



Application Number: LU/10322

Our File Reference Number: Farm 1674/10, 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 TEMPORARY DEPARTURE: FARM 1674/10, 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 for a Temporary Departure in terms of section 152(c) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, in order to permit the use of an existing barn ($\pm 600\text{m}^2$) for a function venue with an outside seating area of $\pm 330\text{m}^2$ which will accommodate ± 200 persons on Farm 1674 Portion 10, Paarl Division
- 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 proposal under consideration as noted in the Site Development Plan as attached as **Annexure C**, dated: 11/09/2019; Plan No: 1674-10-09-2021 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

- 3.2 That the building plans do not differ from the Site Development Plan attached as **Annexure C**, dated: 11/09/2019; Plan No: 1674-10-09-2021.
- 3.3 That the conditions of approval as imposed by the Directorate Infrastructure Services in their Memo dated 11/02/2021 attached as **Annexure F**, be complied with.

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

- 4.1 The proposal will have no impact on the character of the area as an existing building is to be converted to a function venue with an outside seating area.
- 4.2 The proposed use of the building as function venue with an outside seating area will not alter the existing character of the area as the existing barn forms part of the existing "Werf" on the subject property and the use is ancillary to the primary agricultural land use.
- 4.3 The proposal will facilitate employment opportunities within the tourism sector.
- 4.4 The proposal will have no impact on the existing agricultural potential of the subject properties as an existing building will be used to accommodate the function venue with an outside seating area which is located within the existing farm "Werf".

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. 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.

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:

- (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.

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: landuse.appeals@stellenbosch.gov.za
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 (<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>).

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

5/10/2021
DATE:



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ANNEXURE C



Key

- Application Area (Olive Press function venue) - as built
(Source: Phillip Briel Architecture, 2014)
- Access route for Olive Press off R310

Date: 11/09/2019

Plan No: 1674-10-09-2021

Scale 1: 1000 @ A4

0 10 25 50m

BOSCHENDAL:
OLIVE PRESS

FIGURE 6 : SITE DEVELOPMENT PLAN





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ANNEXURE F



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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	N Kats
From ▫ Van:	Abdullah Daniels (Development)
Date ▫ Datum:	11/02/2021
Our Ref ▫ Ons Verw:	Civil Lu 1961
Re ▫ Insake:	Farm 1674/4 Boschendal estate Paarl division: Consent use

The application is for the following items:

Consent use to permit the use of existing barn as function venue of portion 10 of farm 1674, Paarl Division.

Comments from the Transport, Roads and Stormwater, Water Services, Traffic Engineering and Development Departments 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. 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 Soak Aways are not allowed. Conservancy tanks or alternative solution must be provided, details and drainage layout plans must be provided at building plan stage.

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 to district roads engineer for comments and approval.

5. Development Charges (DCs)

- 5.1 Based on the information provided, the Development Charges payable by the developer is R722 754.42 (Vat incl.) as per attached Development Charges calculation.
- 5.2 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.
- 5.3 The appropriate DC's are payable before a Clearance certificate can be issued.

6. General

- 6.1 Civil engineering plans must be submitted before the construction of services.

7. Electrical

- 7.1 See annexure A for electrical comments.



ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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