

Application Number: LU/11709

Our File Reference Number: Farm 1084, Paarl Division

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich. Von molendorff@stellenbosch.gov.za

PER E-MAIL:

TER E-MAIL.

Sir / Madam

## APPLICATION FOR AN AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN ON FARM 1084, 1551 & 1506, PAARL DIVISION

- 1. The above application refers.
- 2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 The application made in terms of Section 15 (2) (h) of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farms 1084, 1551 & 1506 Paarl Division for Amendment of a condition of approval as indicated on drawing no: 1102 dated 2020/07/02, drawing no: 4103 dated 28/07/2020 (The Oak Cottage), drawing no: 28201, dated 30/03/2020 (Pomegranate spa) & drawings no; 4201 (ground floor), 4202 (first floor) dated 28/07/2020 (New store building), drawn by ME (Malherbe Rust Architects) in order to amend the approved Site Development Plan;

**BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

### 3. Conditions of approval:

3.1 The approval applies only to the application under consideration indicated drawing no: 1102 dated 2020/07/02, drawing no: 4103 dated 28/07/2020 (The Oak Cottage), drawing no: 28201, dated 30/03/2020 (Pomegranate spa) & drawings no; 4201 (ground floor), 4202 (first floor) dated 28/07/2020 (New store building), drawn by ME (Malherbe Rust Architects) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

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- 3.2 Building plans be submitted for approval which are generally in accordance with the approved Site Development Plan prior to any building work taking place;
- 3.3 The conditions imposed on the approval dated 01/11/2019, attached as **Annexure D** are still valid and must be complied with;
- 3.4 The conditions imposed by the Director: Engineering Services as contained in their memo dated 12 October 2017 and 7 September 2020 attached as **Annexure G**, remain valid and must be complied with;
- 3.5 The approval will lapse if not confirmed within 5 years from date of final notification of approval of the application.

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

- 4.1 The amended SDP only entails the reshuffling and rearrangement of the approved uses, and the changes are in line with Stellenbosch Municipality Zoning Scheme By-law.
- 4.2 These land uses will be contained in the development envelope already approved.
- 4.3 All other land use parameters will still be complied with as initially approved.
- 5. 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. <u>Please note</u> 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.
- 6. 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:
  - 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.
- 7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: <a href="mailto:landuse.appeals@stellenbosch.gov.za">landuse.appeals@stellenbosch.gov.za</a>
- 8. 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.

9. The approved tariff structure may be accessed and viewed on the municipal website

(<a href="https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs">https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs</a>) 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).

10. 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 that no appeal right exists in terms of Section 62 of the Local Government

Municipal Systems Act, No 32 of 2000.

12. 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

DÀTE:

## ANNEXURE D: PREVIOUS APPROVAL



Our Reference Number: Farm 1084, Paarl Division

Application Number: LU/6169

Your Reference Number: Enquirles: R Fooy / B Mdoda

Email: Robert.Fooy@stellenbosch.gov.za / Bulelwa.Mdoda@stellenbosch.gov.za

Contact No. 021 808 8680 / 8690

#### **REGISTERED MAIL**

Peter Mons Professional Town Planning Consultant PO Box 851 Robertson

Sir

## APPLICATION FOR REZONING TO SPECIAL ZONE – REMAINDER FARM 1084, PORTION 1 OF FARM 1551, FARM 1551, REMAINDER FARM 1506 AND PORTION 2 OF FARM 1506, PAARL DIVISION

- 1. The above application refers.
- 2. The Authorized Employee, on 25 September 2019, approved, in whole in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for the rezoning of Farms No1084,1551/1,1551,1506/2 and 1506 Paarl Division from Agricultural Zone I to Special Zone to facilitate the following land use on the properties as set out below and depicted on the Site Development Plan(-Planning-), attached as Annexure B, drawn by Malherbe Rust Architects, Dated 2019-07-09.
  - (i) Farm No 1084:
    - a) Nine existing buildings will be utilized as staff accommodation;
    - b) An existing building will be used as a staff lounge and stores
    - c) the main dwelling will be used as a guest house;
    - d) a further existing dwelling with a minor extension will be used as additional spatreatment rooms to compliment the health spatracility which is approved and operational on Farm No 1551;

e) two parking areas will cater for a total of 62 vehicles.

