



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14500 (TP61/2022)
Our File Reference Number: Farm 528/5 Stellenbosch
Your Reference Number: None
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Dear Mr Lombaard

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE, DEPARTURE AND PERMISSION ON FARM NO. 528/5, STELLENBOSCH DIVISION

1. This Municipality's decision letter dated 4 April 2024, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 15 August 2024 that the appeal submitted against the decision of the Municipal Planning Tribunal dated 20 March 2024, in respect of the application on Farm No. 528/5, Stellenbosch Division, **BE DISMISSED**, and that the subject decision, insofar as the conditions of approval, **BE VARIED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, as follows:
3. That the applications made in terms of Stellenbosch Municipal Land Use Planning By-law, 2023, on Farm No. 528/5, Stellenbosch Division for the following

3.1 Consent Uses in terms of Section 15 (2)(o) of the said by-law, for:

a) Tourist facilities to facilitate the following:

- i. New function/wedding venue (68-seater Chapel) (325 m²);
 - ii. Convert the existing second dwelling into a Farm stall/shop (96 m²);
- and

iii. Wellness centre/spa for the guests (583 m²);

b) Tourist Accommodation Establishment for three (3) bedrooms in the second dwelling with a capacity of six guests;

3.2 Permanent Departure in terms of Section 15 (2)(b) of the said by-law for the following:

a) To construct a 2.1m high brick wall on eastern boundary of the property (adjacent to the R44 Road);

b) To relax the building line from 5m to 0m in order to accommodate the new wellness centre/spa;

BE REFUSED in terms of Section 60 of the said By-law.

3.3 Reasons for the above decision:

3.3.1 The accumulative scale and form of the proposed uses that would result from permitting new buildings/structures, in addition to the existing building structures which are already significant for the size of the property, and its associated land uses, are not in keeping with the rural landscape as it will lead to the overdevelopment and crowdedness of non-agricultural land uses on an agricultural and rural zoned property that will not be subservient to the primary land use and farming activities.

3.3.2 The conversion of the second dwelling to provide guest accommodation will result therein that there is no residence on the property for the use of the owner or permanent resident involved in the agricultural activities on the subject property. The conversion of existing buildings to other uses can only be supported if these are no longer used, or suitable to be used in support of the primary uses of the subject property and if there are still adequate buildings remaining to cater for the primary uses of the subject property. The construction of any new primary use buildings to substitute converted existing primary use buildings to alternative non-primary uses

are therefore either specifically prohibited in terms of the Zoning Scheme By-law, or unjustified as the converted primary use buildings were deemed to be no longer required to serve the primary uses of the subject property.

3.3.3 The primary purpose of the Agricultural and Rural Zone is to protect and preserve agricultural land. The proposed use and overdevelopment of the subject property for non-agriculture related uses is not aligned with this purpose. The lack of buildings associated with and supporting the primary land use on the subject property further deteriorates the agricultural potential of the subject property.

3.3.4 The boundary fence / wall structure consist of a combination of masonry work and steel fencing which is specifically prohibited by the Zoning Scheme By-law on properties zoned Agricultural and Rural Zone and is not compatible with the rural character of the area or the objectives of the Scenic Route Overlay Zone and will detract from the rural character of the area and the scenic value of R44 Road.

3.3.5 No unique characteristics and considerations exist to view the subject property differently than the surrounding Agricultural and Rural Zone properties, and to justify or accommodate the extent of proposed development and associated new building structures.

3.3.6 The rural location and scenic route setting must be respected and protected from insensitive developments that detract from the provisions of the Zoning Scheme By-law and prevailing land use planning.

3.4 That the applications made in terms of Stellenbosch Municipal Land Use Planning By-law, 2023, on Farm No. 528/5 Stellenbosch Division for the following:

3.4.1 **Consent Uses** in terms of Section 15 (2)(o) of the said by-law, for:

(a) Tourist Accommodation Establishment for the following:

- i. Twelve (12) bedrooms with a capacity of 24 guests in the converted main dwelling;
- ii. Three (3) bedrooms with a capacity of six guests in the converted manager's / additional dwelling;

(b) Tourist facilities to facilitate a:

- i. Restaurant limited to 90 m² providing seating for 30 guests; and
- ii. Outdoor garden venue limited to 314 m² providing seating and picnics to 110 guests;

(c) Occasional uses exceeding one event per year to allow for a maximum of 24 events per calendar year on Farm No. 528/5 for live music, art exhibition and functions not extending beyond 18:00 in the restaurant and outdoor garden venue;

BE APPROVED in terms of Section 60 of the said by-law, subject to conditions in terms of Section 66 of the said By-law.

3.5 Conditions of Approval:

3.5.1 The approval only applies to the consent use application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.

3.5.2 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme By-law, 2023 be submitted within 3 months to the Municipality and approved prior to the submission of any building plans,

which site development plan satisfactorily addresses, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said By-law, any relevant matters relating to Section 16 (4) of the said By-law and specifically illustrate:

- a) that sufficient on-site parking is provided in accordance with the provisions of the subject Zoning Scheme By-law;
- b) that the boundary fence is provided in accordance with the provisions of the subject Zoning Scheme By-law;
- c) the area of the outdoor garden venue;
- d) areas and buildings used for agricultural activities;
- e) the building lines in terms of the Zoning Scheme By-law as well as Title Deed; and
- f) include appropriately labelled floor plans depicting all approved land uses as well as ancillary uses within the corresponding approved floor size limitations.

3.5.3 The enclosed gazebo in the garden be used only as an extended serving point of the Restaurant in the Tourist Accommodation Establishment to the outdoor garden venue and not be operated as a separate kitchen or restaurant.

3.5.4 No permanent structures be allowed in the outdoor garden venue except the existing enclosed gazebo.

3.5.5 An accurate register of events be kept and presented on request from an authorised official of the Municipality.

3.5.6 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

- 3.5.7 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said By-law, which service agreement includes and complies with the conditions related to the approval as imposed by the Directorate Infrastructure Services in their memo dated 17 January 2024, attached as **Annexure I**.
- 3.5.8 No directional, advertisement, or any other signage be erected without the prior approval of the competent authority and the Municipality.
- 3.5.9 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to submission of any building plans, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.5.10 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- 3.5.11 All doors and windows must strictly be kept closed after 18:00 when the Restaurant makes use of amplified sound.
- 3.5.12 Building plans be submitted within three months after the approval of the Site Development Plan and approved by the Municipality for all existing unauthorised building structures as approved in this appeal decision on the land use application and as depicted on the site development plan to be approved, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 3.5.13 Building plans be submitted within three months after the approval of the Site Development Plan for all changes of use in the existing buildings and which

building plans be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

3.5.14 The conditions related to the approval as imposed by the Western Cape Government: Transport Infrastructure contained in their letter dated 20 December 2023, attached as **Annexure G**, be complied with. Should revised comments be agreed in relation to the approval between the applicant and the commenting body, the said revised conditions be submitted to the Municipality with the Site Development Plan.

3.5.15 That the approval, insofar as the structures that have been developed without prior authorisation to facilitate unauthorised land use activities which have already commenced, is subject to a contravention penalty in accordance with the approved tariffs of Council, which contravention penalty is payable within 30 days from date of the subject approval.

3.6 The reasons for the above decision:

3.6.1 The scale and nature of the proposed activities in the existing structures will not further compromise the rural character of the surrounding landscape.

3.6.2 The development proposal will be accommodated within existing structures and will consequently have no additional impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost.

3.6.3 The necessary mitigation is proposed to limit any noise or nuisance impact relating to scheduled events.

3.7 Matters to be noted:

3.6.1 Event permits be obtained for any events proposed on the subject property as prescribed in the relevant policy or by-law of the Municipality.

3.6.2 Should, after following due process -

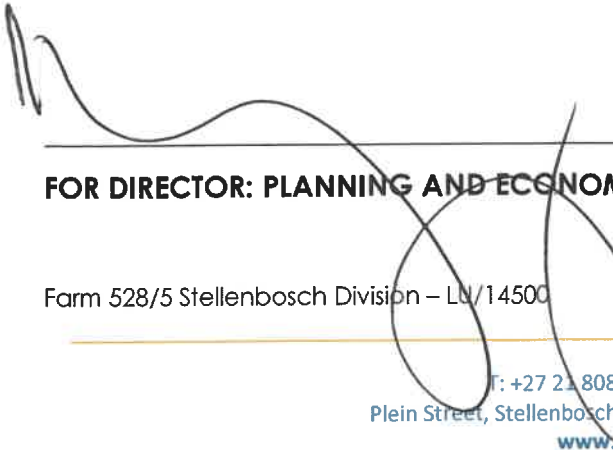
- a) The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
- b) The operational use of the tourist facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
- c) The property be used for any unauthorised uses not permitted in terms of this approval, the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-law (2023) to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

3.6.3 The delegated official to consider the permission required in terms of restrictive title deed condition clauses D (3) - (4) on page 2 of Title Deed No T18186/2016, to facilitate the approved land uses.

3.6.4 All other required approvals for the operation of the permitted land use activities must be obtained from the competent authority in order to comply with all legal requirements associated with this approval.

3.8 Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

23/8/2024

DATE

Farm 528/5 Stellenbosch Division – LU/14500

Page 8 of 9

COPIES TO:

1. [REDACTED]

Email: [REDACTED]

2. [REDACTED]

Email: [REDACTED]

3. [REDACTED]

Email: [REDACTED]

**ANNEXURE I: COMMENT FROM THE DIRECTOR: INFRASTRUCTURE
SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

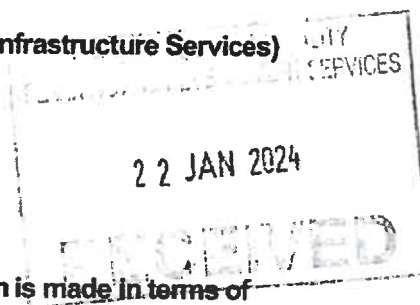
MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

FS28/5 S

CIVIL ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: Bulelwa Mdoda
From ▫ Van: Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Ilze Fillies
Date ▫ Datum: 17 January 2024
Our Ref ▫ Ons Verw: Civil LU 2593
Town Planning Ref: LU/14500 – TP61/2022
Re ▫ Insake: Farm 528/5, Stellenbosch: Application is made in terms of
Section 15 (2)(o) of the Stellenbosch Municipality Land Use
Planning By- Law, 2015, on Farm 528/5, Stellenbosch Division
for Consent Use for the following: - a) For Tourist facilities in
order to facilitate the following: - i new function/wedding venue
(68-seater Chapel) (325 m²). ii. Outdoor Garden venue with
gazebo (314 m²) (110 guests). i ii. Convert the existing second
dwelling (96 m²) into farm stall/ shop. iv. Wellness Centre/spa for
the guests (583 m²). v. Restaurant (90 m²) (30 guests) b) For
Tourist Accommodation Establishment for the following: i.
Twelve (12) bedrooms with a capacity of 24 guests in the
converted main dwelling. ii. Three (3) bedrooms in the converted
manager's / additional dwelling with a capacity of six guests;
and iii. Three (3) bedrooms added to the farm stall with a
capacity of six guests. 2. For Occasional uses to allow for more
than one event per year for Live music, art & exhibition and
outdoor functions.



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3. Application is made in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By- Law, 2015 for Permanent Departure for the following: -i. To construct a 2.1m high brick wall on the eastern boundary of the property (adjacent to R44) on Farm 528/5, Stellenbosch Division. ii. To relax the building line from 5m to 0m in order to accommodate the new wellness Centre/spa. 4. Permission required in terms of restrictive title deed condition clause D (1) - (4) on page 2 of Title Deed No T18186/2016, in order to facilitate the proposed uses on

This Memo replaces the previously approved land use 2421 memo dated 18 July 2023.

The application is recommended for approval, subject to the following conditions:

- The following conditions relating to the upgrades and arrangements for the effective provision of services are required to accommodate the development. No taking up of proposed rights will be allowed until these conditions have been complied with.

1. Roads

- 1.1 All the conditions set by the District Roads Engineer will be applicable.
- 1.2 The existing main access gate to the subject property is setback approximately one car length from the edge of the parallel access road and is not considered an issue with regards to stacking.
- 1.3 The proposed second gate must be more than 100 meters from the R44-intersection.
- 1.4 Attention must be given to the signage at/to the various accessed to ensure that vehicles do not obstruct traffic flow at the shared access.
- 1.5 As per the TIA and the letter from the Western cape government: The developer must upgrade the dedicated right turn lane (based on deceleration) along the Northern R44 approach to the access-intersection. The increased right turn movement from the access approach could pose a safety risk. This upgrade is for the developers' cost.



- 1.6 Sufficient parking must be provided and indicated on the SDP at the building plan submission stage.

2. Water

- 2.1 The owner has proposed borehole water.
- 2.2 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards.

3. Sewer

- 3.1 The existing sewer system consists of conservancy tanks for the sewer generated. It is the Developers responsibility to ensure that the conservancy tanks have sufficient capacity to accommodate the proposed developments.
- 3.2 No new septic tanks and soak-aways are permitted to be built.
- 3.3 Waste water and sewage may not pollute any ground water, stormwater and surface water.

4. Solid Waste

- 4.1 A formal space for the refuse bins must be provided to the outside of the existing main access gate.
- 4.2 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).

5. Development Charges

- 5.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage and will be amended based on the detail information provided on subsequent applications ie building plans.
- 5.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 5.3 The appropriate DC's are payable before building plan approval



- 5.4 The appropriate DC's are payable before the facility is put to its approved use (where building plans are not applicable).

AFILLIES

Ilze Fillies

Principal Technician: Development (Infrastructure Services)

N:\2.0 DEVELOPMENT\01 Land Use applications\2593 (IF) Farm 528-5 Stellenbosch (LU-14500 TP61-2022)\2593 () Farm 528-5 Stellenbosch (LU-14500 TP61-2022).doc

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Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number	2593 (IF) Farm 528-A Stellenbosch (LU-14500 TP81-2022)
Development Name	
Date	17 January 2024
Financial Year	2023/2024
Erf Location (Select from 7 Locations)	Stellenbosch Town
Erf Region (Select Urban or Rural)	Rural
Erf No. / Farm No.	Farm 528 portion 5
DC Parameters Reference	Val de Vire R44 Stellenbosch Urban Works dated 5 October 2023 and Site plan Drawing no 22-30 by LA Design dated 8 September 2023

SUMMARY OF DC CALCULATION									
Service	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Chl Eng Services)	Community	Totals	
Unit(s)	l/day	l/day	m³/c	l/week	l/day		persons		
Total Increased Services Usage	11,945	9,834	0,2621	0,6988	175,7		31,24		
Total Service Usage Reduction	0	0	0	0	89,9		0		
Total Service Usage after Reduction	11,95	9,83	0,26210	0,699	89,9		31		
Charges before adjusting for positive only, before Deductions	R 374 361,04	R 332 264,11	R 54 266,24	R 69 350,76	R 1 175 665,36	R 2 005 159,54	R 66 404,83	R	2 071 564,37
Charges adjusted for positive only, before Deductions	R 374 361,04	R 332 264,11	R 54 266,24	R 69 350,76	R 1 175 665,36	R 2 005 159,54	R 66 404,83	R	2 071 564,37
Total Deductions	R -	R -	R -	R -	R -	R 587 932,69	R -	R	587 932,69
Total Development Charges Payable (excluding VAT)	R 374 361,04	R 332 264,11	R 54 266,24	R 69 350,76	R 1 175 665,36	R 1 417 226,84	R 66 404,83	R	1 483 631,68
VAT	R 56 154,16	R 49 842,82	R 8 144,74	R 10 252,61	R 88 193,90	R 212 584,03	R 9 860,72	R	222 544,75
Total Development Charges Payable (including VAT)	R 430 515,20	R 382 106,92	R 62 410,98	R 79 603,37	R 1 263 859,26	R 1 629 810,87	R 76 265,55	R	1 706 176,43

APPLICANT INFORMATION	
Application Processed by	Itze Filles
Signature:	
Notes:	Credit is given for the existing Main house, second dwelling and managers cottage as per the Site plan Drawing no 22-30 by LA Design dated 8 September 2023

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Stellenbeschreibungen

Land Use Category	Land Type	Existing Usage		Proposed New Usage		Proposed Change	Development Charge (Land Use 15.1.1)		Sub Total (Grand Total Amount)	Community	Total
		Area (m²)	Unit / Amount	Area (m²)	Unit / Amount		Rebuild	Rebuild & Expansion			
Residential	Single Residential - 150m²	01	1	37,505.33	4	24,142.54	4	9,843.97	24,140.95	15,430.31	116,178.88
	Single Residential - 50m²	02		R	R	R	R	-	-	R	-
	Single Residential - 250m²	03		R	R	R	R	-	-	R	-
	Single Residential - 250m²	04	1	18,802.86	17,245.39	3,728.99	4	3,912.46	24,140.95	15,430.31	82,940.76
	Second Dwellings	05		14,102.00	13,799.31	3,728.99	4	3,912.46	15,508.09	15,430.31	68,688.14
Residential	2-3 Bed Residential	06		R	R	R	R	-	-	R	-
	Apartment	07		R	R	R	R	-	-	R	-
	Recreational Village	08		R	R	R	R	-	-	R	-
	Old age home	09		R	R	R	R	-	-	R	-
	Student Accommodation/Community/Health	10		R	R	R	R	-	-	R	-
Accommodation	Guest House	11		R	R	R	R	-	-	R	-
	Converted Guest House	12		R	R	R	R	-	-	R	-
	Light Residential	13		R	R	R	R	-	-	R	-
	General Business	14		R	R	R	R	-	-	R	-
	Office	15		R	R	R	R	-	-	R	-
Commercial	Retail Shop	16		R	R	R	R	-	-	R	-
	Restaurant	17		R	R	R	R	-	-	R	-
	Outdoor Function / Private Area	18		R	R	R	R	-	-	R	-
	Conference Facility/Place of Assembly	19		R	R	R	R	-	-	R	-
	Hospital/Clinic/Medical Rooms	20		R	R	R	R	-	-	R	-
Industrial	University/College	21		R	R	R	R	-	-	R	-
	School/Day Care	22		R	R	R	R	-	-	R	-
	Industrial - Light	23		R	R	R	R	-	-	R	-
	Industrial - Heavy	24		R	R	R	R	-	-	R	-
	Manufacturing/Light Manufacturing	25		R	R	R	R	-	-	R	-
Non-Residential	Storage Facilities	26		R	R	R	R	-	-	R	-
	Open Space/Natural Environment/Utility Site	27		R	R	R	R	-	-	R	-
	Roads and Planning	28		R	R	R	R	-	-	R	-
	Public	29		R	R	R	R	-	-	R	-
	Other	30		R	R	R	R	-	-	R	-
Total Area		8		Total Area		8		Total Area		8	

[illegible]

File (b)

FARM 528-5

GENERAL COMMENT:

1. Outside Stellenbosch area of supply.
2. All Electrical requirements should be directed to ESKOM

CONDITIONS

3. No conditions.



SIGNATURE

DATE 05/10/2023

FILE NR:	OUTDOING POST
F 528/5 SB	
SCAN NR:	
COLLABORATOR NR:	757795

**ANNEXURE G: COMMENT FROM THE WESTERN CAPE GOVERNMENT:
DEPARTMENT OF
TRANSPORT AND PUBLIC WORKS**



**Western Cape
Government**

Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref:

DOI/CFS/RP/LUD/REZ/SUB-25/484 (Job 30638)

The Municipal Manager
Municipality
PO Box
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

**PORTION 5 OF FARM 528, VAL DE VINE, STELLENBOSCH: MAIN ROAD 27 (R44): APPLICATION
FOR CONSENT USE, OCCASIONAL USE AND PERMANENT DEPARTURE**

1. The following refer:
 - 1.1. The application as received on 5 October 2023 from Viridus Works.
 - 1.2. All previous correspondence relating to this property including the following:
 - 1.2.1. The e-mail from Viridus Works to this Branch dated 11 October 2022 containing an application for consent use for the construction of a farm shed on Portion 5 of Farm 528 wrongly dated 27 February 2020 (it should read 2022);
 - 1.2.2. Drawing No. 22-24 prepared by LA Design Architects dated 29 April 2022;
 - 1.2.3. The updated Land Development Application for Consent Use prepared by Viridus Works dated August 2022;
 - 1.2.4. Your notice of refusal of building plan number 2139/2022 dated 10 October 2022;
 - 1.2.5. The unreferenced letter from Viridus Works dated 15 November 2022;
 - 1.2.6. Site Development Plan (Drawing No 22-30) prepared by LA Design Architects dated 15 February 2023;
 - 1.2.7. The letter UDS563/Reports/TIS/Rev02 from UDS Africa containing the Traffic Impact Statement dated 12 March 2023; and
 - 1.2.8. Our conditional no objection letter TPW/CFS/RP/LUD/LP-25/02 (Job 8223) dated 20 April 2023 approval and conditions for building plans for the construction of a farm shed in terms of the Act 21 of 1940 restrictive title deed conditions as listed in the Deed of Transfer.

2. Main Road 27 (MR27) (R44) is directly affected by this application at ±km28,55 left hand side (LHS).
3. The application entails following:
 - 3.1. Consent Use for tourist facilities to facilitate the following:
 - 3.1.1. New function venue (68-seater Chapel - 325 m²);
 - 3.1.2. Outdoor garden venue with gazebo (314 m²) for 110 guests;
 - 3.1.3. Convert the existing second dwelling (96 m²) into farmstall/shop;
 - 3.1.4. Wellness centre/spa for guests (583 m²); and
 - 3.1.5. Restaurant (90 m²) (30 guests).
 - 3.2. Tourist Accommodation Establishment for the following:
 - 3.2.1. Twelve (12) bedrooms with capacity for 24 guests in converted main dwelling;
 - 3.2.2. Three (3) bedrooms in converted manager's/additional dwelling for 6 guests; and
 - 3.2.3. Three (3) bedrooms added to the farm stall with a capacity for 6 guests.
 - 3.3. Occasional Uses to allow for more than one event per year for live music, art and exhibitions and outdoor functions;
 - 3.4. Permanent Departure for the following:
 - 3.4.1. To construct a 2.1m high brick pier palisade fence on the eastern boundary of the property (adjacent to Main Road 27); and
 - 3.4.2. To relax the building line from 5m to 0m to accommodate the new wellness centre spa inside the reconstructed reservoir.
4. Permission required in terms of restrictive title deed condition clause D(1) - (4) on page 2 of Title Deed No T18186/2016, in order to facilitate the proposed uses and buildings.
 - 4.1. In our letter TPW/CFS/RP/LUD/LP-25/02 (Job 8223) dated 20 April 2023 we provided permission for the removal of the restrictive title conditions by virtue of Section 11 of Act 21 of 1940 as imposed in the Deed of Transfer No T17448/1982.
5. Access to Portion 5 of Farm 528 is gained directly off MR27 at ±km 28,55 LHS via a shared access between the subject property and the two abutting properties, by way of a right-of-way servitude in favour of the abutting properties across the subject property.
6. Portion 4 and 5 of Farm 528 and Remainder of Portion 6 of Farm 528 share a median break access on MR27.
7. This Branch offers no objection to the construction of a 2.1m high brick pier palisade fence on the eastern boundary of Portion 5 of Farm 528, west of the servitude road.

8. This Branch offers no objection to the application for Consent Use, Occasional Use and Permanent Departure on Portion 5 of Farm 528, Stellenbosch Division subject to the following conditions:
- 8.1. As a result of the congestion that is currently experienced along the access approach to the MR27-intersection and from a safety point of view, a dedicated right-turn lane is required along MR27 to accommodate inbound traffic to the subject property as well as the two neighbouring properties, but as this median break will be closed as part of the future R44 Road Safety Upgrade Project such right turn lane will then be fruitless and the Branch is prepared to waive the condition for its construction on condition that visitors are made aware of the restriction on right turn traffic and efforts to limit simultaneous arrival of large traffic volumes that intend to turn right to or from the facility be put in place – especially during events that attract substantial traffic volumes;
- 8.2. It should be noted that any future change of land use application will be subject to the closure of the median break on MR27 or when the R44 Road Safety Project is implemented and the R44 access will then accommodate left in/left out traffic only;
- 8.3. To provide sufficient stacking distance for vehicles entering the property at the entrance structure and security gate and any other security measures must be designed and managed on the property to avoid vehicles stacking and waiting in the shared access road reserve and MR27 (R44), especially linked to the Occasional Uses to allow for more than one event per year for live music, art and exhibitions and outdoor functions, and traffic arrangements be communicated efficiently on the facility's website and managed to the satisfaction of the local traffic services.
9. Herewith this Branch approves the encroachment of the 5m building line to accommodate the new wellness centre spa inside the reconstructed reservoir.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 20 DECEMBER 2023

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Møendorff (e-mail: u.vonmendorff@stellenboschmunicipality.gov.za)
2. Viridus Works (Pty) Ltd
Attention: Mr D Lombard (e-mail: dupre.lombard@viridus.com)
3. Mr SW Carstens (e-mail: swcarstens@westerncape.gov.za)
4. Mr F Hunter (e-mail: faiz.hunter@westerncape.gov.za)
5. Me S du Preez (e-mail: sdupreez@westerncape.gov.za)
6. Mr B du Preez (e-mail: bdupreez@westerncape.gov.za)