Sir,

APPLICATION FOR REZONING, CONSENT USE AND A DEPARTURE: PORTION 13 OF FARM NO. 489, 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 applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm 489/13:

       2.1.1 Rezoning in terms of Section 15(2)(a) of the said by-law from Agricultural Zone I to Agricultural Zone II to accommodate an agricultural industry (wine cellar & olive pressing plant).

       2.1.2 Consent Use in terms of Section 15(2)(o) of the said by-law for a tourist facility (micro-brewery, tasting & sales facility); and

       2.1.3 Permanent Departure in terms of Section 15(2)(b) of the said by-law to relax the side building lines, adjacent to Farm 489/12, RE/489 & Farm 1568, in order to accommodate the proposed building on Farm 489/13

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

     a) The proposal is not out of character with the surrounding area as similar land uses can be found in this area.
b) The proposal will enhance the economic viability of the farm and have no negative impact on the surrounding land uses.

c) The impact that the proposed wine cellar will have on surrounding area is minimal as the use of the building is ancillary to the farming activity.

d) The agricultural viability of the farm will not be affected by the proposal

3. That the above approvals granted are SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:

3.1 This approval applies only to the applications being applied for and shall not be construed as authority to depart from any legal prescriptions or other requirements;

3.2 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 land use;

3.3 The primary use must still remain agricultural with tourist related activities operating as a secondary use;

3.4 That the agricultural industry use be restricted to the rezoned area of 1900m²;

3.5 Sufficient on-site parking be provided as shown on the site plan attached as ANNEXURE C;

3.6 The owner may not exceed the Polkadraai Water Scheme existing water allocation of 4.5kl/day;

3.7 The existing water connection must be utilized for the proposed development and no upgrade in the size of the connection will be allowed unless agreed to by Water Services Department of the Stellenbosch Municipality;

3.8 The quality of water stored and distributed by the owner has to comply with SANS 241;

3.9 Current proof of compliance with drinking water quality standards must be available on request;

3.10 No new septic tanks and soak-aways will be permitted;

3.11 Use of the existing septic tanks to collect and treat sewage generated by the proposed development is not allowed;

3.12 The conservancy tank must be accessible to the satisfaction of this Municipality for the removal truck and be of a volume to necessitate not more than a fortnightly service;

3.13 The surface/layerworks of such an access should be designed to the satisfaction of this Municipality to accommodate a 15ton/10 000l service truck;

3.14 A service contract be entered into with the Municipality to service the conservancy tanks on a regular basis;
3.15 Solid waste must be removed from the site to lawful solid waste disposal site in accordance with the requirements of Section 26 of the National Environmental Management Waste Act, 2008 (Act 59 of 2008);

3.16 Any changes to existing engineering services due to this approval will be for the account of the owner;

3.17 Development charges is payable by the developer in accordance with and as at the time of the annually approved tariffs of this Municipality, and is payable prior to the approval of any building plan application;

3.18 Building plans for the proposed buildings must be submitted to this Municipality for consideration prior to any building work being undertaken;

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.

8. The approved tariff structure may be accessed and viewed on the municipal website (https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs) and the banking details for the General Account can also be accessed on the municipal website.
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
ANNEXURE C

(APPLICATION FOR REZONING, CONSENT USE AND A DEPARTURE IN TERMS OF SECTION 15(2) OF THE STELLENBOCH MUNICIPAL PLANNING BY-LAW, PROMULGATED BY NOTICE NUMBER 354/2015, DATED 20 OCTOBER 2015 ON FARM 489/13)

SITE DEVELOPMENT PLAN
Proposed Area measuring 1900m² in extent to be rezoned to Agriculture Zone II (Agricultural Industry) with Consent for Tourist Facility (restaurant)
ANNEXURE H

(APPLICATION FOR REZONING, CONSENT USE AND A DEPARTURE IN TERMS OF SECTION 15(2) OF THE STELLENBOCH MUNICIPAL PLANNING BY-LAW, PROMULGATED BY NOTICE NUMBER 354/2015, DATED 20 OCTOBER 2015 ON FARM 489/13)

COMMENTS FROM ENGINEERING SERVICES
INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF Farm 489/13, Stellenbosch DATUM DATE 2019-04-15

AANSOEKNOMMER / APPLICATION NUMBER LU/8875

MEMO AAN/ TO:
Manager: Engineering Services
Manager: Electrical Department
Manager: LED (Widmark Moses)
Manager: Fire Services
Manager: Chief Financial Officer
Manager: Spatial Planning / Heritage / Environment / Signage
Manager: Health Department (Winelands Health)
Manager: Building Development
Manager: Community Services

Application Rezoning, Departure and Consent Use
Adres/Address Polkadraai Road, Stellenbosch
Aanmekaar Datum 10 January 2019
Application Date
Aanmekaar Applicant PJ Le Roux Town & Regional Planners

Aangehewe vind u tersaaklike dokumentasie in verband met bogenoemde aanmekaar. Ten einde my in staat te stel om die aanmekaar aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoe om my skriflik van u kommentaar, indien enige, te voorsien. Onder ski seisbiet tussen algemene kommentaar op die meriete van die aanmekaar en enige voorwaardes wat u departement wil oplei, indien die aanmekaar 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.

Gelleewe die memorandum per hand aan my terug te besorg voor of op: 2019-05-15
Please hand deliver the memorandum to me on or before: 2019-05-15

S Newman
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

VOORWAARDES/CONDITIONS:

Refer to attached memo dated 11/1/2019

HANDTEKENING / SIGNATURE

DATUM / DATE
The application is for the following items:

i. The rezoning of a portion measuring 1900m² in extent of Portion 13 of Farm No. 489 Stellenbosch from Agriculture Zone I to Agriculture Zone II for the purposes of agriculture industry;

ii. Consent Use for Tourist Facility inside the Agriculture zone II building to accommodate the following uses: Specialized restaurant, Microbrewery, Tasting and sales; and

iii. Departure of 30m building line.

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 Owner may not exceed the Polkadraai Water Scheme existing water allocation of 4,5kl/day.
   1.2 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.
   1.3 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards. Current proof of compliance must be available on request.

2. **Waste Water and Sewage**
   2.1 No new septic tanks and soak-aways are permitted to be built.
   2.2 Use of existing septic tanks to collect and treat sewage generated by the proposed development is not allowed.
   2.3 The conservancy tank must be accessible to the removal truck and of a volume to necessitate not more than a fortnightly service.
2.4 The surface/layerworks of such an access should be designed to accommodate a 15ton/10000ℓ service truck.

2.5 Only Stellenbosch Municipality is allowed to empty conservancy tanks.

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

3. Solid Waste
3.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

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

5. General
5.1 Any changes to existing engineering services due to this application will be for the account of the owner.

6. Development Charges (DCs)
6.1 Based on the information provided in application the Development Charges payable by the developer is R 559 088.27 (Vat incl.) as per attached Development Charges Calculation.

6.2 The DC's were calculated for the 2019/2020 financial year. If the account is paid after 30 June 2020 it has to be recalculated using the then applicable tariffs.

6.3 DCs are payable prior to the erf or portion thereof being put to the approved use or building plan approval which ever come first.

COLIN TAYLOR
PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)
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