



STELLENBOSCH

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Application Number: LU/13550

Our File Reference Number: Farm 1685/5, 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 ON FARM 1685/5, PAARL DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 for a tented camp to accommodate 14 guests and support facilities ($\pm 988\text{m}^2$ structure coverage) on $\pm 6\text{ha}$ of Farm No. 1685/5, Paarl Division.

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

- 2.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
 - 2.2.1 The approval applies only to the temporary departure and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
 - 2.2.2 The development be undertaken generally in accordance with the site development plan, as referenced (Undated Figure 7: Tented Camp Site Development Plan, drawn by NM & Associates Planners and Designers) and attached as **ANNEXURE B**.

- 2.2.3 No expansion of the tented camp may be undertaken within the five-years validity period of the temporary departure, where after all structures must be removed.
- 2.2.4 The visual mitigating measures, in terms of colour of tents, landscaping to screen the tents and parking from viewpoints, etc. be retained throughout the five-year validity period.
- 2.2.5 No homestead be constructed on the excluded area for this farm, until the temporary departure has lapsed and the tented camp has been removed. Should the owners require the construction of a dwelling house, the temporary departure immediately be ceased and structures be removed before building plans is approved.
- 2.2.6 Building plans be submitted for all structures and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 2.2.7 That no audio equipment is set-up outside of the guest support tent and any other tent facility and background music only be allowed within the tent structures, to prevent any negative impacts on the surrounding properties.
- 2.2.8 No special events and functions may be hosted in the guest support tent and on the property without the prior approval of the local authority, unless it is a primary right on the subject property.

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

- 3.1 The aesthetic appearance of the site and surrounding environment is not altered by the erected tents or have a negative visual impact from close by scenic routes and surrounding properties.
- 3.2 The existing services is regarded sufficient by all relevant authorities, to accommodate the proposed use.
- 3.3 The existing access point of the Helshoogte Road via servitudes roads and onsite parking provision, will provide safe access to and from the property and safe onsite parking.
- 3.4 The temporary tented camp does therefore not pose an irreversible risk to the natural and heritage features and resources of the declared Boschendal Founders Estate National Heritage site.

4. Matters to be noted:

4.1 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.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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:

a) First names and surname

b) ID number

c) Company of Legal person's name (if applicable)

d) Physical Address

e) Contact details, including a Cell number and E-Mail address

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

7. The grounds of the appeal which may include the following grounds:

a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

b) 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.

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

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

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

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

7.4 The relief sought by the appellant.

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

7.6 That the appeal includes the following declaration by the Appellant:

a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

- b) 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

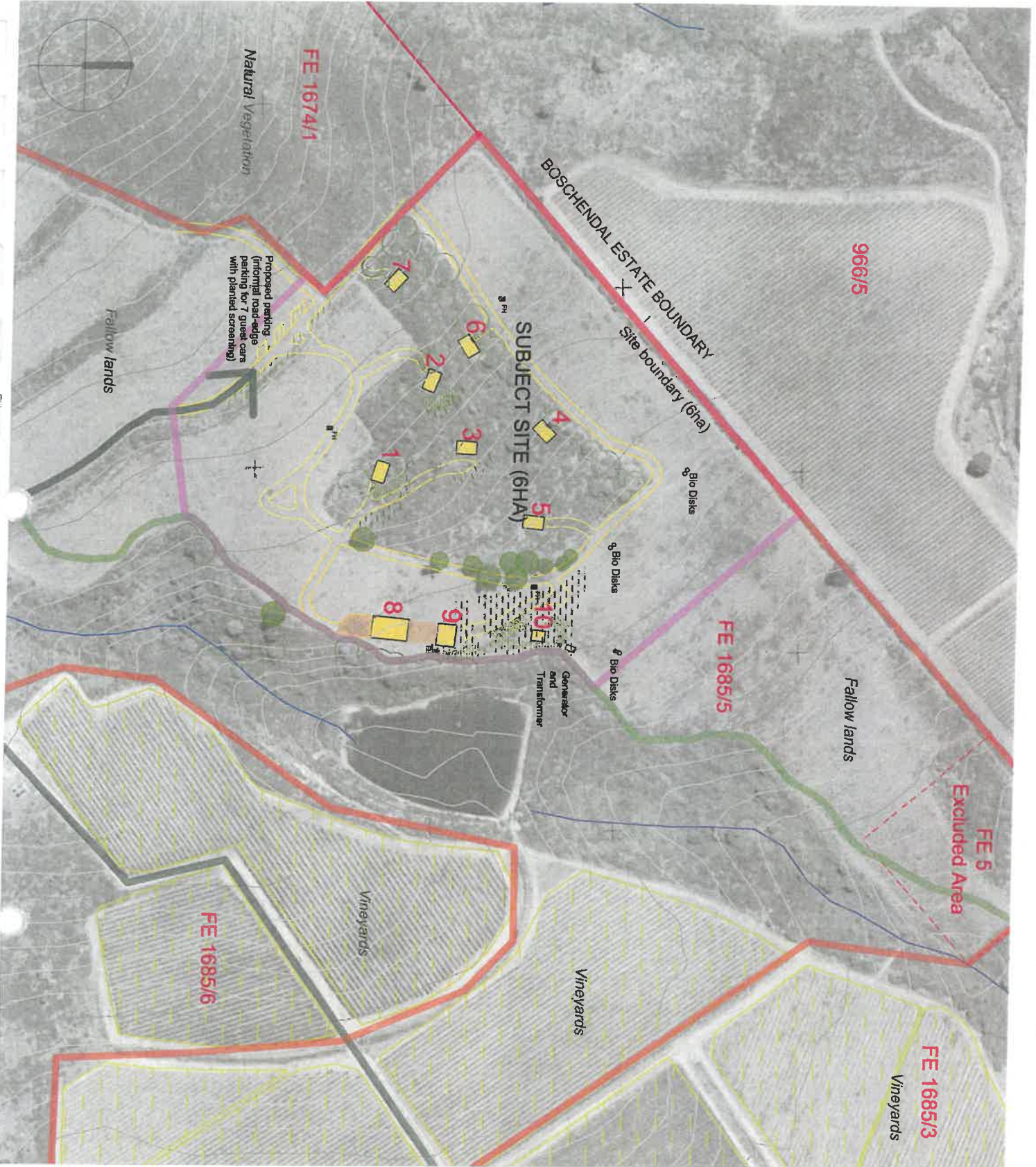

DATE

COPIES TO: Rose Jordaan

Rose@bartinney.co.za

ANNEXURE B

Site Development Plan



Key

- 1-7 Accommodation Tents
- 8 Mess Tent
- 9 Guest support Tent
- 10 Staff Office Tent

- Established Alien trees
- Significant existing indigenous trees / tree clusters
- Ecological Buffer (Kate Snaddon 2021)
- Areas for planting of indigenous trees for visual screening. See Restoration Plan and EMPr for species guideline
- Outdoor gathering areas
- Decks with Tents
- Site boundary
- FE 5 boundary
- Contours (2m)
- Vehicular approach
- Established Alien trees
- Significant existing indigenous trees / tree clusters
- Ecological Buffer (Kate Snaddon 2021)
- Areas for planting of indigenous trees for visual screening. See Restoration Plan and EMPr for species guideline
- Outdoor gathering areas
- Decks with Tents
- Site boundary
- FE 5 boundary
- Contours (2m)

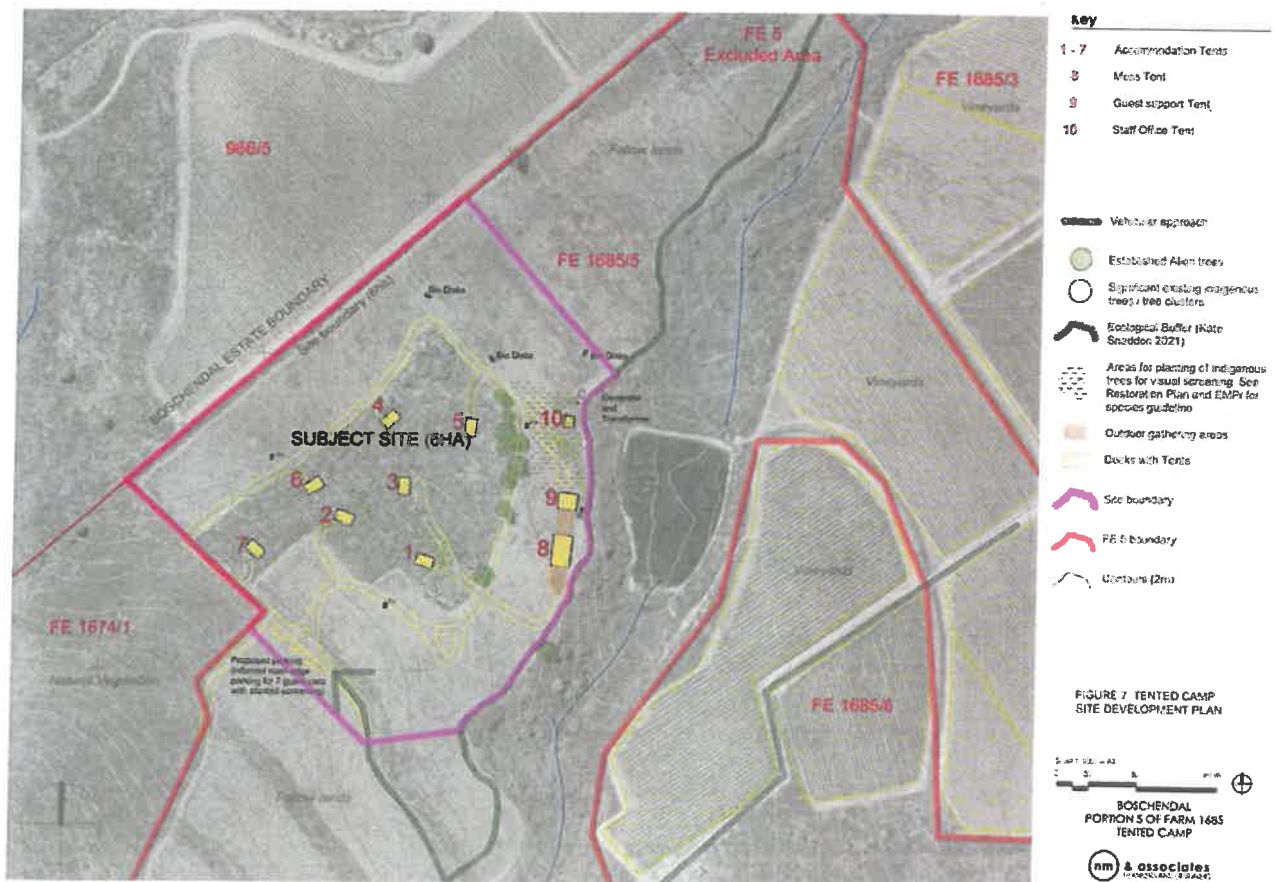


BOSCHENDAL
PORTION 5 OF FARM 1685
TENTED CAMP

**FIGURE 7: TENTED CAMP
SITE DEVELOPMENT PLAN**



Figuur 2: Lugfoto van die Tentkamp perseel



Figuur 3: Tentkamp Terreinontwikkelingsplan (Geskep deur: NMA)