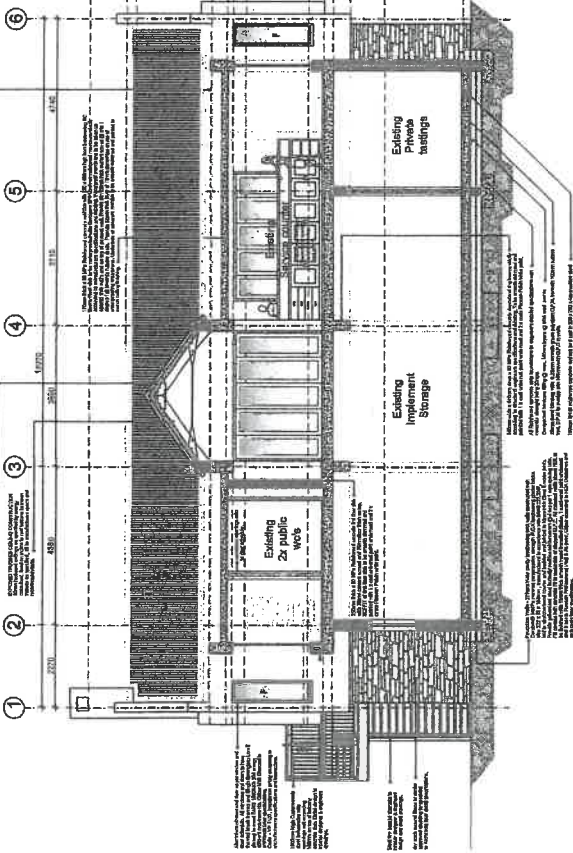
PROJECT TITLE
NEW SERVICE KITCHEN EXT. TO EXISTING WINE TASTING FACILITY KAP VINO ESTATE PTN 90 OF FARM 20

DATE
SECTIONS & ELEVATIONS

PROJECT NO.	14453	SCALE	1:100
DATE	23.10.2017		
REV.	00	RCD	PK000
			ANSB

FOR COUNCIL APPROVAL

The drawing must be submitted accompanied by the fee and must be accompanied by a statement of approval for the drawing to be a final plan without further comment.



SECTION C-C
scale 1:50

