APPLICATION FOR CONSENT USE ON FARM NO 571/6, 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 application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by Notice no 354/2015 dated 20 October 2015, for consent use for a tourist facility (Restaurant) and to extend the existing wine tasting and sales facility on Farm No 571/6, Stellenbosch Division.

BE APPROVED in terms of Section 60 of the said By-Law 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 intended facilities and its location on the property will be of a nature that should not be detrimental to the immediate and surrounding areas, if all conditions of approval are complied with.

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

(iv) Existing access point and access road to the property will be used.

(v) All parking to be provided will be onsite and adequately screened.

(vi) Existing services will be used, upgraded or newly built to the satisfaction of the engineering department for the development.
(vii) There are no restrictive title deed conditions registered against the title deed that prohibit the proposed development of the property.

(viii) The proposed land uses are low intensity tourist activities which would not impact negatively on the property and area.

(ix) An agreement has been reached with regards to the maintenance of the access road.

3. The above approval granted is subject to the following conditions in terms of Section 66 of the above-mentioned by-law:

3.1 The approval applies only to the applications for consent use in question for a tourist facility (Restaurant of ±702 m²) and to extend the existing wine tasting and sales facility from 100 m² to ±500 m² on Farm no 571/6, Stellenbosch Division, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.2 The following municipal engineering services conditions be adhered to:

3.2.1 It is the owner’s responsibility to ensure that potable water be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

3.2.2 No building plans be approved if a formal engineering drawing, indicating the sewer reticulation layout including positioning of treatment facilities and outlet of treated water is not submitted simultaneously with the building plan.

3.2.3 Proof is provided of approval from the Department of Water and Sanitation for disposal of treated effluent by irrigation/discharge of treated effluent into a water course.

3.2.4 A maintenance agreement be entered into between the owner and the Clarus Fusion waste water treatment system service provider and proof thereof be furnished to the Municipality’s Water Services Department.

3.2.5 Details of additional conservancy tanks be provided and only Stellenbosch Municipality is allowed to empty conservancy tanks.

3.2.6 A services contract be entered into with Stellenbosch Municipality to service the conservancy tanks on a regular basis.

3.2.7 Wastewater and sewage may not pollute any groundwater, storm water or surface water.
3.2.8 No new septic tanks and soak-aways be permitted and the use of existing septic tanks to collect and treat sewage generated by the proposed development is not allowed.

3.2.9 Solid waste be removed from the site to a lawful solid waste disposal site in accordance with the requirement of section 26 of the National Environment Management Waste Act 2008 (Act 59 of 2008).

3.2.10 Sufficient parking be provided and indicated on the site plan at the building plan submission stage.

3.2.11 Development contributions be payable and calculate in terms of the municipal Development Contribution policy for the applicable financial years tariffs.

3.2.12 Development Contribution are payable prior to the erf or portion thereof being put to the approved use or building plan approval whichever comes first.

3.3 All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management be adhered to.

3.4 Building plans for all alterations and extensions be submitted to this municipality for approval;

3.5 Any proposed extension, maintenance and traffic calming measure on the servitude access road be agreed by the applicants and the owners over which properties these servitudes are aligned as per the title deed conditions. A copy of the agreement be submitted to the Municipality before the construction of building starts.

3.6 Application is made for a certificate of acceptability from the Cape Winelands District Municipalities Health Department for all food preparation premises, if not already obtained.

3.7 The existing and proposed buildings at all times comply with SANS 10400 - Part 5 “Facilities for disabled persons" to the satisfaction of the municipal building management department.

3.8 All electrical requirements be directed to Eskom, considering that the property falls outside the Stellenbosch area of supply.
3.9 The proposed landscaping plan to be implemented to the satisfaction of the Department of Community Services, prior to the issuing of the occupancy certificate and should additional landscaping be required in future to soften the visual impact of the proposed structures from the surrounding properties and roads, it be implemented at the cost of the owners:

3.10 Site development plan to be submitted to department for approval

3.11 58 Parking bays to be provided in two phases of 38 for Phase I and 20 Parking bays for phase II as indicated in the development proposal.

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 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.

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

[Signature]
FOR ACTING DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 26/6/20
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