



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14870 (TP157/2022)

Our File Reference Number: Erf 284, Raithby

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 CONSENT USE ON ERF 284, RAITHBY

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That **APPROVAL BE GRANTED** in terms of section 33(9) of the Stellenbosch Municipality By-Law for Municipal Land Use Planning, 2023 to allow for the operation of a business in the form of a function venue within the werf area on Erf 284, Raithby, Stellenbosch Division in terms of the relevant title deed no. T. 66153/2015, Condition 2.C.(b).
 - 2.2 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law for Municipal Land Use Planning, 2023 on Erf 284, Raithby for a Consent Use to allow a tourist facility in the form of a function venue.

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

- 3 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
 - 3.2 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.
 - 3.3 The development be generally undertaken in accordance with Plan SDP 3636-02, dated 23 February 2023 & SDP-3636-01 dated 26 October 2022 and drawn by MLH Architects & Planners and attached as **ANNEXURE C**.

3.4 The function venue be limited to the barn and outside lawn area and a portion of the existing stables utilised for storage of catering equipment used in conjunction with the function venue.

3.5 Amplified music for functions such as wedding events is restricted to indoors/ the function venue building (the barn) only and not on the lawns.

3.6 No music instruments or equipment (amplified, speakers, etc) be allowed outside of the functions venue building (barn).

3.7 Sufficient parking be provided and indicated on the site plan at building plan submission stage.

3.8 Conditions as imposed by Directorate: Infrastructure Services in their memo dated 3 May 2023 be complied with and adhered to (See **Annexure H**).

3.9 Development Contributions are payable in accordance with the prevailing and applicable council tariffs at the time of payment prior to submission of any building plans. The development contributions calculation is attached as **Annexure H**.

3.10 Any noise emissions from activities on the above property to comply with the Noise Control Regulation PN200/2013 and the By-Law on the Prevention of Public Nuisances & the Keeping of Animals.

3.11 Conditions as imposed by Transport Infrastructure in their letter dated 17 July 2023 be applied and adhered to (See **Annexure G**).

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

4.1 The proposal will not have an impact on the existing agricultural activities on the property as the proposal and existing buildings are clustered in an area that is not used for vineyards.

4.2 The proposal will diversify the existing uses on the farm without impacting the agricultural viability of the subject property.

4.3 The proposed land uses are confined around the farm werf and no additional buildings will be constructed to facilitate the proposal.

5. Matters to be noted:

5.1 A business license and a liquor license be applied for if required.

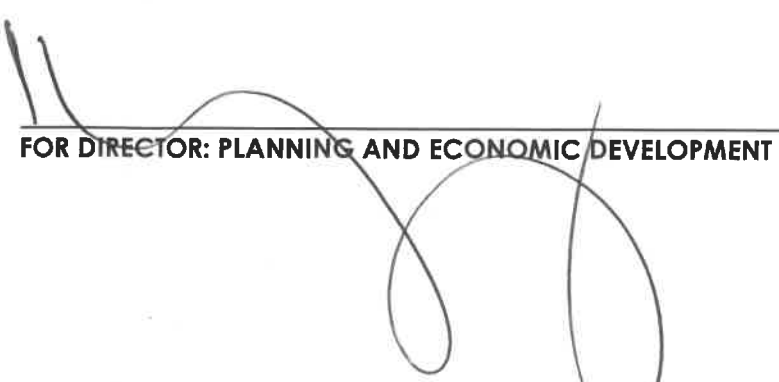
5.2 Conditions from Winelands District Health be complied with and adhered to. See **Annexure K**.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
7. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
 - a. 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. Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - 8.1 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.
 - 8.2 Whether the appeal is lodged against the whole decision or a part of the decision.
 - 8.3 If the appeal is lodged against a part of the decision, a description of the part.
 - 8.4 If the appeal is lodged against a condition of approval, a description of the condition.
 - 8.5 The factual or legal findings that the appellant relies on.
 - 8.6 The relief sought by the appellant.
 - 8.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - 8.8 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


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT


DATE 17/1/2024

Annexure C:
Building Plan

Annexure H:
Comments from the Engineering Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nolusindiso Momoti
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	3 May 2023
Our Ref ▫ Ons Verw:	Civil LU 2488
Your Ref:	LU/14870
Re ▫ Insake:	Erf 284, Raithby: Application is made in terms section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for a Consent Use for a tourist facility for the continued use of the existing barn as function venue (200 guests) and to use the werf area for functions as well as to utilize a portion of the existing stables for storage of catering equipment (used in conjunction with function venue) on Erf 284, Raithby.

