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19 May 2023

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

Dear Sir / Mam

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Morgenhof Farm Stellenbosch Addam Tas Street R 44.

Application Property Number: Portion 4 of Farm 100 Stellenbosch (Morgenhof).

Applicant: Arch Town Planners - Renaldo Muller (renaldo@archtownplanners.co.za)

Owner: Unipact Trading Pty Ltd

Application Reference: LU/ 15228

Application Type: Consent Use Application (Tourist Facility: Market)

Detailed description of land use or development proposal, including its intent and purpose:

Application has been made in terms of Sections 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 for a monthly market that will occur on the last Sunday of the month (Refer to Annexure A). The area of the market is 1500 m² and the seating area is 400 m². The estimated number of visitors is 3000 and the operation hours of the market will be from 10:00 to 17:00.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **Arch Town Planners Pty (Ltd) - renaldo@archtownplanners.co.za**. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **19 June 2023**

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **072 587 1901** during normal office hours.

Yours sincerely



Renaldo Muller
Arch Town Planners Pty (Ltd)



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19 Mei 2023

**KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏNTEGREERDE EN GEAFFEKTEERDE
PARTYE VIR KOMMENTAAR.**

Beste Mnr en/of Mev.

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Morgenhof Plaas Stellenbosch Addam Tas Straat R 44.

Aansoek eiendom beskrywing: Gedeelte 4 van Plaas 100 Stellenbosch (Morgenhof).

Aansoeker: Arch Town Planners - Renaldo Muller (renaldo@archtownplanners.co.za)

Eienaar: Unipact Trading Pty Ltd.

Aansoek Verwysing: LU/ 15228

Tipe Aansoek: Vergunningsgebruik Aansoek (Toerisme Fasiliteite)

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen in terme van Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Grondgebruik Bywet, 2015 vir 'n Vergunningsgebruik Aansoek ten einde voorsiening te maak vir 'n maandelikse mark op die laaste Sondag van die maand (Verwys na Bylaag A). Die oppervlak van die mark is 1500 m² en die oppervlak van die sitplek is 400 m². Die geskatte hoeveelheid besoekers is 3000 mense en die tyd waarin die mark sal plaasvind is tussen 10:00 en 17:00.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is

nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsite van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: **Arch Town Planners Pty (Ltd) - renaldomuller@archtownplanners.co.za**. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **19 Junie 2023**

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **072 587 1901** gedurende normale kantoor ure

Die uwe



Renaldo Muller
Arch Town Planners Pty (Ltd)

CONSENT USE APPLICATION FOR TOURIST FACILITY (MARKET)

PORTION 4 FARM 100 STELLENBOSCH (Morgenhof Farm)



April 2023

SUBMITTED TO:

Interested and affected parties

PREPARED AND SUBMITTED BY:

Renaldo Muller



Address: Dorpsstraat 152 Stellenbosch

Email: renaldo@archtownplanners.co.za

Website: www.archtownplanners.co.za

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1. INTRODUCTION

1.1 Background Information Portion 4 of Farm 100 Stellenbosch (Morgenhof).

The application site is situated directly east of on Adam Tas Road (the R44), north of Stellenbosch. The site lies approximately 5k from Stellenbosch town centre with the closest residential area being Welgevonden, less than 1km away. It lies within an agricultural area surrounded by other farms.

There is a monthly market that currently operates from the farm on the last Sunday of every month. The market has been operating as an ad-hoc event which required an events permit. In order to allow for this as a permanent right, the landowner need to obtain Municipal approval for a Consent Use for a tourist facility (market), which is the purpose of this application.

1.2 Planning Brief

In light of the above, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit the required land use application (consent use) to the Stellenbosch Municipality to allow for the continuation of the market.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially submits an application in terms of Sections 15(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') to allow for the following on Portion 4 Farm 100 Stellenbosch:

- i. Consent Use for a Tourist Facility (market) once every month.

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Farm Size	Title Deed	Restrictive Title Deed Conditions
Farm 100 Portion 4 Stellenbosch	Unipact Trading Pty Ltd	169 Ha	T14438/1945	None

Table 1 Property Details

2.2 Locality

The application site is situated on Adam Tas Road, north of Stellenbosch. The site is approximately 1Km out of the urban edge and thus is in close proximity to Stellenbosch.

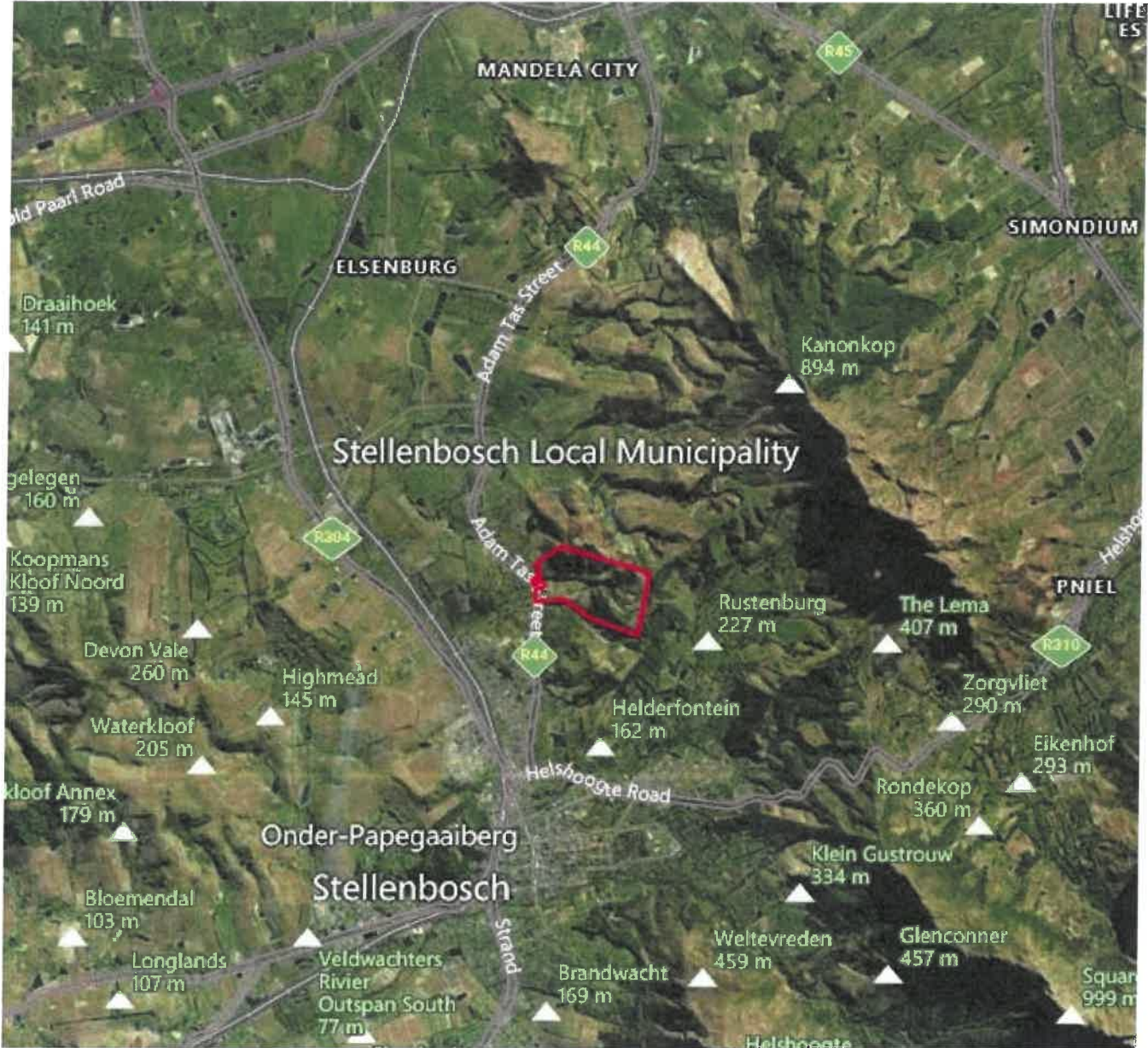


Figure 1: Locality Plan



Figure 2: The Application Site

2.3 Physical Characteristics, Existing and Surrounding Land Uses

The Farm is approximately 169ha in extent with the main use being agriculture (cultivation of vineyards and the making of wine) which ties in with the character of the surrounding agricultural area. The farm has one access point, taken directly from the R44, which runs over Portion 6 to also provide access to Portion 4.

In order to create an additional income from the farm, the previous landowner obtained land use approval for various tourist related activities, such as restaurants, wine tasting and conference facilities. The new owners started a monthly market (the last Sunday of each month) in the outdoor area above the existing basement cellar. The tourist activities are all situated on the western portion of the farm, along the R44 and takes up a combined footprint of approximately 3ha, thus less than 2% of the total farm.

2.4 Current Zoning and Previous Approvals

As confirmed in the attached zoning certificate (please refer to Annexures A) the Farm is currently zoned Agricultural and Rural Zone, in terms of the Stellenbosch Municipality Zoning Scheme By-Law (2019). The Agricultural and Rural zone, allows for the following primary, additional and consent land uses (see Table 2 below):

Primary Uses	Additional Uses (Not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building ($\leq 2000\text{m}^2$) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel ($\leq 2000\text{m}^2$) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building ($> 2000\text{m}^2$) • Agricultural industry ($< 2000\text{m}^2$) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry ($\geq 2000\text{m}^2$) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use ($> one event/year$) • Plant nursery • Polytunnel ($> 5000\text{m}^2$) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

Table 2: Land Uses allowed for in the Agricultural and Rural Zone (Stellenbosch Zoning Scheme, 2019)

In 1999, approval was granted for the following tourist related consent uses on Portion 4:

- Consent Use for Agricultural Industry ($\geq 2\,000\text{m}^2$) for a wine cellar of $\pm 2\,262\text{m}^2$ above ground and $\pm 1\,230\text{m}^2$ underground below the garden.
- Consent Use for Tourist Facilities for wine tasting, wine sales, a gallery, wine tasting and vinoteque (all in one building), a restaurant, a kitchen and chapel for weddings and conference and function facilities.

3. DEVELOPMENT PROPOSAL

The existing market, currently operating under an events permit, takes place on the last Sunday of each month. Please refer to Figure 3 below for the locality of the market. The market is in the courtyard above the existing wine cellar (indicated in red) with approximate extent of 1500m^2 . The seating for the market is behind the existing tower building (indicated in orange) and consists of a land portion of approximately 400m^2 . The estimated potential number of visitors for the for the market is 3 000, with operating hours between 10:00 - 17:00 (on the last Sunday of each month).

It is important to note that not all the visitors will arrive and leave at the same time and that the traffic load will be spread out over the duration of the market.

Additionally, it is also important to note that there will be no new development for the market area, and it will use the existing infrastructure on the farm.



Figure 3: The Market Area

3.1 Availability of Services

The market makes use of existing services, now new services are required. Access to the farm is taken from the R44 on the southwestern side of the property. There is ample parking in close proximity to the market area, which is linked to the parking area via a paved road.

4. MOTIVATION

- Tourist Facilities (which includes a market) are an excepted use under the current zoning of the property: Agriculture and Rural Zone.

- The market will take place in existing structures, no new structures or infrastructure are required.
- The market will provide the opportunity for local people to sell their produce and will include the sale of agricultural products from the farm.
- The market will operate within reasonable hours and will open at 10:00 and close at 17:00.
- The market will not have a negative impact on the protection and preservation of agricultural land as it will be on an area that is not used for agriculture.
- As the market will facilitate the sale of local produce it will enhance the economic viability of the farm and subsidize agricultural income.

5. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. It is therefore respectfully requested that the applications be considered for approval:

Report compiled by:

Renaldo Muller

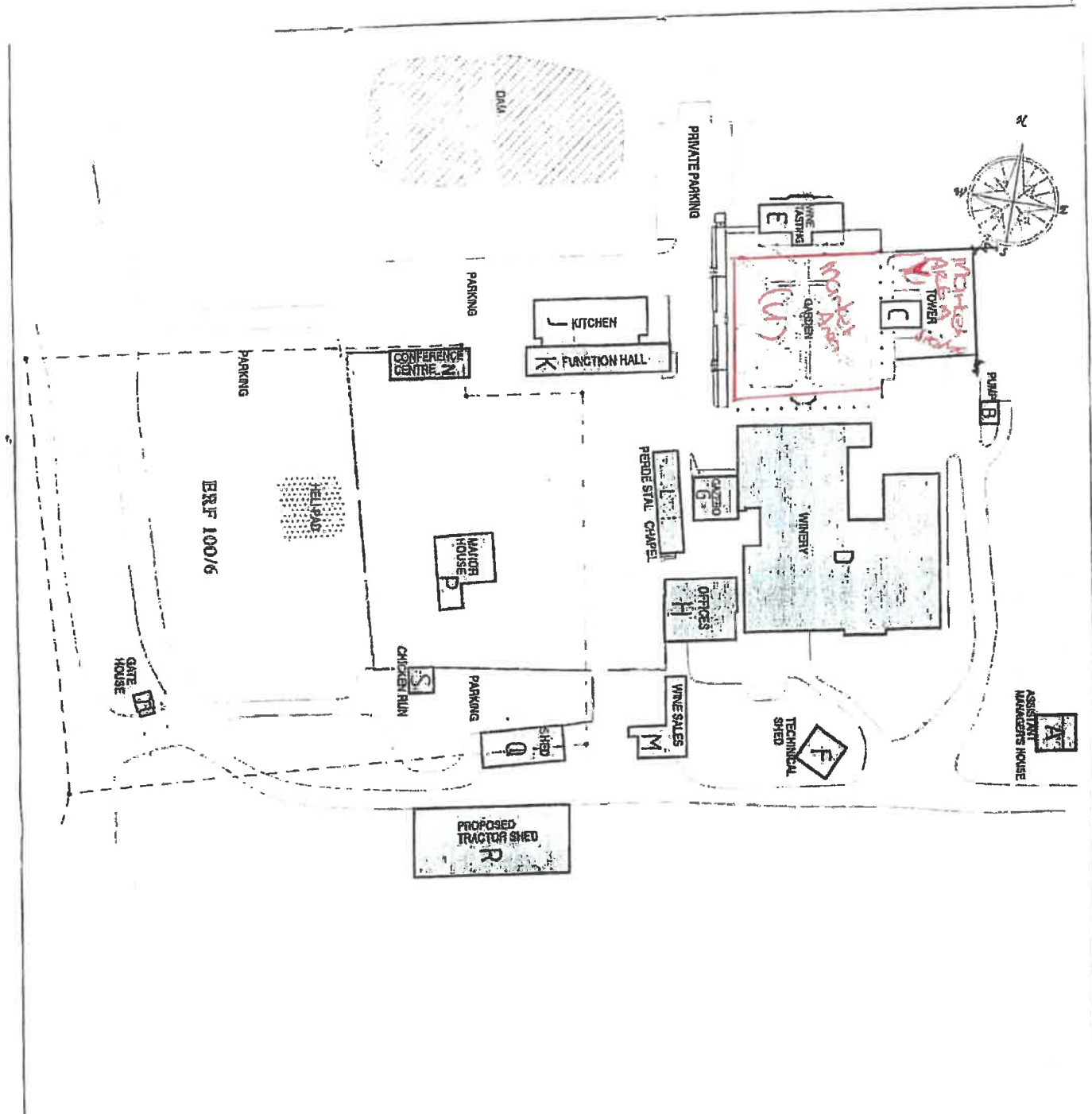
Reviewed by:

Marika Bolz



for Arch Town Planners (Pty) Ltd

May 2023



Existing Land Uses attached to Associated Buildings

KEY SYMBOL	USE	ACTUAL COVERAGE AREA
A	Assistant Manager's House	90 m ²
B	Tower	25 m ²
C	Winery	70 m ²
D	Winery	2262 m ²
E	Wine Tasting	187 m ²
F	Technical Shed	100 m ²
G	Gazebo	122 m ²
H	Offices	289 m ²
I	Kitchen	336 m ²
J	Function Hall	252 m ²
K	Perde Stal / Chapel	156 m ²
L	Wine Sales	169 m ²
M	Conference Centre	147 m ²
N	Manor House	237 m ²
P	Manor House	189 m ²
Q	Shed	720 m ²
R	Proposed Tractor Shed	42 m ²
S	Chicken Run	24 m ²
T	Gate House	24 m ²
V	Woods / open - scrub	1500 m ²

Morgenhof Wine Estate

Determination of Land Uses for Farm 100/4 Stellenbosch

LAND USE PLAN

DATE: March 1989
 DRWG NO.: JPH87701
 SCALE: 1:1 000

J.O.N.A.T.H.A.N H.O.L.T.M.A.N.N
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 Consulting Urban and Regional Planners



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Place 1A/112

Morgenhof Farm Market



Legend

-  Market Area
-  Market Area Seating

Google Earth

Images © 2022 Airbus

300 ft

