



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15228 (TP243/2023)

Our File Reference Number: Farm 100/4, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW 2015 ON FARM NO. 100/4, STELLENBOSCH DIVISION

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, for consent use in order to permit a monthly market on Farm 100/4, Stellenbosch Division;

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:

3.1 The approval only applies to the consent use under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality or other legislation or By-laws or Regulations that may be applicable.

3.2 The development must be undertaken in accordance with the referenced Land Use Plan with Drawing No. JPH377/01, drawn by Jonathan Holtmann and Associates with amended date 05/03/2024, attached as **Annexure B**.

3.3 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.

- 3.4 The land use hereby permitted is limited to a maximum of one (1) market per month and shall only operate between the hours of 10:00 and 17:00.
- 3.5 The land use hereby permitted is restricted to an area of $\pm 1500\text{m}^2$ (market trading area) and $\pm 400\text{m}^2$ (market seating area) as indicated on the referenced Land Use Plan with Drawing No. JPH377/01, drawn by Jonathan Holtmann and Associates with amended date 05/03/2024, attached as **Annexure B**.
- 3.6 The land use hereby permitted is limited to a maximum number of 3000 daily visitors.
- 3.7 Sufficient onsite parking be provided for all vehicles associated with the land use hereby permitted.
- 3.8 Effective traffic control must be provided for access off the R44 Road, at the access gates and to the onsite parking area.
- 3.9 A right of way servitude over Farm No. 100/6 in favour of Farm No. 100/4 must be registered to secure the current access to Farm No. 100/4.
- 3.10 No directorial, advertisement, or any other signs or flags may be erected on the subject property or in the road reserve prior to the approval of Stellenbosch Municipality or the competent authority.
- 3.11 Adequate arrangement be made for all electrical, ablution, water, safety, health and other facilities which may be required by the land use hereby permitted.
- 3.12 The land use hereby permitted to be subservient and not adversely impact on the primary agricultural land use activities on the land unit.
- 3.13 The land use hereby permitted shall not create any undue noise or be a nuisance to the neighbouring farms and that precautionary measures be taken in order to avoid environmental noise pollution and to ensure compliance with the Noise Control Regulations (PN200/2013) in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989) and the Municipal By-law on the Prevention of Public Nuisance and the keeping of animals.
- 3.14 Building plans must be submitted and approved by the Municipality prior to the commencing of any permanent building works, including the preparation of land.

- 3.15 The conditions imposed by the Directorate: Infrastructure Services as contained in their memorandum dated 29/02/2024, attached as **Annexure E** be complied with.
- 3.16 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment and as agreed in writing with the Director Infrastructure Services.
- 3.17 The conditions imposed by the Western Cape Government Department of Infrastructure: Roads Planning as contained in their letter dated 21/02/2024, attached as **Annexure E** be complied with.
- 3.18 The conditions imposed by the District Municipality (Health Department) as contained in their letter dated 25/10/2023, attached as **Annexure E** be complied with.

4. The reasons for the above decision are as follow:

- 4.1 The proposal is an extension of the existing tourist facilities currently located on the subject property and will not undermine the agricultural potential of the property.
- 4.2 The frequency of the proposal is of an occasional nature and is compatible with the rural character of the area and surrounding land uses.

5. Matters to note:

- 5.1 The subject property is located outside of the Stellenbosch Municipality supply area and all electrical requirements should be directed to Eskom.

6. 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.

7. 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:
 - a) First names and surname
 - b) ID number
 - c) Company of Legal person's name (if applicable)


- d) Physical Address
 - e) Contact details, including a Cell number and E-Mail address
8. Reference to this correspondence and the relevant property details on which the appeal is submitted.
- 8.1 The grounds of the appeal which may include the following grounds:
- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
 - b) 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.
 - c) Whether the appeal is lodged against the whole decision or a part of the decision.
- 8.2 If the appeal is lodged against a part of the decision, a description of the part.
- 8.3 If the appeal is lodged against a condition of approval, a description of the condition.
- 8.4 The factual or legal findings that the appellant relies on.
- 8.5 The relief sought by the appellant.
- 8.6 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- 8.7 That the appeal includes the following declaration by the Appellant:
- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - b) 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.
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 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
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.

