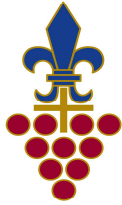


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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-02-28 FROM
10:00-15:00**



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2025-02-28 FROM 10:00-15:00**

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

2025-02-28

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

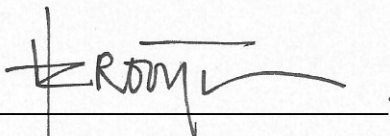
Mr A van der Merwe: Senior Manager - Community Services

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

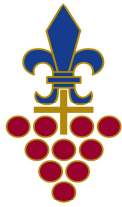
Technical Advisor

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

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2023), of the Municipal Planning Tribunal Meeting which will be held at the **Stellenbosch Council Chambers, Stellenbosch Municipality, Plein Street, Stellenbosch** on **FRIDAY, 2025-02-28** from 10h00-15:00 to consider the items on the Agenda.*



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 JANUARY 2025

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

**Ref. no. 3/4/5/2/40
2025-01-31**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr A van der Merwe: Senior Manager - Community Services

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

Technical Advisor

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

Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

Ms O Vergotine: Administrative Officer

Mrs B Zondo : Senior Town Planner

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 JANUARY 2025

ITEM	SUBJECT
SMPT 01/01/25	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/01/25	LEAVE OF ABSENCE
	Mr M Williams: Senior Legal Advisor

SMPT 03/01/25	DISCLOSURE OF INTERESTS
	None received

SMPT 04/01/25	MINUTES OF THE PREVIOUS MEETING DATED 29 NOVEMBER 2024
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/01/25	<p>APPLICATION IN TERMS OF SECTION 15 (2)(G) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2023 ON ERF 3298 FRANSCHHOEK FOR CONSENT USE TO ESTABLISH TWO (2) NEW SELF-CATERING TOURIST DWELLING UNITS</p> <p>Discussion:</p> <ul style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mrs Zondo to give a brief introduction of the application that served before the Tribunal. b. Matters relating to the cultural landscape and other criteria such as urban sprawl, non-clustering of units, location within vineyards and close to the water course were discussed but it diminishes the fact that one additional dwelling unit can be accommodated within the recommended number of units on the land unit.

UNANIMOUSLY RESOLVED:

1. That it **BE DECIDED** that the application for Consent Use on Erf 3298 Franschhoek to establish two (2) new self-catering tourist dwelling units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

1.1 The proposed application does not conform to the guidelines for the placement of the proposed dwelling units in that the buildings are not clustered together within or near the farmstead precinct in support of the character of the rural landscape

1.2 The proposal will lead to the loss of agricultural land and compromise the existing or potential farming activities.

1.3 The proposal exceeds the number of dwelling units recommended on a property to the extent of 37 ha as prescribed by the MSDF for agricultural properties and thus conflicts with the spatial planning objectives of the MSDF.

2. That it **BE DECIDED** that the application for Consent Use on Erf 3298 Franschhoek to establish two (2) new self-catering tourist dwelling units **does not** warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

2.1 There are not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units and the location / placement of the proposed units.

3. That the following application in terms of Section 15 (2)(g) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Erf 3298 Franschhoek for Consent Use to establish two (2) new self-catering tourist dwelling units:

BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:

3.1 The proposed development deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDF as contemplated in terms of Section 19 of LUPA.

3.2 The proposed development does not warrant site specific circumstances as contemplated in terms of section 22(2) of SPLUMA.

3.3 The proposed development is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 JANUARY 2025

	<p>3.4 The proposal exceeds the number of dwelling units permitted on a property which is 37ha in extent.</p> <p>3.5 The proposal infringes on the authenticity of the rural landscape and does not support the natural and heritage significance of the site which is in a sensitive area within a Grade 3A landscape in terms of Heritage Inventory and Management.</p> <p>3.6 The proposed application does not conform to the guidelines for the placement of the proposed dwelling units in that the buildings are not clustered within or near the farmstead precinct but is proposed on productive agricultural land which will lead to the loss of agricultural land and compromise existing or potential farming activities.</p> <p>3.7 The property is located adjacent and just outside of the approved urban edge within a transitional area which forms the buffer between the urban area and the rural area, and the development is seen as pre-cursor to urban sprawl.</p>
SMPT 06/01/25	OTHER MATTERS
6.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	<p>a) An amendment of the Problem Property Bylaw is underway and will be submitted to Council for a public participation process to follow.</p> <p>b) The Preservation and Development of Agricultural Land Act has been promulgated. The implementation is very much like NEMA. Regulations need to be drafted to identify listed activities before the legislation is enacted.</p> <p>c) Municipalities have been instructed by the National Government to adopt a Standard Draft Bylaw for Township Economies. It is noted that the process for the registration of house shops is complex and WCG is required to report on a weekly basis on the progress made in this regard. Stellenbosch Municipality is busy with the registration of spaza shops and is making good progress in understanding the extent of shops in the municipal area.</p> <p>d) The amendment of LUPA is underway which inter alia addressed the minimum requirements for the advertisement of the suspension, removal or amendment of restrictive title deed conditions.</p> <p>e) The policy vacuum and lack of guidance in building development management on a local level is noted. The City of Cape Town is drafting a bylaw in this regard while the Stellenbosch Municipality is busy with its own efforts.</p>
6.2	APPEALS RECEIVED AGAINST MPT DECISIONS

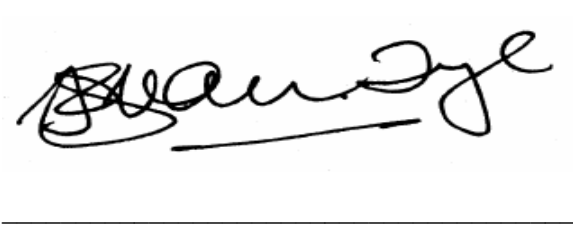
MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 JANUARY 2025

	<p>a) The appeal on The Bridge on Farm 742/5 Paarl against the conditions of approval has been dismissed and the decision has been varied by the Appeal Authority in December 2024.</p> <p>b) An appeal has been received on the decision by the MPT to refuse the application for a consent use on Farm no. 124/11, Stellenbosch to allow a tourist accommodation establishment within the proposed ten (10) self-catering units.</p> <p>c) An appeal has been received on the decision by the MPT to approve the application for rezoning, subdivision, departure, consent use and closure of a public place on Erf 7001, Stellenbosch.</p>
6.3	GENERAL
	<p>a) The MPT noted the implementation of the woonerf concept in Dennesig, Stellenbosch.</p> <p>b) The Cape Winelands & Overberg District Planning Forum hosted by DEA&DP is scheduled for 5 February 2025.</p> <p>c) With reference to Mossel Bay Municipality, who decided to change their Appeal Authority, it is noted that the different options have not yet been discussed with the new Executive Mayor of Stellenbosch, but an investigation in this regard is being considered.</p>



Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl

DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



**APPLICATION IN TERMS OF SECTION 15(2)(O) OF THE STELLENBOSCH MUNICIPALITY
 BYLAW ON MUNICIPAL LAND USE PLANNING, 2023 FOR CONSENT USE FOR TOURIST
 ACCOMMODATION ESTABLISHMENT ON FARM NO. 1471/6, STELLENBOSCH DIVISION**

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

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

APPLICATION DETAILS

Application Ref.	LU/16671 (TP 596/2023)	Commencement Date	05/03/2024
Applicant	Wilhelm Esterhuizen	Last day for comments or additional information	07/11/2024
Farm nr	1471/6,	Place	Stellenbosch Division
Zoning	Agriculture and Rural Zone	Other approvals	None

X TYPE OF APPLICATION

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

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Purpose of the Application:

The purpose of this application is to obtain approval for the proposed tourist accommodation establishment within existing and proposed structures.

2. Application detail

Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 for Consent Use to allow for a tourist accommodation establishment in order to

- Construct three (3) one-bedroom buildings (69m²)
- to convert the existing second dwelling unit (143,9m²) into a two-bedroom unit and one-bedroom suite to be used for tourist accommodation establishment and reception area, and
- to convert the existing farm store into a one-bedroom self-catering unit. See **Annexure B** for the proposed site plan & floor layout plans.

Background

It is important to note that the applicant originally submitted a proposal to construct four one-bedroom units, convert the existing farm store into a reception space, and transform the current manager's dwelling into a two-bedroom tourist accommodation unit. However, during the advertising period, the applicant amended the application. The amendment includes converting the existing farm store, which was originally intended as a reception, into an additional one-bedroom tourist accommodation unit. The number of new proposed structures was reduced to three, and the reception area was integrated into the two-bedroom tourist accommodation unit, which is the converted manager's dwelling. Additionally, an outside bedroom, which is part of the existing manager's dwelling, was incorporated into the overall tourist accommodation establishment. Following these changes made, the total number of proposed bedrooms has increased from six (6) bedrooms to seven (7) bedrooms.

3. Summary of applicant's motivation: (See Annexure C)

- 3.1 The primary agricultural use of the property will still be retained as the property is planted with ±2,856ha of vineyards and a small portion of horticulture (151,2m²) will be added.
- 3.2 The new buildings as part of the consent use, will have a coverage of 207m², which results in significantly small in relation to the retained agricultural activities and buildings on the property.
- 3.3 The proposed development can be argued as subservient to the primary agricultural use of the subject property.
- 3.4 Two of the five buildings, to be used as part of the tourist accommodation establishment, are existing.
- 3.5 The scale and characteristics of the proposed buildings will not result in a material change in the agricultural nature of the farm.
- 3.6 The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework.
- 3.7 The proposal is in line with the provisions of the Stellenbosch Zoning Scheme By-law.
- 3.8 The proposal involves rural tourism which will contribute to the diversification of income for the owner of the property. This is in line with the Western Cape Land Use Planning Guidelines for Rural Areas, which supports such developments on agricultural land.

4. Summary of deviation from the SDF (Site specific Motivation) (See Annexure D)

- 4.1 The subject property is a resultant of a subdivision of Farm 1471, measures 4,3ha in extent and is allowed to construct a Main dwelling (600m²), Second dwelling unit (600m²) and employee housing (120m²) as primary right. Thus, a total residential footprint 1220m² is allowed as a primary right. The proposed development will result in a residential footprint of 674,2m².
- 4.2 The proposal will have a much smaller (negative, if any) impact than the development of the property in line with its primary use rights.
- 4.3 There will be no loss of agricultural land as the new proposed three (3) new units will be located in an area that has already been cleared of vineyards. There is no restriction, in terms of land use, prohibiting a property owner to remove vineyards at his or her own discretion.
- 4.4 The proposed new units will not be utilised or intended to be utilised as a complete residence and accommodation for a family, but rather for the accommodation of transient guests.

- 4.5 The proposal is, in terms of scale and number of rooms, in line with the provisions of a guest house. In fact, only five (5) rooms will be used for tourist accommodation whereas a total of seven (7) rooms can be used for tourist accommodation in a guest house as an additional use right on the property.
- 4.6 The proposed three (3) new units will have a positive impact on the socioeconomic without having a material impact on the external engineering services, safety, health or wellbeing of the surrounding community.

ASSESSMENT CHECKLIST			
CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate public participation processed followed	X		<p>The applicant has in terms of Section IV of the Stellenbosch Municipality Planning By-Law, advertised the application by sending e-mails to the interested and affected parties as well as external departments. A notice was placed on the Stellenbosch Municipality planning portal. No objections were received.</p> <p>The application was circulated to the relevant internal & external departments and the following departments gave comment:</p> <p>Department of Agriculture: Western Cape – does not support the application as the number of self-catering units exceeds the number of dwelling units as prescribed in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019. Land uses ancillary to agriculture must be located within farmstead precinct and not on cultivated land as with the current proposal (See Annexure E).</p> <p>Department of Environmental Affairs and Development Planning: Has no objection to the proposal. The Western Cape Land Use Planning Guidelines for Rural Areas, 2019 supports a range of land uses and activities on agricultural land to support tourism. The guidelines further states that new buildings should be constructed on previously disturbed footprints and not on cultivated land as is currently proposed. (See Annexure F)</p> <p>Department: Transport & Infrastructure:</p> <p>Granted approval for the new access, however, no response was received within the prescribed commenting period in respect of the proposed tourist accommodation establishment. (See Annexure G).</p> <p>Spatial Planning: The department does not support the proposal:</p> <ul style="list-style-type: none"> - Land uses ancillary to agriculture must be located within farmstead precinct and not on cultivated land as with the current proposal. - The number of units for this property exceeds the number of dwelling units as prescribed in

			<p>the Western Cape Land Use Planning Guidelines for Rural Areas, 2019. (See Annexure H).</p> <p><u>Heritage Section</u></p> <p>Has no objection to the proposal. Regarding the proposed new entrance, if any signage is to be installed, a separate application for signage must be submitted for approval.</p> <p><u>Directorate: Infrastructure Services</u></p> <p>Application is recommended for approval subject to certain conditions. (See Annexure I).</p> <p><u>Fire Services</u></p> <p>Has no objection to the proposal.</p>
Conditions imposed by departments	X		<p>The following departments-imposed conditions:</p> <ul style="list-style-type: none"> - DEADP. (See Annexure F) - Directorate Infrastructure Services - Heritage Planning
DCs applicable	X		DCs are payable (See Annexure I)
Objections received		X	None.
Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65		X	<p>The approved Municipal Spatial Development Framework (MSDF) encourages the use of land outside the urban edge for agricultural production, biodiversity conservation, scenic quality and agri-tourism. Tourist related activities can be considered as a secondary use.</p> <p>The Stellenbosch Municipality Spatial Development Framework states that additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6,5m). The proposal is in conflict with this guideline as the property is only 4,35ha. Similarly, the Western Cape Land Use Planning Guidelines (Rural Guidelines) also prescribes 1 additional dwelling unit per 10ha with a maximum of five additional dwelling units per land unit. The proposed development is for three (3) new residential units (in addition to the existing three). The proposal also deviates from the provisions of the MSDF and Western Cape Guidelines for Rural Areas, 2019. The size of the subject property can only allow the main dwelling, second dwelling unit and one (1) employee house.</p>
DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW			
Socio-economic impact	<p>The aim of the tourist accommodation establishments and tourist facilities on rural areas is to diversify the income of an agricultural entity and to strengthen the rural economy. The concept of the tourist accommodation establishment can thus, have positive impact on the economy of the local area.</p>		
Compatibility with surrounding uses			

	The subject property is located in a predominantly agricultural area, with wine farms. The subject property is an active farm, with ±2,5 ha of vineyards. The proposal will not negatively impact the farming activities on the farm or agricultural character of the area. However, provisions of the MSDP and Western Cape Guidelines for Rural Areas must be taken into consideration for the proposed new structures.
Impact on the external engineering services	No municipal services are affected by the proposal and the Directorate: Infrastructure Services had no objection to the proposal subject to certain conditions received.
Impact on safety, health and wellbeing of the surrounding community	The proposed development has no negative impact on safety, health and wellbeing of the community.
Impact on heritage	Stellenbosch Kloof Road is classified as a Grade II Scenic Road, as per the Stellenbosch Municipality Heritage Survey. It is important to be respectful of the landscape settings when considering new buildings on this route. The proposed structures will not be visible from the Stellenboschkloof Road as the subject property is screened off this road by the existing greenery along the boundaries of this road. This natural greenery provides a barrier that minimizes the visibility of the development from the road.
Impact on the biophysical environment	The proposed new structures are situated in an area that was previously cleared of vineyards. The applicant also intends to relocate the existing access to align with the western common boundary of the property. This adjustment could potentially have a negative impact on the biophysical environment, as it may result in the disturbance or removal of existing vineyards to accommodate the new access.
Traffic impacts, parking, access and other transport related considerations	The applicant has provided parking for the proposed use as indicated on the site plan, therefore sufficient parking is provided. The application was circulated to Western Cape department of Infrastructure: Road Planning, the said department supported the relocation of the farm access and has not provided any comment on the proposed tourist accommodation establishment.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	The negative impacts that the proposal has on the rural landscape cannot be mitigated through the imposition of conditions.

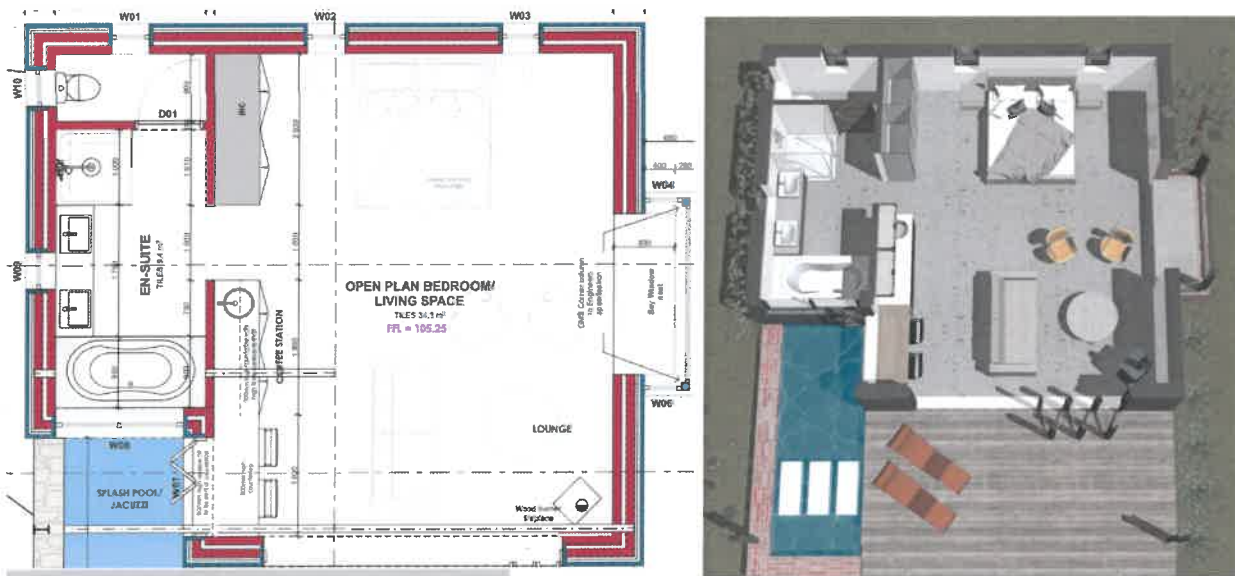
ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

New structures

As noted above the subject property is zoned for Agriculture and Rural Zone purposes and in terms of the Stellenbosch Municipality Zoning Scheme By-law, 2024, a tourist accommodation establishment is a consent use when the proposed land uses exceed the threshold of a guest house, bed and breakfast and that of a tourist dwelling unit. The application at hand is for a tourist accommodation establishment in order to construct three tourist accommodation buildings consisting of one bedroom with en-suites

and coffee stations. The proposed units are 69m² each with a total coverage of 207m² and are clustered within the farm werf of the subject property. The subject property is an active farming entity and the proposed tourist accommodation establishment is only ±439m² in extent (inclusive of the existing structures to be converted), thus being subservient to the primary use of the property.

The layout of the proposed buildings, as shown below, indicates that they will function independently as residential units. The proposed suites also cannot be classified as agricultural buildings for laborer accommodation as it is not the owner's intent to use it for laborer accommodation, but rather guest accommodation. Additionally, the buildings do not align with the definition of outbuildings as outlined in the applicable Zoning Scheme By-Law and thus, cannot be classified as such. For this reason, the proposed structures are seen to be dwelling units and the threshold for the number of dwelling units per land unit applies as defined in the said Zoning Scheme By-Law. The proposal also does not provide any communal areas such as dining hall, for the guests that would be staying in the proposed buildings. The applicant has indicated in their revised motivation report that the proposed one-bedroom structures are tourist suites (similar to that of a hotel) and not dwelling units as they will not be self-catering. It is the view of this department that the proposed structures which are to be utilized for transient guest must first be classified in line with the provisions of the zoning scheme by-law.



The Department of Agriculture as well as the internal Department: Spatial Planning have raised concerns about the number of dwelling units on the farm in relation to the number of dwelling units prescribed by the Western Cape Land Use Planning Guidelines for Rural Areas, 2019. The proposed development is for three (3) new tourist dwelling units and the property already has two existing dwelling units and the store that is to be converted into a dwelling unit in order to accommodate the proposed tourist accommodation establishment. The subject property is 4,35ha in extent which can only accommodate a main dwelling, second dwelling unit and one employee housing according to the definition of an additional dwelling unit. The total number of dwelling units that will be on this property will be six (6) which is not in line with the provisions of the said Zoning Scheme By-Law for Agricultural properties.

The MSDP further states that additional dwelling units should be restricted to one (1) unit per 10ha, to a maximum of 5 units: 175m² maximum floor area including garaging and building height of one (1) storey (6.5), the proposal is in conflict with this guideline. Similarly, the Western Cape Land Use Planning Guidelines (Rural Guidelines) also prescribes one (1) additional dwelling unit per 10 ha with a maximum of five (5) additional dwelling units per land unit. The MSDP and Rural Guidelines are in support of tourist accommodation establishments in the rural area, they are firmly against such developments on properties that are less than 50ha in extent.

The decision to build new structures on valuable agricultural land raises significant concerns. The property owner has cleared a section of vineyards to make way for construction, which not only disrupts the existing agricultural landscape but also results in the loss of productive agricultural land. Irrespective

of the difference in opinion about the applicability of the definition of "dwelling unit", the proposed structures to facilitate tourist accommodation units will impact negatively on the agricultural activities on the farm. The MSDF and Western Cape Guidelines for Rural Areas, 2019 state that tourist units should be located appropriately and not conflict with productive farming areas. Visitors to on-farm tourist accommodation may also impact on surrounding farming activities (e.g. dust from vehicles) as farming activities (e.g. noise, odour, and spray drift) may impact negatively on on-farm tourist accommodation, especially if the proposed units are adjacent to existing vineyards. Sterilizing productive agricultural land for non-agricultural activities is against the objectives of the MSDF.

Use of the existing buildings

The owner of the property further proposes to convert the existing structures on the subject property namely the existing farm store is to be converted into a one-bedroom unit and the existing manager's dwelling unit is to be converted into a two-bedroom tourist accommodation unit with an outside bedroom which is to be used separately from the two-bedroom unit. The footprint of these existing buildings will be retained as only internal alterations are proposed. A site inspection that was conducted on 23 January 2025 has revealed that these alterations have are in progress despite the notice (dated 28 October 2024) from the Building Control Section to cease the illegal building works. (See **Annexure J**).

The Western Cape Land Use Planning Guidelines for Rural Areas which came into effect in 2019 set out guidelines for Tourist Accommodation Establishments in areas outside the urban edge i.e. 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. The said policy further promotes the diversification of farm income by supporting agri-tourism that does not compromise farm production. The MSDF echoes this sentiment as it recommends that tourist accommodation establishments should be confined within existing structures in order to protect the valuable agricultural land outside the urban edge. The proposal is in line with these guidelines as the existing structures are clustered within a farm werf and have no visual impact from the Stellenboschkloof due to their location.

Access, Parking and Traffic impact

The property currently gains access from Stellenboschkloof Road and new access point to the property which is located on the Western boundary of the property is proposed for which approval from Department of Transport: Infrastructure Services has been obtained. Sufficient on-site parking bays for the proposed tourist accommodation establishment has been provided in line with the requirements of the said Zoning Scheme By-Law. Due to the scale of the proposal, the amount of traffic that will be generated is insignificant.

All the interested and affected parties as well as other internal and external departments' comments were taken into account and will be imposed as conditions of approval, where necessary.

KEY FINDINGS OF PLANNING EVALUATION

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

1. The application submitted initially for four (4) new tourist accommodation units was amended to three new units but included the existing store room to be one-bedroom tourist accommodation unit.
2. As a result, the proposal exceeds the number of dwelling units permitted on the property in terms of the By-Law and deviates from the MSDF and the Western Cape Land Use Planning Guidelines for Rural Areas and is not in keeping and in scale with its location.
3. The size of the subject property can only allow a main dwelling, second dwelling unit and one (1) employee housing on this farm.
4. The proposed uses are subservient to the agricultural use of the property and surrounding farms.

5. The proposal entails the conversion of two existing structures without altering the footprint into three tourist units.
6. Three new structures are proposed in the agricultural productive area of the farm.
7. Vineyards have been removed to facilitate the proposal which impacts on the efficiency of agricultural practices on the remaining productive land.
8. The site-specific motivation that was submitted for the three new structures to deviate from the prescribed number of additional dwelling units does not relate to any unique circumstances or considerations to serve as compelling justification to deviate from these planning provisions.

The subject land use and land development application is, having regard to the conclusions above, viewed as deviating from the MSDP and the Western Cape Guidelines for Rural Areas, and consequently grounds for the non-supporting of the subject land use and land development application.

List relevant plan numbers	Site Development Plan and floor layout plans, referenced as drawings No: TZ – 2045, Revision A, Page 1 – 3 drawn by: Tim Ziehl Architects, dated: 03 December 2024.
List annexures to decision	Annexure A: Locality Plan Annexure B: Building plans Annexure C: Applicant's motivation report Annexure D: Site specific motivation Annexure E: Comments from Department of Agriculture: Western Cape Annexure F: Comments from DEADP (Land use) Annexure G: Comments from Department of Transport services Annexure H: Spatial Planning Section Annexure I: Comments from Directorate: Infrastructure Services Annexure J: Illegal building works notice

RECOMMENDATION

1. That it **BE DECIDED** that the application for Consent Use on Farm No. 1471/6, Stellenbosch Division to establish six (6) tourist accommodation units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 1.1 The proposal exceeds the number of dwelling units permitted on a property to the extent of 4,35ha as prescribed by the MSDP for agricultural properties and thus conflicts with the spatial planning objectives of the MSDP.
 - 1.2 The proposal will lead to the loss of agricultural land and compromise the existing farming activities.
2. That it **BE DECIDED** that the application for Consent Use on Farm No. 1471/6, Stellenbosch Division to establish three (3) new tourist accommodation units **does not** warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 - 2.1 There is not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units and the location / placement of the proposed units.
3. That it **BE DECIDED** that the application for Consent Use on Farm No. 1471/6, Stellenbosch Division to convert existing buildings into three (3) tourist accommodation units **does** warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

- 3.1 The proposal will utilize the existing manager's dwelling (second dwelling) and farm store located on the farm werf and within the disturbed and approved building footprint as tourist accommodation units.
4. That the following application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1471/6, Stellenbosch Division for Consent Use to construct and establish three (3) new tourist accommodation units:

BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:

- 4.1 The proposed development deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDP as contemplated in terms of Section 19 of LUPA.
- 4.2 The proposed development does not warrant site specific circumstances as contemplated in terms of section 22(2) of SPLUMA.
- 4.3 The proposed development is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA.
- 4.4 The proposal exceeds the number of dwelling units permitted on a property which is 4.35ha in extent.
- 4.5 The proposed application does not conform to the guidelines for the placement of the proposed dwelling units in that the buildings are proposed on productive agricultural land which will lead to the loss of agricultural land and compromise existing or potential farming activities.
5. That the following application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1471/6, Stellenbosch Division for Consent Use to utilize the existing manager's house (second dwelling) as two tourist accommodation units (a two-bedroom unit and a one-bedroom suite) with a reception area and the existing farm store as a one-bedroom tourist accommodation unit:

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

6. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw.
- 6.1 The approval only applies to the 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.
- 6.2 The proposed tourist accommodation establishment shall be limited to the existing manager's house (second dwelling) and the existing farm store and no new buildings be constructed.
- 6.3 The development be implemented general in accordance with the site & floor layout plan referenced as TZ – 2045, Revision A, Page 1 – 3 drawn by Tim Ziehl Architects, dated 3 December 2024 attached as **Annexure B**.
- 6.4 The tourist accommodation establishment be subservient to the dominant agricultural use of the property.
- 6.5 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans.
- 6.6 Conditions as imposed by the Directorate Infrastructure Services in their memo dated 7 October 2024 be adhered to. See **Annexure I**.
- 6.7 Conditions as imposed by WCG Department Infrastructure in their letter dated 11 January 2024 be adhered to. See **Annexure G**.
- 6.8 Building plans be submitted for all changes of use in existing buildings and which building plans be approved and related occupancy certificates be issued prior to the vesting of any of the related uses.
7. The reasons for the above decision are as follows:
- 7.1 The proposal is confined to existing structures and in line with the current land use of the property and will not negatively impact on the character of the surrounding area.

- 7.2 The proposed use is of appropriate scale, on the farm werf and subservient to the agricultural use of the property and surrounding farms.
- 7.3 The proposal will assist in diversifying the land use on the farm without impacting on the existing agricultural activities.

8. Matters to be noted

- 8.1 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.
- 8.2 Should, after following due process –
- 8.2.1 The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
- 8.2.2 The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
- 8.2.3 The property be used for any unauthorised uses not permitted in terms of this approval, 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: Hopini DAFETI

Capacity: TOWN PLANNER

SACPLAN Registration:

Signature: 

Date: 19/02/2025

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 OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

Category / Delegation Item Number: O4

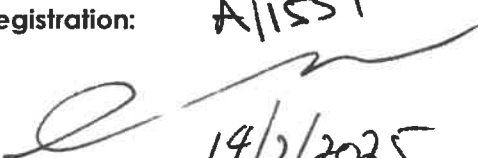
Decision Making Authority: MPT

Rational: Application is inconsistent and deviates from the MSDF.

Name: Steven Carstens

Capacity: SMSM

SACPLAN Registration: A/1551

Signature: 

Date: 19/2/2025

SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR CONSENT USE: FARM NO. 1471/6, STELLENBOSCH DIVISION****Administrator to Authorised Official / Municipal Planning Tribunal:**

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

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

Date: 28 February 2025

Name: Chizelle Kriel

Capacity: MAM

Signature: 

Date: 14-02-2025

Annexure A:
Locality Plan

Stellenbosch GIS Map

SCALE
1:9 027,98

Legend



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2025/02/10



Author: Stellenbosch Municipality



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

This map is a representation of the information available to the Municipality at the time of its creation. It is not a guarantee of accuracy. The Municipality is not responsible for any errors or omissions. The map is provided for informational purposes only. The Municipality is not responsible for any damages or losses resulting from the use of this map. The map is a representation of the information available to the Municipality at the time of its creation. It is not a guarantee of accuracy. The Municipality is not responsible for any errors or omissions. The map is provided for informational purposes only. The Municipality is not responsible for any damages or losses resulting from the use of this map.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, DeLorme, Swire, MPT, Swire, Hong Kong, OpenStreetMap contributors, and the GIS User Community, Stellenbosch Municipality

Annexure B:
Building Plans

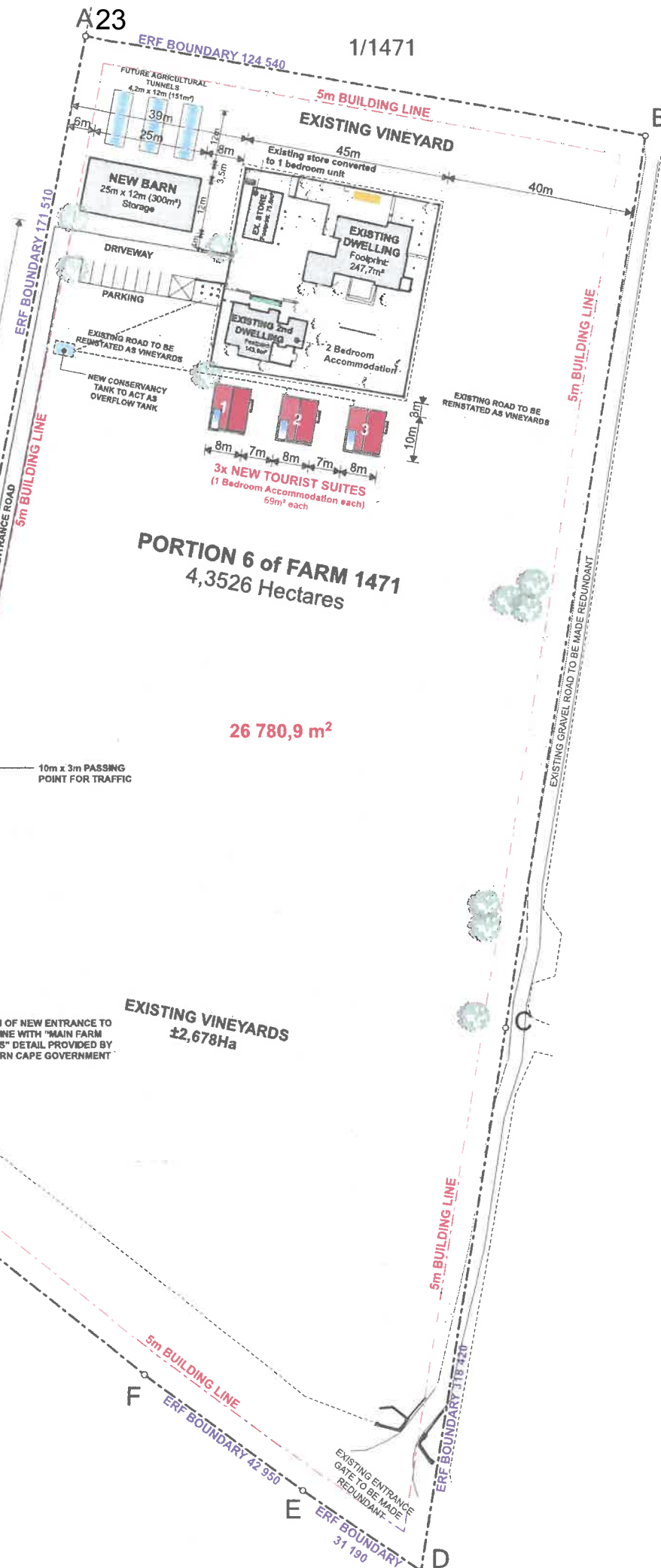
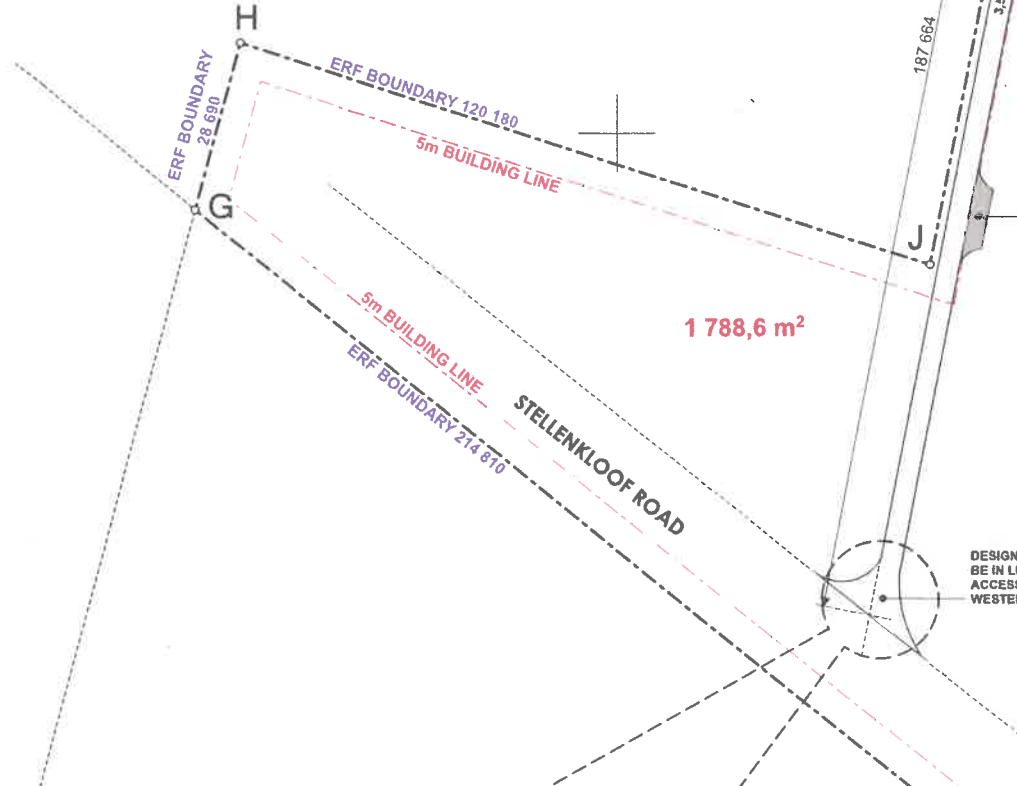
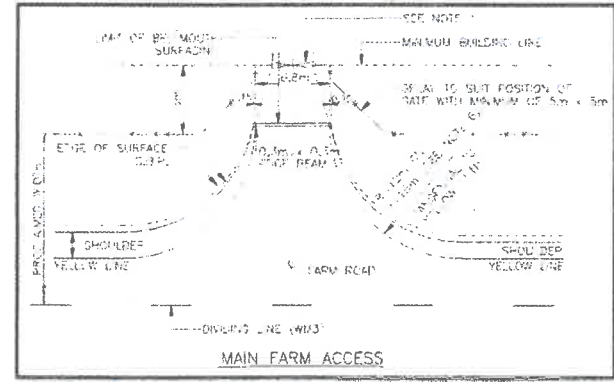


AERIAL IMAGE
N.T.S

A23

1/1471

DOCUMENT VARIATIONS REGISTER
REV | DATE | DESCRIPTION
1 | 2024-07-24 | PRELIMINARY MUNICIPAL PLANS
A | 2024-12-03 | STORE CHANGE TO 1 BED UNIT



NOTE:
1. THE PROPOSED GATE TO THE MAIN FARM ACCESS IS TO BE LOCATED AT THE CORNER OF THE 5m WIDE ENTRANCE ROAD AND THE 5m BUILDING LINE. THE GATE IS TO BE 3m WIDE.
2. THE PROPOSED GATE IS TO BE LOCATED AT THE CORNER OF THE 5m WIDE ENTRANCE ROAD AND THE 5m BUILDING LINE. THE GATE IS TO BE 3m WIDE.
3. THE PROPOSED GATE IS TO BE LOCATED AT THE CORNER OF THE 5m WIDE ENTRANCE ROAD AND THE 5m BUILDING LINE. THE GATE IS TO BE 3m WIDE.
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6. THE PROPOSED GATE IS TO BE LOCATED AT THE CORNER OF THE 5m WIDE ENTRANCE ROAD AND THE 5m BUILDING LINE. THE GATE IS TO BE 3m WIDE.

AREAS:

PORTION 6 of FARM 1471:	4,3526Ha
Area of Vineyard to be removed:	0,142Ha
Area of Vineyard to be Reinstated:	0,0202Ha
TOTAL VINEYARDS AFTER PROPOSAL:	2,856 Ha

EXISTING STRUCTURES:

Existing Main Dwelling:	247,7m²
Existing Second Dwelling:	143,9m²
Existing Store:	75,6m²

NEW STRUCTURES:

New Cottage 1:	69m²
New Cottage 2:	69m²
New Cottage 3:	69m²
New Storage Barn:	300m²
Future Agricultural Tunnels:	151m²

PROJECT
NEW RENTAL COTTAGES



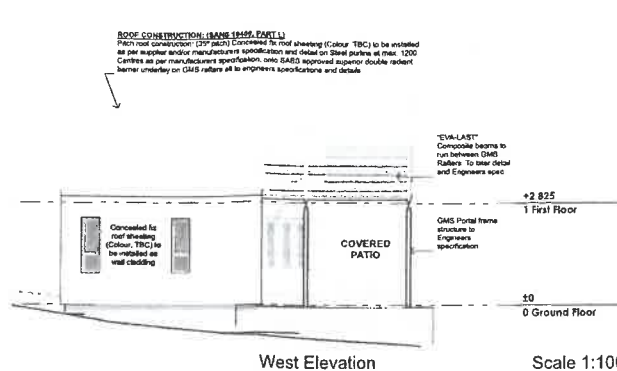
PORTION 6 of FARM 1471
Stellenkloof Road, Stellenbosch, 7600

SCALE:
1:100@A1
PROJECT NUMBER:
TZ - 2045
DRAWN BY:
TZA
DATE:
2024-12-03
REVISION:
A

DRAWING:
SITE DEVELOPMENT PLAN

PRELIMINARY MUNICIPAL PLANS

tim ziehl
ARCHITECTS
www.timziehlarchitects.com | 52 Dorp Street, Stellenbosch



AREAS:

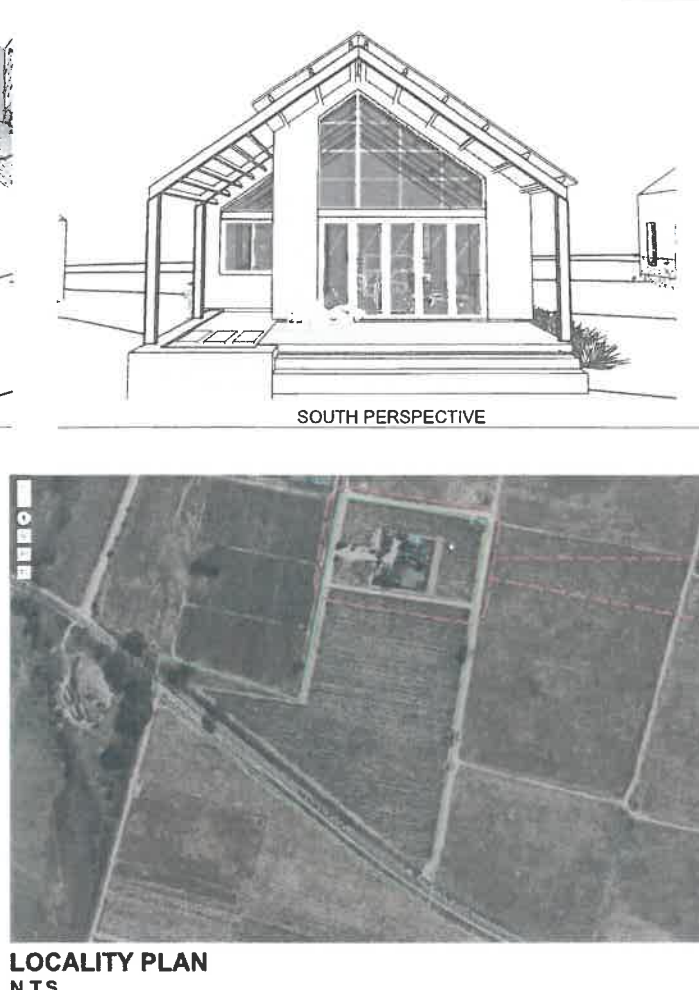
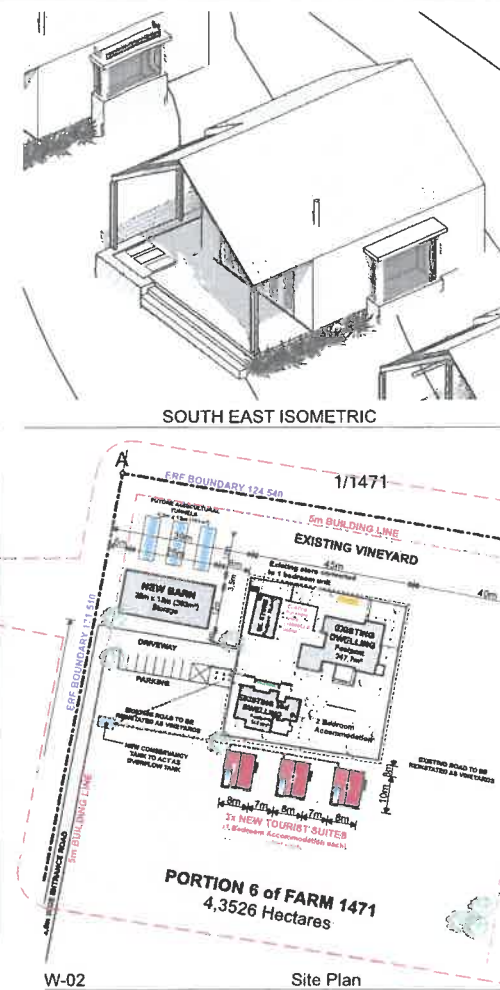
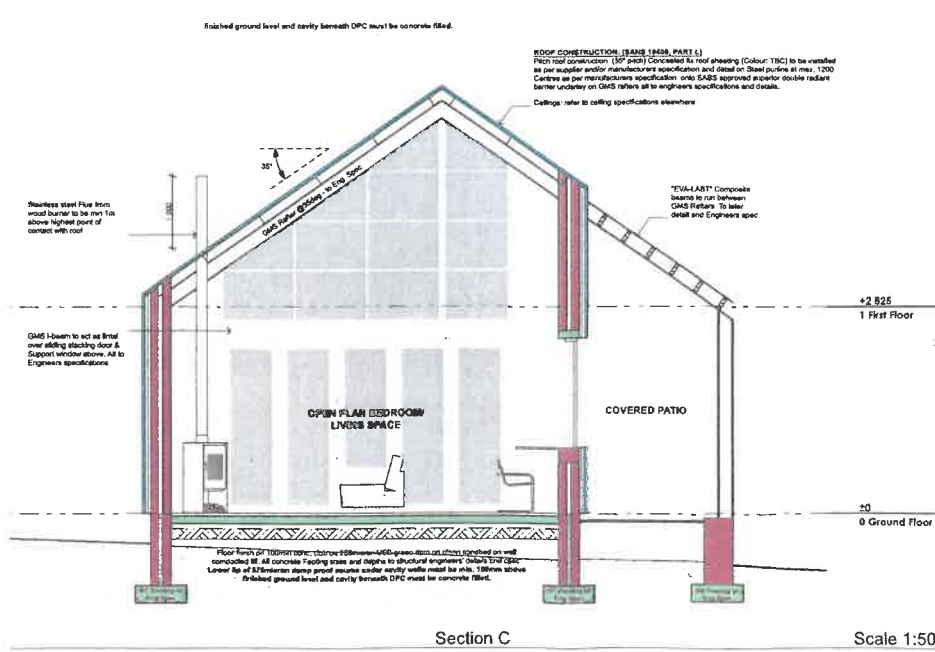
PORTION 6 of FARM 1471:	4,3526Ha
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EXISTING STRUCTURES:

Existing Main Dwelling:	247,7m²
Existing Second Dwelling:	143,9m²
Existing Store:	75,6m²

NEW STRUCTURES:

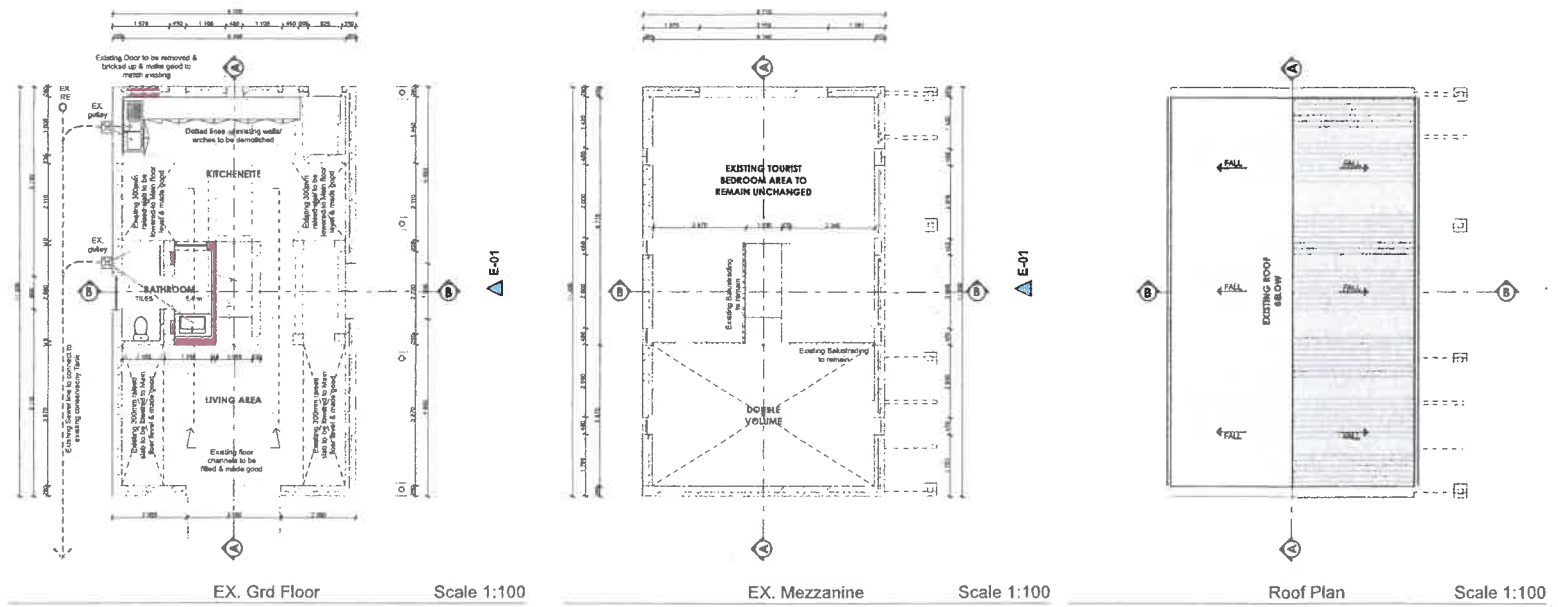
New Cottage 1:	69m²
New Cottage 2:	69m²
New Cottage 3:	69m²
New Storage Barn:	300m²



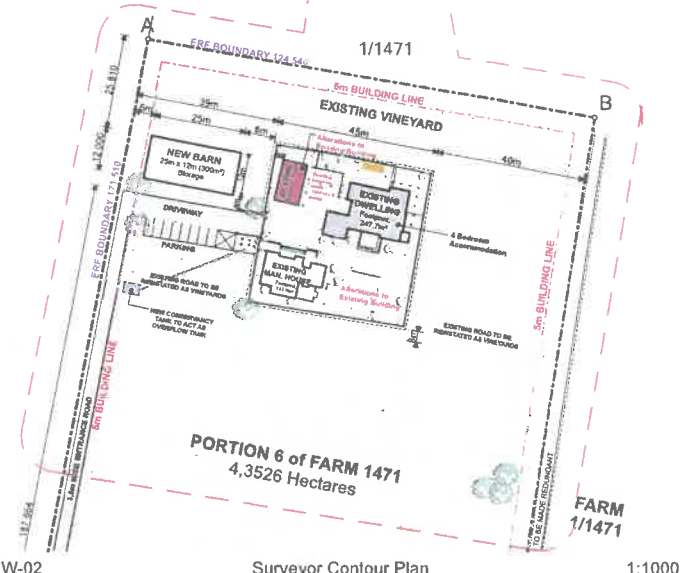
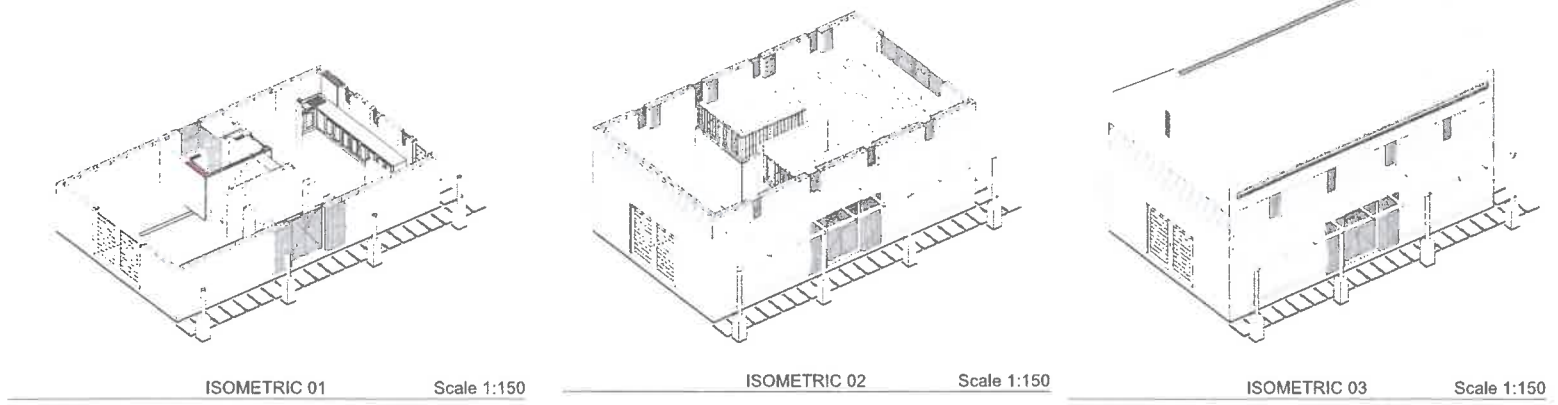
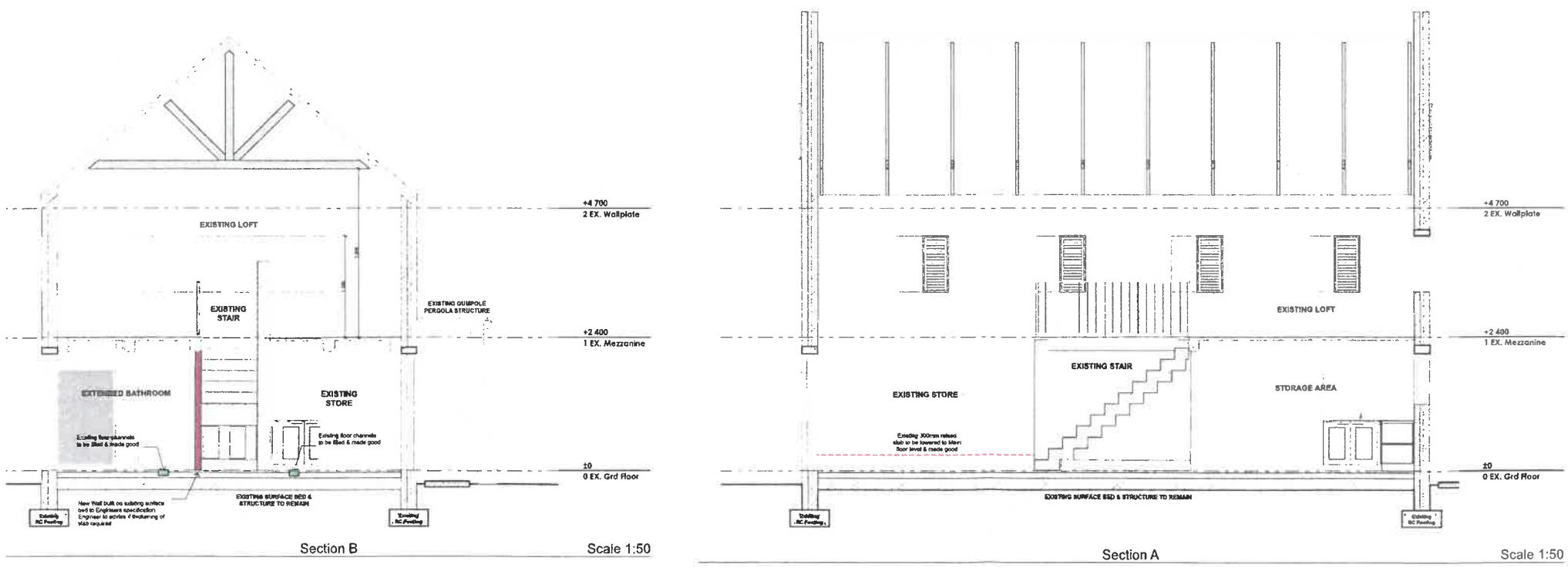
GENERAL NOTES & SPECIFICATION:
All structural requirements (Building Regulations and Municipal by-laws) must be adhered to. Contractors are to check and verify all dimensions and levels on the building site before work commences. Figures dimensions and level for site data are for information only and are not to be used for construction. The design and detail on this drawing is the property of the architect and copyright is reserved.

Site Chapters:
1. Site clearance to include digging up and removing rubbish, debris, vegetation, hedger, shrubs and trees not exceeding 200mm girth.
2. Surface material from excavations and/or structures on site to be removed to a dumping site as indicated by Contractor. From the excavations and/or structures on site to be removed to a dumping site as indicated by Contractor.
3. Earth filling required by Contractor. From the excavations and/or structures on site to be removed to a dumping site as indicated by Contractor.
4. Backfilling of excavations with earth or concrete as indicated by Contractor. From the excavations and/or structures on site to be removed to a dumping site as indicated by Contractor.
5. Approved steel reinforcement bars and applied to manufacturers' instructions. Under floors, etc. including forming and pouring concrete slabs against foundation walls, etc. filling in formwork and rendering.

Structure:
1. All structural concrete columns, foundations, beams and trunks to engineer's design and specification and in accordance to SANS 10400.
2. All structural concrete slabs to be cast in accordance to SANS 10400.
3. All structural concrete slabs to be cast in accordance to SANS 10400.
4. All structural concrete slabs to be cast in accordance to SANS 10400.
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18. All structural concrete slabs to be cast in accordance to SANS 10400.
19. All structural concrete slabs to be cast in accordance to SANS 10400.
20. All structural concrete slabs to be cast in accordance to SANS 10400.



LOCALITY PLAN
N.T.S



AREAS:

PORTION 6 of FARM 1471:	4,3526Ha
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EXISTING STRUCTURES:

- Existing Main Dwelling:	247,7m²
- Existing Second Dwelling:	148,9m²
- Existing Store:	75,6m²

NEW STRUCTURES:

New Storage Barn:	300m²
New covered Stoop @ second dwelling:	5m²
Enclosed Covered Patio @ second dwelling:	20,2m²

TOTAL NEW COVERAGE: 787,7m², 1,8%

PROJECT:
ALTERATIONS TO EXISTING AGRICULTURAL STORE

GILGA
STELLENBOSCH • SOUTH AFRICA

PORTION 6 of FARM 1471
Stellenkloof Road, Stellenbosch, 7600

SCALE: 1:100@A1
DATE: 2024-12-03

PROJECT NUMBER: TZ - 2045
DRAWN BY: TZA
REVISION: 1

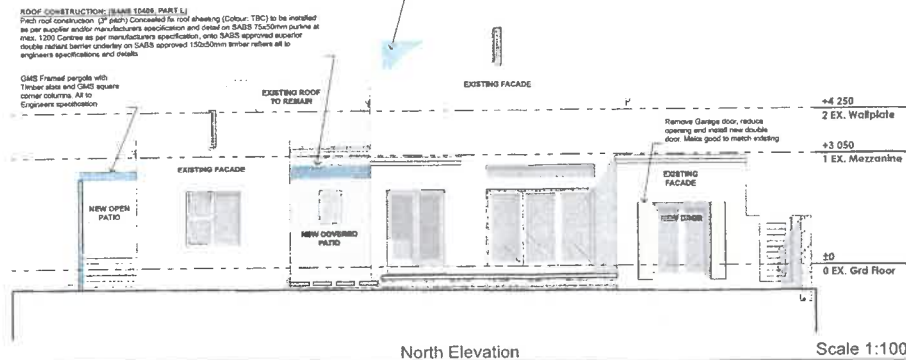
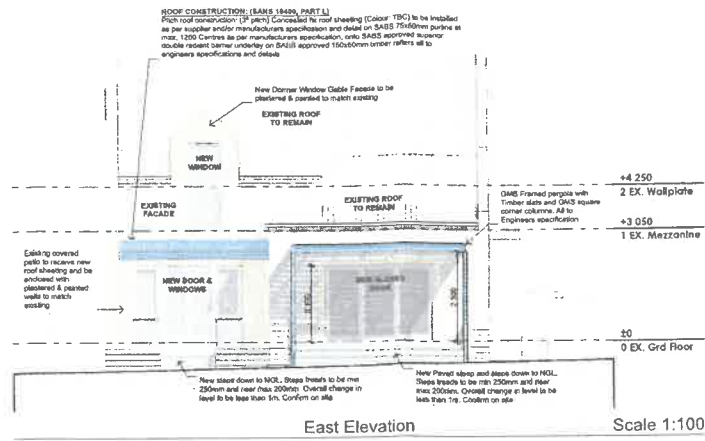
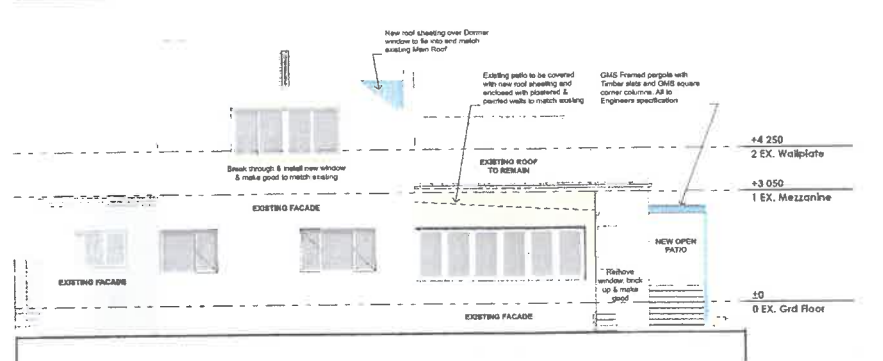
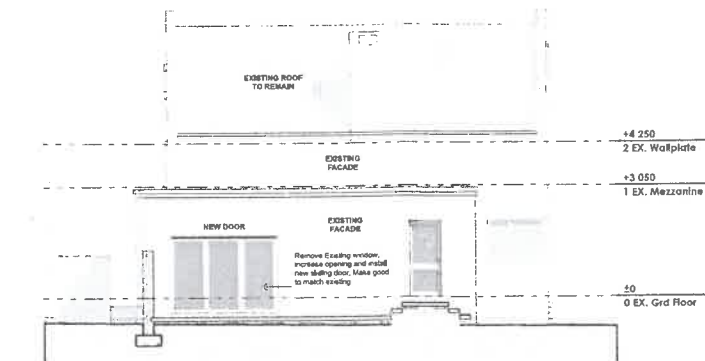
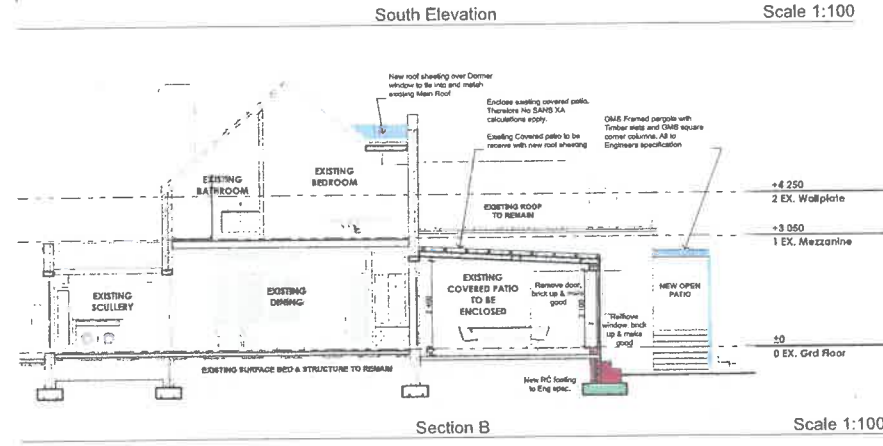
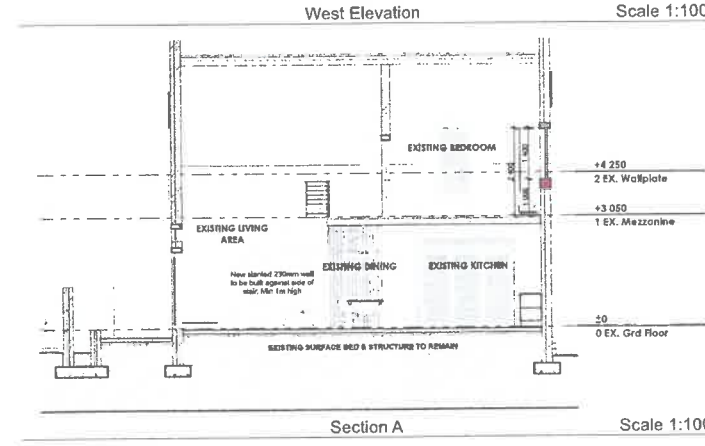
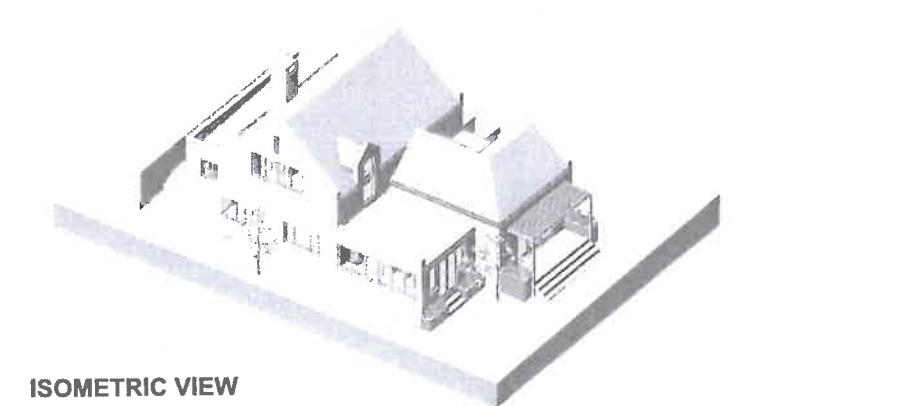
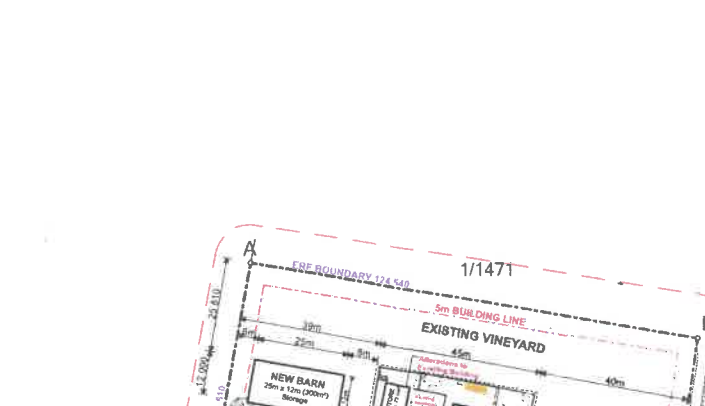
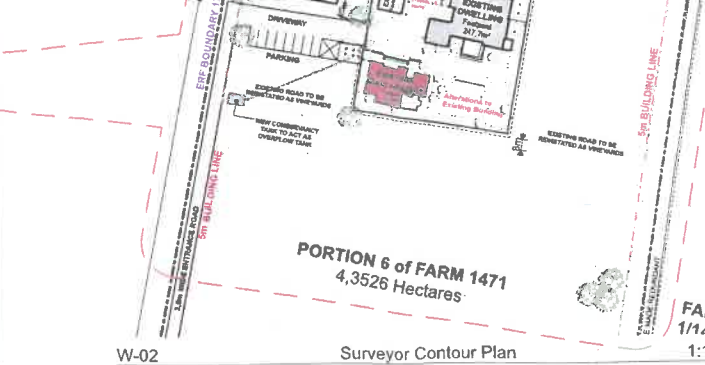
DRAWING:
GENERAL LAYOUT DRAWINGS

FOR MUNICIPAL SUBMISSION

tim ziehl
ARCHITECTS

www.timziehlarchitects.com | 52 Dorp Street, Stellenbosch

ONE BEDROOM UNIT
PAGE 2 OF 3

[illegible]

PROJECT: **ALTERATIONS TO EXISTING
MANAGERS HOUSE**



GILGA
STELLENBOSCH • SOUTH AFRICA

PORTION 6 of FARM 1471
StellenKloof Road, Stellenbosch, 7600

SCALE: 1:100@A1 2024-12

PROJECT NUMBER: T3 0045 DRAWN BY: T3A

12-2045 12A (

DRAWING: GENERAL LAYOUT DRAWING

FOR MUNICIPAL SUBMISSIONS:

FOR MUNICIPAL SUBMISSION

tim ziehl

CITY ZIEN
ARCHITECTS

www.limzlehlarchitects.com | 52 Dorp Street, Stellenbosch

... 11.11.11

100

QUESTION SUITE

OF 3

TWO BEDROOM UNIT & TOURIST
ACCOMMODATION SUITE
PAGE 3 OF 3

Annexure C:
Applicant's Motivation

5. THE PROPOSAL

As per the site development plan (dated 30 November 2023 and drawn by *Tim Ziehl Architects*), it is proposed to diversify the use of the property by the following improvement:

- The relocation of the access to the property from Stellenbosch Kloof Road to be aligned with the western common boundary.
- The conversion of the existing agricultural building to a reception area for tourist accommodation guests – total coverage of 75.6m².
- The conversion of the existing second dwelling into a two-bedroom tourist accommodation unit – total coverage of 143.9m².
- The development of four (4) 69m² one-bedroom tourist accommodation units – total coverage of 276m².
- The development of a new agricultural building – coverage of 300m².
- The development of two (2) new polytunnels of 160m² each – total coverage of 320m².

The remainder of the farm (approximately 2.5 Hectare) will still be covered by vineyard. Figure 4, below, is an extract of the said SDP.

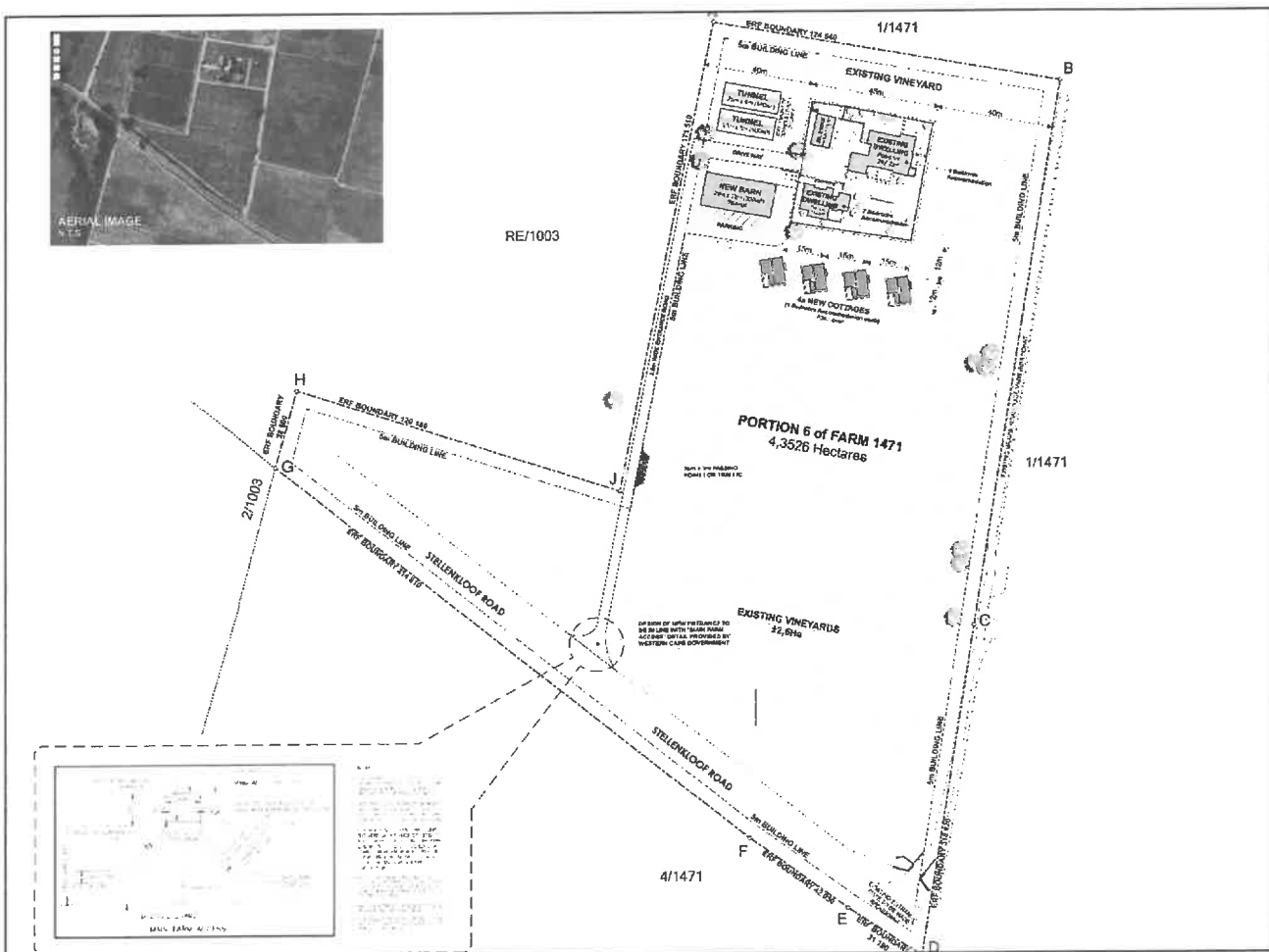


Figure 4 Extract of the Site Development Plan

5.1 The relocation of the access to the property from Stellenbosch Kloof Road

An application has been submitted to the Western Cape Department of Transport & Public Works for a new access road to the property. As per Figure 5, below, it is proposed to close the existing access (at km 1.07) and develop a new access (at km 1.22) to the farm. The design of the proposed entrance is in line with 'Main Farm Access' detail provided by Western Cape Government.



Figure 5 Aerial Map Illustrating the Existing and Proposed Access to the Farm

This is proposed to mitigate the fact that the current access road (along the eastern common boundary of the farm) is situated partially on the abutting farm, namely Portion 1 of Farm No. 1471 Stellenbosch Division – without any servitude right of way registered. The proposed new access will also reduce the length of the access road to the buildings on the farm and therefore reduce the maintenance cost of the said road.

The proposed new access road will provide access to the primary residential dwelling as well as the proposed tourist accommodation units. Maintenance of the proposed road will be undertaken by the owner of the farm.

5.2 The conversion of the existing agricultural building to a reception area for guests of the tourist accommodation

The proposal includes the conversion of the existing approved agricultural shed/building, with a coverage measuring 75m² and floor space of 110m² (ground floor and loft floor). It is proposed to convert this agricultural building as a guest reception and admin area serving the proposed tourist accommodation establishment. The approved agricultural shed/building accommodates two bathrooms, a storage area and a timber loft and is located within proximity of the main dwelling house and buildings to be used as part of the tourist accommodation establishment.

See Figure 6, below, for the locality of the current approved agricultural shed/building in relation to the main dwelling house and current approved managers/second dwelling on the property.

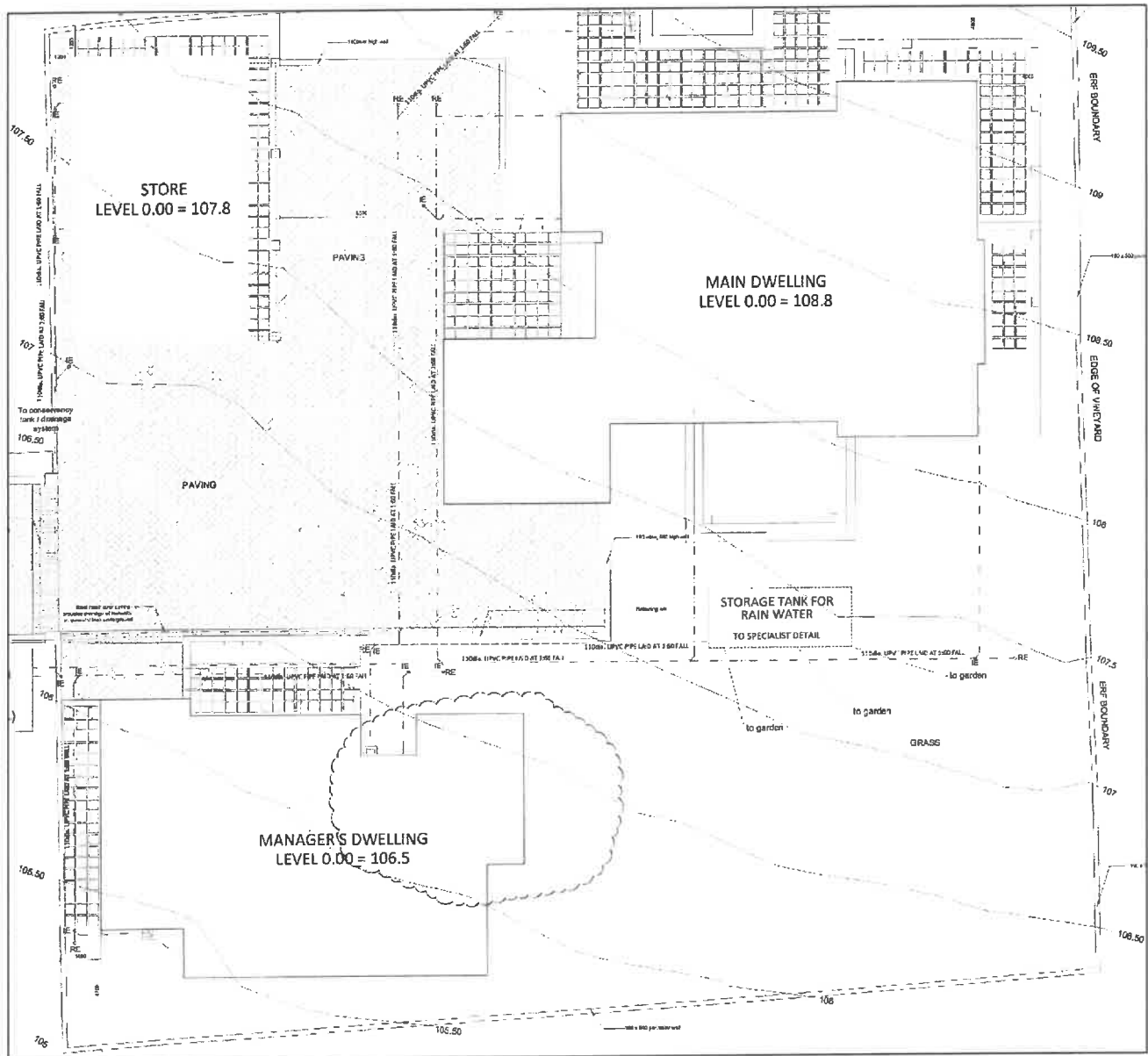


Figure 6 Locality of the Proposed Reception Area

5.3 The conversion of the existing second dwelling into a two-bedroom tourist accommodation unit

The existing approved second dwelling is proposed to be converted into a self-catering unit that will provide accommodation for transient guests. The unit will remain a two-bedroom dwelling house, but the use will change due to the new owners not requiring a second dwelling on the property. The footprint of the unit will also remain the same.

5.4 The development of four one-bedroom tourist accommodation units

It is further proposed to develop an additional four one-bedroom self-catering units, approximately 12m south of the existing farm “werf”. Each unit will have its own dedicated parking space, situated northwest of the said units. Figure 8, below, shows the locality of the proposed accommodation units within proximity of the existing farm “werf” as well as the dedicated parking spaces.

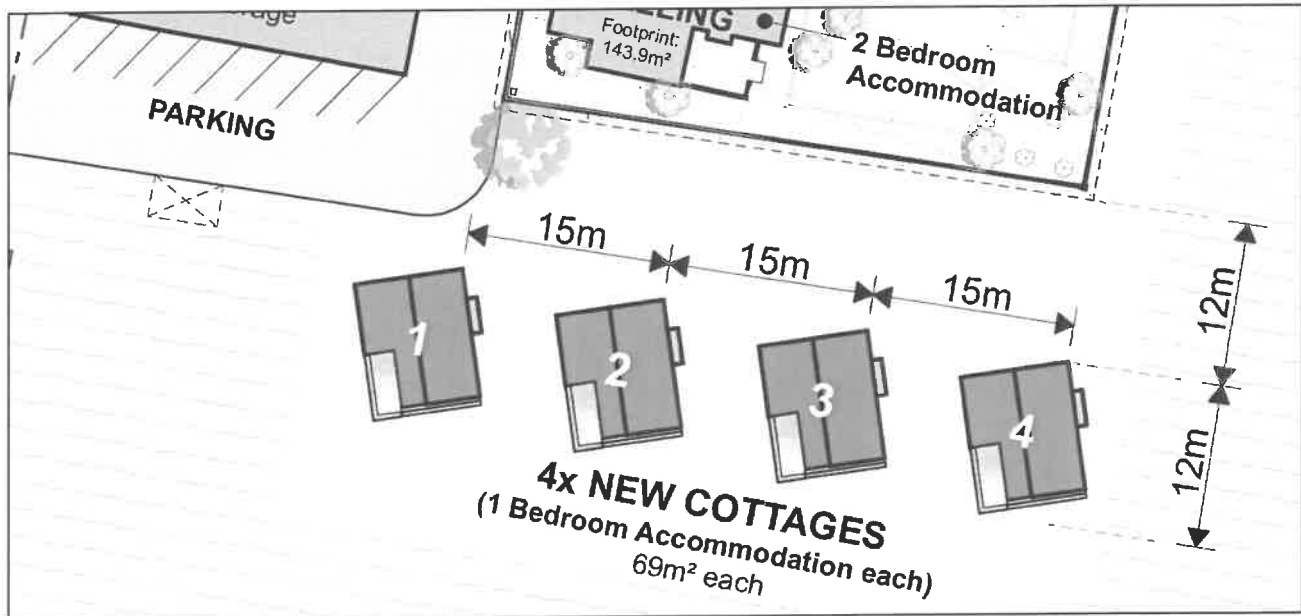


Figure 7 The Locality of the Proposed Self-Catering Units

The proposed self-catering units will have a total footprint of 69m² each which will include a covered patio of approximately 15m². The units will comprise have a barn-style design to compliment the agricultural setting of the farm. Figure 9, below, illustrates the different perspective view of the units. .

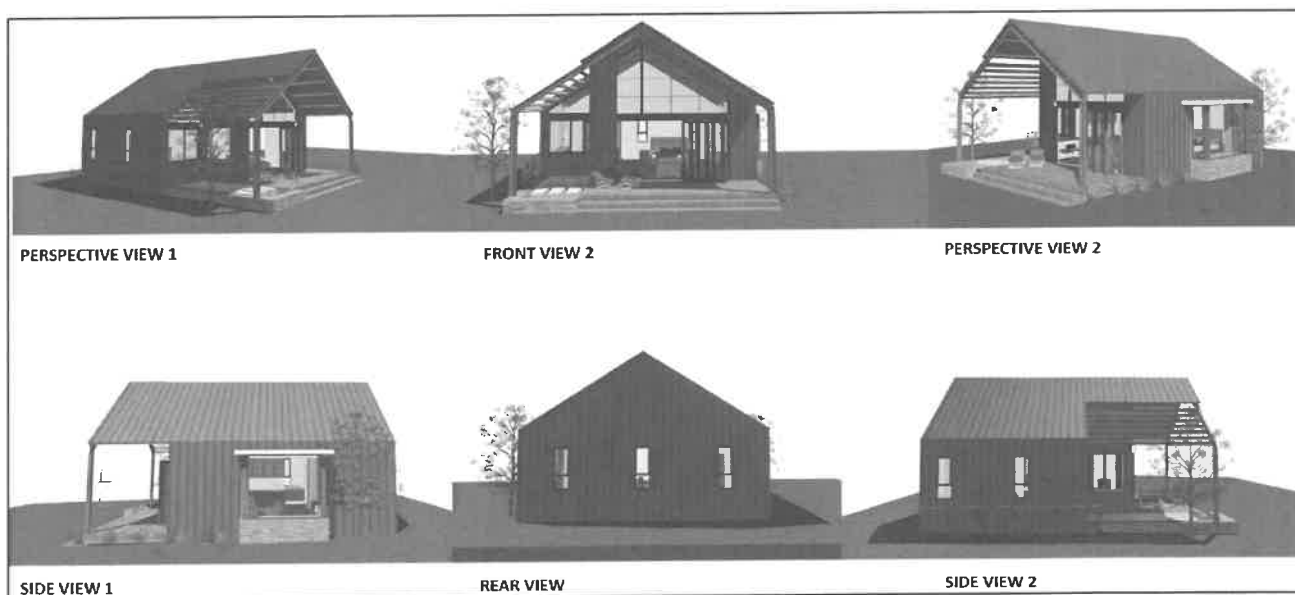


Figure 8 Perspective Views of the Self-Catering Units

5.5 The development of a new agricultural building.

The new owners deemed the current approved agricultural shed/building, shaped in a rectangle measuring 6.7m x 11.2m, to be too small and unpractical for their agricultural storage needs. They therefore propose to develop a new agricultural store, with a coverage measuring 300m² (12m x 25m - approximately double the size of the current existing store) on the western side of the “werf”. This agricultural building will solely be used for the storage of agricultural implements, machinery, and vehicles. The current owners have confirmed that they have no intention in converting this agricultural store to another use in the foreseeable future. An agricultural building with a coverage equal to or less than 2000m² is permitted as a primary use right on properties zoned Agricultural and Rural.

The agricultural building is proposed to be located just west of the two-bedroom tourist accommodation unit and will be next to the parking bays allocated to the proposed one-bedroom self-catering units. Figure 9, below, illustrates the locality of the new agricultural building (annotated as “NEW BARN”).

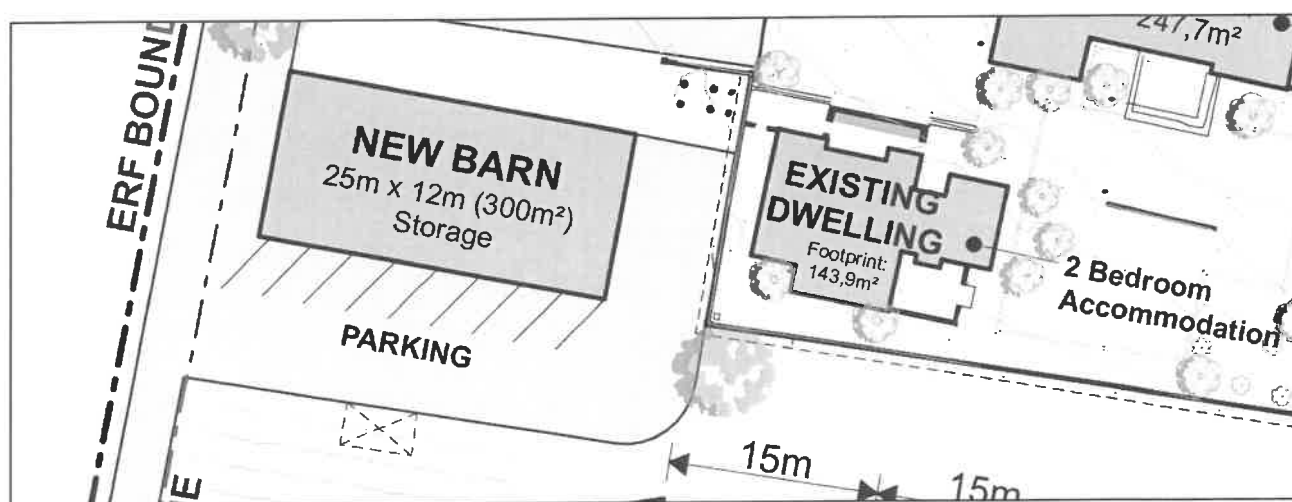


Figure 9 The Locality of the Proposed New Agricultural Building

5.6 The development of two new polytunnels.

It is also proposed to develop two (2) new polytunnels, with a coverage of 160m² each, on the northwestern portion of the farm. The polytunnels will be used as a crop growing space by the new owners. It is situated behind the new agricultural building and the visual impact thereof from Stellenbosch Kloof Road will therefore be mitigated. Since the combined coverage of the polytunnels is only 320m², it is regarded as a primary use right on the farm.

6. APPLICATION REQUIRED

The number of bedrooms to be used for the accommodation of guests is six (6), which is less than what is permitted for a guest house or bed and breakfast establishment (both additional use rights), in terms of Section 207 of the Zoning Scheme. However, Section 207 of the Zoning Scheme further states that these rooms may only be conducted from existing approved dwelling units on the farm.

Therefore, and as required by Section 208 of the Zoning Scheme, the following application is required:

- In terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for **Consent Use** to allow for a tourist accommodation establishment which includes the development of four (4) one-bedroom accommodation units, the conversion of the current approved managers/second dwelling into a two-bedroom accommodation unit, to be used by transient guests and the conversion of the current approved agricultural shed/building, into a reception area to receive and service transient guests.

7. ADJUDICATION AND MOTIVATION

7.1 Motivation for a Consent Use for a Tourist Accommodation Establishment

Section 213 of the Zoning Scheme addresses the provisions of consent uses on properties zoned Agriculture and Rural. To respect the purpose of this zone, it is required to adhere to these provisions. Accordingly, this section of the report will evaluate the proposal against the said provisions:

Section 213(1): A site development plan, in accordance with Section 216 of the Zoning Scheme, has been prepared by Tim Ziehl Architects .

Section 213(2): The farm will still be predominantly used for agriculture with 2.5 hectare of vineyards that will remain on the farm. The cultivation of grapes will be the main agricultural activity with a small new portion (320m²) of horticulture to be added underneath the proposed polytunnels.

Section 213(3): The proposed buildings to be used as part of the tourist accommodation establishment will include two existing buildings on the farm (the existing agricultural shed/building and the existing second dwelling). The new buildings, to be used as part of the tourist accommodation establishment, includes four(4) one-bedroom self-catering units with a footprint of 69m² each. The total footprint of the tourist accommodation establishment is 495.5m², whereas the total permissible footprint of either a dwelling house or second dwelling on the farm is 600m². It is therefore argued that the proposed tourist accommodation establishment is in character of buildings on the farm and the surrounding area.

Section 213(4) and (5): The footprint of the individual building and the total footprint of the tourist accommodation establishment is stated in Table 3, below:

Proposed Tourist Accommodation Establishment Component	Footprint/Coverage
Reception Area	75.6m ²
Two-bedroom Self-catering Unit	143.9m ²
Four (4) One-bedroom Self-catering Units	276m ²
Total	495.5m²

Table 3 Coverage of Tourist Accommodation Establishment

Whereas the total footprint of the agricultural use and its associated buildings (existing and proposed) is stated in Table 4, below:

Existing and Proposed Agricultural Use Components	Footprint/Coverage
Main Dwelling House	247.7m ²
Polytunnels	320m ²
Agricultural Building	300m ²
Vineyard	25 000m ²
Total	25 867.7m²

Table 4 Coverage of Agricultural and Associated Uses

Without even considering the portions of the farm that is uncultivated, used for roads and/or forms part of the Stellenbosch Kloof Road, it is reasonable to argue that the proposed tourist accommodation establishment is subservient to the primary uses on the farm.

Section 213(6): Not Applicable, agricultural use will still be conducted on the farm and will still be the primary use on the farm.

Sections 213(7) and (8): Two of the six buildings, to be used as part of the tourist accommodation establishment, are existing. The additional four one-bedroom self-catering units contributed to this proposal requiring a consent use application and not a technical approval application. Even though additional buildings are proposed, it is argued that the scale and characteristics of the proposed buildings will not result in a material change in the agricultural nature of the farm. Furthermore, the conversion of the existing approved agricultural building and existing approved second dwelling reduces the addition of new buildings and structures (used as part of the tourist accommodation establishment) to only the proposed four one-bedroom cottages.

Section 213(9): The coverage of all buildings is recorded on the site development plan.

7.1.1 Stellenbosch Municipality Spatial Development Framework

This application is in line with the provisions the Stellenbosch Municipality Spatial Development Framework (hereafter referred to as “the SDF”) and attempts to increase the feasibility and sustainability of the farm.

The Municipal Spatial Development Framework (SDF) makes 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.

“The region’s extensive agricultural areas, particularly those under vineyards and orchards, also attribute scenic value and character to the region, which is valued by both the local inhabitants and visitors. This is a significant contributor to the value of the area as one of South Africa’s premier tourist destinations and there is a strong interdependence between tourism and the wine industry in Stellenbosch.”

“Tourist accommodation: 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.”

7.2 Motivation in Terms of Section 65 of the By-Law

Section 65 of the By-Law relates to the adjudication of applications submitted in terms of the By-Law. The applications required, as set out in Section 5 of this report, are assessed in Table 4 below, against the general criteria for the consideration of applications as set out in Section 65(1) of the MPBL:

Assessment of Applications in terms of Section 65(1) of the By-Law	
Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Section 15(2)(o), of the By-law.
b. Procedure followed in processing the application.	To be decided.
c. Desirability of land use	<p>The existing uses are permitted as primary use rights on the property. The proposed tourist accommodation establishment is desirable, as Stellenbosch farms are characterised to be a tourism destination within the Stellenbosch Municipality.</p> <p><u>Socio-economic impact:</u> The proposal will ensure a more sustainable, yet sensitive, increase in the economic viability of the farm. It will also contribute to the tourism economy of the Stellenbosch Municipality by providing additional tourist accommodation within the municipal area. It is therefore argued to have a positive impact on the socio-economy of the municipality and the surrounding area.</p>

Compatibility with the surrounding uses:

The main use of the farm will remain that of agriculture with the proposed tourist accommodation establishment being subservient to the agricultural use on the farm. As identified under section 3.3 of this report, the farm is surrounded by other tourist accommodation options, and it is therefore argued to be compatible with the surrounding uses of the area.

Impact on the external engineering services:

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

Water and Sewerage: The farm is self-sufficient with water and sewerage. We are of the opinion that the calculated daily water demand will not materially increase, as the use of the dwellings will change from permanently to intermittently used by guests. Sewerage will be managed by means of conservancy tanks. Existing septic tanks will

Solid Waste: Solid waste removal is managed by Stellenbosch Municipality, which service will continue with insignificant increase in volume, given that visitors tend to create less waste than permanent residents.

Impact on safety, health, and wellbeing of the surrounding community:

It is argued that the proposal will have no material impact on the safety, health, and wellbeing of the surrounding community.

Impact on Heritage:

Stellenbosch Kloof Road is classified as a Grade II Scenic Road, as per the Stellenbosch Municipality Heritage Survey. It is important to be respectful of the landscape settings when considering new buildings on this route. The approval of this application will result in the addition of four (4) one-storey buildings, 69m² each, and situated approximately 130m from Stellenbosch Kloof Road. Furthermore, the proposed buildings will be visually shielded by the vineyard between the road and the buildings. Figure 10, below, illustrates the viewpoint from the road toward the locality of the existing and proposed buildings on the farm.

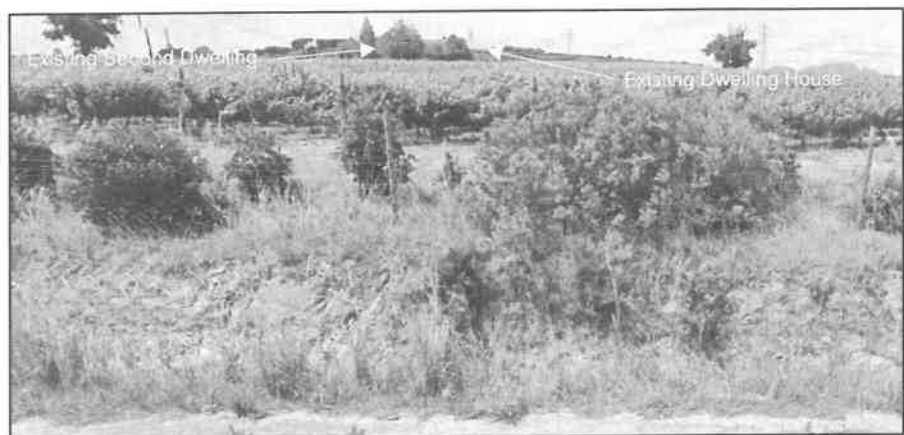


Figure 10 Viewpoint from Stellenbosch Kloof Road to the Existing and Proposed Buildings

	<p><u>Impact on Biophysical Environment:</u></p> <p>The proposed new buildings will have a small impact on the biophysical environment of the farm. The new buildings will replace a small area of vineyards, but not enough to warrant refusal.</p> <p><u>Traffic impacts, parking, access, and other transport related considerations:</u></p> <p>A traffic statement (TIS) is not required, as the maximum additional traffic that could be generated regularly in relation to the proposal will be less than 50 additional peak hour single direction trips per day. The new proposed access will allow for the access road to be located on the farm and not on the adjacent property. Sufficient parking will be provided on the property.</p> <p><u>Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land:</u></p> <p>It has been demonstrated that the proposed use and development will not have an adverse impact – therefore no mitigating conditions are recommended.</p>
d. Comment in response to public participation.	If required, the application will be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants' response to comments received.	To be confirmed.
f. Investigations in terms of other laws.	<p>The proposed development of buildings and the consent use does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.</p> <p>The proposed 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 existing buildings are not older than 60 years and the area will not be transformed.</p>
g. Written assessment by planner.	Not Applicable.
h. Impact on municipal engineering services.	Already addressed under Section 65(c).
i. The IDP and SDF	<p>The Stellenbosch Municipality's SDF guides land use decisions in both the short and long term.</p> <p>The existing use of the property is agriculture, in line with the applicable zoning of the property. It is therefore argued that this use in line with the IDP and SDF of the Stellenbosch Municipality</p> <p>In further motivation of the alignment between the proposal and as mentioned in this report, the SDF and IDP promotes the development of tourist accommodation in the Stellenbosch Municipal area. The proposed tourist accommodation establishment will provide the property owner the opportunity to accommodate up to twelve tourists on the property.</p>
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under points i and j, above.
l. Applicable structure plans	Aligned.

m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF. Thus, the application is in line with the provincial SDF.
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A
q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirements and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p>Spatial Justice: Aligned. The approval of the application will allow for an opportunity for a property to be developed with primary and additional land use rights.</p> <p>Spatial Sustainability: Aligned. The approval of the applications will allow for the property to be utilised in a diverse manner that is most responsive to the current demand in terms of property utilisation in the area.</p> <p>Efficiency: Aligned. The application entails the utilisation of existing infrastructure as well as the addition of new structures. The proposal will not have a negative impact on the agricultural activities on the property and will allow for diversification of the property to generate increased income without compromising the agricultural activities on the property.</p> <p>Good Administration: The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p>Spatial Resilience: Through the approval of this application, there will be no material negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the zoning scheme	As discussed, the proposed development is in line with the provisions of the Zoning Scheme. The impact of the proposed development will have a lesser impact on the subject property in compared to the impact that an application for Additional Use would have had.
t. Restrictive condition applicable to the land concerned	No restrictive condition applicable.
u. Impact on any heritage resources	No identified impact.

Table 4 Motivation of the Applications

8. CONCLUSION

The application has been made in terms of Section 15(2)(o) of the Stellenbosch Municipality Zoning Scheme

This report has demonstrated that the proposed application will not have a material negative impact on the surrounding property owners and that the proposal is considerate towards the agricultural environment. It is also argued that the proposal is in the best interest of the Stellenbosch Municipality to allow for the approval of development. It is therefore recommended that this application should be approved.

PIETERHUIZEN PLANNING (PTY) LTD

25 April 2024

PIETERHUIZEN

P L A N N I N G

PIETERHUIZEN PLANNING (PTY) LTD
2021/472575/07

OUR REFERENCE: 084
YOUR REFERENCE: LU/16671 (TP596/2023)
DATE: 22 February 2025

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AMENDMENT TO PROPOSAL PRIOR TO APPROVAL: PORTION 6 OF FARM NO 1471 STELLENBOSCH

1. INTRODUCTION

As background of this application, it is important to note the following timeline of events during the application process:

30 October 2023:	Pre-application scrutiny documentation submitted, including the proposed Site Development Plan and specifying why the proposal requires a consent use application for a Tourist Accommodation Establishment.
8 November 2023:	Feedback from the Municipality received to state that, based on the information provided, it was decided that an application (in accordance with the information submitted as part of the pre-application scrutiny documentation) may be submitted.
7 December 2023:	Application submitted for consent use to allow for a Tourist Accommodation Establishment, comprising the development of four (4) one-bedroom accommodation units, the conversion of the current approved managers/second dwelling into a two-bedroom accommodation unit and the conversion of the current approved shed, into a reception area to receive and service transient guests.
April 2024 – May 2024:	Public participation process, advertising the application as submitted. No objections were received from the surrounding property owners, only from the Western Cape Department of Agriculture.
August 2024:	Stellenbosch Municipality issues a circular explaining the assessment of tourist accommodation on farms and that new units on a farm will be seen as additional dwelling units and will be assessed accordingly.
October 2024:	POE and amendment to application submitted to involve a consent use to allow for a Tourist Accommodation Establishment, comprising the development of three (3) one-bedroom accommodation units, the conversion of the current approved managers/second dwelling into a two-bedroom accommodation unit and the conversion of the current approved shed, into a reception area to receive and service transient guests.

- 21 November 2024: Site meeting on the property, confirming the intended use of the existing small farm shed to also form part of the Tourist Accommodation Establishment, thus resulting in the application to be for a consent use to allow for a Tourist Accommodation Establishment, comprising the development of three (3) one-bedroom accommodation units, the conversion of the current approved managers/second dwelling into a reception area and two-bedroom accommodation for transient guests and the conversion of the current approved shed, into another dwelling unit for transient guests.
- 17 January 2025: Meeting with the Stellenbosch Municipality explaining the actual intention of the application and specifically the new three buildings proposed as part of the Tourist Accommodation Establishment.

Following the site meeting on 21 November 2024, further evaluation of the proposal, and a meeting with the Stellenbosch Municipality on 17 January 2025, it was concluded that the Site Development Plan and proposed applications be amended to align with the intention of the proposed development on the property. This letter serves as formal amendment of the application prior to approval, as provided for in the By-Law.

2. AMENDMENT OF THE SITE DEVELOPMENT PLAN

The following amendments to the Site Development Plan is included in this submission:

- Removal of annotation "*4 Bedroom Accommodation*" in respect of the Existing Main Dwelling House. The intention of this dwelling house is to be the primary dwelling house of the owner of the property. The dwelling house will not be used for the accommodation of transient guests.
- Addition of annotation "*Existing store converted to 1 bedroom unit*" in respect of the small existing farm shed previously described as the reception area for the Tourist Accommodation Establishment. Following the 21 November 2024 site meeting, it has come to our attention that the intention of this building is to provide accommodation to transient guests and will include a kitchenette, living area, bathroom and one mezzanine bedroom.
- Amendment of annotation in respect of the Existing Managers Dwelling to read "*Existing 2nd Dwelling*" to align itself with the zoning scheme. The intended use of this dwelling is to provide accommodation to transient guests within two bedrooms. To elaborate, the intention of this dwelling is to provide:
 - a) A reception area for the Tourist Accommodation Establishment;
 - b) Accommodation to transient guests within one full dwelling unit, comprising a kitchen and living room with outside area on the ground floor, and one bedroom with en-suite bathroom on the first floor;
 - c) Accommodation to transient guests within a tourist suite, closed off from the other unit, and not containing a kitchen for the preparation of food.

- Amendment of annotation “3x New Cottages” in respect of the three new buildings proposed, to read “3x New Tourist Suites” which aligns the Site Development Plan with the intended use of the three new buildings on the property.

The amended Site Development Plan is attached to this correspondence.

3. SUBMISSION OF FLOOR PLANS OF THE BUILDINGS TO FORM PART OF THE TOURIST ACCOMMODATION ESTABLISHMENT

On request of the planner from the Stellenbosch Municipality, dealing with this application, the following floor plans and intended respective uses are attached to this correspondence:

- Existing farm shed to be converted to a one-bedroom unit for transient guests as part of the Tourist Accommodation Establishment: This unit will be located within an existing building on the property and will comprise of a kitchenette, living room, and bathroom on the ground floor, and one bedroom on the existing mezzanine level of the building. It is reasonable to argue that this unit can be described as a dwelling unit.
- Existing second dwelling to be converted to a reception area for the Tourist Accommodation Establishment, a one-bedroom unit for transient guests comprising a kitchen and living room with outside area on the ground floor, and one bedroom with en-suite bathroom on the first floor, and a one-bedroom suite for transient guests, closed off from the other unit and not containing a kitchen for the preparation of food.
- New tourist suite (x3) which will accommodate transient guests and includes a bedroom, bathroom, living area and coffee station with outside area on the ground floor. It is important to note that these proposed suites can factually not be described as dwelling units, since the intention of this unit does not include a kitchen for the preparation of meals or to be utilised as the complete residence and accommodation of one family but rather transient guests.

4. INTENTION OF APPLICATION AND PROPOSED DEVELOPMENT

Considering the above and the herewith submitted documents, the intention of the proposed development and uses on the property, as to be assessed with this application, will thus be the following:

- The existing main dwelling house to be used for the permanent residence of the owner, thus remaining a Dwelling House.
- The existing second dwelling to be converted to accommodate one dwelling unit with one bedroom for transient guests, one, one-bedroom suite (with no kitchen) for transient guests and a reception area for the Tourist Accommodation Establishment. This will be confined within an existing building on the property with minor additions and alterations.
- The existing farm shed to be converted to one dwelling unit with one bedroom for transient guests. This will result in the conversion of an existing building on the farm into an additional dwelling unit to form part of the Tourist Accommodation Establishment.

- The construction of three buildings, each described as tourist suites, not dwelling units, for transient guests. The suites will form part of the Tourist Accommodation Establishment, will not be self-catering, and will only include a coffee station (similar to that of a hotel room) and will not be used or developed as additional dwelling units on the property.

Thus, and in accordance with the definitions and provisions of the zoning scheme, the following is intended to be prevalent on the property:

Building as per SDP	Proposed Use as per Zoning Scheme	Definition as per Zoning Scheme	Intended Use
Future Agricultural Tunnels (151m ² – Primary Use Right)	<i>Polytunnel</i>	<i>A structure constructed of wood, metal or plastic frames and covered with polyethylene, shade netting or other similar material and is used to protect crops or enhance the climate for agricultural crops, which may include plants, vegetables, fruit, and flowers, and for the purpose of this Scheme, also include agricultural shade netting and/or plastic ground covers.</i>	For the use by the owner for private horticulture.
New Barn	Agricultural Building	<i>Any building normally erected and/or used in direct connection with and ancillary to the farming operations on a land unit, and includes amongst others packing shed, implement stores, produce storage, a form office, staff facilities, and/or cold stores, but excludes abattoirs, polytunnels, agricultural industry buildings, employee housing and/or any of the defined additional or consent uses in the Agriculture and Rural zone.</i>	For the use by owner for the storage of agricultural implements, machinery, and vehicles.
Existing Dwelling House	Dwelling House	<i>A building containing one dwelling unit, together with the customary outbuildings usually associated with such a unit, for example, garage, storeroom, laundry, garden shed, no more than one domestic accommodation unit and/or a hothouse.</i>	For the use by the owner as his/her private residence.

Existing 2 nd Dwelling	Second Dwelling converted to a one-bedroom dwelling unit and one-bedroom suite as part of a Tourist Accommodation Establishment.	<p><i>An enterprise which provides the accommodation for transient guests which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities, and:</i></p> <p><i>i) May have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards.</i></p> <p><i>ii) May consist of self-catering units.</i></p> <p><i>iii) And where enabled by the scheme, may include tourist facilities subject to the development parameters of the zone.</i></p> <p><i>iv) Where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not:</i></p> <p><i>a) additional facilities for day visitors.</i></p> <p><i>b) wellness centres and meeting rooms which serve resident guests.</i></p> <p><i>c) Camping sites with ancillary facilities.</i></p> <p><i>d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are not ordinarily used.</i></p>	<p>An enterprise which provides accommodation for transient guests, contained within two existing buildings and three new buildings and has the following specifications:</p> <ul style="list-style-type: none"> - Six bedrooms in total. - Two dwelling units and four suites (other buildings as per the zoning scheme) not containing kitchens.
Ex. Store (converted to 1 Bedroom Unit)	Converted to a one-bedroom Additional Dwelling Unit as part of a Tourist Accommodation Establishment.		
3x New Tourist Suites	New tourist suites (not dwelling units) as part of a Tourist Accommodation Establishment.		

The following information should be noted regarding the proposed Tourist Accommodation Establishment on the property:

- The Tourist Accommodation Establishment will comprise of two dwelling units (as per definitions) and four suites with no kitchens for the preparation of food.
- The two dwelling units, as part of the Tourist Accommodation Establishment, will possibly be self-catering due to the provided for kitchens/kitchenettes in these units. This is provided for under the definition of a Tourist Accommodation Establishment.
- The four suites (one contained in the existing second dwelling and three to be new buildings) will not be self-catering and will only have a small bar fridge and a coffee station – similar to that of a hotel room.

- The proposed development and the intended use of the accommodation for transient guests is defined as a Tourist Accommodation Establishment rather than a Hotel. This is due to the proposal involving buildings exceeding the maximum number of dwelling houses and additional dwellings on the property, but not including the ancillary uses associated with a Hotel. The buildings proposed as part of the Tourist Accommodation Establishment includes a Second Dwelling, one Additional Dwelling Unit, and four tourist suites (buildings not dwelling units).
- The proposed four tourist suites can not be assessed as Tourist Dwelling Units or Additional Dwelling Units, due to the following:
 - a) A Tourist Dwelling Unit is defined as *the use of a furnished dwelling house and/or second dwelling and/or a dwelling unit in flats, where the entire dwelling unit is rented out for the accommodation of transient guests and where accommodation is only provided on a self-catering basis, provided that if more than 4 dwelling units on the same property are rented out by the same owner or proprietor as an enterprise it is deemed to be a tourist accommodation establishment.*
 - b) Whereas an Additional Dwelling Unit is defined as a dwelling unit other than an employee housing unit, together with its customary ancillary outbuildings, which is erected on land an in Agricultural and Rural zone, on which a dwelling house and second dwelling already exist or are in the process of being erected, provided that such additional dwelling units may only be erected with the Municipality's consent use approval on land units exceeding 20 ha in size, and no more than four additional dwelling units may be erected on any one land unit at a ratio of one dwelling unit for every 10 ha exceeding 20 ha.
 - c) Whereas a Dwelling Unit is defined as a self-contained inter-leading rooms which consist of at least one bedroom, one bathroom and no more than one kitchen or open-plan area set aside for preparation of meals, and which is utilised or intended to be utilised as a complete residence and accommodation for one family, and can be a dwelling house, second dwelling house, additional dwelling house, group house, employee housing or dwelling units in flats or apartments
 - d) Due to the fact that there is currently no definition of a *suite* prevalent in the current zoning scheme, the best and closest definition for the proposed four tourist suites is that of a building (and even outbuilding) as per the zoning scheme.

5. REALITY OF THE APPLICATION AND INTENTION OF THE DEVELOPMENT

Considering all of the above, the reality of the application is to approve the applied for consent use to allow for a Tourist Accommodation Establishment, accommodated in the existing second dwelling, existing farm shed to be converted to an additional dwelling unit with outbuilding as tourist suite, and three new buildings (or outbuildings) to be used as tourist suites for transient guests.

Due to the fact that the proposal involves the conversion of an existing building to a dwelling unit and the addition of new buildings/outbuildings to be used for the accommodation of transient guests, the application and the intended use of this accommodation should be described as a Tourist Accommodation Establishment.

6. MOTIVATION AND CONCLUSION

We believe that we have, during previous submissions and correspondence, adequately and sufficiently motivated the application in respect of all relevant policies and legislation. This document is merely to strengthen and align the intention and reality of the proposed development with the intention of the zoning scheme.

Prepared by Wilhelm Esterhuizen
For Pieterhuizen Planning

Annexure D:
Applicant's Motivation (Site Specific)

A desktop study revealed that a total of six farms, within a radius of 5km from the property, are improved with tourism accommodation facilities. These include *Sanddrif Guest Farm*, *Nassau Guest Farm*, *Aan den Weg Bed and Breakfast*, *Wedgeview Country House and Spa*, *Lovane Boutique Wine Estate and Guest House* and *Cultivar Guest Lodge*. Figure 3, below, illustrates the tourism accommodation facilities within proximity of the property.

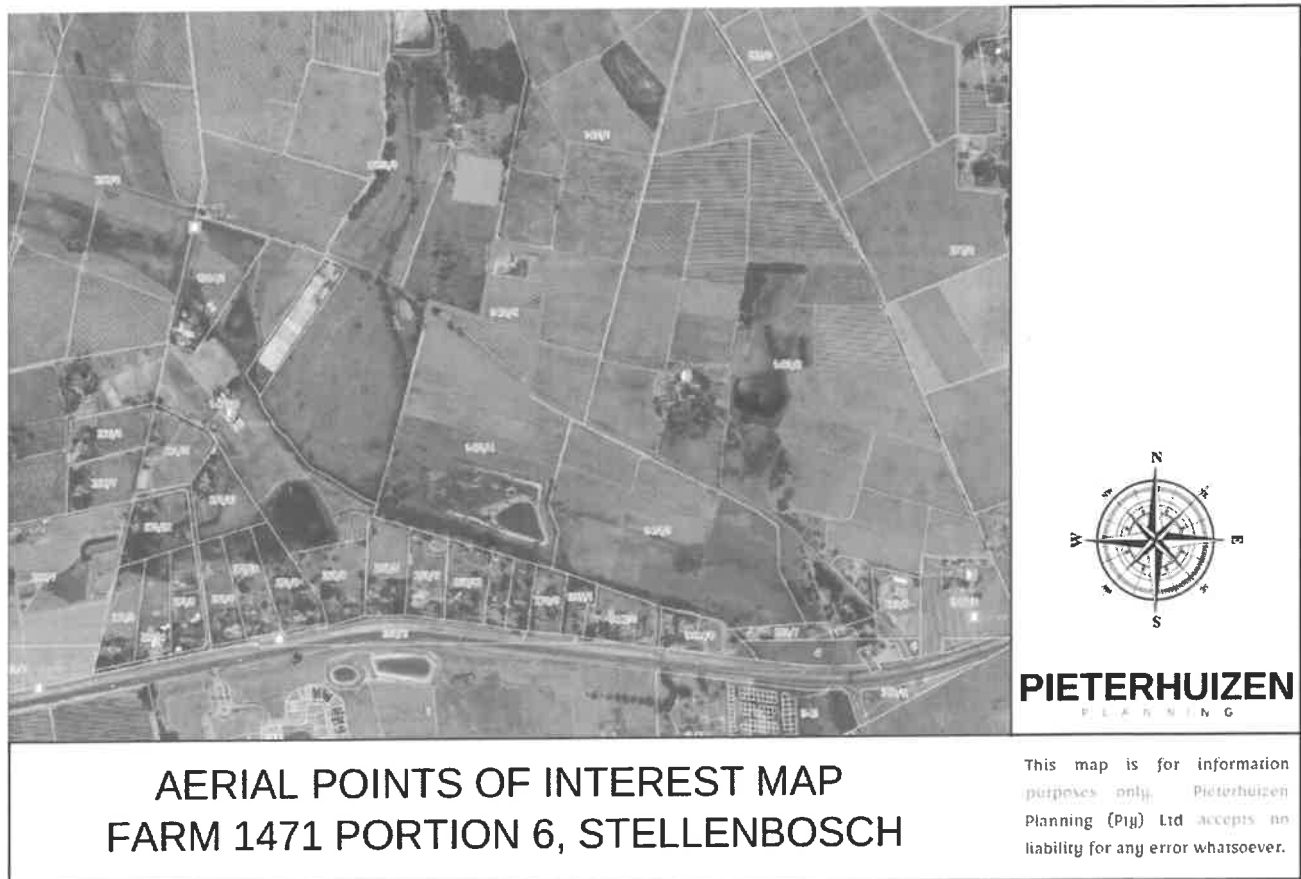


Figure 3 Aerial Photograph Tourism Accommodation Facilities surrounding the Property.

4. EXISTING DEVELOPMENT AND DEVELOPMENT HISTORY

The property is currently improved with the following:

- A double storey dwelling house comprising of four (4) bedrooms, a dining room, a lounge, a kitchen, a double garage, and covered patio. The total coverage of the dwelling house is 247.7m².
- A double storey manager's dwelling (now described as a second dwelling) comprising of two (2) bedrooms, a kitchen, a living area, a dining room, and a single garage. The total coverage of the second dwelling is 143.9m².
- An agricultural building with a coverage of 75.6m².

See **Annexure H**, attached, for a copy of the current approved plans.

Apart from the “werf” area where the existing buildings are located, the remainder of the property is covered with vineyards. A portion of vineyards, south of the existing werf area, have already been removed – See Figure 4 below:



Figure 4 Vineyards South of the Existing Werf Area Removed

4.1 Zoning

The zoning of properties situated in the Stellenbosch Municipal Area is regulated in terms of the Stellenbosch Zoning Scheme By-Law, 2023 (hereafter referred to as “the Zoning Scheme”).

Figure 5, on page 8, is an extract of the Stellenbosch Municipality’s **Zoning Map**, indicating the property zoned Agricultural & Rural Zone.

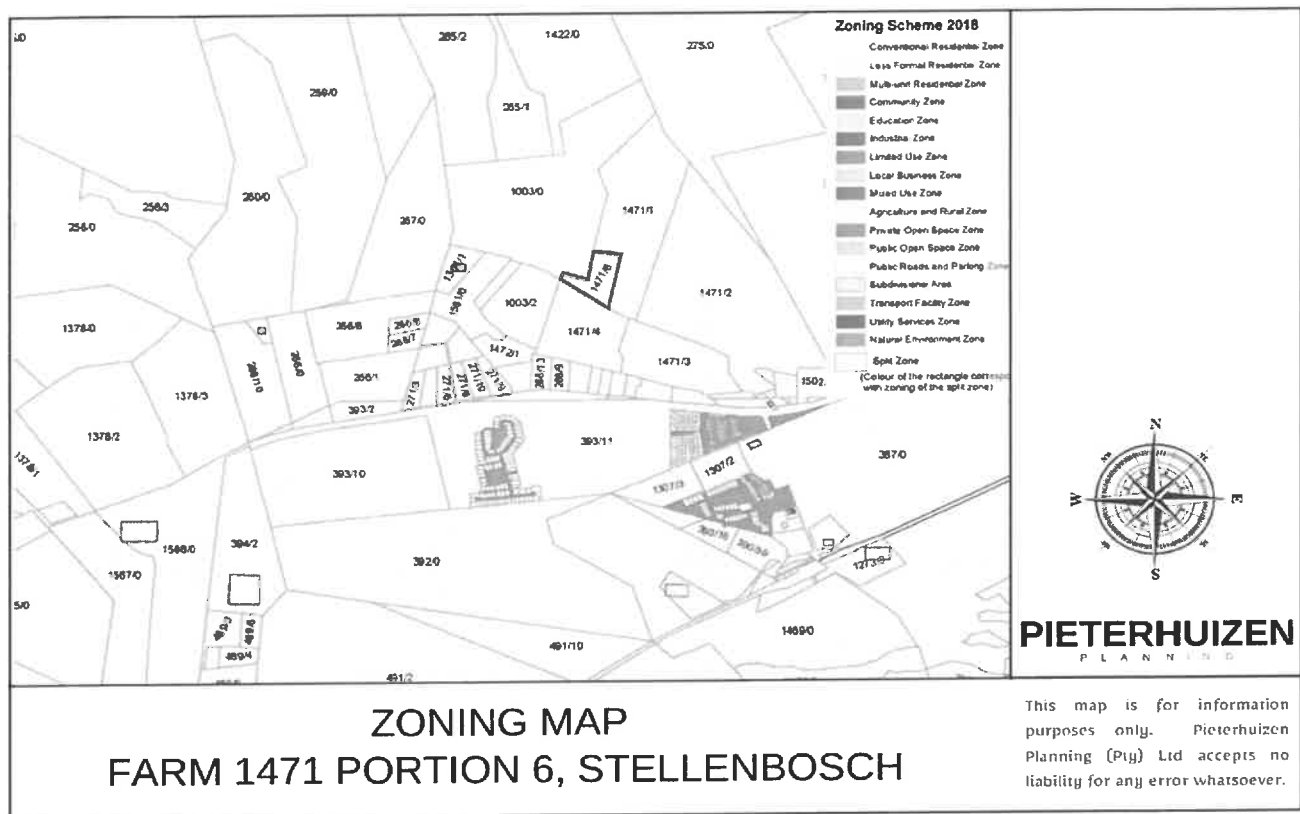


Figure 5 Extract of the Zoning Map

The purpose of this zone, according to the Zoning Scheme, is to make provision for:

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

Table 2, below, sets out the land uses, development rules and parameters applicable to the property and this application.

AGRICULTURAL AND RURAL ZONE	
Land Uses	Zoning Scheme Provisions
Primary Uses	Agricultural Building (< 2000m ²) Agriculture Dwelling House Natural Environment Private Road

	Polytunnel (< 2000m ²) Second Dwelling Employee Housing (one unit)
Additional Uses	Bed and breakfast establishment Employee housing (exceeding one unit) Guest house Tourist dwelling units
Consent Uses	Tourist accommodation establishment (new buildings or exceeding threshold)
Development Parameters	Zoning Scheme Provisions
Street Boundary Building Lines	5m
Common Boundary Building Lines	5m
Coverage:	
- Dwelling House	600m ²
- Second Dwelling	600m ²
- Employee Housing	120m ²
- Guest House, B&B, Tourist Dwelling Units	Seven bedrooms as additional use right
- Agricultural Buildings	<2000m ² as primary use right
- Polytunnels	<2000m ² as primary use right
Height:	
- Dwelling House	2 Storeys
- Second Dwelling	2 Storeys
- Employee Housing	1 Storey
- Guest House, B&B, Tourist Dwelling Units	N/A
- Agricultural Buildings	3 Storeys
- Polytunnels	1 Storey
Parking:	
- Dwelling House	2 Bays
- Second Dwelling	1 Bay
- Employee Housing	N/A
- Guest House, B&B	1 Bay/bedroom or suite
- Tourist Dwelling Units	0.7 Bays/bedroom and/or 1 Bay/ self-catering unit
- Agricultural Buildings	1 Bay/100m ² GLA
- Polytunnels	N/A

Table 2 Development Rules and Provisions of the Zoning Scheme

Further provisions for *agricultural buildings, a dwelling house, a second dwelling, an employee house, polytunnels, tourist accommodation, and consent uses in general* are set out in Sections 202, 204, 205, 207, 208, 210, and 213 of the Zoning Scheme and will be address where applicable.

5. THE PROPOSAL

As per the revised site development plan (dated 24 July 2024 and drawn by *Tim Ziehl Architects*), attached as **Annexure I**, it is proposed to diversify the use of the property by the following improvement:

- The relocation of the access to the property from Stellenbosch Kloof Road to be aligned with the western common boundary – **This has been approved by the provincial government and is currently being developed.**
- The conversion of the existing agricultural building to a reception area for tourist accommodation guests – total coverage of 75.6m².
- The conversion of the existing second dwelling into a two-bedroom tourist accommodation unit – total coverage of 143.9m².
- The development of three (3) 69m² one-bedroom tourist accommodation units – total coverage of 207m².
- The development of a new agricultural building – coverage of 300m² – **building plans has already been submitted.**
- The development of three (3) new polytunnels of 50.4m² each – total coverage of 151.2m².

The remainder of the farm (approximately 2.5 Hectare) will still be covered by vineyard. Figure 6, below, is an extract of the said revised SDP.

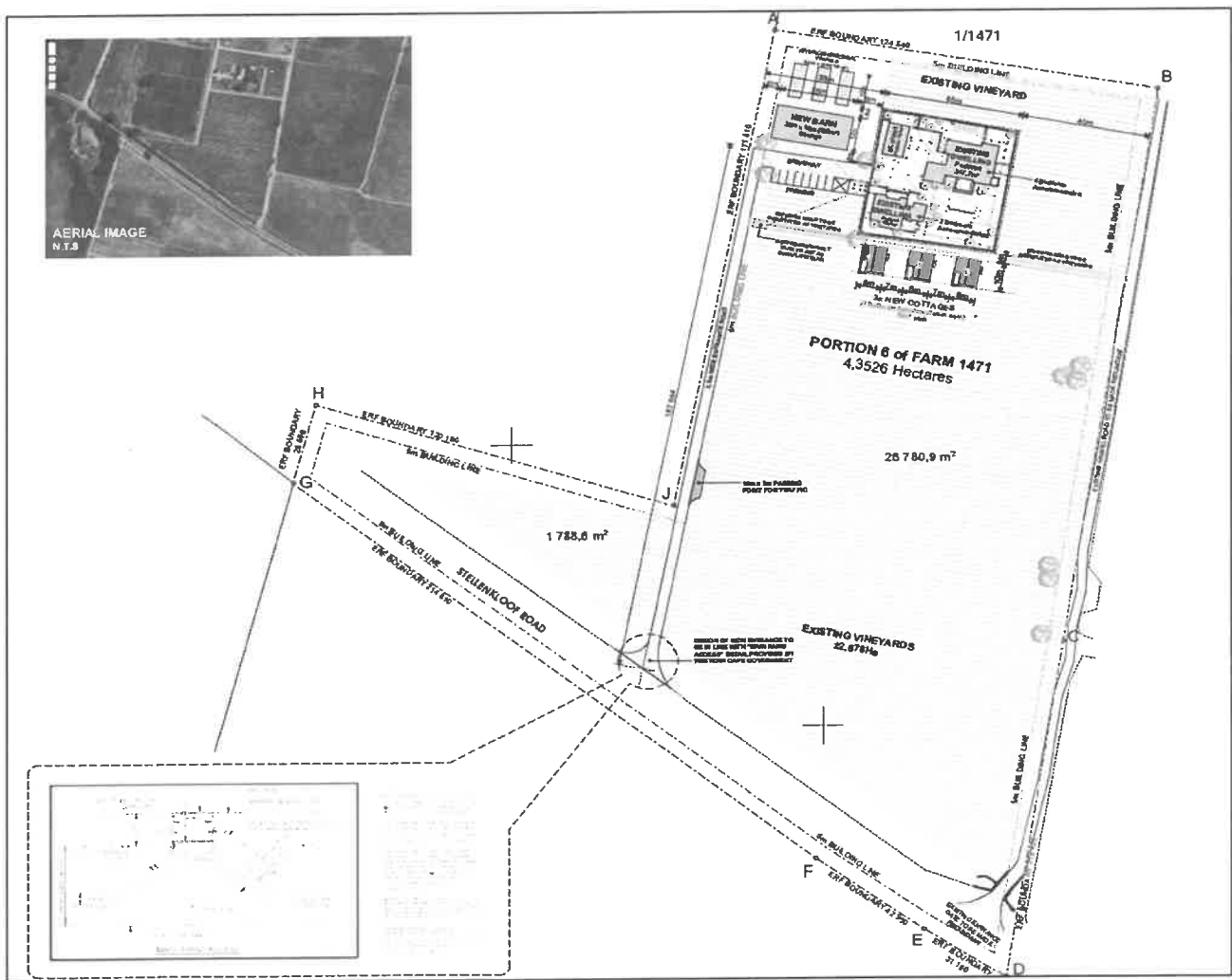


Figure 6 Extract of the Site Development Plan

5.1 The relocation of the access to the property from Stellenbosch Kloof Road

An application has been submitted to the Western Cape Department of Transport & Public Works for a new access road to the property – see **Annexure D** attached for the submission. As per Figure 6, below, it is proposed to close the existing access (at km 1.07) and develop a new access (at km 1.22) to the farm. The design of the proposed entrance is in line with 'Main Farm Access' detail provided by Western Cape Government.



Figure 7 Aerial Map Illustrating the Existing and Proposed Access to the Farm

This is proposed to mitigate the fact that the current access road (along the eastern common boundary of the farm) is situated partially on the abutting farm, namely Portion 1 of Farm No. 1471 Stellenbosch Division – without any servitude right of way registered. The proposed new access will also reduce the length of the access road to the buildings on the farm and therefore reduce the maintenance cost of the said road.

The proposed new access road will provide access to the primary residential dwelling as well as the proposed tourist accommodation units. Maintenance of the proposed road will be undertaken by the owner of the farm.

The proposed new access has since been approved.

5.2 The conversion of the existing agricultural building to a reception area for guests of the tourist accommodation

The proposal includes the conversion of the existing approved agricultural shed/building, with a coverage measuring 75m² and floor space of 110m² (ground floor and loft floor). It is proposed to convert this agricultural building as a guest reception and admin area serving the proposed tourist accommodation establishment. The approved agricultural shed/building accommodates two bathrooms, a storage area and a timber loft and is located within

proximity of the main dwelling house and buildings to be used as part of the tourist accommodation establishment. See Figure 8, below, for the locality of the current approved agricultural shed/building in relation to the main dwelling house and current approved managers/second dwelling on the property.

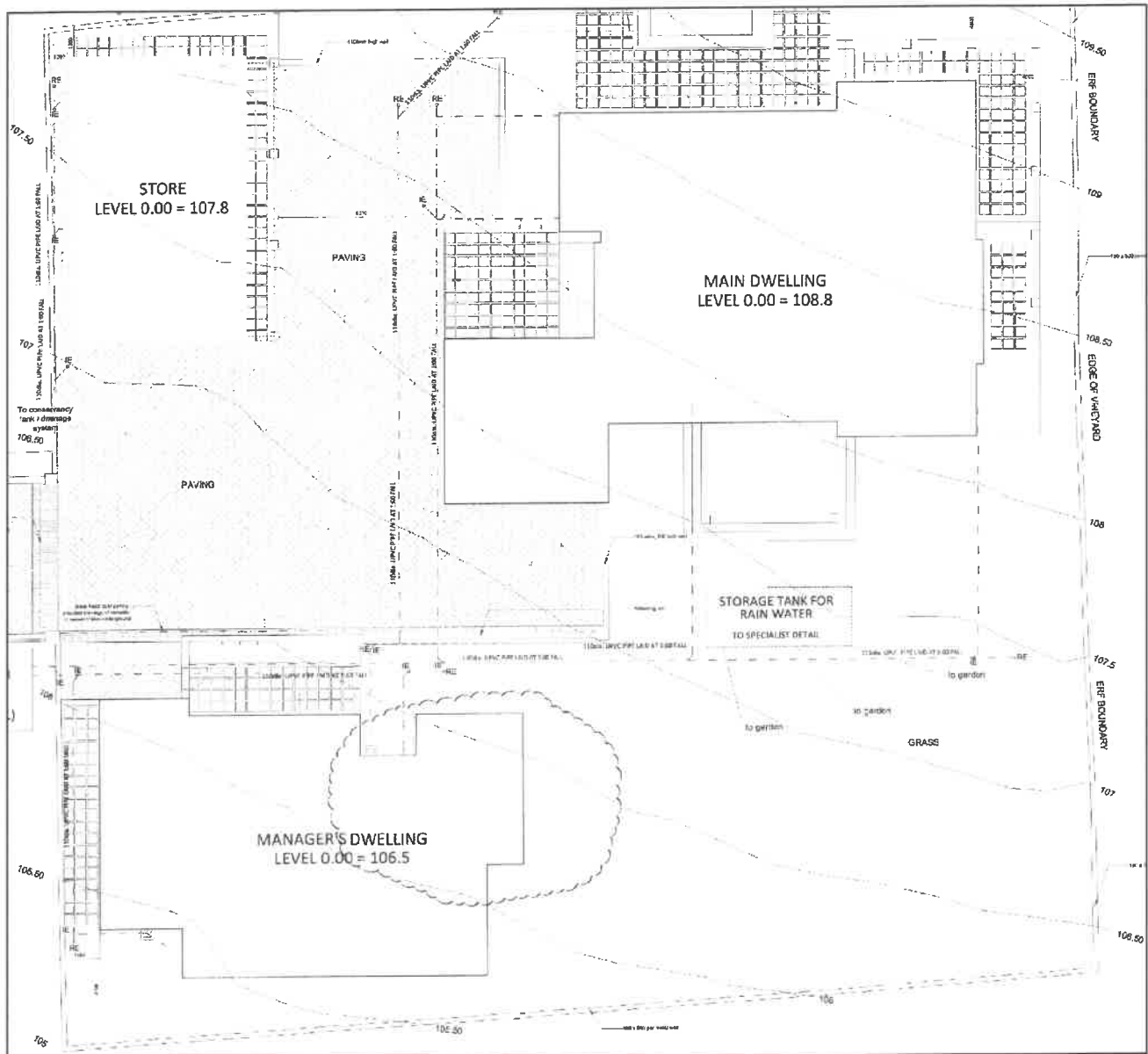


Figure 8 Locality of the Proposed Reception Area

5.3 The conversion of the existing second dwelling into a two-bedroom tourist accommodation unit

The existing approved second dwelling is proposed to be converted into a self-catering unit that will provide accommodation for transient guests. The unit will remain a two-bedroom dwelling house, but the use will change due to the new owners not requiring a second dwelling on the property. The footprint of the unit will also remain the same.

5.4 The development of three(3) one-bedroom tourist accommodation units

It is further proposed to develop an additional three (3) one-bedroom self-catering units, approximately 3m south of the existing farm "werf". Figure 9, below, shows the locality of the proposed accommodation units within proximity of the existing farm "werf" as well as the dedicated parking spaces.

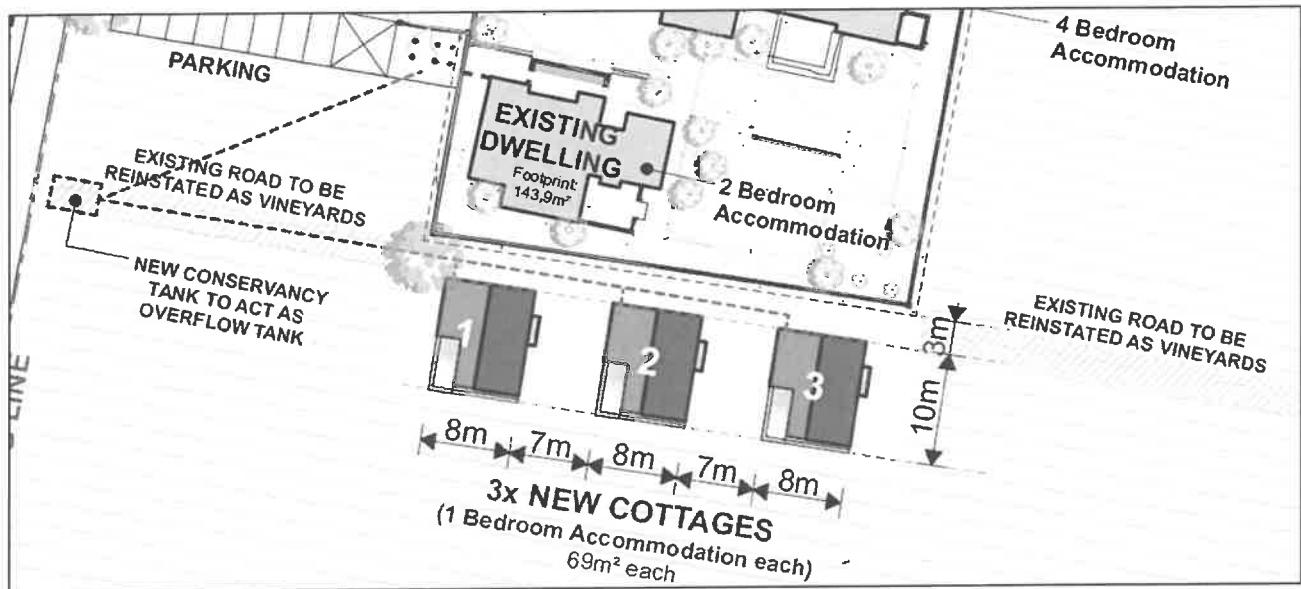


Figure 9 The Locality of the Proposed Self-Catering Units

The proposed units will have a total footprint of 69m² each which will include a covered patio of approximately 15m². The units will comprise have a barn-style design to compliment the agricultural setting of the farm. Figure 10, below, illustrates the different perspective view of the units. .

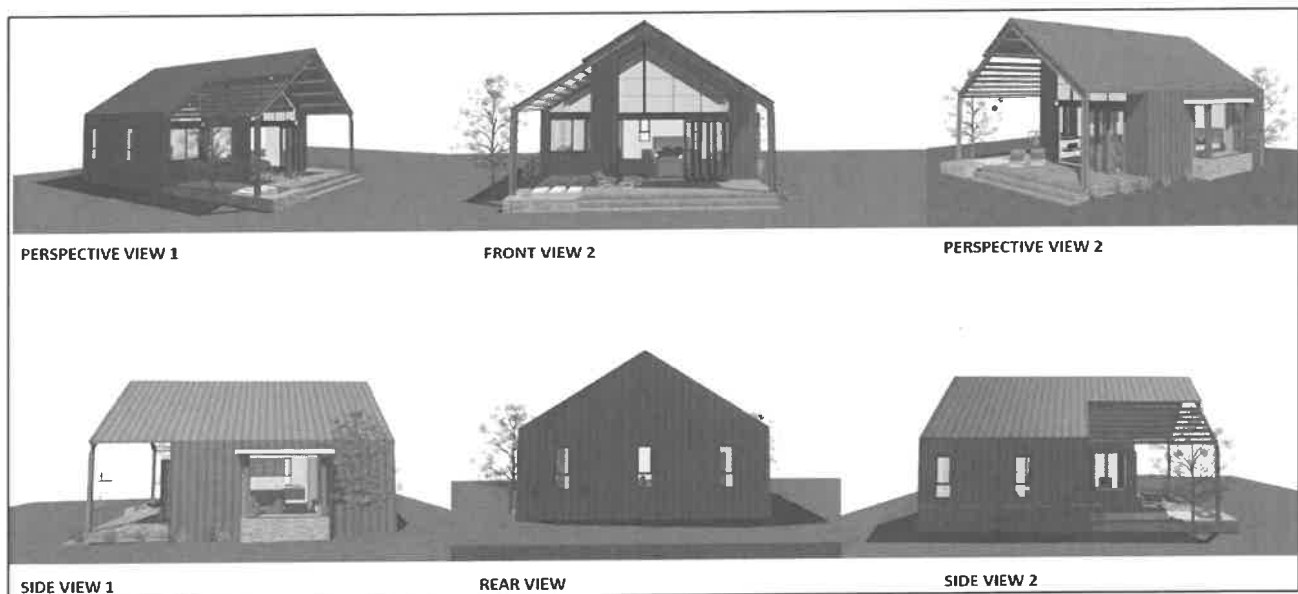


Figure 10 Perspective Views of the Self-Catering Units

5.5 The development of a new agricultural building.

The new owners deemed the current approved agricultural shed/building, shaped in a rectangle measuring 6.7m x 11.2m, to be too small and unpractical for their agricultural storage needs. They therefore propose to develop a new agricultural store, with a coverage measuring 300m² (12m x 25m - approximately double the size of the current existing store) on the western side of the “werf”. This agricultural building will solely be used for the storage of agricultural implements, machinery, and vehicles. The current owners have confirmed that they have no intention in converting this agricultural store to another use in the foreseeable future. An agricultural building with a coverage equal to or less than 2000m² is permitted as a primary use right on properties zoned Agricultural and Rural.

The agricultural building is proposed to be located just west “werf” area Figure 11, below, illustrates the locality of the new agricultural building (annotated as “NEW BARN”).

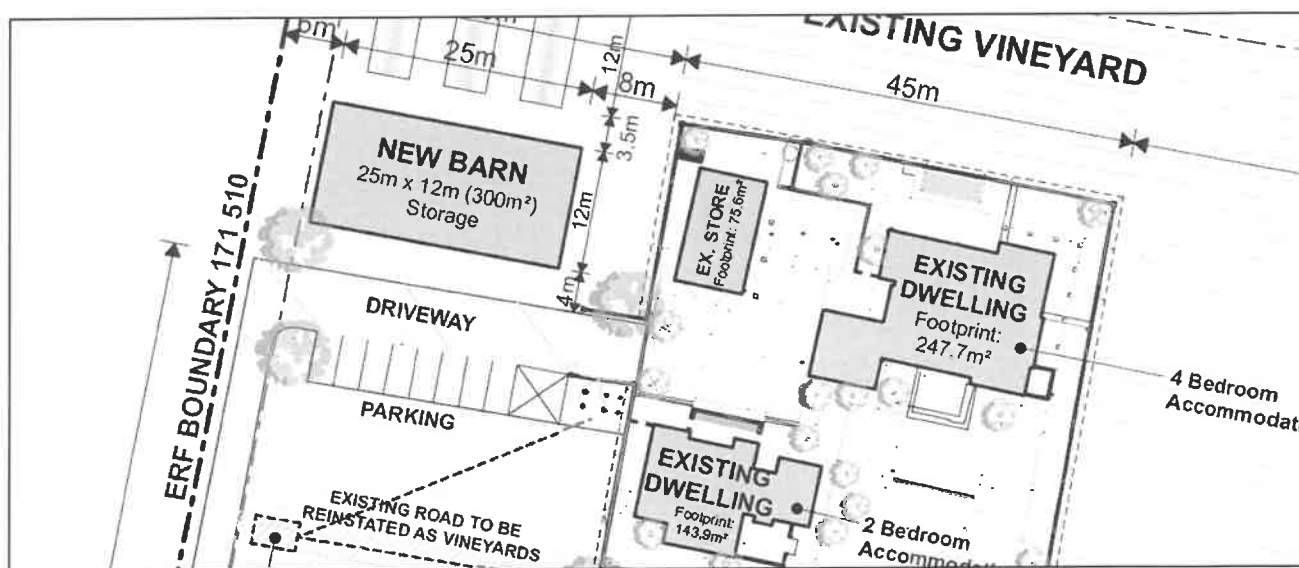


Figure 11 *The Locality of the Proposed New Agricultural Building*

5.6 The development of two new polytunnels.

It is also proposed to develop three (3) new polytunnels, with a coverage of 50.4m² each, on the northwestern portion of the farm. The polytunnels will be used as a crop growing space by the new owners. It is situated behind the new agricultural building and the visual impact thereof from Stellenbosch Kloof Road will therefore be mitigated. Since the combined coverage of the polytunnels is only 151.2m², it is regarded as a primary use right on the farm.

6. APPLICATION REQUIRED

The number of bedrooms to be used for the accommodation of guests is five (5), which is less than what is permitted for a guest house or bed and breakfast establishment (both additional use rights), in terms of Section 207 of the Zoning Scheme. However, Section 207 of the Zoning Scheme further states that these rooms may only be conducted from existing approved dwelling units on the farm.

Therefore, and as required by Section 208 of the Zoning Scheme, the following application is required:

- In terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, for **Consent Use** to allow for a tourist accommodation establishment which includes the development of three (3) one-bedroom accommodation units, the conversion of the current approved managers/second dwelling into a two-bedroom accommodation unit, to be used by transient guests and the conversion of the current approved agricultural shed/building, into a reception area to receive and service transient guests.

7. ADJUDICATION AND MOTIVATION

7.1 Motivation for a Consent Use for a Tourist Accommodation Establishment

Section 213 of the Zoning Scheme addresses the provisions of consent uses on properties zoned Agriculture and Rural. To respect the purpose of this zone, it is required to adhere to these provisions. Accordingly, this section of the report will evaluate the proposal against the said provisions:

Section 213(1): A site development plan, in accordance with Section 216 of the Zoning Scheme, has been prepared by Tim Ziehl Architects and is attached to this motivation report as **Annexure I**.

Section 213(2): The farm will still be predominantly used for agriculture with 2.856 hectare of vineyards that will remain on the farm. The cultivation of grapes will be the main agricultural activity with a small new portion (151.2m²) of horticulture to be added underneath the proposed polytunnels.

Section 213(3): The proposed buildings to be used as part of the tourist accommodation establishment will include two existing buildings on the farm (the existing agricultural shed/building and the existing second dwelling). The new buildings, to be used as part of the tourist accommodation establishment, includes three (3) one-bedroom self-catering units with a footprint of 69m² each. The new buildings as part of the consent use, will have a coverage of 207m², which results in significantly small in relation to the retained agricultural activities and buildings on the property.

Section 213(4) and (5): The footprint of the individual building and the total footprint of the tourist accommodation establishment is stated in Table 3, below:

Proposed Tourist Accommodation Establishment Component	Footprint/Coverage
Reception Area (existing building)	75.6m ²
Two-bedroom Self-catering Unit (existing building)	143.9m ²
Three (3) One-bedroom Self-catering Units	207m ²
Total	426.5m²

Table 3 Coverage of Tourist Accommodation Establishment

Whereas the total footprint of the agricultural use and its associated buildings (existing and proposed) is stated in Table 4, below:

Existing and Proposed Agricultural Use Components	Footprint/Coverage
Main Dwelling House	247.7m ²
Polytunnels	151.2m ²
Agricultural Building	300m ²
Vineyard	28 560m ²
Total	29 258.9m²

Table 4 Coverage of Agricultural and Associated Uses

Without even considering the portions of the farm that is uncultivated, used for roads and/or forms part of the Stellenbosch Kloof Road, it is reasonable to argue that the proposed tourist accommodation establishment is subservient to the primary uses on the farm.

Section 213(6): Not Applicable, agricultural use will still be conducted on the farm and will still be the primary use on the farm.

Sections 213(7) and (8): Two of the five buildings, to be used as part of the tourist accommodation establishment, are existing. The additional three (3) one-bedroom self-catering units contributed to this proposal requiring a consent use application and not a technical approval application. Even though additional buildings are proposed, it is argued that the scale and characteristics of the proposed buildings will not result in a material change in the agricultural nature of the farm. Furthermore, the conversion of the existing approved agricultural building and existing approved second dwelling reduces the addition of new buildings and structures (used as part of the tourist accommodation establishment) to only the proposed three (3) one-bedroom cottages.

Section 213(9): The coverage of all buildings is recorded on the site development plan.

7.1.1 Spatial Planning and Land Use Management Act and the Western Cape Land Use Planning Act

The application is consistent with the following development principles of the Spatial Planning and Land Use Management Act, 2013 as also referred to in Chapter VI of the Western Cape Land Use Planning Act, 2014:

Spatial Justice: Aligned. The approval of the application will allow for individuals, that might not ever be in a position to own agricultural land in the Stellenbosch Municipal Area, to enjoy the scenic landscape and character of the area as a tourist.

Spatial Sustainability: Aligned. The approval of the application will allow for the property to be utilised in a diverse manner that is most responsive to the current demand in terms of property utilisation in the area. It will also allow for a small-scale tourist aspect on the property, whilst the main agricultural use will still be prevalent.

Efficiency: Aligned. The application entails the utilisation of existing infrastructure as well as the addition of new structures. The proposed new structures, as part of the tourist accommodation establishment, will not detract from the main agricultural activities on the property. The proposed new farm shed and polytunnels will also contribute to the farming activities on the property.

Good Administration: The approval of this application will be in the best interest of the Stellenbosch Municipality, since it will not be uncharacteristically scaled in relation to the agricultural activities on the property.

Spatial Resilience: Through the approval of this application, the property will accommodate two uses generated two income streams. I.e. if a drought results in the reduction of the agricultural potential of the property for a while, the tourist accommodation establishment can assist in the property retaining its economic viability.

7.1.2 Western Cape Provincial Spatial Development Framework

The proposed development of three tourist units on the property aligns well with the objectives of the Western Cape Provincial Spatial Development Framework (hereafter referred to as "the PSDF"). The PSDF emphasizes sustainability, resource efficiency, and economic inclusivity, all of which are integral to this proposal. By supporting rural tourism, the development promotes local economic growth and employment opportunities, helping to diversify and strengthen the rural economy. This aligns with the PSDF's priority to "open up opportunities in the rural space-economy," which encourages developments that support rural livelihoods while maintaining environmental stewardship.

Furthermore, the project incorporates sustainable infrastructure, including on-site water supply via boreholes and an efficient stormwater drainage system, thus minimizing reliance on municipal resources and reducing the environmental footprint. The proposed design respects the scenic rural landscape, compatible with the PSDF's

principle of "sustainability and resilience" by ensuring that rural developments harmonize with the natural setting and protect valuable environmental assets.

7.1.3 Western Cape Land Use Planning Guidelines for Rural Areas

The proposal involves rural tourism which will contribute to the diversification of income for the owner of the property. This is in line with the Western Cape Land Use Planning Guidelines for Rural Areas, which supports such developments on agricultural land.

The proposed new three units to be used as part of the tourist accommodation establishment, is proposed right next to the existing werf area, allowing for a cluster of development on a small portion of the property.

7.1.4 Stellenbosch Municipality Spatial Development Framework

This application is in line with the provisions the Stellenbosch Municipality Spatial Development Framework (hereafter referred to as "the SDF") and attempts to increase the feasibility and sustainability of the farm.

The Municipal Spatial Development Framework (SDF) makes 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.

"The region's extensive agricultural areas, particularly those under vineyards and orchards, also attribute scenic value and character to the region, which is valued by both the local inhabitants and visitors. This is a significant contributor to the value of the area as one of South Africa's premier tourist destinations and there is a strong interdependence between tourism and the wine industry in Stellenbosch."

"Tourist accommodation: 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."

7.1.5 Site Specific Motivation

It has been deemed by the Municipality that the proposal deviates from the MSDF and the Western Cape Land Use Planning Guidelines for Rural Areas, due to the number of additional dwellings proposed on the property. Hence, it was deemed necessary to further motivate the application as a site-specific deviation from the said documents.

The following should be noted regarding the property and the proposed application, relevant to the required additional site-specific motivation:

- The property, measuring 4.35 Ha, was formed in 2005 as part of the subdivision of Farm No. 1471 Stellenbosch.

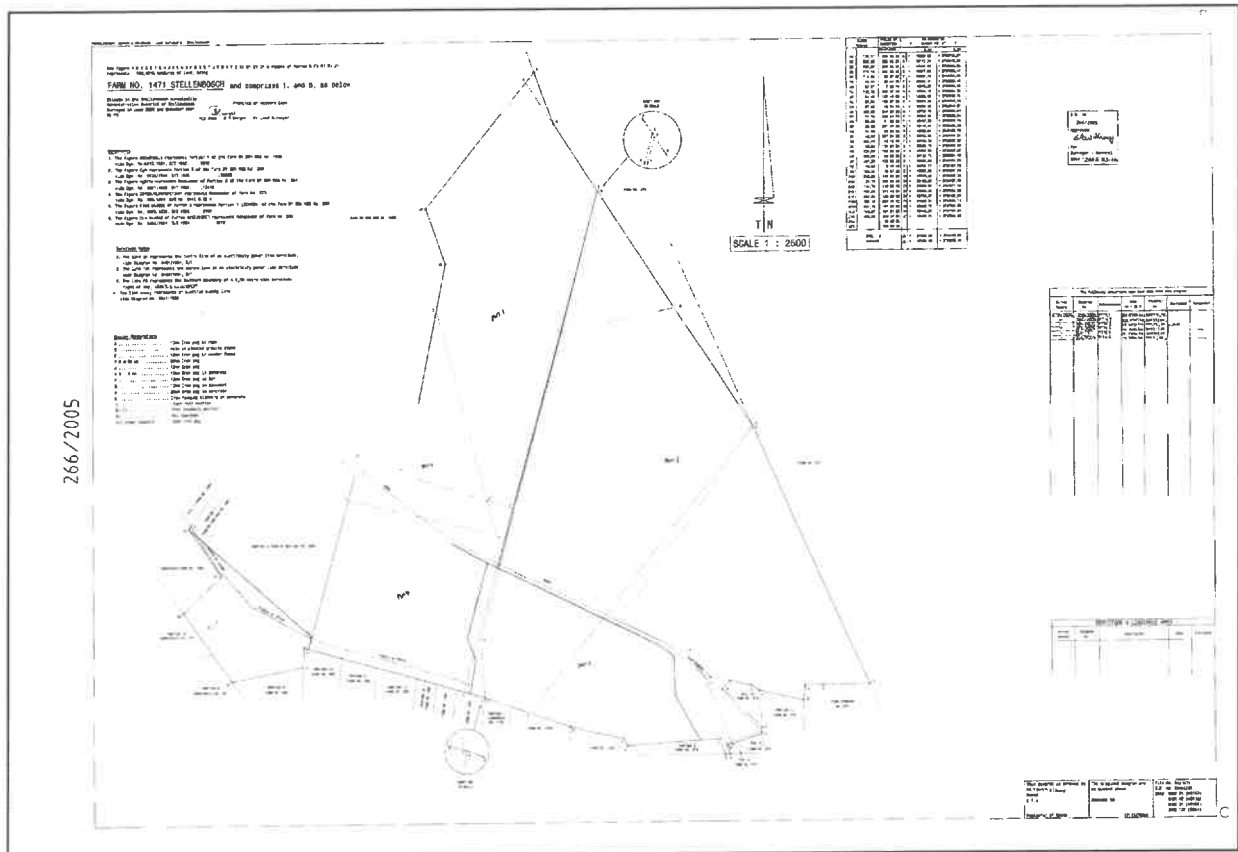


Figure 11 Subdivision Diagram of Farm 1471

- To our knowledge, no restriction in terms of land use were imposed during the subdivision of the property. Thus, the primary use rights applicable to Agricultural and Rural Zone in terms of the zoning scheme, can be developed on the property. This means that the following buildings, theoretically, can be developed on the property without a land use application:

- Agricultural Building (< 2000m²)
- Dwelling House (600m²)
- Polytunnel (< 2000m²)
- Second Dwelling (600m²)
- Employee Housing (one unit, 120m²)

The total residential footprint of buildings allowed on the property, as a primary use right, is thus 1 220m² and amounts to a percentage of 2.8% in relation to the property size.

- The proposal, however, will result in a residential footprint of 674.2m² and amounts to a percentage of 1.5% in relation to the property size.

- The proposed three (3) new units will not result in the loss of cultivated land, since the portion of the property where the units are proposed, have already been cleared of vineyards. There is no restriction, in terms of land use, prohibiting a property owner to remove vineyards at his or her own discretion.
- Since the forming of the property in 2005, various vines were added and removed and it is reasonable to argue that the cultivated area of the farm will not be materially affected by the proposal.
- With reference to Section 65(c) of the By-Law and its relevant considerations, it is reasonable to argue that the proposal will have a much smaller (negative, if any) impact than the development of the property in line with its primary use rights.
- It is interpreted by the Municipality that the proposed three (3) new cottages can be described as additional dwelling units, which is restricted on the property and only allowed on farms exceeding 20Ha in extent. An additional dwelling unit is defined by the zoning scheme as a *dwelling unit other than an employee housing unit, together with its customary ancillary outbuildings, which is erected on land in Agricultural and Rural Zone, on which a dwelling house and second dwelling already exist or are in the process of being erected, provided that such additional dwelling units may only be erected with the Municipality's consent use approval on land units exceeding 20Ha in size, and no more than four additional dwelling units may be erected on any one land unit at a ratio of one dwelling unit for every 10Ha exceeding 20Ha.* Whereas a dwelling unit is defined as a *self-contained set of inter-leading rooms which consist of at least one bedroom, one bathroom and no more than one kitchen or open-plan area set aside for preparation of meals, and which is utilised or intended to be utilised as a complete residence and accommodation for one family, and can be a dwelling house, second dwelling house, additional dwelling house, group house, employee housing or dwelling units in flats or apartments.* **The proposed units on the property will not be utilised or intended to be utilised as a complete residence and accommodation for a family, but rather for the accommodation of transient guests** which is defined in the zoning scheme as persons receiving accommodation in *inter alia* a tourist accommodation establishment. A tourist accommodation establishment is, furthermore, defined as being an enterprise which exceeds the scale and extent of tourist dwelling unit or guest house.
- It is reiterated that the proposal is, in terms of scale and number of rooms, inline with the provisions of a guest house. In fact, only five (5) rooms will be used for tourist accommodation whereas a total of seven (7) rooms can be used for tourist accommodation in a guest house as an additional use right on the property.
- It is important to note that, although relevant and considered, the spatial development framework of both the province and municipality acts as land use guidelines and not set restrictions. It is important to assess each land use application on its own merit, with a clear understanding of the impact of the proposed development. Although the proposal requires the addition of three new buildings, it should not be seen in the same light as *additional dwelling units*, but rather as units as part of a *tourist accommodation establishment*, managed and operating as one enterprise by the owners of the property whom will reside on the property (in the main dwelling house).

- It is argued that the addition of the proposed three (3) new units will have a positive impact on the socio-economic without having a material impact on the external engineering services, safety, health or wellbeing of the surrounding community.
- It is agreed that a certain scale of ancillary tourism uses may be prevalent on an agricultural and rural zoned property. It should not be of such a scale that it will detract from the existing and future agricultural potential of the property. It is clear that the small-scale of the proposed tourist accommodation establishment will not be out of character of the area and will not materially influence the agricultural nature of the property.

7.2 Motivation in Terms of Section 65 of the By-Law

Section 65 of the By-Law relates to the adjudication of applications submitted in terms of the By-Law. The applications required, as set out in Section 5 of this report, are assessed in Table 5 below, against the general criteria for the consideration of applications as set out in Section 65(1) of the MPBL:

Assessment of Applications in terms of Section 65(1) of the By-Law	
Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Section 15(2)(o), of the By-law.
b. Procedure followed in processing the application.	To be decided.
c. Desirability of land use	<p>The existing uses are permitted as primary use rights on the property. The proposed tourist accommodation establishment is desirable, as Stellenbosch farms are characterised to be a tourism destination within the Stellenbosch Municipality.</p> <p><u>Socio-economic impact:</u> The proposal will ensure a more sustainable, yet sensitive, increase in the economic viability of the farm. It will also contribute to the tourism economy of the Stellenbosch Municipality by providing additional tourist accommodation within the municipal area. It is therefore argued to have a positive impact on the socio-economy of the municipality and the surrounding area.</p> <p><u>Compatibility with the surrounding uses:</u> The main use of the farm will remain that of agriculture with the proposed tourist accommodation establishment being subservient to the agricultural use on the farm. As identified under section 3.3 of this report, the farm is surrounded by other tourist accommodation options, and it is therefore argued to be compatible with the surrounding uses of the area.</p> <p><u>Impact on the external engineering services:</u> Electricity: Electricity is supplied by Eskom, through an existing service, which does not require any upgrading.</p>

Water and Sewerage: The farm is self-sufficient with water and sewerage. We are of the opinion that the calculated daily water demand will not materially increase, as the use of the dwellings will change from permanently to intermittently used by guests. Sewerage will be managed by means of conservancy tanks.

Solid Waste: Solid waste removal is managed by Stellenbosch Municipality, which service will continue with insignificant increase in volume, given that visitors tend to create less waste than permanent residents.

Impact on safety, health, and wellbeing of the surrounding community:

It is argued that the proposal will have no material impact on the safety, health, and wellbeing of the surrounding community.

Impact on Heritage:

Stellenbosch Kloof Road is classified as a Grade II Scenic Road, as per the Stellenbosch Municipality Heritage Survey. It is important to be respectful of the landscape settings when considering new buildings on this route. The approval of this application will result in the addition of three (3) one-storey buildings, 69m² each, and situated approximately 130m from Stellenbosch Kloof Road. Furthermore, the proposed buildings will be visually shielded by the vineyard between the road and the buildings. Figure 11, below, illustrates the viewpoint from the road toward the locality of the existing and proposed buildings on the farm.

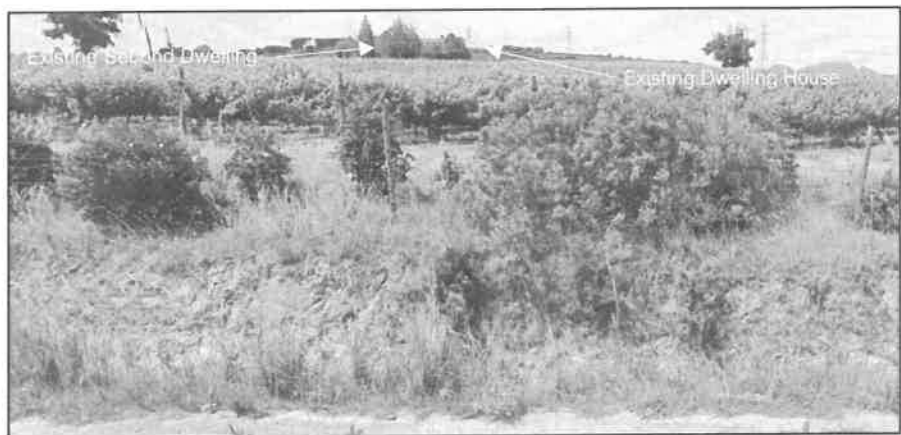


Figure 12 Viewpoint from Stellenbosch Kloof Road to the Existing and Proposed Buildings

Impact on Biophysical Environment:

The proposed new buildings will have a small impact on the biophysical environment of the farm. The new buildings will replace a small area of vineyards, but not enough to warrant refusal.

Traffic impacts, parking, access, and other transport related considerations:

A traffic statement (TIS) is not required, as the maximum additional traffic that could be generated regularly in relation to the proposal will be less than 50 additional peak hour single direction trips per day. The new access will allow for the access road to be located on the farm and not on the adjacent property. Sufficient parking will be provided on the property.

	<p><u>Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land:</u></p> <p>It has been demonstrated that the proposed use and development will not have an adverse impact – therefore no mitigating conditions are recommended.</p>
d. Comment in response to public participation.	If required, the application will be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants' response to comments received.	To be confirmed.
f. Investigations in terms of other laws.	<p>The proposed development of buildings and the consent use does not trigger an authorisation application in terms of the National Environmental Management Act, 1998, Act 107 of 1998.</p> <p>The proposed 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 existing buildings are not older than 60 years and the area will not be transformed.</p>
g. Written assessment by planner.	Not Applicable.
h. Impact on municipal engineering services.	Already addressed under Section 65(c).
i. The IDP and SDF	<p>The Stellenbosch Municipality's SDF guides land use decisions in both the short and long term.</p> <p>The existing use of the property is agriculture, in line with the applicable zoning of the property. It is therefore argued that this use in line with the IDP and SDF of the Stellenbosch Municipality</p> <p>In further motivation of the alignment between the proposal and as mentioned in this report, the SDF and IDP promotes the development of tourist accommodation in the Stellenbosch Municipal area. The proposed tourist accommodation establishment will provide the property owner the opportunity to accommodate up to twelve tourists on the property.</p>
j. IDP and SDF of district Municipality.	In line with this applicable plan and framework.
k. IDP and SDF of local Municipality	Discussed and addressed under points i and j, above.
l. Applicable structure plans	Aligned.
m. Applicable policies for decision making	Aligned.
n. Provincial spatial development framework	The application is in line with the Municipal and District SDF and IDP, which is informed by the provincial IDP and SDF. It has, however, been deemed by the Municipality that the proposal is not consistent with a guideline as part of the Provincial SDF, thus a site specific motivation has been included in this motivation report.
o. Regional spatial development framework.	N/A
p. National policies, norms, and criteria.	N/A

q. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirements and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
r. Chapter VI of the Land Use Planning Act	<p><u>Spatial Justice:</u> Aligned. The approval of the application will allow for an opportunity for a property to be developed with primary and additional land use rights.</p> <p><u>Spatial Sustainability:</u> Aligned. The approval of the applications will allow for the property to be utilised in a diverse manner that is most responsive to the current demand in terms of property utilisation in the area.</p> <p><u>Efficiency:</u> Aligned. The application entails the utilisation of existing infrastructure as well as the addition of new structures. The proposal will not have a negative impact on the agricultural activities on the property and will allow for diversification of the property to generate increased income without compromising the agricultural activities on the property.</p> <p><u>Good Administration:</u> The approval of this application will be in the best interest of the Stellenbosch Municipality.</p> <p><u>Spatial Resilience:</u> Through the approval of this application, there will be no material negative impact on the surrounding area; nor would there be any additional risk to the resilience of human residents in the area.</p>
s. Applicable provisions of the zoning scheme	As discussed, the proposed development is in line with the provisions of the Zoning Scheme. The impact of the proposed development will have a lesser impact on the subject property in compared to the impact that an application for Additional Use would have had.
t. Restrictive condition applicable to the land concerned	No restrictive condition applicable.
u. Impact on any heritage resources	No identified impact.

Table 5 Motivation of the Applications

8. CONCLUSION

The application has been made in terms of Section 15(2)(o) of the Stellenbosch Municipality Zoning Scheme

This report has demonstrated that the proposed application will not have a material negative impact on the surrounding property owners and that the proposal is considerate towards the agricultural environment. It is also argued that the proposal is in the best interest of the Stellenbosch Municipality to allow for the approval of development. It is therefore recommended that this application should be approved.

PIETERHUIZEN PLANNING (PTY) LTD

7 DECEMBER 2023 (as amended July 2024)

Annexure E:
Comments from Department of Agriculture



**Western Cape
Government**

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

OUR REFERENCE : 20/9/2/5/6/974
YOUR REFERENCE : J084
ENQUIRIES : Cor van der Walt

Pieterhuizen Planning
Email: wilhelm@pieterhuizen.co.za

Att: Mr. W Pieterhuizen

APPLICATION FOR CONSENT USE: DIVISION STELLENBOSCH
PORTION 6 OF THE FARM NO 1471

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

18 JUN 2024

RECEIVED

FILE NR: F 1471/6 S

SCAN NR:

COLLABORATOR NR:

768 724

Your application of 25 April 2024 has reference.

The Western Cape Department of Agriculture: Land Use Management does not support the development as proposed. Buildings accommodating land uses ancillary to agriculture should be located within the farmstead precinct and not on cultivated land as with the current proposal.

Furthermore, the number of self-catering units exceeds the number of units allowed in terms of the Western Cape Land Use Planning Guidelines for Rural Areas; March 2019, which recommends one dwelling per 10ha for tourist accommodation/resort units on properties measuring less than 50ha.

The use of infrastructure associated with the primary right for non-agricultural related activities, necessitating the development of infrastructure elsewhere on the property, is also not supported.

Please note:

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

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

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2024-06-03

Copy:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599

Annexure F:
Comments from DEADP (LAND USE)



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
(REGION 2)**

Kobus.Munro@westerncape.gov.za
Tel: +27 21 483 5842 Fax: +27 21 483 3633
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

REFERENCE: 15/3/2/12/BL2

Pieterhuizen Planning
Doornbosch Homestead
R44 (Strand Road)
STELLENBOSCH

FOR ATTENTION: WILHELM ESTERHUIZEN

**REQUEST FOR PROVINCIAL PLANNING COMMENT: PROPOSED CONSENT USE ON PORTION
6 OF FARM 1471, STELLENBOSCH DIVISION**

1. Your request for comment, dated 25 April 2024, has reference.
2. The intention of the land use application is to obtain municipal approval for a tourist accommodation establishment. The proposal is to convert the existing manager's dwelling into a two-bedroom accommodation unit (143.9m²), the conversion of the farm shed (75.6m²) to a reception and admin area and to develop a further four one-bedroom accommodation units, each measuring 69m², for transient guests.
3. The subject property measures 4,35ha in extent and is zoned Agriculture and Rural Zone in terms of the Stellenbosch Municipality Zoning Scheme By-law, 2019. Agricultural activities on the farm comprise cultivated vineyards (±2,5ha), with a proposal for polytunnels measuring 320m². The applicant further proposes to construct a new larger farm shed on the property, for the storage of agricultural equipment, machinery and vehicles.
4. The Western Cape Land Use Planning Guidelines for Rural Areas, 2019, supports and encourages a range of land uses and activities on agricultural land to support rural tourism and provide diversified income to landowners.
5. The Guideline further advocates that buildings accommodating land uses ancillary to or associated with agriculture should ideally be located within existing structures on the property and within or peripheral to the farmstead. Where, however, new buildings are required to be constructed (the four accommodation units in this instance), this should take place on previously disturbed footprints and not on cultivated land as is currently proposed.

6. The Stellenbosch Spatial Development Framework, 2023 encourages the establishment of dwelling units and ancillary rural activities that support rural tourism and serve to diversify farm income, provided said uses do not undermine the sustainability of agricultural production and adhere to the guidelines as contained in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.
7. Whilst in principle, this Directorate has no objection to the provision of tourist facilities that facilitate diversification and value-adding, the supply of tourist accommodation should be carefully considered with due regard to the impact thereof on the rural landscape and the primary use of the property for agricultural purposes.
8. It is also essential that the permitted ancillary uses do not adversely impact on the primary use of the land unit for agricultural purposes and, as such, remain subservient to the primary land use.

Kobus Munro Digitally signed by Kobus Munro
Date: 2024.05.06 15:22:26 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT - REGION 2

Annexure G:

Comments from Department Transport & Infrastructure



**Western Cape
Government**

Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning

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

Ref: DOI/CFS/RP/LUD/ACC-25/39 (Job 30665)

Doornbosch Homestead R44 (Strand Road)

STELLENBOSCH

7600

Attention: Mr W Esterhuizen

Dear Sir

PORTION 6 OF FARM NO. 1471, STELLENBOSCH: DIVISIONAL ROAD 1067: APPLICATION FOR NEW ACCESS

1. Your email dated 23 October 2023 refers.
2. The subject property is located 6km west from Stellenbosch and takes access off Divisional Road 1067 (Stellenboschkloof Road) at km 0.93 (RHS).
3. This application is to close the existing access and to open a new Main Farm Access at km 1.23 (RHS).
4. This Branch approves the application for a new Main Farm Access, as per the attached Assess standard plan, off Divisional Road 1067 at km 1.23 (RHS).
5. The Applicant must contact the Paarl District Roads Engineer, Mr E Smith tel: 021 8632020, email: elroy.smith@westerncape.gov.za, to obtain approval to start construction of the access inside the road reserve.
6. The Applicant must note that due to the level difference between the road and the farm, the entrance gate must be setback at least 5 m back from the fence line and a suitable distance from the junction to ensure that vehicles are relatively level on entering the farm.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 11 JANUARY 2024

ENDORSEMENTS

1. Applicant: Pieterhuizen Planning
Attention: Mr W Esterhuizen (e-mail: wilhelm@pieterhuizen.co.za)
2. Mr E Smith (e-mail)
3. Paarl DRE
4. Mrs S du Preez (e-mail)
5. Mr SW Carstens (e-mail)
6. Mr F Fakier (e-mail)

Annexure H:
Comments from Spatial planning



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Farm 1471/6, Stellenbosch
LU No : LU/16671
Date : 31 July 2024
Re : Application for consent use on Farm 1471/6, Stellenbosch Kloof Road, Stellenbosch

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

Application is made for the following:

- **Consent Use** for Tourist Accommodation Establishment in order to construct 4x one bedroom self-catering units (69m²) and to convert the existing two bedroom second dwelling unit (143,9m²) to be used as tourist accommodation establishment.

1) Opinion/reasoning:

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

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

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

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

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

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

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

The application property is located on the Stellenboschkloof Road. It is located outside of the urban edge and currently zoned as Agricultural and Rural Zone in terms of the Stellenbosch Municipal Zoning Scheme By-Law (2023).

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

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

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

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

the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.

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

2) Supported / not supported:

The department does not support the proposed application. Buildings accommodating land uses ancillary to agriculture should be located within the farmstead precinct and not on cultivated land as with the current proposal.

The number of self-catering units exceeds the number of units allowed in terms of the Western Cape Land Use Planning Guidelines for Rural Areas: March 2019, which recommends on dwelling per 10ha for tourist accommodation/resort units on properties measuring less than 50ha.

Large scale tourist accommodation should preferably be provided in or close to urban areas. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC and should be clustered in visually discreet nodes.

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



BJG de la Bat
MANAGER: SPATIAL PLANNING

Annexure I:
Comments from Directorate: Infrastructure Services



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Salome Newman
From ▫ Van:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Ilze Fillies
Date ▫ Datum:	07 October 2024
Our Ref ▫ Ons Verw:	Civil LU 2714
Town Planning Ref:	LU/16671
Re ▫ Insake:	Farm 1471/6, Stellenbosch: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-Law on Municipal Land Use Planning, 2023 for a Consent Use for Tourist Accommodation Establishment in order to construct 4x one bedroom self-catering units (69m²) and to convert the existing two bedroom second dwelling unit (143,9m²) to be used as tourist accommodation establishment.

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

1. Water

- 1.1 The existing borehole water must be used for the proposed development.
- 1.2 The quality of the water stored and distributed by the owner must comply with SANS 241 Drinking Water Quality Standards.

2. Sewer

- 2.1 The proposed development must connect to the proposed new conservancy tanks.

3. Roads

- 3.1 Access is from a provincial road – all conditions by the Provincial Roads Engineer will be applicable.
- 3.2 The proposed new entrance road must be approved by the provincial roads Engineer.

4. Development Charges (DCs)

- 4.1 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 the building plan application.
- 4.2 The DC's were calculated by using the 2024/2025 tariff structure. If DC's are paid after 30 June 2025 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.
- 4.3 The appropriate DC's are payable before building plan approval.



Ilze Fillies

Principal Technician: Development (Infrastructure Services)

N:\2.0 DEVELOPMENT\01 Land Use applications\2714 (IF) Farm 1471-6 Stellenbosch (LU-16671)\2714 Farm 1471-6 Stellenbosch (LU-16671) - Copy.doc





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2714 (F) Farm 1471-6 Stellenbosch (LU-16671)
Development Name:	
Date:	07 October 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 1471 portion 6
DC Parameters Reference:	Site development plan project no TZ-2045 by Tim Ziehl architects dated 24 July 2024

SUMMARY OF DC CALCULATION							
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Totals
Unit(s):	kl/day	kl/day	ha°C	l/week	trips/day		
Total Increased Services Usage:	0.87	0.68	0.006	0.05	15.5		
Total Service Usage Reduction:	0	0	0	0	7.8		
Total Service Usage after Reduction:	0.87	0.68	0.00600	0.050	7.8		
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 5 140.00	R 98 317.03	R 103 457.03	R 111 565.66
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 5 140.00	R 98 317.03	R 103 457.03	R 111 565.66
Total Deductions:	R -	R -	R -	R -	R 49 158.52	R 49 158.52	R 49 158.52
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R 5 140.00	R 49 158.52	R 54 298.52	R 62 407.14
VAT:	R -	R -	R -	R 771.00	R 7 373.78	R 8 144.78	R 9 361.07
Total Development Charges Payable (including VAT):	R -	R -	R -	R 5 911.00	R 56 532.29	R 62 443.29	R 71 768.21

APPLICANT INFORMATION	
Application Processed by:	Ilze Fillies
Signature:	<i>AFALLLES</i>
Notes:	Credit is given for the existing second dwelling



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2714 (IF) Farm 1471-6 Stellenbosch (LU-16671)
Development Name:	
Date:	21 October 2024
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Rural
Erf No. / Farm No.:	Farm 1471 portion 6
DC Parameters Reference:	Site development plan project no TZ-2045 by Tim Ziehl architects dated 24 July 2024 and email from wilhelm@pieterhuizen.co.za dated 14 Oct 2024

SUMMARY OF DC CALCULATION							
Services:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civl Eng Services)	Totals
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day		
Total Increased Services Usage:	0,21	0,14	-0,006	0,005	6,5		
Total Service Usage Reduction:	0	0	0	0	3,3		
Total Service Usage after Reduction:	0,21	0,14	-0,00600	0,005	3,3		
Charges before adjusting for positive only, before Deductions	R -	R -	R -	R 514,00	R 41 229,72	R 41 743,72	R 37 689,41
Charges adjusted for positive only, before Deductions	R -	R -	R -	R 514,00	R 41 229,72	R 41 743,72	R 41 743,72
Total Deductions:	R -	R -	R -	R -	R 20 614,86	R 20 614,86	R 20 614,86
Total Development Charges Payable (excluding VAT):	R -	R -	R -	R 514,00	R 20 614,86	R 21 128,86	R 21 128,86
VAT:	R -	R -	R -	R 77,10	R 3 092,23	R 3 169,33	R 3 169,33
Total Development Charges Payable (including VAT):	R -	R -	R -	R 591,10	R 23 707,09	R 24 298,19	R 24 298,19

APPLICANT INFORMATION	
Application Processed by:	Ilze Fillies
Signature:	
Notes:	

Annexure J:
Illegal building works notice



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

SBP 1471/6 (30)

PEND

15-11-2024

Enquiries: SHAFIEK VALENTYN (021 808 8342)

Date: 28.10.2024

NAME OF OWNER	HENQUE CC
ADDRESS	P.O. BOX 438193
	HEUWELSIG
	9332

CEASE WORKS ORDER ILLEGAL BUILDING WORK

1. ILLEGAL NEW BARN
2. ALTERATIONS TO EXISTING STORE
3. ALTERATIONS TO EXISTING MANAGERS HOUSE

SCAN NR:

COLLABORATOR NR:

726198

Whereas a building/structure situated on Erf: **SBP 1471 / 6** of which you are the owner, is being erected in the area of the Local Authority of **STELLENBOSCH MUNICIPALITY**, without prior written approval being obtained from council, as contemplated in Section 4(1) of the Act 103 of 1977 (National Building Regulations & Standards Act)

Section 4: Approval by local authorities of applications in respect of erection of buildings. – (1)
No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of this Act.

You are now instructed to cease the erection of the said building(s) **immediately**.

INSTRUCTION. 1.Cease the erection of the construction and rectify.

Failure to comply with this notice is an offence and legal action can be instituted against you.

Person notice is served on:	HENQUE CC
Name of official serving notice:	S. Valentyn

Received By: **MR. P. MASILELA**

DATE: 28/10/2024

S. VALENTYN

Chief Building Inspector

BUILDING DEVELOPMENT

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

29 OCT 2024

RECEIVED