



**Coll No:** 2063541  
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**Date:** 19 November 2024

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Sir

**APPLICATION FOR CONSENT USE AND AMENDMENT OF APPROVAL IN TERMS OF SECTION 15(2) OF THE DRAKENSTEIN BY-LAW ON MUNICIPAL LAND USE PLANNING, 2018: FARM LE PLAISIR MERLE NO. 968 PAARL, SIMONDIUM, WEST ALONG THE R45, PAARL**

Your above-mentioned application refers.

1. **Approval** has been granted in terms of Section 60(1)(a) of the Bylaw on Municipal Land Use Planning, 2018, for the following:
  - 1.1 **Consent use** on Farm 968 Paarl Division, for "Occasional Use (>1x) to permit 4 events/year on Farm No. 968 Paarl with operating hours from 05:00-15:00 (sport events) and 10:00 - 22:00 (other events/festivals);
  - 1.2 **Amendment of Condition** (condition 2) of the letter of approval dated 23 June 2008 (by relocating the following approved land uses to other existing buildings on the subject property as depicted on the attached Site Development Plan, attached hereto as **Annexure C**, in order to regulate the following:
    - 1.2.1 Restaurant (60-seater) and function venue (300m<sup>2</sup>) from inside the manor house and wine cellar building respectively, to the existing agricultural building near the wine cellar precinct and use of lawn areas for outside functions with operating hours daily from 10:00 until 22:00 and
    - 1.2.2 Wine tasting and sales from the building near the manor house to the agricultural building near the wine cellar precinct.



2. The approval mentioned in Paragraph 1.1 to 1.2 above be subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
  - 2.1 Adherence to the conditions laid down by the Drakenstein Municipality: Civil Engineering Services Division in its memorandum 15/4/1/ (F968) P (35) dated 18 April 2024, (**Annexure C**);
3. **Adherence to the following conditions from a town planning point of view:**
  - 3.1 The owner must adhere to the limit of 4 events per year. Records of events, including dates and types, must be submitted annually to the local planning authority;
  - 3.2 All events must strictly adhere to the approved hours as follows:
    - 3.2.1 Sport Events: 5:00 AM to 15:00 PM
    - 3.2.2 Other Events/Festivals: 10:00 AM to 22:00 PM
    - 3.2.3 All event-related activities, including setup and breakdown, must occur within these specified times. Failure to comply may result in penalties or revocation of event permissions;
  - 3.3 Strict adherence to approved operating hours is required, with on-site staff responsible for ensuring timely closure. Noise-monitoring reports should be submitted after each event to verify compliance;
  - 3.4 Sufficient parking must be provided within the property, and traffic control measures must be implemented to avoid disruption to neighboring properties. A transport management plan should be reviewed annually;
  - 3.5 Outdoor events must adhere to environmental guidelines to prevent noise and waste disturbances. Waste management plans must be implemented, and compliance inspections should be conducted quarterly;
  - 3.6 Any alterations to existing buildings must respect heritage conservation guidelines. Any additional structural changes require prior approval from the planning authority;
  - 3.7 The owner must ensure appropriate safety measures for visitors, including emergency plans for events, with yearly updates submitted for review;
  - 3.8 The farm must undergo an annual compliance review with the town planning authority to assess adherence to all conditions. Repeated non-compliance could result in the revocation of consent use permits;

- 3.10 No new buildings or boundary walls are to be erected or existing structures be altered without the approval of building plans by Council;
- 3.11 That the proposal complies with all respective health requirements;
- 3.12 Energy-saving devices such as are contained in the Drakenstein Municipality's Green Building Manual be made use of as far as possible;
- 3.13 Any amendments to the application be subject to the relevant approval;
- 3.14 That the development takes place largely in accordance site development plan, drawn by **PJ Le Roux Town and Regional Planners**, Drawing No. V 30-121 - Site Development Plan, dated July 2023.
- 3.15 The applicant must institute water conservation measure such as rainwater harvesting, grey water recycling and similar technical advancements such as low flow shower heads, dual flush toilets and water-wise gardens;
- 3.16 Should the applicant fail to comply with any of the above conditions, Council reserves the right to impose further conditions in future if deemed necessary or even revoke the approval;
- 3.17 Should the applicant fail to comply with any of the above conditions, Council reserves the right to impose further conditions in future if deemed necessary or even revoke the approval; and

4. The following are regarded as the reasons for the decision:

- 4.1 Economic Boost and Tourism Appeal: Adding a wine tasting facility and a small restaurant enhances tourism, supporting local economic growth while promoting Paarl's agricultural charm.
- 4.2 Efficient Use of Existing Structures: Repurposing existing agricultural buildings for these uses preserves the farm's character, minimizes new construction, and maintains harmony with the surroundings.
- 4.3 Controlled Event Use: Limiting events to four annually, with reasonable hours, balances the farm's economic objectives with the community's need for peace and quiet.
- 4.4 Preservation of Historic Buildings: Moving operations from the manor house to less historically sensitive buildings protects the site's heritage while allowing improvements.
- 4.5 Minimal Environmental Impact: Utilizing lawn areas for outdoor functions and limiting daily operating hours reduce noise and visual impact, supporting sustainable land use.

- 4.6 The development is seen as the enhancement of an existing activities on the farm.
- 4.7 The application is not expected to significantly impact on the health, safety and wellbeing of the surrounding built and natural environment; and
- 4.8 The proposal is considered to be largely consistent with the Drakenstein Spatial Development Framework.

Your attention is drawn to the general right of appeal to the Executive Mayor being the Appeal Authority in terms of Section 79(3) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, by any person whose rights are affected by the decision, within **21 days** of notification of decision.

This provisional approval is therefore suspended until further notice. Please also notify (**email or per hand**) the **surrounding property owners** who were notified of the application during the initial public participation process and **objectors** (if any), of their right of appeal – proof of notification **must** be provided. Should there be any appeals against the decision, the application title (heading) must be used as reference. The appeal procedures are set out in Section 80 of the above-mentioned bylaw (attached).

Your attention is drawn to the fact that all correspondence must be directed to the City Manager and also sent via our official email address.

Yours faithfully



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**H. G. STRIJDOM (PR. PLN A/1058/1998)**  
**MANAGER: LAND DEVELOPMENT MANAGEMENT**



**DRAKENSTEIN**

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# Memo

**To:** EXECUTIVE DIRECTOR: CORPORATE & PLANNING SERVICE  
(ATTENTION: E. CYSTER)

**From:** EXECUTIVE DIRECTOR: ENGINEERING SERVICES

**Enquiries:** LH SMITH

**Collaborator number:** 2063541

**Reference number:** 15/4/1 (F968) P (35)

**Date:** 18 April 2024

**Subject:** APPLICATION FOR CONSENT USE LE PLAISIR MERLE FARM 968 PAARL

These conditions will be subject to review by the Engineering Services Department upon receipt of Civil and/or building plans for approval. This may require all the studies carried out for the proposed development to be updated and revised accordingly, which shall include compliance with the latest legislation, amended legislation, latest or amended standards and revised master planning.

The aforementioned is based on the possibility of changes in the physical environment in respect of engineering infrastructure between date of issuing of conditions and actual building/construction being imminent, which may impact on available relevant infrastructure capacities as at time of initial issuing of conditions.

NOTE: This comment covers a number of disciplines and each section needs to be dealt with by a competent specialist in that field co-ordinated by the consultant managing the application. No correspondence will be entered into with individual consultants.

## THE FOLLOWING CONDITIONS WILL APPLY

### 1. STREETS & TRAFFIC

- 1.1. Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors;
- 1.2. *Adherence to all conditions as per the Provincial Roads Engineer letter reference DOI/CFS/RP/LUD/REZ/SUB-10/162 (Job 30451) dated 31 January 2024.; and*
- 1.3. Any alterations to the existing road network will be the responsibility of the developer, including design, approval and construction of any additional traffic control and or traffic calming measures. Sufficient parking must be provided for the proposed events.

## **2. STORM WATER**

- 2.1. Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors;
- 2.2. Only pre-development run-off of a 1:2 year storm event will be accepted into the existing system. Provision must be made to accommodate the detention of run-off for a 1:50 year storm event;
- 2.3. Contaminated run-off (washing water, storm water, etc) must be disposed of in such a manner so as not to cause any pollution to surface, ground water or create a nuisance;
- 2.4. Any organic waste (manure, compost, etc.) must be stored in such a way so that between removals there shall be no chance of polluted storm water run-off taking place, especially during the rainy season; and
- 2.5. Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on  $0.02\text{m}^3/\text{m}^2$  roof area.

## **3. WATER**

- 3.1 All potable water supplied to consumers on the farm shall comply with SANS 241 as amended. Proof of compliance test no older than 6 months must be available on request. All testing must be done by an accredited service provider;
- 3.2 ***The developer will be required to connect to future Drakenstein Municipal networks when it is provided;***
- 3.3 Water saving devices shall be installed in toilets, bathrooms and basins;
- 3.4 Any existing system that is to remain shall be upgraded to minimum municipal standards;
- 3.5 ***Farm owners are regarded as water services intermediaries and are responsible for the provision of at least basic water and sanitation services to people living on the farm; and***
- 3.6 ***Any abstraction from any natural water source on the property must be metered (type of meter to be confirmed by Department of Water and Sanitation).***

#### **4. WASTEWATER SERVICES**

- 4.1** *The developer will be responsible to connect to future municipal networks when it is provided;*
- 4.2** The developer shall be responsible to adhere to all conditions in terms of the Drakenstein Municipality, Water Services By-law (2014);
- 4.3** No new septic tanks allowed, all old/existing septic tank and soakaway systems must comply with the Water Research Commissions Report TT 114/99. No conservancy tank will be allowed within 100m of the 1:50 year flood line;
- 4.4** The municipality cannot guarantee a tanker service at all times and the owner remains responsible for the servicing of the conservancy tank. Any private company used must be registered with the Municipality and must provide the owner of an invoice for services rendered. All invoices must be submitted on a monthly basis to the Waste Water Services section as proof of compliance; and
- 4.5** Any existing system that is to remain shall be upgraded to minimum municipal standards;

#### **5. SOLID WASTE**

- 5.1.** All solid waste disposal shall comply with, the National Environmental Management Waste Act 59 of 2008. Proof of compliance must be available on request;
- 5.2.** The developer shall submit an Integrated Solid Waste Management Plan for approval by the department before the completion of the civil/building works;
- 5.3.** A waste recovery/recycling initiative has been implemented in Drakenstein and the development will have to be prepared to comply with any requirements as the project is rolled out; and
- 5.4.** The Developer shall indemnify the Municipality from any damages caused as a result in rendering the refuse removal service.

#### **6 DEVELOPMENT CHARGES**

- 6.1** Based on the information provided in the application, no Development Charge are payable by the developer.

## **7 GENERAL**

- 7.1 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 7.2 All of the works, including but not limited to; roads, stormwater, water, sewers, landscaping, irrigation, etc. shall be designed by a suitably registered (ECSA registration for the civil works and SACLAP registration for the landscaping) person and any such works shall be constructed under supervision of such registered person. All such design plans shall be submitted to the Civil Engineering Services Department of Drakenstein Municipality for approval prior to the commencement of construction;
- 7.3 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- 7.4 The above conditions are to be complied with in stages;
  - 7.4.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
  - 7.4.2 Requirements associated with the completion of construction, development charges, as-built drawings, maintenance management plans, agreements, etc. These will be complied with prior to the transfer of any property or occupation of any property/building in the phase; and
  - 7.4.3 Proof of compliance for the requirements associated with long term operations must be available on request.



**LP PIENAAR Pr Eng,**

**EXECUTIVE DIRECTOR: ENGINEERING SERVICES**

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