



Application Number: LU/16820 (TP676/2024)

Our File Reference Number: Farm 1383, Stellenbosch Division

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-M

Sir / Madam

**APPLICATION FOR AN AMENDMENT OF A CONDITION OF APPROVAL, CONSENT USE AND DEPARTURE:
FARM 1383, 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 application(s) on Farm No. 1383, Stellenbosch Division in terms of the Stellenbosch Municipal Land Use Planning Bylaw, 2023, namely the:
 - 2.1.1 **Deletion of a condition of approval** (Condition 3(i)) in terms of Section 15(2)(h) of the said By-Law as stipulated in the rezoning approval, dated 30 March 2004, which stated the *"vinotheque and sales and tasting area in the winery may not be open to the public and that the facilities are for private use and whole sales clients only"*.
 - 2.1.2 **Consent Use** in terms of Section 15(2)(o) of the said By-Law to utilize a portion of the existing building and outside area for purposes of a tourist facility in the form of a wine tasting and sales facility, restaurant and a farm shop.
 - 2.1.3 **Departure** in terms of Section 15(2)(b) of the said By-Law for the relaxation of the southern building line from **5,0m** to **1,5m** to legalise the existing agricultural pump house; and northern building line from **5,0m** to **0m** for the storage building extensions.

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 said Bylaw:

3.1 The approval only applies to the proposal under consideration, attached as **ANNEXURE C** 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 in accordance with the **Site Development Plan and New Buildings Plan, No.3, dated 20 September 2023 drawn by Gerard De Villiers and Drawing No. DVG3, dated 28 February 2024**, drawn by Willie Steyn Land Use Planner and attached as **ANNEXURE C**.

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 The proposed tourist facility be limited to 70 seats with a total floor area of $\pm 487\text{m}^2$.

3.5 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN200 dated 20 November 2013) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

3.6 The conditions imposed by the **Directorate: Infrastructure Services** in their letter memo 20 June 2024, attached as **ANNEXURE H**, be adhered to.

3.7 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

3.8 The conditions imposed by the **Department of Agriculture (Elsenburg)** in their letter dated 07 August 2024, attached as **ANNEXURE K**, be adhered to.

3.9 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:**

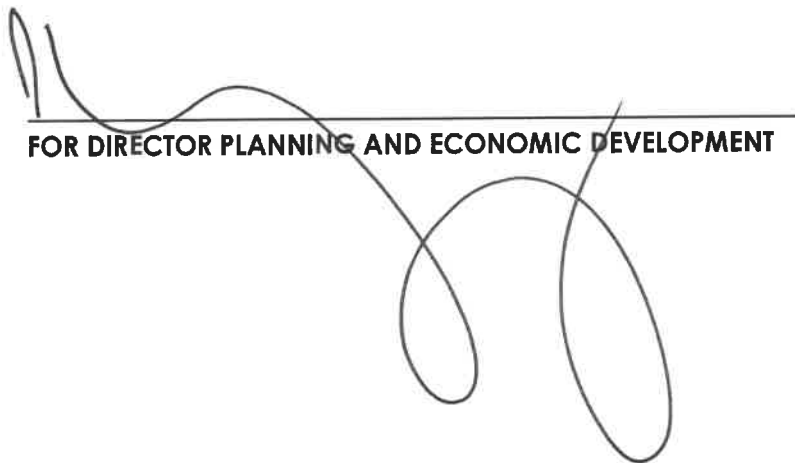
- 4.1 The proposed uses will help to diversify the land uses on the farm without impacting on the existing agricultural activities.
- 4.2 The primary land use will remain that of productive agriculture entity.
- 4.3 The proposal also complies with the principles of the Stellenbosch Spatial Development Framework which states that agri-tourism should be promoted in farming areas outside of urban settlements.

5. **Matters to be noted:**

- 5.1 All electrical requirements 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.
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



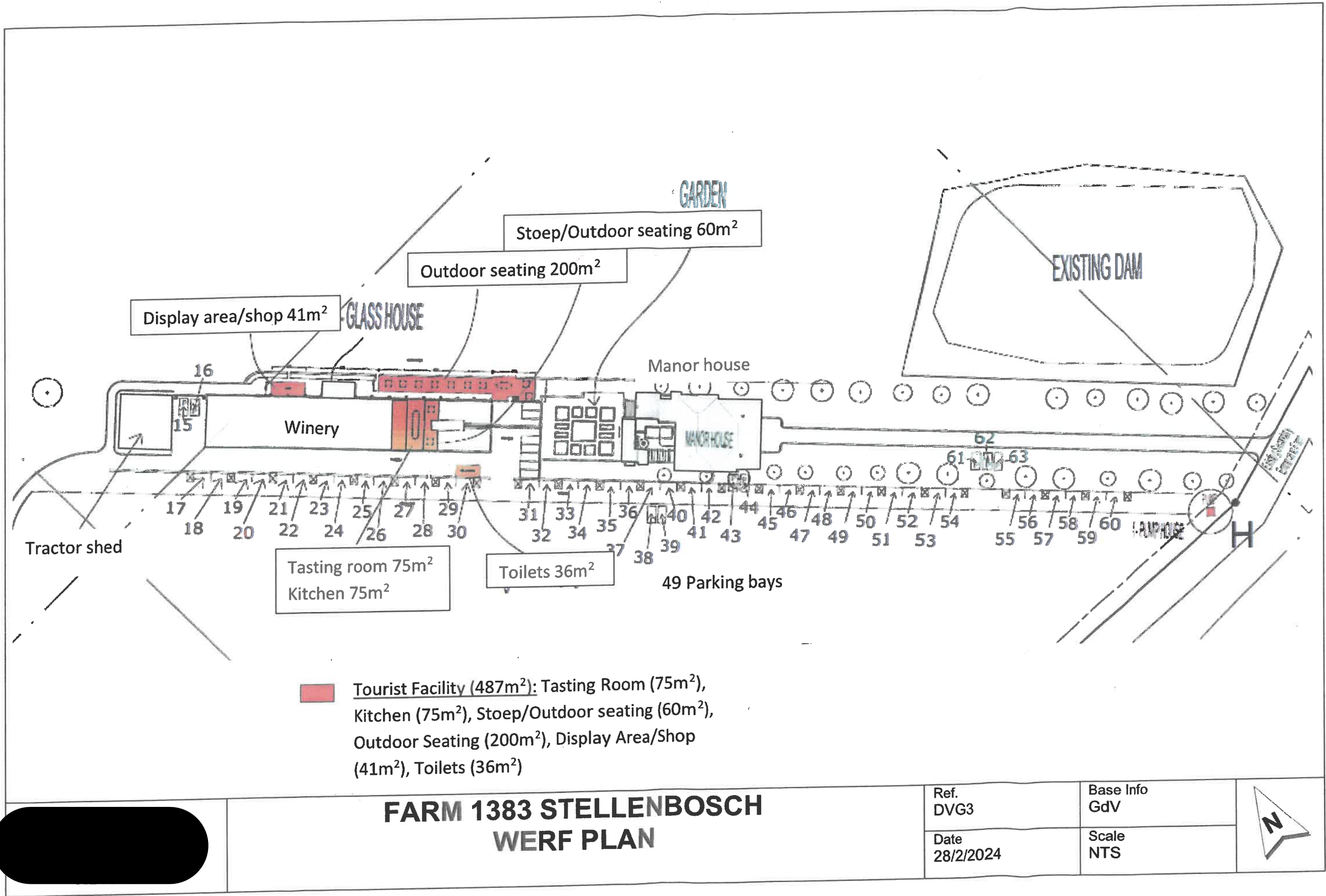
FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

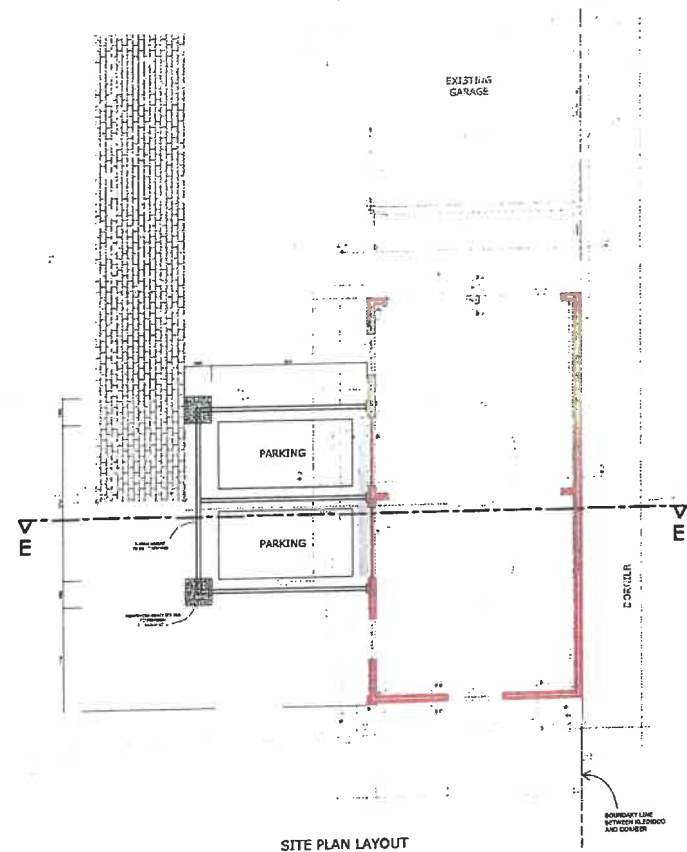
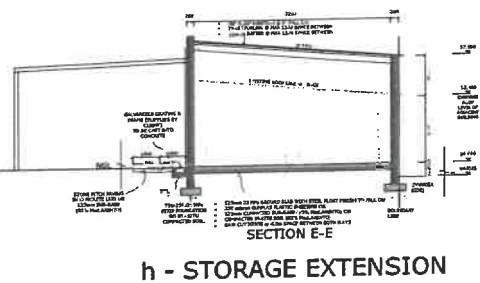
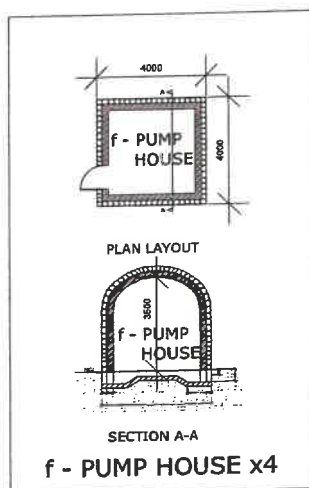
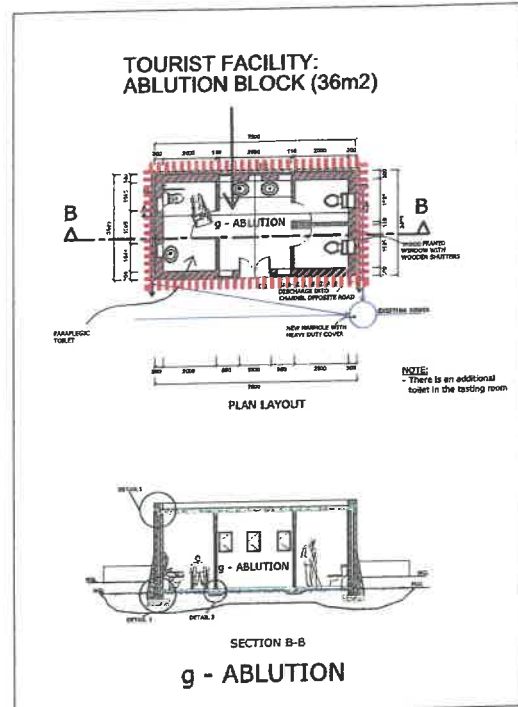
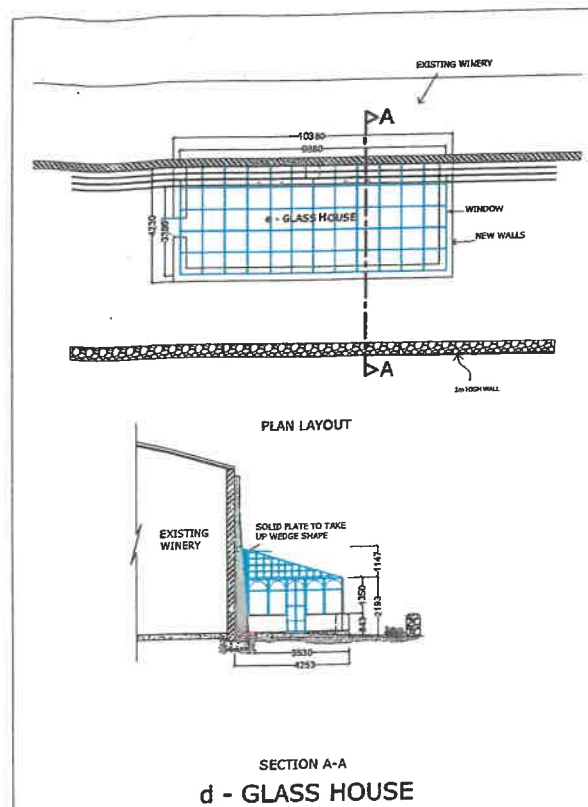
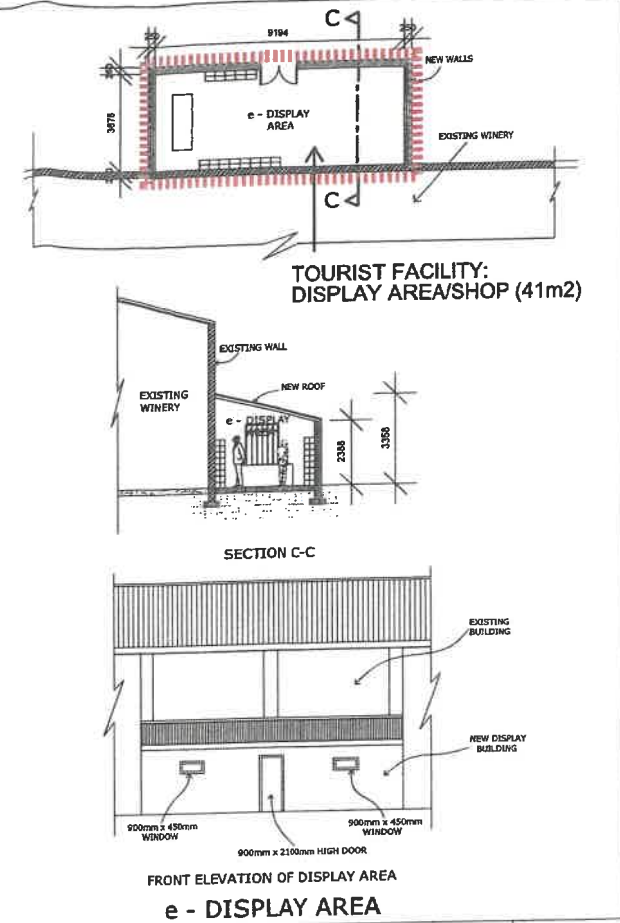
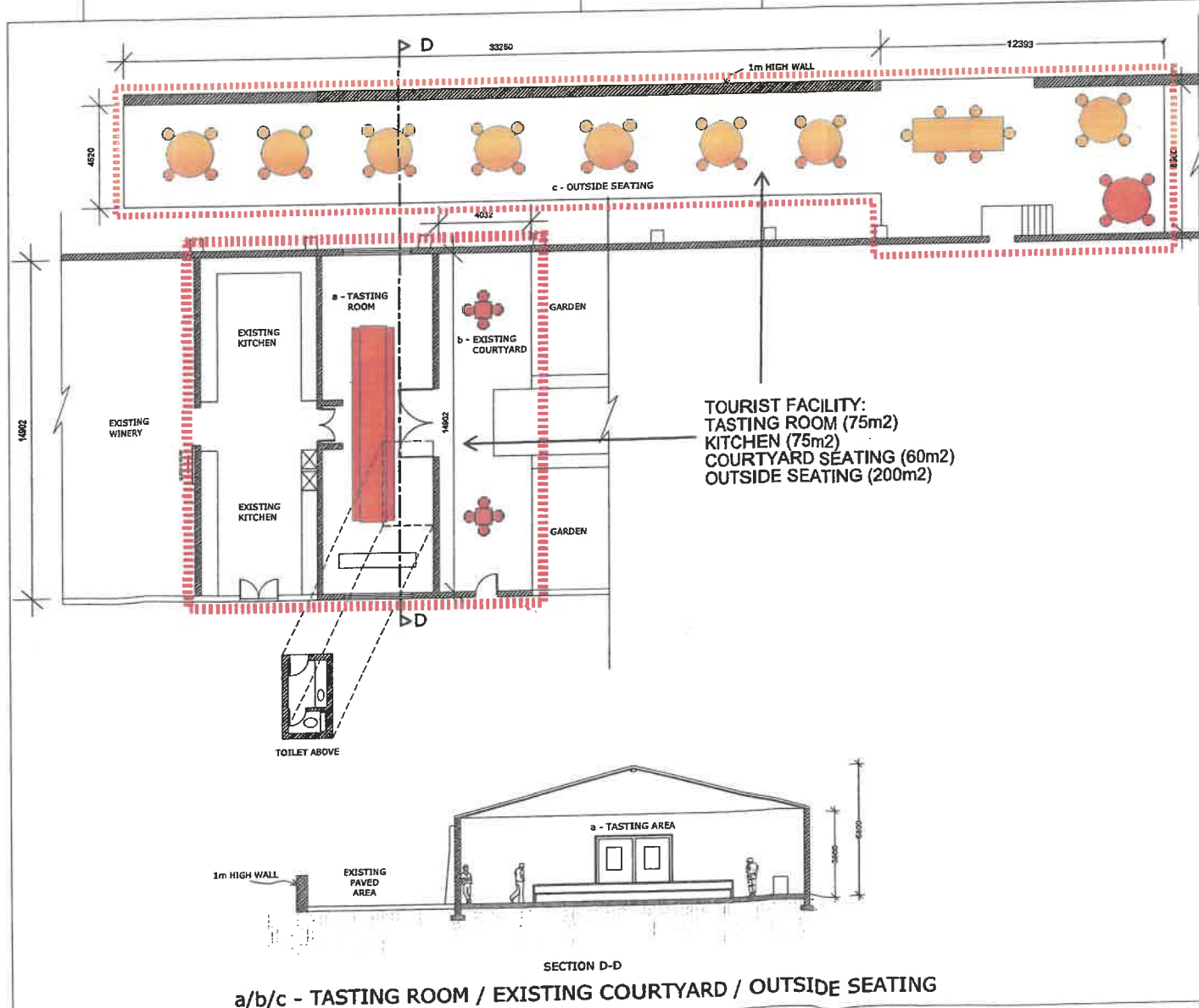
9/7/2025.
DATE:

ANNEXURE C

APPLICATION FOR AN AMENDMENT OF A
CONDITION OF APPROVAL, CONSENT USE AND A
DEPARTURE: FARM NO. 1383, STELLENBOSCH
DIVISION

SITE DEVELOPMENT PLAN/SITE PLAN





a - TASTING ROOM	75M ²
KITCHEN	75M ²
b - EXISTING COURTYARD	60M ²
c - OUTSIDE SEATING	200M ²
d - GLASS HOUSE	43M ²
e - DISPLAY AREA	41M ²
f - PUMP HOUSES x4	16M ²
g - ABLUTIONS	36M ²
h - STORAGE EXTENSION	119M ²

DRAWING NOTES			
This drawing is the property of the client and shall not be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in this drawing. The client is responsible for providing accurate information and for obtaining all necessary permits and approvals. The architect is not responsible for any construction or other work not shown on this drawing. The architect is not responsible for any construction or other work not shown on this drawing.			
DATE	NO.	REV.	BY
REVISION STATUS			
NO.	DATE	BY	REVISION
PROJECT INFORMATION			
PROJECT NAME	NEW BUILDINGS ON FARM 1383	DATE	20/08/2022
SCALE	1:100	DESIGNER	
CLIENT		ARCHITECT	

ANNEXURE H

APPLICATION FOR AN AMENDMENT OF A
CONDITION OF APPROVAL, CONSENT USE AND A
DEPARTURE: FARM NO. 1383, STELLENBOSCH
DIVISION

COMMENT FROM THE DIRECTORATE:
INFRASTRUCTURE SERVICES



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nicole Katts
From ▫ Van:	Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Xolani Tika
Date ▫ Datum:	20 June 2024
Our Ref ▫ Ons Verw:	Civil LU 2709
Town Planning Ref:	LU/16820 – TP676/2024
Re ▫ Insake:	Farm 1383, Stellenbosch: Application is made in terms of Section 15(2)(h) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the deletion of a condition of approval (Condition 3(i)) as stipulated in the rezoning approval dated 30 March 2004 which stated the “vinotheque and sales and tasting area in the winery may not be open to the public and that the facilities are for private use and whole sales clients only”, on Farm No. 1383, Stellenbosch Division.

AFALLACS

Application is made in terms of Section 15(2)(o) of the Stellenbosch Land Use Planning By-law, 2023 for a Consent Use to utilize the existing vinotheque ($\pm 75\text{m}^2$), private sales and tasting ($\pm 75\text{m}^2$) and existing stoep ($\pm 60\text{m}^2$) thereto, as well as other outdoor seating space ($\pm 200\text{m}^2$) together with toilets ($\pm 36\text{m}^2$) and a gift shop ($\pm 41\text{m}^2$) that were erected at the winery as a tourist facility of $\pm 487\text{m}^2$ for public wine tasting and sales and the serving of light meals on Farm No. 1383, Stellenbosch Division; and Application is made in terms of Section 15(2)(b) of the Stellenbosch Land Use Planning Bylaw, 2023 for a Departure for the relaxation of the southern building line from 5,0m to 1,5m to legalize the existing agricultural pump house ($\pm 16\text{m}$); and northern building line from 5,0m to 0m for the storage building extensions ($\pm 168\text{m}^2$ in extent) on Farm No. 1383, Stellenbosch Division.

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

1. Sewer

1.1 The proposed existing conservancy tank must be accessible to the removal truck.

2. Water

2.1 Potable water is to be obtained from an existing spring on farm 524/15

3. Solid Waste

3.1 The minimum standards and requirements of the collection point be agreed with the Solid Waste Department before implementation.

4. Development Charges (DCs)

The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage.

4.1 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.

4.2 The appropriate DC's are payable before the facility is put to its approved use.


Xolani Tika

Technician: Development (Infrastructure Services)

T:\2.0 DEVELOPMENT\01 Land Use applications\2709 (XT) Farm 1383 Stellenbosch (LU-16820 TP676-2024)\2709 () Farm 1383 Stellenbosch (LU-16820 TP676-2024).doc

AFALLACS



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION

Application Number:	DC 2709 (XT) Farm 1383 - Stellenbosch (LU-16620 TP070- 2024)
Development Name:	
Date:	20 June 2024
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 1383
DC Parameters Reference:	Proposed Consent use on Farm 1383, Stellenbosch (Motivational Report Clause 3 Development Proposal -TP Willie Steyn March 2024) email from Willie Steyn 19/06/2024

SUMMARY OF DC CALCULATION

Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	kl/day	kl/day	ha°C	l/week	trips/day		persons	
Total Increased Services Usage:	6,784	4,865	0,1374	0,3632	63,2		10,78	
Total Service Usage Reduction:	0	0	0	0	41,6		0	
Total Service Usage after Reduction:	6,78	4,87	0,13740	0,363	41,6		17	
Charges before adjusting for positive only, before Deductions	R -	R -	R 28 404,63	R 37 481,41	R 557 624,15	R 623 870,10	R 28 725,32	R 652 595,61
Charges adjusted for positive only, before Deductions	R -	R -	R 28 484,63	R 37 481,41	R 557 624,15	R 623 870,19	R 28 725,32	R 652 595,61
Total Deductions:	R -	R -	R -	R -	R 278 962,08	R 278 962,08	R -	R 278 962,08
Total Development Charges Payable (excluding VAT):	R -	R -	R 28 484,63	R 37 481,41	R 278 962,08	R 344 908,11	R 28 725,32	R 373 633,43
VAT:	R -	R -	R 4 260,69	R 6 022,21	R 41 844,31	R 51 730,22	R 4 308,80	R 58 045,02
Total Development Charges Payable (including VAT):	R -	R -	R 32 734,32	R 43 103,62	R 320 806,39	R 396 644,33	R 33 034,12	R 429 678,45

APPLICANT INFORMATION

Application Processed by:	Xolani Tika
Signature:	
Notes:	70 outdoor seating for public wine tasting facility and 50 seater for outdoor seating. =120 outdoor seating

AKALLACS

Stellenbosch Town

	Land Use Category	Job Type	Existing Usage			Proposed New Usage			Proposed 5 Years	Development Charges (Linked Area VAT)										Sub Total (Ctd Exp. Revenue)	Community	Total			
			Area (m2)	Link Area (m2)	Plaza	Area (m2)	Link Area (m2)	Plaza		Water	Sewer	Stormwater	Solid Waste	Roads & Transport											
Residential	Single Residential >1000m2	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential >1000m2	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential <1000m2	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential <1000m2	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Second Dwelling	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Low Form Residential	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Apartment	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Retirement Village	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Accommodation	Old Age home	du							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Student Accommodation/Convents/Hostels	rooms							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Guest House	rooms							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Domestic Guest House	rooms							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Hotel, Residential	rooms							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	General Business	m2 GLA							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Office	m2 GLA							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Retail/Shop	m2 GLA							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Restaurant	m2 GLA							41	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Commercial	Children's Facility / Play Area	persons							78	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Conference Facility/Place of assembly	m2 GLA							120	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Hospital/Clinical/Health Rooms	m2 GLA							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	University/College	student							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	School/Day Care	student							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Industrial - light	m2 GLA							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Industrial - heavy	m2 GLA							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Manufacturing/Light Manufacturing	m2 GLA							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Storage Facilities	unit							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Not Allowed	Open Space/Natural Environment/Utility Site	ha							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Roads and Parking	ha							0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	To be suballotted	n/a							0,0000	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Other	(Insert as equivalent demands)	n/a							0,0000	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Total Area			0						0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-

Charges before adjusting for positive only, before Deductions												R	-	R	-	R	-	R	-	R	-	R	-	R	-
Deduct	Charges adjusted for positive only, before Deductions											R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Deductions per service (from usage reductions)											R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Discount Deduction (%)											R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Additional Deduction per service - from Service Agreement (sum)											R	-	R	-	R	-	R	-	R	-	R	-	R	-
Percentage: 0,00%												R	-	R	-	R	-	R	-	R	-	R	-	R	-
Total	Sub Total after Adjustments and Deductions (excluding VAT)											R	-	R	-	R	-	R	-	R	-	R	-	R	-
	VAT											R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Total Development Charges											R	-	R	-	R	-	R	-	R	-	R	-	R	-

APRIL 2015

ANNEXURE K

APPLICATION FOR AN AMENDMENT OF A
CONDITION OF APPROVAL, CONSENT USE AND A
DEPARTURE: FARM NO. 1383, STELLENBOSCH
DIVISION

COMMENT FROM THE DEPARTMENT OF
AGRICULTURE (ELSENBURG)



**Western Cape
Government**

Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/6/412
YOUR REFERENCE : DVG3
ENQUIRIES : Cor van der Walt

Willie Steyn Land Use Planner
Email: williesteyn1960@gmail.com

Att: Willie Steyn

**APPLICATION FOR DELETION OF CONDITION OF APPROVAL, CONSENT USE AND
DEPARTURE: DIVISION STELLENBOSCH
FARM NO 1383**

Your application of 21 May 2024 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection, on condition that no additional parking areas may be constructed on cultivated land, should additional parking be required.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely


M. J. van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-08-07

Copy:

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599