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Application Number: LU/11084
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 PERMISSION REQUIRED IN TERMS OF SECTION 15(2)(I) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING ON 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 made in terms of Section I5(2)(o) of the Stellenbosch Land Use Planning By-Law, 2023, for a Consent Use to expand the existing tourist facilities in the form of an outside dining area within the werf of the existing Boschendal Homestead, a picnic area, 2 outdoor function facility and a new reception area for the existing tourist accommodation facilities within an existing building of ±150m² on Farm 1674/10, 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 only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2.2 Building plans must be submitted for approval for all internal alterations and all new building work. The building plans must be generally in accordance with the Site Development Plan / Floor Layout Plan, attached as **Annexure B**, drawing no: 1674/10- PAARL-2022- PAGES 1 of 5.

2.2.3 The approval granted shall only be applicable to the areas denoted on the Site Development Plans attached as **Annexure B**, drawing no: 1674/10-PAARL-2022- PAGES 1 to 5.

2.2.4 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 land use.

2.2.5 The following conditions of approval as noted by the Directorate Infrastructure Services be complied with.

i. The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards and proof of compliance must be available on request.

ii. Conservancy tanks or alternative solution must be provided, details and drainage layout plans must be provided at building plan stage.

iii. All 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).

iv. Any changes to any existing civil engineering services of Stellenbosch Municipality are for the account of the owner.

2.2.6 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.

2.2.7 The conditions of approval as noted in the letter dated 10 February 2021 imposed by the Western Cape Government Department Transport & Public Works: Roads, attached as **Annexure C**, be complied with.

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

3.1 The proposal will ensure that the existing infrastructure is optimally used.

3.2 The proposal is located within the existing werf and is seen to be complimentary to the existing land uses already approved and located within the historical werf and on the farm.

3. 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.

4. 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:

4.1 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

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

4.3 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.

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

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

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

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

4.8 The relief sought by the appellant.

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

4.10 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 and 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.

5. 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

6. 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.

7. 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

8. 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.

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

10. 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

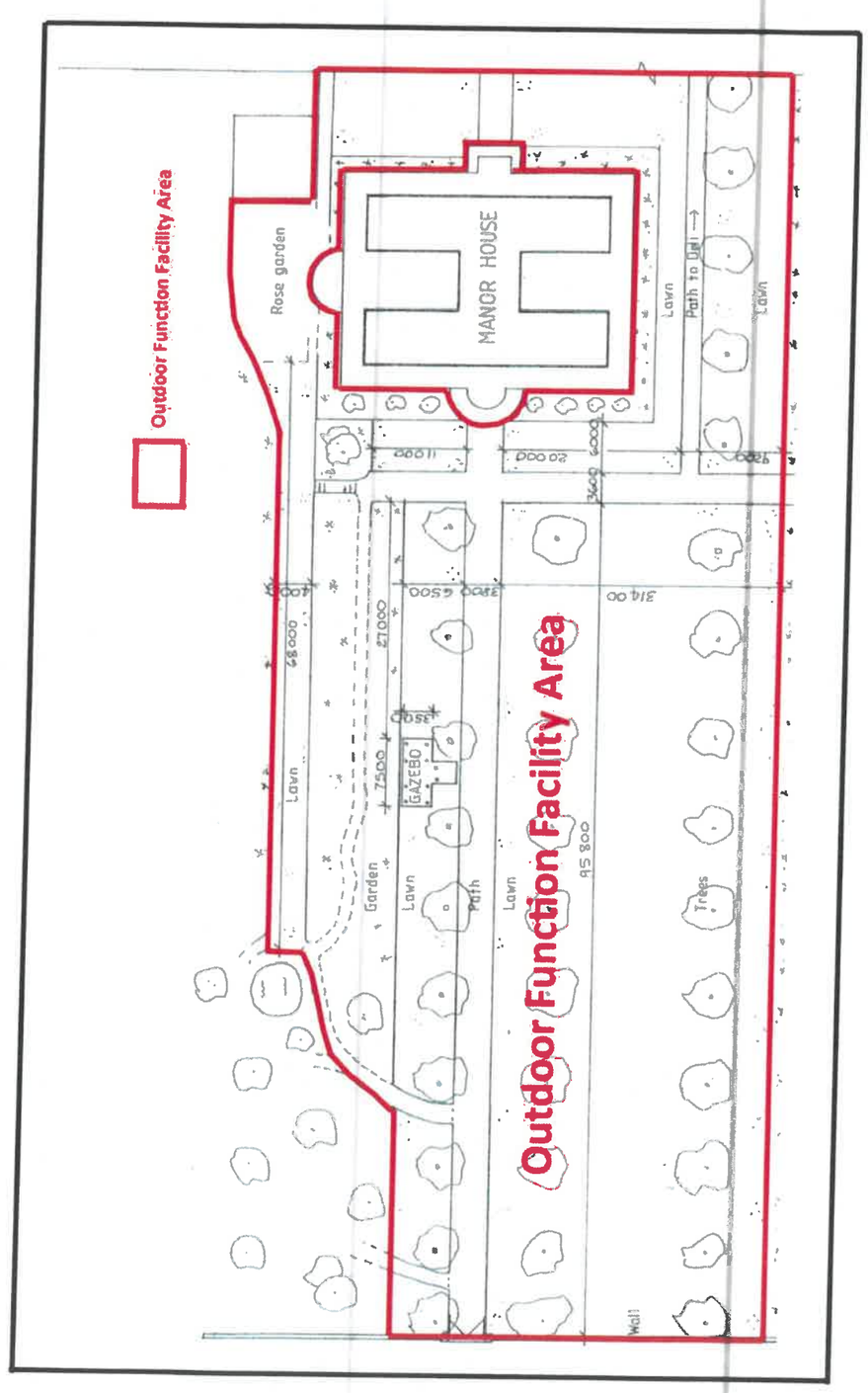
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

9/11/2023
DATE

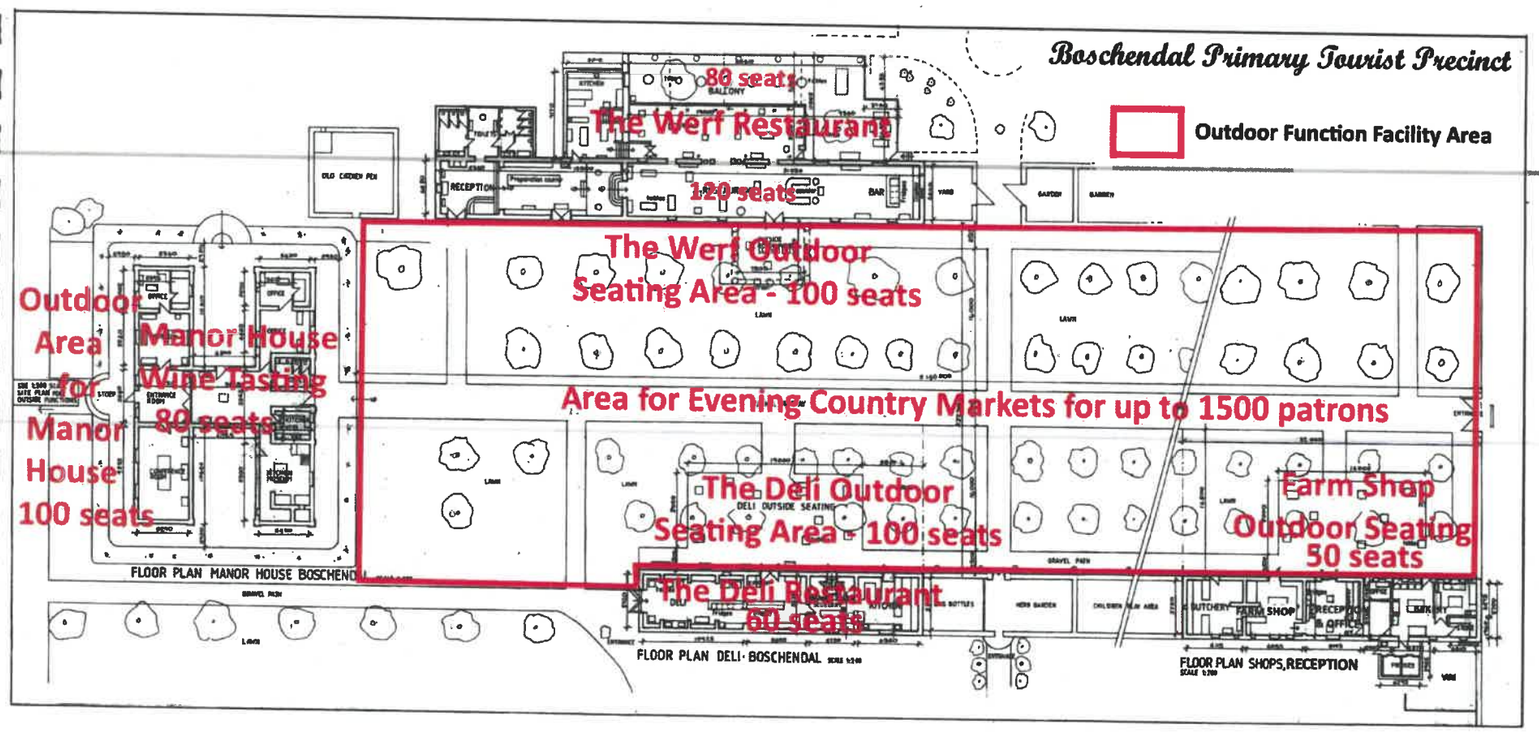
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ANNEXURE B

