



Application Number: LU/12038

Our File Reference Number: Farm 127/24 Stellenbosch

Your Reference Number:

Enquiries: Odile Sims / Gerrit Goosen

Contact No: 021 – 808 8684

Email address: Landuse.Appeals@stellenbosch.gov.za/Gerrit.Goosen@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Dear Mr van der Merwe

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR CONSENT USE: FARM NO. 127/24 STELLENBOSCH DIVISION

1. This Municipality's decision letter dated 29 April 2022, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 5 April 2024 that the appeal submitted against the approval of the subject application by the Authorised Official on 29 April 2022, **BE DISMISSED** and that the subject decision **BE VARIED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
3. The application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015, for **Consent Use** for a tourist facility to utilise the existing approved farm shed (375m²) as a function venue on Farm No. 127/24 Stellenbosch Division.

IS APPROVED subject to conditions

4. Conditions of approval:

- 4.1. 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 By-laws or Regulations that may be applicable.
- 4.2. The development must be undertaken generally in accordance with the referenced Site Plan with Drawing no: 1278-04, drawn by Louis Phillips Architects & Associates and dated 14/06/2016 and Ground Floor, Elevation and Sections Plan with Drawing No: 2019/02-M1, drawn by Mitchell's Draughting Solutions and dated 27/02/19, attached as **Annexure D**.
- 4.3. 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.
- 4.4. Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 4.5. Building plans must be generally in accordance with the referenced Site Plan with Drawing no: 1278-04, drawn by Louis Phillips Architects & Associates and dated 14/06/2016 and Ground Floor, Elevation and Sections Plan with Drawing No: 2019/02-M1, drawn by Mitchell's Draughting Solutions and dated 27/02/19, attached as **Annexure C**.
- 4.6. The conditions imposed by the Directorate: Infrastructure Services as contained in their memorandum dated 28/01/2021, attached as **Annexure K** be complied with.
- 4.7. Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the submission of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
- 4.8. The current access onto the Helshoogte Road (R310 Road) / Main Road 172 (\pm 7.85 km LHS) shall remain the only access to Farm No. 127/24.

- 4.9. Effective traffic control must be provided for access off Helshoogte Road (R310 Road), at the access gates and to the on-site parking area for the land use hereby permitted.
- 4.10. No directorial, advertisement, or any other signs may be erected prior to the approval of Stellenbosch Municipality or the competent authority.
- 4.11. The land use hereby permitted, and the premises must comply with the relevant health regulations at all times.
- 4.12. The land use hereby permitted shall not create any undue noise or be a nuisance to the neighbouring farms and that precautionary measures be taken in order to avoid environmental noise pollution and to ensure compliance with the Noise Control Regulations (PN200/2013) in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989) and the Municipal By-law on the Prevention of Public Nuisance and the keeping of animals.
- 4.13. No outdoor amplified sound is permitted during functions.
- 4.14. The installed sound system at the venue must be used and no additional speakers or amplifiers may be brought into the venue.
- 4.15. All doors and windows must strictly be kept closed after 18:00 when the venue makes use of amplified sound.
- 4.16. Additional sound proofing measures must be implemented to the satisfaction of the Municipality. Sound proofing solutions must be submitted to the Municipality for approval and must be implemented to the satisfaction of the Municipality as per written confirmation prior to the issuing an occupation certificate and the vesting of the subject approval.
- 4.17. Adequate landscaping measures that will serve as an additional sound barrier, which must include a mature tree line, as well as a hedge, must be planted on the perimeter fence bordering the Helshoogte Road directly opposite the function venue. A landscaping plan to such effect must be submitted to the Municipality for consideration and approval, and which landscaping plan must be implemented to the satisfaction of the Municipality as per written confirmation prior to the issuing of an occupation certificate and the vesting of the subject approval.
- 4.18. The land use hereby permitted shall only operate between 10:00 and 23:00 from Wednesdays to Saturdays.

- 4.19. No amplified sound may occur in the venue after 23h00 and the venue must be vacated by all patrons and service providers by 24h00, and from 23h00 no undue noise may occur indoors or outdoors.
- 4.20. The land use hereby permitted is limited to the existing building in extent of 375m² with a maximum capacity of 150 guests for any function.
- 4.21. The land use hereby permitted is limited to a maximum of twenty-four (24) functions per year. An accurate register of functions must be kept and presented on request from an authorised official of the Municipality.
- 4.22. No more than one event (inclusive of permitted functions, receptions, conferences, or any other similar activity at any of the other facilities on the subject property) per day is permitted on the entire land unit.
- 4.23. The primary use of the farm must remain agriculture with the tourist activities being subservient or related to the dominant agricultural use of the property.

5. Matters to be noted

Should, after following due process -

- a) The subject approval remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
- b) The operational use of the function venue be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
- c) The function venue operates outside of its permitted days and hours, and/ or
- d) The traffic levels with ineffective control over the access point on the Helshoogte Road become a potential traffic nuisance or safety hazard, and/ or
- e) The function venue be used for any unauthorised uses not permitted in terms of this approval.

-the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Stellenbosch Municipal Bylaw on Land Use Planning (2023) to withdraw the subject approval granted and the building structure to be reverted to its original use as a farm shed.

6. The reasons for the above decision are as follow:

6.1. The function venue will not undermine the agricultural potential of the property as it consists of the conversion of an existing building and the extension of the existing tourist facilities currently located on the subject property.

6.2. The proposal is compatible with the rural character of the area and surrounding land uses which include a number of similar tourism orientated uses.

6.3. The potential negative impacts that the proposal might have on the appellants were taken into consideration with due regard to mitigation measures to address the potential impacts.

7. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 16-04-2024

COPIES TO:

[Redacted]
Email: [Redacted]

[Redacted]
Email: [Redacted]

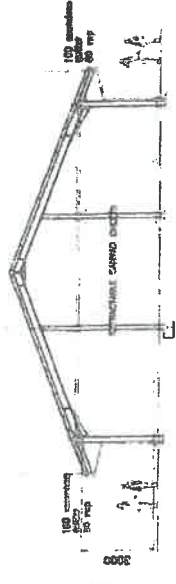
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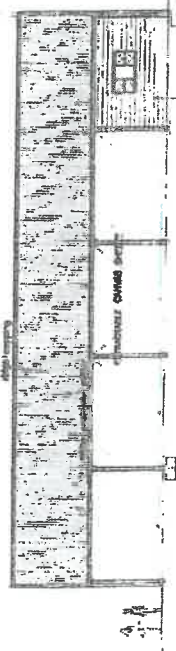
ANNEXURE D

1800 2000 3000 4000 5000 6000 7000 8000 9000 10000 11000

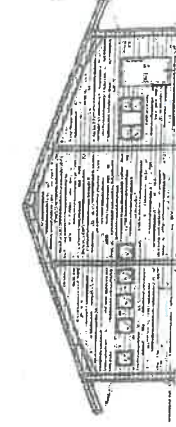
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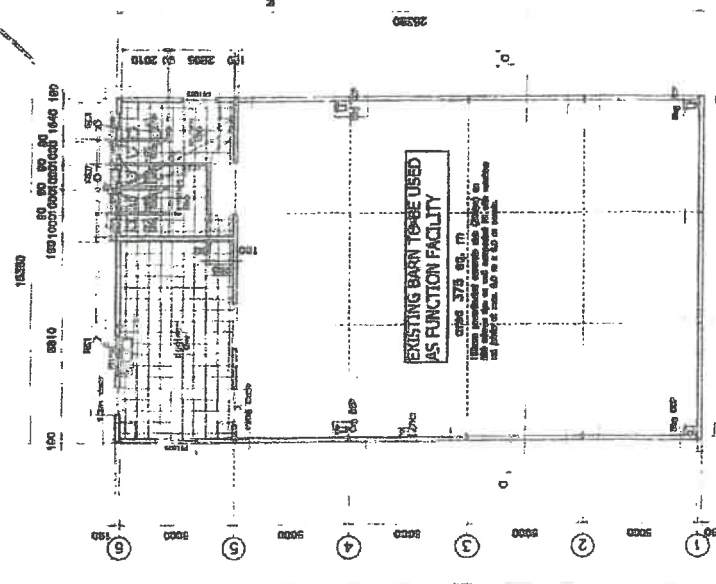
ELEVATION ON GRIDLINE 1



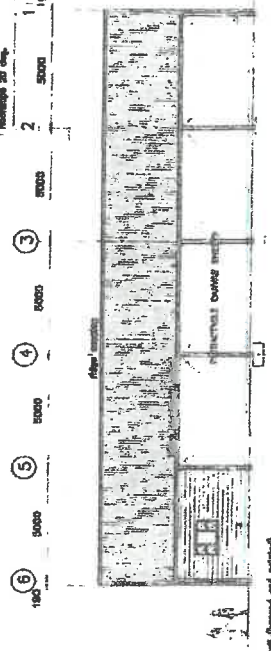
ELEVATION ON GRIDLINE D



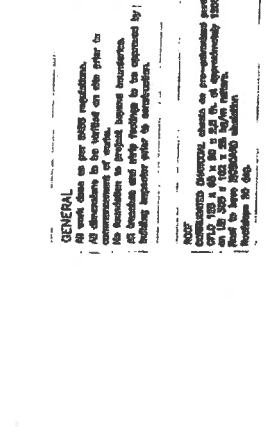
ELEVATION ON GRIDLINE 6



GROUND FLOOR PLAN AND SECTIONS



ELEVATION ON GRIDLINE A



ELEVATION ON GRIDLINE 6

GENERAL
 All work done to per 2010 regulations.
 All dimensions to be verified on site prior to construction.
 No excavation to be carried out below ground level.
 All foundations and footings to be approved by a building inspector prior to construction.

ROOF
 ROOF TO BE CONSTRUCTED WITH 10% SLOPE TO THE REAR WALL.
 ALL ROOFING TO BE APPROVED BY A BUILDING INSPECTOR PRIOR TO CONSTRUCTION.

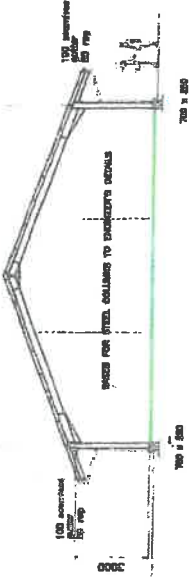
DOORS & WINDOWS
 All windows to be finished aluminium.
 All doors to be finished aluminium.
 All doors to be finished aluminium.
 All doors to be finished aluminium.

PLUMBING AND DRAINAGE
 All water pipes to be finished with 1/2" diameter pipes.
 All waste pipes to be finished with 1/2" diameter pipes.
 All drainage to be finished with 1/2" diameter pipes.
 All drainage to be finished with 1/2" diameter pipes.

FOUNDATIONS
 All foundations to be finished with 100mm concrete.
 All foundations to be finished with 100mm concrete.

OWNER:
 MITCHELL'S DRAUGHTING SOLUTIONS
 10/100 100-1000
 10/100 100-1000
 10/100 100-1000
 10/100 100-1000

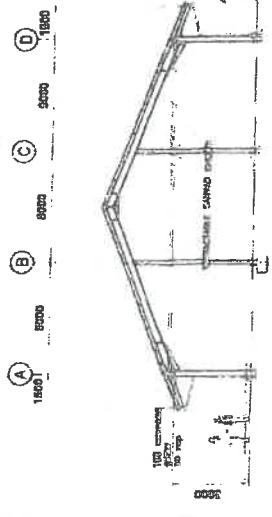
DATE:
 27/02/2010 11:00
 25/10/2011



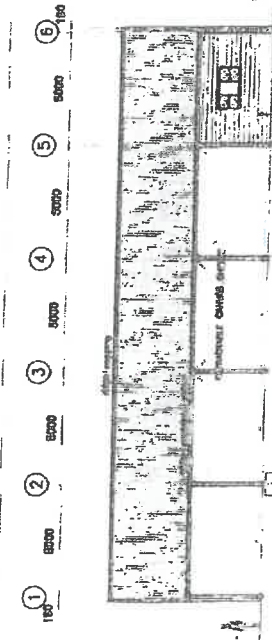
SECTION G - D

EXISTING BARN TO BE USED AS FUNCTION FACILITY

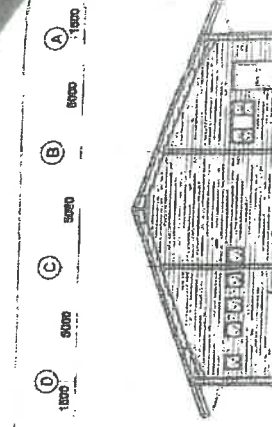
ANNEXURE C



ELEVATION ON GRIDLINE 1



ELEVATION ON GRIDLINE D



ELEVATION ON GRIDLINE 6

ROOF
CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.

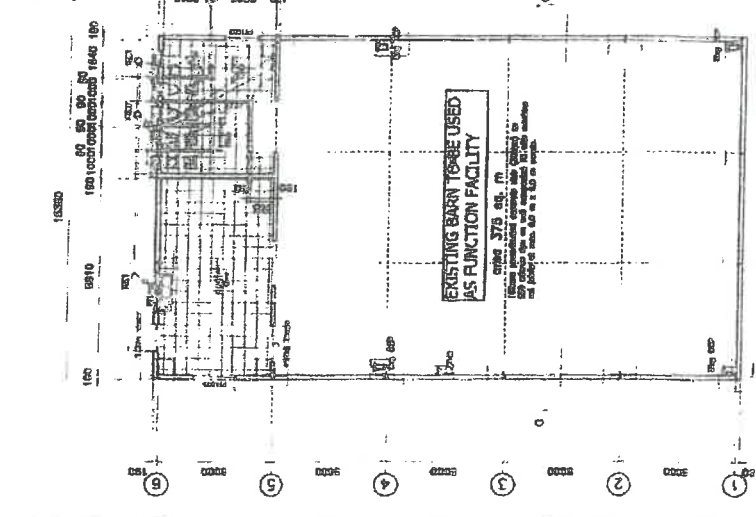
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CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.

ROOF
CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.

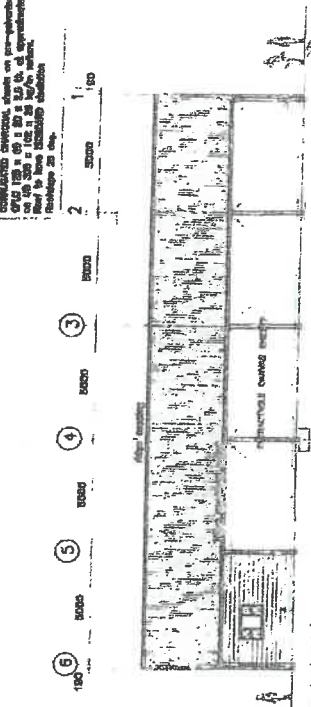
ROOF
CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.

ROOF
CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.

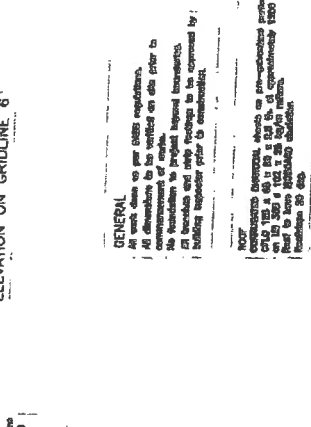
ROOF
CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.



GROUND FLOOR PLAN AND SECTIONS



ELEVATION ON GRIDLINE A



ELEVATION ON GRIDLINE 6

GENERAL
All work shall be per NZS81 regulations.
All dimensions to be verified on site prior to construction.
No foundations to be provided beyond boundaries.
All foundations and other structures to be constructed by building inspector prior to construction.
ROOF CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.
ROOF CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.

DOORS & WINDOWS
All windows to be installed in accordance with NZS4122.
All doors to be installed in accordance with NZS4122.
All doors and windows to be installed in accordance with NZS4122.

PLUMBING AND DRAINAGE
All plumbing and drainage to be installed in accordance with NZS3615.
All plumbing and drainage to be installed in accordance with NZS3615.
All plumbing and drainage to be installed in accordance with NZS3615.

FOUNDATIONS
All foundations shall be 150mm below RL.
All foundations shall be 150mm below RL.

OWNER:
MITSUBISHI BUILDING SOLUTIONS
18 JAMES STREET
AUCKLAND
TEL: 09 300 9778
FAX: 09 300 9779
OWNER: L. POMMER WINE ESTATE
107 WATSON ROAD
HUNTSVILLE
AUCKLAND

DATE: 27/06/01
SCALE: 1/50
PROJECT: 2010/01-01



SECTION 'D-D'

FLOOR
CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.

FLOOR
CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.

FLOOR
CONCRETE CHANGING FROM AN UNFINISHED FINISH ON THE 100mm CONCRETE SLAB TO AN APPROXIMATELY 1500mm FINISH TO BE DETERMINED BY THE ARCHITECT.

ANNEXURE K



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Salome Newman
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 28 January 2021
Our Ref ▫ Ons Verw: Civil LU 2126
Your Ref: LU/12038
Re ▫ Insake: Farm 127/24, Stellenbosch: Consent Use to utilise the existing farm shed as a function venue.

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

1. **Civil Engineering Services**
 - 1.1 Please note that the municipality does not have water and sewer infrastructure in the vicinity of the site and the Owner will be responsible for the provision of these services.
 - 1.2 The owner has confirmed that sewer collection and discharge is via conservancy tank, which is an acceptable method. No septic tanks are permitted. Any existing septic tanks to be replaced by conservancy tanks.
 - 1.3 The Owner has confirmed that water provision is via borehole. The Owner is responsible for the provision of potable water that complies with SANS 241 Drinking Water Quality Standards.
 - 1.4 DCs are payable before any further building plans are approved or before the building is put to its intended use, whichever comes first. See **DC calculation** attached. DCs only valid till 30 June 2021, after which a revised calculation will apply.
 - 1.5 The Provincial Roads Authority must provide comment on the application and any conditions by the Provincial Roads authority will be applicable.

2. Electrical Engineering

2.1 Refer to **Annexure: Electrical**

Tyrone King Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2126 (TK) Farm 127-24 Stellenbosch (LU-12038)\2126 (TK) Farm 127-24 Stellenbosch (LU-12038).doc

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	2126 (TK) Farm 127-24 Stellenbosch (LU-12036)
Date	Thursday, 28/Jan/2021
Financial Year	2020/21
Erf Location	↓ Show address
Erf No	Farm 127-24
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	"Plan and Elevations" drawing included in land use application

SUMMARY OF DC CALCULATION

Unit(s)	Water kl/day	Sewer kl/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	1.500	1.313	0.030	0.150	33.75	33.8	
Total Development Charges before Deductions				R 6 697.00	R 134 350.50	R 5 432.78	R 146 480.28
Total Deductions							
Total Payable (excluding VAT)				R 6 697.00	R 134 350.50	R 5 432.78	R 146 480.28
VAT				R 1 004.55	R 20 152.57	R 814.92	R 21 972.04
Total Payable (including VAT)				R 7 701.56	R 154 503.07	R 6 247.70	R 168 452.33

APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

Dwarsrivier

Land Use Category	Unit Type	Existing Usage				Proposed New Usage				Increased Usage	Development Charge Involved (excl VAT)										
		Infrastructure Type applicable? (yes/no)									Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Total				
		du	m2 GLA	du	m2 GLA	du	m2 GLA	du	m2 GLA		no	no	no	yes	yes	yes					
		du	area (m2)	du/ha	% GLA	area (m2)	du/ha	% GLA	m2 GLA												
Residential	Single Residential >1000m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential >500m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential >250m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential <250m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Less Formal Residential >250m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Less Formal Residential <250m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential >250m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential <250m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Medium Density Residential >250m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Medium Density Residential <250m2	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-
High Density Residential - flats	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-	
High Density Residential - student rooms	du		0			0	0	0	R	-	R	-	R	-	R	-	R	-	R	-	
Commercial	Local Business - office	m2 GLA		0%		375	0%	375	0	R	-	R	-	R	-	R	-	R	-	R	-
	Local Business - retail	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	General Business - office	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	General Business - retail	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
Industrial	Community	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Education	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Light Industrial	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	General Industrial - light	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
Other	General Industrial - heavy	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Medium Industrial - heavy	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Warehouse Industrial - heavy	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Warehouse	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
Special	Public Open Space	m2					0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Private Open Space	m2					0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Natural Environment	m2					0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Utility Services	m2 GLA		0%			0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Public Roads and Parking	m2					0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
	Transport Facility	m2					0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-
Unzoned Use						0%	0	0	R	-	R	-	R	-	R	-	R	-	R	-	
To be calculated																					
Special Use																					

* Complete yellow/green cells.

** du = dwelling unit, GLA=Gross lettable area.

*** if top layer red it not equal to existing area

Total Development Charges before Deductions	R0.00	R0.00	R0.00	R6 697.00	R134 350.50	5 432.78	R146 480.28
% Deductions per service (R)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	R 0.00
% Deductions per service (amount)	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
Additional Deduction per service - from Service Agreement (sum)							
Sub Total after Deductions (excluding VAT)	R0.00	R0.00	R0.00	R6 697.00	R134 350.50	5 432.78	R146 480.28
VAT	R0.00	R0.00	R0.00	R1 004.55	R20 152.57	814.92	R21 972.04
Total	R0.00	R0.00	R0.00	R7 701.55	R154 503.07	6 247.70	R168 452.33