APPLICATION FOR REZONING AND CONSENT USE: REMAINDER FARM NO 400, STELLENBOSCH DIVISION

1. This letter replaces my letter dated 17 March 2020, in that it addresses the correct date of the memo from the Director: Engineering Services attached as Appendix M.

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

2.1 The rezoning of a portion of 1900m² in extent from Agricultural Zone I to Agricultural Zone II in order to accommodate a wine cellar on the Remainder of Farm 400, Stellenbosch Division as indicated on drawing no. J049/17, dated 10/05/18 (See Appendix B);

2.2 A consent use in the form of a tourist facility in order to develop a wine tasting facility on the Remainder of Farm 400, Stellenbosch Division as indicated on drawing no. J049/17, dated 10/05/18 (See Appendix B);

BE APPROVED in terms of Section 60 of the said Bylaw for the following reasons:

(i) The proposed land use is in conformance with the principles of the
Stellenbosch Municipal Spatial Development Framework in relation to agri-
tourism activities;

(ii) The proposal will not adversely impact on the surrounding environment, uses, property values or the character of the area;

(iii) No significant heritage and environmental impacts are envisaged by the development;

(iv) The proposed uses are aimed at generating income to support the proposed farming activity on the property;

(v) The proposed buildings will be clustered in one area and will not result to loss of agricultural land;

(vi) The proposal is supported by the Western Cape Department of Agriculture.

3. The above approvals granted are subject to the following conditions in terms of Section 66 of the above-mentioned by-law;

3.1 The approval applies only to the rezoning and consent use applied for as indicated on drawing no. J049 /17, dated 10/05/18; (See Appendix B) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.2 Building plans be approved by this Municipality, prior to any building work commencing on the site;

3.3 Building plans for ±104m² wine tasting and sales facility and the wine cellar may not differ substantially from the building plan in Appendix D;

3.4 The conditions as set out by the Director: Engineering Services as contained in the memodated 13 February 2019 attached as Appendix M, be adhered to;

3.5 The conditions as set out by the Health Department (Winelands Health) as contained in the memo dated 17/10/2018 attached as Appendix K,
be adhered to;

3.6 The conditions as set out by the Spatial Planning, Heritage and Environment as contained in the memo dated 07/12/2018 attached as Appendix N, be adhered to;

3.7 The conditions as set out by the Department of Transport and Public Works as contained in the memo dated 30/07/2019 attached as Appendix F, be adhered to;

4. 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.

5. 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);

(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.

(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 and 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.

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: Lenacia.Kamineth@stellenbosch.gov.za.
7. 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 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. 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.


11. 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

FOR ACTING DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

DATE 26/12/20
Appendix B

Proposed Zoning Plan
Appendix D

Motivation of Applicant
Figure 5: Building Plan and Elevations (Wine Cellar)

As demonstrated by the above drawings, the proposed wine cellar will be “boutique” in scale, with a total floor space of 324.7m². The building will consist of a single (ground) floor, with a total height of 7.9m. Given the array of existing, historic buildings on the site, the building has been designed with a similar aesthetic in mind, which will blend in with the traditional Cape Dutch aesthetic that is prevalent throughout the Winelands region.

This building will accommodate enough space and equipment to produce a maximum of 150 Tons of wine (or 95,000L); however, the owner predicts that their present capacity will only allow for approximately 100 Tons of wine (65,000L). Thus, the building allows for ample space to accommodate their present capacity, with some space to scale up productivity in future.

While the proposed wine cellar is only 324.7m² in floor space, this application motivates for the re-zoning of 1 900 m² from Agricultural I to Agricultural II, in order to accommodate any potential changes to the current building plans, an additional storage shed for wine-making equipment, as well as space for any incoming delivery vehicles to the site. Thus, the proposed footprint of the Agricultural II zoning is demonstrated below, in relation to the existing buildings on the property.
Appendix M

Comments received from the Manager: Traffic Engineering
MEMORANDUM

DIRECTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To □ Aan: Director: Planning + Economic Development
Att □ Aandag: B Mdoda
From □ Van: Manager: Development (Infrastructure Services)
Author □ Skrywer: Tyrone King
Date □ Datum: 13 February 2019
Our Ref □ Ons Verw: CIVIL LU 1725
Re □ Insake: Farm 400, Stellenbosch: Rezoning and consent use

This Memo supersedes the Memos dated 12 November 2018 and 11 February 2019. After those Memos, the applicant motivated for the DCs to only be calculated on the GLA of buildings to be constructed, and not on the full area of the rezoning – 1900 m². This Memo reflects the revised DCs based on 104m² tasting room GLA and a 325m² cellar GLA. The Applicant has further queried the roads DCs, per e-mail dated 2019/02/12 09:35 AM. This Memo reflects the changes made to the DCs. Should any building plans be submitted with additional buildings, additional DCs will be applicable.

Details, specifications and information reflected in the following documentation refers:

- Application i.t.o. Stellenbosch Municipality Land Use Planning By-law, dated 5 July 2018
- SDP as per Annexures F and G of application;
- Traffic Impact Statement by ICE Group dated 13 June 2018
- E-mail from Marike Bolz dated 31 January 2019, regarding the DC calculation and areas to be used.
- E-mail from Marike Bolz dated 12 Feb 2019, regarding the roads DC calculation.
The application is for the following items:

i. Rezoning 1900m² from Agricultural I to Agricultural II for a wine cellar

ii. Consent use for a wine tasting facility of 104m² (contained within the 1900m² rezoned area)

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:

This recommendation for approval is based on the following parameters:

* Total GLA: 325 m² wine cellar + 104 m² wine tasting room

Any development beyond these parameters would require a further approval from this Directorate.

1. Water

Water supply is proposed as follows by the applicant: The farm is currently serviced by an existing borehole and water from Stellenbosch Municipality is only used when there is an interruption in the supply of borehole water. The vast majority of water to be used directly for the winery will be captured through a rainwater harvesting system.

1.1 No additional allocation to the municipal supply will be given and the water required for the new development shall be from the alternative sources proposed. It is recommended that the applicant install water storage facilities to ensure continuous supply when there is an interruption in the supply of borehole water.

1.2 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

1.3 A suitable qualified professional must ensure that the water infrastructure is sufficient for firefighting purposes.
2. **Waste Water and Sewage**

The waste water generated from the winery will be managed in an environmentally friendly manner and re-used for irrigation purposes. Details pertaining to the waste water treatment process will be laid out in a water-use assessment report to DWS for approval.

2.1 Approval must be obtained from the Department of Water and Sanitation (DWS), for the use of effluent for irrigation purposes.

2.2 The design and construction supervision of the facility must be undertaken by a suitably qualified professional (i.e. ECSA registered professional engineer), who at the completion of the work, certifies that the installation is complete and to the required standard in all respects.

2.3 An operation and maintenance manual must be supplied with the installed plant.

2.4 A maintenance agreement must be entered into between the owner and the waste water treatment system service provider and proof thereof be furnished to the Municipality’s Water Services Department (for the attention of Mr Bradley Dyers (t) 021 808 8267; email: bradley.dyers@stellenbosch.gov.za).

Sewer disposal from the 3 new toilets shall be via conservancy tank.

2.5 The conservancy tank must be accessible to the removal truck and of a volume to necessitate not more than a fortnightly service, unless agreed otherwise by the Directorate: Infrastructure Services.

2.6 The surface / layerworks of such access should be designed to accommodate at least a 15 ton / 10 000litre service vehicle.

2.7 The required volume of the conservancy tank/s must be determined by a suitably qualified professional.

2.8 The minimum volume of a conservancy tank shall be 5 kiloliter.

2.9 A service contract has to be entered into with the municipality to service the conservancy tanks on a regular basis.

2.10 Wastewater and sewage may not pollute any groundwater, stormwater or surface water.
3. **Solid Waste**

3.1 Solid waste must be removed from the site to a legal solid waste disposal site in accordance with the requirements of section 20 of the Environmental Conservation Act 1989 (Act 73 of 1989).

4. **Roads**

4.1 The application has to be referred to the District Roads Engineer for comments and conditions.

4.2 All the conditions set by the District Roads Engineer will be applicable.

4.3 All recommendations of the TIS must be implemented by the Developer at their cost.

4.4 The following is recommended in the TIS, and if this becomes a condition of the DRE, then this can be implemented in lieu of DCs. Should there be a shortfall, it shall be for the cost of the Developer: “The existing access to Polkadraai Road be converted to a left-in, left-out access and the opening in the median island on Polkadraai Road closed and that right turning movements should take place at the La Provence Road / Vlaeburg Road / Polkadraai Road intersection.”

5. **Development Charges (DCs)**

5.1 The following DC’s are payable:

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<th>Solid Waste</th>
<th>Roads</th>
<th>Community Facilities</th>
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<tr>
<td>Wine Tasting</td>
<td>R 1 939.52</td>
<td>R 59 698.82</td>
<td>R 1 360.78</td>
<td>R 62 999.12</td>
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<td>104m2</td>
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<tr>
<td>Cellar</td>
<td>R 6 061.00</td>
<td>R 0.00</td>
<td>R 4 252.45</td>
<td>R 10 313.45</td>
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<td>325m2</td>
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<td></td>
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<tr>
<td>Total</td>
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<td>R 59 698.82</td>
<td>R 5 613.24</td>
<td>R 73 312.57</td>
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<tr>
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<td>R 8 954.82</td>
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</table>
5.2 The DC's were calculated by using the 2018/2019 tariff structure. If DC's are paid after 30 June 2019 it will have to be recalculated by using the tariff structure applicable at date of payment.

5.3 The appropriate DC's are payable before building plan approval.

6. Section 28 Clearance Certificate and/or building plan application checklist

6.1 The following must be complied with before Section 28 Clearance (in the case of a subdivision) and/or building plans (in the case of re-zoning, consent uses, consolidations, departures etc.) can be approved by this Directorate. The relevant supporting documentation must accompany the Section 28 Clearance application.

<table>
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<th>Description</th>
<th>Reference</th>
<th>Proof attached to building plan application (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A copy of this Memo must be attached to the Section 28/Building plan Application.</td>
<td></td>
<td></td>
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<tr>
<td>Approval must be obtained from the Department of Water and Sanitation (DWS), for the use of effluent for irrigation purposes.</td>
<td>2.1</td>
<td></td>
</tr>
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<td>Proof of Payment of DC's</td>
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TYRONE KING Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)
Appendix N

Comments received from the Manager: Spatial Planning, Heritage and Environment
I refer to your request for comment on the above application.

1) Opinion / reasoning:
In terms of the approved Stellenbosch Municipality MSDF, the subject property is located outside of the approved urban edge. The following principles apply to properties that fall outside the urban edge:

- Land outside of existing and proposed urban settlements should be used for agricultural production, biodiversity conservation, scenic quality and agri-tourism;
- Intensification of agriculture, biodiversity conservation and agri-tourism should be promoted in farming areas outside of urban settlements.

The subject property is located outside the urban edge and in principle this department supports agri-tourism uses if it is related to the farm and if the agricultural activities remain the primary use. Tourist related activities can be used as secondary use.

2) Supported / not supported:
This department therefore supports the proposal subject to the following conditions:

- The primary use must remain agricultural with tourist related activities operating as a secondary use.

Signed: P.P. Blomming
B de la Bat
Manager: Spatial Planning, Heritage and Environment

11 Dec 2018
ANNEXURE F:
Correspondence regarding Application
REFERENCE: 16/9/6/1-25/154 (Job 23864)
ENQUIRIES: Ms GD Swanepoel
DATE: 30 July 2019

Director: Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Messrs U von Molendorff/ I Ramakuwela

Dear Sirs

REMAINDER FARM 400, KARIBIB, STELLENBOSCH: MAIN ROAD 177 (M12, POLKADRAAI ROAD):
APPLICATION FOR REZONING AND CONSENT USE

1. Letter from Arch Town Planners, Municipal ref. LU/8064, dated 7 November 2018, with attached application, refers.

2. The Remainder of Farm 400, Stellenbosch (Veelverjaagt), is located ±4km east of Kuilsrivier and 11km west of Stellenbosch. Access is off Minor Road 5208 at km0.05 LHS - 50m from its intersection with Main Road 177 (M12, Polkadraai Road). Minor Road 5208 links with Divisional Road 1052 (La Provence Road) at km1.44 RHS and this road links 440m further with Main Road 177 opposite Vlaeberg Road.

3. This application is for the following:

3.1 Rezoning of a portion of Rem Farm 400, ±1900m² in extent, from Agriculture Zone I to Agriculture Zone II, in order to develop a wine cellar and

3.2 Consent use for a tourist facility (wine tasting) ±104m² in extent.

4. The Minor Road 5208 intersection with Main Road 177 is close to a crest curve and a horizontal curve in Main Road 177 which limit visibility to the west (ie, approach direction of nearside traffic), making access to and from Minor Road 5208 at this intersection somewhat hazardous. Main Road 177 is a Class 2 dual carriageway road, carrying over 1100 vehicles per hour in the peak direction (eastbound in the am peak and westbound in the pm peak) and over 1550 vph two-way.
5. The proposed land uses will generate low volumes of traffic, estimated in the Traffic Impact Statement report to be just 7 vph in the p.m. peak. However, the restricted sight distance at the intersection of Minor Road 5208 with Main Road 177 creates a road safety hazard for both existing users but more particularly for visitors to the subject property who may be foreign to the environment.

6. Considering the road safety hazard at the intersection of Minor Road 5208 with Main Road 177, the possibility of closing the access whilst retaining Minor Road 5208 itself was considered. Access would then be via Minor Road 5208 and Divisional Road 1052 to Main Road 177. That intersection has good visibility and there are right turn lanes on Main Road 177 in both directions. Also, the wide median provides space for up to two vehicles to wait out of either carriageway until a suitable gap presents itself for turning into or crossing Main Road 177. All the property owners who obtain direct access onto Minor Road 5208 to the west of Divisional Road 1052 provided signed statements indicating their approval of this proposal.

7. This Branch offers no objection to the application for rezoning and consent use in respect of Rem Farm 400, Stellenbosch as detailed above on condition that the applicant shall – in conjunction with the District Roads Engineer, Paarl (Mr S Bain 021 863 2020) or his agent, close the Main Road 177/Minor Road 5208 in an appropriate way. This will have to be done with the necessary road signage displayed on all approaches to the intersection to warn road users of the change before removing the median crossing and reinstating the road reserve boundary fence across the Minor Road 5208. The District Roads Engineer will ensure that the necessary signage is displayed on the M12 and that the median crossing and access to the M12 is removed by rehabilitating the drainage system. Assistance may be required from the applicant to communicate and coordinate the Minor Road 5208 access closure and to contribute towards the cost of permanent signage on the Minor Road 5208 approach to the farm access and physical closure as directed by the District Roads Engineer.

Yours faithfully

[Signature]

SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT
ENDORSEMENTS

1. Stellenbosch Municipality
   Attention: Mr Ulrich von Molendorff (e-mail)
   Mr Lawrence Ramakuwela (e-mail)

2. Arch Town Planners
   (e-mail: marike@archtownplanners.co.za; wilhelm@archtownplanners.co.za)

3. ICE Group (e-mail: piet@icegroup.co.za; shameez@icegroup.co.za)

4. Winelands District Municipality
   Attention: Mr Aubrey Stevens (e-mail)

5. District Roads Engineer
   Paarl

6. Mr SW Carstens (e-mail)

7. Mr H Thompson (e-mail)

8. Mr B du Preez (e-mail)