

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

Development Management Consultants and  
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29 September 2023

To Whom it May Concern

Dear Sir / Madam      Geagte Heer / Dame

**NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA**

**Locality:** Erf 211, Raithby – Avontuur Estate, R44, Raithby

**Applicant:** Dupré Lombaard, Virdus Works (Pty) Ltd, 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, Mobile: +27 82 895 6362 // Email: [dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com).

**Owner:** Avontuur Estate (Pty) Ltd per Mr Philip Taberer, Phone: +27 21 855 3450, E-mail: [info@avontuurestate.co.za](mailto:info@avontuurestate.co.za), Address: PO Box 1128, Somerset West, 7129

**Stellenbosch Municipality reference number:** LU 16002 (TP407 /2023)

**Application type:** Application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 for:

- A consent use for an additional use exceeding the threshold to permit the use of the existing main dwelling house as a nine (9) bedroom guest house on Erf 211, Raithby.
- A consent use for a tourist facility (outdoor sport) consisting of two (2) padel courts with associated viewing deck and clubhouse facilities on Erf 211, Raithby.

Notice is hereby given in terms of the provisions of Section 46 of the 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 the said Bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - Indicate the facts and circumstances that explain the comments;
  - Where relevant demonstrate the undesirable effect that the application will have if approved;
  - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
  - Enable the applicant to respond to the comments.

The **comments must be addressed to the applicant by electronic mail** as follows: Dupré Lombaard, Viridus Works, [dupre.lombaard@viridus.com](mailto:dupre.lombaard@viridus.com). The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 30 October 2023**.

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 at +27 82 895 6362 (WhatsApp only) during normal office hours.

#### **KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA**

**Ligging:** Erf 211, Raithby – Avontuur Estate, R44, Raithby

**Aansoeker:** Dupré Lombaard, Viridus Works (Pty) Ltd, 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, Mobile: +27 82 895 6362 // Email: [dupre.lombaard@viridus.com](mailto:dupre.lombaard@viridus.com).

**Eienaar:** Avontuur Estate (Pty) Ltd per Mnr Philip Taberer, Foon: +27 21 855 3450, Epos: [info@avontuurestate.co.za](mailto:info@avontuurestate.co.za), Adres: Posbus 1128, Somerset-Wes, 7129

**Stellenbosch Munisipaliteit Verwysing:** LU 16002 (TP407 /2023)

**Tipe aansoek:** Aansoek ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Grondgebruik Verordening, 2023 vir:

- 'n Vergunningsgebruik om die bestaande hoof huis te gebruik as 'n 9 (nege) slaapkamer gastehuis op Erf 211, Raithby.
- 'n Vergunningsgebruik vir 'n toeristefasiliteit (buitelug sport) bestaande uit 2 (twee) padelbane, 'n uitkyk dek, en 'n klubhuis op Erf 211, Raithby.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 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 wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
  - Die feite en omstandighede aantoon wat die kommentaar toelig;
  - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
  - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die **kommentaar moet by wyse van elektroniese pos aan die aansoeker gestuur word** as volg: Dupré Lombaard, Viridus Works, **dupre.lombaard@viridus.com**. 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 30 Oktober 2023**.

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 by +27 82 895 6362 (slegs WhatsApp) gedurende normale kantoor ure.

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

Yours faithfully



**Dupré Lombaard**

**LAND DEVELOPMENT APPLICATION FOR:  
CONSENT USE ON**

**ERF 211, RAITHBY**



August 2023

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**EXECUTIVE SUMMARY**

<b>MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: ERF 211, RAITHBY</b>	
SG Code: C06700180000021100000 / Location: Lat: 34° 01' 31.2558" S   Lon: 18° 49' 19.8474" E	
<b>Owner:</b> <b>Avontuur Estate (Pty) Ltd Reg. No. 1986/004666/07</b>  Represented by: Mr Philip Taberer  Cellular: +27 82 722 3850 E-mail: info@avontuurestate.co.za Address: PO Box 1128, Somerset West, 7129	<b>Project Consultant:</b> <b>Virdus Works (Pty) Ltd Reg. No. 2018/585747/07</b>  Represented by: Mr Dupré Lombaard SACPLAN: B/8076/1998 // EAPASA: 2019/304  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 is for approval of a consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (a consent use contemplated in the zoning scheme), read with Sections 207, 209 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB) for the establishment of an outdoor sporting attraction (two padel courts) on the property and conversion of the manor house (main dwelling) to a tourist accommodation establishment as complementary uses to the existing restaurant, wine tasting, and sales facilities.

The padel courts are to be located adjacent to the existing tourist facilities on land that is not cultivated for vineyards or other produce and, inclusive of a small club house, cover approximately 1 000m<sup>2</sup>. Access thereto is along the same route as for the existing tourist facilities and winery and 10 parking bays are provided alongside the courts.

The manor house is an existing building and minor internal alterations are required to convert the use to a tourist accommodation establishment with nine guest bedrooms, while retaining it as a dwelling for future reuse.

The property has an Agricultural and Rural Zone, and is 42,6558ha in extent. It is cultivated with roughly 6ha of vineyards and more than 25 ha is used for cultivated grazing and the keeping of a horse stud. It has sufficient water resources to support the agricultural use and the proposed consent use. The farm includes abutting properties, where vineyards mostly occur, and where some horses are kept. The farm improvements include a main dwelling, second dwelling, manager's house, 14 employee housing units, stables, winery, and other agricultural buildings.

Access to the farm is directly off the R44 just south of the Winery Road intersection. It also has an access off Cordoba Road, where the employee housing and stables are located.

The title deed (T12522/1987) contains no restrictions preventing the proposed land use and development of the padel courts as an outdoor sporting facility.

## MOTIVATION REPORT

### 1. BACKGROUND

#### 1.1 Introduction

The application is for consideration of an outdoor sporting venue, consisting of two padel courts and a club house, with parking as a tourist facility and conversion of the main dwelling as a tourist accommodation establishment on Erf 211, Raithby, Avontuur Estate. Avontuur Estate already offers tourist facilities, namely a restaurant, wine tasting and wine sales, linked to a winery that primarily produces wine from grapes grown on the Avontuur Estate farms, abutting and adjacent to Erf 211.

The farm is located on the R44 to Somerset West (Main Road 0027), approximately at KM23, with an entrance to the R44 between the Cordoba Road and Winery Road intersections.

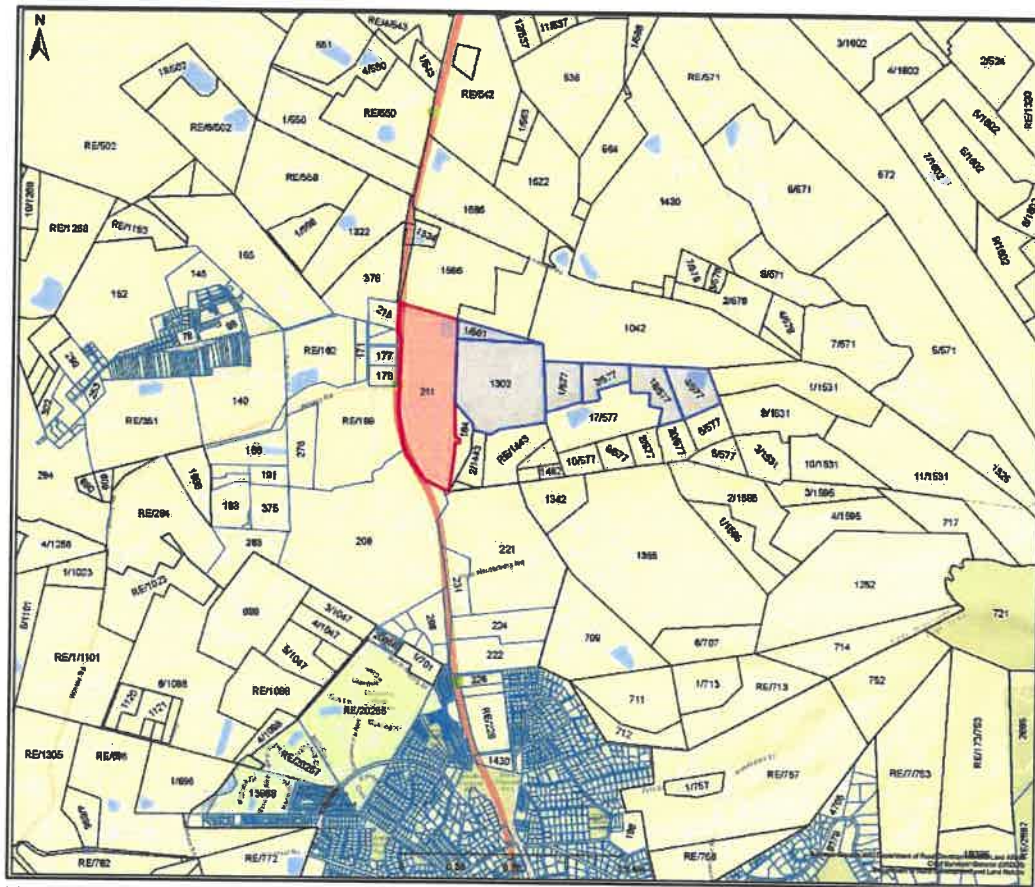


Figure 1: Erf 211, Raithby locality with Avontuur Farms

Erf 211 has an Agricultural and Rural Zone, and it is 42,6558 ha in extent. It contains roughly 6 ha of vineyards, and more than 25 ha is used for cultivated grazing and the keeping of a horse stud. The stables and paddocks are located mostly along Cordoba Road on the southern side of the farm, where there are also other farm buildings. The farm further contains a main dwelling, second dwelling, manager's house, 14 employee housing units, and other agricultural buildings. Avontuur Estate



consists of seven properties jointly farmed, with most vineyards cultivated on the abutting properties.



Figure 2: Agricultural use of Avontuur farms

## 1.2 Context

The Estate is located on the R44, a major tourist route and in an area where numerous other attractions and tourist facilities are located. Surrounding farms offer the typical wine related tourist offerings, restaurants, venues, farm stalls, and active recreational attractions such as hiking and biking. The owner wishes to use the main dwelling, which is no longer used as the main family dwelling, as a tourist accommodation establishment with nine bedrooms to add to the attraction of the Estate and provide alternative tourist accommodation based in the area where there are many other tourist attractions. The dwelling is served by a swimming pool, tennis court and a private garden, making it an ideal tourist accommodation establishment in a rural setting without having to do any construction.

The Estate is a viable agricultural unit and capable of sustaining a feasible agricultural revenue stream. However, the owner has over time diversified the attraction thereof (Avontuur Estate), by the creation of the restaurant, and wine tasting and sales facilities to generate additional revenue from an alternative resource. The restaurant has become a regular meeting venue for local business people and members of the surrounding communities, especially from the growing Raithby community.

In view of the social nature of the growing regular support base for the Estate, the owners have decided to offer a fresh attraction and to offer an outdoor sporting venue to the surrounding community and regular supporters and visitors. There are however limited social outdoor attractions in the surrounding area, therefore the owner identified the opportunity and has offered to introduce a padel club.

Padel is a doubles racket discipline (four players on court) that combines elements of tennis and squash and is played on a shrunken-down court with glass walls and a lower net. Introduction to the sport is significantly simpler than tennis, with under-arm serving and the use of the court walls for playing shots, therefore less technical than tennis. It is outdoors, although the courts have glassed walls and in European areas the courts are often roofed for shading and use in inclement weather. In recent years it has exploded in popularity and is the fastest growing racket sport in the world, amongst others due to its social attraction with four players playing at a time and the glass walls allowing spectator interaction. Games take approximately an hour for completion.



Figure 3: Layout plan of padel courts on Erf 211, Raithby

### 1.3 Proposal and application

The proposal regarding the active recreation aspect is to build two padel courts on an area of cultivated grazing at the entrance to the winery and adjacent to the restaurant. In this location the courts and the club house can be integrated with the existing services on the Estate.

The courts cover an area of approximately 530 m<sup>2</sup> and the club house and viewing deck cover approximately 70 m<sup>2</sup>. There are 10 parking bays proposed for the facility, off the existing road serving the winery, taking up roughly 300 m<sup>2</sup>. An area of approximately 1 000 m<sup>2</sup> will be taken up by the facility. It will attract eight players at a time, with games lasting approximately an hour, i.e., roughly eight visitors per hour unless there is a tournament or club gathering, when more visitors could be expected.

Better use of the farm buildings is proposed by the conversion of the main dwelling that is laid out in such manner that it can be used as a nine-bedroomed tourist accommodation establishment with minor internal alterations, as required. It can accommodate the guest bedrooms in the existing structure, while retaining its residential character and function as main dwelling, in keeping with Section 207 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019. Directly abutting the main dwelling is a tennis court and swimming pool which would enhance the attraction of the tourist accommodation establishment.

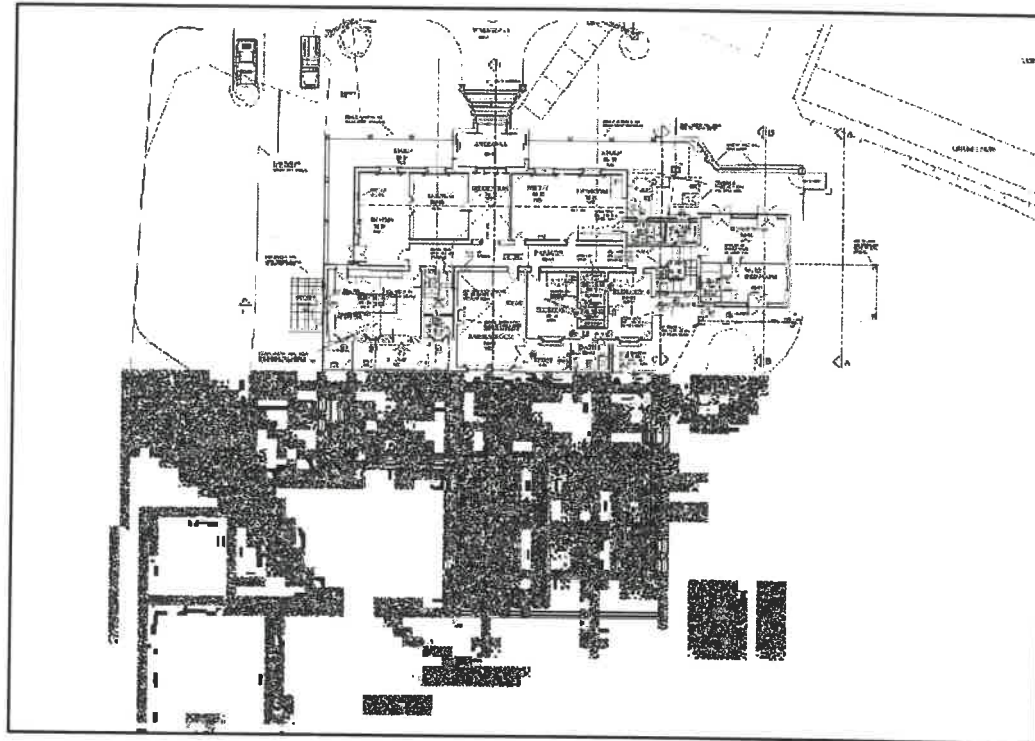


Figure 4: Ground floor layout of main dwelling on Erf 211, Raithby

The gabled house was built in the early 1900's in the Cape Dutch style. It is not listed as having any historical significance, while the farm is recommended as a Grade IIIc heritage resource due to its setting, layout, and character.

The title deed does not include any restrictions relating to building development in terms of the Advertising on Roads and Ribbon Development Act, 1941. However, given experience in similar applications on the R44, it is prudent to include proposals relating to access to the R44 for consideration by the Western Cape Department of Mobility.

The following application is made in terms of Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB), read with the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB), for Erf 211, Raithby that is zoned Agriculture and Rural Zone and to which previous approvals for tourist facilities are applicable. Application in terms of Section 15(2)(o) for consent use as contemplated in the zoning scheme to:

- 1.3.1 permit tourist facilities (outdoor sporting venue); and
- 1.3.2 permit the use of the main dwelling as a nine-bedroom tourist accommodation establishment.



Figure 5: Locality of padel courts on Erf 211, Raithby

#### 1.4 Land use

The primary use of Erf 211 will remain agriculture, primarily as a wine estate and also as a horse stud farm, with the vineyards as indicated above being retained, while the stud farm takes up most of the land area.

The diversification of the approved tourist facilities by the addition of the outdoor sporting venue and use of the manor house as a tourist accommodation establishment will not detract from the primary use of the farm for agricultural purpose and it creates an attraction that does not detract from the character of the general area, while contributing to the general attraction of the R44 as a tourist corridor and the provision of social and sporting facilities to the surrounding community.

The farm has been surveyed and a site development plan showing all the buildings, structures and agricultural uses is attached in the Annexure.

### 1.5 Zoning scheme requirements

The proposed development of the tourist accommodation establishment and outdoor sporting tourist facility consent use must be considered in terms of Sections 207, 209 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, read with the relevant considerations as set out in the Stellenbosch Municipality Land Use Planning Bylaw, 2023. Said ZSB determines that "*When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture. The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.*

*These 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."*

Given that the consent uses on the farm, inclusive of the proposed tourist accommodation establishment and new outdoor sporting facility, are subservient to the primary agricultural use of the property, and that it would remain possible to manage the farm and the facilities sustainably as an economic unit, there are rational grounds for favourable consideration of the application. The tourist facilities being applied for are complementary to the existing approved restaurant that can host up to 60 people at a time, wine tasting, and wine sales located in the centre of the farm adjacent to the winery with an area of roughly 555 m<sup>2</sup>.

The outdoor sporting facility will be open seven days a week from sunrise to sunset.

The padel courts take up less than 0,25% of the area of the farm and are located alongside the main entrance to the winery and agricultural buildings where produce and equipment is stored. It is thus an area of activity on the farm, and it is not intrusive in the landscape or an obstacle on the farm. Due to its location, it has no effect on any neighbouring property.

The main dwelling is no longer required as a family residence and under-utilised. It can be better used by allowing the use of the existing house as a tourist accommodation establishment with nine bedrooms, along with the tennis court and swimming pool adjacent thereto. The house will retain its function as the main dwelling on the farm, while the farm also contains two additional dwellings used by the managers of the different agricultural components and 14 employee housing units. The farm owners reside in residences on other portions of the farm, i.e., separate land units. The farm layout is shown on the site development plan in the Annexure.

### 1.6 Title deed restrictions

The title deed (T12522/1987) does not contain any restrictions preventing the proposed land use.

## 2. MOTIVATION

As indicated above, the applied consent uses are subservient to the primary agricultural use of the property, and that it would be possible to manage the farm together with the proposed and existing tourist facilities and tourist accommodation establishment sustainably as an economic unit. More than 95% of the property will remain primarily agricultural in use. The scale and form of the proposed new padel courts and structures are in keeping with that found in the rural area and normally on farms. It would not detract from the obvious character of the surrounding area. Moreover, all the abutting and adjacent farms have similar scaled tourist facilities and attractions, but none offer an outdoor sporting venue aimed at social sport. Most offer active sporting attractions, whereas the proposed padel courts and club house are aimed at creating a social sporting attraction, primarily for the surrounding community and complementary to the existing restaurant and wine tasting and sales facility.

The expected traffic generated on the R44 by the additional outdoor sporting tourist facility on the farm is minimal, with no more than eight to 10 visitors every hour, unless there is an event, in which case it would be over a weekend outside of any peak period.



Figure 6: Oblique view of Erf 211, Raithby over R44 Winery Road intersection

According to the Zoning Scheme Bylaw, the total number of guest bedrooms in a guest house as an additional use on a land unit may not exceed seven bedrooms in total per land unit. The application herewith is for a consent use, i.e., the limitation need not apply in this instance, as the Municipality may grant a consent use for a greater number of bedrooms to be used for a guest house, provided that these activities shall remain confined to the approved dwelling units on the land unit. The application is nonetheless for the use the main dwelling as a tourist accommodation establishment, and not for the use of any

additional dwellings, as a nine-bedroomed guest house to be considered favourably. The primary use of the property should remain primarily bona fide agricultural or natural environment use, unless otherwise approved by the Municipality and the guest accommodation shall always remain subservient to the primary agricultural activities and shall not interfere with the agricultural or natural environment land uses on the property. As has been shown, the primary use of the property is agriculture and indeed the motivation for the establishment of the tourist accommodation establishment is the attraction of the agricultural use, prior approved tourist facilities and tourist facilities in the surrounding area. Establishment of the tourist accommodation establishment does not require any adaptation of or change in the agricultural activities on the farm.

The Bylaw further determines that tourist facilities in the Agriculture and Rural Zone may only be undertaken from a land unit where the primary use of the land 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. Compliance with this criterion has been amply illustrated, with more than 95% of the land unit being used for agricultural purposes and the existing and proposed tourist facilities not affecting the use of being affected by it. The tourist facilities (existing and proposed) and the agricultural use are compatible and complementary.

The outdoor sporting tourist facilities (padel courts) cannot be undertaken from existing approved buildings on the land unit, thus building plans have been submitted (and were refused) for the construction of the padel courts. There are no vacant or under-utilised buildings on the farm that could be converted, therefore the Municipality is requested with this application to approve new buildings for the outdoor sport tourist facilities as a consent use. The total coverage of all buildings plus any external use areas which are used for tourist facilities (excluding parking areas) exceed 250 m<sup>2</sup>, hence approval can only be granted in consideration of a consent use application.

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

The tourist facilities will not have an adverse impact on surrounding properties, in respect of, but not limited to, noise, traffic congestion, pollution, emissions or the gathering of large numbers of people, or the presence of people hindering agriculture e.g., during spraying season, nor will the tourist activities have an adverse impact on any bona fide agricultural activities on the farm itself or on neighbouring properties. The potential daily visitor numbers (and thus traffic generated by it) are low and not out of scale with the surrounding tourist facilities on neighbouring farms. Moreover, the proposed padel courts are not visible from the surrounding farms or the R44 and located alongside a significantly larger agricultural building and winery, which visually absorb the courts. The courts are 250 m from the tourist accommodation establishment and R44 and more than 300 m from the nearest neighbouring buildings (which are not used for residential purposes). Any noise thus emanating from the courts will have insignificant effect on any surrounding use, given the existing background noise in the rural setting, due to road traffic and agricultural activities.

The other listed nuisance factors to be considered when granting a consent use, e.g., pollution and emissions do not apply to the tourist accommodation establishment or padel

courts, 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 consent uses, unless for an event, which would have to comply with the relevant legislation and in this instance only being permitted once a year. The term large is also undefined and in this instance it is unlikely that an event at the padel club would exceed 30 - 40 visitors, inclusive of spectators and players.

## 2.1 Stellenbosch Municipality IDP and SDF

The Integrated Development Plan 2023 (IDP), including the municipal spatial development framework (SDF) make specific provision for the establishment of tourist facilities on farms and the diversification of agricultural activities to enhance the economic sustainability of the farms. It confirms that tourism, linked to the natural environment and agriculture, is one of the largest creators of employment and that it makes substantial contribution to the economic sustainability of the agricultural sector and the Municipality. The application for the added attraction on Avontuur Estate is in line with the provisions of both said documents and an attempt to increase the feasibility and sustainability of the tourist facilities farm.

The farm is a sustainable agricultural entity, albeit composed of seven titles (land units). It is also sufficiently developed with agricultural infrastructure and buildings and the additional use covering approximately 1 000m<sup>2</sup> of uncultivated land will add to and not detract from the economic sustainability of the farm.

IDP Strategy 5 makes specific provision for the use of farms as tourism attractions: *"Manage and develop tourism as one of the key economic sectors - Facilitate the development of tourism attractions, as contained in the Local Economic Development Strategy, in all sectors and at all levels of the local economy"*. It further states that the Municipality must *"Support compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate."*

The SDF specifically states that the protection and expansion of tourism assets and the protection of agricultural land, enablement of its use and expansion of agricultural output are core to the sustainability of Stellenbosch.

The tourism sector, and local visitors, contribute significantly to the local and regional economy and it requires continuous product development to ensure repeat visits and new visitors. By creating the proposed padel outdoor sporting venue, the Estate is likely to contribute to the local tourism sector and adding to the social and sporting opportunities in the local community.

## 2.2 Provincial Spatial Development Framework

The Provincial Spatial Development Framework (PSDF) and the supporting and complementary regional spatial development framework as contemplated in Section 18 of the Spatial Planning and Land Use Management Act, 2013 determine principles and the planning and development norms and criteria for tourism related uses in the



area. Nothing proposed in this application contradicts any of the said principles or guidelines.

The Western Cape Rural Development Guidelines indicate that: "*The Western Cape economy is founded on the Province's unique asset base. These include farming resources, that make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g., agri-processing) underpin the Province's industrial sector; and its natural capital (i.e., biological diversity) and varied scenic and cultural resources which are the attraction that makes the Western Cape the country's premier tourism destination. The Western Cape seeks to ensure: 1) sustainable development of its rural areas; 2) conservation of their biological diversity; 3) functionality of ecosystems; 4) protection of agricultural productive land; and 5) safeguarding of rural heritage and culture.*"

Chapter 11 of the Rural Development Guidelines determines the following sustainability principles and management guidelines for tourism development in rural and agricultural areas:

- *To diversify farm income.*
- *To offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape (e.g., animal sanctuary, paintball, shooting ranges, and conference facilities).*
- *Rural tourism and recreation facilities and activities should not compromise farm production and must be placed to reinforce the farmstead precinct.*
- *To provide a range of opportunities, including different typologies, for tourists and visitors to experience the Western Cape's unique rural landscapes; e.g., additional dwelling units on farms, B&Bs, guesthouses, backpacker lodges, lodges, resorts, hotels, and camping sites.*
- *To offer more people access to unique tourism and recreational resources in sought-after natural areas, where it would not otherwise have been possible.*
- *Whilst tourist and recreational facilities should be accommodated across the rural landscape (i.e., in all SPCs), the nature and scale of the facility provided needs to be closely aligned with the environmental characteristics of the local context.*
- *Any facility not directly related to the rural landscape should preferably be located within, or peripheral to, urban centres. The obligation is on the applicant to illustrate why the land use cannot be accommodated in the urban area.*
- *The development should have no adverse effects on society, natural systems, and agricultural resources.*
- *The long term impact on the municipality (resources and financial); water supply and demand; agricultural activities, production and sustainability, risk, and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken.*
- *Avoid establishing facilities with any permanent on-site employees' residences in rural areas, as on-the-farm accommodation is restricted to agri-workers. Employees should be accommodated in existing settlements.*
- *Development applications should include a locality plan to indicate how it contributes to the clustering of facilities in nodal areas.*
- *A site development plan must be submitted to the municipality for consideration. The exact proposed footprint must be shown on the site*

*development plan, it should illustrate the placement of the activity in relation to existing buildings on the farm, and provide details on infrastructure provision, access and parking arrangements and the position and nature of all proposed signage and landscaping.*

- *Environmentally sensitive areas (e.g., wetlands and other special habitats) should be avoided, and the placement of facilities and activities should be informed by a landscape assessment (i.e., considering biodiversity, cultural & scenic attributes).*
- *Existing structures or disturbed footprints should preferably be used, and adequate provision made for access and parking. Buildings should respond to the farm's built vernacular and should include appropriate buffers, landscaping, and screening to reduce their visual impact on the rural landscape. Information on the architectural design must be provided, for the purposes of the heritage and visual assessments.*
- *The appropriate nature and scale of a facility within a particular context should be determined by considering:*
  - *the extent of the cadastral portion, and*
  - *the sensitivity of, and impact on, the receiving environment (i.e., agricultural, or natural).*
- *The scale of a development must be limited to the extent that it will not promote secondary development (e.g., service stations, shopping centres, retail activities, social services such as schools, etc.) on or around the site such that a new, unplanned development node is created .*
- *Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated.*
- *Landscaped areas, which generally require the application of fertilizers, herbicides, and pesticides, should be located above the 1:100-year flood line. Where the flood line has not been determined or is out of date, a flood line study is required.*
- *The development should not result in or contribute to visually obtrusive or ribbon development along the coastline, visually sensitive areas, cliffs, or ridges.*
- *The services associated with a development should not have a negative impact on the environment . The impact of these services should be taken into account when determining the appropriate location for a development. In particular, sewerage provision should not result in pollution of surface or groundwater (e.g., no soak-ways should be permitted).*
- *The development of the site should not negatively affect the role, function, public enjoyment and status of open space systems/networks, designated sites of cultural significance and/or sites identified as being of conservation significance.*
- *The development should not result in or contribute to visually obtrusive or ribbon development along the coastline, visually sensitive areas, cliffs, or ridges.*
- *The services associated with a development should not have a negative impact on the environment. The impact of these services should be taken into account when determining the appropriate location for a development. In particular, sewerage provision should not result in pollution of surface or groundwater (e.g., no soak-ways should be permitted) .*

An assessment of the above land use proposal shows that it meets all of the aforementioned principles and criteria. The proposed outdoor sporting facility and the tourist accommodation establishment will have no negative effect on the existing agricultural use and potential of the farm and will contribute to the attraction of the existing tourist facilities and thus increase the revenue derived from diversification. In addition to its economic contribution, it makes a social contribution, by creating an outdoor sporting venue not found in the surrounding community and which will create a platform for social interaction for residents of the surrounding community.

- ✓ To offer a range of appropriate facilities. Tourism attractions of the Cape Winelands District (according to the MERO 2022) attracted 79% local visitors, mostly to outdoor activities. The proposed outdoor sports venue and more so due to the nature thereof, will add to the tourism and local visitor offerings along the R44, without any identified negative effect.
- ✓ No compromise to agricultural activities. The proposed consent use will be established along an existing roadway on the farm on cultivated grazing which does not have any impact on the agricultural potential of the farm. Its attraction will therefore enhance and not negatively affect the agricultural activities on the farm, and it will not have any negative effect on the surrounding agriculture, as the proposed use does not cause any disturbance and is not sensitive to any agricultural activities, e.g., crop spraying, irrigation, use of farm implements and machinery.
- ✓ Provide a range of opportunities. The proposed facility creates a new social and outdoor sporting opportunity as a new attraction for local visitors and tourists. This has a positive effect on the local economy and more so on the social opportunity offerings to the surrounding community.
- ✓ Offer access to more people. The facility will create an additional outdoor sporting venue in proximity where such venues are in high demand. It is located on an existing tourist corridor in an area surrounded by similar product offerings, but where social sporting venues are in limited supply.
- ✓ Improve the economic viability and sustainability of farms. The addition of the outdoor sporting venue will add to the attraction of the existing tourist facilities and would probably contribute to the farm revenue.
- ✓ Align scale and form of facilities with character of area. The surrounding area has a high intensity use character, with similar scaled tourism related facilities on virtually all adjacent farms. The padel courts fit the agricultural scale and nature of development along the R44 and are unlikely to create such additional traffic and visitor numbers as to disrupt traffic and normal activities related to the surrounding agricultural area.
- ✓ Diversify farm income. The additional consent use will probably lead to the generation of additional revenue from the tourist facilities on the farm. Although these are not the major source of revenue for the farm it is an important revenue stream.

There is therefore a good match between the relevant policies and the proposed development of the Farm by the creation of the tourist accommodation establishment and tourist facilities and the product offering of the immediate area along the R44.

### 2.3 SPLUMA principles

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 have all been considered in making this application.

- ✓ Spatial Justice. It refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by past spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.

The proposed use of the land does not have any negative effect on the spatial development framework and policies for such redress. It provides additional social outdoor sporting opportunities for those who live in the area and do not have access to such facilities.

It does not prevent or hinder access to additional land for the poor for settlement purposes and it does not add to the cost of land acquisition to the state, as it is outside of the urban edge and not identified as settlement land or land for land reform purposes.

- ✓ Spatial Sustainability. According to this principle, a sustainable form of development must be pursued. Amongst others it means promoting less resource consuming development typologies that promote compaction and mixed-use urban environments. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Spatial sustainability, although primarily focused on urban development, has been considered. The proposed use of the land does not have any negative effect on the urban area and fits with the surrounding rural area. As a tourist facility it will contribute to the municipal and local economic revenue base, without requiring public expenditure to occur. Moreover, it is located along the R44 corridor where tourist attractions are located, and it supplements these. Land earmarked for agriculture, conservation, or urban development, is not negatively affected, or restricted by the proposed use of a small portion of the farm.

The proposed consent use is unlikely to cause the lowering of the service levels in municipal or other public infrastructure such as the R44, due to the likely low visitor numbers.

- ✓ Efficiency. It refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land. Inherent in this statement is the need to promote densification and compact urban development typologies. This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities, and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic, or environmental impacts. In addition, efficiency refers to the need for development application procedures that are efficient and streamlined.

Efficiency (optimising the use of existing resources and infrastructure) has been addressed and the use of the agricultural land resource will contribute to increased efficiencies. The attraction will further improve efficiency in the area, as it is located in an area where many tourist facilities are located, adding to the attraction and product offerings to local visitors and residents.

- ✓ Spatial Resilience. In the context of land use management and planning, it refers to the need to promote the development of sustainable livelihoods for the poor (i.e., communities that are most likely to suffer the impacts of economic and environmental shocks). It also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks.

The applicant cannot dictate the SDF and other spatial planning policies and strategies. At best, the applicant can work with the relevant authorities to assist with the implementation of the relevant policies and strategies, as is the case with this application. Spatial resilience has thus been addressed, as the SDF and other policies allow for flexibility to ensure sustainable development, amongst others by determining policy to assess the application in terms of the SDF and IDP strategies, both of which promote the better use of agricultural resources, the expansion of tourist attractions on appropriate land outside of the urban areas and the conservation of the rural environment.

The application needs a flexible approach, by taking cognisance of the entire spectrum of relevant considerations. By offering an outdoor sporting venue the applicant makes a contribution to the sustainability of the farm, the broader agricultural environment and resource use in general.

- ✓ Good administration. In the context of land development planning, it refers to the promotion of integrated, consultative planning practices in which all spheres

of government and other role-players ensure a joint planning approach is pursued. Land development decisions should seek to minimise the negative financial, social, economic, and environmental impacts of a development in an efficient process where all statutory requirements are adhered to.

Good administration is primarily a function of the authorities, not affected by the proposed use of the land. A flexible approach to the application and agreement on the achievement of the desired outcomes in the most economic and administratively justifiable and lawful manner is critically important. The applicant has taken the necessary actions to ensure that the decision-maker is provided with the required information to be able to take a decision based on the relevant considerations.

#### 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) have all been considered. The LUPA considerations and development principles require:

- ✓ The protection and promotion of the sustainable use of land, which is the purpose of the proposal. As indicated above, the application does not affect land essential for conservation, other uses, or service delivery by the Municipality. The application however requires adherence to national and provincial government policies, which it does, as illustrated above, inclusive of the municipal spatial development framework that promotes the expansion of tourist facilities on appropriate land outside of the urban areas without negatively affecting the agricultural use.
- ✓ Consideration of the public interest, which is done through compliance with the aforementioned policies and guidelines, together with the creation of new social (outdoor sporting) opportunities in proximity of and complementary to the other tourist facilities and existing road infrastructure without negative impact on surrounding land use or the natural environment, thus increasing the economic potential of the area.
- ✓ Promotion of constitutional transformation imperatives and the related duties of the state. No comment.
- ✓ Proper consideration of the facts and circumstances relevant to the application, as have been set out above, indicating grounds for a positive land development consideration and decision. The relevant considerations include that the property, albeit sustainable as a farm, already has approved tourist facilities as are permitted in the Agriculture and Rural Zone and the addition of the complementary attraction would improve the sustainability thereof.
- ✓ 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.
- ✓ 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 an outdoor sporting venue which does not exist in the area and that without requiring additional infrastructure services.

## 2.5 National Development Plan

The National Development Plan, 2030 (NDP) is extensively quoted in the Stellenbosch SDF 2019. *It serves as the strategic framework guiding and structuring the country's development imperatives and is supported by the New Growth Path (NGP) and other national strategies. In principle, the NDP is underpinned by, and seeks to advance, a paradigm of development that sees the role of government as enabling by creating the conditions, opportunities, and capabilities conducive to sustainable and inclusive economic growth. The NDP sets out the pillars through which to cultivate and expand a robust, entrepreneurial, and innovative economy that will address South Africa's primary challenge of significantly rolling back poverty and inequality by 2030.* The recently released Tourism Transformation Strategy (2018) goes to detail about the matter: *The tourism sector is one of the few sectors in South Africa that continues to grow economically and globally despite the recent economic challenges. The tourism sector is one of the six core pillars of growth in the country according to the New Growth Path and the Industrial Policy Action Plan (IPAP2) identified the sector as one of the areas that contributes to the development of areas of potential such as rural areas and cultural industries amongst others.*

## 2.6 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.

## 2.7 Heritage

The proposed tourist facilities and tourist accommodation establishment will not require authorisation in terms of Section 34 or 38 of the National Heritage Resources Act, 1999, Act 25 of 1999, as the application does not trigger any listed activity.

## 2.8 Engineering

As indicated above, the outdoor sporting venue can accommodate eight players at a time, roughly on an hourly cycle, unless for an organised event. Traffic volumes to the venue will be miniscule and an insignificant increase in volume is expected.

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

The farm is self-sufficient with potable water from the boreholes on it and for irrigation of the garden areas.

The waste water will be conveyed to the existing sewerage conservancy tank system that is regularly emptied by a local service provider. The tanks have sufficient capacity to accommodate the outdoor sporting venue.

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

## 2.9 Chapter V evaluation

In Section 65 of the SMLUPB, the following criteria for deciding applications are prescribed. While all of the matters referred to in Section 65 have been addressed in broad above, this section summarises and highlights the relevant matters which the Municipality must consider.

Criterion in Section 65	Applicability	Compliance of application
<i>(a) the application submitted in terms of this By-law;</i>	Application must comply with the processes of the LUPB.	Application covers all the relevant aspects, i.e., consent, and is supported by the required documents and reports.
<i>(b) the procedure followed in processing the application;</i>	Application must be consistent with the LUPB.	Process still has to be concluded. Preparation and submission followed prescribed process.
<i>(c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;</i>	Desirability test according to Section 209 and 213 of the Zoning Scheme Bylaw, read with the provincial Rural Development Guidelines.	See paragraphs 1.5 and 2.2 above. <ul style="list-style-type: none"> <li>• Use not likely to cause nuisances and therefore desirable.</li> <li>• Guidelines indicate better use of agricultural resources necessary to diversify economy.</li> <li>• Guidelines require least impact on agricultural capacity.</li> <li>• Guidelines promote the addition of new and wider range of attractions and opportunities.</li> </ul>
<i>(d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments, and the Provincial Minister in terms of section 45 of the Land Use Planning Act;</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(e) the response by the applicant, if any, to the comments referred to in paragraph (d);</i>	Notices still to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(f) investigations carried out in terms of other laws that are relevant to the consideration of the application;</i>	NEMA Act 107/1998 NHRA Act 25/1999	See paragraphs 2.6 and 2.7 above. <ul style="list-style-type: none"> <li>• No authorisations required.</li> </ul>
<i>(h) the impact of the proposed land development on municipal engineering services;</i>	No negative effect envisaged due to the low scale and limited extent of the proposed uses.	See paragraph 2.8 above. <ul style="list-style-type: none"> <li>• Insignificant additional traffic.</li> <li>• Eskom electricity supply network has capacity.</li> </ul>



Criterion in Section 65	Applicability	Compliance of application
		<ul style="list-style-type: none"> <li>• Own water supply from borehole is sufficient in quality and quantity.</li> <li>• Sewerage managed on-site with conservancy tank for disposal into municipal system.</li> <li>• Solid waste removed by Municipality</li> </ul>
<i>(i) the integrated development plan, including the municipal spatial development framework;</i>	Aligned to: IDP 2023, Tourism Development Strategy; and SDF Agricultural Sector Policy	See paragraph 2.1 above. <ul style="list-style-type: none"> <li>• Tourism important economic contributor.</li> <li>• New tourist facilities outside of existing nodes promoted, i.e., on farms and natural areas.</li> <li>• Agricultural sector to be strengthened through appropriate diversification.</li> </ul>
<i>(j) the integrated development plan and spatial development framework of the district municipality, where applicable;</i>	Compliant with Rural Area Plan.	See paragraph 2.2 above. <ul style="list-style-type: none"> <li>• The appropriate diversification of use on farms is desirable.</li> </ul>
<i>(k) the applicable local spatial development frameworks adopted by the Municipality;</i>	None identified.	None.
<i>(l) the applicable structure plans;</i>	Not applicable.	Not applicable.
<i>(m) the applicable policies of the Municipality that guide decision-making;</i>	None identified.	None.
<i>(n) the provincial spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 2.2 above. <ul style="list-style-type: none"> <li>• The appropriate diversification of use on farms is desirable.</li> </ul>
<i>(o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 2.2 above. <ul style="list-style-type: none"> <li>• The appropriate diversification of use on farms is desirable.</li> </ul>
<i>(p) the policies, principles and the planning and development norms and criteria set by the national and provincial government;</i>	Compliant with principles and criteria.	See paragraphs 2.3 and 2.4 above. <ul style="list-style-type: none"> <li>• Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> </ul>
<i>(q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;</i>	Compliant with principles and criteria.	See paragraph 2.3 and 2.4 above. <ul style="list-style-type: none"> <li>• Assessed against spatial justice, spatial</li> </ul>

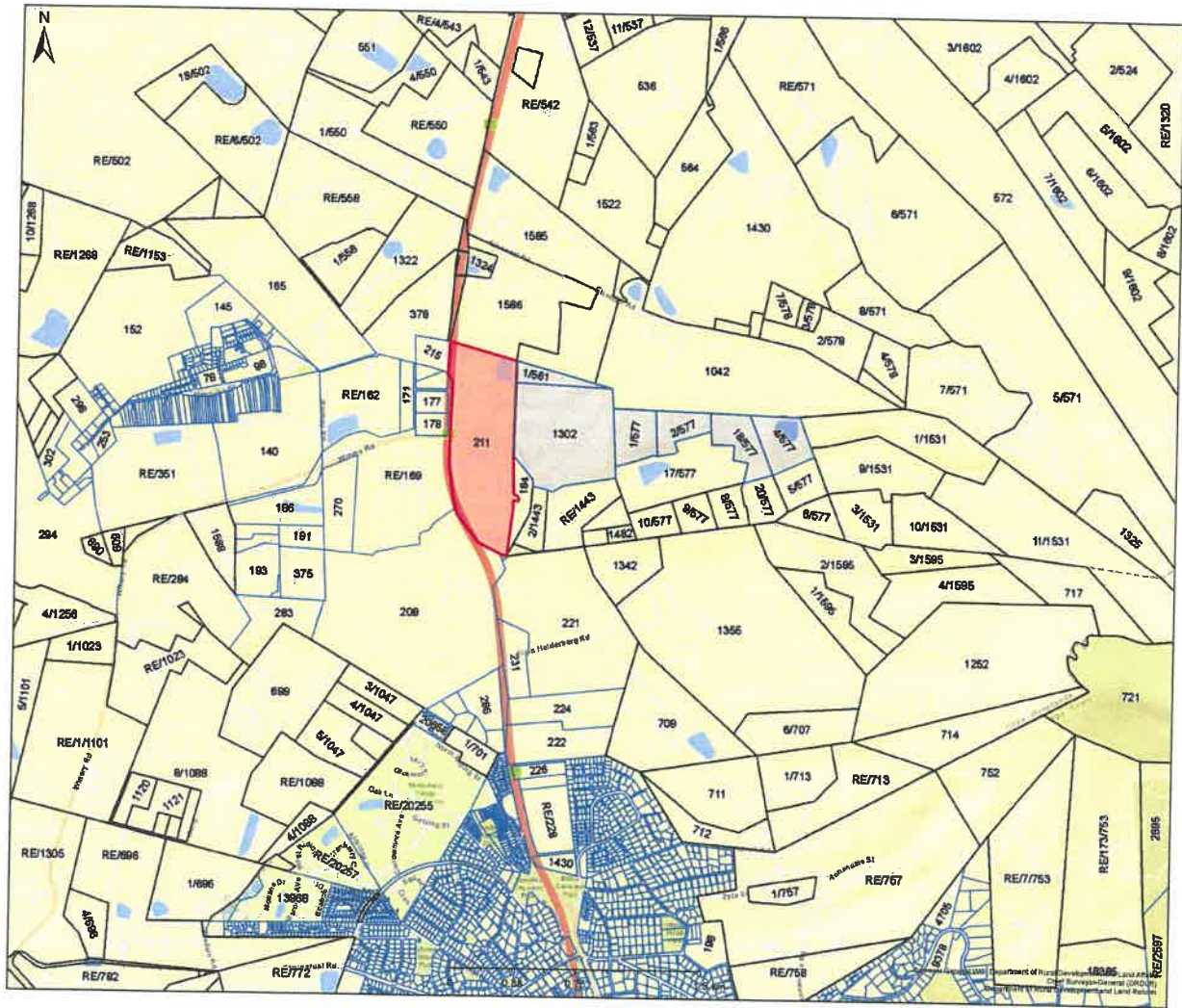
Criterion in Section 65	Applicability	Compliance of application
		sustainability, efficiency, and good administration.
<i>(r) the principles referred to in Chapter VI of the Land Use Planning Act; and</i>	Compliant with principles and criteria.	See paragraph 2.3 and 2.4 above. <ul style="list-style-type: none"> <li>Assessed against spatial justice, spatial sustainability, efficiency, and good administration.</li> </ul>
<i>(s) the applicable provisions of the zoning scheme.</i>	SM Zoning Scheme Bylaw, 2019 considered	See paragraph 1.5 above. <ul style="list-style-type: none"> <li>Consent evaluated against Section 209 and 213.</li> <li>Definition of tourist facilities in Bylaw includes outdoor sporting venue.</li> <li>Grazing land to be used.</li> </ul>

### 3. CONCLUSION

The application for approval of the proposed outdoor sporting venue as a tourist facility and use of the manor house as a nine-bedroomed tourist accommodation establishment on Avontuur Estate (Erf 211, Raithby) 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 of the surrounding properties. Approval can be granted for the consent use of the property for the proposed outdoor sporting venue consisting of two padel courts, a club house, and 10 parking bays, covering an area of approximately 1 000m<sup>2</sup> and for the nine-bedroom tourist accommodation establishment in the existing main dwelling.

All relevant considerations have been addressed and the application could accordingly be approved after following the required consultation process.

## ANNEXURE A: LOCALITY



**Avontuur Farm (Erf 211, Raithby)**

- Legend**
- Farm Portions
  - Erf

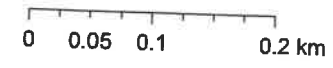
Map Center: Lon: 18°49'47.1"E  
 Lat: 34°1'43.5"S  
 Scale: 1:25 000  
 Date created: June 13, 2023



# Avontuur Farm (Erf 211, Raithby)



**Legend**  
Farm Portions  
Erf



Map Center: Lon: 18°49'15.7"E  
Lat: 34°1'33.7"S

Scale: 1:5 000  
Date created: June 13, 2023



## ANNEXURE B: APPLICATION AUTHORISATION

## ANNEXURE C: APPLICATION FORM



# STELLENBOSCH

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## DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

[www.stellenbosch.gov.za/planning-portal/](http://www.stellenbosch.gov.za/planning-portal/)

FOR ENQUIRIES CONTACT [landuse.enquiries@stellenbosch.gov.za](mailto:landuse.enquiries@stellenbosch.gov.za) or 021- 808 8606

SUBMIT APPLICATION BY UPLOADING COMPLETED FORM AND RELEVANT INFO TO THE  
**Town Planning Application Management System (TPAMS)**

[AFLA Portal \(stellenbosch.gov.za\) /](http://AFLA Portal (stellenbosch.gov.za) /)

<https://citymaps.stellenbosch.gov.za/aflaportal/home>

**NOTE:** In terms of section 69 of the Bylaw on Municipal Land Use Planning 2023 the Municipality may categorise applications for consideration by either an authorised employee or the Municipal Planning Tribunal (Categorisation Model for Decision-making July 2023). These land use applications are subject to prescribed administrative and public participation processes and depending on the type of application, *Land Use Application Form A or Form B* must be completed. *Land Use Application Form B* can be used if the application ONLY comprises of a permanent departure. If any other type of application is also required, *Land Use Application Form A* must be completed. *Land Use Application Form C* must be used if the application comprises of an application for permission either in terms of the zoning scheme or in terms of a condition of approval or in terms of the title deed.

### LAND USE PLANNING APPLICATION FORM A

Section 15 of the Municipal Bylaw on Land Use Planning 2023 and other relevant legislation

Complete form using BLOCK letters and ticking the appropriate boxes

#### PART A: APPLICANT DETAILS

First name(s)	Dupré
Surname	Lombaard
Company name (if applicable)	Virdus Works (Pty) Ltd
Postal Address	3 <sup>rd</sup> Floor Time Square, Elektron Street, Techno Park, Stellenbosch, 7600
Email Address	dupre.lombaard@virdus.com
Contact Number(s)	+27 82 895 6362

#### PART B: REGISTERED LANDOWNER(S) DETAILS (If different from applicant)

Registered owner(s) Name	Avontuur Estate (Pty) Ltd (Reg. No. 1986/004666/07)
E-mail Address	<a href="mailto:info@avontuurestate.co.za">info@avontuurestate.co.za</a>
Contact Number	+27 82 722 3850

#### PART C: PROPERTY DETAILS (in accordance with title deed)

Erf No	211	Suburb	Raithby	Town	Raithby
Farm no		Farm Portion		Nearest Town	



Physical or Street Address	Avontuur Estate, R44, Raithby	Property / Business / Farm known as	Avontuur Estate		
Current Zoning	Agriculture and Rural Zone				
Additional or Consent Uses	Restaurant, wine tasting and wine sales, as well as agricultural industry (winery)				
Current activities	Agriculture, agricultural industry, and tourist facilities				
Property Size / Extent	42,6558ha	Are there existing buildings?	Y		
Title Deed number	T12522/1987				
Any restrictions in the Conveyance's Certificate?	N	If yes, list condition(s) as per certificate.			
Are the restrictive conditions in favour of a third party?	N	If yes, list the party(ies).			
Is the property owned by Council?	N	If yes, <u>attach a power of attorney</u> signed by the Municipal Manager or delegated authority			
Is the building located within the historical core?	N	Is the building older than 60 years?	Y	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	N
Any existing unauthorized buildings and/or land use on the subject property(ies)?		N	If yes, is this application to legalise the building / land use <sup>2</sup> ?		N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?		N	Are there any land claim(s) registered on the subject property(ies)?		N
<b>PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY</b>					
Has there been any pre-application consultation?		N	If yes, attach the minutes of the pre-application consultation.		
Has the pre-application scrutiny form been submitted?		N	If yes, attach the written feedback received.		
<i>The submission of a pre-application scrutiny form to <a href="mailto:Landuse.Applications@stellenbosch.gov.za">Landuse.Applications@stellenbosch.gov.za</a> is compulsory for the following type of applications* and written feedback must be attached to the land use planning application form: rezoning, subdivision and consolidation of land, removal, suspension or amendment of restrictive title deed conditions, the amendment, deletion, or imposition of conditions of approval and the cancellation of an approved subdivision plan.</i>					
<b>PART E: LAND USE PLANNING APPLICATIONS AND PAYMENT OF FEES</b>					
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE MUNICIPAL BYLAW ON LAND USE PLANNING 2023</b>					
<b>Type of application</b>					<b>Tick</b>
15(2)(a) rezoning of land*					
15(2)(b) a permanent departure from the development parameters of the zoning scheme					
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land					

<sup>1</sup> All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

<sup>2</sup> No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law

15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	
15(2)(g) a permission required in terms of the zoning scheme	
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	
15(2)(i) an extension of the validity period of an approval	
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme	
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*	
15(2)(l) a permission required in terms of a condition of approval	
15(2)(m) a determination of a zoning	
15(2)(n) a closure of a public place or part thereof	
15(2)(o) a consent use contemplated in the zoning scheme	X
15(2)(p) to disestablish a homeowners' association	
15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services	
15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	

**OTHER APPLICATIONS**

Deviation from Council Policies/By-laws

Consent / Permission required in terms of a title deed (includes where permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

**DETAILS FOR INVOICE**

Name & Surname (party responsible for payment)	Virdus Works (Pty) Ltd
Postal Address	3 <sup>rd</sup> Floor Time Square, Elektron Street, Techno Park, Stellenbosch, 7600
Vat Number (where applicable)	4530303074

1. **Application fees are per the Council Approved Tariffs. The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable as per the Tariff Rules. Once proof of payment is received, the application will be regarded as duly submitted.**
2. **All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, parking. Contact: [indigent.office@stellenbosch.gov.za](mailto:indigent.office@stellenbosch.gov.za) or 021 808 8501 or 021 808 8579**
3. **The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable, and the applicant will be informed accordingly.**

**BANKING DETAILS**

Account Holder Name: Stellenbosch Municipality  
 Bank: FIRST NATIONAL BANK (FNB)  
 Branch no.: 210554  
 Account no.: 62869253684  
 Payment reference: LU/\_\_\_\_\_ and ERF/FARM \_\_\_\_\_

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

**PART F: DETAILS OF PROPOSAL (Brief description of intent of development)**

The application is for approval of a consent use for the establishment of an outdoor sporting attraction (two padel courts) on the property and for conversion of the main dwelling to be used a tourist accommodation establishment with nine guest rooms as complementary uses to the existing restaurant, wine tasting, and sales facilities.

The padel courts are to be located adjacent to the existing tourist facilities on land that is not cultivated for vineyards or other produce and, inclusive of a small club house, cover approximately 1 000m<sup>2</sup>. Access thereto is along the same route as for the existing tourist facilities and winery and 10 parking bays are provided alongside the courts.

No additions or alterations are proposed for the conversion of the manor house (main dwelling) to a tourist accommodation establishment. It will be retained as is and only the use thereof will change.

Name and Date of design guidelines (if applicable)						
		Adjoining erf number				
Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage / footprint			From	%	To	%
Exceeding maximum permitted bulk / floor factor / habitable rooms			From		To	
Exceeding height restriction			From	m	To	m
Exceeding maximum storey height			From	m	To	m

**PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION**

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required					
Y		Power of attorney / Owner's consent if applicant is not owner		N	Proof of any other relevant right held in the land concerned
Y		Resolution or other proof that applicant is authorised to act on behalf of a juristic person		N	S.G. diagram / General plan extract (A4 or A3 only)
Y		Written motivation pertaining to the need and desirability of the proposal	Y		Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y		Locality plan (A4 or A3 only) to scale		N	Proof of agreement or permission for required servitude
	N	Proposed subdivision plan (A4 or A3 only) to scale	Y		Proof of registered ownership ( <b>Full copy of the title deed</b> )
Y		Conveyancer's certificate		N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)

		N/A	Consolidation plan (A4 or A3 only) to scale			N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
		N/A	Street name and numbering plan (A4 or A3 only) to scale			N/A	1: 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
		N/A	Landscaping / Tree plan (A4 or A3 only) to scale			N/A	Owners' Association consent
		N/A	Abutting owner's consent			N/A	Services Report or indication of all municipal services / registered servitudes
		N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)			N/A	Proof of failure of owner's association
	N		Copy of original approval and conditions of approval			N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
		N/A	Proof of lawful use right			N/A	Other (specify):
Y			Required number of documentation copies			N/A	

**PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION**

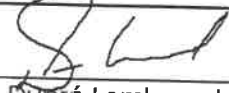
	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g., Environmental Conservation Act, 1989 (Act 73 of 1989):
	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	N/A National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)	N/A National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	N/A National Water Act, 1998 (Act 36 of 1998)
	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	N/A Other (specify)
	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, attach motivation.	

**SECTION I: DECLARATION**

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) of said bylaw to supply particulars, information or answers knowing the particulars, information, or answers to be false, incorrect, or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true, and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false, or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false, or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information, or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false, or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered if it has reason to believe that information submitted, or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:



Date:

18/08/2023

Full name:

Dupré Lombaard

Professional capacity:

Registered planner - SACPLAN B/8076/1998

## ANNEXURE D: CONVEYANCER'S CERTIFICATE



**CONVEYANCER CERTIFICATE**

I/we ANDRÉ OLIVIER

(conveyancer's name and surname)

Practising at:

ANDRÉ OLIVIER ATTORNEY  
at: 54 BOSMAN'S CROSSING SQUARE, DISTILLERY  
ROAD, STELLENBOSCH

(firm and place of practice)

In respect of:

REMAINDER OF ERF 211 RAITHBY, IN THE MUNICIPALITY  
AND DIVISION OF STELLENBOSCH, WESTERN CAPE PROVINCE  
In extent: 42,6558 hectares

➤ (full property description (est./ farm) as it appear in title deed of same)

➤ Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. T 12522 / 1987
2. Deed of Transfer No. 8282 of 26 September 1922.
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)

*A*



**A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)**

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	<input checked="" type="radio"/> N	
2.	Building lines	Y	<input checked="" type="radio"/> N	
3.	Height	Y	<input checked="" type="radio"/> N	
4.	Number of Dwellings	Y	<input checked="" type="radio"/> N	
5.	Bulk floor area	Y	<input checked="" type="radio"/> N	
6.	Coverage/built upon area	Y	<input checked="" type="radio"/> N	
7.	Subdivision	Y	<input checked="" type="radio"/> N	
8.	Servitudes that may be registered over or in favour of the property	Y	<input checked="" type="radio"/> N	
9.	Other Restrictive Conditions	Y	<input checked="" type="radio"/> N	



**B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)**

*In respect of which it was found that there ~~was~~ are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (as) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):*

*Ø*

a.	Organ(s) of State that might have an interest in the restrictive condition	/
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition	/
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	/

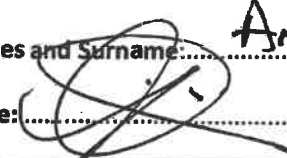
**C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED**

*(please tick appropriate box)*

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at Stellenbosch (Place) on this 8<sup>th</sup> (Day) JUNE (Month) of 2023

Full names and Surname: ANDRÉ OLIVIER

Signature: 

**ANDRÉ OLIVIER**  
**COMMISSIONER OF OATHS**  
**PRACTISING ATTORNEY RSA**  
Firm Postal Address:  
**SHOP 54**  
**BOSMANS CROSSING SQUARE**  
**DISTILLERY ROAD**  
**STELLENBOSCH**

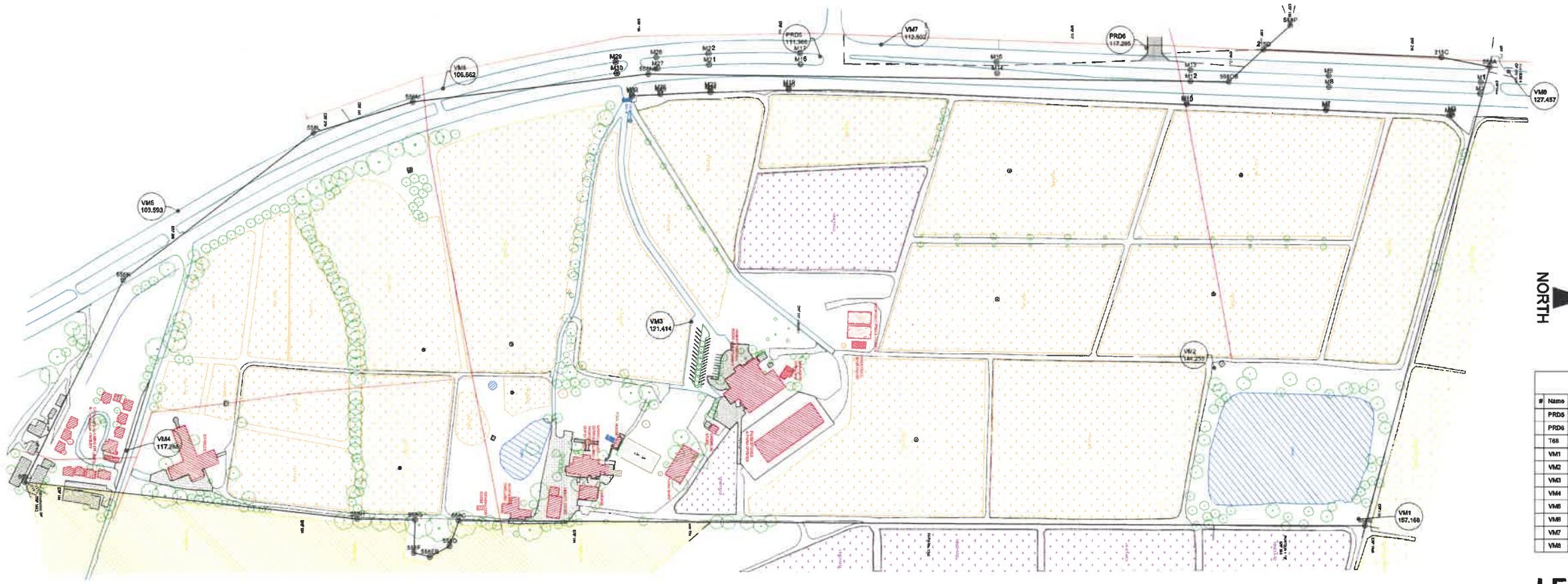
**ANDRÉ OLIVIER**  
**COMMISSIONER OF OATHS**  
**PRACTISING ATTORNEY RSA**  
Kindly affix your official notary stamp here and initial here  
**SHOP 54**  
**BOSMANS CROSSING SQUARE**  
**DISTILLERY ROAD**  
**STELLENBOSCH**

Tel: 021 007 1987

Email: andre@andrealivierattorney.co.za

Cell: 082 769 5771

co.za



Control Points (WGS84)					
#	Name	Y Coordinate	X Coordinate	Elevation (m)	Description
PRD5	+16 613,050	+3 768 461,600	111,200	128MM IRON PEG CONCRETE	
PRD6	+16 620,670	+3 768 107,420	117,295	128MM IRON PEG CONCRETE	
T68	+16 834,880	+3 764 041,600	0,000	TRIG BEACON	
VM1	+16 210,710	+3 766 012,931	157,168	128MM IRON PEG CONCRETE	
VM2	+16 342,161	+3 765 138,619	144,255	128MM IRON PEG CONCRETE	
VM3	+16 362,155	+3 765 583,280	121,414	128MM IRON PEG IN TAR	
VM4	+16 269,324	+3 767 054,311	117,258	128MM IRON PEG IN TAR	
VM5	+16 477,912	+3 767 043,628	103,630	128MM IRON PEG IN TAR	
VM6	+16 684,082	+3 766 809,051	106,652	128MM IRON PEG IN TAR	
VM7	+16 623,261	+3 766 428,498	112,502	128MM IRON PEG IN TAR	
VM8	+16 600,353	+3 765 882,873	127,457	128MM IRON PEG IN TAR	

**LEGEND**

- NEIGHBOUR
- PASTURE
- BUILDING/STRUCTURE
- VINEYARD
- ENTRANCE GATE
- DAM
- TAR ROAD
- TREES

**JOUBERT & BRINK SURVEYS**  
 TOPOGRAPHIC, ENGINEERING & CONSTRUCTION SURVEY SOLUTIONS

14 DELWYN CRESCENT  
 STELLENBERG, 7850  
 WESTERN CAPE  
 SOUTH AFRICA

+27 (0)21-910-2834  
 +27 (0)83-273-8266  
 jbsur@mweb.co.za  
 CK1999/001136/23

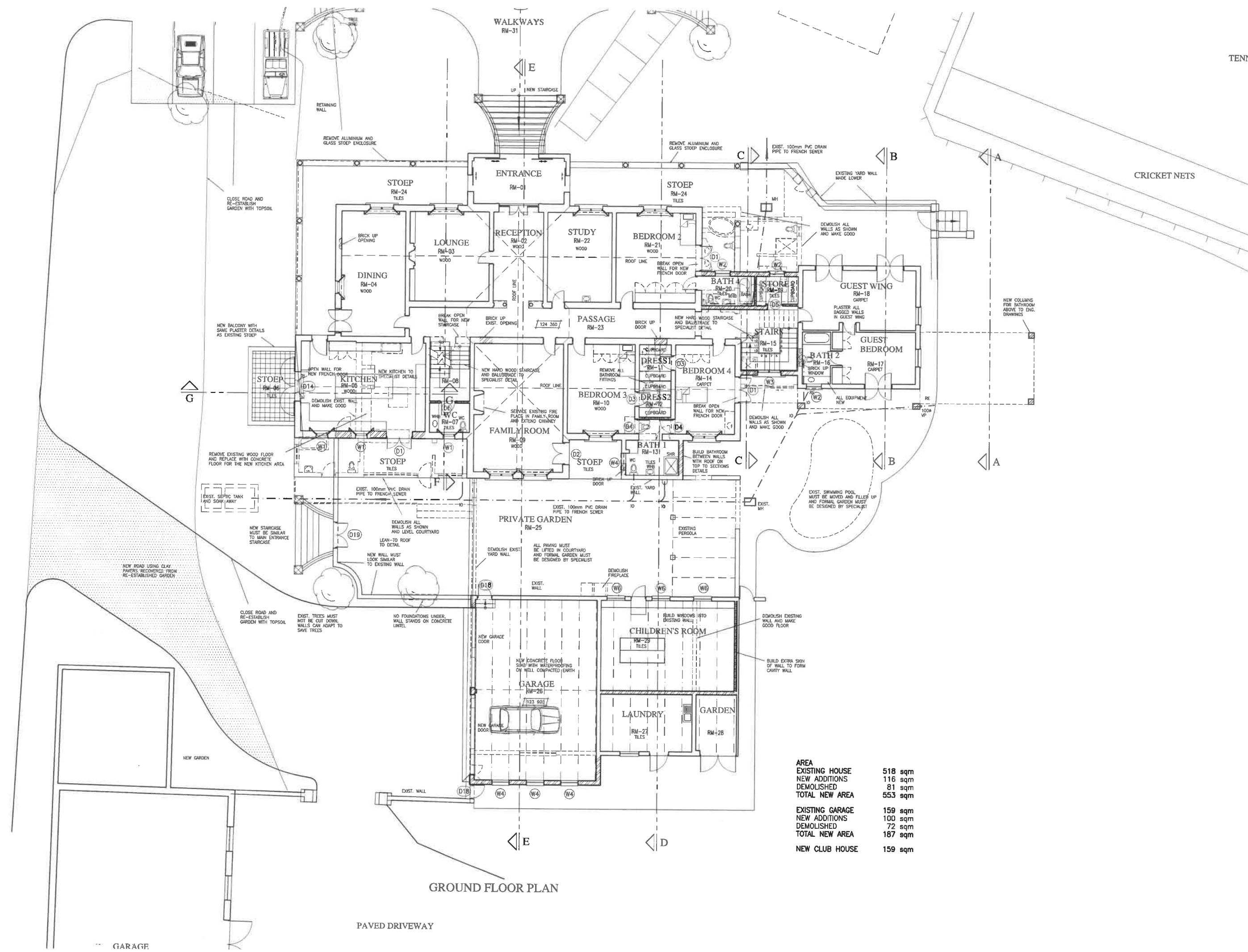
SAGC REGISTERED SURVEYORS

**PLEASE NOTE**

1. Only use our labelled control points. No other control points shall be used without consulting the surveyor.
2. All spot heights and positions are single measurement elements and are therefore subject to error - any critical design points, especially services, should be discussed with the surveyor so that the appropriate survey methods can be used.
3. This survey includes only visible services which can be opened with hand tools and should be checked against local authority as-built plans. Services which are blocked or unable to be opened should be referred to the local authority. Invert levels deeper than 6 metres are approximate unless otherwise disclosed before the survey commences.
4. Boundary securitisation from Surveyor General diagrams can sometimes be a time-consuming process. To save costs and time, a checked GIS overlay for information purposes are generally used, unless otherwise required.
5. This survey information is always sent as a zipped data package which includes this drawing in DWG and PDF format; the raw data in ABCII format; a digital terrain model in XYZ, TDT, BOT and CDM format; Survey notes and descriptions. If there are any queries or requests regarding these files, please send us an email at jbsur@mweb.co.za.

HORIZONTAL CONTROL BASED ON: DRD5, CHECKED ON PRD6 AND T68			
VERTICAL CONTROL BASED ON: DRD5, CHECKED ON PRD6 AND T68			
SURVEY LEADER R. ENGEL	DRAWN BY H. V. D. SANDT	CHECKED BY C. STRYDOM	SURVEY DATE 20 JUL 2023
REFERENCE ELLIPSOID WGS84	PERPENDICULAR METRE WG19	DATUM HARTS4	ELEVATIONS MAMSL
ALLOTMENT AREA RAITHBY	ADMINISTRATIVE DISTRICT STELLENBOSCH		

PROJECT DESCRIPTION <b>BASEMAP OF AVONTUUR ESTATE ERF 211</b>	
CLIENT AVONTUUR ESTATE	PLOT SCALE 1:1500 (A0)
DRAWING NAME	SHEET 5 of 5

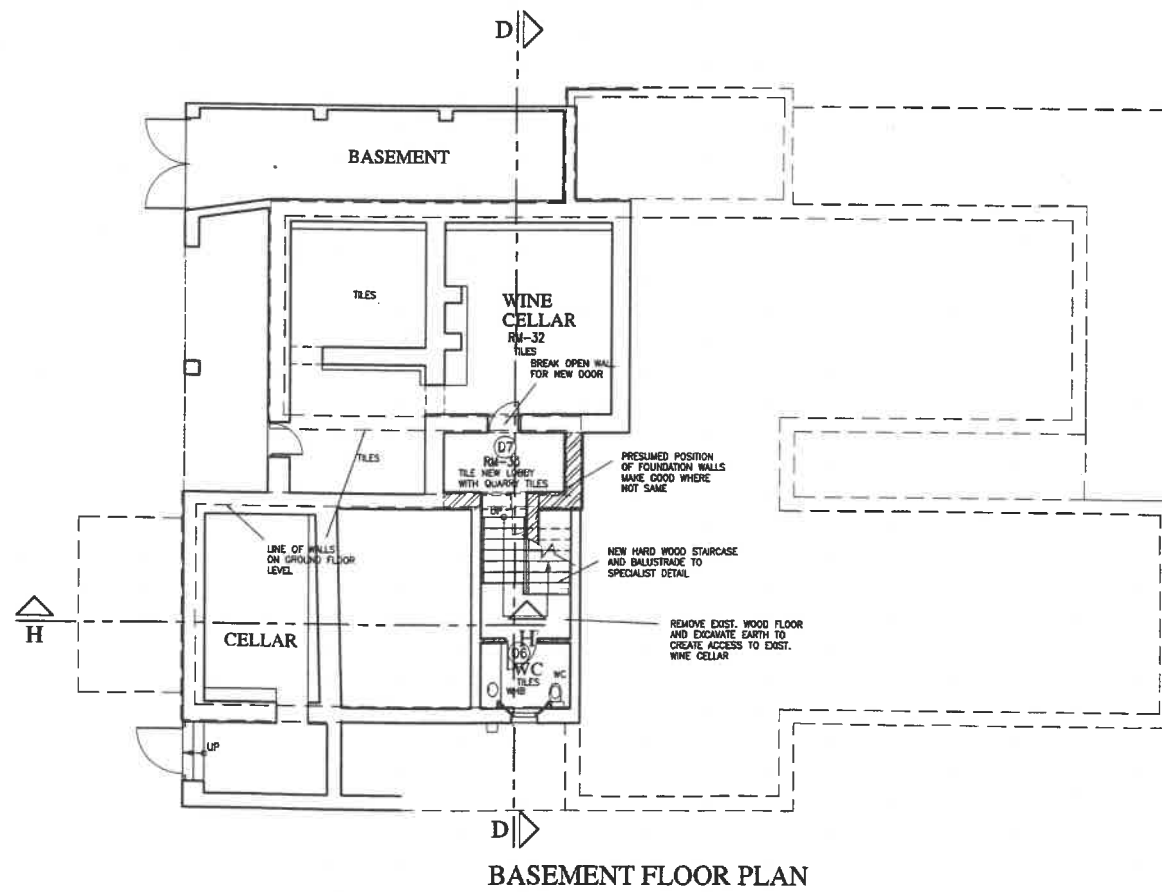
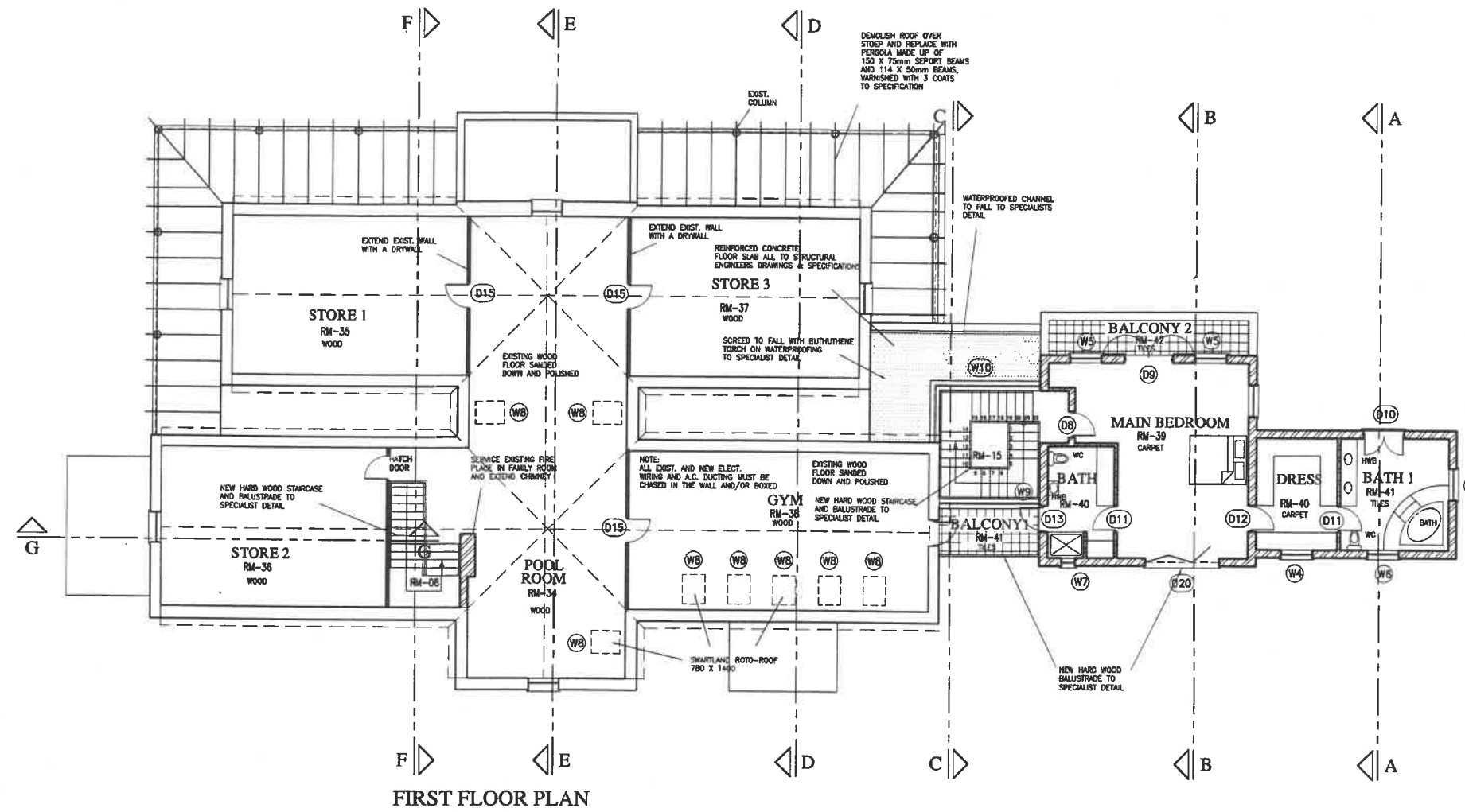


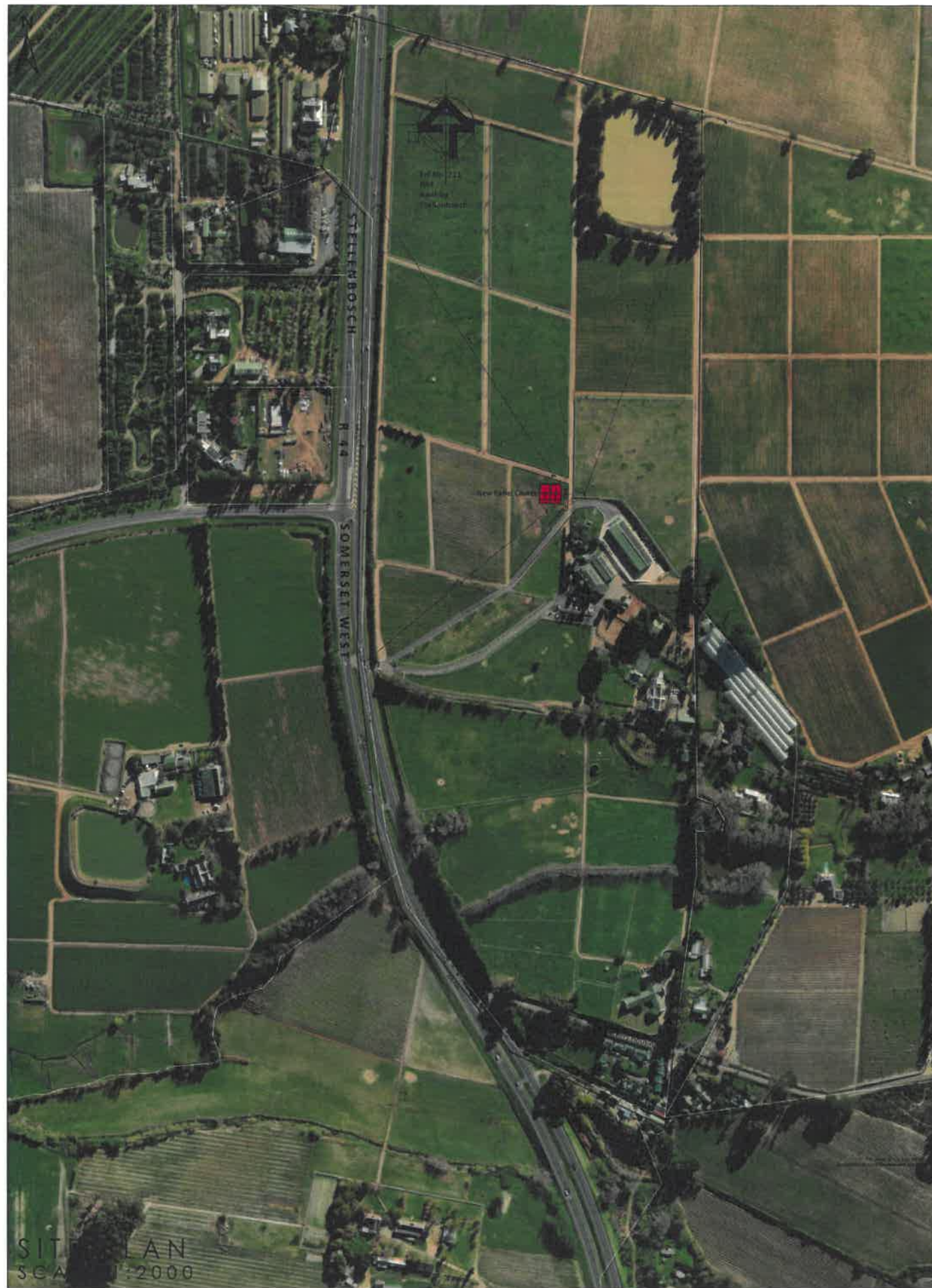
AREA	
EXISTING HOUSE	518 sqm
NEW ADDITIONS	116 sqm
DEMOLISHED	81 sqm
TOTAL NEW AREA	553 sqm
EXISTING GARAGE	159 sqm
NEW ADDITIONS	100 sqm
DEMOLISHED	72 sqm
TOTAL NEW AREA	187 sqm
NEW CLUB HOUSE	159 sqm

GROUND FLOOR PLAN

PAVED DRIVEWAY

GARAGE





SITE PLAN  
SCALE: 1:2000

DOCUMENT VARIATIONS REGISTER:	DATE: 23rd February 2023	ORIGINAL DOCUMENT (DATE: 23rd February 2023)	Drawn BY STATUS CODES:	PROJECT DESCRIPTION:	PROJECT:	DATE:
	NO. 1	1	A: Design + R: Working + C: Municipal + D: Tender + E: Construction + F: As Built	New Padel Courts Erf No. 211, Avontuur Estate, R44 Raithby, Stellenbosch	AVONTUUR Estate	23rd February 2023
			ALL STATUTORY REQUIREMENTS (NATIONAL, REGIONAL REGULATIONS AND MUNICIPAL BY-LAWS) MUST BE OBSERVED BY CONTRACTORS AND TO CHECK AND NOTIFY ANY DISCREPANCIES AND LEVELS ON THE BUILDING SITE BEFORE WORK COMMENCES + REGARDING OVERLOADING AND LARGE SCALE DETAILS TAKE PRECEDENCE OVER SCALED DIMENSIONS + REFER ANY AND ALL CONFLICTING INFORMATION TO THE ARCHITECT AND OTHER RESPONSIBLE CONSULTANTS. THE DESIGN AND SEAL ON THIS DRAWING IS THE PROPERTY OF JURGEN BREUWINGER ARCHITECTURAL DESIGN AND COPYRIGHT IS RESERVED.			DRAWN BY: Jurgen Breuwinger OWNER SIGNATURE: P. Taberner
						SCALE/SHEET SIZE: 1:2000/A1
						<b>G2137/C/101</b>
						MUNICIPAL