

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: **Summerhill Farm, R44 Adam Tas Road, Stellenbosch**

Application Property Number: **Farm 93/9, Stellenbosch**

Applicant: **Atlas Town Planning, Mr K Olivier, koos@atlasplanning.co.za, 0218017446 / 0834460762**

Owner: **Klein Weltevreden (Pty) Ltd, 0218895015**

Application Reference: **LU/ 14262**

Application Type: **Technical approval / additional use / departure / consent use**

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

Application is herewith made for:

- i) In terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law of 2015 for a consent use for a tourist facility to use the portion of the existing restaurant as a place of entertainment (+/- 343m²) including a +/-153,8m² first floor theatre and a +/-54,7m² function/tasting venue on Farm 93/9, Stellenbosch Division.
- ii) In terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law of 2015 for additional use in order to use +/-81m² of the existing winery as a micro-brewery and distillery on Farm 93/9, Stellenbosch Division.
- iii) In terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law of 2015 for a departure to allow that more than 50% of the produce to be used in processing in the micro-brewery and distillery on Farm 93/9, Stellenbosch Division to be imported and not produced on the property.

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-notice/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: **Atlas Town Planning, Mr K Olivier – koos@atlasplanning.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 **12 December 2022**.

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 **0218017446 / 0834460762** during normal office hours.

Yours faithfully

Koos Olivier
Atlas Town Planning (Pty) Ltd

**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: **Summerhill Plaas, R44 Adam Tas Weg, Stellenbosch**

Aansoek eiendom beskrywing: **Plaas 93/9, Stellenbosch**

Aansoeker: **Atlas Stadsbeplanning, Mnr K Olivier, koos@atlasplanning.co.za, 0218017446 / 0834460762**

Eienaar: **Klein Weltevreden (Pty) Ltd, 0218895015**

Aansoek Verwysing: LU/ **14262**

Tipe Aansoek: **Tegniese goedkeuring / addisionele gebruik / afwyking / vergunning**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoek word gedoen vir:

- i) In terme van Afdeling 15(2)(o) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning van 2015 vir vergunningsgebruik vir 'n toeriste fasiliteit om 'n deel van die bestaande restaurant (+/-343m²) insluitende +/-153,8m² teater op die eerste verdieping te gebruik as 'n vermaaklikheidsplek asook 'n +/-54,7m² funksie/proe lokaal op Plaas 93/9, Afdeling Stellenbosch.
- ii) In terme van Afdeling 15(2)(o) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning van 2015 vir addisionele gebruik ten einde +/-81m² van die bestaande wynkelder te gebruik as 'n mikro brouery / distillery op Plaas 93/9, Afdeling Stellenbosch.
- iii) In terme van Afdeling 15(2)(o) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning van 2015 vir 'n afwyking om toe te laat dat meer as 50% van

die bestandele benodig vir die mikro brouery / distillery van elders verkry mag word en nie op Plaas 93/9, Afdeling Stellenbosch verbou of geproduseer word nie.

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-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsite van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: **Atlas Stadsbeplanning, Mnr K Olivier – koos@atlasplanning.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.

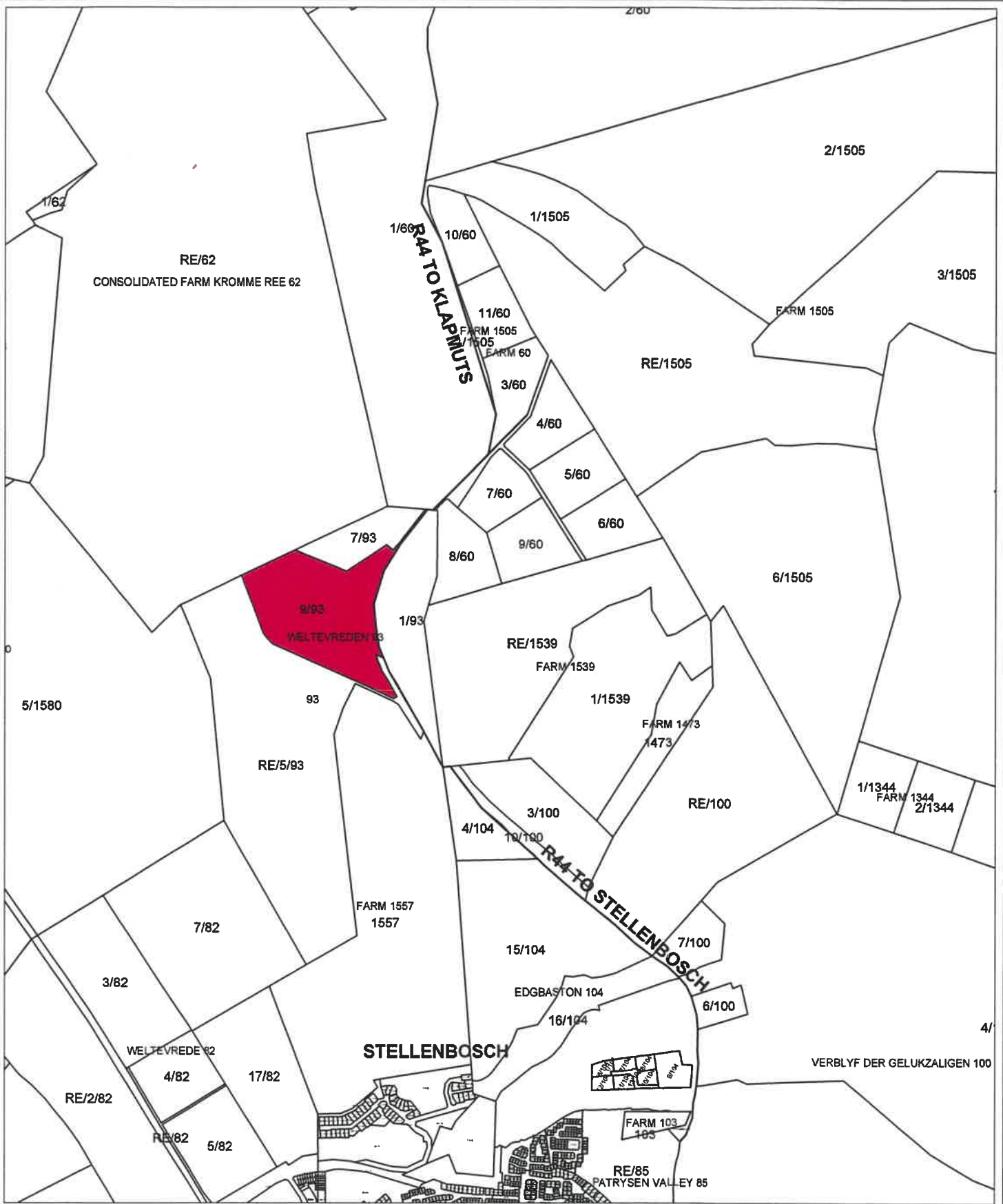
Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **12 Desember 2022**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 0218017446 / 0834460762 gedurende normale kantoor ure.

Die uwe

K Olivier
Atlas Stadsbeplanning (Pty) Ltd



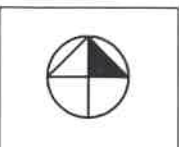
PLAN:
LOCALITY PLAN

DATE:
SEPTEMBER 2021

CLIENT:
SUMMERHILL WINE

**PORTION 9 OF FARM 93
STELLENBOSCH**

NTS



ATLAS 
Town Planning
P.O. BOX 380, KUILSRIVIER, 7579 (021)801 7446

Introduction

1.1 Background

The subject property is Portion 9 of Farm 93, Stellenbosch situated on the R44 en-route from Stellenbosch to Klapmuts. The property has a planning history and a number of applications have been approved in the past. The most recent application was approved in 2016 and included a restaurant / bistro, winery, tasting and sales facility in the winery as well as a beer distillery. The beer distillery was approved as a temporary land use departure at the time and the rights have since lapsed.

It is the intention to again obtain land use rights for a beer distillery. It is however the intention to accommodate this use in the same building where the winery with tasting and sales facility had been established. It is further the intention to extend the existing tourist facilities to allow for live music in the existing restaurant / bistro venue and to allow for the use of a floating device / barge on the farm dam for smaller functions. These uses are defined as Places of Entertainment as permitted under definition of Tourist Facilities. The proposed distillery is on the same scale as approved before whilst the live music will be accommodated within an existing tourist facility. The barge is currently used by the owners for their personal use and can only accommodate approximately 20 persons at a time.

1.2 Brief and application

In view of the above, ATLAS Town Planning was requested to prepare an application to obtain the necessary land use rights for the beer distillery and to extend the tourist facilities to permit live music in the existing restaurant / bistro and small venue w.r.t the barge / floating device on the dam. The necessary power of attorney is attached as **Annexure 2**.

Application is herewith made for:

- i) In terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law of 2015 for consent use (Tourist Facilities : Places of Entertainment) as depicted on the proposed Site Development Plan.
- ii) In terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-Law of 2015 for additional use (Agricultural Industry: Beer distillery) as depicted on the proposed Site Development Plan.

- iii) In terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law of 2015 for a permanent departure (Item 203(1)) given that at least 50% of the produce used in the beer distillery will not be grown or produced on the farm.

Property Details

2.1 Property Description

This application has bearing on Portion 9 of Farm Weltevreden No 93, Division Stellenbosch, Western Cape Province. The subject property measures 14,1566ha and is registered in the name of *Klein Weltevreden (Pty) Ltd (No 88/01847/07)*. A copy of the title deed is attached. This application is viewed as an extension to / reinstatement of lapsed land use rights and it is evident that there aren't any restrictive title deed conditions.

2.2 Locality

The property is located on the R44 en-route from Stellenbosch to Klapmuts. This is a well known wine route and a number of wine estates are found on this route. The majority of these have venues for tasting and sales and quite often restaurants and function facilities as well.

2.3 Existing land use and zoning

The subject property is zoned as Agricultural Zone in terms of the Stellenbosch Municipality Zoning Scheme By-Law. The property already accommodates a winery as well as tourist related facilities in the form of a tasting and sales venue as well as a restaurant / bistro. These were approved prior to the inception of the new zoning scheme and the rights have vested. The property is used for agricultural purposes namely the harvesting of grapes for the production of wine.

2.4 Physical characteristics

The property covers more than 14ha and the majority of the farm is covered under vineyards. A farm house, an additional dwelling unit, labourer's cottages as well other farm buildings (sheds) has been constructed on the property. This application

does not relate to any new buildings being constructed. The barge is deemed as a floating device / vessel and not a formal building. The proposed beer distillery will be accommodated in the existing winery building which in total does not exceed the permissible threshold. The live music is also proposed within the approved bistro / restaurant.

Planning context

3.1 Surrounding land uses

The property is surrounded by bonafide agricultural on all sides. Some of the adjacent farms also accommodate wineries and tourist facilities / tourist accommodation.

3.2 Existing forward planning and policy frameworks

The Stellenbosch Spatial Development Framework applies to the area and used to guide the spatial planning directives and land uses within the municipality's boundaries. Agriculture and tourism are key elements in this particular forward planning document. Tourist related uses are very common in the rural setting and is considered an important contributor towards a sustainable land use. It is believed that the use will strengthen the objectives of the relevant forward planning document, specifically given that the uses will be restricted to existing buildings.

3.3 Legal aspects

Application is being made in terms of Sections 15(2)(b), (g) & (o) of the Stellenbosch Municipal Land Use Planning By-Law of 2015. The application relates to a change of use of existing buildings and does not appear to trigger any listed activities in terms of neither the National Environmental Management Act (107/1998) nor the National Heritage Resources Act (25/1999).

Development Proposal

4.1 Consistency w.r.t surrounding land uses

The subject property is a bonafide agricultural unit and like many other farms already accommodates tourist related uses. As stated before, approvals were granted in the past for the winery, tasting and sales facility as well as a restaurant / bistro. Approval

was also granted for a beer distillery, but this was on a temporary basis and the rights had lapsed.

The proposal is threefold:

- a) To again obtain permission for a beer distillery
- b) To obtain permission to permit live music in the restaurant / bistro venue
- c) To obtain permission to use the existing barge / floating device as a venue for private functions (up to 20 people)

None of the proposed uses require new buildings and as stated, the barge is deemed to be a floating device, thus not a building per say. The application would thus not have any additional visual impact. The barge is also very small and can only accommodate approximately 20 people. It is currently being used by the owners, but the intention is to license the area which will allow for use by small groups for private functions. The use will be fairly isolated and is not expected to have any material impact on any of the neighbours.

The beer distillery was previously approved on a temporary basis as the particular use was not deemed at the time to be an agricultural industry. The new zoning scheme however provides for beer distilleries under this definition, but at least 50% of the produce used shall be grown on the farm. The beer distillation process requires water, malted barley, hops and in some instances yeast. Barley and hops are not regarded as local to the area and is sourced from elsewhere, generally the Overberg and Southern Cape. Notwithstanding the fact that a large number of beer distilleries are located on farms in the greater Stellenbosch area, the products used (at least 50%) are not grown on the farms. Beer distilleries have however become very popular on the wine farms as a result of in particular European tourists and at this scale, it is not envisaged to have a material external impact.

The restaurant / bistro was established in the existing shed. This building previously accommodated the beer distillery as well. The particular building was also used in the past as a venue for live music, but since the 2016 approval only as a restaurant / bistro. The previous tenant vacated the premises as a result of the national lockdown. A new tenant has since occupied the building. To remain relevant, the intention is to offer live music at the venue in order to attract day visitors to the farm. The building in which the restaurant / bistro is accommodated measures +/- 360m².

The proposal to permit live music will not increase the scale of the facility and will involve a stage inside the building where people can view the live performers. The proposed use can thus be compared to "The Boer or Heroes" venues located in the northern suburbs of Cape Town which offers live music and basic meals. The material difference to what has been assessed and approved before is thus the presence of live music. The facility will be an indoor venue and measures will be introduced to contain the noise impacts inside the building and not cause nuisance to surrounding property owners. It is clear from the Site Development Plan that the buildings / areas to be used for the proposed activities are distanced from any of the neighbouring farms. The development proposal would have virtually no visual impact because the proposed uses would be accommodated in existing buildings. The application would therefore have a very limited impact on the natural or built environment.

4.2 Traffic and Parking

The property gains direct access off the R44. The approval granted during 2016 required that the main access to farm be relocated to the north eastern corner abutting the R44. This shared access with the adjacent farm 93/7 was accepted by the Provincial Roads Engineer and deemed to offer better sight distances in both directions.

The traffic impacts were assessed before and it is important to note that the only material impact in terms of the scale would in fact be the proposed use of the barge to accommodate +/- 20 persons for a private function. This is deemed to be insignificant in terms of traffic volumes. Traffic generated as a result of the existing uses are in any event concentrated over weekends and not in peak traffic hours. It was proven in the past that the road infrastructure can easily accommodate the trips associated with the uses on the farm. Transporting of goods will also be done by bakkie or small truck and therefore have minimal impact on the infrastructure. Ample space is available for parking on-site, either at the winery or the restaurant / bistro & distillery. No problems are foreseen w.r.t traffic or parking.

4.3 Engineering Services

Basic water, sanitation and electricity are available on site. The application for consideration is not believed to have any additional impact on these services. The

following is relevant from an engineering point of view:

"1. Water supply

No municipal supply available. The drinking water supplied by the owner to comply with SANS 241 Drinking Water Quality Standards.

2. Waste Water and Sewage

No municipal sewer system available. The owner must dispose of the waste water, sewage and industrial waste water in such a manner that it does not pollute surface, ground or stormwater

3. Solid waste

The solid waste must be removed from the site to a legal waste disposal site in accordance with the requirements of Environmental Conservation Act"

The farm is entitled to potable water from a neighbouring dam and this servitude / caveat is registered in the Deeds office. The water is treated / filtered before use. Water used in the brewing process is filtered and boiled again before use. The owners will ensure that potable water complies with the required standards.

Sewage is contained in conservancy tanks and these are generally serviced by the municipality. The owners will ensure that no pollution of surface, ground or stormwater takes place. Industrial waste water are recycled and used for cooling before being treated with bio degradable chemicals to be discharged as irrigation for the vineyards.

Solid waste is stored on-site in a safe and responsible manner and recycling of in particular glass will be encouraged. Waste collection will be done on a weekly basis and disposed of at the Stellenbosch dumping site.

4.4 Heritage Impact

The application involves a change of use of the existing buildings of the farm and is not believe to involve any transformation or change to the character of the environment. The application does not appear to trigger listed activities in terms of the National Heritage Resources Act (25/1999).

4.5 Environmental Impact

The application does not appear to trigger any of the listed activities in terms of the National Environmental Management Act (109/1998).

5. Conclusion

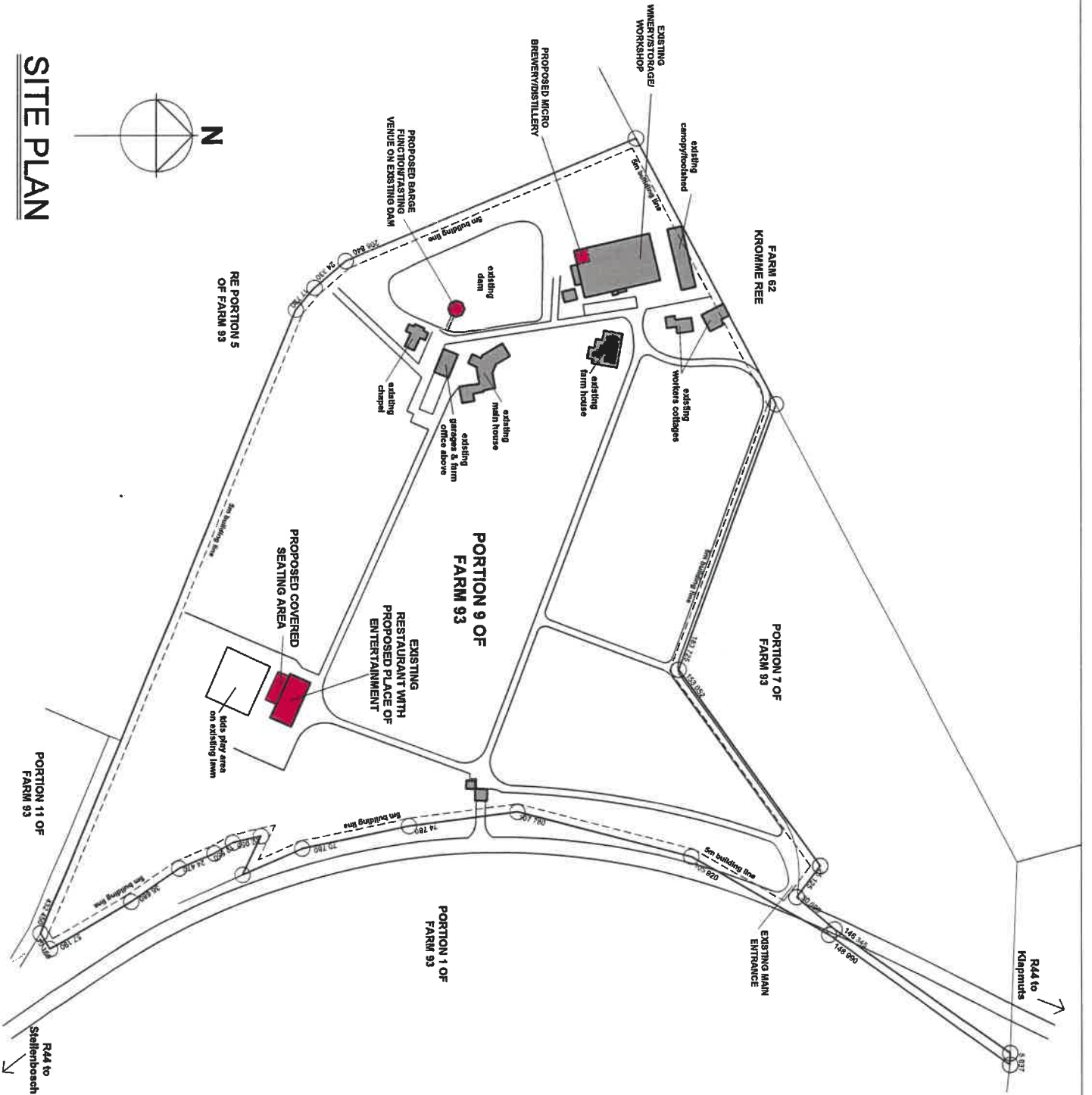
This application involves a minor extension of the existing tourist related facilities approved for this farm. The scale of the uses has in essence been evaluated before and hence this aspect has not been elaborated on too much. The beer distillery had no material impact before and could only be approved on a temporary basis. It is thus not envisaged that the distillery or the barge accommodating 20 people will have any significant impact. The footprint of the existing restaurant / bistro will also not be extended and it is proposed to merely provide a stage for live performers at the venue. These impacts will be contained inside the building and measures implemented to limit any potential impact. The external impacts would thus remain the same.

The proposed tourist facilities and beer distillery are viewed as compatible with the surrounding land uses and in line with the objectives of the municipality's Spatial Development Framework. No new structures are proposed and the uses are not likely to have any negative impact on members of the public nor the built or natural environment. In view of the above, it is trusted that the application will receive the necessary support.

AREA
Site area : 14,15ha

SUMMERHILL WINE ESTATE
PORTION 9 OF FARM 93
WELTEVREDEN
SUMMER HILL
R44
STELLENBOSCH
7600

Date: 16 July 2021
Scale: 1:2500 @ A3
Drawn: D. van Driel
Cell: 0724819745
15 Smalville on Burgundy, 2 Amber Rd.
Burgundy Estate
dt.vandriel@gmail.com
DWG. NO. SWE01-1/7



SITE PLAN

**EXISTING RESTAURANT WITH
PROPOSED PLACE OF
ENTERTAINMENT**

AREA

Ground floor footprint - 388.1m²

Covered outside seating area - 225m²

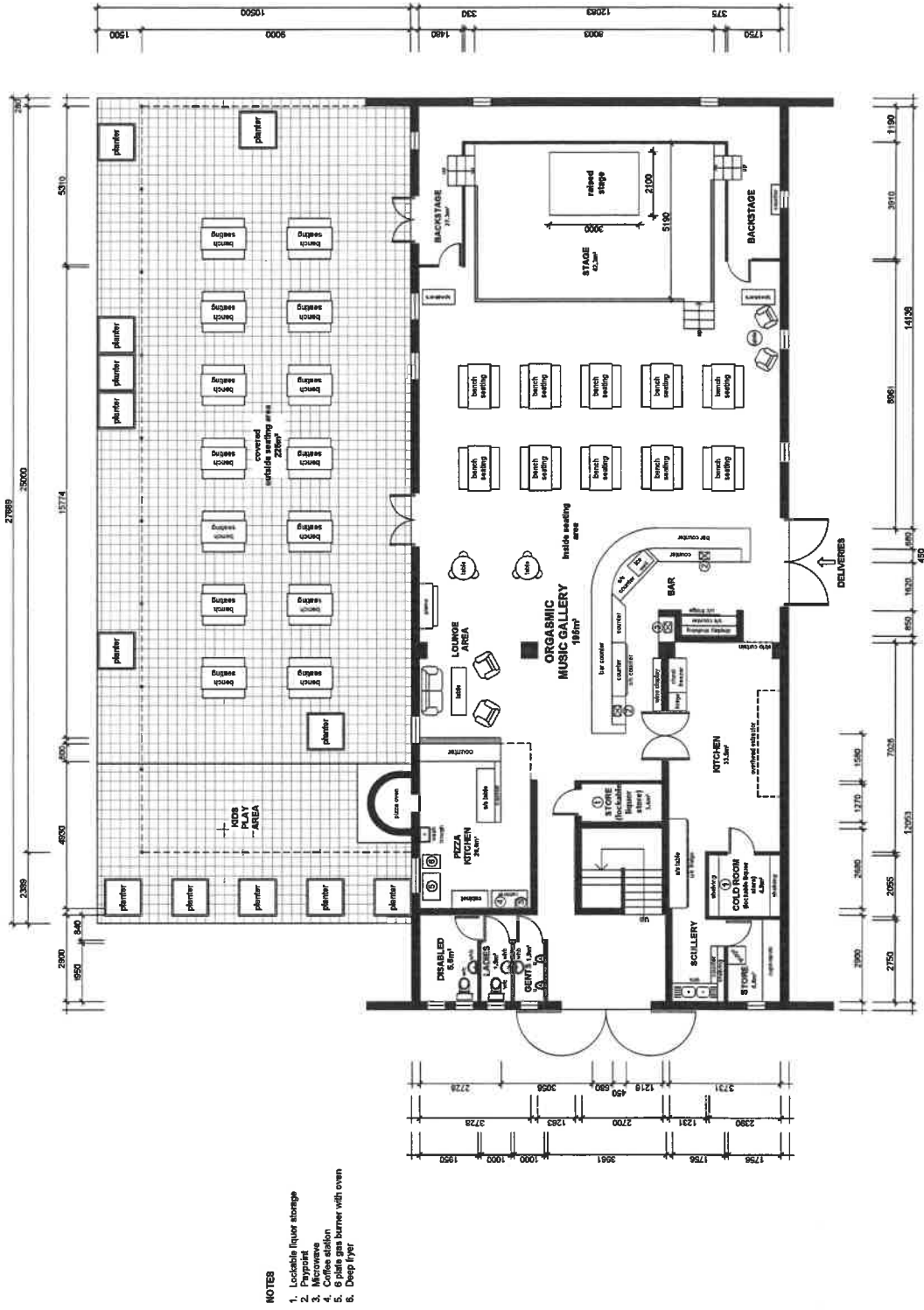
Total area of steep - 290.1m²

Ground Floor GLA - 348.8m²

**SUMMERHILL WINE ESTATE
PORTION 9 OF FARM 93
WELTEVREDEN
SUMMER HILL
R44
STELLENBOSCH
7600**

Date: 16 July 2021
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DWG. NO. SWE01-217



GROUND FLOOR PLAN
OMG THEATRE

**EXISTING RESTAURANT WITH
PROPOSED PLACE OF
ENTERTAINMENT**

AREA

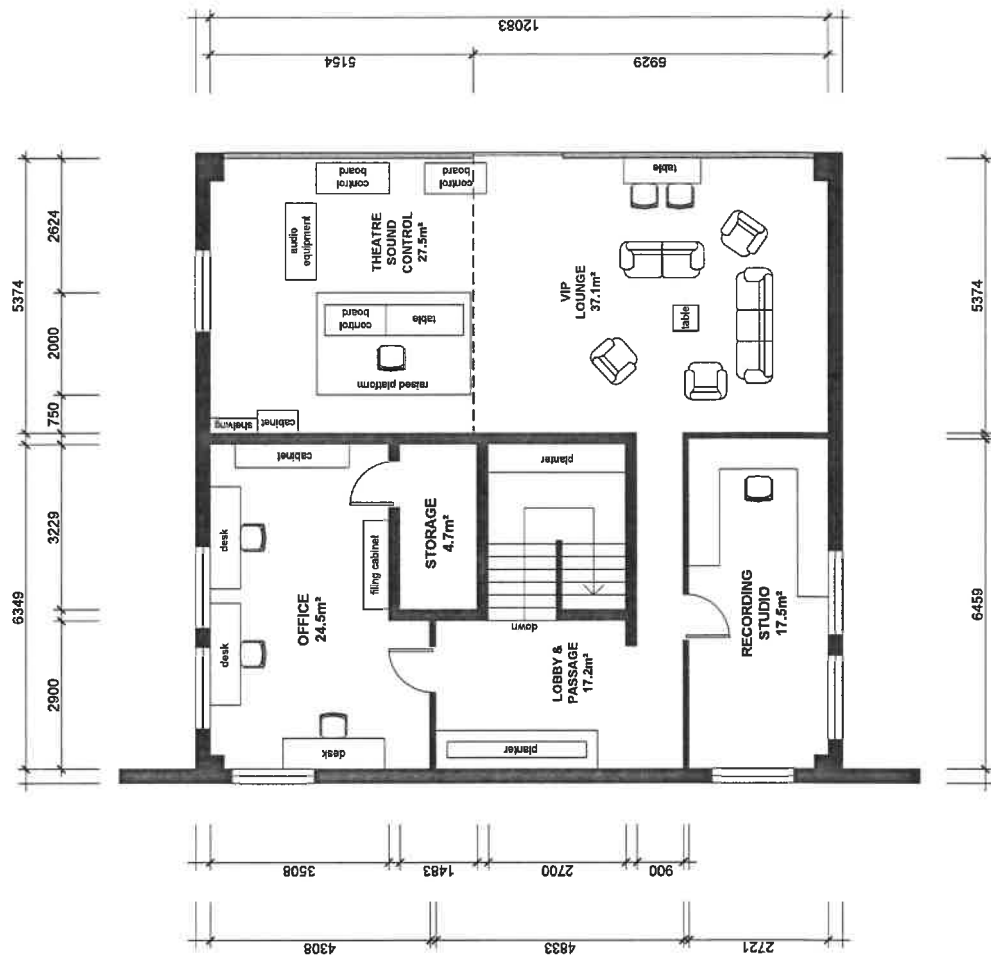
First floor footprint - 155.9m²

First Floor GLA - 140m²

**SUMMERHILL WINE ESTATE
PORTION 9 OF FARM 93
WELTEVREDEN
SUMMER HILL
R44
STELLENBOSCH
7600**

Date: 16 July 2021
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DWG. NO. SWE01-3/7



FIRST FLOOR PLAN
OMG THEATRE

**PROPOSED BARGE
FUNCTION/TASTING VENUE ON
EXISTING DAM**

AREA

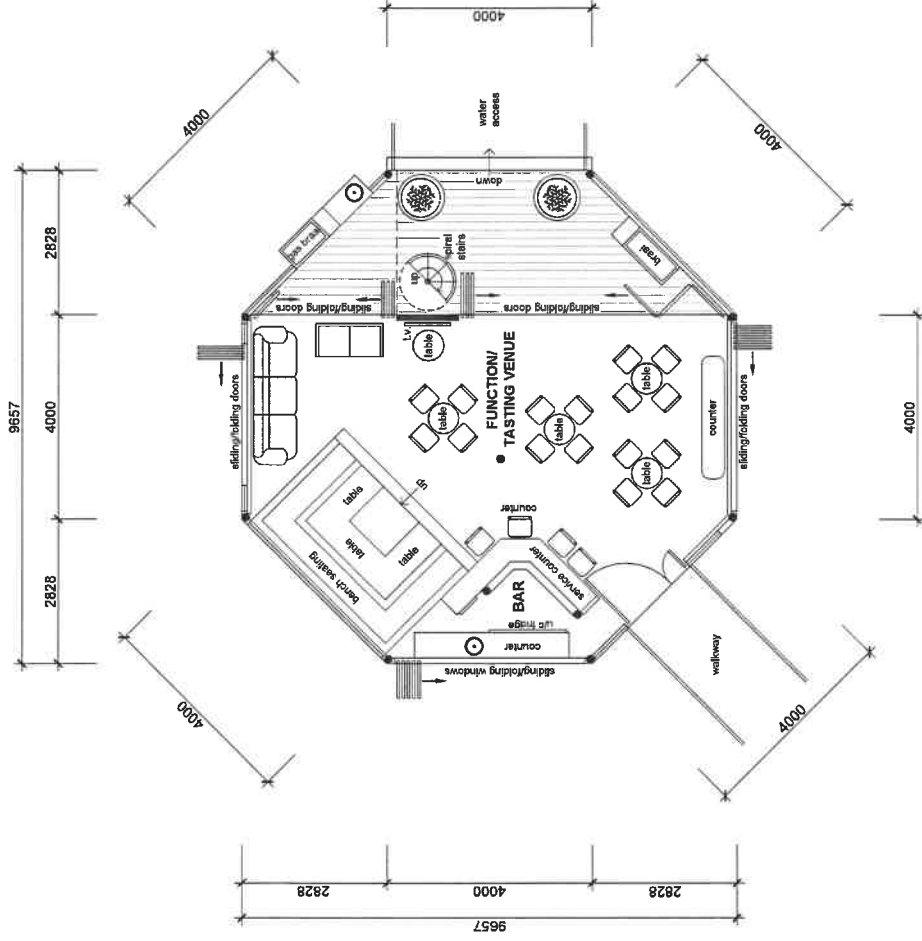
Lower level - 77.2m²

Upper level - 7.8m²

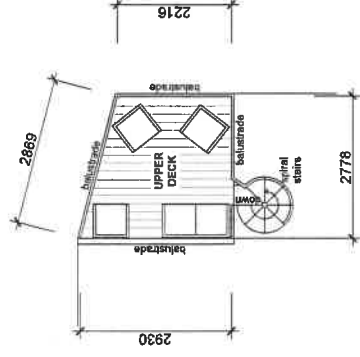
SUMMERHILL WINE ESTATE
PORTION 9 OF FARM 93
WELTEVREDEN
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Date: 16 July 2021
 Scale: 1:100 @ A3
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DWG. NO. SWE01-4/7



LOWER LEVEL FLOOR PLAN
BARGE FUNCTION/TASTING AREA



UPPER LEVEL FLOOR PLAN
BARGE FUNCTION/TASTING AREA

**EXISTING WINERY/ STORAGE/
WORKSHOP IN EXISTING SHED
& PROPOSED MICRO BREWERY &
DISTILLERY**

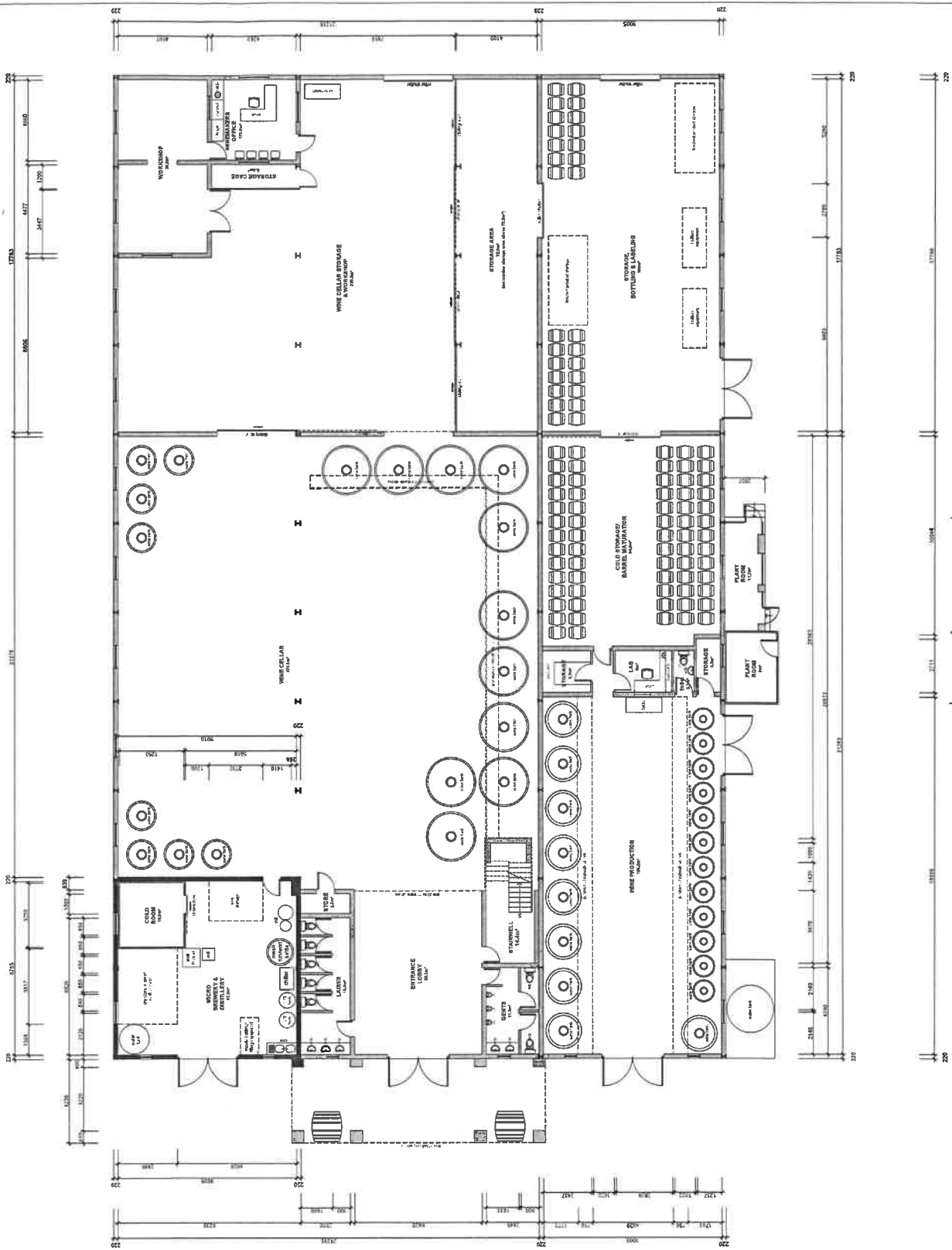
AREA

- Building footprint - 1670.9m²
- Existing - 1657.1m²
- Proposed Microbrewery/Distillery - 65m²
- Total - 1746.1m²
- Winery/Workshop/Storage**
- Ground floor GLA - 1376.9m²
- Mezzanine storage GLA - 75.7m²
- Balcony - 52.6m²
- Processing Canopy - 58.9m²
- Microbrewery/Distillery**
- Microbrewery/Distillery GLA - 63m²

SUMMERHILL WINE ESTATE
PORTION 9 OF FARM 93
WELTEVREDEN
SUMMER HILL
R44
STELLENBOSCH
7600

Date: 16 July 2021
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 dr.vandriel@gmail.com