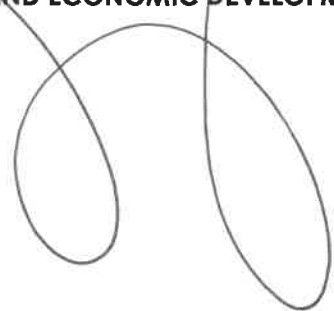
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

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



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT



15/3/2024.
DATE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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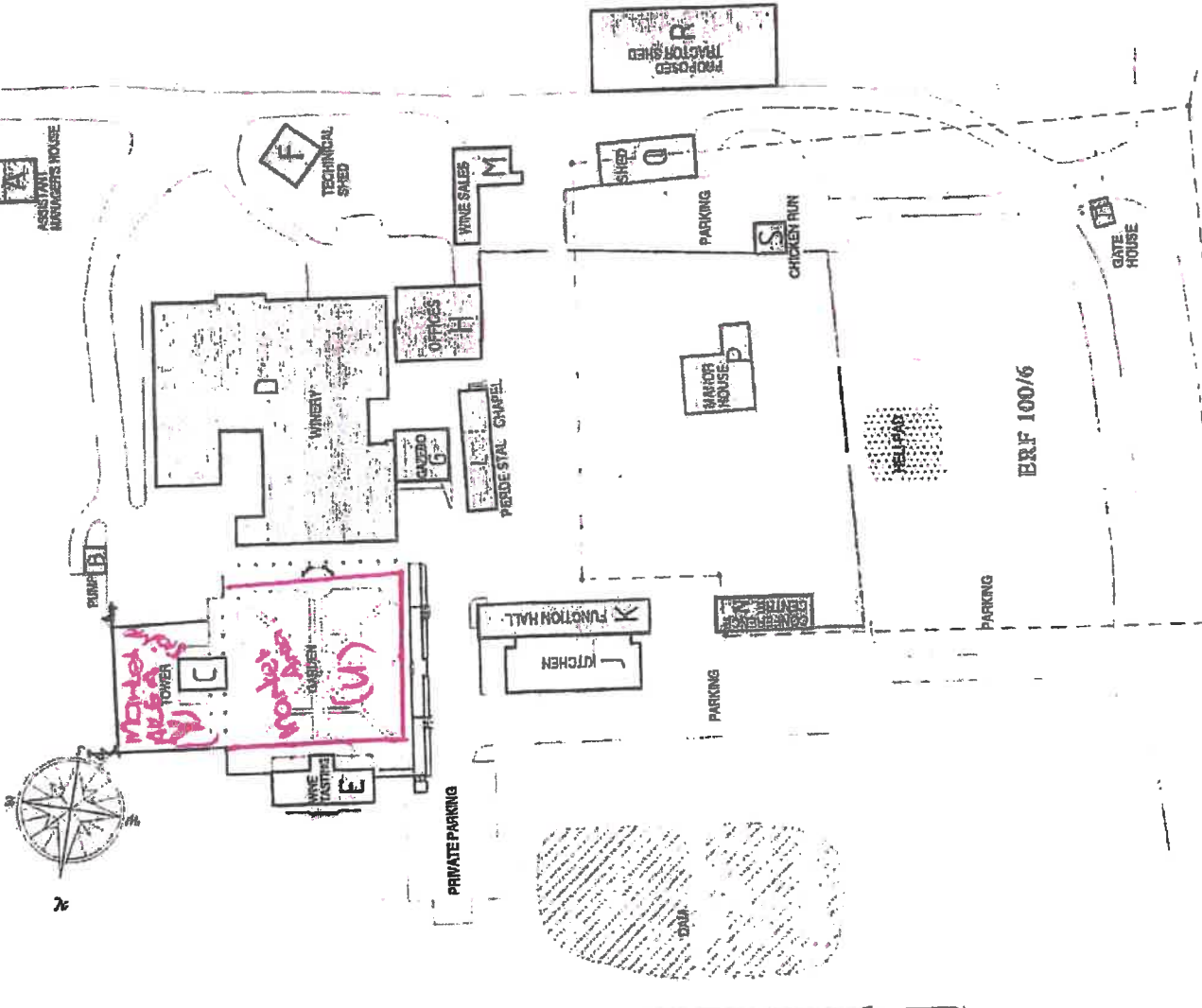
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ANNEXURE B

