



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15788 (TP387/2023)

Our File Reference Number: Farm 1646/9, 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 ON FARM 1646/9 PAARL DIVISION

1. The above application refers. This letter replaces my previous letter dated 22 September 2023.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Farm 1646/9, Paarl Division, for the following:
 - 2.1.1 **Consent Use** in terms of Section 15(2)(o) of the said by-law for Occasional uses (more than one event/year) in order to permit filming activities in the existing managers house and garden area.

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 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.2 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.

3.3 The conditions imposed by the Directorate: Infrastructure Services as contained in their memo dated 24 July 2023, attached as **Annexure F**, be complied with.

3.4 The agricultural activities should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.

3.5 The use of the filming equipment's/structures such as but not limited to drones and helicopters be limited so as to avoid negative impact such as a noise disturbance, or air pollution on the adjoining properties.

3.6 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

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

4.1 The proposed development will comply with the vision of the Stellenbosch Municipal Spatial Development Framework.

4.2 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.

4.3 The development proposal will have no impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost.

4.4 There will be no negative impact on existing infrastructure and additional traffic will be managed.

5. Matters to be noted:

5.1 The conditions imposed by the Department of Transport Infrastructure: Western Cape Government as contained in their letter dated 4 September 2023, attached as **Annexure G**, be noted.

6. 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.

7. 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:

7.1 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

7.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

7.3 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.

7.4 Whether the appeal is lodged against the whole decision or a part of the decision.

7.5 If the appeal is lodged against a part of the decision, a description of the part.

7.6 If the appeal is lodged against a condition of approval, a description of the condition.

7.7 The factual or legal findings that the appellant relies on.

7.8 The relief sought by the appellant.

7.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

7.10 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.

8. 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
9. 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.
10. 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
11. 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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
13. 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



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT


26/9/2023

DATE

[REDACTED]

[REDACTED]

[REDACTED]

**ANNEXURE F: COMMENT FROM THE DIRECTORATE: INFRASTRUCTURE
SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To - Aan: Director: Planning + Economic Development
Att Aandag: Nicole Katts
From - Van: Manager: Development (Infrastructure Services)
Author - Skrywer: Tyrone King
Date - Datum: 24 July 2023
Our Ref - Ons Verw: Civil LU 2551
Town Planning Ref: LU/15788 – TP387/2023
Re - insake: Farm 1646/9, 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 Occasional uses (>one event/year) in order to permit filming activities in the existing managers house and garden area on Farm 1646/9, Paarl Division.

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

- 1. Civil Engineering services**
 - 1.1 The Owner will be responsible for the water provision and sewer collection and disposal. The Owner has indicated that water provision is via borehole and sewer via conservancy tanks.
 - 1.2 The Owner is responsible for the quality of potable water. The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.



Ref: DOI/CFS/RP/LUD/REZ/SUB-10/163 (Job 30498)

PJ le Roux Town and Regional Planner
PO Box 3457
PAARL
7620

Attention: Mr PJ le Roux

Dear Sir

FILE NR:	F 1646 / 9 P
SCAN NR:	
COLLABORATOR NR:	

STREET COORDINATION
PLANNING AND DEVELOPMENT SERVICES

05 SEP 2023

RECEIVED

PORTION 9 OF FARM NO 1646, PAARL: MAIN ROAD 191: CONSENT USE APPLICATION

1. The application received from PJ le Roux dated May 2023, received on 24 July 2023 refers.
2. The subject property is 10 km North-West from Franschhoek and takes access via a servitude road off Main Road 191 (R45). The servitude road is at approximately km11.88 (opposite Normandy Winery).
3. This application is for CONSENT USE on Portion 9 of the Farm 1646 Paarl, to facilitate Occasional use (>one event/year), to utilize the existing managers house and the large formal garden area on the farmstead for filming purposes/activities and the vacant fallow land for temporary office base. This will be from 1 November 2023 to 10 March 2024.
4. It is noted that the proposal will contribute approximately 3 vehicles/hour.
5. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014, on condition that:
 - 5.1. The existing access at km11.88 (opposite Normandy Winery) is the only access to be used for activities associated with this application.
 - 5.2. Security at the gate needs to be present from 1 November 2023 to 10 March 2024 to ensure that stacking of vehicles onto Main Road 191 does not occur.

Yours Sincerely

pp

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 4 SEPTEMBER 2023

ENDORSEMENTS

1. Drakenstein Municipality
Attention: Ms C Kriel (e-mail: Chrizelle.Kriel@stellenbosch.gov.za)
2. Consultant: PJ le Roux Town and Regional Planner
Attention: Mr PJ le Roux (e-mail: pj@pjleroux.co.za)
3. District Roads Engineer
Paarl
4. Mr E Smith (e-mail)
5. Mr S Carstens (e-mail)
6. Ms S du Preez (e-mail)