NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITION AND CONSENT USE FOR A TOURIST FACILITY ON FARM 1556 PAARL DIVISION

Application Address: Aldeburgh Farm, R304, Muldersvlei

Applicant: lana Jordaan of Frame Consulting, jana.jordaan@framegroup.co.za

Owner: Fisk Farming Pty Ltd, George Fisk, <u>fiskfarm@yahoo.com</u>

Application Reference: LU/12531

Description of land development application:

- Application in terms of section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law (2015) for the removal of the restrictive title deed condition "III.G.2" which prohibits the use of the property for the proposed tourist business related activities on Farm No. 1556 Paarl.
- Application in terms of section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law (2015) for a consent use for a tourist facility to allow for the development of a market and related facilities in existing buildings that will include various market and related facilities on ±6663m² of the Farm No. 1556, Paarl, including market stalls, food stalls, including on site consumption of alcoholic beverages, restaurant and a function venue.

Notice is hereby given in terms 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.

Written comments, 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 in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows:

lana Jordaan of Frame Consulting, jana.jordaan@framegroup.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 **9 August 2021**.

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 021-872 4436 / 076 905 9168 during normal office hours.





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SERVICE DESCRIPTION:		JOB NUMBER:	
	Locality Plan Farm 1556 Paarl, Stellenbosch Municipality	F 15 4 2 9	



Executive Summary and Motivation

Application for Consent Use and Removal of Restrictive

Title Conditions on part

of Farm 1556, Paarl Registration Division,

in terms of Section 15(2)(o) and 15(2)(f)

of the Stellenbosch Municipality: Land Use Planning Bylaw, 2015, to allow for the development of tourist

facility that include market facilities, restaurant, and a

venue.

Report Nr. F15429r001

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Prepared for:

Stellenbosch Municipality

1. Application Details

Application is hereby made for the:

- A Consent Use for a Tourist Facility on part of Farm 1556, registration division Paarl,
 Stellenbosch Municipality, in terms of Section 15(2)(a) of the Stellenbosch Municipality:
 Land Use Planning By-law, 2015, to allow for the development of a market and related
 facilities in existing buildings on the farm that will include various market stalls,
 food stalls, including on site consumption of alcoholic beverages, restaurant and a
 venue.
- Removal of Restrictive Title Conditions "III. G. 2." on page 5 of the title deed T 38883/2014 in respect of the land unit in terms of Section 15(2)(f) of the Stellenbosch Municipality: Land Use Planning By-law, 2015, to allow for the proposed tourist related development on the subject property.

2. Property Description and Context

2.1 Background

The subject property, known as Farm 1556, registration division Paarl, is located within the identified urban area of Muldersvlei Crossroads, one of the identified growth nodes in Stellenbosch municipal area. The proposal includes three of the existing buildings on the farm that is proposed to be re-developed as part of the tourist facility. Two of the existing buildings to be re-developed for the proposed market stalls have been used as part of intensive piggery, but due to increased production cost and complaints of the smells from surrounding residents the owners ceased operation of the piggery during 2017.

In order to better utilise the location of the farm and the existing infrastructure on the farm it was decided to consider various options for diversification on the farm. The inclusion of the farm in an existing node and close to major transport routes allow for high accessibility that will support tourist related facilities close to major towns and suburbs. After various investigations, the clients decided to develop a market premises, similar to the one found at Route 44 Market along the R44 to the south of Stellenbosch. This proposed tourist facility will further support the existing node at this location and allow for services that will further strengthen this node for future development.

The proposal will make use of areas and buildings on the farm that is not used for any existing farming activity, thereby not impacting on the existing production capacity of the farm.

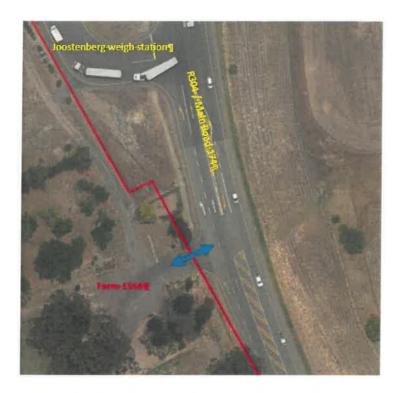
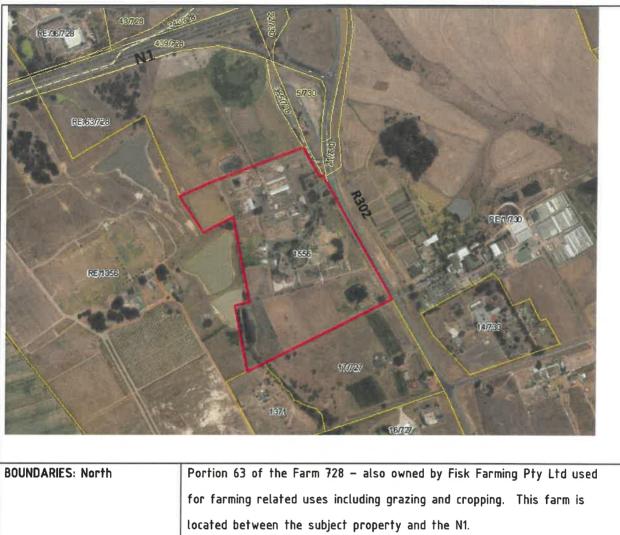


Figure 2: Access point to Farm 1556 off the R301

The details of Farm 1556, Paarl Division, in Stellenbosch are summarized in the table below.

Farm 1556			
		Division Paarl, Stellenbosch Municipality	
SIZE:		17,1964ha	
PROPOSED DEVI	ELOPMENT	Existing buildings footprint to be used — 2 123m²	
FOOTPRINT		External Use area - 4 540m²	
OWNER:		Fisk Farming Proprietary Limited	
ZONING		Agriculture and Rural Zone	
LAND USE		Farm is currently used for various farming activities including the keeping of cattle and sheep, vegetable, and herb gardening, farm dams, cropping and other farming related activities with a main house and employee housing.	
TITLE DEED:		T38883/2014 Possible restrictive title condition restricting the use of the farm to bona fide farming activities as per condition III. G. 2. on page 5 of the title deed.	



BOUNDARIES: North	Portion 63 of the Farm 728 — also owned by Fisk Farming Pty Ltd used		
	for farming related uses including grazing and cropping. This farm is located between the subject property and the N1.		
	tocated between the Subject property and the M.		
South	Portion 17 of Farm 727 - Winelands Garden Centre, Tree nursery and a		
	corner store at the intersection between the R304 and Old Paarl Road (R101)		
	and Sandringham Road.		
East	The R304 and Remainder of Portion 1 of the Farm 730 – Joostenberg		
	Deli/Bistro and Stellenbosch Tap Room.		
West	Remainder of Farm 1365 — Sandringham Expo farm hosting various events.		

2.3 Description of Surrounding Area

The surrounding area form part of Muldersvlei, identified as one of the small settlements in the Stellenbosch Municipal area. The small settlement is seen as a growth node and transit node in the Stellenbosch SDF of 2019. The Muldersvlei settlement are supported by major transport routes, the Cape Town metropole, and larger towns such as Stellenbosch and Paarl. The subject property is located close to the N1 and next to the R304 which is identified as a primary movement node and a primary development axis/transport corridor within the urban

restaurant and a venue facility within two existing pigsties and a farming shed on the property. Please refer to <u>Site Development Plan</u>.

This application is to allow for tourist related facilities to be operated from three existing buildings on the property that include two old pigsties that is no longer in use and a farm shed. The proposal also includes external use areas to be landscaped of areas between the buildings and the provision of additional undercover seating areas.

Proposed Uses

The proposal will include the renovation of the existing buildings to allow for various market stalls to be accommodated within the existing structures. The placement of the pigsties with open areas between then provide the ideal opportunity to accommodate market and food stalls which will include on site consumption of alcoholic beverages for which the relevant application (liquor licence) will be obtained after the land use approval. The larger shed will house a *restaurant* and other related facilities that require more permanent facilities. The shed will also be able to be used as a venue facility for 80 people on request, with the venue never to operate at the same time as the markets. The larger shed will also accommodate a kitchen facility and a bar area for onsite consumption as well as ablution facilities for the proposed tourist development. The relevant building plans for the internal alterations of the existing buildings and additions will be submitted once the land use application has been finalised. Please refer to proposed building plans for additions and alterations of existing buildings. The slightly raised area between the proposed market stalls and the shed will serve as an open-air stage for live entertainment during the markets. The open areas between the different buildings will be landscaped and allow for seating areas to relax, eat and enjoy live music. The open outdoor areas will also accommodate children's activities to occupy then during the market.

The existing buildings to be used for the tourist facilities is described below

The existing buildings to be used for	THE TOURST TACIUM	ies is destribed below.
Existing Buildings	Area	Proposed tourist related uses
Block A with canopy area (old pigsty)	682m²	Market stalls
Block B (old pigsty)	324m²	Market stalls
New undercover seating areas next to	460m²	
Blocks A and B		
Existing Shed with new proposed	657m²	Restaurant, stalls, venue, ablution
canopy area, ablution and utility		facilities
facilities		
Total footprint of buildings	2 123m²	
External Use areas		
Outdoor landscaped area including and	4 540m²	
outdoor stage.		
Total area to be used	6 663m²	Representing 3.874% of the total area
for Tourist facility		of the farm to be used for a tourist facility.

Parking and traffic movement

The proposed parking area for visitors to the markets is proposed along the eastern boundary close to the entry to the property on already disturbed land that is not used for any agricultural related uses. It is proposed that a one-way system for safer traffic movement is used for entry and exit to the parking area. Vehicles will enter from the R304 onto the property on existing internal road network to the proposed general parking area along the eastern boundary – and exit again along the eastern boundary towards the entry to the property. While the entry and exit of vehicles to and from the parking area to the entry/exit of the property is split internal traffic movement within the parking area will be able to move in both directions. It should be noted that the proposed tourist facility (markets) will only operate on the weekends thereby not impacting on the traffic during the week and especially during peak hour traffic.

Parking Requirement per use	Area	Parking Provided
Conference Facility - 0.25 bays/seat	Total area of buildings	A total of <i>190 parking</i>
80 people = 20 required	(include venue, restaurant,	<i>bays</i> are provided on
Restaurant - 4bays/100m² gross	stalls and utility uses such	site with
leasable area (GLA)	as kitchen and ablution)	• 150 bays for
Shops:	2 123m²	visitors, and
* Up to and including 1 000m ² -	@ 4 bays/1 000m² for first	• 40 bays for stall
4bays/100m² GLA	1000m² =	holders.
* >1 000m² - 6 bays/100m² GLA	40 bays required	
	and 6 bays/100m² for area	
	>1 000m² =	
	73 bays required	

A total of **190 parking bays are provided the facility**, with 40 parking area provided for stall holders and 150 parking bays provided for visitors.

Operating Hours

The markets will operate on weekends, Saturdays and Sundays, and public holidays from 08:00 till 17:00 with the stall operates that will be allowed to setup from 07:00 and break up until 18:00 in the evening.

The proposed Venue facility for 80 guests will be accommodated in the large shed and will allow for operating during the day and in the evening. The venue and market will never be utilised during the same time.

Services

The farm is already connected to existing services with these services to be extended to the old pigsty buildings.

impact on the financial value of the landowner. By restricting the use on the property to only bona-fide agricultural uses it prevent the owners the opportunity for diversification on the farm, their opportunity for generating additional income from the property and to add value to their property. The proposed tourist related uses are further supported by the Zoning Scheme By-Law and the Spatial Development Framework proposals for the area.

The condition was most likely a general condition that was implemented by the Authority at the time when other ancillary uses did not generally occur on farms and can therefore be seen as outdated.

(b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition:

These conditions on the property were included as part of a previous subdivision with the Roads Authority not gaining any personal benefits from this specific condition.

(c) The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;

The property owner will be able to develop tourist related uses on the property supporting a variety of uses and diversification on the farm, ensuring sustainability and a diversified income to the landowner, without negatively affecting agricultural as a primary use on the farm.

- (d) The social benefit of the restrictive condition remaining in place in its existing form; There are no real social benefits if the condition is maintained, it would rather have a negative social impact if the condition is maintained in that it will not allow for any diversification on the far that will result in additional job opportunities and ultimately a positive social impact, allowing more people access to an income that will allow them to better their social circumstances.
- (e) The social benefit of the removal, suspension or amendment of the restrictive condition; and,

The removal of the condition will result in the development of a tourist facility on the property that will provide for various job opportunities not only in the running of the facility but also allow a facility for entrepreneurs to showcase their products. The facility will also provide tourist with an added "destination" in the Stellenbosch area, attracting not only local visitors but also visitors from surrounding area providing for increased buying power that will benefit the stall owners and have a positive social spinoff.

(f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by beneficiary or only some of those rights.

The proposed restrictive condition relates to the uses on the property, which are in effect rights that are beneficial to the owner of the property and not in reality to any other authority. As previously mentioned, the conditions were most likely a standard condition implemented by the Roads Authority in the past. Since 1995 when the condition was implemented the planning legislation was amended and today allow for diversification of uses on farms with

	exceed >250m² for Additional Use right.	landscaped areas between the buildings and the outdoor stage.
	Consent use required if exceeding the above threshold	All the buildings to be used will be in keepings with the character of the buildings on the land unit. The use of existing old pigsties and a farm shed will allow the facility to blend into the existing farming character. Only new structures to be added is a undercover seating areas next to the pigsties nd a covered area next to the shed that will also include ablution facilities and utilities.
Building line	5m	Comply
	Street and Common boundary building line	Tourist facility will be accommodated in existing buildings — 2 old pigsties, no longer in use, and a farm shed which is located >5m from any boundary.
Height	1 storey	Comply
		The existing buildings to be used are all single storey buildings.

It is evident from the above table that the proposed tourist facility will comply with the development parameters with this application and motivation to support the Consent Use application for Tourist facility to house a market, restaurant a venue facility with outdoor entertainment areas that will include petting zoo, landscaped area and open-air stage for entertainment during the market operation. The building plans for the necessary additions and alterations will be submitted after the completion of the land use process.

Refer to Site Development Plan and Building Pans.

4. Motivation

In terms of Section 65 of the Drakenstein By-Law on Municipal Land Use Planning, the Council shall have regard to a number of factors when considering a land use application. These factors include inter alia the following:

- The Municipal IDP and SDF;
- the applicable local spatial development frameworks adopted by the Municipality;
- the applicable structure plans;
- the applicable policies of the Municipality that guide decision-making;
- the provincial spatial development framework;
- where applicable, the regional spatial development framework;

facilities to support not only better utilisation of the existing resources but will support the diversification in the agricultural sector and allow for improved tourism facilities in the rural hinterland of Stellenbosch in an identified growth and transit node. The development will also support a diverse combination of land uses (including various tourist related facilities in the rural areas) as is supported by the SDF. The fact that the units are proposed in areas that is not used for agricultural production also allow for more effective use of the total farming land unit.

- Good Administration: The application is submitted in terms of the relevant legislation and will be processed accordingly. Various external departments will also be afforded an opportunity to comment on the application during the public participation process. The public will be afforded the same opportunity to provide their input. The relevant comments will ensure an integrated approach to land use and land development and allow for an informed decision making. The development will also contribute to the tax base of the Drakenstein Municipality.
- Spatial Resilience: The Stellenbosch Municipal Planning By-Law and Zoning Scheme By-Law allow for the relevant flexibility in the land use management system to accommodate more flexibility within the planning framework that support sustainable development. The diversification within the agricultural sector provides for resilience within this sector, which specifically prone to potential impact from environmental shocks and climate change.

As such, it is considered that the proposal complies with the principles underpinned by national and provincial planning policy.

4.1.2 The Western Cape Provincial Spatial Development Framework (PSDF) 2014

The Western Cape Spatial Development Framework (PSDF), as the main strategic planning document in the Western Cape, was developed to provide the spatial expression of the Provincial Growth and Development Strategy. The PSDF is a long term (i.e., > 5 year) spatial framework from which various plans will be implemented. It conveys the Western Cape's spatial agenda to national and Provincial departments, as well as state owned enterprises (SOEs) so that their sector plans and programmes are grounded in a sound and common spatial logic.

The policy framework in the PSDF covers Provincial spatial planning's three interrelated themes namely:

- 1. Sustainable use of the Western Cape's spatial assets
- 2. Opening-up opportunities in the Provincial space-economy, and
- 3. Developing integrated and sustainable settlements.

Each of these spatial themes contributes to the achievement of the Western Cape's strategic objectives.

economic returns on the farm from alternative uses, which support diversification and address any potential future impacts from climate change on the income on farms. The location of the proposed tourist facility in existing farm buildings will not detract from any actively agricultural production area of impact directly on sensitive environmental and will be of an appropriate scale for the property. No additional buildings will be built, existing unused buildings will be renovated to be sued as part of this tourist facility with surrounding areas to be landscape and parking areas created to support the facility in a sustainable manner. The proposed facility will also result in aesthetically more pleasing environment that will support the rural landscape and not detract from the rural character of the area.

• Does not alienate unique or high value agricultural land, or compromise existing farming activities

As indicated the proposed tourist facility will be located in existing buildings – two old pigsties no longer in use and an existing farm shed. The facility will therefore make use of an area that has already been developed but is no longer utilised for any agricultural production. The development will therefore not compromise the high value agricultural land on the property but will make use of developed area not use for any agricultural production. The use of unused infrastructure on the farm for alternative supporting tourism related use will allow for diversification on the property to support sustainable use of the subject property. The operation of the tourist facility will therefore not to compromise the existing farming operations.

• Is consistent with the cultural and scenic landscapes within which it is situated.

The tourist facility will be located in existing buildings that was erected in past for farming related uses and already form part of the landscape. The scale of the proposed use is also limited and will not detract from the cultural and scenic value of the surrounding landscape. The closest buildings to be uses is set back more than 100m from the R304. No additional buildings or structures will be developed for the use with the areas between existing buildings to be landscaped appropriately, which will rather enhance the area and the existing rural landscape. The facility will also only operate during the weekends and public holidays thereby further limiting any potential impacts on surrounding area.

Does not infringe on the authenticity of rural landscapes.

The proposed development of the units will not infringe on any productive agricultural land or detract from the authenticity of the existing rural landscape. As explained above the facility will make use of existing building on the farm with area between the buildings further enhanced with appropriate landscaping to support the rural landscape. The proposed tourist facility is located within the existing built up area surrounding the homestead and will not infringe on the rural landscape, but will be maintained in the developed area surrounding the homestead.

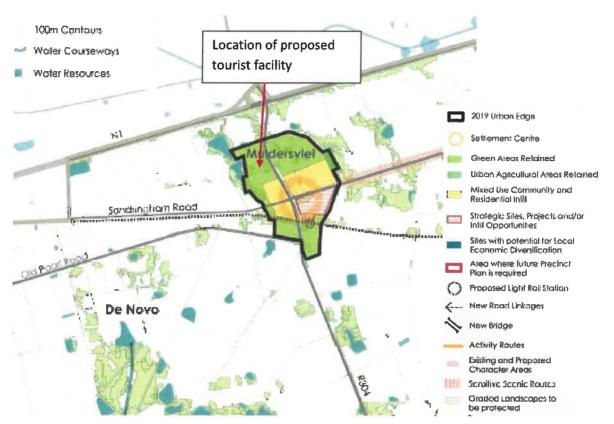


Figure 5: SDF plan for Muldersvlei

The proposed tourist facility is located within the identified urban edge of Muldersylei in an area where green areas to be retained. The SDF does identify Muldersylei to have the potential for further formal settlement development as part of the broader initiative related to the N1 corridor from Cape Town to Drakenstein. Although the potential for formal residential urban development is at this stage largely dependent on private vehicular access, the highly accessible and visible location does provide the immediate opportunity for tourist related uses as is proposed as part of this application. This location has already attracted various other tourism and expo related uses such as the Joostenberg farm development that include a deli, restaurant, brewery and nurseries as well as Sandringham Estate that accommodated various expos and larger events. The proposed tourist facility on Farm 1556 will be for a market facility, similar to Route 44, with a restaurant and venue that will further compliment the area and add to this node as a tourist destination. The facility will be accommodated in existing buildings on the farm and will not impact on any productive agricultural areas or sensitive natural areas. The scale and type of use is also supportive of the existing rural landscape and will not detract from it. In conclusion, it is considered that the proposal is consistent with the intent of the SDF to allow for the support of this proposal.

4.2.3 Impact on External Engineering Services

The farm and related facilities are already connected to services with these services to be extended to the proposed tourist facility. The following provide a review of the services to be extended to the markets stalls and shed. The shed is already connected to some services with other services including water and sewer to be extended to the shed to support the proposed additions of an ablution facility and kitchen that will be developed as part of the tourist facility,

Water

The farm is supplied by municipal water as well as water tanks filled with bore water. The proposed tourist facility will make use of the existing water connection with internal distribution to buildings as is required. It is not anticipated that the proposed facility will result in a major increase in demand on water. The water will be mainly used in the proposed new ablutions facilities, with a total of 8 toilets for ladies and 6 toilets and 6 urinals for men, and a kitchen and bar area in the shed. Water connection to the stalls will be limited to the food stalls that will require water connection. The markets and venue will also only operate during the weekends.

• Sewer

The proposed new ablution facilities to be attached to the existing shed will make use of the Bubbler Water Efficiency system. The Bubbler system is a waterborne sanitation system, designed for the onsite treatment of effluent. The grey water and sewerage from the facility will be deposited into the digester tank where the sewerage will be processed through anaerobic as well as aerobic digestion coupled with aeration through the septic boss system. Please refer to the information on the system attached.

• Electricity

Eskom provide electricity connection to the farm with the existing service to be extended to the facilities as required.

Waste

During the operation of the market various general refuse and recycle bins will be placed around the facility. The owners will then deliver all types of waste to the relevant land fill sites to be disposed of in a responsible manner.

4.2.4 Impact on Safety, Health and Wellbeing of the surrounding community

It is not considered that the proposed tourist facility to be housed in existing buildings on the farm will have any significant impact on the safety, health and wellbeing of occupiers of the surrounding properties. The facility will make use of existing buildings for market stalls, restaurant and venue facility that will only operate over weekends. The areas to be developed form part of already disturbed areas on the farm with the proposed parking area to be developed on land that is planted with kikuyu grass with access to the parking areas to be via the existing dirt road network on the farm. The areas between the different buildings to be used will be landscaped to form part of the outdoor recreation areas where people can sit and eat during the market.

4.2.7 Traffic and Parking Consideration

Vehicular access to the property will be maintained via the existing access point off the R304, with left and right turn lanes provided along the R304 tot eh property. The tourist facility will only operate during the weekends and will therefore not have an impact on the peak hour traffic during weekdays. Adequate parking will be provided on site to support the tourist facility with a total of 190 parking bays provide in dedicated areas with 40 of the bays for store operators and 150 for visitors to the market. The internal design of traffic movement will allow for a one-way system where entry to the parking areas is from the south and exit from the parking area via one way route from the north. This will ensure that traffic that enter and exit the facility will cause and obstruction at the entry point of R304.

4.2.8 Mitigation by imposition of conditions

It is not considered that the proposed tourist will result in any adverse impacts on the surrounding environment and properties that will need any mitigation to be imposed. The design of the facility will allow for planned traffic movement to allow for safe entry and exit of the property as well as landscaping to improve the visual quality of the facility.

4.3 Conclusion

It is therefore clear from the above that the proposal to re-develop existing buildings on the farm for tourist related facilities in the Muldersvlei node, is in all respects desirable. The proposed development supports the repurposing of old buildings that is no longer in use, utilising areas on the farm that is not used for agricultural production or will impact on any existing production potential and allow for diversification on the farm allowing for more viable economic unit. In light of the motivation report we can recommend for Stellenbosch Municipality to consider the Consent Use and the Removal of Restrictive Title Conditions of the subject property in a favourable manner in order to support development and economic growth in the Muldersvlei urban node.

