

STELLENBOSCH

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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2024-11-29 FROM
10:00-15:00**

VOLUME 1



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2024-11-29 FROM 10:00-15:00**

Ref. no. 3/4/5/2/40

2024-11-29

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

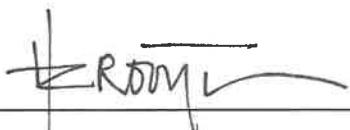
Mr A van der Merwe: Senior Manager - Community Services

Mrs M Francis: Senior Manager - Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services

Technical Advisor

Mr K Munro - Director Environmental & Spatial Planning: Department of Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2023), of the Municipal Planning Tribunal Meeting which will be held at the **Stellenbosch Council Chambers, Stellenbosch Municipality, Plein Street, Stellenbosch** on **FRIDAY, 2024-11-29** from 10h00-15:00 to consider the items on the Agenda.*



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



STELLENBOSCH

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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 OCTOBER 2024

**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON WEDNESDAY, 25TH OF OCTOBER 2024 AT THE STELLENBOSCH COUNCIL
CHAMBERS, STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM 10H00-
15H00**

**Ref. no. 3/4/5/2/40
2024-10-25**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr A van der Merwe: Senior Manager - Community Services

Mr M Williams: Senior Legal Advisor

Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and Implementation

Technical Advisor

Mr K Munro: Director Development Management, Department Environmental Affairs and Development Planning

Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

Ms N Dafeti: Town Planner

Ms O Vergotine: Administrative Officer

Mr R Fooy: Senior Town Planner

Visitors

Mr Dupre Lombard

Mr Charles Collins

Mr Chris Rabie

Mr André Wiehahn

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 OCTOBER 2024

ITEM	SUBJECT
SMPT 01/003/24	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/003/24	LEAVE OF ABSENCE
	None

SMPT 03/003/24	DISCLOSURE OF INTERESTS
	None received

SMPT 04/003/24	MINUTES OF THE PREVIOUS MEETING DATED 24 MAY 2024
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/003/24	REZONING AND SUBDIVISION OF FARM 717/1, PAARL DIVISION FROM AGRICULTURAL ZONE I TO SUB DIVISIONAL AREA WITH A DEPARTURE AND CONSENT FOR WAREHOUSING AND TRANSPORT USAGE Discussion: <ul style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal. b. Mr Chris Rabie and Mr André Wiehahn from Interactive Town & Regional Planning made a presentation on behalf of the owner of Heen-en-Weer Farm 749. Farm 749 is land locked and is looking for a solution for access via the adjacent property, Farm 717/1. See presentation attached.

- c. Mr Dupre Lombard from Viridus Works made a presentation on behalf of the owner Mr Charles Collins of Farm 717/1. See presentation attached.

The chairperson thanked the presenting parties and the following discussion was held in a closed MPT session.

- d. Three aspects were of concern and were discussed, namely:

- i) The road access options have not been finalised to an agreed outcome.
- ii) The ownership and maintenance of the open space must be reconsidered, and thus the zoning of Private Open Space or Public Open Space. Although the lack of maintenance of public open space might be a reality, the benefit of a future possible open space system throughout the area should not be undermined. Consideration should be given on possible options that will address current realities with maintenance and future possibilities to be part of an accessible open space system. For such purpose a zoning of public open space with interim arrangements on access and maintenance must be considered.
- iii) The use of the land west of the open space system must be reconsidered in line with the alternative options presented. Although there are examples of coexistence of light industrial and residential uses, the type of industrial uses must be considered as well as the interface with the property to the north which is also designated for residential development. The continuation of a component of residential development to the west is therefore preferred from a spatial planning perspective.

- e. The Tribunal notes the request from the applicant to refer the application back.

UNANIMOUSLY RESOLVED:

1. That the application be referred back for the applicant to specifically also address the following matters:

- 1.1. The proposed rezoning to subdivisional area application must comply with the requirements as stipulated in section 17(8) of the Municipal Land Use Planning Bylaw.

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	<p>1.2. The application reflects the municipal policy position in relation to the position of the land uses east and west of the river and the zoning and management of the open space area.</p> <p>1.3. The application be amended to include the subdivision plan to indicate as a minimum the road portions.</p>
SMPT 06/003/24	<p>CONSENT USE FOR A TOURIST FACILITY (RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION ESTABLISHMENT ON FARM No. 1106, PAARL DIVISION</p> <p>Discussion:</p> <ol style="list-style-type: none"> a. Chairperson handed over to Mrs Dafeti to give a brief introduction of the application that served before the Tribunal. b. The proposal was briefly discussed after clarity was given about the policy guidelines on tourist accommodation on farms. <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 1. That the application for a Consent Use on Farm No. 1106, Stellenbosch Division to allow a tourist accommodation establishment within six existing cottages, deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons: <ol style="list-style-type: none"> 1.1. The proposed development exceeds the number of dwelling units and coverage prescribed by the MSDF for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF. 2. That it BE DECIDED that the application for Consent Use on Farm No. 1106, Stellenbosch Division to allow a tourist accommodation establishment within six existing cottages does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons: <ol style="list-style-type: none"> 2.1. The proposed development will utilise the same cottages as approved in 2011 as a temporary land use departure. The context of

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 OCTOBER 2024

	<p>the development is the same as that of the 2011 and is subservient to agricultural activities found on the farm.</p> <p>3. That the following applications in terms of Section 15(2) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 on Farm No. 1106, Stellenbosch Division, namely:</p> <p>3.1. A consent use in terms of Section 15(2)(o) of the said by-law for the following:</p> <p>3.1.1. a tourist facility to utilise the existing wine tasting facility and outside seating area for restaurant purposes and to utilise the said existing wine tasting area as Function Venue; and</p> <p>3.1.2. In order to allow the existing six units to be utilised as tourist accommodation establishment.</p> <p>3.2. A permanent departure in terms of Section 15(2)(o) of the said by-law to exceed the permissible 120m² coverage prescribed for additional dwelling units to 124,628m² (cottage A), 180,744m² (Cottage B) and to 129,979m² (Cottage C) in order to accommodate the proposed additions to the existing cottages.</p> <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:</p> <p>4.1. The approval only applies to the proposed Consent Use under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.</p> <p>4.2. The development and building plans must be undertaken generally in accordance with drawing no. 201-205, dated 16 November 2023 and drawn by Jan Desseyn Architects and attached as Annexure C.</p> <p>4.3. The proposed tourist facility shall be limited to 400m² (210m² outside seating and 190m² inside) as indicated on attached Floor Layout Plans in Annexure C.</p>
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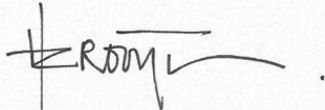
	<p>4.4. The Consent Uses (tourist facility and tourist accommodation establishment) must be subservient to the dominant agricultural use of the property.</p> <p>4.5. The 8-bedroom tourist accommodation establishment must be confined within the existing six self-catering units and no new buildings must be constructed.</p> <p>4.6. Condition as imposed by Department: Transport & Infrastructure in their letter dated 23 June 2023 be adhered to (See Annexure G).</p> <p>4.7. 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.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1. The proposed tourist facility is in line with the principles and guidelines of the Stellenbosch MSDF.</p> <p>5.2. The primary land use of the property will remain agriculture.</p> <p>5.3. The proposal is in line with the land uses found in the area, therefore it will not have a negative impact on the character of the area.</p> <p>5.4. The proposed land uses are confined within existing structures with proposed minor alterations and additions, thus agricultural viability of the subject property will not be affected.</p> <p>6. Matters to be noted:</p> <p>6.1. Conditions as imposed by Cape Winelands Health Services in their memo dated 24 November 2022 be adhered to (See Annexure H).</p> <p>6.2. 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.</p> <p>6.3. Building plans be approved by the Municipality prior to any building work commencing.</p> <p>6.4. A business license and a liquor license be applied for if required.</p> <p>6.5. Should, after following due process –</p>
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	<p>6.5.1. 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</p> <p>6.5.2. The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or</p> <p>6.5.3. 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 to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.</p>
SMPT 07/003/24	OTHER MATTERS
6.1	<p>PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)</p> <p>a) The Municipality provided feedback on the progress with the draft zoning scheme bylaw. The Department received ad hoc input from various parties and are working on the final draft to advertise it before the end of the calendar year.</p> <p>b) Questions were raised about the introduction of PT-areas with reference to parking requirements and other local area overlay zones such as Dennesig.</p> <p>c) Chairperson Crooijmans-Lemmer shared that she attended a documentary film on gentrification in areas like Kylemore, Raithby, produced by the US Department of Geography in corporation with Department of Art as part of the Woordfees. A report is available on findings with recommendations made to the Stellenbosch Municipality. If the report and film is available, it can be shared with the MPT.</p> <p>d) The GIS Public Open Viewer has been finalised and will soon be launched.</p> <p>e) The Directorate completed the review of the IDP and MSDF and the item will serve at the next Council meeting. The review process indicates whether an amendment process will be followed.</p>
6.2	<p>APPEALS RECEIVED AGAINST MPT DECISIONS</p> <p>a) Appeals were previously submitted against the following MPT decisions: Val de Vine, Jamestown Housing, La Motte Bosdorp</p>

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	<p>Housing. All the appeals have been concluded in line with the MPT decision.</p> <p>b) The appeal decision on a condition of approval of The Bridge project is still outstanding.</p>
6.3	<p>GENERAL</p> <p>No further issues were discussed.</p>



Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl

DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



InterActive Town & Regional Planning
P.O. Box 980
Hermanus
7200

Date: 21 October 2024

Reference: P 749 Klapmuts

Attention: MPT Chairperson

FARM 749 KLAPMUTS: OWNERS PRESENTATION AS AFFECTED PARTY TO THE CONSIDERATION OF THE APPLICATION OF FARM 717 GROENFONTEIN

1. Introduction

Your approval to allow us an opportunity to do an oral presentation at the Municipal Planning Tribunal, in compliance with the Stellenbosch Municipality Land Use Planning By-Law (2023) regarding the application for the rezoning and subdivision of Farm 717/1 Paarl Division from Agricultural Zone I to Subdivisional area with a departure and consent for warehousing and transport usage to be considered at the Stellenbosch Municipal Planning Tribunal (MPT) refer.

The owners of Farm 749 Heen-en-Weer have been attempting for almost 10 years to secure land use rights for the subject property after the property became landlocked.

Our primary objective of this presentation is to find the fastest workable and practical solution for Farm 749 Heen-en-Weer to be developed.

Following the above, the background that led to the land being landlocked and efforts made in conjunction with the Stellenbosch Municipality and with other parties over the last 6 years to find solutions to materialize the development of the land is provided.

2. Background:

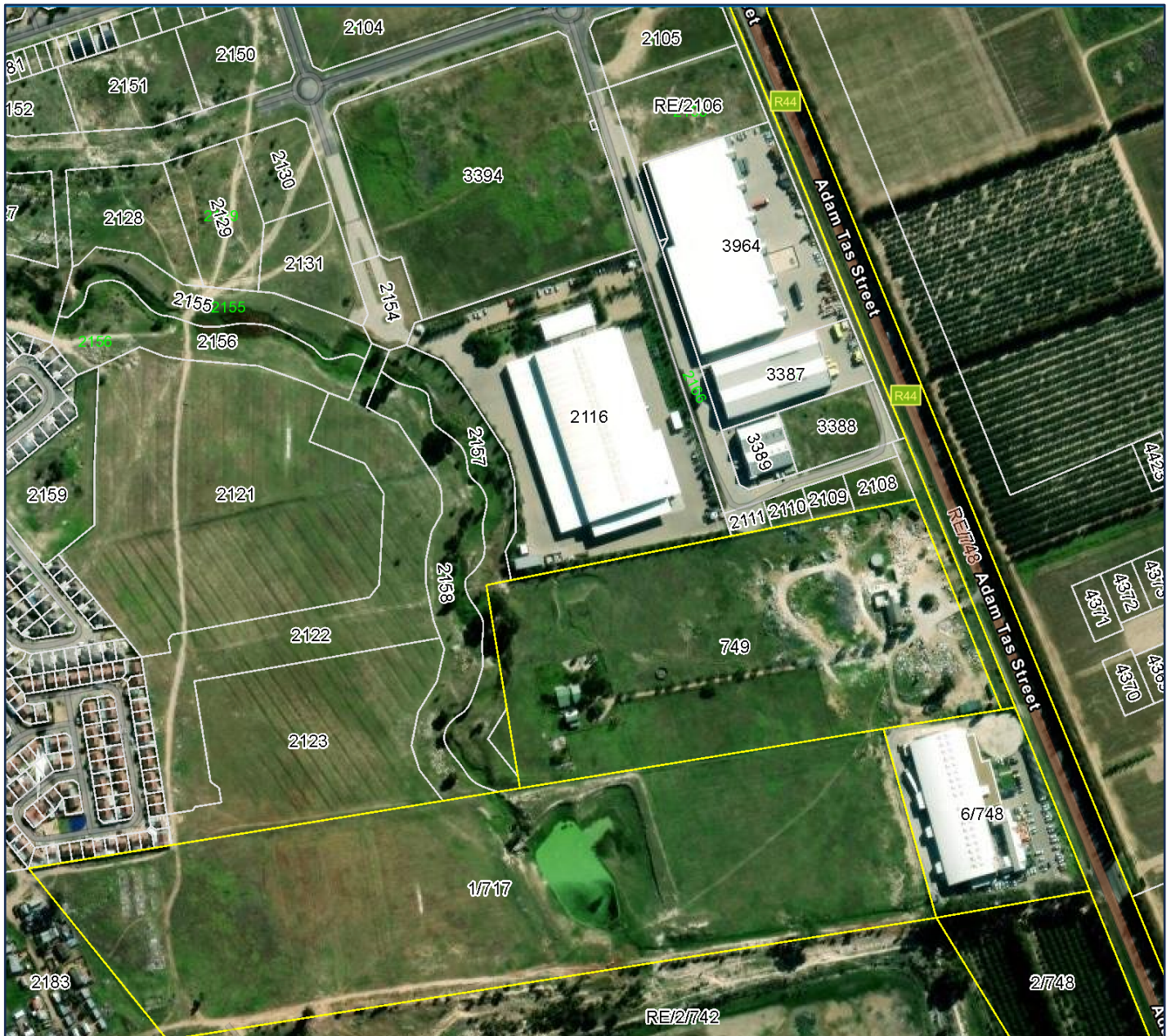
In the following section, some background resulting to the Farm 749 being landlocked is provided.

2.1 Simonsberg Industrial Park

Erf 2111 Klapmuts was rezoned as part of an application dated 12 November 2013 from Business Zone II to Open Space Zone II (Private Road) purposes.

In the motivation report, paragraph D.1.c) it was stated that ***“That the proposed rezoning of Erf 2111 for private road purposes is applied for in order to allow for access / linkage with the proposed development of Farm 749 (Heen-en-Weer) to the south Erf 1336.”***

The following extract from Cape Farm Mapper website provides context to the erven affected by the above application.



In a follow-up application, the public road providing access to inter alia Erf 2111 Klapmuts as part of an application for the subdivision, rezoning, consolidation, closure of a public road, consent use and amendment of architectural guidelines over Erven 2106, 2107, 2108, 2109, 2110, 2113, 2114, 2115, 2117, 2118, 2133-2142, 2166 and 2167 Klapmuts dated 8 May 2015 was approved on 26 November 2014 by the Director: Planning and Economic Development.

The Directorate Engineering Services, dated 26 November 2014 highlighted that ***“48. That the approval to rezone the public road, indicated as erf 2166, to a private road be subject to a mutual written agreement between the “Developer” and the owner of Farm 749 Heen-en-Weer in respect of access to Farm 749,”***

The following status reports confirm the closure of the Erven 2166 and 2167 as public roads and now being private roads:

rural development & land reform
Department:
Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA

90 Plain Street / Private Bag X1025, CAPE TOWN, 8000. Tel: 021 467 4850. Fax: 021 4633008. Email: rpd@rpd.gov.za

SURVEYOR-GENERAL: WESTERN CAPE

**GEOMATICS AFRICA
LAND SURVEYING CONSULTANTS**
PO BOX 2245
HERMANUS
7200

Enquiries: ML Zulu
My Reference: S/9762/5 v4 p212
Your Reference:

2018-08-17

Attention: Marthi De Klerk

Madam:

STATUS REPORT: ERVEN 2166 AND 2167 KLAPMUTS

I refer to your letter dated 2018-08-16.

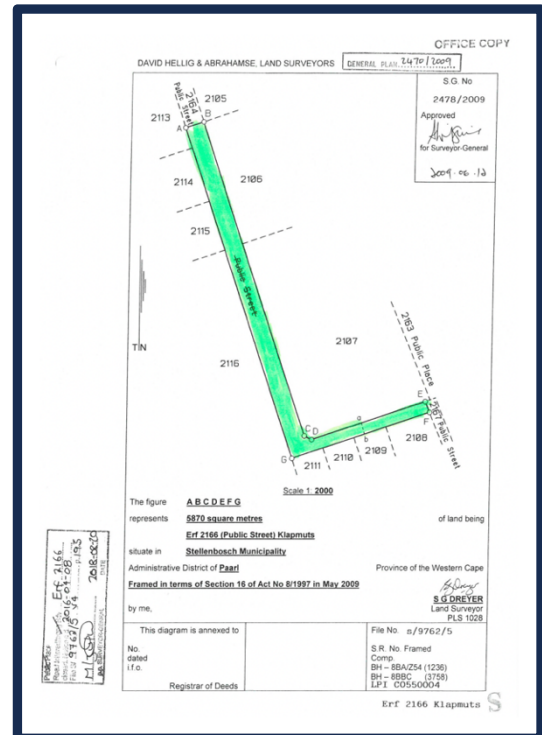
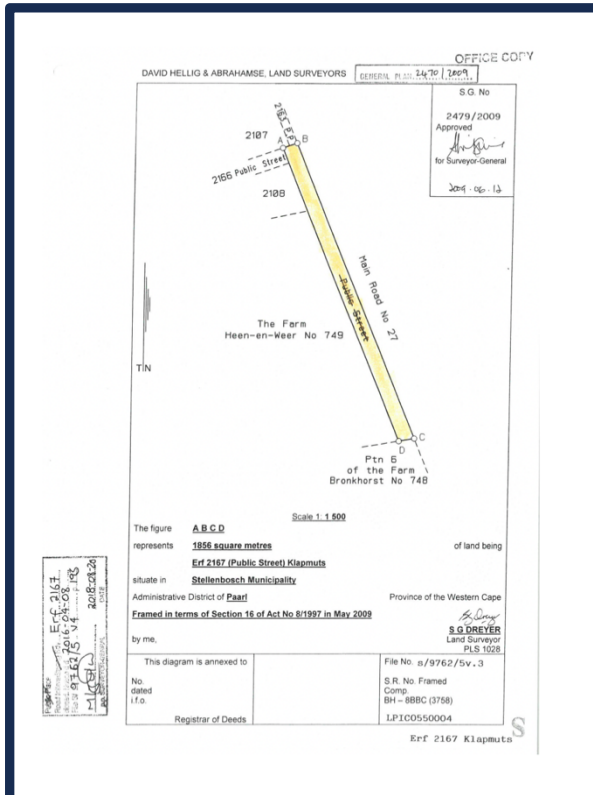
According to my records, the land shown COLOURED IN GREEN AND ORANGE on the attached plans represent:

- Green - Erf 2166 Klapmuts vide SG No 2478/2009
- Orange - Erf 2167 Klapmuts vide SG No 2479/2009

It is shown as ORDINARY ERVEN in our records.

Note: The above mentioned properties were Public Streets but they were officially closed vide Gazette Notice. 7594 dated 2016-04-08.

Yours faithfully
ML Zulu
For Surveyor-General: Western Cape



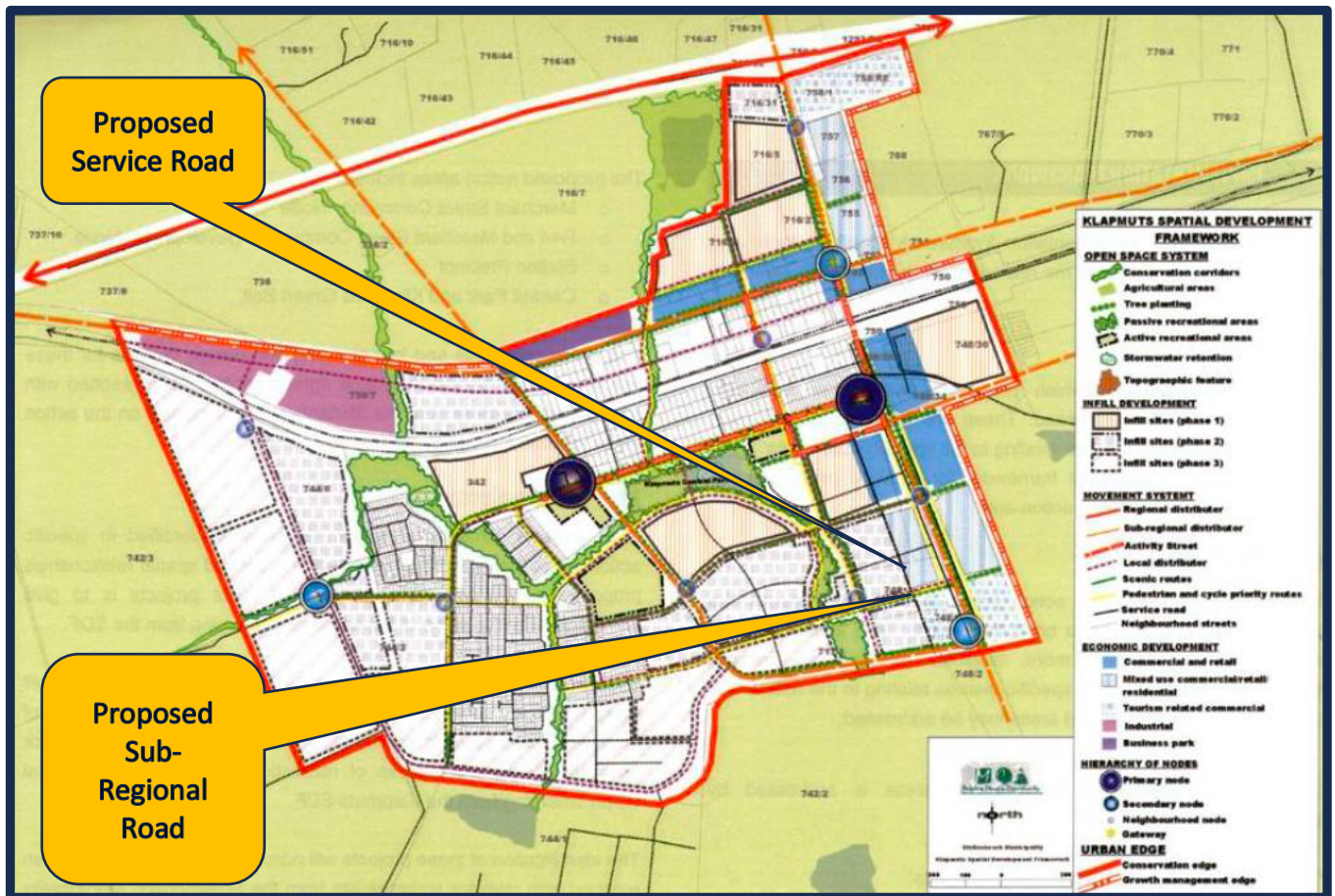
As a result of the non-compliance of this decision, Farm 749 Heen-en Weer became landlocked.

It was clearly stated in the conditions of approval that ***"48. That the approval to rezone the public road, indicated as erf 2166, to a private road be subject to a mutual written agreement between the "Developer" and the owner of Farm 749 Heen-en-Weer in respect of access to Farm 749,"***

No mutual agreement was ever concluded nor touted for from the owner of Farm 749 Klapmuts, but the Stellenbosch Municipality nevertheless allowed the rezoning of the Public Road and Erf 2111 Klapmuts to proceed resulting in Farm 749 becoming landlocked.

In addition to this, the decision was taken in contradiction with the Klapmuts SDF at that time without an application for deviation from the said SDF.

Further to the above, cognizance should also be taken that at the time of the application of the SIP, the Stellenbosch Municipality Spatial Development Framework, 2010 **clearly shows that Farm 749 should have obtained access via a service road through the SIP and Farm 717/1 as indicated below:**



It should also be noted that the said SDF also proposed a sub-regional distributor road on the southern boundary between Farm 749 and 717/1.

Of note is that the approval of the rezoning application for the SIP resulted to Farm 749 being landlocked. This mentioned application was signed-off by the Director: Planning and Economic Development at that time and is the applicant's consultant relating to Farm 717/1.

In terms of the Spatial Planning and Land Use Management Act, 2013 Clause 22. (1) clearly states that "A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development may not make a decision which is inconsistent with a municipal spatial development framework."

It is furthermore ruled that (2) Subject to Section 42, a Municipal Planning Tribunal or any other authority required or mandated to make a land development decision, may depart from the provisions of a municipal spatial development framework only if site specific

circumstances justify a departure from provisions of such municipal spatial development framework.”

The Director: Planning and Economic Development had no authority to make this decision and

The decision was also inconsistent with the municipal spatial development framework.

In terms of Section 42 (2) such decision could not be justified.

Perhaps even more relevant is that no application was even made to depart from the SDF.

2.2 Discussions and attempts to create access to Farm 749 Heen-en-Weer

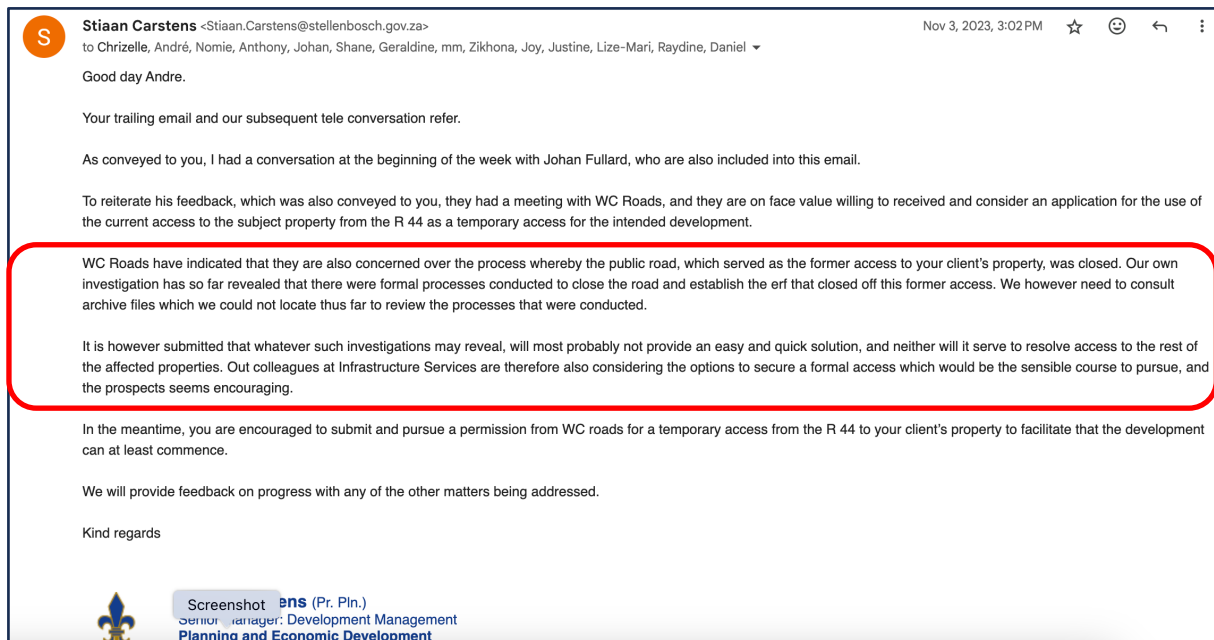
Since 2018 many meetings have taken place with senior officials; from the Municipal Manager to the Directors of the Engineering and Town Planning Departments without any success. **In finding a solution, a clear sympathy for our situation was always demonstrated but with no concrete proposal.**

Many discussions with the neighbouring property owners, including the subject application property owners were also held without achieving progress regarding unlocking the current landlock situation.

Of note is that the developer of the SIP offered to provide access to Farm 749 but in return demanded 50% of Farm 749 as compensation. Should that have been agreed to, the developer of Erf 2111 Klapmuts in principle agreed to provide access to Farm 749.

No evidence could be found of how permission was granted to commence with the rezoning of the SIP development. A request to view the files was made, but to date no direct response has received other than a statement that requested files are protected in accordance with the Protection of Personal Information Act.

The following response was received from the Stellenbosch Municipality regarding our request to view the files of how this error took place.



2.3 Conclusion regarding SIP:

The decisions made in 2015 resulting in the removal of public access through the Simonsberg Industrial Park to Farm 749 Heen-en Weer was illegal in terms of the Spatial Planning Act 2013 as:

2.3.1 The Director: Planning and Economic Development had no authority to make this decision and

2.3.2 The decision was also inconsistent with the municipal spatial development framework.

2.3.3 In terms of Section 42 (2) such a decision could not be justified.

2.3.4 No application was made to depart from the subject Municipal Spatial Development Framework.

The conditions of approval referred to in condition (48) of the application, were not complied with, resulting in the decision can only be considered ultra virus and the implementation of the decision was accordingly a mistake, leading to serious loss of an opportunity to the owners and the investors of Farm 749 and the community to develop the land and provide an economic opportunity.

The number of coincidences of events appears suspect.

2.4 The application of Farm 717/1

A notice of the application was emailed to the owners of Farm 749 on 31 May 2021 applying for rezoning and subdivision as shown in the following extract of the application:

Ptn 1 Farm 717:

- 1) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law, 2015 to rezone Farm No. 717/1, Paarl Division from Agricultural Zone I to Subdivisional Area, in order to accommodate the following land uses:
 - a. Portion A: Residential Zone II (± 0.75 ha);
 - b. Portion B: Transport Zone I (± 0.468 ha);
 - c. Portion C: Industrial Zone I, Open Space Zone II (Private Open Space) and Transport Zone II (± 6.5 ha)
- 2) Application is made in terms of Section 15(2)(d) of the By-Law for the subdivision of Portion 1 of Farm No. 717, Paarl Division into 3 portions for the following land uses:
 - a. Portion A: Residential Zone II (± 0.75 ha);
 - b. Portion B: Transport Zone I (± 0.468 ha)
 - c. Portion C: Industrial Zone I, Open Space Zone II (Private Open Space) and Transport Zone II (± 6.5 ha)
- 3) Application is made in terms of Section 15(2)(o) of the By-Law for a Consent Use in order to accommodate warehousing as well as transport usage in terms of the Industrial Zone I;
- 4) Application is made in terms of Section 15(2)(b) of the By-Law for a departure to develop 25 units / ha in lieu of the 20 units / ha density applicable to group housing;
- 5) Application is made in terms of Section 15(2)(b) of the By-law for a departure to provide 30m² of communal open space per dwelling unit in lieu of the prescribed 80m² of communal open space per dwelling unit required;
- 6) Application is made in terms of Section 15(2)(b) of the By-Law for a departure to provide 20% of the gross floor space of the dwelling unit for outdoor open space in lieu of the prescribed 80m² of communal open space.

In response, the application on behalf of the owners, was supported by the owners of Farm 749 Heen-en-Weer subject thereto that access be provided to Farm 749 to which the applicant, Messrs. Viridus Works (PTY) LTD acknowledged the comments on 12 July 2021.

Following the application process and meetings with the Stellenbosch Municipality, commitment was made by the Stellenbosch Municipality to find a solution to access to Farm 749 as is evident in the following emails:



InterActive Town & Regional Planning

P.O. Box 980
Hermanus
7200

Date: 7 July 2021

Reference: P 749 Klapmuts

Attention: ~~Mr Dupré Lombard, Viridus Works (Pty)Ltd~~

STELLENBOSCH MUNICIPALITY REFERENCE NUMBER LU 9820 AND 12469:- RESPONSE TO NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA: PORTION 1 OF FARM 717 AND ERF 2183 KLAPMUTS

The notice LU 9820 and 12469 forwarded to me and on the Stellenbosch Municipality website refers.

This comment is done with the permission of the owners of Farm 749 Heen-en-Weer.

The above-mentioned application is supported subject to the following:

1. That an agreement for a 16m access road to Farm 749 Heen-en-Weer be concluded to the satisfaction of the owners of Portion 1 of Farm 717 and the Farm 749 Heen-en-Weer, as part of a land swap transaction as per your e-mail dated 7 July 2021 and illustrated in the plan shown in the Annexure here-below.
2. That our land-use rezoning application process for Farm 749 Heen-en-Weer be authorized by the Stellenbosch Municipality to commence with, based on the fact that the agreement as per 1. here-above resolves the landlock situation which prevented the application to commence.

Your acknowledgement of this comment will be appreciated.

Should you have any questions in this regard please do not hesitate to contact me.

Kind Regards

Andre Wiehahn Pr. Pln. A/927/1996

Telephone: 028 312 1668 ~~Cellphone: 082 466 0490~~ Fax: 086 602 7558 E-Mail: info@itrp.co.za

RE: Klapmuts 749 Access & Timelines ➤ TP Klapmuts x



Stiaan Carstens <Stiaan.Carstens@stellenbosch.gov.za>
to me, Chrizelle, Tyrone, Robert ▾

Mar 28, 2022, 3:26 PM ☆ ☺ ↶ ⋮

Good day Andre;

Following from our discussions today, and as confirmed by our Engineers present, the roads provisions as contained in the proposed land use application for property Farm 717, and which would facilitate access over the subject property to Farm 749, will on face value be practical and viable.

It should be noted that the land use application on Farm 717 is still in process with the public participation process currently in progress. It will consequently not be possible to establish and give a position on the merits of the specific development proposal at this point in time.

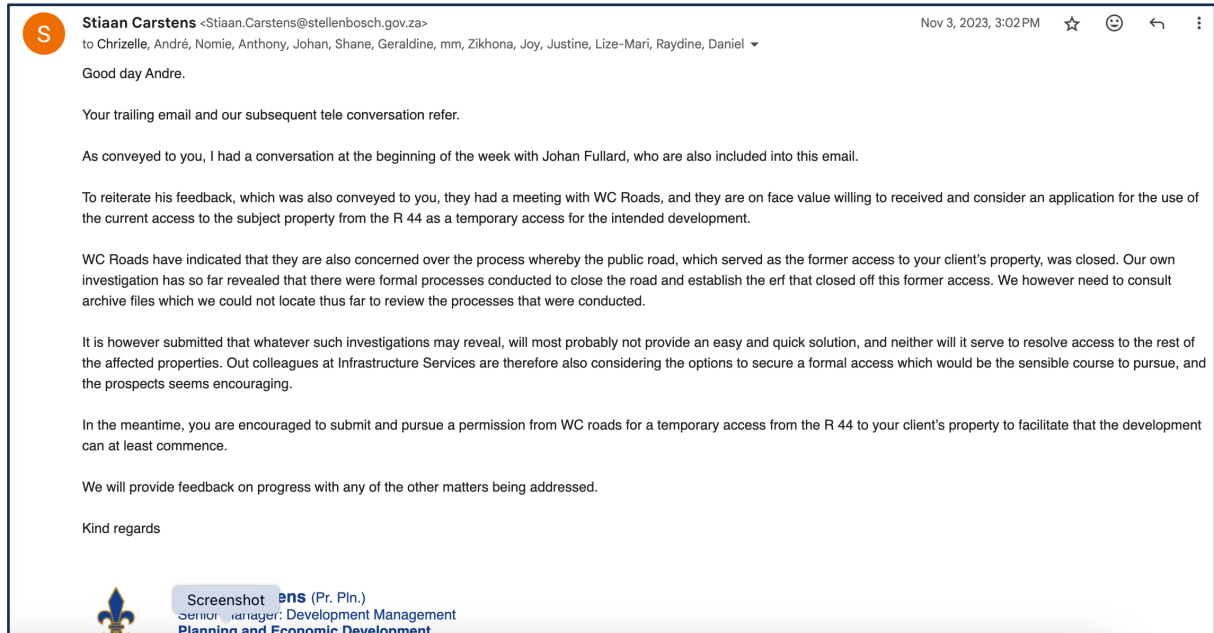
Kind regards



Stiaan Carstens (Pr. Pln.)
Senior Manager: Development
Management
Planning and Economic
Development

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Stiaan.Carstens@stellenbosch.gov.za
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www.stellenbosch.gov.za

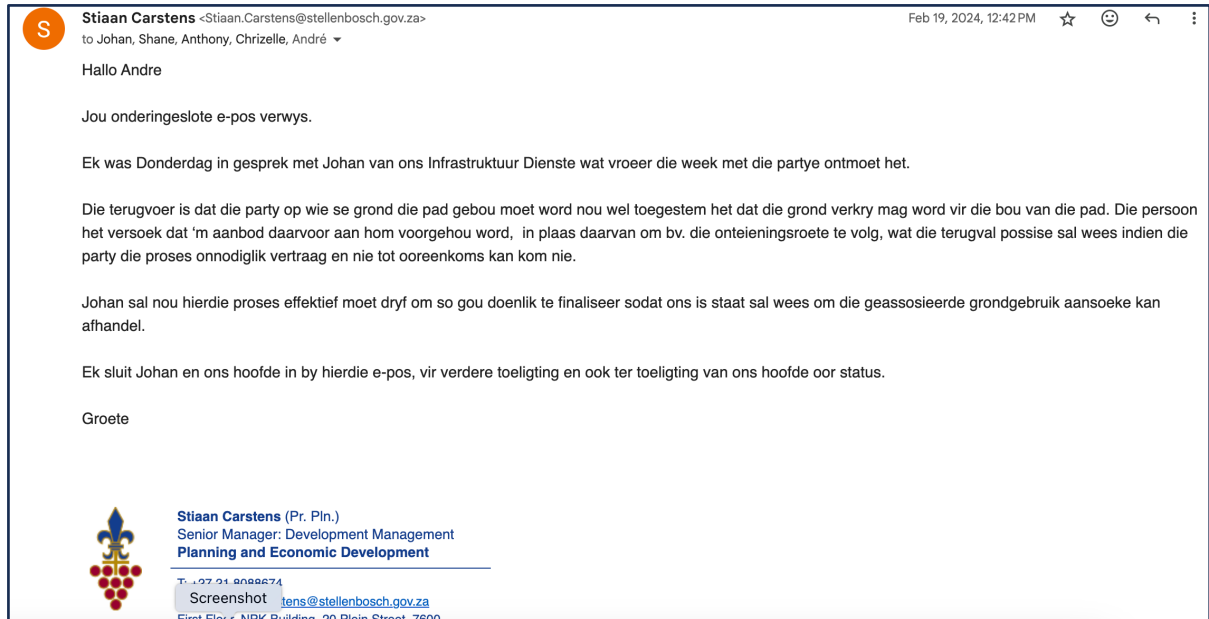
Following discussions with the Stellenbosch Municipality, access to information was formally requested during October 2023 to determine processes and procedures followed to the outcome of the decision of the SIP application.



Evident from the following email indicated that the municipality worked towards a solution to obtain a workable access to Farm 749.



In the following email dated 19 February 2024 further confirmation of an access solution was mentioned by the Stellenbosch Municipality and clearly indicating that as an alternative an **expropriation is a possibility**.



In a follow-up email from the Stellenbosch Municipality dated 22 February 2024 indicated that a solution was found.

"Stiaan Carstens <Stiaan.Carstens@ Stellenbosch.gov.za>

**Thu, Feb 22,
3:26 PM**

to Johan, Tyrone, Chrizelle, Anthony, Shane, Robert, André

Goeie dag Andre

Ons Infrastruktuur Dienste Departement het telefonies bevestig dat 'n ooreenkoms vir die oplossing vir die toegangspad kwessie wel bereik kon word.

Voort moet Tyrone en Johan, soos ingesluit by hierdie epos, jou as aansoeker voorsien van gewysigde kommentaar tot hierdie effek en wat jy met kerende kommentaar as finale POE aan ons moet voorsien sodat dit ons in 'n posisie sal plaas om die aansoek te finaliseer.

Jy is voorts welkom om die verlande opgedateerde kommentaar met Tyrone en Johan op te neem.

Ons sal poog om effektief met die aansoek te handel vir finalisering wanneer ons jou opgedateerde POE ontvang.

Groete

Stiaan Carstens (Pr. Pln.)
Senior Manager: Development Management
Planning and Economic Development

T: +27 21 8088674

Email: Stiaan.Carstens@ Stellenbosch.gov.za

First Floor, NPK Building, 20 Plein Street, 7600

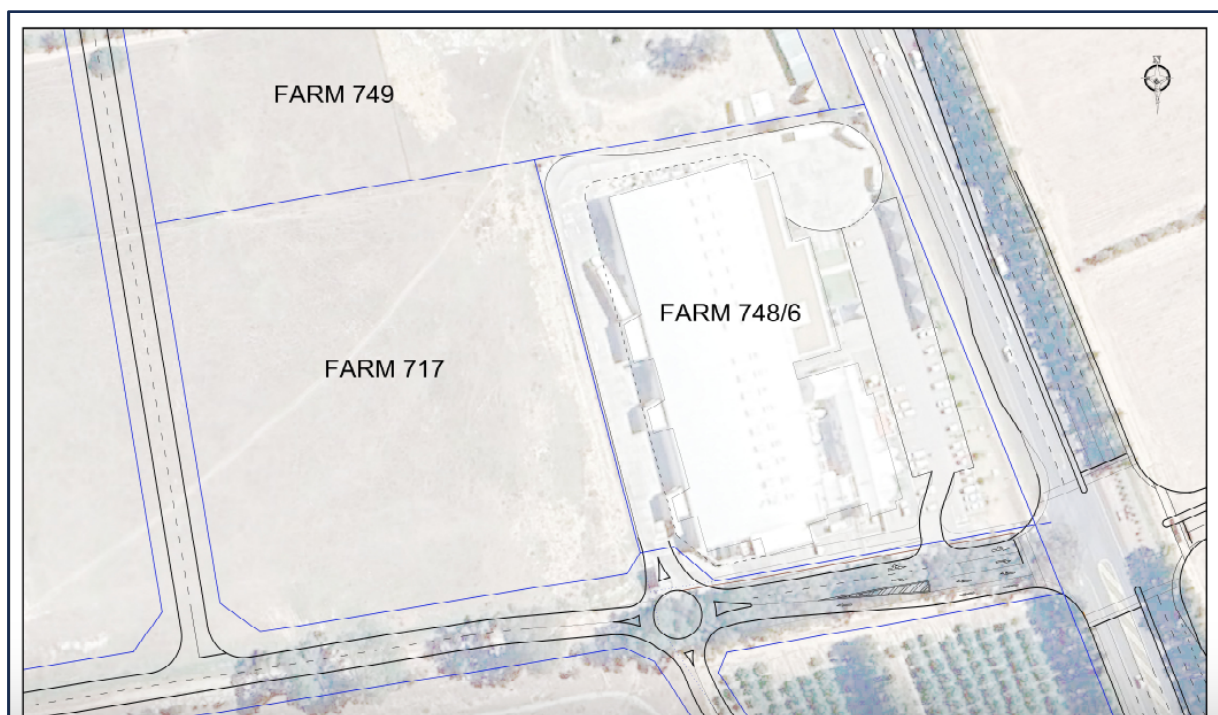
PO Box 17, Stellenbosch, 7599

www.stellenbosch.gov.za

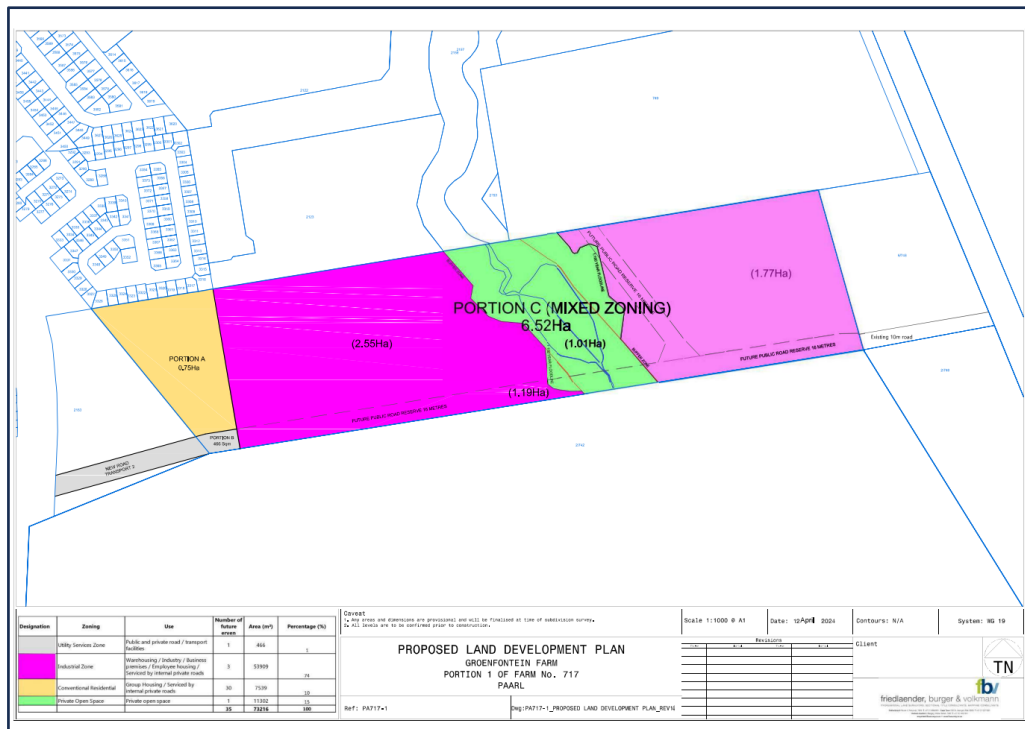
Simultaneously, the Western Cape Government, Deputy Director-General: Transport Infrastructure, dated 8 August 2023 supported the application subject to the following conditions as reflected in the following extract of the letter (also refer to the letter attached as **Annexure A**)

5. This Branch offers no objection to this application for the Subdivision, Rezoning, Consent Use and Departures for Remainder of Portion 1 of Farm Groenfontein 177 Paarl (Klapmuts) subject to the following conditions:
 - 5.1. Access off MR27 (R44) to Portion 1 of Farm 717 must be via a 16m municipal road reserve over Portion 6 of Farm 748 (Potbelly Pantry);
 - 5.2. The section of the 16m municipal road reserve must be acquired and the street off MR27 (R44) over Portion 6 of Farm 748 (Potbelly Pantry) must be constructed prior to the construction of the development;
 - 5.3. The extension of the 16m municipal street must link with Groenfontein Road;
 - 5.4. The development must provide access to Farm 749 (Heen-en-Weer) via a right of way servitude or municipal street over Portion 1 of Farm 717;
 - 5.5. Access to the development via Groenfontein Road will not be allowed without the access over Portion 6 of Farm 748 off MR27 (R44).

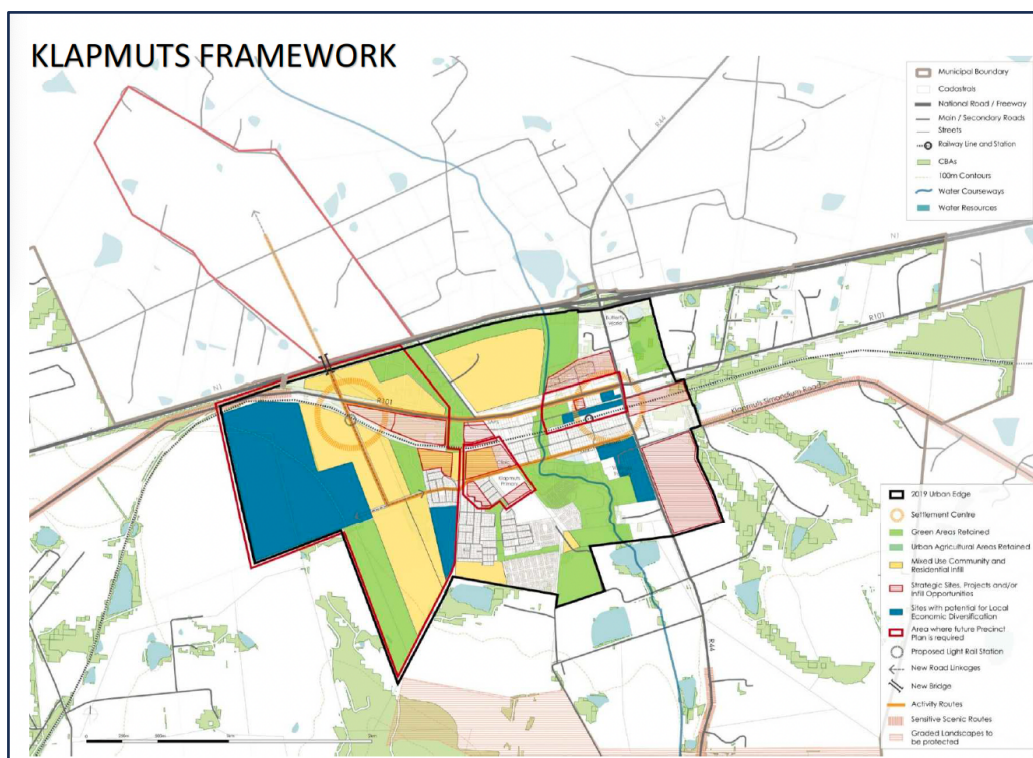
Specific detail access proposals were designed between the respective traffic engineers and Mr. Johan Fullard from the Stellenbosch Municipality for Farm 717/1 and 749 and whereby Traffic Engineer Liezl Stodart confirms Me Yolandi Obermeyer's from UDS Africa's support to the proposal (also refer to the letter compiled by Me Liezl Stodart regarding the access attached as **Annexure B**). The following access proposal was made over Farm 717 to Farm 749:



On 12 June 2024 we were informed that the applicant decided to change the layout without providing any subdivisions and only reflecting future roads as shown here-below:



Evident from the above application in terms of the Spatial Planning and Land Use Management Act, 2013 is that the application is not consistent with current SDF with specific reference to the “Green Areas Retained” an area in the application proposed for Industrial.



2.4.1 The recommendation of the MPT

As per the Agenda for the meeting on 25 October 2025 relating to the application for the rezoning and subdivision of Farm 717/1, Paarl from Agricultural Zone I to Subdivisional area with a departure and consent for warehousing and transport usage is recommended to be refused as shown in the following extract:

DECISION	
1.	That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm 717/1 Klapmuts, namely:
1.1	The rezoning of Farm 717/1, Paarl Division from Agricultural Zone I to Sub Divisional Area , in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law dated Junie 2023 in order to accommodate a mixed-use development comprising the following zonings: <ul style="list-style-type: none"> - Residential Zone II (±0.75ha) - Transport Zone II (± 0.0466ha) - Industrial Zone I (± 5.39ha) - Open Space Zone II (± 1.13ha),
1.2	The Subdivision of Farm 717/1, Paarl Division in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law dated Junie 2023, comprising the following portion: <ul style="list-style-type: none"> - Portion A measuring ±0.75ha for Group Housing purposes. - Portion B measuring ± 0.0466ha for Public Road purposes. - Remainder Portion consisting of ±5.39ha for Industrial and ± 1.13ha of Private Open Space purposes.
1.3	Departures in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law dated Junie 2023, for the following: <ul style="list-style-type: none"> 1.3.1 Density: as laid down by the council up to a maximum of twenty units per gross hectare or a 3:7 ratio with regard to the gross density of surrounding dwelling units, whichever permits smaller number of units is required, with a density of only 25 units / hectare being applied for. 1.3.2 Communal open space of at least 80m² per dwelling unit is required, with a maximum of 30m² of communal open space being applied for. 1.3.3 Private outdoor space required, at least 40% of the gross floor space of the unit concerned, in a form which shall not exceed a ratio of 2:1 (length to width) is required, with a maximum of 20% private outdoor space being applied for with no form ratio limitation.
1.4	Consent use in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-Law dated Junie 2023, in order to accommodate warehousing as well as transport usage under the proposed zoning of Industrial Zone I.
BE REFUSED in terms of Section 60 of the said Bylaw and subject to conditions of approval.	

The reasons provided by the Stellenbosch Municipality area the following:

2.	The reasons for the above decision are as follows:
2.1.	The Industrial land use proposed on the western side of the river are not supported as the river corridor / green belt is seen to be a natural boundary / buffer between the Industrial and Residential land uses.
2.2.	The main transport routes that form part of the subject property and that are required in terms of the Municipal Roads Master Plan for the Klapmuts area, are not included in the application under consideration.
2.3.	The application under consideration does not comply with the minimal requirements applicable to an application for a rezoning to subdivisional area.

2.4.2 Response to the recommendation to refuse the application in full

The implications of the refusal of the application will have the result that access to Farm 749 is once again denied. This, whilst in our opinion, the points mentioned in the “Planning Evaluation and Key Findings of Planning Evaluation” can be overcome through conditions of approval in terms of Part C, Clause 40 (7) (b) of the Spatial Planning Land Use Management Act, 2013 reading that *“A Municipal Planning Tribunal may in the approval of any application, impose any reasonable conditions, including conditions relating to the provision of engineering services”*

These proposed conditions would include inter alia the subdivision of the application area within a realistic determined time-period and access to Farm 749 and the Groenfontein link road.

The conditional approval would contribute to the much-needed development and consequent employment opportunities.

3. Recommended solution to the application under discussion

The existing recommendation to the MPT for the rezoning, subdivision, departures and consent use applications are recommended to be ***“refused subject to conditions of approval”*** is reflected of the extract in paragraph 2.4.1 above.

Our recommendation would rather be approving the application in part, but subject to the applicant through submitting an amended plan where among other conditions, and inter alia making provision for an access road.

The advantage of such part approval with inter alia a plan providing an access road would contribute to realizing development and the subject Klapmuts spatial development plan sooner. As part of this part approval a condition can be brought in that the owners Farm 749 compensate the owners of Farm 717/1 fairly for the land required for access from the future extended Groenfontein Road to the boundary of Farm 749 should, the application for Farm 749 be approved.

The disadvantage of the existing recommendation namely the refusal of the application will imply that the application of Farm 749 must also be refused until an access solution to Farm 749 is found. This would mean that the development of both these two properties can be delayed for an undetermined time with unnecessary negative economic implications to the owners, the community and the local authority.

4. Conclusion:

Against the above background of the fact that Farm 749 Klapmuts was indisputably deprived of a right of access to the public road network by unlawfully allowing the processes and accommodating the public road through the Simonsberg Industrial Park to be closed and proclaimed private road, the amended application for rezoning of the Farm 717/1 Klapmuts

to subdivision area is of critical importance to be partly approved and the only remaining opportunity for the Council to redress the injustice towards the owner of Farm 749.

It would not be fair due to the nature of the application that the owners of Farm 717/1 Klappmuts be "punished" in this process and therefore no additional obligations should be placed on that owner in the process that leads to the rezoning.

The owners of Farm 749 would urge the competent authority to use the opportunity, as it is within their powers and as an authorized agent to strengthen the Council's hand to achieve access to Farm 749 Klappmuts, in the most expeditious way possible, especially in light of the interest from a prospective developer who wants to acquire our property to erect a 25,000.00 square meter light industrial building, with minimal water and electricity needs, subject to suitable access be provided.

The recommendation should inter alia involve that the MPT allows for access from the proposed Groenfontein Road, a 16 meters wide road, which extends over the eastern part of Farm 711/1 to provide access to Farm 749 and also the exact route for the connection of such road to the proposed Groenfontein Road.

Furthermore, that portion or portions of Farm 717/1 to the south of the proposed Groenfontein Road and East of the river which crosses that property shall only be allowed to gain access to the latter road via such newly created public road.

It is subsequently recommended that the Council be responsible for the construction of the extension of the Groenfontein road up to the junction as a priority, to which contributions must be made by the two beneficial owners on existing principles.

If these proposals cannot be carried out the owners of Farm 749 Heen-en-Weer will have no option but to lodge a claim in terms of Section 26 (3)(a) of the Stellenbosch Land Use Planning By-Law, 2015 against the Municipality for financial loss and damage suffered due to the wrongdoing on the part of the Municipality which to date already resulted in loss due to the permanent closure of Erven 2166 and 2167, this something that we want to avoid at all costs

I trust the request to provide access via Farm 717/1 through the partial approval of Farm 717/1 be agreed to by the Stellenbosch MPT.

Kind Regards



Andre Wiehahn Pr Pln A/927/1996

Telephone: 028 312 1668 **Cellphone:** 082 466 0490 **E-Mail:** info@itrp.co.za

ANNEXURE A

Date: 18 March 2024

Our ref: LS 143

Stellenbosch Municipality
Private Bag X5043
Stellenbosch
7599

For attention: Mr. Johan Fullard

Sir

COVER LETTER FOR DRAWINGS:

ACCESS TO FARMS 748 (POTBELLY PANTRY), 717 (CADCOR), 749 (HEEN EN WEER), 742 AND 748/2, KLAPMUTS

This letter and accompanying drawings supersede the letter and drawings dated 13 March 2024. An agreement has subsequently been reached by the representatives of Farm 717 (Yolandi Obermeyer, UDS), Farm 749 (André Wiehahn, Interactive Town Planning) and Farm 748/6 (Liezl Stodart) on short term, intermediate and future layouts that are acceptable to all three parties.

1. Short term layout (Drawing No. LS143-A1 rev 01)

This drawing was prepared in response to a request by the Stellenbosch Municipal Engineering Department for the land use approval of Farm 748/6. The drawing shows the 10-metre wide public road reserve along the property's southern border with access to Farm 717, a relocated access to Potbelly Pantry with an exclusive right turn lane, as well as access for trucks near the western border.

2. Interim layout (Drawing No. LS143-G01 rev 05)

Farm 717 only needs one access road off Potbelly Road, and the practical position is near the centre of the property where the road can serve erven on both sides. The same road will be extended northwards to give access to Farm 749. A 16-metre wide road reserve will be provided by both property owners for this purpose.

It will not be necessary to provide another road or road reserve along the eastern boundary of Farm 717, as the Subtropico deliveries can continue in the current fashion with only the formalisation of the access from Potbelly Road (the east-west road).

3. Future layout (Drawing No. LS143-G02 rev 04)

This drawing shows how Potbelly Road can be widened when the additional ten metres from Farm 748/2 is added to the road reserve. A new road is proposed along the shared boundary of Farms 742 and 748/2, giving access to these two properties. The proposed alignment means that the

dam on Farm 742 is missed. Stellenbosch Municipal officials indicated that a roundabout should be introduced at the intersection of Potbelly Road and this new road. The Farm 748/6 delivery access can form the northern leg of the roundabout. The drawing shows the splays and road reserves that will be required to accommodate the future layout.

We trust that you will find the drawings to your satisfaction. Please contact the undersigned should you have any further questions.

Regards

A handwritten signature in black ink, appearing to read 'L. Stodart', with a stylized, flowing script.

Liezl Stodart
M. Eng Pr. Eng



LIEZL STODART

M.Eng Pr. Eng

PO Box 359
90 Threewaterskloof Estate | Villiersdorp | 0048
Tel: 082 338 6466
E-mail: liezlestodart@gmail.com

PROPOSED LAYOUT OF ACCESS ROAD PAST FARM 748/6 IN AVAILABLE 10-METRE WIDE ROAD RESERVE

DWG NO. LS143-A1

Rev 01

2024-03-16



FARM 749

FARM 748/6

FARM 717

le Earth

LIEZL STODART
M.Eng Pr. Eng

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90 Theewaterskloof Estate | Villiersdorp | 6848
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E-mail: liezlstodart@gmail.com

**ACCESS TO FARMS 748/6 (POTBELLY / SUBTROPICO), 717 (CADCOR) AND 749 (HEEN EN WEER), KLAPMUTS
SUGGESTED INTERIM LAYOUT**

DWG NO. LS143-G01
Rev 05
2024-03-16



FARM 749

FARM 748/6

FARM 717

FARM 742

FARM 748/2

Google Earth

ANNEXURE B



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/335 (Job 27206)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

REMAINDER OF PORTION 1 OF FARM GROENFONTEIN 177 PAARL (KLAPMUTS): MAIN ROAD 27 AND MAIN ROAD 205: UPDATED TRAFFIC IMPACT ASSESSMENT FOR THE ORIGINAL APPLICATION FOR SUBDIVISION, REZONING AND CONSENT USE AND DEPARTURES

1. The following refer:
 - 1.1. The email from Viridus Works dated 21 February 2023;
 - 1.2. The letter UDS233/Reports/TIA/Addendum from UDS Africa dated 20 February 2023 serving as an Addendum to the previous Traffic Impact Assessment (TIA) (Ref: iCE/S/1297 and dated 3 June 2019);
 - 1.3. Proposed Land Development Plan dated 8 November 2021 (reference PA717-1, drawing number PA717-1 and Revision 11) as prepared by Friedlaender, Burger & Volkmann;
 - 1.4. This Branch's comments and conditions (reference TPW/CFS/RP/LUD/EWZ/SUB-25/335 (Job 27206) dated 18 November 2021 on the application;
 - 1.5. All previous correspondence and conditions relating to the Rezoning and Consent application for the original Portion 6 of Farm No. 748, Paarl (Potbelly Pantry) with the intension of also creating a 20m road reserve on the southern edge of the subject property to perform the function of a Class 4 Municipal Collector road between Main Road 27 and Groenfontein road (10m will be taken from Farm 748/6 and 10m from the adjacent Portion 2 of Farm 748):
 - 1.5.1. Reference 16/9/6/1-25 (Job 26250) dated 10 September 2018 relating to this Branch's comments and conditions for the Rezoning and Consent application for Portion 6 of Farm 748, Klapmuts Paarl;
 - 1.5.2. Reference 16/9/6/1-25 (Job 270) dated 9 November 2020 for this Branch's comments and conditions and also to comply with the above approval by Stellenbosch

Municipality: Application for Subdivision of Portion 6 of Farm No. 748 (Potbelly Pantry) into two portions, Portion A (1056.4m²) a 10m wide strip along the southern boundary (part of the 20m road reserve) and Portion B (11913.4m²), the remainder and the Rezoning of the subdivided Portion A of Portion 6 of Farm 748 (Potbelly Pantry) from Industrials zone to Public Roads and Parking.

2. Main Road 27 (MR27; R44) is directly affected by this application while the Main Road 27/Main Road 189 (Old Paarl Road) and Main Road 27 / Main Road 205 (Simondium Road) is indirectly affected.
3. This Branch objected to the previous application because access would only have been through the existing Klapmuts road network with the main access off Groenfontein Road.
4. Key findings in the latest Addendum to the previous TIA are as follows:
 - 4.1. Access was initially only proposed via Groenfontein Road as issues regarding access over Portion 6 of Farm 748 (Potbelly Pantry) to MR27 (R44) were not yet resolved;
 - 4.2. The proposed access position changed from the Groenfontein Road access only, to access also now possible onto MR27 (R44) over Portion 6 of Farm 748 (Potbelly Pantry) and was possible following negotiations with Stellenbosch Municipality and the neighbouring property owners;
 - 4.3. It was agreed with Stellenbosch Municipality that 16m (of the 20m road reserve) would be provided along the subject property and Portion 6 of Farm 748, whilst the remaining 4m required to accomplish the 20m would be provided by the neighbouring property (Portion 2 of Farm 748) if/when it is developed;
 - 4.4. The 16m will provide sufficient space for an 8m road and 2m sidewalk;
 - 4.5. The proposed future 4m along the neighbouring property (Portion 2 of Farm 748) would accommodate the current row of trees and the NMT route;
 - 4.6. The potential trip generation, as per the previous TIA, were 276 peak hour trips (183 in, 93 out during the AM peak hour and 89 in, 187 out during the PM peak hour) for the light industrial/warehousing uses, and 23 peak hour trips (6 in, 17 out during the AM peak hour and 16 in, 7 out during the PM peak hour) for the potential housing portion of the development:
 - 4.6.1. With the proposed access to Main Road 27, approximately 75% of the light industrial/warehousing trips were assumed to travel via the said access, whilst the remainder of the light industrial/warehousing trips (possibly employees via the existing Klapmuts area) plus the housing portion-trips were assumed to travel via Groenfontein Road.
 - 4.6.2. To provide access to the Mount Vernon development, to the opposite side of the Potbelly Pantry-access, a dedicated right-turn lane (as first phase upgrade) and traffic signals (to follow when warranted) will be provided at this intersection.
 - 4.6.3. MR27 (R44) / MR189 (Old Paarl Road) intersection: WCG comments mentioned that this intersection was not included in the previous TIA's analyses but should be assessed

as the development would “add at least 200 vehicle trips to the traffic passing through” the intersection.

- 4.6.4. It was concluded that no upgrades to the MR27 (R44) / MR189 (Old Paarl Road) intersection is considered necessary as result of the proposed development traffic and that background issues exist in the area, i.e. the dualling of Main Road 27 considered required to accommodate the traffic along the road through Klapmuts (between Klapmuts-Simondium Road-intersection and the N1-interchange), by the year 2026/2027 (based solely on annual growth in background traffic along the road, regardless of specific developments).
- 4.6.5. It was recommended that the proposed development on the subject property be considered for approval from a traffic point of view on condition that the R44/Potbelly/Mount Vernon intersection is signalised, and access to the full proposed development is possible to Groenfontein Road as well.
5. This Branch offers no objection to this application for the Subdivision, Rezoning, Consent Use and Departures for Remainder of Portion 1 of Farm Groenfontein 177 Paarl (Klapmuts) subject to the following conditions:
 - 5.1. Access off MR27 (R44) to Portion 1 of Farm 717 must be via a 16m municipal road reserve over Portion 6 of Farm 748 (Potbelly Pantry);
 - 5.2. The section of the 16m municipal road reserve must be acquired and the street off MR27 (R44) over Portion 6 of Farm 748 (Potbelly Pantry) must be constructed prior to the construction of the development;
 - 5.3. The extension of the 16m municipal street must link with Groenfontein Road;
 - 5.4. The development must provide access to Farm 749 (Heen-en-Weer) via a right of way servitude or municipal street over Portion 1 of Farm 717;
 - 5.5. Access to the development via Groenfontein Road will not be allowed without the access over Portion 6 of Farm 748 off MR27 (R44).
6. This Branch remains concerned about the continuous ad-hoc development approvals in Klapmuts with interim road intersection measures proposed but also affecting the further deterioration of the mobility function of this section of MR27 (R44) until such time as the dualling of the affected section of MR27 (R44) is in place.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 8 AUGUST 2023

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2. STBB
Attention: Me A van Vuuren (e-mail: annemarievv@stbb.co.za)
3. Mr P Pienaar (e-mail)
4. Mr B du Preez (email)
5. Mr S Carstens (e-mail)

ORAL PRESENTATION TO THE MUNICIPAL PLANNING TRIBUNAL REGARDING THE LAND DEVELOPMENT PROPOSAL FOR PORTION 1 OF PAARL FARM GROENFONTEIN NO. 717 AT KLAPMUTS (LU 9820)

1. Presentation

The submission and presentation of verbal input at the oral hearing on 25 October 2024 is done on behalf of the applicant and owner of the property, Cadcor (Pty) Ltd. The purpose of the presentation is to comment on the item before the Tribunal. The point of contention is the negative recommendation (recommendation for refusal) and reasons for the recommendation, which are not based on statutorily defensible grounds or criteria for consideration of applications as set out in Section 65 of the Stellenbosch Municipality Land Use Planning Bylaw, 2023.

We will request a favourable decision, by the approval of the proposed use, based on a decision considering Section 49 of the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA) and Section 65 of the Stellenbosch Bylaw.

We attach three illustrative maps and an extract of the Roads Master Plan hereto for reference purposes, each of which briefly discussed in the presentation:

- 1.1. Map relating to site specific conditions;
- 1.2. Map showing Alternative 01;
- 1.3. Map showing Alternative 02; and
- 1.4. Road Master Plans 2018 and 2022.

2. Planning report

The recommendation for the outright refusal of the application does not refer to any of the criteria for the consideration of applications as set out in Section 49 of LUPA, or Section 65 of the Bylaw. Instead, it argues that the application should be refused, because:

- the industrial land use proposed on the western side of the river is not supported;
- the "*main transport routes that form part of the subject property and that are required in terms of the Municipal Roads Master Plan for the Klapmuts area, are not included in the application under consideration*"; and
- the application does not comply with the requirements for an application for rezoning to subdivisinal area.

2.1. Industrial use west of the river.

The reasons for indication of an industrial use to the west of the river are contained in our numerous submissions. Suffice to refer to the facts that uncertainty regarding access to abutting properties, and the need for economic opportunities, more than the need for more lower middle income residential erven, substantiate the proposal.

Alternatives 01 and 02 hereto illustrate how a positive outcome (approval subject to appropriate conditions) can lead to a desirable development that benefits the larger community and the Municipality.

The report does not take appropriate cognizance of the site specific environmental factors, which the applicant need not motivate, as it is a fluvial risk management matter. The establishment of residential settlement directly below a dam, is a risk. There are at least seven instream farm dams within three kilometres upstream of the development (see Annexure A), other than the dam directly abutting the property. It would be foolhardy to permit a lower middle income or GAP housing residential development in such close proximity to the dam. Households in this income category are not financially resilient, and any damage to their properties as a result of a dam failure would be devastating. The officials should consult with the Department of Water and Sanitation in this regard. An industrial use can absorb the risk related to flooding in a worst case dam failure scenario, where a residential settlement for lower income households cannot.

Moreover, road access to the abutting properties (Farm 749, Ptn 2 Farm 742, and Erf 2123) will affect the layout and it too needs to be considered, but cannot, if there is no certainty regarding the zoning of the property (see Annexure B and C). Instead of leaving the land vacant as open space that is not properly maintained or used (proven by experience in Klapmuts) and thus benefitting only the informal live stock farmers, the land between a road to the abutting properties and the river can be used productively for industrial purposes and with economic benefit to all.

The argument that the close proximity of industry and residential uses create an undesirable living environment are contrary to the trends seen in the Western Cape and even the Adam Tas Corridor Spatial Development Framework. In these it is recommended that light industrial, commercial, and residential uses are mixed. The following extract from the ATC SDF is but one example.



2.2. Roads master plan

The approved RMP of October 2022 does not show a road over the property (See Annexure D) and it does not contain any road project that directly affects the property.

The 2018 RMP did show a proposed project, as indicated by the dotted line over the property, but this project was clearly discarded with the 2022 RMP approval.

The owner is more than willing to provide for roads required by the abutting properties and to create a link to Groenfontein, as shown on the plans with the application, but such road is not required for the development of an industrial park as envisaged for the subject property. The adjacent Simonsberg Industrial Park is a case in point. There is no

thoroughfare through it, causing the abutting Farm 749 to be landlocked.

Thus, the owner of the subject property need not apply for the rezoning and subdivision of a road. Those parties requiring the road need to apply for it, as the owner had to do over Erf 2183 on the insistence of the Municipality.

2.3. Application is non-compliant

The application, if non-compliant, should have been refused. The Municipality, in a letter dated 26 May 2021, confirmed that the application is considered complete and compliant,

(8) The approval of a rezoning to subdivisonal area must include conditions that make provision for at least—

- (a) density requirements;
- (b) main land uses and the extent thereof; and
- (c) a detailed phasing plan or a framework including—
 - (i) main transport routes;
 - (ii) main land uses;
 - (iii) bulk infrastructure;
 - (iv) requirements of organs of state;
 - (v) public open space requirements; and
 - (vi) physical development constraints.

and that the application process can proceed. This reason is contradictory to the letter and seemingly ignorant of the fact that a decision should address the matters which are described in the report as shortcomings (see

insert from the Bylaw). At the time of making the application, in June 2019, the requirement was for the indication of the different zonings and uses, and the density of the development. This was included in the application. The application even satisfies the 2023 Bylaw requirements, as it addresses all the aspects under Section 17(8) of the Bylaw as inserted above.

Section 49 of LUPA requires consideration of the SDF, the principles referred to in Chapter

Basis of assessment of land use applications

49. When a municipality considers and decides on a land use application, the municipality must have regard to at least—

- (a) the applicable spatial development frameworks;
- (b) the applicable structure plans;
- (c) the principles referred to in Chapter VI;
- (d) the desirability of the proposed land use; and
- (e) guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

VI and the desirability of the development, all of which addressed in the application.

The item, under the desirability considerations (page

15), determines the use to be desirable, but for the lack of a buffer between the residential and industrial uses. Such a buffer can be created as shown in the attached plans with the alternatives and can be made a condition of the development, considering the aforementioned integrated use trends and policy relating to the Adam Tas Corridor.

3. Requested decision

A refusal of the application as recommended is counter-productive. By refusing the application, the community at large receives no benefit, the Municipality receives no benefit, and the abutting land owners, which need to establish access across the property, do not benefit.

On the contrary, and as confirmed in parts of the item, an approval will benefit all parties, while

not causing any negative effect on the receiving environment.

We request that the application be approved in whole, given that we argue that use of the property is desirable, in keeping with the relevant policies, and has no negative effect on the receiving environment or the rights of others and that there is no substantive objection thereto.

The approval could be granted on condition that a road reserve be set aside along the southern boundary, as indicated in the plans and in correspondence with the Directorate: Infrastructure Services. Moreover, an approval can be made conditional on the submission of an amended plan showing the extent of the approved uses (Section 17(8)(b) of the Bylaw), for which purpose we propose positive consideration of Alternative 01.

Submission by:



DUPRÉ LOMBAARD

ANNEXURE A: Map relating to site specific conditions

Ptn 1 Farm No. 717, Paarl RD: Site situation



Legend

- Farm Portions
- Erf

Wetlands (NWM5)

Classification

- Seep wetland
- Dams

Rivers

- Non-Perennial
- 20m Contours

0 0.15 0.3 0.45 0.6 0.75 km

Map Center: Lon: 18°52'26.4"E
Lat: 33°49'8.7"S

Scale: 1:15,000

Date created: 2024/10/18



**Western Cape
Government**
FOR YOU

ANNEXURE B: Map showing Alternative 01



ANNEXURE C: Map showing Alternative 02



ANNEXURE D: Road Master Plans 2018 and 2022

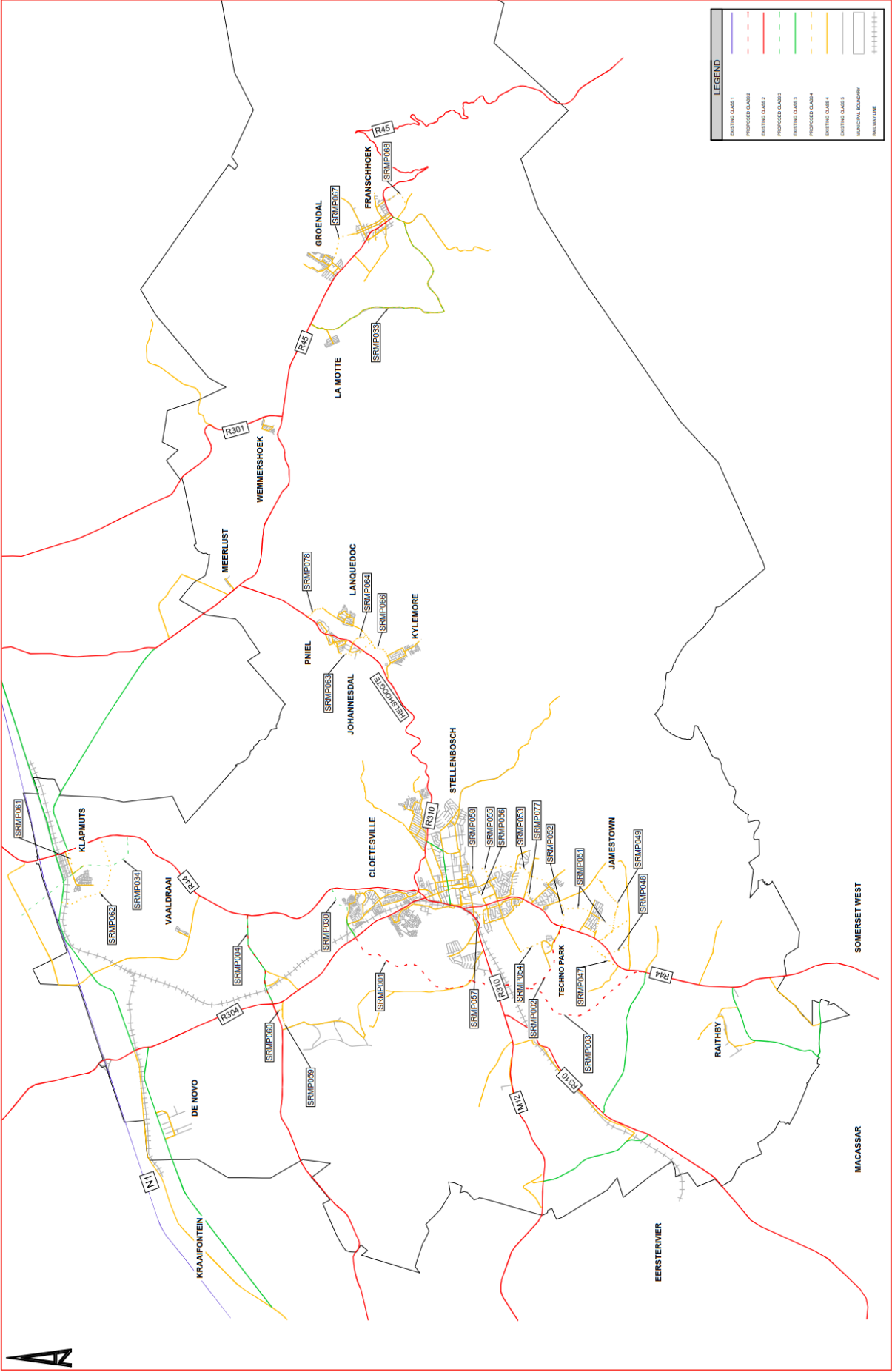


Figure 8-1: 2022 Stellenbosch Road Masterplan proposals

LAND USE AND LAND DEVELOPMENT APPLICATION: CONSENT USE FOR A TOURIST FACILITY
(RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION
ESTABLISHMENT: FARM No. 1106, PAARL DIVISION

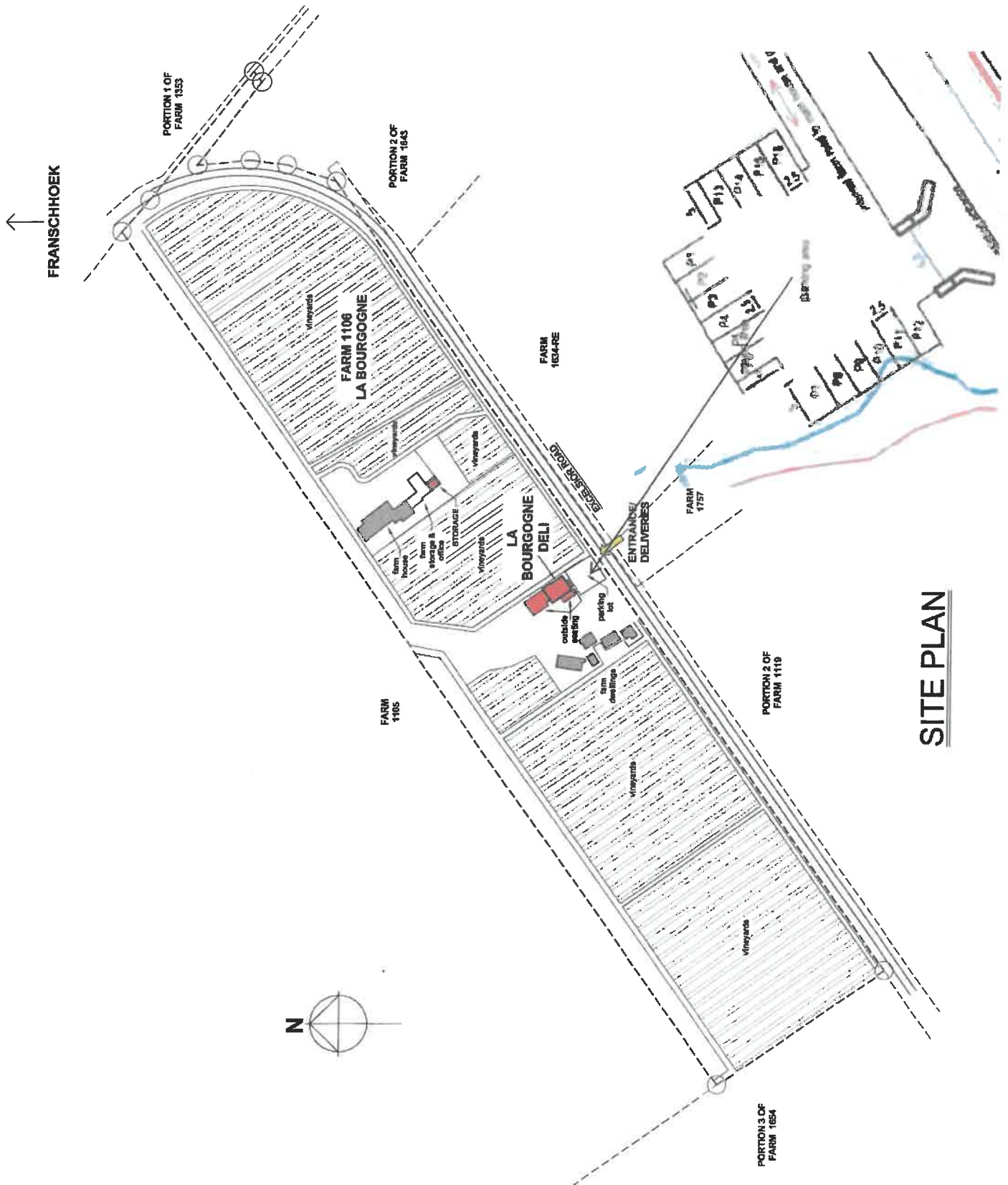
ANNEXURE C

Site & Floor layout plan

LA BOURGOGNE
FARM 1106
EXCELSIOR ROAD
FRANSCHHOEK
7690

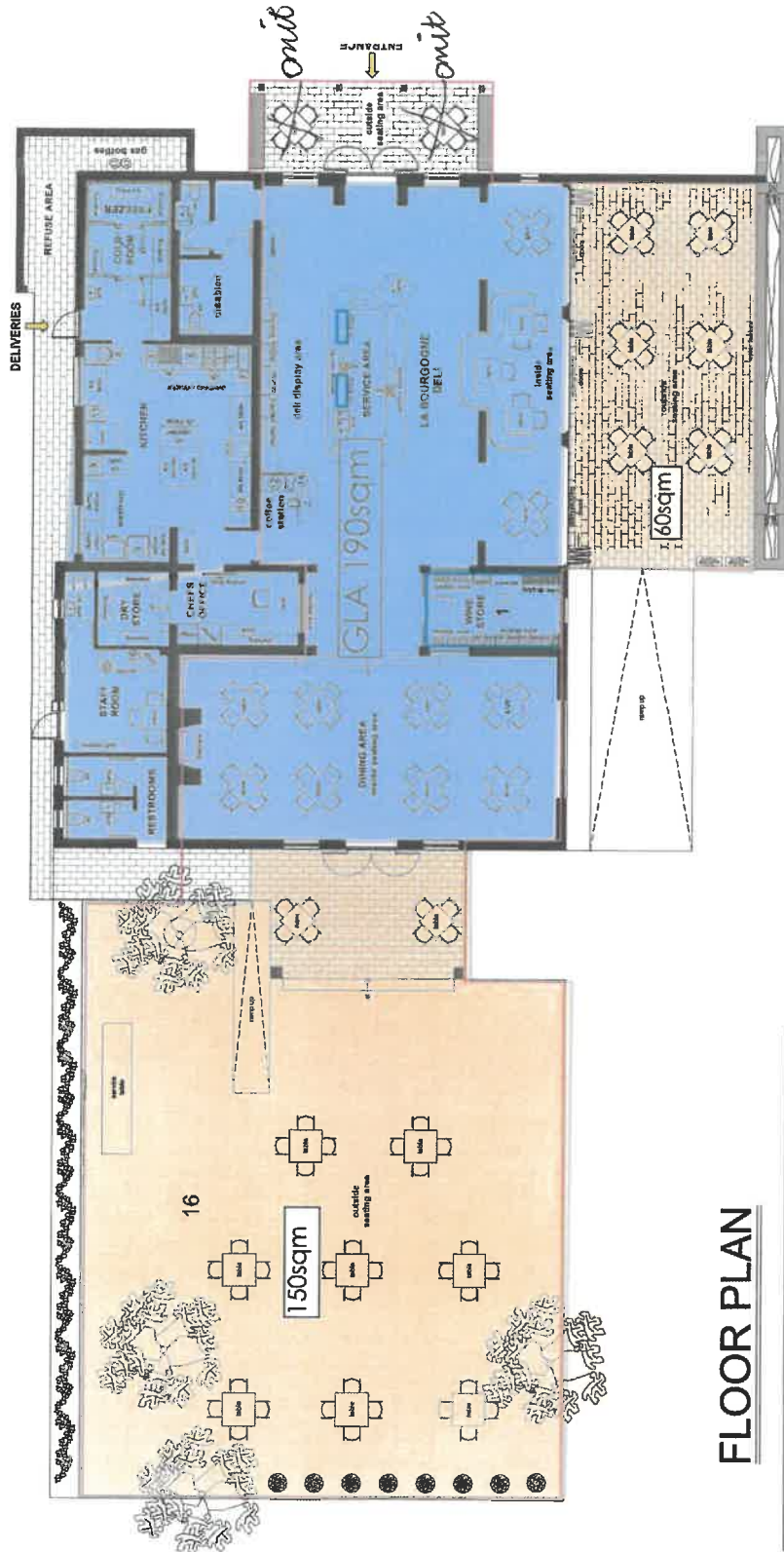
Date: 03 February 2022
 Drawn: D. van Driel
 Cell: 0724819745
 15 Small Mile on Burgundy, 2 Amber Rd.
 Burgundy Estate
 di.vandriel@gmail.com

DWG. NO. LB01-3/5



NOTES

This drawing is for Liquor license application.
It is, consequently not to be used for submission to municipality
as a working drawing or to be used for construction purposes.



FLOOR PLAN

TOTAL GLA INCLUDING OUTSIDE SEATING =
400SQM

NEW GLA 210 SQM (OUTSIDE SEATING)

EXISTING GLA 190SQM

Parking requirement : 4/100sqm

Parking required = 16

Parking provided = 16

LA BOURGOGNE
FARM 1106
EXCELSIOR ROAD
FRANSCHHOEK
7690

Date: 03 February 2022

Scale: 1:150 @ A3

Drawn: D. van Driel

Cell: 0724819745

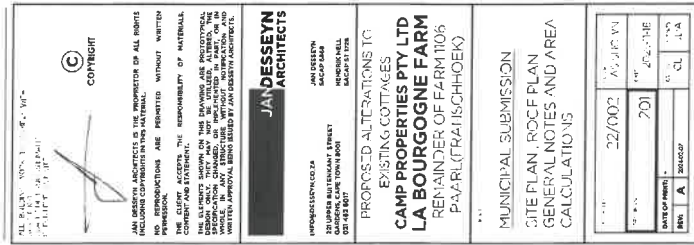
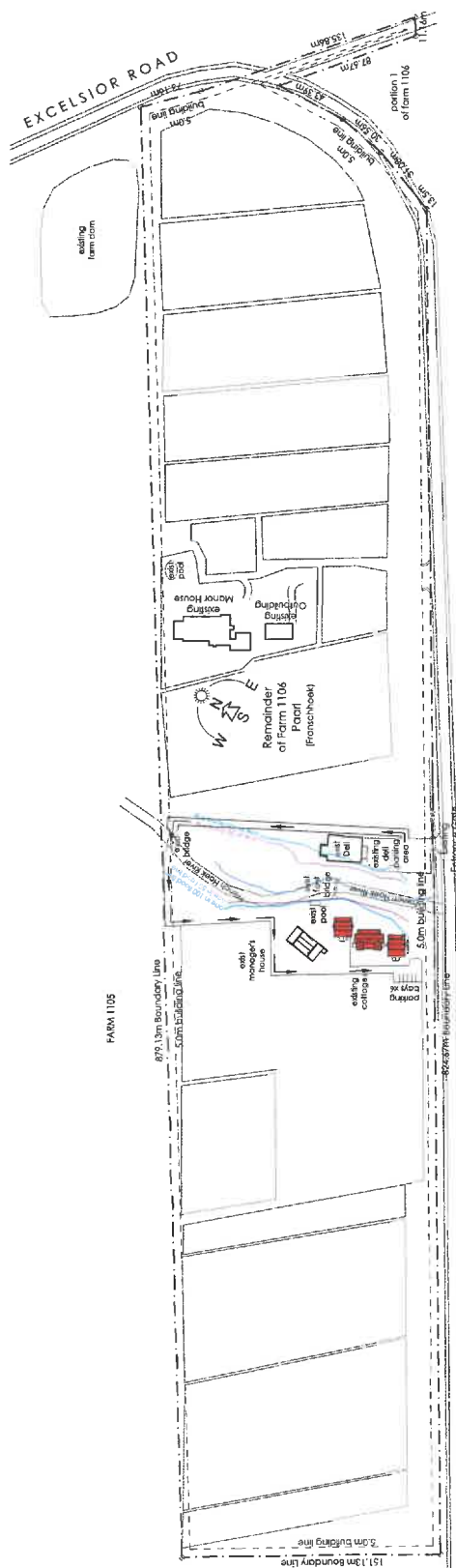
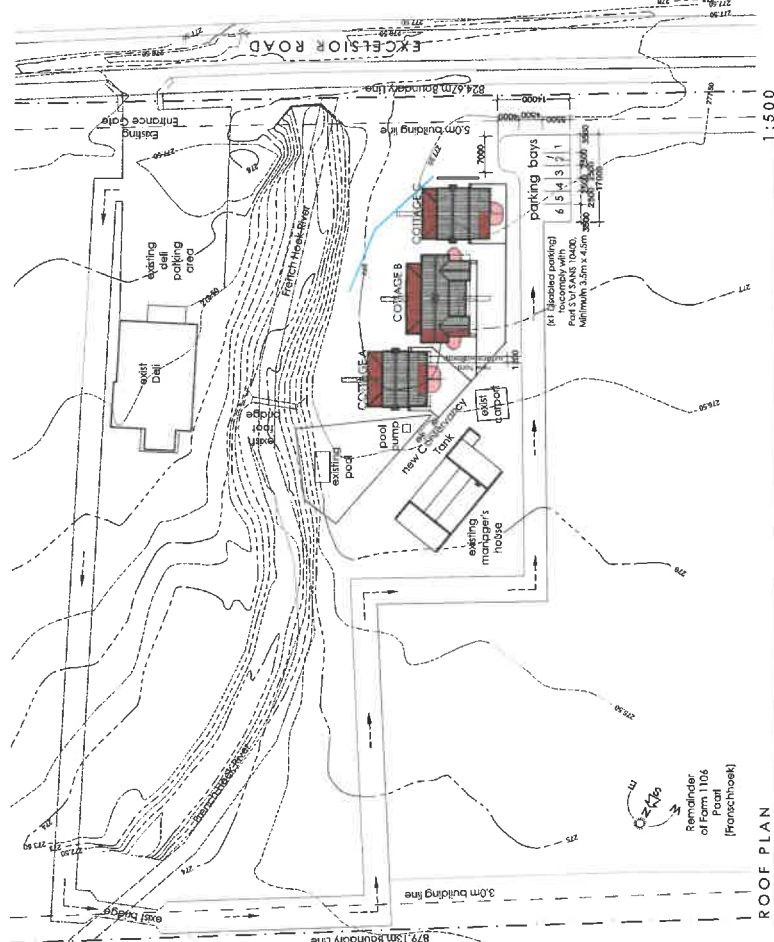
15 Smalville on Burgundy, 2 Amber Rd.

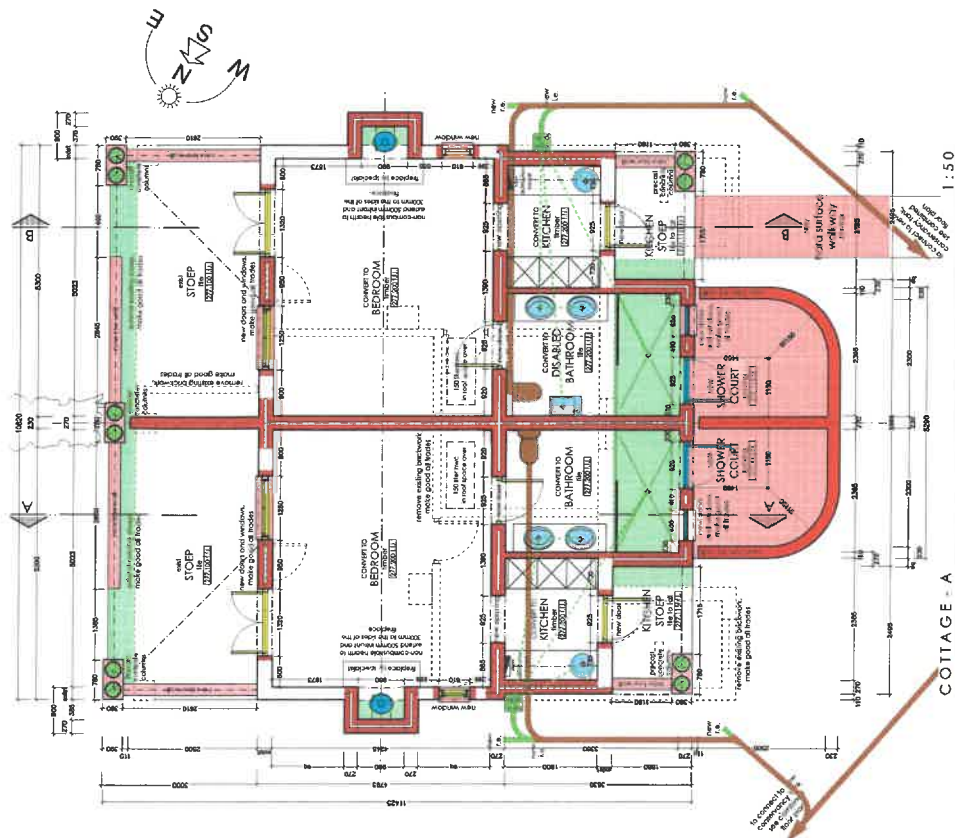
Burgundy Estate

dr.vandriel@gmail.com

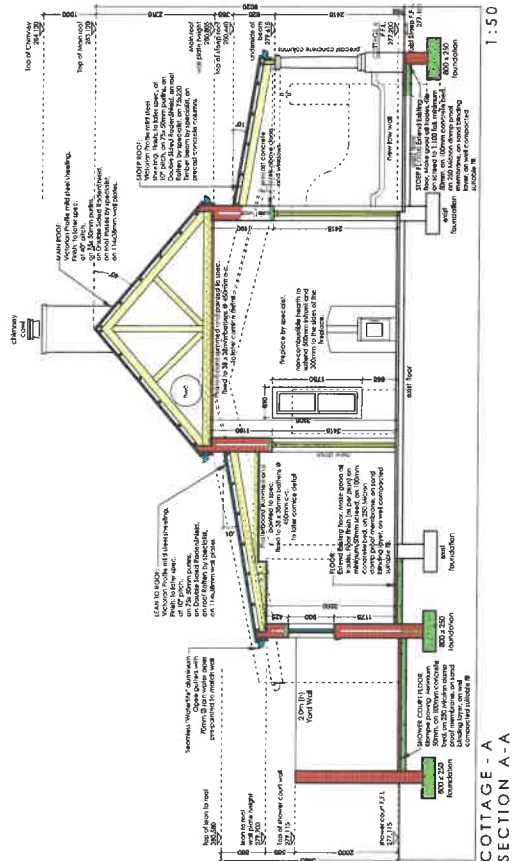
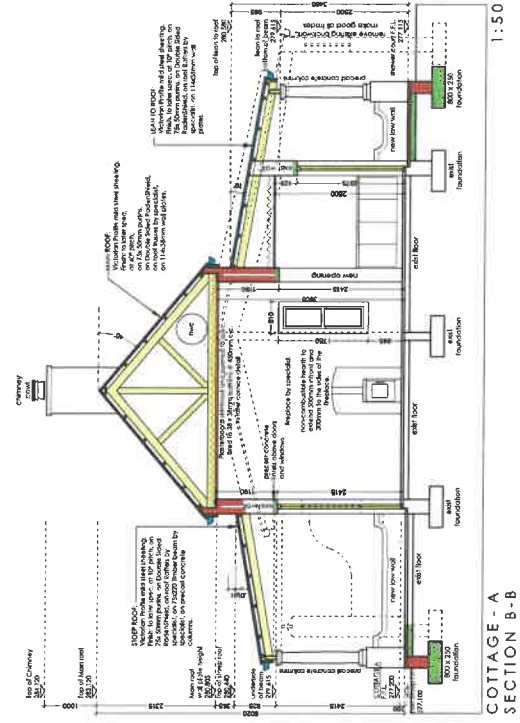
DWG. NO. LB01-1/5

AREA CALCULATION			
A			
WINDING DOOR FRAME IN PLACE	11.01 m ²		
ALUMINUM DOOR & FRAME	54.04 m ²		
WINDING DOOR COVER	11.01 m ²		
NEW SCHED. 40 PLATE COVER	2.74 m ²		
CONCRETE TOTAL	75.80 m ²		
NEW 1/4" CURE CORBE (IN-CONCRETE)	13.19 m ²		
B			
WINDING DOOR FRAME IN PLACE	11.01 m ²		
ALUMINUM DOOR & FRAME	179.94 m ²		
WINDING DOOR COVER	11.01 m ²		
NEW SCHED. 40 PLATE COVER	4.91 m ²		
CONCRETE TOTAL	186.87 m ²		
NEW 1/4" CURE CORBE (IN-CONCRETE)	13.14 m ²		
C			
WINDING DOOR FRAME IN PLACE	11.01 m ²		
ALUMINUM DOOR & FRAME	55.33 m ²		
WINDING DOOR COVER	11.01 m ²		
NEW SCHED. 40 PLATE COVER	4.93 m ²		
CONCRETE TOTAL	102.28 m ²		
NEW 1/4" CURE CORBE (IN-CONCRETE)	11.76 m ²		

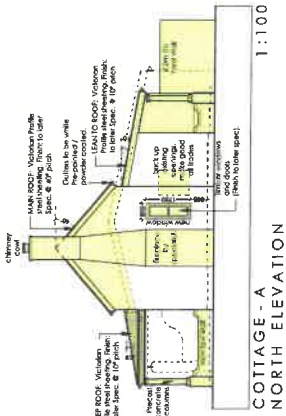




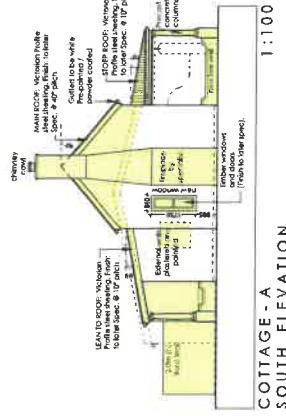
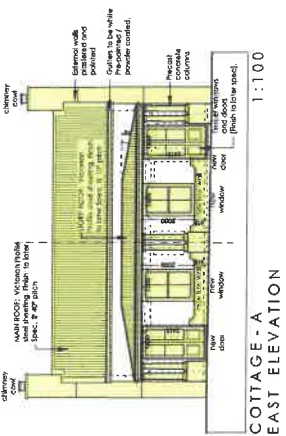
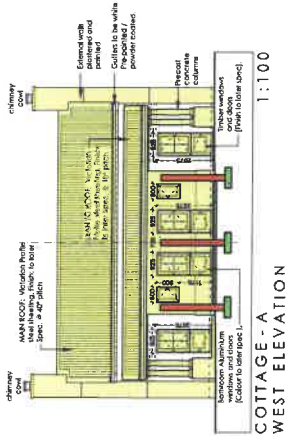
COTTAGE - A

COTTAGE - A
SECTION A-A

COTTAGE - A
SECTION B-B

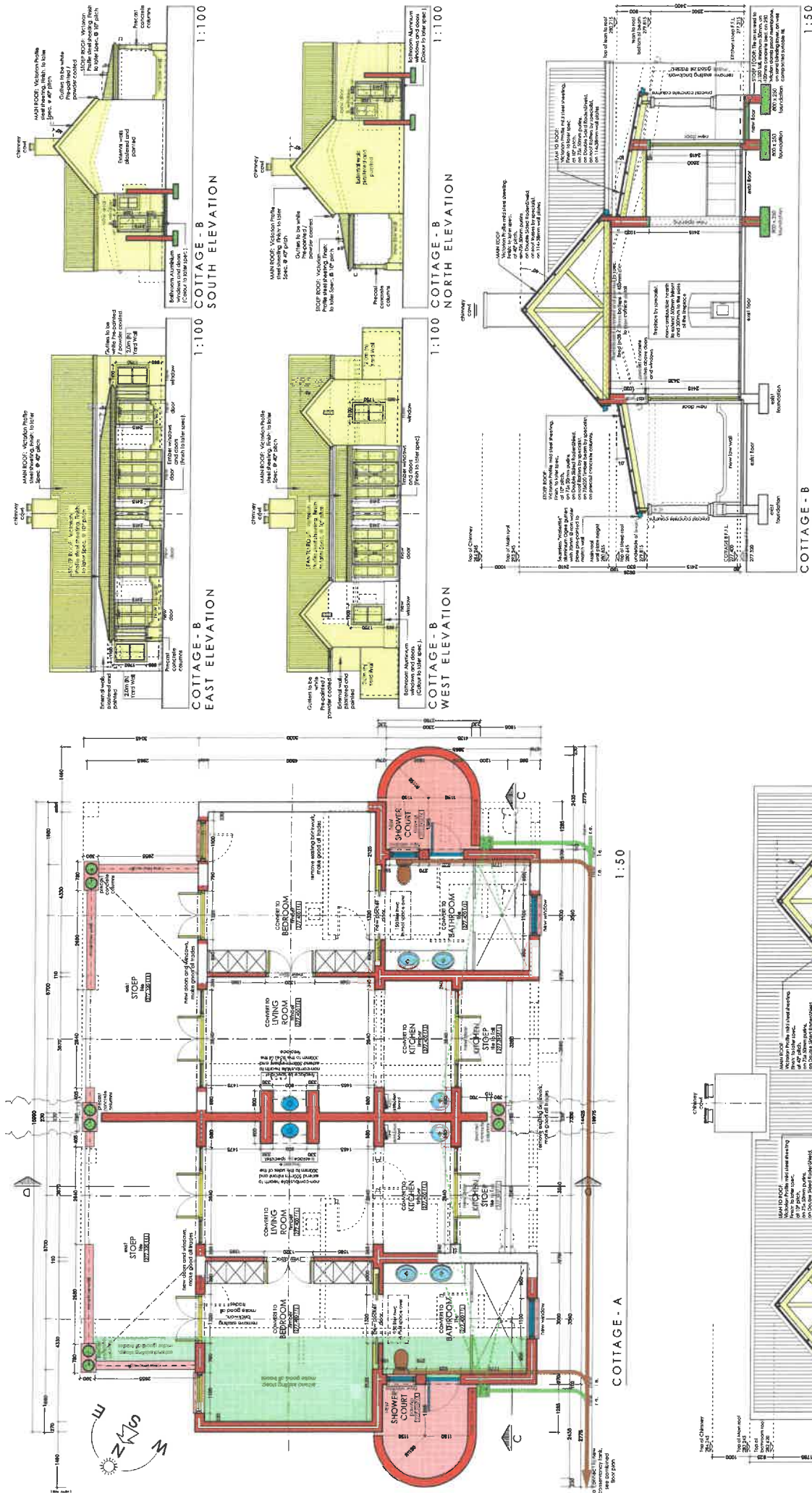


COTTAGE - A
NORTH ELEVATION

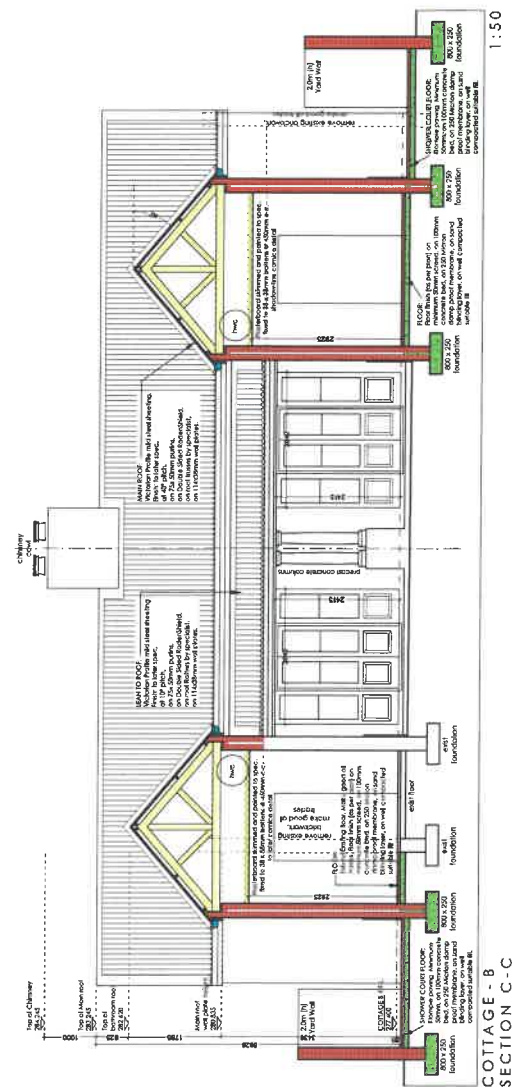
COTTAGE - A
SOUTH ELEVATIONCOTTAGE - A
EAST ELEVATIONCOTTAGE - A
WEST ELEVATION

SEE DRAWING 201 FOR GENERAL
NOTES AND AREA CALCULATIONS,
DRAWING 202 FOR COMBINED
GROUND STOREY PLAN AND
DRAINAGE ANN 202 FOR XA NOTES
AND SPECIFICATIONS

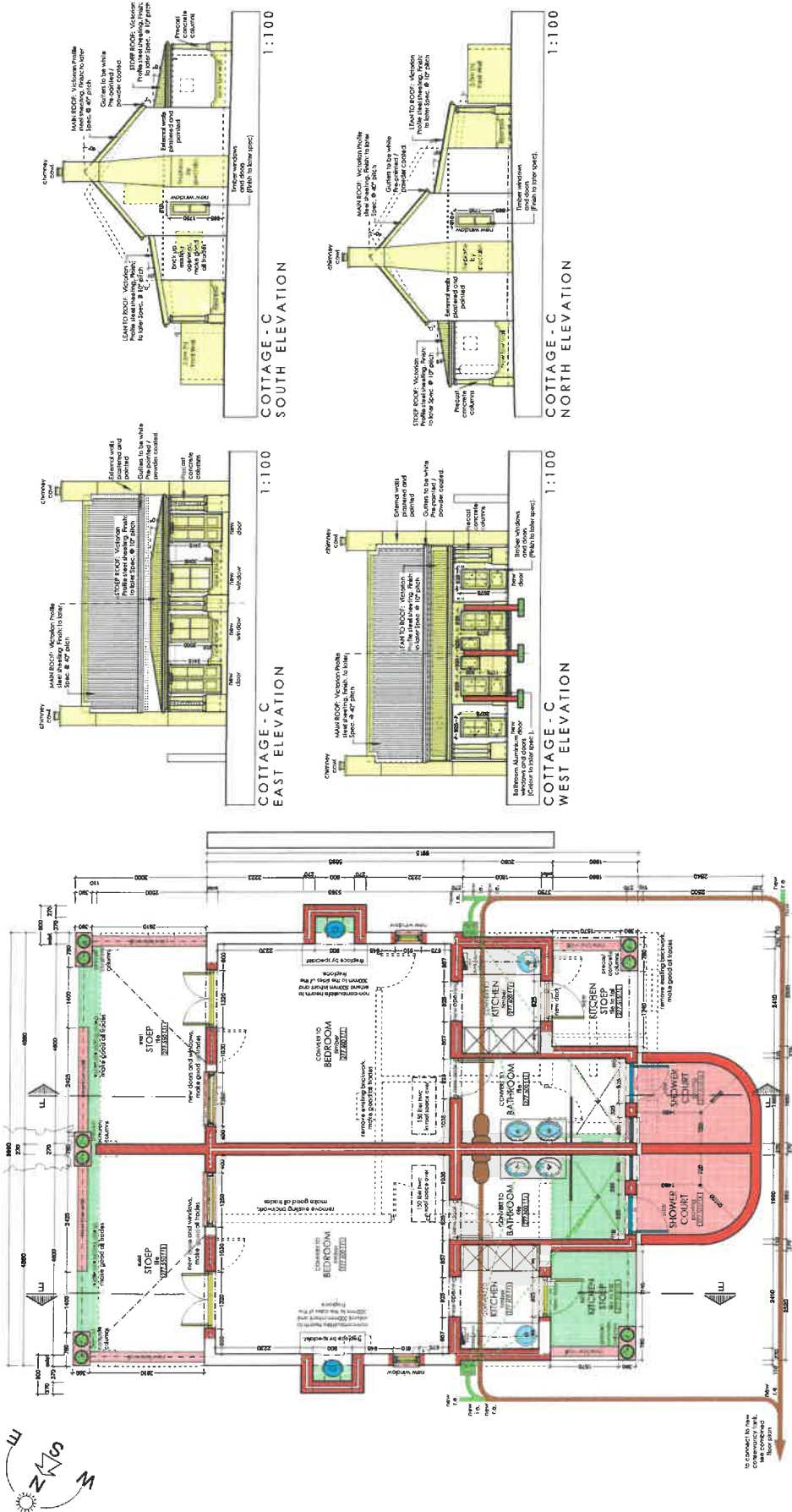
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SEE DRAWING 201 FOR GENERAL
NOTES AND AREA CALCULATIONS,
DRAWING 202 FOR COMBINED
GROUND STOREY PLAN AND
DRAINAGE ANN 202 FOR XA NOTES
AND SPECIFICATIONS

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AMENDMENTS	
NO.	DETAIL
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SEE DRAWING 201 FOR GENERAL NOTES AND AREA CALCULATIONS.
DRAWING 202 FOR COMBINED GROUND STOREY PLAN AND DRAINAGE ANN 202 FOR XA NOTES AND SPECIFICATIONS

ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING BY JAN DESSEYN ARCHITECTS.

JAN DESSEYN ARCHITECTS

1000 DESSEYN AVENUE
SUITE 100
WILLOWDALE, ONTARIO M2H 1A5
CANADA
TEL: (416) 491-1111
FAX: (416) 491-1112
WWW.JANDESSEYN.COM

CAMP PROPERTIES PTY LTD
LA BOURGOGNE FARM
REININDER OF FARM 110/6
PAARL (TRAILSHOEN)

MUNICIPAL SUBMISSION
COTTAGE C
GENERAL ELEVATIONS AND
GROUND STOREY PLAN

22/002
2025
DATE OF REVISION
A
30/06/2025

**LAND USE AND LAND DEVELOPMENT APPLICATION: CONSENT USE FOR A TOURIST
FACILITY (RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION
ESTABLISHMENT: FARM No. 1106, PAARL DIVISION**

ANNEXURE G

Comments from Department of Transport & Infrastructure



**Western Cape
Government**

Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: TPW/CFS/RP/LUD/REZ/SUB-10/520 (Job 8061)

Emile van der Merwe Town Planning Consultants
PO Box 204
STELLENBOSCH
7599

Attention: Mr E van der Merwe

FARM NO. 1106, PAARL DIVISION: DIVISIONAL ROAD 1343: APPLICATION FOR CONSENT USE

1. Your application received from Mr E van der Merwe on 9 December 2022 refers.
2. The subject property is in Franschhoek and takes access off Divisional Road 1343 (Excelsior Road).
3. This application is for Consent Use to utilise the existing wine tasting area ($\pm 190\text{m}^2$) and outside seating area ($\pm 210\text{m}^2$) for restaurant and function purposes and to utilise the existing 3 cottages as a tourism accommodation establishment (8 bedrooms in total).
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014, on condition that the access at km1.67 RHS will be the only access used for this consent use.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 23 June 2023

ENDORSEMENTS

1. Applicant: Emile van der Merwe Town Planning Consultants
Attention: Mr P Mons (e-mail: emilevdm@adept.co.za)
2. District Roads Engineer
Paarl
3. Mr E Smith (e-mail)
4. Ms S du Preez (e-mail)
5. Mr S Carstens (e-mail)

**LAND USE AND LAND DEVELOPMENT APPLICATION: CONSENT USE FOR A TOURIST
FACILITY (RESTAURANT AND FUNCTION VENUE) AND FOR TOURIST ACCOMMODATION
ESTABLISHMENT: FARM No. 1106, PAARL DIVISION**

ANNEXURE H

Comments from Cape Winelands Health



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMIBUZO:
TELEFOON/TELEPHONE/UMNXEBA:
FAKS/FAX/IFEKSI:
E-POS/E-MAIL/IE-MAIL:
U VERW/YOUR REF/IREF YAKHO:
ONS VERW/OUR REF/REF YETHU:

Mnr. M. Mathee
021-8711001
021-8721277
mathee@capewinelands.gov.za
Farm 1106, Paarl (LU/14682)
Farm No. 1106

Alexanderstraat 46 Alexander Street
☒ 100
STELLENBOSCH
7599

24 November 2022

**The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599**

Director: Planning & Economic Development

Dear Sir / Madam

COMMENT ON LAND USE APPLICATION: LA BOURGOGNE, FARM 1106 PAARL

Your email dated 23 November refers.

From an environmental health perspective this application for a restaurant, function venue and guest cottages, is recommended for approval, if the following conditions are complied with:

1. Environmental Pollution

- 1.1 No environmental pollution (water, air, dust or noise) may occur on any part of the premises during the construction and operation of the mentioned facilities.

2. Sewage / Sanitary Facilities

- 2.1 The sewage disposal from the proposed development must adhere to specifications, conditions and approval received from the National Department of Water & Sanitation.
- 2.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility.
- 2.3 Toilet facilities must adhere to National Building Regulations standards.
- 2.4 Disabled toilet facilities must be provided.

3. Potable Water / Storm water

- 3.1 Drinking water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS 241.
- 3.2 The collection and subsequent disposal of storm water must be approved by the Department of Water & Sanitation.

4. Solid Waste Disposal

- 4.1 Refuse collecting and removal must be nuisance free at all time.

5. Food Handling

- 5.1 All facilities where food is handled, must comply with the minimum structural and hygiene requirements for food handling premises, as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs Act (Act 54 of 1972).
- 5.2 Food handling areas may under no circumstances operate without a prior application being made to the Municipal Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only be issued after inspection and if the premises meets the requirements of Regulation R638.

6. General Conditions

- 6.1 The planned operations/businesses may not result in a "noise disturbance" or a "noise nuisance" as defined in the Noise Control Regulations PN 627/1998, in terms of the Environmental Conservation Act (Act 73 of 1989), as well as the provisions of SANS Code 0103 – 2008. Any noise pollution is prohibited as defined in the Municipal Health By-laws of the Cape Winelands District Municipality.
- 6.2 The requirements for smoking in public places as contained in Regulation 975 – Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, must be complied with at all times.
- 6.3 This Department reserves the right to set further requirements during the running of the business.

7. Accommodation Facilities (Guest Cottages)

Shall comply, at all time, with all the following requirements as stipulated in the Municipal Health By-laws: Cape Winelands District Municipality No.6696 of 15 February 2010.

No person shall use any building as an accommodation establishment unless—

- (a) it is in good structural condition outside and inside and in a proper state of repair;
- (b) not less than one bathroom is provided for the first eight lodgers, with one additional bathroom for every additional twelve lodgers or part thereof;
- (c) every bathroom—
 - (i) is provided with a hand wash-basin;
 - (ii) is provided with a bath or shower; and
 - (iii) is provided with an adequate supply of cold and or hot running water.
- (d) sanitary conveniences are provided on the basis of one convenience for the first eight lodgers and thereafter one convenience for every additional twelve lodgers or part thereof: provided that a sanitary convenience shall not be installed in the same room as a bath or shower, en-suite bathrooms excluded.
- (e) the faecal matter arising in respect of the accommodation is properly stored and, except where pit latrines or a method for the adequate treatment of such matter by means of an enzymatic or chemical process is provided, is properly removed and disposed of;
- (f) a receptacle with a close-fitting lid is provided in a latrine.
- (g) the household refuse arising in respect of the accommodation is properly removed and
- (h) all water supply fittings and fittings that relate to sanitation and ablution are in a working order.

The planned development is situated in an agricultural use zoning area and the facilities of the planned development will be exposed to normal agricultural activities and effects. Guest may be inconvenienced by these agricultural activities.

Yours faithfully



M. MATTHEE
ENVIRONMENTAL HEALTH PRACTITIONER
for MUNICIPAL MANAGER



**APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH
 MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023 FOR A
 CONSENT USE ON FARM NO. 124/11, STELLENBOSCH DIVISION TO ALLOW A
 TOURIST ACCOMMODATION ESTABLISHMENT WITHIN THE PROPOSED TEN (10)
 SELF-CATERING UNITS**

CONTENT	
ANNEXURES	PAGE NUMBER
ANNEXURE A: Locality Plan	75 - 76
ANNEXURE B: Building plans	77 - 84
ANNEXURE C: Previous approvals	85 - 88
ANNEXURE D: Applicant's motivation report	89 - 102
ANNEXURE E: Objection	103 - 106
ANNEXURE F: Comments from Department of Agriculture: Western Cape	107 - 108
ANNEXURE G: Comments from Spatial Planning Section	109 - 113
ANNEXURE H: Comments from Directorate: Infrastructure Services	114 - 116
ANNEXURE I: Applicant's comment on objections	117 - 119
ANNEXURE J: Site inspection photos	120 - 122



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT
DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT

PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPALITY BYLAW ON MUNICIPAL LAND USE PLANNING, 2023

APPLICATION DETAILS

Application Ref	LU/16296 (TP503/2023)	Commencement Date	26 October 2023
Applicant	Arch Town Planners	Last day for comments or additional information	07 October 2024
Farm nr	124/11	Place	Stellenbosch Division
Zoning	Agriculture & Rural Zone	Other approvals	Consent Use for tourist accommodation establishment for a 9-bedroom guest accommodation facility consisting of rooms within a converted manager's cottage, labourer's cottage and a second dwelling unit.

X TYPE OF APPLICATION

	15(2)(a) rezoning of land*
	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
X	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services
	15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	Approval required in terms of relevant policy for street naming and numbering
	Approval required in terms of Council policies or by-laws – Specify:

Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose

The purpose of this application is to obtain approval for the proposed tourist accommodation establishment within existing structures that are to be upgraded in order to accommodate ten (10) units. The subject property is situated approximately 7km north-east of Stellenbosch town, on the Helshoogte Road. The subject property takes access along the southern boundary via a service road over Hillcrest Berry Farm **See Annexure A** for locality plan.

2. Application detail

Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 for Consent Use to allow a 14-bedroom tourist accommodation establishment within 10 residential units on this property.

To achieve the proposed development, the applicant plans to modify the existing structures, on the subject property ie. the main dwelling, a second dwelling and the manager's dwelling unit. The main dwelling, is set to be transformed into four separate units. The outbuilding, which was illegally converted into two units, will now be changed to three units. The thatch-roof structure, once designated as a dining facility, will be repurposed into two units. Additionally, the manager's dwelling will be converted into a two-bedroom unit. Overall, these modifications will create a total of ten residential units for self-catering accommodation. See **Annexure B** for proposed site and floor layout plans.

3. Background

The Stellenbosch Municipality during 2006 granted an approval for Rezoning of a portion ($\pm 420\text{m}^2$) of the property from Agricultural Zone I to Residential Zone V to accommodate nine (9) guest rooms. Additionally, approval was granted for a Consent Use for a dining facility ($\pm 40\text{m}^2$). A Temporary Departure to utilize the swimming pool with lapa and a portion of garden for the hosting of formal outdoor functions was also granted in July 2010 and therefore it has lapsed. Previous approvals and approved building plans are attached as **Annexure C**.

The applicant initially applied for a tourist accommodation establishment consisting of 16 bedrooms and for consent use for a tourist facility to accommodate a functions venue of $\pm 430\text{m}^2$. While the application was circulating interdepartmentally, the applicant amended the proposal to exclude the functions venue and to reduce the total number of bedrooms from 16 to 14 (within 10 units).

Summary of applicant's motivation (site specific) (See Annexure D)

1. The subject property, Portion 11 of Farm 124, is located in an area of high scenic value near the Helshoogte Road in Stellenbosch, making it an attractive location for tourist accommodation.
2. The proposed development seeks to upgrade the units into self-catering accommodation and add additional bedrooms, within the same footprint of the existing and previously approved buildings.
3. The property already houses four residential buildings with approvals for tourist accommodation, minimizing the need for new construction. The proposal focuses on internal alterations, adding kitchens, within the existing structure to some units and increasing the number of bedrooms without any significant changes to the external structures or the land's character.
4. The additional bedrooms and conversion into self-catering units will increase the property's economic viability as a tourist accommodation establishment. This will support both the local economy and the viability of maintaining the farm, which has no active agricultural activities.

5. There are no agricultural activities on the property and the proposed development remains in harmony with the rural and natural landscape, and no expansion of the property's footprint will occur.
6. The farm's location, surrounded by mountains and neighbouring tourist attractions, makes it a prime site for tourist accommodation.
7. The proposed development is uniquely suited to this property, given its existing tourist accommodation infrastructure, non-active agricultural use, and high potential as a tourist destination.
8. The deviation from the MSDF is minimal and remains consistent with broader sustainable tourism development goals.

ASSESSMENT CHECKLIST			
CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed	X		<p>The applicant has in terms of Section IV of the Stellenbosch Municipality Planning By-Law, advertised the application by sending e-mails to the interested and affected parties as well as external departments. A notice was placed on the Stellenbosch Municipality planning portal. One objection was received. See Annexure E.</p> <p>The application was circulated to the relevant internal & external departments and the following departments gave comment:</p> <p>Department of Agriculture: Western Cape – objects to the proposal as the number of units for this property exceeds the number of dwelling units as prescribed in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 (See Annexure F).</p> <p>Department: Transport & Public Works:</p> <p>Has no objection to the proposal.</p> <p>Spatial Planning</p> <p>The department conducted a site inspection on 25 May 2024 and does not support the application to allow ten (10) self-catering units with a total of 14 bedrooms. (See Annexure G)</p> <p>Heritage Section</p> <p>Has no objection to the proposal.</p> <p>Fire Services</p> <p>Has no objection to the proposal.</p>
Conditions imposed by departments	X		The following departments imposed conditions: 1. Directorate: Infrastructure Services (See Annexure H).
DCs applicable	X		
Objections received	X		<p>1. Owners of Farm No. 124/77, Stellenbosch Division</p> <p>The following departments also objected to the proposal:</p>

			<ul style="list-style-type: none"> - Department of Agriculture Western Cape. - Spatial Planning Section
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65		X	<p>The approved Municipal Spatial Development Framework (MSDF) encourages the use of land outside the urban edge for agricultural production, biodiversity conservation, scenic quality and agri-tourism. Tourist related activities can be considered as a secondary use.</p> <p>The Stellenbosch Municipality Spatial Development Framework states that additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6,5m), the proposal is in conflict with this guideline as the property is 1,84ha. Similarly, the Western Cape Land Use Planning Guidelines (Rural Guidelines) also prescribes 1 additional dwelling unit per 10ha with a maximum of five additional dwelling units per land unit. The proposed development is for ten (10) residential units and it deviates from the provisions of the MSDF and Western Cape Guidelines for Rural Areas, 2019. The size of the subject property can only allow two dwelling units on this property, ie. Main dwelling and second dwelling unit.</p> <p>Section 213 (2)&(3) of the Stellenbosch Municipality Zoning Scheme By-Law states that: "When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture and the scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form. The proposal thus is in not in line with the objectives of the Zoning of this property.</p>

DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW

Socio-economic impact	The aim of the tourist accommodation establishments and tourist facilities on rural areas is to diversify the income of an agricultural entity and to strengthen the rural economy. The concept of the tourist accommodation establishment can thus, have positive impact on the economy of the local area.
Compatibility with surrounding uses	The concept of the tourist accommodation establishment is compatible with the character of the area and surrounding uses. The scale of the proposed units is however not compatible with that of the tourist accommodation found in this area.

Impact on the external engineering services	No municipal services are affected by the proposal and the Directorate: Infrastructure Services had no objection to the proposal subject to certain conditions received.
Impact on safety, health and wellbeing of the surrounding community	The proposed development has no negative impact on safety, health and wellbeing of the community.
Impact on heritage	None of note, the property is not located along the Scenic Route nor the Rural Overlay Zone. The property gains access from Helshoogte Road which is a Scenic Route, the application was circulated to the Heritage Section for their comment in this regard and no objection was received from the said internal department.
Impact on the biophysical environment	The proposed development is confined within existing structures and the minor external changes to the said structures are proposed, thus the proposal will not have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The property gains access directly from the R45 through a service road. The proposal is for ten (10) residential unit which consist of 14 bedrooms, therefore a total of 14 parking bays is required for the proposal and the applicant has indicated sufficient parking in line with this requirement. The proposed development will have an impact on traffic especially on the internal road that gives access to several properties in this vicinity, from the R45. The proposal was supported by the Department: Transport and Infrastructure as the access is taken off the Divisional Road.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	The scale of the proposed development compared to the tourist accommodations in this area is excessive and overwhelms the rural character of this area. It is therefore not possible to adequately address the negative impacts of the proposed development by imposing conditions of approval.

OBJECTIONS RECEIVED AND CORRESPONDING REPLY BY APPLICANT. (See Annexure I for applicant's comments)

Objection from the owner of the establishment that is on Farm No.124/77,

1. The scale of the proposed development is downplayed in the submission, an increase from 9 to 16 units entails an increase of 77% in the number of units accommodated.	The proposal increases the number of bedrooms from 9 to 14, thereby adding 5 additional bedrooms within 4 existing buildings, the increase in units results from optimizing internal configurations within existing buildings, with no new construction or expansion. This scale is minimal in the context of the property's 1.84 ha.
2. The conversions of the existing structures have been ongoing for at least 9 months, without the Municipality's approval.	No response
3. The Owners of Rust en vrede were not consulted or directly notified, as the notice concerning application was sent to M-Care, the hospital management company based in Potchefstroom, and not to the owners of the property.	The notice was sent to the contact details as provided by the municipality with the instruction to use these contact details during the notification process.
4. The current access road shared by property owners is of a limited diameter, and of deteriorating quality. The proposed development will place additional strain on the current limited access road supplying these properties.	The additional trips created by the 5 additional bedrooms is considered minimal it is therefore considered that the proposed development does not warrant a TIS. Guests will use existing access roads, ensuring no strain on the

	infrastructure shared with neighbouring properties. The additional traffic generated by visitors of the 5 additional units (5 additional bedrooms) will not cause strain on the access and roads to warrant refusal.
5. No mention is made of the current number of parking bays, or the provision of additional parking for guests, staff and service vehicles.	Ample parking space has been planned on-site near each existing building and away from shared access roads, with designated bays for guests and service vehicles. This approach avoids any overflow onto the access road, preserving its current state and utility for neighbouring properties.
6. The objector's property has a mental health facility, purposefully built on a protea farm with limited rezoning, to make the most of the tranquil surroundings and rural atmosphere of the area. An increase in occupants and noise levels will definitely affect the therapeutic environment we sought when developing the hospital.	The proposed tourist accommodation establishment specifically does not include events to prevent noise disturbances. The intended self-catering units are designed for low-occupancy, short-term stays, aligning with the peaceful rural setting. There is no intent for functions or gatherings, ensuring minimal disturbance to surrounding properties.
7. The farms in question do not have access to municipal connections in terms of water, or sewage connections, we are all reliant on local natural resources. The removal of sewage is a concern as all surrounding areas get their drinking water from boreholes adjacent to the subject property.	The application is supported by the municipal internal engineering department and all services will need to comply with applicable service regulations.

KEY FINDINGS OF PLANNING EVALUATION

The proposal

The subject property is located in an area characterised by Agricultural properties with additional uses and consent uses for tourist facilities and guest accommodation establishments, this is due to the fact that the Stellenbosch Municipality SDF supports tourist related activities on farms located outside the urban edge. It is also acknowledged that the Stellenbosch Municipal Area is one of the popular tourist destinations in Western Cape due to its rich historical background and the tourist attractions such as wine farms. The Stellenbosch Municipality further supports these kind of land uses as they attract tourists to invest more capital into rural areas in a manner that does not influence or destroy the agricultural character of the property and the surrounding area. Even though the MSDF and Rural Guidelines are in support of tourist accommodation establishments in the rural area, they are firmly against such developments on properties that are less than 50ha in extent.

The Zoning Scheme By-Law, 2023 states that consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture and/ or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit. The subject property is currently being used as botanical gardens and the proposed development of a tourist accommodation establishment is not directly connected to the farming activities taking place on the subject property or the neighbouring properties. Thus, there is no planning argument that the proposed development can only take place on the proposed site. While it is acknowledged that there are several guest accommodation establishments on farms within the Stellenbosch Municipal area, the scale of these non-agricultural activities on other farms does not overwhelm the primary agricultural use.

Site Inspection (See Annexure J)

A site inspection revealed that the owner of the property has already renovated the existing structures on the property and internal alterations have resulted to ten units being created. The floor layout of the units is, as depicted on the layout plans, an open plan consisting of a lounge area with kitchenettes and one bedroom for each unit. With the exception of "unit 1" (as labelled on the plans) that contains four bedrooms with communal areas and a one-bedroom unit on the first floor. "Unit no.4" as built on site, consists of two bedrooms, a dining hall and a meeting room which the owner of the property referred to it as a conference facility that will also be open for public that are not paying guests of the tourist accommodation establishment.

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

1. The proposal is not in line with the existing agricultural character of the area, as the proposal gives rise to urban development within the rural area.
2. Given the size of the property, only two dwelling units are allowed (four dwelling units have already been approved). Should Council approve this application, ten dwelling units will be established which is in conflict with the MSDP, Western Cape Guidelines, Rural Areas and the Zoning Scheme.
3. There is no planning argument that the proposed development can only take place on the proposed site.
4. The structures have been illegally converted into separate dwelling units.

The subject land use and land development application is, having regard to the conclusions above, viewed as deviating from the MSDP and not in Compliance with the objectives of the Zoning Scheme By-law and consequently grounds for not supporting the subject land use and land development application.

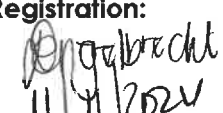
List relevant plan numbers	Site, floor layout plan and elevation plans No. A414/23/06, sheet 1-3 of 3 dated 01/02/2024 and drawn by Collin Sherriff Architecture
List annexures to decision	Annexure A: Locality Plan Annexure B: Building plans Annexure C: Previous approvals Annexure D: Applicant's motivation report Annexure E: Objection Annexure F: Comments from Department of Agriculture: Western Cape Annexure G: Comments from Spatial Planning Section Annexure H: Comments from Directorate: Infrastructure Services Annexure I: Applicant's comment on objections Annexure J: Site inspection photos

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

Name: Nepink OAFETI
 Capacity: TOWN PLANNER
 SACPLAN Registration:
 Signature: 
 Date: 8/11/2024

REVIEW OF ASSESSMENT REPORT**Review of Planning Assessment Report:**

Name: Louise Engelbrecht
 Capacity: Senior Town Planner
 SACPLAN Registration:
 Signature: 
 Date: 11/11/2024

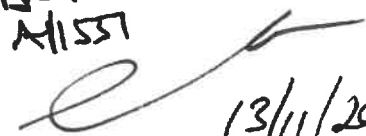
RECOMMENDATION OF ASSESSMENT REPORT

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

Category / Delegation Item Number: O.4

Decision Making Authority: MPT

Rational: Application is inconsistent and deviates with MSDF

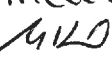
Name: Steven Casters
 Capacity: SMMP
 SACPLAN Registration: A1551
 Signature: 
 Date: 13/11/2024

MPT ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**Administrator to Stellenbosch Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date: 29 November 2024

Name: Chrizele Kiel
 Capacity: MMP
 Signature: 
 Date: 14-11-2024

RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use on Farm No. 124/11, Stellenbosch Division to allow a tourist accommodation establishment within the existing structures, which are to be renovated to accommodate ten (10) self-catering units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1 The proposed development exceeds the number of dwelling units prescribed by the MSDF for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.
2. That it **BE DECIDED** that the application for Consent Use on Farm No. 124/11, Stellenbosch Division to allow a tourist accommodation establishment within the proposed ten (10) self-catering units **does not** warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 The size of the subject property (1.8ha) does not allow the number of units proposed
 - 2.2 The subject proposed development will become primary use of this property as it will not be subservient to the agricultural use that the property is zoned for.
3. That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for a Consent Use for a tourist accommodation establishment in order to allow the existing structure to be converted into ten (10) self-catering units on Farm No. 124/11, Stellenbosch Division,

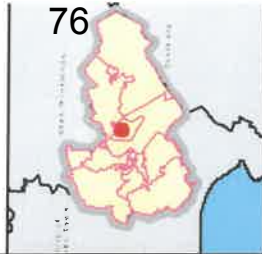
BE REFUSED in terms of Section 60 of the said Bylaw,

4. The reasons for the above decision are as follows:
 - 4.1 The scale of the proposed tourist accommodation is considered to be an overdevelopment of the subject property and does not fully consider the purpose of the Agriculture & Rural Zone.
 - 4.2 The proposal is not in line with the existing agricultural character of the area, as the proposal gives rise to urban development within the rural area.
 - 4.3 The scale of the proposed development in relation to the size of the property is not in line with the objectives of the zoning of the property.
 - 4.4 The size of the subject property does not allow the proposed number of dwelling units.

Annexure A:
Locality Plan

Stellenbosch GIS Map

1:4 513,99

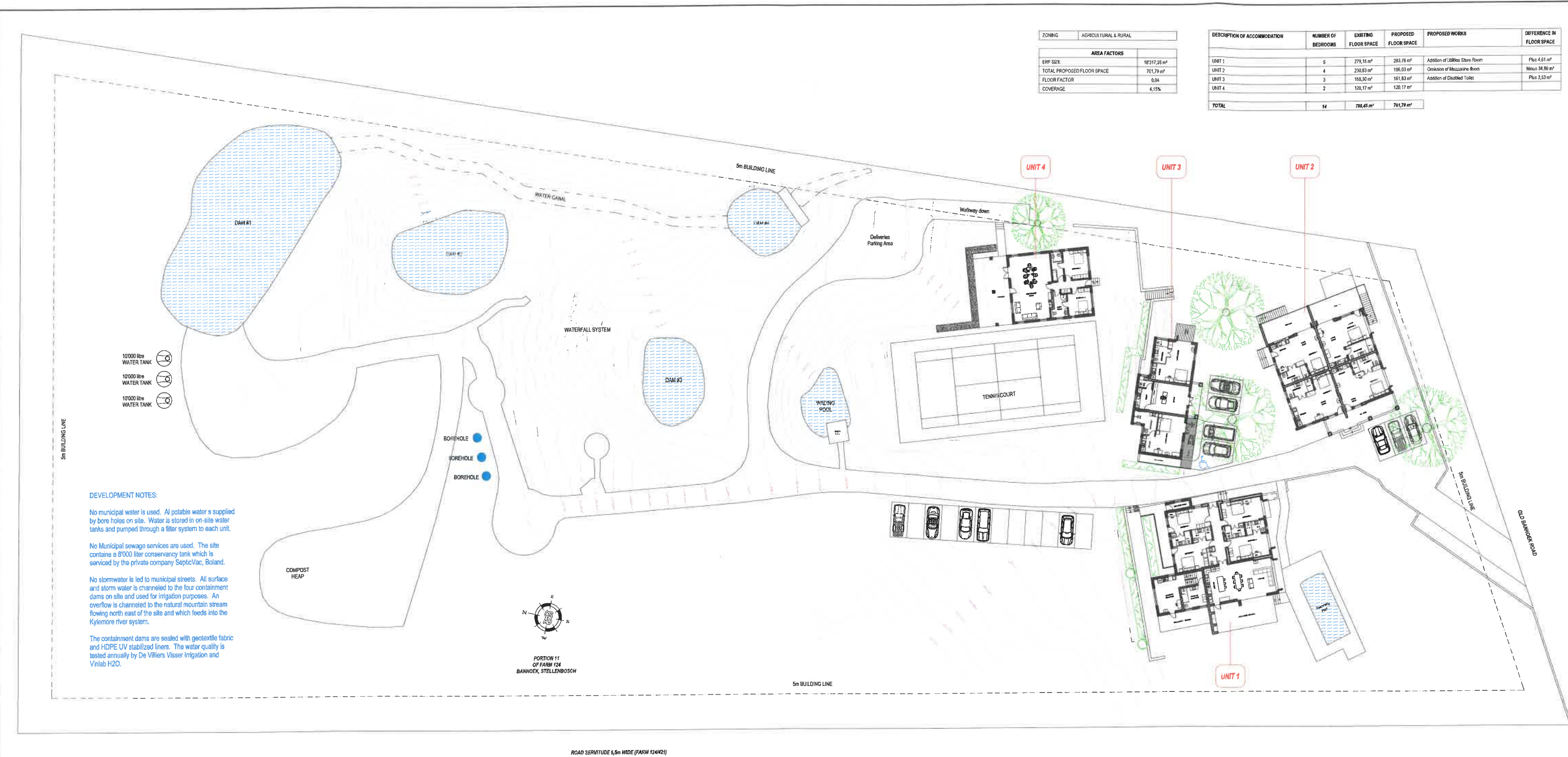


Date: 2024/11/05



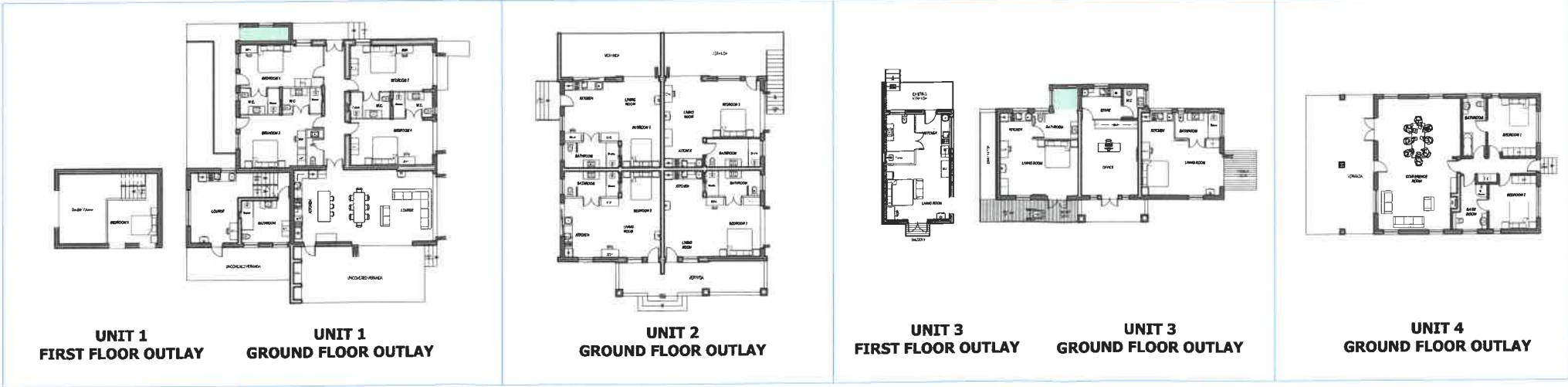
This map is a presentation of the information furnished by the Seller with respect to the product. Carroll is not responsible for any action or omission on the part of any person or entity in reliance on the information furnished by the Seller or on the part of the product. Carroll is not responsible for any action or omission on the part of any person or entity in reliance on the information furnished by the Seller or on the part of the product.

Annexure B:
Building Plans



PROPOSED SITE PLAN OUTLAY
(SCALE 1 : 280)

REVISION DETAILS		
DATE	DESCRIPTION	REFERENCE DRAWING No.
2024-02-01	REVISED SITE DEVELOPMENT PLAN	A414/23/05
<div><div><div><div>CS</div><div>COLLIN SHERRIFF ARCHITECTURE</div><div>CELL: 083-571-7158</div><div>E-MAIL: collin@tiscali.co.za</div><div>SACAP Reg. No. D0149</div></div><div><div>(Pty. Ltd.)</div><div>96 HILLCREST ROAD</div><div>GOLDEN HILL</div><div>SOMERSET WEST</div><div>7130</div></div></div><div><div>DRAWN BY</div><div>CS</div><div>2024-02-01</div></div><div><div>CHECKED BY</div><div></div><div></div></div><div><div>SCALE</div><div>1:200</div><div>Unless otherwise indicated on plan</div></div><div><div>SHEET</div><div>NO.</div><div>OF</div><div>1</div><div>1</div></div><div><div>C12385/24/07/23</div></div></div>		
DRAWING No. A414/23/05		
REVISED SITE DEVELOPMENT PLAN FOR USENTRA PTY (LTD) ON DE KRAAL ESTATE FARM 11/124, BANGHOEK, STELLENBOSCH		
SIGNATURE : Registered owners		
SIGNATURE : C. Sherriff		



Unit 1: Floor Plan

FOR OFFICIAL USE

NOTES

FLOOR CONSTRUCTION

Floor covering as indicated on 25mm fine screed cement on 100mm concrete on 250 micron Pacplus PVC damp proof membrane on 50mm compacted sandbed on 150mm compacted filling on 700x230mm strip foundation.

ROOF CONSTRUCTION

Flat Roof

405 micron Super Sisalation membrane on 50x228mm rafters @ 1050mm c/c on 38x114mm wallplate.
Fit 100mm Isoboard insulation ceiling under purlins.

STORM WATER

Provide 125x150mm Ggee profile longspan aluminium gutters on 22x220mm fascia with 75x100mm downpipes. Outflow minimum 150mm above finished ground level. Stormwater to catchpits and piped below ground level around construction works to main street. Box storm water pipes in 100mm concrete where it runs under construction works.

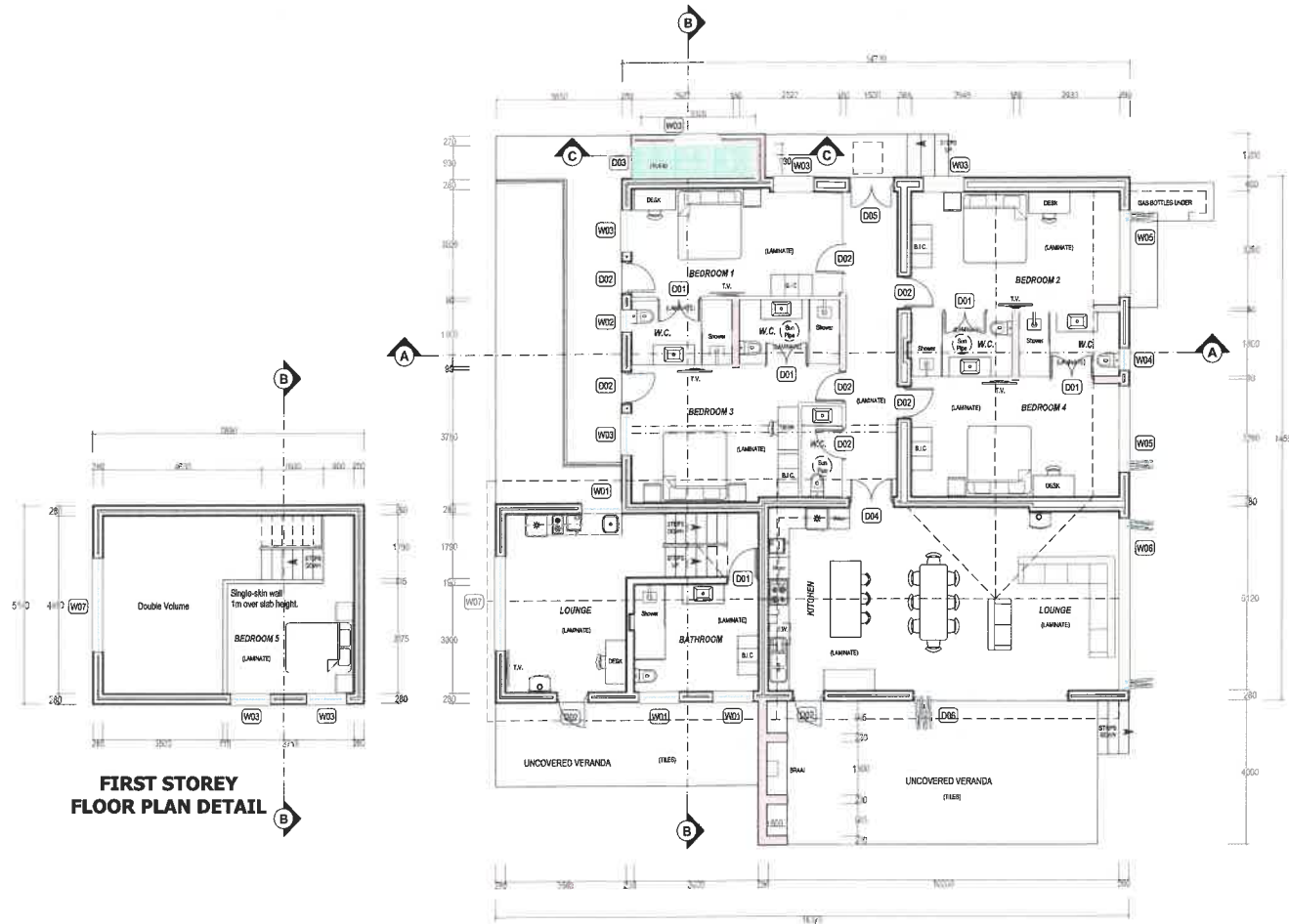
SEWERAGE

Provide 110mm Ø sewage pipes with 50mm Ø ventilation pipes with twin valves on 110mm Ø stub stack. Box sewage pipes in 100mm sand where it runs under construction works. Provide inspection eye access at all changes in direction. Horizontal sewage pipes must be anti-siphoned. Any footing within 1,2m of any drainline to be below same drainline. Gully rims to be not less than 150mm above the finished surrounding ground level and not less than 150mm below the crown of the lowest trap serving any sanitary fixture.

GENERAL

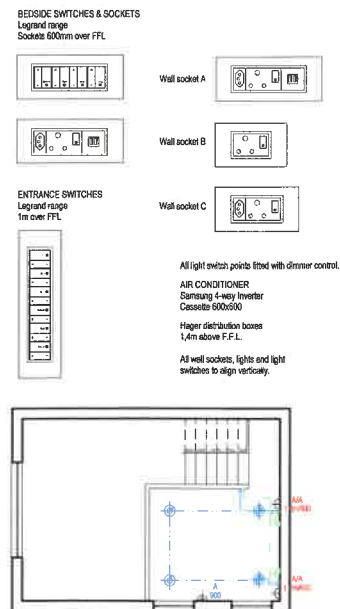
All walls to be built with concrete bricks and smooth plastered and painted to match existing. Cavity walls to be solid up to d.p.c. level, minimum three courses below wallplate and above all windows. Seal interior timber with Bourne Glean and exterior timber with Sikkins Rubbold Edek. Electrical requirements, as set by the local authority, must be complied with. All openings larger than 1m to be provided with single-length precast reinforced lintels. Engineer's certificate must be obtained, accompanied by Engineer's inspection before concrete slabs may be set/poured. Engineer's certificate to be submitted for roof layout detail before installation. Eripg must be pointed out to the Building Dept. before the start of construction. All glazing to comply with the requirements of SANS 10137 and SANS 10407 (i.e. N. Access doors and side windows have to be protected with 500mm from the windows downwards, from 1.8m above the pitch line of stairs and shop fronts to be safety glass. Provide 375 micron Papius DPC under walls and 250 micron Papius DPC under floors. Regardless of depth shown on sections, excavate foundations to a depth to provide a solid and uniform foundation to all footings. Provide 900x900x35 thick footing to all piers.

All work must comply with the National Building Regulations and Building Standards Act No. 103 of 1977.
All measurements and levels must be verified on site before the start of construction.
Any error or discrepancy to be reported to the architectural professional immediately.



FIRST STOREY FLOOR PLAN DETAIL

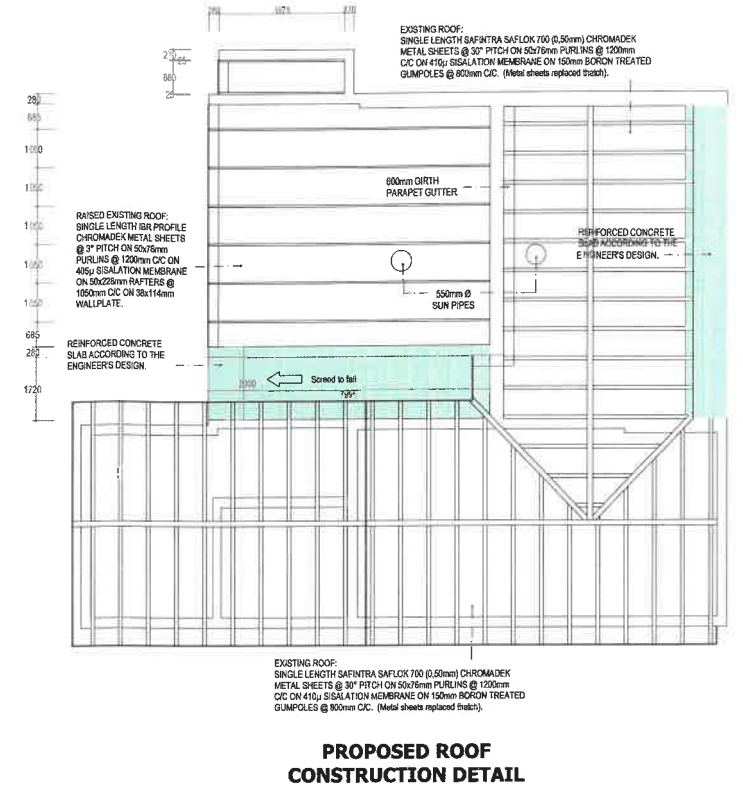
GROUND STOREY FLOOR PLAN DETAIL



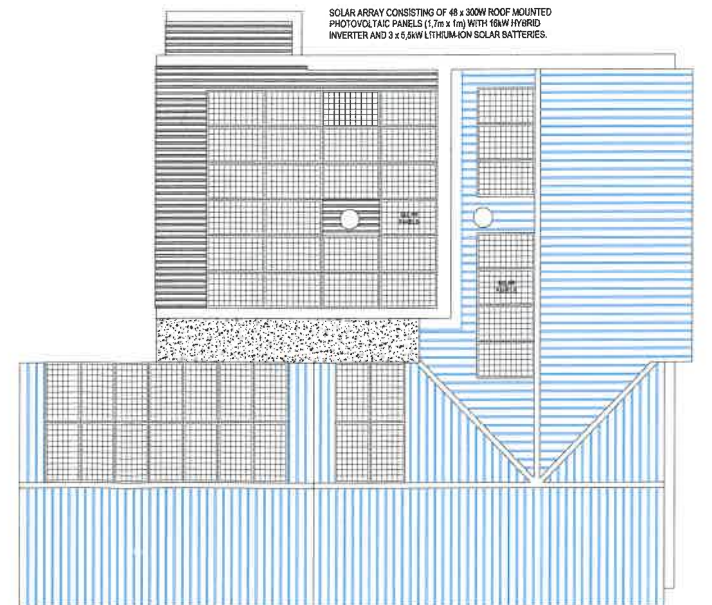
FIRST STOREY ELECTRICAL OUTLAY



GROUND STOREY ELECTRICAL OUTLAY



PROPOSED ROOF CONSTRUCTION DETAIL



PROPOSED SOLLAY ARRAY OUTLAY
(SUBJECT TO INSTALLER'S DESIGN)

ZONING	AGRICULTURAL & RURAL
--------	----------------------

AREA FACTORS	
ERF SIZE	18317,35 m²
FLOOR FACTOR	0,07
COVERAGE	6,22%
EXISTING GROUND STOREY FLOOR SPACE	234,84 m²
EXISTING FIRST STOREY FLOOR SPACE	44,31 m²
NEW GROUND STOREY FLOOR SPACE	239,45 m²
NEW FIRST STOREY FLOOR SPACE	44,31 m²
TOTAL FLOOR SPACE	283,76 m²
TOTAL NEW FLOOR SPACE ADDED	4,61 m³

SYMBOLS AND LEGENDS	
CENTER FILAMENT LIGHT	
220v-240v DOWN LIGHT	
WALL LIGHT	
FLORESCENT LIGHT	
LIGHT SWITCH	
16A SOCKET (300mm over FFL)	
16A SOCKET (1m over FFL)	
20mmØ PVC CONDUIT BOX	
REQUIRED FLOOR LEVEL	(X.00'000)
EXISTING FLOOR LEVEL	(X.00'000)
WINDOW & DOOR NUMBERS	(W01) (D01)

REVISION DETAILS		
DATE	DESCRIPTION	REFERENCE DRAWING No.
2023-08-15	FIRST CONCEPT PRESENTATION TO CLIENT	A4152301
2023-08-30	SECOND CONCEPT PRESENTATION TO CLIENT	A4152302
2023-09-10	THIRD CONCEPT PRESENTATION TO CLIENT	A4152303
2023-09-14	MUNICIPAL SUBMISSION	A4152304
2023-12-23	PX SCRUTINY ADJUSTMENTS	A4152305
2024-02-01	SDP ADJUSTMENTS	A4152306

 **COLLINS SHERRIFF
ARCHITECTURE**
CELL: 083-571-7158
E-MAIL: collins@csa.co.za
SACAP Reg. No. D0149

(S. Tech. M.A. Arch. P. Arch. D.)
99 HILLCREST ROAD
GOLDEN HILL
SOMERSET WEST
7130
www.csad.co.za

DRAWING No.	A415/23/06	DRAWN BY	CS	2024-02-06
		CHECKED BY		
PROPOSED ALTERATIONS TO COTTAGE 1 FOR USENTRA PTY (LTD) ON DE KRAAL ESTATE FARM 11/124, BANGHOEK, STELLENBOSCH			SCALE	SHEET
			1:100	NO. OF
			2	
Unless otherwise indicated dimensions are in millimeters			000000415/23/06	

SIGNATURE : Registered owners

SIGNATURE : C. Sheriff

Units 80: Elevations

FOR OFFICIAL USE

NOTES

FLOOR CONSTRUCTION

Floor covering as indicated on 25mm fine screed cement on 100mm concrete on 250 micron Pacplus PVC damp proof membrane on 50mm compacted sandbed on 150mm compacted filling on 700x230mm strip foundation.

ROOF CONSTRUCTION

Flat Roof

Corrugated profile Chromadek 0,50mm metal sheet @ 3° pitch on 50x76mm purlins @ 1200mm c/c on 405 micron Super Sisalation membrane on 50x228mm rafters @ 1050mm c/c on 38x14mm wallplate. Fit 100mm Isoboard insulation ceiling under purlins.

STORM WATER

Provide 125x150mm Ogee profile longspan aluminium gutters on 22x220mm fascia with 75x100mm downpipes. Outflow minimum 150mm above finished ground level. Stormwater to catchpits and piped below ground level around construction works to main street. Box storm water pipes in 100mm concrete where it runs under construction works.

SEWERAGE

Provide 110mm Ø sewage pipes with 50mm Ø ventilation pipes with twin valves on 110mm Ø stub stack. Box sewage pipes in 100mm sand where it runs under construction works. Provide inspection eye access at all changes in direction. Horizontal sewage pipes must be anti-siphoned. Any footing within 1,2m of any drainline to be below same drainline. Gully runs to be not less than 150mm above the finished surrounding ground level and not less than 150mm below the crown of the lowest trap serving any sanitary fixture.

GENERAL

All walls to be built with clay bricks and smooth plastered and painted to match existing. Cavity walls to be solid up to d.p.c. level, minimum three courses below wallplate and above all windows. Seal interior timber with Bourne Gleam and exterior timber with Sikens Rubbol DEK. Electrical requirements, as set by the local authority, must be complied with. All openings larger than 1m to be provided with single-length precast reinforced lintels. Engineer's certificate must be obtained, accompanied by Engineer's inspections before concrete slabs may be set/poured. Engineer's certificate to be submitted for roof layout detail before installation. Erf pegs must be pointed out to the Building Dept. before the start of construction. All glazing to comply with the requirements of SANS 10137 and SANS 10400 Part N. Access doors and side lights to have safety glass. Windows lower than 500mm from floor, windows lower than 1,8m above the pitch line of stairs and shop fronts to be safety glass. Provide 375 micron Pacplus DPC under walls and 250 micron Pacplus DPC under floors. Regardless of depth shown on sections, excavate foundations to a depth to provide a solid and uniform foundation to all footings. Provide 900x900x350 thick footing to all piers.

All work must comply with the National Building Regulations and Building Standards Act No. 103 of 1977. All measurements and levels must be verified on site before the start of construction. Any error or discrepancy to be reported to the architectural professional immediately.

ZONING	AGRICULTURAL & RURAL
--------	----------------------

AREA FACTORS	
ERF SIZE	18317,35 m ²
FLOOR FACTOR	0,87
COVERAGE	6,22%
EXISTING GROUND STOREY FLOOR SPACE	234,84 m ²
EXISTING FIRST STOREY FLOOR SPACE	44,31 m ²
NEW GROUND STOREY FLOOR SPACE	239,45 m ²
NEW FIRST STOREY FLOOR SPACE	44,31 m ²
TOTAL FLOOR SPACE	284,24 m ²
TOTAL NEW FLOOR SPACE ADDED	4,81 m ²

SYMBOLS AND LEGENDS	
CENTER FILAMENT LIGHT	
220v~240v DOWN LIGHT	
WALL LIGHT	
FLUORESCENT LIGHT	
LIGHT SWITCH	
16A SOCKET (100mm over FFL)	
16A SOCKET (1m over FFL)	
20mm Ø PVC CONDUIT BOX	
REQUIRED FLOOR LEVEL	(V 00'000)
EXISTING FLOOR LEVEL	(X 00'000)
WINDOW & DOOR NUMBERS	(W01) (D01)

REVISION DETAILS		
DATE	DESCRIPTION	REFERENCE DRAWING No.
2023-08-15	FIRST CONCEPT PRESENTATION TO CLIENT	A415/23/01
2023-08-30	SECOND CONCEPT PRESENTATION TO CLIENT	A415/23/02
2023-09-10	THIRD CONCEPT PRESENTATION TO CLIENT	A415/23/03
2023-09-14	MUNICIPAL SUBMISSION	A415/23/04
2023-12-23	FX SCRUTINY ADJUSTMENTS	A415/23/05
2024-02-01	SOP ADJUSTMENTS	A415/23/06

	COLLIN SHERRIFF ARCHITECTURE		99 HILLCREST ROAD GOLDEN HILL SOMERSET WEST 7130
	(S. Tech, M.A. Arch., Pr. Arch.D.)		
	CELL: 083-671-7158		
	E-MAIL: collin@collin.co.za		
	SACAP Reg. No. D0149		
	www.csad.co.za		

DRAWING No.	A415/23/06	DRAWN BY	CS	2024-02-01
CHECKED BY		SCALE	1:100	SHEET
				NO. OF
				3
				3

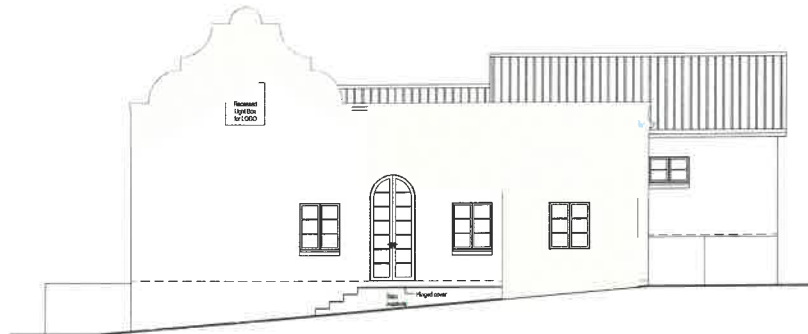
PROPOSED ALTERATIONS TO COTTAGE 1 FOR
USENTRA PTY (LTD) ON DE KRAAL ESTATE
FARM 11/124, BANGHOEK, STELLENBOSCH

SIGNATURE: Registered owners

SIGNATURE: C. Sherriff



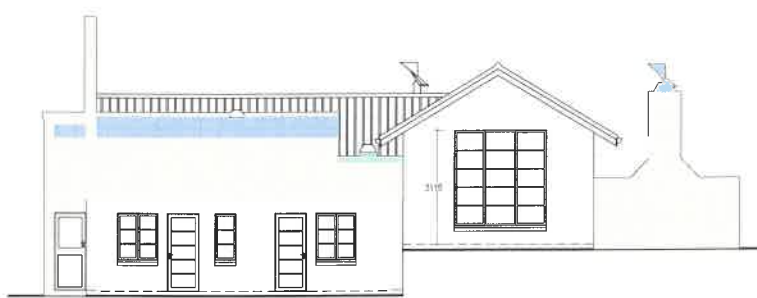
PROPOSED SOUTH WEST ELEVATION



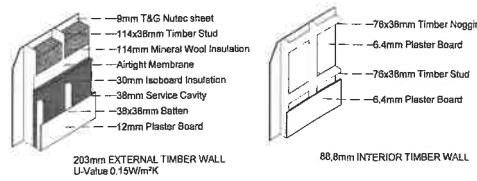
PROPOSED NORTH EAST ELEVATION



PROPOSED SOUTH EAST ELEVATION

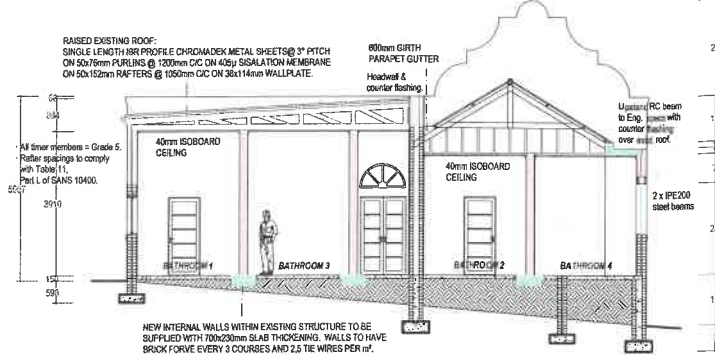


PROPOSED NORTH WEST ELEVATION

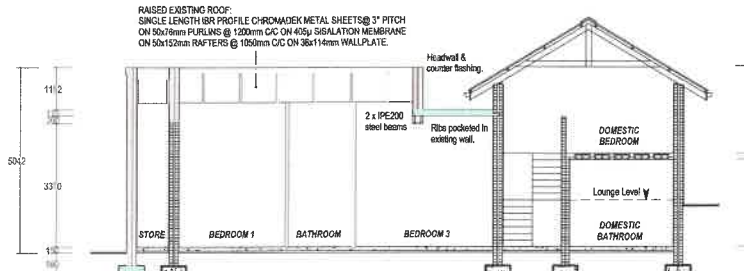


DRY WALL DETAIL

(SCALE 1 : 50)

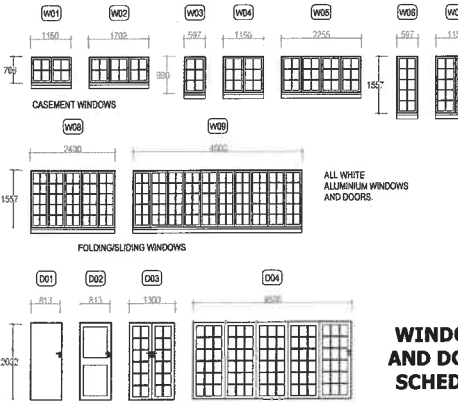


SECTION A · A



SECTION B · B

ALL GLAZING TO COMPLY WITH THE REQUIREMENTS OF SANS 10137 & SANS 10400 PART N. ACCESS DOORS AND SIDE/BOTTOM LIGHTS, WINDOWS LOWER THAN 500mm FROM THE FLOOR, LOWER THAN 1,8m ABOVE THE PITCH LINE OF STAIRS AND SHOP FRONTS TO HAVE SAFETY GLASS AND CLEARLY INDICATED AS SUCH ON GLASS AT EYE LEVEL.



WINDOWS AND DOORS SCHEDULE

SANS 10400 XA REQUIREMENTS		CALCULATIONS & SPECIFICATIONS	
1. ROOF ASSEMBLIES		4	
Coastal Zone:	Up	Corrugated metal sheets, 40° & 5° pitch, suspended ceiling	R-value 0,3
Direction of Heat Flow:	Up	Insulation 405 reflective foil above rafters	R-value 1,2
Minimum required R-value (Table 6):	3,7	100mm Isoboard insulation	R-value 3,8
		TOTAL	5,3
2. PIPING INSULATION		1,0	
Minimum required value for pipes < 60mm Ø	R-value 1,0	AP / Armaflex pipe 10mm wall thickness	R-value 1,8
Minimum required value for pipes > 60mm Ø	R-value 1,5	AP / Armaflex pipe 10mm wall thickness	R-value 1,8
3. CYLINDER INSULATION		2,0	
Hot water vessels & tanks to be insulated with a material achieving a minimum R-value of 2,0	R-value 2,0	80mm Aeroflex flexible fireproof blanket	R-value 2,8
4. WATER HEATING		INSTALLATION:	
Minimum of 50% by volume of annual average hot water heating requirement by alternative means.		Solar photovoltaic array with 16W hybrid inverter	
Base Case Water Volume		3 x 5,28W Ethionium solar batteries.	
a. H4 Dwelling House	Peak 8		
b. Usage per person per day	Ltr 116		
c. Household daily consumption (n x a x b)	liter 920	Average daily sunshine hours	50,24
d. Ambient signal temperature	°C 16	Average output per PV panel	6
e. Target output temperature	°C 55	Number of PV panels	48
f. Average temperature difference (n - d - e)	°C 39	Average daily solar energy output	115,2
g. Specific heat of 1 litre of water	J/kg 4182	Target Energy Efficiency = 50% of AEU (g)	26,8
h. Daily energy usage (n - c x f x g)	Wh 150,050		
i. kWh per day (n - b / 3600)	kWh 41,6		
j. Annual energy usage (n - i x 365)	kWh 15,184	Actual Energy Efficiency = percentage of AEU (g)	383,84%

5. FENESTRATION
Buildings with up to 15% fenestration area to roof floor area per storey comply with the minimum performance requirements.
The aggregate conductance and solar heat gain (SHGC) of the glazing in each storey shall not exceed the values obtained by multiplying the roof floor area measured within the enclosed walls with the constants C_u & SHGC.

DE KRAAL FARM 11/124 STELLENBOSCH										COTTAGE 1 - FIRST STOREY		CLIMATIC ZONE		THERMAL INSULATION	
										219,05		4		TARGET	
										17,73		Conductance		Solar Heat Gain	
										6,08		0,13		0,13	
WINDOWS AND DOORS										EXTERNAL SHADING RATIO		GLAZING		CONDUCTANCE CALCULATION	
										Single Clear Glazing		SHGC CALCULATION			
U-Value	QTY	Width (m)	Height (m)	Frame	U-Value	SHGC	Area (m²)	SHGC	Area (m²)	SHGC	Area (m²)	SHGC	Area (m²)	SHGC	Area (m²)
SW	D04	1,430	2,003	0,14	0,17	1,10	0,05	0,96	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	ExD	1,081	2,003	0,64	0,17	1,17	0,20	0,96	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W01	1,115	0,70	0,81	0,17	0,85	1,01	0,96	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	ExW	1,059	0,70	0,41	0,17	0,85	1,05	0,96	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W02	2,059	1,65	1,83	0,17	0,46	2,49	0,07	0,04	0,04	0,04	0,04	0,04	0,04	0,04
SW	D03	1,300	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W03	1,300	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W04	1,300	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W05	2,059	1,65	1,83	0,17	0,46	2,49	0,07	0,04	0,04	0,04	0,04	0,04	0,04	0,04
SW	D05	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W06	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W07	1,115	1,355	1,78	0,06	1,00	2,36	0,06	0,06	0,06	0,06	0,06	0,06	0,06	0,06
SW	W08	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W09	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W10	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W11	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W12	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W13	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W14	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W15	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W16	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W17	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W18	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W19	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W20	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W21	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W22	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W23	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W24	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W25	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W26	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W27	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W28	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W29	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W30	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W31	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W32	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W33	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W34	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W35	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W36	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W37	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W38	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W39	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W40	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W41	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W42	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W43	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W44	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W45	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W46	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W47	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W48	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W49	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W50	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W51	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W52	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W53	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W54	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W55	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W56	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W57	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W58	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W59	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W60	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W61	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W62	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W63	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W64	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W65	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W66	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W67	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W68	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W69	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W70	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W71	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W72	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W73	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W74	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W75	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W76	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96	0,96	0,96
SW	W77	2,130	2,003	2,64	0,10	0,98	3,01	1,36	0,96	0,96	0,96	0,96	0,96		

Unit 2: Floor Plan

FOR OFFICIAL USE

NOTES

FLOOR CONSTRUCTION

Floor covering as indicated on 25mm fine screed cement on 100mm concrete on 250 micron Pacplus PVC damp proof membrane on 50mm compacted sandbed on 150mm compacted filling on 700x230mm strip foundation.

ROOF CONSTRUCTION

Flat Roof

Corrugated profile Chromadek 0,50mm metal sheet @ 3° pitch on 50x76mm purlins @ 1200mm c/c on 405 micron Super Sisalation membrane on 50x228mm rafters @ 1050mm c/c on 38x114mm wallplate. Fit 100mm Isoboard insulation ceiling under purlins.

STORM WATER

Provide 125x150mm OGee profile longspan aluminium gutters on 22x220mm fascia with 75x100mm downpipes. Outflow minimum 150mm above finished ground level. Stormwater to catchpits and piped below ground level around construction works to main street. Box storm water pipes in 100mm concrete where it runs under construction works.

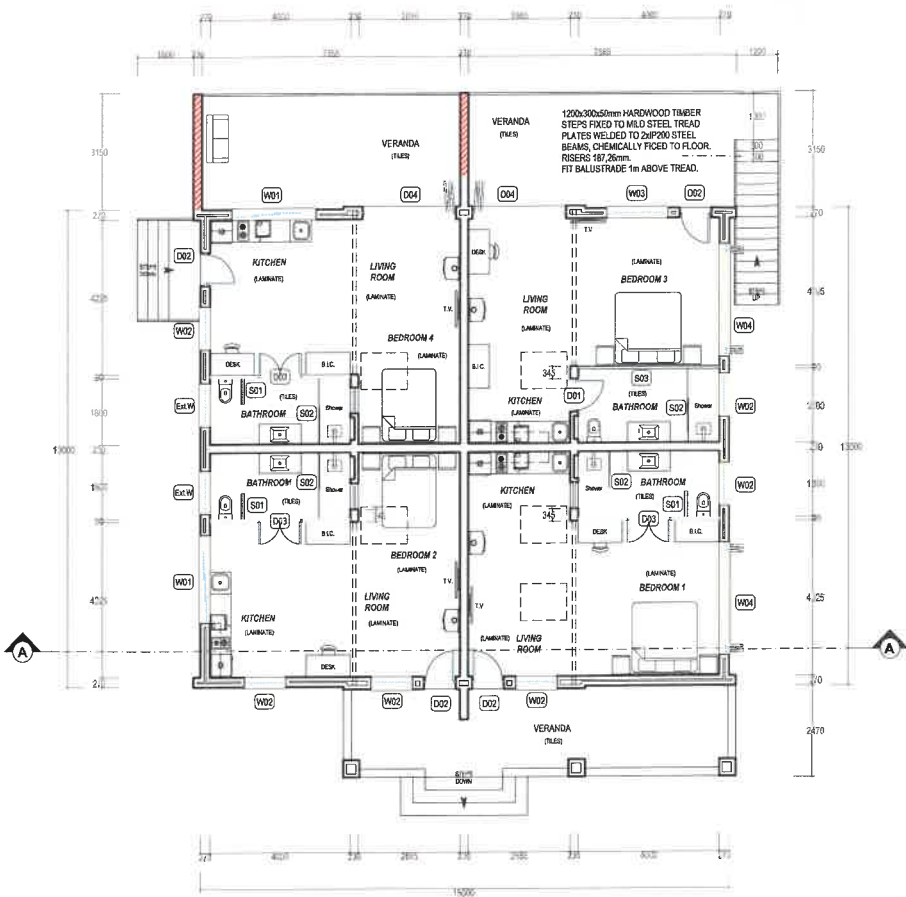
SEWERAGE

Provide 110mm Ø sewage pipes with 50mm Ø ventilation pipes with twin valves on 110mm Ø stub stack. Box sewage pipes in 100mm sand where it runs under construction works. Provide inspection eye access at all changes in direction. Horizontal sewage pipes must be anti-siphoned. Any footing within 1,2m of any drainline to be below same drainline. Gully rims to be not less than 150mm above the finished surrounding ground level and not less than 150mm below the crown of the lowest trap serving any sanitary fixture.

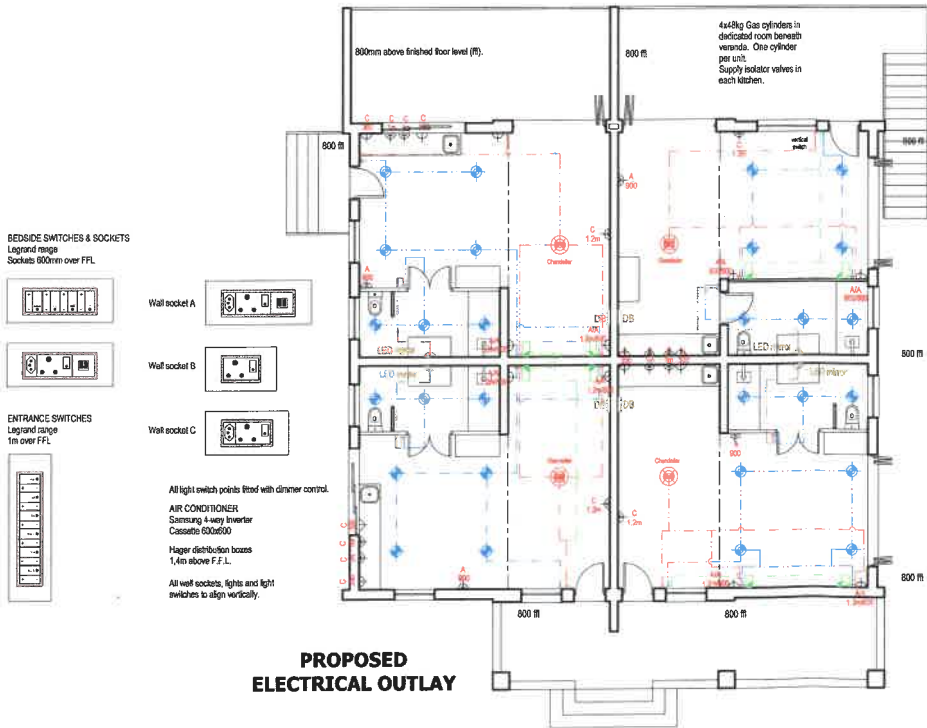
GENERAL

All walls to be built with clay bricks and smooth plastered and painted to match existing. Cavity walls to be solid up to d.p.c. level, minimum three courses below wallplate and above all windows. Seal interior timber with Bourne Glem and exterior timber with Sikken's Rubbol DEK. Electrical requirements, as set by the local authority, must be complied with. All openings larger than 1m to be provided with single-length precast reinforced lintels. Engineer's certificate must be obtained, accompanied by Engineer's inspections before concrete slabs may be self-poured. Engineer's certificate to be submitted for roof layout detail before installation. Erf pegs must be pointed out to the Building Dept. before the start of construction. All glazing to comply with the requirements of SANS 10137 and SANS 10400 Part N. Access doors and side lights to have safety glass. Windows lower than 500mm from floor, windows lower than 1,8m above the pitch line of stairs and shop fronts to be safety glass. Provide 375 micron Pacplus DPC under walls and 250 micron Pacplus DPC under floors. Regardless of depth shown on sections, excavate foundations to a depth to provide a solid and uniform foundation to all footings. Provide 900x900x350 thick footing to all piers.

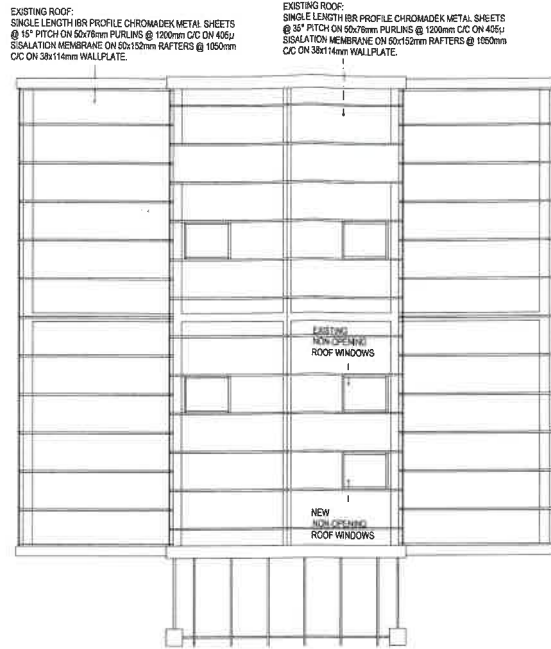
All work must comply with the National Building Regulations and Building Standards Act No. 103 of 1977. All measurements and levels must be verified on site before the start of construction. Any error or discrepancy to be reported to the architectural professional immediately.



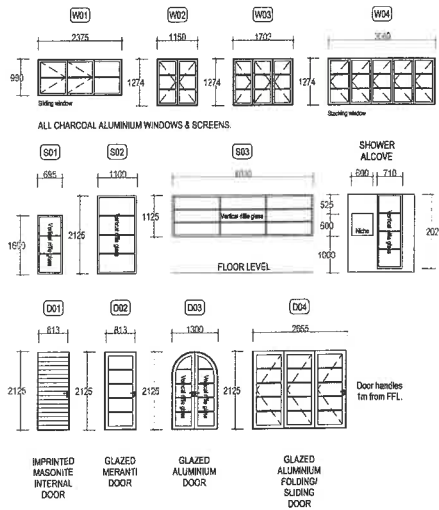
PROPOSED FLOOR PLAN DETAIL



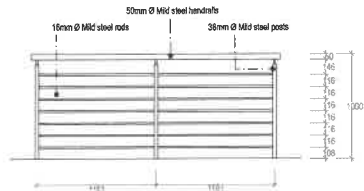
PROPOSED ELECTRICAL OUTLAY



EXISTING ROOF CONSTRUCTION DETAIL



DOORS & WINDOWS SCHEDULE



BALUSTRADE DETAIL
(SCALE 1 : 35)

ZONING AGRICULTURAL & RURAL

AREA FACTORS	
ERF SIZE	18 317,35 m²
FLOOR FACTOR	0,07
COVERAGE	6,32%
EXISTING GROUND STOREY FLOOR SPACE	196,03 m²
EXISTING MEZZANINE STOREY FLOOR SPACE	34,80 m²
NEW GROUND STOREY FLOOR SPACE	196,03 m²
NEW MEZZANINE STOREY FLOOR SPACE	0,00 m²
TOTAL FLOOR SPACE	196,03 m²
TOTAL NEW FLOOR SPACE ADDED	0,00 m²

SYMBOLS AND LEGENDS	
CENTER FILAMENT LIGHT	
220v-240v DOWN LIGHT	
WALL LIGHT	
FLORESCENT LIGHT	
LIGHT SWITCH (1m over FFL)	
16A SOCKET (800mm over FFL)	
16A SOCKET (1m over FFL)	
20mm Ø PVC CONDUIT BOX	
REQUIRED FLOOR LEVEL	(V.00/000)
EXISTING FLOOR LEVEL	(X.00/000)
WINDOW & DOOR NUMBERS	(W01) (D01)

REVISION DETAILS		
DATE	DESCRIPTION	REFERENCE DRAWING No.
2023-08-15	FIRST CONCEPT PRESENTATION TO CLIENT	A413/23/01
2023-08-30	SECOND CONCEPT PRESENTATION TO CLIENT	A413/23/02
2023-09-10	THIRD CONCEPT PRESENTATION TO CLIENT	A413/23/03
2023-09-15	MUNICIPAL SUBMISSION	A413/23/04
2023-12-23	PX SCRUTINY ADJUSTMENTS	A413/23/05
2024-02-01	SOP ADJUSTMENTS	A413/23/06

COLLIN SHERRIFF ARCHITECTURE (S.164, N.A. Arch. Pr. Act 21)
CELL: 083-571-7158
E-MAIL: collin@sherriff.co.za
SACAP Reg. No. D0149 www.csad.co.za
99 HILLCREST ROAD
GOLDEN HILL
SOMERSET WEST
7130

DRAWING NO. **A413/23/06** DRAWN BY CS CHECKED BY CS DATE 2024-02-01

PROPOSED ALTERATIONS TO COTTAGE 2 FOR USENTRA PTY (LTD) ON DE KRAAL ESTATE FARM 11/124, BANGHOEK, STELLENBOSCH
SCALE 1 : 100 SHEET NO. 2 OF 3
Unless otherwise indicated on plan

SIGNATURE: Registered owner SIGNATURE: C. Sherriff

821

(SCALE 1 : 50)

83

ELECTRICAL & SEWAGE OUTLAY : FIRST STOREY

Annexure C:
Previous approvals



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Navrae / Enquiries
U verwysing / Your ref.
Ons verwysing / Our Ref.
Datum / Date
Telefoon / Telephone
Faks / Fax

B Mdoda

Farm 124/11, Stellenbosch
2006-10-27
021-808 8690
021-808 8651

REGISTERED POST

Jan Hanekom Partnership
60 Mill Street
PAARL
7646

Sir / Madam

APPLICATION FOR REZONING AND CONSENT USE ON PORTION 11 OF THE FARM NO 124, STELLENBOSCH

Your application in the abovementioned regard refers.

The Executive Director : Economic Facilitation Services at a recent meeting resolved as follows:

1. That approval **be granted** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), for the rezoning of a portion ($\pm 410m^2$) of Farm 124/11 from Agriculture Zone I to Residential Zone V to accommodate 9 guest rooms.
2. That in terms of Regulation 4.6 of the Section 8 Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance No 15 of 1985), a **consent use be approved** for a dining facility ($\pm 40m^2$).
3. The approval will be subject to the following conditions in terms of Section 42(1) of Land Use Planning Ordinance 15 of 1985:
 - (a) That the approval applies only to the rezoning and consent use in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - (b) No potable water can be supplied but Council can provide a service whereby conservancy tanks could be emptied.
 - (c) All sewer and storm water should not create a nuisance on the property.
 - (d) All wash water from the kitchen in the tourist facility should go through a fat catcher before it flows into the sewer system.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Navrae / Enquiries	R Fooy / U Von Molendorff
U verwysing / Your ref.	-
Ons verwysing / Our Ref.	Farm 124/11, Stellenbosch
Datum / Date	2010-07-16
Telefoon / Telephone	021-808 8660 / 8682
Faks / Fax	021-808 8651

REGISTERED POST

Jan Hanekom Partnership
60 Mill Street
Paarl
7646

Sir

APPLICATION FOR TEMPORARY DEPARTURE ON PORTION 11 OF FARM NO. 124, STELLENBOSCH DIVISION

Your application in the above regard, refers.

The Acting Director: Planning and Development Services at a recent meeting resolved as follows:

1. That approval be granted in terms of Section 15(1)(b) of the Land Use Planning Ordinance 15 of 1985 for a **Temporary Departure** to use two portions of the property ($\pm 600\text{m}^2$) comprising of the existing swimming pool with lapa and a portion of garden for the hosting of formal outdoor functions on Portion 11 of Farm 124, Stellenbosch, as shown on the attached Site Development Plan by Jan Hanekom & Partners, dated June 2009, Drawing No AG 024-03 as attached in **Appendix B**, subject to the conditions as per attached **Appendix A**.

In terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal, in which case you may upon request be given the opportunity to appear in person before the Appeal authority to state your case. A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R311,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to Town Planning, ground floor, municipal building, Plein Street, Stellenbosch, within 21 days of the date of registration at the Post office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council's Appeals Committee before or after the matter is heard. Should no appeal be received within such appeal period, or upon conclusion of this appeal process, you (as well as

any objectors, if any) will be advised of a further right of appeal in terms of Section 44 of Land Use Planning Ordinance, No 15 of 1985 in due course.

Kindly note the above Council decision is suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

for **DIRECTOR: PLANNING AND DEVELOPMENT SERVICES**

Annexure D:
Applicant's Motivation



Physical Address: Bakkershuis
152 Dorp Street

Stellenbosch, 7600

M: +27 (0)72 480 5838

E: marike@archtownplanners.co.za

W: www.archtownplanners.co.za

7 October 2024

ADDENDUM TO LAND USE APPLICATION: FARM 124/11, STELLENBOSCH (DE KRAAL) – TP503/2023

This addendum addresses the deviation of the current tourist accommodation application from the Stellenbosch Municipal Spatial Development Framework 2023 (MSDF) as outlined in the Information Guideline on Tourist Accommodation for Agricultural and Rural Zone properties (IG Tourist Accommodation 2024). The application proposes more than the permitted number of additional dwelling units on the farm, which is not in compliance with the MSDF.

In terms of Section 22 of the Spatial Planning and Land Use Management Act (SPLUMA), 2013, the application must now be motivated with a site-specific justification for this departure. Furthermore, the Department of Rural Development and Land Reform (DRDLR) Guideline on the Determination of Site-Specific Circumstances (2021) need to be considered for applications exceeding the MSDF provisions.

Site-Specific Justification

As set out in the Motivation report, the application site has approval for a **9-bedroom Tourist Accommodation Establishment in the existing managers cottage, labourer's cottage and second dwelling**. New owners recently bought the farm and wish to upgrade the units by adding kitchens to the approved 9-bedrooms and to add 5 additional bedrooms to the units, **through internal alterations only, turning the accommodation into self-catering units**. The total proposed number of bedrooms, in the four existing units, will then equate to 14.

The subject property, Portion 11 of Farm 124, is located in an area of high scenic value near the Helshoogte Road in Stellenbosch, making it an attractive location for tourist accommodation. The property has existing approval for a 9-bedroom tourist accommodation establishment. However, the proposed development seeks to upgrade the units into self-catering accommodation and add additional bedrooms, within the same footprint of the existing and previously approved buildings, resulting in a total of 14 bedrooms across the property.

This deviation is driven by the need to adapt to market demands for self-catering tourist accommodation and to fully utilize the existing buildings on-site without expanding the property's built footprint. Key site-specific factors include:

1. **Existing Infrastructure:** The property already houses four residential buildings with approvals for tourist accommodation, minimizing the need for new construction. The proposal focuses on internal alterations, adding kitchens, within the existing structure to some units and increasing the number of bedrooms without any significant changes to the external structures or the land's character.
2. **Economic Viability:** The additional bedrooms and conversion into self-catering units will increase the property's economic viability as a tourist accommodation establishment. This will support both the local economy and the viability of maintaining the farm, which otherwise lacks active agricultural activities.
3. **Environmental and Agricultural Considerations:** Although the property is zoned for agriculture, there are currently no active agricultural activities taking place. Furthermore, the proposed development remains in harmony with the rural and natural landscape, and no expansion of the property's footprint will occur. The development respects the environmental integrity of the surrounding area, with no additional pressure on agricultural land or natural resources.
4. **Tourism Appeal:** The farm's location, surrounded by mountains and neighbouring tourist attractions, makes it a prime site for tourist accommodation. Increasing the accommodation capacity within the exiting approved structures, will enhance the tourism potential of the region, contributing to broader regional development goals outlined in the MSDF and Western Cape Rural Guidelines.

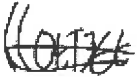
Compliance with SPLUMA and DRDLR Guidelines

In compliance with Section 22 of SPLUMA and the DRDLR Guideline on Site-Specific Circumstances, the following factors are critical in justifying the departure from the MSDF:

- **Unique Circumstances:** The proposed development is uniquely suited to this property, given its existing tourist accommodation infrastructure, non-active agricultural use, and high potential as a tourist destination.
- **No Significant Impact on Spatial Planning:** The proposed internal modifications and additional bedrooms will not alter the spatial pattern or cause undue strain on municipal services, infrastructure, or the environment. The deviation from the MSDF is minimal and remains consistent with broader sustainable tourism development goals. The proposed land uses are all within existing buildings and will result in the optimal use of the property without adding and footprints to the property.
- **Contribution to Local Economy:** The development aligns with the need for rural economic stimulation and the promotion of tourism, both key objectives of spatial development planning in Stellenbosch and the greater Western Cape region.

The proposed deviation from the MSDF is justified based on the site-specific circumstances outlined above. The application does not propose a significant alteration to the rural nature of the property or surrounding area and will contribute positively to the local economy. As such, we request that this application be considered favourably under Section 22 of SPLUMA, with due consideration given to the guidelines provided by the DRDLR.

Your Sincerely



Carlien Coetzee (C/9982/2024)
For Arch Town Planners (Pty) Ltd

and a wide shoulder if approaching from direction Stellenbosch, is sufficient to provide safe access to the proposed development.

4. Motivation

When considering a consent use application, the Municipality shall adhere to the assessment criteria and other requirements as set out in Section 213 of the By-Law which are listed below:

- (1) Prior to approving a consent use application for the conversion of any existing buildings on a land unit in this zone, the Municipality shall require a site development plan to be submitted in accordance with the requirements in section 216.
- (2) When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farmland for agriculture.
- (3) The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.
- (4) A consent use application for an abattoir, airstrip, meeting facilities associated with a guest house, day care centre, helicopter landing pad, hotel, outdoor sport, **tourist accommodation establishment** and tourist facilities which exceed the threshold may only be approved if the Municipality is satisfied that the use is subservient to the primary use of bona fide agriculture or natural environment or combination of these two primary uses.
- (5) These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit.
- (6) If agriculture or natural environment use is not conducted from the farm, or if agriculture or natural environment use ceases to be practiced on the land unit, a rezoning is required before non-agricultural consent uses may be exercised.
- (7) As far as possible, the consent uses should be undertaken from **existing buildings** on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.
- (8) New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of

existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.

- (9) The coverage or floor area of each approved consent use on the land unit shall be recorded on the farm site development plan, and the Municipality may limit the floor area or coverage of each particular land use or the total floor area or coverage that may be used for consent uses.

Section 65(1) of the By-law, sets out further certain criteria which needs be met in consideration of an application by the decision- making authorities. In line with this section, Table 5, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided by the municipality.
c. Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, as motivated for below:</p> <ul style="list-style-type: none"> • The proposed development will be on existing footprints and accommodated in the existing buildings. There will therefore be no loss of agricultural/natural land on the farm. There will therefore be no loss of agricultural/natural land on the farm. • The scale of the proposed development will remain in keeping with the character of buildings on the land unit and the character of the area. The proposed use will not impact or dominate the natural environment activities. • There are currently no agricultural activities on the farm, and the open areas on the farm is used as natural landscape. The income to be generated from the additional accommodation will help enable the landowner to reinvest money back into the farm to establish natural areas, control invasive species and create areas that can be used for outdoor leisure activities. The proposed land use will therefore help with the protection of natural land. • It is considered that the proposed land use will be subservient to the primary use of natural environment.

	<ul style="list-style-type: none"> • The proposed tourist accommodation will create employment opportunities in the area. • The owners of the property do not live on the property on a full-time basis. By having the flexibility to use the buildings as tourist accommodation at the times when they are not there ensures that the farm is not deserted for long periods, which will increase security and safety on the farm and the area. • The Banghoek area is known as a popular tourist attraction in the Stellenbosch area. Numerous tourists visit the area and the need for tourist accommodation is on the rise. The development seeks to use existing buildings on an unproductive agricultural farm to serve these needs • It is considered that the proposed land use will be subservient to the primary use of natural environment. • The proposed land use will not result in any overlooking and loss of privacy to surrounding owners. The farm is located in a low laying area and there is thick vegetation on the borders of the farm mitigating privacy concerns. • The proposed land use will not result in a notable increase in traffic and will not add substantial additional load on any services infrastructure.
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants' response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	None
i. The IDP and SDF	<p>PSDF set out 3 spatial themes.</p> <p><u>Resources</u></p> <p>The wise use of the Western Cape's unique asset base, connectivity of the biodiversity</p>

	<p>area, protection of arable soil and mineral resources.</p> <ul style="list-style-type: none"> The development will use the natural and cultural resources wisely and sustainably through tourism and protect mineral and soil resources by focusing development on existing footprints. <p><u>Space economy</u></p> <p>The Western Cape economy comprises of diverse activities and the areas connect through infrastructure, the rural economy is not only about agriculture but needs diversification and the rural economy should pursue value adding activities.</p> <ul style="list-style-type: none"> The development is in line with the space economy goals and seeks to diversify the rural economy add value in a sustainable way through a diverse number of economic activities mainly related to tourism. <p><u>Settlement</u></p> <p>The Western Cape's unique sense of place and identity, heritage, cultural and scenic aspects require smart growth and efficient use of land to contain urban sprawl and create more compact and connected human settlements.</p> <ul style="list-style-type: none"> The development will not lead or encourage urban sprawl as it specifically seeks to not rezone. The development is allowed for as a consent use application that will be in predominantly on existing footprints.
j. IDP and SDF of district Municipality.	<p>Stellenbosch Municipality MSDP is used to guide land use decisions in both the short and long term. The section below indicates how the proposed land use will comply with these proposals:</p> <ul style="list-style-type: none"> The proposed development will not result in the loss of agricultural land or will in any way negatively affect the scenic character of the area. The proposed development will attract tourists to the area to the benefit of the wider community. The proposed development will enable the protection of the natural environment. <p>The proposed development will make optimal use of existing services and will not require any services upgrades.</p>
k. IDP and SDF of local Municipality	Discussed and addressed under i and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making.	Aligned.

n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF which all promotes additional uses on Agricultural land to provide additional income. Thus, the application is in line with the provincial SDF.
o. Regional spatial development framework.	N/A
p. National policies, norms and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p><u>Spatial Justice:</u> Aligned. The proposed development will attract tourists to the area which will help with local economic growth.</p> <p><u>Spatial Sustainability:</u> Aligned. The proposed land use will have most of the additional development on existing footprints, it will optimize the use of existing buildings and infrastructure. It does not result in urban sprawl.</p> <p><u>Efficiency:</u> Aligned. This application entails the utilisation of existing infrastructure on an optimal level. The proposal will allow for the efficient utilisation of land.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the zoning scheme	<p>The purpose of Agriculture and Rural zone is to make provision for:</p> <ul style="list-style-type: none"> • The protection and preservation of agricultural land, rural landscapes, and biodiversity. ○ The development seeks to protect the natural environment by focusing on tourism (in existing buildings and on existing developed footprints) and in doing so reducing the pressure to use the farm for urban development while generating the available capital to protect the natural landscape. • Use of land for purposes of bona fide agricultural production or conservation. ○ As stated, there are no agricultural activities on the farm and the farm is used for its natural environment and beauty through tourism. • a Limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the

	<p>Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability, and providing diversified income to landowners, without adversely impacting on the primary use of the land unit for agricultural purposes.</p> <ul style="list-style-type: none"> ○ The zoning scheme allows for the ancillary use of the farm for tourism with the objective of sustainability and diversification of income without adversely impacting the primary use.
Section 213 of the zoning scheme.	<p>Section 213 Consent uses in Agriculture and Rural Zone.</p> <ol style="list-style-type: none"> 1) Prior to approving a consent use application for the conversion of any existing buildings on a land unit in this zone, the Municipality shall require a site development plan to be submitted in accordance with the requirements in section 216. <ul style="list-style-type: none"> • Complies, an SDP is included in the application. 2) The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form. <ul style="list-style-type: none"> • Complies, the farm has no agricultural activities, and the proposed development will occur mainly on previously disturbed land of which no land is used for agriculture. 3) The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form. <ul style="list-style-type: none"> • As there are no farming buildings or activities on the farm. The proposed buildings will thus not be out of scale for the surrounding area and the current non-agricultural buildings on the farm. 4) A consent use application for tourist facilities which exceed the threshold may only be approved if the Municipality is satisfied that the use is subservient to the primary use of bona fide agriculture or natural environment or combination of these two primary uses. <ul style="list-style-type: none"> • As there are no agricultural activities on the property the main use of the property is natural environment. There are various meandering pathways through the property to admire the natural environment. The application will provide the owners of the property to gain an income from tourist that visit the application site

	<p>in part due to its natural beauty and through tourism protect and encourage the conservation of the natural environment.</p> <p>5) These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural.</p> <ul style="list-style-type: none"> • As stated, there are no agricultural activities and the development will allow the application site to use the natural environment to generate an income. <p>6) If agriculture or natural environment use is not conducted from the farm, or if agriculture or natural environment use ceases to be practiced on the land unit, a rezoning is required before non-agricultural consent uses may be exercised.</p> <ul style="list-style-type: none"> • The applicant does not seek to rezone as it is not in the character of the surrounding area and the application site is outside of the urban edge. It is motivated that the development will grant the applicant the monetary means to ensure the protection of the natural environment while simultaneously using the beauty of the natural environment to attract tourist. <p>7) As far as possible, the consent uses should be undertaken from existing buildings on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.</p> <ul style="list-style-type: none"> • Complies <p>8) New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.</p> <ul style="list-style-type: none"> • Complies <p>9) The coverage or floor area of each approved consent use on the land unit shall be recorded on the farm's site development plan, and the Municipality may limit the floor area or coverage of each particular land use or the total floor area or coverage that may be used for consent uses.</p> <ul style="list-style-type: none"> • Complies, Coverage is included in the SDP. <p>As discussed, the proposed development is in line with the provisions of the Zoning Scheme.</p>
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Section 216 of the zoning scheme.	Section 216 Site development plan There is an SDP included in the application liable to section 216 requirements and guidelines.
t. Restrictive conditions	N/A

Table 5: Assessment of Application in terms of Section 65 of the By-law

Table 6 below summarizes relevant guidelines applicable on the consent use application set out by the Rural Guidelines 2019 document.

Rural Areas Guidelines 2019	Assessment of Proposal
Objectives	<ul style="list-style-type: none"> • Promote sustainable development in appropriate rural locations throughout the Western Cape and ensure the inclusive growth of the rural economy. <ul style="list-style-type: none"> ○ The development complies by stimulating growth through tourism. • Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecological infrastructure and ecosystem services (i.e.environmental goods and services). <ul style="list-style-type: none"> ○ The development complies. • Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources. <ul style="list-style-type: none"> ○ The development will have no negative effect on the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural, and scenic rural landscapes. • Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner. <ul style="list-style-type: none"> ○ The development complies.
Rural vision	<p>The Western Cape economy is founded on the Province's unique asset base. These include farming resources, that make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g.agri-processing) underpin the Province's industrial sector; and its natural capital (i.e.biological diversity) and</p>

	<p>varied scenic and cultural resources which are the attraction that makes the Western Cape the country's premier tourism destination.</p> <ul style="list-style-type: none"> ○ The development seeks add to the rural economy by making use of the natural and cultural aspect of the area and the application site to attract tourist, and thus making use the above-mentioned resources in a sustainable way. The development will also provide economic empowerment through jobs in the local area.
Tourist accommodation guidance for implementation	<ul style="list-style-type: none"> • Preferably close to urban area ○ The development occurs within proximity to Kylemore but is outside of the urban edge. • Appropriate scale ○ The scale is appropriate for the surrounding area. • Clustered and visually discrete in rural context ○ The application site is a densely vegetated site thus the development will be discrete. • Cater for temporary accommodation. ○ Complies • Reinforce rural landscape qualities. ○ The development does not negatively impact the rural landscape. • Include appropriate buffer to reduce visual impact. ○ The application site is a densely vegetated site thus the development will have no negative visual impact. • Not detract from rural character. ○ Complies • Make use of existing buildings or new buildings on disturbed footprints. ○ Complies • Adjacent to existing farm routes ○ Complies • Not accepted under the 1:100 flood line

	<ul style="list-style-type: none"> ○ Complies ● Restricted to 1 unit per 10ha to a maximum of 5. ○ Complies, the rooms will be within existing buildings.
--	--

Table 6: *Rural Guidelines*

5. Conclusion

In light of the above information, Council is respectfully requested to favourably consider the application for the following:

- i) Consent to allow for Tourist Accommodation Establishment (10 units) with a total of 14 bedrooms (in lieu of the approved 9 bedrooms);

Report compiled by:

Renaldo Muller



For Arch Town Planners

Annexure E:
Objection received



To: Stellenbosch Municipality:

04/03/2023

Comments/ Objections to Consent use application for Portion11 Farm 124 (De Kraal)

Application Reference: LU/TP TP503/2023

From:

Director of Rustenvrede Propco, owner of portion 77/Farm 124 Rustenvrede,

Directly neighbouring proposed development.

Cell:

Objections to proposed development:

1. As direct neighbours we are concerned with the scale of the proposed development, and although the scale is downplayed in the submission, an increase from 9 to 16 units entails an increase of 77% in the number of units accommodated. This does not include the increase in staff, maintenance services, and deliveries to the property. It also does not include other planned activities, such as day visitors or guests for events.
2. The application shows the units as they were prior to the sale of the property.
The conversions have been an ongoing building project for at least 9 months, without the consent or zoning applications in place. It would therefore be almost impossible for the property to revert back to the currently approved number of bedrooms, should permission not be granted.
The way in which the development has been conducted is therefore quite concerning.



3. The Owners of Rustenvrede were not consulted or directly notified, as the notice concerning application was sent to M-Care, the hospital management company based in Potchefstroom, and not to the owners of the property.
4. Traffic impact: The current access road shared by property owners is of a limited diameter, and of deteriorating quality. A 77% proposed increase in unit number, with increased cars and additional services needed, will certainly place additional strain on the current limited access road supplying these properties.
5. Parking: Much of the current property is devoted to gardens and water reservoirs in the naturally occurring waterways. No mention is made of the current number of parking bays, or the provision of additional parking for guests, staff and service vehicles. Additional parking will surely be needed. Furthermore, one would expect that guests might receive visits from day visitors. The fear is that the excess in vehicles will spill over into an already congested access road.
6. Noise pollution: M-Care Optima@Rustenvrede is a mental health facility, purposefully built on a protea farm with limited rezoning, to make the most of the tranquil surroundings and rural atmosphere of the area. Two of the converted building are approximately 100 meters away from the main hospital building. An increase in occupants and noise levels will definitely affect the therapeutic environment we sought when developing the hospital. Furthermore, the main swimming pool at De Kraal is not shown on the 1999 SDP, and is in fact mere meters away from the boundary fence, carrying a big concern regarding the impact of noise levels associated with a large increase in occupants. The 2010 approval of a temporary departure to allow for outdoor functions lapsed in 2015. As owners of the adjacent property we are extremely concerned about the increased usage of this area (not shown/ mentioned in this proposal), in close proximity to our boundary fence.



7. Discussions with other neighbours have raised the possibility of De Kraal being developed as a wedding venue, which will worsen all of the issues raised, especially concerning after hours' noise, and traffic implications. If these murmurings were true, but not disclosed in the application, it would have a severe impact on all the surrounding properties, and could lead to legal actions being taken. An influx of day or event attendees could number into tens or even hundreds. I would request the municipality to confirm that no approval for the use as an indoor or outdoor function venue is granted.
8. Services: As the farms in question do not have access to municipal connections in terms of water, or sewage connections, we are all reliant on local natural resources. The scale of the proposed expansions, with subsequent increase in water extraction from subterranean resources, in a water scarce region, is also of concern to neighbouring properties. The removal of sewage is another worry as all surrounding areas get their drinking water from boreholes adjacent to De Kraal. Some samples have in the past shown raised levels of E.Coli bacteria. An increase in sewage seepage into the soil is quite concerning. The extraction from a septic tank on the other hand takes place at a location in the access road. An increase in emptying frequency will also significantly impair access to the properties adjoining De Kraal.

Rustenvrede property is not against rational development, but there are many unanswered questions, and issues not addressed in the submitted proposal, which could have a significant impact on all of the neighboring properties. We would therefore request that the Municipality request answers and assurances from the owner, prior to the Municipality granting the consent as requested.

Kind regards

Annexure F:
Comments from Department of Agriculture



**Western Cape
Government**

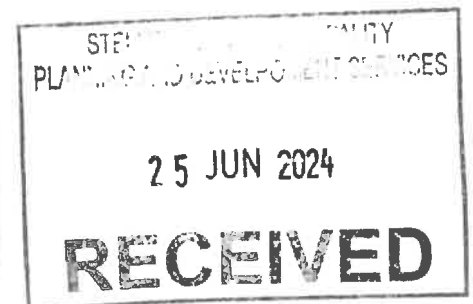
Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/6/127
YOUR REFERENCE : TP/503/2023
ENQUIRIES : Cor van der Walt

Arch Town Planners
152 Dorp Street
STELLENBOSCH
7600

Att: Marike Boltz

FILE NR:	OUTGOING POST
F124/11 S	
SCAN NR:	
COLLABORATOR NR:	



APPLICATION FOR CONSENT USE: DIVISION STELLENBOSCH
PORTION 11 OF THE FARM NO 124

Your application of 18 April 2024 has reference.

The Western Cape Department of Agriculture: Land Use Management does not support the proposed expansion of the tourist accommodation units on the property, given the limited size of the property.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Copy:

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-06-14

Annexure G:
Comments from Spatial Planning



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Farm 124/11, Stellenbosch
LU No : LU/16296
Date : 30 April 2024
Re : Application for Consent Use for a tourist accommodation establishment to allow 10 self-catering units with a total of 14 bedrooms on Farm 124/11, Stellenbosch (De Kraal)

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES

07 MAY 2024

RECEIVED

I refer to your request for comment on the above application.

Application is made for the following:

- **Consent Use** for a tourist accommodation establishment to allow ten (10) self-catering units with a total of 14 bedrooms

1) Opinion/reasoning:

The amended Municipal Spatial Development Framework for the WC024 area was approved by Council in June 2023 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other

FILE NR:

F124/11 S

SCAN NR:

COLLABORATOR NR:

766860

objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is situated on the Helshoogte road, north-east of Stellenbosch Town, and just before Pniel. The application site has approval for a 9-bedroom Tourist Accommodation Establishment in the existing managers cottage, labourer's cottage and second dwelling. The property is 1.84ha in extent and there are no active agricultural activities currently on site.

New owners recently bought the farm and wish to upgrade the units by adding kitchens to the approved 9-bedrooms and to add 5 additional bedrooms to the units, through internal alterations only, turning the accommodation into self-catering units. The total proposed number of bedrooms, in the four existing units, will then equate to 14.

The purpose of the **Agricultural Zone** is to make provision for:

- The protection and preservation of agricultural land, rural landscapes and biodiversity;
- Use of land for purposes of bona fide agricultural production or conservation;
- Buildings and structures which may be erected for reasonable and normal agricultural purposes;
- A limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability and providing diversified income to land owners, without adversely impacting on the primary use of the land unit for agricultural purposes.

In terms of the approved MSDF the following guidelines are applicable to this specific application:

- Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.

- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
- All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area.
- Industry in rural areas should not adversely affect the agricultural potential of the property.
- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.
- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities.
- Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape that is in keeping with the local character is supported.
- Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
- Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new

buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

2) Supported / not supported:

This department did a site visit on 25 May 2024 and does not support the application for the consent use for the tourist accommodation establishment to allow ten (10) self-catering units with a total of 14 bedrooms. We recommend that the restriction of 9 bedrooms stay in place.

This department reserves the right to revise initial comments and request further information based on any new or revised information received.



BJG de la Bat
MANAGER: SPATIAL PLANNING

Annexure H:

Comments from Department Transport & Infrastructure



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Salome Newman
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Kurt Titus
Date ▫ Datum:	28 May 2024
Our Ref ▫ Ons Verw:	Civil LU 2685
Town Planning Ref:	LU/16296
Re ▫ Insake:	Farm 124/11, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning 2023 for a Consent Use for a tourist accommodation establish to allow ten (10) self-catering units with a total of 14 bedrooms.

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

1. Water and Sewer Services

- 1.1 Ensure that all boreholes and conservancy tanks are indicated on the site layout plan when submitting building plans for approval.

2. Roads

- 2.1 Access is from a provincial road – final approval to be granted by the WCD Infrastructure Services (Roads Authority).

3. Development Charges (DCs)

- 3.1 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 / A final calculation will be provided prior to payment.
- 3.2 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.
- 3.3 The appropriate DC's are payable before building plan approval (where subdivision clearance is not applicable).

*K Titus***Kurt Titus****Principal Technician: Development (Infrastructure Services)**

Z:\2.0 DEVELOPMENT\01 Land Use applications\2685 (Ku) Farm 124-11 Stellenbosch (LU-16296)\2685 () Farm 124-11 Stellenbosch (LU-16296).doc

Annexure I:

Applicant's comments on objections



Physical Address: Bakkershuis
152 Dorp Street

Stellenbosch, 7600

M: +27 (0)72 480 5838

E: marike@archtownplanners.co.za

W: www.archtownplanners.co.za

30 October 2024

ADDENDUM TO PORTOFLIO OF EVIDENCE: FARM 124/11, STELLENBOSCH (DE KRAAL) – TP503/2023

We acknowledge Dr. SJ Meyer's comments regarding the proposed development on Portion 11 of Farm 124, De Kraal. This addendum serves to address the points raised and clarify the objectives and provisions of our application, in line with the Municipality's planning framework.

1. Scale of Development

While the proposal increases the number of bedrooms from 9 to 14, thereby adding 5 additional bedrooms within 4 existing buildings, the increase in units results from optimizing internal configurations **within existing buildings**, with **no new construction or expansion**. This scale is minimal in the context of the property's 1.84 ha, and the proposal maintains the rural character and low density consistent with the surrounding landscape, in line with the Municipality's Rural Guidelines. The venue has been removed and the applicant no longer seeks approval for a venue. It is considered that the additional staff and maintenance service, as a result of the 5 additional bedrooms will only result, if any in a minor increase in staff and maintenance (if at all). Can therefore not have an adverse impact on the neighbours to the extent that it warrants a refusal.

2. Traffic Impact

As confirmed by consulting traffic engineers, the additional trips created by the 5 additional bedrooms is considered minimal it is therefore considered that the proposed development does not warrant a TIS. It should also be noted that the existing access from the Helshoogte road to the application site, with a designated right turn lane if approaching from direction Pniel, and a wide shoulder if approaching from direction Stellenbosch, is sufficient to provide safe access to the proposed development. Further, guests will use existing access roads, ensuring no strain on the infrastructure shared with neighbouring properties.

Please note, the increase in the number of units is in effect an increase in number of bedrooms from 9 to 14 bedrooms within existing buildings within 10 units. As explained in the motivation report, the previous approval allowed for 9 bedrooms and the additional 5 bedrooms are created by internal alterations only and as most of the bedrooms will have kitchens it results in these bedrooms being classified as units. In practice, this development only seeks to obtain approval for 5 additional bedrooms (even though classified as units) and it is motivated that the additional traffic generated by visitors of the 5 additional units (5 additional bedrooms) will not cause strain on the access and roads to warrant refusal.

3. Parking Arrangements

Ample parking space has been planned on-site near each existing building and away from shared access roads, with designated bays for guests and service vehicles. This approach avoids any overflow onto the access road, preserving its current state and utility for neighbouring properties.

4. Noise Pollution and Proximity to the Mental Health Facility

We fully recognize the need for tranquillity in the area, especially near Optima@Rustenvrede. The proposed tourist accommodation establishment specifically does not include events to prevent noise disturbances. The intended self-catering units are designed for low-occupancy, short-term stays, aligning with the peaceful rural setting. There is no intent for functions or gatherings, ensuring minimal disturbance to surrounding properties. Please note that the application for a venue has been withdrawn and the application is for tourist accommodation only.

5. Water and Sewage Management

The application is supported by the municipal internal engineering department and all services will need to comply with applicable service regulations. It is not considered that the additional 5 bedrooms will result in an increased required capacity to the extent to warrant refusal.

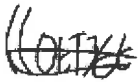
6. Notice of Land Use Application

The notice was sent to the contact details as provided by the municipality with the instruction to use these contact details during the notification process.

Conclusion

In summary, this development proposal aims to enhance the area's tourism appeal while respecting its rural character. With these commitments, we respectfully request the Municipality to consider granting the consent use for the proposed establishment.

Your Sincerely



Carlien Coetzee (C/9982/2024)
For Arch Town Planners (Pty) Ltd

Annexure J:
Site Inspection photos



Figure 1 & 2: Layout of each unit on the property, which is an open plan with kitchen and living area.



Figure 3: The existing outbuilding (approved as garages) that has been converted into three units with reception area.



Figure 1 & 2: Layout of the dining facility and conference room which is in the same building as "unit 4"



Figure 3: A view of the conference facility with one of the units located at the back of the building

Figure 4: The existing formal parking area for the proposed development



APPLICATION IN TERMS OF SECTION 15(2)(O) & (B) OF THE STELLENBOSCH MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING, 2023 ON FARM NO. 136, STELLENBOSCH DIVISION FOR THE FOLLOWING:

- **A CONSENT USE TO ALLOW FOR THE CONSTRUCTION OF AN ADDITIONAL DWELLING UNIT**

- **A DEPARTURE TO EXCEED THE ALLOWABLE COVERAGE OF AN ADDITIONAL DWELLING UNIT FROM 120M² TO 210M²**

CONTENT	
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ANNEXURE B: Building plan	134 - 137
ANNEXURE C: Applicant's Motivation	138 - 149
ANNEXURE D: Comments from Department of Transport & Infrastructure	150 - 151
ANNEXURE E: Comments from Department of Agriculture: Western Cape	152 - 153
ANNEXURE F: Comments from Directorate Infrastructure Services	154 - 158
ANNEXURE G: Comments from Spatial Planning	159 – 162
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ANNEXURE I: Environmental Site Analysis and Site Suitability Study	167 - 196



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT
DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT

PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2)(O) & (B) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023

APPLICATION DETAILS

Application Ref	LU/16330 (TP461/2023)	Commencement Date	02 November 2023
Applicant	Marika Bolz (Arch Town Planners)	Last day for comments or additional information	30 August 2024
Farm nr	136	Place	Stellenbosch Division
Zoning	Agriculture & Rural Zone	Other approvals	Consent Use for tourist facility (wine tasting facility) – approved in 2022 (LU/12482)

X	TYPE OF APPLICATION
	15(2)(a) rezoning of land*
X	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
X	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services
	15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	Approval required in terms of relevant policy for street naming and numbering
	Approval required in terms of Council policies or by-laws – Specify:
	Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose

The purpose of this application is to enable the owner of the property to construct an additional dwelling unit. The proposed additional dwelling unit exceeds the permissible floor area of 120m² and the applicant therefore subsequently applied for a departure to exceed the said restriction in order to accommodate the additional dwelling unit of 210m² (See **Annexure B** for building plans).

2. Background

The subject property is located between Simonsberg and the Helshoogte Pass, approximately 7km north-east of Stellenbosch and 3km west of Kylemore. Access to the property is gained via a gravel road, off Helshoogte Road. (See **Annexure A** for locality plan). The area is characterised by bona fide Agricultural properties which are primarily used according their zoning with additional uses and consent uses for wineries and tourist facilities such as restaurants and wine tasting facilities. The farm is developed with a manor house, a second dwelling unit, employee housing, a wine cellar with wine tasting facility and associated agricultural buildings. The farm is 157.1583ha in extent and is an active agricultural farm.

3. Applicant's motivation (See **Annexure C**).

- The proposed additional dwelling, though slightly larger in extent than the prescribed 175m², is necessary to accommodate the family that manages the farm, ensuring continued agricultural production.
- The deviation from the MSDF is driven by the need to provide sufficient generational family accommodation while minimizing disruption to agricultural operations and the natural environment.
- The application site already has three existing residential buildings: the main dwelling (210m²), a second dwelling (170m²), and an employee unit (120m²). The proposed additional dwelling unit will be situated in a previously cleared, unused area of the farm that does not affect productive agricultural land.
- The total coverage of all residential buildings on the property, including the proposed unit, amounts to 710m², which is only 53% of the 1320m² maximum allowed under primary rights.
- The deviation is minimal and does not result in overdevelopment of the site nor does it have any impact on agricultural land or environmentally sensitive vegetation.
- The proposed additional dwelling unit, being a single storey house, will not have any negative visual impact or character of the rural area due to its location.
- The proposed additional dwelling has been designed to blend seamlessly with the existing built environment, following the single-storey height limit of 6.5m.

PERMANENT DEPARTURE DESCRIPTION

Exceeding permissible site coverage / footprint		From	120m ²	To	210m ²
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ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed	X		<p><u>Department of Transport & Infrastructure</u></p> <p>Has no objection to the proposal, however recommends that a servitude right of way be registered in favour of Farm No. 136, Stellenbosch Division. (See Annexure D).</p> <p><u>Department of Agriculture: WC</u></p> <p>No objection, the additional dwelling unit must not exceed 175m² prescribed by the Western Cape Land</p>

			Use Planning guidelines (Rural Areas). See Annexure E for letter dated 23 April 2024. Engineering services - The application is recommended for approval subject to conditions imposed. See Annexure F for memo dated 28 August 2024. Spatial Planning The application is recommended for approval subject to conditions imposed See Annexure G .
Conditions imposed by departments	X		Engineering Services imposed conditions
DCs applicable	X		
Objections received		X	No objections received POE is attached as Annexure H .
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65			The Stellenbosch Municipality Spatial Development Framework states that additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m ² maximum floor area including garaging and building height of 1 storey (6,5m), the proposal is in line with this guideline as the property qualifies for the number of dwelling units that will be on this property due to the size of the property. The proposed additional dwelling unit exceeds the maximum floor area specified in the MSDF, meaning the proposal does not comply with the coverage limits outlined in both the Zoning Scheme and the MSDF.

DEPARTURE CONSIDERATIONS	YES	NO	N/A
Where abutting owners notified, and their comments / consent obtained?	X		
Where any objections received against the application?		X	
Does the proposal adversely affect abutting properties in terms of privacy, property value or views?		X	
Does the proposal restrict any sunlight?		X	
Is vehicle access to the site still possible?	X		
Is on-site parking for a vehicle possible?	X		
Is vehicular sight lines / visibility affected?		X	
Is Provincial Road Engineers approval required and has it been obtained?	X		
Does the site fall within the Urban and Rural Conservation Overlay Zone?		X	
Does the site fall within the Scenic Route Overlay Zone?		X	
Does the site fall within the Techno Park or Adam Tas Corridor Overlay Zone?		X	
Could an undesirable precedent be set?			X
Can the proposed departure be dangerous to life or property?		X	
Does proposal comply with conditions of approval?			X
Are there any title deed restrictions / conditions?		X	

DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW	
Socio-economic impact	The proposed additional dwelling with additional coverage will allow for a family home on the family run farm and provide accommodation to the family who is still closely involved in the farming activities. It will allow for continued management of the farm, which contributes to the local economy through agricultural production and tourism.

Compatibility with surrounding uses	The primary use of the property will remain agricultural, thus the proposed use will have no effect on the surrounding properties. The use of the proposed additional dwelling unit is directly linked to the agricultural activities on the farm.
Impact on the external engineering services	The proposal will not have significant impact on the engineering services that exist on the property. The Directorate: Infrastructure Services supported the application.
Impact on safety, health and wellbeing of the surrounding community	None
Impact on heritage	None of note. The subject property is not located in the Rural Conservation Overlay Zone.
Impact on the biophysical environment	The applicant has submitted an Environmental Site Analysis and Site Suitability Study (See Annexure I). The report identified 4 possible locations for the planned development and took into consideration geology, soils, hydrology, climate and topography, vegetation patterns, views and visual considerations and historical aspects to rate the different locations.
Traffic impacts, parking, access and other transport related considerations	There will be no additional traffic created by the proposed development and parking for the proposed dwelling unit will be provided next to the additional dwelling unit.

KEY FINDINGS OF PLANNING EVALUATION

The MSDP and the Western Cape Guidelines: Rural Areas, 2019 prescribes a coverage limit of 175m² for additional dwelling units, the proposed additional dwelling on this property is 210m², exceeding the limit by 35m². The additional floor area applied for will not have a negative impact on the character of the area as the total coverage of all residential buildings on the property, including the proposed unit, amounts to 710m². The total coverage of residential buildings that can be constructed as of right is 1200m² (main building and the second dwelling unit at 600m² each), thus, the total coverage on this site remains well below the allowable limit.

The detailed Environmental Site Analysis and Site Suitability Study that was submitted by the applicant indicates that the subject property slopes to the back and has recommended four locations for the proposed additional dwelling unit based on the slope, geological, environmental, hydrological and visual aspects of this farm. The proposed location of the additional dwelling unit is close to the farm dam and away from the farm werf as according to the said report the farm werf has a fairly damp low-lying area. The property slopes and features mature Bluegum trees and vegetation. The proposed location for the additional dwelling unit is considered the most viable, as it avoids environmentally sensitive areas and does not interfere with any existing agricultural activities. The site inspection conducted confirmed that the proposed structure will be constructed on the higher point of the property however, the property has a backdrop of Simonsberg Mountain and Botmanskop that is on the other side of Helshoogte Road, the visual impact of the proposed development will be insignificant.

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

1. The area of the proposed additional dwelling will not be out of scale with the dwelling units found in this area.
2. The proposed development is in line with the density of 1 additional dwelling unit per 10hectare as the size of the subject property is just over 157 ha.
3. No additional infrastructure is required for the proposed development.
4. The primary use of the property will remain agricultural and no significant impact on the agricultural viability of the property will be created by the proposal.

The subject land use and land development application is, having regard to the conclusions above, viewed as consistent with the MSDP however, the size of the proposed additional dwelling unit is

inconsistent with the MSDF as it exceeds the prescribed 175m². However, this deviation is considered minor and, as such, provides sufficient grounds to support the land use and development application.

List relevant plan numbers	Site Plan: S.A.02 dated 3 August 2023 Floor layout plan: S.B.01 Revision B and dated August 2022 Elevations: S.C.01 Revision B and dated August 2022
List annexures to decision	Annexure A – Locality Plan Annexure B – Building plan Annexure C – Applicant's Motivation Annexure D – Comments from Department of Transport & Infrastructure Annexure E - Comments from Department of Agriculture: Western Cape Annexure F – Comments from Directorate Infrastructure Services Annexure G – Comments from Spatial Planning Annexure H – POE Annexure I - Environmental Site Analysis and Site Suitability Study

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

Name: NOPINKU DAFETI
Capacity: TOWN PLANNER

SACPLAN Registration:

Signature: 

Date: 11/11/2024

REVIEW OF ASSESSMENT REPORT

Review of Planning Assessment Report:

Name: Gerrit Goosen
Capacity: Senior Town Planner
SACPLAN Registration: A2060/2015
Signature: 
Date: 11/11/2024

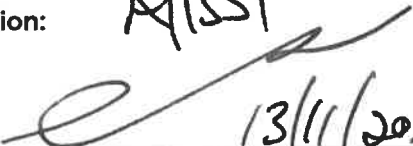
RECOMMENDATION OF ASSESSMENT REPORT

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

Category / Delegation Item Number: O.4 & B.4

Decision Making Authority: MPT

Rational: Application deviates from the MSDF and uncontested

Name: Steen Carstens
Capacity: SMAN
SACPLAN Registration: A/1551
Signature: 
Date: 13/11/2024

MPT ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**Administrator to Stellenbosch Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date: 29 November 2024

Name: *Chrizele Kriel*

Capacity: *MEM*

Signature: *[Signature]*

Date: *16-11-2024*

RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use on Farm No. 136, Stellenbosch Division for the construction of an additional dwelling unit deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1 The proposed development exceeds the size limit of 175m² prescribed by the MSDF for additional dwelling units on agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.
2. That it **BE DECIDED** that the application for Consent Use on Farm No. 136, Stellenbosch Division for the construction of an additional dwelling unit **warrants** site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 The total coverage of residential buildings on this property including the proposed unit, amounts to 710m² which is well below the allowable limit of residential buildings that can be constructed as of right (1200m²) on this property.
 - 2.2 The proposed additional dwelling unit does not have an impact on the agricultural activities on this farm and will be subservient to the primary land use of this property.
3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023 on Farm No. 136, Stellenbosch Division for:
 - 3.1 Consent use in terms of Section 15(2)(a) of the said by-law for the construction of an additional dwelling unit.
 - 3.2 A departure in terms of Section 15(2)(b) of the said by-law to exceed the permissible coverage of an additional dwelling unit.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 4.1 The approval only applies to the proposed consent use & departure under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 4.2 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.
 - 4.3 The coverage of the additional dwelling unit be restricted to 210m².

- 4.4 Building plans must be generally in accordance with the site plan referenced no. S.A.02 dated 3 August 2023; floor layout plan as referenced no. S.B.01 Revision B and dated August 2022; Elevations referenced as S.C.01 Revision B and dated August 2022 and drawn by Andre de Villiers Architects. Annexure B.
 - 4.5 Conditions from the Directorate Infrastructure as imposed in their memo dated 28 August 2024, be adhered to (See **Annexure F**).
 - 4.6 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.
5. The **reasons** for the above decision are as follows:
- 5.1 The primary land use of the property will remain agricultural.
 - 5.2 The concept of additional dwelling unit is in line with the MSDF guidelines and the increased coverage will have insignificant impact on the existing agricultural activities on this farm.
6. Matters to be noted
- 6.1 The applicant advised to arrange for servitude access over the properties between Remainder Farm No. 136, Stellenbosch Divisional Main Road 172 (Helshoogte Road) to be registered in favour of Remainder Farm 136, to ensure permanent, legal and unfettered access.
 - 6.2 All electrical requirements should be directed to Eskom.

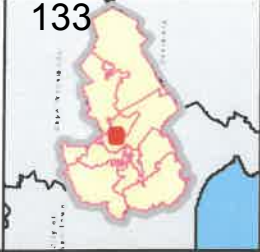
Annexure A:
Locality Plan

Stellenbosch GIS Map

SCALE

1:9 027,98

Legend

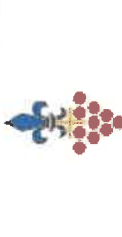


Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2024/11/08



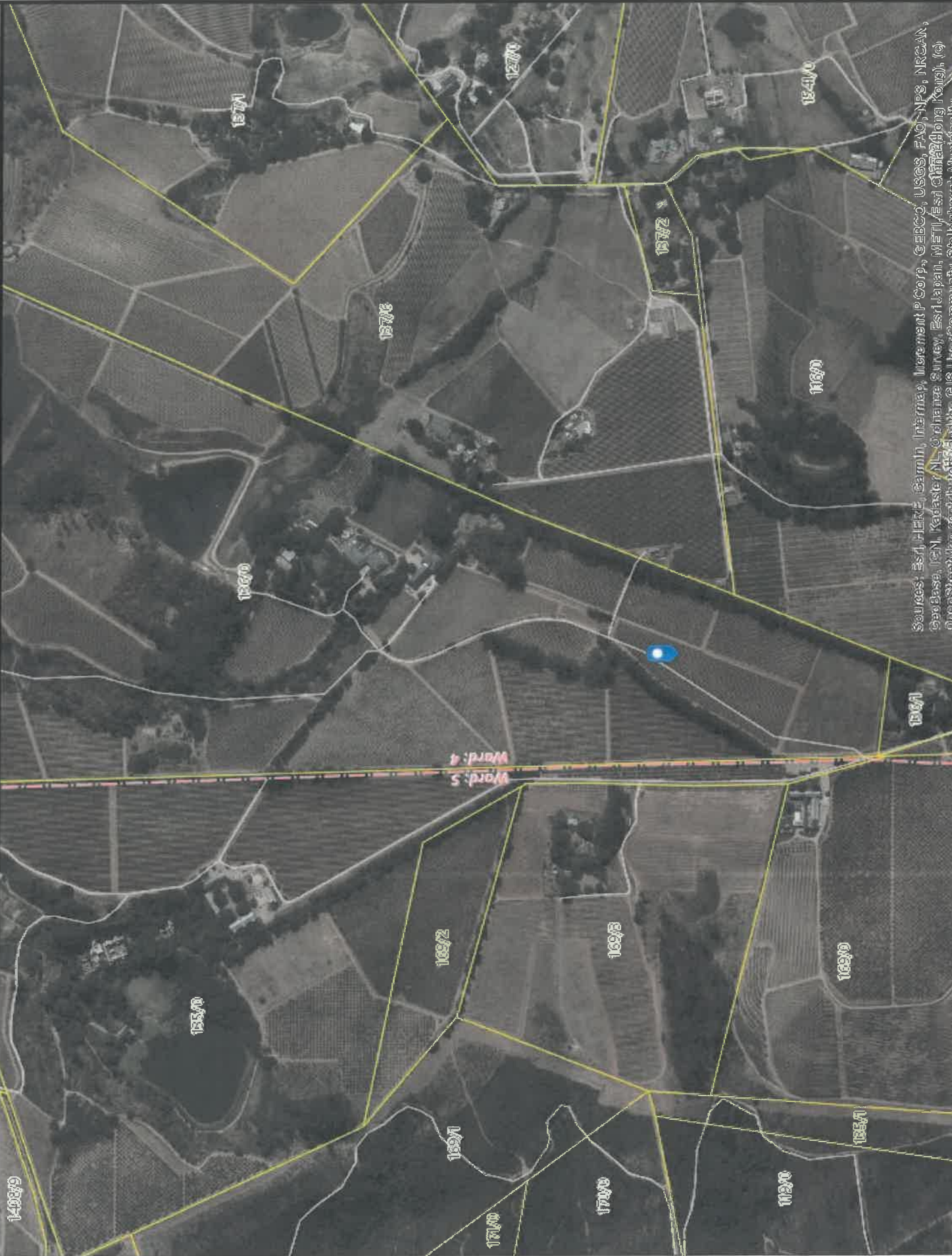
Author: Stellenbosch Municipality



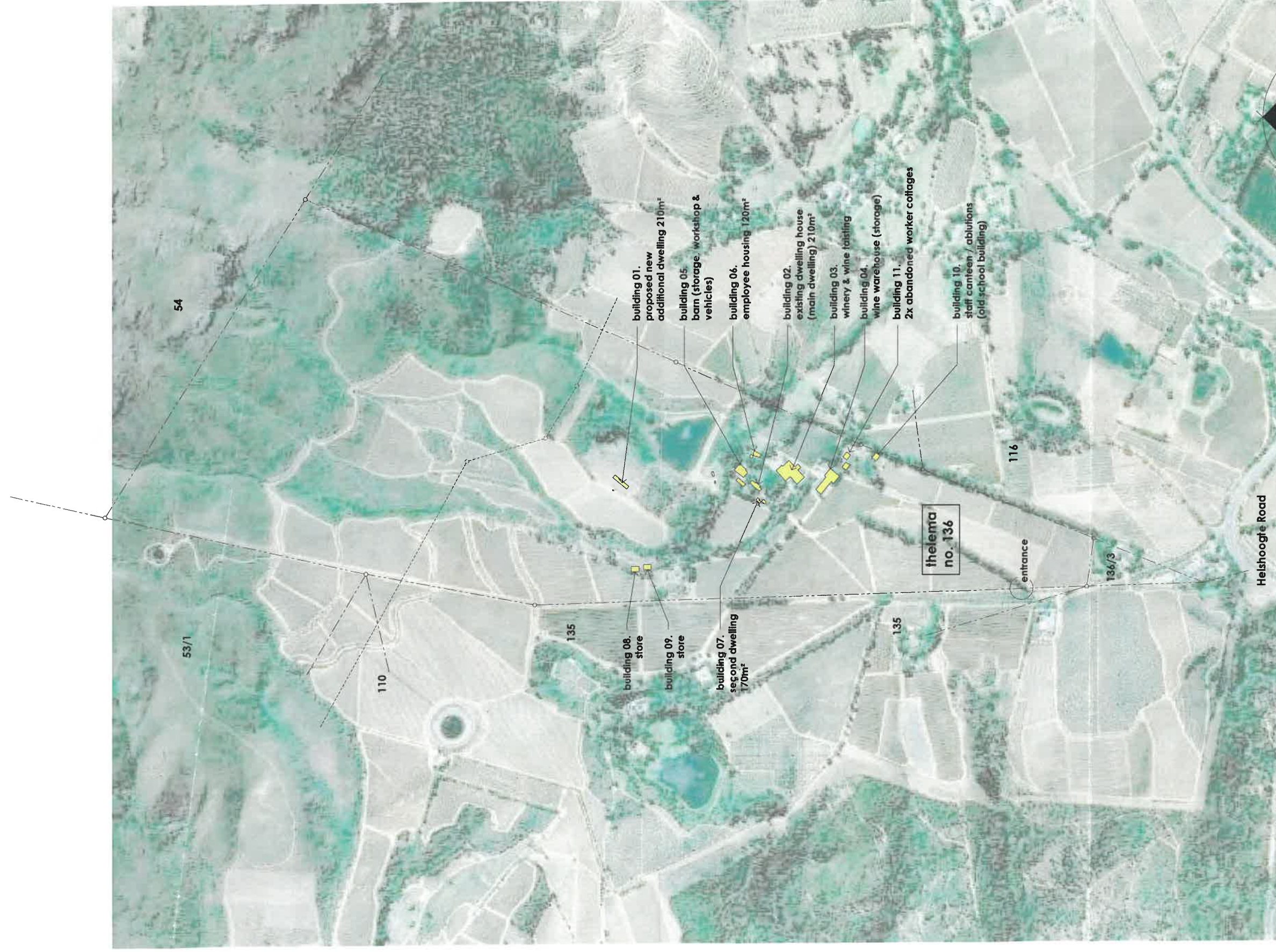
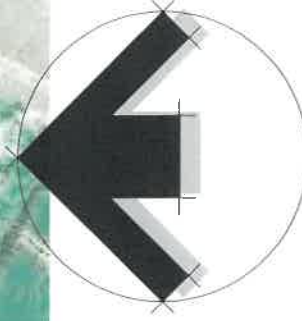
Stellenbosch Municipality
Street Address:

Street Address:
71 Plein Street, Stellenbosch, 7600
Tel: 021 808 8658

This map is a representation of the information currently held by the St. Albans Municipal Office. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions nor for any loss or damage suffered by the user and by anyone as a result of the publication of the map and the information on it, or as a result of reliance of the information provided by the map.



Annexure B:
Building Plans



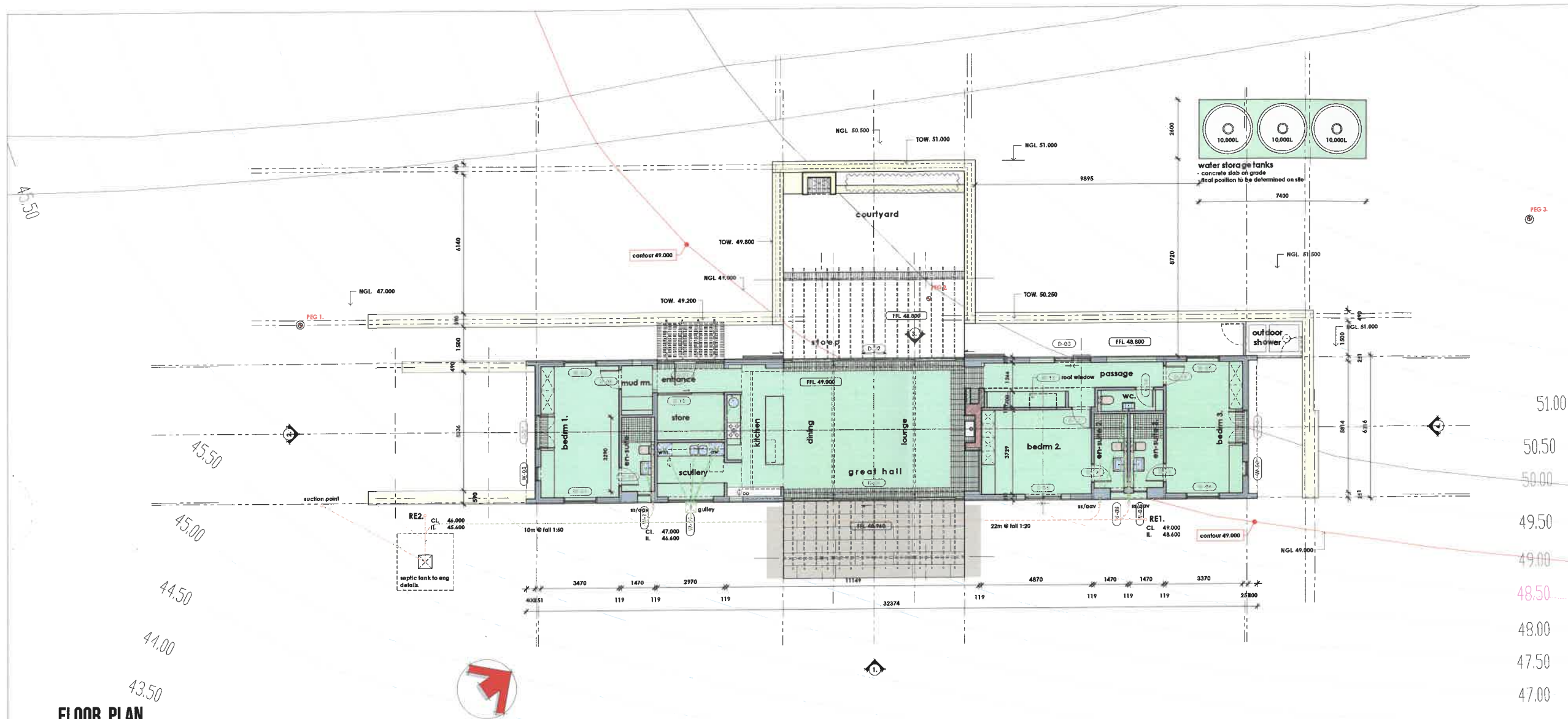
FARM : SITE DEVELOPMENT PLAN

scale 1 : 10,000

drawing: S.A.02

date: 3 August 2023

farm area: 135,24ha



FLOOR PLAN

general.

damp proof course is to be 150mm minimum above finished ground level floor construction (concrete slab min. 75mm)

where applicable door between garage and house to have 30 minute fire door

provide beam fill up to underside of roof covering between habitable space and garage

provide 250 micron P.V.C. sheet under floorboards (DPM)

lintels to be in accordance with SANS 10400 part 4.2.9 (reinforced lintels, to all openings to maximum of 3000mm, to have minimum 4 courses of brickwork with brickcourse in every course)

stairs & blustrades

stair max riser - 200mm
stair max tread - 250mm
any flight of steps which contains more than three risers shall have protection on both sides provided by a secure wall, screen, railing or balustrade which shall be not less than 1 m high and so erected that any such wall, screen, railing or balustrade in any occupancy classified as E2, E3, E4, H1, H2, H3, H4 or H5 shall not have any opening above the pitch line that permits the passage of a 100 mm diameter ball, provided that such protection in any occupancy that is not an occupancy classified as E2, E3, E4, H1, H2, H3, H4 or H5 shall consist of at least a handrail and one other rail midway between such handrail and the stair tread.

the handrail to any flight of stairs provided in terms of 4.3.2 shall be

- on at least one side of the flight where the width of the flight is less than 1,1 m, and on both sides where the width exceeds 1,1 m,
- securely fixed to such wall, screen, railing or balustrade at a height of not less than 850 mm and not more than 1 m measured vertically from the pitch line to the upper surface of the handrail.

hearth and fireplaces (part V).

No Part of the flue or chimney may be installed closer than 200mm of any combustible material in terms of the requirements of Part V of SANS 10400. Every fireplace used for the burning of solid fuel shall have a hearth made of noncombustible material of adequate thickness. Such hearth shall extend not less than 500 mm in front of the grate or fire basket and not less than 300 mm beyond each side of such grate or fire basket.

drainage.

drainage fixtures to be antisiphoned or deep seal traps on the 1st floor or where applicable

glazing & ventilation.

all rooms has more than 10% glass / and more than 5% ventilation (openable windows) of the floor area.

glazing to doors and windows in excess of 1 metre square or less than 500mm above finished floor level to be safely glazed in accordance with SANS 10400

all glazing above a bath and / shower to be safely glazing.

energy notes in terms of SANS 10400 XA requirements

4.1.3 All hot water service pipes shall be clad with insulation with a minimum R-value in accordance Table 1 SANS 10400 XA: 2011. Internal diameter of pipe < 80mm give Min R-value of 1 m² * K/W. Compliant product is Isover geyser pipe insulation and geyser insulation pack

solar panels
* to com

- 50% non-electrical

light frame steel construction.

structure in light weight steel construction.
to engineers details.

safety glazing : part N4.4.

- Safety glazing materials that comply with SANS 1264-1 shall be used where:
 - doors and sidelights form part of any entrance up to 2100 mm from finished floor level.
- A window has a sill height of less than 900 mm from the floor or external ground level.
- a window has an glazing height less than 900 mm from the floor or external ground level.
- a window has any permanent barrier that prevents persons from coming into contact with the glass panel, and is so placed that persons are likely, on normal traffic routes, to move directly towards such window.
- glazing is used in any shop front or display window within 2 100 mm from the finished floor level.
- glazing is used in any wall or balustrade to (or immediately adjacent to) a stairway, ramp, landing, approach, patio, veranda or balcony.
- glazing is used in a room or enclosure that is 1 800 mm or more in the surface of a ramp, landing, pathway, patio, veranda or balcony.
- glazing applications are sloped or horizontal.
- glazing is used in a room or enclosure that is 1 800 mm or more above the finished floor level and there is no solid barrier.
- glazing is used around swimming pools and swimming pools and ice rinks.
- glazing is used in internal partitions, which are within 2100 mm of floor level.

glazing installations: part N4.2.

- The thickness of panels of glass and flat solid polycarbonate sheeting, other than in EBS, shall not be less than that given in tables 1 to 6.

Dimensions for vertical glass supported by a frame on all sides in external walls in buildings where the height measured from the ground to the top of such wall does not exceed 10 m.

Laminated annealed safety glass - nominal glass thickness - 8mm.

Dimensions for vertical glass supported by a frame on all sides in internal walls.

Laminated annealed safety glass - nominal glass thickness - 8mm.

type of window frames and glass.

- powder coated aluminium 'without thermal break', external doors & windows.
- double glazing with a U-value of 2.0 and a SHGC of 0.22.

roofs.

truss spacing as per SANS 10400 (tiles @ 760mm c/c) or (sheeting @ 1200mm c/c)
battens 38x38mm to be spaced at max. 320mm c/c
rafter tied down with galv. hoop iron min. 600mm into brickwork (metal roof sheeting)
trusses tied down with galv. hoop iron min. 300mm into brickwork (roof tiles)
all portions of struct. timber built into walls to be well fared, creosoted or encased in dpc

drawing notes:

- The design of this drawing is copyright and remains the property of the Architect.
- All relevant British Levels & Dimensions to be checked on site prior to commencement of work. Any discrepancies to be reported to the Architect immediately.
- The Architect accepts no responsibility for errors resulting from misinterpretation of the Drawings.
- Drawings used not to be copied and all drawings are given as illustrations.
- All work to comply with the Codes and Specifications of the SABS, NBS, the BSIC Standard Practices and Model Provisions for Frames (BS6443) and to be in accordance with South African Regulations.
- All work to be carried out strictly in accordance with the Manufacturer's Specifications.
- All structural specifications to Engineer.
- All drawings to be read in conjunction with the relevant Engineering drawings.

construction notes:

revisions:

rev. no. date, price.

rev. A - 2022.11.05 - municipal submissions.
rev. B - 2023.01.31 - issued for tender.

FOR INFORMATION
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architects

professional architect PrArch21161.

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cape town
7700
cell: +27 082 5507751
email: a.devilliers@mweb.co.za

andredevilliersarchitects.co.za

HOUSE ON THE HILL

thelema
farm no: re / 136
banhoek, stellenbosch

s. 170(1), **Therema Mountain Vineyards (Pty) Ltd.**

ground storey plan

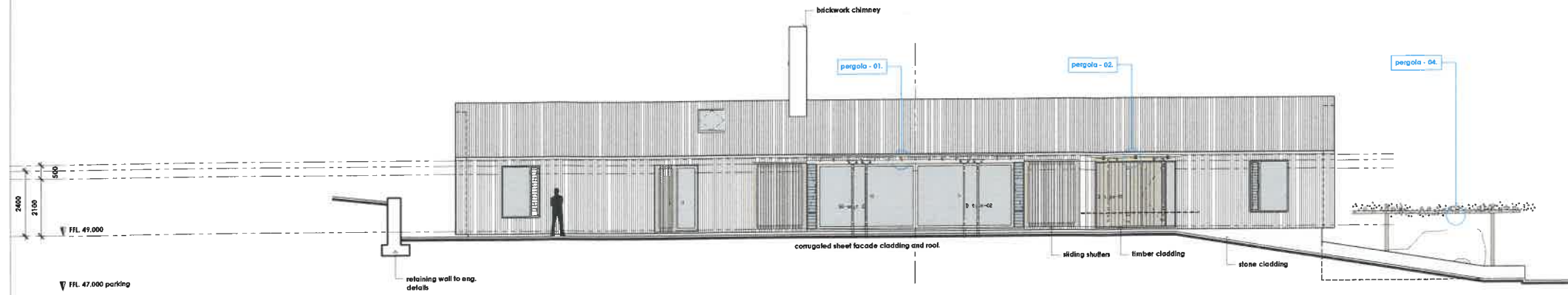
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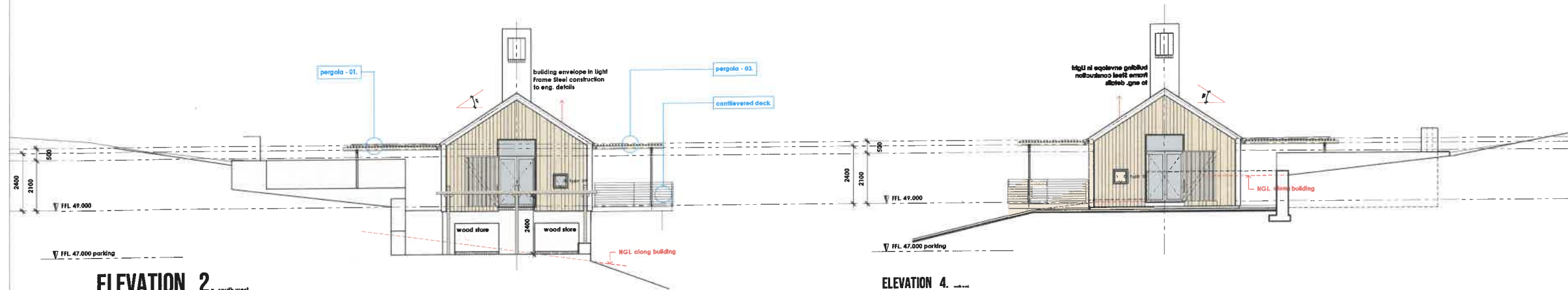
aug2022

S.B.01



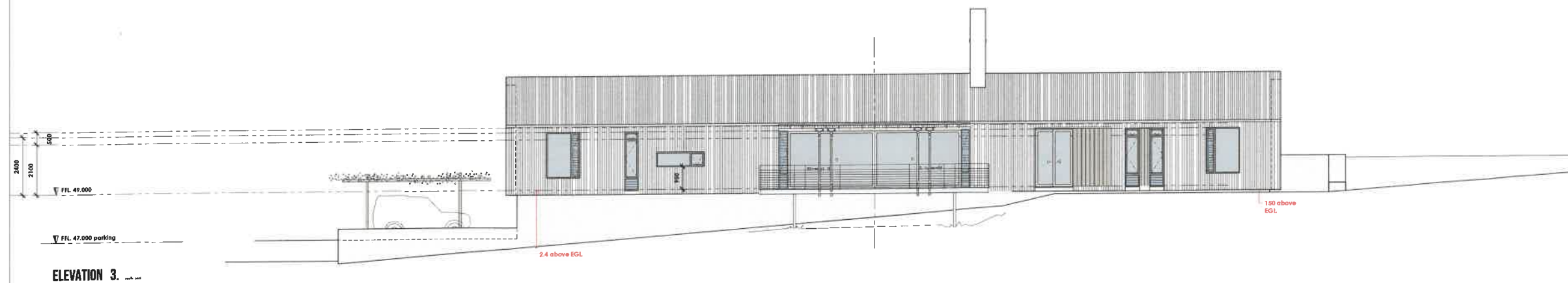


ELEVATION 1. north west

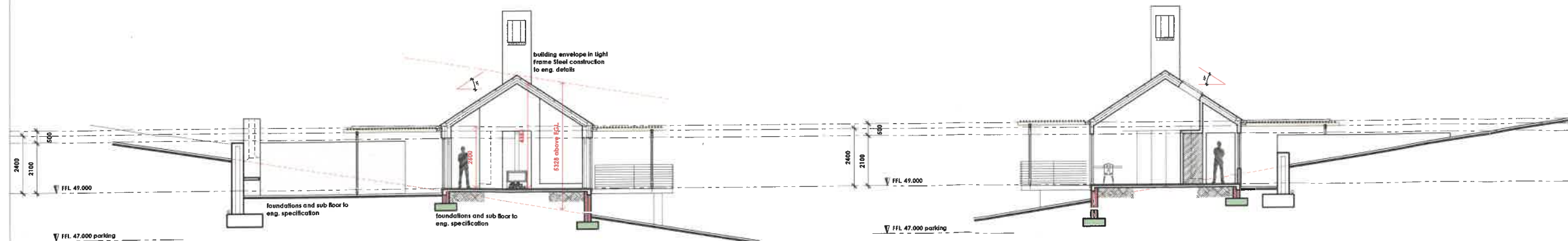


ELEVATION 2. south west

ELEVATION 4.



ELEVATION 3. south east



SECTION 5. south east

SECTION 6.

drawing notes:

The design of this drawing is copyright and remains the property of the architect.
All relevant details, levels & dimensions to be checked on site prior to commencement of work. Any discrepancies to be reported to the architect immediately.
The architect accepts no responsibility for errors resulting from misinterpretation of the drawings.
Drawings must not be scaled and all dimensions are given in millimeters.
All work is carried out in accordance with the Code of Specification of the SABS, 1993, the JCC Standard Performance and Model Provisions for Tenders (SABS 8003) and to be in accordance with Local Authority Regulations.
All work to be carried out strictly in accordance with the Manufacturer's Specifications.
All structural specifications to be in accordance with the relevant engineering drawings.
All drawings to be read in conjunction with the relevant engineering drawings.

construction notes:

revisions:

no.	date	note
rev. A - 2022.05.05		incomplete plan details.
rev. B - 2022.05.05		issued for tender.

FOR TENDER

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architects

professional architect PrArch21161.

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andreddevilliersarchitects.co.za

HOUSE ON THE HILL

thelema
farm no: re / 136
banhoek, stellenbosch

Thelema Mountain Vineyards (Pty) Ltd.

ground storey plan

1 : 100

adv2223

starting date

aug2022

for client info.

S.C.01

B.

Annexure C:
Applicant's Motivation

1 INTRODUCTION

1.1 Background Information

Thelema Mountain Vineyards is a family-owned, and managed wine estate located at the top of the Helshoogte Pass in Stellenbosch, part of the spectacular Simonsberg Mountain range.

In 1983 Gyles Webb, still the current owner, purchased Thelema farm. The Manor House was carefully restored and the first wines under the Thelema label were released in 1988. By the mid 90's, Thelema's wines sold out within a month after release, making it one of the most sought-after wine estates in South Africa.

The current owner of Thelema Farm wishes to build an additional dwelling unit on the farm to be able to provide accommodation for the next generation of the family, to ensure that the family can stay on the farm.

1.2 Planning Brief

In light of the above information, Arch Town Planners (Pty) Ltd has been appointed by the owner of the farm (hereafter referred to as the application site) to prepare and submit an application for Consent Uses and Departure, to allow for the proposed Additional Dwelling Unit, to the Stellenbosch Municipality for their consideration. Please refer to the attached Power of Attorney (**Annexure B**).

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(b)(o) of the Stellenbosch Municipality Land Use By-Law, 2023 (hereafter referred to as 'the By-Law') for the following:

- i. A consent use to allow for an Additional Dwelling unit on Remainder of Farm 136, Stellenbosch.
- ii. A permanent departure in terms of the Zoning Scheme to allow for an Additional Dwelling Unit with coverage of 210m² in lieu of 120m².
- iii. A permanent departure (site specific deviation) from the MSDF to allow for the Additional Dwelling Unit of 210m² in lieu of 175m².

The official application form is attached to this report as **Annexure A**.

2 PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Farm Size	Title Deed	Restrictive Title Deed Conditions
Remainder Farm 136 Stellenbosch	Thelema Mountain Vineyards (Pty) Ltd	135.24 ha	T30428/1983	None

Table 1: Property Details

Please refer to **Annexure C** for a copy of the Title Deed.

2.2 Locality and context

Remainder Farm 136 Stellenbosch is situated within Stellenbosch Municipal area between Simonsberg and the Helshoogte Pass. Situated approximately 7 km north-east of Stellenbosch and 3km west of Kylemore (as indicated in Figure 1 below). The application site lies within an agriculturally rich area and is surrounded by various wine farms. Access to the property is taken indirectly from the Helshoogte Road via a road servitude crossing Portion 1 of Farm 136 and Remainder of Farm 116. Figure 2 below shows an arial photo of the application site and indicates various wine farms in the surrounding area.



Figure 1: Locality

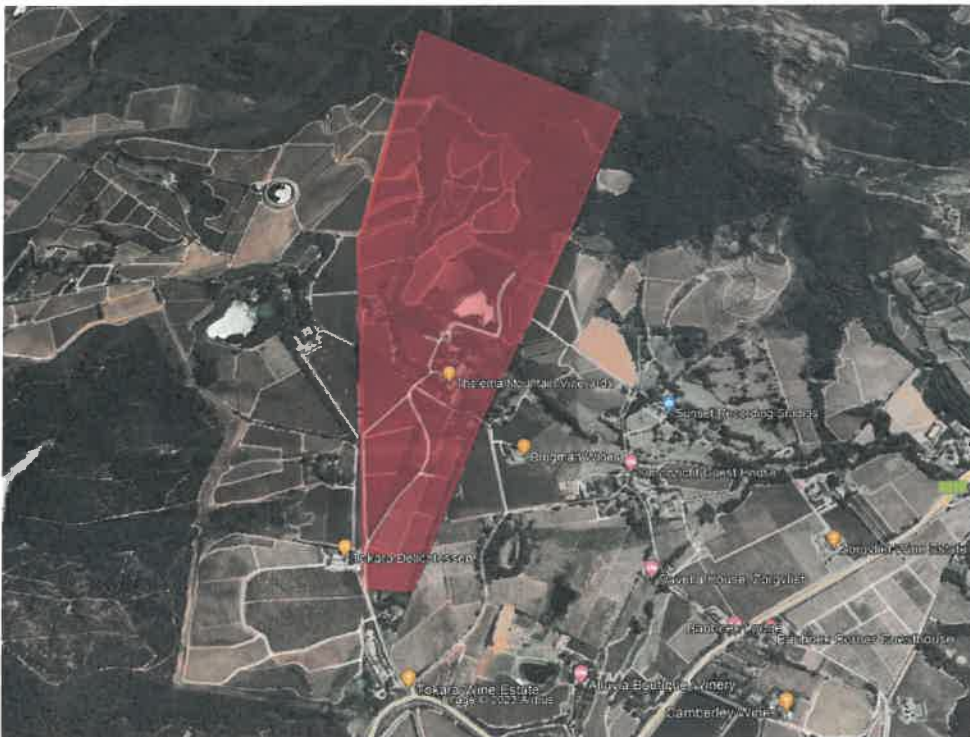


Figure 2: Aerial Photo

2.3 Current Zoning and Land Use

The zoning of the property is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law (2019). The property is currently zoned Agricultural and Rural with consent for a wine cellar and wine tasting. Agriculture and Rural zone allows for the following land uses:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> Agricultural building ($\leq 2000\text{m}^2$) Agriculture Dwelling house Forestry Natural environment Occasional use (one event/year) Private road Polytunnel ($\leq 2000\text{m}^2$) Second dwelling Employee housing (one unit) 	<ul style="list-style-type: none"> Agricultural building ($> 2000\text{m}^2$) Agricultural industry ($< 2000\text{m}^2$) Bed and breakfast establishment Employee housing (exceeding one unit) Guest house Home day care centre Home occupation practice Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) Rooftop base telecommunication station Tourist dwelling units Tourist facility (existing buildings) 	<ul style="list-style-type: none"> Abattoir Additional dwelling units (max 4) Airfield Airstrip Agricultural industry ($\geq 2000\text{m}^2$) Camping site Day care centre Freestanding base telecommunication station Helicopter landing pad Intensive feed farming Kennel Market Occasional use ($>$ one event/year) Plant nursery Polytunnel ($> 5000\text{m}^2$) Renewable energy structure Service trade Tourist accommodation establishment Tourist facility (new buildings or exceeding threshold) Any additional use exceeding the threshold set out in this chapter

Table 2: Agricultural and Rural Zone

Thelema is a well-established active, family run, wine farm currently being used for the cultivation of grapes and wine making. There are currently three residential buildings on site including the Main Dwelling Unit (210m^2), a Second Dwelling (170m^2) and a Labourer's Cottage (120m^2). There are also a number of buildings directly related to agriculture activities on the farm, including a winery and wine tasting facility (approved in a previous application). The various buildings and land uses can be seen on the SDP included as **Annexure F**.

2.4 Previous Approvals

In 2022 the Stellenbosch Municipality approved a wine tasting facility inside an existing wine cellar. Figure 3 below is an extract of the recently (2022) approved SDP indicating the wine tasting facility in red.



Figure 3: Previous approved SDP

2.5 Botanical Constraints

Although this application does not require an Environmental Site Analysis and Site Suitability Study, the client appointed Bernard Oberholzer, a Landscape Architect and Environmental Planner, to undertake such a study. The purpose of the study was to carry out an environmental site analysis of the Farm to identify unused areas for the potential residential development.

The report identified 4 possible locations for the planned development and took into consideration geology, soils, hydrology, climate and topography, vegetation patterns, views and visual considerations and historical aspects to rate the different locations. This method was used to align the requirements of the owners to the ecological impact to ensure an unproductive area of the farm can be better utilized. It is important to note that the selected site is in an area recently cleared of invasive gum trees.

Based on the findings of this study it is proposed to locate the proposed dwelling unit at the location indicated on the SDP. The Environmental Site Analysis and Site Suitability Study is attached as **Annexure G**

3 DEVELOPMENT PROPOSAL

3.1 Overview

As indicated in Section 1 above, the owner of the farm wishes to construct an additional dwelling unit on the farm. As the farm is a family-owned entity the development of an additional dwelling unit will be for own use and will serve as an additional unit for family members working on the farm. The classification of the three existing dwelling units is a main dwelling, second dwelling and an employee housing unit (farm managers residence). There are numerous other previously approved structures on the farm included in the SDP to provide the overall vision for the farm. It is important to note that many of the existing structures are either dilapidated or already used in direct relation to the agricultural activities and thus is not suitable for the proposed development. The selected area for the proposed development is also motivated to have the least impact on the farming activities and the nature environment.

On a Farm exceeding 20ha, the Municipality may grant their consent for an additional dwelling unit for every 10ha exceeding 20ha, up to a maximum of 4 additional dwelling units. Thelema Farm, with an extent of 135.24ha and can therefore apply for a maximum of 4 additional dwellings. The coverage restriction of an additional dwelling unit is 120m², in this regard the proposed additional dwelling unit (with a coverage of 210m²) exceeds the limit, and thus the application will include for a Permanent Departure.

Please refer to **Annexure F** for the proposed Site Development Plan and **Annexure G** for the proposed elevations and floor plans.

3.2 Proposed Additional Dwelling Unit

The proposed additional dwelling unit will be a three-bedroom single story house with a coverage of 210m². The proposed dwelling unit consists of an open floor kitchen, dining and lounge area in the centre of the unit. A scullery, store and guest bathroom are accessible from the centre area directly and via corridors on the eastern side of the unit.

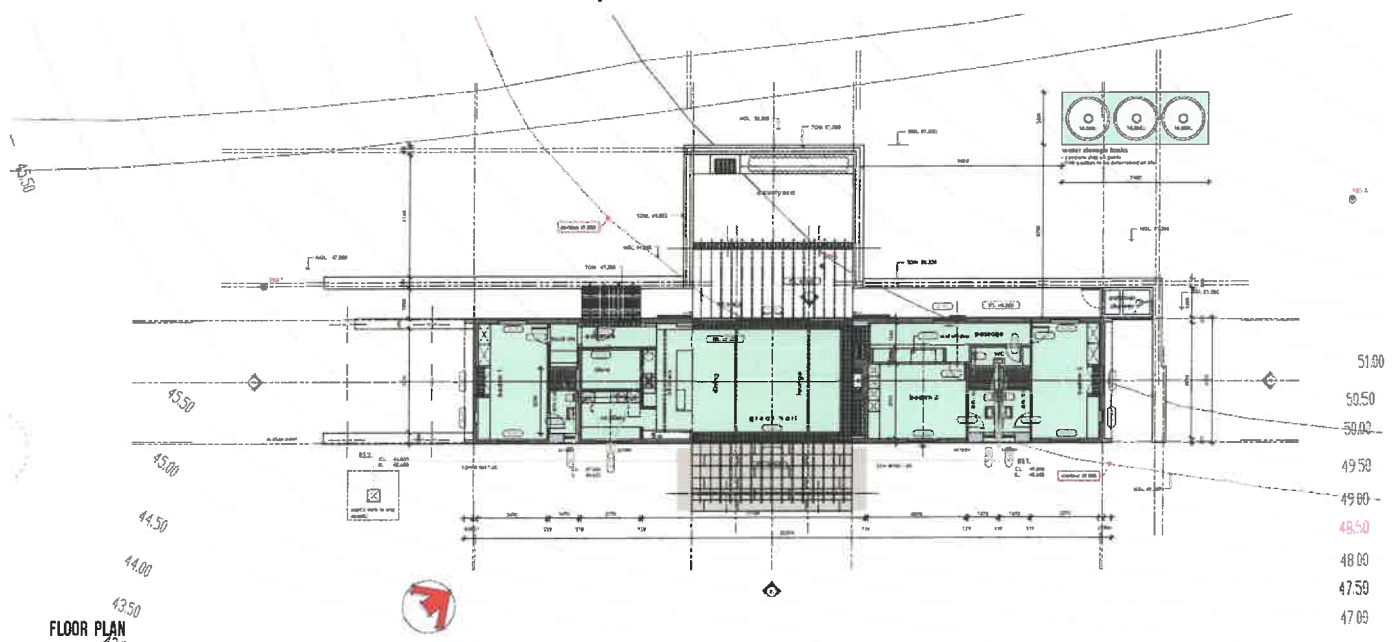


Figure 4: Additional Unit Floor Plan

In terms of the placement of the unit, the unit is situated to the north of the main farmstead overlooking the dam. The location was methodically and specifically selected using the criteria referred to in 2.3 and set out in the Environmental Site Analysis and Site Suitability Study, to ensure that it is not placed on an environmental sensitive area, and that it does not interfere with any existing agricultural activities.



Figure 5: Site Development Plan Extract

3.3 Services

3.3.1 Access and Internal Roads

Access to the proposed new dwelling will be provided from the existing internal roads on the farm. No new access road to the farm is proposed.

3.3.2 Water

All water services required for the proposed dwelling unit will be dealt with locally with the use of boreholes or pumps and, collected in a new local storage.

3.3.3 Wastewater Infrastructure

The proposed new dwelling unit will link to the existing services infrastructure on the farm and will not require any municipal services.

3.4 Compliance with Development Parameters

The proposed dwelling unit and placement thereof are assessed in terms of the development parameters of Agricultural and Rural zone. Please refer to the table below which provides a summary of the existing and proposed dwelling units' compliance with the development parameters.

Proposed Land Use	Building Lines	Coverage		Height	Application required
		Allowed	Existing / Proposed Use		
Main Dwelling (Existing)	5m	600m ²	210m ² Existing	2 storeys	None (Primary Right)
Second Dwelling (Existing)	5m	600m ²	170m ² Existing	2 storeys	None (Primary Right)
Employee Unit (Existing)	5m	120m ²	120m ² Existing	1 storey	None (Primary Right)
Additional Dwelling Unit (Proposed)	5m	120m ²	210m ² Proposed	1 storey	Consent Use and Permanent Departure (coverage exceeding 120 m ²)

Table 3: Proposed and Current Dwelling Units

According to the Stellenbosch Zoning scheme the purpose of the Agricultural and Rural zone is:

(a) Protection and preservation of agricultural land, rural landscapes, and biodiversity: This highlights the importance of safeguarding agricultural land and natural landscapes, including biodiversity, to maintain their integrity and ecological balance. The construction of the additional unit will have no negative effect on natural landscapes or agricultural land as the proposed location falls on an area with no existing agricultural activity, low agricultural potential, and no environmental sensitivity. The area has degraded natural vegetation and has recently undergone a clearing of alien vegetation. Thus, construction of any kind or size will have no negative effects.

(b) Use of land for bona fide agricultural production or conservation: This emphasizes that the primary purpose of the land should be dedicated to agricultural production or conservation efforts. In this regard the development and placement of an additional dwelling unit will have no negative impact as the area has no agricultural potential.

(c) Buildings and structures for agricultural purposes: This point acknowledges that the construction of buildings and structures on agricultural land is acceptable as long as they serve reasonable and normal agricultural functions. This implies that such infrastructure should support and enhance agricultural operations. The proposed dwelling unit will serve as housing for the owners of the farm and their direct family members involved in the operation of the farm.

(d) Limited ancillary uses on agricultural land: This point allows for a limited range of additional uses on agricultural land, either as additional rights or with the consent of the Municipality. These ancillary uses should promote more intensive agricultural activities, agricultural industries, or tourism. The objective is to diversify income for landowners while ensuring the sustainability of agricultural practices. It is important that these ancillary uses do not negatively impact the primary agricultural use of the land. In this regard the additional dwelling unit is accepted as a consent use. In the case of the coverage exceeding 120m² the zoning scheme allows for a departure application.

e) It is important to note that the owner does not seek to maximise the development potential on the farm and that he does not seek to build an extravagant villa as can be clearly seen by the size of the proposed additional dwelling. Though the additional unit does exceed the allowable coverage, the combined coverage of all residential buildings (build in accordance with the primary rights), including the proposed additional unit, are still much less than allowed for. The total coverage allowed for, in terms of the zoning scheme as a primary right for the dwelling, second dwelling and employee house, is 1320m². The total proposed coverage, including the proposed additional dwelling unit will be approximately 710m², thus approximately only **53% of the allowable coverage as a primary right and 50% when including the consent for additional dwelling unit.**

4 MOTIVATION

4.1 Site Specific Motivation to Deviate from MSDF

The subject property, Remainder of Farm 136, Thelema, is a 135.24ha active agricultural farm located on the slopes of Simonsberg in Stellenbosch. The property is a well-established family-run wine farm that produces premium wines, with the proposed additional dwelling unit intended to house the next generation of the family who will manage the estate. The whole family is involved on the farm, and it can be seen as a privilege for the family to be in the same business, thus their wish is for the family to be able to stay on the farm. Furthermore, none of the other houses are excessively big in comparison to what is allowed. The bedrooms aren't excessively large, it merely meets the needs of basic requirements.

The deviation from the MSDF is driven by the need to provide sufficient generational family accommodation while minimizing disruption to agricultural operations and the natural environment. The key site-specific factors justifying this proposal include:

1. Existing Infrastructure and Agricultural Context:

The application site already has three existing residential buildings: the main dwelling (210m²), a second dwelling (170m²), and an employee unit (120m²). The proposed additional dwelling unit will be situated in a previously cleared, unused area of the farm that does not affect productive agricultural land. This location ensures that the farming activities continue without interference, and no additional agricultural land is lost.

2. Environmental Considerations:

A comprehensive Environmental Site Analysis and Site Suitability Study identified four potential locations for the additional dwelling unit. The proposed site, which was recently cleared of invasive gum trees, is not environmentally sensitive and is not suited for agricultural use. The selection of this site ensures that the farm's

natural landscape and agricultural integrity remain intact. The proposed additional dwelling unit will have minimal visual or environmental impact due to its low-profile design and careful placement on the property.

3. Coverage Deviation Justification:

Although the MSDF prescribes a coverage limit of 175m² for additional dwelling units, the proposed additional dwelling is 210m², exceeding the limit by 35m². Importantly, the total coverage of all residential buildings on the property, including the proposed unit, amounts to 710m², which is only 53% of the 1,320m² maximum allowed under primary rights. Thus, the deviation is minimal and does not result in overdevelopment of the site nor does it have any impact on agricultural land or environmentally sensitive vegetation. The additional 35m² in essence allows for the third bedroom. The house will therefore be able to accommodate a family with 2 or more children, which is in general the standard number of bedrooms considered for a family with 2 or more children. It is not considered that the size of the house (or any of the existing houses on the farm) is not excessive in scale or impact. The proposed additional dwelling unit, being a single storey house, located on the upper middle portion on the farm, will not be visible from any of the surrounding roads or neighbouring farms and will therefore not have any negative visual impact or character of the rural area. It is important to note that Thelema is a well-known family run farm and it is reasonable to expect that as the family grows, the need for accommodation for the family has changed. It is also important to note the scale and coverage of the other dwelling houses as pointed out above. This modest increase is necessary to accommodate the family's housing needs, including a three-bedroom layout with an open-plan living space.

4. Visual and Spatial Integration:

The proposed additional dwelling has been designed to blend seamlessly with the existing built environment, following the single-story height limit of 6.5m. Positioned near the farmstead, it overlooks a dam and utilizes existing internal roads, ensuring that no new access routes or significant land modification are required. The additional 35m² will not have any visual impact or change in character of the rural area to warrant refusal.

5. Preservation of Agricultural Activities:

The selected site for the proposed additional dwelling is on non-productive land, and the additional 35m² coverage will not hinder ongoing agricultural activities. As such, the proposal aligns with the MSDF's overarching goal of preserving agricultural land for production, while enabling limited development that supports the farm's operations.

Compliance with SPLUMA and DRDLR Guidelines

In compliance with Section 22 of SPLUMA and the DRDLR Guideline on Site-Specific Circumstances, the following factors justify the deviation from the MSDF:

6. **Unique Circumstances:** The proposed additional dwelling, though slightly larger in extent than the prescribed 170m², is necessary to accommodate the family that manages the farm, ensuring continued agricultural production. The selected site has low agricultural and environmental value, making it ideal for development.
7. **No Significant Impact on Spatial Planning:** The deviation is minor and will not significantly alter the spatial planning goals of the area.

8. **Sustainability and Efficient Land Use:** The proposal supports the farm's long-term viability without compromising the surrounding environment or agricultural productivity. The deviation allows for generational family accommodation, on a historically and currently run family farm, without affecting the farm's ability to operate effectively
9. **Economic and Social Contribution:** The proposed additional dwelling with additional coverage will allow for a family home on the family run farm and provide accommodation to the family who is still closely involved in the farming activities. It will allow for continued management of the farm, which contributes to the local economy through agricultural production and tourism. This aligns with the MSDP's goals of promoting rural economic sustainability.

4.2 Motivation in Terms of Section 65(1) of the By-Law

Section 65(1) of the By-law sets out certain criteria that need to be met in consideration of an application by the decision-making authorities. In line with this section, Table 5, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(b)(o) of the By-law.
b. Procedure followed in processing the application.	To be decided. The proposed development was presented to the Municipality using pre-application consultation application. The Municipality deemed it unnecessary to conduct a pre application meeting and the reply to the pre application can be seen in Annexure J .
c. Desirability of land use	<p>The approval of the application will not negatively affect the surrounding area, it is strongly motivated that it will greatly enhance the quality of live on the farm, as there will be enough dwelling units for the family to live on the farm.</p> <p>The proposed location is on a vacant, underdeveloped piece of farmland not being used for any agricultural purpose that has recently been cleared of alien vegetation, mainly gum trees. As identified in the Environmental Site Analysis and Site Suitability report, there are no endangered ecosystems on the site. Thus, there will be no loss of agricultural land.</p> <p>The placement of the new dwelling unit will not have a negative visual or environmental impact as it was specifically placed and designed to have to least possible impact.</p> <p>The proposed development will tie in with the character of the surrounding area and will not result in any loss character of the farm or any of the surrounding properties.</p> <p>The proposed development does not seek to maximize the development potential and, although exceeding the development parameters for an additional unit, will still be far below the allowed coverage for the primary rights.</p>
d. Comment in response to public participation.	The application is to be advertised by the Stellenbosch Municipality's requirements.

e. Applicants' response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. Impact on municipal engineering services.	There will be no impact on any Municipal services as all services will be provided and maintained by the property owners.
i. The IDP and SDF	The proposed development will not result in the loss of agricultural land or will in any way negatively affect the scenic character of the area.
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under l and j, above.
l. Applicable structure plans	N/A
m. Applicable policies for decision making	N/A
n. Provincial spatial development framework	The SDFs and IDPs prioritizes the protection of agricultural land for farming activities, aiming to safeguard food security and maintain rural economies. As this development will have no negative effect on the agricultural capability of the farm it is in line with the SDF and IDP
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considered toward the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p><u>Spatial Justice:</u> Aligned. The proposed development will provide housing for the owner's family on the farm.</p> <p><u>Spatial Sustainability:</u> Aligned. The proposed development will not result in urban sprawl or the loss of agricultural land. It is considered that the proposed development is the best use of the land without having a negative impact on either the environment, agricultural or heritage resources.</p> <p><u>Efficiency:</u> Aligned. The proposal will allow for the efficient utilisation of land.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the zoning scheme	The proposed development is in line with the provisions of the Zoning Scheme.

Table 4: Motivation

Annexure D:

Comments from Department of Transport & Infrastructure



**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: TPW/CFS/RP/LUD/REZ/SUB-25/398 (Job 28610)

ARCH Town Planners
2nd Floor, Bakkershuis
152 Dorp Street
STELLENBOSCH
7600

Attention: Ms C Coetzee

Dear Madam

REMAINDER OF FARM NO 136, STELLENBOSCH: MAIN ROAD 172: CONSENT USE AND PERMANENT DEPARTURE FOR ADDITIONAL DWELLING UNIT

1. The following refers:
 - 1.1. The application received from ARCH Town Planners received on 12 February 2024; and
 - 1.2. Motivation report, dated August 2023; and
 - 1.3. Site Development Plan, with Drawing No. S.A.02, dated 3 August 2023, unsigned.
2. The subject property is ±6 km north-east from Stellenbosch and takes access off Main Road 172 (Helshoogte Road). The access at approximately km7.16 is hard-surfaced.
3. This application is for a Consent use and a Permanent Departure for additional dwelling units on the farm. The owner of the farm wishes to construct an additional dwelling unit (with a coverage of 210m²) on the farm for own use and will serve as an additional unit for family members working on the farm, thus it will not have a significant impact on the traffic at the access.
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014. This Branch strongly recommends that the applicant arranges for servitude access over the properties between Remainder of Farm 136 and Main Road 172 (Helshoogte Road) to be registered in favour of Remainder of Farm 136, to ensure permanent, legal and unfettered access.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 29 APRIL 2024

Annexure E:
Comments from Department of Agriculture



**Western Cape
Government**

Cor Van Der Walt
LandUse Management

Email: Cor.VanderWalt@westerncape.gov.za

tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/6/199
20/9/2/5/6/037
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Arch Town Planners
152 Dorp Street
STELLENBOSCH
7600

Att: Marike Bolz

FILE NR:	F 136 S
SCAN NR:	
COLLABORATOR NR:	766 526



**APPLICATION FOR CONSENT USE AND DEPARTURE: DIVISION STELLENBOSCH
REMAINDER OF THE FARM NO 136**

Your application of 05 March 2024 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed additional dwelling unit on the property, limited to 175m² as per the Western Cape Land Use Planning Guidelines for Rural Areas, March 2019.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. Cor van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-04-23

Copy:

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Annexure F:
Comments from Directorate: Infrastructure Services



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nolusindiso Momoti
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Kurt Titus
Date ▫ Datum:	28 August 2024
Our Ref ▫ Ons Verw:	Civil LU 2649
Town Planning Ref:	LU/16330 – TP461/2023
Re ▫ Insake:	RE – Farm 136, Stellenbosch: 1. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning 2023 for a Consent Use for the construction of an additional dwelling unit. 2. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning 2023 for a departure in order to exceed the permissible floor area of the proposed additional dwelling unit from 120m² to 210m².

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

1. Water and Sewer

- 1.1 The source of drinking water must be indicated on a site layout plan, when submitting building plans for approval.
- 1.2 The location of the conservancy tank serving the development must be indicated on a site layout plan when submitting building plans for approval.

✍

✍

2. Development Charges (DCs)

- 2.1 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 at building plans stage / A final calculation will be provided prior to payment.
- 2.2 The DC's were calculated by using the 2024/2025 tariff structure. If DC's are paid after 30 June 2025 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 2.3 The appropriate DC's are payable before building plan approval (where subdivision clearance is not applicable).



Kurt Titus

Principal Technician: Development (Infrastructure Services)

Z:\2.0 DEVELOPMENT\01 Land Use applications\2649 (Ku) RE-Farm 136 Stellenbosch (LU-16330 TP461-2023)\Final Memo\2649 () RE-Farm 136 Stellenbosch (LU-16330 TP461-2023).doc





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	CIV LU 2649
Development Name:	
Date:	28 August 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	136
DC Parameters Reference:	DC Calc_ Email from Carlien_ Date: 12 August 2024_ Arch Planners

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s):	l/day	kl/day	ha°C	t/week	trips/day		persons		
Total Increased Services Usage:	0.6	0.5	0.018	0.04	4		4		
Total Service Usage Reduction:	0	0	0	0	2.0		0		
Total Service Usage after Reduction:	0.60	0.50	0.01800	0.040	2.0		4		
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 4 112.00	R 25 372.14	R 29 484.14	R 16 217.25	R 45 701.39	
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 4 112.00	R 25 372.14	R 29 484.14	R 16 217.25	R 45 701.39	
Total Deductions:	R -	R -	R -	R -	R 12 686.07	R 12 686.07	R -	R 12 686.07	
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R 4 112.00	R 12 686.07	R 16 798.07	R 16 217.25	R 33 015.32	
VAT:	R -	R -	R -	R 616.80	R 1 902.91	R 2 519.71	R 2 432.59	R 4 952.30	
Total Development Charges Payable (including VAT):	R -	R -	R -	R 4 728.80	R 14 588.98	R 19 317.78	R 18 649.84	R 37 967.62	

APPLICANT INFORMATION	
Application Processed by:	Kurt Titus
Signature:	<i>K Titus</i>
Notes:	Email from Carlien _ Arch Planners confirming the development will be supported by a conservancy tank for sewer management.

OK

Stellenbosch Town

Development Form																							
Land Use Category			Land Type		Existing Usage		Proposed Final Usage			Worked Sample	Development Charges (see end of table)												
Proposed			Unit	Area (sqm)	Value (Rands)	Result	Area (sqm)	Value (Rands)	Result		Water	Sewer	Stormwater	Solid Goods		Roads & Transport		Sub Total		Grand Total		Total	
Final														Yes	No	Yes	No	Yes	No	Yes	No		Yes
Residential	Single Residential	>1000m2	du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Single Residential	>500m2	du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Single Residential	>250m2	du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Single Residential	<250m2	du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Second Dwelling		du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Less Formal Residential		du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Group Residential		du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Apartments		du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Retirement Village		du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Village Home		du							0	R	-	R	-	R	-	R	-	R	-	R	-	-
Accommodation	Student Accommodation/Communes/Hostels	rooms								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Guest House	rooms								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Converted Guest House	rooms								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Hotel, Residential	rooms								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	General Business	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	-
Commercial	Office	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Retail/Shop	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Restaurant	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Outdoor Function / Picnic Area	persons								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Conference Facility/Place of assembly	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Hospital/Clinic/Medical Rooms	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	University/College	student								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	School/Day Care	student								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Industrial - light	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Industrial - heavy	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	-
Industrial	Warehousing/Light Manufacturing	m2 GLA								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Storage Facilities	unit								0	R	-	R	-	R	-	R	-	R	-	R	-	-
	Open Space/Natural Environment/Utility Site	ha								0	R	-	R	-	R	-	R	-	R	-	R	-	-
Non-Residential	Roads and Parking	ha								0,0000	R	-	R	-	R	-	R	-	R	-	R	-	-
	To be calculated	n/a								0,0000	R	-	R	-	R	-	R	-	R	-	R	-	-
	(Based on equivalent demands)	n/a								0	R	-	R	-	R	-	R	-	R	-	R	-	-
Total Area			0							0	R	-	R	-	R	-	R	-	R	-	R	-	-

Deductions	Charges before adjusting for positive only, before Deductions	R	-	R	-	R	-	R	-	R	4 112,00	R	25 372,14	R	29 484,14	R	16 217,25	R	45 701,38
	Charges adjusted for positive only, before Deductions	R	-	R	-	R	-	R	-	R	4 112,00	R	25 372,14	R	29 484,14	R	16 217,25	R	45 701,38
	Deductions per service (from usage reductions)	R	-	R	-	R	-	R	-	R	12 966,07	R	12 966,07	R	12 966,07	R	16 217,25	R	12 686,07
	Discount Deduction (%)	Percentage	-	0,00%															
	Additional Deduction per service - from Service Agreement (sum)	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Totals	Sub Total after Adjustments and Deductions (excluding VAT)	R	-	R	-	R	-	R	-	R	4 112,00	R	12 686,07	R	18 798,07	R	16 217,25	R	33 019,32
	VAT	R	-	R	-	R	-	R	-	R	816,80	R	1 602,91	R	2 519,71	R	2 432,50	R	4 952,36
	Total Development Charges	R	-	R	-	R	-	R	-	R	4 928,80	R	14 288,98	R	19 217,78	R	18 649,75	R	37 971,68

Annexure G:
Comments from Spatial Planning



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Remainder Farm 136, Stellenbosch
LU No : LU/16330
Date : 15 March 2024
Re : Application for Consent Use and Departure on Remainder Farm 136, Stellenbosch (Thelema Mountain Vineyards)

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

19 MAR 2024

RECEIVED

I refer to your request for comment on the above application.

Application is made for the following:

- **Consent Use** for the construction of an additional dwelling unit.
- **Departure** in order to exceed the permissible floor area of the proposed additional dwelling unit from 120m² to 210m².

1) Opinion/reasoning:

The amended Municipal Spatial Development Framework for the WC024 area was approved by Council in June 2023 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other

objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is located outside the urban edge of Stellenbosch within the rural area of Stellenbosch. The property is 135 ha and zoned for Agricultural and Rural Zone. The farm is a well-established active, family run, wine farm currently being used for the cultivation of grapes and wine making. There are currently three (3) residential buildings on the site including the main dwelling, a second dwelling and a labourer's cottage. There are also a number of buildings directly related to agriculture activities on the farm, including an approved winery and wine tasting facility.

The purpose of the **Agricultural Zone** is to make provision for:

- The protection and preservation of agricultural land, rural landscapes and biodiversity;
- Use of land for purposes of bona fide agricultural production or conservation;
- Buildings and structures which may be erected for reasonable and normal agricultural purposes;
- A limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability and providing diversified income to land owners, without adversely impacting on the primary use of the land unit for agricultural purposes.

In terms of the approved MSDF the following guidelines are applicable to this specific application:

- Tourist accommodation should preferably make use of existing buildings or new buildings on disturbed footprints, and these should take the natural and heritage significance of the site into consideration.
- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.

- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
- All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area.
- Industry in rural areas should not adversely affect the agricultural potential of the property.
- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.
- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities.
- Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short-term tourism accommodation across the rural landscape that is in keeping with the local character is supported.
- Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
- Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in transit visitors.

Annexure H:
POE

15. All comments from municipal departments and organs of state received (must also be attached to POE)	X			✓
16. Consent from abutting property owners obtained and attached			X	
17. Applicant's written reply / responding comments on all the objections attached	X			✓

Page 1 of 2

July 2021v2

KINDLY NOTE:

1. The POE may only be submitted once all relevant municipal departments and organs of state have submitted their comment, inclusive of the applicant's written reply thereto.
2. When any comments have been discussed or amended terms negotiated with the relevant commenting entity, the amended comments and the applicant's written reply thereto must be attached to the POE.
3. The decision-making period will only commence after receipt and confirmation of a complete POE in accordance with section 57 of the Bylaw.

COMPLETE AND SIGN THE FOLLOWING DECLARATION**DECLARATION**

I, (full names & surname) Marike Bolz for Arch Town Planners (Pty)Ltd and ID No:

as the Applicant for the above application, hereby confirms:

- 1) the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw;
- 2) the information contained in the above checklist and the accompanied information and documentation in the Portfolio of Evidence for the concluded public participation process, are accurate and complete; and
- 3) the personal information (e.g. name, address, contact details) of interested and affected parties as supplied by the Municipality was only used for official municipal communication matters with reference to the Protection of Personal Information Act 4 of 2013 (POPI).

Duly signed on 25 April 2024 at Stellenbosch



Signature

For office use only

Registered I&AP List (30 Days)

Cat	Property	Name	Email
A	Farm 135	Registered mail	
A	Farm 169/2	Registered mail	
A	Farm 169/3		
A	Farm 169/0	Registered mail	
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Annexure I:

Environmental Site Analysis and suitability study

Thelema Mountain Vineyards

Remainder of Farm 136
Stellenbosch Municipality

Environmental Site Analysis and Site Suitability Study
November 2017



Prepared for
Thelema Mountain Vineyards (Pty) Ltd

Prepared by
Bernard Oberholzer Landscape Architect / Environmental Planner



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1

The purpose of the study

The brief is to carry out an environmental site analysis of the Farm. This includes an overall assessment of environmental factors together with the identification of opportunities and constraints for the siting of possible future buildings, including sites for residential use.

The future use of the existing homestead and other buildings for alternative uses depends on various scenarios to be determined in time by the Owners, and is not addressed in this report. The viability of using other unused structures on the Farm also need to be considered.

The environmental analysis focuses on unused portions of the farm, and therefore excludes the vineyard blocks and olive groves.

2

Thelema in its local context

Thelema Farm, which is 157.2 ha, falls within the Stellenbosch local district, about 6 km by road from the centre of Stellenbosch via the Helshoogte Pass. The Farm lies at the foot of the Simonsberg Mountain (1390m elevation), across the valley from the Groot Drakenstein and Jonkershoek Mountains, (Fig.1).

The Farm is located in the famed winelands, within an area designated as the Cape Winelands Biosphere Reserve, and is on one of the identified wine routes (R310 Route) of the Western Cape. Neighbouring wine farms include Tokara and Zorgvliet.

Interestingly, the Thelema farmstead, at 370m, is at a similar elevation to surrounding farmsteads such as Tokara (380m), Rus-en-Vrede (380m), and Lemoenkloof (360m), most settlement in the vicinity being below 400m, (Fig. 2).

The early farm settlements in the district would have related to access routes, water sources, arable soils and buildable slopes, the resulting pattern having a pleasing logic in the rural landscape. (It is only in recent times that many residences have been constructed on the higher, steeper slopes to get better views, but at the same time, be more vulnerable to fire in the mountain fynbos vegetation).

The south-facing slopes of the Simonsberg results in a cooler, more moist environment than on the warmer slopes. The granites here tend to be more deeply weathered and the soils more developed with a deeper topsoil, thereby having a high potential for agriculture.

3

The geology of Thelema

The Farm straddles a ridge consisting of weathered granite (Stellenbosch Pluton, Cape Granite Suite), which has been incised by a number of mountain streams, and covered in places by colluvial and alluvial material, (Fig. 3). The surface geology has been mapped according to the following types (van Wieringen, 2017):

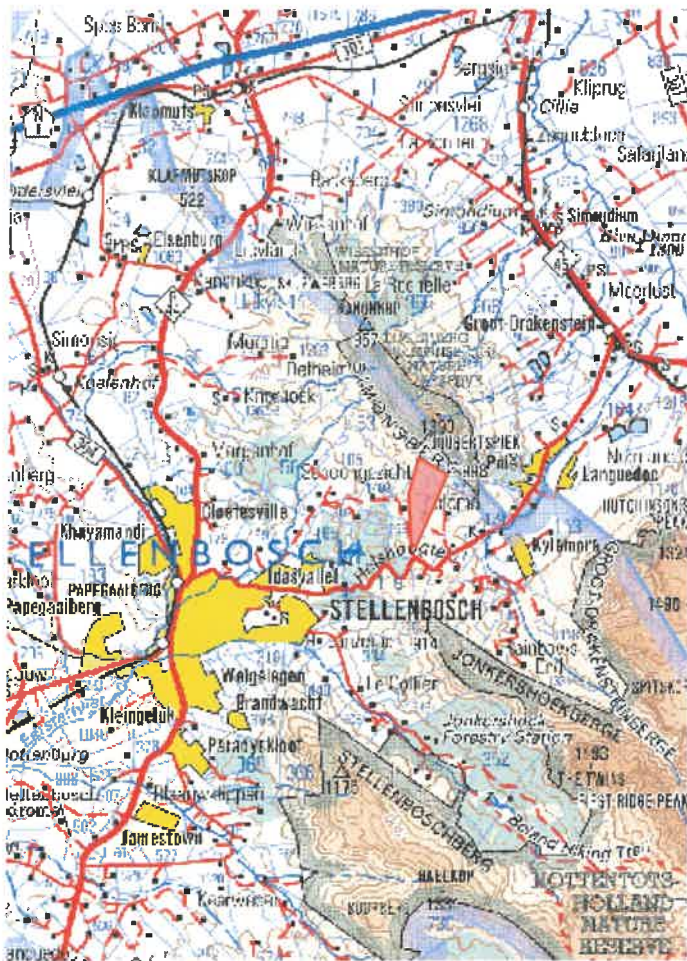


Fig. 1: Farm Location 1:200 000
Thelema Farm shown in red

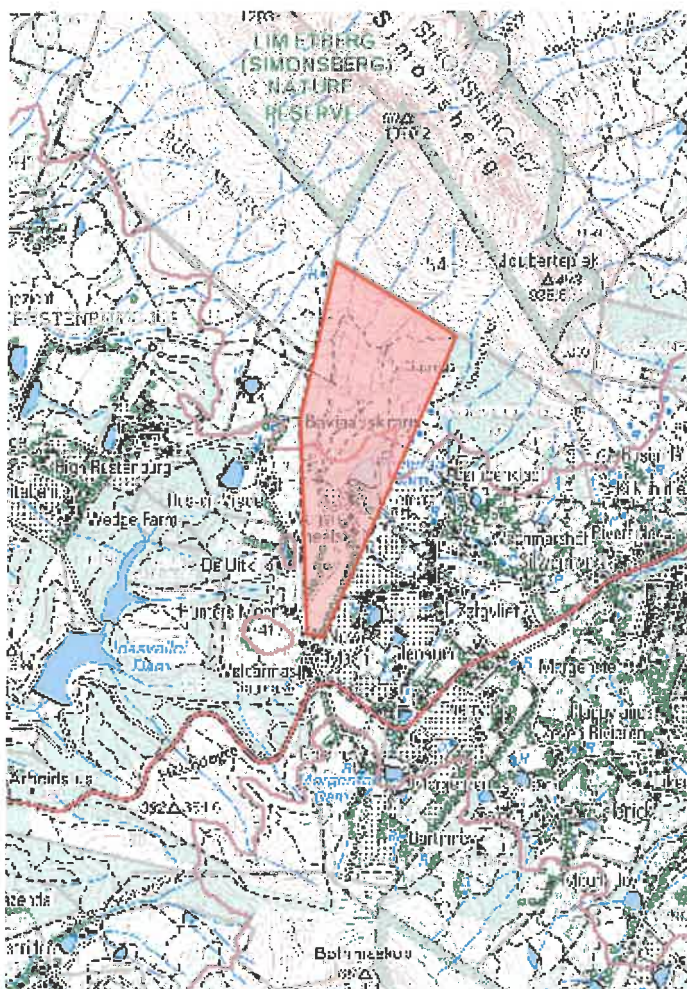


Fig. 2: Farm Context 1:50 000
Thelema Farm shown in red
400m contour shown in brown line

Map	Geology	Description
Qa	Alluvium in stream beds	Coarse boulders at the top of the site, becoming fine sandy clays lower down.
Qt	Colluvium on upper slopes	Recent scree in the top reaches of the site, becoming coarse colluvium in the middle reaches.
Qgg	Gravelly clay loam	Colluvial weathered granite forming clayey soils with gravel.
Os	Peninsula Formation, Table Mountain Group sandstone	Quartzitic sandstones on the uppermost slope.
Ck	Quartz porphyry	Resistant quartz band on the upper slopes.
N-Cs	Stellenbosch Pluton, Cape Granite Suite.	Exposed granite at the top of the site grading into weathered granite and residual in situ clayey soils at the bottom of the site.

The farm is mostly covered by residual weathered granitic soils, mainly clayey sands, covered by colluvium in places, except the lower portion of the farm, where colluvium is absent.

The colluvium becomes coarser, with larger stones and boulders, on the upper slopes of the farm. This can be seen in the tongue of coarse talus material running down the middle of the upper slopes, which is derived from the Table Mountain Group (TMG) rocks of the large kloof above the farm. The 'rock fabriek' vineyard is located on this tongue of coarse colluvium.

The streambeds that dissect the upper slopes contain alluvium with boulders higher up, becoming finer gravel downstream. The homestead and winery are located in an alluvial fan between two streams.

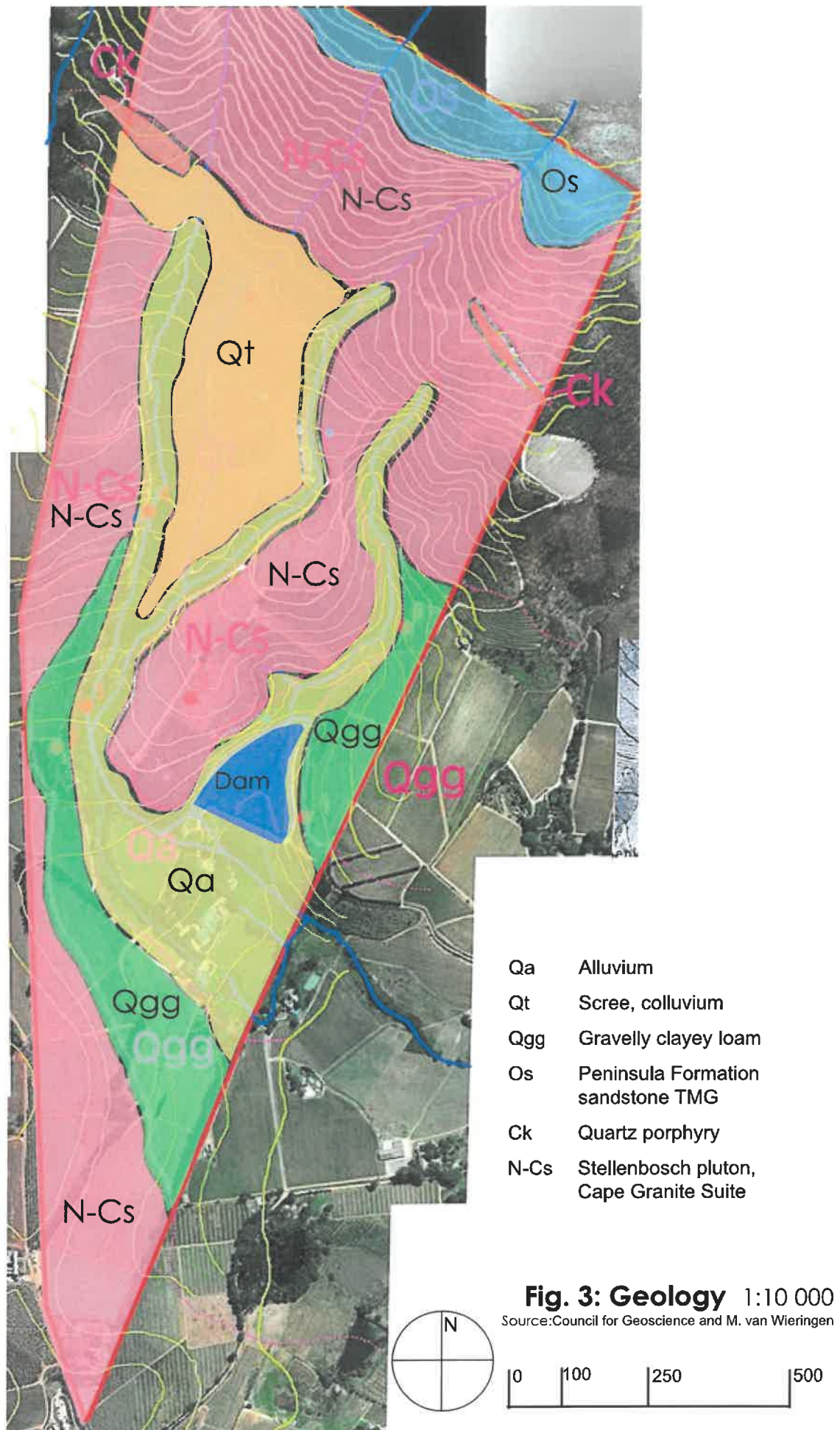
Implications for building development:

According to Mike van Wieringen, founding for buildings should on the whole be good, except in the alluvium. In general, it would be preferable to found buildings through the colluvium into the residual soils. For this reason he also recommended pad footings rather than continuous strip footings.

Excavation and trenching would be easier in the deeper, finer soils on the lower slopes than on the steeper, more bouldery upper slopes. Excessive cut to fill should preferably be avoided. Low piers can be used on sloping sites to avoid excessive excavation. Likewise, narrow buildings should run parallel with the contours. Fills are prone to compaction and settlement of buildings and therefore should ideally not be more than about 100 to 200 mm deep.

Care needs to be taken that surface water runoff does not cause erosion and the formation of deep gullies in the soft residual soils. Low berms and diversion channels can be used to control runoff. Stormwater can be led to the dams by means of grassed swales.

Surface topsoil should be carefully removed from construction sites and stored out of the way of machinery for later use as backfill and for gardening purposes.



4

Soils of the farm

Several soil reports have been prepared by Johann Lanz to determine soil suitability for wine production. Although these surveys were done for the vineyard blocks, some interpolation is possible for the remaining areas.

According to the reports, the soils investigated are mainly derived from the highly weathered granite parent material. Most of the soils are classified as Sweetwater soil form, and those with less organic material as Tukululu soil form.

The soils are generally deep, red, well-drained, with a sandy loam texture, and have a high vigour potential for wine grapes. They have a fairly thick A horizon (topsoil), with high organic matter content and about 15% clay content, the clay increasing with depth to 25% in the B horizon (subsoil), and 35% in the C horizon (saprolite or weathered granite). The weathered granite is usually encountered at more than a metre depth. The clay content means the soils generally have good water retention capacity.

Other soil types include yellow-brown Clovelly, Avalon and Oakleaf soil forms, which are also deep and well-drained, with a slightly lower clay content. According to Lanz, there is little variation in soil types across the vineyard blocks investigated, all the soils having a high suitability for quality wine production.

It was found that the concave valley slopes accumulate more water and have deeper soils, high in organic matter, compared with convex ridge slopes, which are often more stony and drier. Most of the soil profiles contained 10 to 20% fine gravel.

Implications for building development:

It is generally recognised that soils suitable for vineyards are at the same time also eminently suitable for building sites, i.e deep, well-drained soils. However, the left-over parcels of land between the vineyards have not been mapped, and some interpolation is therefore needed. It would be fair to assume that the best soils on the farm are now under cultivation, while the remaining parcels tend to have steep slopes, wet alluvial stream valleys, or are covered with gums and other alien tree clumps.

The steeper slopes are more vulnerable to erosion and more costly in terms of construction because of earthworks, retaining walls and stepped foundations. In addition, sewage wastewater could daylight on steep slopes with clayey subsoils. For these reasons, slopes steeper than 1:5 gradient should be avoided.

The alluvial soils are prone to flooding and wetness / rising damp, requiring buildings to be raised above the ground. Waterlogged soils, or those with a high water table are unsuitable for septic tanks / soakaways.

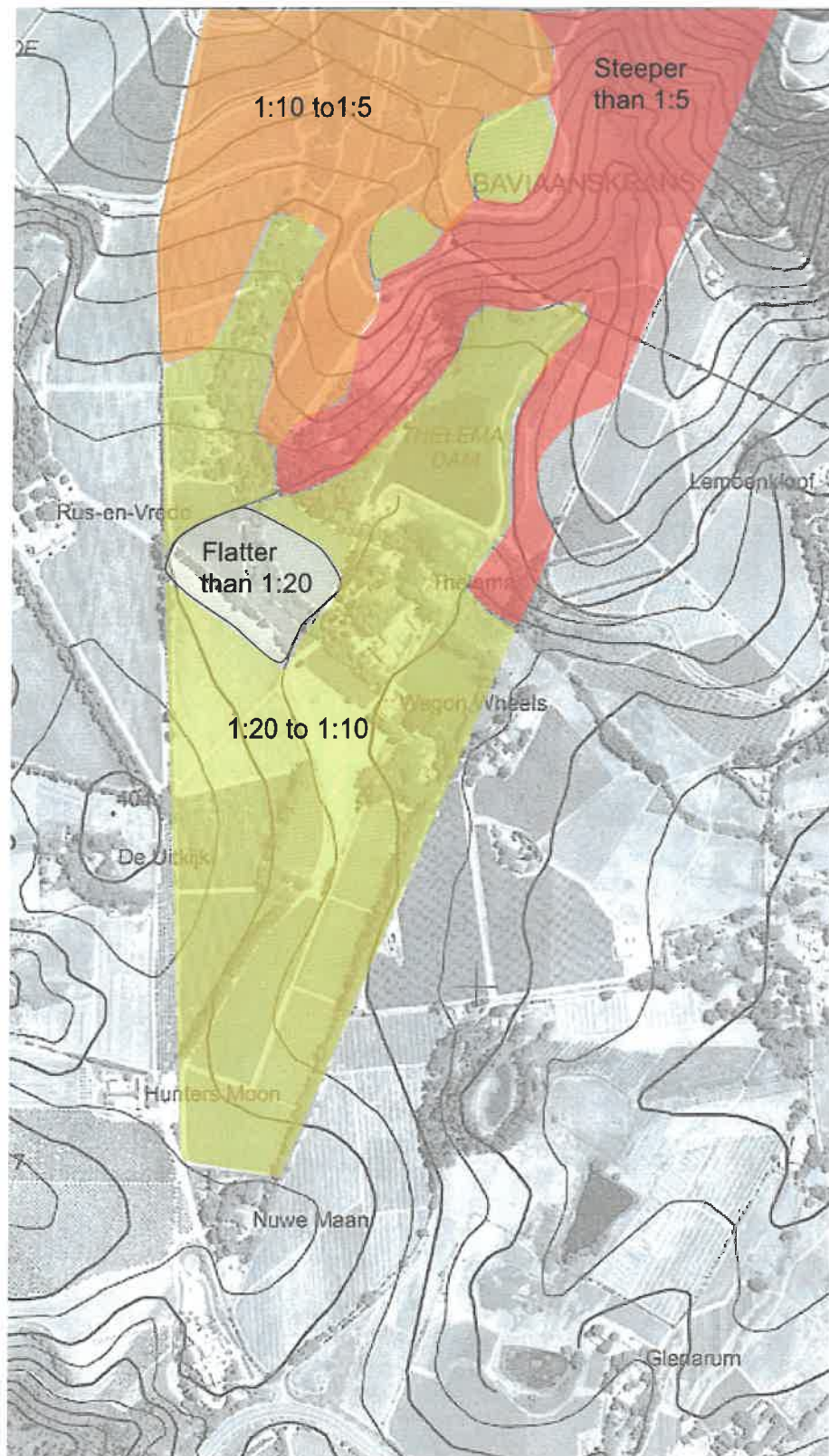
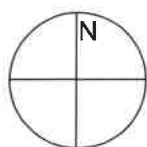


Fig. 4: Slope Gradient 1:10 000

Source: Surveys and Mapping: Orthophoto, 2014



5

Hydrology of the farm

There are four tributary streams on the upper slopes that all feed into the Thelema farm dam, the flows being supplemented by a number of small springs. Given the relatively small, but steep catchment of the streams, flows tend to be 'flashy' in that they flow strongly for a short while after rainstorm events, but are usually dry in summer. Flash floods would cause the streams to overflow into old drainage lines on the farm.

The flashy nature of the streams mean that these erode the soft clayey weathered granite, forming deep gullies, especially where indigenous riverine vegetation has been replaced by alien vegetation or damaged by fire. The alien trees, such as the gums and pines, also dry out the soils, reducing flows downstream.

According to van Wieringen, perched water table (ponding) is possible on top of the clayey subsoil after prolonged wet weather. He indicated that scope exists for the creation of small dams as reservoirs for fire-fighting. Localised boreholes could supplement water supply.

Implications for building development:

The removal of alien vegetation and rehabilitation of the stream channels is seen as a major priority, as the farm becomes water-stressed during drought periods.

A general guide for stream courses is that there should be a buffer strip of 32m on either side of the stream, within which there should be no cultivation, compaction, filling, building or other disturbance. These stream corridors provide important sponge areas to offset low flows in dry summer periods.

Indigenous riverine vegetation should be regenerated in the buffer strip, which acts as an ecological corridor for the farm, helping to stabilise the stream banks and act as a filter for runoff and silt entering the stream course.

Septic tanks and soakaways should be located 100m or more from drainage courses, or farm dams. Sewage disposal should also be avoided in waterlogged or seasonally wet soils of the Farm to prevent pollution of water resources.

6

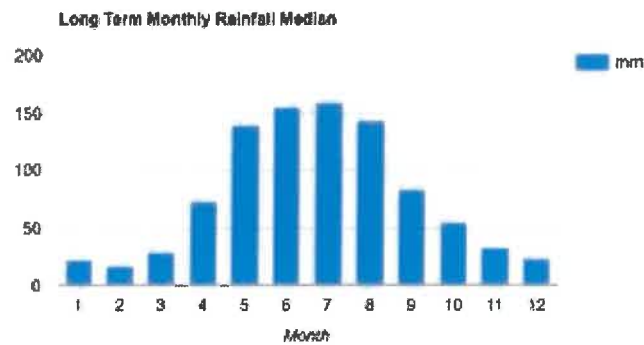
Climatic and topographic effects

According to Elsenburg's GIS mapping website, 'CapeFarmMapper', the mean annual rainfall at Thelema is 1087mm, which is higher than the lower-lying areas, such as Stellenbosch, because of the orographic effect of the surrounding mountains, (see also rainfall graph below). However, Gyles Webb believes the annual rainfall to be somewhat less, at around 850mm. The mean annual evaporation from the same mapping source is 1217mm, which means that evaporation exceeds precipitation.

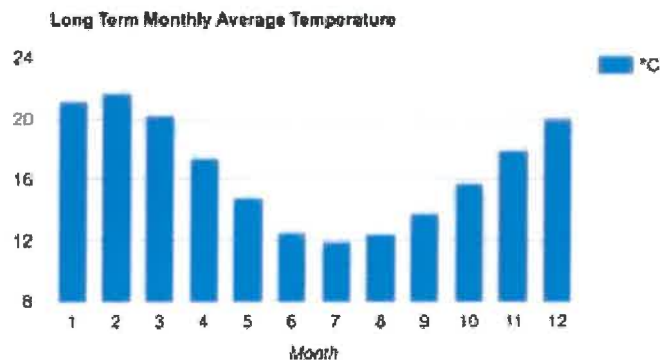
There is no wind rose for the farm itself, but the prevailing winds for the region come from the southeast in summer, and the rain-bearing winds in winter, (which can reach gale-force), from the northwest.

The average temperature for February, the hottest month, is 21.6°C, and for July, the coldest month, is 11.8°C. Frost can be experienced for a few days in winter. (See temperature graph below).

Long Term Climate Graph (1950 - 2000)



Long Term Climate Graph (1950 - 2000)



Implications for building development:

The local topo-climate, such as slope orientation and cold air drainage, has an important bearing on the siting of buildings. Northeast slopes are considered the optimum sun orientation for the Western Cape as this provides early warmth in the day (important in winter), and less heat-loading in the afternoon, when it is least needed, (see Fig. 5).

The shadow effect of the Simonsberg also needs to be taken into account, especially in winter when the sun is at a low angle, reducing the potential number of sunshine hours. Theoretically the upper slopes of the farm would experience fewer sunshine hours than the southern portion of the farm.

Another consideration is the katabatic effect of cold air flowing down the valleys at night as the earth cools, the lower lying areas, such as the homestead and winery, being cold air sinks, and therefore more vulnerable to frost. The ridgelines, on the other hand, are more exposed to wind and related chill-factor. Cold air pockets of low-lying areas should therefore be avoided for residential buildings. Tree shelterbelts and leeward slopes would help to provide some protection from prevailing winds, particularly cold gale-force winds in winter.

These may seem minor considerations at first, but could have an important bearing on human comfort generally, and on energy requirements for buildings specifically, including the need for insulation and the use of solar panels.

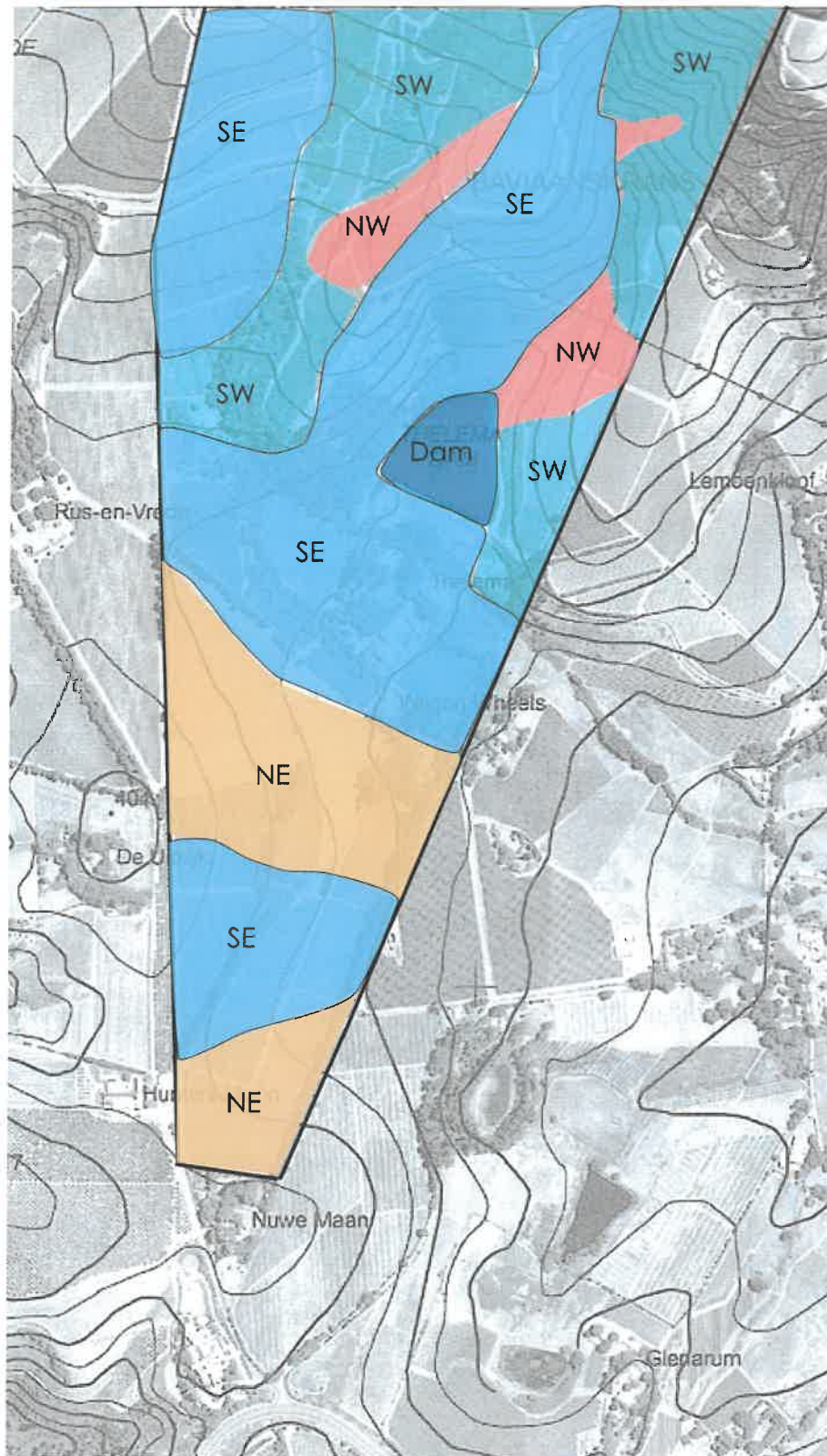
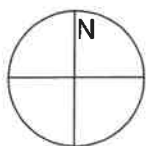


Fig. 5: Slope Orientation 1:10 000



7

Vegetation patterns

A botanical survey of Thelema was conducted by Ross Turner in 2008. The natural vegetation of the area tends to be a mirror of the geological substrate, the main vegetation type occurring on the farm between the vineyards being 'Boland Granite Fynbos', and Sandstone Fynbos on the mountain slopes above the farm. It can be expected that alluvium species occur in the stream corridors. Turner indicated that there is good ecological connectivity between the Fynbos and the vineyards. The stream corridors contribute to this connectivity.

Notable *Protea* species in the fynbos include *Protea repens* and *P. nitida* (waboom), with other plant species recorded in Turner's report. The moist stream valleys and alluvial areas contain the following:

Maytenus oleoides (klipkershout),
Brabejum stellatifolium (wild almond),
Ilex mitis (Cape Holly),
Olea europaea subsp. *africana* (wild olive),
Kiggelaria africana (wild peach).

Alien trees in the densely wooded area above the dam include the following:

Eucalyptus spp. (blue gums),
Pinus pinaster (cluster pine),
P. radiata (Monterey pine)
Cupressus (cypress) - some stately specimens,
Eucalyptus ficifolia (flowering gums) - shelterbelt on the western portion of the Farm.

The parkland area around the homestead and winery have many fine mature trees, some of which, such as the old oaks, have heritage significance. Some of the prominent trees include the following:

Quercus robur (English oaks),
Quercus palustris (pin oak),
Platanus acerifolia (plane),
Fraxinus sp. (ash),
Ficus sp. (fig),
Jacaranda mimosaeifolia (jacaranda)
Podocarpus falcatus (yellowwood).

Implications for building development:

The location of Thelema Farm immediately adjacent to the fynbos-covered mountain slopes means that fire hazard will be a major consideration in the siting of buildings, particularly as the fynbos will burn naturally every few years, being a necessary part of their ecological cycles. In addition, it appears that fires are becoming more frequent in this types of bioclimatic environment.

Gyles indicated that historically fires tended to come from a northeasterly direction, as a result of uncontrolled mountain fires being fanned by prevailing winds.

Although much of the invasive type alien vegetation has been cleared on the farm, the remaining blue gums, cluster pines and Australian wattles represent an ongoing fire hazard in terms of their fuel load. Research has shown that where stands of this type of vegetation exists, the following can be expected (van Wilgen et al, 1992):

- development of dense impenetrable alien thickets;
- reduction of local plant populations and species diversity;
- reduction of water yield by 50%;
- increased fuel loads by over 300%;
- increased hazard and intensity of fire.

The existing clearing programme of gums and pines, which contain highly inflammable oils or resins, should continue, the harvesting of these potentially providing timber for building and firewood.

Adequate access for fire management, and for escape, need to be considered in the layout of the farm roads. The dams provide a potential buffer for fire, which could influence the siting of buildings. Steps should be taken to 'fire-proof' areas around buildings.

It is suggested that a minimum 30m wide firebreak be created around buildings, especially on the more exposed slopes. Fire-resistant plants, which have fleshy leaves, such as sour fig (*Carpobrotus* spp.), aloes and vygies, as well as other succulents, should be considered adjacent to buildings. Grass lawns need to be kept short. Milkwood trees are also considered to be useful for fire-proof planting. Other indigenous trees that could be planted in the stream valleys include:

Rapanea melanophloeos (Cape beech)
Calodendron capense (Cape chestnut)
Curtisia dentata (assegaai wood)
Ekebergia capensis (Cape ash)
Cunonia capensis (rooiels)

Once the siting of buildings has been finalised, a planting plan, which includes planting for shade, wind-shelter and general amenity could be drawn up. Landscaping needs to be 'water-wise' to minimize the need for irrigation and to conserve water resources given the current water shortages in the Western Cape.

8

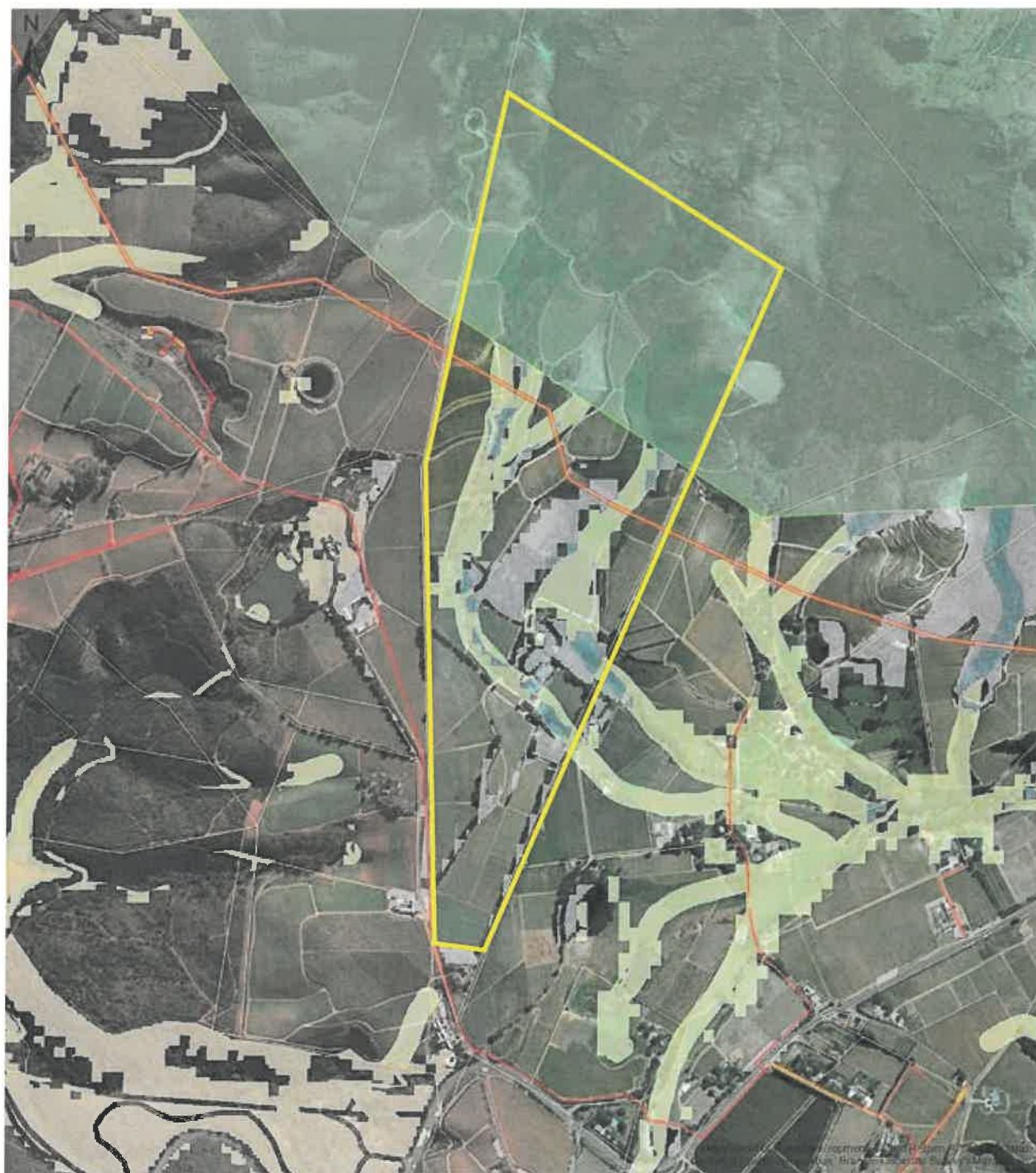
Views and visual considerations

The main views from the Farm tend to be towards the Drakenstein and Jonkershoek mountains in the east and south-east, and the Simonsberg in the north. However, a range of secondary views of the surrounding winelands and across the Thelema farmland itself can be enjoyed, particularly from the higher slopes.

Being located on a ridgeline, the higher slopes of the farm would have an extensive viewshed, and therefore potentially be highly visible from the surroundings. For this reason care needs to be taken with the siting of any new building structures.

Ideally buildings should not straddle visually exposed ridgelines, but instead be located just off the ridgeline, nestled into the side-slope. Tree-planting can also be used to screen buildings and visually anchor structures in the landscape.

In terms of elevation, a study of the surrounding areas suggests that farm or residential buildings should not be located higher than about the 420m contour in the context of Thelema's setting. Above this contour the landscape becomes both visually and climatically exposed, as well as being more vulnerable to fires emanating from the mountain slopes above. (See notes on vegetation above).



Legend

- | | | |
|---|--------------------------------------|---------------------|
| Farm Portions | ESA2: Restore from other land use | ESA: Terrestrial |
| Servitude Area | ESA2: Restore where appropriate (CT) | BSP Protected Areas |
| BSP ESA: Restore | ESA: Aquatic | |
| ESA2: Restore from plantation or high density IAP | BSP ESA | |

0 0.225 0.45 0.9 km

Scale: 1:18 056

Date created: October 13, 2017



**Western Cape
Government**
Agriculture

Protected and Conservation Areas:

Whole area: Cape Winelands Biosphere Reserve

Green area: Protected Area (PA)

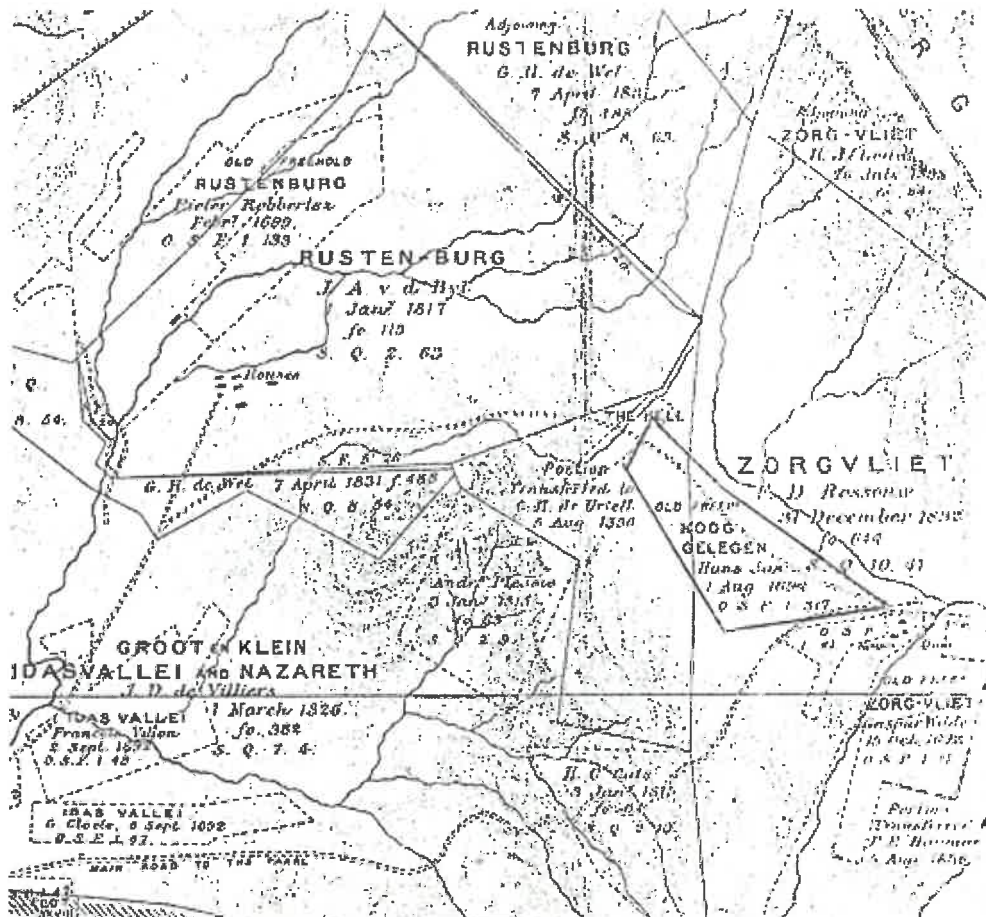
Yellow area: Ecological Support Areas (ESA)

Source: Western Cape Department of Agriculture, CapeFarm Mapper
<https://gis.elsenburg.co/apps/cfm>

9

Historical aspects

According to an old diagram, the farm, shown as Hoog-Gelegen, was granted to a free burgher, Hans Jas, in 1692. It appears from the diagram, shown below, that the original wagon track over the Helshoogte came through the farm.



Portion of Banhoek map, circa 1900, showing Hoog-Gelegen Farm at the top of Helshoogte.

The old homestead and the cottages below the winery are no doubt older than 60 years. It is thought that the homestead dates from the early 1900s, and was renovated in 1984, (see photograph below).



Photograph of the homestead, circa 1984, before renovation.

The 3 cottages below the winery, to the east, are still being used - one for storage, one as a school and the third as a dwelling.

Two of the cottages above the homestead, to the west, were built by the present Owners in the 1980s, while the third cottage, nearer the stream, was used for a while as a school, and is older than the other two cottages. According to the Owners, there are no proven grave sites on the farm.

The wine-making operation was established by Gyles and Barbara Webb in 1983, when plum, apple and pear orchards were pulled out and replaced with vines over time. The first winery building was constructed in the late 1980s.

Implications for building development:

The 3 structures to the east, below the winery, are in a low-lying area of wet alluvial soils, which potentially cause damp in buildings. The structures are, however, in fairly sound condition. Any renovations should consider using raised floors, with a ventilated cavity below, to avoid damp. This area was not considered suitable for future house sites.

The 3 cottages to the west, above the homestead, are also in a stable condition, but are not currently being used. This area is potentially suitable for future house sites, which could include the existing structures with modifications. Floors would need to be raised here as well to avoid damp.

Buildings on the Farm older than 60 years require a permit from Heritage Western Cape before these are demolished or alterations made.



Aerial view of homestead and winery precinct



Aerial view of 3 existing cottages below the winery. A fairly damp low-lying area.



Aerial view of 3 existing unused cottages above the homestead to the west. Identified as a possible development site, (Site 1a).



Aerial view of area being cleared of alien trees along the stream, with the flowering gums to the left. Identified as a possible development site, (Site 2).



Aerial view of area overlooking the dam, being cleared of gum trees. Identified as a possible development site, (Site 4).

10

Development Constraints and Opportunities

Based on the various factors considered in this Report, a summary of the main constraints and opportunities for future house sites are listed below, and indicated on Figures 6 and 7 below. Building constraints and opportunities include the following:

Map symbol	Development constraint / opportunity	Comments
HE	High elevations	Upper mountain slopes, above 420m contour, which defines the general line of development in the area, tend to be visually exposed and vulnerable to mountain wildfire hazard.
RL	Ridgeline	A mountain spur on the upper slopes of the Farm, which tends to be visually sensitive and climatically exposed to prevailing winds.
SS	Steep slopes	Slopes steeper than 1:5 gradient require costly earthworks / retaining walls, have difficult access, prone to erosion and are visually sensitive.
SC	Stream corridor	Stream buffer zones are important as ecological corridors for biodiversity and protection of surface water resources. Flooding and wet alluvial soils are not suitable for buildings. A 32m setback from water courses is usually required. Low-lying areas are susceptible to cold air drainage and frost in winter.
PC	Powerline corridor	Existing powerline servitude. A setback recommended.
SB	Building setback	A 30m building line is required for farms.
NE	Northeast slopes	Northeast facing slopes are considered optimum for residential development. However, these areas are covered with vineyards.

Other considerations for the determination of suitable building sites would include the following:

- Deep, well drained soils suitable for building foundations and septic tanks;
- Gentle slopes for easy access and earthworks;
- Good views of the mountains and surrounding farmland;
- Shelter from prevailing winds;
- Optimum N or NE sun orientation;
- Security considerations, (remote sites being more vulnerable).

The Farm has agricultural zoning and is located outside the urban edge. In terms of the Land Use Planning Act (LUPA) a maximum of 5 dwellings are permitted within this zoning, in addition to the main house and manager's house.

Consent uses for which application can be made usually include additional dwelling units (not subdivided), which shall not exceed 1 unit per 10 hectares up to a maximum of 5 units. Application can also be made for a guest house / tourist accommodation.

A total of 5 sites have therefore been identified, as indicated on Figures 6 and 7. These are assessed in the Site Suitability Table below, where the advantages and disadvantages of each site are given.

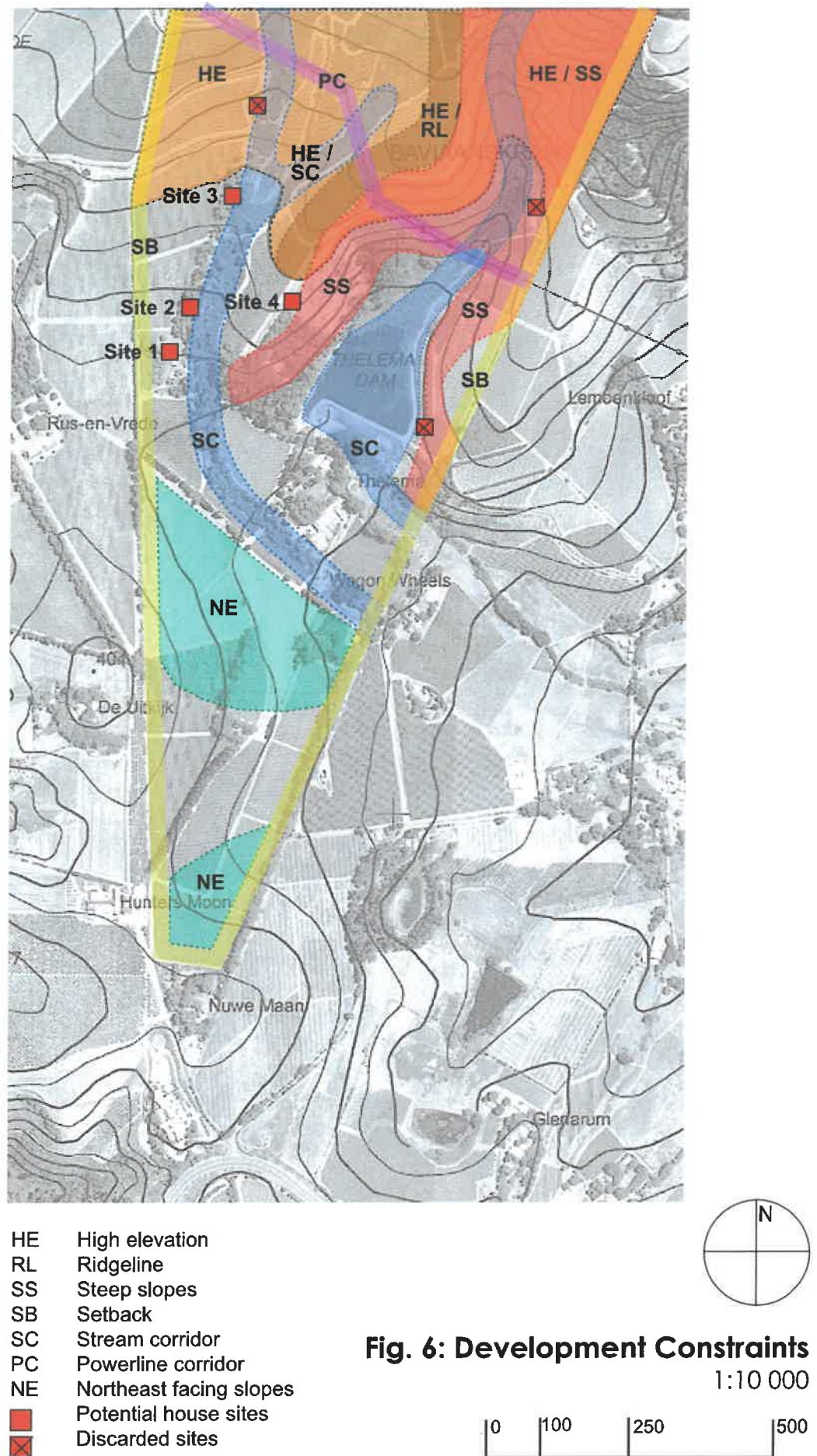
Sites 1a and 1b	Site 2	Site 3	Site 4
Site selection criteria:			
Opportunity to restore / upgrade existing disused structures. Area previously disturbed.	Area cleared of alien vegetation.	Area being cleared of alien vegetation.	Area cleared of gum trees, overlooking the dam.
Advantages:			
Use can be made of existing buildings. Relatively secluded from farm operations. Gentle slope. Good views. Fairly sheltered. Easy access.	Relatively secluded from farm operations. Gentle slopes. Overlooks stream. Flowering gums provide shade and wind-shelter.	Relatively secluded from farm operations. Gentle slopes. Overlooks stream. Flowering gums provide shade and wind-shelter.	Relatively secluded from farm operations. Good views of mountains. Overlooks the dam.
Disadvantages:			
Existing buildings constrict layout. Potential damp.	Available space confined by existing trees and by stream setback. Large tree stumps.	Available space confined by existing trees and by stream setback. Large rocks.	Available space confined by steep slopes below. Steep road access. Large tree stumps. Fairly exposed.
Ratings:			
Sites 1a and 1b	Site 2	Site 3	Site 4
Views	Views	Views	Views
Climatic shelter	Climatic shelter	Climatic shelter	Climatic shelter
Building constraints	Building constraints	Building constraints	Building constraints
Road access	Road access	Road access	Road access
Effect on ecology	Effect on ecology	Effect on ecology	Effect on ecology
Fire risk	Fire risk	Fire risk	Fire risk
Privacy	Privacy	Privacy	Privacy
Security/surveillance	Security/surveillance	Security/surveillance	Security/surveillance
Score: 6	Score: 5	Score: 5	Score: 5.5

Colour key:	Good	Fair	Poor
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Advantages of grouping the 5 sites in one area of the farm include the following:

- Rationalisation of services such as electricity, water and sewage;
- Common access road, which can be secured with an entrance gate;
- Better surveillance and security within the group;
- Minimises effect on farm operations, and affords privacy;
- Enables existing homestead precinct to be available for other uses, such as restaurant or guest accommodation.

A preliminary footprint for each site is given in Figures 8 to 10 in order to test the viability of the development sites. Detailed contours, tree surveys and trial holes would be needed to refine building positions.



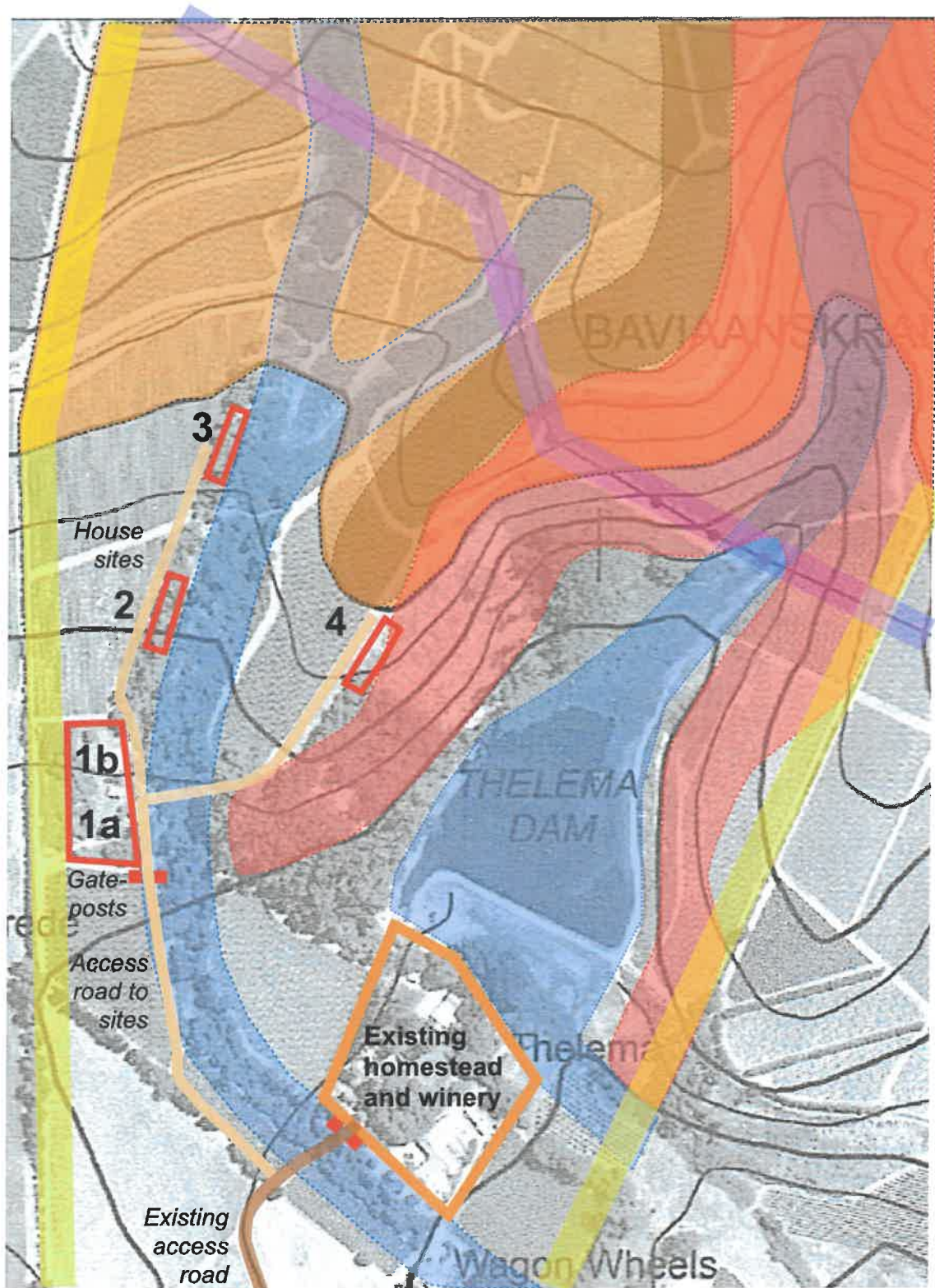
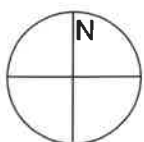


Fig. 7: Potential House Sites

1:5 000



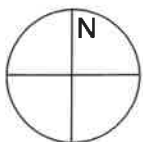
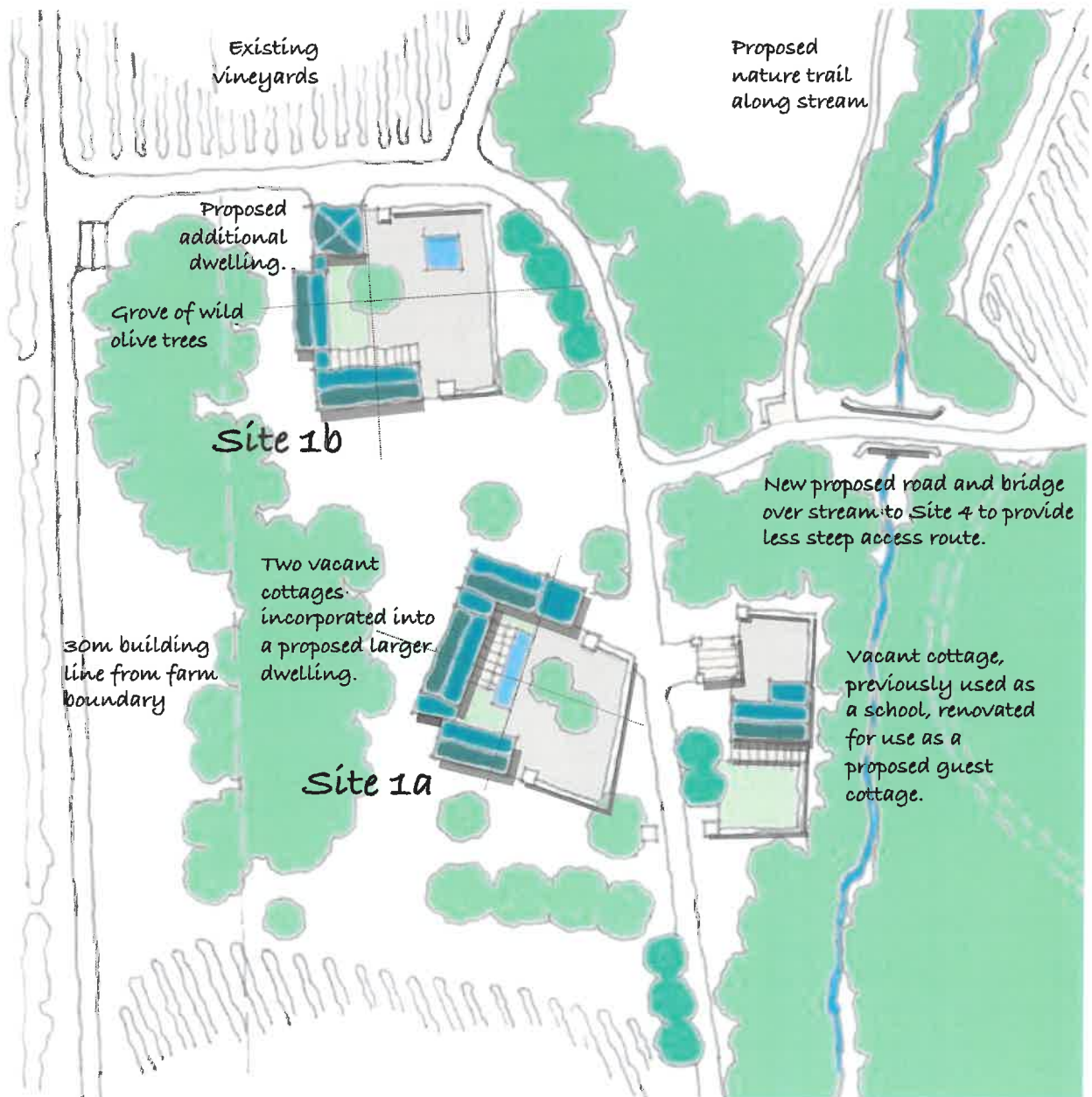
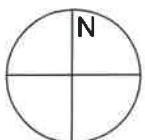


Fig. 7a: Potential House Sites
1:5 000





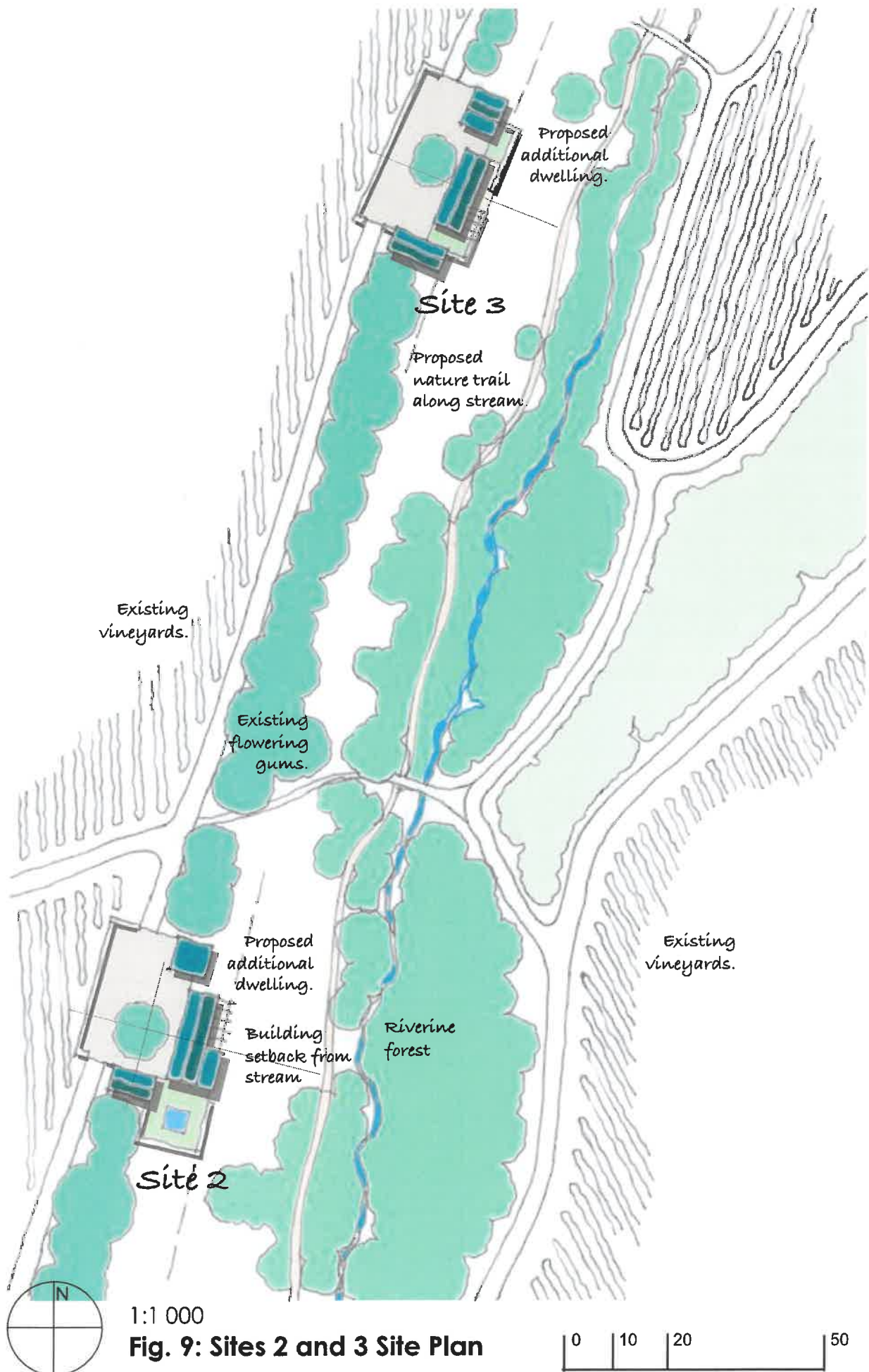
View of existing cottages on Site 1a



1:1 000

Fig. 8: Sites 1a and 1b: Site Plan





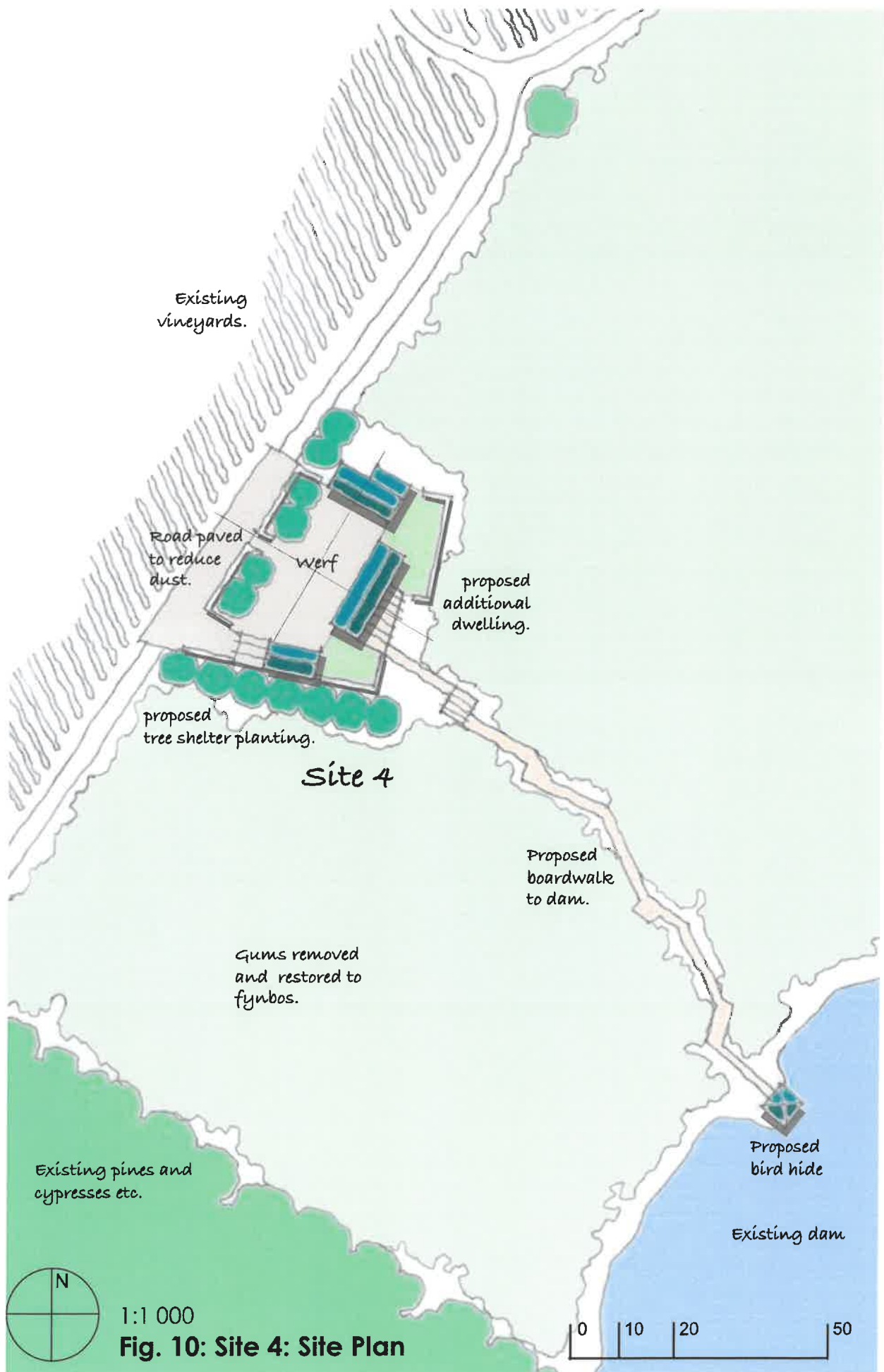




Illustration of possible Site 1a development re-using existing buildings.

10 Conclusion

The environmental assessment indicates that there are a number of suitable locations for development sites provided that the building constraints outlined above are taken into account, and particularly that measures are taken to reduce fire risk on the Farm.

The selected sites were based on a combination of environmental and natural amenity factors, as well as through several site visits and discussions with the Owner and the Engineering Geologist.

The Report includes possible site plan layouts for each of the development areas that take environmental considerations outlined in the Report into account. The Owners / shareholders of the farm will need to determine the long term vision for Thelema Farm before a Site Development Plan (SDP) can be finalised. An application can then be made to the Local Authority for consent use to construct the additional dwellings.

References

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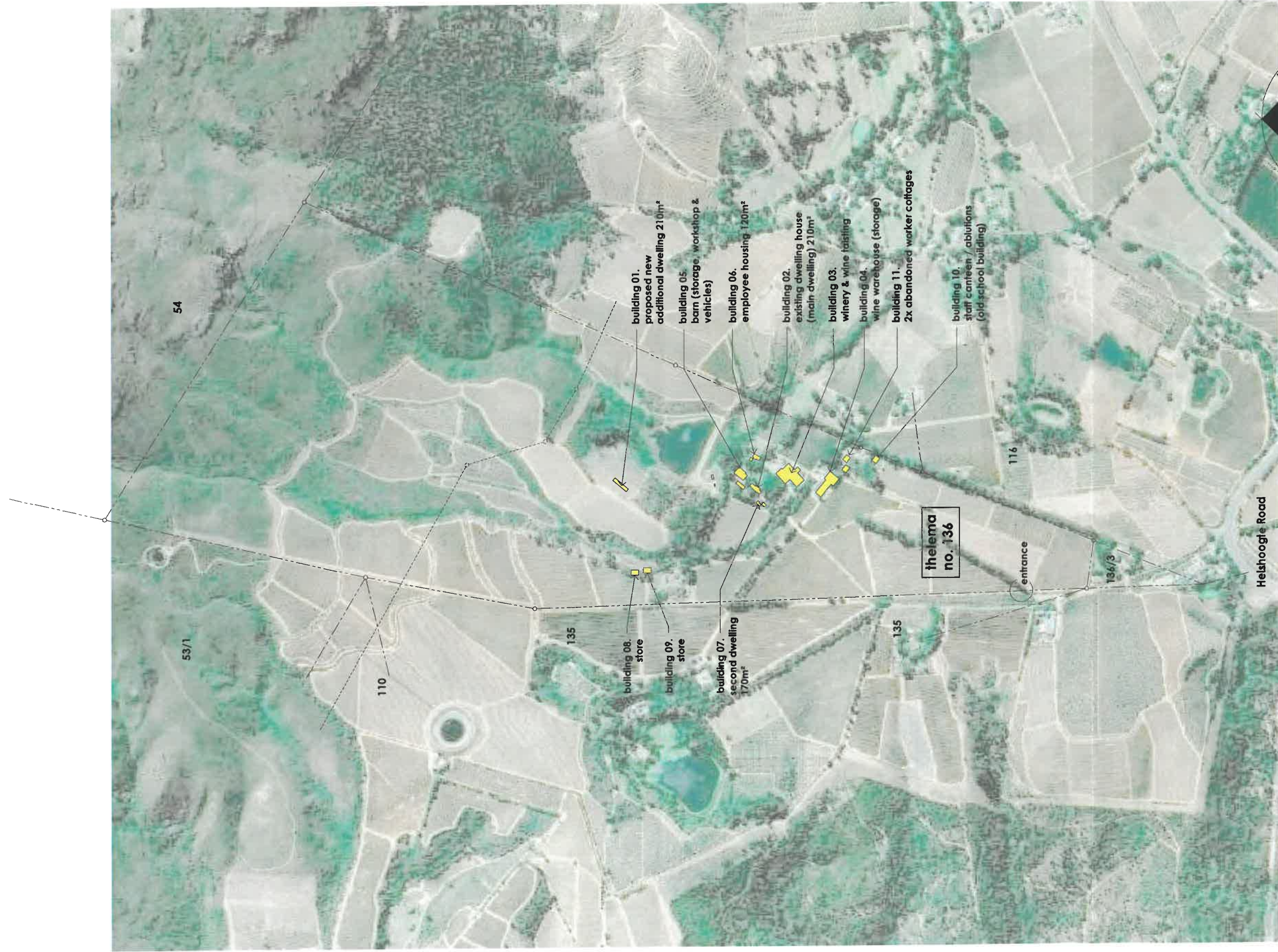
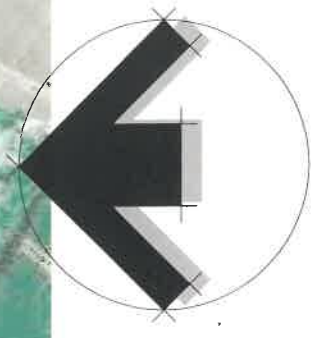
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van Wieringen, M. 2017. Field notes and personal communication.

van Wilgen, B. et al, in Cowling R. 1992. The Ecology of Fynbos. Ch.14.

Western Cape Department of Agriculture, 2017. CapeFarm Mapper online mapping tool. <http://gis.elsenburg.com/apps/cfm>



FARM : SITE DEVELOPMENT PLAN

scale 1 : 10,000

drawing. S.A.02

date: 3 August 2023

farm area: 135,24ha



APPLICATION IN TERMS OF SECTION 15 (2)(G) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2023 ON FARM 468/9 STELLENBOSCH DIVISION FOR ADDITIONAL USE TO ALLOW TOURIST DWELLING UNITS WITHIN THE EXISTING FOUR (4) LABOURERS' COTTAGES.

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STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT
DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT

PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW

APPLICATION DETAILS

Application Reference	LU/15774	Commencement Date	18/08/2023
Applicant	Marika Boltz (Arch Town Planners)	Last day for comments or additional information	07/10/2024
Erf/Farm nr	Farm 468/9	Place	Stellenbosch Farms
Zoning	Agriculture and Rural Zone	Other approvals	None

X	TYPE OF APPLICATION
	15(2)(a) rezoning of land*
	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*
X	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services
	15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	Approval required in terms of relevant policy for street naming and numbering
	Approval required in terms of Council policies or by-laws – Specify:
	Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose of the Application:
 - o The applicant intends to utilise the newly renovated labourer's cottages as tourist dwelling units.
2. Background and existing uses:
 - o Access to the property is gained from a farm access road linking with the Annandale Road. The subject property currently comprises of main dwelling, 4x Labourers cottages (converted to tourist dwelling units), stables and bone fide agriculture.
3. Summary of applicant's motivation: **(See Annexure D)**
 - o The proposed tourist dwelling units will all be within the existing buildings.
 - o The proposed units will in no way have any adverse impact on the surrounding properties or agricultural activities of the farm.
 - o The proposed units will not result in a loss of agricultural land.
 - o The proposed tourist dwelling units are situated in a beautiful area, with spectacular views over the vineyards and mountains which contributes to the sense of place and unique experience of the accommodation.
 - o The proposed tourist dwelling unit will provide an additional income to the farm, as supported by local, provincial and national policies.
4. Summary of deviation from the SDF (Site specific Motivation) **(See Annexure D)**
 - o The applicant was informed that the application proposal submitted is made for more than the permitted number of additional dwelling units on a property (in relation to the size of the farm), therefore not in compliance with the provisions in the MSDF. As the application will deviate from the MSDF, the applicant was required to present and motivate the application on the basis of site-specific justification to depart from the MSDF as envisaged in Section 22 of SPLUMA.

The following is the summary of the site-specific motivation:

- o The deviation from the MSDF is driven by the need to enhance the economic viability of the property through agricultural related tourism, utilizing the existing buildings without expanding the built footprint.
- o The proposal involves uniquely suited on this property, given its existing infrastructure, high tourism potential and the fact that it does not impact active agricultural use.
- o The proposal entails the utilisation of the existing infrastructure, no significant changes to the external structures or the rural character of the property are being proposed, the focus is on internal modifications to accommodate tourists.
- o The proposal will contribute to the financial sustainability of the farm, supporting both local economic growth and the maintenance of agricultural activities.
- o The proposal does not pose any adverse impact on the surrounding agricultural activities or the environment.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate public participation processed followed	X		Circulated to internal & external departments.
Conditions imposed by departments	X		<ul style="list-style-type: none"> o The Infrastructure Services department – the department recommended the application for approval subject to certain conditions (See Annexure G for Memo dated 03 September 2024) o The Western Cape Department of Infrastructure: Road Planning offered an unconditional no objection to the application (See Annexure I for letter dated 13 December 2023).

			<ul style="list-style-type: none"> o The Western Cape Department of Agriculture commented on the application (See Annexure J for email dated 09 February 2024).
DCs applicable	X		DCs are payable (See Annexure G)
Objections received		X	An application for technical approval is exempt from public notification.
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65	X		The proposal is not compliant with the SDF as approved in 2019 & 2023. As a result, site specific motivation has been submitted.
DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW			
Socio-economic impact	The proposal facilitates economic growth appropriate to the rural context of the agricultural surrounding area.		
Compatibility with surrounding uses	The subject property is located in a predominantly agricultural area, with wine farms and tourist accommodation establishments on the surroundings, such as the spier wine farm. The subject property is an active farm, with the growing of vineyards and padlocks as well as proposed stables and riding arena for the horses. The proposal is not anticipated to conflict negatively with the character of the surrounding areas as the proposed application is a utilisation of the existing buildings.		
Impact on the external engineering services	The proposal will not impact on any engineering services as the proposed tourist dwellings will utilise the existing infrastructure, furthermore, the application was circulated to the Engineering Services, and they supported the application.		
Impact on safety, health and wellbeing of the surrounding community	There is no anticipated negative impacts as the proposal complies with the development parameters applicable to the zoning of the property, except exceeding the number of dwelling units in a property which site specific motivation for deviating was submitted.		
Impact on heritage	The proposal will not impact on any heritage resources as the proposal is from an existing building.		
Impact on the biophysical environment	The proposal will not impact on any biophysical environment as the proposal is from an existing building.		
Traffic impacts, parking, access and other transport related considerations	The applicant has provided parking for the proposed use on as indicated on the site plan, therefore sufficient parking is provided.		
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	Section 206 (6) of the Zoning scheme by law indicates that construction of new employee housing units shall be refused where employee housing units on the land unit were, in the past, converted to other land uses, this will be imposed as condition of approval to mitigate adverse impact.		

ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. Applicable MSDF and LSDF's

The proposed development is located outside the urban edge of the Lynedoch node and within the rural area of Lynedoch. The objectives and principles of the Stellenbosch Municipality Spatial Development Framework highlight the following related to the proposed development:

- o Land outside of existing and proposed urban settlements should be used for agricultural production, biodiversity conservation, scenic quality and agri-tourism; intensification of

agriculture, biodiversity conservation and agri-tourism should be promoted in farming areas outside of urban settlements.

- o As far as possible, the consent uses should be undertaken from existing buildings on the property which are no longer utilised for their original purpose, and the Municipality may approve internal alterations and additions to these buildings within the parameters of this Scheme.
- o New buildings may only be approved if the Municipality is satisfied that there are no other suitable unused buildings on the land unit which can be used for this purpose, or where the location or configuration of existing buildings are obviously unsuitable or undesirable for the proposed use, or where the proposed new buildings are significantly more desirable given the purpose of the Agriculture and Rural zone.

The MSDF states that additional dwelling units should be restricted to one (1) unit per 10ha, to a maximum of 5 units: 175m² maximum floor area including garaging and building height of one (1) storey (6.5), the proposal is in conflict with this guideline as the property is 9 ha. Similarly, the Western Cape Land Use Planning Guidelines (Rural Guidelines) also prescribes one (1) additional dwelling unit per 10 ha with a maximum of five (5) additional dwelling units per land unit.

The proposed development is for four (4) tourist dwelling units and deviates from the provisions of the MSDF and Western Cape Guidelines for Rural Areas, 2019. The size of the subject property can only allow two dwelling units on this property i.e. main dwelling and second dwelling. The proposal involves the development of four (4) tourist dwelling units that can accommodate 8 guests (4 bedrooms). However, the rational is to support the use of existing structures which are no longer utilised for their original purpose, rather than to allow the construction of any new buildings/structures on the property. Furthermore, a pre-scrutiny application involved proposed stables and arena as well as future wine cellar, which will boost the agricultural component of the farm.

2. Assessment of comments on application

The internal and external departments supported the proposal except the Department of Agriculture who raised the following concerns:

- o The proposed tourist dwelling units are not subservient to the primary land use.
- o Furthermore, should the agriculture activities on the property be expanded in future requiring bona fide farm labourer's, additional infrastructure will compromise the already constrained agricultural potential of the property.

Section 206 (6) of the Zoning scheme by law indicates that construction of new employee housing units shall be refused where employee housing units on the land unit were, in the past, converted to other land uses. The department's comments are taken into account and will be imposed as conditions of approval, where necessary.

KEY FINDINGS OF PLANNING EVALUATION

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

1. The proposed tourist dwelling units are confined within the existing labourer's cottages with minor alterations thus the agricultural viability of the farm will not be impacted on.
2. The development will not have any negative impact on the surrounding area or wider cultural landscape of Stellenbosch, as the land use of the property will remain agriculture.
3. The proposal will assist to diversify the land uses on the farm without impacting on the existing agricultural activities.
4. The proposed uses are subservient to the agricultural use of the property and surrounding farms.
5. The proposal exceeds the number of dwellings permitted on the property which is 9.2 ha in extent and deviates from the MSDF and the Western Cape land use planning guidelines for rural areas.
6. Site specific motivation was submitted by the applicant.

7. The deviation can be justifiable as the proposed tourist dwelling units are confined within the existing labourer's cottages.

The subject land use and land development application is, having regard to the conclusions above, viewed as inconsistent with the MSDF, however site-specific motivation submitted by the applicant is satisfactory, consequently grounds for the support of the subject land use and land development application.

List relevant plan numbers	Site Development Plan, referenced as drawings No: 100 & C-101, drawn by: Yolandi Vorster Professional Architect, dated 2023/05/16 & 29/11/2022
List annexures to decision	Site Development Plan, referenced as drawings No: 100 & C-101, drawn by: Yolandi Vorster Professional Architect, dated 2023/05/16 & 29/11/2022

RECOMMENDATION

1. That it **BE DECIDED** that the application for Technical Approval on Farm 468/9 Stellenbosch Division to allow tourist dwelling units within the existing four (4) laborers' cottages deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

- 1.1 The proposal exceeds the number of dwelling units prescribed by the MSDF for agricultural properties and thus is in conflict with the spatial planning objectives of the MSDF.

2. That it **BE DECIDED** that the application for Technical Approval on Farm 468/9 Stellenbosch Division to allow tourist dwelling units within the existing four (4) laborers' cottages does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

- 2.1 The proposal will utilise the existing laborer's cottages as approved, and the context of the development is the same as and is subservient to agricultural activities on the farm.

3. That the following application in terms of Section 15 (2)(g) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023) on Farm 468/9 Stellenbosch Division for Additional Use to allow tourist dwelling units within the existing four (4) laborers' cottages,

BE APPROVED in terms of Section 60 of the said Bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

- 4.1 The approval only applies to the proposed 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 Bylaws or Regulations that may be applicable.

- 4.2 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.

- 4.3 The four (4) bedroom tourist dwelling units must be confined within the existing four (4) self-catering units and no new buildings must be constructed.

- 4.4 No employee housing for farmworkers may be developed in the place of the former employee housing units that has been converted to the tourist dwelling units approved in this application, and should the need arise for such employee housing units for farm workers in the future, the existing tourist dwelling units must be converted back to its original use as employee housing units.

- 4.5 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 of R25 000 per dwelling unit (x 4) in accordance with the approved tariffs of Council, which contravention penalty is payable within 30 days from date of the subject approval.
- 4.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
- 4.7 The development be implemented in accordance with the Site Development Plan, referenced as drawings No: 100 & C-101, drawn by: Yolandi Vorster Professional Architect, dated 2023/05/16 & 29/11/2022.
- 4.8 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
5. The **reasons** for the above decision are as follows:
- 5.1 The proposal is in line with the existing land use of the property and will not have a negative impact on the character of the surrounding area.
- 5.2 The proposed uses are subservient to the agricultural use of the property and surrounding farms.
- 5.3 The proposal will assist to diversify the land uses on the farm without impacting on the existing agricultural activities.
6. **Matters to be noted:**
- 6.1 Building plans be approved by the municipality prior to any building work commencing.
- 6.2 No directional signage be erected without the prior approval of the Provincial Roads Engineer and the Municipality.

ANNEXURES

- ANNEXURE A:** Locality Plan
ANNEXURE B: Title Deed
ANNEXURE C: Site Development Plan
ANNEXURE D: Applicant's Motivation & Site specific motivation
ANNEXURE E: Comment from Director: Infrastructure Services
ANNEXURE F: Comment from department of Infrastructure: Road Planning
ANNEXURE G: Western Cape Department of Agriculture

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

Name: Dongine Zondo
 Capacity: Senior Town Planner
 SACPLAN Registration: A/3471
 Signature: [Signature]
 Date: 12/11/24

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

Category / Delegation Item Number: O4
Decision Making Authority: MPT
Rational: Application is inconsistent and deviates from the MSDF.

Name: Shaeri Carstens
 Capacity: Subm
 SACPLAN Registration: A/1551
 Signature: [Signature]
 Date: 13/11/2024

SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR TECHNICAL APPROVAL: FARM 468/9 STELLENBOSCH DIVISION****Administrator to Authorised Official / Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: **29 November 2024**

Name: Chizema Kriel

Capacity: MUNM

Signature: [Signature]

Date: 14.11.2024

ANNEXURE A: LOCALITY PLAN

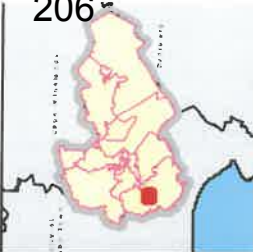
Stellenbosch GIS Map

SCALE

1:9 027,98

Legend

206



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2024/10/31



Author: Stellenbosch Municipality



Stellenbosch Municipality
Street Address:
71 Plain Street, Stellenbosch, 7600
Tel: 021 808 8658

This map is a general overview of the Stellenbosch Municipality and is not intended to be used as a legal document. It is based on the best available data and is subject to change without notice. The map is provided for informational purposes only and does not constitute a guarantee of accuracy or completeness. The map is not to be used for any purpose other than that for which it was intended.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (Switzerland) OpenStreetMap contributors, and the GIS User Community, Stellenbosch Municipality

ANNEXURE B: TITLE DEED

164

C M BARRY & CO
8 GLYNNVILLE TERRACE
GARDENS
CAPE TOWN
8001

Prepared by me

Carroll
CONVEYANCER
CAROL MAY BARRY

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 6 400 000,00	R. 2293,00
Reason for exemption	Category Exemption	Exemption i t o. Sec/Reg. Act/Proc.

VOID MORTGAGED

R 3 400 000,00

B 000018632 / 2019

22 AUG 2019

REGISTRAR OF DEEDS

DATA / VERIFY
23-08-2019
WENDY FANTL

000034681 / 2019
T

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

CAROL MAY BARRY

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said
appearer being duly authorised thereto by a Power of Attorney granted to her by

The Trustees for the time being of VILLERIA TRUST
Registration Number T421/1993

which said Power of Attorney was signed at CAPE TOWN on 27th JUNE,
2019.

DATA / CAPTURE
23-08-2019
ELIZABETH VAN TONDER

dx

And the appearer declared that her said principal had, on 11 March 2019, truly and legally sold by Private Treaty, and that she, the said Appearer, in her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

EAS-PORK CC
Registration Number 2000/066619/23

or its Successors in Title or assigns, in full and free property

REMAINDER PORTION 9 OF THE FARM WELMOED
 ESTATE NUMBER 468
 IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH
 WESTERN CAPE PROVINCE

IN EXTENT 9,2727 (NINE COMMA TWO SEVEN TWO SEVEN)
 Hectares

FIRST TRANSFERRED by Deed of Transfer Number T 5787 dated 10th July, 1930 with Diagram Number A961/1930 relating thereto and held by Deed of Transfer Number T 63105/1994

A. **SUBJECT** to such conditions referred to in Certificate of Amended Title No. 9631 dated 7 July 1920.

B. **SUBJECT FURTHER** to the following special condition contained in Deed of Transfer No. 5787 dated 10 July 1930, namely :

"That the said Rudolph Levin Kramer and his successors in title as owner of that portion of the remainder of the Welmoed Estate marked Lot 4 on the diagram thereof, held under the aforesaid Certificate of Amended Title, No. 9631 and the owner and his successors in title of Lot 5 to be this day transferred to Nicolaas Jacobus Myburgh shall have the right to use the road 20 feet wide marked on the annexed diagram leading to the existing public road to Helderberg, and shall further be entitled to reasonable access to the said Lot 2 hereby transferred for the purpose of constructing, repairing and maintaining such road."

C. **SUBJECT FURTHER** to the conditions contained in Deed of Transfer No. T63105/1994, reading as follows:

By virtue of Notarial Deed of Servitude No. K1139/2009S, dated 4 August 2009 the within property is:





1. Entitled to a pumphouse servitude area measuring 26 square metres indicated by the figure ABCDE on servitude diagram No. SG 3268/2009 ;

and

2. Entitled to a pipeline servitude 3 metres wide and a servitude right of way 3 metres wide, the south eastern boundary of which is indicated by the line FC on servitude diagram No. SG 3268/2009

over Portion 24 of the Farm Welgemoed Estate No. 468 Division Stellenbosch measuring 35,4925 ha, held by Deed of Transfer No. T 61959/2008, with ancillary rights ;

and

3. Subject to a pipeline servitude 1 metre wide, described as follows: The line AB represents the eastern boundary, the line BC represents the north eastern boundary, the line CD represents the south eastern boundary, the line DE represents the north eastern boundary, the line EF represents the northern boundary, the line FG represents the north western boundary, the lines GH, HJ, JK and KL represent the north eastern boundary, the line LM represents the south eastern boundary, the line MN represents the eastern boundary, the line NP represents the north eastern boundary, the line PQ represents the south eastern boundary and the line HR represents the south eastern boundary, on servitude diagram No. SG 3267/2009 ;

and

4. Subject to a pumphouse servitude area measuring 14 square metres indicated by the figure SATUV on servitude diagram No. SG 3267/2009 ;

and

5. Subject to a pumphouse servitude area measuring 24 square metres indicated by the figure WXYZ on servitude diagram No. SG 3267/2009 ;

and

6. Subject to a servitude road 4 metres wide the middle of which is indicated by the curve line A1B1 on servitude diagram No. SG 3267/2009

in favour of Portion 24 of the Farm Welgemoed Estate No. 468 Division Stellenbosch measuring 35,4925 ha, held by Deed of Transfer No. T61959/2008, with ancillary rights.

As will more fully appear from said Notarial Deed.





WHEREFORE the said Appearer, renouncing all rights and title which the said

**The Trustees for the time being of
VILLERIA TRUST
Registration Number T421/1993**

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

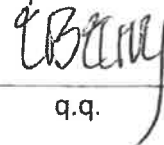
**EAS-PORK CC
Registration Number 2000/066619/23**

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R6 400 000,00 (SIX MILLION FOUR HUNDRED THOUSAND RAND) excluding VAT in the sum of R0,00 (NIL RAND), total consideration paid by the transferee to the transferor being the amount of R6 400 000,00 (SIX MILLION FOUR HUNDRED THOUSAND RAND).

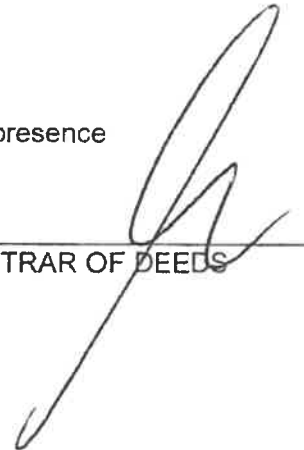
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

22 August 2019


q.q.

In my presence


REGISTRAR OF DEEDS

ANNEXURE C: SITE DEVELOPMENT PLAN

DRAINAGE NOTE
ALL SANITARY FIXINGS, COMPONENTS AND SYSTEMS, INCLUDING SEPTIC TANKS AND FRENCH DRAINS, TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-P AND NON-WATERBORNE MEANS OF SANITARY DISPOSAL TO COMPLY WITH THE REQUIREMENTS OF SANS10400-Q

STORMWATER NOTE
ALL STORMWATER DISPOSAL TO COMPLY WITH THE REQUIREMENTS OF SANS10400-R

SITE LEGEND

	NEW BUILDING FOOTPRINT
	EX. FOOTPRINT
	EX. FOOTPRINT FOR TECHNICAL APPLICATION
	VINEYARD
	GRAVEL ROAD
	GRAZING PADDOCKS
	5m BUILDING LINE
	SETTING OUT POINT
	SITE FALL
	STORMWATER DIRECTION
	NEWTREES

AREA SCHEDULE

EXISTING	
EXISTING LABOUR HOME 01	115m²
Proposed Tourist Dwelling Unit 01	
EXISTING LABOUR HOME 02	115m²
Proposed Tourist Dwelling Unit 02	
EXISTING LABOUR HOME 03	115m²
Proposed Tourist Dwelling Unit 03	
EXISTING LABOUR HOME 04	115m²
Proposed Tourist Dwelling Unit 04	
EXISTING MAIN DWELLING	382m²
NEW COVERED PARKING	65m²
TOTAL EXISTING	822m²
TOTAL COVERAGE	822m²
SITE AREA	92188m² ± 9,2 hectare
COVERAGE	1,1%
FLOOR AREA RATIO	0,01

NOTES

- all work to be in accordance with SANS 10400
 - all materials and workmanship to comply with the relevant S.A.B.S codes and on the specified international codes where applicable in the architectural specifications. Where relevant South African National Standards, British Standards, BS codes of practice, or Agreement Certificates applicable to the design exist, the recommendations and requirements of such documents is to be considered a minimum standard of work.
 - The contractor shall in all aspects of the work comply with the provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and any regulations promulgated in terms of that Act or the Factories Machinery and Building Works Act of 1941.
- GENERAL NOTES**
- vertical dpc's to all changes in floor level where ground level is higher than finished floor level, continuous vertical dpc's to be installed
 - dpc's under all walls and screen walls to be a minimum of 150mm above finished ground level.
 - dpc's under all tiles
 - surface beds to be on approved waterproofing membrane forming a continuous membrane with the dpc's under walk.
- FOR CONSTRUCTION**
- The contractor shall set up, document and maintain a quality assurance and quality control system, in accordance with SANS 9001/ISO 9001, able to be checked to the satisfaction of the architect, the all materials and workmanship, whatever their source, meet the requirements of the specification. Should the contractor or any of his sub-contractors be certified to the SANS 9000 family of standards then monitor these works accordingly.
 - This drawing should be read in conjunction with all relevant drawings, schedules and specifications from the architect and all consultants related to the project. This drawing is not to be scaled. Figured dimensions to be used only. All dimensions are in millimetres, unless stated otherwise.
 - All dimensions and levels to be thoroughly checked on site by the contractor and all or any discrepancies to be reported to the architect immediately before any work is put to hand.
 - The Contractor must obtain the Architects written confirmation of any instructions which involve a variation to the contract before putting that work in hand.
 - All work to be executed by competent persons qualified for the specific trade.
 - This drawing is the sole property of YV Ateljee and may not be reproduced or copied without the owner's written consent.
 - The Architects retain Copyright of this Drawing.

Client
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ruan@easport.co.za | +27 83 324 0344

Yvonne Verduyn / Professional Architect
Member of the South African Council for the Architectural Profession
yverduyn@yvateljee.com | +27 82 6866 781

REVISIONS

Rev	Description	Date
0	COTTAGES COUNCIL SUBMISSION	20230311
1	EERSTEBOSCH SDP	20230424
2	SDP Revised Annotations	20230427
3	SDP Revised - Remove Stables	20230511
4	SDP Revised - Keep only existing	20230516

COUNCIL SUBMISSION

CLIENT	Ruan & Retha Esterhuysen
PROJECT	Esterhuysen Farmstead
DESCRIPTION	PHASE 01: New offices & stables
LOCATION	24 Annandale Rd, Remainder portion 9 of the farm Welmoed Estate no. 468, Lynedoch, Stellenbosch, 7603
DRAWING	Stage 4 AS BUILTS EERSTEBOSCH SITE DEVELOPMENT PLAN

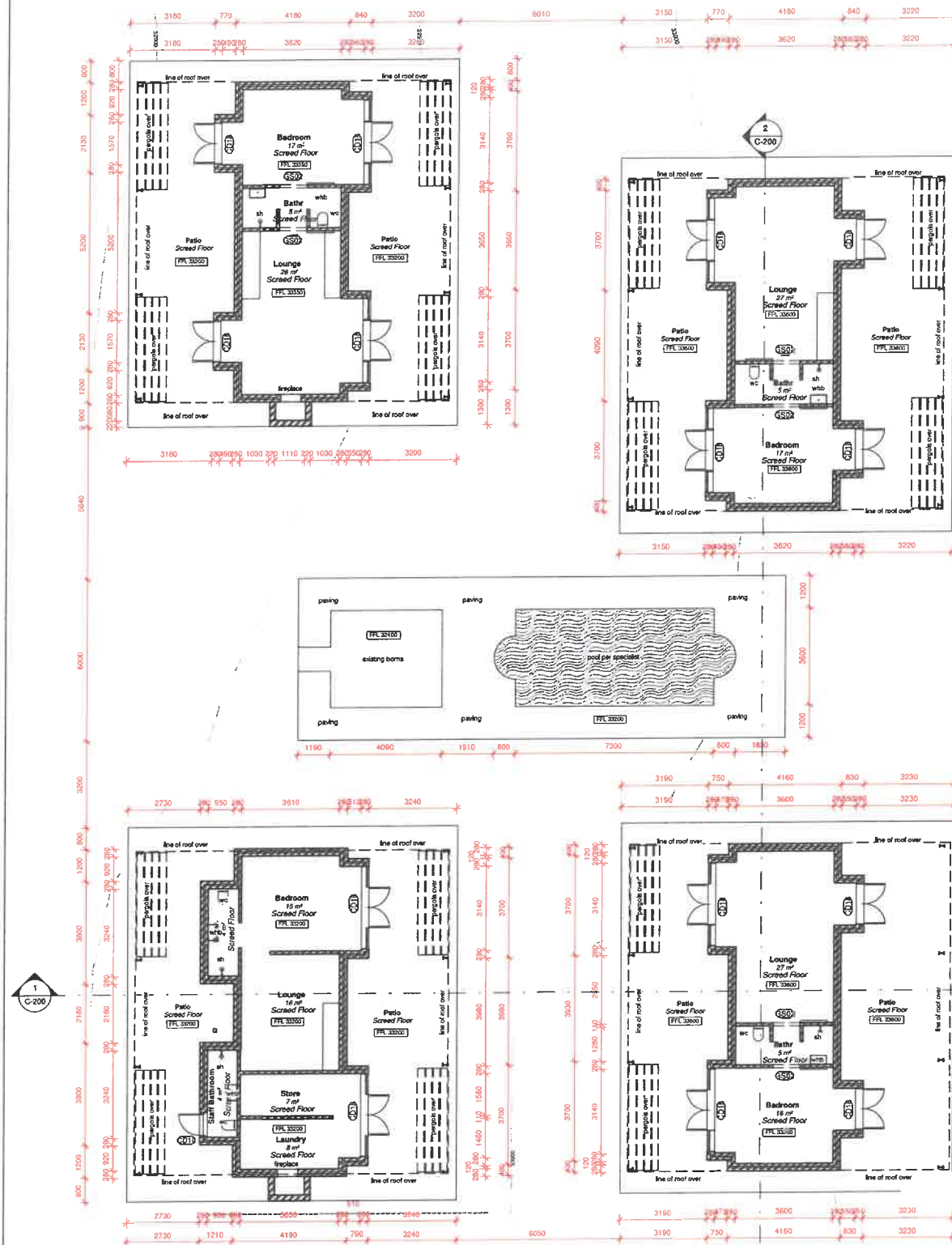
Date	2023/05/16	Drawing No.	
Scale	13:02:10		100
As indicated			
Drawn	YV	Revision	4

YV. ATELJEE

Yvonne Verduyn / Professional Architect
Member of the South African Council for the Architectural Profession
yverduyn@yvateljee.com | +27 82 6866 781



SITE PLAN
1 : 1000



COTTAGES PLANS

1 : 100

SOIL TEST IS THE RESPONSIBILITY OF THE OWNER. STRUCTURAL ENGINEER TO DESIGN FOUNDATIONS ACC. TO THE SOIL TEST. TERMITE PROTECTION IN ACC. WITH SANS 10400-F5 AND SANS 10124.

SITE OPERATIONS NOTE

BEFORE CONSTRUCTION COMMENCES THE BUILDING SITE IS TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-F, THE LOCAL AUTHORITY AND THE HOA RULES.

STORMWATER NOTE

ALL STORMWATER DISPOSAL TO COMPLY WITH THE REQUIREMENTS OF SANS10400-R.

FOUNDATION NOTE

ALL FOUNDATIONS TO BE ACCORDING TO ENGINEERS DESIGN & SPECIFICATIONS. ALL SUCH FOUNDATIONS TO COMPLY WITH SANS10400-B, SANS 10400-G AND SANS 10400-H.

GROUND FILLING NOTE

GROUND FILLING BELOW FLOORS TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-J4.3-4.4.7.

FLOORS ON GROUND OR FILLING

CONCRETE FLOOR SLABS SUPPORTED ON THE GROUND TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-B, SANS 10400-H AND SANS10400-J4.4.

SURFACE BED NOTE

CONCRETE SURFACE BED ON USE GREEN GUNITE MEMBRANE ON FILL COMPACTED IN LAYERS OF 150mm AS PER ENGINEER'S SPECIFICATION. SURFACE BED TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-J4.4.

CAVITY WALL NOTE

CAVITY WALLS TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-K.

WET AREA FLOOR NOTE

FLOORS IN ANY LAUNDRY, KITCHEN, SHOWER ROOMS, BATHROOMS OR ROOMS CONTAINING A WC OR URINAL TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-J4.2.

FIREPLACE NOTE

FIREPLACE TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-T AND SANS 10400-V.

DRAINAGE NOTE

ALL SANITARY FIXTURES, COMPONENTS AND SYSTEMS, INCLUDING SEPTIC TANKS AND FRENCH DRAINS, TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-P AND NON-WATERBORNE MEANS OF SANITARY DISPOSAL TO COMPLY WITH THE REQUIREMENTS OF SANS10400-Q.

GLAZING NOTE

ALL GLAZING AND ITS ASSOCIATED FRAMES AND FIXINGS TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-N, SANS 10400-B AND SANS 10137. GLAZING THICKNESS TO BE IN ACCORDANCE WITH THE TABLES IN SANS 10400-N.

STAIRCASE NOTE

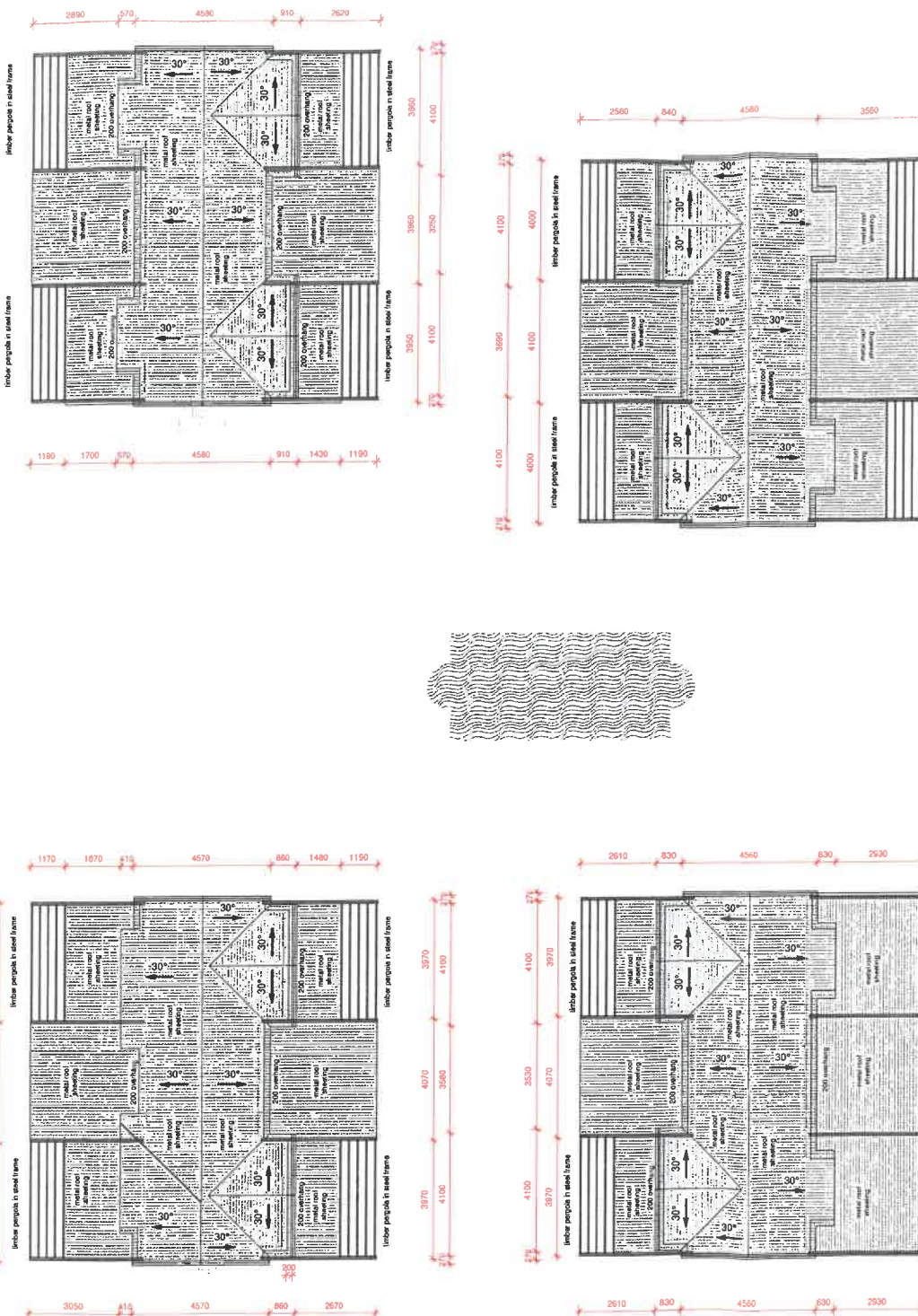
ALL STAIRCASES TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-M, SANS 10400-S4.9 & SANS 10400-D.

CHIMNEY & FLUE NOTE

CHIMNEYS AND FLUE PIPES TO COMPLY WITH THE REQUIREMENTS OF SANS 10400-V2.2 TO 4.4.

COTTAGES ROOF PLAN

1 : 100



NOTES

- all work to be in accordance with SANS 10400
- all materials and workmanship to comply with the relevant S.A.B.S. codes and or the specified international codes when applicable in the architectural specifications. Where relevant South African National Standards, British Standards, BS codes of practice, or Agreement Certificates applicable to the design details, the recommendations and requirements of such documents is to be considered a minimum standard of work.
- The contractor shall in all aspects of the works comply with the provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and any regulations promulgated in terms of that Act or the Factories Machinery and Building Works Act of 1941.

GENERAL NOTES

- vertical dpc's to all changes in floor level
- where ground level is higher than finished floor level, continuous vertical dpc to be installed
- dpc's under all walls and screen walls to be a minimum of 150mm above finished ground level.
- dpc's under all sills
- surface beds to be on approved waterproofing membrane turning a continuous membrane with the dpc's under walls.

FOR CONSTRUCTION

- The contractor shall set up, document and maintain a quality assurance and quality control system. In accordance with SANS 9001/ISO 9001, able to be checked to the satisfaction of the architect, that all materials and workmanship, whatever their sources, meet the requirements of the specification. Should the contractor or any of the sub-contractors be certified to the SANS 9000 family of standards then monitor these works accordingly.
- This drawing should be read in conjunction with all relevant drawings, schedules and specifications from the architect and all consultants related to the project. This drawing is not to be scaled. Figured dimensions to be used only. All dimensions are in millimetres, unless stated otherwise.
- All dimensions and levels to be thoroughly checked on site by the contractor and all or any discrepancies to be reported to the architect immediately before any work is put to hand.
- The Contractor must obtain the Architects written confirmation of any instructions which involve a variation to the contract before putting that work in hand. All work to be executed by competent persons qualified for the specific trade.
- This drawing is the sole property of YV Atejee and may not be reproduced or copied without the owner's written consent.
- The Architects retain Copyright of this Drawing.

REVISIONS

Rev	Description	Date
0	COTTAGES COUNCIL SUBMISSION	780

COUNCIL SUBMISSION

CLIENT	Riaan & Refra Easton
PROJECT	Estates Farmstead
DESCRIPTION	PHASE 01: New offices & stables
LOCATION	24 Annandale Rd, Remainder portion 9 of the farm Wainwood Estate no. 468, Lynedoch, Stellenbosch, 7603

DRAWING Stage 4 COTTAGES PLANS

Date	Drawing No.
2022/11/29	C-101
Scale	
1 : 100	
Drawn	Revision
YV	0

ATELJEE

Yoland Vorster | Professional Architect
MArch(Prof) (University of Pretoria) | PMS126830118
yvorster@ateljee.co.za | +27 82 888 751

**ANNEXURE D: APPLICANT'S MOTIVATION & SITE SPECIFIC
MOTIVATION**

10/04/2023 14:44:13



Physical Address: Bakkershuur
152 Dorp Street
Stellenbosch
7600

M: +27 (0)83 262 4843
E: marike@archtownplanners.co.za
W: www.archtownplanners.co.za

6 April 2023

Per email:

Landuse.Applications@ Stellenbosch.gov.za

Bulelwa.Mdoda@ Stellenbosch.gov.za

Dear Bulelwa

**MOTIVATION REPORT FOR ADDITIONAL USES (TOURIST DWELLING UNITS) ON PORTION 9 OF FARM 468,
LYNEDOCH**

Arch Town Planners (Pty) Ltd has been appointed by the owner Portion 9 of Farm 468, Lyndoch (hereafter referred to as the application site) to prepare and submit the required land use applications to the Stellenbosch Municipality to allow for the use of 4 existing laborer cottages as Tourist dwelling units.

Please find the following documents attached as part of our formal application:

Annexure A: Application Form

Annexure B: Power of Attorney

Annexure C: Title Deed

Annexure D: Proposed Site Development Plan, Layout Plans and Elevation rev 1

1. APPLICATION TO THE STELLENBOSCH MUNICIPALITY

Arch Town Planners (Pty) Ltd hereby officially applies, in terms of Sections 15(2)(g) of the Stellenbosch Municipality Land Use By-Law 2015 (hereafter referred to as 'the By-Law') for the following

- i A **technical approval** to allow for 4 x Tourist Dwelling Units (with a combined total of 4 bedrooms)

This report serves as motivation for the above-mentioned application. The official application form is attached to this report as **Annexure A**.

2. PROPERTY DESCRIPTION

2.1 Ownership Details

Please refer to Table 1 below for a summary of the ownership details

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Portion 9 of Farm 468, Lyndoch	Eas-Pork CC	±9.2ha	T34681/2019	None

Table 1: Ownership details

The company has one active director, AJH Eastes who has authorised *Arch Town Planners (Pty) Ltd* by means of Power of Attorney to prepare and submit this application. Please refer to Annexure B for the signed PoA and confirmation of directors and Annexure C for a copy of the Title Deed.

2.3 Locality, Zoning and Land Use

The farm is situated between Stellenbosch and Eersterivier, south-east of the intersection of Annandale Road and Barden Powell Drive opposite the Lyndoch Railway Station. The Eerste River forms the western boundary of the application site. The farm takes access from a farm access road, linking the farm with the Annandale Road. Please refer to Figures 1 – 3 below for the locality plans.

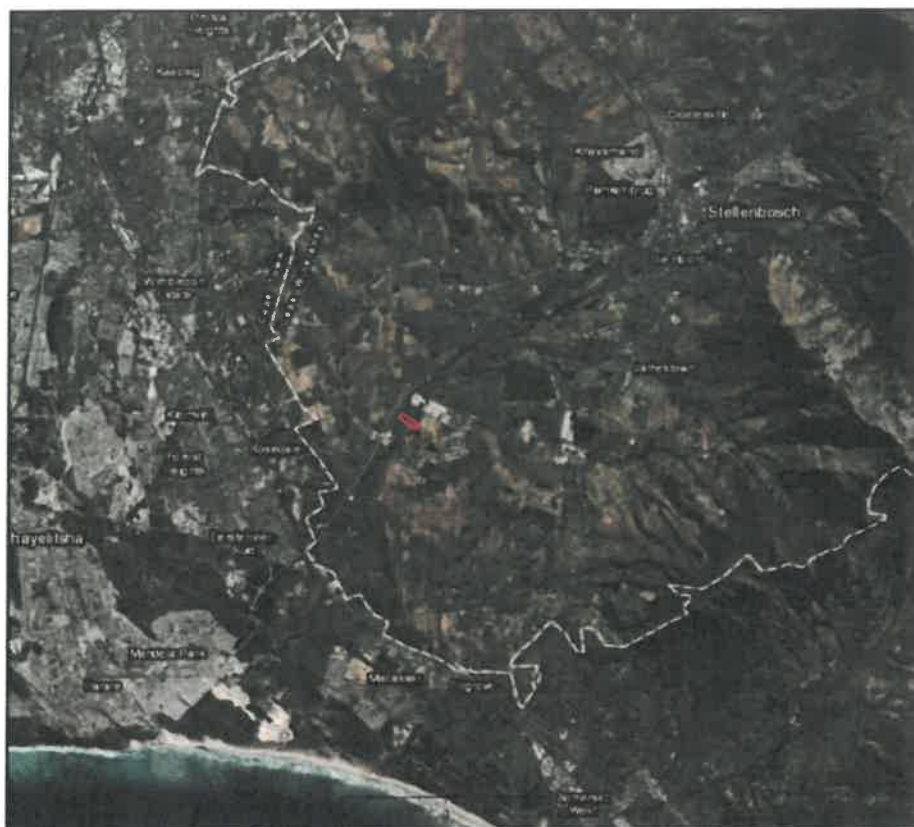


Figure 1: Locality Plan



Figure 2: Locality Plan (aerial view)



Figure 3: Aerial view of Farm 1832

The application site is an active farm, used for agricultural purposes only, the growing of vineyards. Future proposals for the farm include to build stables and a riding arena for the horses, in line with the agriculture zoning of the farm. There are one existing main dwelling house and 4 existing laborer cottages, situated on the eastern boundary of the site, close to the access road. The zoning of the Farm is regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2019. According to the zoning scheme the following land uses are permitted on properties zoned **Agriculture and Rural**:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building ($\leq 2000\text{m}^2$) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel ($\leq 2000\text{m}^2$) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building ($> 2000\text{m}^2$) • Agricultural industry ($< 2000\text{m}^2$) • Bed and breakfast establishment • Employee housing (exceeding one unit) • Guest house • Home day care centre • Home occupation practice • Polytunnel ($\geq 2001\text{m}^2$ and $\leq 5000\text{m}^2$) • Rooftop base telecommunication station • Tourist dwelling units • Tourist facility (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry ($\geq 2000\text{m}^2$) • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use ($> \text{one event/year}$) • Plant nursery • Polytunnel ($> 5000\text{m}^2$) • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

Table 2: Permitted land uses under the Agriculture and Rural Zone

3. DEVELOPMENT PROPOSAL

3.1 Proposed Tourist Dwelling Units

As mentioned above, there are 5 existing buildings on the farm, a newly constructed main dwelling house and 4 existing 1 x bedroom laborer cottages. The laborer cottages have recently been renovated and the intention of this application is to obtain approval to allow for only the cottages 4 cottages to be rented out as tourist dwelling units.

The four laborers' cottages each have 1 bedroom, thus the total combined number of bedrooms are 4, which is allowable as an Additional Use.

Please refer to Annexure D for a copy of the floor plans and SDP, which clearly indicates the layout of the cottages showing the number of bedrooms, access and parking provided.

4. MOTIVATION

As set out under Section 13(5) of the Stellenbosch Zoning Scheme, the purpose of a technical approval is to afford the Municipality an opportunity to assess the application against all parameters of the Zoning Scheme, as well as technical requirements imposed in terms of the other laws, and to evaluate the spatial configuration of the proposal to ensure impacts on external parties are minimized through design

The proposed tourist dwelling units will all be situated within existing buildings and complies with all the building parameters and technical requirements. No other laws or policies are impacted by the proposed tourist dwelling units. The following can be confirmed

- The proposed tourist dwelling units will all be within existing buildings
- The total combined number of bedrooms will be 4.
- The proposed units will in no way have any adverse impact on the surrounding properties or agricultural activities on the farm.
- The proposed units will not result in a loss of agricultural land
- **Tourism is a well-established land use in the Stellenbosch area. There has been a definite shift, post Covid, in agricultural related tourism, where there is a sharp increase in tourist considering farming/nature areas when looking for accommodation. The proposed tourist dwelling units are situated in a beautiful area, with spectacular views over the vineyards and mountains which contributes to the sense of place and unique experience of the accommodation. It is surrounded by popular wine farms with easy access to both Stellenbosch and Somerset West and Cape Town.**
- The proposed tourist dwelling will provide an additional income to the farm, as supported by local, provincial and national policies.

5. CONCLUSION

The proposed tourist dwelling units comply with all the assessment criteria of Stellenbosch Municipality. In light of the above information, Council is respectfully requested to favorably consider the application for the following in terms of the Stellenbosch Municipality Land Use By-Law to allow for the following:

- i A **technical approval** to allow for 4 x Tourist Dwelling Units (with a combined total of 4 bedrooms)

Yours sincerely



Marika Bolz (Director)
Arch Town Planners (Pty) Ltd



Physical Address: Bakkerstraat
152 Deep Street

Stellenbosch, 7600

M: 021 (0)21 480 5832

E: marke@archtownplanners.co.za

W: www.archtownplanners.co.za

7 October 2024

ADDENDUM TO LAND USE APPLICATION: FARM 468/9, STELLENBOSCH (LYNDOCH) – TP252/2023

This addendum addresses the deviation of the current tourist accommodation application on Portion 9 of Farm 468, Lyndoch from the Stellenbosch Municipal Spatial Development Framework (MSDF) as outlined in the "Information Guideline on Tourist Accommodation for Agricultural and Rural Zone Properties" (IG Tourist Accommodation 2024). The application proposes the use of four labourer cottages as tourist dwelling units, which exceeds the permitted number of additional dwelling units according to MSDF requirements.

In accordance with Section 22 of the Spatial Planning and Land Use Management Act (SPLUMA), 2013, this application must now be motivated with a site-specific justification for the requested deviation. Furthermore, the Department of Rural Development and Land Reform (DRDLR) Guideline on the Determination of Site-Specific Circumstances (2021) must be considered for applications that exceed MSDF provisions.

Site-Specific Justification

The subject property, Portion 9 of Farm 468, is an active agricultural property with high scenic value located between Stellenbosch and Eersterivier, near the Eerste River. The property currently has a main dwelling house and four labourer cottages, which have recently been renovated and are proposed to be used as tourist dwelling units. The existing 4 cottages are historical labourers' cottages and, similar to what is happening in the agricultural landscape in the country, small scale farms, situated within close proximity to towns with housing opportunities and amenities for labourers, tend to choose to relocate farm workers to nearby residential areas. These cottages are therefore no longer needed to provide housing for labourers and the existing cottages can be better used for tourist accommodation to provide and additional income, without having any impact on the agricultural land or viability of the farm.

The deviation from the MSDF is driven by the need to enhance the economic viability of the property through agricultural-related tourism, utilizing the existing buildings without expanding the built footprint. Key site-specific factors justifying this proposal include:

1. **Existing Infrastructure:** The property already has four labourer cottages that have recently been renovated. The proposal seeks to utilize these existing cottages for tourist accommodation, thereby minimizing the need for new

construction. No significant changes to the external structures or the rural character of the property are being proposed, as the focus is on internal modifications to accommodate tourists.

2. **Economic Viability:** Tourism is a well-established land use in the Stellenbosch area, and post-COVID, there has been a marked increase in demand for tourist accommodation in agricultural settings. The proposed use of the labourer cottages as tourist units will contribute to the financial sustainability of the farm, supporting both local economic growth and the maintenance of agricultural activities.
3. **Environmental and Agricultural Considerations:** While the property is zoned for agricultural use, the proposed development does not involve the expansion of the property's footprint or the conversion of productive agricultural land. The proposed tourist units are situated within existing buildings and do not pose any adverse impact on the surrounding agricultural activities or the environment. The development respects the environmental integrity of the site and maintains harmony with the surrounding landscape.
4. **Tourism Appeal:** The location of the farm, surrounded by vineyards and offering beautiful views, makes it highly appealing for tourism purposes. Increasing the accommodation capacity will enhance the tourism potential of the region, contributing to regional development goals as outlined in the MSDF and Western Cape Rural Guidelines.

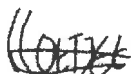
Compliance with SPLUMA and DRDLR Guidelines

In compliance with Section 22 of SPLUMA and the DRDLR Guideline on Site-Specific Circumstances, the following factors justify the departure from the MSDF:

- **Unique Circumstances:** The proposed development is uniquely suited to this property, given its existing infrastructure, high tourism potential, and the fact that it does not impact active agricultural use.
- **No Significant Impact on Spatial Planning:** The proposal involves the use of existing buildings without expanding the built footprint, which ensures that there is no significant impact on the overall spatial planning and that the development remains consistent with sustainable tourism goals.
- **Contribution to Local Economy:** The proposed development supports the local economy by enhancing the tourism offering in the area. This aligns with the MSDF's broader objectives of rural economic stimulation and sustainable land use.

Based on the site-specific circumstances outlined above, the proposed deviation from the MSDF is justified. The application does not significantly alter the rural nature of the property or surrounding area, and it is expected to contribute positively to the local economy. As such, we request that this application be considered favourably under Section 22 of SPLUMA, with due consideration given to the guidelines provided by the DRDLR.

Your Sincerely



Carlien Coetzee (C/9982/2024)
For Arch Town Planners (Pty) Ltd

**ANNEXURE E: COMMENT FROM DIRECTOR:
INFRASTRUCTURE SERVICES**



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

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:	03 September 2024
Our Ref ▫ Ons Verw:	Civil LU 2632
Town Planning Ref:	LU/15774
Re ▫ Insake:	Farm 468/9, Stellenbosch: Application for Technical Approval in terms of section 15(2)(g) of the Stellenbosch Municipal Land Use Planning By-law, 2023 to allow for the use of four (4) existing laborer cottages as tourist dwelling units on Farm 468/9, Stellenbosch Division.

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

1. Water

1.1 The development must use the existing municipal water connection.

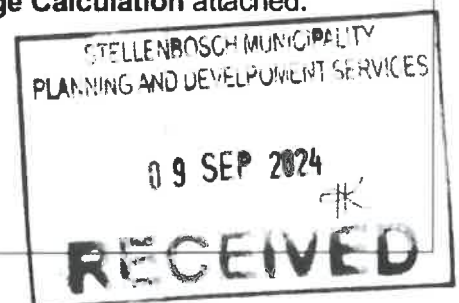
2. Sewer

2.1 The development is connected to an existing conservancy tank.

3. Development Charges (DCs)

3.1 The following DC's are payable. See Development Charge Calculation attached.

FILE NO.	ING POST
F 468/9 CB	



- 3.2 The DC's were calculated by using the 2024/2025 tariff structure. If DC's are paid after 30 June 2025 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 3.3 The appropriate DC's are payable before the facility is put to its approved use.



Ilze Fillies
Principal Technician: Development (Infrastructure Services)

N:\2.0 DEVELOPMENT\01 Land Use applications\2632 (IF) Farm 489-9 Stellenbosch (LU-15774)\2632 Farm 489-9 Stellenbosch (LU-15774) - Copy.doc





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number	2832 (IF) Farm 468-9 Stellenbosch (LU-151774)
Development Name	
Date	04 September 2024
Financial Year	2024/2025
Erf Location (Select from 7 Locations)	Stellenbosch Town
Erf Region (Select Urban or Rural)	Rural
Erf No. / Farm No.	Farm 468 portion 9
DC Parameters Reference	Motivation report for additional uses on portion 9 of farm 468 Lynedoch

SUMMARY OF DC CALCULATION									
Service	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s)	kl/day	kl/day	ha°C	kl/week	trips/day		persons		
Total Increased Services Usage	0.88	0.72	0.016	0.06	8		4		
Total Service Usage Reduction	0	0	0	0	4.0		0		
Total Service Usage after Reduction	0.88	0.72	0.01600	0.060	4.0		4		
Charges before adjusting for positive only, before Deductions	R 28 983.68	R -	R -	R 6 168.00	R 50 744.27	R 85 895.96	R 16 217.25	R 102 113.21	
Charges adjusted for positive only, before Deductions	R 28 983.68	R -	R -	R 6 168.00	R 50 744.27	R 85 895.96	R 16 217.25	R 102 113.21	
Total Deductions	R -	R -	R -	R -	R 25 372.14	R 25 372.14	R -	R 25 372.14	
Total Development Charges Payable (excluding VAT)	R 28 983.68	R -	R -	R 6 168.00	R 25 372.14	R 60 523.82	R 16 217.25	R 76 741.07	
VAT	R 4 347.55	R -	R -	R 925.20	R 3 805.82	R 9 078.57	R 2 432.59	R 11 511.16	
Total Development Charges Payable (including VAT)	R 33 331.23	R -	R -	R 7 093.20	R 29 177.96	R 69 602.39	R 18 649.84	R 88 252.23	

APPLICANT INFORMATION	
Application Processed by	Iziz Filles
Signature	
Notes	

米

Stellenbosch Town

Land Use Category	Land Type	Existing Usage		Proposed Use Usage		Development Charge		Water	Sewer	Stormwater	Solid Waste		Roads & Transport		Sub-Total (Grand Engineering)	Community	Total
		Area (m ²)	Area (m ²)	Area (m ²)	Area (m ²)	Amount	Result	Yes	No	No	Yes	No	Yes	No			
Residential	Single Residential >100m ²	du				0		R	-	R	-	R	-	-	R	-	-
	Single Residential <100m ²	du				0		R	-	R	-	R	-	-	R	-	-
	Single Residential >750m ²	du				0		R	-	R	-	R	-	-	R	-	-
	Single Residential <250m ²	du				0		R	-	R	-	R	-	-	R	-	-
	Second Dwelling	du				0		R	-	R	-	R	-	-	R	-	-
	Less Formal Residential	du				0		R	-	R	-	R	-	-	R	-	-
	Group Residential	du				0		R	-	R	-	R	-	-	R	-	-
	Apartment	du				0		R	-	R	-	R	-	-	R	-	-
	Retirement Village	du				0		R	-	R	-	R	-	-	R	-	-
	Old age home	du				0		R	-	R	-	R	-	-	R	-	-
Accommodation	Student Accommodation/Communal/Hostels	rooms				0		R	-	R	-	R	-	-	R	-	-
	Guest House	rooms				0		R	-	R	-	R	-	-	R	-	-
	Converted Guest House	rooms				0		R	-	R	-	R	-	-	R	-	-
	Hotel Residential	rooms				0		R	-	R	-	R	-	-	R	-	-
	General Buildings	m ² GLA				0		R	-	R	-	R	-	-	R	-	-
	Office	m ² GLA				0		R	-	R	-	R	-	-	R	-	-
	Warehouse	m ² GLA				0		R	-	R	-	R	-	-	R	-	-
	Restaurant	m ² GLA				0		R	-	R	-	R	-	-	R	-	-
	Dubious Function / Party Area	persons				0		R	-	R	-	R	-	-	R	-	-
	Conference Facility/Place of assembly	m ² GLA				0		R	-	R	-	R	-	-	R	-	-
Industrial	Industrial/Chemical/Ramona	m ² GLA				0		R	-	R	-	R	-	-	R	-	-
	University/College	student				0		R	-	R	-	R	-	-	R	-	-
	School/Day Care	student				0		R	-	R	-	R	-	-	R	-	-
	Industrial - light	m ² GLA				0		R	-	R	-	R	-	-	R	-	-
	Industrial - heavy	m ² GLA				0		R	-	R	-	R	-	-	R	-	-
	Warehousing/Light Manufacturing	m ² GLA				0		R	-	R	-	R	-	-	R	-	-
	Storage facilities	unit				0		R	-	R	-	R	-	-	R	-	-
	Open Space/Natural Environment/Lab Site	ha				0		R	-	R	-	R	-	-	R	-	-
	Roads and Parking	ha				0		R	-	R	-	R	-	-	R	-	-
	To be calculated	n/a				0		R	-	R	-	R	-	-	R	-	-
Other	Based on equivalent demands	n/a				0		R	-	R	-	R	-	-	R	-	-
	Total Area																

Development Charges	Charges before adjusting for positive only before Deductions	R	26 983.68	R	-	R	-	R	-	R	-	R	-	-	R	-	162 113.21
	Charges adjusted for positive only, before Deductions	R	26 983.68	R	-	R	-	R	-	R	-	R	-	-	R	-	162 113.21
Total	Deductions per service - from usage reductions	R	-	R	-	R	-	R	-	R	-	R	-	-	R	-	35 372.14
	Deduction Deductions	R	-	R	-	R	-	R	-	R	-	R	-	-	R	-	35 372.14
Total	Additional Deductions per service - from Service Agreement sum	R	-	R	-	R	-	R	-	R	-	R	-	-	R	-	-
	Sub Total after Adjustments and Deductions (excluding VAT)	R	26 983.68	R	-	R	-	R	-	R	-	R	-	-	R	-	162 113.21
Total	VAT	R	4 347.55	R	-	R	-	R	-	R	-	R	-	-	R	-	11 511.16
	Total Development Charges	R	31 331.23	R	-	R	-	R	-	R	-	R	-	-	R	-	173 624.37

ANNEXURE F: COMMENT FROM DEPARTMENT OF
INFRASTRUCTURE: ROAD PLANNING



**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-25/491 (Job 30725)

The Municipal Manager
Municipality
PO Box 17
STELLENBOSCH
7599

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

15 JAN 2024

RECEIVED

Attention: Mr U von Molendorff

Dear Sir

PORTION 9 FARM 468, STELLENBOSCH: DIVISIONAL ROAD DR1050: APPLICATION FOR TECHNICAL APPROVAL (TOURIST DWELLING UNITS)

1. The following refer:
 - 1.1. Your email dated 20 November 2023 containing the application prepared by Arch Town Planners dated 6 April 2023; and
 - 1.2. A site visit conducted on 7 December 2023.
2. The application entails the following:
 - 2.1. To allow for the use of four (4) existing labourer cottages as Tourist Dwelling Units (with a combined total of 4 bedrooms).
3. Divisional Road DR1050 (Annandale Road) is affected at $\pm$ km0.73 right hand side. The old access was closed and relocated by this Branch directly opposite Limberlost access ($\pm$ km0.73 left hand side) during the reconstruction of DR1050. The new access adheres to the geometric, surfacing, and spacing requirements of this Branch.
4. During the site visit conducted on 7 December 2023 it was observed that the 4 units were already constructed and being utilised.
5. Notwithstanding the fact that this is a retrospective application, this Branch offers an unconditional no objection to the above application for Technical Approval on Portion 9 Farm 468, Stellenbosch.

FILE NR:

F 468/95

SCAN NR:

COLLABORATOR NR:

261698

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 13 DECEMBER 2023

DOI/CFS/RP/LUD/REZ/SUB-25/491 (Job 30725)

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2. Arch Town Planners
Attention: Me M Bolz (e-mail: marike@archtownplanners.co.za)
3. Mr SW Carstens (e-mail)
4. Mr B du Preez (e-mail)

ANNEXURE G: WESTERN CAPE DEPARTMENT OF
AGRICULTURE



**Western Cape
Government**

Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/6/364
YOUR REFERENCE : LU/15774
ENQUIRIES : Cor van der Walt

Stellenbosch Municipality
Email: Bulelwa.Mdoda@stellenbosch.gov.za

Att: B Mdoda

APPLICATION FOR TECHNICAL APPROVAL: DIVISION STELLENBOSCH

PORTION 9 OF THE FARM NO 468

Your application of 20 November 2023 has reference.

Application is made for a technical approval for the use of four existing labourer's cottages as tourist dwelling units.

The subject property measures 9.2ha in extent and the land use remains predominantly agricultural, with 2.8ha of vineyards and future proposals to build stables and a riding arena for horses.

Although the applicant alleges that the guest cottages constitute recently renovated labourer's cottages, historical aerial imagery does not show labourer's cottages in this position and clarity will need to be obtained as to whether the buildings are legal, as required in terms of the zoning scheme.

That being said, the Western Cape Department of Agriculture (WCDoA) relies on the recommendations as contained in the Western Cape Land Use Planning Guidelines for Rural Areas (2019) in the assessment of applications, which encourage the establishment of ancillary on-farm activities such as tourist and recreational facilities that are of an appropriate form and scale and facilitate diversification and 'value-add'.

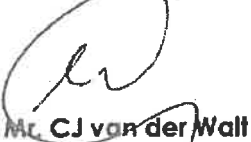
The principle remains that any additional land uses should remain subservient to the agricultural use of the property in order to preserve the rural character and protect agricultural land.

Given the limited extent of agricultural activities on the farm, it is held that the tourist dwelling units are not subservient to the primary land use and are, therefore, not supported by the WCDoA. A further concern is that should the agricultural activities on the property be expanded in future requiring bona fide farm labourers, additional infrastructure will compromise the already constrained agricultural potential of the property.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-02-09

Copy:

Arch Town Planners
152 Dorp Street
STELLENBOSCH
7600