

NOTICE OF LAND DEVELOPMENT APPLICATION

CONSENT USE APPLICATIONS FOR PORTION 2 OF THE FARM BOSPLAATS NO. 1128, FRANSCHHOEK

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

Application Property Address: 1 GREEN VALLEY ROAD, FRANSCHHOEK

Application Property Number: PORTION 2 OF THE FARM BOSPLAATS NO. 1128

Applicant: PLAN 4 SA (PTY) LTD, represented by MARTIN JONKER, Email: martinj@plan4sa.co.za, Cell: 084-410-6132

Owner: SANDSTONE HOUSE (PTY) LTD formerly known as LEMAN TRADING 52 (PTY) LTD

Application Reference: LU/16229 (TP489/2023)

Description of land development proposal:

Application has been made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for consent on Portion 2 of the Farm Bosplaats 1128, Paarl Division for the following:

- Guest house consisting of 5 (five) guest bedrooms located in the existing main dwelling and 2 (two) guest bedrooms to be located in the proposed second dwelling unit, including associated shared uses.
- Occasional use exceeding the permitted 1 (one) event per year to allow occasional Film Shoots and Food & Wine Events on the farm.
- Tourist facility to permit the use of outdoor/garden areas on the farm, portions of the existing main dwelling and the proposed farm shed for Functions and Weddings.

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: **Email:** martinj@plan4sa.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **4 MARCH 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 **084-410-6132** during the following office hours: Monday to Friday, between 09h00 and 17h00.

Yours faithfully

MARTIN JONKER
DIRECTOR: PLAN 4 SA (PTY) LTD

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

TOESTEMMINGSGEBRUIK AANSOEKE OP GEDEELTE 2 VAN DIE PLAAS BOSPLAATS NO. 1128

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

Adres van aansoek eiendom: 1 GREEN VALLEY ROAD, FRANSCHHOEK

Aansoek eiendom beskrywing: GEDEELTE 2 VAN DIE PLAAS BOSPLAATS NO. 1128

Aansoeker: PLAN 4 SA (PTY) LTD, verteenwoordig deur MARTIN JONKER, Epos: martinj@plan4sa.co.za, Sel: 084-410-6132

Eienaar: SANDSTONE HOUSE (PTY) LTD voormalig bekend as LEMAN TRADING 52 (PTY) LTD

Aansoek Verwysing: LU/16229 (TP489/2023)

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen in terme van Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Bywet op Munisipale Grondgebruiksbeplanning, 2023, vir toestemming om Gedeelte 2 van die plaas Bosplaats 1128, Paarl Afdeling, vir die volgende:

- Gastehuis bestaande uit 5 (vyf) gaste slaapkamers geleë in die bestaande hoof woonhuis en 2 (twee) gaste slaapkamers geleë in die voorgestelde tweede woonhuis, insluitende verwante gedeelde gebruike.
- Geleentheidsgebruike wat die toegelate 1 (een) geleentheid/gebeurtenis per jaar oorskry, insluitende die gebruik van die plaas af en toe vir Filmopnames en Kos-en Wyn geleenthede.
- Toeristefasiliteit om die buitelug/tuin areas van die plaas, gedeeltes van die hoof woonhuis en die voorgestelde plaasskuur te gebruik vir Funksies en Troues.

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 tydspan 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 terme 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: **Email:** martinj@plan4sa.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 sluitings datum van **4 MAART 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 by **084-410-6132** gedurende die volgende kantoor ure: Maandae tot Vrydae, tussen 09h00 en 17h00.

Die uwe

MARTIN JONKER
DIREKTEUR: PLAN 4 SA (PTY) LTD

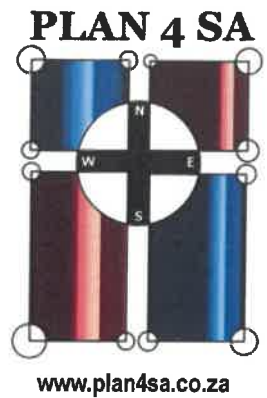
**Land Use Application(s)
for
Portion 2 of the Farm Bosplaats No 1128**

**EXECUTIVE SUMMARY
PLANNING MOTIVATION REPORT**

Prepared
On behalf of the owner:

SANDSTONE HOUSE (PTY) LTD
No 1, Green Valley Road
Franschhoek
7690

DATE:
28 January 2024



HEAD OFFICE
PO Box 1152,
Cape Gate,
7562

TABLE OF CONTENTS

TABLE OF CONTENTS.....	I
LIST OF TABLES	II
LIST OF FIGURES.....	II
LIST OF DEFINITIONS	II
LIST OF PLANS.....	II
LIST OF ANNEXURES	II
1. LAND USE APPLICATION	3
2. PROPERTY INFORMATION.....	3
2.1 PROPERTY DESCRIPTION & EXTENT	3
2.2 OWNERSHIP & TITLE DEED	3
2.3 TITLE DEED RESTRICTIONS & CONVEYANCING CERTIFICATES.....	4
2.4 CURRENT ZONING	4
2.5 BOND HOLDER	4
2.6 PENDING LAND CLAIMS	4
2.7 PENDING COURT CASES / ORDERS.....	4
3. DEVELOPMENT / LAND USE PROPOSALS.....	4
3.1 PROPOSED CONCEPT SITE DEVELOPMENT PLAN	4
3.1.1 Existing Dwellings	4
3.1.2 Existing Swimming Pools and Tennis Court.....	5
3.1.3 Existing Outbuildings / Agricultural Buildings	6
3.1.4 Existing Boundary Fence	6
3.1.5 Existing Vehicle Access to the Property	6
3.1.6 Existing Vineyard and Olive Grove.....	6
3.1.7 Proposed Second Dwelling	6
3.1.8 Proposed Farm Shed	6
3.1.9 Proposed Engineering Services	8
3.2 PROPOSED ZONING AND LAND USES.....	8
3.2.1 Proposed Guest House Uses	9
3.2.2 Proposed Occasional and Tourist Facility Uses.....	9
3.3 PROPOSED DEVELOPMENT PARAMETERS.....	11
3.3.1 Coverage.....	11
3.3.2 Height.....	12
3.3.3 Building Lines	12
3.3.4 Parking	12
4. CONCLUSION	15

LIST OF TABLES

TABLE 1: PROPERTY CADASTRAL INFORMATION.....	3
TABLE 2: TITLE DEED INFORMATION	3
TABLE 3: FREQUENCY OF EVENTS, NUMBER OF PEOPLE AND AREAS TO BE USED	9
TABLE 4: PROPOSED COVERAGE	11
TABLE 5: PROPOSED PARKING	13

LIST OF FIGURES

FIGURE 1: SITE PLAN APPROVED IN 2005 (BP NUMBER 2005/85).....	5
FIGURE 2: SITE PLAN APPROVED IN 2015 (BP/15/113)	7
FIGURE 3: SITE PLAN APPROVED IN 2017 (BP/17/1176)	8

LIST OF DEFINITIONS

DEFINITION 1: OCCASIONAL USE (SM ZONING SCHEME BY-LAW, 2019)	10
DEFINITION 2: PLACE OF ENTERTAINMENT (SM ZONING SCHEME BY-LAW, 2019)	10
DEFINITION 3: TOURIST FACILITIES (SM ZONING SCHEME BY-LAW, 2019)	11

LIST OF PLANS

PLAN 1: LOCALITY PLAN
PLAN 2: EXISTING SITE LAYOUT PLAN
PLAN 3: CONCEPT SITE DEVELOPMENT PLAN

LIST OF ANNEXURES

ANNEXURE 1: POWER OF ATTORNEY
ANNEXURE 2: SG DIAGRAM
ANNEXURE 3: PROOF OF REGISTERED OWNERSHIP
ANNEXURE 4: TITLE DEED
ANNEXURE 5: CONVEYANCING CERTIFICATES
ANNEXURE 6: LAND CLAIMS – LETTER FROM REGIONAL LAND CLAIMS COMMISSIONER
ANNEXURE 7: CORRESPONDENCE WITH ENVIRONMENTAL SPECIALIST
ANNEXURE 8: FLOOR PLANS

1. LAND USE APPLICATION

Application is made in terms of **Section 15** of the **Stellenbosch Municipal Land Use Planning By-Law, 2023** for the following:

- Consent is sought in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2023) as required by Sections 201(1) and 207 of the Stellenbosch Municipality Zoning Scheme By-Law (2019), to allow the existing main dwelling and proposed second dwelling on Portion 2 of Farm No 1128 (Agriculture & Rural Zone) to be used as a Guesthouse with a maximum of 7 x bedrooms (maximum of 14 people).
- Consent is sought in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2023) to utilise Portion 2 of Farm No 1128 (Agriculture & Rural Zone) occasionally (on an intermittent basis) for Film Shoots and Food & Wine Show purposes.
- Consent is sought in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2023) to utilise Portion 2 of Farm No 1128 (existing outdoor/garden areas + portions of the existing main dwelling and proposed new farm shed) as a tourist facility for Functions and Weddings.
- Approval is sought for the proposed Site Development Plan (**PLAN 3: CONCEPT SITE DEVELOPMENT PLAN**) in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-Law (2023) as required by Section 201(3) and Section 216 of the Stellenbosch Municipality Zoning Scheme By-Law (2019).

2. PROPERTY INFORMATION

2.1 PROPERTY DESCRIPTION & EXTENT

The property descriptions, their extent and relevant General Plan / SG Diagram information are summarised in the table below.

TABLE 1: PROPERTY CADASTRAL INFORMATION

PORTION NR	FARM	SIZE		GP / SG DIAGRAM
		m ²	ha	
Portion 2	Bosplaats No. 1128	19,615	1.9615	SG5318/1999

The SG Diagram(s) / General Plan(s) is/are attached to the land use application as **ANNEXURE 2**.

2.2 OWNERSHIP & TITLE DEED

The Ownership and Title Deeds associated with the property are shown in the following table.

TABLE 2: TITLE DEED INFORMATION

PORTION NR	FARM	TITLE DEED	OWNER	REGISTRATION NR
Portion 2	Bosplaats No. 1128	T2447/2012	Leman Trading 52 (Pty) Ltd	2005/025381/07

Note: The company name of Leman Trading 52 (Pty) Ltd was changed on 2 January 2013 to **Sandstone House (Pty) Ltd**. Proof of registered ownership in the form of a Windeed Report is attached to the land use application as **ANNEXURE 3**. The Title Deed(s) is/are attached to the land use application as **ANNEXURE 4**, including documentation to proof the name change of Leman Trading 52 (Pty) Ltd to **Sandstone House (Pty) Ltd**.

2.3 TITLE DEED RESTRICTIONS & CONVEYANCING CERTIFICATES

A Conveyancing Certificate for the property is attached to the land use application as **ANNEXURE 5**. The aforesaid Conveyancing Certificate indicate that there are no conditions in the existing and historic title deeds that prohibits the proposed land uses (applied for in this application) or the erection of another dwelling on the subject property.

2.4 CURRENT ZONING

According to the 2018/19 Zoning Map, Portion 2 of Farm 1128 is zoned Agriculture & Rural Zone.

2.5 BOND HOLDER

The owner confirmed that there are no bonds registered against the subject property.

2.6 PENDING LAND CLAIMS

The Office of the Regional Land Claims Commissioner: Western Cape confirmed in a letter dated 26 January 2023 that "...at the date of this letter no land claims appear on our database in respect of ..." the subject property. The letter from the Western Cape Regional Land Claims Commissioner is attached hereto as **ANNEXURE 6**.

2.7 PENDING COURT CASES / ORDERS

The owner confirmed that there are no pending court cases or court orders against the subject property.

3. DEVELOPMENT / LAND USE PROPOSALS

3.1 PROPOSED CONCEPT SITE DEVELOPMENT PLAN

The proposed concept site development plan showing all existing and proposed structures and land uses is attached hereto as **PLAN 3: CONCEPT SITE DEVELOPMENT PLAN**. This is discussed in more detail in the following subsections. A more detailed Site Development Plan which will show, amongst others the exact location of existing and proposed engineering services, will be submitted to the municipality together with the Building Plans for the proposed Second Dwelling and the proposed Farm Shed after the land use rights sought in this application have been approved.

Approval is therefore sought for the aforementioned concept site development plan in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-Law (2023) as required by Section 201(3) and Section 216 of the Stellenbosch Municipality Zoning Scheme By-Law (2019).

3.1.1 Existing Dwellings

The existing double storey Main Dwelling (Ground Floor: 476m²; First Floor: 276m²; Coverage: 505m²) and the existing Manager's Cottage (170m²) (employee housing unit) will remain as is and no alterations are currently

The existing Manager's Cottage (170m²) was approved in 2017 (SM BP Number: BP/17/1176) and constructed in 2018 before the Stellenbosch Municipality Zoning Scheme By-Law (2019) came into operation. As an employee housing unit its area is 50m² larger than what is allowed (maximum 120m²) in terms of the aforementioned new zoning scheme. However, in terms of Section 8(3) of the Zoning Scheme By-Law (2019), this Manager's Cottage is a lawful non-conforming use.

The swimming pool at the back of the main dwelling was approved in 2005 (SM BP Number: 2005/85). The swimming pool at the Manager's Cottage was originally approved as a water feature in 2017 (SM BP Number: BP/17/1176) and has since been converted to a swimming pool ($\pm 25.4\text{m}^2$). Since then, a third swimming pool ($\pm 25.4\text{m}^2$) was added (between February and October 2018) just north of the main entrance gate next to the existing rose garden. A tennis court ($\pm 440\text{m}^2$) was constructed sometime between 2006 and 2010 just south of the existing main dwelling, but upon inspection could not be found on any of the previously approved building plans. The aforementioned can be seen on the google earth images included earlier in the report.



Page | 5

3.1.3 Existing Outbuildings / Agricultural Buildings

The existing outbuildings include the following:

- Water tank shed ($\pm 96\text{m}^2$)
- Woodshed ($\pm 9\text{m}^2$)

The above outbuildings will remain as is and no additions / alterations are currently foreseen for these structures.

3.1.4 Existing Boundary Fence

No changes are proposed to the existing boundary fence around the property.

3.1.5 Existing Vehicle Access to the Property

No changes are proposed to the existing vehicle access to the property.

3.1.6 Existing Vineyard and Olive Grove

The existing vineyard will remain the same. However, the olive grove will become slightly smaller (from $\pm 2,636\text{m}^2$ to $\pm 1,926\text{m}^2$) once the proposed second dwelling, associated access roads and parking areas have been constructed. The existing vineyards will be reduced from $\pm 3,262\text{m}^2$ to $\pm 2,990\text{m}^2$ with the addition of the proposed Farm Shed and the addition of 2 covered parking bays at the Manager's Cottage.

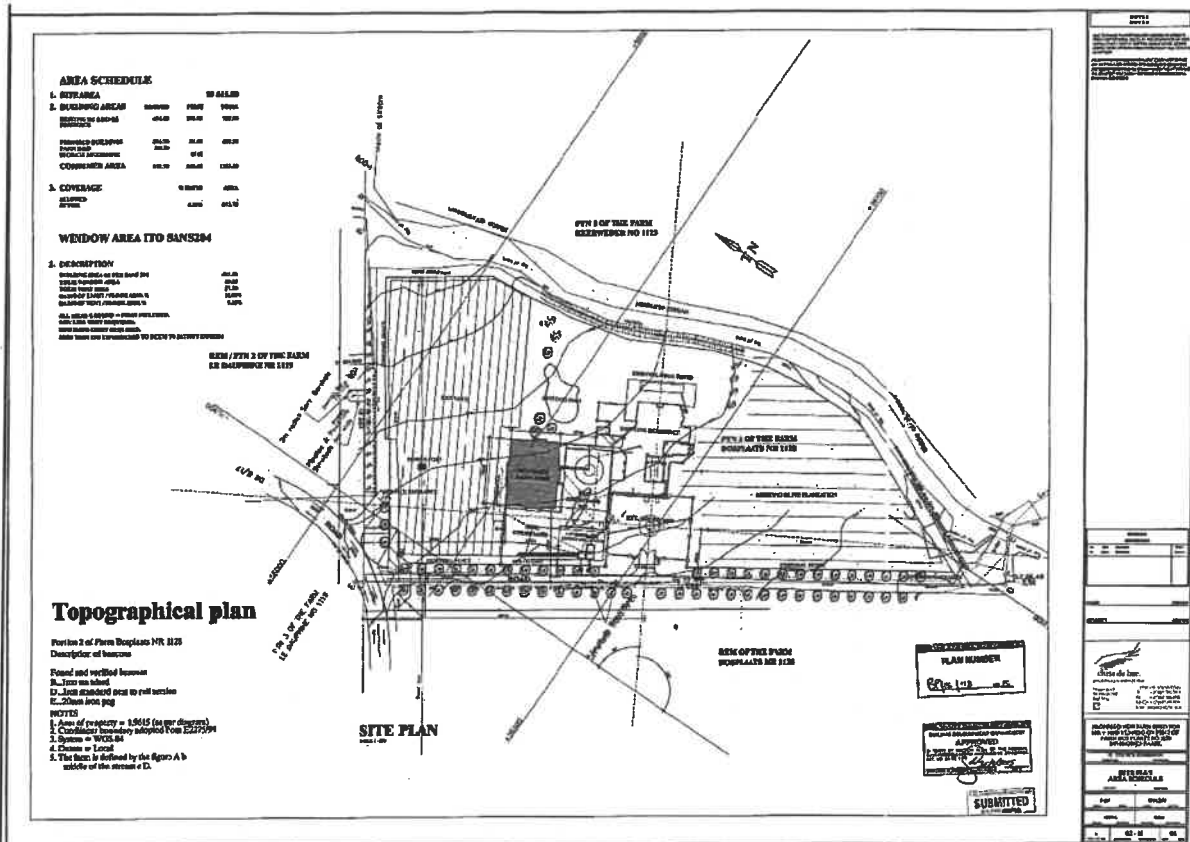
3.1.7 Proposed Second Dwelling

The Agriculture and Rural Zone allows as a primary right a main dwelling house, a second dwelling and one employee housing unit, amongst others. A main dwelling house and one employee housing unit already exists on the property, as discussed in the previous sections. The owner wishes to construct a second dwelling ($\pm 170\text{m}^2$) with its own swimming pool and parking, directly south of the existing tennis court (refer to **PLAN 3: CONCEPT SITE DEVELOPMENT PLAN**). The floor plans for the proposed second dwelling will be exactly the same as the existing approved Manager's Cottage. Access to the second dwelling will be via the main entrance gate as well as the service gate on the southern corner of the property. The proposed second dwelling will have its own fenced-off swimming pool ($\pm 25.4\text{m}^2$). Building plans will be submitted to the municipality once land use rights sought for in this application have been approved. The proposed consent uses for the second dwelling is discussed in Section 6.3 of this report.

3.1.8 Proposed Farm Shed

A building plan (BP/15/113 & BP/17/1176) for a new farm shed (400m^2) was approved in 2015 and 2017 respectively, however, the farm shed was never constructed and the building plan approval for the farm shed has therefore lapsed. The owner would still like to construct the proposed farm shed in the future and has therefore included it in the proposed site development plan (**PLAN 3: CONCEPT SITE DEVELOPMENT PLAN**). The proposed floor plan for the farm shed will be exactly the same as was previously approved by the municipality.

The farm shed will be used primarily for the storage of grapes and olives during harvest time as well as for the storage of machinery, fertilizer and chemicals. The owner furthermore intends to install a wine press in order to make their own wine. The proposed consent uses for the farm shed are discussed in Section 6.3 of this report. Building plans will be submitted to the municipality once land use rights sought for in this application have been approved. The Site Plans approved in 2015 and 2017 is shown in the figures below.



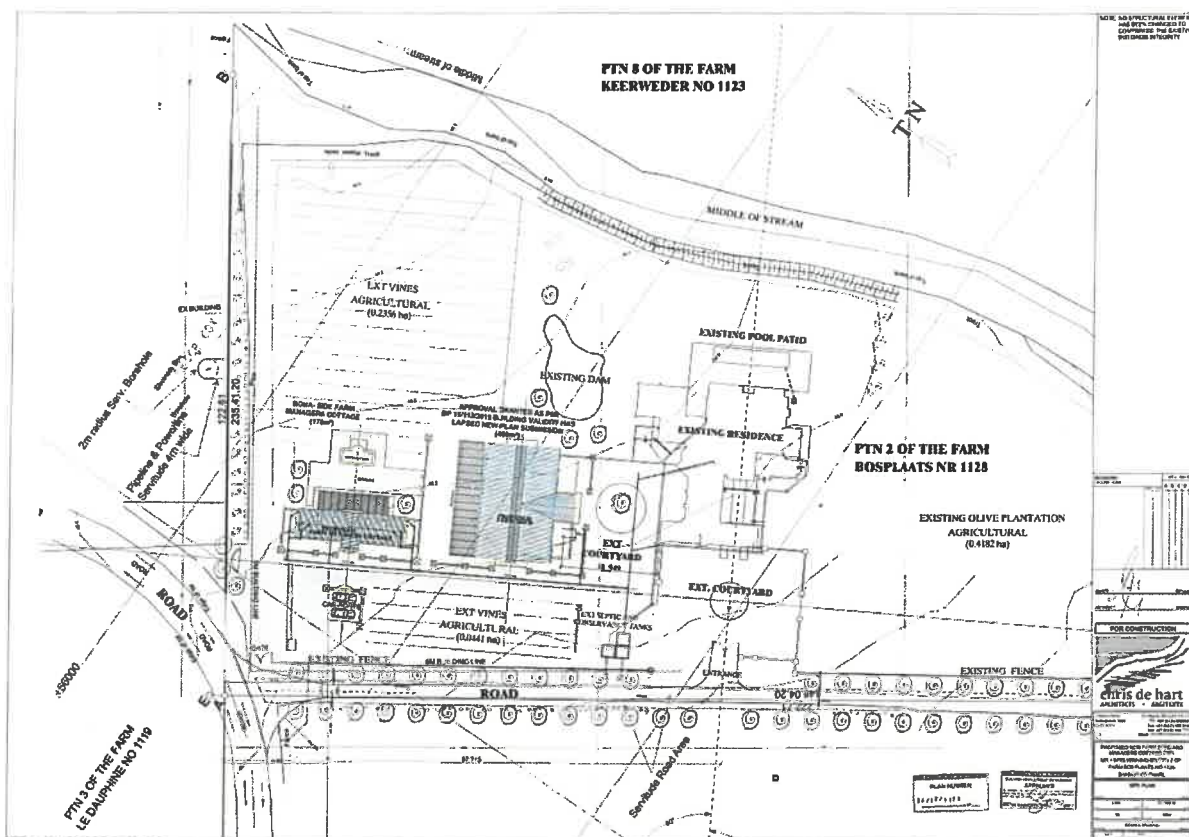


FIGURE 3: SITE PLAN APPROVED IN 2017 (BP/17/1176)

3.1.9 Proposed Engineering Services

The existing off-grid water and sewer infrastructure will be maintained on the property.

Electricity will still be provided by Eskom. The existing backup generator will continue to provide electricity when there are power cuts (loadshedding).

Refuse collection services will also remain the same. Refuse bins are collected by the municipality every Friday. Any additional refuse is disposed of by the owner at the nearest waste disposal site.

More detail on the above engineering services will be provided when the Building Plans for the proposed second dwelling and farm shed are submitted to the municipality.

3.2 PROPOSED ZONING AND LAND USES

The owner does not wish to change the existing zoning (Agriculture and Rural Zone) of the property. However, the size of the property (1.9 ha) prohibits it from being used as a standalone, economically viable, commercial agricultural unit. It is therefore necessary to look at alternative uses to unlock the site's economic potential, whilst still maintaining the agricultural and rural character of the site and the surrounding area.

3.2.1 Proposed Guest House Uses

The Stellenbosch Municipality Zoning Scheme By-Law (2019) makes provision that a property in the Agriculture and Rural Zone (AR) can be used as a Guest House.

The owner of Portion 2 of Farm 1128 would like to use the existing main dwelling house and the proposed second dwelling for guesthouse purposes (refer to **PLAN 3: PROPOSED SITE DEVELOPMENT PLAN**). The combined number of rooms used in the aforementioned dwellings for guesthouse purposes will not exceed a total of 7 bedrooms (or a maximum of 14 people).

Floor Plans of the Existing Main Dwelling and the Proposed Second Dwelling is shown in the figures below. The rooms to be used for guest house purposes are highlighted in pink on the plans. A total of five (5) bedrooms in the main dwelling is proposed to be used for guest accommodation whilst both bedrooms in the proposed second dwelling will be used for guest house purposes. The proposed second dwelling will have only two (2) bedrooms and will be an exact copy of the existing Manager's Cottage (Building Plan Number BP/17/1176). All bedrooms have on-suite bathrooms.

No changes are currently proposed to the existing main dwelling. Formal building plans will be submitted for the proposed second dwelling once this land use application has been approved.

Pursuant to this objective, the owner therefore seeks approval in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2023) as required by Sections 201(1) and 207 of the Stellenbosch Municipality Zoning Scheme By-Law (2019) to use the existing main dwelling and proposed second dwelling for guesthouse purposes with a combined maximum of 7 bedrooms.

3.2.2 Proposed Occasional and Tourist Facility Uses

The owner of Portion 2 of Farm 1128 would also like to use the property occasionally for functions, weddings, film shoots, and food and wine show purposes. The frequency of the events, the numbers of people and the proposed areas of the farm to be used for these purposes are summarised in the table below.

TABLE 3: FREQUENCY OF EVENTS, NUMBER OF PEOPLE AND AREAS TO BE USED

PROPOSED USE	FREQUENCY	NUMBER OF PEOPLE	AREAS TO BE USED
Weddings / Functions	Maximum 15 per year	Maximum 120 people	It is proposed that the entire property (except for the Manager's Cottage) is made available for weddings / functions. Depending on the size of the wedding and the weather, it can be accommodated in the main dwelling, the proposed farm shed and/or in the garden / lawn areas. Meals can also be served in the vineyards or olive grove if the weather permits and if it will not interfere with the farm activities. Weddings will be accommodated over weekends to ensure that it do not interfere with the day-to-day agricultural activities on the farm.
Film Shoots	Maximum 6 per year	Maximum 60 people	It is proposed that the entire property (except for the Manager's Cottage) is made available for film shoots. Care will

PROPOSED USE	FREQUENCY	NUMBER OF PEOPLE	AREAS TO BE USED
			be taken to ensure that film shoots do not interfere with the day-to-day agricultural activities on the farm.
Food & Wine Shows	Maximum 2 per year	Maximum 120 people	It is proposed that the entire property (except for the Manager's Cottage) is made available for the Food & Wine Shows. Depending on the number of people and the weather, it can be accommodated in the main dwelling, the proposed farm shed and/or in the garden / lawn areas. Meals can also be served in the vineyards or olive grove if the weather permits and if it will not interfere with the farm activities. Food & Wine Shows will be accommodated over weekends to ensure that it do not interfere with the day-to-day agricultural activities on the farm.

Occasional uses (more than one event per year) are allowed as a consent use in the Agriculture and Rural Zone (Stellenbosch Municipality Zoning Scheme By-Law (2019)). Film Shoots and Food & Wine Shows can be classified as occasional uses (see extract from Zoning Scheme Definitions below) and the owner would like to use the property (the existing main dwelling, the proposed farm shed and the open natural areas of the farm) occasionally on an intermittent basis for these purposes.

"occasional use" (geleentheidsgebruik) is the use of a property for an event on a temporary basis for a once off, or recurring activity which is ordinarily not permitted in the base zone such as a market, place of assembly, place of worship, sport facility, place of entertainment, business, conference, place of education, community, medical, restaurant, welfare, or an activity which involves the extraordinary gathering of people over and above the normal permitted or approved uses or capacity on the property², either as a once-off, or on an intermittent basis or at regular intervals;

DEFINITION 1: OCCASIONAL USE (SM ZONING SCHEME BY-LAW, 2019)

"place of entertainment" (vermaaklikheidsplek) is an indoor and/or outdoor place which is used predominantly for commercial entertainment, performances, music and/or revelry where patrons may participate in the activities or observe performances or gather for entertainment purposes, including the erection of temporary structures such as tents or marquees. The use may be approved as a permanent use on the premises or as a once-off or repeating occasional use. The venue may be licensed for on-site consumption of alcohol. Examples of a permanent place of entertainment include night clubs, pubs, cinemas, theatres, function venues and examples of occasional use as a place of entertainment include music festivals, circuses, food and wine shows;

DEFINITION 2: PLACE OF ENTERTAINMENT (SM ZONING SCHEME BY-LAW, 2019)

Tourist facilities are allowed as either an Additional Use (using existing buildings as tourist facilities) or as a Consent Use (using new buildings as tourist facilities or exceeding threshold) in the Agriculture and Rural Zone (Stellenbosch Municipality Zoning Scheme By-Law (2019)). Function venues (which would include weddings) is an example provided under the definition of "tourist facilities" (see extract from Zoning Scheme Definitions below) and the owner would like to use the property (the existing main dwelling, the proposed new farm shed and the open natural areas of the farm) occasionally at more regular intervals for these purposes (Functions and Weddings).

"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;

DEFINITION 3: TOURIST FACILITIES (SM ZONING SCHEME BY-LAW, 2019)

Pursuant to this objective, the owner therefore seeks the following approvals:

- Consent is sought (in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2023)) to utilise Portion 2 of Farm No 1128 (Agriculture & Rural Zone) occasionally (on an intermittent basis) for Film Shoots (6 times per year) and Food & Wine Show (2 times per year) purposes.
- Consent is sought in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2023) to utilise Portion 2 of Farm No 1128 (existing outdoor / garden areas + portions of the existing main dwelling and the proposed new farm shed) as a tourist facility for Functions (including Weddings)(15 times per year).

3.3 PROPOSED DEVELOPMENT PARAMETERS

3.3.1 Coverage

The coverage of the existing and proposed structures on the property is shown in the following table.

TABLE 4: PROPOSED COVERAGE

BUILDING/STRUCTURE	NOTES	COVERAGE			Change / Amend	
		Permitted	Existing	Proposed	From	To
Main dwelling house		600m ²	505m ²	505m ²	N/A	N/A
Manager's Cottage	1	120m ²	170m ²	170m ²	N/A	N/A
Water Tank Shed		No overall limit on land unit	±96m ²	±96m ²	N/A	N/A
Woodshed		No overall limit on land unit	±9m ²	±9m ²	N/A	N/A
Proposed Farm Shed		No overall limit on land unit	0	±400m ²	N/A	N/A
Proposed Second Dwelling		600m ²	0	±170m ²	N/A	N/A
Proposed Guesthouse		Max 7 bedrooms	0	Max 7 bedrooms	N/A	N/A
Proposed Tourist Facilities (Consent Use)	2	As approved by Municipality	0	Main Dwelling + proposed Farm Shed	N/A	N/A

Notes:

1. *The existing Manager's Cottage (170m²) was approved in 2017 (SM BP Number: BP/17/1176) and constructed in 2018 before the Stellenbosch Municipality Zoning Scheme By-Law (2019) came into operation. As an employee housing unit its area is 50m² larger than what is allowed (maximum 120m²) in terms of the aforementioned new zoning scheme. However, in terms of Section 8(3) of the Zoning Scheme By-Law (2019), this Manager's Cottage is a lawful non-conforming use.*
2. *The existing main dwelling house, the proposed farm shed (400m²) and the natural open areas of the farm will be used for Functions (including weddings).*

The coverage of the existing and proposed buildings does not exceed the permissible coverage in this Zone and therefore an amendment of this parameter is not required.

3.3.2 Height

The height of the existing and proposed buildings does not exceed the permissible height in this Zone and therefore an amendment of this parameter is not required.

3.3.3 Building Lines

None of the existing or proposed structures on the property is located within the 5m building lines and therefore an amendment of this parameter is not required.

3.3.4 Parking

There are currently off-street parking spaces for approximately 21 x vehicles on the property. When the proposed second dwelling is constructed an additional 4 x bays will be provided which will bring the total number of bays to 25 x off-street parking spaces.

An additional 2 x bays can be created next to the existing Shade Net Carport at the Manager's Cottage, which will bring the total number of available parking spaces to 27.

Sufficient parking exists on the property, and it is therefore not required to seek a departure from the off-street parking requirements of the Stellenbosch Municipality's Zoning Scheme By-Law (2019).

Information on off-street parking is shown in the table below.

TABLE 5: PROPOSED PARKING

LAND USE	NOTES	PARKING				Change / Amend	
		Zoning Scheme By-Law	Min. Required	Existing	Proposed	From	To
Main dwelling house	1	2 x bays / dwelling house	2 x bays	5 x bays (Garages)	5 x bays (Garages)	N/A	N/A
Manager's Cottage (employee housing unit)	2	None specified. Assume the same requirement as for 2 nd dwellings	1 x bay	2 x bays (shade net carport)	4 x bays (shade net carport)	N/A	N/A
Water Tank Shed	3	N/A	N/A	N/A	2 x bays (Garage)	N/A	N/A
Proposed Second Dwelling	4	1 x bay / 2 nd dwelling	1 x bay	0 x bays	4 x bays (Carport)	N/A	N/A
Proposed Guesthouse	5	1 x bay / bedroom, therefore 7 x bays are required.	7 x bays	8 x open parking bays at main entrance. 4 open parking space in approach to the 3-car garage	8 x open parking bays at main entrance. 4 open parking spaces in approach to the 3-car garage	N/A	N/A
Proposed Tourist Facilities (Consent Use)						N/A	N/A
• Functions (Weddings)	6	4 x bays / 100m ² GLA. Farm shed: (400m ² /100m ²) x 4. However, S30(1)(c) of the Zoning Scheme By-Law relating to Occasional Use events is applicable.	16 x bays Restricted to existing available onsite parking.	N/A	The number of people will be limited to the number available onsite parking bays times four or a maximum of 500 people, whichever is the lesser as required in S30(1)(c) of the Zoning Scheme By-Law.	N/A	N/A
• Functions: Food & Wine Shows (proposed Intermittent Occasional Use)	7	S30(1)(c) of the Zoning Scheme By-Law relating to Occasional Use events is applicable.	Restricted to existing available onsite parking.	N/A	The number of people will be limited to the number available onsite parking bays times four or a maximum of 500 people, whichever is the lesser as required in S30(1)(c) of the Zoning Scheme By-Law.	N/A	N/A

LAND USE	NOTES	PARKING				Change / Amend	
		Zoning Scheme By-Law	Min. Required	Existing	Proposed	From	To
<ul style="list-style-type: none"> Film Shoots (proposed intermittent occasional use) 	7	S30(1)(c) of the Zoning Scheme By-Law relating to Occasional Use events is applicable.	Restricted to existing available onsite parking.	Existing available parking bays will be used.	Existing available parking bays will be used as required in S30(1)(c) of the Zoning Scheme By-Law.	N/A	N/A
TOTAL			27 x bays	19 x existing bays	27 x proposed bays		

Notes:

1. The existing main dwelling house has two garages where 5 x vehicles can be accommodated. There are furthermore 8 x open parking bays in front of the main dwelling unit just inside the main entrance gate.
2. The existing manager's cottage (employee housing unit) has a shade net carport where 2 x vehicles can be accommodated. The Zoning Scheme By-Law does not specify a minimum required number of parking bays for employee housing units. It is therefore assumed that the same requirement for 2nd dwellings will apply in this case.
3. There is parking space in the water tank shed for 2 x vehicles.
4. The owner will provide 2 x parking bays at the proposed second dwelling. A minimum of 1 x bay is required in terms of the Zoning Scheme By-Law.
5. The proposed guesthouse would require 7 x parking bays. These vehicles can be accommodated at the main dwelling house where 15 x additional parking bays (3 in the one garage, ±4 open bays in front of the garage and 8 open bays at the main entrance) is available, if the owner uses 2 x parking bays.
6. Functions (weddings, food & wine shows) is included under both the "tourist facilities" definition and the "Places of Entertainment" definition. The off-street parking requirements table in the zoning scheme by-law, however, stipulate parking requirements for Tourist Accommodation Establishments and Places of Entertainment but not for Tourist Facilities. The calculations used here are thus based on the Places of Entertainment (General) requirement of 4 x bays per 100m² GLA. The proposed farm shed (400m²) or existing main dwelling will typically be used for functions (weddings, food & wine shows). Should the main dwelling be used for functions, the area would be less than 400m², therefore the largest area (400m² Farm Shed) was used in the calculation of the minimum required number of parking bays. However, the food & wine shows will be conducted as an intermittent occasional use and therefore the number of guests will be limited to the number of existing onsite parking bays as stipulated in S30(1)(c) of the Zoning Scheme By-Law relating to Occasional Use events.
7. The number of people will be limited to the number available onsite parking bays time four or a maximum of 500 people, whichever is the lesser as required in S30(1)(c) of the Zoning Scheme By-Law which relates to Occasional Use Events.

4. CONCLUSION

In conclusion, the following:

- The **primary objective** of this application is to obtain authorisation for consent uses permitted by the Zoning Scheme By-Law, 2019 in the Agricultural & Rural Zone. The intention is to keep the existing zoning of the property in place. The purpose of the land use application is to obtain authorisation for the following:
 - The use the existing and proposed second dwelling on the property as a Guesthouse with a maximum of 7 x bedrooms.
 - Consent to use the property occasionally (on an intermittent basis) for Film Shoots and Food & Wine Show purposes.
 - Consent to use the property (outdoor areas + portions of existing and proposed new buildings) as a tourist facility for Functions, Weddings, Wine Sales (120m²) and Wine Tasting purposes.
 - To obtain approval for the proposed Site Development Plan which shows the addition of a proposed second dwelling and proposed farm shed on the property.
- **Engineering Infrastructure & Services:** The existing off-grid sewer and water infrastructure will be used and maintained. Electricity is supplied by Eskom. A backup generator supply power when Eskom power is not available. The existing refuse removal services of the municipality will be maintained and the impact on these services, if any, will be negligible. The proposed land uses will not increase the demand for existing municipal engineering services.
- **Municipal IDP:** The proposed land uses on this property supports Strategic Focus Area 1 (Valley of Possibility) as described in the latest approved IDP. The proposed land uses unlock the economic potential of the property and therefore encourage enterprise, creativity and business development. It also contributes to Strategic Focus Area 2 (Green and Sustainable Valley) because it recognises that the natural environment is an important asset which underpins the vitally important tourism and agricultural economy in this area.
- **Municipal SDF:** The municipality's SDF (2023) and Zoning Scheme By-Law (2019) is aligned and therefore the spatial designations in the SDF applicable to this property are not in conflict with the permitted (additional and consent) land uses in the Agricultural & Rural Zone (Zoning Scheme By-Law, 2019). It can therefore be argued that the currently approved SDF specifically provides for the utilisation of the site as proposed in this land use application and therefore the existing (and proposed) utilisation of the site is regarded as compliant with the approved municipal SDF, as described in Section 19(1) of LUPA (Act 3 of 2014). It is therefore NOT necessary to motivate for deviation from the provisions of the existing approved SDF (2019).
- **Environment:** The proposed land uses does not trigger any NEMA listed activities.
- **Heritage:** The proposed land uses does not trigger a Notice of Intent to Develop (NID) in terms of Section 38 of the National Heritage Resource Act, 1999 (Act 25 of 1999)

It is therefore recommended that the land use applications (listed in paragraph 2.3 of this report) be approved.