



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16422(TP545/2023)

Our File Reference Number: Farm 1085/1, Paarl Division

Your Reference Number:

Enquiries: Ulrich von Molendorff

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PER E-MAIL: ~~info@headland.co.za~~

Sir / Madam

APPLICATION FOR CONSENT USE ON FARM 1085/1, 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)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning 2023 for a consent use for a tourist facility for an outdoor sport facility in order to allow the construction of four padel courts and club house with ancillary uses (parking) on Farm No. 1085/1, Paarl Division.

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

2.2 The **reasons** for the above decision are as follows:

- 2.2.1 The provision of tourist facilities must align with the purpose and provisions of the applicable zoning in relation to its locational context, and tourist facilities in the form of sport facilities for padel courts with an associated clubhouse and pro-shop as no association with agricultural properties and the rural context.
- 2.2.2 Sport facilities represent activities of a competitive nature, which are an urban land use as opposed to recreational activities which are directly related to the associated agricultural and rural context.

2.2.3 Sport facilities on agricultural farms and in the rural context will result in an undue detrimental impact on the protection of the productive landscape and the rural character and tranquillity of the area.

2.2.4 The proposed type of tourist facility and activity to permit sport facilities with an associated clubhouse and pro-shop on an agricultural property in the rural context does not conform with the purpose and provisions of the applicable zoning of Agriculture and Rural Zone and is in conflict with the Stellenbosch Municipality Zoning Scheme By-Law, 2019 and the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.

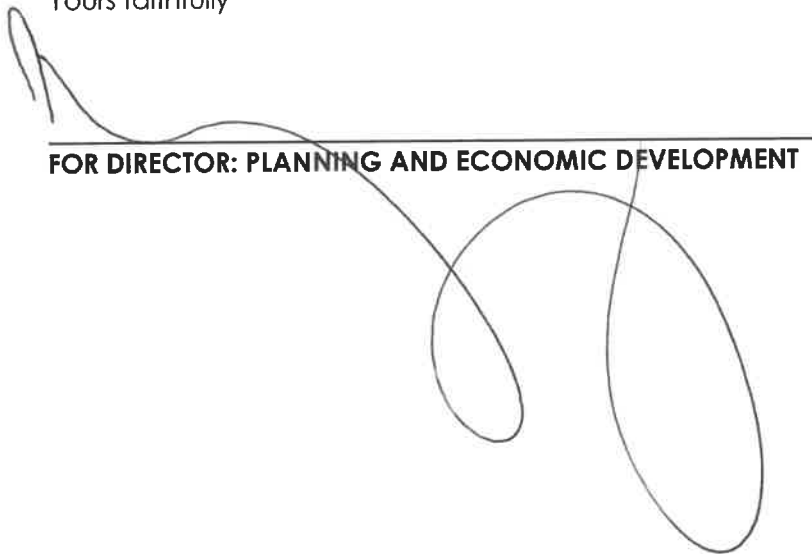
3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
4. Appeals must be submitted by completing the required form 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.
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 appeal form and 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 or 021- 808 8684.
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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

29/11/2024
DATE