



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13834

Our File Reference Number: Farm 1227 Paarl Division

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 FOR TOURIST FACILITIES TO UTILISE THE EXISTING JONKERHUIS AS PROPOSED BAKERY ($\pm 165 \text{ M}^2$), AND TEAROOM ($\pm 140 \text{ M}^2$) WITH AN OUTSIDE SEATING AREA ($\pm 350 \text{ M}^2$) ON FARM 1227 PAARL DIVISION.

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
3. 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 1227 Paarl Division, namely:
 - 3.1. **Consent Use** in terms of Section 15 (2)(o) of the said by-law for Tourist facilities to utilise the existing Jonkerhuis as proposed bakery ($\pm 165 \text{ m}^2$), and tearoom ($\pm 140 \text{ m}^2$) with an outside seating area ($\pm 350 \text{ m}^2$) on Farm 1227 Paarl Division;

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

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
 - 4.1 The approval applies only to the proposed application under consideration as indicated on Site Development Plan as Drawing No: 6101 & 6102, and Floor plan indicated as Drawing plan no: B201, dated 11/11/2021, Drawn by ME (Malherbe Rust Architects, attached as **Annexure A**, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - 4.2 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 use.
 - 4.3 The proposed bakery and tearoom with an outside seating area shall be limited to $\pm 165 \text{ m}^2$, $\pm 140 \text{ m}^2$ and $\pm 350 \text{ m}^2$ in extent respectively.

- 4.4 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.
 - 4.5 No directional signage may be erected without the prior approval of the Provincial Roads Engineer and the Municipality.
 - 4.6 The agricultural activities should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
 - 4.7 The conditions imposed by Western Cape Government: Transport and Public Works as contained in their letter dated 23 August 2022 attached as **Annexure C**, be complied with.
 - 4.8 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
 - 4.9 Building plans must be generally in accordance with the site plan and floor layout plan as attached as **Annexure A**.
 - 4.10 Development contributions (DC's) are payable in accordance with the prevailing and applicable council tariffs at the time of payment prior to any building plan approval in compliance with the Memorandum dated 7 September (Civil LU 2299) attached as **Annexure B**.
5. The reasons for the above decision are as follows:
- 5.1 The proposal would not negatively affect the surrounding environment as the proposed uses are located within the existing establishment and is compatible with the character of the area and agricultural activities.
6. Matters to be noted:
- 6.1 The conditions imposed by Cape Winelands District Municipality as contained in their letter dated 02 August 2022 attached as **Annexure D**, be noted.
7. 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.
8. 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.
- (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.
9. 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.
10. 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.
11. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za.
12. An applicant who lodges 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.

13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. Kindly note the above decision in the case of any approval, is suspended, and 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

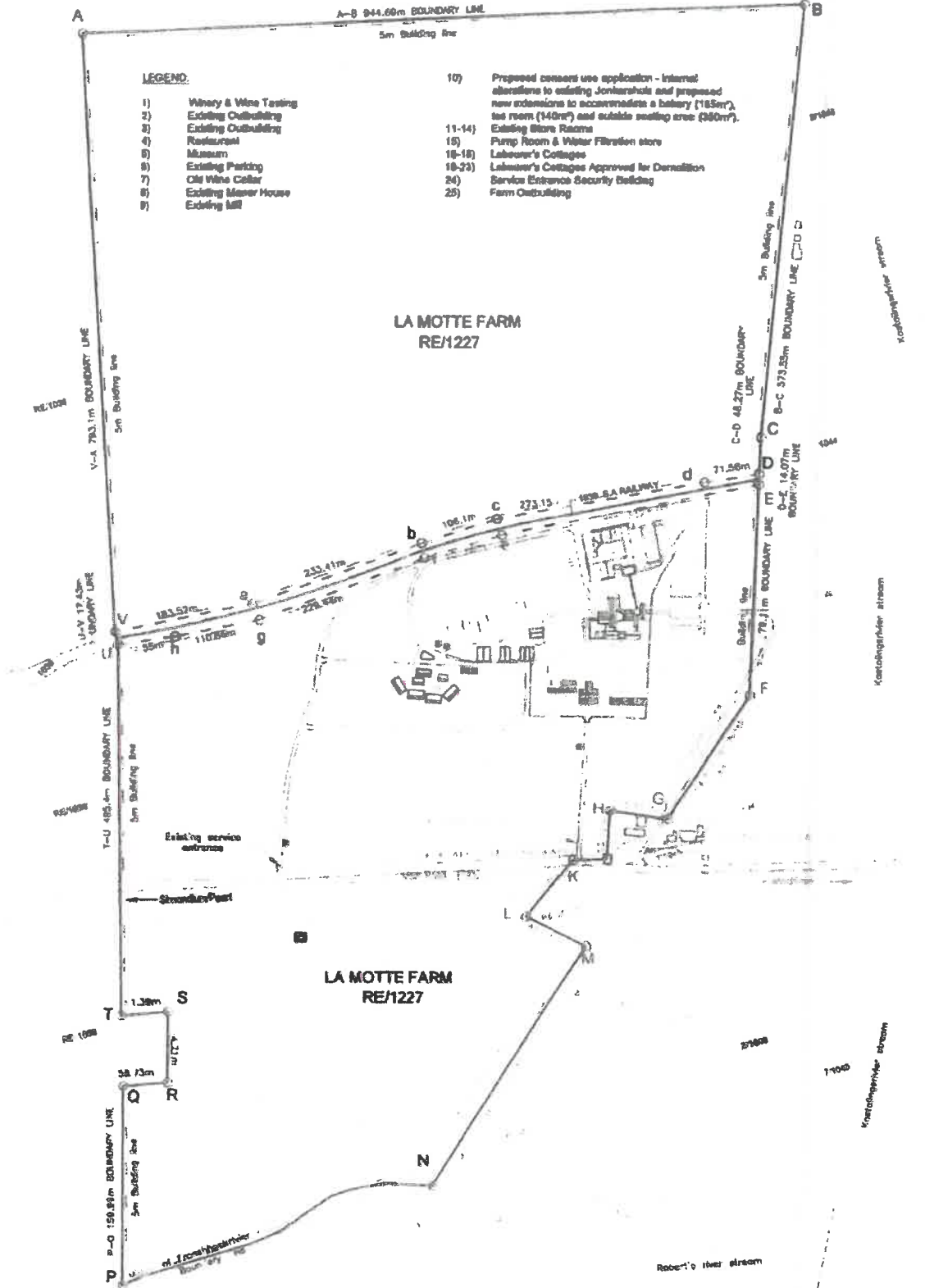


MANAGER: LAND USE MANAGEMENT

DATE:

10/1/2023

1031 WEMMERSHOEK FOREST RESERVE



- LEGEND:**
- 1) Winery & Wine Tasting
 - 2) Existing Outbuilding
 - 3) Existing Outbuilding
 - 4) Restaurant
 - 5) Museum
 - 6) Existing Parking
 - 7) Old Wine Cellar
 - 8) Existing Master House
 - 9) Existing Mill
 - 10) Proposed consent use application - Internal alterations to existing Johannesburg and proposed new extensions to accommodate a bakery (185m²), tea room (140m²) and outside seating area (300m²).
 - 11-14) Existing Glass Rooms
 - 15) Pump Room & Water Filtration store
 - 16-18) Labourer's Cottages
 - 19-23) Labourer's Cottages Approved for Demolition
 - 24) Service Entrance Security Building
 - 25) Farm Outbuilding

LA MOTTE FARM
RE/1227

LA MOTTE FARM
RE/1227



Sarvasoo de Kock
RANCAP Reg Pr Arch 71315

La Motte Wine Estate (Pty)Ltd
(Registered Owner)

P.P.

PROJECT/PROJECT No: 1233	PROJECT No: 6101	SCALE: 1:5000 (A3)
CLIENT/CLIENT: Planning Application	DRAWN & CHECK: ME & SDK	DATE: 11.11.2021
PROJECT NAME: Proposed New Bakery Site Plan	REVISION: A	

P.P.
 La Motte Wine Estate (Pty)Ltd
 (Registered Owner)

Servus de Kock
 (SACAP Reg: PrArch 2/3 01)

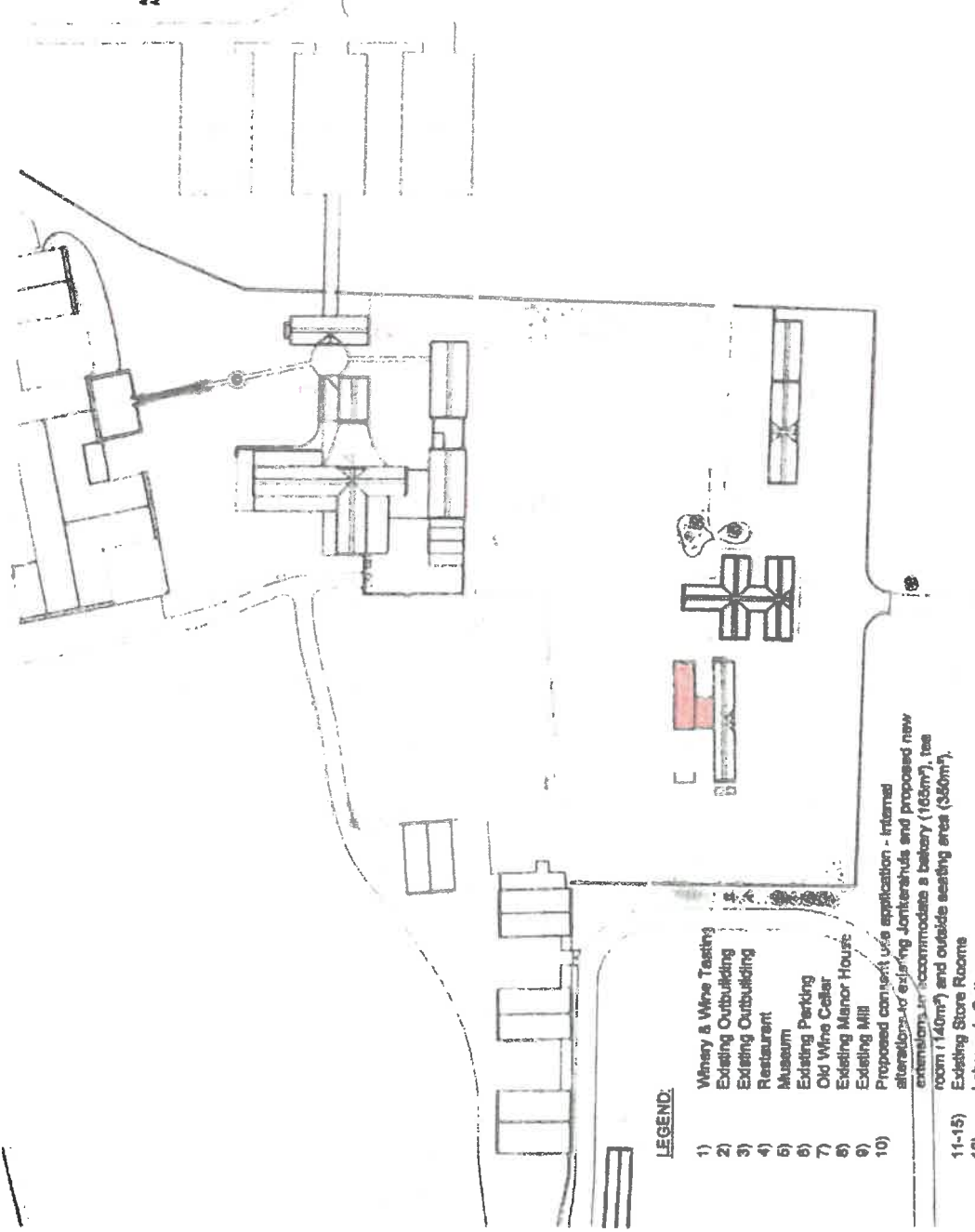
ARCHITECT
 ARCHITECT



WERF PLAN
 scale 1:1500_XREF (A4)



T. 021 31 873 1022
 1100 HARBOUR DRIVE
 SANDHURST 7600



Description: SKETCH DESIGN
 Date: 2021.11.11

PROJECT/PROJECT No: 1227, La Motte Farm, Franschhoek	PROJECT No:	SCALE	DATE
La Motte Wine Estate (Pty) Ltd	1233	1:1500(A4)	11.11.2021
TECHNOLOGICAL DRAWING/REVISIONS	DRAWN & CHECKED	REVISIONS	DATE
Proposed New Bakery: Wurf Plan	ME & SDK	A	11.11.2021

- LEGEND:**
- 1) Winery & Wine Tasting
 - 2) Existing Outbuilding
 - 3) Existing Outbuilding
 - 4) Restaurant
 - 5) Museum
 - 6) Existing Parking
 - 7) Old Wine Cellar
 - 8) Existing Manor House
 - 9) Existing Mill
 - 10) Proposed compact use application - Internal alterations to existing Johannesburg and proposed new entrance to accommodate a bakery (165m²), tea room (140m²) and outside seating area (350m²).

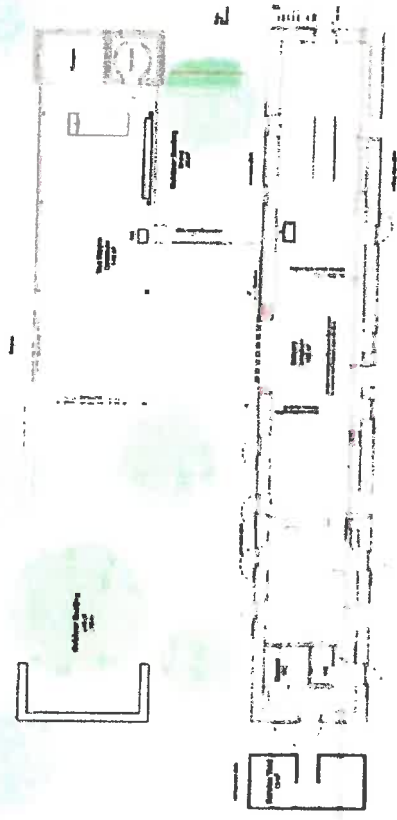
- 11-15) Existing Store Rooms
- 16) Labourer's Cottage



0.00 1.00



0.00 1.00



LA MOTTE NINE ESTRE (PVT) LTD
 16/152, La Motte Road, Penang
 10450 Penang, Malaysia
 Tel: +604-221-1111
 Fax: +604-221-1112
 Email: info@lmm.com.my

Malherbe Rust Architects

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ANNEXURE B
COMMENTS FROM DIRECTOR: INFRASTRUCTURE
SERVICES



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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nicole Katts
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 7 Sept 2022
Our Ref ▫ Ons Verw: Civil LU 2299
Your Ref: LU/13834
Re ▫ Insake: Farm 1227, Paarl: Application is made in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a Consent Use for Tourist facilities to utilise the existing Jonkerhuis as proposed bakery (±165 sqm) ,and tea room (±140 sqm) with an outside seating area (±350 sqm) on Farm 1227, Paarl Division.

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

- 1. Civil Engineering Services**
 - 1.1 No objection, no municipal services are affected.

- 2. Roads**
 - 2.1 Access is from a provincial road – please obtain approval from Provincial Roads Engineer.

- 3. Development Charges (DCs)**
 - 3.1 The following DC's are payable: See Development Charge Calculation attached.

3.2 The DC's were calculated by using the 2022/2023 tariff structure. If DC's are paid after 30 June 2023 it will have to be recalculated by using the tariff structure applicable at date of payment.

3.3 The appropriate DC's are payable before building plan approval.

4. Electrical Engineering (Martin Slabber – Supt Dwarsrivier Elect)

4.1 Refer to Annexure: Electrical



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number	2299 (LU/13834)
Development Name	
Date	07 September 2022
Financial Year	2022/2023
Erf Location (Select from 7 Locations):	Franschhoek
Vehicle Ownership (Select Normal or Low)	Normal
Erf Region (Select Urban or Rural):	Rural
Erf No	Farm 1227
DC Parameters Reference	

SUMMARY OF DC CALCULATION									
Service Unit(s)	Water k/day	Sewer k/day	Stormwater ha°C	Solid Waste t/week	Roads & Transport trips/day	Community persons	Totals		
Total Increased Services Usage	5.24	4.585	0.09825	0.131	131	6.55			
Total Service Usage Reduction:	0	0	0	0	65.5	0			
Total Service Usage after Reduction:	5.24	4.59	0.09825	0.131	65.5	7			
Total Development Charges before Deductions:	R -	R -	R -	R 11 476.12	R 1 011 058.00	R 10 054.62	R	R 1 032 588.74	
Total Deductions:	R -	R -	R -	R -	R 505 529.00	R -	R	R 505 529.00	
Total Payable (excluding VAT):	R -	R -	R -	R 11 476.12	R 505 529.00	R 10 054.62	R	R 527 059.74	
VAT	R -	R -	R -	R 1 721.42	R 75 829.35	R 1 508.19	R	R 79 058.96	
Total Payable (including VAT):	R -	R -	R -	R 13 197.54	R 581 358.35	R 11 562.81	R	R 606 118.71	

APPLICANT INFORMATION	
Application Processed by	T. King
Signature	
Notes:	



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ANNEXURE C

**COMMENTS FROM WESTERN CAPE: DEPARTMENT OF
TRANSPORT AND PUBLIC WORKS**



Ref: 16/9/6/1-10/17 (Job 21923)

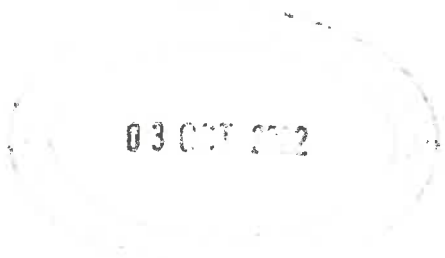
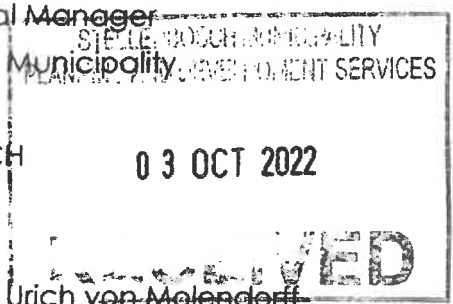
The Municipal Manager

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599



Attention: Mr Ulrich von Melendorff

Dear Sir

FARM 1227 LA MOTTE, DIVISION PAARL: MAIN ROAD 191: APPLICATION FOR CONSENT USE

1. The following refer:
 - 1.1. Email dated 18 May 2022 from Emile van der Merwe to this Branch and attached application received; and
 - 1.2. A site visit conducted on 6 June 2022.
2. The subject property is located on both sides of Main Road 191(MR191) and the application received relates to the property on the north-eastern side of MR191.
3. Approved zonings applicable to the north-eastern side of the property between MR191 and the railway line are as follows:
 - 3.1. Winery complex (3558m²);
 - 3.2. Wine tasting and sales facility (± 200m²);
 - 3.3. Restaurant 913m²;
 - 3.4. Museum 463m²; and
 - 3.5. Remainder Agriculture.
4. The application is for Consent Use for tourist facilities in order to use the existing Jonkershuis and proposed extension thereto as a bakery (±165m²) and tea-room (±140m²) with an outside seating area (±350m²).
5. The main access off MR191 at ±km19.3 will be used. Shoulder sight distances at this access is acceptable in both directions and adheres to the minimum geometric and surface technical requirements of the Branch including the current stacking distance of 35m from the security gated structure. A left turning lane was also constructed as

F 1227 P

part of the left shoulder. Parking bays per zoning scheme requirements are 83 and 96 will be provided on the property.

6. A separate service entrance (gated structure) is also present only $\pm 80\text{m}$ from the main entrance but does not adhere to the minimum access spacing requirement as stipulated in the Branch's Access Management Guidelines linked to the road classification (Minor Arterial), roadside environment (Rural) and road function (Mobility).
7. This Branch therefore offers no objection to the application for Consent Use for tourist facilities in order to use the existing Jonkershuis and proposed extension thereto as a bakery ($\pm 165\text{m}^2$) and tea-room ($\pm 140\text{m}^2$) with an outside seating area ($\pm 350\text{m}^2$) subject to the following conditions:
 - 7.1. The 2nd service road access off MR191 at $\pm \text{km}19.22$ must be closed permanently by removing any evidence of access pavement material (except for the side-walk portion), pipe drainage structure and reinstating an open drainage channel to the standards of the existing open drainage channel all under supervision of the District Road Engineer.
 - 7.2. The historic gate may remain, but it must be locked permanently.
8. The main access road crosses Portion 12 of Farm 1037 and Farm 1046 for which no right of way servitudes could be found. Stellenbosch Municipality must ensure that Farm 1227 has permanent, legal, and unfettered access across both these properties.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 23 AUGUST 2022



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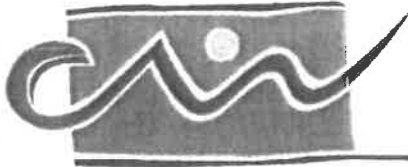
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ANNEXURE D

COMMENTS FROM CAPE WINELANDS DISTRICT

MUNICIPALITY: HEALTH



CAPE WINELANDS DISTRICT

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NAVRAE/ENQUIRIES/IMBUZO.
TELEFOON/TELEPHONE/UMNXEBA.
FAKS/FAX/IFEKSI.
E-POS/E-MAIL/E-MAIL:
U VERW/YOUR REF/IREF YAKHO:
ONS VERW/OUR REF/IREF YETHU.

Mnr M. Mathee
021-8711001
021-8721277
mathee@capewinelands.gov.za
LU/13834
Plaas No 1227

Alexanderstraat 46 Alexander Street
☒ 100
STELLENBOSCH
7599

2 August 2022

**The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599**

Dear Sir

FARM 1227 PAARL DIVISION (LU/13834): APPLICATION FOR CONSENT USE

Your email of 29 April 2022 refers.

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

1. Sewage Disposal

Sewage disposal on the premises must, at all times, takes place in a nuisance-free manner and shall be the owner's responsibility.

2. Potable Water

The quality of the drinking water on the premises, must at all times, comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS 241.

3. Solid Waste Disposal

Refuse collection and storage will not create any health nuisances.

4. Food Handling

- 4.1 **All areas where food is handled**, must comply with the minimum requirements for food handling premises as prescribed 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 premises may not operate without a Certificate of Acceptability. Applications must be submitted to the Municipal Health Department of the Cape Winelands District Municipality. A certificate will only be issued after inspection and if the premises meets the requirements of Regulation R638. Each food handling premises needs to apply for individual certification.

5. General Conditions

- 5.1 The planned operations/businesses may not result in a "noise disturbance" 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 SANS Code 0103 – 2008.
- 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 The planned development is situated in an agricultural use zoning area and the premises of the planned development will be exposed to normal agricultural activities and effects. Guest may thus 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