



Application Number: LU/ 16357 & TP515/2023

Our File Reference Number:

Your Reference Number: Farm 1832, Paarl Division

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

Sir / Madam

APPLICATION IN TERMS OF SECTION 15(2)(O) AND (G) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023 FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT AND TOURIST FACILITIES AND PERMISSION IN TERMS OF THE ZONING SCHEME FOR AN AGRICULTURAL INDUSTRY ON FARM NO. 1832, PAARL DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on the 28 March 2025 resolved as follows:
3. That it **BE DECIDED** that the application for Consent Use on Farm No. 1832, Paarl Division to establish ten (10) tourist accommodation units **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:
 - 3.1 The proposal exceeds the number of dwelling units permitted on a property to the extent of 45,8ha as prescribed by the MSDF for agricultural properties and thus conflicts with the spatial planning objectives of the MSDF.
4. That it **BE DECIDED** that the application for Consent Use on Farm No. 1832, Paarl Division to establish ten (10) new tourist accommodation units **does not 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:

4.1 There is not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units.

5. That the following applications in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1832, Paarl Division:

5.1 Application in terms of Section 15(2)(o) of the said Bylaw for Consent Use to construct and establish ten (10) new **tourist accommodation** units;

5.2 Application in terms of Section 15(2)(o) of the said Bylaw for Consent Use for a **tourist facility** for purposes of an art gallery;

5.3 Application in terms of Section 15(2)(o) of the said Bylaw for Consent Use for a tourist facility to utilize the existing second dwelling unit for a **wellness center**;

BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:

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

6.1 The nature and scale of the subject proposed land uses is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA and consequently deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDP as contemplated in terms of Section 19 of LUPA and there are no site-specific circumstances as contemplated in terms of section 22(2) of SPLUMA that warrant justifiable grounds to deviate from the MSDP.

6.2 The tourist accommodation establishment exceeds the number of dwelling units permitted on a property which is 45,8ha in extent and there are no exceptional or unique considerations that would warrant to deviate from the prescribed provisions on the number of additional dwelling units.

6.3 The proposed art gallery and wellness center are not land uses that are associated with agricultural zoning and the agricultural activities in general and tourist related uses in the rural context in particular as it is deemed as pure commercial undertakings and urban uses.

6.4 The extent and nature to which the subject property will be commercialized if these developments are permitted will result therein that these non-agricultural uses will

not be deemed as subservient to the agricultural activity and result in an undesirable development in terms of the impact on the agricultural resource and rural context.

7. That the following application in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1832, Paarl Division:

7.1 Application in terms of Section 15 (2)(o) of the said Bylaw for Consent Use to allow for a tourist facility for purposes of a **restaurant** and **wine tasting and sales facility**;

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

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

8.1 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.

8.2 The approval granted does not exempt the applicant/operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity.

8.3 An amended Site Development Plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2023 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters:

- a) The Site Development Plan must reflect the accurate extent of the development rights in accordance with the approvals granted.
- b) All structures/buildings must comply with the parameters for Zoning Scheme Bylaw (i.e height; coverage, etc).

c) Elevations and sections of proposed structures (as well as for basement level showing access to the basement)

d) A stacking space of 25m must be provided for access to the development on the Site Development Plan.

8.4 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, or as may be agreed on in writing with the Directorate Infrastructure Services.

8.5 The conditions imposed by the Manager: Electrical Services in their memo dated 30 January 2024, attached as **ANNEXURE F** be adhered to.

8.6 The conditions imposed by the Department Community & Protection Services (Environmental Planner) in their memo dated 07 February 2024, attached as **ANNEXURE G** be adhered to.

8.7 No main dwelling may be constructed in place of the dwelling house that has been converted into a farm building (office building) as proposed in this application. If a main dwelling is required in the future, the proposed farm office must be reverted to its original use as a dwelling unit.

8.8 That no event, function, conferences, etc. be operated or hosted on the property without the prior written approval of the Municipality.

8.9 The proposed facilities be restricted to:

b.	Restaurant	±114m ²
c.	Wine tasting and sales facility	±244m ²

8.10 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.

8.11 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and to be illustrated on the subject site development plan of the development to the satisfaction of the Municipality.

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

9.1 The proposed uses will help to diversify the land uses on the farm without impacting on the existing agricultural activities.

9.2 The primary use of the farm should still remain agricultural with all the other proposed uses remaining subservient to the primary bono fide agricultural activities on the farm.

9.3 The extended facilities will further enhance the tourism potential of the region and contribute to the extension of the secondary agricultural activities.

9.4 The proposal also complies with the principles of the Stellenbosch Spatial Development Framework which states that agri-tourism should be promoted in farming areas outside of urban settlements.

10. Matters **to be noted**:

10.1 That the approval for permission required in terms of the zoning scheme to allow for an agricultural industry (wine cellar), be obtained from the Authorized Official.

10.2 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.

10.3 The necessary approval be obtained in terms of the applicable liquor act, liquor by-laws or regulations.

10.4 An application for a business licence must be submitted.

10.5 Should, after following due process –

10.5.1 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

10.5.2 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

10.5.3 The property be used for any unauthorised uses not permitted in terms of this approval,

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.

11. 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.
12. 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.
13. **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**
14. 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.
15. 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.
16. 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.

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

18. 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.

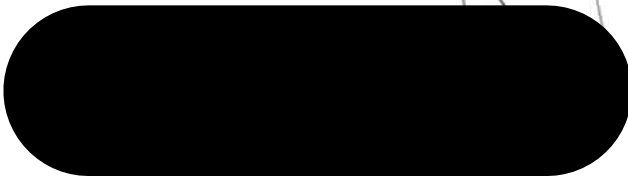
Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

12/5/2025
DATE

COPIES TO:



ANNEXURE F

COMMENT FROM THE MANAGER: ELECTRICAL SERVICES



8

Daniel Meyer

From: Nolusindiso Momoti
Sent: Wednesday, 31 January 2024 08:04
To: marike@archtownplanners.co.za
Cc: Daniel Meyer
Subject: FW: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: COMMENT

Good day Marike,

Please find below comment from electrical department.

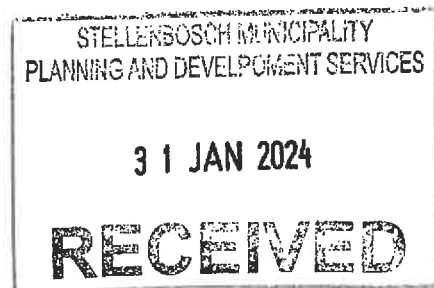


Kind regards / Vriendelike Groete
Nolusindiso Momoti (Sindi)
Administrative Officer
 Land Use Management
 Planning & Economic Development

T: +27 21 808 8673; F + 27 21 886 6899
 NPK Building, 1st Floor, C/O Plein & Ryneveld
 Street, Stellenbosch, 7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



FILE NR:	F 1832 P
SCAN NR:	
COLLABORATOR NR:	762 686

From: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>
Sent: Tuesday, January 30, 2024 4:50 PM
To: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>
Subject: RE: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: COMMENT

GENERAL: NONE

CONDITIONS: If any electrical services must move, remove, change or upgrade – apply via recoverable cost application, for applicants cost.

Subject to SANS 10142,204-1-2008, energy savings and efficiency implementation and Municipal bylaws – Only existing electrical connection is available.

1. Installation of 10A electrical control units
2. Solar water heating/heat pump installation
3. Energy efficient lightning
4. Roof insulation
5. Cooking with gas fired appliances
6. Control air condition equipment with energy saving devices.
7. Preheat at least 50% of hot water with alternative energy savings devices.

TX

7

Groete:

Martin Slabber
 Sin. Supt. Dwarsrivier Elect.
 Engineering Services



Martin.slabber@ Stellenbosch.gov.za

C: +27 83603 3431

T: + 27 21 808 8338

www.stellenbosch.gov.za



www.facebook.com/stellenboschmunicipality



twitter.com/StellMun

Hugenoet Road 23 Franschhoek 7690

PO Box 18, Franschhoek, 7690

PO Box 17, Stellenbosch, 7599

Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions
 Published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Nolutindiso Momoti <Nolutindiso.Momoti@ Stellenbosch.gov.za>

Sent: Tuesday, 30 January 2024 09:32

To: Martin Slabber <Martin.Slabber@ Stellenbosch.gov.za>

Subject: FARM 1832 PAARL: CONSENT USE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME:
 COMMENT

I'm using Mimecast to share large files with you. Please see the attached instructions.

Good day Martin,

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish your comment by email, if any, in order to enable to submit the application to the decision-making authority for consideration.

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 1832, Paarl (LU/16357) (TP515/2023)

DESCRIPTION OF THE PROPOSAL

1. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a Consent Use for a tourist accommodation establishment (10 units consisting of 13 bedrooms) on Farm No. 1832, Paarl Division.
2. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for a Consent Use for a tourist facility (art gallery of $\pm 450\text{m}^2$; restaurant of $\pm 110\text{m}^2$; wine tasting and sales facility of $\pm 244\text{m}^2$; and wellness centre of $\pm 540\text{m}^2$) on Farm No. 1832, Paarl Division.
3. Application is made in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for permission required in terms of the zoning scheme to allow for and agricultural industry (wine cellar) of $\pm 380\text{m}^2$.

ANNEXURE G

COMMENT FROM THE
DEPARTMENT
COMMUNITY &
PROTECTION SERVICES
(ENVIRONMENTAL
PLANNER)

INTEROFFICE MEMORANDUM



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

DEPARTMENT: COMMUNITY SERVICES
Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Nolusindiso Momoti	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Air Quality- / Noise Control Officer: Martin van As	Date:	7 February 2024
Re:	CONSENT USE APPLICATION, FARM 1832, PAARL - LU/16357		

The above application to allow for a tourist facility, art gallery, restaurant, wine tasting facility, wellness center, tourist accommodation and wine cellar on the Remainder of Farm 1832, refers.

From an environmental planning point of view this department has no objection to the approval of the application subject to the following:

1. Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES