



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

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

Application Property Address: **Clos Malverne, Hovelea Road, Devon Valley**

Application Property Number: **1350**

Applicant: **Will Hammers**- will@ateljeewillhammers.co.za

Owner: **Seymour Pritchard**- seymour@closmalverne.co.za

Application Reference: **LU/15319**

Application Type: **Consent Use for a Tourist Facility and a Tourist Accommodation Establishment**

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

1. Application is made in terms of section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a Consent Use on farm 1350, Stellenbosch:
 - For a Tourist Facility to expand the existing wine tasting and Sales facility to accommodate the proposed restaurant and wellness centre/ spa with open veranda.
 - To utilise the existing barrel storage with open veranda, the existing staff housing with open veranda and existing wine storage as tourist accommodation establishment.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>.

If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

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

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

- o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **Will Hammers**- will@ateljeewillhammers.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 **(60 days if it is a state entity)** from the date of this notice to be received on or before the closing date of **(30 August 2023 – 30 days/ 60days until 06 October 2023)**

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **(0848022222)** during normal office hours.

Yours faithfully

Will Hammers

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

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

Adres van aansoek eiendom: **Clos Malverne, Hovelea Road, Devon Valley**

Aansoek eiendom beskrywing: **1350**

Aansoeker: **Will Hammers**- will@ateljeewillhammers.co.za

Eienaar: **Seymour Pritchard**- seymour@closmalverne.co.za

Aansoek Verwysing: LU/ **15319**

Tipe Aansoek: **Vergunningsgebruik vir 'n Toerisme Fasiliteit en Toerisme Akkommodasie Vestiging.**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

1. Aansoek in terme van gedeelte 15(2)(o) van die Stellenbosch Munisipaliteit se Beplanning Verordening, 2015 vir 'n toeriste fasiliteit om die bestaande wynproe en verkoopsarea te omskep in 'n restaurant met oop stoep asook 'n gesondheids sentrum/Spa.
2. Aansoek in terme van gedeelte 15(2)(o) van die Stellenbosch Munisipaliteit se Beplanning Verordening, 2015 om die huidige ongebeuikte vaatstoor, wynstoor en arbeiders huisvesting te omskep in 'n toerisme akkommodasie vestiging

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>.

Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek 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:
 - Die feite en omstandighede aantoon wat die 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: **Will Hammers**- will@ateljeewillhammers.co.za. Deur 'n beswaar, 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 (**60 dae indien dit 'n staatsentiteit sal wees**) vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van (**30 Augustus 2023 – 30 days/ 60days until 06 Oktober 2023**)

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskryf word vir bystand by die vermelde elektroniese pos adres of telefonies by (0848022222) gedurende normale kantoor ure.

Die uwe

Will Hammers



- 1. Main House
- 2. Pool
- 3. Wine Tasting/
Restaurant (Tourist
Facility)
- 4. Spa (Tourist Facility)
- 5. Cottages (tourist
accommodation)
- 6. Second dwelling
- 7. Wine Press
- 8. Cellar
- 9. New Cellar
- 10. Laundry
- 11. Staff housing/
tourist
accommodation
- 12. Store/tourist
accommodation

SITE DEVELOPMENT PLAN
1:1000



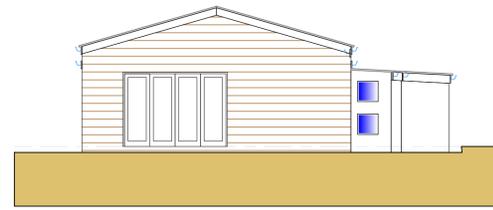
Will Hammers PrSArchT
sacap psat20556 saiat 33335
m.084.802222
will@ateljeewillhammers.co.za

Client: Co-Props 115 (Pty) Ltd

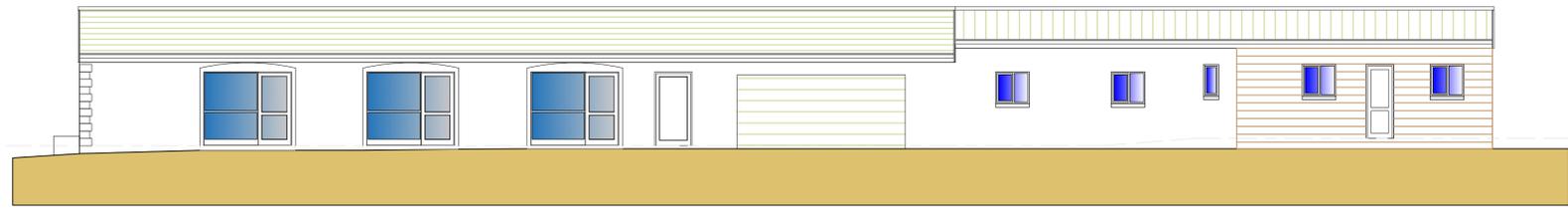
Project: Proposed Tourist
Accommodation on farm 1350,
Clos Malverne, Devon Valley
-33.910497° south, 18.815172° east

Drawing: Site Development Plan

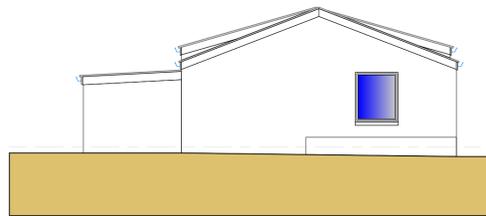
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drawn/gotten	design/checked
project number	drawing number
date	date
1350	100
	October 2022



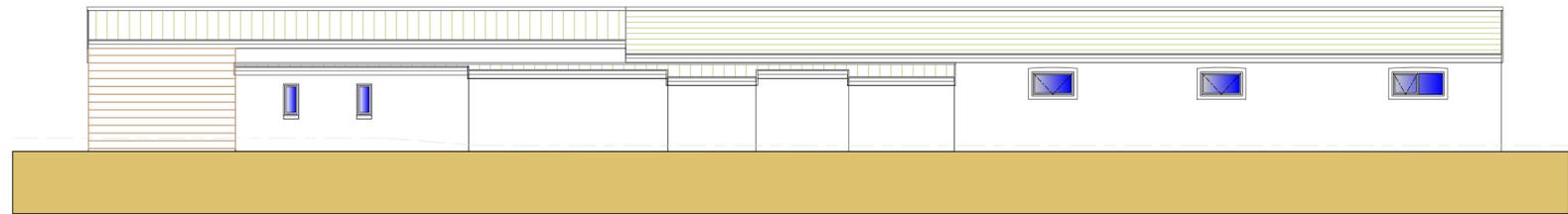
NORTH ELEVATION 1:100



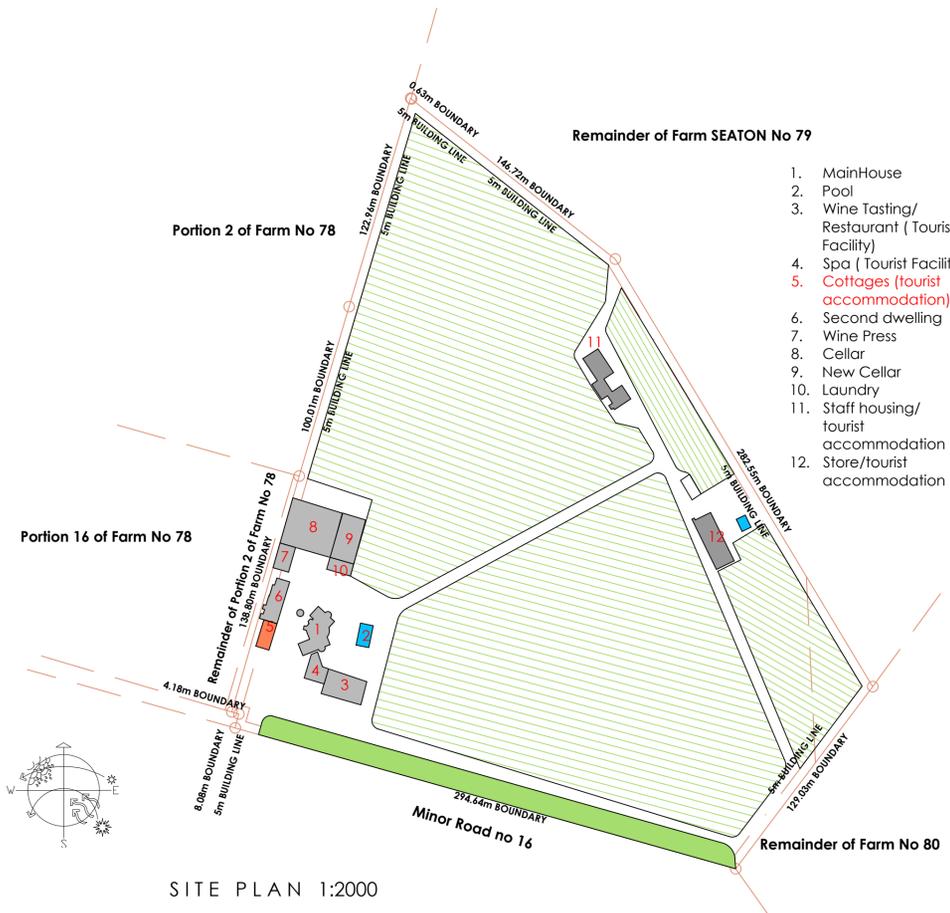
EAST ELEVATION 1:100



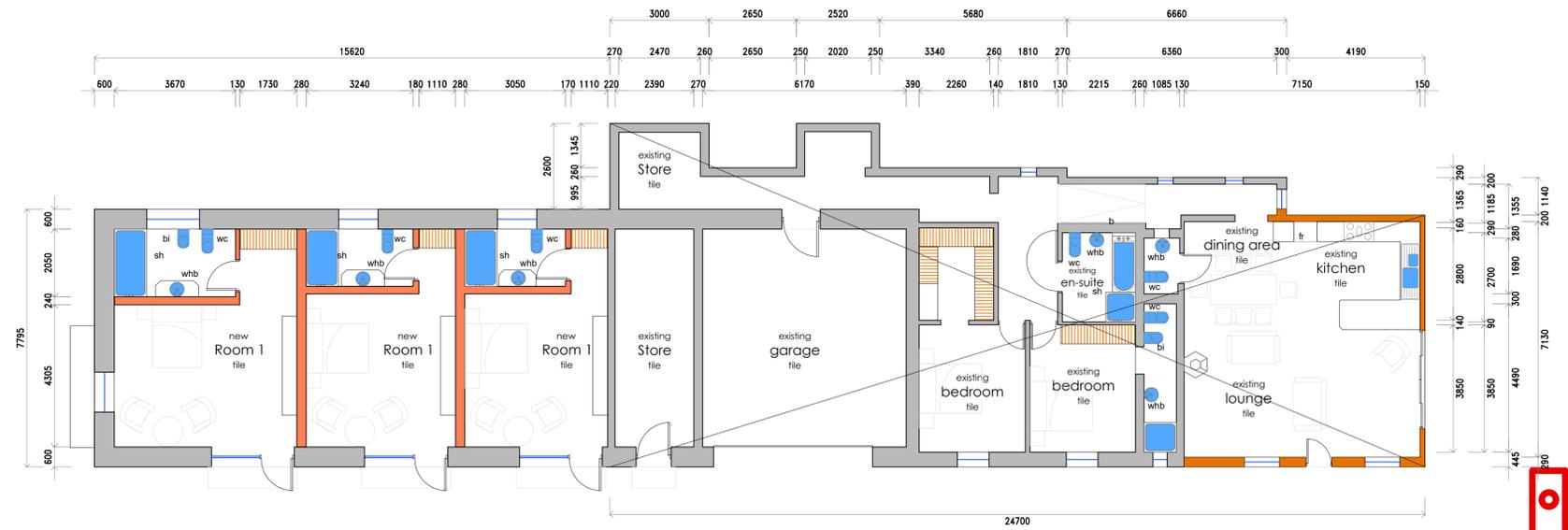
SOUTH ELEVATION 1:100



WEST ELEVATION 1:100



SITE PLAN 1:2000



FLOOR PLAN 1:100

second dwelling not part of this application



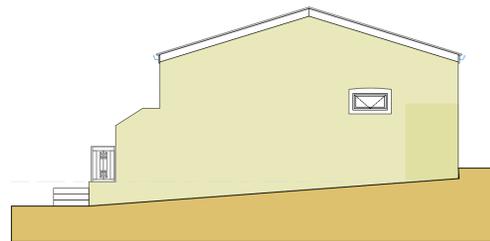
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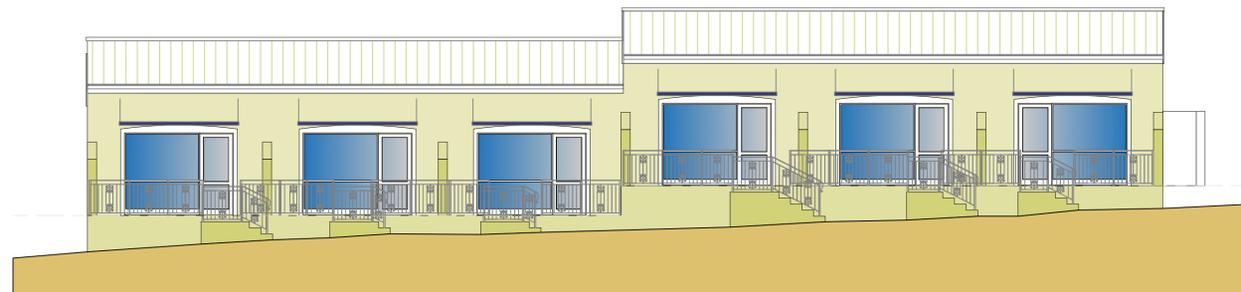
Project: Proposed Tourist Accommodation on farm 1350, Clos Malverne, Devon Valley -33.910497° south, 18.815172° east

Tasking: Existing Store converted to Tourist Accommodation

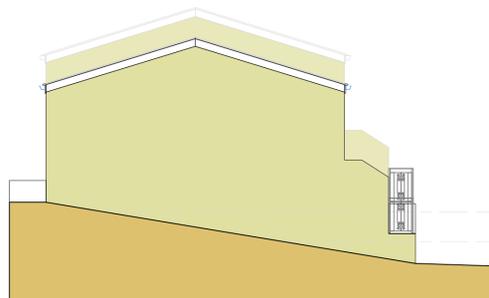
Wah: wah design
 project number: 1350
 drawing number: 104
 date: October 2022



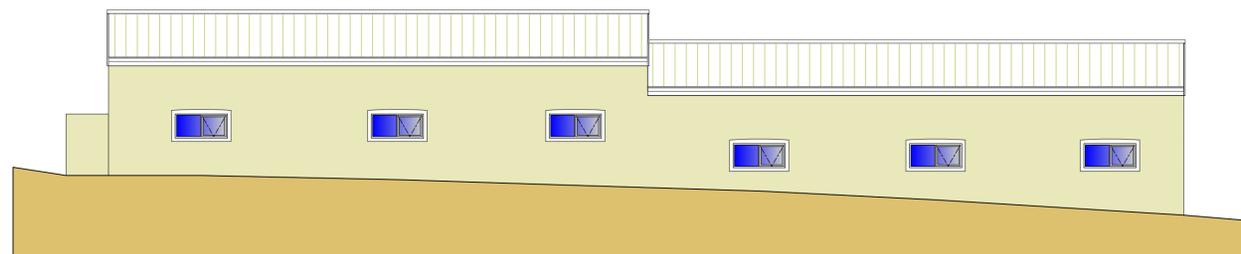
NORTH WEST ELEVATION
1:100



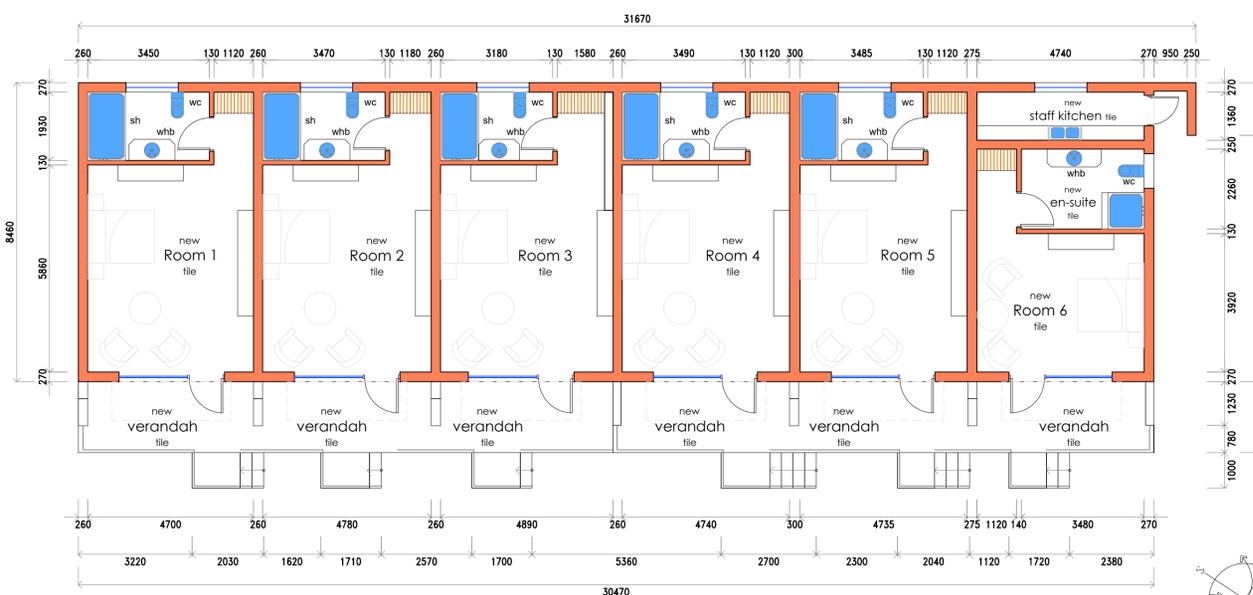
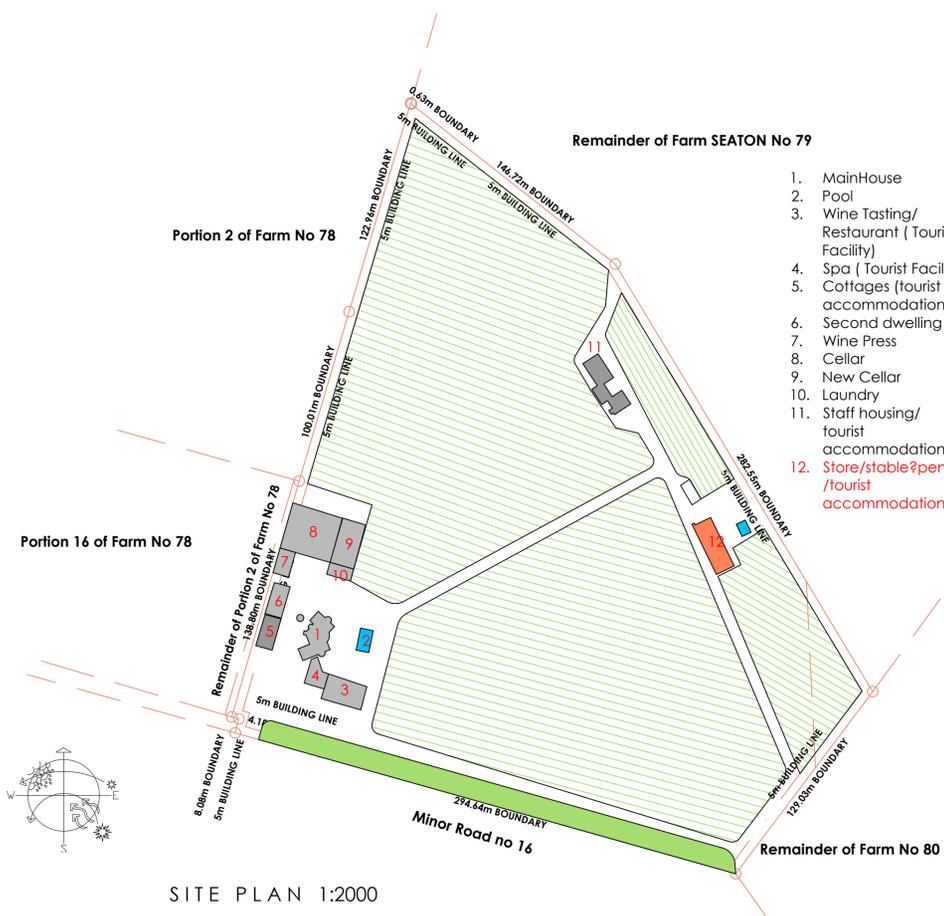
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SOUTH EAST ELEVATION
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SOUTH WEST ELEVATION
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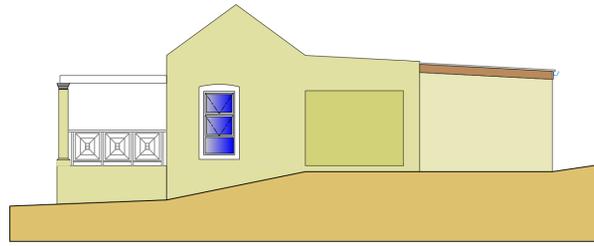
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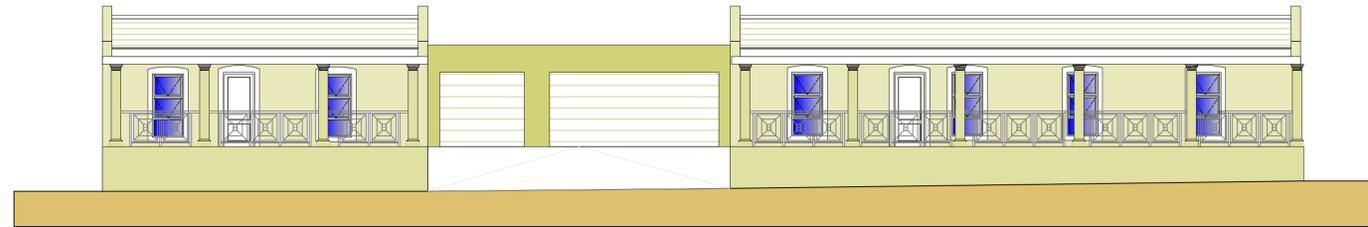
Project: **Proposed Tourist Accommodation on farm 1350, Clos Malverne, Devon Valley**
-33.910497° south, 18.815172° east

Drawing: Existing Shed converted to Tourist Accommodation

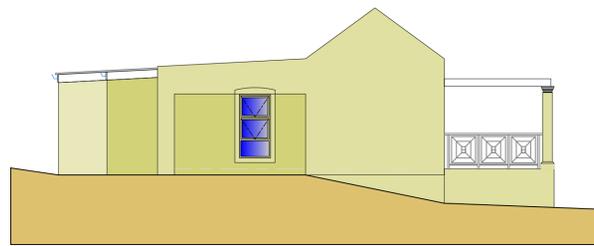
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project number 1350	drawing number 103
date	date October 2022



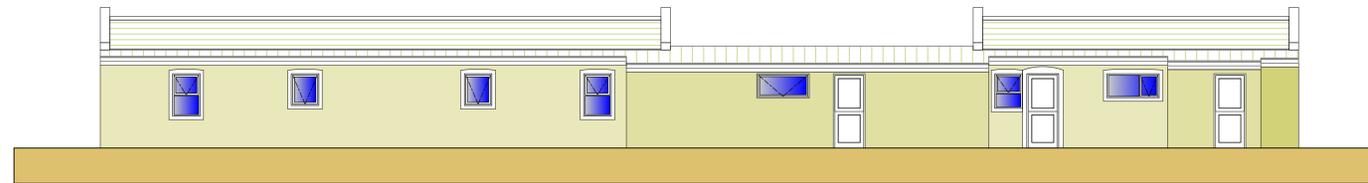
NORTH WEST ELEVATION
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NORTH EAST ELEVATION
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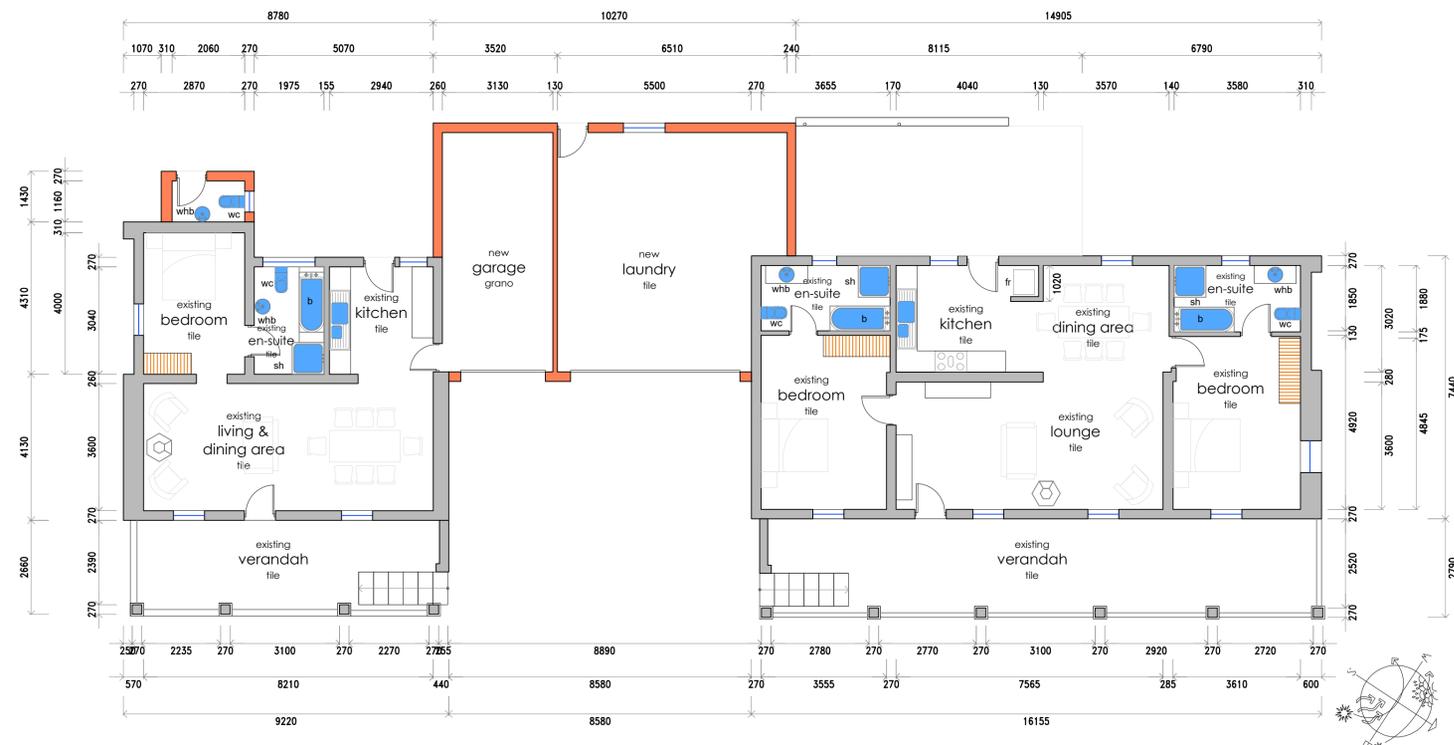
SOUTH EAST ELEVATION
1:100



SOUTH WEST ELEVATION
1:100



1. MainHouse
2. Pool
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5. Cottages (tourist
accommodation)
6. Second dwelling
7. Wine Press
8. Cellar
9. New Cellar
10. Laundry
11. Staff housing/
tourist
accommodation
12. Store/stable?pen?
/tourist
accommodation



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Project: Proposed Tourist
Accommodation on farm 1350,
Clos Malverne, Devon Valley
-33.910497° south, 18.815172° east

Existing Housing with new staff
abluion, garage and laundry



FARM 1350, CLOS MALVERNE, DEVON VALLEY

**APPLICATION FOR A CONSENT USE FOR TOURIST FACILITIES &
ACCOMMODATION ESTABLISHMENT**



NOVEMBER 1, 2022

Prepared by Ateljee Will Hammers

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CO-PROPS 115 (PTY) LTD

FARM 1350, CLOS MALVERNE, HOVELEA ROAD, DEVON VALLEY, STELLENBOSCH 7600

Lat: -33.910853 | Lon: 18.813445

MOTIVATION FOR CONSENT USE APPROVAL TO ALLOW FOR THE PROPOSED TOURIST ACCOMMODATION ESTABLISHMENT, RESTAURANT AND WELLNESS (SPA) FACILITY.

1. EXECUTIVE SUMMARY

PROPERTY DESCRIPTION	Farm 1350, Devon Valley, Stellenbosch
TITLE DEED NUMBER	T61721-2007
MORTGAGE	
ADDRESS	Clos Malverne, Hovelea road off Devon Valley Road, Devon Valley, Stellenbosch 7600
EXTENT	8,9187ha
ZONING	Agricultural Zone
LAND USE	Vineyard cultivation, wine manufacturing, residential
APPLICANT	Ateljee Will Hammers

The farm Clos Malverne is famous for its award-winning wines and attracts many guests throughout the year, from all over the country and abroad. The need to combine wine-tasting tours with a dining experience is thus a no-brainer and the added possibilities of overnight accommodation and beauty treatment while enjoying the rural beauty and crisp air, are added bonuses.

APPLICATION COMPONENTS/ DESCRIPTION:

The application involves the following:

- Application in terms of Section 15(2)(o) and (b) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 for a consent use, to allow for tourist accommodation establishment and a tourist facility on farm 1350, Devon Valley, Stellenbosch

SPECIAL / CONSERVATION AREA:

The application does not involve special and/or conservation areas. The property is in a well-established farming area with similar types of developments and other land uses with an impact beyond of what is being proposed on this farm. The land uses that are being proposed with the new application will be practiced in existing buildings on the site. The same building where the wine tasting is housed will be upgraded into a fully functional wine tasting and restaurant area.

POLICIES / PLANS APPLICABLE:

- National Development Plan 2012
- National Environmental Management Act No 107 of 1998 (NEMA)
- Integrated Development Plan
- Economic Growth Strategy
- Land Use Planning Act, 2014 (Act 3 of 2014)
- Stellenbosch Municipality Zoning Scheme By-Law, 2019
- Western Cape Strategic Plan 2014-2019
- Provincial Spatial Development Framework (PSDF)
- Section 59 of the Land-Use Planning Act (Act 4 of 2013), as well as Section 7 of SPLUMA (Act 16 of 2013):

2. DECISION AUTHORITY – STATUTORY APPLICATION

The following applications were approved by the Stellenbosch Municipality on 2008-09-16:

- Application for a rezoning from Agricultural Zone I to Agricultural Zone II to formalize the enclosed storage/loading yard of the winery ($\pm 427\text{m}^2$).
- Application for a building line departure to relax the 30m building line restriction to 0m to accommodate the enclosed courtyard / lean-to.
- Application for a consent use for Tourist facility in terms of section 4.6.1 of the Section 8 Zoning Scheme to relocate the approved 136m^2 wine tasting / sales facility and to extend the footprint to 336m^2 (of which 118m^2 is an undercover stoep area) to establish a wine tasting / sales / offices facility on the property.

The new application involves the following statutory procedures and authority decisions:

- Application in terms of Section 15(2)(o) and (b) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 for a consent use to allow for tourist accommodation establishment and a tourist facilities on farm 1350, Devon Valley, Stellenbosch

The objectives of this proposal entails the following:

1. The developments must contribute positively to urban structure of the city to create integrated and legible places and neighbourhoods.
2. Ensure that developments contribute to improved equality of the public realm and public spaces;
3. Ensure that developments contribute to the creation of safe and secure communities;

4. Ensure opportunities and amenities are accessible and that people can move about easily and efficiently;
5. Promote development intensity, diversity and adaptability;
6. Ensure enclosure and positive interfaces onto the public realm;
7. Development should recognise and respond appropriately to informality;
8. Development should protect, value and enhance the natural environment through sustainable design; and,
9. That development should respect and enhance the heritage, character and unique identity of the city and its neighbourhoods

3. PROPERTY DETAILS

Land Rights

Farm no. 1350, formerly farm no.79 portion 2 (also farm no. 79 portion 7) is held in consolidated title 1721-2007 under ownership of Co-Props 115 Pty (Ltd). See attached Title deed.

There are no title deed restrictions that prohibit the establishment of a tourist accommodation establishment or a tourist facility. See Conveyancers certificate attached.

Stellenbosch Municipality Zoning Scheme By-Law 2019 parameters applicable to the subject property as follows:

Parking requirement as per the Stellenbosch Municipality Zoning scheme By-Law 2019 are as follows:

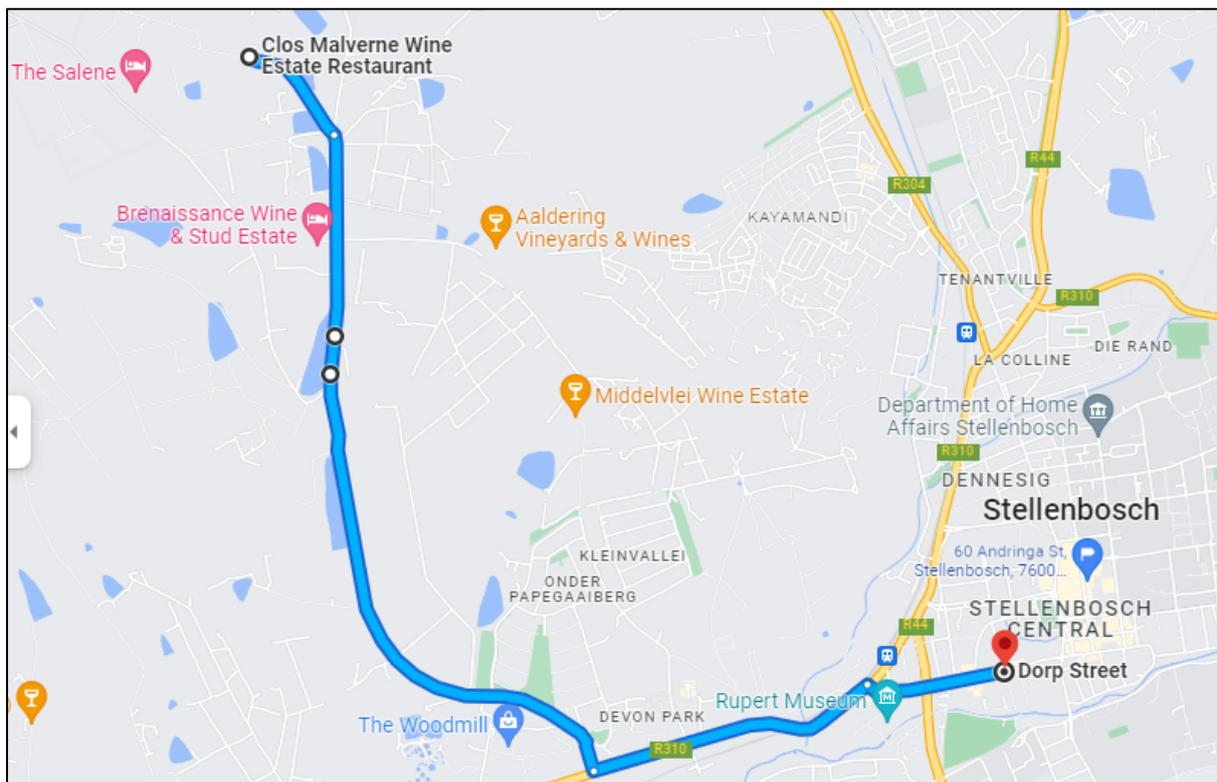
Tourist accommodation establishment	To Municipality's satisfaction - between 0,7 bays per bedroom and 1 bay per self-catering unit
Restaurant	4 bays/100m ² gross leasable area

Sufficient on-site parking bays are provided within proximity of each cottage unit, restaurant, and spa. The owners made provision for 80 to 100 parking bays for the all the proposed facilities on site. The proposal in terms of parking provision is compliant with the By-law.

Tourist facilities					
Tourist facilities: overall max limit including outdoor areas used but excluding parking.	5m	1 storey		250m ²	As approved by Municipality
-Shop in tourist facility sub-limit				120m ²	
-Manufacture and craft workshop sub-limit				50m ²	

Location & Access [Lat: -33.910853 | Lon: 18.813445]

Clos Malverne lies 7km north-west of the town centre accessible by travelling 1.5km from lower Dorp street on the R310 before turning right from Adam Tas Road (R310) onto Devon Valley Road for approximately 4km before a short left into Hovelea road leads you to the farm entrance 650m on the right.



Physical properties

The land slopes considerably from west to east with the vineyards planted on the east facing slope. There are no water bodies, natural or otherwise, located on the farm.

Most buildings are grouped around the main entrance in the south-western corner of the farm. These include the Tasting facility and farm offices, the main house and pool, a second dwelling, wine store, a small tower used for storage, a maturation cellar, laundry and three

large warehouses used for wine storage, bottling, packaging and distribution. Two sets of buildings are located towards the eastern boundary, the first buildings in the northeast and a store close to the eastern boundary.

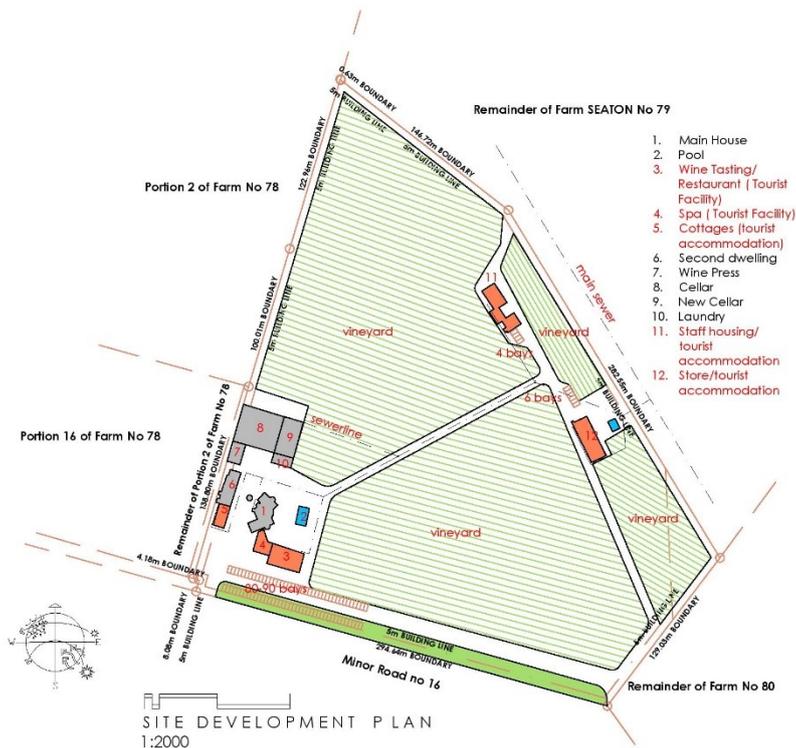
4. BACKGROUND / SITE HISTORY / PLANNING CONTEXT

Background

Clos Malverne is a working farm situated on a secluded property within the golden triangle of world-renowned wine estates. Farm 1350 Devon Valley, Stellenbosch is currently used for vineyard cultivation, wine making, bottling, and packaging, wine export, wine tasting and on-site sales. The award-winning wines produced at the facility has made the farm a popular destination for tourists, both locally and abroad and the expansion of the tasting facilities and sales offices in 2008 has helped grow the farm's economic footprint in the Stellenbosch region and internationally. More than 60% of their wines are exported to Europe and the USA and over the years, a need to cater for increasing numbers of tourists have yielded opportunities for tourist facilities and tourist accommodation. This has created the need to expand on the existing functions offered on the farm by providing overnight stays for guests eager to explore the valley and the historic town. Adding a restaurant function to the existing tasting facility is a natural progression of the tourist facility establishment and a Spa addition will complement the guest cottage use.

History

The farm was annexed from Seaton farm 79 and surveyed in 1950 (portion 2 of farm 79). The first buildings were cottages (no. 11 on the map below). These buildings were rebuilt, renovated, and altered over the decades and the last renovation took place in the early 2000's. They contain no remnants of the original building other than the original footprints. The current manor house and outbuildings were added in the 1950's (no.'s 1, 2, 5, 6, 7 & 8) A store was erected in the 1970's utilised for various storage functions. (no. 12). An additional Cellar and laundry were added in the late 90's (no.'s 9 & 10) and a Roof cover was added in 2008 to reduce noise pollution and protect machinery and other equipment next to the original cellar (no. 8).

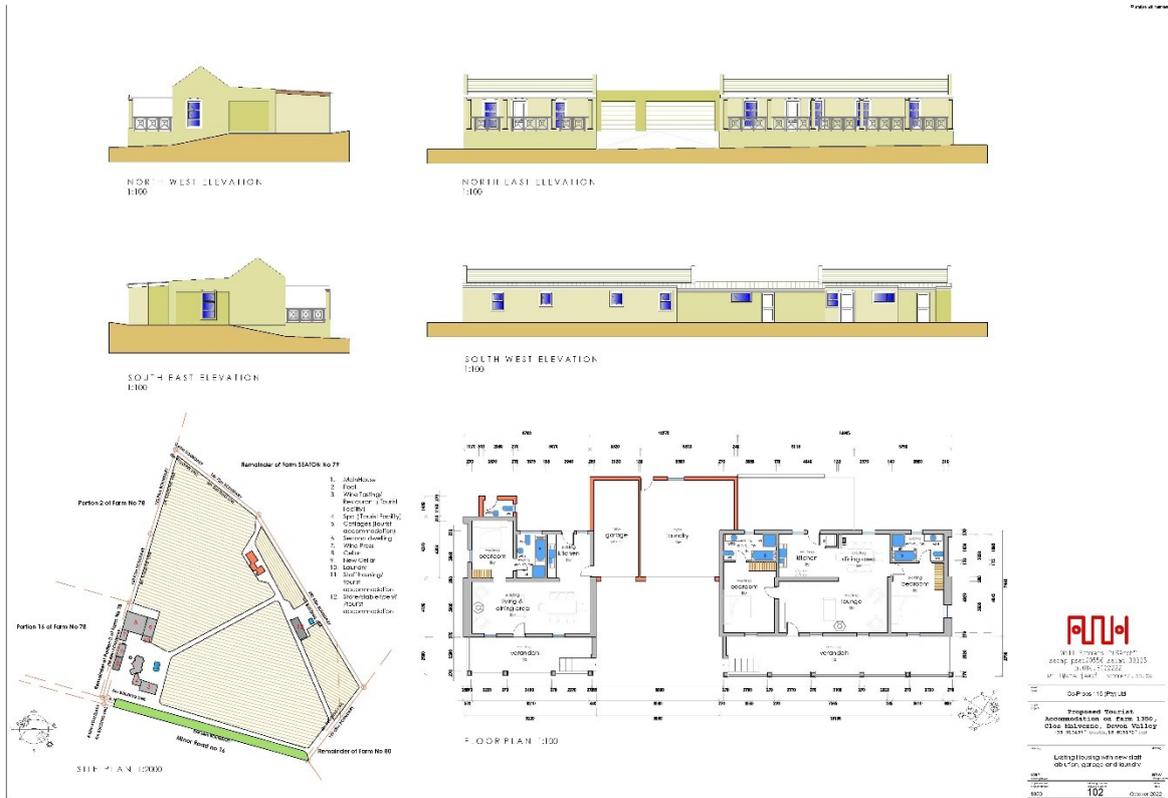


Planning Context

The proposed restaurant (No.3) and spa (No.4) are to be in the existing building adjacent to the Main House Complex (No.1) and just off the main entrance next to the parking area. The proposal also includes the conversion of 11 staff cottages/storage rooms into tourist accommodation bedrooms of which only two will be self-catering. Six of the guest rooms will be located along the eastern boundary line of the property in an old building used for barrel storage (No.12), opposite a new swimming pool. Two of the cottages will be located to the north-east along the same boundary line (No.11) and the remaining three guest rooms in an old implement and wine store on the western boundary opposite the main house near the main entrance (No.5). This store sits 4.07m from the boundary and thus requires a relaxation of the 5m building line.

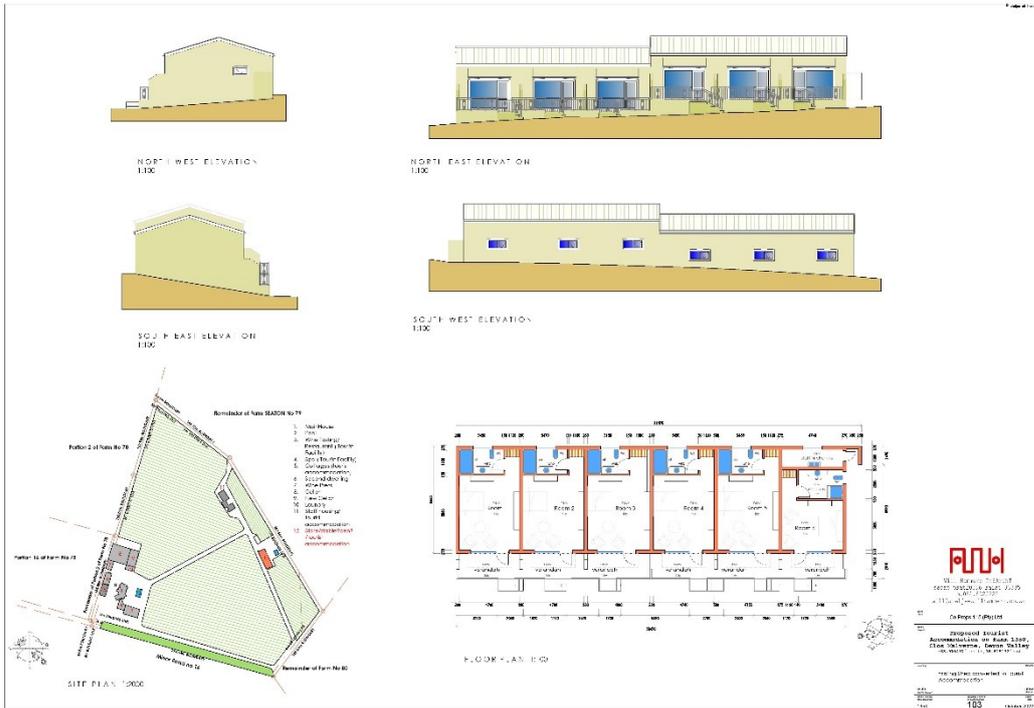
Wine tasting and cellar tours can whet the appetite for longer stays and the proposed incorporation of the restaurant allows people to extend their experience at the farm, while pondering a wine purchase for home or even an overnight stay to join friends. The guests will also be able to visit the main pool area to cool down or they can book themselves in at the spa where they will have a variety of treatments to choose from.

- The cottages proposed for the utilization of guest rooms were built as staff housing and will be upgraded to house visitors to the farm. (No.11) total 265m²+91m² open verandah

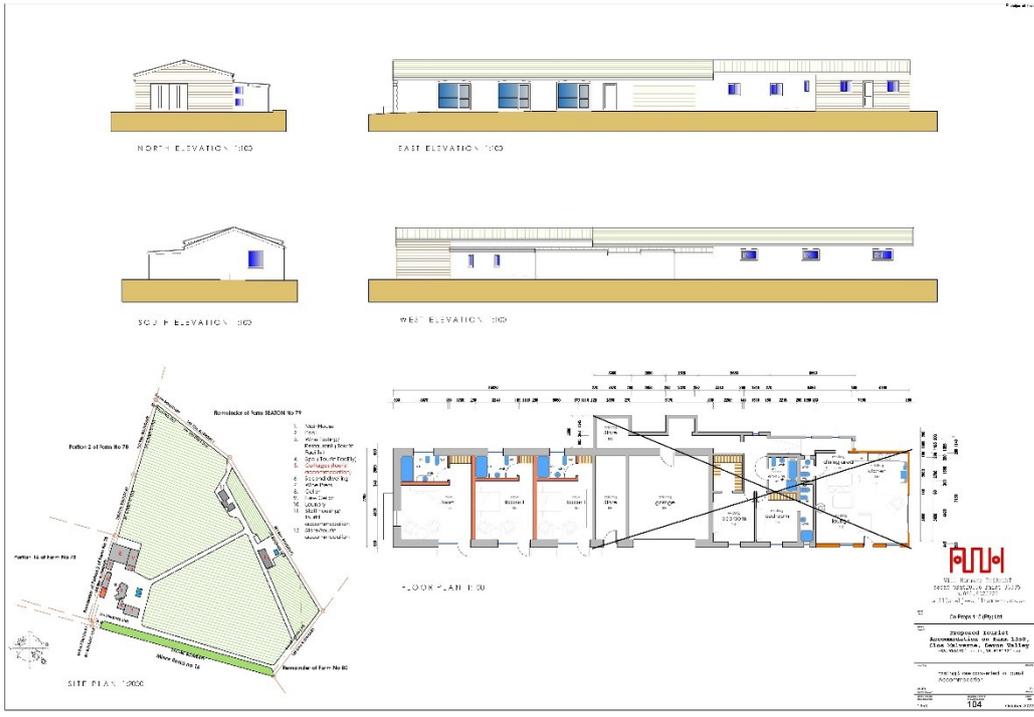


- The store that is being proposed for upgrade and use as guest rooms were built for barrel storage. (No.12) 258m²+61m² open veranda.

FARM 1350, CLOS MALVERNE, DEVON VALLEY

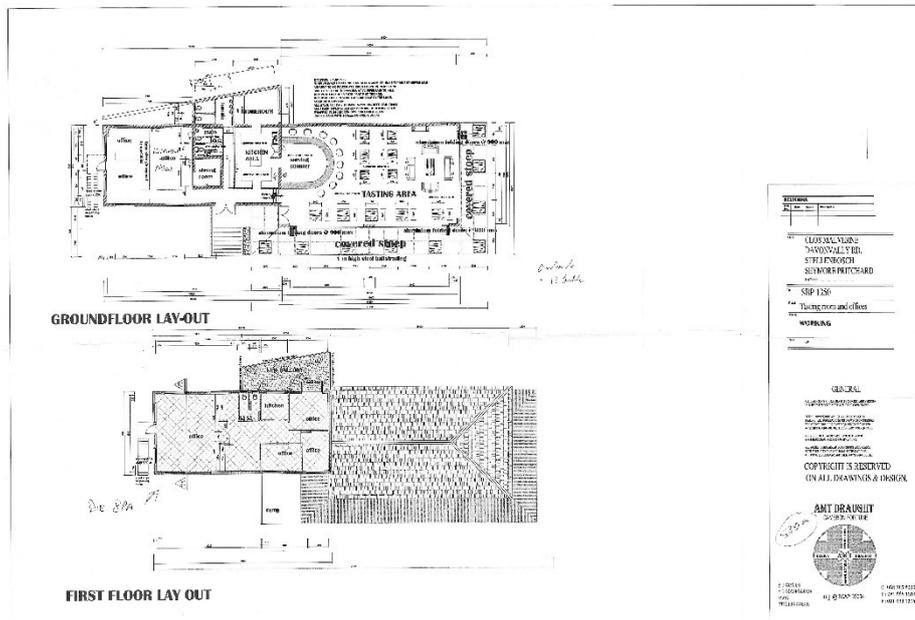


- The store that is being proposed for upgrade and use as guest rooms were built for wine storage. (No.5) 122m²



- The existing wine tasting facility will be expanded to include restaurant functionalities and all additional by-law requirements for food preparation, fire, health, and public safety will be met. (No.3) 297m²

- The day spa that is being proposed will offer a variety of therapeutic rejuvenation sessions to individuals, which will be carried out by trained professionals. (No.4) 120m²+21m² open veranda.



5. MOTIVATION

The owner is trying to create a luxurious experience within an inclusive environment where multiple land use rights are incorporated into one property, which is in line with the densification policy. The size of the farm and underutilization of available space, allows the owners to create a development with a mixture of land uses, with efficient urban form and structure, resulting in the optimization of existing land, through sustainable development and critical thinking.

The guest rooms/cottages on the proposed layout plans are evenly spread across the entire site, which creates an uncluttered feel to the accommodation functions while not interfering with the main functions of the working farm. The layout and positioning of the cottages also allows overnight guests to have their privacy away from day visitors.

The different land uses and facilities proposed for the farm all complement each other, and as auxiliary functions to wine production extends the farms potential and future profitability. There are no inappropriate activities taking place on the site that would pose any harm to any of the guests visiting these facilities, which means the development will be accessible to everyone, including people with disabilities.

The consent use application is based on extensive consideration of the existing land uses, recreational spaces, agricultural features, parking availability, and other factors on site. The proposal allows the owners to create a safe and quiet space for people to escape from their everyday lives, providing them the opportunity to enjoy the outdoors/farmland with the beautiful views of the mountains from right across the farm.

Socio-economic impact

The proposed development on Farm 1350 will firstly result in income generating opportunities both during the construction/renovation phase and subsequent operational and maintenance lifecycle of the development. Employments opportunities will also be created long term, which would include, 17 operational staff at the restaurant (receptionists, chefs, waitrons, housekeeping, managers), 3 spa (treatment specialist/professionals and receptionist), and 3 cottages (maintenance workers and housekeeping). Secondly, the proposal includes a range of guest accommodation cottages at different prices, catering for different market segments, which will support improved social integration. Thirdly, the proposal would result in an increase in the passive surveillance in the area in support of safer communities, through increased foot traffic, positive interfaces, and upgrades to the surrounding network.

The development will contribute positively to the local economy and rural community by empowering many unskilled and unemployed people.

The Social Development Strategy of the proposal seeks to maximise income generating opportunities for people who are excluded or at risk of exclusion; build and promote safe communities; support the vulnerable through enhancing access to infrastructure and services; promote and foster social integration; and mobilise resources for social development. The proposal is therefore entirely in alignment with the goal that the owners want to achieve.

Infrastructure for the physically disadvantaged such as ramps, ablution facilities and - parking bays will all be incorporated into the new proposal.

- Guests on the farm will stay within a safe and secure environment. The property is monitored remotely and through regular armed response patrols 24/7 with cameras and beams installed strategically. There is also access control through boom gates. Each guest unit will have their own remote, access through a second gate at the south-east corner to bypass the main entrance and restaurant.
- The vineyards on the property will remain untouched and unaffected by the proposed land use, as all new uses will be housed within the confines of existing structures. The existing

vineyards also add to the enhancement of the property as it is well located around the proposed restaurant, spa and pool terrace providing a beautiful panoramic view for the guests to enjoy.

- The winemaking and in particular the wine tasting, and local sales were severely affected over the past 4 years, mostly due to Covid 19 restrictions imposed on certain sectors. The three options to encourage tourist engagements with the restaurant, tourist/guest cottages and a day spa will greatly contribute towards eliminating some of the cost incurred in the socio-economic investment made during the last few years.
- A new restaurant can easily be integrated with the wine tasting sessions, resulting in the two land uses complimenting each other. The restaurant should do well because the farm is renowned for its award-winning wines and should attract a steady flow of visitors both locally and beyond.
- The tourist accommodation is an ideal option for people to break away, while the day spa will offer a variety of options to guests such as, facials, manicures, pedicures, exfoliation, body scrubs, body massages, hair waxing etc.
- The proposal will not detract from the surrounding land uses, because there are multiple farms within proximity that has similar type of operations such as guesthouses, restaurants, wine tasting facilities etc. including JC le Roux, Louisevale, Devon Valley Hotel and Brennaissance. The tourist facility, restaurant and spa will fit perfectly into the area, and it will create an edge over competitors, because there are not many facilities in the surrounding area that has day spa facilities.
- The visual impact on the streetscape will not change, as all the structures already exist on property and a big and nicely maintained hedge along the cadastral boundary of the farm screens these structures thus mitigating any impact on the neighbouring property rights to privacy.
- The proposal will allow the owner to maximize the use of the existing units and structures, by providing a secluded, safe, and enjoyable tourist facility, restaurant and day spa, where people can come and enjoy the beauty of a Boland farm. The restaurant and day spa grants people an opportunity to break away from their daily lives and to create a social environment where people from different backgrounds can forge new relationships.

- Municipal services will be affected minimally, as the current infrastructure on the farm already caters for all existing buildings and no upgrades are envisioned. Portable water is supplied via their Theewaterskloof allocation while two boreholes on the farm supply the bulk of the water used for irrigation and cleaning of building surfaces, equipment, and vehicles. There is an existing sewer line originating at JC le Roux that connects the local farms to the municipal sewer system. Electricity is supplied by Telkom via a sub-station on the farm. Refuse collection is done by staff and transported to the Devon Valley Solid Waste facility nearby.
- The proposed technical approval and consent use will not have any negative impact on the value of surrounding property owners. The proposal will instead create healthy competition in the valley which should encourage other farms to improve or upgrade their own facilities, which will result in the overall upgrades and improvement in the entire community and attract more capital investment.
- The tourism sector's potential for future growth is acknowledged and it is likely to provide major investment inflow in the areas outside of the metropolitan area. The principles set out in the Western Cape Spatial Development Framework (WCSDF) strives to ensure that future development in the province proceed in a manner that is sustainable. The proposed development ensure that it complies with the principles set out in the WCSDF as it aims to create new employment and social opportunities without affecting the natural environment, by utilizing existing structures for the proposed land uses, collectively contributing to tourism without having a detrimental impact on the wider community.
- Tourism that reinforces the municipality's sense of place should be encouraged in the informal areas and rural land outside of the urban edge. The variety of region's tourism should be preserved rather than focused on one unique resource and the attraction must remain appropriate with the town's tourism themes. One of the clear examples of such would be Franschhoek, which is very popular town in the region, because of its multitude of land uses that are incorporated into agricultural land.
- Direct and indirect employment opportunities are promoted through the proposed Spa, restaurant, and tourist accommodation. The approval of the proposed applications will ensure the retention and creation of good quality employment opportunities, which is of critical importance for the people in the current state of the country's economy.

6. SPATIAL PLANNING FRAMEWORKS, POLICIES AND BY-LAWS APPLICABLE TO THE PROPOSAL

a) National Development Plan 2012 (NDP)

The NDP promotes 3 key spatial planning principles which is relevant to the proposed land uses for Clos Malverne.

1. Rural Transformation – This principle focuses on promotion and development of inclusive and integrated rural economies. This strategy specifically aims to reform land, agrarian transformation, sustainable livelihood, employment creation, and clear environmental conservation and protection to guide development in rural areas
 2. Improvement of infrastructure – the purpose of this principle is to upgrade informal towns, public transport, water augmentation programmes, diversifying energy mix in order to include gas and renewables and access to broadband.
 3. Building environmental sustainable and resilient communities – the proposal aims to adapt and mitigate measures against the impact of climate change by focusing on maintaining the integrity of eco-systems.
- The application complies with 2 key spatial priorities in terms of NDP. The application aims to promote rural transformation through sustainable livelihoods and employment creation through using a portion of the wine tasting facility as a restaurant and spa, and converting the existing cottages to guest units. The proposed land uses will require a maintenance teams, waiters/waitrons, chefs, housekeeping, managers, and professionals to work in the spa, which all contributes to the economy but most importantly provides employment opportunities to many people whom are currently without work.
 - Environmental sustainability and resilience are supported through the maintaining the integrity of the natural environment, as there are no new structures proposed with the consent uses. The existing structures will be utilised for the proposed land uses, therefore having no impact on the eco-system and the conservation area in the surrounding community.

- The proposal incorporates the vision, focus areas and objectives of the NDP and aims to make a positive contribution to the CWD as far as possible. The proposal aims to diversify the income stream of the farm through utilizing the existing building assets for tourism business purposes. The income generated from the proposed land uses can be utilized to support the protection of the natural environment, and agricultural features on the farms.

b) Integrated Development Plan (IDP)

According to the IDP “the tourism industry also makes a larger contribution to the economy of the Stellenbosch Municipal area and is valuable to the local economy for ample job opportunities it can create. It is estimated that the industry contributes up to 10 percent to the local economy of the Stellenbosch Municipal area”.

c) Section 59 of the Land-Use Planning Act (Act 4 of 2013), as well as Section 7 of SPLUMA (Act 16 of 2013):

The two documents stated above, contain a number Land-Use Planning, as well as Land Development principles, regulating development of land under consideration.

These principles are:

- Spatial sustainability - promoting the development of land in a feasible and viable way
- Principle of efficiency - dealing with effective and economical use of land and resources
- Good Administration - involving all government entities for an integrated approach to the use of land
- Spatial resilience - refers to flexibility in spatial plans and land-use policies, resulting in maximising the exploitation of the potential of a property

d) Provincial Spatial Development Framework (PSDF)

- The PSDF promotes principles of diversification and strengthening of the rural economy. The principles are strongly advocated for in the Western Cape's agricultural areas generally, including Stellenbosch Municipal area within which Clos Malverne is located. The PSDF promotes the tourism and hospitality industry to allow for the diversification of agricultural and rural economy, particularly through farming, heritage, and eco- and Agri-tourism.
- 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 historic and cultural related uses in the area. Nothing proposed herein contradicts any of the said principles or guidelines.

The PSDF contains a range of spatial related policies. The policies as listed below has direct relevance to the proposed land use applications.

- Policy E1 – Promoting smart growth to ensure the efficient use of land and infrastructure by avoiding further urban sprawl and prioritizing infill, intensification, optimization and redevelopment within settlements
- Policy E2 – Applying the principles of space utilization efficiency, multi-functionality, and clustering to all facility provision projects.
- Policy E3 – Providing households with residential environment, mobility, access to opportunities that encourages productive activities and minimize levels of exclusion from opportunities.

e) Economic Growth Strategy

- The proposal is supportive of the Local Economic Growth Strategy in terms of private sector investment, optimal use of land as a scarce urban resource within the urban edge, optimal and efficient use of municipal infrastructure, and the goal of sustainable growth.

f) National Environmental Management Act No 107 of 1998 (NEMA)

- It has been determined that the proposed development will not have any detrimental effect on the natural environment, as the owners will be utilizing the existing structures on site for proposed land uses. There will be no noxious trades or activities taking place on the facility, which therefore eliminates any further impact on the biophysical area. None of the activities proposed on the property, triggers any of the listed activities in terms of the Environmental Impact Assessment (EIA) regulation stipulated in the NEMA, therefore a basic assessment or environmental impact assessment is not required.

g) Stellenbosch Municipality Zoning Scheme By-Law 2019

- The local electricity network has sufficient capacity to provide for the additions, with no upgrading to be required to the connection.
- The property will require minor upgrades and additions in terms of engineering requirements, in order to tap into available and existing services, without the need for additional bulk service provision.
- Solid waste removal is done by the client, while a substantial amount of waste is recycled as nutrients back into the soil.
- The existing shared driveway and access gate will be utilized, as per normal and there is adequate parking space available on site as indicated on the building plan.
- A positive capital investment may result from the proposed land uses. The investment entails the building costs for the renovation of the existing structures, together with ancillary costs resulting from the application, landscaping and gardening, security installations etc. These investments will also include development and service charges to the municipality.
- The proposed tourist facility, restaurant and day spa is fully compatible with surrounding land-uses. It supports sustainability through intensified use of existing land, road and service infrastructure, incorporation of energy and water demand efficiency in construction, within the urban edge.

7. RECOMMENDATION

Denying the client an opportunity of this magnitude, would deprive them of utilizing this farm, located in a prestige area, to its fullest potential, as well as deprive many members of the surrounding community of numerous employment opportunities, which would improve their socio-economic potential.

The proposal follows approved regulatory frameworks, which includes the IDP, draft MSDF, Development principles, Section 42 of SPLUMA, LUPA, and the applicable provisions set out in the Municipal Zoning Scheme By-Law.

The proposal will make a positive contribution to the tourism sector, as well as the overall Stellenbosch municipal area and helps entrench the town as a premier tourist destination. The property is well located in the Stellenbosch area and convenient for guest who wish to explore the wine route and other amenities within the greater Stellenbosch area.

The proposed land uses are consistent with surrounding land uses and mixed tourist character of the immediate area. There are evidence of similar types of developments and established within the community of Devon Valley. The proposal contributes towards the creation of direct and indirect employment opportunities, which in return has a substantial effect on the capital investment with the associated economic advantages to the local authority and local economy.

The proposed development is consistent with good rural development and management as the layout design were well thought through, considered all the factors surrounding the property and respected the topography of the site before any decisions were made. The proposed tourist facility, restaurant and day spa will result in the optimal utilization of the property, taking into account the character of the area, - and surrounding land uses. It is envisaged that Council will favourably consider the application.