



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13951

Our File Reference Number: Farm 537&1537, 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 A CONSENT USE FOR A TOURIST FACILITY (PARKRUN) ON FARM 537 AND
REMAINDER FARM 1537, STELLENBOSCH**

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 Municipal Land Use Planning By-law, 2023 for a **Consent Use** for a tourist facility to permit a parkrun/fun on Farm No. 537 and Remainder Farm No. 1537, 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:

2.3 The approval only applies to the proposal under consideration 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.

2.4 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.

2.5 The conditions imposed by the **Manager: Environmental Management** in their memo dated 31 May 2022, attached as **ANNEXURE K**, be adhered to.

2.6 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the first event, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters:

- a) Indicate the amended route which does not pass Farm No. 1392, Stellenbosch and not traverses through the parking area on Farm No. 537, Stellenbosch.
- b) Indicate the number of parking bays to be provided for all vehicles associated with the parkrun, inclusive of existing parking area and area on Farm No. 1537, Stellenbosch Division to be used as temporary overflow parking area.
- c) A Traffic Management Plan to be submitted for input to the Western Cape Government: Department of Infrastructure and the Stellenbosch Engineering Department.

2.7 Overflow parking on Remainder Farm No. 1537, Stellenbosch Division must be clearly demarcated and may only be used for and during parkrun.

2.8 The total number of people involved in the parkrun, including any support staff or spectators are limited to the capacity of the parking area as provided and approved for on the Site Development Plan in Condition 2.4. Vehicles may only park in the designated areas as approved.

2.9 The parkrun may take place every Saturday morning from 08h00 to 09h00 and all activities associated to the parkrun be concluded at 10h00.

2.10 No PA system and use of music of any nature be permitted during any parkrun event.

2.11 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

3. The reasons for the above decision are as follows:

3.1 The proposed uses will help to diversify the land uses on the farm without impacting on the existing agricultural activities.

3.2 The proposed facilities will further enhance the tourism potential of the region.

3.3 The proposed facilities will provide a safe and enjoyable opportunity for the local community and visitors to take part in a healthy activity in a safe environment

4. Matters to be noted:

4.1 All electrical requirements be directed to Eskom.

4.2 Should, after following due process -

- (a) *The subject approval remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or*
- (b) *The operational use of the subject premises and properties for the parkrun activity be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or*
- (c) *The parkrun activity operates outside of its permitted days and hours, and/ or*
- (d) *The traffic levels with ineffective control over access to the premises becoming a potential traffic nuisance or safety hazard, and/ or*
- (e) *The parkrun activity evolves to include or gives rise to any unauthorised uses not permitted in terms of this approval,*

the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Stellenbosch Municipal Bylaw on Land Use Planning (2023) to withdraw the subject approval granted.

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 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:
 - a) First names and surname
 - b) ID number
 - c) Company of Legal person's name (if applicable)
 - d) Physical Address
 - e) Contact details, including a Cell number and E-Mail address

7. Reference to this correspondence and the relevant property details on which the 7appeal is submitted.

7.1 The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

- b) 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.

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

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

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

7.5 The factual or legal findings that the appellant relies on. The relief sought by the appellant.

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

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

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) 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.

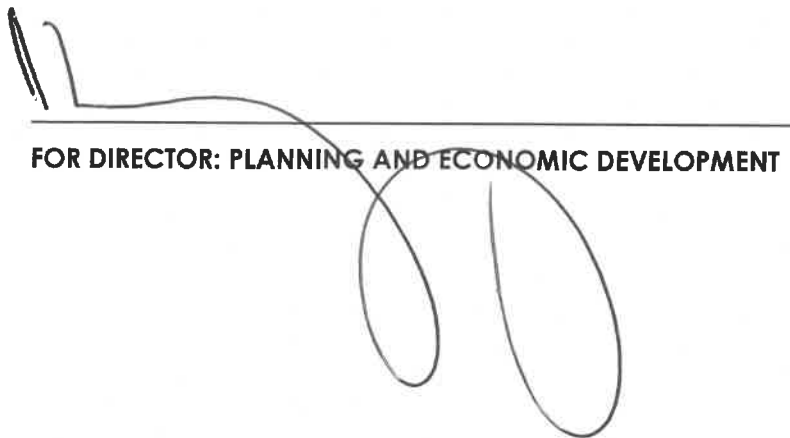
10. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@ Stellenbosch.gov.za

11. 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.
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 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



A handwritten signature in black ink, consisting of a series of loops and a horizontal line, positioned above the title.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

9/5/2024

DATE:

COPIES TO:

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

ANNEXURE K

**APPLICATION FOR A CONSENT USE FOR A TOURIST
FACILITY (PARKRUN) ON FARM NO. 537 AND
REMAINDER FARM NO. 1537, STELLENBOSCH
DIVISION**

**COMMENT FROM THE MANAGER:
ENVIRONMENTAL MANAGEMENT**

INTEROFFICE MEMORANDUM



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DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Planning & Economic Development	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Environmental Management Tammy Leibrandt	Date:	31 May 2022
Re:	APPLICATION FOR CONSENT USE – FARM 537, STELLENBOSCH		

The above application refers. From an environmental planning point of view this department has no objection to the approval of the application on condition that:

1. All operations associated with the proposed activity comply with the Western Cape Noise Control Regulations PN200/2013 and the By-Law on the Prevention of Public Nuisance and the Keeping of Animals.
2. The activity may not cause any pollution to the immediate- and surrounding environment.

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES