Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

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04 December 2023

To Whom it May Concern

Dear Sir / Madam

Geagte Heer / Dame

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Application property: Erf 15689, Welgevonden Estate, Stellenbosch

Applicant: Dupré Lombaard, Virdus Works (Pty) Ltd, 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600; Cell: +27 82 895 6362; Email: dupre.lombaard@virdus.com

Owner: Welgevonden Estate Home Owners' Association, Represented by: Mr Gawie Marx, Phone: +27 21 889 5450, E-mail: manager@welgevonden.co.za, Address: Welgevonden Estate HOA, Welgevonden Boulevard, Stellenbosch, 7600

Reference number: LU 16290 / TP518/2023

Description of land development: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 for a Consent Use for an outdoor sports facility in order, to develop active recreation and sporting facilities consisting of amongst others tennis courts, padel courts, picnic area, swimming pool, pump track, and a clubhouse (±272m²), which are to be used by the Welgevonden Estate residents only.

Notice is hereby given in terms of the provisions of said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of said Bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: **Dupré Lombaard, Virdus Works (Pty) Ltd, Email: dupre.lombaard@virdus.com**. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant. The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **09 February 2024**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date. For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically by WhatsApp at +27 82 895 6362 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

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Document: KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREAKENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Date: 04 December 2023

Aansoek eiendom: Erf 15689, Welgevonden Landgoed, Stellenbosch

Aansoeker: Dupré Lombaard, Virdus Works (Pty) Ltd, 3^{de} Vloer, Time Square, Elektronstraat, Techno Park, Stellenbosch, 7600; Sel: +27 82 895 6362; Epos: dupre.lombaard@virdus.com

Eienaar: Welgevonden Estate Home Owners' Association, Verteenwoordig deur: Mr Gawie Marx, Foon: +27 21 889 5450, Epos: manager@welgevonden.co.za, Adres: Welgevonden Estate HOA, Welgevonden Boulevard,

Stellenbosch, 7600

Verwysing: LU 16290 / TP518/2023

Besonderhede van aansoek: Aansoek word gedoen ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Verordening op Munisipale Grondgebruikbeplanning, 2023, vir 'n vergunnings gebruik vir 'n buitelug sportfasiliteit ten einde aktiewe ontspannings- en sportfasiliteite te ontwikkel wat bestaan uit onder andere ander tennisbane, padelbane, piekniekarea, swembad, trap baan, en 'n klubhuis (±272m²), wat slegs deur die Welgevonden Landgoed-inwoners gebruik mag word.

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek ingevolge Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van de aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: **Dupré Lombaard, Virdus Works (Pty) Ltd, Email: dupre.lombaard@virdus.com**. Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat persoonlike inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word. Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **09 Februarie 2024**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word. Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies per WhatsApp by +27 82 895 6362 gedurende normale kantoor ure.

Your support of the application will be appreciated. // U ondersteuning van die aansoek sal waardeer word.

Yours faithfully

Dupré Lombaard

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MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR:

CONSENT USE ON ERF 15689, STELLENBOSCH (OUTDOOR SPORTING FACILITIES)





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EXECUTIVE SUMMARY

MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR:

CONSENT USE ON ERF 15689, STELLENBOSCH (OUTDOOR SPORTING FACILITIES)

SG Code: C06700220001568900000 / Location: Lat: 33° 53' 59.071" S | Lon: 18° 50' 49.945" E

Applicant:	Project Consultant:
Welgevonden Home Owners' Association Represented by: Mr Gawie Marx (Estate Manager)	Virdus Works (Pty) Ltd Reg. No. 2018/585747/07 Represented by: Mr Dupré Lombaard SACPLAN: B/8076/1998 // EAPASA: 2019/304
Phone: +27 21 889 5450 E-mail: manager@welgevonden.co.za Address: Cnr Hendrikse Street and Welgevonden Boulevard, Stellenbosch, 7600, Western Cape	Cellular: +27 82 895 6362 E-mail: dupre.lombaard@virdus.com Address: 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

The application herewith is for consent use for outdoor sporting facilities on private open space Erf 15689, Stellenbosch, the property of the Welgevonden Home Owners' Association. The Home Owners' Association wishes to develop active recreation and outdoor sporting facilities for the members, all residents of the Estate, and to create a place for social gatherings, exercising, and training for the members.

The application is for approval of a consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 to consent use contemplated in the zeoing scheme), read with Section 196 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB) for the establishment of an outdoor sporting facility (two tennis courts, two padel courts, swimming pool, clubhouse, children's play area, dog park, and outdoor games area) on the property and development of the management offices on the site. Application is further made for approval of the construction environmental management programme as required in terms of Section 197 of the ZSB.

The property has a Private Open Space Zone and is 3,0537 ha in extent. It is currently used for hiking, walking, biking, pétanque and outdoor recreation. Access thereto is directly off Welgevonden Boulevard (West) that connects to the R304.

The title deed (T20559/2010) contains no restrictions preventing the proposed land use and development of the outdoor sporting facility.

1. BACKGROUND

1.1 Introduction

The application is for consideration of an outdoor sporting venue, consisting of two tennis courts, two padel courts, swimming pool, clubhouse, children's play area, dog park, and outdoor games area, with parking as a place of recreation for the residents of Welgevonden Estate on Erf 15689. It is a large private open space, with an area of 3,0537 ha that contains amongst others a storm water retention pond and has a stream course through it. It is located on the main entrance from the R304, in the northeastern corner of the Estate abutting Welgevonden Boulevard.

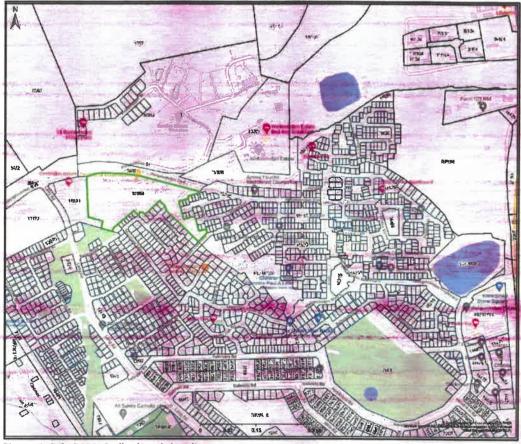


Figure 1: Erf 15689, Stellenbosch locality

The property has a Private Open Space Zone and is currently used for hiking, walking, biking, pétanque and outdoor recreation.

The Welgevonden Home Owners' Association (WHOA) approved of the development of the site for the exclusive use of the residents and a site development plan (SDP) for submission to the Stellenbosch Municipality in November 2022. Subsequent thereto and after consultation with the Municipality, the 1:100 and 1:50-year flood lines were determined for the site and are shown on the SDP.

Confirmation that the proposal does not require prior environmental authorisation was gained from the Department of Environmental Affairs and Development Planning (DEA&DP).

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1.2 Context

Welgevonden Estate is located on the northern edge of Stellenbosch Town, between the R44 on the eastern side and Lang Road, the main entrance from the north into Cloetesville, on the western side, where Welgevonden Boulevard also connects with the R304. It is more or less 5 km from the centre of the Estate to the centre of the town.

The Estate consists of 973 single dwelling erven, of which 953 are inside of the security area. It further consists of 10 sectional title schemes, inclusive of a shopping centre, outside of the security area.

Inside of the Estate there are many open spaces which have been improved to provide recreational facilities for the residents, but there are no active / outdoor sporting facilities, mostly due to the shape and slope of the open spaces. As a result, the residents have to travel to and from town to access such sporting facilities, which adds to traffic congestion on the one hand and incurs significant costs for the residents on the other. Other similar sized estates include outdoor sporting facilities for the residents, making the estates more attractive and improve social interaction between residents. In view thereof, the WHOA decided to improve the Estate by the addition of the facilities on the only available and suitable open space in the Estate.



Figure 2: WHOA SDP for Erf 15689

1.3 Proposal and application

The proposal regarding the active recreation aspect is to build an outdoor sporting facility with a club house and management offices on a relatively flat area containing planted vegetation and trails created by the Estate. In this location the facilities can

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be integrated and will have no impact on the existing services on the Estate. It is also located in an area where there is appropriate distance between the proposed facilities and neighbouring dwellings, to minimise any potential noise disturbances.

The tennis and padel courts cover an area of approximately 1 740 m². The management office, club house, paved area, and deck cover approximately 337 m², as does the swimming pool area and its surrounding landscaped area. Provision is made for at least 50 parking bays and an access road serving the facility. Paved areas, parking, and roads cover roughly 1 755 m². All buildings, structures, and hard surfaces thus cover 4 307 m² or 14% of the site, while buildings alone (courts, pool, and clubhouse) cover roughly 2 214 m² or 7,5% of the property.

All structures are located outside of the surveyed flood lines and services servitudes.

The existing cycling and hiking trails will be reconfigured to make them more usable and attractive.

Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB), read with Section 196 the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB), for consent use as contemplated in the zoning scheme to permit an outdoor sporting facility on Erf 15689, Stellenbosch that is zoned Private Open Space Zone.

Application is further made for approval of the Construction Environmental Management Plan (CEMP) for the development in terms of Section 197 of the ZSB.

1.4 Land use

The primary use of Erf 15689 will remain private open space intended for outdoor recreational activities and conservation of the natural assets of the area, municipal services, and the stream course.

1.5 Zoning scheme requirements

The proposed development of the outdoor sporting facility consent use must be considered in terms of Sections 191 and 194 of the Zoning Scheme Bylaw, read with the relevant considerations as set out in the Land Use Planning Bylaw, 2023. Said ZSB Section 191 determines that "The purpose of this zone is to make provision for land which is in private ownership and which is intended to be used for:

- (a) active or passive private recreational and private amenity purposes; or
- (b) creating a desired townscape, or visual open space for residents; or
- (c) serving as open space which also accommodates riverine corridors and other similar natural features; or
- (d) serving as open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors."

As is obvious from the SDP, the main purpose of the proposed development is the establishment of outdoor sporting facilities, namely tennis and padel courts, a swimming pool, pétanque course, biking trail, dog park, and recreational space. In

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addition, the proposal includes a club house, and management office. There are also a roadway and parking, as well as existing services infrastructure, inclusive of a storm water retention pond and overhead powerlines across the property, all of which have been incorporated into the planning. The remainder of the site is used as a stream course containing mostly natural vegetation that is managed by the HOA. All the proposed development, other than paths and tracks, occur outside of the water course setback, services servitudes, and the surveyed flood lines.

Given that the consent use is aligned to the purpose of the zone and intended solely for use by members of the WHOA and residents of the Estate, there are rational grounds for favourable consideration of the application.

The outdoor sporting facility will be open seven days a week during hours to be determined by the WHOA.

1.6 Title deed restrictions

The title deed (T20559/2010) does not contain any restrictions preventing the proposed land use.

2. MOTIVATION

As indicated above, the applied consent use is aligned to the primary use of the property and purpose of the zoning.

More than 85% of the property will remain in its current state and it retains its primary use, namely a green corridor through which surface and storm water drainage occurs, through which services are conveyed, and where passive private recreational activities occur.

The need for the outdoor sporting facility arose from members of the WHOA who experienced traffic congestion on the R44 and R304 when trying to use existing facilities in town, consuming much of their recreation time and leading to frustrations. Moreover, the population of the Estate is sufficient to justify the establishment and sustain the use of the facility.

The primary use of the property as a visual resource, where no municipal services are affected, the stream course is retained in its current state, and passive private recreational and private amenity purposes are served, is maintained. At the same time new active recreational facilities are offered to the residents of the Estate, thus saving them time and money, and contributing to the social development of the community.

A site development plan showing all the existing and proposed uses is annexed hereto and must form the basis, together with any conditions as approved by the Municipality, of the development rules for the use of the property.

The recreational facilities should not have an adverse impact on surrounding properties, the closest of which are located to the west in another group housing complex. The layout has been done in such way that the existing cycle track use is retained along the western boundary to create a buffer of 15m respect of the tennis courts. The proposed active

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recreational use of the private open space is in keeping with original intent therefore, which has not been limited. Although it is unlikely to cause, noise, traffic congestion, pollution, emissions, or disturbances due to the gathering of people, the presence of people participating in active recreation will change the existing ambiance of the area. More people will be accommodated on the site in closer confines than previously, and this change could cause discomfort to the closest residents. The likely noise levels emanating from the open space are however unlikely to exceed acceptable levels and the use should therefore not be a nuisance or disturbing. As indicated above, there is no other appropriate open space with a large enough level area as on this portion of the property where the facilities can be established in an integrated manner. Distributing the facilities through the Estate on different open spaces would add significant additional cost to the establishment thereof and allow the identified site to remain largely unused to the detriment of the residents of the Estate.

The living areas of the abutting houses are towards the west, which creates a further buffer between the tennis and padel courts and the areas most used by the abutting residents. Further mitigation measures to reduce any potential noise effects are therefore not deemed necessary for the proposed courts.

The proposed courts, club house, and swimming pool will be visible from the surrounding properties, but the existing urban landscape will visually absorb the facilities.

The other listed nuisance factors to be considered when granting a consent use, e.g., pollution and emissions do not apply to the proposed recreational facilities, as these are not directly generated by them, even if they do draw vehicle traffic. Large numbers of people will also not be attracted by the proposed facilities, unless for an event, which would have to comply with the relevant legislation and will be for the benefit of the residents of the Estate, who will not allow events that would cause disturbances to the residents.

2.1 Stellenbosch Municipality IDP and SDF

The Integrated Development Plan 2023 (IDP) recognises the valued contribution of sporting facilities to the social development of citizens. The IDP further indicates the importance of sporting facilities offered by bodies other than the Municipality, in view of the pressure on the municipal resources and the need for more such facilities.

Provision is made for the improved use of open spaces by investment in social facilities in the municipal spatial development framework (SDF). The SDF further that active use of open spaces should be promoted to increase the surveillance of the spaces and to better utilise the resources. Under-utilised open spaces are recommended for infill development, which is not a desirable use for the open space. Establishment of active recreational facilities is a far more attractive option.

2.2 Provincial Spatial Development Framework

The Provincial Spatial Development Framework (PSDF) is largely irrelevant to the application and the proposed use. It focuses on large scale development and not the use of private open spaces in residential estates.

2.3 SPLUMA principles

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The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration are also not relevant to the application. The proposed use of the land is intended to benefit the more than 950 resident households in the Estate and the more efficient use of the available land resources, without any significant effect on the citizens of the town.

2.4 LUPA principles

The principles referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA) can also, as for the SPLUMA principles, not be made applicable to the proposed use of the private open space in the Estate.

The proposed use does not affect land essential for conservation, other uses, or service delivery by the Municipality. Consideration has been given to the public interest, with specific reference to the interests of more than 950 households resident in the Estate, who through the Welgevonden Home Owners' Association annual general meeting indicated their desire to improve on their quality of live and social cohesion by the creation of an active recreation area. The respective rights and obligations of all those potentially affected, primarily the surrounding property owners, public and private service providers and the wider community have been considered and there are no identified significant issues other than the potential change in the ambient noise levels for the few houses which are located in the abutting group housing complex and back onto the property.

The impact of the proposed development on engineering services infrastructure, social infrastructure, and open space requirements is insignificant. The proposed use contributes to the provision of social facilities by adding outdoor sporting and recreational facilities which are in short supply in the town and that through private investment and without requiring additional municipal infrastructure services.

2.5 Environmental Management

The proposed development of the consent uses does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998 as evidenced in the annexure hereto.

2.6 Heritage

The proposed facilities will not require authorisation in terms of Section 38 of the National Heritage Resources Act, 1999, Act 25 of 1999, as the application does not trigger any listed activity.

2.7 Engineering

As indicated above, the outdoor recreation area is located inside of the Estate, and it will connect to the existing infrastructure. Road access will be off Welgevonden Boulevard, inside of the security area, where public traffic flows will not be disrupted or affected.

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Electricity is supplied by the Municipality through an existing service, which does not require any upgrading.

The site is serviced with potable water to be used for drinking and cooking purposes, while the facilities will be irrigated and serviced by water from the boreholes on site.

The waste water will be conveyed to the existing sewerage network through a preapproved new connection.

Solid waste is removed by the Municipality, which service will continue with insignificant increase in volume.

3. CONCLUSION

The application for approval of the proposed outdoor sporting recreational facility and more active use of the private open space, Erf 15689, Stellenbosch, in terms of Section 15(2)(o) of the Stellenbosch Land Use Planning Bylaw, 2023 is in line with municipal policy and legislation and the land use planning for the Welgevonden Estate. Establishment of the outdoor sporting facilities will have insignificant effect on the surrounding properties, while benefiting more than 950 households resident in the Estate.

Approval can be granted for the consent use of the property for the proposed outdoor sporting venue consisting of two tennis courts, two padel courts, a club house, and a swimming pool, with sufficient parking bays, and the retention of the existing hiking, biking, and running tracks, pétanque courts and dog walking area, covering an area of approximately 14 % of the property.

All relevant considerations have been addressed and the application could accordingly be approved.

ANNEXURE E: SITE DEVELOPMENT PLAN



