

**NOTICE OF LAND DEVELOPMENT APPLICATION TO INTRESTED AND AFFECTED PARTIES
FOR COMMENT**

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

STARKE FAMILY TRUST

Portion 24 of Farm No. 32 Stellenbosch

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

Application Property Address: **Divisional Road No.1090 (Muldersvlei/Hoopenberg Road)**

Application Property Number: **Farm No. 1460 Stellenbosch**

Applicant: **P-J le Roux Town Planners Pty Ltd (pj@pileroux.co.za)**

Owner: **Muldersvlei Estates Pty Ltd**

Application Reference: **LU/ 9759**

Application Type: **Consent Use**

Detailed description of land use or development proposal:

Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 for consent use in order to utilize an existing building (7 bedrooms) for tourist accommodation on Farm 1460 Stellenbosch Division.

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 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: P-J le Roux Town Planners Pty Ltd (pj@pjleroux.co.za)

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **5 April 2021**

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 **0760317607** during normal office hours.

Yours faithfully

P-J le Roux Town Planners Pty Ltd
Email: pj@pjleroux.co.za

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

STARKE FAMILY TRUST

Portion 24 of Farm No. 32 Stellenbosch

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

Adres van aansoek eiendom: **Afdelingspad No. 1090 (Muldersvlei/Hoopenberg Pad)**

Aansoek eiendom beskrywing: **Plaas No. 1460 Stellenbosch**

Aansoeker: **P-J le Roux Stadsbeplanners Edms Bpk (pj@pjlroux.co.za)**

Eienaar: **Muldersvlei Estate Pty Ltd**

Aansoek Verwysing: **LU/ 9759**

Tipe Aansoek: **Vergunningsgebruik**

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen in terme van Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Grondgebruik Verordening gedateer 20 Oktober 2015 vir vergunningsgebruik ten einde n bestaande gebou (7 kamers) vir toeriste akkommodasie aan te wend op Plaas 1460 Stellenbosch.

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-notice/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 opsite 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: **P-J le Roux Stadsbeplanners Edms Bpk (pj@pjlroux.co.za)**

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 **5 April 2021**

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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermeldde elektroniese pos adres of telefonies by **0760317607** gedurende normale kantoor ure.

Die uwe

P-J le Roux Stadsbeplanners Edms Bpk
Epos: pj@pjlroux.co.za

Bulelwa Mdoda

From: Bulelwa Mdoda
Sent: 14 October 2020 11:51 AM
To: 'Pierre Jean Le Roux'
Cc: Siyanda Zangqa
Subject: RE: [EX] RE: Farm 1460 Stellenbosch LU/9759



Dear PJ;

I acknowledge receipt of your email and attached documents.



Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

FILE NR:	
SCAN NR:	F 1460 S
COLLABORATOR NR:	

From: Pierre Jean Le Roux [mailto:pj@pjleroux.co.za]
Sent: 14 October 2020 11:10 AM
To: Bulelwa Mdoda
Cc: Siyanda Zangqa
Subject: [EX] RE: Farm 1460 Stellenbosch LU/9759
Importance: High

Dear Bulelwa,

I hope this email finds you well and in good health?

Further to the application I have submitted in 2019 (LU/9759) and your email message below, please allow me to inform you as follows.

Due to the outstanding information and the introduction of the new zoning scheme by-law, I have been in communication with your planning department to facilitate the amendment of the application to align with your new zoning scheme by-law.

As a result please find herewith the following as additional documents to the original application:

- Revised Motivation report
- New covering letter
- Revised application form
- Floor plan as requested
- Additional Pre-consultation communication which lead to the revise motivation report.

I trust you find this in order and please ensure that this process can now continue.

I thank you for your patience and hope to receive confirmation from you soon that the process is again on track.

Please acknowledge receipt hereof

Kind regards

Pierre-Jean le Roux

Pr. Pln A/803/1995
Ba Hons, M (TRP)
(MSAPI)



Pty Reg. No.: 2015 / 058583 / 07

262 Main Road / P.O.Box 3457
Paarl Paarl
7646 7620
Tel: 021-8722499
Faks: 086 605 8431
Sel: 0760317607

Spreuke 3:5-6/Proverbs 3:5-6

This email and any files transmitted with it are solely intended for the use of the addressee(s) and may contain information that is confidential and privileged. If you receive this email in error, please advise us by return email immediately. Please also disregard the contents of the email, delete it and destroy any copies immediately. P-J le Roux Town Planners does not accept liability for the views expressed in the email or for the consequences of any computer viruses that may be transmitted with this email. This email is also subject to copyright. No part of it should be reproduced, adapted or transmitted without the written consent of the copyright owner.

Hierdie e-pos en alle inligting daarmee saam is uitsluitlik bedoel vir gebruik deur die geadresseerde(s) en mag vertroulike inligting bevat. Indien die e-pos u per abuis bereik, stel asseblief die sender onmiddellik in kennis. U word ook versoek om die inhoud daarvan te ignoreer en dit tesame met alle afskrifte daarvan, te vernietig. P-J le Roux Stadsbeplanners aanvaar nie verantwoordelikheid vir enige menings uitgespreek in die e-pos nie of vir die gevolge van enige rekenaarvirusse wat hiermee saam versprei mag word nie. Die e-pos is ook onderhewig aan kopiereg en geen gedeelte daarvan mag gekopieer, gewysig of versend word sonder die geskrewe toestemming van die kopieregeënaar nie.

From: Bulelwa Mdoda [mailto:Bulelwa.Mdoda@stellenbosch.gov.za]
Sent: 30/09/2019 11:00
To: Pierre-Jean le Roux (pj@pjleroux.co.za)
Subject: Outstanding information: Farm 1460 SB

Good day PJ;

The following is outstanding on your application:

- Applicant to submit a floor layout plan of the existing building that is to be used for the guest accommodation, to confirm compliance to the definition of a dwelling.
- Applicant to explain the planting process in terms of time frames to provide vineyards on site.
- Applicant to give the capacity of the wine cellar as well as to explain how they will justify the capacity of the wine cellar from produce of the property.

Planner for this application is Siyanda, for any queries regarding the outstanding information, please contact her at 021 808 8667 or at Siyanda.Zangqa@stellenbosch.gov.za



Kind regards,
Bulelwa Mdoda
Customer Interface & Administration
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



STELLENBOSCH
STELLENBOSCH • STIEL • FRANSCHHOEK
MUNICIPALITEIT • UMASHIPALA • MUNICIPALITY



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.



Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from bulelwa.mdoda@stellenbosch.gov.za sent at 2019-09-30 11:00:28 is confidential and may be legally privileged. It is intended solely for use by pj@pjleroux.co.za and others authorized to receive it. If you are not pj@pjleroux.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [Afrovation](#)



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

The Municipal Manager
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

14 October 2020

H 10-133

Attention: Mrs. S Zangqa

Dear Siyanda

**APPLICATION IN TERMS OF STELLENBOSCH MUNICIPALITY LAND USE
PLANNING BY-LAW, 2015**

**APPLICATION IN TERMS OF STELLENBOSCH ZONING SCHEME BY-LAW,
2019**

**APPLICATION FOR CONSENT USE & TECHNICAL APPROVAL: REMAINDER
FARM NO. 1460 STELLENBOSCH**

Further to the application submitted for Farm No. 1460 Stellenbosch in 2019 and in terms of the Section 8 Zoning Scheme Regulations, please find herewith the revised and updated report in terms of the Stellenbosch Zoning Scheme By-Law, 2019.

