

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

**APPLICATION FOR SUBDIVISION: PORTION 56 OF THE FARM DEVON VALE NO. 90, STELLENBOSCH**

Application Address: Portion 56 of the Farm Devon Vale, No.90, Stellenbosch

Applicant: Friedlaender Burger and Volkmann - M.B. Straughan, [mark@fbvsurvey.co.za](mailto:mark@fbvsurvey.co.za), 021 007 1861

Owner: Bellinckhof cc, [hendrik.sarens@sarens.com](mailto:hendrik.sarens@sarens.com), +32 52 319 340

Application Reference: LU/13294

Description of land development application:

Application is made in terms of section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 for the subdivision of Portion 56 of the Farm Devon Valley, No. 90, Stellenbosch into Portion A, in extent ±3.85ha, Portion B, in extent ±4.46ha, Portion C, in extent ±4.15Ha, leaving no remainder, and for the subdivision of a 5m wide servitude right of way over Portion A in favour of Portion B.

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: Friedlaender Burger and Volkmann, attention M.B. Straughan, [mark@fbvsurvey.co.za](mailto:mark@fbvsurvey.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **Tuesday, 22<sup>nd</sup> March, 2022**.

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 082 8940686 or 021 0071861 during normal office hours.

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

**AANSOEK VIR ONDERVERDELING: GEDEELTE 56 VAN DIE PLAAS DEVON VALE, NR. 90,  
STELLENBOSCH**

Adres van eiendom: Gedeelte 56 van die Plaas Devon Vale, Nr. 90, Stellenbosch

Aansoeker: Friedlaender Burger en Volkmann - M.B. Straughan, [mark@fbvsurvey.co.za](mailto:mark@fbvsurvey.co.za), 021 007 1861

Eienaar: Bellinckhof bk, [hendrik.sarens@sarens.com](mailto:hendrik.sarens@sarens.com), +32 52 319 340

Aansoek Verwysing: LU/13294

Beskrywing van grondontwikkelingsaansoek:

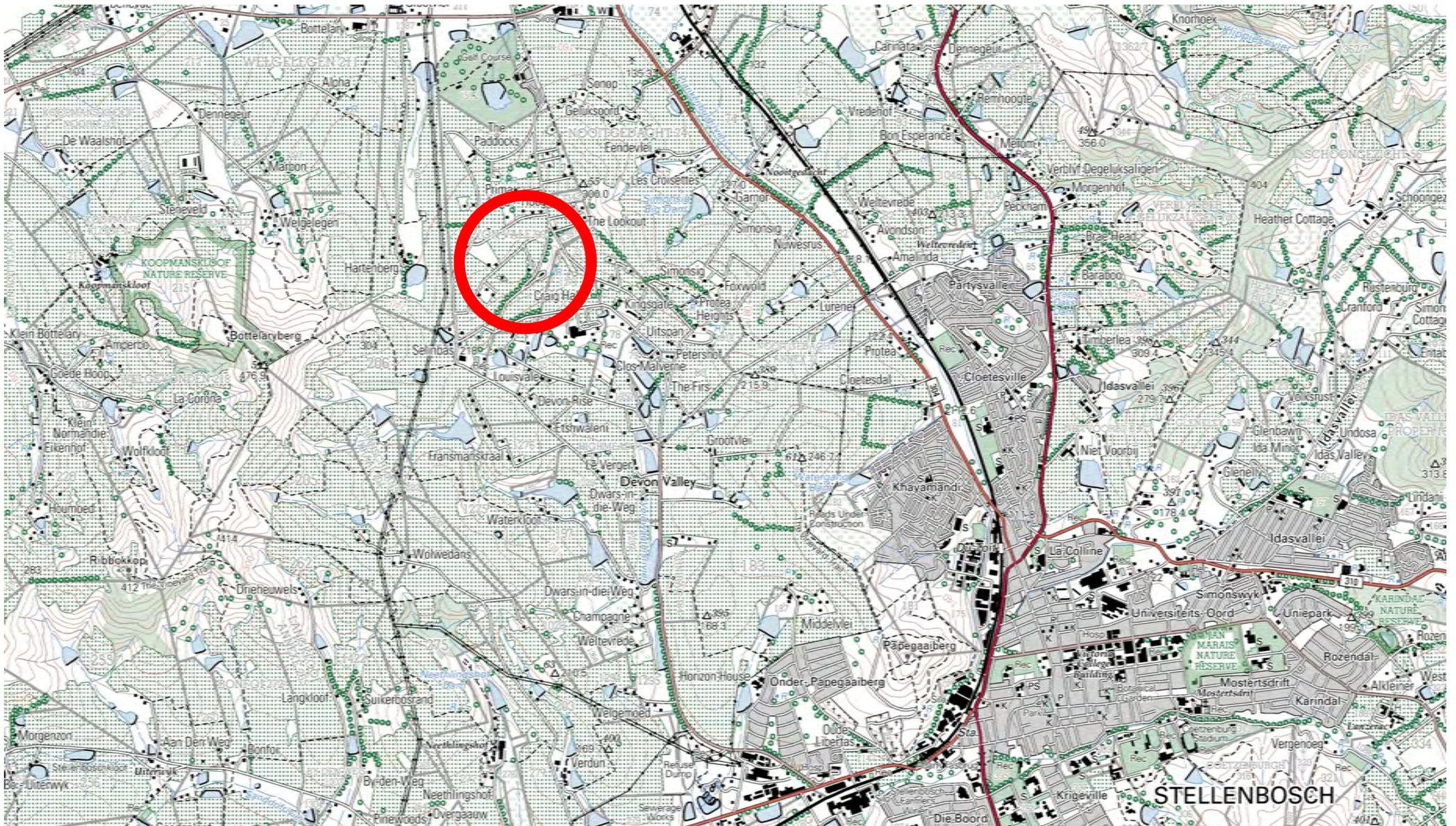
Aansoek word gedoen ingevolge artikel 15(2)(d) van die Stellenbosch Munisipale Grondgebruikbeplannings Verordening, 2015 vir die onderverdeling van Gedeelte 56 van die Plaas Devon Valley, No. 90, Stellenbosch in Gedeelte A, in omvang ±3,85ha , Gedeelte B, in omvang ±4.46ha, Gedeelte C, in omvang ±4.15ha, wat geen restant laat nie, en vir die onderverdeling van 'n 5m breë serwituut reg van weg oor Gedeelte A ten gunste van Gedeelte B.

Kennis word hiermee gegee in terme 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 tydskuur 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 beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: Friedlaender Burger en Volkmann, aandag M.B. Straughan, [mark@fbvsurvey.co.za](mailto:mark@fbvsurvey.co.za). Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **Dinsdag, 22<sup>ste</sup> Maart, 2022**.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 082 8940686 of 021 0071861 gedurende normale kantoor ure.



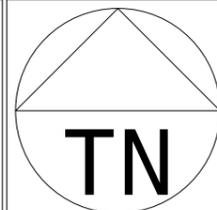
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Ref: SA90-56	Dwg: locality plan.dwg A4	 friedlaender, burger & volkmann <small>27 New Street, Stellenbosch 7600, P.O. Box 100, Stellenbosch 7600                  Tel: 022 22 88 400 Fax: 022 22 88 111 E: info@fbv.co.za</small>																																																		



The figure ABCDEFGHJK represents Portion 56 of the Farm Devon Vale, No.90, Stellenbosch, in extent 12.4651 hectares.

**Notes**  
Aerial photography supplied by and copyright Stellenbosch Municipality.



**Caveat**  
1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.  
2. All levels are to be confirmed prior to construction.

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Date:18/01/2021

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Proposed Subdivision  
of  
Portion 56 of the Farm Devon Vale, No.90,  
Stellenbosch

Ref:SA90-56

Dwg:PROP\_SUB-rev4



# Motivation report

Portion 56 of the Farm Devon Vale, No. 90, Stellenbosch

Proposed subdivision into 3 portions and no remainder and subdivision of a 5.00m wide servitude  
right of way

Submitted: 13th October 2021

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## Contents

1	The properties.....	1
2	Annexures .....	1
3	Background .....	2
4	Application .....	2
5	Reason for application .....	2
6	Ownership and mortgage bonds .....	2
7	Authority to apply.....	2
8	Pre-application scrutiny .....	2
9	The property .....	3
9.1	Character of surrounding area.....	3
9.2	Zoning.....	3
9.3	Improvements.....	3
9.4	Agriculture .....	3
10	Restrictive title deed conditions .....	3
11	Applicable legislation and policy.....	3
11.1	Legislation .....	3
11.1.1	Subdivision of Agricultural Land Act, 1970 (“SALA”).....	4
11.1.2	Spatial Planning and Land Use Management Act, 2013 (“SPLUMA”).....	4
11.1.3	Western Cape Land Use Planning Act, 2014 (“LUPA”).....	4
11.1.4	Advertising on Roads and Ribbon Development Act, 1940 (“Act 21/1940”) .....	5
11.2	Policy.....	5
11.2.1	The Western Cape Provincial Spatial Development Framework (“PSDF”) .....	5
11.2.2	Summary: PSDF and the application.....	6
11.2.3	Western Cape Land Use Planning Guidelines: Rural Areas: March 2019 (“the Guideline”) 7	
11.2.4	Summary: The Guideline and the application.....	7

11.2.5	Stellenbosch Integrated Development Plan, 4th review, May 2021 (“the IDP”).....	7
11.2.6	Summary: The IDP and the application.....	8
11.2.7	Stellenbosch Municipality Spatial Development Framework (“MSDF”).....	8
11.2.8	Summary: MSDF and the application .....	8
12	Motivation.....	9
12.1	Desirability and impact .....	10
12.1.1	Desirability .....	10
12.1.2	Impact .....	11
13	Conclusion.....	11

## 1 The properties

Farm number	Portion 56 of the Farm Devon Vale, No.90, Stellenbosch
Address	Farm 90/56, Blumberg Drive, Devon Valley, Stellenbosch
Area	12.4651 ha
Owners	Bellinckhof CC
Title deed	T54618/2008
Zoning	Agricultural and Rural
Use	Agriculture
Mortgage bond	No
Improvements	Dwelling, staff house, reservoir

## 2 Annexures

<b>Annexure</b>	<b>Description</b>
1	Locality plan
2	Site and subdivision plan
3	Title deed
4	Company resolution
5	Power of attorney
6	General plan of Devon Valley
7	Diagram of Portion 56 of Farm 90, Stellenbosch
8	Surveyor-General's noting sheets
9	Western Cape Department of Agriculture: Letter of support
10	National Department of Agriculture, Land Reform and Rural development: Letter of support
11	Western Cape Government: Road Network Management Branch: Deproclamation of Divisional Road 1069
12	Pre-application scrutiny feedback

### 3 Background

We have been appointed to assist the owners of Portion 56 of the Farm Devon Vale, No.90, Stellenbosch (“the property”), to apply to subdivide the property into 3 portions with no remainder, and a servitude right of way 5.00m wide over proposed Portion A.

The property is a consolidation of Portions 37, 38 and 39 of the Farm Devon Vale No. 90.

### 4 Application

In order to reverse the consolidation, we apply in terms of section 15 of the SPBL follows:

- i. *In terms of section 15(2)(d) for the subdivision of Portion A, in extent ±3.85ha, Portion B, in extent ±4.46ha, Portion C, in extent ±4.15Ha, leaving no remainder, and*
- ii. *In terms of section 15(2)(d) for the subdivision of a 5m wide servitude right of way over Portion A in favour of Portion B, as shown.*

### 5 Reason for application

The property is not financially viable in its current form and the owner wishes to reverse the consolidation and alienate two of the portions.

The Western Cape Government Department of Agriculture (“WCDA”) has expressed conditional support for the proposal provided it is based on the original establishment of Devon Vale as depicted on the 1952 General Plan of Devon Vale.

The National Department of Agriculture, Land Reform and Rural Development (“DALRRD”) supports the proposal but will only issue a consent in terms of the Subdivision of Agricultural Land Act, 1970 (“SALA”) if the proposal is approved by Stellenbosch Municipality.

### 6 Ownership and mortgage bonds

The property is owned by Bellinckhof CC and is not subject to a mortgage bond.

### 7 Authority to apply

A power of attorney and company resolution are included with the supporting documents.

### 8 Pre-application scrutiny

Outcome of the pre-application scrutiny process: Application required for subdivision in terms of section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 (“SPBL”).

## 9 The property

Portion 56 is 12.4651 hectares in extent. It occupies a local rise and reaches an elevation of  $\pm 270\text{m}$  above mean sea level. The terrain is even and falls away to the south and south-east.

### 9.1 Character of surrounding area

Devon Valley is experienced as a visually pleasing rural area, with hilly terrain and mature, well developed agriculture on small farms with an average size of 4 hectares, predominantly comprising vineyards with some olive orchards.

The terrain is varied between level and steeply sloped.

The combination of small farms, topography and aspect give Devon Valley a unique visual and scenic character.

### 9.2 Zoning

The property is zoned Agricultural and Rural (AR).

### 9.3 Improvements

Improvements comprise a dwelling house, staff house, reservoir and pumphouse adjoining the reservoir.

### 9.4 Agriculture

The property is currently cultivated with  $\pm 10.5\text{Ha}$  of wine grapes.

The Western Cape Department of Agriculture Cape Farm Mapper records the property as having high dryland potential.

Cape Farm Mapper records the 2017/2018 winter crop census of 10.33 hectares wine grapes on the property. This is consistent with  $\pm 10.5$  of land currently under vineyard.

## 10 Restrictive title deed conditions

There are no restrictive title conditions obstructing the proposal.

## 11 Applicable legislation and policy

### 11.1 Legislation

Relevant legislation is

- Subdivision of Agricultural Land Act, 1970 (“SALA”)

- Spatial Planning and Land Use Management Act, 2013 (“SPLUMA”)
- Western Cape Province Land Use Planning Act, 2014 (“LUPA”),
- Advertising on Roads and Ribbon Development Act, 1940 (“Act 21/1940”)
- Stellenbosch Municipal Land Use Planning By-law, 2015 (“MPBL”)

#### 11.1.1 Subdivision of Agricultural Land Act, 1970 (“SALA”)

The Western Cape Department of Agriculture (“WCDA”) makes recommendations to the National Department in respect of applications in terms of SALA.

As an overriding principle the Provincial Department does not support the subdivision of high value agricultural land to create new portions which fall below its guideline sizes of productive vineyard ranging between 40 and 80 hectares.

However in the case of this application matter it has expressed an opinion that the proposal can be supported based on the original general plan layout. The Provincial Department’s letter to this effect is included with the supporting documents as Annexure 7. In other words the Provincial Department has found site specific reason to depart from normal policy.

The National Department of Agriculture, Land Reform, and Rural Development has no objection to the proposal and has undertaken to issue consent in terms of SALA if the proposal is approved by Stellenbosch Municipality. The National Department’s letter to this effect is included with the supporting documents as Annexure 8.

#### 11.1.2 Spatial Planning and Land Use Management Act, 2013 (“SPLUMA”)

SPLUMA prescribes principles applicable to land use management including the requirement that the protection of prime and unique agricultural land is given special consideration. (*s7(b)(iii)*)

SPLUMA further requires that municipal spatial development frameworks (“SDFs”) give effect to national policy on protection of agricultural resources. (*s12(1)(n)*)

In the case of this application section 22 of SPLUMA is of importance.

Section 22(1) prohibits any authority required to make a land development decision from making a decision which is inconsistent with an SDF. However section 22(2) permits decisions which depart from an SDF if site-specific circumstances justify such departure.

#### 11.1.3 Western Cape Land Use Planning Act, 2014 (“LUPA”)

LUPA prescribes principles applicable to land use planning including the requirement that special consideration is to be given to protection of prime, unique, high potential agricultural land.

LUPA further stipulates that land development which is not consistent with the relevant designation for the utilisation of land in an applicable SDF, deviates from the SDF.

The land use and subdivision which is the subject of this application does not propose deviation from the designation of the current land use of the property, which is agricultural use.

#### 11.1.4 Advertising on Roads and Ribbon Development Act, 1940 (“Act 21/1940”)

Act 21/1940 applies to proclaimed roads. The Western Cape Government: Road Network Management Branch has confirmed that the section of Divisional Road 1069 providing access to the farm has been de-proclaimed and that the Branch is therefore no longer the controlling authority. Act 21/1940 is therefore not applicable to the application.

### 11.2 Policy

Relevant policy is

- The Western Cape Provincial Spatial Development Framework (“PSDF”)
- Western Cape Land Use Planning Guidelines: Rural Areas: March 2019 (“the Guideline”)
- Stellenbosch Integrated Development Plan, 4<sup>th</sup> review, May 2021 (“the IDP”)
- Stellenbosch Municipality Spatial Development Framework (“MSDF”)

#### 11.2.1 The Western Cape Provincial Spatial Development Framework (“PSDF”)

The PSDF executive summary describes the Province’s spatial policies in terms of three interrelated themes:

- “
- i sustainable use of the Western Cape’s spatial assets and resources;
  - ii opening-up opportunities in the Provincial space-economy; and
  - iii developing integrated and sustainable settlements.” *(section 3, pg. 11)*

The executive summary proceeds with policy statements including:

- “ POLICY R3: SAFEGUARD THE WESTERN CAPE’S AGRICULTURAL AND MINERAL RESOURCES, AND MANAGE THEIR SUSTAINABLE USE
1. Record unique and high potential agricultural land (as currently being mapped by the Provincial Department of Agriculture) in municipal SDFs, demarcate urban edges to protect these assets, and adopt and apply policies to protect this resource (especially in areas where raw water is available).” *(pg. 13)*

And

- “ POLICY R5: SAFEGUARD CULTURAL AND SCENIC ASSETS

...

5. Priority focus areas proposed for conservation or protection include:

- i. Rural landscapes of scenic and cultural significance situated on major urban edges and under increasing development pressure, e.g. Cape Winelands.”  
(pg. 14)

The following extracts from the PSDF are material to this application:

“ 1.5.2 SUSTAINABILITY AND RESILIENCE

Land development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes, and should not involve the conversion of high potential agricultural land or compromise ecosystems. Resilience is about the capacity to withstand shocks and disturbances such as climate change or economic crises, and to use such events to catalyse renewal, novelty and innovation. The focus should be on creating complex, diverse and resilient spatial systems that are sustainable in all contexts.” (pg. 11)

And

“ 3.1.2. RESOURCE MANAGEMENT POLICY OBJECTIVES

The following 2009 PSDF primary objectives commit the Province to safeguarding these assets:

- i. Protect biodiversity and agricultural resources.
- ii. Minimise the consumption of scarce environmental resources, particularly water, fuel, and land – in the latter case especially pristine and other rural land, which is the Western Cape’s ‘goldmine-above-the-ground’ (i.e. a non-renewable resource).
- iii. Conserve and strengthen the sense of place of important natural, cultural and productive landscapes, artefacts and buildings.

The Western Cape’s 2011 Provincial Strategic Plan reconfirmed these objectives and placed the proactive management of current and looming risks (e.g. climate change) onto the spatial agenda.” (pg. 39)

#### 11.2.2 Summary: PSDF and the application

In summary the relevant focus of the PSDF with respect to this application are the policies which

- seek to restrict the conversion of high value agricultural land for development purposes
- prevent urban encroachment into rural areas
- preserve the scenic character of rural landscapes

The application does not convert high-value agricultural land to other uses. No change in use and rezoning is proposed.

The proposal remains confined to the distinct Devon Valley area as defined on the original general plan and does not constitute urban encroachment into rural areas.

The application is in keeping with and preserves the local scenic character of Devon Valley.

### 11.2.3 Western Cape Land Use Planning Guidelines: Rural Areas: March 2019 (“the Guideline”)

Among the objectives of the above Guideline is to

“Maintain the integrity, authenticity and accessibility of the Western Cape’s significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.” (s1.2 pg.2)

The status of the Guideline is expressed as follows:

“The Rural Areas Guideline is to be considered a guideline for land use planning decisions, being it spatial planning or development management aspects.” (s1.3 pg.4)

Furthermore the Guideline states that

“Due to the nature of this document as a guideline, authorities could deviate from it in exceptional cases if justification for such deviation is motivated. Such justification could include the promotion and support for the objectives of strengthening the rural economy but in doing so should not compromise the unique asset base that make up the distinctive rural landscape of the Western Cape.” (s1.3 pg.4)

The Guideline also encourages the development of Spatial Planning Categories (“SPCs”) in Municipal SDFs.

### 11.2.4 Summary: The Guideline and the application

The application is not inconsistent with the guideline as it does not propose any change in land use from agriculture and is well suited to the scenic landscape of Devon Valley.

With regard to the subdivision of small farms the application motivates for deviation from the Guideline’s general resistance to such subdivision.

As described in the Motivation below the proposal has benefits for the rural economy and does not compromise the distinctive rural landscape of Devon Valley and the wider Stellenbosch Winelands region.

### 11.2.5 Stellenbosch Integrated Development Plan, 4th review, May 2021 (“the IDP”)

The IDP expresses the vision, goals and objectives of Stellenbosch Municipality and is given effect through various subsidiary policies including the MSDF.

Under the Bio-physical Context theme the IDP expresses spatial challenges directly relevant to this application, which include:

“The ongoing loss of agricultural opportunity through urban development and land use change of high value agricultural land.

Development which threatens the integrity and value of high worth nature, scenic, cultural, and heritage landscapes and places.” (Table 31, pg.61)

With regard to the IDP strategic focus areas, Strategic Focus Area 1: Valley of Possibility, is directly relevant to the application. The IDP defines the SDF strategic direction under this focus area to include

“Containment of settlements to protect nature / agricultural areas...” (Table 32, pg.62)

#### 11.2.6 Summary: The IDP and the application

The proposal does not result in the loss of agricultural opportunity as it does not propose land use change.

The proposal preserves the existing integrity and value of the high value scenic landscape of Devon Valley and is contained within the tightly grouped Devon Valley area of small farms.

The IDP identifies at least 11.3% unemployment by the narrow definition in the Stellenbosch Municipal area. The proposal creates opportunities with the potential to create a small number of additional employment opportunities as addressed in the Motivation below.

#### 11.2.7 Stellenbosch Municipality Spatial Development Framework (“MSDF”)

The MSDF is strongly aligned with the PSDF, and the Guidelines discussed above.

The overarching MSDF strategies directed towards agricultural land emphasise containment of existing urban settlements, protection of agricultural areas as both food production and scenic resources, and the encouragement of contextually appropriate, diversified use of agricultural land to augment farm incomes.

The MSDF emphasises the importance of the scenic value of agricultural areas and the unique character these areas impart to the region.

A key tenet of the MSDF is that agricultural “...cannot be built upon extensively.” (s 4.2.1, pg. 52)

The MSDF is resistive towards the subdivision of high potential agricultural land to create “...uneconomical or sub-economical units...” (Table 55, pg.188)

The MSDF adopts the guideline land use sizes for various uses proposed in the Western Cape Land Use Planning Guidelines: Rural Areas: March 2019 which propose a minimum size for vineyard of 40 hectares and for dryland vineyard of 80 hectares. (Table 65, pg.198)

Furthermore, the MSDF proposes that

“All development in rural areas should be in keeping and in scale with its location, and be sensitive to the character of the rural landscape and local distinctiveness.” (Table 59, pg.192)

#### 11.2.8 Summary: MSDF and the application

Although the PSDF, Provincial Rural Areas Guideline and the MSDF are generally resistive towards the subdivision of high potential agricultural, the focus in these documents is on economically viable agricultural units and the prevention of the subdivision of such units into uneconomical or sub-economical units.

The property in this application is already well below an economic unit and consideration should therefore be given to the local context of the proposal.

## 12 Motivation

The property is located in the Devon Valley group of small farms. The farms were subdivided in 1952 as depicted on General Plan 962LD, Surveyor-General's number 1721/1952, included herewith.

Devon Valley has a unique character. It is a tightly clustered group of small farms, effectively small holdings, of similar size, of uniform scale of and type of development, and has high scenic value in the greater Stellenbosch Winelands region. Because of its location, small scale agricultural activity and rural character, there is sustained demand for properties in Devon Valley.

However the properties in Devon Valley are individually difficult to farm economically because of their small size, notwithstanding the high agricultural potential of the area as a whole.

The 55 farms comprising the original Devon Valley layout at the time of establishment in 1952, range in size from 2.8973ha to 7.7843 ha. Of the 55 farms, 80% are between 3.8ha and 4.2ha in size.

The consolidation of portions 37, 38 and 39 into Portion 56 created a property 12.4651 hectares in extent. Only one other property exists in Devon Valley of the same size. This is Portion 57 which was consolidated from portions 53 and 54.

Other than these, Devon Valley remains as originally subdivided in 1952.

The size of the property is well below the recommended norms of the WCDA for economically viable vineyard farming. The owner's experience is that the economic non-viability of the property is worsened by the fact that it is over 12ha in size. In short, the property has proven impossible to farm under vineyard profitably and is costly to maintain.

Reverting as close as possible to portion sizes, location, and configuration as per the original Devon Valley general plan provides a solution which enables alienation of financially burdensome land, without changing use and resulting in sustained small-scale generation of agricultural yield.

The application seeks to return Portion 56 to similar sizes and layout as the three original component portions prior to consolidation.

The proposal should be considered in the context of its location and the scale of surrounding development.

The proposed subdivision of portion 56 will have a minimal negative impact on agriculture as the land will continue to be used as agricultural land.

The size and form of the proposed subdivision reverts very closely to the original general plan layout. As such it reverts the property the scale and spatial character of the rest of Devon Valley without detracting from the visual and scenic qualities of the area and without detracting from ongoing agricultural activity.

Because of its unique character and scenic value Devon Valley is suited to meeting Provincial and Municipal objectives in respect of compatible and sustainable rural activities alongside agriculture. The MSDF proposes policy which includes the following:

“Support compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate.” (Table 29, pg.104)

Compatible, sustainable, and contextually appropriate uses such as low scale tourist accommodation make a valued contribution to the economy of the Stellenbosch region, augment the income available from agriculture, and create a small number of valued, long term employment opportunities.

The additional land units resulting from the subdivision create two valuable opportunities for the continuation of small scale vineyard farming along with opportunities for compatible and sustainable rural activities mentioned above.

The proposal meets the previously quoted requirement of the MSDF that:

“All development in rural areas should be in keeping and in scale with its location, and be sensitive to the character of the rural landscape and local distinctiveness.” (Table 59, pg.192)

The proposal is not in conflict with MSDF resistance to the subdivision of viable agricultural units as Portion 56 is already well below the guideline area for economic viability in this region.

Although the PSDF and MSDF resist the creation of small, agriculturally sub-economical units the location of the property within the Devon Valley group of small farms and the proposed layout which is consistent with the original and largely unchanged Devon Valley layout, makes it possible to consider the proposal as an appropriate, site-specific departure from the provisions of the MSDF in respect of the subdivision of small farms.

In all other respects such as preservation of character, preservation of scenic value and creation of additional opportunities for compatible and sustainable rural activities, the proposal is consistent with the MSDF.

The application is supported by both the Western Cape Department of Agriculture and the National Departments of Agriculture, Land Reform and Rural Development.

## 12.1 Desirability and impact

### 12.1.1 Desirability

With regard to section 65(1)(c) of the MPBL, the proposal is desirable as it;

- i. meets the needs of the owner for the alienation of excess land,
- ii. creates two new contextually appropriate small farming opportunities,
- iii. creates two new contextually appropriate opportunities for rural activities compatible with agriculture, and

- iv. creates opportunity for a small number of long term employment positions, in alignment with the IDP's goal of fostering sustainable economic growth.

#### 12.1.2 Impact

The application does not propose land use change and rezoning. The proposal is in keeping with historic and current development in the Devon Valley and has no discernible negative impacts on the wellbeing, health and safety of any person or community.

With regard to section 65(1)(h) onwards, of the MPBL;

**Engineering services:** There is sufficient capacity to serve the two proposed additional land units.

**IDP and MSDF:** The proposal does not result in the loss of agricultural opportunity as it does not propose land use change.

The proposal preserves the existing integrity and value of the high value scenic landscape of Devon Valley and is contained within the tightly grouped Devon Valley area of small farms.

The IDP identifies at least 11.3% unemployment by the narrow definition in the Stellenbosch Municipal area. The proposal creates opportunities with the potential to create a small number of additional employment opportunities.

Although the MSDF is generally resistive towards the subdivision of high potential agricultural, the focus is on economically viable agricultural units and the prevention of the creation of uneconomical or sub-economical units.

The property in this application is already well below an economic unit and consideration can therefore be given to the site-specific, local context of the proposal.

**PSDF:** Although the PSDF is generally resistive towards the subdivision of high potential agricultural, the focus is on economically viable agricultural units and the prevention of the creation of uneconomical or sub-economical units.

The property in this application is already well below an economic unit and consideration can therefore be given to the site-specific, local context of the proposal.

**Section 42 of SPLUMA:** The proposal is not in conflict with the development principles set out in Chapter 2, section 7 of SPLUMA.

**Section 59 of LUPA:** The proposal is not in conflict with the development principles set out in section 59 of LUPA.

## 13 Conclusion

The application is supported by both the Western Cape Department of Agriculture and the National Department of Agriculture, Land Reform and Rural Development.

The proposal is desirable, has no discernible negative impacts, and represents a justifiable, site specific departure from the MSDF in respect of the subdivision of two small farms.

We respectfully submit that there is no apparent reason for refusal of the application.