STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16160 (TP493/2023)
Our File Reference Number: Farm 1359, Stellenbosch Division
Your Reference Number: None
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MA [redacted]

Sir / Madam

APPLICATION FOR CONSENT USE ON FARM NO. 1621, STELLENBOSCH DIVISION (CONSOLIDATION OF FARM NO. 1359 & FARM NO. 147/5, STELLENBOSCH DIVISION)

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

   2.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, for a **Consent Use** on Farm No. 1621, Stellenbosch Division (consolidation of Farm No. 1359 & 147/5) to extent the following existing tourist facilities:

   2.1.1 Enlarging the deck area of the farm shop to a total area of ±162,1m²;
   2.1.2 To convert the existing storeroom in the wine tasting facility, into a kitchen with a total area of ±26m² in extent for the preparation of light lunches and pizzas; and

   2.2 That the application in terms of Section 15(2)b) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 and Section 257(1) of the Stellenbosch Municipality Zoning Scheme, 2019 for a **departure** to relax the 30m scenic route overlay zone building line to allow for the temporary structures related to chicken coop, kids play area and tented structure for screening purposes as depicted on site plan SD-3456-M101-Rev 9, dated April 2024.

   BE APPROVED in terms of Section 60 of the said Bylaw.

3. **The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:**

3.1 The approval only applies to the proposal under consideration, attached as **ANNEXURE B,** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

3.2 The 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.

3.3 An amended Site Development Plan must be submitted which must reflect the accurate extent of the development rights in accordance with the approvals granted within two (2) months from this approval and must be approved prior to the submission of the required building plans.

3.4 That no event, function, conferences, etc. be operated or hosted on the property without the prior written approval of Council

3.5 The conditions imposed by the **Director: Engineering Services** in their memo dated 20 November 2023, attached as **ANNEXURE F**, be adhered to.

3.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.

3.7 The conditions imposed by the **Manager: Health Services (Cape Winelands)** in their memo dated 13 February 2024, attached as **ANNEXURE G**, be adhered to.

3.8 The remaining conditions imposed by council in its approval letter dated 29 October 2021, attached as **ANNEXURE C**, are still applicable.

3.9 Building plan application(s) must be submitted for the current unauthorised structures and changes to existing structures in accordance with the approvals granted within two (2) months from the approval of the required site development plan and must be approved prior to the vesting of this approval.

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

4.1 The limited scale and nature of the additions to existing development rights will not have a negative impact on existing infrastructure;

4.2 The limited scale and nature of the additions to existing development rights will not compromise the existing character of the surrounding landscape.

4.3 The temporary structures will not have an adverse impact on the scenic route.

5. **Matters to be noted:**

5.1 An application for a business licence and/or liquor licence must be submitted.

5.2 All electrical requirements should be directed to Eskom.

5.3 The bike shop operational within a portion of the existing security structure, is an unauthorised land use.

5.4 Should, after following due process -

(a) *The subject approved land use 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 tourist facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or

(c) The property be used for any unauthorised uses not permitted in terms of approved land use rights, the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-law (2023) to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

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 by completing the required form 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.

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 appeal form and 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 or 021 – 808 8684.

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

16/9/2024
DATE

ANNEXURE B

APPLICATION FOR CONSENT USE ON FARM NO. 1621, STELLENBOSCH DIVISION (CONSOLIDATION OF FARM NO. 1359 & FARM NO. 147/5, STELLENBOSCH DIVISION)

SITE DEVELOPMENT PLAN

DOCUMENT VARIATIONS REGISTER:

REV	DATE	DESCRIPTION
1	2020-07-08	ISSUED FOR COMMENT
		W/S - SERVICHA (NORTH AND FOOTBRIDGE) WEL
		TANKS X2@2.5KL INCREASED TO 5000P WATER TANK ADDED TO YARD AREA

TASTING AREAS:

- CHILLI TASTING = 31,6m²
- WINE TASTING = 33,3m²
- EXTERNAL SEATING 55,2m²
- KITCHEN EXTENSION 26m²
- ABLUTION 25m²
- SECURITY 20m²
- CHILLI PRODUCTION SHOP, DELI/COFFEE & TIMBER DECK
  - CHILLI OIL PRODUCTS SHOP (39,7m²)
  - DELI/COFFEE (33m²)
  - Ablution (8,7m²)
  - Kitchen (5,7m²)
  - Outside Seating (75m²)

  Total area: 162,1m²

PARKING:
FARMSHED - Required 4/100m² = 5 bays
CONTAINERS - Required 4/100m2 = 5 bays
Total bays required = 10
Total bays Provided = 15 bays

- MANUFACTURING 135m²
- Play area structures & Chicken coup
- STORAGE FACILITEIS 60m²
- EMPLOYEE HOUSING 20m²
- EXISTING PARKING Existing parking bays with new proposed solar panels on roofed bays

NORTH

TOWARDS HELSHOOGTE PASS/ STELLENBOSCH

HELSHOOGTE ROAD

TOWARDS PNIEL

OLD BANGHOEK ROAD

101 416 SITE BOUNDARY

109 455 SITE BOUNDARY

84 245 SITE BOUNDARY

72 205 SITE BOUNDARY

5000 BUILDING LINE

CHILLI FIELD

PLAY AREA

CHICKEN COUP

FARM 1621

DELIVERIES

TENT STRUCTURE FOR SCREENING PURPOSES ONLY

ABLUTION

EXISTING OUTSIDE

COVERED ENTRANCE & EXTENDED

EXISTING UNCOVERE D DECK

REFUSE BINS

CONSOLIDATE ERF 1359 & FARM 5/147

CHILLI FIELD

SOLAR PANELS ON P/BAY ROOF

PARKING

REFUSE PICK-UP BAY

SWART STREET

ENTRANCE

SECURITY

4 BAYS

BICYCLE PARKING

MOLENVLIET OOSTHUIZEN FAMILY VINEYARD ENTRANCE GATE

OLD BANGHOEK ROAD

CHILLI PRODUCTION SHOP, DELI/COFFEE & TIMBER DECK

SITE BOUNDARY

FARM 1359 - SANS Forms 1&2 Deed 2019 11 11.pdf
Ken Kinsey-Quick Farm Shed- Mun Form 2.pdf

SITE PLAN

Scale 1:350

FARM 1359 AND FARM 147/5 TO BE CONSOLIDATED

SCALE: 1:350
DATE: April 2024
DRAWING NUMBER: SD-3456-M101
DRAWN BY: AM
REVISION: 9

DRAWING: SITE PLAN - TOWN PLANNING

PROJECT: BANHOEK CHILLI OIL

FARM 1621 (Consolidated ERF 1359 and Form 5/147) , KYLEMORE, STELLENBOSCH

MUNICIPAL APPLICATION

mentzstudio

[redacted]

ANNEXURE C

APPLICATION FOR CONSENT USE ON FARM NO. 1621, STELLENBOSCH DIVISION (CONSOLIDATION OF FARM NO. 1359 & FARM NO. 147/5, STELLENBOSCH DIVISION)

PREVIOUS APPROVALS

STELLENBOSCH
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Application Number: LU/11544
Our File Reference Number: Farm 1359, Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MA [redacted]

Sir;

APPLICATION TO COMPLY WITH A CONDITION OF APPROVAL ON FARM 1359, STELLENBOSCH DIVISION

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

   2.1 That the application in terms of section 15(2)(l) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 for a permission required in terms of a condition of approval, to comply with Conditions 3.2 as stipulated in the decision letter, dated 29 October 2021, for the approval of the Site Development on Farm No. 1359 and Farm No. 147/5, Stellenbosch Division;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the conditions in terms of Section 66 of said Bylaw.

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 proposal 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 development must be undertaken generally in accordance with the site development plan as referenced (SD-3456-M101; M209 & M102, dated 05 November 2021 and 16 November 2020) and attached as **ANNEXURE B.**

2.2.3 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.

2.2.4 The remaining conditions imposed by council in its approval letter dated 29 October 2021, are still applicable (see **ANNEXURE C**);

2.3 The **reasons** for the above decision are as follows:

2.3.1 The Site Development Plan will not result in any additional rights being granted.

2.3.2 The property will be developed in accordance with the approved land use rights.

2.3.3 The submission of the site development plan is to comply with a condition of approval as indicated in the letter dated 29 October 2021.

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 and 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.

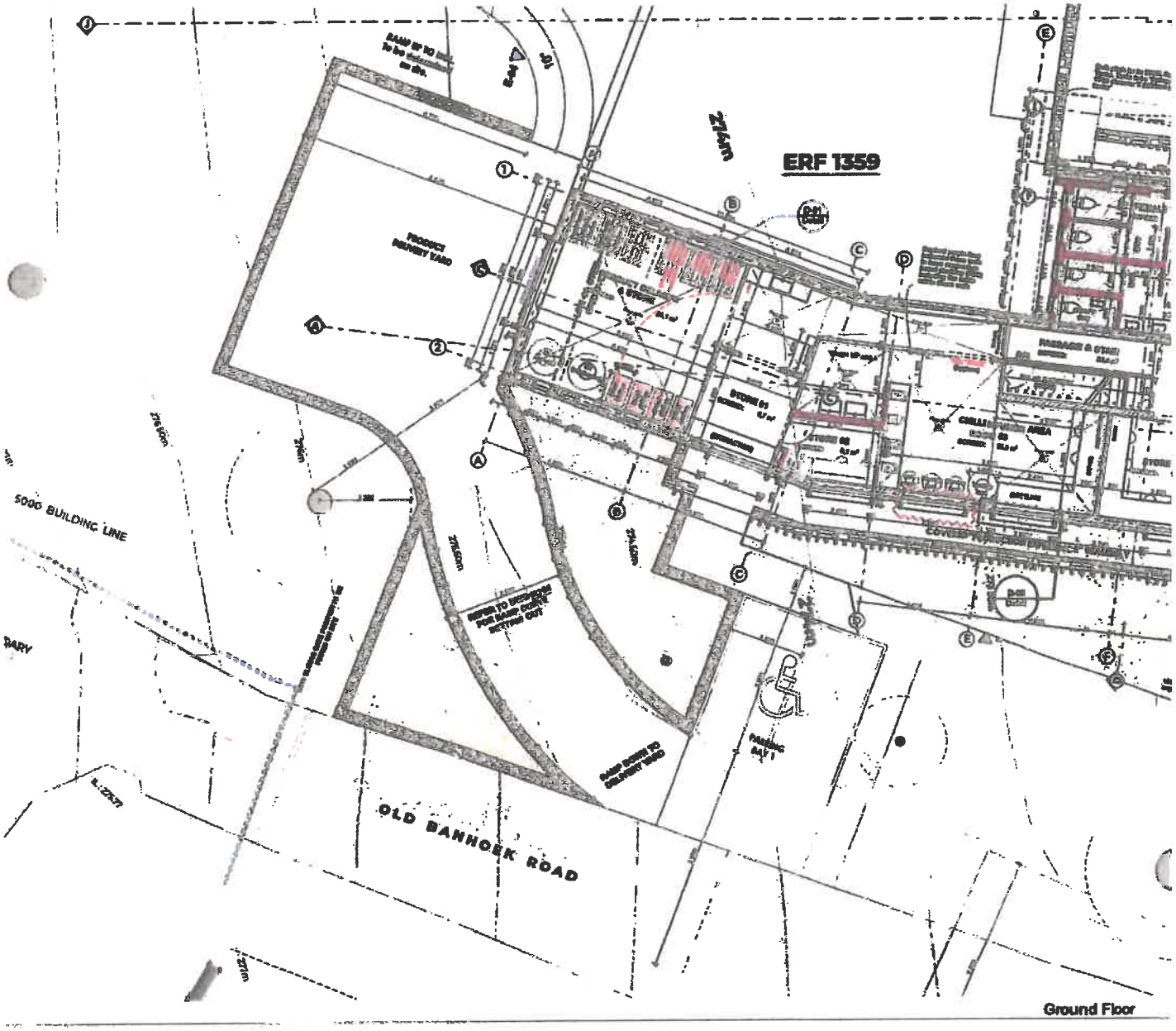
Yours faithfully

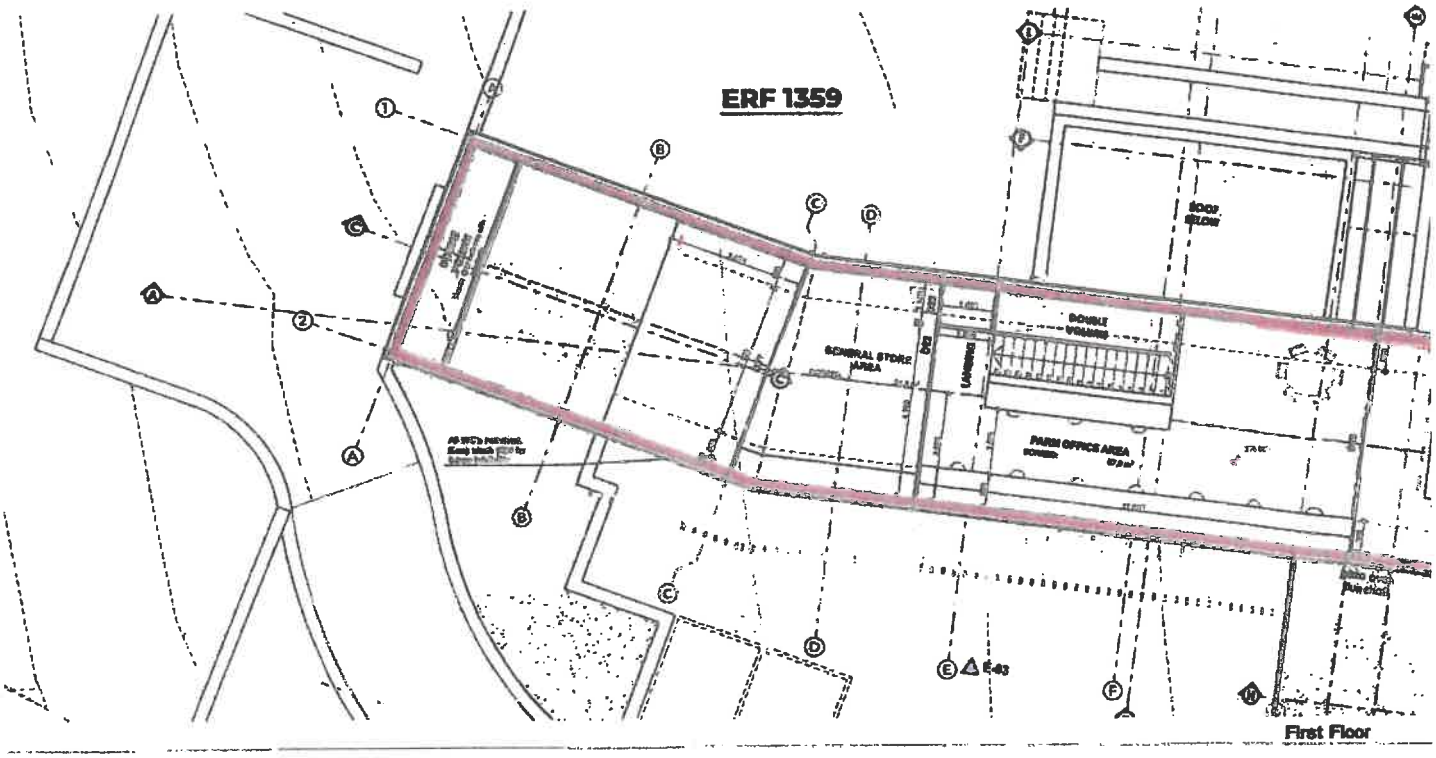
For: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

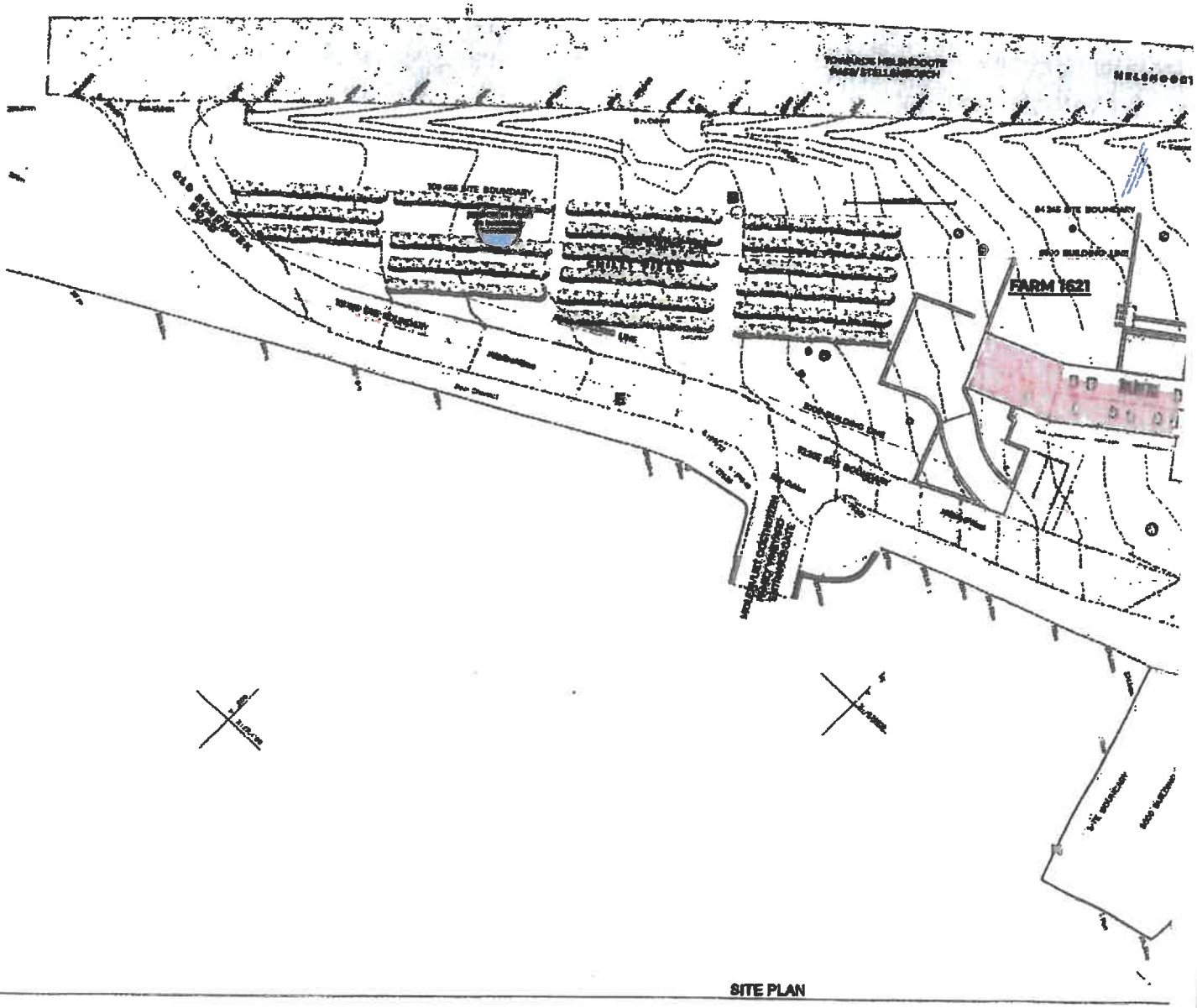
DATE: 6/4/2022

Annexure B:

Site Development Plan


ERF 1359
5000 BUILDING LINE
OLD BANHOEK ROAD
PROPOSED PAYMENT BAND
REFER TO ENGINEERS FOR BAND CENTRE SETTING OUT
PARKING
COVERED WALKWAY
PORCH
GRILLING AREA
STORE 01
STORE 02
OPERATING
PASSAGE & STAIRS
Ground Floor


ERF 1359
GENERAL STORE AREA
DOUBLE VOLUME
PARK OFFICE AREA
ROOF BELOW
First Floor



SITE PLAN

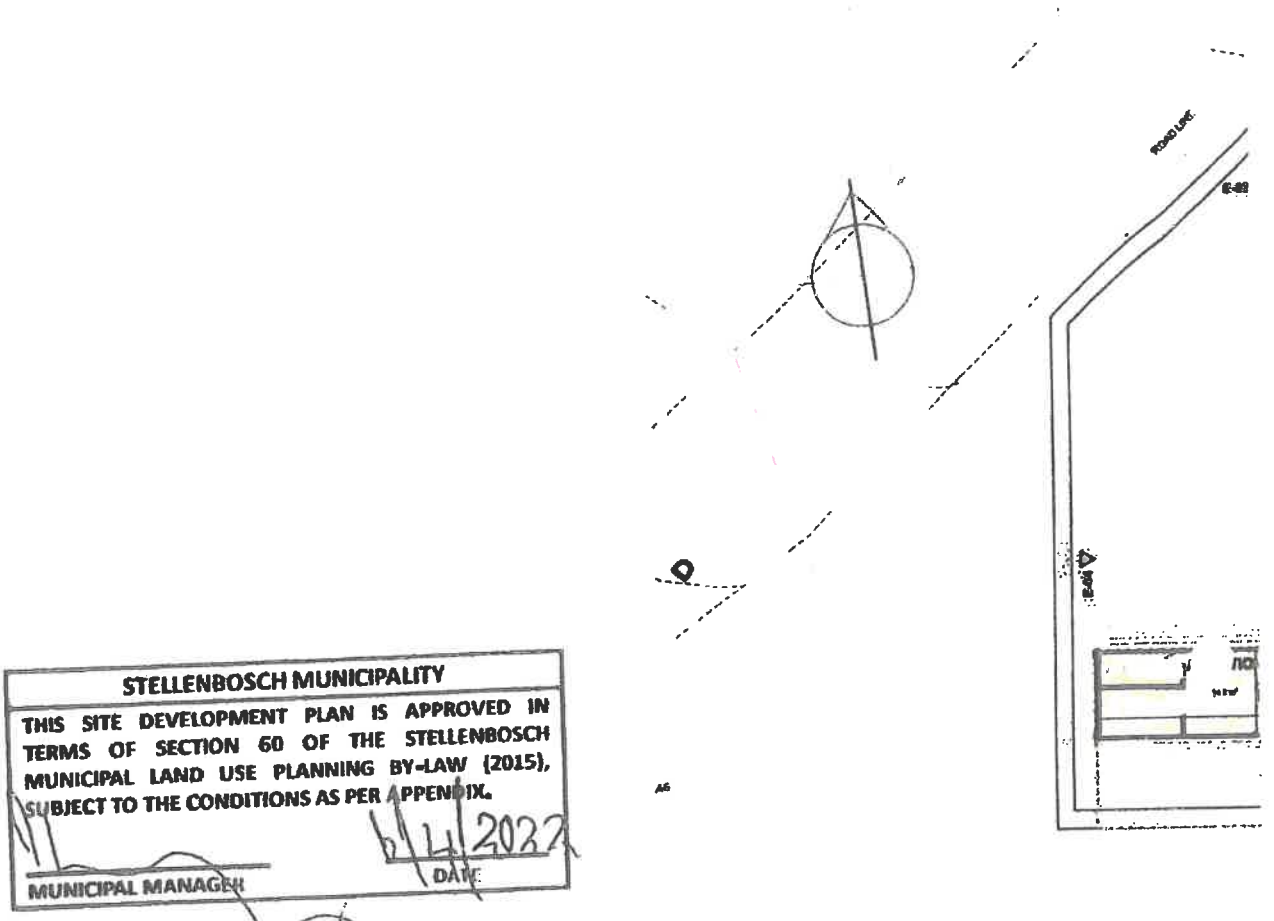
STELLENBOSCH MUNICIPALITY

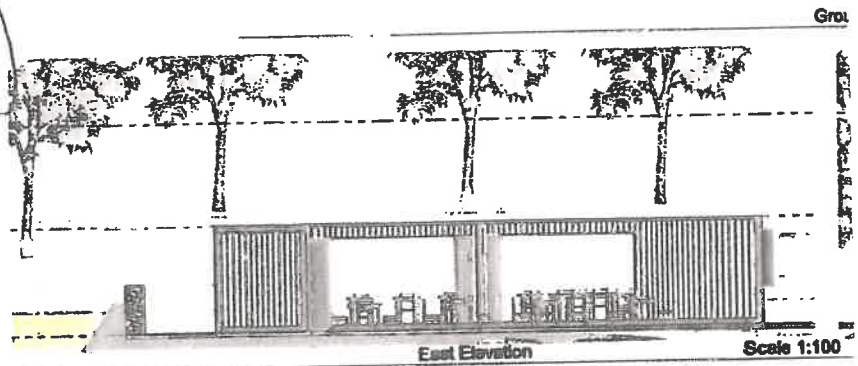
THIS SITE DEVELOPMENT PLAN IS APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015), SUBJECT TO THE CONDITIONS AS PER APPENDIX.

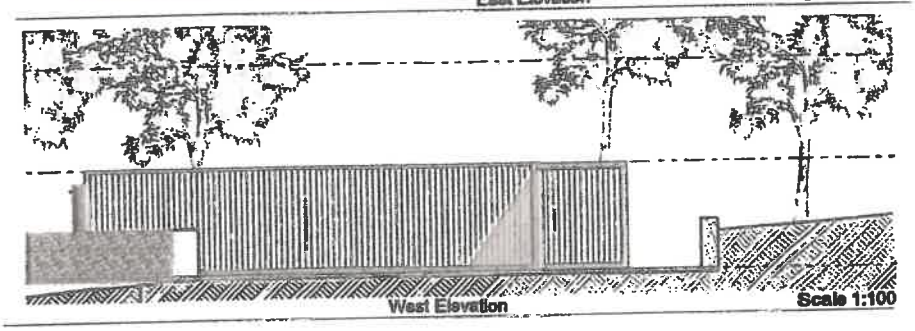
MUNICIPAL MANAGER

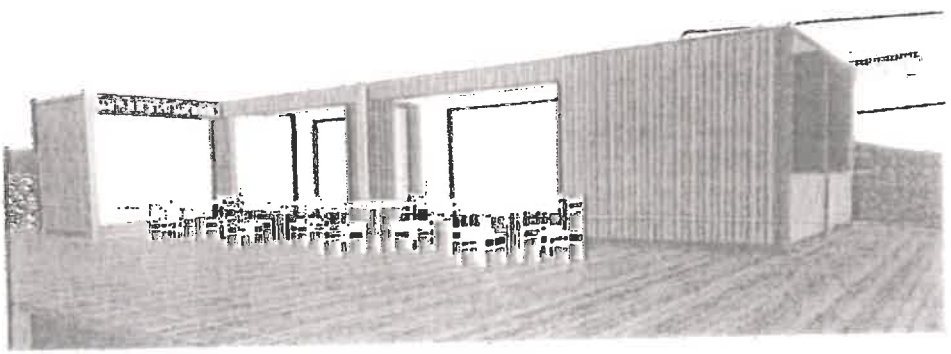
12/4/2022
DATE

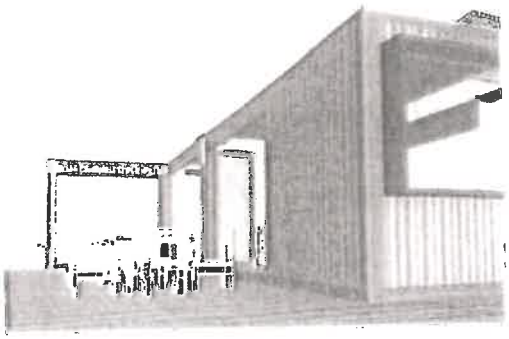
FARM 1359 AND FA
CONSOLI


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
DATE
POS


East Elevation
Scale 1:100


West Elevation
Scale 1:100





Annexure C:

Decision letter dated 29 October 2021

STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11544
Our File Reference Number: Farm 1359, Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: emilevdm@adept.co.za

Sir

APPLICATION FOR CONSOLIDATION AND CONSENT USES FOR TOURIST FACILITIES & FARM SHOP ON FARM 1359 AND PORTION 5 OF FARM 147, 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 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 1359 and Portion 5 of Farm 147, Stellenbosch, namely:

2.1.1 **Consolidation** in terms of Section 15(2)(e) of Farm 1359 (3967m²) and Portion 5 of Farm 147 (7435m²), Stellenbosch to create one land unit of approximately 1,1ha;

2.1.2 **Consent use** in terms of Section 15(2)(o) for a tourist facility in a portion (±145,1m²) of the existing farm shed to permit a chilli oil tasting facility (±31,6m²), a wine tasting facility (±33,3m²), ablution facility (±25m²), an outside seating area (±55,2m²) and a pizza oven for the serving of light lunches to patrons visiting the tourist facility;

2.1.3 **Consent use** in terms of Section 15(2)(o) for a tourist facility to permit a farm shop (±120m²) in container structures to accommodate a chilli products sales area (±35,5m²), coffee/deli serving area (±27m²), outside seating deck (±42.5m²) and an ablution facility (±15m²);

2.2 **Permission required in terms of the zoning scheme** in terms of section 15(2)(g) for an **Additional Use** in terms of Section 13 of the Stellenbosch Municipality Zoning Scheme By-law, 2019, to allow for an agricultural industry for the production of chilli oil with an extent of ±135m² in a portion of the existing farm shed;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval in terms of Section 66 of the said Bylaw.

3. Conditions of approval

3.1 The approval only applies to the approval granted above and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.2 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted for approval to the Municipality and which must satisfactorily address all the conditions to this approval and to be approved prior to the submission of any building plans.

3.3 That a consolidation plan be submitted to the Municipality for endorsement.

3.4 Building plans to be submitted for all changes of use in the existing buildings or any new structures to be erected, and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

3.5 An application be submitted for any signage to be erected and which must be in line with the signage policy of the Municipality and be approved prior to any signage being erected.

3.6 That development contributions are payable with the issuing of the clearance certificate for consolidation, which amount will be calculated in accordance with the approved Council tariffs in force at the time of payment.

3.7 That consolidation of the subject erven occurs prior to building plan approval and that the permitted land uses may not be implemented prior to the issuing of a certificate of consolidated title and endorsement of the relevant title deed by the Registrar of Deeds.

3.8 That the following conditions imposed by the Directorate Infrastructure Services (see **ANNEXURE J** for memo dated 02 July 2021), be complied with to the satisfaction of the relevant Directorate:

3.8.1 Civil Engineering Services

3.8.1.1 Existing service connections must be used. Any alterations or upgrades required to existing services will be for the Owner's account.

3.8.1.2 The existing building plan approval indicates a conservancy tank. A package plant was not indicated on the building plans for the farm shed but has been constructed on site. This approval does not constitute the approval of the package plant and before the package plant can be made operational, ensure that revised building plans are submitted together with the relevant information:

- Proof of approval by DWS
- Proof of agreement with service provider to operate and maintain the plant.
- Engineering drawings, indicating inter alia overflow and treated effluent discharge.

3.8.2 Roads

3.8.2.1 Access is from a provincial road. Obtain approval from Provincial Roads Engineer. All conditions must be adhered to before occupation certificate is issued.

3.8.2.2 According to the TIS the refuse room is 72m inside the access gate - on private property. This is not supported and the refuse room and refuse embayment must be moved to the entrance gate, so it is accessible from the public road. This must be indicated on the plans.

3.8.2.3 The access road (as indicted on the SDP) must be widened at the access to accommodate two-way traffic flow.

3.8.2.4 According to the TIS by UDS dated 30 June 2021, Par 4: "The access is proposed to be gated, however, the gate will be open from 07:00 to 19:00. The access will only be used by the proposed development." If the owner divers from this arrangement and access control is implemented, then the stacking distance will be re-assessed ad any modifications to the entrance layout and position will have to be implemented by the owner at his own cost.

3.8.2.5 The access, internal road layout and parking layout must be indicated on the building plans for approval. It must clearly indicate the land widths, stacking distances and parking dimensions.

3.8.3 Development charges (DC's)

3.8.3.1 The following DC's are payable: See Development Charge Calculation attached.

3.8.3.2 The DC's were calculated by using the 2021/2022 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure appliable at date of payment.

3.8.3.3 The appropriate DC's are payable before building plan approval, or the facility being put to its intended use.

3.8.4 Electrical Engineering conditions: All electrical work must comply with SANS142 and Municipal electrical by-laws.

3.9 That the following conditions imposed by the Western Cape Department of Transport and Public Works: Roads, as contained in their memo dated 13 August 2021 (as qualified in the letter dated 25 October 2021), attached as **ANNEXURE I** be complied with to the satisfaction of the relevant authority.

3.9.1 The extent of the tourist facility and farm shop must be limited to the areas as listed in the application.

3.9.2 The only access to the facility must be off DR1079 approximately 45m from the MR172/DR1079 intersection.

3.9.3 No access will be allowed via OP5228.

3.9.4 The access gate must be 6,8m wide to allow for two-way traffic flow.

3.9.5 ... (removed in terms of letter dated 25 October 2021)

3.9.6 ... (removed in terms of letter dated 25 October 2021)

3.9.7 The legally registered property owner of the consolidated Portion 5 of Farm 147 and Farm 1359 shall enter into a non-compensation agreement with this Branch to ensure that:

3.9.7.1 This Branch as Road Authority is indemnified against all claims of whatsoever nature, including legal costs, as a result of any costs incurred and or loss suffered in the event that the existing electrical fence needing to be moved as a result of any road infrastructure deemed necessary within the road reserve or the statutory 5m building line, by the road authority.

3.9.7.2 This non-compensation agreement is included in a notarial deed of restraint of sale attached to the Title Deed of the above property preventing the registered owner of the property from disposing of the unit until the intended future owner has furnished Stellenbosch Municipality with a similar non-compensation agreement.

3.9.7.3 A certified copy of the amended Title Deed is lodged with this Branch.

3.9.7.4 Receipt of the certified copy of the amended Title Deed is acknowledged by this Branch.

3.9.8 Proof must be provided that the relevant department at the Municipality has approved the billboard on the corner of MR172/DR1079 with the consent of this Branch as a structure within the statutory 5m building line in terms of Act 21 of 1940.

3.10 That the following conditions imposed by the Cape Winelands District Municipality (Municipal Health Services), as contained in their memo dated 03 March 2021, attached as **ANNEXURE K** be complied with to the satisfaction of the relevant authority:

3.10.1 Sufficient ablution facilities must be provided.

3.10.2 Provision must be made for the disposal of sanitary products.

3.10.3 All sewerage and wastewater must be properly dealt with.

3.10.4 All washing water must pass through a fat trap before it is released in the sewerage system.

3.10.5 The development must form part of the Stellenbosch Municipality waste removal services.

3.10.6 The applicant must apply with Stellenbosch Municipality for the necessary licence and the Cape Winelands District Municipality for a competency certificate in terms of R638 of 22 June 2018, should any food preparation for sale to the public take place on site.

3.10.7 A sufficient supply of clean, safe piped drinking water must be provided.

3.10.8 No sound amplifying devices may be used outside.

3.10.9 Should any activity on the site generate noise the obligation is on the owner to conduct the required sound tests and to submit the results to Health Department. The SABS Code of Practice 0103 of 1994 and the Regulations in terms of the Environmental Conservation Act No 73 of 1989 must serve as a guideline.

4. Reasons for the Decision

4.1 The proposed tourist facilities are in keeping with the objectives of the Stellenbosch MSDF and Rural Guidelines, which promotes the diversification of land uses on agricultural land to supplement income derived from farming and to add value to locally produced products.

4.2 The nature of the proposed tourist facilities is compatible with the rural area and the scale of the proposed activities, is regarded as appropriate in relation to the size of the application property.

4.2 It is not foreseen that the proposal will have a negative impact on the surrounding property owners.

4.3 The scale of the tourist activities is subservient to the primary agricultural use of the property.

4.4 From an agricultural perspective, the consolidation of farming units is supported.

5. 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.

6. 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 and 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.

7. 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

8. 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.

9. 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).

10. 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.

11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

12. 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

29/10/2021
DATE

ANNEXURE G

APPLICATION FOR CONSENT USE ON FARM NO. 1621, STELLENBOSCH DIVISION (CONSOLIDATION OF FARM NO. 1359 & FARM NO. 147/5, STELLENBOSCH DIVISION)

COMMENT FROM THE MANAGER: HEALTH SERVICES (CAPE WINELANDS)

CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN	:	**Nicole Katts (Directorate Planning Economic & Development: Stellenbosch Municipality)**
Official / Beampte	:	**Mr F.C. van Wyk**
Your ref/ U vrew.	:	**ERF 1359, Stellenbosch**
Ref No / Verw. No	:	**15/2/6/1**
Date / Datum	:	**2024-02-13**

LAND USE APPLICATION: ERF 1359, STELLENBOSCH

There are no objections from an Environmental Health point of view in terms of this application, subject to compliance with the following:

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

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

3. In the event where food will be prepared or handled and or served to the public, the applicant **must apply in writing** to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.

4. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)

5. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.