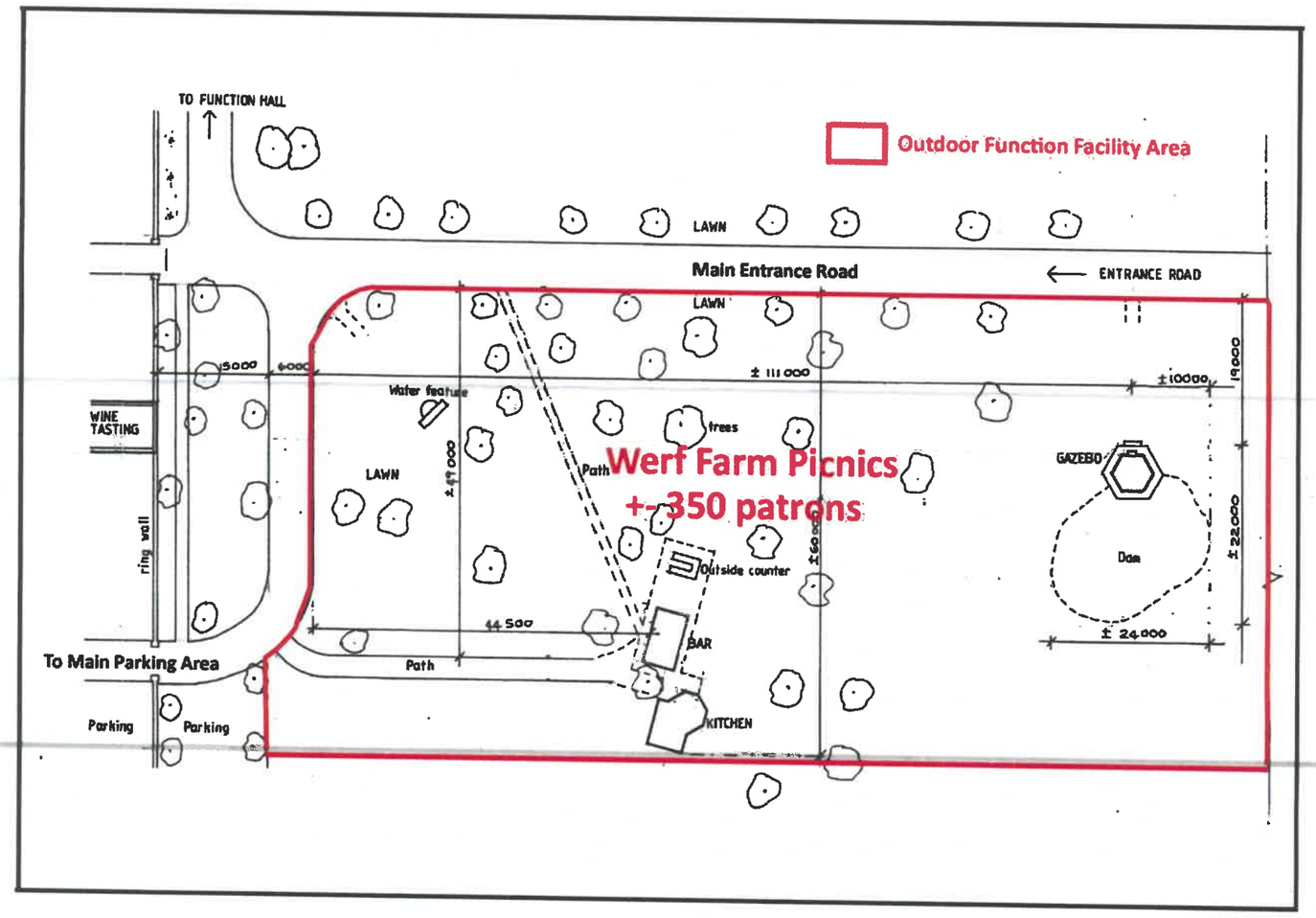
Manor House Wine Tasting Precinct



Drawing No: 1674/10-PAARL-2022 - PAGE 1 of 5.

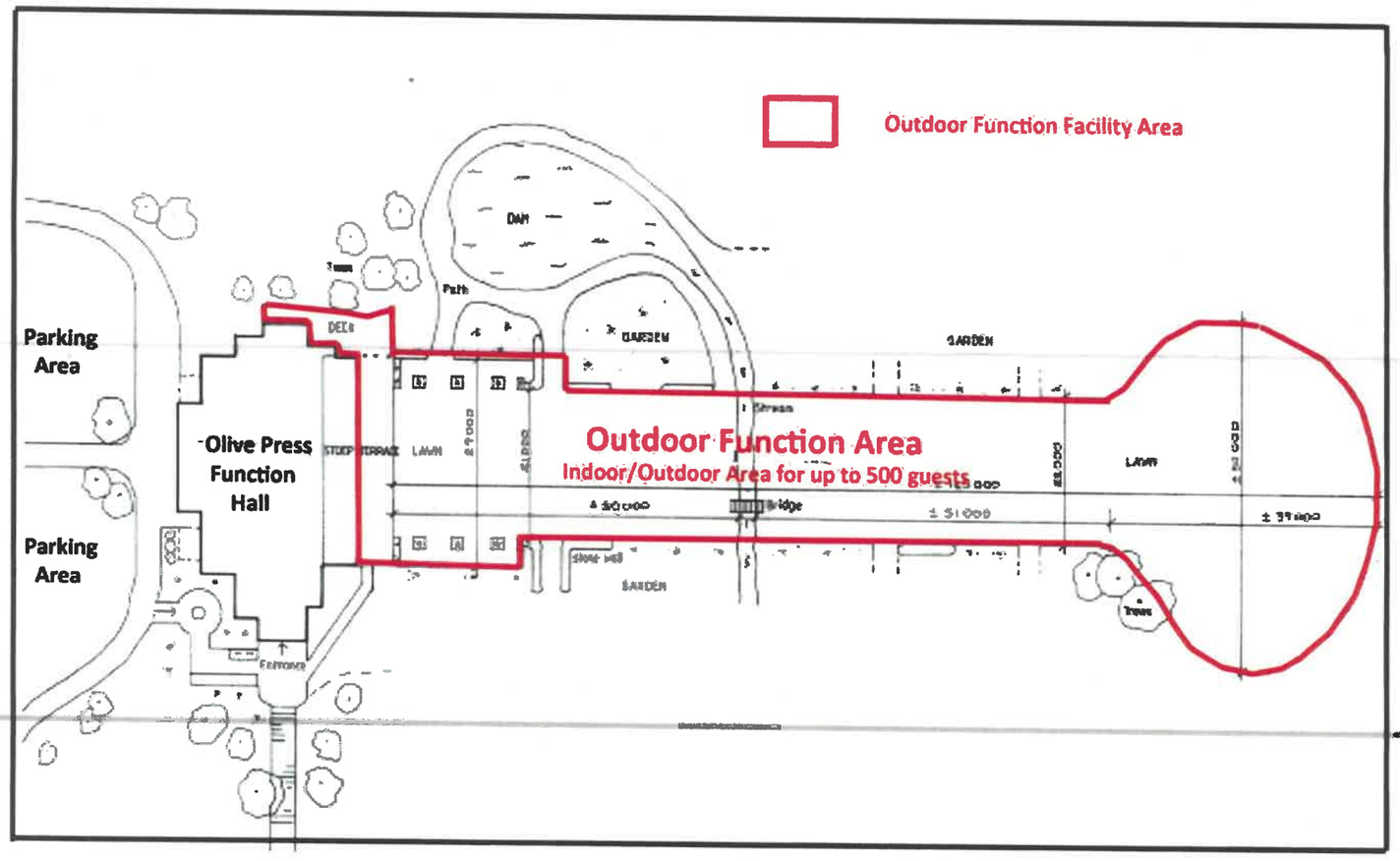


Drawing No: 1674/10-PAARL-2022 - PAGE 2 of 5.



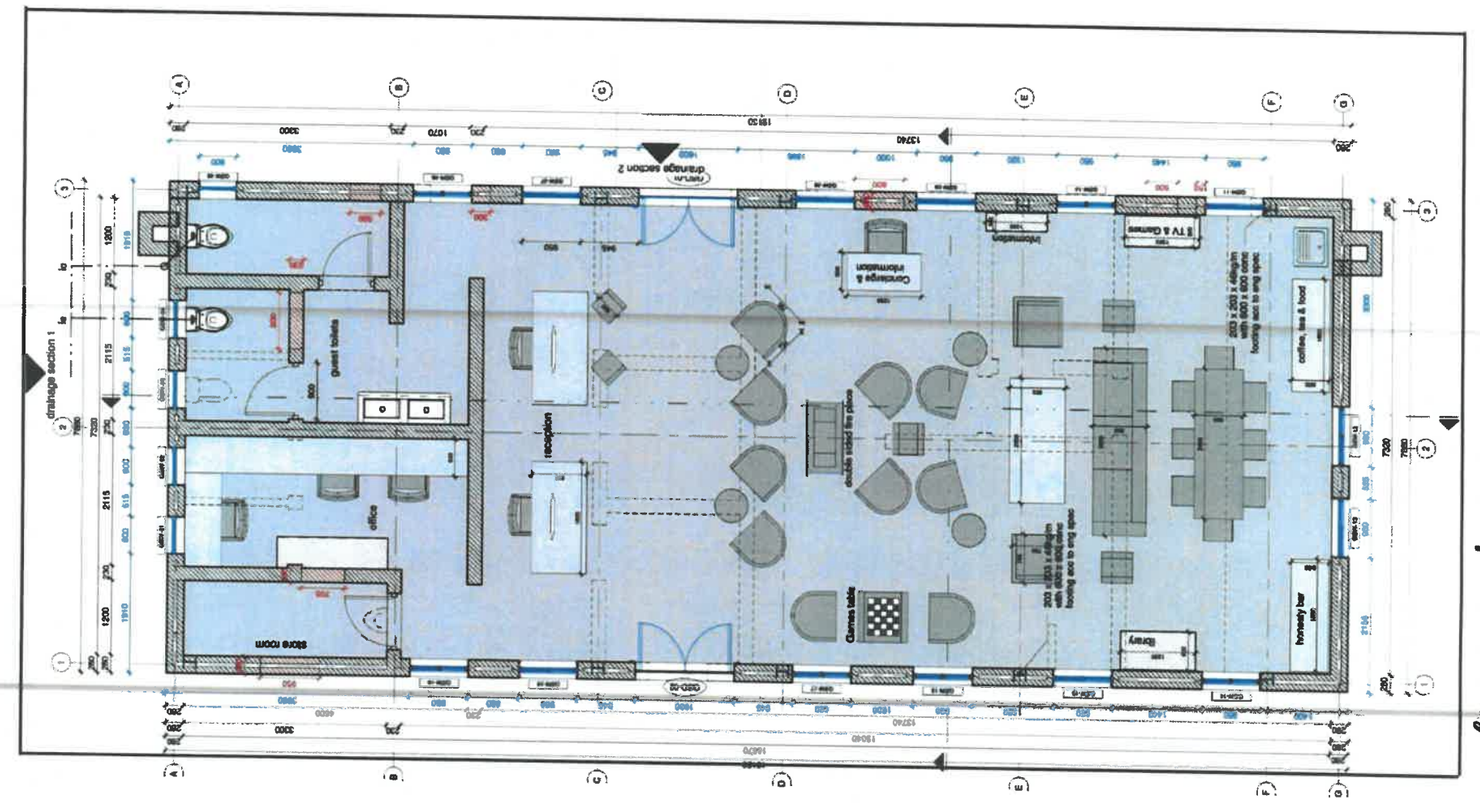
Werf Farm Picnic Area

Drawing No: 1674/10-PAARL-2022 - PAGE 3 of 5.



Drawing No: 1674/10-PAARL-2022 - PAGE 4 of 5.

