



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15872 (TP340/2023)

Our File Reference Number: Farm 127/1, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

Sir / Madam

APPLICATION FOR CONSENT USE ON FARM NO. 127/1, STELLENBOSCH DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows.

2.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for a Consent Use for a Tourist facility in order to convert the existing creche into a farm shop and to utilise the outside area (covered stoep) for market stalls for the sale of fresh produce from the subject farm (fruit & vegetables) on Farm No. 127/1, Stellenbosch Division.

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:

- 2.2.1 The approval only applies to the application under consideration, as indicated on the building plan referenced, A22/588/01/01– 03/01, dated October 2022 (and the revised site plan indicating subject property's access submitted by email on 13/06/2024), drawn by AMH & SO and 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.
- 2.2.2 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.

- 2.2.3 This approval shall lapse if not acted upon within a period of five years from the date of the final letter of approval.
- 2.2.4 The proposed tourist facility is limited to 198,60m².
- 2.2.5 Conditions imposed by the Directorate: Infrastructure Services as imposed in their letter dated 04 December 2023 be adhered to (See **Annexure H**).
- 2.2.6 Conditions from Transport and Infrastructure as imposed on their letter dated 28 February 2024 (Attached as **Annexure F**) must be adhered to and complied with before building plan approval, compliance as endorsed by Western Cape Government: Transport Infrastructure be submitted with building plan.
- 2.2.7 Building plans must be generally in accordance with the site plan / floor layout plan as referenced A22/588/01/01 – 03/01, dated October 2022 (and the revised site plan indicating subject property's access submitted by email on 13/06/2024), drawn by AMH & SO (attached as **Annexure C**) and must be approved and associated Occupation Certificate be issued prior vesting of use rights.

3. Matters to be noted

- 3.1 Conditions imposed by the Cape Winelands District Health as stipulated in their letter dated 23 November 2023 be adhered to (See **Annexure I**).

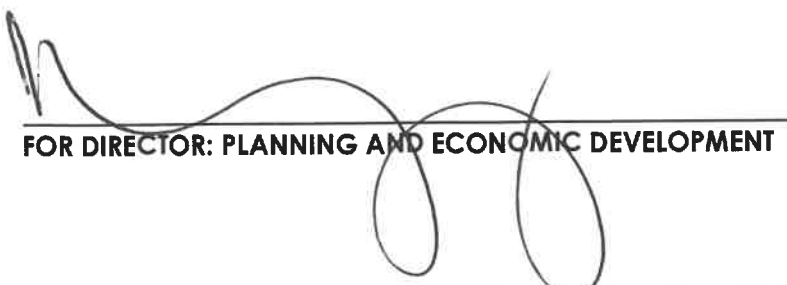
4. The **reasons** for the above decision are as follows:

- 4.1 The subject property is an actively farmed property thus the proposed use will be subservient to the primary use of the property.
- 4.2 The proposed tourist facilities will be operated from an existing building with minor additions and no agricultural activities will be impacted by the proposed land use.
- 4.3 The proposed tourist facilities promote diversification of land uses on an agricultural land unit to supplement farm income.
- 4.4 The nature and the scale of the proposed development will not compromise the rural character of the existing area.

5. 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.

6. Appeals must be submitted by completing the required form 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.
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**
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 appeal form and 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 or 021- 808 8684.
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.

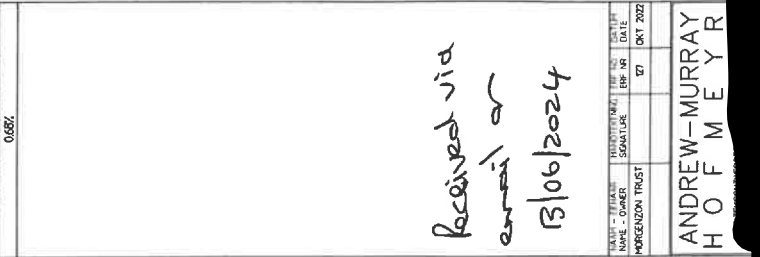
Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

2/8/2024
DATE

Annexure C:
Site Plan



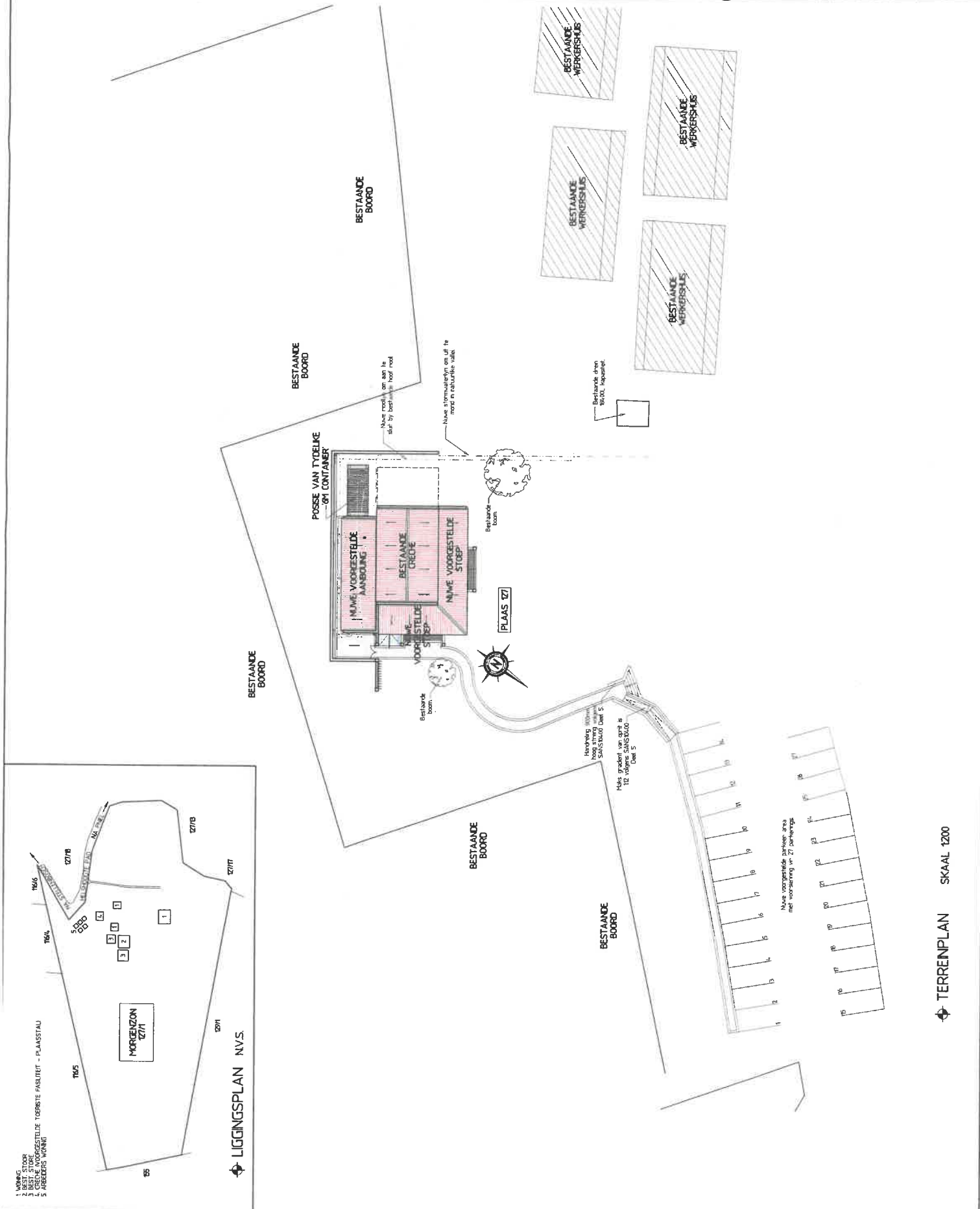
Received via email on 13/06/2024

ANDREW-MURRAY
H O F M E Y R

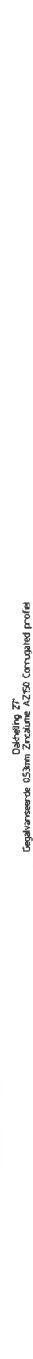
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Annexure F:
Comments from District Roads Engineer



Ref: DOI/CFS/RP/LUD/REZ/SUB-25/480 (Job 30643)

The Municipal Manager
Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorf

Dear Sir

PORTION 1 OF FARM 127, STELLENBOSCH: MAIN ROAD 127: APPLICATION FOR CONSENT USE TO ALLOW FOR THE PROPOSED STRUCTURE (EXISTING CRECHE) TO BE CONVERTED INTO AND USED AS A TOURIST FACILITY (FARMSTALL)

1. The following refer:

- 1.1. The email from AMH Architects dated 6 October 2023 containing the Notice of Land Development Application (LU/15872 (TP340/2023));
- 1.2. The Site Development Plan (Drawing No. A22/588/01/01) drawn by AMH Architects dated October 2022; and
- 1.3. The untitled and undated drawing received from the Project Eng
- 1.4. Site visit held on 2 February 2024.
2. Main Road 127 (MR127/Helshoogte Road) is directly affected by this application at ± km7.58 right hand side (RHS) affected by this application.
3. This application entails a Consent Use to allow for the existing creche to be converted into and used as a tourist facility (Farmstall).
4. The existing creche (79m²) will be expanded to 198.6m² by adding 40.9m² floor area as well as adding a new stoep of 78.7m².
5. Provision has been made for 27 parking bays.
6. During a site visit on 2 February 2024, it became evident that the existing access poses a traffic safety hazard. The shoulder sight distance from the access to the left does not meet the required sight line and distance for an 80km/h speed limit, which is 160m for a passenger vehicle and 240m for a single-unit truck. The current shoulder sight distance for a passenger vehicle is approximately ±170m, meeting the requirements.

However, the existing shoulder sight distance for a single-unit truck falls short of the required 240m.

MR172 past the existing access has one lane towards Pniel and two lanes towards Stellenbosch. Traveling towards Pniel, the road has a steep downhill gradient of approximately $\pm 9\%$. The farm owner has previously approached this Branch to discuss an alternative access to improve traffic safety, as many trucks enter and leave the farm daily.

7. The consulting engineers for Contract C1217 (Reseal of MR172) proposed a right turn lane at the existing access by utilising the fast lane on MR172 when traveling towards Stellenbosch, while keeping the climbing lane as the through lane. However, this would require the two-lane uphill section past the existing access to change to one lane, and then revert back to two lanes, removing a critical section of the climbing lane and creating a bottle neck on the uphill. This would defeat the purpose of such a lane and increase the possibility of vehicles in the fast lane passing over the painted right turn lane, creating a significant traffic safety hazard. This Branch does not support this proposal.
8. This Branch offers no objection to this application to convert the existing creche into a farmstall subject to the following conditions:
 - 8.1. A new access should be created approximately 120m northeast (at $\pm$ km7.7 RHS), towards Pniel, to enhance shoulder sight distance towards Stellenbosch without compromising it towards Pniel;
 - 8.2. The existing access at approximately $\pm$ km7.58 RHS must be permanently closed. The boundary fence must be reinstated using similar material as the existing fence at this location, to the satisfaction of the District Roads Engineer in Paarl (Mr F Smith; efoy.smith@westerncape.gov.za; tel: 021 863 2020).
 - 8.3. All detailed design drawings of the access geometry, pavement/materials, drainage, and road signs/markings must be submitted to the Design Directorate at this Branch (Mr F Hunter; fgz.hunter@westerncape.gov.za;) for approval prior to the commencement of construction; and
 - 8.4. The owner is responsible for funding the construction of the access and any internal roads, as this Branch will not provide any financial assistance for these purposes.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 28 FEBRUARY 2024

Annexure H:

Comments from Directorate: Infrastructure Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Salome Newman
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Kurt Titus
Date ▫ Datum:	4 December 2023
Our Ref ▫ Ons Verw:	Civil LU 2585
Town Planning Ref:	LU/15872
Re ▫ Insake:	Farm 127/1, Stellenbosch: Application is hereby made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for Consent Use for a Tourist facility in order to convert the existing creche into a farm shop and to utilise the outside area (covered stoep) for market stalls for the sale of fresh produce from the subject farm (fruit & vegetables).

The application is **recommended for approval**.

The approval is based on the following conditions, and will be evaluated during **building plan approval stage**.

Civil Engineering services

1. Water and Waste Water

- 1.1** Provide information regarding how potable water is supplied to support the development.

- 1.2 Indicate on the site development plan (SDP) the location of the proposed piped water connection point or registered borehole as water source or any other water source to support the development.
- 1.3 Indicate the location where the generated sewerage from the new development connects to the municipal sewer system, if applicable.
- 1.4 Or provide a detailed description on how generated sewage from the new development will be managed, also update the SDP and **submit with building plans.**

2. Parking

- 2.1 Provide a parking bay table, where the parking bay allocation is indicated for the development proposal, ensure parking is in line with the Municipal Zone Scheme.

3. Development Charges (DCs)

- 3.1 Provide the number of students that was accommodated while the school was in operation.
- 3.2 Indicate the GLA before development and the GLA after development, **the table on the site plan submitted with the application is unclear, and not readable.**
- 3.3 No building plans will be approved before all outstanding DC charges has been paid.

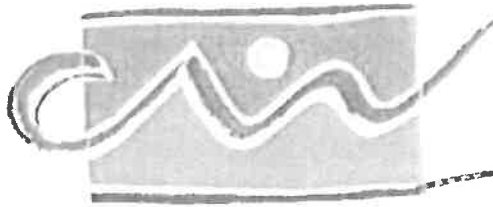
Ktitus

Kurt Titus

Principal Technician: Development (Infrastructure Services)

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Annexure I:
Comments from Cape Winelands



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

DEPARTEMENT/DEPARTMENT/ICANDELO:
NAVRAE/ENQUIRIES/IMBUZO:
TELEFOON/TELEPHONE/UMXEBHA:
FAXS/FAX/FEKSE:
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
021-8879365

julian@capewinelands.gov.za
Farm 127/1(P), Stellenbosch (LU15872)
Plaas 127/1, Stellenbosch

Alexanderstraat 46 Alexander Street
7600
STELLENBOSCH

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/
All correspondence to be addressed to the Municipal Manager/Yonke Imbalalwano mayithunyehwe kuMlawuli kaMasipala

23-11-2023

Munisipale Bestuurder
Munisipaliteit Stellenbosch
Posbus 17
Stellenbosch
7599

Vir aandag: Beplanning en Ekonomiese Ontwikkelingsdienste

Meneer

**AANSOEK OM VERGUNNINGSGEBRUIK: PLAAS MORGENZON, NO. 127/1,
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 bestaande stelsel en so beskik word dat dit nie 'n oorlas veroorsaak nie.
2. Alle waswater vanaf die kombuis moet deur 'n vetvanger gaan voordat dit in die rioolsisteen vloei.
3. In die geriewe vir dames moet voorsiening gemaak word vir die wegdoen van sanitêre doekies.
4. Die applikant moet aansluit by die Raad se vullisverwyderingsdiens.
5. 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 geskikheidsertifikaat ingevolge R638 van 22 Junie 2018.
6. Alle voedselvoorbereiding/hanteringspersele moet voldoen aan die vereistes van R638 wat betrekking het op voedselpersele.
7. 'n Voldoende voorraad veilige skoon gepype drinkwater moet voorsien word.
8. Indien enige aktiwiteit op die perseel geraas genereer berus die onus by die eienaar om die nodige klanktoetse te laat neem en die uitslae aan hierdie Departement voor te lê. (Die SABS Gebruikskode 0103 van 1994 asook die

2.

Regulasies van die Wet op Omgewingsbewing Nr.73 van 1989 moet as riglyn dien.)

Die uwe


nms. Munisipale Bestuurder