

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

Development Management Consultants and  
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## **NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA**

**Locality:** De Zeven Guest Lodge, Zevenrivieren Road, Stellenbosch

**Applicant:** Dupré Lombaard, Virdus Works (Pty) Ltd, 5 Vygeboom Close, Vygeboom, Durbanville, 7550; Cell: +27 82 895 6362; Email: [dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)

**Owner:** Up-Front Investments 56 (Pty) Ltd, Reg. No. 1998/000930/07, Represented by: Mr Uys Meyer, Address: De Zeven Guest Lodge, Zevenrivieren Road, Stellenbosch, 7600, E-mail: [uys@baleine.co.za](mailto:uys@baleine.co.za), Mobile: +27 82 902 4455

**Stellenbosch Municipality reference number:** LU/ 15018 (TP 146/2022)

**Application type:** Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015, for Consent Use on Portion 40 of Farm No. 127, Stellenbosch Division, for a 10-bedroom Tourist Accommodation Establishment utilising the existing main dwelling and outbuilding.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said Bylaw. The **comments must be in writing and addressed to the applicant by electronic mail** as follows: Dupré Lombaard, Virdus Works, [dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com). The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 29 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 by WhatsApp at +27 82 895 6362 during normal office hours.

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

Development Management Consultants and  
Environmental Assessment Practitioners

Managing Director: DUPRÉ LOMBAARD

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

**Ligging:** De Zeven Guest Lodge, Zevenrivierenpad, Stellenbosch

**Aansoeker:** Dupré Lombaard, Virdus Works (Pty) Ltd, 5 Vygeboomsloot, Vygeboom, Durbanville, 7550;  
Sel: +27 82 895 6362; E-pos: [dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)

**Eienaar:** Up-Front Investments 56 (Pty) Ltd, Reg. No. 1998/000930/07, Verteenwoordig deur: Mnr Uys Meyer, Adres: De Zeven Guest Lodge, Zevenrivierenpad, Stellenbosch, 7600, E-pos: [uys@baleine.co.za](mailto:uys@baleine.co.za),  
Sel: +27 82 902 4455

**Stellenbosch Munisipaliteit Verwysing:** LU/ 15018 (TP 146/2022)

**Tipe aansoek:** Aansoek ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015 vir 'n Vergunningsgebruik op Gedeelte 40 van Plaas Nr. 127, Stellenbosch Afdeling vir 'n 10-slaapkamer Toeriste Akkommodasie Fasiliteit in die bestaande hoof huis en buitegebou.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Skriftelike kommentaar en/ of besware kan vervolgens gedien word op die aansoek ingevolge Artikel 50 van die tersaaklike Verordening. Die **kommentaar moet by wyse van elektroniese pos aan die aansoeker gestuur word** as volg: Dupré Lombaard, Virdus Works, [dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com). Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die **sluitings datum** van **29 Junie 2023**.

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

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

Development Management Consultants and  
Environmental Assessment Practitioners

Managing Director: Dupré Lombaard

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24 May 2023

The Director Planning and Development (Belang / Interest / Erf: Website)

Stellenbosch Municipality

PO Box 17

Stellenbosch

7599

Per: [Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za) /

Dear Sir / Madam      Geagte Heer / Dame

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

**Locality:** De Zeven Guest Lodge, Zevenrivieren Road, Stellenbosch

**Applicant:** Dupré Lombaard, Virdus Works (Pty) Ltd, 5 Vygeboom Close, Vygeboom, Durbanville, 7550; Cell: +27 82 895 6362; Email: [dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)

**Owner:** Up-Front Investments 56 (Pty) Ltd, Reg. No. 1998/000930/07, Represented by: Mr Uys Meyer, Address: De Zeven Guest Lodge, Zevenrivieren Road, Stellenbosch, 7600, E-mail: [uys@baleine.co.za](mailto:uys@baleine.co.za), Mobile: +27 82 902 4455

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You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said Bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - Indicate the facts and circumstances that explain the comments;

- Where relevant demonstrate the undesirable effect that the application will have if approved;
- Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- Enable the applicant to respond to the comments.

The **comments must be addressed to the applicant by electronic mail** as follows: Dupré Lombaard, Viridus Works, **dupre.lombaard@viridus.com**. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 29 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 +27 82 895 6362 during normal office hours.

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

**Ligging:** De Zeven Guest Lodge, Zevenrivierenpad, Stellenbosch

**Aansoeker:** Dupré Lombaard, Viridus Works (Pty) Ltd, 5 Vygeboomslot, Vygeboom, Durbanville, 7550; Sel: +27 82 895 6362; E-pos: dupre.lombaard@viridus.com

**Eienaar:** Up-Front Investments 56 (Pty) Ltd, Reg. No. 1998/000930/07, Verteenwoordig deur: Mnr Uys Meyer, Adres: De Zeven Guest Lodge, Zevenrivierenpad, Stellenbosch, 7600, E-pos: [uys@baleine.co.za](mailto:uys@baleine.co.za), Sel: +27 82 902 4455

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Kommentaar en/ of besware kan vervolgens gedien word op die aansoek ingevolge Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

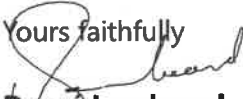
- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:

- Die feite en omstandighede aantoon wat die kommentaar toelig;
- Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
- Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
- Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die **kommentaar moet by wyse van elektroniese pos aan die aansoeker gestuur word** as volg: Dupré Lombaard, Viridus Works, **dupre.lombaard@viridus.com**. Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die **sluitings datum van 29 Junie 2023**.

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

Yours faithfully  
  
**Dupré Lombaard**



**CONSENT USE APPLICATION FOR:  
TOURIST ACCOMMODATION ESTABLISHMENT ON**

**DE ZEVEN, PORTION 40 OF FARM 127,  
STELLENBOSCH**



October 2022

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**EXECUTIVE SUMMARY**

<b>MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: DE ZEVEN, PORTION 40 OF FARM 127, STELLENBOSCH</b>	
<b>SG Code: C0670000000012700040 / Location: Lat: 33° 55' 16.522" S   Lon: 18° 56' 0.815" E</b>	
<b>Owner:</b>  <b>Up-Front Investments 56 (Pty) Ltd</b> Reg. No. 1998/000930/07  Represented by: Mr Uys Meyer  Cellular: +27 82 902 4455 E-mail: <a href="mailto:uys@baleine.co.za">uys@baleine.co.za</a> Address: De Zeven Guest House, Zevenrivieren Road, Stellenbosch, 7600	<b>Project Consultant:</b>  <b>Viridus Works (Pty) Ltd</b> Reg. No. 2018/585747/07  Represented by: Mr Dupré Lombaard SACPLAN: B/8076/1998 // EAPASA: 2019/304  Cellular: +27 82 895 6362 E-mail: <a href="mailto:dupre.lombaard@viridus.com">dupre.lombaard@viridus.com</a> Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa

This application is approval of a consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, read with Sections 208 and 213 of the Zoning Scheme Bylaw, 2019. Application is made for the use of existing buildings (main dwelling, and an attached outbuilding) on the property for a tourist accommodation establishment consisting of 10 bedrooms with six in the main dwelling and four rooms external in an attached outbuilding, rather than the guest accommodation previously approved. The application is intended to remove the obstacles to the approval of an as-built building plan. No new structures or buildings are envisaged for this application. Only existing buildings will be used. An existing central dining room and related facilities, containing a lounge, spa, swimming pool, and reading room form part of the establishment.

The property with an area of roughly 2,7 ha was improved and developed with the De Zeven Guest Lodge in 2020 following conclusion of the application for consent use. It is located in an area where tourist accommodation establishments, guest houses and tourist facilities are well established and indeed desirable in terms of the Municipal Spatial Development Framework.

As-built plans (BP 712/2021) for the De Zeven Guest Lodge were submitted for approval in 2021 in compliance with the conditions of approval. The plans were refused on 10 June 2021 as the plans did "*not conform to the conditions of approval of the guest house*". The purpose of this application is to gain an approval that would allow for the approval of the plans for the guest accommodation as built.

Access to the farm is off the Zevenrivieren Road. The access upgrading is no longer required due to changes in the road management.

There are no title deed restrictions preventing the proposed land development (Title deed 44955/2017).

## MOTIVATION REPORT

### 1. BACKGROUND

#### 1.1 Introduction

This application is for consideration of a tourist accommodation establishment on Portion 40 of Farm 127, Stellenbosch (De Zeven Guest Lodge) in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, (LUPB) read with Sections 208 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB). The tourist accommodation establishment contains 10 bedrooms, of which six in the main dwelling and four rooms in an attached outbuilding, with one room reserved for the resident manager. Only existing approved dwelling units will be used for the tourist accommodation establishment.

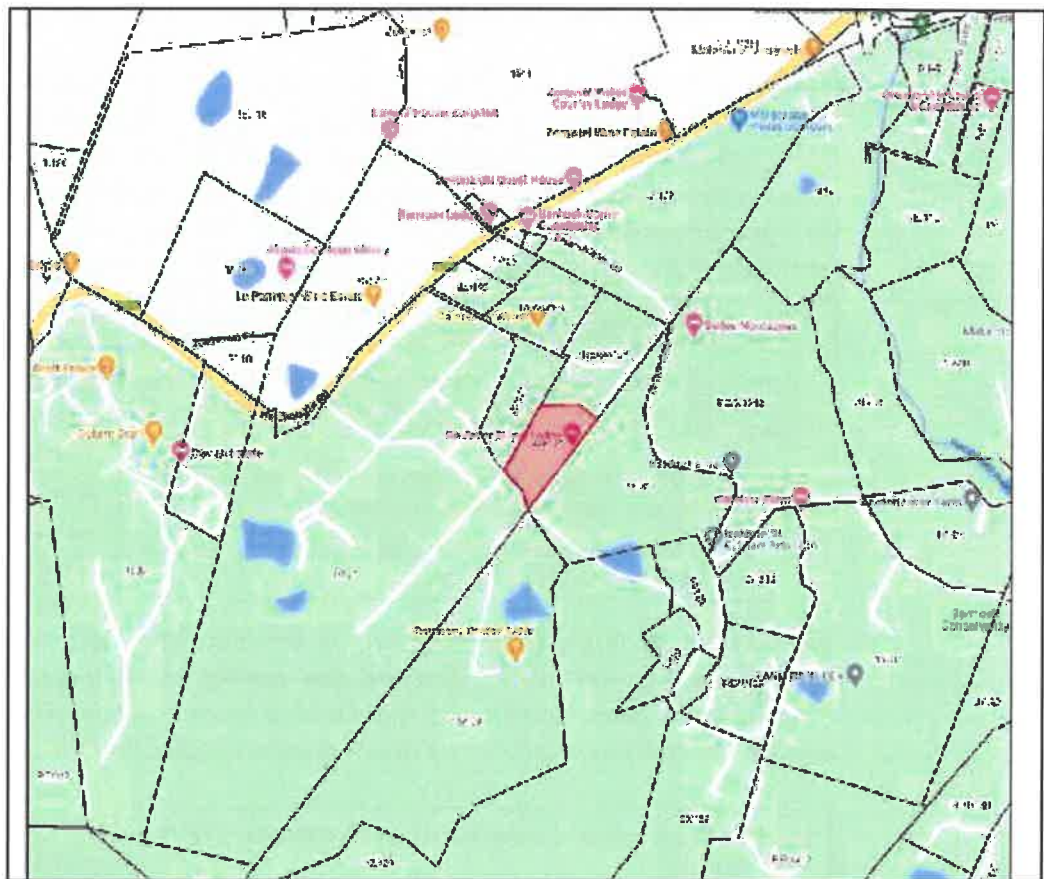


Figure 1: De Zeven locality

The Municipality, first by way of a decision of the Municipal Planning Tribunal in 2019 and thereafter with the Appeal Authority confirming the Tribunal decision in 2020, granted approval for the consent use for the establishment of the De Zeven Guest Accommodation. An extract of the decision is inserted below for ease of reference. The decision was for the approval of guest accommodation (as opposed to a guest house), albeit that no definition existed for a guest accommodation establishment. The decision further specifically states that the manor house and the four bedrooms may be used for the guest accommodation purposes, thus apparently distinguishing

it from an approval of a guest house. However, the approval is interpreted differently by the applicant (owner) and the Municipality, leading to this application.

**RESOLVED:**

**Approval be granted in terms of Section 60 of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a consent use to utilise the existing buildings (manor house and the four bedrooms) for guest accommodation purposes, 10 bedrooms for guests and 1 bedroom for the Manager on Farm 127/40, Stellenbosch Division, subject to the following conditions in terms of Section 66 of the last mentioned By-law;**

Figure 2: De Zeven guest accommodation approval decision

None of the conditions required the enclosure of the veranda linking the reading room and lounge area, and the four bedrooms to the manor house. Thus, the owner is entitled to submit building plans which do not include veranda enclosures. The decision clearly did not specify the approval of a guest house. Even if it was approved for a guest house as defined in the Zoning Scheme made in terms of Section 8 of the Land Use Planning Ordinance, 1985, Ordinance 15 of 1985 as amended by P.N.

**"Guest House"** means a dwelling house which is used for the purpose of letting individual rooms for residential accommodation, with or without meals, and which exceeds the restrictions of a bed and breakfast establishment, provided that —

(a) the dwelling house is retained in a form which can easily be re-used by a family as a single dwelling house, and

(b) all amenities and provision of meals shall be for the sole benefit of bona fide lodgers, and

359/2009 to include the definition of a guest house and provision for a guest house in the Agricultural I zone, a Guest House was defined as "a dwelling house which is used for

*the purpose of letting individual rooms for residential accommodation, with or without meals, and which exceeds the restrictions of a bed and breakfast establishment, provided that – (a) the dwelling house is retained in a form which can easily be re-used by a family as a single dwelling house, and (b) ...".*

**Dwelling-house** means a detached building containing only one dwelling unit.

**Dwelling unit** means a self-contained interleading group of rooms with not more than one kitchen, used only for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith.

The Sec 8 Zoning Scheme defined a Dwelling House, to be read with the definition of a Dwelling Unit, as follows: "Dwelling-

*house" means a detached building containing only one dwelling unit. "Dwelling unit" means a self-contained interleading group of rooms with not more than one kitchen, used only for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith'. Of note is the fact that outbuildings (the four external / non-interleading rooms) are defined as part of the dwelling house and therefore fits the definition of a guest house. In view thereof, the building plan as submitted to the Municipality, BP 712/2021, could have been*

approved. It was however not approved, and it is apparent that it will only be approved if a consent use application for a tourist accommodation establishment is approved.

## 1.2 Spatial context

The development of guest and tourist accommodation in the Stellenbosch municipal area is promoted in the Integrated Development Plan (IDP) 2021. As indicated in the reasons for the approval of the guest accommodation in 2019 and 2020, the farm is located in an area where tourism facilities, guest accommodation in bed and breakfast accommodation, guest houses and tourist accommodation establishments are common and well supported.



Figure 3: De Zeven situation

The farm is not an economically viable agricultural unit, which fact was recognised in the previous decision, and it needs the guest accommodation to ensure a meaningful revenue stream.

## 1.3 Proposal

The proposal for the tourist accommodation establishment is to gain approval of the existing guest accommodation as provided in the manor house and the four rooms in the out building. The plans of the proposed buildings are shown in Annexure E.

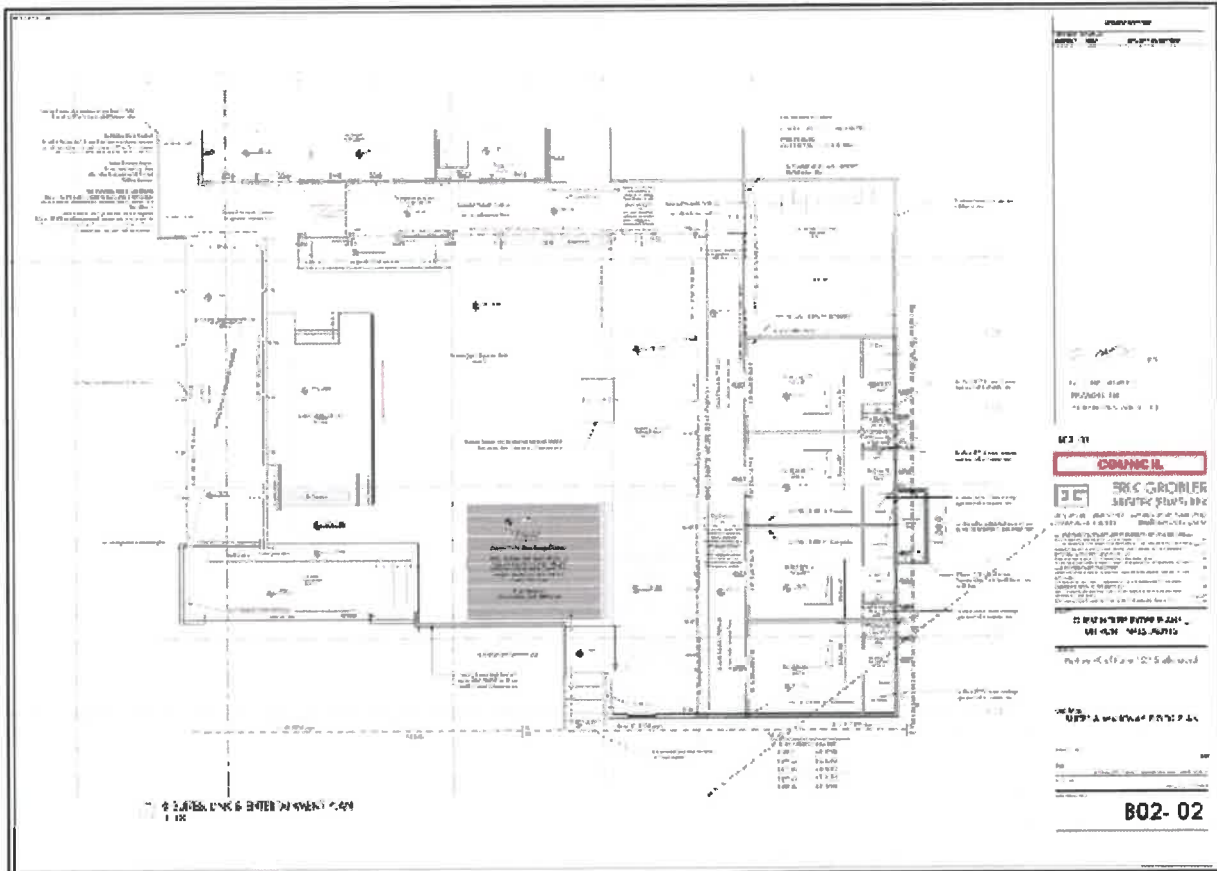


Figure 4: De Zeven building layout showing house and four rooms linked by a veranda



Figure 5: De Zeven manor house

None of the conditions of approval of the guest accommodation specify the enclosure of the veranda. The owner wishes to gain approval of the as-built building plan for the guest accommodation as constructed, without any veranda enclosures. The tourist accommodation establishment is built as a unit in a modern U-shaped farmstead character around a central garden and swimming pool. The building fits the area architecturally and aesthetically and the lack of glazing to enclose the

veranda has no negative effect on the character of the building or the surrounding area. The open veranda further contributes to the attraction of the establishment.



Figure 6: De Zeven rooms and veranda

#### **1.4 Title deed restrictions**

The title deed (T44955/2017) of the farm is attached in Annexure G, as well as a conveyancer's certificate in Annexure F. There are no restrictive title conditions that prevent the proposed land use.

#### **1.5 Zoning scheme requirements**

The proposed tourist accommodation establishment in the separate dwelling units comply with the provisions of Section 208 of the Zoning Scheme Bylaw and can be assessed in terms of Section 213 of the ZSB.

The total number of guest bedrooms in the two tourist dwelling units will not exceed the approved 10 bedrooms (six in the manor house and four in the outbuilding).

The application does not require any departures due to it making use of existing buildings and facilities. It requires a fresh consent use in view of the definition of a tourist accommodation establishment.

## **2. MOTIVATION**

### **2.1 Stellenbosch Municipality IDP and Spatial Policy**

The Integrated Development Plan 2021 (IDP), including the municipal spatial development framework (SDF) make specific provision for the establishment of

tourist facilities on farms and the diversification of agricultural activities to enhance the economic sustainability of the farms. It confirms that tourism, linked to the natural environment and agriculture, is one of the largest creators of employment and that it makes substantial contribution to the economic sustainability of the agricultural sector. This application is in line with the provisions of both said documents and an attempt to increase the feasibility and sustainability of the farm. Diversification and better use of the existing buildings will contribute to the sustainability of the farm by generating additional income.

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

The SDF specifically states that the protection and expansion of tourism assets and the protection of agricultural land, enablement of its use and expansion of agricultural output are core to the sustainability of Stellenbosch. Without diversification Place of Grace Farms is not sustainable, like most wine farms in the Stellenbosch region (Municipal Economic Review Outlook (MERO), 2021). The MERO is a good indicator of the economic need for diversified use of the agricultural and natural resources and the nature of the tourism that occurs.

The SDF continues to indicate that the Municipality supports compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are *"of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate"*. The Place of Grace Farms proposals comply in every respect with these criteria, as the additional uses will have positive socio-economic effect. As stated before, it will also expand the product offering of the farm and increase the sources of revenue. The farm is not sustainable as a vineyard and wine producing entity with a small olive orchard, due to the challenges in the viticulture environment and its small size.

It cannot be argued that the use of the property for guest accommodation or then a tourist accommodation establishment as defined in the Zoning Scheme Bylaw<sup>1</sup>, as opposed to a narrowly defined guest house in a set of interleading rooms, is not desirable. Surrounding guest accommodation establishments, e.g., Delaire Graff, Alluvia, Simonzicht, Zorgvliet, Orange-Ville, Swan Cottages, and De Kraal Estate all contain guest rooms and accommodation in non-interleading rooms and

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<sup>1</sup> *tourist accommodation establishment means an enterprise which provides the accommodation for transient guests which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities, and: may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards; may consist of self-catering units; and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the particular zone;*



freestanding cottages and dwelling units. All of these are within a one kilometre radius of the property. The approval of a tourist accommodation establishment consisting of 10 rooms will thus not be out of character with the accommodation facilities of the surrounding area.

## 2.2 Provincial Spatial Development Framework

The Provincial Spatial Development Framework (PSDF) and the supporting and complementary regional spatial development framework as contemplated in Section 18 of the Spatial Planning and Land Use Management Act, 2013 determine principles and the planning and development norms and criteria for tourism related uses in the area. Nothing proposed in this application contradicts any of the said principles or guidelines.

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

Chapters 10 and 11 of the Rural Development Guidelines determine the following sustainability principles and management guidelines for tourism and tourist accommodation in rural and agricultural areas:

- *To offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape (e.g., animal sanctuary, paintball, shooting ranges, and conference facilities).*
- *Rural tourism and recreation facilities and activities should not compromise farm production, and must be placed to reinforce the farmstead precinct.*
- *To provide a range of opportunities, including different typologies, for tourists and visitors to experience the Western Cape's unique rural landscapes; e.g. additional dwelling units on farms, B&Bs, guesthouses, backpacker lodges, lodges, resorts, hotels, and camping sites.*
- *To offer more people access to unique tourism and recreational resources in sought-after natural areas, where it would not otherwise have been possible.*
- *To contribute towards the sustainability and well-being of the relevant areas where tourist accommodation is considered.*
- *To align the scale and form of overnight facilities with the character and qualities of the Western Cape's diverse rural areas.*
- *To diversify farm income.*

An assessment of the above land use proposals show that they meet all of the aforementioned principles and criteria. Creation of the tourist accommodation establishment will have no negative effect on the existing agricultural use or lack potential of the Farm and will increase its revenue to financially sustain the property.

- ✓ To offer a range of appropriate facilities. When considering the current trends and main attractions of the CWD, it is obvious that the attraction of the area as a tourist destination has suffered during the Covid pandemic. With the relaxation of the Covid restrictions, tourist accommodation establishments and destination will again become attractive, and approval of the accommodation will allow for more and a more diverse tourist accommodation offering.
- ✓ No compromise to agricultural activities. The proposed consent uses (guest house and wellness centre) occur in existing, reconfigured buildings and do not affect the cultivated areas of the farm. It will therefore enhance and not negatively affect the agricultural activities on the farm, and it will not have any negative effect on the surrounding agriculture, as the proposed use does not cause any disturbance and is not particularly sensitive to any surrounding agricultural activities, considering that it is purposely set in the agricultural environment and on a productive farm.
- ✓ Provide a range of opportunities. The tourist accommodation establishment creates new opportunities for local and foreign visitors. This has significant positive effect on the local economy, which is virtually dedicated to agriculture and tourism. It also offers new opportunities for employment seekers.
- ✓ Offer access to more people. By offering more accommodation, the choice for visitors increases. It is located off an existing tourist corridor and in an area surrounded by similar product offerings, allowing for a comparative choice.
- ✓ Improve the economic viability and sustainability of farms. The creation of the tourist accommodation establishment will enhance the attraction of and would contribute to the Farm revenue and allow for it to retain its agricultural character.
- ✓ Align scale and form of facilities with character of area. The use of the existing buildings for the tourist accommodation is in keeping with the agricultural scale and nature of the surrounding area.
- ✓ Diversify farm income. Currently the Farm does not generate sufficient revenue from the vineyard alone to be financially sustainable. The tourist accommodation will allow for the generation of additional income from the existing and better utilised resources.

There is therefore a good match between the relevant policies and the proposed redevelopment and better utilisation of the existing buildings on De Zeven.

### 2.3 LUPA principles

The principles referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA) have all been considered. The LUPA considerations and development principles require:

- ✓ The protection and promotion of the sustainable use of land, which is the purpose of the proposal. As indicated above, the application does not affect

land essential for conservation, other uses, or service delivery by the Municipality. The application however requires adherence to national and provincial government policies, which it does, as illustrated above, inclusive of the municipal spatial development framework that promotes the expansion of tourist accommodation establishments and facilities on appropriate land outside of the urban areas without negatively affecting the agricultural use.

- ✓ Consideration of the public interest, which is done through compliance with the aforementioned policies and guidelines, together with the creation of new economic opportunities in proximity of the other tourist facilities and existing road infrastructure without negative impact on surrounding land use or the natural environment.
- ✓ Promotion of constitutional transformation imperatives and the related duties of the state. No comment.
- ✓ Proper consideration of the facts and circumstances relevant to the application, as have been set out above, indicating grounds for a positive land development consideration and decision. The relevant considerations include that the property is not sustainable as a farm and tourist accommodation establishments as are permitted in the Agriculture and Rural Zone would improve the financial sustainability thereof and contribute to the retention of the agricultural character of the Farm.
- ✓ The respective rights and obligations of all those potentially affected, primarily the surrounding property owners, public and private service providers and the wider community have been considered and there are no identified significant issues.
- ✓ The impact of the proposed development on engineering services infrastructure, social infrastructure, and open space requirements is insignificant. The proposed use contributes to the provision of economic activities without requiring additional infrastructure services. The proposed use of the land for tourist accommodation establishment allows for the best possible use of the land resource.

## **2.4 Environmental Management**

The proposed change in the approved consent use does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.

## **2.5 Heritage**

The proposed change in consent use for a tourist accommodation establishment will not require authorisation in terms of Section 34 or 38 of the National Heritage Resources Act, 1999, Act 25 of 1999.

## **2.6 Architecture**

Attached hereto as Annexure E is the site development plan for the farm. Building plan BP 712/2021 will again be submitted to the Municipality for consideration following approval of the tourist accommodation establishment as opposed to guest accommodation.

## **2.7 Engineering**

A traffic statement (TIS) is not required. The entrance conditions for the access off Zevenrivieren Road have still not been finalised by the Department of Transport. Where previously the Department required an intersection upgrading, the requirements have been changed and the speed limit on the road reduced, which allows for the entrance to remain as is. The previous intersection upgrading requirement would affect private property of surrounding owners, who advised that they would not accept any change in view of the low demand caused by the De Zeven Guest Lodge.

There is no change in the provision of any municipal or household services.

## **3. CONCLUSION**

The application for approval of the proposed consent use in terms of Section 15(2)(o) of the Land Use Planning Bylaw, namely for a tourist accommodation establishment to replace the existing approval of a guest accommodation establishment / guest house could be approved.

There will be no change to any of the existing buildings or the use of the property.

## **ANNEXURE A: LOCALITY**



**Ptn 40 Farm 127,  
Stellenbosch**

**Legend**

- Farm Portions
- Erf

**Map Center:** Lon: 18°55'58.7"E  
Lat: 33°55'19.1"S  
**Scale:** 1:10 000  
**Date created:** October 18, 2022



## **ANNEXURE E: AS-BUILT PLAN**














Revision Number	Revision Date	Revision Description

Guest rooms: Bedrooms 08 - 11

p.p.

  
**C.F. (ERIK) GROBLER**  
 PR ARCH 21339  
 PROFESSIONAL ARCHITECT

**B02-02**

**COUNCIL**

ERIK GROBLER  
ARGITEK (EDMS) BPK

REG. NO. 2013/00979/07 252 MAIN ROAD, PARLIM 7646  
SECTION C.F. GROBLER 282@BOUQUETIC.CO.ZA

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**GUEST HOUSE HYDR PLANS**  
**UPFRONT INVESTMENTS**

ADDRESS  
Portion 40 of Farm 127 Stellenbosch

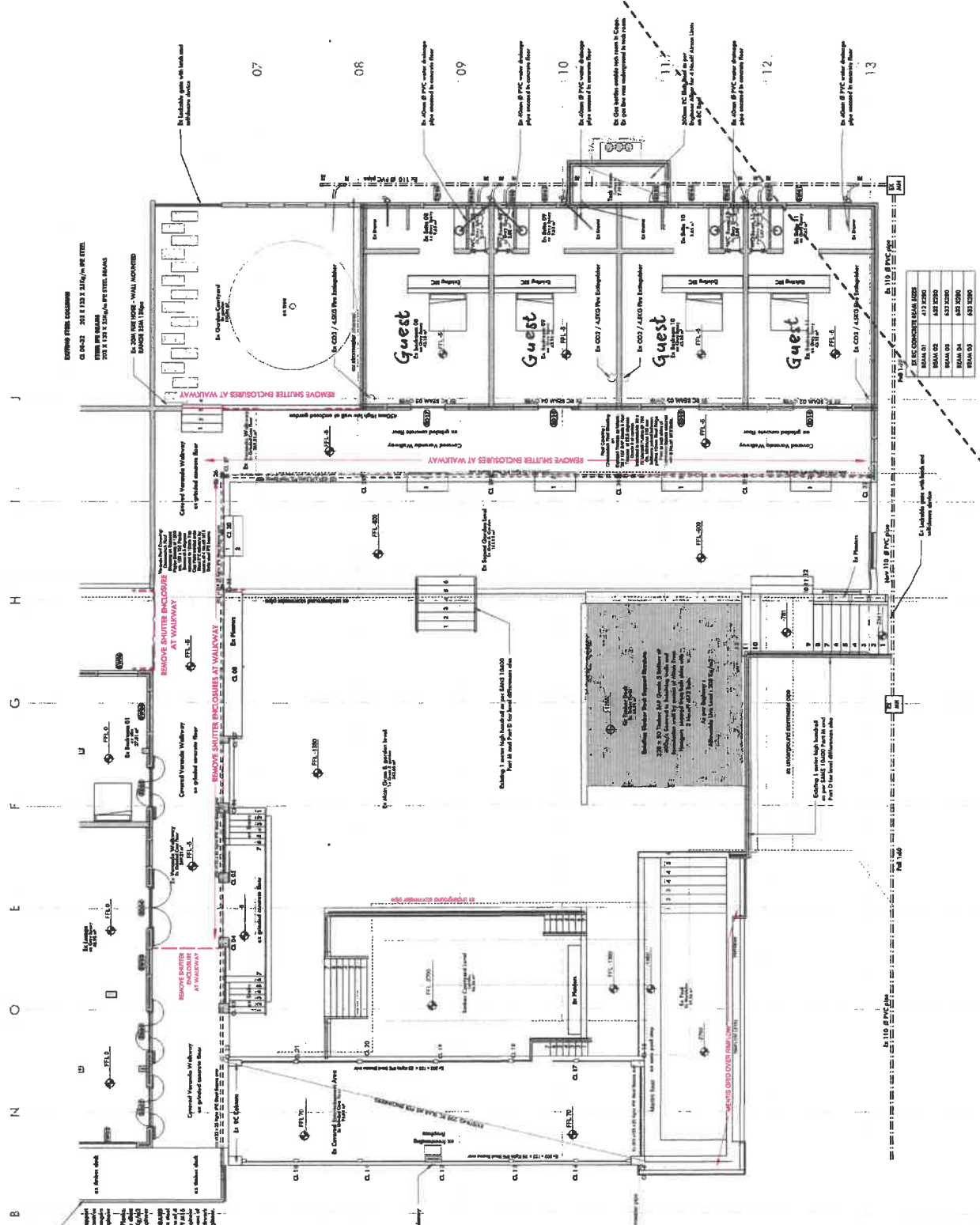
**PROJECT NAME**  
SUITES & WALKWAY FLOOR PLAN

**PROJECT NO.** 187

**REV.** 01 (Various) Created (Issued) by Erik Grobler

**NOT DATE** 2021/05/17 13:25:25

**DRAWING NO.** B02-02



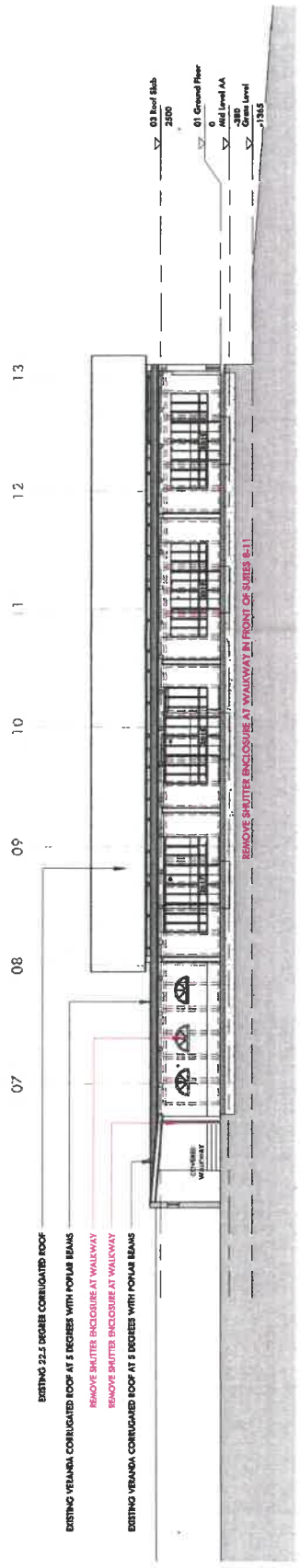
**1** O SUITES, LINK & ENTERTAINMENT PLAN  
1:1100



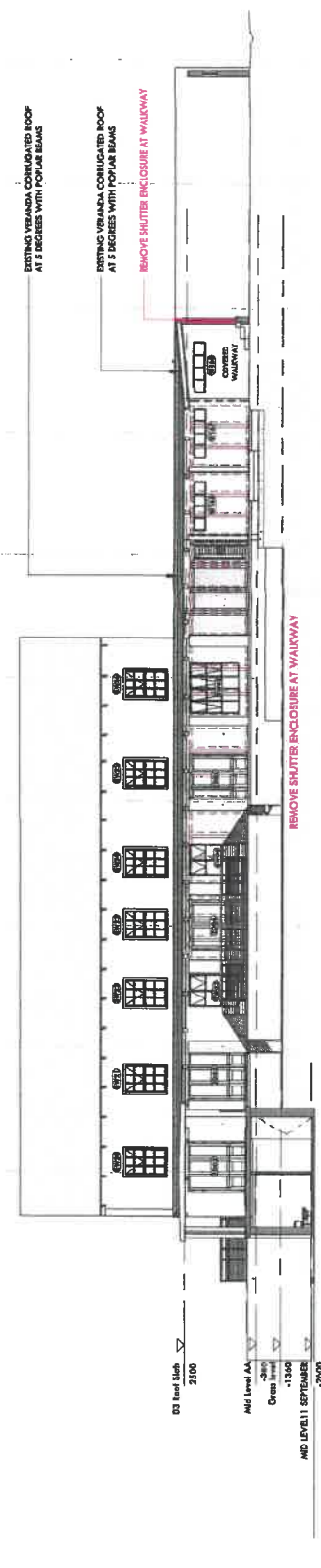
Revision Number	Revision Date	Reviser/Description

C.F. (ERIK) GROBLER  
PR ARCH 21339  
PROFESSIONAL ARCHITECT

p.p.  
*[Signature]*



3 WALKWAY AT SUITES ELEVATION  
1:100



4 Main House Courtyard Elevation  
1:100

E02-01

**COUNCIL**

**ERIK GROBLER**  
ARGITEK (EDMS) BPK  
REG. NO. 813 / 07 282 AMAR ROAD, PAMUL 7446  
DRETTINGEN, CA - CHADDER  
08-08-2020/08-2020/08-2020

**PROJECT**  
GUEST HOUSE RYDER PLANS -  
UPFRONT INVESTMENTS

**ADDRESS**  
Portion 40 of Farm 127 Stellenbosch

**BRIEF NUMBER**  
VERANDA WALKWAY ELEVATIONS

**PROJECT NO.**  
189

**FILE**  
C:\Users\BPK\Desktop\Documents\Up Front Investments\A1

**PLOT DATE**  
2021/07/19 13:24:04

**DRAWING NO.**  
E02-01









## **ANNEXURE F: CONVEYANCER'S CERTIFICATE**

## **ANNEXURE G: TITLE DEED**

101

Schliemann Incorporated  
Attorneys, Notaries & Conveyancers  
P.O Box 1503 Somerset West 7129

for registration		Amount	refuse fee
Purchase price/Value	16 500 000,00	3 505,00	
Value for capital amount	117 160 000,00		
Reason for exemption	Cat. ....	section. ....	Act. ....

Prepared by me

CONVEYANCER  
SCHLIEMANN, JAN EBERHARD

<b>VERBOND</b>	<b>MORTGAGED</b>
VIR FOR R 8 000 000,00	
3 B 000020388/2017	REGISTRAR/REGISTRAR
2017-08-02	

DATA / VERIFY  
14 AUG 2017  
OLMERYOLANDI

DEED OF TRANSFER

T 000044955 / 2017

BE IT HEREBY MADE KNOWN

THAT

JACOBUS PETRUS VAN ZYL

appeared before me at CAPE TOWN, he being duly authorized thereto by virtue of a Power of Attorney granted to him by

WINELANDS RESORT DEVELOPMENT PROPRIETARY LIMITED  
Registration Number: 1995/013166/07

which said Power of Attorney is dated 4 MAY 2017 and signed at  
STELLENBOSCH.

