



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15039 (TP221/2022)

Our File Reference Number: Farm 43, 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 FOR AMENDMENT OF A CONDITION OF APPROVAL, CONSENT USES AND DEPARTURES
ON FARM WARWICK NO. 43, 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 Bylaw, 2023 on Farm No. 43, Stellenbosch Division for:
 - 2.1.1 **Amendment of a Condition of Approval** in terms of section 15(2)(h) of the said bylaw to delete condition No.3(c) of letter of decision dated 06 July 2006 in order to permit the land owner to purchase grapes to be processed that are not produced on the subject property. The condition reads as follows: "*that only grapes produced on the farm may be processed in the wine cellar*".
 - 2.1.2 **Consent Use** in terms of section 15(2)(o) of the said bylaw for an Agricultural Industry larger than 2000m² in order to permit the winery building extension and external loading/circulation area.
 - 2.1.3 **Consent Use** in terms of section 15(2)(o) of the said bylaw for tourist facilities within existing buildings exceeding the threshold:
 - (i) extension of the existing wine tasting facility in order to permit a wine tasting and sales within the original wine cellar building.

- (ii) deli/restaurant within the original wine cellar building.
- (ii) Outdoor picnic (outside lawn and seated area) which is linked and associated to the deli/restaurant and function venue.
- (iv) Function venue and receptions, consisting of birthday functions, weddings, bridal showers/baby showers and year-end functions to be held at/within the following areas:
 - a) Outdoor picnic area (outside lawn and seated area).
 - b) Deli/restaurant (within the existing structure)
 - c) Wine tasting area (with the existing structure)

2.1.4 **Consent Use** in terms of section 15(2)(o) of the said bylaw for an additional dwelling unit.

2.1.5 **Departure** in terms of section 15(2)(b) of the said bylaw to exceed the permissible height of one (1) storey in order to permit the additional dwelling unit consisting two (2) storeys (ground floor and mezzanine level).

2.1.6 **Permission in terms of the zoning scheme** for a Technical Approval in terms of Section 15(2)(g) of the said Bylaw to allow for more than one (1) employee housing unit.

2.1.7 **Departure** in terms of section 15(2)(b) of the said bylaw to exceed the permissible coverage of 120m² of an employee house in order to permit an employee house of ±145m².

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:**

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

3.2 The development must be undertaken generally in accordance with the site development plan as referenced:

- a) **Drawing Typical Site Plan (existing structures/buildings) Plan No. 3, dated 02 November 2022, drawn by TV3 Architects and Town Planners,**

b) Drawing Agriculture Industry (wine cellar/winery) Plan No. 5, dated 02 November 2022, drawn by TV3 Architects and Town Planners,

c) Drawing Typical Site Plan Agricultural Industry and Tourist facilities Plan No. 6, dated 02 November 2022, drawn by TV3 Architects and Town Planners; and as attached as ANNEXURE B.

- 3.3 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.
- 3.4 Building plans must be generally in accordance with the site plan as referred to in 3.2 above.
- 3.5 At least 50% of the produce used in the agricultural industry shall be grown or produces on the subject property.
- 3.6 The agricultural industry (winery building with external area) be limited to a total floor area as indicated on Site development Plan referenced "Drawing Typical Site Plan Agricultural Industry and Tourist facilities Plan No. 6, dated 02 November 2022", drawn by TV3 Architects and Town Planners.
- 3.7 The wine tasting and sales facility be accommodated within the existing winery building with a maximum total floor area of $\pm 221\text{m}^2$ and be limited to 70 guests/visitors.
- 3.8 The deli/restaurant be accommodated within the existing winery building and wooden deck area with a maximum total floor area of $\pm 383\text{m}^2$ and be limited to 110 guests/visitors.
- 3.9 The outdoor picnic area (outside lawn and seating area) be limited to a maximum total floor area of $\pm 9\,800\text{m}^2$ and be limited to 300 guests/visitors.
- 3.10 The capacity of functions that are held is the combined capacity of the restaurant and wine tasting facility, which is a combined capacity of 180 guests/visitors.
- 3.11 The additional dwelling unit be limited to a maximum coverage of $\pm 90\text{m}^2$.
- 3.12 Only twelve (12) employee housing units are allowed. Should the owner wish to construct more employee housing units, an appropriate land use application is required.
- 3.13 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order 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).

- 3.14 No music is played at the function facilities that may create a noise nuisance for surrounding property owners and that the owners of the applicable property at all times comply with the applicable noise control regulations and by-laws.
- 3.15 The conditions imposed by the **Department of Transport Infrastructure** in their letter dated 05 October 2023, attached as **ANNEXURE G**, be adhered to, to the satisfaction of the department.
- 3.16 The conditions imposed by the **Directorate: Infrastructure Services** in their memo dated 31 March 2023, attached as **ANNEXURE K**, be adhered to.
- 3.17 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, or as may be agreed on in writing with the Directorate Infrastructure Services.
- 3.18 The conditions imposed by **Manager: Health Services (Cape Winelands)** as contained in their email dated 20 April 2023, attached as **ANNEXURE L**, be adhered to.
- 3.19 The primary use of the farm should still remain agricultural with all the other proposed uses remaining subservient to the primary bono fide agricultural activities on the farm.
- 3.20 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and as illustrated on drawing referenced "Typical Site Plan Agricultural Industry and Tourist facilities Plan No. 6, dated 02 November 2022", drawn by TV3 Architects and Town Planners.
- 3.21 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

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

- 4.1 The proposed uses will help to diversify the land uses on the farm without impacting on the existing agricultural activities.
- 4.2 The primary land use will remain that of productive agriculture entity.

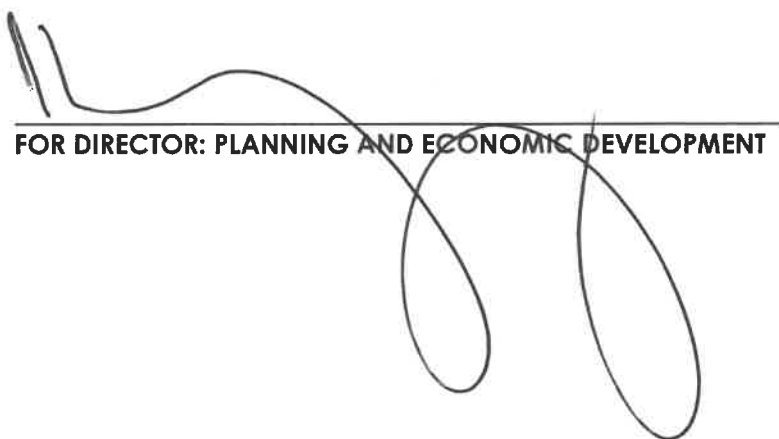
- 4.3 The proposal also complies with the principles of the Stellenbosch Spatial Development Framework which states that agri-tourism should be promoted in farming areas outside of urban settlements.
- 4.4 The facility creates employment opportunities and diversifies the economic base of the local area and region as a whole;

5. **Matters to be noted**

- 5.1 All electrical requirements should be directed to Eskom.
- 5.2 The necessary approval be obtained in terms of the applicable liquor act, liquor by-laws or regulations.
- 5.3 An application for a business licence must be submitted.
- 5.4 The conditions imposed by the **Manager: Environmental Management** as contained in their memo dated 23 May 2023, attached as **ANNEXURE M**, be complied with.
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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the printed text.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

7/8/2024
DATE

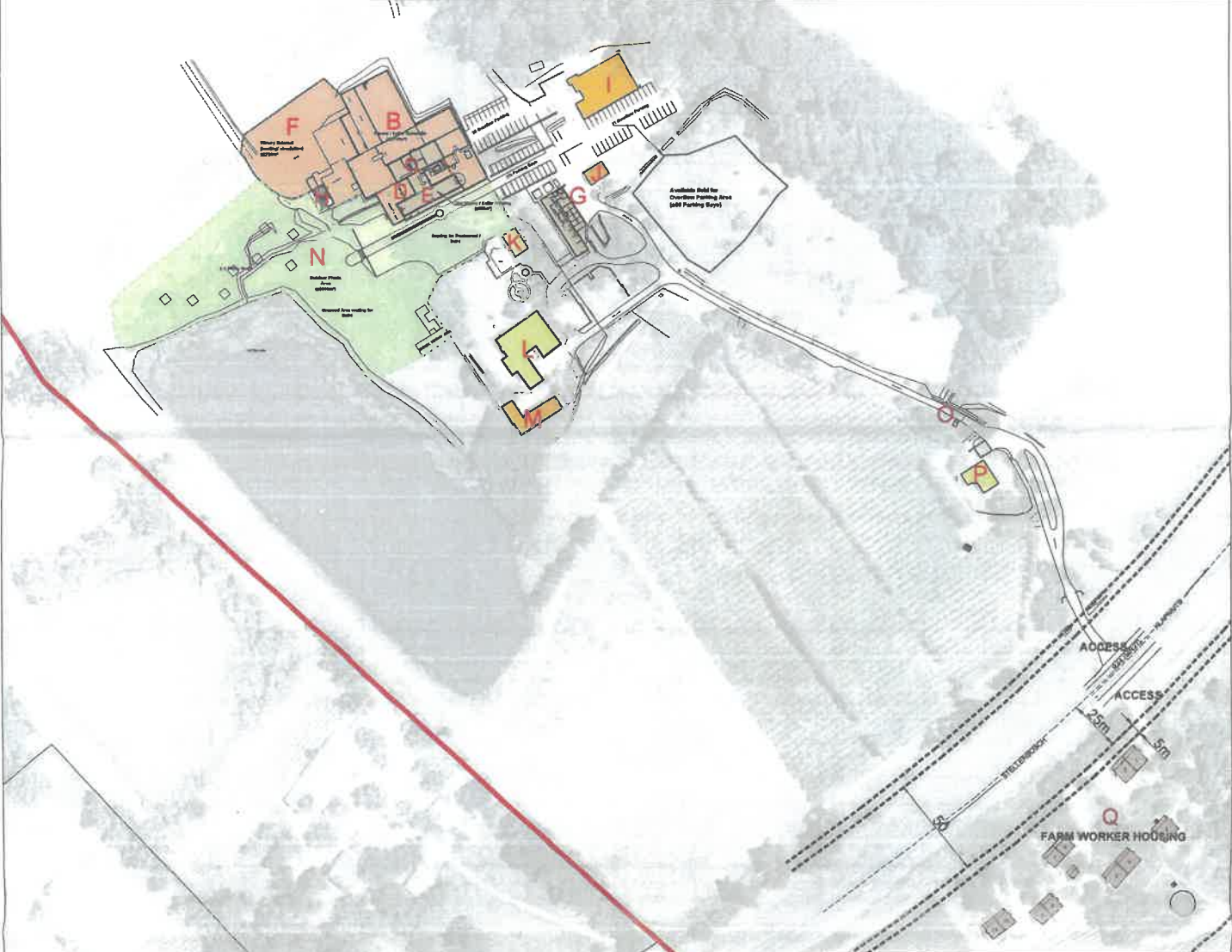
ANNEXURE B

**AMENDMENT OF A CONDITION OF APPROVAL,
CONSENT USES AND DEPARTURES ON FARM
WARWICK NO. 43, STELLENBOSCH DIVISION**

SITE DEVELOPMENT PLAN/SITE PLAN



NO.	EXISTING STRUCTURES / BUILDINGS	AREA (±m²)
A	Second Dwelling	324m²
B	Wine Cellar Extension (Agricultural Industry)	2410
C	Original Wine Cellar and Wine Tasting Including the Wine Tasting facility (±126m²)	560m²
D	Delhi / Restaurant (Tourist Facility)	383m²
E	Wine Tasting (Tourist Facility)	221m²
F	Winery External Loading / Circulation (Agricultural Industry)	2220m²
G	Farm/ Winery Administration / Offices Including 5 covered parking bays	360m²
H	Ablution facilities	80m²
I	Workshop	580m²
J	Farm Store	80m²
K	Additional Dwelling	90m²
L	Main Dwelling House	554m²
M	Garage / Storage	230m²
N	Outdoor Picnic Area	9800m²
O	Entrance Security Kiosk	8m²
P	Employee Housing	145m²
Q	Farm Worker Housing (11 dwellings)	



0m 10m 25m 50m

Notation:
Cadastral information obtained from Surveys and Mapping (DRDLR).
Aerial Photography obtained from Surveys and Mapping (DRDLR).
Aerial Photography obtained on Google Earth.
* All areas and dimensions are approximate and should be verified by a professional land surveyor.
* This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved

Drawing:		Plan no.:
Typical Site Plan (existing structures/ buildings)		3
Date:	Scale:	
02/11/2022	NTS	
Project no.:	Drawn:	Checked:
P3680	AP	####

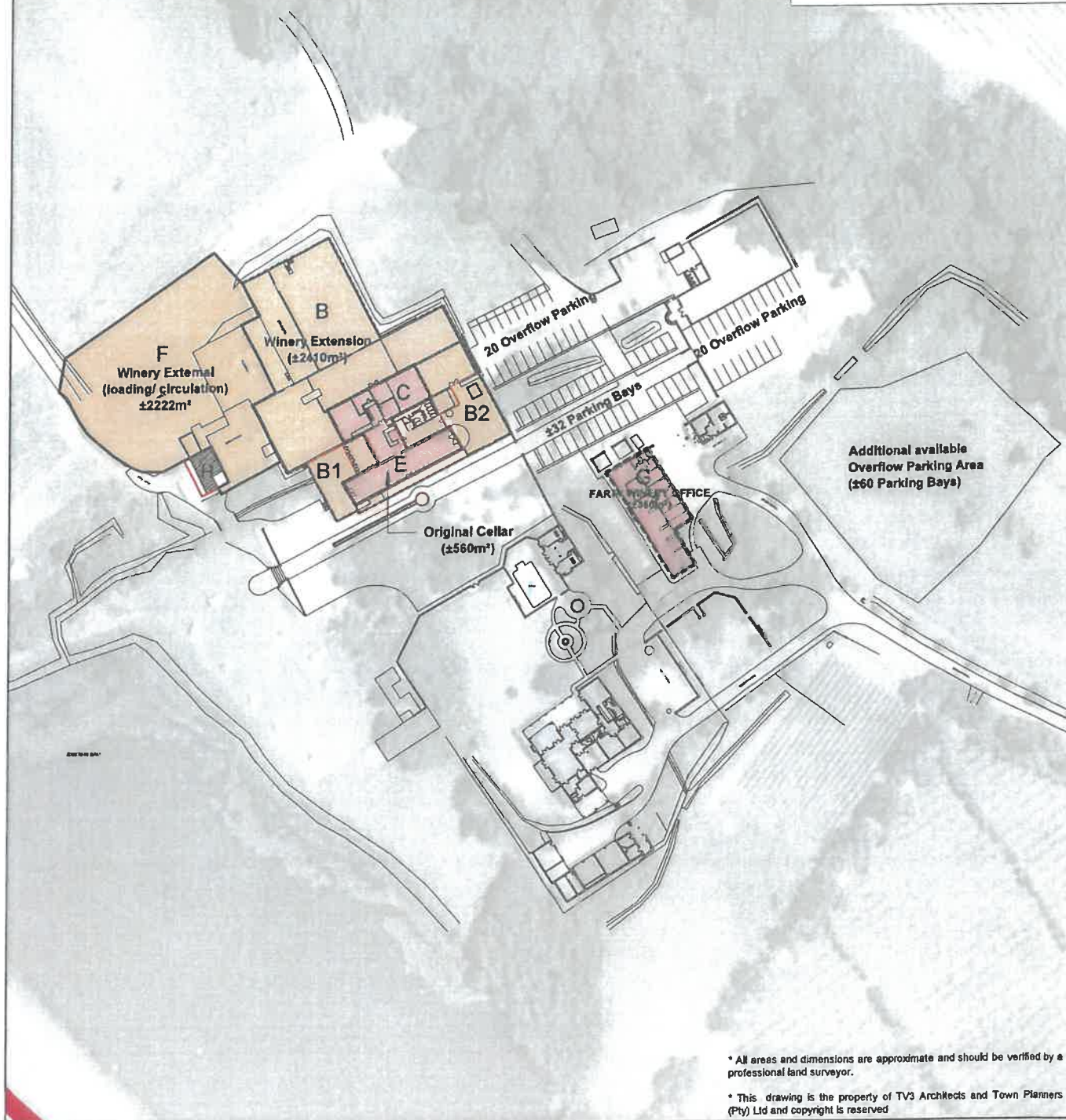
tv3 ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

**Farm No 43, Warwick
Structures / Buildings**

Property Description:
Farm No. 43, Stellenbosch



Agricultural Industry Components (Wine Cellar)	
B	Wine Cellar/ Winery Extension(After 1986) = ±2410m ² Including external area as follow:
B1	Wooden Deck = ±150m ²
B2	Winery Courtyard / Steep = ±290m ²
F	Agricultural Industry External circulation/ loading (±2222m ²)
C+E	Original Wine Cellar/ Winery (pre-1986) = ±560m ² (Including Wine Tasting and Sales = ±126m ²)
G	Wine Cellar/ Winery/ Farm Administration Building (±360m ²)
H	Ablution Facilities (±80m ²)
	72 Parking Bays and ±50 Overflow Parking Bays



* All areas and dimensions are approximate and should be verified by a professional land surveyor.

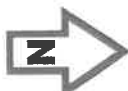
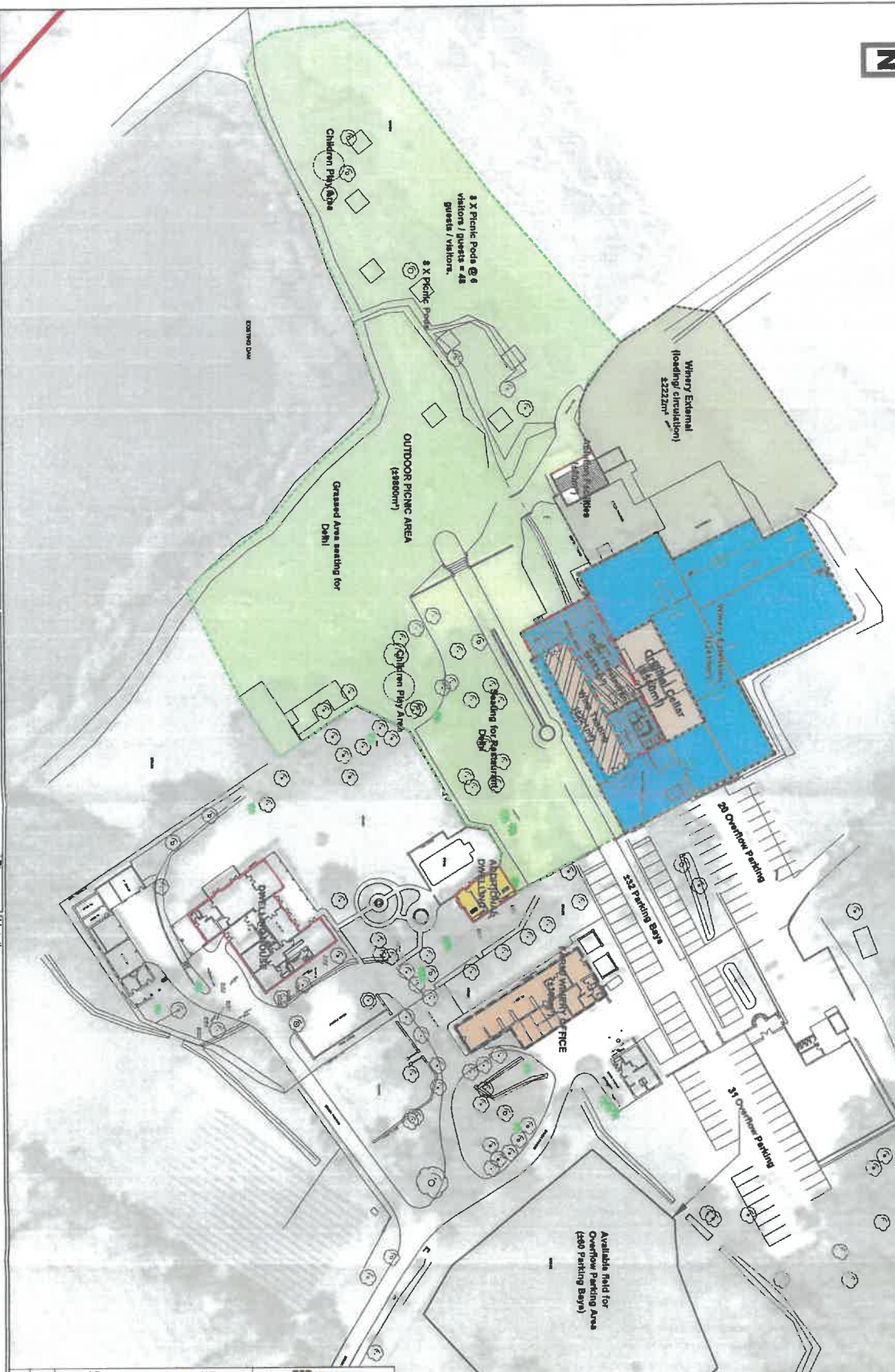
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tv3 ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

Warwick Agriculture Industry (Wine Cellar / Winery)

Property Description:
Farm No 43, Stellenbosch

Drawing:		Plan no.:
Agriculture Industry (Wine Cellar/Winery)		5
Date:	Scale:	
02/11/2022	1:1 000	
Project no.:	Drawn:	Checked:
P3680	AP	#####



AGRICULTURAL, INDUSTRIAL, WINERY AND OUTLETS AND TOURIST FACILITIES	
	Wine Cellar Extension (2410m²)
	Original Winery Cellar Footprint (1250m²)
	Farm / Winery Office / Administration (1350m²)
	Winery external circulation loading area and courtyard (22222m²)
	Winehouse (2221m² within Winery Building) (Capacity - 70 guests / visitors)
	Deli / Restaurant / Kitchen and Wooden Deck (3350m² within Winery Building) (Capacity 110 guests / visitors)
	Outdoor Picnic Area (13500m²) (Capacity 2300 people)
	Children's Play Area
	Grassed seating area
	Picnic pods
	Winery Extension and its Outside
	New 1000m² Restaurant and connected Picnic Area are retained and connected.
	Existing Winery (Bibendum, warehouse, Year and functions) To be linked in above areas (Capacity of 110 guests/visitors)
	Note: Capacity = combined capacity of Winery Testing and Restaurant / Deli (70 + 110)
	Additional Dwelling Unit
	23 parking bays are additional area of 0.10 parking bays

* All areas and dimensions are approximate and should be verified by a professional land surveyor.

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ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

Warwick Agriculture Industry and Tourist Facilities

Farm No 43, Stellenbosch

Drawing:

Typical Site Plan
Agricultural Industry & Tourist Facilities

Plan no.:

6

Date:

02/11/2022

Scale:

1:1 000

Drawn:

AP

Checked:

####

Project no.:

P3680

Notation:

Cadastral information obtained from Surveys and Mapping (DRDLR).

Aerial Photography obtained from Surveys and Mapping (DRDLR).

Aerial Photography obtained on Google Earth.

ANNEXURE G

**AMENDMENT OF A CONDITION OF APPROVAL,
CONSENT USES AND DEPARTURES ON FARM
WARWICK NO. 43, STELLENBOSCH DIVISION**

**COMMENT FROM THE DEPARTMENT
OF TRANSPORT INFRASTRUCTURE**



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/453 (Job 30257)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

**FARM 43 STELLENBOSCH: MAIN ROAD 27 AND DIVISIONAL ROAD 1090: APPLICATION FOR
CONSENT USES, AMENDMENT OF A CONDITION OF APPROVAL, APPROVAL OF THE TYPICAL SITE
PLAN AND DEPARTURES**

1. The following refer:
 - 1.1. The undated Notice of Development Application LU/ 15039 (TP221/2022) received via email from TV3 Architects, Town Planners and Urban Designers dated 15 March 2023;
 - 1.2. The Traffic Impact Assessment prepared by Innovative Transport Solutions dated November 2022;
 - 1.3. All previous correspondence and approvals from this Branch including an access onto Main Road 27 (MR27/R44) at $\pm$ km46.23 left hand side (LHS) and in terms of Act 21 of 1940 for the relaxation of the 95m building line to allow existing structures as depicted in the Motivation Report and Traffic Impact Assessment;
 - 1.4. The proposed Site Development Plan (SDP), Plan No. 3, dated 2 November 2022 prepared by TV3 Architects, Town Planners and Urban Designers;
 - 1.5. A site visit held on 13 September 2023 confirming the following:
 - 1.5.1. The access off MR27 at $\pm$ km46.23LHS does not adhere to the minimum geometric requirements of this Branch in relation to:
 - a. The substandard turning radius present in the Stellenbosch direction resulting in damage to the main road shoulder edge and restricting left in vehicle turning movement with substandard repair work with concrete also present (15m turning radius in both directions is required); and
 - b. The substandard access roadway width varies from 5m to 4m restricting two traffic movement (6.8m width is required):

- 1.5.2. The stacking distance of $\pm 100\text{m}$ in the property is acceptable for the land uses applied as measured from the road reserve fence to the 2nd access gate on the property (consisting of a security boom structure);
- 1.5.3. The entrance surfacing is currently acceptable consisting of brick paving;
- 1.5.4. The entrance roadway off MR27 is currently in the road reserve and will be relocated with future dualling of MR27 to the 1st entrance gate structure currently at $\pm \text{km}46.23\text{LHS}$; and
- 1.6. When MR27 is dualled in the future the minimum geometric and surfacing requirements for the 1st entrance gate at $\pm \text{km}46.23\text{LHS}$ shall also be applicable.
2. MR27 (R44) and DR1090 (Muldersvlei Road) are affected by this application.
3. An application is made to permit (regularise) existing land uses and extensions to the Agricultural Industry (Winery) that are currently being conducted on the subject property within existing buildings/structures with specific reference to the following:
 - 3.1. Amendment of a Condition of Approval to delete condition No 3(c) of letter of decision dated 06 July 2006 to permit the landowner to purchase grapes to be processed that are not produced on the subject property. The condition reads as follows: "...that only grapes produced on the farm may be processed in the wine cellar"; and
 - 3.2. Consent Use for an Agricultural Industry larger than $2\,000\text{m}^2$ to permit the winery building extension constructed after 01 July 1986, and external loading/ circulation area as indicated on Plan No 5 dated 2 November 2022 prepared by TV3 Architects, Town Planners and Urban Designers.
 - 3.3. Consent Use for tourist facilities within existing buildings exceeding the threshold:
 - 3.3.1. Extension of the existing wine tasting facility to permit a wine tasting and sales facility of $\pm 221\text{m}^2$ within the original wine cellar building with a capacity of 70 guests / visitors, as indicated on Plan No 6;
 - 3.3.2. Deli/restaurant within the original wine cellar building of $\pm 383\text{m}^2$ with a capacity of 110 visitors/guests, as indicated on Plan No. 6;
 - 3.3.3. Outdoor picnic/tourist area (outside lawn and seated area equating to $\pm 9800\text{m}^2$) linked and associated to the deli / restaurant and function venue with a capacity of 300 guests/visitors as indicated on Plan No. 6;
 - 3.3.4. Function venue and receptions, consisting of birthday functions, weddings, bridal showers/ baby showers and year-end functions to be held at/within the following areas:
 - Outdoor picnic area (outside lawn and seated area);
 - Deli/restaurant (within the existing structure); and
 - Wine tasting area (within the existing structure);

- 3.3.5. Consent Use for an additional dwelling unit of $\pm 90\text{m}^2$ regarding the existing building depicted as K on Plan No. 3, prepared by TV3 Architects, Town Planners and Urban Designers dated 2 November 2022;
 - 3.3.6. Departure to exceed the permissible height of one (1) storey to permit the additional dwelling unit consisting of two (2) storeys (ground floor and mezzanine level) depicted as Building No. K on Plan No. 3 prepared by TV3 Architects, Town Planners and Urban Designers dated 2 November 2022;
 - 3.3.7. Departure to exceed the permissible coverage of 120m^2 of an employee house to permit an employee house of $\pm 145\text{m}^2$, as depicted as P on Plan No. 3, prepared by TV3 Architects, Town Planners and Urban Designers dated 2 November 2022; and
 - 3.3.8. Approval of the Site Development Plan (SDP), Plan No. 3, prepared by TV3 Architects, Town Planners and Urban Designers dated 2 November 2022.
4. The main conclusions from Traffic Impact Assessment are:
 - 4.1. That the development will generate approximately 35 trips during the AM peak hour and 179 trips during PM peak hour;
 - 4.2. That based on the traffic analyses the MR27/DR1090 intersection is expected to operate with a LOS E but the critical right-turn movement will still have sufficient capacity for side road traffic to safely enter the traffic stream along MR27;
 - 4.3. The proposed development will only contribute about 1% to the future total entering traffic volumes at this intersection, which is low and does not justify any mitigation at the MR27/DR1090 intersection; and
 - 4.4. That in accordance with the Western Cape Government's Access Management Guidelines (AMG, 2020) a dedicated southbound right turn lane is warranted at the existing access on MR27 at $\pm \text{km}46.23\text{LHS}$.
 5. This Branch offers no objection to the application for Consent uses, Departures, Amendment of Condition of approval and the approval of the Site Development Plan as drawn by TV3 Architects, Town Planners and Urban Designers, Drawing No 3 dated 2 November 2022 subject to the following conditions:
 - 5.1. A dedicated southbound right turn lane must be constructed at on MR27 at $\pm \text{km}46.23\text{LHS}$;
 - 5.2. The access off MR27 at $\pm \text{km}46.23\text{LHS}$ shall be reconstructed to the minimum geometric standards of this Branch (15m turning radius in both directions up to a 6.8m roadway width (including the current 1st entrance gated structure) with a permanent surfacing and shall also be applicable when MR27 is dualled in the future;
 - 5.3. All geometrics and materials design plans after being scrutinised by the relevant Directorate/s at Stellenbosch Municipality must be submitted to the Design Directorate at this Branch (Mr M Hendrickse - michael.hendrickse2@westerncape.gov.za; Tel: 2721-4833107) for final approval;

- 5.4. The entrance gate at the road reserve fence shall remain open during all functions to allow sufficient stacking distance in the property (currently is $\pm 100\text{m}$ stacking distance available from the entrance gate at the road reserve to the security boom structure);
- 5.5. The number of parking bays provided must adhere to the minimum requirements of Stellenbosch Municipality; and
- 5.6. Under no circumstances will parking be allowed within the MR27 road reserve.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 5 OCTOBER 2023

ANNEXURE K

**AMENDMENT OF A CONDITION OF APPROVAL,
CONSENT USES AND DEPARTURES ON FARM
WARWICK NO. 43, STELLENBOSCH DIVISION**

**COMMENT FROM THE DIRECTORATE:
INFRASTRUCTURE SERVICES**



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:	31 March 2023
Our Ref ▫ Ons Verw:	Civil LU 2465
Your Ref:	LU/15039
Re ▫ Insake:	Farm 43, Stellenbosch: The application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following on Farm No. 43, Stellenbosch Division: 1.

Amendment of a Condition of Approval in terms of section 15(2)(h) of the said bylaw to delete condition No.3(c) of letter of decision dated 06 July 2006 in order to permit the land owner to purchase grapes to be processed that are not produced on the subject property. The condition reads as follows: "that only grapes produced on the farm may be processed in the wine cellar". 2. Consent Use in terms of section 15(2)(o) of the said bylaw for an Agricultural Industry larger than 2000m² in order to permit the winery building extension constructed after 01 July 1986, and external loading/circulation area as indicated on Plan Nr. 5.3. 3. Consent Use in terms of section 15(2)(o) of the said bylaw for tourist facilities within existing buildings exceeding the threshold: 3.1 extension of the existing wine tasting facility in order to permit a wine tasting and sales facility of ±221m² within the original wine cellar building with a capacity of 70 guests/visitors, as indicated on Plan Nr 6;

3.2 deli/restaurant within the original wine cellar building of $\pm 383\text{m}^2$ with a capacity of 110 visitors/guests, as indicated on Plan No. 6.3.3 Outdoor picnic/tourist area (outside lawn and seated area equating to $\pm 9\,800\text{m}^2$) linked and associated to the deli/restaurant and function venue with a capacity of 300 guests/visitors as indicated on Plan No.6. 3.4 Function venue and receptions, consisting of birthday functions, weddings, bridal showers/baby showers and year-end functions to be held at/within the following areas: a) Outdoor picnic area (outside lawn and seated area).b) Deli/restaurant (within the existing structure)c) Wine tasting area (with the existing structure)4.Consent Use in terms of section 15(2)(o) of the said bylaw for an additional dwelling unit of $\pm 90\text{m}^2$ regarding the existing building depicted as K on Plan Nr.3. 5. Departure in terms of section 15(2)(b) of the said bylaw to exceed the permissible height of one (1) storey in order to permit the additional dwelling unit consisting two (2) storeys (ground floor and mezzanine level) as depicted on Plan Nr. 3 (building No. K). 6.Departure in terms of section 15(2)(b) of the said bylaw to exceed the permissible coverage of 120m^2 of an employee house in order to permit an employee house of $\pm 145\text{m}^2$, as depicted as P on Plan No. 3. 7. Approval of the Typical Site Plan in terms of Section 216 of the said bylaw indicated as Plan Nr. 3 (existing structures/buildings) and Plan Nr. 6 (agricultural industry and tourist facilities).

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

1. Water

1.1 Water supply is proposed via borehole:

- 1.2 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards. This will be the Ownres responsibility.

2. Sewer

- 2.1 Sewer collection and treatment is proposed via an existing operational package plant.
- 2.2 A maintenance agreement must be entered into between the owner and the waste water treatment system service provider and proof thereof be furnished to the Municipality's Water Services Department (for the attention of Mr James Beukes (t) 021 808 8283; email: james.beukes @ Stellenbosch.gov.za) before occupation certificates are issued.
- 2.3 Provide proof of approval from the Department of Water and Sanitation for disposal of treated effluent by irrigation / discharge of treated effluent into a water course before occupation certificate approval.
- 2.4 The design and construction supervision of the facility must be undertaken by a suitably qualified professional (i.e. ECSA registered professional engineer), who at the completion of the work, certifies that the installation is complete and to the required standard in all respects. Such certification is required before occupation certificates will be issued.

3. Roads

- 3.1 **Access is from a provincial road (R44) – please obtain approval from Provincial Roads Engineer. All their condition must be adhered to prior to further development approvals / clearances from the Municipality.**

4. Development Charges (DCs)

- 4.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 4.2 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.

- 4.3 The appropriate DC's are payable before building plan approval. If building plans are not applicable, then DCs are payable before the facilities are put to it's intended use and/or before occupation certificate is approved.



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

W:\2.0 DEVELOPMENT\01 Land Use applications\2465 (TK) Farm 43 Stellenbosch (LU-15039 TP221-2022)\2465 () Farm 43 Stellenbosch (LU-15039 TP221-2022).doc

Anton Prinsloo

From: Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>
Sent: 31 October 2023 09:12
To: Anton Prinsloo
Subject: FW: 2465 () Farm 43 Stellenbosch (LU-15039 TP221-2022)_2 (31 Oct 2023)
Attachments: DC 2465 () Farm 43 Stellenbosch (LU-15039 TP221-2022)_2 (31 Oct 2023).pdf;
2465 () Farm 43 Stellenbosch (LU-15039 TP221-2022).pdf

Hi Anton;

Please find attached amended DC rates.

See email below from Tyrone



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MUNICIPALITEIT • KRAATSTRAAT • MUNISIPALITEIT

About Stellenbosch Municipality
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

2465 () Farm 43 Stellenbosch (LU-15039 TP221-2022)_2 (31 Oct 2023).pdf
2465 () Farm 43 Stellenbosch (LU-15039 TP221-2022).pdf

Visit our website at www.stellenbosch.gov.za

Contact us at bulelwa.mdoda@stellenbosch.gov.za

1000

From: Tyrone King <Tyrone.King@ Stellenbosch.gov.za>
Sent: Tuesday, October 31, 2023 8:58 AM
To: Lukas Louw <lukas@bs-inc.co.za>
Cc: Development Admin <Development.Admin@ Stellenbosch.gov.za>; Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>; Pieter Arangie <pietera@itsglobal.co.za>
Subject: 2465 () Farm 43 Stellenbosch (LU-15039 TP221-2022)_2 (31 Oct 2023)

Hi Lukas,

Council has approved the amended DC rates for "outdoor function / picnic areas".

Herewith the revised DC calc for Warwick, as requested. You can contact me if any questions.

Bulelwa, please note that this calc replaces the one in our Memo dated 31 March 2023.

Regards



Tyrone King Pr Tech Eng
Manager: Development
Infrastructure Services

T: +27 21 808 8214 | F: +27 21 883 9874
1st Floor, Ecclesia Building, 71 Plein Street,
Stellenbosch, 7600
www.stellenbosch.gov.za



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	DC 2465 () Farm 43 Stellenbosch (LU-15039 TP221-2022)
Development Name:	Wanwick Estates
Date:	31 October 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 43
DC Parameters Reference:	TV3 motivation report dated 30 Nov 2022 3680-P - Par 2.3

SUMMARY OF DC CALCULATION							
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Totals
Unit(s):	kl/day	kl/day	ha°C	l/week	trips/day		
Total Increased Services Usage:	19,832	14,728	0.3906	1,0208	270.8		
Total Service Usage Reduction:	0	0	0	0	135.4		
Total Service Usage after Reduction:	19,83	14,73	0.39080	1,021	135.4		
Charges before adjusting for positive only, before Deductions	R -	R -	R 80 919.09	R 99 846.10	R 1 815 935.82	R 1 998 701.01	R 2 073 896.02
Charges adjusted for positive only, before Deductions	R -	R -	R 80 919.09	R 99 846.10	R 1 815 935.82	R 1 998 701.01	R 2 073 896.02
Total Deductions:	R -	R -	R -	R -	R 907 967.91	R 907 967.91	R 907 967.91
Total Development Charges Payable (excluding VAT):	R -	R -	R 80 919.09	R 99 846.10	R 907 967.91	R 1 088 733.10	R 1 165 928.11
VAT:	R -	R -	R 12 137.88	R 14 976.91	R 136 195.19	R 163 309.96	R 174 869.22
Total Development Charges Payable (including VAT):	R -	R -	R 93 056.96	R 114 823.01	R 1 044 163.10	R 1 252 043.06	R 1 340 817.33

