



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14262

Our File Reference Number: Farm 93/9, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL** [REDACTED]

Sir / Madam

## **APPLICATION FOR CONSENT USE, ADDITIONAL USE AND DEPARTURE ON FARM 93/9, STELLENBOSCH**

1. The above application refers.

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

2.1 That the following application(s) on Farm No 93/9, Stellenbosch.

- i. In terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law (2023) for a consent use for a tourist facility to use a portion of the existing restaurant as a place of entertainment, including a first-floor theatre and a function/tasting venue on a barge.
- ii. In terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law (2023) for additional use in order to use a portion of the existing winery as a micro-brewery and distillery.
- iii. In terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law (2023) for a departure to allow that more than 50% of the produce to be used in processing in the micro-brewery and distillery be imported and not produced on the property.

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

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

- 2.1 The approval applies only to the consent use, additional use and departure applications and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 2.2 The floor area of the proposed facilities be restricted to the following:
  - a place of entertainment ( $\pm 343\text{m}^2$ ) including a  $\pm 153,8\text{m}^2$  first floor theatre,
  - a  $\pm 54,7\text{m}^2$  function/tasting venue on a barge and the use of  $\pm 81\text{m}^2$  of the existing winery as a micro-brewery and distillery (**Appendix 2**).
- 2.3 The development must be undertaken generally in accordance with the building plan as referenced (DWG. NO. SWE01-2 to 7/7 rev.4 dated 30 June 2022 and drawn by D. van Driel) and attached as **Appendix 2**.
- 2.4 Parking for the approved facility must at all times be provided on site, at the required ratio as per the zoning scheme bylaw.
- 2.5 Building plans be submitted for all alterations and changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 2.6 That no audio equipment is set-up outside of the entertainment facility, background music for the restaurant activities only be allowed within the building and effective soundproofing at all times be in place in the restaurant and entertainment building to ensure noise damping and prevent undue noise that may have a negative impact on the surrounding properties.
- 2.7 The conditions listed from the Department of Public Works (Provincial Roads Engineer) in their letter dated 08 February 2024, attached as **Appendix 6**, be adhered to.

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

- 3.1. The aesthetic appearance of the site and surrounding environment will not be altered, and the proposal will not have a negative visual impact from close by scenic routes or surrounding properties, considering that existing buildings will be used with no proposed extensions.
- 3.2. The existing services is regarded sufficient by all relevant authorities, to accommodate the proposed uses.
- 3.3. The existing access point of a public road and onsite parking provision will provide safe access to and from the property and safe onsite parking.

- 3.4. The buy-in of products from other agricultural regions for processing in the brewery will not have a negative impact on the agricultural area or activities but will enhance the tourism potential of the property.

4. **Matters to be noted:**

- 4.1 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.
- 4.2 All electrical requirements must be directed to Eskom, considering that the property is outside the Stellenbosch area of supply.
- 4.3 All business and liquor licenses be obtained from the relevant authorities
- 4.4 The conditions listed from the Department of Water and Sanitation in their letter dated 22 December 2022, attached as **Appendix 5**, be noted.
- 4.5 The conditions listed from the Cape Winelands District Municipality Health Section in their letter dated 04 October 2022, attached as **Appendix 7**, be noted.
- 4.6 The operation hours as specified in the respective liquor licences and relevant municipal liquor trading hours bylaws will be applicable.
5. 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.
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:
- 6.1. 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
- 6.2. Reference to this correspondence and the relevant property details on which the appeal is submitted.
- 6.3. 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.

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

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

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

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

6.8. The relief sought by the appellant.

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

6.10. That the appeal includes the following declaration by the Appellant:

- i. The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- ii. That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information, or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect, or misleading or not believing them to be correct.

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](mailto: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 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](mailto:landuse.appeals@stellenbosch.gov.za).

10. 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.

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

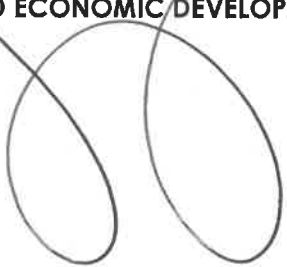
12. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

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**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**



3/5/2024  
DATE:

## **Appendix 2**

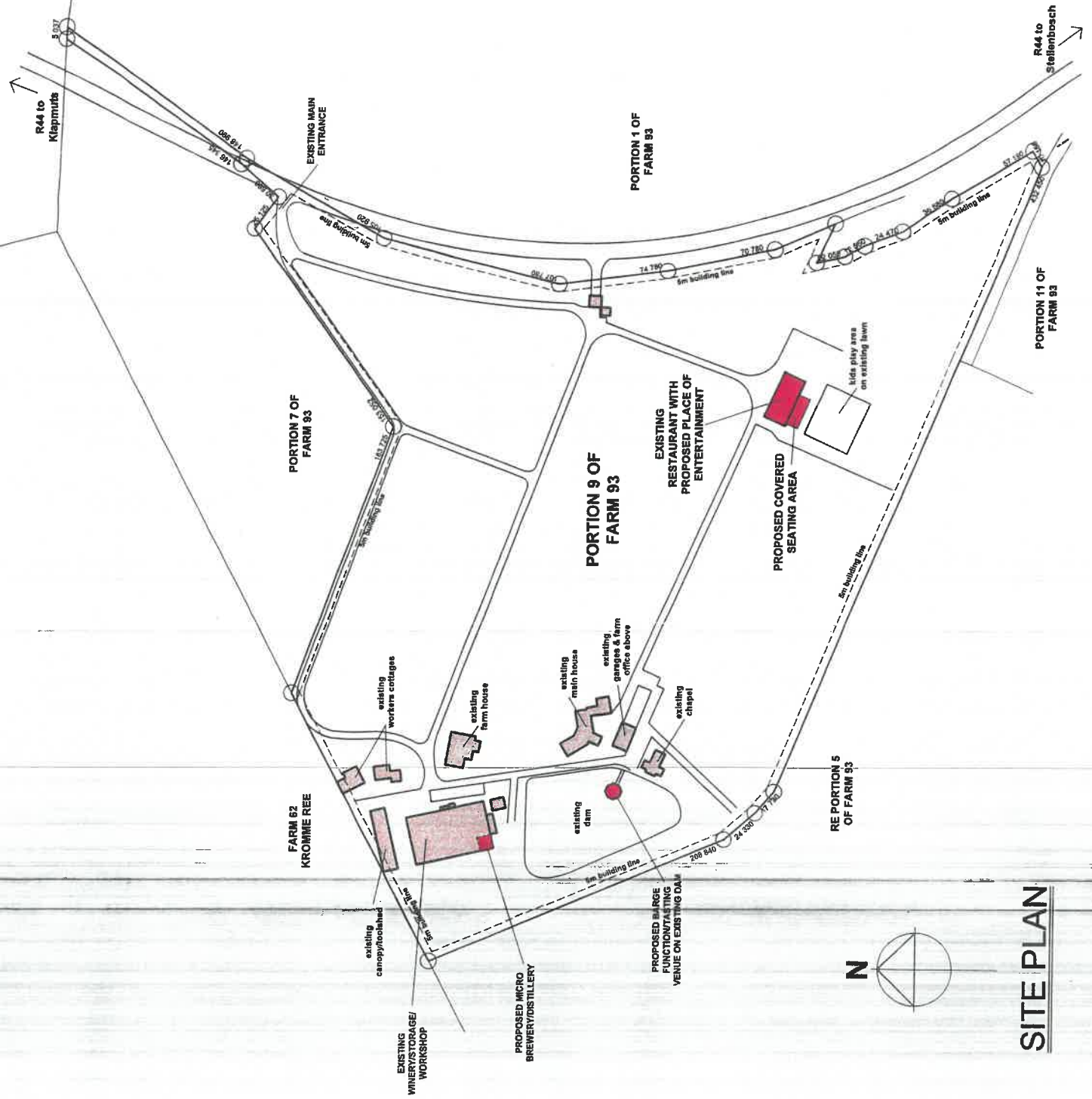
### **Site and building plans**

# AREA

Site area: 14,15ha

SUMMERHILL WINE ESTATE  
PORTION 9 OF FARM 93  
WELTEVREDEN  
SUMMER HILL  
R44  
STELLENBOSCH  
7600

DWG. NO. SWE01-1/7 rev.4



SITE PLAN

EXISTING RESTAURANT WITH  
PROPOSED PLACE OF  
ENTERTAINMENT

SUMMERHILL WINE ESTATE  
PORTION 9 OF FARM 93  
WELTEVREDEN  
SUMMER HILL  
R44  
STELLENBOSCH  
7600

Date: 30 June 2022  
Scale: 1:150 @ A2  
Drawing ID: V01



DWG. NO. SWE01-217 rev 4



NOTES

1. Lockable liquor storage
2. Paypoint
3. Microwave
4. Coffee station
5. Coffee and warmer with oven
6. Deep fryer

GROUND FLOOR PLAN

OMG THEATRE

| GLA CALCULATION |       |
|-----------------|-------|
| GROUND FLOOR    | GLA   |
|                 | 343m² |
| TOTAL           | 343m² |

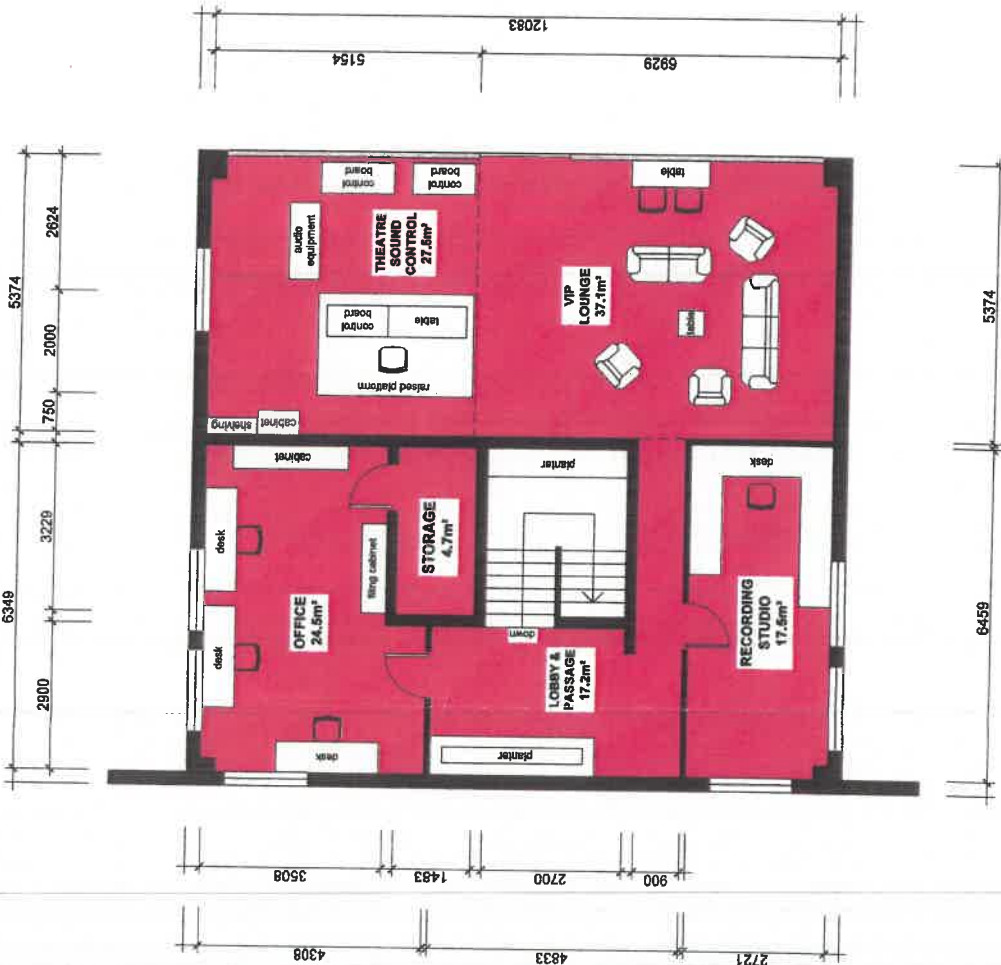
EXISTING RESTAURANT WITH  
PROPOSED PLACE OF  
ENTERTAINMENT

SUMMERHILL WINE ESTATE  
PORTION 9 OF FARM 93  
WELTEVREDEN  
SUMMER HILL  
R44  
STELLENBOSCH  
7600

Date: 30 June 2022  
Scale: 1:100 @ A3  
Drawing No: [redacted]

DWG. NO. SWE01-3/7 rev.4

FIRST FLOOR PLAN  
OMG THEATRE



| GLA CALCULATION |         |
|-----------------|---------|
| FIRST FLOOR     | GLA     |
|                 | 153.8m² |
| TOTAL           | 153.8m² |

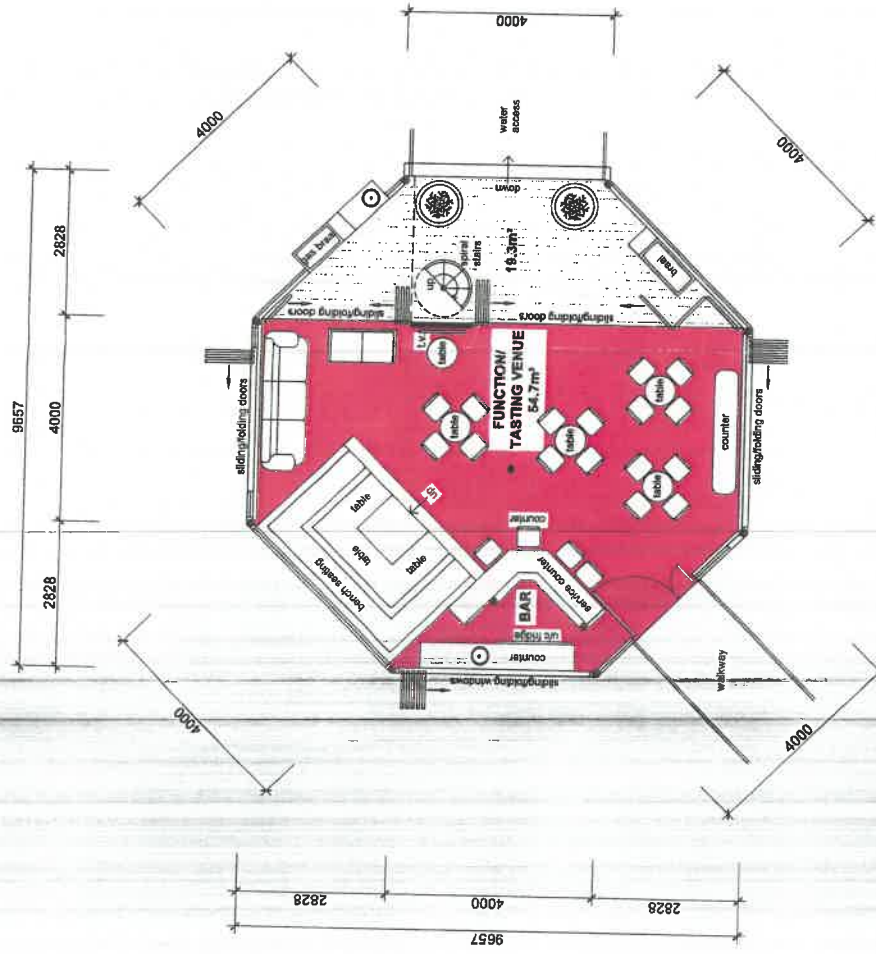
PROPOSED BARGE  
FUNCTION/TASTING VENUE ON  
EXISTING DAM

SUMMERHILL WINE ESTATE  
PORTION 9 OF FARM 93  
WELTEVREDEN  
SUMMER HILL  
R44  
STELLENBOSCH  
7600

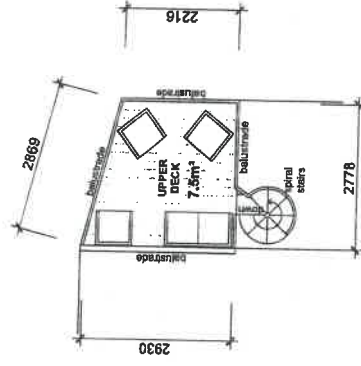
Date: 30 June 2022  
Scale: 1:100 @ A3

Rd.

DWG. NO. SWE01-4/7 rev.4



LOWER LEVEL FLOOR PLAN  
BARGE FUNCTION/TASTING AREA



UPPER LEVEL FLOOR PLAN  
BARGE FUNCTION/TASTING AREA

| GLA CALCULATION        |  | GLA    |
|------------------------|--|--------|
| FUNCTION/TASTING VENUE |  | 54.7m² |
| TOTAL                  |  | 54.7m² |

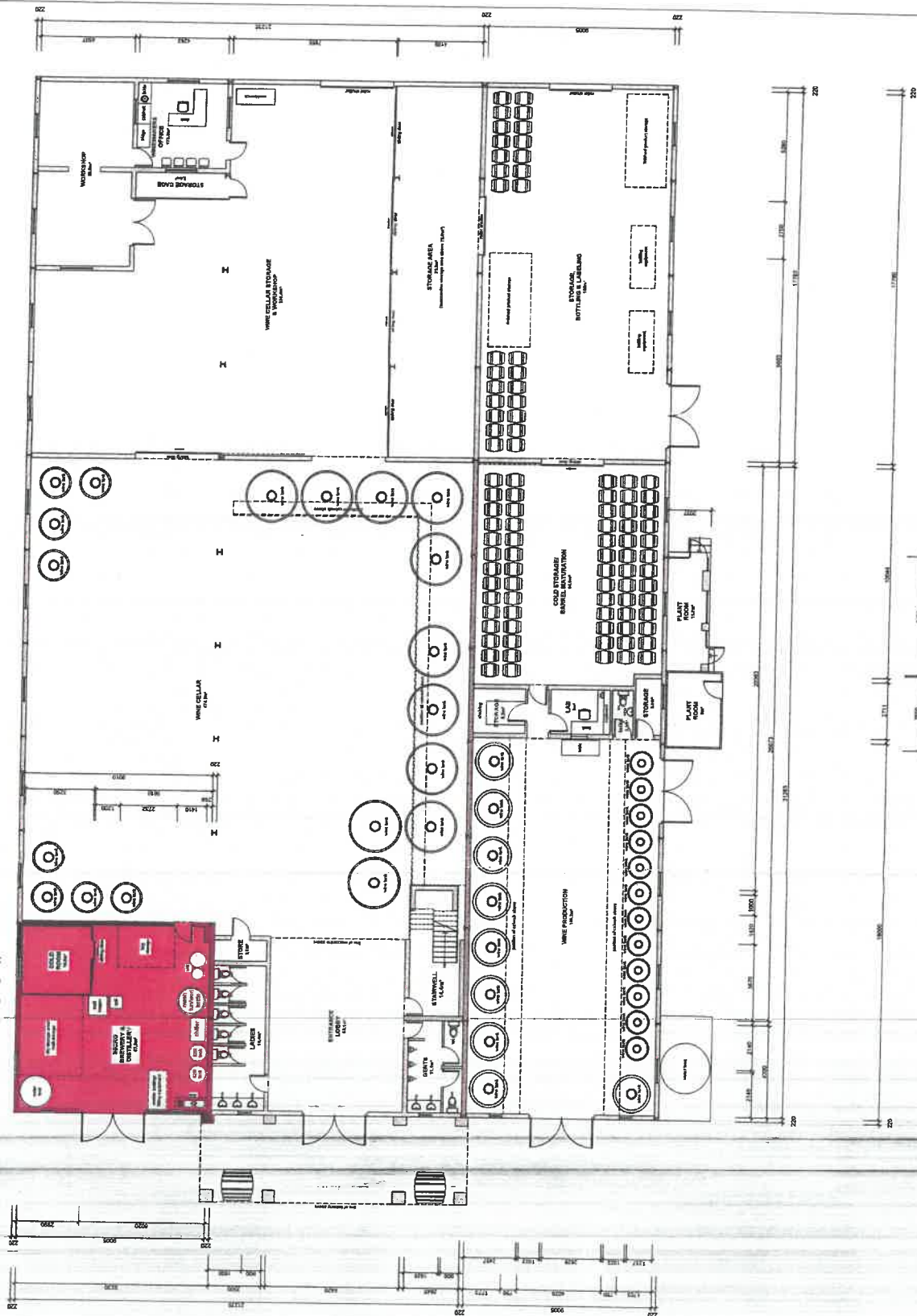
EXISTING WINERY/ STORAGE/  
WORKSHOP IN EXISTING SHED  
& PROPOSED MICRO BREWERY &  
DISTILLERY

SUMMERHILL WINE ESTATE  
PORTION 9 OF FARM 93  
WELTEVREDEN  
SUMMER HILL  
R44  
STELLENBOSCH  
7600

Date: 30 June 2022  
DWG. NO. SWE01-57 rev.4

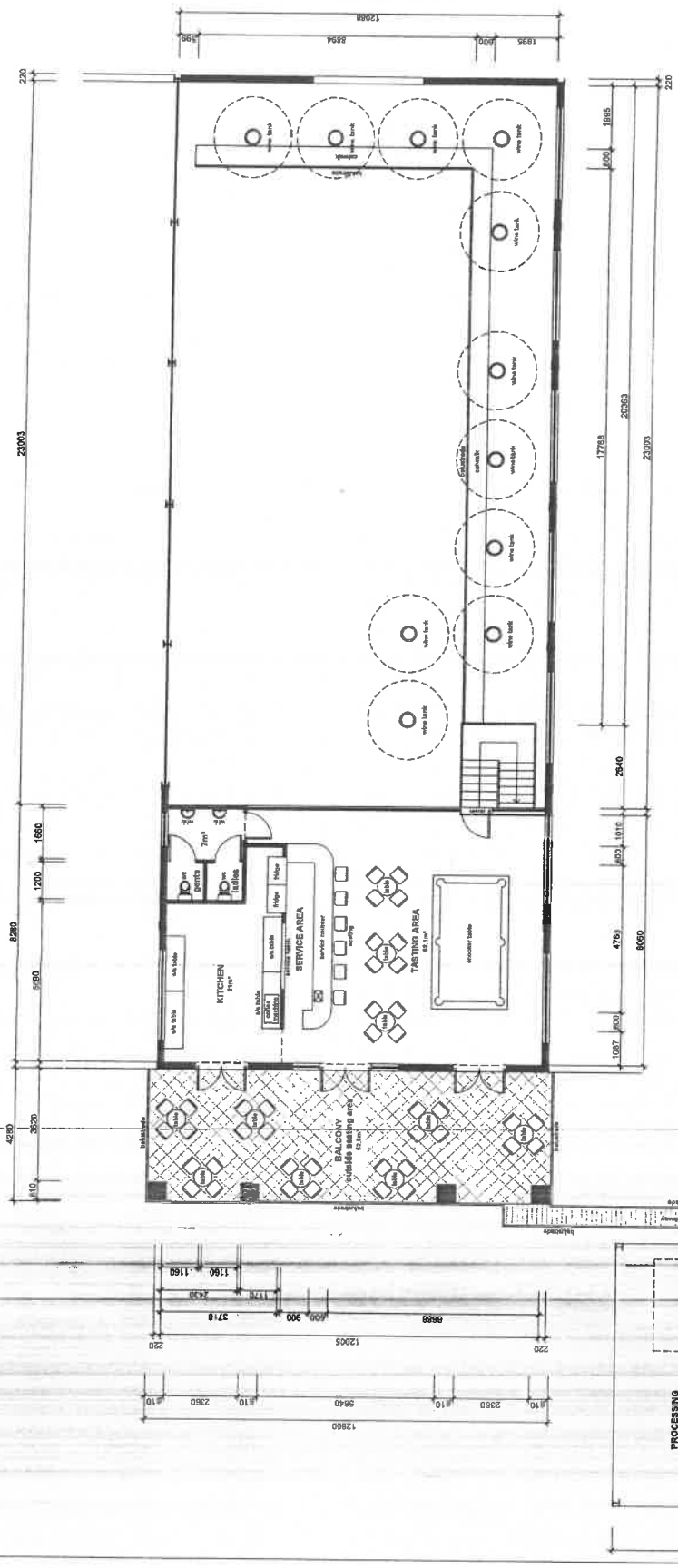
# GROUND FLOOR PLAN

WINERY/STORAGE & MICRO BREWERY/DISTILLERY



| GLA CALCULATION          |      |
|--------------------------|------|
| MICRO BREWERY/DISTILLERY | 81m² |
| TOTAL                    | 81m² |

EXISTING TASTING VENUE



SUMMERHILL WINE ESTATE  
 PORTION 9 OF FARM 93  
 WELTEVREDEN  
 SUMMER HILL  
 R44  
 STELLENBOSCH  
 7600

MEZZANINE LEVEL  
 TASTING & KITCHEN

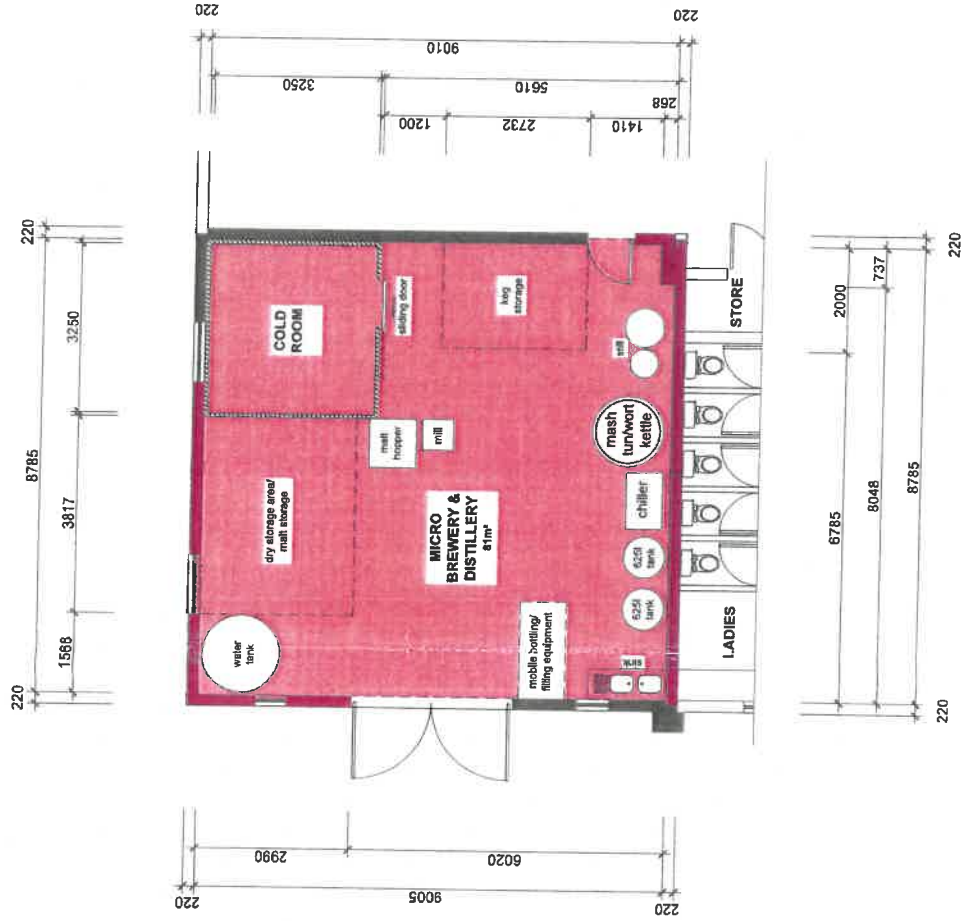
PROPOSED MICRO  
BREWERY/DISTILLERY  
IN EXISTING SHED

SUMMERHILL WINE ESTATE  
PORTION 9 OF FARM 93  
WELTEVREDEN  
SUMMER HILL  
R44  
STELLENBOSCH  
7600

Date: 30 June 2022

Scale: 1:100

DWG. NO. SWE01-7/7 rev.4



**FLOOR PLAN**  
MICRO BREWERY/DISTILLERY

| GLA CALCULATION |                          | GLA  |
|-----------------|--------------------------|------|
|                 | MICRO BREWERY/DISTILLERY | 81m² |
|                 | TOTAL                    | 81m² |

## **Appendix 5**

### **Comments from Department of Water and Sanitation**



## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

### WESTERN CAPE REGION

Private Bag X 16, Sanlamhof, 7802 / 62 Voortrekker Road, Bellville 7550  
Tel #: (021) 941 6000 Fax #: (021) 941 6077

|           |                                                            |
|-----------|------------------------------------------------------------|
| Enquiries | : Mr. T Mohun                                              |
| Tel No.   | : (021) 941 6359                                           |
| Email     | : <a href="mailto:MohunT@dws.gov.za">MohunT@dws.gov.za</a> |
| Reference | : 16/27/G22G/A/8                                           |

For Attention: Mr K Olivier

Atlas Town Planning (Pty) Ltd

Via Email: [koos@atlasplanning.co.za](mailto:koos@atlasplanning.co.za)

Dear Sir

**NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT: APPLICATION FOR TECHNICAL APPROVAL/ ADDITIONAL USE/ DEPARTURE/ CONSENT USE ON SUMMERHILL FARM, R44 ADAM TAS ROAD, FARM 93/9, STELLENBOSCH.**

Reference is made to the undated abovementioned document with the Application Reference Number: LU/14262.

This Department has perused the submitted report and has the following comments:

1. As stated in the report, sewage is stored in conservancy tanks and is serviced by the Municipality. You are required to submit to this Department the signed removal agreement between the facility and the Municipality, as well as state which Wastewater Treatment Work (WWTW) the sewage is taken to, and a letter stating the ability to accept the sewage at the WWTW.
2. It is stated in the report that the industrial waste generated on site "is treated with bio-degradable chemicals to be discharged as irrigation for the vineyards". Kindly note that irrigating with treated wastewater triggers Section 21 (e) "engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1)" of the National Water Act, 1998 (Act No. 36 of 1998).

Commencing with the abovementioned activity without authorisation is an illegal activity in terms of Section 22 of the National Water Act, 1998 (Act No. 36 of 1998) as the water use activities should have been authorised by this Department before commencement.

If a Water Use Authorisation exists, forward it to the Department before 10 January 2023.

3. Note that no abstraction of surface or groundwater may be done or storage of water be created without prior authorisation from this Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act 1998 (Act No. 36 of 1998).



**NATIONAL DEVELOPMENT PLAN**  
*Our Future - make it work*

4. No surface, ground or storm water may be polluted as a result of activities on the site. In the event that pollution does occur, this Department must be informed immediately.
5. The person who owns, controls, occupies, or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.
6. The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.
7. All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be adhered to at all times.
8. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.

Please do not hesitate to contact the above office should there be any queries.

Sincerely,



**PROVINCIAL HEAD:**  
**Signed by:**  
**Designation:**  
**Date:**

**WESTERN CAPE**  
**Nelisa Ndobeni**  
**Control Environmental Officer**  
**20 December 2022**

## Koos Olivier

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**From:** Koos Olivier <koos@atlasplanning.co.za>  
**Sent:** Friday, 24 March 2023 09:14  
**To:** 'Mohun Tyrell'  
**Subject:** RE: LAND USE: LU/14262 - TECH APPROVAL, ADD USE, DEPART, CONSENT USE, ON SUMMERHILL FARM R44 ADAM TAS RD STELLENBOSCH  
**Attachments:** IMG\_20230307\_0001.pdf

Dear Tyrell

I hope you are well. This mail seems to have slipped through the cracks. It was received during the holiday period and after the closing date for comments. It was when we started compiling the portfolio of evidence for the municipality that it was picked up and I consulted with the owner of the property.

Please see attached information obtained on the water use requirements. The owner has confirmed that they do not make use of treated water as initially indicated.

I trust this information will suffice, but please do not hesitate to contact me should you wish to discuss.

Groete / Kind Regards

Koos Olivier

Atlas Stadsbeplanning / Town Planning  
(t) 021 801 7446  
(f) 08666 85601  
(c) 083 446 0762

**From:** Mohun Tyrell [mailto:MohunT@dwa.gov.za]  
**Sent:** Wednesday, 21 December 2022 09:38  
**To:** koos@atlasplanning.co.za  
**Subject:** LAND USE: LU/14262 - TECH APPROVAL, ADD USE, DEPART, CONSENT USE, ON SUMMERHILL FARM R44 ADAM TAS RD STELLENBOSCH

Good morning,

Kindly find attached comments from the Department on the abovementioned land use application.

Please do not hesitate to contact this office should you have any queries.

Kind Regards,

**Tyrell Mohun**  
Water Quality  
Berg Water Management Area  
Department of Water and Sanitation  
Western Cape Provincial Office (Bellville)  
Tel: 021 941 6359  
Cell: 060 556 1469  
Email: [MohunT@dws.gov.za](mailto:MohunT@dws.gov.za)



## water & sanitation

Department:  
Water and Sanitation  
**REPUBLIC OF SOUTH AFRICA**



Department Water Affairs and Forestry

## National Register of Water Use Certificate 22101262

National Register of Water Use Certificate 22101262, issued in terms of the regulations requiring that a Water Use be registered, promulgated under Section 26(1)(c) of the National Water Act( Act 36 of 1998) to:

### Applicant

Applicant Type: COMPANY  
Name: RAILWAY WOODS  
Enterprise Type: CLOSE CORPORATION  
Business Registration Number: 2000/011016/23  
Address: PO BOX 12448  
DIE BOORD  
7613

VAT Registration Number:

### Property

Deeds Office: CAPE TOWN  
Administrative District: STELLENBOSCH  
Property Name: WELTEVREDEN  
Property Number: 93  
Portion of Property: 9  
Title Deed Number: T23646/1998

### Property Owner

Name: RAILWAY WOODS  
Enterprise Type: CLOSE CORPORATION  
Business Registration Number: 2000/011016/23  
Address: PO BOX 12448  
DIE BOORD  
7613

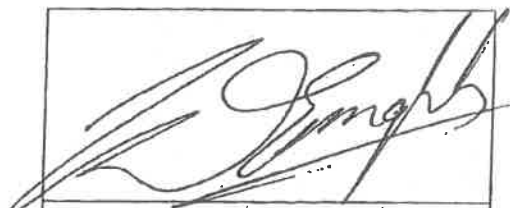
### Water Management Area

Name: BERG

### Water Uses

Section 21(e) Engaging in a controlled activity identified as such in section 37(1)(a) namely irrigation of any land with waste or water containing waste generated through any industrial activity or by a water work.

See attached Annexure(s)

  
Office: Western Cape Office  
Regional Office: Western Cape Region

|                                                       |
|-------------------------------------------------------|
| DEPT. VAN WATERWESSE EN BOSBOU                        |
| STREEKDIREKTEUR: WARMS<br>PRIVAATSAK/PRIVATE BAG X 16 |
| 2007 -07- 19                                          |
| REGIONAL DIRECTOR: WARMS<br>SANLAMHOF 7532            |
| DEPT. OF WATER AFFAIRS AND FORESTRY                   |

### DISCLAIMER:

This certificate is:

1. not an acknowledgement of an entitlement to the registered water use;
2. issued without alterations or erasures and is invalid if it contains alterations not in conformity with the Department's official copy; and
3. in substitution of any National Register of Water Use Certificate the Department may have previously issued and the information is valid as at the date of issue. However, in the case of any water use having been identified as a licensed water use, this certificate is not to be regarded as a replacement of the applicable licence certificate. The license conditions that are applicable to the water use are not currently incorporated in this National Register of Water Use certificate.



Department: Water Affairs and Forestry

## National Register of Water Use Certificate 22101262

Engaging in a controlled activity identified as such in Section 37(1)(a) of the National Water Act

### Water Use Identification

Register Number: 22101262  
Water Use Number: 1  
Water Use Start Date: 2006/08/01  
Water Use Status: REGISTERED

### Lawfulness Authentication

Finding: LAWFULNESS STILL TO BE DETERMINED  
Finding Date: 2006/11/01  
Finding Reason:  
Finding Confirmed: YES

### Water Use Details

Type of Wastewater: 10-100% INDUSTRIAL WASTEWATER  
Total Area Under Wastewater Irrigation: 0.2 HECTARES  
Total Volume of Wastewater Irrigated per Year: 67.5 CUBIC METRES  
Quaternary Drainage Region: G22E

Comment

#### DISCLAIMER:

This certificate is:

1. not an acknowledgement of an entitlement to the registered water use;
2. issued without alterations or erasures and is invalid if it contains alterations not in conformity with the Department's official copy; and
3. in substitution of any National Register of Water Use Certificate the Department may have previously issued and the information is valid as at the date of issue. However, in the case of any water use having been identified as a licensed water use, this certificate is not to be regarded as a replacement of the applicable licence certificate. The license conditions that are applicable to the water use are not currently incorporated in this National Register of Water Use certificate.



## **water & sanitation**

**Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA**

**WESTERN CAPE REGION  
PRIVATE BAG X16, SANLAMHOF, 7532**

**Tel.: 021 941 6237, E-mail: murovhl@murovhl@dws.gov.za**

Enquiry: M. Murovhi  
File number: 27/2/1/G722/449/2

Klein Weltevreden (Pty) Ltd : Summerhill Wines  
P O Box 12448  
**STELLENBOSCH**  
7613

Attention: Sir/Madam

**APPLICATION FOR WATER USE LICENCE APPLICATION IN TERMS OF SECTION 40  
AND 41 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998): STORING OF  
WATER: PORTION 9 OF FARM WELTEVREDEN 93: STELLENBOSCH**

Your Water Use Licence Application, dated 24 May 2018 has reference.

Attached is the authorised Water Use Licence 01/G22G/B/7807 dated 24 May 2018 and the Water Use Registration Certificate as issued with regard to the above-mentioned application.

Please ensure that all conditions within the Licence are adhered to at all times.

Water use charges or waste discharge charge charges or levies will be imposed from time to time by the responsibly authority or the Department in terms of the National Water Act, 1998 (Act 36 of 1998).

If you need further information, you are welcome to contact this office.

Yours faithfully

**PROVINCIAL HEAD: WESTERN CAPE**

**DATE: 4/9/18**

**SIGNED BY: MASHUDU MUROVHI  
DESIGNATION: DEPUTY DIRECTOR**



## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

### National Register of Water Use Registration Record 22140746

Water Use Registration Record 22140746 is issued in terms of the regulations requiring that a Water Use be registered, promulgated under Section 26(1)(c) of the National Water Act (Act 36 of 1998) to

#### Applicant

Applicant Type: COMPANY  
Name: KLEIN WELTEVREDEN (PTY) LTD  
Enterprise Type: PRIVATE COMPANY  
Business Registration Number: 1988/001847/07  
Postal Address: PO BOX 12448  
DIE BOORD  
STELLENBOSCH  
7613  
VAT Registration Number: 4460193800

Water Management Area  
Name:

BERG-OLIFANTS

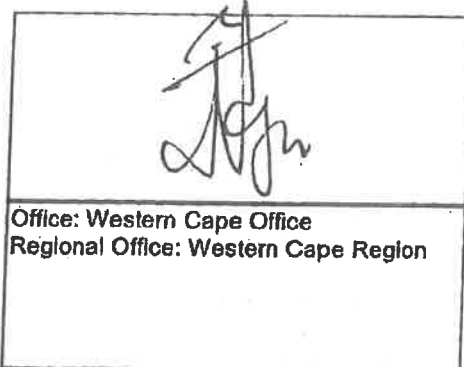
Register Status  
Status:

ACTIVE

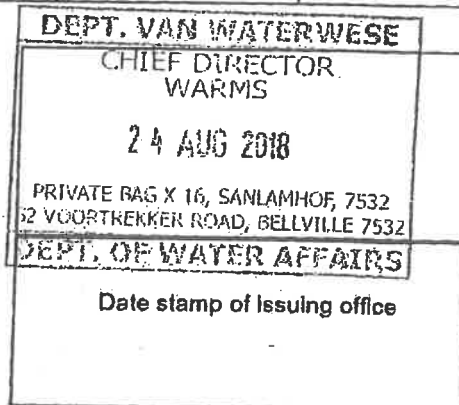
#### Water Uses

See attached Annexure(s)

| Water Use No. | Water Use | Volume | Volume Start Date | Volume End Date |
|---------------|-----------|--------|-------------------|-----------------|
| 1             | 21(b)     |        | 2018/06/01        |                 |



Office: Western Cape Office  
Regional Office: Western Cape Region



#### DISCLAIMER:

##### This Registration Record:

- 1 is not an acknowledgement of an entitlement to the registered water use;
  - 2 may NOT be used to create the impression that it is proof of a water use entitlement. By virtue of section 22(1) of the National Water Act, the only documents that may be used as proof of a water use entitlement, are:
    - 2.1 a licence;
    - 2.2 an official document stating the extent of existing lawful water use pursuant to sections 33 or 35 of the National Water Act;
    - 2.3 a general authorisation as published in the Gazette; or
    - 2.4 Schedule 1 of the National Water Act.
- Notes:
- If an entitlement for the specific water use referred to in this Registration Record has been confirmed by the Department, it may be indicated as such in this Registration Record.
  - If the responsible authority has dispensed with the requirement for a licence for a specific water use, no water use entitlement is needed for that use under the National Water Act.
- 3 Is issued without alterations or erasures and is invalid if it contains alterations not in conformity with the Department's official copy; and in substitution of any Registration Record the Department may have previously issued and the information is valid as at the date of issue.

## National Register of Water Use Registration Record 22140746

Storing water in terms of Section 21(b) of the National Water Act: Dam Registration

### Water Use Identification

Register Number: 22140746  
Water Use Number: 1  
Water Use Start Date: 2018/06/01  
Water Use Status Date: 2018/08/08  
Water Use Status: REGISTERED

### Licence Information

NRWU Licence Number: 22140746/1  
Licence Status: APPROVED  
Licence Expiry Date: 2038/05/31  
Review Period: 60 MONTHS

### RLA Details

RLA Business Unit: WATER MANAGEMENT INSTITUTIONS  
RLA Reference: 27/2/1/G722/449/2

### Lawfulness Authentication

Finding: LAWFUL  
Finding Date: 2018/05/24  
Finding Reason: LICENCE

Finding Confirmed: YES

### Water Use Details for Raw Water Dam

Water Use Sector(s)(i.e. Purpose(s) of Water Use): AGRICULTURE: IRRIGATION

Quaternary Drainage Region: G22G

### Dam Details

Dam Name: SUMMERHILL  
Name of Watercourse:  
Centre of Dam Wall: Latitude 33° 52' 59.8" south Longitude 18° 50' 36.4" east  
Datum Type: WGS-84  
Centre of River at the point where river crosses the Dam wall: Latitude Longitude

Datum Type:  
Capacity: 18 THOUSAND CUBIC METRES  
Billable Dam: NO  
Safety Risk Dam: NO  
Completed: YES  
Date of Completion: 2017/01/01

Water Use Sector(s)(i.e. Purpose(s) for Storing of Water): AGRICULTURE: IRRIGATION

## National Register of Water Use Registration Record 22140746

Storing water in terms of Section 21(b) of the National Water Act: Dam Registration

### Water Use Identification

Register Number: 22140746  
Water Use Number: 1  
Water Use Start Date: 2018/06/01  
Water Use Status Date: 2018/08/08  
Water Use Status: REGISTERED

### Property Where Water Use Occurs

Property Name: WELTEVREDEN  
Property Number: 83  
Portion of Property: 9  
SG Cadastral Code: C06700000000009300009  
Deeds Office: CAPE TOWN  
Registration Division: STELLENBOSCH  
Registration Division Province: WESTERN CAPE  
Surveyor General Office: CAPE TOWN

### WUN/Property Relationship Details

| Relationship Start Date | Relationship End Date |
|-------------------------|-----------------------|
| 2018/06/01              |                       |

#### DISCLAIMER:

##### This Registration Record:

- 1 is not an acknowledgement of an entitlement to the registered water use;
- 2 may NOT be used to create the impression that it is proof of a water use entitlement. By virtue of section 22(1) of the National Water Act, the only documents that may be used as proof of a water use entitlement, are:
  - 2.1 a licence;
  - 2.2 an official document stating the extent of existing lawful water use pursuant to sections 33 or 35 of the National Water Act;
  - 2.3 a general authorisation as published in the Gazette; or
  - 2.4 Schedule 1 of the National Water Act.

##### Notes:

- If an entitlement for the specific water use referred to in this Registration Record has been confirmed by the Department, it may be indicated as such in this Registration Record.
  - If the responsible authority has dispensed with the requirement for a licence for a specific water use, no water use entitlement is needed for that use under the National Water Act.
- 3 is issued without alterations or erasures and is invalid if it contains alterations not in conformity with the Department's official copy; and in substitution of any Registration Record the Department may have previously issued and the information is valid as at the date of issue.



## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

Private Bag X313, Pretoria, 0001, Sedibeng Building, 185 Francis Baard Street, Pretoria,  
Tel: (012) 336-7500, Fax: (012) 326-4472/ (012) 326-2715

### LICENCE IN TERMS OF CHAPTER 4 OF THE NATIONAL WATER ACT, 1998 (ACT NO 36 OF 1998) (THE ACT)

I, **Sifiso Mkhize** in my capacity as Director-General (Acting) in the Department of Water and Sanitation acting under authority of the powers delegated to me by the Minister of Water and Sanitation, hereby authorize the following water uses in respect of this licence.

SIGNED: [Signature]

DATE: 27/05/2018

LICENCE NO: 01/G22G/B/7807  
FILE NO: 27/2/1/G722/449/2

1. Licensee Klein Weltevreden (Pty) Ltd: Summerhill Wines  
Postal Address P.O BOX 12448  
Die Boord  
Stellenbosch  
7613
2. Water use
- 2.1 Section 21(b) of the Act: Storing of water, subject to the conditions set out in appendices I and II.
3. Properties in respect of which this licence is issued
- 3.1 Portion 9 of the Farm Weltevreden 93, Stellenbosch
4. Registered owners of the property
- 4.1 Klein Weltevreden (Pty) Ltd
5. Licence and Review Period
- 5.1 This licence is valid for a period of twenty (20) years from the date of issuance and may be reviewed at an interval not more than (5) five years.

B11496

**5. Definitions**

"Any terms, words and expressions as defined in the National Water Act, 1998 (Act 36 of 1998) shall bear the same meaning when used in this licence."

"Department" means Department of Water and Sanitation.

"The Provincial Head" means the Head of Provincial Operations: Western Cape, Department of Water and Sanitation, Private Bag X16, Sanlamhof, Bellville, 7532.

"Responsible Authority" means the Department of Water and Sanitation or Catchment Management Agency.

"Report" refers to the reports entitled:

- i. Water Use Licence Application by HDL Consulting dated September 2017;
- ii. Geotechnical Investigation by Geoscience Laboratories (Pty) Ltd dated December 2015 as well as all other documentations and communication (emails, letters, verbal, etc) related thereto.

**6. Description of the Activity**

The activities entail storing of an existing water use allocation from the Wynland WUA water into new Summerhill Dam on portion 9 of Farm Weltevreden 93, Stellenbosch. The water will be stored to provide surety for when the Wynland WUA system is not operational. The water uses activities falls within G22G Quaternary drainage region in the Berg-Olifants Water Management Area.

2

**APPENDIX I**

**Conditions for all Water Uses**

1. This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998).
2. The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or body.
3. The Licensee must immediately inform the Provincial Head of any change of name, address, premises and/or legal status.
4. If the property in respect of which this licence is issued is subdivided or consolidated, the Licensee must provide full details of all changes in respect of the properties to the Provincial Head of the Department within 60 days of the said change taking place.
5. If a water user association is established in the area to manage the resource, membership of the Licensee to this association is compulsory.
6. The Licensee shall be responsible for any water use charges or levies imposed by a responsible authority. In terms of the Raw Water Pricing Strategy, Waste Discharge Charges, Water Resource Management Charge of the Department, or any other water charge or levies that might be imposed in terms of the appropriate legislation.
7. While effect must be given to the Reserve as determined in terms of the Act, where a desktop determination of the Reserve has been used in issuance of a licence, when a comprehensive determination of the Reserve has finally been made; it shall be given effect to.
8. The licence shall not be construed as exempting the Licensee from compliance with the provisions any other applicable Act, Ordinance, Regulation or By-law.
9. The licence and amendment of this licence are also subject to all the applicable procedural requirements and other applicable provisions of the Act, as amended from time to time.
10. The Licensee shall conduct an annual internal audit on compliance with the conditions of licence. A report on the audit shall be submitted to the Provincial Head within one month of the finalisation of the audit.
11. The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. The audit shall be conducted within 6 (six) months after the submission of internal audit, and a report of the audit shall be submitted to the Provincial Head or Responsible Authority within one month of finalisation of the audit report.
12. Any incident that causes or may cause water pollution shall be reported to the Provincial Head or his/her designated representative within 24 hours.
13. The Licensee must inform the Department at least 90 days before the expiry date of the licence whether the licence must be considered for another term.

14. Licensee shall use water efficiently to minimise total water intake, void usage of water where possible, implement "good" housekeeping and operating practices, and maximise the reuse /recycle of contaminated water.
15. All measuring, recording and integrating devices shall be maintained in a sound state of repair and calibrated by a competent person at intervals as specified and required according to the device specifications.
16. The Licensee must calibrate the inflow and outflow meters and these calibration certificates shall be available for inspection by the Provincial Head or Responsible Authority or his/her representative upon request. A relevant maintenance and calibration schedule should be compiled and maintained by the Licensee.
17. The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of these activities and the Licensee must take such measures that are necessary to bind such persons to the conditions of this licence.
18. Notices prohibiting unauthorised persons from entering the certain areas, as well as acceptable signs indicating the risks involved in case of an unauthorised entry must be displayed along the boundary fence of these areas.
19. If the Licensee is not the end user/beneficiary of the water use related infrastructure and will not be responsible for long term maintenance and management of the infrastructure, the Licensee must provide a programme for hand over to the successor-in-title including a brief management/maintenance plan and the agreement for infrastructure along with allocation of responsibilities, within three (3) months of the date of issuing of this licence.
20. The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of-
  - 20.1 shortage of water;
  - 20.2 inundations or flood;
  - 20.3 siltation of the resource; and
  - 20.4 required reserve releases.

**APPENDIX III**

**Section 21 (b) of the Act: Storing water**

**1 STORING OF WATER**

- 1.1 This licence authorises to store water onto the facilities as detailed in Table 1.

**Table 1: Storage facility water uses**

| Water use(s)  | Purpose                                      | Capacity (m <sup>3</sup> ) | Property Description          | Co-ordinates                         |
|---------------|----------------------------------------------|----------------------------|-------------------------------|--------------------------------------|
| Section 21(b) | Storing of water allocation from Wynland WUA | 18 000                     | Farm Weltevreden 93 Portion 9 | 33° 52' 59.81" S<br>18° 50' 36.44" E |

- 1.2 The quantity of water authorised to be stored in terms of this licence may not be exceeded without prior authorisation by the Department.

**2 Monitoring Requirements**

- 2.1 Suitable measuring structures must be constructed to measure the flows entering and leaving the dam and this information must be available to the Provincial Head or Responsible Authority on request.
- 2.2 The Licensee shall establish a monitoring programme where in the date and time of monitoring in respect of each sample taken and shall be recorded together with the results of the analysis as well as other significant information (low flow, flooding, pollution incident, etc).
- 2.3 The water level in the dam and the quantity of water stored shall be recorded at the last day of each month.

**3 Dam Safety Requirements**

- 3.1 The Licensee is not exempted from compliance with the provisions of the Regulations published under Government Notice R139 of 24 February 2012, read with Chapter 12 of the Act.
- 3.2 The Licensee shall supply any information, drawings, specifications, design assumptions, calculations, documents and test results when requested by the Responsible Authority.

**4 Construction of Dam(s)**

- 4.1 The as-built plans and specifications of the dam(s) must be submitted to the Provincial Head or Responsible Authority for his/her records and the following applies:
- 4.1.1 Construction of the dam(s) may not commence before authorisation in terms of the National Environmental Management Act (Act 107 of 1998) is issued; and
- 4.1.2 The Government reserves the right to construct storage works at any time in any stream and to store all surplus water reaching the dam(s) and to control the allocation of such water.

- 4.2 The Licensee must consider whether the safety norms pertaining to the design,



**Koos Olivier**

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**From:** Mohun Tyrell <MohunT@dwa.gov.za>  
**Sent:** Wednesday, 21 December 2022 09:38  
**To:** koos@atlasplanning.co.za  
**Subject:** LAND USE: LU/14262 - TECH APPROVAL, ADD USE, DEPART, CONSENT USE, ON SUMMERHILL FARM R44 ADAM TAS RD STELLENBOSCH  
**Attachments:** LAND USE LU-14262 - TECH APPROVAL ADD USE DEPART CONSENT USE SUMMERHILL FARM R44 ADAM TAS RD STELLENBOSCH.pdf

Good morning,

Kindly find attached comments from the Department on the abovementioned land use application.

Please do not hesitate to contact this office should you have any queries.

Kind Regards,

**Tyrell Mohun**  
Water Quality  
Berg Water Management Area  
Department of Water and Sanitation  
Western Cape Provincial Office (Bellville)  
Tel: 021 941 6359  
Cell: 060 556 1469  
Email: [MohunT@dws.gov.za](mailto:MohunT@dws.gov.za)



**water & sanitation**

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

## **Appendix 6**

**Comments from Department of Public Works  
(Provincial Roads Engineer)**



**Western Cape  
Government**

Department of Infrastructure

**Vanessa Stoffels**

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

**Ref:** DOI/CFS/RP/LUD/REZ/SUB-25/477 (Job 17011)

The Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
**STELLENBOSCH**  
7599

Attention: Mr U von Molendorff

Dear Sir

**PORTION 9 OF FARM 93, SUMMERHILL, STELLENBOSCH: MAIN ROAD 27 (R44): APPLICATION FOR TECHNICAL APPROVAL, ADDITIONAL USE, DEPARTURE AND CONSENT USE**

1. The following refer:
2. Our letter DOI/CFS/RP/LUD/REZ/SUB-25/477 (Job 17011) dated 16 November 2023;
3. Several telephonic conversations between this Branch and Mr K Olivier at Atlas Town Planning; and
4. Emails from Atlas Town Planning to this Branch dated 5, 6 December 2023 and 6 February 2024.
5. It has been confirmed that the owner of Portion 9 of Farm 93 in Stellenbosch has commenced and is nearing completion of the internal link road to the shared access at  $\pm$ km 41.24 left hand side (LHS), where the existing access at  $\pm$ km 41.04 LHS must be relocated.
6. With this notification, this Branch withdraws its objection to the application for technical approval, additional use, departure and consent use subject to the following conditions:
  - 6.1. The existing access at  $\pm$ km 41.04 LHS must be permanently closed and the boundary fence must be reinstated using similar material as the existing at this location, to the satisfaction of the District Roads Engineer - Paarl (Mr S Bain - [stewart.bain@westerncape.gov.za](mailto:stewart.bain@westerncape.gov.za); tel: 021 863 2020);
  - 6.2. The new access must be established at  $\pm$ km 41.24 (LHS) on the northern property boundary at the existing access to Portion 7 of Farm 93, as proposed in the Traffic Impact Statement ICE/B/682 prepared by ICE Group on 20 November 2008;

- 6.3. The design drawings for the new access, as well as the access road between the edge of tar on MR27 and the property boundary, must be submitted to the District Roads Engineer - Paarl for approval.

Yours Sincerely



**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE**

**DATE: 8 FEBRUARY 2024**

**ENDORSEMENTS**

1. Stellenbosch Municipality  
Attention: Mr U von Molendorff (e-mail: [ulrich.vonmolendorff@stellenbosch.gov.za](mailto:ulrich.vonmolendorff@stellenbosch.gov.za))
2. Atlas Town Planning  
Attention: Mr K Olivier ((e-mail: [koos@atlasplanning.co.za](mailto:koos@atlasplanning.co.za))
3. District Roads Engineer  
Paarl
4. Mr S Carstens (e-mail)
5. Me S du Preez (e-mail)
6. Mr B du Preez (e-mail)



Ref: DOI/CFS/RP/LUD/REZ/SUB-25/477 (Job 17011)

The Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
STELLENBOSCH  
7599

Attention: Mr U von Molendorff

Dear Sir

**PORTION 9 OF FARM 93, SUMMERHILL, STELLENBOSCH: MAIN ROAD 27 (R44): APPLICATION FOR TECHNICAL APPROVAL, ADDITIONAL USE, DEPARTURE AND CONSENT USE**

1. The following refer:
  - 1.1 The email from Atlas Town Planning dated 13 September 2023 containing the application and reasons why this Branch did not receive this application (LU14262) as originally distributed on 11 November 2022;
  - 1.2 The undated and unreferenced Motivation Report stating in paragraph 4.2: "Traffic and Parking: The property gains direct access off the R44. The approval granted during 2016 required that the main access to farm be relocated to the north-eastern corner abutting the R44. This shared access with the adjacent farm 93/7 was accepted by the Provincial Roads Engineer and deemed to offer better sight distances in both directions"; and
  - 1.3 The Site Development Plan (SDP) (Drawing No. SWE01-1/7 dated 16 July 2021) still indicating an access at  $\pm$ km41.04 left hand side (LHS) off Main Road 27 (MR27);
  - 1.4 The Branch's conditions for all previous land use applications received for this property dating back to 27 May 2009 (Rezoning and Consent Use) in relation to the permanent closure of the access at  $\pm$ km41.04LHS, reinstating the fence, removal of the entrance structure and relocating the access to a shared access at  $\pm$ km 41.24LHS; and
  - 1.5 A site visit held on 17 September 2023 confirming that the illegal access at  $\pm$ km41.04LHS is still being used (This access remains dangerous, due to the substandard shoulder sight distances available onto MR27, a high-volume/high mobility route).
2. This application is for:
  - 2.1 Consent Use for a tourist facility to use the portion of the existing restaurant as a place of entertainment ( $\pm$ 343m<sup>2</sup>) including a  $\pm$ 153,8m<sup>2</sup> first floor theatre and a  $\pm$ 54,7m<sup>2</sup> function/tasting venue; and

- 2.2. Additional Use to use  $\pm 81\text{m}^2$  of the existing winery as a micro-brewery and distillery; and
- 2.3. A Departure to allow that more than 50% of the produce to be used in processing in the micro-brewery and distillery to be imported and not produced on the property; and
- 2.4. A Consent Use for Tourist Accommodation Establishment to allow for 8 guest units; and
- 2.5. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of  $\pm 350\text{m}^2$  and a restaurant with a footprint of  $\pm 100\text{m}^2$ .
3. Considering all the above this Branch has no option but to strongly object to the above application until it has been confirmed that the illegal access off MR27 at  $\pm \text{km} 41.04\text{LHS}$  has been closed permanently, the fence and drainage reinstated and the existing bell-mouth removed as well as the relocation of the access to the shared access at  $\pm \text{km} 41.24\text{LHS}$  under the supervision of the District Roads Engineer in Paarl.

Yours Sincerely



**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE**

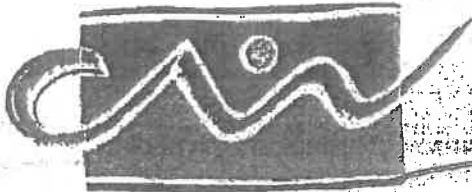
**DATE: 16 NOVEMBER 2023**

**ENDORSEMENTS**

1. Stellenbosch Municipality  
Attention: Mr U von Molendorff (e-mail: [ulrich.vonmolendorff@stellenbosch.gov.za](mailto:ulrich.vonmolendorff@stellenbosch.gov.za))
2. Atlas Town Planning  
Attention: Mr K Olivier ((e-mail: [koos@atlasplanning.co.za](mailto:koos@atlasplanning.co.za))
3. District Roads Engineer  
Paarl
4. Mr S Carstens (e-mail)
5. Me S du Preez (e-mail)
6. Mr B du Preez (e-mail)
7. Mr E Smith

## **Appendix 7**

**Comments from Cape Winelands District Municipality  
Health Section.**



**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/YOUR REF/REF YAKHO:

ONS VERW/OUR REF/REF YETHU:

MUNISIPALE GESONDHEIDSDIENSTE

Mnr. J Krüger

021-8885800

021-8879365

[julian@capewinelands.gov.za](mailto:julian@capewinelands.gov.za)

Farm 93/9, Stellenbosch

Plaas 93/9, 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

04-10-2022

Die Munisipale Bestuurder  
Stellenbosch Munisipaliteit

Posbus 17

Stellenbosch

7599

Vir aandag: Nicole

Dame

**TYDELIKE AFWYKING / VERGUNNINGSGEBRUIK: PLAAS  
SUMMERHILL, 93/9, STELLENBOSCH**

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

1. Alle riool –en afloop/ waswater moet gekoppel word aan 'n riool stelsel en so beskik word dat dit nie 'n oorlas veroorsaak nie. Huidiglik word daar gebruik gemaak van gehuurde chemiese toilette. 'n Voldoende aantal toilette moet voorsien word volgens die hoeveelheid mense wat funksies gaan bywoon.
2. Alle waswater vanaf die kombuise moet deur 'n vetvanger gaan voordat dit in die rioolsisteem vloei.
3. In die geriewe vir dames moet voorsiëning gemaak word vir die wegdoen van sanitêre doekies.
4. Die applikant moet aansluit by die Raad se vullisverwyderingsdiens.
5. 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 geskikheidsertifikaat ingevolge R638 van 22 Junie 2018.
6. Alle voedselvoorbereiding/hanteringspersele moet voldoen aan die vereistes van R638 wat betrekking het op voedselpersele.

7. 'n Voldoende voorraad veilige skoon-gepypte drinkwater moet voorsien word.
8. 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