



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/LU/15786 (TP388/2023)

Our File Reference Number: Farm 65/9 Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR CONSENT USES: FARM 65/9, 65/20, 1059 STELLENBOSCH DIVISION AND ERF 185 AND REMAINDER-ERF 165 KOELENHOF

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application(s) in terms of Section 15 (o) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023, for a Consent Use to allow for:
 - 2.1.1 A **tourist facility** to permit an e-Foiling facility on Farm No. 65/9 and Farm No. 65/20, Koelenhof, Stellenbosch Division; and
 - 2.1.2 An **occasional use** to permit a mountain bike (MTB) trail on Erf 185, Koelenhof, Remainder Erf 165, Koelenhof, Remainder Farm No. 1059, Farm No. 65/9 and Farm No. 65/20, Stellenbosch Division;
3. The approval is subject to the following conditions imposed in terms of Section 66, of the said Bylaw:
 - 3.1 The approval only applies to the proposal under consideration, attached as **ANNEXURE B**, and shall not be construed as authority to depart from any other legal prescriptions

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

or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

- 3.2 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.
- 3.3 The conditions imposed by the **Director: Engineering Services** in their memo dated 22 August 2023, attached as **ANNEXURE E**, be adhered to.
- 3.4 The conditions imposed by the **Manager: Environmental Management** in their memo dated 18 September 2023, attached as **ANNEXURE F**, be adhered to.
- 3.5 The conditions imposed by the **Manager: Health Services (Cape Winelands)** in their memo dated 23 October 2023, attached as **ANNEXURE J**, be adhered to.
- 3.6 The conditions imposed by the **Department of Transport and Public Works** in their letter dated 08 November 2023, attached as **ANNEXURE K**, be adhered to.
- 3.7 The proposed land use to not create any undue noise or be a nuisance to the surrounding area and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- 3.8 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and to the satisfaction of the Municipality.
- 3.9 Building plans for all existing and future structures related to the e-foiling and MBT trail activities, must be submitted to this municipality for approval. A site development plan to be submitted for consideration as part of the building plan process for all future amendments to the proposed facility.

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

- 4.1 The proposed uses will help to diversify the land uses on the farm without impacting on the existing agricultural activities.
- 4.2 The proposed facilities will further enhance the tourism potential of the region.
- 4.3 The proposed facilities will provide a safe and enjoyable opportunity for the local community and visitors to take part in a healthy activity in a safe environment.

4.4 The proposal is not considered to be in conflict with the policies and principles of the relevant planning guidelines which allow for appropriate tourism facilities including appropriate sporting activities in agricultural areas outside of the urban edge.

5. **Matters to be noted:**

5.1 All electrical requirements 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:

- (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.

8. 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.
9. 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.
10. 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
11. 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.

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

13. 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

DATE:

15/2/2021

ANNEXURE B

**APPLICATION FOR CONSENT USE: FARM NO. 65/9;
FARM NO. 65/20; FARM NO. 1059, STELLENBOSCH
DIVISION; AND ERF 185 & REMAINDER ERF 165,
KOELENHOF.**

SITE DEVELOPMENT PLAN



REVISION HISTORY:

Rev A: Proposed Devonbosch tourist facilities site plan.

NOTES:

- Site Boundary
- Approved Devonbosch Development Site Area
- Proposed MTB Track
- Dam Outline

TITLE:
PROPOSED TOURIST FACILITIES
(MTB TRACK & E-FOILING)
SITE PLAN

SCALE: 1:8000 (A3)



PROPERTY DESCRIPTION:

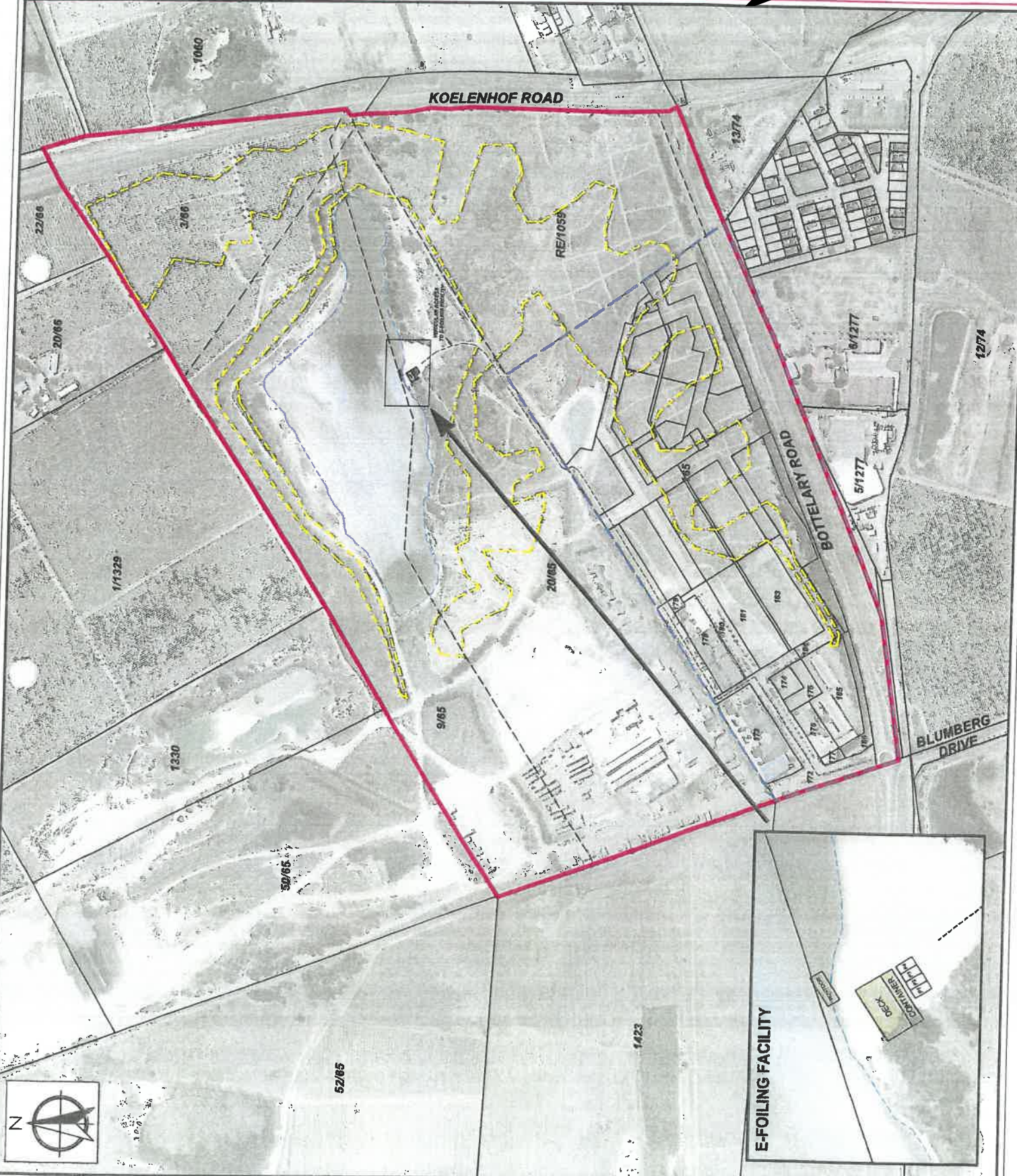
ERF 165, KOELENHOF, PORTIONS 9 & 20 OF FARM NO. 65, REMAINDER FARM 1053 & PORTION 3 OF FARM NO. 66, STELLENBOSCH

PLAN DETAILS:

Plan No: 23004-001
 Revision: 1
 Date: 2023-05-17
 Drawn by: RC
 Checked by: AR



The copyright in this drawing, including the location and the details shown herein, is reserved by LMV Cape Town & Regional Planners.



ANNEXURE E

**APPLICATION FOR CONSENT USE: FARM NO. 65/9;
FARM NO. 65/20; FARM NO. 1059, STELLENBOSCH
DIVISION; AND ERF 185 & REMAINDER ERF 165,
KOELENHOF.**

**COMMENT FROM THE DIRECTOR:
ENGINEERING SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: Nicole Katts
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 22 Aug 2023
Our Ref ▫ Ons Verw: Civil LU 2561
Town Planning Ref: LU/15786
Re ▫ Insake: Farm 65/9, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for Consent Use to allow for the following: i) A tourist facility to permit an e-Foiling facility on Farm No. 65 ptn's 9 and 20, Stellenbosch Division; and ii) An occasional use to permit a mountain bike (MTB) trail on Erf 185, Koelenhof, Remainder Erf 165, Koelenhof, Remainder Farm No. 1059, Farm No. 65/9 and Farm No. 65/20, Stellenbosch Division.

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

- 1. General**
- 1.1 The Developer's consulting engineering must during detail design stage ensure that there are no clashes between any structures and municipal or private services.
- 1.2 All existing services must be indicated on the building plans.
- 1.3 Any damage to existing services will be the Developer's responsibility to repair and for the Developer's account.

2. Roads

- 2.1 Access is from a provincial road – please obtain approval from Provincial Roads Engineer (PRE). All conditions from PRE will be applicable.

3. Development Charges (DCs)

- 3.1 Development Charges will be calculated at building plan stage based on the detail information provided with the building plans.
- 3.2 The appropriate DC's are payable before building plan approval or before the facility is put to its approved use (where building plans are not applicable).



**Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)**

W:\2.0 DEVELOPMENT\01 Land Use applications\2561 (TK) Farm 65-9 Stellenbosch (LU-15786)\2561 () Farm 65-9 Stellenbosch (LU-15786).doc

ANNEXURE F

**APPLICATION FOR CONSENT USE: FARM NO. 65/9;
FARM NO. 65/20; FARM NO. 1059, STELLENBOSCH
DIVISION; AND ERF 185 & REMAINDER ERF 165,
KOELENHOF.**

**COMMENT FROM THE MANAGER:
ENVIRONMENTAL MANAGEMENT**

INTEROFFICE MEMORANDUM



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

To:	Administrative Officer: Land Use Management Nicole Katts	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Environmental Management Tammy Leibrandt	Date:	18 September 2023
Re:	CONSENT USE APPLICATION: FARMS 65/9, 65/20 AND ERF 185, KOELENHOF (LU15786)		

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

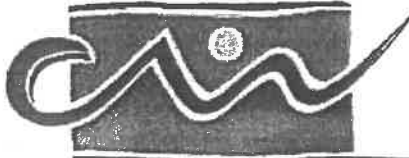
1. Conditions set out in applicable Environmental Authorization (issued in terms of the National Environmental Management Act [107 of 1998]) or Water Use permissions (writings issued in terms of the National Water Act [38 of 1998]) must be implemented and adhered to.
2. The construction of the proposed mountain bike trail may not trigger any requirement for authorization in terms of the above noted legislation, or, should the construction of the proposed mountain bike trail trigger any requirement for authorization in terms of the above legislation such authorization must be acquired prior to the implementation of the proposed trail.
3. Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES

ANNEXURE J

**APPLICATION FOR CONSENT USE: FARM NO. 65/9;
FARM NO. 65/20; FARM NO. 1059, STELLENBOSCH
DIVISION; AND ERF 185 & REMAINDER ERF 165,
KOELENHOF.**

**COMMENT FROM THE MANAGER:
HEALTH SERVICES (CAPE
WINELANDS)**



CAPE WINELANDS DISTRICT

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MEMORANDUM TO/ AAN : N.Katts
(Planning Economic &
Development Services: Stellenbosch Municipality)
Official / Beampste : Ms. N. Nqola
Your ref/ U vrew. : Erf 65/9;65/20&185
Ref No / Verw. No : 15/2/6/1
Date / Datum : 23/10/2023

**APPLICATION FOR CONSENT USE AND DEPARTURE: FARM NR 65/9;65/20&ERRF185,
BOTTELARY ROAD/, STELLENBOSCH, WESTERN CAPE**

There are no objections from an Environmental Health point regarding this application, subject to compliance with the following:

Your letter dated 29 June 2023, in the above regard refers.

From an environmental health perspective this application may be recommended for approval, provided that the following conditions are complied with:

1. Sewerage system from the proposed development must be connected to the Municipal sewerage system according to Stellenbosch Municipality's specifications, conditions, and approval.
2. Sewage disposal on the premises must always take place in a nuisance-free manner and shall be the owner's responsibility.
3. The quality of the potable water on the premises must always comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.
4. Refuse collection and storage must be done in a way that will not cause a health nuisance.
5. The proposed development must be provided with a refuse area that is large enough to store all the refuse generated on the premises, inaccessible to the public (ie equipped with a lockable door or gate)
6. All areas where food is handled must comply with the minimum requirements for food handling premises as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, of 22 June 2018 under the National Health Act.
7. Said food handling areas may in no circumstances be operated without application being made to the Environmental Health Department of the Cape Winelands District Municipality

for a Compliance Certificate. This certificate will only be issued after inspection and if the premises meet the requirements of Regulation R638.

This Department reserves the right to set further requirements during the running of the business.

Please contact me if you have any further questions or comments in this regard.

Yours faithfully



Nofusindiso Nqola
Environmental Health Practitioner
Obo. MUNICIPAL MANAGER

ANNEXURE K

**APPLICATION FOR CONSENT USE: FARM NO. 65/9;
FARM NO. 65/20; FARM NO. 1059, STELLENBOSCH
DIVISION; AND ERF 185 & REMAINDER ERF 165,
KOELENHOF.**

**COMMENT FROM THE DEPARTMENT
OF TRANSPORT AND PUBLIC WORKS**



Ref: DOI/CFS/RP/LUD/REZ/SUB-25/475 (JOB 30606)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

FARM 65/9, 65/20 & ERF 185, STELLENBOSCH: MAIN ROAD 187: CONSENT USE APPLICATION

1. The following refer:
 - 1.1. The email from ARoux Town Planning containing the application;
 - 1.2. The undated Notice of Land Development Application to Interested and Affected Parties for Comment (LU/ 15786 (TP388/2023)); and
 - 1.3. The Executive Summary of the Application for Consent Use dated May 2023 prepared by André Roux on behalf of LMV CAPE Town & Regional Planners.
2. The application entails the Consent Use for the following:
 - 2.1. A tourist facility to permit a e-Foiling facility on Portion 9 and 20 of Farm 65 Stellenbosch; and
 - 2.2. An occasional use to permit a mountain bike (MTB) trail on Erf 185 Koelenhof, Remainder Erf 165 Koelenhof, Remainder Farm 1059, Portion 9 of Farm 65 and Portion 20 of Farm 65 Stellenbosch.
3. Main Road 187 (Bottelary Road) is directly affected by this application via the main access to Devonbosch being opposite Blumberg Drive at the roundabout.
4. The proposed $\pm 7,5$ km MTB trail's start / end point is on Erf 185 Koelenhof and run throughout the undeveloped portion of the greater Devonbosch site. Erf 185 is zoned Mixed-Use Zone. Although the MTB trail is deemed a tourist facility, this zoning does not allow a tourist facility as a primary or consent use. It was resolved with the Municipality that application be made for Council's Consent for an "occasional use".
5. The proposed e-Foiling facility will be established at the existing quarry dam, on Portions 9 and 20 of Farm 65 Stellenbosch. These farm portions are zoned Agriculture and Rural Zone. A tourist facility is permitted within this zone with Council's Consent.

6. This Branch offers no objection to the proposed application for the MBT trail as an occasional use and the e-foiling facility as a tourist facility subject to the following conditions:
 - 6.1. Any changes to the MBT trail may not traverse the road reserve of either Main Road 187 or Main Road 174; and
 - 6.2. Parking must be provided in accordance with the zoning regulations of Stellenbosch Municipality.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 8 NOVEMBER 2023