SITE PLAN

Existing Land Uses attached to Associated Buildings

KEY SYMBOL	USE	ACTUAL COVERAGE AREA
A	Assistant Managers House	90 m ²
B	Pump	25 m ²
C	Tower	70 m ²
D	Winery	2262 m ²
E	Wine Tasting	187 m ²
F	Technical Shed	100 m ²
G	Gazebro	122 m ²
H	Offices	289 m ²
I	Kitchen	336 m ²
J	Function Hall	252 m ²
K	Pride Stall / Chapel	156 m ²
L	Wine Sales	169 m ²
M	Conference Centre	147 m ²
N	Manor House	237 m ²
O	Shed	189 m ²
P	Proposed Tractor Shed	720 m ²
Q	Chicken Run	42 m ²
R	Gate House	24 m ²
S	Market Area	1500 m ²
T	Market Area - Section	1100 m ²



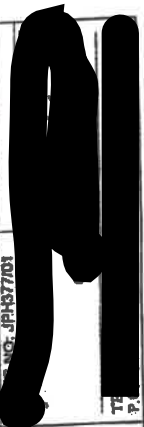
05/03/2024

Morgenhof Wine Estate

Determination of Land Uses for Farm 100/4 Stellenbosch

LAND USE PLAN

DATE: March 1998
 NO: JF1937/03
 SCALE: 1:1 000



Page 1A/11

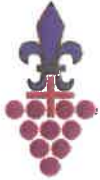


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ANNEXURE E

COMMENT FROM DEPARTMENTS



STELLENBOSCH MUNICIPALITY
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MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: Nolusindiso Momoti
From ▫ Van: Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Ilze Fillies
Date ▫ Datum: 29 February 2024
Our Ref ▫ Ons Verw: Civil LU 2523
Town Planning Ref: LU/15228
Re ▫ Insake: Farm 100/4, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, for Consent Use in order to permit a monthly market on Farm 100/4, Stellenbosch Division.

The application is recommended for approval subject to the following conditions:

1. Civil Engineering Services

- 1.1 All conditions set by the provincial Roads department must be complied with before the operation of the market.
- 1.2 All recommendations of TIA must be complied with before the operation of the market.
- 1.3 The parking bay area must be cleaned, and all parking bays clearly demarcated on site.
- 1.4 The potable water is supplied from existing boreholes. The storage of the potable water must comply with SANS 241.
- 1.5 All sewer and wastewater must be connected to the existing conservancy tanks.

2. Development Charges (DCs)

2.1 The following DC's are payable: See Development Charge Calculation attached.

2.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.

2.3 The appropriate DC's are payable immediately after this approval is granted and the facility is put to its approved use.

IFILLIES

Ilze Fillies

Principal Technician: Development (Infrastructure Services)

N:\2.0 DEVELOPMENT\01 Land Use applications\2523 (IF) Farm 100-4 Stellenbosch (LU-15228)\2523 Farm 100-4 Stellenbosch (LU-15228) - Copy.doc

IF



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2523 (F) Farm 100-4 Stellenbosch, (LU-15228)
Development Name:	
Date:	28 February 2024
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 100, portion 4
DC Parameters Reference:	Email from Ronald Muller on the 18th of December 2023

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s):	k/day	k/day	ha°C	t/week	tips/day		persons		
Total Increased Services Usage:	150	105	3	9	1500		390		
Total Service Usage Reduction:	0	0	0	0	750,0		0		
Total Service Usage after Reduction:	150,00	105,00	3,00000	9,000	750,0		390		
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 880 304,56	R 10 058 728,68	R 10 939 033,24	R 668 425,30	R 11 607 462,54	
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 880 304,56	R 10 058 728,68	R 10 939 033,24	R 668 425,30	R 11 607 462,54	
Total Deductions:	R -	R -	R -	R -	R 5 029 364,34	R 5 029 364,34	R -	R 5 029 364,34	
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R 880 304,56	R 5 029 364,34	R 5 909 668,90	R 668 425,30	R 6 578 098,20	
VAT:	R -	R -	R -	R 132 045,68	R 754 404,65	R 888 450,34	R 100 284,40	R 988 714,73	
Total Development Charges Payable (including VAT):	R -	R -	R -	R 1 012 350,25	R 5 783 769,99	R 6 798 119,24	R 768 693,70	R 7 564 812,93	

APPLICANT INFORMATION	
Application Processed by:	Itze Filippis
Signature:	
Notes:	

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage Amount	Water		Sewer		Stormwater		Solid Waste		Roads & Transport		Sub-Tech (Civil Eng Services)	Community	Total
		Area (m ²)	Unit Amount	Area (m ²)	Unit Amount		Result	Result	Yes	No	Yes	No	Yes	No	Yes	No			
Residential	Single Residential >1000m ²	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential >500m ²	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential <250m ²	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Single Residential <250m ²	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Second Dwelling	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Less Formal Residential	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Apartments	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Retirement Village	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Old age home	du				0	R	R	-	R	-	R	-	R	-	R	-	R	-
Accommodation	Student Accommodation/Commune/Hostels	rooms				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Guest House	rooms				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Converted Guest House	rooms				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Hotel, Residential	rooms				0	R	R	-	R	-	R	-	R	-	R	-	R	-
Commercial	General Business	m ² GLA				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Office	m ² GLA				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Retail/Shop	m ² GLA				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Restaurant	m ² GLA				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Outdoor Function / Picnic Area	persons				3000	R	R	-	R	-	R	-	R	-	R	-	R	-
	Conference Facility/Place of assembly	m ² GLA				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Hospital/Clinic/Medical Rooms	m ² GLA				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	University/College	student				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	School/Day Care	student				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Industrial - light	m ² GLA				0	R	R	-	R	-	R	-	R	-	R	-	R	-
Industrial	Industrial - heavy	m ² GLA				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Warehousing/Light Manufacturing	m ² GLA				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Storage Facilities	unit				0	R	R	-	R	-	R	-	R	-	R	-	R	-
	Open Space/Natural Environment/Utility Sits	ha				0	R	R	-	R	-	R	-	R	-	R	-	R	-
Non Demand	Roads and Parking	ha				0,0000	R	R	-	R	-	R	-	R	-	R	-	R	-
	To be calculated	ha				0,0000	R	R	-	R	-	R	-	R	-	R	-	R	-
	(Based on equivalent demands)	ha				0	R	R	-	R	-	R	-	R	-	R	-	R	-
		Total Area:	0			0													

Changes before adjusting for positive only, before Deductions		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	11 637 482,54
Deductions per service (from usage reductions)		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	6 629 364,34
Discount Deduction (%)		Percentage: 0,00%																			
Additional Deduction per service - from Service Agreement (sum)		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Sub Total after Adjustments and Deductions (excluding VAT)		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	6 629 364,34
VAT		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	9 678 996,30
Total Development Charges		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	9 678 996,30
		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	10 264,40
		R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	7 551 812,93



Ref: DOI/CFS/RP/LUD/REZ/SUB-25/471 (Job 30529)

ARCH Town Planners
2nd floor, Bakkershuis
152 Dorp Street
STELLENBOSCH
7600

Attention: Mr R Muller

Dear Sir

**PORTION 4 OF FARM NO 100 (MORGENHOF FARM), STELLENBOSCH: MAIN ROAD 27:
CONSENT USE APPLICATION**

1. The following refer:
 - 1.1. Your email to This Branch dated 14 August 2023; and
 - 1.2. Your motivation Report dated April 2023 prepared and submitted by Renaldo Muller; and
 - 1.3. Traffic Impact Assessment by ITS, dated 16 October 2023 and referenced 4637; and
 - 1.4. Title deed T000062367/2021 for portion 4 of Farm 100; and
 - 1.5. Title deed T22450/93 for portion 6 of Farm 100.
2. The subject property is North of Stellenbosch and takes access off Main Road 27 (R44) at ± km 39.27 (RHS) via Portion 6 of Farm 100. Both Portions 4 and 6 have the same owner.
3. This application is for CONSENT USE on Portion 4 of the Farm 100, Stellenbosch, for a Tourist Facility (market) once every month. The market makes use of the estate's existing infrastructure and it is operational from 10:00 to 17:00, on the last Sunday of each month. There will be between 70 and 80 vendors at the market.
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014, on condition that:
 - 4.1. The security checkpoint at the entrance to the estate allow vehicles to enter the estate without having to record their details, and that the gate is open during the operational hours of the market, to ensure that stacking of vehicles onto Main Road 27 (R44) does not occur; and

- 4.2. A dedicated Right-Turn Lane be constructed for the Southern leg of the intersection of Main Road 27 and the entrance to the Estate.
- 4.3. All geometric and materials designs of all road improvements must be submitted to this Branch's Chief Directorate Road Design for approval (ATT: Mr F Hunter, e-mail faiz.hunter@westerncape.gov.za).

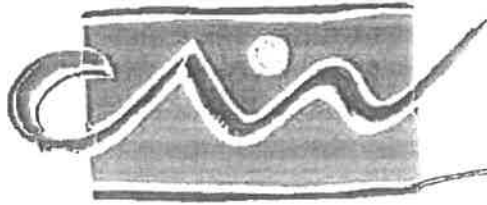
Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 21 FEBRUARY 2024



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

15

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

MUNISIPALE GESONDHEIDSDIENSTE
Mnr. J Krüger
021-8885800
021-8879365
julian@capewinelands.gov.za
Farm 100/4(P)
Plaas 100/4, Stellenbosch

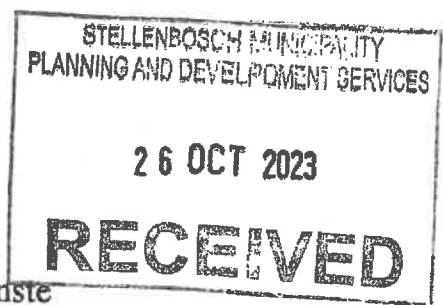
Alexanderstraat 46 Alexander Street
100
STELLENBOSCH
7600

*Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/
All correspondence to be addressed to the Municipal Manager/Yenke Imbalelwano mayithunyelwe kulMlawuli kaMasipala*

25-10-2023

Munisipale Bestuurder
Munisipaliteit Stellenbosch
Posbus 17
Stellenbosch
7599

FILE NO:	F100/4 S
SCAN NR:	
COLLASH NUMBER:	758517



Vir aandag: Beplanning en Ekonomiese Ontwikkelingsdienste

Meneer

**AANSOEK OM VERGUNNINGSGEBRUIK: PLAAS MORGENHOF, NO. 100/4,
AFDELING STELLENBOSCH**

Daar is geen beswaar vanuit 'n gesondheidsoogpunt ten opsigte van die aansoek nie, onderworpe aan die volgende voorwaardes :

1. Alle riool –en afloop/ waswater moet gekoppel word aan die bestaande stelsel en so beskik word dat dit nie 'n oorlas veroorsaak nie.
2. Alle waswater vanaf die kombuis moet deur 'n vetvangter gaan voordat dit in die riolsisteme vloei.
3. Gedurende die Markdae moet voldoende toiletgeriewe voorsien word vir die aantal besoekers.
4. In die geriewe vir dames moet voorsiening gemaak word vir die wegdoen van sanitêre doekies.
5. Die applikant moet aansluit by die Raad se vullisverwyderingsdiens.
6. Indien voedsel op die perseel voorberei word vir verkoop aan die publiek moet die applikant aansoek doen by Stellenbosch Munisipaliteit vir die nodige lisensie asook by die Kaapse Wynland Distriksmunisipaliteit vir 'n geskikheidsertifikaat ingevolge R638 van Junie 2018.
7. Alle voedselvoorbereiding/hanteringspersele moet voldoen aan die vereistes van R638 wat betrekking het op voedselpersele.

8. 'n Voldoende voorraad veilige skoon gepyppte drinkwater moet voorsien word.
9. Indien enige aktiwiteit op die perseel geraas genereer berus die onus by die eienaar om die nodige klanktoetse te laat neem en die uitslae aan hierdie Departement voor te lê. (Die SABS Gebruikskode 0103 van 1994 asook die Regulasies van die Wet op Omgewingsbewaring Nr.73 van 1989 moet as riglyn dien.)

Die uwe


nms. **Munisipale Bestuurder**