

NOTICE OF LAND DEVELOPMENT APPLICATION

30 July 2024

THE OWNER

Dear Sir / Madam

APPLICATION TYPE: CONSENT USE: STELLENBOSCH FARM NO 222 (WONDERDAL PLAY AREA)

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

Application Property Address: Bottelary Road, Hazendal Wine Estate

Application Property Number: Stellenbosch Farm No 222

Applicant: ICatPlan CC (t/a IC@Plan), Cornelia 082 978 7151

Owner: Messrs Hazendal Wine Estate Pty Ltd / gm@hazendal.co.za – 021 903 5034

Application Reference: LU/17099 (TP735/2024)

Description of land development proposal:

Application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 for a Consent Use for a tourist facility (Wonderdal play area) on Farm No 222, Stellenbosch Division, which was previously approved as a temporary departure.

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

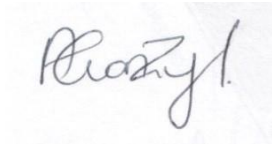
You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: ciska@icaplan.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 60 days from the date of this notice to be received on or before the closing date of **30 August 2024**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **082 9787151** during office hours (Monday to Thursday 08:00 – 17:00 & Friday 08:00 – 13:00).

Yours faithfully

A handwritten signature in black ink, appearing to read 'A C Van Zyl', is shown on a light-colored background.

A C VAN ZYL

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

30 Julie 2024

DIE EIENAAR

Geagte Meneer / Dame

AANSOEKTIPE: VERGUNNINGSGEBRUIK : STELLENBOSCH PLAAS NR 222 (WONDERDAL SPEELAREA)

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

Adres van aansoek eiendom : Bottelaryweg, Hazendal Wynlandgoed

Aansoek eiendom beskrywing: Stellenbosch Plaas Nr 222

Aansoeker : ICatPlan CC (t/a IC@Plan), Cornelia 082 978 7151

Eienaar : Mnre Hazendal Wine Estate Pty Ltd / gm@hazendal.co.za – 021 903 5034

Aansoek Verwysing: LU/17099 (TP735/2024)

Besonderhede van die grondgebruiksaansoek:

Aansoek ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Verordening op Munisipale Grondgebruikbeplanning, 2023 vir 'n Vergunningsgebruik vir 'n toerisme-fasiliteit (Wonderdal speelarea) op Plaas No 222 Stellenbosch Afdeling, wat voorheen as 'n tydelike afwyking goedgekeur is.

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, moet die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

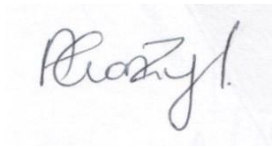
Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar 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: ciska@icaplan.co.za. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitingsdatum van **30 Augustus 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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **082 9787151** gedurende kantoor ure (Maandag tot Donderdag 08:00 – 17:00 & Vrydag 08:00 – 13:00).

Die uwe

A handwritten signature in black ink, appearing to read 'A C Van Zyl', is shown on a light-colored, slightly textured background.

A C VAN ZYL



REMAINDER FARM 222, STELLENBOSCH



HAZENDAL
ANNO 1699

**Prepared by IC @ Plan Town Planners
on behalf of Hazendal Wine Estates (Pty) Ltd**

May 2024

(File Reference: 01_Motivation Report_20240325)

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1. THE APPLICATION

Application is hereby made for:

- I. **Consent Use** in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law for a tourist facility, i.e. a play area (Wonderdal).

The consent use plan and municipal application form are herewith attached for your perusal.

2. BACKGROUND & MOTIVATION

Remainder Farm Haasendal Nr. 222, Stellenbosch (hereafter referred to as 'the property') is situated along Bottelary Road, West of Koelenhof and on the boundary of the City of Cape Town Municipal Area (Brackenfell). The farm has a rich history which dates as far back as 1699. The portion of the farm to the South of Bottelary Road mainly contain the owner's main dwelling and the vineyards, whilst the portion to the North contains the historical buildings and numerous tourism related activities within the the original "plaas werf".

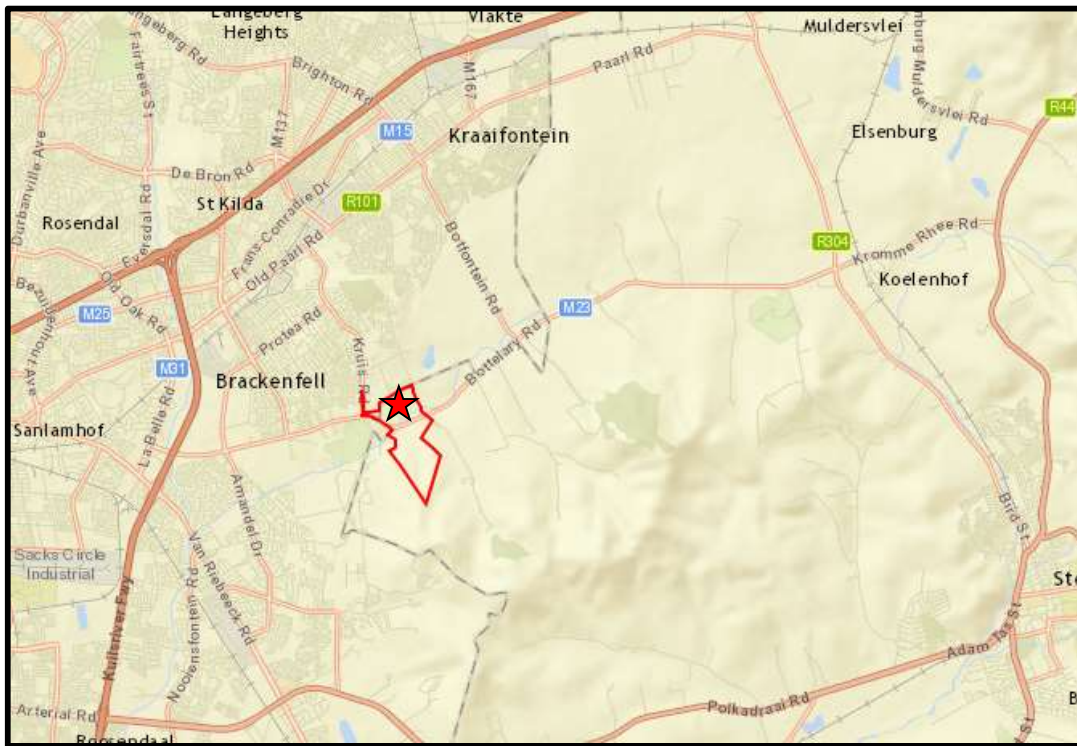


Figure 1: Location

All the activities on the farm are currently operating lawfully in terms of previous land use approval. This application pertains to the play area which formed part of the approval dated 16 January 2019.

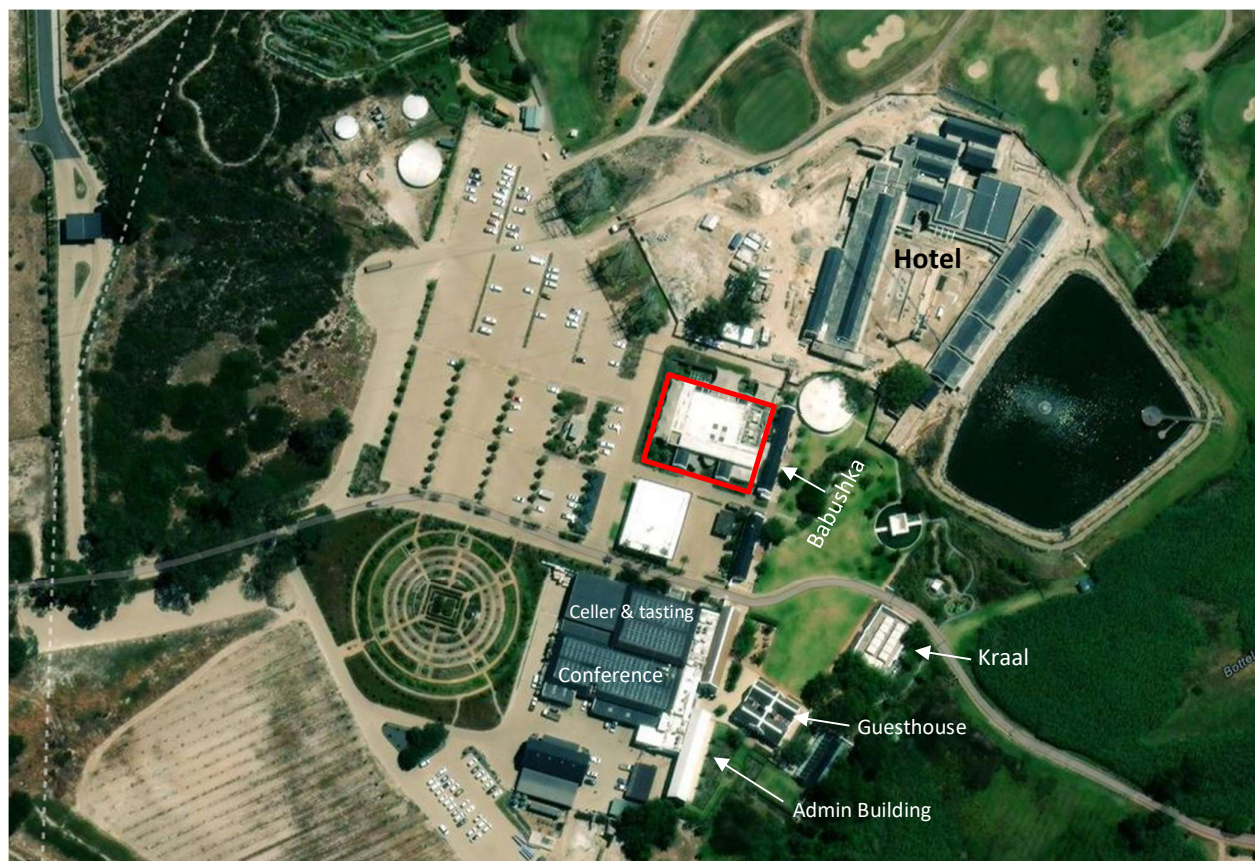


Figure 2: Position of Wonderdal in relation to the werf

At the time when the abovementioned application was lodged and approved, the property was subject to Section 8 Zoning Scheme Regulations. The Section 8 Zoning Scheme did not make provision for play areas on farms and it was accordingly dealt with as a temporary departure. Since then, the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 was approved. The last-mentioned zoning scheme does make provision for play areas as a consent use under tourism facilities and the owners accordingly appointed I.C.@Plan Town Planners to apply for the necessary land use rights to allow for the continual use/operation of the play area.

The power of attorney and company resolution are attached herewith.

3. PROPERTY DETAILS

PROPERTY DESCRIPTION	Remainder of the Farm Haasendal Nr. 222, Stellenbosch
ADDRESS	Hazendal Wine Estate, Bottelary Road
EXTENT	145,9194ha
TITLE DEED NO	58640/1994
REGISTERED OWNER	Hazendal Wine Estates (Pty) Ltd
APPLICANT	I.C.@Plan Town Planners
ZONING & APPROVED RIGHTS	Agriculture Zone & Consent use for various tourist facilities and tourist accommodation
PROPOSED USE	Continuation of use of existing play area.

Table 1: Property details

4. ENGINEERING SERVICES

The application entails obtaining permanent rights for a use which was approved in 2019 and has been operational for the past five years. The approval of the consent use is therefore an administrative process which will not have any additional impact/implications on the use of engineering services. The farm furthermore does not make use of any of the Stellenbosch Municipality's infrastructure, including roads. Access is via Ronelle Street (City of Cape Town), water is provided by the City of Cape Town, sewerage is dealt with by the onsite package plant and ESKOM is the electricity provider.

As there will be no additional impact on the engineering infrastructure, we are therefore of the opinion that additional development contributions should not be levied.

5. PLANNING LEGISLATION & POLICIES

5.1 Spatial Planning Land Use Management Act (Act 16 of 2013) (SPLUMA) and the Western Cape Land Use Planning Act (Act 3 of 2014) (LUPA)

Section 7 of SPLUMA and Section 59 of LUPA prescribes five development/planning principles that a new development should consider. The development proposed on Remainder Portion 25(a Portion of portion 3) of the Farm Haasendal Nr. 222, Stellenbosch adhere to these principles as follow:

-  **Spatial Justice** focusses on redressing spatial imbalances by improving access to and use of land with particular focus on access to those who were previously excluded.

The proposal does not impede this principle as the development of tourist facilities does not exclude anyone from equitable access to the resources and opportunities that the area has to offer.

-  **Spatial Sustainability** refers to the protection of valuable agricultural and environmental sensitive land. Spatial sustainability also refers to the prevention of urban sprawl and the consideration of current and future costs of infrastructure.

No valuable agricultural land or sensitive environmental land are impacted upon with this proposal. The uses are in line with the provisions of the zoning scheme, which accommodated tourist related uses. The proposal can therefore not be viewed as urban sprawl.

-  **Spatial Efficiency** dictate the optimum use of existing resources and infrastructure. It also requires the minimalization of negative impacts in terms of financial, economic and environmental impacts.

The application proposes the continuation of a use which have been compatible with the existing tourism uses on the farm and which have been an economic opportunity which have financially contributed to job creation. It is therefore clear that the development upholds the principle of spatial efficiency as it reflects the optimum use of land.

-  **Spatial resilience** refers to flexibility in spatial plans, land use management and policies to ensure sustainable livelihoods most likely to suffer the impact of environment or economic shocks.

The proposal can be seen as an example of how underutilized land is used efficiently to contribute to spatial resilience as it allows a bigger variation of uses in the area which contribute to the environment and local economy.

-  **Good Administration** principle focus on an integrated development approach.

The proposal is in line with this principle.

5.2 Land Use Planning Act

Section 65 (1) (c) of the Land Use Planning Act states that when the Municipality considers an application, it must have regard for the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses.

The continual use of an existing buildings on the farm for tourist facilities can be seen as a desirable use in the context of the Stellenbosch Winelands area which is a tourist destination for local and international visitors.

Section 59 (2) (b) of the Land Use Planning Act states that land use planning should be guided by certain principles of **spatial sustainability**. *“This includes the sustained protection of the environment by having regard to the following:*

- a) natural habitat, ecological corridors and areas with high biodiversity importance;*
- b) the provincial heritage and tourism resources;*
- c) areas unsuitable for development, including flood plains, steep slopes, wetlands and areas with a high water table and landscapes and natural features of cultural significance; and*
- d) the economic potential of the relevant area or region”.*

The proposal for the continual use of the play area within an existing building will not impact on the environment, nor on the heritage of the farm. It will furthermore continue to contribute to the tourism industry and economic potential of the area.

Section 59 (3) (a) and (b) of the Land Use Planning Act stipulates that that land use planning should be guided by the following principles of **efficiency**:

- a) land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities;*
- b) integrated cities and towns should be developed, whereby—*
 - i. the social, economic, institutional and physical aspects of land development is integrated;*
 - ii. land development in rural and urban areas in support of each other is promoted;*
 - iii. the availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted.”*

From the above it is clear that the proposal aims at using the existing resources to its optimal. It will have a positive impact in terms of the economy of the area, job creation, etc.

5.3 Provincial Spatial Development Framework

The PSDF states 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 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 PSDF further states that the Province has a significant spatial asset base which stems from the fact that it:

- *“underpins the economy, particularly agriculture which provides food security, sustains rural livelihoods and draws income into the Province, and tourism.*
- *makes the Western Cape a world class tourism destination, given the attraction and authenticity of rural landscapes of scenic, cultural and natural splendour; and*
- *provides the location of diverse outdoor recreational and leisure activities for residents of and visitors to the Western Cape.”*

“The integrity of the Province’s natural and built environments is of critical importance to the further development of tourism, as the Western Cape’s tourism economy is nature and heritage based, and built on a foundation of a high-quality and unique environment.”

The PSDF furthermore encourages the use of heritage resources *“such as the adaptive use of historic buildings, to enhance the character of an area, stimulate urban regeneration, encourage investment and create tourism opportunities, while ensuring that interventions in these heritage contexts are consistent with local building and landscape typologies, scale, massing, form and architectural idiom”.*

Wonderdal has respected the heritage resources on the farm and the cultural landscape in which they are situated, whilst enhancing its access to the public trough contributing to the tourism economy in the area. This has contributed to work creation and the growth of the economical potential of the area.

5.4 Stellenbosch Municipality Land Use Planning By-Law (SMBL)

Section 213 of the SMPB refers to the criteria which Council should consider in evaluating a consent use in Agricultural Zone. These include the following:

- When considering new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture.
 - This proposal does not impose on the agricultural land and have no impact on the use of the property for farming purposes.
- The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.
 - The application proposes the continuation of an existing use within an existing structure and will accordingly not have any impact on the character of the area or the agricultural use of the farm.
- These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.
 - These criteria have been met.
- It is preferable to use existing buildings for consent uses, however, the SMPB does make provision for the consideration of new buildings.
 - The application proposes the use of an existing building, which is in adherence to the SMPB.

5.5 Stellenbosch Municipality Spatial Development Framework 2019 (SDF):

The SDF states that *“Nature, scenic value, and agriculture add significantly to the value of the area as one of South Africa’s premier tourist destinations.”* It furthermore promotes the protection and expansion of tourism assets. It also states that, *“In agricultural areas, associated building structures are permitted, as well as dwelling units to support rural tourism, and ancillary rural activities that serves to diversify farm income. However, these should not undermine the sustainability of agricultural production, and adhere to the guidelines contained in the SEMF and “Western Cape Land Use Planning: Rural Guidelines”*

The proposal is therefore clearly in line with the vision of the SDF in so far as it proposes a tourist related activity which is complimentary to the existing agricultural activities on the farm, as well as in the surrounding area. The heritage resources found on the farm are opened up to the general public and community involvement in cultural and tourism activities are accordingly supported.

The Spatial Policy of the SDF promotes *“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.”* It further *“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.”*

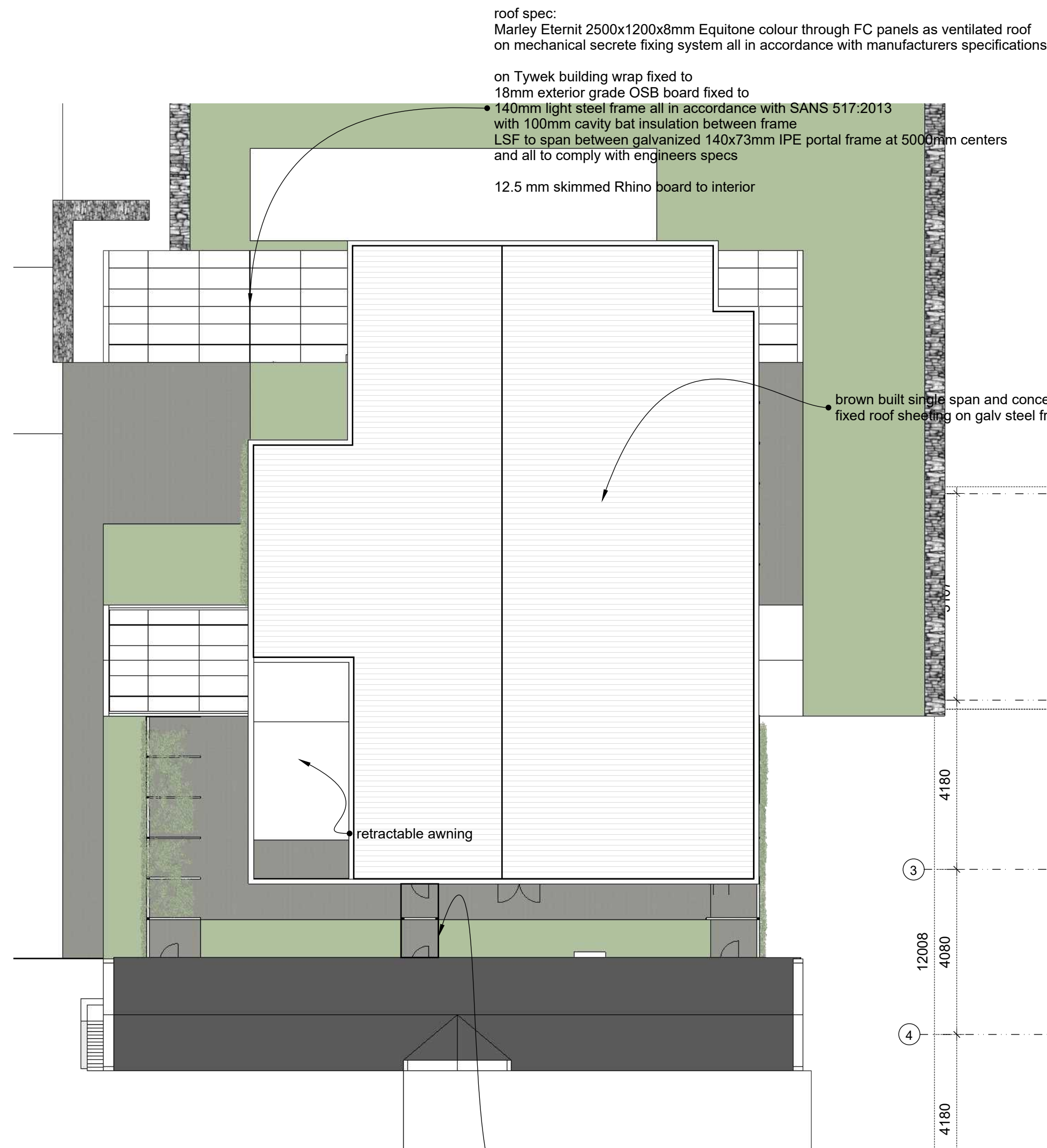
The consent use adheres to these principles as it has created socio-economic opportunities which have not intrude on the natural environment or agricultural land.

6. CONCLUSION

From the above it is clear that the proposal meets statutory requirements, as it is in line with national, provincial, district and local policies applicable to the area. It has in the past, and will in future continue to contribute to the local and tourism economy. It will result in the optimal utilization of the property without impacting on the primary agricultural use of the farm. With this in mind, it is envisaged that Council favorably consider the application.

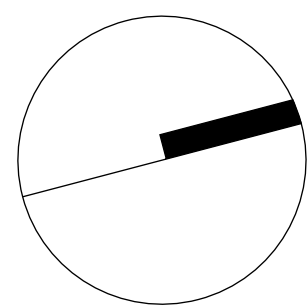
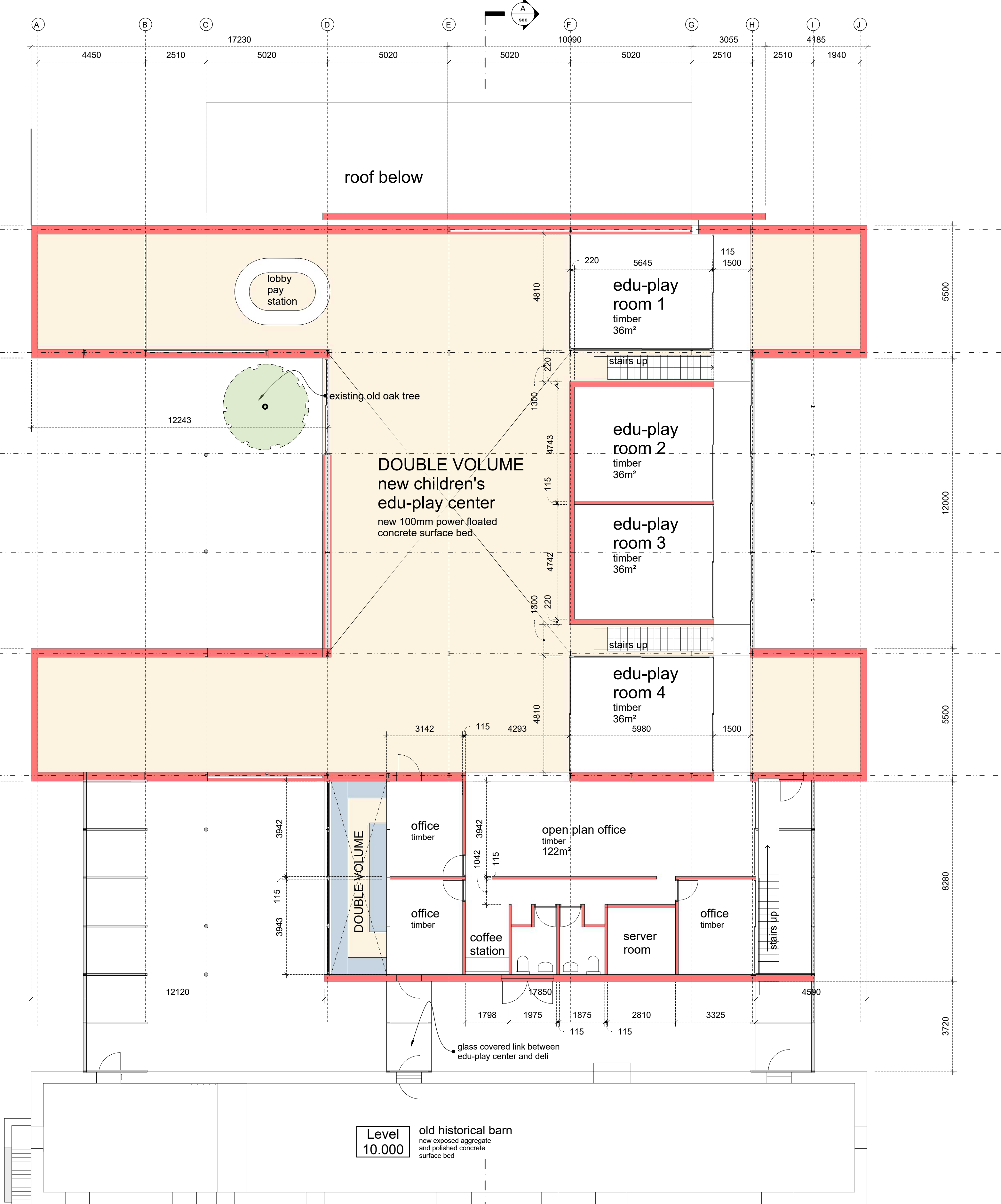


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ROOF PLAN

scale 1 : 200



BABUSHKA EDU-PLAY CENTER

FIRST FLOOR PLAN

scale 1 : 100

notes:

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REVISIONS:

DATE	NO	DESCRIPTION
25/09/2017	000	WCH

HAZENDAL FARM
Farm No.222 Stellenbosch

Client

Mike Hackner

BABUSHKA EDU-PLAY CENTER

Mike Hackner Architects

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Sea Point Medical Centre
15 Kloof Street
Sea Point
8005
Cape Town

Mob: 0767999666
www.mikehacknerarchitects.com

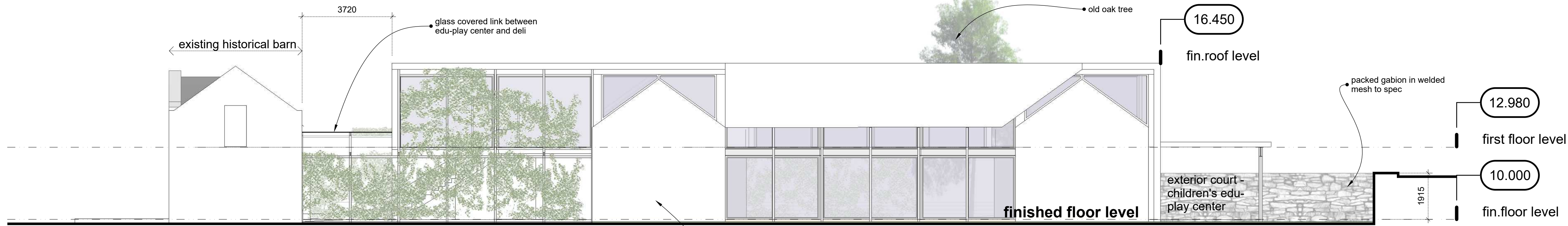
drawing



FIRST FLOOR PLAN

27/09/2017

HAZ-P 002 rev 1



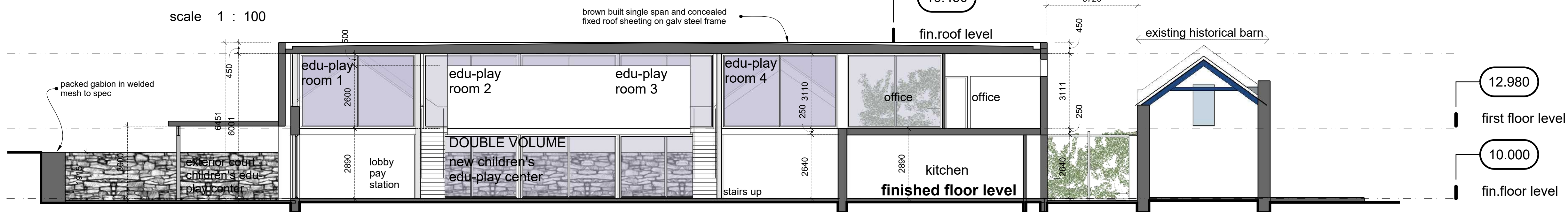
SIDE ELEVATION - NORTH

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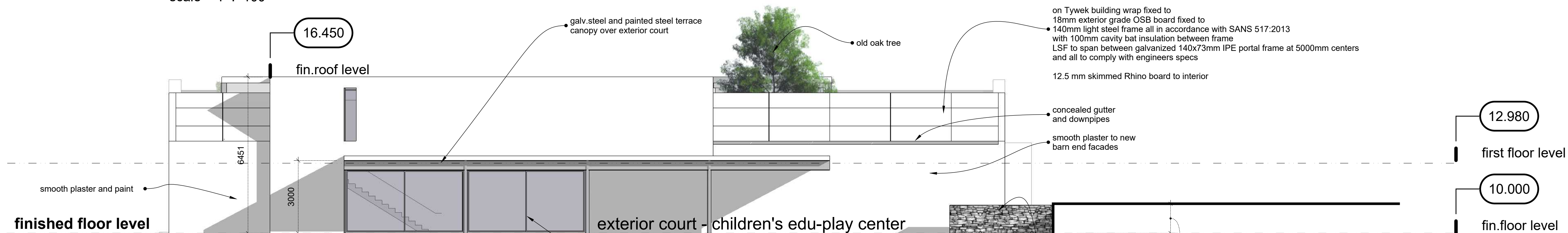
ENTRANCE ELEVATION - SOUTH

scale 1 : 100



CROSS SECTION A:A

scale 1 : 100



REAR ELEVATION - WEST

scale 1 : 100



FRONT ELEVATION - EAST

scale 1 : 100

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HAZENDAL FARM
Farm No.222 Stellenbosch

Client

Mike Hackner

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drawing.

MIKE HACKNER
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ELEVATIONS AND SECTIONS

27/09/2017

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