



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12200

Our File Reference Number: 1362S

Your Reference Number: Farm 1362 Stellenbosch

Enquiries: Ulrich von Molendorff

Contact No: 021- 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]



Sir / Madam

APPLICATION FOR CONSENT USE: FARM NO. 1362, STELLENBOSCH DIVISION.

1. The above application refers.
2. The duly authorised decision maker hereby decides in accordance with the Categorisation Model Category (Category 1 Type O) dated 24 May 2023 and effective from 01 July 2023, on the above application as follows.
3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Bylaw on Land Use Planning 2023,
 - 3.1. **Consent use** in terms of Section 15(2)(o) of the said bylaw to:
 - 3.1.1 Relocate the existing restaurant to the ground floor and attic area of the existing manor house and to utilize a portion of the existing outbuilding for kitchen purposes;
 - 3.1.2 utilize the existing restaurant and outside seating area as a function venue;
 - 3.1.3 utilize the existing outbuilding and garages as a Farm shop and deli with communal ablution facility and entrance foyer on Farm No. 1362, Stellenbosch.

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

Page 1 of 5

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
- 4.1. The approval applies only to the proposed application for consent use under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - 4.2. The development be undertaken generally in accordance with the site development building plan, as referenced (Project No 12-01, Drawing A100 dated 2020/11/17) and building plans, as referenced (Project 1943, Drawings A101 dated 2020/10/09, Drawing A102 dated 2020/11/11 and Project 12-01 Drawing 105 dated 2020/11/11) and attached as **ANNEXURE B**.
 - 4.3. The approved consent uses on Farm No. 1362, Stellenbosch to be restricted to the following areas;
 - (a) the existing Towerbosch Restaurant to the ground floor ($\pm 365\text{m}^2$) and attic area ($\pm 308\text{m}^2$ of the existing manor house;
 - (b) to utilize a portion of an existing outbuilding ($\pm 35\text{m}^2$) to the manor house for kitchen purposes;
 - (c) to utilize the existing Towerbosch Restaurant and outside seating area as a function venue ($\pm 600\text{m}^2$);
 - (d) utilize the existing outbuilding and garages as a Farm shop ($\pm 97\text{m}^2$) and deli ($\pm 152\text{m}^2$) with communal ablution facility and entrance foyer.
 - 4.4. The conditions of the Stellenbosch Municipal Directorate: Infrastructure Services in their memorandum dated 05-10-2021 and attached as **ANNEXURE D** be adhered to.
 - 4.5. The conditions of the Cape Winelands District Municipalities Health Section in their letter dated 15-06-2021 and attached as **ANNEXURE E** be adhered to.
 - 4.6. Sufficient on-site parking be provided for all vehicles associated with the proposed consent uses in the area as indicated on the site development plan attached as **ANNEXURE B**.
 - 4.7. The land use to not create any undue noise or be a nuisance to the surrounding area and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
 - 4.8. Fire safety and prevention mitigation measures be put in place to the satisfaction of the municipality.
 - 4.9. Adequate arrangement be made for all electrical, ablution, water, safety, health and other facilities which may be required by the activity to the satisfaction of the municipality.
 - 4.10. The proposed consent use to be subservient to and not adversely impact on the primary agricultural land use activities on the land unit.

- 4.11. Development charges are payable 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, or as may be agreed on in writing with the Director Infrastructure Services.

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

- 5.1. The application is confined to existing approved buildings and therefore will not impact negatively on the agricultural production capacity of the farm.
- 5.2. The proposal is confined to the werf of the property, no agricultural land will therefore be taken out of production and the proposed tourist facility will be subservient to the agricultural activities.
- 5.3. The application has been advertised to all interested and affected parties and departments and no objections has been received.
- 5.4. The proposal is in line with the spatial planning principles considering that the proposed tourist facilities is predominately in existing buildings of a form and scale which will not compromise the environment, agricultural sustainability and the scenic, heritage and cultural landscape.

6. Matters to be noted:

- 6.1. Approval must be obtained from the competent heritage authorities for renovations and extension to buildings of historical significant.
- 6.2. 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.
- 6.3. A business and liquor license and event permit be obtained from the relevant authorities.
- 6.4. Security operational plans be submitted as part of the events application process.
- 6.5. Electricity requirements be directed to Eskom.

7. 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.

8. 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:

8.1. 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

8.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

8.3 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.

8.4 Whether the appeal is lodged against the whole decision or a part of the decision.

8.5 If the appeal is lodged against a part of the decision, a description of the part.

8.6 If the appeal is lodged against a condition of approval, a description of the condition.

8.7 The factual or legal findings that the appellant relies on.

8.8 The relief sought by the appellant.

8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

8.10 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.

9. 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

10. 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.

11. 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
12. 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.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. 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



MANAGER: LAND USE MANGEMENT

DATE: 01.02.2024

ANNEXURE B

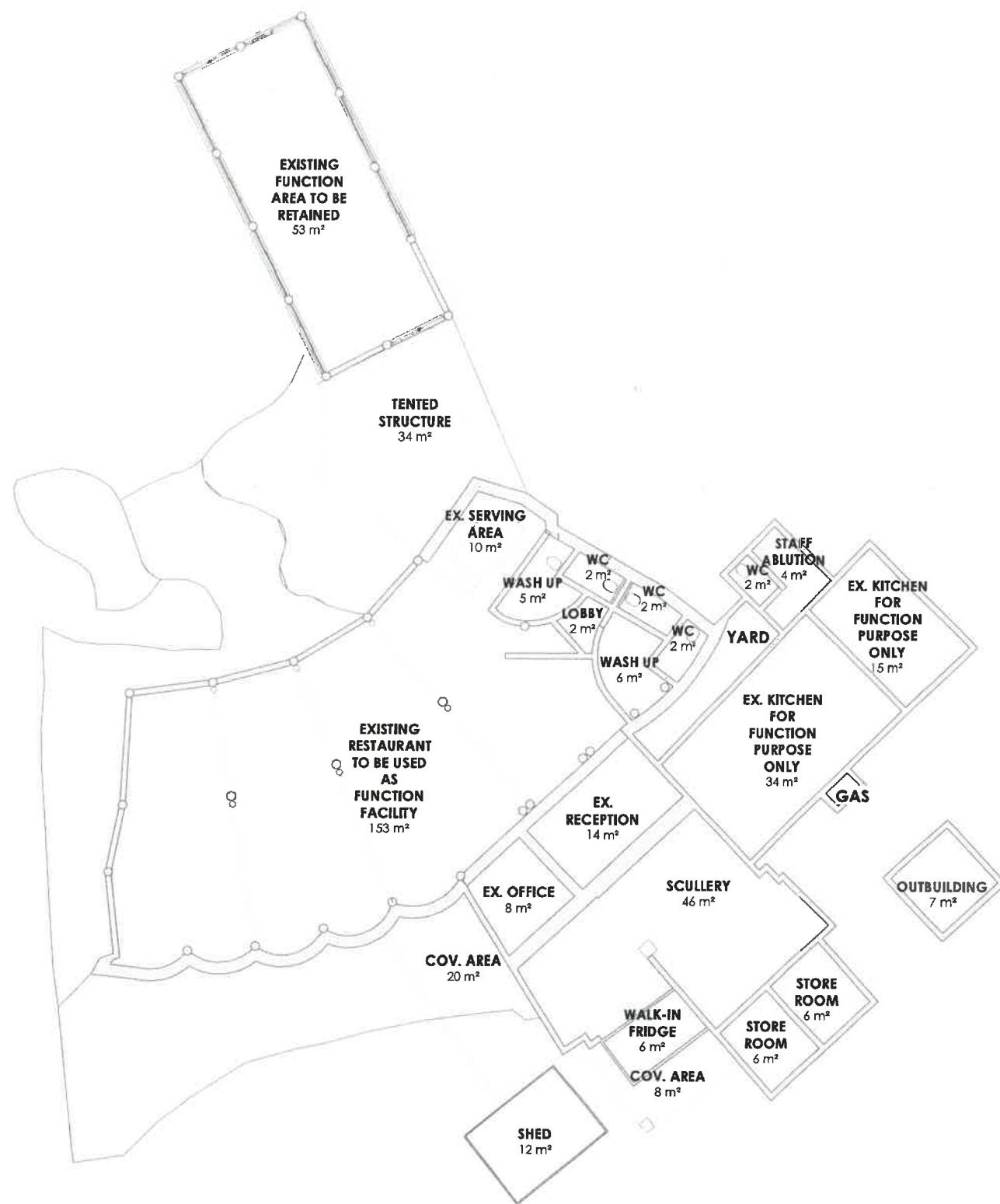
Site Development and Building Plans



GS

GROUND STOREY LAYOUT

scale: 1 : 200



NOTES:

ALL WORK TO BE CARRIED OUT IN STRICT ACCORDANCE WITH SABS 0400 AND LOCAL AUTHORITY BYE-LAWS.
DIMENSIONS ARE NOT TO BE SCALED OFF ANY DRAWINGS.
ALL RELEVANT DETAILS, LEVELS & DIMENSIONS TO BE CHECKED BEFORE WORK COMMENCES.
ANY OMISSIONS OR DISCREPANCIES TO BE REPORTED TO THE ARCHITECT.
THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM THE MISINTERPRETATION OF THE DRAWING.
ALL DIMENSIONS ARE GIVEN IN MILLIMETRES.
WHEN IN DOUBT - ASK

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SACAP No: 6148
SAIA PRACTICE No: PH 3477
SAIA No: 6795

ADDITIONAL NOTES:

SIGNATURES:

OWNER:

ARCHITECT:

ENGINEER:

HOA:

FOR COUNCIL APPROVAL

hb
ARCHITECTS

CLIENT

For Julia and Denis Gaiduk

PROJECT

AS BUILT DRAWINGS FOR KNORHOEK WINEFARM - TOWERBOSCH VENUE

DRAWING

GROUND STOREY LAYOUT

SCALE
1 : 200

DATE
2020/11/11 02:11:14

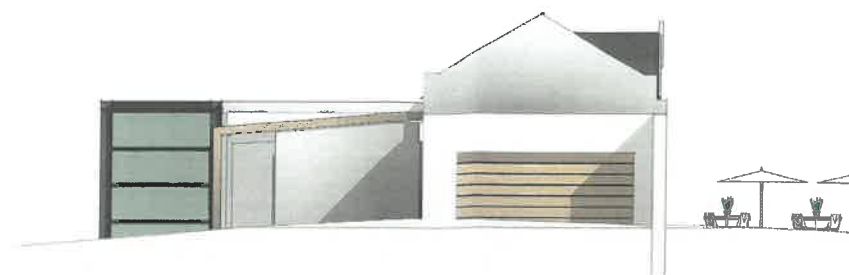
CHECK
PM

PROJECT No
12-01

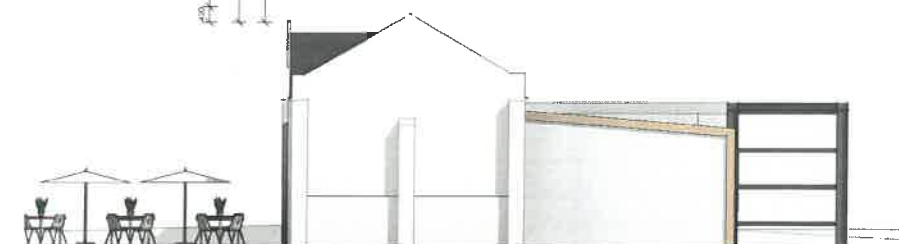
DRAWING N
A105

DRAWN
JVW

REV



SOUTH EAST ELEVATION
1:100



NORTH WEST ELEVATION
1 : 100



NORTH EAST ELEVATION
1 : 100



SOUTH WEST ELEVATION
1:100

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SACAP No: 6148
SAIA PRACTICE No: PH 3477
SAIA No: 6795

REVISIONS:

[illegible]

**ADDITIONAL
NOTES:**

SIGNATURES:

OWNER:
ARCHITECT:
ENGINEER:
HOA:

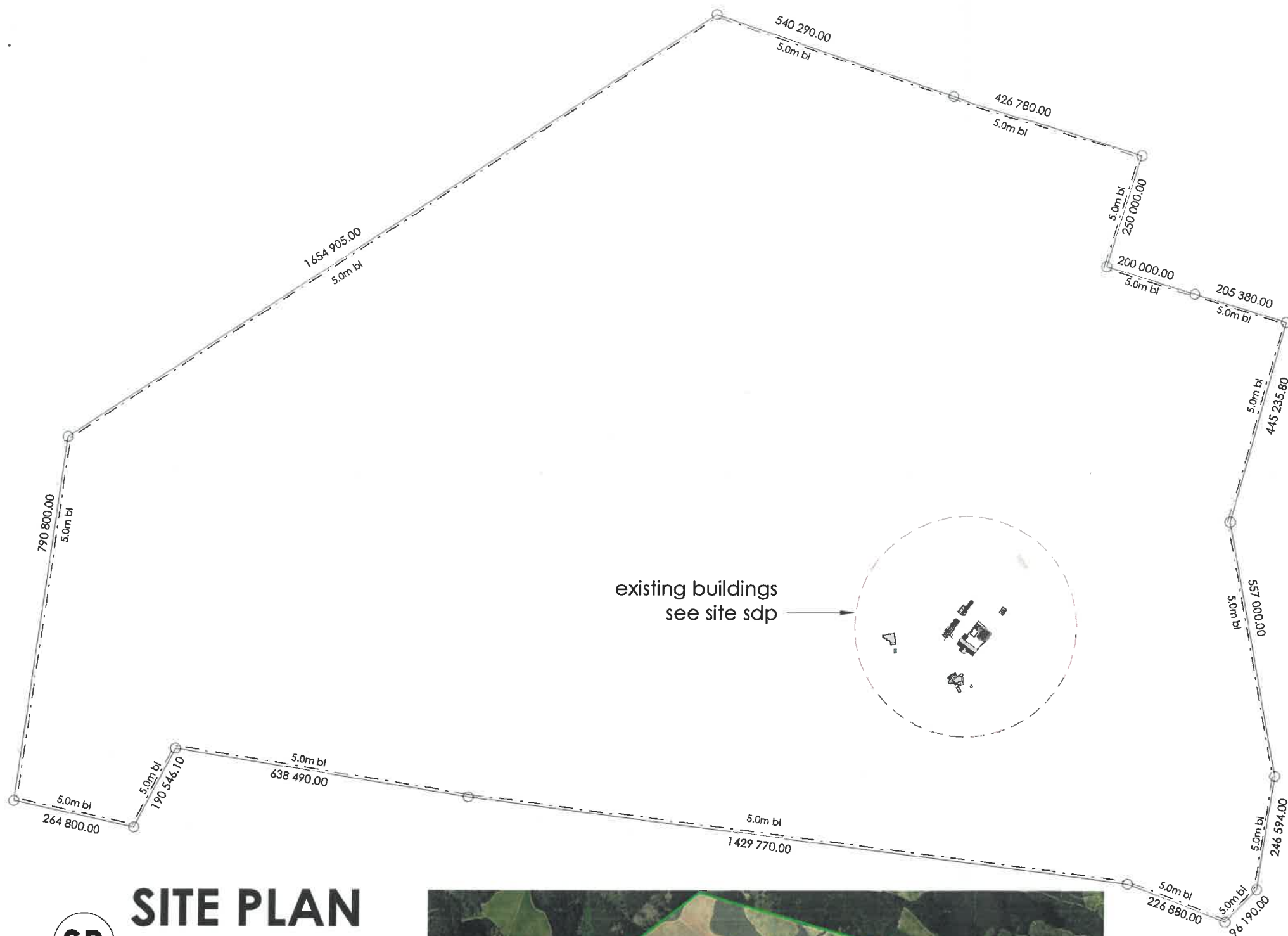


CLIENT
For Julia and Denis Gaiduk

PROJECT
PROPOSED DELI & SHOP @ EXISTING
GARAGES BUILDING ON REMAINDER OF
FARM 1362 STELLENBOSCH, R44 KNORHOF
ROAD

DRAWING
PLAN & ELEVATIONS

SCALE As Indicated	DATE 2020/11/11 02:55:59	CH PM
PROJECT NO 1943	DRAWING NO A102	DRAWN IVW



existing buildings
see site sdp

SP

SITE PLAN

scale: 1 : 10000



ARIAL VIEW OF KNORHOEK FARM



N

NOTES:

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SACAP No: 6148
SAIA PRACTICE No: PH 3477
SAIA No: 6795

ADDITIONAL NOTES:

SIGNATURES:

OWNER:

ARCHITECT:

ENGINEER:

HOA:

FOR COUNCIL APPROVAL

hb
ARCHITECTS

7800 0010 2003 / 022795 / 23

CLIENT

For Julia and Denis Gaiduk

PROJECT

PROPOSED SITE DEVELOPMENT PLAN ON
REMAINDER OF FARM 1362 STELLENBOSCH,
R44 KNORHOEK ROAD

DRAWING

LOCALITY PLAN

SCALE
1 : 10000

DATE
2020/11/16 02:25:12

CHECK
PM

PROJECT No
12-01

DRAWING N
A301

DRAWN
JVW

REV



No.	EXISTING BUILDING	PROPOSED BUILDING
1	EXISTING HOMESTEAD	PROPOSED RESTAURANT
2	EXISTING COTTAGE 1	PROPOSED KITCHEN
3	EXISTING GARAGES & ACCOMMODATION	PROPOSED DELI & SHOP
4	EXISTING LAUNDRY & SKIJR	TO REMAIN
5	EXISTING COTTAGE	TO REMAIN
6	EXISTING GUEST HOUSE	TO REMAIN
7	EXISTING HOUSE	TO REMAIN
8	EXISTING WINE CELLAR	TO REMAIN
9	TOWERBOSCH	PROPOSED VENUE

PARKING SCHEDULE	
NEW PARKING BAYS FOR FARM SHOP, DELI & NEW RESTAURANT	BAYS 1-34
EXISTING PARKING BAYS FOR RESTAURANT, FUNCTION VENUE, WINE CELLAR & WINE TUNN	BAYS 35-7



NOTES:

ALL WORK TO BE CARRIED OUT IN STRICT ACCORDANCE WITH SABS 0400 AND LOCAL AUTHORITY BYE-LAWS. ALL DIMENSIONS ARE NOT TO BE SCALED OFF ANY DRAWINGS. ALL RELEVANT DETAILS, LEVELS & DIMENSIONS TO BE CHECKED BEFORE WORK COMMENCES. ANY OMISSIONS OR DISCREPANCIES TO BE REPORTED TO THE ARCHITECT. THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM THE MISINTERPRETATION OF THE DRAWING. ALL DIMENSIONS ARE GIVEN IN MILLIMETRES. WHEN IN DOUBT - ASK

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SACAP No: 6148
SAIA PRACTICE No: PH 3477
SAIA No: 6785

REVISIONS:

[illegible]

**ADDITIONAL
NOTES:**

SIGNATURES:

OWNER:
ARCHITECT:
ENGINEER:
HOA:



CLIENT
For Julia and Denis Gaiduk

PROJECT
PROPOSED SITE DEVELOPMENT PLAN ON
REMAINDER OF FARM 1362 STELLENBOSCH
R44 KNORHOEK ROAD

DRAWING

SITE DEVELOPMENT PLAN

SCALE As indicated	DATE 2020/11/17 03:09:13	CHE PM
PROJECT NO 12-01	DRAWING NO A100	DRAWN J.V.W.
		REV

ANNEXURE D

Infrastructure Services comments.



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag S Newman
From ▫ Van: Abdullah (Development)
Date ▫ Datum: 05/10/2021
Our Ref ▫ Ons Verw: Civil LU 2203
Re ▫ Insake: Erf 1362 Stellenbosch: Consent use

The application is for the following item:

- I. Application for **consent use** (Tourist facility) in Terms of 15 (2) (o) of the Stellenbosch Municipal Land use Planning By-Law(2015) read with The Stellenbosch zoning scheme By Low (2019) to relocate the existing Towerbosch restaurant to the ground floor (365m²) and attic area (308m²) of the existing manor house and to utilize a portion at the existing outbuilding (35m²) for kitchen purposes and to utilize the existing Towerbosch restaurant and outside seating area as a function venue (+600m²).
- II. Application for **consent use** (Tourist facility) in Terms of 15 (2) (a) of the Stellenbosch Municipal Land use Planning By-Law(2015) read with the Stellenbosch zoning scheme By Low (2019) to utilize the existing outbuilding and garages as a Farm shop (97m²) and deli (152m²) with communal ablution facility and entrance foyer.

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

1. Water

- 1.1 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards. Current proof of compliance must be available on request.

2. Waste Water and Sewage

- 2.1 Indicate conservancy tank specification on SDP at building plan stage.
- 2.2 Provide a layout plan showing the site's sewer reticulation at building plan stage.
- 2.3 Note that the use of septic tanks are not permitted.

3. Solid Waste

- 3.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

4. Roads

- 4.1 All conditions set by WCG must be complied with.

5. Development Charges (DCs)

- 5.1 Based on the information provided, the Development Charges payable by the developer is R 740 524.10 (Vat incl.) as per attached Development Charges calculation.
- 5.2 The DC's were calculated for the 2021/2022 financial year. If the account is paid after 30 June 2022 it has to be recalculated using the then applicable tariffs.
- 5.3 The appropriate DC's are payable before a Clearance certificate can be issued.

6. Municipal Infrastructure (Civil Engineering Services)

- 6.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

7. Electrical

7.1 See annexure A for electrical comments.



ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\2203 (AD) Farm 1362 Stellenbosch (LU-12200)\2203 (AD) Farm 1362 Stellenbosch (LU-12200).doc

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	
Date	Tuesday, 05/Oct/2021
Financial Year	
Erf Location	Stellenbosch, Town
Erf No	
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
Total Increased Services Usage	kl/day 3 688	kl/day 3 227	ha°C 0.074	U/week 0.369	tri/weekday 82.98	person 83.0	
Total Development Charges before Deductions			R 7 539.38	R 19 592.35	R 603 056.10	R 13 746.16	R 643 934.00
Total Deductions							
Total Payable (excluding VAT)			R 7 539.38	R 19 592.35	R 603 056.10	R 13 746.16	R 643 934.00
VAT			R 1 130.91	R 2 938.85	R 90 458.42	R 2 061.92	R 96 590.10
Total Payable (including VAT)			R 8 670.29	R 22 531.21	R 693 514.52	R 15 808.09	R 740 524.10

APPLICANT INFORMATION

Application Processed by	A Daniels
Signature	
Date	05 October 2021
Amount Paid	
Date Payment Received	
Receipt Number	

FARM 1362,

GENERAL COMMENT:

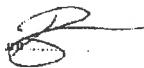
1. Outside Stellenbosch area of supply.
2. All Electrical requirements should be directed to Eskom.

CONDITIONS

3. All electrical work to comply with SANS142 and Municipal electrical by-laws

Bradley Williams

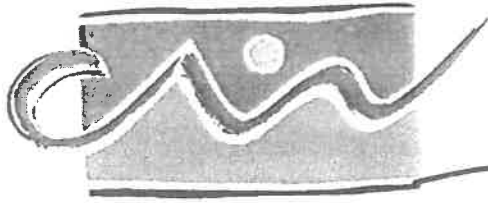
Date.....13/08/2021.....



Signature

ANNEXURE E

**Cape Winelands District Municipality
comments.**



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

DEPARTEMENT/DEPARTMENT/ICANDELO:

NAVRAE/ENQUIRIES/IMIBUZO:

TELEFOON/TELEPHONE/UMNKEBA:

FAKS/FAX/IFEKSI:

E-POS/E-MAIL/E-MAIL:

U VERW/OUR REF/REF YAKHO:

ONS VERW/OUR REF/REF YETHU:

MUNISIPALE GESONDHEIDSDIENSTE

Mnr. J Krüger

021-8885800

021-8879365

julian@capewinelands.gov.za

Farm 1362(P)

Plaas 1362, Stellenbosch

Alexanderstraat 46 Alexander Street

100

STELLENBOSCH

7600

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word!

All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyelwe kuMlawuli kaMasipala

15-06-2021

Munisipale Bestuurder
Munisipaliteit Stellenbosch
Posbus 17
Stellenbosch
7599

Vir aandag: Beplanning en Ekonomiese Ontwikkelingsdienste

Meneer

AANSOEK OM VERGUNNINGSGEBRUIK: PLAAS KNORHOEK, NO. 1362, AFDELING STELLENBOSCH

Daar is geen beswaar vanuit 'n gesondheidsoogpunt ten opsigte van die aansoek nie, onderworpe aan die volgende voorwaardes :

1. Daar moet voldoende toiletgeriewe vir die aantal gaste voorsien word.
2. In die geriewe vir dames moet voorsiening gemaak word vir die wegdoen van sanitêre doekies.
3. Alle riool –en afloop/ waswater moet so beskik word dat dit nie 'n oorlas veroorsaak nie.
4. Alle waswater vanaf die kombuis moet deur 'n vetvanger gaan voordat dit in die rioolsisteem vloei.
5. Die applikant moet aansluit by die Stellenbosch Munisipaliteit se vullis verwyderingsdiens.
6. Indien voedsel op die perseel voorberei word vir verkoop aan die publiek moet die applikant aansoek doen by Stellenbosch Munisipaliteit vir die nodige lisensie asook by die Kaapse Wynland Distriksmunisipaliteit vir 'n geskiktheidsertifikaat in gevolg van R638 van 22 Junie 2018 .
7. 'n Voldoende voorraad veilige skoon gepyppte drinkwater moet voorsien word.
8. Geen klankversterkende toerusting mag buite in die tuin gebruik word nie.

9. Indien enige aktiwiteit op die perseel geraas genereer berus die onus by die eienaar om die nodige klanktoetse te laat neem en die uitslae aan hierdie Departement voor te lê. (Die SABS Gebruikskode 0103 van 1994 asook die Regulasies van die Wet op Omgewingsbewaring Nr.73 van 1989 moet as riglyn dien.)

Die uwe



nms. **Munisipale Bestuurder**