



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11446

Our File Reference Number: Farm 1040/7, Paarl

Your Reference Number:

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, DEPARTURE AND AMENDMENT OF A CONDITION OF APPROVAL: FARM 1040/7, 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 applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm No. 1040/7, Paarl Division, namely:
 - 2.1.1 Consent use in terms of Section 15(2)(o) of the said bylaw for an agricultural industry for the purposes of brewing craft beers and for the sale of alcoholic beverages for consumption onsite and off-site;
 - 2.1.2 Departure in terms of Section 15(2)(b) of the said bylaw to depart from section 203(1) of the Stellenbosch Municipal Zoning Scheme Bylaw (2019) which requires that 50% of the produce used in an agricultural industry shall be grown or produced on the particular farm on which the industry is located, to allow the buy-in of all products to be processed in the agricultural industry (brewery);
 - 2.1.3 Amendment of approval condition in terms of Section 15(2)(h) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the amendment of condition 9.4 in letter of approval dated 09 March 2017, to increase the floor area of the existing consent use for a restaurant from $\pm 120\text{m}^2$ to $\pm 736.9\text{m}^2$ which includes $\pm 512.9\text{m}^2$ existing building and patio seating and $\pm 224\text{m}^2$ garden/front lawn seating area (See **ANNEXURE B**).

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the conditions of approval in terms of Section 66 of the said Bylaw;

2.2 Conditions of approval:

- 2.2.1 The approval applies only to the consent use, departure and amendment of a condition of approval in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 2.2.2 That the micro-brewery facility be restricted to $\pm 160.5\text{m}^2$.
- 2.2.3 That no pollution, including noise pollution from the proposed restaurant and brewery activities may take place on the property.
- 2.2.4 The agricultural industry should be subservient to or related to the dominant agricultural use on the subject property at all times.
- 2.2.5 The operator of the brewery and restaurant shall ensure that entry movements to the property allow for sufficiently quick passage through any security control, to ensure that there is no queuing of vehicles extending into Main Road 191 (The R45) at any time.
- 2.2.6 The conditions of approval listed in **ANNEXURE F** from the Department of Water Affairs and Forestry be adhered to.
- 2.2.7 The conditions of approval listed in **ANNEXURE G** from the Municipal Directorate: Infrastructure Services be adhered to.
- 2.2.8 The conditions of approval listed in **ANNEXURE H** from the Cape Winelands District Municipalities Health Services be adhered to.

2.3 The reasons for the above decision are as follows:

- 2.3.1 The proposed land uses will be operated from existing buildings and parking areas with no alterations to the structures, sufficient services are provided, while the aesthetic appearance of the property will not be altered.
- 2.3.2 The proposed agri-tourism and agricultural industrial activities will provide several direct and indirect employment opportunities and the land uses are not prohibited but promoted by the principles of the Stellenbosch Municipal Spatial Development Framework.
- 2.3.3 The intended facilities and its location on the property will be of a nature and scale that should not be detrimental to the immediate and surrounding areas, if all conditions of approval are complied with.

2.4 Matters to be noted

- 2.4.1 It will be the responsibility of the owners to obtain the necessary approval and comply with any other law, regulation, permits or conditions from external departments concerning potable water, effluent disposal from the activities and any other applicable activities requiring a separate approval, licence, or permit.
 - 2.4.2 The containers placed over the 5m street building line must be removed or a formal application must be submitted to this Municipality for a departure from the 5m street building line restriction.
 - 2.4.3 No abstraction of surface water or ground water may take place without the prior authorization from the Department: Water and Sanitation.
 - 2.4.4 All relevant sections of the National Water Act, 1989 (Act 36 of 1998) regarding water use, water resources management, and pollution management must be adhered to.
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 or 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.

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: landuse.appeals@stellenbosch.gov.za
6. 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.
7. 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>).

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



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

18/2/2022.
DATE:

ANNEXURE B

Building and Land Use Plan



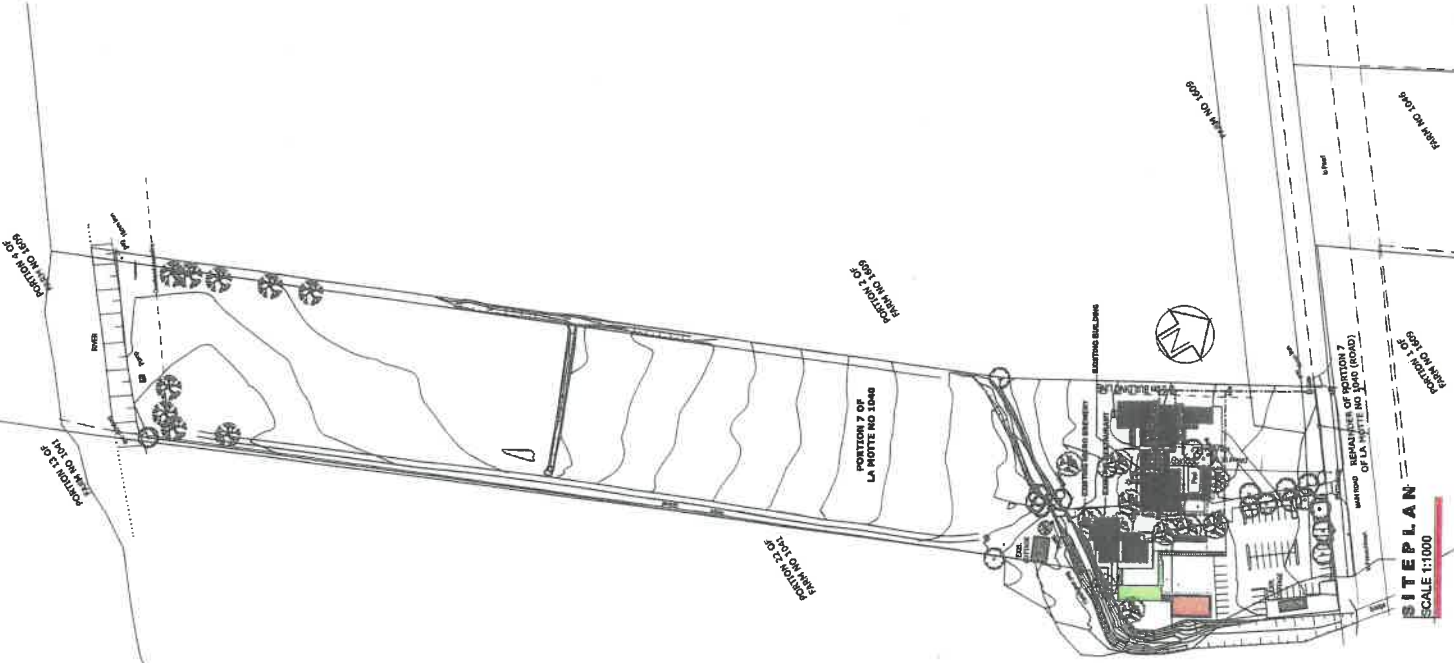
AREA:
GROUND FLOOR:
 Total approved footprint for brewery including Milling, Brething and Labelling area: **166,5m²**
 Total approved footprint for restaurant including Kitchen and Toilets: **128,8m²**
 Existing covered stoop to be part of Internal restaurant space: **41,7m²** (see schedule 1/20/2019)
Structural Internal Total: 163,2m²
 • Open Public: 108,6m²
 • New Covered Stoop: 10,5m²
 • New open Pub: 11,1m²
 • New Outside Seating: 119,2m²
Total external additions: 359,7m²
Total internal additions: 359,7m²
ERP AREA: 3,549 HECTARES

BARRIERS PROVIDED
 MALE/FEMALE - WC J
 - WC J
 According to table 8 per P1 SANS 1040
 SANS 1040
 - Wb J1
 - Wb J1

FRANK, DAIR
 Must comply with part 14 table 10.5.0

PARKING BAYS PROVIDED
 BREWERY CLASSIFICATION 03
 BREWERY BAY PER 150M²
 1 PARKING BAY PER 150M²
 1 PARKING BAY PER 25M²
 RESTAURANT CLASSIFICATION 04
 RESTAURANT BAY PER 50M²
 MINIMUM OF 50 PAVED BAYS PROVIDED

NOTE:
 SEE PAUSINGS BAY TO COMPLY WITH PART 8 OF SANS 1040



ROOF PLAN
 SCALE 1:200

SITE PLAN
 SCALE 1:1000

PHILLIPS VAN JAARSVELDT
ARCHITECTS
 Tel: +27 (0)21 872 9586 / 5227
 Fax: +27 (0)21 872 4566
 Address: 12 Loop Street, Paarl, 7646
 info@pvj.co.za | www.vanjaarsveldt.co.za

STRATONVEST 106 PTY LTD
(FRANSCHHOEK BEER COMPANY)
 Project Manager
 Priced by the Price List Method No. 106, Franschoek

Contract No.	11006, 11007, 1200
Project Name	Stratinvest 106 Pty Ltd
Client Name	Stratinvest 106 Pty Ltd
Project Number	1332
Drawn By	Robert Rebel
Checked By	Louis Phillips
Date	11/02/2019

CLIENT
Franschhoek Beer Co Partnership via Franschhoek Beer Co
Portion 7 of the farm La Motte, No 1040, Division Paarl, Stellenbosch Municipality, known as Avonrust (La Zarn)

PROJECT :
APPLICATION FOR TECHNICAL APPROVAL AND AMENDMENT OF APPROVAL: PORTION 7 OF FARM NO. 1040 PAARL

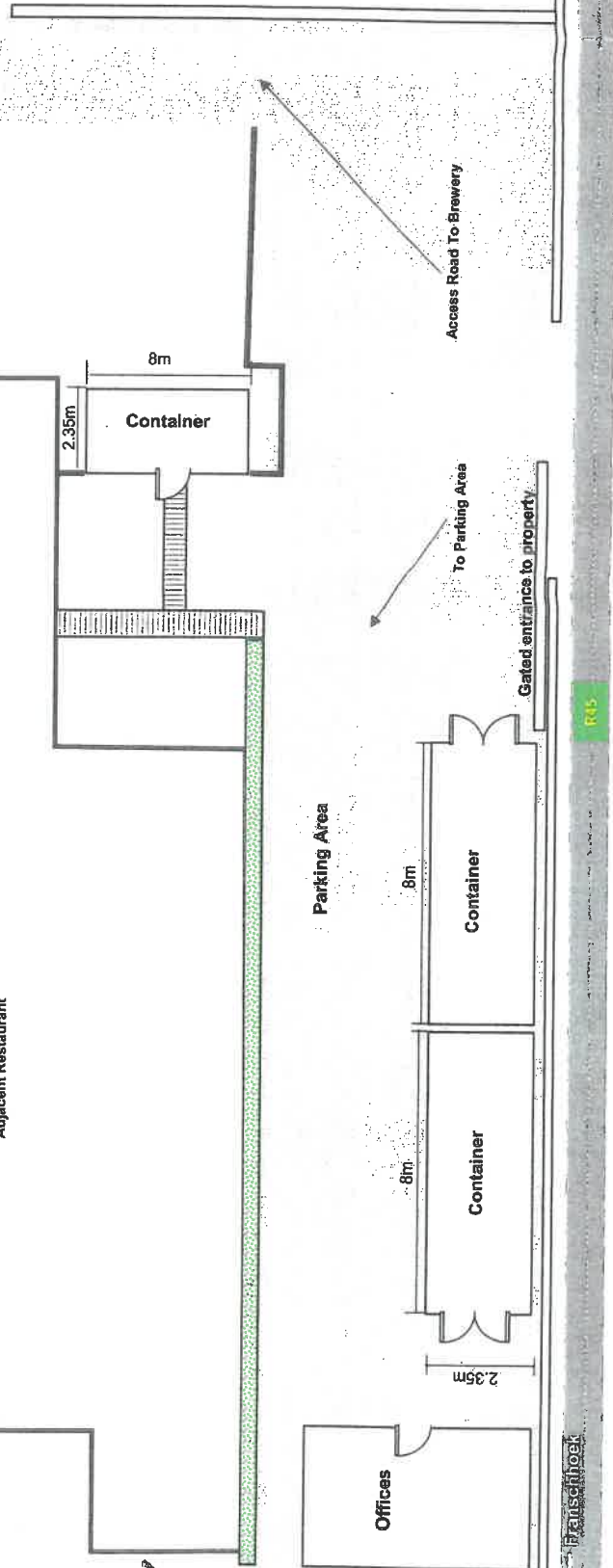
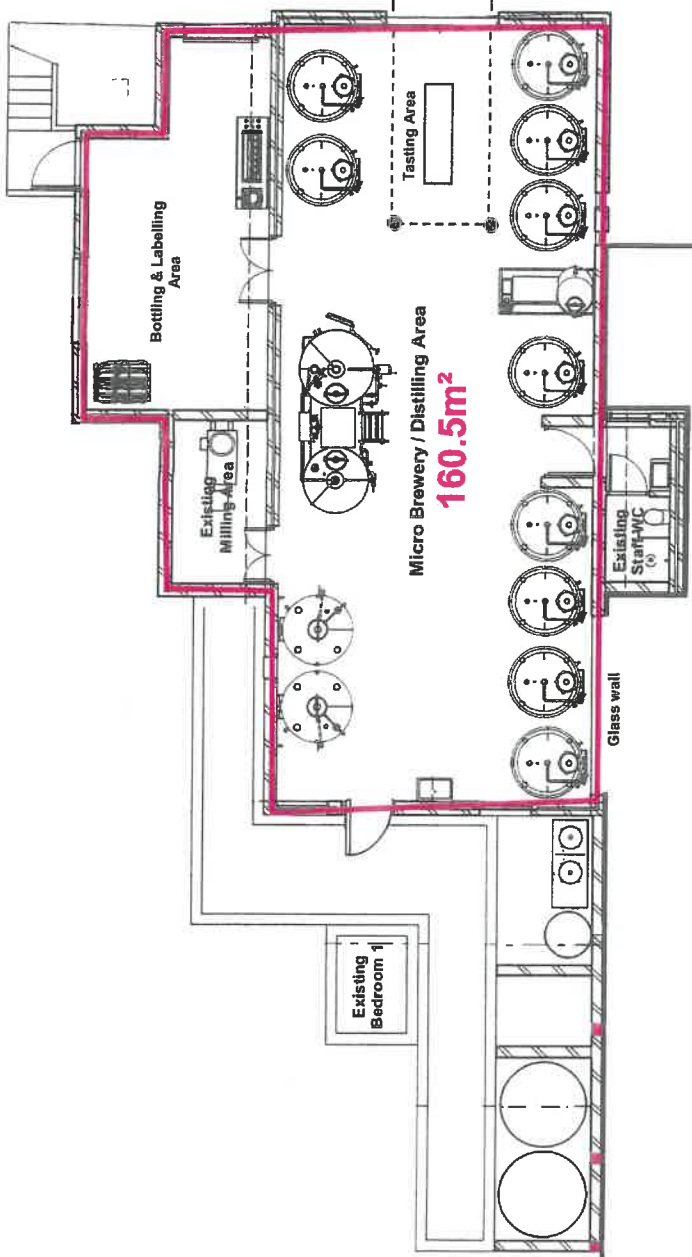
DRAWING
MICROBREWERY FLOOR PLAN

DESIGNED BY: [REDACTED]
DATE: 03/02/2019 (copyright added/removed)

DRAWN BY: [REDACTED]
SCALE: MET TO SCALE

PROJECT NO: FRANSCHOEK BEER CO
SHEET NO: VI

Adjacent Building



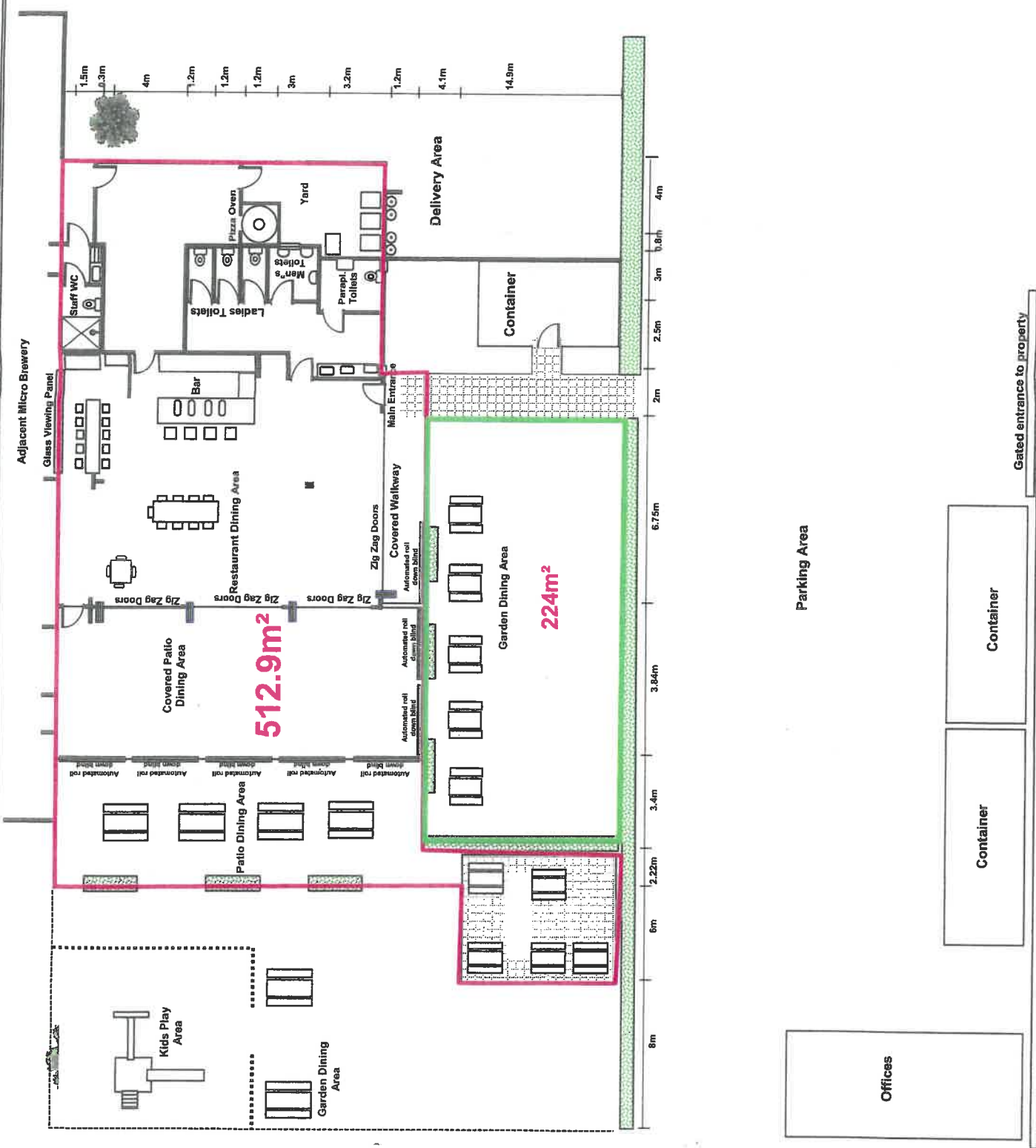
CLIENT
Franschhoek Beer Co Partnership (s) Embars & Aho
Restaurant (MCP/M/1640)
Portion 7 of the farm, La Motte, No. 1040, Division Paarl,
Stellenbosch Municipality, known as Avontard (Ls
Zare)

PROJECT
**APPLICATION FOR
TECHNICAL APPROVAL AND
AMENDMENT: PORTION 7 OF
FARM NO. 1040 PAARL)**

DRAWING
RESTAURANT AREA FLOOR PLAN &
GARDEN

DESIGNED THE ARCHITECT CO	DATE 02/2022 (Copyright/apply revision)	SHEET VI
DRAWN THE ARCHITECT CO	SCALE NAT TO SCALE	
PROJECT NO: FRANSCHOEK BEER CO		

Main House



ANNEXURE F

Department of Water Affairs and Forestry
comments



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE PROVINCE

Private Bag X 16, Senjannah, 7532 / 62 Voortrekker Road, Bellville 7530
Tel #: (021) 941 6000 Fax #: (021) 941 6077

Enquiries : B. Mtandana
Tel # : (021) 941 6136
Email : MtandanaB@dws.gov.za
Reference : 16/27/G/10A/A/8

Attention: Mr P.J. le Roux

P-J le Roux Town and Regional Planners
P.O. Box 3457
PAARL
7620

Dear Sir

APPLICATION FOR CONSENT USE, DEPARTURE AND AMENDMENT: PORTION 7 OF FARM NO.1040 PAARL


Reference is made to the above-mentioned document dated 21 October 2020 with municipal file reference number Portion 7 of Farm No. 1040 Paarl and your reference number TA 60-06.

The Department has perused the document and has the following comments:

- The Department notes that no construction activities will be undertaken on site and that no additional services will be required to accommodate the proposed activity.
- No abstraction of surface water or ground water may take place without the prior authorisation from this Department, unless it is a Schedule 1 use or an Existing Lawful Use.
- All relevant sections of the National Water Act, 1998 (Act 36 of 1998) regarding water use, water resource management, and pollution management must be adhered to.

Please do not hesitate to contact the above office should there be any queries.

Yours faithfully


PROVINCIAL HEAD : WESTERN CAPE
Signed by : Nelisa Ndobeni
Designation : Specialised Environmental Officer
Date : 07 FEBRUARY 2021



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

ANNEXURE G

Directorate: Infrastructure Services
comments



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag N Momoti
From ▫ Van: Abdullah Daniels (Development)
Date ▫ Datum: 12 April 2021
Our Ref ▫ Ons Verw: Civil Lu 2023
Re ▫ Insake: Farm 1040-7, Consent Use.

The application is for the following items:

- i. Consent use for an agricultural industrial industry for the manufacturing of beverage or craft items and for the sale of alcoholic beverages for off-site consumption from a onsite licensed facility, which include an onsite restaurant/brew pub in an existing building of 160,5 m2
- ii. Departure from section 203(1) which requires that 50% of the produce used in agriculture industry shall be grown or produced on the particular farm on which the industry is located, to allow the buy-in of products to be processed; and
- iii. Amendment of condition 9.4 of letter of approval dated 9 March 2017 to amend the area of existing consent use for a restaurant from 120m2 to 736,9m2 which includes +-512m2 existing building and patio seating and 224m2 garden/front lawn seating area.

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 The use of septic tanks are not permitted. The use of conservancy tanks conforming to Stellenbosch municipal standards are allowed.

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 Refer application to district roads engineer for comments and approval.

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, the Development Charges payable by the developer is R423 805.43 (Vat incl.) as per attached Development Charges calculation.
- 6.2 The DC's were calculated for the 2020/2021 financial year. If the account is paid after 30 June 2021 it has to be recalculated using the then applicable tariffs.
- 6.3 The appropriate DC's are payable before a Clearance certificate can be issued.

7. Electrical

- 7.1 Refer to annexure A for electrical comments



ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2023 (AD) Farm 1040-7 Paarl (LU-11446)\REVISED APPLICATION\2023 (AD) Farm 1040-7, consent use.doc

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	
Date	Monday, 12/Apr/2021
Financial Year	2019-20
Erf Location	
Erf No	1040-7
Erf Size (m ²)	
Suburb	Franschhoek Town
Applicant	
Approved Building Plan No.	

SUMMARY OF DC CALCULATION

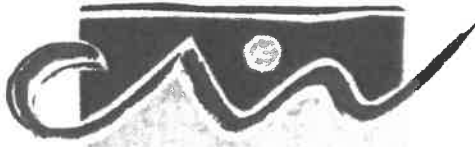
Units	Water l/day	Sewer l/day	Stormwater ha°C	Solid Waste kg/week	Roads l/ha/day	Community Facilities m ² /ha	Totals
Total Increased Services Usable	2,144	1,876	0,643	0,214	48,24	48,2	
Total Development Charges before Deductions			R 2 976,62	R 11 892,22	R 345 651,34	R 7 705,28	R 368 526,46
Total Deductions							
Total Payable (excluding VAT)			R 2 976,62	R 11 892,22	R 345 651,34	R 7 705,28	R 368 526,46
VAT			R 446,49	R 1 782,98	R 61 892,20	R 1 155,78	R 55 278,07
Total Payable (including VAT)			R 3 423,11	R 13 675,20	R 407 543,54	R 8 861,07	R 422 805,52

APPLICANT INFORMATION

Application Processed by	A Daniels
Signature	
Date	As Above
Amount Paid	
Date Payment Received	
Receipt Number	

ANNEXURE H

Cape Winelands Health Department
comments



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : Ms Momoti
(Directorate Planning Economic &
Development: Stellenbosch Municipality)
Official / Beampste : Mr F.C. van Wyk
Your ref/ U vrew. : ERF 10407, Paarl
Ref No / Verw. No : 15/2/6/1
Date / Datum : 2020-10-16

FILE NR:	
DATE	F 10407 P
COMP. BY	

APPLICATION FOR TEMPORARY DEPARTURE: ERF 10407, PAARL

There are no objections from an Environmental Health point of view in terms of this application, subject to compliance with the following:

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. 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 Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of Regulation 962 of 23 November 2012.
4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed.
5. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
6. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided. It is advised that bottled water also be made available to the participants of this event.

Yours faithfully

F.C. VAN WYK
for MUNICIPAL MANAGER

STELLENBOSCH MUNICIPALITY PLANNING & DEVELOPMENT SERVICES
19 OCT 2020
RECEIVED