



STELLENBOSCH

STELLENBOSCH • PNIËL • FRANSCHHOÛK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14855(TP55/2022)

Our File Reference Number: Farm 153, 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 FOR TEMPORARY DEPARTURE ON FARM 153, STELLENBOSCH DIVISION (KYLEMORE)

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
 - 2.1 That the following application 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. 153, Stellenbosch, namely:
 - i. **Temporary Departure** in terms of Section 15(2)(c) of the said by-law, in order to use $\pm 4000\text{m}^2$ of Farm No. 153, Stellenbosch Division to construct temporary buildings on $\pm 900\text{m}^2$ to operate a Youth Centre, creating an after-school care facility in Kylemore.

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

- 2.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
 - a. The approval only applies to the proposed temporary departure 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.

- b. Building plans be submitted and approved by the Municipality as a temporary building plan approval for the duration of the approved facility when all relevant (or qualified) conditions of approval have been complied with.
- c. The development must be undertaken generally in accordance with the Site Development Plan (Drawing No SK_000 Rev No. 6, dated 31 Jul 2022 and Drawing No SK_001 Rev No. 2, dated 28 Jul 2022, drawn by Solvation Architects and Drawing No 1003 dated 2022 and drawn by RICTS Alternative Building Solutions) and, attached as **APPENDIX 2** and no further structures other than those indicated on the site development plan be constructed on site or outside the demarcated area.
- d. Should the facility ceased to exist within 5years, the temporary buildings be removed at the operators cost and the land be used for bona-fide agricultural in compliance with the primary land use right of the Agricultural and Rural Zone, zoning.
- e. Should it be the intend to use the Erf 64, Kylemore at any stage for vehicular or pedestrian access to the After-school care facility on Farm No. 153, Stellenbosch Division, it must be negotiated with the relevant property owner and the applicable access servitudes be registered where needed.
- f. The conditions listed in the memorandum dated 14 February 2023 from the Cape Winelands District Municipality: Health Services attached as **APPENDIX 6** be complied with.
- g. The conditions listed in the memorandum dated 14 June 2023 from the Municipal Director: Infrastructure Services attached as **APPENDIX 7** be complied with.

2.3 The reasons for the above decision are as follows:

- i. The temporary development and specifically the after-care facility on agricultural land does not impose real costs or risks to the municipality delivering on its mandate and would not compromise the development strategy of the MSDF.
- ii. The proposed temporary departure does not alienate unique or high value agricultural land or compromise existing farming activities.
- iii. There is no need to amend the MSDF, notwithstanding that the after-care facility is outside the urban edge.

3. Matters to be noted:

- 3.1 Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.
- 3.2 All electrical requirements should be directed to Eskom.
- 3.3 Should any listed activity be triggered in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327,325 and/or 324 an application must be submitted, and environmental authorisation obtained before such activity(ies) may commence.
- 3.4 That all buildings comply, and activities are conducted satisfactory to the requirements of the Health, and Fire Services authorities at all times.
- 3.5 The necessary authorizations be obtained from the relevant Educational and Social Development Authorities, where applicable.

4. 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.

5. 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:

5.1 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

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

5.3 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.

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

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

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

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

5.8 The relief sought by the appellant.

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

5.10 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.

- 6. 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.
- 7. 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.
- 8. 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.
- 9. 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.

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

11. 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

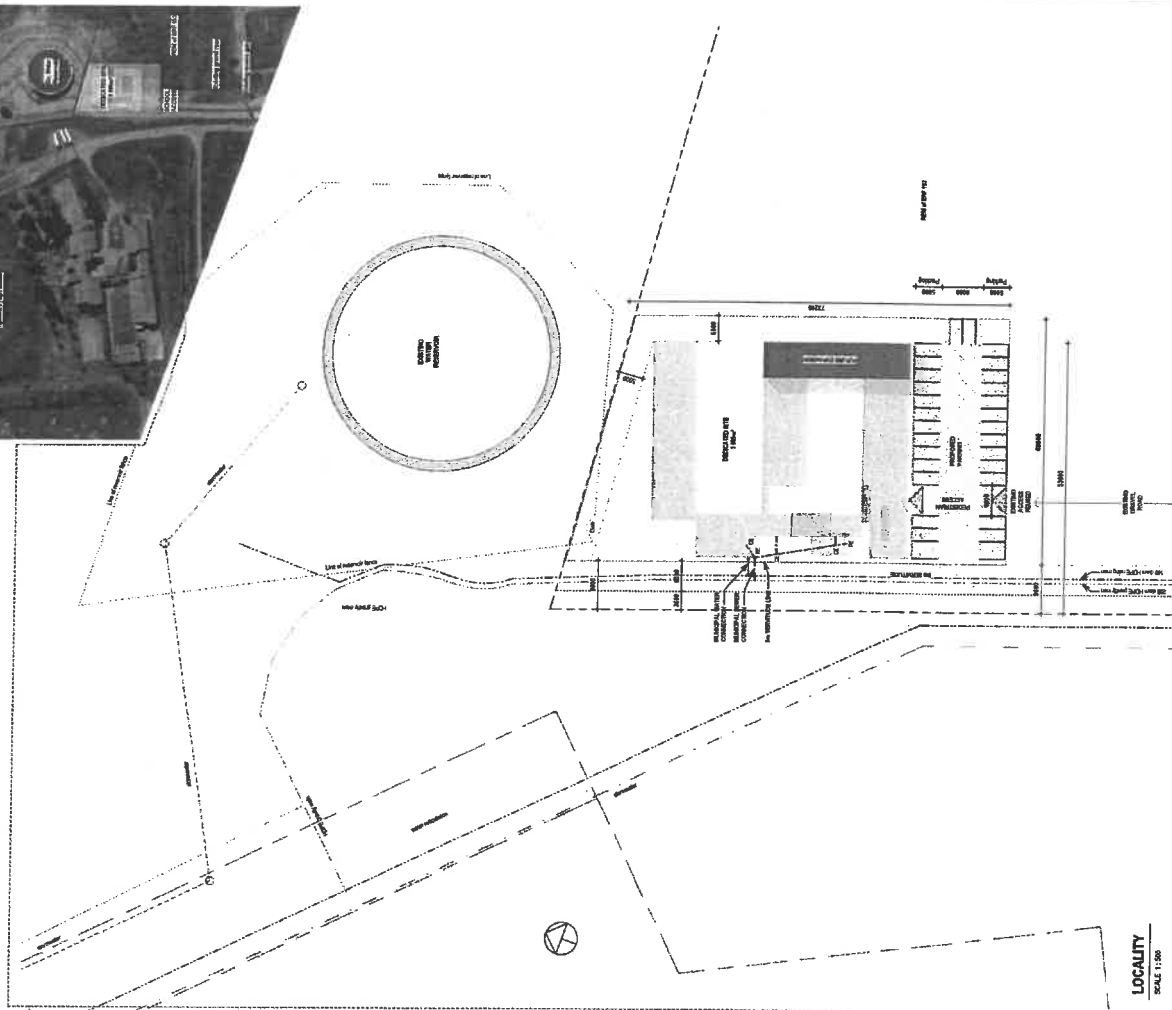
18/10/2023

DATE:

APPENDIX 2

Site Development and Building Plans

An aerial photograph of a residential area. A large circular structure, possibly a stadium or arena, is visible in the upper right. A road labeled 'COUNTRY ROAD' runs diagonally across the center. Other roads shown include 'COUNTRY LANE', 'COUNTRY DRIVE', and 'COUNTRY WAY'. A large white circle is drawn on the road. A compass rose is in the top left corner. The image is tilted and has a white border.

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Project 100

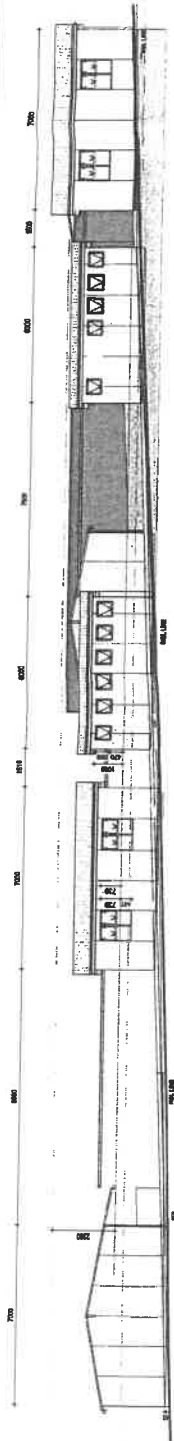
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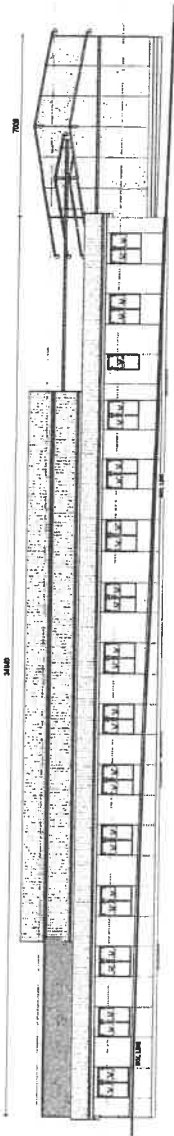
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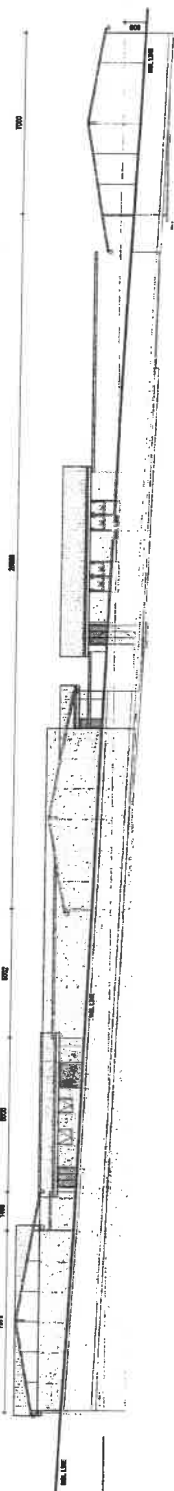
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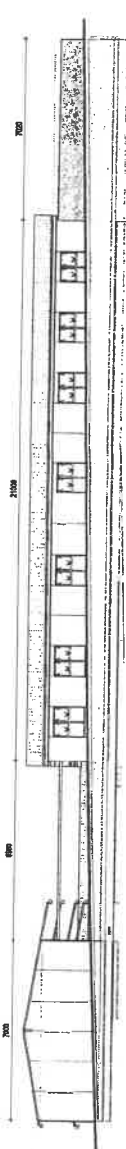
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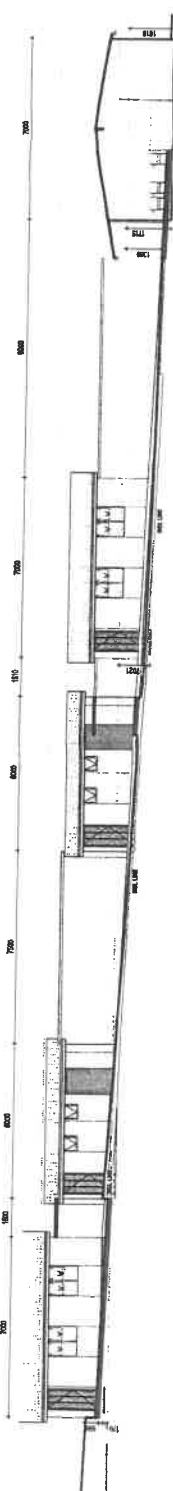
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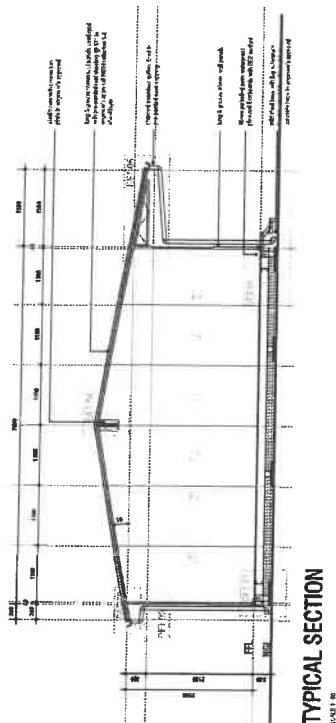


These drawings are prepared by the architect for the purpose of showing the general character of the proposed building and for securing preliminary approval of the local authority. They are not to be used for construction purposes. The architect assumes no responsibility for the accuracy of the information shown on these drawings, and the owner is advised to verify the same with the local authority. The architect also assumes no responsibility for the accuracy of the information shown on these drawings, and the owner is advised to verify the same with the local authority. The architect also assumes no responsibility for the accuracy of the information shown on these drawings, and the owner is advised to verify the same with the local authority.

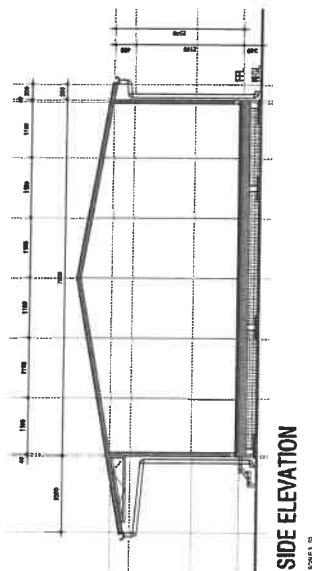
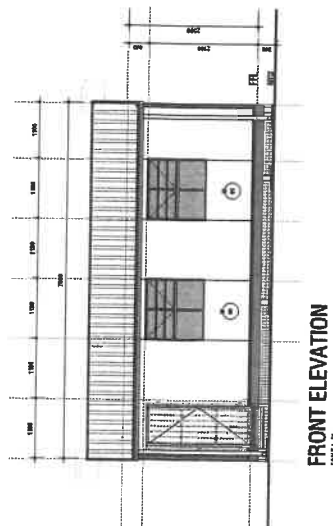
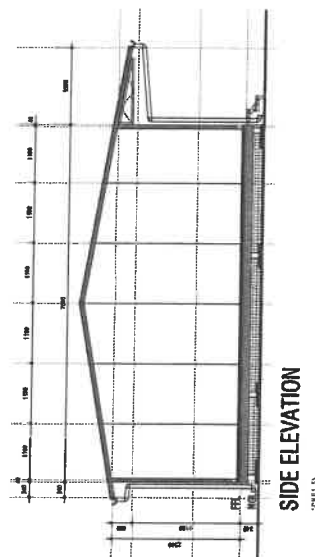
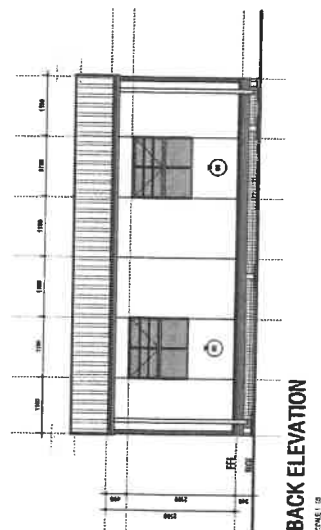
EXPLANATION OF ABBREVIATIONS
The following abbreviations are used in these drawings:
A.C. - Air Conditioning
A.S. - Air Supply
A.T. - Air Treatment
A.U. - Air Unit
A.V. - Air Valve
A.W. - Air Way
A.X. - Air Exhaust
A.Y. - Air Yoke
A.Z. - Air Zone
A.1. - Air 1
A.2. - Air 2
A.3. - Air 3
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A.100. - Air 100

FOR LOCAL AUTHORITY APPROVAL
The owner of the building hereby certifies that the drawings are true and correct copies of the original drawings as submitted to the local authority for approval. The owner also certifies that the drawings are not to be used for construction purposes. The architect assumes no responsibility for the accuracy of the information shown on these drawings, and the owner is advised to verify the same with the local authority. The architect also assumes no responsibility for the accuracy of the information shown on these drawings, and the owner is advised to verify the same with the local authority.

SOLUTION
The following solutions are proposed for the building:
1. Air Conditioning
2. Air Supply
3. Air Treatment
4. Air Unit
5. Air Valve
6. Air Way
7. Air Exhaust
8. Air Yoke
9. Air Zone
10. Air 1
11. Air 2
12. Air 3
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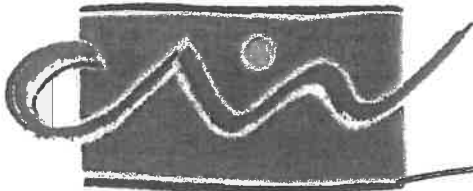
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SD	PdS				

APPENDIX 6

Comments from external departments



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

DEPARTEMENT/DEPARTMENT/CANDELO:
NAVRAE/ENQUIRIES/IMIBUZO:
TELEFOON/TELEPHONE/UMXEBE:
FAX/FAX/FEKSI:
E-POS/E-MAIL/E-MAIL:
U VERW/OUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

MUNISIPALE GESONDHEIDSDIENSTE
Mnr. J Krüger
021-8885800
021-8878365
julian@capewinelands.gov.za
Farm 153(P)
Plaas 153, Kylemore

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/Yonke Imbalelwano mayithunyelwe kuMlawuli kaMasipala*

14-02-2023

Munisipale Bestuurder
Munisipaliteit Stellenbosch
Posbus 17
Stellenbosch
7599

Vir aandag: Beplanning en Ekonomiese Ontwikkelingsdienste

Meneer

AANSOEK OM TYDELIKE AFWYKING: PLAAS, NO. 153, 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 stelsel en so beskik word dat dit nie 'n oorlas veroorsaak nie.
2. Alle waswater vanaf die kombuse moet deur 'n vetvanger gaan voordat dit in die rioolsisteen vloei.
3. 'N Voldoende aantal toilette en hande wasbakke moet voorsien word volgens die getal kinders en personeel wat in die klub is.
4. In die geriewe vir dames moet voorsienning 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 geskiktheidsertifikaat ingevolge R638 van 22 Junie 2018.
7. Alle voedselvoorbereiding/hanteringspersele moet voldoen aan die vereistes van R638 wat betrekking het op voedselpersele.

APPENDIX 7

Comments from internal



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Nolusindiso Momoti
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	14 June 2023
Our Ref ▫ Ons Verw:	Civil LU 2437
Your Ref:	LU/14855
Re ▫ Insake:	Farm- Re 153 Stellenbosch: Application is made in terms Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) for a temporary departure in order to use ±4000m² of Farm No. 153, Stellenbosch to construct temporary buildings of ±900m² to operate a youth centre, creating an after- school care facility in Kylemore.

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

14 JUN 2023

RECEIVED

FILE NR:

F1535

SCAN NR:

COLLABORATOR NR:

751157

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

- 1.1 The provision of services must be generally in accordance with the Concept Services Layout Drawing No 9453/01A by Bart Senekal (attached).
- 1.2 Detail engineering drawings must be submitted concurrent with the building plans. Such drawings must clearly indicate all civil engineering elements including
 - 1.2.1 access roads
 - 1.2.2 access point details
 - 1.2.3 parking
 - 1.2.4 water
 - 1.2.5 sewer

1.2.6 stormwater

1.2.7 existing services and

1.2.8 servitudes

1.2.9 the positioning of the structures must take existing services into account.