The application is recommended for approval, subject to the following. These conditions were also stated in the LU/12048 (Civil LU 2155) engineering approval conditions Memo dated 11 May 2021 and must be complied with.

1. Civil Engineering Services

- 1.1 Water supply to be via borehole, which is the responsibility of the owner.
- 1.2 Water supplied to the new units must be according to SANS 241 standards.
- 1.3 The existing guest house and cottages are served by a septic tank and soak-away.
The following method of sewer management, as proposed in the engineering report of LU 12048, will be applicable: The entire Vredenburg Guest Farm, existing and

new cottages, will be serviced by one sewer system with conservancy tanks to ensure the system is environmentally friendly. The existing soak away will be demolished and the septic tank will act as a conservancy tank. The new cottages will be served by a new sewer that will drain to the additional conservancy tanks to be installed east of the existing tank.

1.4 The details of the sewer reticulation network must be indicated on any building plans for approval.

1.5 The above must be in place before any occupation certificates are issued.

2. Roads

2.1 The access is from a provincial road (Winery Road) – please obtain approval from Provincial Roads Engineer. All their conditions will be applicable.

3. Development Charges (DCs)

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

3.2 The DC's were calculated by using the 2022/23 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.

3.3 The appropriate DC's are payable before building plan approval or if building plans are not applicable, then before occupation certificate and before the building is put to its intended use.

3.4 DCs are only calculated on the barn area, as the application states that the number of guests will be limited to 200 people, as per the initial 2012 approval – only the area within which the permitted land uses can be exercised is increased. Should the number of persons be increased, it will trigger an addition DC.



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



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	DC 2488 () Erf 284 Rathby (LU-14870)
Development Name:	
Date:	03 May 2023
Financial Year:	2022/2023
Erf Location (Select from 7 Locations):	Rathby
Vehicle Ownership (Select Normal or Low):	Normal
Erf Region (Select Urban or Rural):	Rural
Erf No:	284
DC Parameters Reference:	Allen Goosen E-mail dated 23 April 2023 and accompanying Vredenburg Farm outbuilding developemnt Langhuls: Functions/Conference dated Nov 2012 by Greg de Bruyn Archt

SUMMARY OF DC CALCULATION						
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day	persons
Total Increased Services Usage:	1.04	0.91	0.039	0.052	23.4	2.6
Total Service Usage Reduction:	0	0	0	0	11.7	0
Total Service Usage after Reduction:	1.04	0.91	0.03900	0.052	11.7	3
Total Development Charges before Deductions:	R -	R -	R -	R 4 555.41	R 275 815.80	R 3 991.15
Total Deductions:	R -	R -	R -	R -	R 137 907.90	R -
Total Payable (excluding VAT):	R -	R -	R -	R 4 555.41	R 137 907.90	R 3 991.15
VAT:	R -	R -	R -	R 683.31	R 20 686.19	R 598.67
Total Payable (including VAT):	R -	R -	R -	R 5 238.72	R 158 594.09	R 4 589.82
						166 422.92

APPLICANT INFORMATION	
Application Processed by:	T King
Signature:	
Notes:	<p>3.4DCs are only calculated on the barn area, as the application states that the number of guests will be limited to 200 people, as per the Initial 2012 approval – only the area within which the permitted land uses can be exercised is increased. Should the number of persons be increased, it will trigger an addition DC.</p> <p>Water = borehole Sewer = conservancy tank</p>



Ref: 16/9/6/1-25/161 (Job 18946)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

**ERF 284, RAITHBY, STELLENBOSCH (FARM VREDENBURG): MAIN ROAD 166: APPLICATION FOR
CONSENT USE**

1. The following refer:
 - 2.1 The email from MLH Architects and Planners dated 26 June 2023 containing the application for Consent Use;
 - 2.2 This Branch's previous comments (reference 16/9/6/1-25/161 (Job 18946) dated 23 March 2021 on the Pre-application Draft Basic Assessment Report for the proposed additional Tourist facilities in which this Branch highlighted its concern relating to the limited stacking distance available between Main Road 166 (MR166) and the position of the 1st access control gate; and
 - 2.3 A site visit conducted on 12 July 2023.
3. The intend of this application is for the continued use of the existing barn as a function venue (200 guests) and to use the erf area for functions as well as to utilise a portion of the existing stables for storage of catering equipment (used in conjunction with function venue).
4. MR166 is affected by this application at ±km2.08. The access was upgraded to the minimum geometric and surfacing standards during the reconstruction of MR166. A R1 stop sign is also present.
5. The access further adheres to the minimum safe shoulder sight distances in both directions for the 80-km/h posted speed limit past the access.
6. Two access control gates are currently still present (at the entrance structure, approximately 1m in height and providing substandard stacking distance for the proposed facility with a 2nd gate approximately 165m away from MR166).

7. The Site Development Plan (SDP), drawn by MLH Architects and Planners, Drawing Number SDP- 3636-02, Revision 1, dated 23 February 2023, only indicates the current 2nd security gate approximately 165m away from MR166.
8. This Branch offers no objection to this application for Consent Use on Erf 284, Raithby, Stellenbosch as reflected on the SDP as drawn by MLH Architects and Planners, Drawing Number SDP- 3636-02, Revision 1, dated 23 February 2023, subject to the following condition:
 - 8.1 That the 1st security gate at the entrance to the farm be removed permanently or relocated to be at least 30m from the centreline of MR166.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 17 JULY 2023

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2. MLH Architects and Planners
Attention: Me F Moses (e-mail: fatima@mlh.co.za)
3. District Roads Engineer
Paarl
4. Me S du Preez (e-mail)
5. Mr B du Preez (e-mail)
6. Mr SW Carstens (e-mail)

Sir/Madam

APPLICATION: (LU/14870)

RE: APPLICATION FOR COCENT USE: ERF 284, RAITHBY.

From an Environmental Health perspective this application may be recommended for approval, provided that the following conditions are complied with:

1. Sewerage/Sanitary facilities:

- 1.1 The sewerage system from the proposed development must be connected to the Municipal sewerage system according to Stellenbosch Municipality's specifications, conditions and approval.
- 1.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility.
- 1.3 Disabled facilities must be provided.

2. Potable water/Storm water:

- 2.1 The quality of the potable water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

3. Solid waste disposal:

- 3.1 Refuse collection and storage must be done in a way that will not cause a health nuisance.
- 3.2 Refuse removal must comply with the specifications of Stellenbosch Municipality's specifications.
- 3.3 The proposed industry must be provided with a refuse area that complies with the following:
 - 3.3.1 Large enough to store all the refuse generated on the premises;
 - 3.3.2 Inaccessible to the public, i.e. equipped with a lockable door or gate;
 - 3.3.3 A smooth, washable floor surface, constructed at an angle to direct drainage to a specific point;
 - 3.3.4 A catchment pit connected to the sewerage system;
 - 3.3.5 A cold water tap for washing up purposes;
 - 3.3.6 Rodent and insect proof according to the best available method.

4. Food Handling:

- 4.1 All areas where food is handled must comply with the minimum requirements for food handling premises as determined in Regulation R638 of 23 November 2012: Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, promulgated in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972)

- 4.2 Said food handling areas may in no circumstances be operated without application being made to the Environmental Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only be issued after an inspection was conducted and if the premises meet the requirements of Regulation R638.

5. General conditions:

- 5.1 This Department reserves the right to set further requirements during the running of the business.

Please contact me if you have any further questions or comments in this regard.

Regards,
Tracey-Lee Mouton



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About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens. Our head office is at Town House Complex, Plain Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

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From: Fabian van Wyk <fabian@capewinelands.gov.za>

Sent: Monday, June 12, 2023 3:09 PM

To: Tracey-Lee Mouton <Tracey-lee@capewinelands.gov.za>

Subject: FW: ERF 284, RAITHBY, APPLICATION FOR CONSENT USE: ENGINEERING SERVICES (COMMENTS BY EMAIL)

Hi

Below for you dear.

Thanks

From: Salome Newman <Salome.Newman@stellenbosch.gov.za>

Sent: Monday, June 12, 2023 12:11 PM

To: Fabian van Wyk <fabian@capewinelands.gov.za>; Ferencia September <ferencia@capewinelands.gov.za>

Cc: Charlene Williams <Charlene.Williams@stellenbosch.gov.za>

Subject: RE: ERF 284, RAITHBY, APPLICATION FOR CONSENT USE: ENGINEERING SERVICES (COMMENTS BY EMAIL)

Good day