



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14500 (TP61/2022)

Our File Reference Number: Farm 528/5, Stellenbosch

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL. [REDACTED]

Sir/Madam

APPLICATION FOR CONSENT USE, DEPARTURE, & PERMISSION ON FARM 528/5 STELLENBOSCH DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on 20 March 2024 resolved as follows:
 - 2.1 That the applications made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Farm 528/5 Stellenbosch Division for the following:
 - 2.2 **Consent Uses** in terms of Section 15 (2)(o) of the said by-law, for:
 - a) Tourist facilities to facilitate the following:
 - i. New function/wedding venue (68-seater Chapel) (325 m²);
 - ii. Convert the existing second dwelling into a Farm stall/shop (96 m²); and
 - iii. Wellness centre/spa for the guests (583 m²).
 - b) Tourist Accommodation Establishment for three (3) bedrooms in the second dwelling with a capacity of six guests.
 - 2.3 **Permanent Departure** in terms of Section 15 (2)(b) of the said by-law for the following:
 - a) To construct a 2.1m high brick wall on eastern boundary of the property (adjacent to R44)

- b) To relax the building line from 5m to 0m in order to accommodate the new wellness centre/spa

BE REFUSED in terms of Section 60 of the said By-law.

3. Reasons for the above decision:

3.1 The accumulative scale and form of the proposed uses that would result from permitting new buildings/structures in addition to the existing building structures and its associated land uses are not in keeping with the rural landscape as it will lead to the overdevelopment and crowdedness of non-agricultural land uses on an agricultural and rural zoned property that will not be subservient to the primary land use and farming activities.

3.2 The conversion of the second dwelling to provide guest accommodation will result therein that there is no main residence on the property for the use of the owner. The conversion of existing buildings to other uses can only be supported if there are adequate buildings to cater for the primary uses of the subject property.

3.3 The boundary wall (proposed 2,1m palisade fence with brick piers) will detract from the rural character of the area and the scenic value of R44.

4. That the applications made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Farm 528/5 Stellenbosch Division for the following:

4.1 **Consent Uses** in terms of Section 15 (2)(o) of the said by-law, for:

a) Tourist Accommodation Establishment for the following:

- i. Twelve (12) bedrooms with a capacity of 24 guests in the converted main dwelling
- ii. Three (3) bedrooms with a capacity of six guests in the converted manager's / additional dwelling

b) Tourist facilities to facilitate a:

- i. Restaurant limited to 90 m² providing seating for 30 guests; and
- ii. Outdoor garden venue limited to 314 m² providing seating and picnics to 110 guests.

4.2 **Occasional uses** to allow for a maximum of 24 events per calendar year on Farm 528/5 for live music, art exhibition and functions not extending beyond 18:00 in the restaurant and outdoor garden venue.

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

5. Conditions of Approval:

- 5.1 The approval only applies to the consent use application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
- 5.2 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2023 be submitted within 3 months to the Municipality and approved prior to the submission of any building plans, which site development plan satisfactorily addresses, 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 By-law and specifically illustrate:
 - a) that sufficient on-site parking is provided in accordance with the provisions of the subject Zoning Scheme By-law;
 - b) that the boundary fence is provided in accordance with the provisions of the subject Zoning Scheme By-law;
 - c) the area of the outdoor garden venue;
 - d) areas and buildings used for agricultural activities;
 - e) the building lines in terms of the Zoning Scheme By-law as well as Title Deed; and
 - f) include appropriately labelled floor plans depicting all approved land uses as well as ancillary uses within the corresponding approved floor size limitations.
- 5.3 The enclosed gazebo in the garden be used only as an extended serving point of the Restaurant in the Tourist Accommodation Establishment to the outdoor garden venue and not be operated as a separate kitchen or restaurant.
- 5.4 No permanent structures be allowed in the outdoor garden venue except the existing enclosed gazebo.
- 5.5 An accurate register of events be kept and presented on request from an authorised official of the Municipality.
- 5.6 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.

- 5.7 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement includes and complies with the conditions related to the approval as imposed by the Directorate Infrastructure Services in their memo dated 17 January 2024, attached as **Annexure I**.
- 5.8 No directional, advertisement, or any other signage be erected without the prior approval of the competent authority and the Municipality.
- 5.9 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to submission of any building plans, or as may be agreed on in writing with the Director Infrastructure Services.
- 5.10 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken 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).
- 5.11 All doors and windows must strictly be kept closed after 18:00 when the Restaurant makes use of amplified sound.
- 5.12 Building plans be submitted within three months after the approval of the Site Development Plan and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 5.13 Building plans be submitted within three months after the approval of the Site Development Plan for all changes of use in the existing buildings and which building plans be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 5.14 The conditions related to the approval as imposed by the Western Cape Government: Transport Infrastructure contained in their letter dated 20 December 2023, attached as **Annexure G**, be complied with. Should revised comments be agreed in relation to the approval between the applicant and the commenting body, the said revised conditions be submitted to the Municipality with the Site Development Plan.

6. The reasons for the above decision:

6.1 The scale and nature of the proposed activities in the existing structures will not further compromise the rural character of the surrounding landscape.

6.2 The development proposal will be accommodated within existing structures and will consequently have no additional impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost.

6.3 The necessary mitigation is proposed to limit any noise or nuisance impact relating to scheduled events.

7. Matters to be noted:

7.1 Event permits be obtained for any events proposed on the subject property as prescribed in the relevant policy or bylaw of the Municipality.

7.2 Should, after following due process -

- a) The subject approved land use 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 tourist facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
- c) The property be used for 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 Municipal Land Use Planning By-Law (2023) to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

7.3 The delegated official to consider the permission required in terms of restrictive title deed condition clauses D (3) - (4) on page 2 of Title Deed No T18.186/2016, to facilitate the approved land uses.

8. 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.

9. 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:

9.1 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

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

9.3 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.

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

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

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

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

9.8 The relief sought by the appellant.

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

9.10 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.

10. 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

11. 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.

12. 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
13. 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.
14. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
15. 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


DATE

COPIES TO:

1. [REDACTED]
Email: [REDACTED]
2. [REDACTED]
Email: [REDACTED]
3. [REDACTED]
Email: [REDACTED]

**ANNEXURE G: COMMENT FROM THE WESTERN CAPE GOVERNMENT:
DEPARTMENT OF
TRANSPORT AND PUBLIC WORKS**

**ANNEXURE G: COMMENT FROM THE WESTERN CAPE GOVERNMENT:
DEPARTMENT OF
TRANSPORT AND PUBLIC WORKS**



Western Cape
Government

Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: DOI/CFS/RP/LUD/REZ/SUB-25/484 (Job 30638)

The Municipal Manager
Municipality
PO Box
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

PORTION 5 OF FARM 528, VAL DE VINE, STELLENBOSCH: MAIN ROAD 27 (R44): APPLICATION FOR CONSENT USE, OCCASIONAL USE AND PERMANENT DEPARTURE

1. The following refer:
 - 1.1. The application as received on 5 October 2023 from Viridus Works.
 - 1.2. All previous correspondence relating to this property including the following:
 - 1.2.1. The e-mail from Viridus Works to this Branch dated 11 October 2022 containing an application for consent use for the construction of a farm shed on Portion 5 of Farm 528 wrongly dated 27 February 2020 (it should read 2022);
 - 1.2.2. Drawing No. 22-24 prepared by LA Design Architects dated 29 April 2022;
 - 1.2.3. The updated Land Development Application for Consent Use prepared by Viridus Works dated August 2022;
 - 1.2.4. Your notice of refusal of building plan number 2139/2022 dated 10 October 2022;
 - 1.2.5. The unreferenced letter from Viridus Works dated 15 November 2022;
 - 1.2.6. Site Development Plan (Drawing No 22-30) prepared by LA Design Architects dated 15 February 2023;
 - 1.2.7. The letter UDS563/Reports/TIS/Rev02 from UDS Africa containing the Traffic Impact Statement dated 12 March 2023; and
 - 1.2.8. Our conditional no objection letter TPW/CFS/RP/LUD/LP-25/02 (Job 8223) dated 20 April 2023 approval and conditions for building plans for the construction of a farm shed in terms of the Act 21 of 1940 restrictive title deed conditions as listed in the Deed of Transfer.

2. Main Road 27 (MR27) (R44) is directly affected by this application at ±km28,55 left hand side (LHS).
3. The application entails following:
 - 3.1. Consent Use for tourist facilities to facilitate the following:
 - 3.1.1. New function venue (68-seater Chapel - 325 m²);
 - 3.1.2. Outdoor garden venue with gazebo (314 m²) for 110 guests;
 - 3.1.3. Convert the existing second dwelling (96 m²) into farmstall/shop;
 - 3.1.4. Wellness centre/spa for guests (583 m²); and
 - 3.1.5. Restaurant (90 m²) (30 guests).
 - 3.2. Tourist Accommodation Establishment for the following:
 - 3.2.1. Twelve (12) bedrooms with capacity for 24 guests in converted main dwelling;
 - 3.2.2. Three (3) bedrooms in converted manager's/additional dwelling for 6 guests; and
 - 3.2.3. Three (3) bedrooms added to the farm stall with a capacity for 6 guests.
 - 3.3. Occasional Uses to allow for more than one event per year for live music, art and exhibitions and outdoor functions;
 - 3.4. Permanent Departure for the following:
 - 3.4.1. To construct a 2.1m high brick pier palisade fence on the eastern boundary of the property (adjacent to Main Road 27); and
 - 3.4.2. To relax the building line from 5m to 0m to accommodate the new wellness centre spa inside the reconstructed reservoir.
4. Permission required in terms of restrictive title deed condition clause D(1) - (4) on page 2 of Title Deed No T18186/2016, in order to facilitate the proposed uses and buildings.
 - 4.1. In our letter TPW/CFS/RP/LUD/LP-25/02 (Job 8223) dated 20 April 2023 we provided permission for the removal of the restrictive title conditions by virtue of Section 11 of Act 21 of 1940 as imposed in the Deed of Transfer No T17448/1982.
5. Access to Portion 5 of Farm 528 is gained directly off MR27 at ±km 28,55 LHS via a shared access between the subject property and the two abutting properties, by way of a right-of-way servitude in favour of the abutting properties across the subject property.
6. Portion 4 and 5 of Farm 528 and Remainder of Portion 6 of Farm 528 share a median break access on MR27.
7. This Branch offers no objection to the construction of a 2.1m high brick pier palisade fence on the eastern boundary of Portion 5 of Farm 528, west of the servitude road.

8. This Branch offers no objection to the application for Consent Use, Occasional Use and Permanent Departure on Portion 5 of Farm 528, Stellenbosch Division subject to the following conditions:
- 8.1. As a result of the congestion that is currently experienced along the access-approach to the MR27-intersection and from a safety point of view, a dedicated right-turn lane is required along MR27 to accommodate inbound traffic to the subject property as well as the two neighbouring properties, but as this median break will be closed as part of the future R44 Road Safety Upgrade Project such right turn lane will then be fruitless and the Branch is prepared to waive the condition for its construction on condition that visitors are made aware of the restriction on right turn traffic and efforts to limit simultaneous arrival of large traffic volumes that intend to turn right to or from the facility be put in place – especially during events that attract substantial traffic volumes;
 - 8.2. It should be noted that any future change of land use application will be subject to the closure of the median break on MR27 or when the R44 Road Safety Project is implemented and the R44 access will then accommodate left in/left out traffic only;
 - 8.3. To provide sufficient stacking distance for vehicles entering the property at the entrance structure and security gate and any other security measures must be designed and managed on the property to avoid vehicles stacking and waiting in the shared access road reserve and MR27 (R44), especially linked to the Occasional Uses to allow for more than one event per year for live music, art and exhibitions and outdoor functions, and traffic arrangements be communicated efficiently on the facility's website and managed to the satisfaction of the local traffic services.
9. Herewith this Branch approves the encroachment of the 5m building line to accommodate the new wellness centre spa inside the reconstructed reservoir.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 20 DECEMBER 2023

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail)
2. Viridus Works (Pty) Ltd
Attention: Mr D Lombaard (e-mail: dupre.lombaard@viridus.com)
3. Mr SW Carstens (e-mail)
4. Mr F Hunter (e-mail: faiz.hunter@westerncape.gov.za)
5. Me S du Preez (e-mail)
6. Mr B du Preez (e-mail)

ANNEXURE H: COMMENT FROM THE MANAGER: SPATIAL PLANNING



STELLENBOSCH

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Spatial Planning

To : Manager: Land Use Management
 From : Manager: Spatial Planning
 Reference : Farm 528/5, Stellenbosch
 LU No : LU/14500
 Date : 8 December 2023
 Re : Application for consent use for tourist facilities, tourist accommodation and occasional uses, departure and permission in terms of restrictive title deed conditions on Farm 528/5, Stellenbosch

FILE NR:	SBP 528/S
SCAN-NR:	
COLLABORATOR NR:	

I refer to your request for comment on the above application.

Application is herewith being made for:

- Consent Use for the following:

For Tourist facilities in order to facilitate the following:

- New function/wedding venue (68-seater Chapel) (325 m²)
- Outdoor garden venue with gazebo (314 m²) (110 guests)
- Convert the existing second dwelling (96 m²) into farm stall/ shop
- Wellness centre/spa for the guests (583 m²)
- Restaurant (90 m²) (30 guests)

For Tourist Accommodation Establishment for the following:

- Twelve (12) bedrooms with a capacity of 24 guests in the converted main dwelling
- Three (3) bedrooms in the converted manager's / additional dwelling with a capacity of six guests;
- Three (3) bedrooms added to the farm stall with a capacity of six guests.

- Occasional uses to allow for more than one event per year for Live music, art & exhibition and outdoor functions.
- Permanent Departure for the following:
 - To construct 2.1m high brick wall on eastern boundary of the property (adjacent to R44) on Farm 528/5, Stellenbosch Division
 - To relax the building line from 5m to 0m in order to accommodate the new wellness centre/spa.
- Permission required in terms of restrictive title deed condition clause D(1) - (4) on page 2 of Title Deed No T18186/2016, in order to facilitate the proposed uses on Farm 528/5, Stellenbosch Division.

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES

04 JAN 2024

RECEIVED

1) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in June 2023 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is located outside the urban edge of the Stellenbosch node and within the rural area of Stellenbosch, along the R44 to Somerset West and along a declared scenic route. Scenic routes have land use and design criteria contained in the Heritage Inventory that relates to the protection of the environmental and agricultural quality of the area.

In terms of the approved MSDF the following guidelines are applicable to this specific application:

- Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.
- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.

- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
- All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area.
- Industry in rural areas should not adversely affect the agricultural potential of the property.
- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.
- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities.
- Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape that is in keeping with the local character is supported.
- Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
- Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

2) Supported / not supported:

In terms of the approved MSDF consent uses can be considered by the Municipality provided that the primary use on the property remain agricultural. The total extent of the site is 4.2827 ha. The property is not currently actively used as an agricultural unit and any agricultural activities on the small holding does clearly not constitute the primary land use. Reference made to envisaged agricultural activities in future is meaningless in the context of what is proposed now.

The development proposals are not in line with the objectives envisaged for Agricultural/Rural zone. Tourist facilities in this zone may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture or natural environment or a combination of these uses and where the proposed activity is subservient to the primary land use on the farm. The proposed activities will not be subservient to the farming activities and any agricultural activities will only fulfil the role of "landscaping".

The development proposals will lead to the over-development of the property and will not be subservient to the farming activities. As the proposed activities will constitute as the primary activity on the farm, a rezoning application will be required. It is also proposed that the existing manager's house be converted into the owner's house, however it is not clear whether the owner will reside on the property.

The property has been operational with tourist accommodation, a restaurant, live music, bars for the sale of alcohol and a function venue since February 2022 and has been advertised on social media and on illegal bill boards in front of the property and clearly visible from the R44.

An updated TIA in peak times (over weekends) needs to be provided with more realistic data. The access to this property from the R44 also raises some concern and this needs to be addressed as this is also a substantial risk for the owners of the surrounding properties, the users of the R44 and the visitors of the application property. It is well known that the R44 is a high accident road and the increased traffic using the proposed access may contribute to an increase in accidents on the road.

This department therefore does not support the proposed development on the farm.



BJG de la Bat
MANAGER: SPATIAL PLANNING

ANNEXURE I: COMMENT FROM THE DIRECTOR: INFRASTRUCTURE SERVICES

3. Application is made in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By- Law, 2015 for Permanent Departure for the following: -i. To construct a 2.1m high brick wall on the eastern boundary of the property (adjacent to R44) on Farm 528/5, Stellenbosch Division. ii. To relax the building line from 5m to 0m in order to accommodate the new wellness Centre/spa. 4. Permission required in terms of restrictive title deed condition clause D (1) - (4) on page 2 of Title Deed No T18186/2016, in order to facilitate the proposed uses on

This Memo replaces the previously approved land use 2421 memo dated 18 July 2023.

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

- The following conditions relating to the upgrades and arrangements for the effective provision of services are required to accommodate the development. No taking up of proposed rights will be allowed until these conditions have been complied with.

1. **Roads**
 - 1.1 All the conditions set by the District Roads Engineer will be applicable.
 - 1.2 The existing main access gate to the subject property is setback approximately one car length from the edge of the parallel access road and is not considered an issue with regards to stacking.
 - 1.3 The proposed second gate must be more than 100 meters from the R44-intersection.
 - 1.4 Attention must be given to the signage at/to the various accessed to ensure that vehicles do not obstruct traffic flow at the shared access.
 - 1.5 As per the TIA and the letter from the Western cape government: The developer must upgrade the dedicated right turn lane (based on deceleration) along the Northern R44 approach to the access-intersection. The increased right turn movement from the access approach could pose a safety risk. This upgrade is for the developers' cost.

JK

- 1.6 Sufficient parking must be provided and indicated on the SDP at the building plan submission stage.
2. **Water**
 - 2.1 The owner has proposed borehole water.
 - 2.2 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards.
3. **Sewer**
 - 3.1 The existing sewer system consists of conservancy tanks for the sewer generated. It is the Developers responsibility to ensure that the conservancy tanks have sufficient capacity to accommodate the proposed developments.
 - 3.2 No new septic tanks and soak-aways are permitted to be built.
 - 3.3 Waste water and sewage may not pollute any ground water, stormwater and surface water.
4. **Solid Waste**
 - 4.1 A formal space for the refuse bins must be provided to the outside of the existing main access gate.
 - 4.2 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).
5. **Development Charges**
 - 5.1 The following DC's are payable: See Development Charge Calculation attached. Please note that this calculation is indicative at this stage and will be amended based on the detail information provided on subsequent applications ie building plans.
 - 5.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
 - 5.3 The appropriate DC's are payable before building plan approval



5.4 The appropriate DC's are payable before the facility is put to its approved use (where building plans are not applicable).

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Principal Technician: Development (Infrastructure Services)

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Stellenbosch Municipality

Development Charge Calculation

APPLICATION INFORMATION	
Application Number:	2885 (P) Farm 821-8 Stellenbosch (LU-14520-1793-2822)
Development Name:	
Date:	17 January 2024
Financial Year:	2023/2024
Er1 Location (Select from 7 Locations):	Stellenbosch Town
Er1 Region (Select Urban or Rural):	Rural
Er1 No. / Farm No.:	Farm 821 portion 5
DC Parameters Reference:	Vf de Vrie R44 Stellenbosch Urban Wards dated 6 October 2023 and Site plan Drawing no 22-30 by LA Design dated 8 September 2023

Service	SUMMARY OF DC CALCULATION									
	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Shop Front (Civil Eng Services)	Community	Totals		
Units:	M3/day	M3/day	m ³ /C	Week	Capacity		persons			
Total Increased Services Usage:	11,945	9,634	0,2821	0,8888	178,7		31,24			
Total Services Usage Reduction:	0	0	0	0	88,9		0			
Total Services Usage after Reduction:	11,95	9,63	0,28210	0,889	89,8		0			
Changes before adjusting for positive only, before Deductions:	R 374 381,04	R 332 284,11	R 54 298,24	R 88 358,70	R 1 175 983,38	R 2 005 188,94	R 88 404,83	R 2 871 864,37		
Changes adjusted for positive only, before Deductions:	R 374 381,04	R 332 284,11	R 54 298,24	R 88 358,70	R 1 175 983,38	R 2 005 188,94	R 88 404,83	R 2 871 864,37		
Total Deductions:	R -	R -	R -	R -	R -	R 387 882,99	R -	R 387 882,99		
Total Development Charges Payable (excluding VAT):	R 374 381,04	R 332 284,11	R 54 298,24	R 88 358,70	R 1 175 983,38	R 1 617 296,94	R 88 404,83	R 2 871 864,37		
VAT:	R 56 154,18	R 49 842,62	R 8 144,74	R 10 252,81	R 88 189,90	R 212 884,03	R -	R 1 483 611,28		
Total Development Charges Payable (including VAT):	R 430 535,20	R 382 126,72	R 62 442,98	R 78 611,51	R 1 264 173,28	R 1 830 180,97	R 88 404,83	R 4 352 844,75		

APPLICANT INFORMATION	
Application Processed by:	lio Filios
Signature:	
Notes:	Check is given for the existing Main house, second dwelling and managers cottage as per the Site plan Drawing no 22-30 by LA Design dated 8 September 2023

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Statement of Work

Category	Description	Unit	Rate	Quantity	Amount	Start Date	End Date	Total
Professional	Single Residential - 110sq	sq	37,625.29	24,143.34	9,043,97			9,043,97
	Single Residential - 150sq	sq						
	Single Residential - 250sq	sq						
	Single Residential - 350sq	sq						
	Single Residential - 450sq	sq						
	Single Residential - 550sq	sq						
	Single Residential - 650sq	sq						
	Single Residential - 750sq	sq						
	Single Residential - 850sq	sq						
	Single Residential - 950sq	sq						
Accommodations	Student Accommodations/Commute/Health	room						
	Student Accommodations/Commute/Health	room						
	Student Accommodations/Commute/Health	room						
	Student Accommodations/Commute/Health	room						
	Student Accommodations/Commute/Health	room						
	Student Accommodations/Commute/Health	room						
	Student Accommodations/Commute/Health	room						
	Student Accommodations/Commute/Health	room						
	Student Accommodations/Commute/Health	room						
	Student Accommodations/Commute/Health	room						
Construction	Construction - 110sq	sq						
	Construction - 150sq	sq						
	Construction - 250sq	sq						
	Construction - 350sq	sq						
	Construction - 450sq	sq						
	Construction - 550sq	sq						
	Construction - 650sq	sq						
	Construction - 750sq	sq						
	Construction - 850sq	sq						
	Construction - 950sq	sq						
Industrial	Industrial - 110sq	sq						
	Industrial - 150sq	sq						
	Industrial - 250sq	sq						
	Industrial - 350sq	sq						
	Industrial - 450sq	sq						
	Industrial - 550sq	sq						
	Industrial - 650sq	sq						
	Industrial - 750sq	sq						
	Industrial - 850sq	sq						
	Industrial - 950sq	sq						
Other	Other - 110sq	sq						
	Other - 150sq	sq						
	Other - 250sq	sq						
	Other - 350sq	sq						
	Other - 450sq	sq						
	Other - 550sq	sq						
	Other - 650sq	sq						
	Other - 750sq	sq						
	Other - 850sq	sq						
	Other - 950sq	sq						

Category	Description	Unit	Rate	Quantity	Amount	Start Date	End Date	Total
Credit	Change orders for positive only, before Dispositions							
	Change orders for positive only, before Dispositions							
	Change orders for positive only, before Dispositions							
	Change orders for positive only, before Dispositions							
	Change orders for positive only, before Dispositions							
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	Change orders for positive only, before Dispositions							
	Change orders for positive only, before Dispositions							
	Change orders for positive only, before Dispositions							
	Change orders for positive only, before Dispositions							
Folio	Discount/Debit on service - before Dispositions							
	Discount/Debit on service - before Dispositions							
	Discount/Debit on service - before Dispositions							
	Discount/Debit on service - before Dispositions							
	Discount/Debit on service - before Dispositions							
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FARM 528-5

GENERAL COMMENT:

- 1. Outside Stellenbosch area of supply.
- 2. All Electrical requirements should be directed to ESKOM

CONDITIONS

- 3. No conditions.



SIGNATURE

DATE 05/10/2023

FILE NR:	OUTGOING POST
F 528/5 SB	
SCAN NR:	
COLLABORATOR NR:	757795

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