



Application Number: LU/10809

Our File Reference Number: Farm 1730, Paarl Division

Your Reference Number: P1730-7/19

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir

APPLICATION FOR CONSENT USE FOR A TOURIST FACILITY ON FARM 1730, 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 following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm No. 1730, Paarl Division;
 - 2.2 In terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2015) for a consent use in order to accommodate tourist facilities for an outdoor function area, seating area, wine tasting and picnic facilities associated with existing approved tourist facilities.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

General conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:

- 2.2.1 The approval only applies to the proposed application for consent use under consideration, as indicated in **ANNEXURE B** 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 The development be undertaken generally in accordance with the site plan with a total area of ± 1.1 ha, as per plan Ref: 1730P dated 31/05/2023, attached as **ANNEXURE B**.
- 2.2.3 Sufficient on-site parking be provided at all times in accordance with the provisions of the subject Zoning Scheme Bylaw.
- 2.2.4 Directions at the two (2) access point off the Helshoogte Road to Farm No. 1730 and over Farm 1674/10, Paarl Division be well signposted to avoid delays and queues at the entrances to the proposed tourist facilities, especially at the main access over Farm No. 1674/10, Paarl Division and that the internal roads be changed to move the decision point further from the entrance gate on Farm No 1674/10, Paarl Division.
- 2.2.5 The conditions listed in the memorandum dated 06/01/2023 and 04/08/2021 (Electrical) from the Municipal Director: Infrastructure Services attached as **ANNEXURE F** be complied with.
- 2.2.6 Development charges, if applicable, are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment as agreed on in writing with the Director Infrastructure Services.
- 2.2.7 The tourist facility not to create any undue noise or be a nuisance to the surrounding properties and that precautionary measures be taken by the owners in order 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) at all times.
- 2.2.8 Building plans be submitted to this Municipality approval for any temporary structures to be constructed and requiring building plan approval on the consent use site.

3. The reasons for the above decision are as follows:
 - 3.1 The application is merely to get land use rights for the use of outdoor areas ancillary to existing tourist facilities, to facilitate a liquor license application.
 - 3.2 The application is not envisaged to negatively impact surrounding neighbouring properties and the overall character of the area. Considering that the tourist facility will be well screened by the winery building, surrounding landscaping and other existing buildings to mitigate any possible noise pollution.
 - 3.3 The proposed and required parking can be provided in the onsite parking area an additional open space.

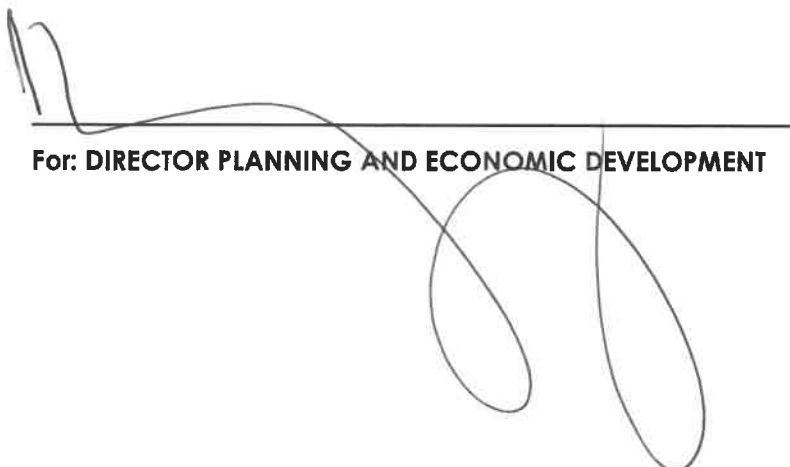
Additional matters to be noted

1. It will be the responsibility of the owners to obtain the necessary approval and comply with any other law, regulation, permits or conditions from external departments concerning any other applicable activities requiring a separate approval, licence or permit.
4. 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.
 5. 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.
6. 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
7. 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.

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

2/8/2023
DATE:

ANNEXURE B

Site Plan

Parking Area

Entrance

Outdoor Function and Picnic Area

Picnic Supply Store

Lawn

Outdoor Wine Tasting Seating Area

Cellar Door Wine Tasting Facility

Wine Cellar

Outdoor Function Area

Rhone Homeslead Restaurant

Outdoor Function Area

Bus Entrance

Bus Parking

Le Rhone Site Plan

Outdoor Function Facility Area

Ref: 1730 P Dated: 31/05/2023

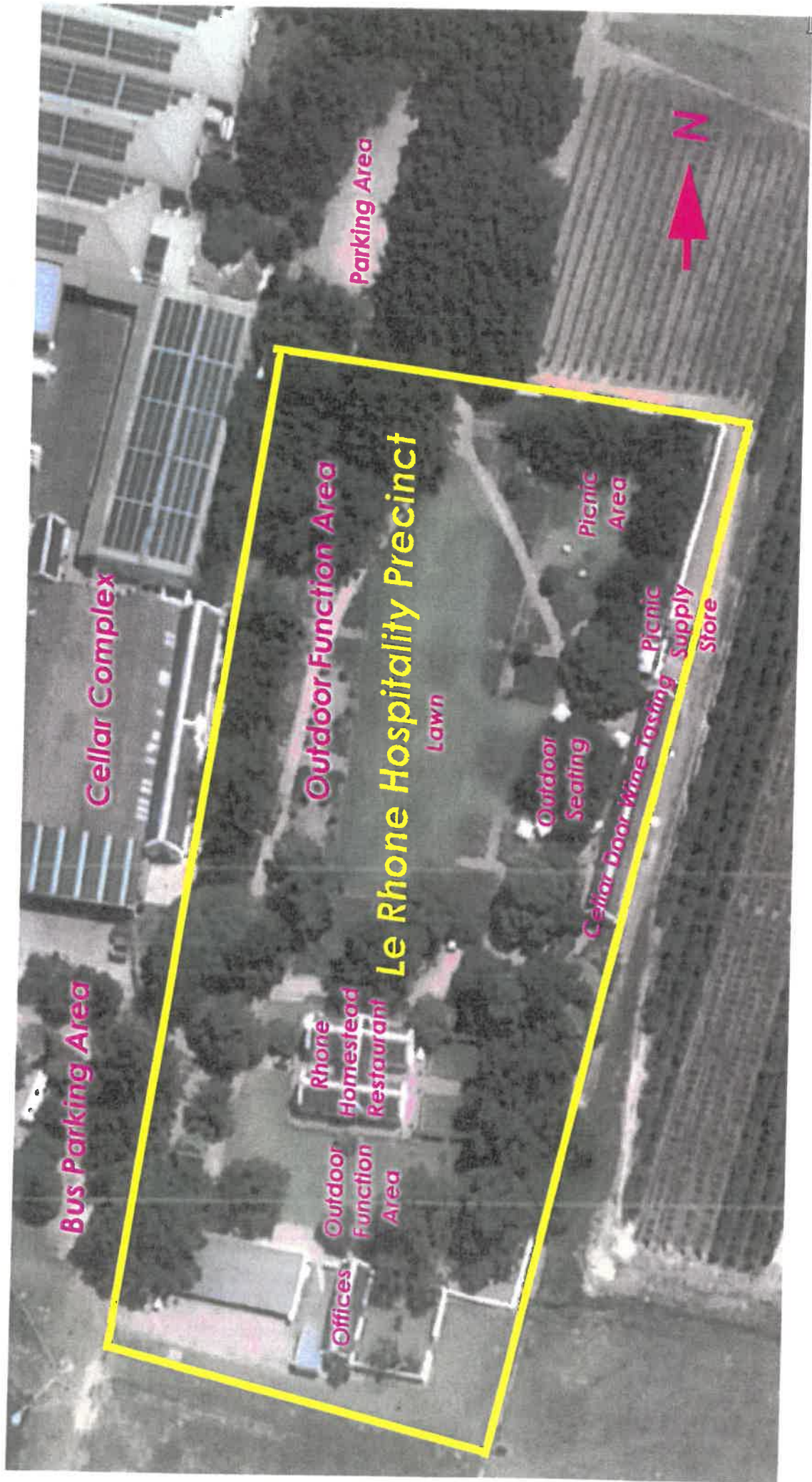
Old Stables - Future Offices

offices Yard



NTS

Le Rhone Precinct Land Uses



ANNEXURE F

Comments from Municipal Infrastructure Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

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:	Abdullah Daniels
Date ▫ Datum:	6 January 2023
Our Ref ▫ Ons Verw:	Civil LU 2195
Your Ref:	LU/10809
Re ▫ Insake:	Farm 1730, 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 be 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

**ABDULLAH DANIELS****PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

V:\2.0 DEVELOPMENT\00 Developments\2195 (AD) Farm 1730 Paarl (LU-10809)\2195 (AD) Farm 1730 Paarl (LU-10809).doc



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2195 (AD) FARM 1730, BOSCHENDAL, ADDITIONAL USE
Development Name:	
Date:	06 January 2022
Financial Year:	2021/2022
Erf Location (Select from 7 Locations):	Dwarsrivier
Vehicle Ownership (Select Normal or Low):	Normal
Erf Region (Select Urban or Rural):	Rural
Erf No:	1730
DC Parameters Reference:	2195 (AD) FARM 1730, BOSCHENDAL, ADDITIONAL USE 1690.5M2

SUMMARY OF DC CALCULATION							
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community	Totals
Unit(s):	kl/day	kl/day	ha°C	l/week	trips/day	persons	
Total Increased Services Usage:	13.524	11.8335	0.253575	0.3381	338.1	16.905	
Total Service Usage Reduction:	0	0	0	0	169.1	0	
Total Service Usage after Reduction:	13.52	11.83	0.25358	0.338	169.1	17	
Total Development Charges before Deductions:	R -	R -	R 22,004.52	R 29,618.91	R 2,444,463.00	R 25,950.13	R 2,522,036.56
Total Deductions:	R -	R -	R -	R -	R 1,222,231.50	R -	R 1,222,231.50
Total Payable (excluding VAT):	R -	R -	R 22,004.52	R 29,618.91	R 1,222,231.50	R 25,950.13	R 1,299,805.06
VAT:	R -	R -	R 3,300.68	R 4,442.84	R 183,334.73	R 3,892.52	R 194,970.76
Total Payable (including VAT):	R -	R -	R 25,305.20	R 34,061.75	R 1,405,566.23	R 29,842.65	R 1,494,775.82

APPLICANT INFORMATION	
Application Processed by:	ABDULLAH DANIELS
Signature:	
Notes:	

Dwarsrivier

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage Amount	Development Charge Levied (see V.1)					Continuity	Total
		Area (m2)	Units/Impervious	Permit	Area (m2)		Water	Sewer	Subwater	Solid Waste			
Residential	Single Residential >1000m2					0	R	-	R	-	R	-	R
	Single Residential >500m2	du				0	R	-	R	-	R	-	R
	Single Residential >250m2	du				0	R	-	R	-	R	-	R
	Single Residential <250m2	du				0	R	-	R	-	R	-	R
	Second Dwelling	du				0	R	-	R	-	R	-	R
	Less Formal Residential	du				0	R	-	R	-	R	-	R
Residential	Group Residential	du				0	R	-	R	-	R	-	R
	Apartments	du				0	R	-	R	-	R	-	R
	Retirement Village	du				0	R	-	R	-	R	-	R
	Old age home	du				0	R	-	R	-	R	-	R
Accom.	Student Accommodation/Commune	rooms				0	R	-	R	-	R	-	R
	Guest House	rooms				0	R	-	R	-	R	-	R
Commercial	Converted Guest House	rooms				0	R	-	R	-	R	-	R
	Hotel Residential	rooms				0	R	-	R	-	R	-	R
	General Business	m2 GLA				0	R	-	R	-	R	-	R
	Office	m2 GLA				0	R	-	R	-	R	-	R
	Retail/Shop	m2 GLA				0	R	-	R	-	R	-	R
	Restaurant	m2 GLA				1881	R	-	R	-	R	-	R
Commercial	Conference Facility/Place of assembly	m2 GLA				0	R	-	R	-	R	-	R
	Hospital/Clinic/Medical Rooms	m2 GLA				0	R	-	R	-	R	-	R
	School/University/College/Day Care	student				0	R	-	R	-	R	-	R
	Industrial - light	m2 GLA				0	R	-	R	-	R	-	R
	Industrial - heavy	m2 GLA				0	R	-	R	-	R	-	R
	Warehouse/Logistics/Materials Handling	m2 GLA				0	R	-	R	-	R	-	R
Non-dominant	Public Open Space	ha				0.0000	R	-	R	-	R	-	R
	Private Open Space	ha				0.0000	R	-	R	-	R	-	R
	Natural Environment	ha				0.0000	R	-	R	-	R	-	R
	Public Roads and Parking	ha				0.0000	R	-	R	-	R	-	R
Other	To be calculated	n/a				0							R
	(Based on equivalent demands)	n/a				0							R
	Total Area:	0				0							R

[illegible]

Farm 1730, Paad (LU/10809)

GENERAL COMMENT:

. No Comment

1.

CONDITIONS:

2. Appropriate caution shall be taken during construction, to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.
3. Electrical department to show electrical service before work commence to minimize damages.

Bradley Williams

Date.....4/08/2021.....

Signature

