



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15045

Our File Reference Number: P571S

Your Reference Number: VG500067

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]

[REDACTED]

Sir / Madam

## APPLICATION FOR CONSENT USE: FARM NO. 571, STELLENBOSCH DIVISION.

1. The above application refers.
2. The duly authorised decision maker hereby decides in accordance with the Categorisation Model Category (G1 Type O) dated 24 May 2023 and effective from 01 July 2023, on the above application as follows.
3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Bylaw on Land Use Planning 2023,
  - 3.1. **Consent use** in terms of Section 15(2)(o) of the said bylaw for a tourist accommodation establishment in order to convert 10 existing labourer cottages into self-catering guest units, and;
  - 3.2. **Consent use** in terms of Section 15(2)(o) of the said bylaw for a tourist facility in order to use an existing building  $\pm 100\text{m}^2$  and  $\pm 500\text{m}^2$  outside area as a place of assembly.

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

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
  - 4.1. The approval only applies to the proposed application for consent use under consideration, as indicated in **ANNEXURE B** 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.
  - 4.2. The consent uses activities at all times be subservient to the primary agricultural land use of Farm No 571, Stellenbosch Division.
  - 4.3. The floor area of the existing 10 dwellings indicated on the site development, Project Ref No VG 500067, attached as **ANNEXURE B** shall constitute the development rules for the

tourist accommodation establishment and any expansions or relocations will require a further land use application.

- 4.4. Development charges, if applicable, are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment as agreed on in writing with the Director Infrastructure Services.
  - 4.5. The tourist facilities not to create any undue noise or be a nuisance to the surrounding properties and that precautionary measures be taken by the owners 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) at all times.
  - 4.6. Building plans be submitted to this Municipality for the change in land use and any alterations to the structures, requiring building plan approval on the consent use site.
  - 4.7. Effective traffic control be provided for access off the Annandale Road and to the parking area in support of the farm's security operational plan.
  - 4.8. Sufficient on-site parking be provided for all vehicles associated with the proposes uses in the area as indicated on the site plan attached as **ANNEXURE B**, and be provided at all times in accordance with the provisions of the subject Zoning Scheme Bylaw.
  - 4.9. Fire safety and prevention mitigation measures be put in place to the satisfaction of the Municipality.
  - 4.10. The conditions of approval listed in the memorandum dated 10 August 2023 from the Stellenbosch Municipal Directorate: Infrastructure Services, attached as **ANNEXURE D** be complied with.
  - 4.11. If food will be handled or sold, the premises must comply with the requirements for food handling premises as determined in Regulation R638 of 22 June 2018 (Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matter) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, act 54 of 1972
5. The reasons for the above decision are as follows:
- 5.1. The application is not envisaged to negatively impact surrounding neighbouring properties and the overall character of the area. Considering that the proposed tourist facilities will be in existing buildings and in an area already uses for similar activities.
  - 5.2. The proposed activities do not extent beyond the boundary of the land unit.
  - 5.3. Sufficient parking can be provided onsite and access is obtained from an approved access point of the Annandale Road.
  - 5.4. The proposed land uses have a positive impact on the tourism industry and contributes to economic growth in the Cape Winelands District.
  - 5.5. No new structures will be constructed to accommodate the proposed land use.
6. Matters to be noted:
- 6.1. 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.
  - 6.2. A liquor license be obtained where required.
  - 6.3. Electricity requirements be directed to Eskom.
7. 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.

8. 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:
  - 8.1. 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
  - 8.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.
  - 8.3 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.
  - 8.4 Whether the appeal is lodged against the whole decision or a part of the decision.
  - 8.5 If the appeal is lodged against a part of the decision, a description of the part.
  - 8.6 If the appeal is lodged against a condition of approval, a description of the condition.
  - 8.7 The factual or legal findings that the appellant relies on.
  - 8.8 The relief sought by the appellant.
  - 8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
  - 8.10 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.
9. 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)
10. 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.
11. 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)

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



**MANAGER: LAND USE MANGEMENT**

DATE: 01.12.2023

**ANNEXURE A**  
Locality Plan



# Locality Plan

**Project**  
Farm  
Groene Rivier  
No 571  
Stellenbosch

**Project Ref No**  
VG 500067



JAN HANEKOM



**ANNEXURE B**  
Site Plan

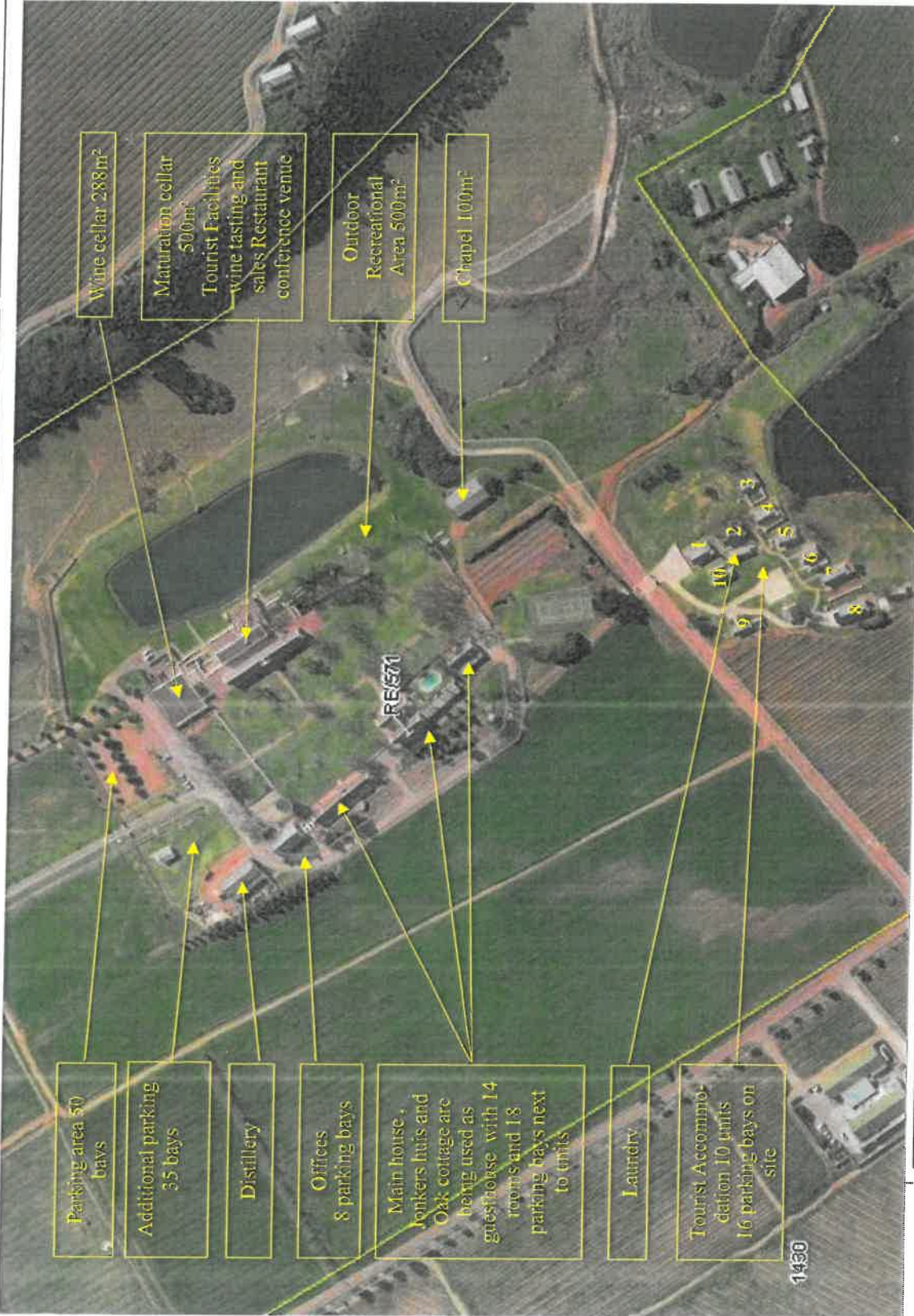


**Site Development  
Plan  
2022**

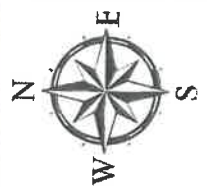
Parking requirements	
Guest accommodation Cottages	1/ room (14 bays)
Restaurant	1/cottage (10 bays)
Wine tasting	4/100m <sup>2</sup> 8 bays
Conference	4/100m <sup>2</sup> 8 bays
Chapel	4/100m <sup>2</sup> 8 bays
Outdoor recreational	4/100m <sup>2</sup> 4 bays
Total required	20 bays
Total provided	64 Bays
	127 Bays

**Project**  
**Farm**  
**Groene Rivier**  
**No 571**  
**Stellenbosch**

**Project Ref No**  
**VG 500067**



Agricultural Zone 2	500m <sup>2</sup>	Wine Maturation cellar
Agricultural Zone 2	100m <sup>2</sup>	Distillery Grappa cellar
Agricultural Zone 2	288m <sup>2</sup>	Wine cellar
Consent use	850m <sup>2</sup>	Tourist Facility (Restaurant/ Conference Facility)
Consent use	190m <sup>2</sup>	Tourist Facility (Wine Tasting)
Consent use	100m <sup>2</sup>	Tourist Facility chapel for wedding functions
Consent use	500m <sup>2</sup>	Tourist Facility outside entertainment area
Consent use	10 units	Tourist Accommodation
Consent use	12 rooms	Guest House





**ANNEXURE C**

Application documentation.



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# GROENE RIVIER 571 STELLENBOSCH

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Application for consent use approval for guest accommodation and tourist  
facility



JUNE 14, 2022

JAN HANEKOM PARTNERSHIP



Application for consent use : Farm Groene Rivier 571 Stellenbosch

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## CONSENT USE APPLICATION WEBERSBURG

### 1. Back ground.

An application was approved dated 30/09/2015, by Stellenbosch Municipality in terms of Section 15 (1) (b) of the land use Planning Ordinance, 1985 (Ord.15 of 1085) for a temporary Departure on Farm 571, Stellenbosch Division, in order to use 10 existing vacant labourer cottages as guest accommodation, as indicated on Appendix 3, subject to the conditions as per the attached Appendix1. See documentation attached as Appendix 4. The use on an existing building and an open space area was also approved on a temporary basis to be used as a chapel for weddings and outdoor recreational area respectively.

### 2. Purpose of this application

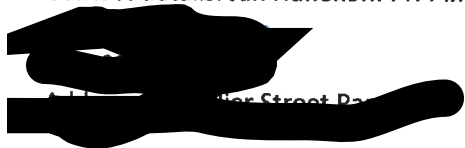
The above application has been approved for a period of 5 years which has now expired. The purpose of this application is to make the land use of the cottages for tourist accommodation more permanent by applying for consent use in terms of Clause 201 (1) of the Stellenbosch Zoning Scheme By-laws 2019. A tourist facility (existing buildings) is indicated as an additional Use subject to technical approval with a maximum surface area of 250m<sup>2</sup>. Due to the fact that this application exceeds the threshold, it implies that a consent use application is required for it.

“Technical approval (tegniese goedkeuring) means an activity or development which may only be conducted with the written approval of the Municipality and requires an application following the procedures set out in this Scheme; Source: Stellenbosch Zoning Scheme By-laws 2019

### 3. Applicant

The application is prepared by Jan Hanekom Partnership , Town and Regional Planners based in Paarl.

Contact details: Jan Hanekom Pr. Pln. SACPLAN A 169/1990



### 4. Property description

The property is registered as Farm Groene Rivier No.571 also known as Webersburg situated in the Stellenbosch Region.

### 5. Ownership

The farm is registered to Louwfut 1081 Beleggings Pty Ltd with registration number 199500525807

## 6. Title deed

The farm is registered in terms of T4119/1919

## 7. Locality

The farm is located in the Stellenbosch Municipal area, approximately 7 km south of Stellenbosch on the way to Somerset West. Access from the R44 is at the Annandale Road / R44 junction along the Divisional Road 1050 (Annandale Road) which leads to the farm entrance. The area is known for its agricultural diversity and especially the agricultural tourism associated with the scenic and rural environment as well as the historic buildings and a rich history and heritage

## 8. Zoning

The property is zoned "**Agriculture and Rural zone**". A number of consent use applications have been approved in terms of the Section 8 Scheme Regulations (Ord.15 of 1985) in the past. Some of the uses were approved as temporary departures.

The purpose of this zone is to make provision for the protection and preservation of agricultural land, rural landscapes and biodiversity, bona fide agricultural production or conservation; buildings and structures for reasonable and normal agricultural purposes; a limited **range of other ancillary uses which may take place on agricultural land units**, either as additional rights with the consent of the Municipality and which provides for more intensive use, or tourism **which has the objective of creating variety, ensuring sustainability and providing diversified income** to land owners, without adversely impacting on the primary use of the land unit for agricultural purposes.

The following relevant land uses are permitted in this zone

Additional Uses (not exceeding threshold in this chapter and subject to technical approval)

Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> <li>• Bed and breakfast establishment</li> <li>• Tourist dwelling units</li> <li>• Tourist facility (existing buildings)</li> </ul>	<ul style="list-style-type: none"> <li>• Tourist accommodation establishment</li> <li>• Tourist facility (new buildings or <i>exceeding threshold</i>)</li> <li>• Any additional use exceeding the threshold set out in this chapter</li> </ul>

Table 1: Abstract from the Stellenbosch Planning By-law

Due to the number of guest accommodation already approved on the property and the fact that the *Vineyard cottages exceed the parameters*, the application is made as a consent use for **tourist accommodation establishment**.

## 9. Definitions

The definitions as set out in Chapter 1 of the Planning Scheme By-law are the determining factor when determining the nature of the application to be made.

Bed and breakfast establishment	Bed and breakfast establishment" (B&B) (bed-en-ontbytonderneming) means the use of furnished bedrooms in a dwelling house, second dwelling and/or outbuilding, to supply accommodation for compensation to transient
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	guests provided that the accommodation shall be hosted by a permanent resident, with or without his or her family, who resides on the land unit;
Tourist Facility	includes <u>place of assembly and/or open spaces</u> , and may also include ancillary uses “ BUT ”excludes tourist accommodation, guest houses, bed-and-breakfast establishments and hotels;”
Place of assembly (vergaderplek)	means <u>any place or activity</u> where large number of <u>people congregate</u> to hold meetings, <u>participate in and spectate or observe performances</u> and may include, for example a community hall, indoor sports arena, public swimming pool, sport events spaces, <u>general purpose halls</u> , sports stadiums or any other similar large congregation spaces and includes ancillary uses.
Tourist dwelling unit	Tourist dwelling unit (toerisme-wooneenheid) means the use of a furnished dwelling house and/or second dwelling and/or a dwelling unit in flats, where the <u>entire dwelling unit is rented out for the accommodation of transient guests</u> and where accommodation is only provided on a self-catering basis, provided that <u>if more than 4 dwelling units on the same property are rented out</u> by the same owner or proprietor as an enterprise it is deemed to be a <u>tourist accommodation establishment</u> ;

Table 2: Abstract from the Stellenbosch Planning By-law 2019

From the definitions set out in Chapter 1 of the Scheme by-laws it is clear that the existing tourist accommodation establishment do not relate to the definitions of a Bed and breakfast establishment or a Tourist Facility but fit in well with the definition of “tourist accommodation establishment”.

From the above explanation and analysis of the definitions as well as the exposition as contained in the pre application consultation's summary, it appears that the application for the accommodation will be a consent use application for tourist accommodation establishment while the “chapel” and open space associated with it will be treated as a tourist facility (consent use) application in terms of the definition of “place of assembly”.

## 10. Consent use

In terms of the above definition the application is made for the following

- Consent use application is made for tourist accommodation establishment to enable the owner of the property to use existing cottages for tourist accommodation in self-catering cottages.
- Consent use application is made for Tourist Facility to enable the owner of the property to use the existing building (“chapel”) and the adjacent 500m<sup>2</sup> open space (previously approved as outdoor recreational area) to be used as a place of assembly.



**Consent use** ; (vergunningsgebruik) means a use right that may be undertaken in a specified zone, only with consent of the Municipality, as a result of an application made in terms of Planning Law;

a. Parameters in terms of Zoning Scheme

The parameters for tourist accommodation are set out in section 208 of the Planning By - laws. The following table reflects a summary of the parameters and the Webersburg situation is evaluated on each of the parameters.

Parameters set out in By-laws	Webersburg situation
<b>Parameters for Tourist accommodation in this zone (Section 208)</b>	
<ul style="list-style-type: none"> <li>The primary use of the property remains cultivation, keeping of animals or any other bona fide agricultural or natural environment use</li> </ul>	meet requirement
<ul style="list-style-type: none"> <li>The Municipality may grant a consent use for a greater number of bedrooms to be used for a guest house, tourist dwelling unit or bed and breakfast, provided that these activities shall remain confined to the approved dwelling units on the land unit</li> </ul>	meet requirement
<ul style="list-style-type: none"> <li>When the number or scale of buildings, in which accommodation for transient guests is provided, exceed the maximum number or scale ... the activity shall be classified either as a tourist accommodation establishment</li> </ul>	meet requirement
<ul style="list-style-type: none"> <li>A tourist accommodation establishment is a consent use in this zone.</li> </ul>	meet requirement
<ul style="list-style-type: none"> <li>When considering a consent use application, the Municipality shall adhere to the assessment criteria and other requirements set out in section 213.</li> </ul>	meet requirement
<b>Parameters for Tourist facilities in this zone (Section 209)</b>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	meet requirement
<ul style="list-style-type: none"> <li>Tourist facilities which are additional uses, and which require buildings to operate from, may only be undertaken from existing approved buildings on the land unit which are no longer utilised for their original purpose</li> </ul>	meet requirement
<ul style="list-style-type: none"> <li>The total coverage of all buildings plus any external use areas which are used for tourist facilities (excluding parking areas) as an additional use, including the area which is used for manufacturing as envisaged in subsection (8), shall not exceed 250m<sup>2</sup> for the entire land unit,</li> </ul>	Outdoor open area of 500m <sup>2</sup> was approved for assembly area.
<ul style="list-style-type: none"> <li>Tourist facilities may not have an adverse impact on surrounding properties, in respect of, but not limited to, noise, traffic congestion, pollution, emissions or</li> </ul>	meet requirement

the gathering of large numbers of people, or the presence of people hindering agriculture e.g. during spraying season, nor may the tourist activities have an adverse impact on any bona fide agricultural activities on the farm itself or on neighbouring properties	
<ul style="list-style-type: none"> <li>• Municipality shall require a site development plan to be submitted</li> </ul>	meet requirement
<ul style="list-style-type: none"> <li>• consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.</li> </ul>	meet requirement
<ul style="list-style-type: none"> <li>• The consent uses should be undertaken from existing buildings on the property which are no longer utilised for their original purpose</li> </ul>	meet requirement

Table 3: Parameters: Abstract from the Stellenbosch Planning By-law, 2019

From the above analysis of the parameters as contained in the Planning By-law, it is clear that the proposed use (consent use for tourist accommodation establishment) is compatible and meets most parameters.

## 11. Previous approvals

An application for approval in order to convert four of the existing dwellings as well as the old wine cellar on the site into guest houses was approved in 1998. See copy of the letter to the Winelands District Council Land Use Committee dated 31 August 1998.

Application was approved on 20/09/2006 by Stellenbosch Municipality (Reference number: Farm 571, Stellenbosch) for the following.

- Rezoning of a portion (500m<sup>2</sup>) for Agricultural Zone 2 (**Maturation cellar**)
- Rezoning of a portion (100m<sup>2</sup>) for Agricultural Zone 2 (**Grappa cellar**)
- Rezoning of a portion (288m<sup>2</sup>) for Agricultural Zone 2 (**Wine cellar**)
- Consent use of a portion (850m<sup>2</sup>) to operate a tourist facility (**restaurant/ conference facility**)
- Consent use of a portion (190m<sup>2</sup>) to operate a tourist facility (**Wine tasting**)
- Temporary Departure of a portion (100m<sup>2</sup>) of an existing building to be used as a **chapel** for wedding functions
- Temporary Departure of a portion (500m<sup>2</sup>/ 300 chairs) to be used as an **outside entertainment area**

The approval is made subject to certain conditions (as contained in the above letter) that our client has complied with and has been operating the activities successfully since.

Application for consent use : Farm Groene Rivier 571 Stellenbosch

A further planning application was approved in 2015. The use of existing cottages on the property for tourist accommodation (10 units) was approved as a temporary departure for 5 years.

Condition 2 states that: **“2. That this temporary departure is only valid for five (5) years after final notification from Council, where-after a new application must be submitted to council for processing and a decision, unless the zoning scheme regulations of the time make provision for the proposed use on the subject land partial.”**

In terms of the Stellenbosch Municipality Zoning Scheme By-Law 2019 provision is made for tourist dwelling units within the Agriculture and Rural Zone.

The new Stellenbosch Municipality Zoning Scheme By-Law 2019 was Implemented on 1 November 2019

Adopted by Resolution 8.2.1, May 2019 of the Municipal Council of Stellenbosch

Section 8(4) of the Stellenbosch Municipality Zoning Scheme By-Law 2019 states **“ Where a land use, at the commencement of this Scheme, was lawfully commenced and it is now a consent use in terms of this Scheme, consent will be deemed to have been granted, provided that the floor area of the activity may not expand without a further consent use application being approved by the Municipality.”**

This application seeks to approve the existing uses (Chapel, outdoor assembly area and the tourist accommodation) for that were approved as temporary departments in terms of Ordinance 15 of 1985 as consent uses in terms of the Planning by-laws so that it can grant permanence to the uses.

## 12. Site development plan

The SDP will remain unchanged. The SDP indicates all the land uses as well as the area approved per land use. See the Site Development Plan attached.

### Description of activities;

- a. The main house, Jonkershuis and the Oak Cottage are used as a guest house with 14 rooms and can accommodate a maximum of 28 people.



Figure 2 Jonkershuis



Figure 1 Manor House

The Guesthouse was approved as a consent use by the Winelands District Council in 1998.

The accompanying photo depicts the Manor House and the Jonkershuis.



d. Chapel

The chapel was an old barn that has fallen into disuse due to the location of the structure relative to the functional buildings and activities on the property. The use of the building as a chapel is compatible with the other tranquil uses on the property. The chapel is only used for weddings and therefore has a very low occupancy.



Figure 6 Guest cottages (10)

e. Guest cottages (tourist accommodation)

The cottages previously approved as tourist accommodation (Temporary departure). These cottages was restored at a substantial cost to create tourist accommodation.

f. Outdoor recreational area

The outdoor recreational area is used in conjunction with the chapel. An area of 500m<sup>2</sup> (20m \* 25 m) was approved for this as a temporary use.. The area forms part of the site and is planted with grass. The area is mainly used for outdoor ceremonies for weddings. In these cases, the premises are reserved only for the wedding guests.



Figure 7 outdoor recreation area

g. Parking area

The formal parking area allows for 50 parking bays. This area is sufficient for everyday use. An area west of the parking area is used for informal parking if it proves necessary. This area caters for about 35 vehicles. If there is a function or event on the farm, the areas adjacent to the access road are used for parking and can provide up to 300 parking bays. in the accompanying photo, the area



Figure 8 Formal Parking area

adjacent to the access road is depicted. The area is covered with grass and is used for parking if large quantities of vehicles have to be accommodated on the property.



Figure 9 Over flow parking along access road

### 13. Need and desirability

“Need and desirability” relates to, amongst others, the nature, scale and location of development being proposed, as well as **the wise use of land**. While essentially, *the concept of “need and desirability” can be explained in terms of the general meaning of its two components in which need primarily refers to time and desirability to place (i.e. is this the right time and is it the right place for locating the type of land-use/activity being proposed?)*, “Need and desirability” are interrelated and the two components collectively can be considered in an integrated and holistic manner.”

Source ; City of Cape Town Planning Application booklet.

*In the case of this application, the need and desirability of using the vineyard cottages (10) for tourism accommodation and the use of the "chapel" and outdoor recreational area on a permanent basis. This will mean that the use rights that are currently approved as temporary departments must now be evaluated as a consent use.*

To explain the desirability of the proposed land use, we include the following in the motivation:

#### a. Economic impact:

The relationship between **agricultural activities and tourist facilities** has long been well developed in the Stellenbosch area and began with the Stellenbosch Wine Route in the early 1970s. Over the past 20 years, the landscape has changed from pure agriculture to integrated tourism related facilities. The combination of the surrounding properties forms a huge attraction for tourists to the Stellenbosch area. The **large variety of facilities** found in this area probably carries the greatest weight to the success of the valley. The other aspect that contributes to the success is the quality of the living and agricultural environment. With farms like Rust and Vrede, Ernie Els Wines, Uwe Mira etc. to name just a few, the area is currently developing into a world famous tourist region within the greater winelands.

