

Salome Newman

From: reinaldo@archtownplanners.co.za
Sent: Wednesday, 17 May 2023 15:41
To: Salome Newman
Cc: marike@archtownplanners.co.za
Subject: [EX] Notification of Land Use Application Farm 1252 Stellenbosch
Attachments: Farm 1252 Stellenbosch Motivation Report Final rev 1 May 2023.pdf; Farm 1525, Bo Helderberg, Stellenbosch Locality Plan .jpg; Farm 1252 Notice to Surrounding Properties.pdf; Annexure F SDP Farm 1252 Amended April 2023 FINAL.pdf

Dear Sir/Madam

APPLICATION FOR CONSENT USE (TOURIST FACILITIES AND TOURIST ACCOMODATION ESTABLISHMENT) ON FARM 1252, BO-HELDERBERG, STELLENBOSCH

It is required by the Stellenbosch By-Law, that notice of this land use applications be served to interested and/or effected parties . As an interested and/or effected party, please find attached the following relevant documents pertaining to the application for Farm 1252, Bo-Helderberg:

1. Notice Too Interested and Affected Parties (English and Afrikaans)
2. The Motivation Report. Please note that no Annexures are included as it is too large to send via e-mail. Kindly contact us directly if you would like to view any of the Annexures.
3. Proposed Site Development Plan (Annexure F, April 2023, Final)
4. Locality Plan

Kindly let us know if you require any additional information.

If you would like to comment on the application, please do so on or before **17 June 2023**

Kind Regards / Vriendelike groete

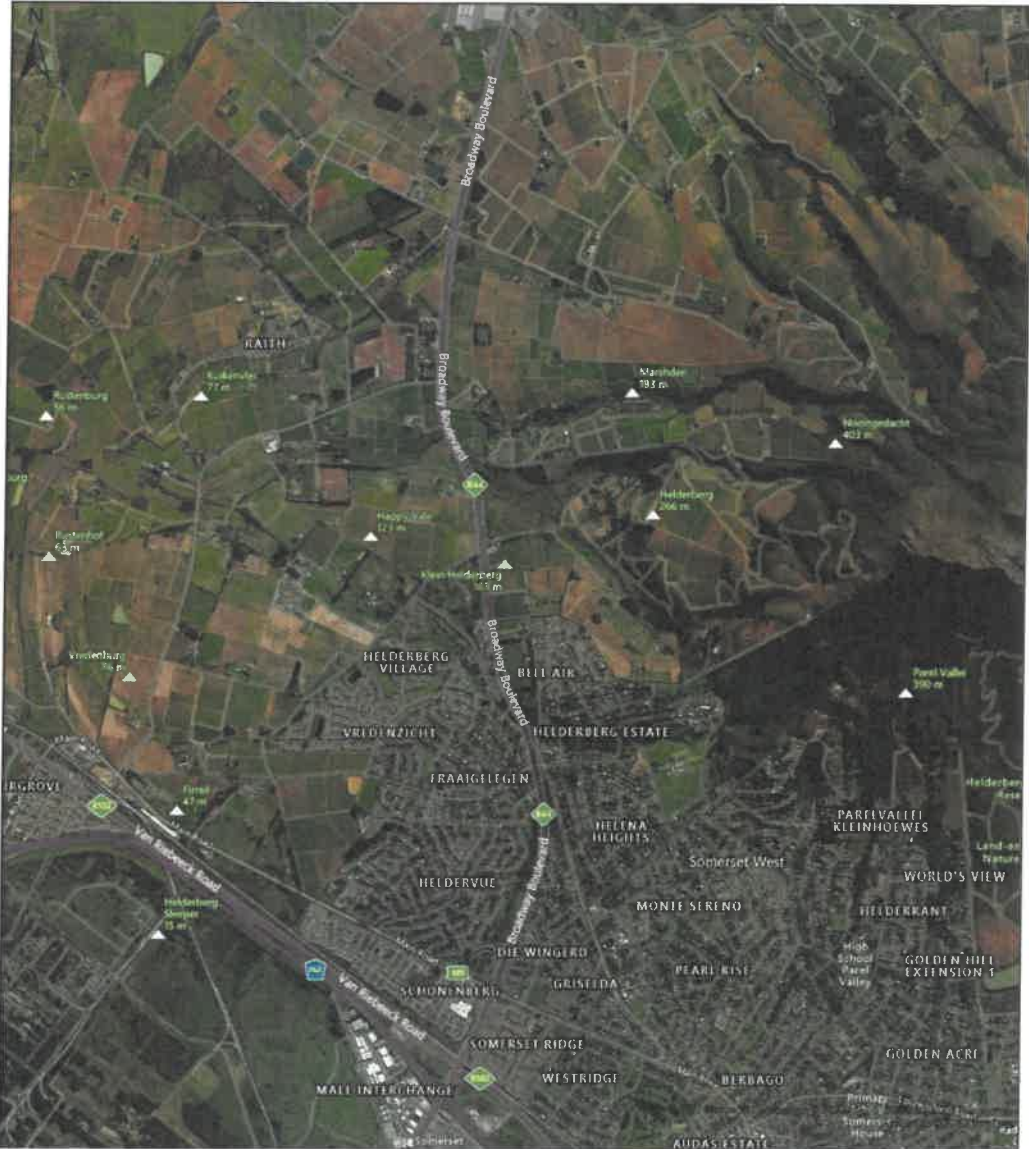
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CONSENT USE APPLICATION (TOURIST ACCOMMODATION AND FACILITIES)

FARM 1252 HELDERBERG STELLENBOSCH



MAY 2023

Rev 1

**SUBMITTED TO:
STELLENBOSCH MUNICIPALITY**

PREPARED AND SUBMITTED BY:



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Annexures

Annexure A:	Power of Attorney
Annexure B:	Land Use Planning Application Form
Annexure C:	Copy of Title Deed and Conveyancer Certificate
Annexure D:	Preliminary Botanical Report
Annexure E:	Visual Site Sensitivity Report
Annexure F:	Site Development Plan
Annexure G:	Proposed Floor Plans and Elevations
Annexure H:	Services Report
Annexure I:	Transport Impact Statement
Annexure J:	Pre-application Scrutiny Feedback

1. INTRODUCTION

1.1 Background Information

The current owner of Bo-Helderberg Farm recently bought the farm intending to establish vineyards and build their house on the farm. There are currently no agricultural activities or any buildings on the farm, though building plans for a farm store and office has recently been approved.

As the existing type of vegetation (being classified as CBA) and the slope of the farm, is situated high above Helderberg Mountains, limiting the areas which can be used for agricultural purposes, the owners wish to develop tourist accommodation units and a restaurant/wine tasting facility on the farm to create an additional income to sustain the farm and the management of the CBA areas.

1.2 Planning Brief

In light of the above information, Arch Town Planners (Pty) Ltd has been appointed by the owner of the farm (hereafter referred to as the application site) to prepare and submit an application for Consent Uses, to allow for the proposed tourist accommodation, restaurants, and wine tasting, to the Stellenbosch Municipality for their consideration.

Please refer to the attached Power of Attorney (**Annexure A**).

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(o) of the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') for the following:

- i. A Consent Use for Tourist Accommodation Establishment to allow for 8 x guest units.
- ii. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.

This report serves as motivation for the above-mentioned application. The official application form is attached to this report as **Annexure B**.

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf size	Title Deed	Restrictive Title Deed Conditions
Bo-Helderberg Farm, Farm 1252, Stellenbosch	Proximity Properties 420 Pty (Ltd)	± 76 ha	T28631/2021	None

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed. As seen in the Title Deed and confirmed by the attached Conveyancer Certificate, there are no restrictions to prohibit the proposed land uses.

2.2 Locality and Context

The application site lies between Stellenbosch and Somerset West, at the upper section of the Helderberg Mountain, east of the R44. It lies directly east of the Klein Helderberg farm, which is a popular tourist destination with its restaurant and outdoor activities. The application site is one of the hights situated farms in the area, with beautiful views of Table Mountain and False Bay. It is surrounded by wine farms with related wine cellars, restaurants, and tourist accommodation. Access to the property is via the Klein Helderberg Road, intersecting the R44 Main Road. The entrance to the property is accessed through a gravel servitude road roughly 270 meters north and 380 meters east from the end of Klein Helderberg Road.

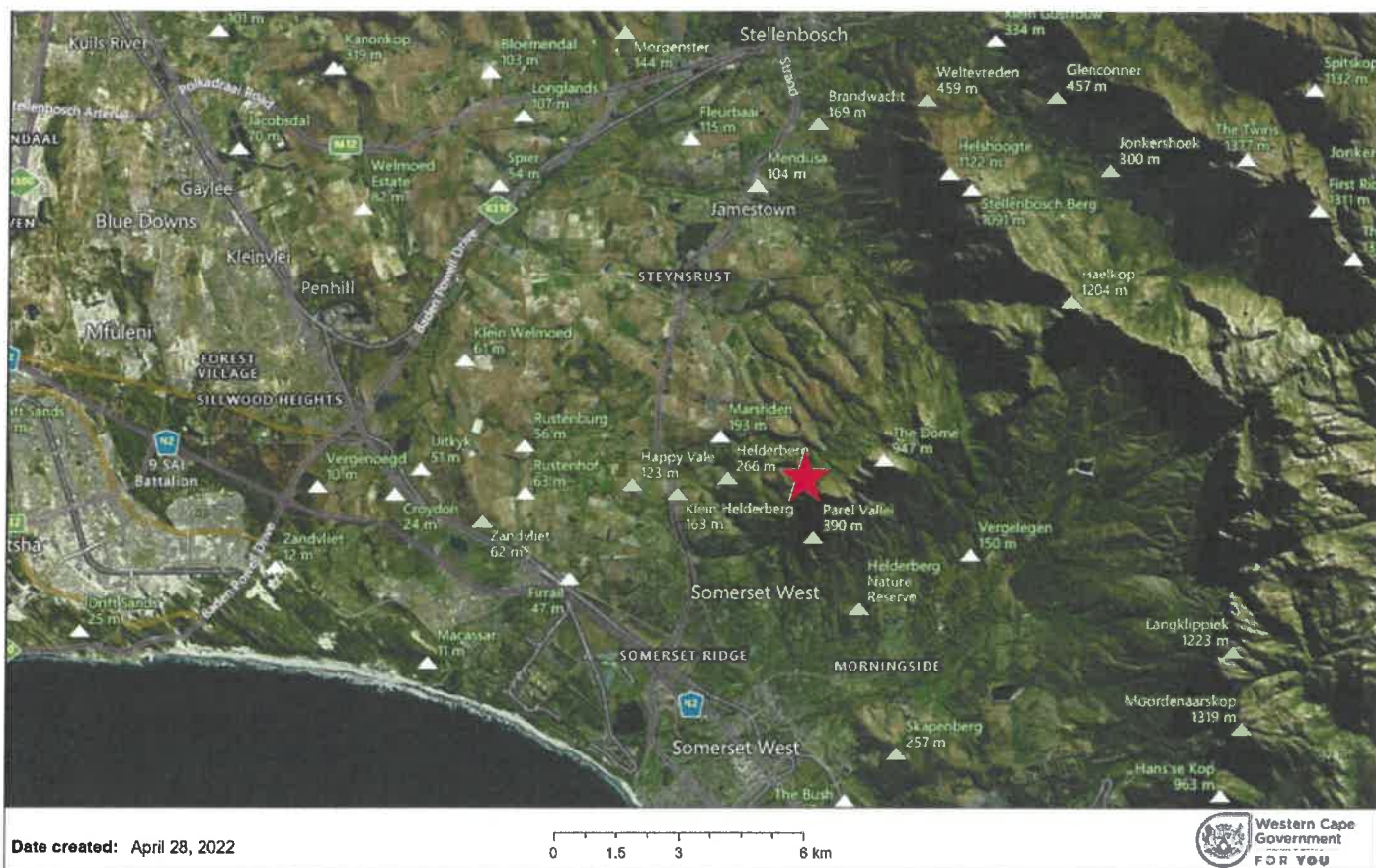


Figure 1: Regional Context



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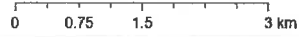


Figure 2: Local Context

Figure 2 Aerial view



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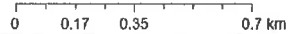


Figure 3: Application Site



Figure 4: Proposed Access Road (Malherbe & Rust Architects, 2022)

2.3 Current Zoning and Land Use

The zoning of the property is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the site is zoned as **Agriculture and Rural** which allows for the following land uses on the site:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building ($\leq 2000\text{m}^2$) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel ($\leq 2000\text{m}^2$) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building ($> 2000\text{m}^2$) • Agricultural industry ($< 2000\text{m}^2$) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry ($\geq 2000\text{m}^2$) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use ($> \text{one event/year}$) • Plant nursery • Polytunnel ($> 5000\text{m}^2$) • 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 Summary of land uses

As mentioned above, there are currently no agricultural activities or any buildings, structures, or infrastructure on the application site. The application site has been used for recreational purposes only, such as hiking trails, 4x4, mountain biking, and hiking.

The application site has a mix of alien and vegetation in Cape Winelands Shale Fynbos, which is considered a vulnerable ecosystem. Section 2.4 below provides an overview of the existing biodiversity features on the site and a summary of the findings and recommendations from the Preliminary Botanical Report (attached as Annexure D).

2.4 Botanical Constraints

Jolene Krige conducted a preliminary botanical assessment of the application site to identify the most significant biodiversity features and to highlight the main findings of the field survey to help inform the placement and scale of the proposed development. Please refer to Annexure D for a copy of her report.

According to the SA Vegetation Map, the target areas comprised Cape Winelands Shale Fynbos before any disturbances. This ecosystem is considered Vulnerable. Kogelberg Sandstone Fynbos (a critically endangered ecosystem) is evident along the easternmost fringes of the property, on the Helderberg Mountain but not near any of the proposed development components. The western portion of the property is recognised as an Ecological Support Area (ESA) while the central portion is recognised as a Critical Biodiversity Area (CBA). The easternmost section of the property forms part of a Protected Area (Hottentots-Holland Mountain Catchment Area) and is bordered towards the east by the Helderberg Nature Reserve. The study also identified the following aquatic features:

- There is a non-perennial watercourse crossing through the proposed dam site. This drainage line is considered an aquatic ESA with areas upstream of the mapped watercourse (eastwards within the CBA) considered aquatic CBAs under the criteria seep wetland.
- The northern portion of the farm also contains aquatic CBAs (seep wetlands) associated with drainage lines in the north.

The study identified sensitive no-go areas, such as the CBAs and areas with sensitive vegetation, where no development should occur, which helped determine the placement of all structures. This was taken into consideration and informed the site development plan of the proposed development as discussed under section 3 below.

2.5 Heritage Classification

Though there are no buildings of historical value on-site, the application site has been classified as having a high cultural landscape significance. The receiving environment is an agricultural area centered around the production of wine, which is also renowned for its tourism destinations and historic setting, on the edge of a major urban area (Somerset West). The subject site is located outside of the urban edge, within the Eerste River Valley (C) Eerste River Helderberg Foothills (C25- C30) Landscape Unit: the C25 Helderberg Foothills (which is assigned a proposed Grade IIIa classification) according to the Stellenbosch Heritage Inventory and Conservation Management Plan (SHCMP) (Stellenbosch Municipality, 2019). The site falls within (and therefore triggers) the Foothills Conservation System and the Green Transitions Conservation System. While the site does not fall within any of the Scenic Route Conservation System overlay areas, Scenic Routes do occur in the study area, and the potential visual impact of proposed developments on the visual amenity of scenic routes must be carefully

considered in this context. Section 2.6 below provides a summary of the findings and recommendations from the Visual Site Sensitivity Assessment.

2.6 Visual Considerations (Site Sensitivity Assessment)

The purpose of this assessment was to provide the project team with initial visual & aesthetic informants and indicators relating to visual aspects that may inform the planning application and design development in the pre-application phase. It helped to identify scenic resources and visually sensitive areas or receptors which informed site selection and layout of the project and helped determine potential fatal flaws, significant negative impacts (if any), and possible mitigation measures. Please refer to Annexure E for a full copy of the report and the section below for the findings on the Visual Impact of the proposed development.

3 DEVELOPMENT PROPOSAL

3.1 Overview

The application site is a vacant, undeveloped farm situated at the foot of Helderberg Mountain. As indicated in Section 1 above, the owner of the farm wishes to turn the farm into an economically viable farming unit by establishing new vineyards and capitalizing on the pristine natural environment and scenic views. The proposal (applicable to this application) entails the development of 8 x tourism accommodation units (hereafter referred to as pods), two restaurant areas, and a wine tasting area. Other proposed new buildings include a storage/admin building, the Main dwelling house, a Second dwelling and a flat (employee housing) above the storeroom/admin building, new vineyards, and a vegetable garden, all of which are primary rights, and which does not form part of the application under consideration. However, it is included in this report and the proposed SDP to provide the overall vision for the farm. All these buildings and land uses are included in the EIA and Heritage applications being submitted in parallel to this application.

The sections below will provide more detail on the different aspects of the development proposal. Please refer to Annexure F for the proposed Site Development Plan and Annexure G for the proposed elevations and floor plans.

3.2 Proposed Tourist Accommodation

The proposed tourist accommodation will be situated in 4 x one-bedroom and 4 x two-bedroom single-story pods, where each pod will be strategically positioned away from the farming activities and other buildings/accommodation units on the farm. To limit the site area to be disturbed, the intention is to build a platform (of approximately 45m² each) with a platform base of approximately 120m² coverage for each unit. Where required, infrastructure services can then be positioned below the base, the help shields it from view.

The units have been designed to be luxurious and spacious with beautiful views from each room toward the surrounding mountains and False Bay. The one-bedroom units will each have one on-suite bedroom with an open plan kitchen -living room area and an outside covered stoep area with a braai and hot pool.

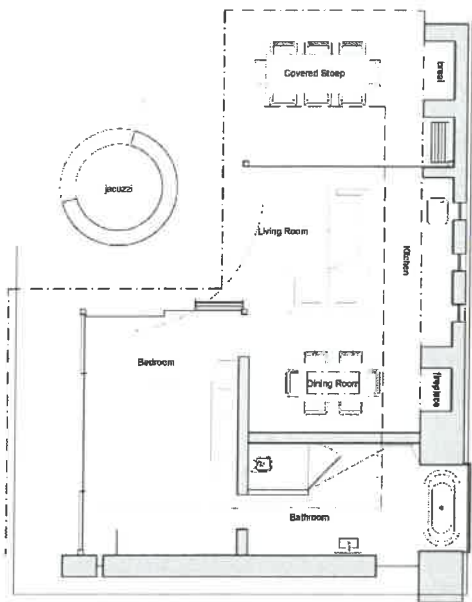


Figure 5: Proposed one-bedroom pod

FLOOR PLAN : 1 BEDROOM POD
 scale 1:100 (A4)
 scale 1:100 (A3)

The two-bedroom units will each have 2x bedrooms with one separate bathroom, living room, open plan kitchen, and a covered stoep with a braai area and hot pool.

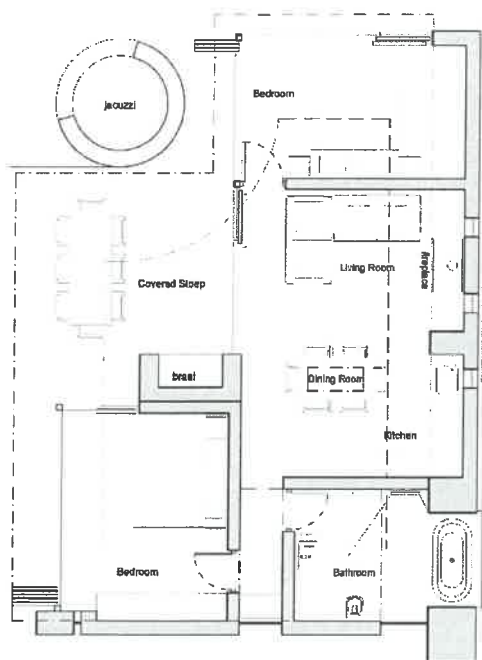


Figure 6: Proposed two-bedroom pod

In consultation with the project team, it was decided to have the units placed in separate areas, situated away from the farming activities and other tourist units. It was considered that having the units situated in a communal “werf” area may have a potential increase in visual impact as it could be viewed and perceived as one large building/construction footprint. The location of each unit was especially determined, taking cognizance of the slope of the site (to stay clear of steep slopes), staying clear of visually sensitive areas, areas with high botanical value, and watercourses. Having the units strategically placed in isolation,

away from all other units and farming activities will also enhance the privacy of the units and the sense of place, the feeling of being situated in and surrounded by nature, which will add to the unique character of the development. Figure 8 below indicates the proposed placement of the pods in relation to the mapped Aquatic CBA areas identified in the Botanical Report where no development should be allowed. All proposed units are placed outside of the Aquatic CBA areas.

Access to these units will be along the existing 4x4 roads with small pathways which will link the pods to these main gravel roads. These roads will also link to the wine tasting's parking area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

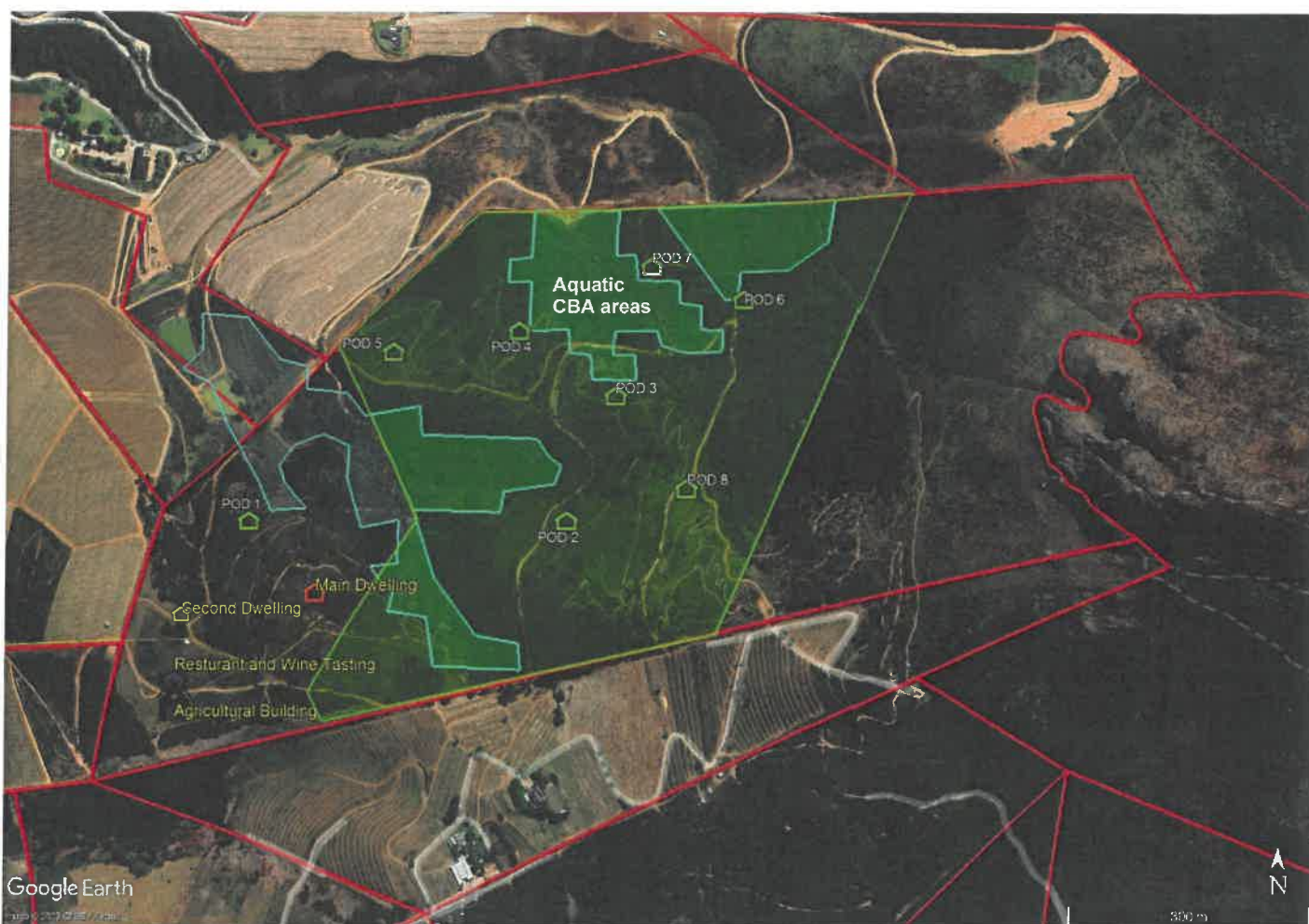


Figure 7: Proposed positions of pods outside of no-go and aquatic CBA areas

3.3 Proposed Wine Tasting and Restaurants

The proposed restaurants and wine tasting areas will be situated on the southwestern portion of the site, in the previously disturbed areas. The one restaurant (coffee shop/ deli) and wine tasting and sales will be situated in buildings B and C (please refer to attached SDP, Project number 1697, drawing 101 rev E, dated April 2023) which will have a coverage of $\pm 350\text{m}^2$, with a seating area (GLA) of approximately 220m^2 . This building will be a single-storey building. Parking will be provided east of the proposed wine tasting/restaurant building to shield the parking from view.



Figure 8: Northern elevation of Proposed Wine Tasting and Restaurant



Figure 9: Western elevation of Proposed Wine Tasting and Restaurant



Figure 9: Southwestern view from above (Wine Tasting and Restaurant)



Figure 10: Eastern elevation of proposed Wine Tasting and Restaurant

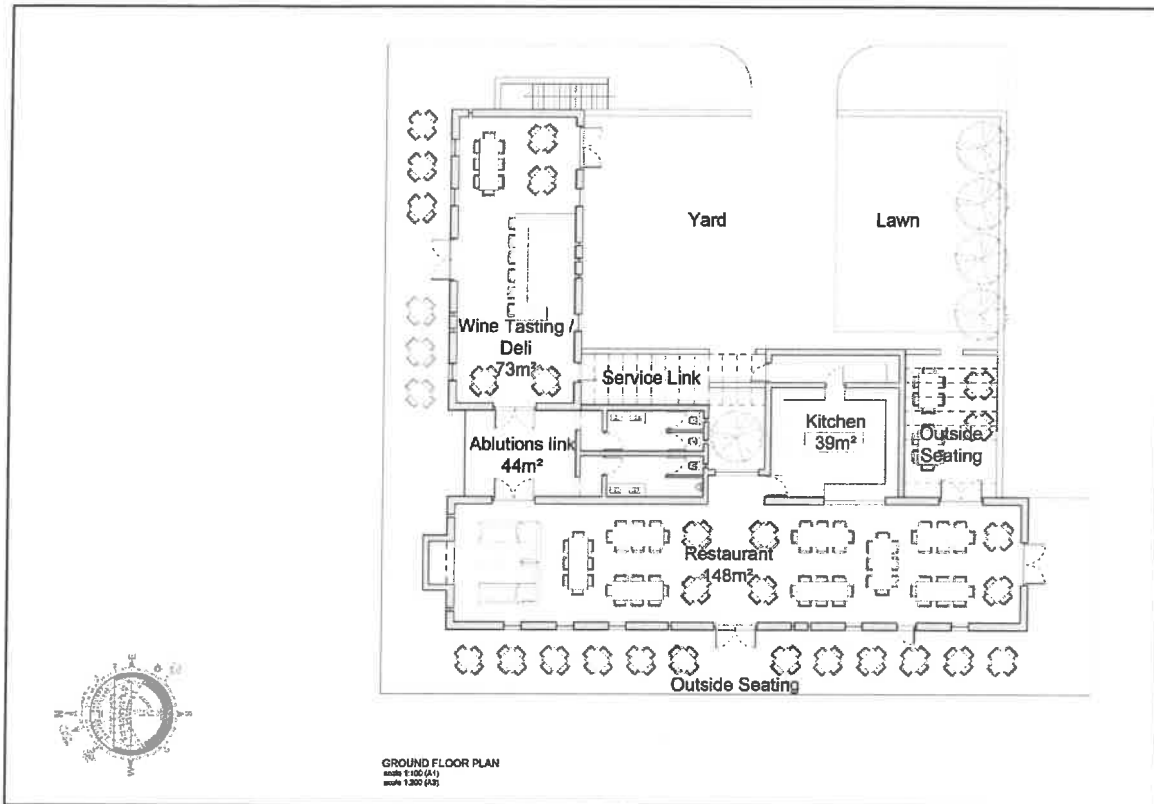


Figure 11: Proposed floor plan of wine tasting and restaurant

The proposal also includes a restaurant (breakfast area) for the guests of the pods, in the recently approved shed (indicated as Building E on the SDP). Please refer to Annexure G.3 for a copy of the approved building plans for the shed/store room. This breakfast area will be approximately 100m², to be situated in the area indicated on Figure 12 below:

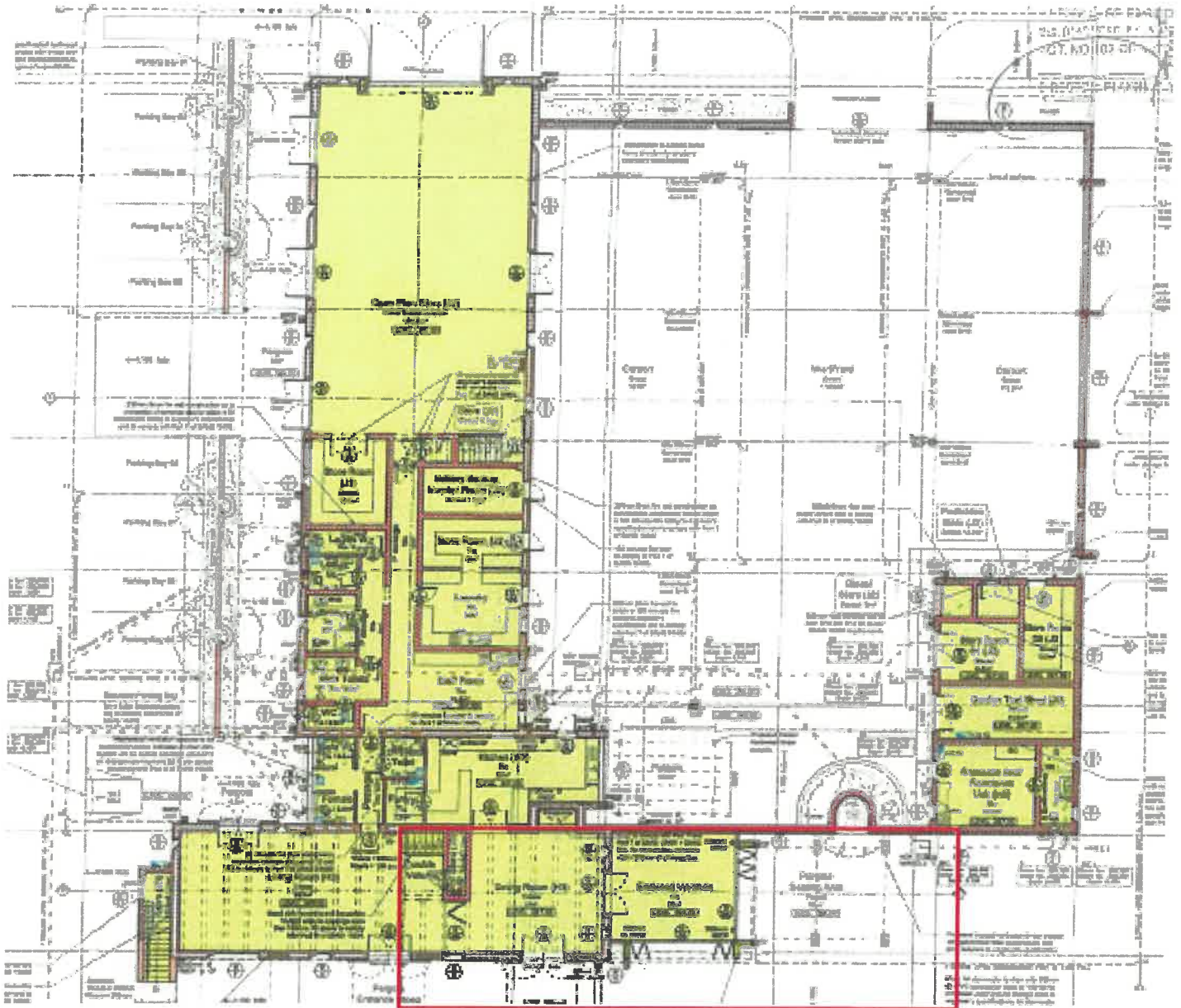


Figure 12: Position of Proposed Restaurant (breakfast area of ±100m²) in recently approved shed/storeroom

3.3 Compliance with Development Parameters

The proposed buildings and placement are assessed in terms of the Agricultural and Rural zone. Please refer to the table below which provides a summary of confirmation that all proposed buildings comply with the applicable development parameters. All buildings, apart from the Tourist accommodation units and facilities (wine tasting and restaurants) are primary rights and do therefore not need any land use approval.

Proposed Land Use	Building Lines	Coverage		Height	Development Right	Application required
		Allowed	Proposed			
Main House	5m	600m ²	600m ²	2 storeys	Primary Right	None
Second Dwelling	5m	600m ²	600m ²	2 storeys	Primary Right	None
Employee Unit	5m	120m ²	<120m ²	1 storey	Primary Right	None
Agricultural Building (Approved Store/admin buildings) Buildings D and E on SDP	5m	<2 000m ²	630m ²	3 storeys	Primary Right	None
Tourist Facility (Wine tasting and Restaurant) Buildings B and C on SDP	5m		350m ²	1 storey	Consent Use	Consent Use
Tourist Facility (Restaurant) Building E on SDP	5m		100m ²	1 storey	Consent Use	Consent Use
Tourism Accommodation (8 x units)	5m		960m ²		Consent Use	Consent Use

Table 2: Zoning compliance of proposed land uses

3.4 Bulk and Internal Services

The following section is an extract from the Civil Engineering Services Report, attached as Annexure H and the Traffic Statement attached as Annexure I. Please refer to the full reports for more detailed information.

3.4.1 Access and Internal Roads

Access to the subject property is taken directly from the R44 Main Road onto Klein Helderberg Road which is a minor gravel road (Road No. 4237). A 5m access servitude road has been registered from the entrance of Farm Helderberg No. 1355 up to the entrance of the application site. The access road/servitude road to the new development site will be paved to facilitate the movement of heavy (and other) vehicles during the rainy season. Concrete and grass blocks stormwater side drains will be constructed next to the road with stormwater inlets and culverts underneath the road to discharge the stormwater in a safe manner with erosion protection. The construction of the servitude road is earmarked to start in May 2022.

The proposed internal roads & parking areas will be designed in accordance with the relevant applicable guidelines in *Stellenbosch Municipality's Design Guidelines* and *The Neighbourhood Planning and Design Guide (Red Book)*. The pavement layers will be designed in accordance with the above-mentioned guidelines. The necessary curbs, side drains, stormwater inlets/catch pits, manholes, etc. will be provided as required by the detailed design. Minor paved roads will provide access to the main farmhouse, farm manager's house, wine tasting facility, and farm store and admin building. Internal roads providing access to the proposed pods will consist of gravel roads and concrete roads in steep areas.

The internal roads will be constructed to avoid concentration and disturbance of the existing natural stormwater runoff patterns, as far as possible. The road cross-sections will be designed to handle collected stormwater runoff as surface flow, with the necessary surface channel side drains (to reduce costs) and subsurface piped stormwater sections, where surface channels are not possible.

Sufficient on-site parking will be allocated to the new farm store and building and wine tasting facility for staff and visitors respectively. Parking bays for the proposed pods will be provided at each pod or centrally between the wine tasting and farm storage facilities. Access to the pod units will be along small pathways which will link the units to the wine tasting's parking

area, where the guests will have the option to leave their cars and be transported to their unit with a 4x4 vehicle.

3.4.2 Water

No water infrastructure is currently available and in operation on the application site and the site is not connected to any bulk services or near any bulk services. All water services required for the property will be dealt with locally with the use of boreholes, a proposed new dam, and sewerage package plants. The property will receive its potable bulk water supply from an existing borehole located near the southern border of Farm 1252. Water treatment, if required, will be located at the new storage tanks.

The irrigation water will be supplied from the proposed new farm dam to be constructed with a capacity of between 10m³ and 25m³. A new borehole in the vicinity of the new dam will also be used for irrigation purposes. Once the dam has been constructed, the water from the dam will be used for irrigation purposes. The borehole will then only be used during dry seasons when the dam is empty.

The potable water mains and irrigation mains will be separate pipelines.

3.4.3 Waste Water Infrastructure

There is no municipal wastewater infrastructure currently servicing the subject property. The wastewater which will be generated as a result of the proposed development will be treated by a new approved small-scale sewerage treatment (package) plant (Clarus Fusion Treatment System or similar approved) which will be installed at each building. The sewerage package plant at the pods can be installed underneath the deck to reduce the footprint of the new infrastructure.

3.4.4 Refuse/Solid Waste

The management of solid waste is the responsibility of the owner of the development. A designated area will be provided on the premises where refuse is stored until transported on a weekly basis by an enclosed trailer to prevent pollution, to the Stellenbosch Municipality landfill site. The owner will also consider recycling the solid waste, where possible.

3.4.5 Traffic Impact Statement

ITS Global was appointed to comment on the expected transport impact of the proposed development and to motivate the proposed access in support of the application. Please refer to Annexure I for the full report. The study concluded that:

The existing traffic volumes along the R44 in the site vicinity is high.

- The proposed development can generate approximately 34 new vehicular trips during the typical weekday p.m. peak hour, which is low.
- There are sufficient gaps in the traffic streams along the R44 to accommodate the expected low traffic volumes generated by the proposed development.
- The Western Cape Government Department of Transport and Public Works is currently busy planning a safety project along the R44. The timeframe for the safety upgrade project is not known and to improve safety at the intersection in the meantime, it is recommended that visitors to the proposed development should be advised to plan their trips leaving the site not having to turn right onto the R44.

- The OP4237 intersection spacing along the R44 is acceptable. As part of the Province's safety upgrade project, median breaks at all accesses and minor intersections will be closed and accesses will be rationalised.
- The available shoulder sight distance from OP4237 in both directions along the R44, is sufficient.
- No public transport or NMT facilities are recommended for the development.
- The proposed new Farmstead Development on Farm 1252 Bo-Helderberg, Stellenbosch will have a low negative significance in terms of the transport impact.
- It is recommended that the development be approved from a transport impact perspective.

3.5 Visual Assessment

The placement and scale of buildings were assessed in the Visual SSA. The section below provides the findings of this report on the proposal:

The subject site is visually prominent. It is visible from the N2 at distances of as far as 20km. According to the viewshed, the visibility of the subject site is limited significantly by topography. The Helderberg mountain (and specifically the ridgeline) prevent any views from the south, southeast, and east (except those that would be taken from the upper slopes and peak of Helderberg mountain itself).

Views from the north and northeast (from within the valley basin described by the C26 Helderberg Historic Enclave landscape unit) are also generally screened by the upper foot slopes of the Helderberg that lie in a north-west/south-east direction. The only possible views from the north are those taken from the convex tops of the Foothills at intervals of approximately 1km.

The SHCMP prescribes a limitation to cultivation and development on upper mountain slopes greater than 1:4 to protect scenic resources and water catchments, and to minimise visual scarring and erosion. In addition, it recommends that the construction of new buildings on visually sensitive, steep, elevated, or exposed slopes, ridgelines, and hillcrests should be prevented to retain the integrity of the distinctive and predominantly agricultural landscape character. The proposed development is located within the proposed 'no-go' development areas above the 380m contour line (for cultivated fields) and the 300m contour line (for any built structures) (C25 Helderberg Foothills Criteria, 2018, p. 3). As can be seen in figure 13 below, the majority of the farm lies above the proposed 300m contour line, this limits the development potential and importantly the ability to unlock value on well-located land with limited cultivation potential. In order to enable the owner to unlock any sort of value while recognizing the SHCMP recommendation, the proposed development, low-impact tourist facility (guest units i.e., pods), and cultivated fields have been placed on the least visually exposed and sensitive portion of the site (the small plateau behind a low bluff/hill in the southwestern portion of the site), and preliminary visibility testing has indicated that they will be at least partially screened and not particularly noticeable, even at distances of 1,5km or less. This should be confirmed in the VIA to follow.

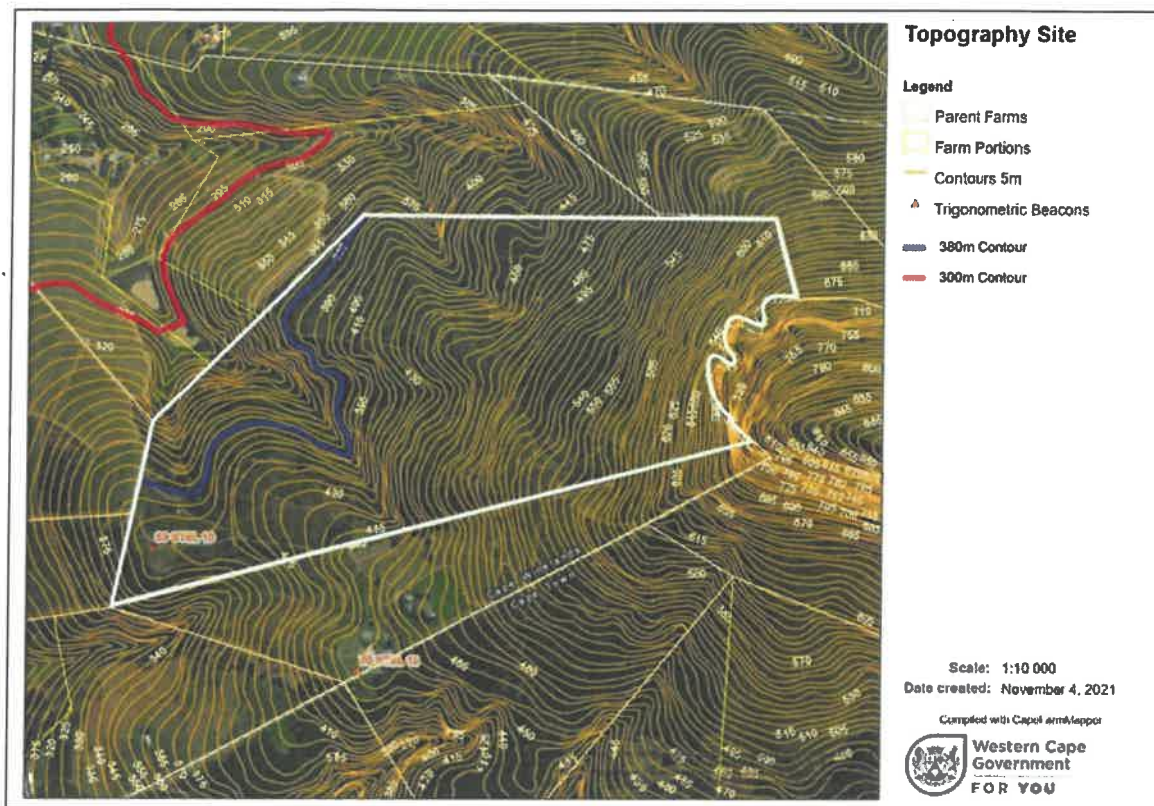


Figure 13: Topography of site, indicating the 300m and 380m Contour lines

The following are the key visual and aesthetic informants (in terms of visual absorption capacity, visual intrusion, and visibility) from the SSA:

- **Visual Absorption Capacity:**

The receiving environment absorbs all or most of the proposed development successfully, due to the following:

- a) Limited views with low visual intrusion;
- b) High compatibility with existing landscape character & built form etc.
- c) Existing vegetation cover and/or structures such as buildings screen or conceals the majority of the proposed development.
- d) Topography and terrain variability plays a role in absorbing visible elements.
- e) The proposed development is a common sight within the LCA.

- **Visual Intrusion**

The proposed development:

- a) Has a neutral and minimal effect on the visual quality of the landscape; (Low Visual Intrusion);
- b) Contrasts minimally with the patterns or elements that define the structure of the landscape (Low Visual Intrusion);
- c) Is mostly compatible with land use, settlement, and enclosure patterns (Low Visual Intrusion);
- d) Is partially 'absorbed' into the landscape (Moderate Visual Intrusion);

This results in **Low Visual Intrusion** overall, with limited aspects of Moderate Visual Intrusion: i.e.; *Generally imperceptible change in landscape characteristics over the localized area is expected, resulting in minor changes to key views.*

- **Visibility**

- a) Overall visibility of the proposed development is Low, despite the subject site itself being visually prominent.

4. OTHER APPLICATIONS

4.1 Environmental Impact Assessment

The proposed 8 tourist accommodation units as well as the proposed restaurant/wine cellar were specifically designed and located on the application site to stay clear of any areas with environmental constraints. This land uses in isolation does not trigger a requirement for an EIA, however, the development in totality (including the proposed new vineyards, dam, main dwelling, second dwellings, and related infrastructure) does necessitate an Environmental Impact Assessment to be submitted to DEA&DP for their approval.

As part of the design phase, all environmental specialists were included in the process to identify and highlight areas where no development should be allowed. The proposed SDP was specifically designed to comply with the recommendations made by the specialists. As discussed under Section 3 above, the pods will each be placed on a platform area, specially designed to have a minimum footprint to limit any potential disturbance of the site.

As confirmed in the preliminary botanical report (attached as Annexure D), the proposed layout is supported, and it was found that the layout avoids aquatic CBSs and intends to preserve intact natural areas of the Vulnerable Cape Winelands Shale Fynbos ecosystem.

4.2 Heritage and Visual Impact Assessments

As the proposed development falls in an area of high heritage significance, a Heritage Impact Assessment is required. In response to the NID submitted to HWC by Heritage Specialist, Jenna Lavin, HWC requested that the HIA also include an Archaeological Impact Assessment and a Visual Impact Assessment (VIA) on the cultural landscape.

The attached Visual SSA will form the basis of the VIA and has already assessed and informed the proposed development. It is important to note that this preliminary assessment concluded that the overall visibility of the proposed development is relatively low. The requested VIA will be a more detailed document that will, for instance, also consider other aspects such as the use of lighting along pathways and in gardens. It is motivated that the proposed land use and placement of the units are considered acceptable, in terms of visual impact, and the next phase would be more detailed to consider the types and color of buildings/building materials and landscaping.

The relevant specialists have been appointed and these studies will be submitted in due course.

5. MOTIVATION

Section 65(1) of the By-law, sets out certain criteria that need to be met in consideration of an application by the decision-making authorities. In line with this section, Table 5, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was presented to the Municipality using pre-application consultation. See Annexure J for feedback received during the pre-application scrutiny process. All relevant and required documentation is attached to this application and motivation.
c. Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, it is strongly motivated that it will greatly enhance the quality of the area and provide for local economic growth, based on the following motivation:</p> <ul style="list-style-type: none"> - The application site is currently a vacant, underdeveloped piece of farmland not being used for any agricultural purpose with limited recreational activities. As identified in the pre-screening Botanical report, there are pockets of critically endangered ecosystems on the site, as well as pockets of fynbos and areas with alien vegetation. If these areas are not managed, maintained, and protected these ecosystems could be lost. One of the main drawing cards for tourists to the proposed development would specifically be the botanical species found on site, which is situated within the 'veld', surrounded by the unique indigenous vegetation. This is a very real incentive to the landowner to ensure that these species are protected, and the area is well managed and maintained to clear alien vegetation. - There are currently no agricultural activities on site. The landowner wishes to establish vineyards on the previously disturbed areas of the farm. As the site has environmentally sensitive areas, with steep slopes, there is very limited agricultural land available for agricultural activities. The proposed development will help to provide an additional income to partly fund the planned agricultural activities. This would result in the optimal use of the site, as a combination of farming and conservation of the sensitive environment. The proposed development would therefore ensure the most effective use of the application site, without compromising the unique character of the area. - The proposed development would increase fire safety in a high fire risk area as the landowner would need to have a fire safety plan in place to ensure that future tourists (and the proposed structures) are protected from veld fires. - The proposed development would provide access to Helderberg Mountain in a safe and secure setting. It would also provide for recreational activities, such as hiking and mountain biking. - The proposed development will attract tourists to the area, to the benefit of all surrounding tourism-related industries, such as wine farms, restaurants, and

recreational activities. Tourism is one of the largest employment sectors within the Stellenbosch Municipal area and more tourists must be attracted to Stellenbosch to help sustain the industry.

- The placement of the pods, being each individually located, was carefully considered to ensure a unique experience for future tourists, to create a sense of being surrounded and situated within nature.
- The proposed development, with specific reference to the pods, will provide a different and unique accommodation option. The standard options are usually hotels, guest houses, and self-catering units within the town or if situated on farms it usually forms part of a group of units. This development will create a sense of being alone and surrounded only by nature, while still being within a safe and secure environment. One of the new trends in the tourism industry is providing an experience and not only accommodation, such as the proposed development. This proposal ties and supports new tourist trends where there is an increasing need to be situated within or close to nature, without compromising the environment.
- The placement of the pods will not have a negative visual or environmental impact as it was specifically placed and designed to have to least possible impact.
- As confirmed in the Visual SSA the proposed development will have a neutral and minimal effect on the visual quality of the landscape and will be partially absorbed in the landscape. The receiving environment will successfully absorb most of the proposed development and despite the site itself being visually prominent, it will have low overall visibility.
- Though the proposed development is located within the 'no-go' development areas above the 380m contour line (for cultivated fields) and the 300m contour line (for any built structures) (C25 Helderberg Foothills Criteria, 2018, p. 3). the VSSA found that, the proposed buildings and cultivated fields have been placed on the least visually exposed and sensitive portion of the site (the small plateau behind a low bluff/hill in the southwestern portion of the site), and preliminary visibility testing has indicated that they will be at least partially screened and not particularly noticeable, even at distances of 1,5km or less. This should be confirmed in the VIA to follow.
- The proposed development will tie in with the character of the surrounding area and will not result in any loss of privacy or overlooking any of the surrounding properties.
- The proposed development will employ during the construction phase as well as

	during the operational phase.
d. Comment in response to public participation.	The application is to be advertised by the Stellenbosch Municipality's requirements.
e. Applicants' response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	A Heritage Impact Assessment, including a formal Visual Impact Assessment, will be submitted to Heritage Western Cape for their consideration. These reports will be forwarded to the Municipality in due course.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	As confirmed under Section 3.4 above, there will be no impact on any Municipal services.
i. The IDP and SDF	<p>Stellenbosch Municipality recently approved a new MSDF, which is used to guide land-use decisions in both the short and long term.</p> <ul style="list-style-type: none"> • The proposed development will not result in the loss of agricultural land or will in any way negatively affect the scenic character of the area. • The proposed development will attract tourists to the area to the benefit of the wider community, in line with the SDF and IDP.
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under I and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	According to the Stellenbosch Heritage Inventory and Conservation Management Plan, the application site has a proposed Grade IIIa classification. This was taken into account and the placement of the proposed development was specifically considered against the recommendations and proposals made during the Visual SSA.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes responsible tourism on agricultural land that does not threaten the agricultural land.
o. Regional spatial development framework.	N/A
p. National policies, norms, , and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considered toward the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.

<p>r. Chapter VI of the Land Use Planning Act</p>	<p>Spatial Justice: Aligned. The proposed development will attract tourists to the area which will help with local economic growth.</p> <p>Spatial Sustainability: Aligned. The proposed development will not result in urban sprawl or the loss of agricultural land. It will result in the conservation of the area and re-introduce agriculture to previously disturbed areas. It is considered that the proposed development is the best use of the land without having a negative impact on either the environment or heritage resources.</p> <p>Efficiency: Aligned. The proposal will allow for the efficient utilisation of land.</p> <p>Good Administration: The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p>Spatial Resilience: Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
<p>s. Applicable provisions of the zoning scheme</p>	<p>As discussed, the proposed development is in line with the provisions of the Zoning Scheme.</p>

Table 3 Assessment of Application in terms of Section 65 of the By-law

6. CONCLUSION

The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies, and frameworks of the Stellenbosch Municipality, and the legislation in terms of land use regulation. In light of the above information, Council is respectfully requested to favourably consider the application for the following:

- i. A Consent Use for Tourist Accommodation Establishment to allow for 8 x guest units (pods).
- ii. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.

Report compiled by:



Marike Bolz
for Arch Town Planners (Pty) Ltd
May 2022

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

Dear Sir / Madam,

The following land use application in terms of section 15 of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Bo-Helderberg Farm, Farm 1252, Stellenbosch

Application Property Number: Farm 1252 Stellenbosch

Applicant: Arch Town Planners (Pty) Ltd (Marika Bolz)

Owner: Proximity Properties 420 Pty (Ltd)

Application Reference: LU/ 14498

Application Type: Land use application in terms of section 15(2)(a) of the Stellenbosch Municipality Land Use Planning Bylaw (2015):

- i. A Consent Use for Tourist Accommodation Establishment to allow for 8 x guest units.
- ii. A Consent Use for Tourist Facilities to allow for a restaurant and wine tasting facility with a footprint of $\pm 350\text{m}^2$ and a restaurant with a footprint of $\pm 100\text{m}^2$.

Description of land use or development proposal:

- A Tourist accommodation establishment to allow for the construction of 8 x tourist accommodation guest units on the farm (4x one bedroom and 4x two bedroom), single storey on $\pm 120\text{m}^2$ coverage with a building footprint of $\pm 46\text{m}^2$ per unit.
- Tourist facilities in order to allow for the construction of a restaurant, wine tasting and sale facility of $\pm 350\text{m}^2$ and a restaurant of $\pm 100\text{m}^2$

Notice is hereby given in terms of the provisions of Section 15 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:
 - o indicate the facts and circumstances that explain the comments;
 - o Where relevant demonstrate the undesirable effect that the application will have if approved;
 - o Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Marika Bolz e-mail: marika@archtownplanners.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 17 June 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 (072 480 5838) during normal office hours. (08:00 to 17:00).

Yours faithfully



Marika Bolz (Director)

For Arch Town Planners (Pty) Ltd

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN GEAFFEKTERDE PARTYE VIR KOMMENTAAR.

Geagde Meneer / Mevrou

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: 80-Heiderberg Plaas, Plaas 1252, Stellenbosch

Aansoek eiendom beskrywing: Plaas 1252 Stellenbosch

Aansoeker: Arch Town Planners (Pty) Ltd (Marika Bolz)

Eienaar: Proximity Properties 420 Pty (Ltd)

Aansoek Verwysing: LU/ 14498

Tipe Aansoek: Grondgebruiksaansoek in terme van artikel 15(2)(c) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2015, ten einde voorsiening te maak vir:

- i. 'n Vergunningsgebruik om toe te laat vir 'n Toeriste-akkomodasie-onderneming (8 x eenhede).
- ii. 'n Vergunningsgebruik om toe te laat vir Toerisme fasiliteite (1x restaurant en wynproe met 'n dekking van ±350m² en 'n restaurant met 'n dekking van ±100m²).

Beskrywing van die Aansoek:

- 'n Toeriste-akkomodasie-onderneming om toe te laat vir die konstruksie van 8 x toeriste-akkomodasie eenhede op die plaas (4 x eenslaapkamer en 4x twee slaapkamer-eenhede), enkel verdieping met 'n dekking van ±120m² gebouoppervlak van ±45m² per unit.
- Toerisme fasiliteite om toe te laat vir (1x restaurant en wynproe met 'n dekking van ±350m² en 'n restaurant met 'n dekking van ±100m²).

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 15 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 tydspan 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 in terms van 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:
 - o Die feite en omstandighede aantoon wat die kommentaar toelig;
 - o Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - o Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - o 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: Marika Bolz, e-pos: marika@archtownplanners.co.za. Deur 'n beswaar, kommentaar of versoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 17 Junie 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 navroe op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om gestrewe 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 (072 480 5838) gedurende normale kantoor ure (08:00 to 17:00).

Die uwe



Marika Bolz (Direkteur)
Vir Arch Town Planners (Pty)Ltd