### (ii) Farm No 1551/1:

- a) The existing building originally constructed as a dwelling house will be used as an art and sculpture gallery and an 80-seater fine dining restaurant. An existing living unit within the building will be retained to be occupied by an "artist in residence". The unit will not be occupied on a full-time basis. The main building will also contain workshop areas for the artists;
- b) a private helipad;
- c) an existing cottage will be converted into a one-bedroom guest villa;
- d) two parking areas containing 8 and 42 bays respectively.

### (iii) Farm No 1551

a) an existing one bedroom cottage of 60.5m<sup>2</sup> previously approved as a staff cottage, is to be used as additional tourist accommodation. The cottage has a single dedicated parking bay alongside it.

### (iv) Farm No 1506:

- a) a building will be constructed on an existing platform located to the south east of the farm dam to accommodate offices and back of house facilities such as a staff canteen, changing rooms, storerooms, a laundry, a training room and canteen kitchen. Procurement and security will also be located here as well as central stores;
- b) two Nutec-type structures of 75m<sup>2</sup> each will be added to serve as staff changing rooms and a canteen;
- c) two parking areas containing 28 and 10 bays respectively.
- The above approval granted is subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015;
  - (i) The approval applies only to the application in question and the approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive then the most restrictive conditions will apply. This approval only applies to the

abovementioned use and does not grant approval for deviations from any other provisions of the applicable scheme regulations or other legislation;

- (ii) Building plans for the new buildings and conversion of the existing building be submitted to the Municipality for approval prior to any building work taking place;
- (iii) That a landscaping plan be submitted with the building plans to reduce the visual impact of the new work on the surrounding area;
- (iv) The new internal roads and parking areas be provided with a dust free surface and that the individual parking bays be clearly demarcated to the satisfaction of the Director Engineering Services;
- (v) That a development contract be entered into between the owners and the Directorate: Engineering Services, prior to any building plan approval being granted;
- (vi) The conditions imposed by the Provincial Roads Engineer be adhered to, as contained in their letter dated 23 February 2017 be complied with attached as Annexure 1;
- (vii) That a NIDs be submitted for the individual properties that form part of this application to the Department of Environmental Affairs and Development Planning for approval prior to any building work commencing onsite;
- (viii) That the existing access roads and servitudes to the individual farms be retained and that the properties be used as one entity;
- (ix) With the promulgation of the Stellenbosch Municipality Zoning Scheme By-law in November 2019 the approved Special Zone will be converted to the Agricultural and Rural Zone:
- (x) The use approved within the Special Zone will then be accommodated as Primary Uses, Additional Uses, Consent Use and Departures in terms of the Agricultural and Rural Zone of the Stellenbosch Municipality Zoning Scheme By-law:
- (xi) That a the relevant business and liquor licence be obtained prior to the new restaurant coming into operation and serving guests;

(xii) That in the event of music or noise being generated on the premises, an approved consultant be appointed by the developer to advise him on precautionary measures to be taken in order to avoid environmental noise pollution as promulgated in terms of the Noise Control Regulations;

#### 4. REASONS FOR DECISION

The approval as noted above is supported for the following reasons:

- (i) The proposal promotes Council policy as noted in the SDF and IDP of appropriate development outside of the urban edge;
- (ii) The proposed development is not regarded to be out of scale or character with its surroundings;
- (iii) The proposal is compatible with the surrounding land uses and built environment:
- (iv) The proposal complies with the land use planning principles (spatial justice, spatial sustainability, efficiency, spatial resilience and good administration) referred to in section 59 of the Land Use Planning Act, 3 of 2014;
- (v) Sufficient municipal infrastructure is available for the proposed development.
- 5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
- 6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at <a href="https://www.stellenbosch.gov.za/planning.gorlal">www.stellenbosch.gov.za/planning.gorlal</a>, must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof of payment of the appeal fee (only applicable to applicant appeals). See the approved tariff structure on the municipal website: <a href="http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file">http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file</a>
- 7. In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine (see attached list). Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.

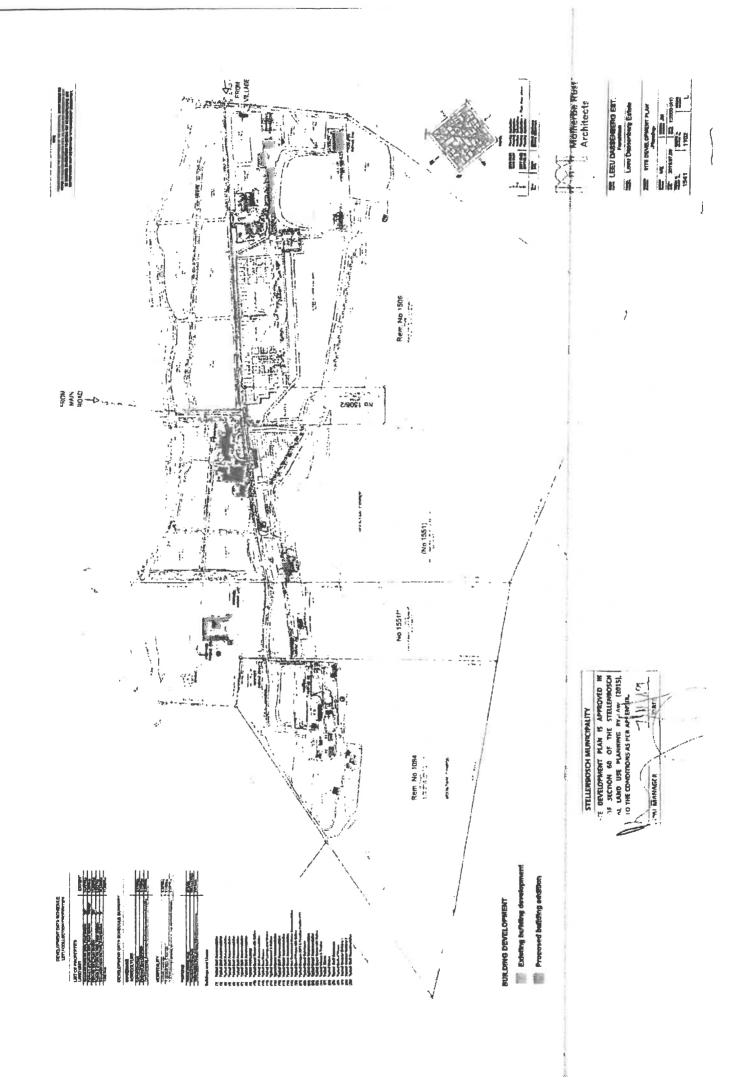
- 8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- 9 Kindly 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 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

0 1/11/2019 DATE

### ANNEXURE E: APPROVED SITE DEVELOPMENT PLAN



# **ANNEXURE G:** COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES



## STELLENBOSCH MUNICIPALITY

STELLENBOSCH-PNIEL-FRANSCHHOEK

## MEMORANDUM, SI

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES

To - Aan:

**Director: Planning + Economic Development** 

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**B** Mdoda

From • Van:

Tyrone King (Development Services and Project Management)

Date • Datum:

12 October 2017

Our Ref • Ons Verw:

1523

Re • Insake:

Farm 1084, 1551-1,1506-2,1506, Franschhoek (Leeu Estates)

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

- Application i.t.o. Stellenbosch Municipality Land Use Planning By-law, dated 8 May 2017, and:
- Site Development Plan No 1102 Rev E by Malherbe Rust Architects dated 2017.10.02 (Annexure A);
- Traffic Impact Assessment by ICE Group dated August 2017
- Cost Estimates and Funding letter by ICE Group dated 14 June 2016
- Engineering Services by AFDM dated August 2017

The application is for the following items:

i. Rezoning of Farms 1084, 1551/1, 1506/2 and 1506 from their current zonings to a Special Zone to regulate the current and future land uses on the properties as set out in the application and depicted on the Master Plan. Comments from the Directorate Engineering Services i.e Roads + Stormwater, Water Services, Traffic Engineering and Development Services 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. Waste Water and Sewage

Background, according to the information in the application: All sewage effluent currently generated on the Estate is treated by 4 sewage treatment package plants. The waste water from the winery is pre-treated before it is further treated at one of the package plants. All these package plants are able to treat the effluent to the General Standards as defined in the Water Act. This standard allows for the discharge to be used as irrigation water or to be returned to the river. The existing package plants have limited spare capacity and it is therefore proposed to install two additional package plants to cater for the new developments.

The proposal to utilize package plants is supported, subject to:

- 1.1 Formal application, for the constructing of a package plant has to be completed by the applicant. Application form can be obtained from Mr Bradley Dyers (t) 021 808 8267; email: bradley.dyers@stellenbosch.gov.za.
- 1.2 An operation and maintenance manual must be supplied with the installed plant.
- 1.3 An operation and maintenance agreement must be entered into between the owner and the service provider that will install the package plants. Proof thereof must be furnished to Mr Bradley Dyers.
- 1.4 The necessary approval for the operation of a package plant/s must be obtained from the Department of Water and Sanitation (DWS), i.e. for the use of effluent for irrigation purposes and/or discharge of treated effluent to the river.
- 1.5 The required documents are to be provided prior to building plan approval.
- 1.6 Wastewater and sewage may not pollute any groundwater, stormwater or surface water.

### 2. Water

Background, according to the information in the application: All existing facilities on the Estate are currently serviced with potable water from a series of boreholes, water treatment plants and storage tanks situated on the Estate. There is more than enough storage capacity on site to cater for the existing and future usage. For practical reasons, additional storage facilities of 40kl will be created above the function venue on the western side of the estate and a booster pump will be installed to supply the minimum required pressure to the villas and function venue.

The proposal for water provision is supported, subject to:

- 2.1 the onus is on the "Developer" to ensure a sustainable water source to the said development and that the "Municipality" be exempted from any claims whatsoever should the water source not be sufficient;
- 2.2 that a complete SANS 241 analysis by an accredited laboratory be done and a certificate confirming compliance be submitted before any building plans will be approved;
- 2.3 that the "Developer" needs to comply with all relevant legislation required by DWA when using borehole water and that proof thereof be submitted before any building plans will be approved;
- 2.4 that a complete geo-hydrology report be submitted to the "Municipality" before any building plans will be approved;

### 3. Solid Waste

Background, according to the information in the application: The solid waste generated on the Estate is recycled where possible and the balance is removed by a private company. All the solid waste generated by the new development will be treated in the same way.

The proposal for refuse removal arrangements is supported, subject to:

3.1 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).

- 3.2 Should the Municipality be approached to provide a waste removal service in the future, any infrastructure related requirements that the Municipality may require in order to provide such services, shall be implemented by the Developer at his cost.
- 3.3 The Solid Waste Branch will not enter private property, private roads/servitudes or any access controlled properties for the removal of solid waste;

### 4. Roads and stormwater

Background, according to the information in the application: Adequate parking for all the facilities will be provided with the proviso that the properties are notarially tied with regard to parking provision.

Stormwater originating from the new section of road, parking area and proposed buildings will all be channeled via side drains and an underground pipe system to a stormwater holding tank situated on the western side of the function venue. From there it will be pumped to the existing irrigation dam situated just south of it for further use. The possible overflow from the tank will be channeled to the existing stormwater furrow on the western boundary of the site which runs down to the river.

Comments from Head: Traffic Engineering: Mr Nigell Winter:

4.1 The traffic impact assessment (ref iCE/S/1179 dated Aug 2017 done by ICE Consulting Engineers, is supported. The Stellenbosch Municipality is not the road authority of R45 (MR 191) and La Provence Road (OP 5615), thus this application must be forwarded to the District Road Engineer – Paarl for comments and approval. All the conditions set by the District Roads Engineer will be applicable.

### 5. Servitudes

5.1 Where applicable, right of way servitudes must be registered to allow access to the proposed development. This needs to be clearly indicated on any building plans or engineering drawings submitted for approval in future.

### 6. Development Charges (DCs)

- 6.1 The following DC's are payable: See Annexure DCs.
- 6.2 The DC's were calculated by using the 2017/2018 tariff structure. If DC's are paid after 30 June 2018 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 6.3 The appropriate DC's are payable before building plan approval.

