

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

Dear Sir/Madam:

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

Application Property Address: Farm Blaauw Klip Wes, Blaauwklippen Road, Stellenbosch

Application Property Number: Stellenbosch Farm 513/2

Applicant: Headland Planners (Pty) Ltd (tristan@headland.co.za/0824491801)

Owner: Blue Dust Holdings (Pty) Ltd

Application Reference: LU/15870 (TP414/2023)

Application Type: Applications for Consent Use; Permanent Departure; Suspension of Restrictive Title Deed Conditions and Approval of a Site Development Plan

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

Applications are made in terms of:

- ☐ Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, (2023) for a consent use for a tourist accommodation establishment consisting of a total of 13 bedrooms in existing and new buildings, also accommodating a new gym, pool house, swimming pool, laundry, staff quarters and tennis courts on Farm No. 513/2 Stellenbosch Division.
- ☐ Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw, (2023) for departures:
 - (i) to encroach the 5m building line to 2.2m to renovate and extent an existing building.
 - (ii) to increase the allowable floor area for a new main dwelling from 600m to 650m².
- ☐ Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning Bylaw, (2023) for the suspension of restrictive title deed conditions to obtain the administrators/controllers' consent in terms of the title deed conditions.
 - (i) to construct more than one dwelling on Farm No. 513/2, Stellenbosch Division.
 - (ii) to use of the property for a place of business to accommodate the tourist accommodation establishment.
 - (iii) to construct a building within 95m of the nearest Divisional Road.
- ☐ The approval of a site development plan as contemplated in terms of Section 216 of the Zoning Scheme Bylaw (2019)

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:
 - o Indicate the facts and circumstances that explain the comments;
 - o Where relevant demonstrate the undesirable effect that the application will have if approved;
 - o Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Headland Planners (Pty) Ltd (tristan@headland.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.

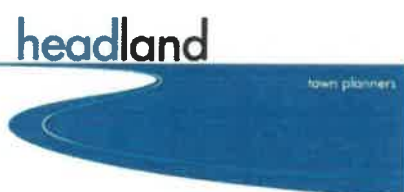
The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **(30 November 2023)**.

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 (0824491801) during normal office hours.

Yours faithfully

HEADLAND PLANNERS



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

Geagte Meneer/Mevrou:

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

Adres van aansoek eiendom: Plaas Blaauw Klip Wes, Blaauwklippenpad, Stellenbosch

Aansoek eiendom beskrywing: Stellenbosch Plaas 513/2

Aansoeker: Headland Planners (Edms) Bpk (tristan@headland.co.za/0824491801)

Elenaar: Blue Dust Holdings (Edms) Bpk

Aansoek Verwysing: LU/15870 (TP414/2023)

Tipe Aansoek: Aansoeke vir Toestemmingsgebruik; Permanente vertrek; Opskorting van beperkende titelaktevoorwaardes en goedkeuring van 'n terreinontwikkelingsplan

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Aansoeke word gedoen in terme van:

- ☐ Artikel 15(2)(o) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, (2023) vir 'n vergunningsgebruik vir 'n toeriste-akkommodasie-onderneming wat bestaan uit 'n totaal van 13 slaapkamers in bestaande en nuwe geboue, wat ook 'n nuwe gimnasium, swembad akkommodeer huis, swembad, wassery, personeelkwartiere en tennisbane op Plaas nr 513/2 Stellenbosch Afdeling.
- ☐ Artikel 15(2)(b) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, (2023) vir afwykings:
 - (i) om die 5m-boulyn tot 2.2m te oorskry om 'n bestaande gebou op te knap en uit te brei.
 - (ii) om die toelaatbare vloeroppervlakte vir 'n nuwe hoofwoning van 600m na 650m² te vergroot.
- ☐ Artikel 15(2)(f) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, (2023) vir die opskorting van beperkende titelaktevoorwaardes om die administrateurs/beherende owerhede se toestemming in terme van die titelaktevoorwaardes te verkry.
 - (i) om meer as een woning op Plaas No. 513/2, Afdeling Stellenbosch, te bou.
 - (ii) om die eiendom te gebruik vir 'n besigheidsplek om die toeriste-akkommodasie-onderneming te akkommodeer.
 - (iii) om 'n gebou binne 95m van die naaste Afdelingspad te bou.
- ☐ Die goedkeuring van 'n terreinontwikkelingsplan soos beoog in terme van Artikel 216 van die Soneringskema-verordening (2019)

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 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 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:
 - o Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - o Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - o Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - o 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: Headland Planners (Edms) Bpk (tristan@headland.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 **(30 November 2023)**

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 voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 0824491801 gedurende normale kantoor ure.

Die uwe

HEADLAND PLANNERS

EXECUTIVE SUMMARY

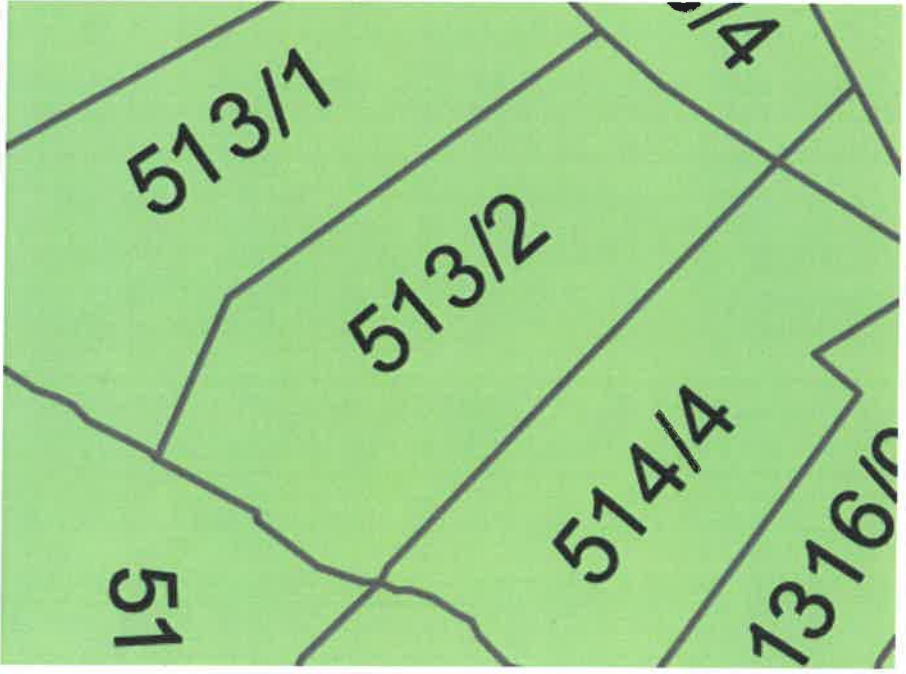
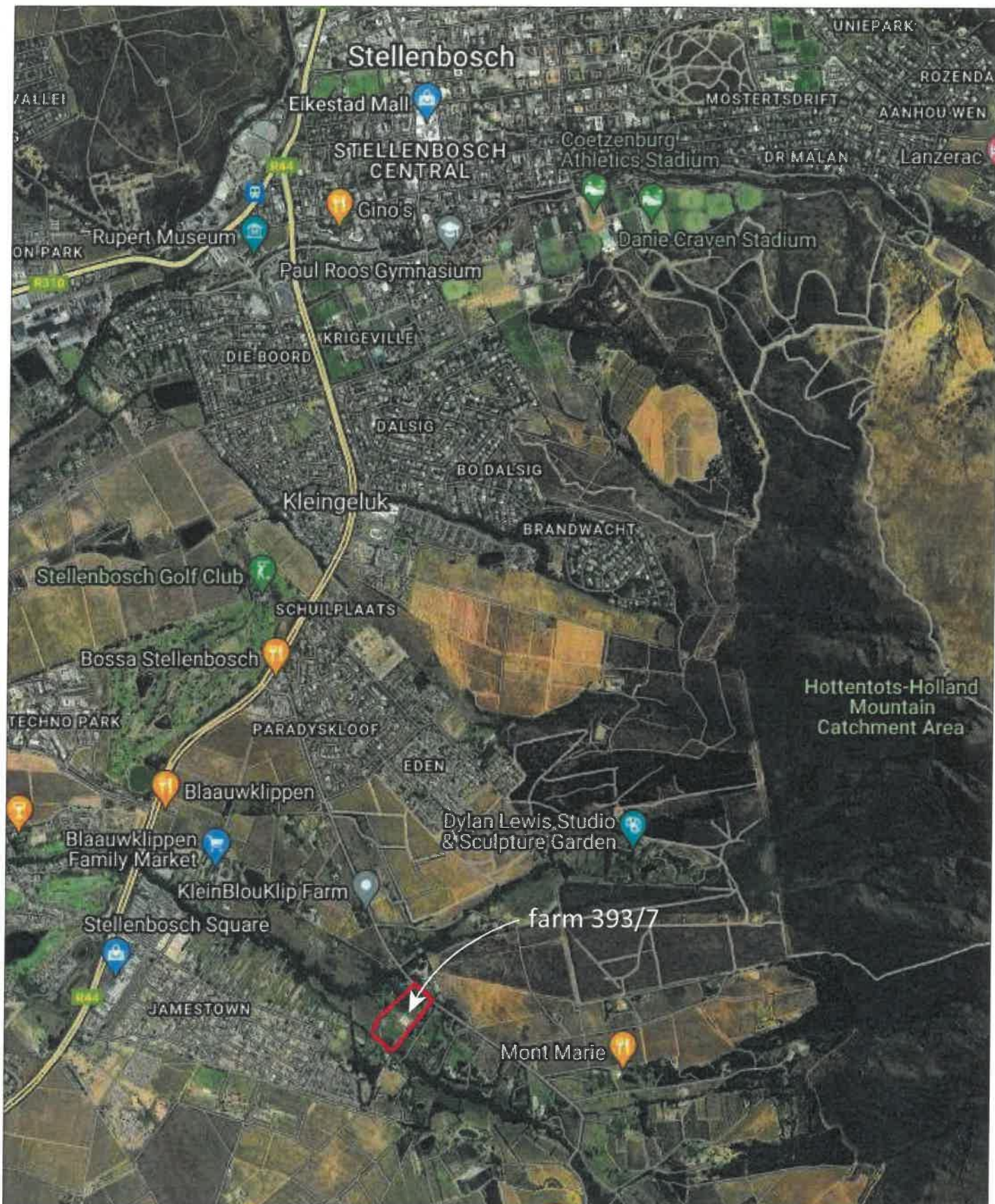
Applicant	Headland Planners (Pty) Ltd
Property Number	Portion 2 of Farm "Blaauw Klip Wes" No. 513
Allotment Area	Stellenbosch Registration Division
Property Diagram	SG No. 5669/1950
Title Deed	T18267/2022
Property Extent	5.6344ha
Registered Owner	Blue Dust Holdings (Pty) Ltd
Title Deed Conditions	Conditions 1, 2, 3 & 4 in favour of the controlling authority in respect of the Roads and Ribbon Development Act, Act 21 of 1940.
Servitudes	Yes, electricity and water servitudes
Applications Required	☐ Consent use for a <i>tourist accommodation establishment</i> in terms of section 15(2)(o) of the LUPBL. ☐ Suspension of restrictive conditions in terms of section 15(2)(f) of the LUPBL with the consent of the provincial roads engineer in respect of restrictive conditions. See section 4 hereunder. ☐ Departures in terms of section 15(2)(b) of the LUPBL: <ul style="list-style-type: none"> item 214(1) of the Zoning Scheme By-law, 2019, to permit a portion (bathroom) of the renovated 2-bedroom cottage (SDP reference #3) to stand 2.238m in lieu of 5m from the southeastern common boundary. item 204(4) of the Zoning Scheme By-law, 2019, to permit the coverage of the new second dwelling house to be 650m² in lieu of 600m².
Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-law, 2019
Current Land Use	Agricultural activities and associated uses, residential components
Subject to NEMA/NHRA	No, land use remains dominantly agricultural. See environmental applicability checklist response.
Current Zoning	Agriculture and Rural Zone 

Figure 1: Zoning (Source: Stellenbosch Municipality "Rural 2" zoning map October 2018)



Gfigure	513-2/11/01	project	Consent use, suspension of restrictive condition and departures: farm 513/2 Blaauw Klip Wes, Stellenbosch Division	client	Blue Dust Holdings (Pty) Ltd
Gfile	ST513-2	drawing	locality plan	 www.headland.co.za	
date	october 2023				
scale	NTS				

**APPLICATION FOR CONSENT USE, SUSPENSION OF TITLE DEED CONDITION AND REGULATION
DEPARTURES: PORTION 2 OF FARM BLAAUWKLIP WES NO. 513 STELLENBOSCH DIVISION**

headland

town planners

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DOCUMENTS SUBMITTED

- Pre-application Record
- Application forms
- Power of attorney and resolution letter
- Title Deed
- Conveyancer's certificate
- SG diagram
- Topographical Survey
- DEADP Applicability Checklist Response
- Site development plan

1. INTRODUCTION

The property owners wish to develop the property with a tourist accommodation establishment, the proposed establishment includes the following:

- Renovation of 3 existing cottages (one 1-bed, one 2-bed and one 3-bed),
- Renovation of the existing 3-bedroom house,
- Construction of 4 new 1-bedroom cottages,
- Construction of new staff quarters and a new laundry, and
- Construction of a new gym and pool house, swimming pool and tennis court.

A new main residence is also proposed with an associated garage/storeroom building which is located adjacent to the existing barn and stables.

A pre-application meeting was not deemed necessary due to the nature of the applications required.

The predominant usage of the property is agricultural, with existing equestrian facilities remaining the predominant land use with the proposed consent use in place.

2. APPLICATIONS

In order to achieve the development that is envisaged, the following applications are required in terms of the Stellenbosch Municipality Land Use Planning By-law, 2023 ("the LUPBL"):

- ☐ **Consent use for a tourist accommodation establishment** in terms of **section 15(2)(o)** of the LUPBL.
- ☐ **Suspension of restrictive conditions** in terms of **section 15(2)(f)** of the LUPBL with the consent of the provincial roads engineer in respect of restrictive conditions. See section 4 hereunder.
- ☐ **Departures** in terms of **section 15(2)(b)** of the LUPBL:
 - item 214(1) of the Zoning Scheme By-law, 2019, to permit a portion (bathroom) of the renovated 2-bedroom cottage (SDP reference #3) to stand 2.238m in lieu of 5m from the southeastern common boundary.
 - item 204(4) of the Zoning Scheme By-law, 2019, to permit the coverage of the new second dwelling house to be 650m² in lieu of 600m².

3. PROPERTY DETAIL

3.1. Property Information

Table 1: Property Information

Applicant	Headland Planners (Pty) Ltd
Erf Number	Portion 2 of Farm "Blaauw Klip Wes" No. 513
Allotment Area	Stellenbosch Registration Division
Property Diagram	SG No. 5669/1950
Title Deed	T18267/2022
Property Extent	5.6344ha
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Servitudes	Yes, electricity and water servitudes
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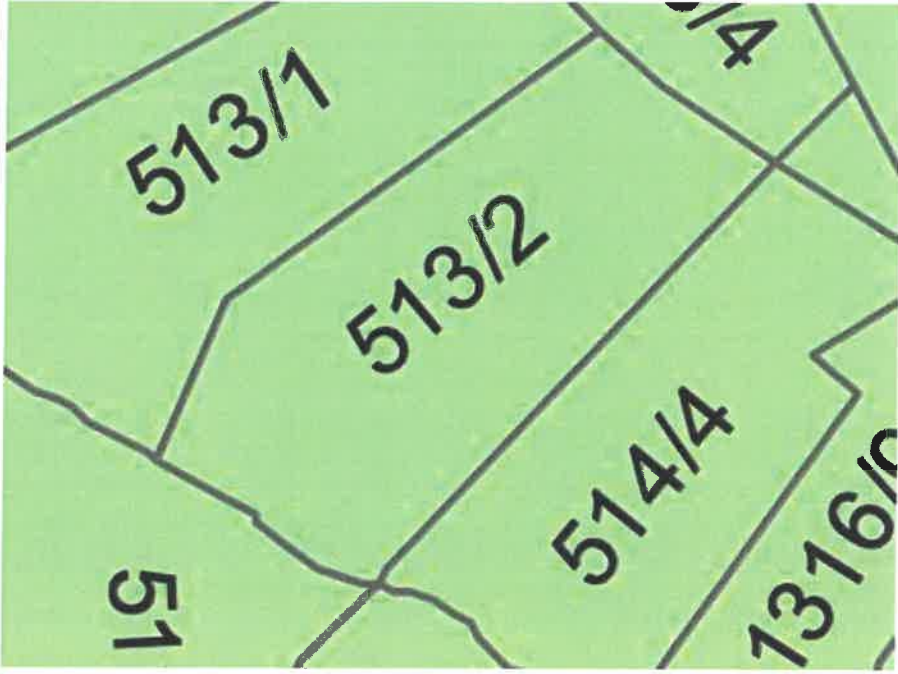
Current Land Use	Agricultural activities and associated uses, residential components
Subject to NEMA/NHRA	No, land use remains dominantly agricultural. See environmental applicability checklist response.
Current Zoning	Agriculture and Rural Zone 

Figure 1: Zoning (Source: Stellenbosch Municipality "Rural 2" zoning map October 2018)

3.2. Location and Surrounding Context

The property is located to the northeast of the R44, along Blaauwklippen Road (see figure 2) approximately 2km southeast of the intersection of Blaauwklippen Road with the R44 arterial road that links Stellenbosch and Somerset West.

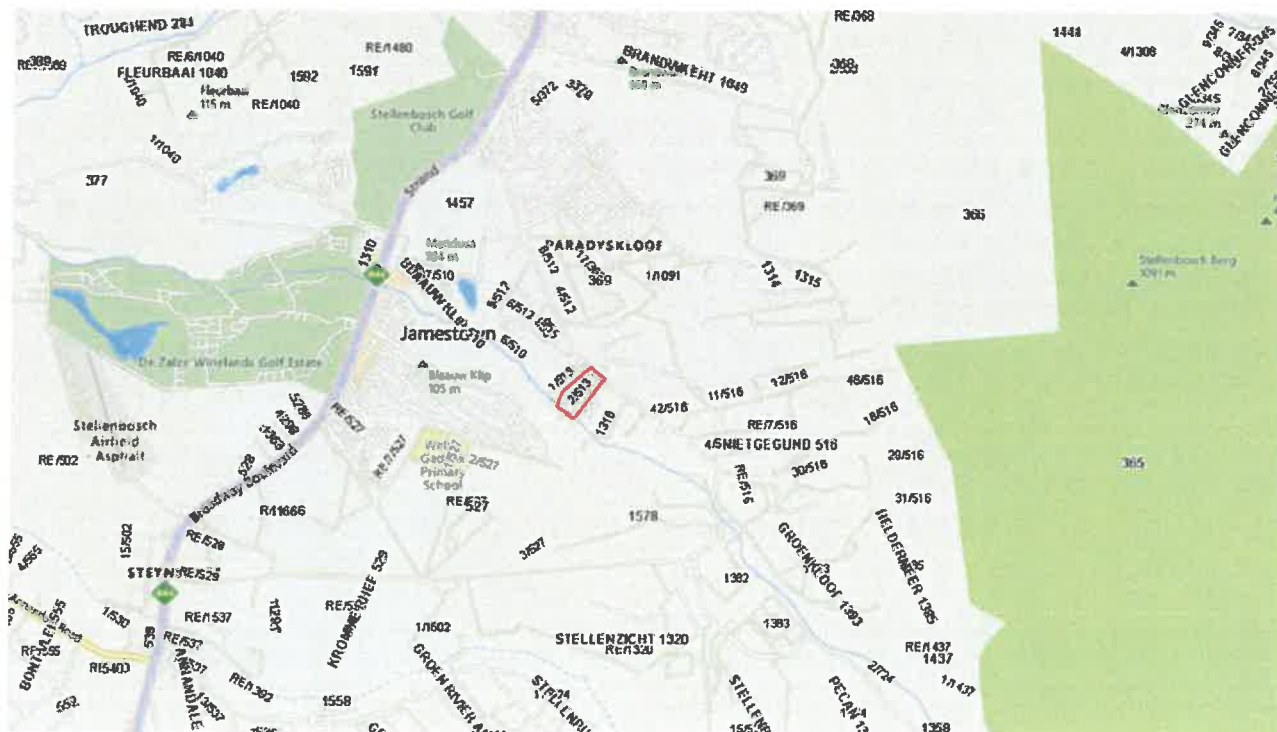


Figure 2: Locality

The area could be defined as one of established smaller agricultural land units/smallholdings of a similar size to the property ($\pm 5\text{ha}$) that are being used as larger residential land units, guest houses, small wineries and similar. The farm portions become larger the further east one travels from Paradyskloof and on the opposite side of Blaauwklippen Road. See figures 3 & 4.

On the other side of the Blouklip River to the west lies Jamestown, also a conventional residential suburb of varying densities.



Figure 3: Area context



Figure 4: Immediate context

4. TITLE DEED REVIEW

The title deed, no. T18267 of 2022, contains restrictive conditions which require the consent of the controlling authority as defined in Act 21 of 1940 (The Roads and Ribbon Development Act).

Condition I. 2. *"Not more than one dwelling house together with such outbuildings as may ordinarily be required in connection therewith, shall be erected by the transferor or the transferee or their successors-in-title, without the written approval of the controlling authority as defined in Act No 21 of 1940."*

Condition I. 3. *"The land shall be used for residential and agricultural purposes and no store or place of business whatsoever, may be opened or conducted on the land without the written approval of the controlling authority, as defined in Act No 21 of 1940."*

Condition I. 4. *"No building or structure whatsoever shall be erected on the land, a share of which is held hereunder, within a distance of 300 Cape feet of the centre line of the Van Brakel's Divisional Road which passes through the property in question, without the written approval of the controlling authority, as defined in Act No 21 of 1940."*

The application must be circulated to the Western Cape Government: Transport and Public Works' Road Network Management department (provincial roads engineers) for their comment and consent during the advertising period. With the department's consent, suspension of these conditions may be approved by the Municipality.

5. DEVELOPMENT PROPOSAL

Summarised in the introduction, the tourist accommodation development is comprised of a number of new buildings to be constructed and the renovation and refit of numerous existing buildings which includes the original three-bedroom main dwelling. The combined development envisaged will comprise:

- tourist accommodation with a total of **13 bedrooms** (1 three-bedroom house, 1 three-bedroom cottage, 1 two-bedroom cottage and 5 one-bedroom cottages) and associated laundry and staff quarters,
- A new gym and pool house, swimming pool and tennis courts, and
- A new second dwelling house.

5.1. Tourist accommodation

Located on the northeastern portion of the property against Blauwklippen Road the existing main dwelling house and two existing cottages will be renovated for tourist accommodation purposes.

Four new 1-bedroom cottages are proposed, as well as a new laundry and staff accommodation cottage are proposed, the latter with sleeping quarters for three staff members as well as ablutions, lounge, and kitchen.

