



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/17043 (TP686/2024)

Our File Reference Number: Farm 689/9, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

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PER E-MAIL pj@pjlroux.co.za

Sir / Madam

APPLICATION FOR PERMANENT DEPARTURE AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: FARM 689/9, 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 in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023, on Farm 689/9, Stellenbosch Division for:
 - 2.1.1 a Permission/Technical approval in terms of Section 15(2)(g) of the said By-law to permit an agricultural industry (<2000m²) for a wine cellar with tasting and sales facilities inside a new building measuring ±1000 m².
 - 2.1.2 A Permanent Departure in terms of Section 15(2)(b) of the said By-law to permit less than the required 50% of the produce in the agricultural industry to originate from the subject property.

BE REFUSED in terms of Section 60 of the said Bylaw

3. The **reasons** for the above decision are as follows:
 - 3.1 The property currently lacks any agricultural activity, making the proposed agricultural industry inconsistent with the guidelines outlined in the Western Cape Government Rural Guidelines as well as the development parameters of the zoning scheme, as the proposed land use is not secondary to any existing agricultural operations.

3.2 The proposed development will have a negative impact on the rural character of the area, given the property size being less than 2ha in the extent.

3.3 The proposed development does not comply with purpose and technical requirements of the agricultural and rural zone.

3.4 Allowing a substantial portion of the produce to be sourced from outside the property contradicts the fundamental principle of supporting local agricultural production.

4. 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.
5. 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.
6. **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**
7. 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.
8. 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.
9. 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.

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

11. 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

22/01/2025
DATE

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