

**STELLENBOSCH**

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**NOTICE OF MUNICIPAL PLANNING  
TRIBUNAL MEETING  
OF STELLENBOSCH MUNICIPALITY  
FRIDAY, 2024-10-25 FROM  
10:00-15:00**



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**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING  
OF STELLENBOSCH MUNICIPALITY  
FRIDAY, 2024-10-25 FROM 10:00-15:00**

**Ref. no. 3/4/5/2/40**

**2024-10-25**

**Chairperson**

Mrs H Crooijmans-Lemmer

**Deputy-Chairperson**

Mr P Van Zyl

**External Members**

Mrs C Havenga

Mr D Leo

Mr S Boshoff

**Internal Members**

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

Mrs M Francis: Senior Manager - Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services

**Technical Advisor**

Mr K Munro - Director Environmental & Spatial Planning: Department of Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2023), of the Municipal Planning Tribunal Meeting which will be held at the **Stellenbosch Council Chambers, Stellenbosch Municipality, Plein Street, Stellenbosch** on **FRIDAY, 2024-10-25** from 10h00-15:00 to consider the items on the Agenda.*

Mrs H Crooijmans-Lemmer

**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



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**MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 24 MAY 2024**

1. **MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING**

**HELD ON FRIDAY, 24<sup>TH</sup> OF MAY 2024 AT THE STELLENBOSCH COUNCIL CHAMBERS,  
STELLENBOSCH FROM 10H00-15H00**

**Ref. no. 3/4/5/2/40**

**2024-05-24**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

Mrs T Leibrandt - Acting Senior Manager: Community Services

Technical Advisor

Mr K Munro: Director Development Management, Department Environmental Affairs and Development Planning.

Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

Ms B Zondo: Senior Town Planner

Ms O Sims: Administrative Officer

Mr T King: Manager - Infrastructure Planning, Development, and Implementation

Attendee

Mrs C Maasdorp



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 24 MAY 2024

| ITEM                      | SUBJECT                                                                                                                                 |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>SMPT<br/>01/005/24</b> | <b>OPENING AND WELCOME</b>                                                                                                              |
|                           | Chairperson Crooijmans-Lemmer welcomed all present. The Chairperson also welcomed Mrs Maasdorp who attended the meeting as an observer. |

|                           |                                   |
|---------------------------|-----------------------------------|
| <b>SMPT<br/>02/005/24</b> | <b>LEAVE OF ABSENCE</b>           |
|                           | Mrs M Francis<br>Mr van der Merwe |

|                           |                                |
|---------------------------|--------------------------------|
| <b>SMPT<br/>03/005/24</b> | <b>DISCLOSURE OF INTERESTS</b> |
|                           | None received                  |

|                           |                                                            |
|---------------------------|------------------------------------------------------------|
| <b>SMPT<br/>04/005/24</b> | <b>MINUTES OF THE PREVIOUS MEETING DATED 20 MARCH 2024</b> |
|                           | The minutes of the previous meeting was noted.             |

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           | <b>MATTERS FOR CONSIDERATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>SMPT<br/>05/005/24</b> | <b>APPLICATION FOR REZONING ON ERF 2529 STELLENBOSCH (LU/15828)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                           | <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>a. Chairperson Crooijmans-Lemmer handed over to Ms Zondo to give a brief introduction of the application that served before the Tribunal.</li> <li>b. Members noted the contradiction on the title deed and the conveyancer certificate, but clarity was given.</li> <li>c. Mr Boshoff noted the concern regarding the history of this site and that it was not addressed in the report, and it was agreed by members that a more complex planning process must be followed</li> </ul> |

in considering the redevelopment of the public land holdings in this area.

**UNANIMOUSLY RESOLVED:**

1. That the application made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2529 Stellenbosch for the Rezoning in terms of Section 15 (2)(a) of the said by-law, from Public Open Space Zone to Public Roads and Parking Zone for the purposes of a new public parking area.

**BE REFUSED** in terms of Section 60 of the said Bylaw.

**2. Reasons for the above decision:**

- 2.1 The proposal will negatively affect the provision of much needed space for recreation in the area as open spaces are limited on already developed properties due to an increase in density.
- 2.2 Lack of recognition that the subject property forms part of Die Vlakte and thus affects spatial justice.
- 2.3 Insufficient motivation for the need for parking in this part of the town.
- 2.4 Lack of an overall development plan for the area that defines the development potential of the site.
- 2.5 The SDF promotes a people-oriented development and an NMT focus away from car-centric development.

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>SMPT<br/>06/005/24</b></p> | <p><b>APPLICATION FOR REZONING AND CONSOLIDATION ON ERF 2540 &amp; 2539 STELLENBOSCH (LU/14500)</b></p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>a. Chairperson Crooijmans-Lemmer handed over to Ms Zondo to give a brief introduction of the application that served before the Tribunal.</li> <li>b. Members noted the contradiction on the title deed and the conveyancer certificate, but clarity was given.</li> <li>c. Mr Boshoff noted as in the case of Erf 2529 the concern regarding the history of this site and that it was not addressed in the report, and it was agreed by members that a more complex planning process must be followed in considering the redevelopment of the public land holdings in this area.</li> <li>d. The value of the open space to be rezoned to public open space was discussed and the merits regarding the utilisation and redevelopment of open space on the site were discussed.</li> <li>e. A discussion followed regarding the temporary use of the site for parking purpose to allow an opportunity for integrated planning.</li> <li>f. Comments were made in relation to parking in general and the lack of clarity about the overall planning from a municipal perspective on this aspect.</li> </ul> <p><b>UNANIMOUSLY RESOLVED:</b></p> <ul style="list-style-type: none"> <li>1. That the application made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2540 &amp; 2539 Stellenbosch for the following: <ul style="list-style-type: none"> <li>a) <b>Rezoning</b> in terms of Section 15 (2)(a) of the said by-law, from Public Open Space Zone to Public Roads and Parking Zone in order to regularize the existing parking area.</li> <li>b) <b>Consolidation</b> in terms of Section 15 (2) (e) of the said by-law, to consolidate Erf 2540 (632.51 m<sup>2</sup>) with Erf 2539 (889.49 m<sup>2</sup>) to create Portion 1 (1522 m<sup>2</sup>).</li> </ul> </li> </ul> <p><b>BE REFUSED</b> in terms of Section 60 of the said bylaw.</p> <p><b>2. Reasons for the above decision:</b></p> <ul style="list-style-type: none"> <li>2.1 Lack of recognition that the subject property forms part of Die Vlakte and thus affects spatial justice.</li> </ul> |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           | <p>2.2 Insufficient motivation for the need of parking in this part of the town.</p> <p>2.3 Lack of an overall development plan for the area that defines the development potential of the site.</p> <p>2.4 The SDF promotes a people-orientated development and an NMT focus away from car centric development.</p> <p><b>3.</b> That the application in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2540 &amp; 2539 Stellenbosch for the Temporary Departure in terms of Section 15 (2) (c) of the said by-law for the purpose of formalising the use of the existing public parking area without compromising the reasons listed above.</p> <p><b>BE APPROVED</b> in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw:</p> <p><b>4. Conditions of Approval:</b></p> <p>4.1 The approval applies only to the proposed development and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.</p> <p>4.2 The approval is only valid for five (5) years from the date of final notification of approval.</p> <p><b>5. The reasons for the above decision are as follows:</b></p> <p>5.1 It will create a mechanism to allow the existing parking area to be permitted on the property for a period of five years.</p> <p>5.2 To provide opportunity to develop an integrated spatial plan for the precinct and to create a development proposal for these erven within context.</p> |
| <b>SMPT<br/>07/003/24</b> | <b>OTHER MATTERS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>7.1</b>                | <b>PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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**MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 24 MAY 2024**

|            |                                                                                                                                                                                                                                                                                                                                                                                   |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>7.2</b> | <b>APPEALS RECEIVED AGAINST MPT DECISIONS</b><br><br>1. APPLICATION FOR REZONING AND SUBDIVISION ON FARM 527/7 STELLENBOSCH FARMS - LU/15064<br><br>2. APPLICATION FOR CONSENT USE, DEPARTURE, & PERMISSION ON FARM 528/5 STELLENBOSCH DIVISION – LU/14500<br><br>3. APPLICATION FOR SUBDIVISION, CONSOLIDATION AND REZONING OF FARM 1041/27 AND FARM 1041/3, LA MOTTE - LU/14341 |
| <b>7.3</b> | <b>GENERAL</b>                                                                                                                                                                                                                                                                                                                                                                    |



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**Ms H Crooijmans-Lemmer**

**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



**Mr P van Zyl**

**DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



**APPLICATION FOR THE REZONING AND SUBDIVISION OF FARM 717/1, PAARL DIVISION FROM AGRICULTURAL ZONE I TO SUB DIVISIONAL AREA WITH A DEPARTURE AND CONSENT FOR WAREHOUSING AND TRANSPORT USAGE.**

| <b>CONTENT</b>                                                     |                    |
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| <b>ANNEXURE J:</b> Email Correspondence                            | <b>161-176</b>     |



# STELLENBOSCH

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT  
DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT

**PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2) OF THE  
STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW  
FOR THE REZONING AND SUBDIVISION OF FARM 717/1, PAARL DIVISION FROM  
AGRICULTURAL ZONE I TO SUB DIVISIONAL AREA WITH A DEPARTURE AND  
CONSENT FOR WAREHOUSING AND TRANSPORT USAGE.**

## APPLICATION DETAILS

|                              |                                        |                                                                |            |
|------------------------------|----------------------------------------|----------------------------------------------------------------|------------|
| <b>Application Reference</b> | LU/ 9820                               | <b>Commencement Date</b>                                       | 2019/06/24 |
| <b>Applicant</b>             | Virdus Works (Pty)Ltd<br>Dupré Lombard | <b>Last day for comments<br/>or additional<br/>information</b> | 2024/04/15 |
| <b>Farm No</b>               | 717/1                                  | <b>Place</b>                                                   | Klapmuts   |
| <b>Zoning</b>                | Agricultural and Rural<br>Zone         | <b>Other approvals</b>                                         | None       |

| <b>X</b> | <b>TYPE OF APPLICATION</b>                                                                                                                                                                                                         |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>X</b> | 15(2)(a) rezoning of land*                                                                                                                                                                                                         |
| <b>X</b> | 15(2)(b) a permanent departure from the development parameters of the zoning scheme                                                                                                                                                |
|          | 15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land                                                                  |
| <b>X</b> | 15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*                                                                                          |
|          | 15(2)(e) a consolidation of land that is not exempted in terms of section 24*                                                                                                                                                      |
|          | 15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*                                                                                                                                   |
|          | 15(2)(g) a permission required in terms of the zoning scheme                                                                                                                                                                       |
|          | 15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*                                                                                                                                    |
|          | 15(2)(i) an extension of the validity period of an approval                                                                                                                                                                        |
|          | 15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme                                                                                                                                                       |
|          | 15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*                                                                                                        |
|          | 15(2)(l) a permission required in terms of a condition of approval                                                                                                                                                                 |
|          | 15(2)(m) a determination of a zoning                                                                                                                                                                                               |
|          | 15(2)(n) a closure of a public place or part thereof                                                                                                                                                                               |
| <b>X</b> | 15(2)(o) a consent use contemplated in the zoning scheme                                                                                                                                                                           |
|          | 15(2)(p) to disestablish a homeowners' association                                                                                                                                                                                 |
|          | 15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services                                                                                       |
|          | 15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building |

## NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

The development entails the rezoning and subdivision of the subject property, to create a mixed-use development comprising Group Housing, Public Road, Industrial and Private Open Space land uses. Access to the subject property will be via the Groenfontein Road to the West, over the public road portions created over Erf 2183, Klappmuts and Farm 748/6 (Potbelly) to the R44. Further subdivision of the created portions will be applied for pending the outcome of the application under consideration.

Application under consideration as submitted in 2019 in terms of the previous zoning scheme (Section 8 Zoning Scheme):

- 1) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated November 2023, **to rezone** Farm 717/1, Paarl Division from **Agricultural Zone I** to **sub divisional area**, in order to accommodate a mixed-use development comprising the following zonings:
  - Residential Zone II ( $\pm 0.75\text{ha}$ )
  - Transport Zone II ( $\pm 0.0466\text{ha}$ )
  - Industrial Zone I ( $\pm 5.39\text{ha}$ )
  - Open Space Zone II ( $\pm 1.13\text{ha}$ ),
- 2) Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law dated November 2023, for the **subdivision** of Farm 717/1, Paarl Division into:
  - **Portion A** measuring  $\pm 0.75\text{ha}$  for Group Housing purposes.
  - **Portion B** measuring  $\pm 0.0466\text{ha}$  for Public Road purposes.
  - **Remainder Portion** consisting of  $\pm 5.39\text{ha}$  for **Industrial** and  $\pm 1.13\text{ha}$  of **Private Open Space** purposes.
- 3) Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated November 2023, for **the following departures**:
  - 3.1 Density: as laid down by the council up to a maximum of twenty units per gross hectare or a 3:7 ratio with regard to the gross density of surrounding dwelling units, whichever permits smaller number of units is required, **with a density of only 25 units / hectare being applied for.**
  - 3.2 Communal open space of at least  $80\text{m}^2$  per dwelling unit is required, **with a maximum of  $30\text{m}^2$  of communal open space being applied for.**
  - 3.3 Private outdoor space required, at least 40% of the gross floor space of the unit concerned, in a form which shall not exceed a ratio of 2:1 (length to width) is required, **with a maximum of 20% private outdoor space being applied for with no form ratio limitation.**
- 4) Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law dated November 2023, for **a Consent Use** in order to accommodate warehousing as well as transport usage under the proposed zoning of Industrial Zone I.





### Background:

The subject property is located in an area referred to as Groenfontein and is located approximately 1,5 km south of the centre of Klapmuts CBD and is within the urban edge of Klapmuts. The property is currently zoned for Agricultural purposes but is not an active agricultural entity.

As mentioned above, the proposal under consideration is for a mixed-use development comprised of the following land uses: residential in the form of group housing with various departures, a portion of public road, with the remainder being light industrial with consent use for warehousing and transport purposes, together with a central private open space which forms part / is linked to the existing river corridor.

The applicant initially also included a subdivision plan for the industrial component measuring 1.77ha, located on the eastern side of the river / adjoining the R44 which would provide the adjoining property, Farm 749, with a "link road" to the R44 and the Groenfontein Road, as currently Farm 749 is land locked.

In May 2024 the applicant submitted a revised subdivision plan *that exclude the previously mentioned subdivision proposal* for the industrial portion of the subject property as mentioned above. The revised application now proposes the subdivision and rezoning of the subject property as initially submitted with the inclusion of the two link roads as future public road portion. The future 16-meter-wide road portions, indicated on the *Subdivision and Zoning Plan* attached as **Annexure B**, does not form part of the application under consideration and according to the applicant will be formalized pending the outcome of the application under consideration and once the exact position of both the future road portions has been determined after discussions with the adjoining property owner Farm 749. These road will / can thus be formalized through the submission of an exemption application.

### Summary of motivation for the deviation from the SDP "Site Specific motivation"

The applicant has provided a detailed Site-Specific motivation which is attached as **Annexure D** of this report, as a portion of the subject property is indicated as open space / green area in the 2019 & 2023 SDF.



**Extract of SDF**

- Formal objection to development is based on inconsistency with the SDF; however, the Manager's recommendation for residential use suggests a potential departure from open space requirement.
- The Planning Directorate supports rezoning for industrial use on the eastern side but recommends retaining the western side as open space, while also supporting residential development regardless of SDF designation.
- The Planning Directorate previously indicated support for industrial development on the western side, as recorded in pre-application consultation minutes.
- The only objection to industrial use on the western side comes from the Manager, citing SDF inconsistency; however, the Manager acknowledges potential for urban development on the land designated as open space.
- Consistency with the SDF requires retaining the land as open space, but the Municipality has approved SDF deviations for urban development on various properties.
- The Municipality lacks resources and need for large open spaces in Klapmuts, where development land is in high demand.
- Open space is often informally occupied for livestock or settlement, rather than for intended recreational or biodiversity purposes.
- The property has faced attempts at informal settlement, necessitating security measures, indicating that the open space designation is not appropriate.
- Property is within the urban edge, near a new access road, 500 meters from state-subsidized housing, and 1,000 meters from Klapmuts CBD.
- Strong arguments exist for industrial use due to future traffic from a proposed municipal link road, which will serve high volumes of traffic and public transport.
- Current and future demand in the area is for industrial land, with no available industrial properties, while many residential erven remain undeveloped.
- The SDF emphasizes supporting Klapmuts' economic development and job creation, advocating for balanced SDF departures.
- Proposed industrial development will not negatively impact residential areas, as commercial traffic won't traverse them.
- Accessibility is crucial for successful industrial parks; the development will create a local corridor linking major roads.
- The development could enhance community wellbeing and property values while improving access to economic opportunities.
- Residential alternatives rely on state subsidies and do not address employment needs.
- Industrial development offers private investment potential, aligning with SDF goals for a balanced urban area.
- Strict adherence to open space designation is deemed non-beneficial; previous decisions support industrial use.
- High demand for employment and industrial land in Klapmuts makes it strategically important to pursue such developments.

#### Summary of applicants Motivation

(Applicants motivation is attached as **Annexure C**)

- It entails the rezoning to subdivisinal area of the entire property to create the proposed three use areas, with access via an internal road with a turning circle as and where required depending on the demand for buildings / sites.
- Further internal subdivisions will occur later after the conclusion of the rezoning process.
- The river course will be retained as an open space as determined by the environmental authorization application process which includes development within 32m of the water course.
- The western most corner abutting the current informal settlement, approximately 7 000 m<sup>2</sup>, will be retained for middle income housing (25 to 30 group housing or dwelling units).
- On the western side of the river approximately 22 000m<sup>2</sup> of mixed-use development, focused on light industrial/ warehousing with erven between 2 000m<sup>2</sup> and 4 000m<sup>2</sup> and on the eastern side of the river approximately 20 000m<sup>2</sup> of warehousing with consent and manufacturing on erven ranging between 1000m<sup>2</sup> and 10 000m<sup>2</sup>.

- There are no buildings or structures on the property and only one badly damaged off-stream storage dam, previously used for irrigation purposes.
- The property is currently land locked and will be reliant on the access roads created from the Groenfontein Road across Erf 2813 and from the R44 across Farm 748/6.

| ASSESSMENT CHECKLIST                             |     |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------|-----|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CONSIDERATION CRITERIA                           | YES | NO | Comments, if any (Very briefly - this is a checklist to showcase that you did consider all the relevant matters.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Accurate public participation processed followed | X   |    | <p>The application was advertised in the press and to the affected / interested property owners circulated to the relevant internal and external departments and the following departments provided comment:</p> <p>The Neighbour Farm No. 749, Heen-en-weer. <u>Supports the proposed development</u> but requires an access road to unlock the land which was landlocked due to a previous approval granted by the Municipality subject to conditions that were not implemented.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Conditions imposed by departments                | X   |    | <p>The application was advertised in the press and circulated to the relevant internal and external departments and the following departments provided comment:</p> <ul style="list-style-type: none"> <li>• <b>Directorate Infrastructure Services:</b> Engineering Services recommended the application for approval subject to certain conditions (See Annexure E)</li> <li>• <b>Manager: Spatial Planning:</b> Supports the proposal with certain conditions (See Annexure E)</li> <li>• <b>Department: Transport &amp; Public Works:</b> Has no objection to the proposal subject to certain conditions (See Annexure F)</li> <li>• <b>Heritage Western Cape:</b> Has no objection to the proposal subject to certain conditions (See Annexure F)</li> <li>• <b>Department of Environmental Affairs and Development Planning:</b> Has no objection to the proposal subject to certain conditions (See Annexure F)</li> <li>• <b>Western Cape Government Agriculture (Elsenburg):</b> Has no objection to the proposal. (See Annexure F)</li> </ul> |
| DC's applicable                                  | X   |    | DC's are applicable as noted in the <b>Directorate Infrastructure Services:</b> Engineering Services conditional support. (See Annexure E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                          |   |                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Objections / Comments received                                                                                                     | X                                                                                                                                                                                                                                                                                                                                                                                                                                        |   | The Neighbour Farm No. 749, Heen-en-weer. Supports the proposed development but requires an access road to unlock their property, which is landlocked due to a previous approval granted by the Municipality.<br>(See Annexure G) |
| Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65 |                                                                                                                                                                                                                                                                                                                                                                                                                                          | X | Proposal is not compliant with SDP as approved in 2019 and 2023 notwithstanding the fact that the subject property is within the urban edge. As result a Site-Specific motivation has been submitted for consideration.           |
| <b>DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW</b>                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                          |   |                                                                                                                                                                                                                                   |
| Socio-economic impact                                                                                                              | The proposal would have a positive impact on the existing socio-economic conditions of the community as a number short- and long-term employment opportunities would become available should the proposal be supported.                                                                                                                                                                                                                  |   |                                                                                                                                                                                                                                   |
| Compatibility with surrounding uses                                                                                                | The proposed land uses are compatible with the existing land uses found in the surrounding area, but the inclusion of private open space and industrial uses on the western side of the river would have a negative impact on the existing green belt which has been created as a public place and a natural buffer between the industrial and residential areas.                                                                        |   |                                                                                                                                                                                                                                   |
| Impact on the external engineering services                                                                                        | The proposal is supported by the Directorate Infrastructure Services with specific conditions.                                                                                                                                                                                                                                                                                                                                           |   |                                                                                                                                                                                                                                   |
| Impact on safety, health and wellbeing of the surrounding community                                                                | The proposal could have a positive impact on the existing community should the residential and industrial land uses have been separated by the greenbelt. The proposal as submitted would create employment opportunities but would also have a negative impact on the residents of the proposed group housing portion as there would be no buffer to reduce any impact that the industrial activities would have on their surroundings. |   |                                                                                                                                                                                                                                   |
| Impact on heritage                                                                                                                 | This aspect was addressed during the EIA process.                                                                                                                                                                                                                                                                                                                                                                                        |   |                                                                                                                                                                                                                                   |
| Impact on the biophysical environment                                                                                              | This aspect was addressed during the EIA process.                                                                                                                                                                                                                                                                                                                                                                                        |   |                                                                                                                                                                                                                                   |
| Traffic impacts, parking, access and other transport related considerations                                                        | The applicant's plan to position an industrial activity adjacent to a residential property, without any buffer, would lead to negative impacts on the neighboring residents due to noise from heavy vehicles using the facilities or operating on-site 24/7.                                                                                                                                                                             |   |                                                                                                                                                                                                                                   |
| Whether the imposition of conditions can mitigate any adverse impact of the proposed use or development of land                    | Any conditions imposed would not effectively mitigate the negative impact of the proposed industrial component on the surrounding residential properties located on the western side of the river, given the industrial component's proximity to both existing and planned residential area.                                                                                                                                             |   |                                                                                                                                                                                                                                   |



## PLANNING EVALUATION AND KEY FINDINGS OF PLANNING EVALUATION

The initial application submitted by the applicant sought to rezone the property to subdivisational area and subdivide the property into three sections, one of which was designated for public road purposes. Following discussions with the Directorate Infrastructure, the applicant was requested to include a link road over the property that would connect Groenfontein Road with the R44 via adjacent erven (Erf 2183 and Farm 748/6 Potbelly). The applicant was also requested to provide access to Farm 749 via a second link road over the subject property, as Farm 749 is currently landlocked, and this would provide the landlocked property with an access point.

Initially the applicant agreed to the request and provided the Directorate Infrastructure Services with a revised subdivision proposal that addressed the concerns regarding the two 16m wide access roads. The applicant later indicated via email that the revised subdivision proposal that included the 16m wide access roads, would not be included in the land use application under consideration and that the application under consideration now solely concerns the rezoning of the subject property to subdivisational area and the subdivision of the subject property into three components to facilitate a mixed-use development comprising Group Housing, Public Road, Industrial, and Private Open Space uses, with two future road portions being indicated on the Subdivision and Zoning Plan.

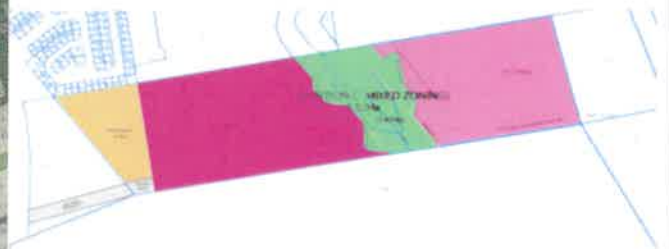
The two 16-meter-wide road segments shown on the Subdivision and Zoning Plan are deemed essential link roads by the Directorate Infrastructure Services and the Provincial Roads Engineer's, as formalizing these roads are necessary to help keep traffic volumes at the Stellengate Boulevard and R44 intersection low and ensure that Farm 749 has access without directly affecting the R44.

The proposal deviates from the 2019 & 2023 SDF guidelines, which indicates the western portion of the site for open area purposes/ green area which should be retained. The deviation from the SDF is supported if the area of the property located on the western side of the Klapmuts river is developed for residential purposes only in line with the existing development rights on the surrounding properties located within the urban edge.

The Planning Directorate does not support the rezoning proposal as submitted, as an industrial area is proposed on the western side of the private open space area / Klapmuts river which is seen to be a natural barrier between the residential / group housing component and the industrial properties.



**Zoning Plan**



**Zoning & Subdivision Plan**

The location and width of the green belt which has been determined by the 1:50 flood line will ensure that the industrial activities have minimal impact on the residential component if these two land uses are separated by the "green belt", which would not be the case in the application under consideration. The application under consideration would result in the green belt / open space area not being accessible to the surrounding residents as it currently forms part of the industrial component of the application. The future road portions do not form part of the application under consideration and thus the application is seen to be not compliant with the minimal requirements applicable to an application for a rezoning to subdivisinal area in terms of section 17(8) of the Stellenbosch-Municipal-Land-Use-By-Law-2023, as the current proposal does not include the main transport routes / the link road over the property that would connect the Groenfontein Road with the R44 via the adjacent properties (Erf 2183 and Farm 748/6 Potbelly), as this road, forms part of the Municipalities Roads Master plan for the Klapmuts area.

The consent uses and departure applications applied for cannot be considered at this stage as the zoning component of the application in its current format is not supported. This portion of the land use application can be considered later with the submission of the revised application.

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

- 1) The applicant has submitted a "Site-Specific" motivation to justify the deviation from the MSDF to allow the proposed alternative land uses and has emphasizes that the proposed land uses are not out of character with the existing surrounding land uses.
- 2) The Industrial land use proposed on the western side of the river are not supported by the Planning Directorate as the river corridor / green belt is seen to be a natural boundary / buffer between the Industrial and Residential land uses as noted by the land uses indicated on the zoning plan inserted above in the report. (Annexure A)
- 3) The "16m wide future road" connecting Groenfontein Road, over Erf 2183 and Farm 748/6 (Potbelly), to the R44, forms part of the Municipal Roads Master Plan for the Klapmuts area and should have been included in the land use application under consideration and not been subject to future approvals.
- 4) The concerns raised in the letter of conditional support from the adjoining property owner Farm 749, were informally addressed by the applicant as the concerns noted in the objection will only be addressed as part of future subdivision applications / approvals.
- 5) The land Use Section has engaged with the applicant / owners to amend the land use application in line with the comments received from the Spatial Section and the applicant / owners have indicated that they are not prepared to amend the application to accommodate the application in line with the comments received.
- 6) The application under consideration does not comply with the minimal requirements applicable to an application for a rezoning to subdivisinal area.

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| List relevant plan numbers | Subdivision and Zoning Plan. Plan Rev 14 - dated: 12 April 2024<br><b>(Annexure B)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| List annexures to decision | <b>ANNEXURE A:</b> Locality Plan.<br><b>ANNEXURE B:</b> Subdivision and Zoning Plan.<br><b>ANNEXURE C:</b> Applicant's Motivation & related Correspondence.<br><b>ANNEXURE D:</b> Applicant's "Site Specific Motivation"<br><b>ANNEXURE E:</b> Comments from Internal Departments.<br><b>ANNEXURE F:</b> Comments from External Departments.<br><b>ANNEXURE G:</b> Comments from Adjoining Neighbor.<br><b>ANNEXURE H:</b> Portfolio of Evidence.<br><b>ANNEXURE I:</b> Extract of 2023 MSDF.<br><b>ANNEXURE J:</b> Email Correspondence. |

**ASSESSMENT RECOMMENDATION BY TOWN PLANNER**

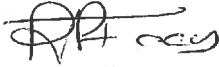
The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

**Name:** R P Faay

**Capacity:** Senior Town Planner

**SACPLAN Registration:**

**Signature:**



**Date:**

10-10-2024

**REVIEW OF ASSESSMENT AND RECOMMENDATION**

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

**Category / Delegation Item Number:** A.b.4; B.4; D.b.4; G.4

**Decision Making Authority:** SMPT

**Rational:** Site Specific Circumstances with Justifiable Inconsistencies.

**Name:** Chrizelle Kriel

**Capacity:** MUM

**SACPLAN Registration:** A212110

**Signature:**



**Date:**

10-10-2024

**MPT ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT****Administrator to Stellenbosch Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

**Date:** 25 October 2024

**Name:**

Chrizelle Kriel

**Capacity:**

MUM

**Signature:**



**Date:**

10-10-2024



# STELLENBOSCH

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## DECISION

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm 717/1 Klapmuts, namely:
  - 1.1 The **rezoning** of Farm 717/1, Paarl Division from **Agricultural Zone I** to **Sub Divisional Area**, in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated Junie 2023 in order to accommodate a mixed-use development comprising the following zonings:
    - Residential Zone II ( $\pm 0.75$ ha)
    - Transport Zone II ( $\pm 0.0466$ ha)
    - Industrial Zone I ( $\pm 5.39$ ha)
    - Open Space Zone II ( $\pm 1.13$ ha),
  - 1.2 The **Subdivision** of Farm 717/1, Paarl Division in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law dated Junie 2023, comprising the following portion:
    - **Portion A** measuring  $\pm 0.75$ ha for Group Housing purposes.
    - **Portion B** measuring  $\pm 0.0466$ ha for Public Road purposes.
    - **Remainder Portion** consisting of  $\pm 5.39$ ha for **Industrial** and  $\pm 1.13$ ha of **Private Open Space** purposes.
  - 1.3 **Departures** in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated Junie 2023, for the following:
    - 1.3.1 Density: as laid down by the council up to a maximum of twenty units per gross hectare or a 3:7 ratio with regard to the gross density of surrounding dwelling units, whichever permits smaller number of units is required, **with a density of only 25 units / hectare being applied for.**
    - 1.3.2 Communal open space of at least 80m<sup>2</sup> per dwelling unit is required, **with a maximum of 30m<sup>2</sup> of communal open space being applied for.**
    - 1.3.3 Private outdoor space required, at least 40% of the gross floor space of the unit concerned, in a form which shall not exceed a ratio of 2:1 (length to width) is required, **with a maximum of 20% private outdoor space being applied for with no form ratio limitation.**
  - 1.4 **Consent use** in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law dated Junie 2023, in order to accommodate warehousing as well as transport usage under the proposed zoning of Industrial Zone I.

**BE REFUSED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.



2. The **reasons** for the above decision are as follows:
  - 2.1. The Industrial land use proposed on the western side of the river are not supported as the river corridor / green belt is seen to be a natural boundary / buffer between the Industrial and Residential land uses.
  - 2.2. The main transport routes that form part of the subject property and that are required in terms of the Municipal Roads Master Plan for the Klapmuts area, are not included in the application under consideration.
  - 2.3. The application under consideration does not comply with the minimal requirements applicable to an application for a rezoning to subdivisional area.



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## **ANNEXURE A**



## LOCALITY AND ZONING PLAN

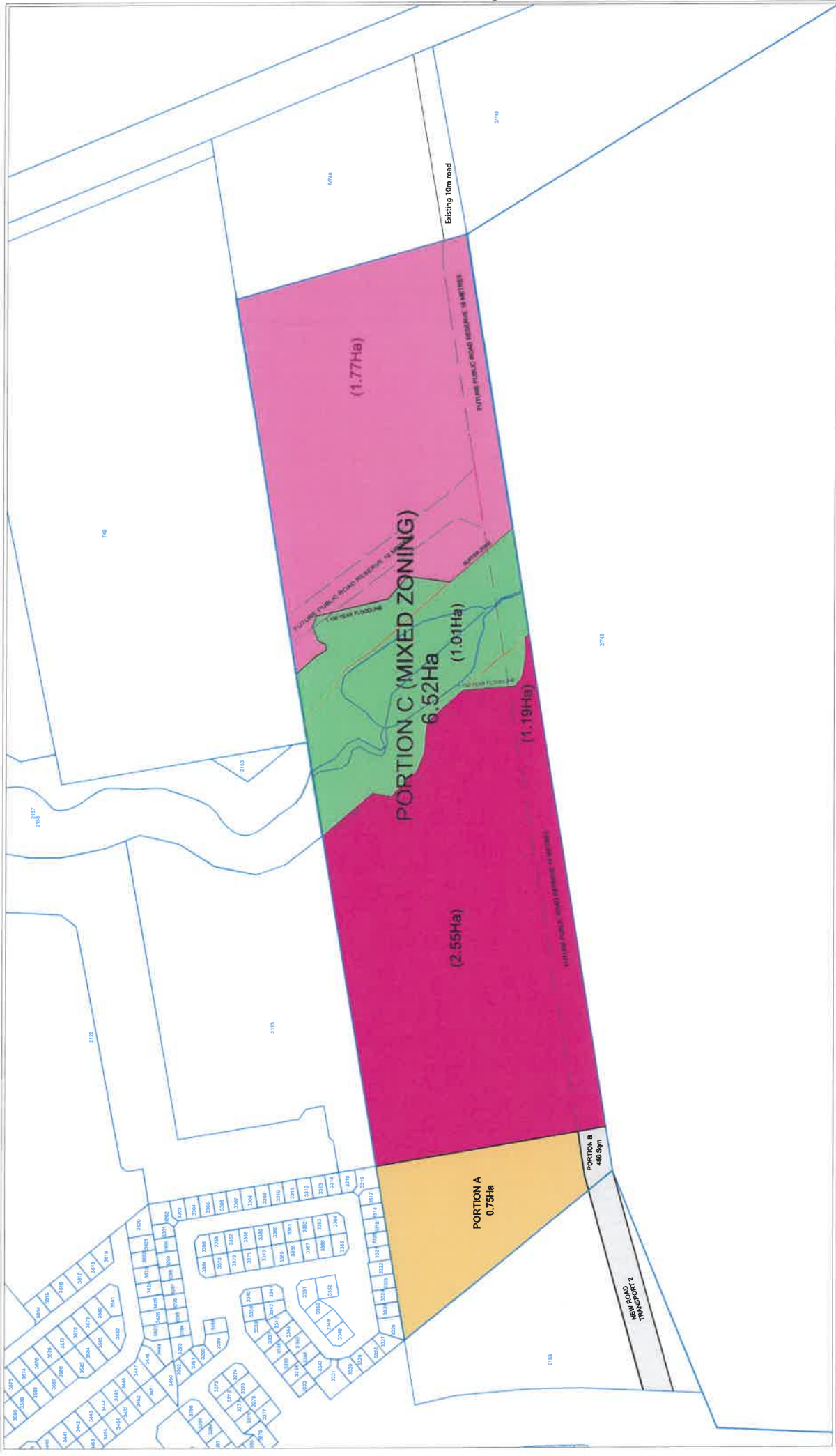






## **ANNEXURE B**





| Designation              |  |  |  | Zoning                                             |  |  |  | Use                                                |  |  |  | Number of future erven |  |  |  | Area (m²) |  |  |  | Percentage (%) |  |  |  |
|--------------------------|--|--|--|----------------------------------------------------|--|--|--|----------------------------------------------------|--|--|--|------------------------|--|--|--|-----------|--|--|--|----------------|--|--|--|
| Utility Services Zone    |  |  |  | Public and private road / transport facilities     |  |  |  | Public and private road / transport facilities     |  |  |  | 1                      |  |  |  | 466       |  |  |  | 1              |  |  |  |
| Industrial Zone          |  |  |  | Manufacturing / Industry / Business facilities     |  |  |  | Manufacturing / Industry / Business facilities     |  |  |  | 3                      |  |  |  | 53909     |  |  |  | 74             |  |  |  |
| Conventional Residential |  |  |  | Group Housing / Serviced by internal private roads |  |  |  | Group Housing / Serviced by internal private roads |  |  |  | 30                     |  |  |  | 7539      |  |  |  | 10             |  |  |  |
| Private Open Space       |  |  |  | Private open space                                 |  |  |  | Private open space                                 |  |  |  | 1                      |  |  |  | 11302     |  |  |  | 15             |  |  |  |
|                          |  |  |  |                                                    |  |  |  |                                                    |  |  |  | 35                     |  |  |  | 72216     |  |  |  | 100            |  |  |  |

Drawn: PA717-1

Proposed Subdivision and Zoning

GROENFONTEIN FARM

PORTION 1 OF FARM No. 717

PAARL

PLAN\_REV14

Client

Revisions

Date

Scale 1:1000 @ A1

Date: 12 April 2024

Contours: N/A

System: WG 19

TN

fbv

friedlaender burger & volkmann

Engineers, Architects, Planners, Surveyors, Valuers, Environmental Consultants, Project Managers, Quantity Surveyors, Cost Consultants, Real Estate Agents, and more.

10001 10002 10003 10004 10005 10006 10007 10008 10009 10010 10011 10012 10013 10014 10015 10016 10017 10018 10019 10020 10021 10022 10023 10024 10025 10026 10027 10028 10029 10030 10031 10032 10033 10034 10035 10036 10037 10038 10039 10040 10041 10042 10043 10044 10045 10046 10047 10048 10049 10050 10051 10052 10053 10054 10055 10056 10057 10058 10059 10060 10061 10062 10063 10064 10065 10066 10067 10068 10069 10070 10071 10072 10073 10074 10075 10076 10077 10078 10079 10080 10081 10082 10083 10084 10085 10086 10087 10088 10089 10090 10091 10092 10093 10094 10095 10096 10097 10098 10099 10100

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1. **Число:** 10  
 2. **Адрес:** 100000, Москва, ул. М. Горького, д. 10  
 3. **Телефон:** 123-45-6789  
 4. **Факс:** 987-65-4321  
 5. **Электронная почта:** info@company.ru  
 6. **Сайт:** www.company.ru  
 7. **Дата:** 10.10.2023  
 8. **Время:** 10:00  
 9. **Страница:** 1 из 1  
 10. **Версия:** 1.0

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Page 12

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PROPOSED LAND DEVELOPMENT PLAN  
GROENFONTEIN FARM  
PORTION 1 OF FARM 717  
PAARL

## Client

NT

Ref: PA457.1

[illegible]





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## **ANNEXURE C**

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**  
 Development Management Consultants and  
 Environmental Assessment Practitioners



12 July 2022

The Director: Infrastructure Services  
 Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599  
 Per: Lize-Mari.Visser@stellenbosch.gov.za

Dear Sir

**RECORD OF DISCUSSION REGARDING ENGINEERING COMMENT ON THE LAND DEVELOPMENT APPLICATION: PORTION 1 OF FARM NO. 717 PAARL RD AND ERF 2183, KLAPMUTS (LU9820 AND LU12469)**

Following receipt of the memorandum of comment on the proposed development (Ref. 2169 CIVIL LU, 7 June 2022, Farm 717-1, Klapmuts: Rezoning, Subdivision for Portion A: Residential Zone II, Portion B: Transport Zone I, Portion C: Industrial Zone I POS and Transport Zone II, from Manager: Development, Tyrone King), the Senior Town Planner: Land Use Management, Robert Fooy, advised by email on 23 June 2022 that the Manager: Development had amended the recommendation and advised that the application should not be approved, due to capacity constraints in the Klapmuts Waste Water Treatment Works.

We responded with an email dated 23 June 2022 to advise that we object to the email notice opposing the application:

*"We note the amended Infrastructure Services comment, and we will respond in more detail."*

*At this early stage we can only state that if the Municipality had indicated that there was no capacity at the commencement of the process, the client would not have spent hundreds of thousands of Rands on further studies, designs and reports. Moreover, the client would have insisted on the Municipality expropriating the land / servitude for the bulk water pipeline that was laid over the property, under what now seems to be false undertakings and representation by the officials.*

*The planning process was not delayed by the applicant, thus any excuse that the capacity that was available in 2020 had been awarded to other subsequent projects due to any uncertainty about the project would be disingenuous.*

*As stated above, we await instructions from the client, before responding formally and in more detail, but we are certainly going to insist on the Municipality's honouring of the capacity letter, bulk infrastructure capacity report and undertakings / representations regarding the installation of the bulk water pipeline."*

Subsequent thereto a meeting was requested with the Director, which meeting occurred today, 12 July 2022, of which this is a record.

The meeting was held virtually, and a full recording thereof was made by Ms Lizé-Mari Visser. It was attended by Messrs Deon Louw, Paul Joubert, Tyrone King, Leandro Hendriks, Piet van Blerk, Cobus van der Merwe and Dupré Lombaard.

Following a situation sketch and stating the objection in response to the notice of recommendation that the application not be approved, by Dupré Lombaard, Mr Deon Louw asked Mr Paul Joubert to comment on the situation. It was made abundantly clear that the Klapmuts WWTW does not have the capacity to accommodate any additional development inflows due to belt press and sludge management issues, which reduced the capacity to approximately 50% of the design capacity of 2,4ML/d. Upgrading and ongoing maintenance is budgeted, but cannot guarantee sufficient capacity for the project, in view of which alternatives need to be sought. One of the alternatives is for the development to be serviced with a temporary package plant until such time as it can connect to the sewerage system. Another alternative is to allocate capacity currently allocated to other major developments in the area to the project once the approval periods for the other developments lapse.

If a package plant is approved, the applicant will have to ensure it is fully authorised and compliant with all relevant legislation. The payment of development charges relating to wastewater treatment services might be postponed until such time as the development can connect to the system, i.e., might not be payable upon approval of the development while a package plant is in operation.

It was agreed that the Director will consider the alternatives and submit a fresh comment on the application to the Director: Planning and Development.

We trust the above correctly summarises the meeting and the situation and will lead to a favourable response to the application and consideration by the delegated decision-maker.

Yours faithfully



**DUPRÉ LOMBAARD**

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**  
 Development Management Consultants and  
 Environmental Assessment Practitioners



22 March 2024

The Director: Infrastructure Services  
 Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599  
 Per: johan.fullard@stellenbosch.gov.za

Dear Sir

**RECORD OF DISCUSSION REGARDING ENGINEERING COMMENT ON THE LAND DEVELOPMENT APPLICATION: PORTION 1 OF FARM NO. 717 PAARL RD AND ERF 2183, KLAPMUTS (LU9820 AND LU12469)**

Our letters of 12 July 2022 to the Director: Infrastructure Services, 06 May 2021 to the Director: Planning and Economic Development, and 12 December 2022 to InterActive Town & Regional Planning in response to the public notice regarding the land development application for Farm 749 refer.

The meeting with the Directorate held on 12 July 2022 and successive meetings and consultations regarding infrastructure services for the proposed development and access thereto further refer.

Certain proposals for access to the development were discussed recently by various parties, a record of which submitted to the applicant by email on 18 March 2024 through the traffic engineer for the project, Ms Yolandi Obermeyer. For ease of reference the proposals are inserted below.



The access to the proposed development on Portion 1 of Farm 717 and the neighbouring Farm 749 has been an issue for some time. Cadcor, the applicant for the development of Portion 1 of Farm 717,

cannot agree to any of the road subdivision proposals at this stage, other than as contained in the application as supplemented with the above-referred letter of 06 May 2021.

A road access to Farm 749 is essentially an external service for the property. External services are defined in the Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023 as follows: *"external engineering service" means an engineering service outside the boundaries of a land area referred to in an application and that is necessary for the utilisation and development of the land.* The developer of Farm 749 may install the external services<sup>1</sup> in terms of a services agreement<sup>2</sup> to be entered into with the Municipality, however no such agreement exists and if cannot be concluded prior to a decision on the land development application. Thus, the Municipality must take the responsibility for the establishment of the road access over the Cadcor property to Farm 749, for which purpose prior agreement is essential, keeping in mind that any plan for the subdivision of a road across Portion 1 of Farm 717 would compromise Cadcor's ability to plan and develop its land.

Only once approval for the proposed development of Portion 1 of Farm 717 has been given, then an access can be provided along a route, and on terms and conditions which will have to be mutually agreed between the parties, being the Municipality, the developer / owner of Farm 749 and Cadcor. Cadcor will have to be appropriately compensated for the provision of such access, as Cadcor is under no obligation to provide access to its neighbouring properties. As indicated above, this is a municipal responsibility and obligation.

Cadcor is nonetheless willing to enter into negotiations relating to the access and road proposals, as it did when the Municipality urgently requested access to the property for the installation of a bulk (external) water pipeline.

Yours faithfully



**DUPRÉ LOMBAARD**

**Technical Planner and Environmental Assessment Practitioner**

SACPLAN B/8076/1998 // EAPASA 2019/304

cc. The Director: Planning and Economic Development, Stellenbosch Municipality, per email: Landuse.Enquiries@stellenbosch.gov.za

<sup>1</sup> Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023: *Section 82. (1) ... (2) The Municipality is responsible for the provision and installation of external engineering services. (3) ... (4) The Municipality may enter into a written agreement with an applicant to provide that — (a) the applicant is responsible for the provision, installation and costs of external engineering services instead of paying the applicable development charges; or (b) the applicant is responsible for the provision, installation and costs of external engineering services and that the fair and reasonable costs of the external engineering services may be set off against the development charges payable by the applicant.*

<sup>2</sup> *Section 66. (1) The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land. (2) Conditions imposed in accordance with subsection (1) may include conditions relating to — (a) the provision of engineering services and infrastructure; (b) requirements relating to engineering services as contemplated in sections 82 and 83; (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (b), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of engineering services and infrastructure commences on the land.*

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**  
 Development Management Consultants and  
 Environmental Assessment Practitioners



04 April 2024

InterActive Town & Regional Planning  
 PO Box 980  
 Hermanus  
 7200

Per E-Mail: info@iatrp.co.za

Dear Sir

**COMMENT ON THE LAND DEVELOPMENT APPLICATION FOR FARM 749 HEEN & WEER,  
 PAARL DIVISION (Application Reference: LU/14502(TP48/2022))**

The application notice of 08 December 2022 and our letter of 12 December 2022 in comment on the application refer.

Following communication between the relevant parties, being the Stellenbosch Municipality, Cadcor (as owner of the abutting Portion 1 of Farm 717, Paarl RD), the engineering consultants, and representatives of the Aarninkhof Trust (the applicant for Farm 749), the letter of 12 December 2022 with the objection to the subdivision proposal is withdrawn and replaced by this letter of support.

Cadcor fully supports the rezoning, subdivision, and intended use of Farm 749 for industrial purposes, on condition that access to Farm 749 as an external service for the property, defined in the Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023 as follows: *"external engineering service" means an engineering service outside the boundaries of a land area referred to in an application and that is necessary for the utilisation and development of the land* be provided by the Municipality over the Cadcor property (Portion 1 of Farm 717) without compromising Cadcor's ability to plan and develop its land for industrial purposes. It is further subject thereto that approval for the proposed development of Portion 1 of Farm 717 for industrial purposes be given by the Municipality, and that Cadcor will be appropriately compensated for availing land for such access road to Farm 749.

Yours faithfully

**DUPRÉ LOMBAARD**

**Technical Planner and Environmental Assessment Practitioner**  
 SACPLAN B/8076/1998 // EAPASA 2019/304



**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**  
 Development Management Consultants and  
 Environmental Assessment Practitioners



06 May 2021

The Director: Planning and Development  
 Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7600

Per email: [landuse.enquiries@stellenbosch.gov.za](mailto:landuse.enquiries@stellenbosch.gov.za)

Dear Sir

**SUPPLEMENT OF THE LAND DEVELOPMENT APPLICATION FOR PORTION 1 OF PAARL FARM GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820)**

The application is supplemented with the attached subdivisional area framework plan and the land use table inserted herein below.

It appears as if some officials are sensitive about the proposed light industrial use shown to the west of the Klapmuts River. A request was put to the applicant to amend the layout ad rather show residential use on the western side of the river, as all other land on the western side is residential. However, the landowner wishes to proceed with the applications (Erf 2183 for access and Ptn 1 of Farm 717 for the subdivisional area as shown) as submitted and supplemented herewith.

The application was initially discussed with the Spatial Planners in 2016 as per the attached minute of the pre-application meeting, and the planners did not object to the proposal. Moreover, all the land to the west of the river is not equal. There is a strong argument for the positive consideration of the light industrial use as shown, due to the nature of the proposed road through the property. It is clear from interaction with the engineers that a road of no less than 25m reserve width is going to be made a condition of development by the engineers. This road must also act as the services reserve, where water and sewer lines are situated. This future road will be the main entrance into the Klapmuts low income / subsidy housing development directly to the west of the property, and it will accordingly carry high volumes of traffic, pedestrians and public transport, mostly minibus taxis, which are not conducive to creating an attractive residential environment. The current and foreseeable future demand for land in the area is industrial. There are no vacant industrial properties in the town and on the other hand there are plenty of economic market residential erven that are vacant and undeveloped. The landowner therefore wishes to proceed with the application as submitted.

It should also be borne in mind that this application was first submitted in May 2019 and since then it has been amended on three occasions based on comment from the planning officials with each re-submission. At no stage in the past has anyone indicated that the zonings are not acceptable or that the application should be amended to show residential uses to the west of the river. The development further received heritage approval, environmental authorisation and all the specialist assessments for the development (engineering services, stormwater management plan, traffic impact assessment) were done on the basis of the proposed development framework after consultation with the officials

Document: SUPPLEMENT OF THE LAND DEVELOPMENT APPLICATION FOR PORTION 1 OF PAARL FARM GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820)  
 Date: 06 May 2021

and none asked for an alternative. An amendment at this late stage will further delay the process and cause significant wasted expenditure.

A separate application was submitted for the road over Erf 2183 (LU 12469), based on the response received from the Directorate in this regard. Initially the application motivated for the road over Erf 2183 in the Ptn 1 Farm 717 (LU 9820) application, but on request of the officials the two were separated. The main application still refers to the road over Erf 2183 for access to Portion 1 and it shows on the plan of subdivision and joint layout plan. The two applications should therefore be administered together in a single public participation process.

The land use table for the layout plan is as follows:

**Land use table: Portion 1 of Farm Groenfontein No. 717, Paarl RD at Klappmuts**

| Designation                                                                         | Zoning                   | Use                                                                           | Future erven | Area (m <sup>2</sup> ) | Percentage area (%) |
|-------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------|--------------|------------------------|---------------------|
|    | Utility Services         | Public and private road and transport facilities                              | 4            | 10 866                 | 15%                 |
|    | Industrial               | Warehousing, Industry, Business premises, Employee housing and internal roads | 15           | 45 296                 | 62%                 |
|  | Conventional Residential | Group housing and internal roads                                              | 30           | 5 750                  | 8%                  |
|  | Private Open Space       | Private open space                                                            | 1            | 11 298                 | 15%                 |
| <b>Total area</b>                                                                   |                          |                                                                               |              | <b>73 210</b>          | <b>100%</b>         |

An urgent conclusion of the process will be appreciated.

Yours faithfully

  
**DUPRE LOMBAARD**

[illegible]



**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**  
 Development Management Consultants and  
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 Managing Director: DUPRE LOMBAARD  
 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch,  
 7800, South Africa  
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22 March 2024

The Director: Infrastructure Services  
 Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599  
 Per: [johan.fullard@ Stellenbosch.gov.za](mailto:johan.fullard@ Stellenbosch.gov.za)

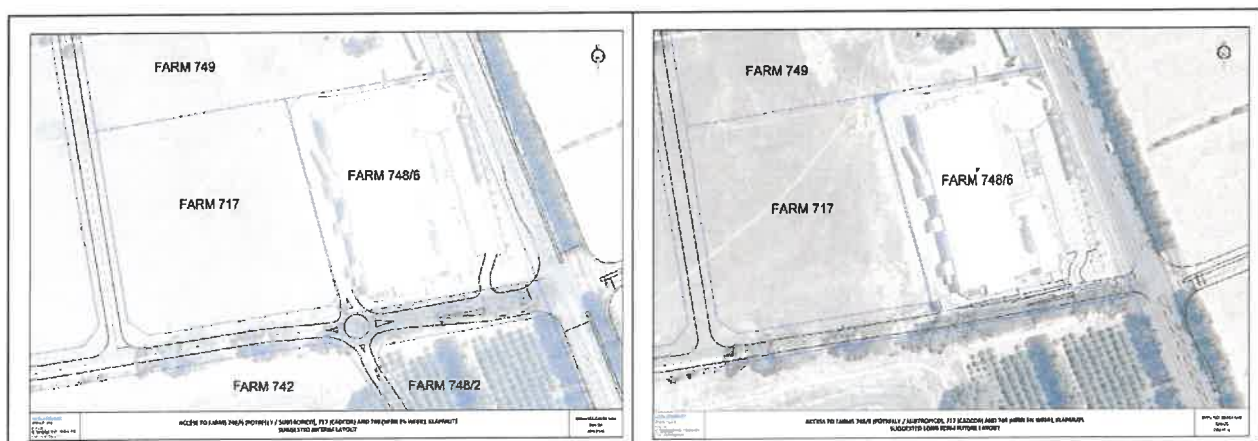
Dear Sir

**RECORD OF DISCUSSION REGARDING ENGINEERING COMMENT ON THE LAND DEVELOPMENT APPLICATION: PORTION 1 OF FARM NO. 717 PAARL RD AND ERF 2183, KLAPMUTS (LU9820 AND LU12469)**

Our letters of 12 July 2022 to the Director: Infrastructure Services, 06 May 2021 to the Director: Planning and Economic Development, and 12 December 2022 to InterActive Town & Regional Planning in response to the public notice regarding the land development application for Farm 749 refer.

The meeting with the Directorate held on 12 July 2022 and successive meetings and consultations regarding infrastructure services for the proposed development and access thereto further refer.

Certain proposals for access to the development were discussed recently by various parties, a record of which submitted to the applicant by email on 18 March 2024 through the traffic engineer for the project, Ms Yolandi Obermeyer. For ease of reference the proposals are inserted below.



The access to the proposed development on Portion 1 of Farm 717 and the neighbouring Farm 749 has been an issue for some time. Cadcor, the applicant for the development of Portion 1 of Farm 717,

cannot agree to any of the road subdivision proposals at this stage, other than as contained in the application as supplemented with the above-referred letter of 06 May 2021.

A road access to Farm 749 is essentially an external service for the property. External services are defined in the Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023 as follows: *"external engineering service" means an engineering service outside the boundaries of a land area referred to in an application and that is necessary for the utilisation and development of the land.* The developer of Farm 749 may install the external services<sup>1</sup> in terms of a services agreement<sup>2</sup> to be entered into with the Municipality, however no such agreement exists and if cannot be concluded prior to a decision on the land development application. Thus, the Municipality must take the responsibility for the establishment of the road access over the Cadcor property to Farm 749, for which purpose prior agreement is essential, keeping in mind that any plan for the subdivision of a road across Portion 1 of Farm 717 would compromise Cadcor's ability to plan and develop its land.

Only once approval for the proposed development of Portion 1 of Farm 717 has been given, then an access can be provided along a route, and on terms and conditions which will have to be mutually agreed between the parties, being the Municipality, the developer / owner of Farm 749 and Cadcor. Cadcor will have to be appropriately compensated for the provision of such access, as Cadcor is under no obligation to provide access to its neighbouring properties. As indicated above, this is a municipal responsibility and obligation.

Cadcor is nonetheless willing to enter into negotiations relating to the access and road proposals, as it did when the Municipality urgently requested access to the property for the installation of a bulk (external) water pipeline.

Yours faithfully



**DUPRÉ LOMBAARD**

**Technical Planner and Environmental Assessment Practitioner**

SACPLAN B/8076/1998 // EAPASA 2019/304

cc. The Director: Planning and Economic Development, Stellenbosch Municipality, per email: Landuse.Enquiries@stellenbosch.gov.za

<sup>1</sup> Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023: *Section 82. (1) ... (2) The Municipality is responsible for the provision and installation of external engineering services. (3) ... (4) The Municipality may enter into a written agreement with an applicant to provide that — (a) the applicant is responsible for the provision, installation and costs of external engineering services instead of paying the applicable development charges; or (b) the applicant is responsible for the provision, installation and costs of external engineering services and that the fair and reasonable costs of the external engineering services may be set off against the development charges payable by the applicant.*

<sup>2</sup> *Section 66. (1) The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed utilisation of land. (2) Conditions imposed in accordance with subsection (1) may include conditions relating to — (a) the provision of engineering services and infrastructure; (b) requirements relating to engineering services as contemplated in sections 82 and 83; (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (b), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of engineering services and infrastructure commences on the land.*





**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**  
 Development Management Consultants and  
 Environmental Assessment Practitioners



28 March 2024

The Director: Planning and Economic Development  
 Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599  
 Per: Landuse.Enquiries@stellenbosch.gov.za

Dear Sir

**AMENDMENT OF LAND DEVELOPMENT PLAN FOR PORTION 1 OF FARM NO. 717 PAARL RD  
 AND ERF 2183, KLAPMUTS (LU9820 AND LU12469)**

Our letters dated 22 March 2024 and 12 July 2022 to the Director: Infrastructure Services, 06 May 2021 to the Director: Planning and Economic Development, and 12 December 2022 to InterActive Town & Regional Planning in response to the public notice regarding the land development application for Farm 749 refer.

Following submission of the above referred letter of 22 March 2024, the Director: Infrastructure Services (email from Mr Tyrone King, dated 27 March 2024 – see copy attached) suggested amendment of the land development plan, by the removal of the indication of the possible future roads and inclusion of a future 16m wide road to provide access to abutting Farm 749. As stated before, the access to the proposed development on Farm 749 has been an issue for some time and Cadcor as the owner and applicant for the development of Portion 1 of Farm 717 cannot agree to showing any of the road zoning or subdivision proposals at this stage, other than as contained in the application as supplemented with this letter by submission of PA717-1\_PROPOSED LAND DEVELOPMENT PLAN\_REV13-PLAN A1 dated 28 March 2024. As further stated before, Cadcor is willing to provide road access to the abutting land, but only through a formal process and by conclusion of an appropriate agreement.

The letter of 22 March 2024 already indicated the statutory requirements for the creation of external services, with reference to the road as indicated in the email of 27 March 2024 for access to Farm 749. It should be noted that such road is not provided for on the approved roads master plan and hence it is not required for the attached land development plan to show it. Cadcor is under no statutory obligation to provide such a road to Farm 749.

The Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023 determines in Section 15(1) that: *"No person may commence, continue, or cause the commencement or continuation of, land development, other than the subdivision or consolidation of land referred to in section 24, without the approval of the Municipality in terms of subsection (2)."* Section 24 then provides for the exemption of *"(1) The subdivision or consolidation of land does not require the approval of the*

*Municipality in the following cases: (e) the construction or alteration of a public or proclaimed street."*

Section 24 thus appropriately provides for an application for an exemption from the provisions of the Bylaw for the requested road across Portion 1 of Farm 717 to Farm 749. Cadcor however has no interest in such road and will not make such application. Moreover, the applicant and / or owner of Farm 749 is obligated to make an application in terms of Section 15 or 24 for the road access required to the property and proposed development if the Municipality does not accept its responsibility for the creation thereof as an external service. In such instance then the applicant and / or owner of Farm 749 also needs not show that the necessary agreement for such road access has been reached in terms of Section 38 of the Bylaw: *"(1) Subject to subsection (2), an application must be accompanied by the following information and documents where applicable: (i) proof of an agreement or permission if the proposed land development requires a servitude over land or access to a provincial or national road."*

We look forward to the conclusion of the application process relating to Portion 1 of Farm 717, which is seemingly being delayed by the lack of timely and appropriate action to resolve access issues. We further confirm that a decision relating to the application will be taken in consideration of the attached land development plan as an amendment of the prior plans.

Yours faithfully

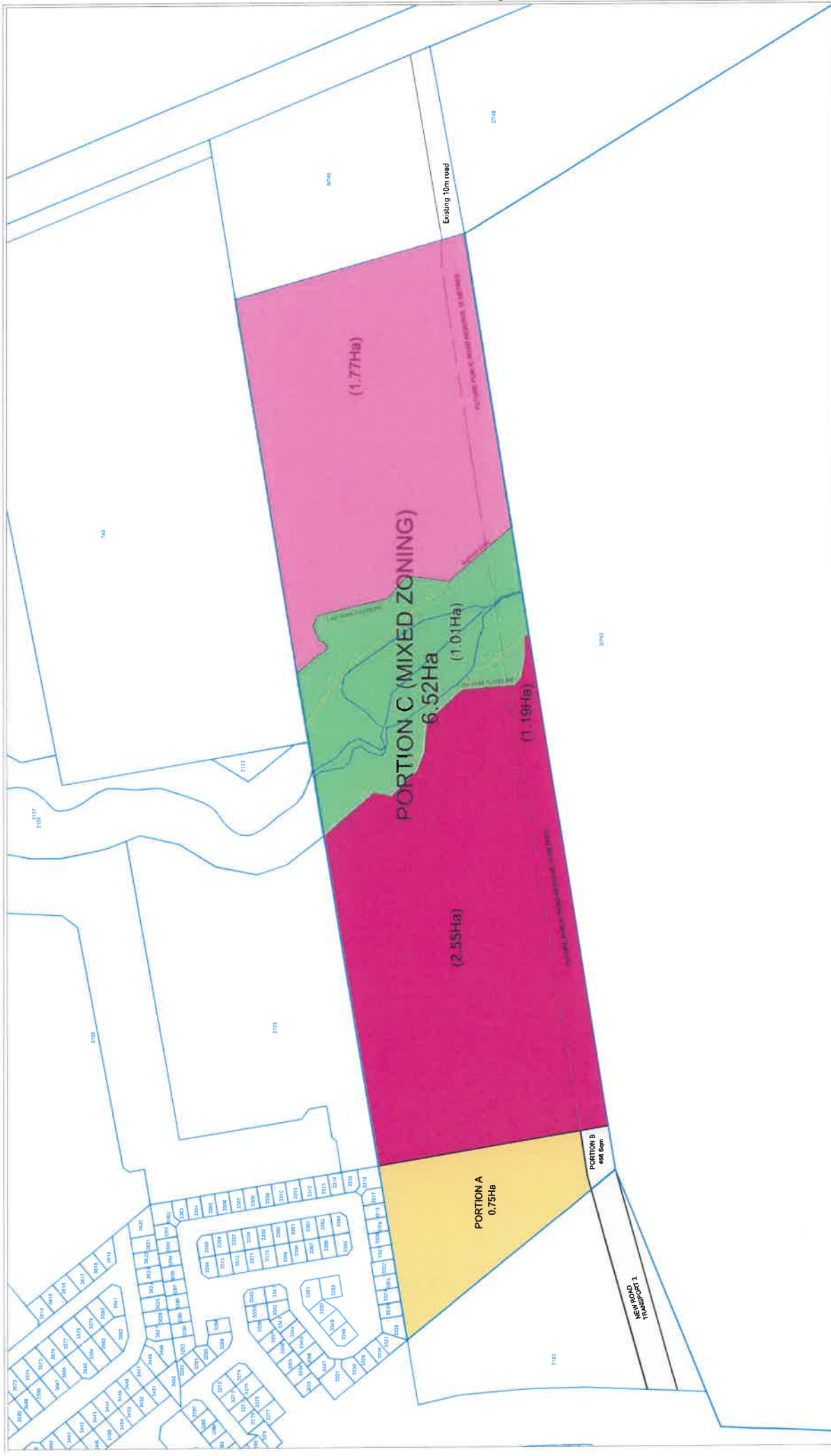


**DUPRÉ LOMBAARD**

**Technical Planner and Environmental Assessment Practitioner**

SACPLAN B/8076/1998 // EAPASA 2019/304

## **Annexure A: Amended land development plan for Portion 1 of Farm 717, Stellenbosch RD**



|                                                                                                                                                                        |                          |                                                                                                    |                        |                                                   |                     |               |               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------|---------------------|---------------|---------------|
| Caveat<br>1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.<br>2. All levels are to be confirmed prior to construction. |                          |                                                                                                    |                        | Scale 1:1000 @ A1                                 | Date: 28 March 2024 | Contours: N/A | System: WG 19 |
| PROPOSED LAND DEVELOPMENT PLAN<br>GROENFONTEIN FARM<br>PORTION 1 OF FARM No. 717<br>PAARL                                                                              |                          |                                                                                                    |                        | Revisions                                         |                     | Client        |               |
|                                                                                                                                                                        |                          |                                                                                                    |                        | Rev                                               | Date                |               |               |
|                                                                                                                                                                        |                          |                                                                                                    |                        |                                                   |                     |               |               |
|                                                                                                                                                                        |                          |                                                                                                    |                        |                                                   |                     |               |               |
|                                                                                                                                                                        |                          |                                                                                                    |                        |                                                   |                     |               |               |
| Ref: PA717-1                                                                                                                                                           |                          |                                                                                                    |                        | Dwg: PA717-1_PROPOSED LAND DEVELOPMENT PLAN_REV13 |                     |               |               |
| Designation                                                                                                                                                            | Zoning                   | Use                                                                                                | Number of future erven | Area (m²)                                         | Percentage (%)      |               |               |
|                                                                                                                                                                        | Utility Services Zone    | Public and private road / transport facilities                                                     | 1                      | 466                                               | 1                   |               |               |
|                                                                                                                                                                        | Industrial Zone          | Warehousing / Industry / Business premises / Employee housing / Serviced by Internal private roads | 3                      | 53500                                             | 74                  |               |               |
|                                                                                                                                                                        | Conventional Residential | Group Housing / Serviced by Internal private roads                                                 | 30                     | 7539                                              | 10                  |               |               |
|                                                                                                                                                                        | Private Open Space       | Private open space                                                                                 | 1                      | 11302                                             | 15                  |               |               |
|                                                                                                                                                                        |                          |                                                                                                    | 35                     | 73216                                             | 100                 |               |               |

## **Annexure B: Email from Director: Infrastructure Services (Mr T King)**



## Dupré Lombaard (Virdus Works)

**From:** Tyrone King <Tyrone.King@ Stellenbosch.gov.za>  
**Sent:** 27 March 2024 15:42  
**To:** Dupré Lombaard (Virdus Works)  
**Cc:** Johan Fullard  
**Subject:** RE: [SUSPICIOUS MESSAGE] RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl  
**Attachments:** PA717-1\_PROPOSED LAND DEVELOPMENT PLAN\_REV12-PLAN A1.pdf

Hi Dupre – noted, thanks.

Tell me, will the dashed lines indicating public road reserves along the Potbelly boundary (748/6) and the northern boundary with Farm 749 not cause confusion in the future? Can you not rather delete those roads reserves as it will no longer be required to the proposed accesses to these properties?

The 16m road reserve to the south and the 16m access for Farm 749 should remain though.

Please advise.



**Tyrone King Pr Tech Eng**  
 Manager: Development  
 Infrastructure Services

T: +27 21 808 8214 | F: +27 21 883 9874  
 1<sup>st</sup> Floor, Ecclesia Building, 71 Plein Street,  
 Stellenbosch, 7600  
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 Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

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**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>  
**Sent:** Monday, 25 March 2024 12:07  
**To:** Tyrone King <[Tyrone.King@stellenbosch.gov.za](mailto:Tyrone.King@stellenbosch.gov.za)>

**Cc:** Johan Fullard <Johan.Fullard@ Stellenbosch.gov.za>

**Subject:** RE: [SUSPICIOUS MESSAGE] RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Dear Tyrone

Please send me your cellular number for a WhatsApp call, or let me know when we can do a quick Teams meeting to discuss.

The application is for a rezoning to subdivisonal area and subdivision of three erven only, namely a small section of road connecting to the road over Erf 2183, a residential portion and the remaining portion as a single large erf with access from either side via the public roads abutting the property. The client cannot propose a subdivision of the remaining portion, not knowing whether the application for rezoning will be approved, what the conditions of approval are going to be, etc. A subdivision for the remaining portion intended for industrial purposes will only be planned and an application submitted once the rezoning of Erf 2183 and Portion 1 of Farm 717 has been approved. Until then we cannot show any roads other than provision for the road along the southern boundary as included in the roads master plan, which is only an indication of what provision is being made and not a plan of subdivision. The road along the southern boundary, and for that matter no road, will be created over the property as a result of the application, other than that portion being applied for as shown on the plan of subdivision of Portion 1 of Farm 717 and Erf 2183.

Regards / Groete / Saludos

#### **DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rúa Clara Campoamor 2, Piso 2 E, Santa Uxia de Ribeira, 15968, La Coruña, Spain

#### **Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

Development Management Consultants and Environmental Assessment Practitioners

Address: 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Tyrone King <[Tyrone.King@Stellenbosch.gov.za](mailto:Tyrone.King@Stellenbosch.gov.za)>

**Sent:** Monday, March 25, 2024 10:37 AM

**To:** 'dupre.lombaard@virdus.com' <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Cc:** Johan Fullard <[Johan.Fullard@Stellenbosch.gov.za](mailto:Johan.Fullard@Stellenbosch.gov.za)>

**Subject:** FW: [SUSPICIOUS MESSAGE] RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Hi Dupre – further to my e-mail below.

I am busy writing my revised approval Memo, but it seems as if your subdivision plan will have to change (see attached) to be aligned with the future roads layouts? ie the road reserve along the potbelly boundary is no longer required? Can you please give me a call to discuss so I can finalise.

Regards

**Tyrone King Pr Tech Eng**

Manager: Development

Infrastructure Services



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#### About Stellenbosch Municipality

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**From:** Tyrone King

**Sent:** Friday, 22 March 2024 16:28

**To:** 'dupre.lombaard@virdus.com' <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Cc:** Johan Fullard <[Johan.Fullard@stellenbosch.gov.za](mailto:Johan.Fullard@stellenbosch.gov.za)>; Myra Francis <[Myra.Francis@stellenbosch.gov.za](mailto:Myra.Francis@stellenbosch.gov.za)>; Robert Fooy <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)>; Kurt Titus <[Kurt.Titus@stellenbosch.gov.za](mailto:Kurt.Titus@stellenbosch.gov.za)>

**Subject:** FW: [SUSPICIOUS MESSAGE] RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Hi Dupre

Johan has given me his requirements wrt the future road network.

I will revise my original Memo accordingly (to cater for the future road network) during the course of next week and send it to our Town Planning Dept.

In the meantime, can you tell me if the future road layout and the proposed road reserves as shown on your attached letter affects the subdivision (cadastral) layout of the Farm 717-1 development?

Regards



**Tyrone King Pr Tech Eng**  
 Manager: Development  
 Infrastructure Services

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**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>  
**Sent:** Friday, 22 March 2024 13:45  
**To:** Johan Fullard <[Johan.Fullard@stellenbosch.gov.za](mailto:Johan.Fullard@stellenbosch.gov.za)>; Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>  
**Cc:** 'Charles Collins' <[charles@collins1969.com](mailto:charles@collins1969.com)>; Myra Francis <[Myra.Francis@stellenbosch.gov.za](mailto:Myra.Francis@stellenbosch.gov.za)>; Tyrone King <[Tyrone.King@stellenbosch.gov.za](mailto:Tyrone.King@stellenbosch.gov.za)>; Robert Fooy <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)>  
**Subject:** [SUSPICIOUS MESSAGE] RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Dear Johan

Herewith a letter following feedback from Yolandi Obermeyer regarding the access arrangements discussed for the proposed development and the abutting properties.

We really hope that this application can now be concluded with comment from your side and with a response relating to the development charges calculated for the development as requested in the emails below.

Regards / Groete / Saludos

#### **DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

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Address: Rúa Clara Campoamor 2, Piso 2 E, Santa Uxia de Ribeira, 15968, La Coruña, Spain

#### **Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

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Address: 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>  
**Sent:** Tuesday, March 19, 2024 2:37 PM  
**To:** Johan Fullard <[Johan.Fullard@stellenbosch.gov.za](mailto:Johan.Fullard@stellenbosch.gov.za)>; 'Myra Francis' <[Myra.Francis@stellenbosch.gov.za](mailto:Myra.Francis@stellenbosch.gov.za)>  
**Cc:** Charles Collins <[charles@collins1969.com](mailto:charles@collins1969.com)>  
**Subject:** FW: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Beste Johan en Myra

Help asseblief, ons moet uitvind wat die diensteheffings gaan beloop op die stadium.

Regards / Groete / Saludos

#### **DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rúa Clara Campoamor 2, Piso 2 E, Santa Uxia de Ribeira, 15968, La Coruña, Spain

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

Development Management Consultants and Environmental Assessment Practitioners

Address: 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Sent:** Tuesday, March 5, 2024 3:38 PM

**To:** [ilze.fillies@stellenbosch.gov.za](mailto:ilze.fillies@stellenbosch.gov.za)

**Cc:** 'Development Admin' <[Development.Admin@stellenbosch.gov.za](mailto:Development.Admin@stellenbosch.gov.za)>; 'Tyrone King' <[Tyrone.King@stellenbosch.gov.za](mailto:Tyrone.King@stellenbosch.gov.za)>; 'Johan Fullard' <[Johan.Fullard@stellenbosch.gov.za](mailto:Johan.Fullard@stellenbosch.gov.za)>; 'Myra Francis' <[Myra.Francis@stellenbosch.gov.za](mailto:Myra.Francis@stellenbosch.gov.za)>

**Subject:** RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Dear Ilze

Please can you help us by responding to the email below?

Regards / Groete / Saludos

**DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rúa Clara Campoamor 2, Piso 2 E, Santa Uxia de Ribeira, 15968, La Coruña, Spain

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Address: 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Sent:** Thursday, February 22, 2024 9:53 AM

**To:** [ilze.fillies@stellenbosch.gov.za](mailto:ilze.fillies@stellenbosch.gov.za)

**Cc:** 'Development Admin' <[Development.Admin@stellenbosch.gov.za](mailto:Development.Admin@stellenbosch.gov.za)>; 'Tyrone King' <[Tyrone.King@stellenbosch.gov.za](mailto:Tyrone.King@stellenbosch.gov.za)>; Johan Fullard <[Johan.Fullard@stellenbosch.gov.za](mailto:Johan.Fullard@stellenbosch.gov.za)>

**Subject:** RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Dear Ilze

Herewith a reminder of the request, if you could assist please.

Regards / Groete / Saludos

**DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rúa Clara Campoamor 2, Piso 2 E, Santa Uxia de Ribeira, 15968, La Coruña, Spain

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

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Address: 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Sent:** Monday, February 19, 2024 10:20 AM

**To:** [Ilze.Fillies@stellenbosch.gov.za](mailto:Ilze.Fillies@stellenbosch.gov.za)

**Cc:** 'Nicole Katts' <[Nicole.Katts@stellenbosch.gov.za](mailto:Nicole.Katts@stellenbosch.gov.za)>; 'Charlene Williams' <[Charlene.Williams@stellenbosch.gov.za](mailto:Charlene.Williams@stellenbosch.gov.za)>; 'Robert Fooy' <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)>; 'Development Admin' <[Development.Admin@stellenbosch.gov.za](mailto:Development.Admin@stellenbosch.gov.za)>; Tyrone King <[Tyrone.King@stellenbosch.gov.za](mailto:Tyrone.King@stellenbosch.gov.za)>; Piet van Blerk <[piet@udsafrika.co.za](mailto:piet@udsafrika.co.za)>

**Subject:** RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Dear Ilze

While we are awaiting the finalisation of the report for a decision on the matter, would you be able to assist with a provisional calculation of the development charges for the proposed development please? The client last received an indication of the potential charges in 2020 and we need to know how it could affect the feasibility of the project.

Regards / Groete / Saludos

**DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rúa Clara Campoamor 2, Piso 2 E, Santa Uxia de Ribeira, 15968, La Coruña, Spain

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

Development Management Consultants and Environmental Assessment Practitioners

Address: 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Nicole Katts <[Nicole.Katts@stellenbosch.gov.za](mailto:Nicole.Katts@stellenbosch.gov.za)>

**Sent:** Tuesday, August 22, 2023 11:54 AM

**To:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>; Charlene Williams <[Charlene.Williams@stellenbosch.gov.za](mailto:Charlene.Williams@stellenbosch.gov.za)>

**Subject:** RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Dear Mr Lombaard

I trust that you are well.

Please find attached latest comment received from Transport for your attention.

Please note that I've also forwarded the comment to our internal Engineers for their attention.

*Kind regards / Vriendelike Groete*

**Nicole Katts**

Administrative Officer

Development Management

**Planning & Economic Development**





T: +27 21 808 8318  
NPK Building, 20 Plein Street  
Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.



Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

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**From:** Landuse Enquiries

**Sent:** Tuesday, 02 May 2023 15:11

**To:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>; Charlene Williams <[Charlene.Williams@stellenbosch.gov.za](mailto:Charlene.Williams@stellenbosch.gov.za)>

**Cc:** Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>

**Subject:** RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Hi Mr Lombaard

Duly noted, thank you.



*Kind regards / Vriendelike Groete*

**Nicole Katts**

Administrative Officer

Development Management

**Planning & Economic Development**

T: +27 21 808 8318  
NPK Building, 20 Plein Street  
Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)





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**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>  
**Sent:** Tuesday, 02 May 2023 15:10  
**To:** Nicole Katts <[Nicole.Katts@stellenbosch.gov.za](mailto:Nicole.Katts@stellenbosch.gov.za)>  
**Cc:** Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>  
**Subject:** RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Dear Nicole

Frustratingly, no. We are still waiting for a response.

Regards / Groete / Saludos

**DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rotonda Saboya 23, Villar del Olmo, 28512, Madrid, Spain

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

Development Management Consultants and Environmental Assessment Practitioners

Address: 5 Vygeboom Close, Durbanville, 7550, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Nicole Katts <[Nicole.Katts@stellenbosch.gov.za](mailto:Nicole.Katts@stellenbosch.gov.za)>  
**Sent:** Tuesday, May 2, 2023 2:52 PM  
**To:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>  
**Cc:** Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>  
**Subject:** RE: [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Dear Mr Lombaard

Kindly confirm if any comments has been received from the Department of Transport.

Thank you in advance.



*Kind regards / Vriendelike Groete*

**Nicole Katts**

Administrative Officer

Development Management

**Planning & Economic Development**

---

T: +27 21 808 8318

NPK Building, 20 Plein Street

Stellenbosch, 7600

[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Sent:** Tuesday, 21 February 2023 07:51

**To:** Vanessa Stoffels <[Vanessa.Stoffels@westerncape.gov.za](mailto:Vanessa.Stoffels@westerncape.gov.za)>

**Cc:** Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>

**Subject:** [EX] FW: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

Dear Vanessa

Could you please ask the relevant engineer / official to provide us with an updated comment on the TIA for Portion 1 Farm Groenfontien no. 717, Paarl?

Regards / Groete / Saludos

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Rotonda Saboya 23, Villar del Olmo, 28512, Madrid, Spain

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 5 Vygeboom Close, Durbanville, 7550, South Africa

Web: [www.virdus.com](http://www.virdus.com)

-----Original Message-----

From: Grace Swanepoel <[Grace.Swanepoel@westerncape.gov.za](mailto:Grace.Swanepoel@westerncape.gov.za)>

Sent: 22 November 2021 10:42

To: [Ulrich.vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.vonmolendorff@stellenbosch.gov.za);

[joan.fullard@stellenbosch.gov.za](mailto:joan.fullard@stellenbosch.gov.za); 'Dupré Lombaard (Virdus Works)'

<[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>; [Piet@udsafrika.co.za](mailto:Piet@udsafrika.co.za)

Subject: Emailing: job 27206 Rem Pt 1 Farm Groenfontein 717, Paarl

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job 27206

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**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

Development Management Consultants and  
Environmental Assessment Practitioners

Managing Director: DUPRE LOMBAARD

77 BLUITKRING DALSIG, STELLENBOSCH 7600, SOUTH AFRICA

Mobile: +27 82 895 6362

Email: [dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)



06 May 2021

The Director: Planning and Development

Stellenbosch Municipality

PO Box 17

**STELLENBOSCH**

7600

Per email: [landuse.enquiries@ Stellenbosch.gov.za](mailto:landuse.enquiries@ Stellenbosch.gov.za)

Dear Sir

**SUPPLEMENT OF THE LAND DEVELOPMENT APPLICATION FOR PORTION 1 OF PAARL FARM  
GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820)**

The application is supplemented with the attached subdivisional area framework plan and the land use table inserted herein below.

It appears as if some officials are sensitive about the proposed light industrial use shown to the west of the Klapmuts River. A request was put to the applicant to amend the layout ad rather show residential use on the western side of the river, as all other land on the western side is residential. However, the landowner wishes to proceed with the applications (Erf 2183 for access and Ptn 1 of Farm 717 for the subdivisional area as shown) as submitted and supplemented herewith.

The application was initially discussed with the Spatial Planners in 2016 as per the attached minute of the pre-application meeting, and the planners did not object to the proposal. Moreover, all the land to the west of the river is not equal. There is a strong argument for the positive consideration of the light industrial use as shown, due to the nature of the proposed road through the property. It is clear from interaction with the engineers that a road of no less than 25m reserve width is going to be made a condition of development by the engineers. This road must also act as the services reserve, where water and sewer lines are situated. This future road will be the main entrance into the Klapmuts low income / subsidy housing development directly to the west of the property, and it will accordingly carry high volumes of traffic, pedestrians and public transport, mostly minibus taxis, which are not conducive to creating an attractive residential environment. The current and foreseeable future demand for land in the area is industrial. There are no vacant industrial properties in the town and on the other hand there are plenty of economic market residential erven that are vacant and undeveloped. The landowner therefore wishes to proceed with the application as submitted.

It should also be borne in mind that this application was first submitted in May 2019 and since then it has been amended on three occasions based on comment from the planning officials with each re-submission. At no stage in the past has anyone indicated that the zonings are not acceptable or that the application should be amended to show residential uses to the west of the river. The development further received heritage approval, environmental authorisation and all the specialist assessments for the development (engineering services, stormwater management plan, traffic impact assessment) were done on the basis of the proposed development framework after consultation with the officials

Document: SUPPLEMENT OF THE LAND DEVELOPMENT APPLICATION FOR PORTION 1 OF PAARL FARM GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820)  
 Date: 06 May 2021

and none asked for an alternative. An amendment at this late stage will further delay the process and cause significant wasted expenditure.

A separate application was submitted for the road over Erf 2183 (LU 12469), based on the response received from the Directorate in this regard. Initially the application motivated for the road over Erf 2183 in the Ptn 1 Farm 717 (LU 9820) application, but on request of the officials the two were separated. The main application still refers to the road over Erf 2183 for access to Portion 1 and it shows on the plan of subdivision and joint layout plan. The two applications should therefore be administered together in a single public participation process.

The land use table for the layout plan is as follows:

**Land use table: Portion 1 of Farm Groenfontein No. 717, Paarl RD at Klapmuts**

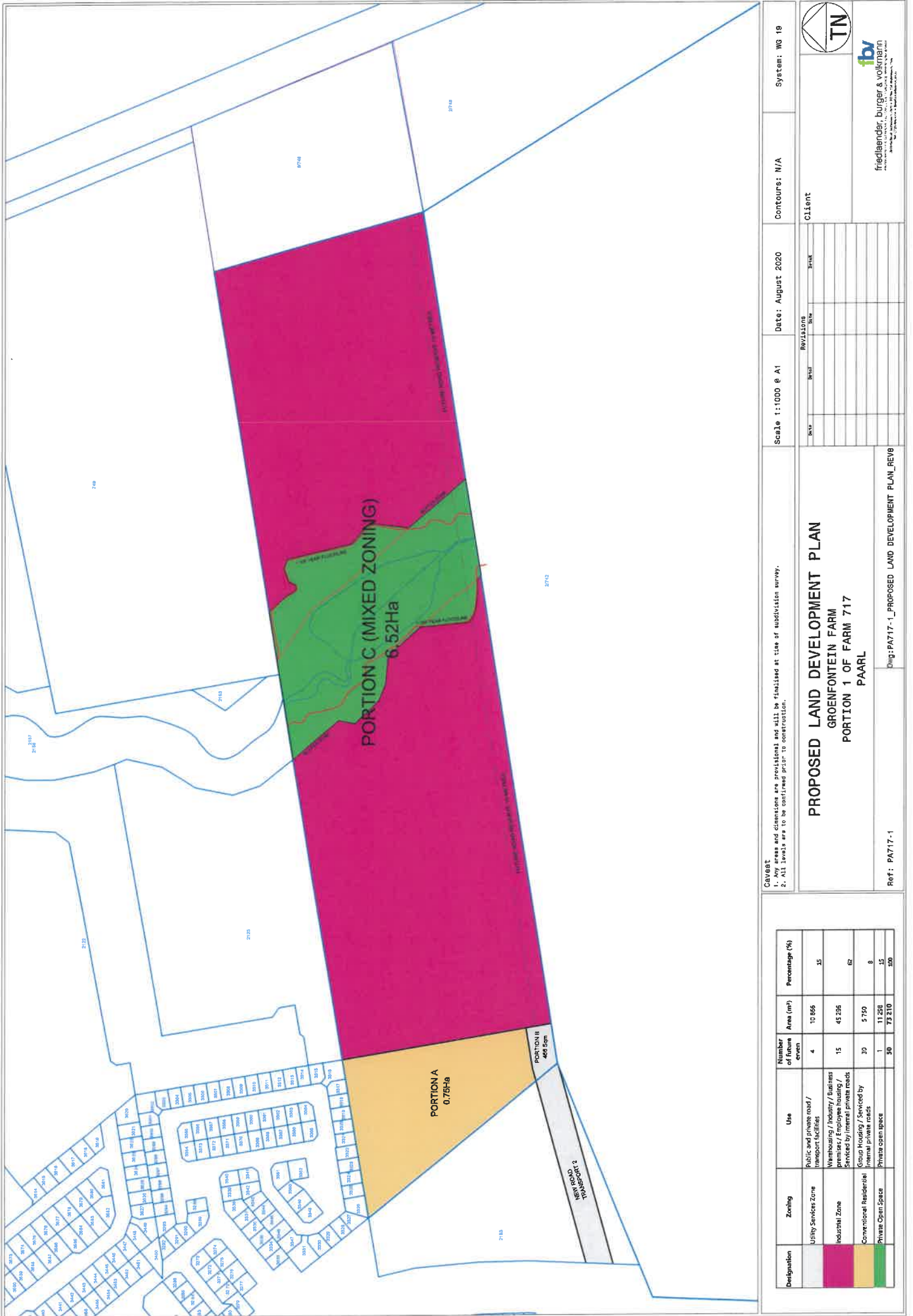
| Designation                                                                         | Zoning                   | Use                                                                           | Future erven | Area (m²)     | Percentage area (%) |
|-------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------|--------------|---------------|---------------------|
|    | Utility Services         | Public and private road and transport facilities                              | 4            | 10 866        | 15%                 |
|    | Industrial               | Warehousing, Industry, Business premises, Employee housing and internal roads | 15           | 45 296        | 62%                 |
|   | Conventional Residential | Group housing and internal roads                                              | 30           | 5 750         | 8%                  |
|  | Private Open Space       | Private open space                                                            | 1            | 11 298        | 15%                 |
| <b>Total area</b>                                                                   |                          |                                                                               |              | <b>73 210</b> | <b>100%</b>         |

An urgent conclusion of the process will be appreciated.

Yours faithfully

  
**DUPRÉ LOMBAARD**





**Pierre-Jean le Roux**

---

**From:** Pierre-Jean le Roux <pj@pjleroux.co.za>  
**Sent:** 10 October 2016 09:42 AM  
**To:** 'Colleen Charles'; 'Barbara-Ann Henning'  
**Subject:** Pre-Consultation: Gedeelte 1 van Plaas 717 Paarl  
**Importance:** High

Beste Colleen/Barbara-Ann,

Met verwysing na ons onlangse vergadering, vind asseblief hiermee saam die samevatting van ons gesprek. Kan julle asseblief skriftelik bevestig of die inhoud hiervan 'n korrekte weergawe is van ons gesprek aangesien dit as pre-consultation dokumentasie sal dien.

**VERGADERING GEHOU OP VRYDAG 7 OKTOBER 2016 OM 09:00 BYKANTORE VAN  
 STELLENBOSCH MUNISIPALITEIT 1E VLOER**

**Teenwoordig:** Me. Colleen Charles  
 Me. Barbara-Ann Henning  
 Mnr. P.-J le Roux

**Onderwerp:** Gedeelte 1 van Plaas No. 717 Paarl  
**Oppervlakte:** 7,3216 ha  
**Titelakte No.** T64754  
**Titel beperkings:** Geen  
**Ligging:** Klapmuts (agter Potbelly)  
**Sonering:** Landbousone I  
**Gebruik:** Vakant (bestaande oppervlak dam)

**Voorgestelde gebruik:** Die intensies is om die genoemde gedeelte grond te hersoneer en te her ontwikkel vir Ligte Nywerheid/Pakhuis gebruike. Alhoewel daar nog nie finaliteit is nie, sal die

*ontwikkeling of een of twee groter erwe bevat of 'n kombinasie van groot en kleiner erwe.*

**Bespreking:**

- Die eiendom onder bespreking is binne die goedgekeurde Stedelike Randgebied van Klapmuts geleë
- Die eiendom word in the Klapmuts Ruimtelike Ontwikkelings Raamwerk (September 2007) vir "infill" geoormerk
- Die eiendom grens aan bestaande besigheid perseel (Potbelly) asook in dieselfde ontwikkelings area van die bestaande Nywerheids ontwikkeling wat noord van die eiendom ontwikkel het.
- Die eiendom kry direk toegang via 'n 7m breë pad vanaf die R44 (gedeelte toegang met Potbelly)

- *In beginsel is daar geen probleem met die hersonering en ontwikkeling van die perseel vir ligte nywerheid/pakhuis doeleindes nie*
- *Aansoek sal die volgende behels*
  - *Aansoek kragtens Artikel 15(2)(a) van die Stellenbosch Munisipaliteit: Munisipale Grondgebruikbeplanning Verordening, 2015 vir die **Hersonering** van die genoemde eiendom vanaf Landbousone I na Nywerheidsone I*
  - *Aansoek kragtens Artikel 15(2)(o) van die Stellenbosch Munisipaliteit: Munisipale Grondgebruikbeplanning Verordening, 2015 vir Pakhuis as **Vergunningsgebruik** (algemene vergunning op al die erwe)*
- *Vooraf konsultasie moet gedoen word met die Ingenieurs ten einde die geleenthede en beperkings ten opsigte van munisipale dienste vooraf te bepaal*

Ek vertrou hierdie samevatting is 'n korrekte weergawe van ons gesprek. Laat weet gerus indien daar enige iets is wat ek per abuis uitgelaat het.

Bevestig asseblief skriftelik u aanvaarding van hierdie weergawe.

Vriendelike groete en mooi dag!

**Pierre-Jean le Roux**

Pr. Pln A/803/1995  
Ba Hons, M (TRP)



Pty Reg. No.: 2015 / 058583 / 07

262 Main Road / P.O.Box 3457  
Paarl Paarl  
7646 7620  
Tel: 021-8722499  
Faks: 086 605 8431  
Sel: 0760317607

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|                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                   |
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| <b><u>Owner:</u></b><br><b>Cadcor (Pty) Ltd, Reg. No. 1971 / 011663 / 07</b><br>Represented by Mr Charles Collins<br><br>Cellular phone: +27 83 653 2717<br>E-mail: <a href="mailto:charles@collins1969.com">charles@collins1969.com</a><br>Address: PO Box 643, Paardekraal, 1752 | <b><u>Project Consultant:</u></b><br><b>Mr Dupré Lombaard</b><br>Virdus Works (Pty) Ltd Reg. No. 2018/585747/07<br><br>Cellular phone: +27 82 895 6362<br>E-mail: <a href="mailto:dupre.lombaard@virdus.com">dupre.lombaard@virdus.com</a><br>Address: 77 Buitekring, Dalsig, Stellenbosch,<br>7600, South Africa |
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Cadcor wishes to rezone the property (7,323ha) to subdivisinal area. In broad, the development entails the rezoning and subdivision of the property, to create three broad areas. The proposal is to develop a mixed-use industrial estate with an access off the Groenfontein Road to the west, across Erf 2183, Klappmuts. It entails the rezoning to subdivisinal area of the entire property to create the proposed three use areas, with access via an internal road with a turning circle as and where required depending on the demand for buildings / sites. Further internal subdivisions will occur later on after conclusion of the rezoning process.

1. The river course will be retained as an open space as determined by the environmental authorisation application process which includes development within 32m of the water course.
2. The westernmost corner abutting the current informal settlement, approximately 7 000 m<sup>2</sup>, will be retained for middle income housing (25 to 30 group housing or dwelling units).
3. On the western side of the river approximately 22 000m<sup>2</sup> of mixed-use development, focused on light industrial / warehousing with consent on erven between 2 000 and 4 000m<sup>2</sup> and on the eastern side of the river approximately 20 000m<sup>2</sup> of warehousing with consent and manufacturing on erven ranging between 5 000m<sup>2</sup> and 10 000m<sup>2</sup>.

There are no buildings or structures on the property and only one badly damaged off-stream storage dam, previously used for irrigation purposes. The property is land locked and will be reliant on access from the Groenfontein Road in Klappmuts, across Erf 2813 and/or off the R44 across Portion 2 and 6 of Farm Bronkhorst No. 748 and a minor portion of Portion 2 of Paarl Farm Klappmutsrivier No. 742, if same is required to comply with the Klappmuts Roads Master Plan. This application does not include such access off the R44.

This is an application in keeping with Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2015. The application covers the following aspects:

- (1) Application in terms of Section 15 (2) (a) a rezoning of land;
- (2) Application in terms of Section 15 (2) (b) a permanent departure from the development parameters of the zoning scheme;
- (3) Application in terms of Section 15 (2) (d) a subdivision of land that is not exempted in terms of Section 24; and
- (4) Application in terms of Section 15 (2) (o) a consent use contemplated in the zoning scheme.

There are no title deed restrictions preventing the proposed land developments.

## 1. BACKGROUND

### 1.1 Introduction

The application deals with the proposed development of a new mixed-use development containing residential, light industrial, warehousing and manufacturing opportunities together with a central open space link along the river corridor at Klampmuts. It is referred to as Groenfontein, located approximately 1,5 km south of the centre of Klampmuts, off the Groenfontein Road and west of the R44, well within the urban edge on:

- o Portion 1 (7,7 ha) of Farm Groenfontein No. 717, Paarl Division.

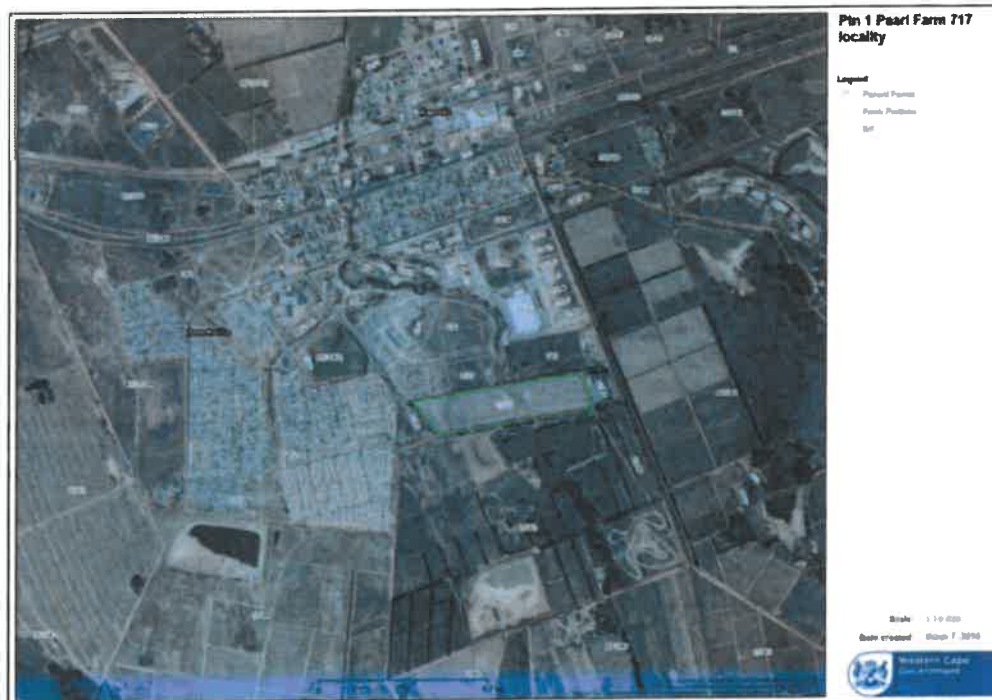


Figure 1: Groenfontein locality showing the site locality in green

The property is completely vacant and not used for agricultural purposes. It is inside of the urban area of Klampmuts as indicated on the Stellenbosch Spatial Development Framework 2013 and in the prior Klampmuts SDF 2007.

The development of industrial uses and opportunities at Klampmuts is determined in the Stellenbosch Integrated Development Plan (IDP) and Spatial Development Framework 2019 as being a priority and preferred use.



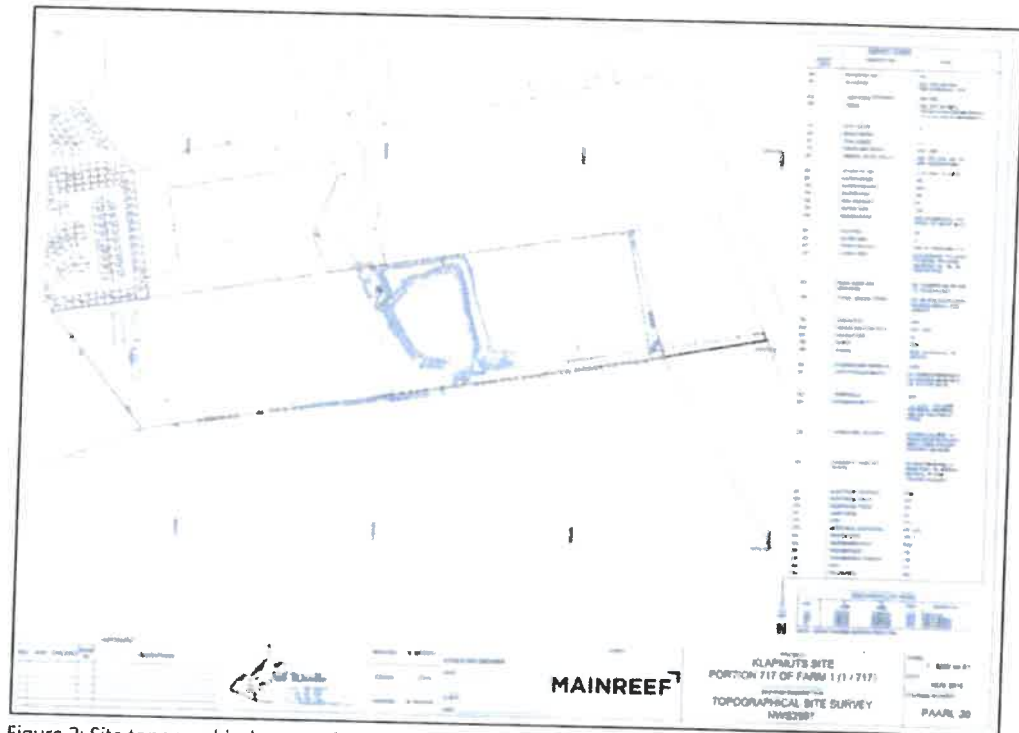


Figure 2: Site topographical survey showing extent of water course and physical features

## 1.2 Broad proposal

The farm is vacant and unused, except for some unauthorised informal grazing of cattle that occurs thereon from time to time. It does not contain any buildings and the farm dam thereon was partially demolished by the previous owner. As is clear from the topographical survey in Figure 2 above, a stream course passes through the centre of the site in a south – north direction.

The proposal is to develop a mixed-use industrial estate with an access off the Groenfontein Road to the west, across Erf 2183, Klapmuts. It entails the rezoning to subdivisional area of the entire property to create three use areas, with access via an internal road with a turning circle as and where required depending on the demand for buildings / sites. Further internal subdivisions will occur later on after conclusion of the rezoning process. The river course will be retained as an open space as determined by the environmental authorisation application process which includes development within 32m of the water course.

The westernmost corner abutting the current informal settlement on Erf 2183, approximately 7 000 m<sup>2</sup>, will be retained for middle income housing (25 to 30 group housing or dwelling units), with access of the proposed 25m access road. The



internal layout will be determined by the final developer of the residential component.

On the western side of the river, approximately 22 000m<sup>2</sup> of mixed-use development, focused on light industrial / warehousing on erven between 2 000 and 4 000m<sup>2</sup> is proposed. On the eastern side of the river approximately 20 000m<sup>2</sup> of warehousing and manufacturing is proposed on erven ranging between 5 000m<sup>2</sup> and 10 000m<sup>2</sup>, with access of the proposed internal road.



Figure 3: Broad development framework for Ptn 1 of Paarl Farm Groenfontein No. 717

## 2. LAND DEVELOPMENT APPLICATION AND AUTHORISATION

### 2.1 Development context

2.1.1 The subject Groenfontein property must be developed to its best potential, to align with the vision for Klapmuts as set out in the 2019 Stellenbosch Draft Spatial Development Framework (SDF). Herein the surrounding Klapmuts area is described as one of the three main settlements in the Municipality, second only to Stellenbosch. *"Klapmuts is a significant new regional economic node within metropolitan area and spatial target for developing a "consolidated platform for export of processed agri-food products (e.g. inland packaging and "containerisation port") and "an inter-municipal growth management priority"."* At the same

time the SDF highlights the fact that: *"Current planning initiatives have not addressed the economic generative opportunity associated with Klapmuts, its relationship with settlement opportunity for people close to work, and the associated opportunity to restructure Stellenbosch town as manufacturing concerns leave town in search of locations which better meet current business strategy and plans."* This is clearly an indication of the need to significantly increase the intensity of use and to create employment opportunities on the available land, rather than to continue developing housing.

- 2.1.2 To achieve the above vision of the proposed development for Klapmuts on the property, the applications and authorisations as set out below are required. Moreover, the SDF actually promotes development for employment opportunities: *"To date, the settlement is characterized by residential use and limited commercial and work-related activity. Public sector resource constraints have prevented the infrastructure investment required to enable and unlock the full potential of the area for private sector economic development as envisaged in the GCM RSIF"* (Greater Cape Metro Regional Spatial Implementation Framework).

## 2.2 Land use planning / land development application

- 2.2.1 Application in terms of Section 15 (2) (a) a rezoning of land.

The property is zoned for Agricultural use, inside of the urban edge. It has no obvious agricultural potential or significance and was previously used for small lot cultivated grazing and pig farming. A rezoning to subdivisional area, to permit the following uses is proposed:

- Abutting the current informal settlement on Erf 2183, approximately 7 000 m<sup>2</sup> (approximately 10% of the property): Middle income housing (25 to 30 group housing or dwelling units) zoned Residential Zone II, at a density of no less than 25 units per hectare, with access of the proposed 25m access road on the southern property boundary. The internal layout will be determined by the final developer of the residential component. An internal open space of approximately 1 000m<sup>2</sup>, Zoned Open Space Zone II will be desirable in the residential development.
- A public access road, connected to Groenfontein Road in Klapmuts, across Erf 2183, approximately 25m long and wide, on the southern boundary of the property: Zoned Transport Zone II.
- On the western side of the river, approximately 3ha (approximately 40% of the property): Mixed-use development, focused on light industrial / warehousing with a potential floor area of 22 000m<sup>2</sup> on erven between 2 000 and 4 000m<sup>2</sup>, with access of the proposed internal road. Zoning: Industrial I use.

- On the eastern side of the river, approximately 2,6ha (approximately 35% of the property): Industrial uses consisting of warehousing and manufacturing with a floor area potential of 20 000m<sup>2</sup> is proposed on erven ranging between 5 000m<sup>2</sup> and 10 000m<sup>2</sup>, with access of the proposed internal road. Zoning: Industrial I use.
- The river corridor, approximately 10% of the property is proposed as an internal green space corridor (roughly 0,7ha). Zoning: Open Space Zone II.
- The internal road will take up the remaining 5% of the property (roughly 0,5ha). Zoning: Transport Zone I.

2.2.2 Application for a permanent departure from the development parameters of the zoning scheme in terms of Section 15 (2) (b):

This departure applies specifically to the proposed residential component, which has the following zoning parameter limitations, from which departure is sought:

- *Density: as laid down by the council up to a maximum of twenty units per gross hectare or a 3:1 ratio with regard to the gross density of surrounding dwelling units, whichever permits smaller number of units.* A density of at least 25 units / hectare is proposed.
- *Communal open space: at least 80 m<sup>2</sup> per dwelling unit.* A maximum of 30m<sup>2</sup> communal open space is proposed.
- *Private outdoor space: at least 40% of the gross floor space of the unit concerned, in a form which shall not exceed a ratio of 2:1 (length to width).* A maximum of 20% private outdoor space is proposed, with no form ratio limitation.

2.2.3 Application for a consent use contemplated in the zoning scheme in terms of Section 15 (2) (o):

The Industrial Zone I primary uses do not include warehousing and transport usage. Warehousing as well as transport usage are important uses and functionally part of most recent industrial areas. Consent is sought for the establishment of such uses to be integrated into the development.

The application is for the above consent uses (warehouses and transport usage) to be approved permanently and subject to the normal development and land use parameters applicable to the Industrial I Zone.

2.2.4 Application in terms of Section 15 (2) (d) a subdivision of land:

Two immediate subdivisions are required for the development to proceed, leaving a remainder for the mixed-use industrial development that includes an open space corridor and internal road namely:

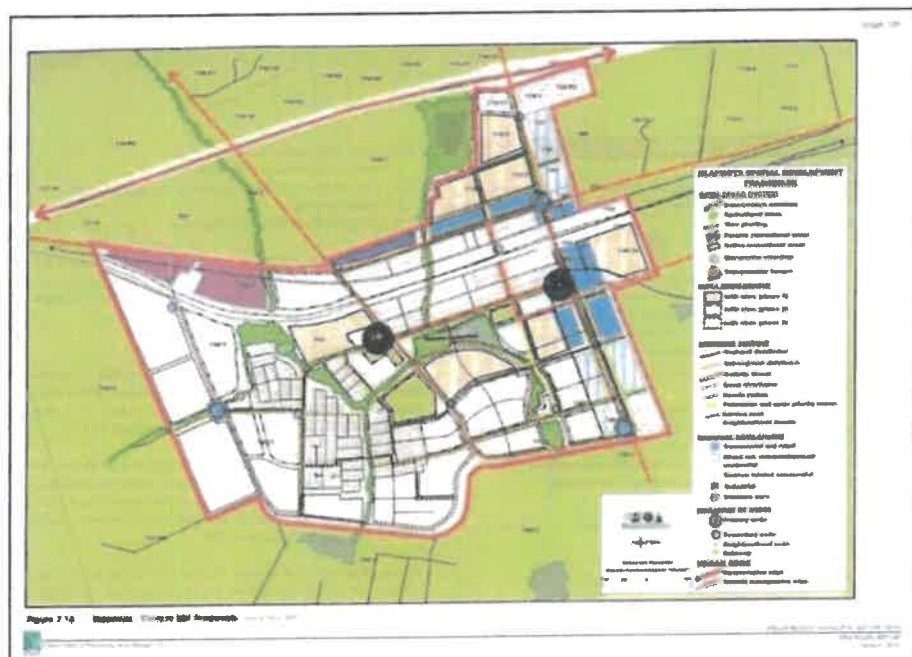
- Subdivision of approximately 500m<sup>2</sup> as public road for access purposes.
- Subdivision of approximately 7 000m<sup>2</sup> as residential development.

#### 2.2.5 Title deed restrictions:

The title deeds applicable to the farm were scrutinised and the relevant title deed is attached together with the conveyancer's certificate in Annexure E. There are no restrictive title conditions that prevent the proposed land development.

### 2.3 Motivation

2.3.1 The Integrated Development Plan 2018 (IDP), including the municipal spatial development framework make specific provision for the establishment of industrial and other commercial uses at Klapmuts, to promote the diversification of the economic activities and to enhance the economic sustainability of the otherwise predominantly residential node. This application is in line with the provisions of both the regional and the municipal spatial planning strategies / policies. As is obvious from the inserted Figure 4 below, this part of Klapmuts has been proposed as a high intensity development area with an open space corridor along the river since 2007.



The potential of Klapmuts to "accommodate enterprises requiring large landholdings and dependent on good intra- and inter-regional logistic networks" is acknowledged in the 2019 Stellenbosch SDF. As stated above, Klapmuts is seen as a significant new regional economic node within metropolitan area and it has to accommodate the "relocation of large industrial land users from Stellenbosch town", to "Actively support the regional locational advantages of Klapmuts to support economic development, job creation, and associated housing" and "the development of industries and employment generating enterprises related to manufacturing, logistics, and warehousing".



Figure 5: 2019 SDF proposals – site inside of urban edge but no use designation

- 2.3.2 The Provincial Spatial Development Framework (PSDF) and the supporting and complementary regional spatial development framework as contemplated in Section 18 of the Spatial Planning and Land Use Management Act, 2013 determine principles and the planning and development norms and criteria for economic related uses in the area. Nothing proposed herein contradicts any of the said development proposal, principles or guidelines.
- 2.3.3 The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013 and the principles referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014, with specific reference to spatial justice, spatial sustainability, efficiency and good administration have all been considered.

The proposed diversification of the local economic and residential opportunities through the granting of the application for rezoning, subdivision, departures and consent uses on the Groenfontein farm will improve the local environment in proximity of high-density urban developments along an intensively used road corridor where unemployment is high. Any other ratio of development, where housing becomes the predominant use of the property will only contribute to the skewed situation where residents have to commute in search of economic opportunities.

Any other ratio of development, e.g. by requiring a larger proportion of housing, will exacerbate the current skewed patterns, where residential uses far exceed the economic uses providing much needed employment opportunities. To further ensure a direct integration of the proposed development with the existing town and the residential areas where unemployment is of the highest in the municipal area, access to the development is proposed off Groenfontein Road, rather than off the R44. If access is taken off the R44, then typically the development will turn its back on the local community and draw employees off the R44 as a movement corridor. Instead, the development faces onto the existing neighbourhoods and increases the opportunities for direct integration and pedestrian access. Residents in Klappmuts will be able to walk to the new industrial development via the link road over Erf 2183.

#### **2.4 Environmental Management**

The proposed development triggers an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.

An application in terms of this legislation has been submitted and the assessment of the property and the proposed development through a basic assessment process will inform the decision-maker (Annexure I).

#### **2.5 Heritage**

The proposed development required authorisation in terms of Section 38 of the National Heritage Resources Act, 1999, Act 25 of 1999, as the development entails an area larger than 5 000m<sup>2</sup> and rezoning of an area in excess of 1ha. The competent authority approved of the proposed development (Annexure C).

#### **2.6 Engineering**

- 2.6.1 A traffic statement is attached as Annexure F. It is clear that the proposed development does not generate such volumes of traffic to warrant further assessment. Certain upgrading of the entrance roads are however required, as set out in the statement.



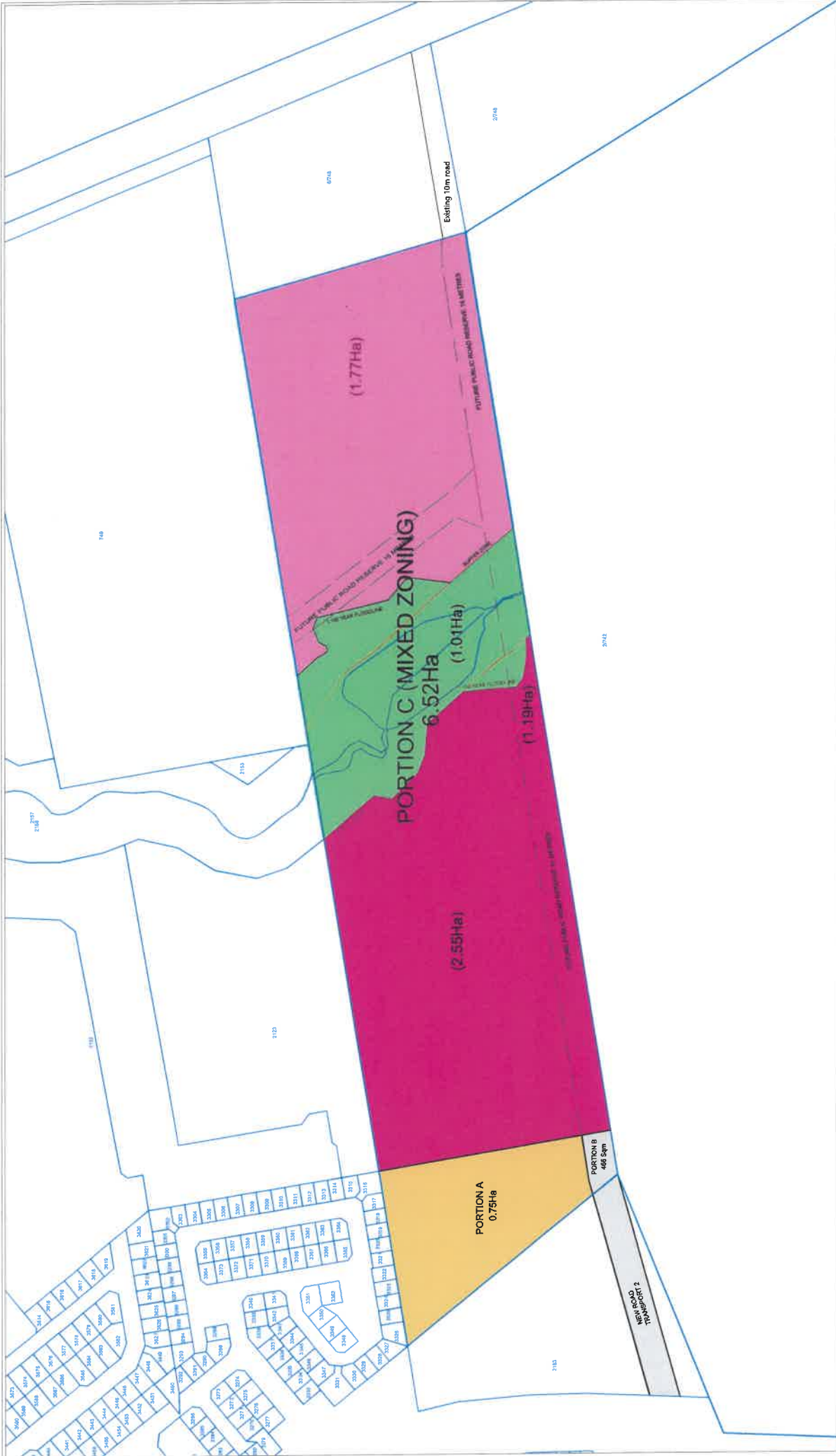
- 2.6.2 Storm water, water and sewerage services are addressed in the attached report (Annexure G). The additional demand generated by the proposed development.
- 2.6.3 Solid waste is removed by the Municipality, which service will continue with insignificant increase in volume, given that all reusable organic waste will be used on the farm as converted feed or for composting purposes.
- 2.6.4 Electrical services and capacity are sufficient to cater for the proposed development. All new services will be constructed by the developer (Annexure H).

### 3. CONCLUSION

The application for the rezoning of the property to subdivisinal area, the subdivision of a public access road off Groenfontein Road across Erf 2183, consent use for warehousing and transport use mixed with the industrial use and permission to prioritise the industrial use, is in keeping with the strategic development vision and policy for Klapmuts, as set out in the Stellenbosch Municipality SDF 2019.

Linking the development to Klapmuts via the Groenfontein Road access promotes non-motorised transport for labour and increases the pedestrian and labour access to the development and requires minimal road infrastructure upgrading.

The application can be approved given its alignment with the higher order strategic planning policies and plans and the economic and employment benefits that would be derived therefrom.



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| CAVEAT                                                                                    |  | 1. Any areas and dimensions are provisional and will be finalized at time of subdivision survey.<br>2. All levels are to be confirmed prior to construction. |  | Scale 1:1000 @ A1 |  | Date: 12 April 2024 | Contours: N/A | System: WG 19 |
| PROPOSED LAND DEVELOPMENT PLAN<br>GROENFONTEIN FARM<br>PORTION 1 OF FARM NO. 717<br>PAARL |  | Revisions                                                                                                                                                    |  | DATE              |  | BY                  |               | Client        |
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# PLAN REPLACED





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## **ANNEXURE D**

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

Development Management Consultants and  
Environmental Assessment Practitioners

Managing Director: DUPRÉ LOMBAARD

2<sup>nd</sup> Floor, Time Square, Elektron Street, Terlink Park, Stellenbosch,  
7600, South Africa

Mobile: +27 82 895 6362 // Email: [dupre.lombard@virdus.com](mailto:dupre.lombard@virdus.com)



15 July 2024

The Director: Planning and Development  
Stellenbosch Municipality

PO Box 17

**STELLENBOSCH**

7600

Per email: [landuse.enquiries@stellenbosch.gov.za](mailto:landuse.enquiries@stellenbosch.gov.za)

Dear Sir

**SITE SPECIFIC MOTIVATION REGARDING THE LAND DEVELOPMENT PROPOSAL FOR PORTION 1 OF PAARL FARM GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820)**

This submission offers site specific motivation for the development of the property for industrial purposes as proposed on the eastern and western side of the Klappmuts River, contrary to the recommendations of the approved Stellenbosch Municipality Spatial Development Framework, 2023 and the prior approved 2019 SDF, applicable at the time of submission of the application.

Section 22 of the Spatial Planning and Land Use Management Act, 2013, Act 16 of 2013 (SPLUMA) addresses the issue as follows:

- Section 22 (1) *A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.*
- Section 22 (2) *Subject to section 42, a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site-specific circumstances justify a departure from the provisions of such municipal spatial development framework.*

The Manager: Spatial Planning in a memorandum of comment on the application (17 August 2021) indicated support for the rezoning and development of the property, subject to the eastern portion (east of the Klappmuts River) being used for industrial purposes, abutting the Potbelly development. The Manager recommends that use of the land to the west of the river is to be retained as open space in keeping with the SDF designation, but would support residential development, in keeping with the already approved development on abutting properties, regardless of the SDF designation.

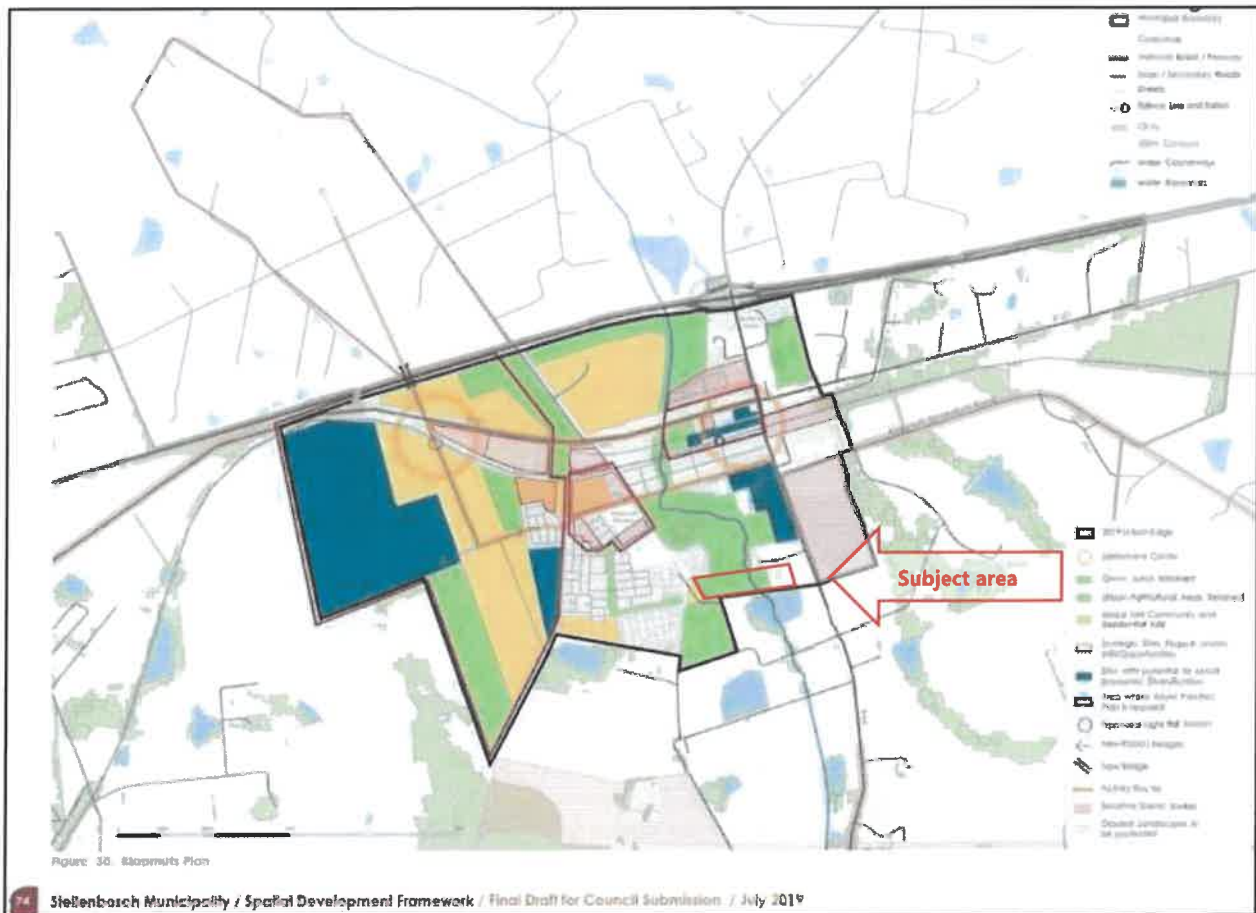
The Spatial Planning Department however supported the industrial development to the west of the river as indicated in the comment response submission, when initially approached by the previous owner and as recorded in the applicable pre-application consultation minutes.

The proposed development, with industrial use on the western side of the river, was authorised by the Department of Environmental Affairs and Development Planning (DEA&DP) on 09 October 2020, and Heritage Western Cape authorised the proposed development on 19 March 2019.



The only objection thus to the use of the land to the west of the river for industrial purposes is that submitted by the Manager: Spatial Planning, citing inconsistency with the SDF as reason. However, the Manager recommends a residential development on the land shown for open space purposes along the river corridor, i.e., confirms that some form of urban development could occur on the land, rather than it being retained for open space purposes.

For ease of reference, a copy of the applicable SDF map is inserted below.



Consistency with the SDF would require of the land to be retained as open space. However, the Municipality, and other relevant decision-makers / competent authorities, have already approved of departures from the SDF by the rezoning of land for urban development purposes on the following properties:

- Portion 7 of Farm 742 (educational purposes);
- Portion 8 of Farm 742 (educational purposes);
- Erf 2123 (residential purposes);
- Erf 2116 (industrial purposes);
- Erf 2117 (business purposes);
- Erf 2118 (residential purposes); and
- Erf 3269 (business purposes).

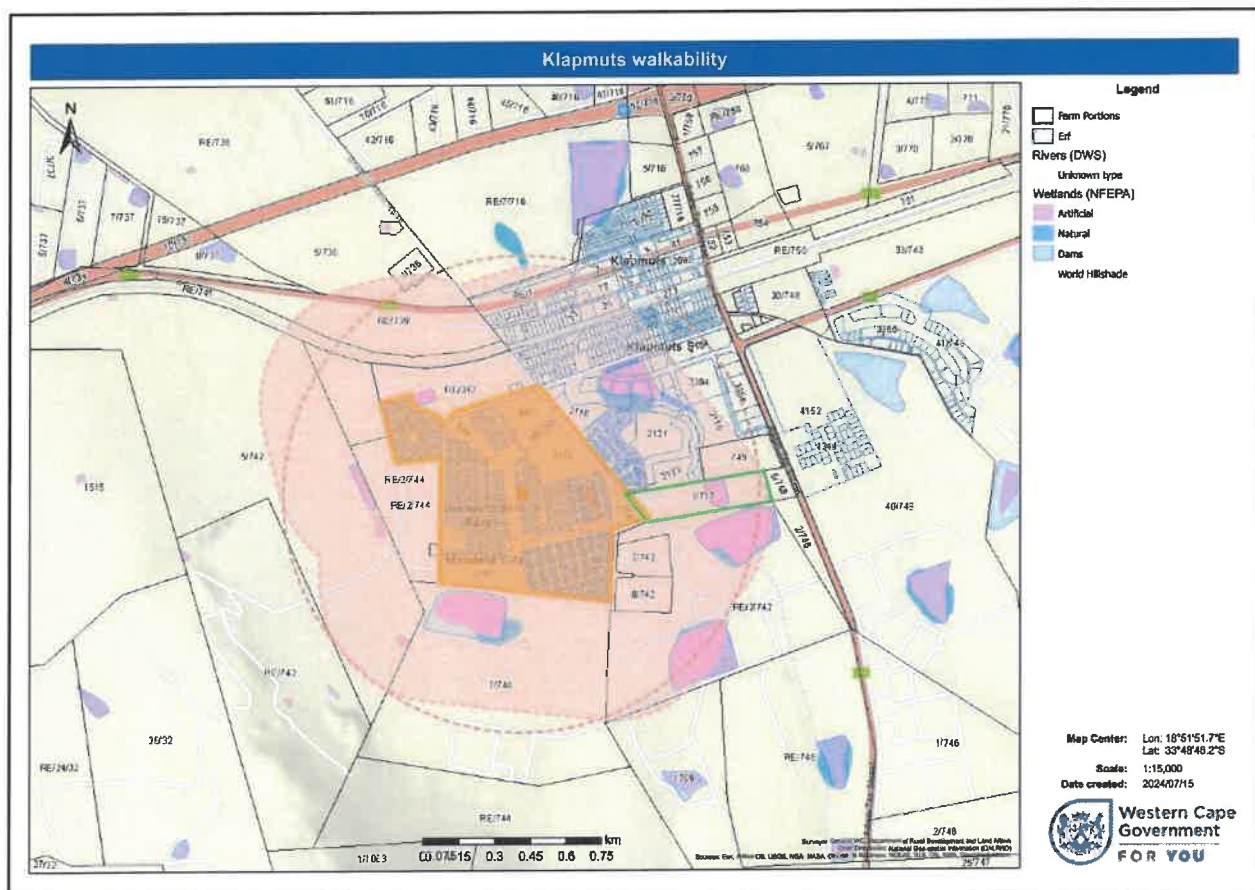
Moreover, as indicated by the Manager: Spatial Planning, the concept of departure from the SDF designation of open space can be supported for development purposes. The Municipality does not



have the resources or the need for the retention of large tracts of open space in Klapmuts, where land is in demand for development as indicated in the SDF. There is a high demand for land to provide housing and economic opportunities, while open space is a burden, often informally occupied for keeping of livestock or settlement purposes and not the intended recreational space or biodiversity networks.

The farm has been targeted on a number of occasions for informal settlement purposes and the owner has to employ a security company to prevent resettlement thereof, confirming the fact that undeveloped land is a burden in the area and that the open space designation of the land west of the river is not appropriate. Thus, there are valid site-specific reasons for not retaining the SDF designation of the land for open space purposes.

The property is located inside of the urban edge between the intersections of a new access road to the heart of the residential area between the R44 and Groenfontein Road. It is within 500m of the outer boundary of the area where fully state-subsidised housing has been established and within 1 000m of the centre of the area, as shown on the map inserted below. The only other vacant, undeveloped properties which could be developed on the western side of the river are Erven 2121 and 2123, albeit that they do not abut the main access road to the Klapmuts settlement.



It was previously motivated in the supplement to the application (Virdus Works letter dated 06 May 2021) that there is a strong argument for the positive consideration of the industrial use to the west of the Klapmuts River. Amongst others the nature of the proposed 16m-wide municipal link road over the property with a road reserve of no less than 20m width (of which 4m must be south of the common boundary with Portion 2 of Farm 742) should be considered. This future road will be the main entrance

off the R44 into the Klappmuts low income / subsidy housing development directly to the west of the property, and it will accordingly carry high volumes of traffic, pedestrians, and public transport, mostly minibus taxis, which are not conducive to creating an attractive residential environment directly abutting thereto. Moreover, the current and foreseeable future demand for land in the area is industrial. There are no vacant industrial properties in the town and on the other hand there are plenty of economic market residential erven that are vacant and undeveloped, for example the abutting land to the north, which was also indicated as green space in the SDF, but subsequently approved and partially developed for residential purposes as indicated above. There are also many vacant erven intended for residential development north of Merchant Street and the railway line, and the Klappmuts Hills development to the west of the town will offer even more residential opportunities, but no industrial opportunities. The envisaged development to the north of the N1 has not realised and indications are that this development will not proceed in the foreseeable future due to the inhibiting cost thereof. The landowner therefore wishes to proceed with the industrial development as proposed to the west of the river, as it allows for a sustainable development creating employment opportunities, whereas the residential alternative would cause the land to lie vacant, as does the majority of the abutting residential land to the north.

The SDF states that the relevant authorities must "*Actively support the regional locational advantages of Klappmuts to support economic development, job creation, and associated housing*", which indicates that where departures from the SDF are being considered, these should be balanced and not allow for residential departures only. The SDF also provides for "*Improved access and mobility*", under which it is stated that the authorities should "*Pro-actively improve conditions for walking and NMT within Klappmuts*". It further states that: "*Current planning initiatives have not addressed the economic generative opportunity associated with Klappmuts, its relationship with settlement opportunity for people close to work, and the associated opportunity to restructure Stellenbosch town as manufacturing concerns leave town in search of locations which better meet current business strategy and plans.*" The SDF thus provides motivation for priority consideration of employment opportunities within walking distance of the bulk of the low income residents, as shown in the map inserted above. The western side of the property offers at least two hectares of developable industrial land, for which there is a need and a demand, while land for economic housing is not in demand in this area and the state does not have the resources to acquire the land for subsidised housing purposes. Even if the state can somehow acquire the land and develop it for residential purposes, it would be contrary to the need for the creation of employment opportunities and increase the distance between residents and employment opportunities.

Commercial vehicle and heavy duty traffic access to the site is not through any residential area, i.e., the development of an industrial area on the western side of the river will not cause a loss of amenity to any abutting or adjacent residential neighbourhood.

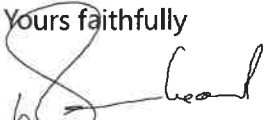
Accessibility is recognised as a major contributor for the creation of a successful industrial park and likewise for the continued existence and upgrading thereof. The proposed industrial development to the west of the river will lead to the creation of a small local development corridor and a link between two major arterials, namely Groenfontein Road and the R44.

Instead of having a negative effect on the surrounding urban area and residential neighbourhoods, the new small-scale local corridor can contribute to the overall health and wellbeing of the surrounding community. The safety of the resident community, the value of properties alongside an area of commercial investment, the security of the investment, accessibility to opportunities along the corridor, transportation options, environmental sustainability, the ease with which investment can be

made, and social cohesion, as well as improvements that would allow residents better access to economic opportunities, need to be considered by the decision-maker. It is thus not only a spatial planning exercise that is required, but also an investment promotion exercise. The development of an industrial park will be driven by private investment, for which the motivated site specific conditions should be agreed. On the other hand, a residential use of the land will depend entirely on state subsidies and a lack of opportunities for economic development. By leveraging investment in private development to better serve existing residents, the overall cost of achievement of the desired outcome of a balanced urban area in Klapmuts as foreseen in the SDF could be more readily attained.

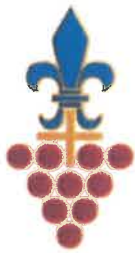
In conclusion, the strict application of the land designation in the SDF for open space is not advantageous or beneficial and the relevant authorities have confirmed same by previous decisions and in comment on the subject application. The need for housing is in a market sector which the owner cannot supply, i.e., fully state-subsidised housing and the demand for economic housing in the area is so low that existing approved developments are not proceeding. The need for employment opportunities in the area is high, as is the demand for industrial land, and the establishment of such uses in Klapmuts are a strategic priority in the SDF. The land west of the river is best suited to a feasible industrial development as indicated herein and there exists sufficient site specific grounds for a decision in favour of such use as motivated above.

Yours faithfully

  
**DUPRÉ LOMBAARD**



## **ANNEXURE E**



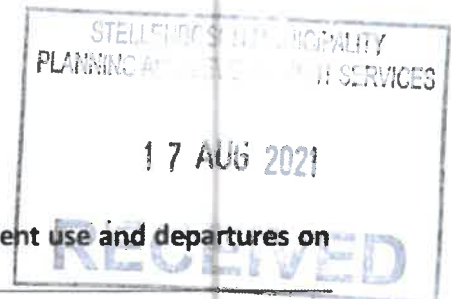
# STELLENBOSCH

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## Spatial Planning

**To :** Manager: Land Use Management  
**From :** Manager: Spatial Planning  
**Reference :** Farm 717/1, Paarl (Klapmuts)  
**LU No :** LU/9820  
**Date :** 17 August 2021  
**Re :** Application for rezoning, subdivision, consent use and departures on Farm 717/1, Paarl (Klapmuts)



I refer to your request for comment on the above application.

Application is made for the following:

1. **Rezoning** of Farm No. 717/1, Paarl Division from Agricultural Zone I to Subdivisional Area, in order to accommodate the following land uses:
  - Portion A: Residential Zone II ( $\pm 0.75$ ha);
  - Portion B: Transport Zone I ( $\pm 0.468$ ha);
  - Portion C: Industrial Zone I, Open Space Zone II (Private Open Space) and Transport Zone II ( $\pm 6.5$ ha)
2. **Subdivision** of Portion 1 of Farm No. 717, Paarl Division into 3 portions for the following land uses:
  - Portion A: Residential Zone II ( $\pm 0.75$ ha);
  - Portion B: Transport Zone I ( $\pm 0.468$ ha)
  - Portion C: Industrial Zone I, Open Space Zone II (Private Open Space) and Transport Zone II ( $\pm 6.5$ ha)
3. **Consent Use** in order to accommodate warehousing as well as transport usage in terms of the Industrial Zone I;
4. **Departure** to develop 25 units / ha in lieu of the 20 units / ha density applicable to group housing;
5. **Departure** to provide 30m<sup>2</sup> of communal open space per dwelling unit in lieu of the prescribed 80m<sup>2</sup> of communal open space per dwelling unit required;
6. **Departure** to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 80m<sup>2</sup> of communal open space.

1) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

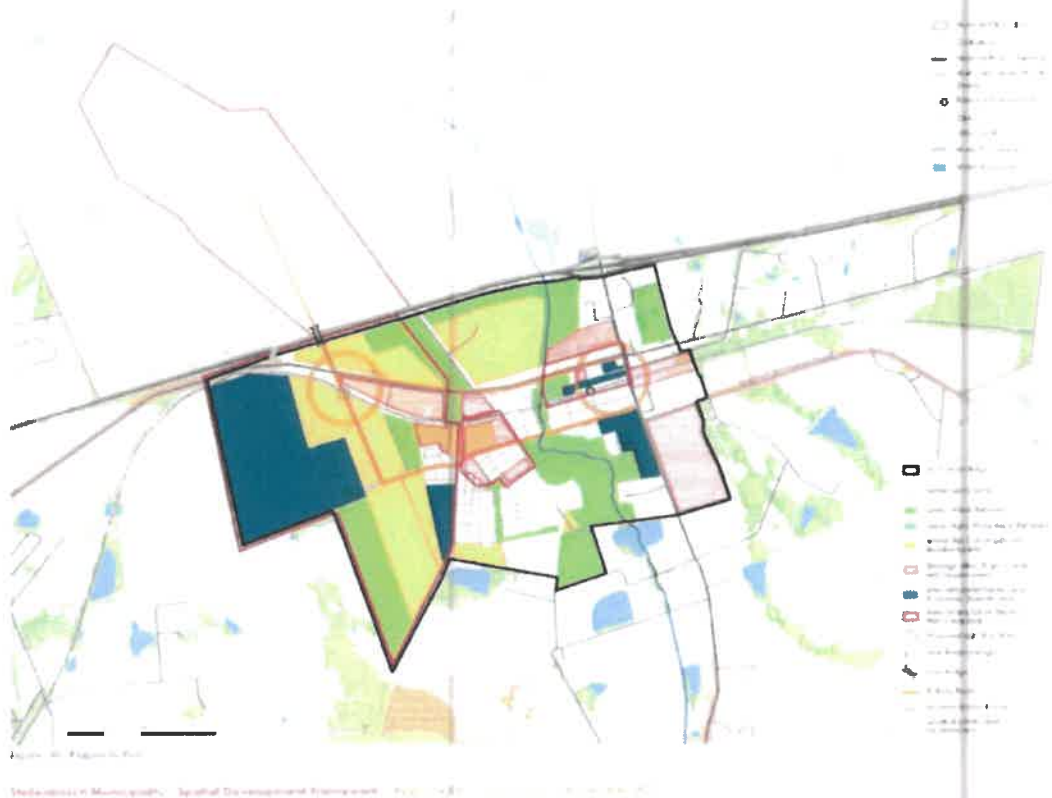
- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is located inside the urban edge of the Klapmuts node and in terms of the approved MSDF the following guidelines are applicable to this specific application:

- Maintain and improve the nature areas surrounding Klapmuts
- Work to increasingly connect and integrate nature areas, also with the urban green areas, to form an integrated green web or framework across the municipal area.
- Pro-actively support higher density infill residential opportunity in Klapmuts South.
- Focus investment in parks, open space, and social facilities accessible by public and NMT in this way also increasing the surveillance of these facilities.
- Klapmuts is identified as a spatial area for priority development over the MSDF planning period and the development of an "innovation precinct" or "smart city" in Klapmuts South should be supported.
- As a general principle, contain the footprint of Klapmuts as far as possible within the existing urban edge.



- Retain and actively support mixed use redevelopment and building within the town centre and surrounding areas, comprising living space above active street fronts.
- Ensure that housing in Klapmuts provides for a range of income groups.



The above plan is the approved Klapmuts plan for the Stellenbosch MSDF (approved by Council on 11 November 2019) The applicant did not refer to the correct plan in his application.

## 2) Supported / not supported:

This department therefore supports the development of an industrial area (warehousing) adjacent to the Pot-Belly property. (To the eastern side of the river)

As approved in the MSDF of November 2019, the whole area adjacent to the river is identified as green areas to be retained. However, if an application for residential be considered, the application needs to be motivated in terms of site specific circumstances.

This department would recommend that residential be proposed adjacent to Erf 2183 (and to the western side of the river) as there is already a residential component, but this department does not support any industrial uses other than the property located adjacent to the Pot-Belly property.

*BJG de la Bat*

**BJG de la Bat**  
**MANAGER: SPATIAL PLANNING**





# MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES  
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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**TO :** The Director: Planning and Development

**FOR ATTENTION :** Nicole Katts

**FROM :** Director: Infrastructure Services

**DATE :** 15 April 2024

**RE. :** Farm 717-1, Klapmuts: Rezoning, Subdivision for Portion A: Residential Zone II, Portion B: Transport Zone I, Portion C: Industrial Zone I POS and Transport Zone II

**YOUR REF :** LU/9820

**OUR REF :** 2169 CIVIL LU

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This Memo supersedes the Memo dated 13 July 2022. This revised Memo identifies the conceptual future road layout of the area. This must be taken into account with the planning of the development on Farm 717-1, in particular its subdivision layout and in terms of making provision for access to Farm 749 to the north.

Details, specifications and information reflected in the following documents refer:

- Proposed Land Development Plan Groenefontein Farm 717-1 Dated 12 Apr 2024 by FBV;
- Transport Impact Assessment by ICE Group dated 3 June 2019;
- Report on Civil Engineering Services, by UDS, dated 16 May 2019;
- Water and Sewer capacity analysis reports by GLS dated 15 June 2017

*It is noted that this application is only for the mother erf subdivision and internal layout must therefore still be submitted for further approval at a later stage. Additional conditions or requirements may then become applicable.*

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

**PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.

D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

**A. Definitions**

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
  - (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
  - (b) "*Developer*" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
  - (c) "*Engineer*" means an engineer employed by the "*Municipality*" or any person appointed by the "*Municipality*" from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the "*Engineer*";

**B. Recommendation:**

3. **The development is recommended for approval, subject to the conditions as stated below**

**C. Specific conditions of approval**

**PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

4. that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:

- a. **Klapmuts WWTW (Waste Water Treatment Works):** The Klapmuts WWTW has a current capacity of 2.4Ml/day. Unfortunately, taking into account the existing developments and new developments already approved, there is not sufficient spare capacity to accommodate the proposed development. The following budget has been allocated to Klapmuts WWTW but according to our Water Services department it is to improve the operations of the plant (belt press etc), not to increase capacity.

| Development                               | Name                      | Strategic Focus Area | 2022/2023 | 2023/2024 | 2024/2025 | MTREF Total |
|-------------------------------------------|---------------------------|----------------------|-----------|-----------|-----------|-------------|
| Water and Wastewater Services: Sanitation | Upgrade of WWTW: Klapmuts | Dignified Living     | 7 500 000 | 8 500 000 | -         | 16 000 000  |

Additional budget therefore has to be allocated by council to increase the capacity in the WWTW. As in interim solution, and taking into account that this is an industrial development and also the Owners cooperation in allowing bulk municipal services to be constructed on their property recently, it has been agreed with the Developer to allow a package plant until such time that capacity is available at the WWTW. Once capacity is available, the Developer or successor in title must connect to the municipal network – at their cost. Before any construction work on the plant commences, designs and specification must be submitted for approval by the Water Services department. Further conditions may be set at design approval stage. The necessary approvals must also be obtained from Department of Water and Sanitation for the operation of the package plant – this is the Developer's responsibility. The package plant is only applicable to the Industrial component of the development and not to the residential component (Portion A). No further subdivision of Portion A into the individual erven will therefore be supported until spare capacity at the Klapmuts WWTW has been created.

# **PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

b. **Water Network:** There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development.

- i. An existing 250mm dia pipe is located along the southern boundary of the development that can be tied into.
- ii. The Developer will be responsible for any link water pipelines between the development and the municipal network.
- iii. The identification of adequate connection positions will be done at SDP stage.

c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development.

- i. The Developer will be responsible for any link sewer pipelines between the development and the municipal network. The nearest connection point is the 200mm dia sewer north of the development.
- ii. The identification of adequate connection positions will be done at SDP stage.

d. **Roads Network:**

- i. The Potbelly Pantry Road will, in future, require a +/-20-metre wide reserve, as it will be extended westwards to link with Groenefontein Road and service other properties between the R44 and Groenefontein Road. A 16-metre wide portion of land, as shown on the Proposed Land Development Plan Groenefontein Farm Paarl Dated 12 April 2024 by FBV, must be subdivided from Farm 717/1 along its southern boundary and be rezoned and transferred to the Municipality for use as a public road reserve. This must be in place before subdivision clearance or before any building plans are approved (whichever may come first).
- ii. A 16m (minimum) public road reserve must be created across Farm 717-1, to provide access to erf 749 in the north, as indicated on Proposed Land Development Plan Groenefontein Farm Paarl Dated 12 April 2024 by FBV. It is acknowledged that the position of this road reserve is not final and must still be agreed upon by all the affected parties. The final position must be indicated on subsequent applications i.e. subdivision plans /or SDP approvals.



## PROPOSED REZONING AND SUBDIVISION OF FARM 717-1

The public road reserve must be in place before subdivision clearance or before any building plans are approved (whichever may come first).

- iii. In order to construct the long term road network (**Annexure Long term Roads**) that will give access to this development and other developments along this route, land is required from the properties to the south (Farm 742 and Farm 748/2). This is however not yet in place, which makes the construction of the ultimate layout problematic at this stage. As an interim solution, access to Farm 717/1 must be constructed in accordance with DWG No LS143-G01 Rev 05 dated 2024-03-15 by Liezl Stodart (**Annexure: Interim Roads**). The section of road, between the R44 and the access to the Farm 717/1 development must be constructed before any subdivision clearance of Farm 717/1 is issued.

Should the land become available for the construction of the ultimate layout, the Municipality will set such road construction conditions on any future land use applications.

- iv. No subdivision clearance will be issued unless Provincial Roads Department has confirmed that their conditions have been met.

### e. Stormwater Network:

- i. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans for approval;

### f. Solid Waste:

- i. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;

## PROPOSED REZONING AND SUBDIVISION OF FARM 717-1

- ii. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (021 808 8241; [clayton.hendricks@stellenbosch.gov.za](mailto:clayton.hendricks@stellenbosch.gov.za)), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.
5. that the upgrades mentioned above be met by the "*Developer*" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given.
6. **Bulk infrastructure projects not on municipal budget:** Bulk projects not on municipal budget: Any of the projects listed above, that are not currently on the Municipality's approved budget will be the Developer's responsibility to implement. Where upgrades may be offset against the Development Charges, and should the Development Charges be sufficient, the "Developer" may enter into a Services Agreement with the "Municipality" to do these upgrades in-lieu of Development Charges. Should the Development Charges not be sufficient, the Developer may decide to cover the shortfall. If the Developer is not in a position to cover the shortfall, then the implementation of the development must be re-planned around the availability of the bulk services in question. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates will not be supported by the Directorate: Engineering Services for this development if all bulk services are not available.

### Development Charges

7. Development Charges will be applicable and will be calculated when more information is available at SDP and/or BP approval stage.

### Site Development Plan

**When preparing the SDP, please be aware of the following requirements (if applicable to your site) and incorporate it into the layout:**

#### **PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

8. that provision be made for a stacking distance of 6m (< 15 units served); 12m (15-40 units served); site specific requirements (> 40 units served or a business premises). The stacking distances shall be measured from the edge of the closest sidewalk or cycle lane to the entrance gate. The guiding principle is that vehicle and pedestrian traffic should not be obstructed by stacking vehicles;
9. that sufficient entrance and exit widths will be created at the vehicle access points: 2.7m minimum and 4.0m maximum width for a single entrance or exit way; 5.0m min and 8.0m maximum for a combined entrance and exit way. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m.
10. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development;
11. that provision be made for a 3-point turning head in front of the entrance gate, to the satisfaction of the Directorate: Infrastructure Services in order to enable a vehicle to turn around;
12. that provision be made for a refuse room as per the specification of the standard development conditions below the exact position and details must be determined in conjunction with the Municipality at detail design stage.
13. that if the "Developer" reaches agreement with the Municipality to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
14. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). This must be clearly indicated on the engineering drawings when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below;

#### **Ownership and Responsibility of services**

15. that the SDP must indicate what roads are to be private/public and that all internal services in the private roads will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

## **PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

### **Internal- and Link Services**

16. that the "*Developer*", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
17. Any alterations to existing services necessitated by the new development will be for the Developer's cost;

### **Bulk Water Meter**

18. that the "*Developer*" shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his cost at the entrance gate and that clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

### **Floodplain Management**

19. that the 1:50 and 1:100 year flood lines of the stream be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. Where flood lines have not previously been determined, the "*Developer*" must procure the services of a suitably qualified registered engineering professional to undertake such determinations at his/her own cost. No new development will be allowed under the 1:100 year flood line;
20. that the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer;

### **Electricity**

21. The development resides in an Eskom area of supply. As such the Developer must liaise with Eskom regarding the available capacity of Electricity supply and the cost thereof.

### **Damage to municipal infrastructure and assets**

22. that the "*Developer*" will be held liable for any damage to municipal infrastructure, caused as a direct result of the development of the subject property. The "*Developer*" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the

**PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

Directorate: Infrastructure Services, prior to any clearance (or occupation certificate where clearance is not applicable) being given;

**D. General conditions of approval: The following general development conditions are applicable. If there is a contradiction between the specific and general development conditions, the specific conditions will prevail:**

23. that should the "*Developer*" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "*Developer*" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
24. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
25. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
26. that, if applicable, the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
27. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;

**PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

28. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3<sup>rd</sup> Edition (2015);
  
29. Should the "Developer" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. **The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;**
  
30. that the "Developer" takes cognizance and accepts the following:
  - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
  - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
  - c.) that no approval of internal – and external civil engineering services drawings will be given before the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
  - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
  - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
  - f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch

## PROPOSED REZONING AND SUBDIVISION OF FARM 717-1

Municipal Land Use Planning By-law is issued unless the "Developer" obtains the approval of the "Engineer" for construction work of his development parallel with the provision of the bulk services.

### Site Development Plan

31. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";
32. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
33. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
34. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

### Internal- and Link Services

35. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;



**PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

36. that the Directorate: Infrastructure Services may require the "*Developer*" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;
37. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;
38. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
39. that construction of services may only commence after municipal approval has been obtained;
40. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "*Engineer*";
41. that the "*Developer*" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
42. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
43. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
44. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "*Engineer*" on request by the "*Developer's*" Consulting Engineer;

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45. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
46. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
47. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;
48. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
49. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
50. that the "Developer" be liable for all damages caused to existing civil and electrical services of the "Municipality" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "Developer" to determine the location of existing civil and electrical services;
51. that all connections to the existing services be made by the "Developer" under direct supervision of the "Engineer" or as otherwise agreed and all cost will be for the account of the "Developer".
52. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
53. that the "Developer", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner's Association, in respect of private services, and to the Municipality in respect of public services;

## PROPOSED REZONING AND SUBDIVISION OF FARM 717-1

### Servitudes

54. that the "*Developer*" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;
55. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "*Developer*" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
56. that the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

### Stormwater Management

57. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.
58. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
59. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;

# **PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

60. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;
61. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
62. that the consulting engineer, appointed by the "*Developer*", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "*Developer*" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
63. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.
64. that the approved management plan be implemented by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
65. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
66. that no overland discharge of stormwater will be allowed into a public road for even with catchment areas of more than 1500m<sup>2</sup> and for which it is agreed that no detention facilities are required. The "*Developer*" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

## **Roads**

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67. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable;
68. that no access control will be allowed in public roads;
69. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;
70. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
71. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;
72. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;
73. that each erf has its own access (drive-way), *(the new access(es) (dropped kerb(s)) to the proposed parking bays be)* constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;
74. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;
75. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Infrastructure Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Infrastructure Services;
76. that no parking be allowed in the road reserve;

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**Bridge Requirement:**

77. that any bridge(s) in the proposed road lay-out be designed and constructed to not impact on the natural flow of water, and to be able to accommodate the 1:50 year flood. The underside of the bridge(s) must be above the 1:100 year flood level;
78. that the bridge(s) be constructed by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;
79. that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the bridge(s). The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;

**Culvert Requirement:**

80. that the proposed culvert under rail in the proposed road lay-out be designed and constructed by a professional engineer and to the satisfaction of all affected institutions i.e. Provincial Government, Stellenbosch Municipality, Metrorail, PRASA, etc;
81. that the culvert be constructed by the "*Developer*", to the standards of the Directorate: Infrastructure Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;
82. that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the culvert. The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;
83. that stormwater in the culvert be addressed without utilizing mechanical pumps to the satisfaction of the "*Engineer*";

**Wayleaves**

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84. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;
85. that wayleaves will only be issued after approval of relevant engineering design drawings;
86. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

**Solid Waste**

87. The reduction, reuse and recycle approach should be considered to waste management:

- Households to reduce waste produced
- Re-use resources wherever possible
- Recycle appropriately

To give effect to the above, the following are some typical waste minimization measures that should be implemented by the Developer, to the satisfaction of the Stellenbosch Municipality:

- Procedures should be stipulated for the collection and sorting of recyclable materials;
- Provision should be made for centralized containers for recyclable materials including cardboard, glass, metal, and plastic and green waste;
- A service provider should be appointed to collect recyclable waste. Such service provider must be legally compliant in terms of all Environmental Legislation and/or approved by the Municipality's Solid Waste Management Department;
- Procedures for removal of waste (materials that cannot be reused or recycled) from the site should be stipulated;
- General visual monitoring should be undertaken to identify if these measures are being adhered to;
- Record shall be kept of any steps taken to address reports of dumping or poor waste management within the Development;

Where an Owner's Association is to be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law, the Constitution of the Owner's Association shall incorporate the above in the Constitution and:



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- Each party's (Developer/Owner's Association/Home Owner) responsibilities w.r.t. waste management and waste minimization should be clearly defined in such constitution
  - A set of penalties for non-compliance should be stipulated in the Constitution
88. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
89. that the "*Developer*" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@ Stellenbosch.gov.za)
90. that should it not be an option for the "*Municipality*" to enter into an agreement with the "*Developer*" due to capacity constraints, the "*Developer*" will have to enter into a service agreement with a service provider approved by the "*Municipality*" prior to clearance certificate or occupation certificate (where clearance not applicable);
91. that if the "*Developer*" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "*Municipality*";
92. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
93. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
94. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Infrastructure Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;
95. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
96. Road foundation shall be designed to carry a single axle load of 8.2 tons;

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97. Refuse storage areas are to be provided for all premises other than single residential erven;
98. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
99. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
100. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 l Municipal wheelie bin;
101. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;
102. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
103. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

Commercial and Domestic : 585 mm wide x 730 mm deep x 1100 mm high

104. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;
105. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224
106. Building specifications for refuse storage area:

**Floor**

## **PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

The floor shall be concrete, screened to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage).

### **Walls and Roof**

The Refuse Storage Area shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light color high gloss enamel. The height of the room to the ceiling shall be not less than 2.21 meters.

### **Ventilation and Lighting**

The refuse storage area shall be adequately lit and ventilated: The room shall be provided with a lockable door which shall be fitted with an efficient self-closing device. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.

### **Water Supply and Drainage**

A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

107. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
108. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
109. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;
110. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;

**PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

- 111. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
- 112. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

**AS-BUILTs**

113. The "*Developer*" shall provide the "*Municipality*" with:

- a. a complete set of as-built paper plans; signed by a professional registered engineer;
  - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;
  - c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "*Engineer*", and is to be verified as correct by a professional registered engineer;
  - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
  - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "*Municipality*" are fully paid;
114. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "*Engineer*" and approved by the "*Engineer*" before any application for Certificate of Clearance will be supported by the "*Engineer*";
115. The Consulting Civil Engineer of the "*Developer*" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;

**PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

116. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;
117. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

**Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law**

118. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
119. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
120. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
121. The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;
122. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

**Avoidance of waste, nuisance and risk**

123. Where in the opinion of the "Municipality" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the

**PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

*"Municipality"* may give the *"Developer"* and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the *"Municipality"* may carry out the work itself or have it carried out, at the cost of the *"Developer"* and or OWNER'S ASSOCIATION.

**Streetlighting**

124. The *"Developer"* will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the *"Developer"*;
125. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the *"Developer"* must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;
126. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the *"Developer"*, to the municipality's Manager: Electrical Engineering for approval before any construction work commences;
127. Any defect with the street lighting services constructed by the *"Developer"* which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the *"Developer"*. Should the necessary repair work not be done within the said time the *"Municipality"* reserves the right to carry out the repair work at the cost of the *"Developer"*;
128. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the *"Developer"* and or Home Owner's Association.


**SHANE SHANDAKA****DIRECTOR: INFRASTRUCTURE SERVICES**

# PROPOSED REZONING AND SUBDIVISION OF FARM 717-1

## ATTACHMENT X

### Geographic Information System (GIS) data capturing standards

In drawing up the As-build Plans relating to this development, the consultant must create the following separate layers in ESRI .shp, electronic file format in order for the data to reflect spatially correct.

| Layer name         | Content                                                                                               |
|--------------------|-------------------------------------------------------------------------------------------------------|
| TITLE              | Title information, including any endorsements and references                                          |
| NOTES              | All noted information, both from the owner / surveyor and SG                                          |
| PARENT_PROPLINES   | Parent property lines                                                                                 |
| PARENT_PROPNUM     | Parent erf number (or portion number)                                                                 |
| PROPLINES          | New portion boundaries                                                                                |
| PROPANNO           | New erf numbers                                                                                       |
| SERVLINES          | Servitude polygons                                                                                    |
| SERVANNO           | Servitude type                                                                                        |
| STREET_NAMES       | Road centre lines with street names                                                                   |
| STREET_NUMBERS     | Points with street numbers                                                                            |
| COMPLEX BOUNDARIES | Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are) |
| SUBURB             | Polygon with suburb name, where new suburb / township extension created                               |
| ESTATE             | Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)  |

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc. that it is kept separate from one another. When new properties are added as part of a development, a list of erf numbers with its associated SG numbers must be provided in an electronic format like .txt, .xls or .csv format.

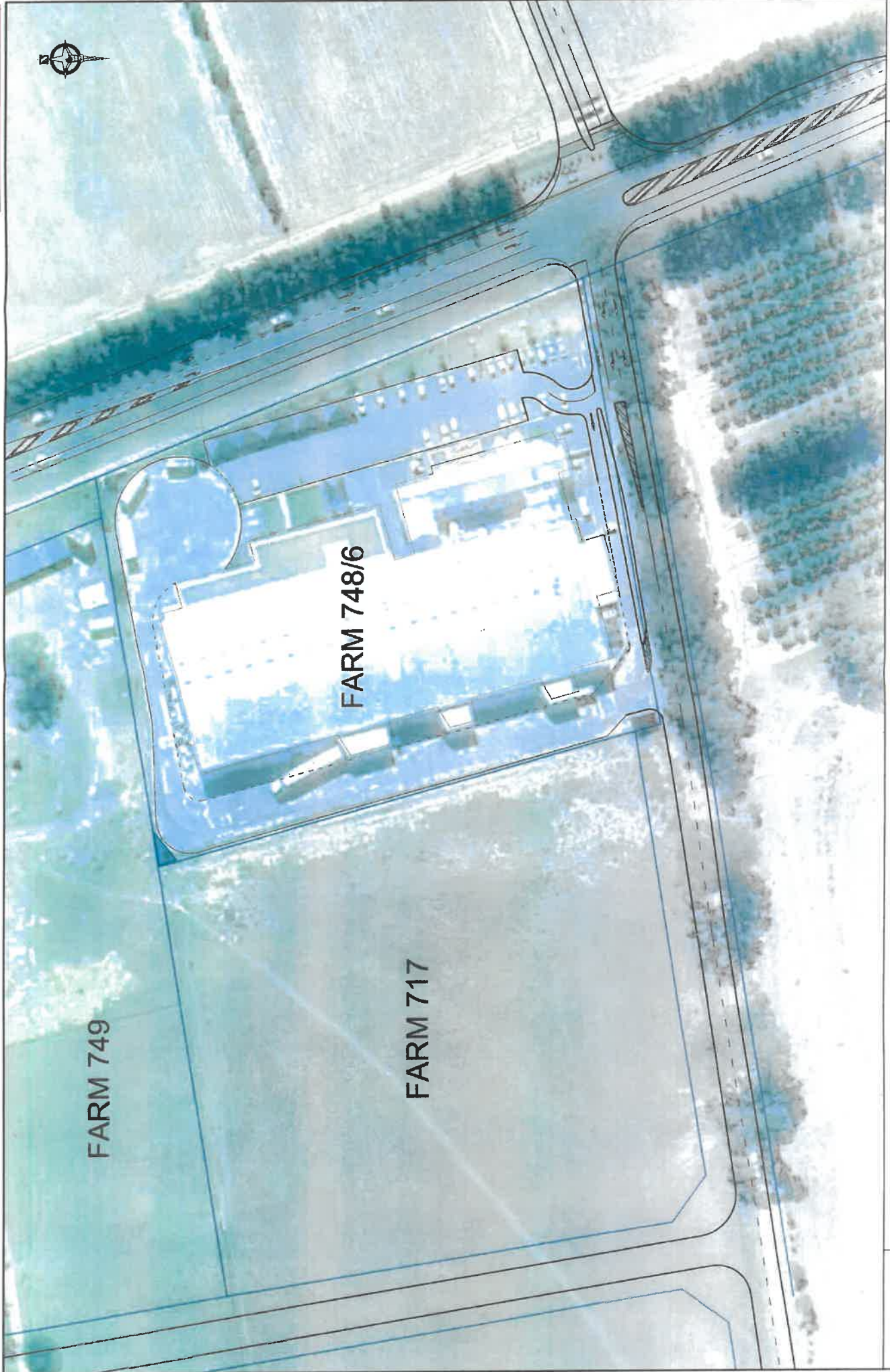


**PROPOSED REZONING AND SUBDIVISION OF FARM 717-1**

For road layer shapefiles; the road name, the from\_street and to\_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

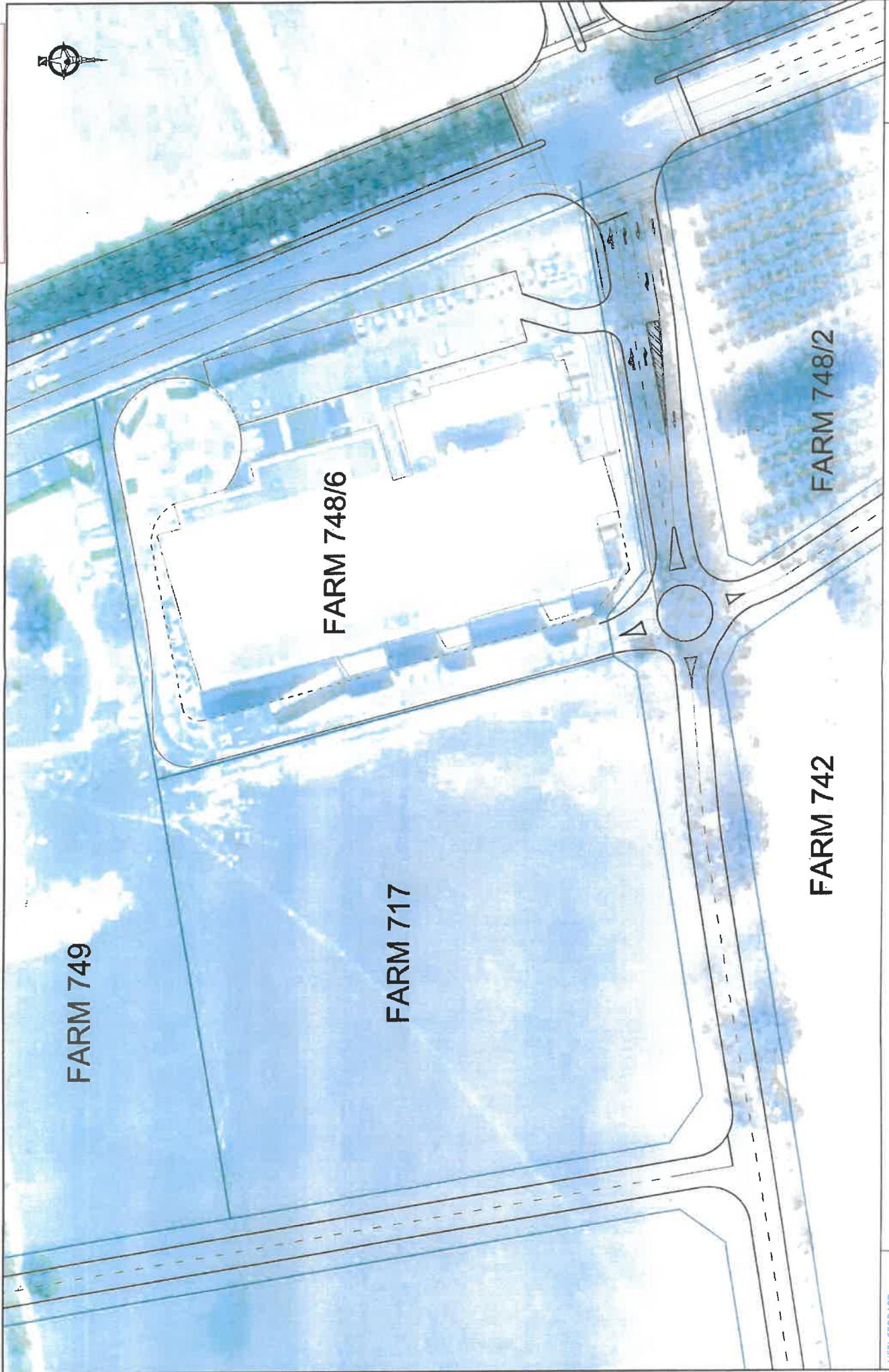
In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch Municipality standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter



|                                                    |                                                                                                                                  |                                                                                                                                                    |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>DWG NO. LS103-G01<br/>Rev 05<br/>2024-05-16</p> | <p>ACCESS TO FARMS 748/6 (POTBELLY / SUBTROPICO), 717 (CADCOR) AND 749 (HEEN EN WEER), KLAPMUTS<br/>SUGGESTED INTERIM LAYOUT</p> | <p>LIEZL STODART<br/>M. Eng. Pr. Eng.<br/>100 The Woodlands Estate   Vismersburg   1604<br/>Tel: 021 957 1111   Email: l.stodart@stodart.co.za</p> |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|







## **ANNEXURE F**



Western Cape  
Government

Agriculture

Cor Van Der Walt  
LandUse Management

Email: [LandUse.Eisenburg@eisenburg.com](mailto:LandUse.Eisenburg@eisenburg.com)

tel: +27 21 808 5099 fax: +27 21 808 5092

**OUR REFERENCE** : 20/9/2/5/4/185  
**YOUR REFERENCE** : -  
**ENQUIRIES** : Cor van der Walt

Virdus Works  
 77Bultekring, Dalsig  
 STELLENBOSCH  
 7600

Att: Dupré Lombaard

**LAND DEVELOPMENT APPLICATION: DIVISION PAARL  
 PORTION 1 OF THE FARM GROENFONTEIN NO 717**

Your application of 06 May 2021 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed development.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.



- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. C. van der Walt

**LANDUSE MANAGER: LANDUSE MANAGEMENT**

**2021-09-09**

Copy:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599





**REGISTERED POST**

Our Ref: HM/ CAPE WINELANDS/ DRAKENSTEIN/ KLAPMUTS/  
 FARM GROENFONTEIN 717/ PORTION 1  
 Case No: 18071009AS0711E  
 Enquiries: Lwazi Bhengu  
 E-mail: [Lwazi.Bhengu@westerncape.gov.za](mailto:Lwazi.Bhengu@westerncape.gov.za)  
 Tel: 021 483 9689  
 Date: 19 March 2019

Cadcor (Pty) Ltd  
 P.O. Box 643  
 1752



**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL**  
 In terms of Section 38 (8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape  
 Provincial Gazette 6061, Notice 298 of 2003

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED MIXED USE DEVELOPMENT ON PORTION 1 OF FARM GROENFONTEIN 717, KLAPMUTS, SUBMITTED IN TERMS OF SECTION 38 (8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

CASE NUMBER: 18071009AS0711E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 15 March 2019. This matter was discussed at the Heritage Officers meeting held on 18 March 2019.

You are hereby notified that since there is no reason to believe that the proposed mixed use development on Farm Groenfontein 717, Portion 1, Klapmuts, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and palaeontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

Dr Mxolisi Dlamuka  
 Chief Executive Officer, Heritage Western Cape

[www.westerncape.gov.za/sas](http://www.westerncape.gov.za/sas)

|                   |  |                   |  |
|-------------------|--|-------------------|--|
| Street Address    |  | Postal Address    |  |
| City/Town/Village |  | City/Town/Village |  |
| Province          |  | Province          |  |
| Postcode          |  | Postcode          |  |
| Country           |  | Country           |  |





**Western Cape  
Government**

Infrastructure  
**Vanessa Stoffels**

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

**Ref:** TPW/CFS/RP/LUD/REZ/SUB-25/335 (Job 27206)

The Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
**STELLENBOSCH**  
7599

Attention: Mr Ulrich von Molendorff

**REMAINDER OF PORTION 1 OF FARM GROENFONTEIN 177 PAARL (KLAPMUTS): MAIN ROAD 27 AND MAIN ROAD 205: UPDATED TRAFFIC IMPACT ASSESSMENT FOR THE ORIGINAL APPLICATION FOR SUBDIVISION, REZONING AND CONSENT USE AND DEPARTURES**

1. The following refer:
  - 1.1. The email from Virtus Works dated 21 February 2023;
  - 1.2. The letter UDS233/Reports/TIA/Addendum from UDS Africa dated 20 February 2023 serving as an Addendum to the previous Traffic Impact Assessment (TIA) (Ref: iCE/S/1297 and dated 3 June 2019);
  - 1.3. Proposed Land Development Plan dated 8 November 2021 (reference PA717-1, drawing number PA717-1 and Revision 11) as prepared by Friedlaender, Burger & Volkmann;
  - 1.4. This Branch's comments and conditions (reference TPW/CFS/RP/LUD/EWZ/SUB-25/335 (Job 27206) dated 18 November 2021 on the application;
  - 1.5. All previous correspondence and conditions relating to the Rezoning and Consent application for the original Portion 6 of Farm No. 748, Paarl (Potbelly Pantry) with the intension of also creating a 20m road reserve on the southern edge of the subject property to perform the function of a Class 4 Municipal Collector road between Main Road 27 and Groenfontein road (10m will be taken from Farm 748/6 and 10m from the adjacent Portion 2 of Farm 748):
    - 1.5.1. Reference 16/9/6/1-25 (Job 26250) dated 10 September 2018 relating to this Branch's comments and conditions for the Rezoning and Consent application for Portion 6 of Farm 748, Klapmuts Paarl;
    - 1.5.2. Reference 16/9/6/1-25 (Job 270) dated 9 November 2020 for this Branch's comments and conditions and also to comply with the above approval by Stellenbosch

Municipality: Application for Subdivision of Portion 6 of Farm No. 748 (Potbelly Pantry) into two portions, Portion A (1056.4m<sup>2</sup>) a 10m wide strip along the southern boundary (part of the 20m road reserve) and Portion B (11913.4m<sup>2</sup>), the remainder and the Rezoning of the subdivided Portion A of Portion 6 of Farm 748 (Potbelly Pantry) from Industrials zone to Public Roads and Parking.

2. Main Road 27 (MR27; R44) is directly affected by this application while the Main Road 27/Main Road 189 (Old Paarl Road) and Main Road 27 / Main Road 205 (Simondium Road) is indirectly affected.
3. This Branch objected to the previous application because access would only have been through the existing Klappmuts road network with the main access off Groenfontein Road.
4. Key findings in the latest Addendum to the previous TIA are as follows:
  - 4.1. Access was initially only proposed via Groenfontein Road as issues regarding access over Portion 6 of Farm 748 (Potbelly Pantry) to MR27 (R44) were not yet resolved;
  - 4.2. The proposed access position changed from the Groenfontein Road access only, to access also now possible onto MR27 (R44) over Portion 6 of Farm 748 (Potbelly Pantry) and was possible following negotiations with Stellenbosch Municipality and the neighbouring property owners;
  - 4.3. It was agreed with Stellenbosch Municipality that 16m (of the 20m road reserve) would be provided along the subject property and Portion 6 of Farm 748, whilst the remaining 4m required to accomplish the 20m would be provided by the neighbouring property (Portion 2 of Farm 748) if/when it is developed;
  - 4.4. The 16m will provide sufficient space for an 8m road and 2m sidewalk;
  - 4.5. The proposed future 4m along the neighbouring property (Portion 2 of Farm 748) would accommodate the current row of trees and the NMT route;
  - 4.6. The potential trip generation, as per the previous TIA, were 276 peak hour trips (183 in, 93 out during the AM peak hour and 89 in, 187 out during the PM peak hour) for the light industrial/warehousing uses, and 23 peak hour trips (6 in, 17 out during the AM peak hour and 16 in, 7 out during the PM peak hour) for the potential housing portion of the development:
    - 4.6.1. With the proposed access to Main Road 27, approximately 75% of the light industrial/warehousing trips were assumed to travel via the said access, whilst the remainder of the light industrial/warehousing trips (possibly employees via the existing Klappmuts area) plus the housing portion-trips were assumed to travel via Groenfontein Road.
    - 4.6.2. To provide access to the Mount Vernon development, to the opposite side of the Potbelly Pantry-access, a dedicated right-turn lane (as first phase upgrade) and traffic signals (to follow when warranted) will be provided at this intersection.
    - 4.6.3. MR27 (R44) / MR189 (Old Paarl Road) intersection: WCG comments mentioned that this intersection was not included in the previous TIA's analyses but should be assessed

as the development would "add at least 200 vehicle trips to the traffic passing through" the intersection.

- 4.6.4. It was concluded that no upgrades to the MR27 (R44) / MR189 (Old Paarl Road) intersection is considered necessary as result of the proposed development traffic and that background issues exist in the area, i.e. the dualling of Main Road 27 considered required to accommodate the traffic along the road through Klapmuts (between Klapmuts-Simondium Road-intersection and the N1-interchange), by the year 2026/2027 (based solely on annual growth in background traffic along the road, regardless of specific developments).
- 4.6.5. It was recommended that the proposed development on the subject property be considered for approval from a traffic point of view on condition that the R44/Potbelly/Mount Vernon intersection is signalised, and access to the full proposed development is possible to Groenfontein Road as well.
5. This Branch offers no objection to this application for the Subdivision, Rezoning, Consent Use and Departures for Remainder of Portion 1 of Farm Groenfontein 177 Paarl (Klapmuts) subject to the following conditions:
- 5.1. Access off MR27 (R44) to Portion 1 of Farm 717 must be via a 16m municipal road reserve over Portion 6 of Farm 748 (Potbelly Pantry);
- 5.2. The section of the 16m municipal road reserve must be acquired and the street off MR27 (R44) over Portion 6 of Farm 748 (Potbelly Pantry) must be constructed prior to the construction of the development;
- 5.3. The extension of the 16m municipal street must link with Groenfontein Road;
- 5.4. The development must provide access to Farm 749 (Heen-en-Weer) via a right of way servitude or municipal street over Portion 1 of Farm 717;
- 5.5. Access to the development via Groenfontein Road will not be allowed without the access over Portion 6 of Farm 748 off MR27 (R44).
6. This Branch remains concerned about the continuous ad-hoc development approvals in Klapmuts with interim road intersection measures proposed but also affecting the further deterioration of the mobility function of this section of MR27 (R44) until such time as the dualling of the affected section of MR27 (R44) is in place.

Yours Sincerely



**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE**

**DATE: 8 AUGUST 2023**

**ENDORSEMENTS**

1. Stellenbosch Municipality  
Attention: Mr U von Molendorff (e-mail: [ulrich.vonmolendorff@stellenbosch.gov.za](mailto:ulrich.vonmolendorff@stellenbosch.gov.za))
2. STBB  
Attention: Me A van Vuuren (e-mail: [annemarievv@stbb.co.za](mailto:annemarievv@stbb.co.za))
3. Mr P Pienaar (e-mail)
4. Mr B du Preez (email)
5. Mr S Carstens (e-mail)







Western Cape  
Government

Department of Environmental Affairs and Development Planning

**Bernadette Osborn**

Development Management: Region 1

[Bernadette.Osborne@westerncape.gov.za](mailto:Bernadette.Osborne@westerncape.gov.za) | Tel: 021 483 3679

**REFERENCE:** 16/3/3/1/B4/23/1004/20

**ENQUIRIES:** BERNADETTE OSBORNE

**DATE OF ISSUE:** 09 OCTOBER 2020

The Board of Directors

Cadcor (Pty) Ltd

PO Box 643

**PAARDEKRAAL**

1752

**Attention: Mr Charles Collins**

Cell: (082) 895 6362

E-mail: [charles@collins1969.com](mailto:charles@collins1969.com)

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE MIXED-USE DEVELOPMENT ON THE REMAINDER OF PORTION 1 OF FARM GROENFONTEIN NO. 717, KLAPMUTS.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and **adopt** the Maintenance Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Heloise Groenewald (Guillaume Nel Environmental Consultants)

E-mail: [hdp@gnec.co.za](mailto:hdp@gnec.co.za)

(2) Schalk van der Merwe (Stellenbosch Municipality)

E-mail: [Schalk.vandermerwe@stellenbosch.gov.za](mailto:Schalk.vandermerwe@stellenbosch.gov.za)



Western Cape  
Government

Department of Environmental Affairs and Development Planning

**Bernadette Osborne**

Development Management: Region I

[Bernadette.Osborne@westerncape.gov.za](mailto:Bernadette.Osborne@westerncape.gov.za) | Tel: 021 483 3679

**REFERENCE:** 16/3/3/1/B4/23/1004/20  
**NEAS REFERENCE:** WCP/EIA/0000775/2020  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** 09 OCTOBER 2020

### ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE MIXED-USE DEVELOPMENT ON THE REMAINDER OF PORTION 1 OF FARM GROENFONTEIN NO. 717, KLAPMUTS.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Layout Alternative described in the Basic Assessment Report ("BAR"), dated 15 June 2020.

In terms of the NEMA, viz, the EIA Regulations, 2014 (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for the mixed-use development on the remainder of Portion 1 of Farm Groenfontein No. 717, Klapmuts.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

**A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

Cadcor (Pty) Ltd  
 c/o Mr Charles Collins  
 PO Box 643  
**PAARDEKRAAL**  
 1752  
 Cell: (082) 895 6362  
 E-mail: charles@collins1969.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

**B. ACTIVITY AUTHORISED**

| Listed Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Project Description                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Listing Notice 1 –</b><br><b>Activity Number: 9</b><br><b>The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</b><br>(i) <b>with an internal diameter of 0,36 metres or more; or</b><br>(ii) <b>with a peak throughput of 120 litres per second or more;</b><br><br>excluding where-<br>(a) <b>such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</b><br>(b) <b>where such development will occur within an urban area.</b> | The stormwater pipelines will have a diameter of 0.375 metres and will exceed 1000 metres in length.                                                     |
| <b>Listing Notice 1 –</b><br><b>Activity Number: 12</b><br><b>The development of—</b><br>(i) <b>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</b><br>(ii) <b>infrastructure or structures with a physical footprint of 100 square metres or more;</b><br><br>where such development occurs—<br>(a) <b>within a watercourse;</b><br>(b) <b>in front of a development setback; or</b>                                                                                                                                       | Structures and infrastructure with a physical footprint exceeding 100 square metres will be located within and within 32 metres from the Klapmuts River. |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</b></p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway lines; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p> |                                                                                                                                                                                                   |
| <p><b>Listing Notice 1 –</b></p> <p><b>Activity Number: 19</b></p> <p><b>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse;</b></p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <p>(a) Will occur behind a development setback;</p> <p>(b) Is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies.</p> <p>(d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>                                                                                            | <p>The development entails the construction of infrastructure across the Klapmuts River. More than 10 cubic metres of material will be excavated from and / or infilled into the watercourse.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Listing Notice 1 –</b><br/> <b>Activity Number: 24</b><br/> <b>The development of a road—</b></p> <p>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</p> <p>(ii) <b>with a reserve wider than 13,5 meters</b>, or where no reserve exists where the road is wider than 8 metres;</p> <p>but excluding a road—</p> <p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter.</p>                      | <p>The internal roads will have a road reserve of 16 metres.</p>                                                                                     |
| <p><b>Listing Notice 1 –</b><br/> <b>Activity Number: 28</b><br/> <b>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</b></p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) <b>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</b></p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial, or institutional purposes.</p> | <p>The site is located outside of the urban area of Klapmuts, is bigger than 1 hectare and has historically been used for agricultural purposes.</p> |

The abovementioned activities are hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development for the construction of a mixed-use development, which will consist of the following areas:

- The Klapmuts River that flows through the centre of the site will be retained as a green corridor, which will be approximately 0.95ha in extent. The in-stream dam on the site will be retained and restored as a stormwater attenuation pond. No buildings will be



located within the 1:100-year floodline of the Klappmuts River. The only formal structures, which will be located within the floodlines of the Klappmuts River will be bulk service infrastructure crossing the river, a road culvert crossing, and the upgraded impoundment spillway.

- The western corner of the site will be retained for middle-income housing and will be approximately 0.75ha in extent. A maximum of 30 group housing or dwelling units will be constructed on this section of the site.
- The remainder of the property, which is the areas located to the east and west of the Klappmuts River, will be utilised for industrial and warehousing purposes.
- A 25m wide road reserve will be developed from Groenfontein Road located west of the site. The access road will traverse Erf No. 2183 and the road reserve area will be approximately 152m long.
- The access road will be aligned along the southern boundary of the site and the road reserve for the area utilised for industrial and warehousing purposes will be 10 metres wide.
- The following construction activities will take place within the watercourse:
  - The existing dam will function as an attenuation pond and hence will be retained. General maintenance will be performed during construction, which includes the removal of silt from the dam.
  - Minor earthworks to reshape the dam, creating smaller areas of ponding. This will assist with the establishment of micro-habitats for aquatic floral and faunal species.
  - The removal of the existing inlet pipe culverts (located at the southern boundary of the site).
  - The construction of a new 1200mm diameter inlet pipe culvert at the southern boundary of the site. This will also serve as a road crossing.
  - The construction of two additional 375mm diameter stormwater pipes to the attenuation pond with associated inlet and outlet structures.
  - The construction of a 1200mm diameter stormwater outlet pipe culvert with associated inlet and outlet structures that will discharge water north of the site into the Klappmuts River.
  - Both sewer and potable water bulk infrastructure will cross the Klappmuts River. The proposed sewer pipeline will be constructed along the western embankment of the dam with the water pipeline being constructed on the southern boundary. Stormwater management infrastructure will be located on the northern and southern boundary of the dam. The sewer pipeline will be concrete encased to ensure no potential future leakage of raw effluent into the downstream reaches of the river.
  - Stepped gabions will be constructed on the side embankment to stabilise the portion of the river downstream of the dam wall.
  - Hard engineering structures will be used to stabilise the spillway, using a stepped gabion spillway. This entails different levels of gabions to allow water to fall from one gabion to the next to eventually drain into the downstream river.
  - The top of the spillway will be packed with either Armorflex (or similar product) or stone pitched to ensure that the chute does not erode during high flow periods. If Armorflex (or similar product) is used, it should be vegetated with indigenous graminoid species to increase its surface roughness further.

- A reno mattress will be placed at the bottom of the spillway within the riverbed to prevent erosion and scouring of the river when there is overflow from the dam.
- Energy dissipating structures will be installed at the pipe outlets to prevent erosion and scouring of the base of the dam where the stormwater will be discharged.
- At the outlet pipe, which will convey low flow into the river, rocks will be placed, and vegetation established to bind the soil of the riverbed, and to prevent erosion. This will also diffuse flow and lower the velocity of water into the lower reach of the river.
- Upon completion of the construction activities, all footprint areas will be revegetated with indigenous vegetation.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the Remainder of Portion 1 of the Farm Groenfontein No. 717, Klappmuts, and has the following co-ordinates:

|               | Latitude (S)         | Longitude (E)       |
|---------------|----------------------|---------------------|
| Co-ordinates: | 33° 48' 48.44" South | 18° 52' 22.67" East |

The SG digit code is: C05500000000071700001

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as "**the site**".

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants  
c/o Ms Heloise Groenewald  
PO Box 1058  
**WELLINGTON**  
7654  
Cell: 079 111 7378  
Email: hdp@gnec.co.za

### E. CONDITIONS OF AUTHORISATION

#### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to preferred Layout Alternative described in the BAR dated 15 June 2020 on the site as described in Section C above.



2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

#### **Written notice to the Competent Authority**

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
  - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 12

#### **Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1 the outcome of the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued.
  - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;

- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4 provide the registered I&APs with:
  - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
  - 7.4.2 name of the responsible person for this Environmental Authorisation,
  - 7.4.3 postal address of the holder,
  - 7.4.4 telephonic and fax details of the holder,
  - 7.4.5 e-mail address, if any, of the holder,
  - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
- 8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

#### **Management of activity**

- 9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 10. The Maintenance Management Plan ("MMP") adopted as part of this Environmental Authorisation must be implemented.
- 11. The EMPr must be included in all contract documentation for all phases of implementation.

#### **Monitoring**

- 12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
- 13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
- 14. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official



representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMP, the MMP and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit the Environmental Audit Report to the Competent Authority every year during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after the mixed-use development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

### **Specific Conditions**

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

## F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

## G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -



2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post:                    Western Cape Ministry of Local Government, Environmental Affairs  
and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile:            (021) 483 4174; or  
By hand:                Attention: Mr Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

**H. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



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**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 09 OCTOBER 2020**

Cc: (1) Heloise Groenewald (Guillaume Nel Environmental Consultants)

E-mail: [hdp@gnec.co.za](mailto:hdp@gnec.co.za)

(2) Schalk van der Merwe (Stellenbosch Municipality)

E-mail: [Schalk.vandermerwe@stellenbosch.gov.za](mailto:Schalk.vandermerwe@stellenbosch.gov.za)



## ANNEXURE 1: LOCALITY MAP

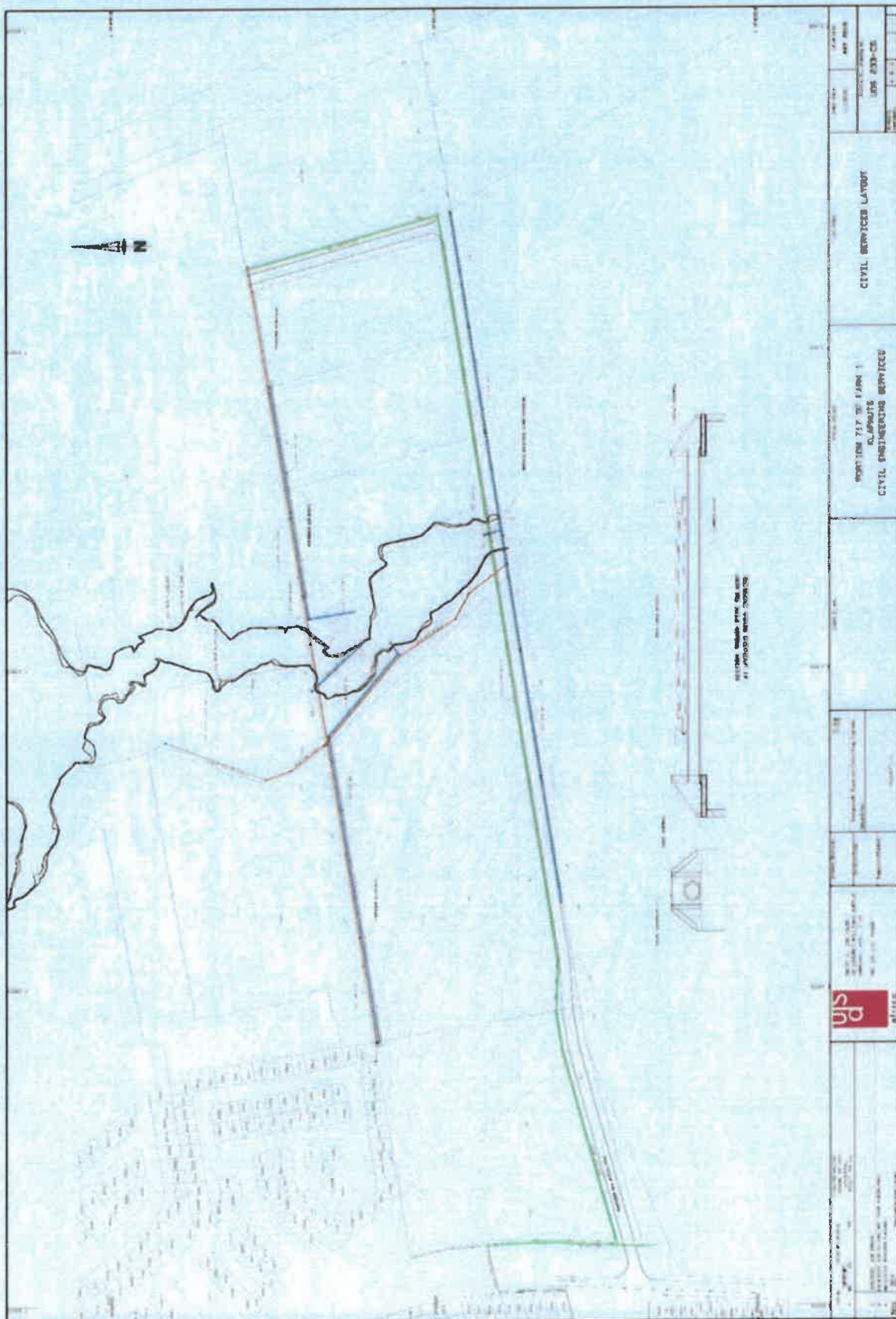


## Department of Environmental Affairs and Development Planning





## SITE PLAN OF CIVIL SERVICES CROSSING THE KLAPMUTS RIVER



### ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form and letter dated 28 January 2020, the draft Basic Assessment Report received by the Department on 12 February 2020, the EMPr submitted together with the final Basic Assessment Report on 15 June 2020 and the additional information received on 20 August 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 15 June 2020 and the additional information received on 20 August 2020; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

#### 1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- Site notices were placed on 24 July 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 25 July 2019;
- the placing of a newspaper advertisement in the 'Paarl Post' on 25 July 2019; and
- making the pre-application draft Basic Assessment Report ("BAR") available to I&APs for public review from 25 July 2019 and the in-process draft BAR from 12 February 2020.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.



Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

## 2. Alternatives

### Layout Alternatives

#### Preferred Alternative 1 (Preferred and herewith authorised)

This alternative entails the construction of a mixed-use development, which will consist of the following areas:

- The Klapmuts River that flows through the centre of the site will be retained as a green corridor, which will be approximately 0.95ha in extent. The in-stream dam on the site will be retained and restored as a stormwater attenuation pond. No buildings will be located within the 1:100-year floodline of the Klapmuts River. The only formal structures, which will be located within the floodlines of the Klapmuts River will be bulk service infrastructure crossing the river, a road culvert crossing, and the upgraded impoundment spillway.
- The western corner of the site will be retained for middle-income housing and will be approximately 0.75ha in extent. A maximum of 30 group housing or dwelling units will be constructed on this section of the site.
- The remainder of the property, which is the areas located to the east and west of the Klapmuts River, will be utilised for industrial and warehousing purposes.
- A 25m wide road reserve will be developed from Groenfontein Road located west of the site. The access road will traverse Erf No. 2183 and the road reserve area will be approximately 152m long.
- The access road will be aligned along the southern boundary of the site and the road reserve for the area utilised for industrial and warehousing purposes will be 10 metres wide.
- The following construction activities will take place within the watercourse:
  - The existing dam will function as an attenuation pond and hence will be retained. General maintenance will be performed during construction, which includes the removal of silt from the dam.
  - Minor earthworks to reshape the dam, creating smaller areas of ponding. This will assist with the establishment of micro-habitats for aquatic floral and faunal species.
  - The removal of the existing inlet pipe culverts (located at the southern boundary of the site).
  - The construction of a new 1200mm diameter inlet pipe culvert at the southern boundary of the site. This will also serve as a road crossing.
  - The construction of two additional 375mm diameter stormwater pipes to the attenuation pond with associated inlet and outlet structures.
  - The construction of a 1200mm diameter stormwater outlet pipe culvert with associated inlet and outlet structures that will discharge water north of the site into the Klapmuts River.
  - Both sewer and potable water bulk infrastructure will cross the Klapmuts River. The proposed sewer pipeline will be constructed along the western embankment of the dam with the water pipeline being constructed on the southern boundary.

Stormwater management infrastructure will be located on the northern and southern boundary of the dam. The sewer pipeline will be concrete encased to ensure no potential future leakage of raw effluent into the downstream reaches of the river.

- Stepped gabions will be constructed on the side embankment to stabilise the portion of the river downstream of the dam wall.
- Hard engineering structures will be used to stabilise the spillway, using a stepped gabion spillway. This entails different levels of gabions to allow water to fall from one gabion to the next to eventually drain into the downstream river.
- The top of the spillway will be packed with either Armorflex (or similar product) or stone pitched to ensure that the chute does not erode during high flow periods. If Armorflex (or similar product) is used, it should be vegetated with indigenous graminoid species to increase its surface roughness further.
- A reno mattress will be placed at the bottom of the spillway within the riverbed to prevent erosion and scouring of the river when there is overflow from the dam.
- Energy dissipating structures will be installed at the pipe outlets to prevent erosion and scouring of the base of the dam where the stormwater will be discharged.
- At the outlet pipe, which will convey low flow into the river, rocks will be placed, and vegetation established to bind the soil of the riverbed, and to prevent erosion. This will also diffuse flow and lower the velocity of water into the lower reach of the river.
- Upon completion of the construction activities, all footprint areas will be revegetated with indigenous vegetation.

This is the preferred alternative since access will be gained from the adjacent residential area. As a result, the development will face towards the existing neighbourhoods and increase the opportunity for direct integration and pedestrian access. Residents from the area will be able to walk to the development, promoting non-motorised transport.

### **Layout Alternative 2**

This alternative entails the same development layout as described in the preferred alternative. The difference is the access road to the site. Access in this alternative will be gained from the R44 road, which is located east of the site. This access road will traverse the Remainder of Portion 6 of Farm No. 748 located to the immediate east of the site. This alternative was not preferred for the following reasons:

- The owners of the Remainder of Portion 6 of Farm No. 748 did not give permission to allow access across their property.
- The Stellenbosch Municipality has indicated that the R44 road access and the Groenfontein Road access are not master plan items, i.e. any such road would therefore have to be developed by the applicant.
- The Remainder of Portion 2 of Farm Bronkhorst No. 748 adjacent to the 10m access on Farm No. 748/6, is used for intensive agriculture. The owner was not prepared to negotiate any access to the proposed development across this land, and thereby relinquishing it for the purpose of access to the proposed development.



### No-go Option

This alternative entails the site remaining in its current state and was not preferred since it will not aid in the provision of housing opportunities or result in any economic benefits for the surrounding community. As the property is currently also not being used for agricultural practices, the current state of the site does not hold any benefit for the landowner or surrounding community.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity need and desirability

The development in line with the Provincial Spatial Development Framework of the Western Cape and the Stellenbosch Municipality's Integrated Development Plan. The development will also be in line with its surroundings as the site is located within a mixed-use development area. The development will create housing opportunities within Klappmuts and create both long- and short-term employment opportunities for the surrounding community.

### 3.2 Biophysical Impacts

The site has been completely transformed due to agricultural activities with no indigenous vegetation remaining on the site. The Klappmuts River flows through the centre of the site in a northerly direction. An in-stream dam is located on the site within the Klappmuts River and will be retained and restored as a stormwater attenuation pond. The Freshwater Impact Assessment dated July 2019, compiled by Scientific Aquatic Services, concluded that the bulk service infrastructure crossing the river, the road culvert crossing and the upgrading of the impoundment spillway will have a low risk impact with adherence to the mitigation measures provided in the assessment. These mitigation measures were included in the EMP accepted in Condition 9 of this Environmental Authorisation. A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, which will further investigate the watercourse related impacts.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected stretch of the watercourse. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise*

and rectify such pollution or degradation of the environment." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

#### Negative Impacts:

The development will have a negative biophysical impact on the section of the Klapmuts River flowing through the site. This impact will however be mitigated to a satisfactory level with the implementation of the recommended mitigation measures and adherence to the EMPr.

#### Positive impacts:

- The development will create additional housing opportunities in Klapmuts, which is a growth point in the Stellenbosch Municipality.
- The in-stream dam located within the Klapmuts River on the site will be restored and rehabilitated.
- The development will create both long- and short-term employment opportunities for the surrounding community.

### 4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

### 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----



## **ANNEXURE G**





**Subject property**



*Conditional support received from the adjoining property owner of Farm 249*

## LOCALITY PLAN



InterActive Town & Regional Planning  
P.O. Box 980  
Hermanus  
7200

Date: 7 July 2021

Reference: P 749 Klappmuts

Attention: Mr Dupré Lombard, Viridus Works (Pty)Ltd

**STELLENBOSCH MUNICIPALITY REFERENCE NUMBER LU 9820 AND 12469-: RESPONSE TO NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA: PORTION 1 OF FARM 717 AND ERF 2183 KLAPMUTS**

The notice LU 9820 and 12469 forwarded to me and on the Stellenbosch Municipality website refers.

This comment is done with the permission of the owners of Farm 749 Heen-en-Weer.

The above-mentioned application is supported subject to the following:

1. That an agreement for a 16m access road to Farm 749 Heen-en-Weer be concluded to the satisfaction of the owners of Portion 1 of Farm 717 and the Farm 749 Heen-en-Weer as part of a land swap transaction as per your e-mail dated 7 July 2021 and illustrated in the plan shown in the Annexure here-below.
2. That our land-use rezoning application process for Farm 749 Heen-en-Weer be authorized by the Stellenbosch Municipality to commence with, based on the fact that the agreement as per 1. here-above resolves the landlock situation which prevented the application to commence.

Your acknowledgement of this comment will be appreciated.

Should you have any questions in this regard please do not hesitate to contact me.

Kind Regards

André Wichelm P. Pin A/927/1990

Telefoon: 021-875 1111 / 021-875 1112 / 021-875 1113 / 021-875 1114 / 021-875 1115 / 021-875 1116 / 021-875 1117 / 021-875 1118 / 021-875 1119 / 021-875 1120 / 021-875 1121 / 021-875 1122 / 021-875 1123 / 021-875 1124 / 021-875 1125 / 021-875 1126 / 021-875 1127 / 021-875 1128 / 021-875 1129 / 021-875 1130 / 021-875 1131 / 021-875 1132 / 021-875 1133 / 021-875 1134 / 021-875 1135 / 021-875 1136 / 021-875 1137 / 021-875 1138 / 021-875 1139 / 021-875 1140 / 021-875 1141 / 021-875 1142 / 021-875 1143 / 021-875 1144 / 021-875 1145 / 021-875 1146 / 021-875 1147 / 021-875 1148 / 021-875 1149 / 021-875 1150 / 021-875 1151 / 021-875 1152 / 021-875 1153 / 021-875 1154 / 021-875 1155 / 021-875 1156 / 021-875 1157 / 021-875 1158 / 021-875 1159 / 021-875 1160 / 021-875 1161 / 021-875 1162 / 021-875 1163 / 021-875 1164 / 021-875 1165 / 021-875 1166 / 021-875 1167 / 021-875 1168 / 021-875 1169 / 021-875 1170 / 021-875 1171 / 021-875 1172 / 021-875 1173 / 021-875 1174 / 021-875 1175 / 021-875 1176 / 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**InterActive Town & Regional Planning**  
**P.O. Box 980**  
**Hermanus**  
**7200**

**Date: 7 July 2021**

**Reference: P 749 Klapmuts**

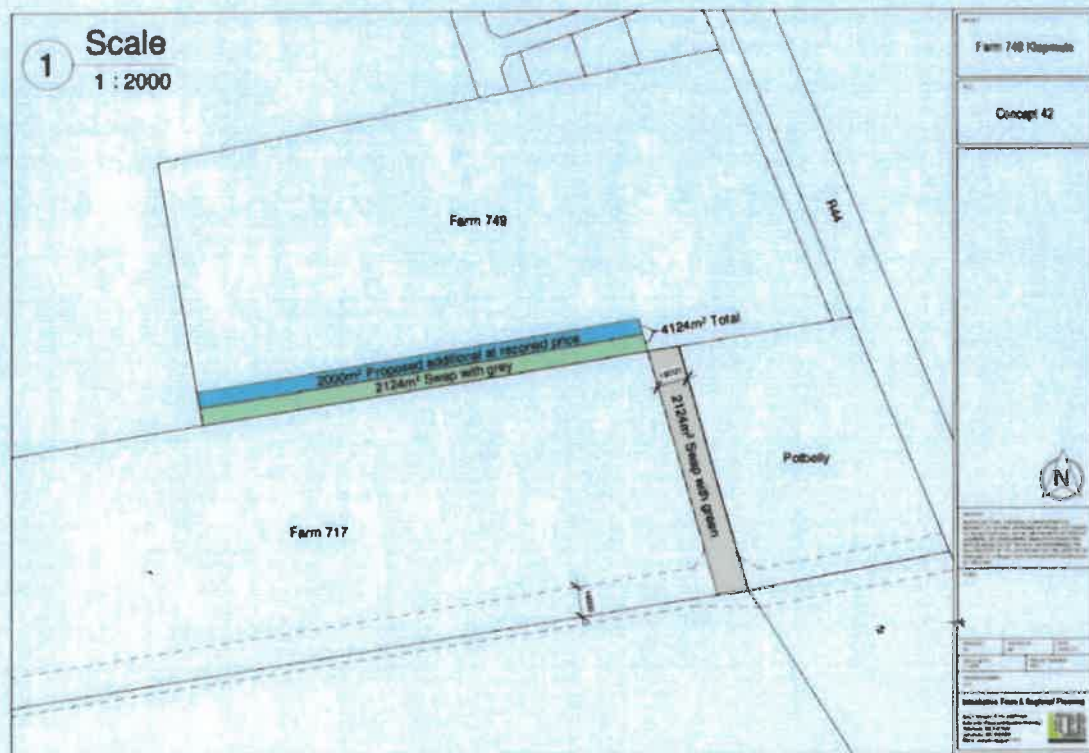
Attention: Mr Dupré Lombard, Viridus Works (Pty)Ltd

**FARM 749 KLAPMUTS: ACCESS ROAD OVER PORTION 1 OF FARM GROENFONTEIN NO 717 TO FARM 749 KLAPMUTS**

Your e-mail dated 18 June 2021 as well as our telephone discussion on 2 July 2021 refer.

In your above-mentioned letter our comment regarding your proposal for a possible land swap is requested. Mention is also made that your potential buyer requires 2,7ha of land.

This proposal was discussed with the majority shareholders and agreed in principle to such a direct land swap transaction for the proposed access road area (grey) with the similar sized (green) area on the southern side of Farm 749 Klapmuts. It should be noted that at this stage an additional area of 2000m<sup>2</sup> can be included at an agreed rezoned land price in order to achieve your desired area of 2,7ha. The above proposal is visualized in the sketch here-below:



As part of the proposal, it is also recommended that these mentioned portions to be agreed upon be incorporated in the township establishment application for Farm 749 Klapmuts with the respective agreed zonings and areas. We intend to commence with the application as soon as the mentioned agreement between the two parties have been reached.

It is furthermore proposed that this land swap transaction be dealt with officially via a legal contract / agreement, proposed to be compiled attorney by Mr. Hennie van Zyl or a commonly agreed to attorney. The Stellenbosch Municipality should be informed of this proposal as well.

Should you have any questions in this regard please do not hesitate to contact me.

Kind Regards



Andre Wilhelm B. Phil. A/927/1996

Telephone: 021 812 1996 Fax: 021 812 1997



## **ANNEXURE H**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

FILE NO:

09 FEB 2021

MUNICIPALITY

F717/1 P

SCAN NR:

COLLABORATOR NAME

## DEPARTMENT OF DEVELOPMENT MANAGEMENT

### LAND DEVELOPMENT APPLICATION:

### PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

|                                                                                                                                   |                                                                      |                               |          |                           |                              |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------|----------|---------------------------|------------------------------|
| <b>Erf/Erven Farm no</b>                                                                                                          | <b>2183<br/>717</b>                                                  | <b>Portion(s)<br/>if farm</b> | <b>1</b> | <b>Allotment<br/>Area</b> | <b>Klapmuts<br/>Paarl RD</b> |
| <b>Owner/<br/>Applicant</b>                                                                                                       | <b>Cadcor (Pty) Ltd / Dupré Lombaard,<br/>Virdus Works (Pty) Ltd</b> |                               |          | <b>LU/#</b>               | <b>12469<br/>9820</b>        |
| <b>Notice Period</b>                                                                                                              | <b>From:</b>                                                         | <b>31 May 2021</b>            |          | <b>To:</b>                | <b>10 August 2021</b>        |
| <b>CONFIRMATION OR DOCUMENTATION SUBMITTED</b>                                                                                    |                                                                      |                               |          | <b>OWNER/APPLICANT</b>    |                              |
|                                                                                                                                   |                                                                      |                               |          | <b>YES</b>                | <b>NO N/A</b>                |
| <b>ADMIN<br/>VERIFY</b>                                                                                                           |                                                                      |                               |          |                           |                              |
| 1. The declaration is duly signed                                                                                                 |                                                                      |                               |          | X                         |                              |
| 2. Applicant confirms that the public participation process was duly undertaken as instructed and attached to this POE.           |                                                                      |                               |          | X                         |                              |
| 3. Approval for notices were obtained prior to the public participation process and attached to this POE.                         |                                                                      |                               |          | X                         |                              |
| 4. Municipality informed of the start date and closure date.                                                                      |                                                                      |                               |          | X                         |                              |
| 5. The advertisement period complies with the required 30 days (60 days for state entities).                                      |                                                                      |                               |          | X                         |                              |
| 6. If applicable, confirms that the site notice was placed and kept on site for the duration of the public participation process. |                                                                      |                               |          | X                         |                              |
| 7. All communications (other than notices) in respect of the public participation process attached.                               |                                                                      |                               |          | X                         |                              |
| <b>Proof of notices published</b>                                                                                                 |                                                                      |                               |          |                           |                              |
| 8. If applicable, photo evidence to confirm site notice.                                                                          |                                                                      |                               |          | X                         |                              |
| 9. Wording of the advertisement accurate as approved & attached.                                                                  |                                                                      |                               |          | X                         |                              |
| 10. Proof of notices published (Publication date visible)                                                                         |                                                                      |                               |          | X                         |                              |
| <b>Proof of notices served</b>                                                                                                    |                                                                      |                               |          |                           |                              |
| 11. Wording of notice accurate as approved and attached                                                                           |                                                                      |                               |          | X                         |                              |
| 12. Proof of all notices served to neighbouring properties attached                                                               |                                                                      |                               |          | X                         |                              |
| 13. Proof of all notices to Interest & Community Groups attached                                                                  |                                                                      |                               |          | X                         |                              |
| 14. Proof of all notices to Govt. Dept's and Entities attached                                                                    |                                                                      |                               |          | X                         |                              |
| <b>Comments received</b>                                                                                                          |                                                                      |                               |          |                           |                              |
| 15. All objections/comments received attached                                                                                     |                                                                      |                               |          | X                         |                              |
| 16. All comments from internal Municipal Departments received (must also be attached to POE).                                     |                                                                      |                               |          | X                         |                              |
| 17. Applicant's comments on all the objections attached                                                                           |                                                                      |                               |          | X                         |                              |

Please complete and sign the following declaration on above:



**DECLARATION**

I, (full names & surname) Dupré Lombaard, Viridus Works (Pty) Ltd, and ID #:5707085057086, as the Applicant for the above application, hereby confirm that the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw, and that the information contained in the above checklist and the accompanied information and documentation in the portfolio of evidence for the concluded public participation process, are accurate and complete:

Duly signed by the APPLICANT Dupré Lombaard, Viridus Works (Pty) Ltd on this 28<sup>th</sup> day of January 2022 at Stellenbosch.



Signature Applicant

28 January 2022

Date

|                                          |  |
|------------------------------------------|--|
| <i>For office use only</i>               |  |
| <b>CHECKED BY ADMINISTRATIVE OFFICER</b> |  |
| <b>CHECKED BY TOWN PLANNER</b>           |  |
| <b>DATE VERIFIED</b>                     |  |

**NOTES TO BE RECORDED:**



**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**  
 Development Management Consultants and  
 Environmental Assessment Practitioners



28 January 2022

The Director: Planning and Development  
 Stellenbosch Municipality  
 PO Box 17  
 Stellenbosch  
 7599  
 Per: Landuse.Enquiries@stellenbosch.gov.za

Dear Sir

**SUBMISSION OF PORTFOLIO OF EVIDENCE REGARDING LAND DEVELOPMENT APPLICATION:  
 PORTION 1 OF FARM NO. 717 PAARL RD AND ERF 2183, KLAPMUTS (LU9820 AND LU12469)**

Notice of the application for the rezoning, subdivision and departure was given in terms of the provisions of Section 46 of the Stellenbosch Municipality Land Use Bylaw, 2015, to all the identified stakeholders. Copies of the notices and the mailing list (Annexure A), the press notice (Annexure B), the site notice (Annexure C) and all responses received, are attached hereto. Where the email addresses of the stakeholders were unknown, the notices were delivered by hand to the relevant stakeholders on 02 June 2021 together with the placement of the site notice on the day. The relevant checklist and affidavit are attached as Annexure D.

The following comments and objections were received.

1. Ward Councillor.

The Ward Councillor supports the development proposal on condition that it is aligned to the SDF and that it promotes the SPLUMA principles. Annexure E.

2. The Western Cape Department of Agriculture.

Submitted a letter of support and no objection to the proposed development. Annexure F.

3. The Road Authority (Chief Engineer: Land Transport), the Department of Transport and Public Works of the Western Cape Government.

No objection to the rezoning and subdivision of Erf 2183. Annexure G.

Submitted an objection to the proposed development of Portion 1 of Farm 717. The objection is based on the fact that existing road network is already congested and that other approvals for development have been granted by the Municipality, without the Municipality agreeing to certain road upgrading and transfer of ownership of the roads. Annexure H1.

Document: SUBMISSION OF PORTFOLIO OF EVIDENCE REGARDING LAND DEVELOPMENT APPLICATION: PORTION 1 OF FARM NO. 717 PAARL RD AND ERF 2183, KLAPMUTS (LU9820 AND LU12469)  
 Date: 28 January 2022

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The CELT also does not support the access to the proposed development via Groenfontein Road and requires the creation of a new intersection and link to the R44, subject to a funding agreement to be entered into with the Municipality. Detailed comment (response) by UDSAfrica as the transport specialists to the letter of objection is attached hereto as Annexure H2.

4. Heritage Western Cape.

The development was authorised in terms of the National Heritage Resources Act, 1999, Act 25 of 1999 (NHRA) under reference HM/CAPE WINELANDS/DRAKENSTEIN/KLAPMUTS/FARM GROENFONTEIN 717 / PORTION 1, Case ID 18071009AS0711E dated 19 March 2019 (a copy of which was submitted to the Directorate). Annexure I.

5. The Department of Environmental Affairs and Development Planning of the Western Cape.

Acknowledged receipt of the notice but did not submit any further comment. The development was authorised in terms of the National Environmental Management Act, 1998, Act 107 of 1998 (NEMA) under reference 16/3/3/1/B4/23/1004/20 dated 09 October 2020 (a copy of which was submitted to the Directorate). Annexure J.

6. Neighbour Farm No. 749, Heen-en-Weer.

Supports the proposed development but requires an access road to unlock the land which was landlocked due to a previous approval granted by the Municipality subject to conditions that were not implemented. Annexure K.

The layout was accordingly amended (Annexure L) to allow for additional road reserves which could made conditions of the development approval.

7. The Manager: Spatial Planning.

No objection to the development of Erf 2183. Annexure M.

The manager supports the rezoning and development, for industrial purposes, of Portion 1 of Farm 717, on the land to the east of the Klappmuts River, abutting the Potbelly development. Annexure N1.

The manger recommends that use of the land to the west of the river is to be retained as open space in keeping with the SDF details, but would support residential development, in keeping with the already approved development on abutting properties, regardless of the SDF designations.

The Directorate however supported the industrial development to the west of the river in a pre-application meeting held with the then owner and planning consultant (Messrs H Olivier and PJ le Roux) as indicated in the attached record. Moreover, as was motivated in the supplement to the application (Virdus Works letter dated 06 May 2021) there is a strong argument for the positive consideration of the light industrial use to the west of the Klappmuts River, due to amongst others the nature of the proposed municipal link road through the

Document: SUBMISSION OF PORTFOLIO OF EVIDENCE REGARDING LAND DEVELOPMENT APPLICATION: PORTION 1 OF FARM NO. 717 PAARL RD AND ERF 2183, KLAPMUTS (LU9820 AND LU12469)  
 Date: 28 January 2022

property. It is clear from interaction with the engineers that a road of no less than 20m reserve width is going to be made a condition of development by the engineers. Of this, 16m must be located on the subject property, amongst others to cater for the bulk water main that was installed across the property to serve the development and that on the abutting properties to the east. Annexure N2.

This future road will be the main entrance off the R44 into the Klapmuts low income / subsidy housing development directly to the west of the property, and it will accordingly carry high volumes of traffic, pedestrians, and public transport, mostly minibus taxis, which are not conducive to creating an attractive residential environment directly abutting thereto. The current and foreseeable future demand for land in the area is industrial. There are no vacant industrial properties in the town and on the other hand there are plenty of economic market residential erven that are vacant and undeveloped, for example the abutting land to the north, which was also indicated as green space in the SDF, but subsequently approved and partially developed for residential purposes.

The landowner therefore wishes to proceed with the light industrial development, as it allows for a sustainable development creating employment opportunities, whereas the residential alternative would cause the land to lie vacant, as does the majority of the residential land to the north.

8. The Manager: Development Infrastructure Services did not submit any comment, as he was awaiting comment from the Road Authority, and a proposal to accommodate the neighbouring properties and the municipal services infrastructure, which is submitted herewith under Annexure L.

The input received does not warrant refusal of the application. There is sufficient motivation for the approval of the development proposal as motivated in the application documents and with an amended layout, considering the response to the spatial comment and the initial guidance regarding the development on the western side of the River as recorded in the pre-application minutes.

The Municipality would however have to resolve the Road Authority's issues regarding project funding, ownership of the roads in the area and the overall roads master planning matters. The developers cannot negotiate with the Road Authority in this regard and the lack of such negotiations and development agreements effectively halt all development in Klapmuts.

Yours faithfully

  
**DUPRÉ LOMBAARD**





### Miniature marvels take to the air with gusto

A radio-controlled miniature air show was held with great success by the Cape Radio Flyers on Saturday 29 May at the Arsuna Farm Market in Wellington. The next market will take place on 26 June. Here participants aid their model plane through its paces. Photo: Colin Brown

## Registration, licensing of vehicles now at Civic Centre

Since Tuesday 1 June, the Wellington service for registration and licensing of motor vehicles is operating from the Wellington Civic Centre.

According to Gerald Esau, executive director: community services, at Drakenstein Municipality, the Wellington Traffic Department building became too small to accommodate the large numbers of people enquiring about traffic services.

"With no prospect of expansion due to the unique nature of the building and after careful consideration, the municipality decided to divide the services between learner's and driving licenses (including professional driving permits); and motor vehicle registration and licensing and offer these services in

separate buildings."

Esau said this move will shorten queues, streamline the processes and enable the municipality to provide more efficient services to the community.

All applications, issuing of driving licenses and professional driving permits will continue to be issued at the Wellington Traffic Centre in Pentz Street.

The Wellington Traffic and Civic Centres' operating hours are Mondays to Thursdays from 08:00 to 16:45 (payments until 15:00), Fridays from 08:00 to 15:30 (payments until 14:15) and Saturdays from 08:00 to 14:00 (payments until 13:00). Enquiries during these hours.

For more information, contact 021 807 6290/6293.

## Primary school learners daily at school from July

Primary school learners and schools for learners with special education needs will return to normal school attendance at the start of the third term on 26 July.

The new directions have been gazetted and signed by Department of Basic Education (DBE) minister Angie Motshekga on Friday (28 May). According to the directions primary school learners (Grades R to 7) will return to the traditional timetabling system. This also applies to learners (Grades R to 12) who attend special education needs schools.

One of the directions set out by

Motshekga is that when learners return to the daily attendance on 26 July a risk adjusted differentiated strategy must be implemented.

Explained by the DBE, "A risk adjusted differentiated strategy means an approach to school attendance that is determined by the direction the Covid-19 pandemic is taking in the district municipality and country".

Schools that will be returning to the traditional timetabling are advised to comply with social distancing and health and safety measurements with regards to the Covid-19 pandemic regulations.

# 'DM betaal alte veel vir huur'

**Drakenstein-munisipaliteit is tans letterlik besig om uit sy nate te bars. Met ongeveer 1 770 personeellede het dit nou nodig geraak om bykomende kantoorruimte te huur.**

Die munisipaliteit het reeds in 2018 'n huurkontrak met Nedbank vir kantoorruimte asook parkeerplekke aangegaan en dis onlangs verleng. Die munisipaliteit huur ook kantoorruimte in Bredastraat en by Urban Growth.

Dit kom dus daarop neer dat die munisipaliteit bykans R600 000 per maand huur betaal.

Die vraag wat wel gevra word, is waarom benut hy nie byvoorbeeld kantoorruimte in Wellington wat leegstaan nie?

David Delaney, waarnemende direkteur: beplanning en ontwikkeling by die DM, het gesê "n sekere hoeveelheid kantoorruimte is nodig wat voldoen aan die voorgeskrewe norme,

standaarde en beroepsgesondheidsreëls vir kantoorruimte.

Hy het benadruk dat die munisipaliteit tans besig is met 'n kantoorruimte-opname en aanwendingsonderzoek om te kyk hoe hy sy beskikbare kantoorruimte op die finansiële mees doeltreffende manier kan aanwend.

"Dit opname het reeds getoon dat ons byvoorbeeld net vier oop kantore in Wellington op die oomblik beskikbaar het wat benut sal word.

"Ons doelwit is om alternatiewe kantoorruimte-oplossings in bestaande munisipale geboue te ondersoek en te vind sodat die munisipaliteit nie bykomende kantoorruimte hoef te huur nie."

● **Drakenstein Municipality is forking out close to R600 000 per month for extra office space – that while they have available office space which is standing vacant.**

VIRDUS

### KENNISGEWING VAN GRONDONTWIKKELINGS-AANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Ligging: Erf 2183, op Groenfonteinweg en Gedeele 1 Plaas 717 omringend Erf 2183 at ooskant  
Aansoeker: Dupré Lombard, Vindus Works (Pty) Ltd. 77  
Buitering: Daling, STELLENBOSCH 7600. E-pos: dupre.lombard@virdus.com  
Eienaar: Erf 2183 is munisipale grond. Ged 1 word besit deur Cadogan (Pty) Ltd. Bph. Foon: 027 81 653 2717. E-pos: charles@cadogan1969.com. Adres: Nubus 643, Paardekraal, 1752  
Stellenbosch Munisipale Verordening: 4.1. 9820 en 12469  
Tipe aansoek:  
Erf 2183

1) Aansoek ingevolge Artikel 15(2)(d) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2015 vir omverandering van Erf 2183 vir die skep van 'n pod met 'n reserve van 200m<sup>2</sup> die suidelike grens van die eiendom, ongeveer 2 600 m<sup>2</sup>.  
2) Aansoek ingevolge Artikel 15(2)(a) van die Verordening van die onderverdeelde gedeelede Erf 2183 van Bepierke Gelykheid om Verspreide Sonne II te openbare straat  
Pin 1 Farm 717

Pin 1 Farm 717  
1) Aansoek ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2015 vir die herbenutting van Sakele 1 van Plaas No. 717 van Lombard Sonne I en omverandering van die volgende gebou:

a. Gedeele A. Residensiële Sonne II (± 0 75ha)  
b. Gedeele B. Verspreide Sonne I (± 0 46ha)  
c. Gedeele C. Industriële Sonne I, Oop Ruimte Sonne II (Private Oop Ruimte en Verspreide Sonne II (± 0 65ha))

2) Aansoek ingevolge Artikel 15(2)(d) van die Verordening van die onderverdeling van Ged 1 van Plaas 717, in drie dele vir die volgende gebou:

a. Gedeele A. Residensiële Sonne II (± 0 75ha)  
b. Gedeele B. Verspreide Sonne I (± 0 46ha)  
c. Gedeele C. Industriële Sonne I (Oop Ruimte Sonne II (Private Oop Ruimte en Verspreide Sonne II (± 0 65ha))

3) Aansoek ingevolge Artikel 15(2)(a) van die Verordening van die onderverdeling van Ged 1 van Plaas 717, in drie dele vir die volgende gebou:

a. Gedeele A. Residensiële Sonne II (± 0 75ha)  
b. Gedeele B. Verspreide Sonne I (± 0 46ha)  
c. Gedeele C. Industriële Sonne I (Oop Ruimte Sonne II (Private Oop Ruimte en Verspreide Sonne II (± 0 65ha))

4) Aansoek ingevolge Artikel 15(2)(b) van die Verordening van die onderverdeling van Ged 1 van Plaas 717, in drie dele vir die volgende gebou:

a. Gedeele A. Residensiële Sonne II (± 0 75ha)  
b. Gedeele B. Verspreide Sonne I (± 0 46ha)  
c. Gedeele C. Industriële Sonne I (Oop Ruimte Sonne II (Private Oop Ruimte en Verspreide Sonne II (± 0 65ha))

5) Aansoek ingevolge Artikel 15(2)(b) van die Verordening van die onderverdeling van Ged 1 van Plaas 717, in drie dele vir die volgende gebou:

a. Gedeele A. Residensiële Sonne II (± 0 75ha)  
b. Gedeele B. Verspreide Sonne I (± 0 46ha)  
c. Gedeele C. Industriële Sonne I (Oop Ruimte Sonne II (Private Oop Ruimte en Verspreide Sonne II (± 0 65ha))

6) Aansoek ingevolge Artikel 15(2)(b) van die Verordening van die onderverdeling van Ged 1 van Plaas 717, in drie dele vir die volgende gebou:

a. Gedeele A. Residensiële Sonne II (± 0 75ha)  
b. Gedeele B. Verspreide Sonne I (± 0 46ha)  
c. Gedeele C. Industriële Sonne I (Oop Ruimte Sonne II (Private Oop Ruimte en Verspreide Sonne II (± 0 65ha))

7) Aansoek ingevolge Artikel 15(2)(b) van die Verordening van die onderverdeling van Ged 1 van Plaas 717, in drie dele vir die volgende gebou:

a. Gedeele A. Residensiële Sonne II (± 0 75ha)  
b. Gedeele B. Verspreide Sonne I (± 0 46ha)  
c. Gedeele C. Industriële Sonne I (Oop Ruimte Sonne II (Private Oop Ruimte en Verspreide Sonne II (± 0 65ha))

8) Aansoek ingevolge Artikel 15(2)(b) van die Verordening van die onderverdeling van Ged 1 van Plaas 717, in drie dele vir die volgende gebou:

a. Gedeele A. Residensiële Sonne II (± 0 75ha)  
b. Gedeele B. Verspreide Sonne I (± 0 46ha)  
c. Gedeele C. Industriële Sonne I (Oop Ruimte Sonne II (Private Oop Ruimte en Verspreide Sonne II (± 0 65ha))

VIRDUS

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

Location: Erf 2183, on Groenfontein Road and Portion 1 Farm 717 abutting it to the east  
Applicant: Dupré Lombard, Vindus Works (Pty) Ltd. 77  
Buitering: Daling, STELLENBOSCH 7600. Email: dupre.lombard@virdus.com  
Owner: Erf 2183 is municipal land. Pin 1 is owned by Cadogan (Pty) Ltd. Phone: 027 81 653 2717. E-mail: charles@cadogan1969.com. Address: PO Box 643 Paardekraal, 1752  
Stellenbosch Municipality reference number: LU 9820 and 12469  
Application type:  
Erf 2183

1) Application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law 2015 for a subdivision of Erf 2183 for the creation of a road with a reserve of 25m along the southern boundary of the property, approximately 2 600 m<sup>2</sup> and  
2) Application in terms of Section 15(2)(a) of the By-Law for a subdivision of the subdivided portion of Erf 2183 from a Limited Use to Transport Zone II for a public road  
Pin 1 Farm 717

Pin 1 Farm 717  
1) Application in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law 2015 to rezone Farm No. 717/1, Part Division from Agricultural Zone I to Subdivided Area in order to accommodate the following land use:  
a. Portion A. Residential Zone II (± 0 75ha)  
b. Portion B. Transport Zone II (± 0 46ha)  
c. Portion C. Industrial Zone I Open Space Zone II (Private Open Space and Transport Zone II (± 0 65ha))

2) Application in terms of Section 15(2)(d) of the By-Law for the subdivision of Portion 1 of Farm No. 717  
Part Division into 3 portions for the following land use:  
a. Portion A. Residential Zone II (± 0 75ha)  
b. Portion B. Transport Zone II (± 0 46ha)  
c. Portion C. Industrial Zone I Open Space Zone II (Private Open Space and Transport Zone II (± 0 65ha))

3) Application in terms of Section 15(2)(b) of the By-Law for a Current Use in order to accommodate warehousing on well as transport usage in terms of the Industrial Zone I

4) Application in terms of Section 15(2)(b) of the By-Law for a departure to develop 25 units 'n in lieu of the 20 units 'n density applicable to group housing

5) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 300m<sup>2</sup> of communal open space per dwelling unit in lieu of the prescribed 300m<sup>2</sup> of communal open space per dwelling unit required.

6) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

7) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

8) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

9) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

10) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

11) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

12) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

13) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

14) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

15) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

16) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

17) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

18) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

19) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space

20) Application in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 20% of communal open space



# 1921-2021

## Paarl Hospital

### 100 YEARS' CELEBRATION!

In celebration of Paarl Hospital's 100th anniversary in August this year, Paarl Post will publish a celebratory commemorative newspaper for this special occasion, on 12 August 2021.

Paarl Post invites all interested parties, former patients, acquaintances, doctors, businesses or any other stakeholders to contact it in connection with placing a congratulatory advertisement in this special issue. Please contact Ilse Fourie at ilse.fourie@media24.com or phone her on 082 579 7247 to book your advertisement.



## **ANNEXURE I**



## 5.5 KLAPMUTS

Located as it is on the N1 transport corridor – which carries 93% of metropolitan bound freight traffic – Klapmuts is a potentially significant centre for economic activity and residence within the metropolitan region and SM (as identified in the GCM RSIF). To date, the settlement is characterized by residential use and limited commercial and work-related activity. Public sector resource constraints have prevented the infrastructure investment required to enable and unlock the full potential of the area for private sector economic development as envisaged in the GCM RSIF.

The decision by Distell to relocate to and consolidate many of its operations in Klapmuts is critical to commence more balanced development of the settlement. Distell proposes to develop a beverage production, bottling, warehousing and distribution facility on Paarl Farm 736/RE, located north of the N1, consolidating certain existing cellars, processing plants, and distribution centres in the Greater Cape Town area. The farm measures some 200 ha in extent. The beverage production, bottling, warehousing and distribution facility will take up approximately 53 ha.

The project proposal includes commercial and mixed-use development on the remainder of the site which is not environmentally sensitive to provide

opportunities both for Distell's suppliers to co-locate, and for other business development in the Klapmuts North area. The site does not have municipal services, and the proposed development will therefore require the installation of bulk service infrastructure, including water, wastewater treatment, stormwater, electricity, and internal roads.

Significant progress has been made in planning for a "Innovation Precinct" or "Smart City" district west of but contiguous to Klapmuts south. This includes a land agreement with the University of Stellenbosch to possibly establish university related activities in this area. The urban edge has been adjusted in recognition of the opportunity associated with this initiative.

A number of issues require specific care in managing the development of Klapmuts over the short to medium term. The first is speculative applications for land use change on the back of the proposed Distell development. Already, a draft local plan prepared by DM has indicated very extensive development east of Farm 736/RE. Distell will not fund the extensive infrastructure required to unlock development here, and arguably, land use change to the east of Farm 736/RE could detract from the opportunity inherent in Farm 736/RE. The second is the linkages between Klapmuts north and south, specifically along Groenfontein Road and a possible NMT crossing over the N1 linking residential areas south of the N1

directly with Farm 736/RE. Without these linkages, residents to the south of the N1 will not be able to benefit from the opportunity enabled north of the N1. The third is speculative higher income residential development in the Klapmuts area, based on the area's regional vehicular accessibility. Higher income development is not a problem in and of itself, but ideally it should not be in the form of low density gated communities.

Most importantly, the N1 corridor – including adjacent land also serviced by the old Main Road and railway – stretching from the CoCT through Klapmuts towards Paarl, requires urgent joint planning. Much potential to generate economic opportunity exists here, but careful planning and decisions are required in relation to where to start, what areas to prioritise for development, and what to protect as nature and agriculture.

A critical non-spatial issue related to Klapmuts is its split administration between DM and SM. Consideration should be given to approach the Demarcation Board to adjust municipal boundaries in a manner where Klapmuts North and South falls within one municipal administration. In this regard, Klapmuts appears functionally more related to SM than DM. SM has also, for many years, invested in services for the Klapmuts community.

# KLAPMUTS CONCEPT

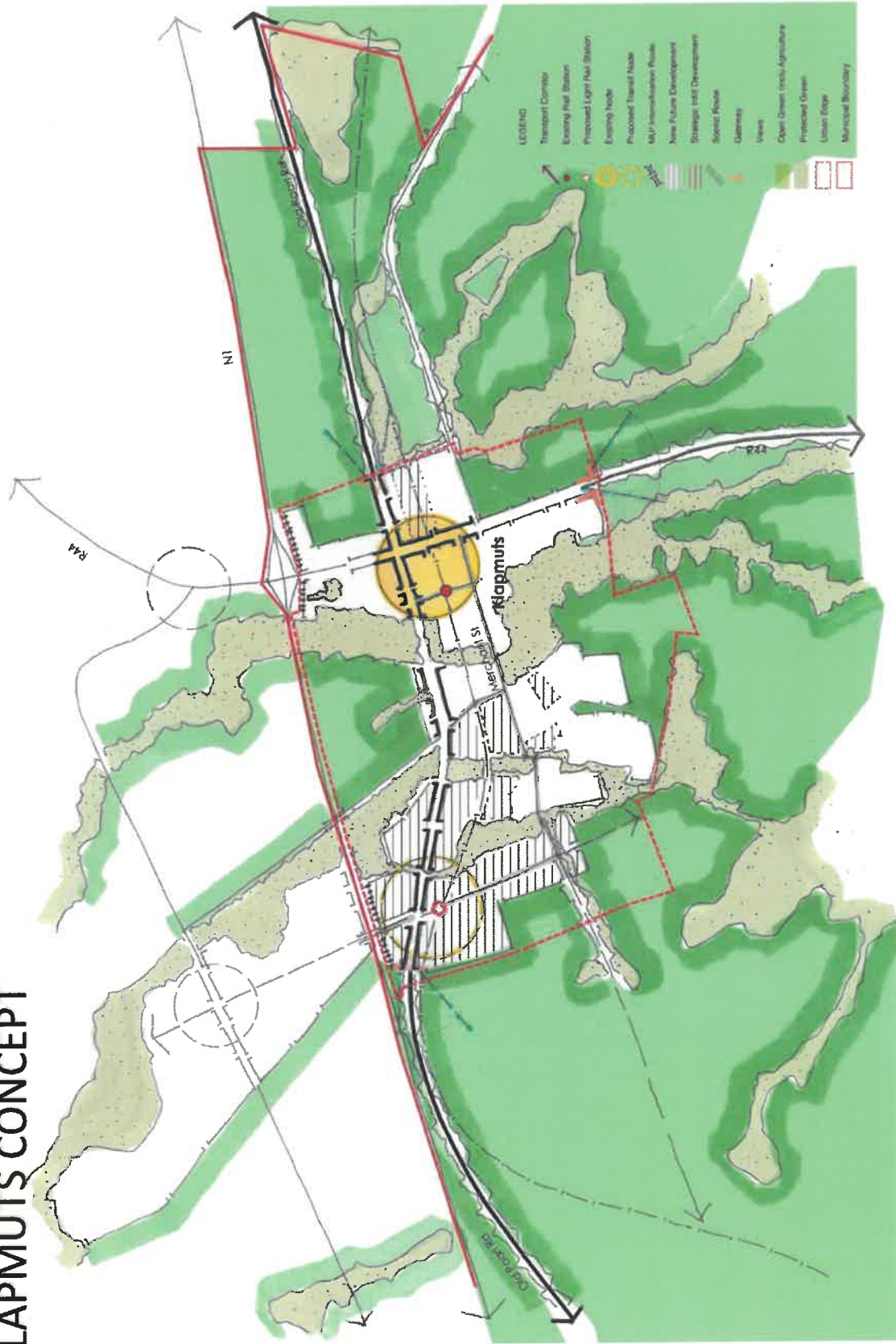


Figure 26: Klapmuts Concept

# KLAPMUTS FRAMEWORK

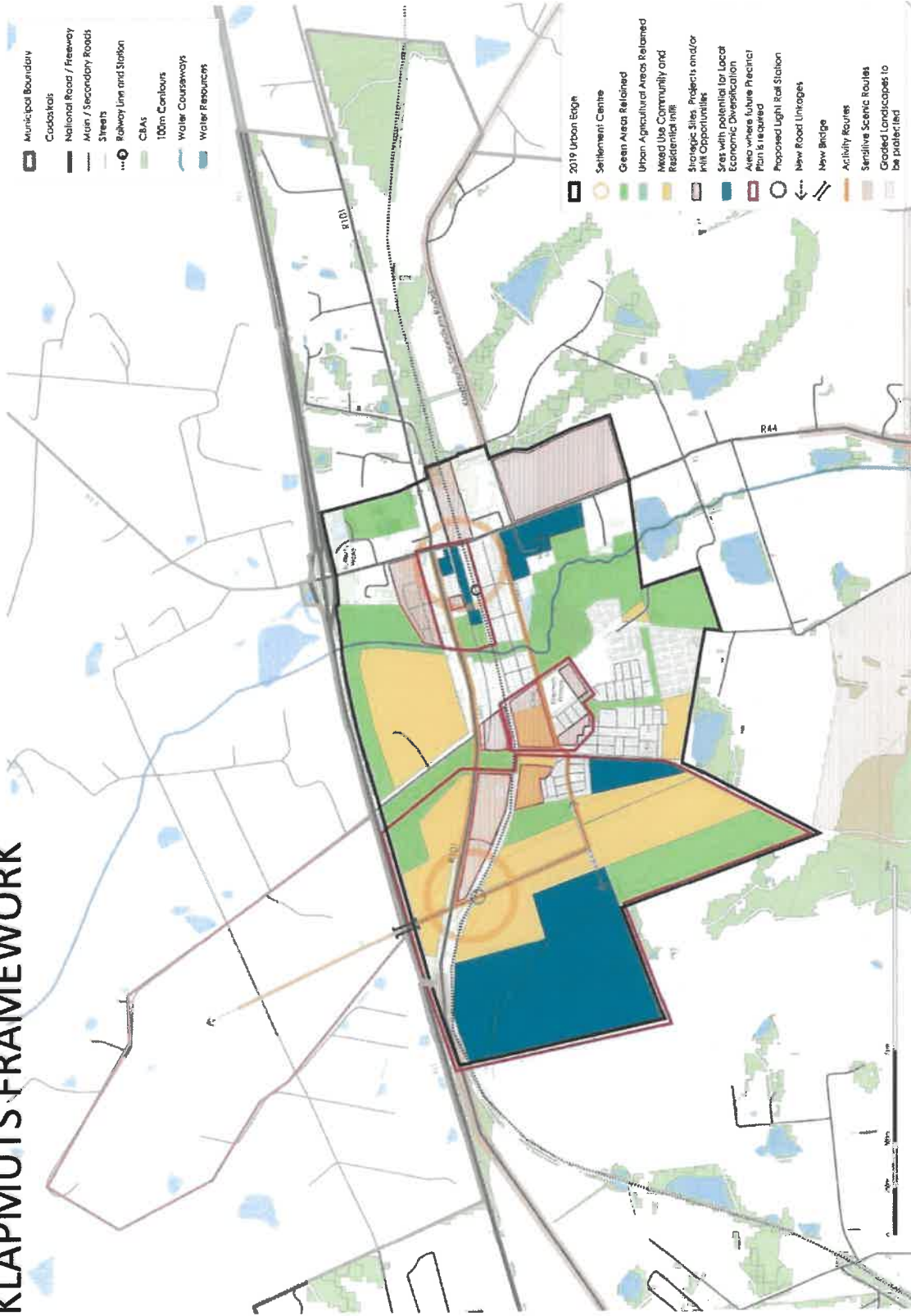


Figure 27: Klapmuts Plan



## **ANNEXURE J**



**Robert Fooy**

---

**To:** Dupré Lombaard (Virdus Works)  
**Subject:** RE: FW: [EX] RE: Farm 717/1

**From:** Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>  
**Sent:** Sunday, 06 October 2024 15:43  
**To:** Robert Fooy <Robert.Fooy@stellenbosch.gov.za>  
**Cc:** Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>; Charles Collins <charles@collins1969.com>  
**Subject:** RE: FW: [EX] RE: Farm 717/1

**CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

---

Dear Robert

Thank you for your input on a Sunday.

Attached hereto the plan with the amended name.

We will however, as in our numerous previous submissions, not indicate a subdivision or a zoning for the proposed future municipal road over the industrial Portion C with the internal private open space. Should the Municipality require the road over the land as in the comment from the Directorate: Infrastructure Services, the Municipality must impose a condition to this effect in the decision on the application and effect a subdivision thereof in terms of Section 24. The applicant does not require the road for the proposed industrial component at this stage and will therefore not make an application for a road across the property.

Regards / Groete / Saludos

**DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Avenida Malecon 25, Piso 8 E, Santa Uxia de Ribeira, 15960, La Coruña, Spain

**Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

Development Management Consultants and Environmental Assessment Practitioners

Address: 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Robert Fooy <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)>  
**Sent:** 06 October 2024 15:06  
**To:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>  
**Cc:** Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>  
**Subject:** RE: FW: [EX] RE: Farm 717/1

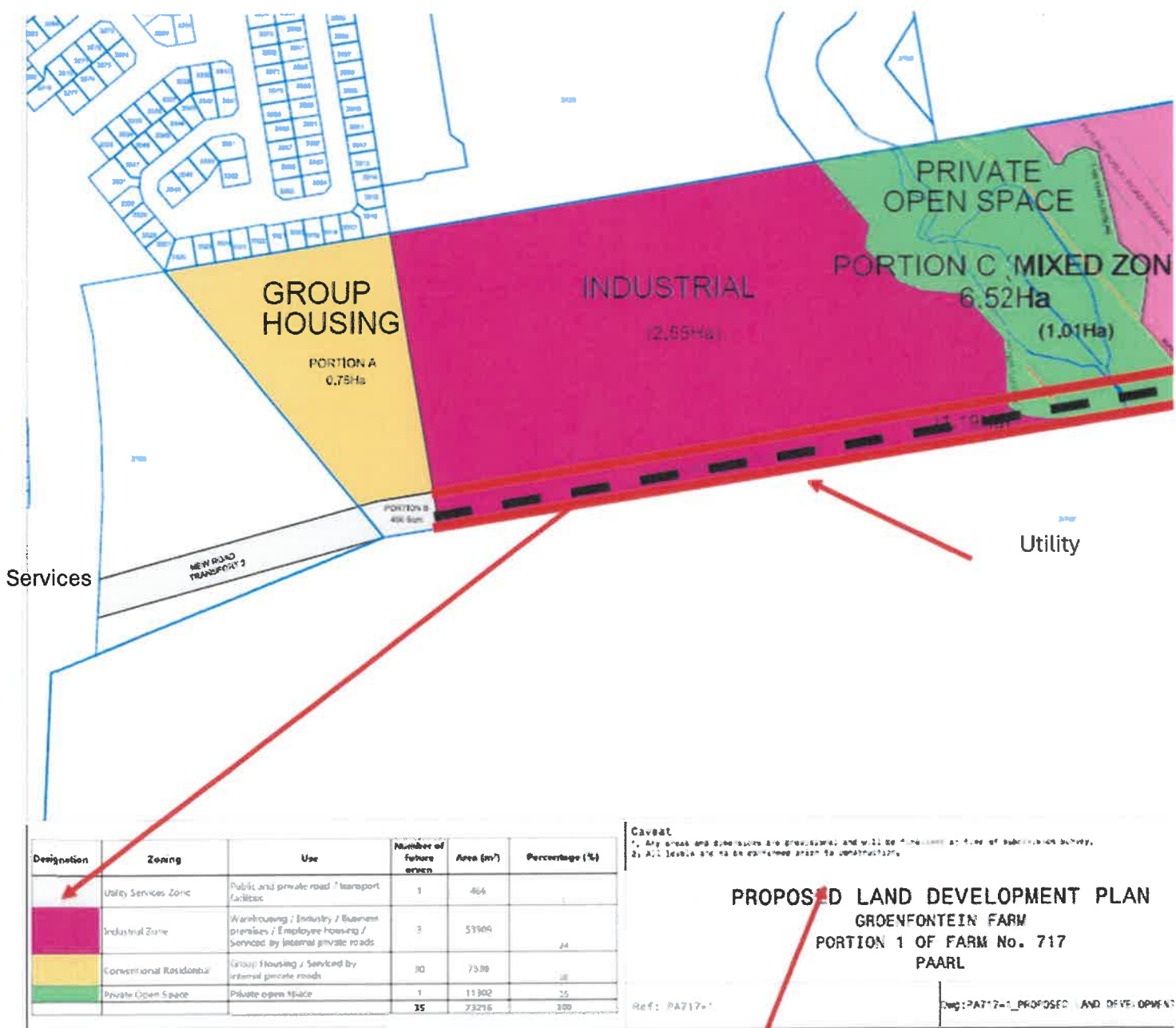
Afternoon Dupre

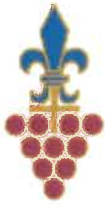


I am busy drafting the MPT Item for this property and I am not sure if you noted the comments regarding the correction that I requested for the zoning and subdivision plan inserted below regarding the link road . (The ones in red below)

The following amendments need to be made to the current subdivision and zoning plan. "Proposed Land Development Plan."

- The "Proposed Land development Plan" needs to be renamed to "Zoning and Subdivision Plan"
- The Zoning and Subdivision Plan also needs to be amended to include the new link road as part of Porton B. (Currently shown as future road portion)
- Should the landowner agree to extend the Group Housing component as requested above then the group housing portion also needs to be enlarged.
- The Open Space component also needs to be amended as noted above if acceptable.




**Robert Fooy**

Senior Town Planner: Land Use Management  
Department: Planning & Economic Development

T: +27 21 808 8680

Email: [robert.fooy@ Stellenbosch.gov.za](mailto:robert.fooy@ Stellenbosch.gov.za)

1<sup>st</sup> Floor, NPK Building

20 Plein Street, Stellenbosch, 7600

[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



[www.facebook.com/stellenboschmunicipality](https://www.facebook.com/stellenboschmunicipality)

[twitter.com/StellMun](https://twitter.com/StellMun)

DON'T GET LEFT BEHIND

## TID ROLLOVER DEADLINE

# 24 NOV 2024

[www.tidrollover.com](http://www.tidrollover.com)

The Municipality has been visiting all residents within the Municipality's electricity supply areas to reset prepayment meters to meet the November 2024 deadline, after which meters will not be able to accept electricity tokens if meters are not reset.

**STELLENBOSCH**



**STELLENBOSCH**  
STELLENBOSCH • FRIES • FRANSCHHOEK  
MUNICIPALITEIT • UMMSIPPA • MUNISIPALITEIT


**About Stellenbosch Municipality**

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

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**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Sent:** Thursday, 19 September 2024 17:30

**To:** Robert Fooy <[Robert.Fooy@ Stellenbosch.gov.za](mailto:Robert.Fooy@ Stellenbosch.gov.za)>

**Cc:** Chrizelle Kriel <[Chrizelle.Kriel@ Stellenbosch.gov.za](mailto:Chrizelle.Kriel@ Stellenbosch.gov.za)>

**Subject:** RE: FW: [EX] RE: Farm 717/1

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---

Dear Robert

Thank you for the email. I have just consulted with the client, and the answers / responses to your email are inserted below.

Regards / Groete / Saludos

### **DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Avenida Malecon 25, Piso 8 E, Santa Uxia de Ribeira, 15960, La Coruña, Spain

### **Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

Development Management Consultants and Environmental Assessment Practitioners

Address: 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Robert Fooy <[Robert.Fooy@ Stellenbosch.gov.za](mailto:Robert.Fooy@ Stellenbosch.gov.za)>

**Sent:** 17 September 2024 09:49

**To:** Dupré Lombaard <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Cc:** Chrizelle Kriel <[Chrizelle.Kriel@ Stellenbosch.gov.za](mailto:Chrizelle.Kriel@ Stellenbosch.gov.za)>

**Subject:** RE: FW: [EX] RE: Farm 717/1

Morning Dupré

I need written confirmation from you to exclude the departures applicable relevant to the group housing component as these components of the application can only be considered on submission of the SDP for the group housing portion. **[Dupré Lombaard]** We would like the application to remain as is, i.e., the decision-maker will then just refuse the departure application.

The Private Open Space component I think should be changed to Public Open Space as Private Open Space would need to be managed by a private entity / owner's association and a Public Open Space would be transferred to Council, which would ensure that the existing green belt is extended / retained and can be managed by the Municipality. **[Dupré Lombaard]** The private open space (or public open space) was purposely planned due to the concept of an industrial park with a central open space being developed. The open spaces in the area are badly managed and there are many residents of the area who keep livestock, which they allow to graze on the open spaces. Moreover, the public open spaces are used for illegal sand mining, dumping, and other undesirable activities. Thus, this zoning proposal must be considered as is for private open space.

The Land Use Section would also like the owners to consider extending the Group Housing component of the application as proposed by the Spatial Department in their comment on the application which is inserted below. **[Dupré Lombaard]** The application for the industrial park must be considered as is, as the need for industrial land is higher than for low cost housing.

The reason for this is due to the fact that the western side of the river has been developed exclusively for residential uses and the green belt is seen as a natural barrier between the two land uses as noted in the inserted zoning plans below .**[Dupré Lombaard]** We acknowledge this comment and refer to the site specific motivation as submitted.

**2) Supported / not supported:**

This department therefore supports the development of an industrial area (warehousing) adjacent to the Pot-Belly property. (To the eastern side of the river)

As approved in the MSDF of November 2019, the whole area adjacent to the river is identified as green areas to be retained. However, if an application for residential be considered, the application needs to be motivated in terms of site specific circumstances.

This department would recommend that residential be proposed adjacent to Erf 2183 (and to the western side of the river) as there is already a residential component, but this department does not support any industrial uses other than the property located adjacent to the Pot-Belly property.



**BJG de la Bat**

**MANAGER: SPATIAL PLANNING**

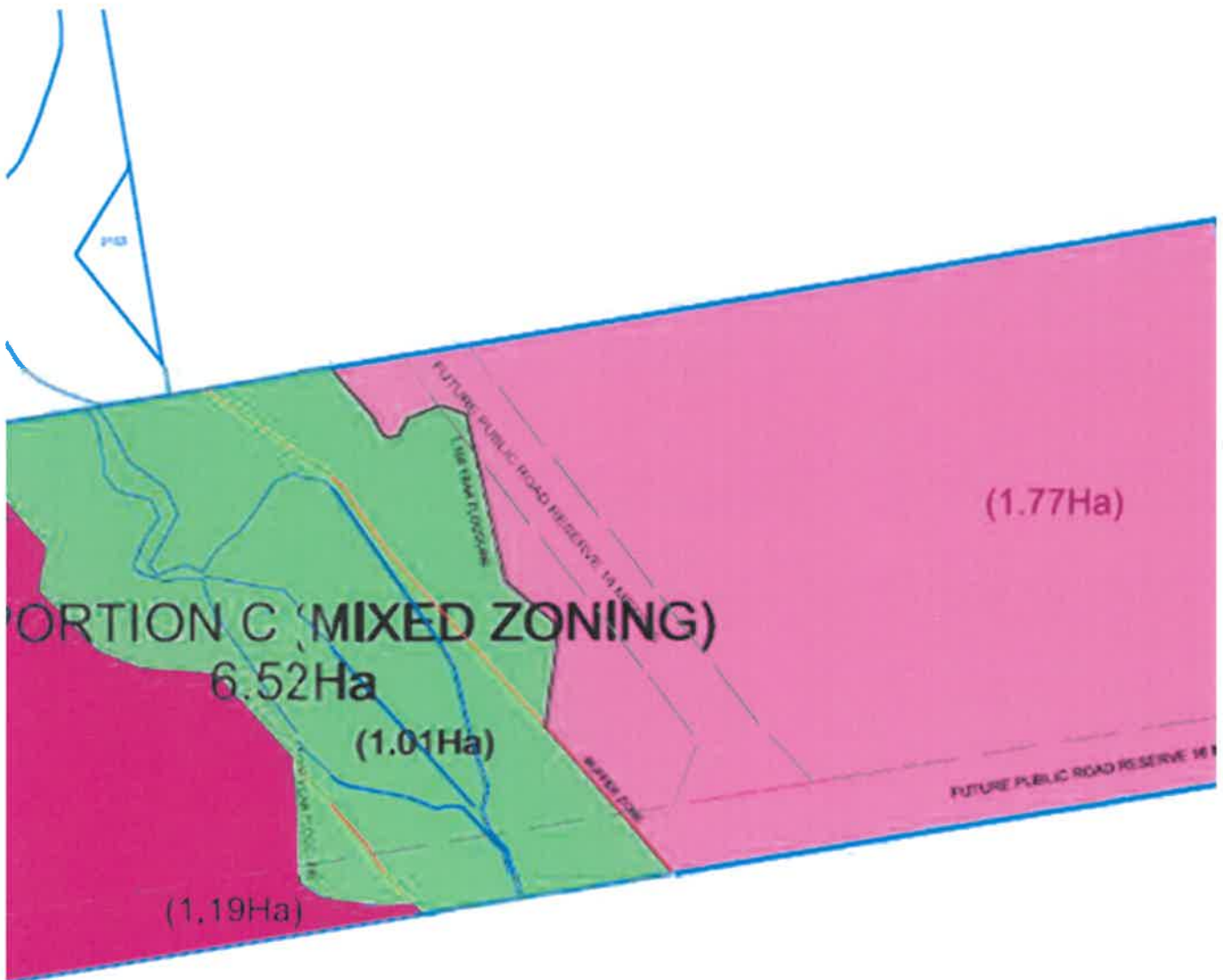






The following amendments need to be made to the current subdivision and zoning plan. “Proposed Land Development Plan.”

- The “Proposed Land development Plan” needs to be renamed to “Zoning and Subdivision Plan”
- The Zoning and Subdivision Plan also needs to be amended to include the new link road as part of Porton B. (Currently shown as future road portion)
- Should the landowner agree to extend the Group Housing component as requested above then the group housing portion also needs to be enlarged.
- The Open Space component also needs to be amended as noted above if acceptable.



The road portion that facilitates access to the Groenfontein - R44 link road for Farm 249 can be retained as currently indicated (Future Road Reserve), as this issue can be addressed in the conditions of approval and prior to further approvals being granted.



**Robert Fooy**

Senior Town Planner: Land Use Management  
Department: Planning & Economic Development

T: +27 21 808 8680

Email: [robert.fooy@ Stellenbosch.gov.za](mailto:robert.fooy@ Stellenbosch.gov.za)

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# TID ROLLOVER DEADLINE 24 NOV 2024

→ [www.tidrollover.com](http://www.tidrollover.com)

The Municipality has been visiting all residents within the Municipality's electricity supply areas to reset prepayment meters to meet the November 2024 deadline, after which meters will not be able to accept electricity tokens if meters are not reset.

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Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South



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**From:** Dupré Lombaard <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Sent:** Tuesday, 27 August 2024 22:40

**To:** Robert Fooy <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)>

**Cc:** Stiaan Carstens <[Stiaan.Carstens@stellenbosch.gov.za](mailto:Stiaan.Carstens@stellenbosch.gov.za)>; Chrizelle Kriel <[Chrizelle.Kriel@stellenbosch.gov.za](mailto:Chrizelle.Kriel@stellenbosch.gov.za)>;

Charles Collins <[charles@collins1969.com](mailto:charles@collins1969.com)>

**Subject:** Re: FW: [EX] RE: Farm 717/1

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Dear Robert

I hope this letter from the Director: Infrastructure Services is included in the item Annexure to the MPT.

Saludos / Regards / Groete

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

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Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

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On Tue, 27 Aug 2024, 10:18 Robert Fooy, <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)> wrote:

Noted

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**From:** Dupré Lombaard <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>  
**Sent:** Tuesday, August 27, 2024 11:15 AM  
**To:** Robert Fooy <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)>  
**Subject:** Re: FW: [EX] RE: Farm 717/1

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Hi Robert

No, I cannot agree. See my version.

- The revised land use application can be approved subject to the imposition of a condition for the provision of the two road portions indicated as “future road portions”, as required by the Directorate Infrastructure Services.
- The formalization of the 2 road portions “future road portions” must occur on subdivision of the property.
- The application in its current format must / can be finalized notwithstanding the comments received from the Spatial Section.

Saludos / Regards / Groete

DUPRÉ LOMBAARD  
 (SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46  
 Address: [Avenida Malecon 25](#), Piso 8 E, Santa Uxia de Ribeira, 15960, La Coruña, Spain

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners  
 Address: 3rd Floor, Time Square, TechnoPark, Stellenbosch, 7600, South Africa

Web: [www.virdus.com](http://www.virdus.com)

On Tue, 27 Aug 2024, 09:52 Robert Fooy, <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)> wrote:

Morning Dupre

As discussed telephonically this morning.

- The revised land use application has not been amended to include / comply with the comment / recommendation received from the Spatial Section and does not include the formalization of the two road portions indicated as “future road portions”, notwithstanding the fact that the Directorate Infrastructure Services are of the opinion that they should be included.
- The property owner / you are of the opinion that the location and formalization of the 2 road portions “future road portions” can be addressed at a later date via the appropriate land use application.
- The application in its current format must / can be finalized notwithstanding the comments received from the Spatial Section and Directorate Infrastructure Services.



### **Robert Fooy**

Senior Town Planner: Land Use Management  
Department: Planning & Economic Development

---

T: +27 21 808 8680

Email: [robert.fooy@ Stellenbosch.gov.za](mailto:robert.fooy@ Stellenbosch.gov.za)

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**From:** Robert Fooy

**Sent:** Monday, July 15, 2024 4:18 PM

**To:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Subject:** RE: [EX] RE: Farm 717/1

Thanks will have a look at it

**From:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Sent:** Monday, 15 July 2024 14:39

**To:** Robert Fooy <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)>

**Cc:** Landuse Enquiries <[Landuse.Enquiries@stellenbosch.gov.za](mailto:Landuse.Enquiries@stellenbosch.gov.za)>

**Subject:** RE: [EX] RE: Farm 717/1

Dear Robert

Herewith the site-specific motivation as required.

Regards / Groete / Saludos

## **DUPRÉ LOMBAARD**

(SACPLAN B/8076/1998 / EAPASA 2019/304)

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## **Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)**

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Address: 3<sup>rd</sup> Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

**Web:** [www.virdus.com](http://www.virdus.com)

**From:** Robert Fooy <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)>

**Sent:** Friday, July 12, 2024 4:08 PM

**To:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>

**Subject:** RE: [EX] RE: Farm 717/1

Hi Dupre

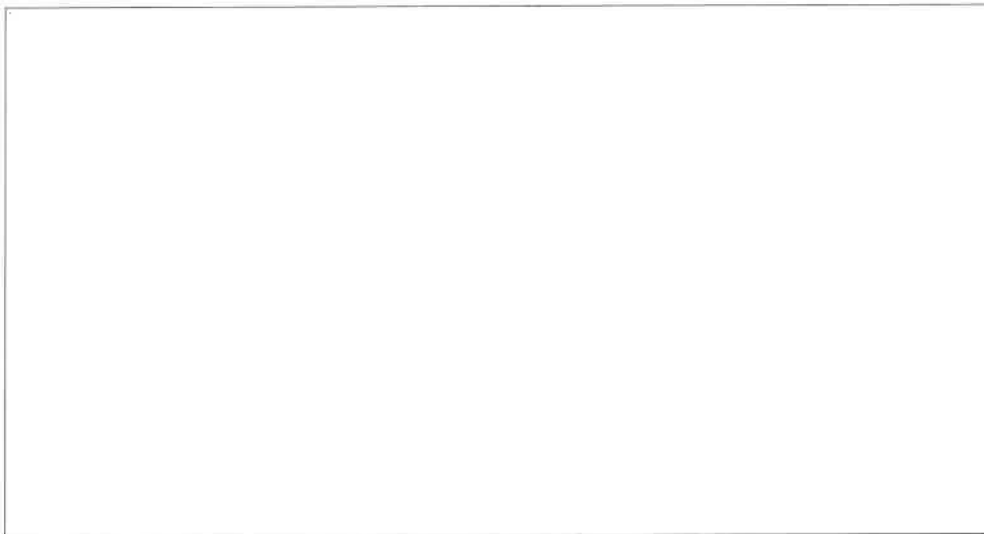
Thanks for this, which I have seen on file.

As requested the motivation provide does not speak to the MSDF which identifies the area as an area which should be retained as an open area and thus you will need to expand on this issue as the provision of the road on its own, does not justify the development. You have also not referred to

the fact that the Spatial Department is of the opinion that the residential component proposed should be expanded to form the border of the river / open space area and not contain a component of Industrial as proposed. The motivation provided on this issue should deal with the comment from Spatial as an objection to the proposed development as the proposed development has not been amended in line with the comment of Spatial.

Please note that due to the fact that the proposal is not in line with the SDF, the item / recommendation must be referred to the MPT for a decision. As the proposal is not in line with the SDF the first gate/obstacle is the issue of Site Specific circumstances which must be motivated.

Should you fail to motivate site specific circumstances and should the MPT not be convinced and not support the motivation provide for the Site Specific circumstance then the rest of the application cannot be considered.



Dupre I would suggest that you provide me with an updated motivation report which includes a detailed motivation in respect of Site Specific as a separate paragraph. Addressing all the issues noted in the insert above. I would also mention / include the content of the 1<sup>st</sup> comments received from Spatial on the application which supported the application as initially presented. You will also need to address the proposed Industrial component in lieu of the residential recommendation as proposed by Spatial

You will note that the river generally forms a natural barrier between the residential and Industrial components (Example inserted below with notes.)

**From:** Robert Fooy <[Robert.Fooy@stellenbosch.gov.za](mailto:Robert.Fooy@stellenbosch.gov.za)>  
**Sent:** Thursday, July 4, 2024 2:21 PM  
**To:** Dupré Lombaard (Virdus Works) <[dupre.lombaard@virdus.com](mailto:dupre.lombaard@virdus.com)>  
**Subject:** Farm 717/1

Afternoon Dupré

I have noted that you have not responded to the comment received from the Spatial Department in 2021 in which they have requested that the application as submitted be amended and that the application must include a motivation in terms of "Site Specific" Circumstances as it is not compliant with the SDF in 2019. (I have also noted that the application is also not compliant with the 2023 SDF as the map used is the same one used in 2019)

Attached and below I have provided the relevant comment which I am referring to and on which I find no motivation / comment / application as requested & required.

Please note that I need to make a recommendation to the MPT as the proposal is not in line with the SDF.



**APPLICATION FOR CONSENT USE FOR A TOURIST FACILITY (RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION ESTABLISHMENT:  
 FARM No. 1106, PAARL DIVISION**

| <b>CONTENT</b>                                                          |                        |
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| <b>ANNEXURES</b>                                                        | <b>PAGE<br/>NUMBER</b> |
| <b>ANNEXURE A:</b> Locality Plan                                        | <b>192-193</b>         |
| <b>ANNEXURE B:</b> Title Deed                                           | <b>194-199</b>         |
| <b>ANNEXURE C:</b> Site Development Plan                                | <b>200-207</b>         |
| <b>ANNEXURE D:</b> Applicant's Motivation                               | <b>208-222</b>         |
| <b>ANNEXURE E:</b> POE                                                  | <b>223-235</b>         |
| <b>ANNEXURE F:</b> Comments from Department of Agriculture              | <b>236-238</b>         |
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| <b>ANNEXURE J:</b> Comments from the Manager Spatial Planning           | <b>251-255</b>         |
| <b>ANNEXURE K:</b> Site inspection photos                               | <b>256-257</b>         |





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| THE STELLENBOSCH MUNICIPALITY                                                                                                                                                                                                                  |                                |                                                 |            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------|------------|
| <b>PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION:<br/>           CONSENT USE FOR A TOURIST FACILITY (RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST<br/>           ACCOMMODATION ESTABLISHMENT: FARM No. 1106, PAARL DIVISION</b> |                                |                                                 |            |
| Application Reference                                                                                                                                                                                                                          | File Ref: LU/14682 (TP94/2022) | Application Date                                | 2022/10/11 |
|                                                                                                                                                                                                                                                |                                | Last day for comments or additional information | 2024/08/02 |

| PART A: APPLICANT DETAILS   |                                               |                                                                |     |
|-----------------------------|-----------------------------------------------|----------------------------------------------------------------|-----|
| First name(s) & Surname     | Emile Van der Merwe                           |                                                                |     |
| Company name                | Emile van der Merwe Town Planning Consultants |                                                                |     |
| SACPLAN registration number | A/1149/1996                                   |                                                                |     |
| Registered owner(s)         | Camp Properties Pty Ltd                       | Is the applicant properly authorised to submit the application | Yes |

| PART B: PROPERTY DETAILS                                                    |                                                                                                                                            |                         |             |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------|
| Property description                                                        | Remainder of the Farm No. 1106, Paarl Division                                                                                             | Administrative District | Paarl       |
| Physical address                                                            | Excelsior Road, ( <b>Annexure A</b> )                                                                                                      |                         |             |
| Extent (m <sup>2</sup> /ha)                                                 | 13,2922ha                                                                                                                                  | Nearest Town            | Franschhoek |
| Existing Development and Current land use                                   | The property is currently utilised for bona-fide agricultural activities as it is planted with vineyards and wine tasting & sales facility |                         |             |
| Any unauthorised land use/building work                                     | None                                                                                                                                       |                         |             |
| Title Deed Nr.                                                              | T. 6970/2020 ( <b>Annexure B</b> )                                                                                                         |                         |             |
| Current zoning and approved land use rights as per Zoning Scheme Bylaw 2023 | The subject property is zoned Agricultural and Rural Zone                                                                                  |                         |             |

| PART C: APPLICATION DETAILS                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applications(s)                                                      | <p>Application in terms of Section 15(2)(o) of the Stellenbosch Municipality Landuse Planning By-Law (2023) for a consent use on Farm No. 1106, Paarl Division for the following:</p> <ul style="list-style-type: none"> <li>- For a tourist facility to utilise the existing wine tasting facility (<math>\pm 190\text{m}^2</math>) and outside seating area (<math>\pm 210\text{m}^2</math>) for restaurant purposes and to utilise the said existing wine tasting area as Function Venue.</li> <li>- In order to allow the existing six units to be utilised as tourist accommodation establishment (8 bedrooms in total). (See <b>Annexure C</b>).</li> </ul> <p><b><u>Application omissions</u></b></p> <p>Application in terms of Section 15(2)(b) of the Stellenbosch Municipality Landuse Planning By-Law (2023) for a departure to exceed the prescribed <math>120\text{m}^2</math> coverage for additional dwelling units in order to accommodate the proposed additions to the existing cottages was not included.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Purpose of Application:<br>Background and<br>motivation of Applicant | <p><b>1. Purpose of the Application:</b></p> <p>To obtain the approval for the proposed tourist facilities and tourist accommodation establishment within existing structures.</p> <p><b>2. Background:</b></p> <p>The Stellenbosch Municipality during 2011 granted approval for Consent Use to enable the utilisation of an existing outbuilding as a wine tasting and sales facility. Approval was also granted for a temporary departure to utilise the existing 3 labourer's cottages for guest/overnight accommodation purposes (six bedrooms), this approval has since lapsed as it was granted for a period of five years.</p> <p><b>3. Motivation: (Annexure D)</b></p> <ul style="list-style-type: none"> <li>- Previous approval by means of a departure was granted to utilize three existing cottages (six units in total) for overnight accommodation. The current proposal does not deviate from this approval (six units in total).</li> <li>- Although the number of units does not coincide with the Rural Areas Guidelines (additional dwelling units) it is in support of the broader planning policy guidelines as set out in the motivation document (refer to pages 7-9 of application document).</li> <li>- The proposals are confined within the existing buildings, taking the natural and heritage aspects into account.</li> <li>- The proposed land uses are subservient to the primary farming activities and will not impact on the production capacity of the farming unit.</li> <li>- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework and Strategic Action Plan with reference to growing the local economy by means of tourism related development.</li> </ul> |

|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                             | <ul style="list-style-type: none"> <li>- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework with reference to growing the local economy by means of tourism related development.</li> <li>- The proposal conforms to the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act and the principles referred to in Chapter IV of the Land Use Planning Act.</li> <li>- The proposal is in line with the provisions of the Stellenbosch Zoning Scheme By-Law and associated development parameters.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Pre-consultation                            | No pre-application meeting was deemed necessary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Public participation, comments and response | <p>The applicant has in terms of Section IV of the Stellenbosch Municipality Planning By-Law, advertised the application by sending e-mails to the interested and affected parties as well as external departments. A notice was placed on the Stellenbosch Municipality planning portal. No objections were received. See <b>Annexure E</b> for portfolio of evidence.</p> <p>The application was circulated to the relevant external departments and the following departments gave comment:</p> <p><b>Department of Agriculture: Western Cape</b> – has no objection to the function venue and the restaurant however, objects to the proposed dwelling units as the number of units for this property exceeds the number of dwelling units as prescribed in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 (See <b>Annexure F</b>).</p> <p><b>Department: Transport &amp; Public Works:</b> has no objection to the proposal subject on condition that access at km 1,67RHS will be the only access used for this property (See <b>Annexure G</b>)</p> |
| Comments from internal service departments  | <p>The application was circulated to the relevant internal departments and the following departments gave comment:</p> <ol style="list-style-type: none"> <li>1. <b>Cape Winelands Districts Health</b> supports the application subject to certain conditions (See <b>Annexure H</b>).</li> <li>2. The <b>Director: Engineering Services</b> supported the application subject to certain conditions attached as <b>Annexure I</b>.</li> <li>3. The Manager: <b>Spatial Planning</b> supports the application subject to certain conditions attached as <b>Annexure J</b>.</li> <li>4. <b>Ward Councillor:</b> Supports the application</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                             |

#### PART D: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

##### Proposed tourist facility

The applicant wishes to convert the existing wine tasting facility into a tourist facility and an outside seating area for a restaurant and functions venue. The property is 13,92ha in extent and is primarily used for bona fide agricultural activities as the majority of the farm is covered with vineyards. In 2011, the Municipality granted a consent use approval for a tourist facility to operate a wine tasting and

sales facility within an existing building ( $\pm 190\text{m}^2$ ). The Stellenbosch Municipality Zoning Scheme By-Law, 2019 makes provisions for a tourist facility that does not exceed  $250\text{m}^2$  as a Technical Approval, the said By-Law further restrict tourist facility under Technical Approval within existing building. The said By-Law further makes provisions for uses that exceed the threshold of a Technical Approval, as a Consent Use. The proposed tourist facility exceeds the threshold of  $250\text{m}^2$  hence the application for a consent use.

#### Proposed tourist accommodation establishment

As noted above the subject property is zoned for Agriculture and Rural Zone purposes and in terms of the Stellenbosch Municipality Zoning Scheme By-law, 2023, a tourist accommodation establishment is a consent use when the proposed land uses exceed the threshold of a guest house, bed and breakfast and that of a tourist dwelling unit. The application at hand is for a tourist accommodation establishment in order to utilise the existing approved labourer's cottages consisting of 8 bedrooms. The owner of the property proposes to refurbish the existing structures (six cottages) by adding a shower court to each unit, a roof over existing stoeps and to enlarge the existing bedrooms (in cottage B) and bathrooms in order to accommodate the proposed land use. The proposed additions will lead to the permissible coverage prescribed for additional dwelling units being exceeded. The Zoning Scheme By-Law prescribes a maximum coverage of  $120\text{m}^2$  and the units to be utilised for tourist accommodation establishment exceed the said coverage by  $\pm 4\text{m}^2$  (cottage A&C) and  $\pm 60\text{m}^2$  (cottage B). The proposed additions will not affect agricultural activities on the farm due to their location. The MSDF prescribes a floor coverage of  $175\text{m}^2$  for additional dwelling units and thus one cottage deviates from this prescription. The additional floor area applied for is in line with the sizes of the non-agricultural dwellings found in the area and will thus have no major impact.

The Department of Agriculture did not support the proposed tourist accommodation as it exceeds the number of dwelling units prescribed by the Western Cape Land Use Planning Guidelines for Rural Areas, 2019. The guidelines provide for one additional dwelling unit in all cases and one more for every 10ha to a maximum of five. The subject farm is 13ha in extent allowing only a main dwelling unit and a second dwelling unit as of right.

As stated above, the initial development for guest accommodation establishment was granted in 2011 as a Temporary Departure as the Zoning Scheme (Section 8) did not make provisions for such land use. Subsequently, building plans were submitted and approved. The Western Cape Rural Guidelines were not in place at the time when the 2011 approval was granted. The proposed

development will utilise the same cottages as approved in 2011 and the context of the development is the same as that of 2011 and the Zoning Scheme By-Law, 2023 makes provisions for the tourist accommodation establishment to accommodate the proposed use.

Compliance with applicable planning frameworks/policy

**Tourist facility**

The approved Stellenbosch Spatial Development Framework states that land outside of existing and proposed urban settlements should be used for agricultural production, biodiversity conservation, scenic quality and agri-tourism. It also states that agriculture, biodiversity conservation and agri-tourism should be promoted in farming areas outside urban settlements. The proposed tourist facility promotes agri-tourism which is encouraged in the MSDF. The proposed development will not lead to any loss of any viable agricultural land which is promoted by the MSDF. The proposal is in line with the principles and guidelines of the Stellenbosch Spatial Development Framework as discussed above as the proposed development is confined within existing structures.

**Tourist Accommodation Establishment**

The Western Cape Land Use Planning Guidelines for Rural Areas which came into effect in 2019 set out guidelines for Tourist Accommodation Establishments in areas outside the urban edge i.e. tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints and these should take the natural and heritage significance of the site into consideration. The said policy further promotes the diversification of farm income by supporting agri-tourism that does not compromise farm production. The MSDF echoes this sentiment as it recommends that tourist accommodation establishments should be confined within existing structures in order to protect the valuable agricultural land outside the urban edge. The proposal is utilizing the existing approved cottages, with minor alterations and additions and is aimed at providing an additional form of capital input to further sustain the agricultural activities on this land unit.

The legislative or policy requirements applicable to the approval that prevailed at the time of the original approval have materially changed. The said guidelines and the MSDF restrict the number of dwelling units that can be constructed on a land unit and the proposal comprises of six tourist accommodation units and therefore does not conform to the prescriptions of the MSDF and Western Cape Land Use Planning Guidelines for Rural Areas. For this purpose and in line with the Information Guideline dated August 2024, the applicant submitted site specific motivation, attached as **Annexure D**.



### Compatibility of the proposal with the character of the area and adjacent development

The subject property is located in a predominantly agricultural area where properties are mostly covered with vineyards which implies that they are being utilized in line with their zoning. Land uses such as restaurants, guesthouses and wineries are also present in the area where these uses are subservient to the primary use of the property (agriculture). The subject property is mostly covered with vineyards and the proposed tourist facilities are  $\pm 400\text{m}^2$  in extent, this indicates that the primary use of the property will remain agricultural.

The proposed use of the property will be in line with the existing land uses found in this area and therefore will not have a negative impact on the character of the area.

### Access, Parking and Traffic impact

The property gains access via a Divisional Road 1343, Excelsior Road. The Stellenbosch Municipality Zoning Scheme, 2019 prescribes a minimum ratio of 4 parking bays for every  $100\text{m}^2$  of the tourist facility and 1 parking bay for each bedroom within the tourist accommodation establishment. The proposed tourist facility is  $400\text{m}^2$  in total, thus 16 parking bays are required and the applicant has indicated that 16 parking bays will be accommodated on site and parking for the tourist accommodation establishment will be provided adjacent to each unit in accordance with the Zoning Scheme By-Law. Due to the scale of the proposal, the amount of traffic that will be generated by the proposed land uses is insignificant. The proposal was supported by the Department: Transport and Infrastructure as the access is taken off the Divisional Road.

### Site Inspection

Access to the property is via Excelsior Road, with a gravel parking area situated in front of the building designated for the restaurant and event venue. This informal parking design helps maintain the rural appeal of the property. The site is predominantly shaded by mature trees, and both the parking area and existing buildings are not visible from Excelsior Road, minimizing any impact on the area's character. Additionally, the property is surrounded by farms engaged in similar activities, including La Bri Wine Estate, Auberge La Dauphine accommodation, and Colmant Wine Estate.

The existing cottages occupy a small portion of the property and are not visible from any point of the property due to their location. During the site inspection, the cottages were vacant and the applicant confirmed that only the Farm Manager's house is currently in use.

| ASSESSMENT OF GROUNDS OF THE LAND USE AND LAND DEVELOPMENT APPLICATION |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |    |     |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| #                                                                      | Section 65 Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes | No | N/A |
| 1.                                                                     | The proposal is not inconsistent with the Stellenbosch Municipal Spatial Development Framework, 2019                                                                                                                                                                                                                                                                                                                                                                     |     | x  |     |
| 2.                                                                     | The proposal is not inconsistent with the Cape Winelands District Municipal Spatial Development Framework, 2019                                                                                                                                                                                                                                                                                                                                                          | x   |    |     |
| 3.                                                                     | The proposal is not inconsistent with the Provincial Spatial Development Framework, 2015                                                                                                                                                                                                                                                                                                                                                                                 | x   |    |     |
| 4.                                                                     | The proposal is not inconsistent with the Western Cape Land Use Planning Guidelines: Rural Areas, 2019                                                                                                                                                                                                                                                                                                                                                                   |     | x  |     |
| 5.                                                                     | The proposal is guided by the development principles of SPLUMA                                                                                                                                                                                                                                                                                                                                                                                                           | x   |    |     |
| 6.                                                                     | The proposal is not inconsistent with measures to protect and promote the sustainable use of agricultural land                                                                                                                                                                                                                                                                                                                                                           | x   |    |     |
| 7.                                                                     | The following matters as listed in SPLUMA has been considered:<br><ul style="list-style-type: none"> <li>– public interest;</li> <li>– transformation imperatives;</li> <li>– relevant facts and circumstances;</li> <li>– rights and obligation of those affected;</li> <li>– state and impact of engineering services;</li> <li>– state and impact of social infrastructure;</li> <li>– open space requirements;</li> <li>– timeframes for making decisions</li> </ul> | x   |    |     |
| 8.                                                                     | The proposal is not in contravention of environmental legislation                                                                                                                                                                                                                                                                                                                                                                                                        | x   |    |     |
| 9.                                                                     | The proposal is not inconsistent with the land use principles of LUPA namely spatial justice, spatial sustainability, efficiency, spatial resilience and good administration                                                                                                                                                                                                                                                                                             | x   |    |     |
| 10.                                                                    | The proposal is in line with the provisions of the Stellenbosch Municipal Zoning Scheme Bylaw, 2023                                                                                                                                                                                                                                                                                                                                                                      | x   |    |     |

#### PART E: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

1. Tourist facilities on properties outside the urban edge are encouraged by the Municipal Spatial Development Framework.
2. Similar tourist facilities exist in the area and the proposed tourist facility will add to the tourist industry without impacting the character of the area.
3. The proposed tourist facility is in line with the principles and guidelines of the Stellenbosch MSDF.
4. The primary land use of the property will remain agriculture.
5. The proposed facility is subservient to the primary use of the property.

6. The proposed tourist accommodation establishment is confined within the existing cottages with minor alterations and additions, thus agricultural viability of the farm will not be impacted on.
7. The proposed development will utilise the same cottages as approved as a temporary departure in 2011 and the context of the development is the same as that of 2011.
8. The proposal exceeds the number of dwelling units allowed on a property which is 13ha in extent and deviates from the MSDF and the Western Cape Land Use Planning Guidelines for Rural Areas.
9. Site specific motivation was submitted by the applicant which justifies the deviation from the MSDF.

## PART F: RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use on Farm No. 1106, Stellenbosch Division to allow a tourist accommodation establishment within six existing cottages, deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
  - 1.1 The proposed development exceeds the number of dwelling units and coverage prescribed by the MSDF for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.
2. That it **BE DECIDED** that the application for Consent Use on Farm No. 1106, Stellenbosch Division to allow a tourist accommodation establishment within six existing cottages does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
  - 2.1 The proposed development will utilise the same cottages as approved in 2011 as temporary departure. The context of the development is the same as that of 2011 and is subservient to agricultural activities found on the farm.
3. That the following applications in terms of Section 15(2) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 on Farm No. 1106, Stellenbosch Division, namely:
  - 3.1 A consent use in terms of Section 15(2)(o) of the said by-law for the following:
    - 3.1.1 a tourist facility to utilise the existing wine tasting facility and outside seating area for restaurant purposes and to utilise the said existing wine tasting area as Function Venue.
    - 3.1.2 In order to allow the existing six units to be utilised as tourist accommodation establishment.

3.2 A departure in terms of Section 15(2)(o) of the said by-law to exceed the permissible 120m<sup>2</sup> coverage prescribed for additional dwelling units to 124,628m<sup>2</sup> (cottage A), 180,744m<sup>2</sup> (Cottage B) and to 129,979m<sup>2</sup> (Cottage C) in order to accommodate the proposed additions to the existing cottages.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

4.1 The approval only applies to the proposed Consent Use under consideration, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

4.2 The development and building plans must be undertaken generally in accordance with drawing no. 201-205, dated 16 November 2023 and drawn by Jan Desseyn Architects and attached as **Annexure C**.

4.3 The proposed tourist facility shall be limited to 400m<sup>2</sup> (210m<sup>2</sup> outside seating and 190m<sup>2</sup> inside) as indicated on attached Floor Layout Plans in **Annexure C**.

4.4 The Consent Uses (tourist facility and tourist accommodation establishment) must be subservient to the dominant agricultural use of the property.

4.5 The 8-bedroom tourist accommodation establishment must be confined within the existing six self-catering units and no new buildings must be constructed.

4.6 Condition as imposed by Department: Transport & Infrastructure in their letter dated 23 June 2023 be adhered to (See **Annexure G**).

4.7 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to submission of any building plans.

5. The reasons for the above decision are as follows:

5.1 The proposed tourist facility is in line with the principles and guidelines of the Stellenbosch MSDF.

5.2 The primary land use of the property will remain agriculture.

5.3 The proposal is in line with the land uses found in the area, therefore it will not have a negative impact on the character of the area.

5.4 The proposed land uses are confined within existing structures with proposed minor alterations and additions, thus agricultural viability of the subject property will not be affected.

6. Matters to be noted:

- 6.1 Conditions as imposed by Cape Winelands Health Services in their memo dated 24 November 2022 be adhered to (See **Annexure H**).
- 6.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 6.3 Building plans be approved by the Municipality prior to any building work commencing.
- 6.4 A business license and a liquor license be applied for if required.
- 6.5 Should, after following due process -
  - 6.5.1 The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
  - 6.5.2 The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
  - 6.5.3 The property be used for any unauthorised uses not permitted in terms of this approval,

the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

## PART G: ANNEXURES

|                    |                                                      |
|--------------------|------------------------------------------------------|
| <b>ANNEXURE A:</b> | Locality Plan                                        |
| <b>ANNEXURE B:</b> | Title Deed                                           |
| <b>ANNEXURE C:</b> | Site Development Plan                                |
| <b>ANNEXURE D:</b> | Applicant's Motivation                               |
| <b>ANNEXURE E:</b> | POE                                                  |
| <b>ANNEXURE F:</b> | Comments from Department of Agriculture              |
| <b>ANNEXURE G:</b> | Comments from Department of Transport & Public Works |
| <b>ANNEXURE H:</b> | Comments from Cape Winelands District Health         |
| <b>ANNEXURE I:</b> | Comments from Engineering Services                   |
| <b>ANNEXURE J:</b> | Comments from the Manager Spatial Planning           |
| <b>ANNEXURE K:</b> | Site inspection photos                               |



**PART H: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT**

**CONSENT USE FOR A TOURIST FACILITY & TOURIST ACCOMMODATION ESTABLISHMENT: FARM No. 1106, STELLENBOSCH DIVISION**

**Author of Planning Assessment Report**

Recommended Categorisation of the Application for Authorised Decision Maker:

Name: **NOPIND DAFETI**

Capacity: **TOWN PLANNER**

SACPLAN Registration:

Signature: 

Date: **10/10/2024**

**PART I: REVIEW OF PLANNING APPLICATION ASSESSMENT REPORT**

**CONSENT USE FOR A TOURIST FACILITY & TOURIST ACCOMMODATION ESTABLISHMENT: FARM No. 1106, STELLENBOSCH DIVISION**

**Review of Planning Assessment Report:**

Name: **Bongwe Zondo**

Capacity: **Snr. Town Planner**

SACPLAN Registration: **A13471**

Signature: 

Date: **10/10/24**

# **CONDONATIONS OF ERRORS OR OMISSIONS DURING THE PROCESSING OF THE PLANNING APPLICATION**

## **Authorised Official to condone errors or omissions**

As the duly authorised official the error in the processing of the land use and land development application:

- (a) for the omission of including and advertising a departure application to exceed the 120m<sup>2</sup> coverage prescribed for additional dwelling units to 124,628m<sup>2</sup> (cottage A), 180,744m<sup>2</sup> (Cottage B) and to 129,979m<sup>2</sup> (Cottage C) in order to accommodate the proposed additions to the existing units. **BE CONDONED** in terms of section 63(2) of the said Bylaw.

## **Reason for the decision:**

- (i) The proposed additions will not have any impact on the neighbouring properties.

**Name:**

*Steven Carters*

**Capacity:**

*SMDM*

**Signature:**

*[Signature]*

**Date:**

*11/10/2024*

**PART J: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT****CONSENT USE FOR A TOURIST FACILITY & TOURIST ACCOMMODATION ESTABLISHMENT: FARM No. 1106, STELLENBOSCH DIVISION****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipality By-Law on Municipal Land Use Planning (2023) to assess the above application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 11.8.1 and dated 24 May 2023, the subject application is categorised as follows:

**Category:** O.4

**Decision Making Authority:** MPT

**Rational:** Application is inconsistent and deviates with MSDF

**Name:** Chrizette Kriel

**Capacity:** MLCM

**SACPLAN Registration:** A212110

**Signature:** 

**Date:** 10.10.2024

**CONSENT USE FOR A TOURIST FACILITY & TOURIST ACCOMMODATION ESTABLISHMENT: FARM No.  
1106, STELLENBOSCH DIVISION**

**Administrator to Authorised Official / Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: **25 October 2024**

Name: *Chrizelle Kriel*

Capacity: *MLM*

Signature: *GIL*

Date: *10-10-2024*

Annexure A:  
Locality Plan



Stellenbosch GIS Map

SCALE

1:9 027,98

Legend



193

Stellenbosch Municipality  
Planning & Economic Development  
Created by: Corporate GIS

Date: 2024/09/05

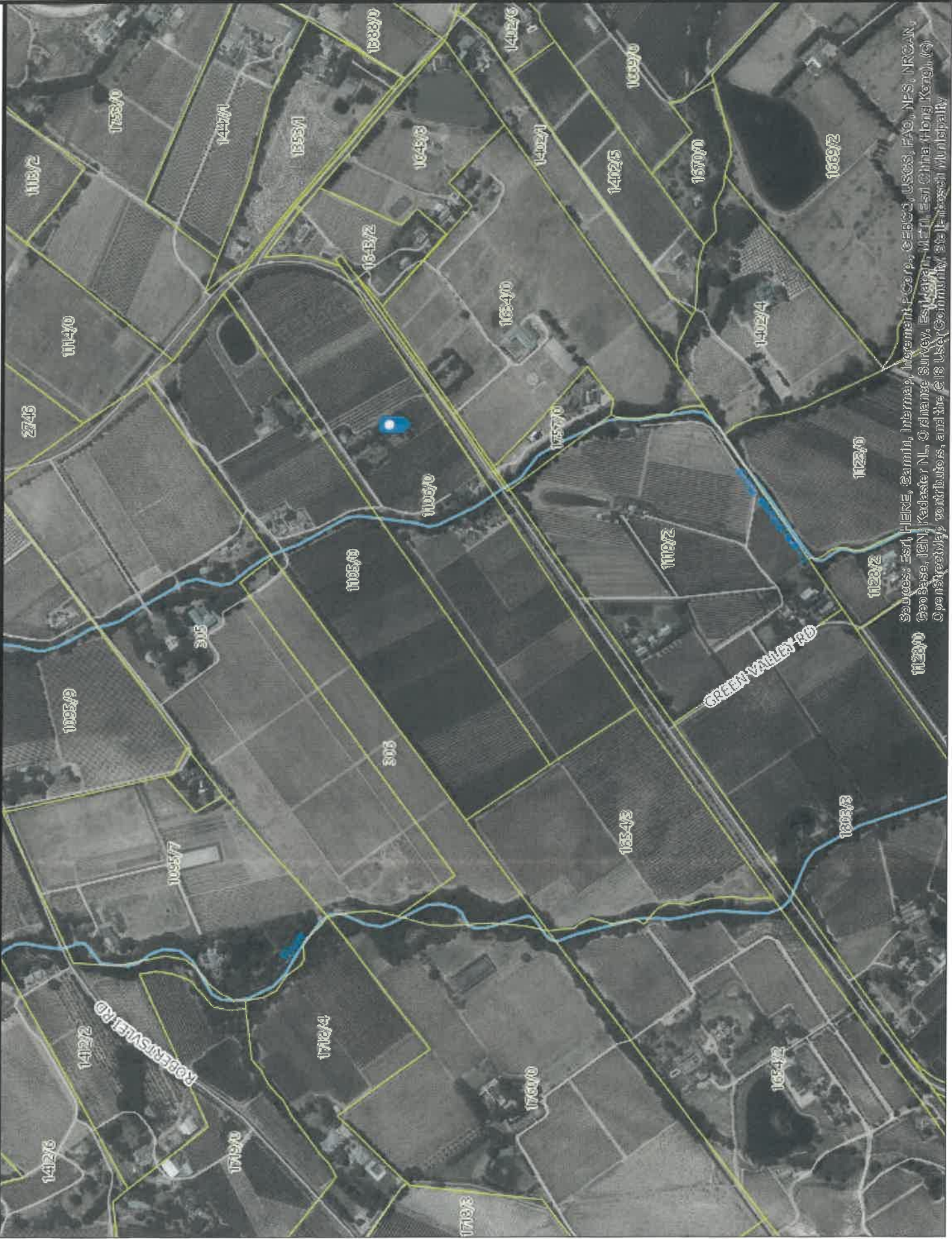


Author: Stellenbosch Municipality



Stellenbosch Municipality  
Street Address:  
71 Plain Street, Stellenbosch, 7600  
Tel: 021 808 8658

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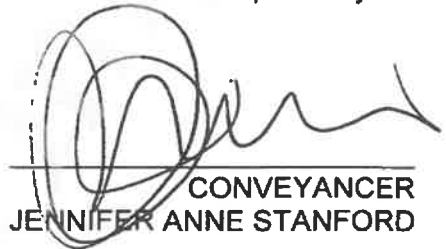
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Annexure B:  
Title deed

**208**

MacGregor Stanford Kruger Inc  
 2nd Floor MSK House  
 Cnr Riebeeck and Buitengracht Streets  
 CAPE TOWN  
 8001

Prepared by me



CONVEYANCER  
 JENNIFER ANNE STANFORD

| Deeds Office Registration fees as per Act 47 of 1937 |                         |                                                   |
|------------------------------------------------------|-------------------------|---------------------------------------------------|
|                                                      | Amount                  | Office Fee                                        |
| Purchase Price                                       | R. 36 000 000.00        | R. 5 104.00                                       |
| Reason for exemption                                 | Category Exemption..... | Exemption i t o.<br>Sec/Reg.....<br>Act/Proc..... |



T 000006970 / 2020

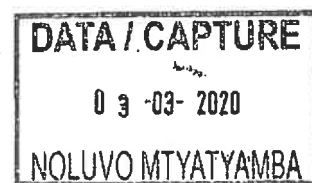
**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT  
**JENNIFER ANNE STANFORD**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

**LA BOURGOGNE FARM PROPRIETARY LIMITED**  
 Registration number 1994/005299/07

which said Power of Attorney was signed at KENILWORTH on 30 JANUARY 2020




And the appearer declared that his/her said principal had, on 22 November 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**CAMP PROPERTIES PROPRIETARY LIMITED**  
**Registration Number 2019/144225/07**

or its Successors in Title or assigns, in full and free property

1. **REMAINDER OF THE FARM NO. 1106,  
SITUATED IN STELLENBOSCH MUNICIPALITY,  
DIVISION OF PAARL, PROVINCE OF THE WESTERN CAPE**

**IN EXTENT 13,2922 (THIRTEEN COMMA TWO NINE TWO TWO) Hectares**

**FIRST TRANSFERRED** by Deed of Transfer Number T610 dated 30 December 1873 with Diagram relating thereto and held by Deed of Transfer Number T75498/2003

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T6909/1918.
- B. **SUBJECT FURTHER** to the terms of a Servitude dated 29 July 1930 referred to in the Endorsement on the said Deed of Transfer No. T6909/1918:

"Registration of Servitude

The within described land is subject to a servitude with regard to the apportionment of water in terms of an Order of the Water Court (Water Court District No. 1 dated 18, 19, 20 & 24 March 1930) as will more fully appear on reference to the copy of the said Order annexed hereto."

2. **PORTION 3 OF THE FARM NO. 1654  
SITUATED IN STELLENBOSCH MUNICIPALITY,  
DIVISION OF PAARL, PROVINCE OF THE WESTERN CAPE**

**IN EXTENT 9,1584 (NINE COMMA ONE FIVE EIGHT FOUR) Hectares**

**FIRST REGISTERED** by Certificate of Registered Title No. T36788/2002 with Diagram SG No. 5094/2001 annexed and held by Deed of Transfer Number T89302/2005

- I. **INSOFAR** as concerns the figure A B w v middle of French Hoek River on Diagram S.G. No. 5094/2001:-  
  
**SUBJECT** to such conditions referred to in Deed of Transfer No. T7716/1897.
- II. **INSOFAR** as concerns the figure v w C D d middle of French Hoek River on Diagram S.G. No. 5094/2001:-  
  
**SUBJECT** to the conditions referred to in Deed of Transfer No. T10218/1916.

**II. INsofar as concerns the whole property:-**

- A. SUBJECT FURTHER** to a servitude and endorsement dated 29 July 1930 on Deed of Transfer No. T7716/1897, which reads as follows:-

"The within described land is subject to a servitude with regard to apportionment of Water in terms of Order of the Water Court (Water Court District No. 1 dated 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 24<sup>th</sup> March 1930) as will more fully appear on reference to the copy of the said Order attached hereto."

- B. SUBJECT** to the following conditions imposed by the Controlling Authority in terms of Section 11(6) of Act 21/1940, contained in Certificate of Registered Title No. T36788/2002, and which read as follows:-

- a. The property may not be further subdivided without the written approval of the Controlling Authority as defined in Act 21/1940.
- b. Not more than one dwelling house together with such outbuildings as are ordinarily required to be used in connection therewith shall be erected on the property except with the written approval of the Controlling Authority as defined in Act 21/1940.
- c. No store or place of business whatsoever may be opened or conducted on the property without the written approval of the Controlling Authority as defined in Act 21/1940.
- d. No building or structure whatsoever shall be erected within a distance of 95 metres from the centreline of Divisional Road 1343 without the written approval of the Controlling Authority as defined in Act 21/1940.

- C. ENTITLED** to a circular Borehole Servitude with a radius of 1,15m, the centre of which is represented by the point A on Servitude Diagram S.G. No. 5858/2002 contained in Deed of Transfer No. T125745/2004 over:-

PORTION 2 OF THE FARM 1654  
Situating in the Municipality of STELLENBOSCH,  
Situating in the Administrative District of PAARL,  
In the Province of the WESTERN CAPE

IN EXTENT: 26,9152 (Twenty Six comma Nine One Five Two)  
Hectares

Held by Certificate of Registered Title No. T36787/2002

- D. ENTITLED FURTHER** to a Pipeline Servitude 1m wide up to the middle of French Hoek River, the centre line of which is represented by the line B C d on Servitude Diagram S.G. No. 5858/2000 contained in Deed of Transfer No. T125745/2004 over:-



PORTION 2 OF THE FARM 1654  
Situated in the Municipality of STELLENBOSCH,  
Situated in the Administrative District of PAARL,  
In the Province of the WESTERN CAPE

IN EXTENT: 26,9152 (Twenty Six comma Nine One Five Two)  
Hectares

Held by Certificate of Registered Title No. T36787/2002

UD

WHEREFORE the said Appearer, renouncing all rights and title which the said

**LA BOURGOGNE FARM PROPRIETARY LIMITED**  
**Registration number 1994/005299/07**

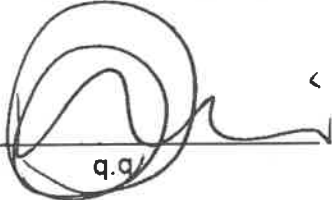
heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**CAMP PROPERTIES PROPRIETARY LIMITED**  
**Registration Number 2019/144225/07**

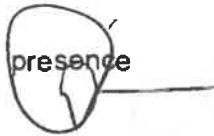
or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R36 000 000,00 (THIRTY SIX MILLION RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 28 February 2020

  
q.q.

In my presence



\_\_\_\_\_  
REGISTRAR OF DEEDS



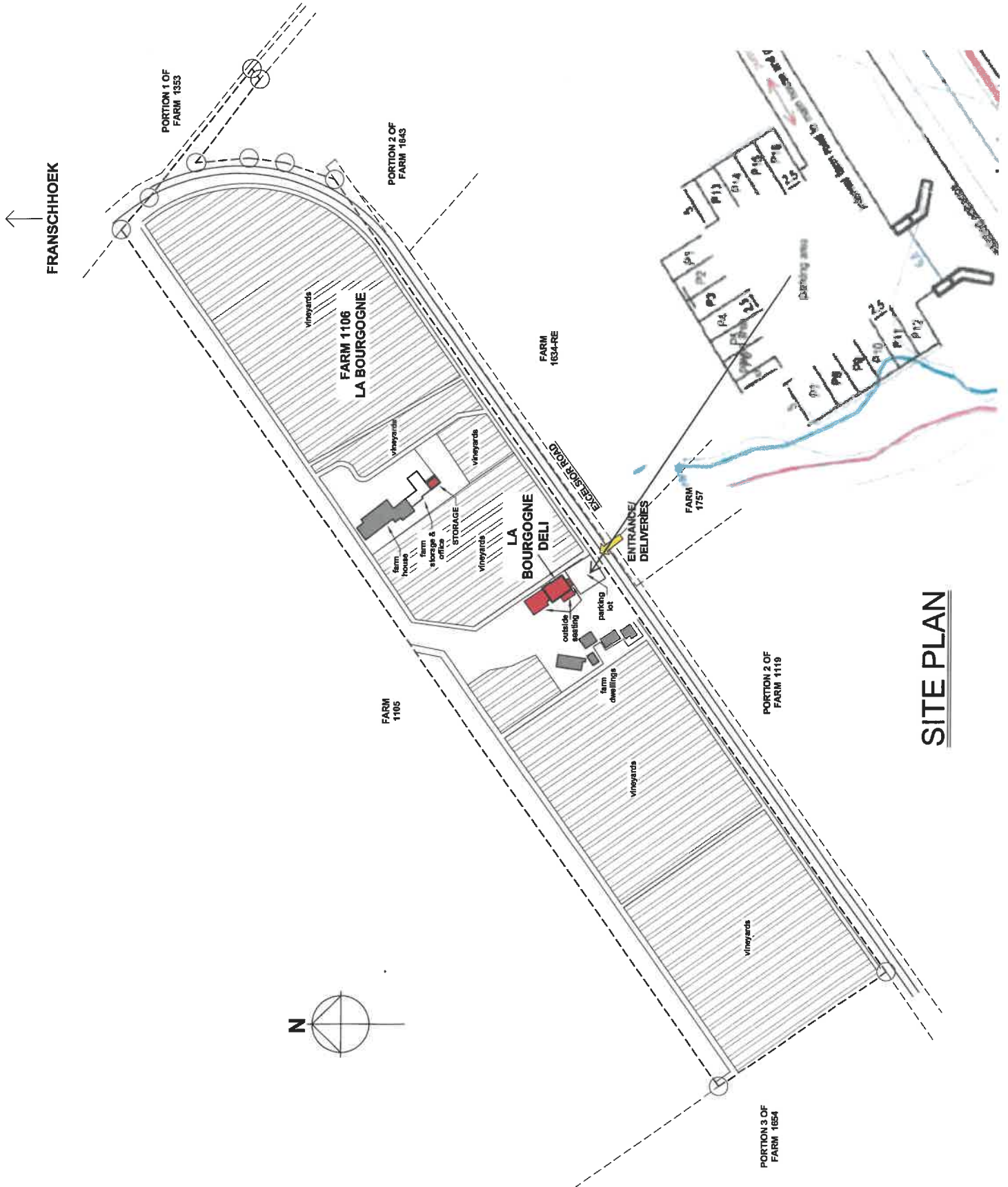


Annexure C:  
Site & Floor layout plan

**LA BOURGOGNE**  
**FARM 1106**  
**EXCELSIOR ROAD**  
**FRANSCHHOEK**  
**7690**

Date: 03 February 2022  
 Drawn: D. van Driel  
 Cell: 07 248 19745  
 15 Smalville on Burgundy, 2 Amber Rd.  
 Burgundy Estate  
 dr.vandriel@gmail.com

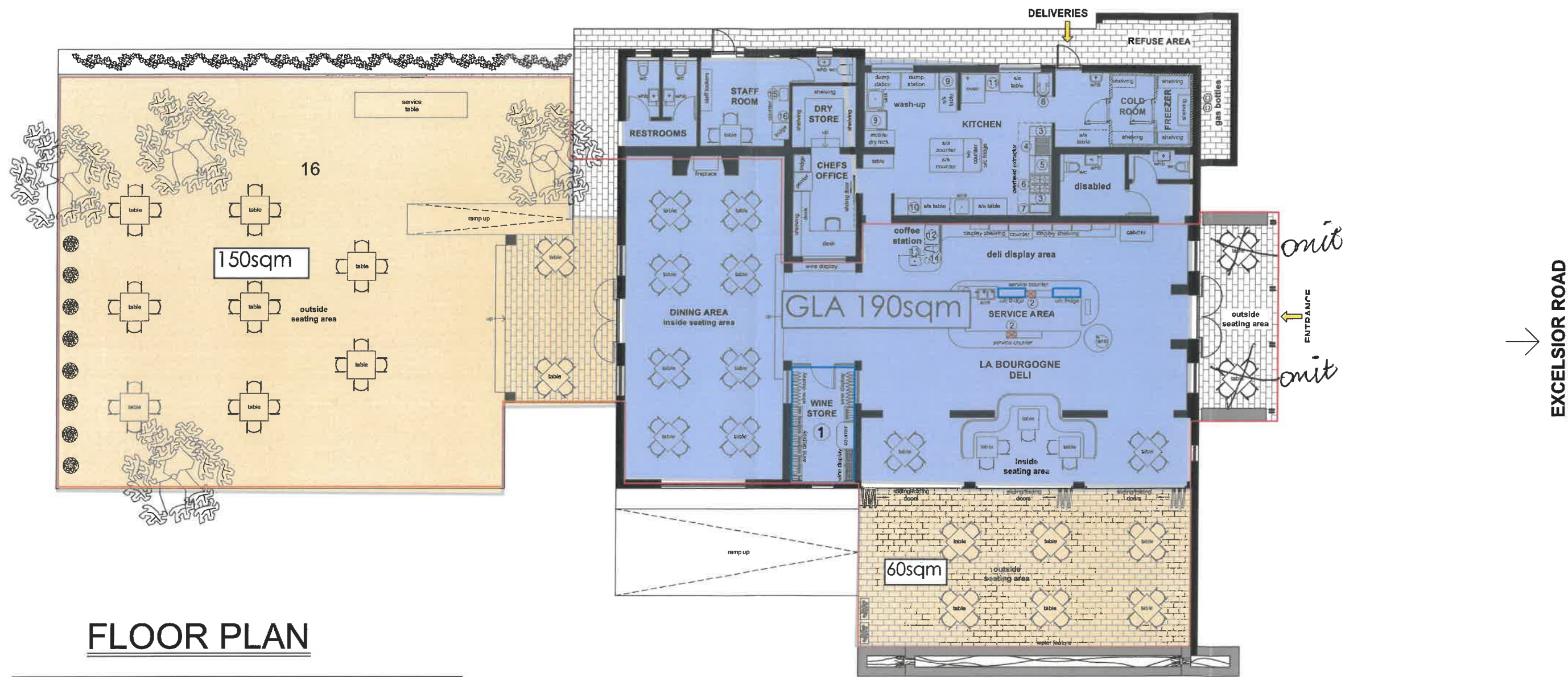
**DWG. NO. LB01-3/5**



**SITE PLAN**

**NOTES**

This drawing is for Liquor license application.  
It is, consequently not to be used for submission to municipality  
as a working drawing or to be used for construction purposes.



**FLOOR PLAN**

TOTAL GLA INCLUDING OUTSIDE SEATING = 400SQM  
NEW GLA 210 SQM (OUTSIDE SEATING)  
EXISTING GLA 190SQM

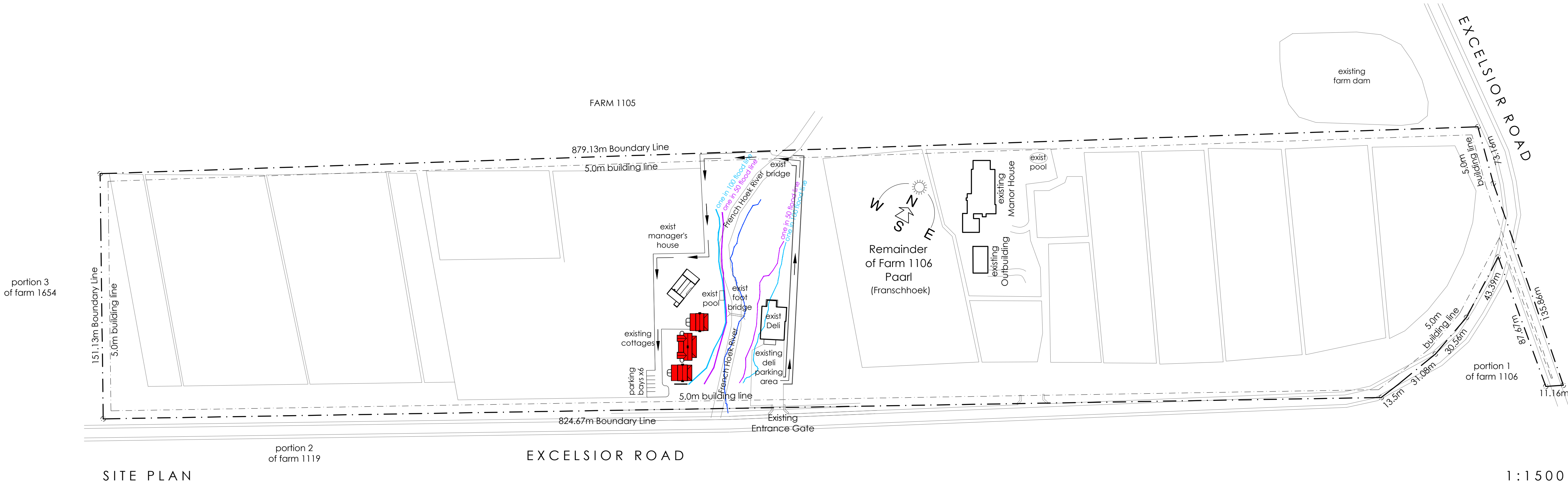
Parking requirement : 4/100sqm  
Parking required = 16  
Parking provided = 16

**LA BOURGOGNE**  
FARM 1106  
EXCELSIOR ROAD  
FRANSCHHOEK  
7690

Date: 03 February 2022  
Scale: 1:150 @ A3  
Drawn: D. van Driel  
Cell: 0724819745  
15 Smallville on Burgundy, 2 Amber Rd.  
Burgundy Estate  
dr.vandriel@gmail.com

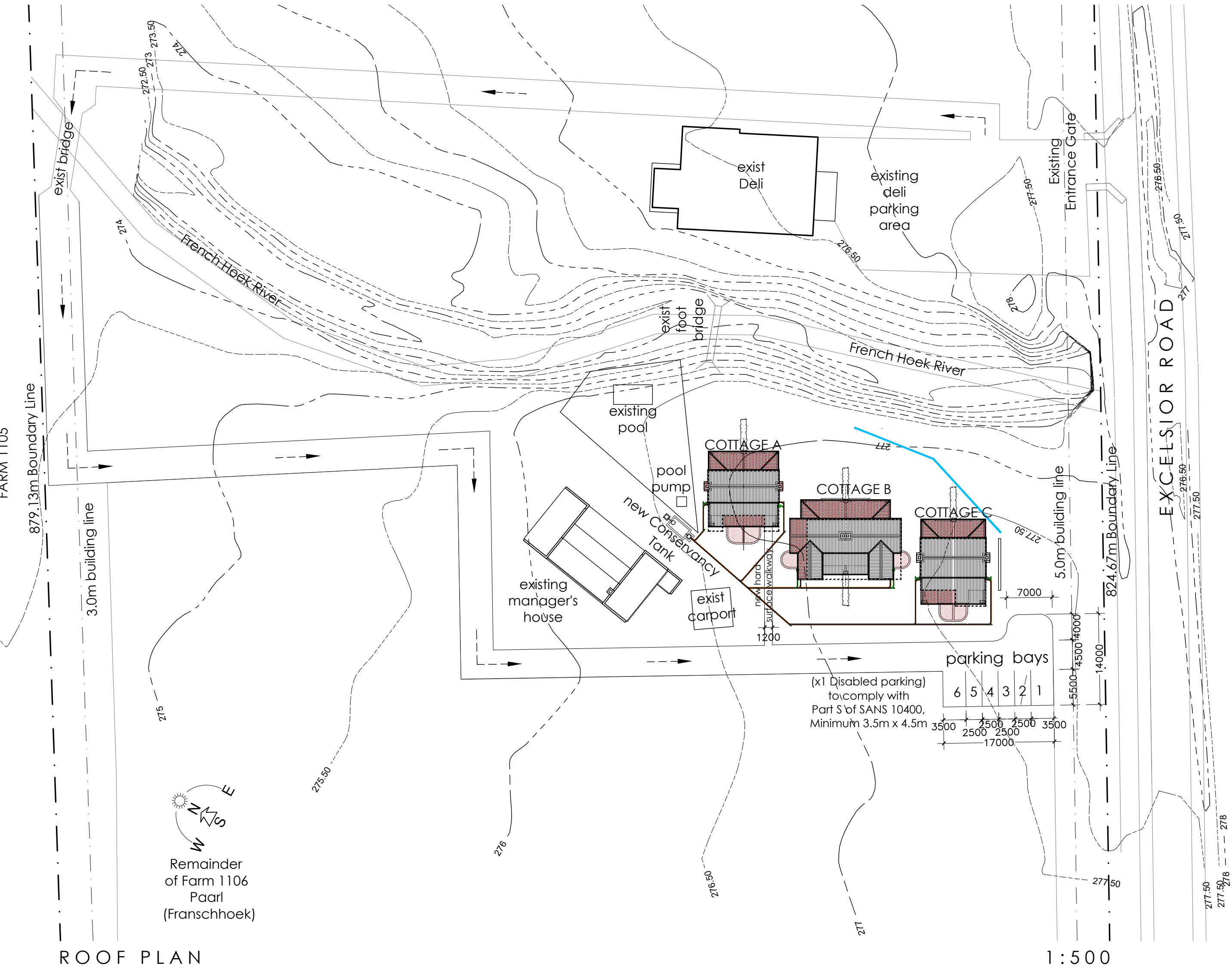
**DWG. NO. LB01-1/5**





SITE PLAN

1:1500



ROOF PLAN

1:500

### GENERAL NOTES

GENERAL: All paint, varnish, sealants and other finishes to be SANS 10400 approved and applied in strict accordance with manufacturer's specification. All work to be in accordance with National Building Regulations. All inwards opening external doors to have weather bars. All light switches to be 900mm above finish floor level. All levels to be confirmed by the architect on site.

FOUNDATIONS: To comply with SANS 10400-H. All foundations as per sections, and to be approved by appointed engineer.

FLOOR: To comply with SANS 10400-J. Floor finish (as per plan) on minimum 30mm screed, on 100mm concrete bed, on 250 Micron damp proof membrane, on sand blinding layer, on well compacted suitable fill. See sections.

STOE FLOOR: To comply with SANS 10400-J. Tile on screed to 1:100 fall, minimum 50mm, on 100mm concrete bed, on 250 Micron damp proof membrane, on sand blinding layer, on well compacted suitable fill.

SHOWER COURT FLOOR: Klompie paving. Minimum 50mm, on 100mm concrete bed, on 250 Micron damp proof membrane, on sand blinding layer, on well compacted suitable fill.

WALLS: To comply with SANS 10400-K. Walls to be constructed with SABS approved clay bricks. Allow 80mm cavity as shown on plan with butterfly wall ties in accordance with SABS 28 at 900mm horizontal & 450 vertical centers. Install 25mm Isoboard in cavity, according to manufacturers instructions. Weep holes every sixth brick, bottom course, just above DPC. All external walls to be smooth plastered and painted. Internal walls to be smooth plastered and painted to spec. Internal garage to be fire walls, plastered to underside of roof material.

DOORS + WINDOWS: To comply with SANS 10400-N. See elevations for all sizes. All glass specification to conform with SANS. All glazing to comply with SANS 10400 - Access doors and side lights to have safety glass. Windows lower than 500mm from floor, and windows lower than 1800mm above pitch line of stairs to be safety glass. External doors, windows to be TIMBER Frames (except Bathrooms, to be Aluminium, finish to later specification) Window sills plastered and painted. See elevations for sizes. All door handles to be 1m a.f.f.l.

DAMP PROOFING: 357 Micron damp proof course under walls at minimum 150mm above adjacent ground level. 250 Micron damp proof membrane under floor slab. (in accordance with manufacturer's instructions.) Provide DPC above, below and around all new external doors and windows.

MAIN ROOF: To comply with SANS 10400-K. Roof truss design must be submitted to council before commencement of construction on site. Victorian Profile mild steel sheeting. Finish: to later spec, at 10° pitch, on 75x 50mm purlins, on Double Sided RodensShield, on roof Rafter by specialist, on 114x38mm wall plates. 110mm Isotherm on plaster board ceilings, skimmed and painted to spec, roof Rafter by MITEK min. 900mm c-c.

STOE FLOOR: To comply with SANS 10400-K. Victorian Profile mild steel sheeting. Finish: to later spec, at 10° pitch, on 75x 50mm purlins, on Double Sided RodensShield, on roof Rafter by specialist, on 114x38mm wall plates. 110mm Isotherm on plaster board ceilings, skimmed and painted to spec, roof Rafter by MITEK min. 900mm c-c.

LEAN TO ROOF: Victorian Profile mild steel sheeting. Finish: to later spec, at 10° pitch, on 75x 50mm purlins, on Double Sided RodensShield, on roof Rafter by specialist, on 114x38mm wall plates. 110mm Isotherm on plaster board ceilings, skimmed and painted to spec, roof Rafter by MITEK min. 900mm c-c.

CEILING: Plasterboard ceilings fixed to 38 x 38mm battens at max. 450mm centres, skimmed and painted to spec.

INSULATION: Double sided RodensShield between purlin and roof truss, with 110mm Isotherm on ceiling boards.

RAINWATER GOODS: To comply with SANS 10400-R. Seamless 'Waterlille' aluminium Ogee gutters with PVC rain water pipes. Spreaders to be used where necessary. Facias and barge boards to be 22x220mm from Nutek, painted to spec. Concrete gutters (see roof plan and sections) as well as all flat roofs to have rain water pipes recessed in brick walls. All parapet walls to have overflow pipes. Storm water pipe discharge into garden or to street. (See layout)

DRAINAGE: To comply with SANS 10400-P. All stub stacks and plumbing pipes must be concealed within walls or ducts and may not be exposed to the exterior. All sanitary ware connected via 100mm dia. drainage pipe to municipal connection point (see Plan) All work to conform with National Building Regulations. First i.e. to be min. 450mm below ground level, use 100mm \* Penta pipe. Sewer and vent pipes must be concealed within the wall plane. Back-wash from the pool must be connected into sewerage. Allowance must be made for vent pipes. (see plan)

YARD WALLS: The construction of 2m (h) wall to comply with SANS 10400 Part K.

GENERAL: Internal fireplace and external braai unit by specialist. Bird proofing to be installed by contractor. Gas cylinders, refuse bins, and clothes lines must be located in the service yard. Air conditioning condenser and heat pump units installed against exterior walls, may not be visible from street or any other adjoining green (public) area. Installation by specialist. All telephone and electrical cable reticulation must be underground. All sanitary ware, bathroom accessories and tiles to owner's choice. All built-in cupboards and kitchen cupboards by specialist. Satellite dish installed by specialist. See site plan. Rooms without windows to be fitted with mechanical ventilation. See plan for more information. Gas installation (2x 9kg gas bottle) to comply in terms of SANS 10087 - Part 1. Store room to be rodent proof.

EXTERIOR COLOURS: All colours according to Owner's Choice. External walls painted: white Timber doors and windows: Finish to Later Spec. Aluminium doors, windows, to match timber Plasterboards, window sills and chimneys plastered and painted to match walls. Facias and barge boards: painted dark grey. Gutters: to match roof sheets. Rain water down pipes: To match walls.

NOTE: - No obstructions on pavement. - See Combined Floor Plan for drainage layouts. - All access gates to the property to be at least 1.2m, self-closing and self-locking. - No building work may encroach erf boundaries.

| AMMENDMENTS |                                                                                |            |
|-------------|--------------------------------------------------------------------------------|------------|
| NO:         | DETAILS:                                                                       | DATE:      |
| -A-         | - Indicate correct 5.0m building line.<br>- Indicate Use of existing cottages. | 2024-02-07 |

| AREA CALCULATION               |            |   |
|--------------------------------|------------|---|
| EXISTING FOOTPRINT INC. STOE:  | 110.888 m² | A |
| ALTERED COTTAGE A FOOTPRINT:   | 84.434 m²  |   |
| ALTERED STOE (COVER OVER):     | 29.970 m²  |   |
| NEW KITCHEN STOE (COVER OVER): | 7.734 m²   |   |
| COTTAGE A TOTAL:               | 124.828 m² |   |
| NEW SHOWER COURT (UNCOVERED):  | 13.119 m²  |   |

|                                |            |   |
|--------------------------------|------------|---|
| EXISTING FOOTPRINT INC. STOE:  | 176.129 m² | B |
| ALTERED COTTAGE B FOOTPRINT:   | 129.942 m² |   |
| ALTERED STOE (COVER OVER):     | 41.991 m²  |   |
| NEW KITCHEN STOE (COVER OVER): | 8.811 m²   |   |
| COTTAGE B TOTAL:               | 180.744 m² |   |
| SHOWER COURT (UNCOVERED):      | 13.142 m²  |   |

|                                |            |   |
|--------------------------------|------------|---|
| EXISTING FOOTPRINT INC. STOE:  | 114.848 m² | C |
| ALTERED COTTAGE C FOOTPRINT:   | 90.131 m²  |   |
| ALTERED STOE (COVER OVER):     | 29.970 m²  |   |
| NEW KITCHEN STOE (COVER OVER): | 9.878 m²   |   |
| COTTAGE C TOTAL:               | 129.979 m² |   |
| SHOWER COURT (UNCOVERED):      | 11.765 m²  |   |

|                            |                  |
|----------------------------|------------------|
| COTTAGES TOTAL:            | 435.351 m²       |
| SITE:                      | 13.2922 hectares |
| COVEREDAGE (excl. garage): | N/A (farm)       |
| EXISTING POOL:             | 32.000 m²        |

ALL BUILDING WORK TO COMPLY WITH SANS 10400 SCALED DIMENSIONS INVALID CHECK LEVELS ON SITE

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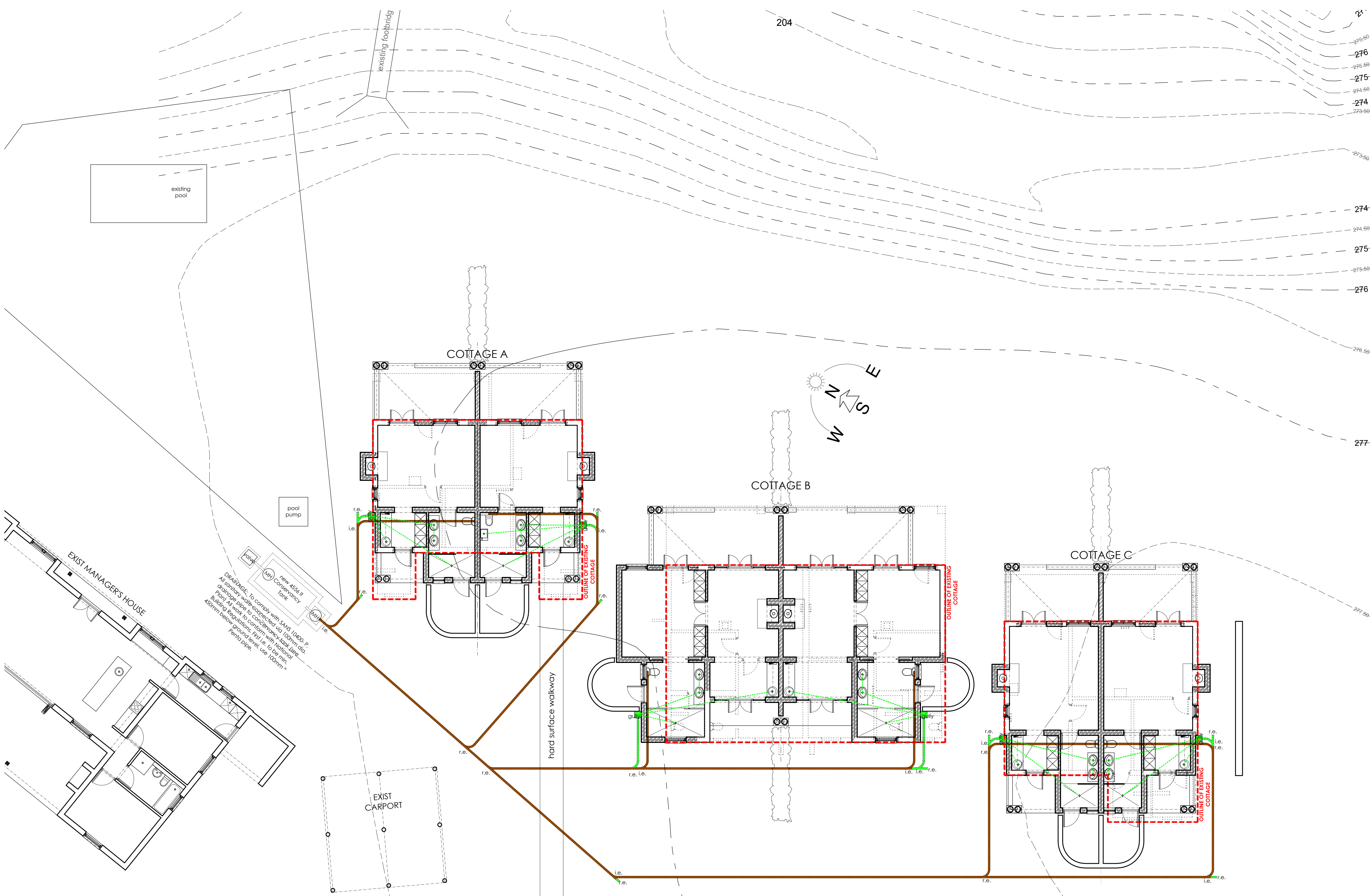
JAN DESSEYN  
SACAP 8868  
HENDRIK NELL  
SACAP ST 1728

PROPOSED ALTERATIONS TO  
EXISTING COTTAGES  
**CAMP PROPERTIES PTY LTD**  
**LA BOURGOGNE FARM**  
REMAINDER OF FARM 1106  
PAARL(FRANSCHHOEK)

DRAWING TITLE  
**MUNICIPAL SUBMISSION**  
SITE PLAN, ROOF PLAN  
GENERAL NOTES AND AREA  
CALCULATIONS

|                |            |          |            |
|----------------|------------|----------|------------|
| PROJECT NO:    | 22/002     | SCALE:   | AS SHOWN   |
| PROPOSED NO:   | 201        | DATE:    | 2023-11-16 |
| DATE OF PRINT: | -          | DRAWN:   | CL         |
| REV:           | A          | CHECKED: | JDA        |
|                | 2024-02-07 |          |            |





## SANS 10400 XA NOTES:

To Comply to 4.2.1 b in 10400XA. (Prescriptive Method)

### ORIENTATION:

- To be in accordance with SANS 204 4.1 & 4.2

### SHADING:

- To be in accordance with SANS 204 4.3.5.  
- See plans for external shutters on various doors and windows.  
- Covered Veranda provide shading.  
- Sections of timber pergola to be 80 % solid to provide shading where required. See plan.

### FLOORS:

- To be in accordance with SANS 10400XA 4.4.2

### EXTERNAL WALLS:

- To be in accordance with SANS 10400XA 4.4.3  
- New brick walls to be at 270mm cavity walls, therefore complies.

### HOT WATER SUPPLY:

- 50% of Hot Water requirements to be met by means other than electrical.  
- As per SANS 10400XA.  
- The proposed dwelling contains 5 double bedrooms, and 5 bathrooms.

- **Total Occupancy:** 12 persons.

- 5 x double bedrooms + bathrooms.  
- hot water demand:  $12 \times 120L = 1440 \text{ liter per day}$   
- **Storage volume:**  $12 \times 40L + 300L = 780 \text{ liter per day}$   
- (as per table 5 SANS 10252-1) P33 - (Merium to high rental)  
- install 6 x Evacuated tube solar panels with:  
1 x 150 liter cylinder (Cottage A-bathroom and kitchen)  
1 x 150 liter cylinder (Cottage A-bathroom and kitchen)  
1 x 150 liter cylinder (Cottage B-bathroom and kitchen)  
1 x 150 liter cylinder (Cottage B-bathroom and kitchen)  
1 x 150 liter cylinder (Cottage C-bathroom and kitchen)  
1 x 150 liter cylinder (Cottage C-bathroom and kitchen)

- Total **Heating power** : 18kw ( see plan )

- Heating systems used to comply with SANS 1307, SNS 10106, SANS 10254 and SANS 10252-1.

- All hot water pipes to be clad with insulation with a min R-value of one. (25mm polyurethane foam).  
- Thermal insulation shall be installed according to the manufacturer's instructions.  
- Requirements for water installations in building shall be in accordance with SANS 10252-1 & SANS 10252-2.

### SERVICES:

- Services to comply to SANS 204 4.5  
- New lighting to comply to table 12 in 204.  
- Max energy demand: 5 W/m<sup>2</sup>  
- Max energy consumption: 5 kWh/m<sup>2</sup>  
- Energy saving bulbs or LED's to be used throughout.

### FENESTRATION:

- See Solar Evaluation Table.

### ROOFING:

- See sections with diagram.

## AMMENDMENTS

| NO: | DETAILS:                                                                       | DATE:      |
|-----|--------------------------------------------------------------------------------|------------|
| -A- | - Indicate correct 5.0m building line.<br>- Indicate Use of existing cottages. | 2024-02-07 |

ALL BUILDING WORK TO COMPLY WITH  
SANS 10400  
SCALED DIMENSIONS INVALID  
CHECK LEVELS ON SITE



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SACAP 6868  
HENDRIK NELL  
SACAP ST 1728

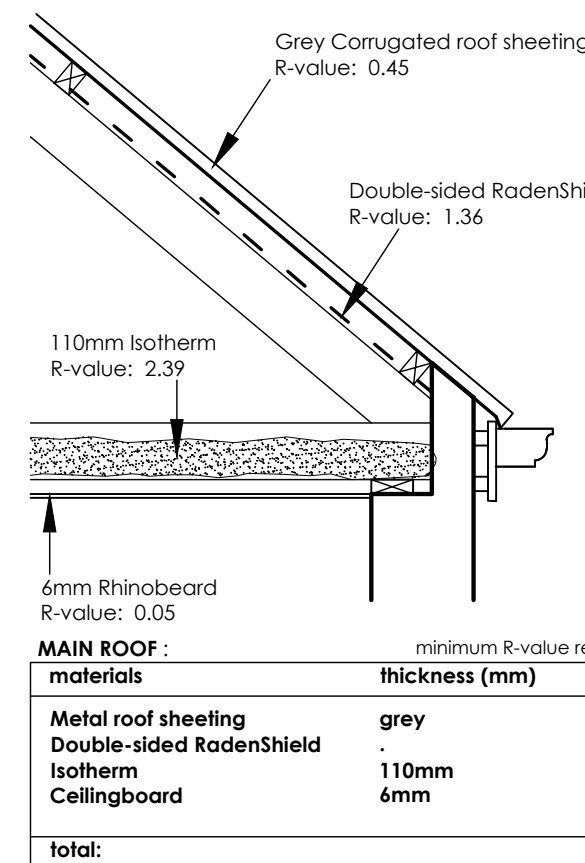
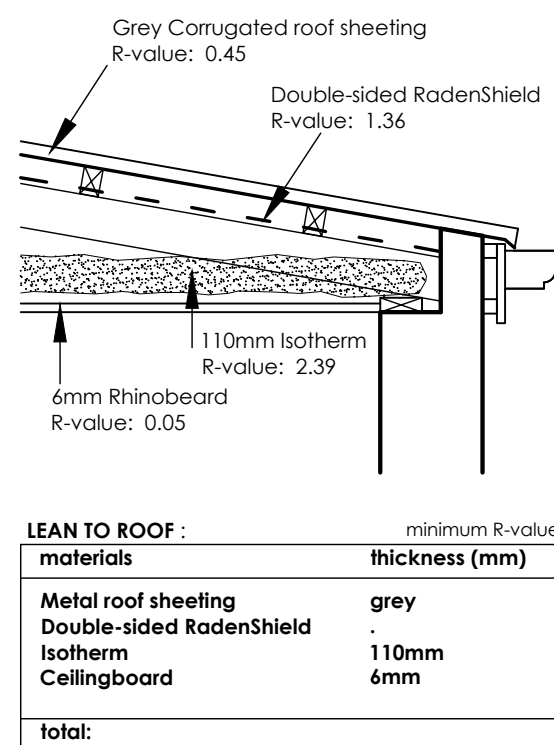
PROPOSED ALTERATIONS TO  
EXISTING COTTAGES  
**CAMP PROPERTIES PTY LTD**  
**LA BOURGOGNE FARM**  
REMAINDER OF FARM 1106  
PAARL(FRANSCHHOEK)

DRAWING TITLE

MUNICIPAL SUBMISSION

COTTAGES COMBINED  
GROUND STOREY PLANS  
AND XA NOTES

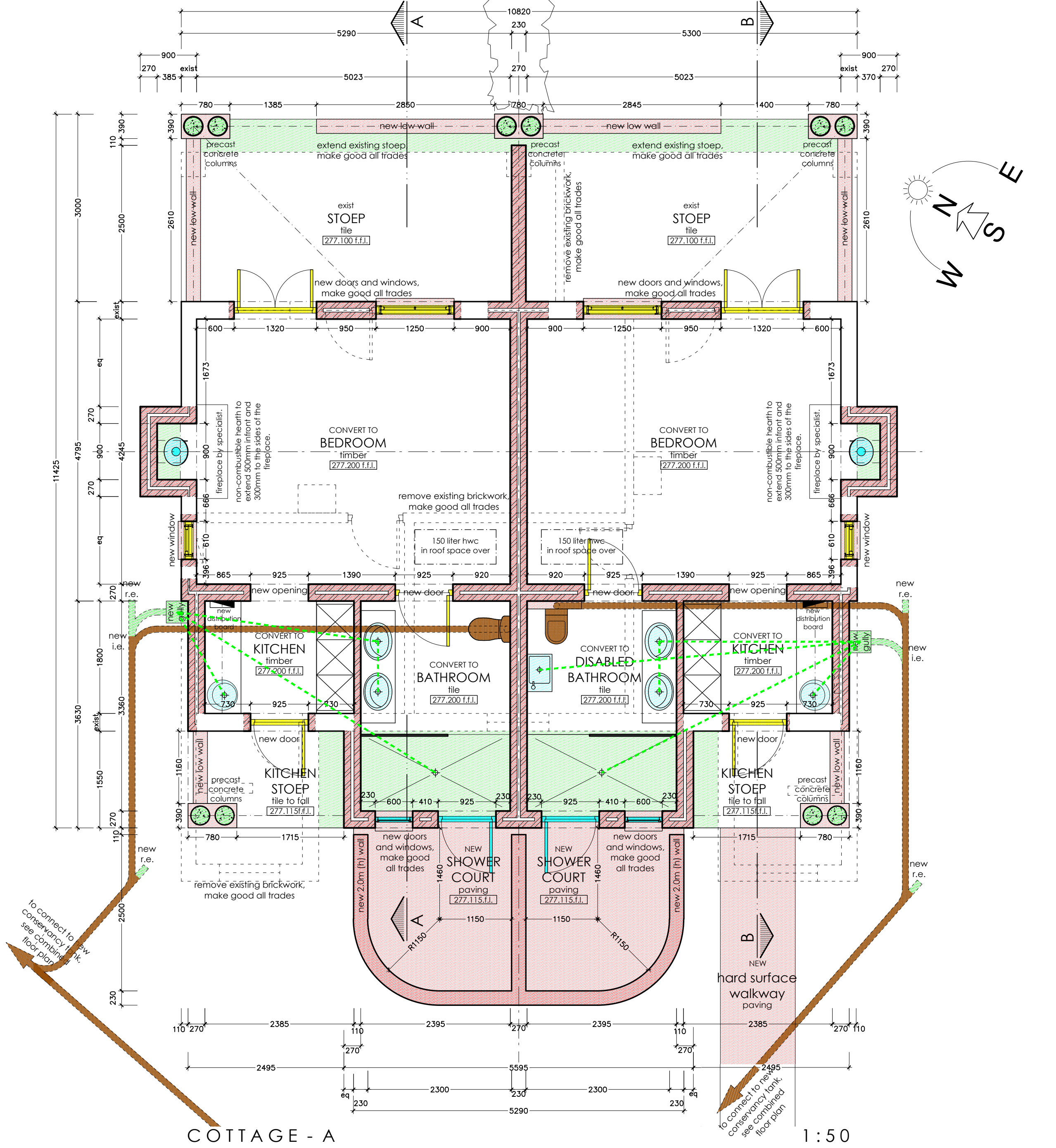
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| DRAWING NO:    | 202        | DATE:    | 2023-11-16 |
| DATE OF PRINT: | -          | DRAWN:   | CL         |
| REV:           | A          | CHECKED: | JDA        |
|                | 2024-02-07 |          |            |



| MAIN ROOF :                        |                |           |
|------------------------------------|----------------|-----------|
| minimum R-value required: 3.7 (UP) |                |           |
| materials                          | thickness (mm) | R - Value |
| Metal roof sheeting                | grey           | 0.45      |
| Double-sided RadenShield           | .              | 1.36      |
| Isotherm                           | 110mm          | 2.39      |
| Ceilingboard                       | 6mm            | 0.05      |
| total:                             |                | 4.25      |

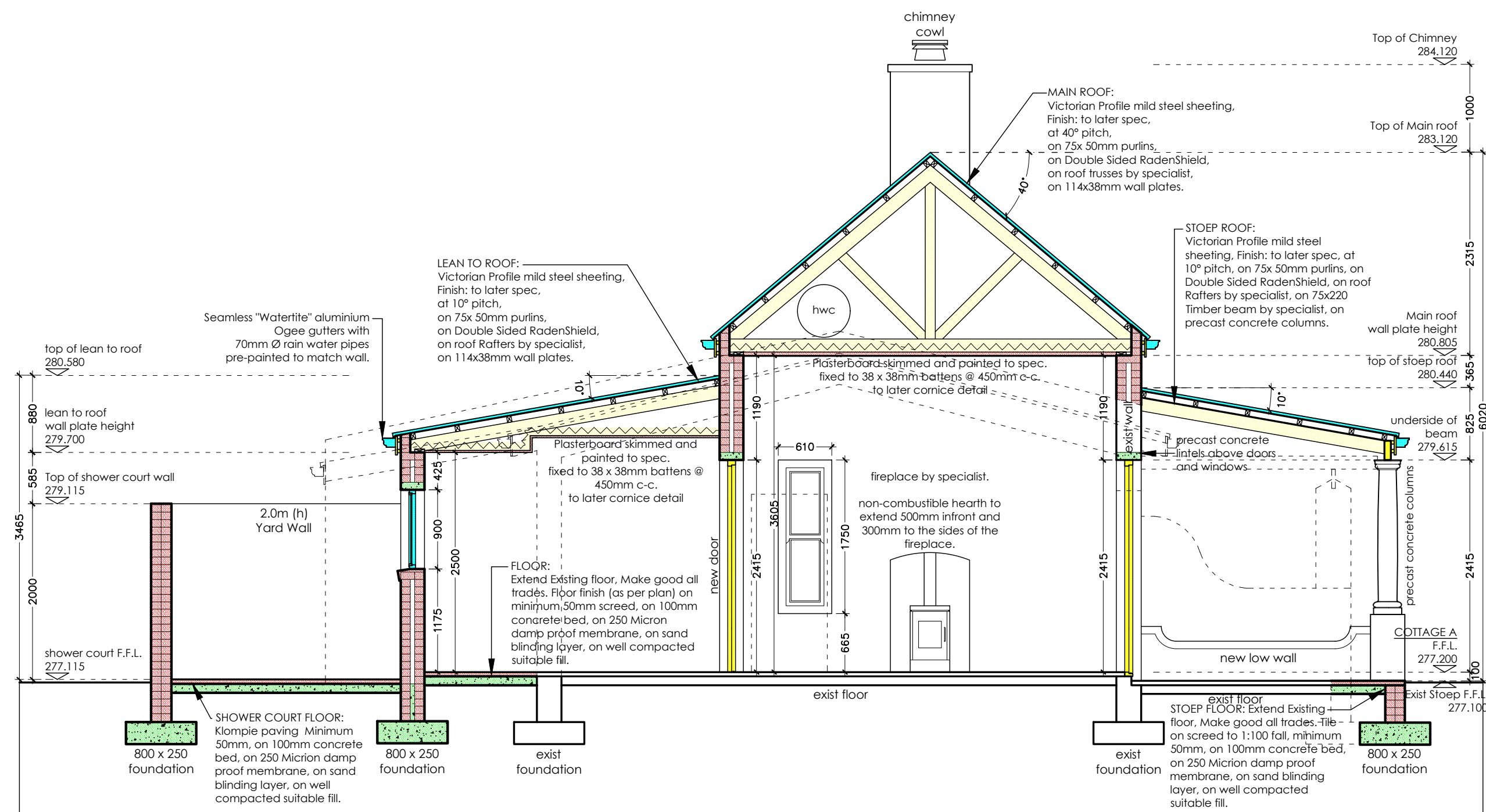
| LEAN TO ROOF :                     |                |           |
|------------------------------------|----------------|-----------|
| minimum R-value required: 3.7 (UP) |                |           |
| materials                          | thickness (mm) | R - Value |
| Metal roof sheeting                | grey           | 0.45      |
| Double-sided RadenShield           | .              | 1.36      |
| Isotherm                           | 110mm          | 2.39      |
| Ceilingboard                       | 6mm            | 0.05      |
| total:                             |                | 4.25      |





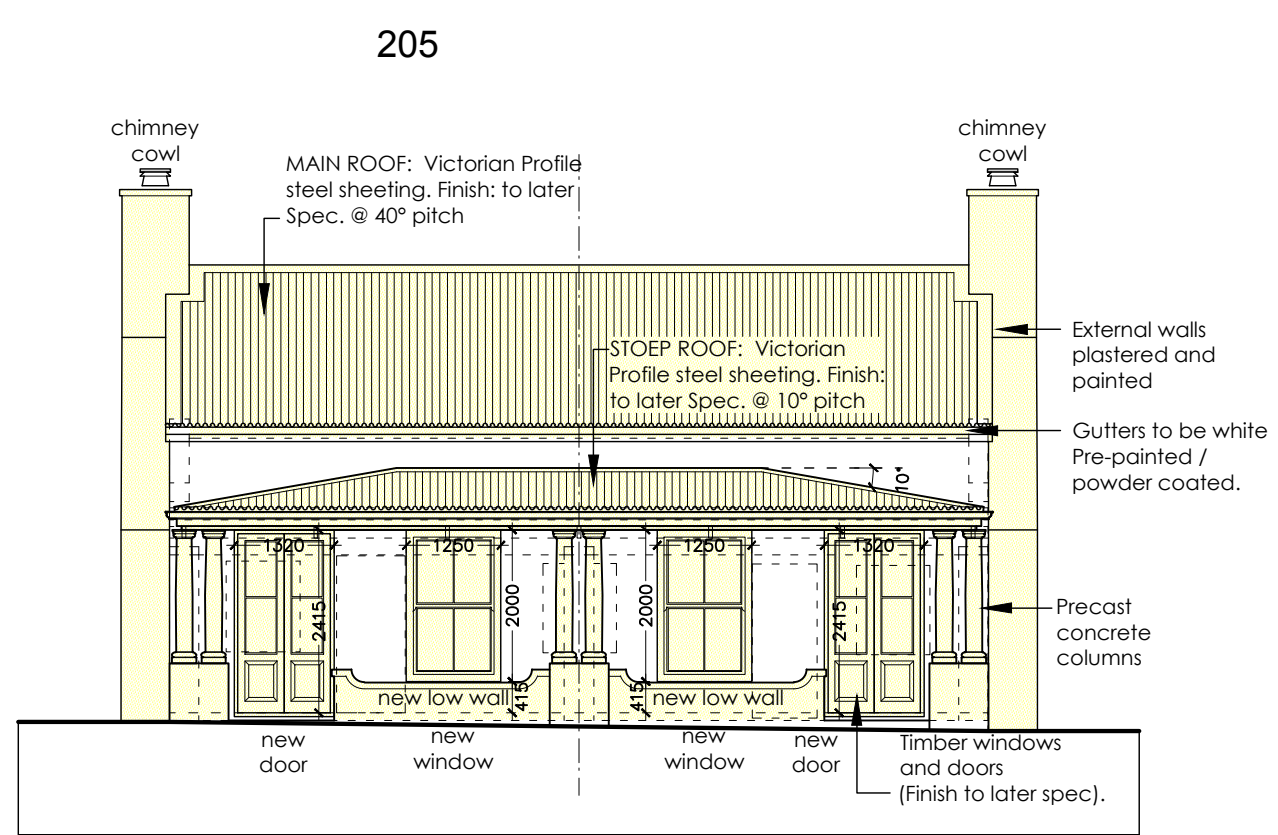
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1:50



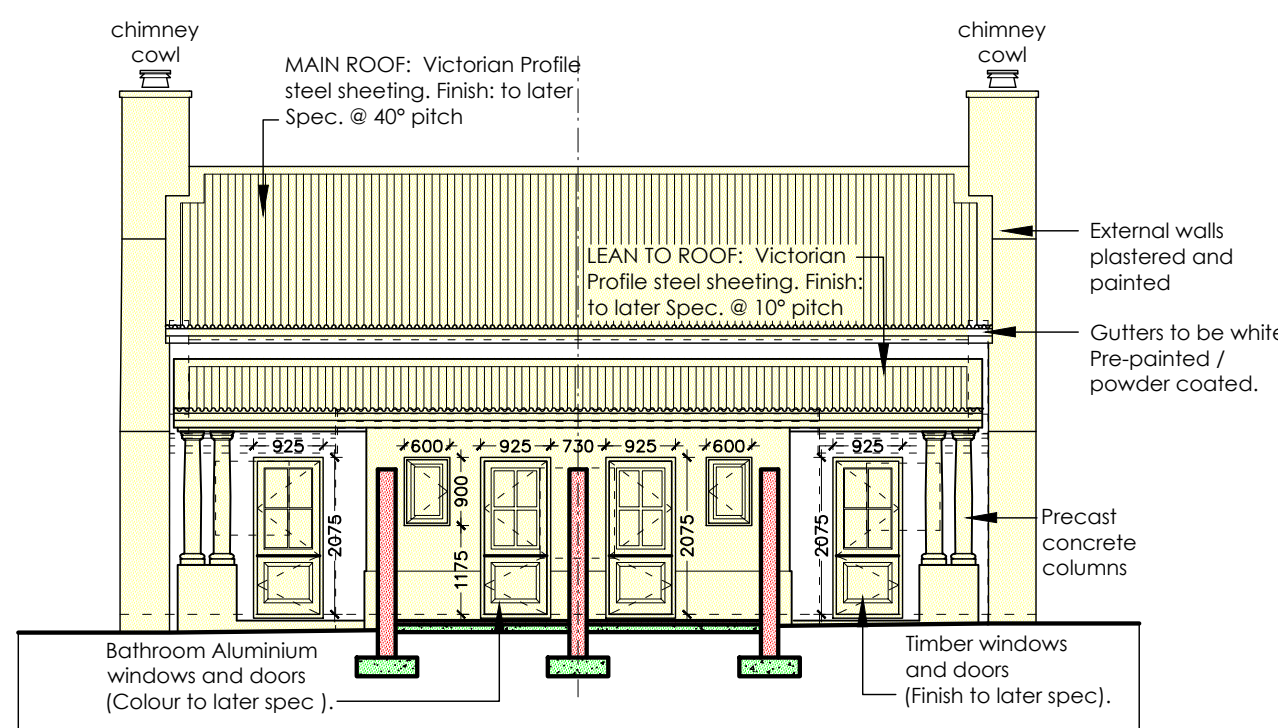
COTTAGE - A  
SECTION A-A

1:50



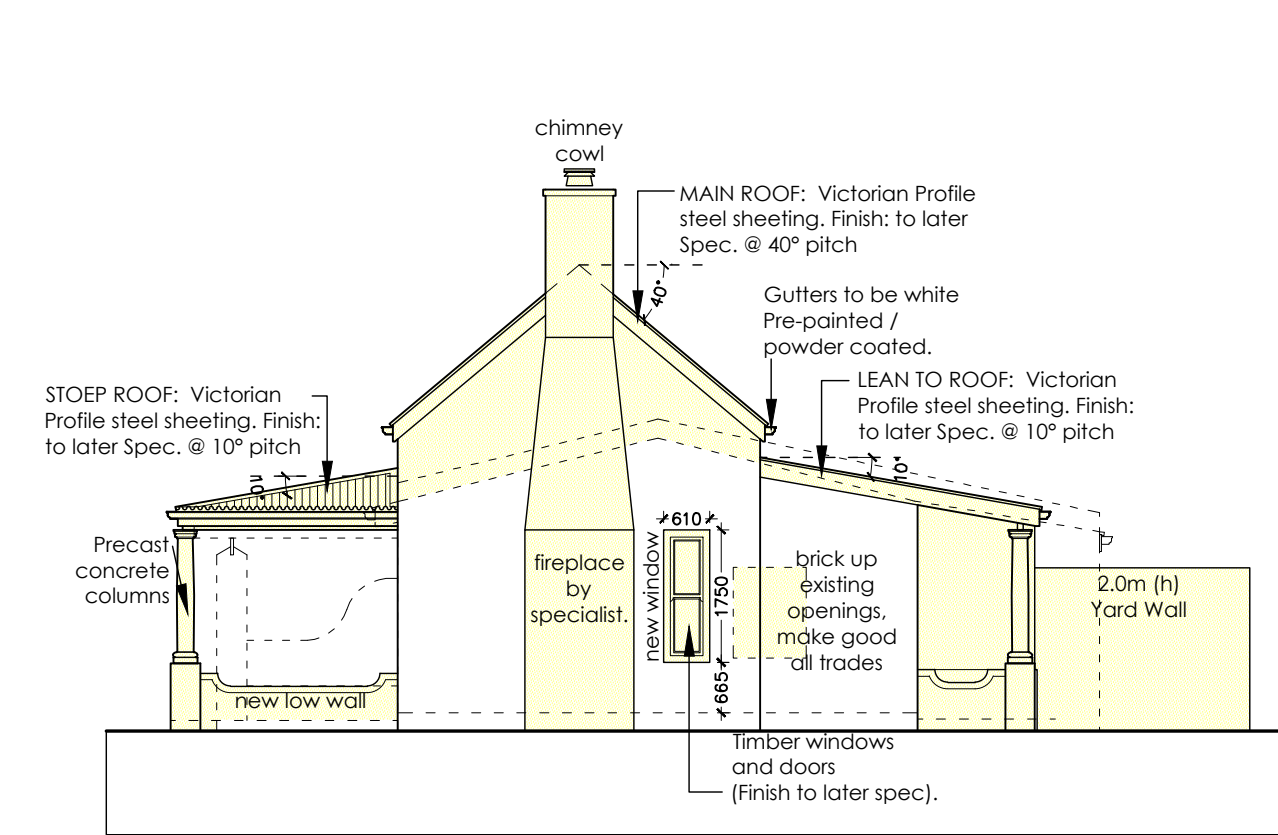
COTTAGE - A  
EAST ELEVATION

1:100



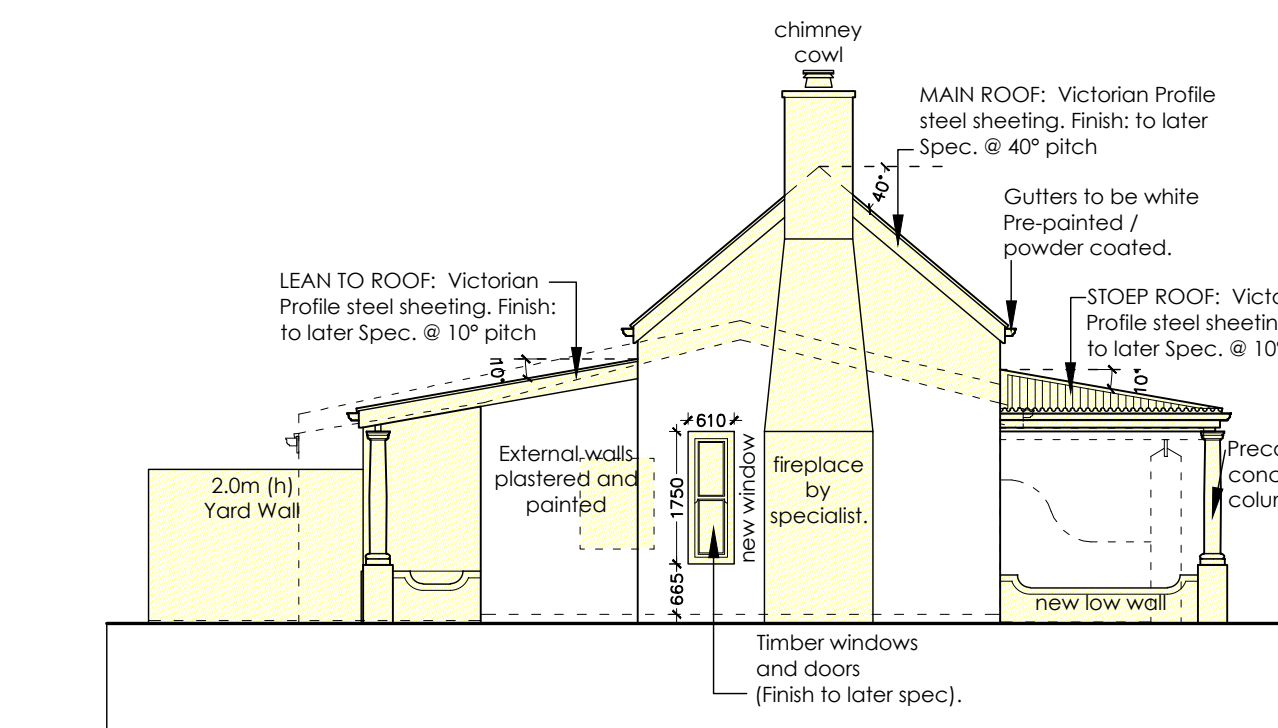
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WEST ELEVATION

1:100



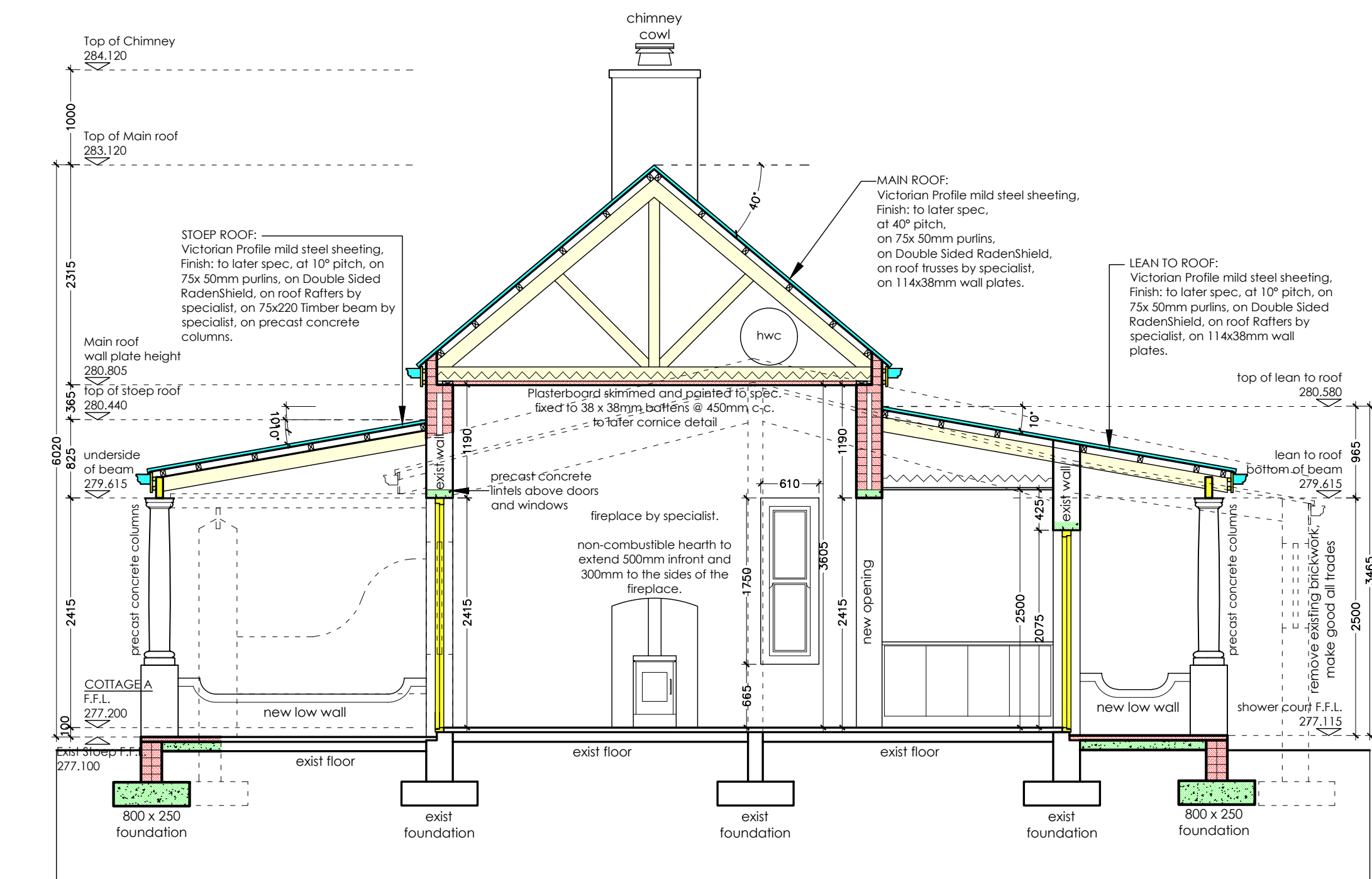
COTTAGE - A  
NORTH ELEVATION

1:100



COTTAGE - A  
SOUTH ELEVATION

1:100



COTTAGE - A  
SECTION B-B

1:50

| AMMENDMENTS |                                                                                |            |
|-------------|--------------------------------------------------------------------------------|------------|
| NO:         | DETAILS:                                                                       | DATE:      |
| -A-         | - Indicate correct 5.0m building line.<br>- Indicate Use of existing cottages. | 2024-02-07 |

SEE DRAWING 201 FOR GENERAL NOTES AND AREA CALCULATIONS, DRAWING 202 FOR COMBINED GROUND STOREY PLAN AND DRAINAGE ANN 202 FOR XA NOTES AND SPECIFICATIONS

ALL BUILDING WORK TO COMPLY WITH SANS 10400  
SCALED DIMENSIONS INVALID  
CHECK LEVELS ON SITE

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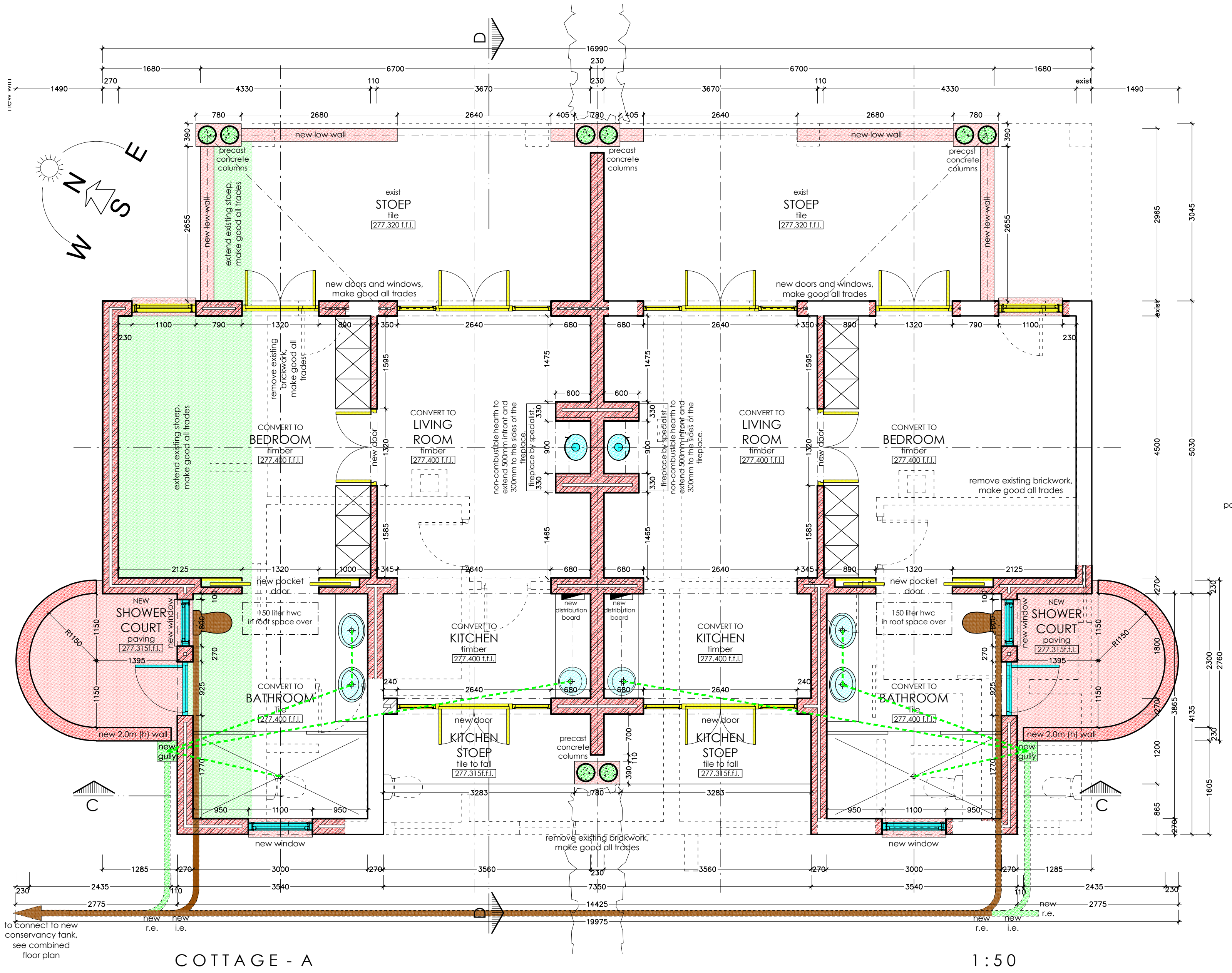
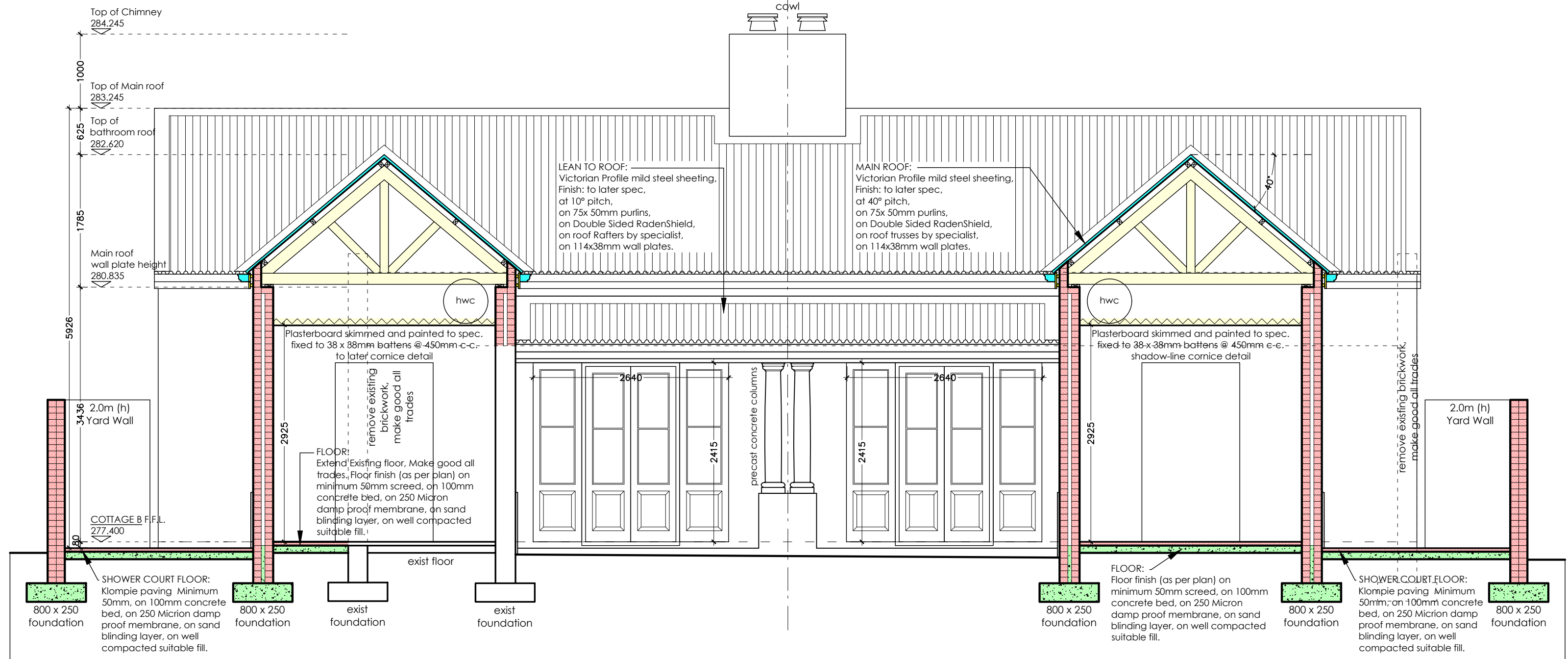
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HENDRIK NELL  
SACAP ST 1728

PROPOSED ALTERATIONS TO  
EXISTING COTTAGES  
**CAMP PROPERTIES PTY LTD**  
**LA BOURGOGNE FARM**  
REMAINDER OF FARM 1106  
PAARL(FRANSCHHOEK)

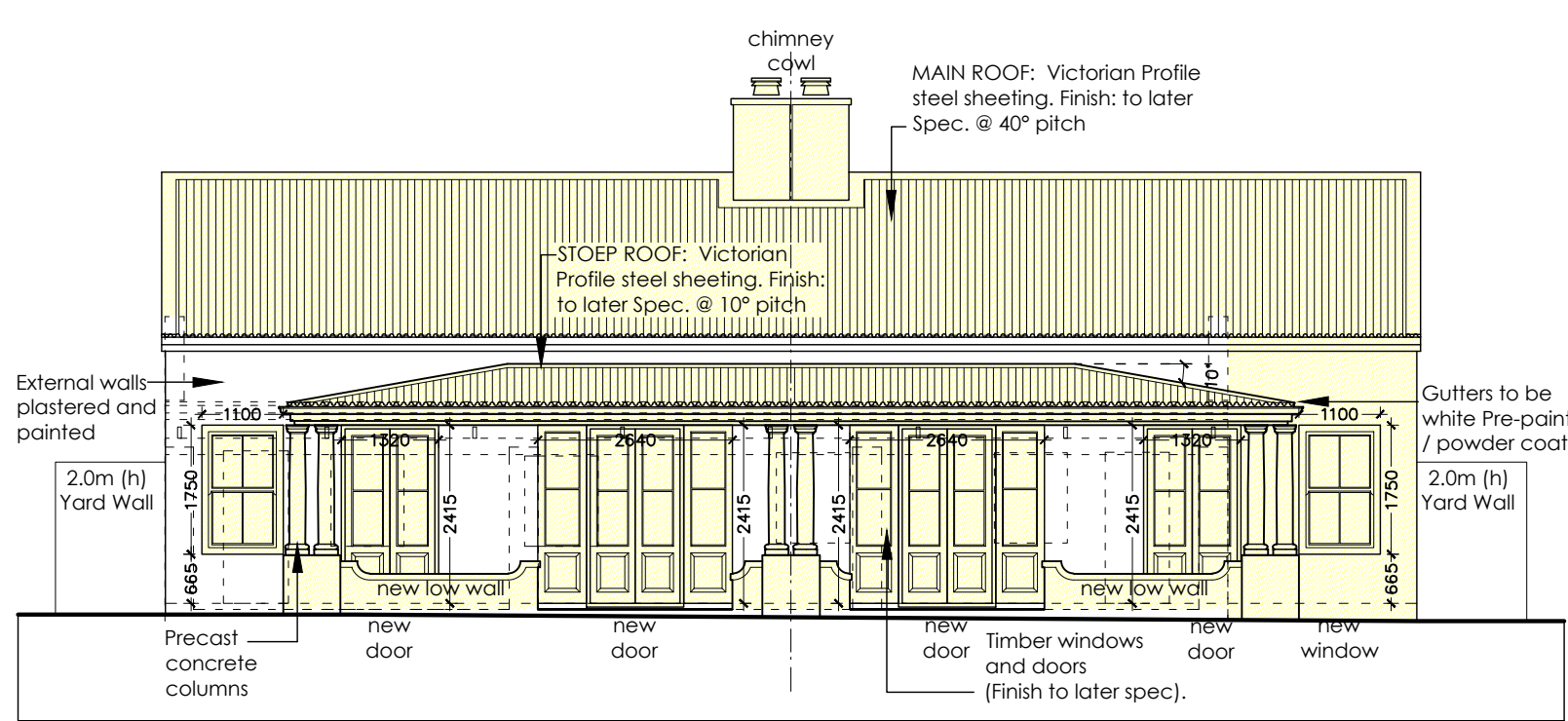
DRAWING TITLE  
**COTTAGE A**  
GROUND STOREY PLAN,  
GENERAL ELEVATIONS AND  
GENERAL SECTIONS

|                |            |          |            |
|----------------|------------|----------|------------|
| PROJECT NO:    | 22/002     | SCALE:   | AS SHOWN   |
| PROPOSED NO:   | 203        | DATE:    | 2023-11-16 |
| DATE OF PRINT: | -          | DRAWN:   | CL         |
| REV:           | A          | CHECKED: | JDA        |
|                | 2024-02-07 |          |            |

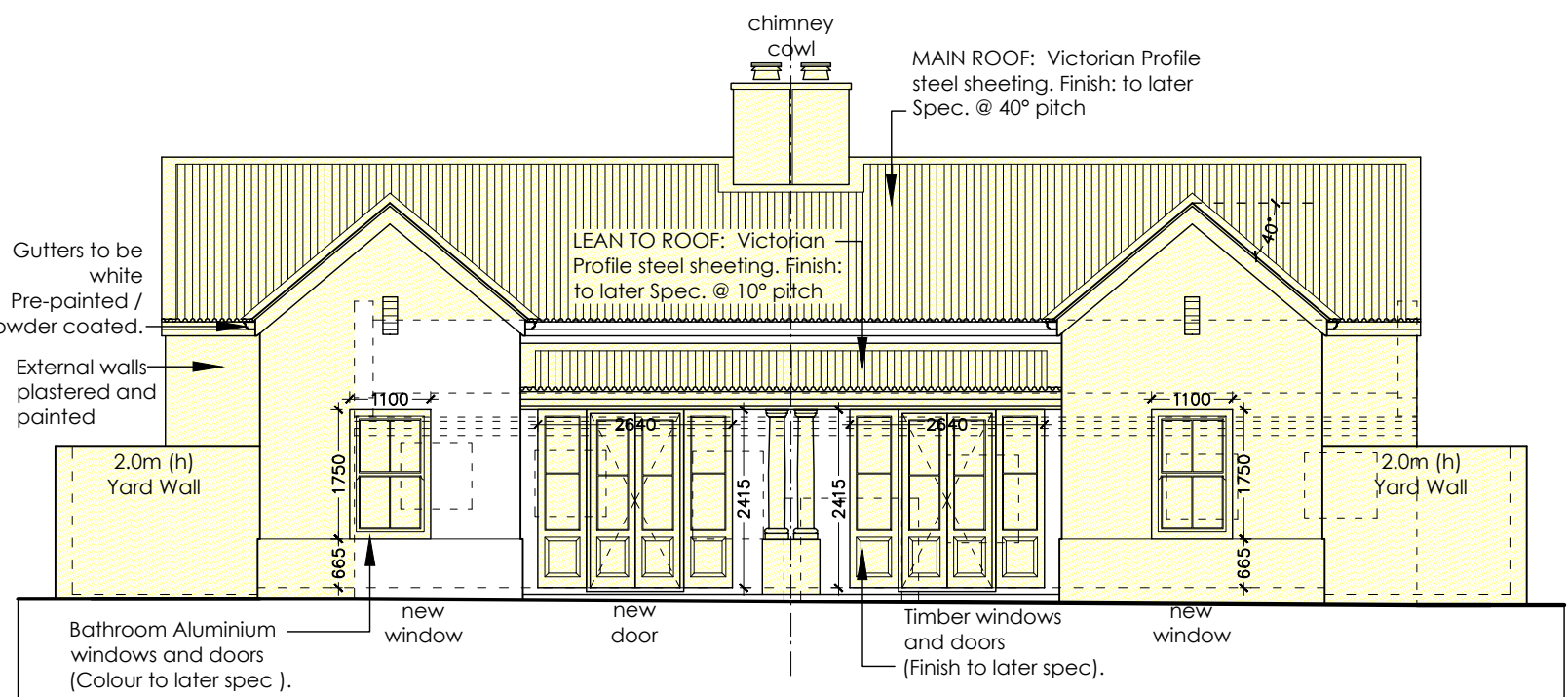




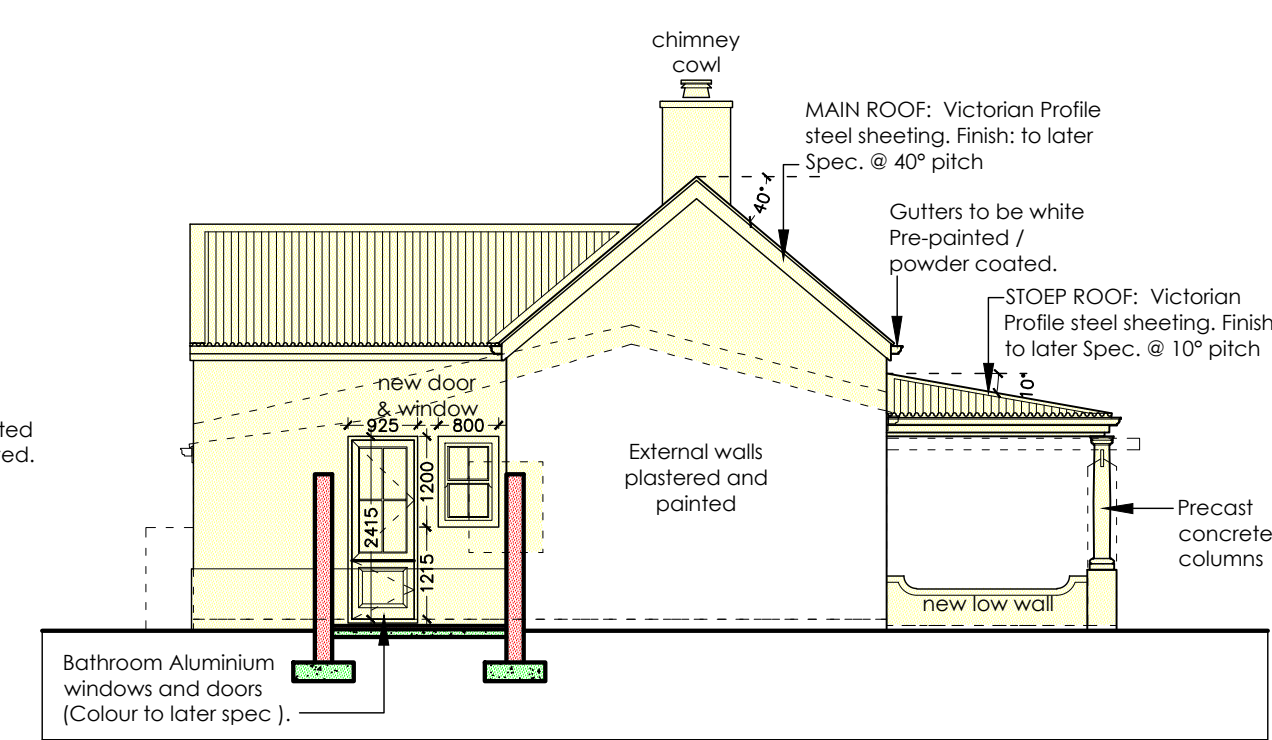
COTTAGE - B  
SECTION C-C



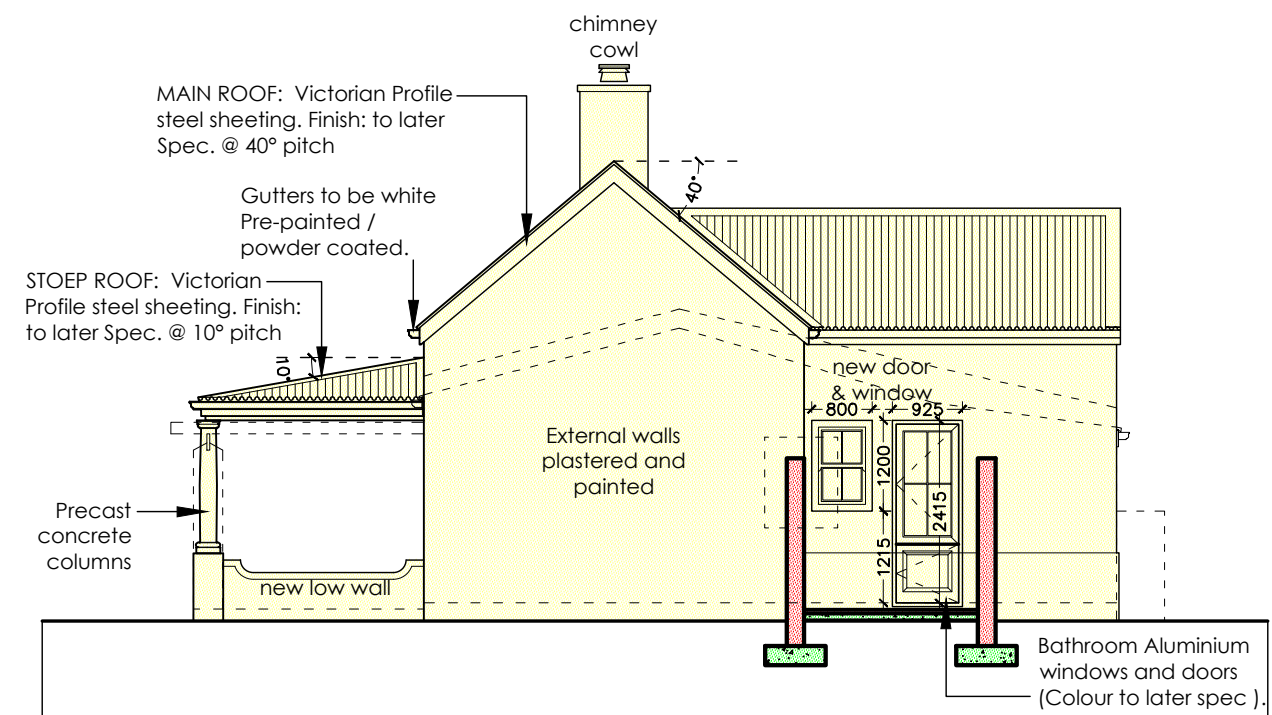
COTTAGE - B  
EAST ELEVATION



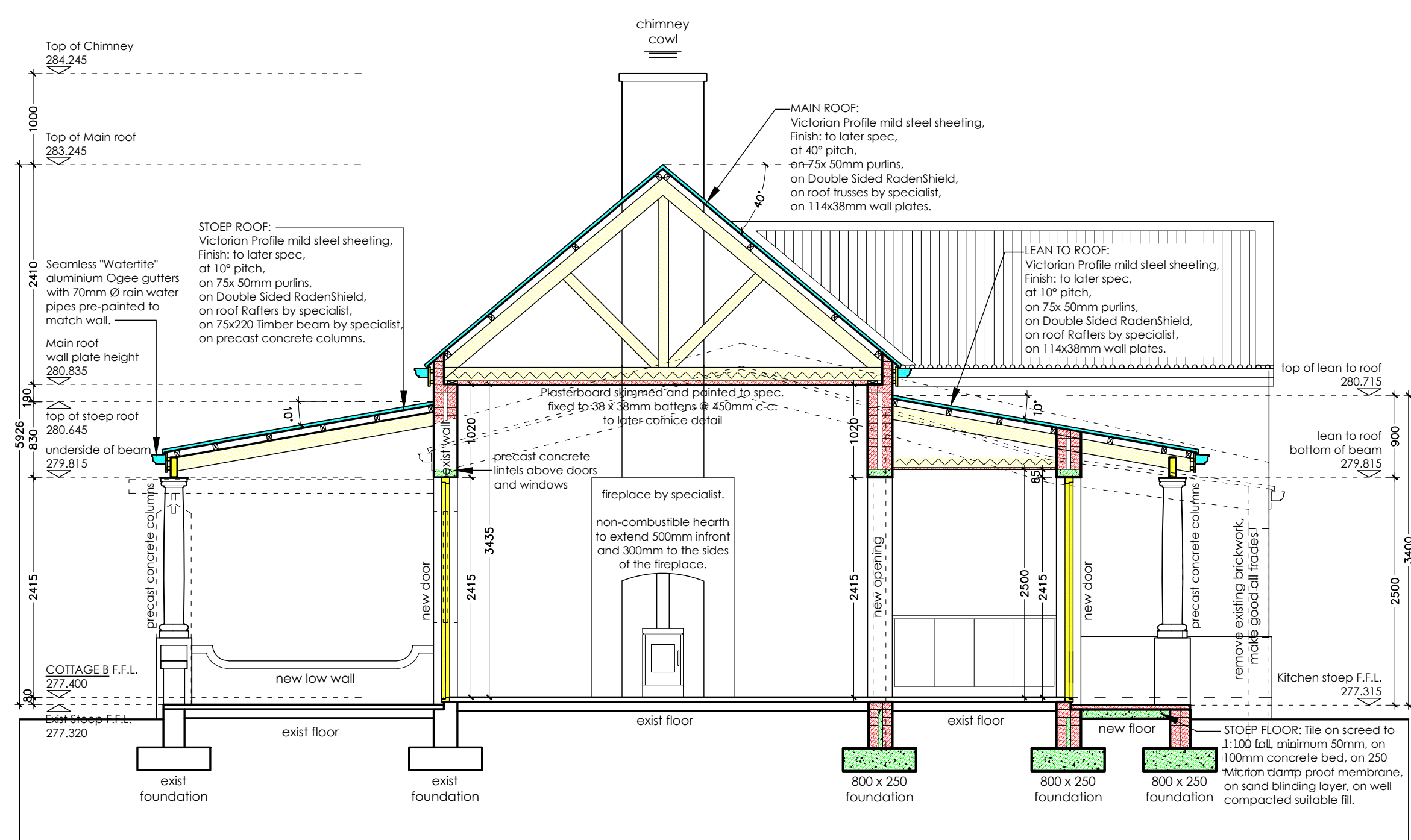
COTTAGE - B  
WEST ELEVATION



COTTAGE - B  
SOUTH ELEVATION



COTTAGE - B  
NORTH ELEVATION

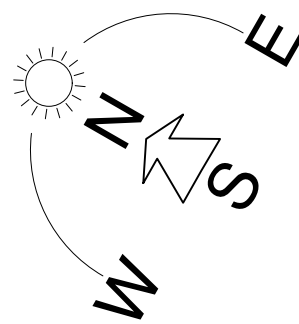


COTTAGE - B  
SECTION D-D

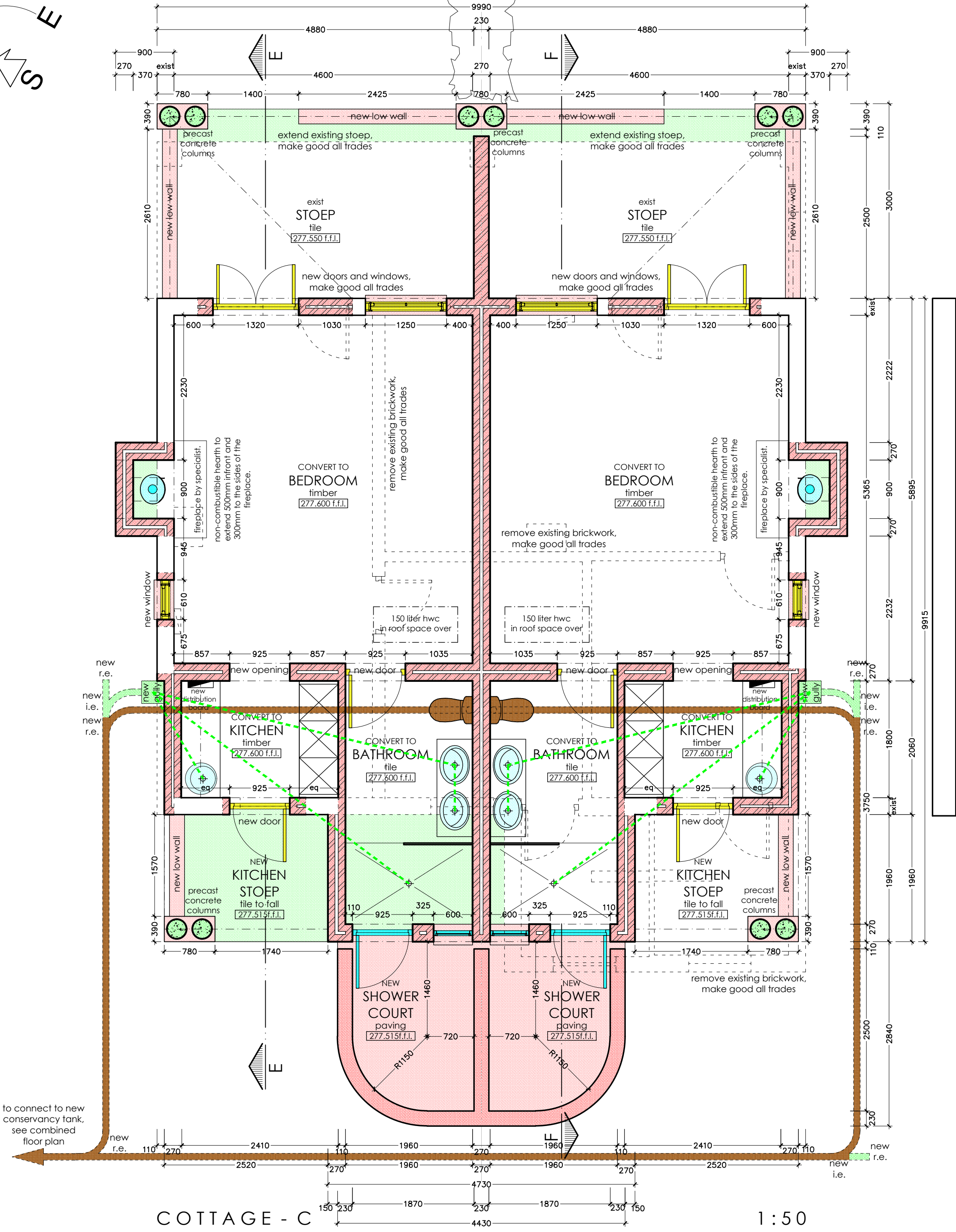
SEE DRAWING 201 FOR GENERAL  
NOTES AND AREA CALCULATIONS,  
DRAWING 202 FOR COMBINED  
GROUND STOREY PLAN AND  
DRAINAGE ANN 202 FOR XA NOTES  
AND SPECIFICATIONS

| AMMENDMENTS |                                                                                |  | DATE:                                                                                                                                                                                                                                                                  | 2024-02-07 |
|-------------|--------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| NO:         | DETAILS:                                                                       |  |                                                                                                                                                                                                                                                                        |            |
| -A-         | - Indicate correct 5.0m building line.<br>- Indicate Use of existing cottages. |  |                                                                                                                                                                                                                                                                        |            |
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|             |                                                                                |  | JAN DESSEYN ARCHITECTS<br>SACAP 6868<br>HENDRIK NEL<br>SACAP ST 1728                                                                                                                                                                                                   |            |
|             |                                                                                |  | PROPOSED ALTERATIONS TO<br>EXISTING COTTAGES<br>CAMP PROPERTIES PTY LTD<br>LA BOURGOGNE FARM<br>REMAINDER OF FARM 1106<br>PAARL(FRANSCHHOEK)                                                                                                                           |            |
|             |                                                                                |  | DRAWING TITLE<br>MUNICIPAL SUBMISSION<br>COTTAGE B<br>GROUND STOREY PLAN,<br>GENERAL ELEVATIONS AND<br>GENERAL SECTIONS                                                                                                                                                |            |
|             |                                                                                |  | PROJECT NO: 22/002<br>SCALE: AS SHOWN<br>DRAWING NO: 204<br>DATE: 2023-11-16<br>DATE OF PRINT: -<br>REV: A 2024-02-07                                                                                                                                                  |            |

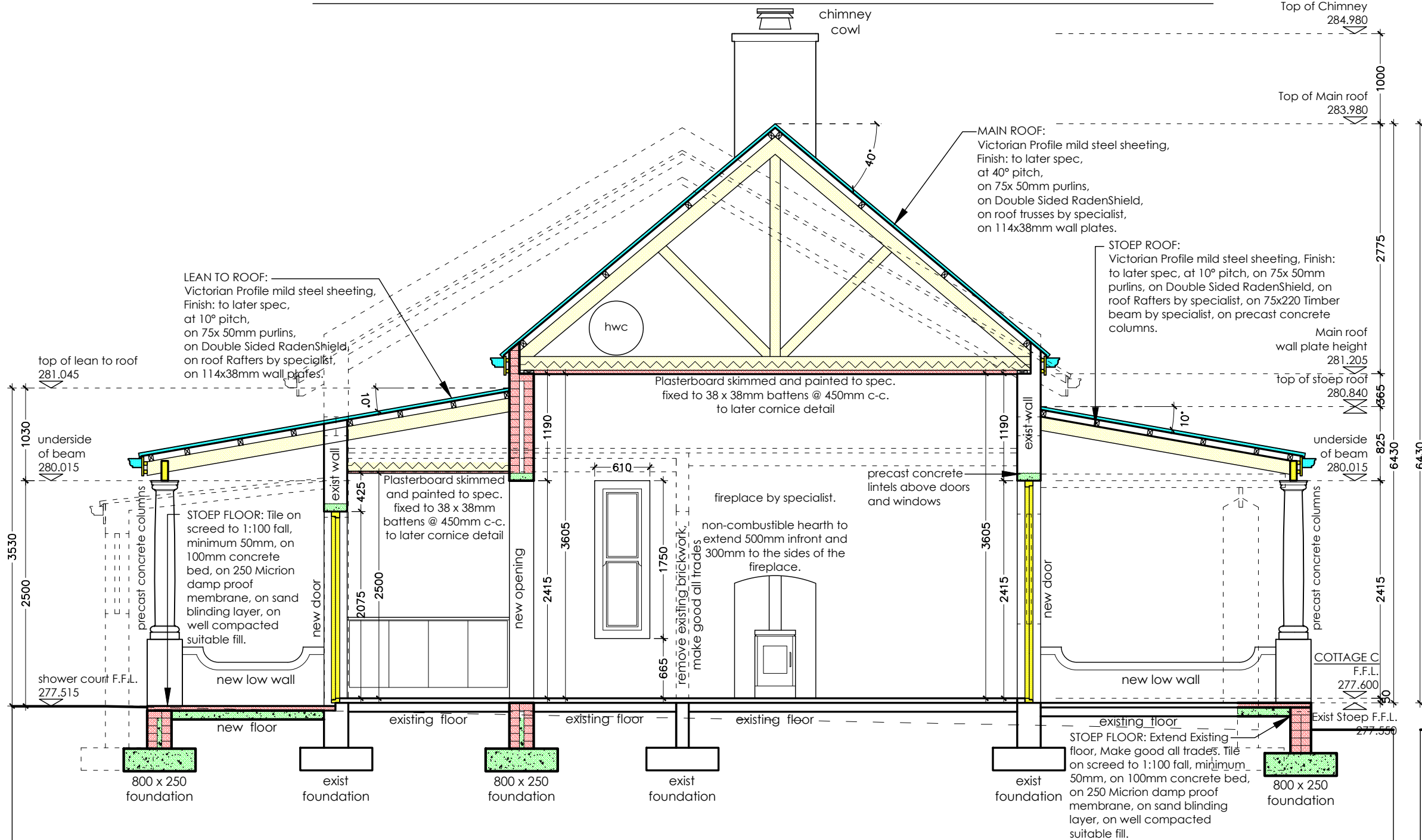




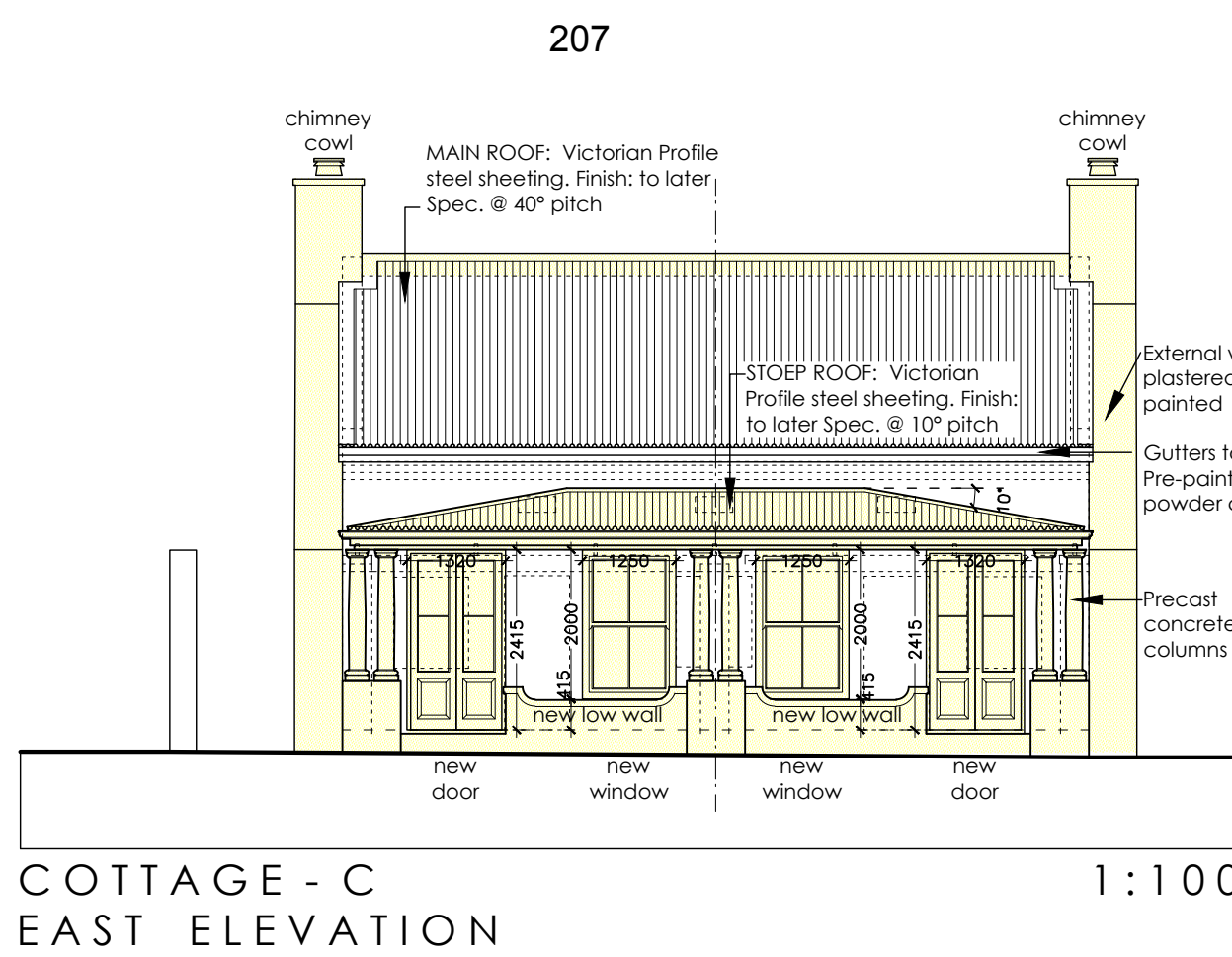
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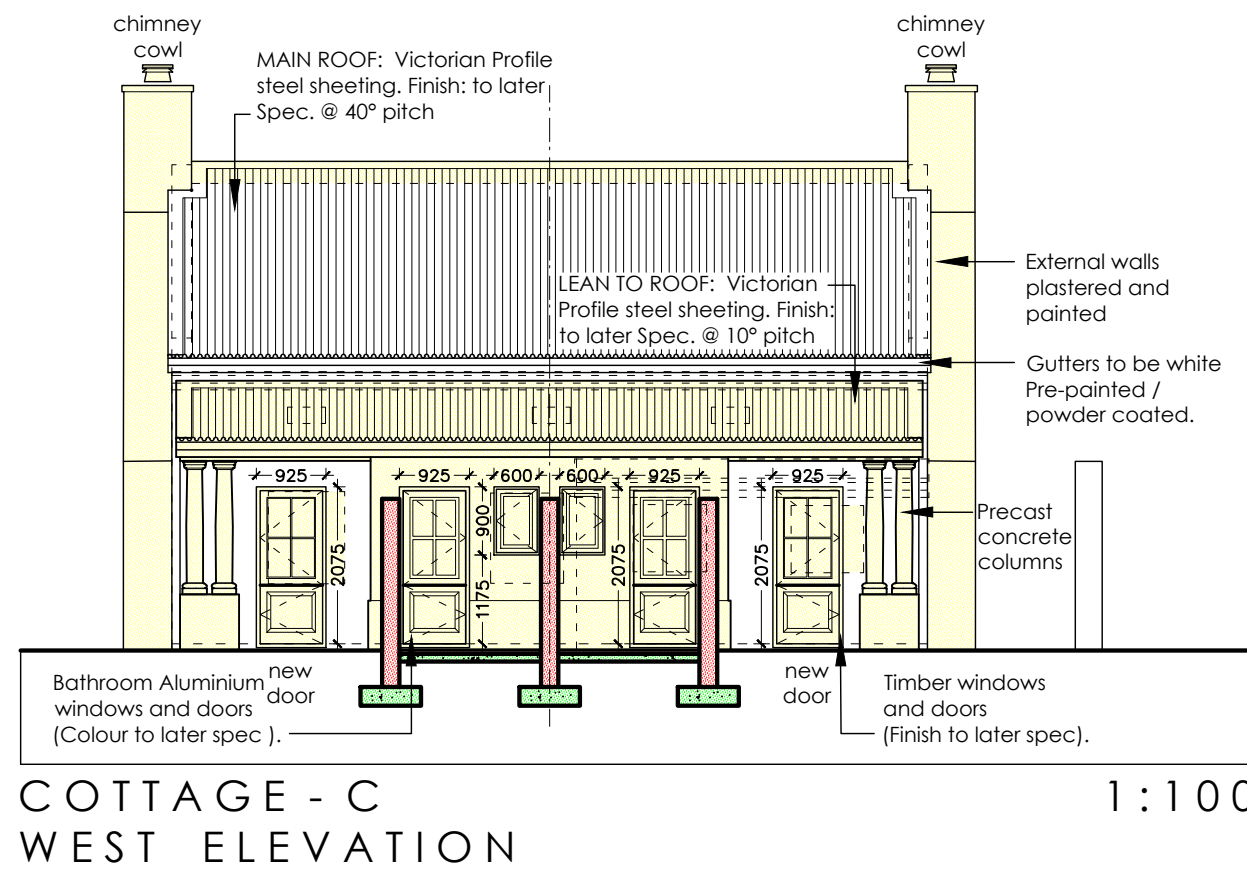
COTTAGE - C  
1:50



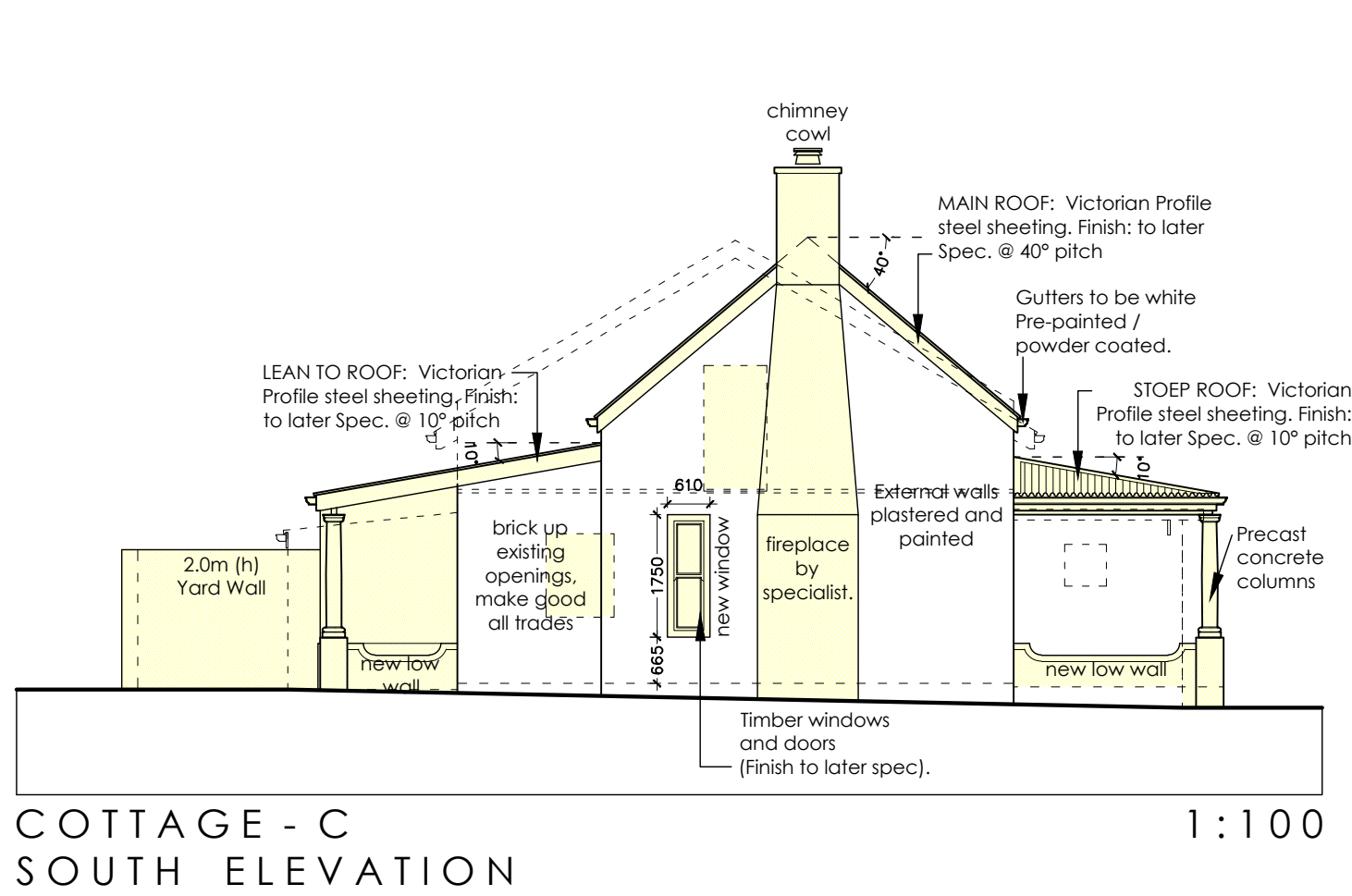
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SECTION E-E  
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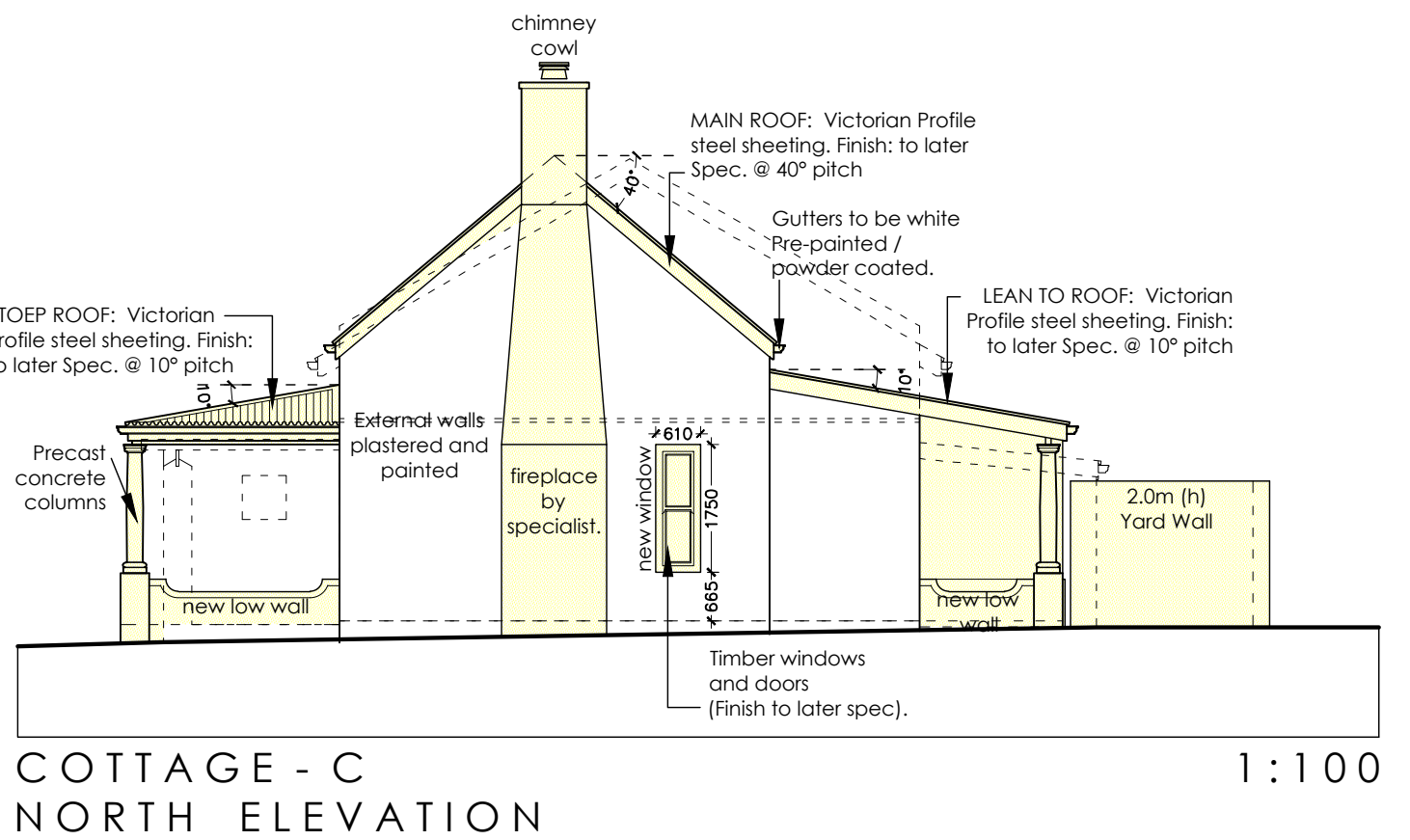
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EAST ELEVATION  
1:100



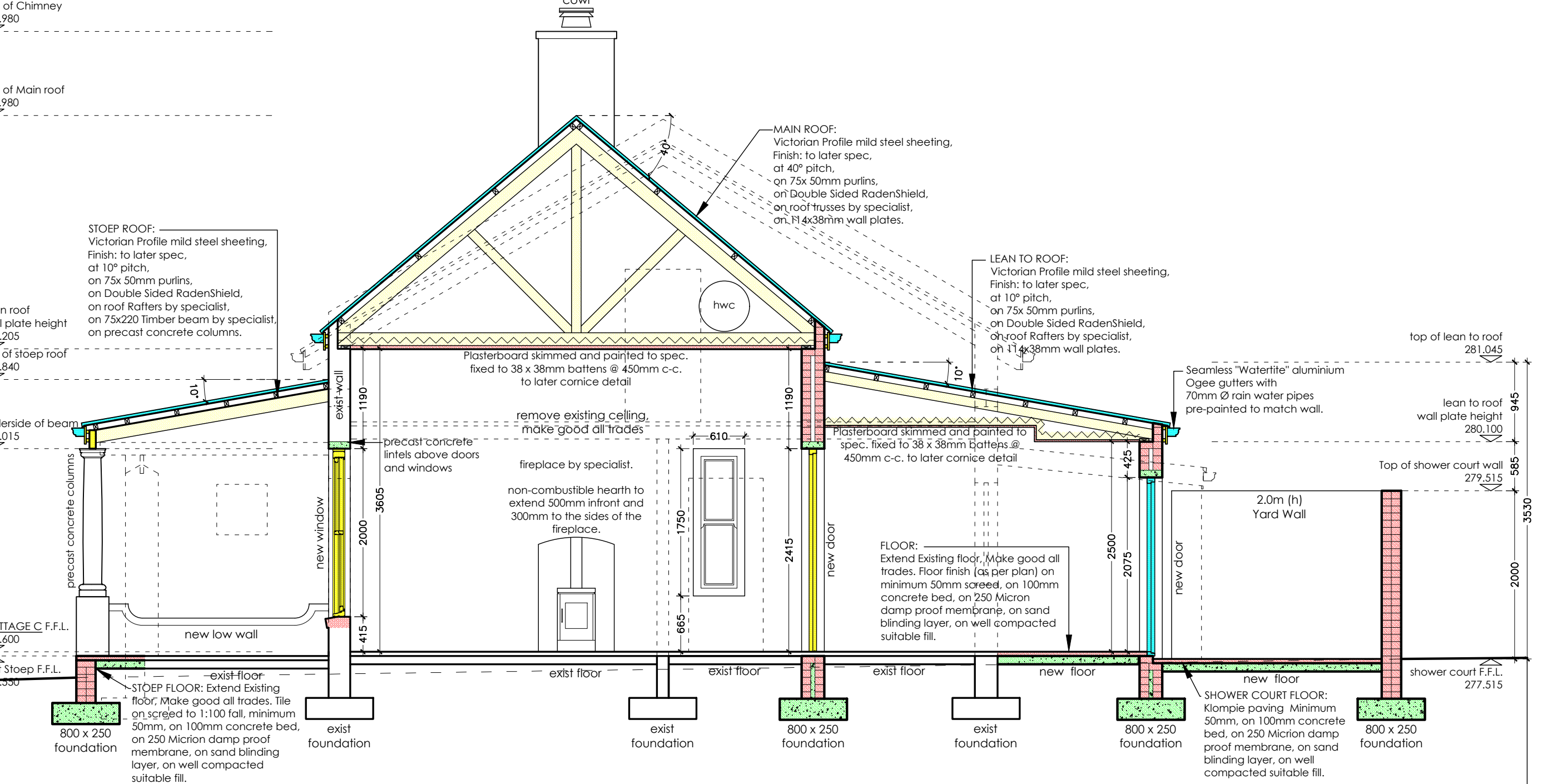
COTTAGE - C  
WEST ELEVATION  
1:100



COTTAGE - C  
SOUTH ELEVATION  
1:100



COTTAGE - C  
NORTH ELEVATION  
1:100



COTTAGE - C  
SECTION F-F  
1:50

| AMMENDMENTS |                                                                                |            |
|-------------|--------------------------------------------------------------------------------|------------|
| NO:         | DETAILS:                                                                       | DATE:      |
| -A-         | - Indicate correct 5.0m building line.<br>- Indicate Use of existing cottages. | 2024-02-07 |

SEE DRAWING 201 FOR GENERAL  
NOTES AND AREA CALCULATIONS,  
DRAWING 202 FOR COMBINED  
GROUND STOREY PLAN AND  
DRAINAGE ANN 202 FOR XA NOTES  
AND SPECIFICATIONS

ALL BUILDING WORK TO COMPLY WITH  
SANS 10400  
SCALED DIMENSIONS INVALID  
CHECK LEVELS ON SITE

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JAN DESSEYN  
SACAP 68658  
HENDRIK NELL  
SACAP 51 1728

PROPOSED ALTERATIONS TO  
EXISTING COTTAGES

**CAMP PROPERTIES PTY LTD  
LA BOURGOGNE FARM**

REMAINDER OF FARM 1106  
PAARL(FRANSCHHOEK)

DRAWING TITLE

**COTTAGE C**  
GROUND STOREY PLAN,  
GENERAL ELEVATIONS AND  
GENERAL SECTIONS

|                |            |          |            |
|----------------|------------|----------|------------|
| PROJECT NO:    | 22/002     | SCALE:   | AS SHOWN   |
| DRAWING NO:    | 205        | DATE:    | 2023-11-16 |
| DATE OF PRINT: | -          | DRAWN:   | CL         |
| REV:           | A          | CHECKED: | JDA        |
|                | 2024-02-07 |          |            |



Annexure D:  
Applicant's Motivation

**Nopinki Dafeti**

---

**From:** Emile <emilevdm@adept.co.za>  
**Sent:** Thursday, 29 August 2024 10:04  
**To:** Chrizelle Kriel; Landuse Applications; Bulelwa Mdoda; Nopinki Dafeti  
**Subject:** [EX] RE: Farm 1106 Paarl ; Guest accommodation component  
**Attachments:** RE: BPAMS Application 94 - Outstanding Documents Requested; TP94-2022 (FARM 1106 PAARL)SIGNED INVOICE.pdf; Farm 1106 previous land use approval.pdf; La Bourgogne Cottages, 201-205.pdf; BPAMS Application 94 - Outstanding Documents Requested

**CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hallo Chrizelle, your email below and our discussion yesterday in respect of the above have reference.

I again had a look at the trailing emails and submitted documentation in respect of the above and hereby clarify the following:

1. The original application submitted during September 2022 was amended on 2022/10/07 to allow for an accommodation establishment in lieu of the initial tourist dwelling units. This followed on the request for outstanding information provided by Nopinki Dafeti on 3 October 2022 (Please refer to email and documentation attached thereto) The revised motivation document (tourist accommodation establishment) was submitted on 2022/10/07 as well as the floor plans showing the conversion of the existing 3 workers cottages into 6 small short term guest accommodation units. There is thus no need to amend the application as it indeed was submitted accordingly for tourism accommodation establishment purposes. .

*Dear Nopinki*

*The request for outstanding documentation as per the email below has reference.*

*Attached please find the floor plans of the units as requested. You will note that the existing cottages are to be converted to accommodate 6 guest units ( 2 units per cottage). Two of the rooms is for single occupancy – 14 pax maximum in total.*

*The application is thus accordingly amended to allow for a tourism establishment in lieu of tourist dwelling units. The 6 units exceeds the threshold of 4 tourist dwelling units per farm.*

*The amended application is included herewith.*

*Can you please confirm that all is in order.*

*Regards  
Emile*

As a result of the provision of the outstanding documentation the municipal invoice (see attachment) was provided on the 7<sup>th</sup> October 2022 and the fees was paid on the 10<sup>th</sup> October 2022.

In further support of the application for the tourism accommodation establishment hereby please find the following additional motivation for site specific considerations.

- Previous approval by means of a departure was granted to utilise three existing cottages (six units in total) for overnight accommodation. (refer to approval letter attached hereto). The current proposal does not deviate from this approval (six units in total).
- The Engineers Department in their Memo dated 13 March 2024 confirmed that there are no municipal services affected and provided their support for the application. The service level capacity of the Municipality will thus not be affected.
- The approval of the Provincial Department of Transport and Public Works : Western Cape Government has been obtained as required by the Engineers Department and was submitted as part of the POE.
- The proposal is subservient to the farming activities on the farm and it will not impact on the current and future production capacity of the farming unit
- The units gains access from the existing internal farm road and parking to the units have been implemented.
- Although the number of units does not coincide with the Rural Areas Guidelines (additional dwelling units) it is support of the broader planning policy guidelines as set out in the motivation document (refer to pages 7-9 of application document).
- The proposal make use of existing buildings taking the natural and heritage aspects into account.
- The proposal cater exclusively for the temporary accommodation for in transit visitors.
- The proposal is of small scale and in not seen out of character with the rural context of the area and it will have a negatable visual impact (existing 3 cottages)
- The proposal does not constitute a large scale resort development and it will not detract from the functionality and integrity of productive landscapes.
- The proposals are appropriate in a rural context, it will generate positive socio-economic returns, and it will not compromise the environment or ability of the municipality to deliver on its mandate.

As discussed also find the final plans in support of the application that shows a total number of 6 units (12 persons).

It sincerely is trusted that the above addresses your concerns and trust that a positive recommendation in this regard will be made.

Regards

Emile van der Merwe

**From:** Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>

**Sent:** Tuesday, 27 August 2024 12:28

**To:** emilevdm@adept.co.za

**Cc:** Nopinki Dafeti <Nopinki.Dafeti@stellenbosch.gov.za>

**Subject:** Farm 1106 Paarl

Dear Emile

The land use application on Farm 1106, Paarl was discussed during one of our technical meetings.

There are two aspects on which we need more information before the application can be evaluated.

1. According to the motivation report, an application is being made for "*consent use ... to utilise the existing 3 cottages as tourism dwelling units (8 bedrooms)*". This creates the wrong impression and is misleading as according to the floor plans the application actually consists of 6 self-catering units (4 units with 1 bedroom each and 2 units with 2 bedrooms each). To provide information that is



2024/10/10

My ref: Farm 1106 Paarl

LU/14682

Stellenbosch Municipality

Department Planning and Development

PO Box 17

**STELLENBOSCH**

7599

Dear Sir/Madam

**APPLICATION FOR CONSENT USE: FARM 1106 DIVISION PAARL.**

In addition to the above, permanent departure is hereby made to exceed the permissible floor area (120m<sup>2</sup> and 175m<sup>2</sup>) as stipulated in terms of the Stellenbosch Zoning Scheme and MSDF respectively. In this regard your attention is drawn to the following:

| <b>Cottage</b> | <b>Existing coverage</b> | <b>New coverage</b> | <b>New area</b>   |
|----------------|--------------------------|---------------------|-------------------|
| A              | ±110m <sup>2</sup>       | ±124m <sup>2</sup>  | ±4m <sup>2</sup>  |
| B              | ±176m <sup>2</sup>       | ±180m <sup>2</sup>  | ±4m <sup>2</sup>  |
| C              | ±114m <sup>2</sup>       | ±129m <sup>2</sup>  | ±15m <sup>2</sup> |

Total New = 23m<sup>2</sup>

The proposal will only result in a combined new footprint of 23m<sup>2</sup> and it will have no impact on the agricultural activities and farming operations on the property. The existing farm labourers cottages are clustered and is located on an area of the farm that is situated alongside the existing farm road with existing parking areas. No municipal services will be affected.

Doornbosch Centre | Strand Road | PO Box 204 | Stellenbosch 7599  
Tel: 021-886 5050 | Fax: 021-883 8965 | Email: emilevdm@adept.co.za

EvdM Town Planning Services CC Reg. No. 2005/162249/23  
Emile van der Merwe URP(SA) B. Hon. M(URP) MSAPI



Thanking you in anticipation.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Emile van der Merwe', with a stylized flourish at the end.

**EMILE VAN DER MERWE**

**EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

4. Farm Managers house
5. Parking

Existing infrastructure



The Stellenbosch Municipality during 2011 granted approval for Consent Use to enable the utilisation of an existing outbuilding as a wine tasting and sales facility. Approval was also granted for a temporary departure to utilise the existing 3 cottages for guest/overnight accommodation purposes. The letter of approval is attached as Appendix 5.

The Stellenbosch Municipality Zoning Scheme By-Law as adopted by Council on 29 May 2019 has come into effect from 1 November 2019. Farm 1106 in terms of Chapter 20 of the aforementioned By-Law is zoned "Agricultural Rural Zone". The primary, additional and consent uses are listed in the table below

| Primary Uses                                                                                                                                                                                                                                                                                                                                                                                                   | Additional Uses (not exceeding threshold in this chapter and subject to technical approval)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Consent Uses (Application required)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Agricultural building (<math>\leq 2000\text{m}^2</math>)</li> <li>• Agriculture</li> <li>• Dwelling house</li> <li>• Forestry</li> <li>• Natural environment</li> <li>• Occasional use (one event/year)</li> <li>• Private road</li> <li>• Polytunnel (<math>\leq 2000\text{m}^2</math>)</li> <li>• Second dwelling</li> <li>• Employee housing (one unit)</li> </ul> | <ul style="list-style-type: none"> <li>• Agricultural building (<math>&gt; 2000\text{m}^2</math>)</li> <li>• Agricultural Industry (<math>&lt; 2000\text{m}^2</math>)</li> <li>• Bed and breakfast establishment</li> <li>• Employee housing (exceeding one unit)</li> <li>• Guest house</li> <li>• Home day care centre</li> <li>• Home occupation practice</li> <li>• Polytunnel (<math>\geq 2001\text{m}^2</math> and <math>\leq 5000\text{m}^2</math>)</li> <li>• Rooftop base telecommunication station</li> <li>• Tourist dwelling units</li> <li>• Tourist facility (existing buildings)</li> </ul> | <ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Additional dwelling units (max 4)</li> <li>• Airfield</li> <li>• Airstrip</li> <li>• Agricultural industry (<math>\geq 2000\text{m}^2</math>)</li> <li>• Camping site</li> <li>• Day care centre</li> <li>• Freestanding base telecommunication station</li> <li>• Helicopter landing pad</li> <li>• Intensive feed farming</li> <li>• Kennel</li> <li>• Market</li> <li>• Occasional use (<math>&gt; one event/year</math>)</li> <li>• Plant nursery</li> <li>• Polytunnel (<math>&gt; 5000\text{m}^2</math>)</li> <li>• Renewable energy structure</li> <li>• Service trade</li> <li>• Tourist accommodation establishment</li> <li>• Tourist facility (new buildings or exceeding threshold)</li> <li>• Any additional use exceeding the threshold set out in this chapter</li> </ul> |

The newly adopted zoning scheme now makes provision for tourism facilities and tourist accommodation establishment that is defined as follows:

**“tourist facilities” (toerisme fasiliteite)** describes land uses that provide facilities, amenities and activities, aimed at tourists and visitors, such as shops, markets, restaurants and places of entertainment (which may be licensed to sell alcohol), outdoor sport, conference facilities, place of assembly, wellness centres and/or open spaces, and may also include ancillary uses, limited industry only related to the manufacturing of clothing, food, beverages or making of craft items and/or art, a liquor store for the sale of alcoholic beverages for off-site consumption, provided that the alcoholic beverages are produced under license on the land unit, and examples include farm stalls, farm shops, farmer’s markets, farm deli’s, wine sales, wine tasting facilities, 4x4 or mountain bike trails, cycle and hiking trails, picnic facilities, function venues, brew-pubs, craft gin distilleries, coffee roasteries, bakeries, charcuterie but excludes tourist accommodation, guest houses, bed-and-breakfast establishments and hotels;

**“tourist accommodation establishment” (toeriste-akkommodasie-onderneming)** means 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, and:

- i) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards;
- ii) may consist of self-catering units;
- iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the particular zone;
- iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not:
  - a) additional facilities for day visitors;
  - b) wellness centres and meeting rooms which serve resident guests;
  - c) camping sites with ancillary facilities;
  - d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are **not** ordinarily used;

The proposal can be accommodated and is line with the provisions of the Stellenbosch Zoning Scheme By-Law.

#### **Consistency with regards to provisions of the Stellenbosch Zoning Scheme By-Law**

- The tourist facility and tourism dwelling units will be undertaken form a land unit where the primary use of the land is for bona-fide agriculture.
- The facilities are servient to the primary farming activities.



- The application will not have a detrimental impact on the preservation of agricultural land and the continued use of the agricultural activities (vineyards on the farm)
- The tourist facility will be in keeping with the character of the buildings on the farm the scale as is such that it will not dominate the farming activities and existing built form
- The proposed facility is considered to be a rural place bound activity and is of small scale that will complement the farming operations whilst not compromising the agricultural sustainability, scenic and heritage and cultural landscape
- The proposed facility is accessible from the existing internal farm road. The proposal will not interfere with the daily running of the farming operations
- The proposal will not adversely affect the agricultural potential of the farming unit.

## **5. PROPOSAL – SEE PLANS ATTACHED AS APPENDIX 6**

The development proposals are confined to the existing buildings to which previous planning approvals were granted. The existing wine tasting and sales facility will remain and provision is now made to allow the facility to be used for restaurant as well. The said proposal include an outside seating area of  $\pm 210\text{m}^2$ .

The tourism dwelling units are confined and limited to the existing 3 cottages that have been used for the same purposes for the last number of years. A total of 8 guest bedrooms can be accommodated.

Parking is provided in terms of the provisions of the zoning scheme (16 parking bays in total – wine tasting and sales). Parking for the tourism dwellings is provided adjacent to the said units.

Access to the facilities is obtained from the existing approved access.

The establishment of agri-tourism facilities are in line with the objectives of the Directorate: Sustainable Resource Management (LANDCARE): Department of Agriculture who's primary function is to conserve the regions agricultural resources. According to this Department's policy and recommendations the concept of sustainable agriculture is promoted taking the following criteria in mind, namely:

- ✓ Social acceptability
- ✓ Economic viability



- ✓ Ecological feasibility/Environmental integrity
- ✓ Reasonable production; and
- ✓ Sound security

The development proposal on the property conforms to the above criteria and it will not have any negative impact on the conservation of productive agricultural land and it will not impact on the long term viability of the farming unit. One of the key initiatives of the Department of Agriculture relates to the diversification of the agricultural sector and the role that agri-tourism can play in the economic development of the Western Cape. The department therefore recognizes the important role the agricultural and wine industry can play in the rural and economic development of farming enterprises of which the following are considered key components:

- Agricultural tourism – guesthouse and holiday accommodation
- Value adding – agricultural industries with associated tourist facilities
- Creating sustainable agricultural units - intensifying

The proposal significantly will contribute to the promotion and expansion of the area's resource base with multiplier economic and social benefits. The application is consistent with the planning principles as contained in the Municipal Spatial Development Framework.

## **6. LEGISLATIVE AND POLICY CONTEXT**

### **6.1 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Western Cape Land Use Management Act (2014)**

The legislative framework provides the norms and standards and guiding principles to which development applications must comply and assessed. The application inter-alia is consistent with the following guiding principles.

- Promote land development that is spatially compact, resource –frugal and within the fiscal, institutional and administrative means of the Stellenbosch Municipality.
- Protection of prime unique and high potential agricultural land
- Uphold consistency of land use measures in accordance with environmental management instruments
- Promote land development in locations that are sustainable and limit urban sprawl

- Protection of high biodiversity areas and heritage and tourism resources
- Optimise the use of resources, infrastructure, agriculture and land
- Integrate social, economic and institutional aspects of land development

The Western Cape Land Use Management Act, 2014 and the Spatial Planning and Land Use Management Act, 2013 serves as platform to guide decision-making in relation to land use and development. In this regard are the following 5 principles applicable

#### **Spatial Justice**

The proposal will not have a negative impact on the agricultural potential and farming activities.

#### **Spatial efficiency**

The proposal will make use of resources in a just and efficient manner.

#### **Spatial resilience**

The proposal is deemed compatible with the rural character of the area and is in line with the municipal IDP and spatial development framework.

#### **Good Administration**

The proposal conforms to the requirements of the Stellenbosch Planning Zoning Scheme By-Law and Stellenbosch Land Use Planning By-Law. Desirability in terms of Section 49 (d) of the Western Cape Land Use Planning Act (2014) is defined as the degree of acceptability of a specific proposal on a property within and existing natural or built environment. An important factor when assessing such a proposal is the extent to which the proposal complies with the overarching national, provincial and local planning guidelines and spatial frameworks. With reference to the development proposal your attention in this regard is drawn to the following

#### **LUPA**

Desirability in terms of Section 49 (d) of the Western Cape Land Use Planning Act (2014) is defined as the degree of acceptability of a specific proposal on a property within and existing natural or built environment. An important factor when assessing such a proposal is the extent to which the proposal complies with the applicable provincial and local planning guidelines

and spatial frameworks. With reference to the development proposal your attentions in this regard is drawn to the following:

## **6.2 Western Cape Provincial Spatial Development Framework (WCPSDFP)**

The WCPSDF serves as guideline and puts forward proposals and strategies aimed at achieving certain provincial wide goals. The policy document is informed by the National Development Plan and related spatial policies and takes its strategic direction from the Western Cape development strategy and related policy frameworks. It also serves to guide the location and form of public investment. An important factor in this regard relates to the role which the rural economy can play in the overall economy of the greater municipal area and is of particular relevance to the Stellenbosch area. The proposed tourist facility presents an opportunity that is aligned with the policy to allow for compatible and sustainable rural activities to the benefit of the broader good of society with positive socio-economic returns.

As far as the application is concerned, the principles contained in the WCPSDF will have to be considered to ascertain whether sustainable development is promoted. Sustainable development encompasses the integration of social, economic and ecological factors into planning, decision-making and implementation so as to ensure that development serves present and future generations. The three pillars of sustainable development, also referred to as the triple bottom line are:

- Ecological integrity
- Social Justice
- Economic efficiency

These three pillars of sustainability can be viewed as providers of the capital necessary for each subsequent pillar to function. In order to determine the desirability of a proposed development one should thus consider whether or not it is socially, economically and ecologically sustainable. The application will not have a negative impact on the 3 pillars of sustainability

### **Western Cape Land Use Planning Guidelines (2019): Rural Areas**

The Western Cape Land Use Planning Guidelines forms part of the approved Western Cape Government: Provincial Spatial Development Framework. The objectives of the Rural Areas Guideline are to:

- Promote sustainable development in appropriate rural locations throughout the Western Cape, and ensure the inclusive growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecological infrastructure and ecosystem services (i.e. environmental goods and services).
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes and spatial development frameworks in a proactive manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate beyond the current built-up areas, suitable locations where it could take place, and the desirable form and scale of such development.

The Guidelines supports the following:

- Accommodating a greater diversity of compatible land use activities on farms and in the rural landscape in general. Compatible activities are those that do not compromise biodiversity, farming activities, cultural and scenic landscapes, and are of an appropriate scale and form to fit in with their context in the rural landscape.
- Activities or land uses of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products, e.g.: farm tourism; Restaurant and function venue facility;

The proposal conforms to the following guidelines:

- The proposed facility is located in an area that does not impact on the agricultural activities as well as wetlands, floodplains and other important natural vegetation.
- The facility adjacent to the existing farm access roads and the services network.
- The cumulative effect of all ancillary and non-agricultural land uses will not detract from the rural character of the landscape and the primary agricultural activities.
- The facility will not detract from the functionality and integrity of farming practices and landscapes and is considered to be of an appropriate scale and form.
- The facility is appropriate in a rural context and it will generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate.



- The facility is of appropriate scale compatible with the farmstead precinct and the surrounding rural context

The development proposal put forward in the application is consistent, in line and will give practical effect to the Rural Land Use Guidelines that have been adopted by the Western Cape Government: Department of Environmental Affairs and Development Planning.

### 6.3 Western Cape Strategic Plan 2014-2019

#### Vision

*"We need to transform the nature and performance of the economy to simultaneously achieve sustained GDP growth, greater environmental resilience, and much better inclusion reflected in radically lower unemployment, poverty and inequality. A Highly skilled Innovation-driven Resource-efficient Connected High Opportunity Society For All"*

#### Provincial Strategic Goals



#### Western Cape Economic Drivers

##### PSG 1: Create opportunities for growth and jobs

##### PROJECT KHULISA ("to grow")

##### Productive Sectors:



##### Enablers:

- Energy
- Water
- Broadband
- Skills



From the above information it is clear that the Provincial Government Western Cape in terms of their Provincial Spatial Development Framework and Strategic Plan has placed as specific

emphasis on the importance of the tourism industry as key sector in growing and sustaining the economic base of the region.

#### **6.4 Stellenbosch Spatial Development Framework**

The Stellenbosch SDF has been approved by Council during November 2019 is founded on the principles of the Spatial Planning and Land Use Management Act, the Western Cape Land Use Planning Act, the National Development Plan, the National Heritage Resources Act, the Environmental Management Act, as well as the Stellenbosch Municipal Integrated Development Plan. The SDF places a renewed and key focus on the protection of agricultural and farming land and the conservation of the natural and biodiversity areas. The property is located outside the urban to which the following principles apply:

- Land outside the urban edge should be used for agricultural production, biodiversity, conservation, scenic quality and agri-tourism;
- Intensification of agriculture, biodiversity, conservation and agri-tourism should be promoted in farming areas outside of urban settlements
- Tourism facilities preferably should make use of existing buildings or new buildings on disturbed footprints and these should take the natural and heritage significance of the site into account.

The proposal is consistent with the above principles and objectives of the SDF. It in fact in is in support with the development principles of spatial justice, spatial sustainability, efficiency and spatial resilience.

## **7. SERVICES**

Potable water to the facility is obtained from the existing borehole on the property. Electricity is provided by Eskom. Sewerage will be accommodated by means of the existing conservancy tank.

## **8. CONCLUSION**

The development proposal is consistent and complies with the criteria set out in Chapter V of the Stellenbosch Land Use Planning By-Law (2015) with reference to the following:

- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework of the Stellenbosch Municipality;

- The proposals are confined to existing buildings on the property
- The proposal will not impact on the production capacity of the farming unit.
- The proposal is subservient to the main farming agricultural activities;
- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework and Strategic Action Plan with reference to growing the local economy by means of tourism related development
- The proposal conforms to the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act and the principles referred to in Chapter VI of the Land Use Management Act, and
- The proposal is in line with the provisions of the Stellenbosch Zoning Scheme By-Law and associated development parameters.

In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Farm 1106 Paarl Division.

.....

Annexure E:

POE



**KINDLY NOTE:**

1. The POE may only be submitted once all relevant municipal departments and organs of state have submitted their comment, inclusive of the applicant's written reply thereto.
2. When any comments have been discussed or amended terms negotiated with the relevant commenting entity, the amended comments and the applicant's written reply thereto must be attached to the POE.
3. The decision-making period will only commence after receipt and confirmation of a complete POE in accordance with section 57 of the Bylaw.

**COMPLETE AND SIGN THE FOLLOWING DECLARATION****DECLARATION**

I, (full names & surname) Emile van der Merwe

and ID No: 7003215189082, as the Applicant for the above application, hereby confirms:

- 1) the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw;
- 2) the information contained in the above checklist and the accompanied information and documentation in the Portfolio of Evidence for the concluded public participation process, are accurate and complete; and
- 3) the personal information (e.g. name, address, contact details) of interested and affected parties as supplied by the Municipality was only used for official municipal communication matters with reference to the Protection of Personal Information Act 4 of 2013 (POPI).

Duly signed on

15 March 2024

Date

Stellenbosch

Place

Signature

*For office use only*

**CHECKED BY ADMINISTRATIVE OFFICER**

*[Signature]*

**CHECKED BY TOWN PLANNER**

**DATE VERIFIED**

2/04/2024

**NOTES TO BE RECORDED:**

**Emile**

---

**From:** Emile van der merwe <emilevdm@adept.co.za>  
**Sent:** Thursday, 01 December 2022 08:41  
**To:** 'jackie@vincosteel.co.za'  
**Subject:** Application for Consent Use: Farm 1106 Paarl  
**Attachments:** Farm 1106 Paarl Submission document.pdf; Farm 1106 Paarl notice van Wyk and Cabriere residents association.pdf

Good day

Attached hereby please find the official notice and supporting documentation in respect of the above application that was submitted to the Stellenbosch Municipality.

You will note that the closing date for any comments is 26 January 2023.

You are welcome to contact me should there be any queries.

Regards

Emile van der Merwe

  
**EMILE VAN DER MERWE**  
084 556 6461  
Oosrivierbaai Centre | Strand Rd | PO Box 204 | Stellenbosch 7599  
Tel: 021 - 886 5050 | Fax: 021 - 883 8963  
Email: emilevdm@adept.co.za

**Emile**

---

**From:** Emile van der merwe <emilevdm@adept.co.za>  
**Sent:** Thursday, 01 December 2022 08:45  
**To:** 'brian@bharch.co.za'; 'siegfried.schafer@gmail.com'; barryphillips505@gmail.com  
**Subject:** Application for Consent Use: Farm 1106 Paarl  
**Attachments:** Farm 1106 Paarl Submission document.pdf; Farm 1106 Paarl notice Heritage and Ratepayers association.pdf

Good day

Attached hereby please find the official notice and supporting documentation in respect of the above application that was submitted to the Stellenbosch Municipality.

You will note that the closing date for any comments is 26 January 2023.

You are welcome to contact me should there be any queries.

Regards

Emile van der Merwe



**EMILE VAN DER MERWE**

084 556 6461

Stellenbosch Centre | Strand Ed | PO Box 204 | Stellenbosch 7599  
 Tel: 021 - 886 5050 | Fax: 021 - 883 8043  
 Email: emile-van@adept.co.za

**Emile**

**From:** Emile van der merwe <emilevdm@adept.co.za> F1105  
**Sent:** Thursday, 01 December 2022 08:46  
**To:** 'bgboerdery@gmail.com'  
**Subject:** Application for Consent Use: Farm 1106 Paarl  
**Attachments:** Farm 1106 Paarl Submission document.pdf; Farm 1106 Paarl notice bourgogne trust.pdf

Good day

Attached hereby please find the official notice and supporting documentation in respect of the above application that was submitted to the Stellenbosch Municipality.

You will note that the closing date for any comments is 26 January 2023.

You are welcome to contact me should there be any queries.

Regards

Emile van der Merwe



**EMILE VAN DER MERWE**

084 556 6461

Stellenbosch Centre | Strand Rd | PO Box 204 | Stellenbosch 7599  
 Tel: 021 - 886 5050 | Fax: 021 - 883 8965  
 Email: emilevdm@adept.co.za

**Emile**

**From:** Emile van der merwe <emilevdm@adept.co.za>  
**Sent:** Thursday, 01 December 2022 08:48  
**To:** 'keld.dorland@teyliom.com'  
**Subject:** Application for Consent Use: Farm 1106 Paarl  
**Attachments:** Farm 1106 Paarl Submission document.pdf; Farm 1106 Paarl notice Vertform CC.pdf

F 1114

Good day

Attached hereby please find the official notice and supporting documentation in respect of the above application that was submitted to the Stellenbosch Municipality.

You will note that the closing date for any comments is 26 January 2023.

You are welcome to contact me should there be any queries.

Regards

Emile van der Merwe



**EMILE VAN DER MERWE**

084 556 0461

Stellenbosch Centre | Strand Rd | PO Box 204 | Stellenbosch 7599  
 Tel: 021 886 5050 | Fax: 021 - 883 8965  
 Email: emilevdm@adept.co.za



**Emile**

**From:** Emile van der merwe <emilevdm@adept.co.za>  
**Sent:** Thursday, 01 December 2022 08:49  
**To:** 'info@ldf.co.za'  
**Subject:** Application for Consent Use: Farm 1106 Paarl  
**Attachments:** Farm 1106 Paarl Submission document.pdf; Farm 1106 Paarl notice braschville.pdf

F 1363/1

Good day

Attached hereby please find the official notice and supporting documentation in respect of the above application that was submitted to the Stellenbosch Municipality.

You will note that the closing date for any comments is 26 January 2023.

You are welcome to contact me should there be any queries.

Regards

Emile van der Merwe



084 556 6461

Overstrand Centre | Strand Rd | PO Box 204 | Stellenbosch 7599  
 Tel: 021 866 5050 | Fax: 021 883 8905  
 Email: emilevdm@adept.co.za

**Emile**

**From:** Emile van der merwe <emilevdm@adept.co.za>  
**Sent:** Thursday, 01 December 2022 08:51  
**To:** 'joostdehaas@me.com'  
**Subject:** Application for Consent Use: Farm 1106 Paarl  
**Attachments:** Farm 1106 Paarl Submission document.pdf; Farm 1106 Paarl notice kitsircure pty ltd.pdf

1643/2

Good day

Attached hereby please find the official notice and supporting documentation in respect of the above application that was submitted to the Stellenbosch Municipality.

You will note that the closing date for any comments is 26 January 2023.

You are welcome to contact me should there be any queries.

Regards

Emile van der Merwe



**EMILE VAN DER MERWE**

084 556 6461

Onderbosch Centre | Strand Rd | PO Box 204 | Stellenbosch 7900  
 Tel: 021 - 886 3030 | Fax: 021 - 883 8963  
 Email: emilevdm@adept.co.za

**Emile**

---

**From:** Emile van der merwe <emilevdm@adept.co.za>  
**Sent:** Thursday, 01 December 2022 08:52  
**To:** 'info@lapetite.co.za' F 1634  
**Subject:** Application for Consent Use: Farm 1106 Paarl  
**Attachments:** Farm 1106 Paarl Submission document.pdf; Farm 1106 Paarl notice Veruska Belbon Farms.pdf

Good day

Attached hereby please find the official notice and supporting documentation in respect of the above application that was submitted to the Stellenbosch Municipality.

You will note that the closing date for any comments is 26 January 2023.

You are welcome to contact me should there be any queries.

Regards

Emile van der Merwe



084 556 6461

Deerwagter Centre | Strand Rd | PO Box 204 | Stellenbosch 7799  
 Tel 021 885 5050 | Fax 021 883 8963  
 Email: emilevdm@adept.co.za

**Emile**

---

**From:** Emile van der merwe <emilevdm@adept.co.za>  
**Sent:** Thursday, 01 December 2022 08:53  
**To:** 'germanoc@tiber.co.za'  
**Subject:** Application for Consent Use: Farm 1106 Paarl  
**Attachments:** Farm 1106 Paarl Submission document.pdf; Farm 1106 Paarl notice GCT Investment.pdf

F1757

Good day

Attached hereby please find the official notice and supporting documentation in respect of the above application that was submitted to the Stellenbosch Municipality.

You will note that the closing date for any comments is 26 January 2023.

You are welcome to contact me should there be any queries.

Regards

Emile van der Merwe



**EMILE VAN DER MERWE**

084 556 8461

Doornbosch Centre | Strand Rd | PO Box 204 | Stellenbosch 7599  
 Tel: 021 - 886 3050 | Fax: 021 - 883 8945  
 Email: emilevdm@adept.co.za

**Emile**

**From:** Emile van der merwe <emilevdm@adept.co.za>  
**Sent:** Thursday, 01 December 2022 08:55  
**To:** 'paul@mongwawane.co.za'  
**Subject:** Application for Consent Use: Farm 1106 Paarl  
**Attachments:** Farm 1106 Paarl Submission document.pdf; Farm 1106 Paarl notice Monwawane pty ltd.pdf

F1119/2

Good day

Attached hereby please find the official notice and supporting documentation in respect of the above application that was submitted to the Stellenbosch Municipality.

You will note that the closing date for any comments is 26 January 2023.

You are welcome to contact me should there be any queries.

Regards

Emile van der Merwe



084 556 6461

Stellenbosch Centre | Strand Rd | PO Box 204 | Stellenbosch 7900  
 Tel: 021 - 886 5050 | Fax: 021 - 883 8965  
 Email: emilevdm@adept.co.za



## **APPENDIX 5**

### **REGISTERED POST**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                                               |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------|--|
| <b>REGISTERED LETTER</b><br><b>GEREGISTREERDE BRIEF</b><br>(with an insurance option/met 'n versekeringsopsie)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |  <b>Post Office</b>                          |  |
| <b>Full tracking and tracing/Volledige volg en spoor</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | Postage paid R _____ C<br>Service fee/Diensgeld R _____ C<br>Insurance/Versekering R _____ C<br><b>Total/Totaal R _____ C</b> |  |
| Addressed to/Geadresseer aan<br><b>DEPARTMENT OF TRANSPORT AND<br/>PUBLIC ROADS, DEPUTY DIRECTOR<br/>GENERAL: ROADS INFRASTRUCTURE<br/>PO BOX 2603, CAPE TOWN 8000</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | Insured value of contents<br>Versekerde waarde van inhoud R _____ C                                                           |  |
| Postcode<br>Postkode                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | <b>Enquiries/Navrae</b><br><b>Toll-free number</b><br><b>Tolvry nommer</b><br><b>0800 111 502</b>                             |  |
| The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only.<br>Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing. |  | Initial of accepting officer<br>Paraaf van aanneem-beampte<br>Date stamp<br><b>01 DEC 2022</b><br><b>FOLIO 7</b>              |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                                                              |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>REGISTERED LETTER</b><br><b>GEREGISTREERDE BRIEF</b><br>(with an insurance option/met 'n versekeringsopsie)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |  <b>Post Office</b>                                       |  |
| <b>Full tracking and tracing/Volledige volg en spoor</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | Postage paid R _____ C<br>Service fee/Diensgeld R _____ C<br>Insurance/Versekering R _____ C<br><b>Total/Totaal R _____ C</b>                |  |
| Addressed to/Geadresseer aan<br><b>COR VAN DER WAAL: LAND USE<br/>MANAGER, DEPARTMENT OF AGRICULTURE,<br/>PRIVATE BAG X 1<br/>ELZENBULL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | Insured value of contents<br>Versekerde waarde van inhoud R _____ C                                                                          |  |
| Postcode<br>Postkode                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | <b>Enquiries/Navrae</b><br><b>Toll-free number</b><br><b>Tolvry nommer</b><br><b>0800 111 502</b>                                            |  |
| The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only.<br>Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde briewe van toepassing. |  | Affix Track and Trace customer copy<br><b>REGISTERED LETTER</b><br>(with a domestic insurance option)<br>RC484525686ZA<br><b>A BOOK COPY</b> |  |

Annexure F:  
Comments from Department of Agriculture



**Western Cape  
Government**

Cor Van Der Walt  
LandUse Management  
Email: Cor.VanderWalt@westerncape.gov.za  
tel: +27 21 808 5099 fax: +27 21 808 5092

---

**OUR REFERENCE : 20/9/2/5/4/376**  
**YOUR REFERENCE : LU/14682 (TP94/2022)**  
**ENQUIRIES : Cor van der Walt**

Emile Van Der Merwe Town Planning Consultants  
Email: emilevdm@adept.co.za

Att: Emile Van Der Merwe

**PROPOSED CONSENT USE: DIVISION PAARL**  
**FARM NO 1106**

Your application of 12 September 2022 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed restaurant and function venue in lieu of the existing wine tasting facility.

The three proposed tourist dwellings is not supported as it exceeds the recommended number of tourist accommodation units for a property of this size, as per the Western Cape Land Use Planning Guidelines for Rural Areas 2019.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



**Mr. CJ van der Walt**

**LANDUSE MANAGER: LANDUSE MANAGEMENT**

**2023-02-16**

Copy:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599



Annexure G:

Comments from Department Transport & Infrastructure



**Western Cape  
Government**

Infrastructure  
**Vanessa Stoffels**

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

**Ref:** TPW/CFS/RP/LUD/REZ/SUB-10/520 (Job 8061)

Emile van der Merwe Town Planning Consultants  
PO Box 204  
**STELLENBOSCH**  
7599

Attention: Mr E van der Merwe

**FARM NO. 1106, PAARL DIVISION: DIVISIONAL ROAD 1343: APPLICATION FOR CONSENT USE**

1. Your application received from Mr E van der Merwe on 9 December 2022 refers.
2. The subject property is in Franschhoek and takes access off Divisional Road 1343 (Excelsior Road).
3. This application is for Consent Use to utilise the existing wine tasting area ( $\pm 190\text{m}^2$ ) and outside seating area ( $\pm 210\text{m}^2$ ) for restaurant and function purposes and to utilise the existing 3 cottages as a tourism accommodation establishment (8 bedrooms in total).
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014, on condition that the access at km1.67 RHS will be the only access used for this consent use.

Yours Sincerely

**SW CARSTENS**

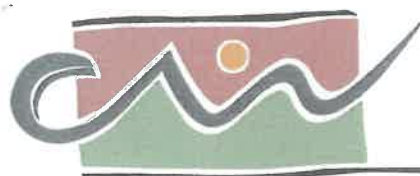
**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE**

**DATE: 23 June 2023**

**ENDORSEMENTS**

1. Applicant: Emile van der Merwe Town Planning Consultants  
Attention: Mr P Mons (e-mail: emilevdm@adept.co.za)
2. District Roads Engineer  
Paarl
3. Mr E Smith (e-mail)
4. Ms S du Preez (e-mail)
5. Mr S Carstens (e-mail)

Annexure H:  
Comments from Cape Winelands Health



# CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMIBUZO:  
TELEFOON/TELEPHONE/UMNXEBA:  
FAKS/FAX/IFEKSI:  
E-POS/E-MAIL/E-MAIL:  
U VERW/OUR REF/IREF YAKHO:  
ONS VERW/OUR REF/IREF YETHU:

Mnr. M. Matthee  
021-8711001  
021-8721277  
[matthee@capewinelands.gov.za](mailto:matthee@capewinelands.gov.za)  
Farm 1106, Paarl (LU/14682)  
Farm No. 1106

Alexanderstraat 46 Alexander Street  
☒ 100  
STELLENBOSCH  
7599

24 November 2022

**The Municipal Manager  
Stellenbosch Municipality  
P.O. Box 17  
STELLENBOSCH  
7599**

**Director: Planning & Economic Development**

Dear Sir / Madam

## **COMMENT ON LAND USE APPLICATION: LA BOURGOGNE, FARM 1106 PAARL**

Your email dated 23 November refers.

From an environmental health perspective this application for a restaurant, function venue and guest cottages, is recommended for approval, if the following conditions are complied with:

### **1. Environmental Pollution**

- 1.1 No environmental pollution (water, air, dust or noise) may occur on any part of the premises during the construction and operation of the mentioned facilities.

### **2. Sewage / Sanitary Facilities**

- 2.1 The sewage disposal from the proposed development must adhere to specifications, conditions and approval received from the National Department of Water & Sanitation.
- 2.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility.
- 2.3 Toilet facilities must adhere to National Building Regulations standards.
- 2.4 Disabled toilet facilities must be provided.



### 3. Potable Water / Storm water

- 3.1 Drinking water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS 241.
- 3.2 The collection and subsequent disposal of storm water must be approved by the Department of Water & Sanitation.

### 4. Solid Waste Disposal

- 4.1 Refuse collecting and removal must be nuisance free at all time.

### 5. Food Handling

- 5.1 **All facilities where food is handled**, must comply with the minimum structural and hygiene requirements for food handling premises, as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs Act (Act 54 of 1972).
- 5.2 **Food handling areas may under no circumstances operate without a prior application being made to the Municipal Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only be issued after inspection and if the premises meets the requirements of Regulation R638.**

### 6. General Conditions

- 6.1 The planned operations/businesses may not result in a "noise disturbance" or a "noise nuisance" as defined in the Noise Control Regulations PN 627/1998, in terms of the Environmental Conservation Act (Act 73 of 1989), as well as the provisions of SANS Code 0103 – 2008. Any noise pollution is prohibited as defined in the Municipal Health By-laws of the Cape Winelands District Municipality.
- 6.2 The requirements for smoking in public places as contained in Regulation 975 – Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, must be complied with at all times.
- 6.3 This Department reserves the right to set further requirements during the running of the business.

## 7. Accommodation Facilities (Guest Cottages)

Shall comply, at all time, with all the following requirements as stipulated in the Municipal Health By-laws: Cape Winelands District Municipality No.6696 of 15 February 2010.

No person shall use any building as an accommodation establishment unless—

- (a) it is in good structural condition outside and inside and in a proper state of repair;
- (b) not less than one bathroom is provided for the first eight lodgers, with one additional bathroom for every additional twelve lodgers or part thereof;
- (c) every bathroom—
  - (i) is provided with a hand wash-basin;
  - (ii) is provided with a bath or shower; and
  - (iii) is provided with an adequate supply of cold and or hot running water.
- (d) sanitary conveniences are provided on the basis of one convenience for the first eight lodgers and thereafter one convenience for every additional twelve lodgers or part thereof: provided that a sanitary convenience shall not be installed in the same room as a bath or shower, en-suite bathrooms excluded.
- (e) the faecal matter arising in respect of the accommodation is properly stored and, except where pit latrines or a method for the adequate treatment of such matter by means of an enzymatic or chemical process is provided, is properly removed and disposed of;
- (f) a receptacle with a close-fitting lid is provided in a latrine.
- (g) the household refuse arising in respect of the accommodation is properly removed and
- (h) all water supply fittings and fittings that relate to sanitation and ablution are in a working order.

The planned development is situated in an agricultural use zoning area and the facilities of the planned development will be exposed to normal agricultural activities and effects. Guest may be inconvenienced by these agricultural activities.

Yours faithfully



**M. MATTHEE**  
**ENVIRONMENTAL HEALTH PRACTITIONER**  
**for MUNICIPAL MANAGER**

Annexure I:  
Comments from Engineering Services



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH · PNIEL · FRANSCHHOEK

# MEMORANDUM

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>To ▫ Aan:</b>           | <b>Director: Planning + Economic Development</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Att Aandag</b>          | <b>Bulelwa Mdoda</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>From ▫ Van:</b>         | <b>Principal Technician: Development (Infrastructure Services)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Author ▫ Skrywer:</b>   | <b>Kurt Titus</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Date ▫ Datum:</b>       | <b>13 March 2024</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Our Ref ▫ Ons Verw:</b> | <b>Civil LU 2418</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Your Ref:</b>           | <b>LU/14682</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Re ▫ Insake:</b>        | <b>Farm 1106, Paarl: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for a Consent Use for the following: For a tourist facility to utilise the existing wine tasting facility (±190m<sup>2</sup>) and outside seating area (±210m<sup>2</sup>) for restaurant purposes and to utilise the said existing wine tasting area as Function Venue. For additional use that exceeds the threshold in order to allow the existing 3 cottages to be utilised as tourist dwelling units (8 bedrooms in total).</b> |

The application is recommended for approval, subject to the following:

- 1. Civil Engineering Services**
  - 1.1 No Municipal water and sewer services are effected.**
- 2. Roads**
  - 2.1 Access is from a provincial road – adhere to the approval condition from the Provincial Roads Engineer.**

**2.2 Parking should be inline with the municipal zoning scheme.**

**3. Development Charges (DCs)**

- 3.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 3.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 3.3 The appropriate DC's are payable before building plan approval and or consent use approval if build plan approval is not applicable.

*K Titus*

**Kurt Titus**

**Principal Technician: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

Z:\2.0 DEVELOPMENT\01 Land Use applications\2418 (CT-Ku) Farm 1106 Paarl (LU-14682)\2418 () Farm 1106 Paarl (LU-14682).doc





# Stellenbosch Municipality

## Development Charge Calculation



| APPLICATION INFORMATION                 |                                                                                                                               |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Application Number:                     | LU CIV 2629                                                                                                                   |
| Development Name:                       |                                                                                                                               |
| Date:                                   | 13 March 2024                                                                                                                 |
| Financial Year:                         | 2023/2024                                                                                                                     |
| Erf Location (Select from 7 Locations): | Franschoek                                                                                                                    |
| Erf Region (Select Urban or Rural):     | Urban                                                                                                                         |
| Erf No. / Farm No.:                     | FARM 1108                                                                                                                     |
| DC Parameters Reference:                | DC Land Use Application_ Erf 1108_ Extract from LU motivation September 2023_ Email from Emile van der Merwe_ 22 January 2024 |

| SUMMARY OF DC CALCULATION                                     |              |        |            |             |                   |                                |             |              |  |
|---------------------------------------------------------------|--------------|--------|------------|-------------|-------------------|--------------------------------|-------------|--------------|--|
| Service:                                                      | Water        | Sewer  | Stormwater | Solid Waste | Roads & Transport | Sub Total (Civil Eng Services) | Community   | Totals       |  |
| Unit(s):                                                      | kl/day       | kl/day | ha°C       | t/week      | trips/day         |                                | persons     |              |  |
| Total Increased Services Usage:                               | 5.87         | 4.505  | 0.1135     | 0.308       | 85.5              |                                | 15.35       |              |  |
| Total Service Usage Reduction:                                | 0            | 0      | 0          | 0           | 0.0               |                                | 0           |              |  |
| Total Service Usage after Reduction:                          | 5.87         | 4.51   | 0.11350    | 0.308       | 85.5              |                                | 15          |              |  |
| Charges before adjusting for positive only, before Deductions | R 174 255.22 | R -    | R -        | R -         | R -               | R 174 255.22                   | R 37 026.97 | R 211 282.19 |  |
| Charges adjusted for positive only, before Deductions         | R 174 255.22 | R -    | R -        | R -         | R -               | R 174 255.22                   | R 37 026.97 | R 211 282.19 |  |
| Total Deductions:                                             | R -          | R -    | R -        | R -         | R -               | R -                            | R -         | R -          |  |
| Total Development Charges Payable (excluding VAT):            | R 174 255.22 | R -    | R -        | R -         | R -               | R 174 255.22                   | R 37 026.97 | R 211 282.19 |  |
| VAT:                                                          | R 26 138.28  | R -    | R -        | R -         | R -               | R 26 138.28                    | R 5 554.05  | R 31 692.33  |  |
| Total Development Charges Payable (including VAT):            | R 200 393.51 | R -    | R -        | R -         | R -               | R 200 393.51                   | R 42 581.01 | R 242 974.52 |  |

| APPLICANT INFORMATION     |                                                                                                                                         |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Application Processed by: | Kurt Thus                                                                                                                               |
| Signature:                | <i>K. Thus</i>                                                                                                                          |
| Notes:                    | 8 x rooms (Converted Guest House)_ First three trigger no DC , total 5 x rooms - Outside seating = 65 people _ Restaurant = 190m2 (GLA) |

## Franchisehook

| Land Use Category | Unit Type                                   | Existing Usage |                        |             | Proposed New Usage |                        |             | Increased Usage Amount | Development Charge Levied (excl VAT) |       |            |             |                   | Community                     |     | Total |
|-------------------|---------------------------------------------|----------------|------------------------|-------------|--------------------|------------------------|-------------|------------------------|--------------------------------------|-------|------------|-------------|-------------------|-------------------------------|-----|-------|
|                   |                                             | Unit           | Area (m <sup>2</sup> ) | Unit Amount | Rate               | Area (m <sup>2</sup> ) | Unit Amount | Rate                   | Water                                | Sewer | Stormwater | Solid Waste | Roads & Transport | Sub Total (Excl Eng Services) | Yes |       |
| Residential       | Single Residential >1000m <sup>2</sup>      | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Single Residential >500m <sup>2</sup>       | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Single Residential >250m <sup>2</sup>       | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Single Residential <250m <sup>2</sup>       | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Second Dwelling                             | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Less Formal Residential                     | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Group Residential                           | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Apartments                                  | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Retirement Village                          | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Old age home                                | du             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
| Accommodation     | Student Accommodation/Commune/Hotels        | rooms          |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Guest House                                 | rooms          |                        |             |                    |                        | 5           |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Converted Guest House                       | rooms          |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Hotel Residential                           | rooms          |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
| Commercial        | General Business                            | m2 GLA         |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Office                                      | m2 GLA         |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Retail/Shop                                 | m2 GLA         |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Restaurant                                  | m2 GLA         |                        |             |                    |                        | 100         |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Outdoor Function / Picnic Area              | persons        |                        |             |                    |                        | 65          |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Conference Facility/Place of assembly       | m2 GLA         |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Hospital/Clinic/Medical Rooms               | m2 GLA         |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | University/College                          | student        |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | School/Day Care                             | student        |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Industrial - light                          | m2 GLA         |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
| Industrial        | Industrial - heavy                          | m2 GLA         |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Warehousing/Light Manufacturing             | m2 GLA         |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Storage Facilities                          | unit           |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | Open Space/Natural Environment/Utility Site | ha             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
| Non demand        | Roads and Parking                           | ha             |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | To be calculated                            | n/a            |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
|                   | (Based on equivalent demands)               | n/a            |                        |             |                    |                        |             |                        | R                                    | -     | R          | -           | R                 | -                             | R   | -     |
| Total Area:       |                                             | 0              |                        |             |                    |                        | 0           |                        |                                      |       |            |             |                   |                               |     |       |

|                                                               |                                                                 |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
|---------------------------------------------------------------|-----------------------------------------------------------------|------------|------------|---|---|---|---|---|---|---|---|---|---|---|---|
| Charges before adjusting for positive only, before Deductions |                                                                 |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
| Deduct:                                                       | Charges adjusted for positive only, before Deductions           |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
|                                                               | Deductions per service (from usage reductions)                  |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
|                                                               | Discount Deduction (%)                                          |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
|                                                               | Percentage: 0.00%                                               |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
|                                                               | Additional Deduction per service - from Service Agreement (sum) |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
| Sub Total after Adjustments and Deductions (excluding VAT)    |                                                                 |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
| Totals                                                        | VAT                                                             |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
|                                                               | Total Development Charges                                       |            |            |   |   |   |   |   |   |   |   |   |   |   |   |
|                                                               | R                                                               | 174 255.22 | R          | - | R | - | R | - | R | - | R | - | R | - | R |
|                                                               |                                                                 | R          | 174 255.22 | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 174 255.22 | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | -          | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | -          | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | -          | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 174 255.22 | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 26 138.28  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 200 393.51 | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 211 282.18 | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R | - | R | - | R | - | R | - | R | - | R | - |
|                                                               |                                                                 | R          | 37 028.97  | R |   |   |   |   |   |   |   |   |   |   |   |

Annexure J:  
Comments from Spatial Planning



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

## Spatial Planning

To : Manager: Land Use Management  
 From : Manager: Spatial Planning  
 Reference : Farm 1106, Stellenbosch *Paarl*  
 LU No : LU/14682  
 Date : 2 August 2024  
 Re : Application for consent use on Farm 1106, Stellenbosch *Paarl*

STELLENBOSCH MUNICIPALITY  
 PLANNING AND DEVELOPMENT SERVICES

06 AUG 2024

**RECEIVED**

I refer to your request for comment on the above application.

### APPLICATION FOR THE FOLLOWING:

- **Consent Use** for the following:
  - For a tourist facility to utilise the existing wine tasting facility ( $\pm 190\text{m}^2$ ) and outside seating area ( $\pm 210\text{m}^2$ ) for restaurant purposes and to utilise the said existing wine tasting area as Function Venue.
  - For additional use that exceeds the threshold in order to allow the existing 3 cottages to be utilised as tourist dwelling units (8 bedrooms in total).

|                  |          |
|------------------|----------|
| FILE NR:         | F 1106 P |
| SCAN NR:         | 771544   |
| COLLABORATOR NR: |          |

### 1) Opinion/reasoning:

The amended Municipal Spatial Development Framework for the WC024 area was approved by Council in June 2023 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for.

all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The property is situated approximately 5k m to the south Franschhoek. Access is obtained via an approved access from Excelsior Road. The property is 13.92ha in extent and zoned for Agricultural Zone.

The current infrastructure on the farm comprises the following:

- Main Homestead and bona-fide agricultural outbuildings
- Existing wine tasting and sales area
- Existing cottages
- Farm Managers house
- Parking

The tourist facility and tourism dwelling units will be undertaken form a land unit where the primary use of the land is for bona-fide agriculture. The facilities are servient to the primary farming activities.

The application will not have a detrimental impact on the preservation of agricultural land and the continued use of the agricultural activities (vineyards on the farm). The tourist facility will be in keeping with the character of the buildings on the farm. The proposed facility is accessible from the existing internal farm road. The proposal will not interfere with the daily running of the farming operations and will not adversely affect the agricultural potential of the farming unit.

The development proposals are confined to the existing buildings to which previous planning approvals were granted. The existing wine tasting and sales facility will remain and provision is now made to allow the facility to be used for restaurant as well. The said proposal includes an outside seating area of  $\pm 210\text{m}^2$ .

The tourism dwelling units are confined and limited to the existing 3 cottages that have been used for the same purposes for the last number of years. A total of 8 guest bedrooms can be accommodated. Parking is provided in terms of the provisions of the zoning scheme (16 parking bays in total – wine tasting and sales).



The purpose of the **Agricultural Zone** is to make provision for:

- 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 land owners, without adversely impacting on the primary use of the land unit for agricultural purposes.

In terms of the approved MSDF the following guidelines are applicable to this specific application:

- Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.
- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
- All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area.
- Industry in rural areas should not adversely affect the agricultural potential of the property.
- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one

homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.

- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities.
- Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape that is in keeping with the local character is supported.
- Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
- Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

## 2) Supported / not supported:

This department therefore supports the application subject to the following condition:

- The agricultural industry should be subservient or related to the dominant agricultural use of the property and/or surrounding farms;
- The proposal should not adversely affect the agricultural potential of the farming unit.
- The 8 bedrooms must be confined in the existing 3 cottages and no new buildings to be build.

*This department reserves the right to revise initial comments and request further information based on any new or revised information received.*



**BJG de la Bat**  
**MANAGER: SPATIAL PLANNING**

Annexure K:  
Site Inspection photos



Figure 1: Parking area designated for the proposed tourist facility as viewed from Excelsior Road. The property is covered by existing trees that screen-off the existing activities on this farm.



Figure 2: The existing labourer's cottages to be utilized for tourist accommodation establishment, as motivated by the applicant no changes will be made on the cottages.



Figure 3: The existing cottages are accessed through an internal gravel road and are screened off from Excelsior Road by established trees that are planted on the boundary of this property.