Tourist and especially the **hospitality industry** related activities contributes a lot to the prosperity of the area.

e. Compatibility with surrounding uses:

**The tourism industry of Stellenbosch depends on the wine industry, the heritage reflected in the area, the rural character of the environment and the culture of the area. Agriculture and tourism are hugely integrated and the mixture forms the backbone of the Stellenbosch economy. The surrounding properties also reflect similar character traits. Landmarks such as the Thirsty Scarecrow, Root 44, Annandale Wines, Audacia, Rust en Vrede, Guardian Peak, Ernie Els Wines, Hidden Valley and Uva Mira Mountain Vinyards are estates with strong tourism commitments, especially in the hospitality industry. The development of the farms speaks of tremendous financial input from the owners. The combined impact that these estates have on the economic prosperity of the Stellenbosch community is significant. The land uses operated at Webersburg are of great importance in maintaining the balance and variety of land uses in the valley.**

f. Impact on the external engineering services:

The tourism activities have all been in operation for several years. **No additional pressure will be placed on the infrastructure.** No further expansion of municipal civil services is expected.

g. Impact on safety, health and wellbeing of the surrounding community:

The tourism activities like the accommodation and those associated with the chapel pose no danger with regard to noise or any disturbance. The **security** applied to the property and the **access control** ensure that the area forms a safe environment at all times. The nature of the uses contributes to the tranquil atmosphere of the farm and is precisely one of the attractions to the property. Impact on heritage:

The important cultural resources in the vicinity are protected by operating customs there that are compatible with the elements. The historic buildings and the site have been fully restored and are maintained by the guest house industry. It also creates the opportunity for the general public to view and experience treasures of this culture that would not otherwise occur. **All culturally important resources in the vicinity of the site are respected and protected.**

h. Impact on the biophysical environment:

The development have no negative affect on the natural environment and the various forms of life in it. The farm has been in operation for over 100 years and is fully developed. Only a small percentage of the property has natural vegetation. This section is next to the natural drainage system on the property which is not close to the proposed tourism activities. The tourism activities **therefor pose no danger to the natural environment.**

i. Traffic impacts:

The access to the farm has been operating at that point for more than 100 years and to date no incidents have been reported. The access is secure and clearly marked. As far as parking is concerned, there are approximately **50 formal parking bays** on the premises and a further area where **35 vehicles can be parked informally.** The area along the access road on the farm is planted with grass and is also used for overflow parking if necessary. Up to **300 vehicles can be parked** here. All roads on the property are provided with a permanent surface that limits the formation of dust.



## 14. Summary

**The impact of the proposed consent uses, which has been operating successfully for 7 years, has shown that it has no impact on the environment. Therefore, from a planning point of view, there is no reason why these uses cannot be given more permanence on the basis of a consent use application.**

*The alternative would be to discontinue these activities by not providing the necessary approvals. The socio-economic impact this will have is enormous given that approximately 15 employees will lose their jobs, many of whom are breadwinners. The economic impact on the micro-economy of the Annandale Road Valley will be significant and the cohesion of the various surrounding farms will suffer great damage.*

The role that the recent Covid -19 pandemic played on the hospitality industry in the world can still be felt badly in the Stellenbosch area. It is therefore essential not to place further obstacles in the way of the entrepreneurs of the area's effort to bring about recovery to ensure social and economic sustainability in the short and long term.

The large number of employees who work in the valley and are transported daily from Raithby and Stellenbosch to the area also contribute to the current taxi industry and the development of possible public transport in the future.

The proposed **guest accommodation not only compliments the uses on the property but also compliments the operations on adjoining properties.** There are plenty of restaurants, wine tasting facilities and guest houses in the immediate area that complement each other and address the broad base of the tourism industry. The investment in the settlement or area in question will generate the highest socio-economic returns.

The proposed land uses are also in line with the regional development vision of the authorities in this area and play an important role in poverty alleviation. The fact that the activities have been in operation for several years (since 2006) and to date have not resulted in any incidents with public or adjoining neighbours speaks volumes for the compatibility of the land uses with the environment in which they operate. The fact that the civil services are already in place and no further pressure is placed on existing services counts in favour of this application. The use of existing structures that have fallen into disuse for complimenting uses is also commendable for the optimization of the infrastructure and services. The proposed land uses have no impact to promote urban sprawl but rather encourage environmentally sustainable land development practices and processes.

The proposed development will have a positive impact on the sense of history, sense of place and heritage of the area and the socio-cultural of the people working and living on the property.

Good neighbourliness and constant communication with surrounding landowners ensure the participation of all interested and affected parties.

From a planning perspective, we as consulting planners could not detect any reason why this application could not be found to be compatible with the environment and would therefore strongly recommend that it be approved.

**ANNEXURE D**  
Engineering comment



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

# MEMORANDUM

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag:** Bulelwa Mdoda  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 10 August 2023  
**Our Ref ▫ Ons Verw:** Civil LU 2471  
**Your Ref:** LU/15045  
**Re ▫ Insake:** Farm 571, Stellenbosch: Application is made for a consent use on Farm No. 571, Stellenbosch Division;(a) for a tourist accommodation establishment in order to convert 10 existing laborer cottages into self-catering guest units, and (b) for a tourist facility in order to use an existing building  $\pm 100\text{m}^2$  and  $\pm 500\text{m}^2$  outside area as a place of assembly.

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This Memo replaces the Memo dated 1 June 2023. The DCs are hereby amended, based on motivations and additional information provided by the Applicant:

We confirm that the existing restaurant's approval applies to  $850\text{m}^2$  (no DC is calculable on this) which can be compared to a 250 seater restaurant. The use of the 100 seater chapel is linked to the use of the restaurant. The occupancy of the Chapple should therefore not be playing a role in the BC calculation.

The use of the 100 seater Chapel is linked to the premises being rented out for private functions and that no additional guests for wine tasting etc. are allowed on the premises when clients reserve the premises as a function venue (eg. weddings or birthday functions) where the restaurant is used to accommodate the function.

The 500m<sup>2</sup> outside space is only supplementary space to the chapel and that it cannot be used individually for functions. We hereby confirm that the outside space will simply be used as a collection area for the activities happening in the chapel at that stage and therefore should not be used separately for the calculation of the DC's.

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

- 1. Civil Engineering Services**
  - 1.1 No objection, no municipal services are affected. No upgrades identified as these are existing buildings that are already serviced.
  
- 2. Roads**
  - 2.1 **Access is from a provincial road – please obtain approval from Provincial Roads Engineer.**
  
- 3. Development Charges (DCs)**
  - 3.1 DCs are not charged for the 100 seater Chapel and the 500m<sup>2</sup> outside place of assembly as the Owner has confirmed that the total number of guests at any point in time on the property will be limited to the capacity of the already approved restaurant, namely 250 persons.
  - 3.2 Should the operation of these venues lead to the number of 250 guests being exceeded, then DCs will be triggered.

- 3.3 The following DC's are payable for the 10 guest houses: See **Development Charge Calculation** attached.
- 3.4 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 applicable at date of payment.
- 3.5 The appropriate DC's are payable before putting the facilities to its intended use or before BP approval (if applicable) and whichever comes first.



**Tyrone King Pr Tech Eng**  
**MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

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# Stellenbosch Municipality

## Development Charge Calculation



### APPLICATION INFORMATION

Application Number:	2471 (J) Farm 571 Stellenbosch (LU-15045)
Development Name:	Webersburg
Date:	10 August 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	571
DC Parameters Reference:	SDP 2022 by Jan Hanekom VG500067

### SUMMARY OF DC CALCULATION

Service:	Water kl/day	Sewer kl/day	Stormwater ha°C	Solid Waste t/week	Roads & Transport trips/day	Sub Total (Civil Eng Services)	Community	Totals
Units:								
Total Increased Services Usage:	-2.3	-2.2	-0.04	-0.25	2.5		persons	
Total Service Usage Reduction:	0	0	0	0	1.3		-30	
Total Service Usage after Reduction:	-2.30	-2.20	-0.04000	-0.250	1.3		0	
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 24 452.90	R 15 088.09	R -R	R -30	
Charges adjusted for positive only, before Deductions	R -	R -	R -	R -	R 15 088.09	R -R	R 115 727.30	R 125 092.11
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R -	R 7 544.05	R -	R -	R 15 088.09
VAT:	R -	R -	R -	R -	R 7 544.05	R -	R -	R 7 544.05
Total Development Charges Payable (including VAT):	R -	R -	R -	R -	R 1 131.81	R -R	R -	R 7 544.05
					R 8 675.65	R -R	R -	R 1 131.81
						R -R	R -	R 8 675.65

### APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature:	

Notes:

Email Motivations dated Wed 2023/07/26 07:36 and Fri 2023/08/04 12:38 Jan Hanekom has been taken into account.

3.1DCs are not charged for the 100 seater Chapel and the 500m2 outside place of assembly as the Owner has confirmed that the total number of guests at any point in time on the property will be limited to the capacity of the already approved restaurant, namely 250 persons.

3.2Should the operation of these venues lead to the number of 250 guests being exceeded, then DCs will be triggered.