DATA / CAPTURE  
2017-08-08  
PUMELELA MNAMATA

AND the said Appearer declared that his principal the said Transferor had on 3 MARCH 2017 truly and legally sold by PRIVATE TREATY and that he, the said Appearer in his capacity aforesaid, did by these presents cede and transfer, in full and free property, to and on behalf of:

**UP-FRONT INVESTMENTS 56 PROPRIETARY LIMITED**  
**Registration Number: 1998/000930/07**

Its successors, administrators or assigns the following property, namely:

**PORTION 40 OF THE FARM ZORGVLIET NUMBER 127**  
**In the Municipality and Division STELLENBOSCH**  
**Province of the WESTERN CAPE**

MEASURING: 2, 7076 (TWO COMMA SEVEN ZERO SEVEN SIX) hectares;

FIRST TRANSFERRED and still HELD BY Certificate of Registered Title Number T40153/09 with Diagram relating thereto SG Number 7390/2005.

- A. SUBJECT to the conditions referred to in Deed of Transfer Number T9508/1922.
- B. SUBJECT FURTHER to the servitude referred to in the following endorsement dated 30<sup>th</sup> April 1946 on Deeds of Transfer T9508/1922 and T2745/1942 namely:-

By Deed of Transfer Number 6170 dated 30<sup>th</sup> April 1946 the property thereby conveyed (Portion 12 of Lot A 4 of Lot A) is entitled (b) to a 1/9<sup>th</sup> share in the water rights attached to the within mentioned properties together with ancillary rights, as will more fully appear on reference to the said Deed of Transfer.

- C. SUBJECT FURTHER to and ENTITLED to the benefit of, as the case may be, the conditions referred to in the following endorsement dated 5<sup>th</sup> August 1947 on Certificate of Consolidated Title T14830/1947, namely:-

By Deed of Transfer Number 14831 the ppty (ptn 14) thereby conveyed is granted-

- (a) 1/9 share of the water rights to which the ppty is entitled (as set out in condition 1 (b) i and ii herein.
- (b) The right of access and aqueduct over the remainder held hereunder in connection with the said water rights.
- (c) 1/9 share of certain water to be obtained from boring operations to be undertaken upon the same remainder with ancillary rights.
- (d) The rights to a certain right of way 38,72 feet wide over the said remainder along the boundary DC subject to conditions in favour of

^

the transferor and her successors in title of the said remainder held hereunder re use, laying of pipes and electric supply lines. The said property (portion 14) is also made subject to-

1. the passage of stormwater from the remainder held hereunder to it.
2. the laying of pipelines across it by the owner of the said remainder held hereunder provided they are laid in such a manner so as not to interfere with cultivation, as will more fully appear on reference to the said Deed of Transfer.

D. SUBJECT FURTHER and ENTITLED FURTHER to the benefit of, as the case may be, to the conditions referred to in the following endorsement dated 30<sup>th</sup> June 1948 on Certificate of Consolidated Title T14830/1947, namely-

By Deed of Transfer T14029 dated 30/6/48.

- (1) Portion 15 thereby conveyed is granted
  - (a) 1/9 share of the water rights to which the remainder held hereunder is entitled under conditional paragraph 1 (b) (i) and (ii) herein together with rights of access and aqueduct over portions of the said remainder.
  - (b) 1/9 share of certain water to be obtained from boring operations to be undertaken on the remainder held hereunder with rights of access and aqueduct over the said remainder to the source of such water.
- (2) The said Portion 15 is subject to-
  - (i) the rights of the owner of the said remainder to conduct boring operations over the said Portion 15 with right of access and aqueduct with the right to the supply of water thereby obtained.
  - (ii) the passage of stormwater from the said remainder onto Portion 15.
  - (iii) the laying of pipelines across Portion 15 provided they are laid at such depth that cultivation is not interfered with as will more fully appear on reference to the said Deed of Transfer.

E. SUBJECT FURTHER and ENTITLED FURTHER to the benefit of, as the case may be, the conditions referred to in the following endorsement dated 6<sup>th</sup> September 1948 on Certificate of Consolidated Title T14830/1947 namely-

By Deed of Transfer T20408 dd 6.9.1948

- (1) Portion 16 thereby conveyed is granted
  - (a) 1/9 share of the water rights to which the remainder held hereunder is entitled under conditional paragraph 1 (b)(i) and (ii) herein together with rights of access and aqueduct over portions of the said remainder.
  - (b) 1/9 share of certain water to be obtained from boring operations to be undertaken on the remainder held hereunder with rights of access and aqueduct over the said remainder to the source of such water.
- (2) The said Portion 16 is SUBJECT to-
  - (1) the rights of the owner of the said remainder to conduct boring operations over the said Portion 15 with right of access and aqueduct with the right to the supply of water thereby obtained.
  - (2) the passage of stormwater from the said remainder onto Portion 16.
  - (3) the laying of pipelines across Portion 16 provided they are laid at such depth that cultivation is not interfered with as will more fully appear on reference to the said Deed of Transfer.

F. SUBJECT FURTHER to and ENTITLED FURTHER to the benefit of the conditions referred to in the following endorsement dated 30<sup>th</sup> June 1948 on Certificate of Consolidated Title T14830/1947 namely -

By Deed of Transfer T14029 dated 30/06/48

1. Ptn. 15 thereby conveyed is granted (a) 1/9 share of the water rights to which the remdr. held hereunder is entitled under conditional para 1 (b) (i) & (ii) herein together with right of access and AQUEDUCT over portions of the said remdr. (b) 1/9 share of certain water to be obtained from boring operations to be undertaken on the remdr. held hereunder with rights of access and aqueduct over said remainder to the source of such water.



2. The said Ptn. 15 is subject to –

- (i) The rights of the owner of the said remdr. to conduct boring operations over the said Ptn. 15 with right of access and aqueduct with the right to the supply of water thereby obtained.
- (ii) The passage of storm water from the said remdr. onto Ptn. 15.
- (iii) The laying of pipelines across Ptn. 15 provided they are laid at such depth that cultivation is not interfered with.

As will more fully appear on ref. to said D/T.

G. SUBJECT FURTHER to and ENTITLED FURTHER to the benefit of, as the case may be, the following conditions contained in Deed of Transfer T4903/1948 namely:-

(a) ENTITLED to a 1/9 (one ninth) share of the water rights attaching to those constituent parts of the aforesaid Portion 13 lettered A.B.C.D.q.L.M.N.O.P. and L.q.r on the Diagram thereof SG Number 7977/46 annexed to the said Certificate of Consolidated Title Number T14830 dated 5<sup>th</sup> August 1947 by virtue of the following conditions contained in Deed of Transfer Number T9508 dated 2<sup>nd</sup> November 1922, namely

(i) That the said Transferee and her successors in title shall be entitled to one half share of the water rights appertaining to the farm Lot A of portion of part of Zorgvliet save and except that the Transferor and his successors in title of the remaining extent retain the full right to the 1/2 share of the 3/4 inch pipe line as per deed of servitude between the firm of Jameson and Heywood and Aurthur William Heywood dated 15<sup>th</sup> April 1914 and registered on 11<sup>th</sup> May 1914.

(ii) That the Transferee and her successors in title of the above properties shall be entitled to lay a pipe line up to but not exceeding two inches in diameter over the remaining extent of Lot A of part of Portion of the farm Zorgvliet for the purpose of leading water to that portion of the above properties to the east of the road to French Hoek. The Transferee and her successors in title shall however keep the said pipeline in a proper state of repair and shall be entitled for herself and her workmen to a right of way along the said pipeline for the purpose of repairing the same. The pipeline should not be a nuisance or danger to the said

Transferor or his successors in title in the use of his property.

- (iii) In the enjoyment of the 1/9<sup>th</sup> (one ninth) share of the water rights the owner of the said Portion 17 and her successors in title shall have the right of access and aqueduct over those constituent parts of the remainder of the aforesaid Portion 13 lettered A.B.C.D.q.L.M.N.O.P and L.q.e. on the Diagram thereof – SG Number 7967/46 annexed to said Certificate of Consolidated Title Number 14830 dated 5<sup>th</sup> August 1947- along a course to be mutually agreed upon by the transferor and the transferee.

The above rights were ceded to Bartinney Farms (Proprietary) Limited Number 1982/000656/07 by Notarial Deed Number K266/1991 S as will more fully appear from the said Notarial Deed.

- (b) SUBJECT as is mentioned in Deed of Transfer T4903/1949 to the conditions that the owner of the remainder of Portion 13 of Zorgvliet D reserves to herself and her successors in title thereto the following rights over the said Portion 17-

- (1) The passage of storm water from the said remainder on the said Portion 17.
- (2) The laying of pipelines across the said Portion 17 along a course to be mutually agreed upon by the transferor and the transferee provided such pipelines are laid at such depth that the cultivation is not interfered with and provided further that this right is to be exercised only with due regard to the position of the dwelling houses to be erected on the land hereby sold and to the other amenities of the land hereby sold.

H. BY Notarial Deed of Servitude Number K528/2001S the within property is subject to a servitude right of way in favour of portion 26 of the farm Zorgvliet Number 127 held by Deed of Transfer Number T20055/1991, the north western boundary of which is indicated by the line ABCDEF on diagram number 5526/2000 annexed to the said Notarial Deed, as will more fully appear from the said Notarial Deed- (which servitude right of way is depicted by the line rDpn on diagram SG number 7390/2005)

I. By Notarial Deed of Lease number K527/2001 L the within property is subject to a lease in favour of Michael John Nel, Identity number 530724 5056 001, married out of community of property, for a period of 20 years from 1 August 1999.

1. Lease area number 1, measuring 3,3734 hectares, represented by figure ABCDEFGHJKLMNPQRS on diagram number 5525/2000 annexed to the said notarial deed of lease (which lease area is represented by the figure qCrstuvw on diagram SG number 7390/2005)
2. Lease area number 2, measuring 1,7188 hectares, represented by the figure ABCDEFGHJ on diagram 5524/2000 annexed to the said notarial deed of lease (which lease area is represented by the figure hjkmnpEFG on diagram number SG7390/2005)

**J : A S REGARDS the whole property:-**

1. By virtue of Notarial Deed of Servitude K142/1997 S the property now consolidated is SUBJECT to a water pipeline servitude 3 metres wide represented by the line ABC on servitude Diagram Number 10479/1995 and the line AB on servitude Diagram 10480/1995 both annexed to the said Notarial Deed of Servitude and by the line EF and FA on Diagram 7700/1990 attached to Deed of Transfer T20052/1991 together with ancillary rights in favour of the Banhoek Irrigation Board as will more fully appear from the said Notarial Deed, and which pipeline servitude is now reflected by the lines de and eHG, Ffg and gh on Diagram 5354/1999 annexed hereto.
2. By Notarial Deed of Servitude of Right of Way K 1012/1997 S the within consolidated property is ENTITLED to a servitude right of way over the remainder of portion 2 of the Farm Zorgvliet Number 127 held by Deed of Transfer T32908/1969 and represented by figure ABCD on Diagram 1820/1997 annexed to the said Notarial Deed, in order to provide access to Zevenrievieren Road as will more fully appear from the said Notarial Deed.

**K. FURTHER SUBJECT to Notarial Agreement Number K2 S,** with ancillary rights contained therein, the within property being subject to the terms and conditions of such Notarial Contract relating to the Zorgvliet Home Owners Association and which property cannot be sold or transferred without the written prior consent of the ZORGVLIET HOME OWNERS ASSOCIATION, of which the within PARTIES shall become members, which consent shall not unreasonably be withheld.




**WHEREFORE** the said Appearer, renouncing all the right and title which the said Transferor heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said Transferee its administrators or assigns now, and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price of the property hereby transferred to be the sum of **R16,500,000.00 (SIXTEEN MILLION FIVE HUNDRED THOUSAND RAND)** and transfer duty paid on **R17,160,000.00 (SEVENTEEN MILLION ONE HUNDRED AND SIXTY THOUSAND RAND)** which includes commission of **R660,000.00 (SIX HUNDRED AND SIXTY THOUSAND RAND)**.

IN WITNESS WHEREOF I, the said Registrar of Deeds together with the Appearer, have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 2017 -08--2

  
q.q.

In my presence

  
REGISTRAR OF DEEDS

✓

5) 1

TRACK NUMBER : 80006126278

PROPERTY DETAILS PRINT FOR PORTION 48  
OF PORTION 34  
FARM NO 127  
REG DIV STELLENBOSCH RD

PROVINCE WESTERN CAPE  
PREV DESCRIPTION  
DIAGRAM DEED NO T40153/2009  
EXTENT 2.7076 H  
CLEARANCE WINELANDS DC  
FARM NAME ZORGULIET

NO INTERDICTS

NO DOCUMENTS

OWNER DETAILS

FULL NAME & SHARE	PURCH DATE	AMOUNT/REASON	O/P/A	IDENTITY	TITLE DEED	M/D	MICROFILM REF
WINELANDS RESORT DEVELOPMENT PTY LTD				199501316607	T40153/2009	0814	20091214085802

\* O/P/A - O - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

\*\* PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.  
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

\*\*\* END OF REPORT \*\*\*

## **ANNEXURE H: DIAGRAM**

Please note that the Surveyor General's systems are down and have been since end August 2022. No diagram can thus be acquired and attached