



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11669

Our File Reference Number: Farm 770/2 and 771, Paarl Division

Your Reference Number: C0005

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

**APPLICATION FOR A CONSENT USE FOR A SERVICE TRADE ON FARM NO. 770/2 AND FARM NO. 771,
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 application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 770/2, Paarl Division and Farm NO. 771, Paarl Division, namely:
 - 2.1.1 **Consent Use** in terms of Section 15(2)(o) of the said Bylaw to allow for a service trade in order to accommodate an agri-civils depot on the subject properties.
3. **Conditions of approval:**
 - 3.1 The approval only applies to the consent use under consideration, as indicated on Drawing Nr. 770-2 / 771, PD, dated 28 February 2020, attached as **ANNEXURE C**, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

- 3.2 The development must be undertaken generally in accordance with the site development plan as referenced (Drawing Nr. 770-2 / 771, PD, dated 28 February 2020) and attached as **ANNEXURE C**.
- 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 conditions imposed by the **Manager: Community Services** as contained in their memo dated 27 August 2020, attached as **ANNEXURE G**, be complied with.
- 3.5 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 01 October 2021, attached as **ANNEXURE J**, be complied with.
- 3.6 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services
- 3.7 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.
- 3.8 The number of people employed be restricted to 10.
- 3.9 The proposal is for an agri-civils depot only to render a service to the local agricultural community and must not include any activities defined as a noxious trade.

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

- 4.1 The proposed service has limited impact on its surroundings as the service provided is in support of agricultural activities.
- 4.2 No productive agricultural land will be lost as the property has never been cultivated for agricultural purposes.
- 4.3 The proposed use will have limited visual impact on the surrounding area due to the row of trees shielding the activities from the street.
- 4.4 The proposed development conforms to the character of the area and is therefore considered appropriate within the given context.

5. **Matters to be noted:**

5.1 Building plans be approved by the Municipality.

5.2 The necessary Environmental Authorization be obtained from the (Department of Environmental Affairs and Development Planning.

5.3 The conditions stated in letter TPW/CFS/RP/LUD/REZ/SUB-10/418 (Job 28141) by the Department of Transport and Public Works, dated 02 December 2020, be complied with to the satisfaction of said Department. See **ANNEXURE K**.

5.4 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, 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.

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 may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

11. 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.
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 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



FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

15/9/2022

DATE:

ANNEXURE C

**APPLICATION FOR CONSENT USE FOR A SERVICE
TRADE ON FARM NO. 770/2 AND FARM NO. 771,
PAARL DIVISION**

SITE DEVELOPMENT PLAN

Legend
 Farm Portions



Department of Rural Development and Land Reform, Chief Executive Officer
 Esri, HERE, DeLorme, Mapbox, TomTom, Swatch, IGN, and the GIS User Community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR AeroGlobe, IGN, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Scale: 1:4 000
Date created: February 28, 2020

Compiled with CapeFarmMapper



DRAWING N.L. 770-2 (771) PD, 28 FEBRUARY 2020

ANNEXURE G

**APPLICATION FOR CONSENT USE FOR A SERVICE
TRADE ON FARM NO. 770/2 AND FARM NO. 771,
PAARL DIVISION**

**COMMENT FROM THE
MANAGER: COMMUNITY
SERVICES**

INTEROFFICE MEMORANDUM



STELLENBOSCH
STELLENBOSCH • VNIEL • FRANSCHBOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

7

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: Community Services - Albert van der Merwe Air Quality / Noise Control Official - Martin van As	Date:	27 August 2020
Re:	APPLICATION FOR A CONSENT USE, PORTION 2 OF FARM 770 AND FARM 771, PAARL		

FILE NR:	
SCAN NR:	F 770/2 P
COLLABORATOR NR:	691693

The above application to allow for agri-civil use of Portion 2 of the Farm 770 and Farm 771 as well as a transport depot refers. From an environmental planning and management point of view this department has no objection to the proposed development on the following conditions:

1. All the activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.
2. The owner, occupier or operator of the premise must take all reasonable steps to prevent nuisance caused by dust from any activity, including the processing, stockpiling and storage of any material, on the relevant premise in accordance with the National Dust Control Regulations.
3. The proposed diesel tanks must be installed in and kept in a manner that will not allow any ground or groundwater pollution.
4. Refueling on site must be done on an impermeable surface and in a manner that will not allow any ground or groundwater pollution.

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES



ANNEXURE J

**APPLICATION FOR CONSENT USE FOR A SERVICE
TRADE ON FARM NO. 770/2 AND FARM NO. 771,
PAARL DIVISION**

**COMMENT FROM THE
DIRECTOR: ENGINEERING
SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag N Katts
From ▫ Van: Abdullah Daniels (Development)
Date ▫ Datum: 01 October 2021
Our Ref ▫ Ons Verw: Civil Lu 2037
Re ▫ In sake: Farm 770 Portion 2, Consent Use.

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES
 04 OCT 2021
 RECEIVED

The application is for the following items:

- i. Consent Use for a service trade in order to accommodate the use of the site for the purposes of an agri civils depot rendering civil works to farming community.

The application is recommended for approval. Subject to the following conditions:

1. Roads

- 1.1 This applications falls outside the Stellenbosch municipal jurisdiction and must be sent to WCG: Road Planning for comments and approval.
- 1.2 All the conditions set by the WCG will be applicable and must be complied with.

2. Waste Water and Sewage

- 2.1 Waste water and sewage may not pollute any ground water, stormwater and surface water.
- 2.2 Please note that the use of septic tanks to collect and treat the sewage generated will not be allowed and that no new septic tanks and soak-aways are permitted to be built.

F 770/2 P
 714638

2.3 Details of the sewage system to be provided at building plan stage.

3. Water

3.1 The quality of the 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.

4. Solid Waste

4.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

5. Development Charges (DCs)

5.1 Based on the information provided in application the Development Charges payable by the developer.

5.2 DCs are payable prior to the erf or portion thereof being put to the approved use or building plan approval whichever comes first.

6. Electrical

6.1 Refer to annexure A for electrical comments



ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\2037 (AD) Farm 770-2 Paarl (IU-11669)\2037 Farm 770-2 (AD) ,Paarl, Consent Use.doc

ANNEXURE K

**APPLICATION FOR CONSENT USE FOR A SERVICE
TRADE ON FARM NO. 770/2 AND FARM NO. 771,
PAARL DIVISION**

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

11



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

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

09 DEC 2020

RECEIVED

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-10/418 (Job 28141)

ENQUIRIES: Ms GD Swanepoel

DATE: 2 December 2020

Director: Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

FILE NR:	
SCAN NR:	F 770/2 P
COLLABORATOR NR:	699569

Dear Sir

PORTION 2 OF FARM 770, PAARL AND FARM 771, PAARL: MAIN ROAD 189 (R101 OLD PAARL ROAD): APPLICATION FOR CONSENT USE FOR SERVICE TRADE

1. Notice of land development application by Mr Theo Steyn of NuPlan Africa, Town and Urban Planners, application ref. LU/11669, received by this Department on 9 October 2020 refers.
2. Farm 770/2, Paarl is located on the north side of Main Road 189, the R101 Old Paarl Road, with access at ±km25.94 on Main Road 189, just over 1km from the Main Road 27 (R44) intersection in Klappmuts. Farm 771 is located adjacent to Farm 770/2, to the north of it. As the ownership of both parcels of land is the same, access to Farm 771 can be obtained through Farm 770/2. Should the properties have different ownership in the future, Farm 771 also has access via Minor Road 5222, which intersects with Main Road 189 ±370m west of the access to Farm 770/2.
3. The application is for Consent Use for service trade on Farm 770/2 and 771, Paarl to permit the Applicant to conduct an agri-civils business from these properties, including the storage of materials and equipment, to service a business operating in the wider agricultural area.
4. Main Road 189 is a Class 3 road with a speed limit of 100km/h. Shoulder sight distance along Main Road 189 in both directions meets the recommended minima for large trucks, and the access location is acceptable in terms of the Access Management Guidelines.

5. The access onto Main Road 189 will require upgrading to accommodate significant numbers of heavy vehicles and to ensure that access security controls do not result in heavy vehicles being delayed in the main road when entering.
6. The Traffic Impact Statement prepared as part of the land use application indicates that the trip generation of the proposed uses can be readily accommodated at the access to Farm 770/2 and that no turn lanes are warranted on Main Road 189 to serve the proposed use of the subject properties.
7. This Branch offers no objection to the proposed land use application in respect of Portion 2 of Farm 770, Paarl and Farm 771, Paarl, subject to the following conditions:
 - 7.1 The Applicant shall accept in writing to be responsible for all costs associated with the design and implementation of the required road upgrades.
 - 7.2 Access to Farm 770/2 shall be limited to a single entrance off Main Road 189 (the R101 Old Paarl Road), which shall be upgraded and surfaced at least from the edge of the pavement of Main Road 189 to the property boundary of Farm 770/2 to accommodate safe and convenient access to and from Main Road 189. Security gates shall be positioned at least 20m inside the property boundary and suitable measures taken to ensure that security clearance of entering vehicles does not result in tailbacks into Main Road 189.
 - 7.3 Detailed design of the access shall be carried out by an appropriately registered person in accordance with this Department's design guidelines and requirements. Detailed drawings of the access road geometry, pavement / materials, drainage, services, road markings and signage shall be submitted to this Branch's Chief Directorate: Design construction (Ms MK Hofmeyr - 021 483 5713) for approval prior to the commencement of.
 - 7.4 The Applicant's engineer shall design such upgrades as are required to ensure safe use of the entrance by large vehicles as used in the Applicant's business making left or right turns into the property. Particular attention shall be given to ensuring that left turning trucks are not required to turn into the opposing lane on Main Road 189 in order to be able to enter the access roadway.
 - 7.5 Detailed construction drawings and proposals for traffic accommodation during construction shall be submitted for approval to the District Roads Engineer, Paarl (Mr Elroy Smith - 021 863 2020) prior to construction.
 - 7.6 The Applicant's consultant or contractor shall accept the handing over of the site in writing from the Road Authority prior to construction.
 - 7.7 After completion of the construction phases to the satisfaction of the District Roads Engineer, Paarl, the Road Authority shall accept in writing the handing over of the site from the Applicant's consultant or contractor.

7.8 As built drawings shall be sent to this Branch (Ms GD Swanepoel), the District Roads Engineer, Paarl and the Roads Department of Cape Winelands District Municipality (Mr ACA Stevens - 086 126 5263).

Yours faithfully



SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT