



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12159

Our File Reference Number: Farm 1032/11, Paarl Division

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL [REDACTED]

Sir / Madam

APPLICATION FOR CONSENT USE AND TEMPORARY DEPARTURE: FARM 1032/11, PAARL 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(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm 1032/11, Paarl Division, namely:
 - 2.1.1 **Consent Use** in terms of Section 15(2)(o) of the said Bylaw to utilize the existing agricultural building and a portion of the garden ($\pm 500\text{m}^2$) as a tourist facility (hosting of wedding functions).

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.
3. **The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:**
 - 3.1 The approval only applies to the consent use under consideration, as indicated on Drawing Nr. VG5000058 Brendel/Plan No.3, dated November 2020, attached as **ANNEXURE C**, and shall not be construed as authority to depart from any other legal

prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

- 3.2 The development must be undertaken generally in accordance with the site development plan as referenced, Drawing Nr. VG5000058 Brendel/Plan No. 3, dated November 2020, and attached as **ANNEXURE C**.
- 3.3 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.
- 3.4 The conditions imposed by the **Manager: Health Services** as contained in their memo dated 23 February 2021, attached as **ANNEXURE G**, be complied with.
- 3.5 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 19 August 2020, attached as **ANNEXURE J**, be complied with.
- 3.6 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services
- 3.7 The conditions imposed by the Department of Transport and Public Works as contained in the letter dated 14 April 2021, and stipulated below, be complied with (see **ANNEXURE K**);
 - 3.7.1 *The gate shall be kept open or controlled to allow access with minimal delay at times when numerous entering vehicles may be expected, eg. before a wedding.*
 - 3.7.2 *The access bell-mouth shall be surfaced to prevent edge-break and the tracking of gravel onto the road. Prior to construction, the Applicant shall submit traffic management plans and details of the access construction to the District Road Engineer, Paarl (e-mail: Eloy.Smith@westerncape.gov.za) for approval.*
- 3.8 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.
- 3.9 The function facility be restricted to 50 guests at a time.
- 3.10 No music is played at the function facility that may create a noise nuisance for surrounding property owners and that the owners of the application property at all times comply with the applicable noise control regulations and by-laws.

4. **The reasons for the above decision are as follows:**

4.1 The proposed use will have no negative impact on the existing agricultural activity and will have no visual impact on the surrounding area as no new buildings will be constructed.

4.2 The proposed development conforms to the character of the area and is therefore considered appropriate within the given context.

4.3 The scale and extent of the facility is such that it will not have any detrimental impact on the existing infrastructure.

4.4 The increase in traffic in the area will be insignificant.

5. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 1032/11, Paarl Division, namely:

5.1 **Temporary Departure** in terms of Section 15(2)(c) of the said Bylaw to utilize the existing additional dwelling unit for the storage of niches (memorial wall) containing ashes of deceased persons.

BE REFUSED in terms of Section 60 of the said Bylaw.

6. **The reasons for the refusal are as follows:**

6.1 The proposal does not fall within the ambit of what is intended by the Bylaw with a temporary departure as the structure will never be able to revert to its previous lawful use upon the expiry of the use right.

6.2 A temporary departure application is not the appropriate application to accommodate the proposal, and an application for rezoning must be submitted.

7. **Matters to be noted:**

7.1 Building plans be approved by the Municipality.

7.2 The necessary Environmental Authorization be obtained from the Department of Environmental Affairs and Development Planning.

7.3 A business licence and a liquor licence must be applied for if required.

7.4 All electrical requirements be directed to Eskom.

8. 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.

9. 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.
10. 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
11. 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.
12. 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 (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
13. 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.

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

15. 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: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

6/8/2022
DATE

ANNEXURE C

**APPLICATION FOR CONSENT USE AND
TEMPORORAY DEPARTURE ON FARM NO. 1032/11,
PAARL DIVISION**

SITE PLAN

Plan No 3

**Site
Development
Plan
Detail**

**Project
Farm La Motte
1032/11
Memorial Hall**

**Date
November 2020
Reference Number
VG 5000058
Brendel**



**Farm No
Portion 11 of
the farm La
Motte No.
1032**

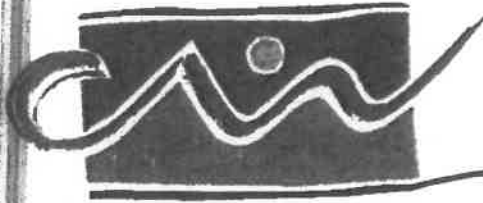
JAN HANEKOM



ANNEXURE G

**APPLICATION FOR CONSENT USE AND
TEMPORORAY DEPARTURE ON FARM NO. 1032/11,
PAARL DIVISION**

**COMMENT FROM THE
MANAGER: HEALTH
SERVICES (CAPE
WINELANDS)**



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMIBUZO:
TELEFOON/TELEPHONE/UMNKEBA:
FAKS/FAX/FEKSI:
E-POS/E-MAIL/E-MAIL:
U VERW/OUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

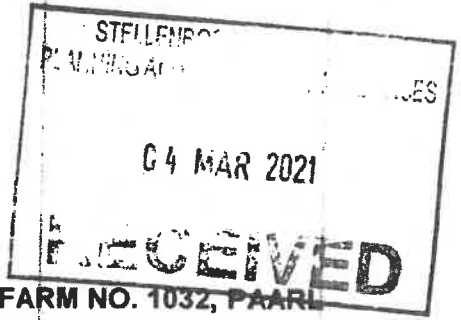
Mnr. M. Mathee
021-8711001
021-8721277
mathee@capewinelands.gov.za
LU/12159
Farm No. 1032/11

Alexanderstraat 46 Alexander Street
100
STELLENBOSCH
7599 N.N.R.
COLLABORATION: _____
geng word/
we kuMlawuli kaMasipala

Alle korrespondensie moet aan die Munisipale Bestuurder gegaan word.
All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyela kuMlawuli kaMasipala

23 February 2021

**Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599**



Dear Sir

APPLICATION FOR TEMPORARY DEPARTURE: PORTION 11 OF FARM NO. 1032, PAARL

Your letter, dated 12 November 2020, refers.

From an environmental health perspective, this application may be recommended for approval if the following conditions are complied with:

1. Sewerage/Sanitary facilities
 - 1.1 The sewerage system from the proposed development must meet Municipal specifications, conditions and approval.
 - 1.2 Sewage disposal on the premises must at all time take place in a nuisance-free manner and shall be the owner's responsibility.
 - 1.3 Disabled toilet facilities must be provided at the wedding/reception venue.
2. Potable water/Storm water
 - 2.1 The quality of the potable water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

2.2 The collection and subsequent disposal of storm water in nearby rivers must be approved by the Department of Water Affairs and Forestry.

3. Solid waste disposal

3.1 Refuse collection and storage must be nuisance free at all time.

4. Food handling

4.1 All areas where food is handled must comply with the minimum requirements for food handling premises as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs Act (Act 54 of 1972)

4.2 Said food handling areas may under no circumstances be operated without prior application being made to the Municipal Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only issued after inspection and if the premises meets the requirements of Regulation R638.

5. General conditions

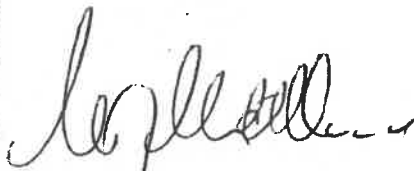
5.1 The operation of the facility may not result in a "disturbing noise" or a "noise nuisance" as defined in the Noise Control Regulations PN 627/1998, in terms of the Environmental Conservation Act (Act 73 of 1989), as well as the provisions of SABS Code 0103 – 1994.

