



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16233(TP465/2023)

Our File Reference Number: Farm 27/25, 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 / Madam

APPLICATION FOR DELETION OF A CONDITION OF APPROVAL ON FARM 27/25, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
3. That the application in terms of Section 15(2)(h) Stellenbosch Municipal Land Use Planning Bylaw 2023 for a deletion of a condition of approval, condition no 3.3 of the approval letter, dated 24 April 2019 for the Consent Use for a tourist facility in order to accommodate a restaurant, deli and wine tasting and sales facility on Farm No. 27/25, Stellenbosch Division.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 4.1 The approval only applies to the proposed 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.
 - 4.2 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.

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4.3 Previous conditions relating to the Consent Use for the proposed tourist facility as stipulated in the letter dated 24 April 2019 (**Annexure C**) must be complied with.

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

5.1 There are no changes made to the Land Use proposal that was evaluated and granted in 2019.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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:

- a) First names and surname
- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) 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:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) 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.

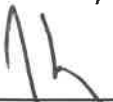
7.10 That the appeal includes the following declaration by the Appellant:

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) 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

29/11/2023
DATE:



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/6850

Our File Reference Number: Farm 27/25, Stellenbosch

Your Reference Number:

Enquiries: S. Zangqa / A. Hardouin

Contact No: 021 808 8667 / 8673

Email: Siyanda.Zangqa@stellenbosch.gov.za /

Email: Annecke.Hardouin@stellenbosch.gov.za

Date: 24 April 2019

REGISTERED MAIL

P. J. le Roux Town Planners

PO Box 3457

PAARL

7620

Sir,

APPLICATION FOR CONSENT USE & TEMPORARY DEPARTURE: FARM 27/25, STELLENBOSCH DIVISION

1. The above application refers.
2. The Authorised Employee, on 17 April 2019, **approved, in whole** in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for the following:
 - 2.1 Consent use for a tourist facility in order to accommodate a restaurant, deli and wine tasting and sales area as indicated on project no: VOR-01, dated 15/08/2017, drawn by CT (See **Annexure B**);
 - 2.2 Temporary departure in order to accommodate a micro-brewery ($\pm 200\text{m}^2$) within an existing building as indicated on project no: VOR-01, dated 15/08/2017, drawn by CT (See **Annexure B**).

3. The above approvals are subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015:

- 3.1 The approval applies only to the consent uses and temporary departure on project no: VOR-01, dated 15/08/2017 (See **Annexure B**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 3.2 The approval for the temporary departure is only valid for five (5) years from date of final notification;
- 3.3 The approval for the consent use will lapse if not implemented within 5 years from date of notification;
- 3.4 The conditions as set out by the Directorate: Engineering Services as contained in the letter dated 13/04/2018, attached here as **Annexure F**, be adhered to;
- 3.5 The conditions as set out by the Department of Transport and Public Works as contained in the letter dated 20/08/2018, attached here as **Annexure F**, be adhered to;
- 3.6 The conditions as set out by the Manager: Spatial Planning , Heritage and Environment as contained in the letter dated 05/09/2018, attached here as **Annexure F**, be adhered to;
- 3.7 The conditions as set out by the Department of Water and Sanitation as contained in the letter dated 11/05/2018, attached here as **Annexure F**, be adhered to;
- 3.8 The relevant business and liquor licence be obtain should it be required;
- 3.9 Building plans must be approved by this municipality, prior to any building work commencing on site.
- 3.10 The Municipality reserves the right to impose further conditions if deemed necessary.

4. Reasons for the above decision are as follows:

- 4.1 The zoning of the property will remain the same;
- 4.2 The proposal is in keeping with the current land uses on the subject property
- 4.3 The proposal will not have any impact on municipal services;
- 4.4 The proposal will not negatively impact the traffic in the area;
- 4.5 The proposal will not adversely impact on the surrounding environment, uses, property values or the character of the area.

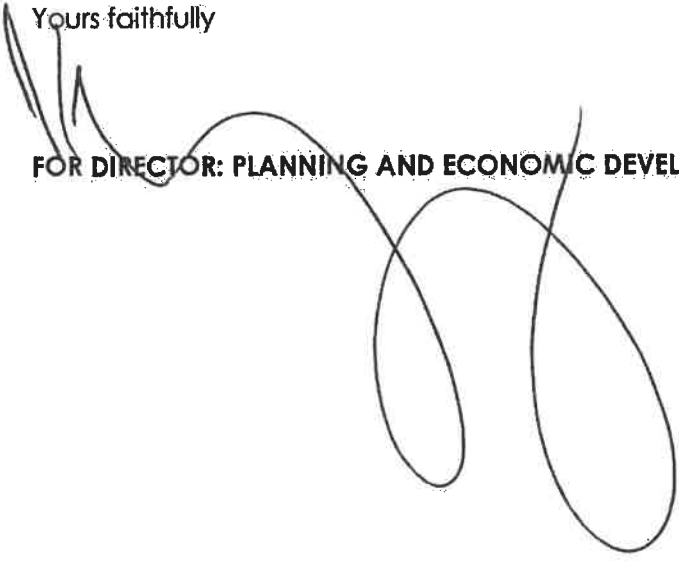
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.

6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at www.stellenbosch.gov.za/planning portal, must be completed and should be directed to the

Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof of payment of the appeal fee (*only applicable to applicant appeals*). See the approved tariff structure on the municipal website.

7. In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended [and may therefore not be acted on] (delete this phrase if decision was refusal) 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