

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

Development Management Consultants and
Environmental Assessment Practitioners

Managing Director: DUPRÉ LOMBAARD

3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch
7600, South Africa

Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com



14 November 2024

(Property / reference: «Reference»)

«Salutation» «Initials» «Surname»

«Address_01»

«Address_02»

«Address_03»

«Address_04»

Per: «Registration_01»

«Registration_02»

Dear Sir / Madam

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA: APPLICATION FOR CONSENT USE ON PORTION 3 OF FARM NO. 140, STELLENBOSCH

Application property: Riverside Farm, Kylemore, Stellenbosch

Applicant: Dupré Lombaard, Virdus Works (Pty) Ltd, 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600; Cell: +27 82 895 6362; Email: dupre.lombaard@virdus.com

Owner: Flowerdew 89 CC Reg. No. 2002/064937/23, Represented by: Mr Barend Landman, Phone: +27 82 575 5988, E-mail: barend@landmanlift.co.za, Address: Riverside Farm, Kylemore, Stellenbosch, 7600

Reference number: LU / 16946 (TP678/2024)

Description of land development application: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023, for Consent Use for the use of the proposed second dwelling on the farm as a four bedroom guest house.

Notice is hereby given in terms of the provisions of said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of said Bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: **Dupré Lombaard, Virdus Works (Pty) Ltd, Email: dupre.lombaard@virdus.com**. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant. The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **18 December 2024**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date. For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the

Applicant for assistance at the e-mail address provided or telephonically by WhatsApp at +27 82 895 6362 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA: AANSOEK OM VERGUNNINGSGEBRUIK VAN GEDEELTE 3 VAN PLAAS NR. 140, STELLENBOSCH

Aansoek eiendom: Riverside Farm, Kylemore, Stellenbosch

Aansoeker: Dupré Lombaard, Virdus Works (Pty) Ltd, 3^{de} Vloer, Time Square, Elektronstraat, Techno Park, Stellenbosch, 7600; Sel: +27 82 895 6362; Epos: dupre.lombaard@virdus.com

Eienaar: Flowerdew 89 CC Reg. No. 2002/064937/23, Represented by: Mr Barend Landman, Phone: +27 82 575 5988, E-mail: barend@landmanlift.co.za, Address: Riverside Farm, Kylemore, Stellenbosch, 7600

Verwysing: LU / 16946 (TP678/2024)

Besonderhede van aansoek: Aansoek word gedoen ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Grondgebruikbeplanning Verordening, 2023, vir Vergunningsgebruik van die voorgestelde tweede wooneenheid op die plaas as gastehuis met vier kamers.

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek ingevolge Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: **Dupré Lombaard, Virdus Works (Pty) Ltd, Email: dupre.lombaard@virdus.com**. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat persoonlike inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word. Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **18 Desember 2024**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word. Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies per WhatsApp by +27 82 895 6362 gedurende normale kantoor ure.

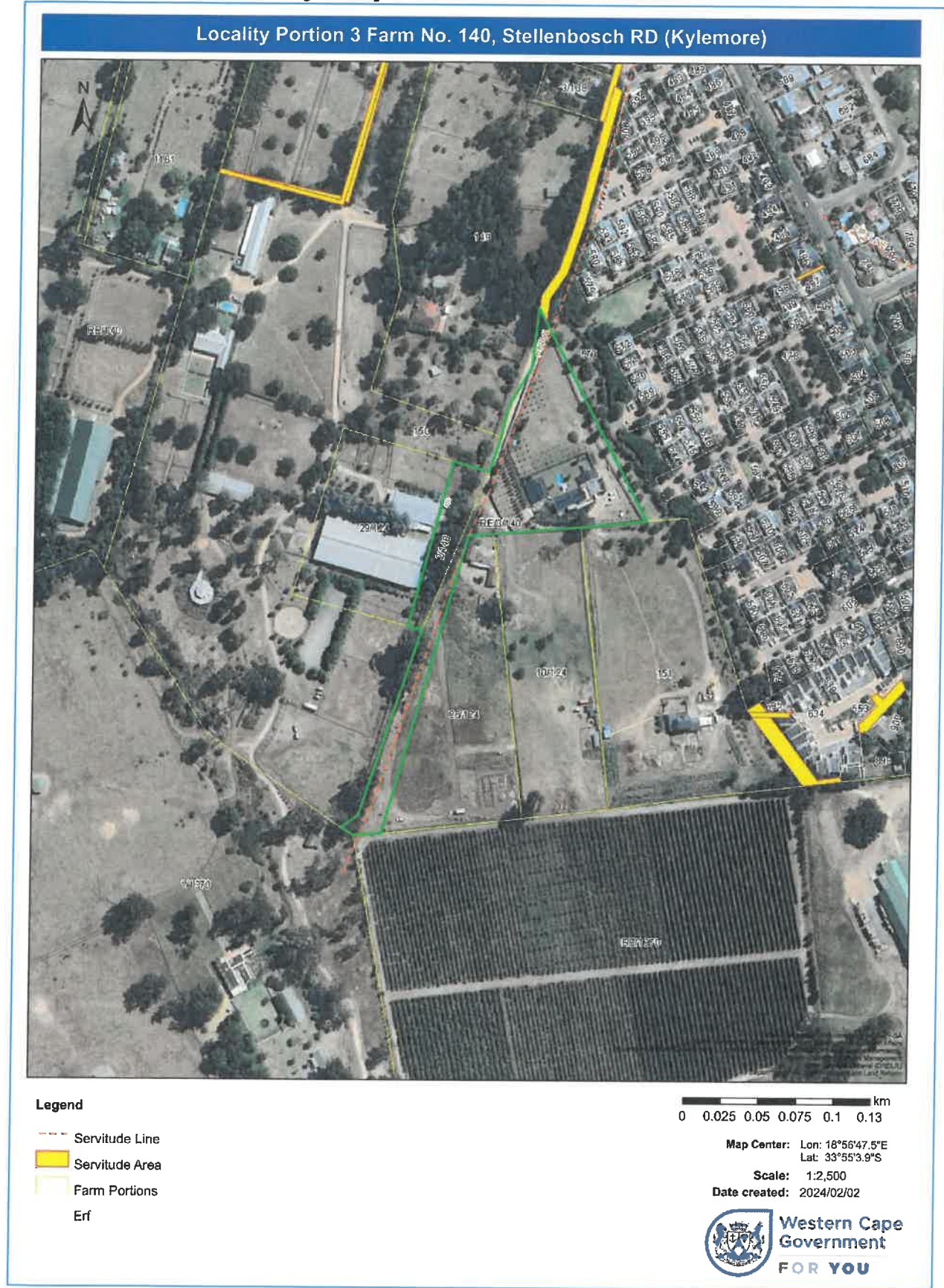
Yours faithfully / Die uwe

Dupré Lombaard

Technical Planner and Environmental Assessment Practitioner

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

Annexure A: Locality map





Annexure C: Executive summary

This amended motivation report is submitted in response to the email from case officer, Ms B Zondo, dated 09 October 2024, read with the submission of an amended application form and site development plan, submitted under cover of a letter dated 20 September 2024. The amendments are made in terms of Section 52 of the Stellenbosch Municipality Land Use Planning Bylaw, 2023.

The amendments entail the submission of a building plan for a second dwelling in compliance with the Stellenbosch Municipality: Zoning Scheme Bylaw, 2019, as a primary right and for the use of the second dwelling as a guest house with four guest bedrooms, i.e., the use of the house in its entirety for guest house purposes, while the owner resides on the property in the main dwelling.

The application is therefore for approval of a consent use for a guest house, in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB), read with Sections 207, and 213 of the Zoning Scheme Bylaw.

The property has an Agricultural and Rural Zone, and is 1,1392ha in extent. It has been cultivated with an orchard mostly for own use, but with surplus provided to local suppliers. The farm has a borehole that supplies it with potable and irrigation water. Sewerage is collected in a conservancy tank and removed periodically for emptying to the municipal works. Solid waste is removed by the Municipality.

Access to the farm is to the north from Klip Street in Kylemore via a servitude access road.

There are no title deed restrictions preventing the proposed consent use in Deed T1250/2017.

APPLICATION FOR CONSENT USE ON

PORTION 3 OF FARM RIVERSIDE NO. 140,
STELLENBOSCH RD



Original: March 2024
Amended: October 2024

CONTENT

Executive Summary

Motivation Report

1.	BACKGROUND	5
1.1	Introduction.....	5
1.2	Proposal.....	6
2.	LAND DEVELOPMENT APPLICATION AND AUTHORISATION	7
2.1	Land use.....	7
2.2	Application.....	9
2.3	Title deed restrictions.....	9
3.	MOTIVATION	10
3.1	Stellenbosch Municipality IDP and SDF.....	11
3.2	Provincial Spatial Development Framework	11
3.3	SPLUMA principles.....	12
3.4	LUPA principles.....	14
3.5	Environmental Management	15
3.6	Heritage	15
3.7	Architecture	15
3.8	Engineering	15
4.	CONCLUSION	15

Table of figures

Figure 1: Portion 3 of Riverside Farm No. 140, Stellenbosch locality.....	5
Figure 2: Site development plan for Ptn 3 Farm 140, Stellenbosch.....	6
Figure 3: Portion 3 of Riverside Farm No. 140, Stellenbosch situation.....	7
Figure 4: Werf concept on Ptn 3 Farm 140, Stellenbosch.....	8

ANNEXURE**ANNEXURE A: LOCALITY****ANNEXURE B: APPLICATION AUTHORISATION****ANNEXURE C: APPLICATION FORM****ANNEXURE D: CONVEYANCER'S CERTIFICATE****ANNEXURE E: TITLE DEED****ANNEXURE F: DIAGRAM****ANNEXURE G: SITE DEVELOPMENT PLAN**

EXECUTIVE SUMMARY

MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: PORTION 3 OF FARM RIVERSIDE NO. 140, STELLENBOSCH RD SG Code: C06700000000014000003 / Location: Lat: 33° 55' 0.984" S Lon: 18° 56' 49.311" E	
<u>Owner:</u> Flowerdew 89 CC Reg. No. 2002/064937/23 Represented by: Mr Barend Landman Cellular: +27 82 575 5988 E-mail: barend@landmanclift.co.za Address: Riverside Farm, Kylemore, Stellenbosch, 7600	<u>Project Consultant:</u> Virdus Works (Pty) Ltd Reg. No. 2018/585747/07 Represented by: Mr Dupré Lombaard SACPLAN: B/8076/1998 // EAPASA: 2019/304 Cellular: +27 82 895 6362 E-mail: dupre.lombaard@virdus.com Address: 3 rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

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The property has an Agricultural and Rural Zone, and is 1,1392ha in extent. It has been cultivated with an orchard mostly for own use, but with surplus provided to local suppliers. The farm has a borehole that supplies it with potable and irrigation water. Sewerage is collected in a conservancy tank and removed periodically for emptying to the municipal works. Solid waste is removed by the Municipality.

Access to the farm is to the north from Klip Street in Kylemore via a servitude access road.

There are no title deed restrictions preventing the proposed consent use in Deed T1250/2017.

MOTIVATION REPORT

1. BACKGROUND

1.1 Introduction

Portion 3 of Riverside Farm No. 140, Stellenbosch, is located south of the Capolavoro Estate in Kylemore. It is accessed via a servitude road from Klip Street in Kylemore. The farm has an area of 1,1392ha, abutting a seasonal stream that is a tributary of the Dwars River.



Figure 1: Portion 3 of Riverside Farm No. 140, Stellenbosch locality

The farm was acquired by the current owner in 2017, following which it has been developed by the establishment of a dwelling, outbuildings, and an orchard. The primary use of the property is agriculture, with 0,6ha used as orchard and 0,3 for

farm buildings. The remaining land retains natural vegetation and access to the adjacent farms.

1.2 Proposal

The proposal is to build a second dwelling with a coverage area of 423,68m² as a primary right on an unused portion of the farm and the use thereof as a guest house¹ with four bedrooms, to be used for transient guests while the owner resides in the main dwelling on the farm.

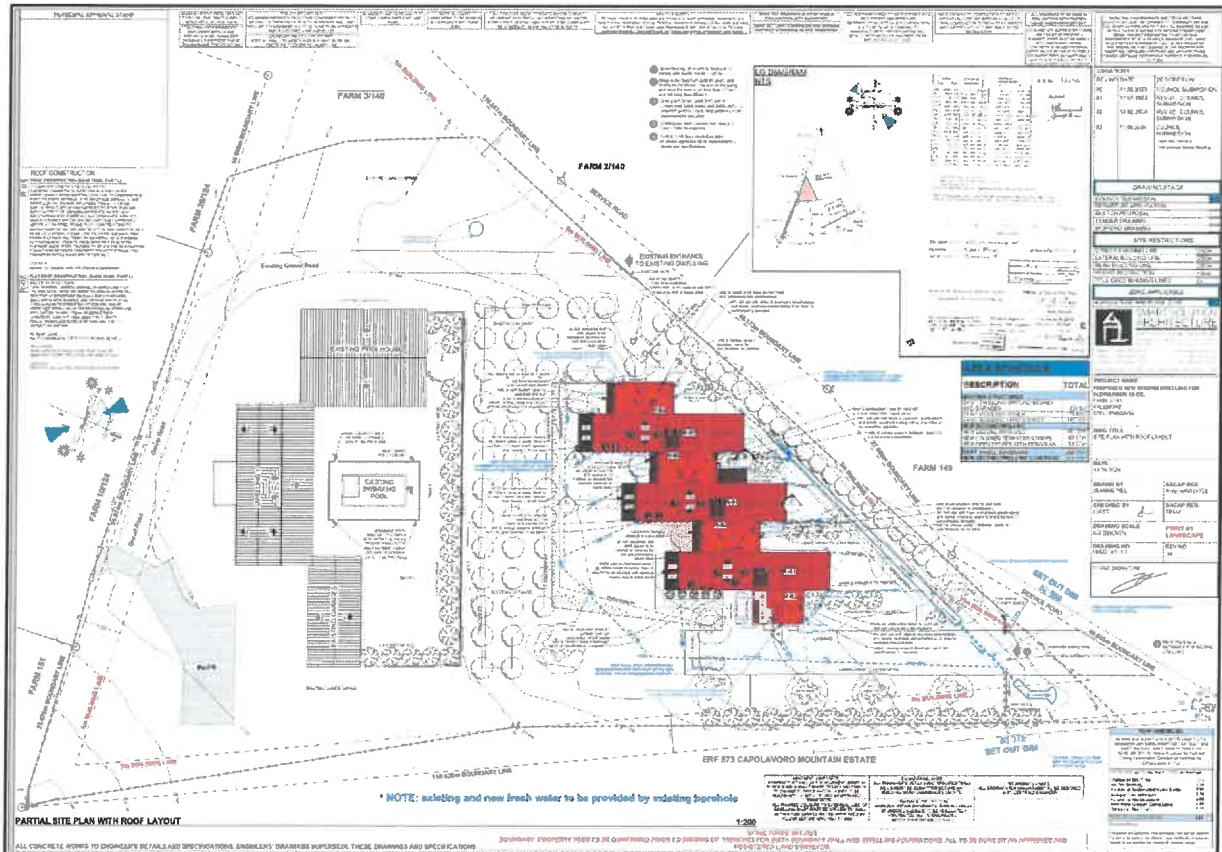


Figure 2: Site development plan for Ptn 3 Farm 140, Stellenbosch

¹ "guest house" (*gaste huis*) means the use of furnished bedrooms or suites in a dwelling house and/or second dwelling, for the accommodation of **transient guests**, where accommodation is rented out on an individual room- by-room basis, where no proprietor is required to live on the property as a permanent resident, and where no self-catering facilities are provided, subject to the following: - in the zones where this Scheme permits a dwelling house or second dwelling house but not flats or hotel, the scale of anyone building may not exceed that of a dwelling house or second dwelling house which would ordinarily accommodate one family and must be able to revert back to a dwelling house when no longer used for a guest house. - up to one meeting room and one room for beauty treatments per land unit may be provided on properties which are zoned other than Conventional Residential zone, provided that the facilities may only serve resident guests of that specific land unit and may not be used by residents of the same enterprise who reside on different land units. - at least one communal bathroom shall be provided to guests, but rooms may be an en-suite. - one kitchen per dwelling unit will be retained from which the establishment may serve meals to guests who are resident on that same land unit. - it is not compulsory for the establishment to have staff present on a 24-hour basis, but the operation may include such staff. - a guest house premises may be licensed to sell liquor for consumption on the property in a Local Business zone, Mixed-use Zone, Agriculture and Rural Zone, and Open Space Zone. In any other zones, a consent use application must first be approved before such a license may be issued. - a guest house may not include a shop for sale of alcohol for off-site consumption. - alcohol may only be served to resident guests and the facility may not include a pub.

The site development plan of the farm shows the existing buildings and use areas, in keeping with the requirements of the Bylaw.

2. LAND DEVELOPMENT APPLICATION AND AUTHORISATION

2.1 Land use

In terms of the Zoning Scheme Bylaw, one dwelling house and one second dwelling shall be permitted on any land unit as a primary right, each of which may not exceed a coverage of 600m². Coverage excludes garages, carports, or outbuildings which are ordinarily associated to a dwelling house for one family, as exist on the property and shown on the site development plan (SDP). The existing buildings cover 495,35m².



Figure 3: Portion 3 of Riverside Farm No. 140, Stellenbosch situation

The proposed second dwelling covers an area of 423,68m². The number or scale of buildings, in which accommodation for transient guests is proposed to be provided,

do not exceed the scale of dwelling houses and additional dwelling houses permitted on a land unit. The remaining 0,3ha is used for the farm dwelling, and outbuildings. As indicated above, the farm is used primarily for agricultural purposes², namely for orchards, access to adjacent farms, and natural vegetation on approximately 0,8ha.

When considering a consent use application, the Municipality must consider the assessment criteria and other requirements in Section 213.

- ✓ A site development plan in accordance with the requirements of Section 216 of the ZSB is submitted herewith.
- ✓ As already indicated above, the scale of the individual buildings used for consent uses are (and must) remain in keeping with the character of buildings on the land unit. The layout of the buildings on the farm are cognisant of the "Werf" concept, albeit in modern style.

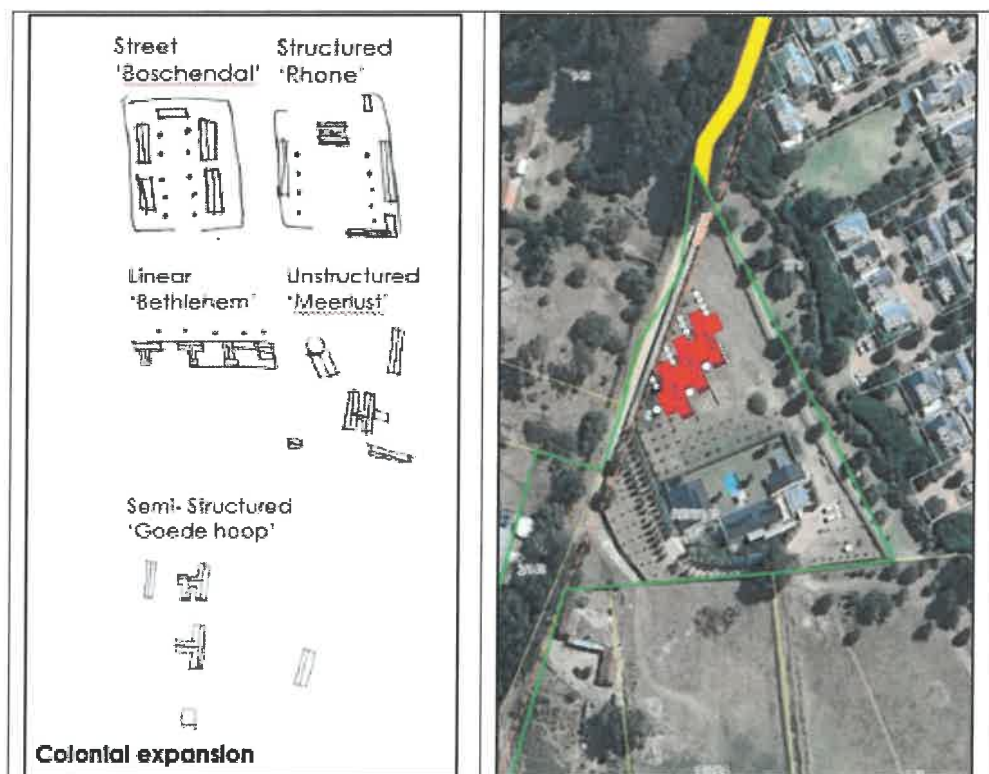


Figure 4: Werf concept on Ptn 3 Farm 140, Stellenbosch

² "agriculture means the cultivation of land for crops and/or plants, the keeping and/or breeding of animals, livestock, game, bees, birds, whether or not in the open or in enclosures, and/or the breeding of water fauna and/or flora in artificially constructed dams or natural waterways, and includes a riding school, generating compost for own use on the land unit or farm, but excludes intensive feed farming or any other additional or consent uses in the Agriculture and Rural zone".

The Bylaw further determines that: "The purpose of this zone is to make provision for: (a) the protection and preservation of agricultural land, rural landscapes and biodiversity; (b) use of land for purposes of bona fide agricultural production or conservation; (c) buildings and structures which may be erected for reasonable and normal agricultural purposes; (d) 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".

The Conservation Management Plan for the Tangible Heritage Resources in the Stellenbosch Municipality, 2019, requires of development in the Dwars River Valley to: "*Respect traditional werf settlement patterns by considering the entire werf as the component of significance. This includes the backdrop of the natural landscape against which it is sited, as well as its spatial structure. Any development that impacts the inherent character of the werf component should be discouraged.*"

The architects took cognisance of the requirement and accordingly propose the "*layout, scale, massing, hierarchy, alignments, access, landscaping, and setting*" as shown in the SDP, with the proposed unit closing the north-western side of the werf.

- ✓ The proposed guest house use fits with the objectives of the Agriculture and Rural Zone as indicated in footnote 2, by not having any negative effect on the preservation of agricultural land and the continued use of farmland for agriculture. The proposed building does not diminish the supply of productive cultivated land and does not have a negative effect on the productive capacity of the farm or the surrounding area.

The non-agricultural land uses (guest house) do not dominate the farm activities or buildings form.

- ✓ The proposed use is subservient to the primary use of bona fide agriculture and retained natural environment as the primary agricultural uses. The proposed dwelling units take direct access off the existing farm road and servitude access, without increasing the overall area effect of the dwellings. The non-agricultural uses thus cover no more than 5% of the total farm area and do not disrupt the agricultural use.
- ✓ The application is for approval of the proposed new building for the guest house, as there are no other suitable unused buildings on the land unit which can be used for the purpose. When the current owner acquired the farm in 2017 it was completely vacant and undeveloped.

2.2 Application

Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB), read with Sections 207, 208, and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB), for the construction of a second dwelling to be used as a guest house on Portion 3 of Farm Riverside No. 140, Stellenbosch.

2.3 Title deed restrictions

The title deed (T1250/2017) of the farm is attached together with the conveyancer's certificate. There are no restrictive title conditions that prevent the proposed use of the land for the proposed guest house and consent use.

3. MOTIVATION

The Stellenbosch municipal spatial development framework (SDF) and the integrated development plan (IDP) make specific provision for the use of agricultural assets and land as part of the attraction of the Stellenbosch municipal area. It confirms that the natural assets and the agricultural character are major elements in the area's attraction for tourism and that tourism is one of the largest creators of employment and it makes a substantial contribution to the economic sustainability of the Stellenbosch agricultural sector.

Moreover, the Dwars River Valley has an attractive character, and many farms in the Valley offer guest houses, guest accommodation, spa's / wellness centres, shops, restaurants, and events venues. The farms in the Valley are of varying extent and the larger ones are used primarily for commercial agricultural purposes, while others are not commercially viable and require additional and consent uses such as tourist facilities and accommodation establishments to supplement the primary use. Without such supplementary uses, the farms will not be sustainable, and the area would be bound to degrade.

The Bylaw determines that tourist facilities in the Agriculture and Rural Zone may only be undertaken from a land unit where the primary use of the land is *"bona fide agriculture or natural environment or a combination of these uses and where the proposed activity is subservient to the primary land use on the farm."* Compliance with this criterion has been illustrated above, with the SDP showing that 95% of the land unit remains to be used for agricultural purposes, and the guest house will not affect the use. The accommodation establishment will also not be affected by the agricultural use of the farm or any of the surrounding farms, as the attraction for tourists to stay in such establishment is the rural setting and agricultural environment.

The potential tourist numbers (and thus traffic generated by it) will be low if the Wesgrow and Western Cape Government statistics are correct. Wesgrow (Tourism Research Overview, 2023) indicates that approximately 1,9 million international 6 million domestic visitors come to the Western Cape Province annually. 35 - 40% of the domestic tourists visit the Cape Winelands, while 70% of international tourists visit the Winelands. Of these, only 35% overnight in the Winelands, spread over a large number of accommodation establishments, and focused (53%) on cultural and heritage attractions and outdoor activities.

The owner wishes to increase the revenue potential of the farm, which in its current form is a "gentleman's estate" rather than a productive agricultural unit. While the agricultural use of the property is predominant, it does not generate any feasible financial returns and the only way to improve on the revenue outlook for the property is by the creation of a tourist-related use that does not have negative effects on the farm's agricultural use, or that of the surrounding properties. The potential for the guest to cause nuisances and disturbances is deemed extremely low and the use could accordingly be approved in keeping with the relevant statutory provisions in the Bylaw.

The proposed second dwelling is a permitted primary use of the land.

3.1 Stellenbosch Municipality IDP and SDF

Although the proposed guest house use is of such minor nature that it cannot be assessed in terms of the spatial planning policies of the Municipality, reference thereto is included for the sake of completeness in the motivation. Suffice to state that the Integrated Development Plan 2023 (IDP), and the Spatial Development Framework (SDF) provide for the retention of the agricultural and natural character of the Stellenbosch rural landscape as a primary attraction. On the other hand, diversification of agricultural activities to enhance the economic sustainability of the farms is promoted.

This application is in line with the relevant policies. Although of limited scale and reliant on visitors who use their own vehicles or rent vehicles, it will make a contribution to local tourism and the local economy. In this respect, the IDP makes specific provision for the use of farms as tourism attractions: *"Manage and develop tourism as one of the key economic sectors - Facilitate the development of tourism attractions, as contained in the Local Economic Development Strategy, in all sectors and at all levels of the local economy."* It further states that the Municipality must *"Support compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate."*

The SDF specifically states that the protection and expansion of tourism assets and the protection of agricultural land, enablement of its use and expansion of agricultural output are core to the sustainability of Stellenbosch. Considering the proposal to maintain the farm as an agricultural asset by placing the proposed units on the side of the farm in a werf layout, there is positive alignment between the policy and the proposal.

3.2 Provincial Spatial Development Framework

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 tourism related uses in the area. Nothing proposed in this application contradicts any of the said principles or guidelines. As above, the level and the nature of the of the proposed use are of such insignificance in provincial terms that a full assessment of this aspect is not justified.

The Western Cape Rural Development Guidelines indicate that: *"The Western Cape economy is founded on the Province's unique asset base. These include farming resources, that make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g., agri-processing) underpin the Province's industrial sector; and its natural capital (i.e., biological diversity) and varied scenic and cultural resources which are the attraction that makes the Western Cape the country's premier tourism destination. The Western Cape seeks to ensure: 1) sustainable development of its rural areas; 2) conservation of their biological*

diversity; 3) functionality of ecosystems; 4) protection of agricultural productive land; and 5) safeguarding of rural heritage and culture."

The proposal is in keeping with the relevant provincial policies by the proposed accommodation establishment use being limited and the planning done in a way to minimise any effect on the agricultural use of the farm and the surrounding area.

3.3 SPLUMA principles

The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration have all been considered in making this application.

- ✓ Spatial Justice. It refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by past spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.

The proposed use of the land does not have any negative effect on the spatial development framework and policies for such redress.

It does not prevent or hinder access to additional land for the poor for settlement purposes and it does not add to the cost of land acquisition to the state, as it is outside of the urban edge and not identified as settlement land or land for land reform purposes.

- ✓ Spatial Sustainability. According to this principle, a sustainable form of development must be pursued. Amongst others it means promoting less resource consuming development typologies that promote compaction and mixed-use urban environments. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and limits urban sprawl.

Spatial sustainability, although primarily focused on urban development, has been considered. The proposed use of the land does not have any negative effect on the abutting Kylemore urban area and fits with the surrounding rural area. Albeit insignificantly small, the guest house will contribute to the municipal and local economic revenue base, without requiring public expenditure to occur. Moreover, it is located in an area where some of the primary tourist attractions as indicated above are located, and it complements these.

Land earmarked for agriculture, conservation, or urban development, is not negatively affected, or restricted by the proposed use of the farm. The proposed consent use is unlikely to cause the lowering of the service levels in municipal or other public infrastructure.

- ✓ **Efficiency.** It refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land. Inherent in this statement is the need to promote densification and compact urban development typologies. This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities, and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic, or environmental impacts. In addition, efficiency refers to the need for development application procedures that are efficient and streamlined.

Efficiency (optimising the use of existing resources and infrastructure) has been addressed and the use of the agricultural land resource will contribute to increased efficiencies. The attraction will further improve efficiency in the area, as it is located in an area where many tourist facilities are located, adding to the attraction while retained primarily as a farm in an agricultural environment.

- ✓ **Spatial Resilience.** In the context of land use management and planning, it refers to the need to promote the development of sustainable livelihoods for the poor (i.e., communities that are most likely to suffer the impacts of economic and environmental shocks). It also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks.

The applicant cannot dictate the SDF and other spatial planning policies and strategies. At best, the applicant can collaborate with the relevant authorities to assist with the implementation of the relevant policies and strategies, as is the case with this application. Spatial resilience has thus been addressed, as the SDF and other policies allow for flexibility to ensure sustainable use of land and development, amongst others by determining policy to assess the application in terms of the SDF and IDP strategies, both of which promote the better use of agricultural resources, and the conservation of the rural environment.

- ✓ **Good administration.** In the context of land development planning, it refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players ensure a joint planning approach is pursued. Land development decisions should seek to minimise the negative financial, social, economic, and environmental impacts of a development in an efficient process where all statutory requirements are adhered to.

Good administration is primarily a function of the authorities, not affected by the proposed use of the land. A flexible approach to the application and agreement on the achievement of the desired outcomes in the most economic and administratively justifiable and lawful manner is critically important. The applicant has taken the necessary actions to ensure that the decision-maker is provided with the required information to be able to take a decision based on the relevant considerations.

3.4 LUPA principles

The principles referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA) have all been considered. The LUPA considerations and development principles require:

- ✓ The protection and promotion of the sustainable use of land, which is the purpose of the proposal. As indicated above, the application does not affect land essential for conservation, other uses, or service delivery by the Municipality. The application however requires adherence to national and provincial government policies, which it does, as illustrated above, inclusive of the municipal spatial development framework that promotes the conservation of agricultural land and the rural character on land outside of the urban areas without negatively affecting the agricultural use.
- ✓ Consideration of the public interest, which is done through compliance with the aforementioned policies and guidelines, together with the creation of new economic opportunities in proximity of the other tourist facilities and existing road infrastructure without negative impact on surrounding land use or the natural environment.
- ✓ Promotion of constitutional transformation imperatives and the related duties of the state. No comment.
- ✓ Proper consideration of the facts and circumstances relevant to the application, as have been set out above, indicating grounds for a positive land development consideration and decision. The relevant considerations include that the property is a small farm with limited agricultural potential, most of which retained in the planning thereof and a guest house as a consent use to improve the economic sustainability thereof.
- ✓ The respective rights and obligations of all those potentially affected, primarily the surrounding property owners, public and private service providers and the wider community have been considered and there are no identified significant issues. The servitude access road to the farm is not limited in its use, while other farms have access over the property by way of agricultural access right of way.
- ✓ The impact of the proposed development on engineering services infrastructure, social infrastructure, and open space requirements is insignificant. The proposed use contributes to the provision of economic activities without requiring additional infrastructure services. No roads will be congested, or municipal services infrastructure overloaded, and the farm is self-sufficient with potable water.

The proposed use allows for the best possible use of the land resource.

3.5 Environmental Management

The proposed occasional use does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.

3.6 Heritage

The proposed occasional use does not require authorisation in terms of Section 38 of the National Heritage Resources Act, 1999, Act 25 of 1999.

3.7 Architecture

The proposed second dwelling will require building plan approval following a decision by the delegated decision-maker.

3.8 Engineering

No impact is foreseen on the traffic, as the projected visitor numbers are extremely low and the frequency and number of vehicles to or from the property, at most three to five per week and not during peak periods.

Electricity is supplied by Eskom, through an existing service, which does not require any upgrading.

The farm is self-sufficient with potable water from the borehole as indicated on the SDP and above.

The sewerage system is an existing conservancy tank system that is regularly emptied by a local service provider, in keeping with the approved building plans. The tank has sufficient capacity to accommodate the proposed use.

Solid waste is removed by the Municipality, which service will continue with no significant increase in volume.

4. CONCLUSION

The application made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 as read with the Stellenbosch Municipality Zoning Scheme Bylaw, 2023, for the use of the proposed second dwelling as a guest house with four bedrooms is in keeping with municipal policy and legislation and can accordingly be approved.