



STELLENBOSCH

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Application Number: LU/11346

Our File Reference Number: Farm 1545, Paarl

Your Reference Number: None

Enquiries: Ulrich von Molendorff

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PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR CONSENT AND ADDITIONAL USE: FARM NO. 1545, PAARL DIVISION

1. The above application, with reference to letter of decision LU/ 11346 dated 9 September 2022, and your letter in response thereto received in e-mail dated 20 September 2022, refers.

Following a subsequent meeting on 27 September 2022 and further telephonic deliberations on 28 September 2022, it was agreed to replace said letter of decision in order to provide clarity in addressing the omission to include a reference to the four new villas of two designs containing 2 guest suites in precinct 4 as indicated on the Site Master Plan No 18091, Drafted by dhk Architects, dated: 11-12-19 in the letter of decision.

From the rationale of the decision taken and the reasons provided for the decision, it is clear and agreed that the reference to the said villas was omitted from paragraph 2.1.1 of the subject decision letter. This omission is addressed in accordance with Section 63 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to correct an error in the wording of the decision, and which correction does not alter the decision that was taken.

Accordingly, this letter of decision on the subject application replaces the previous letter of decision LU/ 11346 dated 9 September 2022. It should be noted that this correction in the letter of decision does not result in the extension of the time periods applicable to the submission of any appeals.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the following Consent use application(s) in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No 1545, Paarl Division, in pursuance of the establishment of a country hotel as depicted in the proposed plan attached as **Annexure B**, Plan No 18091, Drafted by dhk Architects, dated: 11-12-19:

2.1.1 The following specific land uses as depicted in **Precinct 4** of the proposed plan, (Attached as **Annexure B**, Plan No 18091, Drafted by dhk Architects, dated: 11-12-19):

- a) Family suite (Family Suite 2) of 213,96m²,
- b) Wellness centre with a total footprint area of 586,55m²
- c) New three-bedroom owner's villa with a floor area of 438,58m²,
- d) Four new villas of two designs containing 2 guest suites.

2.1.2 All the land uses as depicted in **Precinct 6** of the subject proposed plan:

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

2.2 The reasons for the above decision are as follows:

2.2.1 The existing rural character of the area and on the subject property will be maintained as no new buildings will be constructed.

2.2.2 The refusal of this portion of the application will ensure that the proposal is in line with the guidelines and prescriptions of the policies and plans mentioned in the report and applicable to the subject property.

2.2.3 The refusal of this component will ensure that there is no additional visual impact on the surrounding properties as only the existing building located on the subject property with minimal additions and alterations are to be converted for the tourist related uses applied for.

3. That the following Consent use application(s) in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No 1545, Paarl Division, for a Tourist Accommodation Facility for the establishment of a country hotel:

3.1 The land uses as depicted in the proposed **Precinct 1** of the proposed plan (Attached as **Annexure B**, Plan No 18091, Drafted by dhk Architects, dated: 11-12-19), allowing for:

- a) The upgrading of the entrance to the property,
- b) A gate house,
- c) The upgrade of the internal access roads, with new parking area containing
±42 bays,
2 disabled parking bays, 8 golf cart parking bays,

3.2 The land uses as depicted in the proposed **Precinct 2** of the proposed plan (Attached as **Annexure B**, Plan No 18091, Drafted by dhk Architects, dated: 11-12-19) allowing for:

- a) The conversion and upgrading of the existing primary dwelling / Manor House for the purpose of guest accommodation in the form of 5 guest suites, with 2 family suites consisting of two-bedroom units to accommodate a maximum of 18 guest,
- b) A tourist facility in the form of a restaurant for 60 guests, with a dedicated kitchen, a hotel bar, a winery with tasting room,
- c) 5 parking bays and 4 golf cart parking bays,
- d) A pool and relaxation area with landscaped children's play area,
- e) A parking area with 13 staff vehicles and delivery area at the back of the house,
- f) A maintenance shed, a greenhouse, management offices, a laundry and staff facilities.

3.3 The land uses as depicted in the proposed **Precinct 3** of the proposed plan (Attached as **Annexure B**, Plan No 18091, Drafted by dhk Architects, dated: 11-12-19), for the purpose of guest facilities in the form of a tennis court and terraced lawn with a small dam with drinks deck.

3.4 The conversion of the existing buildings for the purpose of guest accommodation in the proposed **Precinct 4** of the proposed plan (attached as **Annexure B**, Plan No 18091, Drafted by dhk Architects, dated: 11-12-19), to accommodate a total of 4 suits / bedrooms with accommodation for a maximum of 8 guests with a pool and deck.

3.5 The land uses as depicted in the proposed **Precinct 5** of the proposed plan (Attached as **Annexure B**, Plan No 18091, Drafted by dhk Architects, dated: 11-12-19) allowing:

- (a) The upgrading and extension of the existing second primary dwelling (Orchard House) for the purpose of guest accommodation (9 suites and a maximum of 18 guest), with a terrace,
- (b) A studio flat for the manager of the Country Hotel.
- (c) Storage area at the back of the house
- (d) A wine cellar in the basement,
- (e) A swimming pool surrounded by a covered terrace and open deck,
- (f) The increasing of an existing agricultural store of 70m² to 140m².

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 All facilities provided are to be used only by guests of the Tourist Accommodation facility and that only the restaurant be open to the public.

4.2 No new land use rights will accrue for a main dwelling, second dwelling and any additional dwelling units.

4.3 A detailed revised site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval.

4.4 The Site Development Plan be approved by the Land Use Section of the Municipality prior to any building plans being submitted for approval.

4.5 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 and are to be determined on submission of the revised Site Development Plan.

4.6 The conditions of approval as imposed by the Western Cape Government, Public Works Department, Road Network Management Branch, be complied with as noted in their letter, dated 29 September 2020 attached as **Annexure G** prior to an occupation certificate being issued by the Stellenbosch Municipalities Building Department for any building work done on the property to facilitate the approval granted.

5. Matters to be noted

- 5.1 The conditions of approval as imposed by **Heritage Western Cape**, be complied with as noted in their letter, dated 04/05/2021 attached as **Annexure G**.
- 5.2 The conditions of approval as imposed by Department of Environmental Affairs and Development Planning, be complied with as noted in their letter, dated 27/08/2021 attached as **Annexure G**
- 5.3 The conditions of approval as imposed by Cape Winelands District Municipality (Health Department), be complied with as noted in their letter, dated 28 July 2020 attached as **Annexure G**
6. The reasons for the above decision are as follows:
 - 6.1 The approval granted will ensure that the existing infrastructure and buildings already located on the subject property are only utilized which is in line with the policies, guidelines and plans applicable to the area and subject property when non-agricultural related activities are considered and approved.
 - 6.2 The existing rural character of the area and on the subject property will be maintained.
 - 6.3 The proposed use will have minimal impact on the existing agricultural activities taking place on the subject property as the existing buildings are located in areas on the subject property where no agricultural activities take place.
 - 6.4 The scale of the proposal will be in line with the area of the property used for agricultural related purposes.
 - 6.5 The conversion of the existing buildings already located on the subject property for non-agricultural related activities is not seen to be out of character with the surrounding area where similar non-agricultural related activities have already been approved in existing buildings converted to accommodate the intended use.
 - 6.6 The approval granted is in line with the guidelines and prescriptions of the policies and plans mentioned in the report and applicable to the subject property when non-agricultural related activities are considered and approved.
 - 6.7 The proposal will ensure that there is no additional visual impact on the surrounding properties as only the existing building located on the subject property with minimal additions and alterations are to be converted for the Tourist related uses applied for.

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 original date of notification of the above decision, i.e., 9 September 2022. 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; 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.
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 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>).
12. 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.

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 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

29-9-2022

DATE: