

NOTICE OF LAND DEVELOPMENT APPLICATION
CONSENT USE: PORTION 4 OF THE FARM NOOITGEDACHT NR 78, DEVON VALLEY, STELLENBOSCH

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

Application Property Address : Devon Valley Hotel, Devon Valley Road, Devon Valley, Stellenbosch
Application Property Number : Portion 4 of the Farm Nooitgedacht Nr 78
Applicant : Plan 4 SA (Pty) Ltd represented by Mr Martin Jonker,
E: martinj@plan4sa.co.za,
T: 084-410-6132.
Owner : Stellenbosch Valley Estates & Vineyards (Pty) Ltd (Name changed in
2018 from Louis Group Hotels S A (Pty) Ltd),
E: executives@hsl-sp.com (Mr Alan Louis), and
E: calvyn@hsl-sa.com (Mr Calvyn Louis),
T: 082-335-4018 (Alan Louis), and
T: 082-789-9048 (Calvyn Louis).
Application Reference : TP1307/2025

DESCRIPTION OF LAND DEVELOPMENT PROPOSAL:

The application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 for Consent Use to expand the existing tourist accommodation establishment by adding ten (10) non-self-catering bedroom suites / chalets on Portion 4 of Farm 78, Stellenbosch Division.

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

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: **Mr Martin Jonker (Plan 4 SA (Pty) Ltd);** martinj@plan4sa.co.za OR martinjonker@absamail.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **28 NOVEMBER 2025**. The Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date. For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **084-410-6132** during the following office hours: **Mondays to Fridays, 09h00 to 17h00.**

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK:
TOESTEMMINGSGEBRUIK: GEDEELTE 4 VAN DIE PLAAS NOOITGEDACHT NR 78, DEVON VALLEY, STELLENBOSCH

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

Aansoek Eiendom Adres : Devon Valley Hotel, Devon Valley Road, Devon Valley, Stellenbosch
Aansoek Eiendom Beskrywing : Gedeelte 4 van die Plaas Nooitgedacht Nr 78
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Aansoek Verwysing : TP1307/2025

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Aansoek word gedoen in terme van Artikel 15(2)(o) van die Stellenbosch Munisipaliteit: Verordeninge op Grondgebruik Beplanning, 2023 vir 'n Toestemmingsgebruik om die bestaande toeriste-akkommodasie-onderneming uit te brei deur die byvoeging van tien (10) addisionele nie-selfsorg slaapkamer suites / chalets op Gedeelte 4 van Plaas Nr 78, Afdeling Stellenbosch.

Kennis word hiermee gegee in terme van die voorskrifte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydspan van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, moet die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: **Mnr Martin Jonker (Plan 4 SA (Pty) Ltd)**, martinj@plan4sa.co.za OF martinjonker@absamail.co.za. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

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Portion 4 of the Farm Nooitgedacht Nr 78

**OBTAIN LAND USE / DEVELOPMENT RIGHTS FOR
ADDITIONAL NON-SELF-CATERING BEDROOM SUITES /
CHALETS FOR THE LICENSED HOTEL KNOWN AS DEVON
VALLEY HOTEL**

PLANNING MOTIVATION

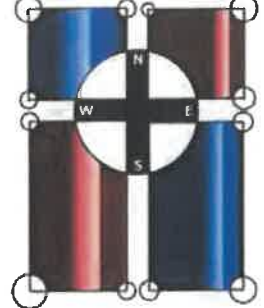
PREPARED FOR



CONTACT

Mr Calvyn Louis
Email: calvyn@hsl-sa.com

PLAN 4 SA



www.plan4sa.co.za

POSTAL ADDRESS

PO Box 1152,
Cape Gate,
7562

CONTROL SHEET

PARTIES TO THE CONTRACT / SERVICE LEVEL AGREEMENT

CLIENT	: DEVON VALLEY HOTEL
Client Contact Person	: Mr Calvyn Louis
Client Tel	: 021-865-2012
Client Cell	: 082-789-9048
Client Email	: calvyn@hsl-sa.com
Tender / Quote Number	: N/A
Project Name	: Devon Valley Hotel
TOWN PLANNING CONSULTANT	: Plan 4 SA (Pty) Ltd
Consultant Project Manager	: Martin Jonker
Consultant Email	: martinj@plan4sa.co.za
Consultant Mobile	: 084-410-6132
Consultant Project Number	: 24P008
SUB-CONSULTANTS	: None
OTHER CONSULTANTS	: Chris de Hart Architects : FBV Professional Land Surveyors : BSI Consult (Civil & Structural Engineering) : DSV Consulting Engineers (Electrical Engineering) : UDS Africa Consulting Engineers & Project Managers

REPORT

REPORT NAME	: PLANNING MOTIVATION
Report Date	: 5 August 2025
Prepared By	: Martin Jonker

REPORT REVISIONS

REVISION NR	DATE	DESCRIPTION
Rev 01		

TABLE OF CONTENTS

1. INTRODUCTION	4
2. PROPERTY INFORMATION.....	6
2.1 SUMMARY	6
2.2 TOPOGRAPHY	9
2.3 EXISTING ZONING.....	11
2.4 EXISTING LAND USES.....	12
3. LAND USE APPLICATION(S)	17
3.1 APPLICABLE BY-LAW, ZONING SCHEME & OVERLAY ZONES.....	17
3.2 PURPOSE OF THIS APPLICATION	17
3.3 TYPES OF LAND USE APPLICATIONS	17
3.4 NATIONAL AND PROVINCIAL LEGISLATIVE TRIGGERS	18
4. PROPOSAL DETAIL	28
4.1 PROPOSED SITE LAYOUT PLAN.....	28
4.2 PROPOSED CHALETs / BEDROOM SUITES (NON-SELF-CATERING)	28
4.3 PROPOSED ENGINEERING SERVICES	40
4.4 PROPOSED ROAD ACCESS	41
4.5 PROPOSED DROP-OFF ZONE.....	42
4.6 PROPOSED DEVELOPMENT PARAMETERS	44
5. MOTIVATION / DESIRABILITY.....	46
5.1 CONSISTENCY WITH SPLUMA (ACT 16 OF 2013) AND LUPA (ACT 3 OF 2014) DEVELOPMENT PRINCIPLES 46	
5.2 CONSISTENCY WITH OTHER PROVINCIAL DEVELOPMENT PRINCIPLES, POLICIES AND GUIDELINES	50
5.2.1 WESTERN CAPE LAND USE PLANNING GUIDELINES, RURAL AREAS (MARCH 2019).....	50
5.2.2 WC PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF), 2014.....	50
5.3 CONSISTENCY WITH MUNICIPAL SDF.....	51
5.4 SITE SPECIFIC CIRCUMSTANCES	54
5.5 IMPLICATIONS / IMPACT	56
6. CONCLUSION & RECOMMENDATIONS	66

LIST OF TABLES

TABLE 1: PROPERTY INFORMATION	6
TABLE 2: EXISTING ZONING AND LAND USE RIGHTS	12
TABLE 3: BUILDINGS INFORMATION.....	12
TABLE 4: SPLUMA (ACT 16 OF 2013) TRIGGERS.....	18
TABLE 5: OTHER NATIONAL LEGISLATIVE TRIGGERS	19
TABLE 6: PROVINCIAL LEGISLATIVE TRIGGERS	23
TABLE 7: PROPOSED DEVELOPMENT PARAMETERS	44
TABLE 8: EXISTING COVERAGE	44
TABLE 9: ONSITE PARKING	45
TABLE 10: SPLUMA (ACT 16 OF 2013) AND LUPA (ACT 3 OF 2014) DEVELOPMENT PRINCIPLES	46
TABLE 11: CONFORMATION TEST TO THE DEFINITION OF “DWELLING UNIT”	54
TABLE 12: IMPACT OF THE LAND USE	56
TABLE 13: CHECKLIST IN SUPPORT OF DECISION-MAKING	60

LIST OF EXTRACTS

EXTRACT 1: TOPOGRAPHIC SURVEY (SOURCE: FBV)	10
EXTRACT 2: ZONING MAP (SOURCE: STELLENBOSCH ZONING SCHEME BY-LAW, 2024)	11
EXTRACT 3: SITE LAYOUT PLAN FOR PORTION 4 OF FARM 78.....	28
EXTRACT 4: ZONING SCHEME BY-LAW DEFINITIONS	31
EXTRACT 5: LOCATION OF THE PROPOSED NEW NON-SELF-CATERING BEDROOM SUITES / CHALETS ON PORTION 4 OF FARM 78	32
EXTRACT 6: FLOOR PLANS FOR THE PROPOSED NEW CHALETS ON PORTION 4 OF FARM 78	33
EXTRACT 7: PROPOSED NEW DROP-OFF ZONE FOR CHALETS ON PORTION 4 OF FARM 78.....	43
EXTRACT 8: STELLENBOSCH SDF (2023, PAGE 68)	51
EXTRACT 9: STELLENBOSCH FRAMEWORK (2023, PAGE 73)	52
EXTRACT 10: ZONING SCHEME BY-LAW DEFINITION OF “DWELLING UNIT”	54
EXTRACT 11: ZONING SCHEME BY-LAW DEFINITION OF “HOTEL”	55
EXTRACT 12: WESTERN CAPE BIODIVERSITY SPATIAL PLAN (2017)	57

LIST OF PHOTOS

PHOTO 1: LAND USES ON PORTION 4 OF FARM 78 (SOURCE: GOOGLE EARTH)	16
PHOTO 2: 3D IMAGES OF THE EXTERIOR OF THE PROPOSED CHALETS (SOURCE: CHRIS DE HART ARCHITECTS)	36
PHOTO 3: 3D IMAGES OF THE INTERIOR OF THE PROPOSED CHALETS (SOURCE: CHRIS DE HART ARCHITECTS)	40
PHOTO 4: EXISTING ACCESS FROM DEVON VALLEY ROAD.....	42

LIST OF IMAGES

IMAGE 1: LOCATION OF THE SUBJECT PROPERTY	5
IMAGE 2: ELEVATION PROFILE (SOURCE: GOOGLE EARTH).....	9
IMAGE 3: EXISTING LAND USES ON THE SUBJECT PROPERTY (SOURCE: GOOGLE EARTH)	13

LIST OF ANNEXURES TO THE LUA FORM

ANNEXURE 1: PLANNING MOTIVATION
ANNEXURE 2: LOCALITY PLAN
ANNEXURE 3: LAYOUT PLAN
ANNEXURE 4: POWER OF ATTORNEY
ANNEXURE 5: SG DIAGRAMS
ANNEXURE 6: TITLE DEEDS
ANNEXURE 7: ZONING CERTIFICATE
ANNEXURE 8: ENGINEERING REPORTS
ANNEXURE 9: TOPOGRAPHICAL SURVEY
ANNEXURE 10: LAND CLAIMS
ANNEXURE 11: PRE-SUBMISSION FEEDBACK

1. INTRODUCTION

Devon Valley Hotel (4 star) is located approximately 8.6km drive northwest of Stellenbosch along Devon Valley Road. The hotel dates back to 1943 and offers fifty (50) rooms, restaurants and facilities for conferences and weddings.

A Locality Map is attached to the land use application as **ANNEXURE 2**. The location of the subject properties is also shown in the images below.

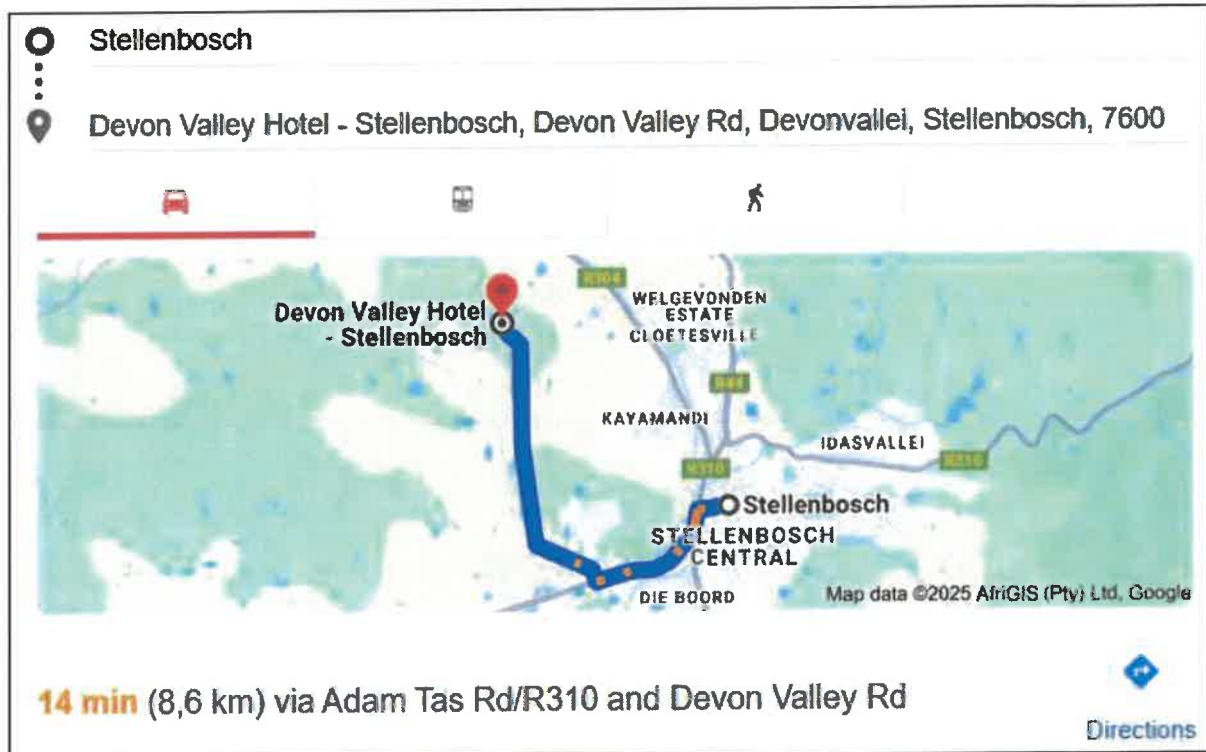




IMAGE 1: LOCATION OF THE SUBJECT PROPERTY

The owner of the property wishes to add 10 new non-self-catering bedroom suites / chalets to the hotel and subsequently appointed **PLAN 4 SA (PTY) LTD** to assist in obtaining land use authorisation for the additional accommodation opportunities for the existing approved hotel on the subject property. The Power of Attorney is attached hereto as **ANNEXURE 4**.

2. PROPERTY INFORMATION

2.1 SUMMARY

Key information on the subject property is summarised in the following table.

TABLE 1: PROPERTY INFORMATION

NU	DESCRIPTION	PROPERTY INFO	COMMENTS
1	Erf/Farm Number	Portion 4 of the Farm Nooitgedacht Nr 78	
2	Allotment	Stellenbosch RD	
3	Town	Stellenbosch	
4	SG Diagrams	SG 10456/47	Refer to ANNEXURE 5
5	Area (m ² /ha)	7.4689ha	
6	Owner	Stellenbosch Valley Estates & Vineyards (Pty) Ltd (Name changed in 2018 from Louis Group Hotels S A (Pty) Ltd)	Refer to ANNEXURE 6
7	Title Deed	T64138/2008	Refer to ANNEXURE 6
7.1	Title Deed Restrictions	There are no conditions in the current title deed that affects or restricts or prohibits the addition of rooms to the existing hotel. It is furthermore assumed that historical title deeds were previously inspected before the Stellenbosch Municipality approved the rights for the existing hotel.	Refer to ANNEXURE 6
8	Bondholder	According to the owner, there is no outstanding bond on the property	
9	Pending Court Cases / Court Orders	According to the owner, there is no pending court cases or court orders that affects this property.	
10	Any 3 rd party conditions (if applicable)	Not applicable	
11	Existing Zoning	According to a Municipal Zoning Certificate dated 12 September 2022, the property is zoned Agriculture and Rural Zone with deemed consent use for a tourist accommodation establishment (a licensed hotel consisting of 50 accommodation rooms. However, in an email from the municipality (Bongiwe Zondo) dated 23 January 2025, it was indicated that: <i>"The farm 78/4 has a split zoning of Agriculture and Rural Zone + Mixed Use zone. You will need to apply for the zoning certificate in order to determine any approvals/land use rights on the property."</i>	Refer to ANNEXURE 7 and the Section below for more detail.
12	Existing Land Use	Licensed hotel known as Devon Valley Hotel. The buildings cover an area of approximately 2,629m ² . Vineyards on approximately 3.2ha of the property. The remainder of the property consists of natural areas, internal roads / circulation areas, garden areas and parking.	Refer to the Section below for more detail.
13	Existing Buildings	Various building as shown on the Site Layout Plan	Refer to the Site Layout Plan contained in ANNEXURE 3

NU	DESCRIPTION	PROPERTY INFO	COMMENTS
14	Unauthorized Land Uses / Buildings	According to the owner, there are no land uses and/or buildings on the property.	
15	Existing Engineering Infrastructure		
15.1	Water	Farm 78/4 has a small diameter, municipal connection to the north of the property that is linked to the Devon Valley Reservoir reticulation network. The hotel and other facilities are currently fed from two boreholes situated on the property. The supply is supplemented by a municipal connection during times of high demand..	Refer to ANNEXURE 8 .
15.2	Sewerage	A 160mm Ø private sewer runs along the southern boundary of the property. The existing Devon Valley Hotel development is connected to this collector sewer that connects to the municipal bulk sewerage system at the south-eastern corner of the property. The municipal bulk sewer runs towards Stellenbosch Wastewater Treatment plant.	Refer to ANNEXURE 8 .
15.3	Electricity	ESKOM supplies electricity in this area. There are two LV Eskom electricity supplies to the resort: <ul style="list-style-type: none"> Electricity Supply 1 – 6679990552: Ruraflex account with NMD (notified maximum demand) of 200kVA supplying the hotel. Electricity Supply 2 - 8818183667: Landrate account with an NMD of 100kVA supplying the manor house. 	Refer to ANNEXURE 8 .
15.4	Refuse Removal	Stellenbosch Municipality currently provides waste removal services to Devon Valley Hotel.	Refer to ANNEXURE 8 .
15.5	Do the subject property(ies) border railway lines, Provincial or National Roads?	DR1069 is a divisional road that runs along the property's southern boundary. It is a Provincial Road proclaimed by Proc 008_1935, 288_2976 and associated RL23-319. The proclaimed road reserve for DR1069 is the statutory (minimum) width of 20m as per Roads Ordinance 19/1976 Section 5. However, if any section of road has been fenced and the width is greater than the said (minimum) width then this can be taken as the road reserve width. If there are no fences, then the road reserve width will be 10m either side of the existing centre line.	
16	Any other restrictions		
16.1	Servitudes	Two (2) x 6.30m wide Right of Way Servitudes exist of which one is located along the southern boundary, and one is located on the eastern boundary of the property.	Refer to the Topographic Survey conducted by FBV Professional Land Surveyors, attached hereto as ANNEXURE 9 .
16.2	Floodlines	Not applicable	
16.3	Topographical	There are no restrictions relevant to this application. Refer to the next section for a short description of the site topography.	Refer to the Topographic Survey conducted by FBV Professional Land Surveyors, attached hereto as ANNEXURE 9 .
16.4	Geotechnical	There are no restrictions relevant to this application.	

NU	DESCRIPTION	PROPERTY INFO	COMMENTS
16.5	Are the subject property(ies) located within 1km of the high watermark of the sea or a tidal river?	No, not applicable.	
17	Are the subject property(ies) located in a Heritage Precinct?	No, not applicable.	
17.1	Are there any structures on the property older than 60 years?	No, not applicable.	
18	Any other circumstances that should be noted?	No, not applicable.	
18.1	Identified as a landslip area?	No, not applicable.	
18.2	Previously utilised for mining purposes?	No, not applicable.	
18.3	Previously utilised as a landfill site?	No, not applicable.	
18.4	Located in a blast zone?	No, not applicable.	
18.5	Located in a pollution zone?	No, not applicable.	
18.6	Located 500m from a cemetery?	No, not applicable.	
18.7	Any land claims registered against the property?	There is no land claims registered against the property.	Refer to ANNEXURE 10

2.2 TOPOGRAPHY

The property has relatively steep slopes of approximately 1:6 (falling 1m vertically for every 6m horizontally). Measured along the approximate center of the existing property (in a northeast to southwest direction) the gradient falls $\pm 36\text{m}$ (from 194m to 158m) over a distance of $\pm 222\text{m}$. The elevation profile is shown on the Google Earth Image below.



IMAGE 2: ELEVATION PROFILE (Source: Google Earth)

The topographic survey done by Messrs FBV is attached hereto as **ANNEXURE 9**. An extract of this survey is shown below.



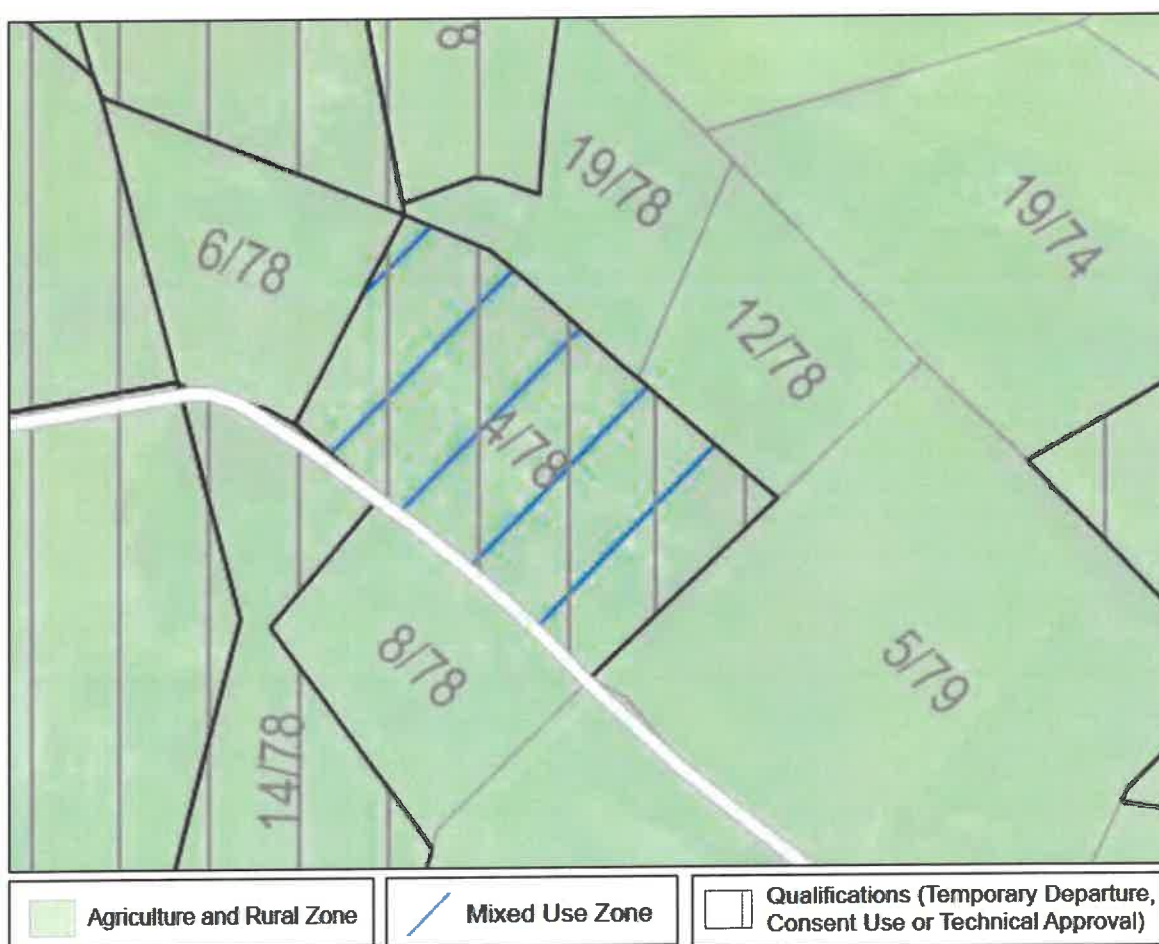
EXTRACT 1: TOPOGRAPHIC SURVEY (Source: FBV)

2.3 EXISTING ZONING

According to a Municipal Zoning Certificate dated 12 September 2022, the property is zoned Agriculture and Rural Zone with deemed consent use for a tourist accommodation establishment (a licensed hotel consisting of 50 accommodation rooms).

The Municipality's 2024 Zoning Map for this area shows that the property has a split zoning (Agriculture and Rural Zone and Mixed-Use Zone) with consent uses. An extract of the aforementioned Zoning Map is shown below. This was confirmed in an email from the municipality (Bongiwe Zondo) dated 23 January 2025, in which it was indicated that: *"The farm 78/4 has a split zoning of Agriculture and Rural Zone + Mixed Use zone. You will need to apply for the zoning certificate in order to determine any approvals/land use rights on the property"*.

An extract of the latest zoning map is shown below.



EXTRACT 2: ZONING MAP (Source: Stellenbosch Zoning Scheme By-Law, 2024)

The Stellenbosch Municipality's Public GIS Viewer provides the following information regarding the zoning and land use rights.

TABLE 2: EXISTING ZONING AND LAND USE RIGHTS

NR	DESCRIPTION	INFORMATION
1	Former Zoning	Agricultural Zone I (AR)
2	Other Land Use Rights	Consent Use
3	Base Zone	Agriculture and Rural Zone (AR)
4	Details of Consent Use	Tourist Accommodation Establishment, Tourist Facilities.
5	Details or Type of Other / Supplementary Approvals 1	Licensed Hotel, 2 x Residential Buildings comprising 20 bedrooms zoned Business Zone 1 (Mixed Use Zone).
6	Details or Type of Other / Supplementary Approvals 2	Consent Use for a Bottle Store (2008-03-27); Consent Use for a Licensed Hotel (2008-03-27); Consent use to construct 2 residential buildings comprising 20 bedrooms zoned for Business Zone I on the property (2008-03-27).
7	Split Zoning 1	Mixed Use Zone

2.4 EXISTING LAND USES

The existing buildings, structures and land uses are shown on the Site Layout Plan (Drawing Number 2449_01 dated 4 March 2025) prepared by Chris de Hart Architects for Portion 4 of Farm 78 which is attached hereto as **ANNEXURE 3**. This is also shown in the table and photos below.

TABLE 3: BUILDINGS INFORMATION

NR	DESIGNATED BUILDINGS	TOTAL ROOMS / UNITS	TOTAL SEATS	TOTAL AREA (m ²)
1	Manor House	7		310
2	Small Shop	1		33
3	Conference House	1	78	278
3.1	A. Conference		8	
3.2	B. Conference		10	
3.3	C. Conference		25	
3.4	D. Conference		35	
4	Small Storage	1		72
5	Staff Bedrooms	3		143
6	Garden Storage Room	1		78
7	Hotel Rooms	3		76
8	Hotel Rooms	10		272
9	Hotel Large Conference	1	110	227

NR	DESIGNATED BUILDINGS	TOTAL ROOMS / UNITS	TOTAL SEATS	TOTAL AREA (m ²)
10	Hotel Restaurant	1		191
11	Hotel Bar Area	1		101
12	Hotel Rooms	10		380
13	Hotel Vineyard Rooms	20		418
14	Offices	1		50
	TOTAL			2629



IMAGE 3: EXISTING LAND USES ON THE SUBJECT PROPERTY (Source: Google Earth)









PHOTO 1: LAND USES ON PORTION 4 OF FARM 78 (Source: Google Earth)

More information can also be found on the Devon Valley Hotel website: <https://devonvalleyhotel.com>.

3. LAND USE APPLICATION(S)

3.1 APPLICABLE BY-LAW, ZONING SCHEME & OVERLAY ZONES

The following by-law and zoning scheme(s) are applicable to this land use application:

- Stellenbosch Municipality: By-Law on Municipal Land Use Planning, 2023 (PG Extraordinary No 8768, dated 9 June 2023)
- Stellenbosch Municipality: Zoning Scheme By-Law, 2019 (as amended by Council on 24 May 2023, 29 September 2023 and 30 July 2024) (PG Extraordinary No 8991, dated 4 October 2024)

3.2 PURPOSE OF THIS APPLICATION

The purpose of this application is to obtain consent from the Stellenbosch Municipality for the addition of 10 new non-self-catering bedroom suites / chalets to the existing Devon Valley Hotel.

3.3 TYPES OF LAND USE APPLICATIONS

In pursuance of the purpose/objective stated above, application is made, and authorisation is sought for the following:

- Consent, in terms of Section 15(2)(o) of the Stellenbosch Municipality: By-Law on Municipal Land Use Planning, 2023 (as amended) for the addition of 10 non-self-catering bedroom suites / chalets for the Devon Valley Hotel located on Portion 4 of Farm 78.

3.4 NATIONAL AND PROVINCIAL LEGISLATIVE TRIGGERS

The following tables indicate whether the proposed land use triggers any approvals required in terms of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013.

TABLE 4: SPLUMA (Act 16 of 2013) TRIGGERS

APPLICABLE SECTIONS OF SPLUMA	TRIGGERED (YES / NO or N/A)	COMMENTS
Status of spatial development frameworks S22(1) 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	No	This land use application is not inconsistent with the municipal SDF.
S22(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 the provisions of such municipal spatial development framework.	No	N/A to this land use application
Development application affecting national interest S52.(1) Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), a land development application must be referred to the Minister where such an application <u>materially impacts</u> on – (a) matters within the exclusive functional area of the national sphere in terms of the Constitution; (b) strategic national policy objectives, principles or priorities, including food security, international relations and co-operation, defence and economic unity; or (c) land use for a purpose which falls within the functional area of the national sphere of government.	No	N/A to this land use application

APPLICABLE SECTIONS OF SPLUMA	TRIGGERED (YES / NO or N/A)	COMMENTS
<p>S52.(2)</p> <p>A land development application must be referred to the Minister where the outcome of the application –</p> <p>(a) may be prejudicial to the economic, health or security interests of one or more provinces or the Republic as a whole; or</p> <p>(b) may impede the effective performance of the functions by one or more municipalities or provinces relating to matters within their functional area of legislative competence.</p>	No	N/A to this land use application
<p>S52.(3)</p> <p>Where an applicant believes that his or her application is likely to affect the national interest, he or she must submit a copy of that application to the Minister.</p>	No	N/A to this land use application

The following table indicates whether any other national legislation is triggered by the proposed change in land use.

TABLE 5: OTHER NATIONAL LEGISLATIVE TRIGGERS

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO or N/A)	COMMENTS
National Heritage Resource Act, 1999 (Act 25 of 1999)	Sections that trigger the need to submit a Notification of Intent to Develop (NID)		
	S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length	No	N/A to this land use application
	S38(1)(b) Construction of a bridge or similar structure exceeding 50m in length	No	N/A to this land use application

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO or N/A)	COMMENTS
	S38(1)(c) Any development or activity that will change the character of a site – <ul style="list-style-type: none"> i. Exceeding 5,000m² in extent; or ii. Involving three or more existing erven or subdivisions thereof; or iii. Involving three or more divisions thereof which have been consolidated within the past five years. 	No	N/A to this land use application
	S38(1)(d) Rezoning of a site exceeding 10,000m ² in extent.	No	N/A to this land use application
	S38(1)(e) Any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.	No	N/A to this land use application. The property is not located in any known Heritage precinct. According to the Devon Valley Hotel website <i>"This charming Stellenbosch Hotel is well-known for its authentic 'handmade hospitality', with a history dating back to 1943 when the main building was constructed from Canadian Cedarwood"</i> . The main building is therefore older than 60-years. However, no alterations or additions are proposed to any of the existing buildings (including buildings older than 60-years) on the property. This proposed land use therefore does not trigger Section 38(1) of the National Heritage Resource Act, 1999 (Act 25 of 1999).

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO or N/A)	COMMENTS
National Environmental Management Act, 1998 (Act 107 of 1998); EIA Regulations, 2014 (GN No. R. 982, R. 983, R.984 and R.985), as amended (amended 7 April 2017)	Listing Notice 1 of 2014 (as amended 7 April 2017) Listing Notice 2 of 2014 (as amended 7 April 2017) Listing Notice 3 of 2014 (as amended 7 April 2017)	No	To the best of our knowledge, this legislation is not triggered by this land use application.
National Environmental Management: Biodiversity Act (Act No. 10 of 2004) list of ecosystems that are threatened and in need of protection, (G 34809, GN 1002), 9 December 2011	Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – will trigger Activity 30 on EIA Listing Notice 1 of 2014 (as amended 7 April 2017). List of Threatened Terrestrial Ecosystems (Government Gazette, 2011)	No	To the best of our knowledge, this legislation is not triggered by this land use application.
Environmental Conservation Act, 1989 (Act 73 of 1989), GN R.1182 dated 5 September 1997, GN R.1355 dated 17 October 1997, GN R.448 dated 27 March 1998, GN R.670 dated 10 May 2002 GN R.672 dated 10 May 2002	Part 5 (Control of Activities which may have Detrimental Effect on the Environment), Section 21	No	To the best of our knowledge, this legislation is not triggered by this land use application.
National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004),	Chapter 4, Part 2 (Listing of activities resulting in atmospheric emissions) Chapter 5 (Licensing of Listed Activities)(Atmospheric Emissions Licenses)	No	To the best of our knowledge, this legislation is not triggered by this land use application.
National Environmental Management: Waste Act, 2008 (Act 59 of 2008),	Chapter 4, Part 4, Section 19: Listed waste management activities (Schedule 1 of the Act) Chapter 4, Part 8 (Contaminated Land)(Decommissioning of existing facilities, structures or infrastructure) Chapter 5 (Licensing of Waste Management Activities)(Waste Management Licenses)	No	To the best of our knowledge, this legislation is not triggered by this land use application.

OTHER NATIONAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO or N/A)	COMMENTS
National Water Act, 1998 (Act 36 of 1998)	Chapter 4 (Use of Water) Schedule 1 (Permissible Use of Water)	No	To the best of our knowledge, this legislation is not triggered by this land use application.
Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	S3 Subject to the provisions of section 2 – (a) agricultural land shall not be subdivided; S4(1) Any application for the consent of the Minister for the purposes of section 3 shall be lodged with the Secretary and shall be in such form and be accompanied by such plans, documents and information as are determined by the Secretary.	No	To the best of our knowledge, this legislation is not triggered by this land use application.
Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)	<i>"2. (1) Subject to the provisions of subsection (2) this Act shall not apply- (a) to any land which is situated in an urban area; (2) (a) The provisions of this Act relating to weeds and invader plants shall also apply to land which is situated within an urban area."</i>	No	To the best of our knowledge, this legislation is not triggered by this land use application.
Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		No	To the best of our knowledge, this legislation is not triggered by this land use application.
Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940)	Section 2: Prohibition of certain advertisements visible from public roads Section 9: Prohibition of erection of structures near certain roads Section 10: Restriction of access to land through fence etc., along certain roads Section 11: Restriction on establishment or extension of townships	No	To the best of our knowledge, this legislation is not triggered by this land use application.

The following table indicates whether the proposed use triggers any provincial legislative approvals.

TABLE 6: PROVINCIAL LEGISLATIVE TRIGGERS

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)	<p>Compliance or consistency with, and deviation from, spatial development frameworks or structure plans</p> <p>S19(1)</p> <p>If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan.</p>	Yes	<p>The latest municipal SDF states on page 66 the following regarding agricultural land:</p> <p><i>"Building structures associated with agriculture, dwelling units to support rural tourism, and ancillary rural activities that serves to diversify farm income, are permitted and should adhere to the guidelines contained in the SEMF and "Western Cape Land Use Planning: Rural Guidelines"".</i> BOLD emphasis added.</p>
	<p>S19(2)</p> <p>If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.</p>	Yes	<p>If it is argued that the abovementioned extract from the municipality's SDF does not meet the Section 19(1) criteria of compliance, then as a minimum it can safely be argued that the proposed land use is consistent with the municipality's SDF in terms of Section 19(2) because the SDF permits facilities related to rural tourism on agricultural land subject to conditions, as quoted above.</p>
	<p>S19(3)</p> <p>If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.</p>	No	Not applicable to this land use application.
	<p>Provincial comment on land use applications</p> <p>S45(1)</p> <p>A municipality must refer a land use application relating to the following to the Head of Department for written provincial comment once the application is complete in accordance with the requirements of the municipality and section 42:</p>		

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	S45(1)(a) a development outside the municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;	No	N/A to this land use application
	S45(1)(b) if the municipality has no approved municipal spatial development framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;	No	N/A to this land use application
	S45(1)(c) a rezoning of land zoned for agricultural or conservation purposes;	No	N/A to this land use application
	S45(1)(d) any development as determined by the municipal manager;	No	N/A to this land use application
	S45(1)(e) development as prescribed that affects a provincial functional area;	No	N/A to this land use application
	S45(1)(f) any other category of land use applications as may be prescribed for the purpose of supporting and strengthening the capacity of municipalities.	No	N/A to this land use application
	Provincial approval of land development S53(1) No person may without an approval under subsection (2) or an exemption under subsection (3) develop land that will have a substantial effect on— (a) the orderly, coordinated or harmonious development of a region or the Province; (b) the general welfare of the inhabitants of a region or the Province; or (c) agriculture, due to— (i) the nature or scale of the proposed land use; or (ii) the cumulative effect of multiple developments.	No	N/A to this land use application

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	S53(2) The owner of the land concerned or a person authorised by the owner may apply to the Head of Department for approval to develop land that will have the effect contemplated in subsection (1).	No	N/A to this land use application
	S53(3) “(3) The Provincial Minister may exempt categories of land development from requiring approval under subsection (1) in one or more of the following circumstances: (a) where the land development complies with the applicable spatial development frameworks; (b) where the land development is consistent with other provincial policy; (c) to provide for government infrastructure projects; or (d) where provincial approval was granted in terms of other legislation.”	No	N/A to this land use application

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
<p>Western Cape Land Use Planning Regulations, 2015 (Provincial Gazette 7412 dated 26 June 2015)(P.N. 203/2015)</p> <p>Western Cape Land Use Planning Regulations, 2015: Amendment, 2019 (Provincial Gazette 8083 dated 15 April 2019)(P.N. 51/2019)</p>	<p>Land development requiring provincial approval and exempted categories of land development</p> <p>Reg 10.(1)</p> <p>Subject to subregulation (2), land development contemplated in section 53(1) read with section 53(4) of the Act consists of the following categories:</p> <p>(a) proposed land development—</p> <p>(i) in respect of which an approval in terms of the Ordinance does not exist immediately before the commencement of the Act; and</p> <p>(ii) that falls within a category of land development that has been listed in the Provincial Gazette as a category that requires approval under section 53(1) of the Act;</p> <p>(b) proposed land development that utilises an area of five hectares or more of agricultural land that has been cultivated or irrigated during the 10-year period immediately preceding the proposed land development that involves urban development or urban expansion, including residential, resort, business, industrial and community development, utility services or transport uses, but excluding agricultural land uses or land development ordinarily associated with agricultural use such as agricultural storing and packing facilities, agricultural industries or accommodation for bona fide agricultural workers;"</p> <p>(c) proposed land development for prospecting, mining or quarrying that utilises an area of five hectares or more of agricultural land;</p> <p>(d) proposed land development for any shale gas mining activity, but excluding any exploration activities involving seismic testing and stratified drilling;</p> <p>and</p> <p>(e) proposed land development for any nuclear electricity generation facility.</p>	No	N/A to this land use application

PROVINCIAL LEGISLATION	APPLICABLE SECTIONS	TRIGGERED (YES / NO)	COMMENTS
	<p>Reg 10.(2)</p> <p>The following categories of land development contemplated in subregulation (1) are exempted under section 53(3) of the Act from requiring approval under section 53(1) of the Act:</p> <p>(a) proposed land development in respect of which a provincial approval exists immediately before the commencement of the Act in terms of any of the following legislation:</p> <p>(i) section 24(2) of the National Environmental Management Act, 1998 (Act 107 of 1998), excluding an approval that is suspended in terms of section 43(7) of that Act;</p> <p>(ii) section 3 or 14 of the Less Formal Township Establishment Act, 1991 (Act 113 of 1991);</p> <p>(iii) regulations 2 to 7 of the regulations made under section 66(1) of the Black Communities Development Act, 1984 (Act 4 of 1984), published under Government Notice R.1897/1986 in Government Gazette 10431 of 12 September 1986;</p> <p>(iv) regulation 16, 17, 19(5) or 19(7) of the regulations made under section 66(1) of the Black Communities Development Act, 1984, published under Provincial Notice 733/1989 in Provincial Gazette 4606 of 22 September 1989;</p> <p>(v) section 20 of the Rural Areas Act, 1987 (Act 9 of 1987);</p> <p>(b) proposed land development that is specifically provided for in the applicable local municipal spatial development framework that was submitted to the Provincial Minister as contemplated in section 14 of the Act.</p>	No	N/A to this land use application

- It will furthermore not be used “... **as a complete residence** ...” as specified in the definition of “**dwelling unit**” in the Zoning Scheme By-Law.
- The proposed chalets (bedroom suites) will accommodate “**transient guests**” only and will NOT accommodate a “**permanent resident**” as defined in the Zoning Scheme By-Law. It will therefore provide accommodation “...**in a furnished bedroom or suite ... on a day-to-day or short-term basis, often quoted on a daily or weekly price**” as defined in the Zoning Scheme By-Law.
- The proposed chalets (bedroom suites) are aligned with the Zoning Scheme By-Law’s definition of a “**hotel**”. It will be part of Devon Valley Hotel which consists of “... **a group of buildings on the same land unit for the accommodation of transient guests in furnished bedrooms or suites** ...”.
- The proposed chalets are therefore:
 - Not an “**additional dwelling units**” as defined in the Zoning Scheme By-Law.
 - Not a “**dwelling house**” or “**dwelling unit**” as defined in the Zoning Scheme By-Law.
 - Not “**employee housing**” as defined in the Zoning Scheme By-Law.
 - Not a “**second dwelling**” as defined in the Zoning Scheme By-Law.
- The proposed new chalets will be aligned with the character of the other buildings on the land unit, as well as the character of this area.
- The location of the proposed new chalets on the site was selected to ensure that it will have a minimal impact on the existing vineyards in that area and that it would be as close as possible to the existing hotel area.
- The proposed chalets will only add ±0.07% to the existing coverage (±3.52%) on the property. The proposed consent uses on the property is therefore still subservient to the primary use of bona fide agriculture and natural environment on this property.

An extract of relevant definitions from the Zoning Scheme-By-Law is shown below.

“**additional dwelling unit**” (addisionele wooneenheid) means a dwelling unit other than an employee housing unit, together with its customary ancillary outbuildings, which is erected on land in Agricultural and Rural zone, on which a dwelling house and second dwelling already exist or are in the process of being erected, provided that such additional dwelling units may only be erected with the Municipality’s consent use approval on land units exceeding 20 ha in size, and no more than four additional dwelling units may be erected on any one land unit at a ratio of one dwelling unit for every 10 ha exceeding 20 ha¹;

“**dwelling house**” (woonhuis) means a building containing only one dwelling unit, together with the customary outbuildings usually associated with such a unit, for example, garage, storeroom, laundry, garden shed, no more than one domestic accommodation unit and/or a hothouse.

“**dwelling unit**” (wooneenheid) means a self-contained set of inter-leading rooms which consist of at least one bedroom, one bathroom and no more than one kitchen or open-plan area set aside for preparation of meals, and which is utilized or intended to be utilized as a complete residence and accommodation for one family, and can be a dwelling house, second dwelling house, additional dwelling house, group house, employee housing or dwelling units in flats or apartments;

“**employee housing**” (werknemersbehuising) means a dwelling unit provided for employees by an employer which is ancillary to the primary activity on the land unit, and may be accommodation for labourers, caretakers and/or supervisory staff, provided that the employee housing unit is for the accommodation of one family only, is located on the same land unit on which the employment activity takes place, is occupied by at least one *bona fide* employee and may not be sold separately;

“hotel” (hotel) means the use of an entire building, a portion of a building, or a group of buildings on the same land unit for the accommodation of transient guests in furnished bedrooms or suites, where the activity or buildings exceeds the scale and extent of a guest house, and where:

- i) meals may be served to resident guests or the public.
- ii) associated restaurants, shops, conference- and entertainment facilities, wellness Centre and/or sport facilities which serve the guests and public may only be permitted as a primary right on properties which are zoned Mixed-use zone or a similar zone where those type of facilities would ordinarily be permitted as primary right. In a zone where a specific type of ancillary facility is not a primary right, any facilities which are ancillary to a hotel may be applied for as a consent use, and new activities or expansion of such ancillary facilities will also require prior approval of a consent use application.
- iii) hotel premises may be licensed to sell liquor for consumption on the land unit in the Local Business zone, Mixed-use zone, Agriculture and Rural zone and Open Space zone. In any other zone a consent use application must first be approved by the Municipality before such a license may be issued. A hotel shall not include a shop for sale of alcohol for off-site consumption.

It is compulsory for the hotel establishment to have at least one staff member present on the property on a full-time basis, which means a staff member shall either be employed to reside on the premises or be employed in shifts by the owners/proprietor to be present on the property on a 24-hour basis, and may be a security person, concierge, caretaker, receptionist or manager or some other similar designation. A **backpacker’s establishment** is also a “hotel”.

“second dwelling” (tweede woning) means a dwelling unit, together with its customary outbuildings, which is erected on a land unit on which a dwelling house already exists provided that the second dwelling:

- i) may be attached to or separated from the main dwelling.
 - ii) is built of similar material and architectural style as the dwelling house on the property;
- but excludes domestic accommodation unit.

“tourist accommodation establishment” (toeriste-akkommodasie-onderneming) means an enterprise which provides the accommodation for transient guests which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities, and:

- i) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards.
- ii) may consist of self-catering units.
- iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the zone.
- iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not:
 - a) additional facilities for day visitors.
 - b) wellness centres and meeting rooms which serve resident guests.
 - c) camping sites with ancillary facilities.
 - d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are not ordinarily used.

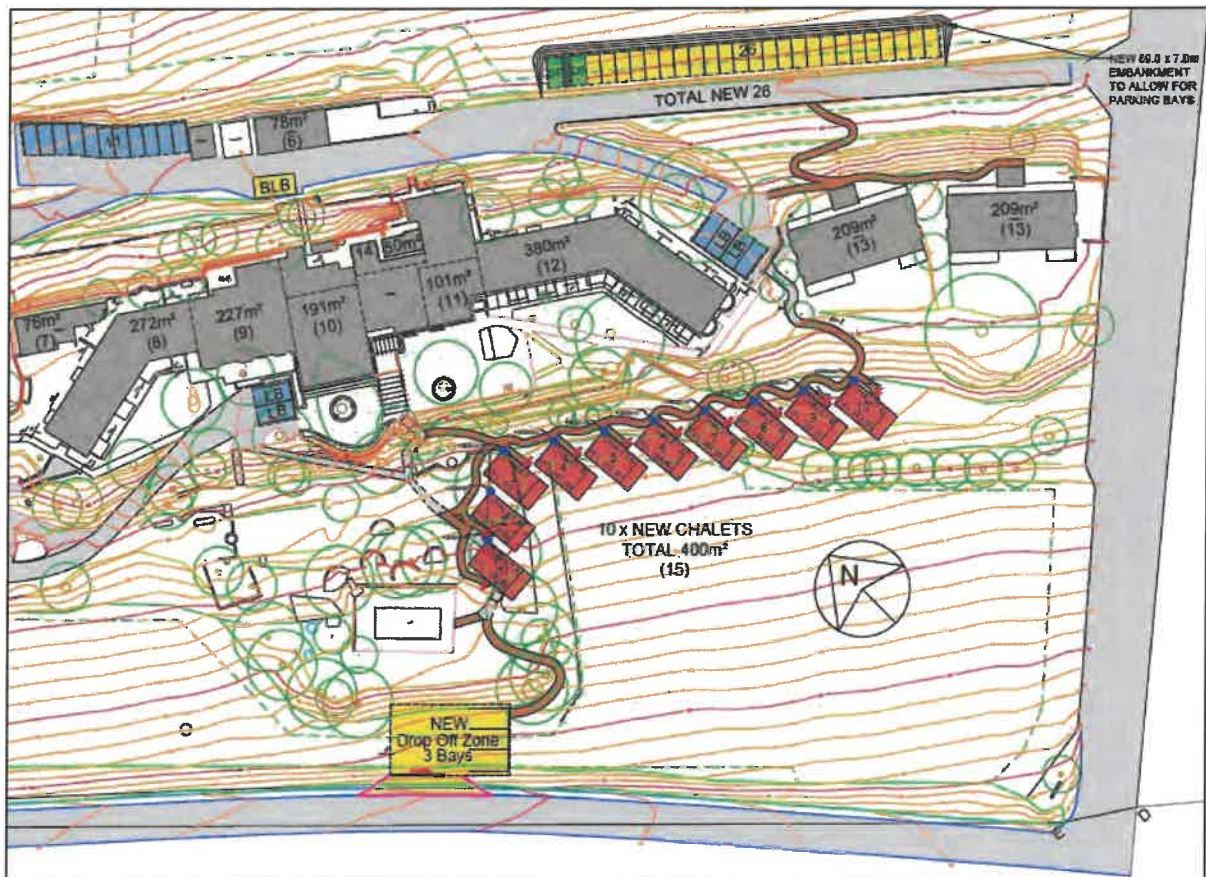
“tourist” (toeris) means a person who travels to a destination which is not home for leisure, business, recreation, sport, or other purposes, and for the purposes of this Scheme also includes traveler, holidaymaker, voyager, visitor, sightseer, day visitor.

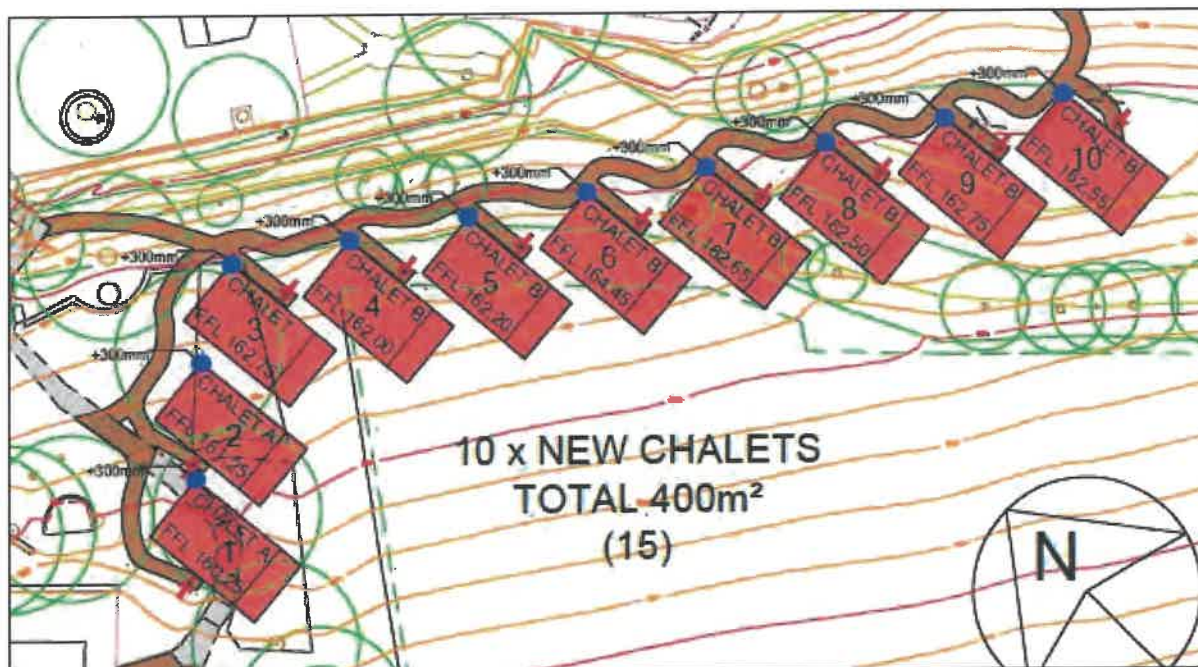
“tourist dwelling unit” (toerisme-wooneenheid) means the use of a furnished dwelling house and/or second dwelling and/or a dwelling unit in flats, where the entire dwelling unit is rented out for the accommodation of transient guests and where accommodation is only provided on a self-catering basis, provided that if more than 4 dwelling units on the same property are rented out by the same owner or proprietor as an enterprise it is deemed to be a tourist accommodation establishment;

"transient guest" (tydelike gas) means a person receiving accommodation against payment in a furnished bedroom or suite in a bed and breakfast establishment, guest house, tourist dwelling, hotel, or tourist accommodation establishment, where the accommodation is provided on a day-to-day or short-term basis, often quoted on a daily or weekly price.

EXTRACT 4: ZONING SCHEME BY-LAW DEFINITIONS

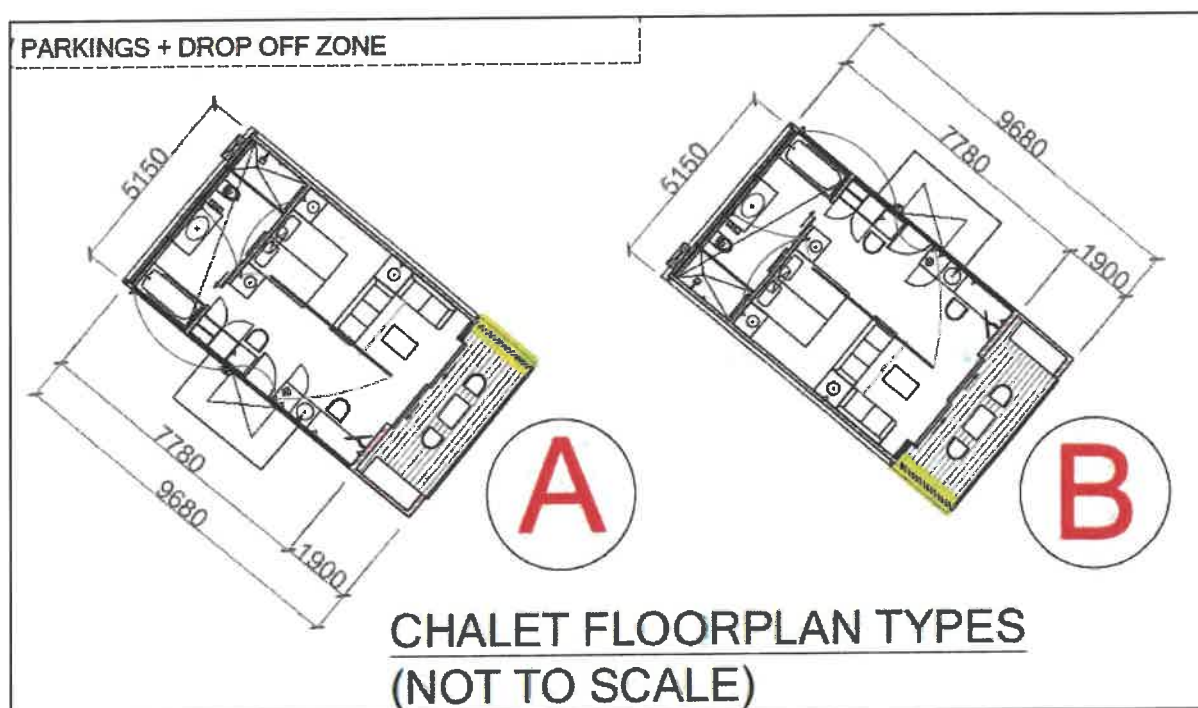
The location of these 10 x non-self-catering bedroom suites / chalets is shown in red on the Site Layout Plan. A close-up of this plan is shown in the extract below.





EXTRACT 5: LOCATION OF THE PROPOSED NEW NON-SELF-CATERING BEDROOM SUITES / CHALETS ON PORTION 4 OF FARM 78

The non-self-catering bedroom suites / chalets will have 2 x floorplans as shown on the Site Layout Plan and on the extract below:



Each non-self-catering bedroom suite / chalet will have a floor area of $\pm 40\text{m}^2$ + a patio of $\pm 7\text{m}^2$ equalling a total of $\pm 47\text{m}^2$ per non-self-catering bedroom suite / chalet which will be under a roof. The total floor area for the 10 x non-self-catering bedroom suites / chalets will therefore be $\pm 400\text{m}^2$ excluding the patio. The total area under a roof (including the patio) for the 10 x non-self-catering bedroom suites / chalets will be $\pm 470\text{m}^2$.

3D images of what the proposed non-self-catering bedroom suites / chalets will look like is shown in the photos below.







PHOTO 2: 3D IMAGES OF THE EXTERIOR OF THE PROPOSED CHALETS (Source: Chris de Hart Architects)









PHOTO 3: 3D IMAGES OF THE INTERIOR OF THE PROPOSED CHALETS (Source: Chris de Hart Architects)

In terms of the Zoning Scheme By-Law, a tourism accommodation establishment or hotel is a consent use in the Agricultural and Rural Zone. The following application is therefore made:

- Consent is sought, in terms of Section 15(2)(o) of the Stellenbosch Municipality: By-Law on Municipal Land Use Planning, 2023 (as amended) for the addition of 10 new non-self-catering bedroom suites / chalets for the Devon Valley Hotel located on Portion 4 of Farm 78.

4.3 PROPOSED ENGINEERING SERVICES

The Electrical Engineering Report confirms that there is sufficient capacity available on the ESKOM network to accommodate the additional chalets, however, some upgrades to the existing electricity supply infrastructure will be required to accommodate the new additions on the site.

The Civil Engineering Services Report indicates the following in terms of Water:

“Farm 78/4 has a small diameter, municipal connection to the north of the property that is linked to the Devon Valley Reservoir reticulation network as per Annexure D. The hotel and other facilities are currently fed from two boreholes situated on the property. The supply is supplemented by a municipal connection during times of high demand. The existing municipal water connection may have to be upgraded once firefighting requirements are taken into account.”

The Civil Engineering Services Report indicates the following in terms of Sewer:

“A 160mm Ø private sewer runs along the southern boundary of the property as shown in Annexure C. The existing Devon Valley Hotel development is connected to this collector sewer that connects to the municipal bulk sewerage system at the south-eastern corner of the property. The municipal bulk sewer runs towards Stellenbosch Wastewater Treatment plant. The municipality indicated that there is spare capacity in the Devon Valley bulk sewerage system to accommodate the proposed chalets development.”

The Civil Engineering Services Report “concludes that the required basic civil engineering services comprising of potable water, sewerage and solid waste removal are available for the proposed chalets development at Devon Valley Hotel on Farm 78/4, Stellenbosch”.

Refer to the Engineering Reports contained in **ANNEXURE 8**.

4.4 PROPOSED ROAD ACCESS

The existing access to the property from Devon Valley Road will be maintained and not be changed. There will be no new accesses to the property created from Devon Valley Road.



PHOTO 4: EXISTING ACCESS FROM DEVON VALLEY ROAD

4.5 PROPOSED DROP-OFF ZONE

Vehicle and pedestrian circulation to and from the new non-self-catering bedroom suites / chalets will all be onsite. Guests will park on the designated parking areas on the site and walk to the non-self-catering bedroom suites / chalets.

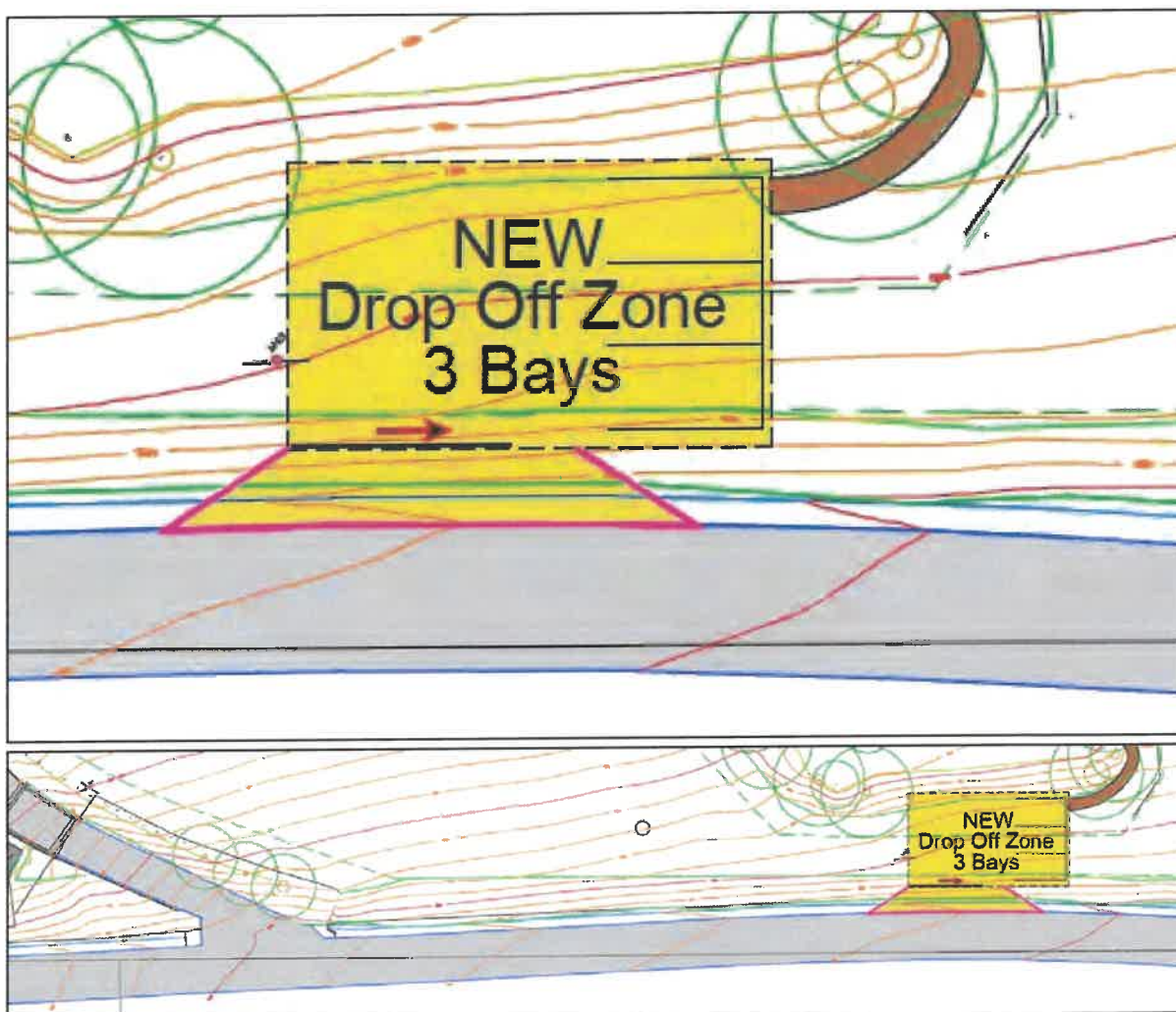
Hotel employees will load the guest luggage into a pick-up truck and/or Panel Van and take it via Devon Valley Road to the assigned Drop-off Zone. From the Drop-off Zone the guest luggage will be taken by cart to the non-self-catering bedroom suites / chalets using the path shown in brown on the Site Layout Plan. When guests check out, luggage will be taken by cart to the Drop-off Zone, where it will be collected by Hotel employees in a pick-up truck and/or Panel Van and transported to guest vehicles that are parked in the onsite parking area.

The proposed Drop-off Zone shown on the Site Layout Plan will be used for the following:

- Guest luggage “drop-off” or ‘pick-up’; or
- Housekeeping “drop-off” or ‘pick-up’.

The proposed Drop-off Zone will consist of 3 parking bays including circulation space for hotel vehicles to turn around safely before entering Devon Valley Road again to go back to the hotel via the main entrance.

If the typical vehicles utilising the Drop-off Zone is not expected to be larger than a panel van, standard parking bays should be sufficient, assuming the luggage is loaded/off-loaded from the back of the van and not from the side. Otherwise, it could be considered increasing the width of the two bays on the sides if it is to be handled via the side of some of the vehicles. If the space behind the bays will only be used as isle width behind the bays, 7,5m.



EXTRACT 7: PROPOSED NEW DROP-OFF ZONE FOR CHALETS ON PORTION 4 OF FARM 78

The access to the proposed Drop-off Zone is approximately 70m away from the main access to the Hotel. UDS Africa Consulting Engineers confirmed that the spacing of the access, being a low volume driveway along a Class 4 road, is considered acceptable based on the spacing requirements as per Province's Access Management Guidelines.

4.6 PROPOSED DEVELOPMENT PARAMETERS

The table below provides a summary of the proposed development parameters for this proposed consent use:

TABLE 7: PROPOSED DEVELOPMENT PARAMETERS

DEVELOPMENT PARAMETER	PROPOSED	DEPARTURE REQUIRED?
Building Lines	The proposed new non-self-catering bedroom suites / chalets do not have an impact on the building lines of this property.	No
Height	The proposed non-self-catering bedroom suites / chalets will be single storey structures. There will be no deviation from the relevant height parameter in the zoning scheme.	No
Coverage	The proposed new non-self-catering bedroom suites / chalets ($\pm 470\text{m}^2$ in total) will only add $\pm 0.07\%$ to the existing coverage ($\pm 3.52\%$) on the property.	No
Boundary walls & fences	The proposed new non-self-catering bedroom suites / chalets do not have an impact on boundary walls and fences.	No
Parking	<p>There is sufficient space for parking on the property.</p> <p>The Zoning Scheme By-Law stipulates that 0,7 parking bays must be provided per bedroom or suite (for a Hotel) plus, additional parking for additional facilities accessed by non-guests at the corresponding ratio for the particular land use as set out in this table.</p> <p>In terms of the aforementioned requirement, this means that the 10 x new non-self-catering bedroom suites / chalets will only require 7 x parking bays, however, 10 x parking bays have been provided for these additional rooms as shown on the Site Layout Plan.</p> <p>A total of 126 x parking bays is provided for all the land uses on this property as shown on the Site Layout Plan.</p>	No

The coverage of existing buildings on the property is summarized in the table below.

TABLE 8: EXISTING COVERAGE

NR	DESIGNATED BUILDINGS	TOTAL AREA		COVERAGE
		m ²	ha	
	Portion 4 of Farm 78	74 689	7.4689	
1	Manor House	310	0.0310	0.42%
2	Small Shop	33	0.0033	0.04%
3	Conference House	278	0.0278	0.37%
4	Small Storage	72	0.0072	0.10%
5	Staff Bedrooms	143	0.0143	0.19%
6	Garden Storage Room	78	0.0078	0.10%
7	Hotel Rooms	76	0.0076	0.10%
8	Hotel Rooms	272	0.0272	0.36%

NR	DESIGNATED BUILDINGS	TOTAL AREA		COVERAGE
		m ²	ha	
	Portion 4 of Farm 78	74 689	7.4689	
9	Hotel Large Conference	227	0.0227	0.30%
10	Hotel Restaurant	191	0.0191	0.26%
11	Hotel Bar Area	101	0.0101	0.14%
12	Hotel Rooms	380	0.0380	0.51%
13	Hotel Vineyard Rooms	418	0.0418	0.56%
14	Offices	50	0.0050	0.07%
	TOTAL	2 629	0.2629	3.52%

The table below shows the parking for each land use on the property.

TABLE 9: ONSITE PARKING

NR	DESIGNATED BUILDINGS	TOTAL ROOMS / UNITS	TOTAL SEATS	TOTAL AREA (m ²)	EXISTING PARKING	REQUIRED PARKING	TOTAL NEW PARKING
1	Manor House	7		310	4	7	3
2	Small Shop	1		33	0	1	1
3	Conference House	1	78	278	17	20	3
4	Small Storage	1		72	0	0	0
5	Staff Bedrooms	3		143	0	3	3
6	Garden Storage Room	1		78	0	0	0
7	Hotel Rooms	3		76	3	3	0
8	Hotel Rooms	10		272	5	10	5
9	Hotel Large Conference	1	110	227	5	28	23
10	Hotel Restaurant	1		191	4	8	4
11	Hotel Bar Area	1		101	2	4	2
12	Hotel Rooms	10		380	5	10	5
13	Hotel Vineyard Rooms	20		418	10	20	10
14	Offices	1		50	1	2	1
15	New Chalets	10		400	0	10	10
	TOTAL		188	3 029			
TOTAL EXISTING PARKING BAYS					56		
TOTAL REQUIRED PARKING BAYS						126	
TOTAL NEW PARKING BAYS							70

5. MOTIVATION / DESIRABILITY

5.1 CONSISTENCY WITH SPLUMA (ACT 16 OF 2013) AND LUPA (ACT 3 OF 2014) DEVELOPMENT PRINCIPLES

The consistency of this land use application (LUA) with the development principles contained in Chapter 2, Section 7 of SPLUMA (Act 16 of 2013) and Chapter 6, Section 59 of LUPA (Act 3 of 2014) are discussed in the table below.

TABLE 10: SPLUMA (ACT 16 OF 2013) AND LUPA (ACT 3 OF 2014) DEVELOPMENT PRINCIPLES

APPLICABLE SECTIONS	SPLUMA DEVELOPMENT PRINCIPLES	COMMENTS
SPLUMA, Section 7(a) and LUPA, Section 59(1) Section 59(1)(a) to S59(1)(f) of LUPA is aligned with Section 7(a)(i) to S7(a)(vi) of SPLUMA.	Spatial Justice	
	<i>(i) past spatial and other development imbalances must be redressed through improved access to and use of land;</i>	Not applicable to this land use application.
	<i>(ii) spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;</i>	Not applicable to this land use application.
	<i>(iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;</i>	Not applicable to this land use application.
	<i>(iv) land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;</i>	Not applicable to this land use application.
	<i>(v) land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and</i>	Not applicable to this land use application.
	<i>(vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;</i>	Not applicable to this land use application.
	<u>LUPA S59(1):</u> <i>(g) the right of owners to develop land in accordance with current use rights should be recognised.</i>	This land use application is consistent with this principle. The proposal in this land use application is aligned with what the Zoning Scheme permits (with municipal consent) in the Agriculture & Rural Zone.
SPLUMA, Section 7(b) and	Spatial Sustainability	
	<i>(i) promote land development that is within the fiscal, institutional and administrative means of the Republic;</i>	Not applicable to this land use application.

APPLICABLE SECTIONS	SPLUMA DEVELOPMENT PRINCIPLES	COMMENTS
<p>LUPA, Section 59(2)</p> <p>Section 59(2)(a)(i) to S59(2)(a)(vii) of LUPA is aligned with Section 7(b)(i) to S7(b)(vii) of SPLUMA.</p>	<i>(ii) ensure that special consideration is given to the protection of prime and unique agricultural land;</i>	The proposed additional non-self-catering bedroom suites / chalets are positioned in such a manner that it would have a very small impact on the existing vineyards in that area (refer to the Site Layout Plan). Its total coverage ($\pm 470\text{m}^2$) is only approximately 0.63%.
	<i>(iii) uphold consistency of land use measures in accordance with environmental management instruments;</i>	The proposed additional non-self-catering bedroom suites / chalets are positioned in an area that has already been transformed.
	<i>(iv) promote and stimulate the effective and equitable functioning of land markets;</i>	The proposed land uses are consistent with this principle.
	<i>(v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;</i>	No social services are required for this proposal. Current and future costs of the provision of infrastructure have been considered by the landowner.
	<i>(vi) promote land development in locations that are sustainable and limit urban sprawl; and</i>	The proposed land uses are consistent with this principle.
	<i>(vii) result in communities that are viable;</i>	Not applicable to this land use application.
	<u>LUPA S51(2)(a): land use planning should—</u> <i>(viii) strive to ensure that the basic needs of all citizens are met in an affordable way;</i>	Not applicable to this land use application.
	<u>LUPA S51(2)(b): the sustained protection of the environment should be ensured by having regard to the following:</u> <i>(i) natural habitat, ecological corridors and areas with high biodiversity importance;</i> <i>(ii) the provincial heritage and tourism resources;</i> <i>(iii) areas unsuitable for development, including flood plains, steep slopes, wetlands and areas with a high water table and landscapes and natural features of cultural significance; and</i> <i>(iv) the economic potential of the relevant area or region;</i>	The proposed land uses are consistent with this principle.
	<u>LUPA S51(2)(c):</u> <i>(c) climate change adaptation and climate change mitigation strategies should be developed and considered in land use planning;</i>	Not applicable to this land use application.
	<u>LUPA S51(2)(d):</u> <i>(d) the provision and conservation of, and the management of the demand for, energy should be considered in land use planning;</i>	The proposed land uses are consistent with this principle.
	<u>LUPA S51(2)(e):</u> <i>(e) the safe utilisation of land should be ensured by taking into consideration factors such as sea-level rise, storm surges, flooding, fire hazards and geological formations;</i>	The proposed land uses are consistent with this principle.
	<u>LUPA S51(2)(f):</u> <i>(f) the illegal occupation of land should be discouraged with due recognition of informal land development practices; and</i>	Not applicable to this land use application.

APPLICABLE SECTIONS	SPLUMA DEVELOPMENT PRINCIPLES	COMMENTS
	<u>LUPA S51(2)(g):</u> (g) development should be principle-driven and should prioritise long-term social, economic and environmental benefits over short-term benefits.	Not applicable to this land use application.
SPLUMA, Section 7(c) and LUPA, Section 59(3) Section 59(3)(a) and S59(3)(c) of LUPA is aligned with Section 7(c)(i) and S7(c)(iii) of SPLUMA.	Efficiency	
	<u>SPLUMA, Section 7(c):</u> (i) land development optimises the use of existing resources and infrastructure; <u>LUPA, Section 3(a)</u> (a) land development should optimise the use of existing resources, infrastructure, <u>agriculture, land, minerals and facilities</u> ;	The proposed land use is consistent with this principle. The use of existing facilities on the property has been optimised. Existing infrastructure will be used and any upgrades required in terms of engineering infrastructure will be done by the landowner. Refer to the Engineering Reports in ANNEXURE 8 for more detail.
	(ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and	The proposed land use is consistent with this principle.
	(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties; <u>LUPA, Section 3(a)</u> (c) policy, administrative practice and legislation should promote speedy land development.	This land use application will adhere to the procedures of the Stellenbosch Municipality's Land Use Planning and Zoning Scheme By-Laws and is therefore consistent with this principle. The processing of this application by the Municipality should be done in accordance with this principle.
	<u>LUPA, Section 3(b): integrated cities and towns should be developed, whereby—</u> (i) the social, economic, institutional and physical aspects of land development is integrated; (ii) land development in rural and urban areas in support of each other is promoted; (iii) the availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted; (iv) a diverse combination of land uses is promoted; (v) the phenomenon of urban sprawl in urban areas is discouraged and the development of more compact towns and cities with denser habitation is promoted; (vi) historically distorted spatial patterns of settlement are corrected; and (vii) the quality and functionality of the public spatial environment is promoted; and	This proposed land use is consistent with the principle of promoting a diverse combination of land uses permitted in terms of the Zoning Scheme By-law within the applicable zoning of this property.
SPLUMA, Section 7(d) and LUPA, Section 59(5)	Spatial Resilience	
	(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; and	Not applicable to this land use application.
	Good Administration	

APPLICABLE SECTIONS	SPLUMA DEVELOPMENT PRINCIPLES	COMMENTS
SPLUMA, Section 7(e) and LUPA, Section 59(4) Section 59(4)(a) to S59(4)(e) of LUPA is aligned with Section 7(e)(i) to S7(e)(v) of SPLUMA.	<i>(i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;</i>	Applicable to the Stellenbosch Municipality.
	<i>(ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;</i>	Applicable to the Stellenbosch Municipality.
	<i>(iii) the requirements of any law relating to land development and land use are met timeously;</i>	This land use application will adhere to the procedures and requirements of the Stellenbosch Municipality's Land Use Planning and Zoning Scheme By-Laws and is therefore consistent with this principle.
	<i>(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and</i>	Applicable to the Stellenbosch Municipality.
	<i>(v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public.</i>	Applicable to the Stellenbosch Municipality.
	<u>LUPA, Section 59(4)</u> <i>(f) a spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority;</i>	Applicable to the Stellenbosch Municipality.
	<u>LUPA, Section 59(4)</u> <i>(g) decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts;</i>	Applicable to the Stellenbosch Municipality.
	<u>LUPA, Section 59(4)</u> <i>(h) development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties; and</i>	This land use application will adhere to the procedures of the Stellenbosch Municipality's Land Use Planning and Zoning Scheme By-Laws and is therefore consistent with this principle. The processing of this application by the Municipality should be done in accordance with this principle.
	<u>LUPA, Section 59(4)</u> <i>(i) decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.</i>	Applicable to the Stellenbosch Municipality.

5.2 CONSISTENCY WITH OTHER PROVINCIAL DEVELOPMENT PRINCIPLES, POLICIES AND GUIDELINES

5.2.1 WESTERN CAPE LAND USE PLANNING GUIDELINES, RURAL AREAS (MARCH 2019)

This land use application is consistent with the following objectives of the abovementioned guidelines:

- Chapter 8: Agriculture (p39):
 - *“Encourage the economic viability of agricultural enterprises through the introduction of non-agricultural land uses including tourist accommodation and facilities and additional dwelling units”.*
- Chapter 11: Tourist and Recreational Facilities (p54)
 - *“To offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape (e.g. animal sanctuary, paintball, shooting ranges, and conference facilities).*
 - *To provide citizens access to resources, the coast and the rural landscape”.*

5.2.2 WC PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF), 2014

The latest approved PSDF is dated March 2014. The Western Cape PSDF aims to:

- Give spatial expression to the National and Provincial development agendas;
- Serve as a basis for coordinating, integrating and aligning ‘on the ground’ delivery of National and Provincial departmental programmes;
- Support municipalities to fulfil their municipal planning mandate in line with the National and Provincial agendas; and
- Communicates government’s spatial development intentions to the private sector and civil society.

The 2014 PSDF applies five (5) key principles to achieve its spatial vision for the province. These five principles are aligned with the development principles contained in Section 7 of SPLUMA (Act 16 of 2013) and Section 59 of LUPA (Act 3 of 2014) and talks about Spatial Efficiency, Spatial Justice, Sustainability & Resilience, Quality & Liveability and Accessibility. This application’s consistency with these principles have already been highlighted in a previous section.

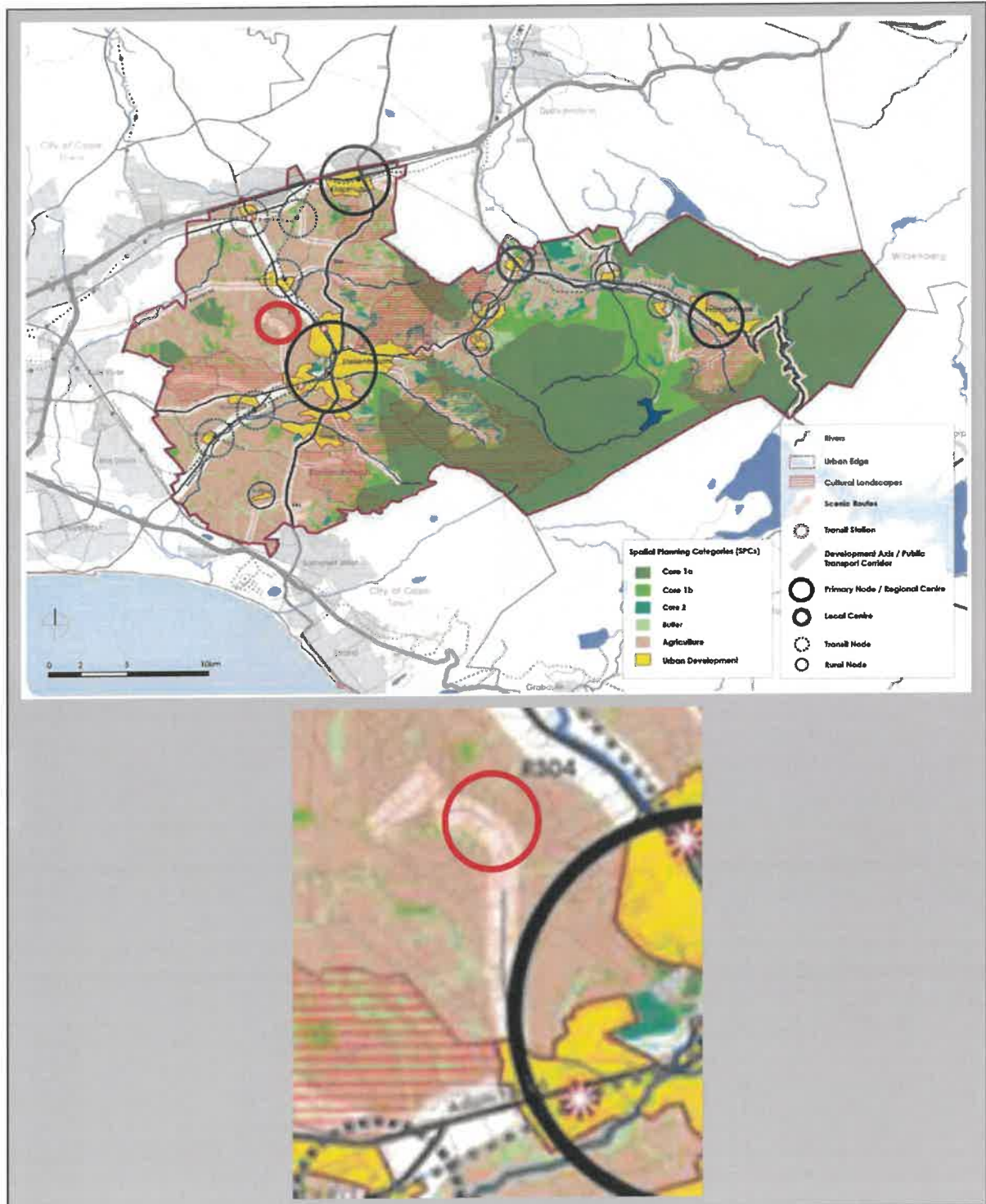
The PSDF then identified three spatial themes to contribute to the achievement of the Western Cape’s Strategic Goals, namely RESOURCES, SPACE ECONOMY and SETTLEMENT. This application is aligned with the following spatial themes of the Western Cape PSDF:

- It creates opportunities in the Space Economy by promoting the diversification and strengthening of the Rural Economy as follows:
 - *“Accommodating a greater diversity of compatible and sustainable land use activities on farms and in the rural landscape in general.”*

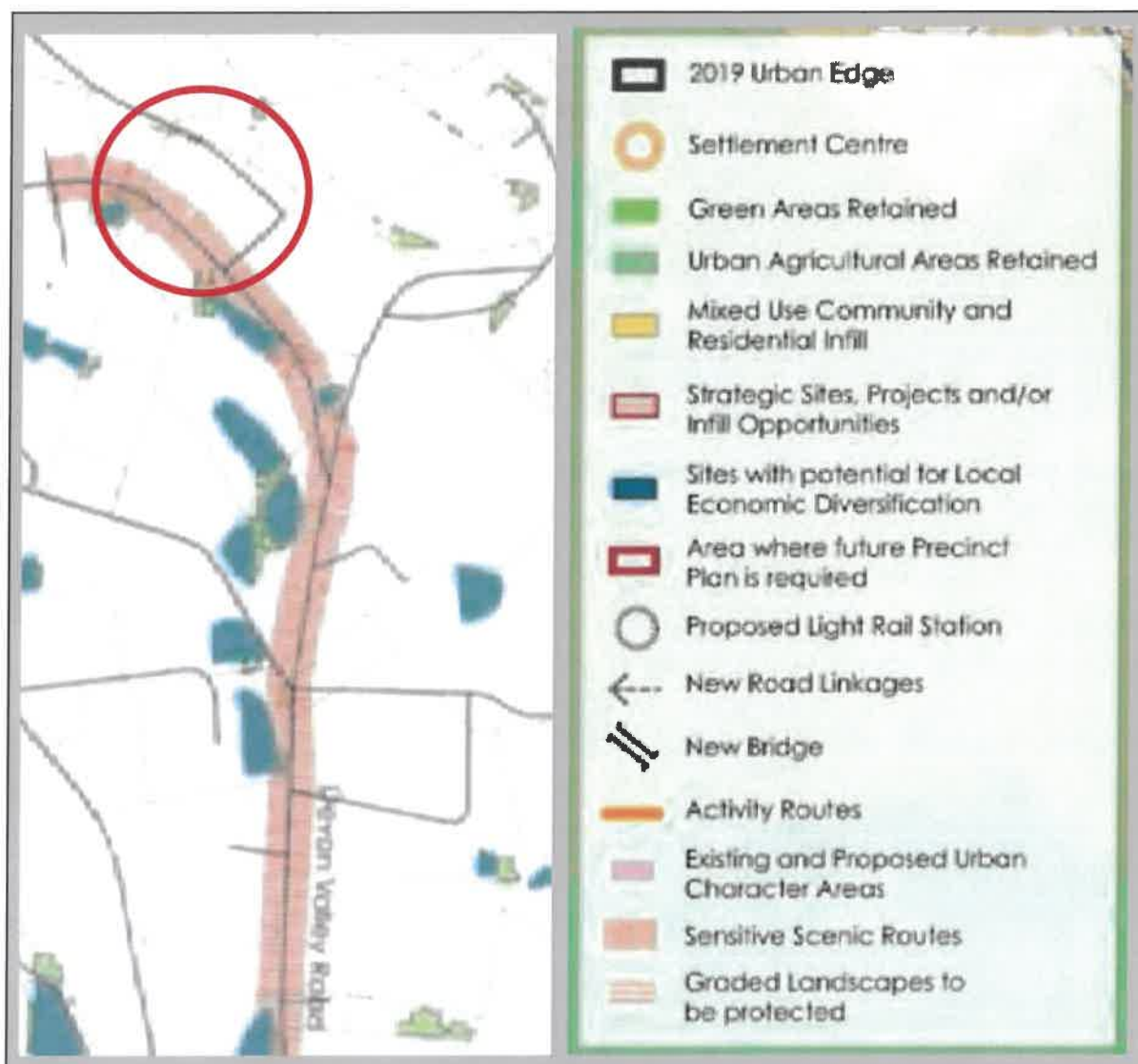
It can thus be concluded that this application is consistent with some of the principles of the 2014 PSDF.

5.3 CONSISTENCY WITH MUNICIPAL SDF

The latest MSDF of Stellenbosch is dated 2023. The approximate location of the subject property is shown in the **RED CIRCLE** on the SDF Extracts below.



EXTRACT 8: STELLENBOSCH SDF (2023, page 68)



EXTRACT 9: STELLENBOSCH FRAMEWORK (2023, page 73)

According to this SDF, the subject property is located in the Agriculture Spatial Planning Category. The SDF furthermore marked Devon Valley Road as a “Scenic Route / Sensitive Scenic Route”. The SDF provides the following spatial proposals (SDF, page 72) for the aforementioned SDF elements:

- Agricultural Land: *“Retain and improve the relationship between Stellenbosch town and surrounding agricultural land”.*
- Scenic Routes: *“Retain the strong sense of transition between agriculture and human settlement at the entrances to the town”.*

As part of its Strategy to “Maintain and grow the assets of SM’s Natural Environment”, the SDF has the following Spatial Policy and Non-Spatial Supportive Policy (SDF, page 113):

- Spatial Policy: *“Support compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate”.*

- Non-Spatial Supportive Policy: *“Assist in initiatives to diversify, strengthen, and open up new opportunities and jobs in the rural economy, including the identification of strategically located land for land reform purposes”.*

As it relates to this land use application, the SDF furthermore explains its impact on LED as follows (SDF, page 127):

- *“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 (following the guidelines contained in “Western Cape Land Use Planning: Rural Guidelines”).*
- *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 (following the guidelines contained in “Western Cape Land Use Planning: Rural Guidelines”).”.*

Section 22 of SPLUMA indicates the following:

“22. (1) 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.
22. (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 the provisions of such municipal spatial development framework.”

Similar to SPLUMA, Section 19 of the Western Cape Land Use Planning Act (LUPA), Act 3 of 2014 states the following:

“19. (1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan.
(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.
(3) If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.”

Although the SDF does not *“... specifically provides for the utilisation or development of land as proposed in a land use application ...”* the proposed land use in this application is *“... not in conflict with the purpose of the relevant designation in the spatial development framework ...”*.

The proposed addition of the 10 x non-self-catering chalets / bedroom suites does not impact on the credibility of the MSDF since it is merely an extension of the existing approved Devon Valley Hotel. The municipality's Zoning Scheme By-law furthermore allows the proposed land use as a Consent Use within the Agriculture and Rural Zone.

The proposed land use is therefore "... *regarded as being consistent with that spatial development framework ...*" in accordance with Section 19(2) of LUPA, or at least, not inconsistent with the MSDF.

5.4 SITE SPECIFIC CIRCUMSTANCES

In a pre-submission email exchange between Martin Jonker (Plan 4 SA) and Ms Louisa Engelbrecht (Stellenbosch Municipality), Ms Engelbrecht confirmed that if the proposed chalets are **not self-catering** then a motivation to deviate from the MSDF based on site specific circumstances is not required.

Following the above correspondence, the landowner (Company) confirmed that the proposed chalets will **not be self-catering** in line with its existing use of the Hotel rooms. For the sake of clarity, the new units will **not be self-catering** because the Devon Valley Hotel only provides Hotel rooms without self-catering units/rooms.

Ms Engelbrecht further stated in an email dated 9 July 2025 that:

"Please be advised that once the floor layout of the chalets conforms with the definition of a "dwelling unit," they will be classified accordingly. This classification implies that the units will be considered self-catering".

The Stellenbosch Zoning Scheme By-Law defines a **"dwelling unit"** as follows:

"dwelling unit" (wooneenheid) means a self-contained set of inter-leading rooms which consist of at least one bedroom, one bathroom and no more than one kitchen or open-plan area set aside for preparation of meals, and which is utilized or intended to be utilized as a complete residence and accommodation for one family, and can be a dwelling house, second dwelling house, additional dwelling house, group house, employee housing or dwelling units in flats or apartments;

EXTRACT 10: ZONING SCHEME BY-LAW DEFINITION OF "DWELLING UNIT"

The question is therefore whether the floor layout of the proposed chalets / bedroom suites conforms to the definition of a "dwelling unit"? This is tested in the following table:

TABLE 11: CONFORMATION TEST TO THE DEFINITION OF "DWELLING UNIT"

QUESTION	DOES THE FLOOR LAYOUT OF THE NEW UNITS CONFORM TO THIS DEFINITION?
Does the floor layout of the proposed chalets / bedroom suites have "... a self-contained set of interleading rooms which consist of at least one bedroom, one bathroom and no more than one kitchen	Yes it has one bedroom, one bathroom and an open plan area. However, it does NOT have a kitchen, and the open plan area is NOT set aside for the preparation of meals.

QUESTION	DOES THE FLOOR LAYOUT OF THE NEW UNITS CONFORM TO THIS DEFINITION?
<i>or open-plan area set aside for preparation of meals, ...”?</i>	Typical bedroom suites in a hotel may include a coffee/tea station which can include a microwave oven for warming up milk, etc.
Will the proposed chalets / bedroom suites be “...utilized or intended to be utilized as a complete residence and accommodation for one family, ...”?	No, the chalets will NOT be utilised as a complete residence for the accommodation of one family. Only transient guests will be accommodated in these chalets / bedroom suites.
Are the proposed chalets / bedroom suites a “...dwelling house, second dwelling house, additional dwelling house, group house, employee housing or dwelling units in flats or apartments”?	No, the proposed chalets are NOT a “...dwelling house, second dwelling house, additional dwelling house, group house, employee housing or dwelling units in flats or apartments”. Only transient guests will be accommodated in these chalets / bedroom suites.

Based on the abovementioned, it is believed that the floor layout of the proposed chalets / bedroom suites, **do NOT conform** to the definition of a “**dwelling unit**”.

It can also be mentioned that the Devon Valley Hotel consists of a number of buildings which are used for and by the Hotel. This is aligned with the definition of a hotel in the Zoning Scheme By-Law which states that ““**hotel**”... means the use of an entire building, a portion of a building, **or a group of buildings** on the same land unit for the accommodation of **transient guests** in furnished bedrooms or suites ...”. Refer to the definition in the extract below.

<p>“hotel” (hotel) means the use of an entire building, a portion of a building, or a group of buildings on the same land unit for the accommodation of transient guests in furnished bedrooms or suites, where the activity or buildings exceeds the scale and extent of a guest house, and where:</p> <ul style="list-style-type: none"> i) meals may be served to resident guests or the public. ii) associated restaurants, shops, conference- and entertainment facilities, wellness Centre and/or sport facilities which serve the guests and public may only be permitted as a primary right on properties which are zoned Mixed-use zone or a similar zone where those type of facilities would ordinarily be permitted as primary right. In a zone where a specific type of ancillary facility is not a primary right, any facilities which are ancillary to a hotel may be applied for as a consent use, and new activities or expansion of such ancillary facilities will also require prior approval of a consent use application. iii) hotel premises may be licensed to sell liquor for consumption on the land unit in the Local Business zone, Mixed-use zone, Agriculture and Rural zone and Open Space zone. In any other zone a consent use application must first be approved by the Municipality before such a license may be issued. A hotel shall not include a shop for sale of alcohol for off-site consumption.
<p>It is compulsory for the hotel establishment to have at least one staff member present on the property on a full-time basis, which means a staff member shall either be employed to reside on the premises or be employed in shifts by the owners/proprietor to be present on the property on a 24-hour basis, and may be a security person, concierge, caretaker, receptionist or manager or some other similar designation. A backpacker’s establishment is also a “hotel”.</p>

EXTRACT 11: ZONING SCHEME BY-LAW DEFINITION OF “HOTEL”

Based on the abovementioned information it is therefore believed that it is not necessary to motivate a deviation from the SDF based on site-specific circumstances.

5.5 IMPLICATIONS / IMPACT

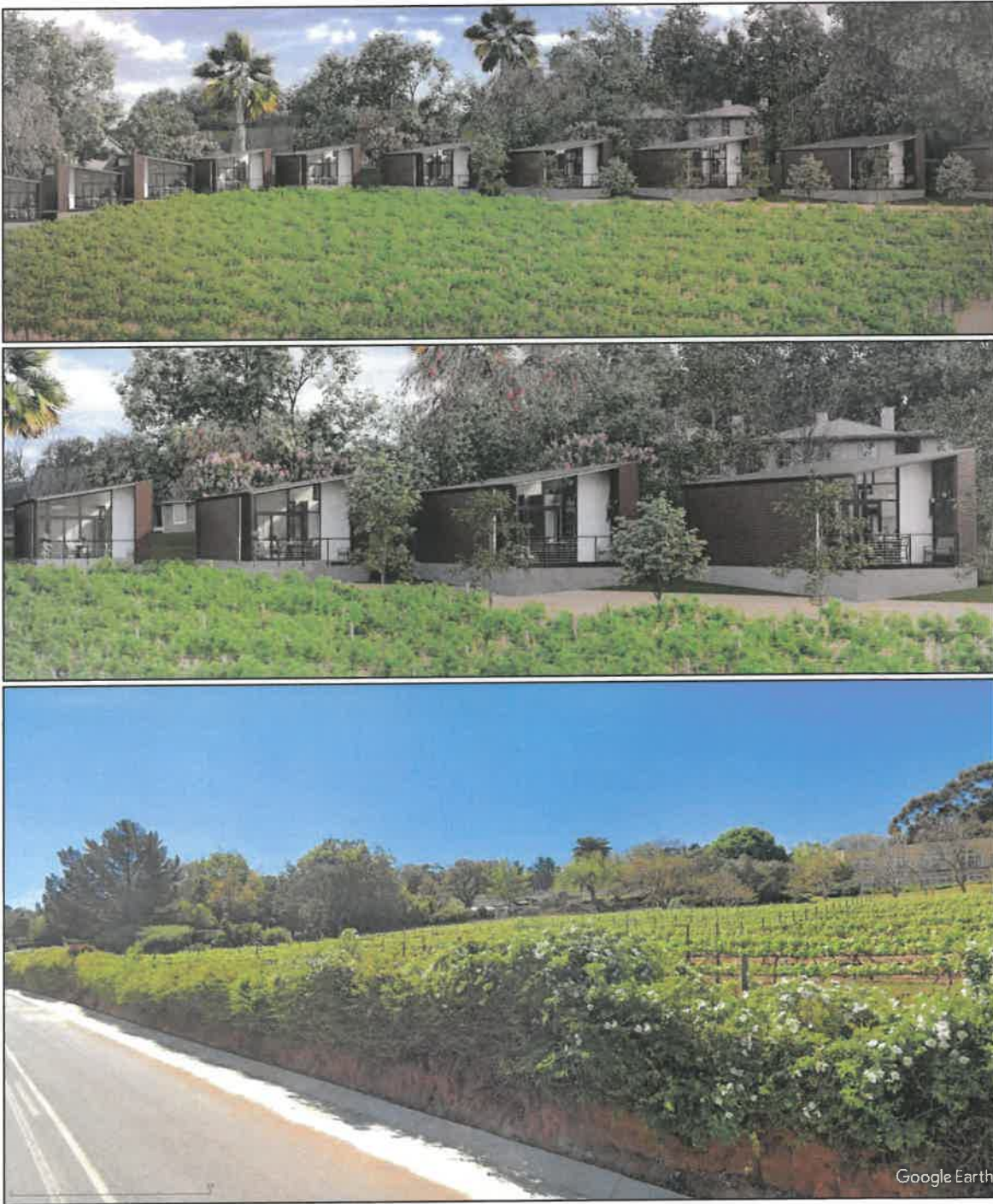
The impact / implications of the proposed land use on various aspects are discussed in the following table.

TABLE 12: IMPACT OF THE LAND USE

IMPACT	COMMENTS
Engineering Services	<p>The Civil Engineering Report (included in ANNEXURE 8) concludes as follows:</p> <p><i>"This report concludes that the required basic civil engineering services comprising of potable water, sewerage and solid waste removal are available for the proposed chalets development at Devon Valley Hotel on Farm 78/4, Stellenbosch."</i></p> <p>The Electrical Engineering Report (included in ANNEXURE 8) concludes as follows:</p> <p><i>"There is currently capacity available on the Eskom network for the proposed development".</i></p>
Servitudes	The proposed 10 x additional non-self-catering chalets / bedroom suites do not have an impact on the existing servitudes on and adjacent to this property.
Floodlines	There are no floodlines affecting the proposed land uses
Topography	A topographical survey was completed, and the architect accommodated the existing topography in the design of the proposed non-self-catering chalets.
Geological	Geological conditions will be considered by architect in the preparation and finalisation of the building plans.
Agriculture	The proposed non-self-catering chalets / bedroom suites will have a very limited (if any) impact on the agricultural activities of the property. It will be located adjacent to (on the edge of) one of the vineyard areas as shown on the Site Layout Plan and on the 3D rendering (photo) below.
	
Environment	According to the Western Cape Biodiversity Spatial Plan (2017), the proposed non-self-catering chalets / bedroom suites will not have any impact on sensitive environmental resources. It will be located adjacent to (on the edge of) one of the vineyard areas on an already transformed area as shown on the Site Layout Plan and on the 3D rendering (photo) above.

Page 57

IMPACT	COMMENTS
Surrounding Property Values	<p>Section 7(a)(vi) of SPLUMA (Act 16 of 2013) and Section 59(1)(f) of LUPA (Act 3 of 2014) stipulates the following:</p> <p><i>“(vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application”.</i></p> <p>However, irrespective of the aforementioned principle contained in SPLUMA and LUPA, the proposed land uses will not have a negative impact on the surrounding property values.</p>
Visual Impact	<p>The design of the proposed non-self-catering chalets / bedroom suites will not have a negative visual impact from Devon Valley Road. It blends into the existing character of the land uses and buildings on the site. Examples are shown on the 3D renderings (photos) below.</p> <p>The landowner will furthermore take note of the development guidelines associated with the Devon Valley Scenic Route and the Landscape Units classification of the Stellenbosch Heritage Foundation.</p>

IMPACT	COMMENTS
 <p>VIEW FROM DEVON VALLEY ROAD IN THE DIRECTION TO WHERE THE PROPOSED CHALETs WILL BE LOCATED</p>	
Potential Source of Nuisance & Mitigation Measures	The proposed land uses will not be a source of nuisance and therefore no mitigation measures are required. Guests staying over will have to abide by the rules of the Devon Valley Hotel.

Further to the abovementioned, the table below answers the SDF's proposed checklist in support of decision-making.

TABLE 13: CHECKLIST IN SUPPORT OF DECISION-MAKING

	CHECKLIST QUESTION OR ISSUE	YES	NO	N/A	COMMENTS
	BIOPHYSICAL RESOURCES				
	Is the proposal located in or does it impact on a formally protected area, Critical Biodiversity Area, or Ecological Support Area?		X		The area of the property where the additions are proposed is not close to any CBA or ESA. Refer to the extract from the Western Cape Biodiversity Spatial Plan (2017) shown in the previous table above.
	Can associated impacts be managed without diminishing the integrity of the formally protected area, Critical Biodiversity Area, or Ecological Support Area?			X	
	Does the proposal protect, maintain, or enhance the sustainability of existing ecological systems and services?			X	The proposed additions will be located on an already transformed area of the property.
	Will the proposal result in a loss of agricultural land or impede the viable use of agricultural land?		X		The proposed chalets will be constructed adjacent to (on the edge of) one of the vineyard areas. The impact on the vineyards will be miniscule (if any). Any potential loss of vineyard in this area, can be planted elsewhere on the property.
	Does the proposal assist to diversify agriculture, enable broader access to agricultural opportunity, and increase food security?		X		
	Is the proposal located within, on, or outside the proposed urban edge?			X	The property is located outside the urban edge
	If on the edge of a settlement or green space, does the proposal assist in defining and protecting that edge better and more appropriately than at present?			X	
	Is the proposal situated within a river or wetland setback, or a flood line?		X		
	Does the project enable enhanced and appropriate public access to natural resources, amenity, and recreational opportunity?	X			The proposed chalets will be an addition to the existing (previously approved) Devon Valley Hotel.
	Has the project considered recycling, rainwater collection, and alternative energy generation?	X			
	SCENIC LANDSCAPES, SCENIC ROUTES AND SPECIAL PLACE OF ARRIVAL				
	Does the proposal impact on a scenic landscape, scenic routes, or special place of arrival?	X			The property is located adjacent to Devon Valley Road. Refer to the previous table for comments on the visual impact.
	Can associated impacts be managed and minimised without diminishing the integrity of the scenic landscape, scenic routes, or special place of arrival?	X			The design of the proposed chalets has kept the character of the structures on the property and the structures and land uses in the surrounding area in mind. The municipality can furthermore provide conditions relating to the design of the

CHECKLIST QUESTION OR ISSUE	YES	NO	N/A	COMMENTS
				chalets and also consider the proposed designs as part of the building plan approval process.
HISTORICALLY OR CULTURALLY SIGNIFICANT PRECINCTS OR PLACES				
Does the proposal impact on a historic or culturally significant precinct, place, or structure?		X		According to the Stellenbosch Heritage Foundation's website which includes the Stellenbosch Municipality Heritage Survey of 2016, there are no Heritage Resources on the subject property. The nearest Heritage Resource is on the neighbouring farm south of Devon Valley Road ("DIE GAATJIES" (Creche) Complex). The proposed new chalets do not have an impact on this heritage resource.
Has the proposal considered the re-use of an existing precinct, place, or structure to ensure preserving or exposing its historical or cultural significance?	X			There are no unused buildings / structures on the property.
Does the proposal enable the inclusive expression and celebration of culture, old and new?	X			The chalets will become part of the existing Devon Valley Hotel with its rich history in this area and existing inclusive culture.
SETTLEMENT ROLE AND HIERARCHY				
Does the proposal fit the proposed role of the settlement outlined in the MSDF, its position in the settlement hierarchy, and associated development/ management approach?	X			The proposed land use is permissible (with the municipality's consent) in the Agriculture and Rural Zone.
MOVEMENT INFRASTRUCTURE				
Does the nature and alignment of the route accord with the provisions of the MSDF?			X	
Is the proposed new route structurally significant in that it improves connectivity between different areas?			X	
Does the route fill an important gap in the movement network?			X	
Does the route promote public and NMT transport?			X	
Has the costs and benefits of the route been fully assessed?			X	
Has the design of the route or road infrastructure considered other associated benefits, including the development of small market spaces and infrastructure for emerging entrepreneurs?			X	
NATURE AND FORM OF DEVELOPMENT				
Does the proposal promote compact, dense, mixed-use development which makes the best use of land, reduces car dependence, and enables public and NMT?			X	

	CHECKLIST QUESTION OR ISSUE	YES	NO	N/A	COMMENTS
	Has the proposal considered how it responds to and is integrated with public transport/ NMT and social facilities planning?			X	
	Is the proposal enterprising and transformative in that it is likely to stimulate desirable change within its broader precinct and context?			X	
	Does the proposal expand housing opportunities for a broader range of groups, including lower income groups and students?			X	This proposal provides for tourist accommodation.
	Will the proposal "lock-out" desirable development and opportunity elsewhere by virtue of its location and scale (and through that attracting development energy in a direction not supported by the MSDP)?		X		
	Does the project support inclusion, including providing a range of housing types and/or opportunity for small/emerging entrepreneurs.			X	
	Has the proposal made the best use of existing structures on its site?	X			All the existing structures on the site are fully used and optimized.
	UPGRADING AND INTEGRATION OF SETTLEMENTS				
	Does the project contribute to the upgrading of an informal settlement or affordable housing area?			X	
	Does the project assist to integrate informal settlements and affordable housing areas with existing centres of commercial activity and employment?			X	
	Does the project significantly increase the size of an existing informal settlement area?			X	
	GOVERNMENT / PUBLICLY ASSISTED HOUSING				
	Does the proposal enable residential infill, densification, and a compact settlement structure?			X	
	Is the project located in an area where the value of assets is likely to increase (in that way assisting to curtail the proportion of indigent citizens)?			X	
	Is the scale of the project appropriate in terms of not creating clusters of poverty?			X	
	Are there adequate social and economic opportunities associated with the project?			X	
	Is the project closely integrated with surrounding areas?			X	
	Is the ratio between net and gross densities appropriate?			X	
	Does the project promote appropriate choice in terms of unit, type, size, progressive completion, price, and tenure?			X	

	CHECKLIST QUESTION OR ISSUE	YES	NO	N/A	COMMENTS
	Does the proposed erf sizes, units, and type enable changes to the unit which respond to new household needs?			X	
	Is the housing provided used creatively to define public space?			X	
	SOCIAL FACILITIES				
	Is the proposed location appropriate for the order or scale of social facility proposed?			X	
	Has the proposal considered the upgrading or enhancement of existing social facilities as opposed to building a new one?			X	
	Does the project promote the clustering of social facilities in a manner which enhances user convenience, sharing, and efficient, cost effective facility management?			X	
	Has the proposal considered the possibility of high-density housing as an integral part of the project?			X	
	Does the facility help to define public space and is the frontage onto the street active?			X	
	Has recycling, rainwater collection, and solar energy mechanisms been considered to minimise the long term operational costs of the facility?	X			
	PUBLIC SPACE				
	Is the space associated with high pedestrian flows?			X	
	Do surrounding activities enhance the use of the space (at all hours)?			X	
	Are the edges of the space well defined?			X	
	Is the scale of the space adequate for its potential functions?			X	
	Is the space comfortable in terms of a human scale?			X	
	Are the materials to be used robust enough to accommodate heavy public use?			X	
	COMMERCIAL DEVELOPMENT				
	Is the project located in a recognised business centre or in a manner which would serve to integrate an informal settlement or affordable housing area with existing centres of activity?			X	
	Is the project easily accessible by public/ NMT?			X	
	Does the project significantly enhance convenience and non-motorised access in hitherto unserved areas?			X	

	CHECKLIST QUESTION OR ISSUE	YES	NO	N/A	COMMENTS
	Does the project place unreasonable strain on existing parking and movement routes?			X	
	Does the project promote balance in land use in local areas?			X	
	Does the project promote open and fair market competition and provide opportunity for smaller enterprises?			X	
	Does the project contribute to the public spatial environment and promote a pleasant and safe pedestrian environment (for example, no dead frontages)?			X	
	INFRASTRUCTURE SERVICES				
	Does the infrastructure project or investment contribute to secure Stellenbosch Municipality's regional and local space economy?			X	This is not an infrastructure services project.
	Is the proposed infrastructure project encouraging human settlement in the desired direction?			X	
	Does the project or investment improve or extend an existing service rather than being a stand-alone initiative?			X	
	Is the capacity of the service appropriate in terms of future activities and potential activities as outlined in the MSDF?			X	
	Are the potential barrier effects and negative impacts on surrounding uses of the service/ infrastructure minimised?			X	
	Was the use of alternative technologies considered?			X	
	Is creative use made of waste and by products?			X	
	CATALYTIC PROJECTS				
	Is the project part of a larger catalytic project identified in the MSDF?		X		
	Does the project support the aims, objectives, and development programme of the catalytic project?			X	
	Does the project carry the full support of the institution responsible for managing the catalytic project?			X	
	INSTITUTIONAL ARRANGEMENTS				
	Has the project considered partnerships - between different land owners, or land owners and a community or the public sector - to maximise its broader benefits, whether in the livelihood opportunity it offers, making the best use of resources of land, or shared infrastructure provision?			X	
	Has the municipality discussed possible partnerships aimed at maximising the benefits of the project with the project initiator?			X	

	CHECKLIST QUESTION OR ISSUE	YES	NO	N/A	COMMENTS
	Does the project justify specific institutional arrangements to ensure its implementation and sustainability?			X	
	Has the required institutional arrangements been agreed to and formalised?			X	
	Will the project result in institutional and/ or funding pressure on the municipality?		X		
	Can the municipality accommodate the institutional and / or funding pressure associated with the project, now and into the future?			X	

6. CONCLUSION & RECOMMENDATIONS

In conclusion, the following can be highlighted:

- Although the SDF does not “... *specifically provides for the utilisation or development of land as proposed in a land use application ...*” the proposed land use in this application is “... *not in conflict with the purpose of the relevant designation in the spatial development framework ...*”. The municipality’s Zoning Scheme By-law furthermore allows the proposed land use as a Consent Use within the Agriculture and Rural Zone. The proposed land use is therefore “... *regarded as being consistent with that spatial development framework ...*” in accordance with Section 19(2) of LUPA.
- The proposed land use (additions to the existing Devon Valley Hotel) is consistent with a number of the development principles contained in LUPA (Act 3 of 2014) and SPLUMA (Act 16 of 2013).
- The proposed land use (additions to the existing Devon Valley Hotel) is consistent with the following related objectives contained in the Western Cape Land Use Planning Guidelines for Rural Areas (March 2019):
 - Chapter 8: Agriculture (p39):
 - “*Encourage the economic viability of agricultural enterprises through the introduction of non-agricultural land uses including tourist accommodation and facilities and additional dwelling units*”.
 - Chapter 11: Tourist and Recreational Facilities (p54):
 - “*To offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape (e.g. animal sanctuary, paintball, shooting ranges, and conference facilities)*”.
 - “*To provide citizens access to resources, the coast and the rural landscape*”.
- The proposed additions to the existing Devon Valley Hotel, to the best of our knowledge, do not trigger any other National or Provincial legislative requirements.

It is therefore recommended that the Municipality approves the following land use applications contained in Section 3 of this report:

- Consent, in terms of Section 15(2)(o) of the Stellenbosch Municipality: By-Law on Municipal Land Use Planning, 2023 (as amended) for the addition of 10 new non-self-catering bedroom suites / chalets for the Devon Valley Hotel located on Portion 4 of Farm 78.

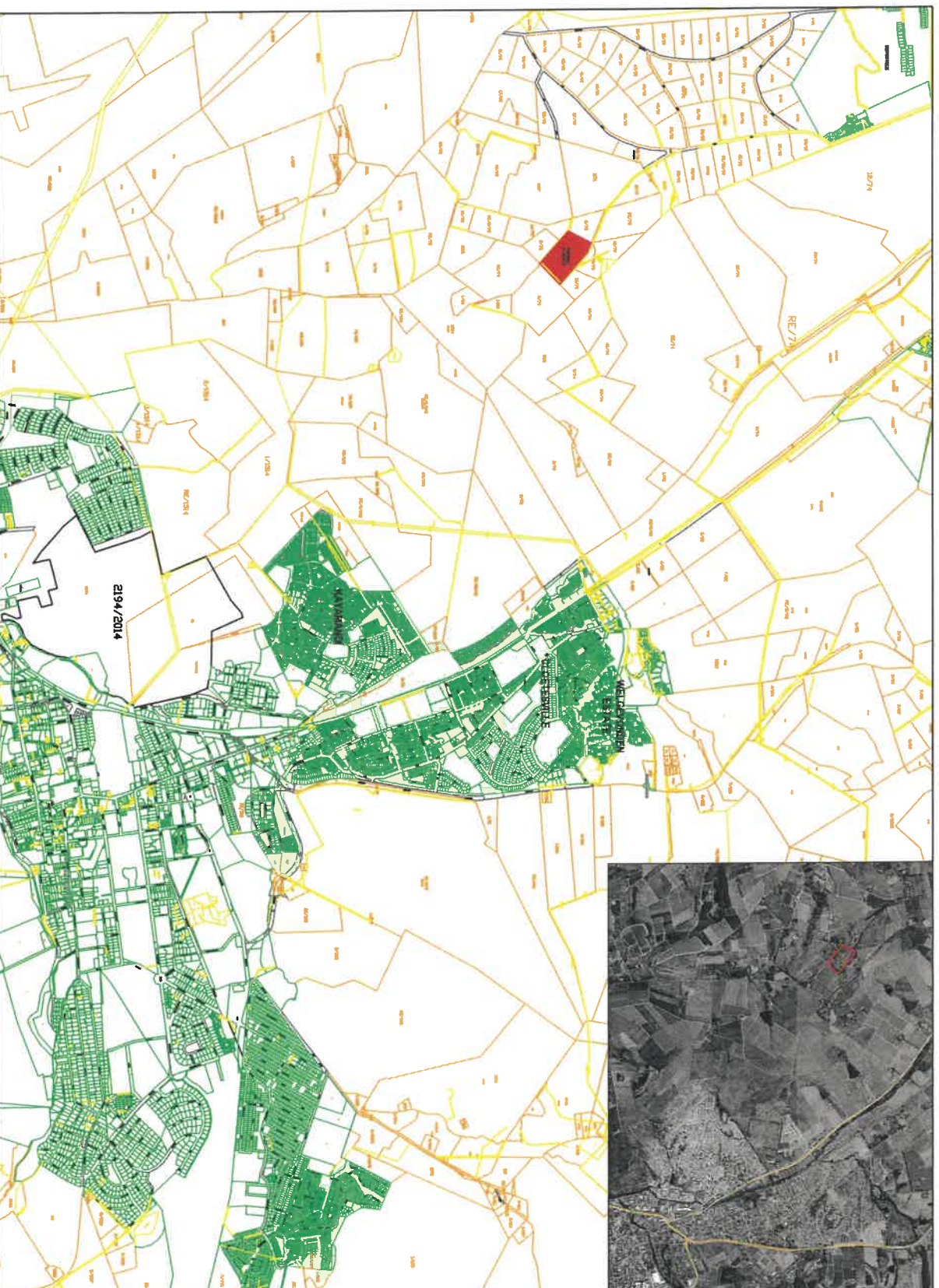
THE END

LOCATION OF PORTION 4 OF FARM 78, STELLENBOSCH

DESCRIPTION	COMMENTS
 Portion 4 of Farm 78, Stellenbosch 47,4689 ha	
SG Diagram	SG 10456/47
Title Deed	T64139/2008

Notes:

1. Portion 4 of the Farm Neuligedacht Nr. 78 is located adjacent to and north of Devon Valley Road.
2. Coordinates of the property's approximate center point:
2.1. 33°54'10" S
2.2. 18°48'56" E
3. Kayastrand is located approximately 3km southeast of the property, whilst Welgevonden Estate is located approximately 3.5km east of the property.



CLIENT / OWNER INFORMATION

DEVON VALLEY HOTEL
 Contact: Mr Alan Louis
 Position:
 Tel: 021-866-2012
 Cell: 082-335-4018
 Email: executives@hst-sp.com / alan@hst-sp.com
 Web: www.devonvalleyhotel.com

DRAWING TITLE

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
1	1:30	A3	1 of 1

PROJECT NAME

LAND USE RIGHTS: PORTION 4 OF FARM 78, STELLENBOSCH

DRAWING TITLE CODES

CP: Consolidation Plan
 DP: Development Framework
 LP: Locality Plan
 LUP: Land Use Plan
 SDP: Site Development Plan
 SLP: Site Layout Plan
 SUB: Subdivision Plan
 ZP: Zoning Plan

DRAWING DISCIPLINE CODES

TRP: Town & Regional Planning
 TP: Transportation Planning

DRAWING STATUS CODES

D: Draft
 F: Final

DRAWING NUMBER

24P-009-TRP-LP-20250620-FD

PROFESSIONAL PLANNERS & PROJECT MANAGERS

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PARKING & ROOM LEGEND OF ERF-478										TOTAL PARKING BAYS REQUIRED	
NO.	MAJOR	MINOR	REMARKS	NO. OF VEHICLES	NO. OF VEHICLES	NO. OF VEHICLES	NO. OF VEHICLES	NO. OF VEHICLES	NO. OF VEHICLES	NO. OF VEHICLES	NO. OF VEHICLES
1	MAJOR	1	MAJOR	7	1	310	4	7	3		
2	MAJOR	1	MAJOR	1	1	33	0	1	1		
3	MAJOR	1	MAJOR	1	78	278	17	20	3		
4	MAJOR	1	MAJOR	1	8						
5	MAJOR	1	MAJOR	1	10						
6	MAJOR	1	MAJOR	1	26						
7	MAJOR	1	MAJOR	1	35						
8	MAJOR	1	MAJOR	1	71						
9	MAJOR	1	MAJOR	1	143						
10	MAJOR	1	MAJOR	1	78						
11	MAJOR	1	MAJOR	1	76						
12	MAJOR	1	MAJOR	1	272						
13	MAJOR	1	MAJOR	1	110	227	5	28	23		
14	MAJOR	1	MAJOR	1	10						
15	MAJOR	1	MAJOR	1	11						
16	MAJOR	1	MAJOR	1	360						
17	MAJOR	1	MAJOR	1	418						
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149	MAJOR	1	MAJOR	1	10						
150	MAJOR	1	MAJOR	1	10						
151	MAJOR	1	MAJOR	1	10						
152	MAJOR	1	MAJOR	1	10						
153	MAJOR	1	MAJOR	1	10						
154	MAJOR	1	MAJOR	1	10						
155	MAJOR	1	MAJOR	1	10						
156	MAJOR	1	MAJOR	1	10						
157	MAJOR	1	MAJOR	1	10						
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159	MAJOR	1	MAJOR	1	10						
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161	MAJOR	1	MAJOR	1	10						
162	MAJOR	1	MAJOR	1	10						
163	MAJOR	1	MAJOR	1	10						
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165	MAJOR	1	MAJOR	1	10						
166	MAJOR	1	MAJOR	1	10						
167	MAJOR	1	MAJOR	1	10						
168	MAJOR	1	MAJOR	1	10						
169	MAJOR	1	MAJOR	1	10						
170	MAJOR	1	MAJOR	1	10						
171	MAJOR	1	MAJOR	1	10						
172	MAJOR	1	MAJOR	1	10						
173	MAJOR	1	MAJOR	1	10						
174	MAJOR	1	MAJOR	1	10						
175	MAJOR	1	MAJOR	1	10						
176	MAJOR	1	MAJOR	1	10						
177	MAJOR	1	MAJOR	1	10						
178	MAJOR	1	MAJOR	1	10						

NOTE:

1. CREATE NEW WALKWAYS AS INDICATED IN BROWN
2. THE BLUE CIRCLES REPRESENT HIGHEST POINT OF EACH CHALET ON THE TOPO SURFACE LEVEL, AT EACH OF THESE POINTS THERE MUST BE A 300mm INCREASE OF THE GROUND LEVEL, TO OBTAIN THE ROUGH FINISH FLOOR LEVEL OF THE PODS.
3. PROPOSED (72) NEW PARKINGS + DROP OFF ZONE



**CHALET FLOORPLAN TYPES
(NOT TO SCALE)**

AREA CALCULATIONS OF CHALETs	
Site Area:	75 600 m ²
1 x CHALET:	40 m ²
1 x PATIO:	7 m ²
10 x CHALET + PATIO:	470 m ²
Total Floor Area:	400 m ²
Total Coverage :	470 m ²
Coverage %	- %

Architect Chris De Hart

Date: 07/03/2024

Client:

Alan
Devonvalley Hotel ERF 478



CHRIS DE HART ARCHITECTS (PTY)
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COUNCIL SUBMISSION

CLIMATIC ZONE	BUILDING CLASSIFICATION
STELLENBOSCH	M4
SCALE	
AS SHOWN	

SITE PLAN

NEW CHALETs on Portion 4 of Farm 78	DATE	2025-07-09
DEVONVALLEY HOTEL	SHEET NO.	01
STELLENBOSCH	A3	

DRAWING NUMBER:	CHALET TYPE:	DRAWN:	REVISION:
2449 01	A & B	RH	01