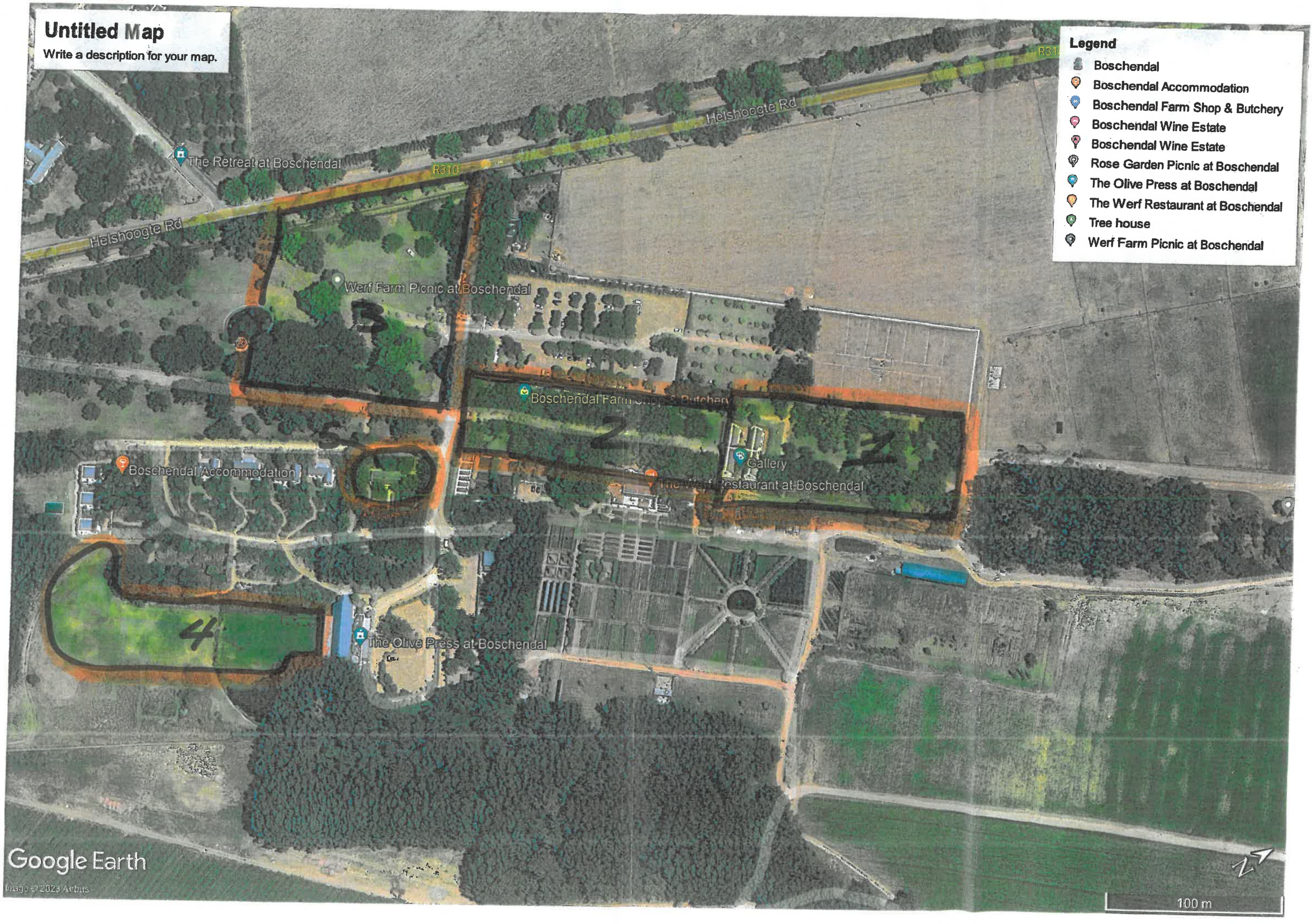
Drawing No: 1674/10-PAARL-2022 - PAGE 5 oF 5.



New Reception Facility

Untitled Map

Write a description for your map.



Legend

- Boschendal
- Boschendal Accommodation
- Boschendal Farm Shop & Butchery
- Boschendal Wine Estate
- Boschendal Wine Estate
- Rose Garden Picnic at Boschendal
- The Olive Press at Boschendal
- The Werf Restaurant at Boschendal
- Tree house
- Werf Farm Picnic at Boschendal

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ANNEXURE C

STELLENBOSCH MUNICIPALITY
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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag	**Nicole Katts**
From ▫ Van:	**Principal Technician: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Colin Taylor**
Date ▫ Datum:	**6 January 2023**
Our Ref ▫ Ons Verw:	**Civil LU 2318**
Your Ref:	**LU/11084**
Re ▫ Insake:	**Farm 1647/10, Paarl: Additional Use to expand the Tourist Facilities**

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

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 available on request.

2. Waste Water and Sewage

2.1 The owner must dispose of the waste water and sewage in such a manner that it does not pollute any surface water, ground water, stormwater or create a health nuisance.

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 The application has to be referred to the District Roads Engineer for comments and conditions.

4.2 All the conditions set by the District Roads Engineer will be applicable.

4.3 Sufficient parking must be provided and indicated on the SDP at building plan submission stage.

5. Municipal Infrastructure (Civil Engineering Services)

5.1 Any changes to any existing civil engineering services of Stellenbosch Municipality is for the account of the owner.

6. Development Charges (DCs)

6.1 The following DC's are payable: See Development Charge Calculation attached.

6.2 The DC's were calculated by using the 2022/2023 tariff structure. If DC's are paid after 30 June 2023 it will have to be recalculated by using the tariff structure applicable at date of payment.

6.3 The appropriate DC's are payable before building plan approval.

7. Electrical

7.1 Refer to Annexure: Electrical

C Taylor

Colin Taylor Pr Tech Eng

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\2318 (CT) Farm 1647-10 Paarl (LU-11084)\2318 (CT) Farm 1647-10 Paarl (LU-11084) rev1.doc

TRANSPORT & PUBLIC WORKS: ROADS
Chief Directorate: Road Planning
Email: grace.swanepoel@westerncape.gov.za
Tel: +27 21 483 4669
Room 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

REFERENCE: **TPW/CFS/RP/LUD/REZ/SUB-25/47 (Job 22262)**
ENQUIRIES: **Ms G Swanepoel**
DATE: **10 February 2021**

Peter Mons, Professional Planning Consultant
PO Box 851
ROBERTSON
6705

Attention: Mr Peter Mons

Dear Sir

PORTION 10 OF FARM BOSCHENDAL 1674, PAARL: MAIN ROAD 172 HELSHOOGTE ROAD: APPLICATION FOR ADDITIONAL USES

1. The following refer:

1.1 Your e-mail and attachments dated 5 January 2021 and the Notice of Land Development, Land Use Application ref. LU/11084 dated 14 December 2021;

1.2 E-mail to you dated 9 February from Harry Thompson of this Branch and your e-mail response of the same date.

2. Portion 10 of Farm 1674 is part of the large Boschendal complex and is located a short distance north of Pniel, taking access from Main Road 172, the R310 Helshoogte Road.

3. The application is for Additional Use for Tourist Facilities, to permit outdoor areas to be used in conjunction with approved existing facilities in adjacent buildings, such as outdoor functions, restaurant seating and picnic areas, and including the Olive Press function facility for up to 500 guests and a weekend/evening country market catering for up to 1500 patrons. A further additional use is a 150m² reception area in a renovated existing building.

4. The existing access to Boschendal Estate from Main Road 172 Helshoogte Road has adequate shoulder sight distance. When a northbound right-turning vehicle is waiting to enter the property, there may at times be sufficient space to enable other northbound vehicles to pass on the left by using the shoulder and a section of the sloping concrete drainage channel, although if large numbers of vehicles are attempting to enter in a relatively short time frame, eg. for a large function, significant delays could occur to through traffic on Main Road 172.

5. It appears that the majority of the application relates to the regularising of uses which have been in place for some time. The times when most of these additional uses will be utilised will generally be off-peak and spread throughout the day and are therefore not likely to cause congestion. Larger functions may, however, impact traffic on Main Road 172.

6. Of concern is the internal road layout at the entrance. The access road has a T-intersection almost directly in front of the property boundary, with the road on the right-hand side taking traffic to Le Rhone and the road to the left taking traffic to Boschendal. This only provides space for 2 to 3 vehicles and the front vehicle would obstruct any following vehicle if the occupants are new to the property and have to read the notice boards on each side of the entry wall listing the many venues/facilities at Le Rhone and Boschendal respectively. The extent of the information on the signs and the relatively small size of the lettering means that they can only be read at close range. This could easily take 15 to 30 seconds and even if a staff member is on duty to direct visitors, that would take some time. This could result in queues spilling over into Main Road 172, possibly creating a safety hazard. This would be of particular concern when large events such as an evening market are scheduled.

7. In light of these concerns, it is recommended that the internal roads be changed so that the decision point at which visitors need to decide whether to proceed to Le Rhone or Boschendal be relocated further from the entrance gate, providing queuing space for following vehicles. As an interim measure, it is strongly recommended that in advance of any large function at the Olive Press or the weekend/evening market, a large temporary sign be erected at the entrance to direct attendees with minimal delay.

8. This Branch offers no objection to the application for Additional Uses on Portion 10 of Farm Boschendal 1674 Paarl as detailed above and in the land use application.

9. Should any future land use application for additional rights be received by this Branch, it is likely that a traffic study would be required to assess the functioning of the access, which may indicate the need for road upgrades at the Applicant's expense.

Yours Sincerely

SW CARSTENS
***For* DEPUTY DIRECTOR-GENERAL: ROADS**