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14 March 2024

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Sir/Madam

APPLICATION FOR CONSENT USE (TOURIST ACCOMMODATION) AND ADDITIONAL USE (SPA) ON PORTION 22 OF FARM, STELLENBOSCH, BANHOEK LODGE

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

Application Property Address: **Portion 22 of Farm 127, Stellenbosch (Banhoek Lodge)**
Application Property Number: **Portion 22 of Farm 127, Stellenbosch**
Applicant: **Arch Town Planners (Pty) Ltd (Carlien Coetsee, carlien@archtownplanners.co.za)**
Owner: **Banhoek Lodge (Pty) Ltd, pietem@fairtree.com**
Application Reference: **LU/TP LU16225**

Description of land development proposal:

Application is made in terms of Section 15 (g) and (o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the following on Portion 22 of Farm 127, Stellenbosch:

- **Consent Use to allow for a Tourist Accommodation Establishment (14 x bedrooms)**
- **Additional Use to allow for a Tourist Facility (spa) in existing building (±73m²)**

Notice is hereby given in terms of the provisions 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 must 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. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: carlien@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 **15 April 2024**.

The Municipality, in terms of Section 50(s) 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 **072 262 5304** during normal office hours.

Yours faithfully

Marike Bolz

For Arch Tow Planners



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14 Maart 2024

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

Geagte Mnr./Me.

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

AANSOEK OM VERGUNNINGSGEBRUIK (TOERISTIESE AKKOMODASIE) EN ADDISIONELE GEBRUIK (SPA) OP GEDELTE 22 VAN PLAAS, STELLENBOSCH, BANHOEK LODGE

Adres van aansoek eiendom: Portion 22 of Farm 127, Stellenbosch (Banhoek Lodge)

Aansoek eiendom beskrywing: Portion 22 of Farm 127, Stellenbosch

Aansoeker: Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)

Eienaar: Banhoek Lodge (Pty) Ltd, pieter@fairtree.com

Aansoek Verwysing: LU 16225

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen in terme van Artikel 15(g) en (o) van die Stellenbosch Munisipaliteit se Beplanningverordening (2023) ten einde voorsiening te maak vir die volgende:

- Toesiening om voorsiening te maak vir 'n toeriste-akkommodasie-onderneming (14 x slaapkamers)
- Addisionele gebruik om voorsiening te maak vir 'n toeristefasiliteit (spa) in bestaande gebou (±73m²)

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule 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, moet 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 terme van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: Carlien Coetzee, carlien@archtownplanners.co.za. Deur 'n besware, kommentaar of verhoë 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 **15 April 2024**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / besware te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **072 262 5304** gedurende normale kantoor ure.

Die uwe

Marike Bolz

Vir Arch Town Planners (Pty) Ltd

Farm 22/127 Stellenbosch

Legend



Farm Portions

Erf



Scale: 1:15 016

Date created: March 30, 2021

Compiled with CapeFarmMapper



Western Cape
Government

Agriculture

**APPLICATION FOR:
CONSENT USE (TOURIST ACCOMODATION)
ADDITIONAL USE (SPA)**

PORTION 22 OF FARM 127 STELLENBOSCH



April 2022

PREPARED AND SUBMITTED BY:



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1. BACKGROUND INFORMATION

The Banhoek Lodge is a successful boutique hotel, situated in the Banhoek Valley. With the relative recent formalization of the Banhoek Conservancy (with its safe hiking and mountain bike trails, MTB trails) as well as the popular Skyfall and new Idas Valley MTB trails, Banhoek valley, lying between Stellenbosch and the R45 has become a very popular mountain biking destination which draws an increasing number of tourists to the area. Also, the Stellenbosch Municipality has identified the Banhoek Valley as one of the main cycling destination areas in Stellenbosch and are considering various ways to establish and promote the area as a safe and preferred MTB area to tap into the tourism potential of the valley. This has resulted in an increase in accommodation demand at the Banhoek Lodge and they wish to add more bedrooms to the already successful hotel to be able to accommodate the increased demand.

1.1 Planning Brief

In light of the above-mentioned background information, Arch Town Planners has been appointed by the owners of the property (please refer to Annexure A) to prepare and submit the relevant application to the Stellenbosch Municipality to obtain their approval for the expansion of the Banhoek Lodge.

1.2 Application

During the background research into the current land use rights of the site, there seems to be discrepancies between the 2021 Zoning Certificate and the previous land use approvals issued since 1990. Please refer to Sections 2.5 and 2.6 below for a detailed discussion on this. Based on this information, we believe the application site to have a split zoning, which if the arguments presented under Sections 2.5 and 2.6 are correct, should result in our application to be a rezoning application to rezone a portion of the site (currently in our opinion zoned Local Business Zone) from Local Business Zone to Agricultural and Rural with a Consent Use for Tourism Accommodation.

However, the zoning certificate issued by the Municipality indicates the site to be zoned Agricultural and Rural. In light of this, Arch Town Planners hereby officially submits an application in terms of Section 15(2)(g) and (0) of the Stellenbosch Municipality Land Use Planning By-Law (2015) to allow for the following on Portion 22 of Farm 127 Stellenbosch:

- i) Consent Use to allow for a Tourist Accommodation Establishment (14 x bedrooms).
- ii) Additional Use to allow for a Tourist Facility (spa) in existing building

This report serves as motivation for the above-mentioned application. The official application form is attached as Annexure B with supporting documents also attached as Annexure.

2. PROPERTY INFORMATION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Portion 22 of Farm 127 Stellenbosch	Banhoek Lodge Pty Ltd	±3.2ha	T63152/2015	None

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed and Conveyancer Certificate. As confirmed by the attached Conveyancer Certificate, there are no restrictive title deed conditions which would restrict the proposed development.

2.2 Locality, Existing Land Use and Context

The application site is a 3 200m² property situated north west of Helshoogte Road, between Stellenbosch and Kylemore. The Farm is bordered completely by Farm 1541 Stellenbosch and gains access from Helshoogte Road, over Farm 1541 Stellenbosch.

The Locality Map (Figure 1) and Aerial Photograph (Figure 2) illustrates the application site within the broader and immediate surrounding area.

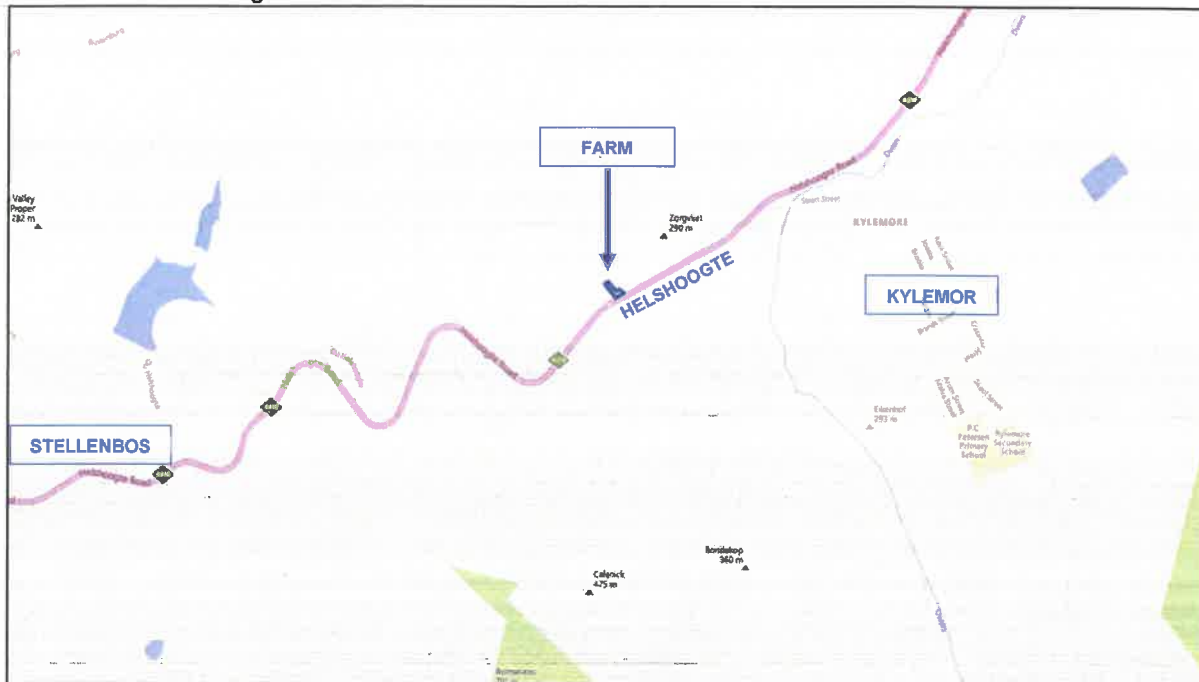


Figure 1 Locality Map of the Site



Figure 2 Aerial Map of the Site

Though the property is referred to as a Farm, it is not operated as a farming entity nor is it considered to be an economically viable agriculture unit. The property is purely used for tourism accommodation, begin The Banhoek Lodge, a boutique hotel with 7 bedrooms.



Figure 3 The Existing Banhoek Lodge

With the relative recent formalization of the Banhoek Conservancy, as referred to above, the Banhoek Valley has become a very popular mountain biking detitanation which draws an increasing number of tourists to the area. There has also been quite a number of new wine tasting facilities and restaurants in the area which helps to draw tourist to the valley.

Please refer to Annexure D for the floor plans of the existing Banhoek Lodge.

2.3 Spatial Development Framework

In terms of the Stellenbosch Municipality Spatial Development Framework, approved by Council on 11 November 2019, the application site is situated outside of the approved Urban Edge. It should, however, be noted that the application site does not form part of the Municipality's more restrictive Cultural Landscapes. Figure 4, below, illustrates the Farm within the context of the Stellenbosch Municipality's Spatial Development Framework.



Figure 4 The Farm within the context of the Stellenbosch Municipality's SDF

2.4 Rural Scenic Route Overlay Zone (RSR7 – Helshoogte Road)

The application site is situated within 200m from Helshoogte Road, which is classified as a scenic route and therefore falls within the Rural Scenic Route Overlay zone. The following specific parameters and requirements are therefore applicable to the Farm:

- In a Scenic Route Overlay zone area, the undermentioned activities may not commence without the Municipality's permission in terms of the Scheme:
 - a) addition of any new buildings and structures;
 - b) addition of any new greenhouse or polytunnels;
 - c) refuse rooms;
 - d) masonry boundary walls, gatehouses or berms;
 - e) parking lots and access roads;
 - f) telecommunication structures;
 - g) signage;
 - h) removal, felling, lopping, topping or otherwise damaging any mature tree (other than removal of dangerous branches, or bona fide agricultural pruning or orchards);
 - i) alteration or removal of any historical landscape features including mature hedges and avenues of mature trees.

- A building line of 30 meters shall apply on all Rural Scenic Routes, which may be relaxed by the Municipality if they are satisfied that purpose of the scenic route is adhered to.

- A visual impact assessment may be required by the Municipality for any development in this zone.

- Where an application is made for new or additional development rights or departures from this Scheme, the Municipality shall only grant its approval if it is satisfied that the proposal will not have a negative visual impact and will not be detrimental to the protection of the visual environment.

2.5 Previous Approvals

There has been a number of land use applications and approvals relating to this site since 1990, which is of great importance as this reflects the existing land use rights and zoning as discussed below. From a review of the Municipal Land Use files, the following can be confirmed (please refer to Annexure E for the various approval letters):

- In 1990 a letter of approval was issued (please refer to Annexure D) for a building line departure and also confirmation that the then Council has allocated the zoning (in terms of the Ordinance 15 of 1985 Section 8 Zoning Scheme) of Residential I and Business V to the property, in accordance with the approved sketch plan as indicated below:

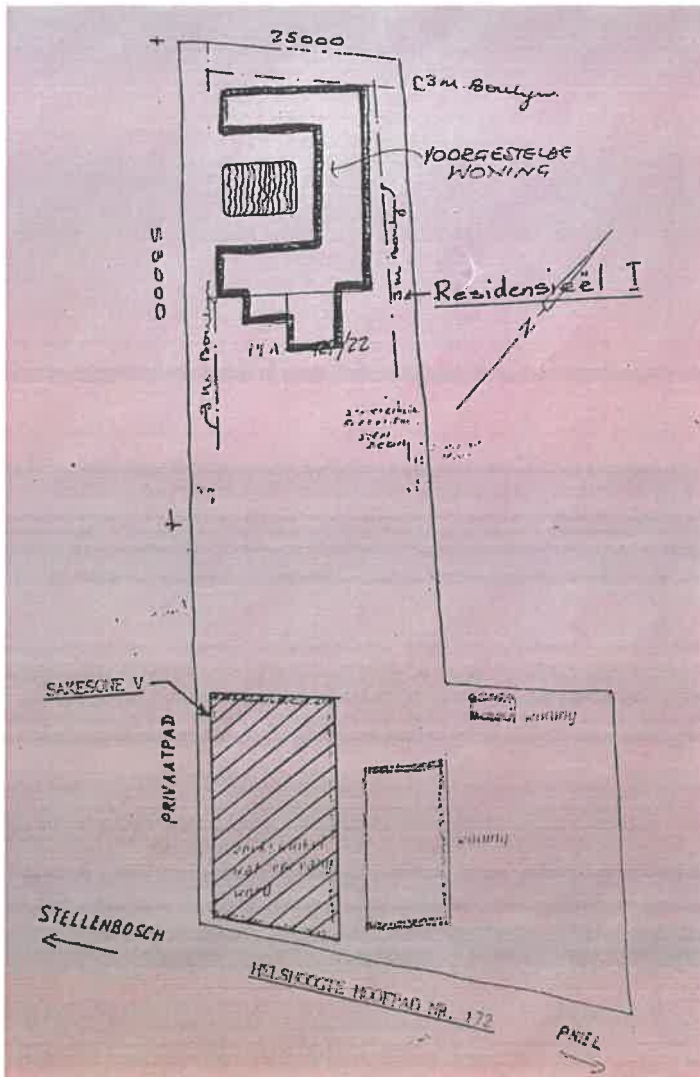


Figure 5: Sketch Plan approved in 1990

According to the Section 8 Zoning Scheme, Business V allows for a service station as a primary use, which was defined as follows:

Service Station means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhauling of motor vehicles, or a restaurant or café, but does not include spray painting, panel beating, black smithery or body work.

The approved building plans (building plan number 21294/92) ,please refer to Figure 6 below (for and extract from the approved building plan), indicates the area zoned for Business V as a “werkswinkel” which complies with the definition of a Service Station. There are no clear measurements on the drawings to indicate the footprint of the approved Business V zone, but we have calculated the area to be approximatly between 250² – 300m².

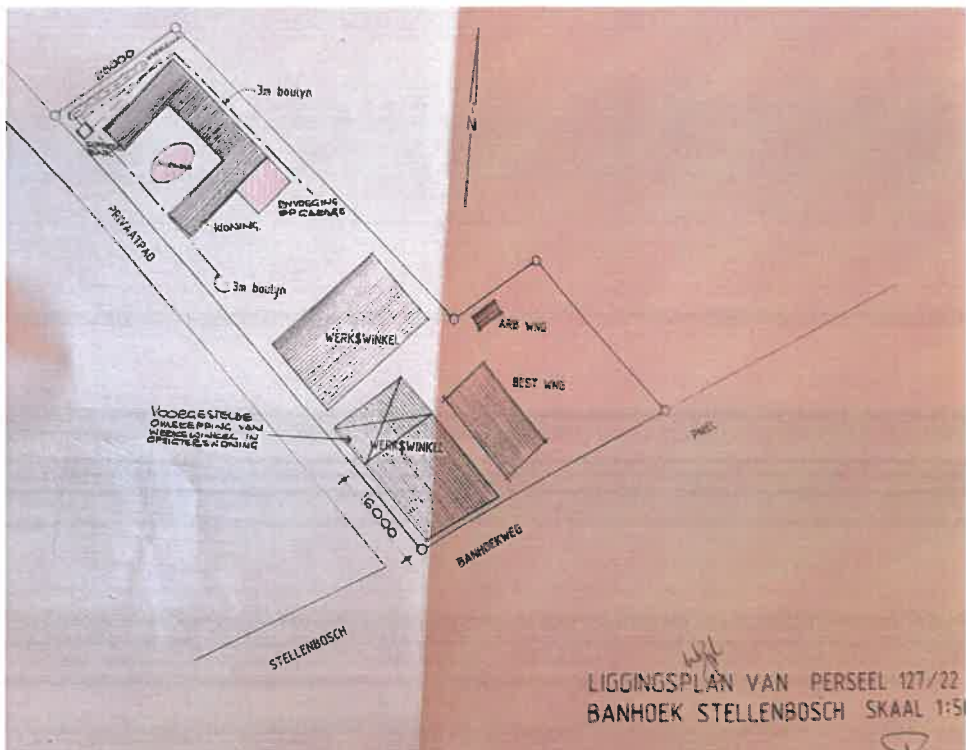


Figure 6: Extract from approved buiding plan, building plan number 21294/92

- In 2002 an application was submitted to determine the existing zoning of the property and to allow for a building line relaxation (from 30m to 0m) on the north eastern boundary of the property to allow for alterations and extensions to an existing dilapidated dwelling house. This was approved in **February 2003 (please refer to Annexure D)**, however, the then landowner sold the property and the dilapidated dwelling house was demolished. The building line approval has therefore fallen away and the current 5m building line restriction is still in place.

The zoning, however, was confirmed as Business Zone-II: Shop (restricted to the existing floor area of the shop) and Agricultural Zone (in terms of the Ordinance 15 of 1985 Section 8 Zoning Scheme). Business Zone II allows for a Shop as a primary use which is defined as follows:

Shop means a site or building or structure utilised for the purpose of carrying on a retail concern and includes a nursery, restaurant, laundrette, dry-cleaning or retail concern where goods which are sold in such concern are manufacture or repaired, provided that the floor space relating to such manufacture or repair shall not comprise more than one-third of the floor space of the shop; “shop” does not include an industry or public garage, service station, bottle-store or supermarket.

We believe that this information was incorrect as we could find no information on a formal rezoning application between 1990 and 2003 to rezone this portion of the site from Business V to Business II. There was also no information in the 2003 approval on the size of the “shop”, reference was only made to the size being restricted to the existing floor area. Figure 7 below indicates a drawing which was submitted as part of the 2002 land use application which indicates an existing shop and an existing store.

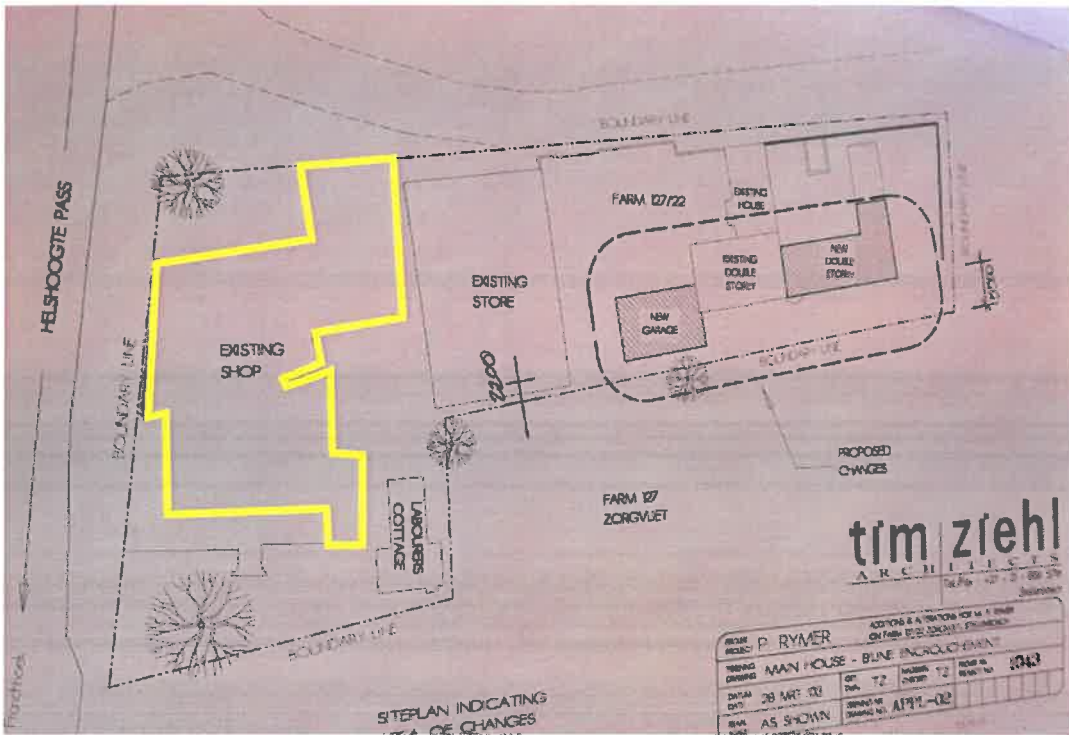


Figure 7: Site plan submitted as part of 2002 application

The approved building plan (building plan number L/03/0004), which was approved on 22/01/2003 refers to an “existing workshop”. It is therefore clear that the existing shop was clearly a workshop, in line with the 1990 zoning allocation of a Business V. **We are therefore of the opinion that the 2003 letter of approval incorrectly referred to the zoning as Business II, this could have been due to an administrative oversight/mistake.** Please refer to Figure 8 below for an extract of the approved building plan:

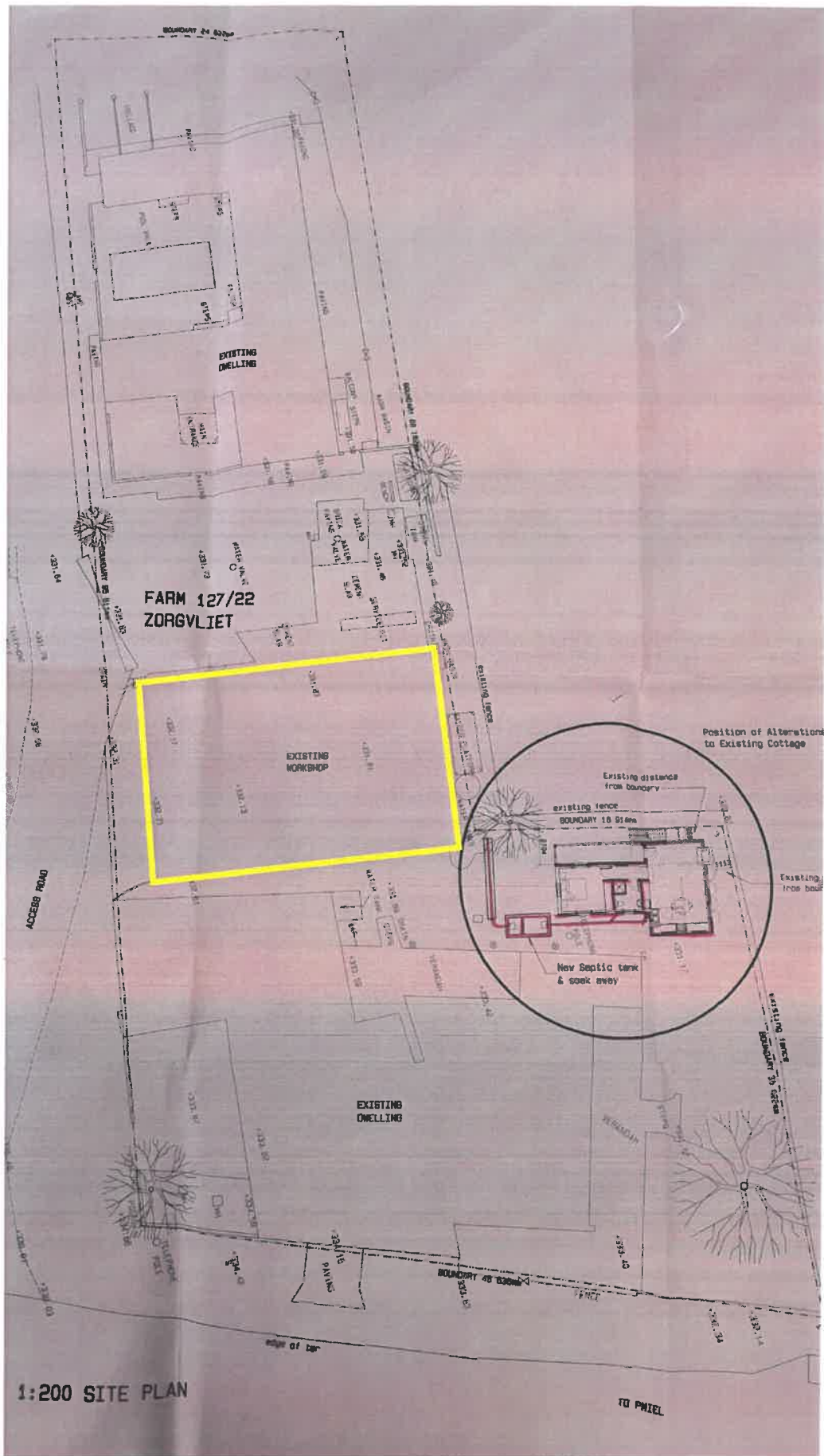


Figure 8: Position of Existing Workshop on approved building plan, L/03/0004

In 2006, approval was granted for the following (please refer to Annexure D):

- A departure to encroach the 30m building line;
- The Rezoning of a portion of the site ($\pm 300\text{m}^2$) **from Agricultural Zone 1 to Residential Zone V to construct a Guest House with 6 suites;**
- Consent use for a tourist information centre of $\pm 112\text{m}^2$.

As the 2003 approval confirmed a portion of the site to be zoned Business Zone II (though we believe this to be incorrect), the zoning of the property after the 2006 approval would thus have been a split zoning, comprising of Residential Zone V (with consent of a Guest House (6 suites) of $\pm 300\text{m}^2$), Business Zone II (restricted to the existing floor area of the shop) and Agricultural Zone.

- The Stellenbosch Municipality issued a zoning certificated in 2015 (please refer to Annexure F), dated 7 July 2015 confirming the zoning as follows:
 - Business Zone II (shop – restricted to existing floor area)
 - Residential Zone V (Guest house with six (6) suites, $\pm 300\text{m}^2$)
 - Consent Use (Tourist Information Centre, $\pm 112\text{m}^2$)
 - Agricultural Zone I (Remainder of the property)

As with the approval issued in 2003, we believe that the Business II zoning is incorrect and the 2015 zoning certificate merely considered the most recent approvals at that stage, approvals issued in 2006 and 2003, when being prepared and issued and that the mistake was carried forward to the 2015 zoning certificate.

2.6 Existing Zoning

All the previous approvals referred to in Section 2.5 above, was done in terms of the then applicable zoning scheme, being the Section 8 Zoning Scheme regulations. In 2019, the Stellenbosch Municipality adopted a new zoning scheme, the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (hereafter referred to as the 'Zoning Scheme'), which replaced the Section 8 Zoning Scheme.

Upon the promulgation and implementation of the 2019 Zoning Scheme, the previous zoning allocations would have been converted as follows (in terms of Schedule 2 of Chapter 29 of the Zoning Scheme):

Business Zone II		Local Business Zone
Business Zone V		Local Business Zone + "deemed consent for Petrol Filling Station"
Residential Zone V		Agricultural and Rural Zone + Consent for a six-bedroom guest house
Agricultural Zone		Agricultural and Rural Zone

The existing zoning of a property in terms of the new Zoning Scheme can be verified by reviewing the zoning maps included in the new Zoning Scheme (2019) and by obtaining a formal zoning certificate from the Municipality. According to the Zoning Scheme maps, illustrated in Figure 9, the site has a split zoning comprising of Agriculture and Rural Zone, Multi-Unit Residential Zone and Local Business Zone with "deemed consent for Petrol Filling Station".

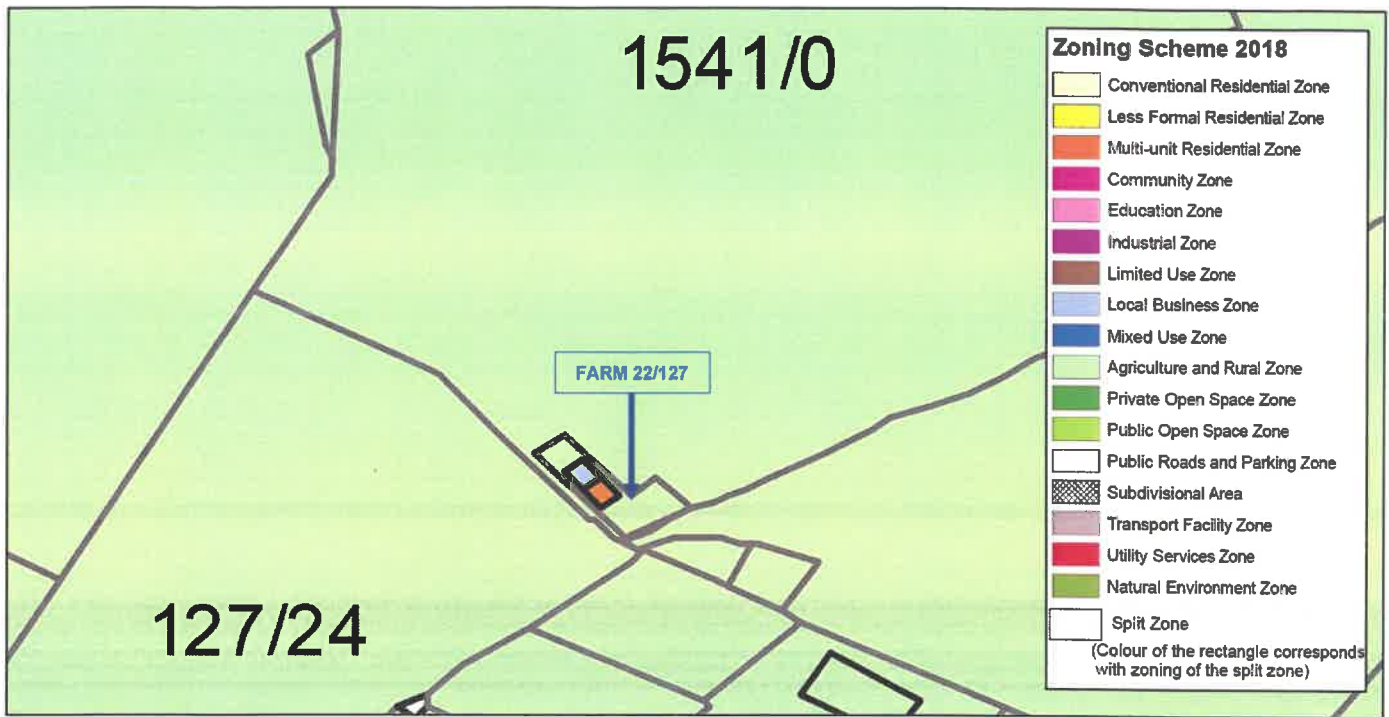


Figure 9: Zoning Map of the Site

However, according to the zoning certificate issued by the Stellenbosch Municipality (please refer to Annexure E for a copy of the updated zoning certificate, dated 7 May 2021) the existing zoning is as follows:

Agricultural and Rural Zone

- With Consent Use for a tourist facility (Tourist Information Centre of $\pm 112\text{m}^2$)
- With Consent for a Farm Shop restricted to the existing floor area
- With Additional Use for a Guest House with six (6) suites of $\pm 300\text{m}^2$

We believe that the updated zoning certificate is incorrect as the previous zoning approvals allowed for a service station (which we believe is in line with the 1990 approval), or, a shop (according to the 2003 letter of approval). These land uses were allocated as a separate Business zone, which should be converted to Local Business Zone in terms of the new Zoning Scheme (and as indicated on the zoning map above). It is important to note that neither Business II nor V (under the Section 8 zoning scheme) placed any restrictions on the origin of the goods to be sold at the shop, where a Farm Shop, as indicated in the zoning certificate as a consent use, specifies the following:

*Shops in a tourist facility, which may include a market, **farm stall**, farm shop, point of sale, deli may sell goods which are produced or grown on the farm, or goods from elsewhere, provided that at least 50% of the floor space of the shop shall be dedicated to the display of sale of goods produced or grown on the farm.*

We are therefore of the opinion that the updated zoning certificate is incorrect and are downgrading the existing land use rights to a lesser land use (farm store) which is clearly not in line with the 1990 approval. It is also important to note that the zoning certificate refers to the "existing floor area". From the background research (as discussed under Section 2.5 above) the workshop area (werkswinkel) was calculated as approximately 250m^2 and which is then the "existing floor area" and the allowable floor area.

In light of the above, it is requested that the Municipality amend the zoning certificate to reflect the correct zoning in line with the previous approvals.

It is believed the correct zoning is:

Split Zoning of:

i. Agricultural and Rural Zone

- With Consent Use for a tourist facility (Tourist Information Centre of ±112m²)
- With Additional Use for a Guest House with six (6) suites of ±300m²

ii. Local Business Zone (restricted to the approved floor area of ±250m²)

Though a portion of the site may be zoned Local Business zone, this zoning is restricted to the approved footprint and there are therefore no other additional primary land use rights which can be acted on in terms of the Local Business zoning. The remainder of the site is zoned Agricultural and Rural, which allows for a range of primary and additional land uses and land uses which can may be conducted with Council’s consent. Please refer to Table 1 below for the list of applicable land uses in each category:

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 (≤2000m²) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel (≤2000m²) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building (>2000m²) • Agricultural industry (<2000m²) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel (≥2001m² and ≤5000m²) • 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 (≥2000m²) • 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 (>5000m²) • 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 1: Permitted Uses for Agriculture and Rural Zone

2.7 Restrictive Title Deed Conditions

As confirmed in the attached Conveyancer Certificate (please refer to Annexure F), there are no restrictive title deed conditions which would prohibit the use of the application site for tourist accommodation.

3. PROPOSED DEVELOPMENT

3.1 Proposed Development

The proposed development entails the extension of the existing guest house to allow for an additional 7 bedrooms, bringing the total number of bedrooms, to be used for tourist accommodation, to 14 bedrooms. It is proposed to add a spa-facility (of less than 250m²) in the existing guest house, situated on the ground floor. Please refer to Annexure G for the proposed SDP, Floor Plans and Elevations.

The new addition, which will have a footprint of ± 398m², will be a two-storey building to tie in with the existing building. The ground floor extension will consist of 3 x bedrooms, a breakfast and dining areas as well as the reception and kitchen. The first-floor extension will allow for 4 x bedrooms with the fifth bedroom being situated above the proposed spa. Each bedroom will have a small balcony looking towards Simonsberg.

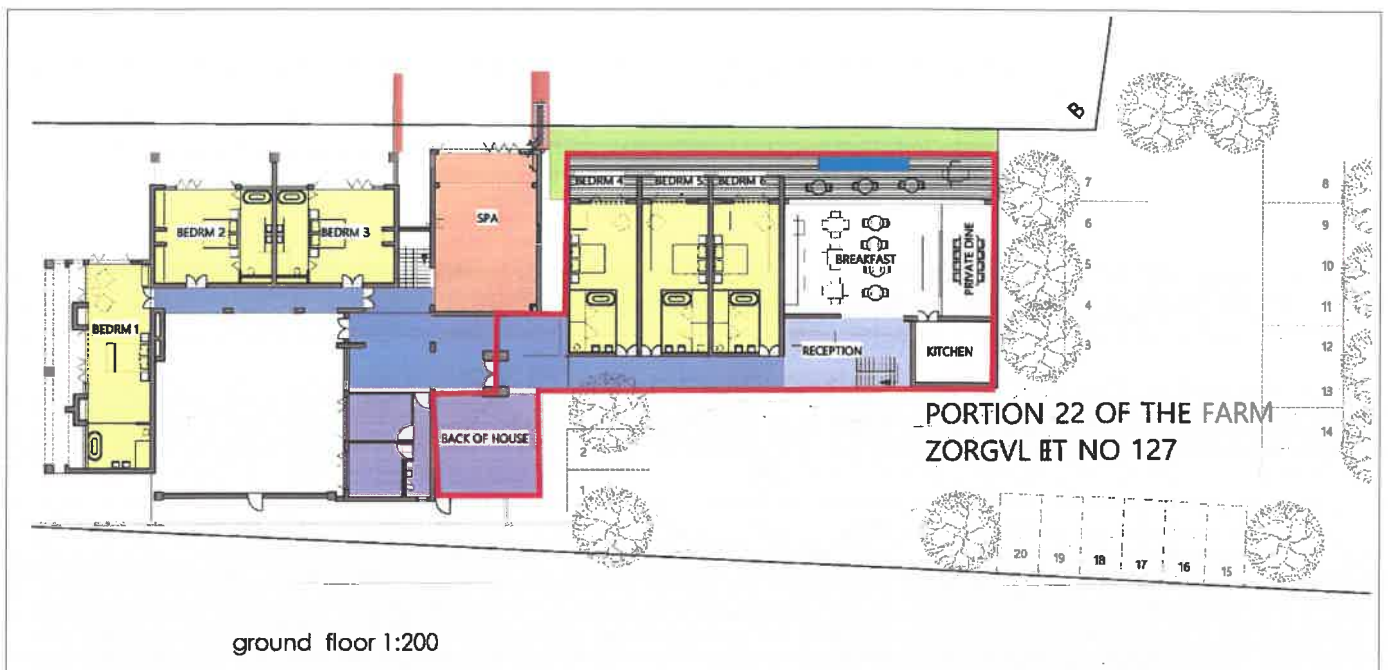


Figure 10: Ground Floor Plan of proposed extension



Figure 11: First Floor Plan of proposed extension

A total of 20 parking bays will be provided on the open area between the existing Banhoek Lodge and the Helshoogte road. It is proposed to plant new trees along parking bays 8 – 14 to help soften the visual impact of the parking area, though the

parking area will still be quite a distance away from the Helshoogte road ($\pm 20m$). The zoning scheme requires between 0.7 - 1bay per room, thus between 10 – 14 parking bays. The 6 additional bays will be available for staff or visitors. The access to the guest house will be kept as is with no alternations to or from the access road.



Figure 12: Proposed northern elevation of extension



Figure 13: Proposed south-eastern elevation of extension

The proposed extension of the Banhoek Lodge will comply with the building parameters of the zoning scheme, as set out in Table 2 below:

Building Type	BUILDING LINES (m) Street & common boundaries	COVERAGE No restriction	ADDITIONAL USE	CONSENT USE	PARKING
Accommodation					
Tourist Accommodation	5m		Max 7 bedrooms	As approved by Municipality	0.7 - 1 bay per bedroom
Tourist Facilities	5m		250m ²		

Table 2: Compliance with Building Parameters

3.2 Traffic Impact Statement

It is considered that the additional trip generation as a consequence of the additional bedrooms and proposed spa would not result in an increase in traffic to the extend to warrant a traffic statement. As the spa will mainly be used by guests staying at the guest house, it will not create additional traffic. It is further considered that the 7 additional bedrooms will result in a very minimal increase in traffic and should therefore not warrant refusal.

3.3 Services Capacity

The proposed development will result in a minimum increase in services capacity which can be accommodated by the existing on-site services. No upgrades or new services are required.

4. Motivation

Section 65(1) of the By-law, sets out certain criteria which needs be met in consideration of an application by the decision-making authorities. In line with this section, Table 4, 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 by means of pre-application consultation. See Annexure F for feedback received during the pre-application scrutiny process. All relevant and required documentation are attached to this application and motivation.

c. Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, as motivated for below:</p> <ul style="list-style-type: none"> • It should first be noted that the application site has existing land use rights for a filling station, right on the erf boundary with the Helshoogte Road. It is motivated that the proposed expansion of the guest house, which will be set back approximately 40m from the erf boundary of the Helshoogte Road, will have a much lessor visual impact on the area, than a filling station right on the edge of the road, and will be more in line with the surrounding rural character of the area than a filling station (or workshop). • The proposed land use has already been well established in the existing Banhoek Lodge and will provide additional accommodation to attract tourists to the area, which will be to the benefit of the surrounding community and in line with the SDF and IDP. • The scale of the proposed development will be in line with the existing building and is still much less than the scale of the buildings at Zorgvliet, just north of the application site. It is considered that the proposed extension to the existing lodge will not result in a building which will be visually intrusive. Though the building will be visible when driving down the Helshoogte road towards • The proposed extension will be situated on the existing parking area of the site. There will therefore be no loss of landscaping, trees or agricultural land. It is also proposed to add more trees to the site, to help soften the potential visual impact of the proposed development. • The application site is only classified as a farm based on its location outside the urban edge and due to its size, it can clearly not be used as an economical farming unit. It is motivated that the proposed expansion of the guest house is the best use of the site, in line with recommendations in the SDF and the IDP to support tourism in the area. • The proposed development will create additional employment opportunities in the area. • The proposed land use will not result in any overlooking and loss of privacy to surrounding owners. • The proposed land use will not result in any increase in traffic and will not add additional load on any services infrastructure.
d. Comment in response to public participation.	The application to be advertised in accordance with 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.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	None

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. The section below indicates how the proposed land use will comply with these proposals:</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. • The proposed development will make optimal use of existing services and will not require any services upgrades.
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	Aligned.
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. Thus, the application is in line with the provincial SDF.
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 considerate towards 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. It not result in urban sprawl or the loss of agricultural land.</p> <p>Efficiency: Aligned. This application entails the utilisation of existing infrastructure on an optimal level. 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

5. CONCLUSION

In light of the above information, especially as the proposed expansion will have a much lessor impact on the rural character of the area than a filling station or a workshop, Council is respectfully requested to favourably consider the application for the following:

- i) Consent Use to allow for a Tourist Accommodation Establishment (14 x bedrooms).
- ii) Additional Use to allow for a Tourist Facility (spa) in existing building

Report compiled by:
Marika Bolz

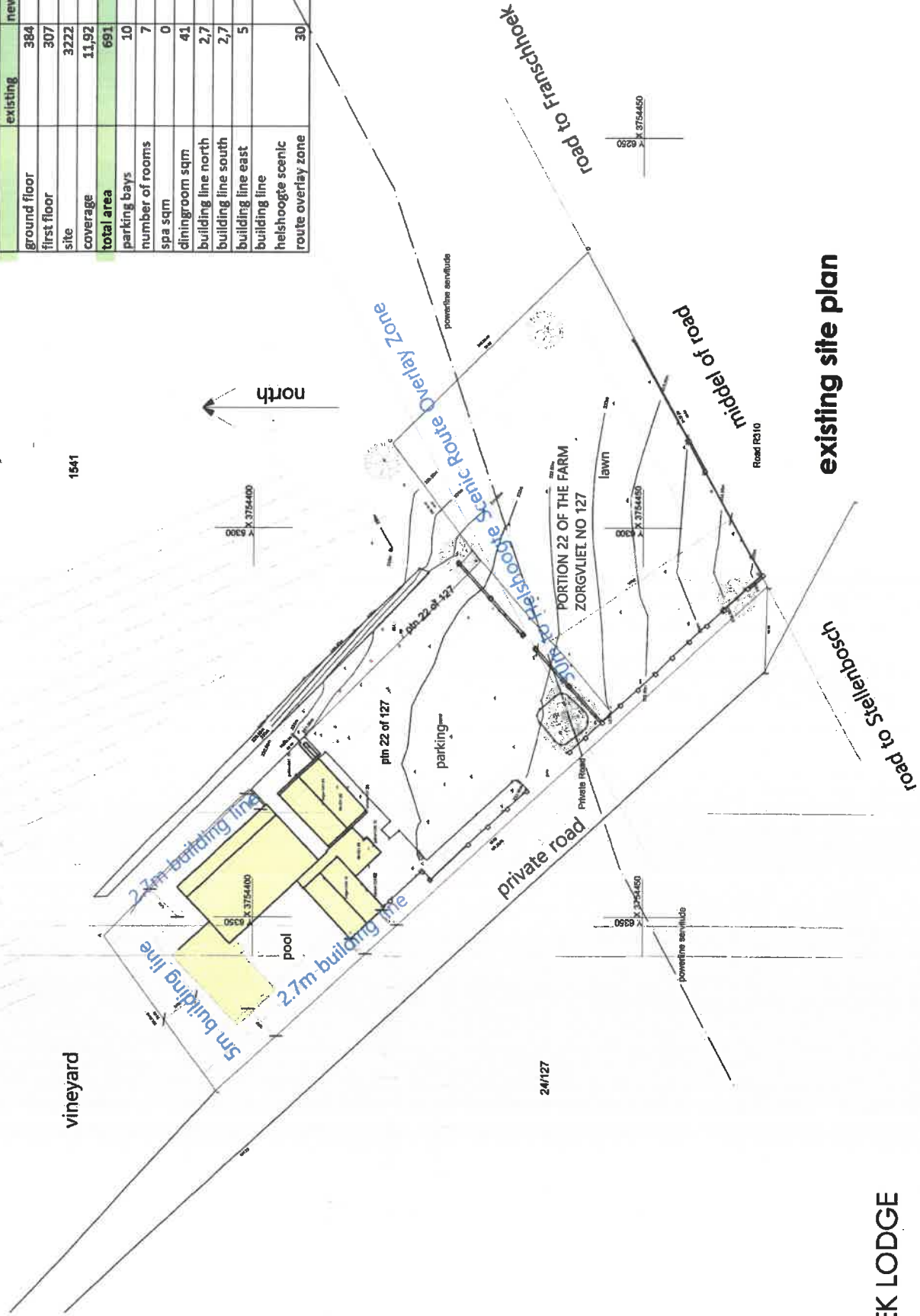
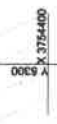


for Arch Town Planners (Pty) Ltd
April 2022

Banhoeck Tourist Accommodation Establishment

	existing	new
ground floor	384	863
first floor	307	597
site	3222	3222
coverage	11,92	26,78
total area	691	1460
parking bays	10	17
number of rooms	7	14
spa sqm	0	73
diningroom sqm	41	65
building line north	2,7	2
building line south	2,7	2,7
building line east	5	5
building line		
helshoogte scenic route overlay zone	30	30

1541



existing site plan

BANHOEK LODGE

EXISTING SITE DIAGRAM OF PORTION 22

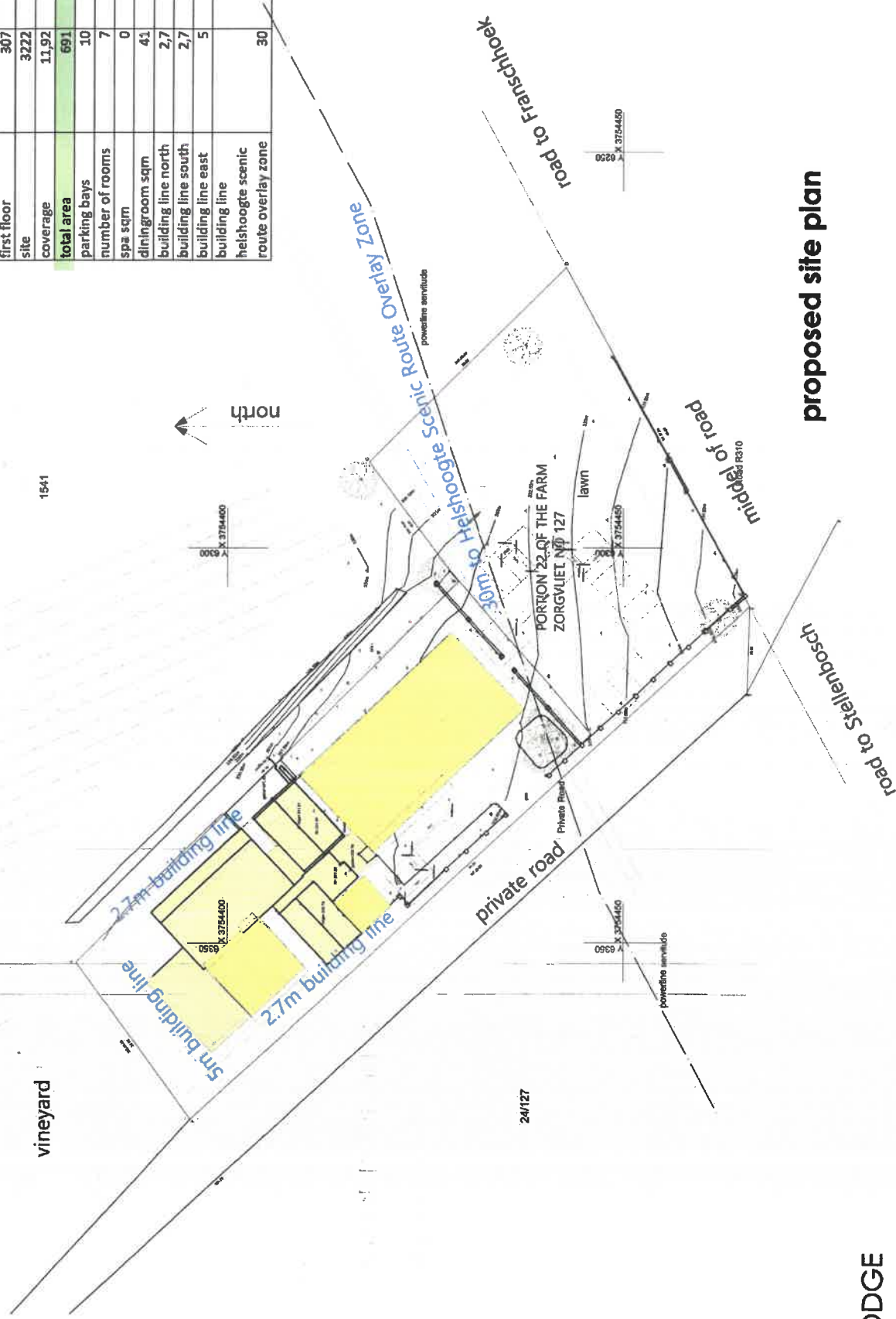
OF FARM ZORGVLIET NO 127



INTERIEUR & ARGITEKTUUR

Banhoek Tourist Accommodation Establishment

	existing	new
ground floor	364	863
first floor	307	597
site	3222	3222
coverage	11,92	26,78
total area	691	1,460
parking bays	10	17
number of rooms	7	14
spa sqm	0	73
diningroom sqm	41	65
building line north	2,7	2
building line south	2,7	2,7
building line east	5	5
building line		
helshoogte scenic route overlay zone	30	30



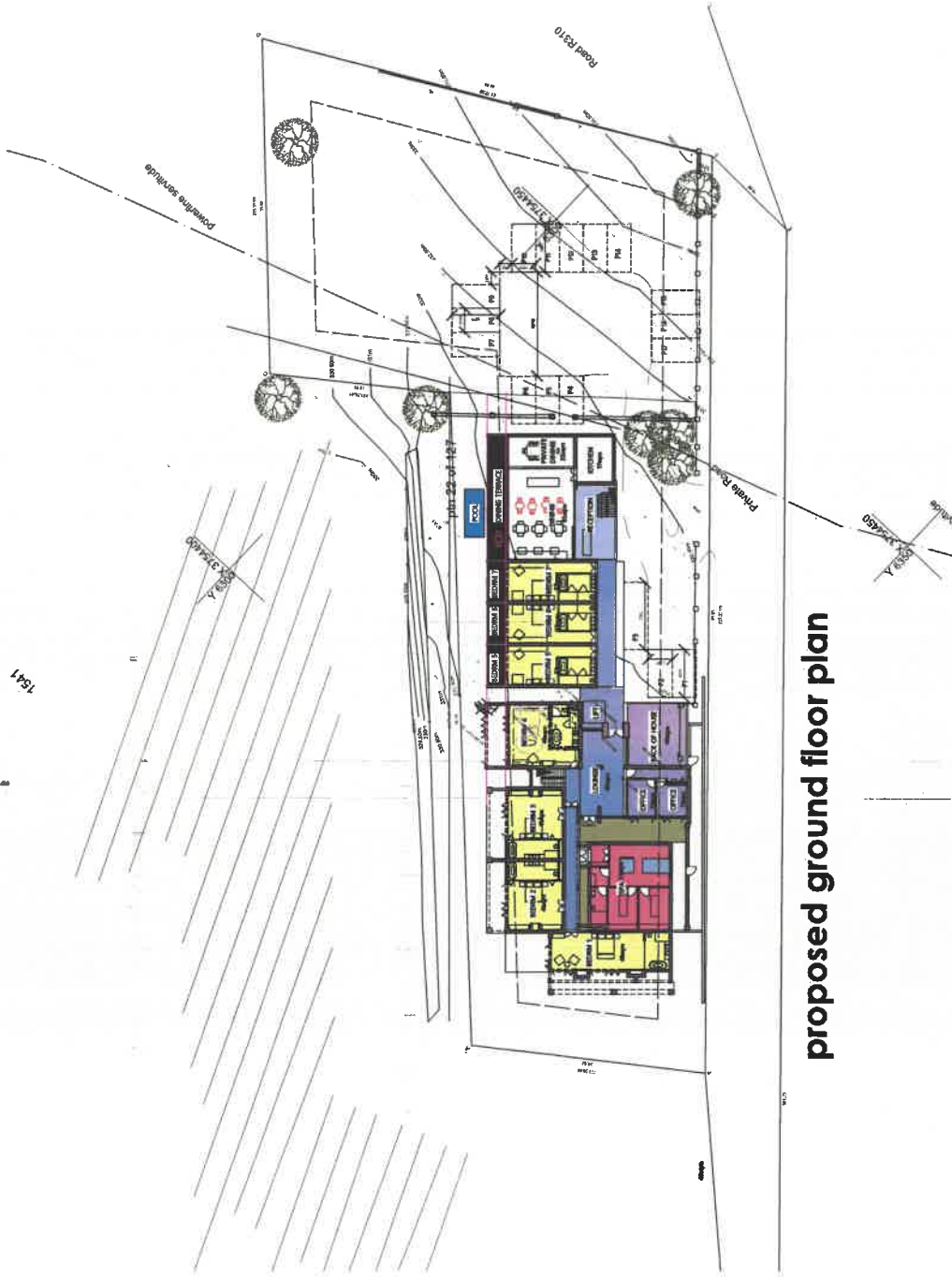
proposed site plan

**BANHOEK LODGE
NEW SITE DIAGRAM OF PORTION 22
OF FARM ZORGVLIET NO 127**



Banhok Tourist Accommodation Establishment

	existing	new
ground floor	384	863
first floor	307	597
site	3222	3222
coverage	11,92	26,78
total area	691	1460
parking bays	10	17
number of rooms	7	14
spa sqm	0	73
diningroom sqm	41	65
building line north	2,7	2
building line south	2,7	2,7
building line east	5	5
building line		
helshoogte scenic route overlay zone	30	30



proposed ground floor plan

**BANHOEK LODGE
GROUND FLOOR PLAN OF PORTION 22
OF FARM ZORGVLIEET NO 127**



INTERIEUR &
ARGITEKTUUR

Banhoeck Tourist Accommodation Establishment

	existing	new
ground floor	384	863
first floor	307	597
site	3222	3222
coverage	11,92	26,78
total area	691	1460
parking bays	10	17
number of rooms	7	14
spa sqm	0	79
diningroom sqm	41	65
building line north	2,7	2
building line south	2,7	2,7
building line east	5	5
building line		
helshoogte scenic		
route overlay zone	30	30



proposed first floor plan

**BANHOEK LODGE
GROUND FLOOR PLAN OF PORTION 22
OF FARM ZORGVLIEDT NO 127**

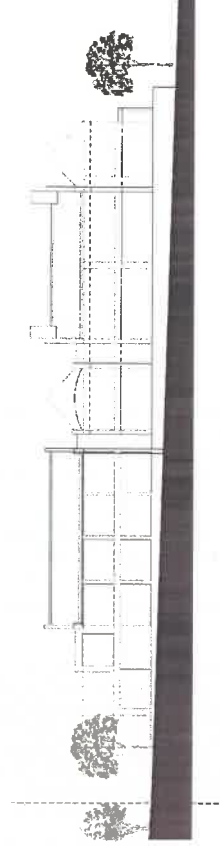




BANHOEK LODGE

SITE DIAGRAM OF PORTION 22

OF FARM ZORGVLLET NO 127



INTERIEUR &
ARGITEKTUUR