Application Number: LU/10021
Our File Reference Number: Erf 7587, Stellenbosch
Your Reference Number: None
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: towncountry@vodamail.co.za

Sir / Madam

APPLICATION A TEMPORARY DEPARTURE: ERF 7587, STELLENBOSCH

1. The above application refers.

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

2.1 That the application in terms of Section 15(2)(c) of the Stellenbosch Municipal By-Law, 2015 for a temporary departure in order to accommodate a restaurant and a tourist shop for the purpose of selling wine on Erf 7587, Stellenbosch as indicated on drawing number 1139-1-5/6, drawn by O van Driel, dated 20 May 2019, BE APPROVED, in terms of Section 60 of the said By-Law.

2.2 Reasons for the above Decision

   (a) The use is compatible with the surrounding land uses.
   (b) The facility will enhance the tourism potential of the region.
   (c) The proposed use is not undesirable and will have minimal impact on the surrounding properties.
   (d) The proposal complies with the principles of the Stellenbosch Spatial Development framework.

2.3 That such approval BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:

   (a) The approval applies only to the temporary departure in question as indicated on drawing number 1139-1-5/6, drawn by O van Driel, dated 20 May 2019, and shall not
be construed as authority to depart from any other legal prescriptions or requirements from Council;

(b) 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;

(c) That the following conditions as set out by the Manager: Electrical Department be adhered to (See Annexure E):

1. Appropriate caution shall be taken during construction to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.

(d) That the following conditions as set out by the Directorate: Engineering Services be adhered to (see Annexure F)

1. Water
   1.1 The existing water connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

2. Sewer
   2.1 The existing sewer connection must be utilized for the proposed development: no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

3. Roads
   3.1 Sufficient parking must be provided and indicated on the building plan submission stage.

4. Development Charges
   4.1 DC’s will not be charged, as this application is for a temporary departure, which lapses after a maximum of 5 years. Should a new application be submitted, DC’s will be charged as this would constitute a prolonged impact on the bulk services.

5. Municipal Infrastructure (Civil Engineering)
   5.1 Any changes to existing civil engineering services of Stellenbosch Municipality will be for the account of the owner.
6. **Electrical**

6.1 Appropriate caution shall be taken during construction to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.

(e) That the following conditions as set out by the **Manager: Health Department (Winelands Health)** (see Annexure K):

1. In the event where food will be prepared or handled or served to the public, the applicant must apply in writing to the municipal Health Services Department of the CWDM for a certificate of Acceptability in terms of R638 of 22 June 2018.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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.

4. 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:

   (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;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) 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);
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.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(e) if the appeal is lodged against a part of the decision, a description of the part;

(f) if the appeal is lodged against a condition of approval, a description of the condition;

(g) the factual or legal findings that the appellant relies on;

(h) the relief sought by the appellant; and

(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) 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.

5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za.

6. An applicant 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 LLU 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. An applicant who lodge 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 the above decision is suspended, and in the case of any approval, 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

[Signature]

FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

3.11. 20.

DATE:
ANNEXURE B:

Site Development Plan
FLOOR PLAN

KEY

LICENSED AREA
LIQUOR STORAGE
DELIVERIES
PUBLIC SPACE
PAYPOINTS

FLOOR PLAN

NOTES

This drawing is for Liquor license application
It is, consequently not to be used for submission to municipality
as a working drawing or to be used for construction purposes.

I. Licensed liquor store
   (including display seating)
2. Payphone
3. Dishwasher
4. Microwave
5. UHF heater
6. Electric single burner hob
7. Toaster
8. Coffee grinder
9. Coffee machine
10. Middle glass trolley
11. Cupboard

RUPERT MUSEUM
ERF 7867
STELLENBOSCH ROAD
STELLENBOSCH 7600

Date 20 May 2013
Scale 1:100
Drawn: C van Driel
Checked: C van Breda
Printn.: T 9468

Tel: 021/159 9432
Cell: 084/353 4403
72 Stadig St, Montague Gardens
uca@crestcatering.com.za

DWG. NO. 1139-4/5
ANNEXTURE E:

Comment from the Manager: Electrical Engineering
Application

Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, in order to accommodate a restaurant and a tourist shop for the purpose of selling wine on Erf 7587, Stellenbosch.

Adres / Address
16 Stellentia Avenue, Stellenbosch

Aansoek Datum / Application Date
2019-08-02

Aanbieder / Applicant
Louna Truter

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir voorweging voor te lees, word u verskyn om my skriflik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleg indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Gelieve die memorandum per hand aan my terug te besorg voor of op: 2019-12-16
Please hand deliver the memorandum to me on or before: 2019-12-16

N Katts

For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

GENERAL COMMENT:  No Comment

1. SCAN NR: E15875

CONDITIONS:

2. Appropriate caution shall be taken during construction to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.

HANDTEKENING / SIGNATURE

DATUM / DATE
ANNEXTURE F:

Comment from the Manager: Engineering Services
This memo supersedes the one dated 8/1/2020.

The above mentioned application for the following refers.

1) Special development/consent use for a restaurant and tourist shop, for purpose of selling wine.

Comments from the Transport, Roads and Stormwater, Water Services, Traffic Engineering and Development Departments will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

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

1. **Water**
   1.1 The existing water connection must be utilized for the proposed development; no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

2. **Sewer**
   2.1 The existing sewer connection must be utilized for the proposed development; no upgrade in the size of the connection will be allowed, unless agreed to by our Water Services Department.

3. **Roads**
   3.1 Sufficient parking must be provided and indicated on the SDP at building plan submission stage.

4. **Development Charges (DCs)**
   4.1 DC's will not be charged, as this application is for a temporary departure, which lapses after a maximum of 5 years. Should a new application be submitted, DC's will be charged as this would constitute a prolonged impact on the bulk services.
5. Municipal Infrastructure (Civil Engineering Services)
   5.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

6. Electrical
   6.1 See annexure A for electrical comments.

[Signature]

COLIN TAYLOR  Pr Techni Eng
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)
ANNEXTURE K:

Comment from the Manager: Health Department (Winelands Health)
Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015, in order to accommodate a restaurant and a tourist shop for the purpose of selling wine on Erf 7587, Stellenbosch.

Adres / Address
16 Stellentia Avenue, Stellenbosch

Aanheg: of tersaaklike dokumentasie in verband met bogenoemde aanvraag. Ten einde my in staat te stel om die aanvraag aan die besluitnemingsowerheid vir oorweging voor te leë, word u verskyn om my skriflik van u kommentaar, indien enige, te voorsien. Ondersteek asb. die algemene kommentaar op die meriete van die aanvraag en enige voorwaardes wat u departement wil oplyf indien die aanvraag goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Gelieve die memorandum per hand aan my terug te besorg voor of op: 2019-12-16
Please hand deliver the memorandum to me on or before: 2019-12-16

N Katts
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

VOORWAARDIES/CONDITIONS: In the event where food will be prepared or handled and or served to the public the applicant must apply in writing to the Municipal Health Services Dept of the CBDM for a certificate of acceptability in terms of R 638 of 22 June 2018

Handtekening / Signature
5-12-19
DATUM / DATE