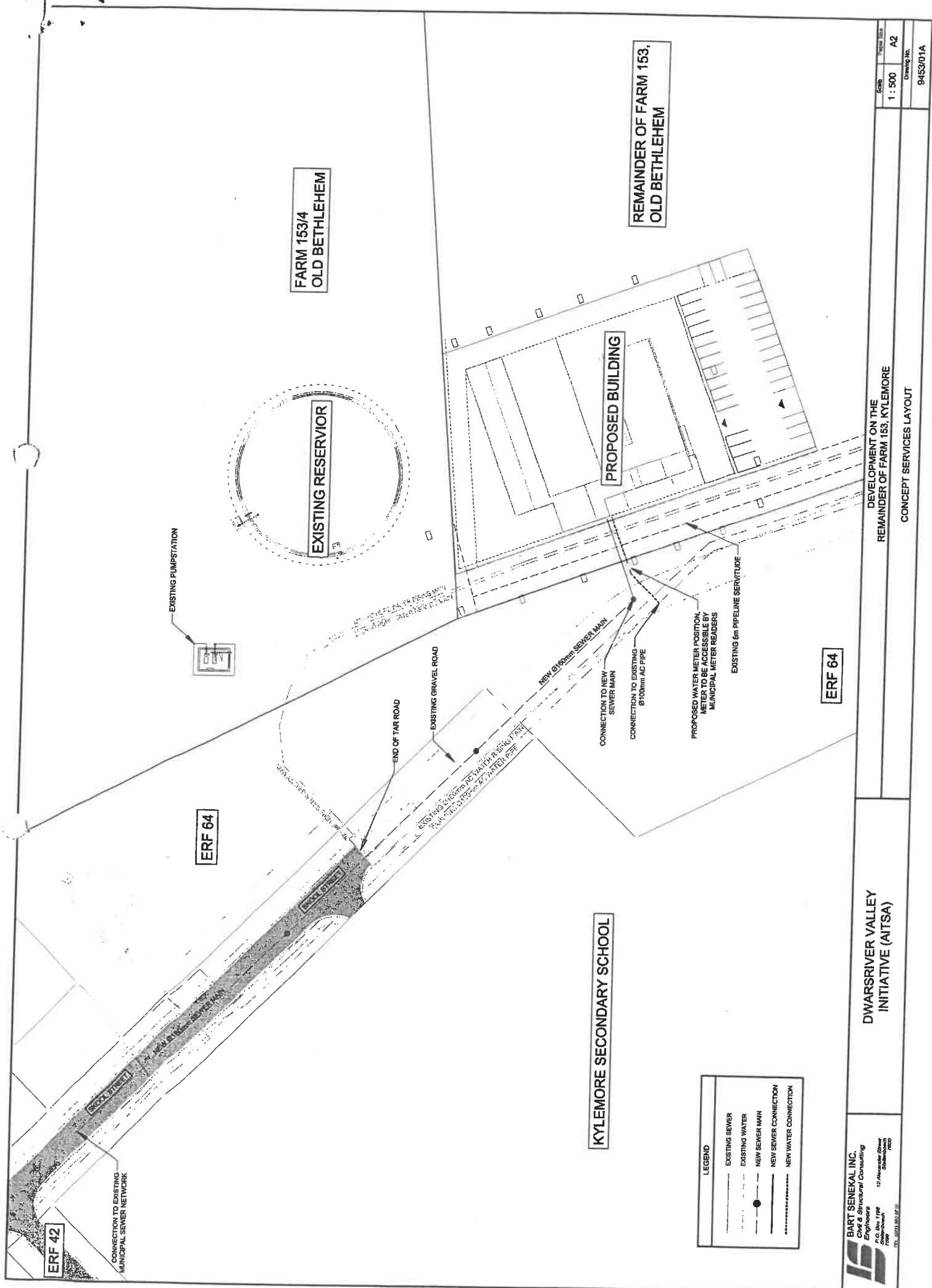
1.2.10 It is further recommended that the school not be constructed on the edge of the servitude, as any maintenance or upgrade work on the pipelines in the future could lead to disturbances, inconveniences and safety hazards to the school and pupils.



Tyrone King Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\01 Land Use applications\2437 (TK) Farm- Re 153 Stellenbosch (LU-14855) Aitsa\2437 () Farm- Re 153 Stellenbosch (LU-14855)_1 Approved.doc



ERF 42

ERF 64

ERF 64

KYLEMORE SECONDARY SCHOOL

FARM 153 1/4
OLD BETHLEHEM

EXISTING RESERVIOR

REMAINDER OF FARM 153,
OLD BETHLEHEM

PROPOSED BUILDING

DWARSRIVER VALLEY
INITIATIVE (AITS)

DEVELOPMENT ON THE
REMAINDER OF FARM 153, KYLEMORE

CONCEPT SERVICES LAYOUT

BART SENEKAL INC.
Civil & Structural Consulting
Engineers
P.O. Box 1198
Stellenbosch
7600
TEL: 021 851 1711

Scale	Page No.	Drawing No.
1 : 500	A2	9453/01A