

STELLENBOSCH

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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-11-21 FROM
10:00-15:00**



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**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-11-21 FROM 10:00-15:00**

**Ref. no. 3/4/5/2/40
2025-11-21**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

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

Mr J Benjamin: Senior Manager - Planning and Economic Development

Technical Advisor

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

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use
Planning By-Law (2023), of the Municipal Planning Tribunal Meeting which will be held at the
Kayamandi Corridor, Kayamandi on FRIDAY, 2025-11-21 from 10h00-15:00 to consider the
items on the Agenda.*

Mr P van Zyl
DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 OCTOBER 2025

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 31st OF OCTOBER 2025 AT THE STELLENBOSCH COUNCIL CHAMBERS, STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM 10H00-15H00

Ref. no. 3/4/5/2/40
2025-10-31

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr S Boshoff

Internal Members

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

Mr M Williams: Senior Legal Advisor

Mr A Barnes: Director - Planning and Economic Development

Mr J Benjamin: Senior Manager – Development Planning

Technical Advisor

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

Officials

Mrs C Kriel: Manager: Land Use Management

Ms O Vergotine: Administrative Officer

Mr P April: Senior Town Planner

Mr R Fooy: Senior Town Planner

Mr G Goosen: Senior Town Planner

Mr G de Vries: Land Use Inspector

Mrs C Hauptfleisch: Senior Spatial Planner

Mrs X Mqhoma: Spatial Planner

Observers:

Ms Tamryn Kumm, Councillor: Ward 8, Mayoral Committee Member: Planning, Local Economic Development & Tourism

Mrs Z Nortje: Town Planner CK Rumboll & Partners

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 OCTOBER 2025

ITEM	SUBJECT
SMPT 01/10/25	OPENING AND WELCOME
	<p>Chairperson Crooijmans-Lemmer welcomed all present.</p> <p>Director Barnes welcomed and introduced Councillor Ms Tamaryn Kumm to the meeting.</p> <p>The WCG Department Environmental Affairs and Development Planning conducted a SPLUM Governance Assessment and Stellenbosch Municipality achieved an overall score of 82%, placing it in the "highly effective" category of municipalities in the province. The Director thanked the Department, and the Chairperson congratulated the Municipality on this achievement.</p>
SMPT 02/10/25	LEAVE OF ABSENCE
	<p>Mr D Leo</p> <p>Mr A van der Merwe: Senior Manager - Community Services</p> <p>Mr S Carstens: Senior Manager: Development Management</p>
SMPT 03/10/25	DISCLOSURE OF INTERESTS
	None received
SMPT 04/10/25	MINUTES OF THE PREVIOUS MEETING DATED 26 September 2025
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/10/25	<p>APPLICATION FOR REZONING AND SUBDIVISION OF PORTION 1 OF FARM 1631, PAARL (LU/ 18385) (TP967/2024)</p> <p>Discussion:</p> <ul style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal. b. Questions for clarity were asked about the consideration of landscaping and screening due to the location and being part of the scenic route.

Due to challenges with roots and maintenance and the fact that the pylons are quite high, landscaping from a technical perspective is not supported.

UNANIMOUSLY RESOLVED:

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Portion 1 of Farm 1631, Paarl for:

1.1. **Rezoning** of Portion 1 of Farm 1631, Paarl, in terms of Section 15(2)(a) of the said by-law from Agricultural Zone I to Sub Divisional Area, to accommodate the following zonings:

1.1.1. 2 X Utility Services Zone

1.1.2. 1 X Agriculture and Rural Zone

1.2. **Subdivision** of Portion 1 of Farm 1631, Paarl, into 2 portions and a remainder in terms of Section 15(2)(d) of the said by-law comprising the following:

1.2.1. 2 X Utility Services Zone - **Portion A** ($\pm 4930\text{m}^2$) and **Portion B** ($\pm 5484\text{m}^2$)

1.2.2. 1 X Agriculture and Rural Zone - **Remainder** Portion 1 of Farm 1631, Paarl ($\pm 101.4567\text{m}^2$)

1.3. **Subdivision** of Portion 1 of Farm 1631, Paarl, to register an **electrical servitude area** - with a width of 22m for the proposed overhead line, in terms of Section 15(2)(d) of the said by-law.

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

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

2.1. The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

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

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 OCTOBER 2025

	<p>2.3. The development be undertaken in accordance with the Subdivision and Servitude Plans with reference BIEN/12799/ZN, Dated SEPT 2024, attached as Annexure B.</p> <p>2.4. All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first erf in the subdivision.</p> <p>2.5. The services servitude be registered in the title deed of Portion 1 of Farm 1631, Paarl, on registration of the 1st property of the subdivision application.</p> <p>2.6. Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of the land.</p> <p>2.7. The subdivision only comes into effect once all the conditions or relevant legislative provisions have been complied with.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1. The proposal is aligned with the strategic intent of the Municipal Spatial Development Framework (MSDF) and capital expenditure framework of the Municipality to provide the surrounding rural area of Groot Drakenstein, Simondium and Pniel with increased electricity supply in support of economic resilience and growth.</p> <p>3.2. The locations of the proposed substations were determined based on the location of the existing substation, the proximity of Eskom's power supply, and the designated feeder area.</p>
SMPT 06/10/25	<p>APPLICATION FOR REZONING, DEPARTURE AND PERMISSION IN TERMS OF THE ZONING SCHEME BYLAW: ERF 346, STELLENBOSCH. (LU/17275)</p> <p>Discussion:</p> <p>a. Chairperson Crooijmans-Lemmer handed over to Mr April to give a brief introduction of the application that served before the Tribunal.</p> <p>b. Members raised concerns about the proposal and recommendation as the location of the property holds more potential as what has been proposed. The following points were mentioned and debated:</p> <p>c. The current Multi-unit Residential zoning is regarded more appropriate than what is proposed.</p> <p>d. The property lends itself to the provision of inclusionary housing.</p> <p>e. Local business implies the creation of opportunities within walking distance of the community while the proposal is for an undefined office space in a gated development, and does not suggest uses such as a coffee shop etc.</p>

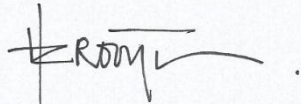
- | | |
|--|--|
| | <ul style="list-style-type: none"> f. The property is located within the town's centre structure on the periphery of the Adam Tas Corridor (ATC) with the overall objective of non-motorised transport (NMT) and higher density residential development and provides an opportunity to link the ATC with the centre business district (CBD). g. The proposed slip way to link with Adam Tas Road is unkind to NMT which is one of the main objectives of the ATC and its surrounds, taking into consideration that the future use of the Adam Tas Road depends on the relevant provincial department of Western Cape Government. h. The Conservation Advisory Committee (CAC) shaped the proposal in terms of height restrictions and the design of the building as it is located within the Urban Conservation Overlay Zone, not taken into account the development objectives of the ATC LSDF. i. The Department noted that the application was submitted with consideration of other existing land uses in the vicinity such as the retirement village, residential developments and business and offices in e.g. the close by Harold Street and Market Street. j. A technical point raised which was taken into consideration in the receipt and evaluation of the application is that the property is less than 1000sqm and in terms of the Zoning Scheme Bylaw although zoned Multi-Unit Residential Zone, it reverts to the development parameters of Conventional Residential Zone due to its size. So even if the property is optimally used there may not be a requirement for inclusionary housing due to the maximum development potential of three storeys on a site in the Urban Conservation Overlay Zone. k. In the absence of a precinct plan and local LSDF for the area, the technical consideration by the Department is based on the development parameters in the Zoning Scheme Bylaw. The dwelling house on the property was demolished in pursuance of densification and providing business opportunities on the property and Local Business is regarded the most appropriate zone for the proposed development. The difference in the term 'local business' in its general understanding in comparison to the purpose of the Local Business Zone is noted. It was also clarified that the Local Business Zone allows for offices and shops and that the application was amended to decrease the number of flats from 12 to 8 and increase the office space floor area based on public comment. l. The sentiment was emphasised by individual MPT Members that the MPT has a task and responsibility to work towards the bigger vision of that part of Stellenbosch and every decision made by the MPT needs to go towards supporting the ATC and the policy intentions of the Municipality. That decisions must be in pursuit of policy objectives for increased density within walking distance of opportunity while the opinion is hold that the proposal is for a car driven development for an unknown office use and does not align to agreed policy of Stellenbosch. |
|--|--|

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	<p>m. There were different opinions on the decision when one member voted to support the recommendation and seven members voted to refuse the application.</p> <p>RESOLVED:</p> <p>1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 346, Stellenbosch for:</p> <p>1.1. the Rezoning of Erf 346, Stellenbosch in terms of Section 15(2)(a) of the said bylaw, from Multi-Unit Residential Zone to Local Business Zone to accommodate flats and offices space.</p> <p>1.2. Departure in terms of Section 15(2)(b) of the said bylaw to provide 24 parking bays instead of the required 28 parking bays.</p> <p>BE REFUSED in terms of Section 60 of the said Bylaw.</p> <p>2. The reasons for the above decision are as follows:</p> <p>2.1. Lack of alignment with the development management objectives and SPLUMA related policy of the Municipality, including the MSDF related to land use and the form of associated activity in the CBD periphery.</p>
SMPT 07/10/25	OTHER MATTERS
7.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	<p>a. Mrs C Hauptleisch presented Stellenbosch's Inclusionary Zoning Policy: Lessons and Insights on Policy Development. See attached.</p> <p>b. The following spatial planning initiatives are envisaged by the Department Development Planning:</p> <ul style="list-style-type: none"> • Compilation of the following Local Spatial Development Frameworks (LSDF) <ul style="list-style-type: none"> ○ Koelenhof LSDF (2025/26 financial year) ○ Dwarsriver Valley LSDF (2025/26 financial year) ○ Greater Franschhoek LSDF (co-funding agreements to be concluded) ○ Rural Area LSDF • Review of Municipal Spatial Development Framework (MSDF), including a spatial trends analysis (2025/26 financial year) • Review of the Capital Expenditure Framework (CEF) (2025/26 financial year)

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 OCTOBER 2025

	<ul style="list-style-type: none"> Review of the Inclusionary Zoning Policy (2025/26 financial year)
7.2	APPEALS RECEIVED AGAINST MPT DECISION
	<p>a. One new appeal was received on the decision on the application for the subdivision and consolidation of Farm 1557, Erf 16576 and Erf 13836 (LU/16752)</p> <p>b. No new appeals were decided in October.</p>
7.3	GENERAL
	The next meeting is scheduled for 21 November 2025. The venue and time will be confirmed.


Mrs H Grooijmans-Lemmer**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**

Mr P van Zyl**DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



STELLENBOSCH'S INCLUSIONARY ZONING POLICY

LESSONS AND INSIGHTS ON POLICY DEVELOPMENT

Authors: Claudia Hitzeroth & Chantel Hauptfleisch (July 2025)



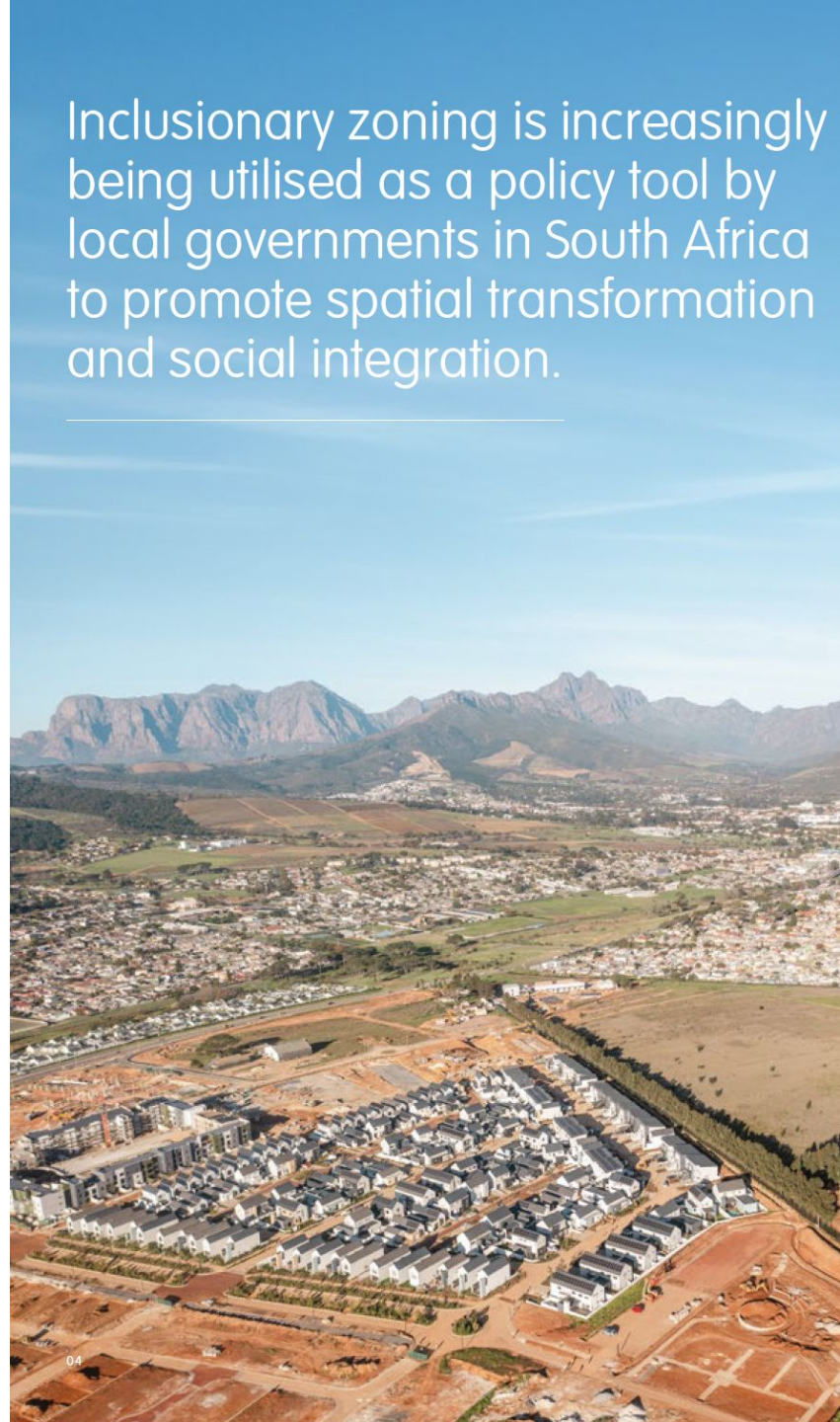
SECTION 1

INTRODUCTION

WHAT IS INCLUSIONARY ZONING?

- Policy tool that requires or incentivises private developers to include a portion of affordable housing in new residential developments
- Goal: Foster social inclusion and counteract the legacy of spatial segregation
- Relies on the spatial planning and land-use management systems controlled at a municipal level
- Not a substitute for other housing interventions, but a complementary mechanism
- Functions as a land value capture tool to recoup some of the unearned increment gained from planning permissions

Inclusionary zoning is increasingly being utilised as a policy tool by local governments in South Africa to promote spatial transformation and social integration.



The choice of model has significant implications for policy effectiveness, private sector engagement, market impacts and the overall affordability of the inclusionary housing units.

It is essential to carefully define policy objectives for a specific context and tailor policy parameters accordingly to suit the local market conditions.

TIMELINE OF INCLUSIONARY HOUSING IN SOUTH AFRICA

This timeline documents important legislative and policy developments in relation to inclusionary housing in South Africa.

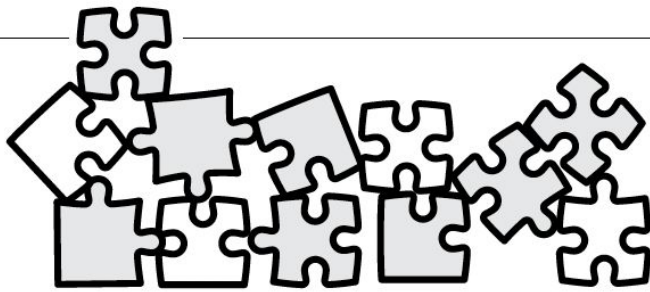




SECTION 2

STELLENBOSCH CONTEXT

UNDERSTANDING THE URBAN CHALLENGES FACING STELLENBOSCH
MUNICIPALITY IN 2016 – 2019



KEY CHALLENGES FACING STELLENBOSCH MUNICIPALITY

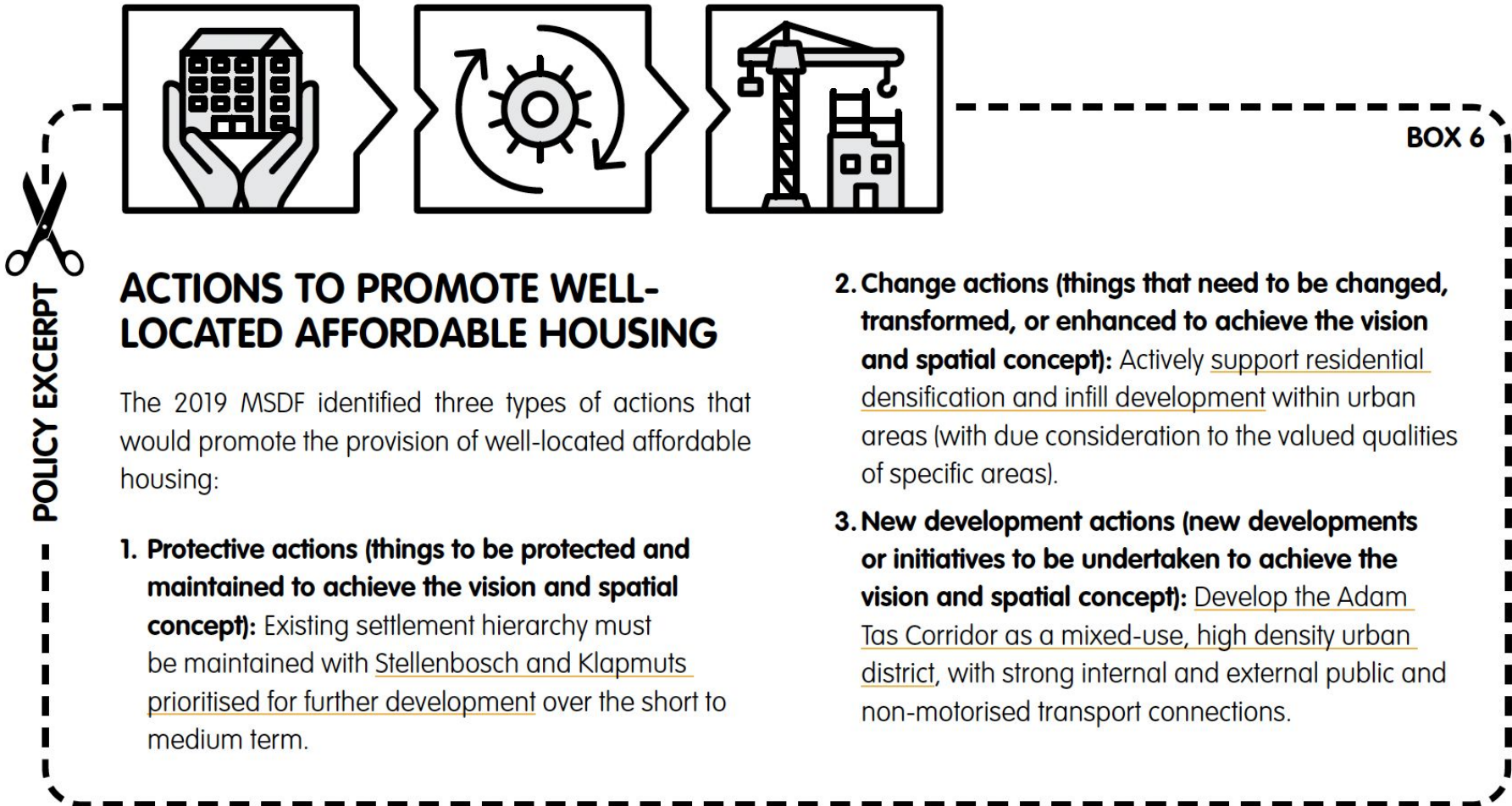
According to Stellenbosch Municipality's 2019 MSDF, the municipality faced a number of key challenges:

1. Need for housing and shelter had not been adequately met, both for lower income groups and those in employment
2. Property and land was inordinately expensive
3. Inequality was particularly evident in the structure of settlements & majority many new developments were peripheral and entrenching inefficiencies
4. Studentification
5. Existing industrial operations were impeding large-scale settlements restructuring
6. Relatively small municipal budget

BOX 4



POLICY EXCERPT



THE ADAM TAS CORRIDOR



The western edge of town
recognised as an opportunity for
catalytic redevelopment.



EXTENSIVE CHANGES IN LAND-USE RIGHTS TO ENABLE CATALYTIC REDEVELOPMENT

18

Figure 1: Zoning and Land-Use Rights before the Adam Tas Corridor Catalytic Intervention

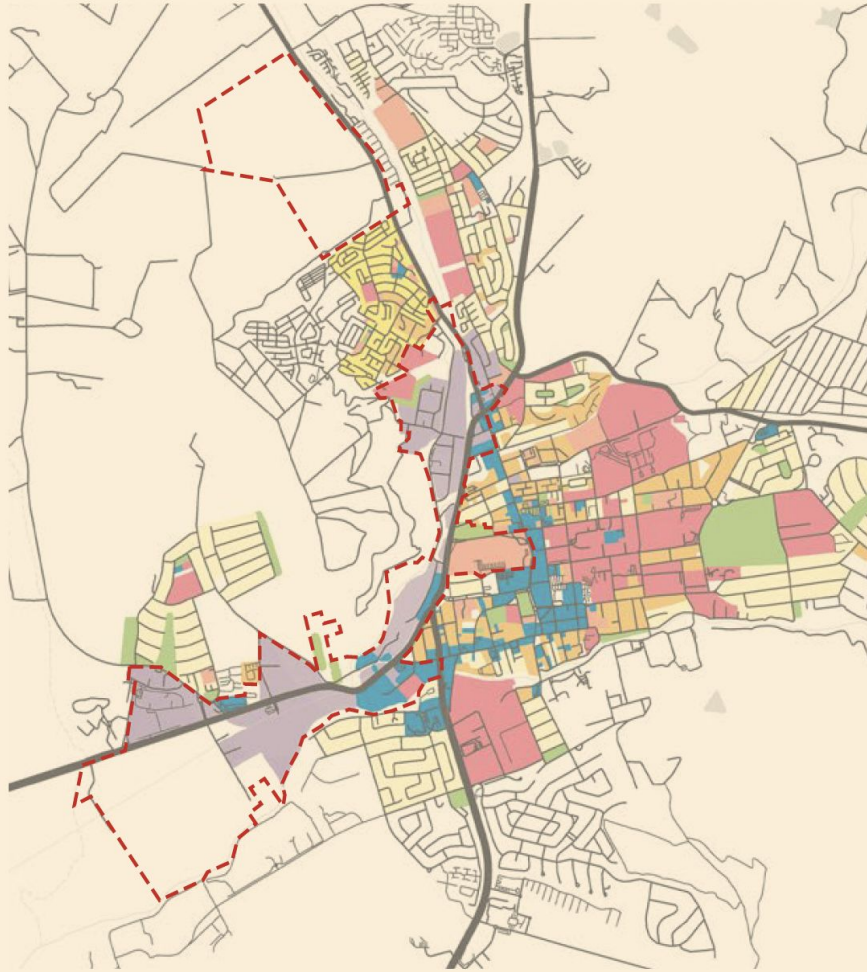
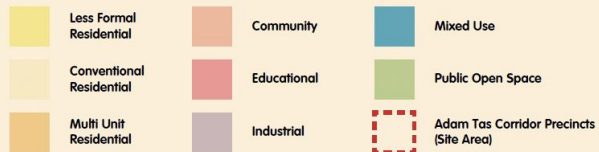
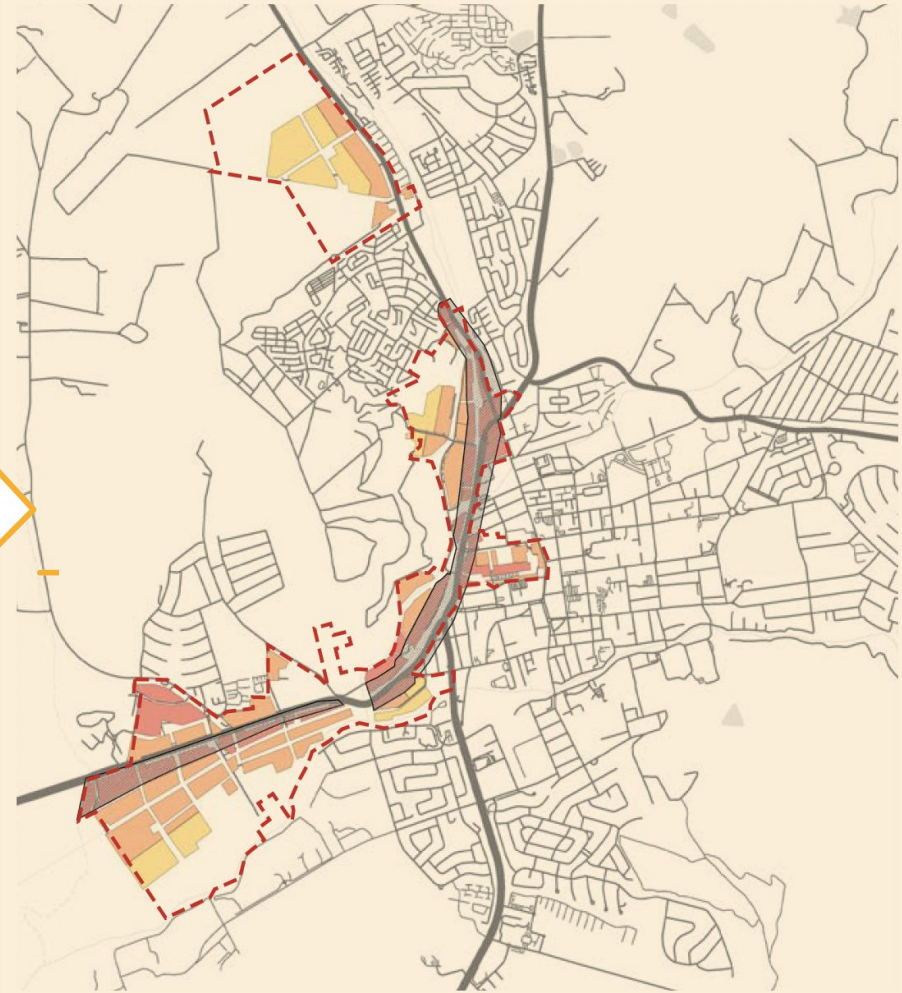
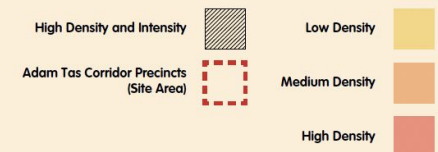
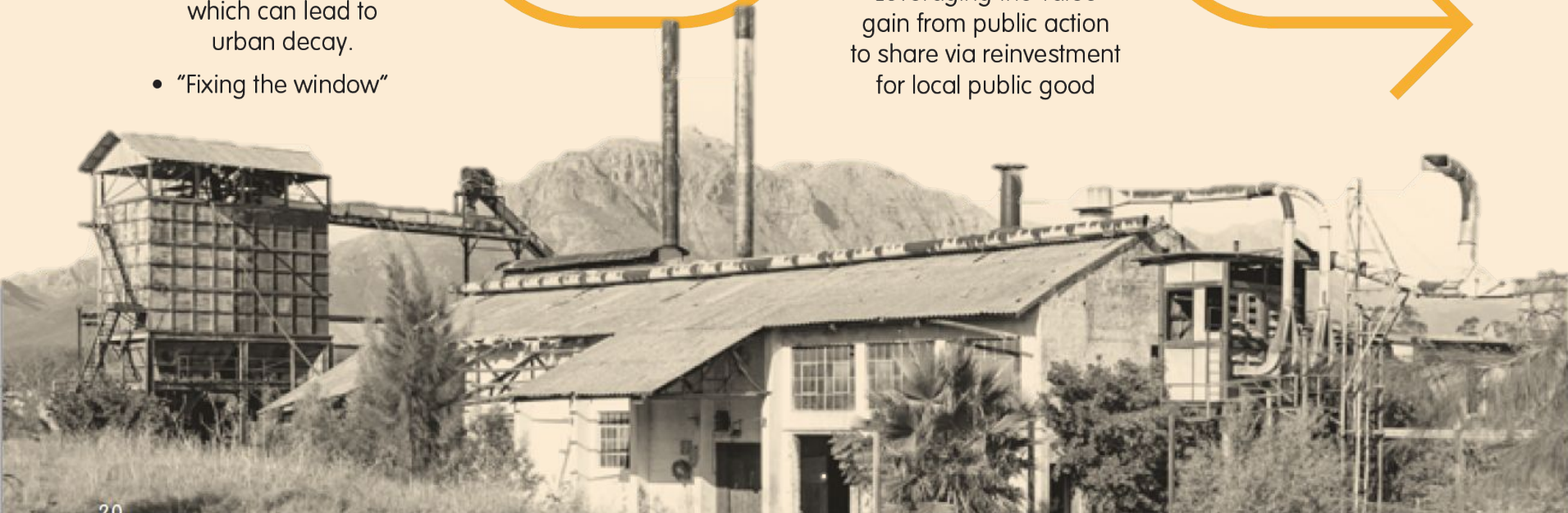


Figure 2: Density Parameters after the Adam Tas Corridor Catalytic Intervention



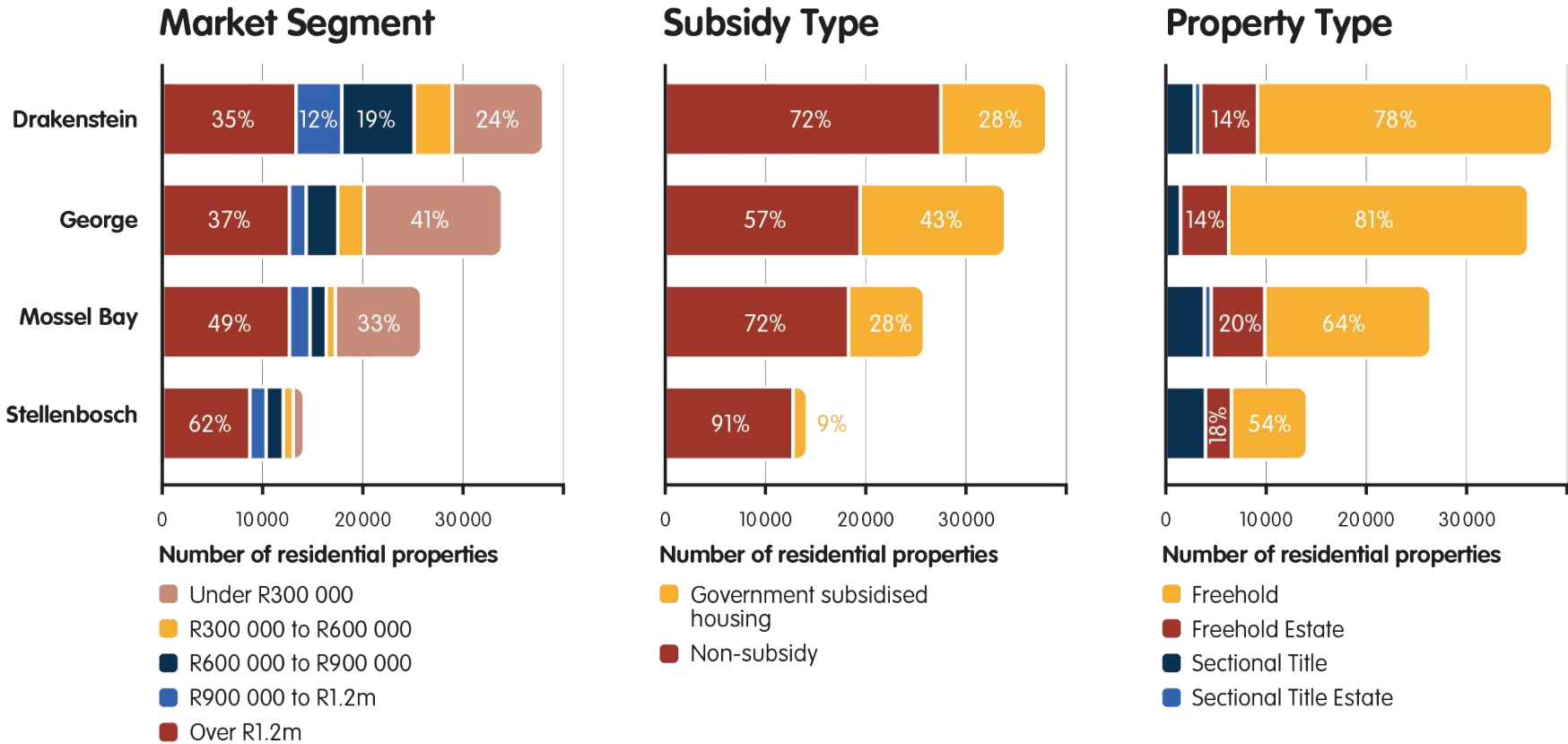




SECTION 3

DEVELOPING AN INCLUSIONARY ZONING POLICY

SETTING THE EVIDENCE BASE: HOUSING MARKET STUDY



In Stellenbosch luxury housing made up the majority of housing market at 62%. However, income data showed that only 22% of the town's population would be able to afford properties in this luxury segment.

DEFINING AFFORDABILITY

A clear unmet demand for housing at:

- entry-level (< R300 000)
- affordable (R300 000 - R600 000)
- conventional markets (R600 000 - R900 000)

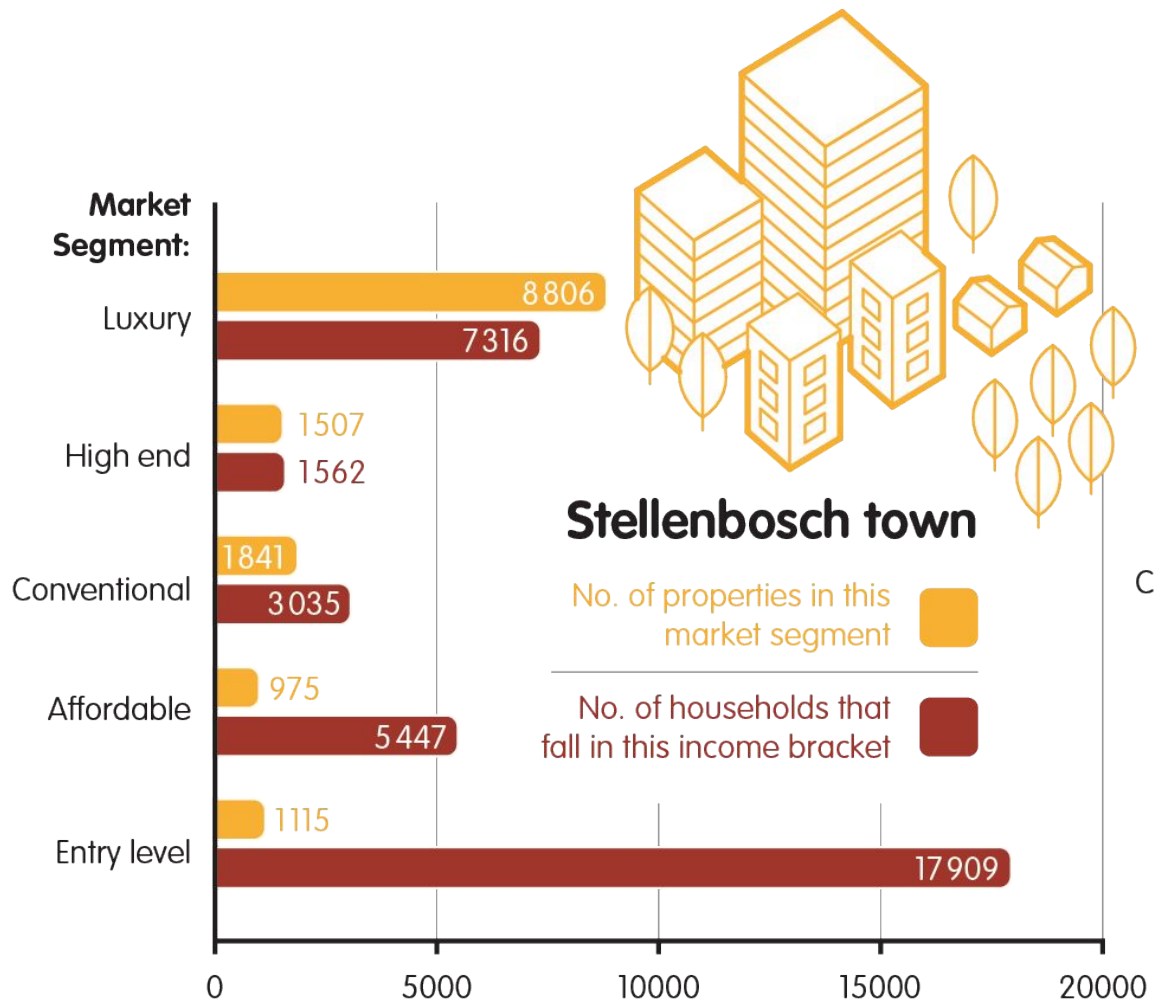


Figure 4 (below): Comparison of Proportion of Household Properties in the Affordable, Conventional, High End and Luxury Market Segments to Households in the Equivalent Market Segments (WC DEA&DP, 2022) ⁵⁸

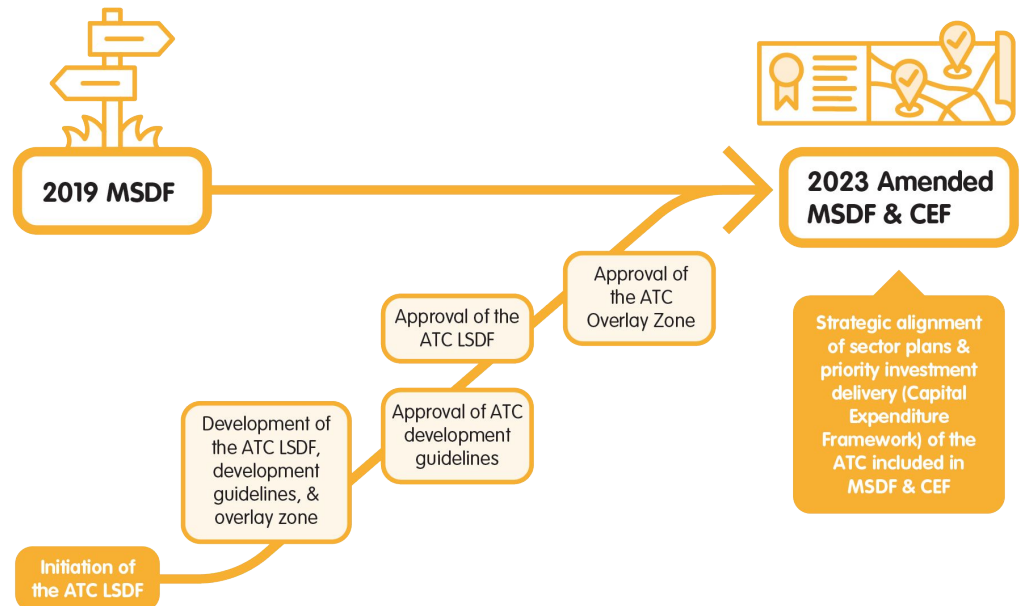
ESTABLISHING ENABLING POLICY FRAMEWORKS

1. Western Cape Inclusionary Housing Policy Framework

- Adopted in October 2022
- Sets out the legislative and policy basis for the application of inclusionary housing provisions in land-use planning permissions

2. Adam Tas Local Spatial Development Framework

- Apportioned a significant amount of land-use rights and bulk to each precinct
- Lays basis for Development Guidelines and an Overlay Zone



NEGOTIATING INCLUSIONARY HOUSING AGREEMENTS IN THE ABSENCE OF AN INCLUSIONARY ZONING POLICY



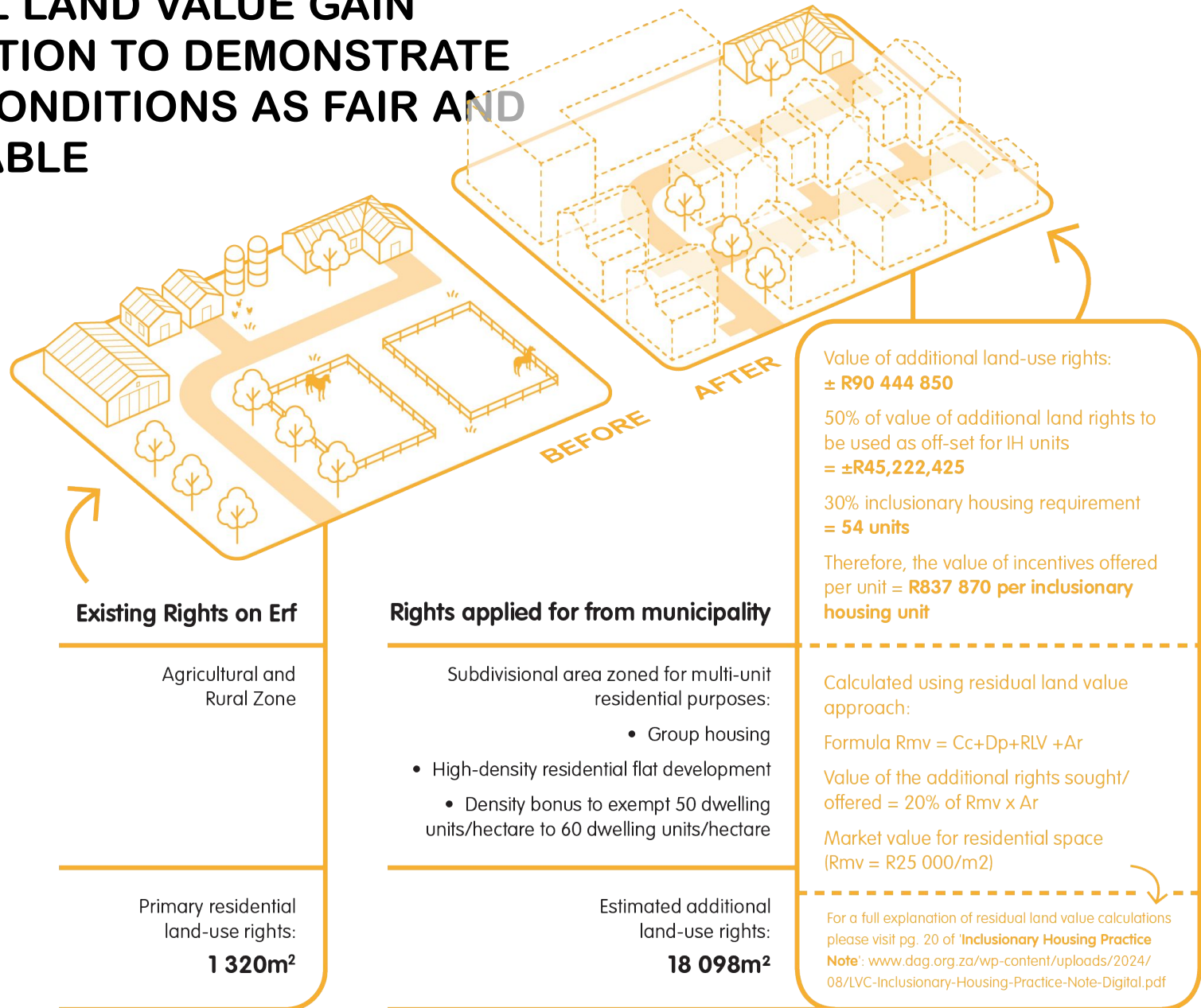
In 2020 multiple land-use applications for large-scale residential developments were submitted, it was important not to miss the opportunity for these developments to contribute toward the supply of affordable housing.

The municipality imposed the provision of inclusionary housing as a condition of approval on planning applications.

343 affordable housing units included into developments that would have been majority student or high-income housing otherwise.

Should not set precedent but represented a transitional phasing-in of the policy requirements.

RESIDUAL LAND VALUE GAIN CALCULATION TO DEMONSTRATE POLICY CONDITIONS AS FAIR AND REASONABLE

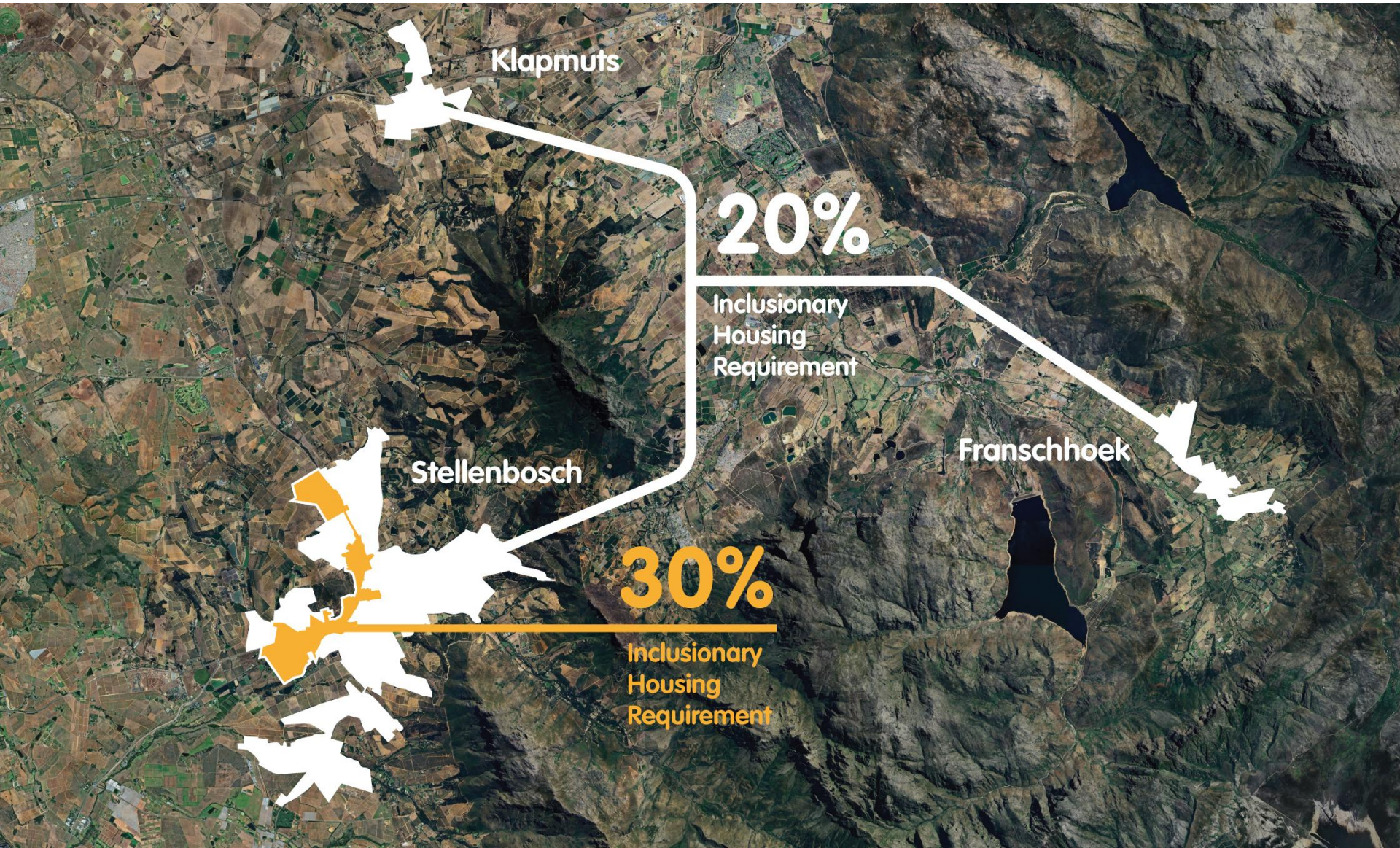




SECTION 4

POLICY ADOPTION AND IMPLEMENTATION

HOW THE STELLENBOSCH INCLUSIONARY ZONING POLICY WORKS





BOX 12

PRIORITY DEVELOPMENT AREAS

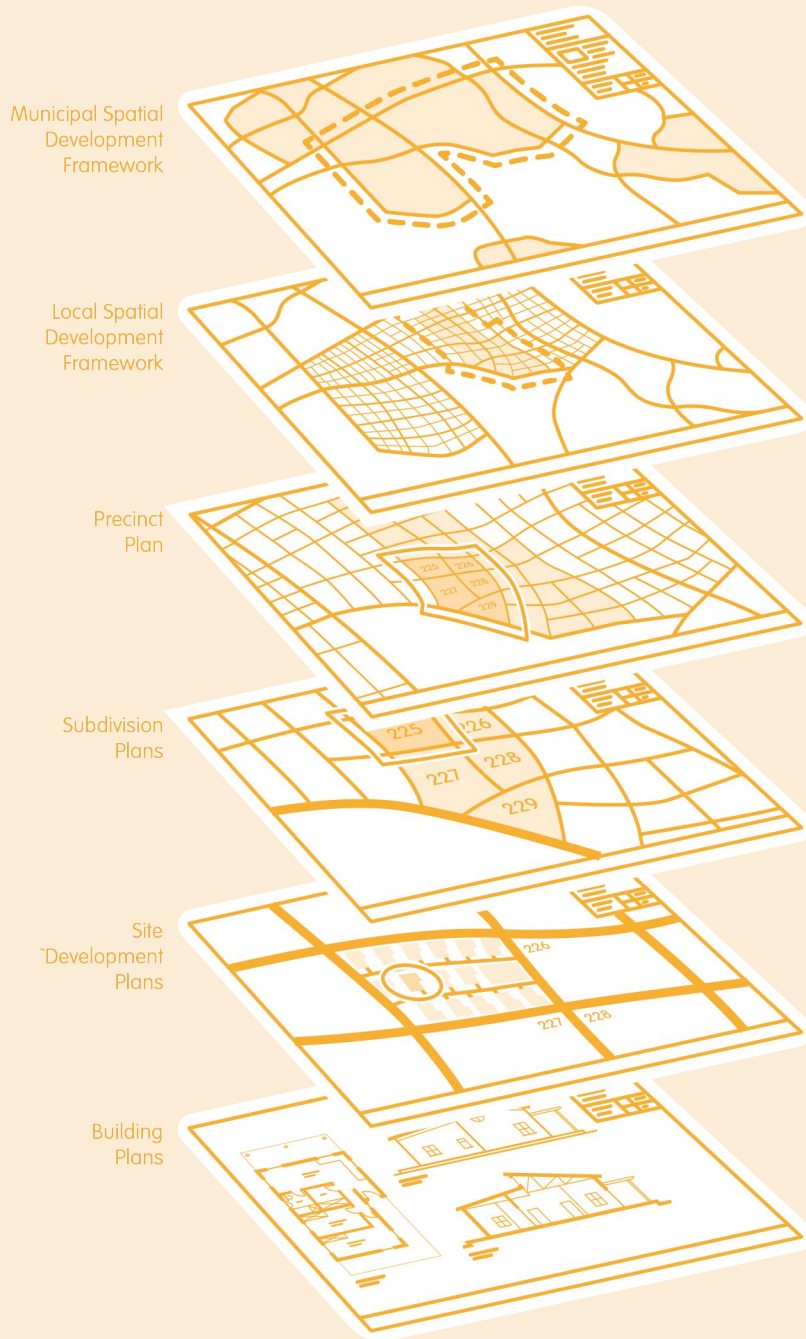
- Stellenbosch town, Klapmuts & Franschhoek
- Developments of 20 units or more
- 20% inclusionary housing

BOX 13

SPECIFICATIONS OF INCLUSIONARY HOUSING UNITS

- Rental or ownership
- 30-year affordability
- Excludes student housing and transient guests
- R300 000 – R1.2 million
- Targeting households with monthly income of R3 500 – R27 000

HOW THE POLICY WORKS IN THE ADAM TAS CORRIDOR



- Adoption of the Adam Tas Local Area Overlay Zone in 2023/4
- Stipulates permitted land-uses and allocates land area and floor area per land-use and precinct
- Follows a 'package of plans' approach

A new residential or mixed-use development which includes 20 dwelling units or more, must contain a minimum of 30% of the total units to be targeted at affordable housing on-site (also referred to as inclusionary housing units), falling within the affordability thresholds for rental or ownership.

IMPLEMENTATION AND POLICY OUTCOMES IN FIRST YEAR

- LUM system and its officials are responsible for implementing the policy

907 inclusionary housing units have been accounted for from 7 developments





SECTION 5

CONCLUSIONS

KEY ENABLERS

- Evidence-based understanding of urban challenges
- Robust and aligned policy framework that responds to spatial justice principles
- Continued and consistent political support
- Active and buoyant property market
 - Housing market study
- Spatial targeting to unlock catalytic areas
- Capital expenditure framework that relates to catalytic infrastructure provision
- Municipal officials recognizing value creation opportunities





LESSONS LEARNT

- Identified opportunities to apply land value capture principle at the right time within the Adam Tas Corridor
- Inclusionary zoning is also feasible in areas outside of the Adam Tas Corridor
- A transitional phase was necessary
 - To not miss opportunities
 - Account for development feasibilities
 - Does not set precedent
- Policy certainty and clear parameters allow for capitalization into land price



THANK YOU

https://landvaluecapture.org.za/wp-content/uploads/2025/08/lvc_stellcasestudy_final_mr.pdf



APPLICATION FOR CONSENT USES TO PERMIT A TOURIST ACCOMMODATION ESTABLISHMENT AND TOURIST FACILITIES ON ERF 211, RAITHBY

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ANNEXURE C: Applicant's Motivation	82-108
ANNEXURE D: Applicant's Comment and Portfolio of Evidence	109-171



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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW FOR CONSENT USES TO PERMIT A TOURIST ACCOMMODATION ESTABLISHMENT AND TOURIST FACILITIES ON ERF 211, RAITHBY			
APPLICATION DETAILS			
Application Reference	LU/16002 (TP407/2023)	Commencement Date	13/12/2024
Applicant	Virdus Works (Pty) Ltd	Last day for comments or additional information	12/09/2025
Erf/Farm nr	Erf 211, Raithby	Place	Raithby / Stellenbosch
Zoning	Agriculture and Rural Zone	Other approvals	Additional use for agricultural industry (wine cellar). Consent use for tourist facility (restaurant and tasting and sales facility).
X	TYPE OF APPLICATION		
	15(2)(a) rezoning of land*		
	15(2)(b) a permanent departure from the development parameters of the zoning scheme		
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land		
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*		
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*		
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*		
	15(2)(g) a permission required in terms of the zoning scheme		
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*		
	15(2)(i) an extension of the validity period of an approval		
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme		
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*		
	15(2)(l) a permission required in terms of a condition of approval		
	15(2)(m) a determination of a zoning		
	15(2)(n) a closure of a public place or part thereof		
X	15(2)(o) a consent use contemplated in the zoning scheme		
	15(2)(p) to disestablish a homeowners' association		
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services		
	15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building		
	Approval required in terms of relevant policy for street naming and numbering		

	Approval required in terms of Council policies or By-laws – Specify:
	Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

Erf 211, Raithby is an agricultural land unit located approximately 5km south of Stellenbosch town along the R44 Road. The subject property is predominantly used for agricultural purposes and the improvements on the farm include a main dwelling house, a second dwelling unit, a manager's house, employee housing units, stables, old and operational wineries, and other agricultural buildings.

The purpose of the application as motivated by the applicant is as follows:

- To use of the existing main dwelling house as a nine (9) bedroom tourist accommodation establishment.
- Enlargement of the existing 96m² restaurant located in the old winery to a floor area of 162m² and to host up to 60 people at a time.
- The existing wine tasting and sales facility with an area of 90m² to be expanded to 117m² by the inclusion of a portion of the approved external seating area and a capacity of 70 people.
- A function venue with a floor area of 216 m² located in the old winery with a maximum capacity of 173 people, but which cannot function separately from the restaurant and the wine tasting and sales facility.
- Two padel courts with an area of 530m² and a padel court clubhouse with an area of 70m².

The restaurant, wine tasting and sales facility, function venue and padel courts will operate as follows:
Restaurant:

- Closed on Mondays.
- Breakfast and Lunch Tuesday to Sunday, 09:00 – 16:00.
- Dinners Tuesdays and Saturdays, 18:00 – 21:00.

Tasting Room:

- Monday to Friday, 08:30am – 17:00.
- Saturday and Sunday, 08:30 – 16:00.

Functions venue:

- By prior booking only and subject to exclusive use of the restaurant.

Padel Courts:

- The outdoor sporting facility will be open seven days a week from sunrise to sunset.

It should be noted that the initial application submitted was amended to include the function venue use and to make minor alterations to the layout of the existing restaurant and wine tasting and sales facility. Also, a land use contravention notice was served for the existing padel courts and clubhouse.

Application is therefore made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for consent use for the following on Erf 211, Raithby:

- to permit the use of the existing main dwelling house as a nine (9) bedroom tourist accommodation establishment,
- a tourist facility to expand the existing restaurant and wine tasting and sales facility consisting of indoor and outdoor seating areas and the use of the restaurant/wine tasting and sales facility and existing wine cellar as a function venue,
- for a tourist facility (outdoor sport) consisting of two (2) padel courts with associated viewing deck and clubhouse facilities.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed	X		The amended version of the application was readvertised, and the applicant has, in terms of Chapter IV of the Land Use Planning By-law notified all identified interested/affected

			parties. The advertising period was from 04/02/2025 to 10/03/2025.
Conditions imposed by departments	X		<ul style="list-style-type: none"> a) Directorate Infrastructure Service b) Western Cape Government Department of Infrastructure (Transport Infrastructure Branch) c) Manager: Spatial Planning d) Cape Winelands District Municipality (Environmental Health) e) Western Cape Government Department of Agriculture
DCs applicable	X		
Objections received	X		<ul style="list-style-type: none"> a) Forrester Vineyards (Pty) Ltd, owner of Erf 169 and Erf 452, Raithby b) Western Cape Government Department of Agriculture
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65	X		<p>The application complies in part. The Stellenbosch Municipality Spatial Development Framework (MSDF) states that land located outside existing urban settlements should be used for agricultural production, the conservation of biodiversity, the promotion of scenic quality and the establishment of appropriate agricultural and rural related tourism opportunities. The application for guest accommodation and tourist facilities from existing approved buildings generally complies with the objectives and principles of the MSDF. The latter uses as proposed will not lead to loss of any agricultural land or be detriment to the agricultural potential of the subject property. The padel courts however were constructed on agricultural or undisturbed land. Padel courts are not considered a rural recreational facility that is compatible or directly associated with the surrounding rural landscape or agricultural activities.</p> <p>The Western Cape Land Use Planning Guidelines for Rural Areas (Rural Guidelines) states that any facility not directly related to the rural landscape should preferably be located within, or peripheral to, urban centres. The padel courts are not compliant with this guideline as the activity is considered an active urban sporting activity and not a passive rural recreational activity directly related to the rural landscape or the agricultural activity on the subject property.</p> <p>According to the Zoning Scheme By-law the definition and applicable parameters of a guest house only allows such a use to be conducted from a dwelling unit. However, the maximum number of 7 bedrooms permitted is</p>

			exceeded and the proposal is therefore classified as a tourist accommodation establishment. The application, in so far as the use of existing the approved buildings, with minor additions is generally aligned with the of Sections 208, 209 and 213 of the Zoning Scheme By-law relating to the technical requirements for tourist accommodation, tourist facilities and consent uses on Agriculture and Rural Zone properties.
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DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BY-LAW	
Socio-economic impact	The owner of the subject property will enjoy the financial benefit from the tourism accommodation establishment and tourist facilities. The proposal will further provide additional employment opportunities and may contribute to growing the tourism product on offer in the area.
Compatibility with surrounding uses	The subject property is located in an area characterised by actively farmed agricultural properties with subservient tourism opportunities such as wineries, restaurants and guest accommodation. The proposed activities, in so far as the use of existing approved buildings for guest accommodation and tourist facilities are compatible with the surrounding uses. The padel courts and associated clubhouse however have no direct link to the agricultural uses currently found on the subject property or in the surrounding rural landscape. The latter land use is more appropriately accommodated in urban areas or clusters where exiting sports complexes, gyms, or community centres are acceptable uses and where people are likely to engage in a range of similar sporting activities.
Impact on the external engineering services	The proposal will not have any significant impact on the engineering services that exist on the property or any of the Municipal engineering services. The Directorate: Infrastructure Services supported the application.
Impact on safety, health and wellbeing of the surrounding community	Noise pollution associated with tourist facilities, especially when amplified music is used have the potential to ruin the general ambiance of rural areas if not properly managed. This is especially the case when such uses occur on a regular basis. The potential noise pollution can to a certain extent be mitigated by containing noise generating sources inside buildings, installing sound proofing indoors, by prohibiting outdoor amplified sound, and also by restricting the periods during which amplified sound and music may be permitted. The proposed function venue is to be accommodated within an existing building and the restaurant and wine tasting and sales facility to be enlarged is existing. The impact of the latter uses is therefore not expected to significantly affect the wellbeing of the surrounding community. The padel courts are located outdoors and containing any noise or light pollution will not be possible. The tourist facilities are however more than 240m away from the closest dwelling unit located on a neighbouring property. The proposed tourist accommodation establishment on the subject property does however serve as a buffer between the said adjacent properties and the tourist facilities applied for. Other dwelling units located on surrounding farms are found east of the R44 Road. The said road serves as a physical barrier between the activities applied for on the subject property and the said surrounding properties. The proposed use of the property for guest accommodation purposes however poses less of a disturbance to surrounding property owners.

Impact on heritage	The subject property is not located in any Rural Conservation Overlay Zone. Part of the property is located in the RSR6 Rural Scenic Route Overlay Zone and the padel courts are visible from the R44 Road. The activities and structures applied for are however located outside of the 200m radius of the said overlay zone.
Impact on the biophysical environment	The use of existing buildings will not impact the rural character of the property or lead to the clearing of agricultural land. The padel courts, clubhouse and associated parking area however were constructed on undisturbed land or land that could have been used for agricultural.
Traffic impacts, parking, access and other transport related considerations	The Western Cape Government Department of Infrastructure (Transport Infrastructure Branch) supported the application but mentioned that the existing median break across the existing access point to the subject property will be closed and relocated to intersect with Winery Road when the Department's R44 Road Safety Project is implemented. The applicant has submitted a site traffic assessment (STA) which acknowledges the above departmental comment. The STA provides an onsite traffic plan for the current scenario and also for the future relocated access point on the R44 Road to ensure efficient traffic flow and to avoid stacking delays along the R44 Road. Sufficient parking is also provided onsite with the possibility of accommodating overflow parking should it be necessary.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	Conditions of approval can be imposed to restrict the use, scale, frequency and operating hours of the proposed activities such as the tourist accommodation establishment and the tourist facilities making use of existing buildings. The protection of the agricultural potential of the subject property and ensuring compatibility of the padel courts with the rural landscape is however not possible by imposing conditions of approval.

OBJECTIONS RECEIVED AND CORRESPONDING REPLY BY APPLICANT	
Objections received	Comment by the applicant
<p>Forrester Vineyards (Pty) Ltd, owner of Erf 169 and Erf 452, Raithby</p> <p>a) Mentions that the previous conditions of approval relating to the relocation of the access point of the R44 was ignored.</p> <p>b) An increase in traffic has been experienced due to functions and padel court activities.</p>	<p>The statement of the objector is noted but the Western Cape Government Department of Infrastructure (Transport Infrastructure Branch) did not object to the application and stated that the existing median break across the existing access point to the subject property will be closed and relocated to intersect with Winery Road when the Department's R44 Road Safety Project is implemented.</p>
<p>Western Cape Government Department of Agriculture</p> <p>a) Does not support the expansion of the winery or wine tasting and sales facility as there are currently no vineyards on the property.</p> <p>b) Padel courts are not supported as it is considered an urban activity and it was constructed on previously cultivated land.</p>	<p>None provided.</p>

PLANNING EVALUATION AND KEY FINDINGS

The subject property is zoned Agriculture and Rural Zone, and the purpose of the zone is to protect and preserve agricultural land, rural landscapes and biodiversity, while allowing ancillary or reasonably associated buildings and structures as primary use rights. The said zone further allows for a limited range of other compatible uses on agricultural properties as additional or consent uses. Such uses include more intensive agricultural uses or agricultural industry uses, and agricultural / rural tourism opportunities or appropriate tourist facilities. The Zoning Scheme defines an ancillary use as a land use, building, structure and/or activity which is, in the sole opinion of the Municipality, directly related and necessary for the operation of the lawful, dominant use.

The MSDF and Zoning Scheme are, as required by the relevant planning law provisions, aligned insofar as both these planning instruments pursue the same objectives for properties that are zoned Agriculture and Rural Zone, or located in rural areas where such zoning is dominant. Both planning instruments are aimed at protecting productive agricultural land while also enabling the diversification of farm income and the provision of services to agri-workers. The application for a tourist accommodation establishment and tourist facilities making use of existing approved buildings is generally aligned with the objectives and principles of the MSDF and the purpose of the Agriculture and Rural Zone.

The Zoning Scheme definition of a tourist facility includes outdoor sport which provides for sports facilities such as padel courts and an associated clubhouse. It is however important to note that the definition is not zone specific and it is still important to determine the appropriateness of a use in a particular zone to ensure that it is aligned with the purpose of a zone and compatible with the primary use rights of a property. For example, a clubhouse as per definition relates to a sports facility and place of assembly and includes uses such as a restaurant and a pro-shop. Such active recreational activities or sports facilities are generally associated within urban zonings such as Community Zone and Education Zone and not rural zonings such as Agriculture and Rural Zone. Furthermore, tourist facilities which exceeds the thresholds and provisions applicable to the Agriculture and Rural Zone require a consent use and the Zoning Scheme specifically states that approval may only be granted if the Municipality is satisfied that the objectives of the zone will not be undermined. Section 213(7) of the Zoning Scheme states that consent uses shall as far as possible be undertaken from existing buildings. The padel courts, clubhouse and parking area were all newly constructed without obtaining prior approval.

The dominant use of the property is agriculture as per its Agriculture and Rural Zone and padel courts are neither directly related to agriculture, nor is it necessary for the operation of the property as an agriculture entity. The purpose of the padel courts is also not to provide a service to agri-workers or for the owner's exclusive use. The Rural Guidelines specifically states that any facility or use not directly related to the rural landscape should be located within, or peripheral to, urban centres. It is also stated that dedicated sports facilities together with its associated infrastructure, parking areas and services are considered urban activities and that such uses are to be located in urban areas. The MSDF and Rural Guidelines list specific recreation opportunities and facilities such as hiking, mountain biking and water-based activities which are considered compatible and directly associated with the rural landscape and Agriculture and Rural Zone properties in particular.

Furthermore, padel courts are seen to be a destination itself. The tourists visiting the area and subject property for dining at the restaurant, a wine tasting experience or attending a function while experiencing the rural landscape are not necessarily interested in the padel courts. In other words, the padel courts will not necessarily attract tourists to the winelands as an agriculture tourism destination but rather people who are interested in padel as a sport. Additionally, the inclusion of a separate clubhouse selling refreshments and with its own unique ambiance, along with a dedicated lounge area and viewing deck will rather attract visitors from urban centers than the surrounding community as motivated by the applicant. Permitting developments with urban type land use activities which will

require that urban dwellers must make use of private motor vehicle transport to access such facilities are not promoting sustainable development.

Competitive sporting facilities such as padel courts in rural areas have the potential to negatively impact not only agricultural activities but also other appropriate and established rural tourism and recreation activities. The padel courts will have a negative impact on the rural ambience and scenic value of the area which is the main tourism product of the surrounding rural area. No unauthorised land use activities and associated building structures may serve as a rationale to condone any willful illegal conduct, and economic development and job creation can also not serve as justified grounds for undesirable and unsustainable developments that will have a detrimental and irreversible negative impact on the rural character and scenic routes. Introducing recreational facilities like a padel court contributes to the "urbanization" or commercialization of the rural landscape.

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

1. The application for tourist accommodation establishment and tourist facilities form existing approved buildings, with minor additions to such buildings generally complies with the objectives and principles of the MSDP and purpose of the Agriculture and Rural Zone. The padel courts are however considered an active urban sporting activity and not a passive rural recreational facility suited to the rural landscape or agricultural use of the subject property.
2. The proposed activities, in so far as the use of existing approved buildings for guest accommodation and tourist facilities are compatible with the surrounding uses. The padel courts and associated club house however have no direct link to the activities on the subject property or in the surrounding rural landscape.
3. The proposed function venue is to be accommodated within an existing building and the restaurant and wine tasting and sales facility to be enlarged is already existing. The impact of the latter uses is therefore not expected to significantly affect the wellbeing of the surrounding community. The padel courts are located outdoors and confining any noise or light pollution will not possible. The proposed use of the property for guest accommodation purposes however poses less of a disturbance to surrounding property owners.
4. Although the padel courts are located outside of the 200m radius of the RSR6 Rural Scenic Route Overlay Zone it is still visible from the R44 Road.
5. The Western Cape Government Department of Infrastructure (Transport Infrastructure Branch) supported the application but mentioned that the existing median break across the existing access point to the subject property will be closed and relocated to intersect with Winery Road when the Department's R44 Road Safety Project is implemented.

The subject land use and land development application is, having regard to the conclusions above, viewed as generally consistent with the MSDP but not entirely aligned with the Western Cape Land Use Planning Guidelines: Rural Areas, Zoning Scheme By-law and rural character of the surrounding area and consequently grounds for the support of the subject land use and land development application in part.

List relevant plan numbers	<ol style="list-style-type: none"> 1. Drawings referenced Basemap of Avontuur Estate Erf 211, with Sheet No. 1 of 5 to 5 of 5, drawn by Joubert & Brink Surveyors and dated 20 Jul 2023. 2. Drawings referenced Floor plans of Tourist Accommodation Establishment, with Sheet No. 1 of 2 to 2 of 2. 3. Drawing No. D2149/C/201, referenced Ground floor plan: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 3rd of September 2024.
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	<p>4. Drawing No. D2149/C/301, referenced Section A-A/Elevations: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 20th of August 2024.</p> <p>5. Drawing No. G2137/C/203, referenced Layout Plan: New Padel Courts, drawn by Jurgen Breuninger Architectural Design and dated 23rd of February 2023.</p> <p>6. Drawing No. G2137/C/202, referenced Padel Court: Plan and Elevations: New Padel Courts, drawn by Jurgen Breuninger Architectural Design and dated 23rd of February 2023.</p> <p>7. Drawing No. G2137/C/201, referenced Container: Plan and Elevations: New Padel Courts, drawn by Jurgen Breuninger Architectural Design and dated 23rd of February 2023.</p>
List annexures to decision	<p>Annexure A: Locality Map, Site Plans and Site Photographs</p> <p>Annexure B: Comments from Departments</p> <p>Annexure C: Applicant's Motivation</p> <p>Annexure D: Applicant's Comment and Portfolio of Evidence</p>

RECOMMENDATION

1. That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law for consent use to permit a tourist facility (outdoor sport) consisting of two (2) padel courts with associated viewing deck, clubhouse facilities and parking area on Erf 211, Raithby,

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

2. The **reasons** for the above decision are as follows:

- 2.1. The proposed land use is not aligned with the purpose of the Zoning Scheme By-law for Agriculture and Rural Zone properties as the use is not considered an ancillary use to agriculture or an appropriate agriculture and rural tourism activity.
- 2.2. The proposed land use is in conflict with the objectives of the Zoning Scheme By-law and the Western Cape Land Use Planning Guidelines for Rural Areas as it is not considered a rural activity but rather an urban activity that is more appropriate within, or peripheral to, urban centres.
- 2.3. Competitive sporting facilities such as padel courts in rural areas have a negative impact on not only agricultural activities and the tranquillity and ambience of the rural areas but also other appropriate and established agriculture and rural tourism and passive recreational activities.

3. That the following application(s) in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law for consent use on Erf 211, Raithby for:

- 3.1. the use of the existing main dwelling house as a tourist accommodation establishment,
- 3.2. a tourist facility to permit a restaurant and wine tasting and sales facility, including the expansion of the existing restaurant and wine tasting and sales facility with indoor and outdoor seating areas,
- 3.3. a tourist facility to use the restaurant and wine tasting and sales facility and existing wine cellar as a function venue,

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:

- 4.1. The approval only applies to the land uses hereby approved and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
- 4.2. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 4.3. The land uses hereby approved be located in accordance with the endorsed site development plans, attached as **Annexure A** with drawings referenced Basemap of Avontuur Estate Erf 211, with Sheet No. 1 of 5 to 5 of 5, drawn by Joubert & Brink Surveyors and dated 20 Jul 2023.
- 4.4. The non-agricultural land uses hereby permitted must remain subservient to, and not adversely impact the primary agricultural land use activities on the subject property or surrounding properties.
- 4.5. The tourist accommodation establishment be limited to the existing dwelling house indicated on the site plan, attached as **Annexure A** with drawings referenced Floor plans of Tourist Accommodation Establishment, with Sheet No. 1 of 2 to 2 of 2, and the surrounding associated outdoor areas.
- 4.6. The existing building to be used as the tourist accommodation establishment is to remain the primary use dwelling house on the subject property and the construction of a new dwelling unit to serve as a replacement of the primary use dwelling house is not permitted.
- 4.7. The tourist accommodation establishment be limited to a maximum number of nine (9) bedrooms and a maximum of 18 paying overnight guests shall be permitted at any one time.
- 4.8. The tourist accommodation establishment facilities and surrounding associated outdoor areas be for the exclusive use of paying overnight guests only.
- 4.9. The selling or supply of meals and/or refreshments by the tourist accommodation establishment shall be for overnight paying guests only.
- 4.10. The area for the restaurant and wine tasting and sales facility be limited to the building and area indicated on the site plan, attached as **Annexure A** with Drawing No. D2149/C/201, referenced Ground floor plan: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 3rd of September 2024 and Drawing No. D2149/C/301, referenced Section A-A/Elevations: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 20th of August 2024.
- 4.11. The function venue be limited to 170 seats/attendees and the building and area indicated on the site plan, attached as **Annexure A** with Drawing No. D2149/C/201, referenced Ground floor plan: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 3rd of September 2024 and Drawing No. D2149/C/301, referenced Section A-A/Elevations: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 20th of August 2024.

- 4.12. The function venue hereby permitted to operate only between 09:00-24:00.
- 4.13. The use of outdoor amplified sound associated with the approved land uses is not permitted.
- 4.14. No more than one event (function, reception, or any other) is permitted on the property at any given time.
- 4.15. Effective traffic control measures must be provided during functions or events to regulate traffic flow at the entrance and exit points of the property, and also to direct and manage onsite traffic flow and parking to ensure that the R44 Road is not obstructed.
- 4.16. Sufficient on-site parking to be provided in accordance with the provisions of the Zoning Scheme By-law to the satisfaction of the Municipality.
- 4.17. The existing entrance and exist points of the subject property along the R44 Road to be relocated in accordance with the requirements, and at a time determined by the Western Cape Government Department of Infrastructure (Transport Infrastructure Branch).
- 4.18. The land uses hereby permitted, and all related premises must comply with the relevant health regulations at all times.
- 4.19. The non-agricultural land uses hereby permitted shall not create any undue noise or be a nuisance to the surrounding area and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulation PN200/2013 and the By-law on the Prevention of Public Nuisances & the Keeping of Animals.
- 4.20. Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.21. Building plans be submitted for all changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 4.22. Building plans be generally in accordance with the site plans, attached as **Annexure A** with drawings referenced Floor plans of Tourist Accommodation Establishment, with Sheet No. 1 of 2 to 2 of 2, Drawing No. D2149/C/201, referenced Ground floor plan: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 3rd of September 2024, and Drawing No. D2149/C/301, referenced Section A-A/Elevations: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 20th of August 2024.
- 4.23. Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans or as may be agreed on in writing with the Director Infrastructure Services.
- 4.24. The conditions imposed by the Directorate Infrastructure Services as contained in the memorandum dated 05/08/2025, and attached as **Annexure B1**, be complied with to the satisfaction of the said department.
- 4.25. The conditions imposed by the Cape Winelands District Municipality (Environmental Health) as contained in the email dated 05/12/2023, and attached as **Annexure B2**, be complied with to the satisfaction of the said department.

- 4.26. The conditions imposed by the Western Cape Government Department of Infrastructure (Transport Infrastructure Branch) as contained in the letter dated 17/02/2024, and attached as **Annexure B4**, be complied with to the satisfaction of the said department.

5. The **reasons** for the above decision are as follows:

- 5.1. The land uses hereby approved are for the expansion of existing approved tourist facilities and/or uses to be accommodated within and around exiting approved buildings. Agricultural land will not be converted to make provision for any of the non-agricultural activities and the proposal will therefore not undermine the agricultural potential of the subject property or surrounding properties.
- 5.2. The land uses hereby approved are compatible with the surrounding area and serves as the diversification of farm income through appropriate and acceptable means. Similar agricultural and rural tourism uses are currently conducted on the surrounding properties.
- 5.3. The land uses hereby approved are aligned with the objectives and principles of the Stellenbosch Municipality Spatial Development Framework and Western Cape Land Use Planning Guidelines for Rural Areas, and the purpose of the Zoning Scheme By-law for Agriculture and Rural Zone. It establishes appropriate agricultural and rural related tourism opportunities without compromising agricultural production, biodiversity conservation, or scenic quality.

6. Matters **to be noted**:

- 6.1. An application for the erection of advertising signs to be submitted for approval to the Municipality and that all signage on the property be erected to the satisfaction of the Municipality or be in line with the relevant signage policy of the Municipality.
- 6.2. No directional signage to be erected without the prior approval of the applicable authority.
- 6.3. All electrical requirements to be directed to Eskom.
- 6.4. A business license and a liquor license to be applied for if required.
- 6.5. Should, after following due process -
 - a) The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
 - b) The operational use of the approved tourist facilities or tourist accommodation establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
 - c) The property be used for any unauthorised uses not permitted in terms of this approval,
 the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

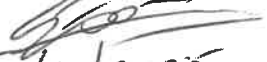
ASSESSMENT RECOMMENDATION BY TOWN PLANNER

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

Name: Gerrit Goosen

Capacity: Senior Town Planner

SACPLAN Registration: A2060/2015

Signature: 

Date: 05/11/2025

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations approved vide Item 11.8.1 dated 24 May 2023 OR Categorisation Model approved vide Item 10.8.1 dated 26 February 2025.

Category / Delegation Item Number: O(c)

Decision Making Authority: MPT

Rational: Consent use on agricultural zoned land that, due to the specific nature are deemed to cause the undue transformation of the character of the productive, scenic or cultural landscape and is not consistent with the purpose and intent of the prevailing zoning scheme provisions and Western Cape Land Use Planning Guidelines for Rural Areas.

Name: Chrizelle Kriel

Capacity: MLUM

SACPLAN Registration: A212/2010

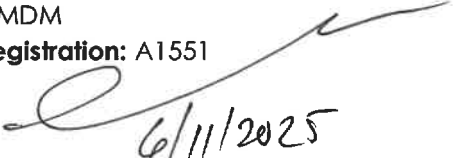
Signature: 

Date: 05.11.2025

Name: Stiaan Carstens

Capacity: SMDM

SACPLAN Registration: A1551

Signature: 

Date: 6/11/2025

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

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

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

Date: ...21.11.2025.....

Name: Chrizelle Kriel

Capacity: MLUM

Signature: 

Date: 07.11.2025



ANNEXURE A

LOCALITY MAP, SITE PLANS AND
SITE PHOTOGRAPHS

Stellenbosch GIS Map



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

Legend

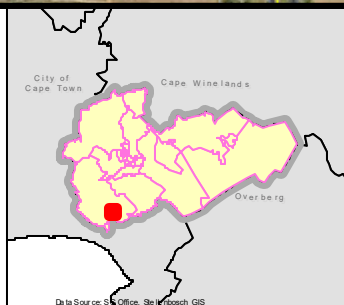
Street Address

 Erven (Registered / Deeds Cadastre)

 Sectional Schemes

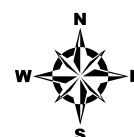
 Airfields

 High Way



SCALE

1:9 027,98



This map is a representation of the information currently held by the Stellenbosch Municipality. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of the map and the notations on it, or as a result of misuse of the information provided herein.

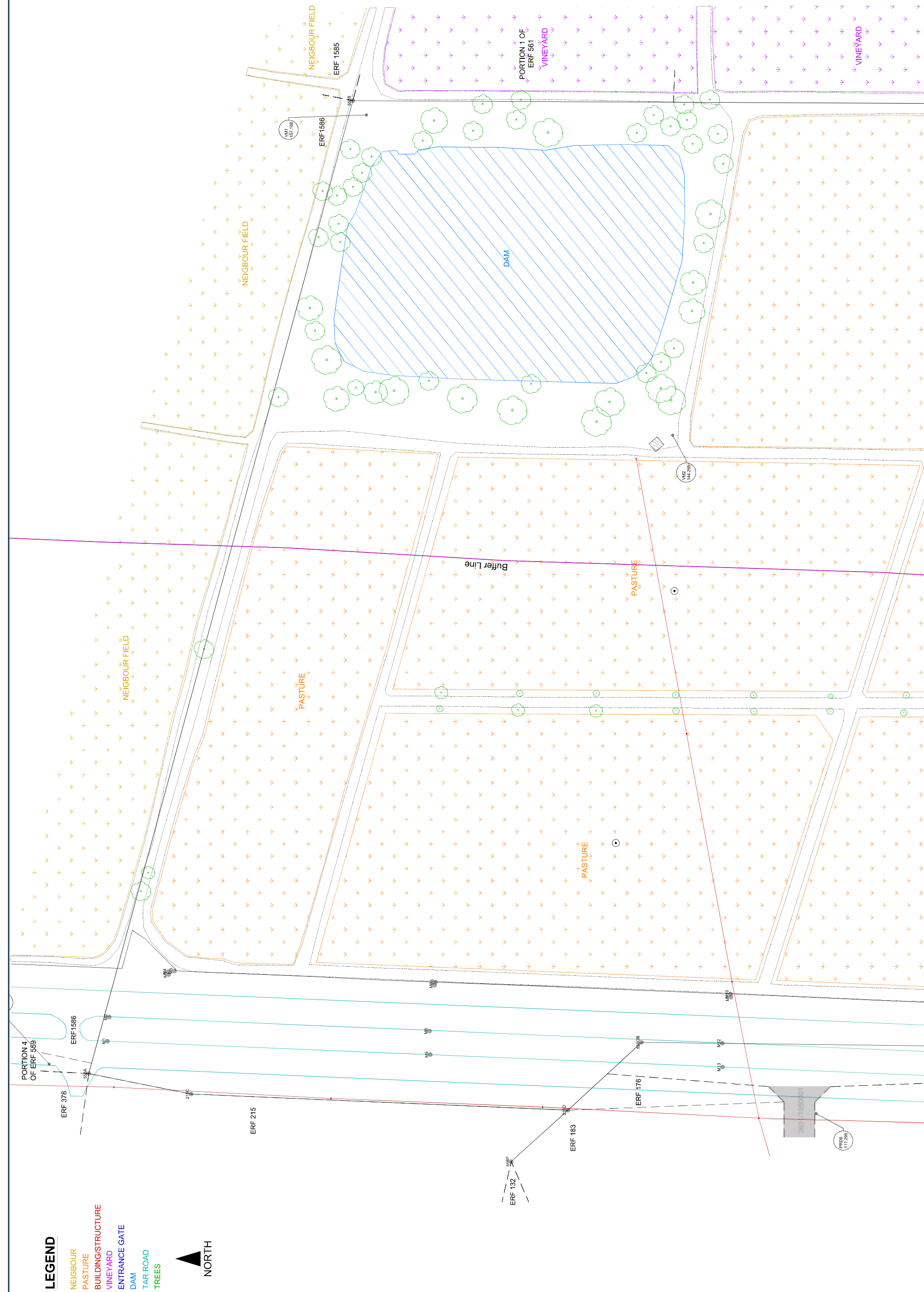


Stellenbosch Municipality
Street Address:
71 Plein Street, Stellenbosch, 7600
Tel: 021 808 8658

Stellenbosch Municipality
Planning & Economic
Development
Created by: Corporate GIS

Date: 2025/11/07





PLEASE NOTE

- [illegible]

JOUBERT & BRINK SURVEYS
TOPOGRAPHIC, ENGINEERING & CONSTRUCTION SURVEY SOLUTIONS

14 DELWYN CRESCENT
STELLENBERG, 7550
WESTERN CAPE
SOUTH AFRICA

+27 (0)21-910-2934
+27 (0)83-273-8266
jsur@imweb.co.za
CK1996/001136/23

SAGC REGISTERED SURVEYORS

SAGC REGISTERED SURVEYORS

HORIZONTAL CONTROL BASED ON
DBD5 CHECKED ON PRD6 AND T68

DRD5, CHECKED ON PRD6 AND T68

SURVEY LEADER	DRAWN BY	CHECKED BY	SURVEY DATE
DENOCI	LEV D	C STEV DOM	08 JUL 2008

R. ENGEL	H. V. D. SANDI	C. S. RYDOM
REFERENCE ELLIPSOID	REFERENCE MEANING	DATE

REFERENCE ELLIP-GOLD	REFERENCE MENDIUM	DATE
WGS84	WG19	HART94

ALLOTMENT AREA	ADMINISTRATIVE DISTRICT
----------------	-------------------------

RAITHBY	STELLENBOSCH
---------	--------------

PROJECT DESCRIPTION

BASEMAP OF AVONTUUR ESTATE ERF 211

CLIENT _____

AVONTUUR ESTATE

DRAWING NAME

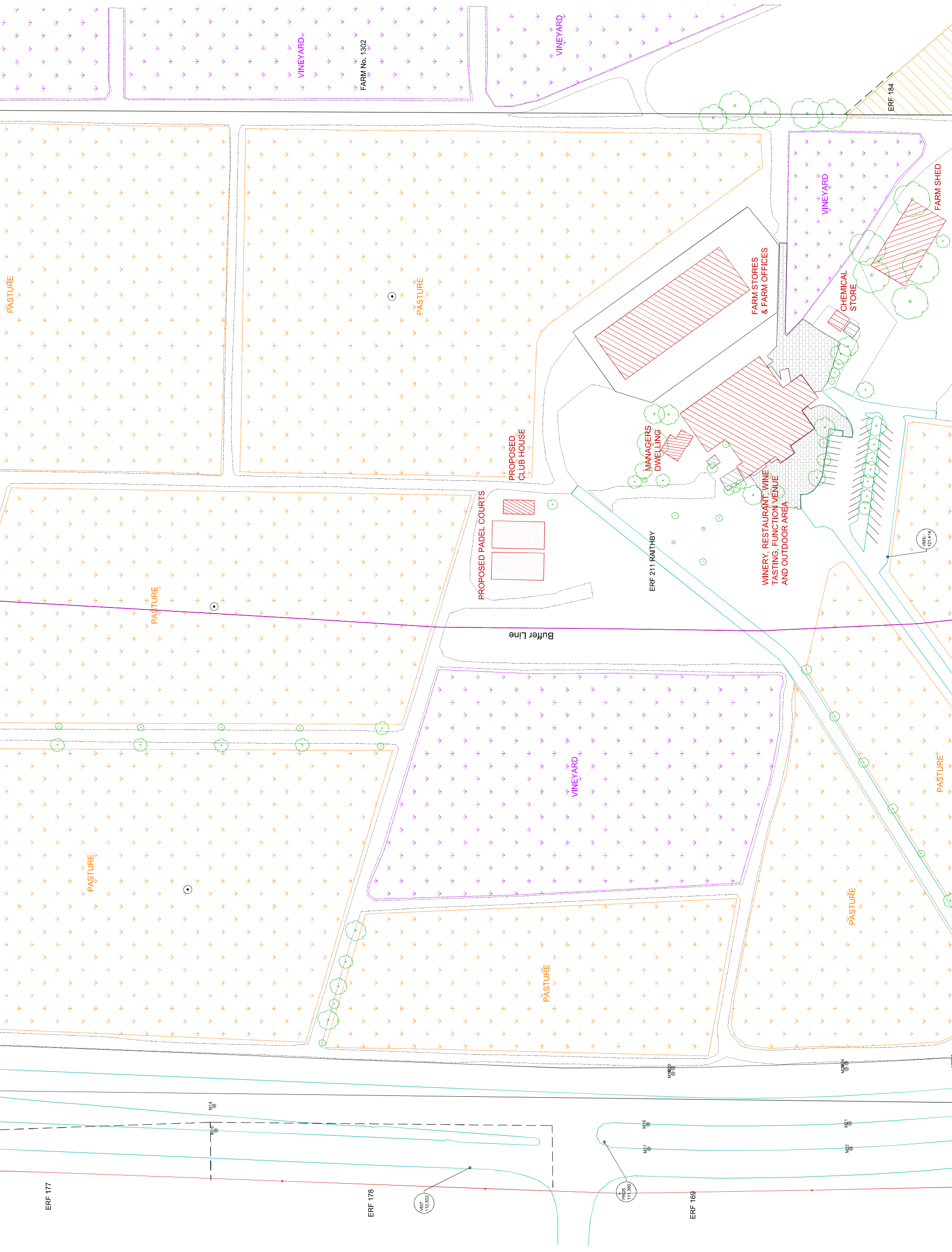
PLOT SCALE

1:500 (A0)

1 of 5
SHEET

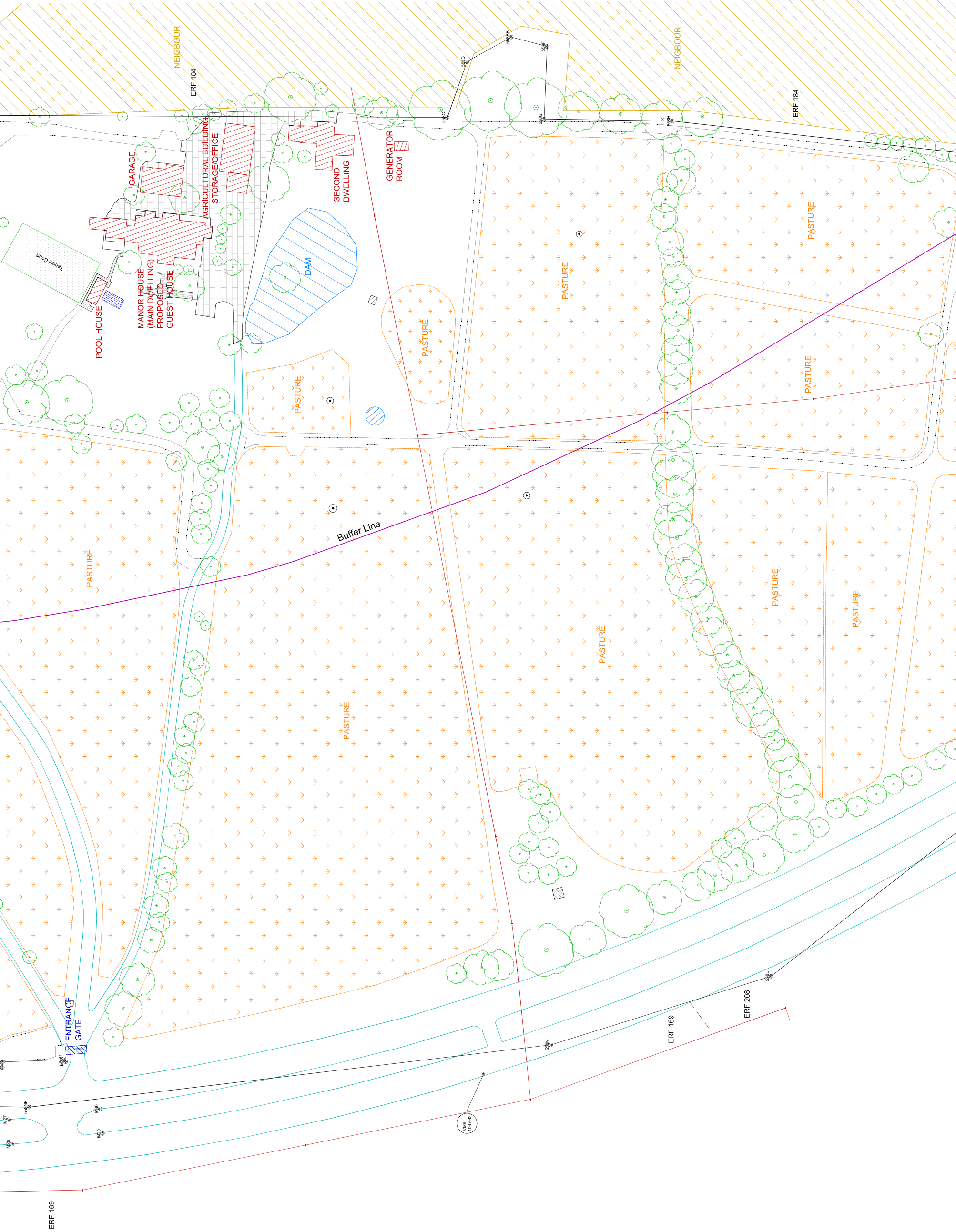
LEGEND

- NEIGHBOUR
- PASTURE
- BUILDING/STRUCTURE
- VINEYARD
- ENTRANCE GATE
- DAM
- TAR ROAD
- TREES



LEGEND

- NEIGHBOUR
- PASTURE
- BUILDING/STRUCTURE
- VINEYARD GATE
- DAM
- TAR ROAD
- TREES



JOUBERT & BRINK SURVEYS
TOPOGRAPHIC, ENGINEERING & CONSTRUCTION SURVEY SOLUTIONS

14 DELVYN CRESCENT
STELLENBOSCH, 7550
SOUTH AFRICA
+27 (0)21-970-5834
+27 (0)53-273-5266
jsau@nwbo.co.za
CK1196000113623

SAGC REGISTERED SURVEYORS

- PLEASE NOTE
- Only use our staked control points. No other control points shall be used without consulting the surveyor.
 - This survey includes only visible services which can be opened with hand tools and should be checked against local points, especially services, should be discussed with the surveyor so that the appropriate survey methods can be used.
 - This survey includes only visible services which can be opened with hand tools and should be checked against local points, especially services, should be discussed with the surveyor so that the appropriate survey methods can be used.
 - Boundary reconstructions from Surveyor General diagrams can sometimes be a time-consuming process. To save costs this survey information is always sent as a 2D CAD data package which includes this drawing in DWG and PDF format. The raw data in ASCII format is a digital terrain model in XML, TDT, BDT and CDM format. Survey codes and descriptions. If there are any queries or requests regarding these files, please send us an email at jsau@nwbo.co.za.

DRD5, CHECKED ON PRD6 AND T68			
VERTICAL CONTROL BASED ON			
DRD5, CHECKED ON PRD6 AND T68			
SURVEY LEADER	DRAWN BY	CHECKED BY	SURVEY DATE
RENGEL	H.V.D.SANDT	C-STRYDOM	20 JUL 2023
REFERENCE ELLIPSOID	DATUM	REFERENCE MERIDIAN	ELEVATIONS
WGS84	WG19	HART194	MAMSL
ALLOTTMENT AREA	ADMINISTRATIVE DISTRICT		
RAITHBY	STELLENBOSCH		

PROJECT DESCRIPTION

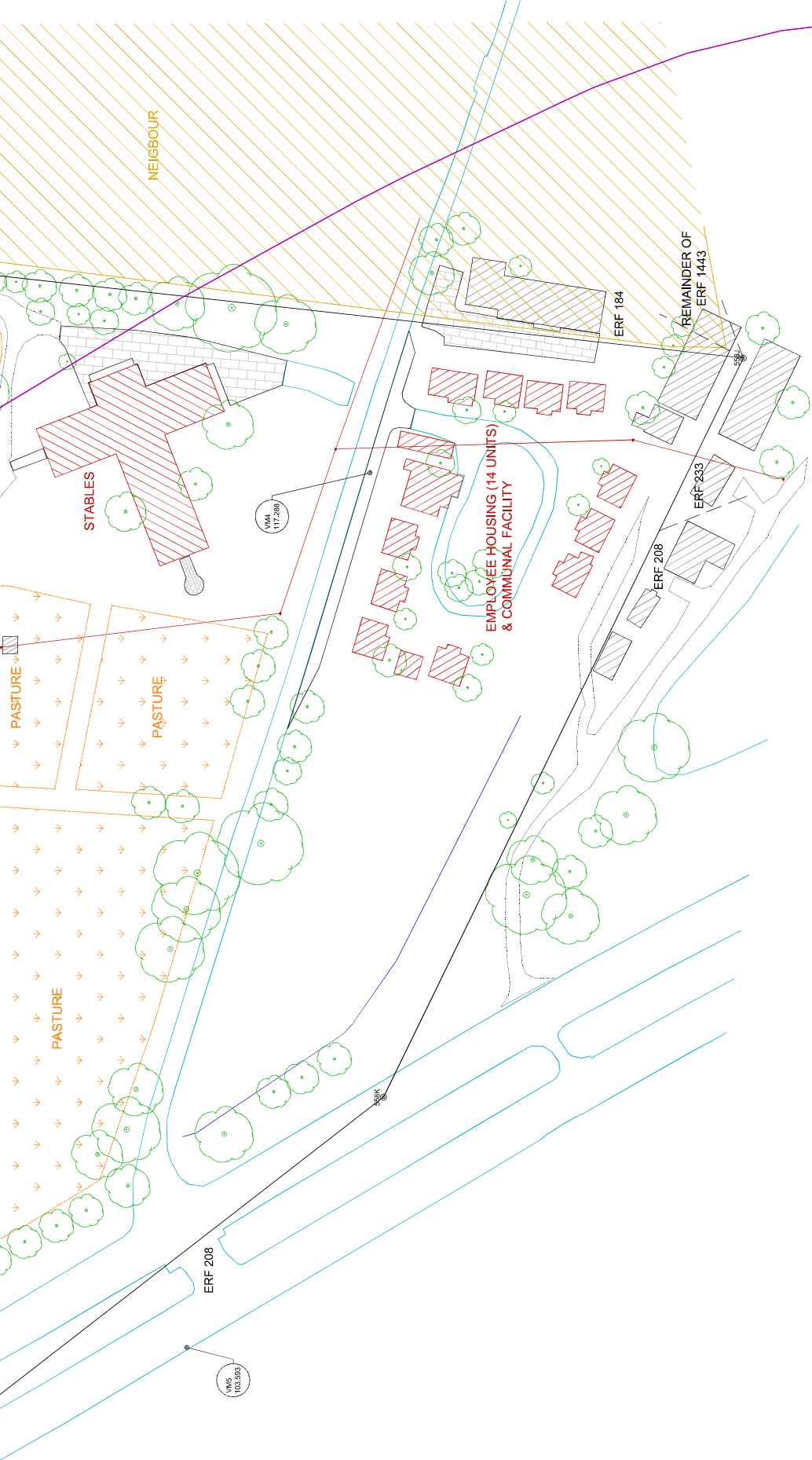
BASEMAP OF AVONTUUR ESTATE ERF 211

CLIENT: AVONTUUR ESTATE
DRAWING NAME: 3 of 5

PLOT SCALE
1:500 (A0)
SHEET

LEGEND

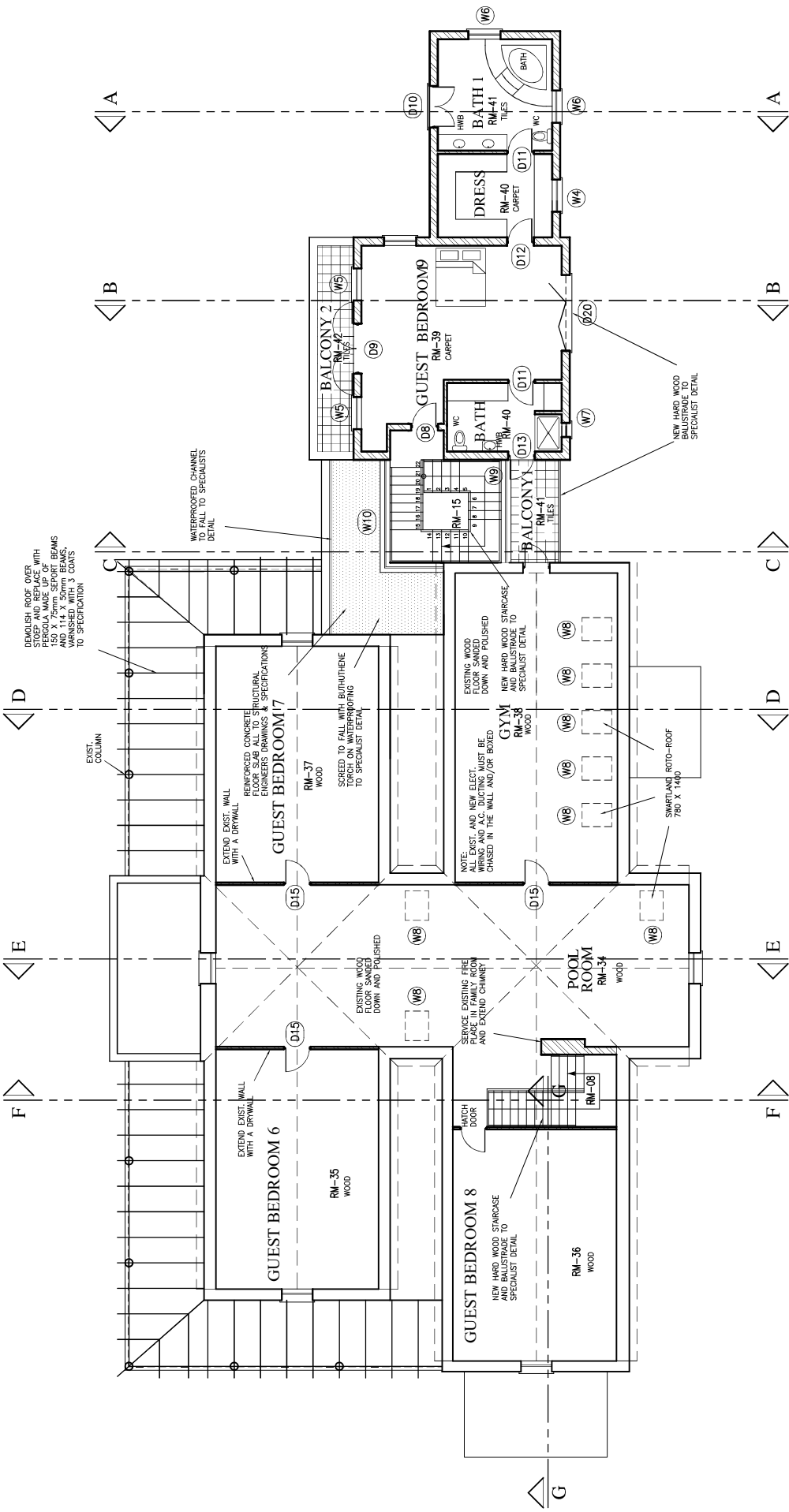
- NEIGHBOUR
- PASTURE
- BUILDING/STRUCTURE
- VINEYARD
- ENTRANCE GATE
- DAM
- TAR ROAD
- TREES



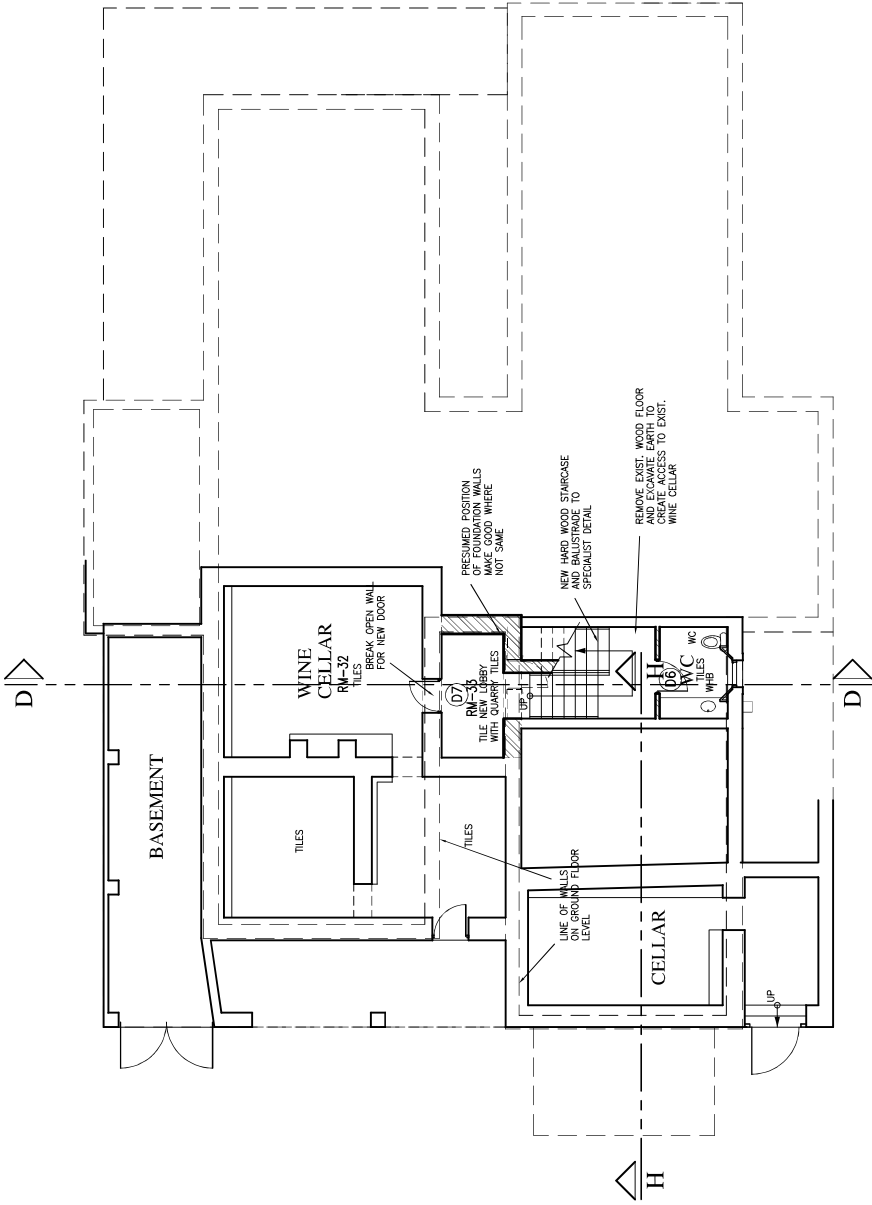
HORIZONTAL CONTROL BASED ON DRD5, CHECKED ON PRD6 AND T68			
VERTICAL CONTROL BASED ON DRD5, CHECKED ON PRD6 AND T68			
SURVEY LEADER RENGEL	DRAWN BY H.V.D.SANDT	CHECKED BY C-STRYDOM	SURVEY DATE 20 JUL 2023
REFERENCE ELLIPSOID WGS84	REFERENCE MERIDIAN WG19	DATUM HART194	ELEVATIONS MAMSL
ALLOTTMENT AREA RAITHBY	ADMINISTRATIVE DISTRICT STELLENBOSCH		

PROJECT DESCRIPTION BASEMAP OF AVONTUUR ESTATE ERF 211			
CLIENT AVONTUUR ESTATE			
DRAWING NAME			
PLOT SCALE 1:500 (A0)			
SHEET 4 of 5			

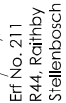


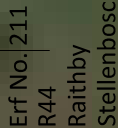


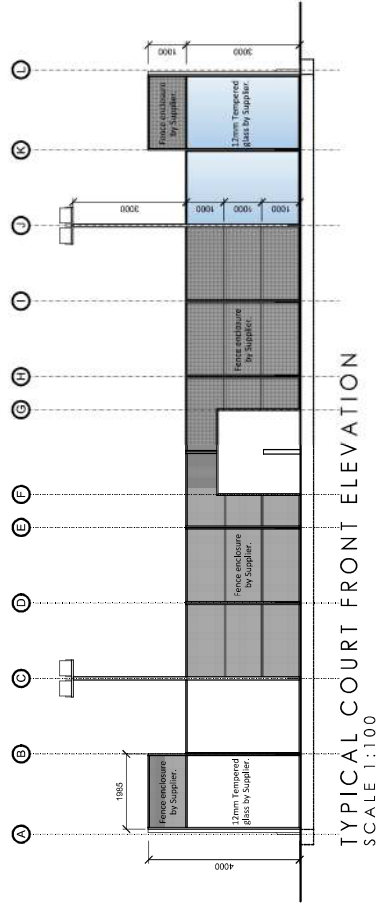
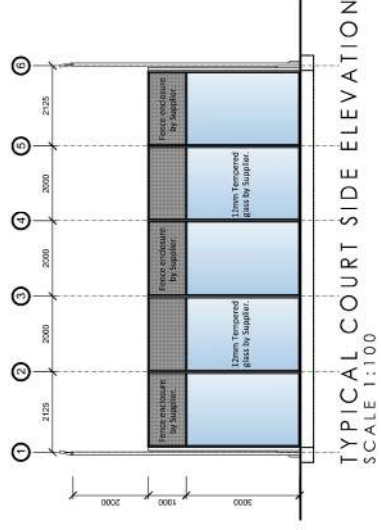
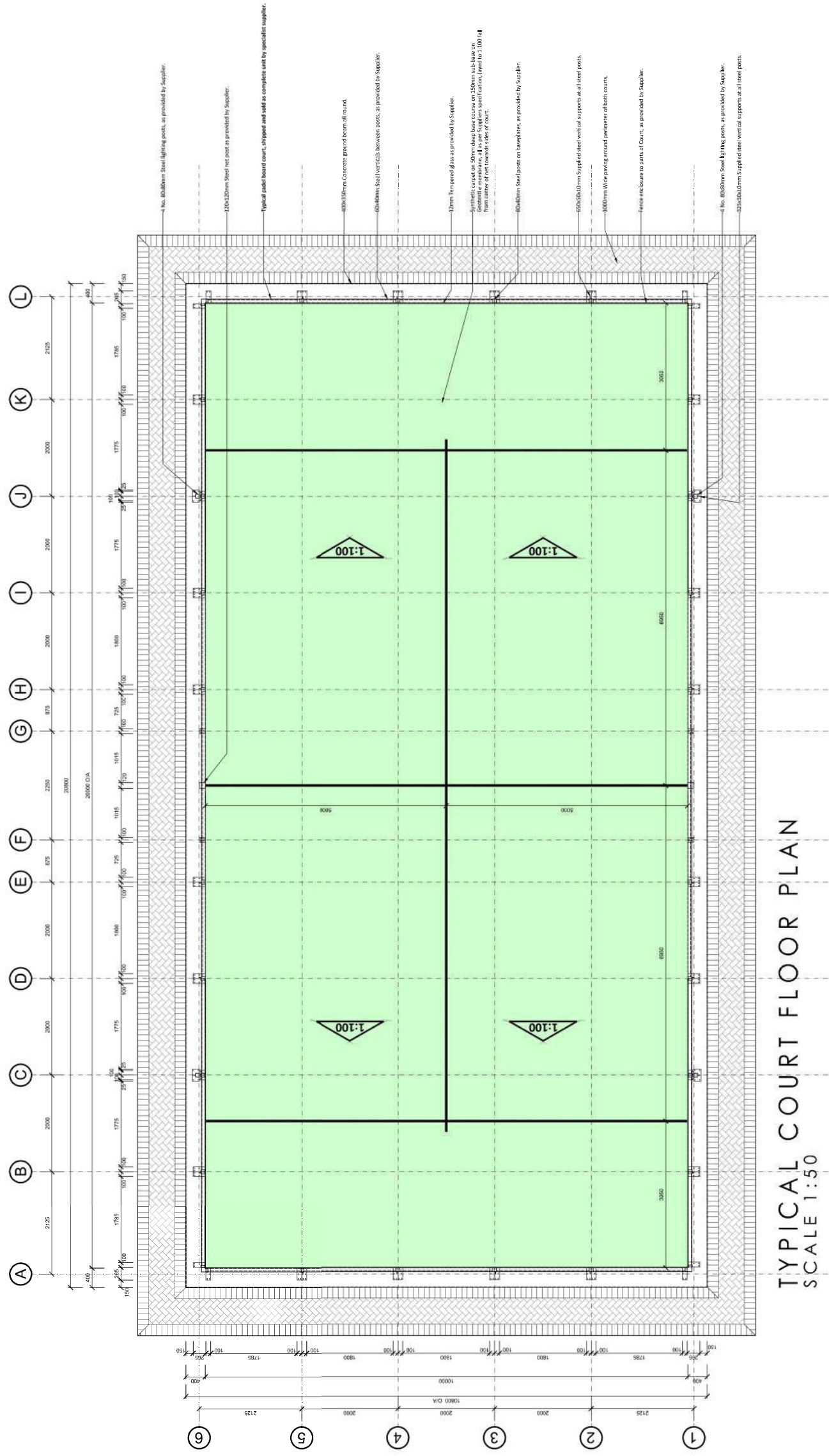
FIRST FLOOR PLAN

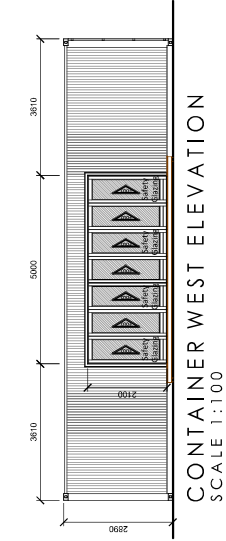
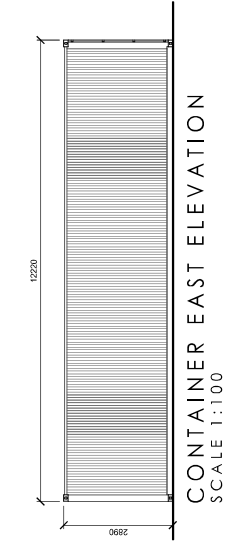
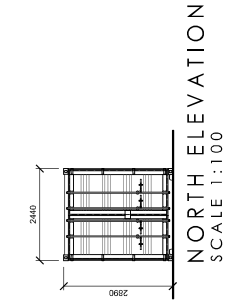
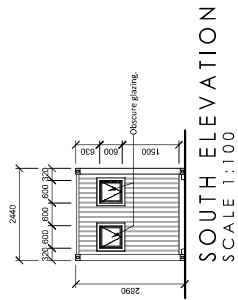


BASEMENT FLOOR PLAN

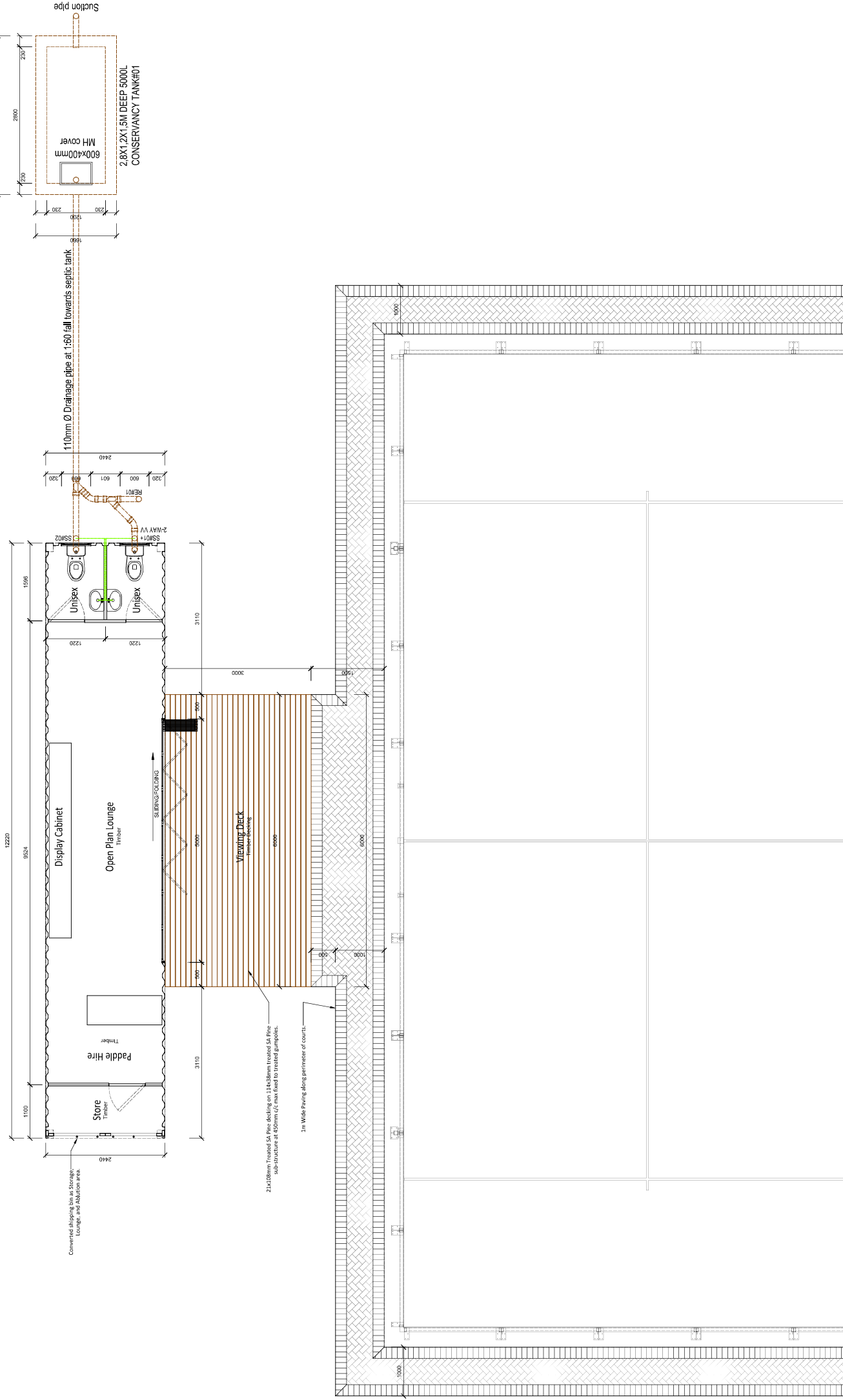
[illegible][illegible]







GROUND FLOOR PLAN
SCALE 1:50



DOCUMENT VARIATIONS REGISTER:		ORIGINAL DOCUMENT DATE:		23rd February 2023	
NO.	DESCRIPTION	NO.	DATE	DESCRIPTION	
01/00/0000	XXXXXXXXXXXXXXXXXXXX				

DRAWING STATUS CODES:

A: Design • B: Marketing • C: Municipal • D: Tender • E: Construction • F: As-Built

ALL STATUTORY REQUIREMENTS (NATIONAL BUILDING REGULATIONS AND MUNICIPAL BY-LAWS) MUST BE ADHERED TO • CONTRACTORS ARE TO CHECK AND VERIFY ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE WORK COMMENCES • FIGURED DIMENSIONS AND LARGE SCALE DETAIL TAKES PREFERENCE OVER SCALED DIMENSIONS • REFER ANY AND ALL CONFLICTING INFORMATION TO THE ARCHITECT AND OTHER RESPONSIBLE CONSULTANTS • THE DESIGN AND DETAIL ON THIS DRAWING IS THE PROPERTY OF JURGEN BREUNINGER ARCHITECTURAL DESIGN, AND COPYRIGHT IS RESERVED.

PROJECT DESCRIPTION:

New Padel Courts

Erf No. 211, Avontuur Estate, R44

Raithby, Stellenbosch

DRAWING DESCRIPTION:

CONTAINER: PLAN and ELEVATIONS

PROJECT: AVONTUUR Estate

DATE: 23rd February 2023

DRAWN: Jurgen Breuninger (SACAP T1361)

OWNER SIGNATURE: P Taberer

SCALE/SHEET SIZE: 1:50 1:100/A1

DRAWING No.: G2137/C/201

REVISION: -

MUNICIPAL



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT



Outdoor tasting and seating area



Outdoor tasting and seating area



Padel courts



Padel courts



Padel court parking



Internal access road



ANNEXURE B

COMMENT FORM DEPARTMENTS

- B1: Directorate Infrastructure Service
 - B2: Western Cape Government Department of Infrastructure (Transport Infrastructure Branch)
 - B3: Manager: Spatial Planning
 - B4: Cape Winelands District Municipality (Environmental Health)
 - B5: Western Cape Government Department of Agriculture
-



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nolusindiso Momoti
From ▫ Van:	Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Xolani Tika
Date ▫ Datum:	05 August 2025
Our Ref ▫ Ons Verw:	Civil LU 2849
Town Planning Ref:	LU/16002 – TP407/2023
Re ▫ Insake:	<p>Farm 211, Raithby: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning 2023 for consent use for the following on Erf 211, Raithby :a) To permit the use of the existing main dwelling house as a nine (9) bedroom guesthouse/tourist accommodation establishment .b) A tourist facility to expand the existing restaurant and wine tasting facility consisting of indoor and outdoor seating areas and the use of the restaurant/ wine tasing facility and existing wine cellar as function venue, c) for a tourist facility (outdoor sport) consisting of two (2) padal courts with associated viewing deck and clubhouse facilities</p>

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

1. Sewer

- 1.1 The existing conservancy tank must be used for the proposed guesthouse or tourist accommodation establishment.

2. Water

- 2.1 The existing boreholes must be used for the proposed guesthouse or tourist accommodation establishment.

3. Development Charges (DCs)

- 3.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage. The final calculations will be determined at the building plan stage submission.
- 3.2 The DC's were calculated by using the 2025/2026 tariff structure. If DC's are paid after 30 June 2026 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 3.3 The appropriate DC's are payable before building plan approval.
- 3.4 **In addition to the development charges calculated, further development charges are levied against the trips generated through the padel courts. As a padel courts is not a standard category in our DC calculator a manual calculation was done using the 'general business category' approved tariffs to determine the development charge, see table below. The number of daily trips for the padel courts as indicated in the email from Yolandi Obermeyer by UDS Africa _ Date 05 August 2025 was used in our calculation.**

Roads Cost (General Business)	Roads Factor	Roads Cost per/day	Trip/Day	Total
R71242.00	5	R14248,40	56	R797 910,40
			Usage Deduction (50% for Rural)	R398 955,20
			Vat	R59 843.28
			Total (Inc vat)	R458 798.48



Xolani Tika
Technician: Development (Infrastructure Services)

T:\2.0 DEVELOPMENT\01 Land Use applications\2849 (XT) Erf 211 Raithby (LU-16002 TP407-2023)\2849 () Erf 211 Raithby (LU-16002 TP407-2023).doc



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	DC 2849 (XT) Erf 211 - Raithby (LU-16002 TP407-2023)
Development Name:	
Date:	05 August 2025
Financial Year:	2025/2026
Erf Location (Select from 7 Locations):	Raithby
School/ECD Category (Select Quintile 1-4 or 5 or N/A)	N/A
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Erf 211
DC Parameters Reference:	Changing the existing use to convert it to a 9-bedroom guesthouse as per the motivational report compiled by Virtus Works (Pty) Ltd dated 2024/11/21 (Annexure G1)

SUMMARY OF DC CALCULATION							
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Totals
Unit(s):	k/day	kl/day	ha °C	t/week	trips/day		
Total Increased Services Usage:	5,228	4,3245	0,12875	0,263	80,55		
Total Service Usage Reduction:	0	0	0	0	40,3		
Total Service Usage after Reduction:	5,23	4,32	0,12875	0,263	40,3		
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 27 851,28	R 1 122 088,37	R 1 149 919,65	R 1 190 287,60
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 27 851,28	R 1 122 088,37	R 1 149 919,65	R 1 190 287,60
Total Deductions:	R -	R -	R -	R -	R 561 034,18	R 561 034,18	R 561 034,18
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R 27 851,28	R 561 034,18	R 588 885,46	R 629 253,42
VAT:	R -	R -	R -	R 4 177,69	R 84 155,13	R 88 332,82	R 94 388,01
Total Development Charges Payable (including VAT):	R -	R -	R -	R 32 028,97	R 645 189,31	R 677 218,28	R 723 641,43

APPLICANT INFORMATION																										
Application Processed by:	Xolani Tika																									
Signature:																										
Notes:	<p>See the attached GFP</p> <p>The DC calculations are based on 9 bedroom guesthouse and credited for 3 bedrooms as per the DC policy. + Restaurant (162m2)+General business (403m2) and Outdoor seating 20 persons</p> <table><caption>DC for Padel courts</caption><thead><tr><th>Roads Cost (General Business)</th><th>Roads Factor</th><th>Roads Cost per/day</th><th>Trip/Day</th><th>Total</th></tr></thead><tbody><tr><td>R71242,00</td><td>5</td><td>R14248,40</td><td>56</td><td>R797 910,40</td></tr><tr><td></td><td></td><td></td><td>Usage Deduction (50% for Rural)</td><td>R389 955,20</td></tr><tr><td></td><td></td><td></td><td>Vat</td><td>R59 843,28</td></tr><tr><td></td><td></td><td></td><td>Total (inc vat)</td><td>R458 798,48</td></tr></tbody></table>	Roads Cost (General Business)	Roads Factor	Roads Cost per/day	Trip/Day	Total	R71242,00	5	R14248,40	56	R797 910,40				Usage Deduction (50% for Rural)	R389 955,20				Vat	R59 843,28				Total (inc vat)	R458 798,48
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R71242,00	5	R14248,40	56	R797 910,40																						
			Usage Deduction (50% for Rural)	R389 955,20																						
			Vat	R59 843,28																						
			Total (inc vat)	R458 798,48																						

KTitus

Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage Amount	Development Charge Levied (excl VAT)							Community	Total		
		Area (m2)	Unit Amount	Result	Area (m2)	Unit Amount	Result		Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)					
															No			No	No
Residential	Single Residential >100m2							0	R	-	R	-	R	-	R	-	R	-	
	Single Residential >500m2							0	R	-	R	-	R	-	R	-	R	-	
	Single Residential >250m2							0	R	-	R	-	R	-	R	-	R	-	
	Single Residential <250m2							0	R	-	R	-	R	-	R	-	R	-	
	Second Dwelling							0	R	-	R	-	R	-	R	-	R	-	
	Less Formal Residential							0	R	-	R	-	R	-	R	-	R	-	
	Group Residential							0	R	-	R	-	R	-	R	-	R	-	
	Apartments							0	R	-	R	-	R	-	R	-	R	-	
	Retirement Village							0	R	-	R	-	R	-	R	-	R	-	
	Old age home							0	R	-	R	-	R	-	R	-	R	-	
Accommodation	Student Accommodation/Commune/Hostels							0	R	-	R	-	R	-	R	-	R	-	
	Guest House						6	6	R	-	R	9 530,86	R	230 825,49	R	240 356,35	R	25 059,06	
	Hotel, Residential							0	R	-	R	-	R	-	R	-	R	-	
Commercial	General Business						403	403	R	-	R	8 535,41	R	287 107,02	R	295 642,43	R	7 478,16	
	Office							0	R	-	R	-	R	-	R	-	R	-	
	Retail/Shop							0	R	-	R	-	R	-	R	-	R	-	
	Restaurant						162	162	R	-	R	-	R	461 650,99	R	465 082,09	R	3 006,11	
	Outdoor Function / Picnic Area						20	20	R	-	R	3 431,11	R	142 484,87	R	148 838,78	R	4 824,62	
	Farm Market							0	R	-	R	-	R	-	R	-	R	-	
	Conference Facility/Place of assembly							0	R	-	R	-	R	-	R	-	R	-	
	Hospital/Clinic/Medical Rooms							0	R	-	R	-	R	-	R	-	R	-	
	University/College							0	R	-	R	-	R	-	R	-	R	-	
	School/Day Care							0	R	-	R	-	R	-	R	-	R	-	
Industrial	Industrial - light							0	R	-	R	-	R	-	R	-	R	-	
	Industrial - heavy							0	R	-	R	-	R	-	R	-	R	-	
	Warehousing/Light Manufacturing							0	R	-	R	-	R	-	R	-	R	-	
	Storage Facilities							0	R	-	R	-	R	-	R	-	R	-	
Non demand	Open Space/Natural Environment/Utility Site							0	R	-	R	-	R	-	R	-	R	-	
	Roads and Parking							0,0000	R	-	R	-	R	-	R	-	R	-	
Other	To be calculated							0,0000	R	-	R	-	R	-	R	-	R	-	
	(Based on equivalent demands)							0	R	-	R	-	R	-	R	-	R	-	
Total Area:		0	Total Area:				0												

Deduct	Charges before adjusting for positive only, before Deductions	R	-	R	-	R	27 851,28	R	1 122 068,37	R	1 149 919,65	R	40 367,95	R	1 190 287,60
	Charges adjusted for positive only, before Deductions	R	-	R	-	R	27 851,28	R	1 122 068,37	R	1 149 919,65	R	40 367,95	R	1 190 287,60
	Deductions per service (from usage reductions)	R	-	R	-	R	-	R	561 034,18	R	561 034,18	R	-	R	561 034,18
	Discount Deduction (%)	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Additional Deduction per service - from Service Agreement (sum)	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Totals	Sub Total after Adjustments and Deductions (excluding VAT)	R	-	R	-	R	27 851,28	R	561 034,18	R	588 885,46	R	40 367,95	R	629 253,42
	VAT	R	-	R	-	R	4 177,69	R	84 155,13	R	88 332,82	R	6 055,19	R	94 388,01
	Total Development Charges	R	-	R	-	R	32 028,97	R	645 189,31	R	677 218,28	R	46 423,15	R	723 641,43





FIRST FLOOR PLAN



BASEMENT FLOOR PLAN

RAITBY ERF 211

GENERAL COMMENT:

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

CONDITIONS

3. No conditions.



SIGNATURE

DATE 15/02/24



Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: DOI/CFS/RP/LUD/REZ/SUB-25/483 (Application No: 2025-02-0010)

The Municipal Manager
Stellenbosch Municipality
PO Box 17

STELLENBOSCH

7599

Attention: Mr U von Molendorff

Dear Sir

ERF 211 RAITHBY (AVONTUUR ESTATE): MAIN ROAD 27, STELLENBOSCH: APPLICATION FOR CONSENT USE AND SUBMISSION OF ADDITIONAL INFORMATION (SITE DEVELOPMENT PLAN FOR WINERY EXTENSION)

1. The following refer:
 - 1.1. The email from Virdus Works dated 3 February 2025, containing the Notice of Land Development Application (Application Reference: LU 16002 TP407/2023);
 - 1.2. The cover letter addressed to Stellenbosch Municipality from Virdus Works dated 9 September 2024;
 - 1.3. The Additional Site Development Plan for the extension of the Winery (Drawing No. D2149/C/101) prepared by Jurgen Breuning dated 20 August 2024;
 - 1.4. The original Motivation Report letter prepared by Virdus Works dated August 2023;
 - 1.5. The original Site Development Plans: Sheets 1 to 5 prepared by Joubert and Brink Surveys dated 20 July 2023; and
 - 1.6. The email from Virdus Works dated 16 April 2024, requesting that the Branch withhold any comments considering an amendment to the development proposals for the farm.
2. Main Road 27 (MR27; R44) is affected by this application with an existing access at $\pm$ km 23.19 on right-hand side (RHS) with a median break.
3. The application entails the following:
 - 3.1 A Consent Use for an additional use exceeding the threshold to permit the use of the existing main dwelling house as a nine (9) bedroom guest house/tourist accommodation;

- 3.2 A tourist facility to expand the existing restaurant and wine tasting facility consisting of indoor and outdoor seating areas and the use of the restaurant/wine tasting facility and existing wine cellar as function venue;
- 3.3 A Consent Use for a tourist facility (outdoor sport) consisting of two (2) padel courts with associated viewing deck and clubhouse facilities; and
- 3.4 An amendment entails extending the restaurant and wine tasting area by 20m² each, by covering the outdoor seating and use areas on the stoep in front of the building.
4. It is noted that the two (2) padel courts with associated viewing deck and clubhouse facilities were already constructed around January/February 2024 (Google before the application were originally submitted in August 2023 and therefore being accepted to have been approved by Stellenbosch Municipality.
5. This Branch offers no objection to the application for Consent Use for Erf 211, Raithby as reflected in the Site Development Plans (Sheets 1 to 5) prepared by Joubert and Brink Surveys, dated 20 July 2023 and the Additional Site Development Plan for the winery extension, as reflected in Drawing No. D2149/C/101 prepared by Jurgen Breuninger, dated 20 August 2024.
6. Please note that in the future, when this Branch's R44 Road Safety Project is implemented, the existing median break at the above access will be closed and rerouted to connect opposite MR166 (Winery Road) as part of the intersection upgrade to an interchange.

Yours Sincerely



DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 17 FEBRUARY 2024

Dupré Lombaard (Virdus Works)

From: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Sent: 05 December 2023 14:11
To: Dupré Lombaard (Virdus Works)
Cc: Charlene Williams
Subject: FW: APPLICATION FOR CONSENT USE ON ERF211 RAITHBY-COMMENT

Good day Dupré,

Please find below Environmental Health comment.



Kind regards / Vriendelike Groete

Nolusindiso Momoti (Sindi)

Administrative Officer

Land Use Management

Planning & Economic Development

T: +27 21 808 8673; F + 27 21 886 6899

NPK Building, 1st Floor, C/O Plein & Ryneveld

Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



STELLENBOSCH
 STELLENBOSCH • FRIEL • FRANSC

MUNISIPALITEIT • UMAMSIKALA • MU



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa.

For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from nolusindiso.momoti@stellenbosch.gov.za sent at 2023-12-05 15:11:01 is confidential and may be legally privileged. It is intended solely for use by dupre.lombaard@virdus.com and others authorized to receive it. If you are not dupre.lombaard@virdus.com you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

From: Tracey-Lee Mouton <Tracey-lee@capewineland.gov.za>
Sent: Tuesday, December 5, 2023 1:12 PM
To: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Cc: Karen Esau <karen@capewineland.gov.za>; Fabian van Wyk <fabian@capewineland.gov.za>
Subject: [EX] RE: APPLICATION FOR CONSENT USE ON ERF211 RAITHBY-COMMENT

Good day,

Attention: To whom it may concern

Sir/Madam

RE: APPLICATION FOR CONSENT USE: ERF/FARM 211, R44 STELLENBOSCH. (Application no. LU/16002)

This application is recommended for approval, from an Environmental Health perspective.

Regarding the clubhouse which will be linked to the padel courts, must adhere to the following:

1. **Food Safety: Certificate of Acceptability**

- If any food/drinks will be handled or sold, the premises must comply with the requirements for food handling premises as determined in Regulation R638 of 22 June 2018 (Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matter) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, Act 54 of 1972. Applications to obtain the mentioned Certificate can be made at the Municipal Health Office.

This Department reserves the right to set further requirements during the running of the business.

Please contact me if you have any further questions or comments in this regard.

Yours faithfully,

Tracey-Lee Mouton

From: Fabian van Wyk <fabian@capewineland.gov.za>

Sent: Tuesday, December 5, 2023 8:22 AM

To: Tracey-Lee Mouton <Tracey-lee@capewineland.gov.za>

Cc: Karen Esau <karen@capewineland.gov.za>; Ferencia September <ferencia@capewineland.gov.za>

Subject: FW: APPLICATION FOR CONSENT USE ON ERF211 RAITHBY-COMMENT

Morning Ms Mouton

Can you please provide comments on the attached.

Thanks

From: Nolutindiso Momoti <Nolutindiso.Momoti@stellenbosch.gov.za>

Sent: Monday, December 4, 2023 3:33 PM

To: Nolutindiso Nqola <nolutindiso@capewineland.gov.za>

Cc: Karen Esau <karen@capewineland.gov.za>; Fabian van Wyk <fabian@capewineland.gov.za>

Subject: APPLICATION FOR CONSENT USE ON ERF211 RAITHBY-COMMENT

I'm using Mimecast to share large files with you. Please see the attached instructions.

Good day Nolutindiso,

Please note that 235, was received , its Erf 211 that is outstanding.

Thanks



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Erf 211, Raithby
TP No : TP407/2023
Date : 8 December 2023
Re : Application for Consent Use on Erf 211, Raithby (Avontuur Estate)

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

Application is made for the following:

- **Consent use** for an additional use exceeding the threshold to permit the use of the existing main dwelling house as a nine (9) bedroom guest house on Erf 211, Raithby.
- **Consent use** for a tourist facility (outdoor sport) consisting of two (2) padal courts with associated viewing deck and clubhouse facilities on Erf 211, Raithby.

1) Opinion/reasoning:

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

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

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

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

promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

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

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

The farm is located on the R44 to Somerset West near Raithby. The zoning of the property is Agricultural and Rural Zone with an extent of 42.6558 ha. It contains roughly 6ha of vineyards and more than 25ha is used for cultivated grazing and the keeping of a horse stud. The farm further contains a main dwelling, second dwelling, manager's house, 14 employee housing units and other agricultural buildings. Avontuur Estate consists of seven properties jointly farmed with most vineyards cultivated on the abutting properties.

The owner wishes to use the main dwelling, which is no longer used as the main family dwelling as a tourist accommodation establishment with nine (9) bedrooms to add to the attraction of the Estate and provide alternative tourist accommodation based in the area where there are many other tourist attractions. The dwelling is served by a swimming pool, tennis court and a private garden.

The proposal regarding the active recreation aspect is to build two padel courts on an area of cultivated grazing at the entrance to the winery and adjacent to the restaurant. In this location the courts and the club house can be integrated with the existing services on the Estate.

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located outside the approved urban edge of the Raithby node and in terms of the approved MSDF the following guidelines are applicable to this specific application:

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

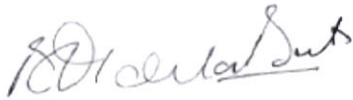
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism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

2) Supported / not supported:

The Manor House has been newly renovated and has 9 private suites which is currently already being used as tourist accommodation. The 2 padal courts are also already in existence.

This department supports the application subject to the following conditions:

- The primary use of the farm should still remain agricultural with all the other proposed uses remaining subservient to the primary, bono fide agricultural activities on the farm.
- The padal courts can be approved as a temporary use;
- The 9 rooms must be in the existing manor house and no new buildings to be erected.



BJG de la Bat
MANAGER: SPATIAL PLANNING



Western Cape
Government

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

OUR REFERENCE : 20/9/2/5/6/675
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Virdus Works
11 Elektron Street, Techno Park
STELLENBOSCH
7600

Att: Dupré Lombaard

APPLICATION FOR CONSENT USE: DIVISION STELLENBOSCH
ERF NO 211, RAITHBY

Your application of 04 February 2025 has reference.

The expansion of the winery is not supported as there are currently no vineyards which justifies the winery and wine tasting.

The proposed padel courts are not supported as it was constructed on previously cultivated land and it is regarded as an urban land use which is not compatible with agriculture.

The conversion of the primary dwelling (manor house) is supported provided that no further primary rights are created (construction of a new primary dwelling).

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2025-03-18

Copy:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599



ANNEXURE C

APPLICANT'S MOTIVATION

**LAND DEVELOPMENT APPLICATION FOR:
CONSENT USE ON**

ERF 211, RAITHBY



August 2023
Amended application: November 2024

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ANNEXURE

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ANNEXURE D: CONVEYANCER'S CERTIFICATE

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ANNEXURE I: APPROVED WINERY

EXECUTIVE SUMMARY

MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: ERF 211, RAITHBY SG Code: C06700180000021100000 / Location: Lat: 34° 01' 31.2558'' S Lon: 18° 49' 19.8474'' E	
Owner: Avontuur Estate (Pty) Ltd Reg. No. 1986/004666/07 Represented by: Mr Philip Taberer Cellular: +27 82 722 3850 E-mail: info@avontuurestate.co.za Address: PO Box 1128, Somerset West, 7129	Project Consultant: Virdus Works (Pty) Ltd Reg. No. 2018/585747/07 Represented by: Mr Dupré Lombaard SACPLAN: B/8076/1998 // EAPASA: 2019/304 Cellular: +27 82 895 6362 E-mail: dupre.lombaard@virdus.com Address: 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600

The application for approval of a consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (a consent use contemplated in the zoning scheme), read with Sections 207, 209 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB) for the establishment of an outdoor sporting attraction (two padel courts) on the property and conversion of the manor house (main dwelling) to a tourist accommodation establishment as complementary uses to the existing restaurant, wine tasting, and sales facilities is being amended in terms of Section 52 of the Bylaw. The amendments include application for the amendment of the existing approval for the restaurant, to allow for the expansion and inclusion of a function venue as part of thereof, and application to expand the wine tasting area, as existing approved tourist facilities.

The padel courts are to be located adjacent to the existing tourist facilities on land that is not cultivated for vineyards or other produce and, inclusive of a small club house, cover approximately 1 000m². Access thereto is along the same route as for the existing tourist facilities and winery and 10 parking bays are provided alongside the courts.

The manor house is an existing building, and minor internal alterations are required to convert the use to a tourist accommodation establishment with nine guest bedrooms, while retaining it as a dwelling for future reuse.

The restaurant and the wine tasting area are each proposed to be expanded outwards by including 27m² of the outdoor seating areas outside of them.

The wine storage and old bottle maturation space abutting the restaurant is proposed to be used as a function venue complementary to the restaurant, allowing the restaurant to be used also for functions.

The property has an Agricultural and Rural Zone, and is 42,6558ha in extent. It is cultivated with roughly 6ha of vineyards and more than 25 ha is used for cultivated grazing and the keeping of a

horse stud. It has sufficient water resources to support the agricultural use and the proposed consent use. The farm includes abutting properties, where vineyards mostly occur, and where some horses are kept. The farm improvements include a main dwelling, second dwelling, manager's house, 14 employee housing units, stables, old and operational wineries, and other agricultural buildings.

Access to the farm is directly off the R44 just south of the Winery Road intersection. It also has an access off Cordoba Road, where the employee housing and stables are located.

The title deed (T12522/1987) contains no restrictions preventing the proposed land use and development of the padel courts as an outdoor sporting facility.

MOTIVATION REPORT

1. BACKGROUND

1.1 Introduction

The application for consideration of an outdoor sporting venue, consisting of two padel courts and a club house, with parking as a tourist facility and conversion of the main dwelling as a tourist accommodation establishment on Erf 211, Raithby, Avontuur Estate was circulated for public comment in September 2023. The application could not be finalised due to outstanding comment, and the decision of the owner to add further uses / proposals for consideration. Accordingly, the application is amended in terms of Section 52 of the Stellenbosch Municipality Land Use Planning Bylaw, 2023.

Avontuur Estate already offers tourist facilities, namely a restaurant, wine tasting and wine sales, established in an old disused winery, linked to the operational winery that primarily produces wine from grapes grown on the Avontuur Estate farms, abutting to and adjacent to Erf 211.

The farm is located on the R44 to Somerset West (Main Road 0027), approximately at KM23, with an entrance to the R44 between the Cordoba Road and Winery Road intersections.

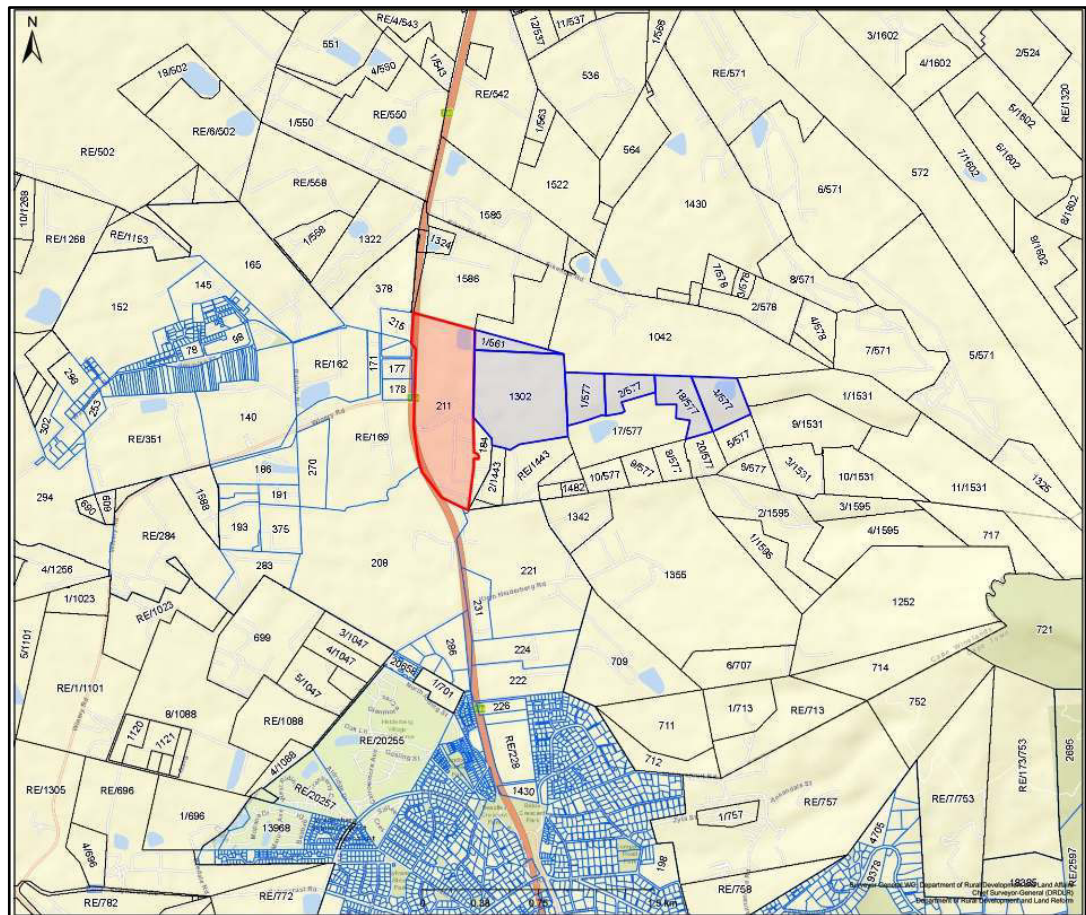


Figure 1: Erf 211, Raithby locality with Avontuur Farms

Erf 211 has an Agricultural and Rural Zone, and it is 42,6558 ha in extent. It contains roughly 6 ha of vineyards, and more than 25 ha is used for cultivated grazing and the keeping of a horse stud. The stables and paddocks are located mostly along Cordoba Road on the southern side of the farm, where there are also other farm buildings. The farm further contains a main dwelling, second dwelling, manager's house, 14 employee housing units, and other agricultural buildings. Avontuur Estate consists of seven properties jointly farmed, with most vineyards cultivated on the abutting properties.



Figure 2: Agricultural use of Avontuur farms

1.2 Context

The Estate is located on the R44, a major tourist route and in an area where numerous other attractions and tourist facilities are located. Surrounding farms offer the typical wine related tourist offerings, restaurants, venues, farm stalls, and active recreational attractions such as hiking and biking. The Estate is a viable agricultural unit and capable of sustaining a feasible agricultural revenue stream. However, the owner has over time diversified the attraction thereof (Avontuur Estate), by the creation of the restaurant, and wine tasting and sales facilities to generate additional revenue from an alternative resource. The restaurant has become a regular meeting venue for local business people and members of the surrounding communities, especially from the growing Raithby community. Due to the indoor floor area of the wine tasting and restaurant, its feasibility is limited by seasonality, as the outdoor area cannot be used in winter. The disused wine storage and bottle maturation area behind the restaurant creates a space for offering of regular functions and events, to complement the restaurant and other uses on the Estate.

In view of the social nature of the growing regular support base for the Estate, the owners have decided to offer a fresh attraction and to offer an outdoor sporting

venue to the surrounding community and regular supporters and visitors. There are limited social outdoor attractions in the surrounding area, therefore the owner identified the need and opportunity and has offered to introduce a padel club.

Padel is a doubles racket discipline (four players on court) that combines elements of tennis and squash and is played on a shrunken-down court with glass walls and a lower net. Introduction to the sport is significantly simpler than tennis, with under-arm serving and the use of the court walls for playing shots, therefore less technical than tennis. It is outdoors, although the courts have glassed walls and in European areas the courts are often roofed for shading and use in inclement weather. In recent years it has exploded in popularity and is the fastest growing racket sport in the world, amongst others due to is social attraction with four players playing at a time and the glass walls allowing spectator interaction. Games take approximately an hour for completion.



Figure 3: Layout plan of padel courts on Erf 211, Raithby

The owner wishes to use the main dwelling, which is no longer used as the main family dwelling, as a tourist accommodation establishment with nine bedrooms to add to the attraction of the Estate and provide alternative tourist accommodation based in the area where there are many other tourist attractions. The dwelling is served by a swimming pool, tennis court and a private garden, making it an ideal tourist accommodation establishment in a rural setting without having to do any construction.

1.3 Proposal and application

The proposal regarding the consent use for the active recreation (outdoor sport) aspect is to build two padel courts on an area of cultivated grazing at the entrance

to the winery and adjacent to the restaurant. In this location the courts and the club house can be integrated with the existing services on the Estate.

The courts cover an area of approximately 530 m² and the club house and viewing deck cover approximately 70 m². There are 10 parking bays proposed for the facility, off the existing road serving the winery, taking up roughly 300 m². An area of approximately 1 000 m² will be taken up by the facility. It will attract eight players at a time, with games lasting approximately an hour, i.e., roughly eight visitors per hour unless there is a tournament or club gathering, when more visitors could be expected.

Better use of the existing farm buildings is proposed by the conversion of the main dwelling that is laid out in such manner that it can be used as a nine-bedroomed tourist accommodation establishment with minor internal alterations, as required. It can accommodate the guest bedrooms in the existing structure, while retaining its residential character and function as main dwelling, in keeping with Section 207 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2023. Directly abutting the main dwelling is a tennis court and swimming pool which would enhance the attraction of the tourist accommodation establishment.

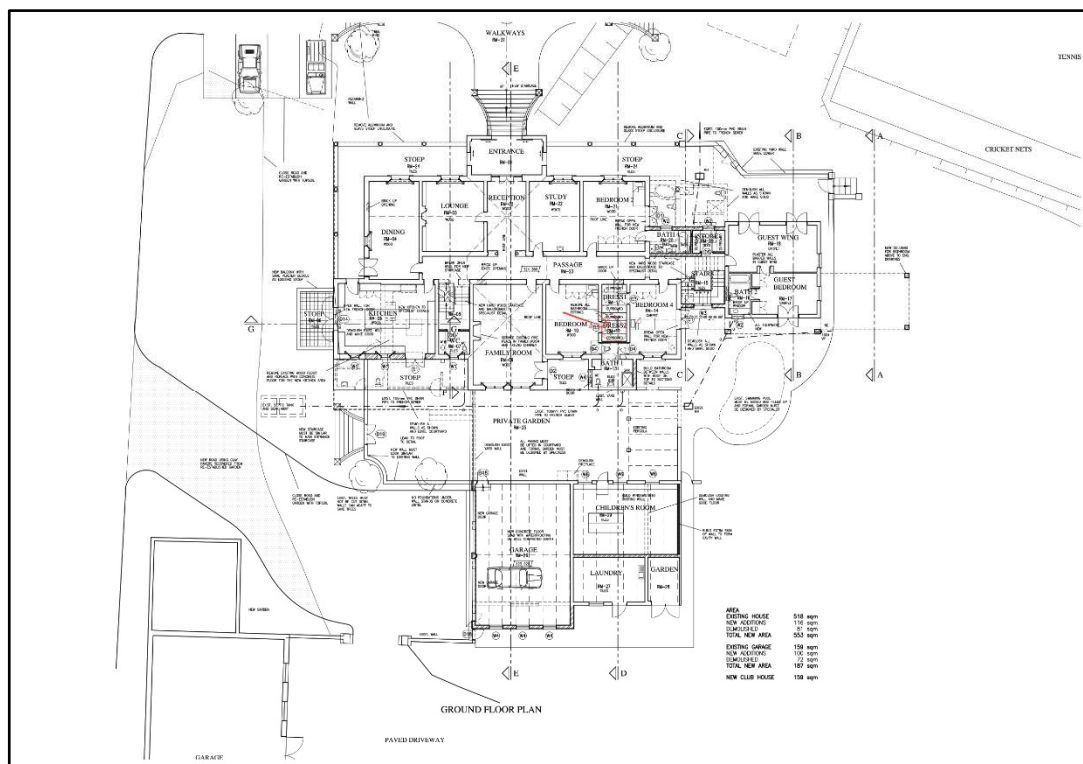


Figure 4: Ground floor layout of main dwelling on Erf 211, Raithby

The gabled house was built in the early 1900's in the Cape Dutch style. It is not listed as having any historical significance, while the farm is recommended as a Grade IIIc heritage resource due to its setting, layout, and character.

Countering the seasonality of the existing approved restaurant and wine tasting facilities is essential and the proposal is to extend the restaurant and wine tasting outwards by approximately 3m to enclose portions of the approved outdoor use area and thus to increase the indoor floor space of the restaurant and the wine tasting by

approximately 27m² each. The outdoor restaurant use area was previously approved and does not add to the overall extent of the use. The unused wine storage and maturation area behind the restaurant can be used for functions and events as complementary to the restaurant, i.e., not as an additional facility attracting a larger number of visitors, but rather providing space for weddings and events to the same people using the restaurant, or vice versa. The two cannot be used separately for different functions or events due to the layout and nature of the building.

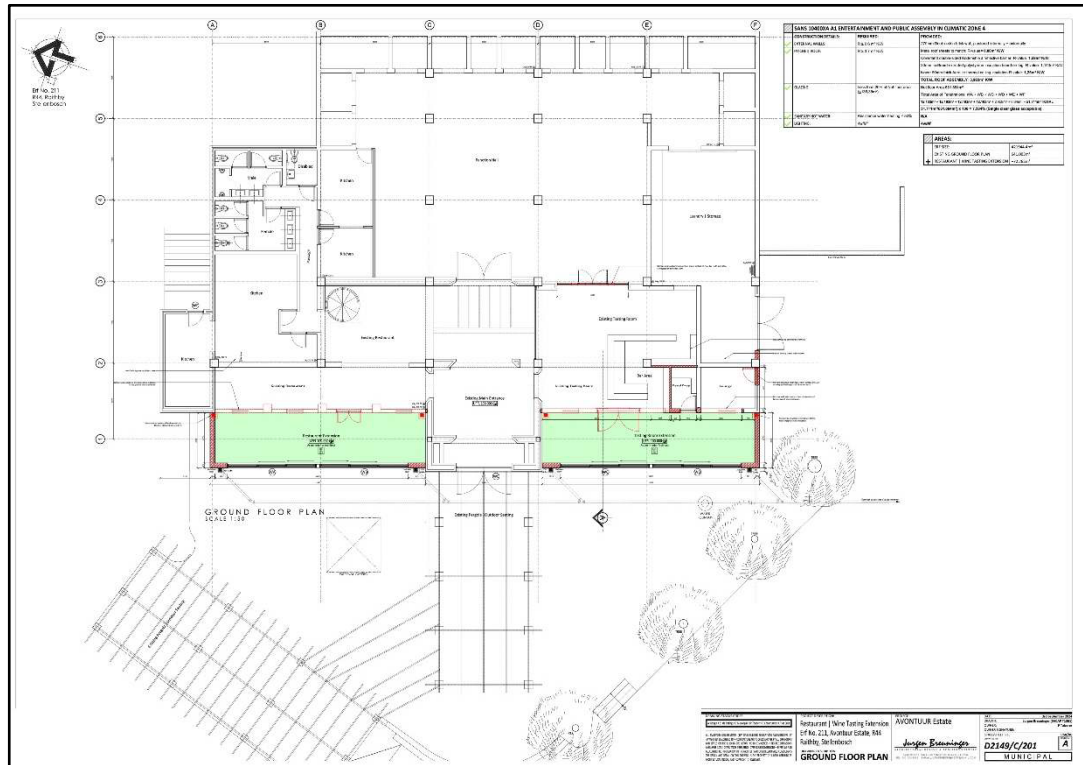


Figure 5: Proposed extension of restaurant and wine tasting on Erf 211, Raithby

The following application is made in terms of Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (LUPB), read with the Stellenbosch Municipality Zoning Scheme Bylaw, 2023 (ZSB), for Erf 211, Raithby that is zoned Agriculture and Rural Zone and to which previous approvals for tourist facilities are applicable.

- 1.3.1 Application in terms of Section 15(2)(o) for consent use as contemplated in the zoning scheme to:
 - 1.3.1.1 permit tourist facilities (outdoor sporting venue) consisting of two padel courts and a club house;
 - 1.3.1.2 permit the use of the main dwelling as a nine-bedroom tourist accommodation establishment;
 - 1.3.1.3 permit the use of part of the old winery as a restaurant with a floor area of 162m² as a tourist facility; and
 - 1.3.1.4 permit as a tourist facility the use of the unused portion of the old winery / wine storage area, connected to the restaurant, as an events venue / function room with a floor area of 216m² together with the restaurant.

The title deed does not include any restrictions relating to building development in terms of the Advertising on Roads and Ribbon Development Act, 1941. However, given experience in similar applications on the R44, it is prudent to include proposals relating to access to the R44 for consideration by the Western Cape Department of Infrastructure.

All of the proposed uses fall outside of the 200m scenic drive buffer along the R44.

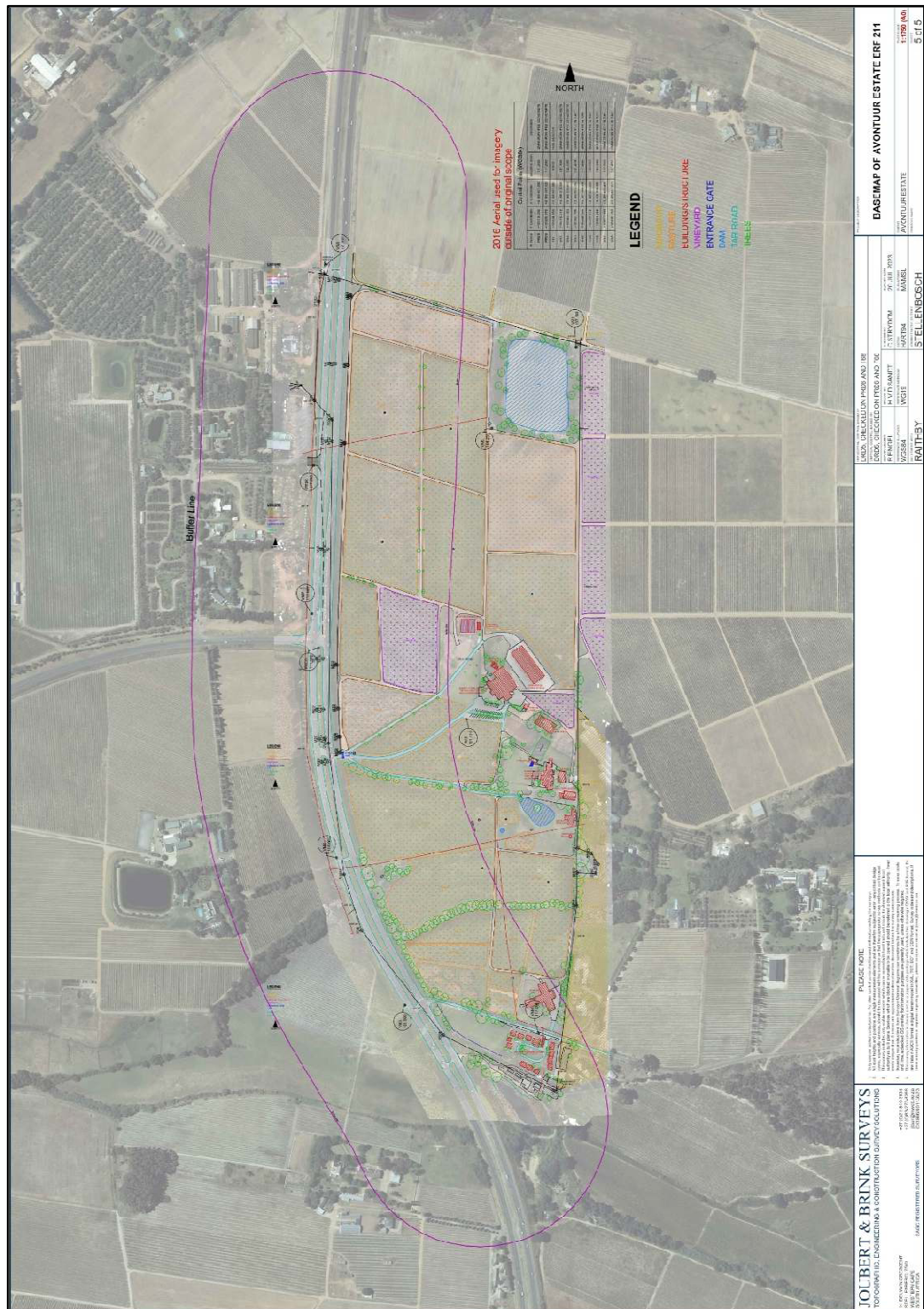


Figure 6: Erf 211, Raithby land uses SDP

1.4 Land use

The primary use of Erf 211 will remain agriculture, primarily as a wine estate and also as a horse stud farm, with the vineyards as indicated above being retained, while the stud farm takes up most of the land area. The consent uses will be "*Subservient*" to the agricultural use, being of lesser importance in overall intent, scale, or extent.

The diversification of the use of the farm and the existing approved tourist facilities, by the addition of the outdoor sporting venue, the expansion of the restaurant with an integrated function venue in the old winery, and use of the manor house as a tourist accommodation establishment, will not detract from the primary use of the farm for agricultural purpose. It also creates an attraction that does not detract from the character of the general area, while contributing to the general attraction of the R44 as a tourist corridor and the provision of social and sporting facilities to the surrounding community.

The farm has been surveyed and a site development plan showing all the buildings, structures and agricultural uses is attached in the Annexure.

1.5 Zoning scheme requirements

The proposed development of the tourist accommodation establishment and outdoor sporting tourist facility consent use must be considered in terms of Sections 207, 208, 209 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019, read with the relevant considerations as set out in the Stellenbosch Municipality Land Use Planning Bylaw, 2023. Said ZSB determines that "*When approving new consent uses the Municipality shall have regard for the objectives of the zone namely the preservation of agricultural land and the continued use of farm land for agriculture. The scale of the individual buildings used for consent uses shall remain in keeping with the character of buildings on the land unit, the character of the area and non-agricultural land uses may not dominate the farm activities or buildings form.*

These consent uses may only be undertaken from a land unit where the primary use of the land unit is bona fide agriculture/and or natural environment and where the proposed activity is subservient to these two primary land use activities on the land unit."

The total coverage of all buildings plus any external use areas which are used for tourist facilities (excluding parking areas) exceed 250 m², hence approval can only be granted in consideration of a consent use application and the use of the site development plan to determine the development rules. The tourist facilities being applied for are:

- 1.5.1 Replacement of the existing 96m² restaurant with a restaurant with a floor area of 162m² that can host up to 60 people at a time located in the old winery;
- 1.5.2 The existing wine tasting and wine sales with an area of 90m² to be expanded to 117m² by the inclusion of a portion of the approved external seating area and a capacity of 70 people;

- 1.5.3 A function venue with a floor area of 216 m² located in the old winery with a maximum capacity of 173 people, but which cannot function separately from the restaurant and the wine tasting facility;
- 1.5.4 Two padel courts with an area of 530m²; and
- 1.5.5 A padel court club house with an area of 70m².

The restaurant, wine tasting and function venue will operate as follows:

Restaurant:

- Closed on Mondays.
- Breakfast and Lunch Tuesday to Sunday, 09:00 – 16:00.
- Dinners Tuesdays and Saturdays, 18:00 – 21:00.

Tasting Room:

- Monday to Friday, 08:30am – 17:00.
- Saturday and Sunday, 08:30 – 16:00.

Functions venue:

- By prior booking only and subject to exclusive use of the restaurant.

The outdoor sporting facility will be open seven days a week from sunrise to sunset.

1.6 Title deed restrictions

The title deed (T12522/1987) does not contain any restrictions preventing the proposed land use.

2. MOTIVATION

The consent uses on the farm as described above, inclusive of the proposed tourist accommodation establishment and new outdoor sporting facility, are subservient (of lesser importance in overall intent, scale, or extent) to the primary agricultural use of the property, and it would remain possible to manage the farm and the facilities sustainably as an economic agricultural unit together with these uses.

More than 95% of the property will remain primarily agricultural in use. The consent uses are therefore of lesser extent to the agricultural use, preserving the majority of the land and buildings for active agricultural use.

The consent uses will be of lesser importance than the agricultural use, but important for the marketing of the agricultural products by creation of a brand awareness and as a market for the produce. Agricultural activities such as the horse breeding and viticulture define the character and primary function of the property, while the consent uses serve as complementary elements, enhancing and not competing with or distracting from it.

The purpose of the consent uses is to support the agricultural activities, as mentioned by creating a brand awareness and direct market. The intent is not to replace the main agricultural activities with the consent uses, but rather to use the attractions in furthering the agricultural use of the farm.

The scale and form of the proposed new padel courts and structures are in keeping with that found in the rural area and normally on farms. It would not detract from the obvious

character of the surrounding area. Moreover, all the abutting and adjacent farms have similar scaled tourist facilities and attractions, but none offer an outdoor sporting venue aimed at social sport. Most offer active sporting attractions, whereas the proposed padel courts and club house are aimed at creating a social sporting attraction, primarily for the surrounding community and complementary to the existing restaurant and wine tasting and sales facility. Due to the location of the consent uses in the middle of the property and within the existing buildings, other than for the new padel courts, they will have no direct effect on any neighbouring property.

The expected additional traffic generated on the R44 by the additional outdoor sporting tourist facility and the expansion of the restaurant and wine tasting is minimal, unless there is an event, in which case it would be over a weekend outside of any peak period.

The main dwelling is no longer required as a family residence and under-utilised. It can be better used by allowing the use of the existing house as a tourist accommodation establishment with nine bedrooms, along with the tennis court and swimming pool adjacent thereto. The house will retain its function as the main dwelling on the farm, while the farm also contains two additional dwellings used by the managers of the different agricultural components and 14 employee housing units. The farm owners reside in residences on other portions of the farm, i.e., separate land units. The farm layout is shown on the site development plan in the Annexure.



Figure 7: Oblique view of Erf 211, Raithby over R44 Winery Road intersection

According to the Zoning Scheme Bylaw, the total number of guest bedrooms in a guest house as an additional use on a land unit may not exceed seven bedrooms in total per land unit. The application herewith is for a consent use, i.e., the limitation need not apply in this instance, as the Municipality may grant a consent use for a greater number of bedrooms to be used for a guest house, provided that these activities shall remain confined to the approved dwelling units on the land unit. The application is nonetheless for the use the main dwelling as a tourist accommodation establishment, and not for the use of any additional dwellings, as a nine-bedroomed guest house. Establishment of the tourist

accommodation establishment does not require any adaptation of or change in the agricultural activities on the farm.

As indicated above, the outdoor sporting tourist facilities (padel courts) cannot be undertaken from existing approved buildings on the land unit, thus building plans have been submitted (and were refused) for the construction of the padel courts. There are no vacant or under-utilised buildings on the farm that could be converted, therefore the Municipality is requested with this application to approve new buildings for the outdoor sport tourist facilities as a consent use.

The tourist facilities will not have an adverse impact on surrounding properties, in respect of, but not limited to, noise, traffic congestion, pollution, emissions or the gathering of large numbers of people, or the presence of people hindering agriculture e.g., during spraying season, nor will the tourist activities have an adverse impact on any bona fide agricultural activities on the farm itself or on neighbouring properties. The potential daily visitor numbers (and thus traffic generated by it) are low and not out of scale with the surrounding tourist facilities on neighbouring farms. Moreover, the proposed padel courts are not visible from the surrounding farms or the R44 and located alongside a significantly larger agricultural building and winery, which visually absorb the courts. The courts are 250 m from the tourist accommodation establishment and R44 and more than 300 m from the nearest neighbouring buildings (which are not used for residential purposes). Any noise thus emanating from the courts will have insignificant effect on any surrounding use, given the existing background noise in the rural setting, due to road traffic and agricultural activities.

The other listed nuisance factors to be considered when granting a consent use, e.g., pollution and emissions do not apply to the tourist accommodation establishment or padel courts, as they do not directly generate these, even if they do draw vehicle traffic. Large numbers of people will also not be attracted by the proposed consent uses, unless for an event, which would have to comply with the relevant legislation and in this instance only being permitted once a year. The term large is also undefined and in this instance it is unlikely that an event at the padel club would exceed 30 - 40 visitors, inclusive of spectators and players.

2.1 Stellenbosch Municipality IDP and SDF

The Integrated Development Plan 2024 (IDP), including the municipal spatial development framework (SDF) make specific provision for the establishment of tourist facilities on farms and the diversification of agricultural activities to enhance the economic sustainability of the farms. It confirms that tourism, linked to the natural environment and agriculture, is one of the largest creators of employment and that it makes substantial contribution to the economic sustainability of the agricultural sector and the Municipality. The application for the added attraction on Avontuur Estate is in line with the provisions of both said documents and an attempt to increase the feasibility and sustainability of the tourist facilities farm.

The farm is a sustainable agricultural entity, albeit composed of seven titles (land units). It is also sufficiently developed with agricultural infrastructure and buildings and the additional use covering approximately 1 000m² of uncultivated land will add to and not detract from the economic sustainability of the farm.

IDP Strategy 5 makes specific provision for the use of farms as tourism attractions: *"Manage and develop tourism as one of the key economic sectors - Facilitate the development of tourism attractions, as contained in the Local Economic Development Strategy, in all sectors and at all levels of the local economy"*. It further states that the Municipality must *"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."*

The SDF specifically states that the protection and expansion of tourism assets and the protection of agricultural land, enablement of its use and expansion of agricultural output are core to the sustainability of Stellenbosch.

The tourism sector, and local visitors, contribute significantly to the local and regional economy and it requires continuous product development to ensure repeat visits and new visitors. By creating the proposed padel outdoor sporting venue, the Estate is likely to contribute to the local tourism sector and adding to the social and sporting opportunities in the local community.

2.2 Provincial Spatial Development Framework

The Provincial Spatial Development Framework (PSDF) and the supporting and complementary regional spatial development framework as contemplated in Section 18 of the Spatial Planning and Land Use Management Act, 2013 determine principles and the planning and development norms and criteria for tourism related uses in the area. Nothing proposed in this application contradicts any of the said principles or guidelines.

The Western Cape Rural Development Guidelines indicate that: *"The Western Cape economy is founded on the Province's unique asset base. These include farming resources, that make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g., agri-processing) underpin the Province's industrial sector; and its natural capital (i.e., biological diversity) and varied scenic and cultural resources which are the attraction that makes the Western Cape the country's premier tourism destination. The Western Cape seeks to ensure: 1) sustainable development of its rural areas; 2) conservation of their biological diversity; 3) functionality of ecosystems; 4) protection of agricultural productive land; and 5) safeguarding of rural heritage and culture."*

Chapter 11 of the Rural Development Guidelines determines the following sustainability principles and management guidelines for tourism development in rural and agricultural areas:

- To diversify farm income.
- 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).

- Rural tourism and recreation facilities and activities should not compromise farm production and must be placed to reinforce the farmstead precinct.
- To provide a range of opportunities, including different typologies, for tourists and visitors to experience the Western Cape's unique rural landscapes; e.g., additional dwelling units on farms, B&Bs, guesthouses, backpacker lodges, lodges, resorts, hotels, and camping sites.
- To offer more people access to unique tourism and recreational resources in sought-after natural areas, where it would not otherwise have been possible.
- Whilst tourist and recreational facilities should be accommodated across the rural landscape (i.e., in all SPCs), the nature and scale of the facility provided needs to be closely aligned with the environmental characteristics of the local context.
- Any facility not directly related to the rural landscape should preferably be located within, or peripheral to, urban centres . The obligation is on the applicant to illustrate why the land use cannot be accommodated in the urban area .
- The development should have no adverse effects on society, natural systems, and agricultural resources.
- The long term impact on the municipality (resources and financial); water supply and demand; agricultural activities, production and sustainability, risk, and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken.
- Avoid establishing facilities with any permanent on-site employees' residences in rural areas, as on-the-farm accommodation is restricted to agri-workers. Employees should be accommodated in existing settlements.
- Development applications should include a locality plan to indicate how it contributes to the clustering of facilities in nodal areas.
- A site development plan must be submitted to the municipality for consideration. The exact proposed footprint must be shown on the site development plan, it should illustrate the placement of the activity in relation to existing buildings on the farm, and provide details on infrastructure provision, access and parking arrangements and the position and nature of all proposed signage and landscaping.
- Environmentally sensitive areas (e.g., wetlands and other special habitats) should be avoided, and the placement of facilities and activities should be informed by a landscape assessment (i.e., considering biodiversity, cultural & scenic attributes).
- Existing structures or disturbed footprints should preferably be used, and adequate provision made for access and parking. Buildings should respond to the farm's built vernacular and should include appropriate buffers, landscaping, and screening to reduce their visual impact on the rural landscape. Information on the architectural design must be provided, for the purposes of the heritage and visual assessments.
- The appropriate nature and scale of a facility within a particular context should be determined by considering:
 - the extent of the cadastral portion, and
 - the sensitivity of, and impact on, the receiving environment (i.e., agricultural, or natural).
- The scale of a development must be limited to the extent that it will not promote secondary development (e.g., service stations, shopping centres, retail activities,

- social services such as schools, etc.) on or around the site such that a new, unplanned development node is created .
- Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated.
 - Landscaped areas, which generally require the application of fertilizers, herbicides, and pesticides, should be located above the 1:100-year flood line. Where the flood line has not been determined or is out of date, a flood line study is required.
 - The development should not result in or contribute to visually obtrusive or ribbon development along the coastline, visually sensitive areas, cliffs, or ridges.
 - The services associated with a development should not have a negative impact on the environment . The impact of these services should be taken into account when determining the appropriate location for a development. In particular, sewerage provision should not result in pollution of surface or groundwater (e.g., no soak-ways should be permitted).
 - The development of the site should not negatively affect the role, function, public enjoyment and status of open space systems/networks, designated sites of cultural significance and/or sites identified as being of conservation significance.
 - The development should not result in or contribute to visually obtrusive or ribbon development along the coastline, visually sensitive areas, cliffs, or ridges.
 - The services associated with a development should not have a negative impact on the environment. The impact of these services should be taken into account when determining the appropriate location for a development. In particular, sewerage provision should not result in pollution of surface or groundwater (e.g., no soak-ways should be permitted) .

An assessment of the above land use proposal shows that it meets all of the aforementioned principles and criteria. The proposed outdoor sporting facility and the tourist accommodation establishment will have no negative effect on the existing agricultural use and potential of the farm and will contribute to the attraction of the existing tourist facilities and thus increase the revenue derived from diversification. In addition to its economic contribution, it makes a social contribution, by creating an outdoor sporting venue not found in the surrounding community and which will create a platform for social interaction for residents of the surrounding community.

- ✓ To offer a range of appropriate facilities. Tourism attractions of the Cape Winelands District (according to the MERO 2022) attracted 79% local visitors, mostly to outdoor activities. The proposed outdoor sports venue and more so due to the nature thereof, will add to the tourism and local visitor offerings along the R44, without any identified negative effect.
- ✓ No compromise to agricultural activities. The proposed consent use will be established along an existing roadway on the farm on cultivated grazing which does not have any impact on the agricultural potential of the farm. Its attraction will therefore enhance and not negatively affect the agricultural activities on the farm, and it will not have any negative effect on the surrounding agriculture, as the proposed use does not cause any disturbance and is not sensitive to any

agricultural activities, e.g., crop spraying, irrigation, use of farm implements and machinery.

- ✓ Provide a range of opportunities. The proposed facility creates a new social and outdoor sporting opportunity as a new attraction for local visitors and tourists. This has a positive effect on the local economy and more so on the social opportunity offerings to the surrounding community.
- ✓ Offer access to more people. The facility will create an additional outdoor sporting venue in proximity where such venues are in high demand. It is located on an existing tourist corridor in an area surrounded by similar product offerings, but where social sporting venues are in limited supply.
- ✓ Improve the economic viability and sustainability of farms. The addition of the outdoor sporting venue will add to the attraction of the existing tourist facilities and would probably contribute to the farm revenue.
- ✓ Align scale and form of facilities with character of area. The surrounding area has a high intensity use character, with similar scaled tourism related facilities on virtually all adjacent farms. The padel courts fit the agricultural scale and nature of development along the R44 and are unlikely to create such additional traffic and visitor numbers as to disrupt traffic and normal activities related to the surrounding agricultural area.
- ✓ Diversify farm income. The additional consent use will probably lead to the generation of additional revenue from the tourist facilities on the farm. Although these are not the major source of revenue for the farm it is an important revenue stream.

There is therefore a good match between the relevant policies and the proposed development of the Farm by the creation of the tourist accommodation establishment and tourist facilities and the product offering of the immediate area along the R44.

2.3 SPLUMA principles

The matters referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration have all been considered in making this application.

- ✓ **Spatial Justice.** It refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by past spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.

The proposed use of the land does not have any negative effect on the spatial development framework and policies for such redress. It provides additional social outdoor sporting opportunities for those who live in the area and do not have access to such facilities.

It does not prevent or hinder access to additional land for the poor for settlement purposes and it does not add to the cost of land acquisition to the state, as it is outside of the urban edge and not identified as settlement land or land for land reform purposes.

- ✓ Spatial Sustainability. According to this principle, a sustainable form of development must be pursued. Amongst others it means promoting less resource consuming development typologies that promote compaction and mixed-use urban environments. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Spatial sustainability, although primarily focused on urban development, has been considered. The proposed use of the land does not have any negative effect on the urban area and fits with the surrounding rural area. As a tourist facility it will contribute to the municipal and local economic revenue base, without requiring public expenditure to occur. Moreover, it is located along the R44 corridor where tourist attractions are located, and it supplements these. Land earmarked for agriculture, conservation, or urban development, is not negatively affected, or restricted by the proposed use of a small portion of the farm.

The proposed consent use is unlikely to cause the lowering of the service levels in municipal or other public infrastructure such as the R44, due to the likely low visitor numbers.

- ✓ Efficiency. It refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land. Inherent in this statement is the need to promote densification and compact urban development typologies. This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities, and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic, or environmental impacts. In addition, efficiency refers to the need for development application procedures that are efficient and streamlined.

Efficiency (optimising the use of existing resources and infrastructure) has been addressed and the use of the agricultural land resource will contribute to increased efficiencies. The attraction will further improve efficiency in the area, as it is located in an area where many tourist facilities are located, adding to the attraction and product offerings to local visitors and residents.

- ✓ **Spatial Resilience.** In the context of land use management and planning, it refers to the need to promote the development of sustainable livelihoods for the poor (i.e., communities that are most likely to suffer the impacts of economic and environmental shocks). It also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks.

The applicant cannot dictate the SDF and other spatial planning policies and strategies. At best, the applicant can work with the relevant authorities to assist with the implementation of the relevant policies and strategies, as is the case with this application. Spatial resilience has thus been addressed, as the SDF and other policies allow for flexibility to ensure sustainable development, amongst others by determining policy to assess the application in terms of the SDF and IDP strategies, both of which promote the better use of agricultural resources, the expansion of tourist attractions on appropriate land outside of the urban areas and the conservation of the rural environment.

The application needs a flexible approach, by taking cognisance of the entire spectrum of relevant considerations. By offering an outdoor sporting venue the applicant makes a contribution to the sustainability of the farm, the broader agricultural environment and resource use in general.

- ✓ **Good administration.** In the context of land development planning, it refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players ensure a joint planning approach is pursued. Land development decisions should seek to minimise the negative financial, social, economic, and environmental impacts of a development in an efficient process where all statutory requirements are adhered to.

Good administration is primarily a function of the authorities, not affected by the proposed use of the land. A flexible approach to the application and agreement on the achievement of the desired outcomes in the most economic and administratively justifiable and lawful manner is critically important. The applicant has taken the necessary actions to ensure that the decision-maker is provided with the required information to be able to take a decision based on the relevant considerations.

2.4 LUPA principles

The principles referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014, Act 3 of 2014 (LUPA) have all been considered. The LUPA considerations and development principles require:

- ✓ The protection and promotion of the sustainable use of land, which is the purpose of the proposal. As indicated above, the application does not affect land essential for conservation, other uses, or service delivery by the Municipality. The application however requires adherence to national and provincial government policies, which it does, as illustrated above, inclusive of the municipal spatial development framework that promotes the expansion of tourist facilities on appropriate land outside of the urban areas without negatively affecting the agricultural use.
- ✓ Consideration of the public interest, which is done through compliance with the aforementioned policies and guidelines, together with the creation of new social (outdoor sporting) opportunities in proximity of and complementary to the other tourist facilities and existing road infrastructure without negative impact on surrounding land use or the natural environment, thus increasing the economic potential of the area.
- ✓ Promotion of constitutional transformation imperatives and the related duties of the state. No comment.
- ✓ Proper consideration of the facts and circumstances relevant to the application, as have been set out above, indicating grounds for a positive land development consideration and decision. The relevant considerations include that the property, albeit sustainable as a farm, already has approved tourist facilities as are permitted in the Agriculture and Rural Zone and the addition of the complementary attraction would improve the sustainability thereof.
- ✓ The respective rights and obligations of all those potentially affected, primarily the surrounding property owners, public and private service providers and the wider community have been considered and there are no identified significant issues.
- ✓ The impact of the proposed development on engineering services infrastructure, social infrastructure, and open space requirements is insignificant. The proposed use contributes to the provision of social facilities by adding an outdoor sporting venue which does not exist in the area and that without requiring additional infrastructure services.

2.5 National Development Plan

The National Development Plan, 2030 (NDP) is extensively quoted in the Stellenbosch SDF 2019. *It serves as the strategic framework guiding and structuring the country's development imperatives and is supported by the New Growth Path (NGP) and other national strategies. In principle, the NDP is underpinned by, and seeks to advance, a paradigm of development that sees the role of government as enabling by creating the conditions, opportunities, and capabilities conducive to sustainable and inclusive economic growth. The NDP sets out the pillars through which to cultivate and expand a robust, entrepreneurial, and innovative economy that will address South Africa's primary challenge of significantly rolling back poverty and inequality by 2030.* The recently released Tourism Transformation Strategy (2018) goes to detail about the matter: *The tourism sector is one of the few sectors in South Africa that continues to grow economically and globally despite the recent economic challenges. The tourism sector is one of the six core pillars of growth in the country according to the New Growth Path and the Industrial Policy Action Plan (IPAP2) identified the sector as one of the areas that contributes to the development of areas of potential such as rural areas and cultural industries amongst others.*

2.6 Environmental Management

The proposed development of the consent uses does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.

2.7 Heritage

The proposed tourist facilities and tourist accommodation establishment will not require authorisation in terms of Section 34 or 38 of the National Heritage Resources Act, 1999, Act 25 of 1999, as the application does not trigger any listed activity.

2.8 Engineering

As indicated above, the outdoor sporting venue can accommodate eight players at a time, roughly on an hourly cycle, unless for an organised event. Traffic volumes to the venue will be miniscule and an insignificant increase in volume is expected due to the expansion of the restaurant and wine tasting facility.

Electricity is supplied by Eskom through an existing service, which does not require any upgrading.

The farm is self-sufficient with potable water from the boreholes on it and for irrigation of the garden areas.

The waste water will be conveyed to the existing sewerage conservancy tank system that is regularly emptied by a local service provider. The tanks have sufficient capacity to accommodate the outdoor sporting venue.

Solid waste is removed by the Municipality, which service will continue with insignificant increase in volume.

2.9 Chapter V evaluation

In Section 65 of the SMLUPB, the following criteria for deciding applications are prescribed. While all of the matters referred to in Section 65 have been addressed in broad above, this section summarises and highlights the relevant matters which the Municipality must consider.

Criterion in Section 65	Applicability	Compliance of application
<i>(a) the application submitted in terms of this By-law;</i>	Application must comply with the processes of the LUPB.	Application covers all the relevant aspects, i.e., consent, and is supported by the required documents and reports.
<i>(b) the procedure followed in processing the application;</i>	Application must be consistent with the LUPB.	Process still has to be concluded. Preparation and submission followed prescribed process.

Criterion in Section 65	Applicability	Compliance of application
<i>(c) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;</i>	Desirability test according to Section 209 and 213 of the Zoning Scheme Bylaw, read with the provincial Rural Development Guidelines.	See paragraphs 1.5 and 2.2 above. <ul style="list-style-type: none"> • Use not likely to cause nuisances and therefore desirable. • Guidelines indicate better use of agricultural resources necessary to diversify economy. • Guidelines require least impact on agricultural capacity. • Guidelines promote the addition of new and wider range of attractions and opportunities.
<i>(d) the comments in response to the notice of the application, including comments received from organs of state, municipal departments, and the Provincial Minister in terms of section 45 of the Land Use Planning Act;</i>	Notices to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(e) the response by the applicant, if any, to the comments referred to in paragraph (d);</i>	Notices to be circulated.	Compliance can only be monitored after conclusion of the public participation process.
<i>(f) investigations carried out in terms of other laws that are relevant to the consideration of the application;</i>	NEMA Act 107/1998 NHRA Act 25/1999	See paragraphs 2.6 and 2.7 above. <ul style="list-style-type: none"> • No authorisations required.
<i>(h) the impact of the proposed land development on municipal engineering services;</i>	No negative effect envisaged due to the low scale and limited extent of the proposed uses.	See paragraph 2.8 above. <ul style="list-style-type: none"> • Insignificant additional traffic. • Eskom electricity supply network has capacity. • Own water supply from borehole is sufficient in quality and quantity. • Sewerage managed on-site with conservancy tank for disposal into municipal system. • Solid waste removed by Municipality
<i>(i) the integrated development plan, including the municipal spatial development framework;</i>	Aligned to: IDP 2024, Tourism Development Strategy; and SDF Agricultural Sector Policy	See paragraph 2.1 above. <ul style="list-style-type: none"> • Tourism important economic contributor. • New tourist facilities outside of existing nodes promoted, i.e., on farms and natural areas.

Criterion in Section 65	Applicability	Compliance of application
		<ul style="list-style-type: none"> Agricultural sector to be strengthened through appropriate diversification.
<i>(j) the integrated development plan and spatial development framework of the district municipality, where applicable;</i>	Compliant with Rural Area Plan.	See paragraph 2.2 above. <ul style="list-style-type: none"> The appropriate diversification of use on farms is desirable.
<i>(k) the applicable local spatial development frameworks adopted by the Municipality;</i>	None identified.	None.
<i>(l) the applicable structure plans;</i>	Not applicable.	Not applicable.
<i>(m) the applicable policies of the Municipality that guide decision-making;</i>	None identified.	None.
<i>(n) the provincial spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 2.2 above. <ul style="list-style-type: none"> The appropriate diversification of use on farms is desirable.
<i>(o) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;</i>	Compliant with Rural Area Plan.	See paragraph 2.2 above. <ul style="list-style-type: none"> The appropriate diversification of use on farms is desirable.
<i>(p) the policies, principles and the planning and development norms and criteria set by the national and provincial government;</i>	Compliant with principles and criteria.	See paragraphs 2.3 and 2.4 above. <ul style="list-style-type: none"> Assessed against spatial justice, spatial sustainability, efficiency, and good administration.
<i>(q) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;</i>	Compliant with principles and criteria.	See paragraph 2.3 and 2.4 above. <ul style="list-style-type: none"> Assessed against spatial justice, spatial sustainability, efficiency, and good administration.
<i>(r) the principles referred to in Chapter VI of the Land Use Planning Act; and</i>	Compliant with principles and criteria.	See paragraph 2.3 and 2.4 above. <ul style="list-style-type: none"> Assessed against spatial justice, spatial sustainability, efficiency, and good administration.
<i>(s) the applicable provisions of the zoning scheme.</i>	SM Zoning Scheme Bylaw, 2019 considered	See paragraph 1.5 above. <ul style="list-style-type: none"> Consent evaluated against Section 209 and 213. Definition of tourist facilities in Bylaw includes outdoor sporting venue. Grazing land to be used.

3. CONCLUSION

The application for approval of the consent use for the tourist facilities and tourist accommodation establishment on Avontuur Estate (Erf 211, Raithby) in terms of Section 15(2)(o) of the Stellenbosch Land Use Planning Bylaw, 2023 is in line with municipal policy and legislation and the land use of the surrounding properties. All relevant considerations have been addressed and the application could accordingly be approved after following the required consultation process.

Consent use is sought for:

- An outdoor sporting venue consisting of two padel courts with an area of 530m² and a club house of 70m²;
- The use of the existing main dwelling as a nine-bedroom tourist accommodation establishment;
- Expansion of the wine tasting facility by 27m² over the existing outdoor seating area;
- The use of part of the old winery as a restaurant with a floor area of 162m² to replace the existing restaurant; and
- The use of the unused portion of the old winery connected to the restaurant, as an events venue / function room with a floor area of 216m².



ANNEXURE D

APPLICANT'S COMMENT AND PORTFOLIO OF EVIDENCE

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and
Environmental Assessment Practitioners

11 Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

Mobile: +27 82 895 6362

Email: dupre.lombaard@virdus.com



26 June 2025

The Director: Planning and Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599
Per: Landuse.Enquiries@ Stellenbosch.gov.za

Dear Sir

SUBMISSION OF COMMENT ON DIRECTORATE: INFRASTRUCTURE SERVICES (REF. CIVIL 2849 DATED 19 MARCH 2025): ERF 211, RAITHBY (LU16002 / TP407/2023)

The above-referred comment from the Directorate: Infrastructure Services refers.

The site development plan (SDP) for the farm and amended application provide the details as requested. New building additions are shown in green. It is only the extensions to the restaurant and winery which are new building. The padel courts and clubhouse were constructed in 2023 and should also be considered new building. All other buildings are existing.

The outdoor seating area being covered by the extensions (27m² each) to the restaurant and wine tasting can accommodate 10 people each, i.e., the extensions will add space for 20 additional visitors. The padel club house can accommodate 26 people.

Attached hereto the traffic statement as required.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Dupré Lombaard', is written over the typed name.

DUPRÉ LOMBAARD

Technical Planner and Environmental Assessment Practitioner

SACPLAN B/8076/1998 // EAPASA 2019/304

Annexure A: Traffic Statement

Head Office

UDS Africa,
11 Electron Street, Techno Park,
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8002

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Services

Civil Engineering
(Water, Sewer, Stormwater)
Roads and Transport
Traffic Engineering
Project Management

Offices

Stellenbosch, Piketberg, Somerset
West, Clanwilliam, Loeriesfontein



A Level 1 Contributor to B-BBEE

Date: 25 June 2025

Our Ref: UDS845/Reports/STA

Avontuur Estate (Pty) Ltd
P.O. Box 1128
SOMERSET WEST
7129

ATTENTION: Mr Philip Taberer

Dear Sir,

**RE: LAND DEVELOPMENT APPLICATION FOR CONSENT USE ON ERF 211 (AVONTUUR),
RAITHBY: SITE TRAFFIC ASSESSMENT**

This company was appointed by *Avontuur Estate (Pty) Ltd* to prepare a Site Traffic Assessment (STA) to accompany the abovementioned application for the subject property.

1. BACKGROUND AND LOCALITY

The subject property is situated along the east of the R44 (MR27), between Somerset West (to the south) and Stellenbosch (to the north). See the locality in **Diagram 1** below.

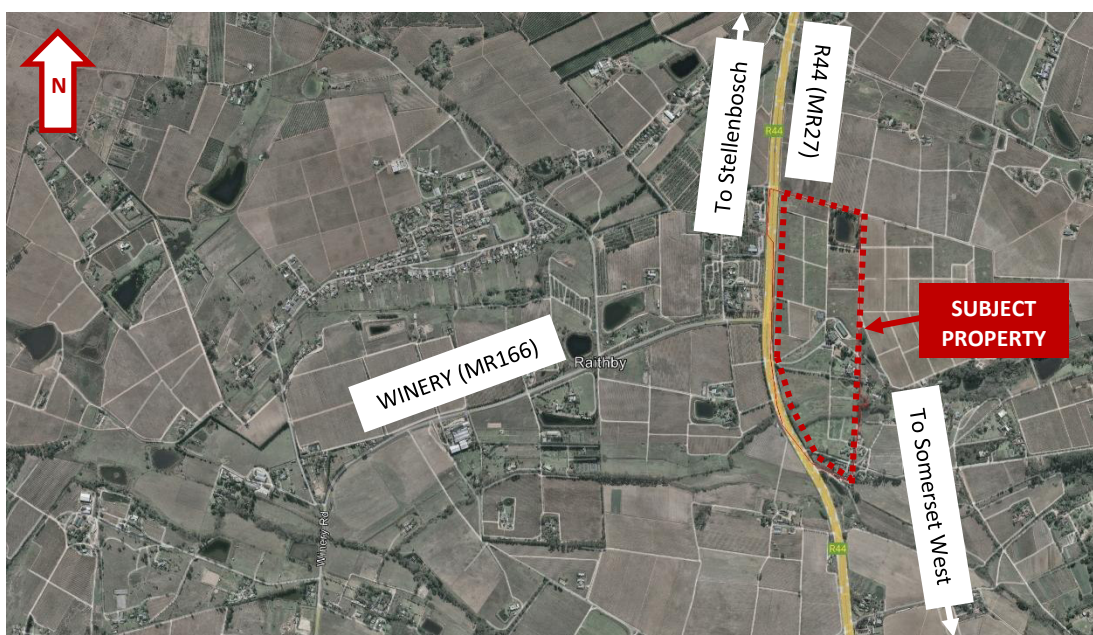


Diagram 1 : Locality of Subject Property

Application for Consent Use on the subject property was submitted, on which comments were received from both Stellenbosch Municipality (SM) and Western Cape Government (WCG). Comments from SM (Ref: Civil LU 2849) requested that a Traffic Impact Study be submitted for consideration, whilst WCG comments (App no: 2025-02-0010) provided no objection to the application with the last point of the letter including the following note: *“Please note that in the future, when this Branch's R44 Road Safety Project is implemented, the existing median break at the above access will be closed and rerouted to connect opposite MR166 (Winery Road) as part of the intersection upgrade to an interchange”*.

Following receipt of the WCG comments, SM confirmed that a Site Traffic Assessment (STA) would be sufficient to address their concerns. This letter thus serves as STA to accompany the abovementioned consent use application.

2. DEVELOPMENT INFORMATION

The consent use being applied for relates to padel courts, the conversion of an existing building to a guesthouse and expansion of restaurant/wine tasting areas with addition of function venue. See attached the location of these uses on the plans as received – **Basemap of Avontuur Estate Erf 211** prepared by Joubert & Brink Surveys.

The padel courts-section includes two (2) padel courts with its accompanying facilities, such as clubhouse and viewing deck. This is in addition to the existing winery and restaurant on the subject property. According to the town planner's report, the padel courts cover approximately 530 m², with the clubhouse and viewing deck covering approximately 70 m².

The guesthouse-section includes the conversion of the main dwelling on the property to a nine-bedroom tourist accommodation establishment with minor internal alterations.

Further to the above, it is also proposed to increase the existing indoor space of the wine tasting area by ± 27 m², as well as utilise a portion of the old winery as a restaurant with floor area of 162 m², and another section of 216 m² as a function room (to operate as extension of the restaurant and not operate independently).

To summarise the above:

Table 1 : Development information

Use/facility	Existing	New total	Additional	Trading Hours
Restaurant	96 m ²	162 m ² 60 pax	66 m ² 25 pax	Tuesday to Sunday 09h00 – 16h00 18h00 – 21h00
Wine Tasting/ Sales	90 m ²	117 m ² 70 pax	27 m ² 16 pax	Seven days a week 08h30 – 17h00 weekdays 08h30 – 16h00 weekends
Function Venue	-	216 m ² 173 pax		Bookings only – subject to availability as restaurant cannot be open to the public during function
Padel Courts	-	2x courts 70 m ² clubhouse		Seven days a week Sunrise to sunset
Guesthouse	-	9 rooms		Seven days a week

3. TRAFFIC

To obtain an indication of the additional peak hour trips to potentially be generated by the development as set out above, the relevant TMH17 trip generation rates were applied:

Table 2 : TMH17 trip generation rates

Land use	Rate	Split (in/out)
Restaurant	AM: 0,75 trips per 100 m ² GLA PM: 11,8 trips per 100 m ² GLA	70/30 60/40
Function Venue*	PM: 0,5 trips per seat	90/10
Guesthouse	AM & PM: 0,45 trips per room	50/50

* Conference centre rates – assumed to potentially be applicable to the PM peak hour rather than the AM peak hour as per the standard conference-rate

The TMH17 has no suggested rates for the wine tasting or padel facilities:

Wine tasting facilities do not generally contribute to the AM peak hour, whilst during the PM peak hour, the capacity of an additional 16 persons as proposed is not expected to generate significant, if any, additional PM peak hour trips.

For the padel courts, the two (2) courts would have the capacity to accommodate eight (8) persons at a time, and timeslots are typically booked as 60- or 90-minute slots. With the maximum eight persons per timeslot, assuming a vehicle occupancy of more than one person per vehicle, and taking into consideration that typical timeslots are an hour or more, the impact on the AM and PM peak hours is not expected to be significant.

Based on the above, the following additional/new peak hour trips can be expected:

Table 3 : Potential additional new peak hour trips

Land Use	AM Peak Hour			PM Peak Hour		
	Total	In	Out	Total	In	Out
Restaurant	1	1	0	8	5	3
Guesthouse	4	2	2	4	2	2
Subtotal: Daily	5	3	2	12	7	5
Function Venue	-			87	78	9

As tabled above, the day-to-day additional trips would be in the order of 5 AM- and 12 PM peak hour trips.

As briefly mentioned above, the function venue would require the restaurant facilities to operate, thus, the occasional 87 PM peak hour trips (when operating at capacity) potentially added to the said peak hour would also result in the total restaurant trips as can be expected during the PM peak hour to not be present, i.e. 87 trips added but 19 trips subtracted (based on the total restaurant of 162 m²), thus nett 68 trips added per occasion.

The total day-to-day peak hour trips expected to be added are thus not considered significant.

4. ACCESS

Access to the subject property is currently obtained from the R44 at a position ± 180 metres south of its intersection with Winery Road – see **Diagram 2** below. As part of the WCG Safety Project, the access will be relocated to opposite Winery Road.



Diagram 2 : Existing- and future access positions

The relocation of the access and the potential layout was recently communicated to the property owner via the consultants involved with the said WCG project. An extract of the layouts distributed as part of the said communication is provided in **Diagram 3** below.

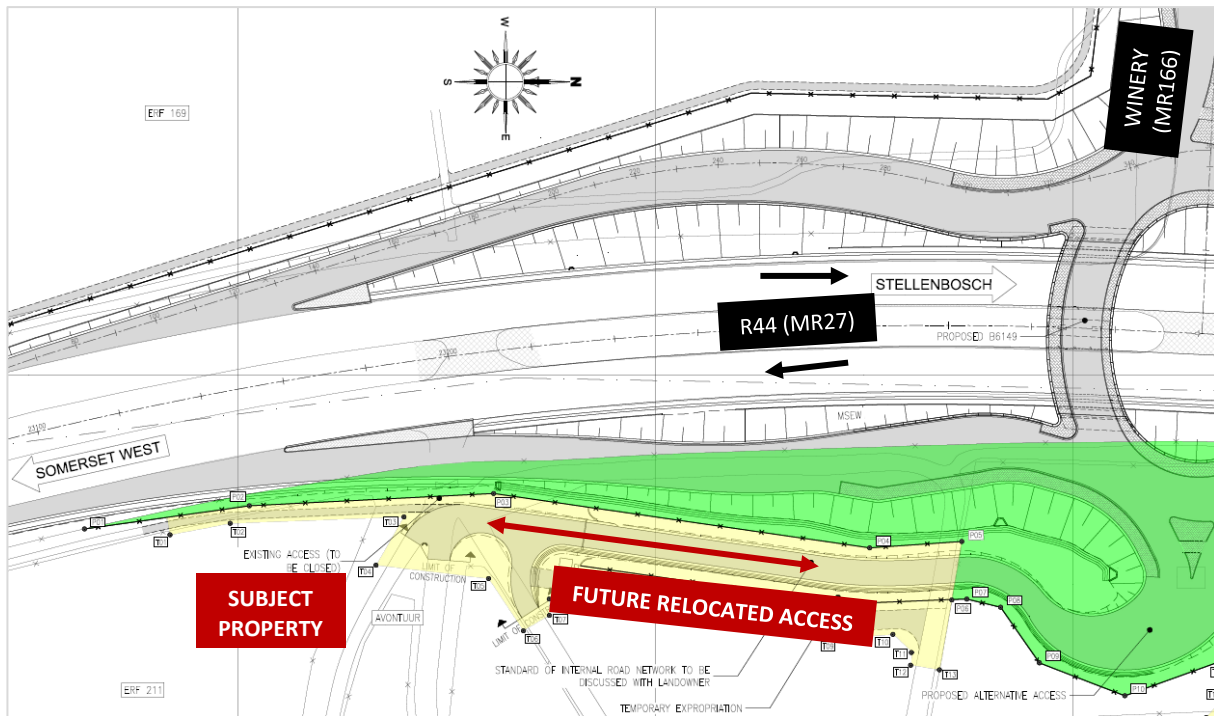


Diagram 3 : Extract of future upgrades to R44/Winery Road intersection resulting in relocation of subject property access (K&T, C974.01, GD 56/749, 10/02/2025) – with added notes

On-site, a guardhouse and access-booms are situated upon entering the property. These booms are situated along each of the on-site routes/paths providing access to the various facilities on-site, and are set back ± 30 metres from the yellow line along the R44. See below for illustrative purposes.

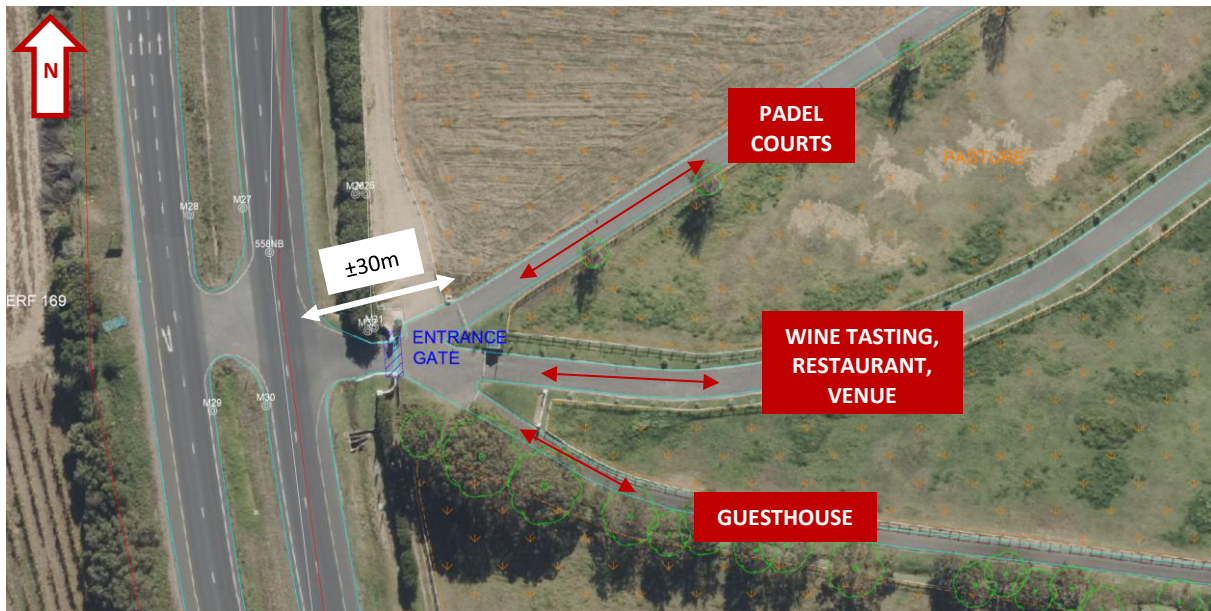


Diagram 4 : Existing access

Based on the day-to-day additions to the peak hours, as discussed above, the said setback is not considered an issue. It should be ensured, however, that during an event at the function venue, that the processing of guests at the access-controlled booms are streamlined as to not result in queuing into the R44. With the future relocated access, more than sufficient stacking space will be available along the access-approach from the future interchange.

5. ON-SITE CIRCULATION

See **Diagram 5** below.



Diagram 5 : On-site circulation

As mentioned, the three routes/paths on-site provide access to the various facilities as can be seen above. It should be ensured that signage is adequate to avoid confusion upon entering the site.

Two of the routes/paths indicated measure ± 5 metres in width, allowing two-way traffic, with the one leading to/from the guesthouse narrower at ± 3 metres wide i.e. able to accommodate one-way traffic. As the guesthouse use does not generally attract major two-way movements at the same time, this should not necessarily be an issue – should problems be experienced, the existing site layout seems to allow vehicular access from the guesthouse area to the parking area of the wine tasting/restaurant/venue. Guesthouse visitors could thus potentially exit the site via the wine tasting/restaurant/venue access.

6. PARKING

The Stellenbosch Zoning Scheme parking requirements are summarised as follows:

Table 4 : Parking requirements

Land use	Rate	Extent	Parking required
Residential			
Guest house	1 bay/bedroom or suite	9 rooms	9
Business and office			
Conference facility	0,25 bay/seat	173 seats	43,25
Restaurant	4 bays/100 m ² GLA	162 m ²	6,48

As per the summary provided by the town planner on the project, the parking currently available on-site includes 12 parking spaces at the guesthouse (8 surfaced plus 4 gravel/grass), 82 spaces at the wine tasting/restaurant/venue area (42 surfaced plus 40 gravel), and 15 parking spaces at the padel courts.

The guesthouse parking complies with the requirement tabled above.

For the wine tasting/restaurant/venue area, the 82 available parking spaces is considered sufficient based on the requirements calculated above and the expected operation of the three facilities, as previously referred to.

For the padel courts, a specific requirement is not contained in the relevant guidelines, however, taking into consideration the capacity of the padel courts and accompanying facilities, the 15 bays provided is considered sufficient. Should, for some reason, more parking be required, the subject property does lend itself to accommodating informal/overflow parking along a few sections of the site.

In summary, the number of parking bays provided on-site is considered sufficient to accommodate the proposed expansions and additions to the site.

The dimensions seem to be generally in line with normal parking standards.

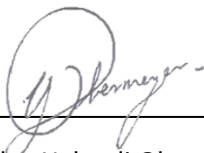
7. CONCLUSIONS

The following can be concluded from the report:

- 1) That the STA accompanies the land development application for consent use on Erf 211 (Avontuur), situated along the east of the R44, between Somerset West and Stellenbosch;
- 2) That a letter of no objection was obtained from WCG, noting that the existing access will be closed and rerouted to opposite Winery Road as part of the WCG Safety Project;
- 3) That the development changes/additions on-site includes expansion of the restaurant (+ 66 m²), expansion of the wine tasting area (+ 27 m²), addition of function venue (+ 216 m²), padel courts and changing of existing dwelling to guesthouse (9 rooms);
- 4) That the day-to-day additional peak hour traffic expected is 5 AM trips (3 in, 2 out) and 12 PM peak hour trips (7 in, 5 out), which is not a significant increase, and that the function venue can be expected to contribute an additional 68 PM peak hour trips on occasion;
- 5) That access is currently obtained $\pm$ 180 metres south of the R44/Winery Road intersection and is planned to be relocated to opposite the Winery Road-interchange as planned for the WCG Safety Project;
- 6) That the security controls are currently setback $\pm$ 30 metres from the yellow line of the R44, with the access splitting to three routes/paths on-site providing access to the various facilities on-site, and that during an event/function, it should be ensured that processing of guests at the access-controlled booms are streamlined as to not result in queuing into the R44;
- 7) That two of the on-site routes/paths accommodate two-way traffic, with the one leading to/from the guesthouse able to accommodate one-way traffic and that should this become problematic, it be considered utilising a potential vehicular link from the guesthouse to the wine tasting/restaurant/venue parking area to exit via its route; and
- 8) That sufficient parking exists on-site to accommodate the expansions/additions applied for, and the dimensions of parking bays seems to be generally in line with normal parking standards.

We trust that the Site Traffic Assessment will be to your satisfaction and will gladly provide any additional information required on request.

Yours faithfully,



Compiled by: Yolandi Obermeyer (B Eng)

UDS AFRICA



Attachments:

Basemap of Avontuur Estate Erf 211 (*Joubert & Brink Surveys*)

PLEASE NOTE

1. Only use our tabbed control points. No other control points shall be used without consulting the surveyor.
2. This survey includes only visible services which can be opened with hand tools and should be checked against local points, especially services, should be discussed with the surveyor so that the appropriate survey methods can be used.
3. Boundary reconstructions from Surveyor General diagrams can sometimes be a time-consuming process. To save costs levels deeper than 5 metres are approximate, unless otherwise discussed before the survey commences.
4. Boundary reconstructions from Surveyor General diagrams can sometimes be a time-consuming process. To save costs levels deeper than 5 metres are approximate, unless otherwise discussed before the survey commences.
5. This survey information is always sent as a zipped data package which includes this drawing in DWG and PDF format; the raw data in ASCII format; a digital terrain model in XML, TIF, BOT and CDM format; Survey codes and descriptions. If there are any queries or requests regarding these files, please send us an email at jbsur@nwab.co.za.

HORIZONTAL CONTROL BASED ON
DRD5, CHECKED ON PRD6 AND T68
VERTICAL CONTROL BASED ON
DRD5, CHECKED ON PRD6 AND T68

SURVEY LEADER	CHECKED BY	SURVEY DATE
RENGEL	C.STRYDOM	20 JUL. 2023
REFERENCE ELLIPSOID	DATUM	ELEVATIONS
WGS84	HART194	MAMSL
ALLOTTMENT AREA	ADMINISTRATIVE DISTRICT	
RAITHBY	STELLENBOSCH	

PROJECT DESCRIPTION
BASEMAP OF AVONTUUR ESTATE ERF 211

CLIENT	AVONTUUR ESTATE
DRAWING NAME	

PLOT SCALE
1:1750 (A0)
SHEET
5 of 5



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



STELLENBOSCH
 STELLENBOSCH • FROEL • FRANSCHHOEK
 MUNISIPALITEIT • GEMEENTE • MUNICIPALITY



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.



Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from nolusindiso.momoti@stellenbosch.gov.za sent at 2025-01-31 11:58:05 is confidential and may be legally privileged. It is intended solely for use by dupre.lombaard@virdus.com and others authorized to receive it. If you are not dupre.lombaard@virdus.com you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and
Environmental Assessment Practitioners

11 Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

Mobile: +27 82 895 6362

Email: dupre.lombaard@virdus.com



11 March 2025

The Director: Planning and Development
Stellenbosch Municipality
PO Box 17
Stellenbosch
7599
Per: Landuse.Enquiries@ Stellenbosch.gov.za

Dear Sir

SUBMISSION OF PORTFOLIO OF EVIDENCE FOR PUBLIC PARTICIPATION REGARDING LAND DEVELOPMENT APPLICATION: ERF 211, RAITHBY (LU16002 TP407/2023)

Notice of the application for the consent use was given in terms of the provisions of Section 46 of the Stellenbosch Municipality: Bylaw on Municipal Land Use Planning, 2023, to all the identified stakeholders on 14 November 2024. The following are submitted in evidence of the public participation process:

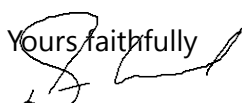
- A. Copy of the mailing list.
- B. Proof of sending of email notices.
- C. Comment received.
- D. Checklist and affidavit.
- E. Proof of prior sending to the Municipality.

SUMMARY OF PUBLIC PARTICIPATION						
Methods of advertising				Date published	Closing date for objections	
Press			N/A			
Notices (by email)	Y			04-02-2025	10-03-2025	
Ward councillor	Y					
On-site display			N/A			
Community organisation(s)	Y			04-02-2025	10-03-2025	
Government bodies	Y			04-02-2025	10-03-2025	
Other		N	If yes, specify			

SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION (INTERESTED AND AFFECTED PARTIES)		
FARM/ ERF NO.	ISSUES RAISED	APPLICANT'S RESPONSE
Stellenbosch Ratepayers' Association	<ul style="list-style-type: none"> Acknowledged receipt of the notice. 	<ul style="list-style-type: none"> No comment.
Stellenbosch Interest Group	<ul style="list-style-type: none"> Acknowledged receipt of the notice. 	<ul style="list-style-type: none"> No comment.

Ken Forrester Wines	<ul style="list-style-type: none"> Object to the proposed consent uses based on the requirement in 2005 for the Estate to change its access to create an intersection with Winery Road. 	<ul style="list-style-type: none"> While it is correct that the road authority did previously require changes to the road access, it is no longer the case, in view of the major road upgrading envisaged for the R44 and as stated in the comment from the Department of Infrastructure (Road Planning) attached to this submission.
SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE AND/OR COMMUNITY ORGANISATIONS AND/OR WARD COUNCILLOR		
Name of Department	DATE / SUMMARY OF COMMENTS	APPLICANT'S RESPONSE
Stellenbosch Municipality Electrical Engineering	<ul style="list-style-type: none"> No objection – outside of the Stellenbosch Area of supply. 	<ul style="list-style-type: none"> No comment.
SM Spatial Planning	<ul style="list-style-type: none"> Consent use s supported. 	<ul style="list-style-type: none"> Noted.
SM Civil Engineering	<ul style="list-style-type: none"> Development charges will be payable on the increased use areas. 	<ul style="list-style-type: none"> Noted – charges will be paid by the owner in line with approved policy.
CWDM Health	<ul style="list-style-type: none"> Food safety certificate will be required for all facilities (guest house, restaurant, club house). 	<ul style="list-style-type: none"> Noted – owners will make appropriate applications when approval has been issued.
PGWC: Transport Infrastructure Branch	<ul style="list-style-type: none"> No objection to the proposed consent use. 	<ul style="list-style-type: none"> No comment.
	<ul style="list-style-type: none"> The future R44 road upgrading project will lead to closure of the existing median break and the farm access will be relocated to connect opposite MR166 (Winery Road) as part of the intersection upgrade. 	<ul style="list-style-type: none"> This comment addresses the objection of Ken Forrester Wines and indicates that the current access may be retained as is until the R44 road upgrading occurs.
PGWC: Dept of Agriculture, Land Use Management	<ul style="list-style-type: none"> Acknowledged receipt of the notice. 	<ul style="list-style-type: none"> No comment.

The comments relating to the application do not warrant changes to the proposals or refusal of the proposed consent uses and extension of the existing restaurant and wine tasting areas and the application could accordingly be approved.

Yours faithfully


DUPRÉ LOMBAARD

Technical Planner and Environmental Assessment Practitioner

SACPLAN B/8076/1998 // EAPASA 2019/304

ANNEXURE A: Public notice circulation table

Salutation	Initials	Surname	Address_01	Address_02	Address_03	Address_04	Reference	Registration_01
The	Stellenbosch	Interest Group	PO Box 2217		Dennesig	7601	None	interestgroupstellenbosch@gmail.com
The	Stellenbosch	Agricultural Society	PO Box 204		Stellenbosch	7599	None	infostlandbo@mweb.co.za
The	Stellenbosch Wine	Routes	47 Church Street		Stellenbosch	7600	None	elmarie@wineroute.co.za
The	Department of Agriculture	of Agriculture	Private Bag X1		Eisenburg	7607	Agriculture	BrandonL@elsenburg.com
The	Stellenbosch	Ratepayer's Association	Stellenbosch		Stellenbosch	7600	None	info@stellenboschratepayers.org
The	Department of Infrastructure	Infrastructure	Western Cape Government	PO Box 2603	Cape Town	8000	R44 (roads)	Vanessa.Stoffels@westerncape.gov.za
The	Raithby	Ratepayer's Association	Raithby		Raithby	7130	None	raithbyratepayers@gmail.com
The	Studgate	Trust	Cavalli Wine	R44	Stellenbosch	7600	Erf 378, Raithby	accounts@cavalliestate.com
The	Sonnestraal	Nursery	PO Box 1826		Somerset West	7129	Erven 132 and 176, Raithby	sommer.carola@web.de
The	Prohaus	Developments (Pty) Ltd	PO Box 679	Somerset Mall	Somerset West	7137	Erf 177, Raithby	accounting@cyberfinance.co.za
The	Noordeinde	Ontwikkelings (Pty) Ltd	PO Box 19201		Tecoma	5214	Erf 178, Raithby	dmgoosen@gmail.com
The	Rust en Vrede	Trust	Erf 1322	R44	Stellenbosch	7600	Farm 1322	rustenvredekantoor@gmail.com
The	Eikendal	Vineyards (Pty) Ltd	PO Box 2261		Stellenbosch	7599	Farms 1586 and 1585	accounts@eikendal.co.za
The	Stonefield	Estate (Pty) Ltd	PO Box 1128		Somerset West	7129	Ptn 1 Farm 561 and Farm 1302	accounts@avontuurestate.co.za
The	Vettore	Limited	Marshden Farm	Cordoba Road	Stellenbosch	7600	Erf 184, Raithby	twilmans@mweb.co.za
The	NG	Sendingkerk	Pbag X3102		Worcester	6849	Erf 233, Raithby	desmine.bergstedt@gmail.com
The	De Waal	Koch Trust	PO Box 5145		Helderberg	7135	Erf 208, Raithby	stonewall@mweb.co.za
The	Cypruslane	Investments (Pty) Ltd	PO Box 1253		Stellenbosch	7599	Erven 169 and 452, Raithby	info@kenforresterwines.com
The	Themar Landgoed	(Pty) Ltd	Farm 1443	R44	Stellenbosch	7600	Farm 1443	jahndrel@rolagrp.co.za
The	Sweetwell	Trust	PO Box 408		Somerset West	7129	Erf 215, Raithby	hennie@sweetwell.co.za

Registration_02
cor.vanderwalt@westerncape.gov.za
secretary@stellenboschratedpayers.org
nikki.overbeek@outlook.com
jaco@kenforresterwines.com

ANNEXURE B: Proof of Sending

Annexure C: Executive summary

The application for approval of a consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 (a consent use contemplated in the zoning scheme), read with Sections 207, 209 and 213 of the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 (ZSB) for the establishment of an outdoor sporting attraction (two padel courts) on the property and conversion of the manor house (main dwelling) to a tourist accommodation establishment as complementary uses to the existing restaurant, wine tasting, and sales facilities is being amended in terms of Section 52 of the Bylaw. The amendments include application for the amendment of the existing approval for the restaurant, to allow for the expansion and inclusion of a function venue as part of thereof, and application to expand the wine tasting area, as existing approved tourist facilities.

The padel courts are to be located adjacent to the existing tourist facilities on land that is not cultivated for vineyards or other produce and, inclusive of a small club house, cover approximately 1 000m². Access thereto is along the same route as for the existing tourist facilities and winery and 10 parking bays are provided alongside the courts.

The manor house is an existing building, and minor internal alterations are required to convert the use to a tourist accommodation establishment with nine guest bedrooms, while retaining it as a dwelling for future reuse.

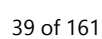
The restaurant and the wine tasting area are each proposed to be expanded outwards by including 27m² of the outdoor seating areas outside of them.

The wine storage and old bottle maturation space abutting the restaurant is proposed to be used as a function venue complementary to the restaurant, allowing the restaurant to be used also for functions.

The property has an Agricultural and Rural Zone, and is 42,6558ha in extent. It is cultivated with roughly 6ha of vineyards and more than 25 ha is used for cultivated grazing and the keeping of a horse stud. It has sufficient water resources to support the agricultural use and the proposed consent use. The farm includes abutting properties, where vineyards mostly occur, and where some horses are kept. The farm improvements include a main dwelling, second dwelling, manager's house, 14 employee housing units, stables, old and operational wineries, and other agricultural buildings.

Access to the farm is directly off the R44 just south of the Winery Road intersection. It also has an access off Cordoba Road, where the employee housing and stables are located.

The title deed (T12522/1987) contains no restrictions preventing the proposed land use and development of the padel courts as an outdoor sporting facility.



Annexure B: Site development plan



ANNEXURE C: Comment received

Dupré Lombaard (Virdus Works)

From: Stellenbosch Interest Group <interestgroupstellenbosch@gmail.com>
Sent: 03 February 2025 17:56
To: Dupré Lombaard (Virdus Works)
Subject: Re: NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Dear Mr. Lombaard

Thank you for your email. The Stellenbosch Interest Group acknowledges receipt.

Kind regards

Thomas Lawrie (admin. assistant)

On Mon, 3 Feb 2025 at 18:53, Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com> wrote:

03 February 2025

(Property / reference: None)

The Stellenbosch Interest Group

PO Box 2217

Dennesig

7601

Per: interestgroupstellenbosch@gmail.com

Dear Sir / Madam Geagte Heer / Dame

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Locality: Erf 211, Raithby – Avontuur Estate, R44, Raithby

Applicant: Dupré Lombaard, Virdus Works (Pty) Ltd, 11 Elektron Street, Techno Park, Stellenbosch, 7600, Mobile: +27 82 895 6362 // Email: dupre.lombaard@virdus.com.

Owner: Avontuur Estate (Pty) Ltd per Mr Philip Taberer, Phone: +27 21 855 3450, E-mail: info@avontuurestate.co.za, Address: PO Box 1128, Somerset West, 7129

Stellenbosch Municipality reference number: LU 16002 (TP407 /2023)

Application type: Application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 for:

- A consent use for an additional use exceeding the threshold to permit the use of the existing main dwelling house as a nine (9) bedroom guest house / tourist accommodation establishment on Erf 211, Raithby.
- A tourist facility to expand the existing restaurant and wine tasting facility consisting of indoor and outdoor seating areas and the use of the restaurant / wine tasting facility and existing wine cellar as function venue.
- A consent use for a tourist facility (outdoor sport) consisting of two (2) padel courts with associated viewing deck and clubhouse facilities on Erf 211, Raithby.

Notice is hereby given in terms of the provisions of Section 46 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 can 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 with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;

- Where relevant demonstrate the undesirable effect that the application will have if approved;
- Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- Enable the applicant to respond to the comments.

The **comments must be addressed to the applicant by electronic mail** as follows: Dupré Lombaard, Viridus Works, dupre.lombaard@viridus.com. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 10 March 2025**.

It should be noted that 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 +27 82 895 6362 (WhatsApp only) during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Ligging: Erf 211, Raithby – Avontuur Estate, R44, Raithby

Aansoeker: Dupré Lombaard, Viridus Works (Pty) Ltd, 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, Mobile: +27 82 895 6362 // Email: dupre.lombaard@viridus.com.

Eienaar: Avontuur Estate (Pty) Ltd per Mnr Philip Taberer, Foon: +27 21 855 3450, Epos: info@avontuurestate.co.za, Adres: Posbus 1128, Somerset-Wes, 7129

Stellenbosch Munisipaliteit Verwysing: LU 16002 (TP407 /2023)

Tipe aansoek: Aansoek ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Grondgebruik Verordening, 2023 vir:

- 'n Vergunningsgebruik om die bestaande hoof huis te gebruik as 'n 9 (nege) slaapkamer gastehuis op Erf 211, Raithby.
- 'n Toeristefasiliteit om die bestaande restaurant en wynproefasiliteit uit te brei, bestaande uit binne- en buite sit areas en die gebruik van die restaurant / wynproefasiliteit en bestaande wynkelder as funksielokaal.
- 'n Vergunningsgebruik vir 'n toeristefasiliteit (buitelug sport) bestaande uit 2 (twee) padelbane, 'n uitkyk dek, en 'n klubhuis op Erf 211, Raithby.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 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 tydsduur 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, kan 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 ingevolge Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die **kommentaar moet by wyse van elektroniese pos aan die aansoeker gestuur word** as volg: Dupré Lombaard, Viridus Works, dupre.lombaard@viridus.com. Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die **sluitings datum** van **10 Maart 2025**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word. Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by

die vermelde elektroniese pos adres of telefonies by +27 82 895 6362 (slegs WhatsApp) gedurende normale kantoor ure.

Your support of the application will be appreciated. // U ondersteuning van die aansoek sal waardeer word.

Yours faithfully

Dupré Lombaard

Technical Planner and Environmental Assessment Practitioner

SACPLAN B/8076/1998 // EAPASA 2019/304

Annexure A: Locality map

Forrester Vineyards Pty Ltd
PO Box 1253
STELLENBOSCH
7599
South Africa



Tel: +27 [0] 21 855 2374
info@kenforresterwines.com
www.kenforresterwines.com

10 February 2025

Dupré Lombaard, Virdus Works
By email: dupre.lombaard@virdus.com

Dear Dupré,

Ref.: NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

We object to the new application with property / reference: Erven 169 and 452, Raithby as Avontuur have never followed the Terms and Conditions laid out originally on correspondence dated 31/01/2006; when they applied for a restaurant.

The terms set by the Department of Transport and Public Works (in said letter dated 31/01/2006) stipulated that the entrance has to move to opposite Winery Road. The restaurant is technically illegal (?)

Since 2006 there has been an increase in vehicles with the property offering weddings and added padel courts.

Please find the letters herewith attached.

Your feedback will be much appreciated.

Sincerely,

Ken and Teresa Forrester
0218552374
ken@kenforresterwines.com



person people land sun rain wind soil
leaves berries roots grapes flowers bunches laughing
shouting tractor science community art energy life faith
family quality friendship creation joy pleasure tradition...

DIRECTORS: KT FORRESTER • TD FORRESTER • A LECCIA • N SMIT • R SWIEGERS
Registration No : 2012/224785/07



DEPARTMENT OF TRANSPORT AND PUBLIC WORKS
DEPARTEMENT VAN VERVOER EN OPENBARE WERKE
ISEBE LEZOTHUTHO NEMISEBENZU YOLUNTU



Reference:
Verwysing: PR22/29/105/0071(08)
Isakathiso:

Enquiries:
Navraag: HF Hendriks
Imibuzo:

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

ATTENTION: Sonita Matthee

Ms

**APPLICATION IN TERMS OF ACT 21/1940 (AS AMENDED): PROPOSED CONSENT
USE ON ERF 211, AVONTUUR, RAITHBY, DIVISION STELLENBOSCH**

1. Your letter re above and my answer PR22/29/105/0273(05) dated 1 April 2005 thereon has reference.
2. As mentioned in ICE's traffic impact statement, Main Road 27 (R44) is classified as an expressway and the area is rural. For these conditions driveways (carrying less than 50 v.p.d) should therefore be at least 600m apart. The restaurant caters for between 80 and 100 people and there is a wine cellar with tasting facilities as well. The possibility that the amount of vehicles per day will exceed 50 is thus fairly good and in this case accesses should be at least 1600m apart.
3. The R44 between Stellenbosch and Somerset West are well known that it has a high accident rate. One of the main reasons for this is that there are too many accesses on this section of road and the spacing between them is less than that required.
4. When an application for rezoning, subdivision, etc. next to this section of road is received, one of our main objects is to make sure that the entrance to the property complies with the standards as stipulated in the Road Access Guidelines. Therefore, whenever possible, we try to reduce the amount of accesses and have the spacing between the accesses to comply with these standards.

5. This office has in terms act 21/1940 no objection against the applied consent use, subject to the following conditions.
- 5.1 The existing access to be closed permanently and a new access be created right opposite the intersection of Main Road 166 (Winery Road) with the R44. The access to be at least 6,8m wide with 15m bellmouth radii and has a permanent surfacing between the existing roadway and the road reserve boundary. The security gate must be at least 15m from the road reserve boundary.
- 5.2 A right turn lane at the crossing to be created for the traffic from the south entering the property. A geometric design of the intersection must be submitted to this office for approval.
6. My comments are subject to this application only and do not indemnify the applicant from any other legal obligations.

Yours faithfully

HF Hendriks

HF Hendriks
for DISTRICT ROADS ENGINEER
HFH/el

Date: 2006-01-31

REF NO	15/2/6/1
COLAB NO	

PR22/29/105/0071(06)

ENDORSEMENT

- (i). DEPUTY DIRECTOR GENERAL
PO BOX 2603
CAPE TOWN
8000

ATTENTION: Mr A Cope

KAAPSE WYNLAND
DISTRIKSMUNISIPALITEIT

03 MAR 2006

CAPE WINELANDS
DISTRICT MUNICIPALITY

1. Application attached. The telephone conversation between Mr de Villiers of this office and you has reference.

- (ii). THE MUNICIPAL MANAGER
CAPE WINELAND DISTRICT MUNICIPALITY
PO BOX 100
STELLENBOSCH
7599

ATTENTION: Mr M van Niekerk

1. For your information.

VR AANDAG / FOR ATTENTION	TER INLIGTING / FOR INFORMATION
A. VAN TARBK	

02 MAR 2006

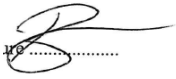
RAITBY ERF 211

GENERAL COMMENT:

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

CONDITIONS

3. No conditions.



SIGNATURE

DATE 15/02/24



Photograph courtesy of Liesl King

WINERY NEWS

JULY ... A TIME OF REST IN THE WINELANDS...

In the cellar the red wines are ageing peacefully in the barrels although some of the 2014 white vintage is ready to be released. In the paddocks the pregnant mares are slowly but surely getting rounder and rounder, the yearlings are already “teenagers” and Var and Oratorio are resting up for the busy covering season ahead.



RENOVATIONS WILL MAKE TASTINGS A PLEASURE

It's exciting times in the tasting room with extensive renovations currently ongoing to enlarge the area and make the experience in the winery more enjoyable. An area is being created for intimate group tastings and tutored tastings, which will enable us to assist visitors in more comfortable surroundings. A range of new ideas from management and staff will ensure that every visitor to the Estate enjoys the wide range of wines on offer in comfort. We hope to be operational by early August, but watch this space and our social media to see how things are going.

The temporary “tasting room” now flows directly out of the restaurant whilst renovations are ongoing. Here winemaker Jan van Rooyen helps to set up the tasting area with Cara-Lee and Ella.

TASTING ROOM SPECIALS FOR THE SCHOOL HOLIDAYS

With red wine the perfect match for the cold winter weather we're experiencing, what better than a Cabernet Festival in the tasting room this month! We're offering visitors a 3 pack consisting of 1 bottle each of the Cabernet Sauvignon, Cabernet/Merlot and Cabernet Franc @ R240 (Normal price: R276) or the same wines but two bottles of each in a 6-pack @ R440 (Normal price R552).

Also remember that we offer free nationwide delivery on any sale of 12 bottles or more during the school holidays – especially for visitors from up-country. (Not valid on specials).

JUNE TASTING ROOM PRIZE WINNER ANNOUNCED

Congratulations to our June lucky prize winner, Anneri Meyer who will collect a gift pack of a wine and wine accessories.

The last prize winner of our May Perfume and Wine Competition, Sue Gartlan popped in to collect her wine and perfume prize from Diana Rankin of Perfume Power.

Remember to enter our July competition when you visit the tasting room.



Sue Gartlan with her perfume and wine prize, courtesy of Perfume Power and Avontuur Estate



V & A RESTAURANTS FEATURE AVONTUUR WINES

2014 ESTATE SAUVIGNON BLANC RELEASED

Great news for all the Avontuur Sauvignon Blanc fans out there is that the new vintage has been released, and is currently being distributed across the country and into various export markets where wine lovers have been waiting patiently.

Winemaker Jan van Rooyen is happy with the quality and taste profile of the vintage. "Tropical flavours once again dominate but it is spiked with citrus touches this year, which results in a crisp, fresh wine", he says.

Tasting room and Restaurant staff were equally happy to get the 2014 vintage in hand as visitors were continually asking for it! Here Cara-Lee, Vicolene and Ella pose with the newly released wine!

RESTAURANT NEWS

BREAKFAST CLUB HELPS YOU UNDERSTAND PERSONALITY TYPES

Lynn Doty will be chatting about Personality Types and how to use them in your next sales pitch in the July "edition" of The Breakfast Club on Wednesday, 9 July from 08h30 in the restaurant.

Bookings essential at openhand@polka.co.za or 021 855-4296.



Three of the best-known restaurants at the V & A Waterfront are running a promotion with Avontuur wines this Winter and visitors are welcome to pop in for a meal and to enjoy some of our award-winning wines there and then. Meloncino's, City Grill and The Greek Fisherman are offering the Vintner's White, the Cabernet Franc and our 10 year pot-stilled brandy as a wine list insert, so enjoy!



WINTER SPECIALS

Our Sirloin and Pinotage special is flying @ R150 each and the popular early bird specials on Wednesday and Friday evenings are keeping the cold nights ticking over for locals who know how to choose the best!

145
Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and
Environmental Assessment Practitioners
11 Elektron Street, Techno Park, Stellenbosch, 7600, South Africa
Mobile: +27 82 895 6362
Email: dupre.lombaard@virdus.com



04 February 2025

Department of Agriculture
Provincial Government of the Western Cape
Private Bag X1
ELSENBURG
7607

Dear Sir / Madam

APPLICATION FOR CONSENT USE OF AVONTUUR ESTATE, ERF 211, RAITHBY

Herewith a hard / digital copy of the application as submitted to the Stellenbosch Municipality in terms of its Municipal Land Use Planning Bylaw (2023).

Notice of the application has been sent to the Department by email.

Yours faithfully

A handwritten signature in black ink, appearing to read "Dupré Lombaard".

DUPRÉ LOMBAARD

Technical Planner and Environmental Assessment Practitioner
SACPLAN B/8076/1998 // EAPASA 2019/304

Received by PGWC Department of Agriculture

Date 4.02.2025

A handwritten signature in black ink, appearing to read "Magda Langveld".

Signature / stamp

Magda Langveld

Ref: DOI/CFS/RP/LUD/REZ/SUB-25/483 (Application No: 2025-02-0010)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

**ERF 211 RAITHBY (AVONTUUR ESTATE): MAIN ROAD 27, STELLENBOSCH: APPLICATION FOR
CONSENT USE AND SUBMISSION OF ADDITIONAL INFORMATION (SITE DEVELOPMENT PLAN FOR
WINERY EXTENSION)**

1. The following refer:
 - 1.1. The email from Virdus Works dated 3 February 2025, containing the Notice of Land Development Application (Application Reference: LU 16002 TP407/2023);
 - 1.2. The cover letter addressed to Stellenbosch Municipality from Virdus Works dated 9 September 2024;
 - 1.3. The Additional Site Development Plan for the extension of the Winery (Drawing No. D2149/C/101) prepared by Jurgen Breuninger dated 20 August 2024;
 - 1.4. The original Motivation Report letter prepared by Virdus Works dated August 2023;
 - 1.5. The original Site Development Plans: Sheets 1 to 5 prepared by Joubert and Brink Surveys dated 20 July 2023; and
 - 1.6. The email from Virdus Works dated 16 April 2024, requesting that the Branch withhold any comments considering an amendment to the development proposals for the farm.
2. Main Road 27 (MR27; R44) is affected by this application with an existing access at $\pm$ km 23.19 on right-hand side (RHS) with a median break.
3. The application entails the following:
 - 3.1 A Consent Use for an additional use exceeding the threshold to permit the use of the existing main dwelling house as a nine (9) bedroom guest house/tourist accommodation;

- 3.2 A tourist facility to expand the existing restaurant and wine tasting facility consisting of indoor and outdoor seating areas and the use of the restaurant/wine tasting facility and existing wine cellar as function venue;
- 3.3 A Consent Use for a tourist facility (outdoor sport) consisting of two (2) padel courts with associated viewing deck and clubhouse facilities; and
- 3.4 An amendment entails extending the restaurant and wine tasting area by 20m² each, by covering the outdoor seating and use areas on the stoep in front of the building.
4. It is noted that the two (2) padel courts with associated viewing deck and clubhouse facilities were already constructed around January/February 2024 (Google before the application were originally submitted in August 2023 and therefore being accepted to have been approved by Stellenbosch Municipality.
5. This Branch offers no objection to the application for Consent Use for Erf 211, Raithby as reflected in the Site Development Plans (Sheets 1 to 5) prepared by Joubert and Brink Surveys, dated 20 July 2023 and the Additional Site Development Plan for the winery extension, as reflected in Drawing No. D2149/C/101 prepared by Jurgen Breuninger, dated 20 August 2024.
6. Please note that in the future, when this Branch's R44 Road Safety Project is implemented, the existing median break at the above access will be closed and rerouted to connect opposite MR166 (Winery Road) as part of the intersection upgrade to an interchange.

Yours Sincerely



DD FORTUIN

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 17 FEBRUARY 2024

ENDORSEMENTS

1. Stellenbosch Municipality
Attention : Mr U von Molendorff (e-mail : landuse.enquiries@stellenbosch.gov.za)
2. Viridus Works
Attention: Dupré Lombaard (e-mail: dupre.lombaard@viridus.com)
3. Mr D Fortuin (e-mail)
4. Mr B du Preez (e-mail)
5. Ms R Beukes (e-mail)
6. Mr E Smith (e-mail)

Dupré Lombaard (Virdus Works)

From: SRA Info <info@stellenboschratedpayers.org>
Sent: 08 February 2025 22:13
To: Dupré Lombaard (Virdus Works)
Subject: Re: NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Dear Mr. Lombaard

Thank you for your email. The Stellenbosch Ratepayers' Association acknowledges receipt.

Kind regards

Thomas Lawrie (admin. assistant)

On Mon, Feb 3, 2025 at 6:53 PM Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com> wrote:

03 February 2025

(Property / reference: None)

The Stellenbosch Ratepayer's Association

Stellenbosch

Stellenbosch

7600

Per: info@stellenboschratedpayers.org
secretary@stellenboschratedpayers.org

Dear Sir / Madam Geagte Heer / Dame

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Locality: Erf 211, Raithby – Avontuur Estate, R44, Raithby

Applicant: Dupré Lombaard, Viridus Works (Pty) Ltd, 11 Elektron Street, Techno Park, Stellenbosch, 7600, Mobile: +27 82 895 6362 // Email: dupre.lombaard@viridus.com.

Owner: Avontuur Estate (Pty) Ltd per Mr Philip Taberer, Phone: +27 21 855 3450, E-mail: info@avontuurestate.co.za, Address: PO Box 1128, Somerset West, 7129

Stellenbosch Municipality reference number: LU 16002 (TP407 /2023)

Application type: Application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 for:

- A consent use for an additional use exceeding the threshold to permit the use of the existing main dwelling house as a nine (9) bedroom guest house / tourist accommodation establishment on Erf 211, Raithby.
- A tourist facility to expand the existing restaurant and wine tasting facility consisting of indoor and outdoor seating areas and the use of the restaurant / wine tasting facility and existing wine cellar as function venue.
- A consent use for a tourist facility (outdoor sport) consisting of two (2) padel courts with associated viewing deck and clubhouse facilities on Erf 211, Raithby.

Notice is hereby given in terms of the provisions of Section 46 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 can 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 with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;

- Where relevant demonstrate the undesirable effect that the application will have if approved;
- Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- Enable the applicant to respond to the comments.

The **comments must be addressed to the applicant by electronic mail** as follows: Dupré Lombaard, Viridus Works, dupre.lombaard@viridus.com. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 10 March 2025**.

It should be noted that 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 +27 82 895 6362 (WhatsApp only) during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Ligging: Erf 211, Raithby – Avontuur Estate, R44, Raithby

Aansoeker: Dupré Lombaard, Viridus Works (Pty) Ltd, 3rd Floor, Time Square, Elektron Street, Techno Park, Stellenbosch, 7600, Mobile: +27 82 895 6362 // Email: dupre.lombaard@viridus.com.

Eienaar: Avontuur Estate (Pty) Ltd per Mnr Philip Taberer, Foon: +27 21 855 3450, Epos: info@avontuurestate.co.za, Adres: Posbus 1128, Somerset-Wes, 7129

Stellenbosch Munisipaliteit Verwysing: LU 16002 (TP407 /2023)

Tipe aansoek: Aansoek ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit Grondgebruik Verordening, 2023 vir:

- 'n Vergunningsgebruik om die bestaande hoof huis te gebruik as 'n 9 (nege) slaapkamer gastehuis op Erf 211, Raithby.
- 'n Toeristefasiliteit om die bestaande restaurant en wynproefasiliteit uit te brei, bestaande uit binne- en buite sit areas en die gebruik van die restaurant / wynproefasiliteit en bestaande wynkelder as funksielokaal.
- 'n Vergunningsgebruik vir 'n toeristefasiliteit (buitelug sport) bestaande uit 2 (twee) padelbane, 'n uitkyk dek, en 'n klubhuis op Erf 211, Raithby.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 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 tydsduur 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, kan 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 ingevolge Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die **kommentaar moet by wyse van elektroniese pos aan die aansoeker gestuur word** as volg: Dupré Lombaard, Viridus Works, dupre.lombaard@viridus.com. Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die **sluitings datum** van **10 Maart 2025**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word. Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by

die vermelde elektroniese pos adres of telefonies by +27 82 895 6362 (slegs WhatsApp) gedurende normale kantoor ure.

Your support of the application will be appreciated. // U ondersteuning van die aansoek sal waardeer word.

Yours faithfully

Dupré Lombaard

Technical Planner and Environmental Assessment Practitioner

SACPLAN B/8076/1998 // EAPASA 2019/304

Annexure A: Locality map



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : **Manager: Land Use Management**
From : **Manager: Spatial Planning**
Reference : **Erf 211, Raithby**
TP No : **TP407/2023**
Date : **8 December 2023**
Re : **Application for Consent Use on Erf 211, Raithby (Avontuur Estate)**

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

Application is made for the following:

- **Consent use** for an additional use exceeding the threshold to permit the use of the existing main dwelling house as a nine (9) bedroom guest house on Erf 211, Raithby.
- **Consent use** for a tourist facility (outdoor sport) consisting of two (2) padal courts with associated viewing deck and clubhouse facilities on Erf 211, Raithby.

1) Opinion/reasoning:

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

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

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

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

promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

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

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

The farm is located on the R44 to Somerset West near Raithby. The zoning of the property is Agricultural and Rural Zone with in extent of 42.6558 ha. It contains roughly 6ha of vineyards and more than 25ha is used for cultivated grazing and the keeping of a horse stud. The farm further contains a main dwelling, second dwelling, manager's house, 14 employee housing units and other agricultural buildings. Avontuur Estate consists of seven properties jointly farmed with most vineyards cultivated on the abutting properties.

The owner wishes to use the main dwelling, which is no longer used as the main family dwelling as a tourist accommodation establishment with nine (9) bedrooms to add to the attraction of the Estate and provide alternative tourist accommodation based in the area where there are many other tourist attractions. The dwelling is served by a swimming pool, tennis court and a private garden.

The proposal regarding the active recreation aspect is to build two padel courts on an area of cultivated grazing at the entrance to the winery and adjacent to the restaurant. In this location the courts and the club house can be integrated with the existing services on the Estate.

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located outside the approved urban edge of the Raithby node and in terms of the approved MSDF the following guidelines are applicable to this specific application:

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

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

2) Supported / not supported:

The Manor House has been newly renovated and has 9 private suites which is currently already being used as tourist accommodation. The 2 padal courts are also already in existence.

This department supports the application subject to the following conditions:

- The primary use of the farm should still remain agricultural with all the other proposed uses remaining subservient to the primary, bono fide agricultural activities on the farm.
- The padal courts can be approved as a temporary use;
- The 9 rooms must be in the existing manor house and no new buildings to be erected.



BJG de la Bat
MANAGER: SPATIAL PLANNING

Dupré Lombaard (Virdus Works)

From: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Sent: 05 December 2023 14:11
To: Dupré Lombaard (Virdus Works)
Cc: Charlene Williams
Subject: FW: APPLICATION FOR CONSENT USE ON ERF211 RAITHBY-COMMENT

Good day Dupré,

Please find below Environmental Health comment.



Kind regards / Vriendelike Groete

Nolusindiso Momoti (Sindi)

Administrative Officer

Land Use Management

Planning & Economic Development

T: +27 21 808 8673: F + 27 21 886 6899

NPK Building, 1st Floor, C/O Plein & Ryneveld

Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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From: Tracey-Lee Mouton <Tracey-lee@capewinelandsgov.za>
Sent: Tuesday, December 5, 2023 1:12 PM
To: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Cc: Karen Esau <karen@capewinelandsgov.za>; Fabian van Wyk <fabian@capewinelandsgov.za>
Subject: [EX] RE: APPLICATION FOR CONSENT USE ON ERF211 RAITHBY-COMMENT

Good day,

Attention: To whom it may concern

Sir/Madam

RE: APPLICATION FOR CONSENT USE: ERF/FARM 211, R44 STELLENBOSCH. (Application no. LU/16002)

This application is recommended for approval, from an Environmental Health perspective.

Regarding the clubhouse which will be linked to the padel courts, must adhere to the following:

1. **Food Safety: Certificate of Acceptability**

- If any food/drinks will be handled or sold, the premises must comply with the requirements for food handling premises as determined in Regulation R638 of 22 June 2018 (Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matter) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, Act 54 of 1972. Applications to obtain the mentioned Certificate can be made at the Municipal Health Office.

This Department reserves the right to set further requirements during the running of the business.

Please contact me if you have any further questions or comments in this regard.

Yours faithfully,

Tracey-Lee Mouton

From: Fabian van Wyk <fabian@capewinelandsgov.za>

Sent: Tuesday, December 5, 2023 8:22 AM

To: Tracey-Lee Mouton <Tracey-lee@capewinelandsgov.za>

Cc: Karen Esau <karen@capewinelandsgov.za>; Ferencia September <ferencia@capewinelandsgov.za>

Subject: FW: APPLICATION FOR CONSENT USE ON ERF211 RAITHBY-COMMENT

Morning Ms Mouton

Can you please provide comments on the attached.

Thanks

From: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>

Sent: Monday, December 4, 2023 3:33 PM

To: Nolusindiso Nqola <nolusindiso@capewinelandsgov.za>

Cc: Karen Esau <karen@capewinelandsgov.za>; Fabian van Wyk <fabian@capewinelandsgov.za>

Subject: APPLICATION FOR CONSENT USE ON ERF211 RAITHBY-COMMENT

I'm using Mimecast to share large files with you. Please see the attached instructions.

Good day Nolusindiso,

Please note that 235, was received , its Erf 211 that is outstanding.

Thanks



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www.stellenbosch.gov.za

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From: Nolusindiso Nqola <nolusindiso@capewinelandsgov.za>

Sent: Monday, December 4, 2023 3:15 PM

To: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>

Cc: Fabian van Wyk <fabian@capewinelandsgov.za>; Karen Esau <karen@capewinelandsgov.za>

Subject: [EX] FW: Message from KM_C754e

Good day all.

Please find the attached consent use comment, this comment was issued on the 20 November 2023 to Mr Nicole Katts because the request was from him.

Thank you.

From: Nolusindiso Nqola

Sent: Monday, November 20, 2023 9:54 AM

To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>

Cc: Karen Esau <karen@capewinelandsgov.za>; Fabian van Wyk <fabian@capewinelandsgov.za>

Subject: FW: Message from KM_C754e

Morning all.

Please find the attached consent use comment as requested.

Thank you.

From: cwdmscan <cwdmscan@capewinelandsgov.za>

Sent: Monday, November 20, 2023 9:34 AM

To: Nolusindiso Nqola <nolusindiso@capewinelandsgov.za>

Subject: Message from KM_C754e

Nolusindiso Nqola

Environmental Health Practitioner
Cape Winelands District Municipality



C/o Langenhoven and Bird Street,
Stellenbosch, 7600,



021 888 5829

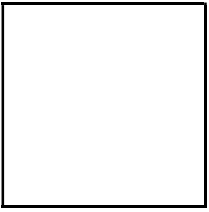


073 763 5698



nolusindiso@capewinelandsgov.za



**Fabian van Wyk**

Chief Environmental Health
Cape Winelands District Municipality



C/o Langenhoven and Bird Street,
Stellenbosch, 7600,



021 888 5830



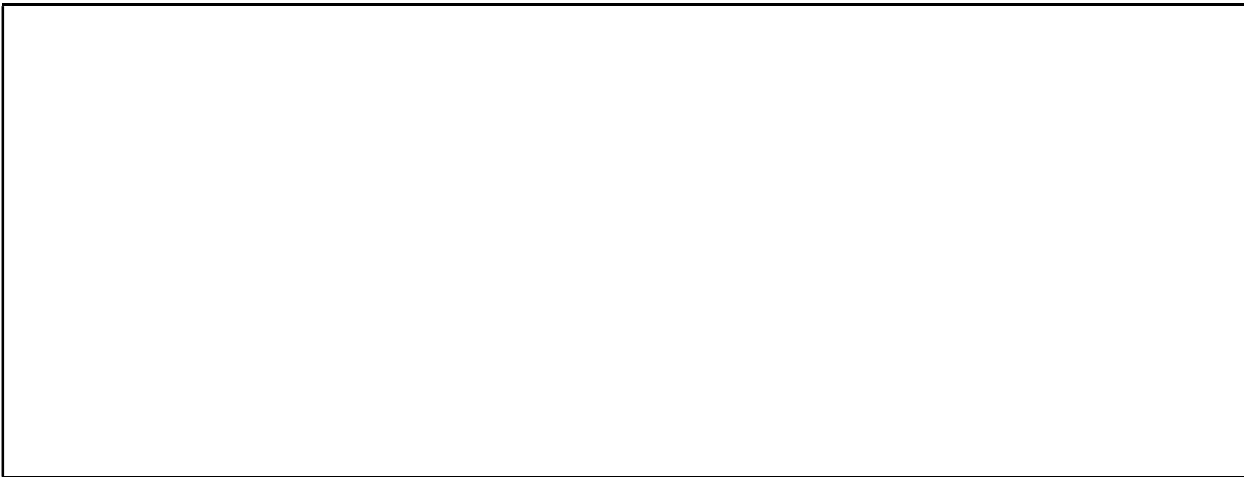
082 375 7663



021 887 9365



fabian@capewinelands.gov.za





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MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nolusindiso Momoti
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	10 Nov 2023
Our Ref ▫ Ons Verw:	Civil LU 2590
Town Planning Ref:	LU/16002 – TP407/2023
Re ▫ Insake:	<p>Erf 211, Raithby: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for consent use for an additional use exceeding the threshold to permit the use of the existing main dwelling house as a nine (9) bedroom guest house on Erf 211, Raithby. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for consent use for a tourist facility (outdoor sport) consisting of two (2) padal courts with associated viewing deck and clubhouse facilities on Erf 211, Raithby.</p>

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

- 1. Civil Engineering services**
 - 1.1 All proposed services to be indicated on building plans.

2. Roads

- 2.1 Access is from a provincial road (R44) – please obtain approval from Provincial Roads Engineer.

3. Development Charges (DCs)

- 3.1 The following DC's are payable: See **Development Charge Calculation** attached. Please note that this calculation is indicative at this stage and will be amended based on the detail information provided on subsequent applications ie building plans.
- 3.2 The DC's were calculated by using the 2023/2024 tariff structure. If DC's are paid after 30 June 2024 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 3.3 The appropriate DC's are payable before building plan approval – Padel courts and manor house conversion to guest house.
- 3.4 The appropriate DC's are payable before the facility is put to its approved use (Manor house – if building plans are not applicable).



Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2590 () Erf 211 Raithby (LU-16002 TP407-2023)
Development Name:	Avontuur
Date:	28 September 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Raithby
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	211
DC Parameters Reference:	Padel court - 1.3 of Town Planning motivation report by Viridus dated August 2023; tourist accommodation - 1.3.2 of Town Planning motivation report by Viridus dated August 2023

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day		persons		
Total Increased Services Usage:	2.26	1.865	0.0465	0.149	24.3		9.7		
Total Service Usage Reduction:	0	0	0	0	12.2		0		
Total Service Usage after Reduction:	2.26	1.87	0.04650	0.149	12.2		10		
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 14 573.93	R 296 109.48	R 310 683.41	R 35 917.93	R 346 601.34	
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 14 573.93	R 296 109.48	R 310 683.41	R 35 917.93	R 346 601.34	
Total Deductions:	R -	R -	R -	R -	R 148 054.74	R 148 054.74	R -	R 148 054.74	
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R 14 573.93	R 148 054.74	R 162 628.67	R 35 917.93	R 198 546.60	
VAT:	R -	R -	R -	R 2 186.09	R 22 208.21	R 24 394.30	R 5 387.69	R 29 781.99	
Total Development Charges Payable (including VAT):	R -	R -	R -	R 16 760.02	R 170 262.95	R 187 022.97	R 41 305.62	R 228 328.59	

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature:	Estimate
Notes:	Padel court: 70m2 GLA club house Accommodation: existing manor house - converted to 9 guest bedrooms Water: Boreholes Sewer: Conservancy tanks

Raithby

Land Use Category		Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge Levied (excl VAT)							Sub Total (Civil Eng Services)	Community	Total
										Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Yes	No			
Residential	Description	Unit	Area (m2)	Unit Amount	Result	Area (m2)	Unit Amount	Result	Amount	No	No	No	Yes	Yes			R	-	R
	Single Residential >1000m2	du							0	R	-	R	-	R	-	R	R	-	R
	Single Residential >500m2	du							0	R	-	R	-	R	-	R	R	-	R
	Single Residential >250m2	du							0	R	-	R	-	R	-	R	R	-	R
	Single Residential <250m2	du							0	R	-	R	-	R	-	R	R	-	R
	Second Dwelling	du							0	R	-	R	-	R	-	R	R	-	R
	Less Formal Residential	du							0	R	-	R	-	R	-	R	R	-	R
	Group Residential	du							0	R	-	R	-	R	-	R	R	-	R
	Apartments	du							0	R	-	R	-	R	-	R	R	-	R
	Retirement Village	du							0	R	-	R	-	R	-	R	R	-	R
Accommodation	Old age home	du							0	R	-	R	-	R	-	R	R	-	R
	Student Accommodation/Commune/Hostels	rooms							0	R	-	R	-	R	-	R	R	-	R
	Guest House	rooms							0	R	-	R	-	R	-	R	R	-	R
	Converted Guest House	rooms					9		9	R	-	R	-	R	-	R	R	-	R
	Hotel, Residential	rooms							0	R	-	R	-	R	-	R	R	-	R
	General Business	m2 GLA							0	R	-	R	-	R	-	R	R	-	R
	Office	m2 GLA							0	R	-	R	-	R	-	R	R	-	R
	Retail/Shop	m2 GLA							0	R	-	R	-	R	-	R	R	-	R
	Restaurant	m2 GLA							0	R	-	R	-	R	-	R	R	-	R
	Outdoor Dining/Function Area (area)	m2 GLA							0	R	-	R	-	R	-	R	R	-	R
Commercial	Outdoor Dining/Function Area (persons)	persons							0	R	-	R	-	R	-	R	R	-	R
	Conference Facility/Place of assembly	m2 GLA					70		70	R	-	R	-	R	-	R	R	-	R
	Hospital/Clinic/Medical Rooms	m2 GLA							0	R	-	R	-	R	-	R	R	-	R
	University/College	student							0	R	-	R	-	R	-	R	R	-	R
	School/Day Care	student							0	R	-	R	-	R	-	R	R	-	R
	Industrial - light	m2 GLA							0	R	-	R	-	R	-	R	R	-	R
	Industrial - heavy	m2 GLA							0	R	-	R	-	R	-	R	R	-	R
	Warehousing/Light Manufacturing	m2 GLA							0	R	-	R	-	R	-	R	R	-	R
	Storage Facilities	unit							0	R	-	R	-	R	-	R	R	-	R
	Open Space/Natural Environment/Utility Site	ha							0.0000	R	-	R	-	R	-	R	R	-	R
Non	Roads and Parking	ha							0.0000	R	-	R	-	R	-	R	R	-	R
	To be calculated	n/a							0	R	-	R	-	R	-	R	R	-	R
	(Based on equivalent demands)	n/a							0	R	-	R	-	R	-	R	R	-	R
Total Area:			0	Total Area:			0												

Charges before adjusting for positive only, before Deductions	R	-	R	-	R	14 573.93	R	296 109.48	R	310 683.41	R	35 917.93	R	346 601.34
Charges adjusted for positive only, before Deductions	R	-	R	-	R	14 573.93	R	296 109.48	R	310 683.41	R	35 917.93	R	346 601.34
Deductions per service (from usage reductions)	R	-	R	-	R	-	R	148 054.74	R	148 054.74	R	-	R	148 054.74
Discount Deduction (%)	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Additional Deduction per service - from Service Agreement (sum)	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Sub Total after Adjustments and Deductions (excluding VAT)	R	-	R	-	R	14 573.93	R	148 054.74	R	162 628.67	R	35 917.93	R	198 546.60
VAT	R	-	R	-	R	2 186.09	R	22 202.21	R	24 394.30	R	5 387.69	R	29 781.99
Total Development Charges	R	-	R	-	R	16 760.02	R	170 262.95	R	187 022.97	R	41 305.62	R	228 328.59

ANNEXURE D: Checklist and Affidavit



DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO RELEVANT LAND USE MANAGEMENT ADMINISTRATOR

LAND USE PLANNING APPLICATION: PUBLIC PARTICIPATION PROCESS					
PORTFOLIO OF EVIDENCE (POE) CHECKLIST AND DECLARATION					
Sections 45, 46 and 55 of the Stellenbosch Municipal Land Use Planning By-Law					
Erf / Farm no	211	Portion(s) if farm		Allotment Area	Raithby
Owner/ Applicant	Avontuur Estate (Pty) Ltd - owner, and Virdus Works (Pty) Ltd - applicant			LU/#	LU16002 - TP407/2023
Notice Period	From:	04/02/2025		To:	10/03/2025
CONFIRMATION OR DOCUMENTATION SUBMITTED				OWNER/APPLICANT	
				YES	NO
				N/A	ADMIN VERIFY
1. The declaration is duly signed				X	
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached				X	
3. Municipality was notified in advance of the start and closing date				X	
4. The advertisement period complies with the required 30 days				X	
5. If applicable, confirms that the site notice was placed and kept on site for the full duration of the public participation process					X
6. All communications (other than notices) in respect of the public participation process are attached				X	
Proof of notices published					
7. If applicable, photo evidence to confirm site notice (one close up and one from across the street)					X
8. Wording of the advertisement accurate and copy attached					X
9. Proof of notices published (publication date visible)					X
Proof of notices served					
10. Wording of notice accurate and example attached				X	
11. Proof of all notices served to neighbouring properties attached				X	
12. Proof of all notices served to interest and community groups attached				X	
13. Proof of all notices served to municipal departments and organs of state (government dept's and entities) attached				X	
Comments received					
14. All objections and comments received attached, including amended comments if relevant				X	
15. All comments from municipal departments and organs of state received (must also be attached to POE)				X	
16. Consent from abutting property owners obtained and attached					X
17. Applicant's written reply / responding comments on all the objections attached				X	

KINDLY NOTE:

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

COMPLETE AND SIGN THE FOLLOWING DECLARATION**DECLARATION**

I, (full names & surname) Dupré Lombaard for Viridus Works (Pty) Ltd, ID No: 5707085057086, as the Applicant for the above application, hereby confirms:

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

Duly signed on 11 March 2025 at Villar del Olmo

Signature

<i>For office use only</i>			
	NAME	SIGNATURE	DATE
VERIFIED BY ADMINISTRATIVE OFFICER			
CHECKED BY TOWN PLANNER			

NOTES TO BE RECORDED:

ANNEXURE E: Proof of Prior submission to Municipality

Dupré Lombaard (Virdus Works)

From: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Sent: 03 February 2025 19:30
To: 'Nolusindiso Momoti'
Cc: 'Ulrich Vonmolendorff'; 'Bulelwa Mdoda'
Subject: RE: ERF 211, RAITHBY - INSTRUCTION TO ADVERTISE
Attachments: ERF 211 Raithby LU16002 TP407_2023 notice 20250203.pdf

Dear Sindi

Herewith a copy of the notice sent to the I&As for your record and for publication on the Municipality's website please.

Regards / Groete / Saludos

DUPRÉ LOMBAARD

(SACPLAN B/8076/1998 / EAPASA 2019/304)

Mobile: South Africa +27 82 895 6362 // Spain +34 660 48 24 46

Address: Avenida Malecon 25, Piso 8 E, Santa Uxia de Ribeira, 15960, La Coruña, Spain

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and Environmental Assessment Practitioners

Address: 11 Elektron Street, Techno Park, Stellenbosch, 7600, South Africa

Web: www.virdus.com

From: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Sent: 31 January 2025 10:55
To: Dupré Lombaard (Virdus Works) <dupre.lombaard@virdus.com>
Cc: Ulrich Vonmolendorff <Ulrich.Vonmolendorff@ Stellenbosch.gov.za>; Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>
Subject: ERF 211, RAITHBY - INSTRUCTION TO ADVERTISE

Dear Dupré,

Please find attached instruction to advertise letter and templates for advertising of Erf 211, Raithby.

Please comply with instruction in the attached letter dated 31 January 2025.



Kind regards / Vriendelike Groete

Nolusindiso Momoti (Sindi)

Administrative Officer

Land Use Management

Planning & Economic Development

T: +27 21 808 8673: F + 27 21 886 6899

NPK Building, 1st Floor, C/O Plein & Ryneveld

Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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