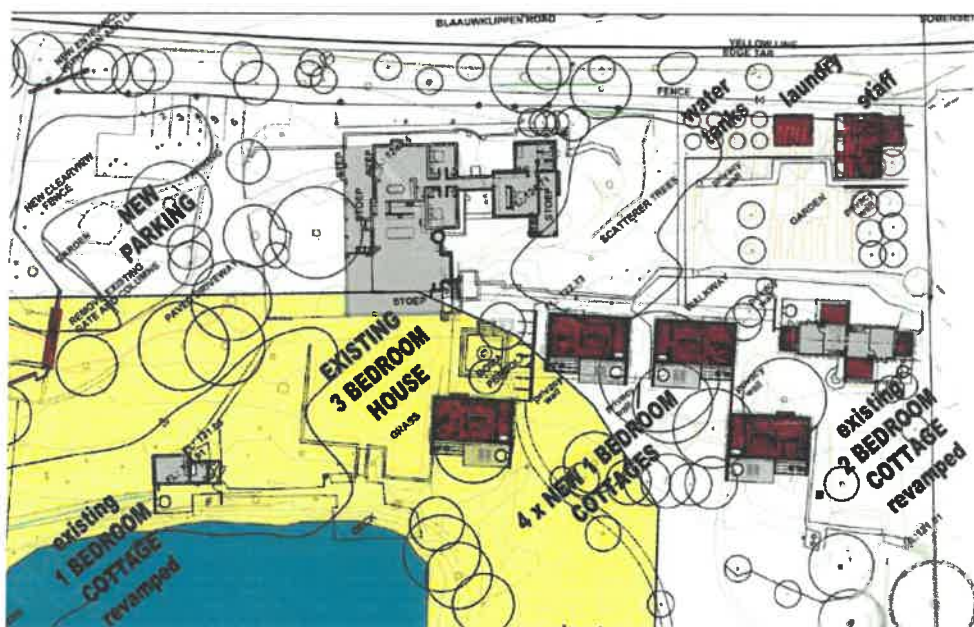


Figure 5: Extract from the SDP (Source: GJ Architects)

One further cottage exists adjacent to the southern dam and existing stables which will also be renovated into a three-bedroom cottage.

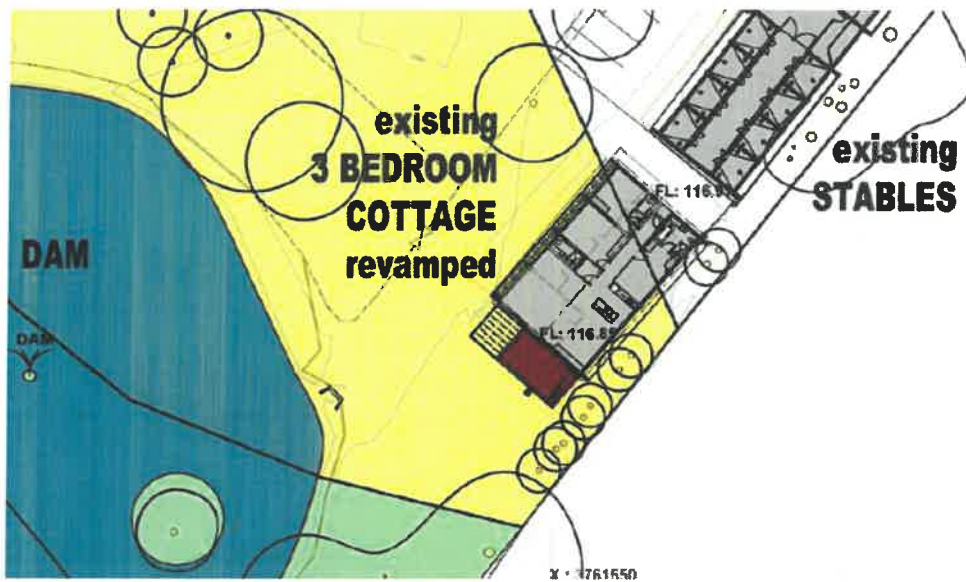


Figure 6: existing 3-bedroom cottage with new deck

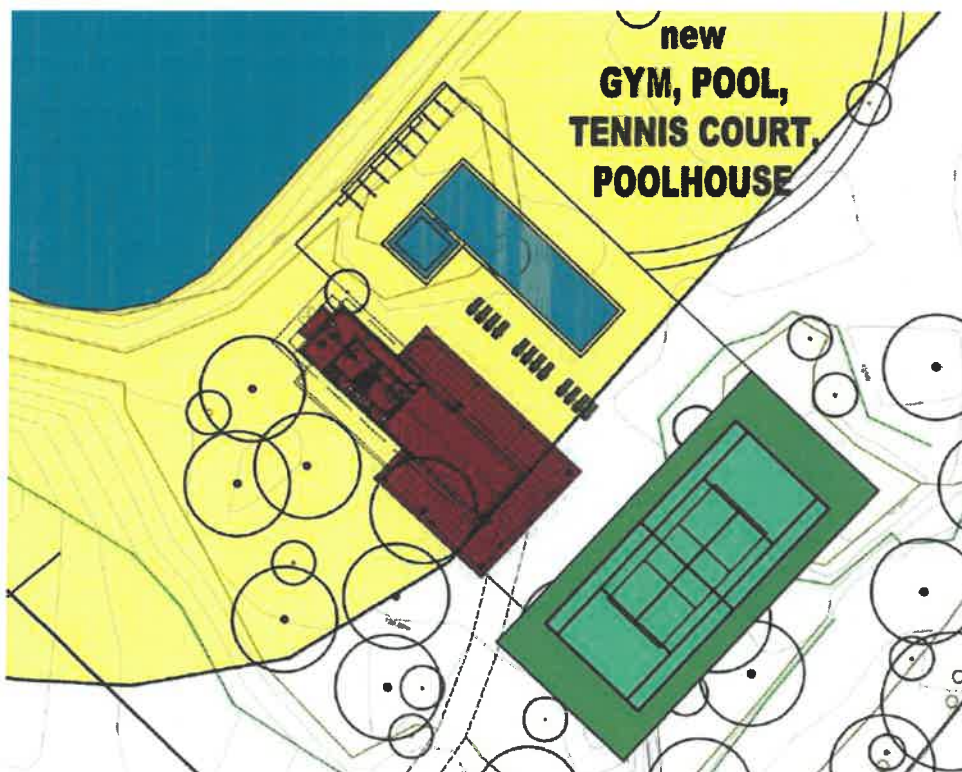


Figure 7: New gym, pool house and tennis court (Source: GJ Architects)

A new amenity area for the tourist accommodation in the form of a new pool house and gym is proposed to the east of the large dam and includes a new swimming pool and tennis court.

5.2. New Second Dwelling

A new double-storey second dwelling unit is proposed to the west of the large dam on the property. The second dwelling is permitted as a primary right. A departure is required from the coverage regulation to permit a coverage of 650m². See table 2.

5.3. New agricultural buildings

Adjacent and northeast of the existing barn and stables, a new storage building and garages for farm vehicles is proposed.

5.4. Access and Parking

Farm access remains from the current access point on Blaauwklippen Road and internal access internally to the various units will be from existing internal drive and walkways.

A new parking area to the west of the existing main dwelling (to be converted into accommodation) is proposed which will account for the parking requirements of the accommodation.

Parking for farm vehicles and the new second dwelling house are provided for on-site.

6. MOTIVATION FOR TOURIST ACCOMMODATION

Tourist accommodation is a significant industry in the Stellenbosch Municipality, with wholesale & retail trade, catering, and **accommodation** accounting for 20.7% of the Municipal GDP in 2020¹ and a huge employment generator.

The primary opportunity that tourism accommodation provides is to supplement the operational budget of a large land unit which attracts high rates and taxes as well as maintenance costs, whilst retaining the existing agricultural and rural zoning and predominant agricultural land use.

7. PLANNING MOTIVATION

7.1. General Considerations for an application in terms of Section 65(1) of the Stellenbosch Municipality By-Law of 2015

6.1.c. The desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses.

The proposed land use is within the ambit of the basket of rights for the property. I.e., tourist accommodation is a consent use of the applicable zone. The additional income derived from the operation of the tourist accommodation will contribute to the sustained operation of the agricultural land unit, which is supported in item 200 of the zoning scheme and highlights the desirability of the proposal:

"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 (...) 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."

6.1.f. Investigations carried out in terms of other laws that are relevant to the consideration of the application

The proposed consent use does not trigger activities in terms of the National Heritage Resource Act, nor the Water Act.

An environmental applicability checklist was submitted to the Department of Environmental Affairs and Development Planning and has determined that **no listed activities** contained in the NEMA environmental impact regulations are triggered by the proposal.

6.1.h. The impact of the proposed land development on municipal engineering services;

The land unit is connected to Municipal services in Blaauwklippen Road. The scale of the proposed tourist accommodation establishment will not have a significant impact on Municipal services. Confirmation from the Municipal engineers will be requested during the departmental circulation period.

6.1.i. The IDP, including the municipal spatial development framework;

No zoning change is proposed, and the tourist accommodation establishment is contained within the rights provided for in the agricultural and rural zone. No motivation is therefore necessary in terms of the IDP or MSDF.

6.1.j. The integrated development plan and spatial development framework of the district municipality, where applicable;

No zoning change is proposed and therefore, no motivation is necessary because the overall land use rights already exist.

¹ Western Cape Government socio-economic profile Stellenbosch, 2020

6.1.k. The applicable local spatial development frameworks adopted by the Municipality.

No zoning change is proposed and therefore, no motivation is necessary because no deviation from the existing zoning rights are sought.

6.1.l. the applicable structure plans;

No zoning change is proposed and therefore, no motivation is necessary.

6.1.m. the applicable policies of the Municipality that guide decision making

Not applicable as the proposal falls within the agricultural land use rights and no departures from the zoning scheme are required outside of the existing rights.

6.1.n. the provincial spatial development framework

The property is not a provincially strategic land unit, see 6.1.p below.

6.1.o. 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 property is not a regionally strategic land unit.

6.1.p. The policies, principles and the planning and development norms and criteria set by the national and provincial government.

NDP 2030 and Western Cape PSDF 2014

The application automatically complies, as the proposal is within the ambit of the basket of rights for the property.

Western Cape Land Use Planning Guidelines for Rural Areas, March 2019

As a component of the roll out of the PSDF, the Western Cape rural areas guideline has been developed to support sustainable development in rural areas and to develop the rural economy while safeguarding areas of environmental sensitivity and agricultural significance.

The guidelines' chapter 10 provides standards for the provision of rural accommodation, which begins with the following introductory statement:

"Given the Western Cape's unique rural communities and landscapes, tourism offers exciting prospects to diversify and strengthen the rural economy. Accordingly, the WCG approach to Rural Accommodation, is to facilitate the provision of a variety of short term tourism accommodation across the rural landscape, that is in keeping with the local character"

The following is descriptive of the proposal's alignment with the guidelines:

- ☐ The development is not for conventional, alienable, units outside of the urban edge.
- ☐ The proposed accommodation caters for tourists on a smallholding on the urban fringe which:
 - provides for a range of opportunities, including different typologies, for tourists and visitors to experience the Western Cape's unique rural landscapes,
 - contribute towards the sustainability and well-being of the relevant areas where tourist accommodation is considered,
 - diversifies the farms income,
 - is appropriate for the context and visually discreet due to existing landscaping,
 - only caters for in-transit visitors (i.e., no permanent/long term rentals are permitted),
 - will not detract from the rural character of the area, nor the agricultural nature of the property, and

- does not impact on river systems or water resources (see applicability checklist response from DEADP).

6.1.q. Matters referred to in section 42 of the Spatial Planning and Land Use Management Act

42. (1) in considering and deciding an application a Municipal Planning Tribunal must –

(a) be guided by the development principle set out in Chapter 2;

(b) make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework; and

(c) take into account –

(i) the public interest;

(ii) the constitutional transformation imperatives and the related duties of the state

(v) the state and impact of engineering services, social infrastructure and open space requirements;

(vi) any factors that may be prescribed, including timeframes for making decisions.

Given the scale of the proposal, the only impact that it will have been positive by generating employment and revenue in the local economy while also ensuring the sustainability of the agricultural land unit, which use remains the dominant land use on the property.

(2) When considering an application affecting the environment, the MPT must ensure compliance with environmental legislation

The proposal does not impact the natural environment, as confirmed by the Department of Environmental Affairs and Development Planning letter in response to the applicability assessment.

Regarding the assessment of the deletion of **restrictive title deed conditions**, the following comments need to be made in relation to the decision criteria as set out in the Land Use Planning Act, no. 3 of 2014 ("the LUPA"):

The financial or other value of the rights in terms of the restrictive conditions enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as owner of a dominant tenement: The financial value is based in the ability of the owner to conduct the proposed activities on the land unit.

The personal benefits which will accrue to the holder of rights in terms of the restrictive conditions: The restrictive conditions protect the character of land adjacent to proclaimed provincial roads, which is also protected by the Municipal zoning scheme by-law.

The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive conditions if they are removed, suspended, or amended: The removal of the conditions will allow the person seeking their removal to develop tourist accommodation on the property which will diversify its income and assist its sustainability as an agricultural land unit.

The social benefit of the restrictive conditions remaining in place in their existing form: No social benefit exists, because the proposed development and its economic benefit cannot exist without their suspension.

The social benefit of the removal, suspension, or amendment of the restrictive conditions: Tourist accommodation in rural areas helps to sustain larger properties on the fringe but outside of urban areas that are well located. New accommodation establishments create jobs, entice tourists to spend money in the area (supporting other parts of the Municipal economy) and in doing so support the local rural economy.

Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights: The application is for suspension of the conditions, with consent of the competent authority, they will therefore not be entirely removed but will cease to apply for the purposes of this application.

Regarding the decision criteria set out in the **Spatial Planning and Land Use Management Act, no. 16 of 2013** it must be noted that the removal of the conditions will not deprive any person of property as contemplated in section 25 of the Constitution.

6.1.r. The principles referred to in Chapter VI of the Land Use Planning Act

Section 7 of the Spatial Planning Land Use Management Act (SPLUMA) and section 59 of the Western Cape Land Use Planning Act (LUPA) prescribe five development or planning principles that all new development should consider, namely: spatial justice, spatial sustainability, efficiency, good governance, and spatial resilience. The proposed development contributes to these principles in the following ways:

- ☐ The principle of **spatial justice** is fulfilled through the creation of jobs that otherwise would not exist.
- ☐ The proposal is **spatially sustainable** as it results in the sustainability of an existing agricultural land unit which retains its dominant agricultural use.
- ☐ It is **efficient** in that it offers a supplementary use to the existing agricultural land use.
- ☐ **Resilience** is promoted by permitting a variety of land uses under the basket of rights contained in the agricultural and rural zone.
- ☐ **Good administration** is a function of government, fulfilled by the decision maker considering policy and forward planning vehicles to guide sustainable development.

6.1.s. The applicable provisions of the zoning scheme

A total of 13 bedrooms is proposed, which exceeds the additional use rights (7 bedrooms or 14 people) of the zone, and therefore, a consent use for **tourist accommodation establishment** is required.

The Stellenbosch Zoning Scheme by-law, 2019 defines a **tourist accommodation establishment** as, “an enterprise which provides the accommodation for transient guests which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities...”

The proposal satisfies the various circumstances under which the definition above is framed, as follows:

- i) The proposal has an **informal, clustered layout which takes cognisance of the natural features of the site**,
- ii) Consists of a combination of catered and self-catered units, depending on the needs of the guests,
- iii) Does not contain **tourist facilities** that require further consent of the Municipality.
- iv) Is not a **hotel**.

No regulation departures are required as a result of the proposed tourist accommodation establishment. An analysis of the zoning rules of the agricultural and rural zone follows:

Table 2: Development Rules of the Agricultural and Rural Zone

Regulation	Compliance statement
Item 202(1) coverage of any one agricultural building <2000m ²	Coverage of any one agricultural building is less than 2000m ²
Item 208(3) Section 213 of the Zoning Scheme By-law, 2019, lists certain requirements that are specific to consent uses in the agricultural and rural zone .	See table 3.
Item 214(1) Building development parameters	
Second Dwelling (primary use) and Tourist Accommodation (consent use)	
Street and common building line: 5m	<div>Existing converted main dwelling: ±13,1m (street boundary)</div> <div>Laundry and staff quarters: ±9,4m (street) and ±6m (common)</div> <div>Existing 2-bed cottage (northeast): ±2,238m (common) DEPARTURE</div> <div>Existing 1 bedroom cottage (northwest): ±31,2m (northwestern common)</div> <div>New Second Dwelling: ±31,4m (northwestern common)</div> <div>Existing 3-bedroom cottage (southeast): ±2,65m (existing structure, deemed approved and no departure required)</div>

Height: 2 storeys	2 storeys
Second dwelling coverage: 600m ²	650m ² DEPARTURE
Consent use accommodation coverage: as approved by Municipality	1053,5m ² (all guest accommodation) 313,3m ² (new laundry, staff accommodation and pool house) Total: 1366,8m²
Other Agricultural Buildings	
Street and common building line: 5m	New store & garage: 5m Existing stables, barn: ±3m (existing structure, deemed approved and no departure required)

Table 3: Consent use regulations

Regulation	Compliance statement
213. (1) Prior to approving a consent use application for the conversion of any existing buildings on a land unit in this zone, the Municipality shall require a site development plan to be submitted in accordance with the requirements in section 216.	An SDP is submitted for approval.
213. (2) When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farmland for agriculture.	The property remains in use for predominantly equestrian purposes, in accordance with the zoning. Should the consent use cease to exist on the property, the land would not have been altered so that an entirely agricultural use could continue.
213. (3) The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.	The built form will resemble the surrounding building typologies and don't dominate the overall agricultural character of the land unit.
213. (4) A consent use application for an abattoir, airstrip, meeting facilities associated with a guest house, day care centre, helicopter landing pad, hotel, outdoor sport, tourist accommodation establishment and tourist facilities which exceed the threshold may only be approved if the Municipality is satisfied that the use is subservient to the primary use of bona fide agriculture or natural environment or combination of these two primary uses.	The overall coverage of the tourist accommodation establishment is ±1358m ² (±2% of the total land unit) and therefore, the agricultural land use remains dominant.
213. (5) These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.	The dominant land use remains agricultural, a total coverage of ±1358m ² (±2% of the total land unit) is proposed for the non-agricultural land uses.
213. (6) If agriculture or natural environment use is not conducted from the farm, or if agriculture or natural environment use ceases to be practiced on the land unit, a rezoning is required before non-agricultural consent uses may be exercised.	Agricultural activity is conducted and will continue to be conducted from the farm portion.
213. (7) As far as possible, the consent uses should be undertaken from existing buildings on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.	Three existing buildings are to be used for the tourist accommodation establishment and four smaller cottages will be added.
213. (8) New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of	No other buildings other than a barn and stables exist, and these are utilised as a part of the existing agricultural use.

existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.	
213. (9) The coverage or floor area of each approved consent use on the land unit shall be recorded on the farm site development plan, and the Municipality may limit the floor area or coverage of each particular land use or the total floor area or coverage that may be used for consent uses.	The coverage of the consent use is indicated on the proposed Site Development Plan.

Table 4: Development parameters applicable to all zones

Regulation	Compliance statement
Item 22(1) Access: Vehicular and pedestrian access to a land unit shall be to the satisfaction of the Municipality.	Access remains per the existing access on the property.
Item 33(1) Off Street parking requirements New Second Dwelling: 2 bays (>2 bedrooms) Tourist Accommodation 0,7 bays per bedroom (2,1 bays for existing 3-bed dwelling) 1 bay per self-catering unit (7 bays) Total required: 10 bays	2 bays (in garage) 3 bays 8 bays Total provided: 11 bays

8. CONCLUSION

A consent use for a *tourist accommodation establishment* is proposed which will ensure the sustainability of an existing agricultural land unit which retains a dominant agricultural use., i.e. only 2% of the land area is utilised by the consent use and ancillary uses.

Only nominal building line and coverage departures are required, the former for an existing cottage and the latter for the new second dwelling which does not impact any neighbours.

The proposal is consistent with policy and forward planning for the Municipality, will contribute to job creation and bolster the Municipality's tourism economy.

[illegible]

3. 3 BEDROOM MAIN HOUSE converted to tourist accommodation 453.4 SQM (basement 117 sqm)
4. REVAMPED 1 BEDROOM COTTAGE 29.5 SQM
5. REVAMPED 2 BEDROOM COTTAGE 100.8 SQM
6. REVAMPED 3 BEDROOM COTTAGE 183 SQM
7. 3 X NEW ONE BEDROOM COTTAGES (71.7 sqm each) 266.8 SQM
8. NEW LAUNDRY 24.3 SQM
9. NEW STAFF ACCOMMODATION 60 SQM
10. NEW POOL HOUSE WITH ABLUTION 220 SQM
TOTAL 1357.8 SQM

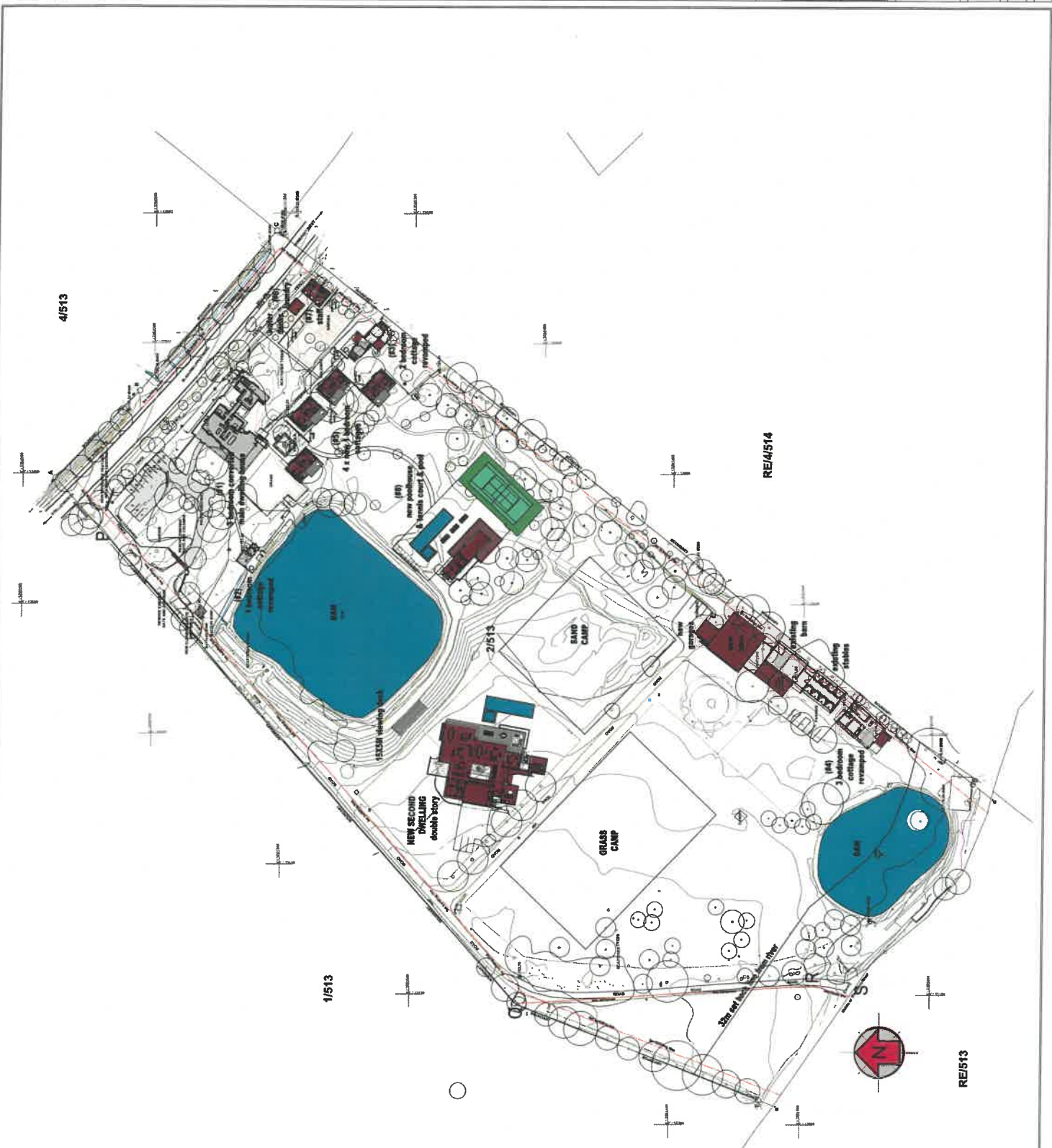


GLA

ELACAP 800-1

SITE DEVELOPMENT ON
FARM 513/2
STELLENBOSCH

SITE DEVELOPMENT PLAN

[illegible]

SITE PLAN
Scale 1:500