Application Number: LU/9480
Our File Reference Number: Farm 1433, Paarl Division
Your Reference Number: H 10-118
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: pj@pjleroux.co.za

Sir / Madam

APPLICATION FOR REZONING AND CONSENT USES: FARM 1433, 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 applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm 1433:

      2.1.1 Rezoning in terms of Section 15(2)(a) of the said by-law from Agricultural Zone I to Agricultural Zone II to accommodate an agricultural industry (wine cellar building),

      2.1.2 Rezoning in terms of Section 15(2)(a) of the said by-law from Agricultural Zone II (existing wine cellar building) to Agricultural Zone I,

      2.1.3 Consent Use in terms of Section 15(2)(a) of the said by-law for the following:

         (a) a tourist facility (restaurant, tasting & sales facility);
         (b) to convert the existing stable into two additional dwelling unit (3 bedrooms each); and
(c) to utilise the two (2) additional dwelling units for guest house purposes.

**BE APPROVED** in terms of Section 60 of the said Bylaw.

### 2.2 Reasons for the above Decision

The application is supported for the following reasons:

a) The proposal is not out of character with the surrounding area as similar land uses can be found in this area.

b) The proposal will enhance the economic viability of the farm and have no negative impact on the surrounding land uses.

c) The impact that the proposed wine cellar will have on surrounding area is minimal as the use of the building is ancillary to the farming activity.

d) The agricultural viability of the farm will not be affected by the proposal

### 2.3 That such approval **BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw**:

(a) This approval applies only to the applications being applied for and shall not be construed as authority to depart from any legal prescriptions or other requirements;

(b) 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 land use;

(c) The primary use must still remain agricultural with tourist related activities operating as a secondary use;

(d) That the agricultural industry use be restricted to the rezoned area of 1990m² as indicated on SDP number B7_007 (L)02;

(e) Sufficient on-site parking be provided as shown on the site plan attached as **ANNEXURE C**;

(f) The quality of 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.
(g) Proposed upgrading of the water connection must be approved by City of Cape Town and proof of this must be provided to the Stellenbosch Municipality;

(h) The existing water connection must be utilized for the proposed development and no upgrade in the size of the connection will be allowed unless agreed to by the Water Services Department of the Stellenbosch Municipality;

(i) Current proof of compliance with drinking water quality standards must be available on request;

(j) No new septic tanks and soak-aways will be permitted;

(k) Use of the existing septic tanks to collect and treat sewage generated by the proposed development is not allowed;

(l) Prior to building plan approval maintenance agreement must be entered into between the owner and the waste water treatment system service provider and proof thereof be furnished to the Municipality’s Water Services Department;

(m) Solid waste must be removed from the site to lawful solid waste disposal site in accordance with the requirements of Section 26 of the National Environment Management Act, 2008 (Act 59 of 2008);

(n) Any changes to the existing engineering services due to this approval will be for the account of the owner;

(o) Development charges is payable by the developer in accordance with and as at the time of the annually approved tariffs of this Municipality, and is payable prior to the approval of any building plan application;

(p) Conditions from Cape Winelands District Health be adhered to as imposed in their letter dated 9 October 2019, See ANNEXURE J;

(q) Building plans for the proposed buildings must be submitted to this Municipality for consideration prior to any building work being undertaken.

3. 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.
4. 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.

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: Lenacia.Kamineth@stellenbosch.gov.za.

6. An applicant 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. 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 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

[Signature]

FOR: ACTING DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

[Signature]

DATE: 28/5/20
COPY TO LETTER TO OBJECTOR

E Augustyn

evan@stcroix.co.za
ANNEXURE C

(APPLICATION FOR REZONING AND CONSENT USES IN TERMS OF SECTION 15(2) OF THE STELLENBOCH MUNICIPAL PLANNING BY-LAW, PROMULGATED BY NOTICE NUMBER 354/2015, DATED 20 OCTOBER 2015 ON FARM 1433)

SITE DEVELOPMENT PLAN
FLOOR PLAN

1962sqft (<2000m²) ZONED AGRICULTURAL AREA
ANNEXURE J

(APPLICATION FOR REZONING AND CONSENT USES IN TERMS OF SECTION 15(2) OF THE STELLENBOCH MUNICIPAL PLANNING BY-LAW, PROMULGATED BY NOTICE NUMBER 354/2015, DATED 20 OCTOBER 2015 ON FARM 1433)

COMMENTS FROM DEADP
REFERENCE: 16/3/3/6/B3/28/1353/19
ENQUIRIES: Ntanganedzeni Mabasa
DATE: 2019-12-13

The Board of Directors
P-J le Roux Town Planners (Pty) Ltd
P.O Box 3457
PAARL
7620

Attention: P-J le Roux

Dear Sir


2. This letter serves as an acknowledgement of receipt of the correspondence by this Department.

3. Be advised that the Department’s initial correspondence advised that the proposal triggers Activity 8 of Listing Notice 1, based on the following:

3.1 The application for rezoning and consent uses: Farm No. 1433, Paarl, dated 10 October 2019 stipulated that the new wine cellar building will measure approximately 937m² in extent and that the outside area comprising 7 parking bays with outside working area will make up the balance of the 2000m² to be rezoned to Agriculture Zone II (refer to Appendix A hereto attached).
3.2 The Site Development Plan dated 18 February 2019, attached to the application, indicate a 2000m² area for the new winery (refer to Appendix B hereto attached).

3.3 Hence, the Department's determination regarding the applicability of Activity 8 of Listing Notice 1 was based on the fact that the application that was initially submitted for rezoning and consent uses clearly indicated that the new winery, including all relevant buildings, loading areas and parking covered a 2000m² area, which triggers the applicable threshold.

4. According to the additional information contained in the electronic correspondence, this Department notes the following:

4.1. The area being applied for is now less than 2000m², i.e. 1990m² only.

4.2. The wine cellar will be restricted to 937m², while the balance of the 1990m² is for outside parking and a loading area.

4.3. The Site Development Plan revised on 21 November 2019, depicts the revised 1990m² Agricultural Zone II area.

5. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Be advised that, based on the additional information provided the proposed application for rezoning and consent uses on Farm No. 1433, Paari will not trigger listed activities as defined in terms of the EIA Regulations, 2014 (as amended). Environmental Authorisation is not required.

6. The above-mentioned is based on the following:

6.1 The proposal does not trigger any thresholds of the listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).

6.2 The revised development footprint will now be less than 2000m².

7. You are however cautioned since the proposed expansion footprint is not significantly less than the 2000m² threshold. Therefore, should any revision of the proposed development constitute a listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

8. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
9. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.

10. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully

[Signature]

HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING