

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

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

Application Property Address: **Farm 90/57, Devon Valley Road, Stellenbosch**

Application Property Number: **Farm 90/57, Stellenbosch Division**

Applicant: **Sustainable Planning Solutions**
Email: admin@sp-solutions.co.za
Tel: 021 300 6384

Owner: **Devon View Winery (Pty Ltd)**

Application Reference: **LU/14593 (TP101/2022)**

Application Type: **Application for Consent Use in favour of a tourist facility, in the form of a restaurant, on Farm No. 90/57, Devonvale, Stellenbosch Division.**

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

Application made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law (2015), promulgated by notice number 354/2015 dated 20 October 2015 for a Consent Use in favour of a tourist facility, in the form of a restaurant, on Farm No. 90/57, Devonvale, 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: **Sustainable Planning Solutions – email: admin@sp-solutions.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 **11 April 2023**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (tel: **021 300 6384**, cell: **084 603 4370**) during normal office hours.

Yours faithfully

CANDICE MAASDORP
PRINCIPLE PLANNER / FOUNDING MEMBER: SUSTAINABLE PLANNING SOLUTIONS
Pr.Pln. (A1224/2002)

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

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

Adres van aansoek eiendom: **Plaas 90/57, Devon Valley Road, Stellenbosch**

Aansoek eiendom beskrywing: **Plaas 90/57, Afdeling Stellenbosch**

Aansoeker: **Sustainable Planning Solutions**
Epos: **admin@sp-solutions.co.za**
Tel: **021 300 6384**

Eienaar: **Devon View Winery (Pty Ltd)**

Aansoek Verwysing: **LU/14593 (TP101/2022)**

Tipe Aansoek: **Aansoek vir Vergunningsgebruik vir doeleindes om 'n toeristefasiliteit, in die vorm van 'n restaurant, op Plaas no. 90/57, Devonvale, Afdeling Stellenbosch.**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, afgekondig by kennisgewing nommer 254/2015 gedateer 20 Oktober 2015 vir Vergunningsgebruik ten einde 'n toeristefasiliteit, in die vorm van 'n restaurant, op Plaas no. 90/57, Devonvale, Afdeling 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 opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: **Sustainable Planning Solutions – epos: admin@sp-solutions.co.za**. Deur 'n beswaar, kommentaar of versoë 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 **11 April 2023**





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 voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermeldde elektroniese pos adres of telefonies by **(tel: 021 300 6384, cell: 084 603 4370)** gedurende normale kantoor ure.

Die uwe


CANDICE MAASDORP
HOOF BEPLANNER / STIGTINGSLID: SUSTAINABLE PLANNING SOLUTIONS
Pr.Pln. (A1224/2002)



-  Study Area
-  Scenic Routes
-  Roads
-  Urban Edge

Ref: Stellenbosch Municipality 2019 GIS Data

SCALE at A3
1: 20 000
0 0.15 0.3 0.6 Kilometers



Le Grand Domaine
Fig 2: Regional Locality

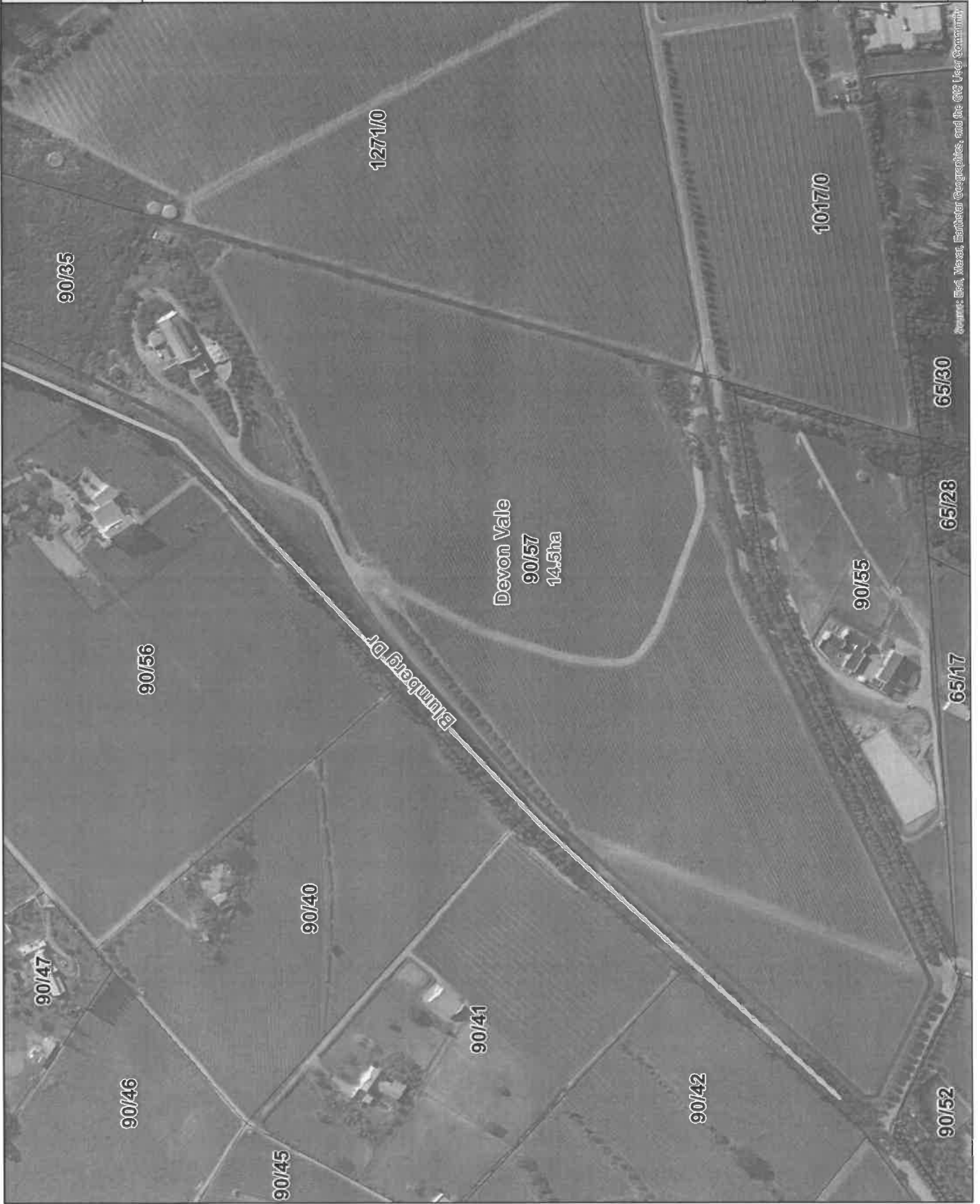


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Project ref #: 2.044
24 May 2022



Aerial: Erik, Wynne, Benjamin, Geographical, Land Use and Urban Community



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Project ref #: 2.043

24 May 2022



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

-  Study Area
-  Cadastral
-  Scenic Routes

Ref: Stellenbosch Municipality 2018 GIS Data

SCALE at A3
 0 0.02 0.04 0.08 0.16 Kilometers



Le Grand Domaine

Fig 4: Aerial

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LE GRAND DOMAINE RESTAURANT

FARM 90/57, DEVON VALE, STELLENBOSCH

CONSENT USE APPLICATION

SEPTEMBER 2022

FARM 90/57, DEVON VALE, STELLENBOSCH LE GRAND DOMAINE RESTAURANT

Land Use Application submitted in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015), in support of a CONSENT USE (tourist facility in favour of a restaurant), on farm 90/57, Devon Vale, Stellenbosch

PREPARED BY:



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ON BEHALF OF:

DEVON VIEW WINERY (PTY) LTD

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- Annexure 6:** **SG Diagram**

1. INTRODUCTION

1.1 BACKGROUND

Devon View Winery has appointed Sustainable Planning Solutions to undertake the relevant land use approval process to facilitate the construction of a restaurant on farm 90/57, Devon Vale, Stellenbosch.

The study area is formally referred to as Le Grande Domain where a winery currently operates on the site. The remainder of the site is made up of the vineyards and 2 internal service/private roads.

The purpose of this report is to motivate for the development of a 425m² restaurant on farm 90/57, Devon Vale, Stellenbosch. Refer to **Annexure 1** for the Land use application form and **Annexure 2** for the Power of Attorney.

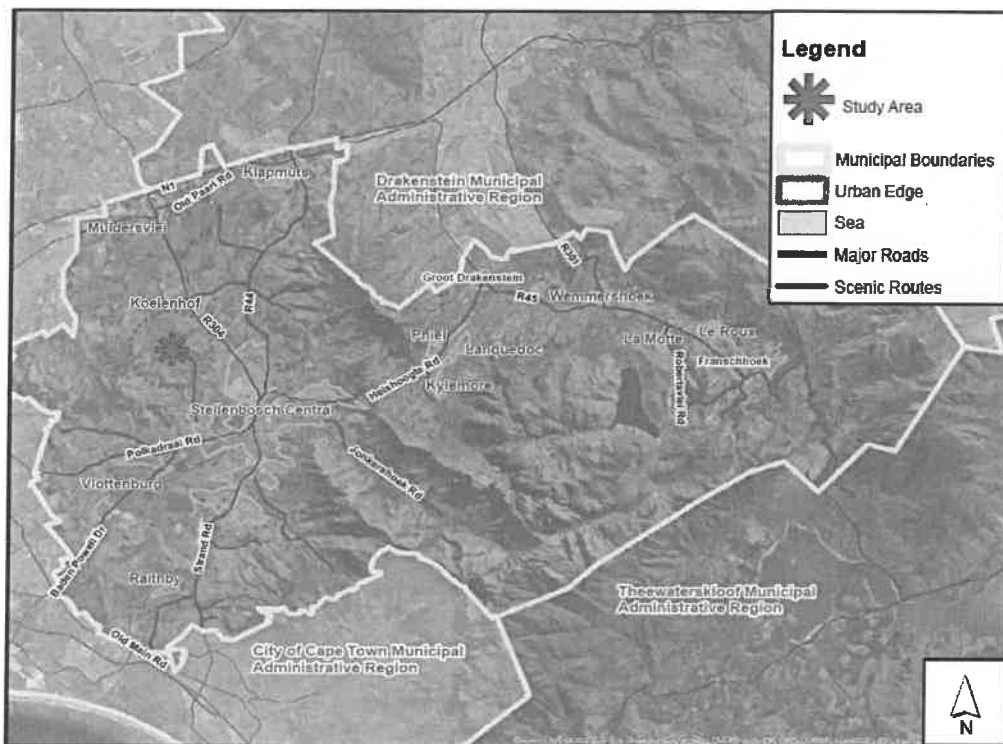
1.2 SITE LOCATION

The study area, constitutes of farm 90/57, Devon Vale, Stellenbosch, and is formally referred to as **Le Grande Domaine**. It is situated in the Stellenbosch Municipal Area, which forms part of the Cape Winelands District Municipality.

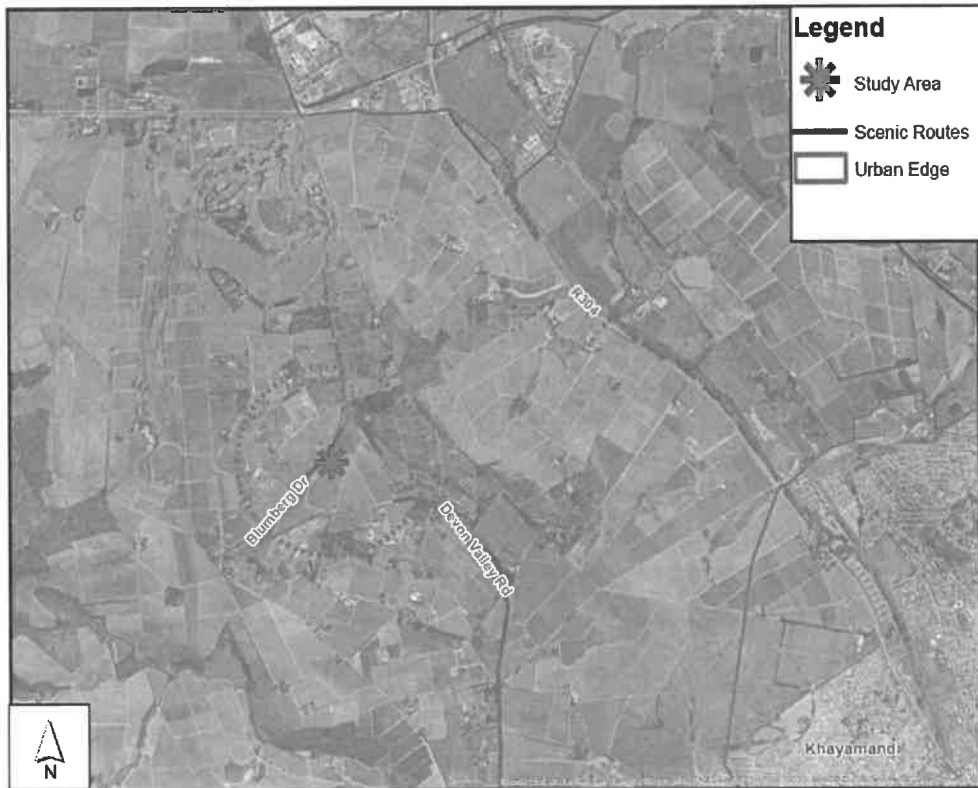
Le Grand Domaine lies approximately 8km west of the Stellenbosch CBD, in the outlying agricultural area of Stellenbosch, outside of the urban edge. Figures 1 and 2 illustrates the municipal and regional context of the site.

In terms of the Stellenbosch zoning scheme, this 15.5ha estate is currently zoned as "**agriculture and rural zone**" which is adequately described in paragraphs 1.6 (property details) and 4.3 (Zoning).

The land use on the site is predominantly of an agricultural nature which includes a winery (which comprise of stainless-steel tanks and barrels), vineyards and two service roads. Figures 3 and 4 depict an aerial view of the property concerned as well as a cadastral illustration of the property.

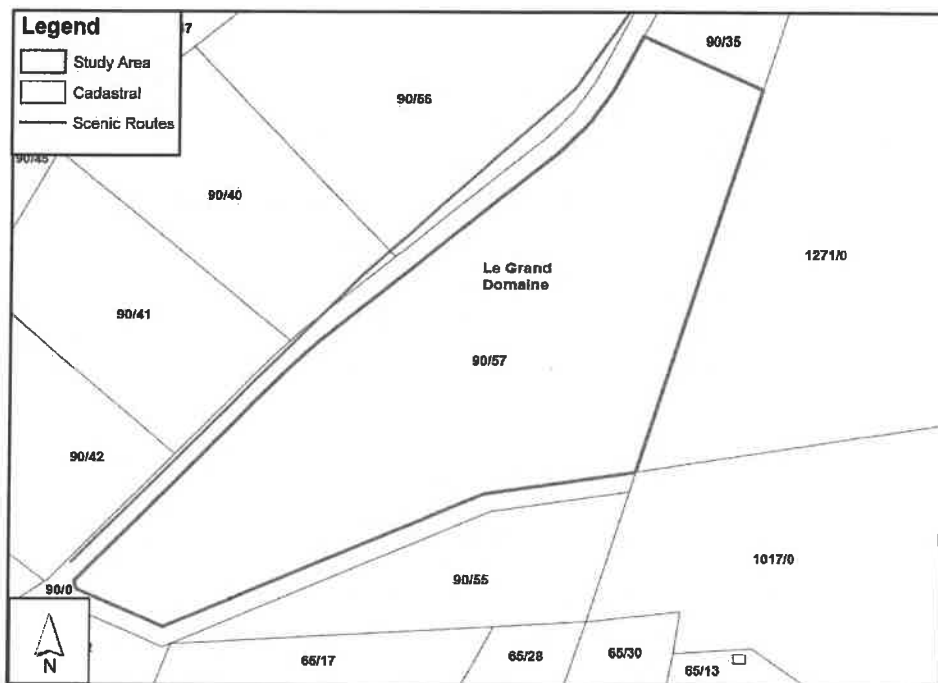


(Ref: Stellenbosch Municipality GIS 2020)
Figure 1 Municipal Context

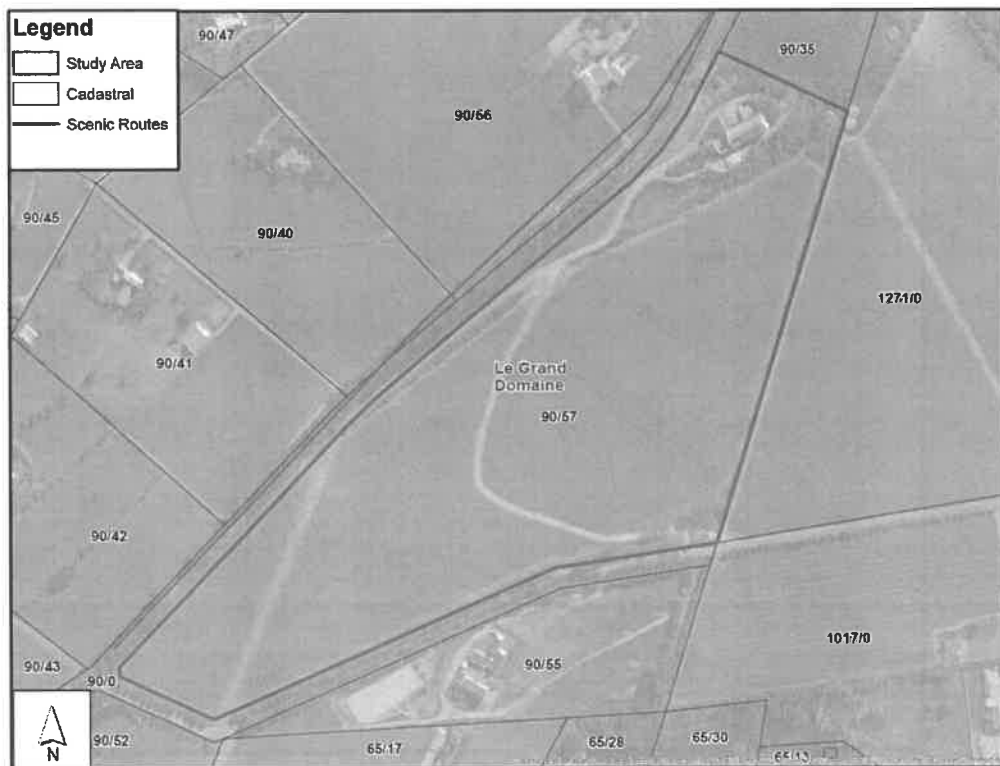


(Ref: Stellenbosch Municipality GIS 2019)

Figure 2: Regional locality



(Ref: Stellenbosch Municipality GIS 2019)
Figure 3: Property Concerned



(Ref: Stellenbosch Municipality GIS 2019)
Figure 4: Aerial Photograph

1.3 NATURE OF THE APPLICATION

This motivational report is submitted in support of the following:

1.3.1 Consent Use Application

- In terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law (2015), in support of a Tourist Facility - in favour of a **Restaurant (425m² Restaurant)** - on portion 57 of farm 90, Devon Vale, Stellenbosch which is zoned **Agriculture and Rural (AR)**.

The purpose of the application is to facilitate the construction of a restaurant in accordance with plans dated July 2022, with drawing number: 3.0 and 3.1. Refer to Annexure 3.

1.4 OTHER APPLICATIONS TRIGGERED

Due to the nature and scale of the application, the possibility of additional statutory processes being applicable, was considered. These include:

- **National Environmental Management Act (NEMA) (107/1998) and the Environmental Impact Assessment Regulations**

Due to the nature and scale of the proposed restaurant, an application for an Environmental Impact Assessment is not *required*, as there are no factors which require intervention in terms of NEMA.

- **The National Heritage Resources Act (25/1999)**

Due to the nature and scale of the proposed restaurant, it has been determined that a Notice of Intent to Develop (NID) is not necessary. The requirements of section 38 of the Act are therefore not applicable.

1.5 PRE-SUBMISSION CONSULTATION

A pre-application scrutiny request was sent on 22 July 2022. A response was received stating that in order to accommodate the proposed restaurant, a consent use application for a tourist facility (restaurant) should be submitted instead of a rezoning zoning application. Refer to **Annexure 4** for the pre-application correspondence.

1.6 PROPERTY DETAILS

FARM 1456, Devon Vale, Stellenbosch	
PHYSICAL ADDRESS	Portion 57 of Farm 90, Devon Vale, Stellenbosch
EXTENT	14.50 ha
REGISTERED OWNER	Devon View Winery (Pty Ltd) (Annexure 2: Power of Attorney)
APPLICANT	Sustainable Planning Solutions on behalf of Devon View Winery (Pty Ltd)
TITLE DEED	T80510/1998 (Annexure 5: Title Deed)
TITLE DEED RESTRICTIONS	The title deed contains restrictions. However, it should be noted that these restrictive conditions were not imposed in terms of planning legislation. Please refer to Paragraph 4.2.1 regarding the title deed restriction.
SG INFORMATION	S.G. No. 5449/96 (Annexure 6: SG diagram)
APPLICABLE ZONING SCHEME	Stellenbosch Municipality Zoning Scheme By-Law, 2019.
CURRENT ZONING	Agriculture and Rural Zone – defined as: <i>“The protection and preservation of agricultural land, rural landscapes, and biodiversity; use of land for purposes of bona fide agricultural production or conservation; buildings and structures which may be erected for reasonable and normal agricultural purposes; a limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability, and providing diversified income to landowners, without adversely impacting on the primary use of the land unit for agricultural purposes.”</i>
CURRENT LAND USE	The site currently accommodates Winery facilities (which comprise of stainless-steel tanks and barrels), a vineyard and Internal roads. You can visit https://www.granddomaine.co.za/estate for a more detailed overview of the property.

2. LEGAL FRAMEWORK

In South Africa, all planning proposals and land use applications are considered on the basis of their compliance to the relevant statutory and policy framework.

In Stellenbosch Municipality, land development is affected by the following legislation, which set out the process that must be followed and the criteria that must be applied during the decision-making process.

2.1 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16/2013)

The Act aims to develop a framework to govern spatial planning and set parameters for developments and provides for different lawful land uses in South Africa.

The *Development Principles* in Chapter 2 of the Spatial Planning and Land Use Management Act (SPLUMA) provides broad principles for a set of provincial laws that apply to all aspects of spatial planning, land development and land use management.

These development principles include:

the principle of spatial justice,
the principal of spatial sustainability,
the principle of efficiency,
the principle of spatial resilience,
the principle of good administration,

Chapter 2 of the Act also requires the Minister to prescribe a set of Norms and Standards that should include and/or comply with the following: *should promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration, and sustainable development, ensure that land development and land use management processes, including applications, procedures and timeframes are efficient and effective.*

2.2 WESTERN CAPE LAND USE PLANNING ACT (3/2014)

The Western Cape Land Use Planning Act (LUPA) of 2014, chiefly aims to *consolidate legislation in the province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions.*

In Chapter VI of LUPA, we note that the same Land Use Planning Principles of SPLUMA (Act 14/2013) have been adopted. LUPA (3/2014) however provides more detail as to how these principles could be applied.

Section 49 of LUPA (3/2014) provides the assessment criteria that all municipalities must apply when considering a land use application. These include:

- *the applicable spatial development frameworks.*
- *the applicable structure plans.*
- *the principles referred to in Chapter VI (Land Use Planning Principles);*
- *the desirability of the proposed land use; and*
- *guidelines that may be issued by the Provincial Minister regarding the desirability of the proposed land use.*

2.3 STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW (2015)

Stellenbosch Municipality Land Use Planning By-Law (2015) aims to regulate the use and development of land within the geographical area of Stellenbosch Municipality. This legislation enables Stellenbosch Municipality to control planning and development within its area. This By-law legislates the process by which the land use applications are dealt with.

Section 65 of the By-law (2015) spells out the criteria to be applied in the assessment of land use applications. Broadly, the criteria to be applied when assessing land use applications shall include the following 4 main considerations:

- **APPLICABILITY** of any approved forward planning policies, such as a Municipal Spatial Development Framework (SDF).
- **COMPLIANCE** with the requirements of the By-Law and any other statutory processes.
- **DESIRABILITY** of the proposed land use.
- **IMPACT ON EXISTING RIGHTS.**

In the assessment of the desirability and impact of the proposed restaurant the following further criteria is applied, i.e. the impact of the proposed land development on municipal engineering services; the integrated development plan; including the municipal spatial development framework; the integrated development plan and spatial development framework of the district municipality, where applicable; 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, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework; the policies, principles and the planning and development norms and criteria set by the

national and provincial government; the matters referred to in section 65 of the Spatial Planning and Land Use Management Act: the principles referred to in Chapter VI of the Land Use Planning Act.

2.4 NATIONAL HERITAGE RESOURCES ACT (Act 25 of 1999)

This legislation 'Aims to promote good management of the national estate, and to enable and encourage communities to nurture and conserve their legacy'.

Section 38 catalogues an array of development categories which, if pursued, requires that the responsible heritage resources authority, Heritage Western Cape (HWC), be notified. The nature of the proposed restaurant does not trigger Section 38 of this Act and is therefore not applicable.

2.5 NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), (Act 107 of 1998) and ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

The NEMA regulations identify certain activities that may be detrimental to the environment. The proposed restaurant is not identified as a listed activity and therefore does not trigger the need for an environmental assessment.

2.6 SUMMARY: LEGAL FRAMEWORK

There is a legal requirement for the management of land development and development growth to promote a diversity of land uses, and that each application is assessed on its own merits.

This application intends to demonstrate that the proposed restaurant on farm 90/57, Devon Vale, Stellenbosch is desirable and complies with all the relevant statutory requirements.

3. POLICY FRAMEWORK

This section identifies all appropriate planning policies that must be considered in the assessment process. The spatial planning policy relevant to the site includes the Stellenbosch Municipal Spatial Development Framework (2019).

This planning policy is focused on Stellenbosch municipality and is desirable from a policy perspective and, hence, the proposed restaurant cannot be refused as it is desirable in terms of the relevant policy.

3.1 STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK (2019)

The Stellenbosch Municipality Spatial Development Framework (MSDF) aims to enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives. Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them. Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being. Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

The proposed restaurant on the site will not change the land use of the erf nor the character of the area and therefore would be in line with what the SDF earmarks the area for. The aim of the proposed consent use is to develop a restaurant on the site.

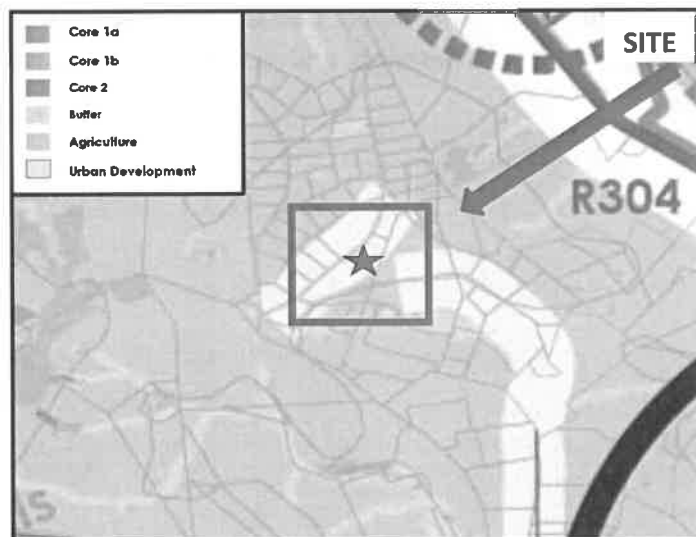


Figure 1: Extract from Stellenbosch Municipality Spatial Development Framework, 2019 (figure 26) (pg. 66)

The proposed restaurant on farm 90/57, Devon Vale, Stellenbosch finds support in the Stellenbosch Municipal Spatial Development Framework Plan (2019).

3.2 SUMMARY: POLICY FRAMEWORK

As discussed above the proposed restaurant on farm 90/57, Devon Vale, Stellenbosch finds support in the Stellenbosch Municipal Spatial Development Framework Plan (2019).

3. SITE CONTEXTUAL ANALYSIS

This section will assess the site to show its suitability for the location of the proposed restaurant. It also aims to illustrate that the proposal will not have a negative effect on the existing rights of surrounding property owners.

4.1 PROPERTIES CONCERNED

The study area, which is farm 90/57, Devon Vale, has a cumulative extent of 14.5 ha Stellenbosch in the province of Western Cape. The study area is approximately 8km from the Stellenbosch CBD.

Figure 5 provides an illustration of the contours of the slope of the site. Refer to **Figure 5**.

4.2 REGISTERED DESCRIPTION AND OWNERSHIP

The property is owned by Devon View Winery (Pty Ltd). Refer to **Annexure 5** for the Title deed.

Farm Portion	Title Deed	Extent as per deed	Restrictive conditions
90/57	T80510/1998	14.5 ha	There are restrictive conditions which prohibit the proposed developments. These restrictive conditions were imposed in favour of a private company. The conditions were not imposed by the Administrator or any planning legislation.

4.2.1 TITLE DEED DESCRIPTION & RESTRICTIVE CONDITIONS

The title deed describes farm 90/57, Devon Vale as follows:

Portion 57 of the farm Devon Vale No. 90

Situated in the division of Stellenbosch

Province of the Western Cape

The relevant title deed restriction reads as follows:

Condition I(C)(1): *The land hereby conveyed shall be used for residential and/or agricultural purposes only.*

In connection with the agricultural operations no pig or poultry farming shall be conducted or permitted on the property hereby conveyed or any portion thereof except for domestic purposes of the Transferee and his/her own family, except with the written consent of the Transferor.

4.2.2 SG DESCRIPTION

The Surveyor-General (SG) describes Farm No. 90/57 property under S.G. No. 5449/96 as follows:

Portion 57 of the Farm Devon Vale no. 90

Situated in the Administrative District of Stellenbosch

Province of Western Cape

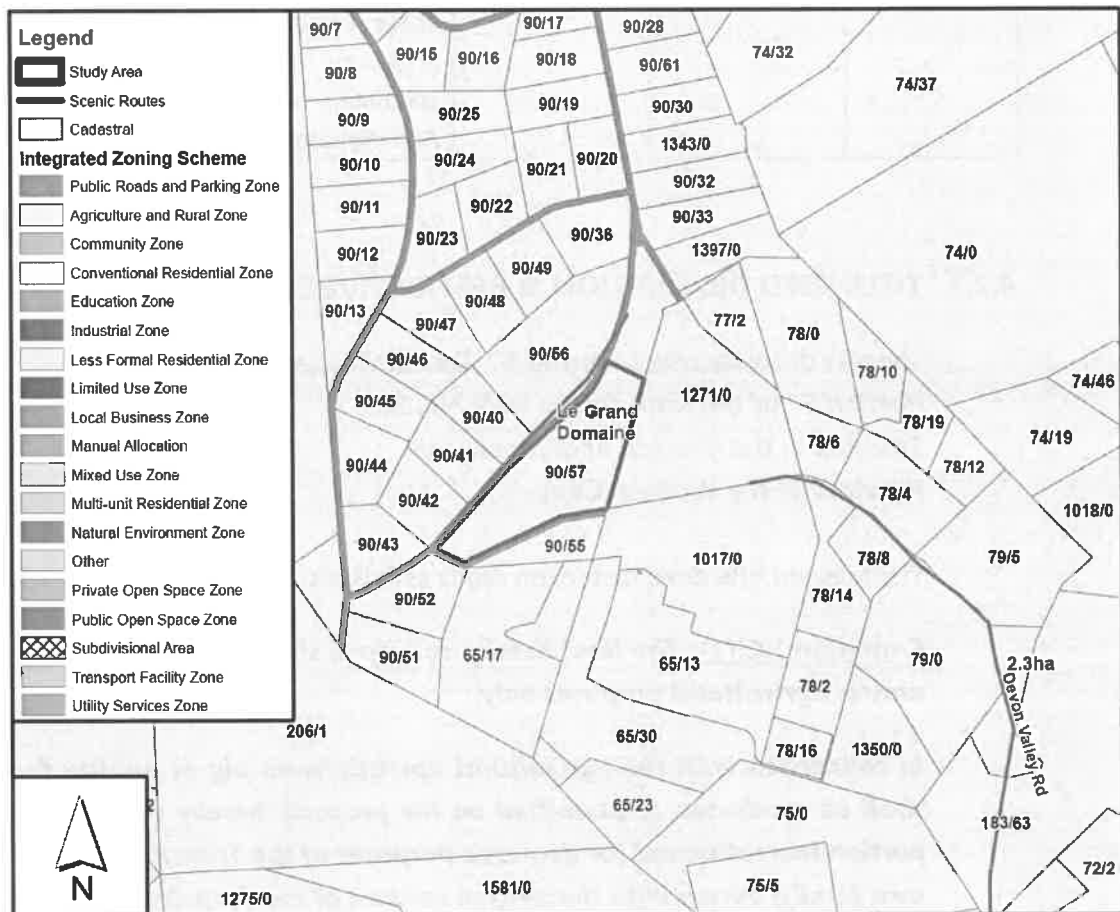
Refer to **Annexure 6** for the relevant farm diagram.

4.3 ZONING

In terms of the Stellenbosch Municipality Zoning Scheme By-law (2019) the following zoning has been allocated to the erven constituting the site:

- o Portion 57 of Farm 90 is zoned *Agriculture and Rural Zone*

The zoning for the site (and those of the surrounding properties) is depicted on **Figure 6: Zoning**



4.4 LAND USE

The site currently accommodates Winery facilities (which comprise of stainless-steel tanks and barrels), a vineyard and Internal roads.



Image 1: View of the road leading up to the winery



Image 2: View of the vineyards to the north-west of the site.

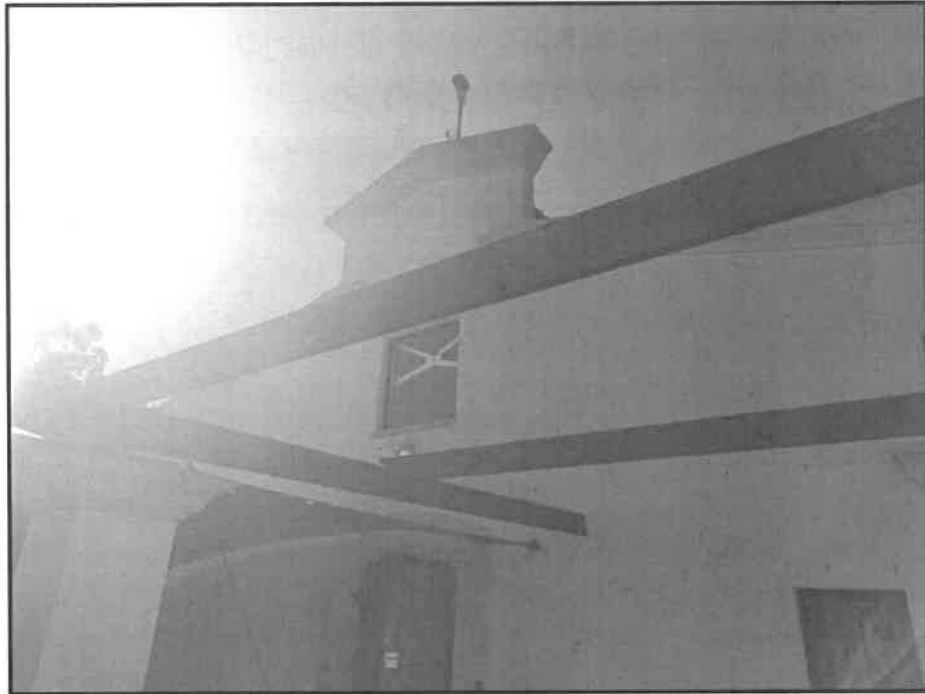


Image 3: View of the winery building.

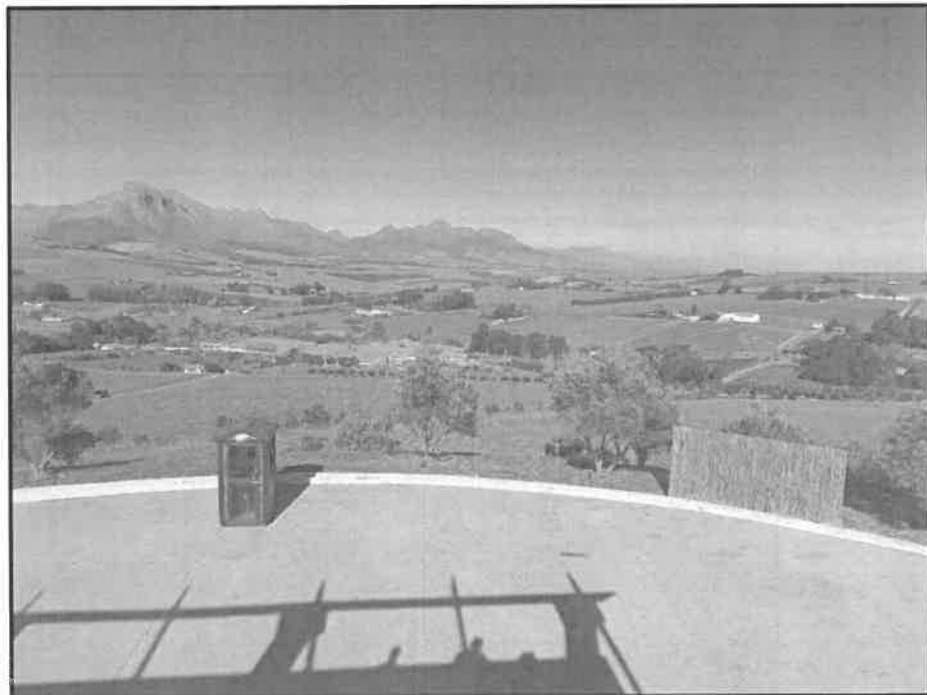


Image 4: View from the winery – in a southerly direction



Image 5: View of the area where the proposed restaurant will be located



Image 6: View of the area where the proposed restaurant will be located



Image 7: View of the area where the proposed restaurant will be located

5. DEVELOPMENT PROPOSAL

5.1 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal includes an application for a consent use on farm 75/90. The client wishes to construct a restaurant in front of the existing winery. The intention is to obtain approval for a permanent consent use.

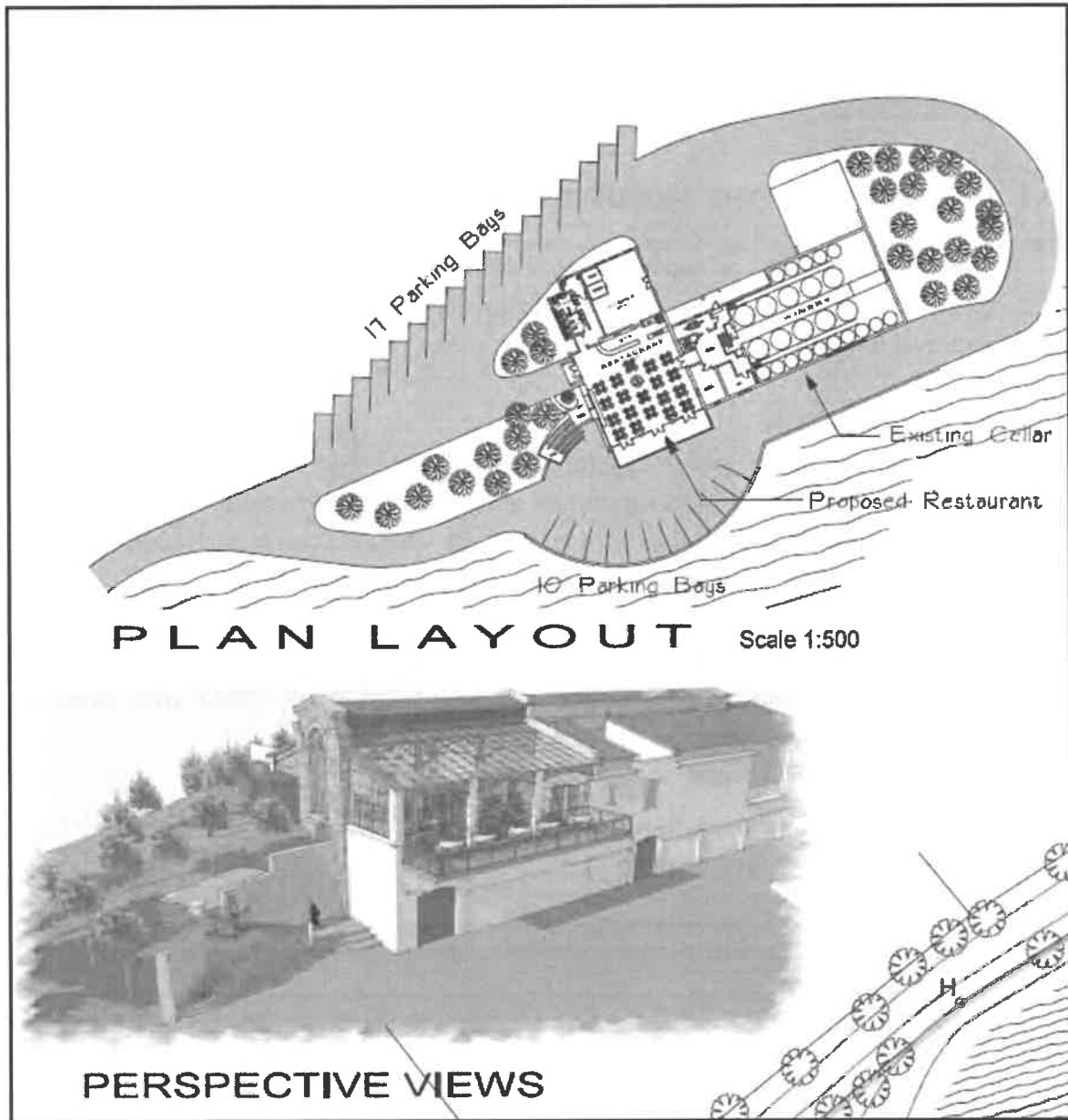
5.1.1 Consent Use

- o In terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law (2015), in support of a Tourist Facility in favour of a **Restaurant (425m²)** on portion 57 of farm 90, Devon Vale, Stellenbosch which is zoned **Agriculture and Rural (AR)**.

The purpose of the application is to facilitate the construction of a restaurant in accordance with plans dated July 2022 with drawing number: 3.0 and 3.1. Refer to Annexure 3.

The table below illustrates the existing and proposed development parameters of farm 90/57, Devon Vale, Stellenbosch.

Development Parameters				
	Existing	Permitted	Proposed	Status
Coverage				
Winery (agricultural industry)	534m ²	2000m ²	-	Compliant
Proposed Tourist Facility (New Restaurant)	-	250m ²	425m ²	Requires departure
Total Coverage (m ²)	-	-	959m ²	Compliant
Total Coverage (%)	-	-	0.66%	Compliant
Parking bays				
Required parking bays @ 4/100m ² GLA	10 bays	-	17 bays (new total: 27 bays)	Compliant
Building lines				
Building lines (Street & Common)	-	5	29	Compliant
Height				
Storeys	-	1	1	Compliant



Proposed plan (snapshot of Annexure 3)

6. MOTIVATION AND CONCLUSION

The purpose of this land use application is for a consent use for a proposed restaurant on farm 90/57, Devon Vale, Stellenbosch.

6.1 APPLICABILITY AND COMPLIANCE

The addition of a restaurant on the said portion of land will follow due process in terms of the Stellenbosch Municipal Land Use Planning By-Law (2015).

The Stellenbosch Municipality Spatial Development Framework (MSDF) earmarks Farm 90/57, Devon Vale, Stellenbosch, for agriculture use. The proposed restaurant will be accommodated as a tourist facility. The MSDF supports **tourism** outside the Urban Edge as is evident with the surrounding farms. The proposed restaurant will compliment the existing winery on the farm. The proposed restaurant will not change the land use of the farm nor the character of the area.

From a policy perspective, the proposed restaurant finds support in the Stellenbosch Municipality Spatial Development Framework (MSDF).

6.2 DESIRABILITY

Section 65 of the Stellenbosch Municipal Land Use Planning By-Law (2015) states that there are certain criteria that need to be addressed in a land use application before a decision can be made. The application can be assessed based on the following criteria: the socio-economic impact, compatibility with surrounding land uses, impact on the external engineering services, impact on safety, health and wellbeing of the community, impact on heritage, impact on the biophysical environment, impact on existing rights, traffic impacts, parking, access, and other transport related conditions

6.2.1 SOCIO-ECONOMIC IMPACT

The proposed restaurant will not have a negative socio-economic impact. The proposal includes the construction of a 425m² restaurant. The proposed restaurant will not change the current land-uses but will compliment the current land uses on the farm. Several jobs will be created during the construction phase as well as when the restaurant is fully operational.

6.2.2 COMPATIBILITY

The site will maintain its *Agricultural and Rural* zoning and land use with the exception of the restaurant area which will be business use. The proposed restaurant is considered compatible with the character of the area. The proposed restaurant will compliment the existing winery and vineyards on the farm.

6.2.3 SAFETY AND WELL-BEING OF THE COMMUNITY

The nature of the proposal allows it to positively contribute to the character of the area. The existing land uses will not be impacted and will continue to operate. The proposed restaurant will not negatively affect the health, wellbeing, and safety of the surrounding community.

6.2.4 TRAFFIC IMPACT

In addition to the 10 existing parking bays, 17 *additional* parking bays are required to accommodate the proposed restaurant, hence a total of 27 parking bays. The existing entrances to the site will remain. The application is merely to construct a tourist facility on the site. As depicted on the Site Plan, sufficient parking bays are provided on site.

6.2.5 IMPACT ON BIOPHYSICAL ENVIRONMENT

There is no negative impact on the biophysical environment. The topographical attributes of the site are suitable for the proposed restaurant and there are no concerns regarding slope or drainage. The proposed restaurant will not negatively affect any Critical Biodiversity Areas.

6.2.6 IMPACT ON EXISTING RIGHTS

No negative impact on the existing rights of surrounding properties is anticipated. The proposed restaurant will be used by surrounding community members as well as tourists. The owners of neighbouring properties will not be negatively affected by the proposal.

6.2.7 VEHICULAR AND PEDESTRIAN ACCESS

The site currently obtains vehicular and pedestrian access from an extension of the Devon Valley Road. The existing vehicular and pedestrian access will remain. No new access points are proposed. The proposed Restaurant will not have a negative impact on the existing vehicular and pedestrian access.

6.2.8 ENGINEERING SERVICES

The proposed restaurant will not have a negative impact on the existing engineering services. The proposed restaurant will require access to services such as water and electricity.

6.2.9 NEED FOR MITIGATING CONDITIONS

The proposed restaurant will not negatively impact the rights of nearby landowners. The existing land uses will continue to function in the manner they currently are. The conditions of the land use approval will be the result of due process and all the necessary requirements in terms of other legislative processes will be adhered to as required by the process.

The application aims to obtain approval to construct a restaurant as a tourist facility on Farm 90/57, Devon Vale, Stellenbosch.

6.3 LAND USE PLANNING PRINCIPLES

Spatial Justice:

- *"Past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land"*. The addition of a restaurant will increase the land value, this will result in higher rates and taxes due to the municipality. This, in turn, will allow the municipality to redistribute funds into other projects such as housing projects.

Spatial Sustainability:

- *Land use planning should: "promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority" and "uphold consistency of land use measures in accordance with environmental management instruments"*. The proposed restaurant will be located within the administrative jurisdiction of Stellenbosch municipality. The proposed restaurant requires a consent use application to be submitted. The restaurant is not accommodated as a primary use of the Agriculture and Rural zoning. However, the proposed consent use will only apply to the footprint of the restaurant. The consent use application will allow a Tourist facility (restaurant) on farm 90/57, Devon Vale, Stellenbosch.

Spatial Resilience:

- *"Whereby flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks"*. The restaurant can be utilised for an array of other hospitality-driven events such as birthday parties and other celebratory occasions. The restaurant and will be able to cater and receive

an income for hosting these events. This should assist the owner to recover from the current economic decline.

Efficiency:

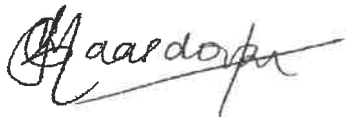
- *“Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities”.* The proposed restaurant will have to be connected to the existing bulk infrastructure as it will require water and electricity supply.

Good Administration:

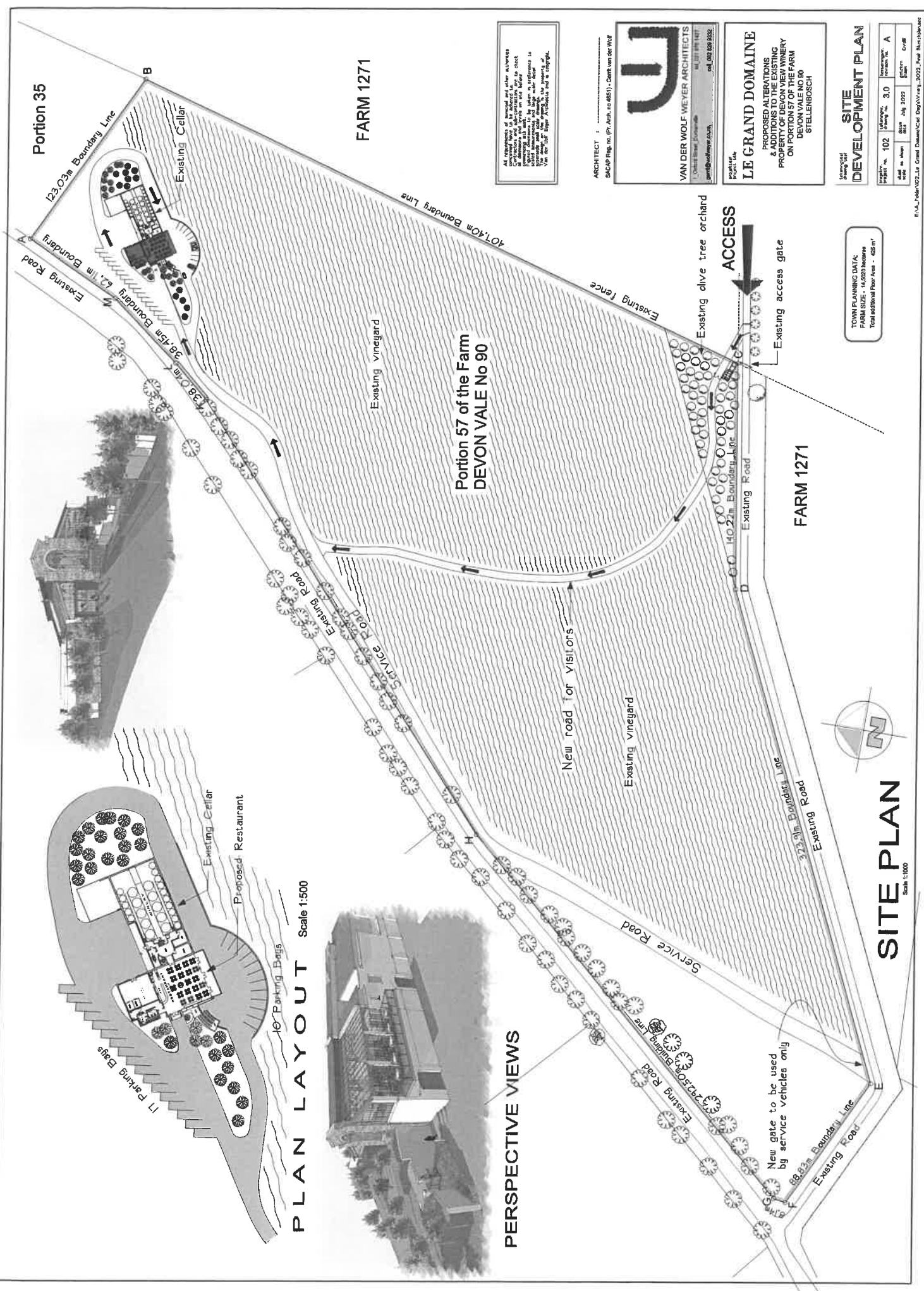
- *“The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all the parties the opportunity to provide inputs on matters affecting them”.* A pre-application consultation form and pre- application scrutiny form was completed and send to the Stellenbosch Municipality’s directorate Planning & Economic Development. A response was received stating that an application for a consent use to permit a Tourist facility (Restaurant) needs to be submitted

6.4 CONCLUSION

In terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-Law (2015), we respectfully request your office’s favourable consideration of this application for the proposed Restaurant on farm 90/57, Devon Vale, Stellenbosch



CANDICE MAASDORP Pr. Pln. (1224/2002)



All requirements of amended and other relevant legislation must be referred to in order to check compliance with the relevant legislation. It is the responsibility of the client to ensure that all relevant legislation is complied with. The architect is not responsible for the accuracy of the information provided by the client. The architect is not responsible for the accuracy of the information provided by the client.

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 SACAP Reg. no. (Pr. Act, no 4611) - Oem van der Wolf

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 info@vanderwolf.co.za

PROJECT NO.
LE GRAND DOMAINE
 PROPOSED ALTERATIONS
 & ADDITIONS TO THE EXISTING
 PROPERTY OF DEVON VIEW WINERY
 ON PORTION 57 OF THE FARM
 DEVON VALE NO 90
 STELLENBOSCH

DEVELOPMENT PLAN

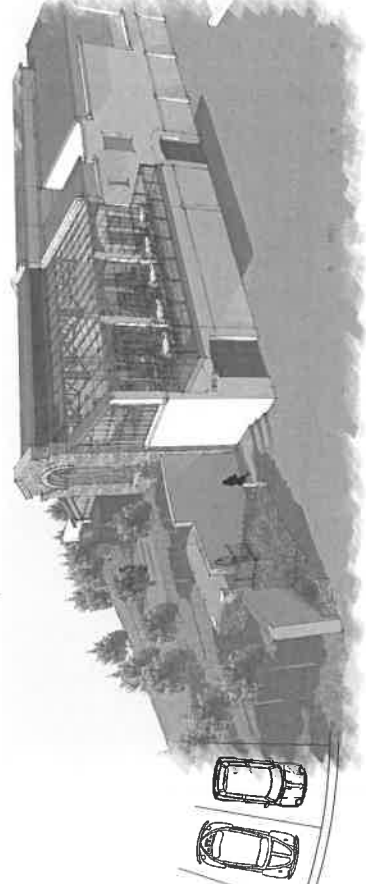
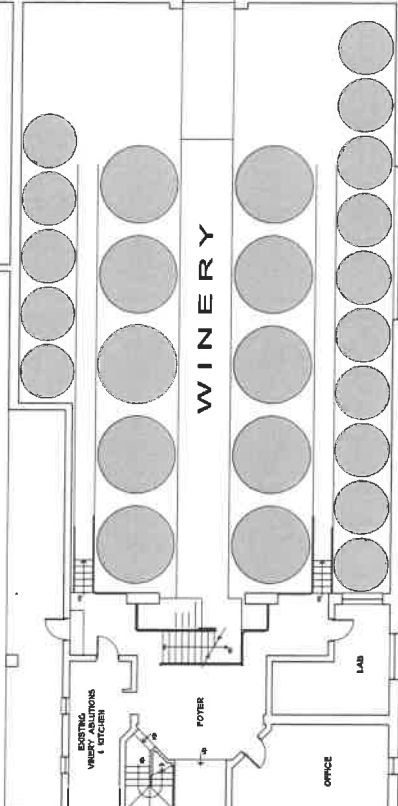
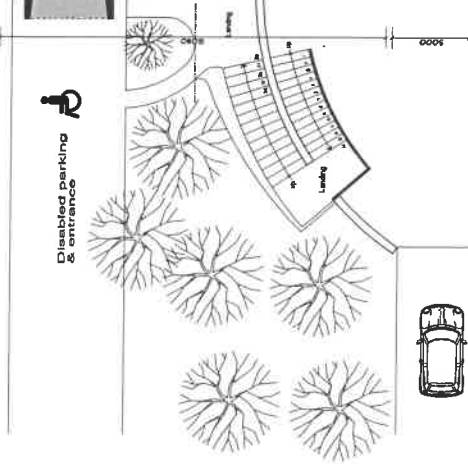
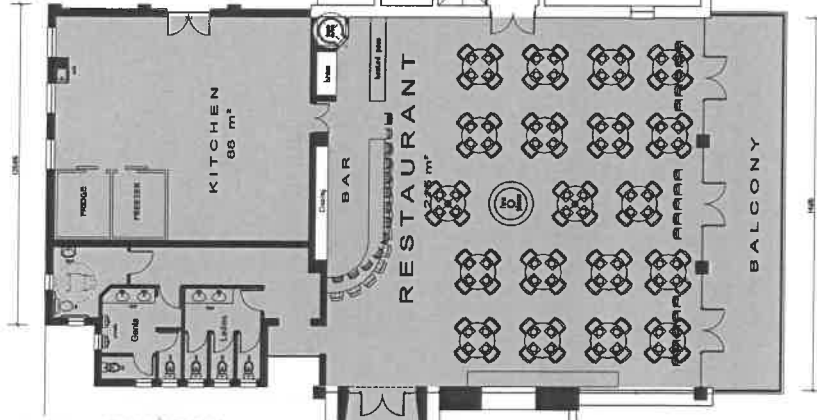
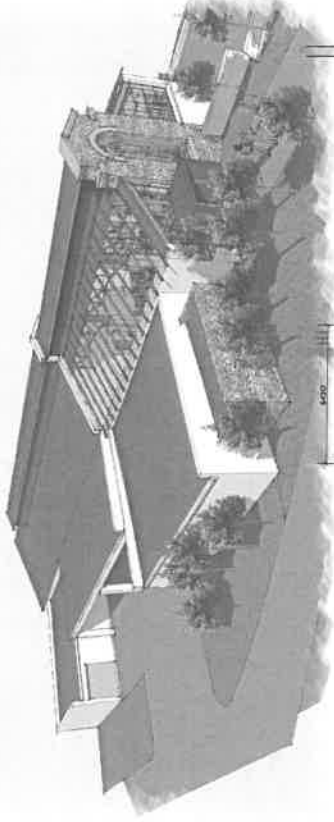
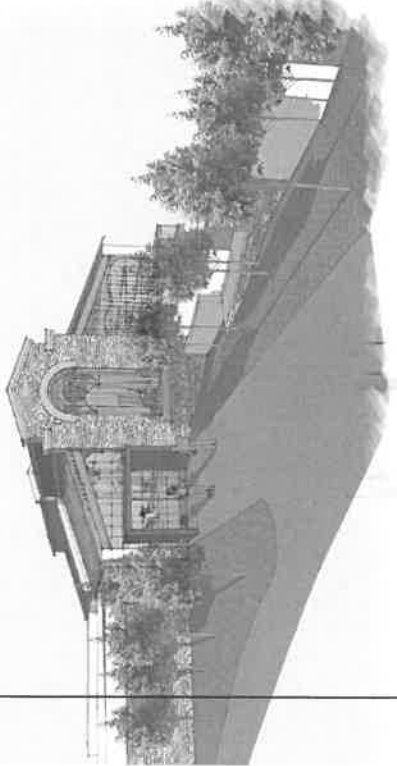
Project No.	102	Scale	3:0	Version	A
Date	10 July 2023	Author	CVB	Client	CVB

TOWN PLANNING DATA:
 FARM SIZE - 14,5000 hectares
 Total additional Floor Area - 428 m²

SITE PLAN

Scale 1:1000

All references of brand and other activities
 Contractor and subcontractors are to check
 drawings and specifications for any
 changes in work. It is the contractor's
 responsibility to verify all dimensions and
 quantities and to report any discrepancies
 to the architect immediately upon discovery.
 The architect is not responsible for the accuracy of
 the information provided by the contractor.



TOWN PLANNING DATA:
 FARM SIZE - 14.5020 hectares
 Total additional Floor Area - 425 m²

PLAN LAYOUT

ARCHITECT | VAN DER WOLF WEYER ARCHITECTS
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PROJECT
LE GRAND DOMAINE
 PROPOSED ALTERATIONS
 & ADDITIONS TO THE EXISTING
 PROPERTY OF DEVON VUE WINERY
 ON PORTON 57 OF THE FARM
 DEVON VALE NO 90
 STELLENBOSCH

SKETCH PLANS

Project No.	102	Revision	3.1	Revision No.	A
Scale	1:100	Date	Aug 2022	Scale	Graph