5.2 The requirements for smoking in public places as contained in Regulation 975 – Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, must be complied with at all times.

5.3 Because the planned venue is situated adjacent to an agricultural use zoned area, the premises will be exposed to normal agricultural activities and effects. Clients may be inconvenienced by the agricultural activities.

5.4 This Department reserves the right to set further requirements during the running of the business.

Yours faithfully



for MUNICIPAL MANAGER

ANNEXURE J

**APPLICATION FOR CONSENT USE AND
TEMPORORAY DEPARTURE ON FARM NO. 1032/11,
PAARL DIVISION**

**COMMENT FROM THE
DIRECTOR: ENGINEERING
SERVICES**



**STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK**

MEMORANDUM

**DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES**

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nicole Katts
From ▫ Van: Colin Taylor (Development)
Date ▫ Datum: 19/08/2020
Our Ref ▫ Ons Verw: Civil Lu 2141
Your Ref: Lu/12159
Re ▫ Insake: Farm 1032/11, Paarl Farms: Temporary Departure & Consent
use

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

- 1. Water**
 - 1.1 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. Development Charges (DCs)

- 5.1 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.

6. Electrical

- 6.1 Outside electrical network area – Eskom

CTaylor

COLIN TAYLOR Pr Tech Eng

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\2141 (CT) Farm 1032-11 Paarl (LU-12159)\2141 - Farm 1032-11, Paarl.doc

ANNEXURE K

**APPLICATION FOR CONSENT USE AND
TEMPORORAY DEPARTURE ON FARM NO. 1032/11,
PAARL DIVISION**

**COMMENT FROM THE
DEPARTMENT OF
TRANSPORT AND PUBLIC
WORKS**



REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-10/... (Job 28424)

ENQUIRIES: Ms G Swanepoel

DATE: 14 April 2021

Director: Planning and Economic Development
Stellenbosch Municipality
PO Box 17

STELLENBOSCH

7599

Attention: Mr Ulrich von Molendorff

MAIN ROAD 191, THE R45: FARM LA MOTTE 1032/11 PAARL: APPLICATION FOR TEMPORARY DEPARTURE AND CONSENT USE

1. Land use application LU/12159, sent under cover of e-mail dated 15 March 2021 from Mr Jan Hanekom to this Branch, refers.
2. The subject property, Portion 11 of the Farm La Motte 1032, Paarl Division, is located within the Stellenbosch Municipal area, ±6km north-west of the town of Franschhoek, with direct access onto Main Road 191, the R45.
3. The application is for the following:
 - 3.1 Temporary Departure to use an existing additional dwelling for a memorial wall for the ashes of deceased persons; and
 - 3.2 Consent use for the existing wine cellar and a portion of the garden as a wedding function venue for up to 50 guests.
4. It is understood that the wedding venue application is to reinstate a lapsed approval. The traffic generated will therefore not differ from what has been entering and leaving the property in the past.
5. The access has a large security gate located ±13m from the edge of the paved road surface. This should be kept open when weddings or other events are scheduled or controlled so as to ensure that vehicles waiting to enter are not delayed in the road, causing congestion and creating the risk of collisions.

6. The surface of the entrance is gravel, and the lack of an edge-beam is causing some deterioration in the road edge. It is also likely that vehicles entering and leaving may cause gravel to be deposited onto the carriageway.
7. This Branch offers no objection to the land use application as detailed above and in application no. LU/12159 in respect of Portion 11 of the Farm La Motte 1032, Paarl, subject to the following conditions:
 - 7.1 The gate shall be kept open or controlled to allow access with minimal delay at times when numerous entering vehicles may be expected, eg. before a wedding;
 - 7.2 The access bell-mouth shall be surfaced to prevent edge-break and the tracking of gravel onto the road. Prior to construction, the Applicant shall submit traffic management plans and details of the access construction to the District Roads Engineer, Paarl (e-mail: Elroy.Smith@westerncape.gov.za) for approval.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS