



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15670(TP383/2023)

Our File Reference Number: Farm 169, Stellenbosch

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 FARM 169, STELLENBOSCH

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

2.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law for consent use to expand and consolidate the uses of an existing tourist facility in order to permit the use of the existing buildings and deck area as a restaurant/deli, a wine and olive tasting and sale facility, and for functions on Farm No. 169, Stellenbosch Division;

BE APPROVED in terms of Section 60 of the said By-law 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 By-law:

2.2.1 The approval only applies to the consent use under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality or other legislation or By-laws or Regulations that may be applicable.

2.2.2 The development must be undertaken generally in accordance with the referenced Proposed Tourist Facilities plan with Plan No. 2, drawn by TV3 Architects, Town Planner & Urban Designers and dated 16/05/2023, attached as **Annexure B**.

- 2.2.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 2.2.4 The land use hereby permitted is restricted to an area of $\pm 690\text{m}^2$ and the ancillary outdoor play and landscaped area as indicated on the referenced Proposed Tourist Facilities plan with Plan No. 2, drawn by TV3 Architects, Town Planner & Urban Designers and dated 16/05/2023, attached as **Annexure B**.
- 2.2.5 Only wine produced on Farm No. 1406 must be available for tasting and off-consumption sales.
- 2.2.6 The land use hereby permitted (functions) is limited to the existing building and deck area of $\pm 690\text{m}^2$ with a maximum capacity of 80 guests for any function.
- 2.2.7 The land use hereby permitted (functions) is limited to a maximum of twelve (12) functions per year which involve exclusive bookings of the entire venue or functions occurring outside of the normal operating hours of the restaurant and tasting facility. An accurate register of functions must be kept and presented on request from an authorised official of the Municipality.
- 2.2.8 The installed sound system at the venue must be used during functions and no additional speakers or amplifiers may be brought into the venue.
- 2.2.9 No outdoor amplified sound is permitted at any time, and all doors and windows must strictly be kept closed after 18:00 when the venue makes use of amplified sound.
- 2.2.10 No amplified sound is permitted inside the venue after 23h00 and the venue must be vacated by all patrons / guests and service providers by 24h00, and from 23h00 no undue noise may occur indoors or outdoors.
- 2.2.11 The land use hereby permitted shall not create any undue noise or be a nuisance to the neighbouring farms and that precautionary measures be taken in order to avoid environmental noise pollution and to ensure compliance with the Noise Control Regulations (PN200/2013) in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989) and the Municipal By-law on the Prevention of Public Nuisance and the keeping of animals.
- 2.2.12 Sufficient parking be provided for all vehicles associated with the land use hereby permitted.
- 2.2.13 Effective traffic control must be provided for access off the Helshoogte Road (R301) at the access gates and to the onsite parking area.
- 2.2.14 No directorial, advertisement, or any other signs or flags may be erected on the subject property or in the road reserve prior to the approval of Stellenbosch Municipality or the competent authority.
- 2.2.15 The primary use of the farm must remain agriculture with the tourist activities being subservient or related to the dominant agricultural use of the property.

- 2.2.16 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.
- 2.2.17 Building plans must be generally in accordance with the referenced Proposed Tourist Facilities plan with Plan No. 2, drawn by TV3 Architects, Town Planner & Urban Designers and dated 16/05/2023, attached as **Annexure B** to this report.
- 2.2.18 The conditions imposed by the Directorate: Infrastructure Services as contained in their memorandum dated 22/04/2024, attached as **Annexure E** be complied with.
- 2.2.19 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment and as agreed in writing with the Director Infrastructure Services.
- 2.2.20 The conditions imposed by the District Municipality (Health Department) as contained in their letter dated 11/12/2023, attached as **Annexure E** be complied with.

3. The reasons for the above decision are as follow:

- 3.1 The proposal is an expansion of the existing tourist facility uses currently located on the subject property and will not undermine the agricultural potential of the property.
- 3.2 The proposal is compatible with the rural character of the area and surrounding land uses which include a number of similar tourism orientated uses.
- 3.3 Conditions of approval in respect of the use of the property for functions are imposed to ensure that the integrity, tranquillity and unique characteristics of the receiving rural environment are protected.

4. Matters to note:

- 4.1 The subject property is located outside of the Stellenbosch Municipality supply area and all electrical requirements should be directed to Eskom.
- 4.2 The authorised official of the Municipality may exercise its discretion in terms of Section 90(c) of the Stellenbosch Municipal By-law on Land Use Planning (2023) to withdraw the subject approval granted after following due process in the following instances:
 - (a) The land use hereby permitted be in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or

- (b) The operational use of the function venue be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels and traffic issues, and/ or
- (c) The function venue operates outside of its permitted days and hours, and/ or
- (d) The traffic levels with ineffective control over the access point on the Helshoogte Road (R301) become a potential traffic nuisance or safety hazard, and/ or
- (e) The venue be used for any unauthorised uses not permitted in terms of this approval.

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:

- 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

7. Reference to this correspondence and the relevant property details on which the 7appeal is submitted.

7.1 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.

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

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

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

7.5 The factual or legal findings that the appellant relies on. The relief sought by the appellant.

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

7.7 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.