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature:	
Notes:	Water: Boreholes; Sewer: Package Plant TV3 motivation report dated 30 Nov 2022 3680-P - Par 2.3: 2.3.1 Wine Tasting and Sales: 221m2 2.3.2 Delhi / Restaurant: 383m2 Total = 604m2 2.3.3 Outdoor Picnic: 9 800m2 / 300 guests



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	DC 2465 () Farm 43 Stellenbosch (LU-15039 TP221-2022)
Development Name:	Warwick Estates
Date:	12 April 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):	Rural
Erf No:	Farm 43
DC Parameters Reference:	TV3 motivation report dated 30 Nov 2022 3680-P - Par 2.3

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:	44.032	38.528	1.5606	2.0808	1002.8	104.04
Total Service Usage Reduction:	0	0	0	0	501.4	0
Total Service Usage after Reduction:	44.03	38.53	1.56060	2.081	501.4	104
Total Development Charges before Deductions:	R -	R -	R -	R 182 286.40	R 6 022 816.80	R 159 707.28
Total Deductions:	R -	R -	R -	R -	R 3 011 408.40	R -
Total Payable (excluding VAT):	R -	R -	R -	R 182 286.40	R 3 011 408.40	R 159 707.28
VAT:	R -	R -	R -	R 27 342.96	R 451 711.26	R 23 956.09
Total Payable (including VAT):	R -	R -	R -	R 209 629.36	R 3 463 119.66	R 183 663.37
						R 3 856 412.39

APPLICANT INFORMATION	
Application Processed by:	T King
Signature:	
Notes:	TV3 motivation report dated 30 Nov 2022 3680-P - Par 2.3: 2.3.1 Wine Tasting and Sales: 221m2 2.3.2 Delhi / Restaurant: 383m2 Total = 604m2 2.3.3 Outdoor Picnic: 9 800m2

Stellenbosch Town

[illegible][illegible]

ANNEXURE L

**AMENDMENT OF A CONDITION OF APPROVAL,
CONSENT USES AND DEPARTURES ON FARM
WARWICK NO. 43, STELLENBOSCH DIVISION**

**COMMENT FROM THE MANAGER:
HEALTH SERVICES (CAPE
WINELANDS)**

Anton Prinsloo

From: Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>
Sent: 21 April 2023 08:22
To: Anton Prinsloo
Subject: FW: INSTRUCTION TO ADVERTISE: FARM 43 STELLENBOSCH

Dear Anton;

Please find below comments received from Health Department.



Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
1st Floor, NPK Building
Cnr Plein and Ryneveld Street
Stellenbosch
7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



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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.

For more information, please visit our website:
www.stellenbosch.gov.za

bulelwa.mdoda@stellenbosch.gov.za

[IOCO](#)

From: Fabian van Wyk <fabian@capewinelandsgov.za>
Sent: Thursday, April 20, 2023 10:04 PM
To: Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>
Cc: Ferencia September <ferencia@capewinelandsgov.za>
Subject: [EX] RE: INSTRUCTION TO ADVERTISE: FARM 43 STELLENBOSCH

Ms Mdoda

Please find below comments from Municipal Health Services.

LAND USE APPLICATION FOR : FARM 43, Warwick, 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 and must be connected to the existing municipal system or similar approved 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 public.**
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 638 of 22 June 2018.**
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.**

Yours faithfully



Chief Environmental Health

From: Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>
Sent: Thursday, 20 April 2023 08:29
To: Fabian van Wyk <fabian@capewinelands.gov.za>
Cc: Ferencia September <ferencia@capewinelands.gov.za>
Subject: RE: INSTRUCTION TO ADVERTISE: FARM 43 STELLENBOSCH

Morning Fabian;

Yes the application was circulated to your Department via mimecast, see screenshot below:



Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
1st Floor, NPK Building
Cnr Plein and Ryneveld Street

ANNEXURE M

**AMENDMENT OF A CONDITION OF APPROVAL,
CONSENT USES AND DEPARTURES ON FARM
WARWICK NO. 43, STELLENBOSCH DIVISION**

**COMMENT FROM THE DEPARTMENT
OF COMMUNITY SERVICES (AIR
QUALITY AND NOISE CONTROL)**

INTEROFFICE MEMORANDUM



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DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Land Use Management: Planning & Economic Development – Bulelwa Mdodo	From:	Principal Officer: Air Quality & Noise Control: Martin van As
CC:	Manager: Environmental Management: Tammy Leibrandt	Date:	23 May 2023
Re:	APPLICATION FOR CONSENT USE, FARM WARWICK WINE ESTATE, NR 43, STELLENBOSCH (LU/15039/TP221/2022)		

The above application refers. From an Air Quality and Noise Control point of view this department has no objection on condition that any noise emissions from activities on the above property comply with the **Noise Control Regulation PN200/ 2013** and the **By-Law on the Prevention of Public Nuisances & the Keeping of Animals**.

The local authority reserves the right to impose additional noise mitigation conditions should complaints from the general public be received.

Martin van As

PRINCIPAL OFFICER: AIR QUALITY & NOISE CONTROL
COMMUNITY & PROTECTION SERVICES