



Application Number: LU/10409

Our File Reference Number: Farm 1674/4, 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 1674/4, 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 15(2)(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 eight (8) existing labourer's cottages to be refurbished for tourist accommodation purposes with ancillary buildings on Portion 4 of Farm 1674, 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: August 2019; SDP No: 1001-04-09-2019, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.2 That a maximum of 32 guests may be accommodated within the 8 building as noted on the Site Development Plan as attached as **Annexure C**. (dated: August 2019; SDP No: 1001-04-09-2019)

3.3 That the condition of approval imposed by the Department of Transport and Public Works, Roads Network Management Section, as noted in their letter Dated 22 May 2020, Attached as **Annexure F**, be complied with.

3.4 Building plans must be submitted to the municipality for approval and that the building plans may not differ from the Site Development Plan attached as **Annexure C**.

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

4.1 The proposed development will not detract from the existing rural character of the area as the buildings will be used for residential purposes as initially approved.

4.2 The proposal will ensure that the existing infrastructure located on the farm is optimally utilized and provide an alternative income stream with employment opportunities.

4.3 The proposal will not have an impact on the existing agricultural potential of the property, as existing buildings will be repurposed to accommodate the proposed use.

4.4 Minimal traffic will be generated by the proposal as the proposed use is still residential in nature and no additional infrastructure will be required as existing buildings are being repurposed.

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

5/11/2021

DATE:



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ANNEXURE C



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ANNEXURE F



Western Cape
Government

Transport and Public Works

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB/1-25/76 (Job 22738)

ENQUIRIES: Ms GD Swanepoel

DATE: 22 May 2020

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

PORTION OF PORTION 4 OF FARM 1674, PAARL: MAIN ROAD 172: APPLICATION FOR TEMPORARY DEPARTURE (ORCHARD COTTAGES)

1. The following refer:
 - 1.1. The letter LU/10409 from NM & Associates Planners and Designers dated 2 March 2020;
 - 1.2. The letter 4058 from Innovative Transport Solutions to Wolff Architects (Pty) Ltd dated 22 July 2019 and
 - 1.3. This Branch's letters 16/9/6/1-25/76 (Job 22738) dated 26 and 30 January 2015.
2. This application for temporary departure entails a combination of refurbishment as well as expansion upon existing infrastructure of the seven (7) existing labour cottages (Orchard Cottages) into tourist accommodation (26 bedrooms accommodating 52 people) with the intention to convert it to a consent use as a permanent use right in terms of the Stellenbosch Municipality Zoning Scheme By-law (2019).
3. Portion 4 of Farm 1674 currently gains access via Minor Road 5230 (OP5230) off Main Road 172 (MR172) at ±km14.40 left hand side (LHS).
4. An illegal access control gate on OP5230 is located approximately 40m from the edge of tar on MR172. However, OP5230 provides access to land parcels that all belong to Boschendal Estate.

5. This Branch offers no objection to the application subject to the following conditions:
- 5.1 The access control on OP5230 must be removed immediately to allow public access to the area;
 - 5.2. The owners of all the land parcels that gains access off OP5230 must apply for the closure of the road as a proclaimed road and the subsequent registration of a right of way servitude in favour of the guest houses on Portion 4 of Farm 1674 over the farm portions affected by the access ring road (Portions 6 and 7 of Farm 1674 and Portions 10 and 11 of Farm 1685) and
 - 5.3. The existing access via OP5230 off MR172 at \pm km14.40 LHS must remain the only access to Portion 4 of Farm 1674 and no new accesses may be created off MR172 without the approval of this Branch.

Yours faithfully



SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT