

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15049 (TP170/2022)

Our File Reference Number: Farm 468/128, 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 A PERMISSION IN TERMS OF A CONDITION OF APPROVAL IN TERMS OF SECTION 15(2)(I) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015: FARM 468/128, 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 for a permission required in terms of a condition of approval, condition (b) of Appendix 1 of letter of approval dated 27/07/2017 in terms of Section 15(2)(I) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 in order to amend the 16/01/2020 approved Site Development Plan and replace it with a new Site Development Plan on Farm No. 468/128, Stellenbosch Division.

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

- 2.2 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:
 - 2.2.1 The approval only applies to the 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.
 - 2.2.2 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.

2.2.3 The development to add an additional 2000m² to the services trade area on Farm No. 468/128, Stellenbosch Division be implemented in accordance with the Site Development Plan, drawing WS-S01_SDP dated 24/02/2023 drawn by MWLF Architects and attached as **ANNEXURE E**.

2.2.4 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

2.2.5 The conditions stipulated in the memorandum dated 04 May 2023 from the Director: infrastructure services attached as **ANNEXURE C**, at all-times be adhered to.

2.2.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment or as may be agreed on in writing with the Director Infrastructure Services.

2.2.7 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first.

2.3 The reasons for the above decision are as follows:

2.3.1 Proposed 2000m² service trade building will still be developed within the permissible bulk of 13886m² as approved by this municipality.

2.3.2 The existing services will be sufficient for the additions to the service trade facility and all road access points could still provide safe access to the property for the additional traffic to be generated.

2.3.3 The aesthetic appearance of the properties along the Baden Powel Drive will not be significantly altered considering that the proposed single storey service trade building will be setback, either further away from the road or in line with existing buildings along the subject road.

3. 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.
4. 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

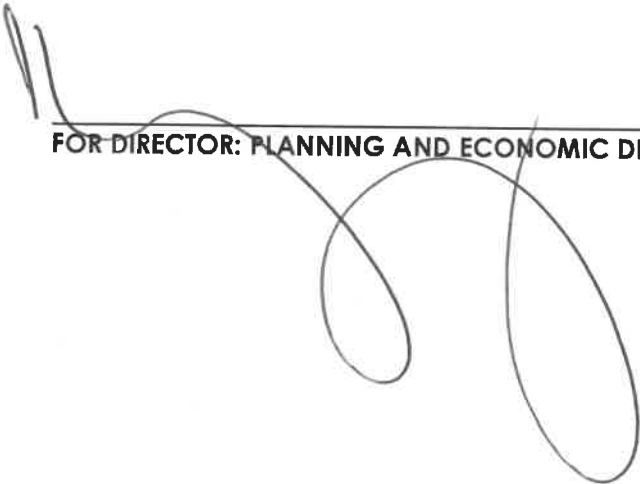
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
 - (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation 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.
- 5. 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
- 6. 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.
- 7. 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>).
- 8. 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.

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 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

17/7/2023
DATE:

Annexure C

Comments from Departments



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: Bulelwa Mdoda
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 4 May 2023
Our Ref ▫ Ons Verw: Civil LU 2499
Your Ref: LU/15049 – TP170/2022
Re ▫ Insake: Farm 468\128, Stellenbosch: Application in terms of Section 15(2)(h) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 for in order to amend the 16/01/2020 approved Site Development Plan and replace it with Site Development Plan dated 31/10/2022, drawing WS-S01_SDP dated 24/02/2023 drawn by MWLF Architects to add an additional 2000m² to the services trade area on Farm No. 468/128, Stellenbosch Division.

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

- 1. Civil Engineering Services**
 - 1.1 There are no municipal water and service networks in the area. The Owner is responsible for own service provision.
 - 1.2 Existing services are to be used. Any alteration / upgrade of existing services to accommodate the proposed building will be for the Owners account.
- 2. Roads**
 - 2.1 Access is from a provincial road – please obtain approval from Provincial Roads Engineer.
- 3. Development Charges (DCs)**
 - 3.1 The following DC's are payable: See Development Charge Calculation attached.

- 3.2 Please note that this calculation is indicative at this stage and will be amended based on the detail information provided on the building plans.
- 3.3 The DC's were calculated by using the 2022/2023 tariff structure. If DC's are paid after 30 June 2023 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 3.4 The appropriate DC's are payable before building plan approval.



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\01 Land Use applications\2499 () Farm 468-128 Stellenbosch (LU-15049 TP170-2022)\2499 () Farm 468-128 Stellenbosch (LU-15049 TP170-2022).doc



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	DC 2499 (I) Farm 468-128 Stellenbosch (LU-15049 TP-170-2022)
Development Name:	
Date:	04 May 2023
Financial Year:	2022/2023
Erf Location (Select from 7 Locations):	Stellenbosch Town
Vehicle Ownership (Select Normal or Low):	Normal
Erf Region (Select Urban or Rural):	Urban
Erf No:	468-128
DC Parameters Reference:	Page 2 of Motivation report

SUMMARY OF DC CALCULATION						
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community
Unit(s):	kl/day	kl/day	ha °C	U/week	trips/day	persons
Total Increased Services Usage:	8	7	0.3	0.4	120	20
Total Service Usage Reduction:	0	0	0	0	0.0	0
Total Service Usage after Reduction:	8.00	7.00	0.30000	0.400	120.0	20
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 35 041.60	R 936 936.00	R 30 701.13
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 35 041.60	R 936 936.00	R 30 701.13
Total Deductions:	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R 35 041.60	R 936 936.00	R 30 701.13
VAT:	R -	R -	R -	R 5 256.24	R 140 540.40	R 4 605.17
Total Development Charges Payable (including VAT):	R -	R -	R -	R 40 297.84	R 1 077 476.40	R 35 306.30
						R 1 153 080.54

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature:	
Notes:	

[illegible][illegible]

Annexure D
Previous Approval

REGISTERED LETTER 468/128 
VEREISTREERDE BRIEF Post Office
 with an insurance option/met 'n versekeringsopsie)
Full tracking and tracing/Volledige volg en spoor
 Addressed to/Geadresseer aan
 Headland Town and Regional Planners
 P.O. Box 197
 Edgemead
 7407 Postcode
 Postkode

Postage paid R
 Service fee/Diensgeld R
 Insurance/Versekering R
 Total/Totaal R

Insured value of contents
 versekerde waarde van inhoud R

Enquiries/Navrae
 Toll-free number
 Tolvry nommer
 0800 111 502

Initial of accepting officer
 Date stamp

The value of the contents of this letter is as indicated and compensation is not payable for a letter delivered unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2000.00 is available and applies to domestic registered letters only.
 Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en slegs op binnelandse geregistreerde briewe van toepassing.

REGISTERED LETTER
 (with an insurance option)
 RD 929 215 912 ZA
CUSTOMER COPY 301028R
 kliëntataskrif

Paraaf van aanneem-beampte
 Datumstempel

Telephone
 Fax

021-808 8699 / 8682
 021-886 6899

7

27/07/2017

REGISTERED MAIL

Headland Town and Regional Planners
 P O Box 197
 Edgemead
 7407

FILE NR: OUTGOING POST
 F 468/128 W/0657
 SCAN NR:
 COLLABORATOR NR:
 530741

Sir

APPEAL IN TERMS OF SECTION 62 OF THE MUNICIPAL SYSTEMS ACT (ACT 32 OF 2000) AGAINST THE DECISION BY THE DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT TO PARTIALLY APPROVE AN APPLICATION OF FARM 468/128, STELLENBOSCH DIVISION

My previous correspondence refers.

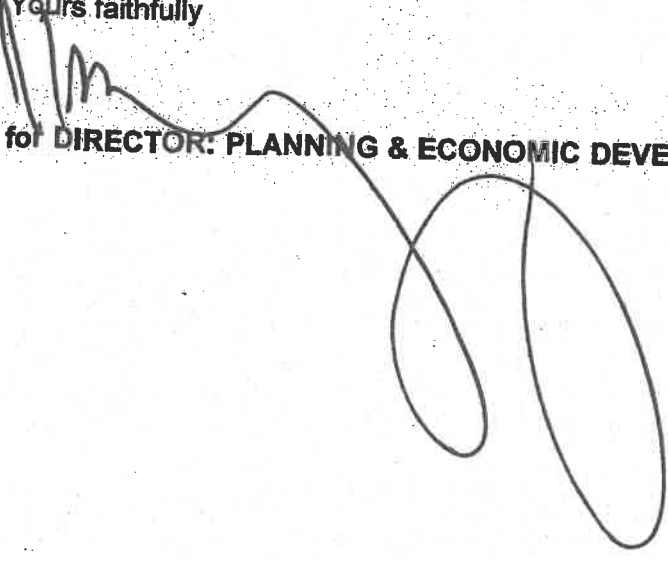
I wish to advise that the Municipal Manager resolved on 03 May 2017 to uphold the appeal in terms of Section 62 of the Municipal Systems Act.

Reasons for the decision

Appeal upheld, considering the fact that the warehouse will be used for packaging and mixing of animal feed, bottle corks, etc. Given the future plans as indicated by the Director the appeal upheld.

Please be advised that the appeal process has now been concluded and that the above decision is therefore now considered final.

Yours faithfully


 for DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

Enquiries
Your ref
Our ref
Application No
Date
Telephone
Fax

C Charles / U Von Molendorff
Farm 468/128, Stellenbosch
LU/2657
2016-10-03
021-808 8699 / 8682
021-886 6899

REGISTERED MAIL

Headland Town and Regional Planners
PO Box 197
Edgemead
7407

Sir

FILE NR:	OUTGOING POST
468/128	LU/2657
SCAN NR:	
COLLABORATOR NR:	
	466840

APPLICATION FOR CONSENT USES, DEPARTURE AND TEMPORARY DEPARTURE: FARM 468/128, STELLENBOSCH DIVISION

Your application in the above regard, refers.

The Director, Planning and Economic Development at a recent meeting resolved as follows:

That the application in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and promulgated under P.N. 1048/1988 for service trade for agricultural warehousing, packaging, repairs, agricultural research facilities and ancillary sales outlets on Farm 468/128, Stellenbosch Division, **be refused**.

That the application in terms of Regulation 4.6 of the Scheme Regulations made in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and promulgated under P.N. 1048/1988 for a consent use for tourist facilities to utilise the existing historic house/cellar (±465m²) as a restaurant and administrative / information centre on Farm 468/128, Stellenbosch Division, **be approved**, subject to the conditions as per the attached Appendix 1.

That the application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure to encroach the common building line from 30m to 4m in order to regularise an existing situation whereby the historic house/cellar encroaches the 30m prescribed building line, **be approved**, subject to the conditions as per the attached Appendix 1.

That the application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a temporary departure to utilise ±4990m² for warehousing purposes on Farm 468/128, Stellenbosch Division, **be approved**, subject to the conditions as per the attached Appendix 1.

The application is not supported for the following reasons:

- The subject property falls outside the urban edge as well as outside the development node located at Lynedoch;
- The proposed consent uses for service trade will not be secondary to any agricultural activity on the subject property for which it is zoned;
- All required authorisations were not obtained including, amongst others, water licenses;
- The proposed development does not fit in with the agricultural character of the surrounding area.

Kindly note that the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Kindly also note, you are advised in terms of Section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

Kindly be advised that you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000 ("MSA"), and/or the internal appeal process approved by Council at its meeting held on 29 October 2014. In terms of the aforesaid Council decision, an applicant or objector aggrieved by a decision of Council in respect of an application in terms of the Ordinance, Zoning Scheme Regulations or applicable By-Law, may appeal against such decision to the Municipal Manager, by giving written notice of such appeal.

A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R1500,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P.O. Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, or faxed to fax number 021 886 6899 within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Saturday, Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority. Kindly be advised that no appeal will be accepted via email.

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

Kindly be advised that objectors (if any) are granted a simultaneous right of appeal in terms of the internal appeal process approved by Council at its meeting held on 29 October 2014.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council before or after the matter is heard.

Important note: Rights of appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance, No 15 of 1985 no longer exist as such an appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape has been declared unconstitutional by the Constitutional Court in its unanimous judgment* on 4 April 2014, as such matters fall within the exclusive functions of a municipality in terms of the Constitution.

Kindly note the above Council decision 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 & ECONOMIC DEVELOPMENT

* In Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others, Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others [2014] ZACC 9 (Case No. CC117/13).



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APPENDIX 1

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means Farm 468/128, Stellenbosch Division

"scheme regulation" in this instance means the Section 8 Zoning Scheme Regulations and has the meaning assigned thereto by Ordinance 15 of 1985

EXTENT OF APPROVAL: Consent use for tourist facilities to utilize the existing historic house/cellar ($\pm 465\text{m}^2$) as a restaurant and administrative / information centre on Farm 468/128, Stellenbosch Division.

Departure to encroach the common building line from 30m to 4m in order to regularize an existing situation whereby the historic house/cellar encroaches the 30m prescribed building line on Farm 468/128, Stellenbosch Division.

CONDITIONS IMPOSED: Consent use and departure conditions *Temporary departure to utilize $\pm 5000\text{m}^2$ for warehousing purposes*

(a) The approval applies only to the consent use and departure in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

(b) That a revised site development plan indicating the approved activities be submitted to Council;

(c) That building plans be submitted to Council for consideration and approval prior to commencing with the activity;

(d) That all applicable licenses be obtained from the Health Department;

(e) That this Council reserves the right to impose further conditions if deemed necessary.

(f) *that the temporary departure for warehousing be valid for a period of five years.*

COMPILED BY:

C Charles
SENIOR TOWN PLANNER

08/09/2016
Date

RECOMMENDED BY:

H. Dednam
MANAGER: LAND USE MANAGEMENT

08/09/2016
Date

THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT HEREBY APPROVES THE ABOVE RECOMMENDATION WITH AMENDMENTS AND CONDITIONS

D Lombard
DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

09/09/2016
Date

Confidential

APPENDIX 1

Should the recommendation for partial refusal be overruled, the following conditions shall apply:

- (a) That the approval applies only to the consent use and temporary departure in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- (b) That the approval for the temporary departure shall lapse after five years from the date of final notification;
- (c) That the temporary departure activity be moved to a suitably zoned area before or when the aforementioned five year period lapses;
- (d) That building plans (temporary departure) be submitted to Council for approval and record purposes;
- (e) That building plans (consent uses) be submitted to Council for consideration and approval prior to commencing with the activity;
- (f) That proof of the final environmental authorisation from the Department of Environmental Affairs and Development Planning be submitted to Council for record purposes;
- (g) That a revised site development plan indicating the approved activities be submitted to Council;
- (h) That all applicable licenses be obtained from the Health Department;
- (i) That this Council reserves the right to impose further conditions if deemed necessary.



STELLENBOSCH

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Our Reference Number: Farm 468/128, Stellenbosch
Application Number: LU/8636
Your Reference Number:
Enquiries: P April / B Mdoda
Contact No. 021 808 8683 / 8690
Email: Pedro.April@stellenbosch.gov.za / Bulelwa.Mdoda@stellenbosch.gov.za

REGISTERED MAIL

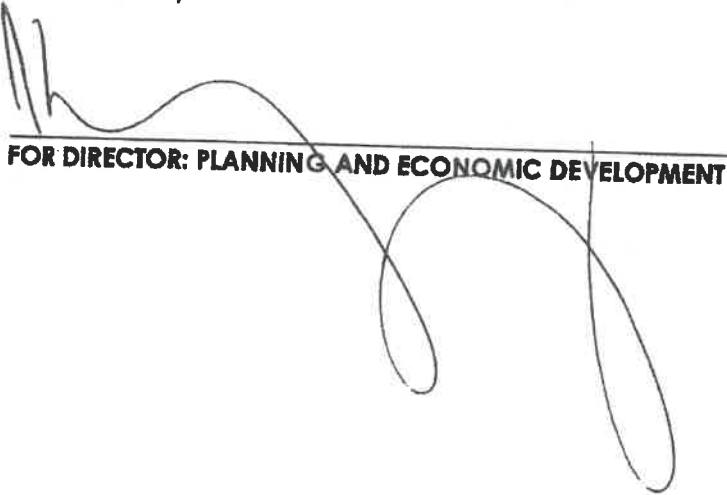
Headland Planners (Pty) Ltd
508 Wembley Square
Gardens
CAPE TOWN
8001

Sir

APPLICATION FOR TEMPORARY DEPARTURE, SUBDIVISION AND DEPARTURE: FARM NO. 468/128, STELLENBOSCH DIVISION

1. This Municipality's letter dated 16 January 2020, refers.
2. I wish to advise that the appeal process has now been concluded and herewith confirm that no appeal has been lodged with the Municipality as contemplated in section 79(2) of the Stellenbosch Municipal Land Use Planning By-law.
3. Accordingly, you may now act on the decision detailed in my letter dated 16 January 2020, subject to compliance with the conditions of approval.

Yours faithfully


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

17/2/2020.
DATE



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Reference Number: Farm 468/128, Stellenbosch

Application Number: LU/8636

Your Reference Number:

Enquiries: P April / B Mdoda

Contact No. 021 808 8683 / 8690

Email: Pedro.April@stellenbosch.gov.za / Bulelwa.Mdoda@stellenbosch.gov.za

REGISTERED MAIL

Headland Planners (Pty) Ltd
508 Wembley Square
Gardens
CAPE TOWN
8001

Sir

APPLICATION FOR TEMPORARY DEPARTURE, SUBDIVISION AND DEPARTURE: FARM NO. 468/128, STELLENBOSCH DIVISION

1. The application in the above regard, refers.
2. The Authorised Employee, on 9 December 2019, **approved**, 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:
 - (i) The **subdivision** of Farm No. 468/128, Stellenbosch Division into three portions of Portion 1 ($\pm 1,2\text{ha}$), Portion 2 ($\pm 1,7\text{ha}$) and a Remainder ($\pm 9,3\text{ha}$).
 - (ii) A **temporary departure** in order to use $\pm 4450\text{m}^2$ (3 buildings of $\pm 1462\text{m}^2$, $\pm 2056\text{m}^2$ and $\pm 925\text{m}^2$ respectively) of the current permitted bulk on the Remainder as wineries, distilleries, breweries, in the three buildings as per the approved site development plan for the property.
3. The application for building line departures in order to relax the 30m building line on Portion 1, to 1.5m along the railway line and 8.5m from Portion 2 (Road) for the

construction of new buildings **be refused**, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015.

4. That the above approvals granted are subject to the following conditions in terms of Section 66 of the above-mentioned by-law;

- (i) The approval applies only to the subdivision and temporary departure in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external departments;
- (ii) The conditions of the Directorate; Engineering Services, in **Appendix 4** at all times be adhered;
- (iii) The conditions of the Municipal Spatial Planning, Heritage and Environment Section, in **Appendix 5** at all times be adhered;
- (iv) The conditions of the Department of Water Affairs and Sanitation, in **Appendix 7** at all times be adhered;
- (v) It will be the responsibility of the owners to obtain the necessary approval and comply with any other law, regulation, permits or conditions from external departments with regards to water, effluent disposal from the activities and any other applicable activities requiring a separate approval or permit;
- (vi) The necessary liquor licenses must be obtained in terms of the Liquor Act, 1989 (Act 27 of 1989);
- (vii) That no pollution, may take place on the property;
- (viii) All electrical requirements should be directed to Eskom, considering that the property falls outside the Stellenbosch area of supply;
- (ix) Erf Diagrams for the subdivided units must be submitted to this municipality for record and clearances purposes.
- (x) The approval will lapse if not implemented within 5 years from date of final notification.

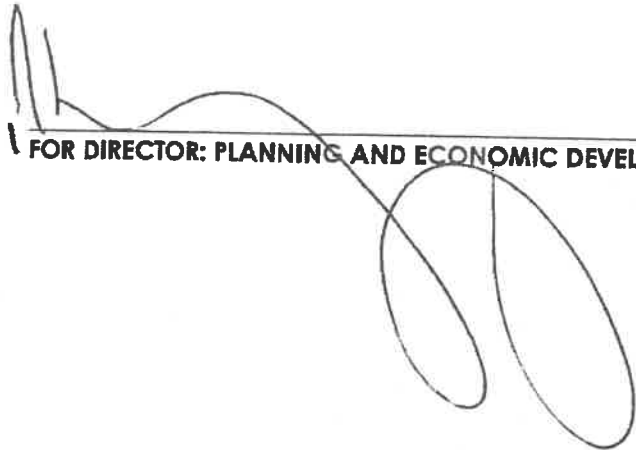
5. REASONS FOR THE DECISION

- (i) The proposed land use is in conformance with the principles of the Stellenbosch Municipal Spatial Development Framework in relation to agricultural processing activities.
- (ii) The intended facilities and its location on the property will be of a nature that should not be detrimental to the immediate and surrounding areas, if all conditions of approval are complied with.
- (iii) No significant heritage and environmental impacts are envisaged by the development.

- (iv) Existing access point and access road to the property will be use.
 - (v) No objections against the possible impact of the development.
 - (vi) All required loading and parking to be provided will be onsite.
 - (vii) Existing services will be used, upgraded or newly built to the satisfaction of the engineering department.
 - (viii) There are no restrictive title deed conditions registered against the title deed that prohibit the proposed development of the property.
 - (ix) The proposed land uses are low intensity agricultural processing activities which would not impact negatively on the property and area.
 - (x) The subdivision is just a formalisation of the three separate entities (the road and a land portion on the western and eastern side of the road) already in existence.
6. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
 7. 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 from 16 January 2020 (due to Council's recess)** together with proof of payment of the appeal fee (*only applicable to applicant appeals*). See the approved tariff structure on the municipal website.
 8. 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.
 9. 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.
 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 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


16/1/2020.
DATE

Appendix 2

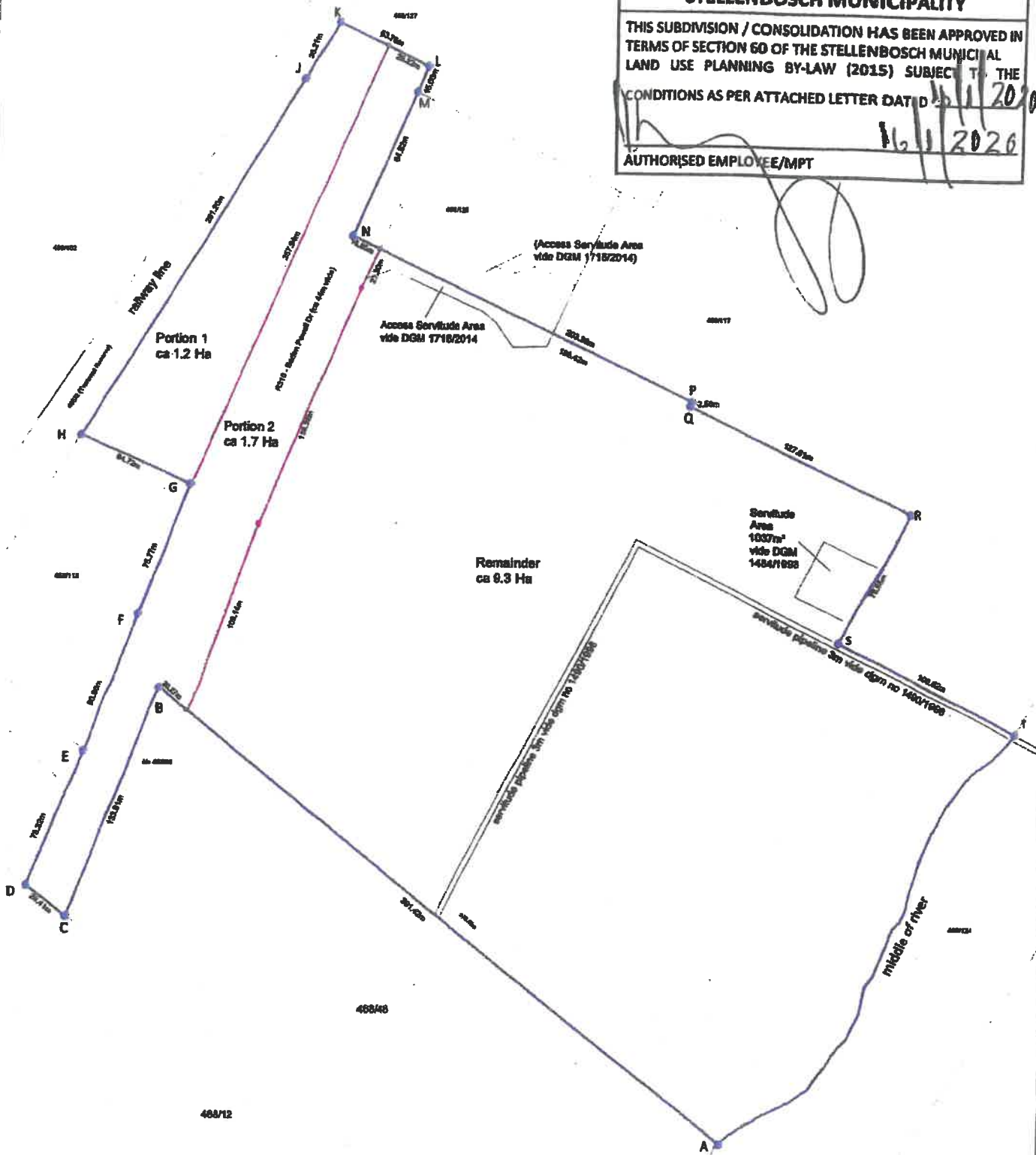
Proposed building plan.

1

STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL
LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE
CONDITIONS AS PER ATTACHED LETTER DATED 16/11/2020

AUTHORISED EMPLOYEE/MPT

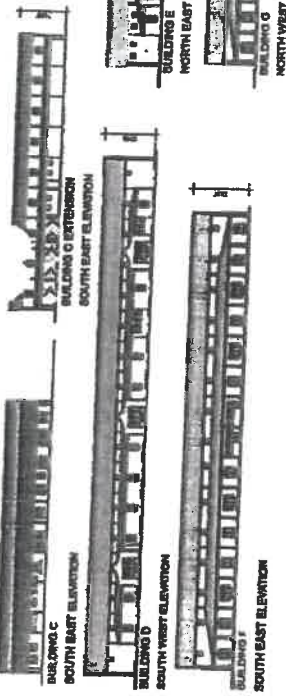


ST468/128.SUB02	Project	Stellenbosch Agri-Park: Portion 128 of the Farm Welmoed No 468			Tedvest Industrial (Pty) Ltd
ST468/128					
17/04/2019	Document	SUBDIVISION PLAN			
1 : 2 000 (A3)	Scale	Figure ABCDEFGHIJKLMNOPRST middle of river represents Portion 128 of Welbeloond Farm 468 measuring 12.2475Ha in extent to be subdivided as:			
	Index Map	Portion 1	Agriculture Zone I	ca 1.2Ha	with warehousing temporary departure site area 4,990m²
		Portion 2	Transport Zone II	ca 1.7Ha	
		Remainder	Agriculture Zone I	ca 9.3Ha	with Service Trade 13,886m² Floor Area, of with Temporary Departure for 4,450m² Floor Area of breweries, distilleries, wineries of; Tourist Facilities: 465m² Floor Area



headland

landscape



Building	Area (m²)	Volume (m³)
Building A	2 009	1 778
Building B	1 778	1 584
Building C	1 020	974
Building D	1 965	1 778
Building E	442	398
Building F	2 008	1 778
Building G	2 008	1 778
Building H	2 008	1 778
TOTAL	11 650	10 486

EXISTING BUILDINGS / BUILDINGS UNDER CONSTRUCTION
A) AREA SCHEDULE - REMAINDER

REMAINING BUILDING	PLANNING No	FLOOR AREA
EXISTING A	1	2 009 m²
EXISTING B	1	1 778 m²
EXISTING C	1	1 020 m²
EXISTING D	1	1 965 m²
EXISTING E	2	442 m²
EXISTING F	2	2 008 m²
EXISTING G	2	2 008 m²
EXISTING H	2	2 008 m²
TOTAL BULK - SERVICE TRADE		11 650 m²

OF WHICH Temporary Departure Buildings (E/F/G) 4 486 m²

PERMISSIBLE BULK (incl. repair workshops)	13 686 m²
COVERAGE (incl. loading workshops)	12 825 m²
COVERAGE %	13.2%
SITE AREA (ca. 1.2 Ha)	33 000 m²
PARKING PROVIDED	128 bays

B) AREA SCHEDULE - TOURISM FACILITIES CORNER

REMAINING BUILDING	PLANNING No	FLOOR AREA
EXISTING H	3	495 m²
TOTAL		495 m²

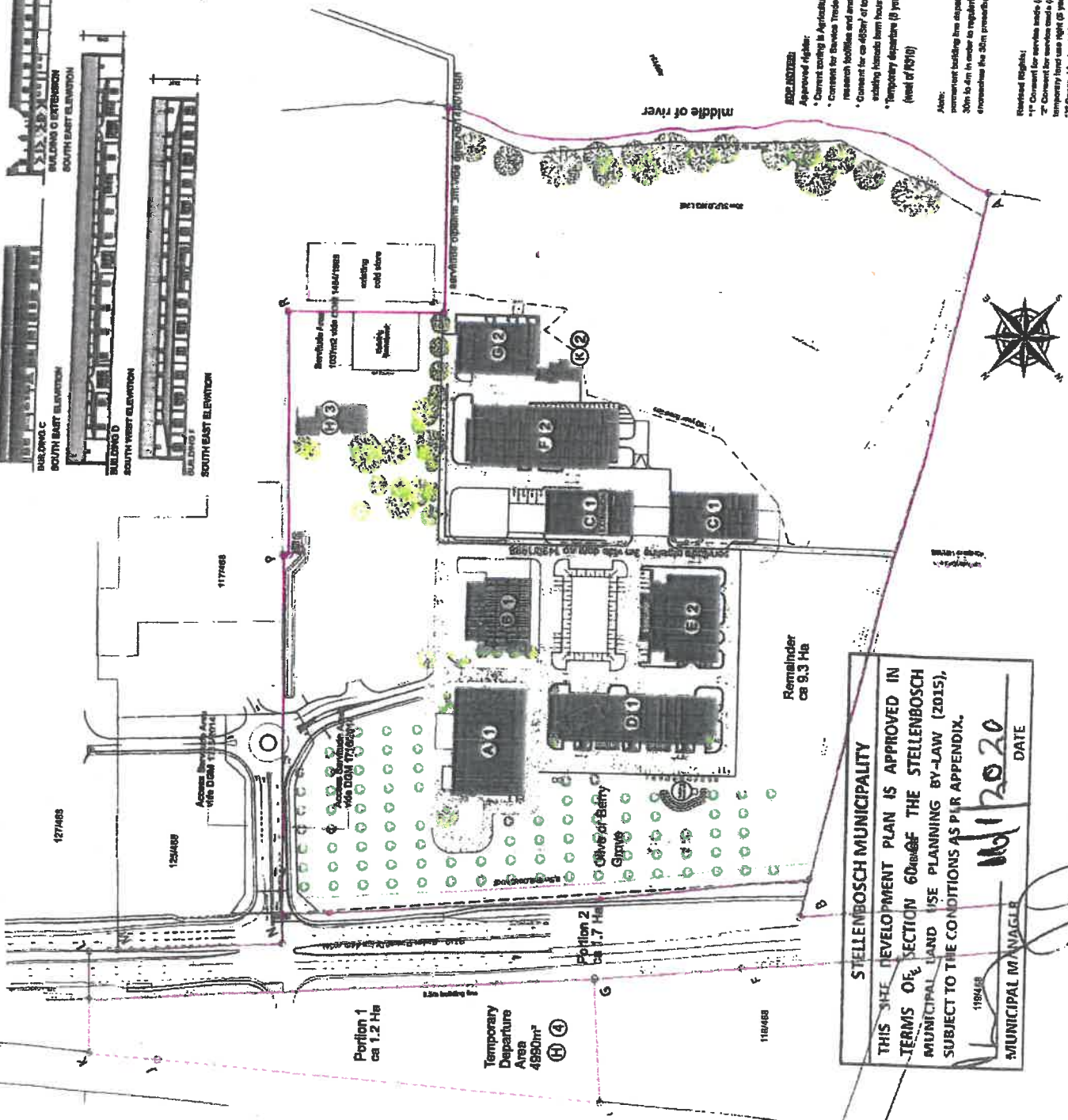
C) AREA SCHEDULE - PORTION 1

PORTION 1 AREA	PLANNING No	FLOOR AREA
EXISTING H	4	4 880 m²
TOTAL		4 880 m²

Client
TOURIST INDUSTRIAL P/L

Project
STELLENBOSCH AGRI-PARK
PORTION 1 & 2 (ca. 1.2 Ha)

Site Development Plan
 Drawing No: SD-101-2020
 Date: 12/02/20



STELLENBOSCH MUNICIPALITY

THIS SITE DEVELOPMENT PLAN IS APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015), SUBJECT TO THE CONDITIONS AS PER APPENDIX.

MUNICIPAL MANAGER
 11/04/20
 11/04/20

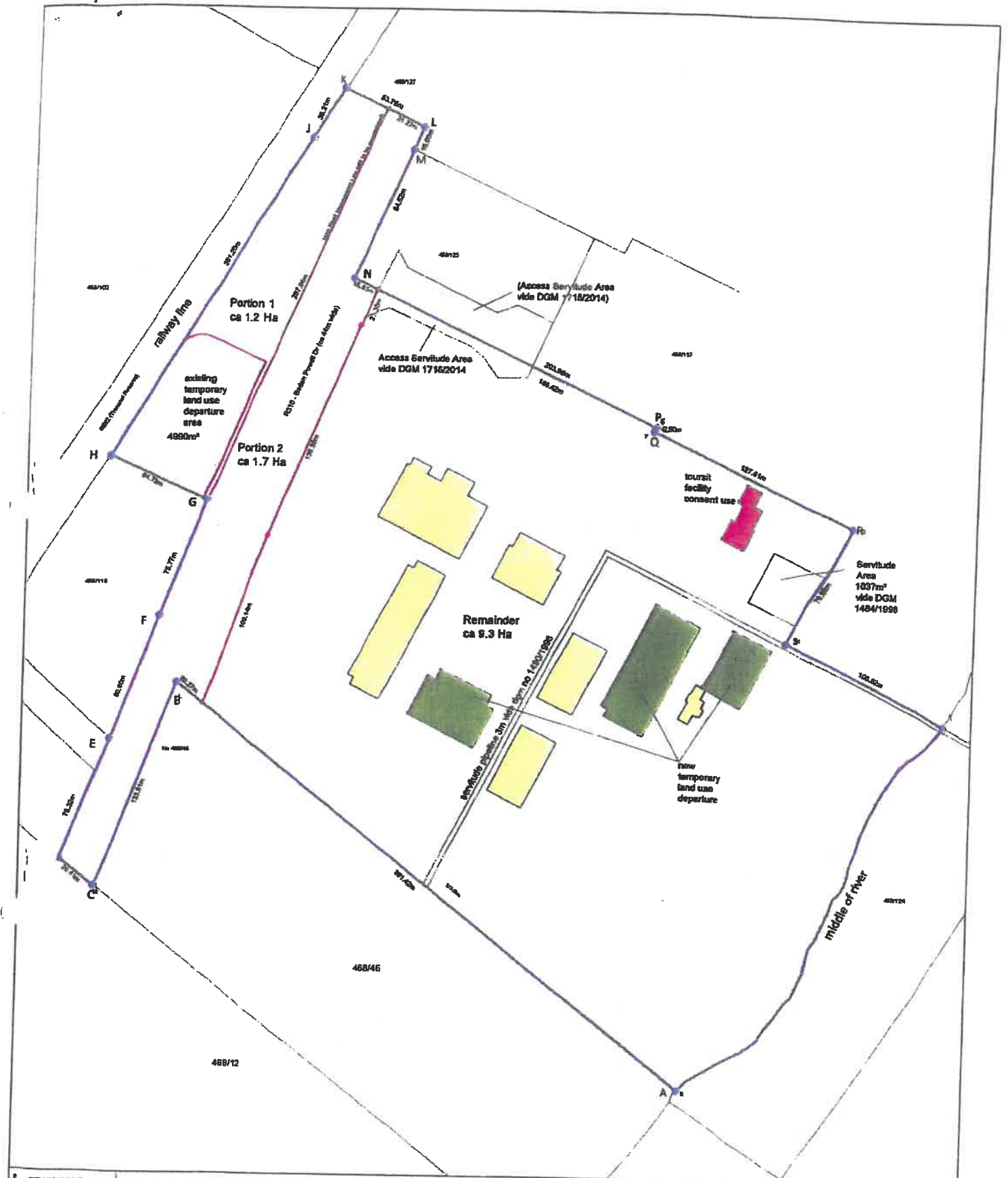
DATE
 11/04/20

- Approved by:**
- * Current zoning is Agricultural 1
 - * Consent for Service Trade for agricultural warehousing, processing, repairs, agricultural research facilities and auxiliary office building amounting to ca. 13,686 m² of bulk (incl. of NS10)
 - * Consent for ca. 488 m² of tourist facilities (restaurant, service and information centre) in the existing bonded farm house
 - * Temporary departure (5 years) to utilize ca. 4,580 m² for warehousing purposes (incl. of NS10)

Notes:

permanent building line departure to encroach the consent building line from 30m to 4m in order to regularize an existing situation whereby the historic householder encroaches the 30m permanent building line

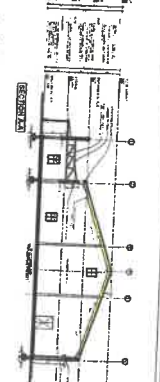
- Revised Rights:**
- *1* Consent for service trade (incl. of NS10)
 - *2* Consent for service trade (incl. of NS10)
 - *3* Consent for temporary departure (5 years) for warehousing purposes (incl. of NS10)
 - *4* Temporary land use departure (5 years) to utilize ca. 4,580 m² land area



ST468/128.ZON02	project	Stellenbosch Agri-Park: Portion 128 of the Farm Welmoed No 468				date	Tadvest Industrial (Pty) Ltd
ST468/128							
17/04/2019	drawing	ZONING PLAN					
1 : 2 000 (A3)	notes / key	Portion	Zoning	Consent	Temporary Departure		
		1	Agriculture I	-	existing Warehousing (4,980m² site area)		
		2	Transport II	-	-		
		Remainder	Agriculture I	Service Trade 13,886m² (floor area)	of which 4,450m² for temporary departure for wineries, breweries, distilleries		
		Agriculture I	Tourist Facilities (465m² Floor Area)				



Annexure E
New Site Development Plan

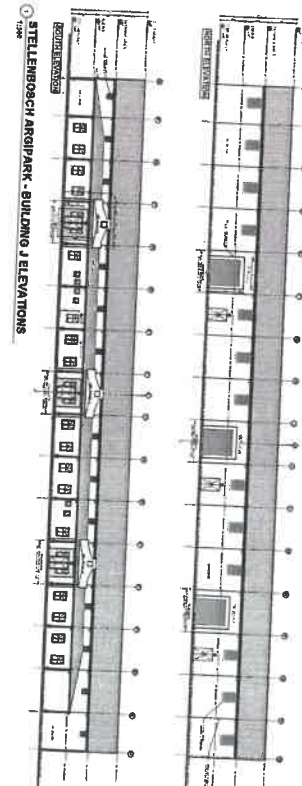


NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS OR THE CONTENTS OF THIS DRAWING.
4. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS AND THE CONTENTS OF THIS DRAWING.
5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS OR THE CONTENTS OF THIS DRAWING.
6. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS AND THE CONTENTS OF THIS DRAWING.
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8. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS AND THE CONTENTS OF THIS DRAWING.
9. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS OR THE CONTENTS OF THIS DRAWING.
10. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS AND THE CONTENTS OF THIS DRAWING.

SDP NOTES

- Current zoning is Agriculture 1
- The site is zoned for agricultural use and is suitable for the proposed development.
- The site is zoned for agricultural use and is suitable for the proposed development.
- The site is zoned for agricultural use and is suitable for the proposed development.
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STELLENBOSCH AIRPARK - BUILDING J ELEVATIONS

EXISTING BUILDINGS / BUILDINGS UNDER CONSTRUCTION
NEW BUILDINGS

TOTAL				21,650 sqm
EXISTING BUA				2,300 sqm
NEW BUA				19,350 sqm

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