Yours faithfully

F.C. VAN WYK
for MUNICIPAL MANAGER

ANNEXURE F

APPLICATION FOR CONSENT USE ON FARM NO. 1621, STELLENBOSCH DIVISION (CONSOLIDATION OF FARM NO. 1359 & FARM NO. 147/5, STELLENBOSCH DIVISION)

COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES

STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag:	**Nicole Katts**
From ▫ Van:	**Manager: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Tyrone King**
Date ▫ Datum:	**20 Nov 2023**
Our Ref ▫ Ons Verw:	**Civil LU 2633**
Town Planning Ref:	**LU/16160 – TP493/2023**
Re ▫ Insake:	**Farm 1359, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, for a Consent Use to allow for the use of the existing stoep (±40m²) as a tourist facility (restaurant seating) to provide additional outside seating to accommodate the overflow of the existing restaurant, on Farm No. 1359, Stellenbosch Division (new number is Farm No.1621, Stb).**

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

1. Development Charges (DCs)

1.1 The following DC's are payable: See **Development Charge Calculation** attached.

1.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.

1.3 The appropriate DC's are payable immediately after land use approval has been obtained and before the facility is put to its approved use.

Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)

W:\2.0 DEVELOPMENT\01 Land Use applications\2633 () Farm 1359 Stellenbosch (LU-16160 TP493-2023)\2633 () Farm 1359 Stellenbosch (LU-16160 TP493-2023).doc

Stellenbosch Municipality

Development Charge Calculation

APPLICATION INFORMATION	
Application Number:	2633 () Farm 1359 Stellenbosch (LU-16160 TP493-2023)
Development Name:	
Date:	20 November 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Dwarsrivier
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 1359
DC Parameters Reference:	Figure 3 of motivation report dated 5 Sept 2023 by Arch Town Planners

SUMMARY OF DC CALCULATION

Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	kl/day	kl/day	ha*C	t/week	trips/day		persons	
Total Increased Services Usage:	0.32	0.28	0.008	0.008	8		0.4	
Total Service Usage Reduction:	0	0	0	0	4.0		0	
Total Service Usage after Reduction:	0.32	0.28	0.00800	0.008	4.0		0	
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 782.49	R 64 579.52	R 65 362.01	R -	R 65 362.01
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 782.49	R 64 579.52	R 65 362.01	R -	R 65 362.01
Total Deductions:	R -	R -	R -	R -	R 32 289.76	R 32 289.76	R -	R 32 289.76
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R 782.49	R 32 289.76	R 33 072.25	R -	R 33 072.25
VAT:	R -	R -	R -	R 117.37	R 4 843.48	R 4 960.84	R -	R 4 960.84
Total Development Charges Payable (including VAT):	R -	R -	R -	R 899.87	R 37 133.22	R 38 033.09	R -	R 38 033.09

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

Dwarsrivier

	Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge Levied (excl VAT)								
	Description	Unit	Area (m2)	Unit Amount	Result	Area (m2)	Unit Amount	Result	Amount	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Total
										No	No	No	Yes	Yes		No	
Residential	Single Residential >1000m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >500m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >250m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Second Dwelling	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Group Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Apartments	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Retirement Village	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Old age home	du							0	R -	R -	R -	R -	R -	R -	R -	R -
Accommodation	Student Accommodation/Commune/Hostels	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Converted Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Hotel, Residential	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
Commercial	General Business	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Office	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Retail/Shop	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Restaurant	m2 GLA					40		40	R -	R -	R -	R 782.49	R 64 579.52	R 65 362.01	R -	R 65 362.01
	Outdoor Function / Picnic Area	persons							0	R -	R -	R -	R -	R -	R -	R -	R -
	Conference Facility/Place of assembly	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Hospital/Clinic/Medical Rooms	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	University/College	student							0	R -	R -	R -	R -	R -	R -	R -	R -
	School/Day Care	student							0	R -	R -	R -	R -	R -	R -	R -	R -
Industrial	Industrial - light	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Industrial - heavy	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Warehousing/Light Manufacturing	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Storage Facilities	unit							0	R -	R -	R -	R -	R -	R -	R -	R -
Non demand	Open Space/Natural Environment/Utility Site	ha							0	R -	R -	R -	R -	R -	R -	R -	R -
	Roads and Parking	ha							0,0000	R -	R -	R -	R -	R -	R -	R -	R -
Other	To be calculated	n/a							0,0000	R -	R -	R -	R -	R -	R -	R -	R -
	(Based on equivalent demands)	n/a							0	R -	R -	R -	R -	R -	R -	R -	R -
		Total Area:	0		Total Area:	0											

	Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 782.49	R 64 579.52	R 65 362.01	R -	R 65 362.01
Deduct	Charges adjusted for positive only, before Deductions	R -	R -	R -	R 782.49	R 64 579.52	R 65 362.01	R -	R 65 362.01
	Deductions per service (from usage reductions)	R -	R -	R -	R -	R 32 289.76	R 32 289.76	R -	R 32 289.76
	Discount Deduction (%) Percentage: 0,00%	R -	R -	R -	R -	R -	R -	R -	R -
	Additional Deduction per service - from Service Agreement (sum)	R -	R -	R -	R -	R -	R -	R -	R -
Totals	Sub Total after Ajustments and Deductions (excluding VAT)	R -	R -	R -	R 782.49	R 32 289.76	R 33 072.25	R -	R 33 072.25
	VAT	R -	R -	R -	R 117.37	R 4 843.46	R 4 960.84	R -	R 4 960.84
	Total Development Charges	R -	R -	R -	R 899.87	R 37 133.22	R 38 033.09	R -	R 38 033.09