



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14682 (TP94/2022)

Our File Reference Number:

Your Reference Number: Farm No. 1106 Paarl Division

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

Sir / Madam

APPLICATION FOR CONSENT USE FOR A TOURIST FACILITY (RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO. 1106, PAARL DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on the 25 October 2024 resolved as follows:
 - 2.1 That the application for a Consent Use on Farm No. 1106, Paarl Division to allow a tourist accommodation establishment within six existing cottages, deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 2.1.1 The proposed development exceeds the number of dwelling units and coverage prescribed by the MSDF for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.
 - 2.2 That it **BE DECIDED** that the application for Consent Use on Farm No. 1106, Stellenbosch Division to allow a tourist accommodation establishment within six existing cottages does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.2.1 The proposed development will utilise the same cottages as approved in 2011 as a temporary land use departure. The context of the development is the same as that of the 2011 and is subservient to agricultural activities found on the farm.

3. That the following applications in terms of the Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law, 2023 on Farm No. 1106, Paarl Division; namely:

3.1 A consent use in terms of Section 15(2)(o) of the said by-law for the following:

3.1.1 a tourist facility to utilise the existing wine tasting facility and outside seating area for restaurant purposes and to utilise the said existing wine tasting area as Function Venue; and

3.1.2 In order to allow the existing six units to be utilised as tourist accommodation establishment.

3.2 A permanent departure in terms of Section 15(2)(o) of the said by-law to exceed the permissible 120m² coverage prescribed for additional dwelling units to 124,628m² (cottage A), 180,744m² (Cottage B) and to 129,979m² (Cottage C) in order to accommodate the proposed additions to the existing cottages.

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

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

4.1 The approval only applies to the proposed Consent Use 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.

4.2 The development and building plans must be undertaken generally in accordance with drawing no. 201-205, dated 16 November 2023 and drawn by Jan Desseyne Architects and attached as **Annexure C**.

4.3 The proposed tourist facility shall be limited to 400m² (210m² outside seating and 190m² inside) as indicated on attached Floor Layout Plans in **Annexure C**.

4.4 The Consent Uses (tourist facility and tourist accommodation establishment) must be subservient to the dominant agricultural use of the property.

4.5 The 8-bedroom tourist accommodation establishment must be confined within the existing six self-catering units and no new buildings must be constructed.

4.6 Condition as imposed by Department: Transport & Infrastructure in their letter dated 23 June 2023 be adhered to (See **Annexure G**).

4.7 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to submission of any building plans.

5. The **reasons** for the above decision are as follows:

5.1 The proposed tourist facility is in line with the principles and guidelines of the Stellenbosch MSDF.

5.2 The primary land use of the property will remain agriculture.

5.3 The proposal is in line with the land uses found in the area, therefore it will not have a negative impact on the character of the area.

5.4 The proposed land uses are confined within existing structures with proposed minor alterations and additions, thus agricultural viability of the subject property will not be affected.

6. Matters to be **noted**:

6.1 Conditions as imposed by Cape Winelands Health Services in their memo dated 24 November 2022 be adhered to (See **Annexure H**).

6.2 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.

6.3 Building plans be approved by the Municipality prior to any building work commencing.

6.4 A business license and a liquor license be applied for if required.

6.5 Should, after following due process –

6.5.1 The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or

6.5.2 The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or

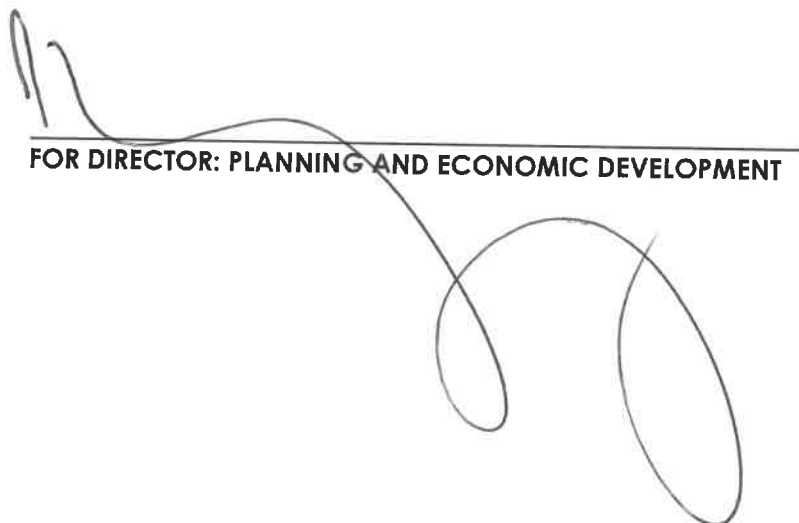
6.5.3 The property be used for any unauthorised uses not permitted in terms of this approval, the authorised official of the Municipality will exercise its discretion in terms of Section

90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

7. 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.
8. 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.
9. **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**
10. 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.
11. 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.
12. 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.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

14. 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 handwritten signature in black ink, consisting of a series of loops and curves, is written over a horizontal line.

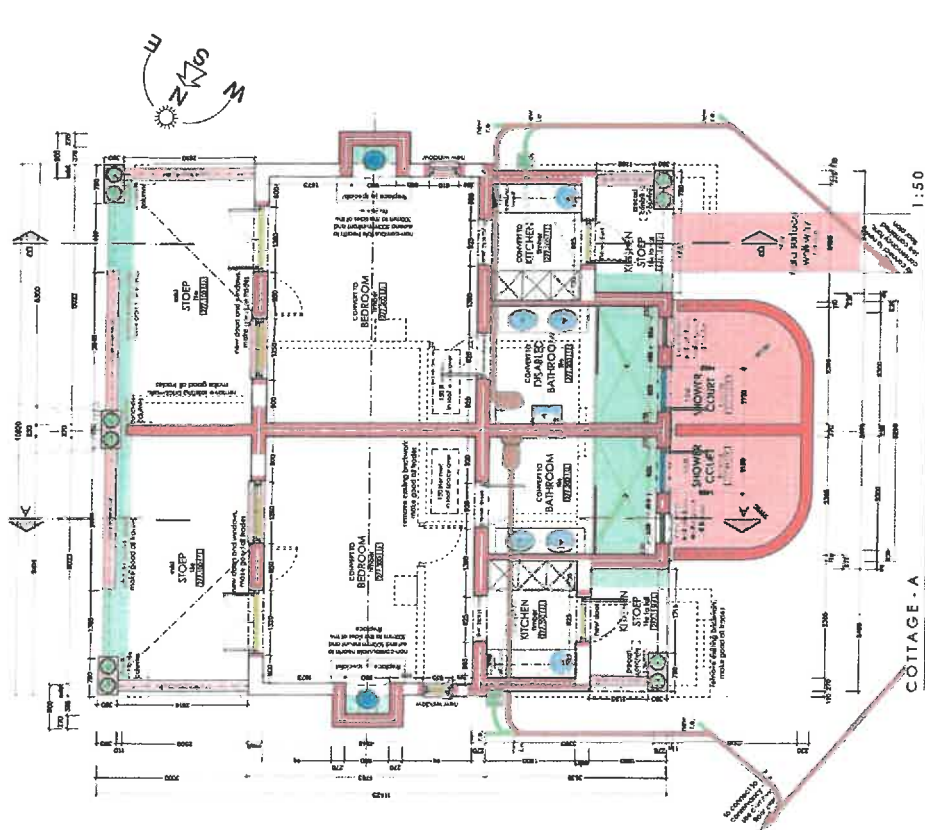
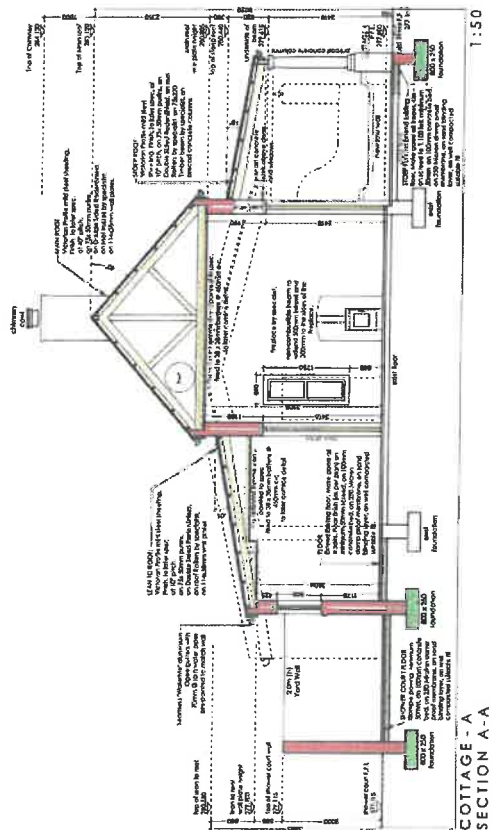
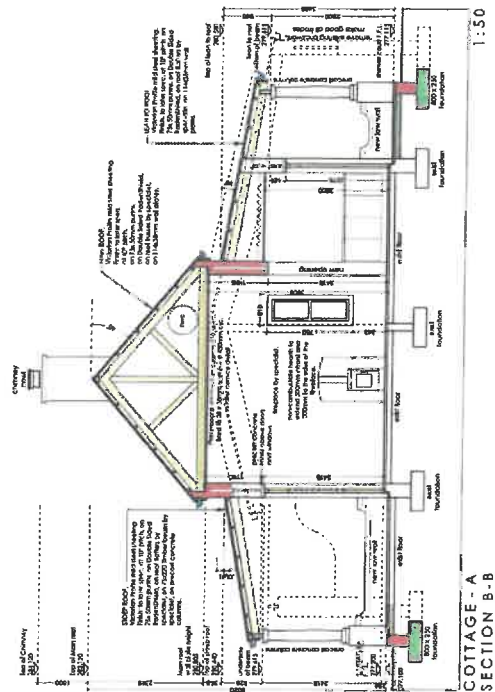
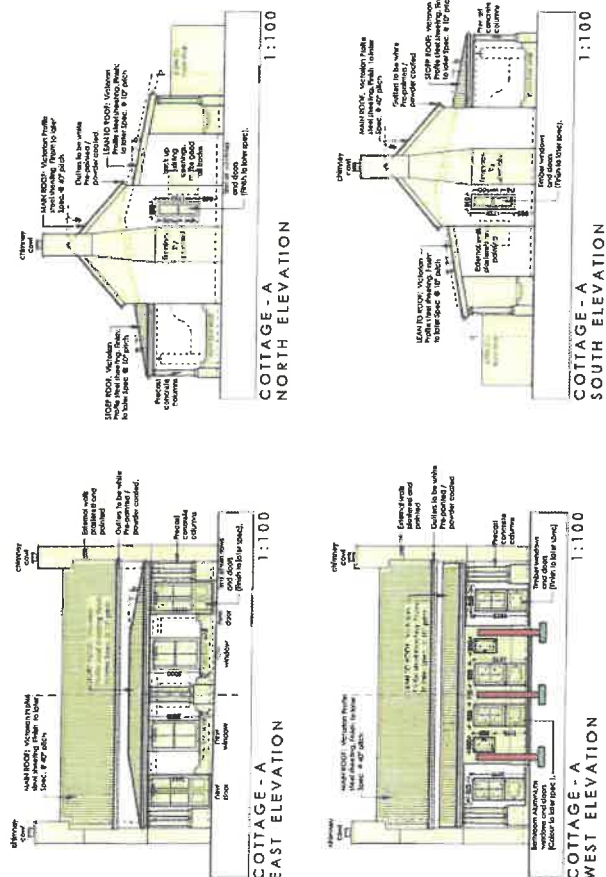
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

25/11/2024
DATE

LAND USE AND LAND DEVELOPMENT APPLICATION: CONSENT USE FOR A TOURIST FACILITY
(RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION
ESTABLISHMENT: FARM No. 1106, PAARL DIVISION

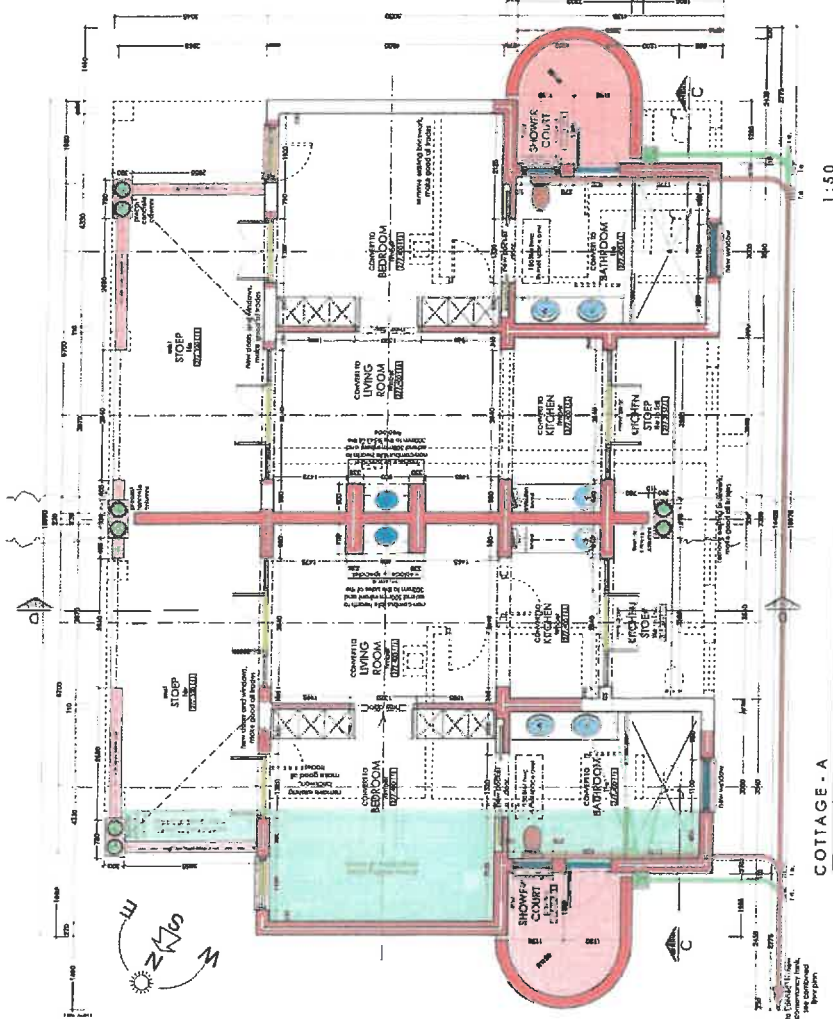
ANNEXURE C

Site & Floor layout plan

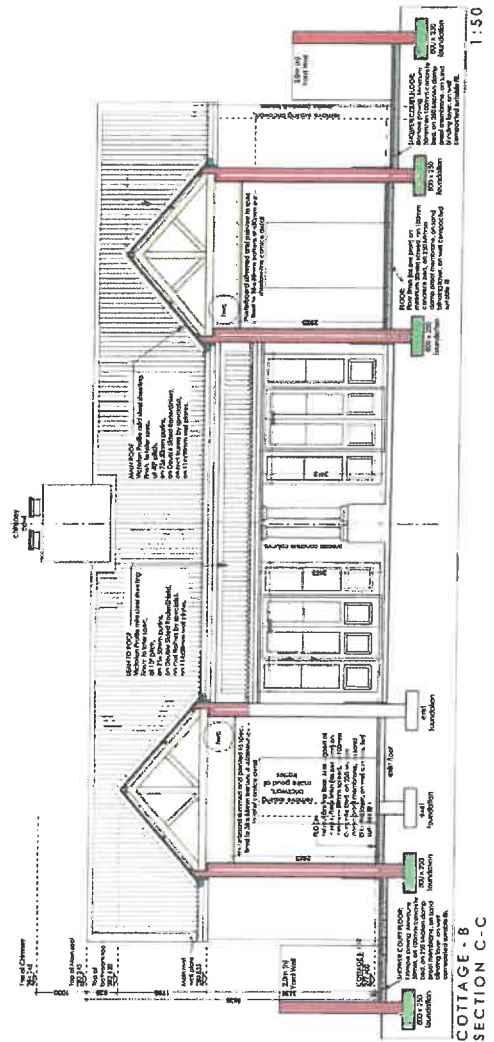
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SEE DRAWING 201 FOR GENERAL
NOTES AND AREA CALCULATIONS,
DRAWING 202 FOR COMBINED
GROUND STOREY PLAN AND
DRAINAGE ANN 202 FOR XA NOTES
AND SPECIFICATIONS

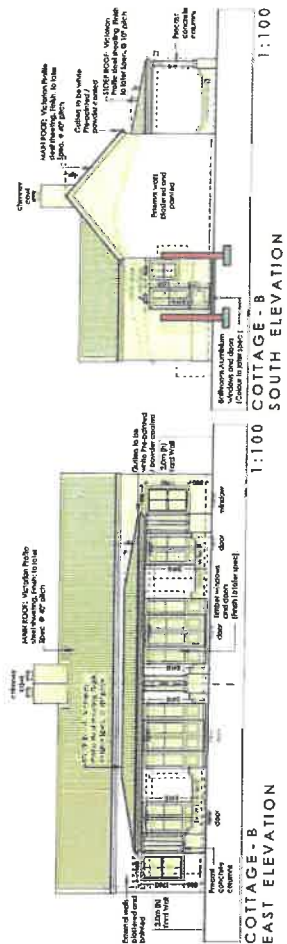




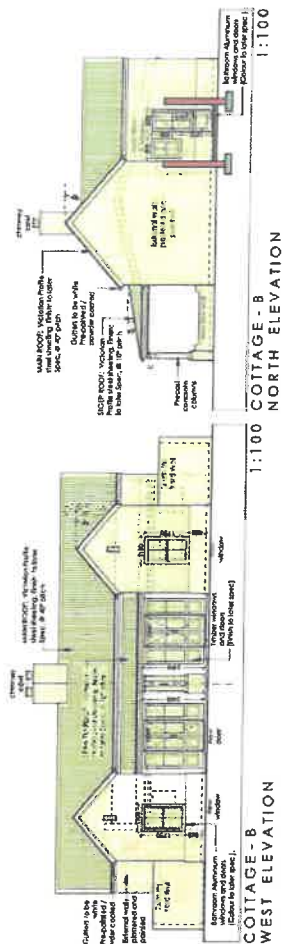
COTTAGE - A



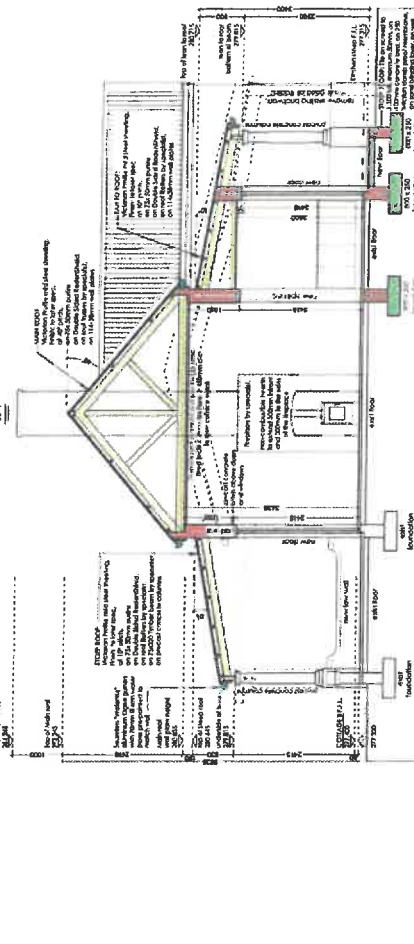
COTTAGE - B
SECTION C-C



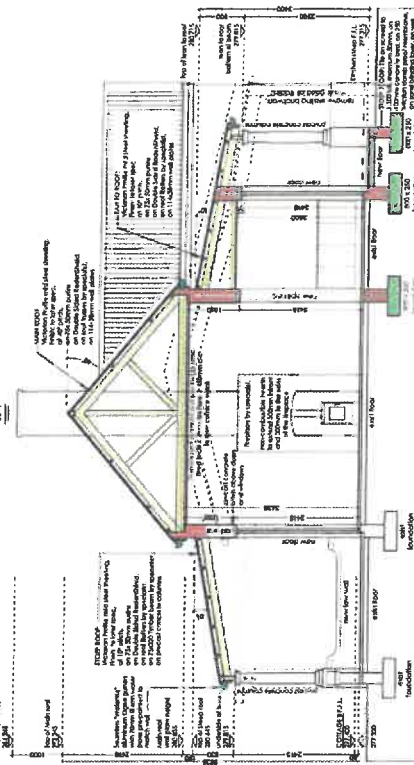
COTTAGE - B
EAST ELEVATION



COTTAGE - B
WEST ELEVATION



COTTAGE - B
NORTH ELEVATION

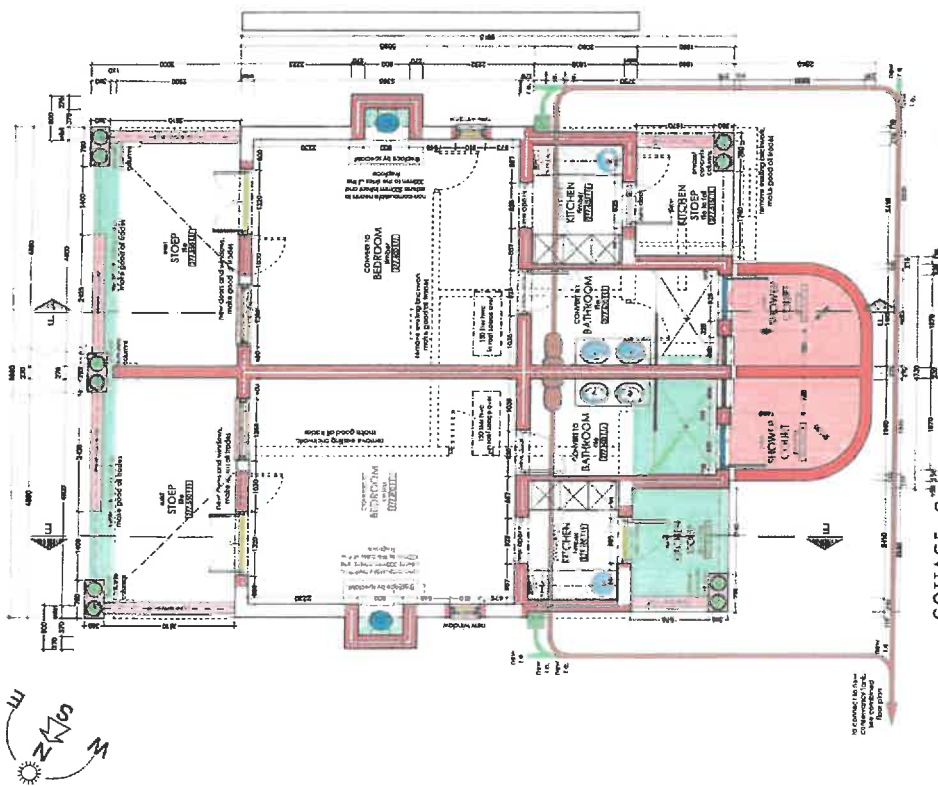
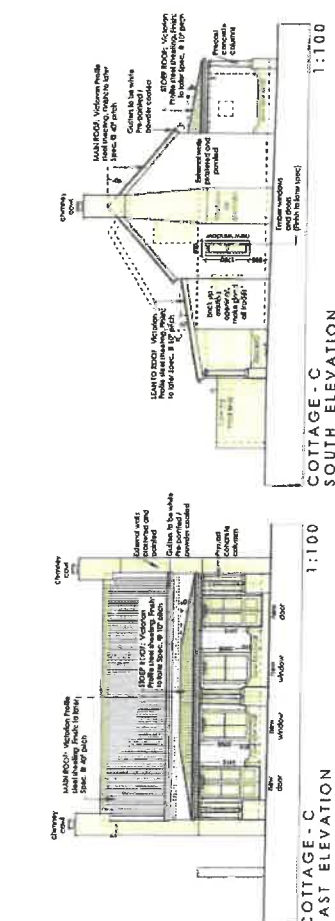
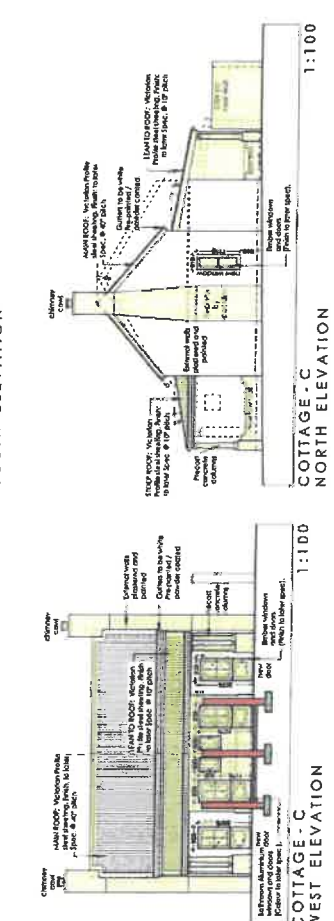


COTTAGE - B
SOUTH ELEVATION

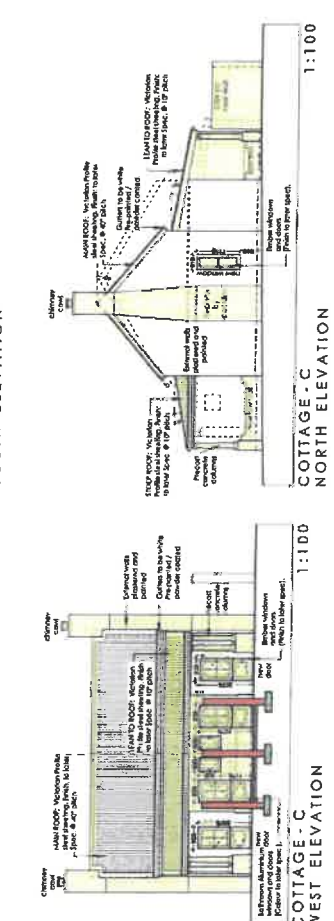
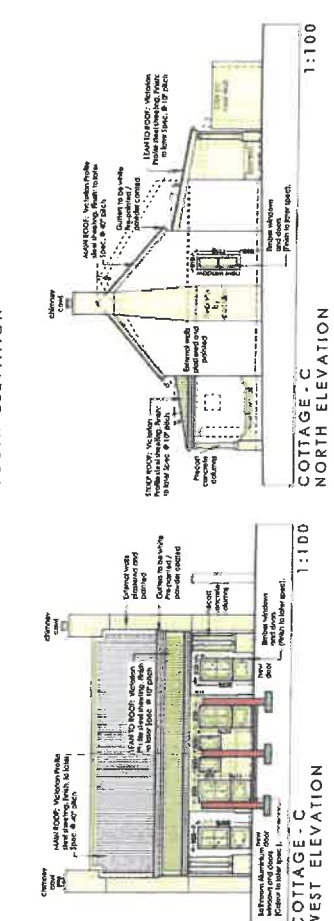
COTTAGE - B
SECTION D-D

SEE DRAWING 201 FOR GENERAL NOTES AND AREA CALCULATIONS.
DRAWING 202 FOR COMBINED GROUND STOREY PLAN AND DRAINAGE ANN 202 FOR XA NOTES AND SPECIFICATIONS

AMENDMENTS NO. 1 DATE: 20/02/2021 BY: [Signature] FOR: [Signature]		DATE: 22/02/2021 BY: [Signature] FOR: [Signature]	
PROJECT: COTTAGE B CLIENT: [Redacted] LOCATION: [Redacted]		SCALE: 1:100 DATE: 22/02/2021 BY: [Signature] FOR: [Signature]	
DESIGNER: JAMES SEVEYN ARCHITECTS PROJECT: COTTAGE B CLIENT: [Redacted] LOCATION: [Redacted]			



AMENDMENTS	
NO.	REMARKS
1.	Revised drawing to show the building and its location on the site.



SEE DRAWING 201 FOR GENERAL NOTES AND AREA CALCULATIONS.
DRAWING 202 FOR COMBINED GROUND STOREY PLAN AND DRAINAGE ANN 202 FOR XA NOTES AND SPECIFICATIONS

ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

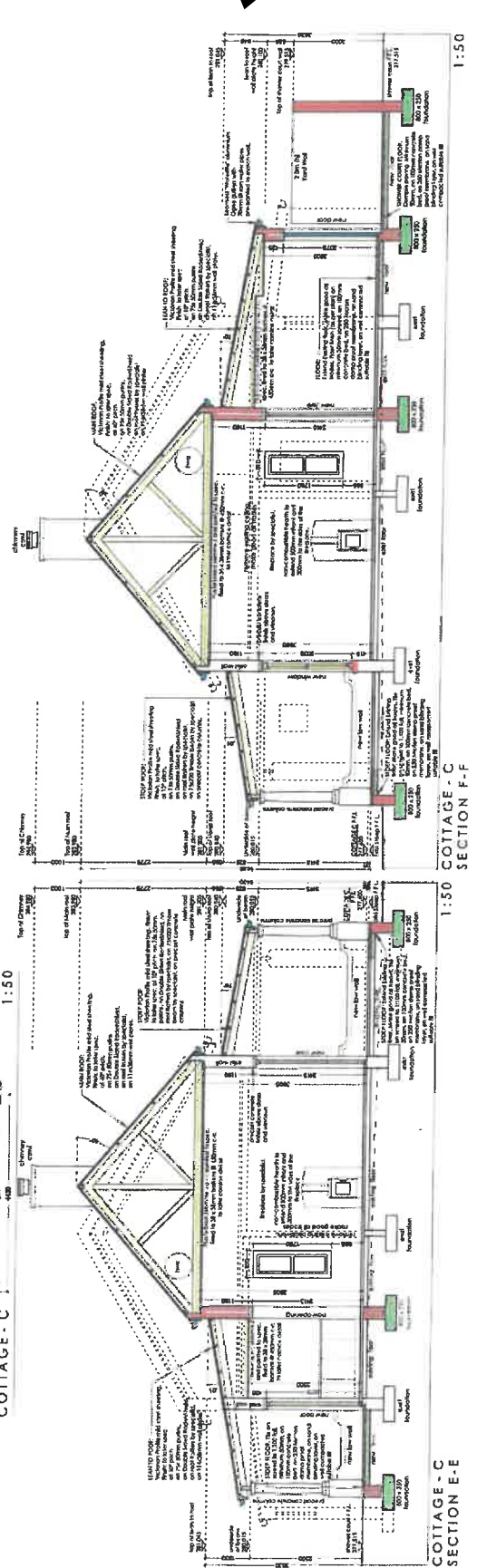
THE CLIENT ACCEPTS THE RESPONSIBILITY OF MATERIALS, CONSTRUCTION AND FINISHES.

JAI DESSEYN ARCHITECTS

22/0002

2025

2025



This drawing is for Liquor license application.
It is, consequently not to be used for submission to municipality
as a working drawing or to be used for construction purposes.



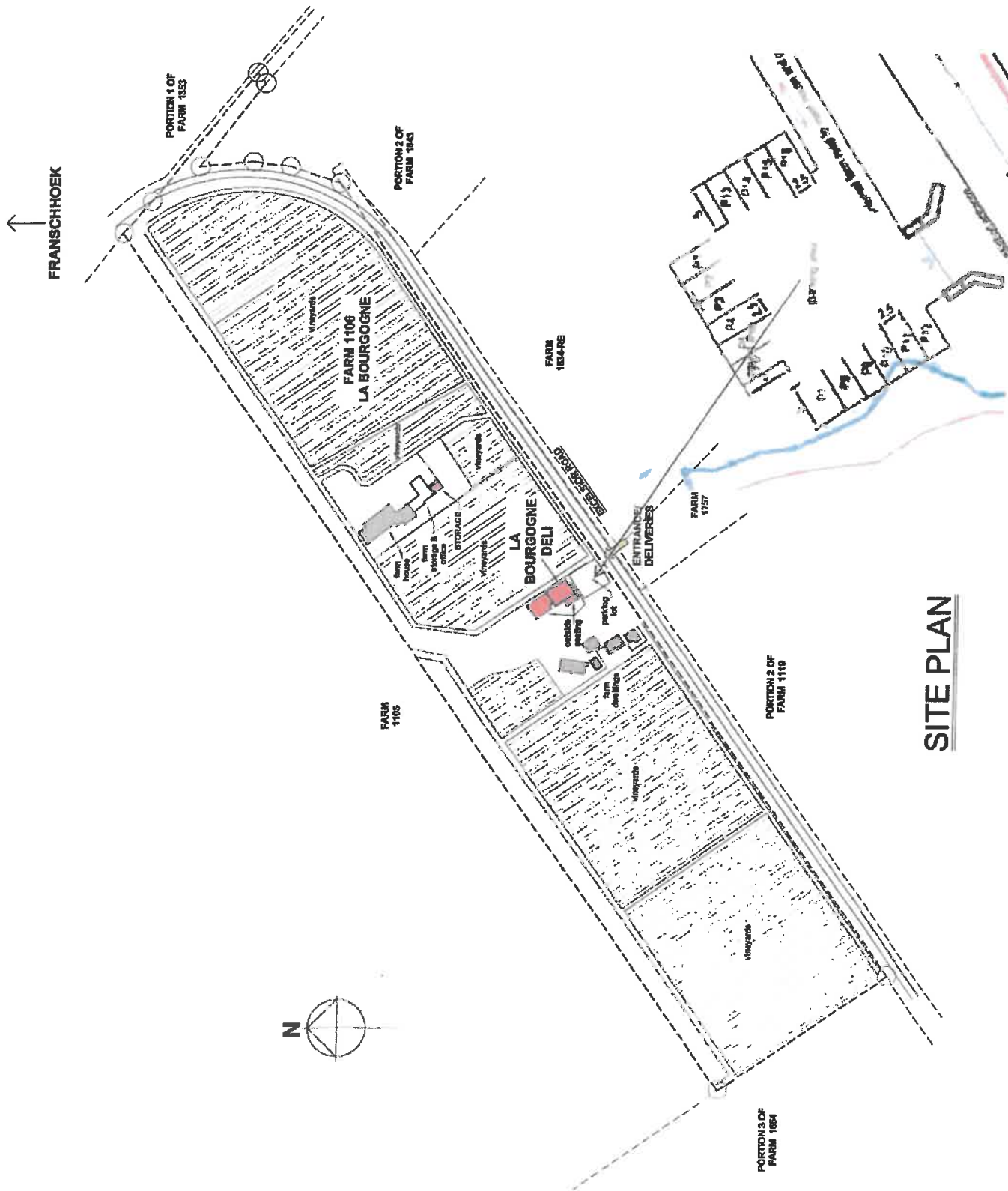
TOTAL GLA INCLUDING OUTSIDE SEATING =
400SQM
NEW GLA 210 SQM (OUTSIDE SEATING)
EXISTING GLA 190SQM

Parking requirement : 4/100sqm
Parking required = 16
Parking provided = 16

LA BOURGOGNE
FARM 1106
EXCELSIOR ROAD
FRANSCHHOEK
7690

Date: 03 February 2022
Scale: 1:150 @ A3
Drawn: D. van Driel
Call: 0724819745
15 Smallvilla on Burgundy, 2 Amber Rd.
Burgundy Estate
dri.vandriel@gmail.com

DWG. NO. LB01-1/5



LA BOURGOGNE
FARM 1106
EXCELSIOR ROAD
FRANSCHHOEK
7690

Date: 03 February 2022
 Drawn: D. van Dyke
 Cell: 0724819745
 15 Smalme on Burgundy, 2 Amber Rd.
 Burgundy Estate
 d.vandike@gmail.com

DWG. NO. LB01-3/5

**LAND USE AND LAND DEVELOPMENT APPLICATION: CONSENT USE FOR A TOURIST
FACILITY (RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION
ESTABLISHMENT: FARM No. 1106, PAARL DIVISION**

ANNEXURE G

Comments from Department of Transport & Infrastructure



Western Cape
Government

Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: TPW/CFS/RP/LUD/REZ/SUB-10/520 (Job 8061)

Emile van der Merwe Town Planning Consultants
PO Box 204
STELLENBOSCH
7599

Attention: Mr E van der Merwe

FARM NO. 1106, PAARL DIVISION: DIVISIONAL ROAD 1343: APPLICATION FOR CONSENT USE

1. Your application received from Mr E van der Merwe on 9 December 2022 refers.
2. The subject property is in Franschhoek and takes access off Divisional Road 1343 (Excelsior Road).
3. This application is for Consent Use to utilise the existing wine tasting area ($\pm 190\text{m}^2$) and outside seating area ($\pm 210\text{m}^2$) for restaurant and function purposes and to utilise the existing 3 cottages as a tourism accommodation establishment (8 bedrooms in total).
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014, on condition that the access at km1.67 RHS will be the only access used for this consent use.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 23 June 2023

ENDORSEMENTS

1. Applicant: Emile van der Merwe Town Planning Consultants
 Attention: Mr P Mons (e-mail: emilevdm@adept.co.za)
2. District Roads Engineer
 Paarl
3. Mr E Smith (e-mail)
4. Ms S du Preez (e-mail)
5. Mr S Carstens (e-mail)

**LAND USE AND LAND DEVELOPMENT APPLICATION: CONSENT USE FOR A TOURIST
FACILITY (RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION
ESTABLISHMENT: FARM No. 1106, PAARL DIVISION**

ANNEXURE H

Comments from Cape Winelands Health



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMBUZO:
TELEFOON/TELEPHONE/UMNKEBA:
FAKS/FAX/IFEKSI:
E-POS/E-MAIL/E-MAIL:
U VERW/YOUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

Mnr. M. Matthee
021-8711001
021-8721277
matthee@capewineland.gov.za
Farm 1106, Paarl (LU/14682)
Farm No. 1106

Alexanderstraat 46 Alexander Street
100
STELLENBOSCH
7599

24 November 2022

**The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599**

Director: Planning & Economic Development

Dear Sir / Madam

COMMENT ON LAND USE APPLICATION: LA BOURGOGNE, FARM 1106 PAARL

Your email dated 23 November refers.

From an environmental health perspective this application for a restaurant, function venue and guest cottages, is recommended for approval, if the following conditions are complied with:

1. **Environmental Pollution**
 - 1.1 No environmental pollution (water, air, dust or noise) may occur on any part of the premises during the construction and operation of the mentioned facilities.
2. **Sewage / Sanitary Facilities**
 - 2.1 The sewage disposal from the proposed development must adhere to specifications, conditions and approval received from the National Department of Water & Sanitation.
 - 2.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility.
 - 2.3 Toilet facilities must adhere to National Building Regulations standards.
 - 2.4 Disabled toilet facilities must be provided.

3. Potable Water / Storm water

- 3.1 Drinking water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS 241.
- 3.2 The collection and subsequent disposal of storm water must be approved by the Department of Water & Sanitation.

4. Solid Waste Disposal

- 4.1 Refuse collecting and removal must be nuisance free at all time.

5. Food Handling

- 5.1 All facilities where food is handled, must comply with the minimum structural and hygiene requirements for food handling premises, as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs Act (Act 54 of 1972).
- 5.2 Food handling areas may under no circumstances operate without a prior application being made to the Municipal Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only be issued after inspection and if the premises meets the requirements of Regulation R638.

6. General Conditions

- 6.1 The planned operations/businesses may not result in a "noise disturbance" or a "noise nuisance" as defined in the Noise Control Regulations PN 627/1998, in terms of the Environmental Conservation Act (Act 73 of 1989), as well as the provisions of SANS Code 0103 – 2008. Any noise pollution is prohibited as defined in the Municipal Health By-laws of the Cape Winelands District Municipality.
- 6.2 The requirements for smoking in public places as contained in Regulation 975 – Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, must be complied with at all times.
- 6.3 This Department reserves the right to set further requirements during the running of the business.

7. Accommodation Facilities (Guest Cottages)

Shall comply, at all time, with all the following requirements as stipulated in the Municipal Health By-laws: Cape Winelands District Municipality No.6696 of 15 February 2010.

No person shall use any building as an accommodation establishment unless—

- (a) it is in good structural condition outside and inside and in a proper state of repair;
- (b) not less than one bathroom is provided for the first eight lodgers, with one additional bathroom for every additional twelve lodgers or part thereof;
- (c) every bathroom—
 - (i) is provided with a hand wash-basin;
 - (ii) is provided with a bath or shower; and
 - (iii) is provided with an adequate supply of cold and or hot running water.
- (d) sanitary conveniences are provided on the basis of one convenience for the first eight lodgers and thereafter one convenience for every additional twelve lodgers or part thereof: provided that a sanitary convenience shall not be installed in the same room as a bath or shower, en-suite bathrooms excluded.
- (e) the faecal matter arising in respect of the accommodation is properly stored and, except where pit latrines or a method for the adequate treatment of such matter by means of an enzymatic or chemical process is provided, is properly removed and disposed of;
- (f) a receptacle with a close-fitting lid is provided in a latrine.
- (g) the household refuse arising in respect of the accommodation is properly removed and
- (h) all water supply fittings and fittings that relate to sanitation and ablution are in a working order.

The planned development is situated in an agricultural use zoning area and the facilities of the planned development will be exposed to normal agricultural activities and effects. Guest may be inconvenienced by these agricultural activities.

Yours faithfully



M. MATTHEE
ENVIRONMENTAL HEALTH PRACTITIONER
for MUNICIPAL MANAGER