



Postal address: 152 Dorp street
Stellenbosch
7600

Mt: +27 (0)72 480 5838
E: marike@archtownplanners.co.za
W: www.archtownplanners.co.za

9 February 2024

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Sir/Madam

CONSENT USE AND DEPARTURE APPLICATION FOR ADDITIONAL DWELLING UNIT ON REMAINDER FARM 136, THELEMA, STELLENBOSCH

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

Application Property Address: **Remainder Farm 136, Stellenbosch (Thelema)**
Application Property Number: **Remainder Farm 136, Stellenbosch**
Applicant: **Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)**
Owner: **Thelema Mountain Vineyards (Pty) Ltd, 072 293 3140**
Application Reference: **LU/TP TP461/2023**

Description of land development proposal:

Application is made in terms of Section 15(2) (b) and (c) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the following on Farm No. 136, Stellenbosch:

- **a Consent Use to allow for an Additional Dwelling unit on Remainder of Farm 136, Stellenbosch**
- **a Permanent departure to allow for an Additional Dwelling Unit with coverage of 180m² in lieu of 120m²**

Notice is hereby given in terms of the provisions of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning>

[notices/land-use-applications-advertisements](#). If the website or documents cannot be accessed, an electronic copy of the application must be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: carlien@archtownplanners.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **10 March 2024**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **072 480 5838** during normal office hours.

Yours faithfully

Marike Bolz

For Arch Tow Planners



Postal address: 152 Dorp street
Stellenbosch
7600

M: +27 (0)72 480 5838
E: marike@archtownplanners.co.za
W: www.archtownplanners.co.za

9 Februarie 2024

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

Geagte Mnr./Me.

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

VERGUNNINGSGEBRUIK VIR ADDISIONELE WOONEENHEID EN 'N AFWYKING, RESTAND PLAAS 136, STELLENBOSCH (THELEMA)

Adres van aansoek eiendom: **Thelema Mountain Vineyards, Restand Plaas 136, Stellenbosch.**

Aansoek eiendom beskrywing: **Restand Plaas 136, Stellenbosch**

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

Eienaar: **Thelema Mountain Vineyards (Pty) Ltd, 072 293 3140**

Aansoek Verwysing: **TP461/2023**

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen in terme van Artikel 15(2)(b) and (o) van die Stellenbosch Munisipaliteit se Beplanningsverordening (2023) ten einde voorsiening te maak vir die volgende:

- 'n Vergunningsgebruik vir 'n **Addisionele Wooneenheid op Restand Plaas 136, Stellenbosch**
- 'n **Permanente afwyking om voorsiening te maak vir 'n Addisionele Wooneenheid met dekking van 180m² in plaas van 120m²**

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

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

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

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: [Marike Bolz, carlien@archtownplanners.co.za](mailto:Marike.Bolz.carlien@archtownplanners.co.za). Deur 'n beswaar, kommentaar of verfoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **10 Maart 2024**.

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.

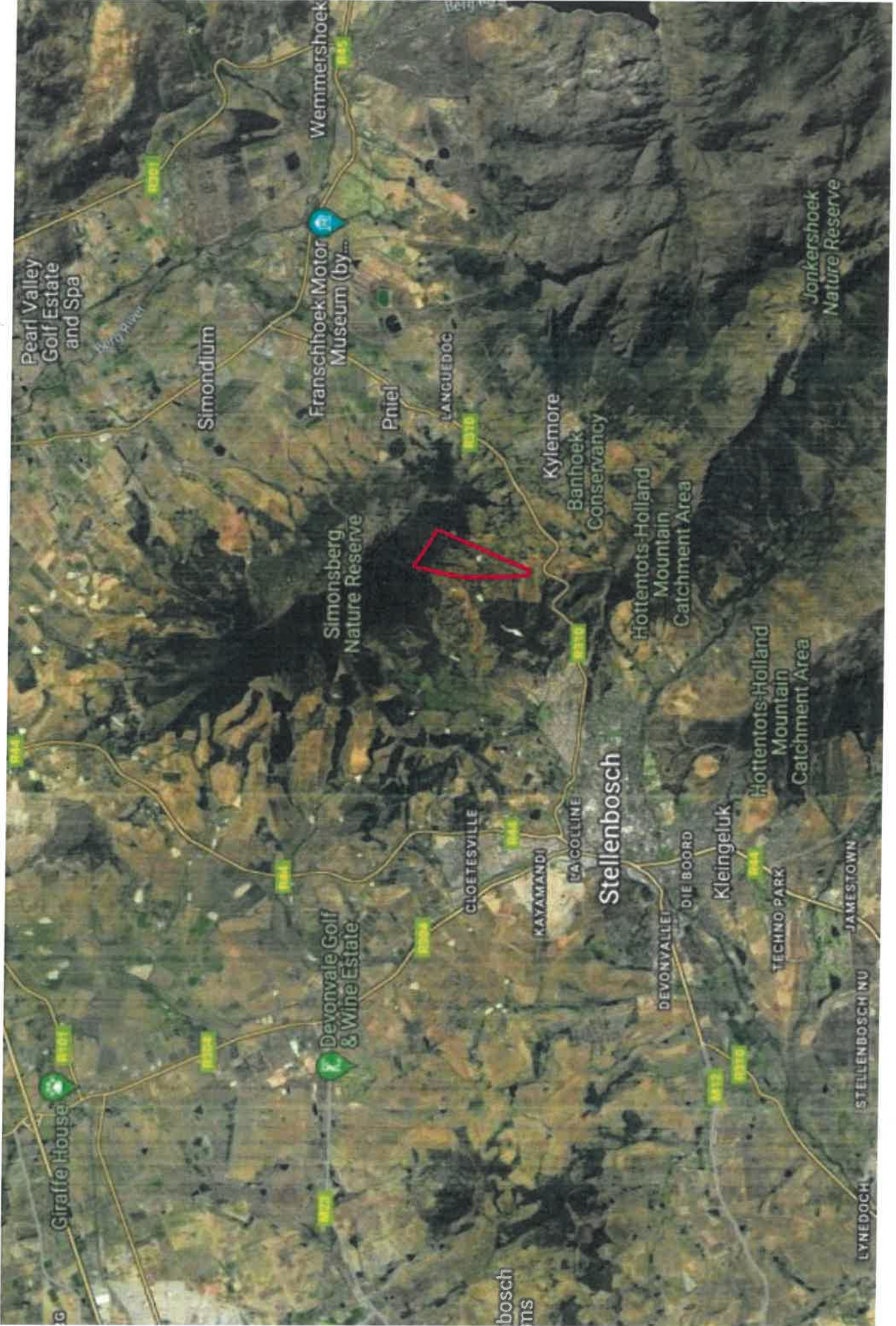
Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **072 480 5838** gedurende normale kantoor ure.

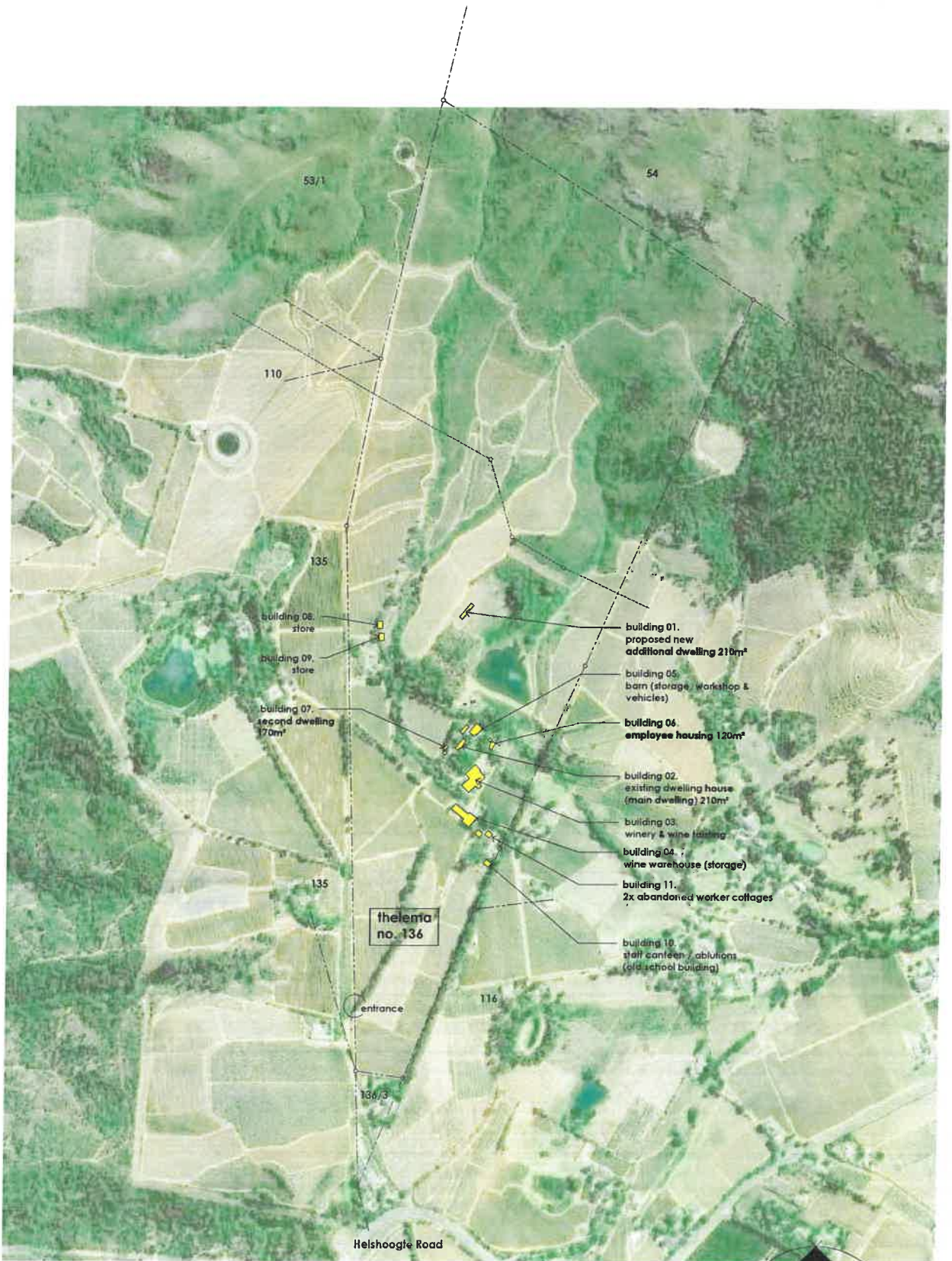
Die uwe

Marike Bolz

Vir Arch Town Planners (Pty) Ltd

Farm 136 Locality Plan





FARM : SITE DEVELOPMENT PLAN

scale 1 : 10,000

drawing. S.A.02 date: 3 August 2023 farm area: 135,24ha



CONSENT USE AND DEPARTURE APPLICATION FOR ADDITIONAL DWELLING UNIT

REMAINDER FARM 136, THELEMA, STELLENBOSCH



August 2023
SUBMITTED TO:
STELLENBOSCH MUNICIPALITY

PREPARED AND SUBMITTED BY: RENALDO MULLER



Postal Address: Bakkershuis
152 Dorp straat
Stellenbosch, 7600
Email: renaldo@archtownplanners.co.za
Website: www.archtownplanners.co.za

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ANNEXURE B:	Application Form
ANNEXURE C:	Title Deed and Conveyancer Certificate
ANNEXURE D:	SG Diagrams
ANNEXURE E:	SDP
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ANNEXURE H:	Pre-Application Meeting Minutes
ANNEXURE I:	Previous Approval

1 INTRODUCTION

1.1 Background Information

Thelema Mountain Vineyards is a family-owned, and managed wine estate located at the top of the Helshoogte Pass in Stellenbosch, part of the spectacular Simonsberg Mountain range.

In 1983 Gyles Webb, still the current owner, purchased Thelema farm. The Manor House was carefully restored and the first wines under the Thelema label were released in 1988. By the mid 90's, Thelema's wines sold out within a month after release, making it one of the most sought-after wine estates in South Africa.

The current owner of Thelema Farm wishes to build an additional dwelling unit on the farm to be able to provide accommodation for the next generation of the family, to ensure that the family can stay on the farm.

1.2 Planning Brief

In light of the above information, Arch Town Planners (Pty) Ltd has been appointed by the owner of the farm (hereafter referred to as the application site) to prepare and submit an application for Consent Uses and Departure, to allow for the proposed Additional Dwelling Unit, to the Stellenbosch Municipality for their consideration. Please refer to the attached Power of Attorney (**Annexure B**).

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(b)(o) of the Stellenbosch Municipality Land Use By-Law, 2023 (hereafter referred to as 'the By-Law') for the following:

- i. A consent use to allow for an Additional Dwelling unit on Remainder of Farm 136, Stellenbosch.
- ii. A permanent departure to allow for an Additional Dwelling Unit with coverage of 180 m² in lieu of 120 m².

The official application form is attached to this report as **Annexure A**.

2 PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Farm Size	Title Deed	Restrictive Title Deed Conditions
Remainder Farm 136 Stellenbosch	Thelema Mountain Vineyards (Pty) Ltd	135.24 ha	T30428/1983	None

Table 1: Property Details

Please refer to **Annexure C** for a copy of the Title Deed.

2.2 Locality and context

Remainder Farm 136 Stellenbosch is situated within Stellenbosch Municipal area between Simonsberg and the Helshoogte Pass. Situated approximately 7 km north-east of Stellenbosch and 3km west of Kylemore (as indicated in Figure 1 below). The application site lies within an agriculturally rich area and is surrounded by various wine farms. Access to the property is taken indirectly from the Helshoogte Road via a road servitude crossing Portion 1 of Farm 136 and Remainder of Farm 116. Figure 2 below shows an arial photo of the application site and indicates various wine farms in the surrounding area.

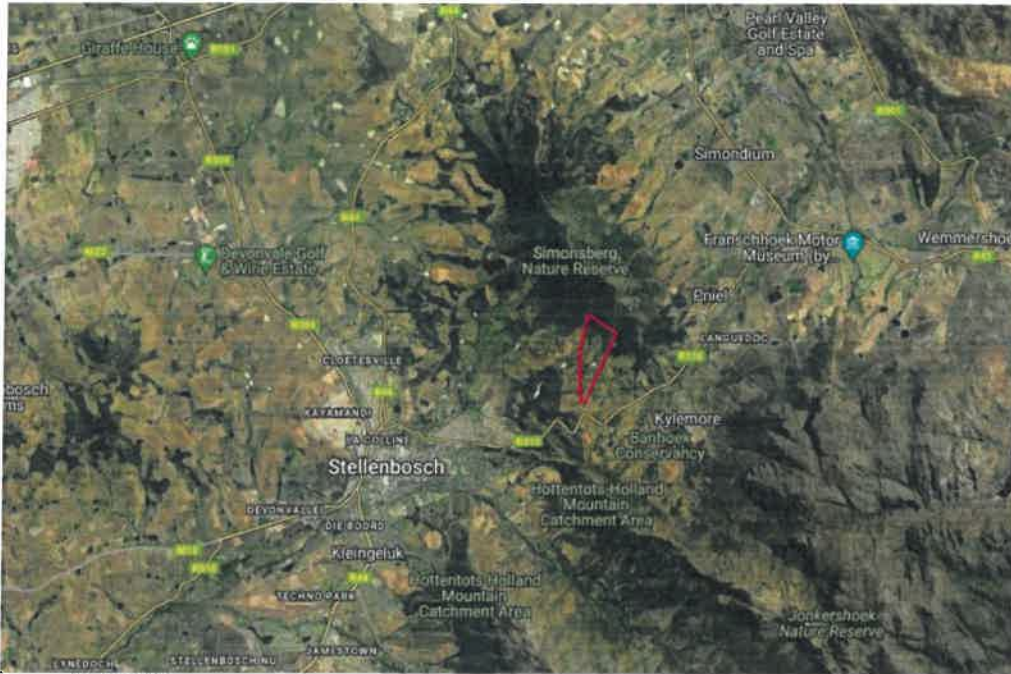


Figure 1: Locality

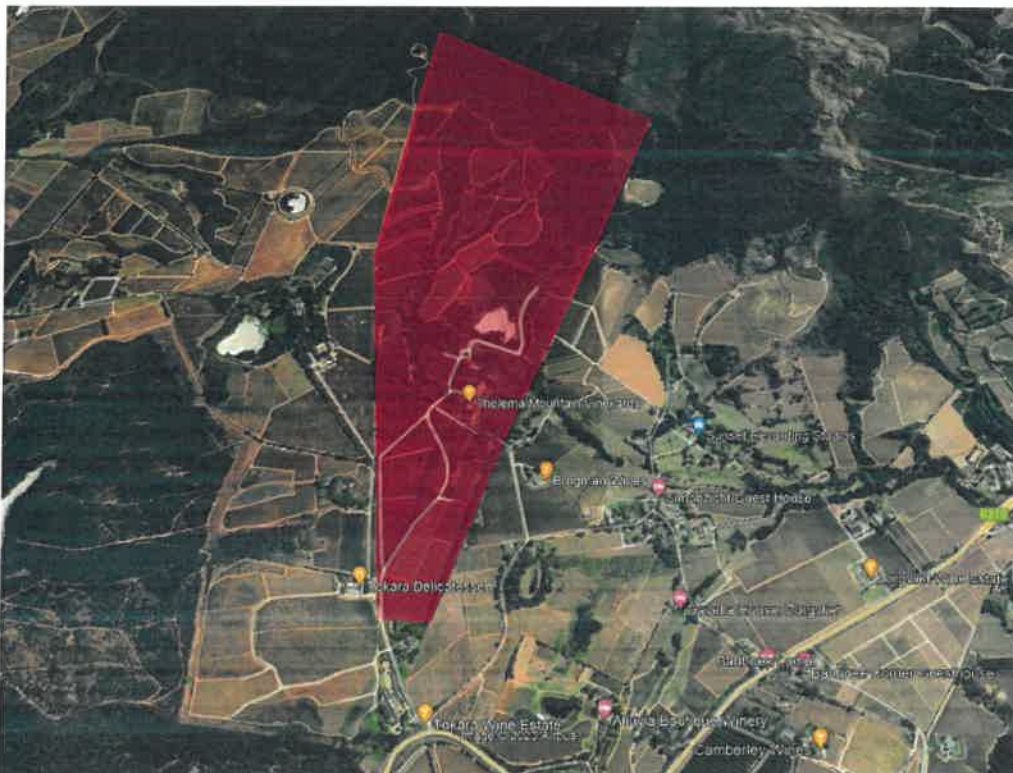


Figure 2: Aerial Photo

2.3 Current Zoning and Land Use

The zoning of the property is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law (2019). The property is currently zoned Agricultural and Rural with consent for a wine cellar and wine tasting. Agriculture and Rural zone allows for the following land uses:

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

Table 2: Agricultural and Rural Zone

Thelema is a well-established active, family run, wine farm currently being used for the cultivation of grapes and wine making. There are currently three residential buildings on site including the Main Dwelling Unit (210m^2), a Second Dwelling (170m^2) and a Labourer's Cottage (120m^2). There are also a number of buildings directly related to agriculture activities on the farm, including a winery and wine tasting facility (approved in a previous application). The various buildings and land uses can be seen on the SDP included as Annexure F.

2.4 Previous Approvals

In 2022 the Stellenbosch Municipality approved a wine tasting facility inside an existing wine cellar. Figure 3 below is an extract of the recently (2022) approved SDP indicating the wine tasting facility in red.



Figure 3: Previous approved SDP

2.5 Botanical Constraints

Although this application does not require an Environmental Site Analysis and Site Suitability Study, the client appointed Bernard Oberholzer, a Landscape Architect and Environmental Planner, to undertake such a study. The purpose of the study was to carry out an environmental site analysis of the Farm to identify unused areas for the potential residential development.

The report identified 4 possible locations for the planned development and took into consideration geology, soils, hydrology, climate and topography, vegetation patterns, views and visual considerations and historical aspects to rate the different locations. This method was used to align the requirements of the owners to the ecological impact to ensure an unproductive area of the farm can be better utilized. It is important to note that the selected site is in an area recently cleared of invasive gum trees.

Based on the findings of this study it is proposed to locate the proposed dwelling unit at the location indicated on the SDP. The Environmental Site Analysis and Site Suitability Study is attached as **Annexure G**

3 DEVELOPMENT PROPOSAL

3.1 Overview

As indicated in Section 1 above, the owner of the farm wishes to construct an additional dwelling unit on the farm. As the farm is a family-owned entity the development of an additional dwelling unit will be for own use and will serve as an additional unit for family members working on the farm. The classification of the three existing dwelling units is a main dwelling, second dwelling and an employee housing unit (farm managers residence). There are numerous other previously approved structures on the farm included in the SDP to provide the overall vision for the farm. It is important to note that many of the existing structures are either dilapidated or already used in direct relation to the agricultural activities and thus is not suitable for the proposed development. The selected area for the proposed development is also motivated to have the least impact on the farming activities and the natural environment.

On a Farm exceeding 20ha, the Municipality may grant their consent for an additional dwelling unit for every 10ha exceeding 20ha, up to a maximum of 4 additional dwelling units. Thelema Farm, with an extent of 135.24ha and can therefore apply for a maximum of 4 additional dwellings. The coverage restriction of an additional dwelling unit is 120m², in this regard the proposed additional dwelling unit (with a coverage of 210m²) exceeds the limit, and thus the application will include for a Permanent Departure.

Please refer to **Annexure F** for the proposed Site Development Plan and **Annexure G** for the proposed elevations and floor plans.

3.2 Proposed Additional Dwelling Unit

The proposed additional dwelling unit will be a three-bedroom single story house with a coverage of 210m². The proposed dwelling unit consists of an open floor kitchen, dining and lounge area in the centre of the unit. A scullery, store and guest bathroom are accessible from the centre area directly and via corridors on the eastern side of the unit.

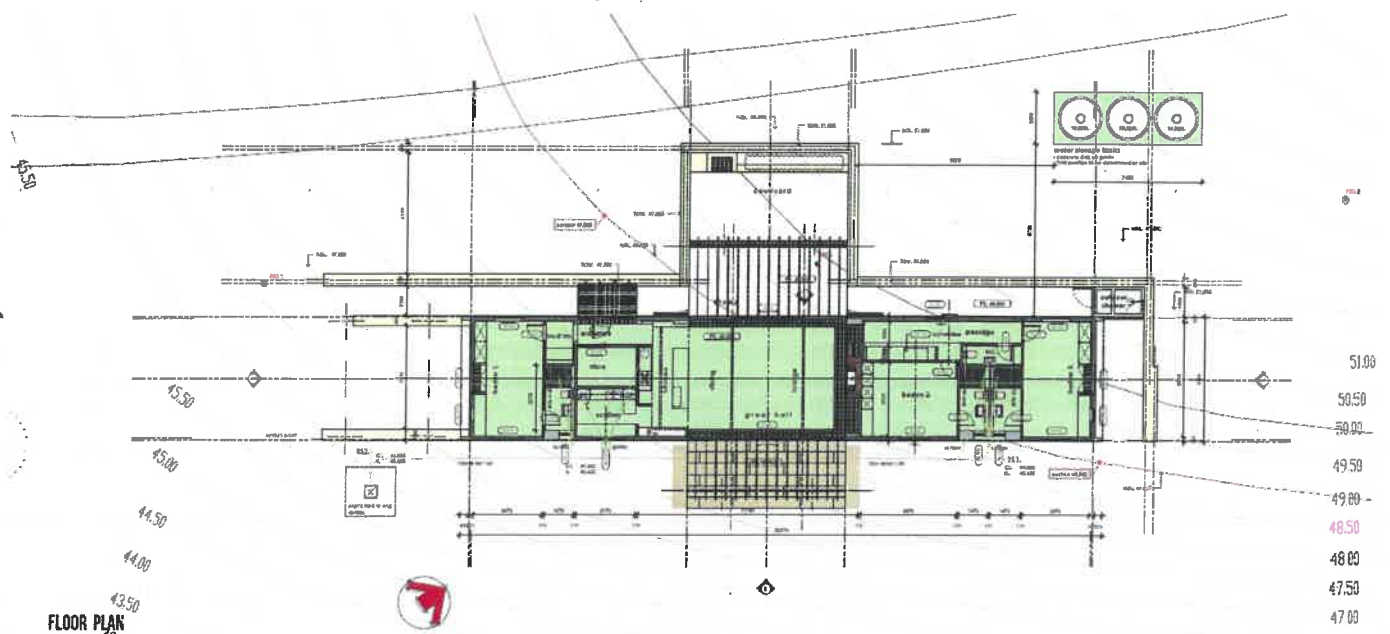


Figure 4: Additional Unit Floor Plan

In terms of the placement of the unit, the unit is situated to the north of the main farmstead overlooking the dam. The location was methodically and specifically selected using the criteria referred to in 2.3 and set out in the Environmental Site Analysis and Site Suitability Study, to ensure that it is not placed on an environmental sensitive area, and that it does not interfere with any existing agricultural activities.

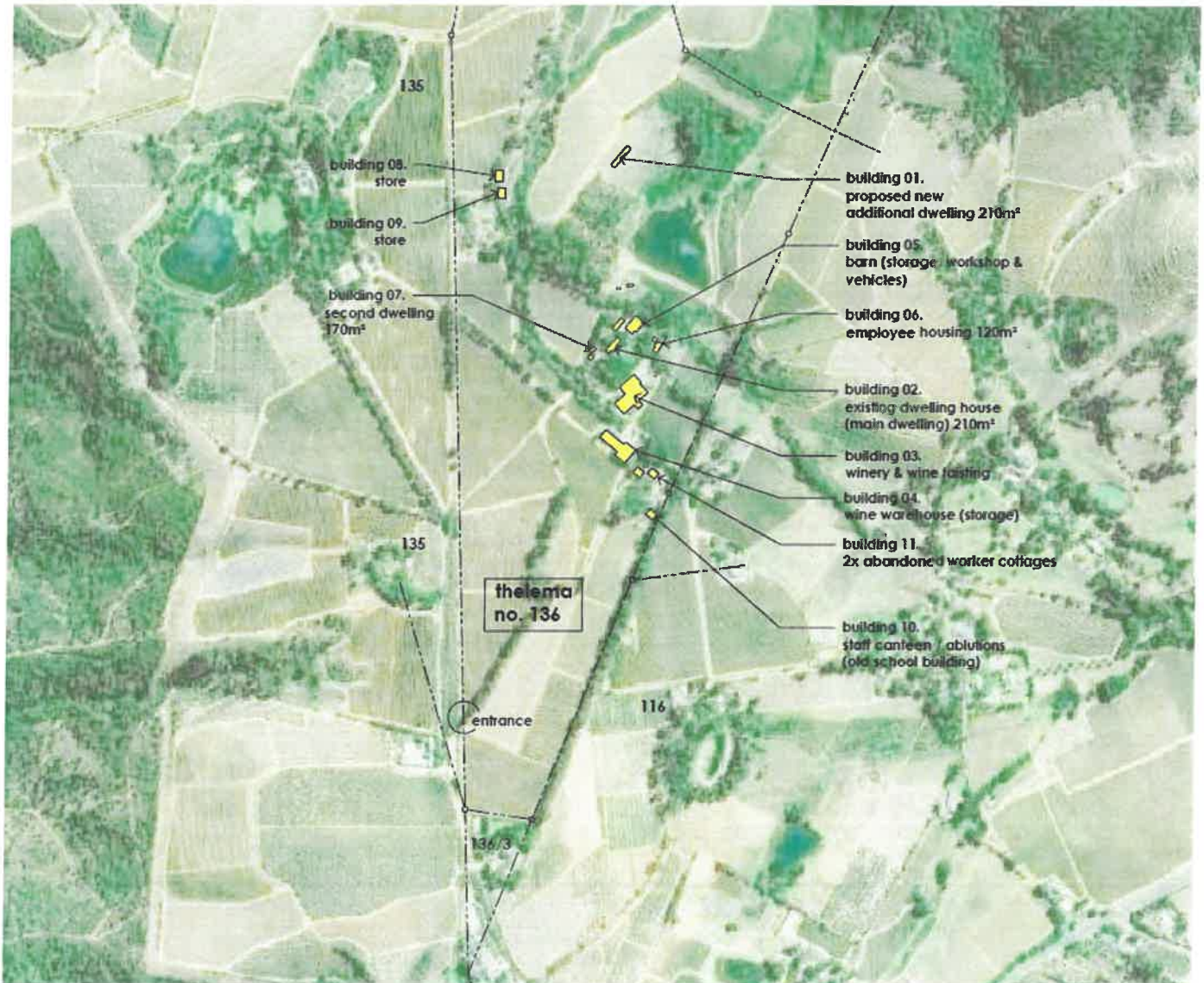


Figure 5: Site Development Plan Extract

3.3 Services

3.3.1 Access and Internal Roads

Access to the proposed new dwelling will be provided from the existing internal roads on the farm. No new access road to the farm is proposed.

3.3.2 Water

All water services required for the proposed dwelling unit will be dealt with locally with the use of boreholes or pumps and, collected in a new local storage.

3.3.3 Wastewater Infrastructure

The proposed new dwelling unit will link to the existing services infrastructure on the farm and will not require any municipal services.

3.4 Compliance with Development Parameters

The proposed dwelling unit and placement thereof are assessed in terms of the development parameters of Agricultural and Rural zone. Please refer to the table below which provides a summary of the existing and proposed dwelling units' compliance with the development parameters.

Proposed Land Use	Building Lines	Coverage		Height	Application required
		Allowed	Existing / Proposed Use		
Main Dwelling (Existing)	5m	600m ²	210m ² Existing	2 storeys	None (Primary Right)
Second Dwelling (Existing)	5m	600m ²	170m ² Existing	2 storeys	None (Primary Right)
Employee Unit (Existing)	5m	120m ²	120m ² Existing	1 storey	None (Primary Right)
Additional Dwelling Unit (Proposed)	5m	120m ²	210m ² Proposed	1 storey	Consent Use and Permanent Departure (coverage exceeding 120 m ²)

Table 3: Proposed and Current Dwelling Units

According to the Stellenbosch Zoning scheme the purpose of the Agricultural and Rural zone is:

(a) Protection and preservation of agricultural land, rural landscapes, and biodiversity: This highlights the importance of safeguarding agricultural land and natural landscapes, including biodiversity, to maintain their integrity and ecological balance. The construction of the additional unit will have no negative effect on natural landscapes or agricultural land as the proposed location falls on an area with no existing agricultural activity, low agricultural potential, and no environmental sensitivity. The area has degraded natural vegetation and has recently undergone a clearing of alien vegetation. Thus, construction of any kind or size will have no negative effects.

(b) Use of land for bona fide agricultural production or conservation: This emphasizes that the primary purpose of the land should be dedicated to agricultural production or conservation efforts. In this regard the development and placement of an additional dwelling unit will have no negative impact as the area has no agricultural potential.

(c) Buildings and structures for agricultural purposes: This point acknowledges that the construction of buildings and structures on agricultural land is acceptable as long as they serve reasonable and normal agricultural functions. This implies that such infrastructure should support and enhance agricultural operations. The proposed dwelling unit will serve as housing for the owners of the farm and their direct family members involved in the operation of the farm.

(d) Limited ancillary uses on agricultural land: This point allows for a limited range of additional uses on agricultural land, either as additional rights or with the consent of the Municipality. These ancillary uses should promote more intensive agricultural activities, agricultural industries, or tourism. The objective is to diversify income for landowners while ensuring the sustainability of agricultural practices. It is important that these ancillary uses do not negatively impact the primary agricultural use of the land. In this regard the additional dwelling unit is accepted as a consent use. In the case of the coverage exceeding 120m² the zoning scheme allows for a departure application.

e) It is important to note that the owner does not seek to maximise the development potential on the farm and that he does not seek to build an extravagant villa as can be clearly seen by the size of the proposed additional dwelling. Though the additional unit does exceed the allowable coverage, the combined coverage of all residential buildings (built in accordance with the primary rights), including the proposed additional unit, are still much less than allowed for. The total coverage allowed for, in terms of the zoning scheme as a primary right for the dwelling, second dwelling and employee house, is 1320m². The total proposed coverage, including the proposed additional dwelling unit will be approximately 710m², thus approximately only **53% of the allowable coverage as a primary right and 50% when including the consent for additional dwelling unit.**

4 MOTIVATION

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

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(b)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was presented to the Municipality using pre-application consultation application. The Municipality deemed it unnecessary to conduct a pre application meeting and the reply to the pre application can be seen in Annexure J .

c. Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, it is strongly motivated that it will greatly enhance the quality of live on the farm, as there will be enough dwelling units for the family to live on the farm.</p> <p>The proposed location is on a vacant, underdeveloped piece of farmland not being used for any agricultural purpose that has recently been cleared of alien vegetation, mainly gum trees. As identified in the Environmental Site Analysis and Site Suitability report, there are no endangered ecosystems on the site. Thus, there will be no loss of agricultural land.</p> <p>The placement of the new dwelling unit will not have a negative visual or environmental impact as it was specifically placed and designed to have to least possible impact.</p> <p>The proposed development will tie in with the character of the surrounding area and will not result in any loss character of the farm or any of the surrounding properties.</p> <p>The proposed development does not seek to maximize the development potential and, although exceeding the development parameters for an additional unit, will still be far below the allowed coverage for the primary rights.</p>
d. Comment in response to public participation.	The application is to be advertised by the Stellenbosch Municipality's requirements.
e. Applicants' response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	There will be no impact on any Municipal services as all services will be provided and maintained by the property owners.
i. The IDP and SDF	The proposed development will not result in the loss of agricultural land or will in any way negatively affect the scenic character of the area.
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under l and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	N/A
n. Provincial spatial development framework	The SDFs and IDPs prioritizes the protection of agricultural land for farming activities, aiming to safeguard food security and maintain rural economies. As this development will have no negative effect on the agricultural capability of the farm it is in line with the SDF and IDP
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A

q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considered toward the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p>Spatial Justice: Aligned. The proposed development will provide housing for the owner's family on the farm.</p> <p>Spatial Sustainability: Aligned. The proposed development will not result in urban sprawl or the loss of agricultural land. It is considered that the proposed development is the best use of the land without having a negative impact on either the environment, agricultural or heritage resources.</p> <p>Efficiency: Aligned. The proposal will allow for the efficient utilisation of land.</p> <p>Good Administration: The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p>Spatial Resilience: Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the zoning scheme	The proposed development is in line with the provisions of the Zoning Scheme.

Table 4: Motivation

5 CONCLUSION

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

- i. A consent use to allow for an Additional Dwelling unit on Remainder of Farm 136, Stellenbosch.
- ii. A permanent departure to allow for an Additional Dwelling Unit with coverage of 180 m² in lieu of 120 m².

Report compiled by:

Renaldo Muller



Reviewed by:

Marika Bolz



for Arch Town Planners (Pty) Ltd

July 2023