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 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

11. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
- (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
- (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

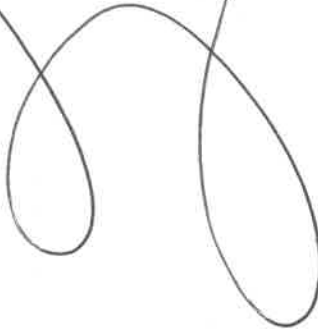
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

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

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT



8/5/2024
DATE:



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ANNEXURE B

SITE PLAN

Proposed Tourist Facilities

Restaurant/Deli:
Tasting & Sales:
Outdoor Deck:



Total Area: ±690m²

60 seats
24 seats
50 seats

Outdoor Play Area

Landscaping

Water Feature

Courtyard

Tourist Facilities

Courtyard

Agricultural Industry

Service Area

Parking

Parking

Access Road to Helshoogte Road

TV3
ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

Tokara Deli

Property Description:
Remainder Farm 169, Stellenbosch

Drawing:	Plan no.:	2
Date:	Proposed Tourist Facilities	
19/05/2023	Scale:	1:500 (A4)
Project no.:	Drawn:	WH
3902-P	Checked:	CH

Notation:

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.



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ANNEXURE E

COMMENT FROM DEPARTMENTS



STELLENBOSCH MUNICIPALITY

STELLENBOSCH • PNIEL • FRANSCHHOEK

MEMORANDUM

DIREKTORAAT • INFRASTRUKTUURDIENSTE
DIRECTORATE • INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Bulelwa Mdoda
From ▫ Van:	Tyrone King
Date ▫ Datum:	22 April 2024
Our Ref ▫ Ons Verw:	Civil LU 2686
Town Planning Ref:	LU/15670 – TP383/2023
Re ▫ Insake:	Farm 169, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for consent use to expand and consolidate the uses of an existing tourist facility in order to permit the use of the existing buildings and deck area (total area of ±690m²) as a restaurant/deli, a wine and olive tasting and sale facility, and for functions on Farm No. 169, Stellenbosch Division.

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

- 1. Roads**
- 1.1 Access is from a provincial road (Helshoogte Road) – all conditions by the Provincial Roads Engineer will be applicable.**

2. Development Charges (DCs)

- 2.1 The following DC's are payable. See Development Charge Calculation attached.
- 2.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 2.3 The appropriate DC's are payable immediately after this application is approved.



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

W:\2.0 DEVELOPMENT\01 Land Use applications\2686 (TK) Farm 169 Stellenbosch (LU-15670 TP383-2023) (Tokara)\2686 () Farm 169 Stellenbosch (LU-15670 TP383-2023).doc

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FARM 169

GENERAL COMMENT:

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

CONDITIONS

3. No conditions.



SIGNATURE

DATE 03/10/2023

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

06 OCT 2023

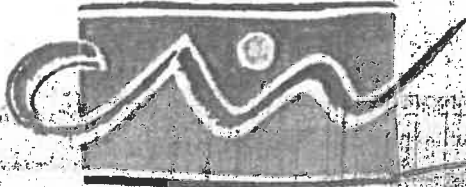
RECEIVED

FILE NR:

F169 S

SCAN NR:

COLLABORATOR NR:



CAPE WINELANDS DISTRICT
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DEPARTEMENT/DEPARTAMENT/CANDELO:
NAVRAE/ENQUIRIES/IMBUZO:
TELEFOON/TELEPHONE/UMXABA:
FAX/FAX/FEKSE:
E-POS/E-MAIL/E-MAIL:
U VERW/OUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

MUNISIPALE GEONDHEIDSDIENSTE

Mnr. J. Kruger
021-8875800
021-8879365
julian@capewinelands.gov.za
Fara: 169, Stellenbosch (LU /15670)
Pias: 169, Tokara, Stellenbosch

Alexanderstraat 46 Alexander Street
63100
STELLENBOSCH
7600

*Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/
All correspondence to be addressed to the Municipal Manager/Yonke Imbelelwano mayithunyehwe kuMlawuli kaMasipala*

11-12-2023

Munisipale Bestuurder
Munisipaliteit Stellenbosch
Posbus 17
Stellenbosch
7599

Vir aandaag: Beplanning en Ekonomiese Ontwikkelingsdienste

Meneer

**AANSOEK OM VERGUNNINGSGEBRUIK: PLAAS, NO. 169, AFDELING
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 die stelsel en so beskik word dat dit nie 'n oorlas veroorsaak nie.
2. Alle waswater vanaf die kombuis moet deur 'n vetvanger gaan voordat dit in die rioolsisteem vloei.
3. 'N Voldoende aantal toilette en hande wasbakke moet voorsien word volgens die getal gaste waarvoor voorsiening gemaak word.
4. In die geriewe vir dames moet voorsiening gemaak word vir die wegdoen van sanitêre doekies.
5. Die applikant moet aansluit by die Raad se vullisverwyderingsdiens.
6. Indien voedsel op die perseel voorberei word vir verkoop aan die publiek moet die applikant aansoek doen by Stellenbosch Munisipaliteit vir die nodige lisensie asook by die Kaapse Wynland Distriksmunisipaliteit vir 'n geskiktheidsertifikaat ingevolge R638 van 22 Junie 2018.
7. Alle voedselvoorbereiding/hanteringspersele moet voldoen aan die vereistes van R638 wat betrekking het op voedselpersele.

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

Die uwe



nms. Munisipale Bestuurder