



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Reference Number: Farm 1084, Paarl Division

Application Number: LU/6169

Your Reference Number:

Enquiries: R Fooy / B Mdoda

Email: [Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za) / [Bulelwa.Mdoda@stellenbosch.gov.za](mailto:Bulelwa.Mdoda@stellenbosch.gov.za)

Contact No. 021 808 8680 / 8690

## REGISTERED MAIL

Peter Mons Professional Town Planning Consultant

PO Box 851

Robertson

6751

Sir

### **APPLICATION FOR REZONING TO SPECIAL ZONE – REMAINDER FARM 1084, PORTION 1 OF FARM 1551, FARM 1551, REMAINDER FARM 1506 AND PORTION 2 OF FARM 1506, PAARL DIVISION**

1. The above application refers.
2. The **Authorized Employee, on 25 September 2019, approved, in whole** in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for the rezoning of Farms No1084,1551/1,1551,1506/2 and 1506 Paarl Division from Agricultural Zone I to **Special Zone** to facilitate the following land use on the properties as set out below and depicted on the Site Development Plan(-Planning-), attached as **Annexure B**, drawn by Malherbe Rust Architects, Dated 2019-07-09.

(i) Farm No 1084:

- a) Nine existing buildings will be utilized as staff accommodation;
- b) An existing building will be used as a staff lounge and stores
- c) the main dwelling will be used as a guest house;
- d) a further existing dwelling with a minor extension will be used as additional spa treatment rooms to compliment the health spa facility which is approved and operational on Farm No 1551;

e) two parking areas will cater for a total of 62 vehicles.

(ii) Farm No 1551/1:

a) The existing building originally constructed as a dwelling house will be used as an art and sculpture gallery and an 80-seater fine dining restaurant. An existing living unit within the building will be retained to be occupied by an "artist in residence". The unit will not be occupied on a full-time basis. The main building will also contain workshop areas for the artists;

b) a private helipad;

c) an existing cottage will be converted into a one-bedroom guest villa;

d) two parking areas containing 8 and 42 bays respectively.

(iii) Farm No 1551:

a) an existing one bedroom cottage of 60.5m<sup>2</sup> previously approved as a staff cottage, is to be used as additional tourist accommodation. The cottage has a single dedicated parking bay alongside it.

(iv) Farm No 1506:

a) a building will be constructed on an existing platform located to the south east of the farm dam to accommodate offices and back of house facilities such as a staff canteen, changing rooms, storerooms, a laundry, a training room and canteen kitchen. Procurement and security will also be located here as well as central stores;

b) two Nutec-type structures of 75m<sup>2</sup> each will be added to serve as staff changing rooms and a canteen;

c) two parking areas containing 28 and 10 bays respectively.

3. The above approval granted is subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015:

(i) The approval applies only to the application in question and the approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive than the most restrictive conditions will apply. This approval only applies to the

abovementioned use and does not grant approval for deviations from any other provisions of the applicable scheme regulations or other legislation;

- (ii) Building plans for the new buildings and conversion of the existing building be submitted to the Municipality for approval prior to any building work taking place;
- (iii) That a landscaping plan be submitted with the building plans to reduce the visual impact of the new work on the surrounding area;
- (iv) The new internal roads and parking areas be provided with a dust free surface and that the individual parking bays be clearly demarcated to the satisfaction of the Director: Engineering Services;
- (v) That a development contract be entered into between the owners and the Directorate: Engineering Services, prior to any building plan approval being granted;
- (vi) The conditions imposed by the Provincial Roads Engineer be adhered to, as contained in their letter dated 23 February 2017 be complied with attached as **Annexure I**;
- (vii) That a NIDs be submitted for the individual properties that form part of this application to the Department of Environmental Affairs and Development Planning for approval prior to any building work commencing onsite;
- (viii) That the existing access roads and servitudes to the individual farms be retained and that the properties be used as one entity;
- (ix) With the promulgation of the Stellenbosch Municipality Zoning Scheme By-law in November 2019 the approved Special Zone will be converted to the Agricultural and Rural Zone;
- (x) The use approved within the Special Zone will then be accommodated as Primary Uses, Additional Uses, Consent Use and Departures in terms of the Agricultural and Rural Zone of the Stellenbosch Municipality Zoning Scheme By-law;
- (xi) That a the relevant business and liquor licence be obtained prior to the new restaurant coming into operation and serving guests;

- (xii) That in the event of music or noise being generated on the premises, an approved consultant be appointed by the developer to advise him on precautionary measures to be taken in order to avoid environmental noise pollution as promulgated in terms of the Noise Control Regulations;

#### 4. REASONS FOR DECISION

The approval as noted above is supported for the following reasons:

- (i) The proposal promotes Council policy as noted in the SDF and IDP of appropriate development outside of the urban edge;
  - (ii) The proposed development is not regarded to be out of scale or character with its surroundings;
  - (iii) The proposal is compatible with the surrounding land uses and built environment;
  - (iv) The proposal complies with the land use planning principles (spatial justice, spatial sustainability, efficiency, spatial resilience and good administration) referred to in section 59 of the Land Use Planning Act, 3 of 2014;
  - (v) Sufficient municipal infrastructure is available for the proposed development.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at [www.stellenbosch.gov.za/planning\\_portal](http://www.stellenbosch.gov.za/planning_portal), must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof of payment of the appeal fee (*only applicable to applicant appeals*). See the approved tariff structure on the municipal website: <http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>
7. In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine (see attached list). Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.

8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
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 is suspended 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**

07/11/2019  
DATE

**Copies:**

Schliemann Incorporated

PO Box 1503

**SOMERSET WEST**

7129

Franschhoek Heritage and Ratepayers Association

29 De Wet Street

**FRANSCHHOEK**

7690

Alan J Saffery

PO Box 131

**LA MOTTE**

7691

Haumann Family Trust

PO Box 242

**FRANSCHHOEK**

7690

H Henrich

PO Box 156

**FRANSCHHOEK**

7690

# ANNEXURE B



A handwritten signature in black ink, appearing to be 'T. M.', located at the bottom center of the page. The signature is written in a cursive style with a horizontal line above the first letter.





# ANNEXURE I

*Tim*

PP 1084



Western Cape  
Government

Transport and Public Works

**ROAD NETWORK MANAGEMENT**

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

**REFERENCE: 16/9/6/1-10/235 (Job 25588)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 23 February 2017**

Director: Planning and Economic Development  
Stellenbosch Municipality

PO Box 17

**STELLENBOSCH**

7599

Attention: Mr U von Molendoff

Dear Sir

FILE NR:	
SCAN NR:	F 1084 P
COLLABORATOR NR:	



**FARMS 1084 REM, PTN 1 OF FARM 1551, FARM 1551, PTN 2 OF FARM 1506 AND REM FARM 1506, PAARL DIVISION: STELLENBOSCH: MINOR ROAD 5210: APPLICATION FOR REZONING TO SPECIAL ZONE**

1. Letter from Peter G Mons, Professional Town Planning Consultant, Municipal Ref. Farm 1084, Paarl Division, Application No. LU/6169, dated 9 November 2017, with attached application, refers.
2. The application relates to five contiguous properties, ie. Remainder Farm 1084, Portion 1 of Farm 1551, Farm 1551, Portion 2 of Farm 1506, and Remainder Farm 1506, Paarl Division, located a short distance south-west of the town of Franschoek, within the Stellenbosch Municipality.  
  
*(Note: The Applicant has advised that he is in the process of consolidating a small portion of land with 1551; SG diagrams have been approved, but the consolidation has not yet been registered at the Deed's Office. While certain parcels of land may change in size and in property number, the total area affected and forming part of the Special Zone application will remain unchanged.)*
3. This letter relates to the entire area of the Special Zone and the comments below therefore do not refer to individual cadastral units.
4. The properties in question are zoned Agricultural Zone I; Agricultural Zone II for a winery/wine store and Consent Use for a wine tasting and sales venue; Resort Zone I for 6 cottages + breakfast room and administration office; Consent Uses for restaurant, 2 guest houses, health spa and 5 additional dwelling units and Temporary Departure to utilize a main house for offices for 4 years. Existing uses include staff housing and dwellings, sheds and other agriculture related facilities.

5. A function facility has also been built on top of garages on Farm 1551. A temporary departure has been sought for an events space. The Traffic Impact Statement for this venue indicated that it would be used for small conferences seating 30 attendees. However, if approved, the applicant would be able to use the venue for other functions, eg. small weddings, parties. The size of the venue could comfortably accommodate more than 30 conference attendees and even more for other events. This Branch has not yet approved this development and this application review will therefore also include the above function venue in its assessment of the potential impacts of traffic generated by the entire Leeu Estate.
6. Proposed new land uses include the following:
  - Demolition of 6 cottages and building of 5 new 3-bedroom villas and the conversion of a main dwelling and staff dwelling to two further villas
  - A 150 guest multi-function venue for weddings, corporate events etc, together with a 104-bay parking area and 3 additional villas
  - Service, administrative and staff facilities.
7. A Traffic Impact Assessment (TIA) was prepared in support of this application by iCE Group. In terms of the Road Access Guidelines, it was found that a right turn lane was warranted on Main Road 191 to give access to La Provence Road, which is the access route to the Estate. Right turn movements in the PM peak hour amounted to 57 vehicles per hour, with a forecast opposing flow in 2022 of 915 vph. This Branch therefore cannot accept the recommendation of the TIA that no right turn lane is required. From a road safety perspective the view that the paved shoulder provides an acceptable passing lane is not supported.
8. The TIA recommends that additional passing bays be provided along La Provence Road (Minor Road 5615) and the road be upgraded. This Branch considers the road to be adequate to serve the needs of current traffic and traffic generated by the proposed developments associated with this Special Zone application. Should the applicant wish for upgrades to be implemented, these will be at his own expense and shall be subject to design and construction approval by the District Roads Engineer, Paarl.
9. This Branch offers no objection to the application for the rezoning of Remainder Farm 1084, Portion 1 of Farm 1551, Farm 1551, Portion 2 of Farm 1506 and Remainder Farm 1506, Paarl Division to Special Zone as described in the land use application, subject to the following:
  - 9.1 The provision of a dedicated eastbound right turn lane on Main Road 191 at the intersection with La Provence Road. This turn lane will require the widening of Main Road 191 and not simply use the shoulder of the road;
  - 9.2 The entry to La Provence Road shall be upgraded in such a manner as to minimise the risk of congestion spilling over into the Main Road or collisions occurring between entering and exiting vehicles.



- 9.3 The Applicant shall appoint an appropriately registered person to prepare detailed geometric, drainage and road pavement design drawings and details, to be submitted to the Design Directorate (Ms M K Hofmeyr 021 483 5713) of this Branch for approval;
- 9.4 The Applicant shall appoint an appropriately registered person to submit detailed construction drawings and proposals for traffic accommodation during construction for approval to the District Roads Engineer, Paarl prior to construction;
- 9.5 The Applicant's consultant shall accept the handing over of the site in writing from the Road Authority prior to construction;
- 9.6 After completion of the construction phases, the Road Authority shall accept in writing the handing over of the site from the Applicant's consultant;
- 9.7 As built drawings shall be sent to this Branch (Ms GD Swanepoel 021 483 2009), the District Roads Engineer, Paarl (Mr S Buthelezi 021 863 2020) and the Roads Department of Cape Winelands District Municipality (Mr ACA Stevens 086 126 5263).
- 9.8 No works may be undertaken on La Provence Road (Minor Road 5615) without the prior approval of the design by the District Roads Engineer, Paarl (Mr Stewart Bain 021 863 2020).
- 9.9 Notarial bonds shall be registered between properties to ensure that sufficient parking is available for peak demand on the entire Special Zone.

Yours faithfully



**ML WATTERS**  
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