### 7. Other/General

- 7.1 The recommendation in the application (page 43) that properties are to be notarially tied for joint services provision where necessary must be implemented.
- 7.2 All designs and planning of civil infrastructure are to be in line with the latest version of the Stellenbosch Municipality Design Guidelines and Minimum Standards for Civil Engineering Services, which can be found at the following link:

http://www.stellenbosch.gov.za/about-us/documents/municipal-policy/engineering-services/stellenbosch-municipality-design-guidelines-and-minimum-standards-for-civil-engineering-services-revision-no-0-june-2015

TYRONE KING Pr Tech Eng

ACTING MANAGER: DEVELOPMENT SERVICES AND PROJECT MANAGEMENT (ENGINEERING SERVICES)

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To o Aan:

Director: Planning + Economic Development

Att Aandag

Nicole Katts

From • Van:

Manager: Development (Infrastructure Services)

Author - Skrywer:

**Tyrone King** 

Date • Datum:

7 September 2020

Our Ref o Ons Verw:

Civil LU 2043

Your Ref:

LU/11709

Re o Insake:

COLLABORATOR NR:

Amendment of an approved Site Development Plan for the

FILE NR:

SCAN NR.

purpose of reshuffling and rearrangement of approved uses on

Farms 1084, 1551 & 1506 Paarl Division.

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

### 1. Civil Engineering Services

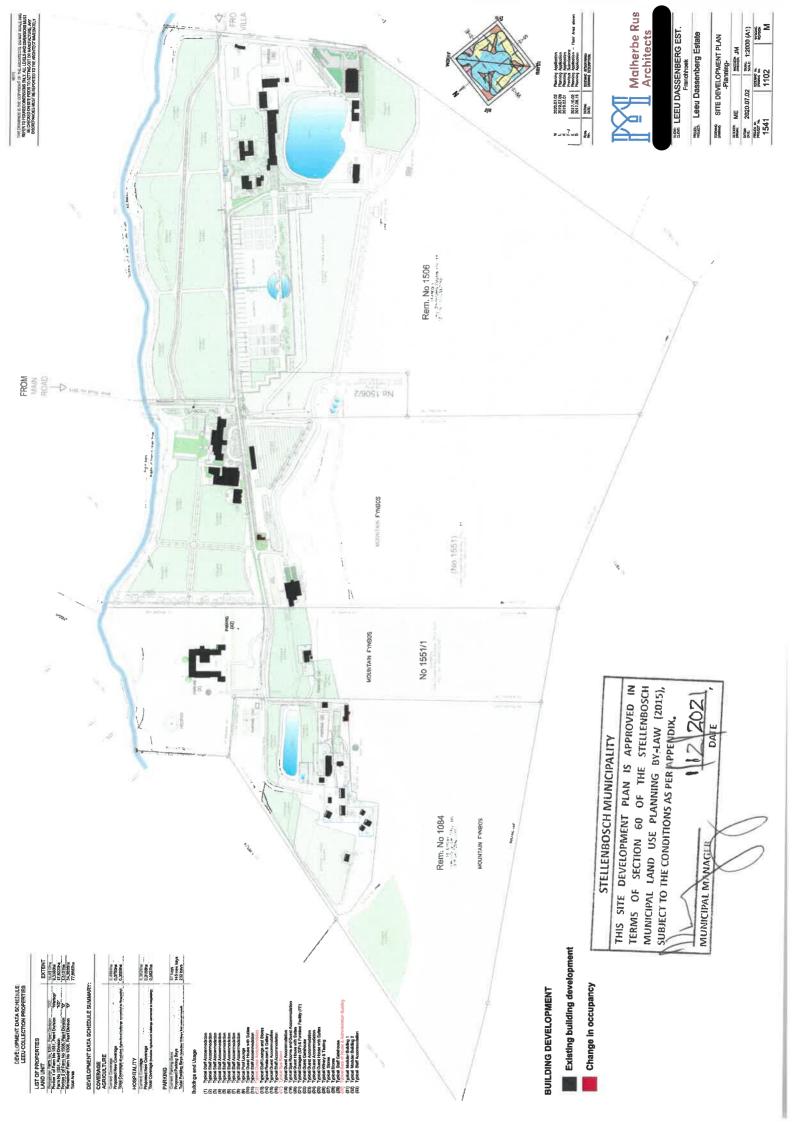
- 1.1 No objection, the proposed changes are of a minor nature and all involve previously approved building footprints and amount to the rearrangement of uses for practical uses. There will therefore be no additional impact on traffic of services.
- 1.2 All previous conditions of approval, as per our Memo dated 12 October 2017 (Annexure A), remain valid.
- 2. Electrical Engineering
- 2.1 Refer to Annexure: Electrical Engineering.

**Tyrone King Pr Tech Eng** 

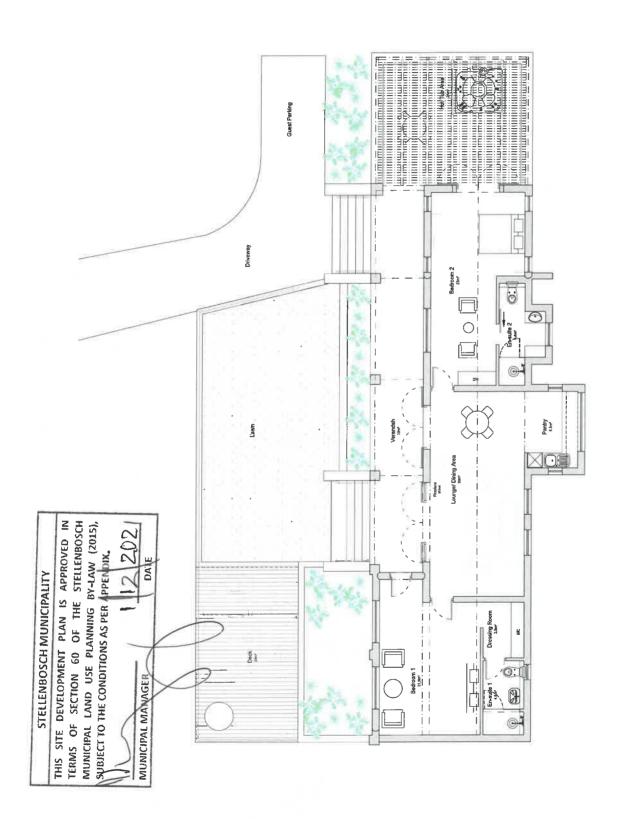
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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## ANNEXURE F: AMENDED SITE DEVELOPMENT PLAN

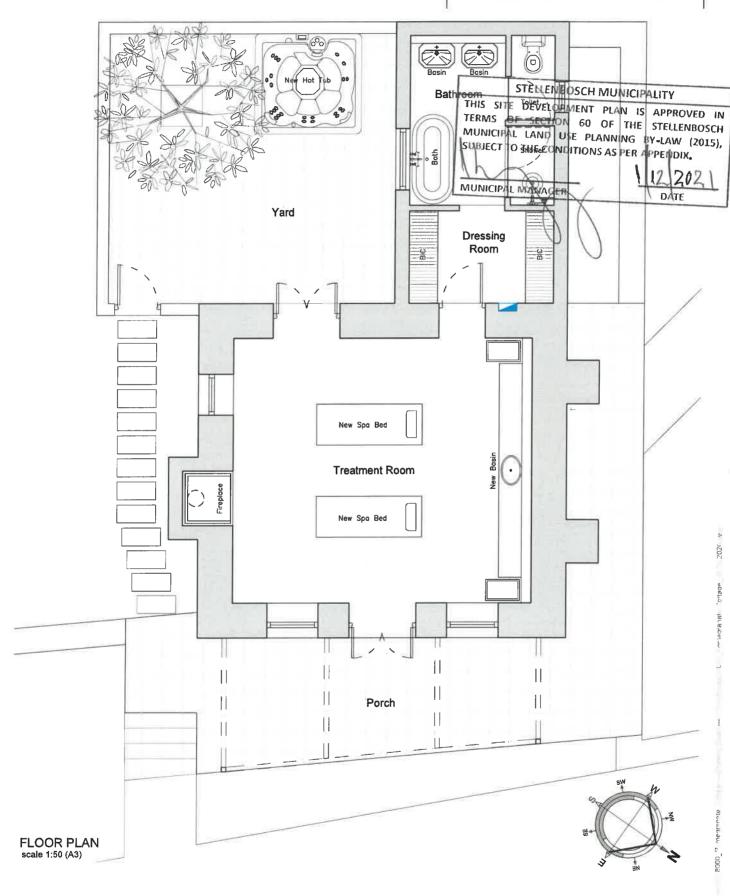


Malherbe Rust Architects



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PROJEK/PROJECT: Lead Dassenberg Windry (Pty) Ltd Pomegranate Spa		DWG No: 28201	1:50(A3)
TEKENING/DRAWING: -SDP Submission- Ground Floor Plan	DRAWN & CHECK:		DATE: 30,03.2020

Rev.	Date	Description
A	30.03.2020	SDP SUBMISSION
	1	



