



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10601  
Our File Reference Number: Erf 2746, Franschhoek  
Your Reference Number:  
Enquiries: A Gwintsa / B Mdoda  
Contact No: 021 – 808 8673 / 8690  
Email address: [Akhona.Gwintsa@stellenbosch.gov.za](mailto:Akhona.Gwintsa@stellenbosch.gov.za) / [Bulelwa.Mdoda@stellenbosch.gov.za](mailto:Bulelwa.Mdoda@stellenbosch.gov.za)

## REGISTERED MAIL

Sir/Madam

### APPLICATION FOR CONSENT USE: ERF 2746, MIDDAGKRANS ROAD, FRANSCHHOEK

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Middagkrans Road, Franschhoek

Application Property Number: Erf 2746, Franschhoek

Applicant: PJ Le Roux Town and Regional Planners, PO Box 3457, Paarl, 7620

Contact number: 0760317607

Email: [pj@leroux.co.za](mailto:pj@leroux.co.za)

Owner: Hirt & Carter Group Holdings (Pty Ltd)

Application Reference: LU/10601

Application Type: Application for consent use

Detailed description of land use or development proposal, including its intent and purpose:

- (i) Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for a consent use for tourist accommodation establishment in order to convert the existing outbuilding of ±360m<sup>2</sup> into a guest accommodation that will consist of 4 guest rooms.**

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-notice/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 [pj@pjleroux.co.za](mailto:pj@pjleroux.co.za) and [Bulelwa.Mdoda@ Stellenbosch.gov.za](mailto:Bulelwa.Mdoda@ Stellenbosch.gov.za) by electronic mail.

The comments must be submitted within 30 days from the date of this notice, to be received on or before the closing date of **14 June 2021**.

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 [pj@pjleroux.co.za](mailto:pj@pjleroux.co.za) / [Bulelwa.Mdoda@ Stellenbosch.gov.za](mailto:Bulelwa.Mdoda@ Stellenbosch.gov.za) for assistance at the e-mail address provided or telephonically at 0760317607 / 021-808 8690 during normal office hours.

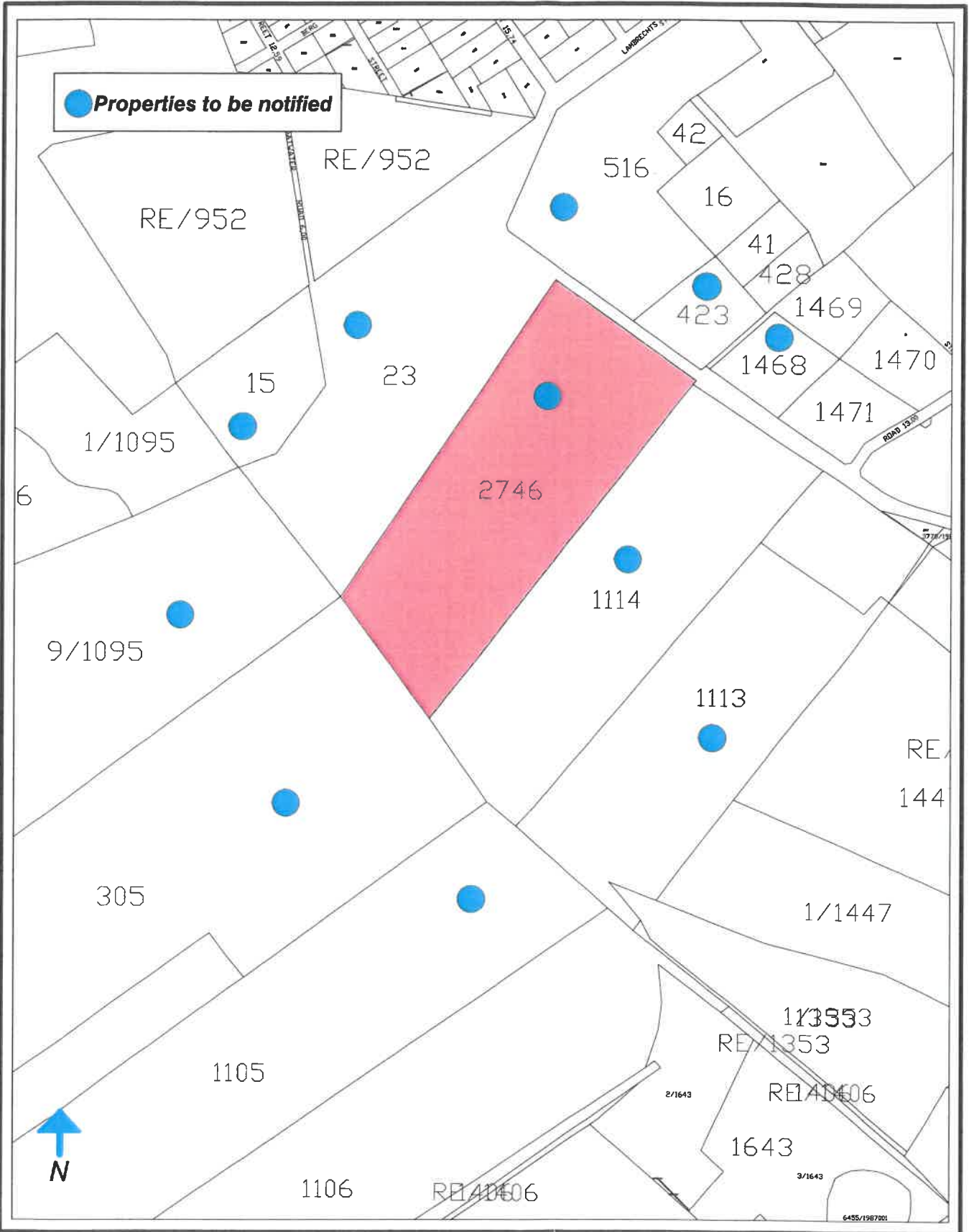
Yours faithfully



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**FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

14/5/2021  
DATE




**P-J Le ROUX**  
 STADS-EN STREEKPLANNERS  
 TOWN AND REGIONAL PLANNER  
 Hooftstraat 262 Main Road, Paarl  
 (t) 021-8722499 (f) 086 605 8431  
 (email) pj@pjleroux.co.za

**Project:**  
**Application for  
 Rezoning &  
 Consent Use:  
 Erf 2746  
 Franschhoek**

**Description:**  
**Public  
 Participation  
 Plan**

**CAPE VUE**

Skale	1:50 000	Leer nr.	H 10-139
Teken	PJLR	Datum	FEBRUARY 2020
Koer	PJLR	Tekening nr.	5



*Application for Technical Approval &  
Consent Use  
Erf 2746  
Franschhoek*

*Revised February 2020*

*H 10-139*



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## 1. INTRODUCTION

### 1.1 Application

Hereby formal application is made for the following:

- (i) In terms of **Section 13** of the Stellenbosch Municipality Zoning Scheme By-Law (May 2019) for **Technical Approval** to permit an **Agricultural Industry (<2000m<sup>2</sup>)** for a wine cellar/distillery on Erf 2746 Franschoek; and
- (ii) Application in terms of **Section 15(2)(o)** of the Stellenbosch Municipality Land Use Planning By-Law (2015) and in terms of **Section 207(6)** of Stellenbosch Municipality Zoning Scheme By-Law (2019) for the **CONSENT USE** to permit the utilization of an existing outbuilding on the subject property for 4 additional guest rooms resulting in the exceeding to the permitted 14 guest limitation in this zone.

Detail with regard to the proposed land uses and applications will be discussed in Sections 5 & 6 of this report.

### 1.2 Applicant

COLIN BRIAN CARY, as Director and duly authorized by **HIRT & CARTER GROUP HOLDINGS (PROPRIETARY) LIMITED** as registered owners of Erf 2746 Franschoek appointed this firm *P-J Le Roux Town Planners* to prepare a formal application for technical approval in order to permit a new building on the subject property for the purposes of a wine cellar/distillery with tasting and sales facilities and the utilization of an existing outbuilding for the purposes of guest rooms and to submit it to the relevant authorities for formal approval (*Letter of Appointment and Company Resolution attached*).



**P-J le Roux**

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## 2. PROPERTY INFORMATION

Description	Erf 2746 Franschhoek
Location	Middagkrans Road (MR5618) south of Franschhoek
Exiant	8,1815ha
Registered owner	HIRT & CARTER GROUP HOLDINGS (PROPRIETARY) LIMITED
Title Deed	T45724/2017 (Copy of Title Deed attached)
Existing zoning	Agriculture & Rural Zone Additional Use Right: Guest House in Main Dwelling
Restrictive Conditions	None
Planning Legislation	Stellenbosch Municipality: Zoning Scheme By-Law (2019) Stellenbosch Municipality: Drakenstein Municipality Land Use Planning By-Law(2018)

Table 1: property description

The subject property is located south of Franschhoek along Middagkrans Road (MR 5618) and falls in the area of jurisdiction of the Stellenbosch Municipality, Western Cape Province.



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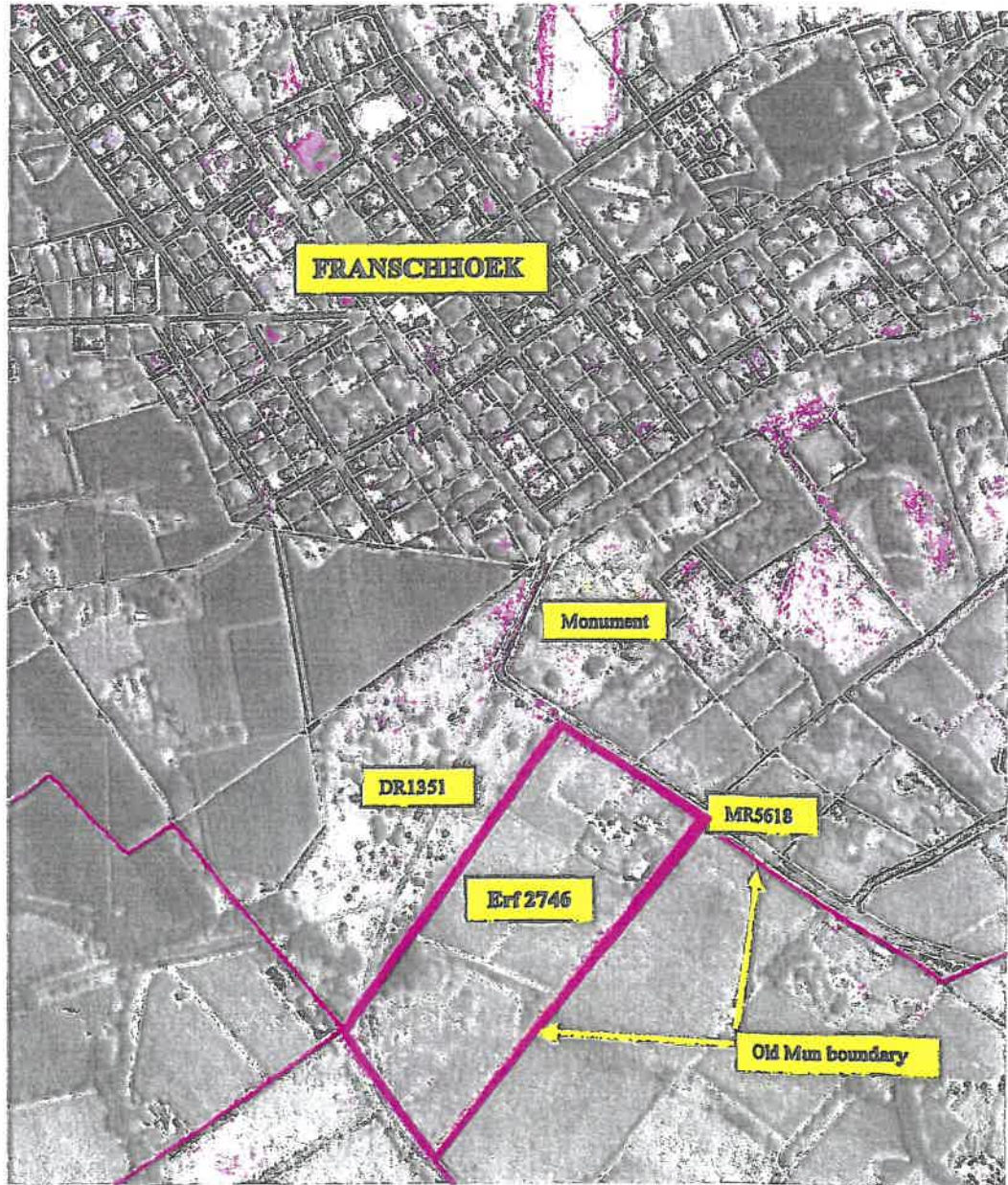
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### 3. LOCATION

The subject property is one of the agricultural small holdings on the outskirts of Franschhoek town. The subject property is located approximately 2km south of the central business area of Franschhoek.



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The subject property is one of many agricultural small holdings situated to the south of Franschhoek and functions as an active farming operation with vineyards thereon. This property is one of many agricultural land units in the area which are renowned for their high quality of grapes and wine produced from those grapes and no changes to the primary land use are proposed. In fact the applicant will eventually be introducing additional vineyards on the existing vacant lands on the property which will increase the total production of the farm.

The intention is to convert the existing outbuilding on the subject property which is currently used as farm office, storage etc. into 4 guest suites as additions to the existing 6 approved guest suites inside the main house. These 4 rooms will enable the applicant to provide a feasible guest accommodation operation which is sustainable. It has been proven over the last years that the 6 guest rooms are not enough to be economically viable.

The intention is also to make provision for a small wine cellar/distillery building on a previously disturbed and unutilized portion of the property near the existing buildings. This new facility which will measure  $\pm 240\text{m}^2$  in extent will enable the applicant to use the grapes harvested on his property to make wine and other alcoholic beverages associated with the grapes. The proposed land use rights will enable the applicant to do the same and join in the specific wine route of this area and at the same time provide the opportunity to guests and visitors to enjoy the crop and produce of the subject property. Due to the size and scale of the proposed land uses (maximum of  $\pm 240\text{m}^2$  in extent) the traffic generated by these land uses is expected to be minimal, especially since the tasting will be on invitation only. The proposed land uses and scale thereof is directly in line with what



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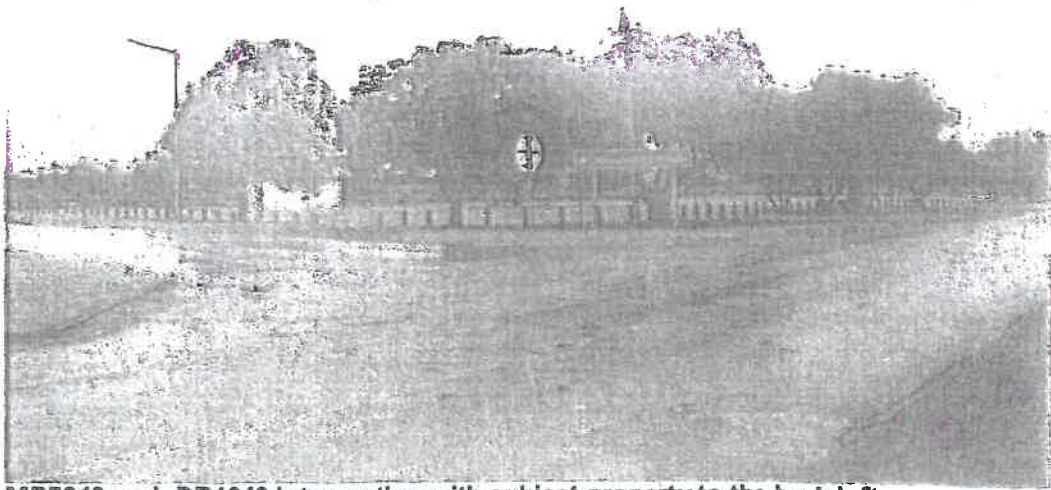
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Towns



is normally expected and found on wine farms throughout the Boland area. The fact that the proposed land uses will remain subservient to the primary agricultural farming operation and the subject property will continue to operate as a productive wine farm with additional vineyards to be introduced, confirms the compliance with the agri-tourism and wine farming industry.

Access to the subject property is taken via Minor Road No.5618 (MR5618) (Middagkrans Road) which intersects with Divisional Road No.1343 (DR1343) (Excelsior Road) approximately 125m north of the subject property. There is also a delivery entrance further along MR5618. DR1343 is a connecting road linking the agricultural land units to the south west with the central business area of Franschhoek. Due to the size and scale of the proposed uses both these roads have more than sufficient carrying capacity to easily accommodate the proposed additional land uses. The existing erf entrance is also more than sufficient and no changes thereto are proposed.



MR5618 and DR1343 intersection with subject property to the back left

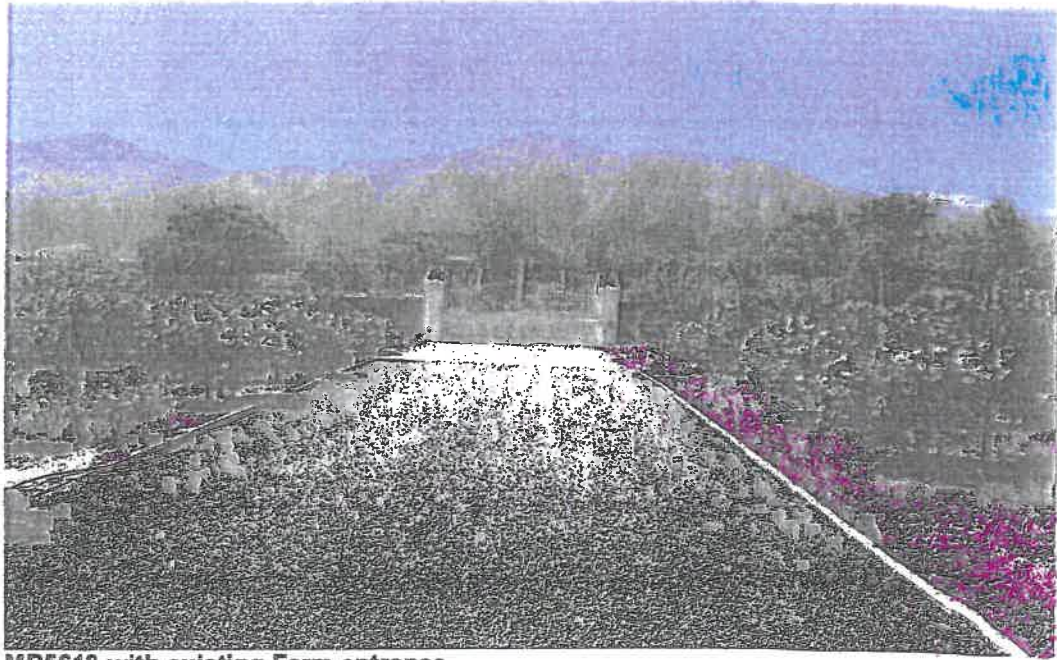


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MR5618 with existing Farm entrance



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## 4. LEGAL LAND USE RIGHTS

### 4.1 Existing zoning

In terms of the newly promulgated Stellenbosch Municipality Zoning Scheme By-Law (2019) the subject property is zoned as **Agriculture and Rural Zone**.

Primary Uses	Additional Uses (not exceeding the threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
Agricultural building (<2000m <sup>2</sup> ) Agriculture Dwelling House Forestry Natural environment Occasional use (one event/year) Private road Polytunnel (<2000m <sup>2</sup> ) Second dwelling Employee housing (one unit)	Agricultural building (>2000m <sup>2</sup> ) Agricultural industry (<2000m <sup>2</sup> ) Bed and Breakfast establishment Employee housing (exceeding one unit) Guest House Home day care centre Home occupation practice Polytunnel >2001m <sup>2</sup> -<5000m <sup>2</sup> Rooftop base telecommunication station Tourist dwelling units Tourist facilities (existing buildings)	Abattoir Additional dwelling units (max 4) Airfield Airstrip Agricultural industry >2000m <sup>2</sup> Camping site Day care centre Freestanding base telecommunication station Helicopter landing pad Intensive feed farming Kennel Market Occasional use >one event/year) Plant nursery Polytunnel >5000m <sup>2</sup> Renewable energy structure Service trade Tourist accommodation establishment Tourist facility (new buildings or exceeding threshold) Any additional use exceeding the threshold set out in this chapter

Table 2: Extract from Stellenbosch Municipality Zoning Scheme By-Law (2019)



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In addition, Stellenbosch Municipality has vide their letter LU/2998 dated 15 May 2014 granted approval for Consent Use to utilize 6 bedrooms in the existing main dwelling for the purposes of a Guest House (copy of approval attached). In terms of the new zoning scheme by-law this right can be described as an Additional Use Right for a Guest House.

## 9.2 Existing land uses

The subject property is an active and working wine farm with the following improvements present on the property.

- Manor House with swimming pool accommodating 6 guest rooms
- Outbuilding (subject of this application for guest rooms)
- Vehicle shed
- Agriculture

The intention is to convert increase and utilize the existing outbuilding into 4 guest rooms, while a new structure measuring  $\pm 240\text{m}^2$  in extent is proposed as the new wine cellar/distillery building. This new building will be located near the existing buildings and no agricultural land will be lost as a result thereof.

The agricultural improvement comprises:

### Vines:

- The property is planted to  $\pm 4\text{ha}$  of vines comprising a variety of cultivars.
- The existing fallow lands on the property measures  $\pm 2\text{ha}$  in extent and it is the intention of the applicant to eventually also introduce new vines thereon



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- Water for domestic purposes and irrigation is obtained from existing borehole

The current yield for the vineyards is  $\pm 10$  tonnes/ha which makes the current capacity to 40 tonnes. With the proposed additional vineyards ( $\pm 2$ ha) and the introduction of more effective farming operations and new technology the intention is to increase the yield to  $\pm 12$  tonnes/ha. In order to make provision for "bumper year" yields, application is made for a wine cellar/distillery with a capacity of  $\pm 80$  tonnes.



Main House with access road



View from Main House onto farm

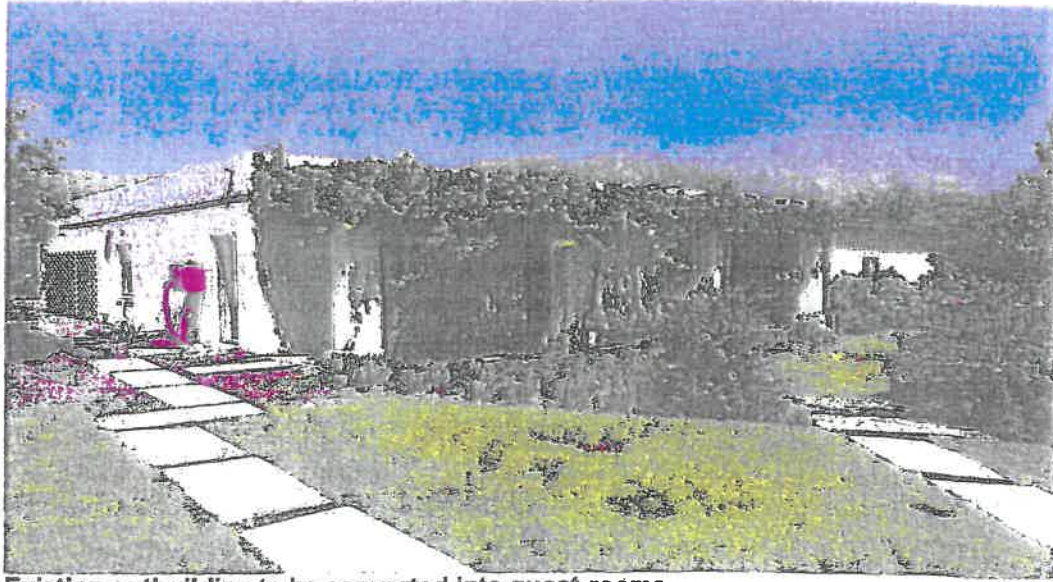


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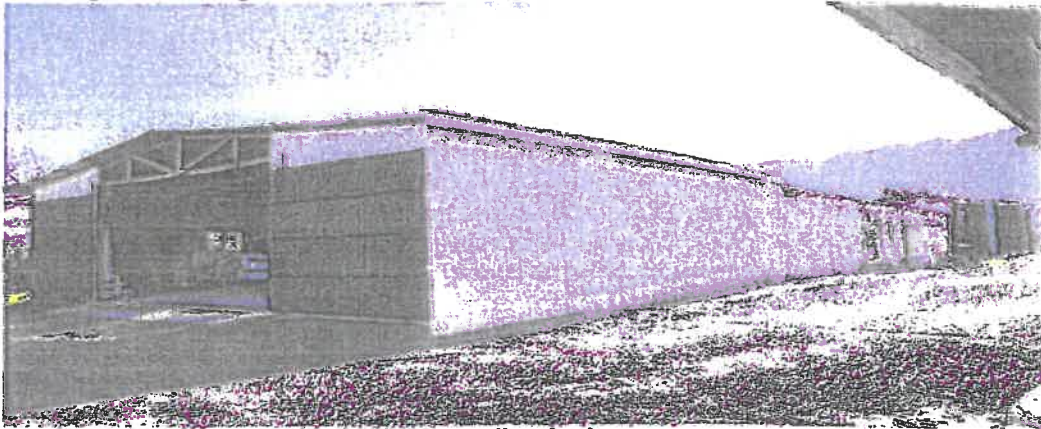
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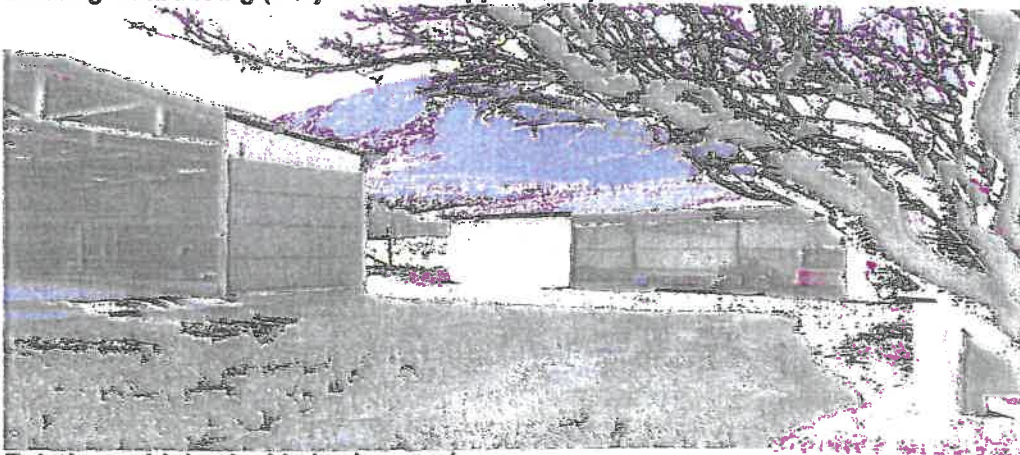
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Existing outbuilding to be converted into guest rooms



Existing outbuilding (subject of this application)



Existing vehicle shed in background



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Vineyards



View onto vineyards from main house



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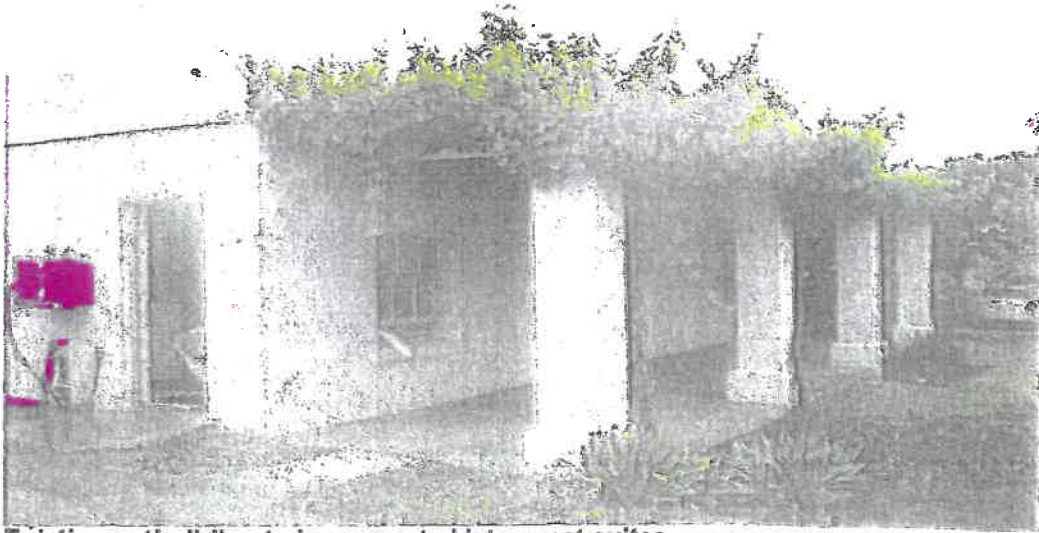
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## 5. DEVELOPMENT CONCEPT

It is the intention of this application and the purpose of this report is to optimize the existing natural and man-made resources by adding new guest rooms inside the existing outbuilding to the existing guest house facility as well as constructing a new structure for agricultural industry purposes. The converted outbuilding will accommodate 4 additional guest rooms; while the new agricultural industry building will be limited to  $\pm 240\text{m}^2$  in extent and will function primarily as a wine cellar/distillery with land uses directly associated with the proposed land use and agricultural activities in general.

The objective is to expand on the existing guest house facility by adding 4 more rooms to the operation. The intention is that the existing outbuilding be converted into the 4 en-suite rooms with stoep area as depicted on the attached proposed floor plan. The fact that these new guest rooms will link with the existing rooms and that an existing structure will be utilize, confirms the low potential impact it will have on the environment.



Existing outbuilding to be converted into guest suites



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In addition to the guest rooms, it is also the intention to establish the opportunity for the applicant to convert the crops harvested from the subject property into a unique product of which he can be proud of. Currently the grapes harvested from the subject property are taken to a different winery (Haute Espoir) where the wine is made. The intention is however to change this current operation by eventually making the wine on the subject property and from where the wine will be distributed.

The fact that the wine will be made on the subject property and no longer be transported off to another winery, confirms the optimizing of the subject property and manmade resources. With the proposed new agricultural industry building on the previously disturbed area of the subject property, this objective of the applicant can be achieved and the viticulture activities present on the farm are optimized to also include the making of the wine as a specialized activity to the current farming operations.

The proposed agricultural industry building (wine cellar/distillery) is not only beneficial to the applicant but is also a great source of employment to the locals in the area. The subject property will create more employment opportunities by introducing wine making as well on the subject property which will have a direct and indirect multiplier effect on the welfare of the local communities in the immediate area. The contribution to the growing agri-tourism industry and the local economy of the region is well documented.

The proposed activities are similar to what is currently found on farms throughout the Boland area and will provide an opportunity to the applicant to improve on the wine making process and introduce tourist facilities associated with the wine making operation. The limited tourist facilities that



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will be included into the existing building will provide opportunities to guests to enjoy the produce of the farm with tasting and also the opportunity to buy some of the produce. It has been proven that these facilities on farms throughout the Boland have noteworthy benefits to the locals and economy of the area.

With the increase in total extent of the vines on the subject property to 6ha and at an average yield of  $\pm 12$  tonnes/ha a conservative  $\pm 72$  tonnes of grapes will be produced at full capacity. The request for an 80 tonnes wine cellar capacity will also be able to accommodate bumper crops which occur quite frequently due to favourable weather conditions.

The intention with the new agricultural industry building is a new rectangular structure measuring  $\pm 240\text{m}^2$  in extent located 5m from the eastern boundary of the subject property near the existing parking area. This new building will be easily accessible from the service entrance for farm vehicles and grape deliveries, while the tasting area of the building will be near the existing parking area. Guests will therefore be able to easily access the wine cellar/distillery building from the existing dwelling and/or parking area. The potential conflict between agricultural activities and tourists are thereby mitigated.

The proposed floor layout of the new building as clearly depicted on the attached floor plan, make provision for a tasting and sales area measuring  $\pm 84\text{m}^2$  at the northern end of the building, a store room measuring  $\pm 48\text{m}^2$  in extent at the southern end of the building and the winery/distillery measuring  $\pm 108\text{m}^2$  in extent located in the centre of the building. Although there is already a formal parking area near the building, more than sufficient space is available in front of the building for parking and delivering. The



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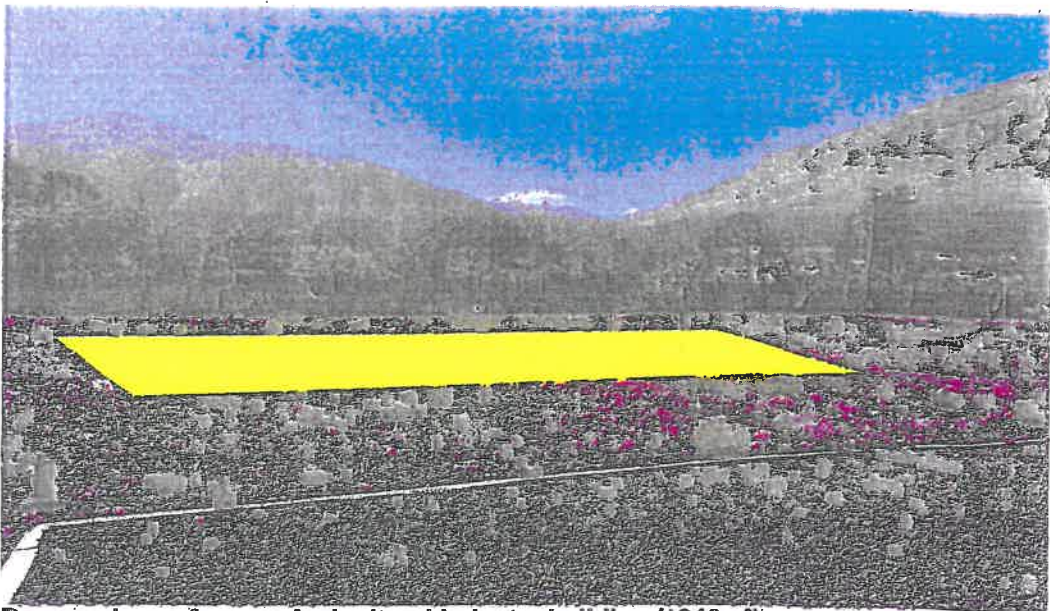
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functioning of this structure will have no impact at all on the existing guest house facility or agricultural operations on the subject property.

The proposed agricultural building will be easily accessible for the staff and the tractors delivering the grapes to the winery for processing. This new agricultural industry will be subservient to the viticulture activities on the subject property; in fact the new facility will complement the existing primary land uses thereon.



Proposed area for new Agricultural Industry building ( $\pm 240m^2$ )



Existing service entrance gate to serve also the agricultural industry building



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Existing parking area in front of outbuilding

It is evident that in terms of the size and scale of the proposed land uses that it will not impact negatively on the primary viticulture practices on the subject property or on the surrounding area. The tourist facilities (tasting and sales) are especially common to wine farms throughout the Boland area and have been an important component to the wine making industry in terms of tourism and marketing. It is important that the size and scale of such activities also compliment the agricultural practices; hence the limited areas proposed by this application.



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## 6. APPLICATIONS

The intention with this application is to obtain permission for the applicant to construct a new building on the subject property for the purposes of a wine cellar/distillery. This structure will measure  $\pm 240\text{m}^2$  which is well below the threshold for agricultural industries as an additional land use right. The intention is also to convert the existing outbuilding into 4 guest suites to link with the existing guest house operated from the main dwelling on the subject property. This existing building is currently used for inter alia a farm office and storage.

In order to permit the processing of agricultural produce from the farm, an agricultural industry building is required.

Agricultural Industry is defined in the Stellenbosch Municipality Zoning Scheme By-Law (2019) as follows:

*"Agricultural industry is an industry for the processing of fresh agricultural products, and where the agricultural industry activity is subservient to the dominant agricultural production on the land unit or farm, and may include ancillary buildings such as storage, a point of sale, tasting facilities, staff facilities and/or administrative offices and examples thereof include a winery, wine cellar, distillery, cheese making industry, cannery, juice factory or fruit ripening plant facility."*

In terms of the new Stellenbosch Municipality Zoning Scheme By-Law (2019) an agricultural industry  $< 2000\text{m}^2$  in extent is classified as an Additional Use Right which is secondary to the primary land use rights under Agriculture and Rural Zone and therefore requires a technical approval from the Stellenbosch Municipality.



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In order to permit the proposed agricultural industry on the subject property, formal Technical Approval is required from Stellenbosch Municipality in terms of Section 13 of the Stellenbosch Municipality Zoning Scheme By-Law (2019). The purpose of a technical approval is to afford the municipality an opportunity to assess the application against all parameters of the Scheme as well as technical requirements and spatial configuration to ensure a minimum impact on external parties. We are of the considered opinion that since this application is merely for processing of the produce from the subject property, which can be warranted by the existing vineyards thereon, and will therefore have no impact on any external parties.

In terms of Section 13(2) an application for technical approval is exempt from public notification but may be circulated to internal and external departments for comment. It is our considered view that the proposed agricultural industry does not require any comments from any internal or external departments, since this technical approval will be followed by a formal building plan process at which time the comments from the departments can be obtained since more details of the structure and layout will be available.

According to Section 13(7)(c) the Stellenbosch Municipality must make a decision on the technical application within 60 days of submission of the application or when the last information is submitted.

In order to facilitate the proposed conversion of the existing outbuilding into 4 guest suites, formal application is also required. Although a guest house is also an Additional Use Right the threshold for number of guest on one land unit is 14. Since approval was granted many years ago for the utilization of 6 rooms inside the main dwelling for guest accommodation



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purposes, the total number of guests permitted on the subject property will be more than 14 with the new additional 4 guest rooms.

The Stellenbosch Municipal Zoning Scheme By-Law (2019) however makes provision in Section 207(6) of the By-Law for the municipality to grant consent 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.

Since the proposed 4 guest suites will be accommodated within the existing outbuilding, it is evident that this application complies with the provisions of Section 207(6) and that a Consent Use application is therefore required in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2015) in order to facilitate the additional guest rooms on the subject property.



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## 7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management. The development principles on National level is in terms of Section 7 of the **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**, while the land use planning principles on Provincial level is in terms of Section 59 of the **Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)**.

These development principles were all adopted and included into the subsequent **Land Use Planning By-Laws** promulgated for each Local Municipality. The proposed development and land use will be evaluated as follows against the five development principles:

:

(a) **Principle of spatial justice**

- Since the existing outbuilding will be used for guest accommodation and a new structure for processing of agricultural produce from the subject property are proposed with no changes to the primary land use of the property is proposed, this principle is **not applicable** to this application

(b) **Principle of spatial sustainability**

- The proposed land uses will not result in the loss of any cultivated agricultural land but utilize an existing outbuilding on the subject property and an area already disturbed in the past.
- This proposed Agricultural Industry is directly in line with what is already present in the area and what is spatially recommended for the subject property to facilitate the proposed land uses.



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- The proposed land uses will extend the existing agricultural activities by providing the applicant the opportunity to optimize his viticulture practices by enabling him to make his own wine and at the same time share it with visitors and guests.
- The proposed guest accommodation rooms will be an extension of the existing facility and will be subservient to the primary land uses on the subject property.
- The combination of the wine cellar/distillery with tasting and sales with guest accommodation facilities are a common phenomenon on wine farms and will have no negative impact on the primary agricultural activities on the subject property
- No safety hazards are anticipated through this development.

**(c) Principle of efficiency**

- By converting and utilizing an existing outbuilding for guest accommodation purposes as an extension to the existing guest house, it complies with the requirements of the Zoning Scheme By-Law.
- The proposed agricultural processing facility will facilitate wine making/distilling, which will ultimately strengthen the agricultural potential of the property and character of the area and add to the local economy of the area.
- The new activities will extend the existing agricultural activities and tourist facilities on the property and create new employment and economic opportunities

**(d) Principle of spatial resilience**

- This principle is not applicable since the activities will all be confined inside an existing outbuilding on a working farm as well as an area already disturbed in the past.



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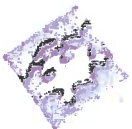
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**(e) Principle of good administration**

- The formal application will be submitted to the local authority and relevant statutory authorities for approval and will be administered in accordance with the procedures contemplated in the relevant Municipality's Land Use Planning By-Law.



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## 8. DESIRABILITY OF THE APPLICATION

In terms of Section 65(c) of the Stellenbosch Municipality Land Use Planning By-Law, August 2015, the proposed utilization of the land must be desirable.

*The concept of "desirability" in a land use planning context and as contemplated in Section 65(c) of the Stellenbosch Municipality Land Use Planning By-Laws can be described as the "degree of acceptability" of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability, or on the basis of its effect on existing rights and the biophysical environment concerned.*

The desirability of this application for Technical Approval and Consent Use on Erf 2746 Franschoek will be discussed with regard to the following aspects.

- Physical characteristics
- Character of the area
- Location and Accessibility
- Spatial Planning Policies
- Provision of services



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## 8.1 Physical characteristics

### 8.1.1 Topography

The subject property is an existing agricultural small holding located on the outskirts but still inside the old municipal area of Franschhoek. Since the proposed activities will all be confined to the inside of an existing outbuilding and a small agricultural industry building on previously disturbed land near existing buildings, there is no reason to believe that the existing topography will be negatively affected. There is also no conservation worthy vegetation which will be affected by the proposed land uses, since the existing building is located near the main dwelling and formal garden and the portion to be used for the agricultural industry building is vacant and disturbed.



Area where the new agricultural industry building is proposed

### 8.1.2 Climate

The subject property is located in the Franschhoek Valley immediately south of Franschhoek and forms part of the Mediterranean climate system of the Western Cape. The area is known for its cold and wet winters and



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dry warm summers. The average annual rainfall is 912mm and occurs during the months of May to August. The wind is predominantly north westerly during the winter months and strong south easterly in the summer time. February is the warmest month of the year with an average temperature of 21,7°C, while July is the coldest month with temperatures averaging 11°C.

There is no reason to believe that the use of the existing outbuilding for the purposes of guest accommodation rooms and the construction of a small agricultural industry building will have any impact on the micro climate of the area.

## 8.2 Character of the area

Although the subject property falls inside the old municipal area of Franschhoek, it is a bona fide agricultural land unit with existing vineyards thereon. As indicated the grapes harvested from the subject property is current taken to Haute Espoir where the wine is made. This application intends to expand existing both the approved guest house facility by 4 rooms, as well as the agricultural activities on the subject property by introducing a wine cellar/distillery inside an existing outbuilding on the subject property. Together with the tourist related tasting and sales facility, the land uses will fit in with what is currently present in the area. The combination of agriculture and tourism is a predominant to this area of Franschhoek and the proposed land uses will not have any negative impact on the existing character of the area. In fact we are of the considered opinion that the proposed land uses are directly in line with the existing character of the area and represents a combination of agriculture and tourism, which has been the catalyst for local economic development for this Valley.



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### 8.3 Location and Accessibility

The subject property is located immediately south west of Franschhoek with access directly taken from Middagkrans Road (MR5618) via an existing formalised far entrance. MR5618 intersects approximately 125m north of the subject property with DR1343 which links 180m north east of the subject property with Huguenot Street which is the main road through Franschhoek.



View from MR5618 and DR1343 intersection towards Franschhoek

It is evident that the subject property is easily accessible from all directions. The proposed agricultural industry will ultimately result in less traffic to and from the subject property with the grapes in future no longer taken from the subject property but processed on site.

Due to the size and scale of the proposed activities the increase in traffic to the subject property will be insignificant and no changes to the existing access are proposed. Internally access to the outbuilding will be via the existing farm roads and no new roads will be required. Provision is also



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made for parking near the existing outbuilding. These spaces are already available and no cultivated lands will be lost as a result of this.

#### 8.4 Spatial Planning Policies

The subject property is located in a predominantly agricultural area within the area of jurisdiction of the Stellenbosch Municipality. The existing spatial planning policy which is applicable to this area, the Stellenbosch Municipal Spatial Development Framework (SMSDF), was adopted by Council in 2013 and provides guidelines for spatial developments within the municipal area. Despite the fact that the subject property originally formed part of the Franschoek municipal area, it is located outside the approved urban edge for Franschoek. Since no changes to the agricultural land use or zoning other than agriculture is proposed, no change to the urban edge is required.

Although the subject property is not specifically mentioned in the existing spatial documentation, the principle of agricultural industries and tourist related facilities subservient to the primary land use within the agricultural areas outside urban areas are widely accepted and encouraged on all spheres of government for various reasons (tourism, local economic development, employment, etc.). Since the subject property is an agricultural land unit with existing vineyards thereon, the extension of the agricultural activities by including a processing facility, is directly in line with the rural land use policies of Stellenbosch Municipality. In addition the 4 new guest rooms will also serve as an extension to the existing guest house facility approved on the subject property. It is therefore suffice to say that this application for 4 new guest rooms inside the existing outbuilding and the construction of a small agricultural industry building ( $\pm 240\text{m}^2$ ) are not in



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conflict with the spatial planning policies of the Stellenbosch Municipality and can therefore be regarded as desirable.

In addition and to strengthen the spatial context of this application, the following is noteworthy:

- The subject property is an existing functional wine farm with vines that currently produces more than 40 tons of wine grapes annually. The grapes produced on the property are processed off the site where the wine is made. The intention is to change this current operation to enable the applicant to make his own wine on the subject property. The majority (80%+) of the grapes will come from the subject property. This is a common phenomenon throughout the Western Cape and especially the Boland Wine Region.
- The agricultural activities will remain the primary land uses while the agricultural industry is an additional use in support of the agriculture.
- New vineyards are being planted to increase the total extent planted to wines to more than ±6ha in extent.
- The existing guest house facility (6 rooms) will be extended by 4 new rooms which will make it an economically viable operation.
- The subject property is ideally located with Franschoek town and the Huguenot Monument only 180m away.



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- It is also a common phenomenon that together with an agricultural industry building ancillary tourist related activities (i.e. tasting and sales area) are also provided for in combination with the agricultural processing facility on a wine farm. This is all included into the definition of agricultural industry.
- The proposed wine tasting and sales will be on invitation only to supplement the existing wine farming operations and no impact on the primary agricultural land use on the property is expected.
- The primary use of the property will therefore remain agriculture which will be increased by the new vineyards to be planted
- The new Stellenbosch Municipality Zoning Scheme By-Law (2019) include inter alia wine tasting and sales into the definition of agricultural industry and no additional right are required.

#### 8.5 Provision of services

Since the existing outbuilding is already fully serviced with the necessary municipal services, no additional services will be required. Water is obtained from an existing borehole, while metered electricity is obtained from the Stellenbosch Municipality. Sewerage is collected on a regular basis by the Stellenbosch Municipality (*proof of service attached*). Since the new agricultural industry building will be located near the existing buildings



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on the subject property, the existing services will be extended to also serve this new building.

Since the size and scale of the proposed wine cellar/distillery is almost insignificant, all services related to this facility will be incorporated into the existing infrastructure. Detail design will be present with the building plan process at which time the engineering requirements will be addressed by the specialists.



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## 9. SUMMARY AND CONCLUSION

From the aforementioned it is clear that the proposed Technical Approval and Consent Use on Erf 2746 Franschhoek in order to permit the conversion and utilization of an existing outbuilding for the purposes of guest rooms and the construction of a small agricultural industry building for wine making/distilling with tasting and sale facility, is in line with Section 65 of the Stellenbosch Municipality Land Use Planning By-Law and in particular Section 65(1)(c) thereof. The motivation for the proposed land uses can be summarized as follows:

### Economic impact

- From a business point of view the proposed land uses will optimise the existing primary agricultural land uses on the subject property as well as the guest accommodation facility and at the same time provide an opportunity for agri-tourism opportunities as secondary land uses.
- All activities will be subservient to the primary agricultural land use.
- The processing of the grapes on the subject property will reduce external expenses in respect to transport costs (grapes taken from the farm etc.) and confine all activities on the site.
- With the proposed application, more employment opportunities will be created and a better service will be delivered to their customers and the wider community.
- The new facilities will create an opportunity for the agricultural property to be more sustainable which will ultimately support the local economy.
- The additional 4 guest rooms will ensure the existing guest house as an economically viable operation without compromising any of the existing land uses.
- The proposed development will optimize existing primary agricultural products produced on the subject property.



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- The utilization of the existing outbuilding for the intended purposes is directly in line with the provisions of the Zoning Scheme By-Law.

#### Social impact

- The proposed development will have a positive social impact since the new activities will ultimately create more employment opportunities.
- Additional guest to the property and valley will have a positive impact on the local tourism market.
- The new agricultural industry building is limited in size ( $\pm 240\text{m}^2$ ) but will enable the applicant to improve on his final product by processing of his own products and at the same time provide an extended service to the local community without compromising the primary agricultural activities on the subject property.
- The principle of agri-tourism is well supported by all spheres of government and is a significant contributor to the local economy of the area.

#### Scale of the capital investment

- In order to facilitate the proposed development the proposed new building with infrastructure will be well in access of  $\pm \text{R}12\text{m}$  (please take note that these figures are only preliminary and final development costs could be much more)

#### Compatibility with surrounding land uses

- The proposed land uses are directly in line with what is already present in the immediate surrounds. No direct or indirect conflict is expected.
- The combination of agricultural industry with guest accommodation is a common phenomenon in the Boland area and since both are initially additional use rights, no impact is expected.
- The primary land use (agriculture: wine farming) will continue uninterrupted. In fact the new processing facility provides an unique



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opportunity to extend the primary agricultural activities on the subject property

#### **Impact on external engineering services**

- The necessary engineering services exist in the existing outbuilding and on the subject property and will be extended as part of the building plan process for the new structure.
- Demand on bulk infrastructure and services are considered insignificantly small in comparison to the greater Franschoek area.

#### **Impact on safety, health and wellbeing of the surrounding community**

- There is no reason to believe that the proposed development will result in any changes to the safety and security in the area
- The proposed development will have no impact (visual, health and safety) on any of the surrounding properties since the existing building will be utilized and only a small structure is proposed near the existing buildings on the subject property.

#### **Impact on heritage**

- No impact on the heritage character is expected. The new building plans will be submitted to the relevant bodies for comment.

#### **Impact on the biophysical environment**

- No impact is expected on the biophysical environment since the existing building will be used and no conservation worthy vegetation, cultivated lands or ecological habitats will be affected.
- There are no physical features or topographical constraints present on the subject property which will prevent the proposed land uses.

#### **Traffic impacts, parking, access and other transport related considerations**



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- We are of the considered opinion that the scale and size of the proposed activities are so minute and will not have any significant impact on the existing traffic flow in the area.

**Whether the imposition of conditions can mitigate and adverse impact of the proposed land use**

- The proposed development will not have any adverse impact on the surrounding area and no mitigating factors are required.
- In order to ensure that the land use is conducted in accordance with the necessary standards and guidelines of the departments conditions of approval are a common phenomenon.
- The proposed activity in its current scale and form will be financially viable and is in line with the spatial policies relating to agricultural processing and agri-tourism
- The proposed development will provide permanent employment (security and staff).
- It is our view that the proposed development will have an enhancing impact on the surrounding area and **no mitigation is foreseen for the development project.**

I trust therefore that the application for Technical Approval and Consent Use on Erf 2746 Franschoek in order to permit the conversion and utilization of an existing outbuilding for the purposes of guest rooms and the construction of a small agricultural industry building for wine making/distilling with tasting and sale facility as depicted on the attached Floor Plans will be approved.

**PIERRE-JEAN LE ROUX**

Pr. Pln. A./803/1995

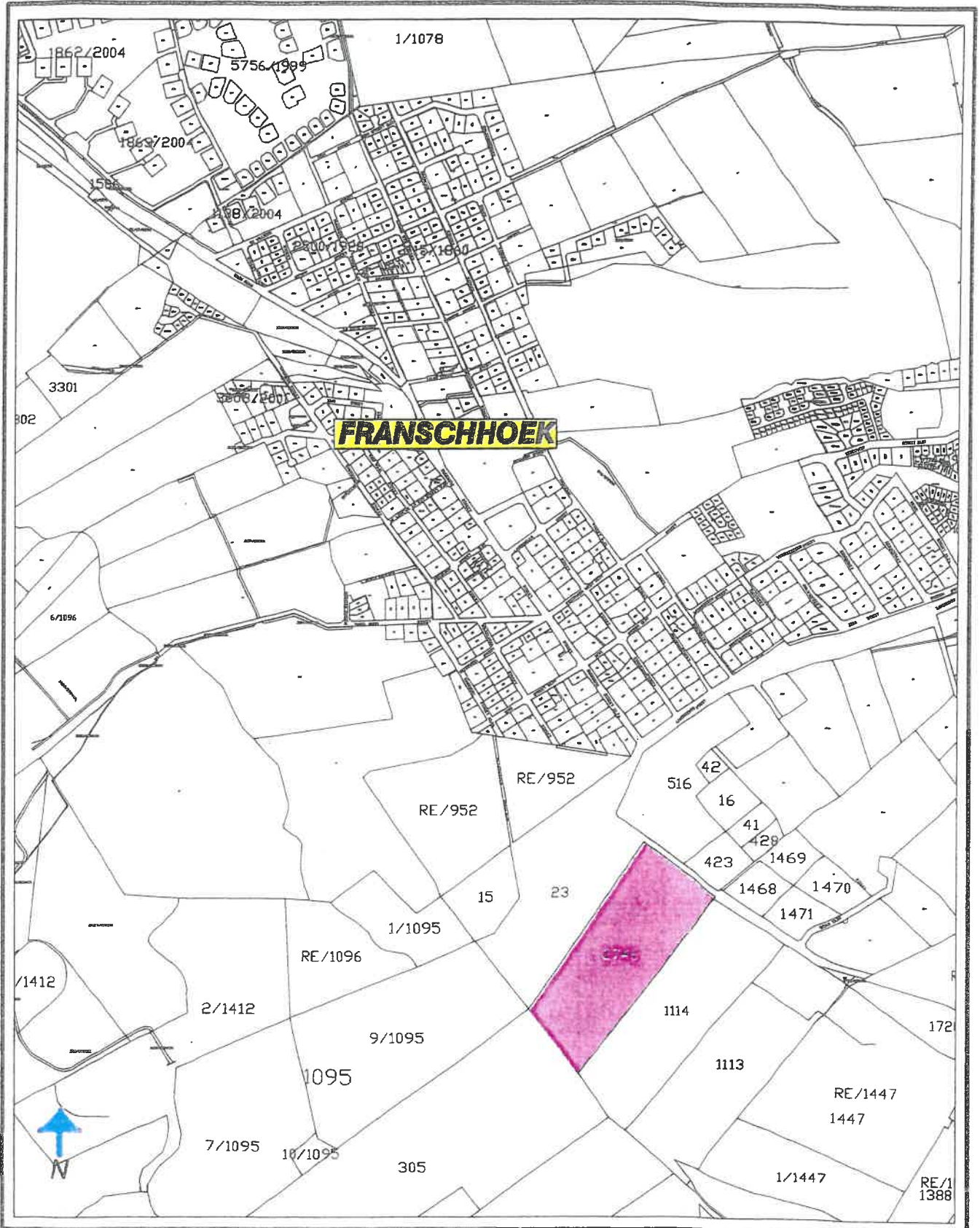


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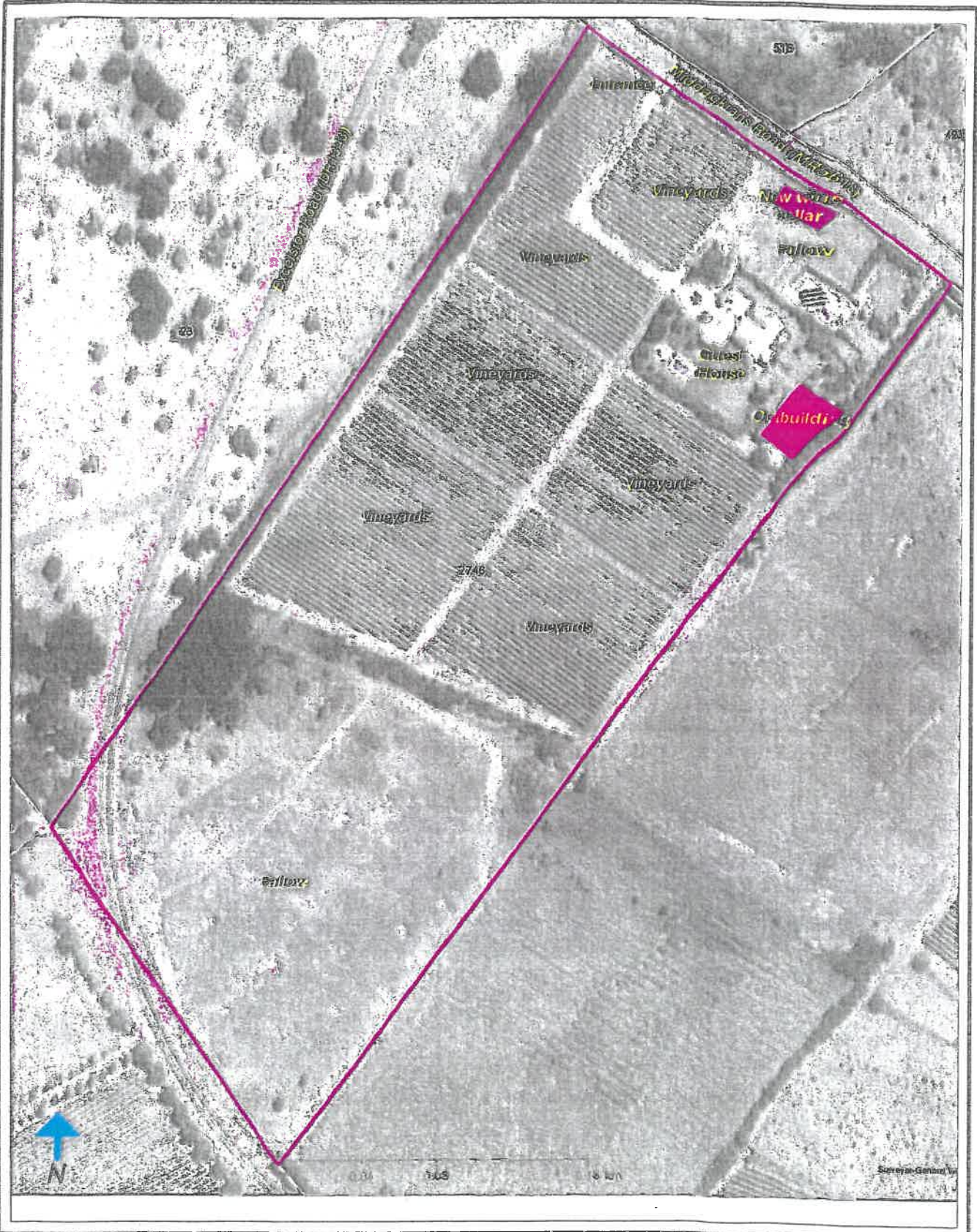
**Project:**  
 Application for  
 Rezoning &  
 Consent Use:  
 Erf 2746  
 Franschhoek

**Description:**  
 Locality Plan

# CAPE VUE

Scale	1:50 000	Case	H 10-139
Author	PJLR	Date	FEBRUARY 2020
Case	PJLR	Page no.	2

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2



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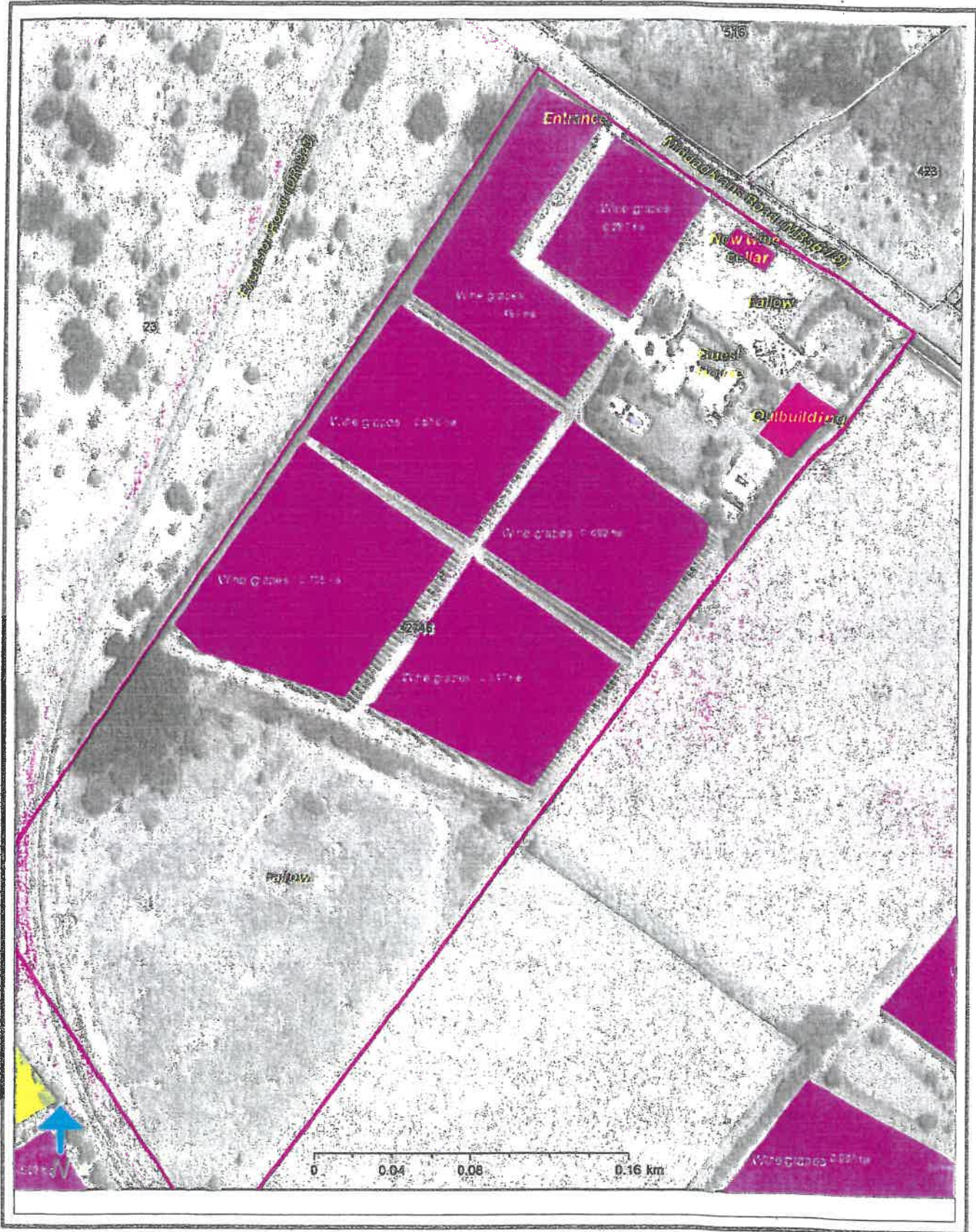
**Project:** Application for  
 Rezoning &  
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 Erf 2746  
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**Description:**  
 Aerial Photo

<b>CAPE VUE</b>	
Scale: 1:50 000	Lot: H 10-139
Author: PJLR	Date: FEBRUARY 2020
Drawn: PJLR	Revision: 3



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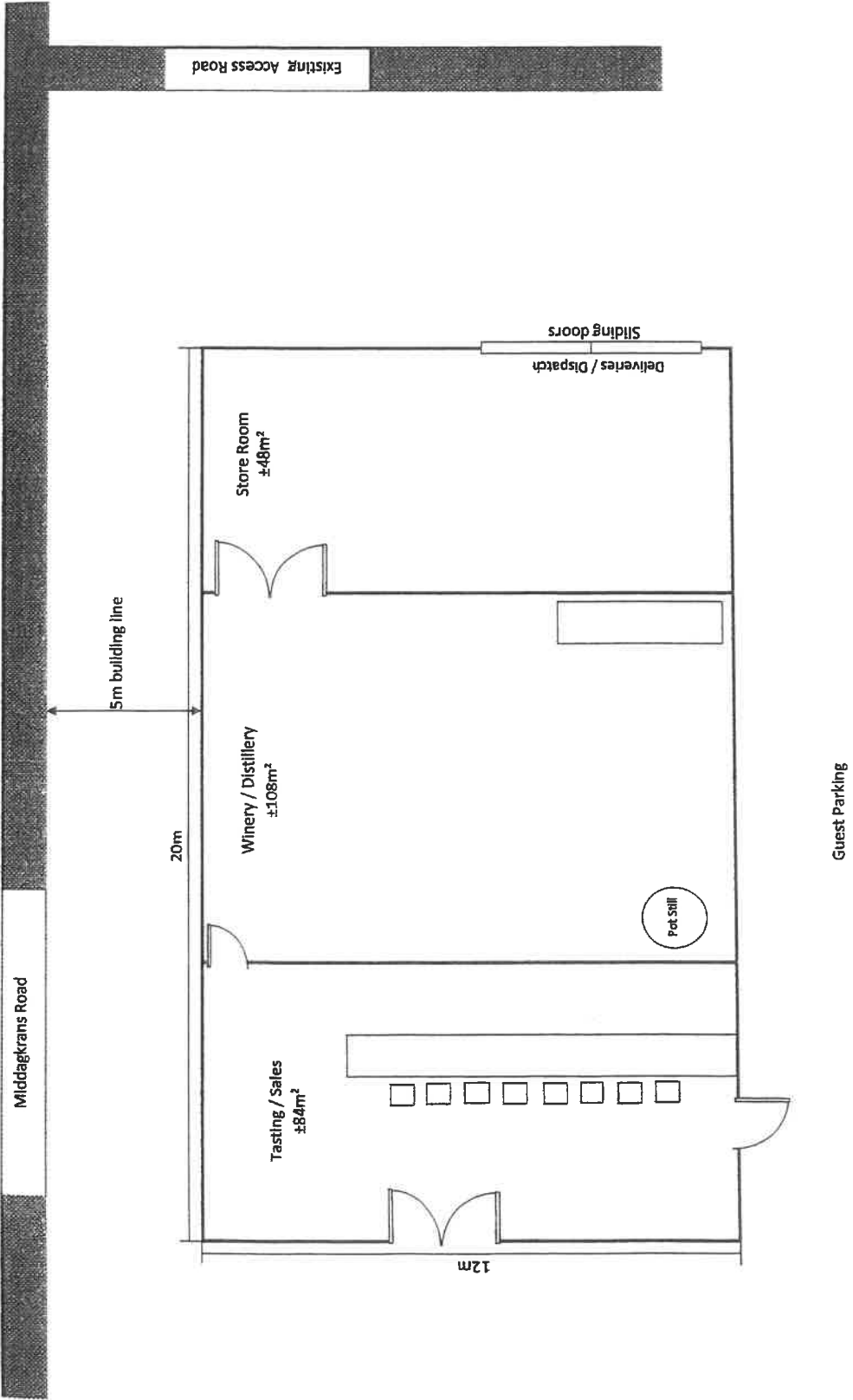
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**Project:**  
**Application for  
 Rezoning &  
 Consent Use:  
 Erf 2746  
 Franschhoek**

**Description:**  
**Agricultural  
 Plan**

<b>CAPE VUE</b>	
Scale: 1:50 000	Leaf no. H 10-139
Author: PJLR	Date: FEBRUARY 2020
Exec: PJLR	Sheet no. 4

<b>CLIENT</b> HRT AND CARTER GROUP HOLDINGS (PTY) LTD ERF 2746 ALSO KNOWN AS CAPE VUE COUNTRY HOUSE, 1 MIDDEKRANS ROAD, FRANSCHHOEK, 7690	
<b>PROJECT</b> APPLICATION FOR TECHNICAL APPROVAL AND CONSENT USE FOR ERF 2746 FRANSCHHOEK	
<b>OWNER</b> PROPOSED FLOOR PLAN AGRICULTURAL INDUSTRY (± 240m <sup>2</sup> )	
<b>DESIGNED BY</b> THELMA CO	<b>DATE</b> 07/05/2020
<b>DRAWN BY</b> THELMA CO	<b>SCALE</b> METRIC/SCALE
<b>PROJECTING</b> CAPVE	<b>PROJECT</b> 01



Guest Parking

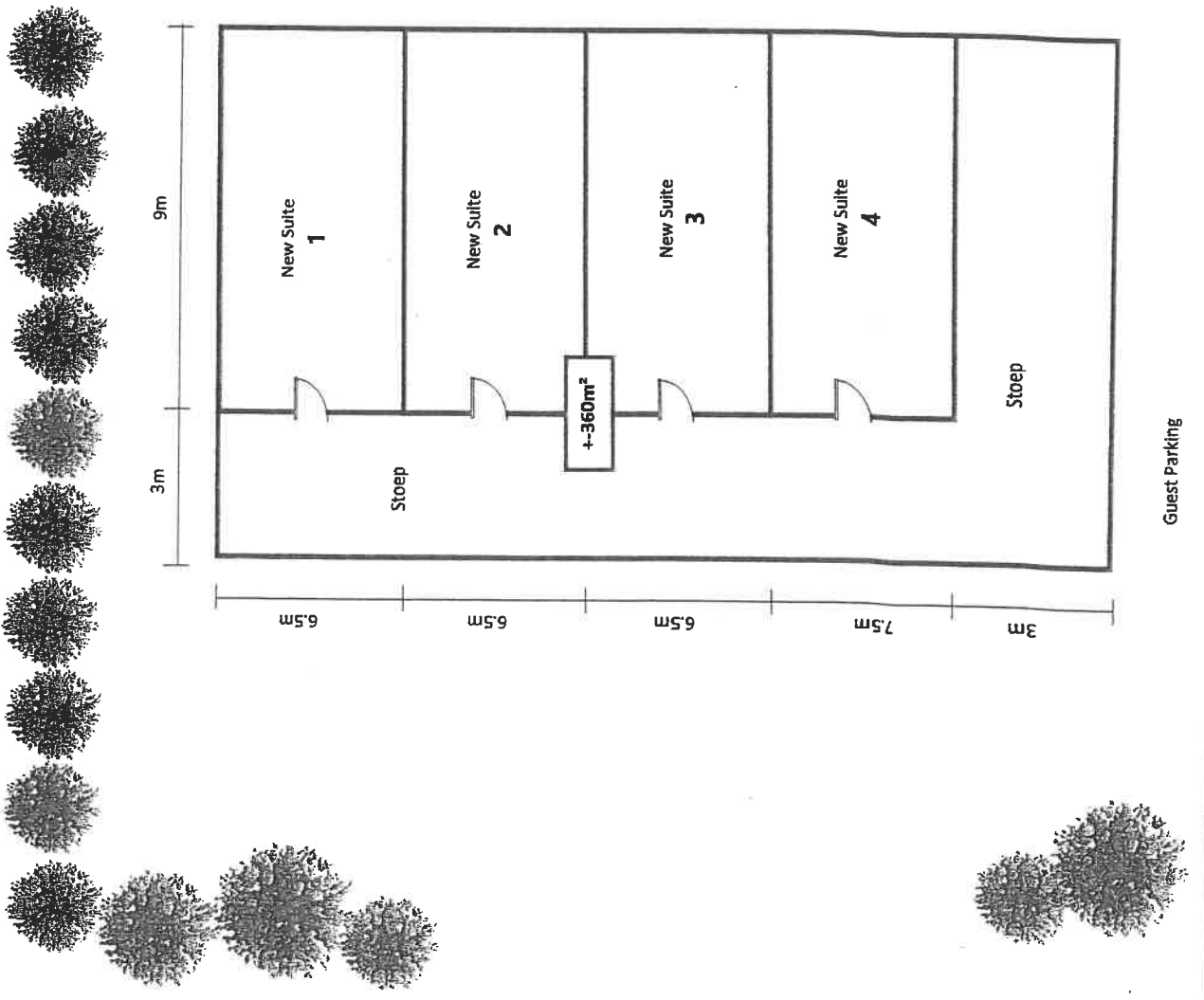
CLIENT  
 HERT AND WALTERS GROUP HOLDINGS (PTY) LTD  
 ERF 2748 ALSO KNOWN AS CAMPUS VENTURE  
 HOUSE, 1 MIDLANDS ROAD, FRANSCHHOEK,  
 7890

PROJECT  
 APPLICATION FOR TECHNICAL APPROVAL  
 AND CONSENT USE FOR ERF 2748  
 FRANSCHHOEK

DRAWING

**GUEST SUITES  
 (EXISTING BUILDING)**

DESIGNED THELANCE DO	DATE 17/12/2019	SCALE 1:100
DRAWN THELANCE DO	DATE NOT FOR SCALE	
PROJECT NO. CPT/19	ASST N	



Existing Internal Access

Guest Parking