DENNIS MOSS PARTNERSHIP
INTERDISCIPLINARY SUSTAINABILITY CONSULTANTS
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Environmental Planners • Urban Designers

Our Ref. J3054
Date: 4 September 2024

The Director: Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH 7599

Dear Sir,

APPLICATION FOR CONSENT USE AND APPROVAL OF SITE DEVELOPMENT PLAN: REMAINDER ERF 179, DEVONVALE

The building plan (BP No. 4766/2024) submitted for approval of a Golf Academy and Gymnasium on the above-mentioned property refer.

Also of reference is the application submitted by this office during July 2024 and the response of the Planning and Economic Development Department of 8 August 2024.

1 INTRODUCTION AND APPLICATION DETAILS

This office has been appointed by Devonmust (Pty) Ltd., owners of the Remainder of erf 179, Devonvale upon which the Devonvale Golf Course has been developed, to prepare and submit, on their behalf, an application which would enable the development of said Golf Academy and Gymnasium.

In particular, application is made for the following:

- In terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for a consent use for Indoor Sport (ancillary uses).
- In terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the approval of a Site Development Plan.

The application described in this report is supplemented by drawings and supporting documentation as included under the annexures.

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2 HISTORY AND BACKGROUND

The oldest historic record this office has on file pertaining to the Devonvale Estate is a copy of a record filed in the office of the Surveyor-General, dated 15 September 1969, to which an extract of the minutes of a meeting held on 9th April 1951 was attached. The correspondence shows that the Farm Devonvalley was subdivided in 1951 and that Portion 12 of Farm No. 76 (the former description of the subject property) was designated as a golf course in the same year.

As is testified in a letter from the Provincial Administration of the Cape of Good Hope of 13 February 1989, a portion of Farm No. 76/12 was rezoned from Open Space Zone II to Resort Zone II to make provision for the Devonvale hotel and residential development.

Several projects followed throughout the years in accordance with approved development plans. These *inter alia* include the construction of 80 medium-density freestanding and semi-detached houses and 20 self-catering apartments, conference and banquet halls, a new golf clubhouse and world-class cloak rooms. In addition, the golf course has been reshaped and brought up to championship level.

All of the above additions/amendments to the original golf course were necessitated as Devonvale, through the years, became a desired destination amongst the golfing fraternity. The latest addition to the estate is in the form of a Golf Academy and Gymnasium, hence this application.

3 SITE DESCRIPTION

The table below provides a description of the property. The property details as per the applicable title deeds and municipal records are also summarized in the table below.

Table 1: Detail of the subject property.

PROPERTY DESCRIPTION	AREA	ZONING	TITLE DEED NO.	OWNER
Remainder of Erf 179, Devonvale	67.3917ha	Private Open Space Zone	T44599/08	Devonmust (Pty) Ltd.

In terms of the title deeds, there are no restrictive conditions which might prevent the project proposal.

The title deed is included under Annexure 3 and the SG Diagram is included under Annexure 4.

3.1 DEVELOPMENT PARAMETERS

As mentioned above, the property was allocated a zoning of *Open Space Zone II*, in terms of the LUPO Section 8 Scheme Regulations, which applied at the time, to make provision for the golf course. Open Space Zone II was defined, in terms of LUPO, as follows:

"any land which has been set aside in this scheme for utilization primarily as a private site for sports, play, rest or recreational facilities or as an ornamental garden or a pleasure garden and includes public land which is or will be leased on a long-term basis and a cemetery, whether public of private".

The above definition provided for the development of a Golf Academy and Gymnasium building on the property almost a decade before the current Stellenbosch Municipality Zoning Scheme By-Law, 2023 came into effect.

Following the enactment of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and the introduction of the Stellenbosch Municipality Zoning Scheme By-Law, Open Space Zone II was converted to *Private Open Space Zone.* The current zoning of the property is illustrated on the figure below.



Figure 1: Koelenhof, Koelpark and Devonvale Zoning Map. The property is indicated by the red polygon.

As described in the table below, *Private Open Space Zone* provides for a variety of uses as a primary use/right. Chief amongst these is Open Space, which is defined in the Stellenbosch Municipality Zoning Scheme By-Law, 2023 as follows:

Land which may be public or privately owned and which is set aside for open space, such as a park, garden, vegetable garden, square, landscaped areas, natural areas, river or stream.

The development parameters, which apply to *Private Open Space Zone*, is described in the table below. Also indicated is the extent to which the proposal will comply with the same.

Table 2: Comparative development parameters for the existing zoning and land use.

PARAMETER	EXISTING ZONING	PROPOSAL
Zoning	Private Open Space Zone	POSZ
Primary Use	• Open space • Natural environment • Occasional use (one event/year) • Private road	…
Additional Use (not exceeding threshold)	Rooftop base telecommunication station	
Consent Use	• Camping site • Cemetery • Freestanding base telecommunication station • Guest house • Helicopter landing pad • Hotel • Indoor sport • Occasional use (>one/year) • Outdoor sport • Place of assembly • Tourist dwelling unit • Tourist facilities • Tourist accommodation establishment	Indoor sport (Golf academy and gymnasium)
Street Building Line	5.0m	±270m
Common Boundary Building Line	5.0m	±405m
Height	1 storey	1 storeys
Coverage	20%	0.06%
Parking	Indoor sports: 0.25 bays/seat, player	±200 formal parking bays

3.2 FORMER APPROVALS

On 15 September 2010, the Director: Planning and Development Services of Stellenbosch Municipality granted approval for the development of a Golf Academy and Gymnasium on the property. The facility was to be developed on the edge of the driving range, which is on the exact site as the current proposal. The approval granted for the 2010 Site Development Plan (SDP) included illustrations of the nature, extent, and location of the proposed Golf Academy and Gymnasium.

The 2010 approved SDP also served as basis for the preparation of the current building plan for the proposed facility. It is to be noted that the current facility was substantially the same as the architectural building plans of 15 September 2010. Since the original application in 2010, the site has not changed – everything is still the same.

Other than a requirement for an SDP, an application for additional land use rights for the Golf Academy and Gymnasium facility was not required during 2010 as the proposed building was consistent with the provisions of Open Space Zone II and Private Open Space as a primary right.

Whilst the SDP approved during September 2010 have lapsed, the bona-fide use of the land for a Golf Academy and Gymnasium and associated land uses are still consistent with the rights that existed at the time (i.e. Open Space Zone II).

Accordingly, the approved SDP shows that Open Space Zone II, circumscribed by the scheme regulations prepared in terms of Section 8 of the Land Use Planning Ordinance, No. 15 of 1985 (LUPO) allowed for the development of the Golf Academy and Gymnasium building on the site almost a decade before the current Stellenbosch Municipality Zoning Scheme By-Law, 2023 came into effect.

The former approval is attached herewith as Annexure 6.

4 DEVELOPMENT PROPOSAL

It is proposed that the Golf Academy and Gymnasium building be positioned in the core area of the Devonvale Estate. This area is defined by the golf amenities and facilities such as the clubhouse, which includes the showers and dressing room facilities, the conference facilities, restaurant and bar. Also part of this area is the support facilities, kitchen, stores, repair facilities, offices, parking, etc. A central attraction of the core comprised the golf putting practice facility, putting greens 9 and 18 and tee Boxes 1 and 10 and the Driving Range.

The Golf Academy and Gymnasium building is an integrated part of the core facilities and cannot be isolated from said facilities.



Figure 2: Location of the golf facilities in relation to the core area of the Estate.

Golf Academies provide specialist services in physical, and mental education and training through the employment of sophisticated technology and expertise. These have to be upgraded regularly at high costs. To be optimally successful in developing a golf academy it is therefore an imperative to

involve world class specialists in the management of a golf academy's teaching and training programmes and the management of these facilities. Accordingly, Devonmust (Pty) Ltd. (owners of the golf course) entered into an agreement with McKenna Performance Academy as a principal rental / lease holder of the Devonvale Golf Academy facility. In the latter regard, Devonmust took into consideration that:

- Mckenna Performance Academy is the only facility in Africa recognized by The R & A (The Royal and Ancient Golf Club of St. Andrews, who manages golf in the world) to teach turf courses.
- The demand for turf studies in the Western Cape is high and therefore the necessity for such a facility has become a priority.
- The academy will be run and operated by McKenna Performance Academies on a long-term rental and their focus will be to teach turf to students that enrol for the turf courses and to teach golf to those who want to better their golf game.
- The academy will be open for anyone to join – they must, however, follow an enrolment process. Whilst golf teaching will be open to all visitors, members of the existing golf club, or residents or the Estate have the right to use the facility.
- The classrooms will be used by the students studying turf management and the classroom facilities will be available for McKenna Performance Academy clients.

Devonvale Golf Estate and McKenna Performance Academy will take their partnership forward in the spirit of a holistic approach to sustainable development that has been put into practice over the past three decades in Devonvale. As in the past, this would be achieved by advancing sustainable development locally in a tangible and constructive manner within context of Stellenbosch Integrated Development Plan (IDP) policy. In this regard the partnership would take practical steps to implement the Sustainable Development Goals (SDGs) of the Municipality's IDP as is envisaged by the Municipality.

The proposed Golf Academy and Gymnasium will comprise the following:

- 2 x indoor classrooms (105m²);
- A swing studio (51m²);
- A boardroom/office (23m²);
- Fitness studio/gymnasium 84m²);
- Toilets (26m²);
- Lockers and store (6m²); and
- Reception foyer and passage (63m²).

Provision is also made for future extensions to the facility of ±150m².

In total, the facility will comprise some 447m².

5 APPLICATION DETAILS

a) Application is herewith made, in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for a consent use for Indoor Sport (Golf Academy and Gymnasium).

As mentioned above, the Remainder of erf 179, Devonvale is zoned Private Open Space Zone. In accordance with Section 191 of the Stellenbosch Municipality Zoning Scheme By-Law, 2023, the

purpose of this zone is to *make provision for land which is in private ownership and which is intended to be used for:*

a) active or passive private recreational and private amenity purposes; or
b) creating a desired townscape, or visual open space for residents; or
c) serving as open space which also accommodates riverine corridors and other similar natural features; or
d) serving as open space which accommodates extensive municipal services in a landscaped or natural setting, such as stormwater detention ponds and overland stormwater corridors.

Likewise, indoor sport, is defined in the Zoning Scheme By-Law, 2023 as *a place which is primarily used for any form of physical exercise, sport activity or other type of indoor recreation, taking place under a roofed structure, and may include ancillary uses such as a shop or restaurant which serves the primary activity but excludes a commercial gymnasium and multi-tiered stands for seated observers.*

It is contended that the intended Golf Academy and Gymnasium is consistent with the purpose of this zone and the definition of indoor sport, in particular.

b) Simultaneously, application is made, in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the approval of a Site Development Plan.

This report recognises previous decisions taken by the decision-making authorities with regards to the development of Devonvale. It also recognises the decision of 15 September 2010 by the Director: Planning and Development Services of Stellenbosch Municipality to approve a Site Development Plan for a Golf Academy and Gymnasium on the property. It is substantiated in this report that nothing on the property has since changed and that the SDP applied for in this application is essentially the same as the plan previously considered, and approved, by the municipality.

This application is therefore framed within the prescripts of Section 196 of the Zoning Scheme By-Law, 2023 as it deals with the requirement for a Site Development Plan. The By-Law states that:

(1) A site development plan may be required by the Municipality for any primary use.
(2) A site development plan shall be submitted in terms of section 13 of this Scheme for additional uses prior to the commencement of an activity.
(3) …

Consistent with the requirement of Stellenbosch Municipality during the adjudication of the SDP application in 2010 and the above provisions of the By-Law, a Site Development Plan is herewith submitted for consideration. The SDP included under Annexure 1 illustrates the location, nature, size and aesthetics of the proposed facility. Once approved, the SDP will serve as the basis for the preparation of building plans for the facility.

6 COMPLIANCE WITH RELEVANT PLANNING POLICY AND FRAMEWORKS

The primary planning and development frameworks that are relevant to this application and the compliance of the proposed project therewith is summarised below.

6.1 STELLENBOSCH SPATIAL DEVELOPMENT FRAMEWORK

The Stellenbosch Municipal Spatial Development Framework (MSDF) was approved by the Council of the Stellenbosch Municipality in June 2023. The MSDF aims to:

- Enable a vision for the future of the municipal area based on evidence, local distinctiveness, and community derived objectives.
- Translate this vision into a set of policies, priorities, programmes, and land allocations together with the public sector resources to deliver them.
- Create a framework for private investment and regeneration that promotes economic, environmental, and social well-being.
- Coordinate and deliver the public-sector components of this vision with other agencies and processes to ensure implementation.

In terms of the MSDF, seven principles need to be considered in working towards the vision. The principles and the manner in which the proposed development is consistent with the same, is described below:

Table 3: Consistencies with principles of the SDF.

	PRINCIPLES	**CONSISTENCY**
1)	*Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas.*	N/A
2)	*Respect and grow the cultural heritage, the legacy of physical artefacts and intangible attributes of society inherited from past generations maintained in the present and preserved for the benefit of future generations.*	The proposal does not detract from the intangible attributes of the area. The proposal also does not trigger any activities in terms of the National Heritage Resources Act No. 25 of 1999.
3)	*Within developable areas, allow future opportunity to build on existing infrastructure investment, on the opportunity inherent in these systems when reconfigured, augmented or expanded.*	The proposal presented in this report aims to build on the existing infrastructure of the Estate by contributing to the activities offered on the Estate as it relates to the main activity of golfing.
4)	*Clarify and respect the different roles and potentials of existing settlements.*	Devonvale forms part of the Koelenhof hamlet. The latter is described in the Municipal Spatial Development Framework as an agricultural hamlet with limited residential and industrial uses. The Devonvale Estate provides a valuable recreational land use in the area whilst the proposed activity presents an opportunity to expand said land use.
5)	*Address human needs - for housing, infrastructure, and facilities - clearly in*	The proposal presents an expansion of an existing recreational use where the best use will be made of the

	terms of the constraints and opportunity related to natural assets, cultural assets, infrastructure, and the role of settlements.	property at the correct time where the assets of nature will not be degraded, where cultural assets will best be respected, and where current infrastructure offers the greatest opportunity.
6)	*Pursue balanced communities.*	The proposed activity will be open to all members of public provided that all members follow an enrolment process. Whilst golf teaching will be open to all visitors, members of the existing golf club, or residents or the Estate have the right to use the facility.
7)	*Focus energy on a few catalytic areas that offer extensive opportunity and address present risk.*	The Estate is not located in a redevelopment node such as the Adam Tas Corridor. It is however an existing facility which is ideally suited to the proposed activity.

Also refer to Annexure 8 in which a summary is provided of the alignment of Devonvale policy with municipality policy since the involvement of this office at the Estate in 1989.

7 LEGISLATIVE CONTEXT

This application is submitted and will be considered in terms of the Stellenbosch By-Law on Municipal Land Use Planning, 2023. As such, the planning principles as advocated in the Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act, No. 3 of 2014 (LUPA) is also applicable.

7.1 DEVELOPMENT PRINCIPLES

Chapter 2 of the Spatial Planning and Land Use Management Act, No. 16 of 2013, and Section 59 of the Western Cape Land Use Planning Act, No. 3 of 2014, lists development principles and norms and standards that shall apply to spatial planning, land development and land use management. These principles are as follows:

7.1.1 SPATIAL JUSTICE

Spatial justice is primarily concerned with the commitment to redress past spatial and other development imbalances. This is to be achieved by the incorporation of provisions that enable redress in Land Use Management Schemes, by Spatial Development Frameworks that allow for inclusion and integration of disadvantaged communities and general land development procedures that aim to improve access to and use of land.

Whilst the proposed Golf Academy and Gymnasium does not aim to directly redress spatial justice, it is submitted that the activity will be open to all members of public. It is also believed that the facility will result in economic growth and job creation at a local scale. It will also result in the diversification of services provided by the Estate.

7.1.2 SPATIAL SUSTAINABILITY

Spatial sustainability requires land development to be aligned with fiscal and institutional means. The aim is further to promote land development that is spatially compact, resource frugal and within fiscal, institutional and administrative means of the competent authority.

This translates on the ground to development in locations that are sustainable and that limit urban sprawl, that uphold environmental and cultural considerations such as the protection of mature trees or cultural precincts, and that ensures that development is feasible and financially viable.

7.1.3 EFFICIENCY

Efficiency requires land development to optimally use existing resources and infrastructure.

The Estate is self-sufficient when it comes to the provision of services. In this regard, water is abstracted by means of boreholes and sewerage is treated on site by means of an on-site treatment works. The proposed facility will therefore tie in with the existing infrastructure network on the Estate and not cause any strain on municipal infrastructure networks. No additional infrastructure upgrades are foreseen as the impact of the proposed facility is regarded to be negligible.

7.1.4 SPATIAL RESILIENCE

Spatial resilience provides for flexibility in spatial plans, policies and land use management systems to be accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

The property has proven to be resilient in terms of its land use. This is evident from the developments/additions to the Estate that has occurred since it was originally allocated for said use. The Estate is also located in an area which has changed over time from a predominant rural nature to a mixed-use nature, whilst not diminishing the character of the area.

7.1.5 GOOD ADMINISTRATION

This principle primarily places an onus on decision-making authorities to ensure that due process is followed. It also requires that legislative and development requirements are met timeously by both applicants and authorities and that public consultation is undertaken, as required.

The principle also refers to application documents and requires of applicants to comply with all the necessary application procedures and requirements to ensure the speedily processing of applications. It is contended that this application complies with all the stated requirements.

8 PRE-APPLICATION SCRUTINY

Chapter 4 of the Stellenbosch Municipality: Land Use Planning By-Law, 2023 prescribes the general procedures for all applications. In particular, Section 37 refers to the pre-application consultation which the Municipality may require prior to the submission of an application. The purpose of such consultation is to determine the information that must be submitted together with the application, and other matters connected therewith.

In the latter regard, the application was not subject to a pre-application process. As a result, the applicant submitted an application for the approval of an SDP during July 2024. In response, the municipality, on 8 August 2024, resolved that *the intended land use and/ or land development application as depicted in the submission represents on face value an inaccurate approach and needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw and Stellenbosch Zoning Scheme Bylaw:*

- *An application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law 2023 for consent use for Indoor Sport (ancillary uses) should be considered as an appropriate land use application.*

This application is therefore submitted in response to the above decision of the municipality.

The response of the municipality is included herewith under Annexure 7.

9 CONCLUSION

It is herewith contended that the proposed Devonvale Golf Academy and Gymnasium is fully compliant with the rights allocated to the property. It is also consistent with the approval granted during September 2010.

It is trusted that the Director: Planning and Economic Development would, having regard for the above motivation, support the approval of the Consent Use and Site Development Plan for the Golf Academy and Gymnasium and accordingly allow for the approval of the building plans submitted under separate cover.

We trust that your Directorate would agree that this development would advance the public good in the spirit of public-private partnership as it has been done by Devonmust in the past.

Kind regards

JL VOLSCHENK
DENNIS MOSS PARTNERSHIP