Hereby formal application is made for the following:

- (i) In terms of **Section 15(2)(o)** of the Stellenbosch Municipality Land Use Planning By-Law (August 2015) for Tourist accommodation establishment

P-J le Roux Stadsbeplanners Edms. Bpk. (Reg nr: 2015/058583/07)
BTW No. 4860288747

Hoofstraat 262 Main Road, Paarl, 7646 Posbus / P O Box 3457, Paarl, 7620
Mobile: 0760317607 Tel: + 27 21 8722499 Faks: + 27 86 605 8431 Epos: pj@pjlroux.co.za
Direkteur P.J le Roux Pr. Pln A/803/1995 Ba Hons.M(S&S) MSAPI

as **CONSENT USE** in order to permit the existing building with 7 bedrooms to be used for guest accommodation; and

(i) In terms of **Section 13** of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 for the following **TECHNICAL APPROVALS**:

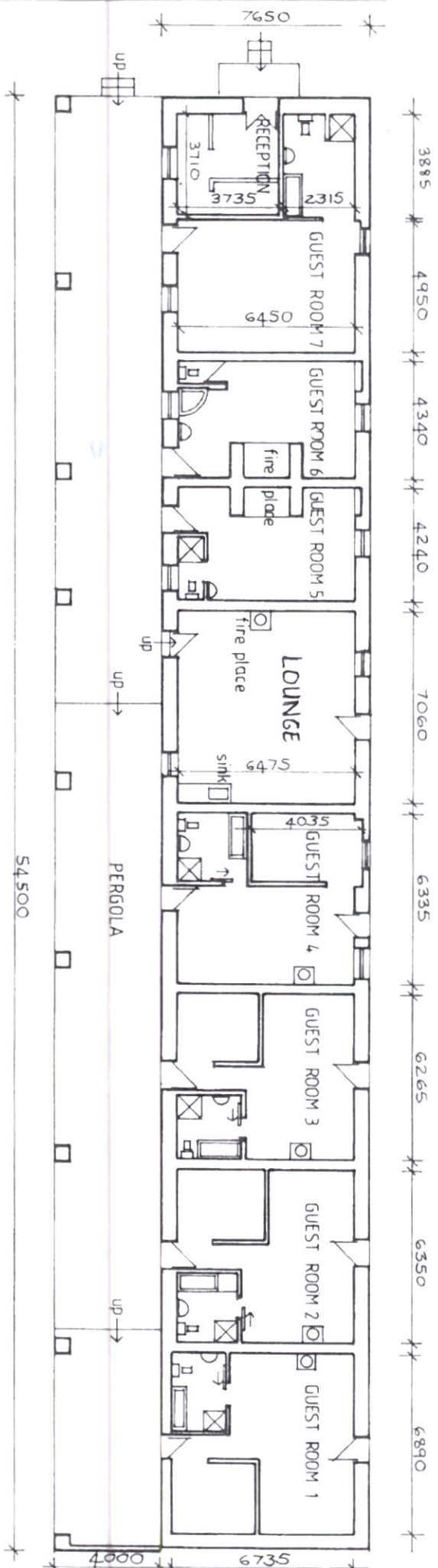
- *Agricultural Industry (<2000m²)* for the purposes of a 20 ton wine cellar inside an existing building;
- *Tourist facility* to facilitate functions and receptions inside an existing building

Please do not hesitate to contact this office should you require any more information.

We trust that this application conforms to your requirements and that it will be dealt with timely.

Kind regards

PIERRE-JEAN LE ROUX
Pr. Pln. A./803/1995



FLOOR PLAN GUEST ROOM BUILDING MULDERSVLEI ESTATE SCALE 1:200

<p>MULDERSVLEI ESTATE GUEST ROOM BUILDING</p>	
<p>EISENBURG ROAD STELLENBOSCH</p>	
<p>DRAWN: E.S. ALBERTYN CELL 072 278 3320</p>	<p>DATE: 18 OCTOBER 2019</p>



LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	PIERRE-JEAN				
Surname	LE ROUX				
Company name (if applicable)	P-J Le Roux TOWN PLANNERS PTY LTD				
Postal Address	P O BOX 3457				
	PAARL	Postal Code	7620		
Email	pj@pjleroux.co.za				
Tel	021-872 2499	Fax	086 605 8431	Cell	076 031 7607

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	MULDERSVLEI ESTATES PTY LTD				
Physical address	DR1090 (MULDERSVLEI/HOOPENBERG ROAD)				
	STELLENBOSCH MUNICIPAL AREA	Postal code			
E-mail	c/o pj@pjleroux.co.za				
Tel		Fax		Cell	0760317607

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	1460	Portion(s) if Farm		Allotment area	STELLENBOSCH
Physical Address	DR1090 (MULDERSVLEI/HOOPENBERG ROAD)				
Current Zoning	AGRICULTURE ZONE I	Extent	191,2693ha	Are there existing buildings?	existing <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Applicable Zoning Scheme	STELLENBOSCH ZONING SCHEME BY-LAW 2019				

Current Land Use	SEE REPORT			
Title Deed number and date	T	T73757/2004		
Any restrictive conditions?	Y	N	If Yes, list condition(s)	
Are the restrictive conditions in favour of a third party(ies)?	Y	N	If Yes, list the party(ies)	
Is the property encumbered by a bond?	Y	N	If Yes, list bondholder(s)	
Any existing unauthorized buildings and/or land use on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use?	Y N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?	Y N

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	Y		If Yes, complete the information below and attach the minutes of the pre-application consultation.
Official's name	PEDRO APRIL	Reference Number	Date of consultation 25 JUNE 2020 (EMAIL)

PART E: LAND USE PLANNING APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW AND APPLICATION FEES PAYABLE

Tick	Section	Type of application	Cost
	2(a)	a rezoning of land;	
	2(b)	a permanent departure from the development parameters of the zoning scheme;	R
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;	R
	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;	R
	2(d)	certificate of exemption, in terms of section 24(2), from applying for subdivision in terms of section 15;	R
	2(e)	a consolidation of land that is not exempted in terms of section 24;	R
	2(e)	certificate of exemption, in terms of section 24(2), from applying for consolidation in terms of section 15;	R
	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;	R
	2(g)	a permission required in terms of the zoning scheme; TECHNICAL APPROVAL	R
	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;	R
	2(i)	an extension of the validity period of an approval;	R
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;	R
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;	R

	2(l)	a permission required in terms of a condition of approval;	R
	2(m)	a determination of a zoning;	R
	2(n)	a closure of a public place or part thereof;	R
	2(o)	a consent use contemplated in the zoning scheme (Special Developments & Special Consent);	R
	2(p)	an occasional use of land;	R
	2(q)	to disestablish a home owner's association;	R
	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;	R
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.	R
OTHER APPLICATIONS			
		Deviation from Council Policies/By-laws;	R
		Other (specify) : _____	R
TOTAL A:			R
PRESCRIBED NOTICE AND FEES** (for completion and use by official)			
Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; data messages	R
	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R
<p>* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.</p> <p>** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.</p>			
BANKING DETAILS			
Name:	Stellenbosch Municipality		
Bank:	ABSA BANK		
Branch no.:	334410		
Account no.:	410 188 031		
Payment reference: (Erf/Farm number)		

PART F: DETAILS OF PROPOSAL							
Building line encroachment	Street		From	m	To	m	
	Street		From	m	To	m	
	Side		From	m	To	m	
	Side		From	m	To	m	
	Aggregate side		From	m	To	m	
	Rear		From	m	To	m	
Exceeding permissible site coverage		From	%	To	%		
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To			
Exceeding height restriction		From	m	To	m		
Exceeding maximum storey height		From	m	To	m		
Consent/Conditional Use/Special Development							
To permit.....in terms of Section.....of the.....Zoning Scheme Regulations							
Other (please specify)		<hr/> <hr/> <hr/>					
Brief description of proposed development / intent of application:							
<p>APPLICATION TO UTILIZE EXISTING BUILDINGS ON THE FARMSTEAD FOR TOURISM AND AGRI-INDUSTRY PURPOSES INCLUDING GUEST ACCOMMODATION, FUNCTION AND RECEPTION VENUE AND BOUTIQUE WINE CELLAR</p> <p>SEE REPORT ATTACHED</p>							

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION [section 15(2)(a) to (s) of the Stellenbosch Municipal Land Use Planning By-Law]

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

Y	N		Power of attorney / Owner's consent if applicant is not owner	Y	N		Bondholder's consent (if applicable)
Y	N		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	N		Proof of any other relevant right held in the land concerned
Y	N		Written motivation	Y	N		S.G. diagram / General plan extract
Y	N		Locality plan	Y	N		Site development plan or conceptual layout plan
Y	N		Proposed subdivision plan	Y	N		Proof of agreement or permission for required servitude
Y	N		Proof of payment of application fees	Y	N		Proof of registered ownership (Full copy of the title deed)
Y	N		Conveyancer's certificate	Y	N		Minutes of pre-application consultation meeting (if applicable)
Y	N	N/A	Consolidation plan	Y	N	N/A	Land use plan / Zoning plan
Y	N	N/A	Street name and numbering plan	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	N/A	Landscaping / Tree plan	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Services Report or indication of all municipal services / registered servitudes
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	N/A	Proof of failure of Home owner's association
Y	N	N/A	Copy of original approval and conditions of approval	Y	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	N/A	Proof of lawful use right	Y	N	N/A	
Y	N	N/A	Required number of documentation copies	Y	N	N/A	

PART H: AUTHORISATION(S) IN TERMS OF OTHER LEGISLATION

Y	N/A	National Heritage Resources Act, 1999 (Act 25 of 1999)			Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))
Y	N/A	National Environmental Management Act, 1998 (Act 107 of 1998)	Y	N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	N/A	National Water Act, 1998 (Act 36 of 1998)
Y	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A	Other (specify)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc. IN PROCESS			
Y	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

SECTION I: DECLARATION


I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.

Applicant's signature:	_____	Date:	<u>OCTOBER 2020</u>
Full name:	PIERRE-JEAN LE ROUX		
Professional capacity:	DIRECTOR: P-J LE ROUX TOWN PLANNERS (PTY) LTD Pr. Pln. A/803/1995		

FOR OFFICE USE ONLY

Date received:	_____	Received by:	_____
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ANNEXURES

The following Annexures are attached for your information, only if applicable:

Please do not submit these Annexures with the application form.

Annexure A: Minimum requirements matrix
Annexure B: Land use planning application submission and protocol
Annexure C: Land use planning application workflow



*Application for Consent Use &
Technical Approval:
Farm No. 1460
Stellenbosch*

Revised October 2020

H 10-133

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1. INTRODUCTION

1.1 Application

Hereby formal application is made for the following:

- (i) In terms of **Section 15(2)(o)** of the Stellenbosch Municipality Land Use Planning By-Law (August 2015) for Tourist accommodation establishment as **CONSENT USE** in order to permit the existing building with 7 bedrooms to be used for guest accommodation; and
- (i) In terms of **Section 13** of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 for the following **TECHNICAL APPROVALS**:
 - *Agricultural Industry (<2000m²)* for the purposes of a 20 ton wine cellar inside an existing building;
 - *Tourist facility* to facilitate functions and receptions inside an existing building

1.2 Applicant

JULIAN STARKE, as Director and duly authorized by **MULDERSVLEI ESTATES (PROPRIETARY) LIMITED** as registered owners of **Farm No. 1460 Stellenbosch** appointed this firm *P-J Le Roux Town Planners* to prepare a formal application for consent use and technical approval in order to permit existing buildings on the subject property to be used for wine cellar, guest house and function venue and to submit it to the relevant authorities for formal approval (***Letter of Appointment and Company Resolution attached***).



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2. PROPERTY INFORMATION

Description	Farm No. 1460 Stellenbosch Comprising a compilation of the following properties: <ul style="list-style-type: none">• Remainder of Portion 4 of Farm Hoopenberg No 32 Stellenbosch• Remainder of Portion 1 of Farm Hoopenberg No. 31 Stellenbosch
Location	DR1090 (Muldersvlei/Hoopenberg Road)
Extent	191,2693.ha
Registered owner	MULDERSVLEI ESTATES (PROPRIETARY) LIMITED
Title Deed	T73757/2004 (Copy of Title Deed attached)
Existing zoning	Agriculture Zone I
Restrictive Conditions	None
Planning Legislation	Stellenbosch Zoning Scheme By-Law, 2019 Stellenbosch Municipality: Drakenstein Municipality Land Use Planning By-Law(2015)

Table 1: Property information

The subject property is located approximately 4,5km west of Klapmuts and approximately 2,8km north of Elsenburg along DR1090 (Muldersvlei/Hoopenberg Road) and falls in the area of jurisdiction of the Stellenbosch Municipality, Western Cape Province.



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3. LOCATION

The subject property is an existing farm located along Divisional Road 1090 (Muldersvlei/Hoopenberg Road). This road intersects with R101 approximately 600m to the north of the subject property. The R101 is the link road between Klapmuts to the east with Koelenhof to the west and runs parallel to the south of the N1 freeway. DR1090 serves as link road to Muldersvlei Station and Elsenburg to the south of the subject property.



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Access to the subject property is taken directly from DR1090 via an existing farm entrance. This entrance leads via a tree lined avenue directly to the farmstead on which the land uses are proposed. The existing farm entrance has more than sufficient sight distances in both directions.



DR1090 with subject property to the left



Farm access road



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The intention is also to utilize an existing farm building for a boutique wine cellar, the old wine cellar building for a function/reception venue and an existing outbuilding on the farmstead as a visitors accommodation establishment for guest accommodation purposes with a maximum of 7 rooms sleeping 14 guests at one time.

Due to the size and scale of the proposed land uses, the traffic generated by these land uses is expected to be minimal. The existing road infrastructure is more than sufficient to facilitate the proposed land uses.

The proposed land uses and scale thereof is directly in line with what is normally expected and found on farms throughout the Boland area. The fact that the subject property will continue to operate as a productive farm with new vineyards to be introduced, confirms the compliance as agri-tourism facilities.



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4. LEGAL LAND USE RIGHTS

4.1 Existing zoning

The subject property is located within the jurisdiction of the recently promulgated Stellenbosch Zoning Scheme By-Law and the Stellenbosch Municipality has confirmed that the subject property has **Agriculture & Rural Zone** zoning.

Primary Uses	Additional Uses (not exceeding the threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
Agricultural building (<2000m ²) Agriculture Dwelling House Forestry Natural environment Occasional use (one event/year) Private road Polytunnel (<2000m ²) Second dwelling Employee housing (one unit)	Agricultural building (>2000m ²) Agricultural industry (<2000m²) Bed and Breakfast establishment Employee housing (exceeding one unit) Guest House Home day care centre Home occupation practice Polytunnel >2001m ² -<5000m ² Rooftop base telecommunication station Tourist dwelling units Tourist facilities (existing buildings)	Abattoir Additional dwelling units (max 4) Airfield Airstrip Agricultural industry >2000m 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 >5000m 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: Extract from Stellenbosch Municipality Zoning Scheme By-Law (2019)



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Although the subject property has a historical wine cellar building thereon which dates back many years, no documentation is available which confirms the land use rights thereof; hence the application for technical approval for agricultural industry.

7.2 Existing land uses

The subject property is an active and working farm with the following improvements present on the property.

- Manor House
- Old Wine Cellar building (subject of this application as function venue)
- Old manager's house (subject of this application as guest house)
- Cluster of farm buildings (one building to be used as wine cellar)
- Dam
- Agriculture

The agricultural practices on the subject property comprise approximately 31ha of Citrus Orchards (Lemons) and grazing. No changes to these agricultural practices are proposed and the activities will continue uninterrupted. Although there are not vineyards currently on the subject property, the intention is to re-introduce 2ha of vineyards on existing fallow lands south of the farmstead. There is also a large dam on the property covering approximately 5h in extent at full capacity. This dam is primarily used for irrigation purposes. The intention is to introduce 1ha of new vineyards on the subject property in order to slowly restore the wine making heritage of the farm.



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Since the intention is to utilize existing vacant buildings on the farmstead of the subject property and no new buildings or additions are proposed with this application, the existing buildings will be optimised to their fullest potential without any impact on the agricultural viability of the subject property.



Existing Manor House



Farm buildings on farmstead



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Farm building on farmstead



Formal garden



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5. DEVELOPMENT CONCEPT

It is the intention of the applicant and the purpose of this report to optimize the existing natural and man-made resources on the subject property by introducing tourist related activities inside existing buildings on the subject property. Although the subject property was originally a wine farm with an established wine cellar, the intention is to make provision wine making inside an existing shed. No new buildings are proposed and no valuable agricultural land will be lost as a result of this application.

The land uses which are proposed by this application comprise a boutique wine cellar (20 tons), a guest accommodation units and function/reception venue. These land uses will be discussed individually as follows.

The proposed **wine cellar** will be located inside an existing vacant farm building on the farmstead. This **±500m²** building is located east of the manor house and among the existing farm buildings. This existing farm building is no longer in use and although the farm originally had a wine cellar, the proposed building was not used for such purposes. Since the wine cellar will be much less than the <2000m² application is made for a technical approval as described in Section 13 of the Stellenbosch Zoning Scheme By-Law.

The layout of the wine cellar as depicted on the attached floor plan, comprises an enclosed area in which the tanks will be located, store rooms, an office and ablution facilities. The building also has an outside working area covered by a roof to protect it from the natural elements and weather.



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Building to be used as wine cellar

The proposed guest accommodation units will be labelled “**visitors accommodation establishment**” and will be accommodated inside an existing building on the subject property. This **7 bedroom with en-suite** building which originally accommodated the farm manager and staff are no longer used for such purposes and will accommodate a maximum of **14 guests** at one time and also has communal facilities such as a lounge, kitchen and dining area (restaurant). The proposed restaurant inside the guest house will **solely be for the visiting guests**. This building is located immediately south of the proposed wine cellar and forms part of the farmstead. No changes to the existing building are required to facilitate the proposed guest house.



Guest accommodation building



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Outside garden area in from of guest accommodation building

Although the historic wine cellar building is no longer in operation, the intention is to utilize this existing building as a “**tourist facility**” for **functions and receptions**. The proposed function venue will measure **±260m²** in extent excluding the **stoep area** (±114m²) and **ablutions, office and bar area** and will accommodate a maximum of **120 guests** at one time. The operating hours for this function and reception venue is from **Monday to Friday from 10:00 -23:00 and weekends from 10:00-24:00**.



Old wine cellar building to be used as function/reception venue



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Outside area of function venue

Provision is also made for more than sufficient **onsite parking**. Although no formal parking area is provided, there is more than sufficient space for informal parking for both the guest house as well as the function venue. This parking area is located between the guest house and the function venue and represents fallow lands. In the event of a function traffic will be directed across the farmstead to this position. No conflict between the agricultural operations and the function venue is expected.



It is evident that since all activities will be confined to the inside of existing buildings no negative impact on the primary viticulture practices on the



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subject property is expected. By introducing the new land uses to the subject property, the agri-tourism potential of the property is increased, which will have positive impacts on the local economy and employment in the area. No agricultural land will be lost as a result of this application since all activities are localised at the farmstead.



Internal farm road on farmstead

All these proposed activities are similar to what is currently found on farms throughout the Boland area and will provide an opportunity to the applicant to improve on the wine making process and introduce tourist facilities as secondary rights to the wine making operation. The limited tourist facilities that will be included into the existing farm shed will provide opportunities to tourists to enjoy the produce of the farm with light snacks and meals in conjunction with the wine tasting. It has been proven that these facilities on farms throughout the Boland will not only provide new employment opportunities to the local communities but contribute significantly to the local economy of the area in a direct and indirect manner. It is especially important that the size and scale of such activities also compliment the agricultural practices; hence the limited areas proposed by this application.



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6. APPLICATIONS

The intention with this application is to obtain permission for the applicant to utilize existing vacant buildings on the farmstead of the subject property for agricultural and tourist related activities. No new structures will be constructed and no impact on the agricultural activities is expected. All activities and extents are well below the thresholds of the Stellenbosch Zoning Scheme By-Law.

The applications which are required will be discussed in more detail as follows:

6.1 Consent Use

In order to facilitate the proposed conversion of the existing outbuilding into 4 guest suites, formal application is also required. Although a guest house is also an Additional Use Right the threshold for number of guest on one land unit is 14. Since approval was granted many years ago for the utilization of 6 rooms inside the main dwelling for guest accommodation purposes, the total number of guests permitted on the subject property will be more than 14 with the new additional 4 guest rooms.

The Stellenbosch Municipal Zoning Scheme By-Law (2019) however makes provision in Section 207(6) of the By-Law for the municipality to grant consent for a greater number of bedrooms to be used for a guest house, provided that these activities shall remain confined to the approved dwelling units on the land unit.



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Since the proposed 4 guest suites will be accommodated within the existing outbuilding, it is evident that this application complies with the provisions of Section 207(6) and that a **Consent Use** application is therefore required in terms of **Section 15(2)(o)** of the Stellenbosch Municipality Land Use Planning By-Law (2015) in order to facilitate the additional guest rooms on the subject property.

6.3 Technical Approval

In order to permit the processing of agricultural produce from the farm, an agricultural industry building is required.

Agricultural Industry is defined in the Stellenbosch Municipality Zoning Scheme By-Law (2019) as follows:

“Agricultural industry is an industry for the processing of fresh agricultural products, and where the agricultural industry activity is subservient to the dominant agricultural production on the land unit or farm, and may include ancillary buildings such as storage, a point of sale, tasting facilities, staff facilities and/or administrative offices and examples thereof include a winery, wine cellar, distillery, cheese making industry, cannery, juice factory or fruit ripening plant facility.”

In terms of the new Stellenbosch Municipality Zoning Scheme By-Law (2019) an **agricultural industry <2000m²** in extent is classified as an **Additional Use Right** which is secondary to the primary land use rights under Agriculture and Rural Zone and therefore requires a **Technical Approval** from the Stellenbosch Municipality.



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Provision is also made for **tourist facilities** as an **Additional Use Right** inside an existing building on the subject property. Tourist facility is defined as follows:

*“**tourist facilities** describes land uses that provide facilities, amenities and activities, aimed at tourists and visitors, such as shops, markets, restaurants and places of entertainment (which may be licensed to sell alcohol), outdoor sport, conference facilities, place of assembly, wellness centres and/or open spaces, and may also include ancillary uses, limited industry only related to the manufacturing of clothing, food, beverages or making of craft items and/or art, a liquor store for the sale of alcoholic beverages for off-consumption, provided that the alcoholic beverages are produced under license on the land unit, and examples include farm stalls, farm shops, farmer’s markets, farm deli’s, wine sales, wine tasting facilities, 4x4 or mountain bike trails, cycle and hiking trails, picnic facilities, **function venues**, brew-pubs, craft gin distilleries, coffee roasteries, bakeries, charcuterie but excludes tourist accommodation, guest houses, bed and breakfast establishments and hotels.”*

Since the intention is to also utilize the existing old wine cellar building for functions, **Technical Approval** is also required to facilitate the intended use.

In order to permit the proposed agricultural industry and tourist facility on the subject property, formal **Technical Approval** is required from Stellenbosch Municipality in terms of **Section 13** of the Stellenbosch Municipality Zoning Scheme By-Law (2019). The **purpose** of a technical approval is to afford the municipality an opportunity to assess the application against all parameters of the Scheme as well as technical requirements and spatial configuration to ensure a minimum impact on external parties. We are of the considered opinion that since this



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application is merely for processing of the produce of the new vineyards to be introduced on the subject property, it will have **no impact** on any external parties.

In terms of **Section 13(2)** an application for technical approval is exempt from public notification but may be circulated to internal and external departments for comment. **It is our considered view that the proposed agricultural industry and tourist facility do not require any comments from any internal or external departments due to its size and scale and the fact that it will remain subservient to the primary agricultural activities on the subject property.**

According to **Section 13(7)(c)** the Stellenbosch Municipality must make a decision on the technical application within 60 days of submission of the application or when the last information is submitted.



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7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management. The development principles on National level is in terms of Section 7 of the **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**, while the land use planning principles on Provincial level is in terms of Section 59 of the **Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)**.

These development principles were all adopted and included into the subsequent **Land Use Planning By-Laws** promulgated for each Local Municipality.

The proposed development and land use will be evaluated as follows against the five development principles:

⋮

(a) Principle of spatial justice

- Since no new buildings are proposed and all activities confined to existing buildings on the subject property with no changes to the primary land use of the property, this principle is **not applicable** to this application

(b) Principle of spatial sustainability

- The proposed development will not result in the loss of any cultivated agricultural land but utilize existing unutilized buildings on the farmstead.
- This proposed land uses are directly in line with what is already present in the area and what is spatially recommended for the subject property.



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- The proposed land uses will provide the applicant with agri-tourism opportunities and at the same time share the unique setting and environment with visitors and guests.
- The combination of guest accommodation and function venue is a common phenomenon in the Boland and together with a small scale agricultural industry; the land uses are in line with what is present in the area.
- No safety hazards are anticipated through the utilization of the existing buildings for the intended purposes.

(c) Principle of efficiency

- By introducing an agricultural processing use inside one of the vacant buildings on the subject property to facilitate wine making, will ultimately strengthen the agricultural potential of the property and character of the area and add to the local economy of the area.
- The new tourist related activities all located inside existing buildings will extend the agri-tourism potential of the subject property without compromising the primary agricultural activities thereon and creates new employment and economic opportunities

(d) Principle of spatial resilience

- This principle is not applicable since the activities will all be confined inside existing buildings on a working farm within a rural area.

(e) Principle of good administration

- The formal application will be submitted to the local authority and relevant statutory authorities for approval and will be administered in accordance with the procedures contemplated in the relevant Municipality's Land Use Planning By-Law.



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8. DESIRABILITY OF THE APPLICATION

In terms of Section 65(c) of the Stellenbosch Municipality Land Use Planning By-Law, August 2015, the proposed utilization of the land must be desirable.

The concept of “desirability” in a land use planning context and as contemplated in Section 65(c) of the Stellenbosch Municipality Land Use Planning By-Laws can be described as the “degree of acceptability” of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability, or on the basis of its effect on existing rights and the biophysical environment concerned.

The desirability of this application for consent use and technical approval on Farm No. 1460 Stellenbosch will be discussed with regard to the following aspects.

- Physical characteristics
- Character of the area
- Location and Accessibility
- Spatial Planning Policies
- Provision of services



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8.1 Physical characteristics

8.1.1 Topography

The subject property is located against the lower western foothills of Klappmutskop Mountain west of Klappmuts. The farmstead on which the new land uses are proposed have a level gradient with no physical features or topographical constraints present which will prevent or restrict the proposed land uses thereon. The fact that all activities will be confined to the inside of existing buildings on the farmstead, confirms that the proposed land uses will have no impact at all on the physical appearance of the subject property.



8.1.2 Climate

The subject property is located west of Klappmuts and forms part of the Mediterranean climate system of the Western Cape. The area is known for its cold and wet winters and dry warm summers. The wind is predominantly north westerly during the winter months and strong south easterly in the summer time. February is the warmest month of the year with an average temperature of 26,3°C, while July is the coldest month with temperatures averaging 15,6°C.



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We are of the opinion that the proposed land uses inside the existing buildings on the subject property will not influence the existing micro climate of the area. The outside stoep area for the tourist facility fronts south and is also ideal for use in spring and summer.

8.2 Character of the area

The subject property is located in a predominant agricultural area and has a typical rural character with low density developments primarily concentrated on established nodes (farmsteads). This application will respect that since all activities will be confined to the existing buildings on the farmstead and no new buildings will be constructed as a result of this application. In addition to the prominent agricultural land units there are a variety of other land uses present in the area which include agricultural industries (wine cellars) as well as secondary land uses to the agricultural industry such as guest houses, tourist facilities (wine tasting and sales, restaurant etc.). Since there is a variety of tourist related activities which are already developed in the area the proposed tourist related activities will not be in conflict with what is already present in the area. The Muldersvlei railway station is located approximately 1,6km to the south and Elsenburg agricultural college approximately 1,2km further south.

It has been proven that a combination of agricultural industry and tourist related activities on farms throughout the Western Cape is most effective and that it will not change the rural character of the area nor will it affect the agricultural viability of the subject property. The proposed tourist facilities will therefore not influence the existing farming operations but will serve as supplement land uses which is a common phenomenon on farms



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throughout the Boland area. Such tourist facilities make a significant contribution directly and indirectly to the tourism sector which is one of the largest economic sectors in the Western Cape.



Tourist development on abutting farm

The positive part of such land uses are that it does not compromise the existing agricultural potential of the subject property since no cultivated land is used. It has been proven with similar tourist related activities on farms throughout the Western Cape that it will not change the rural character of the area nor will it affect the agricultural viability of the subject property.

8.3 Location and Accessibility

The subject property is located in the Muldersvlei area west of Klapmuts and north of Elsenburg along DR1090. The subject property is only one of a few farms located between the R101 and the railway line and has an existing farm entrance directly from DR1090. This entrance has clear sight distances in both directions and no changes to the farm entrance are proposed.



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DR1090 to the north



DR1090 to the south

An existing internal farm road leads from the farm entrance via an avenue of trees directly to the farmstead and also provides access to the rest of the subject property. Due to the size and scale of the proposed activities the increase in traffic to the subject property will be insignificant and no changes to the existing access are proposed. Internally access to the



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individual components of the development will be via the existing farm roads and no new roads will be required. Provision is also made for parking between the guest house and the function venue as well as near the wine cellar building. These spaces are already available and no cultivated lands will be lost as a result of this.

8.4 Spatial Planning Policies

The subject property is located in a predominantly agricultural area within the area of jurisdiction of the Stellenbosch Municipality. The existing spatial planning policy which is applicable to this area, the Stellenbosch Municipal Spatial Development Framework (SMSDF), was adopted by Council in 2018 and provides guidelines for spatial developments within the municipal area.

Although the subject property is not specifically mentioned in the existing spatial documentation, the principle of tourist related facilities and agricultural industries of this scale as proposed within the agricultural areas are widely accepted and encouraged on all spheres of government for various reasons (tourism, local economic development, employment, etc.). It is therefore suffice to say that this application to utilize existing buildings on the subject property for the intended purposes are not in conflict with the spatial planning policies of the Stellenbosch Municipality and can therefore be regarded as desirable.

8.5 Provision of services

All the activities are confined to the inside of existing buildings on the farmstead which are already fully serviced. Potable water is taken from existing boreholes on the farm and distributed to the individual buildings on



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the farmstead. Electricity is taken from existing Eskom infrastructure on the farm and no additional infrastructure is required.

Sewer is disposed of in existing septic tanks with an existing service to remove the sewer on a regular basis from the farm.

Since all activities are confined to existing buildings no additional stormwater runoff is expected. The stormwater runoff is natural and runs onto existing pastures.



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9. SUMMARY AND CONCLUSION

From the aforementioned it is clear that the proposed consent use and technical approval on Farm 1460 Stellenbosch in order to make provision for a wine cellar, guest house and function venue inside existing buildings on the farmstead, is in line with Section 65 of the Stellenbosch Municipality Land Use Planning By-Law and in particular Section 65(1)(c) thereof.

The motivation for the proposed land uses can be summarized as follows:

Economic impact

- From a business point of view the proposed land uses will optimise the existing primary agricultural land uses on the subject property and at the same time provide an opportunity for agri-tourism opportunities as secondary land uses.
- With the proposed application, more employment opportunities will be created and a better service will be delivered to their customers and the wider community.
- The new facilities will create an opportunity for the agricultural property to be more sustainable which will ultimately support the local economy.
- The proposed development will optimize existing primary agricultural products produced on the subject property.
- The utilization of existing buildings for tourist facilities will be more viable.

Social impact

- The proposed development will have a positive social impact since the new activities will ultimately create more employment opportunities.



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- The principle of agri-tourism is well supported by all spheres of government and is a significant contributor to the local economy of the area.
- By combining the tourist facilities with the agricultural industry, the tourism link with the primary agricultural land use is established.

Compatibility with surrounding land uses

- The proposed land uses are directly in line with what is already present in the immediate surrounds. No direct or indirect conflict is expected.
- The combination of agricultural industry and tourist facilities is a common phenomenon in the Boland area and since it will remain the secondary land use, no impact is expected.
- The primary land use (agriculture) will continue uninterrupted. In fact the new land uses provide an unique opportunity to extend the primary agricultural activities on the subject property
- New vineyards will be introduced to facilitate the small scale agricultural industry
- The subject property is one of a few agricultural land units in the immediate surrounds and the proposed activities secondary to the agriculture will strengthen the existing rural character
- All building lines will be respected

Impact on external engineering services

- Since all activities are confined to the inside of existing buildings on the farm, which are already fully serviced, no additional services will be required.



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Impact on safety, health and wellbeing of the surrounding community

- There is no reason to believe that the proposed activities will result in any changes to the safety and security in the area. The presence of guest will in fact increase the security exponentially.
- Since all land uses will be confined to existing buildings the proposed uses will have no impact (visual, health and safety) on any of the surrounding properties.

Impact on heritage

- Since no changes are proposed to any of the buildings, only the use thereof will change, no heritage implications are expected.

Impact on the biophysical environment

- No impact is expected on the biophysical environment since the land uses are all proposed inside existing buildings on the subject property.
- There are no physical features or topographical constraints present on either of the properties which will prevent the proposed land uses.

Traffic impacts, parking, access and other transport related considerations

- Due to the size and scale of the proposed land uses, we are of the considered opinion that the uses will not have any significant impact on the existing traffic flow in the area.
- More than sufficient onsite parking will be provided on the farmstead to facilitate visitors and staff respectively.



P-J le Roux

STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Farm No. 1460 Stellenbosch

October 2020

Whether the imposition of conditions can mitigate and adverse impact of the proposed land use

- The proposed land uses will not have any adverse impact on the surrounding area and no mitigating factors are required.
- The land uses will remain subservient to the primary agricultural activities
- In order to ensure that the development is done in accordance with the necessary standards and guidelines of the departments conditions of approval are a common phenomenon.
- The proposed development in its current scale and form will be financially viable and is in line with the spatial policies relating to agricultural processing and agri-tourism
- The proposed development will provide new employment (security and staff).
- It is our view that the proposed development will have an enhancing impact on the surrounding area and **no mitigation is foreseen for the development project.**

I trust therefore that the application for **Consent Use and Technical Approval on Farm No. 1460 Stellenbosch** in order to make provision for a wine cellar, guest house and function venue inside existing buildings thereon as depicted on the attached Site Development Plan and Floor Plans respectively will be approved.

PIERRE-JEAN LE ROUX

Pr. Pln. A./803/1995



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Farm No. 1460 Stellenbosch

October 2020

Pierre Jean Le Roux

From: Pedro April [Pedro.April@ Stellenbosch.gov.za]
Sent: 25/06/2020 16:23
To: 'Pierre Jean Le Roux'
Cc: Siyanda Zangqa; Stiaan Carstens; Chrizelle Kriel; Bulelwa Mdoda
Subject: RE: [EX] Application: Farm 1460 Stellenbosch

Noted Mr Le Roux

Just to reiterate, if you are of the opinion that the existing building layout do not conform to the definition of a guesthouse, although it's within the thresholds of a guesthouse for the amount of rooms, **tourist accommodation establishment** will be your next option.

Keep safe.



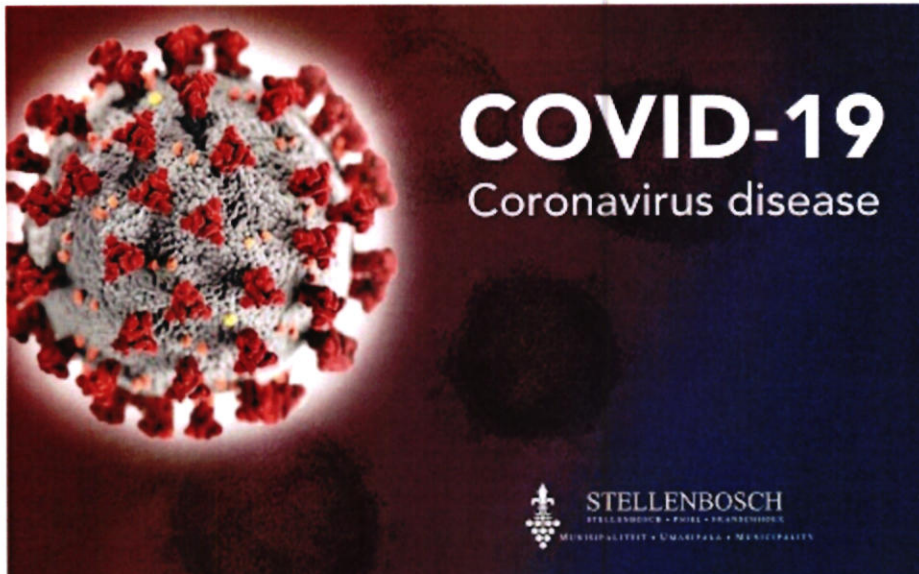
Yours faithfully

Pedro April
Senior Town Planner
Department:
Land Use Management
Directorate:
Planning & Economic Development
Stellenbosch Municipality

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From: Pierre Jean Le Roux [<mailto:pj@pjleroux.co.za>]
Sent: Thursday, 25 June 2020 16:17
To: Pedro April
Cc: Siyanda Zangqa; Stiaan Carstens; Chrizelle Kriel; Bulelwa Mdoda
Subject: RE: [EX] Application: Farm 1460 Stellenbosch
Importance: High

Dear Pedro,

I thank you for your comprehensive response, it is appreciated.

I am aware of the outstanding documents but waited for the response to compile it on one revised report.

I will follow the correct protocol in amending the application and submit it to your offices for processing.

I must however indicate at this early stage that the guest house building use to be old staff quarters which are all connected and provide with an outside door onto a large stoep area. I did acquire an as built plan of the old building since I could not find any at your offices.

I will in future direct my questions to Bulelwa and Siyanda.

Kind regards

Pierre-Jean le Roux

Pr. Pln A/803/1995
Ba Hons, M (TRP)
(MSAPI)



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From: Pedro April [mailto:Pedro.April@stellenbosch.gov.za]
Sent: 25/06/2020 16:06
To: 'Pierre Jean Le Roux'
Cc: Siyanda Zangqa; Stiaan Carstens; Chrizelle Kriel; Bulelwa Mdoda
Subject: RE: [EX] Application: Farm 1460 Stellenbosch
Importance: High

Dear Pierre Jean Le Roux

As we are all aware from the email trail, the application is assigned to Siyanda and the relevant admin officer is Bulelwa. Let me not deliberate on administrative oversights, who should have communicated what, by when and offer my humble apology for this delay in reply and just deal with your enquiry from a planning perspective.

It's fully within your right to request the amendment of the application to bring it in line with the new zoning scheme regulations and you could do so. Where there is a difference in application fee that needs to be refunded, it could be arranged with Bulelwa from an administrative perspective.

I can confirm that the under-mention proposals conforms to the thresholds of the respective land use categories in the new zoning scheme and could be amended if it's still the applicants intend.

Proposal:

Proposed Land use	Current application submitted	Change application in terms of new zoning scheme by-law application
Wine cellar 500m ²	Rezoning to Agri II	<u>Technical approval: agricultural industry <2000m²</u>
Guest rooms	Consent Use: Guest House	<u>Consent Use: Tourist accommodation establishment *</u>
Function Venue	Temporary Departure: Venue	<u>Technical approval: Tourist facility (existing building)</u>

*the utilization of an existing farm building previously used as staff housing and stables respectively as guest rooms (max 7 rooms = 14 guests)

Considering that the additional information initially requested by Bulelwa on 30/09/2019 has not yet been submitted on file, I can only assume that the initial guesthouse do not conform to the new definition and thresholds, hence the application for tourist accommodation establishment. Floor plans of the proposed/existing structures could confirm this.

Please note the following information is still outstanding on files available to me since the last request on 30/09/2019;

- Applicant to submit a floor layout plan of the existing building that is to be used for the guest accommodation, to confirm compliance to the definition of a dwelling.
- Applicant to explain the planting process in terms of timeframes to provide vineyards on site.
- Applicant to give the capacity of the wine cellar as well as to explain how they will justify the capacity of the wine cellar from produce of the property.

It's imperative to be aware that the case officers for this application is still **Siyanda (Town Planner)** and **Bulelwa (Administrative Officer)** and all future correspondence and enquiries in this regard should please be referred to them respectively.



Yours faithfully

Pedro April
Senior Town Planner
Department:
Land Use Management
Directorate:
Planning & Economic Development
Stellenbosch Municipality

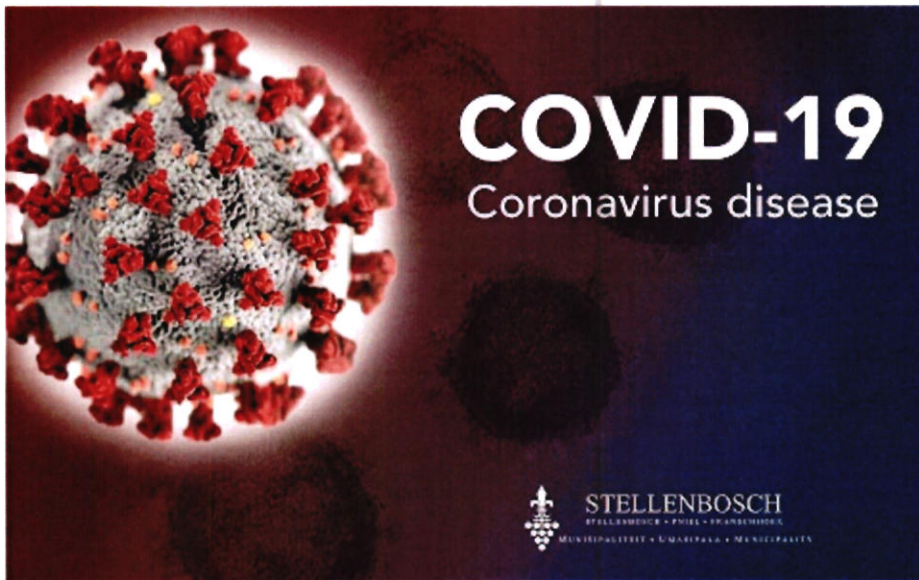
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From: Pierre Jean Le Roux [<mailto:pj@pjlroux.co.za>]

Sent: Thursday, 25 June 2020 11:35

To: Pedro April

Cc: Siyanda Zangqa; Stiaan Carstens

Subject: RE: [EX] Application: Farm 1460 Stellenbosch

Importance: High

Pedro,

Dit is nou reeds meer as 1 maand sedert jy versoek is om "so gou doenlik" terugvoering te gee op my oorspronklike navraag in November 2019 (7 maande gelede).

Hoor graag so spoedig moontlik van jou.

Groete

Pierre-Jean le Roux

Pr. Pln A/803/1995
Ba Hons, M (TRP)
(MSAPI)



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From: Stiaan Carstens [<mailto:Stiaan.Carstens@stellenbosch.gov.za>]

Sent: 15/05/2020 12:11

To: Pedro April

Cc: Pierre Jean Le Roux; Siyanda Zangqa

Subject: RE: [EX] Application: Farm 1460 Stellenbosch

Pedro;

Kan jy asb so gou doenlik met hierdie navraag handel en terugvoer verleen soos versoek.

Sluit my asb. by jou terugvoer in vir kennisname.

Dankie



Kind regards

Stiaan Carstens (Pr. Pln.)
Senior Manager: Development
Management
Planning and Economic

Development

T: +27 21 8088674 | C: +27 82 415 9344

Email:

Stiaan.Carstens@stellenbosch.gov.za

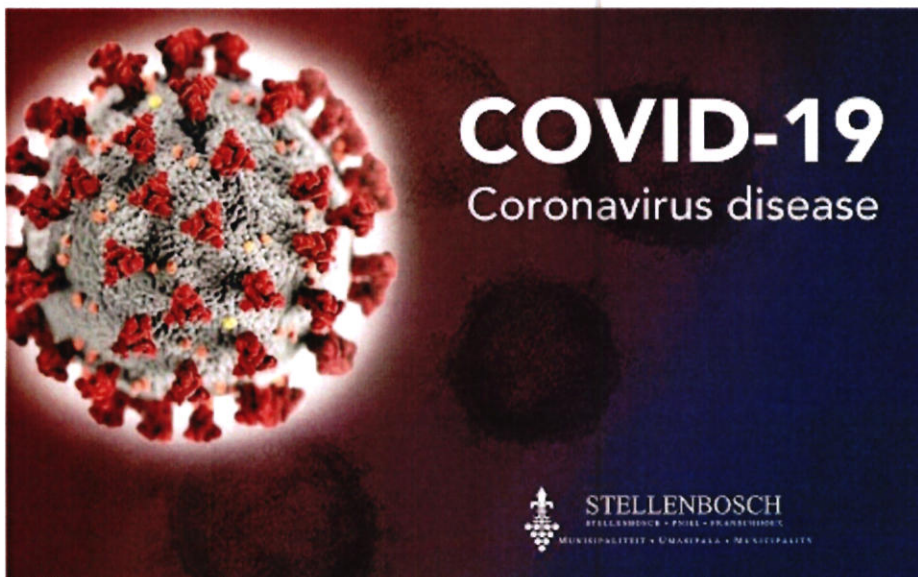
Third floor Eikestad Mall, 7600

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From: Pierre Jean Le Roux [<mailto:pj@pjlroux.co.za>]
Sent: Friday, 15 May 2020 10:21
To: Stiaan Carstens <Stiaan.Carstens@stellenbosch.gov.za>
Cc: Pedro April <Pedro.April@stellenbosch.gov.za>
Subject: FW: [EX] Application: Farm 1460 Stellenbosch
Importance: High

Beste Stiaan,

Ek hoop dit gaan goed met julle en dat die wiele stadig maar seker begin rol, baie sterkte met dit ek kan dink dit is nie eenvoudig nie.

Ek volg net graag op oor 'n aansoek wat ek etlike maande gelede (voor die nuwe regulasies) ingedien is en waarna ek in my onderstaande epos kommunikasie met Pedro en Siyanda verwys om die aanvanklike aansoek in lyn te kry met die nuwe skema. Hierdie voorstel is bloot net uit praktiese oogpunt en ek is bereid om die inhoud van my aansoek sodanig te wysig soos hieronder voorgestel ten einde die proses te kan laat verloop. Ongelukkig het ek sedert November 2019 nog geen verdere terugvoering ontvang nie.

Ek weet julle het baie hooi op die vurk maar ek sien hierdie ook as een van die strooihalms wat in die lug hang.

Ek waardeer jou aandag hieraan en ontvang graag jou kommentaar en terugvoering hierop.

Vriendelike groete en mooi dag!

Pierre-Jean le Roux

Pr. Pln A/803/1995
Ba Hons, M (TRP)
(MSAPI)(MSACPLAN)



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From: Pierre Jean Le Roux [<mailto:pj@pjlroux.co.za>]
Sent: 18/02/2020 15:06

To: 'Siyanda Zangqa'; 'Pedro April'
Cc: 'Bulelwa Mdoda'; 'Stiaan Carstens'
Subject: RE: [EX] Application: Farm 1460 Stellenbosch
Importance: High

Dear Siyanda/Pedro,

The email correspondence below dated November 2019 refers.

Please provide me as soon as possible with a response to my original mail dated 1 November 2019.

I hope to hear from you soon.

Kind regards

Pierre-Jean le Roux

Pr. Pln A/803/1995
Ba Hons, M (TRP)
(MSAPI)(MSACPLAN)



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From: Hedre Dednam [<mailto:Hedre.Dednam@stellenbosch.gov.za>]
Sent: 01/11/2019 16:22
To: Siyanda Zangqa; Pedro April
Cc: 'pj@pjleroux.co.za'; Bulelwa Mdoda
Subject: FW: [EX] Application: Farm 1460 Stellenbosch
Importance: High

Hi Siyanda, Pedro.

Please attend to this email asap.



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From: Pierre Jean Le Roux [<mailto:pj@pjlroux.co.za>]
Sent: 01 November 2019 03:17 PM
To: Siyanda Zangqa
Cc: Hedre Dednam
Subject: [EX] Application: Farm 1460 Stellenbosch
Importance: High

Dear Siyanda,

Further to my application for Farm 1460 Stellenbosch which was recently submitted to your offices and the email from Bulelwa listing outstanding information, please allow me to comment as follows.

Seen that your municipality has crossed the Rubicon (ha ha) by introducing the new zoning scheme by-law and my application has not yet been advertised, will it be possible for me to amend the application in order to align it with the new zoning scheme by-law. If I interpret the new zoning scheme correctly, the application will look like this:

Proposed Land use	Current application submitted	Change application in terms of new zoning scheme by-law application
Wine cellar 500m ²	Rezoning to Agri II	<u>Technical approval: agricultural industry <2000m²</u>
Guest rooms	Consent Use: Guest House	<u>Consent Use: Tourist accommodation establishment *</u>
Function Venue	Temporary Departure: Venue	<u>Technical approval: Tourist facility (existing building)</u>

*the utilization of an existing farm building previously used as staff housing and stables respectively as guest rooms (max 7 rooms = 14 guests)

Although we already paid the application fees, I am sure that can be sorted out.

Please let me know if you think this is a good idea.

In meantime I will continue to collect the information requested.

Hope you find this in order and await your response.

Kind regards

Pierre-Jean le Roux
 Pr. Pln A/803/1995
 Ba Hons, M (TRP)
 (MSAPI)(MSACPLAN)



P-J Le ROUX
Stads-en Streekbeplanners/
Town and Regional Planners

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