DWG. NO. SWE01-517



GROUND FLOOR PLAN
WINERY/STORAGE & MICRO BREWERY/DISTILLERY

EXISTING TASTING VENUE

AREA

Mezzanine level footprint - 180,9m²

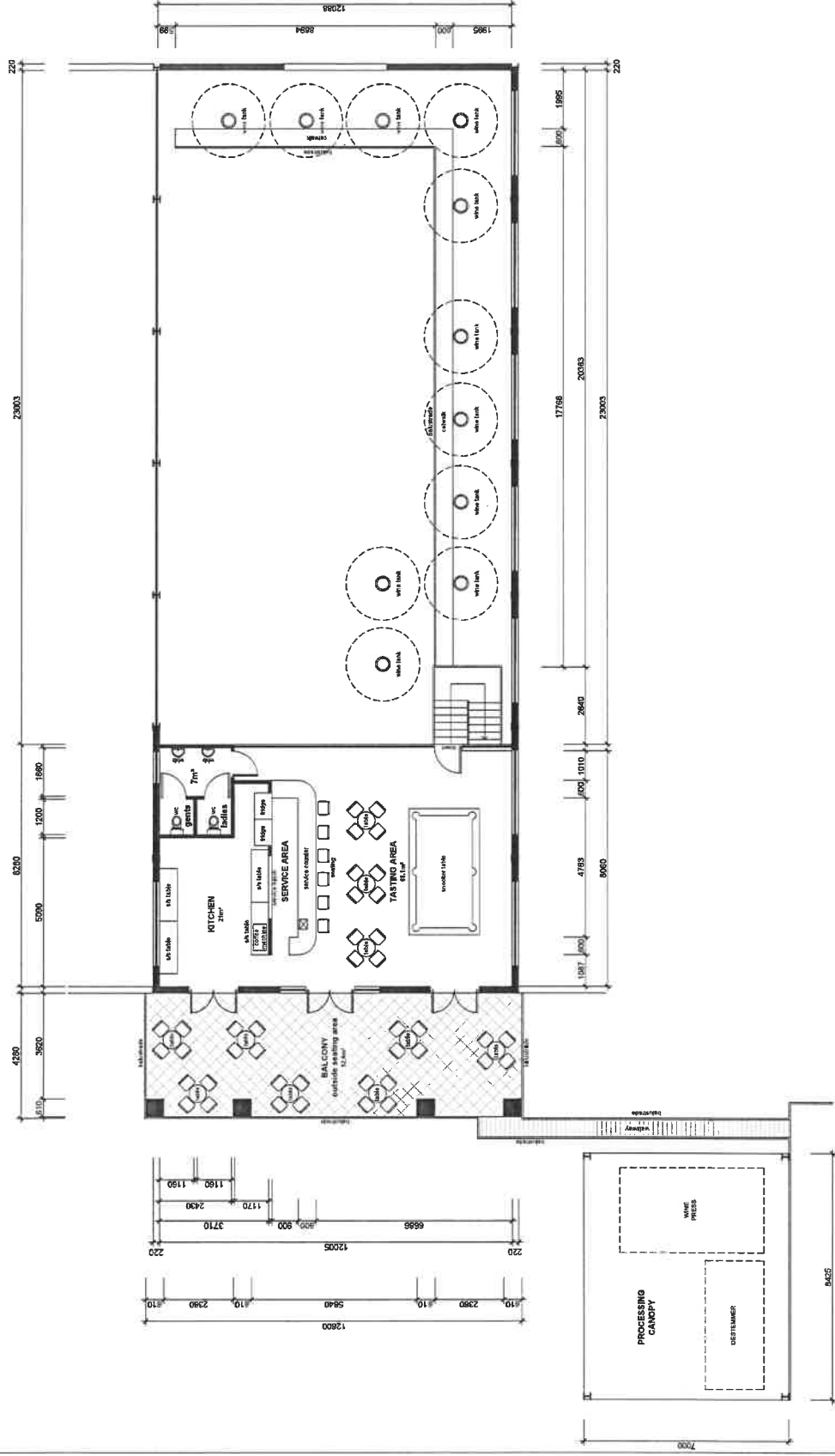
Balcony - 52,6m²

Mezzanine level GLA - 93m² (excluding balcony)

**SUMMERHILL WINE ESTATE
PORTION 9 OF FARM 93
WELTEVREDEN
SUMMER HILL
R44
STELLENBOSCH
7600**

Date: 16 July 2021
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DWG. NO. SWE01-6/7



**MEZZANINE LEVEL
TASTING & KITCHEN**

**PROPOSED MICRO
BREWERY/DISTILLERY
IN EXISTING SHED**

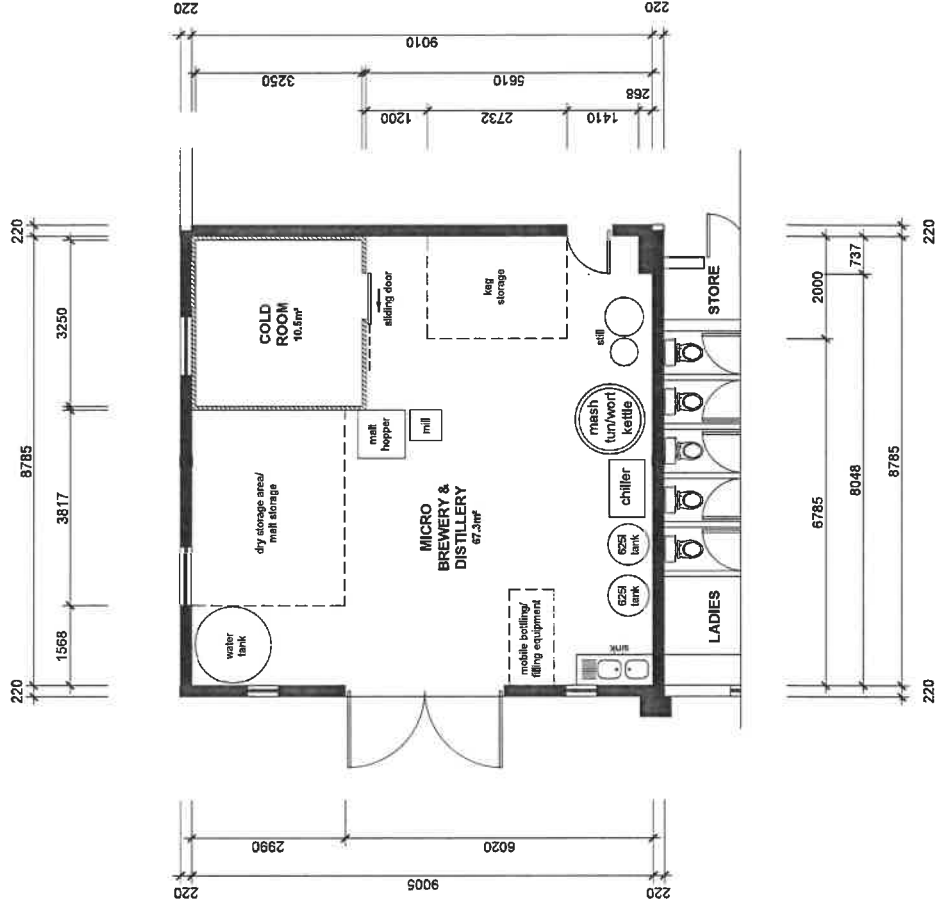
AREA

Micro brewery/distillery footprint - 87,4m²
Micro brewery/distillery GLA - 83m²

**SUMMERHILL WINE ESTATE
PORTION 9 OF FARM 93
WELTEVREDEN
SUMMER HILL
R44
STELLENBOSCH
7600**

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DWG. NO. SWE01-717



**FLOOR PLAN
MICRO BREWERY/DISTILLERY**