



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/4715

Our File Reference Number: Farm 1460/84, Paarl Division (Previously Unregistered Portion 82)

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

PER E-MAIL: [REDACTED]

Sir

## **APPLICATION FOR TEMPORARY DEPARTURE ON FARM 1460/84 (PREVIOUSLY UNREGISTERED PORTION 82), PAARL DIVISION**

1. The above application refers.
2. The Municipal Planning Tribunal on 25 August 2023 resolved as follows as follows:
  - 2.1 That the application in terms of Section 15 (2) of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 1460/84 (previously unregistered portion 82) Paarl Division for a **Temporary Departure** in terms of Section 15(2)(c) of the said By-law in order to utilise the unused and vacant portion of the existing building as Psychiatric Clinic

**BE APPROVED** in terms of Section 60 of the said By-law,

### **3. Conditions of Approval**

- 3.1 The approval applies only to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 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 proposed Psychiatric Clinic shall be limited to **±176 m<sup>2</sup>** as indicated on Site Development Plan referenced as Plan No: 1, File No: P2416/90 (13), dated June 2016, drawn by dh &a professional surveyors.

3.4 The Temporary Departure is valid for **five (5) years** from the date of final notification.

3.5 No directional signage or advertising signs may be erected without prior approval of the Municipality.

3.6 The proposed activities should be subservient to the dominant agricultural use of the property and surrounding farms.

3.7 The conditions imposed by the Directorate: Infrastructure Services as contained in their Memo dated 11 April 2017, attached as **Annexure G**, be complied with.

3.8 The conditions imposed by the Cape Winelands District Municipality as contained in their letter dated 18 April 2017, attached as **Annexure K**, be complied with.

3.9 The conditions imposed by the Road Network Management as contained in their letter 28 March 2017, attached as **Annexure M**, be complied with; or as may be agreed on in writing with the Chief Director: Road Network Management and Municipal Director: Infrastructure Services.

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

4.1 The proposal is not inconsistent with the MSDF.

4.2 Existing buildings are used, and no new structures are proposed that will have a negative impact on the character of the area or compromise the environment or the agricultural potential of the land.

5. 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.

6. 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:

6.1. 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

6.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

6.3 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.

6.4 Whether the appeal is lodged against the whole decision or a part of the decision.

6.5 If the appeal is lodged against a part of the decision, a description of the part.

6.6 If the appeal is lodged against a condition of approval, a description of the condition.

6.7 The factual or legal findings that the appellant relies on.

6.8 The relief sought by the appellant.

6.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

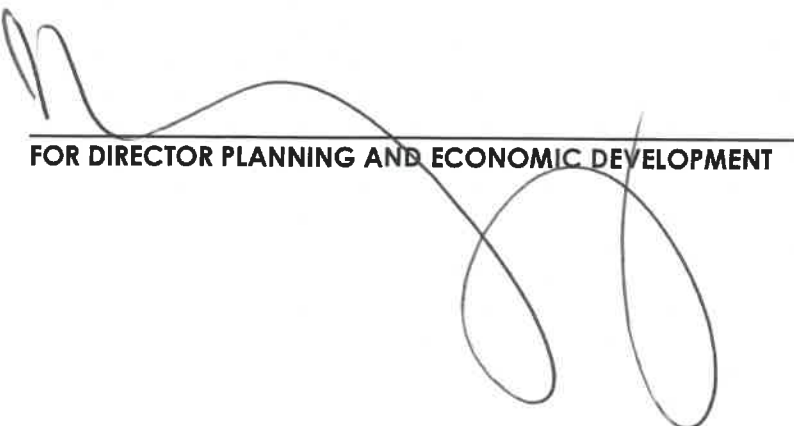
6.10 That the appeal includes the following declaration by the Appellant:

- 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.

7. 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](mailto:landuse.appeals@ Stellenbosch.gov.za)

8. 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.
9. 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](mailto:landuse.appeals@stellenbosch.gov.za)
10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. 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

15/9/2023  
DATE:

[REDACTED]

[REDACTED]

**ANNEXURE G: COMMENTS FROM THE DIRECTORATE:  
INFRASTRUCTURE SERVICES**



# STELLENBOSCH MUNICIPALITY

STELLENBOSCH-PNIEL-FRANSCHHOEK

## MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE  
DIRECTORATE: ENGINEERING SERVICES

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|                     |                                                           |
|---------------------|-----------------------------------------------------------|
| To - Aan:           | Director: Planning + Economic Development                 |
| Att Aandag          | Ulrich von Molendorff                                     |
| From - Van:         | Tyrone King (Development Services and Project Management) |
| Date - Datum:       | 11 April 2017                                             |
| Our Ref - Ons Verw: | Lupo 1395                                                 |
| Re - Insake:        | Farm 1460/82: Temporary departure for Psychiatric Clinic  |

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The application is for the following items:

- i. Temporary departure to utilize a portion of an existing building as a Psychiatric Clinic (offices)

Comments from the Directorate Engineering Services i.e Roads + Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

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

- a) Paragraph 5.5 of the motivation report confirms that the required services are already in place.
- b) There will be an increase sewer run-off due to the intended use and septic tanks are no longer accepted by the Municipality. The septic tank indicated on Drawing Number L6J3-LA-002 must therefore be replaced by a more environmentally friendly option such as a conservancy tank and must be clearly indicated on the building plans.
- c) Wastewater and sewage may not pollute any groundwater, stormwater or surface water.
- d) The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

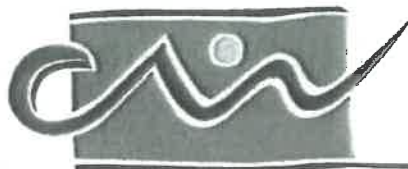
- e) Sufficient parking must be provided and indicated on the SDP at building plan submission stage.
- f) The registration of any servitudes required to ensure access to the proposed development will be the responsibility of the Owner.
- g) The application has to be referred to the District Roads Engineer for comments and conditions.
- h) All the conditions set by the District Roads Engineer will be applicable.



**TYRONE KING Pr Tech Eng**  
**HEAD: DEVELOPMENT SERVICES AND PROJECT MANAGEMENT (ENGINEERING SERVICES)**

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**ANNEXURE K: COMMENTS FROM CAPE WINELANDS DISTRICT:  
HEALTH**



# CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/MIBUZO:  
TELEFOON/TELEPHONE/UMNKEBA:  
FAKS/FAX/IFEKSI:  
E-POS/E-MAIL/IE-MAIL:  
U VERW/YOUR REF/REF YAKHO:  
ONS VERW/OUR REF/REF YETHU:

Mnr. M. Mathee  
021-8711001  
021-8721277  
[mathee@capewinelands.gov.za](mailto:mathee@capewinelands.gov.za)  
Farm 1460/82 Paarl  
Plaas No. 1460/82

Alexanderstraat 46 Alexander Street  
100  
STELLENBOSCH  
7599

18 April 2017

Die Munisipale Bestuurder  
Stellenbosch Munisipaliteit  
Posbus 17  
STELLENBOSCH  
7599

25 APR 2017



Meneer

## AANSOEK OM TYDELIKE AFWYKING : PLAAS 1460/82, PAARL AFDELING

U skrywe gedateer 20 Maart 2017, insake bogenoemde, het betrekking.

Hierdie aansoek kan vanuit 'n omgewingsgesondheidsoogpunt aanbeveel word vir goedkeuring, mits daar aan die volgende voorwaardes voldoen word:

- 1) Riooluitvloei sal beskikbaar word volgens spesifikasies, voorwaardes en goedkeuring van die Departement Water en Sanitasie.
- 2) Drinkwatervoorraad op die perseel sal ten alle tye moet voldoen aan die minimum bakteriologiese en chemiese standaarde soos bepaal deur SABS241.
- 3) Vullisversameling en-verwydering sal ten alle tye op so 'n wyse geskied dat dit nie 'n gesondheidsoorsaak tot gevolg sal hê nie.
- 4) Alle mediese afval wat op die perseel gegenereer word, moet deur 'n spesialis mediese afvalverwyderaar beskikbaar word en sodanige bewys moet deur eienaar gehou word.
- 5) Die areas waar voedsel op die perseel voorberei mag word, vir gebruik deur pasiënte, moet voldoen aan die minimum vereistes vir voedselhanteringspersele soos bepaal deur Regulasie R962 (Regulasies m.b.t. die Algemene Higiënevereistes vir Voedselpersele) in terme van die Wet op Voedingsmiddels – Wet 54 van 1972. Genoemde voedselhanteringsperseel mag onder geen omstandighede bedryf word nie, alvorens daar nie eers aansoek gedoen is by die Omgewingsgesondheidsdepartement van die Kaapse Wynland Distriksmunisipaliteit, om 'n Geskiktheidsertifikaat nie. Hierdie sertifikaat sal

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/

All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyelwe kuMlawuli kaMasipala  
Telefoon/Telephone/Umnkeba: 0861 265 263 • E-pos/E-mail/IE-mail: [admin@capewinelands.gov.za](mailto:admin@capewinelands.gov.za) • Faks/Fax/IFEKSI: 023 342 8442

alleenlik uitgereik word indien die perseel sou voldoen aan die vereistes van Regulasie R962.

- 6) Daar geen gesondheidsoorlaste aanwesig mag wees op die perseel nie, soos bepaal deur die Verordeninge insake Munisipale Gesondheid: Kaapse Wynland Distriksmunisipaliteit (gedateer 15 Februarie 2010)

Die uwe



nms. Munisipale Bestuurder

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/

All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyelwe kuMlawuli kaMasipala  
Telefoon/Telephone/Umnxeba: 0861 265 263 • E-pos/E-mail/E-mail: [admin@capewineland.gov.za](mailto:admin@capewineland.gov.za) • Faks/Fax/iFeksi: 023 342 8442

**ANNEXURE M: COMMENTS FROM THE WESTERN CAPE GOVERNMENT:  
TRANSPORT AND PUBLIC WORKS**



**ROAD NETWORK MANAGEMENT**  
 Email: Grace.Swanepoel@westerncape.gov.za  
 tel: +27 21 483 4669  
 Rm 335, 9 Darp Street, Cape Town, 8001  
 PO Box 2603, Cape Town, 8000

1460/82 P-

**REFERENCE: 16/9/6/1-25/199 (Job 24738)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 28 March 2017**

The Municipal Manager  
 Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599

|                  |             |
|------------------|-------------|
| FILE NR:         | F 1460/82 P |
| SCAN NR:         |             |
| COLLABORATOR NR: | 506589      |

Stamps: MUNICIPALITY - MUNISIPALITEIT, CENTRA, PLANNING AND ENVIRONMENT, RECORDED & INDEXED 2017, MUNICIPALITY/MUNISIPALITEIT, STELLENBOSCH, BEPLANNING EN OMGEWING

Attention: Mr U von Molendoff

Dear Sir

**APPLICATION FOR TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER 1460 PAARL**

1. The letter to this Branch from Messrs David Hellig & Abrahamse, Application No LU/4715, Municipal File Reference No Farm 1460/82, Paarl and Applicant Reference No P2416/90(13)A1, dated 20 February 2017 refers.
2. The subject property is located on the north-east side of Main Road 191 (R45) approximately 140m to 440m south-east of Main Road 172 (Helshoogte Road).
3. This application is for a temporary land use departure on Portion 82, a portion of the Farm Deltameer No 1460 Paarl, to permit the use of an existing building on the property as a psychiatric clinic.
4. This Branch's records indicate that in 2012 an application for a consent use and temporary departure to allow guest houses and conference facilities on the property was conditionally approved by this Branch. The conditions included *inter alia* the permanent closure of the existing access roads at km9.89 and km10.26 on Main Road 191 and the provision of a new access road at ±km10.09, opposite the access to the Factory Food Shop associated with the Rhodes Fruit Farms factory.
5. A site visit indicated that while the access at km9.89 had been permanently closed and fenced, the access to the property was now via the access at km10.26. Sight distance at this access is sub-standard. The signage at this property entrance as well as the Farm's website (Lekkerwijn Historic Country Guesthouse) indicate that it is functioning as a guest house, wedding venue and conference facility, notwithstanding the fact that the access requirements have not been implemented.

6. As Approving Authority for Main Road 191 this Branch objects to this application on the grounds that the requirements set out in our letter 13/3/5/1-10/114 (Job 17219) dated 30 July 2012 in relation to an earlier application for the property have not been implemented. If these conditions are fully implemented to the satisfaction of this Branch, an application to withdraw the objection to the current application may then be considered.

Yours faithfully



**ML WATTERS**  
**For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**